UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS
FIRST SESSION

VOLUME 115—PART 17

AUGUST 5, 1969, TO AUGUST 12, 1969
(PAGES 22197 TO 23658)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1969

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Tuesday, August 5, 1969*

The House met at 12 o'clock noon.

Rev. W. R. Lesser, D.D., pastor, First Congregational Christian Church, Bradenton, Fla., offered the following prayer:

Eternal God, source of life and light, we invoke Thy blessing this day upon this House of Representatives. Let Thy presence be a conscious reality in each heart, motivating all human efforts to effect good government by honest considerations and sincere commitments.

Grant, O God, that individual differences and opinions may be appreciated, but keep truth forever foremost in the spoken word and concerted action, so that what needs to be said or done, does not get tied down with trivialities, nor swayed by the superficial. Direct this House to decisions which help and heal our Nation and the world. Give courage to this body to bravely do and to boldly dare great things in program and purpose, that Thy will be done.

In Christ's blessed name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On July 19, 1969:

H.R. 3689. An act to cede to the State of Montana concurrent jurisdiction with the United States over the real property comprising the Veterans' Administration Center, Fort Harrison, Mont.

On July 22, 1969:

H.R. 1828. An act to confer U.S. citizenship posthumously upon James F. Wegener;

H.R. 1948. An act to confer U.S. citizenship posthumously upon Pfc. Joseph Anthony Snitko;

H.R. 2224. An act for the relief of Franklin Jacinto Antonio;

H.R. 2536. An act for the relief of Francesca Adriana Millonzi;

H.R. 2890. An act for the relief of Rueben Rosen;

H.R. 3166. An act for the relief of Aleksandar Zambeli;

H.R. 3167. An act for the relief of Ryszard Stanislaw Obacz;

H.R. 3172. An act for the relief of Yolanda Fulgencio Hunter;

H.R. 3376. An act for the relief of Maria da Conceicao Evaristo;

H.R. 4153. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard;

H.R. 7215. An act to provide for the striking of medals in commemoration of the 50th anniversary of the U.S. diplomatic courier service;

H.R. 10060. An act for the relief of Lance Cpl. Peter M. Nee (2465662); and

H.R. 11400. An act making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes.

On August 2, 1969:

H.R. 13079. An act to continue for a temporary period the existing interest equalization tax.

On August 4, 1969:

H.R. 3379. An act for the relief of Sfc. Patrick Marratto, U.S. Army (retired); and

H.R. 6585. An act for the relief of Mr. and Mrs. A. F. Elgin.

PERMISSION FOR SUBCOMMITTEE ON INDIAN AFFAIRS, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, TO SIT DURING GENERAL DEBATE TODAY

Mr. HALEY. Mr. Speaker, I ask unanimous consent that the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

POLLUTION OF LAKE ERIE AND THE OTHER GREAT LAKES

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, it is reported today that an abandoned oil well in Lake Erie, 30 miles north of Port Clinton, Ohio, began leaking yesterday, spewing slicks up to 3,000 feet in Lake Erie, according to the Coast Guard.

This wretched, polluted lake cannot afford another drop of pollution.

Our Government should seek an immediate confrontation with Canadian authorities to end the pollution of the water supplies of millions of people. Oil drilling in Lake Erie, in the Great Lakes, and in any of our fresh waters must be stopped—abandoned wells must be controlled and sealed.

Lake Erie pleads to be saved.

Mr. Speaker, I hope the Congress and the administration will respond.

PER ANNUM GROSS RATES OF PAY OF CERTAIN POSITIONS UNDER THE HOUSE OF REPRESENTATIVES

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–415) on the resolution (H. Res. 502) and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. Res. 502

Resolved, That (a) effective August 1, 1969, the per annum gross rates of pay of those positions under the House of Representatives listed below shall be as follows:

(1) Postmaster, $31,500;

(2) Floor Assistant to Minority, $27,732.60;

(3) Pair Clerk to the Majority; $26,000; and

(4) Pair Clerk to the Minority, $25,000.

(b) The position of Pair Clerk to the Majority is hereby exempted from the provisions of the House Employees Position Classification Act (2 U.S.C. 291 and following).

(c) Until otherwise provided by law, there shall be paid out of the contingent fund of the House such sums as may be necessary to carry out this authorization.

The SPEAKER. The gentleman from Ohio is recognized.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Michigan. Does the gentleman desire to ask a question?

Mr. GERALD R. FORD. I should like to ask a question or two.

Mr. HAYS. I am glad to yield to the gentleman.

Mr. GERALD R. FORD. First, less than 5 minutes ago I was told by a Member on our side that this resolution was going to be presented today. I had hoped that sometime today or tomorrow one or more other options or possibilities might have been discussed. In fact, I was in the process of talking to several Members on our side who are on the committee about this matter and I understand all the ramifications of it, as the gentleman from Ohio knows. I understand some of the inequities of the past and some of the problems of the present.

In my opinion, there may be a better solution or one or more other solutions that might be preferable. I only want the gentleman to know that I would like to have an opportunity to talk with him about it today and see if there is not another solution that might be worked out.

Mr. HAYS. Is the gentleman asking me to withdraw the resolution at the moment?

Mr. GERALD R. FORD. I am suggesting that it might be more helpful if we could consult with the desire to try to find an answer, perhaps different from this one.

Mr. HAYS. May I say this to the gentleman. Whether he thinks I would do this or not, I would be amenable in trying to settle this matter in an amicable fashion, and without seeming to pass the buck to anybody, because I can take whatever heat there is myself as chairman of the subcommittee. The pressure to go ahead and do something about this came from the minority side as much as anywhere else. We have a considerable number of these positions which, I believe I can say, the subcommittee and the committee almost unanimously feel have gotten out of hand and out of line, and it was felt that if we did not start somewhere, the inequities would go on and on and on and nothing would ever be done about it. We feel, frankly, that the pair clerk on our side is getting considerably less money than the pair clerk on the minority side, and he has been here much longer. He does the same or perhaps a little more work because he has more Members to work with. The longer we delay this, the longer the inequity, as far as he is concerned, is prolonged.

That is why I would like to go ahead with this, and if the gentleman has something he desires to work out for the pair clerk for the minority in another resolution—and there will be more coming along—I would be very glad to sit down with him and work it out in any way we can.

Mr. GERALD R. FORD. Mr. Speaker, I know the gentleman has been trying to find an answer so that inequity would not exist, but would it be possible for the gentleman to withdraw the resolution? I will be glad to meet with him right now and with others this afternoon to see if by any chance there is another solution that overall would be more acceptable?

Mr. HAYS. I would be inclined to do this for the gentleman, but with the understanding that if nothing is worked out by this time tomorrow, I will bring this resolution up, if the Speaker will recognize me, and put it to a vote.

Mr. GERALD R. FORD. If there is no means of reaching a compromise in the next 24 hours, I for one would not raise any question about the resolution coming up tomorrow. In 24 hours either we will find another answer or we will not. If we do not, then I will have no objection.

Mr. HAYS. Mr. Speaker, under the circumstances, I withdraw my request at this time.

The **SPEAKER.** The resolution is referred to the House Calendar and ordered to be printed.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a privileged report.

The **SPEAKER.** Is there objection to the request of the gentleman from Indiana?

There was no objection.

THE 1968 REPORT ON INTERNATIONAL COFFEE AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The **SPEAKER** laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means:

To the Congress of the United States:

I transmit herewith the 1968 report on the operations of the International Coffee Agreement.

This treaty, in force since 1963, is vital to the economic well-being of many friendly developing countries in Latin America and Africa. It has provided them stable and predictable earnings from their principal export crop and thus has encouraged their economic development. The United States consumer in turn has benefited from stable prices considerably below the peaks reached before the Agreement entered into force. I hope to see the Agreement continued and strengthened. I reaffirm our support of the Coffee Diversification Fund, designed to encourage a shift of resources away from the production of surplus and unneeded coffee. Discussions with the Coffee Fund on the terms and conditions of a United States loan to the Fund are expected to begin fairly soon.

The report reviews the operations of the International Coffee Agreement in 1968. On April 30, 1969 agreement was reached with the Brazilian Government regarding Brazilian soluble coffee exports. This has obviated any immediate need for United States' action.

RICHARD NIXON.

THE WHITE HOUSE, *August 5, 1969.*

PRIVATE CALENDAR

The **SPEAKER.** This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

JOHN VINCENT AMIRAULT

The Clerk called the bill (H.R. 2552) for the relief of John Vincent Amirault.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

REFERENCE OF CLAIM OF JESUS J. RODRIGUEZ

The Clerk called House Resolution 36, referring the bill (H.R. 1691) for the relief of Jesus J. Rodriguez, to the chief commissioner of the Court of Claims.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. BEATRICE JAFFE

The Clerk called the bill (H.R. 1865) for the relief of Mrs. Beatrice Jaffe.

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMALIA P. MONTERO

The Clerk called the bill (H.R. 6375) for the relief of Amalia P. Montero.

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Ohio?

There was no objection.

MARTIN H. LOEFFLER

The Clerk called the bill (H.R. 3165) for the relief of Martin H. Loeffler.

There being no objection, the Clerk read the bill as follows:

H.R. 3165

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asembled, That, Martin H. Loeffler, who was lawfully admitted to the United States for permanent residence on August 21, 1963, shall be held and considered not to be within the classes of persons whose naturalization is prohibited by the provisions of section 313 of the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VISITACION ENRIQUEZ MAYPA

The Clerk called the bill (H.R. 6389) for the relief of Visitacion Enriquez Maypa.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

YAU MING CHINN (GON MING LOO)

The Clerk called the bill (S. 1438) for the relief of Yau Ming Chinn (Gon Ming Loo).

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

CAPT. MELVIN A. KAYE

The Clerk called the bill (H.R. 1453) for the relief of Capt. Melvin A. Kaye.

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice

The **SPEAKER.** Is there objection to the request of the gentleman from Ohio?

There was no objection.

ROBERT G. SMITH

The Clerk called the bill (H.R. 3723) for the relief of Robert G. Smith.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DR. EMIL BRUNO

The Clerk called the bill (H.R. 4105) for the relief of Dr. Emil Bruno.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the bill (H.R. 4105) be recommitted to the Committee on the Judiciary.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MRS. RUTH BRUNNER

The Clerk called the bill (H.R. 9488) for the relief of Mrs. Ruth Brunner.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

TO INCORPORATE THE PARALYZED VETERANS OF AMERICA

The Clerk called the bill (H.R. 1783) to incorporate the Paralyzed Veterans of America.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the further call of the Private Calendar be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

ROMEO DE LA TORRE SANANO AND HIS SISTER, JULIETA DE LA TORRE SANANO

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 1632) for the relief of Romeo de la Torre Sanano and his sister, Julieta de la Torre Sanano, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

> Amend the title so as to read: "An Act for the relief of Romeo de la Torre Sanano and his sister, Julieta de la Torre Sanano."

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ADELA KACZMARSKI

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 2336) for the relief of Adela Kaczmarski, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

> Page 1, line 4, strike out "Durda" and insert "Kaczmarski".

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. GROVER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 140]

Aspinall
Baring
Brasco
Carey
Celler
Clay
Cunningham
Daddario
Edwards, Calif.
Fascell
Flowers
Gubser
Halpern
Howard
Hull
Ichord
Karth
Kirwan
Lipscomb
McMillan
Mailliard
Mikva
Pepper
Pike
Powell
Reid, N.Y.
Rostenkowski
Saylor
Scheuer
Taft
Teague, Tex.
Wright

The SPEAKER pro tempore (Mr. Natcher). On this rollcall 400 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MILITARY CONSTRUCTION AUTHORIZATION, 1970

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 500 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 500

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13018) to authorize certain construction at military installations, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Tennessee (Mr. Quillen), pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 500 provides an open rule with 3 hours of general debate for the consideration of H.R. 13018 to authorize certain construction at military installations, and for other purposes.

H.R. 13018 provides military construction authorization and related authority in support of the military departments for fiscal year 1970 in the amount of $1,547,215,000, as follows:

For the Army	$246, 358, 000
For the Navy, including Marines	264, 474, 000
For the Air Force	261, 445, 000
For defense agencies	40, 220, 000
For housing	691, 418, 000
For Reserve components	43, 200, 000

The total amount authorized is $346,124,000 less than that requested by the Department of Defense. Reductions were made by the Armed Services Committee in areas where the committee felt projects could be delayed. No funds were requested, and none are authorized in the bill, for construction in Southeast Asia in fiscal 1970.

Included in the funds authorized for the Army is $12.7 million for the construction of research and development facilities at the Kwajalein Island test site in the Pacific for the Safeguard system.

The authorization for all military housing in the amount of $691,418,000 will provide for the construction of 4,800 new family units, as well as improvements to existing housing, rental guaranty payments and planning. No new funds are authorized in title VI of the bill—homeowners assistance—because appropriations for this program to date are sufficient to carry it through June 30, 1970.

Title VII, section 708, will amend title 18, section 1507, United States Code, to make it unlawful for anyone to picket or parade in the Pentagon Building or on federally owned property appurtenant thereto if by his actions that person intends to interfere with, obstruct, or impede the administration of military or defense affairs. The penalty is a fine not to exceed $5,000, imprisonment not to exceed 1 year, or both.

Section 709 of title VII authorizes sums not to exceed $750,000 to cover costs of Federal sponsorship of an International Aeronautical Exposition in the United States.

Mr. Speaker, I urge the adoption of House Resolution 500 in order that H.R. 13018 may be considered.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as my distinguished colleague, the gentleman from Texas (Mr. Young), has stated H.R. 13018 would authorize funds during fiscal year 1970 for military construction projects throughout the world.

Upon the adoption of House Resolution 500, H.R. 13018 will be presented under an open rule with 3 hours of general debate.

The total amount authorized by the bill is $1,547,215,000, some $346,124,000 below the April budget request. Reductions were made in areas where the committee believed that worthwhile projects could be delayed for a year in their construction dates.

Army authorizations contained in the bill total $246,358,000. The total for the Navy—including the Marines—is $264,574,000, and the total for the Air Force is $261,445,000.

Authorizations for Reserve and Guard units total $43,200,000 and for all service military housing, the authorizations are $691,418,000.

There is also funding for the ABM in the bill—it totals $12,700,000 and is to be used for research and development facilities located at the Kwajalein Island test site.

No funds are contained in the bill for Southeast Asia construction. The present authorized construction program is 81 percent completed and is expected to be completed by mid-1971.

The total for military housing for all services, $691,418,000, will be used in the construction of approximately 4,800 units of which 1,200 will be for Army personnel; 1,950 for the Navy; and 1,650 for the Air Force.

Ninety-one percent of the units will be for enlisted men and more than 77 percent of the units built will be of three or four bedrooms, the type which are most difficult to find on the market at prices within the reach of military families.

Other military housing programs assisted under this authorization include that to improve existing housing facilities, the rental guarantee program and the installment purchase program, both used at overseas military bases, and the homeowners assistance program which assists military homeowners stationed at a base which is to be closed by reducing or eliminating the loss they suffer on the resale of their homes.

The bill also adds a new section which will effectively prohibit picketing and demonstrations at the Pentagon or on any federally owned property adjacent thereto.

This language is amended into title 18, section 1507, United States Code, which prohibits the intimidation of courts, judges, and juries. The section has been upheld as a restriction on free speech which is necessary to insure the fair administration of justice.

The Department of Defense in January submitted authorization requests totaling approximately $2,500,000,000. The April request was revised downward to $1,893,339,000. The committee reduced this figure to $1,547,215,000.

Mr. Speaker, I firmly believe the appropriations authorized by this bill are the minimum necessarily consistent with national security demands.

For the Safeguard system, the Department of Defense requested only $12.7 million of new authorizations for fiscal year 1970, all of which is for installation of research, development and test facilities at the Kwajalein Island test site in the Pacific.

These facilities would be required even if the ABM were only approved at a research and development level rather than deployment.

The proposals for bachelor housing presented this year show a decided improvement over similar proposals for 1969, both in cost and approach.

The new unit cost limitations for barracks and bachelor officers' quarters have been set at $2,750 and $10,000 per man respectively, as opposed to $2,500 and $9,200 approved by Congress last year. The increase reflects rising costs in labor and materials as well as other general cost increases.

No new installations will be initiated with fiscal year 1970 construction.

The amendment to the United States Code will make it unlawful for anyone to picket or parade in the Pentagon Building or on federally owned property adjacent thereto if by his actions that person intends to interfere with, obstruct or impede the administration of military and defense affairs.

This addition does not attempt to restrain actions by citizens to peacefully assemble and express their views. This is the right of all citizens, guaranteed by the first amendment. However, there are some individuals who would exceed these guarantees and who would attempt to interfere with the conduct of our military affairs.

Mr. Speaker, H.R. 13018 is essentially the least that can be done and still maintain our military program at the highest level.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I am glad to yield to the distinguished gentleman from Iowa (Mr. GROSS).

Mr. GROSS. I thank the gentleman.

I merely want to note that this is an unusual if not unique occasion in the affairs of the House, in that we here have a wide-open rule, no points of order waived, no gag rule imposed; a rule by which the House can work its will upon this bill.

On behalf of the gentleman from Missouri—I know he would want me to do so—and on my own behalf, I compliment the committee.

Mr. QUILLEN. I thank the gentleman.

Mr. Speaker, I have no further requests for time, but I reserve the balance of my time.

Mr. YOUNG. Mr. Speaker, I have no requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. RIVERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13018) to authorize certain construction at military installations, and for other purposes.

The SPEAKER pro tempore (Mr. NATCHER). The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair designates the gentleman from Oklahoma, Mr. STEED, to preside as Chairman of the Committee of the Whole House on the State of the Union for consideration of the bill H.R. 13018, and requests the gentleman from California, Mr. SISK, to kindly take the chair pending the arrival of the gentleman from Oklahoma.

There was no objection.

IN COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13018, with Mr. SISK (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN pro tempore. Under the rule, the gentleman from South Carolina (Mr. RIVERS) will be recognized for 1½ hours, and the gentleman from Indiana (Mr. BRAY) will be recognized for 1½ hours.

The Chair recognizes the gentleman from South Carolina.

Mr. RIVERS. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I appear before you and our honored colleagues to outline the committee's recommendation for the fiscal year 1970 military construction authorization bill, H.R. 13018.

I am pleased to report to you that for the first time in several years we come to you with an authorization bill in which no funds are requested for construction in Southeast Asia.

Last year, when I stood before you to present the fiscal year 1969 military construction authorization bill in the amount of $1.8 billion, I stated that it was one of the smallest requests in recent years and, yet the bill now before you today is $271.2 million less than the bill before you last year when I made that statement.

By way of explanation, the bill as submitted by the Department of Defense in January totaled $2.5 billion. After an indepth review by the new Secretary of Defense, a revised request was submitted in April which totaled $1.9 billion for new authorization, or a reduction of approximately $600 million. Our committee's review further reduced the request by $346 million.

Included in the $1.9 billion revised request from the Department was $694.5 million for all housing expenditures of the Department proposed for fiscal year 1970. This sum includes authorization for construction of 4,800 new family housing units at an estimated cost of $130,733,000, including improvements to existing quarters, minor construction, rental guaranty payments and planning.

Therefore, the bill, exclusive of housing requests and deficiency authorizations, represents a total of $1.2 billion for construction.

Mr. Chairman, unfortunately the Armed Services Committee faces a fact of life in the presentation of this bill. And I will tell you what it is.

There is a crowd in this country—an organized crowd—that is determined to castigate our military, impugn its motives, question its dedication, erode its effectiveness, slander its personnel, and stigmatize those who wear the uniform of this country. In short, they are out to destroy the military.

They conveniently forget the sacrifices that American youth have made in Vietnam. They sneer at the 37,000 who have died, and the more than 100,000 who will be crippled and maimed for the rest of their lives.

But this is the fact of life and we recognize it—and the American people had better recognize it. The American people are being brainwashed by columns and columns of propaganda aimed at destroying the military.

Recognizing all of this, we felt we had no choice but to defer certain military construction projects which, we know, are necessary, but which we felt could be delayed for 1 year without seriously affecting our national security.

I am the first to admit that we may have gone a little too far in some areas.

In view of the relatively reduced size of the fiscal year 1970 program, our committee faced an especially difficult task in effecting further substantial reductions. However, every member of the Armed Services Committee was determined that the final committee recommendation be made on the basis of governmental austerity and reflect only those projects that the committee was fully convinced were essential to our military needs. We consider that the projects we have deferred, in most instances, are valid requirements and should be given careful consideration in future years' programs. For that reason, we use the word deferral rather than cut.

After thorough hearings by the special subcommittee and the full committee and a review of almost 1,040 separate projects requested at 389 individual installations and bases, we were successful in effecting reductions which total $346,124,000.

The committee bill which we are now bringing before you totals $1,547,215,000 for new authorization. Additionally, the committee provided for deficiency authorization for projects previously authorized by Congress, but which, because of spiraling labor, material, and financing costs—and in some cases just plain bad estimating—additional authorization is needed so that contracts can be awarded for these projects.

The total reductions effected by the committee represent some 18 percent of the total amount requested. However, within the 18-percent reduction, the Department's entire request for the Active Forces portion of the program was subjected to an especially searching scrutiny and this segment was reduced about 30 percent.

Practically all the construction authorized by this bill will occur at existing bases and installations throughout the world, there being only one new classified authorization for the Navy proposed in this bill.

By testimony and prepared statement this committee was told that the fiscal year 1970 military construction authorization bill contained only $12.7 million for the Safeguard system and that all of the authorization was for construction of research and development facilities at Kwajalein.

We have now ascertained that there is $2.5 million in the Air Force portion of the bill for floor space in Norad headquarters at Colorado Springs, Colo., which would be utilized as a part of the operational system for a tie in with Safeguard. In other words, the space will in all likelihood not be required if the Safeguard system is not deployed.

I have had the hearings searched and at no time was it indicated to us that money was in the Air Force portion of the bill specifically for Safeguard. We were aware that the facilities at Norad would be involved with Safeguard in a small way but it was not indicated to us that any of the additional space requested was only for Safeguard work. The $2.5 million is for an extra 13,000 square feet of floor space—nothing else.

Nevertheless, at the appropriate time I shall offer an amendment to strike all of this $2.5 million from the bill. And I once again assure the House that all of the money in this bill for Safeguard is solely for the construction of R. & D. facilities.

I directed letters to the Secretary of the Air Force and to the Assistant Secretary of Defense for Installations and Logistics to indicate to them my very great distress at the failure of their people to be completely clear and candid with the committee concerning this matter. This kind of carelessness in explaining programs is very unfortunate because it reflects adversely on the credibility of the entire Department. The committee has received their letters of apology.

This is the first time anything like this has happened since this committee was formed and it better be the last time.

I do not wish to belabor the point, but I feel that the Armed Services Committee, which has spent many hours on this bill, has refuted, once and for all, the baseless charge that it blindly approves everything the generals and admirals ask for. I believe that I mentioned earlier that the total reductions effected by the committee comprised some 18 percent of the total request. Actually, that percentage is to some extent misleadingly low when you examine the character and distribution of the cuts imposed by the committee.

I mentioned that the request was made up of two major segments, the family housing portion which totaled some $694.4 million, and the projects for the Active Forces, which totaled approximately $1.2 billion. Because this committee feels strongly that the inadequacy of military family housing is a primary factor in the loss of many of our most skilled and scarce military specialists, we have fought each year for a sustained program to provide decent homes for our military families. The replacement losses and retraining of these specialists is a costly and critical factor in our military budget. In view of this, the committee could not in good conscience make more than a token reduction of $3 million in the family housing program. Thus, of the total reduction effected by the committee some 99 percent was levied against the Active Forces portion of the program, which was reduced nearly 30 percent of the total request for such facilities.

Turning now from the reductions, a number of new provisions were added by the committee in titlte VII, general provisions.

Section 707 was added by the committee for the purpose of extending for a period of 5 years the present restriction on the use of Bolling-Anacostia military complex. You will remember the attempts to butcher up this fine complex and use it for everything from an industrial park to a public housing project. Our committee believes this valuable military complex should be retained for the use of the military because land in this area is certainly very vital to our military operations.

Section 708, commonly referred to as the antidemonstration provision, is designed to amend title 18, section 1507, United States Code, so that it will read:

> Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice or the conduct of military and defense affairs, or with the intent of influencing any judge, juror, witness, or court officer, or military or civilian employees of the Defense Department, in the discharge of his duty, pickets or parades in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or in the Pentagon building or on Federally owned property appurtenant thereto, or with such intent uses any sound-truck or similar device or resorts to any other demonstration in or near any such building or residence, shall be fined not more than $5,000 or imprisoned not more than one year, or both. Nothing in this section shall interfere with or prevent the exercise by any court of the United States of its power to punish for contempt. Nothing in this section shall interfere with or prevent the exercise of all other available, civil and criminal remedies.

Under the present title 18 of the United States Code, section 1507, it is unlawful for anyone to picket or parade in or near a courthouse or a residence of judge or juror if by this picketing or parading that person intends to interfere with, obstruct, or impede the administration of justice or to influence a judge or juror in the discharge of his duty. The penalty is a fine not to exceed $5,000, imprisonment not to exceed 1 year, or both.

Section 708 would amend title 18 of the United States Code, section 1507, by also making it unlawful for anyone to picket or parade in the Pentagon Building or on federally owned property appurtenant thereto if by his actions that person intends to interfere with, obstruct, or impede the administration of military and defense affairs. The same penalties would apply.

This addition to section 1507 does not attempt to restrain actions by citizens to peacefully assemble and express their views. This is the right of all citizens, guaranteed by the first amendment. However, there are some individuals who would exceed these guarantees, and who would attempt to interfere with the conduct of our military affairs.

Section 709 was added by the committee to encourage worldwide interest in U.S. developments and accomplishments in military and related aviation and equipment by authorizing Federal sponsorship of an International Aeronautical Exposition in the United States.

A 1966 market survey conducted by the U.S. Department of Commerce revealed that the United States dominates sales in the aerospace field with 80 percent of total sales representing goods produced in the United States or through licensees. The market survey also revealed that the U.S. share of the market is being attacked aggressively by several European countries.

An international exposition in the United States would allow the presentation to the world, under our own terms and conditions, of a clear and comprehensive picture of U.S. aerospace products and capabilities, both military and civil, and would enhance the U.S. position of leadership in this vital and dynamic field.

This section authorizes the appropriation of sums not to exceed $750,000. However, the revenue-producing aspects of an exposition should reduce actual expenditures by the Government to a very minimal sum. The revenue-producing elements would be automobile parking, admission fees, programs, food and drink concessions, rentals of display space, and so forth.

That is the bill. I believe it is a sound one, meeting not only the needs of the services, but it is responsive also to the American taxpayer in these inflationary times.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. Of course, I am glad to yield to my colleague, the gentleman from Florida.

Mr. SIKES. Mr. Chairman, I am reluctant to interrupt the distinguished chairman of the great Committee on Armed Services, but I would like to return to the matter of housing for a moment, because I listened with much appreciation to his expression of interest in family housing.

The gentleman and I, and our respective committees, know full well the very serious nature of this shortage of housing for dependents of military personnel. The gentleman has in his bill an important new approach to the housing problem with reference to overseas construction. It is an effort to get away from and to implement the rental guaranteed housing which has not worked as well as we had hoped it would. It has been extremely slow in getting off the ground. The bill continues the rental guaranteed housing concept but there is also a new approach which the committee has authorized for Japan and the Philippines. It is hoped—and of course we do not know because it is a new program—it is hoped it will open new avenues to obtain needed family housing which will expedite construction of units for military dependents overseas.

I commend the gentleman and his committee for this action.

My point in taking the floor at this moment is to ask the gentleman if he recognizes the potential which is offered by this approach through the commodities exchange program and the possibilities therein of reducing the gold flow problem by making use of surplus agricultural products, which this country usually has in abundance.

Mr. RIVERS. The gentleman has asked me, and I want all my colleagues to understand this, in this new approach we are trying in certain areas of the world to provide housing for our military. The gentleman talks about the Philippines. As you know, the Philippines is one place where we have had tons and tons of trouble. Military people have been harassed and badly mistreated in the Philippines.

At the Clark Air Force Base, if you had to go outside and get housing, you would be taking your life in your hands.

So this section encourages private enterprise to develop "demountable" housing, may I tell my colleague, the gentleman from Florida (Mr. SIKES), that can be tried initially in the Philippines or Japan. We have approved that. Private enterprise will run all the risks.

I think this thing will work. Private enterprise will handle all the logistics, and build the whole business.

Mr. SIKES. That is correct.

Mr. RIVERS. They are prefab houses.

Mr. SIKES. Mr. Chairman, will the gentleman yield further?

Mr. RIVERS. I am glad to yield to the gentleman from Florida.

Mr. SIKES. The distinguished gentleman will recall that I asked specifically about encouraging the commodity exchange program in connection with this housing program as a way of helping the gold flow problem and reducing the use of U.S. dollars.

Mr. RIVERS. Now we have another area. We have surplus commodities. We have balance of payments. We have a great many areas that we could go into in the future consideration of this project. Surplus commodities can very well be used, because many countries need our surplus commodities. They will give us the capacity to buy local currency based upon the credit that results from the shipment of surplus commodities. Does that answer the question of the gentleman from Florida?

Mr. SIKES. That is correct. I thank the gentleman.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. Mr. Chairman, I noticed in the report that Colorado Springs has a special problem with regard to domestic leasing for Army personnel assigned on ARADCOM duty. They had a great deal of difficulty in securing not only adequate housing, but rents are so high that they exceed the allowances permitted for cost-of-living increases. I would ask the gentleman if this question came before the committee, and if the gentleman is satisfied with the consideration given to that problem, and that the provisions in the bill will enable the Defense Department to handle this problem?

Mr. RIVERS. Before I got into my statement, I told the gentleman that we may not have done enough in this bill. We may have gone too far. But in all of our cuts, we cut housing only, I think, by 1 percent of what was requested. That was the least cut of all. We approved 4,800 units nationwide, which hardly touches the surface, but we cut housing only 1 percent. Ninety-nine percent of the entire housing request was approved. This is an area where we have had trouble all the time.

Mr. EVANS of Colorado. Mr. Chairman, if the gentleman will yield further, would it be the hope of the distinguished chairman that when we take up further consideration of compensation for military that this particular item will be given especial attention by the committee?

Mr. RIVERS. It is given special attention all the time. We certainly will consider it at the appropriate time.

Mr. EVANS of Colorado. I appreciate the gentleman's yielding.

Mr. RIVERS. We have provided restrictions based upon the use of the Bolling complex. Someone wanted to build public housing at Bolling in Anacostia and we do not think it ought to be done. This was a number of years ago in another administration. We know that we need the land at Bolling-Anacostia for the military. The subject arose 5 years ago. We could get no cooperation from the then Secretary of Defense, Mr. McNamara, other than a request to build one small building over there to be named for Forrestal, a small Pentagon building.

There is a crying need for housing for the military all over America, particularly in the Washington area. We do not have enough at McNair. We do not have enough at the engineering base at Belvoir, south of Alexandria. We do not have enough at Andrews. We do not have enough at Bolling.

We do not think we should go there and build low-cost public housing and mix it up with the military. This has never been done in America so far as I know. It would create problems of many kinds. This just will not work.

Let us hear what we have around Washington. As I say, we have need for this land. This is what we have around Washington. The Pentagon has people working for the Government, housed in the Washington metropolitan area in more than 109 separate buildings. Of those 109, 72 are rental buildings. They are paying approximately $10.7 million a year in rental. That is not hay.

Some say we do not need Bolling-Anacostia, but they just plain do not know the facts. Even after completion of the presently proposed DOD building at Bolling-Anacostia, the one to which I referred, which has not yet been completed, there will still be a deficiency of more than 15,000 office spaces required by the Department of Defense. Do we need this? I should say we do.

REQUIREMENT FOR 15,000 OFFICE SPACES

This means an additional 3 million square feet of office space, among other things, which are required. I am not counting the need we have for housing. If we are going to build housing, then put the boys in it who are fighting for America and who are bleeding and dying for us all over the world. That is the kind of housing we want. We need it, and we need it now, and we need it very much. It is as simple as that.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. Of course, I will yield to the distinguished gentleman from Wisconsin, who is so knowledgeable on housing.

Mr. REUSS. Mr. Chairman, I thank the distinguished chairman of the committee for yielding. I would appreciate the gentleman addressing himself to this question. The Bolling-Anacostia area has lain fallow now for almost 5 years. It consists of 920 acres. The District of Columbia and the National Capital Planning Commission have a proposal in mind to take less than half of that, only 416 acres, and there erect a new town consisting of high-income housing, moderate-income housing, and low-income housing, to try at least partially to relieve the very tragic and acute housing shortage in the District of Columbia.

That proposal would still leave the greater part of the land, or more than 500 acres for the Pentagon. The Pentagon itself covers 34 acres. We could build 10 Pentagons and still have plenty of room left for any extra military housing which is needed.

In the light of that, I would ask the good chairman if the Armed Services Committee could not go along with the impulse of the District of Columbia to try to find some housing close in for the hundreds of thousands of people who so desperately need it. This would be done subject to Pentagon approval. They have the complete right of disposal of every acre of the 920 acres. But if this House does the bidding of the Armed Services Committee, we will be tying up this land for a total of 10 years, for 6½ more years, until the mid-1970's.

I ask the chairman if the people as well as the Pentagon should not be given some consideration here, and if it is not perfectly possible to satisfy every conceivable military need for offices and for installations and for housing—all of which I support—and still help relieve the desperate housing shortage of the District of Columbia for white people, for black people, and for whoever lives in the District.

Mr. RIVERS. Well, of course, the white people and the black people compose the military, too.

Mr. REUSS. That is right; and I am interested in their welfare.

Mr. RIVERS. We need more housing for the military across the board, like we do in every other place.

Now let me get to the question. We are tickled to death to help find places to build housing for the poor people.

Mr. REUSS. And the middle-class people, too.

Mr. RIVERS. I do not care who they are. I will just have to answer the gentleman in my way.

Approximately 3,000 acres of land in the District of Columbia presently are under the control of the Urban Redevelopment Agency. When land is under their control they have the power of condemnation.

These areas are as follows: Southwest urban renewal, 545 acres; and Shaw, north of M Street between North Capitol and 15th Street, approximately 1,500 acres.

Downtown progress, which extends from 15th to North Capitol between Pennsylvania Avenue north to M Street, 600 acres.

Fort Lincoln—formerly National Training School—340 acres. This area is bounded by Eastern and South Dakota Avenues and the District Line. At the present time, this could be developed were it not for a power struggle between developers. The plans call for development of units for a population of 25,000, but only one-fifth of this total population will be for low-cost housing units.

H Street, NE., which was severely affected by the riots of 2 years ago, 200 acres, some of which is commercial.

Northeast area No. 1, north of Union Station, 100 acres.

Northwest area No. 1, west of North Capitol, 90 acres. Of this, only a small amount is being developed for low-cost housing.

Columbia Plaza, 8.2 acres, none of which was developed for low-cost housing.

Fourteenth Street riot area and Seventh Street riot area—plans have not been developed on either of the above two projects.

If the land of the Redevelopment Land Agency would be utilized for housing projects at the rate of three houses per acre, 10,000 units of housing could be built.

Mr. Chairman, the Bolling-Anacostia area they are asking for comprises only slightly over 400 acres. This would give them 1,200 additional homes that could be built if we use the same figure of three houses per acre. But they already have enough land to build 10,000 houses. Is there no way to satisfy their appetite?

Mr. REUSS. Mr. Chairman, will the gentleman yield further?

Mr. RIVERS. In just about a second. I have not finished explaining this.

The land of the Redevelopment Agency could be utilized for housing projects. Listen to this: If all the land that is under the jurisdiction of this Land Redevelopment Agency were utilized at three houses per acre they could build over 10,000 units today.

I am not talking about high rises or low rises or whatever you might want to talk about, but I am merely talking about three to the acre. Why, Mr. REUSS, this group to whom you refer has plenty of land on which to build. That is a fact. All they have to do is utilize it.

Now, you want to go out here and take Bolling-Anacostia for that purpose; that is ridiculous. As I said before, if they built three units to the acre and we gave them all of the land you refer to, they could build only 1,200 units. They already have enough land to build over 10,000 units in the District. So why go out here and take this land that the military has?

Now, I gave you my explanation, which I tried to make as short and concise as I could. This land at Bolling-Anacostia is owned by 210 million Americans. It is not owned by the District of Columbia. It is no different than other military bases, such as the Presidio in San Francisco or the Navy yard in Charleston or at Beaufort, S.C., or Lejeune or Fort Devens, Mass., or Fort Myer, Va., or Fort Dix, N.J. These are all owned by the Federal Government and by all the people of these United States. I say that if you build houses on the property you should build them for the military. I also believe that you cannot put civilian houses on military bases. It just does not work out. How in the name of goodness will you keep the children from wandering all over the base on a military base? It just would not work, and that is all there is to it.

Now have I adequately explained it to the gentleman?

Mr. REUSS. The gentleman from South Carolina addressed himself to my question. I have just a short further question, if he would be gracious enough to yield briefly.

Mr. RIVERS. Why, of course.

Mr. REUSS. The gentleman has said that the District of Columbia has available to it, not including the Bolling-Anacostia area, land on which it could build some 10,000 homes. I do not dispute that. However, I say that the desperate need of the District of Columbia as set forth in their government booklet "Housing Prices in the District of Columbia" a couple of weeks ago is for habitation for 100,000 families and not for 10,000. The 23,000 people who could be served by using part, less than half, of Bolling-Anacostia desperately need housing.

Now let me go to the next point.

Mr. RIVERS. Let me answer the gentleman first.

Mr. REUSS. Let me go to the other point, if I may.

Mr. RIVERS. Let me get you straight before you get to that.

Mr. REUSS. Yes.

Mr. RIVERS. We have requested, for some time, that the Pentagon give us a master plan. They have yet to come up with it. Do you know why? The White House would not let them under the previous administration. I do not know what they will do under this administration, but I will say if they bring us the master plan, that will show how they could use all of this land and more, too, unless you want them to continue to occupy the 100-odd individual buildings in the District of Columbia to which I have referred. We have more need for this place than anything you have ever heard of. Has it ever occurred to you, if you look at the Pentagon, that you have all of this car parking space there? You have a parking area there for all of the people who use that place. Now, if you build all of this housing over there, where where would you park the cars?

Mr. REUSS. We can build many, many Pentagons, with all of the parking of the present Pentagon, in the Bolling-Anacostia area and still have a large amount left over for housing and for civilians.

However, let me address myself to one other point that the gentleman made and on which I think he is on extremely solid ground.

The gentleman from South Carolina said that in the Southwest urban renewal area, which has been redeveloped over the last 10 years, some 25,000 very poor families, mostly black, were dispossessed.

He is exactly right. It was a shame and a disgrace for the Nation's Capital that this was allowed to be done. I would hope that the Congress could make some amends for the grievous mistake which it made in days gone by by seeing to it that in the Bolling-Anacostia area there will be provided adequate living spaces for the thousands of poor people who need and will occupy them.

Mr. RIVERS. I will say to the gentleman, you go ahead and use the land they already have and when you have used that, come back and I will talk business with you. But until you use the land you now have, we are going to continue to use this land for the military. You do not object to that, do you?

Mr. REUSS. Mr. Chairman, if the gentleman will yield further, yes, I object to it. The military has been told to come back with a plan under which they propose to use this land. But they have not come forth with such a plan for the 900 acres. However grandiose or however extravagant, they have not as yet come up with a plan for its proper use.

Mr. RIVERS. I will say to the distinguished gentleman from Wisconsin that I am not certain that I fully understand all of those highfalutin words. But when we are told by the military that the military needs this property, I do understand that, and I will not acquiesce in its disposal as surplus property. If I have anything to do with it, I will continue to retain the land for military purposes—since the need for it is very evident. I am sorry that the gentleman from Wisconsin does not appreciate what we have done in our committee. I like the gentleman personally but it is my opinion that the gentleman is on the wrong track. However, though we disagree, I am not angry at the gentleman in any way.

Mr. ANDREWS of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. Of course I yield to the gentleman from North Dakota.

Mr. ANDREWS of North Dakota. I have some questions which I would like to ask the distinguished chairman of the committee with reference to page 18 of the bill concerning the Omega Navigation Station.

The location given for this station is at Middle River, Minn., although a press report sometime ago indicated a possibility of locating this station near LaMoure, N. Dak.

As the gentleman from South Carolina knows, I have been in contact with him and the Navy for some time now, and we have found that at the time the testimony was received on this item the only site the Navy had completed a detailed study on was the Middle River, Minn., site, and under the procedures of the committee, therefore, this was the only site that could be listed in the bill. Is this essentially the case, Mr. Chairman?

Mr. RIVERS. This is essentially the case. The only project that was brought to the attention of the committee when our hearings began on June 19 was the one in Minnesota.

Mr. ANDREWS of North Dakota. Mr. Chairman, if the gentleman will yield further, as the gentleman knows, a proposal was made for an alternate site in North Dakota and at the instigation of the committee and myself, the Navy is now studying both sites in detail. This investigation began in late June and the results should be available in time for consideration by the other body.

If this study shows that the North Dakota site would be more advantageous to the Government, would the gentleman accept this alternate site in conference with the other body?

Mr. RIVERS. As I say, we do not institute these locations. If the Navy decides on another site which would be more advantageous we will take into consideration that recommendation.

Mr. ANDREWS of North Dakota. Mr. Chairman, if the gentleman will yield further, if our study is completed at that time and if it indicates it is more advantageous, would the gentleman take that into consideration during the course of the conference?

Mr. RIVERS. If they said they had found a better site, we would be likely to accept it if there were not other compelling reasons not to accept it.

Mr. ANDREWS of North Dakota. I thank the distinguished chairman.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. As the chairman knows, there are a number of people acquainted with the OBH requirements in the general metropolitan areas of Washington, D.C., and that for quite some time there has been under consideration the possible use of one or the other of the Anacostia-Bolling airstrips for general aviation purposes, including the safety of aviation because of the congestion which exists in the entire metropolitan area.

Is there any restriction contained in this legislation insofar as the committee itself is concerned that would prohibit those of us who believe it would be an excellent usage of this area during the interim until the military comes forth with some recommendation for a master plan?

Mr. RIVERS. I do not believe there is any restriction based on the amendment we put in there some time ago. I understand that it has some time to run, but in that connection I would like to say this, and listen to me.

I heard an editorial on one of the TV-radio stations that RIVERS was blocking Anacostia for his own reasons. Well, of course I do not want to see Anacostia taken from the control of the military.

The editorial said that we decided that we ought to have a VIP runway. This is just a plain, out-and-out lie. I do not know what else to call it. Possibly the reason for this is that the head of the FAA came to me one time—and he had a very peculiar way of presenting himself; that is why we had a certain nickname we gave him to which he was so fully entitled—and among other things he said to me, he said, "Will the Chairman help prevent bad accidents over at the National Airport?" I said, 'Well, if I can stop it—" and I have come out against accidents publicly—"now, if I can stop them I will stop them. What is the problem?"

He said, "I want to get permission to use Anacostia's runway as an emergency when necessary to cut out some of the congestion over at the National Airport." I said, "Well, I have no objection to it. Go see Mr. Blandford, my chief counsel, and draw it up. And if that will help prevent emergencies, then I have no objection to it."

There is a funny thing about that, a lot of people were for this until some people got busy.

Now, I did not object to them using Anacostia for an emergency base to land planes. And this is one of the things you could not use it for if it were used for housing.

How could you use it for an emergency landing strip if you have got low-cost housing with children running all over the place? That is ridiculous. And as the gentleman from Iowa (Mr. GROSS) would say, it is so ridiculous it is ridiculous. We cannot mix all these things up there on a military installation when we have got thousands of acres of land in the District of Columbia to satisfy the whim of somebody.

Mr. DON H. CLAUSEN. But as far as the chairman is concerned, he sees no objection to it?

Mr. RIVERS. I have no objection to it.

Mr. DON H. CLAUSEN. I thank the gentleman.

Mr. RIVERS. Now, Mr. Chairman, if I may finish, without taking too much more time—and I hope I have not talked myself out of time—we have another section of the bill that we refer to as the antidemonstration section. We have taken a section of the code in title XVIII, and we have read that section. It was sent over here by the Supreme Court a number of years ago to protect jurors, judges, witnesses, and court officers from intimidation by mobs or demonstrators saying all sorts of things, and causing all kinds of confusion.

Now, this thing has been declared constitutional because the State of Louisiana copied the section of the code verbatim—verbatim—and it came back to the Supreme Court in the case of Cox against the State of Louisiana, and the decision was reversed, but not on this ground. It was reversed on the ground, if my memory serves me correctly, on the ground of entrapment.

The Court held it constitutional. It was not opposing freedom of speech.

Now, here is what we have done to it—here is what we have done to it:

We have added to this section, the military and defense affairs—the military and civilian employees of the Department of Defense in the Pentagon.

Here is the way the thing reads and that is all we have done.

This language reads as follows:

> Whoever, with the intent of interfering with, obstructing, or impeding the adminis-

> tration of justice *or the conduct of military and defense affairs,* or with the intent of influencing any judge, juror, witness, or court officer, *or military or civilian employees of the Defense Department—*

Here is what we added, and the language continues:

> in the discharge of his duty, pickets or parades in or near a building or residence occupied or used by such judge, juror, witness, or court officer, *or in the Pentagon building or on Federally owned property—*

Here is what we added, and reading further:

> or with such intent uses any sound-truck—

And that is in the act. We did not put that in—

> or similar device or resorts to any other demonstration in or near any such building or residence—

That is in the act—

> shall be fined not more than $5,000 or imprisoned not more than one year, or both.

This is in the act I am reading:

> Nothing in this section shall interfere with or prevent the exercise by any court of the United States of its power to punish for contempt.

All that is in the act. Now we added this:

> Nothing in this section shall interfere with or prevent the exercise of all other, available, civil and criminal remedies.

That is all we did to it.

We reasoned this way. Here was the Supreme Court that was worried about judges and jurors and court officers being intimidated by people with sound trucks and all sorts of noises—and we agree with them. We further believed that if these people are necessary for the retention of law and order in this country and the orderly processes of the law and the retention of this Republic and the preservation of this Republic, then the Pentagon, the nerve center of your military where the highest secrets and all the strategy and all the decoding and everything comes in, also deserves such protection.

I have in mind the riots that went on over there under Secretary McNamara where people went into the building and perpetrated all sorts of things. That should not be condoned.

Mr. McNamara finally got rid of them. I am glad he did. I do not know how he got rid of them under the present law, but he did. This prevents that.

Mind you, it is the intent that they have to prove. The intent is a question for a jury. This does not prevent or prohibit the exercise of the freedom of speech as guaranteed under the first amendment.

But when they go in there and put up signs saying "McNamara is a bum" and "Lyndon Johnson is a so-and-so" and with signs "So-and-so is this" and "So-and-so is that," we are facing a problem.

This amendment is for the purpose of stopping disgraceful action under the guise of freedom of speech.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I yield to my distinguished colleague.

Mr. PIKE. Is it not true that the language of this amendment goes far beyond the question of disruption and it goes to the question of "influencing"? Of course, the people over there are trying to influence and I do not happen to agree with what they are doing—but the language of this amendment which we have added to this bill goes far beyond obstructing or disrupting. It goes into the question of influencing the military. Do not Members of Congress when they go over there make a point about a base being removed from their congressional district and wave their arms—do they not demonstrate to influence thinking?

Mr. RIVERS. The answer is an unequivocal "No."

If the gentleman will sit down, I will explain what we put in the bill. Here is what we put in the bill. The Members of the House can judge and see if my distinguished and capable friend on the committee is correct.

Here are the words we put in the bill and which are in the amendment: "or the conduct of military defense affairs." Does that scare anybody? "Or in the Pentagon Building or on federally owned property appurtenant thereto." We put that in. We put this in:

> Nothing in this section shall interfere with or prevent the exercise of all other, available, civil and criminal remedies.

Does that scare anybody to death?

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. Of course I will yield as soon as I explain the amendment. Let me read you the language as it was before we amended it. Here is the way the provision read before we touched it.

> Whoever with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer in the discharge of his duty, pickets or parades in or near a building or residence occupied or used by such a judge, juror, witness or court officer, or with such intent uses any sound truck or similar device, or resorts to any other demonstration in or near any such building or residence, shall be fined not more than $5,000 or imprisoned for not more than one year or both. Nothing in this section shall interfere with or prevent the exercise by any court of the United States that has power to punish for contempt.

That is the way the language reads now. This language has come back from the Supreme Court and it has been ruled to be constitutional. The Court has said that it does not infringe on one's right of freedom of speech. All we did was to place the language in the bill. We say, "If you cannot intimidate a judge or a juror, why permit one to go out and tear up the places in America where our secrets are stored, where our defense knowledge is kept, strategy drawn, the nerve centers, the lifeblood of the defense of America?"

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Chairman, that sounds so familiar.

Mr. RIVERS. Go ahead. If you think it sounds familiar now, you have not seen anything. Go ahead, Mr. PIKE.

Mr. PIKE. Mr. Chairman, I am delighted that——

Mr. RIVERS. I will give the gentleman time, but he has reminded me of the taxicab story. A lady was riding in a cab passing the Archives Building, and she saw on the building the words "What is past is prologue." She said, "What does that mean?" The cab driver said, "That means you ain't seen nothing yet."

Mr. PIKE. Thank you very much, Mr. Chairman.

Does the language of the amendment as it now exists say, "with the intent of influencing any judge, juror, witness, or court officer or military or civilian employees of the Defense Department?"

Mr. RIVERS. Certainly.

Mr. PIKE. That was my whole question. We are not merely going after disruption or obstruction. We are going after "influencing in any manner." Is that not the fact of this language?

Mr. RIVERS. I have read the language now contained in the statute. I did not put the interpretation on that statute. The Supreme Court did. We added an amendment that added the military to the list, which includes judges, jurors, and witnesses.

Mr. PIKE. So we cannot now influence the military.

Mr. RIVERS. You cannot influence a juror.

Mr. PIKE. So we now may not only be prohibited from obstruction; we may now not influence the military people in any manner.

Mr. RIVERS. By intimidating, by demonstrating, by threatening, by sound trucks, and by all of these things that the statute contains.

Mr. PIKE. Pickets or parades or resort to any other demonstration?

Mr. RIVERS. That is in the act now.

Mr. PIKE. But the military people are not in the act?

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. LANGEN. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Minnesota.

Mr. LANGEN. Mr. Chairman, I thank the most distinguished chairman for yielding.

Mr. Chairman, I take this brief moment only to express my gratitude to the chairman of the Committee on Armed Services and all the members of the committee for the very courteous attention they directed to me when I appeared before them a short time ago. Obviously I am pleased by the action taken by the committee relative to the OMEGA project at Middle River, Minn.

Mr. Chairman, at this time I would like to express an appreciation I feel for the work the Subcommittee on Military Construction of the Committee on Armed Services. The members of these groups have made a great effort to draft the legislation we are considering today. I thank them also for the consideration they accorded me when I had occasion to meet with them concerning one of the items in this bill.

I rise this afternoon in an attempt to clarify a point that has attracted the attention of many people in Minnesota. It concerns the OMEGA navigation system which is designed to aid worldwide navigational systems by establishing a method for determining the exact position of any ship or plane through the use of one inexpensive radio receiver. The bases for the system are to be eight transmitters around the world. One of these eight transmitters is designed to be located near Middle River, Minn.

The Middle River site for the North American transmitter has been determined after much investigation and the compilation of many reports. The Minnesota location was established as the location of the North American base because of its usefulness to both the North Atlantic and North Pacific Oceans. I should like, Mr. Chairman, to outline some of the more pertinent facts concerning the Middle River, Minn., site.

I begin by calling your attention to a letter to me from the Department of the Navy dated April 23, 1968. The letter came from Navy Capt. M. X. Polk in response to a letter from me inquiring as to the status of the OMEGA station. Captain Polk was identified as the project manager, OMEGA navigation system, Project PM–9. I quote from the letter:

> In July, 1965, a sitting study recommended a location near Middle River, Minnesota for this station. Last fall the Navy retained consulting engineers to make an investigation of the site, including soil borings and test wells.
>
> There has not been a decision by the Defense Department to implement the full OMEGA System. If this decision is made, it is unlikely that the Minnesota OMEGA project would be presented to the Congress for funding before Fiscal Year 1971, with earliest construction in late 1970. At such time as the project might be approved, the local telephone company will be consulted regarding service.

According to the letter, at this point in the development of the North American OMEGA Station, the question as to whether to proceed with the project did not involve the location of the transmitter. A study committee had reached a conclusion and the project manager saw no need to question that aspect of the study report.

Even prior to that letter, a newspaper article in the Grand Forks, N. Dak., Herald under date of October 1, 1967, identified the world's tallest tower to be built at Middle River, Minn. It further stated that the U.S. Navy Engineering Command had made available $50,000 for the site investigation as the first phase of an estimated "$5 million navigation aid complex." The firm of K. B. MacKicham & Associates of Grand Forks was identified as the contractor for the study and had, according to the article, started work that week.

The report of the MacKicham study of the site was issued just before Christmas in 1967. Its findings were satisfactory almost without exception. From the physical characteristics of the land to the considerations of transportation and utility service, Middle River was found acceptable to the research team. I wish to quote from their report under the heading "Summary and Conclusion":

> It is the opinion of the consultant that the site is a suitable one for the proposed Omega Navigation Station. The typography, terrain, extent of cover and growth, foundation conditions, water supply, access roads and utilities, together with ease of property acquisition all are suited to the purpose intended. No unusual engineering, construction, or maintenance problems are anticipated at this site.

Let me quote from another section of the report on page 15:

> Although the site is adequately served by transportation facilities and utilities, the location in a rural area is sufficiently removed from densely populated areas to be desirable for a Military Facility.

The report includes in-depth analysis of all germane factors and includes drawings, plots, and photographs. I might point out that at this point, there is no comprehensive information concerning any other site to compare with the MacKichan report on the Middle River site.

So, from that date, throughout 1968 and until the spring of 1969, the local people in the Middle River area had good cause to assume that the Middle River site had been officially selected. Throughout the month of May 1969, inquiries were still being made with regard to land option, electrical requirements, land clearing needs, and so forth. Then, to the surprise of everyone, on May 28 there appeared articles in several North Dakota newspapers, identifying that the site had been moved to La Moure County. N. Dak. Obviously, the matter was called to the attention of my office and at this time we began making an inquiry into the matter with the Navy Department. Such inquiry has revealed the following facts:

First, the change in site had apparently been made without consultation, conference or any other communication with the people concerned and interested in the location of the site at Middle River, Minn. This includes the local people, a congressional office, committees of this Congress, as well as, to my knowledge, any other person or interest. In fact, there were still left with the local people at Middle River indications that their site was still slated for the construction of the OMEGA station. This is very emphatically substantiated by a letter from the Department of the Navy, addressed to the Roseau Electric Cooperative, Inc., and to the attention of Mr. M. A. Haslerud, with reference to the OMEGA station in Minnesota. The letter is dated the 3d of June 1969, which is after the previously referred-to newspaper articles were printed. The letter is in reply to an inquiry directed to the Navy Department in April of 1969, when the Roseau Electric Cooperative had inquired about the proposed OMEGA power requirements.

The power requirements are listed in the letter, which is concluded by the following sentence:

> There are no existing operating stations with either technical or non-technical loads equal to those planned for Minnesota.

It is signed by Robert L. Winsor, project manager.

It becomes pertinent that up to this time, it had not been known to the interested power supplier what the power requirement would be. Quite obviously, this information was requested in order that they might respond with appropriate rates for which they could supply power for the station.

During this time, I had requested to meet with appropriate officials of the Navy Department in my office for purposes of further exploring the background of the new decision. I was informed that the final decision had not been agreed to by the Defense Department, and so it seemed appropriate that I should arrange for a meeting with officials from the Navy Department and interested people in the Middle River area of Minnesota. Such meeting was arranged for the 24th of June 1969, at a convenient place for the interested parties; namely, Grand Forks, N. Dak.

In the meantime, my office further checked the current status of the project, to find that the Middle River site was identified in the budget request of the Appropriations Committee under date of January 29, 1969, with a proposed authorization and appropriation of $5,810,000.

It was further shown that in the authorization request of this committee, on page 8 of the "Summary of Construction Authority Requested of the Congress in Fiscal Year 1970," a line item identified the OMEGA Navigation Station, Middle River, Minn., again at a cost of $5,810,000.

We also noted that a bill introduced and referred to the Armed Services Committee under date of June 16, 1969, included on page 19 of that bill, lines 13 and 14, an item identifying the OMEGA Navigation Station, Middle River, Minn.: Operational facilities and real estate, $5,810,000.

Surely these are sufficient items, even though there are more, to establish positively the fact that all interested people have been led to believe that the Middle River site had been officially selected.

The more immediate revelations then follow, by further meetings in my office and the meeting at Grand Forks, N. Dak. In attendance at that meeting in Grand Forks were the following people:

U.S. Navy representatives: Comdr. John Dick Peddie, Pentagon, Washington, D.C., and Capt. George Shepard, project supervisor, Great Lakes, Chicago, Ill.

Consulting engineer of Roseau Electric Cooperative: Rudy Kuchar.

Wikstrom Telephone Co., Karlstad, Minn.: George Wikstrom, Sr., and George Wikstrom, Jr.

Engineer: C. J. Hastad.

Roseau Electric Cooperative: Clarence Lian, director; Delmar Hagen, director; and M. A. Haslerud, manager.

Others: Andrew L. Freeman, manager, Minnkota Power Cooperative, and Lowell Pogatchnik, president, First National Bank, Middle River, Minn.

A copy of the minutes of that meeting is available.

The agenda for that meeting identified that subjects to be discussed included land costs, power costs, and land clearing costs, to which I shall refer in just a moment. First, it should be known, however, that on this past June 25 the Military Construction Subcommittee of the

House Armed Services Committee was notified that a change in site was being recommended, and on June 26, the Appropriations Committee, on which I serve, was notified by telephone of the change, obviously each in complete disregard to the facts as discussed and revealed at the meeting in Grand Forks, N. Dak., for this meeting did reveal some very pertinent economic considerations in behalf of the Middle River OMEGA site; namely, that there would be no cost to the Government for the land involved, there would be no cost to the Government for clearing 910 acres of land, and that power rates were offered at most desirable figures, with a calculated cost as low as $0.01008 per kilowatt hour.

Let me further clarify these offers.

Land: There would be no cost to the Government for land at Middle River, Minn., if the OMEGA navigation site were located there. The only private land involved, approximately 40 acres, will be provided free of cost by the owners, Dile and Odell Strandberg. The remaining land involved in this site belongs to the State of Minnesota. In a letter to Mr. M. A. Haslerud, manager of the Roseau Electric Cooperative, Inc., dated June 19, 1969, Scott Benton, special assistant to the Governor of Minnesota, stated:

> The State of Minnesota is in a position to provide this parcel of land on an exchange basis and without need of cash.

He added:

> We are very hopeful that this facility can be located near Middle River.

Clearing: There would be no cost to the Government for the clearing of land at the OMEGA navigation site if it were located at Middle River, Minn. Comdr. John Dick-Peddie, U.S. Navy, from the Pentagon, said that 910 acres of land would have to be cleared for the site. Mr. Lowell Pogatchnik, president of the First National Bank of Middle River, as representative for the local citizens, guaranteed that the 910 acres of land would be cleared at no cost to the Government if the Middle River site were chosen.

Power: The Roseau Electric Cooperative, Inc., requested in April 1969 information on the OMEGA power requirements. Answer was not received from Robert L. Winsor, the OMEGA project manager in Great Lakes, Ill., until the receipt of his letter dated June 3, 1969, which is 13 days after the first news articles announcing the LaMoure, N. Dak., site as the site finally selected. However, on the basis of the information then furnished, the Roseau Electric Cooperative, Inc., was able to calculate the cost per kilowatt hour at $0.01008, showing a savings of $21,504 over the cooperative's regular large power rate. This savings was accomplished chiefly by the application of the standard Minnkota defense energy discount of 2 mills per kilowatt hour. This reduced rate could not be applied until the proposed OMEGA power requirements were received, which, as I have stated before, was almost 2 weeks after the appearance of a news article announcing the selection of the LaMoure, N. Dak., site. Mr. Winsor stated in his letter:

> There are no existing operating stations with either technical or non-technical loads equal to those planned for Minnesota.

Conclusion: There is a little more that a community could be called upon to do to attract this installation. They offered to supply the land free of charge. They offered to clear this land free of charge. They offered to supply power at reduced rates. Had they known all the facts as they became available, these savings to the Government would have become apparent long ago.

Therefore, it seems very clearly evident to me that the Middle River site would satisfy all of the requirements for the most proficient and efficient location and construction of this navigation station. This site had been determined to be the most satisfactory by extensive surveys and evaluations leading up to its selection. During discussions of the subject, it was revealed that there were some very distinct advantages; namely, a minimum of sleet problems, and excellent soil and water conditions for grounding purposes. When all of these facts are carefully reviewed and evaluated, it becomes unquestionably evident that the Middle River site meets all of the needs and desirable characteristics for the location of this navigation station and therefore, there is no adequate justification for a change of site at this late date. The best interests of the Defense Department, and the Congress, can be served by the continuation and final construction of this station at Middle River, Minn. The committee has made a wise decision.

Mr. RIVERS. Mr. Chairman, we were very glad to have the gentleman from Minnesota appear before our committee and give us the information he did. This was the best information on this subject we had before our committee, and we are glad to have him. He was, as usual, hospitable and courteous, and he made a great impression on all of us.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield to me for an observation?

Mr. RIVERS. Certainly I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, I thank the chairman of the committee for yielding and commend the committee and staff for its work on the bill. I would like also to commend the chairman on this antidemonstration amendment. Some time ago, Mr. Chairman, when we had the large antiwar demonstrations, I was one of three Members of this Congress who went over to the Pentagon and saw that demonstration. The gentlemen were Mr. Scherle, of Iowa, Mr. Hunt, of New Jersey, and myself. I do not believe I will ever forget this disgraceful scene that was taking place on the Pentagon grounds.

Mr. RIVERS. Mr. Chairman, I thank the gentleman from Mississippi.

I want to say in amplifying this, that the intent must be proved under the statute. This is not ex post facto legislation. We cannot go back over that and stop the demonstration process that has gone on. Everybody knows that. This is normal in criminal law.

Mr. MONTGOMERY. Mr. Chairman, at the Pentagon I saw people there spit and kick American soldiers. It was disgraceful. I hope the gentleman's amendment will stop this. Will the amendment stop that?

Mr. RIVERS. I hope it will. That was the intent of our committee in proposing this amendment.

Mr. KOCH. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I yield to the very dedicated and distinguished gentleman from New York (Mr. Koch).

Mr. KOCH. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, would the gentleman from South Carolina tell me why we do not protect the President from such picketing and such influencing? Why is it the gentleman's bill does not extend the same protection to the President, who is the Commander in Chief of the Armed Forces of this country, that the gentleman wants to give to the Pentagon?

Mr RIVERS. We do protect the President.

Mr. KOCH. Where is that? I do not see it in this bill.

Mr. RIVERS We may get to that. Under the Constitution, article I, section 8, it says the Congress "shall provide for the military and make rules for the Government thereof." We are handling the military now.

I would suggest the gentleman contact the dean of the New York State delegation (Mr. Celler), and this is under his jurisdiction.

Mr. KOCH. Mr. Chairman, we are talking about the military, and I believe the President of the United States as the Commander in Chief is chief of the military. I suggest that the gentleman's bill is deficient in that it does not go as far as it should go if he really wants to accomplish this goal.

Mr. RIVERS. Mr. Chairman, I would say that the gentleman from New York misunderstood. I suggest he get in touch with the dean of the New York State delegation (Mr. Celler), and he will straighten out the gentleman.

The CHAIRMAN. The time of the gentleman from South Carolina has expired. The gentleman has consumed 1 hour.

The Chair recognizes the gentleman from Illinois (Mr. Arends).

Mr. ARENDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it has been my privilege to serve on the Committee on Armed Services since it was first established by the Legislative Reorganization Act of 1946. During this 22-year period it has been our good fortune to have had four extremely able chairmen, including the distinguished gentleman from South Carolina (Mr. Rivers), who has just addressed us.

Two were Republicans and two were Democrats. I take considerable pride in saying whatever the political composition of our committee, no one of our chairmen, Republican or Democrat, has permitted political considerations to enter into the decisions of our committee. And no one of our chairmen has been more diligent in this respect and more responsive to the constitutional responsibility of the Congress to provide for our national defense than has the distinguished gentleman from South Carolina (Mr. Rivers).

The objective of our committee has been twofold: one, to insure that we have an adequate, well-balanced national defense designed to keep the peace and be fully prepared for any emergency threatening our country's safety, whenever, wherever, and however that emergency may arise; and, second, to insure that we get a dollar's worth of defense for each dollar expended.

The military construction authorization bill now before us was carefully prepared by our committee in keeping with this objective. As the ranking member of the Military Construction Subcommittee that prepared this bill, I can assure you that each and every item in it was painstakingly scrutinized. We have carefully evaluated each and every proposal of each of the respective services. We have embodied in this bill all that is essential and only that which is essential. We have sought to authorize all that is necessary and only that which is necessary, no more and no less.

The total authorization provided in this bill is $1,547,215,000. This is $346,124,000 less than the Department of Defense requested. I hasten to emphasize as the chairman of our committee has pointed out in his detailed explanation of what we propose, that this $346 million odd is not so much a reduction as it is a deferral.

The Department's proposed construction program pertained to 389 major bases and contained 1,033 separate items. We explored every aspect of each and every one of the individual projects. Most of them are meritorious. Most of them are needed. But our criteria was not what is meritorious or what is needed, but what is essential at this time.

There are a number of projects not embodied in this bill for which a need was clearly established. We did not disapprove them. We simply withheld authorization for this fiscal year.

As our committee chairman explained, we deferred the request for the active forces by approximately 30 percent, with an overall deferral of 18 percent.

In light of what took place on the floor of the House yesterday in connection with the Department of Health, Education, and Welfare appropriation bill I am constrained to say that our Armed Services Committee seeks to do its part for winning this war against inflation. I think the country should be reminded what our chairman pointed out a few weeks ago:

> While the defense budget has increased by 75 percent since Fiscal Year 1959, Federal expenditures for health and welfare have increased 210 percent and expenditures for education and manpower training have increased by 630 percent.

The question is not what we would like to have or even what may be needed. The question is what is essential. And what can be more essential than insuring our country's security. What can be more essential than insuring our country's economic stability? And what is more necessary to accomplish this than by reducing Government expenditures by at least deferring items that can be deferred. Our committee has met that challenge and responsibility in preparing this bill.

Insofar as this particular bill is concerned, the original submission was in the amount of $2.5 billion. The Nixon administration reduced this by $600 million. Our committee reduced it further by $346,124,000. This amounts to almost a $1 billion reduction.

This is a substantial amount, and particularly when you consider that there has been a great increase in construction costs. In this bill we were obliged to authorize increases in the construction costs on certain housing on which there is a statutory cost limitation. The Department of Defense explained that in fiscal year 1968 the construction costs for the family housing units increased 5.6 percent and again about the same amount in fiscal year 1969. All indications are that it will increase at about the same rate in fiscal year 1970.

And, I might add, our committee has always taken a more than ordinary interest in health and welfare of our servicemen and their families. For fiscal year 1970, the Department of Defense requested 4,800 new family housing units. Ninety-one percent of the units will be for enlisted men and junior officers, and we authorized all 4,800.

This is what I mean when I say that the criteria used by our committee was to authorize that which was essential, as distinguished from that which one might like to have or what may be needed. In the instance of the recommended five commissaries—three for the Air Force and one each for the Army and the Navy—all five were deferred. All five have merit and all five are needed. But our committee did not feel that they were essential in view of the pressing need to bring about a reduction in Government spending to combat inflation.

Our chairman, the gentleman from South Carolina (Mr. Rivers) has so thoroughly and adequately explained what is embodied in the bill that I do not deem it necessary for me to do other than make these general observations with respect to the construction projects.

I do wish, however, to make a brief comment on section 708 of title VII, known as the antidemonstration provision, and then I shall conclude.

No one can fail to recognize the fundamental importance of the first amendment to our Constitution, guaranteeing the people freedom of speech, of press, and right to peaceably assemble and to petition their Government. Our committee is no less zealous in preserving the integrity of this provision of our Constitution than our courts have been.

I shall leave it to the lawyers to argue all the legal niceties and subtleties, making distinctions that I sometimes think are distinctions without a difference. The fact is that freedom is not and cannot be an absolute right. If, as I have many times said to the people I represent, everyone were free to do everything no one would be free to do anything. Freedom is not license. Freedom is ordered liberty under law.

The Court itself wrote the restrictions in existing law, section 1507 of title 18 of the United States Code, against interfering with, obstructing or impeding the administration of justice by pickets, parades or demonstrations in or near a building used by a judge, juror, witness or court officer. In two Supreme Court decisions—Cox against Louisiana and Adderly against Florida—the Court upheld State statutes where a demonstration near a courthouse and a demonstration near a jail were held to be illegal. In both cases the State statute was patterned after the Federal statute. As a matter of fact, the Louisiana statute was taken verbatim from the United States Code.

All that our committee proposes to do is to add the "conduct of military and defense affairs" as a specific area, along with the "administration of justice" as now provided by law, where demonstrations with intent to interfere with or obstruct are prohibited. Along with the courthouse, we have included the Pentagon. We do not say "at or near" the Pentagon. We say "in" the Pentagon. We do not say "at or near" federally owned property. We say "on" federally owned property.

My point is, Mr. Chairman, the language adopted by our committee is very precise, very specific and very limited in scope. While I am not a lawyer, I do not see how any court could possibly hold that the Congress does not have the constitutional authority to prohibit actions intended to interfere with our national security when those actions are in or on Federal property being used to conduct our national defense affairs.

Mr. Chairman, I am proud of the work our committee has done on this bill. It should have the unanimous support of the House.

I might simply add, in reference to a statement made by the chairman of the committee, the gentleman from South Carolina (Mr. Rivers), relative to the approximately $2.5 million in this bill with regard to the ABM, that while he said he would offer an amendment to delete this item from the bill and at the same time was saying that, of course, he was in favor of the ABM, I trust that the House this afternoon would in no way even think of deleting the item of $2.5 million from this bill.

I trust that we will have the strength here this afternoon to leave this bill as it is and we ask for your full cooperation toward that end.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from South Carolina.

Mr. RIVERS. The reason I am introducing the amendment is the fact that the committee was not told about the item and I felt constrained to offer the amendment.

Mr. ARENDS. I understand the gentleman's position exactly, but I want to make very clear my own position.

The CHAIRMAN. Does the gentleman from Illinois wish to yield any further time at this time?

Mr. ARENDS. Not at this time, Mr. Chairman.

Mr. RIVERS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. LEGGETT), a member of the committee.

Mr. LEGGETT. I thank the Chairman very much.

I would like to say that I think, on the whole, this military construction bill is very well thought out. It synthesizes the requests of the departments as I understand it on the order of $2.8 billion. A lot of cuts were made in-house in the Department of Defense and requests were presented to our committee on the order of $1.9 billion and this was cut down to about $1.5 billion—a committee reduction of $350 million.

We all have taken cuts in our respective districts, and I do not intend to offer any amendments to restore any items cut from my district. I think there was one item, however, that was cut by this committee that I would like to talk about in the RECORD. So at this point in the RECORD I would like to insert a letter from the Navy Department pointing up the critical importance of the sum of $3,840,000 for the combat data systems school which is located in my district.

I would hope that at the proper time the other body would review this item and if they determine that the Department's representations are correct, include the item in the Senate version of the bill. This is a letter from the Navy Department with an enclosure, dated July 30.

The letter referred to follows:

MEMORANDUM FOR HON. ROBERT L. LEGGETT

DEPARTMENT OF THE NAVY,
BUREAU OF NAVAL PERSONNEL,
Washington, D.C.

Subject:
Fiscal year 1970 Military construction program, H.R. 12171.

Pursuant to our telephone conversation of this date, enclosed herein is the reclama paper we are submitting to the Senate Armed Services Committee requesting reinstatement of the Mare Island, Vallejo line item deleted by the House Armed Services Committee.

The item contained in H.R. 12171 is:

Naval Schools Command, Mare Island, California.

Combat Data System School (1st Increment), $3,840,000.

This urgently required line item will provide the only capability to train maintenance technicians to support the modern afloat tactical systems being introduced to the Fleet. These tactical systems include but are not limited to, command and control (Advanced Naval Tactical Data System), intelligence processing, communications, electronic warfare, weapons designation and missile systems. Ship types of all classes are included: carriers, missile frigates, Fleet Flagships, Amphibious Command Ships, etc. All of these systems are highly automated and when installed in one hull, are integrated into a total weapons system. When used in a defensive situation they carry the tactical problem through from target acquisition to identification, weapon assignment and the kill. Although computerized, these systems are tactical, and should not be compared or confused with computers in applications ashore such as management information, logistic or accounting data processing.

Without maintenance training to support these new tactical systems, the increased operational capability which these systems are designed to provide will not be realized: the Fleets' tactical and in some cases, strategic capabilities will be markedly impaired.

Your assistance in persuading the Senate Armed Services Committee to reinstate this deleted line item will be greatly appreciated.

Very respectfully,

G. Z. ANDERS,
Assistant Director, Installation Planning Division.

DEPARTMENT OF THE NAVY FISCAL YEAR 1970 MILITARY CONSTRUCTION AUTHORIZATION PROGRAM

JULY 30, 1969.

Command: Chief of Naval Personnel.

Installation: Naval Schools Command, Mare Island, Calif.

Line Item: Combat Data Systems School (1st increment).

Status:	*Amount*
Initial Navy Request (Scope (SF), 71,940)	$3,840,000
Approved by the House (Scope (SF), 0)	0
Final authorization recommended (Scope (SF), 71,940)	$3,840,000

Justification:

This highly technical facility, the Combat Data Systems Maintenance Training Facility is urgently required in the FY70 MCON Program. Introduction of ships from new programs such as DX, DXGN, LHA, LCC and CVA(N) and ship modernizations will increase the numbers of ships with computerized systems from about 30 in FY69 to an excess of 200 in FY75. The major impact will occur so that technical maintenance training to support these modern computerized weapons, electronic warfare, command and control, communications and intelligence processing systems must be established and on-going in FY72. This planned facility represents the only capability to support the introduction of these systems in terms of maintenance training; no other facilities exist or are planned. The installation of these systems as planned will take advantage of the commonality of major components between systems and thereby effect a saving of $11M in training hardware. In order to commence maintenance training in mid-FY72, building construction must commence in mid-FY70 to be completed late in FY71. Numerous irreversible decisions for maintenance training on these modern systems have been based on the realization of this facility in the FY70 Program. If this project is not authorized, the following will result: (a) modern computerized systems cannot be supported in maintenance training coincident with Fleet introduction; (b) the improved operational capabilities afforded by these modern systems will not be realized; (c) overall Fleet readiness to respond in anti-missile, anti-air, anti-submarine and electronic warfare environments will be impaired rather than enhanced by the new systems.

Reinstatement of this line item in the amount of $3,840,000 is urgently requested.

Mr. RIVERS. Mr. Chairman, I yield 10 minutes to the very distinguished gentleman from Washington (Mr. HICKS).

Mr. HICKS. Mr. Chairman, the deletion of one item from the military construction authorization bill for fiscal year 1970 endangers the nationwide public shipyard modernization program, upon which much of the Navy's capability to perform its part of the national defense is based for the next decade—particularly, the nuclear fleet.

And it could endanger the lives and safety of workers in Puget Sound Naval Shipyard at Bremerton, Wash.

The public shipyard modernization program is based on a Kaiser engineers' study, commissioned by the Department of the Navy, completed last year, and accepted by both the Navy and the Department of Defense as the blueprint for enabling the navy yards to meet their obligation to the country.

The item deleted by the House Committee on Armed Services, in its zeal to reduce defense expenditures, is a woodworking shop programed for Puget Sound Naval Shipyard. It called for the expenditure of $4 million in the fiscal year 1970 budget.

The present woodworking shop occupies a series of interconnected brick structures built during the 1890's and early 1900's. Over the years several earthquakes have, as the Navy expresses it, "reduced the structural strength of the buildings to the point where accepted safety factors no longer exist."

Engineers at the shipyard, with whom I have talked, say the condition of this old and dilapidated complex of buildings is critical because of the damage of earthquakes, the most recent of which was in April 1965.

The engineers characterize the damage as progressive, and say the progress is rapid. The 1965 earthquake cracked walls and floors, shattered brick, and broke windows. The masonry in the buildings presently is absorbing three times normal stress and the steel in the structures is absorbing eight times normal stress.

Another earthquake, they say, may well crumble at least part of the buildings and could demolish the entire complex. Such an event could prove disastrous to workmen, whose numbers vary widely depending on the amount of work being performed at any given time in the complex. Since the area involved is a major earthquake zone, further quakes are inevitable.

THE OVERALL PROGRAM

Basing its proposals on the Kaiser report and upon its own studies and vast experience, the Navy has a program which will modernize the entire public shipyard complex over a 10-year period. Capital expenditures at Puget Sound under this program total $63.5 million over those 10 years.

The modernization program is on a definite schedule, with each project at each shipyard interlocking within the shipyard and also in the broader network of the entire public shipyard complex.

Now, there are a number of people, some of them in this Chamber today, who believe in all sincerity that the Navy could do as well depending solely on private shipyards and doing away with naval shipyards. I disagree most emphatically with that, Mr. Chairman, but it is not necessary to argue that issue today. I mention it only to illuminate the point that we do have navy yards, the Navy and our sea defense do depend very heavily on them—and if we are to depend so much on them, we must bring them to a modern standard.

This is particularly true in the light of the growing Soviet threat at sea. The Subcommittee on Seapower of the Armed Services Committee earlier this year completed a study of our Navy as it compares with the Soviet Navy. The results, as Chairman RIVERS so aptly put it, are appalling. They can be digested in a few minutes by any Member, through the subcommittee's report.

THE KAISER REPORT

When Kaiser engineers reported to the Department of the Navy last year, it had this to say about our public shipyards:

> Obsolescence of the entire Naval Shipyard complex looms as a very real threat to the fulfillment of its fleet logistic support program. Existing facilities lack much required modern equipment and the space to use it. Yet, new concepts of fleet maintenance and depot support must be implemented to meet demands for increased fleet readiness. The early upgrading of Naval Shipyard capability to meet the needs of the fleet is essential to our national defense.
>
> The time schedule of proposed appropriations and expenditures are formulated on the basis of the following principal considerations:
>
> The U.S. Naval Shipyard complex represents a significant national investment and constitutes one of the largest industrial complexes in the U.S. However, its present production and facility systems are such that both present-day production efficiency and the industrial expansion potential of the shipyard complex are inhibited.
>
> The expansion potential of any industrial complex is of vital importance to assure its viability under a changing economy.
>
> A specified sector of the Fleet is assigned for support at each of the individua. Naval Shipyards. Therefore, the continuity and scope of productive operations cannot be compromised at any yard.
>
> Major elements of the proposed modernization program that encompass support facilities are justified by the correction of serious fire, personnel, property and health hazards. The safety of fleet operating units is a requirement for which compromise is unacceptable.
>
> Certain deficiencies were found to be common (to all Navy Yards). These include:
>
> Over-age and obsolescent facilities and equipment.
>
> Inadequate capacity to meet projected workload.
>
> Lack of capability to meet specific workload requirements.
>
> Inability to meet evolutionary requirements imposed by the State-of-the-Art.
>
> PUGET SOUND NAVAL SHIPYARD
>
> Puget Sound Naval Shipyard was found to have a range of capabilities exceeding that of any other naval or private shipyard in the country. Puget Sound's role includes the West Coast's new construction of surface ships, the overhaul of all types of ships including nuclear submarines and nuclear surface ships . . . The shipyard is additionally an integral part of the complete Polaris support complex (Pacific).
>
> The largest drydock in the world is located at Puget Sound; it is the only facility on the West Coast capable of accommodating Forrestal and Enterprise class carriers on a completely adequate basis.
>
> However, major deficiencies exist within the shipyard in the production equipment area; in the utility system; in some industrial shops; and in the engineering and management facilities.

The shipyard commander at Puget Sound Naval Shipyard stated the need for the woodworking shop to be included in this year's budget in a letter to me dated July 22, 1969, wherein he stated as follows:

> I deeply appreciate your telephone call of yesterday and the concern implied in advising me of the deletion of the 1970 MCON project P-414, Woodworking Shop, by the House Armed Services Committee. The seriousness of the action on the future of the Puget Sound Naval Shipyard is extreme. In accordance with your request I am setting down herein the strongest justification I can muster with the hope that you will be able to have the project reinstated.
>
> The relocation of the Woodworking Shop is the key requirement for all of the other facilities' projects. The present site of the Woodworking Shop is prime industrial area and is required for the site of an electronics weapons precision facility MCON P-415 and for the currently planned project, P-155, nuclear repair complex, which is under review, and scheduled for submittal in the fiscal year 1972 MCON program. This latter project will replace a larger project having the same title but which has been deferred. Although the nuclear repair shop MCON P-056 which is authorized and partially funded occupies part of the current Woodworking Shop, it does not in any way affect the scoping of other MCON projects and is also independent of any other projects.
>
> The release of space presently occupied by Building 66 (present Woodworking Shop) is the single most important preliminary move necessary for the implementation of the total shore facility's program of the Shipyard. We should not be required to accept any delay since new facilities for a changing mission are seriously lagging and will impair our capability for requirements already forecast (particularly for a basic repair and nuclear vice new construction and conversion workload) for the Shipyard.

This letter is signed by Rear Adm. W. F. Petrovic.

Mr. Chairman, this item must be reinstated, if not by this House then by the other body.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. HICKS. Mr. Chairman, I am delighted to yield to the chairman of the Committee on Armed Services.

Mr. RIVERS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would just like to say to the gentleman from Washington, as indeed I previously did to the gentleman from North Dakota, and as I have stated in my remarks, that it is possible that we may have gone too far. I do not know whether we have or not.

This may be the case insofar as the shipyard to which the gentleman from Washington has been referring. This yard is the only yard on the west coast that can hold a carrier, for instance, and if it can be proven that we made a mistake here, of course we will reconsider such an item. I am sure the gentleman knows this.

Mr. HICKS. Mr. Chairman, I thank the chairman for his comments.

I had intended to offer an amendment to restore this item but I have reconsidered. Rather it seems to me that we should all get behind the bill as reported by the committee, let the other body consider the bill as it comes from the House and determine if further items should be added, and then let the conference committee determine whether such item or items are needed.

I am much encouraged by what the chairman had to say.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. HICKS. I yield to the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of restoring $4 million deleted by the Committee on Armed Services to relocate an earthquake-damaged woodworking shop at Puget Sound Naval Shipyard at Bremerton, Wash.

Mr. Chairman, for several years the First Congressional District of Washington included the area in which the Puget Sound Naval Shipyard is located. During those years I became familiar with this shipyard and since then, on occasion, I have made it my business to visit it and keep in close touch with its workload and its continuing record for meeting time schedules and its costs as against estimates. The record of Puget Sound Naval Shipyard for efficiency and quality since I first came to Congress has been second to none.

Mr. Chairman, as to the relocating of the woodworking shop, the reason this is urgent is that its present location is required for an electronic weapons precision facility and for the presently planned nuclear repair complex scheduled for fiscal 1972. The release of the present woodworking shop, as a result, has the very highest priority in order to make way for new facilities which are programed to take care of the future nuclear workload capability. In addition, the buildings are unsafe because of the earthquake damage.

Mr. Chairman, I am hopeful that the Senate will restore this $4 million. It is a small sum, but on its inclusion in the bill depends a most important future nuclear submarine support mission of the navy yard. Surely the Soviet naval challenge to America points up that this $4 million should be restored to the bill. So I say to the distinguished chairman, the gentleman from South Carolina, when the bill goes to conference with the Senate, if a provision is made by the Senate for replacing the woodworking shop at Puget Sound Naval Shipyard, I urge you and the House conferees to accept it.

Mr. HICKS. Mr. Chairman, again I thank the chairman of the full committee for yielding me this time.

Mr. RIVERS. Mr. Chairman, I yield to the distinguished gentleman from Louisiana (Mr. LONG) such time as he may require.

Mr. LONG of Louisiana. Mr. Chairman, I rise in support of the bill, H.R. 13018, and urge the committee unanimously to support this bill.

I want to take this opportunity to compliment the distinguished chairman on the leadership which he has exhibited in bringing this bill up and presenting it to you on the floor of the House.

Mr. Chairman, let me urge the House to give favorable consideration to the military construction bill for fiscal 1970 for several reasons, not the least of which is the attention it gives to two extremely important military installations in my own district.

I have addressed the House previously with reference to the condition of physical facilities at Fort Polk, an Army post for nearly 30 years but only permanent since last October. The 1970 military construction bill undertakes to remedy some of the more serious inadequacies at this infantry training center, and I trust that subsequent years will see further improvements in its physical plant.

The bill authorizes substantial family housing for the first time since the fort was opened in 1941. It authorizes a dental clinic and a post chapel and other improvements of a permanent nature, all of which gives the civilian sector in the area its first clear indication of the Army's firm commitment to Fort Polk.

The 1970 military construction bill also authorizes a modest continuation of construction for England Air Force Base at Alexandria, La., a Tactical Air Command facility and one of the cleanest and best kept military installations in the Nation. The construction authorization will enable the base to maintain the efficiency and effectiveness for which it is well known.

Overall, the military construction bill is a prudent and thoughtful authorization of construction needs of the military services for fiscal year 1970. It is indeed a responsible reflection of both military needs and the current fiscal situation. It fully deserves our support.

Mr. RIVERS. Mr. Chairman, I yield to the distinguished gentleman from Texas (Mr. FISHER), a member of the committee.

Mr. FISHER. Mr. Chairman, the pending bill received very careful consideration by both the subcommittee and the full committee. As reported it advances the essential sinews of our national defense, and I am sure it will have the support of the membership of this body.

The committee decided to defer more than 70 different items which had been recommended by the Department of Defense. Most of these deferments relate to highly essential projects, and I am sure will be approved in due course. There were some deferrals about which I entertain considerable reservation, but the committee decided to postpone all authorizations that are not classified as urgent—those projects which can wait a few months without adversely affecting our defense posture and the mission involved.

For example, I am concerned about the deferral as related to Kelly Air Force Base, Lackland Air Force Base, and Brooke Army Medical Center. These are among the most important military projects in the country.

With respect to Kelly Air Force Base, there is a substantial deferral which was approved after the Air Force informed the committee that there will be a delay of several months in the C-5 aircraft program, to be supported at Kelly, and therefore a postponement will not interfere with the primary need upon which much of the authorization was originally requested.

At Lackland Air Force Base, one of the projects deferred was a data processing plant. The committee determined that one category of projects which could be deferred was data processing not associated with material or inventory control and this particular project fell into that category. Similar deferrals apply to a number of other installations. It is at Lackland that all airmen receive their basic training, and I am sure the committee recognizes the need for everything that was requested. It is a matter of timing.

I mentioned deferment applied to Brooke Army Medical Center in San Antonio. In many respects this base is one of the world's great medical centers. Thousands of wounded servicemen from Vietnam are given special treatment there. The research done there has worked wonders.

Since this bill was reported I have become increasingly concerned about the wisdom of the deferral at Brooke. After all, this is not an ordinary project. It is the workshop for new techniques in saving lives, and its achievements contribute very directly to the benefit of mankind everywhere—military and civilian. Therefore, if there is a pressing need for the construction which was deferred, the matter should be reexamined.

I understand my colleague, the gentleman from Texas (Mr. GONZALEZ), in whose district the project is located, plans to offer an amendment to have the item restored. He will, of course, explain in detail why the restoration is considered urgent, and I am sure this Committee will give sympathetic consideration to the request.

Mr. Chairman, as I said at the beginning, this bill has been very thoroughly considered. There were many weeks of intensive hearings, and I am sure it is a bill which we can all support with confidence and reassurance.

Mr. RIVERS. Mr. Chairman, I yield to the distinguished gentleman from Missouri (Mr. RANDALL) such time as he may require.

Mr. RANDALL. Mr. Chairman, I rise in support of this military construction bill.

All of us know of some items that we would prefer to have included. There are many worthwhile items that have been omitted. Yet overall military construction has been reduced and that reflects the mood of the country, at this time of fiscal uncertainty.

With all its reductions and omissions this bill is one we can all support.

Mr. Chairman, this annual authorization bill comes to us for the first time in many years without a single item for Southeast Asia. The history of this construction bill is both interesting and at the same time quite revealing of a determination to reduce military authorizations. It should be recalled that this same bill submitted from the Department of Defense, by the outgoing Secretary, Mr. Clifford, early in January, totaled $2.5 billion. After the advent of the new administration, there was an in-depth review by the new Secretary of Defense who submitted a revised request in April for $600 million less or a total of $1.9 billion. H.R. 13018, which we are considering today, represents a further reduction of nearly $350 million for a total authorization of $1,547,000,000.

It is interesting to note that the committee reviewed over 1,000 separate projects requested at nearly 400 individual installations and bases. This construction bill is much, much lower than for fiscal year 1966 at $3.1 billion, or fiscal year 1968 when $2.4 billion was authorized, and is $78 million less than the fiscal 1969 authorization.

The fact this military construction bill is a reduction from prior years proves that there is an awareness of the need for every possible reduction in military expenditures in this year of great pressures generated by growing frustration over Vietnam and the fiscal problems posed by continuing trend of inflation.

There should be no conclusion that there is not a lot of construction which sorely needs to be undertaken. There is an untold volume of replacement and modernization of the many overaged structures on nearly every military base. This year, the view was taken that this badly needed construction work should be viewed not as a reduction or a refusal but simply as a deferment.

When there is so much loose and meaningless talk about the military-industrial complex, it should be emphasized that the Armed Services Committee has cut back in reductions almost 20 percent of the total request from the Department of Defense. At first that seemed an almost impossible task because of the gross inadequacy of family housing on our military bases, which has been quite rightfully assigned as the principal cause of the loss of so many of our well-trained yet limited number of military specialists. There are those who say, what difference does it make if a particular specialist leaves the service? The answer is that when this is multiplied over and over and repeated all across the country, the cost to retrain these specialists and make up these replacement losses becomes a large and imposing item in our overall military budget.

Mr. Chairman, as one member on the committee who has three separate military installations in his district, all three of which sorely need new construction, I am pleased to be able to report that at page 28 of H.R. 13018, line 23, there is a line item for the Richards-Gebaur Air Force Base in our congressional district which is for maintenance facilities in the total sum of only $78,000. I submit that there are not enough decimal places to compute what part of 1 percent $78,000 happens to be, of the total authorization of $1,547,000,000. As far as this one member of the committee is concerned, there certainly has been no special consideration accorded.

For several years I have been interested in the problems of our overseas dependents' schools. Perhaps the reason for that interest is that I have always supported every education bill for the benefit of our young people here in America. I am firmly convinced that we owe no less toward the education of those dependent children who go to live where their fathers are stationed overseas.

On three or four separate occasions I have visited the places in Western Europe where most of our troops are stationed. One of the worst treatments for our dependent children was in France, but that is no longer a problem because of the French relocation. There has been some improvement in Italy, but much of this has been due to dependent schools organized separately and outside the Department of Defense and for which tuition is paid by the Department of Defense. The situation in the Naples area which is impacted with U.S. naval personnel has improved over the years with new construction which has paid off in large dividends.

The real problem is in Western Germany. I have seen within the last few years structures that house our dependent schools, that we would not permit to exist in America. Some of our dependent children at the elementary level are being taught in basement facilities and in buildings which were never designed for school purposes and which have been very poorly converted in an effort to use as schools. It is for this reason that I deplored the deletion of the Army high school at Hanau and, also the addition to the elementary school at Mainz.

It is encouraging and quite pleasing to those who are interested in the education of our dependent children to note that the committee did approve the authorization of the addition to a new junior high school at Frankfurt, Germany. Other noteworthy additions which should contribute to the quality of education are the large elementary school at Clark Air Force Base in the Philippines, and the large new dependents school in Iceland. There will be those who are disappointed at the deletion of the item of $1½ million for the new elementary school on Okinawa, but I must say in all fairness that with conditions as they are at the present time, it was a wise decision to withhold expenditures on a new dependent school until such time as the future of Okinawa has been more clearly determined.

Mr. Chairman, simply as a matter of information I thought our colleagues might wish to know that in the educational appropriation bill which was passed last week, there were some funds to carry out programs for our overseas dependent schools. I call attention to grants for supplementary educational centers for which at least 3 percent of the total is earmarked for the Secretary of Defense as assistance for children and teachers in the overseas dependents schools of the Department of Defense. Under another title of the Elementary and Secondary Education Act of 1965, title IV, 3 percent of the funds appropriated for this title are earmarked for use of the Secretary of Defense for overseas dependent schools for the education of handicapped children.

Mr. Chairman, I strongly support the committee provision in section 707 which would extend through the end of 1975 or for 5 additional years the restriction against the use of the Bolling-Anacostia military complex for a public housing project. Even if for any unforeseen reason this land might not be needed for military operations, it is inconceivable that the area should not be preserved as an emergency landing strip or for that matter, against the time when National Airport could not handle expanded loads of air traffic. Why is it this particular piece of real estate seems always to be under attack by the National Capital Planning Commission? There is no real reason, and the House should commend the committee for continuing this restriction.

I support section 708 or the antidemonstration provision which amends title 18, United States Code. I recognize this section may be controversial, but who can forget the things that have happened at the Pentagon within the last year or two? Not a single member of the committee would attempt to foreclose the right of anyone to peacefully assemble and express their views, which is guaranteed under the first amendment. As all of us so clearly remember, the march on the Pentagon in the fall of 1967 was neither peaceful nor even an assembly. It was more like a mob, screaming obscenities and pushing up to the point of confrontation with the soldiers that were guarding the doors to the Pentagon. This is the kind of thing we are trying to legislate against.

One of the last general provisions in the bill has to do with the encouragement of interest which would lead to the Federal sponsorship of an air show in the United States. All of us have in one way or another envied the Paris Air Show and the air shows in England. While some of the Members of the Committee have imposed self-restraint against attendance at the Paris Air Show during the regime of De Gaulle, there is no reason why the United States could not have its own air show or exposition or some other appropriate title, perhaps as early as 1971 or 1972.

Overall, H.R. 13018, the military construction bill, is a good bill. True, it does not fully meet all the needs of the different services but as we have emphasized before, those requests that have been denied at this time should be regarded as deferments. Certainly the many reductions in expenditures should be quite satisfactory to those who have been concerned about military expenditures in our present fiscal dilemma and conditions of inflation.

Mr. BRAY. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. TALCOTT).

Mr. TALCOTT. Mr. Chairman, I take this time to ask several questions and I would like to ask them of the chairman of the committee, if I may.

First of all, it seems to me that the military construction program involves more than the building of military facilities. It involves men and women who are in the armed services and men and women who have children. They are human beings, citizens of our Nation just like those of us in civilian life.

I am informed that the deficiencies in barracks requirement amount to—for the Navy alone—to about 193,000 deficiencies. Am I right in this?

Mr. RIVERS. I do not know—does the gentleman mean in the United States?

Mr. TALCOTT. Yes.

Mr. RIVERS. I do not know how much it is. But I would venture the assertion that it is a very large figure. It is a very large deficiency.

Mr. TALCOTT. This is my information. I am not certain of the accuracy of it, of course, but it appears to me to be correct. There are 193,000 spaces needed to bring the living accommodations for single men and women up to standard—to provide them with standard facilities.

Mr. RIVERS. I would not doubt that. It is a very large figure.

Mr. TALCOTT. This is for the Navy alone.

Mr. RIVERS. We are way behind. As I said in my statement, we could have been using three times that much over a long period of time.

Mr. TALCOTT. If my figures are correct, for the Navy alone, there is a deficiency of 193,000 spaces. The Navy Department requested only 18,239 in their request to the committee. This is less than one-tenth of what they really need—not one-third—but one-tenth.

Then, of course, the committee allowed only 11,087 spaces, according to the way I read it, which is only about 36 percent or 39 percent of what they requested. So the deficiency is enormous.

I was just wondering, are we ever going to be able to provide adequate living accommodations for our military personnel, particularly in the Navy, if we do not do more than we are doing now.

Mr. RIVERS. I agree with the gentleman. I agree with him 100 percent.

We approach this kind of thing by this guideline. Can you possibly continue these conditions for one more year in view of the status of our economy and the threat of inflation and the kind of vilification of the military and the effort to try to ruin the effectiveness and the dignity and the image of the military?

Mr. TALCOTT. One of the problems we have, I think, is that if we compare military facilities and military bases within our respective districts, with any other kind of Government installation or facility—compare it with any NASA installation, or compare it with any post office buildings, or the HEW facility, I think you will find the military facility is in a devastating condition and the condition of repair and maintenance is far below these other installations. That worries me.

Mr. RIVERS. It worries me too. But how many people get up on the floor day in and day out and defend the military?

Mr. TALCOTT. I am not particularly defending the military. I am merely suggesting that we have military personnel who are required to serve in the armed services, and we are not providing them with the housing accommodations to which they or any other American citizen is entitled.

Mr. BOB WILSON. Mr. Chairman, will the gentleman yield?

Mr. TALCOTT. Yes; I yield to the gentleman from California.

Mr. BOB WILSON. The question of space is very important, and I can speak on the subject from personal experience, because a substantial number of barrack spaces affecting people in my congressional district were removed or deferred from the bill. There are a number of military installations in my district. Frankly, I had to concur with the judgment that deferred these spaces because there is only so much money to be spent. In most instances there are barrack spaces that are not the best, but at least they can do for another year.

In some instances some of our men are living in quonset huts, which certainly are not the best of living accommodations.

The original bill that was introduced has been reduced by about $1 billion. The Defense Department reduced it and our committee reduced it. We have to eliminate all the frills that we can in an attempt to get the cost of Government down. I concurred with the reductions that have been made, even though they hurt me in my district.

Mr. PODELL. Mr. Chairman, the military construction authorization bill for fiscal year 1970 contains two provisions which I feel are both distasteful and unwise. One concerns further funds for ABM-related matters. The other touches upon an antipicketing segment which would abrogate civil liberties of American citizens. Neither reflects credit upon our Nation. Neither will appreciably add to the basic defense posture of our country. Therefore, I oppose both.

There is an authorization for $12.7 million of the $15.9 million requested for construction of Safeguard research and development facilities. These would be located at the Kwajalein Island test center in the Pacific.

After careful consideration of the multitude of arguments both pro and con ABM, I believe it to be an unnecessary military boondoggle indefensible from any and all points of view. Its technology is faulty. Its need is questionable, to say the least. Its monetary requirements will drain our economy for years to come for the sole benefit of a few defense contractors. If anything, it will take away from rather than add to our total defense posture. Authorizing any funds for ABM is an exercise in national futility, which will add further to the tragic reversal of national priorities already reaching deplorable proportions. I am unalterably opposed to such an authorization.

The second unnecessary provision of this measure is an antipicketing segment which is purely unnecessary on its face. It seeks to amend the United States Code dealing with impeding intent to influence administration of justice by picketing or demonstrating near quarters or residence of a judge, juror, witness, or court officer. It would add administration of military affairs to the provision and all Pentagon employees, military and civilian, to those covered by its jurisdiction. It aims at prohibition of such demonstrations at or near the Pentagon if the activities interfered with conduct of Pentagon business.

Here again we observe a calculated effort to erode right of citizens to protest national policies. Since when do we restrict Americans from expressing dissent on the grounds of national facilities in this manner? If the gentlemen across the Potomac are that fearful of dissenters, perhaps they ought to look under their beds every night too. Locking out dissent cannot be accomplished by passing a punitive measure making such a natural focus for disagreement off bounds on such superficial basis. As a result of these factors, I shall oppose this provision as well.

Mr. REUSS. Mr. Chairman, I wish to make clear that my vote for the military construction authorization bill, H.R. 13018, should not be construed as a vote in favor of deployment of the Safeguard anti-ballistic-missile system. I oppose deployment of Safeguard at this time.

The committee has assured us in its report that only $12.7 million is included in the bill for Safeguard, and that this is solely for research and development facilities at the Kwajalein missile test site in the Pacific. As the committee points out:

> These facilities at Kwajalein would be required even if the ABM were only approved at a research and development level rather than deployment.

Since I favored continued research and development on the ABM, I have no objection to the $12.7 million authorization contained in this bill.

Mr. CLAY. Mr. Chairman, I rise in opposition to H.R. 13018, the military construction authorization, fiscal year 1970. To support any military authorization or appropriation requested of the Congress at this time, is to lend support and an indirect endorsement of our military activities in Vietnam. This legislation will, undoubtedly be approved, just as in the past there were few among this body prepared or inclined to do battle with the military.

We have, apparently, developed a fourth branch of Government. In addition to the legislative, judicial, and executive branches, there is now a military branch. Submitting a request to the legislative body of the Nation and referral to the Executive for action has been an activity which comes and goes without the close attention and scrutiny offered requests and recommendations of other branches of the Government. Members of this body have demonstrated confidence in matching wits with poverty experts, with hunger experts, with housing, pollution, and education experts—but there seems some deep fear on our part and on the part of the general public to question military recommendations or requests.

There is some evidence to support the hope that the military era and aura are fading. This is coming about as it should—from the people who are speaking out. Our citizens are concerned and disturbed by the influence this military complex has exerted over the Nation. We are in the midst of a war we wish ended and we protest the dying of American soldiers.

I have joined the people in uttering these protests. I know of no other way to verify my opposition and to stand clearly on my conscience and upon my responsibilities to the people, other than to render clear-cut opposition to additional military expenditures at this time.

Every time the cost estimates made by the military departments for additional facilities have undergone serious examination, large reductions are found to be in order. The Department of Defense—even after revising this request—cannot justify the expenditure we are asked to authorize. The appropriation request submitted by the Armed Services Committee is still inflated.

We are talking about an authorization of $1.5 billion here today. In way of comparison, consider the strategy, the controversy, the heated debate, the blood, sweat, and tears which were required last week to secure a mere $900 million addition to recommended education appropriations. Even then, we have hardly earned praise when this amount still falls so short of the obvious need.

In this legislation before us today, there is an authorization of $12.7 million to construct research and development facilities for the ABM. Once this installation is built, it will serve as an argument for further research and, finally, the deployment of this system. The benign sounding title of this legislation evokes from us such conscientious, patriotic, and naive endorsements for military construction, it becomes an instrument through which national policy—of a strategic and controversial nature—is molded. While all eyes are focused on the upcoming Senate vote, the House will be contributing to affirmative action on the ABM.

I address my final comment to a section of this legislation which departs even further from the subject of military construction. It would amend the United States Code dealing with demonstrations designed to influence the proper administration of justice to include the administration of military affairs. It would make illegal all demonstrations, parades, or picketing on the grounds of the Pentagon or on federally owned property appurtenant thereto.

The unconstitutional nature of this proposed section is clear. Last week I would not have seriously questioned the wisdom of the Congress in evaluating and then striking sections known to be inconsistent with the law. But I learned—in the debate and consideration of the sections of the HEW appropriation bill known as the "Whitten amendment"—that legislation need not conform to the law and the Constitution in order to find acceptance in this body. Consequently, I rise not only to oppose this authorization, but to support the members of the committee who in their wisdom and conscience are offering an amendment to strike the demonstration provision of this bill.

Mr. TUNNEY. Mr. Chairman, the military construction authorization bill which is being considered today provides $1.5 billion for military construction.

There are many provisions of this legislation vital to our national security and which must be enacted. In particular, I point out that the bill provides $4,210,000 for the construction of a new headquarters building to house the Strategic Air Command's 15th Air Force Headquarters at March Air Force Base, Calif. It is important to make effective use of the resources provided to the Air Force. This new facility will house management and administrative personnel who will have the use of efficient and advanced management techniques required to achieve maximum productivity.

This building will consist of a 130,900-square-foot numbered Air Force headquarters building to replace the 30 separate wooden frame World War II buildings which require excessive maintenance to keep them in a marginal condition and two other buildings which are planned for other base usage.

March Air Force Base is the headquarters of the 15th Air Force of the Strategic Air Command. It is one of the three numbered Air Forces under the Strategic Air Command. It also accommodates two squadrons each of B–52 and KC–135 aircraft. Other major missions consist of a heavy bombardment wing: A reserve force military airlift squadron, and an air rescue and recovery squadron.

I am pleased that the committee has authorized the funds to construct this vital defense facility which is necessary for the continued maintenance of minimum national security demands.

Mr. SCHEUER. Mr. Chairman, I rise today to oppose H.R. 13018 which authorizes $1.5 billion for military construction. Of that sum, $855.8 million represents authority for the construction of new operational equipment to support Active and Reserve Forces; $691.4 million in to be applied to military family housing construction.

Perhaps $1.5 billion is not a great sum when compared to our 1970 defense expenditures which will total more than $77 billion. Perhaps one should not complain about an authorization only about one-half of our authorization the other day for our 1970 education budget. Certainly, one should be permitted a certain sigh of relief over a $1.5 billion total authorization when we are reassured by the committee report that this represents careful paring of the Defense Department's original request for $3.7 billion.

Mr. Chairman, last week we fought to restore less than $900 million to the HEW appropriation so we can begin to provide quality education for all of our children. A short time ago, we had to resort to extraordinary procedures to provide school lunches for our needy children. Withal, we have yet to begin to fund adequately the legislative promise for decent housing for every American. Indeed, all too many of the pressing problems of our cities go unresolved because funds are allocated elsewhere.

Do we need 52 permanent Army installations in the United States?

Must the bachelor officer quarters at Fort Knox be altered this year?

Is the force level we are maintaining at home now necessary to our national security?

If it could safely be reduced, could not some of the added facilities authorized in this bill be cut?

For example, how many of the Navy's authorized projects for 1970 could not be cut, stretched out, or deferred to provide funds to reduce welfare and crime in our cities by improving educational and job opportunities?

What is the justification for the unspecified support required for Base Headquarters Command Mission at Andrews Air Force Base, and how many other unsubstantiated items are there in this bill that cannot be deferred to urgent national needs?

Mr. Chairman, once again I am not satisfied that this great deliberative body has done its homework by measuring the need for additions to military installations at home—unconnected with the Vietnam war—against the exigencies of our cities. We must strike a better balance between the guns and butter scale, realizing that we have not unlimited resources for both. For too many Americans, the choice we have made in the past has meant deprivation and lost opportunity for a life of independence. The first step toward achieving this life is allocating our resources properly. In this light, H.R. 13018 is not a constructive step, and I must oppose it.

Mr. BINGHAM. Mr. Chairman, as bills for military spending go, the legislation before us is relatively modest. Most of the items provided for are unexceptional and worthy of support.

However, with the defeat of Chairman RIVERS' amendment to delete the funds identified as being needed for Safeguard ABM, and with the defeat of Congressman LEGGETT's amendment to delete the antipicketing section, I am constrained to vote "no" on the bill as a whole.

The ABM matter will be thoroughly debated and a decision made at the time the main military procurement bill comes before us, and it was understood that the issue would not be presented in the present bill. The vote with regard to the Rivers amendment is certainly not determinative of the ABM question. Nevertheless, the defeat of that amendment contributes to my decision to vote negatively.

The so-called antipicketing provision which was retained in the bill is not aimed at violence, but at peaceful picketing or parading or even use of a soundtruck near the Pentagon and as such is an intolerable limitation on basic constitutional rights of free speech and free assembly.

Mr. GALLAGHER. Mr. Chairman, I rise in support of the recommended authorization of $1,134,000 for construction at the Military Ocean Terminal, Bayonne, N.J.

The Bayonne MOT now employs over 1,500 people; each year, nearly 300 measurement tons pass through the terminal. Indeed, the Bayonne MOT has become one the most vital, and essential military intallations on the eastern seaboard.

The recommended authorization under H.R. 13018 recognizes certain real needs at the MOT. The sum of $485,000 is requested for the installation of outside lighting facilities; the on-going work at the terminal, which does not cease at night, makes such lighting a prerequisite to safe and efficient operations at the base. In addition, a sum of $649,000 is recommended to provide increased steam capacity at the MOT. Given the number of employees at the terminal and the tremendous amount of work they must perform, this is indeed, by comparison, a small amount of money.

Mr. Chairman, this Government has never made a better investment than the money appropriated for the Bayonne MOT. If we received such rich returns from all of our expenditures, our economic picture would shine much brighter today. In return for the dollars expended at the MOT, we have received services of even higher value.

I would also take this opportunity to offer my commendation to the civilian and military employes of the Bayonne MOT. There are no finer or more dedicated group of people at any Government center in this Nation.

I ask my colleagues to join with me in supporting the MOT authorization.

Mr. KOCH. Mr. Chairman, I intend to cast my vote against this bill for two reasons. First, it contains moneys for the deployment of the ABM and I have stated several times that I will not cast my vote for any appropriation which includes moneys either for the further prosecution of the war in Vietnam or the deployment of the ABM. If the funds had been merely for research and development I would not have opposed that provision, but they are specifically for deployment. It would serve no purpose for me to cite the reasons why I have joined with those here in the House and in the Senate in opposition to the deployment of the ABM.

Second, without restating the reasons which I have given today for my opposition to section 708, I oppose this bill because this House saw fit not to strike that provision.

Mr. COHELAN. Mr. Chairman, we are today considering the military construction authorization bill for fiscal year 1970.

In the past, I have expressed my opposition to the large sums we devoted in the military construction bill to the financing of needless overseas housing, to the construction of a gigantic NATO infrastructure, and to overly large numbers of stateside dwelling units. Again today I would like to express my concern and reservations about the large sums devoted in this bill for these purposes. But my major purpose in taking the floor at this point is to make it clear that the vote on this bill today will in no way commit the House to a position on the construction and deployment of the Safeguard ABM system.

As the Members of this body know, I have for nearly 2 years, since the fall of 1967, been outspoken in my opposition to the deployment of an American ABM system.

I am today, after more than 2 years of diligent study of the questions involved, more convinced than ever that it would be dangerous and wasteful to proceed with the deployment of the Safeguard ABM.

As I understand it the only funds contained in this bill which in any way bear on the ABM question are contained in 2 separate sections. One section would provide an additional $12.7 million for the construction of ABM testing facilities at the Kwajalein Atoll in the Pacific. The other item is $2.5 million for construction of command and control systems, primarily communications, for the stateside ABM proposal. It is my understanding that the Defense Department has committed itself to not requesting the House to appropriate this $2.5 million which is related to the ultimate deployment of the ABM until some time after the Congress has expressed its will on the question of whether the Safeguard ABM should be built.

Moreover, it is clear, as the committee states in its report, that the $12.7 million for the Pacific testing site is in no way connected with the deployment of the Safeguard system. Rather, it is required for research and development which will be necessary whether or not we deploy the Safeguard ABM.

Mr. Chairman, the administration has not put forward a convincing case to show that the Safeguard ABM will work under the actual conditions of a nuclear attack. Civilian experts of unquestionable repute have expressed their view that the radars, the communications links, and indeed all of the electronic components are quite vulnerable to a properly structured attack. These experts have also pointed out that the short range of our Sprint terminal defense missiles makes them particularly ill suited to defend the widely dispersed Minuteman silos.

Charts and graphs available to Members of Congress indicate that with a rather small increase in the number of missiles they deploy, the Soviets can assure themselves that they can penetrate and nullify our ABM defenses.

And at the same time we have all of these doubts about whether the Safeguard ABM will work, we know that it will cost billions and billions of dollars. Dollars which could well be spent to meet the problems of our people in the cities, of pollution, of education, of transportation, and the like.

We know, too, that if we persist in building an ABM system we will force the Soviets to take countermeasures and in our turn we will be forced to respond to the Soviet countermeasures. On and on in a never-ending, very costly and dangerous spiral will go the arms race.

Mr. Chairman, I am vehemently opposed to the deployment of the Safeguard ABM system.

I am pleased, however, to note at this point that the House will not today be deciding the issue of whether the Safeguard ABM should be deployed. Instead, we will all be able to await with great interest the action of the other body tomorrow on this question of life or death.

Mr. VAN DEERLIN. Mr. Chairman, I am delighted the Armed Services Committee has seen fit to authorize $1,335,000, the full amount sought by the Navy, for smoke abatement equipment at the Navy Firefighters' School in National City, Calif. This wise action by the committee will be hailed by National City residents, who have been plagued for years by uncontrolled fumes from the firefighting installation.

Now that funding of this project apparently is on the way, Government will at last be able to fulfill a longstanding commitment to the civilian population surrounding the Fleet Training Center, where the firefighters' school is located. More than 3 years ago, the town was assured by senior Navy officers that the smog problem emanating from the base would soon be overcome. Then doubts over whether the equipment would actually work forced a delay which tried the patience but also strengthened the will of most of the directly affected residents.

It was not until last spring that everything finally began to fall into place for this project; similar gear was successfully tested at the Navy's Treasure Island base in San Francisco—solid evidence that removed any lingering doubts about the National City proposal.

In authorizing this project, we are clearly concerned with far more than the bricks and mortar usually associated with construction work. What we are concerned about primarily here is people, their health and their happiness, considerations that would make this particular undertaking a bargain at twice the price placed on it by the Navy.

Mr. REID of New York. Mr. Chairman, I oppose H.R. 13018, the military construction authorization bill for fiscal year 1970.

First of all, I believe that we must cut funds from the military-industrial complex, if indeed we ever wish to meet our drastic needs here at home.

Second, I strongly believe that we should not be voting for any funds for the ABM at this time, on the eve of strategic arms limitation talks with the Soviets. The authorization in this bill for the installation of an ABM communications system in Colorado could easily make more difficult talks with the Soviets, and would be inconsistent with article VI of the Nuclear Non-Proliferation Treaty, which indicates our desire to pursue negotiations "in good faith."

Finally, I oppose section 708 of the bill, which constitutes a broad and absolute ban on demonstrations either in the Pentagon or on surrounding federally owned properties. In my judgment, this is a blatant infringement on individual rights of free speech and assembly, contrary to the first amendment.

The CHAIRMAN. Does the gentleman from Indiana desire to yield any further time?

Mr. BRAY. Mr. Chairman, I have no further requests for time. I yield back the remainder of my time.

Mr. RIVERS. Mr. Chairman, I have no further requests for time. I yield back the remainder of my time.

The CHAIRMAN. All time having expired, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment for the following projects:

INSIDE THE UNITED STATES

UNITED STATES CONTINENTAL ARMY COMMAND

(First Army)

Fort Belvoir, Virginia: Operational and training facilities, hospital facilities, and utilities, $4,316,000.

Carlisle Barracks, Pennsylvania: Community facilities, $145,000.

Fort Dix, New Jersey: Community facilities and utilities, $1,539,000.

Fort Eustis, Virginia: Training facilities, $1,825,000.

Fort Hancock, New Jersey: Utilities, $625,000.

A. P. Hill Military Reservation, Virginia: Maintenance facilities, $364,000.

Fort Knox, Kentucky: Troop housing and utilities, $1,176,000.

Fort Lee, Virginia: Community facilities, $284,000.

Fort George G. Meade, Maryland: Operational facilities, administrative facilities, community facilities, and utilities, $5,573,000.

Fort Monroe, Virginia: Utilities, $534,000.

Fort Story, Virginia: Training facilities, $430,000.

Fort Wadsworth, New York: Utilities, $545,000.

(Third Army)

Fort Benning, Georgia: Utilities, $2,391,000.

Fort Bragg, North Carolina: Training facilities, and maintenance facilities, $3,760,000.

Fort Campbell, Kentucky: Maintenance facilities, and community facilities, $1,176,000.

Fort Gordon, Georgia: Training facilities, maintenance facilities, and troop housing, $10,286,000.

Fort Jackson, South Carolina: Troop housing, and utilities, $12,372,000.

Fort Rucker, Alabama: Training facilities, supply facilities, and troop housing, $4,680,000.

(Fourth Army)

Fort Bliss, Texas: Training facilities, community facilities, and utilities, $2,741,000.

Fort Hood, Texas: Troop housing, and community facilities, $15,370,000.

Fort Sam Houston, Texas: Utilities, $378,000.

Fort Polk, Louisiana: Training facilities, medical facilities, troop housing, and community facilities, $3,067,000.

Fort Sill, Oklahoma: Maintenance facilities, and utilities, $738,000.

(Fifth Army)

Fort Carson, Colorado: Maintenance facilities, $6,865,000.

Fort Benjamin Harrison, Indiana: Administrative facilities, and utilities, $4,120,000.

Fort Leavenworth, Kansas: Medical facilities and troop housing, $502,000.

Fort Riley, Kansas: Utilities, $934,000.

Fort Sheridan, Illinois: Operational facilities, and administrative facilities, $3,388,000.

(Sixth Army)

Presidio of Monterey, California: Troop housing, $2,125,000.

Presidio of San Francisco, California: Operational facilities, community facilities, and utilities, $1,411,000.

(Military District of Washington)

Fort McNair, District of Columbia: Training facilities, $929,000.

UNITED STATES ARMY MATERIEL COMMAND

Aeronautical Maintenance Center, Texas: Maintenance facilities, $1,178,000.

Badger Army Ammunition Plant, Wisconsin: Utilities, $203,000.

Charleston Army Depot, South Carolina: Utilities, $143,000.

Detroit Arsenal, Michigan: Operational facilities, and research, development, and test facilities, $4,070,000.

Dugway Proving Ground, Utah: Operational facilities, and research, development and test facilities, $420,000.

Granite City Army Depot, Illinois: Utilities, $237,000.

Holston Army Ammunition Plant, Tennessee: Utilities, $344,000.

Iowa Army Ammunition Plant, Iowa: Utilities, $503,000.

Joliet Army Ammunition Plant, Illinois: Utilities, $4,643,000.

Letterkenny Army Depot, Pennsylvania: Maintenance facilities, and utilities, $1,408,000.

Michigan Army Missile Plant, Michigan: Utilities, $354,000.

Fort Monmouth, New Jersey: Research, development and test facilities, and community facilities, $1,778,000.

New Cumberland Army Depot, Pennsylvania: Supply facilities, $560,000.

Picatinny Arsenal, New Jersey: Utilities, $989,000.

Radford Arsenal, Virginia: Administrative facilities, $1,641,000.

Red River Army Depot, Texas: Operational facilities, and utilities, $1,396,000.

Rock Island Arsenal, Illinois: Operational facilities, $425,000.

Savanna Army Depot, Illinois: Utilities, $274,000.

Sunflower Army Ammuition Plant, Kansas: Utilities, $251,000.

Tobyhanna Army Depot, Pennsylvania: Operational facilities, $26,000.

Volunteer Army Ammunition Plant, Tennessee: Utilities, $268,000.

White Sands Missile Range, New Mexico: Research, development, and test facilities, $3,218,000.

Fort Wingate Army Depot, New Mexico: Utilities, $217,000.

Yuma Proving Ground, Arizona: Research development, and test facilities, and utilities, $734,000.

UNITED STATES ARMY AIR DEFENSE COMMAND

United States Various Locations: Operational facilities, $27,000.

UNITED STATES ARMY SECURITY AGENCY

Vint Hill Farms, Virginia: Utilities $136,000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Fort Huachuca, Arizona: Troop housing, and community facilities, $3,740,000.

UNITED STATES MILITARY ACADEMY

Urited States Military Academy, West Point, New York: Training facilities, $607,000

ARMY MEDICAL DEPARTMENT

Fitzsimons Army Hospital, Colorado: Production facilities, $776,000.

CORPS OF ENGINEERS

Army Map Service, Maryland: Operational facilities, $134,000.

MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE

Military Ocean Terminal, Bayonne, New Jersey: Utilities, $1,134,000.

Military Ocean Terminal, Kings Bay, Georgia: Utilities, $177,000.

Sunny Point Army Terminal, North Carolina: Operational facilities and utilities, $1,871,000.

UNITED STATES ARMY, ALASKA

Fort Greely, Alaska: Utilities, $743,000.

Fort J. M. Wainwright, Alaska: Training facilities and community facilities, $1,142,000.

UNITED STATES ARMY, HAWAII

Schofield Barracks, Hawaii: Community facilities, $1,524,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY, PACIFIC

Korea, Various: Operational and training facilities, maintenance facilities, supply facilities, medical facilities, administrative facilities, troop housing, community facilities, and utilities, $23,678,000.

UNITED STATES ARMY FORCES, SOUTHERN COMMAND

Canal Zone, Various: Operational facilities, medical facilities, troop housing, and utilities, $1,899,000.

UNITED STATES SAFEGUARD COMMAND

Kwajalein Missile Range: Operational facilities, maintenance facilities, research, development and test facilities, supply facilities, and troop housing, $15,973,000.

UNTED STATES ARMY SECURITY AGENCY

Various Locations: Operational facilities, $2,951,000.

UNITED STATES ARMY, EUROPE

Germany, Various: Maintenance facilities, supply facilities, hospital facilities, administrative facilities, troop housing, community facilities, and utilities, $19,823,000.

Various Locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collective defense of the North Atlantic Treaty Area, $50,000,000: *Provided*, That within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committee on Armed Services and on Appropriations of the Senate and the House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Taiwan, Formosa: Operational facilities, $154,000.

SEC. 102. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1970, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 103. (a) Public Law 89–188, as amended, is amended, under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

(1) Under the subheading "CONTINENTAL UNITED STATES, Less Army Materiel Command (Fourth Army)" with respect to "Fort Sam Houston, Texas", strike out "$1,300,000" and insert in place thereof "$1,510,000".

(2) Under the subheading "CONTINENTAL UNITED STATES, Less Army Materiel Command (First Army)", with respect to "United States Military Academy, West Point, New York", strike out "$20,635,000" and insert in place thereof "$24,034,000".

(b) Public Law 89–188, as amended, is amended by striking out in clause (1) of section 602 "$260,925,000" and "$317,786,000" and inserting "$264,534,000" and "$321,395,000", respectively.

SEC. 104. (a) Public Law 90–110, as amended, is amended under the heading "INSIDE THE UNITED STATES" section 101 as follows:

(1) Under the subheading, "UNITED STATES CONTINENTAL ARMY COMMAND (First Army)" with respect to "Fort Dix, New Jersey", strike out "$2,585,000" and insert in place thereof "$3,471,000".

(2) Under the subheading "UNITED STATES CONTINENTAL ARMY COMMAND (First Army)" with respect to "Fort Lee, Virginia", strike out "$1,646,000" and insert in place thereof "$1,727,000".

(3) Under the subheading "UNITED STATES CONTINENTAL ARMY COMMAND (First Army)" with respect to "Fort George G. Meade, Maryland", strike out "$4,510,000" and insert in place thereof "$5,198,000".

(4) Under the subheading "UNITED STATES CONTINENTAL ARMY COMMAND (Military District of Washington)" with respect to "Fort Myer, Virginia", strike out "$1,680,000" and insert in place thereof "$1,935,000".

(5) Under the subheading "UNITED STATES ARMY MATERIEL COMMAND" with respect to "Rock Island Arsenal, Illinois", strike out "$320,000" and insert in place thereof "$492,000".

(6) Under the subheading "UNITED STATES ARMY AIR DEFENSE COMMAND" with respect to "Detroit Defense Area, Michigan" strike out "$130,000" and insert in place thereof "$201,000".

(7) Under the subheading "CORPS OF ENGINEERS" with respect to "Army Map Service, Maryland", strike out "$156,000" and insert in place thereof "$201,000".

(8) Under the subheading "MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE" with respect to "Sunny Point Army Terminal, North Carolina", strike out "$70,000" and insert in place thereof "$138,000".

(b) Public Law 90–110, as amended, is amended by striking out in clause (1) of section 802 "$282,359,000" and "$385,752,000" and inserting in place thereof "$284,625,000" and "$388,018,000", respectively.

SEC. 105. (a) Public Law 90–408 is amended under the heading "INSIDE THE UNITED STATES", in section 101 as follows:

(1) Under the subheading "CONTINENTAL UNITED STATES (First Army)" with respect to "Fort Knox, Kentucky" strike out "$727,000" and insert in place thereof "$888,000".

(2) Under the subheading "UNITED STATES ARMY MATERIEL COMMAND" with respect to "New Cumberland Army Depot, Pennsylvania", strike out "$638,000" and insert in place thereof "$811,000".

(b) Public Law 90–408 is amended in section 101 under the heading "OUTSIDE THE UNITED STATES" and subheading "UNITED STATES ARMY SECURITY AGENCY" with respect to "Various Locations", by striking out "$5,386,000" and inserting in place thereof "$6,928,000".

(c) Public Law 90–408 is amended by striking out in clause (1) of section 802 "$363,471,000", "$85,610,000" and $449,081,000" and inserting in place thereof "$363,805,000" "$87,152,000" and "$450,957,000", respectively.

TITLE II

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment for the following projects:

INSIDE THE UNITED STATES

FIRST NAVAL DISTRICT

Naval Shipyard, Boston, Massachusetts: utilities, $7,905,000.

Naval Station, Newport Rhode Island: Troop housing $685,000.

Naval War College, Newport, Rhode Island: Training facilities, $2,113,000.

THIRD NAVAL DISTRICT

Naval Submarine Base, New London, Connecticut: Utilities, $303,000.

Naval Air Station, New York, New York: Utilities, $228,000.

Naval Hospital, Saint Albans, New York: Utilities, $214,000.

FOURTH NAVAL DISTRICT

Navy Ships Parts Control Center, Mechanicsburg, Pennsylvania: Administrative facilities, $215,000.

Naval Shipyard, Philadelphia, Pennsylvania: Maintenance facilities, $10,828,000.

Naval Air Engineering Center, Philadelphia, Pennsylvania: Utilities, $222,000.

Naval Damage Control Training Center, Philadelphia, Pennsylvania: Utilities, $1,210,000.

Naval Air Station, Willow Grove, Pennsylvania: Utilities, $47,000.

DISTRICT OF COLUMBIA NAVAL DISTRICT

Naval Station, District of Columbia: Utilities, $229,000.

Naval Academy, Annapolis, Maryland: Training facilities, and utilities, $13,209,000.

National Naval Medical Center, Bethesda, Maryland: Hospital and medical facilities, $3,591,000.

Naval Ship Research and Development Center, Carderock, Maryland: Utilities at Annapolis Division, $186,000.

FIFTH NAVAL DISTRICT

Naval Air Rework Facility, Cherry Point, North Carolina: Maintenance facilities, $2,308,000.

Naval Shipyard, Norfolk, Virginia: Utilities, $2,319,000.

Naval Station, Norfolk, Virginia: Troop housing and community facilities, $4,848,000.

Naval Air Rework Facility, Norfolk, Virginia: Maintenance facilities, $8,049,000.

Naval Supply Center, Norfolk, Virginia: Supply facilities, and utilities, $207,000.

Naval Communication Station, Norfolk, Virginia: Operational facilities, $1,400,000.

Naval Weapons Station, Yorktown, Virginia: Maintenance facilities, $1,686,000.

SIXTH NAVAL DISTRICT

Naval Air Station, Cecil Field, Florida: Operational facilities, and troop housing, $1,135,000.

Naval Air Station, Jacksonville, Florida: Utilities, $2,060,000.

Naval Station, Mayport, Florida: Operational and training facilities, $251,000.

Naval Station, Key West, Florida: Troop housing, $2,130,000.

Naval Training Center, Orlando, Florida: Training facilities, and utilities, $2,601,000.

Navy Mine Defense Laboratory, Panama City, Florida: Operational facilities, and community facilities, $857,000.

Naval Air Station, Pensacola, Florida: Operational facilities, $1,321,000.

Navy Public Works Center, Pensacola, Florida: Utilities, $923,000.

Naval Air Station, Saufley Field, Florida: Operational facilities and real estate, $349,000.

Naval Air Station, Whiting Field, Florida: Training facilities, $808,000.

Naval Supply Corps School, Athens, Georgia: Training facilities, $2,920,000.

Naval Air Station, Glynco, Georgia: Utilities, $252,000.

Naval Air Station, Meridian, Mississippi: Supply facilities, $277,000.

Naval Shipyard, Charleston, South Carolina: Maintenance facilities, supply facilities, and utilities, $5,732,000.

Naval Supply Center, Charleston, South Carolina: Supply facilities, $1,271,000.

Naval Weapons Station, Charleston, South Carolina: Supply facilities, $510,000.

Naval Air Station, Memphis, Tennessee: Troop housing, $5,233,000.

EIGHTH NAVAL DISTRICT

Naval Support Activity, New Orleans, Louisiana: Operational facilities, $544,000.

Naval Air Station, Chase Field, Texas: Operational and training facilities, $1,978,000.

Naval Air Station, Corpus Christi, Texas: Utilities, $496,000.

Naval Air Station, Kingsville, Texas: Troop housing $1,195,000.

NINTH NAVAL DISTRICT

Naval Training Center, Great Lakes, Illinois: Utilities, $1,060,000.

Naval Avionics Facility, Indianapolis, Indiana: Research, development and test facilities, $157,000.

OMEGA Navigation Station, Middle River, Minnesota: Operational facilities, and real estate, $5,810,000.

ELEVENTH NAVAL DISTRICT

Naval Shipyard, Long Beach, California: Utilities, $1,793,000.

Naval Station, Long Beach, California: Utilities, $511,000.

Navy Fuel Depot, San Pedro, California: Utilities, $90,000.

Pacific Missile Range, Point Mugu, California: Maintenance facilities, and troop housing, $554,000.

Naval Construction Battalion Center, Port Hueneme, California: Troop housing, and utilities, $2,254,000.

Naval Hospital, Camp Pendleton, California: Hospital and medical facilities, $19,805,000.

Naval Air Station, North Island, California: Maintenance facilities, troop housing, and utilities, $7,770,000.

Fleet Training Center, San Diego, California: Utilities, $1,335,000.

Naval Undersea Warfare Center, San Diego, California: Research, development and test facilities, $7,125,000.

TWELFTH NAVAL DISTRICT

Naval Air Station, Lemoore, California: Troop housing, $5,051,000.

Naval Air Station, Alameda, California: Maintenance facilities, and utilities and ground improvements, $6,094,000.

Naval Hospital, Oakland, California: Utilities, $74,000.

Naval Shipyard, San Francisco Bay, California: Maintenance facilities, and utilities at Hunters Point Site and at Mare Island Site, $12,494,000.

Naval Auxiliary Air Station, Fallon, Nevada: Troop housing, $3,463,000.

THIRTEENTH NAVAL DISTRICT

Naval Shipyard, Bremerton, Washington: Operational facilities, and utilities, $3,467,000.

Naval Air Station, Whidbey Island, Washington: Operational and training facilities, troop housing, and utilities, $5,101,000.

FOURTEENTH NAVAL DISTRICT

Naval Shipyard, Pearl Harbor, Oahu, Hawaii: Maintenance facilities, and utilities, $3,557,000.

Navy Public Works Center, Pearl Harbor, Oahu, Hawaii: Utilities, $6,519,000.

Naval Facility, Barbers Point, Oahu, Hawaii: Operational facilities, $2,467,000.

SEVENTEENTH NAVAL DISTRICT

Naval Station, Adak, Alaska: Troop housing and community facilities, $7,306,000.

VARIOUS LOCATIONS

Various Naval and Marine Corps Air Activities: Operational facilities, $825,000.

Various Naval Communication Stations: Utilities, $2,030,000.

MARINE CORPS FACILITIES

Marine Barracks, District of Columbia: Real estate, $651,000.

Marine Corps Development and Education Command, Quantico, Virginia: Troop housing, and utilities, $1,711,000.

Marine Corps Auxiliary Landing Field, Bogue, North Carolina: Supply facilities, $132,000.

Marine Corps Base, Camp Lejeune, North Carolina: Community facilities, and utilities, $2,698,000.

Marine Corps Air Station, New River, North Carolina: Operational facilities, $256,000.

Marine Corps Recruit Depot, Parris Island, South Carolina: Troop housing, $5,943,000.

Marine Corps Air Station, Yuma, Arizona: Operational facilities, troop housing, and utilities, $6,418,000.

Marine Corps Supply Depot, Barstow, California: Ground improvements, $64,000.

Marine Corps Air Station, El Toro, California: Maintenance facilities, $596,000.

Marine Corps Base, Camp Pendleton, California: Community facilities, $2,536,000.

Marine Corps Air Station, Kaneohe Bay, Oahu, Hawaii: Utilities, $460,000.

OUTSIDE THE UNITED STATES

TENTH NAVAL DISTRICT

Naval Facility, Ramey Air Force Base, Puerto Rico: Operational facilities, $65,000.

Naval Station, Roosevelt Roads, Puerto Rico: Troop housing, $3,995,000.

Naval Communications Station, San Juan, Puerto Rico: Operational facilities, $87,000.

ATLANTIC OCEAN AREA

Naval Facility, Eleuthera, Bahama Islands: Community facilities, and utilities, $283,000.

Naval Station, Keflavik, Iceland: Community facilities, $2,834,000.

EUROPEAN AREA

OMEGA Navigation Station, Bratland, Norway: Operational facilities, $2,954,000.

PACIFIC OCEAN AREA

Naval Communication Station, Finegayan, Guam, Mariana Islands: Troop housing, $1,422,000.

Naval Facility, Guam, Mariana Islands: Operational facilities, $4.419,000.

Naval Hospital, Guam, Mariana Islands: Hospital and medical facilities, $1,354,000.

Navy Public Works Center, Guam, Mariana Islands: Utilities, and real estate, $9,396,000.

Naval Hospital, Yokosuka, Japan: Hospital and medical facilities, $746,000.

Naval Air Station, Cubi Point, Republic of the Philippines: Operational facilities, maintenance facilities, and supply facilities, $1,062,000.

Navy Public Works Center, Subic Bay, Republic of the Philippines: Utilities, $1,770,000.

Naval Station, Sangley Point, Republic of the Philippines: Supply facilities, $120,000.

VARIOUS LOCATIONS

Various Naval Air Activities: Operational facilities, $235,000.

SEC. 202. The Secretary of the Navy may establish or develop classified naval installations and facilities by acquiring, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the amount of $10,810,000.

SEC. 203. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next military construction authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided,* That the Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1970, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 204. (a) Public Law 89–188, as amended, is amended in section 201 under the heading "INSIDE THE UNITED STATES" and subheading "NAVAL WEAPONS FACILITIES (Field Support Station)" with respect to Naval Air Facility, El Centro, California, by striking out "$400,000" and inserting in place thereof "$650,000".

(b) Public Law 89–188, as amended, is amended by striking out in clause (2) of section 602 "$238,909,000" and "$324,899,000" and inserting respectively in place thereof "$159,000" and "$325,149,000".

SEC. 205. (a) Public Law 89–568, as amended, is amended in section 201 under the heading "INSIDE THE UNITED STATES" and subheading "NAVAL AIR SYSTEMS COMMAND (Field Support Stations)" with respect to the Naval Air Station, Oceana, Virginia, by striking out "$1,466,000" and inserting in place thereof "$1,861,000".

(b) Public Law 89–568, as amended, is amended by striking out in clause (2) of section 602 "$118,769,000" and "$142,932,000" and inserting respectively in place thereof "$119,164,000" and "$143,327,000".

SEC. 206. (a) Public Law 90–110, as amended, is amended in section 201 under the heading "INSIDE THE UNITED STATES" as follows:

(1) Under the subheading "FIFTH NAVAL DISTRICT" with respect to the Naval Amphibious Base, Little Creek, Virginia, and the Fleet Training Center, Norfolk, Virginia, strike out "$6,220,000" and "$65,000", respectively, and insert in place thereof "$6,456,000" and "$97,000", respectively.

(2) Under the subheading "SIXTH NAVAL DISTRICT" with respect to the Naval Station, Charleston, South Carolina, strike out "$4,048,000" and insert in place thereof "$6,058,000".

(3) Under the subheading "NINTH NAVAL DISTRICT" with respect to the Naval Training Center, Great Lakes, Illinois, strike out "$6,869,000" and insert in place thereof "$8,760,000".

(4) Under the subheading "ELEVENTH NAVAL DISTRICT" with respect to the Marine Corps Air Stations, Yuma, Arizona, and El Toro, California, strike out "$2,133,000" and "$4,918,000", respectively, and insert in place thereof "$2,179,000", and "$5,410,000", respectively.

(5) Under the subheading "THIRTEENTH NAVAL DISTRICT" with respect to the Naval Supply Depot, Seattle, Washington, and the Naval Air Station, Whidbey Island, Washington, strike out "$252,000" and "$2,626,000", respectively, and insert in place thereof "$645,000" and "$3,122,000".

(6) Under the subheading "FOURTEENTH NAVAL DISTRICT" with respect to the Navy Public Works Center, Pearl Harbor, Oahu, Hawaii, Marine Corps Air Station, Kaneohe Bay, Oahu, Hawaii, and the Naval Ammunition Depot, Oahu, Hawaii, strike out "$7,636,000", "$2,554,000", and "$1,170,000", respectively, and insert in place thereof "$8,121,000", "$3,268,000", and "$1,619,000", respectively.

(7) Under the subheading "MARINE CORPS GROUND FORCES FACILITIES" with respect to the Marine Corps Base, Camp Lejeune, North Carolina, strike out "$12,507,000" and insert in place thereof "$12,754,000".

(b) Public Law 90–110, as amended, is amended in section 201 under the heading "OUTSIDE THE UNITED STATES" and subheading "TENTH NAVAL DISTRICT" with respect to the Naval Hospital, Roosevelt Roads, Puerto Rico, by striking out "$6,283,000" and inserting in place thereof "$8,181,000".

(c) Public Law 90–110, as amended, is amended in clause (2) of section 802 by striking out "$415,108,000", "$39,515,000", and "$461,407,000" and inserting respectively in place thereof, "$422,599,000", "$41,413,000", and "$470,796,000".

SEC. 207. (a) Public Law 90–408 is amended in section 201 under the heading "INSIDE THE UNITED STATES" as follows:

(1) Under the subheading "SIXTH NAVAL DISTRICT" with respect to the Naval Hospital, Charleston, South Carolina, strike out "$13,356,000" and insert in place thereof "$15,687,000".

(2) Under the subheading "ELEVENTH NAVAL DISTRICT" with respect to the Naval Air Station, Imperial Beach, California, strike out "$5,674,000", and insert in place thereof "$8,517,000".

(b) Public Law 90–408 is amended in clause (2) of section 802 by striking out "$229,726,000" and "$236,591,000" and inserting respectively in place thereof "$234,900,000" and "$241,765,000".

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment, for the following projects:

INSIDE THE UNITED STATES

AERONAUTICAL CHART AND INFORMATION CENTER

Aeronautical Chart and Information Center, Saint Louis, Missouri: Utilities, $357,000.

AEROSPACE DEFENSE COMMAND

Duluth Municipal Airport, Duluth, Minnesota: Maintenance facilities, and community facilities, $225,000.

Hamilton Air Force Base, San Rafael, California: Hospital facilities, troop housing, and real estate, $4,647,000.

Key West Naval Air Station, Key West, Florida: Operational facilities, $79,000.

Kingsley Field, Klamath Falls, Oregon: Operational facilities, $303,000.

NORAD Headquarters, Colorado Springs, Colorado: Operational facilities, $20,800,000.

Otis Air Force Base, Falmouth, Massachusetts: Operational facilities, $157,000.

Perrin Air Force Base, Sherman, Texas: Maintenance facilities, administrative facilities, and troop housing, $258,000.

Peterson Field, Colorado Springs, Colorado: Administrative facilities and troop housing, $1,992,000.

Richards-Gebaur Air Force Base, Kansas City, Missouri: Maintenance facilities, $78,009.

Stewart Air Force Base, Newburgh, New York: Operational facilities and supply facilities, $419,000.

Suffolk County Air Force Base, Westhampton Beach, New York: Utilities, $1,050,000.

Tyndall Air Force Base, Panama City, Florida: Operational facilities, maintenance facilities, and troop housing, $1,377,000.

Volk Field, Camp Douglas, Wisconsin: Operational facilities, $208,000.

AIR FORCE LOGISTICS COMMAND

Griffiss Air Force Base, Rome, New York: Research, development, and test facilities, $315,000.

Hill Air Force Base, Ogden, Utah: Maintenance facilities and administrative facilities, $525,000.

Kelly Air Force Base, San Antonio, Texas: Operational facilities, maintenance facilities, supply facilities, administrative facilities, community facilities, and utilities, $5,347,000.

McClellan Air Force Base, Sacramento, California: Operational facilities, maintenance facilities, troop housing, and utilities, $7,536,000.

Newark Air Force Station, Newark, Ohio: Administrative facilities, $835,000.

Robins Air Force Base, Macon, Georgia: Operational facilities, maintenance facilities, supply facilities, administrative facilities, and community facilities, $2,086,000.

Tinker Air Force Base, Oklahoma City, Oklahoma; Operational facilities, maintenance facilities, administrative facilities, and utilities, $2,575,000.

Wright-Patterson Air Force Base, Dayton, Ohio: Research, development, and test facilities, hospital facilities, administrative facilities, and utilities, $4,825,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tullahoma, Tennessee: Research, development, and test facilities, $1,440,000.

Brooks Air Force Base, San Antonio, Texas: Research, development, and test facilities, $933,000.

Edwards Air Force Base, Muroc, California: Operational and training facilities, $394,000.

Eglin Air Force Base, Valparaiso, Florida: Operational facilities, maintenance facilities, research, development, and test facilities, supply facilities, troop housing, and utilities, $5,897,000.

Holloman Air Force Base, Alamogordo, New Mexico: Operational facilities, maintenance facilities, research, development, and test facilities, supply facilities, and community facilities, $2,741,000.

Kirtland Air Force Base, Albuquerque, New Mexico: Research, development, and test facilities, community facilities, and utilities, $1,234,000.

Los Angeles Air Force Station, Los Angeles, California: Operational facilities, research development, and test facilities, and administrative facilities, $1,039,000.

Patrick Air Force Base, Cocoa, Florida: Maintenance facilities, community facilities, and utilities, $1,108,000.

Eastern Test Range, Cocoa, Florida: Operational facilities, $43,000.

Western Test Range, Lompoc, California: Research, development, and test facilities, $2,105,000.

Satellite Tracking Facilities: Operational facilities and utilities, $2,771,000.

AIR TRAINING COMMAND

Columbus Air Force Base, Columbus, Mississippi: Operational and training facilities and maintenance facilities, $635,000.

Craig Air Force Base, Selma, Alabama: Training facilities and troop housing, $443,000.

Keesler Air Force Base, Biloxi, Mississippi: Training facilities, hospital facilities, and troop housing and community facilities, $2,144,000.

Lackland Air Force Base, San Antonio, Texas: Training facilities, troop housing, and utilities, $4,625,000.

Laredo Air Force Base, Laredo, Texas: Operational facilities, $378,000.

Laughlin Air Force Base, Del Rio, Texas: Operational facilities, maintenance facilities, and troop housing, $1,718,000.

Lowry Air Force Base, Denver, Colorado: Training facilities, maintenance facilities, supply facilities, and troop housing, $5,864,000.

Mather Air Force Base, Sabramento, California: Operational facilities, and troop housing, $2,223,000.

Moody Air Force Base, Valdosta, Georgia: Operational facilities, and community facilities, $703,000.

Randolph Air Force Base, San Antonio, Texas: Troop housing, $1,151,000.

Reese Air Force Base, Lubbock, Texas: Operational facilities, maintenance facilities, and community facilities, $902,000.

Sheppard Air Force Base, Wichita Falls, Texas: Maintenance facilities, and troop housing and community facilities, $4,012,000.

Webb Air Force Base, Big Spring, Texas: Operational facilities, $435,000.

Williams Air Force Base, Chandler, Arizona: Hospital facilities, troop housing, and real estate, $4,326,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Fairbanks, Alaska: Utilities, $578,000.

Elmendorf Air Force Base, Anchorage, Alaska: Operational and training facilities, maintenance facilities, troop housing and community facilities, and utilities, $6,969,000.

Various locations: Operational facilities, maintenance facilities, supply facilities, community facilities, and utilities, $6,370,000.

HEADQUARTERS AIR FORCE RESERVE

Ellington Air Force Base, Houston, Texas: Operational facilities and real estate, $957,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland: Operational facilities and utilities, $813,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Altus, Oklahoma: Operational facilities, maintenance facilities, and troop housing, $5,358,000.

Charleston Air Force Base, Charleston, South Carolina: Operational facilities, troop housing, and utilities, $3,192,000.

Dover Air Force Base, Dover, Delaware: Operational facilities, maintenance facilities, supply facilities, utilities and real estate, $7,519,000.

McChord Air Force Base, Tacoma, Washington: Operational facilities, maintenance facilities, and troop housing, $1,699,000.

McGuire Air Force Base, Wrightstown, New Jersey: Operational facilities, supply facilities, community facilities, and utilities, $1,664,000.

Norton Air Force Base, San Bernardino, California: Operational facilities, maintenance facilities, supply facilities, troop housing, and utilities, $3,134,000.

Scott Air Force Base, Belleville, Illinois: Troop housing, $329,000.

Travis Air Force Base, Fairfield, California: Operational and training facilities, hospital facilities, administrative facilities, and utilities, $11,865,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Honolulu, Hawaii: Maintenance facilities, community facilities, and utilities, $480,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Shreveport, Louisiana: Operational facilities, $312,000.

Beale Air Force Base, Marysville, California: Maintenance facilities, $126,000.

Carswell Air Force Base, Fort Worth, Texas: Operational facilities and maintenance facilities, $236,000.

Castle Air Force Base, Merced, California: Troop housing, $597,000.

Davis-Monthan Air Force Base, Tucson, Arizona: Training facilities, maintenance facilities, troop housing, and utilities, $2,038,000.

Ellsworth Air Force Base, Rapid City, South Dakota: Operational facilities, community facilities, and utilities, $1,074,000.

Francis E. Warren Air Force Base, Cheyenne, Wyoming: Community facilities, $587,000.

Fairchild Air Force Base, Spokane, Washington: Operational and training facilities, maintenance facilities, administrative facilities, and troop housing and community facilities, $5,236,000.

Grand Forks Air Force Base, Grand Forks, North Dakota: Maintenance facilities, $178,000.

Grissom Air Force Base, Peru, Indiana: Maintenance facilities and utilities, $231,000.

K. I. Sawyer Municipal Airport, Marquette, Michigan: Maintenance facilities, $342,000.

Little Rock Air Force Base, Little Rock, Arkansas: Maintenance facilities, $186,000.

Loring Air Force Base, Limestone, Maine: Maintenance facilities, and utilities, $255,000.

Malmstrom Air Force Base, Great Falls, Montana: Operational facilities and utilities, $284,000.

March Air Force Base, Riverside, California; Administrative facilities, $4,210,000.

Minot Air Force Base, Minot, North Dakota: Maintenance facilities, $265,000.

Offutt Air Force Base, Omaha, Nebraska: Operational facilities, community facilities, and utilities, $2,908,000.

Pease Air Force Base, Portsmouth, New Hampshire: Operational facilities and maintenance facilities, $263,000.

Plattsburgh Air Force Base, Plattsburgh, New York: Maintenance facilities: $174,000.

Vandenberg Air Force Base, Lompoc, California: Utilities, $394,000.

Westover Air Force Base, Chicopee Falls, Massachusetts: Troop housing and utilities, $994,000.

Wurtsmith Air Force Base, Oscoda, Michigan: Maintenance facilities, $156,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Austin, Texas: Maintenance facilities, $415,000.

Blytheville Air Force Base, Blytheville, Arkansas: Training facilities, maintenance facilities, hospital facilities, and troop housing $3,177,000.

Cannon Air Force Base, Clovis, New Mexico: Maintenance facilities and community facilities, $939,000.

England Air Force Base, Alexandria, Louisiana: Operational and training facilities, supply facilities, and troop housing, $1,372,000.

Forbes Air Force Base, Topeka, Kansas: Maintenance facilities, administrative facilities, troop housing, and utilities, $1,608,000.

George Air Force Base, Victorville, California: Operational facilities, supply facilities, administrative facilities, community facilities, and utilities, $1,284,000.

Homestead Air Force Base, Homestead, Florida: Troop housing, $198,000.

Langley Air Force Base, Hampton, Virginia: Operational facilities and administrative facilities, $560,000.

Luke Air Force Base, Phoenix, Arizona: Operational facilities, $882,000.

MacDill Air Force Base, Tampa, Florida: Operational facilities, maintenance facilities, and utilities, $642,000.

McConnell Air Force Base, Wichita, Kansas: Troop housing, $231,000.

Mountain Home Air Force Base, Mountain Home, Idaho: Operational facilities, maintenance facilities, and troop housing, $1,476,000.

Nellis Air Force Base, Las Vegas, Nevada: Operational facilities, maintenance facilities, and troop housing, $3,547,000.

Pope Air Force Base, Fayetteville, North Carolina: Operational facilities, maintenance facilities, administrative facilities, and troop housing, $2,097,000.

Seymour Johnson Air Force Base, Goldsboro, North Carolina: Maintenance facilities, $137,000.

Shaw Air Force Base, Sumter, South Carolina: Operational facilities, administrative facilities, and troop housing, $1,707,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado Springs, Colorado: Training facilities, administrative facilities, and utilities, $551,000.

AIRCRAFT CONTROL AND WARNING SYSTEM

Various Locations: Maintenance facilities, troop housing and community facilities, and utilities, $1,521,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Goodfellow Air Force Base, San Angelo, Texas: Troop housing, $957,000.

OUTSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Various Locations: Maintenance facilities, $407,000.

AIR FORCE SYSTEMS COMMAND

Western Test Range: Research, development, and test facilities, $2,292,000.

Satellite Tracking Facilities: Operational facilities and utilities, $637,000.

PACIFIC AIR FORCES

Various Locations: Operational facilities, maintenance facilities, troop housing and community facilities, and utilities, $8,339,000.

STRATEGIC AIR COMMAND

Andersen Air Force Base, Guam: Operational facilities, maintenance facilities, supply facilities, and community facilities, $1,265,000.

UNITED STATES AIR FORCES IN EUROPE

Germany: Operational facilities and supply facilities, $5,186,000.

United Kingdom: Operational facilities, maintenance facilities, supply facilities, and troop housing, $7,640,000.

Various Locations: Operational facilities, maintenance facilities, and utilities, $678,000.

UNITED STATES AIR FORCES SOUTHERN COMMAND

Howard Air Force Base, Canal Zone: Operational facilities, maintenance facilities, and troop housing, $3,802,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Various Locations: Operational facilities, community facilities, and utilities, $794,000.

SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $29,873,000.

SEC. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interest of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $10,000,000: *Provided*, That the Secretary of the Air Force or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1970, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 304. (a) Public Law 90–110, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 301, as follows:

(1) Under the subheading "AIR TRAINING COMMAND" with respect to Chanute Air Force Base, Rantoul, Illinois, strike out "$2,523,000" and insert in place thereof "$3,507,000".

(2) Under the subheading "PACIFIC AIR FORCE" with respect to Hickam Air Force Base, Honolulu, Hawaii, strike out "$2,566,000" and insert in place thereof "$3,034,000".

(3) Under the subheading "STRATEGIC AIR COMMAND" with respect to Wurtsmith Air Force Base, Oscoda, Michigan, strike out "$1,053,000" and insert in place thereof "$1,628,000".

(4) Under the subheading "TACTICAL AIR COMMAND" with respect to Langley Air Force Base, Hampton, Virginia, strike out "$2,243,000" and insert in place thereof "$2,744,000".

(b) Public Law 90–110, as amended, is amended under the heading "OUTSIDE THE UNITED STATES" in section 301 as follows:

(1) Under the subheading "STRATEGIC AIR COMMAND" with respect to Goose Air Base, Canada, strike out "$90,000" and insert in place thereof "$136,000".

(c) Public Law 90–110, as amended, is amended by striking out in clause (3) of section 802 "$312,050,000", "$26,904,000", and "$398,376,000" and inserting in place thereof "$314,578,000", "$26,950,000", and "$400,950,000", respectively.

TITLE IV

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities and equipment, for defense agencies for the following projects:

INSIDE THE UNITED STATES

DEFENSE ATOMIC SUPPORT AGENCY

Sandia Base, New Mexico: Utilities, $420,000.

Manzano Base, New Mexico: Utilities, $36,000.

DEFENSE SUPPLY AGENCY

Defense Construction Supply Center, Columbus, Ohio: Supply facilities, $300,000.

Defense Depot, Mechanicsburg, Pennsylvania: Supply facilities, $318,000.

Defense Depot, Memphis, Tennessee: Supply facilities, $827,000.

Defense Depot, Ogden, Utah: Supply facilities and utilities, $477,000.

Defense General Supply Center, Richmond, Virginia: Utilities, $173,000.

Defense Industrial Plant Equipment Facility, Atchison, Kansas: Utilities, $39,000.

Defense Personnel Support Center, Philadelphia, Pennsyvania: Supply facilities, $603,000.

Defense Depot, Tracy, California: Utilities, $882,000.

NATIONAL SECURITY AGENCY

Fort Meade, Maryland: Troop housing facilities and utilities, $4,678,000.

Vint Hill Farms Station, Virginia: Supply facilities, $1,000,000.

Classified Location: Operational facilities, $3,564,000.

OUTSIDE THE UNITED STATES

DEFENSE ATOMIC SUPPORT AGENCY

Johnston Island: Operational facilities, $1,903,000.

SEC. 402. The Secretary of Defense may establish or develop installations and facilities which he determines to be vital to the security of the United States, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment in the total amount of $25,000,000: *Provided*, That the Secretary of Defense, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including real estate actions pertaining thereto.

SEC. 403. (a) Public Law 90–408 is amended in section 401 under the heading "INSIDE THE UNITED STATES" and subheading "NATIONAL SECURITY AGENCY" with respect to Fort Meade, Maryland, by striking out "$2,121,000" and inserting in place thereof "$2,609,000."

(b) Public Law 90–408 is amended in clause (4) of section 802 by striking out "$81,696,000" and inserting in place thereof "$82,184,000."

TITLE V

MILITARY FAMILY HOUSING

SEC. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and trailer court facilities in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States, until the Secretary shall have consulted with the Secretary, Department of Housing and Urban Development, as to the availability of adequate private housing at such locations. If agreement cannot be reached with respect to the availability of adequate private housing at any location, the Secretary of Defense shall immediately notify the Committees on Armed Services of the House of Representatives and the Senate, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

Family Housing units—

(a) The Department of the Army, twelve hundred units, $25,660,000;

Fort Huachuca, Arizona, one hundred units.

Fort Benning, Georgia, three hundred and forty units.

Fort Leavenworth, Kansas, one hundred and fifty units.

Fort Polk, Louisiana, two hundred and sixty units.

Fort Meade, Maryland, two hundred and fifty units.

Vint Hill Farms Station, Virginia, one hundred units.

(b) The Department of the Navy, one thousand nine hundred and fifty units, $48,092,000:

Naval Station, Adak, Alaska, one hundred units.

Marine Corps Air Station, Yuma, Arizona, one hundred units.

Marine Corps Base, Camp Pendleton, California, one hundred and two units.

Naval Air Station, Lemoore, California, one hundred and ninety units.

Naval Station, Key West, Florida, two hundred units.

Naval Air Test Center, Patuxent River, Maryland, two hundred units.

Naval Air Station, Quonset Point, Rhode Island, two hundred units.

Armed Forces Staff College, Norfolk, Virgina, forty-eight units.

Naval Complex, Bremerton, Washington, two hundred units.

Naval Facility, Pacific Beach, Washington, ten units.

Naval Station, Guam, two hundred units.

Naval Station, Keflavik, Iceland, one hundred units.

Naval Station, Subic Bay, Republic of the Philippines, three hundred units.

Naval Communication Station, San Miguel, Republic of the Philippines, one hundred units.

(c) The Department of the Air Force, one thousand six hundred and fifty units, $34,580,000:

Davis-Monthan Air Force Base, Arizona, three hundred units.

Luke Air Force Base, Arizona, one hundred and fifty units.

Blytheville Air Force Base, Arkansas, two hundred units.

Eglin Air Force Base, Florida, three hundred units.

McConnell Air Force Base, Kansas, one hundred units.

Nellis Air Force Base, Nevada, three hundred units.

Bergstrom Air Force Base, Texas, one hundred units.

Clark Air Base, Republic of the Philippines, two hundred units.

SEC. 502. Authorization for the construction of family housing provided in this Act shall be subject,. under such regulations as the Secretary of Defense may prescribe, to the following limitations on cost, which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures:

(a) The average unit cost for each military department for all units of family housing constructed in the United States (other than Hawaii and Alaska) and Puerto Rico shall not exceed $21,500 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(b) No family housing unit in the areas listed in subsection (a) shall be constructed at a total cost exceeding $40,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(c) When family housing units are constructed in areas other than those listed in subsection (a) the average cost of all such units shall not exceed $32,000 and in no event shall the cost of any unit exceed $40,000. The cost limitations of this subsection shall include the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

SEC. 503. Except as provided in section 504 of this Act, and notwithstanding the limitations contained in prior Military Construction Authorization Acts on cost of construction of family housing, the limitations on such cost contained in section 502 of this Act shall apply to all prior authorizations for construction of family housing not heretofore repealed and for which construction contracts have not been executed by the date of enactment of this Act.

SEC. 504. Nothing contained in this Act and nothing contained in section 603 of Public Law 90–408 (82 Stat. 367, 388) shall be deemed to affect the cost limitations provided in subsection 602(d) of Public Law 90–408 (82 Stat. 367, 388) with respect to construction of family housing units at George Air Force Base, California.

SEC. 505. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions or extensions not otherwise authorized by law, to existing public quarters at a cost not to exceed—

(a) for the Department of the Army, $2,101,000.

(b) for the Department of the Navy, $4,500,000.

(c) for the Department of the Air Force, $4,500,000.

(d) for the Defense Agencies, $439,000.

SEC. 506. The Secretary of Defense, or his designee, is authorized to construct, or otherwise acquire, in foreign countries, thirty family housing units. This authority shall include the authority to acquire land and interests in land, and shall be limited to such projects as may be funded by use of excess foreign currencies when so provided in Department of Defense Appropriation Acts. The authorization contained in this section shall not be subject to the cost limitations set forth in section 502 of this Act: *Provided*, That no family housing unit constructed or acquired pursuant to this authorization shall cost in excess of $60,000, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

SEC. 507. Section 515 of Public Law 84–161 (69 Stat. 324, 352) as amended, is amended by striking out "1969 and 1970" in the first sentence and inserting in lieu thereof "1970 and 1971" and by inserting in the last sentence following the word "Kansas," the words "the Naval Supply Corps School, Athens, Georgia, and for personnel assigned to Army Air Defense Command Headquarters, Colorado Springs, Colorado,".

SEC. 508. Section 507 of Public Law 88-174 (77 Stat. 307, 326) as amended, is amended by striking out "1969 and 1970" and inserting in lieu thereof "1970 and 1971".

SEC. 509. Notwithstanding any other provision of law, the Secretary of Defense, or his designee, is authorized to contract for the construction of not to exceed two thousand family housing units on lands in Japan under United States control in support of military activities and forces in Japan, and not to exceed four thousand family housing units on lands in the Republic of the Philippines under United States control in support of military activities and forces in the Republic of the Philippines, and for such purpose to enter into installment payment construction contracts which shall in no event provide for payment over a period longer than fifteen years nor require payments exceeding an average of $185 per unit per month: *Provided*, That all such family housing units shall be subject to the maximum floor area limitations imposed by sections 4774, 7574, and 9774 of title 10, United States Code, and to the average and maximum unit cost limitations imposed by subsection 502(c) of this Act.

SEC. 510. The Secretary of Defense, or his designee, is authorized to relocate four hundred and forty-four family housing units to military installations where there are housing shortages, from installations as follows: two hundred relocatable units from Kincheloe Air Force Base, Michigan, eighteen relocatable units from Sundance Air Force Station, Wyoming; and two hundred and twenty-six United States manufactured units from a classified overseas location: *Provided*, That the Secretary of Defense shall notify the Committees on Armed Services of the House of Representatives and the Senate of the proposed new locations and estimated costs, and no contract shall be awarded within thirty days of such notification.

SEC. 511. (a) Section 7574 of title 10, United States Code, is amended by adding the following new subsection at the end thereof:

"(f) The maximum limitations prescribed by subsections (a), (d), and (e) may be increased up to 15 per centum if the Secretary of Defense, or his designee, determines that such increase is in the best interest of the Government to permit award of a turnkey construction contract for family housing to the contractor offering the most satisfactory proposal."

(b) Sections 4774 and 9774 of title 10, United States Code, are amended by adding the following new subsection at the end of each:

"(h) The maximum limitations prescribed by subsections (a), (f), and (g) may be increased up to 15 per centum if the Secretary of Defense, or his designee, determines that such increase is in the best interest of the Government to permit award of a turnkey construction contract for family housing to the contractor offering the most satisfactory proposal."

SEC. 512. The third clause of section 501 (b) of Public Law 87-554 (76 Stat. 223, 237) as added by section 606 of Public Law 90-110 (81 Stat. 279, 304), is amended to read as follows: "and (3) notwithstanding any other provision of law, for the purpose of debt service, proceeds of the handling and the disposal of family housing of the Department of Defense, including related land and improvements, whether handled or disposed of by the Department of Defense or any other Federal Agency, but less those expenses payable pursuant to section 204(b) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 485(b)), to remain available until expended."

SEC. 513. Notwithstanding any other provision of law limiting the term of a contract, the Secretary of Defense, or his designee, may enter into contracts for periods of not more than 5 years for supplies and services required for the maintenance and operation of family housing for which funds would otherwise be available only within the fiscal year for which appropriated.

SEC. 514. The Secretary of Defense, or his designee, is authorized to accomplish repairs and improvements to existing public quarters in amounts in excess of the $10,000 limitation prescribed in section 610(a) of Public Law 90-110 as amended (81 Stat. 279, 305), as follows:

Redstone Arsenal, Alabama, one unit, $11,000.

United States Military Academy, West Point, New York, thirty-nine units, $513,200.

Naval Station, Adak, Alaska, twenty units, $232,000.

Marine Corps Barracks, Washington, District of Columbia, four units, $108,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, one unit, $14,100.

SEC. 515. Subsection 601(b) of Public Law 90-408 (82 Stat. 367, 387) is amended by striking out "$15,725,000" and inserting in lieu thereof "$17,000,000."

SEC. 516. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing as authorized by law for the following purposes:

(a) for construction and acquisition of family housing, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, rental guarantee payments, construction and acquisition of trailer court facilities, and planning, an amount not to exceed $127,733,000, and

(b) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payments to the Commodity Credit Corporation, and mortgage insurance premiums, authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed $563,685,000.

TITLE VI

HOMEOWNERS ASSISTANCE

SEC. 601. Section 701 of Public Law 90-110 (81 Stat. 279, 306) is amended by changing the semicolon to a period after "$27,000,000" and deleting all language thereafter.

SEC. 602. Section 1013 of Public Law 89-754 (80 Stat. 1255, 1290) is amended as follows:

(a) In the third sentence of subsection 1013(c) after the word "installation" delete the phrase "and prior to the one hundred and twentieth day after the enactment of this Act,".

(b) At the end of subsection 1013(d) delete the period, substitute a colon therefor, and add the following: "*Provided further*, That no properties in foreign countries shall be acquired under this section,."

TITLE VII

GENERAL PROVISIONS

SEC. 701. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 702. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, and V shall not exceed—

(1) for title I: Inside the United States, $131,880,000; outside the United States, $114,478,000; or a total of $246,358,000.

(2) for title II: Inside the United States, $223,022,000; outside the United States, $30,742,000; section 202, $10,810,000; or a total of $264,574,000.

(3) for title III: Inside the United States, $200,532,000; outside the United States, $31,040,000; section 302, $29,873,000; or a total of $261,445,000.

(4) for title IV: A total of $40,220,000.

(5) for title V: Military family housing, $691,418,000.

SEC. 703. Any of the amounts named in titles I, II, III, and IV of this Act, may, in the discretion of the Secretary concerned, be increased by 5 per centum for projects inside the United States (other than Alaska) and by 10 per centum for projects outside the United States or in Alaska, if he determines in the case of any particular project that such increase (1) is required for the sole purpose of meeting unusual variations in cost arising in connection with that project, and (2) could not have been reasonably anticipated at the time such project was submitted to the Congress. If, in order to proceed with any project authorized in said titles, the Secretary of Defense, or his designee, determines that any of the amounts named therein must be increased by more than the applicable percentage stated above, the Secretary concerned may proceed with such project so long as the price does not exceed a total of 15 per centum above the amount authorized by Congress: *And further provided*, That he shall notify the President of the Senate and the Speaker of the House of Representatives prior to award of contract in implementation thereof. However, the total costs of all projects in each such title may not be more than the total amount authorized to be appropriated for projects in that title.

SEC. 704. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, unless the Secretary of Defense or his designee determines that because such jurisdiction and supervision is wholly impracticable such contracts should be executed under the jurisdiction and supervision of another department or Government agency, and shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. Regulations issued by the Secretary of Defense implementing the provisions of this section shall provide the department or agency requiring such construction with the right to select either the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, as its construction agent providing that under the facts and circumstances that exist at the time of the selection of the construction agent, such selection will not result in any increased cost to the United States. The Secretaries of the military departments shall report semiannually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

SEC. 705. (a) As of October 1, 1970, all authorizations for military public works (other than family housing) to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, IV, and V of the Act of July 21, 1968, Public Law 90-408 (82 Stat. 367), and all such authorizations contained in Acts approved before July 22, 1968, and not superseded or otherwise modified by a later authorization are repealed except—

(1) authorizations for public works and for appropriations therefor that are set forth in these Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts or land acquisitions in whole or in part before October 1, 1970, and authorizations for appropriations therefor; and

(3) notwithstanding the repeal provisions of section 805(a) of the Act of July 21, 1968 (82 Stat. 367, 390), authorizations for the following items which shall remain in effect until October 1, 1971:

(a) utilities in the amount of $1,800,000 at Fort Richardson, Alaska, that is contained in title I, section 101 of the Act of October 21, 1967 (81 Stat. 281).

(b) operational facilities and utilities in the amount of $846,000 for the United States Army Air Defense Command in CONUS, Various Locations that is contained in title I, section 101 of the Act of October 21, 1967 (81 Stat. 281).

(c) maintenance facilities in the amount of $528,000 for Naval Shipyard, Norfolk, Virginia, that is contained in title II, section 201, under the heading "FIFTH NAVAL DISTRICT" of the Act of October 21, 1967 (81 Stat. 285).

(d) supply facilities in the amount of $110,000 for Naval Supply Center, Norfolk, Virginia, that is contained in title II, section 201, under the heading "FIFTH NAVAL DISTRICT" of the Act of October 21, 1967 (81 Stat. 286).

(e) maintenance facilities in the amounts of $260,000 and $585,000 for Naval Submarine Base, Pearl Harbor, Oahu, Hawaii, and Naval Ammunition Depot, Oahu, Hawaii, respectively that are contained in title II, section 201, under the heading "FOURTEENTH NAVAL DISTRICT" of the Act of October 21, 1967 (81 Stat. 287).

(b) Effective fifteen months from the date of enactment of this Act, all authorizations for construction of family housing, including trailer court facilities, all authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and all authorizations for related facilities projects, which are contained in this or any previous Act, are hereby repealed, except—

(1) authorizations for family housing projects as to which appropriated funds have been obligated for construction contracts or land acquisitions or manufactured structural component contracts in whole or in part before such date; and

(2) notwithstanding the repeal provision of section 805(b) of the Act of July 21, 1968 (82 Stat. 367, 391), authorizations for two hundred family housing units at George Air Force Base, California, and for two hundred and fifty family housing units at Mountain Home Air Force Base, Idaho, that are contained in the Act of July 21, 1968 (82 Stat. 367, 387); and

(3) authorizations to accomplish alterations, additions, expansions or extensions to existing family housing, and authorizations for related facilities projects, as to which appropriated funds have been obligated for construction contracts before such date.

SEC. 706. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction cost index is 1.0:

(1) $36 per square foot for cold storage warehousing;

(2) $9 per square foot for regular warehousing;

(3) $2,750 per man for permanent barracks;

(4) $10,000 per man for bachelor officer quarters;

unless the Secretary of Defense or his designee determines that because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable: *Provided*, That notwithstanding the limitations contained in prior Military Construction Authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act.

SEC. 707. Section 607(b) of Public Law 89-188, as amended, is amended by deleting the words "December 31, 1970" wherever they appear and inserting in lieu thereof "December 31, 1975".

SEC. 708. Title 18, section 1507, United States Code, is amended as follows: After the words "administration of justice" appearing in line 2 insert "or the conduct of military and defense affairs,"; after the words "court officer" appearing in line 3 insert "or military or civilian employees of the Defense Department,"; after the words "court officer" appearing in line 6 insert "or in the Pentagon building or on federally owned property appurtenant thereto,"; at the end of the last sentence insert "Nothing in this section shall interfere with or prevent the exercise of all other, available, civil and criminal remedies.".

SEC. 709. The President is authorized to establish and conduct an International Aeronautical Exposition (hereafter in this Act referred to as the "exposition"), with appropriate emphasis on military aviation, at a location of his choice within the United States. The exposition shall be held at such time, but not later than 1971, as the President may deem appropriate.

For the purpose of conducting the exposition, the President is authorized—

(1) to appoint and fix the compensation of such officers and employees as he may deem appropriate, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates;

(2) to obtain temporary or intermittent services as authorized by section 3109(b) of title 5, United States Code, at rates not to exceed $100 per diem in the case of any individual;

(3) to charge and collect admission, exhibition, and other fees;

(4) to accept donations of money, property, or personal services;

(5) to request the head of any department or agency to detail personnel to assist in the conduct of the exposition, and the head of each such department or agency is authorized to detail personnel for such purpose, with or without reimbursement;

(6) to acquire (by purchase, lease, or otherwise), construct, maintain, and improve real and personal property and interests therein;

(7) to enter and perform, with any person or body politic, contracts, leases, cooperative agreements, or other transactions on such terms as he may deem appropriate, without regard to the provisions of section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) and section 321 of the Act of June 30, 1932 (40 U.S.C. 303b);

(8) to establish and prescribe the functions of such advisory committees as he may deem appropriate; and

(9) subject to such supervision and review as he may prescribe, to delegate to the Secretary of Defense, the Secretary of Commerce, or to such other person he may select any of his authority under this Act.

No officer or employee appointed to a position under this Act shall receive compensation at a rate in excess of the maximum rate payable under the General Schedule of chapter 53 of title 5, United States Code, as amended, nor shall any such officer or employee receive compensation at a rate in excess of the rate payable under the General Schedule to an officer or employee in a position of the same level of difficulty and responsibility.

Individuals appointed under this Act to positions in recognized trades or crafts, or in unskilled, semiskilled, or skilled manual labor occupations, shall receive compensation in accordance with prevailing wage board rates at the location selected by the President.

Any property acquired under this Act and remaining upon the termination of the exposition shall become the property of the Department of Defense or such other Federal department or agency as the President may direct.

The net revenues derived from the exposition, after payment of the expenses of the exposition, shall be deposited in the Treasury of the Unted States as miscellaneous receipts.

To the extent that appropriations made to any Government department or agency are available for such purpose, such department or agency is authorized to participate in the exposition, as an exhibitor or otherwise.

There are authorized to be appropriated such sums, not to exceed $750,000, as may be necessary to carry out the provisions of this Act. Sums appropriated under this section shall remain available until expended.

SEC. 710. Titles I, II, III, IV, V, VI, and VII of this Act may be cited as the "Military Construction Authorization Act, 1970."

TITLE VIII

RESERVE FORCES FACILITIES

SEC. 801. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) For Department of the Army:

(a) Army National Guard of the United States, $13,200,000.

(b) Army Reserve, $6,000,000.

(2) For Department of the Navy: Naval and Marine Corps Reserves, $8,500,000.

(3) For Department of the Air Force:

(a) Air National Guard of the United States, $11,500,000;

(b) Air Force Reserve, $4,000,000.

SEC. 802. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 803. The Secretary of Defense, or his designee, is authorized to convey to the city of Grand Prairie, Texas, under such terms as he deems appropriate, the one hundred and ten acres, more or less, together with the improvements thereon, in the city of Grand Prairie, Texas, which is presently licensed to the State of Texas, for the use of the Army National Guard, subject to the condition that said city provide alternate facilities for the Army National Guard in accordance with Department of Defense criteria, title to which alternate facilities shall vest in the State of Texas: *Provided*, That such alternate facilities be constructed without additional cost to the Federal Government: *And provided further*, That should the fair market value of the said one hundred and ten acres be in excess of the actual cost of design and construction of such alternate facilities to said city, exclusive of any contribution made by the State of Texas, the city shall pay to the

Federal Government an amount equal to such excess.

Sec. 804. This title may be cited as the "Reserve Forces Facilities Authorization Act, 1970."

Mr. RIVERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. LEGGETT. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Eighty-one Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 141]

Baring
Belcher
Boland
Brasco
Carey
Celler
Clark
Culver
Cunningham
Daddario
Diggs
Edwards, Calif.
Fascell
Flowers
Fraser
Fulton, Tenn.
Griffiths
Gubser
Hagan
Halpern
Hanna
Hansen, Wash.
Holifield
Horton
Hull
Jarman
Joelson
Kirwan
Kuykendall
Lipscomb
Mailliard
Nix
Ottinger
Patman
Powell
Quie
Reifel
Rosenthal
Rostenkowski
Saylor
Scheuer
Taft
Teague, Tex.
Wright

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Steed, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 13018, and finding itself without a quorum, he had directed the roll to be called, when 387 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. SIKES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, during the last Congress, the House passed a bill which would authorize an International Air Show to be held in the United States. That is a matter of importance, many of us think, because of the tremendous progress that has been made in aviation and in aerospace in this country. That bill did not receive the approval of the other body, and the matter died.

I am pleased to note that in the bill now before the House the committee has included authorizing language for an International Aeronautical Exposition to be held in the United States not later than 1971. I think this is an important proviso and I am delighted to see that it is in the bill. American aviation and aerospace deserve this opportunity to show what it has done and can do.

I am certain the world leaders in this field want to see firsthand the exciting progress our country has made in space—a desire which is shared by our own people. An airshow would make all of this possible and it would enable all of us to obtain a better picture of progress by other nations of the world in these fields.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I am glad to yield to the distinguished chairman of the committee.

Mr. RIVERS. In my enthusiasm to explain other sections of the bill, I inadvertently neglected to explain the section of the bill which would authorize an International Aeronautical Exposition. Among other things, I guess I would have to assign my haste to complete debate. As the gentleman from Florida explained, the bill passed the House last year. By unanimous vote, our committee reported out authorizing legislation for such an international exposition to compete with similar expositions in Great Britain and France, in order to show our inventories in our space industry and related industries to the world. So this year we made the establishment and the conduct of an International Aeronautical Exposition a part of this bill.

All the provision would do would be to permit the President to set up the machinery to conduct an International Aeronautical Exposition. No place is named in the bill at which it would have to be held. It could be held anywhere in the United States. The exposition would show to the world what this country produces. Some time ago I attended the Paris Air Show. Each one of the exhibiting contractors or manufacturers in the aerospace industry, missiles, or whatever it was, had to put up over $150,000, and there were hundreds of them at the exposition in France. Why should not America, with the great strain on its gold and balance-of-trade problems, have its own show and let the rest of the world come here and see what our industry can furnish by way of military and civilian aeronautical equipment? Most of them are civilian.

I would refer to the giant transport that Lockheed is building. What about the 747? The 747 is made in Bremerton, Wash. It flew into Paris with three automatic pilots made by the Litton Co., and it stole the show. Why cannot we do that in America? Why should we not exhibit in this country the great inventories coming off our lines, and all the attendant auxiliary equipment that goes along with the handling of aircraft?

That is the reason we have included the provision in the bill. I think we should find a way to establish such an exposition here, rather than our going over there every 2 or 3 years. That is why we have included that language. That is the reason. I forgot to explain it to the committee, and I thank the chairman for calling it to my attention.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the distinguished gentleman from Texas.

Mr. PICKLE. Mr. Chairman, I wanted to ask a question. I am very much in favor of establishing an International Aeronautical Exposition, as mentioned on page 63 of the bill. I have addressed the House previously on this subject. I know that we ought to be taking this action, but as the chairman said, this would be a matter that would be turned over to the military, if I understood him. I would like the gentleman to comment on that further in that respect and as to what committee—and I must say I am concerned as a member of the Interstate and Foreign Commerce Committee. We—our committee—would want to coordinate on this matter. I assume this air show would not just be a military show, but would be an aviation show, and for that reason, I think it ought to be coordinated with or through the Interstate and Foreign Commerce Committee.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(On request of Mr. Pickle, and by unanimous consent, Mr. Sikes was allowed to proceed for 3 additional minutes.)

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from South Carolina.

Mr. RIVERS. Mr. Chairman, this proposal we have will not be solely a military event. It will not be a military thing at all. The President sets up this committee. I was talking about things which our military has assisted in making possible, such as the building of the B-52, which led into the 707, and the 135, and our other military creations, which went then to a civilian manifest. This will not be a military show.

Mr. SIKES. Mr. Chairman, before I yield further, let me call attention to the greatest single potential which I think this language offers: the exciting possibility that the air show can be held in Florida—something which I recommend very strongly.

AMENDMENT OFFERED BY MR. LEGGETT

Mr. LEGGETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Leggett: On page 63, strike lines 1 through 11 inclusive and renumber the succeeding sections in title VII accordingly.

Mr. LEGGETT. Mr. Chairman, I think we have before us a very good bill. It was submitted, as I indicated earlier, in the magnitude of approximately $1.9 billion. Those Members of the House who favor economy in military affairs certainly must appreciate the fine work of this committee in striking $350 million from the bill. So the bill as now before us is at about $1.5 billion. Of that amount, I think $500 or $600 million is for the rather benign subject of housing for our military, which we very sorely need.

Mr. Chairman, I am going to vote for the bill whether or not my amendment is adopted. I voted for the bill in committee. I have obviously got a provincial interest in that I have considerable military establishments in my own congressional district that benefit rather handsomely from the consideration of the committee, and I want to thank the committee for that, very much.

This amendment, however, was added to this bill in the last few minutes that the bill was heard in our full committee. Those who want the amendment explained—I refer those people to page 52, to the additional views in the report, and Members can there pretty well see what this amendment does.

We are seeking to strike section 708 on page 63 of the committee bill.

Members might wonder why the Armed Services Committee, a great committee interested in military affairs, is involving itself with title 18 of the United States Code respecting criminal penalties, and particularly amending a section designed to protect our judicial process, judges, and juries, and the fair decision which is also guaranteed in our Constitution.

For the life of me I cannot understand that. It has never been satisfactorily explained to me. When a subject like this is taken up by a committee, totally extraneous to the usual expertise of that committee, it should be that a point of order should lie as to the amendment. Unfortunately, when a committee introduces a clean bill, all doubts are resolved in favor of the committee, so at this point a point of order will not lie as to this amendment.

Neither will a point of order lie with respect to the unconstitutionality of the amendment. So we must then attack the matter by means of striking the section.

I would like to say this. My amendment is exclusively on the basis that the attempting committee amendment—in this section 708 is unconstitutional. I do not like to see massive demonstrations near the Pentagon or near the White House, but I would say this.

I would say this: the way to solve that problem, if the President is insecure, is to appropriate Lafayette Park, to close off Pennsylvania Avenue, to do what General de Gaulle has done over in Paris, install policemen every 15 or 20 yards. I do not really think this is such a bad solution.

But the district court of the District of Columbia has said that Secretary Hickel cannot promulgate a regulation which says, as they tried to do here a few months ago, we cannot have pickets in numbers more than 500 parading in front of the White House. Currently walking and driving in front of the White House is a public activity. One cannot give the authority to a police officer to say, "You public can go in, but you public have to stay out."

This is more or less what they tried to do in that particular case. The District of Columbia said that was unconstitutional.

There are lots of ways one can protect the President. There are lots of ways one can protect the Secretary of Defense.

I say, if the Pentagon is in danger—and sometimes I think it might be—they can construct a fence around it. They can require that people have badges to go into the Pentagon, like they do at the shipyards in the chairman's district and in my district. They can do all kinds of things in a legal way to protect security, but they have to do it in a constitutional way.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. LEGGETT was allowed to proceed for 5 additional minutes.)

Mr. LEGGETT. I believe there is a threat to national security when any member of the public can drive up to the main gate of the Pentagon, can go in the front door, can climb the escalator or the stairs to the second floor, and can walk into the anteroom of the Secretary of Defense with a satchel in his pocket or in his hand.

But we cannot solve that particular problem through the use of a statute such as we are here trying to consider.

I should like to get to the phraseology of section 708. To begin with, for those who have our additional views, down about midway in the second paragraph on page 52 there is a misstatement of what the committee has attempted to do. The italicized portion should read: "in the Pentagon Building or on Federally owned property appurtenant thereto."

What the committee has done is to take a statute, title 18, section 1507, United States Code, and make changes. This reads:

> Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice—

And then they have added—

> or the conduct of military and defense affairs—

And the language continues—

> or with the intent of influencing any judge, juror, witness, or court officer—

This has all been declared to be constitutional. They add—

> or military or civilian employees of the Defense Department—

Of course, that immediately expands the section from referring to 12 jurors, one judge, and perhaps a half dozen court personnel to 100,000 employees of the Pentagon who are making a million decisions a day over there.

It further says—

> in the discharge of his duty, pickets or parades in or near a building or residence occupied or used by such judge, juror, witness, or court officer—

And there is added—

> or in the Pentagon building or on Federally owned property appurtenant thereto—

Which includes the parkway, Shirley Highway, the drugstore inside the Pentagon, the haberdashery inside the Pentagon, and all these areas where the public naturally traverses. They are all included in this amendment that we make in our committee.

I yield to the chairman of the committee.

Mr. RIVERS. The gentleman is so far off base I will not interrupt him.

Mr. LEGGETT. Very good. I would welcome any specific debate. I have yet to see a brief and I have yet to see one law or a decision cited by anybody in this House, or the Library of Congress, or the Department of Defense, that would substantiate the legality of this proposed amendment.

Mr. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I am glad to yield to the gentleman from California.

Mr. BURTON of California. Mr. Chairman, I would like to commend my colleague from California for raising this very important issue. This provision fails to meet the test of constitutionality, as clearly spelled out in the additional views in the committee report. In addition to running afoul of the first amendment the lack of specificity as to time, place, duration, and manner violates the due process clause. I believe this amendment is, therefore, unconstitutional. I regret, if this amendment stays in, that I will not be able to support this legislation, although I had hoped that I would be able to, particularly if the chairman's motion to delete the Safeguard funds is successful.

Mr. LEGGETT. I thank the gentleman from California for his remarks.

I still think that this is a good bill. However, I believe that this section should be removed. You can see the sense in enacting a law saying that a judge and a jury who are operating in a framework where they are making decisions under the rules of evidence, where you exclude outside, extrinsic, prejudicial testimony and newspaper accounts, and so forth, you can see the sense of such a law. You can see that this is good law. Cox against the State of Louisiana is the Supreme Court case which substantiates the insulation of judge and jury, because under the Constitution a judge and a jury are a part of a fair trial and the Constitution guarantees a fair trial. However, there is no reason to extend this very, very extensive protection to every single person employed by the Pentagon. The district court said that you cannot do that. In a more limited sense——

The CHAIRMAN. The time of the gentleman from California has again expired.

(Mr. LEGGETT asked and was given permission to proceed for 2 additional minutes.)

Mr. LEGGETT. The Supreme Court said that you cannot limit picketing to protect the President in a narrower bill. Therefore, certainly you cannot do it with this broader gaged meat ax approach.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the chairman of the committee.

Mr. RIVERS. The Court did not say any such thing in the picketing down here at the White House. The district court did not, anyway. It did not say any such thing. And there is about as much comparison as there is between a lightning bug and a billy goat.

Mr. LEGGETT. Mr. Chairman, I will not yield any more. I have just 1 minute.

However, I understand the gentleman from South Carolina's position. I believe that the rule of Marbary against Madison, decided in something like 1805 or 1810, would cover this. I know a lot of people have questioned the wisdom of that decision, but it is still law in the United States today. It says that the Supreme Court has the power to declare Federal laws by this great, august body, enacted under article I, section 8, unconstitutional if they are in fact contrary to other provisions in that great document. That is still the law today. I do not think it is good business for this House, where we are all here under a solemn obligation to support the Constitution, to say to the contrary, particularly when a bill comes up like this bringing up the issue of

whether picketing is free speech. There are some Members of the House who do not believe it is free speech. They do not agree with the Supreme Court decisions. Let me say that it is free speech and it has been free speech for 30 years and we just have to accept that. If it is done in areas where the public goes, then they are entitled to the freedom which is guaranteed under the first amendment to the Constitution. There are ways in which you can attack the problem that the Pentagon has, but Stanley Resor, the Secretary of the Army, says that he does not need this amendment and does not feel that it is insecure, and he asked that the amendment not be enacted, he did not need it.

I include pages 52 to 55 of the committee report at this point in the Record:

ADDITIONAL VIEWS

We support the Military Construction Bill of 1969 including the overall reductions made by the Committee. We do not believe that the amendment offered to Title 18, a Criminal Justice Title, is good legislation or is properly included in this Construction Bill. The section objected to is an amendment to Title 18, Section 1507 USC which would make blanket restrictions on any demonstration in or near the Pentagon or Federal highways appurtenant thereto. This amendment is ill-advised as a matter of policy and unconstitutional as a matter of law.

The section as amended reads as follows:

"Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice *or the conduct of military and defense affairs*, or with the intent of influencing any judge, juror, witness, or court officer, or *military or civilian employee of the Defense Department*, in the discharge of his duty, pickets or parades in or near a building or residence occupied or used by such judge, juror, witness, or court officer, *or in the Pentagon building or on Federally owned property*, or with such intent uses any soundtruck or similar device or resorts to any other demonstration in or near any such building or residence shall be fined not more than $5,000 or imprisoned not more than one year, or both.

"Nothing in this section shall interfere with or prevent the exercise by any court of the United States of its power to punish for contempt. *Nothing in this section shall interfere with or prevent the exercise of all other, available, civil and criminal remedies.*"

The intent of the drafters is clear. They intend to extend the Constitutional restrictions designed to protect judicial officers and jurors from influence and intimidation in resolving a courtroom legal dispute to employees of an administrative branch of Government as they attempt to address themselves to the multi-million facets of our defense system. Title 18, Section 1507, as it now stands, severely limits the right of demonstration with the intent to influence the judicial branch of Government. This section has been upheld by the courts as a restriction on free speech necessary to insure the fair administration of justice and as a protection to the defendant during trial.

In the case of *Cox v. Louisiana*, 379 US 536 (1965), the Supreme Court upheld a statute which prohibited groups from attempting to influence judges by demonstrating near a courthouse. More recently in *Adderly v. Florida*, 385 US 39 (1966), the Court upheld trespass convictions of demonstrators who gathered on the driveway and grounds of a jailhouse to protest the earlier arrest and confinement of some fellow-demonstrator. The decision was predicated on the ground that a demonstration near a jail, like one near a courthouse, may threaten the integrity of the judicial process.

These cases clearly indicate that the State and Federal statutes designed to restrict the extraneous expression of public sentiment near the courthouse are valid and such expressions of sentiment cannot be tolerated. This total restriction is limited to the protection of judicial officers and jurors however when the whole purpose of a trial with restrictive evidentiary rules would be confounded by extraneous demonstrations. The expedient device of bringing the military and civilian employees of the Department of Defense under the wing of this restrictive protection will not stand the test of Constitutionality.

The very recent case of *Gregory* v. *City of Chicago*, decided by the Supreme Court on March 10, 1969, contains an excellent exposition of the Constitutional boundaries and balances that must be struck between public order and freedom of speech. Since this is the latest pronouncement of the subject, it is a good guide for our deliberations. While the decision refers to a municipal ordinance, it is applicable by analogy to a Federal statute.

On Page 5, Justice Black concurring stated:

"It is because of this truth, and a desire both to promote order and to safeguard First Amendment freedoms, that this Court has repeatedly warned States and governmental units that they cannot regulate conduct connected with these freedoms through use of sweeping, dragnet statutes that may, because of vagueness, jeopardize these freedoms. In those cases, however, we have been careful to point out that the Constitution does not bar enactment of laws regulating conduct, even though connected with speech, press, assembly, and petition, if such laws specifically bar only the conduct deemed obnoxious and are carefully and narrowly aimed at that forbidden conduct. The dilemma revealed by this record is a crying example of a need for some such narrowly drawn law."

In the *Cox* case, cited above, the court went into the question of conduct and set down the rule that a demonstration may be regulated on a basis of reasonable restrictions as to time, place, duration and manner. 379 US 536 at 558. These are factual distinctions that must be made on the spot of the demonstration or at least set out in some detail in the applicable statute.

Justice Black went on to state:

"The disorderly conduct ordinance under which these petitioners were charged and convicted is not, however, a narrowly drawn law, particularly designed to regulate certain kinds of conduct such as marching or picketing or demonstrating along the streets or highways. Nor does it regulate the times or places or manner of carrying on such activities. To the contrary, it might better be described as a *meat ax ordinance*, gathering in one comprehensive definition of an offense a number of words which have a multiplicity of meanings, some of which would cover activity specifically protected by the First Amendment. The average person charged with its violation is necessarily left uncertain as to what conduct and attitudes of mind would be enough to convict under it. Who, for example, could possibly foresee what kind of noise or protected speech would be held to be 'improper'? That, of course, would depend on sensibilities, nerves, tensions, and on countless other things."

We are here too dealing with a meat ax bill. Justice Black's words are quite applicable to the proposed amendment before us which in broad fashion outlaws any picket, parade or demonstration in the Pentagon building or on Federally owned property appurtenant thereto which is intended to influence civilian or military employees. This amendment categorically lays out modes of expression without specific reference and directions as to the time duration or manner of the *conduct* of such picketing, parade or demonstration. *Cox* and *Gregory*, as well as older cases such as *Thornhill v. Alabama*, 310 US 88 (1940) and *Edwards v. South Carolina*, 372 US 229 (1963), clearly mandate that a statute or ordinance must be specific in its directions as to the prohibited act. The key word is *conduct*, and nowhere does the proposed amendment define the prohibited conduct. As the *Gregory* decision says "the average person charged with its violation is necessarily left uncertain as to what conduct and attitudes of mind would be enough to convict under it."

A second problem is the inclusion of property appurtenant to the Pentagon within the area of restriction. The highways adjacent to the Pentagon are Federally owned and, therefore, within the boundaries of the statute. Therefore, a citizen traveling on the highway with a bumper sticker reading "ABM is an Edsel" might possibly be in violation of such a law. Undoubtedly the drafters of this amendment do not contemplate prosecution of the passing motorist, but the fact that the wording of the statute would indicate such a possibility further indicates the unconstitutionally vague nature of the restrictions.

In the Gregory case the City of Chicago argued that the ordinance under attack had been sufficiently narrowed by an interpretation of the Illinois Supreme Court as to confer the necessary validity.

The Supreme Court said, however:

"The City of Chicago, recognizing the serious First Amendment problems raised by the disorderly conduct ordinance as it is written, argues that these convictions should nevertheless be affirmed in light of the narrowing construction placed on the ordinance by the Illinois Supreme Court in this case. That court held that the ordinance, 'does not authorize the police to stop a peaceful demonstration merely because a hostile crowd may not agree with the views of the demonstrators. It is only where there is an imminent threat of violence, the police have made all reasonable efforts to protect the demonstrators, the police have requested that the demonstration be stopped and explained the request, if there be time, and there is a refusal of the police request, that an arrest for an otherwise lawful demonstration may be made.'

"This interpretation of the ordinance is, of course, binding on this Court, and the construction of the Illinois Supreme Court is as authoritative as if this limitation were written into the ordinance itself. But this cannot be the end of our problem. The infringement on First Amendment rights will not be cured if the narrowing construction is so unforeseeable that men of common intelligence could not have realized the law's limited scope at the only relevant time, when their acts were committed, cf. *Lansetta* v. *New Jersey*, 306 U.S. 451, 456–457 (1939), or if the law remains excessively sweeping even as narrowed."

Thus, the statute itself must be clear on its face to the average person contemplating such actions.

The amendment before us, we submit, is not clear on its face to the average citizen.

All of this is not to say that we either condone violent demonstrations such as the one which took place at the Pentagon a few years ago, nor do we feel that regulation is totally unnecessary. If regulations are deemed necessary to control demonstrations they must be closely drafted within the parameters set out by the courts.

The acceptable limits within which the Government may restrict demonstrations are not crystal clear. As Justice Black stated in *Gregory* v. *Chicago*, "It is not our duty and indeed not within our power to set out and define with precision just what statutes can be lawfully enacted to deal with situations like the one confronted here by police and protesters . . ."

We do, however, have general guidelines. First, the restrictive statute must *meet the* *test of specificity as to time, place, duration and manner.*

The amendment before us does not contain this specificity. It is a blanket denial of the right of assembly on public property and contra to the line of cases cited in these views. Second, the restrictions must meet the requirements as stated by the Federal District Court for the District of Columbia in *Hickel* v. *A Quaker Action Group,* USDC–DC September term 1968 CA 688–69. In this case, the group challenged regulations set by the Department of the Interior to control demonstrations near the White House and in Lafayette Park. The regulations limited the number of demonstrators in front of the White House to 100 and the number in the park to 500. Note that in this instance demonstrators were permitted, but within definite limitations as to number and place—a qualification of more specificity than the one before us. Yet, the court struck down the regulation because "No Governmental restriction on such conduct (demonstrations, pickets and parades) is permitted unless the restriction satisfies *each* of three requirements, that the restriction 'furthers an important or substantial Governmental interest,' that the 'Governmental interest is unrelated to the suppression of free expression' and that the restriction is 'no greater than is essential to the furtherance of that interest'."

Of course, the rationale behind these decisions is clear—free speech and First Amendment liberties cannot be abrogated unless the exercise thereof would present a clear and present danger to the United States. (See Thorhill Supra.)

We submit that the restrictions imposed in the instant amendment do not meet these requirements. It cannot be argued that total insulation of 100,000 military and civilian employees of the Department of Defense from dissenting views on the grounds of the Pentagon is in furtherance of an important or substantial Governmental interest.

Even if we view the "Governmental interest" as the security of the Pentagon grounds, we must look at the *Hickel* case wherein the court struck down regulations pertaining to demonstrations at the White House—which is certainly as much concerned with physical security as is the Pentagon. We say if they want and need more security on the Pentagon grounds, they should install a fence with guards, not enact unconstitutional limitations.

It cannot be argued that the blanket restriction on all action is no greater than is essential to the furtherance of the legitimate Governmental interest. The term "no greater" necessarily implies permissible behavior up to but not beyond a specified limit. The amendment before us prohibits all such behavior.

In conclusion, we feel that this amendment, if enacted, will be clearly beyond the permissible range of Constitutionally allowable restrictions as it does not meet nor even approach the guidelines set down by the courts.

Otis G. Pike,
Lucien N. Nedzi,
Robert L. Leggett,
Charles W. Whalen, Jr.

Mr. **PIRNIE.** Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the military construction bill and in opposition to the amendment which has been proposed by my colleague, the gentleman from California (Mr. Leggett).

Mr. Chairman, we live in unusual times. Upon occasion I feel that we are losing our sense of perspective, particularly in regard to our purpose in legislating. I believe that the mission of our courts is to preserve the law in this land and to protect those who wish to do right. However, lately, I have not been sure this objective was kept in mind.

Likewise, I feel that in this country people who have important missions, people who have serious tasks to perform, difficult tasks, upon which rest the security of our Nation, should be permitted to perform those tasks in an atmosphere free of fear and violence.

Mr. Chairman, our committee has endeavored to deal with a serious problem, one that is more than academic. It has been made very urgent by incidents that have occurred. It is our desire to do something about this danger and to do it in a sensible, calm, and objective manner, in a constitutional way. The section that we propose in this bill is, in my opinion, constitutional.

The Supreme Court in Cox against Louisiana held that this language was precise, narrowly drawn, and directed against specific behavior. Thus, it met the constitutional test and was valid on its face. The opponents of this section are in error. They attack section 708 by saying that it is unconstitutional and in support of their position they cite cases which hold that language which is too broad, which imposes a prior restraint upon individual expression cannot stand the test of the first amendment. I want to call to the attention of this body the fact that section 708 does not change in any way the substantive language of 18 U.S.C. 1507.

Mr. Justice Clark indicated in his opinion in Cox against Louisiana that members of the Supreme Court had written this picketing statute. This statute was drafted in 1950 in response to the demonstrations that attended the Communist trials, and I am certain that many of you will recall the events which transpired at that time. Thus, in 1950 the Court chose the words which are in the present picketing statute. They chose these precise words because they, as the final authority on the meaning of the Constitution, determined that this language, the present language, met the constitutional tests imposed by the first amendment. I must reiterate, we have not changed this language nor has the Supreme Court changed its view of the validity of this language. All that section 708 does is to extend this picketing provision to the area occupied by the Pentagon building and federally owned property appurtenant thereto.

The opponents of this bill have charged that the language would prevent peaceful transit over Federal highways near the Pentagon. This is not correct. No statute could prevent peaceful conduct or peaceful expression. Expression and conduct can be constitutionally prohibited only when they cease to be peacefully in furtherance of the legitimate right to communicate views, and begin to threaten the administration of justice or the conduct of military affairs or to intimidate those attempting to perform their duties in these areas. This picketing provision, as amended by section 708, would proscribe activity only when the intent of a picket, parade, or other demonstration is to exceed the legitimate interests of citizens, and to interfere with the conduct of military business or to impede military employees from discharging their duties.

It is clear that this demonstration provision is constitutionally valid; that our amendment to this provision does not affect its constitutionality; that this section now, and as amended by section 708, serves the two most important interests of society, the administration of justice and the preservation of our national security.

Were either of these interests to be compromised, our Nation would be imperiled.

Mr. **WHALEN.** Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I believe that the three key words of section 708 are "intent of influencing." Title XVIII, section 1507, as presently written, makes it illegal for an individual to intend to influence judges, jurors, witnesses, and other court officials. I think that all of us here today would agree with this principle. We all concur, I am sure, with the concept that there should be no undue influence used in the deciding of our court cases.

What does section 708 do in this bill? It incorporates in a statute dealing with the judiciary reference to a Department of the executive branch. So section 1507, as proposed, would deal with both the judiciary and with the executive branches of the Government. So what it does now is to say in effect that it shall be illegal to attempt or to intend to influence Department of Defense personnel.

I object specifically to this section on two grounds. First, I think that it sets a dangerous precedent. It opens the door to inclusion of other Departments of the executive branch of the Government—the Department of Labor, the Department of Health, Education, and Welfare, and so forth. Also it certainly opens the door for the inclusion of the President, himself, as well as the Members of Congress.

Second, and more important, is the fact that intent to influence is certainly the essence of democracy itself. Every day there are individuals attempting to influence someone in the various departments of the Government. We seek to influence the President himself, and I am certain that all of us as Members of this House daily receive literally hundreds of letters attempting to influence us in the manner in which we vote.

This is why I say that attempting to influence is the very essence of democracy. Certainly petitioning, through picketing, expresses the desire to influence. Otherwise there would be no purpose in picketing.

This bill, therefore, as it is presently written, would preclude picketing, and thus take away the right to petition, which is the right of every American citizen. Obviously this violates the first amendment. Thus, in my opinion section 708 is unconstitutional. I therefore urge the support of the amendment offered by the gentleman from California (Mr. Leggett) to eliminate section 708.

(Mr. POFF asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. POFF. Mr. Chairman, in proposing to prohibit picketing of the Pentagon or on the grounds of the Pentagon, we are seeking to protect the Government's vital defense activities from unwarranted interference. The proposal reaches specific conduct and does not interfere with constitutional rights of free speech.

First, the statute is not vague. It would forbid picketing or parading in the Pentagon building or on adjoining Federal property. Further, the conduct would be prohibited only if it is with intent to obstruct or impede "the conduct of military and defense affairs" or to influence "military or civilian employees of the Defense Department." This intent test is specific and, unlike more general "breach of the peace" or "disorderly conduct" type statutes, which the Supreme Court has in the past voided for vagueness, this proposal gives clear notice of the prohibited conduct. In *Adderley* v. *Florida,* 385 U.S. 39, 42 (1967), Mr. Justice Black, writing for a majority of the Supreme Court, stated that a test of specific intent saves a statute from "being so broad and all-embracing as to jeopardize speech, press, assembly, and petition." The requirement of intent, the opinion stated, "narrows the scope of the offense. There is no lack of notice in this law, nothing to entrap or fool the unwary."

Second, the Government is under no lawful obligation to maintain the site of the Pentagon as a place for holding public demonstrations intended to adversely affect its work. Employees at the Pentagon are not charged with the making of political policy. Picketing on the grounds of the Pentagon, with the proscribed intent, on the site where already determined Government policies are carried out, does not constitute political debate; it only constitutes an interference with governmental operations. We may properly protect military personnel, as we protect judicial personnel, in the performance of their work.

So, again quoting the Adderley opinion, the Supreme Court has "vigorously and forthrightly rejected" any argument which assumes "that people who want to propagandize protests or views have a constitutional right to do so whenever and however and wherever they please. The U.S. Constitution does not forbid a State to control the use of its own property for its own lawful nondiscriminatory purpose." The Supreme Court, in *Cox* v. *Louisiana,* 379 U.S. 536, 554–5 (1965), has also stated the "clear principle" that:

> The rights of free speech and assembly, while fundamental in our democratic society, still do not mean that everyone with opinions or beliefs to express may address a group at any public place and at any time. The constitutional guarantee of liberty implies the existence of an organized society maintaining public order, without which liberty itself would be lost in the excesses of anarchy. . . . We emphatically reject the notion that the First and Fourteenth Amendments afford the same kind of freedom to those who would communicate ideas by conduct such as patrolling, marching, and picketing on streets and highways, as these amendments afford to those who communicate ideas by pure speech.

Nor are these clearly enunciated principles of constitutional freedom within an orderly society limited alone to protection of judicial areas from unwarranted picketing, which was the issue in Cox. The Adderley case upheld convictions for picketing a jail. Recently, in *Amalgamated Food Employees Union Local 590* v. *Logan Valley Plaza, Inc.,* 391 U.S. 308, 315 (1968), upholding the right of union members to picket a business in a public shopping center, the Supreme Court, in an opinion by Mr. Justice Marshall, noted that location of the picketing was the vital issue. He said:

> Streets, sidewalks, parks, and other similar public places are so historically associated with the exercise of First Amendment rights that access to them for the purpose of exercising such rights cannot constitutionally be denied broadly and absolutely . . . [But] we do not hold that respondents, and at their behest the state, are without power to make reasonable regulations governing the exercise of First Amendment rights on their property. Certainly their rights to make such regulations are at the very least co-extensive with the powers possessed by states and municipalities, and recognized in many opinions of this court, to control the use of public property. Thus where property is not ordinarily open to the public, this court has held that access to it for the purpose of exercising First Amendment rights may be dented altogether. . . . Even where municipal or state property is open to the public generally, the exercise of First Amendment rights may be regulated so as to prevent interference with the use to which the property is ordinarily put by the state.

Mr. Justice Black, dissenting in that case even on the right to picket in privately owned areas open to the public, noted, most aptly, that—

> Picketing that is patrolling, is not free speech and not protected as such. (391 US. at p. 333.)

The Supreme Court, then, has continuously reiterated that the right of persons to use the public streets, plazas, and parks to picket or parade in an expression of their views merits some degree of constitutional protection, but this is different when applied to other property sites on which work is conducted. The area around courthouses may be kept free from demonstrations. So may the area around jails. No one questions the need to limit access to Atomic Energy Commission sites (42 U.S.C. 2278a) and to sites of fortifications, harbor defenses, or defensive sea areas (18 U.S.C. 2152). The nerve center of our defensive activities, the Pentagon, may as well properly be kept free from any necessity to host demonstrations which are intended to impede the ability to perform its work.

Mr. NEDZI. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from California (Mr. LEGGETT).

Mr. Chairman, I want to first of all commend the gentleman from Ohio for a very clear and concise statement of what the issue in regard to this amendment really is, and what the proposal of the Committee on Armed Services is, which is for the House to vote for a provision which almost certainly is unconstitutional.

I am just requesting at this time that my colleagues not yield to political or emotional temptation. I concede that I share an almost emotional reaction, in fact, it is an emotional reaction, against disorder and against some of these forms of protest which border on the obscene, and the exhibitionist. Certainly we all prefer moderation, order, and tranquillity in our personal relationships and in society.

Therefore, it is a temptation to slap at disrupters of the public peace.

It is also probably politically popular in these troubled times to choose what seems to be the toughest option.

This amendment may satisfy our emotional instincts. It may satisfy public opinion in our districts, but it does not satisfy constitutional requirements, and it will be almost inevitably struck down when tested.

I think it is significant that this amendment was introduced in the Committee on Armed Services without advance notice. There were no extended discussions on the subject. There were no hearings and there were none of the customary reports requested from the appropriate agencies. While all of us recognize that this is not unprecedented, I think it is revealing.

This amendment would place the Department of Defense in the same category as the courts in limiting the right of demonstration. That is really the nub of the problem.

The language of the amendment, as has been stated, does not meet the test of specificity as to time, place, duration, and manner. It would go beyond the acceptable limits within which the Government may restrict demonstrations.

While a specific limited denial of the right of assembly on certain public property can be justified legally, this kind of blanket denial is certainly unlawful. In fact, the provision is so broad that patriotic assemblies of veterans like the DAR, the Blue Star Mothers, and the Gold Star Mothers or anyone else seeking to express support for our Government would be subject to possible prosecution for influencing the military or civilian employees of the Department of Defense.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. NEDZI. I yield to the gentleman.

Mr. RIVERS. The gentleman knows this amendment is copied verbatim from a statute that the Supreme Court ruled on and wrote.

Mr. NEDZI. I understand that.

Mr. RIVERS. Just wait a second. It says "with the intent to disrupt."

Mr. NEDZI. No, it does not say that.

Mr. RIVERS. I guess I can read the law. I have the law right here.

Mr. NEDZI. Mr. Chairman, that is not all of the language. It also says "with intent to influence" and that is the point.

Mr. RIVERS. Or to threaten or to intimidate.

Mr. NEDZI. It says "with the intent to influence."

Mr. RIVERS. If the gentleman will yield further, it says "pickets or parades in or near any such building or residence occupied or used by such judge, juror, witness or with such intent uses any sound truck or similar device or resorts to any other demonstration in or near such building or residence shall be fined not more than $5,000."

It is the intent, as the gentleman knows.

Mr. NEDZI. It is the restraint on the intent to influence the civilian and military personnel of the Pentagon in the discharge of their duty that makes this section objectionable.

Mr. RIVERS. With the intent to interrupt or interfere with the intent to do that.

I will not take any more time on this subject.

Mr. NEDZI. The fact of the matter is that the language of the law says "with the intent to influence civilian and military personnel in the discharge of their duties."

That is the basic issue that is involved here. That being the case, this kind of blanket denial certainly is contrary to the thrust of judicial opinions and invites I believe and assures a ruling of unconstitutionality.

In our statement of July 24, with my colleague, the gentleman from California (Mr. LEGGETT), the gentleman from Ohio (Mr. WHALEN), and the gentleman from New York (Mr. PIKE), I said that if we need more security on the Pentagon grounds, we could erect security fences, but this problem should not be handled by enacting unconstitutional amendments.

Mr. Chairman, I know that we are asking our colleagues today to do the politically unpopular thing, but we are asking you to do the constitutional thing and not have it done for you by members of the bar and by the bench.

Mr. PIKE. Mr. Chairman, I rise in support of the amendment.

I would suggest to the Members who are confused about the real meaning of this language that they look at it. It is on the bottom of page 46 of the report. The very last line on page 46 states—"or", not "and", but "or with the intent of influencing." That is all the intent that is required—the intent to influence. Those who find it difficult to distinguish between influencing the judicial process, as in Cox against Louisiana, and influencing the executive operation of our Government I think just plain are not "with it" as far as the constitutionality of the issue is concerned.

I am opposed to this language in the bill for another reason. Certainly there are things which we have got to protect our military from. But nobody really asked the military whether they wanted to be protected by this sort of legislation, from this sort of influence. I expect you would get some different answers.

For example, if an aggressive, nasty man walked into the Pentagon wearing a button saying "Stop the war," I expect they would like to be protected from that sort of influence. On the other hand, if a voluptuous, beautiful blond walked in there wearing a button which said, "Make love, not war," that would present what the Pentagon would call "an option." They might not like to be protected from that sort of influence. There are so many things.

I frankly do not worry about the man driving down the highway with a bumper sticker reading, "ABM is an Edsel." I think technically he would be in violation of this criminal statute, and anybody who espouses such heresy perhaps ought to go to jail for a year. I am not particularly worried about those people.

I am not worried about the "Women's Strike for Peace." These people are protected and preserved by something which I have never really understood called "flower power." They will get their message across. If their picket signs are taken away from them, they will print the message on their dresses—and I do not believe they are going to take the dresses away from them. But I am not worried about those people.

I am concerned about the poor American Legionnaire who would not resort to such trickery, who wears his Legion hat as he walks into the Pentagon and all he has on his suit is a button reading "Support our boys in Vietnam." And he is committing a crime under this statute. He is attempting to influence the military or the civilian employees of the Pentagon in a manner in which I am sure they would like to be influenced. But he is committing a crime.

I am concerned about the poor Congressman who goes over there and pounds on the desk and waves his arms because, in the furtherance of his constitutional responsibility to raise and support arms, he is outraged because they are taking a base away from his district. He is attempting to influence the military and he is demonstrating. He is committing a crime.

To quote a great American, "This section is so ridiculous, it is ridiculous."

Mr. CRAMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, so far as I am concerned, the bill proposed by the committee is constitutional, and I oppose the amendment to strike it which is presently pending. The language in the bill, I believe, is constitutional. There is little question about it.

Mr. Chairman, there have been many red herrings dragged across the path of the debate, first, to try to divert the attention from what the facts are, and, second, as to what the committee, amendment itself, does, and third, as to what the acts are that are restricted.

Ordinarily I would not take the floor of the House on a matter coming out of another committee and claim to be an authority. However, on this matter I feel qualified, because I was the author of the bill, that passed the House this year, to try to do something about camp-ins and disruptions such as Resurrection City and what have you on the Government-owned property of the District of Columbia. We had under consideration then the question as to whether or not we should try to limit such demonstrations at the Pentagon. We did not do so in our committee because we felt that was within the jurisdiction of another committee—the very committee that brings the bill before the House today.

I was the cosponsor of the bill last year that is now law, and practically everyone in the House voted for it. That provided for almost the same kinds of proscriptions as they relate to the Capitol Hill itself—right out here in front of the Capitol. We do not have those things occurring here on Capitol Hill that are proscribed by this amendment at the Pentagon. We cannot have those things here at the Capitol in the legislative branch of the Government, that phase of the Government where it is conceded there is a right to petition and such a right is a constitutional right.

The executive branch of the Government has the ministerial function, while we have the legislative function. If people have the right of petition, they should clearly have that right as it relates to the legislative branch of the Government; yet we enacted legislation which proscribes almost the same things by giving the Speaker the authority to limit the activities on Capitol Hill to prevent demonstrations and picketing on Capitol Hill.

Those activities include—and this is what is being amended—the use of sound trucks, and that is what is being proscribed or prohibited—or the use of similar devices and demonstrations in or near the Capitol. That is what is being proscribed, and the Speaker of the House in exercising his judgment and in proscribing the use of sound trucks and the use of picketing and signs on Capitol Hill is exercising that authority here, so why not restrict such activities at the Pentagon.

Now can we expect to have a different standard of conduct as it relates to the Pentagon itself? We know what happened at the Pentagon a few years ago. We know how there were people camped in, and we know how they interferred with the Pentagon, which is the nerve center of defense in the United States of America. That nerve center is the Pentagon itself. If we cannot protect that, how can we protect any Government function?

Yes, they dragged in the question of picketing in front of the White House. That is public sidewalk property. There is no comparison. The Pentagon is Government owned and occupied working property. They are talking about the streets and sidewalks in front of the White House, and we are not talking there about Government-owned property. Government-owned property includes the Pentagon itself and appurtenant property. The courts do not permit these pickets to go into the White House or the grounds. No one would suggest these pickets or demonstrators go into the Pentagon itself. That is what is proscribed here—within the building or grounds of the Pentagon itself.

So those arguments I do not think carry any weight. Interfering with the proper and necessary function of the Government is prohibited. In this instance we are talking about the Pentagon, which is the nerve center of the defense system of the United States of America.

There is no question about the constitutionality of this. The case that influences me most was a decision in a

Florida case where a jail was picketed, *Adderley* v. *Florida,* 385 U.S. 39, 42 (1967), in which Mr. Justice Black, writing for a majority of the Supreme Court, stated that a test of specific intent saves a statute from "being so broad and all-embracing as to jeopardize speech, press, assembly, and petition." It also says, "There is no lack of notice in this law." That is the same as the case with existing law, which this amendment attempts to amend.

Mr. McCARTHY. Mr. Chairman, I move to strike the requisite number of words.

I have been considering introducing an amendment to H.R. 13018, the military construction authorization bill for fiscal year 1970. This amendment would require that no funds be used for any construction connected with chemical and biological warfare.

The amendment, if I had decided to offer it, would have read:

> On page 66, insert immediately after line 11 the following:
>
> SEC. 710. No funds which are authorized to be appropriated under this Act may be used to acquire, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, to be used for research and development, testing, operations, maintenance, or other activities with respect to chemical and biological warfare.

This amendment, if offered, would eliminate authorization for projects such as the one for Dugway Proving Grounds, Dugway, Utah, that would provide a sampler processing building. This building would be used for loading, unloading, decontaminating, and servicing 1,400 heated biological sampler containers used in the installations field test program. The building would also be used to service 6,390 special chemical and biological sampling devices considered essential in the conduct of chemical and biological field trials by Dugway.

The amendment would also eliminate authorization for an animal isolation facility at Edgewood Arsenal, Md., that would be used for the proper quarantine, conditioning and care of animals required for research and development of chemical warfare material. The Dugway and Edgewood projects total over $4 million.

Although I personally question whether either of these facilities are needed, I am not offering an amendment that would delete authorization for facilities connected with chemical and biological warfare at this time. I do not do so because I do not wish to prejudge the results of the executive branch review of chemical and biological warfare practices and policies that is now underway. I believe it is the obligation of those holding positions of public trust to honor such a study by not arriving at conclusions before all aspects have been considered, an obligation that I believe that Secretary Laird violated in his conference with the summer interns. I also do not wish to prejudge the results of congressional consideration of the policy once it has been proposed by the executive branch. It would be unwise to delete the authorization at this time, if executive and congressional policies adopted this year require these facilities.

I serve notice at this time, however, that I will offer amendments deleting funds for certain aspects of our chemical and biological warfare programs when the military appropriations bill comes before the House for action. Many of our chemical and biological warfare activities are dependent on the results of the executive branch review now underway. It is not logical to fund construction and certain research and development and operational activities while this review is underway and until Congress has considered the results of the review. Certain funds should therefore be deleted from the appropriation bill and I will offer amendments to this effect.

Should the executive branch review and subsequent congressional consideration of the results call for appropriations, I would expect the executive branch to request a budget supplement for that purpose. This is the normal way to handle budgetary items for which planning is in the process of change.

The executive branch review, ordered by President Nixon on June 17, 1969, is the first comprehensive consideration of our chemical and biological warfare practices and policies in at least a decade. Recent events have indicated the need for this review. There is some indication that neither President Nixon or Secretary Rogers knew that nerve gas was stored by our Armed Forces on Okinawa. There are further indications that top West German political leaders did not know that the United States stored nerve gas in their country. Even within our own country, there apparently are no written policy guidelines governing the use of tear gas by our military in Vietnam. In my opinion, secrecy has been used to keep even members of the executive branch in the dark concerning our chemical and biological warfare policies and practices.

Executive branch department contributions to the chemical and biological warfare review are now due at the National Security Council in September. The NSC will then proceed to consider the various positions advocated by the different departments and arrive at a policy recommendation.

Before President Nixon approves the National Security Council recommendations, I would hope that he will also ask for the advice of knowledgeable civilians on this policy. Scientists and educators, lay leaders and editors, sources of respected advice should be consulted before a national policy in these fields of warfare is adopted. I would think, for example, that there would be a wide range of difference between those military experts who advocate the use of incapacitating biological warfare agents and newspaper editors familiar with the work of the United Nations in refuting Chinese claims that we used biological warfare in Korea.

I also believe that Congress should thoroughly debate the conclusions reached by the executive branch concerning chemical and biological warfare policy and practices. Only in this way can we discharge our responsibilities to the Nation and our constituents. Although Secretary Laird claimed in his recent interview with summer interns that Congress has expressed itself on this subject, the committee that reviewed chemical and biological warfare and issued a report never brought the subject to the floor of the House. The report was a committee print—no more—and did not represent the views of the House. A thorough debate is needed in which all Members can express their views. The ratification of the Geneva Protocol banning first use of chemical and biological warfare would provide one vehicle for this purpose.

Mr. Chairman, I conclude by stating that I will not offer my amendment to the authorization bill but rather plan to offer several amendments to the appropriation bill.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. McCARTHY. I am delighted to yield to the distinguished chairman of the committee.

Mr. RIVERS. Would it be the opinion of the gentleman that we should deny America the knowhow to counteract the threat of our enemies in the areas of chemical and biological warfare, knowing that America is committed never to be the first one to use these horrible and frightful elements of destruction? Would the gentleman want America to have nothing, with Russia having everything? I am sure not.

Mr. McCARTHY. I am sure if the chairman has listened to my statement he would know my point was I did not think there should be new starts in this brief period while our Government—the Pentagon, the White House, the National Security Council—are reviewing our policy. I do not want to prejudge what the results of that will be.

Mr. RIVERS. Of course not.

Mr. McCARTHY. I am sure the gentleman does not, either.

Mr. RIVERS. Of course I do not.

As to anything that is not classified, we try to have open hearings.

In talking about listening to the gentleman, I listen to you every time I can on my TV set. The gentleman makes a fine appearance.

Mr. McCARTHY. I thank the distinguished chairman. I should like to speak to him in person. I requested to come before his committee this week.

I might add one point, Mr. Chairman. The distinguished and generous chairman of the committee said we are committed not to use these horrible weapons first. We are committed, but we have not, along with 64 other nations, ratified the treaty that binds us not to use them first.

We did say at the United Nations that we would not use them first, but we have not ratified the Geneva protocol, which solemnly binds the signatory nations not to use germ and gas warfare first.

Mr. RIVERS. Will the gentleman yield?

Mr. McCARTHY. I am delighted to yield to the chairman of the committee.

Mr. RIVERS. We will not side with our potential enemy. They have nothing to lose. Certainly we will not use these weapons first. I am sure the gentleman will agree with that.

Mr. McCARTHY. If that is the chairman's attitude, I am sure he would not object if the other body, after 44 years, would ratify this document.

Mr. RIVERS. They can do with it whatever they like. That is their prerogative.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ARENDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time for the purpose of advising the House that a point of order will be raised against those who are addressing themselves to other than the amendment which is presently before the House.

Mr. ICHORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I tried to get recognition a few minutes ago to interrogate the gentleman from Florida because I thought that the gentleman from Florida (Mr. CRAMER), who I know has served many years as a distinguished member of the Committee on the Judiciary and who has made a very intense study of this field of constitutional law, was making a very important contribution to the record.

If I may have the attention of the gentleman from Florida, I think you put your finger on a very important point. I am quite concerned as to how the minority has tried to oversimplify, really, a very complicated body of constitutional law, particularly in their report where they say:

> Of course, the rationale behind these decisions is clear—free speech and First Amendment liberties cannot be abrogated unless the exercise thereof would present a clear and present danger to the United States.

I think the members of the minority have taken the language, the so-called clear and present danger test of Justice Holmes in the Schenck case out of context, because the Schenck case was dealing with a statute expressed in nonspeech or nonpress terms where you were trying to sustain a conviction for a violation of the statute by the use of speech.

Does the gentleman from Florida believe that in the case of the Pentagon, which is concerned with the security of the Nation, that you have the same considerations of the need for protection as you have in the case of the courts? Do you feel that the Pentagon grounds are a place where you can prohibit parades and picketing altogether for the specific purposes mentioned as in the case of the courts. Certainly we need to devise some means of effectively prohibiting the gathering of the howling mobs which occurred in 1967.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I am glad to yield to the gentleman from Florida.

Mr. CRAMER. Mr. Chairman, I will say to the gentleman that there is no doubt in my mind that even as contained in the additional views of those who are opposing the committee language and proposing the amendment the answer to the gentleman would be that even they have set out a number of cases, including those on page 55 where clearly the Government can proscribe or prevent activities which interfere with the carrying on of essential Government functions and the clear and present danger test discussed do not govern acts proscribed in the committee language. They also specifically refer to a case that has three basic tests which requires this amendment to "further an important or substantial Government interest." Certainly the defense of this country conforms to that. And further, "The governmental interest must be unrelated to the suppression of free expression." The defense activities conform to that. Further, the case cited states, "The restriction is no greater than is essential to the furtherance of that interest."

And, I think, the language in the present statute which is being amended conforms to that. So, even using the test that they have set out in the Hickel case and some of the cases which they have cited indicates this committee language fully conforms to the test and there is no doubt in my own mind but what in this instance and in other cases, including the Florida case of Adderley against Florida which held that people could not picket or demonstrate outside a jail, that this committee language is constitutional.

Mr. ICHORD. For the purpose of clarifying the record would not the gentleman from Florida also state that in the proposed language before us we have a specific intent criteria.

Mr. CRAMER. Yes.

Mr. ICHORD. This is a statute which will require specific intent, that is the intent of interfering with, obstructing or impeding the administration of justice, or with the intent—and I do agree with the gentleman from New York—of influencing military and civilian employees of the Department of Defense in the decisions that they make concerning the national defense.

Mr. CRAMER. That is right.

Mr. ICHORD. But the application of the statute is restricted to the Pentagon grounds and those grounds appurtenant thereto.

The gentleman does feel that this is a proper delineation of the constitutional limits of freedom of speech and assembly?

Mr. CRAMER. The gentleman from Missouri put his finger on one of the principal elements and that is the requirement that the party involved has to have the intent to interfere with or assist in the interference with such duties, and that it occur in or on Government-owned property, appurtenant to the Pentagon. This is the same as the obstruction of justice statute, section 1507 that this amends. Certainly, there are restrictions on freedom of speech and one of them is shouting "fire" in a crowded theater and overt acts of picketing and demonstrating can be limited in instances where they interfere with needed defense activities at the Pentagon.

Mr. RIVERS. Mr. Chairman, I wonder if we cannot arrive at some kind of agreement as to time on this particular amendment. I wonder if we could not finish this in 15 minutes? I think we have had enough debate on this amendment.

The CHAIRMAN. And all amendments thereto?

Mr. RIVERS. Yes.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto conclude in 15 minutes with the last 2 minutes reserved to the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. RYAN. Mr. Chairman, I object.

MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 15 minutes with the last 3 minutes reserved to the committee.

The CHAIRMAN. The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

Mr. RYAN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. RYAN. Mr. Chairman, I make a point of order against the motion in that it reserves time to the committee, which is out of order.

The CHAIRMAN. The point of order comes too late.

PARLIAMENTARY INQUIRY

Mr. KING. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. KING. As I understand the rules, a Member may only address himself to an amendment once. He may not speak on it the second time; is that correct?

The CHAIRMAN. A Member can rise in opposition to a pro forma amendment and seek time.

Mr. KING. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KING. The gentleman from California (Mr. LEGGETT) and the gentleman from Michigan (Mr. NEDZI) have already addressed the House on this amendment.

The CHAIRMAN. The Chair will state to the gentleman that they can be recognized again on a pro forma amendment while the same amendment is pending.

Under the limitation of time each Member who was standing at the time the motion was agreed to will be recognized for 1 minute, with the last 3 minutes reserved to the committee.

The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I rise in opposition to the amendment.

The additional views by several of the members of the committee are critical of the wording of the section as are the proponents of the amendment. Certainly, if we can improve on this wording and still retain its substance, we should. But I would hope that we will have no more gatherings at the Pentagon similar to the one we had last year.

This is our national defense headquarters and our military and civilian employees of the Defense Department should be permitted to conduct the affairs of that Department without obstruction by any militant or unruly group of people.

Among other things, opponents of this section argue that if it is adopted, highways adjacent to the Pentagon would be within the boundary of the statute. They indicate on page 54 of the report that to ride down the highway with a sticker on your car reading "ABM is an Edsel" would be a violation of the law. This does not appear to be a reasonable interpretation of the section.

It seems to me the main point that the Supreme Court has tried to make in their decisions and that our colleagues have discussed is that expression, standing by itself, unaccompanied by threatening conduct or illegal activity, is every citizen's right and is completely protected by the Constitution. This protection is preserved by section 1507, as it now exists and as it would be amended by section 708 of the bill. Illegality is restricted to occasions when an individual or group demonstrates in the area used by the Pentagon with the intent to interfere with the conduct of military and defense affairs or employees of the Defense Department in the discharge of their duties. There must be some form of demonstration. This picketing or parading must take place at the Pentagon building or on nearby Federal land used for Pentagon business, such as the parking lots, and this demonstration must be intended to interfere with the management of our military affairs. An individual traveling on the highway with a bumper sticker on his car reading "ABM is an Edsel" or "End the War in Vietnam" or "Boycott Grapes" or anything he wants to say, would be perfectly within his rights. I see no illegality under section 1507, now or after the enactment of this measure. First, driving down the highway does not constitute picketing or parading; second, it does not involve activity in the Pentagon or on federally owned property appurtenant thereto; third, it does not indicate intent to interfere with the conduct of military or defense affairs.

There may, at times, be a close question as to whether a person is violating this section, but that is true of every law we have on the books and courts decide whether the accused is in violation or not. But, with rare exception, people know the difference between demonstrating at the Pentagon in an attempt to influence or harass Government employees and merely passing by with a sticker on the back of a car—there is a wide difference.

Mr. Chairman, I urge that this section be retained in the bill.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman, in the first place, I would like to commend the authors of the additional views, not only for their well-reasoned statement as set forth in the committee report, but for the arguments they have made this afternoon.

The language of section 708 has been prompted by recent demonstrations which have occurred on Pentagon property against the war in Vietnam by Quaker and other groups. Whatever the Members of the House may think of the propriety—or even the legality—of these demonstrations, the imposition of a total prohibition on any demonstrations at the Pentagon or on the federally owned land surrounding it would be counterproductive. To the extent that the activities of those participating in demonstrations may be punished by law, ample criminal and civil remedies are already available to Pentagon officials.

The purpose of section 708 of this bill is clear. It is, as the excellent additional views of Messrs. PIKE, NEDZI, LEGGETT, and WHALEN in the committee report on H.R. 13108 point out, "to extend the constitutional restrictions designed to protect judicial officers and jurors from influence and intimidation in resolving a courtroom legal dispute to employees of an administrative branch of the Government as they attempt to address themselves to the multimillion facets of our defense system." No justification for such an extension is given by the committee with the exception of its rather perfunctory statement that—

> There are some individuals who would exceed these First Amendment guarantees and who would attempt to interfere with the conduct of our military affairs. (Committee Report on H.R. 13108, p. 47.)

As several U.S. Supreme Court decisions have pointed out, guarantees of free speech have little meaning if they are construed to exclude such forms of expression as peaceful protest and assembly—*Food Employees* v. *Logan Plaza*, 391 U.S. 308 (1968); *Edwards* v. *South Carolina*, 372 U.S. 279 (1963), and *Brown* v. *Louisiana*, 383 U.S. 131, 141–42 (1966), in which the Supreme Court explicitly held that—

> First Amendment rights are not confined to verbal expression. They embrace appropriate types of action which certainly include the right in a peaceful and orderly manner to protest by silent and reproachful presence, in a place where the protestant has every right to be.

Extending the ban on demonstrations designed to influence the processes of justice to the everyday affairs of an executive branch of the Government, then, will not stand the test of constitutionality.

But even beyond the issue of constitutionality is the dangerous drift toward isolating the Federal Government from the political expressions of U.S. citizens. Only a few weeks ago, the House, despite my opposition, passed a bill which would prohibit the use of Federal Government property in the District of Columbia by groups such as the Poor People's Campaign which seek to bring their grievances to the attention of Congress and the American public. House Resolution 247, which will be before the House sometime later in this session, is intended to prevent a future Resurrection City by denying the Secretary of the Interior the discretion to grant permits in nondesignated areas of the national park system for camping or overnight occupancy or the erection of temporary shelter.

Section 708 of H.R. 13018 represents an attempt to isolate the Federal Government from expressions of political opposition or protest. The proposed ban on demonstrations at the Pentagon and on the federally owned property adjacent to it is nothing less than an attempt to intimidate those individuals and groups who seek to express their opposition to the war in Vietnam and policies of the Pentagon. Such intimidation is not only contrary to the first amendment guarantees of the Constitution; it is also unwise policy. For as evidence of opposition to the policies of the Federal Government mounts, it is doubly important to provide every opportunity for those who dissent to express their views and to inform Congress of their position.

As Justice Charles Evans Hughes said in his opinion in *DeJonge* v. *Oregon*, 299 U.S. 353, 364–65 (1937):

> The greater the importance of safe-guarding the community from incitements to the overthrow of our institutions by force and violence, the more imperative is the need to preserve inviolate the Constitutional rights of free speech, free press, and free assembly in order to maintain the opportunity for free political discussion, to the end that Government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means. Therein lies the security of the Republic, the very foundation of constitutional government.

The security that derives from freedom of expression and assembly is far more vital to our Nation than the security from dissenting opinion which is sought in section 708 of this bill. I urge the House to approve the amendment to strike this unwise and unconstitutional section from H.R. 13018.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Chairman, first, I want to thank the distinguished chairman of the Armed Services Committee for the courtesies and the good humor that he always extends to those who are in disagreement with him. I rise to support the amendment to strike from this bill section 708 which section would make illegal the actions of anyone who having the intent to influence any military or civilian employee of the Defense Department, peacefully pickets or demonstrates on Pentagon property or on federally owned property adjacent thereto.

In my short 7 months here in Congress, I have seen this Congress preoccupied with legislation intended to limit or suppress dissent. I am speaking of lawful dissent and I would like to list some of those actions which this Congress has taken in that direction. Not very long ago the Quakers were barred by a rule of this Congress from speaking the names of the American war dead in Vietnam on the steps of the Capitol; within the past few weeks this Congress saw fit to bar lawful picketing within 500 feet of any church in the District of Columbia 2 hours before or 2 hours after any service or ceremony. This Congress barred the use of any Federal lands in the District of Columbia for camping purposes so as to prevent the even remote possibility of another Resurrection City;

and just a few days ago again with a heavy hand this Congress sought to chill lawful dissent on the college campuses of this country.

Today, alas, we are again involved in this preoccupation with repression. No one in this Congress including those like myself who oppose this section would condone lawlessness or violence of any kind. If there were an absence of statutory authority needed to protect the Pentagon from violence, all of us would join, I am sure, in providing the required legislation. But there exist in every State of the Union and the District of Columbia disorderly conduct statutes and for graver offenses, misdemeanor and felony, statutes which provide the necessary legal authority to apprehend and punish lawbreakers.

What we are doing here today is saying that what has heretofore constituted lawful activity and lawful dissent because it occurs on the premises of the Pentagon shall henceforth be illegal. Many have risen in this Chamber today and have stated their opinion that such prohibition is unconstitutional. I agree with them. But even if this action were constitutional, it ought to be voted down so as not to establish a dangerous precedent. Today we bar lawful dissent from the Pentagon. How long will it take before dissent is barred from the land?

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Chairman, under the guise of freedom to dissent, between 25,000 and 30,000 demonstrators brought shame and dishonor to our Nation in Washington, D.C., last week.

A mass migration of beatniks, hippies, black nationalists, professional agitators, and naive students attempted to close down the Pentagon, the nerve center of the military defense of this Nation.

They came here from all parts of the country, by car, by bus, by train, and by plane. A legitimate question: "Who paid for their transportation?"

The right to dissent is guaranteed by our Constitution. It is fundamental to maintain liberty and freedom. However, coupled with this "right" of dissent is a corresponding "responsibility." Storming the Pentagon, the theme of that infamous Saturday in October 1967, cannot be considered "responsible."

Last Sunday night I went to the Pentagon to see the protest activities "firsthand." What I found was a mixture of misguided humanity. This conclusion was not drawn solely by their physical appearance.

The night was cold and bonfires were burning on the steps and grounds of the fortified building. Not only were these fires used for warmth but for the burning of draft cards and dollar bills. There were numerous protesters seated and sprawled on the steps of the Pentagon. Circling this group were U.S. soldiers and Federal marshals. Floating up from this gruesome sea of humanity was the scent of drugs.

Within this motley group was a large portable loudspeaker. The protestors would take turns speaking—their remarks were unbelievable. The so-called "free speech" was salted with vulgarity directed toward the troops. Anti-American phrases advocating violent revolution were common. Filthy signs were displayed while others exercised their "dissent" by painting obsecene remarks and figures on the walls of the Pentagon.

The restraint shown by the military and the Federal marshals to the taunts and the face-to-face confrontation with the demonstrators was remarkable. The troops swallowed humiliation and never once lost their composure.

As I mingled amongst the dissenters I have never seen such a group of confused, selfish and malicious young people. They were a real dedicated bunch of draftdodgers. How do I know this—they told us so.

After leaving this disgusting scene I talked to bushy-haired Jerry Rubin, a codirector for the march and Peking-oriented leader of the Progressive Labor Party. Rubin, who has been active in violent protest demonstrations throughout the country, told me that a "revolution has begun and no power can stop it."

I witnessed the military warn the protestors that the agreed time for the march to end had arrived. The protestors, who had previously agreed to the terms of the march, refused to leave. It was necessary to carry them bodily from the steps to awaiting police vans to be arrested. The only casualty was a guitar.

The entire group represented a real waste of humanity—young derelicts with no purpose or direction—a ship without a rudder.

While we as a free people, and as a government, will continue to jealously guard and protect the right of every American to dissent—the fact remains that these misled young followers have provided incriminating propaganda to Communist countries. Their demonstrations are not patriotic, nor do they provide the morale needed in Vietnam. Instead, it is aiding and abetting the enemy. Make no mistake how the Communists will interpret this demonstration. They see it as a weakening of America's attitude toward the war.

It behooves us as citizens of our country to act immediately to correct a condition that may very well give "seed" to our own destruction as a free country.

The financial cost of handling this pro-Vietcong rally held last week was estimated at over $1 million. This does not include the value of the large amount of planning and staff time by the Government that went into preparing for the 2-day demonstration, nor does it include the cost, estimated at $350,000, of the military man-days of the Federal troops that defended the Pentagon.

The cost of this demonstration to our Nation's security is indeterminable.

Mr. Chairman, from a personal standpoint as an eyewitness, I heartily support this amendment and hope that this House will give unanimous approval.

In the past, this House has shown sufficient concern and provided legislation that prohibits resurrection cities on the Mall; certainly the Pentagon is far more important.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, I think the point of discussion here is that when a judge and jury make a decision, if you influence them you interfere with them, and you interfere with the judicial process, but when the Pentagon makes a decision you do not obstruct any defense activity when you try to motivate them in one direction or another.

I think this is what we have to keep in mind.

Mr. Chairman, I said, when I offered the amendment, that to this point I had not seen one single case to substantiate what the committee amendment would propose to do, and that is still the fact.

While the gentleman from Florida has said that we can go ahead and make laws protecting this Congress, if you will read the RECORD on page 17371 you will see that the District of Columbia district court has said that this Congress can wipe out noisy, violent, armed or disorderly activities, but certainly no picketing activity intended to influence this Congress.

This current committee amendment in section 708 in the bill is unconstitutional, and I think the amendment that I have offered should be agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. NEDZI).

Mr. NEDZI. Mr. Chairman, the gentleman from California is absolutely correct.

No one here on the side of the minority denies that the Congress can prohibit obstructions to the orderly conduct of the duties of Federal employees.

But the point is that none of the laws cited by the great legal expert from Florida address themselves to conduct which influences—and this is the basic point and the reason for our objection to this particular amendment. It is patently unconstitutional.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, my understanding is that the only amendment to this provision is an amendment to strike it out. Nobody has tried to improve it.

As I read this provision in the bill it does not seem to me to be a very extreme provision when we look at what happened around the Pentagon in that event that came off there. Most people do not want to say what happened at the Pentagon, because it was so repulsive. It has not been in the press to any great extent. There has been some mention made of it in the CONGRESSIONAL RECORD. Anybody who would approve of that kind of behavior and who thinks that is the kind of thing our country should have should think again.

The provision in the bill before us says "whoever with intent to interfere with, obstruct, or impede the conduct of military and defense affairs." That is the first part of this.

When reference is made in this bill to

"influencing," you should go on and read the rest of that sentence because it says this is only prohibited if they "picket or parade" in or near the Pentagon.

So here is a prohibition against acts to impede the security of our country. It is a very valid thing in my opinion to have this provision that the committee has brought forth.

Mr. Chairman, it is significant to me that nobody has offered an amendment to improve this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. Hunt).

Mr. HUNT. Mr. Chairman, there has been considerable discussion here today on the legality of this amendment.

I wonder if my colleagues ever consider in retrospect what the American people today are asking for? They all represent the American populace. We do not recognize ourselves as something superlative. We come here to do a job and we know the American public is sick and tired of demonstrators, dissident students, and those who invaded the Pentagon the latter part of October 1967. I am one of the three Congressmen who took the time to go over dressed in old clothes to see what they were doing.

If some of the bleeding hearts who now resemble the babbling of inbred parrots had gone over there to examine the actual motives of the demonstrators and what they were doing, I am quite sure today they would have a different tune to sing today.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. White).

Mr. WHITE. Mr. Chairman, I would point out with reference to the question of constitutionality on this particular measure that if it is constitutional for witnesses, jurors, and judges, then certainly it is constitutional in this application to our military.

I also would point out that the words "influence by parade or picketing" are capable of definition and have been defined by the courts. So there is no danger of expanding into an unconstitutional area.

A parallel precedent for what we are asking today is already seen here with reference to our Capitol Grounds, your grounds, under the legislative branch, where we prevent picketing or parading at the Capitol.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. Dorn).

Mr. DORN. Mr. Chairman, I rise to support the language as written into this bill by our beloved and able chairman, the gentleman from South Carolina (Mr. Rivers) and I rise to oppose the amendment. Similar statutes to that of Mr. Rivers, protecting our courts, juries, and judges from intimidation by mobs, have been upheld by the Supreme Court. Even with that provision of law, our courts could not operate without local law and order supported by the Armed Forces of the United States. To deny our military establishments the same legal protection as already granted to courts and juries would indeed be absurd. Without this protection, our military bases would become the target of every subversive, saboteur, and anarchist. With little cost to them our Fascist and Communist enemies could undermine and render ineffective our vital nerve center here in our homeland. It is the opposite of freedom of speech and assembly to permit mobs to destroy and intimidate those entrusted with protecting and preserving all of our freedoms. Those in uniform to protect our freedom must in turn on Government property be protected in their duty to plan and prepare to preserve our freedom. It would be unthinkable to adopt this amendment which would encourage and give the green light to those subversives and gangsters who would again attack the Pentagon and every military base in the United States. We must protect our stupendous investment in liberty and freedom. I highly commend the chairman, Mr. Rivers, and the overwhelming majority of his great committee who reported this bill to the House. I urge the Committee to reject this amendment and pass the bill as written by a stupendous majority.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. Rivers) to close debate.

Mr. RIVERS. Mr. Chairman, the language of this amendment is constitutional because the Supreme Court wrote it—so that ends the story. The Supreme Court has said it is constitutional. Let us take Mr. Pike's voluptuous lady wearing a button. Suppose she were to walk into the Pentagon and come out. This language which has been interpreted by the courts provides that there must be intent to influence or threaten the safety of a Defense official, as well as a judge, juror, witness, or officer of the courts.

Consider the Legionnaire. My heart bleeds for the Legionnaire just like the gentleman's does. Do you think any district attorney in his right mind would read into the action of a Legionnaire walking into the Pentagon—or this voluptuous creature to which the gentleman has referred—an intent to disrupt the military? Why, that is ridiculous. It is utterly ridiculous. This is a question of intent, and that goes to the jury. It is a matter of intent to disrupt and intimidate the nerve center of your military.

Why have not some of these people who object to this language but say they deplore demonstrations gone to the committee which in their judgment was the proper committee and obtained the proper legislation? It is almost 2 years since we had these dirty, filthy demonstrations at the Pentagon. The Constitution says that your Congress should provide for the military and make rules for the government thereof. The Congress has appointed the Armed Services Committee to discharge this responsibility and we are therefore here on our constitutional grounds.

You can do what you please about this. If you want to protect your very existence, support the committee. If you do not, go ahead and support the gentleman from California. I have talked all I am going to talk. If this is not constitutional, "There ain't no cows in Texas."

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from California (Mr. Leggett).

Mr. RIVERS. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Leggett and Mr. Rivers.

The Committee divided, and the tellers reported that there were—ayes 43, noes 145.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. REUSS

Mr. REUSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Reuss: On page 62, strike lines 22 through 25 inclusive and renumber the succeeding sections in title VII accordingly.

Mr. REUSS. Mr. Chairman, the amendment I have offered is a simple one. It would strike out the 6½-year freeze in the bill now on any use of the Bolling-Anacostia 920-acre reservation and leave the matter where it is now, where it is subject to an existing freeze for another 1½ years, to December 31, 1970.

Here is what it is all about. Five years ago the Bolling-Anacostia area was deprived of its military purpose when it was decided it was no longer safe to fly military aviation just across the river from National Airport. The Pentagon was told to come up with a plan for the use of that area. If it could use all the area, fine; if it could use part of the area, fine; whatever it was, the Pentagon should get on with it.

There have been promises from the Pentagon. Nothing has happened. The Pentagon has not come up with its proposal.

Meanwhile, in the District of Columbia there is a terrible housing shortage and a terrible shortage of land. The District desperately needs approximately 100,000 new habitations for human beings. It has a plan carefully worked out to use less than half the Bolling-Anacostia area, to use 416 of the 920 acres for a housing area.

This is not all public housing. There would be upper-income housing, middle-income housing, and lower-income housing, with a very small amount of public housing, with open space, with schools and community facilities, and opportunities for military housing.

All the rest of the area would be reserved to the Pentagon. If the Pentagon would take the remainder of those acres, approximately 504 acres, they could put up 10 Pentagons on it and have plenty of space for military housing left over.

My amendment would simply provide that we not extend this freeze indefinitely for another 6½ years, but require the Pentagon to come up with a plan which it was supposed to come up with 3 years ago.

There is a crying need for housing. It is utterly unfair that the Pentagon sit there on its Bolling-Anacostia and do nothing.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Ohio.

Mr. HAYS. The gentleman said there would not be public housing there. Where did the gentleman get that information?

Mr. REUSS. I said there would be a modicum of public housing. The plan entails equal amounts of high-income, middle-income, and low-income housing. Part of the low-income housing will be public housing.

But another important portion will be section 235 cooperative or nonprofit corporation housing.

If the gentleman begrudges the fact that one-third of the housing would be for people of low income, he is welcome to his begrudge, but the fact is this is not an overall low-income public housing project.

Mr. HAYS. Do not put words in my mouth. I am not begrudging anything.

The gentleman knows and I know that middle-income housing and upper-income housing is not going to exist side by side with public housing. It just will not work. It never has worked. It never will work.

Right over there in Anacostia there is some public housing, about which the papers ran a series of stories, which is relatively new, and which has already become slums. Nobody will live in it. Part of it is vacant. Windows are broken out.

Is that what the gentleman wants?

Mr. REUSS. The gentleman could not be more wrong.

I live in Southwest Washington, in a composite which includes some public housing. Southwest Washington gets along well, one with another. That is one example. There are many others.

This is a difference of philosophy. I happen to believe that that housing is best which is not restricted all to people of one income, rich or middle or poor, but has a nice dappling and sprinkling of all. I believe that is always the best kind of housing.

Mr. HAYS. I do not believe it will work.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from New York.

Mr. SCHEUER. I can assure my colleague from Ohio, as a developer of middle-income and upper-income housing, there are many examples across the country of housing mixes.

I developed a $22 million housing project in Brookline, Mass., where I was the developer of luxury housing, middle-income housing, next to public housing.

I did the same thing in Washington, D.C. We had middle-income housing next to public housing.

Perhaps a decade or two ago we could have said that these did not mix, but today there is a multitude of evidence that not only does it work but also it is profitable. The private developers are actively competing for the right to develop such housing.

Mr. BRAY. Mr. Chairman, I rise in opposition to the amendment.

Mr. HAYS. Mr. Chairman, will the gentleman yield to me?

Mr. BRAY. I yield to the gentleman from Ohio.

Mr. HAYS. I should just like to say that some of this housing in Southwest, which is supposed to be such a big mix—I may not be talking about the same thing—but as to that, I was down there and looked at it, searching for an apartment, and they were asking luxury rentals for slum housing. That is what it amounted to in my eyes, and I did not want any part of it.

Mr. BRAY. I thank the gentleman.

Mr. Chairman, I rise in support of section 707. This section extends the restriction presently in the law regarding the Bolling-Anacostia complex for an additional period of 5 years until all possible questions concerning the future military needs in this area are determined and until the master plan recently undertaken is completed.

This particular land has been the subject of many radio and TV editorials, as well as editorials in the newspapers, and they all discuss this land as if it belongs to the District of Columbia. Well, it does not. This land belongs to all the taxpayers of the United States regardless of their economic or social status. There is real estate in every State of the Union that is owned and used by the military. The District does not own this real estate any more than the various States own the military lands in their State.

They all cry the same theme—that the need for property on which to locate low-income houses is so vital to the District of Columbia. I would say to those critics of the military, and especially the critics of the Armed Services Committee and its distinguished chairman, that they should look over some of the many acres of land lying vacant in the District since the riots of April 1968.

There are more than 3,000 acres in the District that can be used for public housing, real estate that does not belong to the United States, about eight times the amount of land included in the Bolling-Anacostia complex.

I would further remind those critics that even after the office building presently proposed for the Bolling-Anacostia complex is completed, there will still be a deficiency of more than 15,000 office spaces for defense personnel.

Where are we going to put this personnel?

The Department of Defense, in answer to my inquiry, stated that they had personnel working in the Washington metropolitan area in more than 109 separate buildings. They are paying approximately $10.7 million a year in rent. About 72 of 109 buildings are rental buildings.

As you can see from these figures, that land across the river comprising the Bolling-Anacostia complex is vitally needed for the future construction of our military requirements, administrative as well as the family housing which must be built to take care of the service personnel in the metropolitan area.

Disposal of any of this land would mean that in a few years, when we are able to proceed with future construction so vitally needed, we will be looking for land on which to put houses, community facilities, administrative facilities, aeronautical use, et cetera. Why should we have to purchase land on which to build defense facilities—whether it be administrative space or family housing units—when we have the land which now comprises the Bolling-Anacostia complex.

There is a procedure whereby the Government disposes of real estate that is under military control when it is no longer needed. That is pursuant to section 2667, title 10, United States Code.

I have been on that subcommittee, which is called the Real Estate Subcommittee of the House Armed Services Committee, since it was formed pursuant to the legislation about 15 years ago.

Under this procedure, when the military no longer needs real estate, when it requires more real estate or wants to enter into leases, the matter is referred to this subcommittee and a similar one in the Senate which holds hearings as to the needs for this real estate.

Many billions of dollars in real estate during this time has been disposed of. There are instances, however, where real estate has been prematurely disposed of and later the Government had to repurchase it at great additional costs to the taxpayer. This matter should be handled according to the law, in the same manner as land would be disposed of in any of your States.

These are just a few of the reasons why I support section 707 and oppose this amendment.

If and when the United States does not need the Bolling-Anacostia complex for military use, it should be disposed of pursuant to law, in the same manner as it would be if the land was in any of the 50 States, whether for other governmental use, public housing, or for private development.

Mr. HALL. Mr. Chairman, I have served on your Committee on the Armed Services and fulfilled our assigned duty of surveying the needs of the military in the entire greater metropolitan area—from Fort Myer to Forest Glen and back to Fort Meade and Andrews Air Force Base.

I rise in support of section 707 of this military construction authorization bill which would retain the Bolling-Anacostia complex in the military inventory through December 31, 1975.

But, before doing so, I think that every Member of this House should be made aware that this is not a political or social issue. It represents consistent thinking on the part of the members of the Armed Services Committee during the last several administrations. It is not a social issue nor should it be developed into one, because if additional low-cost housing is needed in Washington, D.C., there are other areas where it can be built. Let me suggest Hains Point which is used as a golf course, or let me suggest the areas along Seventh to Ninth Streets which are so desperately in need of rehabilitation. So the issue, in my opinion, resolves itself to one of whether there is a needed use by the military for this property in the future.

Public Law 89–188 as amended, provided that the Department of Defense could, if and when directed by the President, enter into a leasing arrangement with the Federal Aviation Agency for a period not to extend beyond December 31, 1970. This provision was subject to a 1-year revocation provision whereby the FAA or designee may operate the runways, taxiways and parking apron, and other related facilities at the Bolling-Anacostia complex for appropriate aviation purposes.

The question seemed to be whether we could use the existing facilities at Bolling-Anacostia for "general aviation" purposes. We felt that we were not in a position to judge the safety factors involved, and gave that discretion to the President. Neither the President nor the Secretary of Defense seemed disposed to make the site available for general aviation. The FAA assured us at that time that relief would be gained, and no conflict in the various landing patterns.

We all recognize that the Washington National Airport has reached its saturation point while nonairline aviation is growing at an enormous rate whereas scheduled airlines operate fewer than 2,000 planes. The so-called general aviation fleet numbers more than 100,000 new high performance business planes with about 10,000 additional planes being produced by domestic manufacturers alone each year.

We recognize, too, that Bolling parallels National Airport but the runways are separated by more than 7,000 feet. Many airports in the country use parallel runways closer than those at National and Bolling. Among those are Atlanta, Ga.; Columbus, Ohio; Chicago's O'Hare; New York's John F. Kennedy; and the Los Angeles International Airport. If FAA can control safety in these areas we cannot understand why they cannot control it at National-Bolling.

Nevertheless, the discretion has been left up to the President, and we would continue granting that discretion to the President for this extension of time.

While the definite utilization of this property is not known either by the military or the committee, we do know of several projects which will require space in the Washington, D.C., area in the years. Long-term planning requires relocation from their present temporary World War II buildings for the Defense Language Institute which is housed now along the Anacostia River. The Department of the Interior has requested the return of this land by the military, and the Department of Defense is there as a tenant by sufferance at the present time.

Interior plans call for utilization of this area as a public park in this overcrowded section of Washington, D.C. But even if this land were transferred to the Department of Defense for the Defense Language Institute, it would not be large enough to provide the needed facilities. Why would the Defense Language Institute need to be located in the Washington, D.C., area? The answer is simple: Because it requires as part of their training program daily contact with personnel of the various embassies located in the Washington, D.C., area.

I am sure each of you have read about the plans of the Department of Defense to build a second major Defense Office Building on the Bolling-Anacostia premises. When we examined into these plans, we found out that they wanted to move the Navy from its current location on Constitution Avenue to this new complex to be built at Bolling-Anacostia, and while there are 14,000 employees of the Navy who would need to be transferred to this new building, the building was only large enough to house 10,000. So, the Department of Defense planning called for leased space in this area for 4,000 people. Frankly, I question whether their thinking is right because studies made by our committee indicate that it is much cheaper to own facilities rather than to lease them. Then, too, our committee is studying a bill introduced by our distinguished colleague, Mr. HÉBERT, to provide for a medical school to provide the medical education for doctors who would then serve a period of time in the Armed Services. This would not only relieve their doctor shortage but it would ultimately provide many more doctors for the civilian sector of our population. Obviously, if such a bill is enacted by this Congress, facilities would have to be built. Bolling-Anacostia is one possible location for this school.

Then, too, we have over 28,000 military personnel in the Washington, D.C., area who are required to live on the local economy. Rentals in the District of Columbia and surrounding environs generally exceed the basic allowance for quarters given to the individual serviceman. Washington is frequently a hardship post, particularly for a lower grade military person.

So, if housing is to be built at this area, surely military housing is equally as important as housing for others. Some people say we have no plans, but just want to keep this space for selfish reasons. Nothing could be further from the truth.

Frankly, I am somewhat scared of public housing based on previous experience with public housing right here in the District of Columbia. Let me cite you an example:

In June 1952, detailed studies were undertaken by the Planning Commission and the Land Agency leading to the development of the final plan for redevelopment of that area. A detailed survey of all the residential structures of area "B": in Southwest Washington showed that 64.3 percent of the dwellings in the area were beyond repair, 18.4 percent of the dwellings in the area needed major repairs, and only 17.3 percent could be considered as satisfactory dwelling units.

The survey also revealed that of 1,345 dwelling units in 1,006 structures, 57.8 percent of the dwellings depended upon outside toilets, 60.3 percent had no baths, 29.3 percent had no electricity, 82.2 percent had no wash basins or laundry tubs, and 83.8 percent had no central heating. Approximately 5,000 persons lived in the 1,345 dwelling units.

With this knowledge, a redevelopment project was undertaken and contracts were ultimately awarded. In awarding the contracts, the most important of the criteria established to evaluate proposals were the price to be paid for the land, the rents proposed to be charged for low-rental housing units, and the degree to which the proposal met the requirements and objectives of the redevelopment plan.

At this state of the redevelopment plan, it was proposed to construct between 500 and 600 units of low-cost housing. Low-cost housing is defined as property the rent for which is not to exceed $17 per room, plus utilities.

Ultimately, several proposals were considered. The contract was awarded to the least favorable and the lowest of the three as far as the land price was concerned.

A letter from the District of Columbia Redevelopment Land Agency dated July 26, 1963, stated that the Board considered the accepted proposal to be superior by virtue of adherence to the redevelopment plan, the nature of the proposal itself, and the financial capabilities of the sponsor.

After the award, the contractor through his various corporate devices began the construction of high-rise luxury-type apartments in this area, and succeeded in eliminating the construction of any low-rental housing in the area.

The average rent in the projects which were constructed in this redevelopment area is now somewhere between $45 and $50 per room. It is significant, I think, that the price for the land was not increased even though the low-cost housing was eliminated.

I think it is also extremely interesting that even though the interested Government agencies were aware that nearly 5,000 people of low income were to be displaced, they made no effort to bind the contractors to fulfill the requirement to construct low-cost housing to take care of these people. We can furnish details of this transaction if you desire.

There are about 28,000 enlisted and officers in the Washington, D.C., area eligible for military family housing but who live in housing provided by the local economy, often at hardship to the economy and financial embarrassment to the service personnel.

Gentlemen, we have a need for this property, even though the need may not have been clearly articulated or definitized at this particular moment. We have, in my opinion, at least equal wisdom for future planning—equal to that of the executive department—in military matters. I think the Congress has shown wisdom on two occasions in the past, in restricting the use of this area.

I firmly expect Congress will overwhelmingly agree with the Armed Services Committee that this land should be retained for the military.

Mr. GUDE. Mr. Chairman, in a very real sense the Members of the House will be called upon today to make an open committment to the direction of urban life in Washington. Depending on their assessment of national priorities, they will move either to intensify the immediate strife of the ghetto, to insure a continuation of the situation which has proven so often and so clearly to be dead end, or they will move to allow the possibility of hope, the possibility change.

Therefore, I rise in support of the amendment which would strike the proposal prohibiting nonmilitary use of the Bolling-Anacostia military complex from December 31, 1970, to December 31, 1975. This 920-acre plot lies within the boundaries of the District of Columbia. Only half of it is committed for various military purposes; the other half, having been decommissioned over 7 years ago, now lies vacant. There is military need for the ground now utilized by the Defense Department. However, it is clear that the proposal now made is not necessary to protect the interest of the military in the unused portion, and indeed it would stand in the way of valuable and productive use of the land.

The National Capital Planning Commission has developed plans by which this now-vacant land could be used to provide much-needed housing within the District of Columbia, if the Department of Defense should declare the land to be excess in terms of the needs of the military. The District's need for such a housing capability is nothing less than desperate. The Chairman of the District of Columbia Council has termed the housing problem the District's most pressing single problem. It has been estimated that 100,000 families now reside in substandard housing. With the population in the metropolitan area growing at a rate of 100,000 people per year and with the population estimated at 2.6 million in 1968, it is little wonder that there exists an estimated need for 50,000 new housing units immediately. One of the major reasons the demand so far exceeds the supply on the housing market is the critical lack of space for the construction of new housing projects.

The charge that the newly planned facility would become merely an extension of the ghetto is largely unfounded, for in the contemplated program only one-fourth of the housing units would qualify as low-income public housing; the rest would be moderate-income units.

Finally, the need in the District of Columbia is as much one for open space, where the citizens of this city can gain some perspective on life and reduce the incomparable pressure of too many people in too little space, as it is for housing per se. The land, now vacant and unused, could provide that advantage.

Obviously, if there were a chance that we would jeopardize our national security by converting defense installations to meet domestic needs, we would all most certainly be on the side of retaining our security. However, in this case, since the land has been decommissioned and left vacant and unused for the past 7 years, there is a burden of proof that must be sustained if we are to believe it is essential to our defense posture. The burden has not been sustained nor the proof demonstrated, in my view; and I rather suspect we are being "dogs in the manger" if we continue to assert the importance of this property to our defense in the absence of such proof.

And it is unfortunate that we seem to have assumed this general lack of logic in determining other defense appropriation issues. Too often whether or not systems are strategic is based on whether or not there is money for them, and the availability of funds is determined by the strongest lobby rather than the best logic.

My distinguished colleague, under whose sponsorship the present proposal is urged, declared in his own words that "this land is valuable." But it is clear that the land's value is determined only in terms of the need for it. The Department of Defense, which decommissioned the property over 7 years ago and has since that time left it vacant and unused, must assert its claim of right in light of the needs of urban Washington whose tenements are crowded, whose people long for some element of privacy and identification, and whose lives must not be stunted by the frustrating incongruities in our national priorities.

Mr. MIKVA. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise to support the amendment of the gentleman from Wisconsin (Mr. REUSS) to strike section 707. Section 707 of the military construction authorization bill would extend the present prohibition on nonmilitary uses of the Bolling-Anacostia military complex area from the end of 1970 to the end of 1975. Such an extension is both unnecessary and unwarranted. Most important, such an extension demonstrates that we are still willing to sacrifice important civilian interests—in this case interests in additional land for urban housing and community development—for anything that has the stamp of "national defense" on it. To me this willingness to deny pressing domestic needs in the face of very marginal military requirements shows that we have yet a long way to go in orienting our priorities.

As the proponents of the amendment have indicated, the military is fully protected under existing law. The land involved here would have to be declared surplus by the Pentagon before any of it could be turned over to the District of Columbia government for housing or other purposes. What we would be doing here today if we leave this section in the bill is to say to the military, in effect, even if you declare after full study that you do not need and do not want a part of the Bolling-Anacostia complex, nevertheless you must keep it, you must retain it, and you must deprive the District of Columbia of its use although there is no longer any military justification for doing so. Such a command to the Pentagon would be totally unjustified. It would be a serious mistake. And this is why I will vote for the Reuss amendment and why I urge my colleagues to do likewise.

Mr. Chairman, there are many additional reasons why one should support the Reuss amendment. One could cite the special responsibility which we in Congress have for the welfare of the residents of the District. One could cite the pressing need for additional land for housing and recreation in this city. One could cite the lack of uniquely military activities which are carried on at the Bolling and Anacostia installations. All of these are important—to me convincing—reasons to remove section 707 from the present bill. But there is one reason which I would like to stress here. It occurs to me because of a situation which exists in my own district in Chicago which is similar to the Bolling-Anacostia problem.

During the 1950's the Army took choice locations in Jackson Park on Chicago's lakefront to install Nike radar and missile units as part of the nationwide Nike antibomber defense system. Now this Nike installation was never popular, usurping as it did some of the choicest recreation land in the city of Chicago. But during the 1950's, in the midst of the cold war, when the Soviet bomber threat was a real and menacing one—in those days, Mr. Chairman, the use of Jackson Park for a Nike installation might in some sense have been justified. But today, more than a decade later, the Soviet bomber threat is almost universally recognized to be minimal. Today the need for urban parks and recreation areas is greater than it has ever been. Today Chicago ranks far below many major cities of the United States in available recreational areas per 1,000 population. And yet today that Nike installation is still in Jackson Park. It is still occupying 33 acres of choice recreational area which is absolutely impossible to duplicate anywhere in the citly. The Army says that it would cost $3.5 million to relocate this site. Mr. Chairman, 33 acres of recreational land comparable to the land on which that Nike site is located is absolutely unavailable in Chicago at any price—$3.5 million or $35 million. A relocation at four times the price would be a bargain as far as the residents of my district are concerned.

I am certain that many Members will appreciate what I am talking about here, Mr. Chairman. Many of us have faced the problem of trying to eliminate or convert to civilian use obsolete or unused military property. This is just one more reason that I favor the Reuss amendment today. I believe we must show the people of this country that we are beginning to place some emphasis on civilian—as well as military—needs. I believe we must make the point that military interests will not always outweigh the civilian, even when the military need is small and the civilian is great. That is the symbolic significance of this Reuss amendment, and that is why I will support it today.

Mr. SANDMAN. Mr. Chairman, I would like to take this opportunity to compliment the Armed Services Committee and yourself for the fine job you have done on the bill, H.R. 13018.

I would like also to commend you for the statement that you made in reply to the gentleman from Wisconsin's remarks when he advocated taking Anacostia Airbase and Bolling Field from the Armed Services. At that time you said, and I quote:

> The 920 acres that comprise Anacostia Air Base and Bolling Field belong to all of the people of the country and not just to those who would like to live in the District of Columbia.

This land is the only land that is left in the metropolitan District of Columbia area where any kind of a large airfield can be maintained. Both of these bases were closed upon recommendation of the FAA on the theory that the operation of such bases as airfields would interfere with traffic patterns at Washington National. With this I disagree.

An orderly air pattern can be accomplished so that Anacostia and Bollin

Airfield could be joined in one large airfield that could accommodate general aviation and at the same time relieve the very congested operation that now exists at Washington National.

I would like to point out, Mr. Chairman, that Washington National does not have an east-west runway and neither does Anacostia or Bolling Field. All of these airports when they are in operation operated almost entirely on north-south runways. It is true that all three airfields did have runways that were 30 degrees in each direction over true north and south. If Bolling Field and Anacostia were joined into one large airbase it could have a longer north-south runway than Washington National presently has. And it is for this purpose that I feel this land can best be used because in this way it would be used by all of the people and not just those who would like to live in the District of Columbia.

It is foolhardy to use up the last large area adjacent to the Anacostia and Potomac Rivers for housing of any kind or for the construction of office buildings.

The FAA has already imposed rigid restrictions against general aviation pertaining to its use of the major airports in the country. Rigid restrictions are already placed upon general aviation at Washington National.

For the reasons that I have already set forth I support the committee's position that Anacostia and Bolling Airfield should remain under the military jurisdiction until December 31, 1975.

However, even though I agree with you that all of this land should be under Federal jurisdiction controlled by the military, the military should in conjunction with the FAA immediately set forth to establish new traffic patterns so that this very valuable land can at the earliest possible date be used by general aviation and whatever military use is necessary from time to time giving the full right of reverter to the military in the case of any national emergency.

Mr. KING. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Wisconsin (Mr. Reuss). I have listened for the past several days to radio and television editorials condemning the action of the Armed Services Committee for extending the restriction on the use of the Bolling-Anacostia complex. I have read remarks in the newspapers talking about the need for low-cost housing in Washington, D.C., area which could be constructed at Bolling-Anacostia. All of these editorials and comments in the news media have intimidated that the Armed Services Committee, more especially Chairman Rivers, was restricting the use of the Bolling-Anacostia complex out of spite. Nothing could be farther from the truth.

In May of 1968 the Committee on Armed Services was notified that the Department of Defense planned to proceed with phase III of the design for the Defense office building to be located on the Bolling-Anacostia complex.

Chairman Rivers wrote Secretary Clifford in response thereto and said that because of the size of the building proposed to be constructed for the Department of Defense, a reexamination of defense needs for the space in this complex should be undertaken. Secretary Clifford wrote Chairman Rivers in June of 1968 responding favorably to this request.

In March 1969, the Department of Defense completed a preliminary review of the Bolling-Anacostia planning, with the conclusion that a considerable increase in acreage would be required to accommodate requirements beyond the scope of the original defense plan. The requirements contained in the new plan were on a wide range of essentiality involving both the Air Force and the Navy and require study in depth as to their validity, as well as to eliminate any possibility of duplication between services. Also, facility needs at Bolling-Anacostia must be related to military requirements in the Washington metropolitan area as a whole.

In view of the uncertainty of the Department of Defense's plan during the hearings last month on the bill now before the House the Assistant Secretary of Defense Barry Shillito and Deputy Assistant Secretary Sheridan were questioned by Chairman Rivers in connection with the progress being made by the Department of Defense on their plan for the Bolling-Anacostia complex. Chairman Rivers asked Mr. Shillito what kind of plans they had for the complex at the present time. Secretary Shillito replied, and I quote:

> We have several plans afoot, Mr. Chairman, on this. We are attempting to synchronize now the Navy planning and the Air Force planning that went on. We are bringing these things together into a total defense plan. We have had some constraints placed on us recently by the Bureau of the Budget.

Then Mr. Sheridan added, among other things:

> We have come to the conclusion that the planning on keeping the Air Force on the old Bolling tract is too tight and inefficient and they need additional land.

In that same colloquy I have quoted, which is contained in the printed hearings on the committee beginning on page 1264, there is a discussion about the possible use for general aviation. So as I stated before, the innuendoes and remarks in the news media that this provision was one of spite instead of continued need by the military and/or the Federal Aviation Administration, are wholly and totally unfounded.

Until the Department of Defense can complete its in-depth study as testified to in the committee hearings, this restriction should be continued on these lands.

Chairman Rivers has recently appointed a subcommittee to be chaired by the Honorable Speedy O. Long to investigate the growing encroachment by the civilian community on our present military installations. To allow the use of any part of this military complex for other than military purposes would be very foolish in the face of the knowledge of our committee concerning this growing encroachment by the civilian community on military facilities. I urge you to support this section in the bill as reported by the Armed Services Committee.

Mr. RIVERS. Mr. Chairman, we have debated this thing much too long, in my opinion. I oppose this amendment and ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin, Mr. Reuss.

The amendment was rejected.

AMENDMENT OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Rivers: On page 28, line 15, strike the figure "$20,800,000" and insert in lieu thereof "$18,300,000".

Mr. RIVERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. RIVERS. Now, Mr. Chairman, the purpose of this amendment is to eliminate $2.5 million which the Air Force estimates will be the cost of construction for space allocated at NORAD for the operation of the Safeguard system.

The reason I am offering this amendment is that it was not brought before the committee when the committee considered this bill and I told the House in our report, and the Committee on Rules that only $12.7 million was in the bill for Safeguard. Therefore, by offering this amendment I am keeping the word of our committee. This is the reason I am presenting it to the Committee of the Whole House on the State of the Union so you can do what you please with it.

Mr. CEDERBERG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment. I can fully appreciate the sentiment of the chairman of the committee under the circumstances under which he presents this amendment. But I think he is not being realistic about it. Actually, the $2.5 million that is involved in the expenditures of NORAD may have something to do with the Safeguard, but it will be needed whether or not the Safeguard is adopted. I say this because we in our Military Construction Subcommittee have just heard testimony on this subject and there is need for expansion of its own modern computers that are going to be necessary whether or not Safeguard is passed.

So, actually, while there may be some tie-in with Safeguard to this $2.5 million, it is going to be needed and I do not think we could have the House believe that this is a tie-in only with Safeguard and that if Safeguard is not implemented that we are going to save $2.5 million. It just is not true.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Alabama.

Mr. DICKINSON. Just so I will understand it, and I believe I do, do I understand the situation to be that there are some improvements that are to be built into the NORAD site at Colorado Springs, or near thereto?

In the committee we had been led to believe that no part of the construction was being added to be allocated to the ABM system. But we later learned that a small portion of the total amount of that for construction would be allocated to the ABM's possible use.

For this reason and in order to keep faith, the chairman of the Committee on Armed Services asks that it be taken out.

But is it not true that whether ABM is implemented or not, there still is a need for this amount of money and it will not be wasted if it is completed?

Mr. CEDERBERG. That is exactly correct, and as everyone understands the air defense is tied in with a large and vast communications network.

Mr. DICKINSON. Mr. Chairman, if the gentleman will yield further, I have one more question for the purpose of clarification. Is it not also true that if we do not do this at this time and try to do it at a later time it will cost a great deal more than it will presently cost to do it? In other words, will we not be penny wise and pound foolish?

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Florida.

Mr. SIKES. The distinguished minority leader of the Subcommittee on Military Construction of the Committee on Appropriations has taken a very sound view in this matter and his argument is well founded.

The distinguished chairman of the Committee on Armed Services has kept faith with his committee by calling attention to a situation which I must assume has arisen through a misunderstanding. I am certain that the Department of Defense did not intend to try to hide this money and I feel it should be retained. It is needed for an orderly ABM construction program.

If the item is not approved at this time, it will cost a great deal more to do it later. It is just as simple as that.

Mr. CEDERBERG. The gentleman is exactly correct.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, for the purpose of refreshing the memory of the Members, earlier today when the chairman of the full committee spoke, he tried to be specifically clear on this matter. As has just been said by the gentleman from Florida (Mr. SIKES) it was a matter of trying to be fair and to keep faith. Through a misunderstanding on the part of the chairman when he appeared before the Committee on Rules, he stated there was no money for deployment of Safeguard. I would say further, without attempting to put words in the mouth of the chairman, that the chairman would be very pleased, I am sure, if the amendment were defeated.

Mr. SIKES. Mr. Chairman, if the gentleman will yield further, I would say that this is one of the few instances, where I believe we can predict that the distinguished chairman of the committee is not going to be heartbroken if his amendment is defeated.

Mr. CEDERBERG. Mr. Chairman, I can appreciate the position of the chairman, and therefore I would urge the Members of the House to vote down this amendment.

The **CHAIRMAN.** The time of the gentleman has expired. All time has expired.

The question is on the amendment offered by the gentleman from South Carolina (Mr. RIVERS.)

The amendment was rejected.

Mr. PICKLE. Mr. Chairman, I move to strike the last word. .

Mr. Chairman, I have asked for this time in order to pursue a little further some of the colloquy that was held earlier on this bill with respect to the Bolling-Anacostia Air Force field.

Mr. Chairman, the bill extends for 5 years the control of this facility by the military.

As the chairman knows, this has been the subject of considerable discussion over the years. When we passed the bill in 1965, the language that is shown in this report, on page 94, clearly said, and I quote:

> This would be required for military purposes within the foreseeable future and should be retained by the Department of Defense for such purpose or for such use—

This is the point I want to make to the Members. It goes on to say—

> nor shall any of this land be set aside or committed by the Department of Defense for use by any other agency of the Federal Government other than the Department of Defense.

And this is the language I want the House to recall:

> However, the Department of Defense may, if and when directed by the President, enter into a leasing arrangement with the Federal Aviation Agency for a period not to extend beyond December 31, 1970, and subject to a one-year revocation provision whereby the Federal Aviation Agency or its designees may operate the runways, taxiways, hangars, parking aprons, and other related facilities at the Bolling-Anacostia complex for appropriate aviation purposes.

This is the law we are extending. So I recognize that we are saying again that when we extend it for 5 years, you are just saying what is outlined in this report on page 94; that, if in the opinion of the President, there did arise occasions where it would be recommended for specific uses, it can be used for aviation purposes and it can be so considered.

I, for one, do not want to see—and I am glad the amendment was defeated—that this would be converted into housing uses. As great as that problem is, one of the greatest problems in America today is we are running clear out of airports and airfields. Once they are gone, they are gone forever.

We are considering before our committee now legislation which is going to require astronomical sums just for airports and to regulate airports. So I just want, Mr. Chairman, to say again to my colleagues that if the President did recommend that we put it for aviation purposes, it could clearly be done.

I am not asking for general aviation purposes alone, but for appropriate aviation purposes. It can be so considered because it might in the future be very badly needed.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman.

Mr. RIVERS. We changed the date to December 31, 1975, from 1970.

Now if the gentleman's committee will get as busy as our committee has been and get the President to do something, we would use these runways over there.

You know good and well we cannot have this ridiculous public housing use—we want to dispose of that. But if the gentleman should get his committee to get the President to put general aviation over there, I know it would get appropriate consideration.

Mr. PICKLE. I want to say to the gentleman, I realize a former FAA Administrator came in and said the flying pattern was conflicting; that is, it was too close to National. That was 5 years ago. I thought we might be able to legislate on it in 1966 when the act was renewed and it would be allowed to be used for limited aviation purposes. I am sorry the FAA backed away from that position. But, in the future it might well be put to good uses. I think our committee and the FAA ought to get to work just as the gentleman said, and I hope we do.

Mr. RIVERS. I wish they would make up their mind.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman.

Mr. ICHORD. I appreciate the gentleman from Texas clarifying the record. By way of further clarification, I would point out to the gentleman from Texas and to the Members of the House that the former FAA Administrator initiated this amendment himself by requesting the chairman of the Committee on Armed Services to put an amendment in the bill.

Then there was this backing away by the former Administrator from using Anacostia as a general aviation airport.

Mr. Chairman, I think the recommendation and the request of the former FAA Administrator is still valid and it should be used for general aviation purposes.

Mr. PICKLE. We are making vast changes in the aviation field. We might conceivably find that we could use it for commercial aviation. We are making grade studies in the use of helicopters, V/STOL, and STOL planes.

I just do not want to see us locked in completely for any one field or use—except for aviation purposes. In view of the assurances of the chairman of the committee, I believe we would be free to move, and I appreciate that very much.

AMENDMENT OFFERED BY MR. FREY

Mr. FREY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. FREY: On page 16, line 12, strike out lines 12 and 13 and insert: "Naval Training Center, Orlando, Florida: Training facilities, troop housing, mess hall, and utilities, $12,909,000.
>
> "Naval Training Service Center, Orlando, Florida: Production facilities, $1,448,000."

The **CHAIRMAN.** The gentleman from Florida is recognized.

Mr. FREY. Mr. Chairman, very briefly, I recognize the outstanding job the committee has done and recognize that there have been cuts in many areas throughout the country. However, I thought it was my obligation to bring to this Committee the question of the recruit training and the facilities for recruit training throughout the country. We have today a capacity in the three centers for 22,800 recruits, and we are processing 29,000 recruits. In other words, there is an overload of about 27 percent. As one who went through the Navy recruit training at a time in the past, I know that the facilities and the capability for training of recruits is extremely important for the product we turn out and, of course, for the morale of the people whom we do graduate.

The course itself has been cut back from 11 weeks to 9 weeks because of the inability to properly house the recruits.

I feel that in my amendment there are provisions for recruit barracks and recruit messhalls which would take care of this problem, which would raise the recruit training capability at Orlando to 8,000 from 4,200. I would hope that the Committee would consider this amendment. I recognize the problem, the fiscal bind we are under, but I do think an overload of 27 percent and the cutting back of training from 11 to 9 weeks is important.

Mr. RIVERS. Mr. Chairman, I oppose the amendment.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Illinois (Mr. Collier).

Mr. COLLIER. I thank the distinguished chairman. I will take only 1 minute, because the previous amendment and discussion raises the question in my mind and prompts me to make this inquiry. Where the Department of Defense has surplus property and it chooses to transfer that property, as often it might, does the Committee on Armed Services have any control over such a transfer without finding out its specific use, or is this left entirely to the discretion of the Department of Defense?

Mr. RIVERS. If the Department is going to declare any property excess to its needs, the committee is notified, and then the subcommittee on real estate reviews the request of the Department of Defense.

Mr. COLLIER. Again, very briefly and specifically, my concern is the fact that the Department currently has surplus property at O'Hare International Airport, which is in my district. I understand that at this time they are planning to turn that property over to the O'Hare facility, and I just wanted to be sure that there is some way in which I would be advised or could be certain as to what use it would be put to, because if we are going to run another runway——

Mr. RIVERS. Mr. Chairman, will the gentleman yield to the gentleman from Missouri (Mr. Hall), who I think would be helpful on that question?

Mr. COLLIER. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, the action of disposal and/or acquisition of military property is reviewed by the Real Estate Subcommittee of the Committee on Armed Services, and after the subcommittee reviews each one on a line-item basis, the action is OK'd by the full committee on recommendation of the subcommittee. Then these properties are surplus and they go through the GSA disposal process, with first prerogatives to other Federal agencies—first, the military; then educational. I am sure the gentleman from Illinois knows the priority. Then it comes to the State level, and then to the local level. The answer to your question specifically about O'Hare, by liaison with any member of the committee or, indeed, by the staff of the committee, you should be advised if and when such action was approved by the committee, and long before it was declared surplus to GSA.

Therefore, you could work your influence on the normal disposal process.

Mr. COLLIER. Mr. Chairman, I thank the gentleman from Missouri. That answers my question.

Mr. RIVERS. Mr. Chairman, we must oppose this amendment, as we opposed the other. We recognize there are many gray areas, where we could spend some money, as, for instance, at the Navy Yard in Bremerton, or the Great Lakes Training Station, where they train the wonderful boys in Illinois, or the San Diego operation. But wherever we could possibly ask for deferment for one more year, this is the way we have approached it.

This is why I am opposed to the amendment of the gentleman from Florida (Mr. Frey).

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Florida (Mr. Cramer).

Mr. CRAMER. Mr. Chairman, does the gentleman from South Carolina feel that with the mere expenditure resulting from the amendment, which would result in 27 percent greater capacity, in view of the tremendous money investment at this location already, at this training base, that would be a wise investment, and it would be penny-wise and pound-foolish not to make it?

Mr. RIVERS. Mr. Chairman, we have cut $346 million from this bill. The same argument could be advanced for all the cuts. I sponsored the Orlando base, and I am going to take care of it, but wherever we can cut this year, we must. Next year we have every hope this thing will be brought back and that we can then approve it.

Mr. CRAMER. Mr. Chairman, the gentleman knows my record with regard to expenditures, but I do feel in this instance, with this tremendous gain in training capacity, this 27-percent increase in training capacity, it is penny-wise and pound-foolish not to provide this minimal increase in expenditure.

Mr. RIVERS. Mr. Chairman, I must oppose the amendment.

Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. Frey).

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Steed, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 13018) to authorize certain construction at military installations, and for other purposes, pursuant to House Resolution 500, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. WHALEN

Mr. WHALEN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. WHALEN. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Whalen moves to recommit the bill H.R. 13018 to the Committee on Armed Services with instructions to report it back forthwith with the following amendment: Strike section 708, beginning on page 63, lines 1 through 11.

Mr. RIVERS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. WHALEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. LEGGETT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. One hundred ninety-six Members are present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 87, nays 323, not voting 22, as follows:

[Roll No. 142]

YEAS—87

Adams
Addabbo
Anderson, Calif.
Ashley
Bingham
Boland
Bolling
Brademas
Brown, Calif.
Brown, Mich.
Burton, Calif.
Button
Celler
Chisholm
Clay
Cohelan
Conte
Conyers
Corman
Culver
Diggs
Dingell
Eckhardt
Evans, Colo.
Farbstein
Foley
Ford, William D.
Fraser
Frelinghuysen
Friedel
Gilbert
Green, Pa.
Griffiths
Hanna
Hansen, Wash.
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Holifield
Horton
Howard
Jacobs
Joelson
Kastenmeier
Koch
Leggett
Lowenstein
McCarthy
McCloskey
McFall
Macdonald, Mass.
Meeds
Mikva
Mink
Moorhead
Morse
Mosher
Moss
Nedzi
Obey
O'Hara
O'Neill, Mass.
Ottinger
Patten
Pike
Podell
Rees
Reid, N.Y.
Reuss
Riegle
Rosenthal
Roybal
Ryan
Scheuer
Stokes
Sullivan
Symington
Thompson, N.J.
Tunney
Udall
Van Deerlin
Waldie
Whalen
Wolff
Yates

NAYS—323

Abbitt
Abernethy
Adair
Albert
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Aspinall
Ayres
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boggs
Bow
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Cahill
Camp
Carter
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins
Colmer
Conable
Corbett
Coughlin
Cowger
Cramer
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Devine
Dickinson
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fallon
Feighan
Findley
Fish
Fisher
Flood
Flynt
Ford, Gerald R.
Foreman
Fountain
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Gross
Grover
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harsha
Harvey
Hastings
Hays
Hébert
Henderson
Hicks
Hogan
Hosmer
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Lennon
Lloyd
Long, La.
Long, Md.
Lujan
Lukens
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McKneally
McMillan
MacGregor
Madden
Mahon
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Melcher
Meskill
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morton
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
O'Konski
Olsen
O'Neal, Ga.
Passman
Patman
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pirnie
Poage
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reifel
Rhodes
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Roth
Roudebush
Ruppe
Ruth
St Germain
St. Onge
Sandman
Satterfield
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tiernan
Ullman
Utt
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Watkins
Watson
Watts
Weicker
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young
Zablocki
Zion
Zwach

NOT VOTING—22

Baring
Brasco
Brock
Carey
Cunningham
Daddario
Edwards, Calif.
Fascell
Flowers
Gallagher
Gubser
Halpern
Hull
Kirwan
Kuykendall
Lipscomb
Mailliard
Powell
Rostenkowski
Saylor
Taft
Teague, Tex.

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Carey for, with Mr. Hull against.

Mr. Brasco for, with Mr. Teague of Texas against.

Mr. Edwards of California for, with Mr. Fascell against.

Mr. Gallagher for, with Mr. Cunningham against.

Mr. Powell for, with Mr. Gubser against.

Mr. Stokes for, with Mr. Saylor against.

Until further notice:

Mr. Rostenkowski with Mr. Lipscomb.

Mr. Kirwan with Mr. Mailliard.

Mr. Halpern with Mr. Kuykendall.

Mr. Taft with Mr. Brock.

Messrs. WILLIAM D. FORD, FRIEDEL, BUTTON, O'NEILL of Massachusetts, and HOLIFIELD changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

Mr. RIVERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 376, nays 30, not voting 26, as follows:

[Roll No. 143]

YEAS—376

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Caffery
Cahill
Camp
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Cramer
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Feighan
Findley
Fish
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, La.
Lujan
Lukens
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pirnie
Poage
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reifel
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Roth
Roudebush
Ruppe
Ruth
St Germain
St. Onge
Sandman
Satterfield
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Zablocki
Zion
Zwach

NAYS—30

Bingham
Brown, Calif.
Burton, Calif.
Chisholm
Clay
Conyers
Diggs
Farbstein
Fraser
Gilbert
Hawkins
Helstoski
Kastenmeier
Koch
Lowenstein
Mikva
Morse
Ottinger
Pike
Podell
Rees
Reid, N.Y.
Rosenthal
Roybal
Ryan
Scheuer
Stokes
Whalen
Wolff
Yates

NOT VOTING—26

Baring
Brasco
Cabell
Carey
Cunningham
Daddario
Derwinski
Edwards, Calif.
Fascell
Flowers
Fountain
Gallagher
Gubser
Halpern
Hull
Kirwan
Kuykendall
Lipscomb
Long, Md.
Mailliard
Powell
Rostenkowski
Saylor
Taft
Teague, Tex.
Young

So the bill was passed.

The Clerk announced the following pairs:

Mr. Carey with Mr. Mailliard.
Mr. Kirwan with Mr. Cunningham.
Mr. Teague of Texas with Mr. Lispcomb.
Mr. Brasco with Mr. Derwinski.
Mr. Daddario with Mr. Kuykendall.
Mr. Rostenkowski with Mr. Saylor.
Mr. Hull with Mr. Taft.
Mr. Flowers with Mr. Halpern.
Mr. Gallagher with Mr. Powell.
Mr. Fascell with Mr. Edwards of California.
Mr. Cabell with Mr. Long of Maryland.
Mr. Fountain with Mr. Young.

Mr. MIKVA changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. RIVERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill (H.R. 13018) just passed.

The SPEAKER. Without objection, it is so ordered. There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON S. 1373, TO AMEND FEDERAL AVIATION ACT OF 1958

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on S. 1373 entitled "An act to amend the Federal Aviation Act of 1958, as amended, and for other purposes."

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CONFERENCE REPORT (H. REPT. No. 91–426)

[To accompany S. 1373]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1373) to amend the Federal Aviation Act of 1958, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That the Federal Aviation Act of 1958, as amended, is further amended as follows:

"(1) Section 407(b) (49 U.S.C. 1377(b)) is amended by adding the following additional sentence: 'Any person owning, beneficially or as trustee, more than 5 per centum of any class of the capital stock or capital, as the case may be, of an air carrier shall submit annually, and at such other times as the Board may require, a description of the shares of stock or other interest owned by such person, and the amount thereof.'

"(2) Section 408 (49 U.S.C. 1378) is amended by striking subsection 408(a)(5) in its entirety, and inserting in lieu thereof the following:

"'(5) For any air carrier or person controlling an air carrier, any other common carrier, any person engaged in any other phase of aeronautics, or any other person to acquire control of any air carrier in any manner whatsoever: *Provided*, That the Board may by order exempt any such acquisition of a noncertificated air carrier from this requirement to the extent and for such periods as may be in the public interest;'.

"(3)(A) Section 408 is further amended by adding the following new subsection 408(f):

"'PRESUMPTION OF CONTROL

"'(f) For the purposes of this section, any person owning beneficially 10 per centum or more of the voting securities or capital, as the case may be, of an air carrier shall be presumed to be in control of such air carrier unless the Board finds otherwise. As used herein, beneficial ownership of 10 per centum of the voting securities of a carrier means ownership of such amount of its outstanding voting securities as entitles the holder thereof to cast 10 per centum of the aggregate votes which the holders of all the outstanding voting securities of such carrier are entitled to cast.'

"(B) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading 'Sec. 408. Consolidation, merger, and acquisition of control.' is amended by adding at the end thereof the following: '(f) Presumption of control.'

"SEC. 2. The amendments made by this Act shall take effect as of August 5, 1969."

And the House agree to the same.

HARLEY O. STAGGERS,
SAMUEL N. FRIEDEL,
JOHN L. DINGELL,
J. J. PICKLE,
WILLIAM L. SPRINGER,
SAMUEL L. DEVINE,
GLENN CUNNINGHAM,
Managers on the Part of the House.

WARREN G. MAGNUSON,
HOWARD W. CANNON,
PHILIP HART,
NORRIS COTTON,
WINSTON PROUTY,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1373) to amend the Federal Aviation Act of 1958, as amended, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text, and the Senate disagreed to the House amendment.

The committee of conference recommends that the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment which is a substitute for both the text of the Senate bill and the House amendment.

The differences between the House amendment and the substitute agreed to in conference are noted below, except for technical, clerical, and conforming changes made necessary by reason of the agreement reached by the conferees.

References to provisions of existing law refer to the provisions of the Federal Aviation Act of 1958.

CIVIL AERONAUTICS BOARD EXEMPTION AUTHORITY AND BOARD PROCEDURES

The Senate bill contained two related provisions. One amended section 408(a)(5) of existing law to provide that the Civil Aeronautics Board could, by order, exempt any acquisition from the requirement of prior Board approval to the extent and for such periods as may be in the public interest. The other amended section 408(b) of existing law to permit the Board to establish such expedited procedures (other than evidentiary hearings) as it deemed appropriate in those cases where Board approval was required only by reason of section 408(a)(5) of existing law.

The House amendment limited the authority of the Board to exempt acquisitions from prior Board approval to acquisitions of noncertificated air carriers (such as air taxis and air freight forwarders). The House amendment did not authorize the Board to prescribe expedited procedures and dispense with an evidentiary hearing in any case of an acquisition where prior Board approval would be required.

The substitute agreed to in conference follows the House version. The committee of conference felt that the exemption authority of the Board with respect to noncertificated carriers eliminated the possibility that the Board would be overburdened with hearings on acquisitions of control. In the case of certificated carriers, particularly the smaller supplementals, the committee of conference expects the Board to process any acquisition proceedings with all due speed.

ATTORNEY GENERAL

The House amendment amended section 408(b) of existing law to require the Board to notify the Attorney General of the time and place of a public hearing on approval of acquisitions and other transactions already within the purview of section 408(a), and also to require the Board to determine that the Attorney General was not requesting a hearing before it could approve certain acquisitions without a public hearing. The Senate bill contained no comparable provisions.

The substitute agreed to in conference omits the House provisions relating to the Attorney General. The committee of conference was informed that, under existing practice, there is no lack of communication between the Board and the Attorney General as to Board action on proposed transactions affecting control of air carriers. The committee of conference expects routine and prompt contact between the Board and the Attorney General to continue. Moreover, the Attorney General would no doubt be included, as to notice, under existing law as in the group of "other persons known to have a substantial interest in the proceeding". Therefore, the conferees agreed that, in view of the statements in both the House and Senate reports on this legislation that there was no intent to add to or detract from the Attorney General's authority under the antitrust laws, it would be better to omit the House provisions.

PRESUMPTION OF CONTROL

The Senate bill created a presumption of control on the part of any person owning beneficially 10 percent of more of the voting securities or capital of any air carrier, and defined beneficial ownership of 10 percent of the voting securities to mean ownership of such amount of the carrier's outstanding voting securities as entities the holder to cast 10 percent of the total number of votes which the holders of all outstanding voting securities are entitled to cast.

The House amendment created a presumption of control on the part of any person owning beneficially 10 percent or more of any class of the capital stock or capital of an air carrier.

The substitute agreed to in conference follows the Senate version. The managers on the part of the House agreed to the Senate language which had been worked out in conjunction with the Securities and Exchange Commission and the Civil Aeronautics Board.

EFFECTIVE DATE

The Senate bill had a retroactive effective date of March 7, 1969, but provided that no criminal penalties shall be applicable to anyone who acquired control of an air carrier between that date and the date of enactment of the Senate bill.

The House amendment provided that it take effect on the date of its enactment.

The substitute agreed to in conference provides that the amendments to existing law will take effect as of August 5, 1969, the date of the conference agreement. The language relating to retroactive criminal penalties was omitted as unnecessary.

HARLEY O. STAGGERS,
SAMUEL N. FRIEDEL,
JOHN D. DINGELL,
J. J. PICKLE,
WILLIAM L. SPRINGER,
SAMUEL L. DEVINE,
GLENN CUNNINGHAM,
Managers on the Part of the House.

PERSONAL ANNOUNCEMENT

Mr. FOUNTAIN. Mr. Speaker, I was unavoidably detained during the vote on the bill, H.R. 13018, just passed by the House.

Mr. Speaker, had I been present, I would have voted "yea."

A BILL TO BAN USE OF DDT IN THE UNITED STATES

(Mr. OBEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. OBEY. Mr. Speaker, today, along with the gentleman from Illinois, Congressman ABNER MIKVA and 28 other Members of the House, I am introducing a bill which would ban the use of the pesticide known as DDT in the United States.

The only exception to the ban would be in cases where the President himself determined that the use of DDT was necessary to protect the health and safety of the American public. In such a case, the President would be authorized to use DDT for a period not to exceed 30 days, provided that notification is given to the Congress of the intended use of the chemical and the reasons which make that use necessary.

The need for a ban on DDT is clear. Because DDT is a persistent pesticide which takes more than 10 years to decompose, it is absorbed, not only by the insects it is intended to kill, but also by other birds, animals and eventually, even man himself.

As DDT reaches the rivers and streams of the country, it is absorbed in the fatty tissues of fish and aquatic life. As smaller fish are consumed by large ones, the concentration of the DDT increases, and by the time it passes into the bodies of fish-eating birds, its concentration has multiplied to frightening proportions.

It also passes into the bodies of humans, and the situation has become so serious that the DDT concentration in mothers' milk has been found to be more than twice as great as the concentration permitted in cows' milk which is sold for public consumption.

In 1962 Rachel Carson alerted the Congress and the American people to the dangers which could result from the use of DDT and other pesticides. Well documented and scientific research since then has proven her predictions of 7 years ago to be uncomfortably accurate.

One year after the publication of "Silent Spring," the Chairman of the President's Scientific Advisory Committee, Dr. Jerome Wiesner, recommended that the accretion of residues in the environment be controlled by orderly reduction in the use of persistent pesticides. That Committee also recommended that "elimination of the use of persistent toxic pesticides should be the goal."

In November 1965, the report of the Environmental Pollution Panel of the President's Science Advisory Committee recommended that unnecessary use of pesticides should be avoided whenever possible. The Committee noted that pesticide use is necessary under many circumstances, but it also reported that such use is almost invariably accompanied by undersirable side effects, often by hazards. It concluded:

> Accordingly, we should always use pesticides no more frequently and in no larger quantities than we must.

And, this year, after a careful study on persistent pesticides, the National Academy of Sciences-National Research Council stated that "prudence dictates that such long-lived chemicals should not be needlessly released into the biosphere."

In its conclusion, that NAS–NRS report also states the following:

> Residues of certain persistent pesticides in the environment have an adverse effect on some species of wild animals and threaten the existence of others.

Mr. Speaker, that statement does not hedge; it is not ambiguous; it does not equivocate. It says certain pesticides, particularly DDT and its persistent cousins, "have an adverse effect" on animals and wildlife, and "threaten the existence of others."

The fact is that evidence has mounted almost monthly indicating the ubiquitous nature of DDT and the hazard it poses for animals, wildlife, and man.

In one recent survey, the U.S. Bureau of Fisheries and Wildlife found DDT in 584 of 590 samples of fish taken from 45 rivers and lakes across the United States.

The National Wildlife Federation reports that approximately 75 percent of specimens of fish, birds, and animals collected from various parts of the world contained DDT.

In California 396 of 400 samples of fish and shellfish from salt water bays and the open sea contained DDT residues.

In Wisconsin the conservation department found it in every single fish examined in a recent survey.

The Fish and Wildlife Service has estimated that one part of DDT in a billion parts of water will kill crabs in 8 days, a relationship which is about equal to 1 ounce of chocolate syrup in 1,000 tank cars of milk.

Concentrations of the chemical have been found in penguins and seals in Antarctica and reindeer in Alaska, far from the insects first targeted for death by the pesticide.

In his relatively short lifetime man has caused the extinction of at least 300 species of animals. Man is accelerating this pace of extinction with the use of DDT and other pesticides, but perhaps most ominous of all is the fact that DDT has been found to interfere with the photosynthesis by marine plankton. Photosynthesizing photoplankton produces 70 percent of the oxygen we breathe. The threat posed to man's own existence is clear.

But, there are other examples which are almost as threatening.

The Secretary of the Department of Health, Education, and Welfare has received a report from the National Cancer Institute indicating that DDT-like poisons induce cancer in mice.

Researchers at the University of Wisconsin, among other places, have found indications that pesticides are a genetic hazard to man, capable of producing mutations. As one scientist at the Universty of California recently stated:

> No responsible person could now get up here and say that this constant nibbling at our steroids (sex hormones) is without any physiological effect. It would be irresponsible.

Mr. Speaker, there is only one way to eliminate the threat which DDT presents to man and his environment, and that is to ban the use of the chemical completely. Furthermore, only a national ban on the pesticide would be completely effective because DDT does not stay where it is put. It hitchikes its way throughout the environment in the soil, water, and air. It finds its way everywhere and poisons everything it touches.

It is true, as Senator RIBICOFF's report on pesticides and public policy stated in 1966 that:

> The debate over pesticides is but one facet of a wider debate which reflects a greater sensitivity to the fundamental questions raised by the continuing and accelerating pace of man's modification of his total environment.

I am pleased to say that more public discussion is taking place now over the importance of the preservation of our environment then has been true for many years. We have come to realize that human existence depends on the intricate balance of nature in the environment which surrounds us, and the probability is becoming clear that DDT is adversely affecting that balance. It is a poison which may even be more harmful than we now realize.

Arizona, California, and Michigan have banned the use of this chemical. Several foreign countries have done the same. It is my hope, and the hope of the 29 other authors of this bill, that the Congress will follow the prudent example recently set by my own State when the State assembly 2 weeks ago voted unanimously on a 90-to-0 vote to institute a ban on the use of DDT in the State of Wisconsin.

The text of our bill follows, together with a list of its cosponsors:

H.R. 13339

A bill to reorganize the executive branch of the Government by transferring to the Secretary of the Interior certain functions of the Secretary of Agriculture, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. There is hereby transferred to the Secretary of the Interior the functions of the Secretary of Agriculture under the Federal Insecticide, Fungicide and Rodenticide Act (61 Stat. 163, as amended, 7 U.S.C. 135–135k).

Sec. 2. The Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163, as amended, 7 U.S.C. 135–135k) is further amended by adding at the end thereof a new section 17 as follows:

"Sec. 17. Notwithstanding any other provision of this or any other Act, it shall be unlawful, after June 30, 1970, for any person to distribute, sell, or offer for sale in any territory or in the District of Columbia, or to ship or deliver for shipment from any State, territory, or the District of Columbia, to any other State, territory or the District of Columbia, or to receive in any State, territory, or the District of Columbia, from any other State, territory, or the District of Columbia, or a foreign country the chemical compound dichlorodiphenyltrichlorethane, commonly known as DDT, provided, however, that if the President of the United States makes a written finding that the public health and safety requires the use of DDT in a particular locality, he may authorize the use for a period not exceeding 30 days of such amounts of DDT as he determines is reasonable to protect the public health and safety, and the President shall, within 10 calendar days after granting such authorization, transmit to the President of the U.S. Senate and the Speaker of the House of Representatives a report stating the reasons for the temporary use which he has authorized hereunder."

List of Cosponsors of the Obey-Mikva Bill

Representative Glenn M. Anderson, Democrat of California.

Representative William A. Barrett, Democrat of Pennsylvania.

Representative Jonathan B. Bingham, Democrat of New York.

Representative George E. Brown, Jr., Democrat of California.

Representative Daniel E. Button, Republican of New York.

Representative William Clay, Democrat of Missouri.

Representative Don Edwards, Democrat of California.

Representative Marvin L. Esch, Republican of Michigan.

Representative Leonard Farbstein, Democrat of New York.

Representative Thomas S. Foley, Democrat of Washington.

Representative Henry Helstoski, Democrat of New Jersey.

Representative Robert W. Kastenmeier, Democrat of Wisconsin.

Representative James Kee, Democrat of West Virginia.

Representative Edward I. Koch, Democrat of New York.

Representative Richard D. McCarthy, Democrat of New York.

Representative Patsy T. Mink, Democrat of Hawaii.

Representative Arnold Olsen, Democrat of Montana.

Representative Richard L. Ottinger, Democrat of New York.

Representative Thomas M. Rees, Democrat of California.

Representative Henry S. Reuss, Democrat of Wisconsin.

Representative Benjamin S. Rosenthal, Democrat of New Jersey.

Representative Fernand J. St Germain, Democrat of Rhode Island.

Representative James H. Scheuer, Democrat of New York.

Representative Frank Thompson, Jr., Democrat of New Jersey.

Representative John V. Tunney, Democrat of California.

Representative Charles A. Vanik, Democrat of Ohio.

Representative Jerome R. Waldie, Democrat of California.

Representative G. William Whitehurst, Republican of Virginia.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I am happy to yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Speaker, I thank the gentleman for yielding.

I want to commend the gentleman, Mr. Speaker, for a very fine statement, and for demonstrating in his short period in the House of Representatives the qualities of leadership and initiative that I am quite sure played a big part in his recent successful special election in Wisconsin.

Mr. OBEY. Mr. Speaker, I thank the gentleman from Oklahoma.

DDT: THE ACCUMULATING POISON

(Mr. MIKVA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MIKVA. Mr. Speaker, my distinguished colleague from Wisconsin (Mr. Obey) and I have today introduced a bill which would ban the distribution of DDT in the territories and the District of Columbia and among the several States except upon special order from the President.

The need for such a law has been demonstrated with increasing clarity ever since Rachel Carson called the attention of the Nation to the possible threat of insecticides in her book, "Silent Spring." Scientists have investigated Miss Carson's allegations that indiscriminate use of DDT may result in man's destruction of himself and his environment, and evidence of the frightening truth of these allegations continues to mount.

As the evidence of the effects of DDT mounts, so does the poison. The sad fact is that DDT, once sprayed, does not go away. It rises into the atmosphere where it is absorbed into the tissues of high-flying predator birds, such as the bald eagle. It seeps into streams and into the fish that inhabit them—and into the birds that feed on these fish. And it comes to rest on the crops that are eaten by man. The most urgent fact about DDT is that once it comes to rest within an animal it does not dissipate—it accumulates.

DDT, after being allowed to build insufficient quantities within animals, has been linked by scientists to a wide variety of alarming ills. The effects of the poison on the reproduction of bald eagles may result in the extinction of that majestic bird. The mysterious deaths of millions of fish have been attributed to the large quantities of the pesticide which have been found inside almost all of those examined. DDT has been cited as a possible cause of cancer in mammals. DDT has even been found to render certain plants incapable of photosynthesis—the process which is responsible for all oxygen in the atmosphere. The more DDT which accumulates, the more we will discover that it can destroy.

Several States have banned, or are considering banning, DDT. But the individual States cannot control the DDT which floats in from outside their borders. This problem clearly calls for the kind of national action which is represented by this bill.

Opponents of restrictions on DDT have questioned whether we can afford to ban the chemical without any conclusive evidence as to its effects. We do know, now and with certainty, that DDT is a poison. We know that the longer it is used the more of it there is to accumulate in fish, birds, and human beings. Certainly a Nation that has landed men on the moon can develop a safer, more natural method of destroying insects. We not only can afford to ban DDT, we cannot afford not to.

Mr. Speaker, I urge the adoption of this bill.

MILITARY INVESTIGATION

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, I want to take this opportunity to speak about the decision last Friday of the House Armed Services Committee to investigate acts of militancy—brawls and fights—at Camp Le Jeune, N.C., and other military bases.

Since I recently called attention to the disturbing conditions at some of our military bases and took the time to personally inspect Camp Le Jeune July 23, I was naturally gratified when I learned that my efforts had aroused such fast action. The recognition of the problem by the Armed Services Committee and its desire to try to do something about it is surely a step in the right direction.

I would be less than truthful, however, if I did not say that I would prefer the formation of a permanent select committee that would deal solely with this most important investigation and not be burdened by other responsibilities. Judging from conversations I had within the last few days with some distinguished Members of this body and from the letters, telegrams, and telephone calls I have received from concerned Americans, I am sure that there are many in this Nation who agree with me.

There are those who have told me that the fact that the Armed Services Committee showed no visible awareness of the problem until I called attention to it is, perhaps, the best evidence of that committee's burdens with so many other matters. It is hard to argue against logic of that sort. We must wait and see and hope for the best.

Though expectations are low in some quarters—and I regret to say that this is understandable—I will do everything I can to assist the Armed Services Committee. If the committee desires my assistance, I would be only too happy to testify at its hearings. I would also provide the committee with my records and reports and do all within my power to acquire meaningful results.

I will do all of this because I consider the investigation vitally important to national security. The spread of general lawlessness within some areas of civilian society is indeed serious enough. But when those seeds are sown on some of our military bases, I cannot help but feel that the very survival of our Nation depends upon our ability to act effectively.

I trust, therefore, that the Armed Services Committee will give this investigation the immediate attention and priority that it deserves.

COMMEMORATIVE HALF DOLLAR HONORING APOLLO 11 ASTRONAUTS AND APOLLO 11 MOON FLIGHT

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, I have today introduced legislation which provides for the minting of new nonsilver half dollars as proof coins commemorating the epic flight of Apollo 11.

Mr. Speaker, the new nonsilver half dollar I have proposed for minting would not supplant the Kennedy half dollar nor would it circulate in competition with it and thus create confusion. The moon mission half dollar could be obtained only by placing an order with the Treasury Department, which would sell the coins at a price not to exceed $1.

The moon mission half dollar would be a special commemorative coin with the likenesses of Neil Armstrong, Edwin Aldrin, Jr., and Michael Collins on the one side and the lunar module on the surface of the moon on the other.

Under my bill, the Treasury Department would receive orders for the moon mission coin until December 31, 1970. Not only residents of the United States but also residents of foreign countries could buy the coins from the Treasury. I felt this was appropriate since the Apollo 11 moon mission really belongs to the world. As Neil Armstrong said, it was "one small step for man, one giant leap for mankind." I think people throughout the world should have an opportunity to buy a moon mission half dollar.

Mr. Speaker, as so often happens in matters of this kind, the sponsor of a bill is not always its originator. In the case of the moon mission half dollar, I would like it known that Hugh Downs, host of the NBC "Today" show, suggested the idea.

One last comment. I think the half dollar is the ideal coin for a moon mission commemorative coin because in a sense it will honor not only all our Apollo astronauts—including the late Roger Chaffee of Grand Rapids, Mich.—but also the late President John F. Kennedy. We all recall that it was Jack Kennedy who in ringing tones told the world America would put men on the moon before the end of this decade. We have realized that dream. We have accomplished that objective. I think Jack Kennedy would have been proud to have a moon flight half dollar memorialize the reaching of his goal.

HEARINGS ON OBSCENITY BEGIN

(Mr. DULSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. DULSKI. Mr. Speaker, the Subcommittee on Postal Operations today began hearings on the various bills which have been referred to our committee and designed to halt the flow of smut mail.

I commend the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. NIX), for his diligence in seeking legislative ways to control smut mail.

Court decisions have made the job of enforcement difficult, but I do not believe we should allow these adverse rulings to deter us in our effort to put teeth into the law to control these mailings, in particular those mailings which go into the homes where minors reside.

Mr. Speaker, as a part of my remarks, I would like to include the text of the opening statement by the chairman at the hearing today:

THE SMUT RAKERS VS. PARENTS

Today the subcommittee will take up the subject of pornography and its mail distribution. Federal interest in the regulation of pornography is based on the jurisdiction of the Post Office Department and the operations of the Customs Bureau. Our subcommittee's jurisdiction is limited to the mailing of pornography.

The mass mailing of unsolicited, unnatural and sexually degenerate material is aimed for the most part at adolescents. Such mailings have the effect of undermining parents in their attempt to educate their children as to the meaning and purpose of sex. Pornography undermines the family because it, by its nature, preaches that men and women are sexual objects to be exploited for personal pleasure.

Many smut merchants operate by means of mailing lists which contain the names of preteen children. These names are gathered through the purchase of preteen mailing lists compiled originally by other businesses who sell to children by mail, such as stamp clubs and record clubs. The preteen lists are then held until the named children are about 15, for maximum effect.

Fifteen year olds are at the height of their curiosity about sex which they regard as an adult mystery rather than a matter of adult privacy. This curiosity reaps millions for pornographers. Smut is cheap to produce, inexpensive to mail, and may result in a form of addiction to pornography which will become very profitable in the future to the smut merchant.

Pornography as a form of prostitution in this age of automated mailings is lucrative because it costs so little to produce. For example, most pornography makes extensive use of pictures. One picture of one prostitute can bring a thousandfold profit through computerized mailings that can be force fed through millions of family mail boxes via the postal service at minimal delivery cost. From the pornographers point of view the production cost is also very low in that he does not have to house the women he uses. The prices he charges for his books, pamphlets or movies can become as high for his hooked customers as prostitution itself. His legal position is stronger because he wraps himself in the cloak of free speech.

There may be those who fear that their own right to express themselves may in some distant future be limited if the pornographers right to sell is restricted. We will be hearing from these people in editorial columns in the near future. The ironic thing is that many of these same persons will support legislation that will restrict cigarette advertising aimed at the very young because they fear lung cancer themselves. These same individuals will support safety requirements for the manufacturer of automobiles because they abhor the slaughter of motorists on our highways. They will ask what interest is protected by anti-smut legislation.

The interest we seek to protect here is as vital as the interest of the American public in physical health, it is an interest in the mental health of children. A childs disoriented orientation toward the opposite sex will damage his relationships with other people and may even make the state of marriage a very difficult one. In some cases it may lead to sexual deviation or crime. This can happen because a young persons first impression of something as important as sex is the strongest impression. Extensive psychiatry may be necessary for a child who has been disoriented by pornography in order to bring him back to his full potential.

The parents of America have had enough. They have no way to turn but to their Representatives in Congress to protect themselves against mass mailings and repeated mass mailings designed to get by their guard and reach children, regardless of parental opposition. Pornography with its essential ingredient of sadism, the use of human beings as things, has no place in the American home or in the family mail box.

STUDENT DISORDERS AT THE UNIVERSITY OF CALIFORNIA: THE NONMONOLITHIC STUDENT

(Mr. LEGGETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, as the beginning of the 1969–70 school year approaches, the possibility of renewed disruptions of the orderly process of education which have in the recent past plagued colleges from coast to coast is of major concern.

If anything has been learned from the experiences of the past, it is that there is no easy answer to the question of how to solve the problem of student unrest. However, it is clear that student unrest will be eliminated neither by attempting to suppress it with brute force nor by merely sitting back and hoping that it will somehow disappear like a bad dream. If we are ever to deal successfully with student unrest, we must first understand the reasons why it exists.

In an effort to better understand these reasons for student unrest, the Senate Permanent Subcommittee on Investigations has been conducting hearings on the subject of student disorders for several weeks. One of the most prestigious witnesses to testify before the Subcommittee was Roger W. Heyns, chancellor of the Berkeley campus of the University of California. Probably no other college administrator in the Nation has had more experience with student disorders than Chancellor Heyns who has steered the Berkeley campus through a continuing rash of disruptions. Chancellor Heyns is therefore well qualified to speak from experience about the nature of student unrest, and I find his testimony most enlightening.

Mr. Speaker, I insert into the RECORD at this point the text of Chancellor Heyn's statement before the Senate Permanent Subcommittee on Investigations on July 15:

STATEMENT OF ROGER W. HEYNS, CHANCELLOR, UNIVERSITY OF CALIFORNIA, BERKELEY, CALIF.

Mr. Chairman and Members of the Committee: It is not my intention to elaborate at length upon testimony which has been presented by previous educators, and with

which I concur, concerning the pervasive underlying reasons for student discontent. Rather, it is my purpose to focus on the University of California at Berkeley, hoping that this description and some general statements concerning campus disruption, plus the testimony of your other witnesses will help this committee better understand student dissent and dissatisfaction.

The Berkeley campus is one of nine governed by the Regents of the University. The entire nine campuses are administered through the office of the President and through the respective Chancellors for each campus. The Berkeley campus is the oldest; it has an enrollment which ranges between 27 and 28 thousand students most of the academic year. Approximately 17–18 thousand students are undergraduates, the other 9–10 thousand are graduate students.

The campus lies within the city of Berkeley. The south boundary of the campus is separated by the width of a city street from the city proper; the main entrance on the south side of campus is directly opposite Telegraph Avenue in Berkeley. This Avenue has become the locus of a wide variety of youth cultures, representing immense diversity in political ideology, social organization, and personal styles of behavior.

The University of California at Berkeley is an academically prestigious institution. The city of Berkeley is a progressive community. Both the campus and the community have a rich tradition of cultural understanding, of acceptance of diverse and conflicting attitudes and opinions, of tolerance for a wide range of political viewpoints and of emphasis upon the intellectual, the artistic, and the creative.

When one describes a campus problem at Berkeley, he is referring to a situation which probably includes students ranging in age from 18–30, non-students from around the Avenue, a small but determined group of revolutionaries, high school and junior high school students from within walking distance, varying degrees of faculty and staff support or participation, ubiquitous newsmen and weather which is generally mild and pleasant.

Berkeley might well be studied by all who have a serious interest in the underlying causes of student unrest in this country. It has not only had more experience than other campuses, but it may well represent a harbinger of events not only for other universities, but for social institutions throughout our society. For at Berkeley one finds a gifted group of students; a distinguished and lively faculty; a community and campus social milieu of openness, acceptance, and high expectations; a campus increasingly facing the pressures presented by being part of the urban scene; and an institution facing the minority demands for access, not only from Blacks, but from Chicanos, Asians, American Indians and Filipinos. Berkeley also represents a large, complex organization within an even larger, more complex structure, an administrative scheme which makes the lengthy decision-making process intolerable to action-minded young people.

Berkeley, like most universities, is physically vulnerable. It is accustomed to operate in an atmosphere of free inquiry, personal trust, and mutual confidence. It can be disrupted easily in countless ways. The tactics of terror, violence, and hit-and-run disruption pose serious problems for University officials and law-enforcement officers. Fire bombs at night, threats of physical intimidation, and the swift vandalism of 100–300 massed individuals are nearly impossible to anticipate and extremely difficult to control. Identification of specific individuals involved in crowds or mobs behaving illegally is difficult, time consuming, and not very productive.

Nevertheless, university discipline is still an effective device for dealing with specific violations of campus rules and regulations by students. It is not always as swift as many observers off-campus would like it to be for a variety of legitimate, internal reasons. To begin with, University disciplinary proceedings now properly require a recognition of "due process". Within this procedure, cases have to be investigated, prepared, and presented. On our campus a Committee on Student Conduct is scheduled to hear the alleged violations, and this Committee—because it is made up of faculty and students having other responsibilities—cannot be assembled for any extensive period of time without considerable advance notification. It is the responsibility of this committee to hear the charges, to listen to the defense, to judge guilt, and to recommend penalties to the Chancellor. A review of the Berkeley experience with campus discipline over the past few years will show that Universities can indeed deal with their own violators and will also reveal that these disciplinary actions are effective. Since 1966, 517 students at Berkeley have been cited for violation of regulations. Of these, 70 were separated (by either dismissal or suspension) from the institution, 194 were placed on disciplinary probation, 75 were censured, 71 were warned, 78 had charges dismissed, and 29 have hearings pending. In addition to the students disciplined, 89 non-students have had any future registration at the University blocked. One of the most impressive revelations of the data is that of the 410 students disciplined, only 45 were repeaters. It must be noted, of course, that discipline is of no use with the non-student violator of regulations.

Campus discipline is not flamboyant, it is generally quiet and private. It operates not from a premise of being punitive, rather it attempts to be educational. It is slow, but it is thorough. And it is supported and respected by its community. Modern disciplinary process is influenced heavily by constitutional guarantees, court decisions concerning student discipline, and other legal ramifications which caution Universities to go slowly and soundly. The campus discipline process is not perfect, but neither is the civil or criminal court procedure. It is interesting to note that 37 students were separated from the University following the seizure of a campus building in October. Three of the leaders, charged with conspiracy, have yet to be tried in court. In a recent mass arrest associated with the People's Park 433 persons were apprehended. Every single case has been dismissed for evidentiary reasons.

Because any particular disruptive episode on a given campus comprises a unique combination of history, circumstances, and participants, that specific campus is best able to determine how the episode should be handled and should be left free to handle it in its own way. Especially must it be realized that a chief campus administrator—like any elected official—must have the social support of his community. He cannot be an effective leader without the respect and support of the bulk of students, faculty, staff, and policy board members. Any decisions made in the handling of a crisis have to be made in the context of the values, the understanding, and the ultimate support of the campus community.

There are times when physical disruption on a University campus exceeds the University's ability to control, and outside law enforcement must be requested. The Berkeley campus has faced such circumstances and has called for police assistance from off-campus. Such situations are not easy for either the campus or the law enforcement agency. Police are not anxious to operate in strange communities, whether it be a campus or another city. University officials are always aware that when they call for outside help, that step may aggravate an already difficult situation. However, if massive disruption is to be a style, Universities must either greatly augment their own security forces or rely upon outside law enforcement assistance.

Our campus, like most others, is engaged in critical self-evaluation with respect to those internal issues which are of concern to students. One of the main questions under scrutiny is the most appropriate and effective student involvement in academic planning and University governance. Method of student representation, the most effective organizational level of input, and the ephemeral nature of the student tenure on campus are illustrations of the kinds of problems that must be resolved. The Academic Senate is currently exploring the most effective and appropriate means by which students can participate in and with Senate committees. A review of student participation in departmental and college matters is being conducted in order that the most successful models can be identified and promulgated. The student government has created a major post dealing with academic affairs, and it will be the purpose of this position to develop ways for substantive student involvement in academic areas. During this past quarter, students were more heavily involved in the review of administrative services of student affairs than ever before, and this participation will be increased this fall and winter.

Because these are internal, institutional problems they can be, and must be, resolved by institutions of higher learning. What colleges cannot solve, however, are national and international issues and problems which have riveted the attention and emotions of so many young Americans. Elimination of poverty, genuine equal opportunity for all Americans, increased access to education, protection of our country's natural, physical beauty, and peace for all peoples are aspirations of the young for which we should rejoice. The frustration that is over-whelming to American college youth is that they cannot understand why this nation, with unlimited resources and ability as they see it, seems to place such little priority on realization of the "American Dream." The frustration is compounded when these same youngsters—wanting to remind their elders of the "Dream" and to demonstrate their personal concern—are branded as troublemakers, dissidents, and some sort of evil force that must be controlled.

If there is any specific, most urgent task before us; it is for all of us—including college administrators and United States Senators—to demonstrate to our young people that this nation still pursues its Dream, that a democratic society can cure its ills, that change can take place with dispatch, and that we do care about people as much as we care about things. From my personal observation and experience, I must re-emphasize some of what you have heard from previous witnesses and urge you to heed the interim report of the National Commission on the Causes and Prevention of Violence, and the comments of the twenty-two Congressmen who recently reported to the President of the United States on disruption on our college campuses. Any person working with college students today cannot help but be impressed with the frustration caused by the war in Viet Nam, the desire to end racial and social injustice, the motivation to eliminate poverty, the disenchantment with educational institutions which seem to be aloof from or indifferent to the problems of their times, and an overwhelming desire to be heard and listened to by those who are older and who are making decisions which affect young lives. In short, many of the disruptive acts on campuses have their origin in a deep-seated concern about a broad social issue of the day—the campus frequently is only the site of the expression of the discontent. This is not to say that there are not strictly internal causes for dissension and dissatisfaction among students. There are many; the inability of institutions of higher learning to respond rapidly to bona fide educational change is a clear-cut example. However, any cataloguing of the serious confrontations which have plagued the major campuses this past year will reveal, I am confident, more issues of a generalized nature than those of a strictly campus concern.

One of the tragedies of serious confrontation and disruption on any college campus is that it focuses attention on the wrong people and usually the wrong issues. In our resentment of and our reaction towards those who utilize coercion and disruption to achieve their ends, both internally and externally we tend to ignore the needs and interests of the great bulk of young people in this country. Young people who are committed to humanism and who do not want to destroy the society and institutions they hope to improve.

Especially, it seems to me, as the Congressman suggested to the President, is it imperative that we provide opportunities, on the campus and through national programs, for our young people to participate in meaningful efforts at solving our social problems.

One cannot overemphasize the gravity of campus disruption and coercion. Its very form and substance is anathema to an environment of learning and inquiry. It cannot be tolerated or condoned. College administrators and faculties need no reminding that disruption cannot be allowed on campus. Quite apart from the external reverberations such disturbances initiate, any University administration dedicated to the principles of education, learning, and investigation is committed fully to the elimination of tyranny and intimidation as a way of life, on or off campus. But somehow, above all else, at the same time students are being shown that disruption and coercion are counter-productive, these same students must also be shown that peaceful and productive change can take place.

I happen to believe that the unrest manifested on our campuses, and the searching questions asked by today's students, are going to be increasingly felt and asked throughout all social institutions in this country unless we begin to make some profound and satisfying changes. Our churches and our municipal and state governments, as examples, are increasingly going to be subjected to the debates, pressures, and disenchantment now exhibited on college campuses. I am not astonished that campuses have been the first site of the expression of youthful unrest. With more and more better informed young people moving into a free and open environment of inquiry and learning, is it really such a surprise that this environment would be the locus for the demonstration of their concerns and beliefs? Because I do think our campuses may be a preview for other American institutions and agencies, and because I do think young people are putting our society to the test in an unprecedented way, I believe strongly that American higher education needs support more than ever before. If there is any one institution in our society that is most suited to work with the young, to examine challenging concepts, to understand discord, and to illuminate the way to a better future, it is higher education. Of course we are racked with troubles and unpleasantness, but we are more likely to find their solutions than anyone else. This is not the time to be punitive by restricting appropriations to higher education, and this is not the time for public confidence in education to be undermined. Rather, this is the time to extend support to higher education, to build public confidence in the recognition that our ability—on the campus—to solve our difficulties in a fundamental and permanent fashion is essential to the continued development, improvement, and stability of our total society.

Mr. Speaker, I would like to insert into the Record at this point two additional observations concerning student unrest by two students attending the University of California at Davis. The first article is a statement authored by Anthony Lee Miller, a senior and political science major at Davis, who is currently serving in my office as a congressional intern.

The second insertion is a letter from Alan Tesche, also a political science major at Davis. Mr. Tesche's letter was written in response to a statement by Miss Cynthia Edwards, currently serving as a congressional intern with Congressman Don Clausen, which appeared in the Record on July 22 , 1969.

I think that the remarks of these students are relevant and worthy of recognition by Congress:

On Student Unrest

(By Anthony Lee Miller)

It would make life a lot simpler for politicians, college administrators, and parents floundering in the waves of student unrest if the source of this tide of rebellion sweeping across America could be pinpointed. If we could single out a small highly organized and well-financed cadre of conspiritors, or parental permissiveness, or student infiltration by elements of the radical lunatic fringe as the culprits, then perhaps we could solve the problem by simply removing the carcinogenic agent apparently corrupting young people much as a skilled surgeon would remove a malignant growth. But any attempt to explain student rebellion by pointing accusing fingers at single strands in the complex maze of factors which have converged to produce this so misunderstood phenomenon is to lose sight of the forest because of the trees.

To assume that a small, hard-core element of students and non students are responsible for the rash of disruptions is myopic and simplistic. One who attributes unrest to this cadre of revolutionaries gives these nihilists much more credit than they deserve and underestimates the intellectual capacity of most students by assuming that they are so gullable as to be deceived by the revolutionary-oriented hyperbole. This is not to say that this cadre is non-existent because these cohorts in revolution have made their presence known by their own inflamatory proclamations. But these radical elements survive only because of widespread alienation and frustration in a growing, not so silent majority of students, who identify with the goals if not the tactics of this much smaller, generally disorganized and crisis-oriented group of radicals.

But if the conspiracy theory is merely invented as an excuse for reaction rather than an explanation of the nature of student disorders, then what is it that has caused the young people of the most affluent, the best educated, and freest nation on earth to reject its heritage, to question self-evident truths of the past, to shake loose the moorings of American values? Why is the generation to whom the torch will soon be passed warring against its elders? Chiliastic idealism and the zealous desire to make America conform to our dreams is not unique to this generation. But the Doctor Spock generation is the unique product of a unique age—the age of affluency, the age of the mass media, the age of destruction. This generation is disillusioned and angry because the pregnant discrepancy between the ideal and the real—the American Dream and the American Nightmare—has never been so clear. Never before has the contradiction between textbook verbiage and real life trauma been so apparent. Young people, for the most part spared a life of hardship and drudgery in our affluent society and nurtured by a media which has reduced the world into a global village (to use Marshall McCluhan's phrase), are convinced that for the first time in the history of this planet this nation has the technological and scientific capability to solve mankind's age old problems of hunger, disease, and war. They refuse to swallow the hypocracy apparently tolerated by the preceding generation. Neglected pockets of hunger in the wealthiest country this world has ever known, the apathetic toleration of racism in a country thought to be founded on the notion that all men are created equal under the law, the fighting of an insane war of aggression 8000 miles away in the name of self determination—this generation finds these contradictions paradigmatic of so many others and refuses to sit idly by while people strave, suffer, and die. The college, often times encrusted with the barnacles of tradition and tangled in the atavistic ivy of an era long past, are the focal point of the attack.

Affluency has produced another phenomenon—boredom. Rejecting religion, the Puritan ethic of hardwork, and the old morality, this generation of Americans has turned to other foundations for places to secure anchor, to give direction to living, and a reason for existing on this speck of cosmic dust. This cause is the crusade to rebuild America according to the ideal, not the reality. This is the cause. This is the purpose. This is not to say that student rebels are pimple-pocked, corpulent outcasts using the anti-establishment crusade to compensate for their physical or emotional inadequacies. Such an assertion smacks of the same myopicism and simplicity as those who clutch the conspiracy theory. Aesthetics knows no ideological boundaries.

Thus, the hard-core revoluntionaires are not responsible for the disruptions on our college campuses but merely form the tip of a great iceberg mostly submerged beneath the turbulent waters of our kaleidoscopic society. Striking out at the hypocrisy in society, these iconoclasts have not given up on America . . . yet. They are determined to make America better. In their eagerness, they often have become intolerant and impatient. All too often their militant antics have curdled goodwill. They expect the wheels of government to turn faster than its design permits. Righteous with a religious fervor, means often become obscured and less important than ends.

But the way to deal with student unrest is not suppression, attacking the symptoms rather than dealing with the causes of the malady. Coercive, police state tactics will only exacerbate the conflict, adding fuel to the flames of conflict, spreading the seeds of hate, and effectively subverting the atmosphere of reason and compromise so necessary in the resolution of conflict. The problem ultimately can be solved only by committing this nation to the goals of the student crusade. American government, tradition, and values must face up to the challenge of criticism. Blocking the channels of dissent will only cause frustration to boil over into the streets. America must never forget what President Kennedy once said, "Those who make reform impossible make revolution inevitable."

University of California,
Davis, Calif.,
July 30, 1969.

Hon. Robert C. Leggett,
Washington, D.C.

Dear Mr. Leggett: I am writing to you in response to a statement by Miss Cynthia Edwards inserted into *The Congressional Record* on July 23, 1969, relating to campus disorders. There are at least nine major points raised in her statement, all of which deserve careful consideration. Miss Edwards' analysis of the student situation, although well-intentioned, reveals an exasperating mis-understanding of the entire issue. I choose to respond to her remarks not simply because they so badly deserve that response, but because these remarks are now part of the *Record* of the United States Congress.

She contends that the impetus behind present disruptions lies with a small, hard-core element of students and non-students who are skilled at manipulating minds. This is an eloquent restatement of the classical conspiracy theory of American history which explains away complex events by indicating a small and clever band of conspirators. It's a believable theory simply because it can explain virtually anything—from a despised State Department in the early fifties to the black riots of the sixties.

By applying the conspiracy theory to campus disruptions, Miss Edwards gives too much credit to the "lenders" of student unrest. Certainly leadership is a factor in any situation, but to ignore the widespread, general student support for the aims of radical students—more black studies, more student power within the institution—is imprudent. She might read a Gallup poll in the May 25th issue of the *New York Times* which substantiated this support. Or she might read Congressman Brock's report which indicated the widespread and sympathetic feelings felt by students for many of the views held by so called "hard-core" radicals.

Secondly, by assigning almost supernatural powers of persuasion to this small percentage of radicals, she discredits the intelligence and awareness of her fellow students. I think students today are clever enough to see the malevolent and sinister forces manipulating their lives—racism, the Vietnam War, the draft—and are today seeking freedom from these forces.

Miss Edwards contends that the target of the hard-core radicals is the larger group of frustrated students who are susceptible to manipulation. Her analysis of the causes of this frustration is, in my opinion, tragically nearsighted, for she only alludes to overweight, parental arguments, and leisure time as factors underlying student discontentment.

Does the fact that most universities across the country have little or no role for students to play in educational decision making lead to feelings of frustration and impotence by students? Does the Vietnam War or the draft or poverty or racism make today's students unhappy? Again I refer to you Congressman Brock's report—a perceptive analysis of what makes today's college students such devils.

For college students, a new feeling of social conscience and commitment emerged in the early part of this decade with the civil rights movement, after an almost unpardonable slumber during the fifties. Today students ask why we have poverty and racism, and ask how they may be eliminated—offering their enthusiastic help to eliminate these evils. Yet when students' concern for making needed changes is met with apathy or hostility by the "establishment," there is no wonder students feel frustrated.

Miss Edwards said that the movement offers a large group of frustrated students "escape from a world in which they cannot succeed." Indeed, she said these students bear a grudge against success. There is nothing more un-American than to rebel against success!

But just what kind of success does one find these students rejecting? It could be military success—the young man bemedaled, returning from Vietnam after doing his part to spread American democracy to southeast Asia. Or, it could be business success in which the plight of the disadvantaged and oppressed is ignored in a drive to "do well in the hard, cruel world." Or is success learning the ability to "get along well with others," to fit in or to adjust to society in order to have the empty satisfaction of directing others?

If American success means these things to students, I am happy to see them reject it. If radical movements offer a world in which success is understood differently—as something human and fulfilling—then they are beautiful and offer a meaning we cannot ignore.

Miss Edwards has found a number of people involved in radical movements having feelings of inferiority resulting from weight or unattractiveness. I am, quite frankly, amused at this bizzare connection between body shape and political character. She argues that because of overweight or unattractiveness, these students feel inferior and turn to radical movements in order to assert a perverted superiority.

First she looks at a protester's physical appearance, deciding he looks inferior to her in body shape and dress, and then she assumes he agrees with her—for after all, we all have the same notion of the best body weight and appearance (and skin color, too?). Because the radical is aware of his own inferiority, he turns to politics to regain his dignity. Now he's protesting against her war, so she thinks he is protesting against her more pleasing body weight and superior dress. . . . I cannot continue—this logic baffles me.

Miss Edwards has suggested that a problem of today's generation of students is that they have too much time for theorizing and philosophising. Am I to assume that these activities are not only unproductive, but dangerous to the established order? Perhaps we could prevent students from philosophising or asking embarrassing questions about social issues, by burning books, increasing draft calls, or monitoring thought.

I am over-reacting to those who attack the idealism of today's students. But without a hope or dream, even one which imagines something impossible today, can we change and improve our society? To reduce our dreamers and idealists to "practical" men is to assume either our society is perfect or that it is not strong enough to withstand change. It seems to me that such idealists are not a symbol of our society's flight from reality, but a symbol of a hope and a commitment to improvement held by many students today.

What disturbed Miss Edwards most was that many of the "misdirected liberals" were seeking careers in government. Certainly as a practical political scientist she should recognize that from a realistic viewpoint this is one of the best things happening today! If the governing institutions can successfully absorb dissenters into its establishment, allowing them to work within those institutions, in-the-street radical movements would be deprived of their best leadership. Quite possible the institutions may change a little in order to keep the dissenters involved, but such change may be more productive to the institution than a street revolution caused by a government which excluded dissenters by denying them access to established channels of political change such as government service. This process, by the way, is called "co-option" and if used skillfully by a government, can quiet dissent without suppressing personal freedoms, and without violent changes.

Miss Edwards laments the lack of pragmatic "doers" skilled in political science and probably wonders why students are using such bizarre and seemingly unrealistic means of political communication. The "new" student behavior of the sixties, in my opinion, is not a product of students' misunderstanding of the conventional American political process, but caused by a growing realization that normal channels of communication and change are severely limited to students. In short, we feel impotent.

This impotence was well illustrated in the Democratic convention last year when students, as well as many other Americans, felt excluded from the political process of choosing a candidate. Or, how influentual are 19 year old drafties in "voting out" the draft they feel is unfair? Yet even when they do reach voting age, how influential are votes and letters to congressmen in ending the Vietnam War? (Here I sympathize with Congress, for it too has been excluded from Vietnam decision making.) Finally, how influential do University of California students feel when they know the Board of Regents has no formal procedure established to even permit students to speak at Regents' meetings? To me the annoyingly unusual protests of today do not come from students unskilled in conventional political processes, they come from students who see themselves systematically excluded from political decision making.

Finally, Miss Edwards suggests that "this group of misdirected students be led out of the clouds in a direction which will be of practical value to their country." What alarms me is the frequency with which this demand is made today by those who believe in "law and order" locally and "national interest" nationally—at the expense of personal liberties. Has our country reached a point where we simply cannot afford to allow individuals to lead their lives in the manner they see fit, under fair and reasonable justice, because it has become more important to make each of us a citizen useful to the national interest? If you doubt these words read General Hershey's "Channeling"—a clear and frightening argument for the supremacy of "national interest" over men's right to freely choose their professions. I do not suggest that students are unwilling to work for the betterment of their country, but there is something tragically wrong with a system which decides that students' voluntary service in the Peace Corps is somehow illegitimate because such service does not exempt them from compulsory duty in the Army. Aware of this twisted concept of the individual's duty toward the "national interest," it is no wonder many students are rejecting these lives of "practical value" to their country.

Sincerely,

ALAN TESCHE.

CONSTITUTIONAL AMENDMENT TO LOWER VOTING AGE TO 18

(Mr. RAILSBACK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RAILSBACK. Mr. Speaker, recently, as one of 22 legislators, I had the privilege of visiting several of our eastern universities—Harvard, MIT, and Northeastern. Our purpose was to learn firsthand what opinions and attitudes the students of today possessed. Our objective was to listen and learn, not to preach or lecture. After an intense 2-day schedule of interviews with students, faculty, and administration, I left the campuses profoundly impressed.

The students with whom we met are not only better educated than their counterparts of a generation ago, but they are more informed of the social problems facing our Nation.

The questions and issues raised during our discussions were basic to the welfare of our Nation. They were directed toward a better America and toward the principles of freedom and equality that is of direct concern to all here.

In spite of their zeal and enthusiasm, this group of Americans are without an effective voice in our national decisionmaking process. They cannot vote. In spite of their best intentions and desire to make democracy work, the 18- to 20-year-old American does not have the privilege of participating in our most significant decisionmaking process.

Upon examination, however, there is little that our laws and society do not already allow them to do. The 18-year-old in today's society can fight and die in our wars, they can marry, raise a family, work for a living, contribute to the community and pay taxes. Often there is little difference between the father of 21 and the father who is a teenager, except the younger man cannot vote for the policies, for the men who pass and approve the laws affecting him and his children.

Thus by excluding him from possessing the inalienable right to vote, we are relegating him to second-class citizenship.

By every standard relevant to this issue, the young men and women of America, by the age of 18 are ready, willing, and able to assume full rights and responsibilities of citizenship.

This condition has not gone unnoticed. I would like to acknowledge the role of my esteemed colleague from Michigan (Mr. Riegle) in the effort to extend the franchise to 18-year-olds. He has, in reality, been the inspiration and moving force behind the bill I introduced today. My debt to him, along with the other cosponsors—Mr. Biester, Mr. Brock, Mr. Bush, Mr. Frey, Mr. Hastings, Mr. Hogan, Mr. McCloskey, Mr. McDonald of Michigan, Mr. Pettis, Mr. Ruppe, Mr. Steiger of Wisconsin, and Mr. Vander Jagt—is gratefully acknowledged. As a member of the Judiciary Committee, to which constitutional amendments are commonly referred, I will continue this effort to recognize the qualities of today's youth by reexamining our present voting requirements.

Our Nation in the past has reexamined the criteria that would be used to select those citizens who would be allowed to vote and select its leaders. The 15th, 19th, 23d, and 24th amendments expanded and broadened the franchise. In each of these instances time has affirmed the basic wisdom and justice of the decision to expand the participation in the most basic of democratic processes. Certainly each of these expansions was soundly debated as such a right is not to be idly conferred or blindly withheld.

It is with deep conviction and a solemn acknowledgment of the nature of what I propose that I have today introduced a resolution to allow all Americans over 18, otherwise qualified, to vote in Federal elections. I am joined by 13 of my distinguished colleagues who are convinced, as I am, that the 18-year-old American is prepared to exercise this solemn responsibility.

The age of 18 in America has generally become the age of maturity where adult responsibility is assumed in our social as well as in commercial activities. Maturity grows from experience and experience does not come from observation, but from participation. Today, as every Member learned in his visit to our college campuses, the young people of America are asking to be allowed to work and participate in the efforts to improve our Nation. They are ready to dedicate the energies and abilities toward those tasks which face us.

It is time that we reaffirm our faith in the youth of America by recognizing their concern and dedication toward those principles upon which our Nation was founded.

LET US GIVE SMALL BUSINESS A SMALL BREAK

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FULTON of Tennessee. Mr. Speaker, the House Ways and Means Committee has finished its work on the Tax Reform Act of 1969 and the House will consider it this week. Overall it is a meaningful bill that goes far in the direction of reducing the gross inequities which have too long placed the heavy burden of tax imbalance on the lower- and middle-income groups.

Despite the long and often exhausting hours which we spent on the bill in committee I doubt that the bill, as strong and as meaningful as it is, is 100-percent satisfactory to any of the members of Ways and Means.

Of particular disappointment to me was the fact that as the committee voted to repeal the 7-percent investment tax credit we did so across the board with no consideration for the Nation's small businessman or 5 million small businesses.

In the committee I sought, without success, an exclusion of at least $20,000 annually for all businesses. Such an exclusion, amounting to a tax credit of about $1,400 annually might sound like a pittance. It is, of course, to our industrial giants but to the small businessman it may mean the difference between a "yes" or "no" decision on investment in much-needed equipment for expansion.

In fact, according to information furnished me by Mr. Jerry Gulan, of the National Federation of Independent Business, which represents more than 267,000 small businesses, 90 percent of all businesses today spend $20,000 or less per year in qualified investment.

When one considers that more than 90 percent of all business in America today is small business one can see quite clearly why this exclusion would be so meaningful to small business.

But more than meaningful, the exclusion is becoming a necessity. Soaring interest rates and the evaporation of direct loan funds from the coffers of the Small Business Administration have left the small businessman stranded alone in the dried up stream of investment funds and loans.

Late in June, the chairman of the Senate Small Business Committee, Senator Alan Bible, warned of "economic tragedy for the small business community which looks to SBA as its lone source of last resort now that bank loans are next to nonexistent for small businessmen who cannot financially pay the record-high interest rates."

Senator Bible said of the 7-percent investment tax credit repeal:

> If the Senate does not reverse the position of the House, and if the experience is repeated when the credit was briefly suspended in the last administration, hard times are due in Detroit.

This statement was based on findings that assembly lines at that time shut down and smaller firms, whose principal capital investments are in the form of automotive equipment, quit buying, preferring to repair existing equipment, as the repair costs are fully tax deductible.

Mr. Speaker, I believe there is a valid case to be made for this $20,000 exclusion to aid small business and I believe the House should be given an opportunity to consider it. Therefore, today I am introducing legislation to maintain a $20,000 exclusion for the small businessman who, without it, is all but powerless to obtain capital for expansion at today's unrealistically high interest rates.

POINT REYES NATIONAL PARK

(Mr. COHELAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. COHELAN. Mr. Speaker, 9 years ago, the late Congressman Clem Miller and I introduced legislation authorizing the establishment of Point Reyes National Park.

At that time, the House appropriated $14 million for the purchase of this park land. Land speculators and skyrocketing land values forced the need for additional appropriations to assure purchase of the park. The House subsequently approved an additional $5 million.

The total $19 million appropriation has not been enough. Today we have acquired less than half of the original authorized acreage.

Last Congress and again this year, I introduced a bill authorizing an additional $38 million to acquire the remaining acres. More than half the California congressional delegation has joined in cosponsoring this bipartisan legislation. This year, more than last, the authorization is essential if we are to save Point Reyes and to stave off subdividing of the park.

An article in this morning's New York Times describes the complicated history of the Point Reyes story and tells of the bulldozing which is about to take place in this area.

Whether we can save Point Reyes is entirely dependent on whether the administration will approve the needed increased authorization of funds.

This year the Nixon administration requested $124 million for the Land and Water Conservation Fund. In the course of the consideration of this measure, Mrs. Hansen, chairwoman of the Appropriations Subcommittee on Interior, categorically stated that the committee would fully fund the Land and Water Conservation Fund if the administration requested full funding.

The question of stopping the bulldozing and the subdividing, imminent dangers to the Point Reyes project, now rests entirely on the shoulders of the present administration.

I submit at this time for the Record, Mr. Gladwin Hill's article on Point Reyes from this morning's Times.

Point Reyes in California a Patchwork Park in Trouble

(By Gladwin Hill)

Point Reyes, Calif.—This dramatic promontory just north of San Francisco is at once a monument to natural beauty, to man's aspirations and to governmental confusion.

Its future as one of the nation's choicest preserves hangs in the balance at this moment, clouded by the financial and administrative problems that beset, if less acutely, many other segments of the national recreation system.

President Kennedy, on Sept. 13, 1962, signed a bill creating the "Point Reyes National Seashore," the third such preserve in the national park system.

The name is misleading on two counts. Far more than a beach, Point Reyes is a 100-square-mile peninsula encompassing an unusual array of fascinating and beautiful terrain, flora and fauna.

CATTLE, FIRS, DUNES, CANYONS

Pastoral countryside dotted with dairy herds merges magically into a "Black Forest" of towering Douglas firs. The forest gives way to moors, dunes, estuaries, granite headlands and plunging canyons. California poppies and lupine, wild roses and lilac carpet the slopes. Between the tidelands and ridges are creatures ranging from oysters and elephant seals to mountain lions, cormorants and egrets.

But the name "Point Reyes National Seashore" is deceptive also in its connotation of a unified preserve. Its statutory boundary embraces nearly all of the penisula. But in reality the Federal reservation is still only a patchowrk of 10 scattered parcels of land, comprising less than half the peninsula.

The rest, contemplated as part of the park, is still in private holdings, the choicest of which are in imminent dangers of falling under subdivider's bulldozers.

Under Secretary of the Interior Russell Train conceded recently that the existing reservation was too "fragmented and scattered to be regarded as efficiently administrable" and noted that its existence had not yet been formally pronounced in the Federal Register.

$20 MILLION SPENT SO FAR

The nation's taxpayers have put nearly $20-million into Point Reyes. Some 575,000 persons visited the preserve last year, touring its roads, hiking its 50 miles of woodland trails and enjoying its beaches. But the nation still does not have an officially acknowledgeable park at Point Reyes.

Why not?

The answer is a tortuous saga of bungling—not so much by any individuals as by the system under which the Federal Government is struggling to catch up in recreation facilities with the explosive growth of population and urbanization.

It was more than 30 years ago that Conrad Wirth, then director of the National Park Service, said that Point Reyes should be a national park.

The peninsula has been described as "an island in time," geographically, sociologically and ecologically. Its mainland edge follows precisely the great San Andreas fault. (When San Francisco was rocked by an earthquake in 1906, the whole peninsula moved northward 20 feet.) The peninsula's most spacious bay is believed by many to be the place where Sir Francis Drake refitted the Golden Hind in 1579.

ESCAPED URBANIZATION

In recent years, because it consisted of only a few large landholdings, the point managed to ride out urbanization although it is only 30 miles north of San Francisco. It retained most of the pristine charm of the era when its original Indian inhabitants greeted early explorers from Europe.

The 1962 act, excluding from the park boundaries only a few peninsula fringe communities and a state park, envisioned the Government's acquiring about half of the 53,000 acres by purchase, condemnation or exchange, leaving the rest with agrarian owners.

A total of $14-million was appropriated as supposedly adequate. But speculators swarmed in and land prices soared, just as has happened on many Federal reservation projects.

The most critical land exchange, to obtain the strategically situated 2,500-acre Lake Ranch, described by naturalists as "a jewel," fell through when Gov. Mark Hatfield of Oregon made a political issue out of the use of Federal timberland there in the trade.

In 1966, $5-million more was appropriated. With the aggregate $19-million, the Government has acquired 22,000 of the 53,000 acres—in the "unadministrable" patchwork. It is impossible to traverse all the segments without crossing private land.

"People are always trespassing," a rancher said, "letting our cattle loose, wanting to use the bathroom. They don't know what's park and what isn't."

Mounting land prices and taxes have shattered the original idea that some 26,000 acres could be left in its pastoral state, under private ownership, to complement the Federal preserve.

The problem is illustrated by the Lake Ranch, which is owned by William A. Sweet, a pleasant, soft-spoken Coos Bay, Ore., lumberman.

"It's a shame," he says. 'It should be in Government ownership. We've been trying to sell or swap the ranch with the Government for 10 years. But we just can't afford to wait any longer. We paid about $22,000 in taxes last year and took in about $2,400 in leases. We just don't have the assets to continue."

So surveyors and road builders have been tromping over the Lake Ranch, laying it out in 40-acre tracts, which will go on the market to subdividers any day.

Owners of another 2,500-acre ranch covering the whole northern end of the peninsula say they are faced with the same exigency.

EIGHT BILLS INTRODUCED

The best estimates are that it will take $38-million more for the land purchases necessary to round out the Point Reyes National Seashore. The $57-million total will be four times the original contemplated cost. There are eight bipartisan bills before Congress to appropriate the additional money. But the prospects of getting it are problematical.

The House of Representatives has just voted appropriations totaling only $17-million for land acquisition for the entire national park system for fiscal year 1970, which opened last July 1. The figure is less than 12 cents for each person in the country, and less than half what is needed for Point Reyes alone. The money was earmarked for eight units in the 44-unit park system, with none for Point Reyes.

The main reason the amount was not bigger was that such acquisition money has to come out of the Land and Water Conservation Fund, which annually is divided among the states and several Federal agencies. The fund, which Congress in 1968 said should be $200-million a year, was cut back by the Nixon Administration to only $124-million for fiscal year 1970.

The Point Reyes predicament was agonized over by the House Interior Subcommittee on National Parks and Recreation at a hearing May 13.

The director of the National Park Service, George B. Hartzog, Jr., propounded to the subcommittee a "controlled development" plan, under which some 16,440 of the 53,000 acres would be kept in private farm operation under a special arrangement with the Government, and 9,200 acres would be sold off for residential use under restrictions "compatible" with the park.

Part of the land in each category is now in Federal hands and part would be obtained by condemnation, netting the Government a profit of some $10-million.

The residential-use idea was rejected by key committee members both on esthetic grounds and in the belief that turning a quick profit through condemnation and resale would be unfair if not illegal.

Aside from that, hearing participants concur, the only solution seems to be "legislative taking." Under this procedure Congress simply declares an entire area a national preserve, in being, as it did with the National Redwood Park.

Compensation to private owners is pegged at the land valuation of that moment, eliminating the price escalation during the actual takeover period. The disadvantage for the Government is that this forces appropriations to be made quickly, since interest fees to landowners start running at the time "taking" is declared.

"I think 'legislative taking' is the only way you can be assured that you're going to wrap up the Point Reyes project within the figures we have given you," Mr. Hartzog told the committee.

"But," he added, "if Mr. Sweet subdivides his property, then I think all bets are off insofar as our estimates are concerned. We will have opened up a Pandora's box again."

Ironically, the Point Reyes crisis peaked just as Secretary of the Interior Walter J. Hickel was ordering the National Park Service to give top priority to development of parks near big urban centers.

"Time is of the essence in formulating an action program," he said. "Opportunities are being lost daily to acquire such lands. Once lost, these opportunities can seldom be retrieved."

PERSONAL ANNOUNCEMENT

(Mr. MIKVA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MIKVA. Mr. Speaker, yesterday, August 4, 1969, I was in Chicago, Ill., on official business relating to the problem of air pollution. This morning I personally delivered a statement before the Illinois Air Pollution Control Board which related to that grave problem and to the proposed standards which the board is now considering to help ameliorate it. I would like to take this opportunity to put on record my position on the matters considered by this body yesterday.

On extending the income tax surtax for 6 months—approving the Senate amendment to H.R. 9951—I would have voted "no," just as I previously voted against a 1-year extension of that measure—Roll No. 136. Two other bills were considered by the House yesterday on which rollcall votes were taken: House Joint Resolution 764 to authorize appropriations for the President's Council on Youth Opportunity—Roll No. 138—and S. 1611 to establish a National Center on Educational Media and Materials for the Handicapped—Roll No. 139. On both of these last two proposals I would have voted "yea" and joined the great majority of my colleagues in approving these two most worthwhile efforts.

INVESTIGATION OF VIOLENCE ON MILITARY BASES

(Mr. RANDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RANDALL. Mr. Speaker, although I was in the gallery sitting with some constituents, I listened a moment ago with interest to the remarks of the gentleman from New York (Mr. BIAGGI) concerning the probe into the violence on our military bases.

On Friday last, the chairman of the Committee on Armed Services appointed the person now speaking in the well of the House as chairman of a special subcommittee to probe disturbances on military bases.

Mr. Speaker, I want to assure the gentleman from New York that it is the intention of the chairman of our full committee as well as the chairman he named of the subcommittee to conduct a very thorough investigation. We plan to take whatever time is needed and to go wherever necessary to get the facts and then to evaluate them.

I submit that it is more properly the jurisdiction of the Committee on Armed Services to look into military problems rather than a select committee. Let me assure the gentleman from New York that he will be one of the first witnesses to be called.

Our subcommittee is in the process of being organized. I want to assure the gentleman further that we will have an adequate staff and the staff will continue to work on this problem during such time as we may be in recess during the last half of August.

May I say to the gentleman from New York further that this Member believes that there has been a very able subcommittee appointed from both sides of the aisle.

I see the gentleman from New Jersey (Mr. HUNT) is on his feet. I yield to the gentleman.

Mr. HUNT. Mr. Speaker, I am pleased to take this opportunity to commend the gentleman from Missouri for his remarks and for calling to the attention of the House and making it common knowledge that a subcommittee has been appointed.

I feel quite confident that under the gentleman's leadership the organizing of the committee will be accomplished directly.

I believe we will perform our committee function, go into this matter which is properly under the jurisdiction of the Committee on Armed Services, and which is the proper committee to make this investigation under the gentleman from Missouri's able leadership.

Mr. RANDALL. Mr. Speaker, I thank my colleague from New Jersey. I have served with him on the subcommittee which probed the sinking of the *Guitarro* at Wake Island. He proved himself at that time to be an able investigator.

I think the House should know that the Committee on Armed Services had not disregarded this problem even prior to the selection of the subcommittee.

The chairman of our full committee had received a partial report from the commandant of the Marine Corps. These disturbances had been discussed in committee on more than one instance prior to the appointment of this special subcommittee. For now I want to report to the House my subcommittee will get busy. We expect to commence hearings prior to the recess next week.

THE UNIVERSITY IN DISRUPTION

(Mr. GALLAGHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GALLAGHER. Mr. Speaker, not long ago, the eminent American humorist, Mr. Art Buchwald, took satiric aim at the problems facing our college campuses. Mr. Buchwald depicted two parents "grieving" over the fact that their 18-year-old son had received his notice to report—to college in the fall. The fictional parents were distraught by the dangers which awaited their boy as a result of his academic greetings. They urged their son to join the Armed Forces until "all this trouble" on the campus dies down; he, in response, suggested that it would be unfair for him to join the Army while so many of his contemporaries risked their lives each day in the groves of academe.

The point is well made. The spectacle of campus disorders now besets the vision of our troubled Nation. Indeed, the term "disorder" seems hardly adequate to describe the plethora of violence which plagues the universities.

When will it end? Where did it begin? These are complex questions for which answers are not readily found. But one thing is clear: these are questions which cannot be answered by a reflexive backhand smash at the college campus. In things political, as in tennis, it is always necessary to stay loose and alert.

In our approach to the university in disruption, reason and compassion must serve as guides. If we fail to recognize the impotency of violent solutions to resolve volatile problems, then we will merely exchange one virus for another of an even more virulent strain.

It is necessary first to be clear about the people with whom we are dealing in college disorders. Certainly, the "Disciples of Disruption" do not represent the majority of American youth, though many of the issues they raise to justify their behavior are indicative of concerns shared by many, both young and old, in the United States. It is imperative that we separate the shared concerns of the majority from the hysterical reactions of the few; the very failure to separate issues from action is the most searing indictment of the violent faction itself.

The organization which seems to represent the spearhead of college disruption is the Students for a Democratic Society—SDS. Although I believe that undue governmental attention has been focused on this organization, it is nevertheless useful to understand the group that it may be placed in a proper perspective. I would first say in this connection that regardless of the motives which prompted the formation of SDS, the organization's current motivation is disruption and upheaval for its own sake. As Thomas R. Brooks put it in the New York Times Magazine of June 15, 1969:

> By now I think it is clear that SDS wants to shut down the universities . . . For SDS the issues do not matter.

The issues certainly did not matter for SDS in Chicago last summer when the sole object of their actions was to provoke police power; this is an object in accord with their thinking—or nonthinking—that a provocation of the power of the State will prove the contention that repressive forces control American society and will, therefore, encourage all liberal-minded men to turn their plowshares into swords. This thesis is based on the erroneous assumption that any use of the police power is calculated to preserve authoritarianism. On the contrary, I would suggest that the use of police to stem violence is necessary to prevent anarchy. When we speak of anarchy, we speak of the most repressive, authoritarian, "system" one could devise.

Radical rhetoricians speak of the "revolution." There are many connotations to that term. As Americans, we are the last people on earth to condemn categorically revolution since we ourselves are the products of one. But, I am wondering now what the term means for the leaders of SDS? I have had the opportunity to speak with many students and members of this organization, and in my conversations, one point has emerged with alarming consistency: for SDS, "revolution" means a violent upheaval which will result in—in what? For this, they have no reply. It is, indeed, revolution for its own sake. The issues do not matter. The goals are nonexistent. The dangers are welcomed.

And again we come back to the notion of anarchy. Perhaps, in the euphoria of a nostalgic moment, the conception of an anarchic society commends itself to the mind. It calls up images of an agrarian dream: a life where people till the soil, enjoy the fruits of the good earth, and live in peace. Such may be music for the poet's lyre, but it is a cacaphony of horror when applied in real terms. For in all truth, the anarchistic society is the lawless society, the society where the will of the strongest is king. It is not a movement to nature, but rather, to the jungle where man faces man—as Hobbes would put it—in a perpetual state of war.

In such a society, the needs of the poor, of the minorities, of indeed all but the most powerful are irrelevant. In its ultimate form, the dream of anarchy is the nightmare of dictatorship; it is a web of repression.

The distinction which escapes the mindless statesmen of the radical left is the essential one between dissent and disorder. Our national Constitution has set widely the parameters of political dissent in this society; indeed, the Constitution establishes a system of government in which collective diagreement with majority policy is not only welcomed, but encouraged.

A fundamental aspect of the right to dissent is that there remains a commitment to the legitimate processes from which the majority policy emerged. Even more, there is an implied commitment to the society, to the country, to the institution in which the dissent occurs. There is not a desire to destroy, but to reform, to change. For example, when a Justice dissents from the Court's majority opinion, he does not do so to destroy the Court; neither does he do it to announce that he will not follow the majority's opinion in the conduct of his own affairs. Rather, he exercises the right to dissent as a function of the power to persuade. It is the continuing cycle of persuasion, policy formulation, dissent, and new policy formulation which gives vibrance to American life and legitimacy to the decisionmaking structure. The example of the Justice who dissents carries over into all areas of American life. The collective agreement to disagree is the hallmark of a democratic republic.

Disorder is a far different matter. As a Nation, we have constitutionally rejected force and terror as a legitimate means of political coercion. Meaningful social reform can only be achieved in a stable environment. Ideas need not be conservative, stable, or of an ordinary sort, but the conditions under which these ideas flourish must be of a solid nature. Disorder is contrary to this condition and to the basic tenets of republican life. He who disrupts actually seeks to destroy. One does not buttress a fort by breaking it down. The rise of totalitarian states in this century has always been preceded by periods of intense disorder and disruption in which the establishment crumbled to its foundations. At this point, the forces of reaction and repression emerge with frightening power. Perhaps the brilliant Reinhold Neibuhr described the pattern best when stating that while the "children of light" may tolerate disorder with the best of motives, the "children of darkness" are the eventual victors; the cynical "children of darkness" are best equipped to capitalize on the anarchic remains of the established order.

Thus, for example, the German Weimar Republic fell in a holocaust of good intentions. Leaders of that withering republic lost their nerve before the disciples of disruption who preached pure democracy while hurling bricks. The forces of the "enlightened left" and the "dark right" met in open combat. The progeny of darkness were triumphant.

The SDS minded students today walk the path of disorder and disruption. These individuals are not to be spoken of in the same breath as those who legitimately dissent from established policies and seek to persuade a political change. What SDS and groups like it have come to represent is not the New Left, or even the Old Left, but rather the Facist Left.

I do not use this characterization lightly. I use it because it accurately describes what SDS has become and what SDS really means today. The tactics of SDS groups are in no way dissimilar to those employed by the Hitler Youth in Germany or by the Brown Shirts in Mussolini's Italy. We find countless illustrations: New York Times Editor James Reston prevented from taking the podium at New York University; Mayor Lindsay greeted by obscenities during a speech at Columbia; former Cornell President James Perkins pulled from the rostrum at his own university; and, in perhaps the ironic climax of this nonsense, a national peace conclave in New York disrupted by young people who marched to the platform wearing pig heads—perhaps a bit of introspection would have indicated to those costumed crusaders just what the pig heads seemed to mean.

The activity of dissent, as we have seen, is not only legitimate, but necessary to the survival and success of our democracy. But the activity of disorder, as practiced by SDS and its apostolic offspring, is contrary to even the basic freedoms SDS purports to cherish. The freedom to speak requires the freedom to be heard; current SDS practice denies both to all but those who agree with the "line."

The current internal affairs of the SDS national organization give proof to this point. At Columbia, the campus SDS chapter expelled two of its own committees for not following the chapter dogma—curious behavior for a group which condemns American society as not open to all manner of ideas, which condemns American Government for an alleged failure to allow complete participation in the decisionmaking process. At the recent SDS national convention—in Chicago—reporters were barred from the hall; and outcries were heard from many members of the organization itself in protest of the secret caucuses and strong-arm tactics used to push through resolutions. The convention ended in a walkout, with two different factions claiming leadership of the national organization.

Mr. Speaker, considering these events, do we err in terming these politics a left fascism? If so, then what do we call the politics of a group which physically ejects bank recruiters from Cornell's School of Business Administration? Which openly supports the policies of the Arab terrorist group, Al Fatah? Which applies the epithet "racist" even to black Americans who seek to enjoy an equal piece of American life? I wish we were in error here, but fear that we are not.

Perhaps the situation is best summarized by the recent reported comment of a national SDS officer on the events of this past year; the officer measured "one of our most successful years" in these terms:

> The strike at San Francisco State lasted for five months. Columbia again. And the fantastic strike at Harvard.

Notice that what is lauded is not ends achieved but rather, means employed. Ends and means have become synonymous for these people. I think that even Machiavelli would wince at such standards.

But, Mr. Speaker, equally important, if not more so, as understanding what SDS and its offspring have become is comprehending what these groups really mean for our universities and the Nation. For it is from such comprehension that we can develop the necessary rational approach.

Here we require a proper sense of perspective. For when we consider the irrational policies and disruptive tactics of SDS today, and when we further observe the international divisiveness of the organization itself, we readily find that SDS is becoming a major irrelevancy in American life.

It does not represent "students." It is anything but "democratic." And it is a faction-torn "society." The only real danger from SDS is in our reaction to its misguided antics. If we overreact, we only ascribe legitimacy to SDS actions, we acknowledge that SDS-type behavior is what it takes to excite this Government to irrationality. In other words, if we threaten the campus with Federal regulation, we will make SDS' point.

Let us be clear on this: as I stated before, SDS has fomented and continues to plan major disruptions on our college campuses. But the initial burst of group energy which caused these disruptions, fueled by the anguish of the ghetto and the frustration of war in Asia, can now be channeled for most students into constructive programs of reform. Along with the changing political tides, the seas of academe have washed new in the past years. The American University is passing through a major period of transition; it has been forced to acknowledge the fact that an ivory tower existence is no longer possible or desirable; the university is coming to exist in real time. The majority of our university youth are testing, probing, and acting in the finest traditions of political activism to alter their campus communities and change their society. This effort must be encouraged by all Americans. We want a society that is alive, that is in flux and filled with exuberance. This is the same type of society desired by our young people. We find no gap here.

I spoke of revolution. Well, there has been a sort of revolution in American higher education, one that has aimed not only at improving the quality of learning, but one which has sought to open the campus gates to the underprivileged, to the disadvantaged of all races and religions who have for so long been denied entry. It has been a revolution led not by traitors or by anarchists or by Communists or by leftists or by foreign sympathizers, but by dedicated Americans who subscribe to the same solemn ideals which our forbears set down nearly two centuries ago. We are all of us revolutionists in the continuing evolution of American society and in the evolving heritage of democratic life.

In the aftermath of the raucous period on the campus, the SDS people and the genuine student activists have separated courses. There has been a fork in the road, with the path followed by the disciples of disorder going nowhere. But, to paraphrase the poet, those who are concerned, those who do care, those who want to create a just society—they have taken the road less traveled by, and that has made all the difference.

Which path will this Government follow, Mr. Speaker? Only we can make the path of SDS attractive by responding angrily to irrational, meaningless behavior. Only we can provide legitimacy to the type of thinking which has lost its place in the reform movement and become irrelevant even to its own philosophers.

I am in opposition to Federal intervention on the campus. I will not support an invasion of academe by Federal policemen or Federal guardians. I will not support this Government interfering with the normal conduct of academic life, passing on scholarships, disciplinary codes, and methods of instruction.

We have not yet reached the point in this Nation where freedom is so fragile that repression is required to preserve it.

The campus crisis must be handled on the campus. Admittedly college administrators have often stumbled in dealing with campus disorder. But their errors have not been willful. They are the type of errors all men make when approaching new, complex, confusing situations. The situation on the campus is more than a riddle wrapped in an enigma; it is a cascade of confusion in which issues and tactics have become sorely interwoven. If you will excuse the expression, it is a "whole new ball game" on the college campus.

And it is a ball game played under a new set of rules. The Federal Government is in no position to be the umpire; by acting, it can only be the spoiler.

I am sure that the Nation's university administrators are themselves sufficiently aware that violence can only precipitate the end of academic freedom in the United States. In years before, the enemy to academic freedom came from without the halls of the university. The "Red hunts" of the 1950's are vivid reminders of that awful phenomenon. But now, it is the enemy within that challenges the proud freedoms of the university. It is that enemy which must be met and conquered by the university itself.

Freedom is fragile stuff in any form. Academic freedom is especially sensitive. Where the marketplace of ideas truly flourishes, there are bound to be merchants of deceit and fear who willingly stoop to conquer. Thus, the necessity for reasoned, compassionate action on the campus becomes critical. We must act to quiet the enemy within, but not by creating an enemy without.

We need to understand the real problems on the campus, to separate shared concerns from factional irrationality, to determine how change may be effected. This can best be accomplished by bringing together the various elements and garnering the necessary information.

Thus, Mr. Speaker, I am today proposing that the Federal Government convene a special conference of college administrators, educators, and students to discuss the problems of the campus and to determine a means of resolving them.

Such a conference would be treated as a top priority project and might be held under the auspices of the Health, Education, and Welfare Department which has demonstrated itself to be sensitive and responsive to the difficult and perplexing problems of education in America.

Such a conference would not be a 1-day, 1-week, or 1-month event. Rather, after its first sessions, it would be a continuing dialog, raising new questions and answering old ones.

Such a conference would tap individuals from all walks of life, not only the vocal student leaders, but the quiet student thinkers; not only administrators from troubled campuses, but officials from all universities, representing all points of view.

Such a conference would provide a desperately needed opportunity for all manner of Americans to come together and discuss the issues which divide in order to find the answers which unite. The reasoned atmosphere of such a congregation, combined with a desire to consider all viewpoints and all proposals, would surely lead us toward a better day for the universities and the Nation.

Sir Winston Churchill once commented that democracy is the worst form of government—except for all of the others. Certainly, one of the more appealing features of the democratic state is the agreement to disagree, to indulge in discourse and debate over common problems. There is no more pressing problem than the unrest on our campuses; there is no finer way to find an approach to this problem than to air it in the arena of full discussion.

Mr. Speaker, I am hopeful that we can convene the type of conference here proposed as soon as possible.

Let us reap full benefit from the rich human resources we have sown as a united republic. For if we fail to seize the opportunity before us now, then the nagging question will remain of how we can expect to achieve peace overseas while we war among ourselves here at home.

President Nixon suggested in his inaugural address that we cannot begin listening to one another until we stop shouting at one another. It is surely time for the shouting about the campus crisis to be replaced by learned discussion.

As we again prepare to pass the torch to a new generation of Americans, let us temper our anger with compassion, our irritation with reason, and our frustration with positive action. If the democratic process is truly the last best hope of mankind, then it must continue to serve as the last best hope of our United States.

SAFEGUARD ANTI-BALLISTIC-MISSILE PROGRAM

The SPEAKER. Under previous order of the House, the gentleman from Ohio (Mr. WHALEN) is recognized for 30 minutes.

Mr. WHALEN. Mr. Speaker—

I. INTRODUCTION

> The safety of our country requires that we should proceed now with the development and construction of the new system in a carefully phased program.

With this statement President Richard Nixon, on March 14, 1969, launched the Safeguard anti-ballistic-missile program whose future now rests with the Congress.

As House Armed Services Committee Chairman, Representative L. MENDEL RIVERS, of South Carolina noted:

> I suppose no subject matter in the world has been more thoroughly discussed in the newspapers and in the halls of Congress than the anti-ballistic-missile system.

As a member of that committee, I along with my 38 colleagues, will determine whether the newest ABM concept will go to the House floor for further consideration. For our committee the "day of reckoning" arrives early next week when we vote on the so-called "412 authorization bill." This measure allocates $345.5 million for Safeguard procurement; $400.9 million for Safeguard research; $141 million for advanced anti-ballistic-missile research.

In view of the importance of next week's decision, much of my time these past 6 months has been devoted to a detailed review of the anti-ballistic-missile issue. In addition to the committee testimony which I have heard, I also have held countless private briefings in my office and have read literally thousands of pages of published material dealing with this subject. As Senator James B. Pearson, of Kansas, recently said:

> This is an issue on which rational men may differ.

I realize, therefore, that many will disagree with my conclusions. Nevertheless, I take solace in the fact that they were reached only after many hours of detailed analysis of the best evidence available to me.

II. BACKGROUND

A. HISTORY OF ABM DEVELOPMENT

According to Dr. Ralph E. Lapp:

> American research on ballistic defense began with Army Ordnance Contract No. W30–069–ORD–3182, placed with Western Electric's Bell Telephone Laboratories on February 8, 1945. This agreement underwrote investigations, research experiments, design development and engineering work required to produce a suitable anti-aircraft missile. It marked the birth of the Nike missile, which over the years graduated from defense against bombers to interception of the inter-continental ballistic-missile warheads.

Dr. Jeremy J. Stone relates:

> The procurement of an anti-missile missile, Nike-Zeus was first considered by the Department of Defense ten years ago. By fiscal 1964, five years later, the Department of Defense viewed missile defense as the "most urgent problem" for the U.S. defensive forces but had concluded that Nike-Zeus, then being tested, "would not be effective against a sophisticated threat in the late 1960's and early 1970's."

Dr. Lapp, in his New York Times article, May 4, 1969, declared:

> There (then) emerged a new program, code-named Nike-X, aimed at protecting all of the United States against nuclear attack from the Soviet Union. Nike-Zeus remained the space-killer, but new radars were added and—most important—a brand new missile, the Sprint, emerged. In March, 1963, Martin Marietta was awarded the contract to develop Sprint.

According to Dr. Stone:

> In 1965, Nike-X was further deferred because of "technical problems" and "even greater uncertainties concerning the preferred concept of deployment, the relationship of the Nike-X system to other elements of a balanced damage-limiting effort, the timing of the attainment of an effective nationwide fallout shelter system and the nature and effect of an opponent's possible reaction to our Nike-X deployment." (Dr. Stone is quoting Secretary Robert S. McNamara's statement accompanying the 1966 Defense Budget).

In 1966 the Joint Chiefs of Staff recommended that steps be taken to deploy Nike-X. However, Secretary McNamara demurred. As he pointed out in his book, "The Essence of Security," "were we to deploy a heavy ABM system—one which protects population—throughout the

United States, the Soviets would clearly be strongly motivated to so increase their offensive capability as to cancel out our defensive advantage."

However, bowing to what many considered political pressure, Secretary McNamara, on September 18, 1967, announced a decision to produce and employ an anti-ballistic-missile system, christened Sentinel, oriented toward a possible future Communist China threat. The program, designed for area—population—coverage, carried an estimated cost of $5 billion. It provided for the deployment throughout the United States of from 15 to 20 Spartan batteries, coupled with the use of Sprint missiles to defend radar sites and certain missile sites. Funds for Sentinel deployment were approved by Congress in 1968 after a lengthy Senate debate.

However, as Dr. Lapp points out:

> Sentinel ran into trouble when the Army started to select sites in such big cities as Seattle, Chicago, and Boston.

Installation was further delayed awaiting the newly elected President's decision regarding ABM deployment.

Finally, on March 14, 1969, President Nixon issued a statement announcing his decision to deploy the Safeguard system. The President indicated that:

> This measured deployment is designed to fulfill three objectives:
>
> "1. Protection of our land-based retaliatory forces against direct attack by the Soviet Union.
>
> "2. Defense of the American people against the kind of nuclear attack which Communist China is likely to mount within the decade.
>
> "3. Protection against the possibility of accidental attacks from any sources."

B. SAFEGUARD COMPONENTS

In his April 16, 1969, appearance before the House Armed Services Committee, Deputy Secretary of Defense David Packard described the basic components of the Safeguard System.

> Secretary Packard explained these major components are the Perimeter Acquisition Radar (PAR), the Missile Site Radar (MSR), the Spartan missile, the Sprint missile, and the Data Processing Subsystem.

The perimeter acquisition radar, which uses an electronically steered beam, is designed to detect incoming inter-continental ballistic missiles at a distance of over 1,000 nautical miles. PAR's objective is to search for ICBM threats and then, through ground computers, track and predict the path of the incoming missile. This, incidentally, is the only Safeguard component for which a prototype will not be built and tested in advance.

The missile site radar, like PAR, is designed on the phased array principle. It has a detection range of several hundred nautical miles. In effect, in concert with its ground-based data processor, MSR's mission is to launch ready interceptors—Spartans and/or Sprints—for launch, launch them, and finally guide them to the incoming missile.

The long-range Spartan missile, which is a modification of the Nike-Zeus, is constructed to provide area defense. First fired on March 30, 1968, the Spartan, with its nuclear warhead, attempts to intercept incoming weapons at very high altitudes. It posseses a range of several hundred miles.

If the enemy warhead escapes the Spartan's blast, it next encounters the Sprint, an exceedingly fast missile developed for terminal defense. The Sprint, which seeks to intercept incoming missiles within the atmosphere—it has a range of 25 miles—is guided by the missile site radar.

Each perimeter area radar and missile site radar contains data processing subsystems. Computations are performed by the MECK MSR data processor which contains several processing units that can function in parallel on different tasks or different parts of the same task. Two processors are installed and operational; a third presently is in the process of being installed.

C. SAFEGUARD'S COST

According to the Defense Marketing Survey, a McGraw-Hill publication, the total amount of money used to support development of the Army ballistic missile defense system from fiscal year 1956 through fiscal year 1968 was $4.5 billion.

Estimates of Safeguard's projected cost vary. In his March 14, 1969, statement President Nixon declared:

> The present estimate is that the total cost of installing this system will be $6–$7 billion.

This exceeds by $1 billion the original Sentinel estimate. The President explained:

> However, because of the deliberate pace of the deployment, budgetary request for the coming year (FY 1970) can be substantially less—about one half—than those asked for by the previous Administration for the Sentinel System.

In a letter to Senator JOHN SHERMAN COOPER of Kentucky, Dr. Glenn T. Seaborg, Chairman, Atomic Energy Commission, advised:

> It is estimated that the Atomic Energy Commission will expend approximately $1.2 billion in support of the Sentinel-Safeguard System.

This sum, according to Senator COOPER, was not included in the administration's presentation of the cost of the Safeguard system.

Perhaps the most precise cost analysis was prepared by McGraw-Hill's Defense Market Survey. In its special report, dated March 1969, this publication assigns to Safeguard an $11 billion total—not including the AEC's $1.2 billion outlay. The cost breakdown is presented in Exhibit 1.

The special report concludes:

> In a program as complex as Safeguard, historical experience indicates costs in the long run are likely to be considerably higher.

It is for this very reason that many place a $40–$50 billion price tag on a fully deployed—12-site—Safeguard system.

III. AREAS OF AGREEMENT

Before assessing the facts relevant to the current ABM debate, it seems appropriate to delineate the points upon which both Safeguard proponents and opponents agree. As I see it, there are five "nonissues."

First, all who are involved in the Safeguard decision are concerned with the best interests of our Nation.

As President Nixon, in answer to a question posed during his April 18, 1969, press conference, observed:

> He (Senator Cooper) honestly and sincerely believes that this is not the best step to take. I respect that belief, and I respect others who disagree with me on this . . . This issue will be fought out, as it should be fought out, on the basis of what is best for the Nation.

Senator Pearson, a Safeguard opponent, expressed the same sentiment in his Wichita, Kans., speech of June 2, 1969. He stated:

> One must begin by understanding that those who oppose the system are not insensitive to the needs of national security and that those who support the system are not war-mongers or "tools" of the industrial-military complex.

Second, an anti-ballistic-missile system cannot now effectively protect people.

President Nixon, in his March 14, 1969, position paper declared:

> Although every instinct motivates me to provide the American people with complete protection against a major nuclear attack, it is not now within our power to do so. The heaviest defense system we considered, one designed to protect our major cities, still could not prevent a catastrophic level of U.S. fatalities from a deliberate all-out Soviet attack.

President Nixon thus joins those who opposed the concept embodied by the earlier Sentinel system advocated by his predecessor.

Third, the present Russian ABM system is ineffective.

In an appearance before the Senate Armed Services Committee on April 22, 1969, Paul H. Nitze, former Deputy Secretary of Defense, related the history of Soviet developments in the ABM field. Mr. Nitze testified:

> They (the USSR) started in 1962 with the deployment of a first generation ABM system around Leningrad . . . the Soviets continued with a second generation system around Moscow and with the Tallinn system, which was considered by U.S. experts to have limited ABM capabilities.

The argument often is advanced that, inasmuch as Russia has deployed an ABM system, the United States should do likewise. The pertinent point, however, is: "Does the present Russian ABM system work?" There is unanimous agreement in the American scientific, defense, and intelligence communities that it does not.

For example, Secretary Nitze admitted:

> The Leningrad system was abandoned. The Tallinn system now is believed to be primarily directed against bombers but it is not certain that it cannot be upgraded so as to have an ABM capability. The Moscow system by itself does not appear to be a serious threat to our deterrent capabilities; it can be penetrated with high assurance provided a sufficient number of weapons are allocated to this purpose.

This same position was enunciated by Dr. John Foster, Director of Defense Research and Engineering, in response to a question which I posed during his April 17, 1969, appearance before the

House Armed Services Committee. Dr. Foster expressed the opinion that we would have "no difficulty with a large number of Minutemen and Polaris missiles in overwhelming their defense."

Dr. Foster also concurred with the views conveyed to me on April 12, 1969, by Gen. Bruce K. Holloway, U.S. Air Force commander in chief, Strategic Air Command—SAC. General Holloway conceded that the Soviet system could be easily knocked out "because their radars are so vulnerable." Dr. Foster remarked:

> They (Soviet ABM radars) are indeed vulnerable, just as any large radars are vulnerable.

Fourth, Russia is continuing its ABM research efforts.

During his April 22, 1969, testimony—before the Senate Armed Services Committee—former Deputy Secretary Nitze indicated:

> They (the Russians) are continuing development work on a more advanced system.

This fact was reconfirmed as late as last week by intelligence officials who briefed members of the House Armed Services Committee.

Fifth, the United States can afford the cost of an ABM system.

Some contend that the cost of deploying Safeguard or a similar anti-ballistic-missile system is economically impossible. Adolph A. Berle, Jr., an outspoken ABM opponent, refutes this.

Berle states:

> I do not agree with some critics of ABM who say that economically the country cannot afford it. That is nonsense. The maximum estimate is that ABM would cost fifty billion dollars. The United States can afford that, and more . . . we can assume that before ABM would be fully deployed three or four years from now, the G.N.P would be about a trillion dollars. To detach fifty billion for ABM could be done. It could be done even while we're spending great amounts of money for the social and economic reconstruction of the country.

Robert S. McNamara, in "The Essence of Security" says:

> At this point, let me dispose of an objection that is totally irrelevant to this issue. It has been alleged that we are opposed to deploying a large-scale ABM system because it would carry the heavy price tag of $40 billion. Let me make it very clear that $40 billion is not the issue. If we could build and deploy a genuinely impenetrable shield over the United States, we would be willing to spend not only $40 billion, but any reasonable multiple of that amount that was necessary.

As former Secretary McNamara concludes:

> The money itself is not the problem.

Rather, the real issue confronting those of us who must decide Safeguard's fate is: if deployed, will it meet its objectives? Or, in the language of my profession, will our investment yield the returns claimed for it?

IV. THE ISSUE

The Department of Defense, in a fact sheet issued March 14, 1969—No. 186-69—explains the rationale underlying the decision to proceed with the Safeguard anti-ballistic-missile system:

> We can deter a nuclear war by providing our strategic forces with a second-strike capability. That is, by having the unmistakable ability to inflict an unacceptable level of damage on the Soviet Union, even after a severe attack on our own forces, we can deter the Soviets from attack in the first place. Forces designed for a second-strike capability must: (1) be protected against a Soviet first-strike and (2) be able to destroy Soviet cities . . . we have concluded from our review that the combination of ABM defense and Minuteman and Minuteman in improved silos is the *best way to protect our second-strike force* (italic mine).

If, then, Safeguard's principal objective is to protect our "nuclear deterrent," our final decision regarding whether or not to deploy it must be predicated upon answers to the following three questions:

First, does the Soviet Union have first-strike intentions?

Second, if so, does Russian weaponry represent a threat to our retaliatory—second-strike—capacity?

Third, can the Safeguard system fulfill its mission? In other words, will it work?

V. ANALYSIS

A. DOES THE SOVIET UNION HAVE FIRST-STRIKE INTENTIONS?

Intentions are difficult to measure. Further, intentions often shift with changes in conditions or situations.

Defense Secretary Melvin Laird on March 21, 1969, expressed the fear that "the Soviets are going for a first-strike capability, and there is no question about it." Yet 17 days later Secretary of State William Rogers said he did not think that the SS-9 deployment was based on "the intention of actually having a first-strike." Thus, it cannot be stated with certainty whether the Russians do—or do not—harbor first-strike intentions.

However, as Secretary Laird explained to a group of European journalists on April 7, 1969, intentions and capabilities are "different matters." Rocky Marciano's 49 opponents fully "intended" to destroy the Brockton shoe cobbler. Each, however, proved incapable of the task. Rocky retired undefeated.

This paper, therefore, rather than surmising intentions, will explore American and Russian capabilities and will assume that possibly on some occasion these capabilities, indeed, might be utilized.

B. DOES RUSSIAN WEAPONRY REPRESENT A THREAT TO OUR RETALIATORY (SECOND-STRIKE) CAPACITY?

Before analyzing the potential threat to America's nuclear deterrent, it is well to list our arsenal.

First, our ground-based intercontinental ballistic missile system consists of 54 Titan II rockets and 1,000 Minuteman I missiles. Minuteman I, by 1973, will be replaced by Minuteman II's and Minuteman III's, each possessing greater range and heavier payload capabilities.

Second, the U.S. Air Force has on alert approximately 600 B-52 and B-58 intercontinental bombers equipped with over 1,000 nuclear projectiles. Dr. Jerome B. Wiesner, former science adviser to President John F. Kennedy, estimates that of the 600 bombers, "about half would get through to their targets."

Third, the fleet ballistic missile weapon system is comprised of 41 nuclear-powered submarines carrying a total of 656 Polaris missiles. A pamphlet, "Polaris Missiles and Men," published by the U.S. Navy Recruiting Aids Division, describes the fleet ballistic missile weapon system as having "the greatest possible degree of retaliation; Polaris is mobile; Polaris operates in secrecy; Polaris is reliable; Polaris is omnipresent." Secretary Laird on April 7, 1969, called our Polaris fleet "virtually invulnerable. It cannot be knocked out."

Fourth, we have, in addition to the above, over 7,000 nuclear weapons positioned outside of the United States. Many could reach Russian targets from our bases in Europe or from our aircraft carriers floating in the Mediterranean and the Pacific.

Arrayed against our nuclear force are the Soviet's 1,000 ICBM's, 150 inter-continental bombers, and five nuclear-powered submarines bearing approximately 77 Polaris-type intercontinental missiles. In terms of "deliverable warheads," the United States maintains a better than 3 to 1 superiority over the U.S.S.R.—4,206 American warheads to 1,200 Soviet warheads.

With this background, let us now consider whether Russia's weaponry represents a significant threat to our second-strike nuclear deterrent.

First, to eliminate our nuclear weapons, an enemy must possess a substantially greater force than that which he seeks to destroy. The preceding statistics clearly indicate that Russia's forces are numerically inferior to ours.

Dr. Harold Brown, former Secretary of the Air Force, in his article, "Security Through Limitations," published in the April 1969 issue of "Foreign Affairs," concludes:

> If the Soviets attack today, they would expend their weapons without disarming ours. We would be left with relatively stronger forces and our society would suffer less damage than we could inflict in return. The Soviet force is not accurate enough, nor has it enough reentry vehicles to attack our land-based missiles effectively; Soviet anti-submarine forces are not good enough to destroy any of our Polaris submarines; and our alert bombers have enough warning to escape destruction on the ground.

Second, our deterrent is widely dispersed, on the ground—both in the United States and Europe—in the air, and under water. Further, the air and water forces are mobile. Thus, in addition to having an insufficient striking force, the Soviets could not possibly launch a coordinated attack which, at the same instant, would destroy all of our land, air, and sea-based missiles.

Third, Russia is fully aware of our deterrent strength. The Soviets know America possesses an assured destruction capability.

Intention, however, as Secretary Laird noted, is "another matter." If the United States is uncertain of U.S.S.R.'s first-strike "intentions," the Soviets are equally uncertain of our second-strike "intentions."

Recent radar developments make it possible to detect missile launches almost coincident with the time of firing. Soviet leaders, then, in contemplating a first-strike attack, must speculate when our response will occur. Will it come immediately after their intercontinental missiles have been released? Or, will we "ride out" their attack?

This assured destruction capability, coupled with the uncertainty of our intended response, represents the greatest inhibition to a Russian first-strike attack.

CONCLUSION

From the foregoing it is obvious that the U.S.S.R. does not have the capability to destroy our nuclear deterrent. Further, it is evident that if it undertakes a first-strike attack, Russia would sustain far greater losses than it inflicted.

C. CAN THE SAFEGUARD SYSTEM FULFILL ITS MISSION?

Having concluded that Russia does not now present a threat to our nuclear deterrent, one might rest the case on that point. However, suppose that sometime in the 1970's the Soviet's nuclear force surpasses ours—this, of course, presumes that: First, Russia significantly increases the number of its offensive warheads; and second, we do not respond in kind. Under such circumstances, could the proposed Safeguard system effectively defend our land-based missiles?

As noted previously, the Moscow anti-ballistic-missile network—Galosh—is considered impotent. True, more advanced technology is incorporated in Safeguard. Concurrently, however, there has been a marked improvement in offensive weaponry, both here and in Russia.

Thus far I have been unable to deduce from any Department of Defense testimony any real evidence why Safeguard, unlike Galosh, will work. Specifically, my research reveals four serious deficiencies in the proposed Safeguard system. These objections, considered below, have not been answered to my satisfaction.

1. SAFEGUARD, LIKE GALOSH, CAN BE OVERWHELMED BY ENEMY MISSILES

An editorial by Robert Hotz, appearing in the March 31, 1969 issue of Aviation Week and Space Technology succinctly states the strategic objection to reliance upon defensive weapons. Mr. Hotz writes:

> The use of defensive missiles in their terminal phase is a strategically bankrupt concept that certainly never would be worth full operational deployment . . . We do not think the Sentinel-Safeguard concept can ever produce an effective defense against a massive enemy ICBM strike.

Former Secretary McNamara expands upon this point in "The Essence of Security." He comments that:

> Every ABM system that is now feasible involves firing defensive missiles at incoming warheads in an effort to destroy them. What many commentators on this issue overlook is that any such system can rather obviously be defeated by an enemy's simply sending more offensive warheads, or dummy warheads, than there are missiles capable of disposing of them.

Irving S. Bengelsdorf, writing in the May 4, 1969, issue of the Los Angeles Times, provides a further description of the problems which Safeguard would encounter during a nuclear exchange.

> All hell would break loose. There would be swarms of enemy warheads arriving and on top of all of this dense 'warhead' traffic the enemy would use penetration aids: balloons, chaff, radar jamming, blackout, etc.

Mr. Bengelsdorf, the Los Angeles Time's science writer, explains how balloons and chaff would work:

> To a defensive radar, such a balloon would look just like a warhead . . . An incoming warhead can dispense a cloud of copper chaff wire hundreds of miles long. To the defensive radar, the entire cloud looks 'black.' Thus, within the chaff cloud the enemy can conceal his warheads and decoys. So, if you want to intercept a warhead above the atmosphere, a number of Spartan missiles must be directed against the entire cloud—and even then the defense is not sure of a kill.

In a seminar sponsored by the Center for the Study of Democratic Institutions, Dr. Jerome B. Wiesner addressed himself to still another Safeguard problem area—technological weaknesses. Dr. Wiesner observed that the ABM "is probably the most complicated electronic system anyone has ever tried to put together. Here it is, the most elaborate, sophisticated, dynamic combination of rocketry, radars, computers, electronics, and other technology ever proposed."

2. AS IN THE CASE OF THE SOVIET ABM SYSTEM, SAFEGUARD'S RADARS ARE VULNERABLE

The missile site radar—MSR—is housed in a structure 130 feet high. As described previously, the MSR detects, tracks, and predicts the path of incoming missiles. Its destruction, therefore, would result in the collapse of the whole ABM defense.

Dr. W. K. H. Panofsky, in his March 28, 1969, appearance before the Senate Subcommittee on International Organization and Disarmament, pinpoints the weakness inherent in this particular radar system.

Dr. Panofsky states:

> The MSR radars can withstand an overpressure of less than one-tenth of what can be tolerated by the missiles (Minuteman) they are to defend. Clearly an enemy in planning a first strike would attack primarily the vulnerable radar and thereby deny the effectiveness of the defense.

The Department of Defense, in an undated question and answer document, replied:

> It is certainly possible for the enemy to choose to attack the radar and it is true that if the radar is knocked out, there would be no further defense.

The Defense Department fact sheet then proffers this defense:

> The important point is that it will take so many of his missiles to knock out the radar that significantly more Minutemen will survive, which means the defense has served its purpose.

This explanation, however, neglects to mention that only one radar per site is planned, protecting over 100 missiles. Dr. George W. Rathjens of the Massachusetts Institute of Technology, testifying before the House Armed Services Committee, further exposes the fallacy of this rebuttal:

> The foregoing assumes the Soviets use missiles to attack radars that could otherwise be used to knock out Minuteman. They hardly need do that. Instead, they could effectively attack the vulnerable radars with whatever number of the more numerous, less expensive, SS–II missiles would be required to exhaust the interceptors, conserving their SS–9's for use against our ICBM's. If they chose such an attack option, and if the threat to Minuteman is, as alleged, from the Soviet SS–9 missile force, the defense would not be effective *at all* in saving Minuteman.

3. SAFEGUARD'S COMPUTER SYSTEM IS NOT TECHNICALLY FEASIBLE

Computers played a major role in landing the first men on the moon. This being the case, why cannot ABM computers be made to work?

A statement prepared by a group of computer scientists, chaired by Daniel D. McCracken, explains why. According to Mr. McCracken and his colleagues:

> The precise nature of the computing task cannot be defined. It cannot be known what kind of electronic and other counter-measures (note: see above) would be used, for example, or what evasive maneuvers the attacker might employ. The offense has more strategic options than the defense in any case, and the defensive reactions have to be programmed and tested well in advance of an attack. Realistic testing is impossible since it would require nuclear explosions in the atmosphere. Only artificial test data could be used.

Dr. Glenn K. Manacher, of the Institute for Computer Research, University of Chicago, echoes these views. In his report on the proposed Safeguard system Dr. Manacher states:

> The problems of designing a testing scheme that will mimic a real attack are acute and will recur as long as the adversary can significantly change the character of the attack. It appears, moreover, that the only testing of the system that will be done will be with tapes that contain data simulating an attack. These tapes represent the best approximation of an attack we can devise. There may, however, be subtle differences between the simulation and the real attack that are not detected . . . (further) Large programming efforts are especially prone to errors which cause them to fail *entirely*. Programs which attempt to extract maximum performance from a machine are particularly prone to this trouble.

4. THE SAFEGUARD SYSTEM IS SUBJECT TO EARLY OBSOLESCENCE

In his statement accompanying President Johnson's fiscal year 1970 defense budget, the then Secretary of Defense, Clark M. Clifford, reported:

> During the past year, the Soviets apparently curtailed construction at some of the Galosh ABM complexes they were deploying around Moscow. . . . it is the consensus of the intelligence community that the Galosh system as presently deployed could provide only a limited defense of the Moscow area and could be seriously degraded by currently programmed U.S. weapons systems.

In other words, our improved weaponry has made Galosh obsolete.

Dr. Weisner sheds further light as to why these weapons systems were programed:

> Just the thought that we might develop an anti-ballistic missile system, and therefore that the Russians might do the same thing, caused us to develop a whole new set of offensive countermeasures that make our Air Force and Navy confident that we do not have to worry about a Russian anti-missile system.

Insofar as our own ballistic missile defenses are concerned, Dr. Wiesner concludes:

> I do not think the defender is ever going to know really what to expect; the variety of techniques available to a nation planning an offensive system is great enough to keep an anti-ballistic missile system of the kind we are taking about totally off balance.

CONCLUSION

Like Galosh, its earlier Russian counterpart, the proposed Safeguard system can be overwhelmed by attacking enemy missiles. Further, its "eyes" and "ears"—its radars and computers—are extremely vulnerable, both to destructive attack and to deceptive devices.

Thus, in the unlikely event that Russia launched a first-strike against our land-based nuclear forces, the proposed Safeguard system would be incapable of performing its mission effectively. Drs. Rathjens, Wiesner, and Steven Weinberg, in their analysis of Secretary Laird's May 22, 1969, "Defense of Safeguard", conclude:

> Accepting all of Mr. Laird's assumptions about a Soviet attack with 420 SS–9's except the retargeting assumption, one calculates the following numbers of survivors for our Minuteman force: no defense, 195; with Phase I of Safeguard, 200; with Phase IIA, 215–220.

VI. OTHER ARGUMENTS

Safeguard adherents cite three other arguments in support of its deployment.

First, it is a purely defensive weapon and, therefore, is not provocative.

Logic and fact refute this contention.

If Safeguard is being sold on the premise of a possible Russian first-strike "intention," that "intention" certainly will not dissipate with Safeguard's installation. Rather, the Soviet "intention" will manifest itself in construction of additional nuclear warheads.

Dr. Harold Brown, former Secretary of the Air Force, illustrates this "action-reaction" phenomenon in his April 1969, Foreign Affairs article:

> As the Soviets installed their Anti-Ballistic System (ABM), we have added penetration aids and are developing multiple warheads. As the Soviets have worked on more effective air defenses (note: in response to our development of the now-discarded B–70), we have begun development of the SRAM air-to-surface missile, and we have continued preliminary work on the aircraft technology needed for a new heavy bomber, and on penetration aids suitable for both current and future bombers.

Second, Safeguard will defend American people against a Communist China nuclear attack.

Senator RICHARD RUSSELL, of Georgia, an ABM advocate, demolished this thesis during last year's Senate Appropriations Committee hearings. Senator Russell retorted:

> This concept of a missile attack originating in China any time in the near future seems to me to be very remote. The Chinese are not completely crazy; they are not going to attack us with four or five missiles when they know we have the capability of virtually destroying their entire country . . . I am glad we are going ahead (with the Sentinel System then under consideration), but I don't like people to think I am being kidded by this talk of defense against a Chinese nuclear threat because I don't think that the Chinese are likely to attack us with an intercontinental ballistic missile at any time in the near future.

Dr. Allen S. Whiting, professor of political science and associate, Center for Chinese Studies, the University of Michigan, enforces Senator RUSSELL's observations. On March 13, 1969, Dr. Whiting told members of the Senate Subcommittee on Disarmament that we should focus "less on Peking's words and more on Peking's actions." In examining Peking's record, he notes that:

> Between 1949 and 1969 not one . . . insurgency has arisen either on China's borders or at more distant points overseas.

This hardly is a valid basis upon which to predicate a Chinese ICBM attack against the American mainland.

Third, Safeguard affords protection against the possibility of accidental attacks from any source.

This, unquestionably, is the weakest premise of all. In the 25 years of nuclear missilry, not one accidental launch has occurred. Thus, accidental firing is a very dubious premise on which to commit $10 to $50 billion.

Further, deployment of Safeguard may add to the danger of a nuclear explosion in the United States. As Dr. Herb York pointed out to the members of the Armed Services Committee—April 22–23, 1969:

> Thus if we wish to be certain that the defense will respond under conditions of surprise, the trigger of the ABM, unlike the triggers of the ICBMs and Polarises, must be continuously sensitive and ready, in short a 'hair' trigger for indefinitely long periods of time.

The Department of Defense, in a Safeguard fact sheet, discounts Dr. York's fears. The Defense Department document replies:

> Our weapons and operating procedures are so designed that the chance of accidental explosion is essentially nil; we have never had an accidental explosion of any nuclear weapon.

In endeavoring to abate "hair trigger" fears, the Department of Defense, perhaps unwittingly, has successfully refuted its own "accidental launch" argument.

VII. SUMMARY AND RECOMMENDATIONS

As stipulated earlier, America can afford the price of an ABM system, be it $10 billion or $50 billion. However, as former Defense Secretary McNamara suggests:

> Money in itself is not the problem.

The pertinent question is: Will expenditures for Safeguard represent a sound investment—a wise allocation of our economy's resources?

The answer is an unequivocal "No."

First, there is no present danger to our nuclear deterrent.

Second, Safeguard, if deployed, will not perform effectively the mission assigned it. It offers no increased security. Indeed, it probably will lessen it by motivating Russia to accelerate production of offensive weapons to counter Safeguard.

Therefore, next week I shall support an amendment to eliminate Safeguard procurement funds from the "412 bill."

Russia, it is acknowledged, is continuing its ABM development program. Therefore, so that we, too, can improve, if possible, "the state of the art," I intend to support that section of the procurement bill authorizing further ABM research.

Finally, if Russia persists in its nuclear expansion program, I would endorse Department of Defense efforts—with accompanying funding requests—to employ the following more effective, and less costly, alternatives to Safeguard:

First, Minuteman silos could be hardened to 2,500 to 3,000 pounds per square inch. This is 10 times the current hardness. The current 300-pounds-per-square-inch silo hardness, incidentally, is the factor upon which the Department of Defense has based all of its SS–9 destructive computations. As General Holloway, commander of SAC, told me on April 12, 1969, a 3,000-pounds-per-square-inch hardness "would mean that four times as many SS–9's would be needed to achieve the same destructive capability."

Second, to increase deception, ICBM's could be deployed on mobile railway units.

Third, the Strategic Air Command, if necessary, can once again be placed on air alert.

Fourth, if the Russian nuclear arsenal expands significantly, we should increase our own Polaris fleet and Minuteman missile force. This would represent a more effective deterrent response than deployment of Safeguard, with all of its previously described weaknesses.

To avoid the latter eventuality—that is, a further proliferation of nuclear weapons—I urge the administration to seek an early arms limitation discussion with Russia. Hubert Humphrey states the case well when he said last January:

> The time has come when we should take some risks in the name of peace, rather than continue the great nuclear gamble in the name of security.

EXHIBIT I

Perimeter acquisition radar (PAR)	$560
PAR unit cost is estimated at $80 million; will be installed at 7 sites.	
Missile site radar (MSR)	1,500
MSR unit cost is estimated at $125 million; will be installed at 12 sites.	
Spartan missile	1,050
Unit cost of Spartan when deployed is estimated to be $3 million; DMS believes there will be 350 missiles installed.	
Sprint missiles	560
Unit cost is estimated at $800,000; DMS believes 700 missiles will be deployed with a greater number at Minuteman sites than at other sites.	
Data processing subsystem	1,500
Includes new generation computer, memory banks, displays, tapes and discs plus an extensive amount of software.	
Command, control and communications	500
Warheads	210
Figure assumes 1050 warheads at a cost of $200,000 each. AEC funds are used for development and production.	
Construction	2,100
Figure assumes construction costs will average $300 million annually through 1975.	
Total investment for 12 sites	7,980
Research and development	2,400
Figures assumes R&D cost of $350 million per year through 1975. Does not include the $150 million per year which will support work on new radars and interceptors.	
Operations and maintenance	700
Figure based on an average operation cost of $100 million annually through 1975.	
Total Safeguard cost through 1975	11,080

Assumes no cost overruns.

PRESIDENT NIXON'S WORLD TRIP

The SPEAKER. Under previous order of the House, the gentleman from Arizona (Mr. RHODES), is recognized for 5 minutes.

Mr. RHODES. Mr. Speaker, our President has returned from his trip around the world and his conferences with heads of state in Manila, Djakarta, Bangkok, Saigon, New Delhi, Lahore, and Bucharest.

As President Nixon noted, this is one of the few trips abroad by any U.S. President that has not resulted in new national commitments in the form of either military or financial assistance. Of more importance, Mr. Speaker, is the fact that this trip has served to develop a new understanding between the United States and those Asian and European countries that the President visited.

President Nixon is fully aware of the limitations of "personal diplomacy" but he also appreciates the real opportunity of avoiding possible misunderstandings in the future by openly and freely discussing mutual national problems with the leaders of other countries.

There is no doubt that these discussions have proved fruitful. In Manila, for example, the President made clear the fact that lasting peace in Asia cannot be insured by the United States but "must come from Asia." President Marcos replied that his doubts concerning the emergence of the present administration's policies had been resolved.

In Rumania, the reception President Nixon received was truly unprecedented. Not since World War II had a U.S. President visited a Communist country. The thrilling sight of thousands of American flags waving in Bucharest was an encouraging sign of the desire of those people to live in peace with all nations.

President Nixon has restored clarity and responsibility to this Nation's foreign policy. The Congress and the American people welcome him home.

VOTING AGE LEGISLATION

The SPEAKER. Under previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, today I joined with several of my colleagues in introducing a joint resolution to amend the Constitution of the United States to lower the voting age to 18 years in Federal elections.

The adoption of this resolution will implement a concept which has long been discussed, but has never received official endorsement by this body.

I frequently find myself involved in arguments defending today's youth from attacks from older people who simply do not understand them. Today's youth are not better and no worse than any other generation of young people, but they are more intelligent, better educated, more mature, more aware of social injustices, more motivated by conscience than any generation we have ever produced.

A recent tour of college campuses, in which I was pleased to participate with 21 other House Republicans, has given renewed impetus to activating the perennial theorizing on lowering the voting age. In our report to President Nixon, we stated:

> Active involvement in the political process can constructively focus youthful idealism on the most effective means of change in a free society.

This is, to me, a most important and valid justification for extension of the franchise to age 18. We clamor these days that this country must channel the energies of our youth to operate within the system rather than outside it. May I suggest that ratification of a constitutional amendment to give these young people an active role in our elective system would demonstrate most effectively to disbelievers and dissenters that progressive change is possible within our governmental system.

A second recommendation from our campus report is also applicable to the joint resolution we introduced today. After lengthy dialogs with campus leaders throughout the country, our task force came to the conclusion that there is a natural tendency to lose interest in politics and government between the time that young people first become aware of the political system and the time that they presently become eligible to participate in it. This loss of interest is corroborated by statistics which illustrate the fact that the highest percentage of votes come from the middle-aged sector of the population, rather than from young voters.

I am sure that many Members of this elective body are aware of the tremendous influence that young persons exert in electoral campaigns, whether on a National, State or local level. After witnessing the involvement of teenagers and young adults in my own recent congressional campaign, I am convinced that the disinterest engendered by the prolonged denial of the right to vote results in a needless loss of creative energy and talent which this country cannot afford to lose.

By extending the franchise to age 18 in Federal elections, we will go a long way toward maintaining the early political interests of our youth throughout their years of young adulthood when their creativity and originality are at their peak.

We must get our young people personally involved in helping to solve our problems. We must convince them that one of the greatest gifts passed on to us by the founders of this Nation was the mechanism for changing and improving our society in a peaceful, orderly way. That mechanism is politics. Politics is the only way to strike out against the deficiencies in our society without destroying the system itself. It affords us the opportunity to correct the inadequacies within the existing structure without undermining its foundations.

So to those young people who cry for the destruction of the system, we must say: "Destroy this system and you will destroy not only the hope of America, but of all mankind. Use this mechanism within our system to make changes, to make this a better country and to make this a better world."

We must convince our young people to accept this challenge and opportunity and thereby have a tremendous influence on the kind of world they are going to live in.

More than ever before in our history, young people are getting involved—really involved—in the exercise of good citizenship through political action. This is the best possible sign of the vitality of our system.

I urge that this body promptly adopt the joint resolution we introduced today and thereby encourage our youth to drop in—and stay in—the American system rather than join the dissenters and protesters to remain aloof from the system and abandon peaceful, orderly change. This is a tangible way for us to demonstrate our confidence in these young people and restore their confidence in us.

LEGISLATION TO REPEAL OIL DEPLETION ALLOWANCE FOR COMPANIES WHO MANUFACTURE LEADED GAS

The SPEAKER. Under previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, I have today introduced H.R. 13321, a bill to repeal the percentage depletion allowance for oil companies which continue to manufacture gasoline containing lead after January 1, 1971.

This legislation is not simply a matter of tax reform. Congress hopefully is going to reduce the 27½-percent depletion allowance anyway. Lead fumes from gasoline contribute very heavily to the $12 billion annual cost of air pollution as well as representing a serious health hazard. There are practical and relatively inexpensive alternatives to lead in gasoline. The petroleum industry, however, like the auto industry has generally resisted efforts to put these alternatives into effect, because it does not want to go to the expense and effort necessary to effect a conversion. The economic incentive can serve as a significant stimulus. The big oil companies must take some corrective action or pay the bill.

There are two alternatives to gasoline containing lead. One would be to either replace lead with other additives or to modify the refining process. Lead functions in gasoline as an antiknock ingredient. Nickel and boron are among the additives which can be substituted to perform the same function. American Oil Co., on the other hand, has modified its refining process to bring about a higher level of paraffins in order to produce its nonleaded gas. In either case refined gasoline is still the basic fuel which goes into the internal combustion engine.

The second alternative is the replacement of gasoline by natural gas. Natural gas can be used in internal combustion engines just as refined gasoline is. Natural gas, however, does not pollute the atmosphere to the extent regular gas does, and produces no lead emission. This is demonstrated by recent truck tests conducted by the Air Pollution Control Administration in Detroit:

Comparative truck emissions for leaded gasoline and propane—Air Pollution Control Administration

[In grams per mile]

Carbon monoxide:	
Gasoline	17.00
LPG (propane)	16.00
Hydrocarbons:	
Gasoline	28.80
LPG (propane)	8.00
Oxides of nitrogen:	
Gasoline	8.00
LPG (propane)	4.00
Lead:	
Gasoline	3.17
LPG (propane)	0

Methane in the compressed form is now just beginning to come into use as a substitute for gasoline. As tests with a 1968 Ford Ranchero demonstrated, methane produces an even lower level of pollution emission than propane:

Comparative pollutant emission for leaded gasoline and methane

[In grams per mile]

Carbon monoxide:	
Gasoline	28.20
Methane	2.11
Hydrocarbons:	
Gasoline	2.56
Methane	1.41
Oxides of nitgrogen:	
Gasoline	3.82
Methane	.51
Lead:	
Gasoline	3.17
Methane	0

Even aside from the level of pollution emission, methane offers other benefits over leaded gasoline. It is cheaper to operate, does not clog spark plugs, dilute or contaminate the oil, or corrode the exhaust pipes. Furthermore, it rates as safe as if not safer than gasoline by the insurance industry.

The bill is the third and last in a legislative package I have proposed to reduce air pollution caused by automobiles. My initial bill would ban the manufacture and sale of automobiles powered by internal combustion engines after January 1, 1978. The second would require a health warning in ads for gas containing lead.

My bill is admittedly a stopgap measure. It would alleviate air pollution somewhat until we can entirely do away with the internal combustion engine by bringing about a modification in the fuel component of the engine. But we cannot wait for the internal combustion engine to be eliminated before we begin to do something drastic about automobile pollution. Human lives are too important to be dependent upon the automobile industry's willingness to produce low-pollution cars on a large scale.

The text of the bill follows:

H.R. 13321

A bill to amend the Internal Revenue Code of 1954 to provide that after 1970 no oil or gas depletion deduction shall be allowed a company which is engaged directly or indirectly in the sale to consumers of petroleum products containing lead

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 613 of the Internal Revenue Code of 1954 (relating to percentage depletion) is amended by adding at the end thereof the following new subsection:

"(e) **Denial of Depletion Deduction to Companies Engaged in Sale of Petroleum Products Containing Lead.**—Notwithstanding any other provision of this chapter, no deduction for depletion shall be allowed a taxpayer with respect to any oil or gas well under section 611 for any taxable year, whether the applicable allowance for depletion would be determined under subsection (b)(1) of this section or otherwise, if such taxpayer is determined in accordance with regulations prescribed by the Secretary or his delegate to be engaged in such taxable year directly or indirectly, through one or more affiliates, parents, subsidiaries, or related companies, or otherwise, in the sale at retail to consumers of gasoline or other petroleum products to which lead has been added."

Sec. 2. The amendment made by the first section of this Act shall apply only with respect to taxable years beginning after December 31, 1970.

CURTAILING VIOLENCE

The SPEAKER. Under previous order of the House, the gentleman from California (Mr. COHELAN) is recognized for 10 minutes.

Mr. COHELAN. Mr. Speaker, on Monday of this week the National Commission on the Causes and Prevention of Violence issued a report on firearms. This report concluded:

> After extensive study we find that the availability of guns contribute substantially to violence in American society. Firearms, particularly handguns, facilitate the commission and increase the danger of the most violent crimes—assassination, murder, robbery, and assault.

Not surprisingly, the findings of the Violence Commission echoes those issued 2½ years ago by the National Crime Commission. The thorough and objective study performed by these two distinguished Commissions indicates without question the need for strict controls of handguns. Handguns are not good weapons for game hunting and they are not particularly good weapons for defending ones home. Their primary advantage seems only to be that they are easily portable and even more easily concealable. These are advantages to would-be lawbreakers but to hardly anyone else. These notions, too, are part of the findings of these two Commissions. I recommend to the attention of the Members of this body and to the administration an editorial which appeared in the Washington Post on Wednesday, July 30, 1969, entitled "Curtailing Violence." This editorial quite correctly sets out the conclusion of our national Commissions, the views of most Americans, and the views of those who are opposed to further gun control. I include this editorial at this point in the RECORD:

CURTAILING VIOLENCE

No one who has given any thought at all to the problem of violence in the United States will experience the slightest surprise that the National Commission on Violence—like the National Crime Commission before it—recommends strict gun control legislation. "After extensive study," the Commission reported on Monday, "we find that the availability of guns contributes substantially to violence in American society. Firearms, particularly handguns, facilitate the commission and increase the danger of the most violent crimes—assassination, murder, robbery, and assault." The Crime Commission report, issued two and a half years ago, came to the same conclusion: "The Commission strongly believes that the increasing violence in every section of the Nation compels an effort to control possession and sale of the many kinds of firearms that contribute to that violence."

Americans polled by Dr. Gallup and other national opinion research organizations have indicated by overwhelming percentages that they thoroughly agree with these recommendations. Only the National Rifle Association and the Nixon Administration appear to be in disagreement. The NRA wants to repeal even the modest gun control law adopted by Congress last year; and the newly appointed Commissioner of Internal Revenue, apparently speaking for the Administration, indicated in testimony before a Senate Judiciary Subcommittee last week that he thought effective gun control legislation would involve too much bother and expense.

The controls proposed by the Violence Commission concentrate on handguns—for the very good reasons, as the Commission puts it, that "firearms are a primary instrument of injury and death in American crime" and "handguns are the weapon predominantly used." The Commission report contains a lot of fascinating figures to support its conclusions, only one of which needs citation here: "Although only slightly more than one-fourth (or 24 million) of the firearms in the Nation are handguns, they account for about half of all homicides and three-fourths of all firearms homicides."

Unlike the NRA, which seems to advocate a nationwide game of cops and robbers with every citizen his own sharpshooter, the Violence Commission concludes that pistols ought to be in the possession only of those who have actual need for them. Accordingly, it proposes—as this newspaper has many times proposed—a system of restrictive licensing for handguns. It would give state governments the first opportunity to impose such a system, introducing Federal control only when states fail to enact adequate standards of their own. And it would have the Federal Government assume the full cost of compensating gun owners for the weapons to be confiscated under the proposed arrangement.

This seems to us eminently sensible. Handgun restriction will not interfere in any way with sportsmen who use long guns for hunting or for target shooting. Neither will it impede in any way the ability of householders to protect themselves and their families from intruders. Gentlemen who would like to shoot it out with burglars can do so even more advantageously with a rifle or shotgun than with a pistol; a pistol is advantageous only to criminals who can conceal it comfortably when on their way to commit crimes. Honest folk do not really need concealable weapons. Besides, as the Commission drily notes, "from the standpoint of the individual householder, the self-defense firearm appears to be a dangerous investment."

The Commission's aim is to put an end to illegitimate employment of guns without placing undue restraint on legitimate possession and employment of these dangerous instruments. We agree that this is entirely feasible. It presents a formidable challenge to the common sense of the American people and to the American sense of community.

WHAT IS MILITARY VICTORY?

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, it is more than obvious, that the war in Vietnam is not a popular one. We are well aware that more than 35,000 Americans have already given their lives in this conflict. Still it is hard to realize, that with American soldiers fighting and dying each day in a far-off land, that there is less than total support for them at home. This is a disservice to the Nation.

There are those who say that we are involved in a war that cannot be won, that the deaths of these men, therefore, cannot be justified. To answer that statement, I include the remarks of Gen. Bruce C. Clarke, U.S. Army, retired, entitled "What Is a Military Victory?" at this point in the CONGRESSIONAL RECORD for the edification and enlightenment of those who might be interested. The article follows:

[From Army, August 1969]

What Is Military Victory?

On 17 December 1944, I moved my unit, Combat Command B, 7th Armored Division, into the area of St. Vith, Belgium, on orders of my corps commander. The German main effort in the Ardennes offensive (Battle of the Bulge) was about to break through the U.S. defensive line there. We interposed our strength in front of this German effort and did not withdraw until 23 December, on order, so as to keep from being destroyed.

Field Marshal Hasso von Manteuffel, the German main effort commander, stated while visiting the United States in December 1964, that on the evening of 24 December 1944, he recommended to Adolf Hitler's adjutant that the German Army give up the attack and return to the Westwall. He said that the reason for this recommendation was the time lost by his Fifth Panzer Army in the St. Vith area which broke up the operation.

We of the 7th Armored Division suffered heavy losses and had to retreat. However, we accomplished our mission and spoiled the enemy's plans. To me that was a military victory.

Recently, a member of the U.S. Senate stated that *we* had lost the war in Vietnam. Having had three sons in Vietnam, and one there a second time, and having been privileged to visit the troops in the field during the Tet offensive of 1968, I violently object to such a statement if it refers to our armed forces in Vietnam. I do not consider that "we" includes them.

I am generally familiar with the conditions and missions that faced Gen. William C. Westmoreland in 1965 and later, and the conditions and missions facing Gen. Creighton W. Abrams since he took command; I can state that they have accomplished the military missions given them and have prevented the enemy from completing his. This, to me, is a military victory.

It is time we let our armed forces in Vietnam know that we appreciate their military victories.

We may have not won other types of victories, but that is not primarily the responsibility of the military.

Gen. BRUCE C. CLARKE,
U.S. Army, retired.

ARLINGTON, VA.

FEDERAL REVENUE-SHARING BILL

(Mr. HAMILTON asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HAMILTON. Mr. Speaker, today I am introducing a Federal revenue-sharing bill. I strongly urge its immediate consideration and passage.

The United States faces, in the favorite phrase of Sir Alec Douglas-Home, "political problems which are insolvable and economic problems which are incomprehensible."

The agenda for the Nation is discouragingly long and incredibly complicated: inequality of opportunity, poverty, pollution, blight, crime, imbalances in the economy, inadequate housing, transportation, welfare, education, health. We are only too familiar with this list.

But these are the central realities of our day and whether or not we solve them will determine our survival as a nation. Any of these problems, if left unattended, could bring this Nation to disaster, and each of them will challenge the best that is in us to solve.

These realities put the American federal system on trial as never before. How we meet them will determine the future and the fate of the American political system.

One of the more hopeful and promising approaches for their solution is the suggestion to turn over some portion of Federal tax revenues to State and local governments with a minimum of Federal supervision and control. This idea, commonly called Federal revenue sharing, is not new to American Government, but only in recent years has it received widespread attention.

PRECEDENT

For many years the U.S. Government has shared revenues derived from the sale of Federal public lands, from grazing leases and permits, and other sources with State and local governments. One historical precedent for the distribution of Federal surplus funds among the States on an unconditional basis occurred in 1836 when, during the administration of President Jackson, a large Federal surplus of about $28 million was actually deposited with the States in three installments.

More recently tax sharing has been advocated by Dr. Walter Heller, former Chairman of the President's Council of Economic Advisers, who in June 1960 proposed that rising Federal revenues be distributed to State and local governments with few or no strings attached.

In 1964, both presidential nominees voiced their general support for this proposal. President Johnson appointed a task force, headed by Dr. Joseph A. Pechman, to study the proposal. However the findings of the Presidential task force were never released. The Republican Party has also promoted the idea. It recommended a system of Federal tax sharing in its state of the Union message in 1966 and a Republican coordinating committee has supported the concept. Many Members of the Congress are on record in support of it.

THE PROBLEM

Quite simply, the problem is that the Federal Government has most of the money and the States have most of the problems. Consequently, the federal system is fiscally out of balance.

The last three decades of unprecedented growth have led to an enormous increase in the demand for public services, services that historically have been provided by the States. John Kenneth Galbraith has observed that prosperity gives the Federal Government the revenues and the State and local governments the problems.

Fortified with the resources, the Federal Government has taken the initiative and has nearly monopolized leadership in response to the challenges of the day. The result has been a proliferation of Federal programs and stultification of State initiative. In 1966 there were 379 different grant authorizations in the Federal Government administered by 17 departments and agencies and 38 bureaus to 50 States and 92,000 units of local government. By 1969 total Federal aid grants to State and local governments had risen to $20.8 billion.

It has surely become obvious by now that this growth of activity on the Federal level is not the complete answer. The Federal Government simply cannot carry out all of its responsibilities efficiently without strengthening State and local governments. Richard Goodwin has observed:

> We are not wise enough to solve our problems from the top, nor are there resources enough to solve them from the bottom.

THE ROLE OF THE STATES

A new order of things is needed to build vitality into our governmental institutions. There simply are limitations to the expansion of a Federal bureaucracy and it reaches a point when it cannot cope with the variety and complexity of problems facing a vast nation. Alexis de Tocqueville remarked long ago that a continental country can be successfully governed centrally but it cannot be successfully administered centrally.

I believe a basic premise has to be that the States are here to stay and that they play an indispensable role in the federal system of government. Their power and resources simply must be strengthened.

Terry Stanford, in his volume, "Storm Over the States," reminds us that States are indecisive, antiquated, timid and ineffective, and unwilling to face problems, unresponsive, and not interested in the cities. These half dozen charges, he says, are true about all of the States some of the time and some of the States all of the time.

Many factors work to weaken the States' capacity to confront energetically the challenges before them. Interstate competition for industry and wealth creates pressure to decrease State revenues. Because of their small size, States are denied the economies of large scale enjoyed by the Federal Government. States have depended on relatively unresponsive and regressive sales and property taxes. The yield from these taxes does not grow with the economy to the extent that the income tax yield does.

Fiscally then, federalism is out of joint. The States desperately need more revenue.

Despite these liabilities the States have actively faced their desperate problems. The share of State-local taxes in the gross national product has risen since 1946 from 5.4 percent to 9.4 percent in 1966. States have added new taxes and revamped older ones. They have displayed genuine fiscal courage in their fiscal effort but even so, the central problem remains. The States simply do not have the fiscal capacity to play a truly effective role.

Revenue sharing does offer hope for

relief. A distinguishing feature of the federal system has been its remarkable capacity to adapt to changing circumstances. The rate of change in this country has been so swift that we are faced today with problems of different magnitude and new dimensions. Exclusive action by any one level of government simply will not solve the problems of the magnitude before us. There are some who will say that only the Federal Government can do it, others will argue that only the States can do it. But I reject the view that pits one level of government against another in dealing with our problems. Claiming that this is a problem for local government, this is a project for State government and this is a project for Federal Government, simply will not work. The burdens of governing today are too big, too complex, for any one branch of government to handle efficiently.

The fate of American federalism depends on our ability to cooperate and commit all levels of government to the task of building a truly modern society. This can only be done if there is a fiscally balanced federalism.

TOOLS OF FISCAL FEDERALISM

There are essentially three tools that the Federal Government can use in its effort to bring about a balanced federalism: categorical aid, block grants, and revenue sharing. Just as no single level of government can solve today's problems, no single one of these three tools will suffice. The answer lies in finding the proper mix of the three. Thus, revenue sharing or block grants can be correctly viewed only as supplements to, and not as substitutes for, present categorical grants.

Categorical grants-in-aid to the States today comprise the major instrument of Federal-State fiscal balance. The funds so provided are based on narrowly defined programs and their use is closely controlled by the Central Government. It has been through such categorical grants that the Federal Government has tried to help the States face their urgent problems. These grants are the major vehicle for the expansion of Federal control to the State and local level, and it is through their effect that the States' right to make decisions have been circumscribed. Strenuous stipulations and expenditure controls have stultified State initiative and have warped States' priorities.

In addition, the proliferation of such programs has led to serious trouble, as the Advisory Commission on Intergovernment Relations reported in October 1967. There are simply too many separate aid categories. The result has been confusion and ambiguity concerning the provisions of various programs, the qualification requirements and administrative control. Many of the programs are redundant or near duplicates and thus allow States and localities to play various agencies against each other. Few States or Federal officials can be well informed enough to know exactly what programs are available, and even if they had this information, most of the programs have such strict stipulations that it is often impossible for States to benefit from them without significantly altering their own efforts.

Summarizing its discussion of categorical grants, the ACIR report states:

> The general objectives of the categorical grant-in-aid system might be regarded as: (1) achieving a minimum program level in specific functional fields throughout the country; and (2) doing so in such a way as to strengthen State and local governments. It seems clear, however, that the system itself, and particularly some of its newer features, are causing problems that handicap these objectives. State and local governments, bewildered by the proliferation of grants, complexity of requirements, and actual or seeming duplication and overlapping, complain of an "information gap". Multiplying and different planning requirements foster confusion rather than coordination. States feel they are losing their grip over public affairs within their jurisdiction due to the increasing practice of direct Federal-local grants. Both State and local governments feel a similar loss with the rise of grants to private individuals and institutions. The goals of equalization, if ever a very strong objective of the grant system, are no nearer achievement than six or eight years ago, partly because of the trend toward project rather than formula grants.

The categorical grant program needs reform. To achieve better intergovernmental balance it is necessary to strengthen State activity, and thus the other two tools of fiscal federalism, block grants and revenue sharing, seek to widen the scope of State responsibility.

Block grants provide aid to States for more broadly defined purposes than categorical grants. This allows the States more freedom for administrative originality. Block grants are quite similar to revenue sharing since most of the revenue-sharing plans which have been advanced also include broad stipulations that require the funds be spent for certain types of projects. The major difference between block grants and revenue sharing, thus, is that block grants are considered a more temporary and somewhat more restricted form of aid than is revenue sharing.

THE REVENUE-SHARING PLAN

The third tool that can be used in the State-Federal fiscal balance mix is revenue sharing. Frequently discussed in the fifties, revenue sharing received its present impetus at the time of the 1964–65 Federal tax reduction, occasioned by the expectation of a future Federal revenue surplus. At that time, Chairman Walter Heller of the Council of Economic Advisers put forward the suggestion that when another Federal tax reduction became possible, a plan should be instituted whereby the Federal Government could distribute its surplus to the States.

Dr. Heller has expanded his ideas in a book, "New Dimensions of Political Economy," and an article in the March 22, 1969, issue of Saturday Review. The Heller plan calls for the creation of a trust fund based on revenue from 1 or 2 percent of the Federal individual income tax base. Money from this fund would be shared among the States on a per capita basis, that is, each State would receive an allotment according to its population. This per capita redistribution would help equalize the share that each State received. If still further equalization were desired, 10 to 20 percent of the fund could be set aside to be allocated among the States on the basis of average per capita income, allowing the poorer States to receive a greater share of the funds. Although the idea of nonconditional grants—block grants, or, aid without strings—is essential to the concept, Dr. Heller indicated that it might be necessary to stipulate that the funds be used only for welfare, education, or community development programs.

One of the basic ideas of the plan however is to stimulate creativity and encourage initiative at the State and local levels by allowing these officials as wide a range of freedom as possible. Heller has summarized the major thrust of his revenue sharing plan thus:

> The core of a tax-sharing plan is the earmarking of a specified share of the federal individual income tax take for distribution to states and localities, on the basis of population, with next to no strings attached.

ARGUMENTS IN FAVOR

There are strong arguments in favor of tax sharing. Some sort of revenue sharing plan has received support from both parties and from officials in Washington and in most State capitols, and it is arguments like these that have made for such broadbased support.

First. An efficient and simple way to redistribute Federal revenue: Tax sharing plans are efficient and simple ways to distribute Federal revenue. Many economists feel that revenue surpluses will be a natural consequence of our existing Federal income tax system whenever the economy is undergoing expansion. In other words, tax sharing may become necessary simply to keep from dampening economic growth if Federal coffers seem to be receiving increasing surpluses. Thus, a tax sharing plan would add to our capabilities to achieve a beneficial and well-conceived fiscal policy by increasing our fiscal policy tool kit.

Revenue sharing is desirable because of its simplicity. It enables local and State governments to operate without burdensome Federal controls and relieves Federal officials from administering programs filled with detailed and onerous requirements.

Second. Federalism strengthened: Tax sharing plans will help us preserve and strengthen federalism. Tax sharing emphasizes State initiative. It gives a financial opportunity for the State and local levels to come up with creative, new solutions for the problems of their own particular areas. Revenue sharing becomes, therefore, an alternative to the constantly increasing centralization of the last decades. The services that have traditionally been viewed as State responsibilities will not cease being provided by the States simply due to a lack of funds. Of particular note is the fact that tax sharing plans do not include matching requirements which have heretofore warped State priorities in order to win Federal funds for the State. It should be emphasized that unless something is done soon to increase the role and energy of the States, the trend toward centralization may become irreversible as more and more talent and resources are deflected to the Central Government in Washington.

Third. It enables State and local governments to meet needs. Tax sharing is another way for the Federal Government to help States face voracious needs. Deficiencies in education, housing, health, welfare and community development are all enormous problems that must be met. Once again it must be made clear that the areas of greatest need are precisely the ones in which the States have the responsibility. And these needs are going to grow greater in the future. To respond in an efficacious manner to these aspects of modern life, State and local governments simply need, above all, more resources. The officials close to the problems must have more of a free hand to meet the challenge of their particular locality according to their own experience. The Federal Government has been much too slow to realize that it does not have a monopoly on the answers: a realization that should come quickly after a brief study of the problems facing the Federal Government's own city, Washington, D.C. If nothing else, the very simplicity of revenue sharing compared to today's multifarious categorical grant programs will be an incentive to increased action.

Fourth. Fairness of the tax system improved: Tax sharing will increase the fairness of the total tax system. This is of particular importance in a year when the demand for tax reform is widespread. Tax sharing plans will increase the overall dependence on the progressive income tax and diminish the emphasis on the often regressive sales and property taxes. Many tax-sharing bills provide for increasing the allotment to a State depending on its tax effort—usually the ratio of all State and local taxes to the total personal income for that State. To receive more Federal funds, the States will increase their own taxes, which will probably mean a still further increase of the use on the State level of a personal income tax.

ARGUMENTS OPPOSED TO REVENUE SHARING

First. Claims of local governments: Perhaps the most potent objection to revenue sharing is voiced by the Nation's cities and mayors. They fear that rural dominated State legislatures would not give them the share of the revenues they desperately need. Given the natural competition between localities and States for available resources, this objection presents one of the genuine problems of revenue sharing, and merits careful consideration.

Several observers have pointed out that with reapportionment of State legislatures, greater equity and political balance is being achieved in the allocation of funds within States and therefore the apprehension of the Nation's cities should not be as great as it once was. Even so, reapportionment probably is no guarantee that funds from revenue sharing will be equitably balanced between the States and local governments.

One suggestion is to reserve a part of the trust fund for local units, assuring that a certain percentage of the amount received by the States from the Federal Government will go directly to localities.

Second. States unable to handle funds: Another objection to revenue sharing is that State governments are inefficient and are not capable or willing to handle the revenue. This view tends to underestimate the definite commitment States have made to the resolution of their problems—as evidenced by the sharp increase in State expenditures, often at high political costs—and their steadily increasing capacity to act. It also tends to overestimate the capacity of an already overburdened Federal administrative bureaucracy to meet the perplexing variety of local problems through the categorical aid device.

One danger that must be guarded against is that State and local governments may reduce their taxes and curtail their programs with the expectation of Federal revenues. This is a proper concern but it can be met if a revenue-sharing plan is designed to take into account tax effort made by the local and State government and reduces the amount allocated to them if they lower their fiscal effort.

Some fear that revenue sharing will undermine Federal categorical aid programs, but, as has been previously stated, the proper perspective on Federal revenue sharing is as a complement to the other tools of fiscal federalism and not as a substitute for them. The need is for cooperation of all levels of government and a proper mix of the tools of fiscal federalism. The complexity of the challenges and the inefficiencies of expanding an already bulging Federal administrative bureaucracy point to the necessity of effort by all levels of government.

Third. Federal revenues should be used for other purposes: Another argument against revenue sharing is that the Federal revenues should be used for other purposes, including reduction of the Federal debt, tax cuts or credits. Obviously revenue sharing must take its place with proposals to increase the incomes of the poor, debt reduction, tax cuts, increased Federal spending in the traditional sense and other claims for national resources. Each of these is a valid claim upon the Federal dollar. They are not, of course, mutually exclusive. We can have one, two, three, or all of them, but as we give to one we take from another. Priorities must be weighed and determined.

Tax sharing represents one valuable answer to the solution of the agenda facing the Nation, and it should be employed whether or not there is a Federal surplus. There is broad agreement as to the pressing need for decisive action by all levels of government to meet the challenges of the agenda of the Nation, and the best way this can be done is to provide States and localities with resources to enable them to respond.

Fourth. Tax sharing is an inefficient and unsound way to redistribute tax resources. This argument stresses that it is not sound management to separate the responsibility of collecting taxes from the responsibility of spending the funds. If Federal moneys are returned to the States without explicit control over expenditure, it will encourage waste.

This objection points to the necessity of provisions in a revenue-sharing bill to hold the States strictly accountable for the use of funds they receive and for detailed reporting activities in connection with expenditures. In weighing this objection, it should be balanced against the alternative of the inefficiencies and shortcomings of continuing increases of federal categories grants.

Fifth. Other arguments: Some argue that revenue-sharing proposals will increase State and local dependence on the Federal Government, but revenue sharing is designed to provide States with the resources to act without control from Washington. A few contend that revenue sharing is not needed because there are already sufficient funds and resources in the States, but, the preponderance of opinion is that States and local governments are rapidly reaching, if they have not already reached, the point of saturation with local taxes.

These arguments against tax sharing do not begin to offset the advantages we could expect from the adoption of a system of more meaningful Federal-State cooperation. Tax sharing would increase our fiscal policy tool kit; it would give new vitality to federalism and decentralization at a time when the size and inefficiency of the Federal authority concern everyone; it would provide funds to allow the States to respond creatively to their needs; it would increase the fairness of the entire tax system; it would lend new emphasis to the commitment of all levels of government to the goal of providing the poor, the hungry, the deprived and the undereducated with the kind of life that every individual has a right to expect.

VARIATIONS IN THE DIFFERENT PROPOSALS

Scores of tax-sharing plans have been presented as bills before Congress. In the 89th Congress, 57 Members sponsored or cosponsored 51 tax-sharing bills. In the first session of the 90th Congress, 110 Members sponsored 90 bills with some 35 variations on the tax-sharing theme. These variations vitally affect the thrust of the program, and the more important ones warrant further comment.

1. BASIS FOR DETERMINATION OF REVENUE

One major area is the basis on which the revenue to be shared should be collected. Should money be collected on the basis of a certain percentage of the Federal income tax base, or a certain percentage of the income taxes collected? The Heller plan advocated the taxable income basis because it would be more stable than tax revenues, the State's share would be independent of any given Federal tax rate structure, and no vested interest would be created which might oppose changing that structure and in addition, no given tax structure would be favored and fiscal policy would be less impaired than if States received funds from a percentage of Federal tax revenue collected.

Another consideration in the basis of revenue collection is the question whether the funds collected should go into a permanent trust fund, or be subject to periodic congressional review and control. Such periodic control would increase the flexibility of the Federal role and be an inducement for States to justify their use of revenue-shared funds.

Congress could periodically adjust the rate of allocation to the States as conditions in the Federal budget or in the economic position of the States dictated. The permanent trust fund, on the other hand, strengthens the role of the State by assuring them a certain revenue for some time in the future. Such an assurance would promote development planning by the States. A compromise between these two approaches is possible which would allow the States some of the security of the trust fund, while maintaining some of Congress' overview function. For instance, a rate could be set permanently while a system of periodic review by either Congress or a special agency could preserve the flexibility and scrutiny function of more temporary allocations.

Also open to discussion is the rate of allocation itself. Proposals have varied from 9.4 percent to 10 percent. Some rather more sophisticated plans have posed an escalating rate which increases over the first years as the program gets organized and underway.

2. PLAN OF SHARING REVENUE

A second major area of contention concerns the plan to allocate the revenue to be shared by the States. Here the variation in proposals depend upon the extent to which equalization of the States' shares is viewed as desirable.

One plan proposes that money be returned to the States in the proportion they paid Federal taxes. This plan would benefit the richer States which are presently the ones best able to deal with their troubles. Another plan would return funds to the States on basis of population. This would serve the goal of equalization, returning more money to the populated States, where funds are most needed.

If further equalization is desired a certain percentage of the funds allocated to the States could be set aside and given to that third—or some other fraction—of the States with the lowest average per capita incomes.

Other proposals add a tax effort factor—usually the ratio of all State and local taxes collected to the total personal income for that State—which would increase the amount of money going to those States which maintain or improve their tax effort. The tax effort factor appears to be a useful tool for insuring that States would not use Federal funds simply to reduce their own tax level.

3. PASS-THROUGH PROVISION FOR LOCAL GOVERNMENT

A third area of difference among the various tax-sharing plans is whether to provide that a certain percentage of the funds received by the States be automatically "passed through" to localities. Given the competition between many large large cities and their State legislatures, this pass through has the merit of assuring localities that their needs would receive attention. Some of the plans are quite detailed and provide for specific percentages to various sized urban areas.

4. EXTENT OF FEDERAL CONTROL

There is disagreement over the extent to which the Federal Government should control the expenditures of the revenue-shared funds. Dr. Heller advised the possibility of stipulating that funds be used for education, welfare, or community development projects. Other proposals have advocated giving funds only to those States that undergo a tax structure remodeling or demonstrate a desire to modernize State-local government. It is probable that such "strings" if they remain of a broadly defined nature, will not significantly diminish the freedom that State governments will have in administering revenue-shared funds.

Suggested stipulations include—

First, assurance that States do not use their new funds for highway construction—already provided for in separate trust fund;

Second, States be held accountable for the use of the funds; and

Third, protection of civil rights.

If such expenditure controls are applied, the need for a body to administer the allocation of funds becomes obvious. This administrative body would ascertain how much each State was to receive, check the use to which the States put their funds and make recommendations for improvements.

Even without relatively extensive expenditure controls it is likely that such an administrative body would greatly expedite the allocation of these funds.

GOALS AND NECESSARY PROVISIONS

The goals of the revenue sharing plan I have introduced are to provide the States with resources to respond more effectively to the demand for public services, and, to do so in a manner which will maximize the role of State initiative and will emphasize the need for creativity and originality on the State level.

The tax-sharing proposal I introduce includes the following provisions:

Taxable income, or the the tax base, not revenue collected, as the basis of the tax shared revenue, to provide increased stability and neutrality with respect to fiscal policy.

To insure stability for State planning purposes, a minimum allocation rate.

To insure that minimum guidelines are met and flexibility and periodic review of the program.

Allocation of funds to the States on a per capita basis.

An equalization factor to give special aid to those States with the lowest per capita incomes.

A tax effort factor to induce the States to maintain and increase their own tax effort.

Detailed pass-through provisions to insure that local governments of various sizes get a reasonable portion of the funds.

Broadly defined requirements to encourage States to use funds to meet their most pressing needs. But with a maximum amount of freedom for State and local administrators to develop their own plans for reaching these goals.

A body to administer the allocation of funds and to assure that these funds are used in a manner commensurate with the goals of the program.

Mr. Speaker, we need revenue sharing now to correct the present fiscal imbalance, to preserve the viability of federalism, to help meet the rising demand for education, welfare, and community development. Revenue sharing is a sound approach to meet these urgent needs. I urge the enactment of my bill.

FEDERAL INSURANCE GUARANTY CORPORATION ACT

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, increasingly, the American consumer requires protection from callous victimization in the marketplace. Especially is this so in areas of insurance for automobiles. It is a fact of life that driving without automobile insurance is an open invitation to absorbing painful financial damage.

Having full knowledge of these dangers, the overwhelming majority of Americans who operate autos avail themselves of at least basic coverage in case the unexpected strikes them.

Yet the consumer is all too often being victimized when he seeks such protection. It is a fact that thousands of holders of policies in the automobile area have been left without protection or recourse by certain companies which have become insolvent. Since 1958, at least 109 automobile insurance companies have been rendered insolvent—usually with little or no warning to those dependent upon them for basic protection. Thousands of policyholders have not only been left unprotected, but immediately liable to assessment.

It is minimally estimated that over $200 million worth of lost premiums and unsatisfied claims have resulted in these cases. Citizens suffer who reposed trust in smaller companies which collapsed because of inability to cope with their responsibilities. As of now, New York, New Jersey, and Maryland have taken meaningful steps to protect their citizens against financial collapses by such insuring companies. They have accomplished this through establishment of State guaranty funds—a principle which could be applied nationally. To this end, I am introducing a measure today.

It provides for creation of an insolvency fund, to be financed by assessment of all interstate insurance carriers at a rate of one-eighth of 1 percent of the yearly net of direct written premiums. From this fund, moneys will be available to reimburse policyholders whose insuring companies have become insolvent. Administrative costs of the Federal corporation would be met from these funds.

Coverage would extend to all forms of automobile and casualty insurance. A three-man corporation would be set up with a 19-man advisory committee, functioning through State regulatory authorities. Provision is made for Federal-State cooperation in administering the guaranty fund, and for conducting examinations of companies applying for guaranty status under the act.

Policyholders would be protected in two direct ways by this measure:

First. Any insolvency victim will have recourse to a Federal guaranty fund in order to preserve insurance protection; and,

Second. Through Federal-State examination and regulation, financial conditions of insurance companies will be upgraded in order to reduce possibilities of insolvency.

In this manner, the bill would aid both the private insured citizen and the Nation's insurance industry. Necessity for some sort of action is imperative, as the situation is worsening constantly rather than easing. Victimization of this sort undermines public faith in the entire concept of insurance and in the good faith of our insurance industry itself. Once this erosion proceeds much further, we shall have massive cries for industry-wide reform which will perhaps do as much harm as good. Action now will stamp out this evil before it causes more damage.

POMPIDOU CONSIDERS ISRAEL'S DEFENSES EXPENDABLE

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, when General de Gaulle was finally officially retired from the scene in Europe by France's voters, many around the world heaved a massive sigh of satisfaction. Of a certainty, I was among those who did, hoping that a more reasonable France under some other leader could and would break a new path on many issues of the day. Evidence accumulates that President Pompidou persists in stumbling along old roads to the continued detriment of his country and other nations who would benefit from a French change of heart.

England raps in vain on the Common Market's door, futilely requesting admission to a circle she has long ago earned membership in. Only France under Pompidou maintains blackballing resistance to her oft-reiterated attempts. Her admission would be the placing of a linchpin in a new continentwide economic structure which would benefit all Europe, smoothing out old nationalisms, replacing them with vigorous, pluralistic economic interests.

President Pompidou makes pleasant sounds in the direction of NATO, but takes no actual action to rectify damage his predecessor wreaked as a deliberate policy. In spite of soothing sounds being made by appropriate people on both sides of the Atlantic, matters still remain in the geopolitical shape General de Gaulle left them in.

Most of all, France stubbornly refuses to live up to a solemn pledge she has made and a contract she has signed. I refer, of course, to the agreement she made with Israel for 50 Mirage jet fighter aircraft, which Israel has fully paid for. These planes today sit in storage somewhere in the south of France, awaiting a word from Paris which is yet to come. Mr. Pompidou is obviously as deaf to contractual obligations as he is to the voice of the British and his NATO allies.

However, NATO can do without French military power, such as it is. England can maintain her economic viability without membership in the Common Market. But Israel cannot stay alive as a national state without an all-powerful air force. She must have those planes, which possess the most up-to-date equipment for dealing with swarms of Arab-flown Soviet fighters. Daily these deadly hordes pour across Mideast skies, aimed at the heartland of Israel. Only replenishment of Israel's firstline aircraft will prevent them from attaining their goal—slaughter of all Israel's people. Those 50 Mirages can make a life-or-death difference, yet Pompidou maintains his silence and dreams Napoleonic dreams. How sad it is that Israel knocks on France's door with only determination, justice and a signed contract in her hand. How sad it is that when she asks for delivery of her goods or return of her money, the French will not hear.

Perhaps if she utilized Arab methods, she would be heard by the hard-of-hearing President Pompidou. Perhaps she should utilize extortion, coercion, blackmail and false promises. Perhaps she should tell outright lies and offer French business interests a little oil. That seems to fetch them faster than a threatened bastion of democracy. How many francs is a Jewish life worth to the average French businessman or Pompidou? More than a barrel of Arab oil? Less? Or shall we measure it in sous? This is the 200th year of Napoleon Bonaparte's birth. All year long France will reverberate to the thunder of drums and cadence of military parades and marches. The little Corsican fought many a great struggle. His "old moustaches" earned the laurel wreaths innumerable times. They were defeated, true. But never dishonored.

Let every Frenchman who takes off his hat and wipes away a tear when the Tricolor passes, remember that it is his country which dishonors his and its own past by refusing to honor Israel's contract. Let him ponder what they would have done—those old heroes.

Men of Valmy. Defenders of Paris. Ney—"the bravest of the brave." The guard which stood astride the Charleroi Road and refused to surrender. McMahon's cavalry at Sedan. Those men who lie under the trench of the bayonets at Verdun. The Maquis of 1940–45. What would they say of Mr. Pompidou's refusal to honor Israel's contract? Would they have heard her voice? Or would it have been Arab business as usual, as it is seemingly today at the Elysees Palace?

Are the drumbeats, marches, and parades not a little hollow sounding? Do they not fade away with swiftness? Are the sons worthy of the fathers? In Israel, both sons and fathers die daily. And the sands run out rapidly. Are you listening, Mr. Pompidou? Have you heard their voices? Do they not sound a bit like those French voices of the past?

EVERY DAY IN EVERY WAY IT IS GETTING BETTER AND BETTER

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, nations and individuals often possess an infinite capacity for self-delusion. Only harsh reality can bring them to earth with a "thump." I am reminded of the late Dr. Emile Coue of France, author of "Formula of His Faith Cures." In it he enunciated the phrase I have used as a title for this offering. People were fond of repeating it to themselves in moments of crisis during earlier years of this century. I am told that in the first years of the great depression, many utilized it vainly every day.

We would do well to call such delusions to mind at this time. The Federal Home Loan Bank Board reports interest rates on conventional home loans rose to record highs during June. They averaged 7.75 percent for new home loans and 7.78 percent for loans on used housing. Mortgage money is scarce in many areas of America because banks can make more money on other types of loans with higher interest rates. This, of course, is coupled with an alltime high prime interest rate of 8½ percent.

Today, another ominous portent of things to come confronts us upon the front pages of our nation. Unemployment rose from 3.4 percent to 3.6 percent last month, highest level since October of 1968. This means another 125,000 Americans lost their jobs last month, according to official figures. It is highly indicative to note where those jobs were lost. Construction, finance, services and agriculture suffered. Both basic and growth areas were most affected, as can be seen. Unemployment for men rose from 1.8 percent to 2.2 percent. The rate for married men rose from 1.4 percent unemployed in March to 1.6 percent. Rates for full-time workers rose from 2.7 percent to 3.2 percent.

Simultaneously, the stock market plummets down, down, down. New depths are plumbed daily, as fear turns to dawning realization that this is not merely a passing phenomenon, but economic reflection of national policies. Everywhere, the average citizen is being refused loans, particularly small businessmen who require short-term capital. Food prices are making a seive out of weekly food budgets of millions of American families. What is the response of our Government to this mounting general economic crisis? How does it respond to the wrenching reality faced by workers and their families who are now unemployed or underemployed?

The administration presses the congressional assault for surtax extension, placing little, if any, emphasis on what the Nation really wants and needs—tax reform. It prattles on about fighting inflation, but does nothing to prevent basic industries from raising prices on an across-the-board basis, which our steel industry has just done. It makes no move whatsoever to roll back the level of interest rates, as millions stagger under what can almost be called usury on a national basis.

As this wholesale phenomenon gathers terrible momentum, however, we have plenty of circuses, even as the cost of bread goes up. President Nixon calls the war in Vietnam "our finest hour." He categorically states before the world that the United States will go to war on behalf of Thailand. He observes that

President Thieu of South Vietnam is one of the greatest statesmen of our age. I wonder what all those non-Communist political prisoners cramming his jails would say to that, if they could speak? He claims the crew of Apollo 11 has accomplished a feat exceeded only by God's creation of the universe. Yet the administration has cut back on the program. If Apollo were squeezed any harder by the administration, it would pop all the way back to the moon.

So every day in every way, it is getting better and better, all right. Every day unemployment increases. Every day interest rates hurt the average man more. Every day prices rise. Every day the stock market dips lower. Every day more people are hurt financially. Every day the war in Vietnam goes on. And every day the administration says things are going to get better and better.

Are you listening, Mr. Hoover? Are you listening Dr. Coue? Are you listening, America?

THE COAL ROYALISTS

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, Dun's Review in its April 1965 issue published a very revealing article by Thomas J. Murray concerning a "small band of financiers who are reaping golden profits from the investment nobody knows about: coal royalties, which come from leasing mineral-rich lands to mining companies." I believe that all Members will be interested in this article as consider the issue of whether protection of the health and safety of coal miners will seriously hurt the economic position of the coal industry.

THE INVESTMENT NOBODY KNOWS ABOUT

(By Thomas J. Murray)

One wintry afternoon a few months ago, John S. Cline Jr. brought his car to an abrupt halt at a street corner in his native Pikeville, Kentucky. His wife quickly informed him that their car had the right of way, no stop was necessary; just as quickly Cline retorted that it was. "Here comes a coal truck," he drawled, pointing at the intersection road, "and that means six dollars to me. The faster that driver delivers his load and makes another trip, the more of those six dollars I'll be getting."

For John Sinclair Cline, a prosperous attorney in the heart of poverty-stricken Appalachia, those six-dollar-a-truckload returns have been coming faster and faster in recent years. For Cline is a member of one of the small band of financiers who are reaping golden profits from the investment nobody knows about: coal royalties, which come from leasing mineral-rich lands to mining companies.

For the past two or three years, no other fuel has burned quite as brightly as coal. Aided by cost-cutting machinery that has enabled it to compete in the utility market against natural gas and oil (most utilities can quickly switch from one fuel to another, depending on the price) coal has scored an amazing comeback. From 410 million tons as recently as 1959, its output had climbed to an estimated 480 million tons last year and will probably hit 487 million tons during 1965.

And at least one-third of that output will come from the lands held by the coal lessors. By the estimate of no less an authority than F. Addison Jones, a specialist in the National Resources branch of the Internal Revenue Service's Special Technical Services Division, there may be as few as 400 to 500 of them. But by profession, he goes on, the 400 owners of coal royalties include insurance agents, farmers and corporation executives, as well as fairly large corporations and a few good-sized partnerships.

For all their small numbers, moreover, the coal royalists hold what may well be one of the most lucrative investments in all of America. Certainly it is not too much to say that its benefits begin right at the tax collector's door. Almost hidden in the federal tax code, a special provision gives capital gains treatment to royalties received from the mining of coal lands that have been held for the usual six months or more.

But like the seam of coal above ground, that is only the beginning of the wealth. Not only does the coal royalist get capital gains treatment, he also is blessed with the benefits of a cost depletion allowance. This is based on the original cost of the property. If the coal royalist paid $5,000 for his land and it holds 50,000 tons of coal, then the royalty income at the average 25 cents a ton would come to $500 for a typical 2,000-ton mining year.

When it comes to paying taxes on that $500, the coal royalist first takes out a depletion allowance of $200. Then, from the remaining taxable income of $300, he computes his tax at the 25% capital gains rate. Final tax: $75, giving him a return after taxes of 85% on his total income of $500.

THE TALK IN PIKEVILLE

The men who pay this tax readily admit that it is the capital gains provision that has put the crown back on King Coal as an investment. Talk, for example, to Rolla D. Campbell, who is president of the Coal Lessors Association, the trade association for many coal-land owners. Grey-haired and thin, but still vigorous for all his 68 years, Campbell today winters in Palm Beach, in a plush apartment whose glass walls slide back to reveal a breathtaking view of the inland waterway and Palm Beach basin with its famed millionaire's row of luxury yachts.

In 1951 he was the man, according to talk in Pikeville, Kentucky, who was most responsible for convincing Congress that coal royalties deserved a capital gains. "Without that change," says Campbell, "I seriously question whether there could have been as extensive a coal industry development in the past decade as has been the case."

Certainly, few coal royalists can complain. John Cline, for example, qualifies as a medium-sized owner, holding several thousand acres of coal land around the Cumberland plateau in Pike County. A good-sized chunk of it is leased to several small, independent mining companies, which have some fifteen to seventeen mines producing about 150 tons or more a day. Elsewhere on this same land, Cline has leased several thousand acres to natural-gas drillers, whose diggings throw off still more income.

How much is all this worth to Cline? According to one authoritative source in Pikeville, a monthly revenue in the low six figures rolls into the estate that Cline shares with two sisters. Cline himself admits, without any exact figures, that it has made him a wealthy man. Says he, grinning: "The rich get richer, et cetera."

A clearer picture can be gleaned from a publicly held company, which must report revenues, taxes and profits. Virginia Coal & Iron Co. of Philadelphia, for example, leases huge coal-land acreage to operators on a royalty basis. Last year it pulled in a phenomenal $1.5 million in profits on a net income of $1.7 million. Or consider the fortunes of Kentucky River Coal Corp. of Lexington. This company, which owns about 200,000 acres of coal fields in five Kentucky counties and derives most of its income from royalties, in 1963 paid out $649,414 in dividends, nearly one-half of its $1.4 million in sales.

The low tax rate, of course, makes huge profits possible. Moreover, mining too enjoys a similarly profitable tax treatment. As Howard H. Frey, assistant to the president of the Virginia Coal & Iron Co., notes: "The effective tax rate on a mining operation is 24% because there is a percentage depletion of 10% of sales or 50% of profit. Since the margin on coal is so thin, you never get above that 30%. So you take the taxable profit, deplete it 50% and apply the 48% corporate rate, which is, in effect, 24%."

For individuals, estates, and the various small syndicates that predominate among coal-land owners, moreover, leasing has many other benefits. For one thing, there is little the small owner has to do with his land except prove that there are worthwhile deposits in it, find an operator who is capable of mining and selling the output, and then watch the profits mount up.

This is not, of course, as simple as it sounds. First of all, there is the matter of finding the right property. The market, it must be said, is a pretty active one, although its major media are word-of-mouth advertising and the columns of coal trade journals. In the past, one channel that enriched many investors (John Cline's father was one) was the tax auction where land was sold off to repay debts.

As to the price of coal lands, this necessarily varies so widely that no average market value is ever struck. As one Virginia owner puts it: "There are so many factors present that each parcel of land is appraised individually."

A few of the more significant factors: the quality of the coal underground, the thickness of the coal seam (it can vary widely), the conditions under which it can be mined (deep underground or near the surface), proximity to transportation. Even the suitability of the surface land for farming or the amount of timber standing must be considered, since either can represent added values to the land.

Charles D. Roberts, part owner of Dixie Mining Co. in Pikeville, points out that 100 acres of coal land in some parts of Pike County might be purchased for $25,000. And that acreage, he notes, could hold a potential return to the investor of $100,000—provided that the usual risks, such as coal running out or hitting a wall of blank rock, do not arise.

But before he goes into this highly specialized investment, a perceptive buyer has to have all his wits about him. As Rolla Campbell says: "Those who engage in this occupation have to know their way about. They need competent engineers and lawyers and may have to wait a long time to get their original investment back."

A Kentucky owner points out another pitfall. "This is," he says, "a great business for lawsuits." By way of proof he notes that Pikeville, whose population runs to a mere 6,000, has no less than thirty attorneys working full-time on mineral severance cases. Their chore is to separate the various mineral properties within any one parcel of land for whatever disposal the owner has in mind.

Things being what they are in Kentucky, title to a land tract does not always include the mineral rights. In fact, Dixie Mining paid one small owner over $2,700 in royalties before discovering that he did not hold the mineral rights to the property at all. "We had to then go out and pay that $2,700 all over again to the rightful owner," says Dixie's Charles D. Roberts.

Further complications can come from what can only be called an embarrassment of riches. A characteristic of coal land, for instance, is its proximity to oil and gas deposits. Leasing each of these various properties to operators (as Cline, Virginia Coal & Iron and most owners do) may be a very valuable and profitable enterprise. It also, though, requires astute engineering and legal counsel to insure that all those properties belong to the same deed.

Any timber growing over the coal, of course, is a prime investment in its own right ("Executive Sideline: Timber," DUN'S REVIEW, *January*). For it, too, comes under the capital gains treatment, the theory being that he who fell's a tree also cuts down a capital asset. But that is not all. Like coal, the timber owner also can deduct from his pretax income the original cost of the timber he sells. So it is not at all surprising that the Virginia Coal & Iron Co., for one, actively participates in both the coal and stumpage business.

Once the land is bought by an investor, there is very little to do except wait for an operator to come along. And despite a sometimes lengthy wait, they do come. It is one of the quirks of this business that all the vaunted power of advertising notwithstanding, there is little, if any, done by prospective lessors. For coal is an old, old business. And as Rolla Campbell points out: "The people in this business know the areas where the quality of coal they want is located. When they need that particular quality, they send their agents along to find out who the owners are."

For the average land owner, this is the moment of truth. The drawing up of a lease is far more than signing a contract for 100 acres at 25 cents a ton. In the first place, there are hardly two coal land leases alike anywhere. Terms vary from one to another and are the product of negotiations over length of lease, rate of royalty, mining conditions, quality of coal and a welter of other factors.

Just about the only common thread running through all leases is the requirement that the operator remove "all minable and merchantable coal" from the leased coal seam. Virtually every last chunk must be taken from the mine, every lump that can be physically removed and sold. No mere miser's greed, this stipulation actually is the legal basis on which the capital gains treatment rests.

A relatively typical ingredient in leases calls for payment to the lessor of a minimum advance royalty. For most of the small, independent, non-union coal mines that abound in some of the major coal fields of the United States, this averages out at $5 an acre, says Robert Holcomb, president of the National Independent Coal Operators Association. Among the large mine operators, this figure varies somewhat. In addition, a flat figure, based on expected tonnage, is sometimes used. Consolidation Coal Co., for instance, pays an annual minimum of $60,000 an acre on property leased from Virginia Coal & Iron in Pennsylvania.

But the lessor in every case allows the operator to recover this investment by amortizing the amount as he mines the coal. Thus, if the operator paid the advance royalty of $5 an acre for 100 acres, he would take the first 2,000 tons free. Usually, the time allowed for recovering is one to two years. This, though, is no eleemosynary act on the part of the local owner. Says Robert Holcomb: "It's to prevent an operator from tying up large tracts of land and not mining them."

No less important to the lessor is the kind of operator he is going to be dealing with as a lessee. Because a coal mining operation is an enterprise that usually goes on for years, and because of the great value of the property to the owner, amicable relations are considered an essential part of this business.

One method frequently used to preserve such relations is to write into the contract an arbitration clause for any possible arguments or grievances that cannot be settled simply. Many leases call for the appointment of an arbiter by each side.

SMALL, BUT EFFICIENT

Amicable relations notwithstanding, many land owners in recent years have selected operators strictly by size. Reason: Operators with fourteen or more men working underground are regarded under the Federal Mine Safety Act as large operators and must comply with stiff and costly safety regulations. Many land owners complain that the United Mine Workers of America has been using this law to drive costs up and make mining by large operators uneconomical. Says L. (for "Latelle") M. LaFollette, a large land owner in Charleston, West Virginia, who has been leasing coal lands since 1928 ("My father started in it in 1902"): "They're compelling land owners in West Virginia to lease to small operators."

These small, independent operators not only are exempted from federal mine safety regulations, but also tend to be non-union. Not surprisingly, they have been growing at an astounding rate in West Virginia ("Six hundred two years ago, 1,800 last year," says LaFollette), eastern Kentucky, Virginia, Tennessee and some ten other states.

John Cline, who leases to both large and small operators, prefers the small ones. "It has always been more beneficial to me in 24 years of leasing to deal with them," he declares. "The large operators are always trying to grab their own advantage, and you have to deal with them at arm's length. They may mine 100,000 tons this month but none next month. The small operators, on the other hand, mine continuously and usually take out more coal."

The small mines do, in fact, take out an enormous amount of coal. According to President Robert Holcomb of the National Independent Coal Operators Association, some 100 million-125 million tons were produced by the association's 5,000 member companies in 1964. What's more, says Holcomb, "99% of those members are mining leased properties."

Not only that, they are mining them just as profitably as the big company, according to L. M. LaFollette. "A friend of mine," he notes, "just opened a mine around here with five men and a shuttle buggy. He had to go back about 300 feet to get the mine ready, but they pulled out 259 tons in one day. That's as good as any big company."

Whatever the choice, the land owner need hardly be pushed into finding an operator for his property. Although there are taxes and other similar expenses, they are comparatively low and can be deducted from an owner's ordinary income for tax purposes.

Once a leasing arrangement has been entered into, though, the costs tend to be scattered, but small, mostly for administration and supervision of the contract and for preserving what the Internal Revenue Service's legalistic language refers to as the owner's "economic interest" in the land. These costs may run from fire protection, bookeeping and technical supervision to the expenses of measuring the quantity of coal removed.

Even though these expenses cannot be considered as deductions from ordinary income, they are hardly onerous. They may, says the tax law, be recouped as offsets against royalty income. In effect, then, the capital gains tax is reduced still further. "When the land is productive," says Rolla Campbell, "anyone can carry it."

Once a mining operation is underway, moreover, the owner's involvement becomes minimal. Apart from the need for periodic supervision ("monthly," snaps LaFollette) by an engineer to insure that the mining is safe and not injurious to the land or to any other coal or mineral deposits the operator may not have a right to, there is little for the owner to do—except, that is, to count his royalties and make sure they match the actual tonnage mined.

How much money is there in these royalties? The question brings smiles to some faces, a look of frustration to others. There is no one answer. So many factors are involved—from the amount of acreage leased and the quality of coal mined to the particular marketing conditions of the time—that figures are illusory and elusive.

Still, a look at the earnings of the publicly held companies shows that the profit potential is an emormous one. And as John Cline admits: "My income has increased every year that I've been leasing. If the royalties keep going up, the profit is bound to be better."

Looking ahead, the general economic picture, as much as the favorable tax situation, suggests that those profits are indeed bound to get better. The fortunes of the coal-land owner are inextricably bound up with those of the operator and the industry at large. What all see are constantly expanding markets (the electric utility field, coal's largest outlet, is growing at an annual rate of about 7%) and exotic new and broader uses for the ancient mineral, such as conversion to gasoline.

Last year the highly respected Pierre R. Bretey, a senior vice president of Wall Street's Hayden, Stone, predicted that "coal consumption may well double over the next fifteen years." And McGraw-Hill's Department of Economics revealed that current coal mine capacity (about 550 million tons) will reach full utilization by the end of this decade and will have to increase by at least 300 million tons by 1975.

Adding still more cheer is the estimate of the U.S. Department of the Interior that lying within the bowels of the United States is the world's largest deposit of recoverable coal, some 830 billion tons. Moreover, the Federal Power Commission late last year estimated that the consumption of coal by the electric utility industry alone would soar 250% by 1980.

With such tremendous potential lying beneath their feet, coal-land investors can hardly be blamed for keeping a tight rein on hard facts and figures. From the looks of things, nothing but the discovery of plutonium on their properties could match the riches that the black diamond may yet produce. Indeed, unless plutonium had capital gains and depletion, it is likely that King Coal would stay exactly that—at least in the minds of the land royalty holders.

AMERICA'S MOST PROFITABLE COMPANY?

From plain, green-painted offices in Philadelphia's South Broad Street, tall, tweedy Edward B. Leisenring Jr. runs what may well be the most profitable company in all of American industry. Certainly few other companies can come close to the 61% margin that Leisenring's Virginia Coal & Iron Co. shows on its revenues. By way of comparison, mighty General Motors brings 10.2% of its sales dollars down to net, AT&T 15.5% and U.S. Steel 5.7%.

Though it has large holdings of railroad stocks, Virginia Coal & Iron obtains 54% of its income from coal royalties and stumpage (the highly profitable, depletion-blessed trees that grow in the soil over its diggings). All told, Virginia Coal leases out 10,000 acres of land in West Virginia, 100,000 acres in Kentucky and southwestern Virginia and 5,000 acres in western Pennsylvania. In West Virginia alone, its lands are estimated to hold 116.9 million tons of coal.

Leisenring carries nearly all the income from these activities right down to net. During 1964, for example, royalties, dividends and rental on a coke plant gave Virginia Coal & Iron a total income of $2.5 million. From that came expenses of $745,875, hardly enough to pay the salaries of three steel executives. Thanks to depletion and capital gains, taxes took out $221,139—leaving net earnings of $1.5 million, or 61% of Virginia Coal & Iron's total income.

Even that, though, does not accurately sum up the wealth that was accumulated for the company's shareholders. Earnings were further bolstered by a gain on the sale of coal in place of $101,538. So earnings, all told, came to $1.6 million, or $3.45 a share, up from $1.3 million, or $2.81 a share, for 1963.

There is, of course, no secret to the source of Virginia Coal's wealth. As a lessor of land to coal mining companies, the company has few expenses of its own. "Only real-estate taxes, really," says Howard H. Frey, assistant to the president. "We do have occasions when we're proving additional coal, and we test a land's deposits by boring or core drilling to about 150 feet."

But that is really the only large expense. The mining company does the rest. "You depend on the honorableness of your lessee," says Frey, "so you've got to deal with people you can trust." He adds: "In a case where the lessee leaves more coal than he could have recovered, we charge him on an estimated basis."

Logging the company's woodlands also involves little labor or expenses on the part of Virginia Coal. For this, too, is done by outside contractors. In Virginia, for example, the Hamer Lumber Corp. cruises its properties and takes off the hardwood for a minimum royalty of $60,000 a year. With perpetual care now the vogue in forestry, moreover, Virginia can count on getting its hardwoods harvested again in forty years, no great amount of time in terms of corporate history.

Lessees also work Virginia Coal's properties for gas, an unheard-of commodity years ago when some of the lands were sold to the company for pennies an acre. Where gas is present, it is true, the coal miner must leave a certain amount of coal in the ground as a casing. But since gas comes under roughly the same tax laws as coal, but with even more favorable economics, this is no hardship at all.

As if all that were not enough, there also is the matter of Virginia's bulging stock portfolio. Obtained largely by the sale of its own railroad that once ran across its lands, it now holds no less than 275,000 shares of common stock in the Southern Railway, probably one of the best-managed rails in all the land. These holdings pay Virginia about $770,000 in dividends a year. Yet even that is hardly calculated to add to the company's tax burden, for under the Internal Revenue laws, 85% of the dividends paid by one corporation to another are tax-free.

And, of course, in none of its lines does Virginia Coal & Iron come anywhere near to what might be called a businessman's risk. For all the company's mining, and all the chance-taking, is done by other companies who hope to find oil, gas or coal (there is also some limestone and some sandstone) on the Virginia Coal & Iron lands. "When you lease," says Howard Frey, "the operator takes the risk of putting up a cleaning plant and tippler, and we take the depletion deduction. It's the widows and orphans versus the prospectors."

And for the prudent, tax-wise Philadelphians who run Virginia Coal & Iron, events have proven that it is always better to be on the side of the widows and orphans.

SPACE SPIN-OFF

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, the July 1969 issue of Government Executive includes an excellent article by Leon Shloss concerning the many benefits to all mankind which are developing out of the space program, and this excellent summary deserves wide attention:

SPACE MAKES HASTE: NASA RUSHES SPACE SPIN-OFF TO THE PUBLIC

(By Leon Shloss)

HIGHLIGHTS

1. The general public is not aware of the myriad benefits to mankind which are developing out of the U.S. space program.
2. Congress is, naturally, made aware of this public lack of understanding, and expresses its dissatisfaction to the National Aeronautics and Space Administration (NASA).
3. NASA, which concedes that its biggest problem is getting the word to the public, nevertheless has a sparkling record of stimulating industry into development of space spin-off.
4. More than 3,000 innovations in the fields of medicine, education, manufacturing and others have been, or are being developed, to bring the public a huge payoff.
5. Meanwhile, new techniques are being developed to speed identification and documentation of space spin-off.

As Frank Borman, Jim Lovell and Bill Anders continued to recite the first 10 verses of Genesis, the girl baby continued to breathe easily. If she had not, for as little as 10 seconds, a buzzer easily heard 50 feet away, would have sent a nurse rushing for corrective action.

The child had undergone a tracheotomy, an operation requiring an incision of the windpipe to restore the free inhaling and exhaling of air. Clogging by mucous of the breathing tubes which are inserted has been a problem requiring constant watch.

It was Christmas Eve 1968, and Borman, Lovell and Anders were circling the moon in Apollo 8 in man's most challenging adventure since Christopher Columbus. Without the development of the tiny sensor and radio transmitter that was monitoring the life of the four-month baby they might not have been there.

The sensor and transmitter were developed by the National Aeronautics and Space Administration (NASA) for such tasks as radioing electrocardiograms from subjects being tested in a centrifuge, as all astronauts are.

Despite this example, which has innumerable counterparts, NASA still feels its biggest problem is creating public understanding of the practical benefits which are spinning off the space program to put a man on the moon in this decade.

MANDATE TO DISSEMINATE

The Space Act of 1958, written after the Soviets' *Sputnik I* had shocked the U.S. into action, was explicit: "Each contract entered into for the performance of any work shall contain effective provisions under which such party shall furnish promptly . . . a written report containing full and complete technical information concerning any invention, discovery, improvement or innovation which may be made in the performance of any such work. The Administration, in order to carry out the purpose of this Act, shall . . . provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof."

NASA has worked very hard to execute the mandate. In 1962, when the first results of its all-out space effort began to show, it established an Office of Applications to capitalize on the indirect benefits. A year later this became the Office of Technology Utilization (period) with three divisions: Scientific and Technical Information, Technology Utilization and Management Assistance. Running the show today are Dr. Richard L. Lesher, Assistant NASA Administrator, and his deputy, Melvin S. Day.

To judge progress, read these portions of Lesher's testimony before the House Committee on Science and Astronautics on March 13, 1969, in seeking a $5-million appropriation:

"The Technology Utilization Program is designed to explore and develop practical ways of transferring new aerospace technology to such diverse fields as health care, air pollution, automotive and aircraft safety, law enforcement and education, as well as to industry. By encouraging the multiple use of aerospace technology in such fields as these the public will realize an additional return on its investment in aeronautical and space activities.

"In addition the program is providing valuable new knowledge concerning the process of technology transfer itself to those who are concerned with the cost of duplication in research and development and those concerned with the time lag between R&D results and their effective utilization in the economy."

Some of the benefits Lesher was talking about when he said in a February 27 address: "New products and processes developed to meet the exacting requirements of space exploration are beginning to appear in American stores, factories and hospitals," are:

WHAT MAKES NASA SPIN-OFF

Or rather, who directs the NASA program to transfer the discoveries made in space research to public benefit?

Dr. Richard L. Lesher, Assistant Administrator for Technology Utilization. A Chambersburg, Pa., native Lesher earned his bachelor's degree at the University of Pittsburgh; master's from Pennsylvania State University; doctorate from Indiana University. With NASA since 1964, he coauthored a comprehensive report for the Presidential Commission on Technology, Automation and Economic Progress. Lesher represents NASA before congressional committees. (He resigned in late May.)

Melvin S. Day, Deputy Assistant Administrator for Technology Utilization. Native of Maine, a Bates College graduate. Day joined NASA in 1960. He is responsible for the planning and direction of NASA activities for acquiring and processing the world's aerospace scientific and technical information for use in the U.S. aerospace programs and for obtaining the widest appropriate dissemination of NASA scientific and technological information. (Day currently is acting Assistant NASA Administrator.)

SOME OF THE SPIN-OFF

As a result of cleanliness requirements for space components the largest "clean rooms" in the world—rooms which hospitals are now emulating.

Requirements of the space program for a world-wide communications network demanded major improvements in computer technology. Over 600 NASA computers now comprise the largest and most advanced communications system in the world.

The fuel cell, which had lain dormant for many years, was activated to power spacecraft in orbit. Thirty public utility companies now have a $27-million program for the adaptation of the fuel cell for home power units. It is also being developed for possible use in smog-free automobiles.

Builders of giant rockets at the Marshall Space Flight Center invented an electromagnetic hammer that causes metal to flow like soft plastic and allows one to smooth and shape metal without weakening it. The new tool is now being used in shipbuilding, the automobile industry and aircraft factories.

A computer technique that was used to enhance television pictures of the moon and Mars sent back by Surveyor and Mariner spacecraft is now being developed to clarify medical X-ray photographs.

Research for spacecraft trajectory models has been compressed into a new educational device that permits a student to determine quickly the relative positions of the planets on any day between the years 1900 and 2000. Sales total thousands of dollars.

Studies at the Langley Research Center in Virginia on the causes of airplane landing accidents on wet runways have led to safer designs for highway and airport runway surfaces and have already saved millions of dollars and many lives by reducing the number of rainy-day accidents. Fifteen major airports have modified runways and 25 states are experimenting with treacherous sections of highways, based on this new knowledge. In most experiments, rainy-day accidents have been reduced by 90 percent.

An instrument designed to measure air pressures on small flight models in wind-tunnel tests has been adapted to measure blood pressure. The sensor is so small it can be inserted into an artery through an ordinary hypodermic needle and then maneuvered through the artery into the heart.

An unusually tough coating developed for spacecraft is the basis of a new long-wearing paint now being developed for consumer use. More than 100 companies have expressed interest in this paint, and 25 have been licensed to produce it.

A six-legged vehicle proposed by a NASA contractor for unmanned exploration of the moon has been redesigned as a walking chair for crippled children. It can cross rough terrains and surmount obstacles that would stop an ordinary wheelchair.

A plastic-metallic spray for attaching heart electrodes to NASA test pilots is being used experimentally in equipment with which electrocardiograms of ambulance patients can be flashed ahead by radio to a hospital receiving room.

Marked gains have been made in improved weather forecasts as a result of regular worldwide satellite observations. More than two million weather photos have been transmitted from U.S. meteorological satellites, including observations of practically every hurricane, typhoon and tropical disturbance. The potential economic impact of improved long-range forecasting is still greater: an estimated $2 to 2.5 billion in annual savings in agriculture, forestry, fishing, commerce, transportation and other fields.

New alloys have resulted from a discovery by NASA metallurgists that a hexagonal crystal structure makes better bearings than any other form of crystal structure; these alloys will be useful in many industrial applications and possibly in making artificial hip joints.

A tiny remote sensor designed to report extremes of temperature in spacecraft is now being sold to laboratories and industrial plants as a probe for measuring temperatures accurately in inaccessible places.

A modification of a NASA technique of polishing metal masters for shaping elliptical glass mirrors is being used industrially in making projectors of bowling scores. Currently, 400,000 of these mirrors are being produced.

A NASA-developed, self-oscillating converter has been incorporated by a New England electronics firm in the manufacture of a battery-operated, lightweight, portable system for lighting airplane runways.

A self-balancing beam, another NASA development, has been credited with making dam construction both safer and easier.

Small biosensors used to monitor test pilots' physical conditions at all times during flight are being used in hospitals to permit one nurse, seated at a console, to monitor the condition of many patients at the same time.

A miniature device developed at Jet Propulsion Laboratory to measure stresses in solid rockets is about to be used by a University of Minnesota Medical School team of researchers to seek to find out why bones tend to become brittle as people grow older.

Technology generated in developing edible plastic films that could be used to package food for astronauts on flight missions first resulted in commercially available films of that nature. Now it is a likely answer for Baylor College of Medicine's need for biocompatible materials that can be used to make waterproof and bacteria-proof certain cardiovascular prosthetic devices, such as aorta replacements and artificial ventricle units.

One of NASA's earliest spin-offs was a thermal coating for spacecraft that has become a commercial paint of special promise. The coating remains intact when heated to 1,300°F and cooled to minus 320°F. A Tech Brief, one of NASA's dissemination techniques, brought more than 1,000 requests for further information. NASA granted 24 firms royalty-free licenses to make and market the product; 22 additional companies are evaluating the formula. One company has already introduced the silicote coating as an unusually durable household paint, and plans to sell it also as a corrorion-resistant industrial coating.

The foregoing is a random selection from the 3,000-plus NASA-spawned innovations, most of which are available to American industry for royalty-free license. But there has been a grave concomitant problem, that of getting the show on the road. It is a fact that a gap of years—sometimes as long as half a century—lies between perception of a new idea and its practical application. Michael Farraday produced an electric motor in 1840, but it was not put to use until 40 years later. Even adapting the military jet engine to commercial use took more than 10 years. To cope with its statutory obligation to facilitate the transfer of aerospace technology to nonaerospace uses, NASA's Office of Technology Utilization has placed heavy emphasis on two steps—identification of innovations and documentation of them.

The scientific and technical information system now houses 700,000 documents, indexed on computer tapes for instant retrieval. This system is growing at the rate of 6,000 documents per month. The other system has new technology as its basic resource. These materials are made available to industry through standard techniques. But they are also distributed to fee-paying, industrial clients who subscribe to the services of Regional Dissemination Centers operated by universities or research institutes. These provide tailored problem-solving and educational services to industry by bringing to the attention of client companies, both large and small, whatever new scientific and technical information—principally from NASA's computer-controlled stockpile of knowledge—is of direct and immediate relevance to the individual client's problems, objectives and interests. The companies pay fees for these services on a scale commensurate with their size and the extent of the services they want.

The RDCs start out with NASA's financial support and draw at will upon its scientific and technical information system, but are expected to become self-supporting on the fees they earn from industry.

The RDCs themselves have secondary benefits to the universities where they are located. At the University of Pittsburgh since the RDC located there began functioning, the Graduate School of Library and Information Sciences has been developed and strengthened until it is now the biggest in the United States; it was one of the smallest only four years ago.

So far, the services of the RDCs have proved useful to companies in creating new products; improving production processes; establishing research and development priorities; avoiding duplication of research already done elsewhere; and improving managerial practices.

NASA is not unproud of its record in transfer of technology for the greatest good for the greatest numbers. But it has further goals. For instance:

GOALS OF THE FUTURE

Expansion of communications in space to provide direct television broadcasting to receivers in homes and public buildings all over the world. The use of such satellites as an educational tool could lead to one of the greatest breakthroughs in mass education history; bringing vast new knowledge and information to literally billions of people.

If present rates of population growth continue, it is estimated that the world's population will double by the year 2000, totaling from six- to seven-billion people. And in another 35 years, it will double again, totaling from 12 to 14 billion. At the present rate, one third of all the people ever born in the history of man will be members of the living generation within 100 years from now. The daily task of providing the barest minimum of food, clothing and shelter to these multitudes will be unbelievably difficult, to say nothing of raising standards of living, health and education. Satellites in Earth orbit, equipped with suitable sensing equipment, could search for and monitor the world's food resources. They would be able to take regular inventories of food supplies. They could even tell the causes of crop diseases and deficiencies, such as lack of water, chemical imbalance, frostbite. Recording the movement of plankton, which feed the fish in the oceans, could do a lot for the fishing industry. For where the plankton go, the fish go.

Early detection of forest fires could help fire fighters save crops and reduce timber losses.

Geologic photographic mapping from an orbiting spacecraft would, for many purposes, be uniquely superior to aerial mapping. One spacecraft photograph can cover the area of hundreds of aerial photographs, besides showing various phenomena that do not appear in the aerial pictures.

A variety of remote sensing techniques could detect and study the world's mineral and oil reserves, inland water supplies and many other of the world's resources. It would even be possible to locate underground fresh water reserves and springs by measuring the small differences in soil temperatures above them. Such streams hold thousands of times more water than all known surface rivers.

Special tribute to NASA's spin-off effort has been paid by Dr. Raymond L. Bisplinghoff, president of the American Institute of Aeronautics and Astronautics, and Dr. Roger W. Heyns, chancellor of the University of California (Berkeley). Bisplinghoff said: "Some educators go so far as to say that stimulus to education is overwhelmingly the most important by-product of the space program."

Heyns said: "NASA has shown that it is possible to structure an institution in such a way that managerial decisions can be made, not drifted into. It is possible to develop information and feedback systems so that policy decisions are more than someone's best guess about something he knows little about. It is possible to develop policy rationales so that decisions represent something approaching principled conclusions rather than random prejudices."

A BACKWARD STEP

(Mr. LOWENSTEIN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. LOWENSTEIN. Mr. Speaker, we have seen enough newspaper descriptions of President Nixon's forthcoming welfare proposals to know that, unless they are considerably different from what has been stated, they may well be a step backward instead of the fundamental reform they have been touted as being. I rise today in the hopes that by calling attention to the apparent deficiencies in the proposal, changes can be made in it before an error of destructive magnitude for America's poor is made.

We are told that the highly valued family security plan will provide 100-percent Federal financing of a minimum income of $1,500 for a family of four, with additional amounts of $300 for each additional child. For the first time, Federal money will support assistance to the working poor of our Nation, whose problems have long been ignored by our welfare system. In addition, the new proposal is reported to allow recipients to retain 50 cents of assistance for every dollar they earn, thus creating a greater incentive to work than exists at present.

The problem is simply this: From all reports, it appears that the Nixon administration intends to provide no Federal assistance for States which wish to proffer welfare aid in excess of the $1,500 minimum. Thus while welfare payments will be increased nearly fourfold in Mississippi, State legislatures throughout the North and West will undoubtedly be forced to trim welfare payments substantially in their jurisdiction. The sum of $1,500 merely perpetuates poverty. For that 80 to 90 percent of the current AFDC caseload for whom employment is not a feasible alternative, the result will be permanent consignment to an income which is less than half of the poverty line. In short, the Nixon administration is on the brink of proposing to help some poor people at the expense of other poor people, to make the generous gesture of redistributing poverty.

Mr. Speaker, it is long past time for genuine welfare reform, to provide the poor and hungry of America with the means necessary to live in health and dignity, and to relieve middle-income people and local and State government of the suffocating burden of welfare costs. Last May, I joined with the extraordinary Congresswoman from Brooklyn, the Honorable SHIRLEY CHISHOLM to introduce legislation to begin the task of revamping the welfare system. Our bill provides for national minimum standards of payments and eligibility, and for 90-percent Federal support for public assistance programs and medicaid.

Certainly more changes are needed. We must provide adequate work incentives for any welfare recipients who may be employable. We must change rules that discourage family stability. We must in fact, do more to involve the poor in making and enforcing of rules.

But the two reforms contained in this legislation are urgently needed if there is to be time to implement a humane and fiscally responsible program, and I hope the President's message recognizes this urgency.

Surely it is clear by now that poverty and hunger are national problems that the responsibility for meeting these problems adequately can only be met by the Federal Government. I have never heard this thought more eloquently stated than by a welfare recipient of Beaufort County, S.C., who testified before representatives of the Agriculture Department last March. "As poor people," he said, "we must quit playing the role of Lazarus. We have been eating the crumbs from the rich man's table for too long, eating what the rich man does not want. We have been wandering for over 200 years. The Government cannot say they don't have the money. They do have it, and I know they have it because the money they spend on missiles and trying to put man on the moon with so many people hungry and dying from malnutrition—it does not make sense."

Representative CHISHOLM said when we introduced this legislation:

> What we propose . . . is the minimum that must be accomplished immediately. Drastic reforms are needed to begin to ease the despair of our disadvantaged, but we recommend intermediate steps to save our cities from bankruptcy and the citizens from hopelessness.

The President could do no better than to keep these words in mind as he drafts his own proposals.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. FARBSTEIN for Wednesday, August 6, 1969, on account of death of a dear friend.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FOREMAN), to revise and extend their remarks and to include extraneous matter:)

Mr. RHODES, for 5 minutes, today.

Mr. HOGAN, for 5 minutes, today.

Mr. BRAY, for 10 minutes, on August 6.

(The following Members (at the request of Mr. ALEXANDER), to revise and extend their remarks, and to include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. FARBSTEIN, for 20 minutes, today.

Mr. COHELAN, for 10 minutes, today.

Mr. MCCARTHY, for 60 minutes, on August 6.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN and to include extraneous material.

Mr. RIEGLE and to include extraneous matter.

Mr. GUDE (at the request of Mr. HALL) during the debate in the Committee of the Whole today on the Bolling-Anacostia complex.

Mr. SANDMAN and Mr. KING prior to the vote on the Reuss amendment in the Committee of the Whole today.

Mr. LEGGETT to revise and extend his remarks made in debate today and to include extraneous matter.

Mr. MIKVA in the body of the RECORD following remarks by Mr. GUDE and Mr. OBEY.

(The following Members (at the request of Mr. FOREMAN) and to include extraneous matter:)

Mr. PETTIS.

Mr. HUNT.

Mr. WYDLER in two instances.

Mr. STEIGER of Wisconsin in two instances.

Mr. THOMPSON of Georgia.

Mr. MIZE.

Mr. RIEGLE.

Mr. WYMAN in two instances.

Mr. SCHERLE.

Mr. ASHBROOK.

Mrs. REID of Illinois.

Mr. FULTON of Pennsylvania in five instances.

Mr. PELLY.

Mr. O'KONSKI.

Mr. MCCLURE.

Mr. DERWINSKI.

Mr. WAMPLER.

Mr. BOB WILSON in two instances.

Mr. RUPPE.

Mr. REID of New York.

(The following Members (at the request of Mr. ALEXANDER), and to include extraneous matter:)

Mr. GONZALEZ in two instances.

Mr. REES in two instances.

Mr. ASHLEY.

Mr. LEGGETT.

Mr. PEPPER.

Mr. EVINS of Tennessee.

Mr. RARICK in four instances.

Mr. NEDZI in two instances.

Mr. BENNETT in two instances.

Mr. HOWARD.

Mr. CELLER.

Mr. OTTINGER.

Mr. VANIK in two instances.

Mr. ICHORD.

Mr. MATSUNAGA.

Mr. POWELL in three instances.

Mr. O'HARA in two instances.

Mr. MIKVA.

Mr. PODELL in three instances.

Mr. HAWKINS in two instances.

Mr. BINGHAM.

Mr. DONOHUE in two instances.

Mr. HUNGATE in two instances.

Mr. RYAN in two instances.

Mr. HAGAN in two instances.

ADJOURNMENT

Mr. ALEXANDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Wednesday, August 6, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1026. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report on Department of Defense procurement from small and other business firms for July 1968–April 1969, pursuant to the provisions of section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

1027. A letter from the Comptroller General of the United States, transmitting a report on improvements made in the medical care cost accounting system of the Veterans' Administration; to the Committee on Government Operations.

1028. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third- and sixth-preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1029. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d) (3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to the provisions of section 212(d) (6) of the act; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HENDERSON: Committee on Post Office and Civil Service. H.R. 12979. A bill to amend title 5, United States Code, to revise, clarify, and extend the provisions relating to court leave for employees of the United States and the District of Columbia (Rept. No. 91-414). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAYS: Committee on House Administration. House Resolution 502. Resolution relating to the per annum gross rates of pay of certain positions under the House of Representatives (Rept. No. 91-415). Referred to the House Calendar.

Mr. STAGGERS: Committee of conference. S. 1373. An act to amend the Federal Aviation Act of 1958 (Rept. No. 91-426). Ordered to be printed.

Mr. O'NEILL of Massachusetts: Committee on Rules. House Resolution 513. Resolution for consideration of H.R. 13270, a bill to reform the income tax laws (Rept. No. 91-427). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WALDIE: Committee on the Judiciary. S. 83. An act for the relief of certain civilian employees and former civilian employees of the Bureau of Reclamation (Rept. No. 91-416). Referred to the Committee of the Whole House.

Mr. WALDIE: Committee on the Judiciary. S. 728. An act for the relief of Capt. Richard L. Schumaker, U.S. Army (Rept. No. 91-417). Referred to the Committee of the Whole House.

Mr. WALDIE: Committee on the Judiciary. S. 757. An act for the relief of Yvonne Davis; with amendment (Rept. No. 91-418). Referred to the Committee of the Whole House.

Mr. WALDIE: Committee on the Judiciary. S. 901. An act for the relief of William D. Pender; with amendment (Rept. No. 91-419). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 2302. A bill for the relief of Mrs. Rose Thomas; (Rept. No. 91-420). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 3571. A bill for the relief of Miloye M. Sokitch (Rept. No. 91-421). Referred to the Committee of the Whole House.

Mr. RAILSBACK: Committee on the Judiciary. H.R. 8694. A bill for the relief of Capt. John T. Lawlor (ret.); with amendment (Rept. No. 91-422). Referred to the Committee of the Whole House.

Mr. WALDIE: Committee on the Judiciary. H.R. 8904. A bill for the relief of Paul Anthony Kelly. (Rept. No. 91-423). Referred to the Committee of the Whole House.

Mr. WALDIE: Committee on the Judiciary. H.R. 9910. A bill for the relief of Hannibal B. Taylor; with amendment (Rept. No. 91-424). Referred to the Committee of the Whole House.

Mr. COUGHLIN: Committee on the Judiciary. H.R. 10658. A bill conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Philip J. Fichman; with amendment (Rept. No. 91-425). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHLEY:

H.R. 13314. A bill to authorize the Secretary of Transportation to establish safety standards, rules, and regulations for railroad equipment, trackage, facilities, and operations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER:

H.R. 13315. A bill to extend the authority for exemptions from the antitrust laws to assist in safeguarding the balance-of-payments positions of the United States; to the Committee on the Judiciary.

H.R. 13316. A bill to adjust the maximum salaries for full- and part-time U.S. magistrates; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 13317. A bill to provide Federal financial assistance to help cities and communities of the United States develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning; to the Committee on Banking and Currency.

H.R. 13318. A bill to provide that Federal assistance to a State or local government or agency for rehabilitation or renovation of housing and for enforcement of local or State housing codes under the urban renewal program, the public housing program, or the model cities program, or under any other program involving the provision by State or local governments of housing or related facilities, shall be made available only on condition that the recipient submit and carry out an effective plan for eliminating the causes of lead-based.paint poisoning; to the Committee on Banking and Currency.

H.R. 13319. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the establishment of a National Drug Testing and Evaluation Center, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 13320. A bill to provide Federal financial assistance to help cities and communities of the United States develop and carry out intensive local programs to detect and treat incidents of lead-based paint poisoning; to the Committee on Interstate and Foreign Commerce.

H.R. 13321. A bill to amend the Internal Revenue Code of 1954 to provide that after 1970 no oil or gas depletion deduction shall be allowed a company which is engaged directly or indirectly in the sale to consumers of petroleum products containing lead; to the Committee on Ways and Means.

By Mr. GERALD R. FORD:

H.R. 13322. A bill to provide for the issuance of a commemorative half dollar in honor of the Apollo 11 flight and the astronauts who made it; to the Committee on Banking and Currency.

By Mr. HAMILTON:

H.R. 13323. A bill to establish a system for the sharing of certain Federal revenues with the States; to the Committee on Ways and Means.

By Mr. MESKILL:

H.R. 13324. A bill to continue the Golden Eagle program established under the Land and Water Conservation Fund Act of 1965; to the Committee on Interior and Insular Affairs.

H.R. 13325. A bill to provide for the establishment of a lifetime fee for persons 65 years of age or over for admission to outdoor recreation areas administered by certain agencies of the United States, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MICHEL:

H.R. 13326. A bill to authorize appropriations to be used for the elimination of certain rail-highway grade crossings in the State of Illinois; to the Committee on Public Works.

By Mr. NICHOLS:

H.R. 13327. A bill to strengthen voluntary agricultural organizations, to provide for the orderly marketing of agricultural products, and for other purposes; to the Committee on Agriculture.

By Mrs. REID of Illinois:

H.R. 13328. A bill to amend title II of the Social Security Act to increase from $1,680 to $3,600 the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Ways and Means.

H.R. 13329. A bill to amend title II of the Social Security Act to provide cost-of-living increases in the insurance benefits payable thereunder; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 13330. A bill to authorize the U.S. Commissioner of Education to make grants to elementary and secondary schools and other educational institutions for the conduct of special educational programs and activities concerning the use of drugs, and for other related educational purposes; to the Committee on Education and Labor.

By Mr. RUTH:

H.R. 13331. A bill to permit the Federal Government to further assist the States in the control of illegal gambling, and for other purposes; to the Committee on the Judiciary.

H.R. 13332. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors; to the Committee on the Judiciary.

H.R. 13333. A bill to amend the Bail Reform Act of 1966 to authorize consideration of danger to the community in setting conditions of release, to provide for pretrial detention of dangerous persons, and for other purposes; to the Committee on the Judiciary.

H.R. 13334. A bill to amend title 39, United States Code, to exclude from the U.S. mails as a special category of nonmailable matter certain obscene material sold or offered for sale to minors, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HOWARD:

H.R. 13335. A bill to provide more efficient and convenient passport services to citizens of the United States of America; to the Committee on Foreign Affairs.

By Mr. MILLER of Ohio:

H.R. 13336. A bill to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes; to the Committee on Agriculture.

By Mr. MILLS (for himself, Mr. Bush, Mr. Gerald R. Ford, Mr. Arends, Mr. Anderson of Illinois, Mr. Taft, Mr. Rhodes, Mr. Cramer, Mr. Bob Wilson, Mr. Poff, Mr. Carter, Mr. Fulton of Pennsylvania, Mr. Gubser, Mr. Horton, Mr. Keith, Mr. Lukens, Mr. McCloskey, Mr. Mosher, Mr. Pettis, Mr. Pollock, Mr. Reid of New York, Mr. Vander Jagt, Mr. Wold, and Mr. Smith of California):

H.R. 13337. A bill to establish a Commission on Population Growth and the American Future; to the Committee on Ways and Means.

By Mr. MURPHY of Illinois:

H.R. 13338. A bill to amend the act, entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. OBEY (for himself and Mr. Mikva, Mr. Anderson of California, Mr. Barrett, Mr. Bingham, Mr. Brown of California, Mr. Button, Mr. Clay, Mr. Edwards of California, Mr. Esch, Mr. Farbstein, Mr. Foley, Mr. Helstoski, Mr. Kastenmeier, Mr. Kee, and Mr. Koch):

H.R. 13339. A bill to reorganize the executive branch of the Government by transferring to the Secretary of the Interior certain functions of the Secretary of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. MIKVA (for himself, Mr. Obey, Mr. McCarthy, Mrs. Mink, Mr. Olsen, Mr. Ottinger, Mr. Rees, Mr. Reuss, Mr. Rosenthal, Mr. St Germain, Mr. Scheuer, Mr. Thompson of New Jersey, Mr. Tunney, Mr. Vanik, Mr. Waldie, and Mr. Whitehurst):

H.R. 13340. A bill to reorganize the executive branch of the Government by transferring to the Secretary of the Interior certain functions of the Secretary of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. OTTINGER:

H.R. 13341. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the establishment of a National Drug Testing and Evaluation Center, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 13342. A bill to amend title II of the Social Security Act to provide a general increase of 25 percent in the amount of the benefits payable thereunder (with a minimum old-age benefit of $100), to provide for cost-of-living increases in such benefits in the future, to increase the amounts individuals may earn without suffering deductions from such benefits, and to amend title XVIII of such act so as to include eye care, dental care, hearing aids, and routine physical examinations within the services covered by the insurance program established by part B of such title, and for other purposes; to the Committee on Ways and Means.

By Mr. PATTEN:

H.R. 13343. A bill to provide more efficient and convenient passport services to citizens of the United States of America; to the Committee on Foreign Affairs.

By Mr. PEPPER:

H.R. 13344. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories, and possessions, to include privately owned property; to the Committee on Public Works.

By Mr. PODELL:

H.R. 13345. A bill to create a Federal Insurance Guaranty Corporation to protect the American public against certain insurance company insolvencies; to the Committee on Banking and Currency.

By Mr. SCHERLE:

H.R. 13346. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,000 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. SLACK:

H.R. 13347. A bill providing for a moratorium on the discontinuance or reduction of railroad passenger train service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF (for himself, Mr. Frey, Mr. Hammerschmidt, Mr. Helstoski, Mr. McDonald of Michigan, and Mr. Pike):

H.R. 13348. A bill to amend title 39, United States Code, to provide for the return to the sender of pandering advertisements mailed to and refused by an addressee, at a charge to the sender of all mail-handling and administrative costs to the United States; to the Committee on Post Office and Civil Service.

By Mr. PATMAN (for himself, Mr. Ashley, and Mr. Widnall):

H.J. Res. 864. Joint resolution to provide for a temporary extension of the authority conferred by the Export Control Act of 1949; to the Committee on Banking and Currency.

By Mr. RAILSBACK (for himself, Mr. Biester, Mr. Brock, Mr. Bush, Mr. Frey, Mr. Hastings, Mr. Hogan, Mr. McCloskey, Mr. McDonald of Michigan, Mr. Pettis, Mr. Riegle, Mr. Ruppe, Mr. Steiger of Wisconsin, and Mr. Vander Jagt):

H.J. Res. 865. Joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote in Federal elections shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

By Mr. TUNNEY:

H.J. Res. 866. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 13349. A bill for the relief of Maria Christine Munoz de Reyes and Juan Pedro Reyes-Munoz; to the Committee on the Judiciary.

By Mr. KLUCZYNSKI:

H.R. 13350. A bill for the relief of Pasqua Porzia; to the Committee on the Judiciary.

By Mr. MIKVA:

H.R. 13351. A bill for the relief of Milena Rastic; to the Committee on the Judiciary.

SENATE—*Tuesday, August 5, 1969*

The Senate met at 11 o'clock a.m. and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, whom no man hath seen, but who has come to us in word and human flesh, when thoughts of Thee grow dim and duties seem to overwhelm us, may we unconsciously fulfill Thy will. When faith fails and knowledge is confused, still hold us fast. Teach us the invincibility of goodness, the reality of a brotherhood which transcends race, rank, and vocation, and the power of the love that never fails.

Be with us in our labors here that as we work we may know also that we serve "the God who has made and preserved us a nation." Wilt Thou revive in all the people of this land the pure religion and the lofty patriotism which equip us for the testing times in which we live.

In Thy holy name, we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, August 4, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS TOMORROW

Mr. MANSFIELD. Mr. President, for the information of the Senate, it is the request of the joint leadership that there be no meetings of committees of the Senate at the conclusion of the morning business and the laying down of the unfinished business tomorrow.

The PRESIDENT pro tempore. The Senate will take cognizance of that request.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, the distinguished Senator from Alaska (Mr. Gravel) is supposed to be recognized at this time. The Chair recognizes the Senator for not to exceed 40 minutes.

Does the Senator from Montana desire the Senator from Alaska to yield?

Mr. MANSFIELD. Yes, I do.

Will the Senator yield to me, without losing any of his time?

Mr. GRAVEL. I yield to the distinguished Senator from Montana.

THE NIXON ASIAN POLICY

Mr. MANSFIELD. Mr. President, I read an excellent editorial entitled "Good Sense in Asia," published in the Wall Street Journal of today. The editorial concentrates on the initiative of the President of the United States in explaining a new thesis in the field of American policy in the Pacific area. I am referring, of course, to the so-called Nixon doctrine, which, in my opinion, indicates a shift away from an old, vested policy which has outlived its usefulness in many respects, and a veering toward a new policy more in accord with the realities of the region as it exists today.

As I understand the Nixon policy, it is a watershed in the history of our relations with the Pacific region. On the basis of what the President said in Guam, what he stated, according to the press, in the various Asian countries he visited, and what he told the joint leadership at the White House on yesterday morning, I commend the President for the inauguration of this new policy as a step in the right direction. As I understand the policy, among other things, it precludes intervention in the case of internal subversion; and I think that is a very important factor to be kept in mind.

Furthermore, it emphasizes that we are primarily a Pacific power with peripheral interests on the Asian mainland.

It is my belief, also, that what the President intended—and intends—is that there should be greater cooperation among the nations of Asia, with assurances that the United States will give the most serious consideration to economic means to help them achieve and maintain stability, make them less dependent on help from the outside—in this case, the United States—and in effect create a spirit and a feeling of interdependency rather than rely on continued dependence on us.

So I congratulate the President for this bold move, this good move, this realistic move, and state that, so far as I am concerned, I fully support him in his efforts. It is my belief that the Senate supports him in his efforts. It is my belief that the American people support him.

I ask unanimous consent that the editorial to which I referred be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Good Sense in Asia

President Nixon's intention to "lower the profile" of U.S. influence in Asia represents an encouragingly enlightened attitude; if he remains firm in such a policy, the positive effects on future U.S. relations with Asia and other areas could be great indeed.

If some of Mr. Nixon's public statements have caused doubt about the seriousness of his intentions, the overall impression remains that his basic concept of the U.S. role there has changed. He has endorsed the view that Asians must solve Asian problems, avoid firm, broad commitments in favor of a selective flexible policy, and promised to send U.S. troops only to aid countries threatened by external aggression, rather than internal subversion. Furthermore he has insisted on these principles even when confronted by the obvious discomfort they give his Asian hosts.

To a certain extent, of course, Mr. Nixon has few options. The combination in the U.S. of an inflated economy, new awareness of domestic problems and dissatisfaction with the war in Vietnam creates great pressure to deemphasize foreign commitments. But if a limited U.S. role in Asia reflects conditions at home, it may also prove sensible in light of Asian realities.

For one thing, the fear of Communist Chinese expansionism which has dominated U.S. policy for so long may now no longer be valid. China's internal problems have reduced her capacity for serious foreign adventures; for the time being, China may well be too preoccupied with protecting her Soviet borders to consider extending her influence further in the Pacific.

But the more significant assumption underlying a limited Asian policy is its recognition of various Asian nationalisms as basic protection against subversion or aggression by outside powers. Such an idea can hardly seem comfortable to those who assess defense capability in traditional terms, but there is some evidence that it may have new validity in light of recent changes.

For the decline of old style colonialism has made it impossible to ignore nationalism in developing countries. Major powers can no longer get away with overt administrative control of developing lands for economic or political benefit. Leaders of small countries thus retain some capacity to frustrate the major power's pursuit of its interests, perhaps enough to diminish the value to the major power of such a relationship.

If the United States has had its problems with the South Vietnamese, the Dominicans, and the Peruvians, the Soviet Union has suffered its own difficulties with the Czechs and the Cubans. The prospect of like frustrations must figure in the Chinese calculations for the future of Asia.

However nerve wracking it may be to deal with such nationalism, it cannot realistically be ignored; thus a truly forward looking policy would hope to turn it to the benefit of the long range U.S. interest in the peaceful, stable development of Asia. "We should approach the problems of Asia in judo style," says Edwin O. Reischauer, former U.S. ambassador to Japan, "not trading blow for blow with the forces of Asia, but so adapting our stance as to let those forces work for us."

A limited Asian policy will not be without problems. Developing a viable national spirit may still take many years in some countries; the process of creating sound governments which reflect a truly objective nationalism may be turbulent for Asian nations. Furthermore, the pressure remains strong on Asian lands to get along with China, if only because of geography. The ways they may choose to do so, even as they maintain a spirit of nationalism, could well prove agonizing for a President pledged to a limited Asian policy.

But such a policy does represent a major departure from the past in that it genuinely seems to put a long term goal-encouraging independent national government as an alternative to hegemony by either China or the U.S. in the Pacific—ahead of short term considerations. Such an experiment, which if successful could also apply to other developing areas, surely deserves a chance. Mr. Nixon shows good sense in deciding that now is the time to try it.

Mr. SCOTT. Mr. President, will the Senator from Alaska yield?

The PRESIDENT pro tempore. Does the Senator from Alaska yield to the Senator from Pennsylvania?

Mr. GRAVEL. I yield to the distinguished Senator from Pennsylvania.

Mr. SCOTT. I thank the distinguished Senator from Alaska for yielding.

Mr. President, I congratulate the distinguished majority leader for his candid statement with regard to the emerging Nixon doctrine. I agree with him. We were both at the bipartisan leadership meeting at the White House yesterday, and the majority leader has correctly stated, in my judgment, the importance of this emerging doctrine, which will develop as time goes on, but which was initiated in the Guam declaration.

In that declaration the President has made clear that the new policy of the United States, indeed, is not to undertake intervention in the case of internal aggression or revolt within Asian countries. I think I should add that we understood the President to make the point quite clear that he was referring to intervention through U.S. military personnel.

The President has made clear in Guam, the Philippines, Bangkok, and Saigon that the United States intends to keep its commitments. But he has also made clear that the United States does not intend to expand those commitments to involve us in future confrontations with nonnuclear powers, such as that which occurred in Vietnam. I think it is very good, indeed, for us to have this clear enunciation.

I may interject that this morning, in the Subcommittee on Communications of the Committee on Commerce, we are conducting a hearing on broadcast licensees in television and radio. We are being assured of the responsibility of broadcasters, and I am, as usual, impressed with their anxiety to impress us with their objectivity. But I cannot forget that last night, on the various channels, as I turned from one to another to get the news, each of the commentators was indulging in what I call categorical imperatives.

They were all saying that President Nixon had made contradictory statements in the different countries he had visited. Of course, being Olympian they neglected to state what the contradictory statements were. After all, one does not question the wisdom of the gods.

They were, however, selling their pitch to move semantically from the sublime to the ridiculous, and somehow their unsuspecting viewer was required to believe that their statements were true when, indeed, they were not.

I submit that network commentators, gilded as they may be with the crust of authority if not omniscience, at least ought to explain to a public not necessarily as literate or as fluent as they are what they mean when they say President Nixon's statements in the various countries were contradictory. I did not find them so; others may. But let us at least get the facts before us. At a later date I expect to make a presentation for the Record on those statements.

In the first place, what the President was doing as he proceeded to each country and discussed the problems of maximum interest to those countries, was to say in each country, "This is the way the United States views our relationship to you, past, present, and future."

He said to us yesterday that this is the first time a Presidential visit has been made without making any promises, without making any commitments, and without agreeing to lay out any money. He said the Asian governments involved were anxious themselves to settle their own affairs internally and that they did not wish the intervention of great powers through their military personnel. It is true we have some treaty obligations whereby we do supply economic and military aid. This is particularly true in Thailand. The President stated that our commitments to continue to supply such aid as we had undertaken to supply were good and would stand, but that to the degree to which we have military forces in Thailand they are there for our own protection and defense in the Vietnam war and not to be used by the Thais in matters of internal aggression.

Mr. MANSFIELD. Mr. President, will the Senator yield at that point for an observation?

Mr. SCOTT. I yield.

Mr. MANSFIELD. I think that is a very important point that the Senator just made. That particular country is in the news; questions have been raised, but, as far as internal subversion is concerned, that is a Thai matter.

Mr. SCOTT. Yes. That was made very clear. One Senator there—and I shall not quote him without his permission—raised the point as to whether we had any secret agreement to the contrary. The President made it very clear we did not; that the presence of any military forces there is for the defense of the United States and is connected with the Vietnam matter. As the distinguished majority leader said, the President made clear the nature of our intent.

Moreover, he made clear that he felt he had been entirely consistent in these various countries because he had made these three essential points: First, we keep our commitments; second, we do not expand our commitments in the areas I have discussed; and third, we respect the right of the Asian country involved to handle its own affairs.

He also made clear with respect to collective security that we are not seeking to advance the Russian Brezhnev doctrine of collective security for Asia where the United States and the U.S.S.R. as specific powers become parties; we were not seeking or encouraging a condominium of the United States and the U.S.S.R., but we were encouraging Asian countries to get together and solve their problems either in union or separately.

Therefore, I hope this explanation has been of some value to the lords of the airwaves. I hope that within the time compression which is essential to good television and somehow within that limited space the truth may not be crushed to earth by the demands of the air but somehow may be allowed to seep into the comment.

I thank the Senator from Alaska for yielding.

Mr. AIKEN. Mr. President, will the Senator from Alaska yield to me?

The PRESIDING OFFICER (Mr. SPONG in the chair). Does the Senator yield?

Mr. GRAVEL. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, I can say all I have to say in a minute.

President Nixon's pronouncement of a new Pacific policy is probably the most significant political development of this generation. This policy for the Pacific which he has announced can be applied not only as a national policy toward the Pacific, but also toward the rest of the world as well. It is also a policy to which most of the countries of the world could well subscribe.

I wish to join in commending the President for the development of this new policy which can be of inestimable value to the whole world in coming generations.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield to the Senator from Delaware.

INCREASES IN FEDERAL EMPLOYMENT

Mr. WILLIAMS of Delaware. Mr. President, as a member of the Joint Committee on Reduction of Federal Expenditures I regret to report that in the month of June 1969 the administration added 83,999 extra employees to the public payroll, thereby reaching the second highest level of Federal employment since the postwar period of World War II.

In July 1968, Federal employment had reached the peak level of 3,062,004. During the succeeding months as the result of a mandatory ceiling on Federal civilian employment, which was a part of the Expenditure Control Act of 1968, civilian employment by the U.S. Government was reduced by over 90,000.

Under this expenditure control provision of the 1968 act the Goverment could employ but three out of each four normal resignations or retirements.

Notwithstanding this progress toward reducing expenditures, however, in June of 1969, Congress, supported by the administration, repealed all controls over Federal employment, and within 30 days after its repeal Federal employment was back to its second highest level.

During the testimony before the congressional committees in support of the repeal of the mandatory ceiling on Federal employment the Secretary of the Treasury told Congress that his Department, as the result of personnel cuts, was losing around $500 million annually in uncollected revenues. Both the Secretary of the Treasury and the Director of the Budget, while asking for the repeal of this ceiling on Federal employment, failed to point out that under the law enacted in 1968 the Budget Director had unlimited authority to increase employment in any agencies requiring additional personnel. It was the intention of Congress that the offsetting reductions be made in those agencies which would least disrupt essential public service.

But now the law has been repealed, and there is no control over the number of personnel that can be added to the public payroll. What happened?

There were 83,999 extra employees added to the public payroll in June 1969.

Of these, 16,687 were added in the Agriculture Department, 13,556 were added to the Post Office Department, 4,144 employees were added to the Department of Health, Education, and Welfare, 3,964 were added in the Interior Department, 3,568 were added in the Veterans' Administration, and 3,145 in the Transportation Department. The Justice Department added 1,591, Housing and Urban Development added 809, and the Commerce Department added 575 while the Bureau of the Budget and the Treasury, the two Departments making the biggest howl about the lack of personnel, added 40 and 561 respectively.

It can be argued that the June increases reflected not only the regular employment by the major agencies but also the temporary summer employment under the President's youth opportunity program; however, the same explanation was applicable in June of last year, and that still leaves Federal civilian employment now at the second highest level since 1945.

Mr. President, earlier this year when the administration was asking for the repeal of the law which placed a mandatory ceiling on Federal civilian employment I objected and expressed the fear that with its repeal we would see a resumption of the trend toward a padding of the Government payroll. My fears were justified.

I ask unanimous consent that an excerpt from table I appearing in the joint committee's report, giving an itemized breakdown of these increases during the month of June, be printed at this point in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

	Personnel		
	June	May	Increase
Executive departments (except Defense):			
Agriculture	125,034	108,347	16,687
Commerce	36,471	35,896	575
Health, Education, and Welfare	112,524	108,380	4,144
Housing and Urban Development	14,964	14,155	809
Interior	74,663	70,699	3,964
Justice	36,416	34,825	1,591
Labor	10,813	10,209	604
Post Office	739,002	725,446	13,556
State	43,644	42,930	714
Transportation	64,118	60,973	3,145
Treasury	88,598	88,037	561

ABM: A CASE FOR DELAY

Mr. GRAVEL. Mr. President, no issue, save perhaps that of Vietnam, has so preoccupied this Congress as the deployment of an anti-ballistic-missile system. The debate over this question has no precedent. No debate over arms spending in the entire postwar period has been so intense, so closely contested, and so well informed. The questioning of the administration's proposal to deploy the Safeguard has been the most serious review of defense spending in the entire so-called "cold war."

This debate, dealing as it does with the most sensitive questions of U.S. defense policy, has become larger than the sum of its parts.

It raises the question of spending about $1 billion in fiscal 1970. But it forces us to examine the record of effectiveness of almost $1 trillion of defense spending over two decades.

It raises the question of defending our Minuteman missiles. But it forces us to examine the security of our entire deterrent force.

It raises the question of strengthening this administration in the arms talks. But it forces us to examine whether strength really contributes to a climate for limiting the arms race.

Twenty-four years ago tomorrow, our minds were numbed by the incredible explosiveness of the atom bomb dropped at Hiroshima from a piston-engine bomber. Today, we are confronted with the reality of the Poseidon weapons system; a submarine capable of launching 16 missiles, each of which can deliver a dozen warheads to separate targets. And each of these warheads is deadlier than the Hiroshima bomb.

The debate over Safeguard has been a historic opportunity to take stock of how this Nation has managed, and how it should continue to manage the grim problems of defense and security.

Before giving my analysis of the issues, I feel impelled to express my satisfaction with the Senate debate thus far. Despite the great sensitivity of the question, the discussion in the Senate has been candid, thorough, and handled with respect for differing views. The Armed Services Committee, under the able leadership of the distinguished junior Senator from Mississippi, Senator STENNIS, heard testimony on both sides of this issue. The Foreign Relations Committee, led by the distinguished junior Senator from Arkansas, Senator FULBRIGHT, sought to develop related foreign policy issues. Its Subcommittee on International Organization and Disarmament Affairs, under the distinguished senior Senator from Tennessee, Senator GORE, heard exceedingly useful testimony by leading scientists for and against the ABM. Later, the able junior Senator from Washington State, Senator JACKSON, and the experienced senior Senator from Missouri, Senator SYMINGTON, led a most informative debate in which classified material was presented.

The press has spoken of considerable pressure being brought to bear on Members to sway votes. Certainly, in this instance, I have received as much pressure as any Member. But it has been pressure I consider entirely proper, sincere, and motivated by the highest intentions.

I take this opportunity to assure Americans that the dedication and integrity of the Senate has not been compromised by this debate.

The involvement of citizens groups and other organizations has been a healthy contribution. America needs this kind of informed, direct interaction between broad segments of the public and elected representatives.

Of course, the greatest pressure upon me has been the weight of the testimony presented. This I have studied carefully. This wealth of material is quite sufficient to make a reasoned judgment. But weighing it takes time. That is the principal reason I have waited until the final hour to express my views on this matter.

Also, if debate is to go on, someone should be listening. I have felt that every view should be given an opportunity for expression unburdened by comprehensive polls that seek to prejudge the decision. Finally, I have wanted to give my constituents in Alaska the longest possible period to express themselves to me on this issue.

Waiting has been valuable for me. I am much better prepared and far more confident that my vote will be based upon informed judgment.

In presenting my analysis, I will begin with a few basic comments on our deterrent force. It is composed of about 500 strategic bombers, 1,000 land-based Minuteman missiles, and 41 Polaris submarines.

It is important to observe that the Minuteman force is not the primary element of our deterrent. That role is played by our Polaris submarines.

Our Polaris force of 656 missiles—about half of which are on station at all times—is far less vulnerable than our Minuteman missiles.

Our Polaris force is far more difficult to destroy simultaneously. This force is capable of destroying all the major Soviet cities several times over.

This force is much better designed for delayed and controlled response—an absolutely necessary requirement for a proper deterrent. Our submarines could wait for some time before responding. They could wait until there is no question of the necessity of launching retaliatory attacks upon cities. Regardless of the size of our Minuteman force, it cannot substitute for Polaris because the exposed Minuteman missiles would be too vulnerable to hold in reserve.

Our Polaris strike force has no fixed geographic coordinates. Enemy missiles cannot be targeted on it as they can in the case of fixed Minuteman silos.

We have 41 nuclear submarines, many of which are armed with Polaris A-3 multiple warheads. Under present planning, 31 of these submarines will be converted to accommodate Poseidon missiles equipped with individually guided warheads.

The nuclear destruction carried by a single Poseidon submarine could devastate the major cities of the Soviet Union. Thus, the firepower of even a single Poseidon submarine remaining after a first strike would be catastrophic to the Soviet Union.

Our Polaris force appears to be in no danger. Our Chief of Naval Operations, Admiral Moorer, testified last year that he had "very high confidence that the invulnerability of Polaris would be maintained."

The Armed Services Committee evidently agrees. If Polaris were becoming vulnerable, we would want to increase the range of its missiles, permitting it a larger area in which to hide. However, after hearing testimony, the Armed Services Committee eliminated from its authorization $20 million for additional research on ULMS—undersea launched missile system.

Finally, the number of submarines could also be increased before the midseventies without taking action this year.

In summary, this element of our deterrent force shows every sign of maintaining, and even improving, its extraordinary effectiveness.

Let me reemphasize—Polaris is our primary retaliatory force. If we had to rely on a single defense no one would choose our bombers and no one would choose our Minuteman. All would choose Polaris. Indeed, if there were no Polaris submarines, I doubt that anyone would now be proposing a missile defense of Minuteman. There would be a search for an entirely new force.

Unfortunately, in the debate over Minuteman, the primary importance of Polaris has been obscured, ironically enough, because it is so secure.

Having placed the problem in what I believe to be the proper perspective, I now want to deal with five questions that go to the core of this debate: First, is Minuteman worth preserving? Second, if so, does the threat to Minuteman require immediate action? Third, is an ABM defense of a small number of our Minuteman silos the most dependable and efficient way of maintaining a secondary strategic force? Fourth, what about missile defense to protect people against accidents or Chinese attacks? Fifth, would approval of Safeguard strengthen the administration position in the strategic arms limitation talks—SALT? I shall discuss these questions in order.

(1) IS MINUTEMAN WORTH PRESERVING?

The very fact that Minuteman is threatened is not sufficient justification for defending it. Minuteman must have some continuing, vital role in our long-range defense posture to justify any effort to protect it.

At present we have bombers, land-based missiles, and Polaris submarines. How much should we spend to maintain these deterrents? Do we need all three?

Every time a strategic force begins to become vulnerable, we tend to try to maintain it as a secondary force. But just as the bomber age gave way to the missile age, land-based missiles are giving way to sea-based forces. We must recognize that land-based missiles are becoming obsolete as an invulnerable deterrent.

We must face this question squarely. Should we maintain three separate deterrent forces? And should a land-based force be one of them? If it is essential to preserve our land-based missiles then we must ask a second question:

(2) DOES THE THREAT TO MINUTEMAN REQUIRE IMMEDIATE ACTION?

Specifically, is it either urgent or prudent to begin to deploy at this time the proposed missile defense? This defense is designed to protect a few Minuteman's in the midseventies. Therefore, the urgency of beginning now depends on two considerations.

First, how great will the threat to Minuteman be by the midseventies? In other words, how far advanced will the Soviet missile buildup be at that time?

Second, how long would it take to protect this force or substitute for it? In other words, how much leadtime do alternative solutions require?

The mid-1970 deadline is based on extrapolating the Soviet SS-9 buildup for 6 or 7 years. No missile buildup in the last 20 years of the arms race has gone on at as steady a pace for such a long period as is suggested in this extrapolation.

The acknowledged fact that the Soviet Union built a few more SS–9's in 1968 is not a strong case for such a long extrapolation. Undoubtedly the Soviet Union has not itself decided how long it will build SS–9's; indeed, intelligence reports indicate that overall the SS–9 buildup has slowed rather than increased.

And in the context of the SALT talks, we can expect to have ample opportunity to dissuade the Soviet Union from continuing such a buildup. We can warn them that such decisions on their part would evoke a response from us that would certainly go far beyond defensive weapons.

Therefore, I conclude that the desirability of taking action now is partly generated by alarmist extrapolations.

What about the second factor, that of leadtime? Any urgency of beginning now to meet a deadline in the midseventies stems largely from the long leadtime required to build missile defenses. If we decided upon some other alternative for protecting Minuteman, or substituting for it, and if that method required fewer years to build, it would not be necessary to begin now.

Some alternatives for maintaining a secondary force are: superhardening the Minuteman sites; that is, protecting them with more concrete; building more Minutemen; building mobile Minutemen; or building a new kind of seabased force.

Of course, there is also the option of strengthening the primary force, our Polaris submarines, or, for that matter, strengthening our other secondary force, the strategic bombers.

Unfortunately, the administration has not presented the Congress with a serious analysis of all the possible alternatives. Most, if not all of them, would require shorter leadtimes than the ABM.

I can only conclude that the need to take action now is partly self-generated by our choice of this option.

In summary, we seem to have exaggerated the threat by predicting a steady buildup over many years and then announced that we must answer that threat immediately because we have chosen an answer that takes many years to build.

The alternative solutions to the threat also must be considered more particularly with regard to their cost and dependability. Even if we require three strategic forces, and if the threat is urgent, this raises a third question:

(3) IS AN ABM DEFENSE OF A FEW MINUTEMAN'S OUR MOST DEPENDABLE AND EFFICIENT OPTION?

I am impressed by the fact that all of the alternatives just mentioned are more reliable than the use of the ABM. President Eisenhower's Science Adviser and his Director of Defense Research and Engineering have testified that the missile defense might fail catastrophically at the critical moment.

Of all the possible alternatives, the ABM is the most complicated and the least dependable. Let me restate it—none of the other possible options have been presented to the Senate in any serious study.

In terms of overall reliability, missile defenses are the most controversial weapon we have yet to consider. Many different kinds of penetration aids and tactics—devices such as precursor warheads, decoys, chaff, fireballs, blackout effects, maneuvering warheads, and simultaneously arriving warheads—make a really reliable missile defense almost inconceivable.

Enemy efforts would be focused on destroying our radars. Even if we have interceptors, the Soviet Union can acquire a sufficient number of warheads to exhaust those interceptors—and one additional warhead to knock out our radars. If the radars are destroyed, the system becomes blinded and worthless. We have had much testimony underlining the Rube Goldberg quality of defending many hardened missiles with a few soft radars.

Furthermore, I am impressed with the difficulties that will arise in designing and relying upon Safeguard's computer programs. Safeguard must cope with adversary tactics and tricks, many not yet invented, and with sequences of attacks no one can predict. We launch Apollo at a predetermined time of our choosing and without enemy efforts to defeat it. But Safeguard must fire at a moment picked by the other side. Safeguard must cope, not only with nature, but with an ingenious human adversary exploiting vulnerabilities.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. GRAVEL. I yield.

Mr. FULBRIGHT. I think the Senator is making an extremely able and perceptive argument. On the last few points that he has made, particularly with regard to the computer program, very little evidence has been taken with regard to the capability of existing computers to deal with this matter. In fact, I have seen no evidence that is persuasive that the computer technique is at present sufficiently advanced to deal with the problems that would be confronted by ABM.

I saw one article in this field by Prof. John Anderson of the University of Minnesota, I think, in which he said it was estimated that a computer, to deal with the ABM problem, would require about 10 million instructions into the program; and even to program the computer would take, I think it was estimated, 80 years. In other words, he was writing that it was practically impossible at the present time to create a computer to deal with this matter. I think the Senator is quite correct.

I ask unanimous consent to have Professor Anderson's article inserted at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CASE AGAINST SAFEGUARD

(By John Edward Anderson, Ph. D.,* University of Minnesota)

I. INTRODUCTION

The case against the Safeguard ABM system is devastating. The need for such a system cannot be justified upon the grounds given by President Nixon. Even if it could be so justified, it can be shown on technical grounds that it would be ineffective and dangerous. It is a mistake to believe that scientists in the United States are equally divided on this issue. Never in any of the extensive literature, both pro and con, on this question have I seen the overwhelming technical arguments against the system even rudimentarily answered. The pro argument usually deals with the Communist Threat, as if a strong enough threat will make the system necessary and/or effective.

It is a mistake to believe that the technical success of the Apollo mission means that no task is beyond our technological capability. The differences between Apollo and Safeguard are enormous. The Apollo mission was clearly defined and required observation of only one or two vehicles. Launches could be carried out one at a time, by a single highly trained crew, could be planned far in advance, and delayed as needed with no effect on the basic mission. The Safeguard task, which must be programmed into its computer, will never be clearly defined, as it must deal with an unknown future offensive attack strategy. It requires simultaneous observation of thousands of vehicles moving at speeds up to 7 miles a second, and a sky filled with objects designed to distract the radars. Thousands of crews at remote locations must be on instant alert over a period of years, ready to fire at a moment's notice, and then the whole attack and defense sequence could be completed in seconds. Complete testing could be accomplished only when and if the moment of truth arrives so that there could be no rational basis for developing confidence in the system.

The second and third of President Nixon's three reasons for Safeguard, i.e., the China argument and the accidental-launch argument have been so effectively answered that they were not even mentioned in the recent majority report on Safeguard by the Senate Armed Services Committee. The first reason, i.e., that Safeguard is needed to protect our deterrent is discussed in Section 2 below, in which we also present a new and more compelling argument against first-strike capability. It is believed that a careful attempt to understand this argument will reassure those who genuinely believe our deterrent is in danger, notwithstanding C.I.A. testimony to the contrary. The author believes this argument is so strong that the Safeguard system is not needed even if it were to work. But the technical arguments against the system per se are so overwhelming that it is a particular irony that such a system should be pushed so hard at a time when the Nation's resources need so badly to be used to solve social problems. These technical arguments are summarized in Section 3.

II. PROTECTION OF OUR LAND-BASED DETERRENT FORCE

The main reason given by President Nixon for Safeguard, and emphasized again in the Senate Armed Services Majority Report, is that our land-based deterrent force may be in danger of attack by the Soviet Union in the mid 70's. As is well known, the implication of this is that the Soviets would be capable of launching so overwhelming a force simultaneously against our 1000 Minuteman missiles, our 41 Polaris submarines, our 650 B52 bombers, our Naval task forces, and our tactical nuclear forces in Europe, that any second strike by us would be weak enough so they would be willing to absorb it.

To carry out such a coordinated attack would require both an overwhelmingly superior attack force, and almost perfect confidence that the attack could be carried out with predetermined high accuracy and split-second timing. If the attacker errs in either his accuracy or in his timing, his society could be destroyed.

Consider the portion of his attack aimed at the U.S. Minuteman force alone. This problem is considered in detail in the Appendix. There it is shown how the number of missiles which must be targeted at each Minuteman depends upon the destruct radius of the bomb, the average accuracy of the attack missiles and their reliability. With 5 megaton warheads and 50% reliable missiles, 14 missiles must be targeted on each of our 1000 Minutemen if the accuracy is ½ mile, or 4 if the accuracy is ¼ mile. These figures, which can be readily checked, are much in excess of those given by Dr. John S. Foster of DOD. Since the calculation is so simple and has been checked independently by many scientists, it is apparent that the DOD intended to make the first strike look much more plausible than it actually is. That this should be so is a most sobering conclusion.

---

*Biography on p. 22276.

The above calculation shows that only if one side attains a numerical superiority in attack missiles many times in excess of the other, would a first strike be possible.

The most important argument, however, is yet to be made. It is given in Section 3 of the Appendix and relates to the disastrous consequences of an incorrect estimate of the missile accuracy. Suppose the attacker calculates the number of missiles he requires based upon the premise that only 50 of the 1000 Minutemen will remain undamaged after the attack. If he is low by a factor of two in his estimate of the accuracy of his own missiles, the number of Minutemen which would remain would not be 50, but 472!

A full appreciation of an error in his accuracy estimate requires understanding of the fact that there is in reality no way to determine the average accuracy of say 5 to 10,000 operational missiles maintained and fired by regular field forces. This is discussed in Section 2 of the appendix. In face of these facts, could any nation ever take the risk of a first strike attempt?

III. THE TECHNICAL ARGUMENTS AGAINST SAFEGUARD

The technical arguments against Safeguard, or against any ABM system consisting of missiles, radars and computers, have been detailed by many eminent scientists in many journals, statements, books, etc. The most comprehensive treatment is given in ABM, An Evaluation of the Decision to Deploy an Antiballistic Missile System, edited by Abram Chayes and Jerome Wiesner. Here, as a quick overview, these arguments are summarized.

Decoys

The Spartan long-range ABM missile attacks above the atmosphere and hence can be rendered completely ineffective by cheap decoys of many kinds. Why it is still even included is a mystery.

Nuclear blast effect

Explosion of a multimegaton bomb over the area of the missile farm would black out the radar for periods of approximately 15 minutes, completely destroying the effectiveness of the system.

Soft radar

Minuteman silos which can withstand overpressures up to 300 psi are to be protected by radars good for 20 psi. This is worse than protecting tanks with squads of infantrymen.

Computer program

It has been estimated that the program will require about 10 million instructions. Based on extensive experience with large programs, about 10,000 instructions per month appears to be the maximum that can be written on a single problem, no matter how many men are assigned. This would imply that about *80 years* would be required to program the computer. This essentially means that it could never be programmed because it would always have to be changed as new offensive strategies are discovered.

Reliability

Past experience with large field-deployed systems gives little hope that Safeguard would come close to meeting required operational reliability. Apollo is a totally different type of system and its success bears no implications for Safeguard. Safeguard requires 10's of thousands of missiles and hence 100's of thousands of regular Army men trained as missile crews. Cape Kennedy standards will not be maintained under such circumstances.

Testing

Notwithstanding DOD assertions to the contrary, there is no effective way to test Safeguard under field conditions. Component and simulation testing simply will never give confidence that the system will perform when the moment of truth arrives.

Safety

The requirement for quick firing precludes use of as many safety checks as one would like to prevent accidental firing. The situation here is much worse than with the Minuteman. Since maintenance and check out crews will be continually working near 10's of thousands of missiles, the probability of an accident is high. Fall out from a ground burst in North Dakota or Montana could kill thousands of people.

Control

The only effective attack on our strategic forces would be a surprise attack. Only 10–15 minutes would be available for a decision to fire in which case the concept of Presidential approval is a farce. Man could only rubber-stamp a decision made by the computer.

Effectiveness

With all this deployment and effort, a few months more production of SS–9's would wipe out the effectiveness of Safeguard even if it would work. If our deterrent were in danger, which it is not, superhardening of the missile silos would be a much cheaper, more effective solution.

Accidental launch

It has been argued that Safeguard is needed to protect against accidental launch of an enemy missile. The Minuteman missiles can be used for this purpose. All that is required is a change in parameters inserted into the Minuteman guidance system. At most, the details would require a small engineering program.

Negotiations

In view of the above arguments, the importance attached to the need for Safeguard as a bargaining tool seems ludicrous indeed. It would be a mistake to believe the Soviets will be unaware of the arguments against the system. My own nine months of experience in the Soviet Union impressed upon me inter alia the closeness with which they follow our discussions on such matters. Not being able to profit in any way from Safeguard, their planners would be in a position to view Safeguard much more objectively than ours.

Why Safeguard?

The Soviet Union is not capable of a first strike nor can it be in the foreseeable future. The Safeguard system is far from being ready for deployment, and it is quite possible that such systems consisting of missiles, radars and computers may never be. We are continually frightened with the possibility that the Soviets may want to attempt a first strike against us. Suppose only ten of our total armament of missiles were left after an attack, that these were targeted on Moscow, and that only one would get through. That one bomb would destroy most of Moscow, its leadership, its main scientific, governmental and cultural centers. Would sane men risk such a possibility? Particularly after having lived in Moscow for a month, I think not.

But yet the pressure for Safeguard continues. Why? Can it be out of genuine fear of a Communist Menace, wishful thinking so clouds the minds of intelligent men that they refuse to listen to arguments against the system? Or can it be that the opportunity for monetary profit, the possibility of promotion, or the hope of working on *technically* exciting systems has a similar effect? My own experience indicates that all of these influences play a role. These tendencies must be controlled or it will be soon too late. This task is now in the hands of the Congress of the United States.

APPENDIX

REQUIREMENT FOR A FIRST STRIKE AGAINST MINUTEMAN SILOS

An attacker seriously planning a first strike against the United States Minuteman missile force must understand very clearly all factors which enter into the computation of his chances of success. As will be shown below, if he is in error by even a moderate amount, the consequences for him would be disastrous.

In this Appendix, we *first* compute the probability of success of a first strike in terms of the number of missiles that will remain functional after the attack. *Second*, since this calculation depends very critically on the accuracy of the attacking missiles, we discuss the problem of estimating missile accuracy. *Finally*, we estimate the consequences to the attacker if he is wrong in his estimates.

1. REQUIRED NUMBER OF ATTACKING MISSILES

If all systematic errors in the attack missile system have been eliminated, then the probability that a given missile will miss the target by more than a distance of R is

$$P(R)=\frac{1}{2^{\beta^2}} \qquad (1)$$

in which

$$\beta=R/\text{C.E.P.} \qquad (2)$$

Here, C.E.P. stands for the *Circle of Error Probability*. Its meaning is seen by letting R=C.E.P. Then B=1 and P(C.E.P.)=½. In other words, if a large number of missiles is fired at a target, half of them will fall outside a circle of radius C.E.P.; P(R) × (No. of missiles) will fall outside a circle of radius R. Henceforth, we will take R to be the destruct radius, i.e., the largest distance from the Minuteman the attack missile can fall and still destroy the target.

The probability that neither of two missiles fired at the same target will destroy it is simply $P^2(R)$. If n missiles are launched successfully at the same target, the probability that none of them will destroy the target is

$$P^n(R)=\frac{1}{2^{n\beta^2}} \qquad (3)$$

Another way of stating this formula is that if the attacker successfully launches missiles at each of 1000 targets, the number that will remain after the attack is

$$N_R=\frac{1000}{2^{n\beta^2}} \qquad (4)$$

The Department of Defense has suggested that the Soviet Union may contemplate a first strike if it could reduce N_R below 50.

If β is known, we can use Equation (4) to determine the number n of missiles which must be launched successfully at each Minuteman. Solving Equation (4) for n, and substituting for β from Equation (2), we get

$$n=\left(\frac{\text{C.E.P.}}{R}\right)^2\frac{\ln(1000/N_R)}{\ln 2} \qquad (5)$$

or if $N_R=50$,

$$n=4.3\left(\frac{\text{C.E.P.}}{R}\right)^2 \qquad (6)$$

According to Pentagon figures, the *present* Minuteman silos will be destroyed if subject to overpressures of 300 psi or more. The destruct radius R is the largest distance from the center of the megaton explosion at which this overpressure occurs and varies as the one-third power of the yield of the bomb.* In tabular form

Yield, megatons	Destruct radius R, miles
1	0.2 to 0.3
5	.4 to .5
20	.6 to .8

The range in R in this table indicates uncertainty, and these figures are estimated to give 80% chance of destruction of the silo. In Equation (6), this additional uncertainty was left out, which means that the estimate of n which we will make will be somewhat low.

$$n=4.3\left(\frac{.5}{.4}\right)^2=6.7\approx7 \qquad (7)$$

Suppose each Soviet SS–9 missile contains three 5-megaton warheads and that the Soviets estimate their C.E.P. to be ½ mile. Then from Equation (6)

This would be the number of attack missiles successfully launched against each Minuteman. Based upon many published figures, it would be difficult to envision that the Soviets could assign a probability of successful launch any greater than 50%. In this case they would have to target 14 missiles on each Minuteman, or about 5 SS–9's each MIRVed three ways.

Destruction of our Minuteman force of 1000 missiles with 95% certainty (50 left standing) would, under these conditions, require 5000 SS–9 missiles. Thus, only if their offensive force far outbalance ours would we need to worry about a first strike on this basis.

If the C.E.P. figure of ¼ mile quoted by Dr. John S. Foster were used in Equation (7), the required number of attack missiles per Minuteman would be reduced by a factor of 4, from 14 to 4. This is still far in excess of his estimate. In addition, a C.E.P. of ¼ mile is unrealistically small, as will be shown from the following discussion.

2. ESTIMATING MISSILE ACCURACY

It is seen from Equation (6) that the number of missiles which must be targeted is strongly dependent upon the C.E.P. Doubling the C.E.P., for example, quadruples the required number of attack missiles. A C.E.P. of ½ mile in a 5000-mile missile flight will be caused alone by an azimuth misalignment of only .1 mil, or 20 seconds of arc. Those familiar with the art will recognize that this is very high precision, particularly under field conditions. But the C.E.P. of an ICBM is determined by many separate error sources—errors from gyroscopes, accelerometers, errors in thrust-cut-off time, in the computer, in wind dispersion, in mapping, in the gravitational model of the earth, as well as in initial alignment.

Most of these errors can be estimated from laboratory tests on separate components, and from this data the C.E.P. can be computed. This is, of course, not considered adequate, and therefore test firings of complete missiles are used to verify the accuracy. The number of test firings that is practical is always limited, however, and even with attempts to use randomly chosen production missiles in these tests, the test conditions are invariably different from the operational conditions. With even 5000 attack missiles, the number of men which must be trained to operate in missile crews becomes exceedingly large, and *hence will never reach the level of competence of test crews.* The crews must be continually checking and maintaining their missiles over a period of years, and then on very short notice be ready to fire. Under these circumstances, an allowance of an unknown amount must be made for deterioration of missile C.E.P. Even if this deterioration were not to take place, it is simply not possible, with any confidence, to predict statistically the C.E.P. of a large number of missiles from a relatively small number of tests.

These considerations lead to the conclusion that the C.E.P. can never be known with any great confidence. To estimate values as small as ½ mile, considering the very great precision this requires of many components, is open to serious question.

3. THE CONSEQUENCES OF ERROR IN THE ATTACKER'S ESTIMATES

Suppose that, based upon his best estimates of C.E.P. and destruct radius R, the potential attacker estimates n from Equation (4) so that N_R is say 50, i.e., so that only 50 Minuteman missiles will remain after his attack. Then we ask the question: If he errs in his estimates of C.E.P. and/or of R, how will his error affect the number of missiles N_R that will remain after the attack?

	$n\beta^2$	N_R
1.	1	500
2.	$4.3/(2)^2=1.08$	472
3.	$4.3/(1.5)^2=1.91$	263
4.	2	250
5.	3	125
6.	4	63
7.	4.3	50
8.	5	31

We can answer this question from the adjacent tabulation of values. These values are the solution of Equation (4). If, following the D.O.D. judgment, the attacker would proceed with his attack if only 50 of 1000 missiles would remain afterwards, then N_R—50, and from line 7 of the table, nB^2—4.3. This means that, after determining B from Equation (2), he would compute n so that nB^2—4.3 to get N_R—50. If the actual C.E.P. during the attack is higher than his estimate by only 50%, i.e., by a factor of 1.5, then nB^* decreases by a factor of $(1.5)^2$—2.25 and line 3 shows that N_R jumps to 263. If the estimate is low by a factor of 2, line 2 shows that N_R—472. Similar errors could occur, of course, if the attacker overestimated the destruct radius. With as many missiles left as indicated, the attacker would have to conclude that his first strike effort would fail, the consequence of which would be the destruction of his entire society. If the leaders of the potential attacking country are thoroughly appraised of the above facts, i.e., of the potentially disastrous effect of *entirely reasonable errors in estimates of C.E.P.*, it is difficult to believe they could ever conclude that a first strike attempt would be less than suicidal.

BIOGRAPHICAL DATA

J. Edward Anderson, Associate Professor, Mechanical Engineering Department, University of Minnesota. Bachelor of Science, Iowa State College, 1949; Master of Science, University of Minnesota, 1955; Doctor of Philosophy, Astronautics, Massachusetts Institute of Technology, 1962. From 1949–1951, Aeronautical Research Scientist, National Advisory Committee for Aeronautics, Langley Field, Virginia. From 1951–1963, with Honeywell, Inc., Aeronautical Division and Systems and Research Division in Minneapolis; 1951–1953, Work Director, aircraft instrument design; 1953–1956, Senior Research Engineer and Research Project Engineer, analysis and synthesis of autopilots for military aircraft; 1956–1959, Principal Research Engineer and Research Staff Engineer, invented and directed development of inertial guidance systems for aircraft, ICBM's and for the Polaris submarine. 1959–1962, M.I.T. Fellow in Astronautics; 1962–1963, Manager of Space Systems.

From 1963 to present, with the University of Minnesota, Mechanical Engineering Department, Teaching and research in thermodynamics, heat transfer, magnetohydrodynamics, large-scale computer solution of fluid dynamic problems, system design; consultant to industry. Spent academic year 1967–1968 in the Soviet Union as Exchange Scientists for the National Academy of Sciences.

Virtually all of his professional experiences have involved use and/or design of digital and analog computers of many types. Has written numerous technical papers in his fields, holds six patents, and has written two technical books, both of which have been selected for translation into Russian by Soviet publishers.

Dr. Anderson has been a speaker for the United Fund, is a Past Club President of Toastmasters, Int., was Board Chairman of a Symposium on the Role of Science and Technology in Society, Univ. of Minnesota, April 7–8, 1969; and is on the Board of Directors of HELP, an organization to promote rapid transit.

He is an Associate Fellow of the American Institute of Aeronautics and Astronautics and Chairman of the Twin Cities Section, a member of the American Association for the Advancement of Science, the American Society for Engineering Education, the American Association of University Professors, the American Metric Association, the Citizen's League, Sigma Xi, Tau Beta Pi, Phi Kappa Phi, Pi Tau Sigma and Eta Gamma Tau.

His biography appears in *American Men in Science* and in the forthcoming edition of *Who's Who in the Midwest*. His travel experience includes 8 years in China as the son of missionary parents, three weeks in Western Europe in 1964, eleven months in Europe in 1967–8 including 9½ months in the Soviet Union, and extensive business travel in the United States.

Mr. FULBRIGHT. Mr. President, the other point mentioned is the blackout effect and the fireballs created by the nuclear explosions. I asked the distinguished chairman of the Armed Services Committee the other day if any evidence had been received on this matter at the hearings. At that particular time he said he was not prepared to answer, but he later furnished me with a copy of the hearings in the House Appropriations Committee in which there was a passing reference of less than one full page devoted to the blackout effects upon ABM radars and the communications systems.

We had a hearing in the Foreign Relations Committee on the subject. Unfortunately, the people invited to testify on short notice were not specialists in the field of radar, but they were knowledgeable in communications only.

They professed an inability to testify upon the effect of nuclear explosions on radar. But it is quite clear from their testimony that the radiation effect is quite substantial upon communications because of the electromagnetic waves created by nuclear events. While these explosions may not affect cable communications, the kind of communications that radar must use could well be knocked out, and probably would be knocked out by precursors—nuclear explosions—as the Senator has mentioned, or by radiation from them.

ABM, An Evaluation of the Decision To Deploy an Antiballistic Missile System, **Ed.** Abram Chayes & Jerome Wiesner, Signet, 1969, p. 276.

So it is really inconceivable to me, and I think utterly indefensible, to undertake and authorize a program about which so little is known in such very important areas, or in which so little progress had been made in certain areas such as the computers, the hardening of the radars, or in understanding the effect of blackouts or fireballs. There is not any good, substantial, credible evidence in the record of these hearings to justify believing these problems have been faced and overcome.

Proponents say they have made the Sprint explode properly. They have; there is no doubt about it. We have all kinds of missiles that will explode properly; and the Spartan has been tested. But to create the explosion involves only the most primitive and simple parts of the whole program. The most delicate and sensitive parts of this proposed system are the radars and computers, and there has been virtually nothing done on them. Neither the radars nor the computers have been built, much less tested, at the present time. So I would say the Senator is absolutely correct and sound in stating that these weaknesses would justify at least another year before any deployment is made.

I think the Senator has done a fine job.

Mr. GRAVEL. I thank the Senator for his kind remarks, and compliment him on the work he has done in this area. I certainly thank him for the hearings that have been held before his committee, from which I have learned a great deal.

Mr. FULBRIGHT. I ask the Senator, does he know of any evidence, aside from the hearings I have mentioned, as to the effect of radiation on the radar?

Mr. GRAVEL. I have found no evidence to contradict the Senator. As to the computers, I find quite persuasive the argument that even if they were developed to do just what they are supposed to do, it would seem logical, in my judgment, that computers could be created by the Soviets to confuse the computations of our computers. I can only say to the Senator that I share his views in that regard.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. STEVENS. I thank my colleague from Alaska for giving me notice of his intention to present this statement today. I would like to stay and listen to his presentation, but another engagement prevents me from doing so.

As the Senator knows, we are in disagreement on this matter. However, I appreciate the candor with which he has presented his position, and can only hope that, in the long run, he will be able to review the matter further.

I should like to ask the Senator one question, though, if he will permit me to do so: Will he tell me whether he intends to support the appropriation for research and development of the ABM program?

Mr. GRAVEL. Yes. The Cooper-Hart amendment will solve that problem.

Mr. STEVENS. I thank the Senator.

Mr. GRAVEL. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, I should like to say that in my opinion the Senator from Alaska is making an excellent speech, in which he points out the effectiveness of the nuclear submarine as a deterrent to war. Apparently the ABM is designed and promoted as a way to protect our retaliatory power; but, I believe it is far more important to stop an enemy missile before it leaves the enemy country than it is to try to intercept the missile on arrival here in the United States.

I must say that my first apprehension over ABM occurred when it became apparent to me that the strongest proponents of the ABM were perfectly willing to downgrade our nuclear submarine fleet over the next few years. I began to wonder then if it was not a question of who got the contracts.

But I commend the Senator from Alaska. I have read his speech, and believe it is excellent and accurate all the way through.

Mr. GRAVEL. I thank the Senator.

Mr. AIKEN. I might add, if I am not robbing the Senator of his time, that Russia is concentrating today on constructing a nuclear submarine fleet superior to our own. Russia already has submarines with a range of 1,500 miles for the missiles fired from the sea. Russia is today constructing submarines which are believed to be speedier than ours, and also more quietly operated. Russia intended to surpass us in the nuclear submarine field, knowing perfectly well that whoever controls the seas will control the overriding question of peace or war.

Mr. GRAVEL. I thank the Senator from Vermont.

Mr. President, I ask unanimous consent that I be permitted to speak until noon.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Alaska is granted 15 additional minutes.

Mr. GRAVEL. I thank the Chair.

Finally, the arms race moves swiftly. If this system is deployed 7 years from now, it more than likely will face an entirely new family of threats. This was the case of our air defenses planned in the early 1950's. When the bomber defense began to function in 1960, it faced not just bombers, but missiles also. It had no way of protecting itself against missiles. These could outflank the defense and destroy its ability to defend against bombers. Any new weapon in the mid-1970's that can destroy a few radars will turn Safeguard into billions of dollars of junk.

Even if the ABM were a dependable way of protecting our deterrent, I question whether public confidence could be reestablished in this option after so much controversy. All past Presidential science advisers have been critical of missile defense. Obviously the system can never be realistically tested in a war situation, so public confidence in it can never be reestablished.

In summary, of all our options, the proposed missile defense seems to be the one most likely to fail completely and catastrophically, and the least likely to inspire confidence.

THE POSSIBILITY OF ACCIDENT OR CHINESE ATTACK

My prior analysis has concerned itself with the defense of Minuteman. Now let us turn to two other arguments that have been raised in an attempt to justify deployment of the ABM—the possibility of an attack by China and the possibility of an accidental firing.

The authorization before us does not commit us to build a defense against either contingency. The Senate has not yet been asked to consider these questions. This administration has not asked for a thin defense of the entire country, and in fact rejected one proposed by the previous administration. A favorable vote by Congress and subsequent deployment of the system proposed and before us today will not protect any American city from any missile attack, accidental or on purpose. We are being asked only to protect a small portion of our deterrent.

I emphasize this point because there is a risk that observers outside the country may misinterpret this vote. They may believe that approval of the administration's proposal would indicate our intention to push ahead with the full phase II defense of the entire country. There has been no such indication.

While this vote does not concern itself with a defense against Chinese missiles, I feel impelled to comment on some of the issues such a defense would raise.

The Chinese are not irrational. China can be deterred in the same way Russia has been deterred. China is the only nuclear power that has asserted it will never use nuclear weapons first. We want to improve our relations with China not turn them into a carbon copy of the United States-Soviet arms race. We want trade with China, not threats. We want to open doors to China, not play into the hands of those who want to keep them closed. We do not want the only exchanges we consider with China to be missile exchanges.

In my opinion, the isolation of China and our ignorance of it, have contributed to these unreal fears. China has enough problems of her own, and so do we. The sooner we put aside talk of mutual threats, the sooner China and America can resume normal relations.

THE RELATIONSHIP OF ABM TO ARMS LIMITATION TALKS

Apart from the technical aspects of ABM, proponents offer the argument that ABM's approval is necessary as a prelude to successful arms limitation talks.

Therefore, the question is, Would approval of Safeguard weaken or strengthen the administration's position in these talks?

The trouble is that many people refer to the forthcoming talks as if they were some kind of union-management bargaining. They are not. The arms limitation talks are a search for an accommodation that will satisfy the legitimate security needs of each side. In such a search our hand cannot be "strengthened" or "weakened." But our search can be facilitated or complicated.

For example, even before the talks begin, the administration has already indicated in White House question and answer sheets that it will not negotiate the entire phase II, 12-site thin defense of the United States. This is a way of complicating the arms talks. This thin defense would protect cities and be more modern and 10 times larger than the Soviet defense of Moscow.

What will happen when the Soviet Union insists in the arms discussions on the right to build a missile defense equally large? Then we shall surely insist on maintaining our MIRV warheads to be able to penetrate that defense. Then they will insist on maintaining their MIRV warheads to match us. Then we shall fear that their MIRV warheads can destroy Minuteman. Then this debate will continue. And on and on and on. Each new weapon system triggers development and deployment of another.

When the new Director of the Arms Control and Disarmament Agency, Mr. Gerard C. Smith, testified before the Senate Foreign Relations Committee, he suggested that any Soviet response to the Sentinel program was "already in train."

In other words, we are still reconsidering the original proposal at a time when the Russians already have made provisions to counter it. Every signal we emit that we are going ahead with defense of cities will encourage Soviet planners to offset it, just as our planners launched MIRV and other preparations to offset Soviet defenses.

The very Soviet SS-9 procurement of which we are complaining may be the reaction which Director Gerard Smith said was "already in train." It would seem imprudent to give off any more escalatory signals when we have imminent prospects of talking these things over with the Russians. We do not want to be constantly responding to the responses we have ourselves induced.

No amount of U.S. strength can prevent the Soviet Union from building more weapons. For 20 years we have had arms superiority relative to the Soviet Union. For 20 years we have had an arms race. Surely one more weapons system will not provide additional leverage to the President in arms limitation talks. Certainly no one can be advancing as a good argument for the ABM system the fact that it can be torn down.

I can only conclude that approval of this proposal will assist the President in no important way. Indeed it may undermine our hopes for eventual successful negotiation by encouraging the view that the United States has embarked on a major nonnegotiable program of building missile defenses.

ABM AND THE ARMS RACE

In summary then, as I see it, the narrow issue of Safeguard has not been difficult to resolve. Safeguard seems likely to require the longest leadtime, to be the least reliable, and most expensive way of defending a few of the evermore obsolete Minuteman.

The threat against which Safeguard is proposed seems exaggerated.

The other options for resolving that threat seems insufficiently considered.

And since the arms limitation talks are themselves a method of resolving the threat, the timing of Safeguard seems inappropriate. If the talks begin to succeed, Safeguard will be entirely unnecessary.

The Hart-Cooper amendment, which I shall vote for, permits research and development to continue in support of a better missile defense. And it permits a year of arms talks to occur before a deployment decision is made. But there is another reason why this amendment appeals to me. It provides a year in which other alternatives to Safeguard can be analyzed and presented to the Senate by this administration.

I have explained why other alternatives may be cheaper, more dependable and quicker to build. Equally important, these alternatives may also be more acceptable to the Senate. It would be unfortunate indeed if a major national security program were approved by a margin of one or two votes.

This close contest in the Senate cries out for alternatives that can muster broader support. Congress should insist on being presented with options in major national security decisions.

Beyond the question of Safeguard itself, I would like to say a few words about the context in which this debate has taken place. Something is seriously wrong with our approach to national security. Twenty years ago, we were as secure as a nation could be. Ten years ago, if nuclear war occurred, half our population would have been annihilated. Today if nuclear war occurs, virtually every man, woman, and child in the United States could be killed.

We have tended to think that our greatest danger is a Soviet surprise attack. But the Russians are not insane. They will not deliberately strike at us in a world filled with hostile nuclear weapons—weapons armed and pointed at all their population centers.

War can happen. There can be a war that is unwanted by both sides—a war by escalation. Our fear of calculated, deliberate Soviet attack has blinded us to the even greater dangers of an unwanted war by escalation.

Our fear of deliberate Soviet attack has caused us to put our main priority on staying ahead of the Soviet Union in the arms race. It has led us to ignore the rising levels of arms that make war even more destructive. And since war can always happen, we have lost irregainable security. More arms, in the nuclear era, do not mean more security. This is a situation without parallel in the history of warfare. Gen. Douglas MacArthur summed it up well in 1961 when he said:

> Global war has become a Frankenstein to destroy both sides. No longer is it a weapon of adventure—the short cut to international power. If you lose, you are annihilated, if you win, you stand only to lose. No longer does it possess even the chance of the winner of a duel. It contains now only the germs of double suicide.

No missile defense, and no missile, can save us from ever greater threats to our security if the arms race continues. Our own arms efforts only stimulate and encourage Soviet efforts. There is no solution but to stop the Soviet weapon program and this can be done only by negotiating to stop our own.

Agreements are feasible. We now have methods of reconnaissance that can reliably monitor Soviet actions. So we can have agreements with the Soviet Union in which trust plays no role. And we can maintain a deterrent that can reduce risks of calculated deliberate attack to an irreducible minimum. So we can have arms limitations and a deterrent too. But we cannot try to stay ever farther ahead of the Soviet Union, and at the same time ask them to stop trying to catch up.

Unfortunately, the arms race has become business as usual. We accept the risk that 1,000 Soviet ICBM's could be fired at us as the result of a disagreement over Berlin or a war in the Middle East. But we measure the risk of arms limitations on a different scale. We ask that agreements for arms limitations be totally without risk.

Today, all the political and strategic elements for an agreement exist. We and they have adequate deterrent forces. We and they have many other problems that encourage arms controls. They have problems in China and Eastern Europe and with their economy; we have our problems in Vietnam and at home.

Both of us have agreed to talk. And both of us are afraid the other side will do the same two things: build large, expensive ABM's and MIRV's.

These two weapon systems are the very elements about which we and they want to negotiate.

If the Soviet Union does not build MIRV, we will not need Safeguard. If the Soviet Union does not go forward with ABM, we will not need MIRV. Why, under these conditions, is it not prudent to talk to the Russians before buying ABM and MIRV? Otherwise, we will induce them to match us. This will then foreclose any chances we have of stopping deployment of ABM and MIRV by both sides.

The Senate cannot control the SALT negotiations. But Safeguard is something which is before us. The Senate must express itself on the issue of the arms race. And this debate over Safeguard is an opportunity to affirm that new methods and approaches are necessary for national security.

If this administration is overly burdened with the near- and medium-term risks, then the Senate must be statesmanlike enough to give heavy priority to the long-term risks.

The long-term risks to the survival of this country and our way of life come from a war nobody wants.

The long-term solution lies not in Safeguard, but in taking seriously every opportunity to halt the arms buildup simultaneously both here and in the Soviet Union.

If this historic debate only determines whether we should, or should not, defend a few Minutemen, this debate will have been a failure.

However, in my mind, this debate has catalyzed a new awareness among Americans as to where the dangers to our Nation really are. Mr. President, I believe this debate in the Senate of the United States has fulfilled its promise.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may have an additional 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. MANSFIELD. Mr. President, I have waited for some time for the last of the new class of Democratic Senators to make his maiden speech. I have urged our new Members to make an early start in expressing their views. I have urged them not to sit back and remain silent. All the others, in varying degrees, have taken my advice, all except the distinguished Senator from Alaska. However, his judgment has been correct for, if I may say so, this speech has been worth waiting for; well worth waiting for. It is one of the best speeches, if not the best, that I have heard in the Senate, on the issue which now confronts this body, this country and, in effect, the world. It exhibits a good deal of research and study. It goes into a good deal of detail.

On page 2 of his speech, the Senator said:

> I take this opportunity to assure Americans that the dedication and integrity of the Senate has not been compromised by this debate.

I express my wholehearted agreement with those remarks. This debate has been, on the whole, statesmanlike. There have been, of course, differences of opinion, not only among Senators but also between Senators and the administration. I do not doubt for one moment the integrity and the beliefs of the administration in their advocacy of this program. Who knows, history may prove them right. But, by the same token, I do not doubt the integrity, the patriotism, or the sincerity of those who oppose the program, because the reasons are many and varied, and all of them have been brought out. Most of them have been carefully analyzed today in the speech of the distinguished Senator from Alaska—who, incidentally, I am happy to say, has a direct tie with the State of Montana through the girl who is his wife.

On page 9 of his speech, the Senator raises this question:

> What will happen when the Soviet Union insists in the arms discussions on the right to build a missile defense equally large? Then we shall surely insist on maintaining our MIRV warheads to be able to penetrate that defense. Then they will insist on maintaining their MIRV warheads to match us. Then we shall fear that their MIRV warheads can destroy Minuteman. Then this debate will continue. And on and on and on. Each new weapon system triggers development and deployment of another.

As the Senator has pointed out so well, we are not really talking about an initial deployment of radar, computers, Sprints, and Spartans at two sites in Montana and North Dakota. What we are really talking about is a program which may well go far beyond that and cost not the $6.3 billion as originally alleged and which has now gone up to $10.8 billion, but will cost rather tens and tens and tens of billions of dollars on the one hand and tens and tens and tens of billions of rubles on the other. And at the end, we will be just about where we are now.

If I may say so, this country has unquestioned nuclear superiority over the Soviet Union at the present time. In the field of the ICBM's we have 1,054—200 of them in my own State of Montana. As of the moment, I would guess that the Soviet Union may have approximately 1,065, and at the end of the year may have 1,075. But that is the only area that approaches comparability.

With respect to the Polaris, for example, we have 41 submarines, each with 16 missiles, or a total of 656 Polaris missiles, compared with the Soviet Union's 45. And that is where the core of defense in this country lies—on the sea.

Let me repeat those figures. Within our Polaris fleet, all 41 of the submarines, there are 656 missiles. The Soviets have 45.

In the field of bombers—the B–52's and the B–58's—we have 646; and so far as Soviet counterparts are concerned—the Bisons and Bears—there are 150. As a matter of fact, that is a decline of five from the Soviet figure of last year.

Those figures should be kept in mind at all times.

There are many further questions I would like to raise. Other Senators wish to speak, however. Indeed, I have seldom seen so many Members turn out to greet the maiden speech of a Senator—for which I am grateful, as—I am sure—is the Senator from Alaska. Therefore I shall not take much more of the distinguished Senator's time, except to say that I am in wholehearted accord with the arguments he has advanced in his most statesmanlike speech; a speech presented, moreover, in a most high-level and statesmanlike manner.

I only hope that the way to peace will lie not through arming and rearming, not through acting and reacting, but through negotiations. To that end I hope it will be made definite very soon that the so-called SALT negotiations will get underway—sometime this month—between the Soviet Union and the United States. It hardly needs saying that every effort should be made to see that these negotiations succeed; that there is brought about an arms freeze or arms limitation to the end that the syndrome of acting and reacting will be done with and to the end that less and less will be spent on this type expenditure and more and more spent to face up to the problems that face this Nation at home.

Mr. President, again I extend my sincere congratulations for a great speech by the distinguished junior Senator from Alaska. I am confident that it has marked the beginning of many outstanding contributions hereafter.

Mr. GRAVEL. I thank the Senator.

I yield to the Senator from Ohio.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The Senator from Ohio is recognized.

Mr. YOUNG of Ohio. Mr. President, the address we have just listened to, the maiden address of the distinguished junior Senator from Alaska, has been a very superior and a most convincing speech, and a most devastating speech against the pending proposal of the administration for the ABM.

I think the citizens of the great State of Alaska have every reason to be mighty proud that they are represented here in Washington by the distinguished junior Senator of their State.

He has manifested that he has been most diligent. He has manifested that he is serving his State and the Nation with vitality, zeal, and great industry. His excellent analysis of the problems posed in the proposed deployment of the ABM system has been irrefutable. As the majority leader stated, this is probably the best, and it is certainly one of the best, arguments that have been made on the floor of the Senate expressing opposition to the ABM proposal.

The Senator from Alaska is absolutely correct in stating that our only real defense against the threat of a nuclear attack is the deterrence of our overwhelming offensive forces, primarily the Polaris and the soon-to-be Poseidon submarine force. These nuclear submarines of our Navy are capable of remaining underwater for as long as 300 days and nights. Their missiles have presently a maximum range of 2,875 miles. Soon, with the Poseidon, that figure will be more than doubled. No area in the vast land mass of the Soviet Union or Communist China is safe from the devastation from missiles fired from these submarines, as has been so eloquently stated by the Senator from Alaska. Furthermore, in addition to our nuclear submarines, our combined strategic bombers and land-based missile forces assure survival of one or the other from attack.

I agree with the prediction of the Senator from Alaska that, should we proceed to build this system, the leaders of the Soviet Union are almost sure to respond with increases in offensive strength which would negate any advantage from an ABM deployment.

We should continue to seek an understanding with the Soviet Union whereby neither side would expand its defensive facilities beyond the present level. Such an understanding would freeze the strategic situation as it is today with each side depending on its offensive missiles to provide the deterrent. We should be considering arms cutbacks, not increasing arms; we should be encouraging arms limitation negotiations, not a new and accelerated arms race. It is of the utmost importance that the President give topmost priority to winning and achieving a nuclear missile limitation agreement with the Soviet Union.

It is ironic that the first crucial vote on the ABM will occur on the 24th anniversary of the dropping of the atomic bomb on Hiroshima.

I wish to say it is a fine thing not only for the State of Alaska but for the Nation and the world that the distinguished junior Senator from that great State has made his convincing address on the eve of the vote we shall take.

I believe implicitly that the Safeguard proposal must be defeated. I am utterly opposed to the appropriation of taxpayers' money for the ABM. However, I recognize the fact that this proposal may be approved by Congress—I do not believe it will be—and every effort must be made to delay deployment until sanity prevails and until the administration explores the possibility of an arms limitation agreement with the Soviet Union.

Therefore, I intend to vote for the Cooper-Hart amendment which would assure that delay and give us a vital breathing spell to avoid the ramifications of this boondoggle.

Again, I congratulate the distinguished Senator from Alaska.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. CHURCH. Mr. President, I wish to join my colleagues in expressing my admiration for the maiden address which has just been delivered by the distinguished junior Senator from Alaska.

I must say this is not just a promising, praiseworthy maiden address; it is unusually and impressively perceptive and profound.

I could not possibly gild the lily by elaborating further, except to say the Senator has demonstrated on this floor today that he will have a bright future in the Senate. I congratulate him.

Mr. GRAVEL. I thank the Senator.

Mr. CASE. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. CASE. Mr. President, I thank the Senator. I would not want it to be thought that the enthusiasm of our Democratic colleagues which leads them to rise in support of what the Senator from Alaska has said, is attributable in any sense to the fact that they liked it because they are Democrats and he is, too. This has been a great speech in a great cause. As a member of the party which sits on this side of the aisle I join my Democratic colleagues and all our colleagues in congratulating the Senator, and in congratulating his State for sending to the Senate someone who has dealt so well with a matter so vital.

Mr. GRAVEL. I thank the Senator.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. HARRIS. Mr. President, I wish to commend the distinguished Senator from Alaska for an outstanding speech on a subject of great import to the country. I listened with great interest and admiration. I do not believe that the Senator could have chosen a more important topic during this session of Congress, and perhaps for several sessions before and after this session, upon which to make his maiden speech.

I think that what the Senate and what the Congress decide to do in regard to this issue, the deployment of the Safeguard ABM missile system, may well determine the direction this country takes for many years to come.

I think the Senator was quite right in pointing out the crucial element of time that is in our favor and which enables us to make this decision on a more careful and more rational basis. We have time because of our tremendous deterrent force. As the distinguished Senator so well outlined, our deterrent force is composed of Polaris missiles, intercontinental ballistic missiles, strategic bombers, and intermediate range ballistic missiles and planes which fly from carriers.

We have time, as the Senator has so well said, to make these and related decisions without having precipitously now to agree to the deployment of a system which is untested—a system that has not been completely tested and one which will make more difficult the talks which are upcoming, and which are so important to the security of this country and the stability of the world.

I certainly commend the distinguished Senator for his very fine speech.

Mr. GRAVEL. I thank the Senator from Oklahoma.

The PRESIDING OFFICER. The time of the Senator from Alaska has expired.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the Senator from Alaska may proceed for 15 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, I have never found a word formula on an occasion such as this that could express adequately both sincere admiration and yet avoid the appearance of going through a Senate ritual.

I wish I had a formula that conveys how much we really mean it as we rise to congratulate the Senator from Alaska.

As the able Senator from New Jersey said from across the aisle, it was a great speech in a great cause from one who demonstrates today that he shall be, indeed is, a great Senator.

Mr. GRAVEL. Mr. President, I thank the Senator very much.

Mr. NELSON. Mr. President, there is not much that I can add to what has already been said by our distinguished majority leader and other Senators who followed him in commending the excellent speech of the Senator from Alaska, except to say that I wholeheartedly endorse his comments.

His speech is a most thoughtful contribution to the dialog now going on over the development of a weapons system by this country and Russia.

I join other Senators in congratulating the distinguished Senator from Alaska on an excellent job.

Mr. GRAVEL. I thank the Senator from Wisconsin very much for his comments.

Mr. COOPER. Mr. President, the breadth, quality, and even the calmness of the speech of the distinguished Senator from Alaska reflects his enormous work in the hard process of arriving at a decision, a process which he described so well in the early part of his address.

I agree with the Senator from Wisconsin. I believe that the Senator from Alaska has analyzed as clearly as anyone has, the various weapons systems and their relation to security.

I should like to highlight one reference on the last page of the Senator's speech, in which he states:

> THE LONG-TERM RISKS TO THE SURVIVAL OF THIS COUNTRY AND OUR WAY OF LIFE COME FROM A WAR NOBODY WANTS
>
> The long term solution lies not in Safeguard, but in taking seriously every opportunity to halt the arms buildup simultaneously both here and in the Soviet Union.

I congratulate the Senator from Alaska on his maiden speech. It is a great speech.

Mr. GRAVEL. I thank the Senator from Kentucky.

Mr. FULBRIGHT. Mr. President, when I asked questions of the Senator from Alaska a short time ago, I did not refer to his speech as being a maiden speech. However, I knew that it was when I came into the Chamber.

It reminds me that, 26 years ago, I made my maiden speech in the House of Representatives, but the Senator's was on a much more important subject and a much better speech.

I congratulate the Senator from Alaska once again on producing such a thoughtful and appropriate speech in his maiden effort in the Senate.

I, too, join the majority leader in saying that I agree with the reasoning of the Senator. The Senator from Alaska has obviously interpreted, I believe correctly and thoroughly, the testimony which has been taken by the various committees of the Senate.

Congratulations to the Senator.

Mr. GRAVEL. I thank the Senator from Arkansas.

Mr. HARTKE. Mr. President, the speech of the distinguished Senator from Alaska is an excellent one, with a most persuasive argument against deployment of the ABM system.

I am not surprised at the depth and intensity of the Senator's remarks, and the way he has expressed himself, because I know him personally. I know that he is a man of intelligence, one who is dedicated to the sincere, best interests of the United States of America.

I know that the State of Alaska is very proud of him, as I know all Senators in this Chamber are proud of the fine work he has performed today.

Mr. GRAVEL. Mr. President, I thank my good friend, the distinguished Senator from Indiana, for his kind remarks.

Mr. KENNEDY. Mr. President, I join my colleagues in commending the distinguished Senator from Alaska on his statement to the Senate today.

All of us realize that this is one of the most complicated, involved, and sensitive questions with which the Senate has ever been confronted.

In the Senator's speech, he has shown insight, perceptiveness, and judgment from which all of us can benefit. He is to be commended for his remarks.

The Senator from Alaska renders a valuable service to the Members of this body and to the American people, and I commend him on what he has done today.

Mr. GRAVEL. Mr. President, I thank the Senator from my native State.

Mr. HUGHES. Mr. President, it is with a great deal of pride that the freshman Senator from Iowa rises today to join in the compliments being paid to the freshman Senator from Alaska.

I say "a great deal of pride," because I have enjoyed the relationship the two of us have been sharing since coming to the Senate.

I have long waited for the Senator from Alaska to express himself on this issue. I have never heard a more reasoned, a more thorough speech to a subject than was made here today by the Senator from Alaska. I share completely the views he has expressed.

Naturally, a person feels good when he agrees with a man, but I think that the reasoned, the studied, and the intellectual approach which he has made, obviously for weeks and months into research and soul searching on this subject, as well as the patriotism displayed and the best interests of the people of this great Nation considered, could only reflect on the part of this freshman Senator a great pride in the Senator from Alaska.

Certainly, I join all Senators with more years of service than I in saying to the Senator from Alaska what great joy I share in this fine hour on the floor of the Senate.

Mr. GRAVEL. Mr. President, I thank my good friend from Iowa.

Mr. MURPHY. Mr. President, I, too, should like to congratulate the distinguished Senator from Alaska on his maiden speech.

It is a very thoughtful and very scholarly address. I disagree with much of the logic in it, as he knows, but I think that its preparation and delivery deserve a great measure of the acclaim which has been given him by many of his colleagues today.

Let me ask the Senator one question. Page 8 contains a statement that China is the only nuclear power which has asserted it will never use nuclear weapons first.

I was under the impression that that was the policy of the United States also; is that not true?

Mr. GRAVEL. The only answer I can give to that is that I know of no pronouncement by the United States in that regard. China has repeatedly made that statement.

Mr. MURPHY. I thank my distinguished colleague.

There is one other point I should like to make. Continually in the discussion here, concerning sums of money, I should like to ask my distinguished colleague whether he understands that in the bill before this body the only amount that is within discussion at this particular time—and I understand my distinguished colleague agrees—is that research and development should precede, and that the only objection is to the construction of the building or deployment of the two bases asked for in the bill, and that the amount of money involved is not in the billions of dollars but actually less than $400 million.

I wonder if my colleague understands that before further expenditures can be made, it must come back to this body. Thus, we have a chance to reassess it, look at it, and decide whether further expenditures possibly are necessary. I assume my colleague knows that.

Mr. GRAVEL. The Senator from California knows the high esteem in which I hold him, but I answer him by asking if that is an argument for the ABM—the fact that it is going to cost only $400 million.

Mr. MURPHY. No. The argument for ABM is that all seem to agree that we need a defensive system. From all the testimony the Senator from California has listened to in all the Armed Services Committee secret meetings and open meetings, it seems this is the only system available under the state of the art at the present time. Both proponents and opponents on the scientific side agree to that.

It is the feeling of the Senator from California that the President of the United States certainly has carefully considered all the information, and he has asked for this system. He said something which I think is very important. He said we will have a reassessment and review every year.

The Senator from Alaska and the Senator from California—and I am sure every Member of this body is in complete agreement—hope and pray that the coming arms talks will be productive. Experience of the past has taught us that we must not take too much for granted; that at least one party at the negotiating table has a strange reputation for its manner of negotiating and, later on, the manner in which it stands by its agreements.

The President of the United States, who has the responsibility in this matter, has, at the outset, said he feels the adoption of this proposal will help him at the negotiating table. Others feel it will not help him. I am inclined to believe that perhaps the more he has to deal with in the way of strength, the more the opportunity and the better the chances will be that he will accomplish what we all fervently hope for.

Mr. GRAVEL. I would only add to the comments of the Senator from California that in my mind he reemphasizes the point that no argument is made based on dollar amounts.

Second, I have stated in my remarks that there are alternatives. I believe these alternatives have not been sufficiently studied and they have not been presented to the Congress.

Mr. MURPHY. May I say, in response, I know there are alternatives, but again, as I stated, in discussions with the scientists, who are both for and against the ABM Safeguard system, in answer to direct questions they all agreed that this was the only available system under the present state of the art that is known. There may be a new system later, but——

Mr. GRAVEL. I disagree with the Senator on that. They could, as an alternative possibly expand our primary force. They could harden the sites——

Mr. MURPHY. May I say they were all discussed in the committee?

Mr. GRAVEL. I can only say to the Senator from California that the scientists he has listened to and the opinions I hold, differ.

Mr. MURPHY. As I have explained, I have listened to scientists who were proponents, and also those who were opponents. We went through the matter of hardening. We went through the matter of defense capability and radar and all the other details. The statement has been made that the system will not work. There are just as many, just as capable, who say the system will work. One expert witness said the ABM system which the Russians had already deployed was a "bunch of junk." I do not really think his information on that system is better than the Senator's or mine. I am not sure it is a "bunch of junk." I wish we had one.

I do not think adoption of this proposal will increase the arms race. The Russians have so stated.

So it seems to me that if there is to be a disagreement in a matter of this importance, the point in controversy must be decided in favor of the future security of the United States. At this time, as I pointed out, we are considering in this bill only an amount involving the difference between research and development—which everybody seems to agree should continue—and the building of the two sites, which is less than $400 million. If it gets into billions, we get into a further consideration. It is a matter which will get back to this body. It must be reconsidered. At that point we hope we can say we do not need it and can cut out the whole thing.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MURPHY. I thank my distinguished colleague for his courtesy.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. DOLE. Mr. President, will the Senator from Alaska yield to me?

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAVEL. First I yield to the Senator from Texas (Mr. YARBOROUGH).

Mr. YARBOROUGH. Mr. President, I commend my colleague, the Senator from Alaska, for his very able statement and forceful argument. As he says, it is his maiden speech, but it would be a speech worthy of one who had been in this body for 10 or 20 or 30 years. It is a speech that would be to the credit of any Member of the Senate. His marshaling of the facts has been irrefutable and his marshaling of the arguments unanswerable. It makes me proud that I was the first Senator from the State of Texas who advocated statehood for Alaska.

Mr. GRAVEL. I thank the Senator.

I now yield to the Senator from Kansas.

Mr. DOLE. I commend the Senator from Alaska. I have had an opportunity to read his statement very hurriedly. I am impressed by the statement found on page 11, that it would be unfortunate if a major national security program were approved by a margin of only one or two votes. There is another body in this Congress, whose Members are made up of very patriotic and capable men and women. I would say a vote taken there would be by a margin of two to one. So I would guess there are about 533 Members of the Congress, with a couple of vacancies, and the margin would be much larger than one or two votes. The Senator may be correct as far as this body is concerned.

The Senator is not saying, in essence, that we do nothing; is he? Does the Senator support further research and development?

Mr. GRAVEL. I support the Cooper-Hart amendment.

Mr. PERCY. Mr. President, the Senator from Alaska (Mr. Gravel), in his first formal presentation to this body, has made a significant contribution to the debate on the Safeguard ABM system. I congratulate him on the quality of his argument and the wisdom of his conclusions.

LIMITATION OF STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business today be limited to 3 minutes, beginning now.

The PRESIDING OFFICER (Mr. Young of Ohio in the chair). Without objection, it is so ordered.

THE WRONG MAN FOR VENEZUELA

Mr. CHURCH. Mr. President, I wish to discuss briefly the pending nomination of Mr. John Hurd to be our new Ambassador to Venezuela.

The President sent this nomination to the Senate June 18. No action has been taken on it by the Foreign Relations Committee, and my purpose today is to urge the President to withdraw it.

I do not know Mr. Hurd. From all accounts, he is an estimable gentleman. If he were nominated to be Ambassador to some Latin American country other than Venezuela, I would have no objection. But I believe it would be a costly blunder to send him to Venezuela; and if the nomination is not withdrawn, I shall do everything I can to oppose its confirmation by the Senate.

The problem is that Mr. Hurd is an ex-president of the Texas Independent Producers and Royalty Owners Association and has served on the imports committee of the Independent Petroleum Association of America where he has been actively engaged in the movement for tighter oil import quotas.

I do not propose here to argue the pros and cons of our import policies. But to send an oil protectionist to Caracas is like sending a Zionist to Cairo. Given our gigantic oil investment in Venezuela, it would be dubious enough to send an oil man there under any circumstances. But to send one who has lobbied for tighter import quotas boggles the imagination.

U.S. oil import policy far overshadows any other issue in United States-Venezuelan relations. Up to this point, our import quotas have not forced a curtailment of Venezuelan exports to the United States. But, at the same time, Venezuelan production and exports are not increasing. This needs to be viewed in the context that:

Oil accounts for 90 percent of Venezuela's foreign exchange;

The Venezuelan Government is strapped for money;

Venezuela is one of the very few Latin American countries that has moved forward in the spirit of the Alliance for Progress and that is making democratic government work; and

Venezuelan oil would have trouble increasing its share of the U.S. market even without import quotas. It is substantially more expensive than Middle Eastern oil—even allowing for transportation differentials.

To send to Caracas as the new American ambassador an American oil man who has lobbied for stricter import quotas would inevitably inflame Venezuelans across the political spectrum; it would be like sending fire to fuel.

I emphasize that my objections to Mr. Hurd apply only to his assignment to Venezuela or to some other important oil-producing country. I have no doubt that he would make a commendable ambassador to a country where oil does not figure so largely in U.S. policy, but I cannot give any advice and consent to sending him to Venezuela.

An interpretive account of the consternation that President Nixon's nomination of John Hurd has caused in Venezuela is contained in an article written by Jeremiah O'Leary, the Latin American correspondent for the Washington Star, which appeared in last Sunday's edition of that newspaper. I ask unanimous consent that the article, entitled "Choice of Hurd To Be U.S. Envoy Jolts Caracas," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Choice of Hurd To Be U.S. Envoy Jolts Caracas

(By Jeremiah O'Leary)

Nothing since its last earthquake has rocked Venezuela as much as President Nixon's nomination of controversial Texas oilman John Hurd as ambassador to Caracas.

Hurd, president of the Independent Oil Producers Association and a Nixon campaign fund-raiser, is an avowed enemy of loosening restrictions on foreign petroleum imports. Oil is the life-blood of the Venezuelan economy, and the South American's foreign policy is keyed to obtaining more favorable conditions for marketing its petroleum in the United States.

Veteran observers of Latin-U.S. affairs consider the nomination a blunder in view of Hurd's opposition to imported oil and Washington's desire to improve relations with other countries of the hemisphere.

Hurd is viewed in Venezuela about as favorably as a Ku Klux Klan member would be in Tanzania. Reaction of Venezuelan government officials to the nomination, while publicly correct, has been choleric in private. Venezuelan newspapers have not been so restrained, and they have been swinging freely at the nomination since it was announced June 12.

CALDERA HAS TROUBLES

President Rafael Caldera, a minority election victor still in his first year in office, is having trouble enough governing his turbulent democratic nation without the added tribulation of a U.S. envoy with a record of protectionist oil advocacy. Caldera won election last winter as a candidate of the Social Christian (COPEI) party over the incumbent Democratic Action party but inherited a large deficit and faces restlessness in several quarters.

The youth wing of COPEI, which is considerably to the left of the party main stream, has been stirred up by the Hurd nomination. In addition, Caldera permitted the first July in recent Venezuelan history to pass without promoting any of the army's generals. This could come back to haunt him even though the well-budgeted armed forces are not coup-minded.

Political observers believe Caldera would have withheld Venezuela's placer—the diplomatic agreement to receive an envoy—in the case of Hurd if he had not found it necessary to ask New York's Gov. Nelson A. Rockefeller to skip Venezuela in his fact-finding tour for Nixon. Rejection of both Rockefeller as Nixon's personal emissary of the U.S. President and Hurd as ambassador would have been, or seemed, more provocative than Venezuela cares to be in relation to Washington.

Venezuela's manifest intention, in the event Hurd is confirmed by the Senate, is to receive him with what might charitably be described as restraint. Some Venezuelan officials make no bones about saying Caracas will simply ignore Hurd if he comes as ambassador and attempt to deal with Washington through its envoy here.

HINT OF SECOND THOUGHTS

It is difficult to see how the 54-year-old native of Laredo, Tex., could function as an effective ambassador under these conditions, and there is some evidence that Washington is already having second thoughts about the wisdom of the nomination. Hurd's nomination already has gone six weeks without being scheduled for a confirmation hearing by the Senate Foreign Relations Committee. Some sources take this as an indication that the nomination may be withdrawn.

There have been hints around Capitol Hill and the State Department that Hurd may be redesignated as ambassador to another country where oil is not an explosive domestic isue.

Hurd was Texas state chairman for the Nixon-Agnew campaign last year. He figured in the news when the Pearson-Anderson column reported Spiro T. Agnew had given a secret pledge to Texas oilmen that a Nixon administration would block a proposed free trade zone at Machiasport, Me. The incident reportedly occurred at a fund-raising affair in the Petroleum Club of Midland, Tex., in October.

Agnew reportedly said, "I assure you any gimmick to get a refinery at Machiasport will be killed."

Hurd was quoted as saying, "I have good news for you. I have talked directly to Mr. Agnew. He has assured me that the Occidental (Petroleum Co.) effort at Machiasport is dead. If he and Nixon are successful, there will be no refinery."

Both Agnew and Hurd denied making the statements but Hurd admitted discussing the hope that the Nixon-Agnew administration would not show favoritism to any part of the oil industry as to import quotas.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH—AMENDMENTS

AMENDMENTS NOS. 114 THROUGH 116

Mr. NELSON. Mr. President, in behalf of the Senator from New York (Mr. Goodell) and myself, I send to the desk three amendments.

CHEMICAL-BIOLOGICAL WARFARE

Mr. President, it is only recently that we have begun to penetrate the highly secret Pentagon world of the deadly weapons of chemical-biological warfare. So secret is that world that few Members of Congress know what this country is doing in the experimentation, development, stockpiling, and disposal of these weapons. But the magnitude of the threat to the people of this Nation and the world requires the fullest congressional examination and investigation.

Most Congressmen were surprised and shocked recently when the Wall Street Journal revealed that 24 persons had been injured in a nerve gas accident, but in the disclosure that deadly weapons had been secretly moved to the Ryukyu Islands base that is a major jumping off point to the war in Vietnam.

Reacting in its usual manner, the Defense Department denied the accident on Okinawa. A few days later, however, the Pentagon made a vague admission that the accident had occurred and that some chemical agent was involved. The Okinawa incident is one of several that have occurred recently. It is mentioned here as one example of what has been happening. But the Pentagon should not receive all the criticism for keeping all CBW activity in strictest secrecy. Congress has permitted the Pentagon to go its own way without asking for an accounting and it must be obvious to the Nation and the world that Congress has failed to devote sufficient time and energy to debating and reviewing the chemical-biological program.

The seriousness of this failure was emphasized last week in the statement made by Senator ALLEN ELLENDER who said:

> As far as the Continental U.S. is concerned, evidence has recently been brought out that tremendous stockpiles of various deadly compounds are on hand at centers throughout the country. Most of this work has been done without the knowledge of the Congress. During my twenty years service on the subcommittee of the Appropriations Committee for Defense, I never have come across any line item for the production of nerve gas.

But in spite of the fact that Senator ELLENDER has not seen a line item for production of nerve gas in his 20 years on the subcommittee, this country is spending approximately $1 million a day on chemical-biological warfare weapons.

It is well known that these chemical-biological weapons have the frightening capacity of backfiring, especially if the wind happens to change direction. That happened only last year when the winds carried poisonous gasses from a Dugway Proving Grounds test in Utah to an area where livestock was grazing and 6,400 sheep died. Fortunately the wind blew in the direction of animals. Had it blown in another direction the tragedy might well have been to people in nearby Salt Lake City.

Certainly, CBW deserves the same careful attention and scrutiny that Congress is presently giving the question of the deployment of the ABM. Biological weapons, even in the best circumstances, are highly unreliable devices that always carry the threat of epidemic for people all over the world. The threat of these dangers has been discussed by concerned persons everywhere. Just last week Senator THOMAS J. MCINTYRE expressed his concern and a concern I am sure many Members of Congress share when he said:

> We all share the fervent hope that we won't have to fight again once peace is secured in Southeast Asia. But if ever we must retaliate in the event of a germ warfare attack, I would hope we would use a more effective response than the chaotic dissemination of deadly germs. I think most Americans would agree with me.

That is why this group of Senators has come to the floor today to offer a number of amendments to the military appropriations bill. Senator CHARLES GOODELL is joining me in the sponsorship of three amendments. Senator VANCE HARTKE is sponsoring three others. Senator CLAIBORNE PELL is sponsoring another and cosponsoring one with Senator RALPH YARBOROUGH.

Congress must act now to fulfill its responsibility in discussing a program that has safely escaped careful congressional scrutiny for 50 years. The proposals offered today are not radical; nor do they jeopardize the security of this Nation.

It is our conviction that our proposals, if passed, will offer greater protection to our citizens and will guarantee the right of Congress to review the actions of the executive branch of Government. Perhaps, more importantly, these amendments might be significant contributions toward cooling the spiraling arms race.

The first amendment Senator GOODELL and I will offer prohibits the open air field testing of nerve agents or any other pathogenic biological organism. This amendment does not prohibit the field testing of tear gases, incapacitating gases, chemical stimulants, or nonpathogenic biological organisms. It also does not prohibit the testing of agents done within the confines of a laboratory.

The next amendment prohibits any procurement of biological bomblets, biological spray tanks to be attached to aircraft, biological missile warheads, any shells containing nerve agents or a biological toxin, and other devices that could be used to disseminate lethal chemical or pathogenic biological agents in warfare.

The third amendment is twofold: First, to insure that foreign nations are consulted before the United States deploys CBW agents on their soil; and second, to assure that Congress is consulted before the United States deploys CBW agents on those lands outside the United States which are under its jurisdiction and control, such as Okinawa.

Hopefully this last amendment will eliminate the dangerous international repercussions of deployment of such weapons on foreign territory. In addition to the Okinawa incident which threatens our relations with Japan, the West German Government has now revealed that poison gas is being stored in that nation.

The package of CBW amendments offered here today is aimed at answering the question that concerned Congressmen and people all over the world are asking. After the ABM issue is settled, Congress should plan to set aside time for several days of debate and consideration of these amendments and a thorough examination of our total CBW program.

These are modest and very limited amendments which do not reach the much more important issue as to whether we should be developing such a weapons system at all. There are grave practical, political, and moral questions that must be debated and resolved by the Congress and the people of this country. It is my own view that we are developing a chemical and biological monster that cannot be controlled. It will ultimately proliferate into the armaments race of all nations large and small and we will have made it possible because of our own research and development. As the Columnist James J. Kilpatrick put it in a column in the July 31 Washington Evening Star:

> The "possible poisoning of whole populations" is a caged monster, dwelling in the dungeons of the unseen hell that men of all nations have fashioned.

On the moral question—I cannot believe that the people of this Nation would ever sanction the use of deadly disease germs and lethal gases on defenseless civilian populations.

These important questions cannot be left for settlement in the military arena; it is in the public forum where such issues must be weighed and resolved.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Time To Lift the Veil on Grisly CB Weapons," written by James J. Kilpatrick and published in the Washington Evening Star of Tuesday, July 1, 1969.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TIME TO LIFT THE VEIL ON GRISLY CB WEAPONS

(By James J. Kilpatrick)

For the first time in many years, possibly since the mustard gas days of World War I, the American people are beginning to think uneasily about the most grisly weapons in contemporary arsenals—the weapons of chemical and biological warfare. It is a subject that cries out for sober discussion.

Several events have served the useful purpose of provoking debate. There was the killing of sheep in Utah last March. In late spring a hullabaloo arose over the army's effort to dispose of obsolete stocks of chemical agents. Then came the row over storage of nerve gas on Okinawa—a row that Secretary of State Rogers has been trying to quiet this week in Japan. A few days ago, Louisiana's Senator Ellender complained publicly that in the 20 years he has served in Congress, the military establishment has kept its CB program a tight secret.

At least some of the secrecy ought to be ripped away. No one reasonably could ask that the Joint Chiefs of Staff make full disclosure of every last detail of research, development, production and storage of its CB agents. At the same time, a thorough ventilation of the nature of these frightful weapons might well lead to stronger covenants against their use.

Contrary to widespread assumption, the United States never ratified a treaty banning the use of poison gas. Such an agreement was signed at Geneva in 1925, but when the Geneva Protocol reached the U.S. Senate the following year, a number of objections were heard. Gen. John J. Pershing, speaking from his own searing knowledge of chemical warfare, did his best to help the agreement along:

"I cannot think it possible that our country should fail to ratify the protocol," Pershing wrote the Foreign Relations Committee. "Scientific research may discover gas so deadly that it will produce instant death. To sanction the use of gas in any form would be to open the way for the use of the most deadly gases and the possible poisoning of whole populations of noncombatant men, women and children. The contemplation of such a result is shocking to the senses. It is unthinkable that civilization should deliberately decide upon such a course."

Unfortunately, the Senate took the unthinkable course. Alone among the powers of the earth, the United States failed to ratify. Meanwhile, in the 43 years that have passed, Pershing's prophecy has come true. The "possible poisoning of whole populations" is a caged monster, dwelling in the dungeons of the unseen hell that men of all nations have fashioned.

In closed-door testimony before a Senate committee last April, Dr. Matthew S. Meselson, professor of biology at Harvard, gave several senators an elementary course in chemical and biological warfare. His statement, carefully sanitized, was released in printed form a few weeks ago. Copies may be obtained from the Foreign Relations Committee.

The U.S. has seven chemical warfare agents. These begin with CN, which is ordinary tear gas. At the next level is CS, a super tear gas used in Vietnam. Slightly stronger is DM, an agent that causes violent sneezing, nausea and vomiting. Little is known of BZ, a "temporary incapacitant that interfers with normal mental and bodily processes." Another incapacitant is HD, better known as the blistering mustard gas.

The two remaining chemical agents are VX and GB. Both are highly lethal. "A tiny droplet of VX on the skin will cause death," Dr. Meselson said. This was the agent that killed the 6,000 sheep in Utah. As for GB, a nerve gas developed but never used by the Germans in World War II, a single bomber in a single run "might be able to kill most unmasked persons within an area of at least five square miles." This would happen "within a matter of seconds."

The biological agents are more dreadful still: "These pose a threat to the entire human species." Space prevents a description of them here; but these agents exist, and one does not have to be a professional pacifist to raise an alarm about them. As Senator Ellender said, it is high time for the Senate to get concerned.

Mr. NELSON. I ask unanimous consent that the amendments offered in behalf of myself and the Senator from New York (Mr. GOODELL) be printed in the RECORD.

The PRESIDING OFFICER. The amendments will be received and printed, and, without objection, will be printed in the RECORD.

The amendments are as follows:

AMENDMENT No. 114

At the end of the bill add a new section as follows:

SEC. 402. None of the funds authorized to be appropriated by this or any other Act may be used for open air tests of lethal chemical agents or pathogenic biological microorganisms or biological toxins.

AMENDMENT No. 115

At the end of the bill add a new section as follows:

SEC. 402. None of the funds authorized to be appropriated by this or any other Act may be used for the procurement of delivery systems designed to disseminate lethal chemical agents, pathogenic biological microorganisms, or biological toxins, or for the procurement of any part or component of such delivery systems.

AMENDMENT No. 116

At the end of the bill add a new section as follows:

SEC. 402. None of the funds authorized to be appropriated by this or any other Act may be used for the storage or deployment of any lethal chemical agent or any pathogenic biological microorganism or any biological toxin at any place outside the United States, or for the deployment at any place outside the United States of delivery systems designed to disseminate any such agent or microorganism or toxin unless the country exercising jurisdiction over such place has prior notice of such action. In the case of any place outside the United States which is under the jurisdiction or control of the Government of the United States, no such action may be taken unless prior notice of such action has been given to the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Interior and Insular Affairs, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Interior and Insular Affairs, and the Committee on Appropriations of the House of Representatives. As used in this section the term "United States" means the several States, and the District of Columbia.

Mr. GOODELL. The amendments being offered today by the Senator from Wisconsin (Mr. NELSON) and myself as well as the amendments of other Senators indicate that the period of silence over gas and germ weapons is over. It is time for open discussion of CBW. What is needed is some plain speaking between Congress and the Pentagon, between our Government and other Governments and between our Government and the American people.

Chemical and biological weapons have long been one of the Pentagon's most closely held secrets.

We, however, have come to know and to think about weapons. As with nuclear weapons, we must come to know and understand chemical and biological weapons. Only in this way, will we be able to consider gas and germ weapons with sustained understanding rather than to react sporadically on impulse and ignorance. Congress and the Nation have a right to know the facts from the Pentagon and to debate the issues of CBW just as we have come to know and debate nuclear weapons.

What we need to consider are the grave moral issues which arise when we stockpile munitions filled with lethal gas and disease-producing bacteria. What is needed is an in-depth examination of the Pentagon's retaliation-in-kind concept used to justify this program.

Peril points do exist in this weapons program. There are dangers that can no longer be ignored or hushed in secrecy.

Consider the peril to the health and safety of the American people unless CBW testing, transportation, stockpiling, and disposal are regulated. Consider the peril to constitutional guarantees of checks and balances unless Congress can review requests and the rationale for an expanded CBW program. Consider the peril to U.S. relations with other countries unless deployment of these weapons is with mutual consent.

Now let us think about the example that our CBW program presents to both nuclear and nonnuclear nations.

One aspect of our program is CBW training for foreign officers from over 35 nations. Does this inspire an appetite for acquisition and proliferation of these weapons throughout the world? What if we receive requests from nations engaged in war for supplies of deadly nerve gas or disease-producing biologicals. Under these circumstances, what would the American people want our Government to do?

Finally, what about arms control? CBW is a driving wedge splitting meaningful action from general disarmament goals.

Let us weigh carefully the horrors in actual use of these insidious weapons of war. Let us weigh the escalation-of-weapons risks to the soldier and to civilian populations if gas and germs are unleashed in war.

The three amendments which I will introduce with Senator NELSEN today aim at limiting the dangers posed by offensive lethal chemical and biological weapons. We hope that our discussion of these amendments will help to answer some of the difficult questions which CBW poses.

The first amendment prohibits the open air field testing of nerve agents or any pathogenic biological organism. This amendment does not prohibit the field testing of tear gases, incapacitating gases, chemical stimulants, or nonpathogenic biological organisms. It also does not prohibit the testing of agents done within the confines of a laboratory. Distressing as it may be to have to guard against gas and germ warfare, it is vitally important to continue testing in the laboratory for protective devices aimed at both military and civilian defense.

The next amendment prohibits any procurement of biological bomblets, biological spray tanks to be attached to aircraft, biological missile warheads, any shells containing nerve agents or a biological toxin, and other devices that could be used to disseminate lethal chemical or pathogenic biological agents in warfare. Chemical and biological warheads for the Sergeant have brought CBW to the missile age. Weapons escalation has come a long way since 1944 and the Army's ill-fated scheme to use bats to deliver incendiary bombs.

The third amendment is twofold: First, to insure that foreign nations are consulted before the United States deploys CBW agents on their soil; and, second, to assure that Congress is consulted before the United States deploys CBW agents on those lands outside the United States which are under its jurisdiction and control, such as Okinawa. Hopefully this last amendment will eliminate the dangerous international repercussions of deployment of such weapons on foreign territory. In addition to the Okinawa incident which threatens our relations with Japan, the West German Government has now revealed that poison gas is being stored in that nation.

Mr. President, the possibility of accidental death, contaminated land, or the spread of disease due to outdoor testing is an unacceptable price for adding still more to the vast offensive capability of our CBW arsenal.

Lethal chemical and biological weapons are a menace to life in the outdoor testing stage. Throughout the procurement and deployment stages, CBW designed for offensive military purposes, presents a perilous barrier to meaningful arms control. From the perspective of war strategy, tactical use of lethal chemical weapons is of marginal utility. Moreoever, it opens up the question of weapons escalation on the battlefield and threats to civilian population. Tactical use of disease-producing bacteria is simply indefensible. Still, the Pentagon wants to add to its CBW arsenal.

It is time we ask if we must continue up the "balance of terror" ladder with CBW. It is time we ask whether the United States is contributing to an erosion of past anti-CBW restraints by its CBW program.

In chemical and biological weapons funding over the years, we have been guided by the Pentagon's "retaliation-in-kind" argument. Where do we find ourselves now?

We find ourselves now in a near perfect model of weapons escalation. We have witnessed escalation in the potency of CBW agents. In gases: chlorine became more powerful than tear gas, phosgene more so than chlorine and the arsenal expanded with the addition of mustard gas and the nerve gases, GB and VX. In biological agents: micro-biological agents of increased resistance to protective treatment are constantly being searched for in our BW laboratories. Our BW effort has now reached a point where it appears to be the world's most ambitious effort to develop deadly germs for offensive military weapons.

There has been escalation in delivery systems and in target potential.

The size of our budget for CBW program development has also been built up. In the last 10 years, our expenditures for a CBW program have increased sevenfold to over $350 million estimated for fiscal year 1970. Other estimates put CBW funds at double this figure.

Mr. President, what will be in store for future generations if we pursue this course of action? Today our attention is focused on nuclear weapons. The Pentagon is asking for funds to deploy an ABM as a defense against nuclear attack. While this nuclear defense question is before us, I wonder about the future and CBW.

Is the handwriting on the wall? In the years to come, will the Pentagon be asking us for an ACBM, an anti-chemical and biological monitoring system?

Life and death decisions are now being made in the Pentagon's laboratories as well as at test sites. The Pentagon can add or detract from the capabilities of CBW now available.

Yet the issues that gas and germ weapons pose to the military are dwarfed by the policy problems which we must face here in Congress. The American people must face these problems with us.

Precautions can be taken now against the perils of CBW if we have the will to take them.

Many of us have requested that the President send to the Senate the Geneva protocol outlawing the use of chemical and biological warfare. Hopefully, this will be a step taken in the immediate future.

I am hopeful also that Senate consideration of our amendments and those of the Senator from Indiana (Mr. HARTKE), the Senator from Rhode Island (Mr. PELL), and the Senator from Texas (Mr. YARBOROUGH) will lead to better understanding of chemical and biological weapons. The issues which these weapons raise to Congress and the Nation are too serious to let CBW spiral in secrecy any longer. The time of discussion review and hard choice is at hand.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table.

AMENDMENT NO. 117

Mr. YARBOROUGH. Mr. President, the chemical and biological warfare program of the United States raises vital questions in the area of public health and safety. I believe I have a special responsibility to bring these quesions to the attention of the Senate because I am chairman of the Labor and Public Welfare Committee and its Health Subcommittee.

The chemical and biological warfare program of the United States costs approximately $1 million per day. Yet to date, Congress has not devoted sufficient time to analyzing this weapons system and what it means to the domestic health and safety of the country.

The chemical and biological warfare program has already caused great concern throughout the Nation because of the hazards to the public health and safety of our people and their environment, caused by the field testing and transport of CBW agents. In addition, we are concerned with its effect on our relations with other countries. Most recently, we have had to deal with the severe repercussions which resulted from the accidental release of nerve gas on Okinawa.

Pursuant to a request last year by the Special Subcommittee on Science—now the Special Subcommittee on the National Science Foundation—of the Committee on Labor and Public Welfare, the Legislative Reference Service of the Library of Congress prepared a background report on chemical and biological weapons. This background report is the source of much of the discussion which follows.

The U.S. Army defines chemical warfare as the tactics and techniques of conducting warfare by use of toxic chemical agents. Chemical weapons can be designed to cause, first, either death or disability in a man; second, destruction or damage to food, animals and crops; and third, depression or removal of other living things in accordance with a specific military tactic.

Types and effects of the principal chemical agents are as follows:

Nerve gases are the most lethal—or deadly—chemical weapons. Generally odorless and colorless, they cause asphyxiation by paralyzing the human nervous system. As little as one-fiftieth of a drop can kill a man.

Incapacitating agents can produce temporary paralysis, blindness, or deafness.

Harassing agents include mustard gas, which caused many casualties in World War I. Mustard gas causes severe burns to eyes and lungs and blisters the skin. Large amounts can kill.

Defoliants and herbicides are used against vegetation rather than humans; can be sprayed on forests and jungles to expose enemy hiding places, also effective in killing crops in enemy-held territory; may cause eye irritation, stomach upsets, or arsenic poisoning in humans.

Biological warfare is the deliberate introduction of disease-producing organisms into populations of people, animals or plants. The organisms are the same as those found in nature, but can be selected and cultured to be more virulent and resistant than those in nature. Some organisms, and especially bacteria, can be grown so as to be resistant to drugs and antibiotics.

It might also be possible to develop a kind of "super germ" or new strains of germs for which the body has not evolved antibodies and for which vaccines have not been developed. The Hong Kong flu is an example of a virus—evolved by nature—to which we had no seriological resistance and for which a vaccine could not be developed until the disease was discovered and the organism isolated.

There are diseases such as influenza which are basically incapacitating and there are others which cripple or kill. Hundreds of pathogenic organisms are available in nature from which the scientist and military strategist can select those which will serve the planned effect. Among the most effective and most feared BW diseases are the following:

Anthrax is a bacterial disease usually found in animals. Symptoms include high fever, hard breathing, and physical collapse. It can cause death within 24 hours if it affects the lungs.

Brucellosis is a bacterial disease usually found in cattle, goats, and pigs. Also known as undulant fever. Not usually fatal to humans although can cause high fever and chills which may last for months.

Plague is a bacterial disease sometimes carried by rats. Usually fatal within a week. Pneumonic plague affects the lungs, may be transmitted by coughing.

Q-fever is a highly infectious disease usually carried by ticks. Rarely fatal, can cause fever lasting 3 months.

Because biologic agents are invisible, odorless, and tasteless, and usually produce no immediate physiologic damage, their early recognition is often impossible. Another reason for the delay in recognition of a biologic agent lies in the fact that physical detection from samples of air, food, and water might take days and even longer, especially if the organism were foreign to the affected population.

Protection against biologic agents is extremely difficult. For example, the "Emergency Manual Guide on Biological Warfare—1959" states:

> Decontamination of extensive areas is not considered practical. Rather, natural decay, assisted by sunlight, temperature and air movement must be relied on.

The population is better protected if it has been immunized actively or passively before biologic attack. Thus far it has been impossible to have available a multitude of vaccines capable of being dispersed and administered to a large population. Also, there are as yet no effective vaccines against certain diseases. It is likely that the young, the elderly and the infirm will be particularly susceptible victims.

Biological weapons systems have potential as a device for mass destruction. This is especially true if the combination of virulent agents and susceptible popualtion, along with other conditions, are suitable to epidemic results. It is a self-replicating weapon—it proliferates itself, not only in the affected individual, but also in the entire population.

Not all diseases are equally contagious, but in one way or another they may spread from those who receive the direct inoculum to those who do not.

Crops are vulnerable to biological attack. Some biological agents are persistent; that is, they have spore forms which resist destruction and may remain in the environment, especially the soil, for tens or even hundreds of years.

Increasing attention is being given by the media to recent accidents and potential for accidents in the testing, development, transportation, and disposal of chemical and biological weapons. The July 25 edition of Medical World News contains an article on this subject, entitled "Biological Warfare: Off Limits to Doctors." Most of the following information is from that excellent article, including this quote:

> Congressman's Question: What amount of VX nerve gas currently being tested in the open air over Dugway Proving Ground in Utah can kill a man?
>
> Physician's Answer: I don't know.
>
> Congressman's Question: Were you aware that the Army's own maps show a permanent biocontaminated area about 17 miles outside Dugway?
>
> Physician's Answer: Not until I read about it in yesterday's papers.
>
> The doctor who was thus forced to admit ignorance at a recent congressional hearing was the Surgeon General of the United States Public Health Service, William H. Stewart, who becomes chancellor of the Louisiana State University Medical Center next month. "I have primary responsibility within the federal government for the protection of public health," Dr. Stewart noted. To make the paradox more bitter, Dr. Stewart had served as chairman of the blue-ribbon committee set up to determine whether Dugway's testing programs, which killed some 6,000 sheep last year, have safety precautions adequate to protect humans, plants, and animals outside or inside the proving ground.
>
> Much of the information about current U.S. biological warfare programs was apparently off limits to Dr. Stewart, as it is to nearly all other physicians, and to just about everybody else as well. The government, university, and drug industry scientists actively involved in these programs apparently include relatively few physicians. The Army's major bio-war center at Fort Detrick, Maryland, for example, has only 14 MDs on its staff, compared with 120 PhDs. And despite the claim that the U.S. programs are purely defensive, physicians who have tried to find out about possible medical defense measures have had little luck with the Army. In the information that has been made available, there is no evidence of any substantial work on ways of protecting the civilian population against a biological attack, or against an air crash, train wreck, lab explosion, or earthquake involving U.S. research or storage facilities.

I believe it is imperative that the Surgeon General be allowed to exercise primary responsibility within the Federal Government for the protection of public health of the citizens of the United States. Thus, I am offering an amendment to the military procurement authorization bill, S. 2546, so that the Surgeon General may be allowed to exercise his responsibility.

The amendment simply states that the Surgeon General of the Public Health Service must determine that any testing, development, transportation, or disposal of chemical and biological weapons will not present a hazard to the public health before any funds can be used for these purposes.

We must not have other incidents such as occurred at the Dugway Proving Ground in Utah. The wind that carried the poison gas which killed 6,000 sheep blew 35 miles to the northeast. But if it had gone 35 miles east to Tooele, or 35 miles north to Highway 40, Dr. Gubler, chief of staff of Tooele Hospital, believes the victims might have been humans as well as sheep.

A witness at committee hearings called by Congressman REUSS, Dr. D. A. Osguthorpe, a Salt Lake City veterinarian, who had been one of the people instrumental in tracking down the cause of the sheep deaths, hinted that there may have been another accident at Dugway. Asked by Congressman VANDER JAGT:

> Have you ever run into diseases that you have been unable to account for?

Dr. Osguthorpe replied:

> I have run into a disease in newborn calves in the area. No antibiotic or drug so far has proved to have any therapeutic value. My theory is that this is a toxin, a biological agent.

Congressman RICHARD MCCARTHY has pointed out:

> Fort Detrick, the Army Biological Warfare Research Center, has one of the poorest records among major biological institutions for infections. There were 3,300 accidents at Detrick between 1954 and 1962. Half of these occurred in a laboratory, involving broken test tubes and accidental scratches from needles. About 400 men were infected as a result.

Infections among workers at secret installations pose a threat to the entire neighboring community, MCCARTHY states. He has cited the instance of a worker who caught a plague at Fort Detrick some years ago:

> He also happened to be a lifeguard at a swimming pool and had been in contact with many people. Local residents who might have come into contact with Detrick personnel were not warned of the danger.

Fort Detrick, of course, is only minutes from Washington, D.C.

Recently, there was a furor over the proposed cross-country shipment of some 800 carloads of poison gas stockpiled from World War II. The gas was to be dumped in the Atlantic Ocean.

Congressional hearings unleashed a horde of disturbing questions about hazards of the proposed dumping. Among them: Might a medical disaster be inflicted on the civilian population of our large cities if an accident befell these trains on the roadbeds of our old, rough railways? As a result of the furor, some of the poison gas will probably be burned or chemically decomposed somewhere near the present storage sites, but the problem still has not been solved to everyone's satisfaction.

I think the time is right for the Senate to take action. It is my earnest hope that the Senate will pass my amendment. This amendment is not designed to prevent the testing and development of such agents if it can be done with safety to the civilian population. It is designed to protect the civilian population, not to hamper the Army and the scientists. It is not meant to cripple our defenses; rather, it is meant to protect our people.

I ask unanimous consent to have printed at this point in the RECORD the article published in Medical World News of July 25, 1969, entitled: "Biological Warfare: Off Limits to Doctors," and the text of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be received and printed, and will lie on the table.

The article is as follows:

[From Medical World News, July 25, 1969]

BIOLOGICAL WARFARE: OFF LIMITS TO DOCTORS

Congressman's question: What amount of VX nerve gas currently being tested in the open air over Dugway Proving Ground in Utah can kill a man?

Physician's answer: I don't know.

Congressman's question: Were you aware that the Army's own maps show a "permanent biocontaminated area" about 17 miles outside Dugway?

Physician's answer: Not until I read about it in yesterday's papers.

The doctor who was thus forced to admit ignorance at a recent congressional hearing was the Surgeon General of the U.S. Public Health Service, William H. Stewart, who becomes chancellor of the Louisiana State University Medical Center next month. "I have primary responsibility within the federal government for the protection of public health," Dr. Stewart noted. To make the paradox more bitter, Dr. Stewart had served as chairman of the blue-ribbon committee set up to determine whether Dugway's testing programs, which killed some 6,000 sheep last year, have safety precautions adequate to protect humans, plants, and animals outside or inside the proving ground.

Much of the information about current U.S. biological warfare programs was apparently off limits to Dr. Stewart, as it is to nearly all other physicians, and to just about everybody else as well. The government, university, and drug industry scientists actively involved in these programs apparently include relatively few physicians. The Army's major biowar center at Fort Detrick, Md., for example, has only 14 MDs on its staff, compared with 120 PhDs. And despite the claim that the U.S. programs are purely defensive, physicians who have tried to find out about possible medical defense measures have had little luck with the Army. In the information that has been made available, there is no evidence of any substantial work on ways of protecting the civilian population against a biological attack, or against any epidemic that might be set loose by an air crash, train wreck, lab explosion, or earthquake involving U.S. research or storage facilities.

Until recently, the Army's secrecy has kept biological weapons from arousing widespread alarm among physicians and the public at large. This year, however, the biowar program, along with many other Pentagon projects, has lost much of its former immunity. Its congressional opposition, sparked by Rep. Richard McCarthy, a Democratic from Buffalo, N.Y., has now expanded to include the usually hawkish Senate Armed Services Committee. President Nixon has ordered a sweeping review of U.S. policies on chemical and biological warfare. A UN committee with representatives from all 13 countries believed to have biowar programs has called for unconditional effective biological and chemical disarmament. And physicians who see biological warfare as off limits ethnically to anyone who has taken the Hippocratic oath, and who believes that the medical profession should take the lead in pressing all governments to rid themselves of these weapons, are getting a hearing in an increasing variety of medical organizations.

Only about 15% of biowar research is ever published in the open scientific literature. As a result, some significant data reach the light of day via such publications as the *Congressional Record* rather than the more traditional scientific journals.

If Dr. Stewart had looked in the *Record* a few days before his testimony, he would have found a statement by Dr. Matthew S. Meselson, professor of biology at Harvard, about nerve agent VX. "A tiny droplet on the skin will cause death," Dr. Meselson said, citing Swedish research.

Dr. Meselson lists some of the reasons why a sizable group of scientists and physicians is disturbed: "Important military personnel can be equipped and trained to use protective devices far more easily than civilians can. Civilians are the most natural and most vulnerable targets for chemical and biological attack. Field testing of live biological weapons and especially the outbreak of actual biological warfare would be a menace to the entire human species."

Much the same prediction is made in a UN report on chemical and bacteriological weapons completed by consultant experts from 14 countries and just released by Secretary General U Thant. The experts came from Canada, Czechoslovakia, Ethiopia, France, Great Britain, Hungary, India, Japan, Mexico, the Netherlands, Poland, and Sweden as well as the U.S. and USSR. Of these countries only Ethiopia is believed to have abstained so far from biowar research.

The UN report says the idea of biological weapons being used to spread disease "generates a sense of horror."

"And anyone who reads the report—as I urge all physicians to do—will see that there is a technical basis for this value judgment," says this country's consultant expert to the UN group, Dr. Ivan L. Bennett, New York University's vice president for medical affairs.

The UN report discusses various biological agents. From its appetizing menu (see box, page 26) an attacker could pick his weapon on the basis of precisely what he hoped to accomplish. For high mortality, anthrax, glanders, melioidosis, and plague (pneumonic) would be the diseases of choice, especially if reinforced by artificial drug resistance as shown on page 23. For fast transmission to areas and individuals who missed out on the first dose, cholera, smallpox, and pneumonic plague would be the best bet. To incapacitate large numbers of people for several weeks or more, one might choose Chikungunya fever, tularemia, typhus, brucellosis, glanders, coccidioidomycosis, Rocky Mountain spotted fever, or an aerosol version of tick-borne encephalitis. And there is no guarantee that an aggressor would use one weapon at a time. Airborne anthrax, for example, would fell far more victims if it were combined with influenza. Both the U.S. and USSR are believed to be working on all, or nearly all, of the agents discussed in the UN report, and to have large stockpiles of the ones their biowar scientists consider the most useful.

Perhaps the most frightening characteristic of these weapons is their unpredictability. Bullets and bombs can be aimed; viruses and bacteria cannot. Bullets and bombs, once used, do not reproduce themselves in ever-increasing numbers; specially bred viruses and bacteria may. As the UN committee's experts point out: "Were these weapons ever to be used in a large-scale war, no one could predict how enduring the effect could be, and how they would affect the structure of the society in which we live. This overriding danger would apply as much to the country which had initiated the use of these weapons as to the one which had been attacked, regardless of what protective measures it might have taken."

Another danger comes from the low cost of these weapons. Just about any country that can find enough funds and know-how to operate a small vaccine laboratory or even a large brewery can initiate biowar research. Poor countries can pollute the world almost as easily as rich ones.

The weapons themselves may be cheap, but a lot of money can be spent on delivery systems. These systems include planes with spraying devices and missiles with various type of warheads. In this country, the Army alone spends at least $330 million per year for chemical and biological warfare activities. This official figure, given by Dr. K. C. Emerson, acting Deputy Assistant Secretary of the Army for Research and Development, has been challenged by congressmen as being too low. Some informed observers place the spending by the Army at roughly double that figure.

Delivery systems need not be elaborate, however. For most biological weapons the preferred form of dispersal is an aerosol. In one field trial cited by the UN report, 200 kg of zinc cadmium sulfide, a harmless powder, was distributed from a ship sailing 160 miles along a coastline while staying ten miles offshore. The resulting aerosol traveled more than 450 miles inland and covered an area of nearly 30,000 square miles.

Because biowar research is closest to medical research, it represents the most intense perversion of the humane aims of science, says Dr. Joshua Lederberg, 1958 recipient of the Nobel Prize in Medicine and now professor of genetics at Stanford.

Dr. Lederberg and his fellow critics argue that apart from enforceable treaties there can be no protection against a biological attack or accident. A less scholarly New York City internist puts the point tersely: "If the Public Health Service can't protect the nation against a flu epidemic with six months' advance warning, how in the hell could they ever protect us against an unknown organism that we have no vaccines against?"

One physician in a good position to speak to this question is Col. Dan Crozier, commanding officer of the U.S. Army Medical Unit at Fort Detrick. To Dr. Crozier, the most important aspect of medical defense is quick etiologic diagnosis. "Times considered acceptable in general medical practice would be totally unacceptable and possibly disastrous," he said in *JAMA* (Vol. 175, No. 1). His suggestion: a maximum elapsed time of six hours in the lab.

Despite the limited information available to doctors, biowar defense "is primarily a medical problem and is a responsibility of the medical community," Dr. Crozier said, "The civilian medical profession will bear the brunt of the load. It will not matter that one opposes war or is against the use of microbiological agents as weapons, the problem will be one that must be met. At the present time, definite answers do not exist to many of the problems that would be created by such an attack."

Last year at the American Public Health Association meeting in Detroit, Dr. Crozier added another dimension: "It is no secret that the military forces of the U.S. are interested in biological warfare from the offensive as well as the defensive standpoint." In his current book, *Chemical and Biological Warfare*, Seymour Hersh cites Pentagon papers and Army field manuals in documenting a shift, under the Eisenhower Administration, away from the Roosevelt no-first-use policy.

The Committee for Environmental Information, a group originating at Washington University in St. Louis, is concerned with hazards of uncontrolled testing and careless handling. Official secrecy "is a deadly serious matter," pathology instructor Gustave L. Davis says. "If Congress and the people are to make the vital decisions about the manufacture, testing, and use of these agents, they must have the facts. These decisions may determine the life or death of hundreds of thousands of our people."

This is precisely the point emphasized by a "Speaker's Kit" issued by the Federal Civil Defense Administration in the early 1950s. It lists some "Quotable Quotes on Biological Warfare." Among them is this one, attributed to Millard F. Caldwell, who was then Civil Defense Administrator: "One of our toughest problems is what we could call, for the want of a better term, the panic element. Panics can be most costly; they can cost us more than atomic bomb damage would. The only way to avoid panic is for the people to know the facts, and to have, in advance, the means of protecting themselves through knowledge of what to do."

A small taste of this panic element burst into the news during the recent furor over proposed cross-country shipment of some 800 carloads of poison gas stockpiled from World War II. The gas was to be dumped into the Atlantic Ocean. Congressional hearings unleashed a horde of disturbing questions about hazards of the proposed dumping. Among them: Might a medical disaster be inflicted on the civilian population of our large cities if an accident befell these trains on the roadbeds of our old, rough railways? As a result of the furor, some of the poison gas will probably be burned or chemically decomposed somewhere near the present storage sites, but the problem still has not been solved to everyone's satisfaction.

Some of the other unanswered questions first came to Representative McCarthy from his slim, blonde, pony-tailed wife, who had watched an NBC–TV program dealing with chemical and biological warfare. Constituents in Buffalo also found the program disturbing.

Attempting to answer his wife and his electorate, Representative McCarthy found himself knocking on closed doors. Some of his questions: Why does this country need a biological and chemical warfare capability? What sort of capability do we have now? Under what circumstances would our government use these weapons? Assuming we don't intend to use them first, could biological weapons ever be a militarily useful response to a biological attack? How much do these activities cost us each year? What safety precautions are taken to protect the public against accident? Are our academic and private insitutions being improperly involved in this type of research?

BIOLOGICAL WEAPONS AND POSSIBLE MEDICAL DEFENSES

Disease	Mortality	Infectivity	Antibiotic therapy	Vaccination
Bacteria:				
Anthrax (pulmonary).	Almost invariably fatal	Moderately high	Effective if given very early.	Available.
Brucellosis	Low (less than 5 percent)	High	Moderately effective	Under development.
Cholera	Usually high (up to 80 percent).	Low	do	Available.
Glanders	Almost invariably fatal	High	Little effect	None.
Melioidosis	Almost 100 percent fatal	do	Moderately effective	Do.
Plague (pneumonic)	do	do	Moderately effective if given early.	Available.
Typhoid fever	Moderately high	Moderately high	Moderately effective	Do.
Viruses:				
Chikungunya fever	Very low	Probably high	None	None.
Dengue fever	do	High	do	Do.
Tick-borne encephalitis.	Up to 30 percent	do	do	Under development.
Venezuelan equine encephalitis.	Low	do	do	Do.
Smallpox	Usually high	do	do	Available.
Yellow fever	High	do	do	Do.
Rickettsiae:				
Epidemic typhus	Usually high (up to 70 percent).	do	Effective	Do.
Psittacosis	Moderately high	do	do	None.
Q-fever	Low	do	do	Under development.
Rocky Mountain spotted fever.	Usually high (up to 80 percent).	do	do	Do.

Source: U.N. report, July 1969.

McCarthy got some of the brush-offs given to physicians and ordinary citizens. But as a congressman, he had some resources not available to others, and he used them. He asked the Army for a congressional briefing on the subject. The Army complied, but declared that the briefing was classified.

Since the congressman could hardly answer his constituents' questions with classified material, he tried another way to leap over the high wall of bureaucratic secrecy. He submitted some of his policy questions to the Secretary of Defense.

The Defense Department replied—five weeks later. Signing the reply was Dr. John S. Foster, Jr., a physicist. As director of defense research and engineering, Dr. Foster is the Pentagon's top scientist.

One paragraph of Dr. Foster's reply is of particular interest to physicians:

"The U.S. does not maintain large stockpiles of medical supplies such as antibiotics and vaccines against the possibility of biological attack. There is no specific antibiotic therapy available for most biological warfare agents. As for vaccines, there are more than 100 possible biological warfare agents and production and administration of 100 possible biological warfare agents, and production and administration of 100 vaccines to the U.S. population is not practical. There is medical reason to believe that such a program would be generally injurious to health in addition to requiring prohibitive expenditures."

If there is no defense against an attack, what about the defense against accidental infection of our own population? Dr. Foster's letter stated that strict safety practices are enforced at laboratories conducting research on biological and chemical agents: "Elaborate systems of airtight hoods, air filtration, and waste decontamination are employed. These precautions and procedures are reviewed by the U.S. Public Health Service as well as by Department of Defense safety experts. The equipment and building designs developed at the U.S. Army Biological Laboratories, for example, have been generally accepted throughout the world as the ultimate in safety for the investigation of infectious diseases."

In making the reply public, Congressman McCarthy in effect called its author a liar—an experience which Pentagon officials are finding increasingly common on Capitol Hill this year. McCarthy particularly attacked the over-all biological safety record during the past two decades: "Fort Detrick, the Army's biological warfare research center, has one of the poorest records among major biological institutions for infections. There were 3,300 accidents at Detrick between 1954 and 1962. Half of these occurred in the laboratory involving broken test tubes and accidental scratches from needles. About 400 men were infected as a result."

Infections among workers at secret installations pose a threat to the entire neighboring community, McCarthy charged. He cited the instance of a worker who caught plague at Fort Detrick some years ago: "He also happened to be a lifeguard at a swimming pool and had been in contact with many people. Local residents who might have come into contact with Detrick personnel were not warned of the danger."

Soon other congressmen began to question the Army's veracity in dealing with one spectacular recent chemical warfare accident—the killing of 6,000 Utah sheep by Dugway's poison gas. The Conservation and Natural Resources Subcommittee began hearings on the dangers of open-air testing of persistent lethal chemicals.

Their unrelenting questioning of three Army officials, under oath, established these facts: The Army had first denied testing nerve gas on March 13, 1968, when in fact it had. Even after correcting this, the Army still denied—for 14 solid months—that the gas had anything to do with killing the sheep, even though it had paid their owners $500,000 in reparations. This misstatement, too, was corrected, but only after the committee spent one entire morning of relentlessly pursuing evasions, hesitations, and disavowals by three Army representatives, including Dr. Mortimer A. Rothenberg, a biochemist who is Dugway's top scientist.

Last year, in reporting the Army's fib about the neurotoxin VX not causing the March sheep kill, MWN was the first to catch the brass in a second and more blatant lie—that Army precautions eliminated all peril to humans and indeed were so good that there had never been a single human casualty due to storage or testing of war chemicals at Dugway Proving Ground. Dr. Kelly Gubler, chief of staff at Tooele Hospital in the town of that name 35 miles east of the test site, said he had previously treated Dugway workers for anticholinesterase poisoning such as VX would produce. The wind March 13 blew to the northeast, but if it had gone east to Tooele or north to Highway 40—also 35 miles away—Dr. Gubler believed the victims might have been humans as well as sheep.

MWN's story (April 12, '68), read into the record by the same committee that later grilled Dr. Rothenberg, also trapped the Army in still a third lie—that its tests had gone according to plan on March 13. As Surgeon General Stewart got the Army to admit months later, an airplane had accidentally spewed out VX high above the desert where the winds could take it anywhere, after making a pass at a ground target to test dispersal techniques. The Army eventually promised Dr. Stewart that, in the future, airborne chemicals won't be released above 300 feet and won't cross heavily traveled Highway 40 for at least three hours.

At the hearing, Dr. Rothenberg said he feels secure about the new safety measures. Then Congressman Guy Vander Jagt, Republican of Michigan, asked in a mild voice, "If the Army was wrong about the danger to the sheep, could the Army be wrong about the danger to human beings?"

Vander Jagt did not press for an answer to his question, but committee chairman Henry S. Reuss, Democrat of Wisconsin, did insist on an answer to this one: "Is there Venezuelan equine encephalomyelitis virus in the Dugway storehouse?"

Dr. Rothenberg answered, "That is security information."

"Clear the hearing room," said the congressman, "and we will take your testimony in private."

Few scientists know precisely what is in the Dugway storehouse, but antibodies against VEE virus have been found in cattle in Utah. The only other states in which these antibodies have been found are Florida and Louisiana, where they would be more expected. This virus has been cited as being particularly suitable for biological warfare, because it is so easily spread to humans by inhalation, and because there is little immunity to it in temperate zone nations.

Another witness at the Reuss committee hearings, Dr. D. A. Osguthorpe, a Salt Lake City veterinarian who had been one of the people instrumental in tracking down the cause of the sheep deaths, hinted that there may have been another accident at Dugway.

Asked by Vander Jagt, "Have you ever run into diseases that you have been unable to account for?" Dr. Osguthorpe replied: "I have run into a disease in newborn calves in this area. No antibiotic or drug so far has proved to have any therapeutic value. My theory is that this is a toxin, a biological agent."

All indications are that the debate on biowarfare will continue gathering heat in the months to come. Surveying the situation on both sides of the Atlantic, an editorial in *Nature* (Vol. 218, No. 6) comments wryly: "The point is rapidly arriving when it is as hazardous for a person to carry out research on some aspect of chemical or biological warfare as it is to be a president on a campus torn apart by student power."

There will probably be a substantial rumble at the next meeting of the American Society for Microbiology. "The ASM has long been tied to the biological warfare effort and to the official secrecy shrouding it," says Dr. Richard Novick, a physician who is research assistant professor of microbiology at New York University. "More ASM members are employed at Fort Detrick than at any other institution. Their secrecy is evidently due to a desire to avoid arousing public opinion."

Dr. Novick helped found the microbiologists' Committee on Chemical and Biological Warfare, which seeks U.S. ratification of the Geneva Protocol of 1925, outlawing the use of poison gas and biological agents. They also hope to enlist the aid of microbiologists in other countries—particularly the Soviet Union, England, and France—in outlawing biowarfare.

The American Public Health Association includes a growing list of members opposed to biological weapons. After Fort Detrick's Dr. Crozier reported on biological warfare at last year's APHA meeting, he was challenged to a debate by Dr. Steven Jonas, a physician from Brooklyn. "The session was hastily adjourned when Dr. Crozier indicated he was not prepared to discuss morality," says Dr. Jonas.

The Brooklyn physician then helped organize the Caucus for Peace and Human

Rights, which circulated a petition opposing continued development of chemical and biological weapons. "About 200 members signed it, and we mailed it off to the chairman of the APHA executive board. Hopefully, we would like the entire APHA to endorse our position."

For at least two decades, the AMA has virtually ignored the issue. But during the past few months, there have been some stirrings. In *Chemical and Biological Warfare,* Seymour Hersh charges that *JAMA* in recent years has refused to print letters critical of the views presented in *JAMA* by Colonel Crozier and others. Dr. John H. Talbott, *JAMA* editor, says Hersh's charge is easy to make but difficult to prove. Dr. Talbott also says he does not recall rejecting a "thoughtful" letter on the subject, and that he gets a lot of crackpot mail.

As for the ethics of biological warfare, an AMA spokesman says the question has never come up before the Judicial Council. Of the physicians who believe participation is unethical, one of the most articulate is Victor W. Sidel, formerly chief of the community medicine unit at Massachusetts General Hospital and now professor of community health at the Albert Einstein College of Medicine in New York.

To stay ethical, Dr. Sidel says, a military physician must do nothing to contribute to the net increase in disease, disability, or untimely death. "He must also be free to make judgments about his own medical ethics. If the physician becomes a combatant, or unable to make his own ethical judgments, he has stopped functioning as a physician. He may be a good soldier, but he is an unethical doctor."

A civilian physician, Dr. Sidel says, has an "ethical imperative," stemming directly from the ethical traditions of medicine and from the concept of complicity developed at the Nuremberg Tribunal. "If the physician knows of any unethical activities of other physicians—for example, developing chemical-biological weapons or using medicine for psychological warfare—even if those activities are being performed under the aegis of his government, it is not only his right but his clear duty to make these activties as widely known as he can and to protest against them. In the long run, everyone will gain from this—his profession, his nation, and his species—even though in the short run, the physician himself may suffer from his protests."

Can biological warfare be made off limits to governments—our own and everybody else's—as well as to doctors and other private citizens? A year ago it would have seemed unlikely, but perhaps times have changed.

At the disarmament talks in Geneva, Britain has just proposed a new treaty that would ban production and possession of biological weapons as well as their use. Nixon and Kosygin have voiced interest. And even without any Russian reciprocity, the Senate Armed Services Committee has voted to eliminate all funds for lethal and incapacitating chemical and biological weapons from the U.S. military budget. But cash outlay is one indication of national priorities, and the billions already spent on biological weapons are hardly outweighed by the investment in biological disarmament—which so far consists mainly of Ivan Bennett's plane fare to Geneva.

As a social institution, war is not yet quite ready to follow slavery and human sacrifice onto the list of discarded behavior patterns that no one can any longer regard as part of some unchanging "human nature." But physicians like Drs. Sidel, Novick, Jonas, and Bennett hope that this particular kind of war can be ruled out before it is tried. One Swedish suggestion: Internationalize the entire microbiological profession into an intelligence network with universal diplomatic immunity.

Says Dr. Bennett: "I think things will begin to move. The time is ripe to do something. The problem is to get biological weapons banned by all nations, not by just the U.S. But I do think we are one step further along the way to what we are all after—general disarmament in biological weapons."

The amendment is as follows:

Amendment No. 117

At the end of the bill add a new section as follows:

"Sec. 402. None of the funds authorized by this or any other Act shall be used for the testing, development, transportation, or disposal of any chemical or biological weapon unless the Surgeon General of the Public Health Service determines that such testing, development, transportation, or disposal will not present a hazard to the public health."

Mr. HATFIELD. Mr. President, the mid-July mishap in Okinawa, with the hospitalization of 24 persons exposed to nerve gas in its accidental release, brought to mind the urgency of control of chemical and biological weapons at home and abroad. Last year, reported fatalities from testing were limited in the United States to a flock of 6,400 sheep near the testing site in Utah. This year, it was only loudly voiced repercussions that prevented harm being brought to ocean life and water resources in the halt of disposal of 27,000 tons of chemical and biological agents off the coast of New Jersey. The dangers in testing of CBW agents are indeed grave, and continuation must be carefully weighed against the necessity and desirability of maintaining a CBW arsenal.

Chemical and biological weapons seem to be neither feasible, strategic, tactical, or humanitarian weapons. While the need to be aware and updated on developments in the area is realized, I am firmly of the opinion that our stockpiling efforts should be reduced and research limited to a possible defense against the agents.

It has been estimated that the damage chemical and biological weapons could yield could easily surpass that of nuclear bombs in destroying civilian populations. It is even believed that the ecological effects would exceed those disastrous damages that have been attributed to capabilities of nuclear fallout.

The Army recently told Congress that $350 million is spent annually on CBW research in its various phases—that is, for the development of means of disseminating germs, viruses, and nerve gas to destroy or incapacitate populations. At the same time, Congress is being told of the need for funding and programs to build strong minds and bodies within our Nation and to improve the conditions of our people. In light of these demands for crippling and creative programs, the priorities should be obvious; but only after the problems are recognized can they be given broader evaluation.

Therefore, it is with encouragement that I view the introduction today of several amendments to S. 2546, the military procurement bill, relating specifically to matters of testing, development, and international cooperation with chemical and biological agents. The aim of the amendments is to stimulate needed discussion and to establish a viable military policy for this area of question.

AMENDMENTS NOS. 118 THROUGH 120

CONGRESS NEEDS MORE INFORMATION ON CBW

Mr. HARTKE. Mr. President, the mysteries which surround our chemical and biological warfare program have served to compound and to amplify public doubts and fears about CBW. In the belief that better public information will prevent CBW from developing into a dangerous emotional issue, I am introducing three amendments designed to provide a more complete disclosure of the scope and purposes of our CBW program.

My first amendment will require the Secretary of Defense to furnish semiannual reports to the Congress on the size and nature of various aspects of our CBW program. Such information is not readily available to the Congress at the present time. A reporting amendment of this nature is listed in a May 1969 Labor and Public Welfare Committee report as one possible approach to reducing the threat and danger of CBW. A similar amendment, introduced by Senator Clark, passed the Senate last year, but was deleted in conference. Since that time, it should have become clear to all of us that CBW deserves closer congressional attention and that the Congress deserves broader access to CBW information.

My second amendment will explicitly prohibit "back door" spending for the purposes of CBW. Informed private estimates point to an expenditure of funds for CBW far in excess of official statements from the Defense Department. Representative Richard D. McCarthy has also cast doubts on official Pentagon expenditure reports. He noted that a McGraw-Hill investment newsletter has stated that Edgewood Arsenal, only one of our CBW centers, will spend about $420 million in 1969 for CBW materials, more than $100 million above the total official program figure of $300 million.

We are all too familiar with the technique of hiding unpopular program expenditures in the unnoticed budgets of unsuspected agencies—a $1.2 billion authorization request for ABM warhead development was hidden in the AEC budget for a while this spring. Similar practices may characterize our CBW program as well. The Public Health Service, ironically enough, has a record of close cooperation with the Army's chemical warfare program. In 1960, for example, the PHS received more than $380,000 in Army funds to bolster ongoing projects in fields in which it has an independent interest. According to a PHS spokesman, the annual transfer of funds measures only a fraction of the real cooperation between the two agencies. My second amendment would make sure that this questionable cooperation would not involve a similar transfer of funds in the opposite direction.

My third amendment was drafted in response to growing public fears about rail shipment of lethal chemical and biological weapons. As chairman of the Surface Transportation Subcommittee of the Commerce Committee, I have become acutely aware of the need to provide maximum safety precautions in the shipment of hazardous materials. My amendment will give the Congress and the civilian agencies advance notice of such shipments, will require strict adherence to established safety standards, and will require detoxification of lethal chemical and biological agents prior to shipment for disposal whenever practicable. In addition to the need for more adequate disclosures with regard to CBW, this amendment deals with the substantive problem of safety. Reports of a casual official attitude toward safety standards make restatement of these standards necessary. And a growing consensus that onsite detoxification is the safest, if not the fastest, way to dispose of unneeded CBW agents, has prompted the other restriction expressed in subsection (b) of this amendment.

Mr. President, my three amendments are modest in appearance, but they can be far reaching in their consequences.

A more complete disclosure of information is little to ask—and in our CBW program, which has never quite emerged from the wartime secrecy of the forties, it is long overdue. In the hope that congressional doubts will be answered, and in the belief that public fears should be eased, I submit these three amendments to the pending military-procurement bill.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table.

AMENDMENT NO. 121

Mr. PELL. Mr. President, as chairman of the Subcommittee on Ocean Space of the Committee on Foreign Relations, I have twice in recent months risen to discuss the international legal implications of the transportation and disposal of obsolete chemical weapons outside of the continental United States. Since that time the attention of the Senate has been brought to another question of equal significance for international law, the disclosure that the United States has been providing nerve gas to West Germany without notifying the Western European Union as required by the Final Act of the Nine Power Conference held in London, September 28, through October 3, 1954. Those events form the backdrop for the amendment which I would like to discuss at this time.

As I have mentioned in my previous floor statements, the dumping of obsolete, but still lethal, chemical weapons beyond our territorial boundaries could be regarded not only an expression of de facto jurisdiction over a portion of the seabed contrary to what the United States has espoused at the United Nations, but, as unilateral actions, those dumpings were most likely violations of the Geneva Convention on the High Seas which requires all states to cooperate with the competent international organizations in taking measures for the prevention of pollution of the seas or air space above, resulting from activities with harmful agents such as lethal chemicals.

In 1954 the United States signed the final act of the Nine Power Conference held in London and agreed that it "would notify the Brussels Treaty Organization of the military aid to be distributed to the continental members of that Organization." The past shipments of nerve gas to West Germany without the agreed upon notification not only may have put the United States in violation of the 1954 protocol, but also, West Germany's storage of that gas may have left it in violation of the protocol's provisions restricting the stockpiling of chemical and biological weapons.

At a time when the United States is faced with criticism for its use of tear gas and defoliants in Vietnam and its failure to ratify the 1925 Geneva Protocol forbidding the use of chemical and biological weapons, I find it particularly unfortunate that the United States has left itself open for further criticism by its apparent disregard of its international obligations with regard to chemical and biological weapons.

For the United States to have dumped pollutants into the Atlantic Ocean after having cosponsored a motion adopted by the U.N. General Assembly stating that "In the use of the deep ocean floor States shall adopt appropriate safeguards so as to minimize pollution of the seas and disturbance of the existing biological, chemical and physical process and balances; (and) shall provide timely announcement of any marine activity that could harmfully interfere with the activities of any other State in the exploration and use of the deep ocean floor," and for the United States to be furnishing nerve gas to West Germany while the 18-Nation Disarmament Conference is considering a proposal by Britain to control chemical and biological weapons programs, would seem to me to be a contradiction of the position the United States presented to the United Nations and a demonstration of lack of faith in the efforts being made in Geneva at the disarmament conference.

If the two events which I have discussed are not disturbing enough, there are reports of other incidents which also have international legal implications.

The United States furnishes nerve gas to a number of allied countries under various arms agreements. A question has arisen whether the United States is permitted to ship VX nerve gas to other nations without the consent of the British who invented it and allow the United States only to manufacture it under special license.

Rear Adm. R. W. Goehring, Chief of Operations of the U.S. Coast Guard, told the House Subcommittee on International Organizations and Movements in June that at least 50 people at the Coast Guard Station at Peale Island in the Pacific had to be removed from that island in April of 1968 after they were struck ill by an airborne toxic irritant. In the surrounding waters dead marine life was observed. Gas masks were used on the island until the wind shifted 3 days later. The subcommittee said it had a report that gas was dumped off the island sometime after World War II. I would note at this point that the Geneva Convention on the High Seas includes pollution of the air above the seas.

There has also been a report in the press that the U.S. Army has been conducting nerve gas tests on an Hawaiian island and tests with bacterial toxins in Micronesia. I would question whether countries whose fishermen might be near those islands have been apprised of the possible dangers of fishing in the surrounding waters.

The existence of the disturbing questions which I have raised may be in part explained by a consideration of the recent hearings held by the House Subcommittee on International Organizations and Movements on the Department of Army's most recent plan to dump obsolete chemical weapons in the Atlantic Ocean.

After Brig. Gen. James A. Hebbeler of the Department of the Army told the subcommittee that previous to the planned dumping being discussed there has been three other dumpings of obsolete chemical weapons and nine dumpings of other weapons into the ocean, John S. Leahy, Office of the Assistant Secretary of State had for Congressional Relations, told the committee that the Department of State had not become aware of the dumpings until 2 days before the House hearings.

Mr. Leahy's statement was confirmed 2 days later by Mr. Herman Pollack, Director of International Scientific and Technological Affairs of the Department of State, when he told the subcommittee that for the 2 years that he has been director, he had not been apprised of the dumpings. The subcommittee also learned that the Department of State was not notified about the 13th planned dumping until after the decision had been made to send the trains to New Jersey.

The Department of State testified that there were at least 18 treaties and international agreements signed by the United States which should have been considered before the Defense Department undertook to dispose CBW materials outside of the continental United States. I ask unanimous consent to insert that list in the RECORD. Included in that list is article 25 of the Geneva Convention on the High Seas to which, as I mentioned earlier in my statement, particularly close attention should have been given.

As one person who believes the United States should strictly adhere to its international agreements, I am surprised at the negligence of the Defense Department in not providing proper consideration of those agreements in consultation with the Department of State.

Perhaps the Defense Department's action or, rather no action, is understandable in the light of their attitude toward an agreement on a national CBW policy which was circulated within the executive branch last January. It is reported that, as a result of conversations originating from 1963 among representatives from the Department of Defense, the Department of State, and the Arms Control and Disarmament Agency, a proposed national policy was developed which would have prohibited the first use of chemical and biological weapons, with the exception of herbicides and tear gas, and would have required Presidential authorization for the combat use of chemical and biological weapons. Each of the executive agencies approved the proposed statement except the Department of Defense.

Another telling example of the Defense Department's attitude toward the State Department's concern with the CBW program is revealed, in what I understand is the Defense Department's reported recent refusal of the State Department's request to delay, until the new CBW study is completed, the shipment of 40 kilos of nerve gas to West Germany.

The Department of State has the responsibility and authority for the interpretation of international agreements to which the United States has subscribed. Past events have suggested that the Department of Defense believes that the Department of State's responsibility is extraneous to its movement and disposal of chemical weapons outside of the continental United States.

The Defense Department's independent action within the executive branch in the disposal of chemical weapons in the oceans and in the provisions of nerve gas to West Germany have resulted in a needless disregard of American international obligations and unnecessary embarrassment for the United States abroad.

I believe it is time that the Department of State and the Department of Defense assume and fulfill their appropriate and separate responsibilities.

There must be one policy within the executive branch with regard to chemical and biological weapons based upon existing international agreements and canons of international law. This coordination will not be possible if the Department of Defense does not recognize the responsibility of the Department of State for interpreting the international obligations of the United States.

I offer an amendment today which, I believe, will insure the proper consideration within the executive branch, of American obligations abroad in the provision, disposal, transportation, and testing of chemical and biological weapons outside of the continental United States.

As undesirable an increment in the arms race as I find the chemical and biological weapons program, I do not offer an amendment to reduce the authorization for that program. I simply offer a moderate amendment asking for the proper consideration for our international responsibilities when elements of that program require the disposal, or movement of chemical and biological weapons outside of the United States.

My amendment would require that the Secretary of States' determinations be reported to the Committee on Foreign Relations in order that the committee will be assured that the United States is fulfilling its obligations under the Geneva Convention on the High Seas and under the other treaties and agreements which have a bearing on chemical and biological weapons. It is also important that the Foreign Relations Committee knows which of our allies are receiving offensive or defensive CBW materials under the various arms agreements if the Foreign Relations Committee is to be able to judge accurately the arms balance in the world. I would also like to say regarding this point that I believe it would be more desirable for the Foreign Relations Committee to be receiving that information on a confidential basis from the executive branch than it would be if the committee was receiving such information, as it has in the past, as a result of exposés by the communication media.

The amendment would also require the Secretary of State to report his determinations to the appropriate international organs if agreements to which the United States have supported demand such notifications. Examples would include notification to the North Atlantic Treaty Organization when the United States furnishes nerve gas to West Germany, and notification of such international organs as the U.N. Inter-Governmental Maritime Consultative Organization and the U.N. Oceanographic Commission, in the instance of the dumping of obsolete chemical weapons in the ocean.

The evidence is clear that there has been inadequate consideration within the executive branch of international responsibilities with regard to chemical and biological weapons. The handling of chemical and biological weapons outside of the continental United States presents serious implications for world peace and understanding. I believe the passage of the amendment I propose is necessary if the United States is to maintain respect abroad as a nation which upholds its international obligations.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of treaties and other international agreements containing antipollution provisions to which the United States is a party.

The **PRESIDING OFFICER.** The amendment will be received and printed, and will lie on the table; and, without objection, the document will be printed in the RECORD.

The list, presented by Mr. PELL, is as follows:

LIST OF TREATIES AND OTHER INTERNATIONAL AGREEMENTS CONTAINING ANTI-POLLUTION PROVISIONS[1] TO WHICH THE UNITED STATES IS A PARTY

International convention for the prevention of pollution of the sea by oil, done at London May 12, 1954, as amended April 11, 1962.

12 UST 2989; TIAS 4900.

17 UST 1523; TIAS 6109 (amendments).

(Convention sets up prohibited zones around the coasts of all countries into which ships of Governments parties to the convention are prohibited from discharging oil or oily wastes.)

Convention on the high seas, done at Geneva April 29, 1958.

13 UST 2312; TIAS 5200.

(Art. 24 requires States parties to draw up regulations to prevent pollution of the seas by discharge of oil from ships or pipelines or resulting from exploitation and exploration of seabed and its subsoil. Art. 25 requires parties to prevent pollution of seas from dumping of radio-active waste and to cooperate with international organizations in measures for preventing pollution of seas or airspace above, resulting from activities with radio-active or other harmful agents.)

Convention on the Continental Shelf, done at Geneva April 29, 1958.

15 UST 471; TIAS 5578.

(Art. 5, par. 7, requires a coastal State party to undertake, in the safety zones around installations and devices for exploiting and exploring natural resources on its Continental Shelf, all appropriate measures for the protection of the living resources of the sea from harmful agents.)

The Antarctic Treaty done at Washington December 1, 1959.

12 UST 794; TIAS 4780.

(Art. V prohibits nuclear explosions in Antarctica and the disposal there of radioactive waste material.)

Interim guidelines for conservation of fauna and flora, adopted as Recommendation, III–IX under the Antarctic Treaty at Brussels June 2–13, 1964.

17 UST 991; TIAS 6058.

(Provides that each participating Government shall, to the extent feasible, take all reasonable measures towards the alleviation of pollution of the waters adjacent to the coast and ice shelves.)

The treaty banning nuclear weapon tests in the atmosphere, in outer space and under water, done at Moscow August 5, 1963.

14 UST 1313; TIAS 5433.

(Art. I prohibits any nuclear explosion in the atmosphere, outer space or under water and in any other environment if it causes radio-active debris outside its territorial limits.)

Treaty on principles governing the activities of states in the exploration and use of outer space, including the moon and other bodies, done at Washington, London and Moscow January 27, 1967.

18 UST 2410; TIAS 6347.

(Art. IX requires States parties to avoid harmfully contaminating Outer Space and adversely changing the environment of the earth by introducing extraterrestrial matter.)

Convention on International Civil Aviation, done at Chicago, December 7, 1944.

61 Stat. 1180; TIAS 1591.

(Art. 12 requires contracting States to adopt measures to insure that every aircraft carrying its nationality mark shall comply with rules of the air in force wherever it is. It requires each State to keep its own regulations uniform, to the greatest possible extent, with those established under the Convention, and declares that over the high seas, the rules in force are those established under the Convention. Annex 2 (Rules of the Air) established under the Convention provides in Chapter 3, paragraph 3.1.4 that "Nothing shall be dropped or sprayed from an aircraft in flight except under conditions prescribed by the appropriate authority.")

International sanitary regulations, adopted at Geneva May 25, 1951.

7 UST 2255; TIAS 3625.

(Art. 31 provides that no matter capable of causing any epidemic disease shall be thrown or allowed to fall from an aircraft when it is in flight.)

Treaty relating to boundary waters and questions arising along the boundary between the U.S. and Canada, signed at Washington, January 11, 1909.

36 Stat. 2448; TS 548; III Redmond 2607.

(Art. IV provides that the boundary and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other. The International Joint Commission has made a number of recommendations to carry out the provisions of Art. IV of the Boundary Waters Treaty that have been approved by the U.S. and Canada. See "Documents On the Use and Control of the Waters of Interstate and International Streams", H. Doc. 319, 90th Cong., 2d sess., pp. 391–393.)

Convention between the U.S. and Canada concerning operation of smelter at Trail, British Columbia, signed at Ottawa April 15, 1935.

49 Stat. 3245; TS 893; IV Trenwith 5009.

---

[1] This list does not include general provisions of Treaties bearing upon uses of the seas, such as Article 2 of the Convention on the High Seas, or rules of Customary International Law which may be relevant.

(Provided for payment by Canada to U.S. of $350,000 in damages caused prior to 1932 by fumes discharged from the smelter of the Consolidated Mining and Smelting Co. at Trail, British Columbia, to property in the State of Washington, in accordance with finding of International Joint Commission pursuant to Art. IX of 1909 Boundary Waters Treaty; submitted to arbitration the U.S. claim of damages after January 1, 1932.)

Convention between the U.S. and Mexico to facilitate the carrying out of the principles contained in the treaty of November 12, 1884, and to avoid the difficulties occasioned by changes which take place in the beds of the Rio Grande and Colorado River, signed at Washington March 1, 1899.

26 Stat. 1512; TS 232; I Malloy 1167.

(Establishes the International Boundary Commission to decide all questions and differences growing out of changes in the rivers, works constructed therein, or any other cause affecting the boundary.)

Treaty between the U.S. and Mexico relating to the utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington February 3, 1944.

59 Stat. 1219; TS 994; 3 UNTS 313.

(Renames the Commisison as the International Boundary and Water Commission, with a U.S. Section and Mexican Section, and with additional powers and duties. Art. 3 provides that in making provision for joint use of international waters, the Commission shall be guided by the following order of preferences: 1. domestic and municipal uses; 2. agriculture and stockraising; 3. electric power; 4. industrial uses; 5. navigation; 6. fishing and hunting; 7. any other beneficial uses. All of the foregoing uses "shall be subject to any sanitary measures or works which may be mutually agreed upon by the two Governments, which hereby agree to give preferential attention to the solution of all border sanitation problems".)

Recommendations of the International Boundary and Water Commission to improve the quality of water reaching Morelos Dam in Mexico from the U.S., approved by the Presidents of the U.S. and Mexico on March 22, 1965.

52 Dept. of State Bulletin 556 (1965).

(Construction of a drain to permit control of the salinity of water impounded by and diverted from Morelos Dam for irrigation purposes.)

Isthmian canal convention between the U.S. and Panama, signed at Washington November 18, 1903.

33 Stat. 2234; TS 431; II Malloy 1349.

(Under Art. IV Panama grants to the U.S. in perpetuity the right to use the rivers, streams and other water for navigation, water supply, and for maintenance, operation, sanitation and protection of the Canal.)

General treaty of friendship and cooperation between the U.S. and Panama, signed at Washington March 2, 1936.

53 Stat. 1807; TS 945.

(Art. I declares that the 1903 Convention contemplates use, occupation and control by the U.S. of the Canal Zone and additional lands and waters under U.S. jurisdiction for the purposes of "efficient maintenance, operation, sanitation and protection of the Canal and its auxiliary works.")

Agreement for enlargement and use by Canal Zone of sewerage facilities in Colón Free Zone Area, concluded by exchange of notes at Panama March 8 and 25, 1954.

5 UST 782; TIAS 2966.

(Facilities to be constructed at U.S. expense; to be owned by Panama, subject to continuous use by U.S.)

Agreements between the U.S. and other countries providing for desalination studies or projects:

Israel: October 14, 1964 (not printed).

Mexico and the International Atomic Energy Agency: October 7, 1965 (16 UST 1252; TIAS 5874).

Saudi Arabia: November 11 and 19, 1965 (16 UST 1952; TIAS 5932).

Spain: June 25, 1968 (TIAS 6514).

U.S.S.R.: November 18, 1964 (15 UST 2146; TIAS 5697) extended to November 18, 1968 (17 UST 2310; TIAS 6174).

Agreement between the United States and the Union of Soviet Socialist Republics, signed at Washington, February 13, 1967, as amended and extended by the agreement of January 31, 1969:

18 UST 190; TIAS 6218; TIAS 6636.

(Paragraph 7 provides: "Both Governments will take appropriate measures to ensure that, to the extent practicable, waste materials are discharged at sea only in waters deeper than 1000 meters.")

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Department of Defense Procurement From Small and Other Business Firms

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms for the period July 1968 to April 1969 (with an accompanying report); to the Committee on Banking and Currency.

Report of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on improvements made in the medical care cost accounting system of the Veterans' Administration, dated August 5, 1969 (with an accompanying report); to the Committee on Government Operations.

Retrocession of Jurisdiction Over Lands Within the Boundaries of the Brookhaven National Laboratory

A letter from the Chairman, Atomic Energy Commission, transmitting a draft of proposed legislation to retroceed to the State of New York exclusive jurisdiction held by the United States over part of the lands within the boundaries of the Brookhaven National Laboratory of the U.S. Atomic Energy Commission (with accompanying papers); to the Joint Commission on Atomic Energy.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Finance:

"Assembly Joint Resolution 29

"Assembly joint resolution relative to payments to members of the Philippine Scouts

"Whereas, Legislation has been introduced in the Congress of the United States to provide adequate benefits for members and survivors of the Philippine Scouts; and

"Whereas, The battlefields of Bataan and Corregidor are living testimony to the contributions made by the members of the Philippine Scouts during World War II; and

"Whereas, The Philippine Scouts was established in 1901 as part of the United States Army after valiantly serving the Army as guides and as fighting men; and

"Whereas, In World War II, members of the Philippine Scouts were permitted to and did enlist in the United States Army, and served hand in hand with the American soldiers in the fight to repulse the common enemy; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California supports legislation to provide adequate benefits for members and survivors of the Philippine Scouts, and urges Congress to enact such legislation; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Public Works:

"Assembly Joint Resolution 54

"Assembly Joint Resolution relative to flood control projects

"Whereas, During the months of January and February 1969, Fresno County and counties adjacent thereto experienced record rainfall which produced extremely severe foothill surface runoff into a number of streams which ultimately run through the Fresno-Clovis metropolitan area as well as other urban and farming areas of the County of Fresno and urban and agricultural areas in adjacent counties; and

"Whereas, Such streams are largely uncontrolled and do not have the capacity to hold back the surface runoff generated from a heavy rainfall, as the past winter has demonstrated; and

"Whereas, The nature of this flooding from the foothill surface runoff cannot be handled by planned local drainage facilities of the Fresno Metropolitan Flood Control District encompassing the Fresno-Clovis metropolitan area for the reason that such facilities are designed strictly for local surface runoff generated solely by urban development; and

"Whereas, The President of the United States has declared Fresno County a disaster area by reason of the severity of the flooding and the resulting damage; and

"Whereas, It is necessary that dams and other facilities be constructed upon the various foothill streams and tributaries running into the San Joaquin Valley in order to control such floodwaters during the periods of extreme rainfall and to prevent floodwaters from damaging the rural, urban and metropolitan areas through which these streams and tributaries run; and

"Whereas, The construction of dams and other facilities upon streams and tributaries, particularly Mill Ditch, Fancher Creek, Dog Creek, Pup Creek, Dry Creek, Redbank Creek, Mud Creek, Holland Creek and others, more particularly known collectively as San Joaquin-Kings River Interstream Group, will require coordination, administering and financing of studies and the design and construction of dams and facilities exceeding the financial and administrative capabilities of the many rural, urban and metropolitan areas involved; and

"Whereas, The United States, particularly through the U.S. Army Corps of Engineers, has the means and ability to assist in the study, design and construction of necessary dams and facilities to prevent future disastrous floods of the kind which have been experienced in the past, particularly during the months of January and February 1969; and

"Whereas, It is necessary that immediate steps be taken to secure the necessary Congressional appropriations required in order to permit the Corps of Army Engineers to undertake a study of this problem and the facilities which will be required in order to prevent further disastrous floods in the future; and

"Whereas, It is desired that this study in particular be immediately made with reference to the foothill area between the San Joaquin River and the Kings River; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the

Legislature of the State of California respectfully memorializes the President and the Congress of the United States to make an appropriation for the purpose of allowing the U.S. Army Corps of Engineers to make an immediate study of the foothill area between the Kings River and the San Joaquin River, which study will include the need for flood control projects on Mill Ditch, Fancher Creek, Dog Creek, Pup Creek, Dry Creek, Redbank Creek, Mud Creek, Holland Creek and others, more particularly known collectively as the San Joaquin-Kings River Interstream Group, together with the dams and flood control facilities required, the design criteria therefor, and the cost of these facilities; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States; to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Bureau of Reclamation, and to the U.S. Army Corps of Engineers."

A resolution adopted by the Town Board of Orangetown, Rockland County, N.Y., praying for the continuance of tax exemption of bonds of local governments; to the Committee on Finance.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with amendments:

H.R. 11235. An act to amend the Older Americans Act of 1965, and for other purposes (Rept. No. 91–340).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Albert A. Gammal, Jr., of Massachusetts, for appointment as U.S. marshal for the district of Massachusetts.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and by unanimous consent, the second time, and referred as follows:

By Mr. PROUTY (for himself, Mr. Baker, Mr. Boggs, Mr. Cooper, Mr. Cotton, Mr. Dirksen, Mr. Dole, Mr. Dominick, Mr. Fannin, Mr. Fong, Mr. Goodell, Mr. Gurney, Mr. Hansen, Mr. Hatfield, Mr. Hruska, Mr. Javits, Mr. Jordan of Idaho, Mr. Mathias, Mr. Miller, Mr. Mundt, Mr. Murphy, Mr. Pearson, Mr. Percy Mr. Schweiker, Mr. Scott, Mrs. Smith, Mr. Stevens, Mr. Thurmond, and Mr. Tower):

S. 2769. A bill to provide an incentive for private employers to provide job training programs, including programs for individuals lacking skill or training necessary for steady employment, by allowing an income tax credit for the expenses of such programs; to the Committee on Finance.

(The remarks of Mr. Prouty when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. DIRKSEN:

S. 2770. A bill to permit certain agricultural publications to be sent as second-class mail; to the Committee on Post Office and Civil Service.

By Mr. MURPHY:

S. 2771. A bill to amend title 10 of the United States Code to provide for additional nominations by Members of Congress of persons for appointment to the service academies by the secretaries of the military departments; to the Committee on Armed Services.

By Mr. LONG:

S. 2772. A bill relating to the election of a taxpayer to change from the accrual to the installment basis of accounting for income tax purposes; to the Committee on Finance.

(The remarks of Mr. Long when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. HOLLAND:

S. 2773. A bill to amend the Internal Revenue Code of 1954 to require the capitalization of certain costs incurred in planting and developing citrus groves; to the Committee on Finance.

By Mr. MURPHY (for himself and Mr. Cranston):

S. 2774. A bill to amend title III of the National Housing Act to authorize the Government National Mortgage Association to guarantee obligations issued by State agencies to finance low- and moderate-income housing; to the Committee on Banking and Currency.

(The remarks of Mr. Murphy when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MONDALE:

S. 2775. A bill to promote the foreign policy and best interests of the United States by authorizing the President to negotiate a commercial agreement including a provision for most-favored-nation status with Rumania; to the Committee on Finance.

(The remarks of Mr. Mondale when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. DODD:

S. 2776. A bill for the relief of Miss Sonia Zapp; and

S. 2777. A bill for the relief of Francesco P. Paonessa; to the Committee on the Judiciary.

By Mr. LONG:

S. 2778. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Finance.

(The remarks of Mr. Long when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. SCOTT:

S. 2779. A bill for the relief of Paolo Falcetta, his wife, Salvatrice Falcetta, and their daughter, Brigida Falcetta; to the Committee on the Judiciary.

By Mr. MURPHY:

S. 2780. A bill to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict; and

S. 2781. A bill to remove the $10,000 limit on deposits under section 1035 of title 10, United States Code, in the case of any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict; to the Committee on Armed Services.

S. 2782. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; to the Committee on Finance.

(The remarks of Mr. Murphy when he introduced the bills appear later in the Record under the appropriate heading.)

By Mr. McCLELLAN:

S.J. Res. 143. Joint resolution extending the duration of copyright protection in certain cases; to the Committee on the Judiciary.

(The remarks of Mr. McClellan when he introduced the joint resolution appear later in the Record under the appropriate heading.)

By Mr. ANDERSON (for himself and Mr. Montoya):

S.J. Res. 144. Joint resolution to provide for the appropriation of fund to assist school districts adjoining or in the proximity of Indian Reservations, to construct elementary and secondary schools and to provide proper housing and educational opportunities for Indian children attending these public schools; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Anderson when he introduced the joint resolution appear later in the Record under the appropriate heading.)

S. 2769—INTRODUCTION OF HUMAN INVESTMENT ACT OF 1969

Mr. PROUTY. Mr. President, on behalf of myself, Mr. Baker, Mr. Boggs, Mr. Cooper, Mr. Cotton, Mr. Dirksen, Mr. Dole, Mr. Dominick, Mr. Fannin, Mr. Fong, Mr. Goodell, Mr. Gurney, Mr. Hansen, Mr. Hatfield, Mr. Hruska, Mr. Javits, Mr. Jordan, Mr. Mathias, Mr. Miller, Mr. Mundt, Mr. Murphy, Mr. Pearson, Mr. Percy, Mr. Schweiker, Mr. Scott, Mrs. Smith, Mr. Stevens, Mr. Thurmond, and Mr. Tower, I introduce for appropriate reference the Human Investment Act of 1969.

I ask unanimous consent that the bill and a background and summary of the measure be printed at the end of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and summary will be printed in the Record.

Mr. PROUTY. Mr. President, the bill I introduce today with 28 of my distinguished colleagues represents another phase in the evolution of the tax-credit-for-manpower-training concept first advanced legislatively in a measure I introduced on February 17, 1965. Since then I and others have sought continually to review and revise this tax-incentive concept.

While the Human Investment Act has changed over the years, one thing that has sadly remained constant is our Nation's manpower dilemma: unemployment and underemployment paradoxically coexisting with widespread job vacancies.

The stimulus for the Human Investment Act was the Investment Tax Credit in 1962. I thought "if you can stimulate capital expenditure with a tax credit, why can you not stimulate skill training with a similar incentive?"

I was not alone in this thinking or in my insistence that the Nation's most important capital is its human capital—the skils, experience, and security of its working men and women. I was privileged to receive broad support from my colleagues for a series of legislative proposals stemming from my initial inquiry. Again today I am grateful for their support.

These Human Investment Acts were based on the skill-ladder concept of upgrading training. Under these measures a 10-percent tax credit with an upward limit would be allowed for certain definable training expenses. It was the intent of these proposals to advance all workers up the skill ladder, thus opening vacancies at the bottom of the ladder for the unskilled and unemployed.

My continuing study of the Nation's manpower dilemma indicates that labor as a factor of production is not homogeneous. Our highly industrialized society requires manpower with particular and diverse skills. A study of the occupational distribution of the labor force reflects the demands for particular skills as well as a shortage of these skills.

In short, changing manpower requirements have created a need for better trained manpower. Workers with low-level skills and workers with inadequate educaional preparation are finding it increasingly difficult to find employment. Some workers, who not long ago could have qualified for simple repetitive and routine jobs, now find these jobs are the very ones easily taken over by electronically controlled machines.

Workers with less education and inadequate training are feeling the effects of current technological improvements more than those with high levels of education. The unskilled worker has become a handicapped worker in the truest sense. In too many instances the barriers created by our technology preclude individuals from any meaningful role in our economy.

If an individual is unable to find a job, his ideas and attitudes may become twisted. He may develop grievances against the society which has no place for him. Further more, many of these people have no clear understanding of their talents, abilities, shortcomings, or how to go about getting a job. All too frequently they have not even had the chance to develop acceptable work habits.

This lack of homogeneity in the labor factor and the social problems attendant with periods of unemployment led me to revise my Human Investment Act.

It became apparent that while the skill ladder concept of upgrade training remains valid, the challenges of ascending rungs on the skill ladder are not equal for all rungs. The first rung is the most difficult for the unskilled. Accordingly, I have made provision in this latest version of the Human Investment Act for a 20-percent tax credit for certain training and supportive service expenses for the "certified" hardcore unemployed and unskilled individual.

Under the provisions of this measure, individuals who lack the skills, education, or job experience necessary for steady and remunerative employment and meet such other criteria as the Secretary of Labor may require will be certified through the local office of the State Employment Service Agency. An employer, who subsequently hires this individual for training will receive a tax credit of 20 percent for certain allowable training expenses for a maximum period of 1 year. Following this period an employer can receive a tax credit at the 10-percent rate for any further upgrade training provided the individual.

There is one important distinction between the two tax credit tiers. During the first year of training of a certified employee, the 20-percent tax credit rate would also apply to the costs of supportive services such as counseling, remedial education, and prevocational training incurred by the employer to enable employees to become full productive employees. This follows the National Alliance of Businessmen's JOBS program, which recognizes that in the case of the hardcore unemployed more than job training alone is required to bring a man, long outside our economy, into a position of meaningful employment and opportunity.

As I am indebted to the JOBS program for its success and example, I also should credit the Kerner Commission report for its certification recommendation.

However, while I tentatively call such card an "Opportunity Certificate" this euphemism does not totally overcome my hesistance to advocate a device which might tend to segregate certified from noncertified employed.

The bill I introduce today proposes that the Secretary of Labor administer the certification. Perhaps in subsequent hearings and deliberations on this measure, we can provide whatever further legislative safeguards are necessary to insure that certification is a confidential form of identification rather than a painful token of discrimination.

As I am indebted to the JOBS program, I am likewise grateful to the example of the institutional and on-the-job training segments under the Manpower Development and Training Act of 1962, of which I was one of the original sponsors and strong supporters.

The institutional and on-the-job training segments of the NDTA and the JOBS program are the three most successful manpower programs in terms of completion and placement rates and in giving the type of training which permits recipients to continue or find employment in private enterprise after Federal financial assistance has been withdrawn.

The Human Investment Act borrows heavily from these programs and responds with a two-tier tax credit formula to two problems: One, meeting our advancing technology with expanded upgrade training; and two, meeting the needs of the hardcore unemployed with meaningful training, counseling and education programs by employers who have jobs available.

I do not envision the 20-percent tax credit for training expenses for the certified employee to be an exclusive alternative to our existing manpower training programs.

I see it as an additional alternative particularly geared to the smaller or isolated employers who with a minimum of bureaucracy and delay seek to hire and train the heretofore unemployable individual.

Under this proposal any employer could hire an individual and proceed immediately with a training program adhering to the definitions of allowable training expenses.

Simultaneously throughout the Nation employers would be stimulated under the 10-percent tax credit provisions for noncertified employees to expand their upgrade training programs. Thus, as semiskilled jobs slots and unskilled workers are trained to fill semiskilled slots, further job opportunities are opened below for the unskilled.

An employer can seek to hire and train the unemployed for these slots with either the impetus of manpower programs now underway or the 20-percent tax credit incentive for certified employees incorporated in this measure.

Those of my colleagues familiar with previous versions of the Human Investment Act will note other changes in this latest version of the measure.

I have proposed that the two-tier tax credit for certain allowable training expenses be limited to 5 tax years. Thus, if this proposal is enacted, the tax credit would not be open ended. Rather, it would require Congress to evaluate and deliberate on its efficacy and choose to continue or not to continue its provisions.

The measure I introduce today also requires the Secretary of Labor to report annually to the Congress on the manpower and revenue effects of the tax credit. Consequently the Congress will be kept fully and currently informed on the impact of this act on the Nation's economic and manpower needs and problems.

As I said at the opening of my remarks this latest Human Investment Act is another phase in the evolution of the tax credit for manpower training concept. It is not the culmination of my efforts but another step in my search for the most efficient and expeditious means of responding to the cruel dilemma of structural unemployment.

The bill (S. 2769) to provide an incentive for private employers to provide job training programs, including programs for individuals lacking skill or training necessary for steady employment, by allowing an income tax credit for the expenses of such programs, introduced by Mr. PROUTY (for himself and other Senators), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 2769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Human Investment Act of 1969".

PURPOSE

SEC. 2. It is the purpose of this Act to provide an incentive for private enterprise—

(1) to train and employ presently unemployed individuals lacking needed job skills and to provide new job opportunities for individuals presently employed by upgrading their job skills, and

(2) in particular, to train and employ individuals whose lack of skill, training, education, or experience acts as a barrier to steady and remunerative employment.

TITLE I—CERTIFICATION OF INDIVIDUALS BY SECRETARY OF LABOR

DEFINITIONS

SEC. 101. For purposes of this title—

(a) The term "Secretary" means the Secretary of Labor.

(b) The term "subpart C" means subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (as added by title II of this Act).

ISSUANCE OF OPPORTUNITY CERTIFICATES

Sec. 102. (a) The Secretary shall issue an opportunity certificate to each individual who makes written application therefor, if he determines that—

(1) the skill, training, education, or job experience of such individual is below that normally required to maintain steady and remunerative employment, and

(2) such individual meets such other criteria as the Secretary may prescribe as necessary to carry out the purposes of this title and of subpart C.

(b) An opportunity certificate issued under subsection (a) shall expire at the end of three years after the date of issuance. For purposes of subpart C, an opportunity certificate shall be effective with respect to periods of employment not exceeding a total of twelve months during the period prior to its expiration.

(c) An individual shall be eligible to be issued only one opportunity certificate.

ADMINISTRATION

Sec. 103. (a) The Secretary shall administer the provisions of section 102 through the United States Employment Service and such other offices and divisions of the Department of Labor as he determines desirable.

(b) The Secretary shall prescribe such rules and regulations as he determines necessary for purposes of this title, including rules and regulations prescribing—

(1) the form and contents of an opportunity certificate,

(2) the form and contents of an application for an opportunity certificate,

(3) the procedure for consideration of an application for an opportunity certificate, and

(4) the procedure for reconsideration and review of the Secretary's action in issuing or failing to issue an opportunity certificate to an individual applying therefor.

(c) The Secretary shall, from time to time, transmit to the Secretary of the Treasury information with respect to individuals to whom he has issued opportunity certificates under section 102.

REPORTS TO CONGRESS

Sec. 104. The Secretary shall submit to the Congress an annual report on the performance of his functions under this title. The first such report shall be made on or before November 15, 1970, and each subsequent report shall be made on or before November 15 of each year thereafter. Each such report shall contain an evaluation of the effectiveness of the provisions of this title and of subpart C in achieving the purposes set forth in section 2 of this Act. Each such report may also include such recommendations for further legislation as the Secretary deems advisable.

TITLE II—AMENDMENTS TO INTERNAL REVENUE CODE OF 1954

ALLOWANCE OF TAX CREDIT

Sec. 201. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 40 as section 41, and by inserting after section 39 the following new section:

"Sec. 40. Expenses of Employee Training Programs

"(a) General Rule.—In the case of taxable years beginning after December 31, 1968, and before January 1, 1974, there shall be allowed, as a credit against the tax imposed by this chapter, the amount determined under subpart C of this part.

"(b) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section and subpart C."

(b) Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by adding at the end thereof the following new subpart:

"Subpart C—Rules for Computing Credit for Expenses of Employee Training Programs

"Sec. 51. Amount of credit.

"Sec. 52. Definitions; special rules.

"SEC. 51. Amount of Credit

"(a) Determination of Amount.—

"(1) General rule.—The amount of the credit allowed by section 40 for the taxable year shall be equal to the sum of—

"(A) 20 percent of the certified employee training expenses (as defined in section 52 (b)) paid or incurred during the taxable year, and

"(B) 10 percent of the noncertified employee training expenses (as defined in section 52 (c)) paid or incurred during the taxable year.

"(2) Limitation based on amount of tax.—Notwithstanding paragraph (1), the credit allowed by section 40 for the taxable year shall not exceed—

"(A) so much of the liability for the taxable year as does not exceed $25,000, plus

"(B) 50 percent of so much of the liability for tax for the taxable year as exceeds $25,000.

"(3) Liability for tax.—For purposes of paragraph (2), the liability for tax for the taxable year shall be the tax imposed by this chapter for such year, reduced by the sum of the credits allowable under—

"(A) section 33 (relating to foreign tax credit),

"(B) section 35 (relating to partially tax exempt interest),

"(C) section 37 (relating to retirement income), and

"(D) section 38 (relating to investment in certain depreciable property).

For purposes of this paragraph, any tax imposed for the taxable year by section 531 (relating to accumulated earnings tax), section 541 (relating to personal holding company tax), or section 1378 (relating to tax on certain capital gains of subchapter S corporations), and any additional tax imposed for the taxable year by section 1351(d)(1) (relating to recoveries of foreign expropriation losses), shall not be considered tax imposed by this chapter for such year.

"(4) Married individuals.—In the case of a husband or wife who files a separate return, the amount specified under subparagraphs (A) and (B) of paragraph (2) shall be $12,500 in lieu of $25,000. This paragraph shall not apply if the spouse of the taxpayer has no certified employee training expenses or noncertified employee training expenses for, and no unused credit carryback or carryover to, the taxable year of such spouse which ends within or with the taxpayer's taxable year.

"(5) Affiliated groups.—In the case of an affiliated group, the $25,000 amount specified under subparagraphs (A) and (B) of paragraph (2) shall be reduced for each member of the group by apportioning $25,000 among the members of such group in such manner as the Secretary or his delegate shall by regulation prescribe. For purposes of the preceding sentence, the term 'affiliated group' has the meaning assigned to such term by section 1504(a), except that all corporations shall be treated as includible corporations (without any exclusion under section 1504 (b)).

"(b) Carryback and Carryover of Unused Credit.—

"(1) Allowance of credit.—If the amount of the credit determined under subsection (a)(1) for any taxable year exceeds the limitation provided by subsection (a)(2) for such taxable year (hereinafter in this subsection referred to as 'unused credit year'), such excess shall be—

"(A) an employee training credit carryback to each of the 3 taxable years preceding the unused credit year, and

"(B) an employee training credit carryover to each of the 7 taxable years following the unused credit year, and shall be added to the amount allowable as a credit by section 40 for such years, except that such excess may be a carryback only to a taxable year beginning after December 31, 1968. The entire amount of the unused credit for an unused credit year shall be carried to the earliest of the 10 taxable years to which (by reason of subparagraphs (A) and (B)) such credit may be carried, and then to each of the other 9 taxable years to the extent that, because of the limitation contained in paragraph (2), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

"(2) Limitation.—The amount of the unused credit which may be added under paragraph (1) for any preceding or succeeding taxable year shall not exceed the amount by which the limitation provided by subsection (a)(2) for such taxable year exceeds the sum of—

"(A) the credit allowable under subsection (a)(1) for such taxable year, and

"(B) the amounts which, by reason of this subsection, are added to the amount allowable for such taxable year and attributable to taxable years preceding the unused credit year.

"Sec. 52. Definitions; Special Rules.

"(a) Certified and Noncertified Employees.—For purposes of this section—

"(1) Certified employees.—The term 'certified employee' means any employee of the taxpayer to whom an opportunity certificate has been issued by the Secretary of Labor under section 102 of the Training and Employment Tax Incentive Act of 1969, but only with respect to periods of employment not exceeding a total of 12 months during the period commencing 3 months prior to the date of issuance of such certificate and ending on the date of expiration of such certificate.

"(2) Noncertified employee.—The term 'noncertified employee' means any employee of the taxpayer who, with respect to any period of employment, is not a certified employee within the meaning of paragraph (1).

"(b) Certified Employee Training Expenses.—For purposes of this subpart, the term 'certified employee training expenses' means the following expenses paid or incurred with respect to individuals who are certified employees:

"(1) the wages and salaries of employees who are apprentices in an apprenticeship program registered with a State apprenticeship agency of the Federal Bureau of Apprenticeship and Training;

"(2) the wages and salaries of employees who are enrolled in an on-the-job training program;

"(3) the wages and salaries of employees who are participating in a cooperative education program involving alternate and approximately equal periods of study and employment in cooperation with—

"(A) a school or college, or department or division of a school or college, which is certified by the United States Commissioner of Education to be an area vocational education school as defined in section 108(2) of the Vocational Education Act of 1963, or

"(B) a business or trade school, or technical institution or other technical or vocational school, which is certified by the United States Commissioner of Education to be a vocational school as defined in section 435(c) of the Higher Education Act of 1965;

"(4) tuition and course fees paid or incurred by the taxpayer to—

"(A) a school or college, or department or division of a school or college, which is certified by the United States Commissioner of Education to be an area vocational education school as defined in section 108(2) of the Vocational Education Act of 1963, or

"(B) a business or trade school, or technical institution or other technical or vocational school, which is certified by the United States Commissioner of Education to be a vocational school as defined in section 435(c) of the Higher Education Act of 1965, for instruction of an individual in job skills necessary for and directly related to his employment by the taxpayer or his continued employment with the taxpayer in a position requiring additional job skills, and amounts paid or incurred by the taxpayer to any such individual in reimbursement for such tuition and fees paid by such individual;

"(5) expenses of the taxpayer for organized job training (including classroom instruction) provided by the taxpayer, including (but not limited to) expenses for the purchase or lease of books, testing and training materials, classroom equipment and related items, and instructors' fees and salaries, incurred in training any individual in job skills necessary for and directly related to an apprenticeship program or on-the-job training program;

"(6) expenses of the taxpayer for counseling, remedial education, and prevocational training (including, but not limited to, expenses for the purchase and lease of books, testing and training materials, classroom equipment and related items, and instructors' fees or salaries), incurred to enable employees to become fully productive employees;

"(7) expenses of the taxpayer for organized job training described in paragraph (5) or supportive services described in paragraph (6) provided by another taxpayer, but only to the extent the expenses of providing such instruction or services would, if provided by the taxpayer, constitute certified employee training expenses of the taxpayer under paragraph (5) or (6) of this subsection; and

"(8) expenses of the taxpayer for organized job training described in paragraph (5) or supportive services described in paragraph (6) provided by a business or trade association, joint labor-management apprenticeship committee, or other similar nonprofit association, group, trust fund, foundation, or institution for an employee of any taxpayer member of such association, committee, group, trust fund, foundation, or institution, but only to the extent the expenses of providing such instruction or services would, if provided by the taxpayer, constitute certified employee training expenses under paragraph (5) or (6) of this subsection.

"(C) Noncertified Employee Training Expenses.—For purposes of this subpart, the term 'noncertified employee training expenses' means the following expenses paid or incurred with respect to individuals who are noncertified employees:

"(1) the expenses described in pargaraphs (1), (2), (3), and (4) of subsection (b);

"(2) home study course fees paid or incurred by the taxpayer to any home study school accredited by a nationally recognized accrediting agency or association listed by the United States Commissioner of Eduation for instruction of an individual in job skills necessary for and directly related to his employment by the taxpayer or his continued employment with the taxpayer in a position requiring additional job skills, and amounts paid or incurred by the taxpayer to any such individual in reimbursement for such individual;

"(3) expenses of the taxpayer for organized job training (including classroom instruction) provided by the taxpayer, including (but not limited to) expenses for the purchase or lease of books, testing and training materials, classroom equipment and related items, and instructors' fees and salaries, incurred in training any individual in job skills necessary for and directly related to his employment by the taxpayer or his continued employment with the taxpayer in a position requiring additional job skills;

"(4) expenses of the taxpayer for organized job training described in paragraph (3) provided by another taxpayer, but only to the extent the expenses of providing such instruction would, if provided by the taxpayer, constitute employee training expenses of the taxpayer under paragraph (3) of this subsection; and

"(5) expenses of the taxpayer for organized job training described in paragraph (3) provided by a business or trade association, joint labor-management apprenticeship committee, or other similar nonprofit association, group, trust fund, foundation, or institution for an employee or prospective employee of any taxpayer member of such association, committee, group, trust fund, foundation, but only to the extent the expenses of providing such instruction would, if provided by the taxpayer, constitute employee training expenses of the taxpayer under paragraph (3) of this subsection.

"(d) On-the-Job Training.—For the purposes of this section, the term 'on-the-job training' means job training according to a plan formulated or approved by the taxpayer which assures that—

"(1) the training content of the program is adequate, involves reasonable progression, and will result in the qualification of trainees for suitable employment;

"(2) the training period is reasonable and consistent with periods customarily required for comparable training;

"(3) adequate and safe facilities, and adequate personnel and records of attendance and progress, are provided;

"(4) the trainees are compensated at reasonable rates, including periodic increases, considering such factors as industry, geographical region, and trainee efficiency; and

"(5) the training content of the program meets such other reasonable criteria as the Secretary may prescribe.

"(e) Organized Job Training.—For purposes of this section, the term 'organized job training' means job training according to a plan formulated or approved by the taxpayer which contains—

"(1) the title and description of the job objectives for which individuals are to be trained;

"(2) the length of the training period which shall be reasonable and consistent with the occupation for which the employee is being trained;

"(3) a schedule listing various operations for major kinds of work or tasks to be learned and showing for each, job operations or work, tasks to be performed, and the approximate length of time to be spent on each operation or task;

"(4) the wage or salary to be paid at the beginning of the course of training, at each successive step in the course, and at the completion of training;

"(5) the entrance wage or salary paid to employees already trained in the kind of work for which the individuals are to be trained;

"(6) the number of hours of supplemental related instruction required; and

"(7) the approximate length of time to be spent on safety training required for introduction to new equipment or production methods.

"(f) Limitations.—

"(1) Trade or business expenses.—Except in the case of expenses described in subsection (b)(6) (or so much of subsection (b) (7) or (8) as relates thereto); no item shall be taken into account under subsection (b) or (c) unless such item is allowable as a deduction under section 162 (relating to trade or business expenses). For purposes of applying the preceding sentence, expenses which are paid or incurred by the taxpayer with respect to an individual who is not his employee shall be treated as paid or incurred with respect to an individual who is his employee.

"(2) Certain kinds of training excluded.—

"(A) In general.—No item shall be taken into account under subsection (b) or (c) with respect to any expense paid or incurred in training any individual in—

"(i) management, supervisory, professional, or human relation skills;

"(ii) scientific or engineering courses creditable to a baccalaureate degree by an institution of higher education (as defined by the first sentence of section 103(b) of the National Defense Education Act of 1958);

"(iii) courses of a type determined by the Veterans' Administrator to be avocational or recreational in character under the authority of section 1673 of chapter 34 of title 38, United States Code; or

"(iv) subjects not contributing specifically and directly to such individual's employment or prospective employment with the taxpayer (or a taxpayer member of an association, group, trust fund, foundation, or institution as used in subsections (b)(8) and (c)(5)).

"(B) Exceptions.—Subparagraph (A) shall not apply to—

"(i) expenses described in subsection (b) (4) (or so much of subsection (c)(1) as relates thereto) and (c)(2) paid or incurred for courses and at institutions certified by a State apprenticeship agency (or where none exists, by the Bureau of Apprenticeship and Training) as eligible for inclusion in a registered apprenticeship program in an apprenticeable occupation listed by the Bureau of Apprenticeship and Training:

"(ii) expenses described in subsection (b)(4) (or so much of subsection (c)(1) as related thereto) and (c)(2) paid or incurred for courses offered in a 2-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge by an institution which is accredited or otherwise certified by the United States Commissioner of Education under paragraph 401(f)(5) of the Higher Education Facilities Act of 1963; or

"(iii) expenses described in subsection (b) or (c) for training which has been approved by the agency of a State that administers its State unemployment compensation law for individuals receiving unemployment compensation.

"(3) Reimbursed expenses.—No item shall be taken into account under subsection (b) or (c) to the extent that the taxpayer is reimbursed for such item by any other taxpayer, by any association, group, trust fund, foundation, or institution, or by any State, local, or Federal Government program, grant, contract, or agreement.

"(4) Geographical limitation.—No item shall be taken into account under subsection (b) or (c) with respect to any expense paid or incurred by the taxpayer for training conducted on the territory of any foreign country.

"(5) Overlapping expenses.—A taxpayer may take into account expenses paid or incurred with respect to any one individual under either paragraph (3) or paragraph (4) of subsection (b) (or so much of subsection (c)(1) as relates thereto), but shall not take into account expenses concurrently paid or incurred with respect to such individual under both such paragraphs.

"(g) Subchapter S Corporations.—In case of an electing small business corporation (as defined in section 1371)—

"(1) the certified employee training expenses and noncertified employee training expenses for each taxable year shall be apportioned pro rata among the persons who are shareholders of such corporation on the last day of such taxable year, and

"(2) any person to whom any expense has been apportioned under paragraph (1) shall be treated (for purposes of this subpart) as the taxpayer with respect to such expense.

"(h) Estates and Trusts.—In the case of an estate or trust—

"(1) the certified employee training expenses and noncertified employee training expenses for any taxable year shall be apportioned between the estate or trust and the beneficiaries on the basis of the income of the estate or trust allocable to each, "(2) any beneficiary to whom any expense has been apportioned under paragraph (1) shall be treated (for purposes of this subpart) as the taxpayer with respect to such expense, and

"(3) the $25,000 amount specified under subparagraphs (A) and (B) of section 51 (a)(2) applicable to such estate or trust shall be reduced to an amount which bears the same ratio to $25,000 as the amount of the expenses allocated to the trust under paragraph (1) bears to the entire amount of the certified employee training expenses and noncertified employee training expenses.

"(i) LIMITATIONS WITH RESPECT TO CERTAIN PERSONS.—In the case of—

"(1) an oragnization to which section 593 applies,

"(2) a regulated investment company or a real estate investment trust subject to taxation under subchapter M (section 851 and following), and

"(3) a cooperative organization described in section 1381(a),

rules similar to the rules provided in section 46(d) shall apply under regulations prescribed by the Secretary or his delegate.

"(j) CROSS REFERENCE.—

"For application of this subpart to certain acquiring corporations, see section 381(c)(24)."

EXCLUSION FROM GROSS INCOME

SEC. 202. Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by renumbering section 123 as 124 and by inserting after section 122 the following new section:

"SEC. 123. TUITION AND FEES UNDER EMPLOYEE TRAINING PROGRAMS

"In the case of individual, gross income does not include—

"(1) tuition and course fees paid on behalf of such individual, or amounts received as reimbursement for such tuition and fees paid by such individual, to the extent such tuition and fees or such reimbursement constitutes employee training expenses under section 52(b)(4) (or so much of section 52(c)(1) as relates thereto) of the person making the payment or reimbursement, and

"(2) home study course fees paid on behalf of such individual, or amounts received as reimbursement for such fees paid by such individual, to the extent such fees or reimbursement constitutes employee training expenses under section 52(c)(2) of the person making the payment or reimbursement."

CLERICAL AND TECHNICAL AMENDMENTS

SEC. 203. (a) The table of subparts for part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following:

"Subpart C. Rules for computing credit for expenses of employee training programs."

(b) The table of sections of subpart A of part IV of subchapter A of chapter 1 of such Code is amended by striking out

"Sec. 40. Overpayments of tax."

and inserting in lieu thereof

"Sec. 40 Expenses of employee training programs.

"Sec. 41. Overpayments of tax."

(c) Part V of subchapter A of chapter 1 of such Code is amended—

(1) by renumbering section 51 and 56, and

(2) by striking out "51" in the table of sections for such part and inserting in lieu thereof "56."

(d) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking out

"Sec. 123. Cross references to other Acts."

and inserting in lieu thereof

"Sec. 123. Tuition and fees under employee training programs.

"Sec. 124. Cross references to other Acts."

(d) Section 381(c) of such Code (relating to items taken into account in certain corporate acquisitions) is amended by adding at the end thereof the following new paragraph:

"(24) CREDIT UNDER SECTION 40 FOR EMPLOYEE TRAINING EXPENSES.—The acquiring corporation shall take into account (to the extent proper to carry out the purposes of this section and section 40, and under such regulations as may be prescribed by the Secretary or his delegate) the items requires to be taken into account for purposes of section 40 in respect of the distributor or transferor corporation."

EFFECTIVE DATE

SEC. 204. The amendments made by this title shall apply with respect to taxable years beginning after December 31, 1968.

The summary, presented by Mr. PROUTY, is as follows:

THE HUMAN INVESTMENT ACT OF 1969

PURPOSE

"To provide an incentive for private employers to provide job training programs, including programs for individuals lacking skill or training necessary for steady employment, by allowing an income tax credit for the expenses of such programs."

METHOD

The Act offers employers a two-tier tax credit towards certain expenses of programs designed to train productive employees for jobs with the company or retain current employees for more demanding jobs with the company.

AMOUNT OF TAX CREDIT

1.—20 percent of the allowable training expenses for employees holding an Opportunity Certificate (see explanation of Opportunity Certificate below); plus:

2.—10 percent of the allowable training expenses for noncertified employees.

The maximum tax credit for an employer under the provisions of the Act will be $25,000 plus 50 percent of the taxpayer's liability in excess of $25,000. This credit will be in addition to credits provided for by other sections of the tax code, and in addition to the regular deduction as a trade or business expense under Section 162 of the Internal Revenue Code.

OPPORTUNITY CERTIFICATES

Under the Act the Secretary of Labor will issue an Opportunity Certificate to individuals if:

1.—the skill training education, or job experience of such individual is below that normally required to maintain steady and remunerative employment; and

2.—such individual meets other criteria established as necessary to carry out the purposes of the Act.

The certificates will be administered through the United States Employment Service. An individual's Certificate will expire after three years.

Training expenses allowable for tax credit at the 20 percent rate will be effective with respect to a certified individual's employment for a maximum period of one year. The 10 percent tax credit rate for allowable training expenses will then apply for training of such individual subsequent to this one year period.

NONCERTIFIED EMPLOYEES

Under the Act non-certified employees are those not eligible for certification as outlined above.

ALLOWABLE TRAINING EXPENSES

1.—For both certified and non-certified employees:

(a) The wages and salaries of employees who are apprentices in an apprenticeship program registered with a State Apprenticeship Agency of the Federal Bureau of Apprenticeship and Training.

(b) The wages and salaries of employees who are enrolled in an on-the-job training program.

(c) The wages and salaries of employees who are participating in a cooperative education program involving alternate and approximately equal periods of study and employment in cooperation with a secondary school, college, university, business school, trade school or vocational school.

(d) Expenses of the taxpayer for organized job training (including classroom instruction) including expenses for the purchase or lease of books, testing and training equipment, and instructors' fees and salaries.

2.—For Certified Employees Only:

Expenses of the taxpayer for counselling, remedial education and pre-vocational training incurred to enable new employees to become fully productive employees.

3.—For Non-Certified Employees Only:

Home study course fees paid by the taxpayer for the instruction of any individual by a college, university, business school, trade or vocational school in job skills necessary for his employment by the taxpayer or his continued employment with the taxpayer.

NOTE.—Under the definition of allowable training expenses, provision is made in the Act for training and services provided for the taxpayer by organizations other than the taxpayer.

OTHER PROVISIONS

1.—The tax credit provisions of this Act will expire at the end of five tax years.

2.—Allowable employee training expenses must be tax deductible under Section 162 of the Code, relating to trade or business expenses.

3.—The tax credit could be carried back three years and carried forward seven years.

4.—No credit will be allowed for the training of managerial, professional or advanced scientific employees. The intent of the Act is to encourage businesses to upgrade the skills of those at the bottom end of the skill and income ladders, not middle management or professional employees.

5.—No credit will be allowable for avocational or recreational courses.

6.—Employers could not claim a credit when the training expenses are reimbursable by the government under a training contract, etc.

COMMENT

The Human Investment Act is patterned after the investment credit provisions of the Revenue Act of 1962, which permitted a 7% tax credit toward investment in certain depreciable plant equipment and real property.

This bill is an attempt to meet the increasingly serious problems of structural unemployment caused by a labor force ill-fitted for existing and developing job opportunities. Unlike programs aimed only at the hard-core unemployed, the Human Investment Act is designed to help the hard-core unemployed, others seeking jobs and workers presently employed, who wish to increase their skills to qualify for better jobs. The intent of the Act is to advance all workers up the skill ladder, thus opening vacancies at the bottom for the presently unskilled and unemployed. The bill recognizes that the task of ascending "rungs" on the "skill ladder" is not equal for all "rungs" and that climbing the first "rung" is most difficult for the hard-core unemployed. The bill responds to this difficulty by providing a 20% tax credit for allowable training expenses and requisite supportive services during the first year of training for "certified employees."

The major premise of the Human Investment Act is that private business and labor have, over the years, learned how to obtain the best results per training dollar and should now be encouraged to expand their training programs to meet the growing national need. The Human Investment Act seeks not to eliminate existing manpower programs,

XUM

but to augment them with an alternative, which contains a minimum of bureaucracy.

The provisions of the Human Investment Act are particularly suited for firms, which for various reasons may find existing manpower programs difficult to implement. The tax credit approach will "round out' responses available to firms to meet this nation's need for skilled workers.

LEGISLATIVE HISTORY

The original version of the Human Investment Act was introduced on February 17, 1965 by Senator Winston Prouty. Following six months of study and consultation, a revised Human Investment Act was introduced on September 9, 1965 by Senator Prouty in the Senate and Representative Thomas B. Curtis (R-Mo.) in the House. On February 2, 1967, Senator Prouty and 28 other Senators and Representative Curtis and 121 other Representatives, introduced another revised version of the Act. The tax credit concept was adopted in the 1968 Republican Platform. On February 25, 1969, Senator Prouty introduced an up-dated version of the Human Investment Act in the Senate and at the time remarked that he anticipated further revisions of the bill. This latest legislation incorporates several revisions stemming from an intensive review of earlier legislation and existing manpower programs.

Mr. DOLE. Mr. President, I am privileged to cosponsor this legislation being introduced today by my colleague from Vermont (Mr. PROUTY).

For many years, Senator PROUTY has recognized the need for legislation to encourage the private sector to play a larger role in job-training programs. As most everyone knows, he has been instrumental in securing broad bipartisan support for this concept in both the Senate and the other body. I recall on February 2, 1967, I joined 120 of my House colleagues in introducing the Human Investments Act which then, as now, was Senator PROUTY's idea.

There was need for the legislation then and there is even greater need today for enactment of the Human Investment Act.

The scarcity of required job skills among the unemployed continues to hinder them in obtaining a job and has created difficulties for employers and thus hindered our economic growth. All one needs to do to become aware of this fact is to glance through the classified advertisements in a daily newspaper which are filled with enticing offers for skilled manpower.

Much is being said of the urgent need to reform our outdated and ineffective welfare programs. Neither the recipients, administrators, or taxpayers are happy with the way layer after layer of bureaucracy has been created but with self-defeating results. To break the "cycle of poverty" in which many of the second- and third-generation welfare recipients find themselves, we must mobilize the tremendous resources of the private sector. It has become increasingly apparent that government has neither sufficient funds nor does it have all the answers to this most pressing of our domestic needs.

But it is the responsibility and indeed the duty of government to encourage the training by the private sector of the unemployed and the underemployed.

The 1969 version of the Human Investment Act will provide a 20-percent tax credit for training expenses during the first year for the hard-core unemployed—those that qualify for a Government "Opportunity Certificate." It also provides a 10-percent tax credit for the allowable training expenses for others seeking jobs and those who are underemployed—so that they can move up the employment ladder, opening up positions for those who are unemployed.

This bill will help meet the increasing problem of structural unemployment caused by a labor force ill equipped for existing and future job opportunities. It will not eliminate existing manpower programs, but will augment them with an alternative, which contains a minimum of bureaucracy.

Mr. President, the word "crisis" when written in Chinese is composed of two characters: one represents danger and one represents opportunity. Today America faces a domestic crisis much of which can be related to an insufficiency in employment opportunities and training. Although the problems are great, the opportunities offered by the Human Investment Act of 1969 for our unemployed and disadvantaged citizens are great.

Mr. President, I strongly urge prompt action on this measure.

S. 2772—INTRODUCTION OF A BILL RELATING TO THE ELECTION OF A TAXPAYER TO CHANGE FROM THE ACCRUAL TO THE INSTALLMENT BASIS OF ACCOUNTING FOR INCOME TAX PURPOSES

Mr. LONG. Mr. President, installment reporting for Federal income tax purposes has been recognized as a proper method of tax accounting since the Revenue Act of 1921. In 1925, the Board of Tax Appeals held, however, that installment reporting did not clearly reflect income. The 1926 act authorized and validated installment reporting both for future and past taxable years. The purpose of allowing this method was to more closely match tax liability with cash flow, thus, reducing the harshness of the immediate tax bite. This action was another step in bringing tax accounting into agreement with generally accepted accounting principles.

The accounting profession continued to recognize installment reporting as proper accounting through December 1966. However, an opinion, dated December 1966, of the Accounting Principles Board stated that the installment method of recognizing revenue is no longer acceptable except in exceptional cases where receivables are collectible over an extended period of time and because of the terms of the transactions or other conditions, there is no reasonable basis for estimating the degree of collectibility. The essence of this opinion is to require accrual reporting for accounting periods beginning after December 31, 1966. Taxpayers who have elected to report on the installment basis for tax purposes are now required to maintain sufficient records to satisfy two methods of reporting.

Another recent opinion—dated December 1967—of the Accounting Principles Board requires taxes to be accrued as a deferred liability on revenue which is reported on the financial statements even though a large portion of this revenue is deferred for tax reporting purposes. This requirement can result in a firm showing a large deferred tax liability resulting in a large tax expense being shown on the income statement which will result in a material reduction in the firm's financial net income. This depressed financial picture would well hamper a firm's efforts to secure the necessary working capital needed to continue its present level of operations. In these situations, it would be virtually impossible to obtain working capital which would be needed to expand operations. In several cases, firms can rectify this situation by reverting from installment reporting to accrual reporting for Federal income tax accounting.

Section 453 of the Internal Revenue Code of 1954 does not preclude revoking the election to report on the installment basis. However, the Internal Revenue Service has been reluctant to allow revocation of the election since section 453 does not specifically provide for such an election. In one instance, the Internal Revenue Service has refused to grant an election for revocation even though the firm would pay $43,972 in additional taxes in the year of revocation if allowed, and even though there would be increased additional taxes in each year thereafter for as long as the firm continues to grow. The required changes in acceptable accounting principles coupled with the indecisive position of the Internal Revenue Service necessitates statutory action to remedy a hardship which could be detrimental to several small and medium size merchandising firms which have elected the installment basis of reporting before becoming aware of the effect of the changes made by the Accounting Principles Board.

Let me now deal specifically with the changes which would be made by the bill which I am introducing at this time.

Section 453 of present law allows a taxpayer to elect the installment method of reporting without permission to change accounting methods in the following situations:

First, upon the sale of personal property on an installment plan by dealers;

Second, upon the sale or other disposition of real property, providing that payments in the year of sale do not exceed 30 percent of the selling price; and

Third, in the case of a casual sale or casual disposition of personal property providing the price exceeds $1,000 and the payments in the year of sale do not exceed 30 percent of the selling price.

A taxpayer who changes his accounting method from the accrual to the installment method pays a double tax on certain income. Under the accrual method, the entire profit from a sale is taken into account in the year of sale, regardless of when the collection is made. The installment method requires the profit from a sale be recognized ratably as the cash is collected. In the early years following a change from the accrual to the installment method, profit recognized under the installment method is taxable despite the fact that this same profit previously had been reported as taxable income under the accrual method. To preclude this profit from being taxed twice, the tax attributable to an amount included in income for the second time is eliminated or at least decreased to the extent of the tax attributable to its inclusion under the earlier method of accounting.

Although the Internal Revenue Code does not preclude change to some other method of accounting from the installment method, Treasury regulations on section 453 state that a dealer may not change from the installment plan to the accrual method or to any other method of accounting without the permission of the Commissioner. However, neither the Internal Revenue Code nor the related regulations allow for, or preclude, retroactive revocation of the election to report on the installment method.

The bill I am today introducing corrects this type of situation. It amends section 453(c) of the Internal Revenue Code by allowing a taxpayer to revoke an election to report on the installment basis by filing a notice of revocation. The Secretary or his delegate shall describe by regulations or rulings the method by which the "revocation of election" is to be made. The election to revoke must be made within 3 years following the date of the filing of the tax return for the year that the election to file on the installment method was made. A timely filed revocation applies to the year that installment reporting was elected plus all subsequent years. The statutory period for the assessment shall extend for 2 years following the date of the filing of the notice of revocation. Interest will not be allowed on refunds paid or credits due as a result of filing an election of revocation. The election to revoke shall apply to all open years under the statutory period for assessment.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2772) relating to the election of a taxpayer to change from the accrual to the installment basis of accounting for income tax purposes, introduced by Mr. LONG, was received, read twice by its title, and referred to the Committee on Finance.

S. 2774—INTRODUCTION OF A BILL EXTENDING FEDERAL MORTGAGE GUARANTEES TO CERTAIN STATE BONDS ISSUED TO FINANCE LOW AND MODERATE HOUSING

Mr. MURPHY. Mr. President, on behalf of Senator CRANSTON and myself, I introduce a bill to authorize the Federal Government to guarantee obligations issued by State agencies to finance low- and moderate-income housing. This Federal guarantee is needed to make the interest rates on these obligations as low as possible so that a new, creative California housing effort will be both feasible and profitable. A similar bill has been introduced in the House led by Congressman BILL MAILLIARD and a bipartisan California delegation: Congressmen BURTON, SMITH, REESE, HOSMER, GUBSER, DON CLAUSEN, MCFALL, MCCLOSKEY, HAWKINS, ANDERSON, EDWARDS, LIPSCOMB, MOSS, and CHARLES WILSON.

Providing all Americans with decent housing is rightfully one of our important national goals. Last year, the Congress enacted the Housing and Urban Development Act of 1968 which is an ambitious blueprint for meeting the housing needs of the country over the next decade. The most exciting concept of this omnibus Housing Act is the inclusion of the homeownership feature. This provision originated with the so-called Percy bill, S. 1592, which I was pleased to coauthor and strongly support. This Republican initiative was offered as a new approach toward a real partnership with private individuals, private enterprise, and Government to assist low-income families in rehabilitating or building new homes. Homeownership has always been part of the American dream. In addition to the personal pleasure and pride one derives from owning a home, homeownership has a desirable stabilizing effect on both individuals and their communities.

It has been estimated that 6 million units of new or rehabilitated housing is needed in the Nation to replace substandard housing over the next decade. This is true, despite expenditures of $5.5 billion over the past 17 years for urban renewal. The record of public housing leaves a lot to be desired. Urban renewal for example, has demolished more homes than public housing has built.

Mr. President, unfortunately, all too often the propensity of Federal urban renewal programs and the public housing programs has been to demolish existing structures and to build anew. Despite the cost of this approach, both economic and human, we have been ignoring one of the great potentials in the housing area; namely, the potenial of renovating or rehabilitating existing buildings.

Mr. President, as great as the national housing needs are, California needs are even greater. Because of its pleasant climate, unparalleled beauty, its outstanding educational institutions, and the great opportunity it affords, California attracts enough new citizens each month to create a new city of 30,000. Population projections for the State of California by the year 2000 indicate that we "build a second California" in order to house an estimated population of 38.5 million. This means that we must construct over the next 31 years more units of housing than presently exist in the State of California.

While this must be done in order to meet the State's population expansion, if we add to this the substandard housing we need to replace, we must build 500,000 new units and rehabilitate several hundred thousand dwelling now in use. A great challenge, indeed, even for a State like California.

The price of homes is of major concern both in California and throughout the country. The highest interest rates in the Nation's history, rising cost of land, labor, and materials have all converged to price housing in many cases beyond the reach of many low- and moderate-income Americans. For example, one study showed that the average price of a new home built was $28,000 in seven southern California counties and $27,000 in nine San Francisco Bay area counties. These two areas of the State comprise 80 percent of the State's population. This study further indicated that more homes are being built in the $35,000 or higher range than in the $20,000 or below category. This is true despite the fact that the median income for these counties would seem to call for housing of around $19,000. One frequent way that lower-income families acquire homes is the so-called filtering-down process, that is, lower-income families buying homes of individuals that are trading up to higher priced housing. Mr. Charles R. LeMenager, State director of housing and community development, has, however, said:

> We are witnessing in many of our communities vacancies of under one per cent. Filtered-down housing is not available and low income housing is being removed from the housing stock through demolition faster than it is being replaced.

Mr. President, Speaker Bob Monagan of the California State Legislature has authored an imaginative housing program which holds much promise and has great potential in helping to make California equal to meeting the State's housing needs. This measure, assembly bill 115, is designed to "encourage persons—in renewal areas—voluntarily to engage in cooperative efforts based on self-help—and to enlist the capital and technological resources of the private sector in meeting that objective, which is to establish a mechanism through which people can initiate, plan, finance and carry out the rebuilding or rehabilitation of renewal areas."

This bill, which passed the California Assembly and the Senate by the overwhelming votes of 60 to 2, and 38 to 0, and has been signed into law by Governor Reagan, was drafted to deal with the two problems fundamental to the housing situation in California. Namely, the need for low and moderate housing, particularly in urban areas, and the need to provide neighborhoods within urban areas the means to plan, implement, finance the construction, and rehabilitation of their own neighborhood renewal programs. Under this imaginative California initiative, local residents can initiate and form their own renewal area agency. Residents desiring such a designation must present to the local legislative body petitions signed by 20 percent of the persons who live within the area. After receiving the petition, the local legislative body then refers it to the local planning commission for a study. After receiving a report of the study, the local legislative body may then approve the formation of a renewal area agency. This local renewal agency is then given various powers, including the power to issue tax-exempt bonds. These bonds will then be sold to the private market and other lending institutions. And the money is in turn loaned to landlords who rehabilitate or rebuild their property. It is hoped that the low interest loans, which the Federal guarantee will help make possible and the streamlined building codes to encourage the use of modern building technology will enable the landlord to rent the new units at the same price as the old property. In summary, the unique features of the California bill include, first, the initiation participation, and control of neighborhood renewal by local citizens; second, the involvement and supervision by the local legislative body; third, the required consent of 60 percent of the property owners of the area for the final go-ahead; fourth, the encouragement of the use of modern housing technology by suspension of local building codes more restrictive than minimum State standards; and fifth, the self-help principle and the enlisting of private enterprise to overcome the housing problem.

Mr. President, once again my State has advanced a very unique and a very imaginative proposal. This is the second occasion in 2 years when this has been done. Last year, for example, they enacted a bipartisan package of programs in the manpower area and to enable them to implement this program better, I authored an amendment to title V of the manpower development and training program called supplementary State programs. This program was designed to give the States freedom and flexibility in the manpower area and was framed so that gaps and coordination problems might be overcome. The previous administration failed to budget any funds for this program but I was able to persuade Secretary Shultz and the Labor Department to provide an additional $20 million for this program. I understand that a considerable number of other States are extremely interested and, therefore, I was exceedingly disappointed when the House of Representatives failed to provide the funds for this needed program designed to encourage States in the important manpower field.

Assembly bill 115, is a similar imaginative approach in the housing area and once again shows that States can and will face up to their responsibilities. Given the housing backlog and needs of the Nation and the budgetary problems we face, the Federal Government through the guaranteeing of obligations issued by local agencies, authorized to do so by the various States, would seem to be a most practical needed and welcome additional effort to meet the housing needs of the Nation and California.

Mr. President, I ask unanimous consent that the assembly joint resolution memorializing Congress to enact such legislation, as I am introducing today, be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection the joint resolution of the California Legislature will be printed in the RECORD.

The bill (S. 2774) to amend title III of the National Housing Act to authorize the Government National Mortgage Association to guarantee obligations issued by State agencies to finance low- and moderate-income housing introduced by Mr. MURPHY, for himself and Mr. CRANSTON, was received, read twice by its title, and referred to the Committee on Banking and Currency.

The material presented by Mr. MURPHY is as follows:

ASSEMBLY JOINT RESOLUTION NO. 57

Whereas, In 1968 the California Legislature enacted into law as Chapter 1392 of the Statutes of 1968 Assembly Bill No. 115, introduced by Assemblyman Robert T. Monagan; and

Whereas, Such Chapter 1392 establishes a program to make it possible for residents of substandard and deteriorated housing areas to form renewal area agencies in their neighborhoods, issue tax-exempt bonds, and, by working cooperatively with local governments, plan, finance, and carry out necessary rehabilitation or rebuilding in the renewal areas; and

Whereas, Such program will alleviate some of the economic forces which tend to drive low-income residents out of their neighborhoods; and

Whereas, Congressman William S. Mailliard has introduced HR 11596 before the Congress of the United States, which bill, if enacted, will authorize the extension of federal mortgage guarantee to bonds of a type issued under the program established under Assemblyman Monagan's bill; and

Whereas, Such mortgage guarantee is urgently needed to expedite the rebuilding and rehabilitation of neighborhoods under renewal area agency programs; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California memorializes the President and the Congress of the United States to enact *legislation to authorize the extension of federal mortgage guarantee to bonds of a type issued under Assemblyman Monagan's bill;* and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Departments of Housing and Urban Development and Health, Education and Welfare, to the Chairman of the House Banking and Currency Committee, and to each Senator and Representative from California in the Congress of the United States.

Mr. CRANSTON. Mr. President, by now, the plight of Americans with low income residing in the central city is well known. We all have heard of the Kerner Commission report, the Kaiser Committee report, and various other studies telling of the desperate situation of millions of Americans.

One of the most critical facets of the urban problem is the serious shortage of decent housing for low- and moderate-income inhabitants of the inner city.

There are various Federal programs now in effect which were designed to help alleviate some of these housing problems. However, because of Vietnam, inflation, and heavy defense spending, adequate funds for these programs have not been allocated by the administration nor appropriated by Congress. Obviously, we cannot afford to wait for an end to the Vietnam war, an arresting of inflation, or congressional curbs on defense spending before taking steps to get decent housing for millions of needy Americans.

Since adequate Federal funds for urban housing may not be forthcoming in the immediate future, efforts must be made to obtain as much support as possible from the private sector.

Moreover, a special effort must be made in order to involve the members of the community in the planning of their urban renewal program.

Last year the California Legislature enacted a bill which in my opinion will help accomplish both of these objectives. Under that law residents of a designated urban renewal area would be allowed to come together and form a mini or community urban renewal agency. This miniagency would allow residents of the community to formulate plans and provide financing for the development of their own community. The money would be made available through the sale of tax exempt revenue bonds by the miniurban renewal agency.

Security experts have warned that these bonds would not be marketable unless some form of Government guarantee is provided.

Today, I am cosponsoring a bill being introduced by my distinguished colleague from California which would make it feasible for residents of urban renewal agencies to finance their own urban renewal programs by selling bonds as allowed under the California law.

Under this bill the U.S. Government would guarantee bonds, notes, and debentures issued by a public agency for the purpose of financing any urban renewal area project which has as its objective the rehabilitation or construction of housing for persons and families with low and moderate incomes.

This guarantee would not be at all burdensome on the Government and would indeed be a small price to pay toward the efforts to rebuild our cities.

Clearly, this bill provides a unique opportunity for the Government to assist the local communities to assist themselves in solving one of the most critical problems facing our urban areas.

S. 2775—INTRODUCTION OF A BILL TO BE KNOWN AS RUMANIAN TRADE ACT OF 1969

Mr. MONDALE. Mr. President, at the conclusion of President Nixon's visit to Rumania, he and President Nicolae Ceausescu issued a joint United States-Rumanian statement:

> The two heads of state devoted particular attention also to the economic relations between their countries. While noting the upward trend which these relations have displayed in recent years they also agreed on the need in the interests of both countries to develop and diversify the economic ties between the United States and Romania. In this connection it was agreed to look for new ways of realizing the potentialities which this important field offers.

Today, I introduce the Rumanian Trade Act of 1969 with the hope that it can provide a new way of realizing increased trade and economic ties between the United States and Rumania. The joint Presidential statement creates an atmosphere conducive to returning the United States-Rumanian trade relationship to the normal most-favored-nation status.

With the exception of Yugoslavia and Poland, Eastern European nations pay the prohibitively high Smoot-Hawley rates for their products. If Eastern sellers reduce their prices in order to overcome the tariff barrier, they are subject to the sanctions of antidumping legislation. The lack of most-favored-nation treatment, a routine concession to most nations of the world, is a serious barrier to U.S. participation in East-West trade.

The most-favored-nation clause has been gradually extended to most of the Eastern countries by a very large num-

XUM

ber of Western countries. Refusal to apply it may be regarded as an exception except in the case of the United States.

Last year U.S. exports to Rumania totaled $18 million, more than three times the $6 million in U.S. imports from Rumania. The United States enjoys a favorable balance-of-trade in Eastern Europe, and the volume of favorable trade could be increased considerably if we restored normal trading terms. A high Rumanian trade official told me last year that lack of most-favored-nation treatment by the United States means that Rumanian exports are directed to Western Europe, thereby limiting the potential for import of goods from the United States.

This bill gives the President the authority to extend most-favored-nation tariff treatment to Rumania when it is determined to be in the national interest. The authority can be exercised only on a commercial agreement and the granting of MFN would be in return for equivalent benefits to the United States.

The Rumanian Trade Act of 1969 responds to the spirit of the President's visit to Rumania. I hope that we can use this most opportune moment to put our economic relationship with another Eastern European nation on a normal basis.

Mr. President, I ask unanimous consent that the Rumanian Trade Act of 1969 be printed in the RECORD and be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2775) to promote the foreign policy and best interests of the United States by authorizing the President to negotiate a commercial agreement including a provision for most-favored-nation status with Rumania, introduced by Mr. MONDALE, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 2775

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SEC. 101. This Act may be cited as the "Romanian Trade Act of 1969."

STATEMENT OF PURPOSES

SEC. 102. The purposes of this Act are—

(a) to maintain United States objectives in building a peaceful, democratic world;

(b) to promote constructive relations with Romania and to provide a framework helpful to private United States firms conducting business relations in Romania by instituting regular government-to-government negotiations concerning commercial and other matters of mutual interest; and

(c) to increase peaceful trade and related contacts between the United States and Romania, and as assistance in meeting United States balance-of-payments problems, to expand markets for products of the United States in Romania by creating similar opportunities for the products of Romania to compete in United States markets on a nondiscriminatory basis.

AUTHORITY TO ENTER INTO COMMERCIAL AGREEMENTS

SEC. 103. The President may make commercial agreements with Romania providing most-favored-nation treatment to the products of Romania whenever he determines that such agreements—

(a) will promote the purposes of this Act,

(b) are in the national interest, and

(c) will result in benefits to the United States equivalent to those provided by the agreement to the other party.

BENEFITS TO BE PROVIDED BY COMMERCIAL AGREEMENTS

SEC. 104. The benefits to the United States to be obtained in or in conjunction with a commercial agreement made under this Act may be of the following kind, but need not be restricted thereto:

(a) satisfactory arrangements for the protection of industrial rights and processes;

(b) satisfactory arrangements for the settlement of commercial differences and disputes;

(c) arrangements for establishment or expansion of United States trade and tourist promotion offices, for facilitation of such efforts as the trade promotion activities of United States commercial officers, participation in trade fairs and exhibits, the sending of trade missions, and for facilitation of entry and travel of commercial representatives as necessary.

(d) Most-favored-nation treatment with respect to duties or other restrictions on the imports of the products of the United States, and other arrangements that may secure market access and assure fair treatment for products of the United States; or

(e) satisfactory arrangements covering other matters affecting relations between the United States and Romania, and the improvement of consular relations.

EXTENSION OF BENEFITS OF MOST-FAVORED-NATION TREATMENT

SEC. 105. (a) In order to carry out a commercial agreement made under this Act and notwithstanding the provisions of any other law, the President may by proclamation extend most-favored-nation treatment to the products of Romania.

(b) Any commercial agreement made under this Act shall be deemed a trade agreement for the purposes of Title III of the Trade Expansion Act of 1962 (19 U.S.C. sec. 1901 et seq.).

(c) The portion of general headnote 3(e) to the Tariff Schedules of the United States that preceded the list of countries and areas (77A Stat. 11; 70 Stat. 1022) is amended to read as follows:

"(e) Products of Certain Communist Countries. Notwithstanding any of the foregoing provisions of this headnote, the rates of duty shown in column numbered 2 shall apply to products, whether imported directly or indirectly, of the countries and areas that have been specified in section 401 of the Tariff Classification Act of 1962, in sections 231 and 257(e)(2) of the Trade Expansion Act of 1962, or in actions taken by the President thereunder and as to which there is not in effect a proclamation under section 5(a) of the "Romanian Trade Act of 1969."

(d) Nothing in this Act shall be deemed to modify or amend the Export Control Act of 1949 (50 U.S.C. App. Sec. 2021 et seq.) or the Mutual Defense Assistance Control Act of 1951 (22 U.S.C. sec. 1611 et seq.)

SEC. 106. The President shall submit to the Congress an annual report on the commercial agreements programs instituted under this Act. Such report shall include information regarding negotiations, benefits obtained as a result of commercial agreements, the texts of any such agreements, and other information relating to the program.

Mr. MONDALE. Mr. President, MFN treatment for Rumania, if coupled with the liberalization of the Export Control Act recommended by the Banking and Currency Committee, and reform of the Export-Import Act to permit extension of credit and guarantees to assist such trade, would go far to expand and normalize trade relations with Rumania and further prospects for understanding and peace. It would underscore the President's apt appeal to the "spirit of Apollo."

S. 2778—INTRODUCTION OF THE FAIR INTERNATIONAL TRADE ACT OF 1969

Mr. LONG. Mr. President, during the past 35 years this country has entered into a succession of trade agreements with other countries for the purpose of removing or lowering the barriers to trade among the nations. After these many years of tariff cutting, the average U.S. tariff is about 11 percent of the value of all dutiable items and around 6 percent of our imports as a whole, including those on the free list. In other words we are near free trade, at least some 80 percent below the level at which we stood when we first began our tariff cutting, when the duty averaged a little over 50 percent.

This country has comparatively few nontariff trade barriers. Therefore as we reduced our tariffs we actually reduced our principal trade barrier. We did not cut the tariff and then put on all kinds of import controls, including absolute and rigid quotas, exchange controls and other devices to undo the effects of the tariff cuts, as other countries did, all over the map. Nor have we devalued our currency since 1934, when the first Reciprocal Trade Act was passed, while numerous other countries, including virtually all the Continental Western Europe, the United Kingdom, Canada, Japan, Mexico, Brazil, and Argentina have all devalued since World War II, many of them more than once. Every currency devaluation encourages exports and discourages imports, and, of course, can offset, or more than offset, such tariff reductions as had been made in trade agreements with us.

Mr. President, we continued down this road of tariff reduction upon tariff reduction, through the Kennedy round, lulled by the false optimism induced in the public by official trade statistics that grossly overstated our competitive exports and undervalued our imports. These many years we basked in the sunlight of bright trade statistics that told us all was well, that each year we rolled up trade surpluses ranging from $4 to $7 billion per year. We had nothing to worry about. We could go right on cutting our tariff with impunity, without fear of being hurt seriously, even if other countries did not follow suit, or if they nullified their reductions by devaluation or nontariff barriers.

When voices were raised for caution they were answered by pointing to our beautiful trade surplus. To those who said that we were pricing ourselves out of foreign markets it was said that they were prophets of doom and gloom; that their fears were belied by the sunny trade statistics.

Mr. President, even today the same misleading statistics continue to be issued.

When it became clear that our trade was in difficulties, when one important industry after another moved from the export surplus into the deficit column, the supporters of further tariff reductions simply pointed to the handsome trade surplus that the Department of Commerce continued to pour out onto the public. When the automobile industry first felt the chill of rising imports and dwindling exports; when the steel industry followed suit, no less than the textile industry, and the industries manufacturing typewriters, sewing machines, consumer electronic goods, such as radios, TV tubes, and so forth, when these industries, already preceded by the same trend in petroleum, began falling behind, it was no longer a case of imports merely hitting our so-called labor-intensive industries, such as handmade glassware, pottery, fisheries, and the like.

The industries that were coming under heavy fire were the leaders in our mass production system and technology. We failed to notice how quickly foreign productive capacity had developed; nor did we realize how efficient our major trading partners—especially Europe and Japan—had become.

The plain facts were brushed aside with a glib reference to our so-called "export trade surplus." Then one day the fallacy of the trade balance statistics was exposed. It was revealed that our export statistics included all the shipments under foreign aid, for which the American public itself paid the bill. The beautiful surplus was shown up for what it was—a fraud. It was clear that we could enjoy a yet fatter surplus if we wished to double or triple our foreign aid.

We would then apparently have had real proof of our competitive muscle in foreign markets. We had only to give away $5 billion in export shipments instead of $1½ to $2 billion per year and our trade surplus would have looked twice as good as it did. Or we could have raised our foreign aid to $10 billion and become rich with our export surplus.

Mr. President, it seems almost unbelievable that this style of reporting our trade could have been countenanced; and yet I must tell you that in spite of numerous protests, the reports continue as before.

Not only were foreign aid shipments counted as exports but the $2 or $3 billion that we shipped as food for peace, and the cotton and wheat which were heavily subsidized so that we could meet world prices, were also included as exports. Most of our food for peace shipments were for worthless local currencies which we then gave back to the governments as "grants."

Now, there is nothing wrong with keeping track of shipments of this character and there is nothing wrong with telling the public of the $3 to $4 billion in exports that were accounted for by such shipments. The public should know and is entitled to know how much we ship abroad, paid for in whole or in substantial part by the taxpayers.

What is not all right, what is inexcusably false, is to let the public believe, indeed, leading the public to believe, that we had a beautiful export surplus when that surplus was composed of these noncommercial and noncompetitive items for the most part. What was worst of all was the claim, based on these false statistics, that this country must be competitive in the world market, for witness our trade statistics.

Mr. President, that is not all the story of our statistical deception. Nearly all the other leading trading nations compile their imports on a cost, insurance, and freight basis. That is to say, they include not only the original cost at the point of shipment, whether this be Liverpool or Yokohama, but add freight, insurance, and some other charges. Thus an import that might be priced at $1,000 free of board point of shipment, might actually cost the importing country $1,100 or $1,200, depending on the distance of shipment, amount of insurance, and so forth, incident to bringing the goods into the ports of the importing country. In other words, nearly all the other countries tabulate the cost of the imports at the actual cost laid down in the importing country. What we do is something different.

We value our imports at the free on board cost, at the foreign point of shipment. We do not include freight and insurance or any other charges. The $1,000 for exports shipped to us from abroad at free on board prices would be tabulated by us as imports of $1,000, not as imports of $1,100 or $1,200. The result is that our imports are compiled at something substantially less than what they really cost us. It is like saying that an automobile you bought cost you the free on board Detroit price. We know that if you live any substantial distance from Detroit the car cost you a good deal more.

With the exception of our imports from Canada and Mexico, we are at a considerable distance from the countries that ship us most heavily. We are a goodly distance from our European trading partners and still farther from Japan. South America is also not at our doorsteps.

Let me give you an example. Let us say that we exported $3 billion to Japan in 1968, and that by our own official figures we imported $3 billion or the same amount from Japan. Our exports to Japan would, however, be recorded by Japan as imports of about $3,600 million to cover freight and insurance, while we would show our imports from Japan at $3 billion; that is, f.o.b. Yokohama or other Japanese points of shipments, not c.i.f. U.S. port of entry.

Japan could and would then say that she imported $600 million more from us than we imported from Japan. The official import statistics of both countries would prove it. And believe me, this apparent excess of imports from us was put to good use in our trade negotiations by other countries. We were the big exporting country, you know, they said. The other countries were the big importers.

Now, with competition going so badly against us, as it has in the past year, we are running sizable deficits even with those countries where we had previously shown a surplus by use of our dubious method of compiling our statistics. Japan, Canada, and West Germany are running surpluses against us now even without our compiling our imports on a c.i.f. basis. Therefore, the real commercial deficit is much larger, certainly by some 20 percent in the case of Japan and West Germany, less from Canada because the freight haul from there is much shorter.

For the year 1968 our official trade balance was given out by the Department of Commerce as a surplus of $835 million. If, however, our exports under AID, and subsidized food for peace farm products are stripped from the total, this surplus becomes a deficit of some $1.4 billion. If our imports are tabulated at 10 percent above their f.o.b. value as shown in our official imports—which is the IMF practice—their value would be enhanced by $3.3 billion. Added to the $1.4 billion deficit mentioned just now, the total deficit for 1968 would be raised to a level of $4.7 billion.

The fact is, Mr. President, that with the exception of our exports of aircraft, machinery, chemicals, electronics, including computers, nearly all our other industry trade balances are negative. This covers a wide range of products, especially in the consumer goods field. Our imports of manufactured goods have been zooming in recent years and have accounted for the outstripping of exports by imports. In 1968 our imports were up by 24 percent over 1967. Since 1965 our total imports have grown by more than 50 percent. Nearly all these increases have been registered in manufactured goods. Compared with raw materials, manufactured goods give rise to much more employment.

Mr. President, the facts can no longer be ignored or brushed aside. In many areas this country is simply not competitive, not because we are less efficient, but because our productivity and technological advantages are not sufficient to offset our labor cost disadvantages. I do not say that all our industries are sorely beset by rising imports; but many of them, counting among them some of our largest industries, are so beset. Some others have already defended themselves by investing heavily in foreign plants and subsidiaries. In doing so they protect themselves against the ravages of low-wage import competition by going where the low wages prevail and getting the benefit, if benefit it is, of the lower wages.

I say "if benefit it is," because our own producers and manufacturers are bound by minimum wage laws and union contracts that put low wages out of reach. Our laws do not permit wages nearly as low as those that are common throughout the rest of the world. In fact, our mass production economy could not operate with the low consumer income that low wages make inevitable.

What is only now coming to light is that in seeking to protect themselves by going overseas to manufacture the goods they previously exported, our industries are laying the groundwork for shrinking our exports. Instead of shipping from this country goods manufactured here, they supply more and more of their former export markets with goods manufactured by their overseas plants. In some instances they turn around and ship to this country. This is not a criticism of our direct foreign investments. Most foreign investment makes good business sense and brings back income to this country; in many instances companies would lose their share of the market if they did not set up a manufacturing plant in the market. Nevertheless, our foreign investment has long-term repercussions on our international trade position.

Mr. President, we continue to adhere to a trade policy that is unrealistic and out of tune with our economic and social objectives. But the chickens are coming home to roost. Industry after industry is complaining about excessive foreign competition in our market, and foreign nontariff barriers which prevent them from competing in foreign country markets. Our balance of payments continues to be badly in the red—running at an annual rate of $7 billion—while our indebtedness to foreigners grows and our gold supplies dwindle. We also find that our labor organizations are complaining about the employment effects of foreign imports, which ironically have increased in part as the result of legislation which those organizations supported.

Free trade has almost become a religion associated with international peace and tranquillity. And for those who think in theoretical abstract terms, any domestic industry that cannot compete with imports thereby convicts itself of inefficiency.

Even though it is clearly demonstrable that nearly all, if not all, the American industries that are losing their historic share of the market in this country to imports enjoy a higher output per manhour than their foreign competitors, this canard continues to be mouthed. Yet in the economic sense a higher output per man-hour or man-year means that our industries are more efficient than their foreign counterparts.

For example, our steel industry does not find imports capturing a greater share of our market because foreign steel mills produce more steel per worker per hour or per day or per year. No. Our steel industry is ahead of them in terms of output per man-hour or man-year. The trouble is that our lead has been shrunk to a point where it no longer covers the wide difference in wage levels. Average hourly employment costs in the steel industry were $4.76 in 1967. This compares with $1.97 in West Germany and $1.22 in Japan. The disparities in hourly employment costs between the steel industries of the United States and other major producers are so great that steel labor productivity here would have to be about 2½ times that of the European and four times that of the Japanese to equalize unit labor costs. We still produce more steel per man per year—showing that in the economic sense we are more efficient—but the countries shipping steel to us have come up more rapidly in productivity than we have. This is not difficult to understand when we consider the lower level from which they started during the postwar period. Their productivity jumped because they built the most modern mills, sometimes with both our financial and technological assistance, on top of antiquated or bombed-out works or where none existed before. Now some of them are coming close to us in output per man-hour or man-year.

But, Mr. President, if our foreign competitors are still behind us in productivity, why is that the imports from them give our industries the fits? Mr. President, almost any schoolboy would know the answer.

Let me give a simple but not simplistic example. One of our industries, let us say, pays an average of $4 per hour to its workers. These workers produce 4 units of output per hour, so that the direct labor cost would be $1 per unit. That industry has a competitor in Europe, let us further assume, whose hourly or annual output per worker is 75 percent as high as that of our industry, or 3 units per hour instead of 4. Now, if this competitor also paid a wage of $4 per hour, our industry would have nothing to worry about. This seems clear enough. The European cost per unit would not be $1 but $1.33. Moreover, in order to ship to this country he would have ocean freight and insurance and other charges to pay.

Now suppose that the European industry paid only $1.50 per hour while our manufacturer paid $4, and the European's workers produced 3 units per hour against our 4. Then the European manufacturer would have a cost of only $0.50 per unit of labor cost against our $1.

Under these circumstances our manufacturer would have plenty to worry about. The European industry might not find it difficult to send his product to this country and undersell our industry by, let us say, 15–20 percent. That is a sufficient margin to give any competitor the fits.

Now Japan, or some other countries where even lower wages prevail, could be mighty inefficient and yet come out with lower labor cost per unit than their American competitor. If they should pay only $0.75, or half the European rate, their labor cost per unit would be half the European rate, assuming their output per man-hour were equal to that of the European. However, they could get away with an output half as high as the European or a quarter as high as the American and still come off with a handsome competitive advantage over their American competitor.

Those who previously went to great pains to point out over and over again that it is not the wage rate alone that counts, but also productivity per manhour, now that he is routed out of that position, falls back on material costs. He says, "Yes, the wages are lower, but wages are only one item of production costs," and smiles as broadly as he previously smiled when he dropped his blockbuster about relative productivity.

This is not to say that he was wrong when he said that the wage rate was not all that counted and that productivity must be taken into account. He was right, but he is wrong now when he tries to use the same argument in the present-day context. It is no longer automatically true that our own productivity per man-hour is so far ahead of that of our foreign competitors that we can say, "Sure, we pay wages two to four times as high as they do in such and such country, but we have nothing to worry about. Our mass production technology takes care of that." Our mass production does not any longer take care of that. While the so-called technological gap between us and our competitors has been narrowing, the wage gap continues to gape. While we have not stood still technologically, and in some areas such as space and aerodynamics our technology is vastly superior, our competitors have made great strides technologically in many manufacturing lines because they superimposed modern technology on a much lower base. Some of them did not have a cost advantage before, now do enjoy such an advantage. Their productivity has risen sharply as a result of their great technological advancement.

Let me come back a minute now to the second line of defense of the freetrader. Having been ousted from his comfortable position in the wage-productivity corner, he now tries to minimize wages as an item in production costs. They bring up material cost and fringe benefits.

Well, Mr. President, in this country employee compensation represents right at 80 percent of the corporate outlay for production, and that includes fringe benefits. What has confused so many people is the so-called percentage of labor cost of the total cost in the mass-production industries. Those with a low percentage are said to be capital intensive rather than labor intensive. It is said, for example, that in the automobile industry only about 15 percent of the manufacturer's cost goes to wages. This can be supported by reference to Census Bureau reports.

But the automobile industry in this country is typically no more than an assembly operation. Possibly two-thirds of the total cost of manufacturing the car has already been incurred by the time parts and components come to the production line in Detroit to be assembled. Employee compensation has been accumulating all down the line, from the iron mines, rubber plantations, copper mines, sandpits, and other sources of raw materials, none of which are classified as the automobile industry, to the pay of railroad workers, bank and insurance clerks, building trades workers, and many others also not classed as automobile workers, but whose pay adds to the cost of manufacturing automobiles. The 14 percent expended for labor in assembling the automobile in Detroit is but a fraction of the total labor cost accumulated on the way.

Material costs of foreign manufacturers will in many instances be incurred principally within their own countries for raw materials produced there or in similarly low-wage paying countries from which the materials may be imported. Therefore material costs cannot in most instances be cited as sources of high costs. Even if the imported raw materials were relatively high, most of the work applied in the various stages of processing and finishing the products would still take place in the country where the manufacturing would be carried out.

Mr. President, what the free trader is guilty of to a high and inexcusable degree is to reason from a premise that does not fit the facts. He reasons from a false assumption, and therefore reaches wrong conclusions no matter how sound his logic. He starts by assuming that our industries operate in a free market, both national and international. Wages and other costs are assumed to be flexible, and labor is assumed to be mobile, even internationally. This is, of course, far, far from being the state of world economies and world interchange of goods. In this country, still one of the freest, the principal elements of cost borne by producers and manufacturers are highly inflexible and virtually beyond the control of the producers and their managers.

Employee compensation which, as we have seen, represents by far the heaviest item of cost, flexes in only one direction—up. In this country wages have been on an upward trend without a backstep for a quarter of a century or more. The employer has been unable to reduce wages as a means of reducing his production costs. This has been a fact of life that has had the blessing of the Government and of conscious political policy and appears to be irreversible. Other elements of cost, including the cost of national security and social welfare, not to mention space exploration, are also apparently shrinkproof and may be expected to swell in magnitude. Industry must bear them in the form of taxes and direct costs. It cannot unload them except on the consumer, if it is to have a profitable business. Since the consumer is principally the very employee whose income is principally in the form of employee compensation, he, the consumer, is the chief purchaser of the goods that are produced by those who employ him as a worker. The mass production economy indeed depends for its continuance on mass consumption, and the latter is made possible by high employee compensation. There is therefore a strong interlocking connection between mass production and high employee compensation, and that is the twin mount we are riding, and cannot dismount from.

Mr. President, it should not be difficult to understand that our high costs are not flexible. They are the result of legislation that has been adopted by Congress over the past 35 years, usually with a considerable margin of votes, tested by quadrennial elections when successive administrations went before the voters. Therefore the policies that work inexorably toward high-cost burdens are deeply imbedded in our political soil.

It is nevertheless these high costs that make for competitive weakness in fending off undue import penetration. The consumer as consumer does not recognize the results of the policies he has supported as a voter. He wants policies that will bring him high compensation and social welfare and votes accordingly in the majority. As a voter he heaps cost burdens on industries but as a consumer he wants low prices and therefore likes to buy imported goods because they are cheaper, rather than the goods that he and his fellow workers have produced and for the production of which they were paid more handsomely than the workers in any other country—sometimes much more.

He wants to eat his cake and still have it. This is natural. It is human nature. But, if his plant had to shut down, or if his job was transferred abroad, he would raise a hue and cry against his industry.

Thus, we as a Nation have two conflicting policies. One increases the burdens on production in the form of high costs. The other exposes the producers whom we have thus handicapped, to ever sharper import competition. We burden him and then turn a deaf ear when he calls for help, and call him names on top of that. Thus there is an inner contradiction in our national economic policy and our trade policy.

Now, the free traders ignore this fact. They proceed as if the day of Adam Smith, who wrote his great tomes on the Wealth of Nations nearly 200 years ago, were still here. They reason as if all the factors of competition, national and international, were under the sway of freedom and uninhibited. But as a national policy, often for reasons of social justice, we have controlled the forces of the free market by approving minimum wages, obligatory collective bargaining, social welfare, control of money and interest, farm price supports and much other regulatory legislation that took the flexibility out of the cost of producing goods.

Now that this high-plateau economy has become exposed to competition with the economies that are not equally burdened, even though they too have little flexibility, these free traders act as if the economic world were a stage on which free market forces play out their destinies by the free-trade script.

Nothing could be farther from the truth.

What we hear today is that a domestic industry suffering from severe import competition has been fat, lazy, complaisant, and incompetent. Those who say that are, of course, not those who are in active management of manufacturing enterprises. This fact does not stop them. They simply say that those industries that cannot compete with imports should so improve their efficiency as to make them competitive or they should move over and give way to deeper penetration of our market by imports, as if imports had an unquestionable right of eminent domain. I wonder whether the economist who spent many years working for a higher degree and in gaining tenure at the university would be happy to change occupations if his dean approached him and said:

> Dr. Jones we have found that we can import a Japanese economist with your credentials at half your salary, his productivity is the same as yours. May we suggest you try a profession where we have a comparative advantage like sociology; but, you will have to take a substantial salary cut.

It is clear that greater industrial efficiency today is not a question of the coal miner shoveling faster and faster, or the overseer prodding the workers to a higher muscular speed. It is a question of installing machinery or processes that do away with as many jobs as possible. Since wages cannot be reduced—and I do not suggest that they should be—there is no other way to reduce production costs materially without diminishing the work force. To indicate otherwise is to fail to look the facts in the face.

We have in our industrial history of the past 20 years a perfect example of what is involved in becoming or remaining competitive with imports or any other form of competition. It comes down to material reduction of production costs.

Our coal industry was faced with the option of being driven out of business, partly by imports of residual fuel oil but most surely by diesel oil and natural gas. It was necessary to reduce production costs dramatically. Over a 15-year period the coal industry did take drastic steps. It was possible to manufacture and introduce mammoth coal mining machinery that displaced miners left and right, decimating their ranks and throwing them on the slag heaps of the unemployed.

The output of coal per year was increased from 1,159 tons per man in 1950 to 3,697 tons per man in 1965. The total number of miners was reduced from 483,000 in 1950 to 142,000 in 1965.

Mr. President, our coal-mining industry became the most efficient in the world today. We can ship coal to Europe and undersell them, but England will not admit our coal and West Germany has a limiting quota against our coal to protect her own miners. We ship coal successfully to Italy and Japan. Altogether we export about 50 million tons per year, or about 10 percent of our production.

The coal industry accepted the challenge of becoming more efficient and saw it through to success; but, Mr. President, we have been pouring hundreds of millions of dollars, out of the pockets of our taxpayers, into the Appalachian region, where most of the damage was done. Aside from the human misery involved, that section has not yet been rehabilitated.

So, Mr. President, there is the possibility of overworshiping industrial efficiency as the only way out. In the case of the coal industry it was the only way out. No one would have expected that natural gas and oil should have been held back for the sake of coal, even if the terrible cost had been known ahead of time.

But why should we do nothing to moderate, to temper or to hold to a reasonable pace such displacement and misery if the means of doing so are at hand? Why leave our industries at the mercy of forces that have no particular virtue of their own but that draw their competitive strength from an advantage, such as low wages which we cannot and should not adopt, or cannot offset by higher productivity?

If, in order to compete with imports our other industries must do what the coal industry did, would it not be better to ask a few questions beforehand and see whether the catastrophe could not be avoided by means that would prevent such deplorable consequences without causing remotely comparable damage, if any? It has been estimated, for example, that it would be necessary for the steel industry to abolish some 200,000 jobs, up and down the line, including ore mining and all supporting activities in order to reduce the cost of production by 10 percent. The steel industry gives employment not only to the 500,000 in the steel mills; but there are about

1,500,000 other workers involved in the processes and activities that end in the finished product, making a total of 2,000,000. Would that 10-percent reduction make the industry competitive? That is still a question. If it did not, perhaps the displacement of another 100,000 workers would do the job. Many of those displaced would be unable to make the painful shift to a new profession and a new way of life.

Would it not be better if we arrived at the same end of containing imports by establishing a ceiling over them at or near their present level? Would that not be better than to halt imports by displacing hundreds of thousands of workers in this country, such as would be necessary to raise our efficiency to the necessary level?

This illustration, Mr. President, should bring home to us what is involved in this whole problem of import competition. Our industries cannot properly be accused of inefficiency by reason of their inability to compete with imports. Such an indictment is false, as I think I have shown.

The overall displacement of workers necessary to bring all our import-sensitive industries to competitive equality with imports would not stop at two or three hundred thousand in the steel industry. It would extend to the footwear industry, the meat industry—assuming there were no limitation now in effect—to the textile industry and to the petroleum industry—assuming no limits had been placed on imports—the electronic industry, and a score of other industries that do not now have a limitation on imports and where the tariff has been greatly reduced over the years.

It has been suggested, and I myself have considered doing so, that individual product import quotas should be enacted; but, Mr. President, would it not be more equitable to make it possible that any industry, the small ones no less than the large ones, have available for use some reasonable limitation or ceilings placed on imports to keep them, the imports, from running wild and doing to these industries what the coal industry was forced to do to itself?

I am introducing such legislation today. It is called the 1969 Fair International Trade Act of 1969.

Mr. President, this bill provides a remedy against serious injury already suffered or threatened by any industry that can qualify under the criteria set forth in the bill. It is not an open door to all industry regardless of trend of imports or the degree of import penetration of our market.

The remedy would be an import ceiling set at or near the current level of imports. The ceiling would not of itself represent an import quota. In fact, if the exporting countries would hold their exports to this country at a level equal to or below the ceiling and did not break through the ceiling, no import quota would be imposed. Only when imports had breached the ceiling for a period of 6 months or more would an actual quota be imposed.

The bill provides flexibility in three respects. Imports in each year following the proclamation of a ceiling on a particular product could increase in proportion to the increase in domestic consumption of the product. Secondly, no import quota would run for more than 5 years. Only after another year would the industry be eligible for a new ceiling. Thirdly, if imports, once under a quota would fall below the ceiling for a whole year, the quota would be removed until imports again broke through the ceiling.

Mr. President, this is a fair bill. It is free of nearly all the objections made against absolute and inflexible import quotas. Quotas have been given a bad name on the grounds that they represent a straitjacket and cut back imports to unreasonably low levels.

This bill does not impose quotas. It establishes ceilings that are high enough to offer a substantial market in this country to other countries. If our imports were $33 billion in 1968, this bill, if enacted, would not reduce this figure. Rather, it would allow imports to grow in proportion to the expansion of consumption of the products covered by ceilings or quotas established under this act. It could not rightly be said, although I am sure it will be said, that this bill would cripple our imports. It would not, and it would be a misrepresentation to make such a claim. Imports could easily grow to $35 billion or more in 1970, for example, without being held back by such ceilings as might be established under this bill, were it enacted.

The great majority of imports would not be touched at all. The 38 percent on the free list would hardly be touched, if at all. Only a relatively few of the other hundreds of industries would be eligible.

So I say, Mr. President, that, while I am not wed to all the features of this bill, I do believe it offers a solution to the matter of foreign import competition that merits the serious attention of all Members of Congress. With their help, I am confident we can solve the import problem in a manner which will be in our best national interest.

I ask unanimous consent that a brief explanation of the bill be printed at this point in the Record.

The **PRESIDING OFFICER.** The bill will be received and appropriately referred; and, without objection, the explanation will be printed in the Record.

The bill (S. 2778) to encourage the growth of international trade on a fair and equitable basis, introduced by Mr. Long, was received, read twice by its title, and referred to the Committee on Finance.

The explanation, presented by Mr. Long, is as follows:

Description of Proposed Import-Ceiling Legislation

The proposed trade legislation is designed to provide domestic industry, agriculture and labor with a remedy against the adverse effects of an undue rise in imports on industrial growth, employment and profits. It is in effect an Escape Clause, revised to assure the actual availability of a remedy to industries that have suffered or stand to suffer serious injury from rising imports.

The legislation is therefore not open to any industry unless imports have made a serious market penetration.

The bill lays down two sets of criteria for determination of the question of serious injury or a threat thereof. One is for use when sufficient statistical evidence is available for the Tariff Commission to determine what share of the market (i.e., of domestic consumption) is supplied by imports. The other is to be followed when the statistical evidence is not good enough to permit the calculation of the share of the domestic market being supplied by imports.

In the first of these two instances, which is to say, where the share of the market supplied by imports can be determined, a 10% penetration of the market will be interpreted as representing serious injury, if absolute imports have doubled since 1960. A threat of serious injury, on the other hand, will be assumed if not less than a 7½% penetration has been made by imports.

The year from which to measure the trend of imports in terms of the share of the market (penetration) supplied by them is 1960, or the ten most recent years, whichever is less.

In either approach, any industry, labor union or trade association alleging serious injury would file a petition before the Tariff Commission, even as in the past under the Escape Clause or for Adjustment Assistance. The Tariff Commission would make a preliminary survey to determine whether available statistics make it possible to determine the share of domestic consumption supplied by imports (market penetration). Should this result affirmatively the Commission would proceed to determine the share of domestic consumption supplied by imports since 1960, as just stated.

If the available statistics were inadequate to make possible such a finding, the Commission would nevertheless proceed to make a finding with respect to injury, but under different guidelines. The bill under these circumstances calls for an examination of the probable adverse effects of rising imports on growth of the industry, expansion of the industry, level of profits, and the trend of employment.

Upon a finding of serious injury or a threat thereof the Commmission would in this type of proceeding recommend an increase in duty to the President or an import limitation, that in its judgment would prevent or remedy the injury. The duty could not be placed at a level higher than 25% of the 1930 rate; and no quantitative limitation (import quota) could reduce imports below the average of the two most recent years.

If the President were opposed to putting the Commission's recommendation into effect he would send his reasons to Congress, and if either house by a majority vote of those present and voting sustained him within 90 days, the Commission's recommendation would be set aside. Otherwise it would be put into effect.

IMPORT CEILINGS AND QUANTITATIVE LIMITATIONS

The most distinctive part of the legislation lies in those cases in which the share of the market supplied by imports can be determined. In those cases the Tariff Commission would determine the level of imports that could be admitted into the country without going so far as to impose administrative limitations on them, and this level would be the ceiling. Only if imports subsequently should break through such a ceiling in their upward surge would an administrative limitation be imposed. This need not happen if the exporting countries took care to avoid it.

It is thought that in most instances in which injury from imports occurs or threatens, statistical evidence of the share of domestic consumption supplied by the imports is adequate. The Commission could then proceed on the basis of recommending ceilings to the President instead of recommending a tariff increase, if the facts developed in hearings and investigation demonstrated deep enough a market penetration by imports to justify an affirmative finding for a ceiling under the criteria laid down in the law.

The President would proclaim such ceilings upon a finding by the Tariff Commission of the share of domestic consumption supplied by imports of the product or article in question if this share were above the 10% penetration level, thus meeting the criteria of serious injury (7½% in the case of a threat of serious injury).

The Commission would thereafter keep the President informed of the trend of imports in terms of the share of domestic consumption supplied by them, in all instances in which a ceiling had been proclaimed. Should imports fail to rise above the ceiling level no actual administrative quantitative limitation would be established. Only if imports should rise above the ceiling *for a period of six consecutive months* (i.e., above 50% of the ceiling for a whole year) would the President impose the limitation.

By controlling their exports to this country, the foreign countries could avoid triggering the imposition of an administrative quantitative limitation (import quota). If after such a limitation were imposed imports for a whole calendar year should fall below the ceiling, the President would rescind the administrative quantitative limitation (import quota).

The ceiling for each article for which one had been established would be revised each year to adjust the quantity to any increase or decrease in domestic consumption, thus permitting imports to grow in proportion to the domestic consumption of the article. This proportion might be 10%, 12%, 20% or whatever had been found by the Tariff Commission to be the ceiling as prescribed in the law for the particular level in each case according to the extent of market penetration.

No quantitative limitation would remain in effect over 5 years if it were imposed upon a finding of serious injury, and not over 3 years if it were imposed upon a finding of a threat of serious injury. After a year subsequent to the ending of the quantitative limitation, the industry in question could petition the Tariff Commission for a new ceiling.

NEW CONCEPT

The concept of a ceiling on the share of the market that would be available to imports is relatively new. The further provision that imports would be allowed to expand as domestic consumption might expand introduces a flexibility into quantitative limitations on imports that is very rare and would go far to remove the usual objection to import quotas on the ground that they would place trade in a straitjacket. Indeed a further element of flexibility is introduced by allowing an interval of a year or more for reestablishment of a new ceiling, after 3 or 5 years.

The principal virtues of the proposal lie in the limited nature of the cutback in the level of imports if any; the avoidance of an actual administrative limitation on imports if the exporting countries do not trigger one; the exclusion of industries that have not experienced injury from increased imports arising subsequent to a tariff reduction or reductions under one or more trade agreements, and the flexibility already mentioned.

As an effective remedy for injury from trade agreements concessions with a minimum of objectionable features the proposed approach would be unique.

SENATE JOINT RESOLUTION 143—INTRODUCTION OF A JOINT RESOLUTION EXTENDING THE DURATION OF COPYRIGHT PROTECTION IN CERTAIN CASES

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary, I introduce, for appropriate reference, a joint resolution extending the duration of copyright protection in certain cases.

The purpose of this legislation is to continue until December 31, 1970, the renewal term of any copyright subsisting on the date of approval of this resolution, or the term as previously extended by Public Law 87–668, Public Law 89–442, Public Law 90–141, or Public Law 90–416. The objective of this resolution, as well as the preceding interim extensions, is to temporarily continue the renewal term of copyright pending the enactment by the Congress of a general revision of the copyright law, including a proposed increase in the length of the copyright term.

I am aware that Members of the Congress are receiving considerable correspondence requesting favorable action on the legislation for the general revision of the copyright law. Many Americans—especially those involved in the creative and performing arts—look forward to the long, overdue modernization of the copyright law. It may, therefore, be useful for me to report to the Senate at this time concerning the prospects for action in this session of Congress on this legislation.

The public hearings by the subcommittee were completed during the previous Congress, but various developments precluded any action by the subcommittee to report a copyright bill. The principal, if not exclusive, factor delaying action in the subcommittee has been the complex and highly controversial subject of cable television. During the last Congress there was pending before the Supreme Court litigation relating to the possible copyright liability of cable television systems under the Copyright Act of 1909. I indicated last year that I would initiate further efforts to advance the progress of the bill at the start of the 91st Congress. I have kept that commitment. As early as January 8, I scheduled a general meeting with all of the parties to the CATV question. I virtually pleaded on that occasion that the parties cooperate with the Congress in reaching at least a measure of agreement that could then be reviewed by the appropriate committees.

Following the January 8 conference, a number of smaller meetings were held with certain of the parties in Washington and New York. The counsel of the subcommittee represented me at those meetings. In addition, the parties themselves scheduled various meetings to conduct negotiations. In due course, the staffs of the National Association of Broadcasters and the National Cable Television Association reached agreement on a package settlement, reflecting both copyright and communication principles, and recommended this proposal to their respective boards. The board of the National Cable Television Association gave an affirmative response to the agreement, but the staff proposal was not approved by the board of the National Association of Broadcasters. The NAB indicated that the staff agreement required "major revision" and that various unspecified additional issues had to be resolved. Subsequent to the action of the NAB board, I was advised by the three principal parties, NAB, NCTA, and the motion picture producers and distributors, that they were prepared to resume discussions on an expeditious basis. While I welcome the willingness of the parties to resume their discussions, such efforts have been in progress under the subcommittee's sponsorship for about 2 years and little tangible progress has been made. Since the CATV question is delaying the markup in the subcommittee of the copyright revision bill, I felt obliged to request the parties to submit to the subcommittee not later than August 31 a report indicating what agreements, if any, have been achieved, and to identify the areas which remain to be resolved.

On the basis of the information currently available to the subcommittee, I am not optimistic that the parties will achieve substantial agreement by August 31, or at an early subsequent date. Even if such a fortuitous event should at last occur, further discussions would then be necessary with various secondary parties, such as the music performing rights societies, educational broadcasters, and the professional baseball and football leagues. It will then be necessary to draft the required statutory language. Finally, some appropriate method would have to be developed to permit the Commerce Committee, which also has jurisdiction in this area, to review whatever provisions are approved by our subcommittee.

Under these circumstances, I am now reluctantly prepared to support the separation of the cable television issue from the general copyright revision bill so that the substance of the CATV question would be dealt with in a separate bill. While the general copyright revision bill was being processed, the efforts of the CATV parties to reach an agreement could continue. If the parties later were to achieve an understanding, this agreement could be reviewed by the appropriate committees of the Congress, and if found to be in the public interest, the necessary implementing legislation could be enacted. If the parties do not reach agreement, the appropriate committees could take whatever legislative action they deem necessary and desirable. While the general copyright bill would not be intended to deal in any permanent way with the substantive CATV question, it obviously will be necessary to include in that bill language preserving the status quo and providing that with respect to secondary transmissions by cable television systems, their possible copyright liability shall be determined by the provisions of the Copyright Act of 1909.

I believe that this approach is not adverse to the real interests of any of the major parties. It is unfortunate that the CATV issue apparently cannot be resolved as part of the general legislation. The responsibility for this condition rests with the parties and particularly those who persist in undermining efforts to achieve a compromise settlement. If it is not possible to separate the CATV issue from the general bill, I doubt that the subcommittee would be able to report the revision bill during this session. The failure of the subcommittee to act on the revision bill in this session, in my opinion, would raise a very real prospect that this

Congress would not be able to revise the copyright law and that the entire revision effort may well collapse.

I invite those organizations and individuals who have comments or suggestions concerning the separation of the CATV provisions from the general revision bill to submit them to me promptly. After the August recess, I shall consult with the other members of the subcommittee concerning our future procedure.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 143) extending the duration of copyright protection in certain cases, introduced by Mr. McClellan, was received, read twice by its title, and referred to the Committee on the Judiciary.

SCHOOLBUILDINGS FOR OUR NATIONS INDIAN SCHOOLCHILDREN

Mr. MONTOYA. Mr. President, I am pleased to join with my distinguished colleague from New Mexico, Senator Anderson, in sponsoring legislation to fill a deep void in our educational system. That is the construction of facilities to educate Indian children.

Mr. President, we hear much these days about the need to improve our educational standards, about the need to upgrade our educational values, about the need to insure that every American child and adult is given the opportunity to receive the best possible education. I, myself, have been a vociferous proponent of these thoughts and have always fought long and hard for new and innovative legislation to promote a good education as well as full funding of those programs which we authorize. I have taken the floor of the Senate on numerous occasions this session to denounce cuts proposed in the new budget for education as well as to encourage and demand adequate funding of all education programs. I intend to continue to do so.

I have been heartened by the progress which has been made by recent Congresses in enacting legislation to stimulate new programs in education, to fund at a higher level than ever before the national effort to insure the best possible education for all, and our renewed commitment to education as the key to solving many of our social ills.

What bothers me, Mr. President—and it brothers me deeply—is the almost total lack of attention that has been given to the lack of adequate facilities in which to educate our Nation's children. The task has been traditionally left up to the States to provide for the building of schools and to insure that such schools are adequately equipped and staffed to meet the challenges of providing a modern education. But the States cannot do the job alone. I do hope to be able to speak further and perhaps propose additional legislation in this field later, for there is a great void in present programs to assist States in constructing adequate, modern school facilities. The few programs that do exist are modest and are not meeting the needs of our Nation's schools.

Regardless of one's feelings about providing Federal assistance to school districts for school construction, I think most of us in Congress are united on one point. That is the need to provide States with financial assistance in constructing schools in federally compacted areas. We have one principal program to provide this assistance: Public Law 81–815. This program was enacted with the thought in mind that the Federal Government should provide assistance to the States in constructing school facilities in areas which are heavily populated by Federal employees and/or other individuals who do not contribute to the tax base of the States and whose education should be a responsibility shared by the Federal Government. Otherwise the States would be providing for the education of children whose parents contribute little or nothing to the tax base of the State to help meet the costs of such education.

However, even though Congress has acknowledged its commitment to assist the States in constructing schools in federally impacted areas, our commitment has not been fulfilled in recent years. We have authorized the program but the money, the appropriations, have not been forthcoming. For example, during the 4-fiscal-year period of 1967 through 1970, the estimated needs totaled $327 million. Yet, the appropriations will total only $107.1 million. This is assuming that the Congress does not appropriate more for fiscal year 1970 than the budget request. I hope Congress does not heed the budget request and appropriates the necessary sums. I shall certainly work toward that end. But even if we appropriate the sums necessary for fiscal year 1970 instead of the budget request, this will still be inadequate for needs of the previous 3 fiscal years will remain unmet.

Mr. President, this brings us to the legislation which we are introducing today. While schools in all federally impacted areas have suffered as a result of lack of funds, those which have suffered the most are those schools which are called upon to provide an education to our American Indian children.

In my own State of New Mexico, Mr. President, we have a number of school districts, receiving little support from the State and little or no support from the Federal Government, which school districts are nevertheless expected to provide for the education of a large percentage of Indian children whose parents provide nothing to the tax base of the district. I do not mean to suggest that the children should be penalized. They should not. But we should realize the full impact of this action on the school districts involved. They have a tremendous burden placed upon them, like other school districts do, of providing a modern day education and constructing the necessary facilities to enable them to do so. But they have the added burden—and in some cases a terribly crippling burden of attempting to do so with an extremely limited budget. They do not have enough funds available to them from taxes and other sources to provide even the children from taxpaying parents with a good education, much less those from Federal installations or from Indian reservations.

If I were to try to meet the present day needs, we would require expenditures of perhaps billions of dollars. This would be desirable, but, I realize, not very practical in today's tight budgetary circumstances.

I have been exploring various ways in which to provide for the needs of those school districts providing an education to Indian children. I intend to continue seeking a long-range solution. However, I firmly believe that the measure which I am joining my dear colleague from New Mexico, Senator Anderson, in sponsoring today, will provide a measure of immediate relief. As Senator Anderson has explained, this joint resolution would provide for $7.5 million a year for each of 3 years beginning with fiscal year 1971. I wish that funds could be provided under this measure for this current fiscal year, but I fully recognize that the legislative process of enacting such a measure will of necessity take time. I do urge my colleagues to give this proposal immediate attention so that we can appropriate funds for next year.

Mr. President, as an indication of why these funds are needed, I ask unanimous consent to have printed at this point in the Record a resolution adopted by, and other materials prepared by, the Gallup-McKinley County schools on the need for additional facilities in that school district. This is not the only source of need in New Mexico. There are various others including the Grants School District which is suffering greatly. However, I believe that these materials which I am inserting into the Record today will give the required proof that something needs to be done to provide immediate assistance in providing adequate buildings to insure a good education for our American Indian children.

There being no objection, the material was orderd to be printed in the Record, as follows:

Resolution of Gallup-McKinley County Schools, Gallup, N. Mex.

Whereas, the Board of Education of Gallup-McKinley County School District No. 1, Gallup, New Mexico, realizing its responsibilities to the Indian children of the townsite of Navajo, New Mexico, and surrounding area, desires to further the educational opportunities of these children, and

Whereas, the school children in this area were housed in barracks and quonset huts, then bused 75 miles to Gallup to school, then later transported to a high school in Arizona on a tuition basis, in an attempt to provide a worthy education, and

Whereas, the Chief of Public School Finance, New Mexico Department of Finance and Administration has stated their department would no longer pay the tuition for the education of these children of Navajo in an out-of-state school beyond September, 1970, and

Whereas, Public Law 815 funds for the construction of schools have not been available for the Gallup-McKinley County School District for the past three years, which funds could have provided a secondary school for the education of the children of Navajo, New Mexico,

Now, therefore, be it resolved: The Gallup-McKinley County Board of Education requests direct funding in the amount of two and one-half million dollars for the construction of a secondary school in Navajo, New Mexico, to provide the proper housing and educational opportunities for the Indian children in Navajo and the surrounding area.

GALLUP-MCKINLEY COUNTY BOARD
OF EDUCATION,
JOHN H. SCHUELKE,
President.
EARNEST BECENTI,
Attest:
Secretary.

STATEMENT OF W. B. FITZSIMMONS, SUPERINTENDENT OF SCHOOLS, GALLUP-MCKINLEY COUNTY SCHOOL DISTRICT, GALLUP, N. MEX.

To: New Mexico Members of Congress

The Gallup-McKinley County Board of Education in prior correspondence has furnished The New Mexico Congressional Members considerable information in regard to federal aid to education, primarily Public Law 815, Public Law 874, and Johnson-O'Malley evaluations and how they adapt to Indian education, together with recommendations and suggestions for changes in the laws to better accommodate the needs of Indian children.

At this writing, it is our understanding that no one knows the fate of the above laws or what the future role of the federal government may be. If Congress does not act favorably, and the existing laws are curtailed to a point of being inadequate, the Gallup-McKinley County School System will be in a precarious position and will have to relinquish its obligation of Indian education to the federal government. This action is not the desire of the Gallup-McKinley County Board of Education, but it would be their only recourse.

It is our observation and appraisal that Congress may not resolve the appropriations for P.L. 815 until the latter part of the year, and then the appropriations may be severely curtailed. Therefore, the following projects, which were submitted with the 1966–69 P.L. 815 application, are in jeopardy.

Addition to Navajo Elementary	$856,341
Addition to Thoreau Elementary	1,151,393
Addition to Tohatchi High School	2,328,500
Addition to Towa Yallane Elementary	113,500
Zuni High Vocational Addition	128,000
Addition to Tse Bonito Elementary	706,002
Start of Secondary School at Navajo	2,133,137
Zuni Junior High School	1,710,000
Addition to Thoreau High School	2,339,652
Addition to Crownpoint High School	2,328,500
Total	13,795,025

The building cost of the above projects has increased at least 10 percent since the time of their submittal. The priorities of these projects have all changed with the time delay, and, as of now, all the projects have a number one priority as far as the school district is concerned. The enrollment data which follows will clearly substantiate this statement.

GALLUP-McKINLEY COUNTY SCHOOL DISTRICT, GALLUP, N. MEX.

	Capacity of present building	Enrollment as of June 1969	Projected enrollment, 1969–70	Unhoused children, September 1969	Projected enrollment, 1970–71	Unhoused children, September 1970
Navajo Elementary, grades kindergarten to 6[1]	300	290	349	49	400	100
Navajo, grades 7 to 12 (attending Fort Defiance, Ariz., tuition basis)		136	184	184	300	300
Crownpoint Elementary, grades kindergarten to 6[2]	690	637	750	60	825	135
Crownpoint High, grades 7 to 11	250	259	[3] 453	203	475	225
Church Rock, grades kindergarten to 6[2]	360	413	429	69	460	100
Tohatchi Elementary, grades kindergarten to 6[1]	540	585	647	107	700	160
Tohatchi High, grades 7 to 10	250	199	[4] 296	46	[3] 350	100
Thoreau Elementary, grades Kindergarten to 6[2]	390	552	644	254	725	335
Thoreau High, grades 7 to 12	150	347	411	261	465	315
Towa Yallane, grades kindergarten to 6[1]	300	382	406	106	430	130
Zuni Elementary, grades kindergarten to 6	540	528	547	7	575	35
Zuni High, grades 7 to 12	600	550	711	111	725	125
Tse Bonito, grades kindergarten to 6[2]	120	170	184	64	200	80
Total	4,490	5,048	6,011	1,521	6,630	2,140

[1] Indian reservation.
[2] Checkerboard area.
[3] 7th to 12th grade.
[4] 7th to 11th grade.

School officials feel this data speaks for itself and clearly shows that the school district is in dire need of funds for school facilities to alleviate present and future classroom needs.

Even though the above data indicates our needs are critical in all the areas listed, the Gallup-McKinley County Board of Education at this time wishes to point out the greatest need is for a secondary school (Grades 7–12) in the townsite of Navajo, New Mexico. This is the only area in the Gallup-McKinley County School District without secondary school facilities.

Therefore, the Board of Education of Gallup-McKinley County Schools is requesting direct funds of two and one-half million dollars to be appropriated immediately for this project. This request is urgent in that it will take 250–280 days for construction to be completed by September, 1970.

The children from the Navajo, New Mexico area have been transported to the Gallup secondary schools in the past. This plan had to be discontinued because the children were traveling 160–170 miles per day, which entailed a four-hour bus ride. This subjected the children to an undue hardship. The following year, the Board of Education tried to start a secondary school at Navajo, using old surplus barracks and quonset huts, however, these facilities were unadequate. The Director of Instructional Services, Mr. Calloway Taulbee, New Mexico State Department of Education, during an evaluation study of the school district, recommended the children be transported to Fort Defiance, Arizona, and enrolled in the Window Rock Public School District on a tuition basis. In his letter of February 5, 1968, he stated:

"During our recent evaluation visit to your school district it became obvious to us that the children in grades 7–9 at Navajo would obtain better educational opportunities at nearby Window Rock, where you are already sending grades 10–12. While the question of out-of-state tuition has to be considered, we are in agreement that it should not dissuade you from seeking improved opportunities for the children involved.

"It is our recommendation, therefore, that you strive to make the necessary plan to send all of the secondary school children from Navajo (grades 7–12) to Window Rock next school year (1968–69)."

The trip to the Window Rock school district required only a 25 mile bus ride. This recommendation was deemed satisfactory by the Board of Education and was enacted immediately, even though the Board felt the tuition charged by Arizona, in comparison to the cost in New Mexico, was high. The number of Navajo, New Mexico children educated in Arizona this past school year reached 136 and the estimate for the next school year is 184 children. Mr. Harry Wugalter, Chief, Public School Finance, New Mexico State Department of Finance and Administration, met with officials of the Arizona State Department of Education and the governor of Arizona in an attempt to lower the tuition rate, but to no avail.

During the annual budget hearing for the Gallup-McKinley County school district, held in May, 1969, Mr. Wugalter, after a lengthy discussion, stated he would not approve payment of the Arizona tuition of $810 per child beyond September, 1970, and he instructed the Board of Education to find revenues to construct a secondary school at Navajo. In his letter of July 7, 1969, he stated:

"This letter is a follow-up to our lengthy discussion during the budget hearing about the situation at Navajo.

"As we indicated, the tuition payment for resident New Mexico pupils to the Arizona School District was meant to be a temporary arrangement. It appears that the enrollment projection for next year, and further projections, point to the need for a pupil attendance center.

"This office granted approval of the out-of-state tuition payment with the proviso that the board would do all possible to seek a solution for our secondary pupils. If there is an opportunity for the board to receive federal assistance with which to construct a junior-senior high school, then this office would certainly endorse this move. The State of New Mexico will meet its obligation to the school district and assure the district of operating expenses via the state-aid formula as long as these resident children attend a public school in this area.

"If this office can be of any assistance at any time in connection with this matter, please do not hesitate to call."

In 1965 the Gallup-McKinley County Board of Education constructed the elementary school at Navajo with district bond monies because Public Law 815 funds were not available at that time. Mr. Sweeny, Field Representative for P.L. 815, could not be convinced that this community would be large enough to warrant an elementary school. However, the Gallup-McKinley County Board of Education had the foresight to see the need, and in cooperation with the Navajo Forest Products Industries and the Bureau of Indian Affairs, allowed bond money to be used for an elementary school at Navajo. The Navajo Forest Products Industries officials and the Bureau of Indian Affairs planned the sawmill as an industry together with a community development plan. The entire project was to be a model community and an example to the rest of the reservation to follow. The plan has made tremendous progress. The sawmill is one of the most modern in the United States. The community is growing by leaps and bounds, and has the most modern housing on the reservation. The economy in the area is above average and stable. This project is a perfect example of what can be done on the Navajo Reservation with the Indian workers. It is conclusive evidence that once an Indian has a skill and a job, his social progress and educational philosophies for his children change to conform with our society.

Due to this progress and the demands of the people, the Board of Education feels very strongly that the Navajo community deserves school facilities to house children in grades kindergarten through twelve.

The plans for a new high school include six general classrooms, music, art, industrial, woodworking, science, business administration and home materials center, with staff offices, toilet rooms, and storage and custodial spaces for a total of 21 teaching spaces, all in a steel frame, one-story building. The teacherages are to have ten 3-bedroom units and ten 2-bedroom units in the townsite proper on sites assigned by the town from the existing plat.

The proposed facilities should provide for teaching stations in the basic areas of English, mathematics, science, social studies, health and physical education, business education, fine arts, foreign languages, home economics, arts and crafts, driver education, and industrial arts. In addition, vocational education facilities should be provided in the areas of building trades, office occupations, distributive education, and consumer and homemaking education.

With an anticipated initial enrollment of 300 secondary students, staffing requirements would include eighteen teachers, one counselor and one principal.

The curriculum recommendations stated above would provide an adequate instructional program to meet the educational needs of the secondary students in the Navajo area. This program cannot be implemented until adequate facilities are provided.

The reason the construction fell behind in our rural school area was because P.L. 815 funds were frozen for the past three years, and our school district has not received any funds even though it was eligible. During this same period, the school district has had an increased enrollment of approximately 1,500 federal impacted children, all of whom are primarily of Indian descent. This lag in federal funding has set back the school district construction program four years and forced the school district to house children in old surplus barracks and quonset huts. These buildings present a fire hazard and poor atmosphere for education. The Board of Education cannot help but feel that the federal government is not fulfilling its obligation to the Indian people. School officials of McKinley County have a strong feeling that Public Laws 815 and 874 were not designed for Indian education; nevertheless, if our school district had been funded in the past three years as it was from 1960 to 1965, the deplorable classroom conditions would not exist. As one can readily see from the previous enrollment chart, the school district will have 1,521 unhoused children as of September, 1969, and this will increase to 2,140 by September of 1970. All of the unhoused children will be assigned to obsolete classrooms.

The education of the American Indian has been one of the most controversial topics in America. Most Indian children enter school with a language handicap. They are made to compete in a society that is foreign to them in their cultural and language patterns. If the school curriculum is not developed with the above elements in mind, it may hamper the Indian child through his life span. This makes the education of the Indian child a complicated problem, and we feel it is the greatest challenge in education today.

In order to cope with this problem, all personnel concerned must have the knowledge, enthusiasm, and dedication to do a good job. It is of the utmost importance to have a Board of Education that is willing to take on the responsibility of this challenge. It could be said, without reservation, that the members of all of the boards of education who served the Gallup-McKinley County school district have not only accepted this responsibility, but have, in a genuine manner, touched the problem and made educational strides second to none.

The absorption of Indian children into the public schools of McKinley County in the past 12 years proves this point without a shadow of a doubt. Twelve years ago the school system was educating approximately 1,000 Indian children. The current enrollment stands at 12,000 with 7,000 Indian children. Bus routes have been expanded from 14 to 46 over the same period of time. All of these children reside at home and attend school on a day basis, with the exception of approximately 600 children in the Gallup and Ramah dormitories. This educational feat could be accomplished only with the full cooperation of the Indian people, the Navajo Tribal Government, and the Bureau of Indian Affairs.

Another important aspect, if not the most important, is the part played by the federal government in providing necessary funds under P.L. 815, P.L. 874, and the Johnson-O'Malley law. P.L. 874 provides funds in lieu of local taxes for the operating and maintenance purposes of the plant; P.L. 815 provides funds for construction; and Johnson-O'Malley law provides funds for the special education needs. It is very obvious that this financial support is necessary due to the nontaxable lands involved in the Gallup-McKinley County area. This support will be necessary until such time that resources of these areas are industrialized and the economy stabilized to support itself through the normal taxation process.

For your further information, we are also enclosing statistical data on projected enrollments for the entire Gallup-McKinley County School District for the years 1969–70 and 1970–71.

We trust the information provided in this report will justify the immediate funding of a secondary school at Navajo, New Mexico.

W. B. FITZSIMMONS.

SENATE JOINT RESOLUTION 144—INTRODUCTION OF A JOINT RESOLUTION ON INDIAN EDUCATION

Mr. ANDERSON. Mr. President, the educational experience of many Indian children in the West provides a stark contrast to the schooling of most of our youngsters. My own State offers visible evidence of the additional burdens which these youngsters must carry because of the lack of classrooms and dormitories.

The Navahos, for example, live in scattered communities in an area comparable to the State of West Virginia. The land is rough and the roads are few. Many of the roads which exist are impassable in the rainy season and particularly in the winter when there is snow.

Thus, school attendance in many cases entails much more than walking the several miles many of us and our parents did. Instead, youngsters to whom reservation schools are unavailable face these options: Attending class in quonset huts or converted barracks, traveling by bus sometimes as much as 160 miles daily over dirt roads to public schools, and being sent out of State to live in Government boarding schools away from their homes.

The latter alternative puts considerable strain on family relationships which are important to our Indian citizens and, in fact, sometimes much stronger than our own.

The tremendous desire of the Indians to provide their offspring equal educational opportunities was expressed recently by Timothy Benally, chairman of the Navaho Tribal Education Committee:

> The past is gone, the present is going and we have the future coming up. The future of the Navahos depends on what kind of education our children get now and in the future. And the future of our country depends on what happens to all of its peoples.

I am pleased to report that local school districts have been responsive to this concern by absorbing the Indians into their facilities.

My discussions in recent weeks with public school officials and Navaho Indian school officials and the Bureau of Indian Affairs have revealed how wide the gap has grown. In fact, it has become so serious within the Gallup school district adjoining the Navaho Reservation that this fall, 1,521 school-age youngsters will have no place to go except obsolete and overcrowded classrooms.

In several areas, local school districts want to construct new schools to accommodate Indian and non-Indian students who live within their jurisdiction and to assume the responsibility for this education. However, the districts have no funds and are presently bonded to their legal limits. They have made application for Federal assistance through the Public Law 815 program, but the Congress has reduced these funds to such a level that it will be at least 5 years before moneys will be available for these districts.

The ultimate cost to the Federal Government of educating these children would be reduced greatly by financing these new school facilities. Since the local school districts would assume the major responsibility for their education, the Government would be relieved of this burden and better education would be provided at a lower cost. Many of the children could live at home and be transported to school each day by local schoolbuses. I am informed that the Bureau of Indian Affairs is willing to construct and supervise dormitory facilities adjoining the proposed schools for students whose homes are inaccessible to vehicle travel during the winter months or who live too far away to commute each day.

I believe that the Federal Government should not shirk its responsibility for these children. Providing public school facilities in the proximity of their homes will not only lessen the expense to the Government but will accelerate their adjustment to the modern educational process by integrating them into the local public schools, and this is what the Indians want.

I do not believe we will accomplish these goals for many years if we wait for the Bureau of Indians Affairs or the Department of Education to supply the funds for these facilities. This is a critical problem. It needs solving now. It will require, relatively speaking, a small amount of funds, and these funds will be budgeted over a period of time so that there will be no sudden large impact on budgets.

For these reasons I propose this Senate joint resolution to authorize the appropriation of $7,500,000 annually for each of 3 years beginning with fiscal year 1971 to assist in constructing school facilities in public school districts adjoining or near Indian reservations for the education of Indian children. This is a responsibility of the Government.

Mr. President, I ask unanimous consent that the full text of the joint resolution be printed at this point in the RECORD.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 144) to provide for the appropriation of funds to assist school districts adjoining or in the proximity of Indian reservations, to construct elementary and secondary schools and to provide proper housing and educational opportunities for Indian children attending these public schools, introduced by Mr. ANDERSON, for himself and Mr. MONTOYA, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S.J. RES. 144

Whereas, it is the responsibility of the Federal Government to provide educational opportunities to Indian children living on Indian reservations or on Indian land in the proximity of reservations;

Whereas, the Secretary of the Interior has found it practicable and advisable to educate Indian children in the public schools;

Whereas, sufficient schools have not been constructed by the Federal Government to provide for the education of Indian children in some areas of Indian reservations served by public school districts;

Whereas, these public school districts are bonded to the limit and are unable to provide facilities, which forces many of the Indian children to attend schools in dilapidated barracks and Quonset huts, or to leave the reservation to attend Indian boarding schools in other States;

Whereas, the Indians desire that their children attend public schools in their immediate locality;

Whereas, the public school districts are willing to accept the Indian children if funds can be obtained to construct adequate facilities;

Whereas, the Bureau of Indian Affairs has indicated that it will construct boarding facilities where necessary in connection with new school facilities; and

Whereas, the cost to the Government of educating the Indian children in these areas would be decreased if provision is made for them to attend public schools in the area in which they presently reside: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to enter into a contract or contracts with any State or local educational agency for the purpose of assisting such agency in the construction or acquisition of classrooms and other facilities in school districts adjacent or in close proximity to Indian reservations necessary for the education of Indians residing on any such reservation. Any such contract entered into by the Secretary pursuant to this joint resolution shall contain provisions requiring such contracting agency to—

(1) provide Indian students attending such facilities in any school district the same standard of education as provided non-Indian students in such district;

(2) operate such facilities as a part of the public school system and to provide a program of instruction meeting the standards required by such State or local educational agency for other public schools under the jurisdiction or control of such agency; and

(3) meet, with respect to such facilities acquired or constructed pursuant to such contract, the requirements of the State and local building codes, and other building standards set by any such State or local educational agency for other public school facilities under its jurisdiction or control.

SEC. 2. For the purpose of carrying out the provisions of this joint resolution, there is authorized to be appropriated, for the fiscal year commencing July 1, 1970, the sum of $7,500,000, and for each of the two next succeeding fiscal years, the sum of $7,500,00, such funds to remain available until expended.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

S. 410

Mr. MOSS. Mr. President, I ask unanimous consent that at the next printing, the name of the senior Senator from Idaho (Mr. CHURCH) be added as a cosponsor of S. 410, to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2371

Mr. MOSS. Mr. President, I ask unanimous consent that, at the next printing, the name of the junior Senator from South Carolina (Mr. HOLLINGS) be added as a cosponsor of S. 2371, to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2422

Mr. BAYH. Mr. President, I ask unanimous consent that, at the next printing, the names of the senior Senator from Nevada (Mr. BIBLE), the junior Senator from Nevada (Mr. CANNON), the Senator from Alaska (Mr. GRAVEL), the Senator from Oregon (Mr. PACKWOOD), the Senator from South Carolina (Mr. THURMOND), and the Senator from Ohio (Mr. YOUNG), be added as cosponsors of S. 2422, to amend the Higher Education Act of 1965 to provide that the Secretary of Health, Education, and Welfare shall prescribe the maximum rate of interest for the students insured loan program.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2470

Mr. SCOTT. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Indiana (Mr. BAYH) be added as a cosponsor of S. 2470 to amend the Food Stamp Act of 1964 to authorize elderly persons to exchange food stamps under certain circumstances for meals prepared and served by private nonprofit organizations, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2518

Mr. HARTKE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Hawaii (Mr. FONG) and the Senator from Tennessee (Mr. BAKER) be added as cosponsors of the S. 2518, to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2721

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Iowa (Mr. MILLER) be added as a cosponsor of S. 2721, the Insured Student Loan Emergency Amendments of 1969.

The PRESIDING OFFICER. Without objection, it is so ordered.

S.J. RES. 120

Mr. MOSS. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from North Dakota (Mr. BURDICK) and the Senator from Montana (Mr. METCALF) be added as consponsors of Senate Joint Resolution 120, providing for the preparation and submission to the Congress of a master ground transportation plan for the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTIONS 230, 231, 232, 233, 234, 235, 236, 237, AND 238—RESOLUTIONS REPORTED BY THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolutions, which were referred to the Committee on Rules and Administration:

S. RES. 230

Resolved, That Senate Resolution 40, 91st Congress, agreed to February 18, 1969 (authorizing an investigation of antitrust and antimonopoly laws and their administration), is hereby amended on line 5, page 3 by striking out $577,500 and inserting in lieu thereof "$606,300".

S. RES. 231

Resolved, That Senate Resolution 42, Ninety-first Congress, as agreed to February 17, 1969 (authorizing a complete study of any and all matters pertaining to constitutional amendments), is hereby amended by striking out $120,000 and inserting in lieu thereof $124,000.

S. RES. 232

Resolved, That Senate Resolution 43, Ninety-first Congress, agreed to February 17, 1969 (authorizing a complete study of any and all matters pertaining to constitutional rights), is hereby amended by striking out "$200,000" and inserting in lieu thereof "$215,000".

S. RES. 233

Resolved, That Senate Resolution 44, 91st Congress, agreed to February 17, 1969 (authorizing a continuing of the study of criminal laws and procedures), is hereby amended on line 15, page 2, by striking out $120,000 and inserting in lieu thereof $145,000.

S. RES. 234

Resolved, That the limitation of expenditures under Senate Resolution 46, 91st Congress, 1st Session, relating to the internal security of the United States, agreed to February 17, 1969, is hereby increased by $65,000, and such sum, together with an unexpended balance of sums previously authorized to be expended under such resolution, shall be

paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee and covering obligations incurred under such resolution on or before January 31, 1970.

S. Res. 235

Resolved, That Senate Resolution 47, Ninety-first Congress, agreed to February 17, 1967 (authorizing study and examination of the Federal judicial system), is hereby amended on page 2, line 23, by striking out "200,000" and inserting in lieu thereof "$209,000".

S. Res. 236

Resolved, That section 4 of Senate Resolution 48, Ninety-first Congress, first session, authorizing an investigation of juvenile delinquency in the United States, agreed to February 17, 1969, is amended by striking out "$225,000" and inserting in lieu thereof "$250,000".

S. Res. 237

Resolved, That Senate Resolution 51, Ninety-first Congress, as agreed to February 17, 1969 (authorizing a complete study of any and all matters pertaining to revision and codification of the statutes of the United States), is hereby amended by striking out $48,900 and inserting in lieu thereof "$52,900".

S. Res. 238

Resolved, That Senate Resolution 52, Ninety-first Congress, agreed to February 17, 1969 (authorizing a complete study of the separation of powers between the executive, judicial, and legislative branches of Government provided by the Constitution) is hereby Amended by striking out "$95,000" and inserting in lieu thereof "$105,000".

ADDITIONAL COSPONSOR OF CONCURRENT RESOLUTION

S. CON. RES. 34

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from South Dakota (Mr. McGovern) I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. Yarborough) be added as a cosponsor of Senate Concurrent Resolution 34, to establish a national policy on Indian affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH—AMENDMENTS

AMENDMENTS NOS. 114 THROUGH 116

Mr. NELSON (for himself, Mr. Goodell, Mr. Hughes, and Mr. Proxmire) submitted three amendments, intended to be proposed by them, jointly, to the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the selected Reserve for each Reserve component of the Armed Forces, and for other purposes, which were ordered to lie on the table and to be printed.

(The remarks of Mr. Nelson when he submitted the amendments appear earlier in the Record under the appropriate heading.)

AMENDMENT NO. 117

Mr. YARBOROUGH (for himself, Mr. Pell, Mr. Hughes, and Mr. Proxmire) submitted an amendment, intended to be proposed by them, jointly, to Senate bill 2546, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. Yarborough when he submitted the amendment appear earlier in the Record under the appropriate heading.)

AMENDMENTS NOS. 118 AND 119

Mr. HARTKE (for himself, Mr. Proxmire, Mr. Hughes, and Mr. Pell) submitted two amendments, intended to be proposed by them, jointly, to Senate bill 2546, supra, which were ordered to lie on the table and to be printed.

(The remarks of Mr. Hartke when he submitted the amendments appear earlier in the Record under the appropriate heading.)

AMENDMENT NO. 120

Mr. HARTKE (for himself, Mr. Proxmire, and Mr. Hughes) submitted an amendment, intended to be proposed by them, jointly, to Senate bill 2546, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. Hartke when he submitted the amendment appear earlier in the Record under the appropriate heading.)

AMENDMENT NO. 121

Mr. PELL (for himself, Mr. Hughes, and Mr. Proxmire) submitted an amendment, intended to be proposed by them, jointly, to Senate bill 2546, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. Pell when he submitted the amendment appear earlier in the Record under the appropriate heading.)

AMENDMENT NO. 122

Mrs. SMITH submitted an amendment, in the nature of a substitute, intended to be proposed by her to the amendment proposed by Mr. Hart (for himself, Mr. Cooper, and others), No. 101, to Senate bill 2546, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mrs. Smith when she submitted the amendment appear later in the Record under the appropriate heading.)

AMENDMENT NO. 123

Mr. PROXMIRE. Mr. President, I submit an amendment to the military procurement authorization bill, pending in the Senate, which would have substantial sums of money and would curtail the Department of Defense trend toward pursuing a policy of disengaging itself from controlling costs incurred by contractors and being charged under Government contracts. I refer to those efforts involved in what is known as independent research and development, or I.R. & D., bid and proposal, and other technical engineering activities. The costs of these efforts are included in the contractors' overhead and are allocated to the contracts they have with the Government.

The Department of Defense pays to contractors each year over one-half billion dollars for such engineering efforts over which DOD has very little, if any, control. Furthermore, these costs have been steadily increasing at an alarming rate each year. For example, in 1963 DOD paid $459 million while NASA paid $57 million; in 1968 DOD paid $685 million and NASA paid $131 million. In both years these sums of money were paid to less than 100 major defense contractors. While NASA is not involved in this bill, Mr. President, that agency follows the same policy as DOD, and the combined figures for the two more accurately portray the total picture.

Contractors have a great incentive to incur these costs. The efforts involved provide a basis for developing new and improved products, for selling these products, and otherwise improving the firm's capability to acquire new business. Those contractors that do a large share of their business with DOD are in an exceptionally good position in that they know that DOD will pay a large portion of these costs without controlling the efforts or demanding any share of the benefits obtained by the contractors. Because the contractors know the Government will bear a major portion of the costs, they have little reason to economize in these efforts.

DOD officials do very little reviewing contractors' I.R. & D. programs and, therefore, are in no position to determine their worthiness. In fact, these same officials find it necessary to ask the contractors each year to submit a list of benefits that have resulted from their I.R. & D. programs to provide support for justifying continuance of the program.

DOD's philosophy in not attempting to control I.R. & D. costs is that such costs are a necessary element of doing business, and that the Government should bear its share. DOD has recognized, however, that there is some need to better scrutinize these expenditures by contractors whose work is predominantly or substantially with the Government. Consequently, a system of negotiating advance agreements to define the maximum extent of the Government's liability was developed. However, once an advance agreement has been reached the contractors are free to change the content of their I.R. & D. programs without even making such changes known to DOD.

DOD has recognized that its system needs improvement, but the solution DOD is currently advocating is to completely eliminate any semblance of control by instituting a formula basis for determining the reasonableness of contractors' I.R. & D. and bid and proposal costs. Under this system no contractor, regardless of the degree of business he does with DOD, would be required to have his proposed programs scrutinized in any way prior to incurring costs that will be reimbursed by the Government.

Mr. President, this amendment is necessary if the taxpayers are to be saved from financing contractors' programs that may be commercially oriented. In these times of economic stress it is necessary that we get the best possible return on every dollar of Government expenditures. In my opinion, this cannot be done by letting contractors decide on their own how they should spend the Government's money.

My amendment would require DOD to review contractors' proposed I.R. & D. programs and select those projects which would appear to benefit the contract work and which, therefore, the Government would be willing to finance. This amendment would eliminate any Government payments for work that would only further the contractors' own private interests.

I ask unanimous consent that the amendment be printed in the RECORD.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 123) is as follows:

At the end of the bill add a new section as follows:

"SEC. 402. No part of the funds authorized by this Act shall be available for payment, directly or indirectly, to any contractor under a negotiated contract for any research and development work, bid and proposal expense, and other technical effort unless such work, expense, or other effort is specifically authorized under the terms of the contract or unless such work, expense, or effort is determined by the contracting agency to be of direct or indirect benefit to the work being performed under the contract."

AMENDMENT NO. 124

Mr. PROXMIRE. Mr. President, I am submitting today an amendment to the Military Procurement Authorization Bill which would authorize the Comptroller General of the United States to conduct a continuing study and review of the profits made by contractors and subcontractors on contracts entered into by the Department of the Army, the Department of the Navy, the Department of the Air Force, and the National Aeronautics and Space Administration, and on contracts entered into by the Atomic Energy Commission to meet requirements of the Department of Defense.

There has been much discussion of defense profits in recent years. Charges and countercharges have been made on this controversial subject. Critics maintain that defense profits are too high. The Defense Department denies these charges. Last November the Subcommittee on Economy in Government conducted hearings on military procurement problems including defense profits. We found that the Department of Defense cannot accurately ascertain what profits are in defense procurement. The fact is that there is little up-to-date knowledge about this subject. Elmer Staats, Comptroller General, testified that no complete and comprehensive study on this subject has been made.

In view of the enormous sums of money spent on defense contracts there can be no excuse for not knowing whether defense profits are in fact excessive. The public deserves a better account of what is being done with its money than the Government is now able to provide.

For this reason a comprehensive investigation of defense profits is essential. My bill authorizes the General Accounting Office to conduct such an investigation and to provide this legislative agency with the additional statutory authority to do so.

I ask unanimous consent that the amendment be printed in the RECORD.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 124) is as follows:

AMENDMENT NO. 124

At the end of the bill add a new section as follows:

"SEC. 402. (a) The Comptroller General of the United States (hereinafter in this section referred to as the 'Comptroller General') is authorized to conduct a continuing study and review of the profits made by contractors and subcontractors on contracts entered into by the Department of the Army, the Department of the Navy, the Department of the Air Force, the Coast Guard, and the National Aeronautics and Space Administration under the authority of chapter 137 of title 10, United States Code, and on contracts entered into by the Atomic Energy Commission to meet requirements of the Department of Defense.

"(b) Any contractor or subcontractor referred to in subsection (a) of this section shall, upon the request of the Comptroller General, prepare and submit to the General Accounting Office such information as the Comptroller General determines necessary or appropriate in conducting the study and review authorized by subsection (a) of this section. Information required under this subsection shall be submitted by a contractor or subcontractor in response to a written request made by the Comptroller General and shall be submitted in such form and detail as the Comptroller General may prescribe and shall be submitted within a reasonable period of time.

"(c) In order to determine the costs, including all types of direct and indirect costs, of performing any contract referred to in subsection (a) of this section, and to determine the profit, if any, realized under any such contract or subcontract, either on a percentage of cost basis or a return on private capital employed basis, the Comptroller General and authorized representatives of the General Accounting Office are authorized to audit and inspect and to make copies of any books, accounts, or other records of any such contractor or subcontractor and to take the sworn statement of any such contractor or subcontractor or of any officer or employee of any such contractor or subcontractor.

"(d) The Comptroller General, or any officer or employee designated by him for such purpose, may hold such hearings, sign and issue subpoenas, administer oaths, examine witnesses, receive evidence, and require by subpoena the attendance and testimony of witnesses and the production of such books, accounts, or other records as may be material to the study and review carried out by the Comptroller General under this section.

"(e) In case of disobedience to a subpoena, the Comptroller General or his designee may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, accounts, or other records. Any district court of the United States within the jurisdiction in which the contractor or subcontractor or an officer or employee of the contractor or subcontractor is found or resides or in which the contractor or subcontractor transacts business may, in case of contumacy or refusal to obey a subpoena issued to any person, issue an order requiring the person to appear before the Comptroller General, or his designee, or to produce books, accounts, and other records if so ordered, or to give evidence touching any matter pertinent to the study and review; and any failure to obey such order of the court shall be punished by the court as a contempt thereof."

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 107

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin (Mr. PROXMIRE), I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of Amendment No. 107 to S. 2546, the military procurement bill. The amendment requires annual disclosure by former high-ranking civilians and military Pentagon employees who leave the Government and go to work for major defense contractors.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 110

Mr. FULBRIGHT. I ask unanimous consent that, at the next printing of my Amendment No. 110 to S. 2546, authorizing appropriations for fiscal year 1970 for military procurement, research and development, and for the construction of missile test facilities at Kwajalein missile range, and Reserve component strength, the name of the junior Senator from Oregon (Mr. PACKWOOD) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Douglas B. Baily, of Alaska, to be U.S. attorney for the district of Alaska for the term of 4 years, vice Richard L. McVeigh, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, August 12, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARINGS ON S. 2624

Mr. TYDINGS. Mr. President, as chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I announce hearings on S. 2624, a bill to improve the judicial machinery in customs courts by amending the statutory provisions relating to judicial actions and administrative proceedings in customs matters, and for other purposes. The hearings will be held at 10 a.m. on September 8 and 9, 1969, in Room 6226, New Senate Office Building.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, Room 6306, New Senate Office Building.

PRIME MINISTER PIERRE ELLIOTT TRUDEAU—A PROFILE

Mr. MANSFIELD. Mr. President, recently the New Yorker magazine published a profile of an interesting and distinguished contemporary political figure. The issue of July 5, 1969, contains a study of Pierre Elliott Trudeau, the 15th Prime Minister of Canada.

The portrait which emerges from this account by Edith Iglauer is that of a very human man of intellectual brilliance with a consummate interest in the public affairs of Canada and the world, and an intense integrity in approaching the problems which beset these affairs. Mr. Trudeau's personal characteristics have been woven—or perhaps to state it more accurately, have blended—into an unorthodox leadership which, according to the profile, is of great effectiveness in Canada's current political life.

It seems to me most important that there should be in the United States a depth of understanding about the operations of the Canadian system of government. I speak now not so much in the textbook sense of comprehending the machinery of that government. Rather, what needs to concern us intensely are the forces now moving within the Canadian political system. These forces are of interest to the United States not only because the Canadians are neighbors closely linked but also because of the comparative value of any new experiences which others may have in dealing with free institutions under a Federal constitutional structure.

It is clear from the profile that Pierre Elliott Trudeau and his political associates are, so to speak, very alive and kicking in current Canadian political processes. It is also clear that they are very much attuned to new social rhythms which have been set in motion largely by the younger generations and which are more often than not worldwide in scope. Edith Iglauer's article makes a distinct contribution to our understanding of recent political phenomena of Canada. I ask unanimous consent that her profile of Pierre Elliott Trudeau be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROFILES: PRIME MINISTER

(By Edith Iglauer)

Pierre Trudeau, the improbably fifteenth Prime Minister of Canada, whose dream is to mold a more nearly perfect government and save his country from dissolving into two separate nations, is a man who likes to have the last word. He has been talking back to people since boyhood. When he is reminded of this, he throws back his head and laughs. "Yes!" he says. "I was impertinent to my father, to my teachers—to everybody. It got me into trouble, but when I was intimidated I had to have the last word. As I became more mature, I would state my case and sit back, which is a form of answering." He has been stating his case since 1950, when, in the first issue of *Cité Libre*, a small, free-spirited French-Canadian magazine he helped to found, he presented his own theory of balanced action between central-government authority and provincial autonomy, in an article entitled "Politique Fonctionnelle." Last year, with characteristic consistency, he stated his case again, in a collection of speeches and essays called "Federalism and the French Canadians." He wants Canada, whose constitution provides for a form of government that unites the qualities of American federalism and British parliamentarianism, to become what he calls "a brilliant prototype" for tomorrow's world, and, as Prime Minister, he is in a position to try to make this particular dream come true.

Trudeau had few listeners until two years ago, when he was appointed Minister of Justice and Attorney General in the Cabinet of Lester B. Pearson, his predecessor as Prime Minister and as leader of the Liberal Party. Until 1965, when Trudeau joined the Liberals—the first time he had joined any party—ran for public office, also for the first time, and was elected a Member of Parliament from a well-to-do suburb of his birthplace, Montreal, he was almost unknown outside the Province of Quebec. Until he became Prime Minister, in 1968, he was not considered sufficiently important to have a listing in the Canadian *Who's Who*. Just a little more than a year ago, when Marc Lalonde, a Montreal lawyer who is now Trudeau's Principal Secretary and administrative Chief of Staff, suggested to Jacques Hébert, a French-Canadian writer and publisher who is one of Trudeau's closest friends, the possibility of Trudeau's becoming Prime Minister, Hébert pronounced the idea "wonderful but crazy." Hébert has said since, "I could see ten years ago that he was perfect for the job, but I thought it not at all possible that in a democracy a man so well prepared as Pierre, so unlike the traditional politician, could be Prime Minister."

The aspect of Trudeau's complex personality that has caught the public imagination is his ability to "swing"—to close the gap between his own age, which is forty-nine, and the long-haired, miniskirted generation. When he was a bachelor Cabinet minister, his personal eccentricities fascinated a country that puts considerable stress on the proprieties. He would go to his office in Ottawa's austere Parliament Buildings in sports jacket, ascot, and sandals; he might stand on his head, walk on his hands, dive into a swimming pool fully clothed, or slide down bannisters in public places; he would drive a motorcycle or the latest-model sports car while wearing a leather coat, perhaps in the company of a ravishing beauty of less than half his age. In his term as Minister of Justice, during which he introduced legislation that has broadened the grounds for divorce, liberalized the laws on abortion, and abolished penalties for homosexual acts between consenting adults, he remarked, "The state has no business in the bedrooms of the nation," and the remark was repeated with delight around the world. After he won the leadership of the Liberal Party, in April, 1968, and succeeded Pearson as Prime Minister, Trudeau called a general election for June, in the hope of obtaining a clear working majority in the House of Commons. In the ensuing campaign, his every quip made the headlines, and he was photographed dancing in the streets and kissing his way across the country. Kissing is as common a greeting in French Canada as handshaking is elsewhere, yet Trudeau's charm produced a nationwide reaction so powerful that it was given a name of its own—"Trudeaumania." For many Canadians, stirred by the grand-scale celebration the previous year of a century of nationhood, Pierre Trudeau personified the centennial spirit and promised a fresh start for the second century of Canadian history.

The countless facets of Trudeau's personality inspire a wonderful variety of reactions. The view of a political enemy: "Pierre is conservative, but in the campaign he was passed off as having flowers in his mouth. He is one of the best-equipped men intellectually, but this is not enough until the ancient dream of a republic of philosophers is realized. His greatest weakness is aristocratic arrogance tied to no experience. He's a dabbler, a dilettante, an easy-going bachelor who likes traveling around the world and will soon get fed up with the job."

An official at Liberal Party headquarters: "Mr. Trudeau is a contemporary man, who looks, acts, and thinks the way we all believe a man of the twentieth century should. He is an I.B.M. computer. He is hip. He is thoughtful, worldly, exciting, candid. Somebody's going to say someday, 'Will the real Mr. Trudeau please stand up,' and about fifty-eight people will rise."

A left-wing Member of Parliament: "He is cautious and conservative, with nothing new or exciting to offer but his manner, which some people find exciting. He is a suspended brain, not fed much by the spirit, detached and cold. I think he's warm in personal relationships, but he is not sensitive to the needs and stirrings in the lower strata of society."

A prominent civil servant: "The Prime Minister has the most precise and logical mind I have ever worked with, a brilliant and versatile mind. He's a bundle of contradictions, different from what you would expect. He is mentally fresh and young, a superb companion. You might think he's frivolous, but he is intensely serious—a very hardworking person, who seldom takes time off for recreation."

An old friend: "The playboy image of Pierre reflects one-tenth of one per cent of his activity. Pierre is always challenging, provoking, shocking, so that no one can see what he's really like. He keeps us guessing all the time, which is what he wants. He is arrogant with people who don't know anything, and he himself has a passionate eagerness to know, to see and learn. He respects competence. He is an individualist who is always challenging himself, and who will always be lonely. He has one consistent personality trait, and this may be what some people don't like: to go through with anything he starts, and through to the end."

"My life is one long curve, full of turning points. Like Einstein, I feel that space is curved," Pierre Trudeau said recently to a visitor, in one of his rare moments of relaxation on a working day. The two were sitting at lunch in the three-story rectangular gray stone house at 24 Sussex Drive, Ottawa, that is the official residence of Canada's Prime Ministers. It is a modest house in a lovely setting of lawns and rosebushes and petunia beds, with a crab-apple tree in the garden, and there is a view from the enclosed sun porch in the back across the Ottawa River to the Gatineau Hills, in Quebec Province, and a narrow white church spire in the Quebec town of Hull. The furnishings of the residence are those of a middle-class home: black leather and brown overstuffed chairs in a small, panelled library; chintz couches around a fireplace in a gray-carpeted, gray-walled living room; and, beside a window looking out on the river, a piano, which former Prime Minister Pearson played when he thought nobody could hear him. Mrs. Pearson's taste in interior decorating dominates the rooms; Prime Minister Trudeau has changed nothing but the paintings, on loan from the National Gallery. He shows a marked preference for Abstract Expressionist works by Canadians, and especially for artists who have been his personal friends, among them the late Paul-Emile Borduas, Jean-Paul Lemieux, Alfred Pellan, and Micheline Beauchemin, creator of a handsome tapestry rug that hangs above a curving staircase in the hall.

The Prime Minister had arrived for lunch at one-thirty, half an hour behind schedule, bounding into the room with a broad smile of welcome, looking extremely natty in a well-tailored conservative brown suit, a striped tie, and a blue shirt that exactly matched his eyes. He is a slim, athletic man of medium height. His receding brown hair is just beginning to gray, and there is a small bald patch at the back. His features are pleasantly irregular—high cheekbones, which give his face a faintly Oriental cast; a slightly aquiline nose; and a large mouth with very white, even teeth. His eyes are luminous, and of a blue so brilliant that the effect of his gaze is startling to some people, even a bit frightening. He looks at one with such intensity, seeming to listen with his eyes, that the object of his attention is apt to feel that every word spoken must be significant.

The Prime Minister apologized for his tardiness, and offered his visitor a cocktail. He was delighted when it was refused. "Good!" he said. "Then we can go right in and eat." He sat down at the lunch table and poured chilled dry white wine into small cut-crystal glasses, remarking that he drank very little and didn't smoke at all. "I'm not willing to sacrifice the control of physical and mental ability that drinking and smoking take away for what they give in return," he said. "I used to tell myself that smoking impaired the memory, and in time I believed that it did. I have always thought, Why should I lose even a little bit of my memory, since it is not all that good? Also, in my early boyhood I was frailer than most boys and I thought I had to be more careful. I still have to average eight hours' sleep. I think I just have to have that. I can go for weeks or months on five hours or so of sleep, as I did during the election campaign, but afterward I have to make up for it by sleeping twelve or thirteen hours."

There are many Trudeaus in Canada (more than six hundred are listed in the Montreal phone book), and, according to the Prime Minister, the first Trudeau arrived in Canada from France in either 1628 or 1632. The Prime Minister's father, Charles-Émile, who died in 1935, was a farmer's son who was trained as a lawyer and became a very successful businessman. Pierre Trudeau's mother, who is ill and lives in retirement in Montreal, was Grace Elliot, the daughter of a Scottish father and a French-Canadian mother. Pierre Trudeau grew up speaking both English and French at home, and is totally bilingual, but he believes that he writes with greater precision in French. In conversation, he is soft-spoken in either language, but he is also a superb orator. He speaks vibrantly in French, but in English, when he is tired, his voice can drop to a lifeless monotone.

Trudeau, whose distaste for growing older runs to a vagueness about his birth date, although he is otherwise precise about detail, was born on October 18, 1919. He has an older sister, Suzette—a shy but composed and friendly woman, who is married to a dentist in Montreal and has three children—and a brother, Charles, two and a half years his junior. Charles is quiet and sensitive, and shares with his brother a deep love of the Canadian wilderness. An architect by profession, married but childless, Charles Trudeau is an expert skier and swimmer, and has become absorbed in art, music, and outdoor living, dwelling in a woodland area in the Laurentian Mountains in a striking modern house of his own design. Pierre Trudeau's most zealously guarded possession, next to his time, is his privacy, which also involves the right to privacy for his immediate family, with whom he has an affectionate relationship. Whenever he can, he slips off to Montreal for a weekend (he is likely to stay at a different hotel each time) and, after Sunday Mass, pays a visit to his mother. During his backbreaking coast-to-coast election campaign last year, he managed to find a telephone every night at seven o'clock and call her up.

Trudeau's father, who is said to have amassed at least a million dollars—now considerably increased—from service stations, real estate, and investments that included an amusement park and a baseball club, was a sporty extrovert, whom everyone called Charlie. Pierre was fifteen when his father died. In the curve of Trudeau's life, his friends believe, his father's death produced a deep sense of responsibility toward his family, which he still feels.

"My father taught me order and discipline, and my mother freedom and fantasy," the Prime Minister said, beginning the first course of the lunch—lentil soup. He has an expressive face, and it lights up as he speaks about people he loves. When he can, he likes to lunch informally at a small table in a bay window of the dining room, facing the garden and the view, as he and his visitor were doing on this day. The dining room proper is a large chamber with two huge crystal chandeliers above a long, handsome mahogany table, which can seat twenty-two. The table is frequently filled, because Trudeau likes to discuss the nation's affairs at dinner two or three nights a week.

The Prime Minister finished his soup and, as the next course was being served, said, "My father believed in things done well. My mother was a great respecter of the freedom of her children and was always prepared to take a chance. I suppose that because my father gave us a strong disciplinary base I could make good use of that freedom. If I was going to take off for James Bay, for example, she would say, 'So long. Have a nice trip, and don't get drowned.' She never said, 'Why don't you work or study instead?' She just said, 'I'll expect you back when I see you.' She was like that about my friends, too—never said I couldn't bring someone home. She wasn't always off to parties, didn't break drown and weep, never took things too tragically, never imposed her wishes on us. She left her children free. What happened is that my parents probably lived in a way that I found sound and I tended to imitate them. They didn't preach."

For years, Trudeau's mother, small, delicate, elegant, serene, was a grande dame to those who saw her at museums and concerts. During the Second World War, when there was not much cultural activity in Montreal, Pierre and Charles Trudeau regularly invited their friends to Sunday-night concerts of classical music from their collection of records. "The concerts were attended by forty or fifty people, or even more, most of them artists and writers," Guy Viau, deputy director of the National Gallery in Ottawa, who has known Trudeau since they were both twelve, recalled recently. "The Trudeaus were fond of music and wanted to share it, although inviting so many people was something quite new for such a reserved family. Guests sat in the basement playroom, where the record-player was, and all the way up the stairs, and in the rooms on the ground floor, where the boys had put up extra speakers. We were all very serious, not social—it was just for music lovers." Another friend remembers that Mme. Trudeau used to remain on the second floor during the concerts but would come down later to say hello: "She would drift through the room, looking as if she weren't listening to the conversation, and then suddenly come out with a remark right to the point," he said. "She was intelligent, very clever, and the most charming person you can imagine. She was something like Pierre. We always suspected that she knew a lot more than she cared to say."

The Prime Minister's mother still lives in the family house, on McCulloch Street, off the broad Chemin de la Côte de Sainte-Catherine, in the Outremont section of Montreal, which is an old, prosperous residential area. McCulloch Street climbs an extremely steep hill, which levels off into a plateau of large houses and spacious grounds. Very few of the people walking or pushing bicycles up the hill seem to know where the Prime Minister's family house is. The Trudeau house is on a narrow lot, and is smaller than the ones surrounding it—a modest structure of brownish brick, with an old-fashioned front porch. The interior is conventional early-nineteen-twenties, except for several paintings on the walls in the downstairs rooms by Georges Braque, a friend and neighbor of Trudeau's uncle Gordon Elliott, a landscape architect who once lived in France. The only decoration that any of Trudeau's friends can remember in his room is a few paintings, and shelves filled with books from floor to ceiling. "A chair, an old desk, maybe a few souvenirs from trips—otherwise books and more books," says Jacques Hébert. Until a year ago, Trudeau also kept a flat on Sherbrooke Street, in the center of Montreal. It was a one-room kitchenette apartment, and, like his quarters at home, it had a Spartan quality. "A place to go, with a lot of books there," Hébert says. "He doesn't like luxury."

A mile or so from the McCulloch Street house—a short bicycle ride for a boy in his teens—are the big, classical-style cream-colored brick buildings of the Jesuit Collège de Jean-de-Brébeuf, which the Prime Minister attended between the ages of twelve and twenty, leaving with a B.A. degree.

"I suppose the man who most influenced me as a student was Father Robert Bernier, a French Canadian from Manitoba," the Prime Minister said, a warm note in his voice. He had just finished second helpings of fish soufflé and of cucumbers with sour cream and was sitting back while the table was cleared for dessert. "Father Bernier was the most highly cultivated man I had met, and he confirms what I am always saying—that you can be a damned good French Canadian outside Quebec. Bernier was the man who talked politics to me. He was my teacher of letters—of French literature. We used to go to school six days a week, and to Mass on Sunday, so school was almost a complete life, even for day students. That Bernier's mind was wonderful! He not only made you study the right works but incited you to read."

"Pierre must have been sixteen or seventeen when he was my pupil," Father Bernier told a visitor not long ago. "It was the academic year 1936–37, and I was twenty-five, in the second year of my teaching." Father Bernier, now fifty-eight, who left Brébeuf in 1939, is a philosopher and political scientist and the author of books on international politics. He lives in Quebec City, where he is the rector of Villa Manrèse—a comfortable old house set back from the street behind a curved driveway—which is a Jesuit retreat house and residence for priests. Father Bernier, a quick-moving man with a firm manner, a ready smile, and alert eyes behind rimless glasses, led his visitor to a quiet room in the Villa, and there, after lighting a cigarette, he apologized for his English and settled back in his chair to talk. "Brébeuf was a typical classical school, and my course was belles-lettres," he began. "There were about fifty in my class, and the idea was to train a boy's mind and personality so that he would be ready for anything and would learn rapidly. It was quite a special group, and Pierre was one of the best. I don't present myself as knowing him intimately, but I saw the man emerge from the boy. Nothing in his thinking or acting surprises me." I thought, "A boy like that will be a leader. But Prime Minister? No, no, I wasn't that much of a prophet!"

Father Bernier asked if his English was clear enough. Reassured that it was, he continued, "We were very close, the boys and I. Part of the teaching was the idea of meeting a man, of getting to know him deeply. I was young myself, discovering the world of culture and America at the same time they did. We passed books back and forth. Literature, philosophy, music, painting—all went together. We lamented the lack of museums in Montreal, but we got acquainted with Cézanne, Renoir, Degas, Gauguin, Manet, van Gogh, and the ultimate, Picasso—and even the sculptor Maillol—through reproductions in books. In architecture, we bought the books of Le Corbusier. Great music was beginning to be heard in Montreal, with Wilfred Pelletier conducting there. We wouldn't miss any concerts if we could help it, especially if they included our favorites—Fauré, Debussy, Stravinsky. And, of course, there were records. All this was a bit cut off from the atmosphere of daily life, but these were the sons of bourgeois, and didn't have money troubles, so they could throw themselves into art and beauty. Pierre Trudeau was among the most enthusiastic, and, like all intelligent boys, a bit avant-garde. We lived in a little world by ourselves—no television yet, of course, and the social conditioning of the families kept the boys from being much interested in political change. It was an atmosphere of elation, where everything was beautiful."

Father Bernier leaned forward eagerly in his chair. "I also gave them a history course," he said. "I insisted not only on facts and dates but on thoughts: the importance of the democratic spirit and the idea of federalism as a way of having political unity and cultural differences in the same country—a pluralistic society, with a sense of the universal and a love of differences for themselves, where outside all the differences of nation, religion, sex, color, and so on, a man is a man, and is respected as such. I think the boys got something out of it. In addition, I taught them French, Greek, and Latin literature, and although this was a typical modern French culture—oh, a very French atmosphere—it was open to other streams of thought, like Tagore, the Indian poet, and outside of class we would read and discuss, in English, Hemingway, Faulkner, Henry James, Hawthorne, and Thoreau, particularly what Thoreau said about the wilderness, which was very appealing to Canadians. We could enter easily into the mind of Locke, de Tocqueville, Acton, Jefferson. Our little life gave the boys respect for the rational, an instinctive repulsion against the rising Fascism and Nazism. I insisted on a respect for man-made beauty. I insisted on that. They had to understand that our real men are not destroyers but builders—of society, of poetry and of beauty—and that all these things are linked together. I remember reciting a phrase from Paul Valéry's 'Eupalinos, or The Architect': 'I built so much I think I finally built myself.' I used to give the boys Plato as a model of intellectual courage—the man who by himself caused the Greeks to pass from a mythical to a rational mode of knowledge. You could feel that Pierre had this kind of courage. Even as a boy, he would say what he thought anyplace. I would like to use a French word about Pierre—*intelligent*, which is the highest praise. And if I had anything else to note, it would be his deep honesty—*probité.*"

There was a knock at the door, and a priest entered with a steaming coffeepot. Father Bernier poured the coffee, then ignored it. His mind was elsewhere. "My father studied law, was stung by the political fly, and passed all his life in the Manitoba Parliament. He was very French, but he read extensively in English—everything from Newman and Burke to Winston Churchill—and I remember hearing him make a speech and thinking he had a political outlook that was British. Well, Pierre is in advance of most of us. He is a prototype of what the French Canadians can be in a few years, if the extremists don't get the upper hand."

Leaning forward again, his hands pressed together, he said, "I will explain. The social and cultural personality of French Canada has four components. The first is the old, traditional society, whose people have kept many characteristics of Old France but are Canadians first, dynamic and arrogant. After the British conquest in 1763, when economic and political power passed out of French hands, French Canada became a country of workers and peasants under the guidance of priests, doctors, and lawyers, with the church at the center of every small town, and with a strong emphasis on family values. The second component is the contact with modern France over the last fifty years. French Canadians have made trips to Europe and have bought French books, and when Pierre was a boy this cultural impact was great. The third component is the effect of the British, through business contacts and parliamentary institutions. The British type of democracy has affected us deeply, for we are in the system, now more than ever. The fourth component, the impact of the United States, is getting more important every day. American civilization has the power of seduction, and our young people are more and more American in outlook. So, you see, the French Canadian has all that to digest. He wants to be himself in his bones and keep his own values, and he fears that he will lose his personality. Pierre has assimilated and dominated these differences. He has the brilliance of the French intellectual, the grave manner of the British parliamentarian, and the dynamic organization and efficiency of the American. But we know him as one of us, a French Canadian who likes to talk and be flippant when he lets himself go."

Father Bernier now remembered his coffee and drank it. "Pierre has taken on a tremendous job—keeping this country together," he said. "He is placing very-efficient machinery in Ottawa, and his great strength in building will to a certain extent correct his own intuitions, which are not infallible. But his values are the same as they always were: a deep respect for the other man, a respect for things beautiful, a revulsion against anything mediocre. *C'est un homme qui a des grandes exigences envers lui-même*—who asks much of himself—so he has a right to ask much of others."

As his visitor was leaving, Father Bernier said, "Even as a boy, Pierre needed a sense of dedication. To swallow the world takes a long time, and he started by getting an international background—preparing himself for anything and waiting to see where he could best go. I think he really committed himself to Canada with the magazine *Cité Libre*. We had the Duplessis government in Quebec, and the occasion was right. The domination of the clergy over political matters at that time in Quebec was detestable. They had been the most learned men for a couple of hundred years, and everyone had consulted them, but then they became detrimental to liberty and it was time for them to step back into the religious life. Pierre thinks, as a political man should, about the order in this world. Religion is something else; it's what to do to get into the other world."

"My teachers used to say that for a Catholic I was pretty much of a Protestant," the Prime Minister told his luncheon companion. "I believed in the Protestants' rule of conscience, and that you must not deliberately hurt others." He had been eating a dessert of stewed peaches, and now he paused with his spoon in the air. "So I try not to hurt people, and when I do I feel it is a sin. That's the only really basic sin—to hurt others. I was very much impressed by what George Bernard Shaw said about Joan in the preface to his play about her. She was the kind of Catholic I probably am. What she called her voices I call my conscience."

The magazine *Cité Libre,* which usually had a circulation of about twenty-five hundred, was at times the only voice in Quebec openly opposing the corrupt Union Nationale regime of Premier Maurice Duplessis, the local tyrant, whose government was in power from 1936 to 1939 and from 1944 to 1960, a year after Duplessis's death. *Cité Libre* was founded by ten men, Trudeau among them, who in 1950 put up twenty-five dollars each to publish five hundred copies of the first issue, but the guiding hand was that of the distinguished French-Canadian journalist Gérard Pelletier. Trudeau has a capacity for deep and lasting friendship, and his relationship with Pelletier and Pelletier's wife, Alec, a television playwright, is especially close. Nine out of ten times when Trudeau feels a need to be in the company of friends, he goes to see the Pelletiers. Gérard Pelletier is now the Secretary of State—a Cabinet post concerned with cultural affairs, broadcasting, education, citizenship, and elections. Trudeau is said to feel that the success of his Government rests on its ability to reform the Canadian constitution, to include, among other things, a provision naming both French and English as the official languages of Canada. Equal status for the two languages is one of the basic principles of Trudeau's "Just Society"—his favorite, if never precisely defined, phrase for expressing his ultimate aims. Parliament is currently considering the Official Languages Bill, which would give the two languages this status, and enable five million French Canadians in Quebec and a million in the other provinces to deal with the federal government in French. The responsibility for applying the law, through language courses for government employees, will rest with Secretary of State Pelletier.

"I was nineteen and Pierre not yet quite nineteen when we met," Pelletier told a visitor to his office a while ago. He is a slight, dark man with sharp features and an amused, urbane air, who especially seems to embody three characteristics common to Trudeau's circle of intimate friends: intelligence, humor, and warmth. "He came from Outremont, on the right side of the tracks, with a reputation of being quite a *personnage,*" Pelletier said. "Mine was a modest background. My father was a railroad employee, and we were eight children. I was editor of an intercollegiate youth-movement paper that circulated throughout the province, while Pierre was editor of the paper at his aristocratic school." Pelletier pulled at his ear and smiled. "I wrote an article challenging other student editors to define themselves and say where they were going—whether they were literary or performed a function in their environment," he said. "Pierre, exercising his sense of humor, wrote, 'We went down to the basement, put out the lights, and said, "We don't know who we are, and we must find out!"' I thought this so good that I wanted to discover who wrote it. We met, and I liked him, though his flippancy disconcerted me a little. But he was obviously so intelligent."

Pelletier went to work for a Catholic youth movement, and Trudeau took a law degree at the University of Montreal. He graduated with honors in 1943, and then went south to Harvard for a Master's degree in political economy. The really close relationship between Trudeau and Pelletier began in Europe, in 1946, when Trudeau arrived in Paris to study at the École des Sciences Politiques. "I sensed in Pierre an intellectual capacity that attracted me very much," Pelletier said. "I think he envied me a certain gift for action. I was more involved, because I had to earn a living, and was working in an international student relief agency. He was studying, and I picked his brains as much as I could, since I had no formal training in economics and politics." The next year, Pelletier returned to Canada, and Trudeau enrolled at the London School of Economics, where he studied political science with Harold Laski.

"What a fabulous memory that Laski had!" the Prime Minister exclaimed. Having finished his dessert, he pushed his chair back a little from the lunch table. "A lot of guys thought that Lord Acton was the great forming influence on me," he said. "The truth is that I liked Acton's approach and several of his essays but probably read less of him than several newspaper people studying his influence on me have read since—and less of de Tocqueville, too. Quite frankly, I didn't read de Tocqueville's entire works, and I was well into my thirties by the time I found confirmation in him of my theories of checks and balances. I am very eclectic. I can quote from Plato and from the theories of de Tocqueville and from Montesquieu's 'Laws,' but it would be a mistake to single any one of them out. I bet many people in my position have read more than I have in the field of history and economics. I have probably read more of Dostoevski, Stendhal, and Tolstoy than the average statesman, and less of Keynes, Mill, and Marx. The point I am making is that I am not a scholar of any of these disciplines. I haven't read as much as a good economist, and, being eclectic, I have done a lot of other reading and travelling."

Trudeau left London in 1948 to take a year's trip around the world—a cours pratique, Pelletier has called it. Trudeau made a point of travelling to unusual places, and of melting into the stream of the local population wherever he was. Even Jacques Hébert, with whom he has shared many travel experiences, is continually discovering, when he himself is about to depart for some out-of-the-way place—Malaya, say, or Burma—that Trudeau has already been there and can give him a few addresses. "Maybe the face of the world would be different if Mao Tse-tung had travelled as much as Pierre—if he had, for instance, camped on Vancouver Island or walked in the woods of Vermont," Hébert observed recently. "Pierre made all those trips of his in a very intense way."

Hébert, a lively, generous man in his mid-forties, met Trudeau for the first time twenty years ago, in Montreal, at a gathering of travel enthusiasts who assembled every so often to talk about their trips. He has written many travel books, one of them in collaboration with Trudeau, describing a journey they made together—a sort of guided tour of China, in a Chinese-government-sponsored group, in the fall of 1960. The book, a witty, sharp-eyed account of their travels, entitled "Two Innocents in Red China," has lately been translated into English and reissued. "Our friendship has been of the humorous type, telling each other how awful each thought the other was," Hébert remarked. "I had agreed to write the fancy descriptions and leave it to him to fill in the serious economic and political commentary, but when we exchanged what we had written we found that, for fun, each had written the part reserved for the other. It was a game—so much so that Pelletier, reading the book, said, 'That's Pierre's' when it was mine. I asked Pierre if he wanted to read the proofs when 'Two Innocents' was reissued, and he said no, so I said, 'You are the Prime Minister, and I don't want to take on the responsibility,' and he laughed and said, 'It's O.K. If I have trouble, I'll say you wrote that part.' "

The Prime Minister's French and English speechwriters have also been among his travelling companions. He met his English-language speechwriter, Tim Porteous, in Nigeria, in 1957, during the course of a seminar organized by a group called World University Service. At the time, Porteous was a graduate student at McGill University, and earlier he had written a revue lampooning the government, which toured the country very successfully. Trudeau's French speechwriter, Roger Rolland, who is a handsome man with a clipped gray beard, was a school chum of his in Brébeuf days, and for many years he was unofficially in charge of the practical joker in Trudeau's nature. "I would initiate the practical jokes, but Pierre has so much humor that he would fall in line," Rolland said. "Actually, I don't know a more serious man. If he dives, he won't dive just for the fun of it but will try to improve his technique. At twenty-two, if we were thinking of skiing, he would first have to discuss the idea with himself and see if he had time for it. If he is going to enjoy himself, he has to plan for it ahead. But when he relaxes, he surely does relax."

When Rolland and Trudeau were students, they dreamed up an informal association called the Agonizers. In answer to the question "How are you?" they would say, "Very bad," and fall over backward, breaking the fall with their hands just in time. This made quite an impression in Montreal living rooms. During the Second World War, Trudeau and his friends uneasily took no part, along with many other French Canadians, in protest against English Canada's broken promises concerning conscription. In Quebec, after the First World War, the Liberals never missed an opportunity to remind people that the Conservatives had forced conscription upon the country in 1917. During the Second World War, after much soul-searching and a nationwide plebiscite, Parliament, under the Liberal Government of Mackenzie King, worked out a compromise whereby a certain number of men could be conscripted for service within Canada but only volunteers would serve overseas. Trudeau—who, his friends say, was longing to fight—felt he could not betray his moral position as a French Canadian. He and his friends used to amuse themselves by donning German helmets, goggles, sabres, and boots and racing through the countryside on motor bikes, scaring people. "Pierre liked to dress up as a German spy from a submarine or as an Army deserter, and he loved to provoke the Mounted Police when they rose to the bait," a friend has recalled. "It was funny once or twice, but I got bored and I asked him why all the fuss. He said he found it a good way to develop confidence in himself and to learn to control the circumstances around him. I think he looked on it as a form of training."

Training for what? Trudeau was following the "Jesuit mystique of wanting to have the best mind, be the best athlete, develop the greatest will power and the strongest character. But in his relationship with Gérard Pelletier—a personal application of Trudeau's philospohy of counterbalancing—he was beginning to show purpose. It was Pelletier who involved Trudeau in his first political action, and the two men have been involving each ever since—first one of them leading, then the other. When Pelletier returned from Europe to Montreal in 1947, he went to work as a reporter for the daily newspaper *Le Devoir* and, while covering a strike, renewed an acquaintance with Jean Marchand, a prominent Quebec labor leader whom he had known as a student. Marchand persuaded Pelletier to work for his Confederation of National Trade Unions, and by the time Trudeau returned from Europe in 1949 he found Pelletier totally involved in a bitter strike by five thousand asbestos workers at mines in Thetford and Abestos, Quebec. The strike was as much against the oppressive Duplessis government and the repressive elements in the Church as it was against the mines, which were run by a Canadian subsidiary of the Johns-Manville Corporation. "Pierre joined us," Pelletier recalls. "He had grown a beard, which was blond, and the miners christened him St. Joseph. We decided then that something should be done about Quebec, and out of this came *Cité Libre,* in which we hoped to develop our ideas. Pierre, more easily than any of the rest of us, could have escaped and had a brilliant career anyplace as a writer or teacher. We were the first generation to say, 'God damn it, we'll stay home and change the place.' "

Marchand was impressed by Trudeau, and offered him a job. Trudeau said he did not want to be confined by a permanent job, but from time to time he worked for the union confederation free, representing it in negotiations with the aluminum industry and with the paper and textile industries. Marchand, Pelletier, and Trudeau saw each other constantly for years, and the association finally brought them, with Marchand in the lead, up Ottawa's Parliament Hill, where they became known to English Canadians as the Three Musketeers, or the Three Wise Men, and to French Canadians as the Three Doves, or the Three Virgins of Canadian Politics.

"*Cité Libre* was a curious affair," Pelletier has said. "We would meet every week, and anyone who had written an article read it to the others for criticism. This is why the publication came out so irregularly—just whenever we had time. In 1949, Pierre had gone to Ottawa as an economic adviser to the Privy Council, but he came back to Montreal every weekend for meetings to plan *Cité Libre,* and it was at those meetings that I discovered his ability to communicate his knowledge and ideas to others. He had such a natural superiority over all of us in the international field, and we also discovered how far he had gone in evolving political ideas for French Canada—and for the rest of Canada, too. The meetings were quite informal. We brought our wives, and Pierre brought his girl friends. I would preside, and he would get very impatient if I tolerated any digressions. He is exactly the same at Cabinet meetings now—strict, but in a nice way. He has a particular gift for bringing the conversation back to the subject without offending."

Tact is not always Trudeau's strong point. René Lévesque, a leading Separatist, is a member of the Quebec Parliament who left the Liberal Party in 1967 to help start Le Parti Québécois. Lévesque's group wants to separate Quebec from the rest of Canada, with which it would coexist under vague economic and defense arrangements. "I remember the first time I met Pierre, because I got a bit of the Pierre Trudeau arrogance," Lévesque, who was a well-known journalist before he became a politician, has recalled. "I had come back from overseas and was working for the Canadian Broadcasting Corporation. Pelletier, who was trying to get guys interested in starting *Cité Libre,* introduced us, remarking to Trudeau, 'Maybe we can get him,' to which Trudeau replied, without looking at me, 'Yeah, but can he write?' It would have been better if he had looked at me and said, 'Can you write?' This is part of the trouble with Pierre."

Trudeau is genuinely sorry to have hurt Lévesque's feelings. "I just meant it as a joke," he said recently. "It was my way of complimenting him."

Trudeau spent two years working for the Privy Council in Ottawa. When he had to wait in the anterooms of superiors, he would walk around on his hands, for exercise. He was too far down in the bueaucratic hierarchy to be given credit for his work on any published reports, but he did some of the historical research for conferences held to explore ways of amending the federal constitution. He also had an apprentice in the complexities of federal-provincial relationships. In a footnote in his recent book, he records that in 1950, at the request of the Privy Council, "I made a summary of existing federal-provincial coöperative arrangements, which covered more than fifty pages."

After leaving Ottawa, Trudeau worked as a labor lawyer, travelled extensively, and wrote for *Cité Libre* and about his travels for the daily press. He also edited, and partially wrote a book entitled "La Grève de l'Amiante" ("The Asbestos Strike"), a complete study of the 1949 walkout, a momentous event in Quebec. The book describes how, during the hundred and thirty-five days that the strike lasted, the government, backed by the reactionary wing of the Church, fought a vicious battle against the workers. The strike was a turning point in Quebec history, because, for the first time, people engaged in what came to be known as the Quiet Revolution—the fight for Quebec's freedom—became aware of their identity and their combined strength. "La Grève de l'Amiante," a collaborative effort involving scholars, lawyers, union officials, and journalists—including Pelletier—was published in 1956. Trudeau wrote an exhaustive first chapter, about Quebec's backwardness and immobility, and he also wrote the last chapter, a summing up. That same year, he also helped form Le Rassemblement, an organization of people from every political party whose primary aim was to get rid of Duplessis. Le Reassemblement lasted three years, during which it acquired many antagonists, among them members of a Socialist group called the New Democratic Party, or N.D.P. Although Trudeau has worked closely with the N.D.P., he partly blames it for killing Le Reasemblement. The N.D.P. men, for their part, regard Trudeau as a deserter, pointing out that in 1963 he was campaigning for a close N.D.P. friend, Charles Taylor, in the very constituency in which, running as a Liberal, he defeated him two years later, and also in 1963 was attacking Liberal Prime Minister Pearson—who had won the Nobel Peace Prize in 1957—as "Le Défroque de la Paix" ("The Unfrocked Priest of Peace") for permitting nuclear warheads on Canadian soil when he had previously opposed them.

"Quite frankly, I didn't enter the N.D.P. in earlier years because I was not ready to make up my mind, and later I didn't believe in it, because the ideology was wrong," the Prime Minister said. "It was a basic difference of orientation. In those days, the N.D.P. didn't think it was important to do anything in Quebec. They were all for the Ottawa boys, and the Ottawa boys won. We said, 'We have to reform Quebec before going on to Ottawa.' So we disagreed. Ironically, a lot of people who were fighting us then because we gave too much importance to Quebec have since become Separatists, or at least want special status for Quebec. In other words, the swing went full circle."

At the time Trudeau left Ottawa, he hoped to teach at the University of Montreal—a logical but not a realistic ambition in Duplessis's Quebec. Trudeau was barred from the faculty of the university for ten years, or until two years after the death of Duplessis. When his supporters pressed for action, the university authorities always had a handy collection of excuses: they were afraid he might stir up the students to rebellion; that he was a Communist or a Socialist; or that, anyway, he was a dilettante, who would stay for six months and then go off somewhere on a trip.

"It became a cliché to call me a dilettante, just because I didn't live on the same rhythm as other people," the Prime Minister said impatiently. He was clearly annoyed; his eyes were icy blue. "Just because I wasn't in court or teaching every day, people didn't realize that I worked. Many of my friends didn't even realize that I had an office. I would be working for a trade union, or I would go off for six months, and they didn't know I had written three articles, or a third of 'L'Amiante,' while I was away. I wasn't married and settled down, and I wasn't showing up to toot my horn. I was working much harder than any of the people who called me a dilettante. If a person works in an office from nine to five, plays golf at a country club, and spends his weekends in the country, he is not a dilettante. But if he is reading or writing sixteen hours a day and not doing things that people can see, he is a dilettante. They say this about artists, who do not go to work. They imagine them up in an attic sleeping with the models, when actually they may be painting ten or twelve pictures."

After the end of the Duplessis regime, Trudeau was invited, with what he has described as "almost indecent haste," to become a member of the Montreal faculty. Two departments wooed him—Political Science and Law. Jean Beetz, a professor of constitutional law, who is now dean of the Law School and one of the Prime Minister's principal advisers on constitutional reform, had at the time just become director of a new Public Law Research Institute, and Trudeau was one of his first appointments. "Another department wanted him, too," Dean Beetz has said, "so we both *did* approach him with haste. He chose to come to the Faculty of Law." When Trudeau was asked to list his academic credentials after joining the faculty, he wrote down, among other things, "Brown Belt"—the award given to judo students who achieve the second-highest degree of proficiency.

Trudeau enjoyed teaching, although he has described the university atmosphere as "rather sterile." He is still technically on leave, and listed in the university catalogue as associate professor of law and member of the Research Institute. In his field, which was human rights, he was a provocative lecturer, and he encouraged students to come to his office before and after lectures to talk. As Prime Minister, he thoroughly enjoys question-and-answer sessions with university students, and will more readily make that kind of public appearnce than any other. He was a demanding teacher, challenging his students and growing impatient with any who hadn't done their homework, and he was a controversial figure on the campus. Many students at the university are radical, which in Quebec means Separatist. The nonconformist aspect of Trudeau's personality placed him to the left of center in some people's eyes, but because he was a federalist, who wanted Canada to remain united, the out-and-out Separatists regarded him as a reactionary.

Actually, Trudeau's political philosophy is thoroughly pragmatic, and whenever a need or an opportunity arises to practice what he teaches he jumps right in. Never does he do this more eagerly than in defense of an old friend. In 1956, Jacques Hébert, who is a passionate civil-liberterian, became convinced that a Canadian named Wilbert Coffin had been unjustly executed for the murder of three American hunters, killed in 1953 in the Gaspé region. Hébert set out to prove Coffin's innocence, and wrote a book in which he accused the Quebec government of murdering him. The government responded by setting up a Royal Commission of Inquiry. Hébert voluntarily spent five days a week for a year before the Commission in Quebec City, but it issued a report unfavorable to him, whereupon he was charged by the government with contempt and was suddenly clapped into jail. Trudeau, who had given him legal help during the inquiry, got him out on bail, and Hébert eventually won his case. "It was a crazy thing for me to do, to start a fight without money or means," Hébert said recently, sitting in a small upstairs office of his publishing firm on the Rue Saint-Denis, in the old part of Montreal. "Pierre's office was nearby, and we used to eat in a very simple restaurant on the corner—really quite a poor one. You certainly wouldn't take a girl there—certainly not. Well, Pierre is the kind of a man who won't pick up the check for his friends—even if it is only a dollar and a half—because it would destroy a kind of dignity in their relationship. But when one of those friends is in real difficulty, he will discreetly lend him thousands. Pierre was the first to offer his services, even though he was not altogether happy about some of the things I had put in my book, because they were difficult to prove. When I went to Quebec City for the inquiry, he said, 'I want to represent you, but I am a civil, not a criminal, lawyer, and your case won't be completely secure with me.' For my part, I didn't want him thrown out of his teaching job after he had waited so long for it, so we engaged a very fine criminal lawyer. Even so, Pierre came as often as he could to Quebec City the first month, and his presence gave me quite a lot of prestige. And, on the last day, he came and sat down with me, to show the Commission, and the public, he was there. When I was thrown into jail in Quebec City, Pierre came running after me, right up to my cell door. He laughed and said, 'Look at you here, in your jailbird costume!" He helped to plead my case before the judge during both the government suit and my appeal, and he was marvelous."

Most French-Canadian intellectuals would rather meet than sleep—or, possibly, eat. Their solution for any pressing political problem is immediately to call a meeting. In 1963, sporadic bombings by Separatists in the streets of Montreal inspired Trudeau and six younger men, who were groping for a constructive approach to the growing Canadian disunion, to hold a series of Friday-night meetings. There were, besides Trudeau, three university professors, a psychoanalyst, and two lawyers—one of whom was Marc Lalonde, now the Prime Minister's chief aide and principal political adviser. Lalonde had met Trudeau briefly in 1949, when he sought advice from him on whether to study law or social science, but he did not really come to know Trudeau until 1960, which was when Lalonde began writing for *Cité Libre*. The Friday-night meetings produced a four-page document entitled "Manifesto for the Nation," which was published in the Montreal *Star* on May 14, 1964. A rebuttal of the Separatist position, it was a scathing denunciation of economic and political conditions in Canada. By the time the "Manifesto" appeared, Marchand, Pelletier, and Trudeau were already considering their triple march toward Ottawa.

Trudeau's ascendancy was a political accident. It came about because Marchand declined to run as a candidate for the leadership of the Liberal Party when Pearson announced his intention to resign, in December, 1967. Marchand's prestige in Quebec as a labor leader had brought him to the attention of the national leaders of the Party, who were looking for a French Canadian capable of holding the country together after Pearson stepped down. If he had chosen otherwise, Jean Marchand might very possibly be the Prime Minister of Canada today. A slight, gray-haired man of fifty with a small mustache and glasses, he is gentle-looking, despite his reputation as a tough labor leader. He is a worldly, humorous person, very Gallic and down-to-earth. In Trudeau's Government, he is Minister for Regional Economic Expansion, which means that he is in charge of plans to bring Canada's depressed areas into Trudeau's Just Society. In his office, Marchands recently traced for a visitor the events that brought him and Pelletier and Trudeau to national prominence. He seemed noticeably fatigued; his health is said to be precarious.

"Pierre and Gérard were not very well known, and they insisted I be the one to make the decision to enter politics," Marchand began. "They said they would follow if I made up my mind. In the general election of 1963, Pearson wanted me to run for Parliament. Things in French Canada were becoming worse and worse, and we thought it essential for the new generation of French Canadians to become involved in federal politics. I made it a condition that Trudeau and Pelletier join me. Pearson and his people were a little reluctant, but they agreed. I was convinced that one French Canadian in Ottawa alone would be destroyed—that there needed to be several of us. And I think it's still true."

Marchand shifted in his chair and sighed. "We three were opposed to having American nuclear weapons established in Canada. A few weeks before the election, Pearson changed his mind and announced he would accept such weapons on Canadian soil, so we refused to run. The Liberals were elected as a minority Government, and everything seemed to be disintegrating. In November, 1965, there was another general election. Again Pearson insisted that I run." Marchand closed his eyes for a second, then continued, "The nuclear warheads were no longer a public issue, so I made the same condition. I said, 'I'll run if you accept Trudeau and Pelletier.' Pearson's people were again reluctant, but finally succeeded in getting them ridings—constituencies in which to run. For Pierre, they chose Mount Royal, a suburb of Montreal. We were all elected. Right away I became Minister of Manpower and Immigration. I started working at once to get ministerial offices for the others." He paused and took a sip of water. "So in January, 1966, Pierre was appointed Parliamentary Secretary to the Prime Minister," he continued. "This was a very difficult step for Pearson to take, because Pierre had been so critical of him a couple of years earlier, and the reaction in the caucus of the Liberal Members of Parliament was violent. Some of them said that Pierre was not a Liberal and the Party shouldn't have accepted him. Well, in the spring of 1967, the Minister of Justice retired, and I thought that afforded a good opportunity to put Pierre in the Cabinet. After a few weeks, Mr. Pearson agreed, and there was a second violent reaction in the Liberal caucus." He smiled. "In December, the Prime Minister told his Cabinet that he intended to resign as soon as a qualified successor could be chosen. A few friends in the Cabinet had been meeting together, including Trudeau and me. We were looking for a prospective leader. They were unanimous that I should run. No one mentioned Pierre Trudeau's name." He laughed softly.

"That December, Pierre introduced his bill on divorce in the House of Commons, and made such a big case for it that almost overnight he became a public figure. I had always been the prospective candidate, but I had always refused. I am deeply rooted in Quebec, and I see that fact as deeply dangerous, because as Prime Minister I would have to represent the whole of Canada. So I had a conversation with Pierre. I said, 'The situation is changing, and you have become a potential candidate'." Marchand stirred restlessly. "Pierre refused," he continued. "He said, 'It's not the reason we came—to take over the Party and the government,' and he said we had plenty of time. I said to him, 'In politics, there is the opportunity, and if we miss it it may not recur.' Pierre left for Tahiti over the Christmas holidays for some scuba diving with Tim Porteous, and I left for a vacation in Florida. I came back before I had intended, to gather support for Pierre. Then Pierre had a second chance to reach the Canadian public—as Minister of Justice at the first of the federal-provincial conferences on constitutional reform. He performed there particularly well." Marchand smiled and appeared to relax. "There was no doubt in my mind then that he was a serious candidate. What he had been lacking six months before he now had. Besides, he was intelligent, a good lawyer, a good economist, perfectly bilingual, healthy, rich, young, and a bachelor. The Liberal Party in Montreal was still hesitant, but the 'Draft Trudeau' movement increased in strength. Pierre formally became a candidate on a Thursday night in February when a group of us met in his office in the Parliament Buildings. Pierre took out a large trick coin and flipped it, and then, without looking at how it had come up, said, 'O.K.!' And we started the show."

Marchand went on, "Pierre makes a very good Prime Minister. He works very hard and is very responsible, and he's got a lot of support among the people. That surprised me at first. But I think he performed well on TV, and I think he has a personal magnetism we didn't notice, because we were too near him. The goals we wanted to attain when we came to Ottawa were to integrate Quebec into the federal government and show that French Canada can achieve something with Ottawa if everyone works hard and consents to play the game, to get rid of dangerous regional disparities, and to have some kind of civil-rights bill enacted. Well, it's still not certain we can achieve all of them. But Pierre is tougher than Pearson. He's highly disciplined. He's refreshing, too. After the Liberal Party Convention, we went to Florida to work on the reorganization of the Cabinet, and he said, 'Let's go for a swim.' He started diving—he dives very well—and people asked, 'Who's that man?' And I said, 'The Prime Minister of Canada,' and they said, 'Ha, ha!' They didn't believe a Prime Minister could be such a good diver."

"I began to think about the Liberals as a possibility when we founded Le Rassemblement, and a few years later I was urging people to vote Liberal," the Prime Minister said. "Friends made an effort to have me accepted as a parliamentary candidate of the Liberal Party in 1960, but the leaders didn't want me. Later, Levesque entered the Party and tried to draw in Marchand, Pelletier, and me. The Party told him no. The main reason was our attack on Mr. Pearson's reversal of his nuclear stand in 1963. I happen to be against the proliferation of nuclear arms. If we permit them, why couldn't the Cubans have theirs—and everyone else who desires them? The Liberal Party had committed itself to no warheads since 1958, and Mr. Pearson reversed their stand without broad consultation within the Party. I was strongly opposed to the way he did it. As for Pearson's nuclear policy, in time he and I put our differences aside. We both felt that now he was taking me and I was taking him for better or worse. This was true of the Liberal Party, too." He added, smiling, "The coin I tossed was a great big green-and-red one given me by Pearson's Secretary of State, Judy LaMarsh, in a Cabinet meeting. It said 'Yes' on the green side and 'No' on the red one. She was telling me to make up my mind to run or not to run. But at the meeting where I tossed the coin I had already made up my mind. I had done that a day or so earlier, while walking around the Parliament Buildings until two o'clock in the morning. How did I make up my mind?" He stopped smiling. He seemed to forget that anyone else was there. Then he answered himself rapidly, in a low voice, "I was pushed."

Probably the first person to think seriously that Pierre Trudeau could be the next Prime Minister was Marc Lalonde, in the spring of 1969. Characteristically, he held meetings every Saturday with two friends to plan a course of action. Lalonde, the son of a politically-minded Quebec farmer, is a determined, methodical French Canadian with a seemingly unlimited capacity for work. Well over six feet tall, he towers over Trudeau, and, when the two are together, gives the impression of standing protectively on all sides of the Prime Minister at once. All documents that go into Cabinet meetings cross his desk, and he is one of the four people who sees the Prime Minister every morning. He first broached to Trudeau the question of the leadership of the Liberal Party in November, 1967, and when Pearson announced his intention to resign Lalonde started trying to pin Trudeau down. Trudeau would say yes and then say no, but more often it was simply no. He said he wasn't ready, wondered if they were being influenced by the press and fake publicity, worried about Party support and the possibility of an ignominious defeat, in which case their reasons for going into Parliament at all would be destroyed. When Trudeau went off to Tahiti, Lalonde thought he would still say no after his return. Then came the night when Trudeau donned a large coat made of wildcat fur, which is one of his favorite possessions, and took his long and lonely walk around Parliament Hill until 2 a.m. Trudeau had promised to meet Pelletier and Marchand for breakfast in the parliamentary restaurant that morning. Marchand and Pelletier were there first, and when Trudeau arrived they immediately began talking about inconsequential matters. Trudeau finally said, "Aren't you interested in my decision?" To which one of them replied, "So much so that we are afraid to mention the subject." "I'm running," he said, and by eight-fifteen he had notified Lalonde.

Another early Trudeau backer was a thirty-year-old English Canadian named Gordon Gibson, who was the son of a wealthy logger and politician from British Columbia. In the spring of 1967, Gibson—who, although he was then serving as Executive Assistant to one of Pearson's Cabinet ministers, didn't know Trudeau—started, as a sort of mental exercise, trying to figure out who the next Prime Minister should be. He decided that only a French Canadian would do. At about this time, Gibson's attention was caught by a newspaper article about Trudeau, accompanied by a photograph of him in a yoga pose wearing a turtleneck sweater. When Trudeau was appointed Minister of Justice, Gibson began watching his performance in the House and reading his remarks in *Hansard*, the official daily record of debates. "I was thinking of public acceptance, and he looked good," he said. Gibson is an earnest-looking blond young man who, at first glance, seems a little bit wide-eyed behind his shell-rimmed spectacles but is extremely keen and hardheaded, with a matter-of-fact view of life and a Master's degree from the Harvard Business School. He knew Lalonde, but he did not know that Lalonde and Trudeau were friends. "One day, I was having a drink with Marc and I said that the only man who could be the next Prime Minister was Pierre Trudeau," Gibson said. "He told me a small group was interested in backing this delightful but unlikely person, and even before Pearson announced his resignation we started small, secret meetings. When I had been working on the plans so long that I felt I ought to meet Trudeau, I called on him at his office and told him he was more acceptable to English Canadians than any English Canadian and, as far as French Canada was concerned, he was the only name in town. Then I wrote him a fifty-page memo about why the country needed him." Gibson stopped and scratched his head. "He didn't give me any encouragement. I asked him after he came back from Tahiti in early January about opening an office, and he replied, 'Do what you think right, but don't tell me.' We kept working, kept holding meetings. Then finally we opened the office, paying the rent with a thousand dollars one of Trudeau's young legal assistants, Eddy Rubin, put up."

At the Liberal Party Convention on April 6th, Trudeau had to impress on the Liberal politicians of the ten provinces of Canada the fact that he possessed the ability to run the country, and he did. For the general election on June 25th, he had to convince people from one end of Canada to the other that they should send Liberal representatives to the House of Commons. In these efforts, his record as Minister of Justice helped. Early in February, the three-day conference on constitutional reform—where, as a legal scholar put it, "Canada began doing in midstream what the United States had done in Philadelphia in 1787"—brought the ten provincial premiers to Ottawa, two months before the Liberal Convention. Beforehand, Prime Minister Pearson had been persuaded by Lalonde and Gibson that Trudeau should pave the way—for the constitutional reforms and for his candidacy—by taking a cross-country trip and meeting with the premiers. Pearson had also suggested that Carl Goldenberg, a leading constitutional lawyer, accompany him. Trudeau made an excellent impression on most of the provincial politicians, once they had figured out which of the two men who debarked from the plane at each stop was the Minister of Justice. Goldenberg, a youthful sixty-one, is small, gray-haired, and dignified, and wore a black hat and blue topcoat, so that he looked like everyone's idea of a Cabinet minister, while Trudeau had on a short leather coat and a fur cap. Goldenberg has said, "Trudeau always insisted I walk out of the plane first, and then he'd follow, carrying the bags. So naturally I would be greeted as the Minister of Justice. When we got back to Ottawa, he was still carrying my bags, right into the hotel where we were staying, and the clerk gave him a very simple room. When Pierre saw mine, he was astonished: 'I didn't know they had rooms like this!' he said."

Several spectacular television appearances probably had more to do with Trudeau's meteoric political success than even the speeches he eventually made at shopping plazas, street corners, and public rallies during the election campaign. Not long before the federal-provincial conference, Trudeau gave an impressive television interview to two prominent C.B.C. newsmen, Norman DePoe and Ron Collister, and on March 26th he turned in a dazzling performance at the St. Lawrence Hall, a historic building in Toronto, where he was introduced to the TV audience in one of a series of programs devoted to Liberal candidates for the leadership. Fraser Kelly, the political editor of the Toronto *Telegram*, asked him what he would think of a politician who, as Prime Minister, might come into the Province of Ontario advocating a constitutional policy opposed by its premier by its other leading politicians, and by its press, and who was himself opposed by most of the Church in that province. It was obvious that this was a precise description of Trudeau's situation in Quebec, where many Separatists and a large segment of the press had denounced him, some going so far as to call him a traitor. Trudeau replied without hesitation, and with a smile, "I'd say he had a lot of guts"—a remark that brought down the house. The program was again stopped by wild applause after a C.B.C. interviewer, Warner Troyer, paraphrased a quotation to the effect that public men who most want to be leaders try much harder to do a good job than those who don't, and asked Trudeau, "How badly do you want to be Prime Minister?" Trudeau replied, "Not very badly," and went on, "But I can give you another quotation, from Plato—that men who want very badly to head the country shouldn't be trusted."

On the evening of April 4th, two nights before the voting at the Liberal Convention that was to make him Party leader and Prime Minister, when all the delegates had arrived in Ottawa and many were sitting around in their hotel rooms watching TV, an interviewer, Patrick Watson, talked with Trudeau for an hour on a local station. The show was full of closeup shots of a very warm, human, and thoughtful Trudeau, making the gestures with which the country is now familiar: shrugging his shoulders or using his hands to emphasize a point; making a motion when he explained an idea, almost as if he were physically unwinding it; sighing or pursing his lips when thinking through the answer to a question; smiling courteously or looking at the camera with his amazingly bright eyes, appearing to give the listener the same full attention he gives in a private conversation.

According to Canadian election law, all broadcast electioneering must cease forty-eight hours before the voting, but many people think that a brief drama caught by television cameras the night before the general election in June substantially increased the majority for Prime Minister Trudeau's party. The occasion was the great annual parade in Montreal of an old and influential French-Canadian group called the St. Jean Baptiste Society. At the time, anti-Trudeau sentiments among Quebec Separatists were so strong that pamphlets had been circulated likening the Prime Minister to Machiavelli's Prince and to Mao Tse-tung. (Trudeau's amused friends bought them as souvenirs.) Because there were fears of trouble at the parade, word was passed to its organizers that the Prime Minister did not want to be invited. But, months before, the Society had announced that the Prime Minister *would* be asked, so an official invitation was tendered. Then the Separatist leaders publicly said that it was a shame that Trudeau, a traitor to the French-Canadian cause, should be a guest at the parade. Trudeau, who had meant to decline the invitation, was now challenged and felt he had to accept. The organizers, frightened of a possible disturbance, went to Pelletier the day before the parade and asked him if he could keep Trudeau from coming. Both Trudeau and Pelletier thought it impossible now for Trudeau to appear to be refusing to come, and he is said to have felt that yielding to the Separatists' threats would give them such a feeling of power that Canada's democratic system would be seriously threatened.

The parade began passing the reviewing stand at nine-thirty in the evening on June 24th, and Trudeau was sitting in the front row of the stand, on Sherbrooke Street before the Municipal Library, with Mayor Jean Drapeau of Montreal, the late Premier Daniel Johnson of Quebec, their wives, and a number of other dignitaries, including Archbishop Grégoire of Montreal. There were half a million people at the parade, and clashes between Separatist rioters and police had already led to some violence, although the paraders themselves were orderly. An hour or so later—it usually takes a couple of hours for the floats and bands, the flag-bearing troops, and the various French-Canadian detachments to go past the reviewing stand—bottles suddenly soared over the Prime Minister's head and crashed against the library portico behind him, in full view of the television audience. Everyone in the stand rose in surprise, ducking and covering their heads with their hands. Then a second flight of bottles crashed on the portico, and Trudeau was pushed down by a bodyguard. He immediately rose, shook his fist angrily at the guard, and sat down again determinedly at the front of the stand, leaning forward intently over its hunting-draped edge to watch the paraders below. Meanwhile, the other dignitaries left the stand, many of them pushed by the police, and for a moment the television viewers saw Trudeau sitting alone, with only his bodyguards behind him. Mayor Drapeau, after leading his wife out, returned almost immediately and sat down in the empty seat at Trudeau's right. Trudeau could then be seen smiling, almost laughing, and at one point clasped his hands together in a relaxed gesture of salute. The other people gradually returned to the stand. The whole incident appeared on TV screens for a matter of minutes, but that was enough for viewers and people who saw the newscast later that night across Canada to be thoroughly impressed. A Trudeau supporter who was standing in front of the grandstand later reported that a Separatist said to him, "My God, now in addition to everything else you're going to say he's got courage!" Trudeau himself, talking about fear a few weeks later, remarked, "It takes up too much time, being afraid."

The voting age in Canada is twenty-one, but so many young people flocked to Trudeau's side during his campaign that at one point the average age inside the campaign organization was twenty-two. Publicity and much of the arrangement of rallies were actually put in the hands of teen-agers. Trudeau has frequently made the point that if he lacks experience, so much the better; he can then face old problems with a fresh approach. The very fact that the young people didn't understand why new things couldn't be tried was considered an advantage; the country was eager for a change. Wherever Trudeau showed up, he was flanked by miniskirted volunteers who were remarkable not only for their good looks but for their ability to answer questions about the candidate, about his policies, and about why they were for him even if they couldn't vote. "The climate was right," one of the campaign officials has said since. "If you started tomorrow morning with the same tactics, you'd fail. We happened to come along and gauge it right. We just offered the man. It was amateurish and convincing, and that was it." But the truly remarkable quality of Trudeau's unconventional campaign was that he got elected without having made any commitments to the Party, to any particular provinces, or to any individuals.

"If you make promises, that gives you obligations that you have to carry out," the Prime Minister said quietly. "I was afraid of those obligations. You mortgage yourself and lose the freedom of decision. Justice is the problem—the one about which I have been concerned the most, stated the most, thought the most. I guess most of the authors I've read crystallize my particular idea of the virtue—that justice is a cornerstone of the society I live in, the basis of all human relations in the family or the state. I was not dreaming the Just Society up as a catchword or cliché, and I think from that thought now. To me, it summed up the total of the relationships in a society of free men. The Just Society is the kind of society freedom would establish. Looking ahead, I don't think a state can say, 'Here's a state, a package imposed on you.' A Just Society is one toward which every citizen must work, and the first condition of such a society is that of respecting the liberty of individuals."

Trudeau moved formally into the Prime Minister's residence with one large dark-brown suitcase, one small tan one, and some sports jackets and suits over his arm. The only really personal objects in his principal office, in the East Block of the Parliament Buildings, are a *bilboquet*—an Oriental game of skill in which the player tosses a wooden ball about four inches in diameter into a cup to which it is attached by a string—and a battered filing cabinet with his name on it in big letters. When Parliament is in session, he moves a few hundred yards to a more formal, elaborately panelled second office, on the third floor of the Centre Block, where the House of Commons is situated. The Prime Minister's East Block office is an old-fashioned room with Gothic windows, white walls, green hangings, leather furniture, a fireplace, and a large octagonal table-desk. Only the pictures on the walls have been changed by Trudeau. Traditionally, a portrait of Sir John A. MacDonald, the first Prime Minister and a Conservative, hangs over the fireplace if the incumbent is a Conservative, and a portrait of the great Liberal Prime Minister Sir Wilfrid Laurier hangs there if the incumbent is a Liberal. Pearson was the first Prime Minister to keep both portraits in his office. When someone teasingly suggested that instead of the portraits Trudeau should have paintings more in style with his personality, he spent about five minutes pondering how the public would take this before he had the portraits replaced by the type of Abstract Expressionist work he prefers. He likes to have fresh flowers in his office, and usually wears a rosebud or a small red carnation, symbol of the Liberal Party, in his buttonhole.

The ministerial privilege that Trudeau enjoys the most—he told a colleague before he was elected that it was one of the few things worth waging an election for—is Harrington, the country house provided for Canada's Prime Ministers. It is twenty-one miles from Ottawa, situated on a two-mile lake in a national park in the Gatineau Hills, and although Harrington has been described as "a collection of boards nailed together," it is actually a rambling twelve-room cottage, very plainly furnished, in a beautiful area of woodland. The Prime Minister goes there frequently for weekends, and occasionally on a quick overnight trip during the week. Trudeau always has chosen sports at which he had to work hard to achieve excellence, and at Harrington he is still presenting himself with challenges, in the form of three-hour walks over the roughest routes, to test whether he is in good physical condition. Having a house is a new experience for him, and he enjoys showing friends around, but he is not a comfortable host. He goes through the motions, carving meat at the sideboard, and sitting at the head of the table, but he has never been much on small talk, and the silences can be monumental. It often takes until the end of dinner, when his guests are about to leave, before he unwinds. "He tunes out quite frequently in the middle of everything," one frequent guest has said. "When he does, he sits absolutely motionless. Then all the men feel that they must say something profound, and since all of them are sitting around trying to have a fantastic thought, the women try to fill in. His mood is purely a matter of luck. You're O.K. as long as you don't overstep a couple of boundaries. He doesn't like to be interrupted, and he hates to be driven into a corner socially. If he gets cornered at someone else's party, he's apt to leave immediately.

Trudeau's first semi-vacation as Prime Minister took him far from the Gatineau Hills, on a week's trip to inspect new development areas and some old settlements in the North—to the Yukon Territory, across the High Arctic, and down through Baffin Island in the east to the Labrador Peninsula. Since boyhood, Trudeau had taken carefully planned wilderness trips on foot and by canoe through the Canadian North, but he was the first Prime Minister to make an extensive tour through the Northwest Territories, which comprise a third of Canada. On this trip, he followed a rigid routine aboard the plane that carried him and his party of seven: ten minutes or so looking out the window; next, pulling out his briefcase, putting on his glasses, and burying himself in state papers; then, perhaps, a catnap. When the scenery was irresistibly magnificent, as it was above the deep-cut fjords of Ellesmere Island, or when the route passed over the Barren Lands of the Mackenzie District, through which he had once travelled by canoe, he stopped his work entirely. Above the barrens, he gazed lovingly across the rolling empty land. "Not a tree, not a stick of wood," he murmured. "They are very attaching." Trudeau has a pilot's license, and he eagerly accepted a suggestion that he fly the chartered plane, and old amphibious Canso, a durable but clumsy aircraft. At towns and settlements where the plane landed, he shrugged off his informal holiday air and became the Prime Minister, as if, in slipping on his jacket to face the welcoming crowds, he was also donning a mask—a pleasant, courteous, smiling countenance that endured a barrage of picture-taking with no visible change of expression. "It's all part of the game," he said over and over again, as if to remind himself of what he was about. Visiting an Eskimo settlement, he asked about everything: the housing, the industry, how many shots it took to kill a polar bear, what kind of music the Eskimo girls preferred (rock and roll). At a new asbestos mine, his range of interest covered every aspect of technical operation, labor, and living conditions.

Last summer, Trudeau returned to Lake Ouareau, in the Laurentians, where he, Pelletier, and eight other friends bought a piece of land in 1958 and put up small places, visiting back and forth, climbing, swimming, improvising plays. Trudeau has sold his portion, because not long ago he bought a large tract of land with its own small private lake near his brother at Saint-Sauveur, an hour and a half north of Montreal. He spent last Bastile Day with the Pelletiers, as he has done since 1950, at their log cabin at Lake Ouareau. This was three weeks after the election and the St. Jean Baptiste parade, and already his friends thought he had changed in ways hard to define. "Pierre wants it to be the same, but you sense that he is alone now," an old friend who was present said, "He's there, but somewhere else at the same time, even though he is acting very much as he did before. All the children know Pierre—he loves children—and they were excited about his coming in a helicopter, and the bodyguards, and so on. The kids kept throwing him into the water and calling to the bodyguards, 'Come and get the Prime Minister! Save him! Someone wants to drown him!'

"Later at midnight, we were swimming and heard shooting across the lake. So Pierre took someone's flashlight and tried to see what it was. We shrugged our shoulders and said, 'So what?' But we knew his life was in danger. We weren't afraid, but the Kennedy assassinations had made us conscious of the danger."

All kinds of systems and flow charts showing what is happening have been installed in the Parliament Buildings to sort out the demands on Trudeau's time. Gordon Gibson is his Executive Assistant, with an office immediately adjacent to the Prime Minister's, and is in charge of his daily schedule both in Ottawa and when he travels. Unlike Pearson, who has lived a life full of political crises, Trudeau cannot switch off and look at a baseball game for relaxation. Like all bachelors, he is a bit fussy. He has described himself as a "clocked person," who does not like surprises. Even his well-tailored casual clothes are an expression of his studied approach to relaxation. Although the pressure of time makes it essential for him to have speechwriters, he finds it difficult to use other people's words even after extensive consultation during the speechwriting. When he is bored with the text, his delivery is deadly dull; on the other hand, when he is pleased and the structure suits his own rational mind, he may surprise listeners with the drama and excitement of the speech. He is himself an agonized writer, who weighs every word. In speaking, he often departs from the text, to the relief of his writers, who think he is much better then, and in fact his best speeches are spontaneous, which is why he prefers any question-and-answer type of meeting. Hard questions stimulate him, and he is apt to complain later if the questions were too easy. He is, even now, a painstaking correspondent, keeping up written contact with hundreds of people he has met all over the world. In many cases, he gives his private secretary, Cécile Viau, a general idea of what he wants to say, and she drafts the letters that he signs.

Time to think—that is what Trudeau requires above everything, and, theoretically, a full two-hour period during which nobody is permitted to see him is kept open whenever possible (although this is fairly constantly invaded), and an attempt is made to keep at least every second weekend free for catching up on paperwork. He expects anyone to whom he delegates authority to take full responsibility, and if something goes wrong he wants to know why. If the same thing goes wrong again, because of the same person, that person's days are probably numbered, no matter how close to Trudeau he may have been. Trudeau is decisive once he has made up his mind, but he makes up his mind slowly, considering alternatives as long as he can and continuing to question himself until it is time to choose one course of action over another. For him, a tight schedule is an entrapment, and where another man might do his best when pressed, Trudeau rebels. When he gets irritated and explodes, he usually feels quite sorry afterward, since he is really concerned about his staff and sensitive to their feelings. "The most important thing I do is to try and give him time to maneuver," Gordon Gibson has said. "Whenever I can, I postpone pressing him to do things as long as possible, so that he can do them voluntarily. It's not as tidy planning, but it gives him more freedom and flexibility."

Trudeau's working day starts at nine o'clock every morning. When Pearson walked into his office in the morning, his staff waited to say hello until they had gauged his mood. Trudeau always walks in with a hello and a smile for everyone. A daily early-morning staff meeting lasts anywhere from fifteen minutes to an hour, depending on the number of questions each person raises. Only four people besides the Prime Minister attend: Marc Lalonde; Roméo LeBlanc, a former C.B.C. correspondent, who is Press Secretary; Gordon Robertson, the Clerk of the Privy Council and the Secretary to the Cabinet, which means he is the highest-ranking Canadian civil servant, who is sometimes referred to as the Keeper of the Secrets; and Robertson's assistant, Marshall Crowe. Certain appointments are inflexible. Every Monday afternoon, from four to six, there is a long-range-planning meeting with members of the staff. Tuesday mornings, Trudeau has a planning session with Cabinet ministers, and Tuesday afternoons he meets with other Cabinet members on Canada's most pressing current problem, federal-provincial relations. Every Wednesday morning at ten-thirty when Parliament is in session, the Liberal Members have a caucus that the Prime Minister attends, and at six that evening he goes to see the Governor-General, the Right Honorable Roland Michener. On Thursday mornings, or more often when necessary, the full Cabinet meets, either in a room near the chamber of the House of Commons or in the East Block's Canadian Gothic Cabinet Room.

When Parliament is in session, a large portion of the Prime Minister's life revolves around one appointment in the House of Commons, the Question Period—that daily display of parliamentary responsibility in government wherein the Prime Minister and his Cabinet are exposed, without previous notice, to questions from the House. It begins promptly at two o'clock every weekday but Friday, when it is at eleven in the morning, and customarily lasts from forty minutes to an hour. The severity and extent of the questioning is peculiar to the Canadian Parliament. In the British House of Commons, prior notice must be given of a question, and the Prime Minister need not be present more than once every few days, whereas in Canada the Prime Minister is present every day. This places a heavy burden on Trudeau, who is expected to somehow have all the answers. The Question Period has two purposes: to obtain information about how the Government is operating, and to embarrass the Government by springing questions that make those in power look foolish. A highly sophisticated game, it is the dramatic climax of the parliamentary day. Everybody comes to the show, and Trudeau is an expert, witty, and sometimes irritable performer. He is not upset by fair questions, and is exhilarated by really tricky ones, but shows his annoyance plainly when questions are silly, stupid, terribly general, or have already been asked and are repeated by backbenchers who have been absent and not done enough homework.

The assignment of keeping the Prime Minister on top of this seemingly impossible duty has been given to Ivan Head, an outwardly serene professor of international law from western Canada, who was once in the Foreign Service. He had full access to Trudeau at all times, by telephone or in person, and comes very close to being an indispensable man. "You gain a kind of sixth sense of how to do it," Porfessor Head says. "Civil servants back you up with information. Ordinarily, if the Government is defeated on a major money bill or a plank on government policy, it is a signal for it to resign, so, although nothing requires the Prime Minister to answer, if he doesn't the Opposition will assume he either doesn't know something or is hiding something."

Professor Head's office is a step away from the Prime Minister's. "Although quite often he gets here just as the bells are ringing for the session to start, I am supposed to see the Prime Minister for half an hour immediately prior to the Question Period and brief him on events that, in my view, might be reflected in questions," he says. "A quantity of material has to be passed to him on the go. We're in tune on the vocabulary and the essentials, and he's on top of the job now. After the House meeting, we have a debriefing, and decide which matters have to be followed up and what has to be done. I have had all kinds of relationships with ambassadors and heads of state, and so on, but I have never worked with anyone who so stimulated me as Trudeau. You determine your intellectual investment in accordance with the task, and the investment required with him is just total. He has an immense grasp of detail, and a functional mind. He will not tolerate slipshod work or indefensible opinions. He's not the kind of fellow who makes you nervous, but he has a commanding presence. He's in control, and he's openminded, too. He'll say, 'What would you say about that?' I find him incapable of insincerity or deception. The fact is that he has such high intellectual standards that he won't permit himself to be deceptive, and that fresh, open approach is one of the factors that have made him so appealing. The kids recognized it, a hundred per cent."

Other experienced government officials who work frequently with Trudeau regard his mind as the best they have ever dealt with. All three Liberal Prime Ministers in the past half century have been men of topnotch intelligence, capable of arriving at good conclusions on complex questions. Pearson was vague and intuitive, his associates say, but his reactions were predictable, and usually the results were good; he was not actually the open man he seemed to be, and most of his staff felt that they never quite knew him. Louis St. Laurent was a relatively uncomplicated French Canadian, with a clear, logical mind, like Trudeau's. Mackenzie King, another bachelor, and a political genius who lasted more than twenty years, had a subtle mind that went off on tangents, but he came to conclusions, although it was never quite clear how he managed to. He himself said he always knew what to do but not always why. Troudeau is mysterious to his associates, and something new about him seems to show up every couple of days. His emotions are not readily apparent, and his reactions seem totally intellectual. According to those who know his mind best, Trudeau arrives at a conclusion by logical, precise thought. As a lawyer, he thinks and requires others to think in a rational, constructive way; if they do not, he becomes annoyed. One of his colleagues, describing him, said, "While he keeps his perspective on the whole picture, he wants to tie a bow on each point and move on to the next one. He has a distaste, almost a repugnance, for taking things in the wrong order, or getting facts associated in an illogical way. You can practically see him recoil. If there are three lines of consideration for an aspect of policy, Trudeau will start on the first one. If someone moves over to the second before they have finished with the first, he just won't do it. It's not a confinement, it's a method. It's not a plodding one, two, three, but a streaking brilliance. The intervening steps might not be touched upon, but you know they are there. If all the information isn't there, he finds it better not to decide, and will go back, if he has given something the wrong weight, and reexamine it. He will also remember exactly where a view was at variance in a previous conversation, and you have to justify your shift."

The Prime Minister's popularity has waned a bit, and there are complaints that he is not doing enough. More than most people, Trudeau is aware of the inconstancy of the public mood, and his apparent indifference to public affection or alienation is probably based on his attitude that whatever happens in political life is part of the game. In his own life, he does not neglect any part of what he thinks he can be or do, and by extension this is what he now wants for his country. During this past year, especially in the last six months, he has been rearranging the government of Canada in ways that do not necessarily show: bringing the creaky machinery of Parliament up to date, by such measures as reducing the time required for ministers to be in the House during the Question Period, so they have more afternoons to work, and strengthening the House committee structure to handle increasing work loads; modernizing the government by means of a whole array of new rules and financial arrangements, especially with the provinces, to cope with an increasingly complex society; having fewer meetings of the large, unwieldy Cabinet and more of Cabinet committees; and establishing an office for the Prime Minister, with staff members covering various areas of responsibility and providing him with a separate reservoir of advice. The development of a Prime Minister's office, somewhat paralleling in concept the White House office of the President of the United States, challenges the whole system of Canadian government. Until now, no Prime Minister has had such an extensive staff of his own with delegated authority, and Pearson functioned with only about a quarter of the staff that Trudeau now has, obtaining his advice primarily from his ministers and the civil service. Canada has prided itself on being the rugged frontier country that, until recently, it was, operating simplistically, hesitant to face its own increasing maturity. But now, beyond the beauty and grandeur of the land and its lavish supply of resources, it has huge gleaming cities, an expanding industrial economy, its own distinctive and exciting culture, and highly complicated social problems. The changes Trudeau has quietly made already, although they may appear minor, have impinged enough upon timeworn customs to produce shouts from the Opposition about the "destruction of the democratic way of life" and complaints from Trudeau's own constituents that the government is letting them down. Trudeau's philosophy of counterbalancing is so much a part of him that it follows naturally that, after a flamboyant campaign, he began the actual process of governing in the low-keyed manner he chose, following some inner and compelling blueprint, carefully testing the way and moving meticulously, as he does with everything.

"I have felt that the government of Canada was breaking down in the last few years," the Prime Minister said. "It was breaking down under the pressure of the provinces, when we had a minority Government in Parliament. We had a hell of a lot of catching up to do before we could operate, and I wasn't sure whether it wasn't too late already. We needed all kinds of reforms—in Party organization, the civil service, federal institutions, finance. We weren't able to plan our government or our expenditures, and to govern we had to solve all this. Then the government might become a ship we could steer. We are pushed by Parliament, we are pushed by international events, but I have not been in a hurry to produce any revolutionary ideas. First, we had to get a runaway federal government under control. In the last six months, we have succeeded beyond our dreams. It is working now, and I feel that there is little chance today that my government will break down."

The Prime Minister took a last sip from his coffee cup. He looked out the window toward the garden. "The federal and provincial governments were stumbling over each other, completely out of kilter, like characters in one of those Chinese plays," he said. "Conceivably, the country could have foundered, and the people probably sensed this. The forces of disruption and chaos are so great in the world that I am not afraid of erring on the side of machinery. Most important is the reform of Parliament and the Cabinet committees, of election laws."

He rose from the luncheon table, looked quickly at his watch, and continued talking as he walked to the front door and climbed into a black chauffeur-driven limousine that was waiting to carry him to the Parliament Buildings. Trudeau changes rapidly. He can be dashing and youthful, full of vigor, a severe and proper public servant, or suddenly tired, as he seemed sitting back in the car, with deep circles under his eyes. "My next appointment this afternoon is with V.I.P.s, which I don't enjoy, because I need that time for repose, to think things out," he said. "I have a lot of fun, even in Parliament, and I am beginning to be a little less impatient, but I tire physically."

At the Parliament Buildings, he got out of the car and ran rapidly up the steps, taking them effortlessly two at a time. In his oak-panelled formal office, four large brown leather dispatch cases covered chairs behind him. "Full of documents, all of them to be signed," he said with a sigh. It was a hot day. He took off his jacket, rolled up his shirtsleeves, sank into his chair, and put his feet up on the desk. "I dream. I dream all the time," he said. "I've always dreamt of a society where each person should be able to fulfill himself to the extent of his capabilities as a human being, a society where inhibitions to equality would be eradicated. This means providing individual freedoms, and equality of opportunity, health, and education, and I conceive of politics as a series of decisions to create this society. We in Canada have a chance that other nations do not have of attacking and solving problems. We should be devoting ourselves to finding the way. We should be experimenting with institutions, penal reforms, uses of freedom, the scope of permissiveness. We live in a society that is peaceful. We have no violent revolutions, we haven't been touched physically by war. We really are most favored for developing conditions under which the man of tomorrow can experiment. I dream of a Canada that can be doing those things."

He loosened his tie and ran his finger around his collar. "I don't want to sound as if I've got a vision or that Canada has a vision," he said. 'I'm not a crusader, and I don't feel we are charged with a mission by the Holy Ghost. But progress is a very large word for man's movement toward freedom for the individual. On the constitutional side, when you have a federal form of government you need and want a constitution to define the rules of the game. In the British system, where you assume the sovereignty of Parliament, you don't need a written constitution, because Parliament can change the rules of the game. For the British, Parliament is supreme, and for the United States the constitution is supreme. We're in between; we have retained elements of the sovereignty of Parliament, which can change all our statutes, but to an extent that is limited by our constitution."

He dropped his feet to the floor and got up. "When I talk to students, I tell them we shouldn't think of Canada as one of the big important nations. We can't tell the rest of the world what to do and force our ideas on Africa and Asia. We must be more modest in our ambitions, and not carry the burdens of the world on our shoulders. If we don't solve our own problems, other people will—and the world of tomorrow belongs to the people who will solve them."

He smiled. Standing in his shirtsleeves, tie loose, eyes shining, he looked young and full of energy. He quickly rolled down his sleeves, put on his coat, and straightened his tie. "I see Canada as a land of tremendous opportunity in terms of jobs, in terms of its natural beauty and wealth and its three oceans, its temperate climate, its standard of living, its system of education, its technical knowledge," he said, walking with his visitor to the door. "I enjoy being Prime Minister. I am pleased to be part of this society. I see Canada exploring its past, experimenting with its future—playing its political role—first at home, and then in the world."

SYMINGTON HAS THE ANSWERS ON "FACE THE NATION"

Mr. PROXMIRE. Mr. President, last Sunday the distinguished senior Senator from Missouri (Mr. Symington) appeared on "Face the Nation." Appearing as he did on nationwide television, in the middle of the Senate debate on the military procurement budget, Senator Symington's answers were especially germane to the debate.

Senator Symington's remarks were so unusually perceptive and thoughtful that I am sure all Members of Congress will find them useful in determining our course on this critical military budget as we act on it in both the Senate and the House.

I ask unanimous consent that the transcript of this "Face the Nation" broadcast be printed in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

"Face the Nation"

(Broadcast over the CBS television network and the CBS radio network, Washington, D.C., Aug. 3, 1969)

Guest: Senator Stuart Symington, Democrat of Missouri.

Reporters: George Herman, CBS News; Charles Corddry, the Baltimore Sun; Bruce Morton, CBS News.

Producers: Prentiss Childs and Sylvia Westerman.

Mr. Herman. Senator Symington, the anti-ballistic missile comes up for a major test vote in the Senate on Wednesday. How will it go?

Senator Symington. That is a very difficult question to answer. I think it will go one way or the other, by not more than two or three votes; however, we will all know Wednesday, and it has been an interesting discussion and perhaps a symbol in itself.

Announcer. From CBS Washington, in color, Face the Nation, a spontaneous and unrehearsed news interview with Senator Stuart Symington, of Missouri, a senior member of the Armed Services and the Foreign Relations Committees. Senator Symington will be questioned by CBS News Correspondent Bruce Morton, Charles Corddry of the Washington Bureau of the Baltimore Sun, and CBS News Correspondent George Herman.

Mr. Herman. Senator, I gather you don't really want to try and predict at this point how the vote will go on Wednesday, so let me ask you what you mean by saying "it is a symbol."

Senator Symington. There are going to be a good many amendments, from what my colleagues tell me, to the proposed military authorization bill, and this is unusual. Actually, if you added together the two committees, the Armed Services Committee and the Foreign Relations Committee, even though the Foreign Relations Committee is considered more dovish and has three members less than the Armed Services Committee, if you add the combined total of those two committees, thirty-three votes, you find that now eighteen have declared against the ABM and fourteen have declared for it, with one still undecided. That to me shows that the more information that they had on those committees, the less they approved the deployment of this ABM system. And, therefore, we had hoped that if the full Senate knew as much as the two committees, that we could save this money for the taxpayers.

Mr. Corddry. Senator Symington, you describe this as a symbol, and I presume you mean a symbol of the Congress' intention to get a hold of the Pentagon budget. Isn't treating this ABM matter as a political one a rather poor way to decide an important strategic matter like this?

Senator Symington. Well, let me answer this way: I opposed this system in 1968 as a result of the work that was done by a Republican Senator, Senator Cooper, of Kentucky, primarily. And, in looking into it, I decided that it was, you might say, a political rather than a military decision to deploy a thin defense of the cities against China; therefore, it has never been a political matter with me, nor do I think it is a political matter basically with the Senate, because we are running out of money and we are not only running out of money from the standpoint of our financial position but all the programs that are so important to the states and the cities are now being curtailed because of the price of the military budget. And I think that this is the first time in the years that I have been in Washington, about a quarter of a century now in government, that there has ever been major opposition to a military budget.

Mr. Morton. Senator, if that is true, aren't you saying by implication that the Congress has done a very bad job over recent years? We've gone and spent money for this system or that system and, obviously, some of that could have been saved.

Senator Symington. Well, I don't think that the fact that you have approved the military since World War II is much a criticism of the Congress, or could be any more of a criticism of the Congress than it could be of the various administrations. There has been a tendency, especially as we have had two major wars since World War II, to accommodate the Pentagon in what they said they needed—and the administration. So I think if there is some criticism, and I think it can be spread equally around among all people, including myself.

Mr. Morton. Fortune Magazine suggests this month that Congress really ought to have a large staff of systems analysts and people like that who could look at these weapons systems and look at Pentagon strategies with a more expert and a more full-time eye than the average committee member can. Would you agree?

Senator Symington. Yes, I would, and those were good articles. And, incidentally, the Chairman of the Senate Armed Services Committee, Senator Stennis, has taken steps to work much closer with the General Accounting Office than this committee or, to the best of my knowledge, any committee has done in the past, and I think that will be evident and well expressed when we discuss the budget next year.

Mr. Herman. Is the General Accounting Office enough or do you need some kind of really independent organization to study the Pentagon alone?

Senator Symington. The Secretary of Defense—and, I might add, this is not his budget we are discussing; next year it will be his budget—has appointed a committee with some member, I think the head of a life insurance company, to look at the Pentagon.

Mr. Herman. Mr. Fitzhugh.

Senator Symington. Gentlemen, the point is that we just can't continue to spend this time and character of money on our military establishments and, at the same time, preserve our economy. And everybody, I think, is recognizing that, not only the Congress but also the administration and, what is more important, based on my mail, the people of the country.

Mr. Herman. Let me just question you one point further on that statement. Could we afford to spend this kind of money for the military, as you have just said we couldn't; could we afford, if we had to, if there was something like a major war facing us, on which the whole Nation was politicallv of one mind?

Senator Symington. Well, it is a good question, because if it was a major war and if you were fighting for your existence, and if it was a declared war, then the people would have a better understanding of it and, for example, they would be much more sympathetic with price and wage control. This is the first war, of the four wars, for example, that we haven't had a war tax. We had a war tax in World War I; we had a war tax in World War II; we had a war tax in Korea and, therefore, some of those who have opposed the surtax are right when they say, in effect, it is a war tax. But it isn't sold that way to the American people. We have hundreds of thousands of casualties, we are spending $2.5 billion a month in Vietnam, but, in effect, we haven't done anything about it to recognize this situation with respect to our economy.

Mr. Herman. Well, my question is, is this something which is intrinsic in the economy or is this something relating to the will and the desire of the people?

Senator Symington. I think if the people were more convinced of the rightness of the casualties and the treasure that is being lost in Vietnam, then they would be more willing to make the sacrifices that are necessary in order to keep the economy in shape despite the war.

Mr. Corddry. Senator——

Mr. Morton. Senator, what is your feeling on President Nixon's statement that historians will look back on the Vietnam war as one of our finest hours? You don't sound very much that way.

Senator Symington. I think that he will have second thoughts about that statement.

Mr. Corddry. Senator, I am terribly puzzled by your position. Is it not a fact that the cost of defense today is no greater than it was when we got into this war, in terms of the Gross National Product? That is one question. And the other is: If you are this much concerned about the money running out, why are you supporting programs that would cost far more than the ABM, such as a new fighter, more submarines, a continuation of production of multiple warheads, and this sort of thing?

Senator Symington. Well, in the——

Mr. Corddry. What are your priorities?

Senator Symington. In the first place, I would say this, that you are only seeing the tip of the iceberg on what is being asked for the ABM this year.

Mr. Corddry. Well, I was referring to——

Senator Symington. This is going to be a great many billion dollars more of a program than any program, for example, for an air superiority fighter, which I believe that you are referring to.

Mr. Corddry. That is one of the things.

Senator Symington. I have always taken the position that whatever is necessary for our national defense in order to maintain adequate deterrents against a first-class power should be done, but I don't put the ABM in that category. And what was the first part of your question?

Mr. Corddry. Well, it seems to me that, in terms of the Gross National Product, the cost of defense today is no more than it was when we got into Vietnam, and it is probably less.

Senator Symington. In the first place, your Gross National Product is an expression of inflation which is eating up the earnings of all of the people in the country, especially those with fixed income. In the second place, your Gross National Product, in effect, is a representation of your fixed position, talking like a corporate balance sheet, but the facts are that because of the gigantic amount of money that we are spending outside the country, regardless of our Gross National Product—and I would just like to leave two figures with you now. We have a little more gold than we had a year ago because of the collapse of France. We have $11.2 billion in gold. On the other hand, we now owe abroad in current liabilities that are to be redeemable, according to our pledge, in gold, $36.2 billion. So, from the standpoint of a corporation, you might say, the Nation is insolvent. Now, we can carry that, but for the first time in our history we have the highest interest rates in history, which is creating a real depression in certain industries, like housing, building, and so forth, and at the same time we are not stopping the inflation. Therefore, I am one who, whereas three years ago I thought if we attack this problem from a fiscal standpoint as well as a monetary standpoint we might be able to lick it—I no longer feel that. I don't feel that any rise in interest rates, a further rise, or any amount of taxation that would be within reason would do this job. The only thing that will do this job, in my opinion, is a reduction in federal spending, and a little reduction in the military is worth far more than a major reduction anywhere else. And that is one of the reasons for the tremendous interest at this time in the justification of the military budget by the members of the Congress, not only those that are on the committees involved but all members of the Congress.

Mr. Morton. If I could come back to the war for a minute, Senator. There has been a lull in ground fighting that has gone on for sometime now. There has been some talk of a change in U.S. strategy from a lot of search and destroy and active pursuit to a more passive role. How do you read this? Is this a signal from the North Vietnamese or is this just because the U.S. military has been doing the right thing, or what?

Senator Symington. Well, first, let me say that I believe that the present administration is doing everything it can to obtain a just peace. And, secondly, I don't believe that very much progress has been made in Paris. And, third, last week, in the executive session, we were briefed by the Chairman of the Joint Chiefs of Staff, General Wheeler, upon his return from his latest trip a few days ago to Vietnam. Now, you can't discuss in open session, which this is, the details of his report, but I did say this, and I meant it most sincerely, when I came out and was asked by the media: It is the same old story and it is very sad, and all we can do is hope that it gets better.

Mr. Herman. By "the same old story," you mean that this is not a really new phenomenon, a lull leading toward peace, it is a lull leading towards a renewal of hostilities?

Senator Symington. Well, that is a projection, but I will say that all the optimism that was expressed this time was comparable to the point of similarity with all the optimism that has been expressed over the years, since I have been on the committee, and I have been on it since the war started.

Mr. Corddry. Senator——

Mr. Herman. Optimism towards peace or optimism towards victory?

Senator Symington. I would just say optimism. It is very difficult to see how you can achieve a military victory in Vietnam. It is very difficult to see how you can have a satisfactory political solution because, in my opinion, if we left Vietnam, the government today in Vietnam would collapse like a house of cards.

Mr. Corddry. You have no doubt that we are on a withdrawal course, do you, Senator?

Senator Symington. I think we want to be on a withdrawal course, but I don't understand, Mr. Corddry, some of the things that are going on as, you might say, a tactical execution of the strategy of withdrawal.

Mr. Morton. What sorts of things?

Senator Symington. I think we are doing a great deal of fighting, some offensive fighting, considering that we say we would like to withdraw. Now we have withdrawn or plan to withdraw some 25,000 troops, which is not to many when you have, say, 550,000, not counting the fleet and not counting troops all over the other parts of the Far East. My impression from the Chairman of the Joint Chiefs was that is is going to be very difficult to make any additional substantial withdrawal from Vietnam, at least for some time to come. That was one of the reasons that I said it is a sad story.

Mr. Morton. Well, then we just——

Mr. Herman. Let me apply that. Does that seem to you to mean that there will not be another 25,000 withdrawn in middle or late August?

Senator Symington. Well, if you withdrew another 25,000 in addition to the 25,000 we have been told are going to be withdrawn, you would still have only withdrawn less than 10 percent of the troops that are over there.

Mr. Corddry. Senator, in your time you have been associated with the idea of closing the port of Haiphong, in taking, such stern measures, are these long since passed now or would you be in favor of putting some pressure on the foe again?

Senator Symington. No, I have been to Vietnam a good many more times, I believe, than any other member of the Congress, and I have gone a lot because I don't think you can get the information, the real information, except right on the ground and looking and talking to a lot of people.

Mr. Corddry. Each time you have been critical of the way they were allowed to do their job.

Senator Symington. When I came back in January '66, and this was pretty much the way I felt when I was out with General Taylor and Mr. Rostow in '61—in any case, when I came back in '66 and they said, "Would you go on with it or get out of it?"—or I said we should do one or the other, and they said, "What would you do?" I said I would get on with it. Then I came back in January of '67 and they asked me, "What would you do, of the two?" and I said frankly I don't know, I'm glad I am not President. Things don't look too good. In the fall of '67, in October '67, they said, "What would you do?" and I said I would get out. I would get out on the best basis possible and on an honorable basis, but I would get out, because I saw no progress being made with respect to any true victory in the sense that we know victory.

Mr. Morton. Well, you seem to be saying now, Senator, that we can't get out, it is going to be impossible to get out and we are just in for a lot—we are stuck there a lot longer. Do you see no new avenue that the administration might take?

Senator Symington. Oh, I don't want to imply, let alone say, that we can't get out. I think it is very important—we could drown our entire future in these escapades if we don't cut it out. As you know, I think we are very over-committed. I have staff members——

Mr. Morton. Well, what would you do, though?

Senator Symington. Right now in the Far East, who have been to Europe, of the subcommittee of the Foreign Relations Committee, of which I am Chairman. We are badly over-committed. We are over-committed politically, we are over-committed militarily, and we are over-committed economically, and we just can't mold the world into the image of the United States and what the United States stands for, because it isn't what the other people want. We will start hearings this fall on overcommitments, and I would hope that we would have some basic suggestions to present to the people.

Mr. Herman. Some of your Democratic colleagues see in President Nixon's various utterances in the Far East some internal contradictions, that in Guam and Manila he said we are going to have a low profile, we are not going to get entangled in Asia, and in Thailand he got us entangled again. Do you agree with that evaluation?

Senator Symington. Well, Mr. Herman, I don't want to criticize the President when he is out of the country, and I have never criticized his actions with respect to the war, because he didn't get us in it and I am sincere in believing he would like to get us out of it. Perhaps I would be willing to make more of a sacrifice to get us out than he would, but that I don't know. But he did make one statement in Thailand that worried me. He said something to the effect that we would defend the Thais against external aggression and also aggression from within, and that worried me because I don't think the United States can go around the world protecting a particular government. I think that is more a decision of the people in the country, and I believe that is one of the reasons that we have some very serious problems in other parts of the world, not to mention, of course, the fact that it could be our major problem with respect to getting out of Vietnam.

Mr. Herman. Let me get you back to the Congress—I'm sorry, Charles—for just a second here. The debate over the antiballistic missile system frequently brings up the question of Russian aims and Russian intentions. Now you, sir, are unique in the Senate of the United States in being a member of both the Armed Services Committee, the Foreign Relations Committee, also the Subcommittee on Central Intelligence and, while I have got you here, I have just got to ask you: How do you evaluate—having played a role in the past in the question of the missile gap—how do you relate America's strength to Russia's strength, America's intentions to Russian intentions at this point?

Senator Symington. I think the most important single thing, from the standpoint of the security of America, real deterrence, is not only the fact that we could destroy any country that could attack us, including the Soviet Union—which I believe that we could—but that they know that we have that type and character of strength. Now, if we disarm, I am quite certain that the Soviets would quietly take us over. It was Richard Revere who wrote an article saying you can't be a pacifist country or a non-pacifist country; we will take you over. On the other hand, what amuses me in this debate is that every time the Soviets say something which those who are proponents of all this gigantic spending want, they say you can never trust what those dirty Russians say. But when they say something, as, for example, Kosygin saying that the ABM was a defensive missile, they run around and say, why, the Soviets themselves say that this is a defensive missile and therefore there is no danger in our building it. I also believe that it is terribly important to my children and their children that we do everything possible to make an arrangement with the Soviet Union from the standpoint of the future control of nuclear weapons, because today that is impossible, and because of the rapid proliferation that is going on in this field, tomorrow, in my opinion, it will be impossible. And, therefore, from the standpoint of the world's future, those of us who know what a full nuclear exchange would mean to civilization, I am extremely anxious to see the Nixon administration do everything it can to arrange and to succeed in an arms control agreement.

Mr. CORDDRY. Well, it seems to me——

Mr. MORTON. Well, if the Soviet Union sees you are not going to defend your deterrent, why should they discontinue the production of intercontinental ballistic missiles, of which they are already equal to us? What incentive is that to them to come to terms with us?

Senator SYMINGTON. Well, in the first place, I challenge your statement that they are already equal to us in intercontinental ballistic missiles.

Mr. MORTON. It is a thousand on either side, isn't it?

Senator SYMINGTON. I beg your pardon?

Mr. MORTON. It is a thousand on either side, isn't it?

Senator SYMINGTON. There is a thousand of the Minuteman on either side. Their bomber force is not even a fraction of our strategic bomber force. And, although I am an airman, I would be the first to say that in my opinion the greatest strategic weapon in the world today is the Polaris submarine, of which we have 656 missiles, all in the megaton range. Now, we plan to put the Poseidon's in thirty of those forty-one submarines. That means that we will have 5,000 ICBMs because a Polaris unit is just as much an ICBM as a Minuteman unit. And, so, when people talk about equality, they are not talking against the facts. Now, what worries me in arguments like this, let's be sure that we get on with an ABM because the Soviets have been working on it for fifteen years. Well, if the proponents are accurate when they say it is a defensive missile, why shouldn't the Soviets work on it for fifteen years when we have been working, to my certain knowledge—because I was heavily involved in it—on an ICBM which nobody could deny is an offensive weapon, for 23 years. And, therefore, it is simply a case of do you want to continue with this tremendous arms race that is, in effect, wrecking so many of our porgrams, programs that have to do with the education of our children, the control of our water, the control of our air, the hard-core problems of our cities. These programs are not going forward because of the cost of war, and it must be true in the Soviet Union as well as in our country. In any case, the basic question is do we want to try and work out an arrangement by which the United States would be safe as far as our security is concerned and, at the same time, we could devote more money to the problems of people.

Mr. MORTON. Well, do you think the administration has been laggard in trying to get arms control talks with the Soviets going? Do you think they are waiting until the ABM is in the works before getting serious about that?

Senator SYMINGTON. I don't think any administration has been as anxious, of the last three or four, to work out a meaningful arms control agreement as they should be. I think that all administrations now and in the future should make this their number one desire, because it is the one way to get peace. And, as we continue with these technological developments, if we don't work out something that will maintain peace in the world, then we are going to destroy the world.

Mr. HERMAN. Senator, you used to be considered at one point, when I first came to Washington, as sort of the Senator from the Pentagon. You were the spokesman in Congress, people used to bring you documents, sneak them under your door, perhaps, from inside the Pentagon, and you used to be the major spokesman for the Pentagon. Now, all of a sudden, you are a spokesman for cleaning up our lakes and waters, cleaning up our cities. How did you evolve? What happened?

Senator SYMINGTON. Well, I have never changed in wanting to see this country secure by having an adequate defense, but I believe the situation builds on itself, and I have been sold on the theory of overkill. When I was Secretary of the Air Force, some nineteen years ago, the budget for all three services was $13.8 billion, and the dollar in those nineteen years has depreciated about fifty per cent. That would make the military budget today $27.6 billion. And, remember, in those days Stalin was alive. I had just completed directing the Berlin airlift and this was a really pretty warm cold war. Today, however, the budget is approximating $80 billion, and what worries me is, we have had testimony, that even if the Vietnamese war stops on the basis that is satisfactory to us, that there will not be—it will not be possible to make a major reduction in the cost of the military establishment. On that basis, regardless of whether we are secure or not, I don't think the integrity of the dollar can be maintained. So whereas I am completely in favor of a secure America, I think we can have a secure America for a great deal less money. And priorities in this country, another word for which is values, is what is important, coming to the fore with respect to our domestic problems. We haven't yet talked about how much we defend other parts of the world. For example, we have had our troops in Europe for over a quarter of a century, and it has cost us tens of billions of dollars.

Mr. HERMAN. Are they still needed there?

Senator SYMINGTON. I would think we could cut many of them back. General Eisenhower, with his vast knowledge of the subject, felt that we could cut heavily on troops in Europe. And, after all, if we are there with the flag there, that should be enough, and what worries me is that the other people have never had, on their own soil, as much of what they originally promised in the way of a defense. And this is another reason why our economic problems are coming to the fore so rapidly.

Mr. CORDDRY. How much could this defense spending be cut, Senator? You have referred to the necessity of cutting it several times. How much a percentage——

Senator SYMINGTON. Well, Senator Stennis made a talk recently—he is Chairman of the Armed Services Committee—that he thought that if the shooting would stop we could cut it $10 billion. In New York, last year, among some of the ablest men I know, military, scientists, in the forums that were run by Dr. Carl Kaysen, of the Princeton Institute of Advanced Studies, I was rather surprised to hear them arguing as to whether it could be cut $20 billion or $30 billion.

Mr. CORDDRY. But could it be cut now?

Senator SYMINGTON. I think now you could have a heavy reduction without affecting the security of the United States, yes. In that connection, I noticed a story this morning that a Republican Senator and a Democratic Senator have joined to look into this whole question of aircraft carriers, why we should have fifteen aircraft carriers, attack carriers in 1969, because we had them in 1947.

Mr. HERMAN. Thank you very much, Senator Symington. I am afraid our time is about expired. I want to thank you for being here with us today on Face the Nation.

Senator SYMINGTON. Thank you.

NATIONAL COMMITMENTS

Mr. JACKSON. Mr. President, the senior Senator from Wyoming made an important contribution to the debate last month on the so-called commitments resolution. I was glad to see this contribution recognized in a recent editorial in the Casper Star-Tribune. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

QUESTION OF COMMITMENTS

What is a national commitment?

This is a question with which the U.S. Senate struggled manfully last week and which it seems to have solved with the adoption of Senate Resolution 85. Both Sen. Gale McGee and Sen. Cliff Hansen voted against the resolution, which was approved in amended form by a margin of 70 to 16.

By its vote, the Senate sought to restore to the Senate its prerogatives in the field of foreign policy, which many members agreed had been permitted to go by default. Senator McGee who had been the lone dissenter in the Foreign Relations Committee, spoke against the resolution on the grounds that in these times when a President must take quick action, he would be seriously handicapped if he had to wait for Senate approval before moving in an emergency.

It is generally conceded that the Senate's action has no force of law. It cannot add anything to the powers granted to the Congress by the Constitution, but it does spell out the senatorial position and puts Presidents on notice that there should be consultation before taking action which could lead this country into war. The major basis was, of course, our involvement in the Vietnam War, although other instances also were cited in the course of the lengthy debate.

Much of the discussion was spent on the definition of a national commitment, various senators point out that it was not the intent to limit the executive branch in the ordinary work that must be accomplished in foreign relations. Sen. John Sherman Cooper of Kentucky came up with an amendment that would restrict the term to the use of armed forces on foreign territory or a promise to give assistance by the use of armed forces or financial resources of the United States either immediately or upon the happening of certain events.

It was declared to be the sense of the Senate that in such major instances a national commitment should result only from affirmative action taken by the executive and legislative branches by means of a treaty, statute, or concurrent resolution by both Houses of Congress. Since treaties must be ratified by the Senate and since Congress has the power to declare war, the wording of the resolution is largely a reaffirmation of these powers. It would not repudiate any obligations already in effect.

Senator McGee expressed some important views in his opposition. He called the action regressive and unrealistic—"regressive in the sense that it would call into question the legitimacy of the President's role in the formulation and implementation of foreign policy, a development that unquestionably is a necessary response to the demands of the modern age. It is unrealistic in that it fails to provide for placing the responsibility the President now holds into hands equally decisive and determined."

The Senator suggested that if the Senate is to succeed in its new role it should update its procedures and give more attention to foreign policy in advance of crises rather than respond principally to situations after the fact. He recommended that some type of select Senate committee be established that could work with the President. "We are not going to be able to follow the Foreign Relations Committee as we have always known it and still address ourselves to the crisis factor," he told his colleagues.

We believe Senator McGee is correct in his reservations about the resolution and that if it is to be implemented there will have to be some streamlining of procedure so as not to tie the President's hands in an emergency and endanger the national security. Many Senate Foreign Relations Committee hearings have been lengthy debates over facts accomplished.

THE BRAKING SYSTEM OF THE A–7D AIRCRAFT

Mr. GOLDWATER. Mr. President, quite often overenthusiastic members of the press seize on a single statement to create the impression that all connected with the subject is not going so well. In the constant attacks on the military men of this country this has been particularly true. For example a week or so ago much was made over the fact that weakness had been found in the wing of the C–5A because fatigue had occurred at 128 percent of stress. The press did not go to the trouble of delving into this subject or they would have discovered that the inability to withstand this much overload is by no means considered unusual and is accepted by standards. A few days ago in his continuing good efforts to point up mistakes made in the spending of the peoples money, Senator PROXMIRE disclosed some trouble experienced with the A–7 brakes over a year ago. The press would have the people believe that this has not been corrected and was a result of evildoing within that group referred to as the military-industrial complex. The truth has been made known by the Air Force. I ask unanimous consent that this background paper be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BACKGROUND ON A–7D TESTING

The Air Force today released the following statement regarding the problems encountered during the development of the braking system of the A–7D aircraft. The test program for all aircraft bought by the Air Force is divided into three major phases or categories. Category One tests are those conducted by the prime contractor (in this case, Ling-Temco-Vought) to demonstrate the basic soundness of the aircraft design and to insure that it meets contract specifications. Category Two testing is done by the Air Force Systems Command to definitize the aircraft's performance envelope. Category Three testing is conducted by the using command (USAF's Tactical Air Command) to devise operational tactics and to refine training requirements. The objective of this exhaustive test program is to insure that the Air Force accepts only those systems and sub-systems which will accomplish the mission for which they were designed in a safe, effective manner. When examined in its entirety, the solution to the brake problem to which Senator Proxmire referred in his report Monday demonstrates that the present government-industry testing procedures *are* effective in identifying problem areas and correcting them before they reach the production stage.

To review the chronology of events in full perspective, the original Goodrich brake referred to by Senator Proxmire was delivered to the prime contractor, LTV, where it was installed on only four of the first five test aircraft built. The first of these four aircraft was used to test the stability and control of the A–7D. Braking performance, while always important, was not being seriously taxed or specifically evaluated on the tests on the No. 1 aircraft. Aircraft No. 2 was identified for testing of the aircraft's brake system, along with its rocket and gun systems. Engine performance data gathering was the goal of tests on aircraft No. 3, while aircraft No. 4 was an avionics testbed. All of these test aircraft were flown by highly-experienced experimental and engineering test pilots under rigid safety standards as a part of the Category I (contractor) test program.

The original Goodrich brakes were adequate to stop the A–7D on a runway of normal length and at average landing weights. It was at the point when the brakes on the #2 aircraft were tested to their maximum stopping capability that it was discovered that they were unable to dissipate the amount of heat generated by a "maximum performance" stop. The incident of locked brakes to which the Senator referred, occurred as a part of these maximum performance stopping tests during July 1968 at Edwards AFB, Calif. The full complement of safety precautions was pre-positioned for these tests—crash crews, fire-fighting equipment, ambulance were all on hand and fully manned. No one was injured in any way. At this time nevertheless, special restrictions to prevent unnecessary braking loads were imposed to insure that no unwarranted risks were incurred during the on-going test flights of the A–7D.

Although the "maximum performance" stopping was indeed judged unsatisfactory, this is not an unprecedented outcome in the evaluation of important aircraft sub-systems. In any event, the Air Force, Goodrich, and LTV promptly teamed up to develop a new brake system that would fully meet government specifications.

By November 1968, this military-civilian team had produced a fully effective brake for the A–7D. By January 1969, the new brake had been fitted to all test aircraft. Subsequent testing revealed that the improved brake cut stopping distances of the aircraft from ten to twenty per cent below the contractual guarantee. It should be noted that this improved brake was provided by the contractor at no additional cost to the government, and that there were no delays to the test program. All of the above-described identification and correction of the problem was accomplished by a team effort between the Air Force and the contractor long before the first operational aircraft was scheduled for acceptance by the government. As a matter of fact, the first delivery of the A–7D aircraft to an operational unit is not scheduled until the latter part of this month.

WILEY A. BRANTON, PINE BLUFF, ARK.

Mr. FULBRIGHT. Mr. President, Mr. Wiley A. Branton, who is a native of Pine Bluff, Ark., has recently been named executive director of the community and social action division of the Alliance for Labor Action.

The ALA is indeed fortunate to secure the services of Mr. Branton, and I know that his many friends were pleased to learn of this further advancement in his career.

Mr. President, I ask unanimous consent that a news release announcing Mr. Branton's appointment be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

REUTHER, FITZSIMMONS NAME WILEY A. BRANTON TO HIGH ALA POST

Wiley A. Branton has been named executive director of the Community and Social Action Division of the Alliance for Labor Action.

The appointment, effective immediately, was announced by UAW President Walter P. Reuther and Teamsters Acting President Frank Fitzsimmons.

The Alliance for Labor Action (ALA) was formed by the UAW and the International Brotherhood of Teamsters, America's two largest labor organizations, and is committed to a program to revitalize the American labor movement and to help America find answers to its urgent social problems.

Branton will direct ALA work in the field of community and social action, including working with the poor and the disadvantaged, building community unions, sponsoring education and training projects, meeting housing needs, health care and other essential social services, furnishing legal aid and consumer protection.

Branton comes to the Alliance from the United Planning Organization, the National Capital Area community action agency, which he served as executive director for the past two years.

The UPO, a private agency, receives funds from the Office of Economic Opportunity, the Labor Department and the Department of Health, Education and Welfare, to conduct antipoverty programs in the District of Columbia and surrounding areas.

UPO programs range from comprehensive manpower development programs to community action centers and from Headstart and day care programs for pre-school children to programs to assist the elderly poor.

Branton served from October 1965 to October 1967 as special assistant to Attorneys General Nicholas Katzenbach and Ramsey Clark, dealing with implementation of the voting rights act of 1965 and other civil rights matters.

In that capacity, he also assisted in the coordination of a government-wide equal opportunity effort and served as liaison between the attorney general and national civil rights leaders.

Prior to his Justice Department appointment, Branton served as executive secretary of the President's Council on Equal Opportunity. In that position, he served as principal staff coordinator of the Federal Government's Equal Opportunities program.

He also served for three years as the first director of the Southern Regional Council Voter Education Project, which resulted in the addition of more than 600,000 black voters to the rolls in 11 southern states.

In addition, Branton served as executive director of the Committee for Welfare, Education and Legal Defense Inc. and the Council for United Civil Rights Leadership.

In that capacity, he directed coordination of corporate fund raising activities for civil rights groups and directed implementation of civil rights projects.

A native of Pine Bluff, Ark., Branton received a B.S. degree in Business Administration from Arkansas A.M. and N. College in 1950. He received his law degree from the University of Arkansas in 1953.

Branton practiced law in Pine Bluff from 1952 to 1962 and continued to maintain his office in Arkansas and in Atlanta, Ga. on a part-time basis until 1965.

He came to national prominence as chief counsel for the Negro plaintiffs in the Little Rock school controversy. He had a broad general practice, with particular expertise in the fields of civil rights and criminal law.

He is a member of the bars of Arkansas, Georgia, the District of Columbia and the United States Supreme Court and a member of the National, American, Federal and Washington Bar Associations.

As director of Community and Social Action for the Alliance, his scope of activities will include organizing community unions to enable the working poor, the underemployed and the unemployed to exercise self-determination in dealing with their problems.

The division also will join with other groups to achieve community action around problems of discrimination, unemployment, education, housing, health and the elderly. Other projects will be in the areas of consumer protection, bringing about public understanding of crucial issues, improving government responsiveness to the needs of citizens, and working with labor, religious, civic and community groups to help find solutions to urgent social problems.

Branton is married to the former Lucille McKee of Memphis, Tenn. They have six children and reside in Southwest Washington.

Branton's appointment has drawn praise from a number of prominent citizens. Mayor Carl Stokes of Cleveland said:

"I compliment the ALA on obtaining the services of Wiley Branton in a key position. He is a concerned, dedicated fighter for things that need doing in our society."

Mayor Richard Hatcher of Gary, Ind. declared:

"I have always had the highest regard for Wiley Branton. He is particularly outstanding for his courage and efforts to help people. I am sure he will do an outstanding job for ALA and he can depend on me and all of us in Gary for support and cooperation."

Whitney M. Young, executive director of the National Urban League, said:

"We congratulate both the Auto Workers and the Teamsters for their excellent choice. Mr. Branton is well qualified and committed to an aggressive program in the field of civil rights and civil liberties. The National Urban League will work with Mr. Branton towards the achievement of our mutual goals."

Roy Wilkins, executive director of the National Association for the Advancement of Colored People, said of the appointment:

"In my judgment, the Alliance for Labor Action has taken a solid step forward by acquiring the services of Wiley Branton. His depth of experience, his broad knowledge of the law and his thorough-going dedication to the cause of human rights makes him an excellent choice."

The Rev. Ralph D. Abernathy, head of the Southern Christian Leadership Conference, declared:

"We congratulate ALA for bringing in a fighter, statesman and organizer to head its Community and Social Action Division. From his days as a legal pioneer in Arkansas through his service to the entire South as director of the Voter Education Project, Wiley Branton has been one of the stalwarts of the civil rights movement. He has been a close associate of ours in the SCLC and we look forward to many years of close cooperation as we continue our attempts to organize the poor."

HEROIC RESCUE BY MARINE PFC. DENNIS ROBARE, OF ISHPEMING, MICH.

Mr. HART. Mr. President, recently a young man from Ishpeming, in Michigan's Upper Peninsula, was recognized by the National Council of the Boy Scouts of America for an act of heroism.

To earn this honor, Marine Pfc. Dennis Robare clearly sacrificed his own safety to rescue two young boys from a car trapped under the Sturgeon River Sloughs.

The two young boys owe their lives to Private First Class Robare—and it would seem to me that we all owe him a debt of gratitude. Private First Class Robare demonstrated what many young people today are trying to demonstrate—a feeling of concern for the safety and well-being of their fellow man.

This young man seems to exemplify all that is good in the younger generation and is certainly deserving of the honor accorded him by the Boy Scouts.

Mr. President, I ask unanimous consent that an editorial describing Private First Class Robare's heroic act, published in the Marquette, Mich., Mining Journal of June 30, 1969, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AN ACT OF HEROISM

Well-deserved recognition for courage and skill came to Marine Pfc. Dennis Robare of Ishpeming last week when he was honored by the National Council of the Boy Scouts of America for an act of true heroism. Robare, the son of Mr. and Mrs. Ellsworth Robare, former Negaunee residents, thus became the only person in the Upper Peninsula ever to receive the Honor Medal and Certificate for Heroism from the National Scout Council and only the 11th to be accorded this honor in Michigan.

In a time when youth are so often cast in a negative light, it is indeed heartening to read of the bravery of this young man. He is credited with having saved the lives of two boys, ages 6 and 9, last Aug. 23 when he pulled them to safety from a watery trap in the Sturgeon River Sloughs in Houghton County. The boys were caught in a station wagon that had crashed through guard rails along U.S. 41 near Chassell and plunged into six or seven feet of water.

Robare, who was then a student at Michigan Technological University and junior assistant Scoutmaster for the Boy Scout troop sponsored by the Negaunee Eagles, later was asked to describe the incident by the U.S. Coast Guard. He did so in an unassuming report, from which the following is excerpted:

"I was riding in a car heading towards Chassell. About two miles from the town we noticed six or seven cars parked along both sides of the road. A man was standing in the middle of the road stopping the traffic. When we approached him, he ran to the driver and asked if anyone knew how to dive. I told him I could. Looking out of the car I could see people standing on the roof of the car.

"I took off my jacket and shirt, kicked off my shoes and dove into the water. I swam out to the car, and a man on the roof told me there were two kids in the car and that the back window on the passenger side was open. I then dove down and felt my way along the side of the car. Finding the front windshield, I followed the car down until I reached the open window. As I started to go inside the car I opened by eyes, but it was to no avail because the water was too dirty.

"Feeling around inside the car I felt one of the boys floating around on the ceiling, up by the steering wheel. Grabbing him under the chin, I pulled him out of the car and passed him to someone standing on the roof.

"I dove down again and started feeling for the other boy. I found him also floating up by the ceiling but in the back of the station wagon. Grabbing him by the shirt, I pulled him out of the window and headed for shore.

"Upon reaching shore, I immediately started giving the boy mouth to mouth resuscitation. The boy was bloated and his complexion was blue. After several breaths of air into the boy he started vomiting up water. It was sometime after that that he started to breathe. As soon as he started to breathe on his own, I looked up for the other boy. I saw a serviceman in blue giving the other boy mouth to mouth resuscitation also."

Both boys survived, and the doctor who treated them after they were taken to a hospital in Houghton said Robare had performed a remarkable job. Everyone else who is familiar with the case agrees and joins the National Boy Scout Council in paying tribute to this outstanding young man.

ARIZONA ATTACKS ALCOHOLISM

Mr. GOLDWATER. Mr. President, a strong movement is underway in Congress to achieve a national awareness of the disease of alcoholism and a recognition of the extent of its social and medical consequences. This campaign is one in which I participated during my previous term in the Senate—until my 4-year sabbatical intervened—and it is a privilege to resume this effort in the current Congress.

Mr. President, some Senators may recall that in 1964, when I was selected to carry the banner of the Grand Old Party, our platform announced:

> We pledge to seek continued Federal support for a sound research program aimed at both the prevention and care of diseases, and intensified efforts to secure prompt and effective application of the results of research. This will include emphasis on mental illness, drug addiction, alcoholism.

To my knowledge, this statement marked the first time the platform of either major party took a stand distinguishing alcoholism as a separate illness and focusing on the serious need of support for research—both basic and applied—in this specific area.

Since then there have been some small beginnings on a program with a national scale; but I would add my voice to the many others who say that this is not enough. There remains a compelling national need—one which has increased since 1964—for research and new departures in this field.

Unfortunately, we know very little about alcoholism and even less about what causes it. We know that it affects about one of every 18 drinkers in the country—drinkers at all levels on the socioeconomic scale from the very poor in the inner city to the very wealthy in the banks and in the law offices. We know that American industry incurs costs of more than $2 billion annually as a result of lost manpower, inefficiency, and wasted training due to alcoholism. We know that nearly one out of every two arrests made in this country are for the offense of drunkenness, and that the costs to taxpayers for arrest, trial, and maintenance in jail of these people amounts to millions of dollars per year. We also know that nearly 50 percent of all highway fatalities point to alcohol as a related factor. Fifty percent of all highway fatalities means 26,000 people per year who might otherwise be alive today.

While these statistics show us the magnitude of the problem we are dealing with, they do not tell us of the human suffering and misery associated with alcoholism. They make no mention of the marriages and the children and the bright young professionals who have become victims, either directly or indirectly, of the disease. Nor do they indicate how many people are on the welfare roles in our States because of an alcohol-related problem. Clearly the time has come for us to face this problem and to mount an aggressive campaign against it.

Mr. President, when I speak of an aggressive campaign against alcoholism, I mean precisely that. We must examine every facet of the problem until we understand it completely. We must provide for the construction and operation of treatment centers, and for the specialized training of personnel to man them. We must alert our young people to the dangers of alcoholism in the same manner as we today alert them to the dangers of narcotics and drug addiction. And perhaps most importantly, Mr. President, we must face up to the fact that alcoholism is a disease and that alcoholics can be successfully treated in the vast majority of cases. Only after we have adjusted our thinking toward alcoholism can be begin to effectively deal with it.

Mr. President, I have referred to the fact that there is a strong movement underway in Congress to place alcoholism in the correct perspective, and I am pleased to be a part of it. The extent of the commitment by Members in this area is demonstrated by the fact that almost one-half of the membership of the Senate has joined with the Senator from New York (Mr. Javits) and the Senator from Utah (Mr. Moss) in the introduction of S. 1997, the proposed Alcoholism Care and Control Act of 1969. This bill, of which I am a cosponsor, will enable us to truly take a giant step in the national fight to control alcoholism. The legislation provides for research grants; the construction, operation, and staffing of community treatment facilities; grants for alcohol education programs at the local level; and support for the establishment of regional research centers.

But the best attribute of the bill is that it builds upon a foundation which is well established and which has been successful to some measure in coping with alcoholism. I refer to the numerous small community action groups which have been initiated throughout the United States. These agencies, councils, and other service groups have recognized the gravity of the alcoholism problem and have attempted to do something about it. Although they have only begun to break the surface of the alcoholism problem which exists in the United States today, they have made a good start. In many cases the results they have achieved with very limited resources have been downright spectacular.

Mr. President, relative to these local efforts, I would like to discuss for a moment the successes of some of Arizona's community service programs in the field of alcoholism control and treatment. Also, I wish to offer for the Record an appendix which identifies many of the Arizona participants, and the type of work they are doing. In offering this appendix it is my hope that other States will be encouraged by Arizona's approach to the problem, and that some may wish to follow her example.

A survey of the services offered in Arizona reveals that assistance is available in eight distinct areas. They are counseling, diagnosis, detoxification, hospitalization, financial assistance, employment, education, and housing. In other words, the whole spectrum of required services is available in one degree or another. We are the first to acknowledge that these services are grossly insufficient to meet the demand; and that much work remains to be done. Nevertheless, we have sprouted a great many healthy ideas, and our efforts are continuing.

One exciting example of the projects going on in my State is occurring at the University of Arizona, which today is actively engaged in seeking a solution to the problems of the alcoholic. The university has set up an interdisciplinary committee on alcoholism that is developing comprehensive plans in this field, including the goal of establishing an Institute of Alcoholism for the Southwest. As a part of the initial program designed by the committee, the University of Arizona intends to offer the degree of master of science in rehabilitation counseling for the alcoholic beginning in September of 1969, thereby becoming one of only three schools in the country to do so. Also, in the near future it plans to sponsor a unique program called the community specialist in alcoholism. After 2 years of study and practical experience, the specialist will assist communities in marshaling resources against alcoholism. Considered in light of the fact that there are so few people trained in the problems of alcoholism who are available in any region of the United States, the latter part of the university's program will be an exceptional contribution to the Nation's needs.

Mr. President, an outstanding instance of the regional leadership displayed by cooperating agencies in Arizona is the Southwestern School of Alcohol Problems which was held at the University of Arizona from June 9 through June 13. This school was sponsored by five different Arizona groups. The purpose of this important workshop was to bring the problems related to alcoholism in the Southwest communities into focus and to try to stimulate the participants to do something about the problems when they returned to their communities.

A major source of direction and guidance in our State has been and is being provided by the Governor's Advisory Committee on Alcoholism. This committee, under the excellent chairmanship of Judge Eugene K. Mangum, has served as a catalyst for the institution of several good projects in our State and a coordinator of statewide agencies involved in these projects. The Arizona State Department of Health has played an important role also. The department has carried out a plan which the advisory committee presented to it in November of 1966, with the result that there is now a positive State commitment to control alcoholism in Arizona.

Finally, I would like to give special attention to the creation of councils on alcoholism in the majority of counties in Arizona. These councils have been established to coordinate the activities of local agencies with those of the State government and have shown the people of our towns and cities how to start to handle their own needs.

In the words of Judge Mangum, who has prepared a report for me relative to Arizona's program:

> Our ideas run along the lines that a completely comprehensive program based on community needs, as voiced in the community, utilizing community resources to their fullest is best.

This same philosophy should control any legislation we enact. In my opinion, the most effective solutions will result from encouraging and expanding these local activities. But while this is true, we must not be blind to the fact that we cannot achieve the elimination of alcoholism by State and local resources alone. The sheer size and complexity of the alcoholism problems necessitate the expenditure of substantially more funds than the States have available by themselves.

Our initial programs at the State and local level have only just opened the door. We need to foster and cultivate these new projects with a fair measure of Federal financial assistance. We need to help them grow together throughout our towns, States, and Nation to the end that we will have joined together a network of community, State, and Federal services that can conquer alcoholism in every area of this land. The prompt passage of S. 1997 would achieve just that.

Mr. President, I ask unanimous consent that an appendix relative to the exciting efforts occurring in Arizona be printed in the Record.

There being no objection, the appendix was ordered to be printed in the Record, as follows:

Appendix: Report on Certain Arizona State and Local Agencies Involved in the Control of Alcoholism*

1. The Pima Council on Alcoholism, Inc. ($15,000) has opened a full-time information and referral office employing an executive director and secretary. They offer information and referral services principally over the phone. They receive an average of 35 calls per month. Educational programs have been promoted through the utilization of the Alcoholics Anonymous speakers' bureau and through dissemination of literature. Coordination of effort is being developed with various service agencies. In conjunction with the University of Arizona, a regional school of alcohol studies was held June 9th through 13th, 1969.

2. Division of Vocational Rehabilitation ($20,000) has expanded their efforts in this area by providing tuition, and necessary implements to clients with a disabling diagnosis of alcoholism for attending various vocational schools, and by providing counseling services to their clients in the alcoholism recovery centers.

3. Arizona Recovery Centers Association, Inc. ($10,000) has employed a full-time coordinator of services, who has been instrumental in assisting the Maricopa County General Hospital develop their admission procedures for alcoholics. He has worked with various service agencies and service people in facilitating referrals from and to the recovery centers. This association is composed of seven recovery centers in Arizona, with five being located in Phoenix, one in Tucson, and one in Globe.

4. Maricopa Council on Alcoholism, Inc. ($9,000) has employed a full-time education director, who has provided programs for ten high schools, a church, nurses, junior high schools, teachers' groups, and a social workers' association. It has presented ten films and provided programs for 54 other groups. Other duties have included press releases and spot announcements to newspapers, radio and TV, as well as five special TV programs. Consultation was offered at a two-day conference at the University of Arizona regarding the Regional Institute of Alcohol Studies held in June of 1969.

5. Maricopa County Health Department ($10,000) has employed the part-time services of a medical doctor experienced in the field of alcoholism, who presently is providing services to the various recovery centers

---

* Based upon a special report to Senator Goldwater by Judge Eugene K. Mangum, Chairman, Governor's Advisory Committee on Alcoholism and Drug Abuse.

and is conducting clinics Friday mornings for the clients of the recovery centers. This same doctor under this contract is providing in-service training for medical staffs of various out-of-county general hospitals.

6. Maricopa County General Hospital ($16,000) established the first alcohol rehabilitation unit in Arizona in 1968. The initial detoxification of the patient takes place in the medical unit of the hospital, after which he or she is transferred to the separate alcohol rehabilitation ward. The rehabilitation ward contains ten beds and the hospital now employs a full-time coordinator of the alcohol program in the ward. This program is comprehensive and includes physical and psychiatric examinations and therapy, group therapy, Alcoholics Anonymous, occupational therapy, and post-discharge outpatient counseling, both individual and group.

7. Yuma Council on Alcoholism, Inc. ($2,700) has opened a full-time information and referral center, staffed by volunteers. The council has had two community forums, holds regular meetings at which films have been shown, has provided speakers for the high schools in the area and is working on the promotion of a detoxification center.

8. Winslow Council on Alcoholism (through the Navajo County Guidance Clinic, Inc.) ($1,400) is providing speakers in the high schools, has provided the program for the Hopi Reservation Annual Alcoholism Meeting, provides transportation to the Veterans Hospitals in Fort Whipple for sick alcoholics, and augments the efforts of the mental health clinic, working hand in hand with them.

9. Gila Council on Alcoholism and Drug Abuse, Inc. ($2,000) has opened a full-time information and referral office manned by volunteers, with phone service, has provided one community forum, and has shown films at its regular meetings. It is promoting the upgrading of the local recovery center and the inclusion of a detoxification unit in the plans for the new county hospital. Its principal efforts have been toward the inclusion of aid from the various unions and mines in the area.

10. Pinal Council on Alcoholism and Drug Abuse ($1,280) is working through the local health department to provide information to those in the area, promoting the establishment of Alcoholics Anonymous meetings and the education of various professionals and semi-professionals, particularly service agency personnel in the area of alcohol or drug abuse.

11. West Yavapai Guidance Clinic ($1,000) is providing information and referral service in the area of alcohol and drug abuse. Literature is available through the clinic as well as services. Scholarship opportunities are offered to the various schools of alcohol or drug abuse studies.

12. Arizona Tuberculosis Sanatorium ($5,600) has employed a part-time alcoholism counselor to work with patients in the sanatorium and to provide in-service training for the staff of the hospital. Psychiatric consultation and therapy is available if needed. It is now working on a plan for aftercare involving the public health nurses and referrals to resources in whatever area the patient comes from.

13. University of Arizona (through the Pima Council on Alcoholism) ($5,000) has conducted a Southwestern School of Alocohol Problems from June 9th through 13th. The program for the school was developed through the efforts of Doctor Kam Nasser, Associate Professor of Health Education, University of Arizona. Also, an Interdisciplinary Committee on Alcoholism has been established at the University to plan a long-range program relative to the field of alcoholism. This program includes the goal of establishing an Institute of Alcoholism for the Southwest.

14. Apache County School District No. 90 ($1,200) is committed to presenting a unit in each one of their high schools on alcohol and drug abuse and has provided transportation and expenses to some of their teachers to attend an institute on drug abuse held at Arizona Western College. Upon completion of the various presentations, it will meet and cooperate in the formulation of a written unit to be presented to the Department of Education for their consideration.

15. Mohave Council on Alcoholism and Drug Abuse (through the Mohave County Mental Health Clinic) ($1,300) is presently in the process of planning the opening of an information and referral center. It has recently completed working on its Articles of Incorporation and is developing a program which will include providing scholarships to professionals and semi-professionals to schools of alcohol or drug abuse studies and the training of a speakers' bureau.

16. Santa Cruz Health Department ($1,200) will be providing funds for scholarships to the various schools of alcohol or drug abuse studies for professionals and semi-professionals and will be utilizing its office space for the dissemination of literature. Members of the community have expressed their interest in forming a council and are making plans to show films and get in speakers for community presentations.

17. Graham County Board of Supervisors ($1,350) has enlisted the services of a volunteer director in formulating an alcoholism program which will include the presentation of a one-day institute at Eastern Arizona College. It will also augment the efforts of the Alcoholics Anonymous personnel in order to utilize their services for the benefit of municipal courts. Through their health department they will be dispersing literature and will provide the library with needed resource books. With available funds it will supply scholarship to the various schools of alcohol or drug abuse.

18. Cochise County Health Department ($1,500) will provide scholarships to professionals and semi-professionals to attend schools of alcohol or drug abuse studies and will be presenting community forums to which it will invite various resource people of the state. They will work in cooperation and coordination with the efforts of the Alcoholics Anonymous groups and the mental health clinic.

19. The Winslow Guidance Clinic ($5,000) will augment its services to include educational programs in the area of alcohol and drug abuse as well as more concentrated effort with those children and families which evidence problems because of abuse of alcohol or drugs.

20. Tucson General Hospital ($12,000) has opened a ten-bed detoxification and therapy unit and has requested funds to get this program started. It plans to apply for a Federal grant and to augment whatever funds it can obtain with matching funds of other types.

21. Coconino County Guidance Clinic ($11,000) plans to establish a model Council which will open an information and referral center and work in conjunction with the mental health clinic for outpatient services and with the Flagstaff hospital for inpatient therapy.

22. Arizona Alcohol-Narcotic Education Association ($650) has a training program available to clergymen throughout the State, aimed at giving them the tools to cope with the alcohol and drug abuser who comes to them for counseling.

23. Maricopa Council on Alcoholism ($1,500) will meet the increased requests coming into their office for literature and information and referral services.

24. Greenlee County Board of Supervisors ($1,200) will formulate a program similar to the one in Graham County (see item 17) stressing education of the professionals and lay services workers in the area.

25. St. Luke's Hospital ($5,000) has started an alcoholism treatment unit offering medical, psychiatric and psychological care.

26. Tucson General Hospital has recently acquired a 36-bed Detoxification Rehabilitation and Research Center for the immediate treatment of the chronic alcoholic. Following detoxification, patients are transferred to other medical facilities for rehabilitation therapy.

ATHENAEUM CLUB OF LUBBOCK, TEX., SUPPORTS ESTABLISHMENT OF 100,000-ACRE BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, the Athenaeum Club of Lubbock, Tex., has adopted a resolution urging the establishment of a 100,000-acre Big Thicket National Park in southeast Texas.

The Big Thicket is disappearing at a rate of 50 acres per day. It has already been reduced from its original size of 3.5 million acres to about 300,000 acres. As recently as 1938, botanists could describe the region as consisting of a million acres "little disturbed as yet by devastating lumbering operations and clearing for farms." In the 31 years since these words were written, lumbering operations have stripped the thicket of all but a few stands of first-growth hardwoods. Pipelines, oil wells, and new roads have been pushed into the most remote places. We must act now if we are to save a small part of this unique and beautiful area.

Mr. President, I ask unanimous consent that the resolution adopted by the Athenaeum Club of Lubbock, Tex., including the name of its signer, be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution

Whereas, the Big Thicket of Texas is a meeting place for eastern, western and northern ecological elements; and

Whereas, this is the last stand in Texas of the nearly extinct Ivory-billed woodpecker; and

Whereas, this beautiful and unique area is rapidly being destroyed by bulldozer and chain saw; therefore

Be it resolved the *Athenaeum Club* of Lubbock, Texas, urges the preservation of at least 100,000 acres containing the most unique areas of the Big Thicket. These areas to be connected by environmental corridors; and

Be it further resolved that the Interior and Insular Affairs Committee of the Senate of the United States be requested to set immediate hearings on S4, which would create a Big Thicket National Area.

Mrs. E. W. Brown,
President.

NEW STUDY ON ASSIGNED RISK AND HIGH-RISK DRIVERS

Mr. HARTKE. Mr. President, I invite the attention of Senators and the public to an important study which will shed some vital light on the automobile insurance issue, particularly with reference to assigned risk and high risk drivers.

This research project is entitled "Definition and Measurement of the High-Risk Automobile Insurance Market." It is being conducted under the auspices of the Bureau of Economics of the Federal Trade Commission, with supervision by Nathaniel Greenspeen, senior economist.

I was particularly pleased to note that Dr. Calvin H. Brainard, professor of insurance at the University of Rhode Island, and one of the country's foremost insurance authorities, has been chosen to research the specific field of the high-risk driver.

We can look to this study for answers and information on such important questions as:

What is a "high-risk" driver? How is he identified as such? What proportion of the total insurance market do they comprise? What rating prices are they being charged? How do these rating prices compare with those for standard risks?

When these answers are published, I am sure they will contribute valuable knowledge and help toward the final solution on auto insurance costs.

TAKE AN HONEST LOOK AT WYOMING

Mr. HANSEN. Mr. President, on July 28, I took issue with an article entitled "Wyoming in the Space Age: The Old Frontier Still Lives," written by Martin Arnold, and published in the New York Times.

The article was printed in the RECORD in order that the attention of all could be brought to bear on how distorted Mr. Arnold's view of our great State was.

The Casper, Wyo., Star-Tribune, in an editorial rebutting Mr. Arnold's observations, has made pertinent comment on the New York Times article.

We of Wyoming encourage all Americans to visit our State and take an honest look at Wyoming—at its beauty, its current greatness, and its vast potential.

I ask unanimous consent that the Star-Tribune editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

Do They Really See Us This Way?

Writers from the East seem to be more impressed with the television image of the West than any first hand impressions they might gather on an actual visit to Wyoming.

An article on Casper appearing in the New York Times, for instance, refers to horses being kept in the back yards of residents, and streets wide enough to accommodate freight wagons pulled by horses making U turns.

Any report of a horse grazing in somebody's back yard, of course, would bring prompt action by city officials to "abate the nuisance." Horses have not been stabled in Casper for at least 30 years.

The article by Martin Arnold does not do justice to the reputation of the New York Times for realistic reporting in depth, but may be just the sort of fare New Yorkers like to read about the West.

Titled "Wyoming in the Space Age," it opens with a description of hills "black with Ponderosa pine," with the plains stretching out.

We wish this were so, but the pines, on closer inspection, are mostly lodgepole or what the natives call "jack pine." Ponderosa, however, fits in more neatly with that ranch in "The Virginian."

"In the early 1900s, fortunes were made overnight in oil . . ."

The fortunes were made in the Roaring 20s. Remember the Salt Creek boom? Kerosene was an important product of crude oil at the turn of the century.

"Casper's houses are strung together as close as beads on an Indian embroidery . . . it's the covered wagon complex, a resident said."

Let's face it, Arnold, suburban developers in both Casper and New York have one thing in common: to get the maximum number of lots from an acre. It costs money to run paving and utilities. Besides, who wants an acre of lawn to mow?

"Casper brags of its economic vitality, but the picture is somewhat misleading. Up to five years ago, 50 major oil companies had administrative offices in the city, but now most have pulled out, leaving behind only a small number of field workers."

The picture, of course, is not as bleak as that. Many important oil company offices, like Marathon remain in Casper. There is a raft of oilfield service and supply firms that serve the oil industry in Wyoming and the entire Rocky Mountain Region. There has been a big influx of uranium companies, and good office spaces are pretty well filled.

The writer observes a new "range war" between ranchers and uranium prospectors . . . but we haven't heard of any shootings yet. There has been some friction between ranchers and uranium prospectors, and some surface damage claims have been settled.

Arnold dwells at length on "the law of the sheriff" in Casper, saying it's "mainly a deep grained tradition that the sheriff and the police are ever on the alert to keep out the badmen who drift in from the plains."

We would point out that the sheriff is more concerned with the influx of some hippie types from the east and west coasts than the "shooting entry" into town of Big Bad Bill from the Badlands.

One would not expect any eastern writer to overlook the once notorious Sand Bar. Arnold notes this area, "several blocks from the main business section, where Casper's black—estimates range from 500 to 1,500—live in dilapidated one-story wooden shacks, most of which used to be brothels."

Casper's colored population is not concentrated on the Sand Bar, but rather in North Casper and some areas of the Railroad tracks, as well as elsewhere in the city.

The Sand Bar is becoming more of a business and industrial area, and one will find more whites than blacks in that area. Urban renewal, if it comes to that, won't displace many people from the Sand Bar.

"The blacks are on the Sand Bar and the Indians are on a reservation 100 miles to the west."

This observation is the obvious "reaching" for more local color. The Indians, naturally, are not too prominent in the local picture. You would have to go to Riverton, or Lander, or Thermopolis to find them.

Despite its inaccuracies, the article is appreciated by this remote community on the western plains by the mere fact that we are featured at all in a big paper like the New York Times.

The average New Yorker never heard of Casper, but is more familiar with place names like Cheyenne, Laramie and Medicine Bow—again thanks to television.

We liked the tag line on the article on Casper:

"There is no such thing as a stranger."

AN INDUSTRIAL SAFETY LAW IS NEEDED NOW

Mr. YARBOROUGH. Mr. President, the Wall Street Journal of August 5, 1969, contains a very fine article entitled "Watch It, There—Tired, Young Workers Spur a Steady Increase in Industrial Accidents." It indicates that the ever-increasing problem of industrial safety needs the attention of Congress now.

Last year I sponsored and held hearings on a general industrial health and safety law. This year, under the very able chairmanship of the Senator from New Jersey (Mr. WILLIAMS), I hope that not only will hearings be held but a law passed which will protect the 75 million workers engaged in commerce in the United States.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Watch It, There—Tired, Young Workers Spur a Steady Increase in Industrial Accidents—Nader Calls Problem Worse Than Crime in the Streets, Says Not All Is Reported—What Caused a Mine Mishap?

(By Richard D. James)

HAMMOND, IND.—The 20-year-old worker, on the job just two days, began oiling a giant forging hammer at Amsted Industries' busy Hammond Work without notifying the machine's operator. The operator, who didn't notice the youth, activated the 2,500-pound device. Down it slammed, crushing the tip of the new man's right index finger.

The accident was painful but not especially serious—the injured man was back on the job the next day. But it was part of a nationwide trend, and an unhappy one. Here is Hammond, for example, several workers at this noisy, dimly lit factory have in recent months been sidelined for up to eight weeks with broken bones, severed fingers, cuts, bruises and sprains suffered on the job. In 1968, the plant's accident rate soared 45% from the 1967 level.

By the way of explanation, Amsted officials point out that the plant hired some 400 new workers last year. "A lot of them were young people who didn't realize the dangers of factory work no matter how often we warned them," says one executive.

Amsted's situation at Hammond isn't at all unique. As manufacturers hire more workers and ask them to work longer hours, industrial accidents have become more frequent. U.S. Department of Labor statistics show that "disabling" mishaps—those that result in permanent injury or at least one day's loss of work—occurred at the rate of 14 for each one million man-hours worked in 1967, the latest year for which their figures are available. That's up from 13.6 per million in 1966 and 11.4 in 1958. The National Safety Council, a private group that keeps similar figures, says the 1968 injury rate also climbed.

WORSE THAN CRIME IN THE STREETS

The Safety Council also reports that 14,300 persons died in U.S. industrial accidents last year, up from 13,500 in 1961. Last year's toll was the second highest since 1950—and only 292 fewer than the number of American servicemen killed in the war in Vietnam in 1968.

According to some observers, these statistics don't tell the full story. "Companies vastly under-report their number of job accidents," contends safety crusader Ralph Nader. He claims that the National Safety Council's figures are particularly suspect because "by giving awards to the companies with the best safety records, the council provides an incentive for incomplete reporting."

Adds Mr. Nader: "The industrial safety problem is far more serous than crime in the streets. In some blue-collar neighborhoods you find many people without arms, fingers or legs. It's like Dusseldorf after the war."

A spokesman at the Safety Council's Chicago headquarters says he has "heard rumors" that companies cheat on their reports, but he adds that the council has no "direct evidence" to that effect.

FATIGUE AND INEXPERIENCE

The plant safety director for one large Midwestern firm says Mr. Nader is correct. "This is something that goes on," he admits. "Management sometimes puts pressure on safety men to make the company look good, so the safety men conveniently forget a few accidents."

Whatever the actual death and injury figures, it's widely agreed that many accidents involve inexperienced workers who are unfamiliar with the equipment they are manning. "In a typical month one of every three on-the-job injuries we have involves people who have been on the job less than six months," says James F. Van Namee, safety director of Westinghouse Electric Corp. in Pittsburgh. "About 50% of our accidents involve employes in their first year."

The close relationship between accidents and fatigue-causing overtime work is apparent in Government statistics showing that the two rise together. Investigations carried out by individual firms reveal the same trend.

For instance, officials at Western Electric Co.'s Hawthorne Works in Chicago recently were puzzled by hand injuries suffered by several operators of punch presses that were equipped with devices designed to automatically brush aside the operator's hand each time the press came down. Both the press and safety device were activated by the same pedal.

BLAMING THE OTHER GUY

A company inquiry showed that the injuries occurred late on busy days; the weary operators had pushed the pedals down only part way, activating the presses but not the guards. Western Electric now says it will alter the machines so that both press and guard are set in motion simultaneously.

There's little agreement about the causes of many accidents. Some company officials are quick to blame employes who disregard safety rules; if everyone followed the rules no one would get hurt, this argument goes. Union officials counter that companies pay too little attention to safety and too much to productivity when shopping for new machinery; all the safety rules in the world won't stop unsafe machines from harming workers, they assert.

Such a dispute recently arose around an on-the-job accident at Inspiration Consolidated Copper Co.'s open-pit mine near Phoenix. Three workers were taking a break in the shade of a huge Caterpillar tractor-scraper when the earth-moving machine began rolling down the dirt ramp on which it was parked. One worker, an experienced man, jumped aboard the tractor in an attempt to stop it. After a few seconds of futile effort he leaped off the machine, which was picking up speed. The fall broke his left hip. Two days later, he died of complications from the injury.

Miles Jacob, president of Inspiration Copper, says the worker acted rashly. "He shouldn't have jumped on the equipment. We have a flat company rule against getting on moving equipment. We don't want anyone trying to save equipment if it's rolling out of control," he says.

Alan Burch, safety director of the International Union of Operating Engineers, of which the worker was a member, gives a different version. "The machine was unsafe because it had no parking brake," he declares. "Why the devil not? It was a $100,000 piece of equipment, but the company wouldn't spend $200 for an optional parking brake. It could have saved this man's life."

Not so, says Duncan MacDonald, Inspiration Copper's industrial relations director. "We used that type of equipment for 20 years without ever having such an accident," he says. "If the blade of the machine had been set in the ground as it should have been, the scraper couldn't have moved." He adds that the company has no plans to add handbrakes to its scrapers as a result of the mishap. "It would give the operators a false illusion of safety," he says.

The same sort of dispute centers around the use of safety apparel such as goggles, hard hats and metal-tipped boots in potentially dangerous jobs. Companies say workers often refuse to wear such gear and get hurt as a result. Unions reply that too many companies don't feel strongly enough about the value of safety apparel to pay the bill for it.

At least a few company men admit there's some justice to the union side of that argument. "When you come right down to it, a lot of our safety decisions are really cost decisions," says one executive. "We give our workers safety glasses because they cost just $3.50. Safety shoes, which they also need, cost $14, so they aren't compulsory and the men have to buy them themselves."

Several actions are in the works that could result in tougher safety standards for industry. Last year the Johnson Administration proposed legislation to greatly extend the Secretary of Labor's power to establish and enforce safety and health rules for companies engaged in interstate commerce. No action was taken on the measure, but a similar bill is pending before the current Congress.

Unions have taken the initiative in pressing other measures. The United Mine Workers Union is seeking a Federal law that will reduce the maximum amount of dust permissible in coal mines and, it is hoped, help ward off the "black lung" disease that infects many miners. Earlier this year, at the urging of coal miners in West Virginia that state's legislature extended workman's compensation to "black lung" sufferers.

The Oil, Chemical and Atomic Workers Union, prompted by growing worry over environmental health hazards, recently announced plans to use its own equipment to measure noise, dust and chemical levels in plants where members work. The union says actions to reduce such hazards have been hampered by lack of information. "We're going to collect our own data so we don't have to rely on company doctors telling us there's nothing wrong," says an official.

An official of a big chemical company takes issue with the union's implication that company doctors misrepresent health conditions. "If a hazardous situation arises, we do our best to correct it immediately," he adds.

FORCED INTEGRATION IN SCHOOLS OF THE SOUTH

Mr. EASTLAND. Mr. President, when the schools open again this September, the spotlight will again fall where it has now shown for more than a decade—on the South.

As students head back to the classroom, the Southern States fall under varying and confusing orders of the Federal judiciary and the Federal bureaucracy.

Forced integration has become the rule—not the exception—in the South today. Community upheaval is commonplace. In short, the public education system of a vast number of States lies today in a state of danger—danger of extinction.

Mr. President, since the Brown decision of the U.S. Supreme Court back in 1954, the focus has been on these Southern States. They have felt the glare of national publicity.

While they have attempted to solve problems brought on by judges and bureaucrats in far-off Washington, they have labored in the bright sunlight of banner newspaper headlines, probing television cameras, and they have felt the editorial sting of the press and news commentators alike.

By and large, these problems have been more keenly felt in the small communities of the South. Closely knit communities who have historically worked together for the betterment of both races now find themselves torn asunder by the ruling of the Federal Government. Where there was once peace and harmony we now find mistrust and misfortune.

The Federal judges and the Federal bureaucrats have cracked down on these small communities. Suit after suit has been filed by the Federal Government. Orders and counterorders have gone out from the Department of Health, Education, and Welfare.

All this has been charged off to integration—charged off at the expense of education.

While this social experiment has been going on in the small communities of the South, the vast majority of the schools of the Nation have escaped the glare of unkind publicity. But, or once, let us turn our eyes toward the cities and their schools. Let us see what is happening in these schools.

I have before me an analysis made by the national auditing firm of Peat, Marwick, Mitchell & Co. of the records maintained by the Office of Health, Education, and Welfare. This audit encompasses the 100 largest school districts in the United States—without regard to geographic location.

I point out that this report shows that out of a total of 12,497 schools in these districts, some 6,137—almost 50 percent—are either all black, or all white or attended by less than 1 percent of children of the minority race at that school. Let me emphasize, nearly half of the Nation's largest schools have not 20 percent, not 10 percent—but less than 1 percent—of the minority race in the classroom.

The statistics on instructional staff composition are similarly revealing. In New York City, with 853 schools and a teaching staff of almost 10 percent blacks, 211 of these schools have no black teachers at all and 533 have less than 20 percent blacks on their instructional staff. In Chicago, with 610 schools and more than one-third of the teachers black, 228 of their schools have white staffs and no blacks and another 109 schools have staffs with less than 20 percent blacks as teachers.

Mr. President, the all-white school is not a phenomenon found only in the small communities of the South. It is not a device reserved for small community school boards who seek to circumvent integration.

It is a stark reality in the largest school districts of the Nation. It is an ever-present fact in the largest cities of the United States.

What this reveals is not the wrongdoing of the school boards and the educational leaders in the larger communities.

What this means is that the people of

the Nation—in communities, large and small—prefer to run their own schools. And when they do, they prefer to operate them on a basis of the time-honored traditions and customs which have withstood the test of time and met the best interests of the communities.

It is, after all, the purpose of the school—whether it be large or small—to serve the community through education.

I hold firmly to the belief that the schools of this Nation must be returned to the people. They must be taken out of the hands of Federal judges who sit in far-off places and hand down decisions which affect the lives of our citizens. The schools must be removed from the iron fist of the Federal bureaucrat who writes an edict without regard to the community which it affects.

The schools must again become the center of the community, a place above the turmoil and furor of outside influences, where we can once again send our children to learn and prepare for the world in an atmosphere of orderly education.

It will be then, and only then, that we can begin to reconstruct this foundation of greatness upon which America was founded.

A LEADING AGRICULTURAL JOURNAL SPEAKS OUT ON HUNGER

Mr. YARBOROUGH. Mr. President, the existence of hunger and malnutrition is one of the greatest problems confronting the Nation. In spite of our vast riches, our surpluses of food, and prosperity on a level heretofore unparalleled in man's history, some Americans must still go to bed hungry at night, and some American children do not receive a nutritionally adequate diet.

This problem is receiving national attention, and, hopefully, we will mount the kind of effort necessary to end hunger once and for all in this land. Recently, Progressive Farmer, one of the country's leading agricultural journals published an article about this grave national problem. I found it quite informative. I hope my fellow Senators will read it at the earliest possible opportunity.

Mr. President, I ask unanimous consent that the article, entitled "All-Out Effort Under Way To Banish Hunger and Malnutrition," published in the Progressive Farmer of August 1969, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

All-Out Effort Under Way To Banish Hunger and Malnutrition

(By Jay Richter)

The crusade against hunger is taking some ingenious turns. In Williamsburg and Lee counties of South Carolina, for instance, a vintage school bus has been transformed into a mobile unit for demonstration work in good nutrition.

A complete kitchen occupies the rear of the vehicle, and its seats are turned around to face the back. A nutrition expert has been put aboard to go from town to town, demonstrating how to prepare low-cost, well balanced meals.

She also explains the Government's expanded food stamp program that allows poor families to buy food at a discount in their local grocery stores. Some people who need the extra food are as yet unaware of the program; others who know about it don't use the stamps because of the expense of getting to the places where they are distributed.

In Hinds County, Miss., small buses are provided to get members of needy families to the points of distribution. Sometimes a mobile office goes to the people with the stamps.

Other techniques, even more direct, are employed.

Senator Ernest Hollings of South Carolina got the Piggy-Wiggly Carolina Company to stock a van with staple foods for delivery to the doorsteps of food stamp families in Beaufort County. Beaufort and Jasper counties, also in South Carolina, were—at the Senator's suggestion—the first in the nation whose poorest families received *free* food stamps.

Most of the South's lawmakers in Washington are today gung-ho troopers in the expanding war on hunger.

"There is hunger," said Senator Ralph Yarborough of Texas, "and we're going to do a lot about it." Senator William B. Spong of Virginia said, "As much as we might otherwise wish, my state has not escaped this problem."

Senator Herman Talmadge of Georgia is the author of legislation for an expanded food stamp program which closely parallels that of the Nixon administration.

Talmadge's proposal, cosponsored by Senator B. Everett Jordan of North Carolina, would provide 1) free stamps for families of four earning less than $40 per month, 2) that no more than 25% of the family income need be spent for stamps, and 3) for total Government expenditure of $525 million in fiscal year 1970 that began on July 1.

During fiscal 1971, the cost of the Talmadge program would rise to $900 million, compared with about $1 billion proposed by the administration.

Talmadge's feeling at presstime was that the Select Senate Committee on Nutrition and Human Needs would soon have "a clean bill"—a final blueprint for the war on hunger that combines the best features of the plans that were before Congress.

A national survey has been going on, meanwhile, to try to determine more precisely what we're up against—and what more should be done about it. The survey team, after examining and questioning 12,000 people in New York, Texas, Louisiana, and Kentucky, made a preliminary report.

"There is malnutrition," they said. "In our opinion it occurs in an unexpectedly large proportion of our sample population."

Signs of malnutrition included goiter, anemia, growth retardation—even a few dietary deficiencies that it has been supposed existed only in the poorest countries of the world.

Malnutrition was not only found to be a leading cause of death among infants and young children, but evidence strongly suggests that those who survive its effects in childhood are retarded throughout their lives in body and probably in mind as well.

"Shocked" and "surprised" by the findings, lawmakers went to see for themselves the scars of poor nutrition in poverty areas. "You see and you wonder," said Senator Marlow W. Cook of Kentucky, about conditions he found in a migrant labor camp in Florida.

The Office of Economic Opportunity estimates that some 12 million to 15 million people live in "hard-core" poverty, defined as belonging to families with incomes of less than $2,200 a year.

But low incomes, USDA studies have shown, do not necessarily mean that a family gets less than adequate levels of nutrients. A 1965 survey of 7,500 households found that 37% of families in the lowest income group had diets rated "good."

Almost 10% of families with incomes of $10,000-plus, on the other hand, had diets classified as "poor."

Nutrients most often lacking were those found in calcium, vitamin A, and ascorbic acid—the ones provided by milk products and fruits and vegetables.

"We are going to ask everyone," says Secretary of Agriculture Clifford Hardin, "to take a good look at what their state is doing—and join wholeheartedly in wiping out in this land of plenty the scourge of poverty-caused hunger and malnutrition."

THE SOUTH IS RESPONDING

In Concord, N.C., for another example, homemakers volunteer their services to accompany low-income families on shopping tours, showing them how to get the most out of their food dollar.

In another North Carolina county, families who move into housing projects find instructions on food preparations awaiting them.

Pamphlets about food programs are being issued in Spanish by community leaders in Texas.

A Kentucky radio station sponsored a forum, inviting listeners' questions on the food stamp program.

We asked Winn Finner, Deputy Administrator of USDA's Consumer and Marketing Service, how a greatly expanded food stamp program would affect food demand in general.

A program funded at, say, $1.5 billion annually could raise total food expenditures by as much as 2%, he figures. In the short run, farmers' prices should improve. Net effect, over the long pull: "Bigger sales by U.S. agriculture, a larger volume of products sold at former prices."

Which commodities would benefit most? Finner drew on a USDA survey made to determine the impact of the food stamp program on food consumption.

Families who were surveyed spent 80% of their new buying power on animal products (red meat, poultry, fish, milk, and eggs) and fruits and vegetables. Red meat consumption rose by a pound per person; poultry, somewhat less. Consumption of other foods, such as fats and oils and sugar, increased, but not as much.

There was also a net shift to foods that return a higher proportion of the retail food value to farmers.

Overall consumption of grains increased by nearly 25%, counting the grain equivalent in extra meat and poultry that were eaten.

A hunger program even more massive than is now contemplated, however, cannot be expected to solve our farm problem. The need to control production will continue for an indefinite time to come.

The Nixon program calls for expansion of direct distribution of foods, as well as more food stamps—but only for a while. Direct distribution or outright giveaways have been determined largely by what we've had in surplus, rather than by the diet needs of the people getting the food.

Large-range plan of the government is to phase out direct distribution as the food stamp program is expanded. Looking even further down the road, welfare officials are planning, eventually to replace food assistance with cash outlays for the poor.

This would be the best method of preserving "the dignity and freedom of choice of the individual to meet his own needs through the workings of the private market," says Robert H. Finch, Secretary of Health, Education, and Welfare (HEW).

Right now the goal is to expand the food stamp program and to get some kind of food assistance program into every city and county of the United States. About 400 of them still don't have either food stamps or direct distribution of food.

The administration will soon take these steps:

1. Set up a separate Food and Nutrition Service in the USDA.

2. Conduct pilot projects to provide special

foods for expectant and new mothers, and young children—through commercial outlets. (At present, these foods are available principally at health clinics.)

3. Form a Government-wide committee to coordinate programs for poverty, malnutrition and health.

4. Summon a White House Conference on Food and Nutrition, made up of leaders in agriculture, the food industry, education, voluntary organizations, and others, to mount what Agriculture Secretary Hardin described as "a greatly expanded private sector campaign against hunger and malnutrition." The food industry will be brought into the front lines to help formulate foods that deliver the necessary vitamins and minerals lacking in diets.

"No amount of instruction on food buying and preparation can suffice if adequate food is not available," said HEW Secretary Finch. "Food enrichment has not kept pace with the changing patterns of our food habits.

Finch noted that sales of products made with enriched flour have fallen to an alltime low, and those of iodine-fortified tablesalt have also been declining.

Particular attention should be given to the needs of families moving to new locations, officials say. In the South, for example, children rarely have iron-deficiency anemia because grits there are fortified with iron. Southern families who have moved North, hovewer, may have difficulties getting sufficient iron, since Northern grits are generally not enriched.

Goiter is prevalent in a belt extending from Texas to the Great Lakes because salt is not fortified with iodine to compensate for the lack of the mineral in the soils of the area.

State governments and local communities across the country are being asked to enlist in the war on hunger.

COMPLIANCE WITH EQUAL OPPORTUNITY REQUIREMENTS

Mr. FANNIN. Mr. President, the Department of Labor has recently issued an order known as the Revised Philadelphia Plan for Compliance with Equal Employment Opportunity Requirements of Executive Order 11246 regarding construction contracts in which the Federal Government is involved.

This plan, which is directed to all agencies of the Government, is currently to be in effect only in the Philadelphia area but the Department apparently plans to eventually use the system on a national basis.

The plan purports to set up a program of equal opportunity in employment for Federal contractors. It requires bidders to submit acceptable affirmative action programs which include specific goals of minority manpower utilization. In plain language, these are employment quotas based on race.

The overall objective of the Department's plan—the procurement of more jobs for members of minority groups—is certainly worthwhile and commendable. The quota methods and other requirements incorporated by the plan, however, seek to remove inequities of one form only to replace them with others.

It is my view that the plan clearly violates the Civil Rights Act of 1964 in a number of instances. I have previously asked the Comptroller General, Hon. Elmer B. Statts, to review the entire plan and to furnish me with his opinion of its validity.

In a broader sense, furthermore, I share the concern of the distinguished senior Senator from Arkansas (Mr. McClellan), and, like him, I have grave doubts about the validity of Executive Order 11246 itself and the rules, procedures, and regulations issued pursuant thereto and being applied by the Office of Federal Contract Compliance in its affirmative action programs.

Mr. President, the Senator from Arkansas has also written to the Comptroller General, expressing his concern over these matters and requesting the Comptroller General's opinion on the validity of the executive order and its related requirements. The Senator's letter of May 19, 1969, contains a complete and concise discussion of this issue. I ask unanimous consent that his letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C. May 19, 1969.

Hon. Elmer B. Staats,
Comptroller General of the United States,
Washington, D.C.

Dear Mr. Staats: Complaints have been received by this office concerning the obligations imposed upon government contractors by Executive Order 11246 and the regulations, rules, and requirements issued pursuant thereto and in implementation thereof by the Office of Federal Contract Compliance of the United States Department of Labor and various government agencies including, but not limited to, the Departments of Defense, Transportation, Health, Education, and Welfare, Housing and Urban Development and General Services Administration. Enclosed herewith are copies of Executive Order 11246, Office of Federal Contract Compliance Regulations, Federal Register, Vol. 33, No. 104—May 28, 1968, Department of Defense Regulations Circular 67, issued January 1, 1969, incorporating OFCC Regulations, and Department of Transportation Regulations which also incorporate OFCC Regulations, notwithstanding the fact that Congress enacted specific equal employment opportunity provisions in the Highway Act of 1968. I do not have copies of the regulations of the other Federal agencies that award contracts or provide grants-in-aid, but I assume they are readily available to you.

The aforesaid complaints stem from the disparity and apparent conflict between the policy, provisions, and requirements set forth in Executive Order 11246 and in the regulations promulgated pursuant thereto and the policy and requirements enunciated by Congress in title VII of the Civil Rights Act of 1964, P.L. 88-352. Complainants have also voiced their concern regarding the apparent failure of the Office of Federal Contract Compliance and various other government agencies to conform their regulations, rules, and procedures to the directives contained in the opinions which have issued from your office regarding the proper and lawful manner of awarding public contracts.

Information which has come to my attention indicates that the regulations and requirements relating to affirmative action programs and pre-award examinations still in effect pursuant to Executive Order 11246, have added extra costs and have caused lengthy delays in the award of contracts involving various Federal and Federal-aid construction projects, particularly in the St. Louis, San Francisco, Cleveland and Philadelphia areas. Among specific examples are those which involved the Guepel Construction Company and the Peter Kiewit Company and with which I believe you are familiar. I also understand that pre-award examinations were continued by HEW on construction projects in the Philadelphia area after your office had questioned the legality of the procedure and that the matter is now pending in your office. And recently, as you know, hearings by the Senate Public Works Committee were precipitated by complaints regarding prequalification requirements and other regulations and procedures being applied throughout the country to bidders on federal-aid highway contracts by the Department of Transportation.

The aforementioned complaints concerning Executive Order 11246 and the government contracting program promulgated pursuant thereto, give rise to serious questions of statutory and constitutional law. Accordingly, I would appreciate receiving your opinion at the earliest possible date, regarding the validity of Executive Order 11246, and the regulations, rules, procedures and requirements issued pursuant thereto and being applied by the Office of Federal Contract Compliance and other Federal agencies in the awarding of Federal and Federal-aid contracts.

It is my own view that Congress in its enactment of title VII of the Civil Rights Act of 1964, made clear its intent that the law was not to be interpreted as requiring the introduction of quotas or other representative or preferential systems into the employment process. Section 703(j) of title VII, expressly disallowed the granting of preferential treatment to any individual or group in order to correct any imbalance that might exist with respect to the total number or percentage of persons or any race, color, religion, sex, or national origin employed as compared with the total number of such persons in any community, State, or other area, or in the available work force in any community, State or other area.

Nothing in title VII imposed or authorized the imposition upon private industry of any duty or obligation to institute or finance any training, apprenticeship, recruitment, advertising, or other affirmative programs designed to enhance the employment opportunities or job qualifications of any employee, applicant for employment, or other person. Furthermore, Congress made it clear in Section 703(h) that it was not its intent to outlaw or interfere with bona fide seniority or merit systems. It is also important to note that when it enacted title VI of the Civil Rights Act of 1964, entitled "Nondiscrimination in Federally Assisted Programs", Congress expressly provided that "Nothing contained in this title shall be construed to authorize action under this title by any department or agency with respect to any employment practice by any employer, employment agency, or labor organization, except where a primary objective of the Federal financial assistance is to provide employment." (Sec. 604).

Despite the Congressional intent so clearly expressed in the legislation cited above, preaward procedures, including elaborate requirements for "affirmative action" programs and what appear to be quota and minority representation systems, all of which are clearly inconsistent with and would appeal to contravene such Congressional intent, have been incorporated in the regulations issued pursuant to Executive Order 11246. See Circular 67 issued by the Department of Defense for example.

I participated in the Senate debate on the Civil Rights Act of 1964, and I am quite familiar with the fact that the Senate abandoned much of the House bill when it adopted the Dirksen-Mansfield substitute with twelve amendments which ultimately became the Civil Rights Act of 1964. One will note in the Congressional Record, volume 110, part 10, page 13835, that the changes effected in the House bill are clearly indicative of a Congressional intent to rule out quotas, reverse discrimination, and similar procedures. Furthermore, the fact that a provision contained in the House Committee bill H.R. 7152, which "directed the President to take such action as may be appropriate to prevent the committing or continuing of unlawful employment practices by persons in connection with the performance of contracts with Federal agencies", was dropped when the bill finally emerged from the House on February 10, 1964, clearly indicated a Congressional intent to withhold such authority from the President and the Executive Departments, as that which has been and is still being exercised pursuant to Executive Order 11246.

The wide variance between the policy and program effected by and pursuant to Executive Order 11246 and Congressional intent as manifested in title VII of the Civil Rights Act of 1964, is pointed up in a recent report entitled "Jobs and Civil Rights" (Publication No. 16, April, 1969), prepared by Brookings Institution for the United States Commission on Civil Rights. And it is that variance and apparent conflict which immediately gives rise to the fundamental constitutional question of whether Executive Order 11246 constitutes proper implementation of title VII of the Civil Rights Act, or is, instead, a legislative enactment by the President in excess of his authority under the Constitution.

It is a well-established principle of constitutional law that the President's power to issue an executive order must stem either from an act of Congress or from the Constitution itself. (*Youngstown Sheet and Tube Co., et al* v. *Sawyer*, 343 U.S. 579, 585).

It is an equally well-established principle of constitutional law that although the President's general direction power is constitutional in its source, it is by no means absolute. On the contrary, its exercise is subject to important limitations. Foremost among these is the well-settled rule that an Executive order or any other Executive action, whether by formal order or by regulation, cannot contravene an act of Congress which is constitutional. Thus when an Executive order collides with a statute enacted pursuant to the constitutional authority of the Congress, the statute will prevail. *Kendall* v. *U.S.*, 12 Peters 524. Neither the President nor a department head at the President's direction or with his approval, has authority to act at variance with valid statutory provisions. *U.S.* v. *Symonds*, 120 U.S. 46; *Little* v. *Barreme*, et al, 2 Cranch 170; *Panama Refining Co.* v. *Ryan*, 293 U.S. 388; *Youngstown Sheet and Tube, supra.*

As Justice Frankfurter said in the *Youngstown Sheet and Tube* case, *supra*, "Where Congress has acted the President is bound by the enactment." And as Justice Holmes declared in *Myers* v. *United States*, 272 U.S. 52, 177, "The duty of the President to see that the laws be faithfully executed is a duty that does not go beyond the laws or require him to do more than Congress sees fit to leave within his power."

In the *Youngstown Sheet and Tube case, supra*, President Truman's Executive Order providing for seizure of this country's principal steel mills, was challenged on the ground that the Executive Order amounted to law making by the President. What Justice Black, speaking for the Supreme Court, said in that case is, I believe, equally applicable to Executive Order 11246. Justice Black said:

"The President's order does not direct that a congressional policy be executed in a manner prescribed by Congress—it directs that a presidential policy be executed in a manner prescribed by the President. The preamble of the order itself, like that of many statutes, sets out reasons why the President believes certain policies should be adopted, proclaims these policies as rules of conduct to be followed, and again, like a statute, authorizes a government official to promulgate additional rules and regulations consistent with the policy proclaimed and needed to carry that policy into execution."

Justice Black then went on to declare on behalf of the Court that—

"The power of Congress to adopt such public policies as those proclaimed by the order is beyond question. It can authorize taking private property for public use. It can make laws regulating the relationships between employers and employees, prescribing rules designed to settle labor disputes and fixing wages and working conditions in certain fields of our economy. The Constitution does not subject this lawmaking power of Congress to Presidential or military supervision or control."

The Courts have repeatedly held that in the framework of our Constitution the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. *Youngstown Sheet and Tube, supra*, page 587. Congress alone is invested by our Constitution with the power to legislate and Congress cannot delegate that power to the President. *Panama Refining Company, supra; A.L.A. Schecter Poultry Corp. et al v. United States*, 295 U.S. 495.

Your cooperation in providing me with your opinion in this matter will be greatly appreciated.

With kind regards, I am

Sincerely,

JOHN L. MCCLELLAN,
Chairman.

NIXON'S MISSED OPPORTUNITY

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that an editorial entitled "Nixon's Missed Opportunity," published in Newsday of June 6, 1969, be printed in the RECORD. This is one of the most perceptive, brief statements that I have seen. I do hope the President will take heed of this timely warning.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NIXON'S MISSED OPPORTUNITY

In his discussion of student unrest earlier this week, President Nixon accurately described much of the youth revolt as "an attempt to strip away sham and pretense, to puncture illusion, to get down to the basic nub of truth." The President seemed to recognize that young people and others, too, are weary of hypocrisy in public officials, of a "credibility gap" in government, and of the ability of politicians to tell it both ways. He spoke eloquently of the need to find a way "to speak plainly, truly about the facts of Public life."

Unfortunately, the President missed the opportunity to do just that later in the week when he spoke at the graduation exercises of the Air Force Academy. Some of the points he made in defense of an adequate military needed to be said but when the President launched a broadside attack on critics of American military policy he employed the very tactics which he had previously said the young were decrying (and which he, too, seemingly deplored).

He did it by suggesting that people who criticize certain military policies are either isolationists or advocates of unilateral disarmament. This simply is not fair. One does not have to be against an adequate defense to be for the responsible procurement of military hardware. One does not have to be for quitting the world to be against prolonging the war in Vietnam. One does not have to be for surrendering to the Russians to be against the anti-ballistic missile.

And yet the President preached the doctrine that people who ask questions about these matters are somehow unpatriotic or fuzzy. He spoke of a school of thought that "holds that the road to understanding with the Soviet Union and Communist China lies through a downgrading of our own alliances and what amounts to a unilateral reduction of our arms in order to demonstrate our good faith." To whom is he referring? What are their names? No responsible critic of American policies holds these views.

"They believe," he went on, "that we can be conciliatory and accommodating only if we do not have the strength to be otherwise." That kind of charge might be described in more colorful language but, for the moment, let's merely call it nonsense. "They," meaning opponents to the war in Vietnam, skeptics about the ABM, and advocates of tighter control over military spending, believe no such thing, and Nixon is guilty of one of the oldest tactics of rhetorical malfeasance: attributing to an opponent motives he does not hold but which sound credible enough to damn him in the public mind.

The President made a serious mistake when he went in for this kind of thing, not only because it smacks of the grosser moments of the Johnson administration (remember LBJ's denunciation of "Nervous Nellies"?) but because it undermines the beginning President Nixon made earlier in the week toward rapport with young people, and some older ones, too, who do want public officials "to speak plainly, truly, about the facts of public life."

IS THE BUDGET SURPLUS AT THE EXPENSE OF SCHOOLCHILDREN?

Mr. YARBOROUGH. Mr. President, news of a $3.1 billion budget surplus coincides with complaints reaching me from many Texas school districts about the belated payment of their entitlements under Public Law 874.

Under the law, these payments ultimately have to be made. But the budgeteers have decreed that the payments be stretched out so as to reduce actual Federal expenditures for the fiscal year. Thus it is that a budget surplus can be made from expenditures put off until after the end of the fiscal year.

This year, Members of Congress were notified early in the year that payments under Public Law 874 would not be completed until sometime after September 30. A school district in Texas has written me a typical statement that it is still owed money for last year, as well, and that it has had to borrow money to meet its payroll for the last 3 months. I ask unanimous consent that a letter I have received from the superintendent of this district, the Glen Rose School District in Glen Rose, Tex., be printed at the conclusion of my remarks.

For any school district in the country still to be owed money by the Federal Government for the 1967–68 school year is unconscionable. I appreciate that some time is required for applications to be received and processed, so that each eligible district can receive a prorated share of the appropriated money.

But a stretchout resulting from a shortage of personnel, or a stretchout designed for the bookkeeping purpose of postponing until a later fiscal year a payment owed is inexcusable. How does it combat inflation to compel these school districts to go into the financial market and borrow at a high rate of interest? That is what they have to do until they get the money due them.

Public Law 874 is for operating expenses. It is not for construction, or for a project that can be slowed up and completed at a later date than originally scheduled. These children have to be taught every day, and someone has to pay for it. If the Federal Government does not meet its responsibility, the local school district must go out and borrow to pay the Federal share of the expenses.

I remind the Department of Health, Education, and Welfare that the personnel ceiling previously in effect has now been removed. If the kind of delay that results in payments still owed for fiscal year 1968 is due to the shortage of personnel to investigate and process the applications, then the administrators of the Department are remiss in not acting to add whatever staffing is needed for prompt action on these applications.

It is time to stop playing budgetary games with the schoolchildren of America.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GLEN ROSE INDEPENDENT SCHOOL DISTRICT,
Glen Rose, Tex., August 1, 1969.
Hon. RALPH W. YARBOROUGH,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: Newspaper reports of a $3.1 billion Treasury surplus has prompted the School Board of the Glen Rose Independent School District to seek your help in securing payments due the School on various Federal programs.

To date, the Gen Rose Schools are due the following:

1. $1,885.00 under Public Law # 874 for 1967–68 based on 98% funding of our application.
2. $4,570.00 under Public Law # 874 for 1968–69 based on 88% funding of our application.
3. $5,490.00 under Elementary and Secondary Education Act, Titles I, II, V, and N.D.E.A. III for 1968–69.

No payments have been made on our approved grant under the various programs of the Elementary and Secondary Education Act since the month of April. The amount due us represents 25% of the approved grant. The Texas Education Agency tells us that no funds have been received from the Federal Government. As a result, we have borrowed to meet our payrolls for the past 3 months and all other obligations have remained unpaid.

Any assistance you may be able to give us in speeding up these overdue payments will be greatly appreciated. Also we request your help in securing full funding in Congress for 1969–70 of Public Law 874. This program is of vital interest to our district. We want to thank you for all past efforts in our behalf. They are greatly appreciated. Thank you.

Sincerely,
J. M. MCCROSKEY,
Superintendent Glen Rose Public Schools.

OMAHA FIRM GIVES MEANING TO MINORITY ENTERPRISE

Mr. HRUSKA. Mr. President, on March 5, in a statement incident to his signing of an Executive order establishing the minority business enterprise program, President Nixon said:

> I have often made the point that to foster the economic status and the pride of members of our minority groups we must seek to involve them more fully in our private enterprise system. Blacks, Mexican-Americans, Puerto Ricans, Indians, and others must increasingly be encouraged to enter the field of business, both in the areas where they now live and in the larger commercial community—and not only as workers, but also as managers and owners.
>
> Providing better job training and making more jobs available is only part of the answer.
>
> We must also provide an expanded opportunity to participate in the free enterprise system at all levels—not only to share the economic benefits of the free enterprise system more broadly, but also to encourage pride, dignity, and a sense of independence. In order to do this, we need to remove commercial obstacles which have too often stood in the way of minority-group members—obstacles such as the unavailability of credit, insurance, and technical assistance. Involvement in business has always been a major route toward participation in the mainstream of American life. Our aim is to open that route to potentially successful persons who have not had access to it before.
>
> Encouraging increased minority-group business activity is one of the priority aims of this administration.

This statement is the redemption of Mr. Nixon's campaign pledge in his widely hailed "Bridges to Human Dignity" speech during last year's campaign.

Today, I invite the attention of the Senate to an event in my home city of Omaha, where yesterday and today there is being launched a new business enterprise which gives special meaning to the President's words. It is called Time Out, Inc., a national restaurant franchise system founded by a group of Omaha citizens having two concerns.

One, of course, is to achieve profitability—the goal of our free enterprise system. Profits represent the fuel which generates benefits to all Americans.

The second concern of this unique company is to provide the kind of opportunity for residents of the Nation's inner cities that has been denied to many of our black citizens and members of other minority groups.

Time Out believes that any well meaning and properly motivated person who is willing to learn and to be directed in its system, can irrespective of previous education and past business experience, become a successful entrepreneur if he has the will to succeed and if he is supported by proper training.

This corporation, which is marking the grand opening of its first drive-in unit in Omaha this week has developed a plan which will permit a person who may be labeled "disadvantaged," to obtain a franchise for a drive-in in an inner city or other desirable location, hire employees, and become a successful businessman.

Time Out is sensitive to the problems a new businessman might face. It is providing the managers of all its franchised drive-ins with a 4-week course at its training center in Omaha. It is setting up an electronic data processing center to relieve the franchisees of time consuming and unfamiliar bookwork. It will offer continuing guidance and help in the area of management. Even the drive-in building itself and its equipment have been designed for simplified operations with low maintenance.

I have met a number of Time Out's top personnel, black and white. They represent the highest type of businessman—people who are concerned with efficiency as well as social obligations. On the firm's board of directors are such noted Negroes as Bob Boozer, a star basketball player for the Chicago Bulls; Bob Gibson, the famous pitcher for the St. Louis Cardinals; and Dr. Claude Organ, a prominent Omaha surgeon.

These people are dedicated to extending the benefits of our free enterprise system not only to black citizens but to representatives of other minority groups as well as to the white community.

In view of the fact that the company is marking the grand opening of its first unit this week, I think it worthwhile to commend its efforts in bringing the benefits of our society and economic system to many who have heretofore been denied.

Time Out, Inc. will serve as an example to the Nation that opportunities founded on cooperation and involvement will benefit the cause of understanding and progress for our communities and for all Americans. This kind of practical down-to-earth, profit-motivated activity is, in truth, a "Bridge to Human Dignity."

CONGRESS IS GETTING THE MESSAGE, SLOWLY

Mr. HATFIELD. Mr. President, there is something new in Congress this year—and it is not just new faces. What is new, however, is the increasing concern of the Members of Congress for what kind of Nation, and what kind of a world, we are trying to build with the taxpayers' dollars.

From my own efforts as chairman of the Military Spending Committee of the Members of Congress for Peace through Law to the concerted efforts of my senatorial colleagues, it is becoming obvious that a better balance between military and domestic spending is wanted in our Nation. Constituent mail gives evidence that the new focus of congressional attention is welcomed by the public. By news reports, it is becoming clear that that issue is regarded as among the most significant facing our country.

With this preface, it is with hopefulness and commendation for his timely commentary that I ask unanimous consent that the transcript of David Brinkley's evening radio broadcast of July 31 be printed in the RECORD.

There being no objection, the broadcast was ordered to be printed in the RECORD, as follows:

DAVID BRINKLEY, EVENING RADIO BROADCAST, JULY 31, 1969

New York City spends more on war than it spends on itself— but so does every other city in the country.

In today's New York Times is a full-page advertisement paid for by a group of private citizens, and the headline reads: "New York spends more on war than on New York." Then it quotes Mayor John Lindsay as saying, "The taxpayers of New York City send three billion dollars every year into the war in Vietnam, and they send six billion dollars every year into the military-industrial empire."

Then it goes on to say that the nine billion dollars of New York City tax money that Washington spends on the military every year is more than the entire city budget. The point of the advertisement is that pouring all that money—year after year—into wars and military hardware while the local needs of the people in the cities and states are neglected is insane.

What the advertisement does not say, but could accurately have said, is that the same facts apply to every big city in the country. Small ones, too. The simple fact is this: every year, all the income taxes paid by all individuals in the United States—all of them together—are not enough to pay for what the Pentagon spends. Not only now when there's a war, but for the most of the last twenty years when there was no war.

The figures for New York City are somewhat more dramatic simply because New York City is the biggest. But again, precisely the same facts apply in every other city in the country, large or small. This has been going on since just after World War Two, but not until recently has the American public come to realize how much it was being drained each year to support an enormous military machine. And only in fairly recent months have these protests begun to appear.

The taxes Washington now collects are close to the taxes first put on at the beginning of World War Two, when they were described as war taxes. Now (25 years later) the taxes are still being collected at about the same rates, as if we were still in the middle of a world war. And in all those years, local public services across the country have been pinched for money: schools, health care, air and water, street cleaning, police, fire and the rest of it. One phrase somebody used was this: "If this goes on, the United States will become the best defended slum in the history of the world."

Not all the city and state problems can be solved with money but some of them can, and none will be solved by spending most of the money on bombers, tanks, submarines—one piled on top of another, year after year.

It does seem now that Congress is getting the message, slowly. If the spending on the military is to be reduced, that's where it has to be done.

ERNEST FITZGERALD SPEAKS OUT ON MILITARY WASTE

Mr. PROXMIRE. Mr. President, in my mind, no one has contributed more to congressional and public understanding of the waste in our military procurement—and the need to act to prevent it—than Mr. A. E. Fitzgerald, the Deputy for Management Systems, Office of the Assistant Secretary of the Air Force for Financial Management.

Mr. Fitzgerald has testified many times before the Subcommittee on Economy in Government of the Joint Economic Committee. I am chairman of that subcommittee.

It was Fitzgerald who first called the Nation's attention to the huge overruns in the C–5A, as well as in other weapons systems.

The August issue of the magazine Professional Engineer contains an article entitled "Defense Waste and the Industrial Engineer—A Professional Dilemma," written by Mr. Fitzgerald. In the article Mr. Fitzgerald discusses the two different approaches to estimating now recognized in defense acquisition: probable cost and should cost.

"Probable cost"—by far the most widely used—projects program or contract costs based upon experience with the same or similar program without considering the possibility that the bases for projecting may be inflated by ineffective performance.

"Should cost" estimates attempt to project costs attainable by reducing inefficiency and waste.

As Mr. Fitzgerald points out:

The should cost estimates have been vigorously opposed by both the Government and Contractor segments of the acquisition community. On the other hand the acquisition community has adopted the probable-cost estimating techniques with enthusiasm for negotiating costs of new contracts and changes. It is indeed a more comfortable mode of operation. It allows negotiations to be conducted in a gentlemanly manner, which helps Government-industry relations no end. The only people who suffer are the taxpayers, who are generally ignorant of the process and do not complain.

Mr. Fitzgerald cites the great political power of the contracting associations in opposing changes and concludes:

Given the overall climate and the level of opposition to cost reducing measures (reinforced by occasional examples of personal disaster visited on economy proponents), it is not surprising that most working-level Government acquisition managers shy away from tough cost control actions. The most successful Government project managers take a detached view of all financial matters once they make sure they have enough money to cover their contractors' requirements.

The environment I have described is hardly conducive to motivating major contractors to do the things necessary to run efficient operations. Given an environment without effective penalties for poor performance, I can honestly think of no valid business reasons why the major contractor community should extend itself to improve its cost performance on Government contracts, so long as it is assured of our continued patronage.

Despite evidence of vast increases in discretionary expenses, shocking inefficiencies, and unnecessary activities, I do not know of a single effective program under way to capture the cost improvement potential in these areas today. Broad but nonspecific commitments to improved efficiency are often heard, but the hard means of attainment are resisted.

Mr. Fitzgerald spells out the consequences of these loose procurement practices and details their significance. He points to inflation and high taxes, limitations on military hardware and services, poor product quality, adverse effect on the balance of trade, failure to achieve social goals, failure to "maintain capability," and finally breakdown of trust in Government.

Mr. President, I ask unanimous consent that Mr. Fitzgerald's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEFENSE WASTE AND THE INDUSTRIAL ENGINEER: A PROFESSIONAL DILEMMA

(By A. E. Fitzgerald, P.E.)

Since last November I have been privileged to testify several times before the Senate Subcommittee on Economy in Government. In these appearances I and others have discussed problems and opportunities in controlling major weapon acquisition costs. The reactions to this testimony have been remarkable.

Following my first appearance, in which I confirmed the information that the Government estimates for the cost of C–5A aircraft had increased dramatically, I found myself in very serious difficulty with the management of the Department of Defense. Despite attempts on my part to settle the inadvertently generated conflict, my personal difficulties persisted. When these difficulties were publicized by the press and the Congress, I began to hear from large numbers of people throughout the country, practically all of whom agreed with my views on costs of big defense systems.

I have maintained that we commonly have excessive costs in the operations of the giant contractors who develop and manufacture our major weapons systems. By major weapons systems I mean such things as the F-111, Minuteman, and the C–5A. I have presented evidence to demonstrate that a major reason these problems exist and are not corrected is that the intent and determination to require efficiency in the operations of the larger contractors are insufficient on the part of the Government management. I emphasize the term "larger contractors" since it is my conviction that the Government is much more solicitous of the contractors' welfare in dealing with giant systems contractors than with small suppliers.

In various appearances before the Joint Economic Committee I have attempted, in addition to citing the intent problem, to popularize some of the more technical aspects of controlling costs on these complex programs. One of these aspects which I have discussed in some depth is the type of cost estimating employed in setting the prices of large weapons systems.

Basically, I have discussed the two approaches to estimating now recognized in defense acquisition. The two different approaches produce either the so-called probable-cost estimates or should-cost estimates. Probable-cost estimates are by far the most widely used. These estimates project program or contract costs based on experience on the same or similar programs without considering the possibility that the bases for projection may be inflated by ineffective performance. Should-cost estimates attempt to project costs attainable by reducing inefficiency and waste.

The should-cost estimates have been vigorously opposed by both the Government and contractor segments of the acquisition community. On the other hand, the acquisition community has adopted the probable-cost estimating techniques with enthusiasm for negotiating costs of new contracts and changes. It is indeed a more comfortable mode of operation. It allows negotiations to be conducted in a gentlemanly manner, which helps Government-industry relations no end. The only people who suffer are the taxpayers, who are generally ignorant of the process and consequently do not complain.

I have heard responsible Government managers oppose should-cost pricing by rationalizing contractor inefficiency as a good thing—creating more employment, keeping the large contractors financially healthy, and the like. This group, which I call the "social goals" faction, has exerted a powerful influence on defense acquisition in recent years. The argument that we must allow excessive costs in order to "maintain capability" (keep contractors in business) is also heard often.

ASSOCIATION'S INFLUENCE

The political potency of the large contractors and their supporters in all branches of the Government is often cited as an obstacle to improvement. I have personally observed the effectiveness of the large industry associations such as AIA (Aerospace Industry Associations) and CODSIA (Council of Defense and Space Industry Associations) in opposing measures beneficial to the taxpayers. Most major changes in the acquisition process are cleared in advance with these contractor associations.

The Industry Advisory Council (IAC), a joint Department of Defense/contractor group, is also a strong force in opposing changes not beneficial to the acquisition community. Conversely, changes beneficial to major contractors, such as the increases in progress payment or reimbursement percentages, breeze through the IAC.

Given the overall climate and the level of opposition to cost reducing measures (reinforced by occasional examples of personal disaster visited on economy proponents), it is not surprising that most working-level Government acquisition managers shy away from tough cost control actions. The most successful Government project managers take a detached view of all financial matters once they make sure they have enough money to cover their contractors' requirements.

The environment I have described is hardly conducive to motivating major contractors to do the things necessary to run efficient operations. Given an environment without effective penalties for poor performance, I can honestly think of no valid business reasons why the major contractor community should extend itself to improve its cost performance on Government contracts, so long as it is assured of our continued patronage.

Despite evidence of vast increases in discretionary expenses, shocking inefficiencies, and unnecessary activities, I do not know of a single effective program under way to capture the cost improvement potential in these areas today. Broad but nonspecific commitments to improved efficiency are often heard, but the hard means of attainment are resisted.

I do not intend to suggest that the subject of why we have excessive acquisition costs is a simple one or that there is a single easy remedy. However, I do believe the permissive or, at best, indifferent environment of past years has been the prime factor in erosion of the buying power of the defense dollar.

LOOSE ACQUISITION PRACTICES

Taken together, I believe the broader effects of loose acquisition practices on major programs make up one of our most severe national problems. Some of these effects are (1) inflation and high taxes. The contribution of waste in major acquisitions to inflation and higher taxes is probably the most obvious of its adverse effects. Not only are the expenditures themselves mostly nonproductive in a purely economic sense, but higher contractor prices also condition buyers to view continuing upward trends as inevitable.

For example, the runaway contractor overhead rates, plummeting labor efficiency, and sharply increasing average pay of the ballastic missile contractors during the early 1960's—a period of relative price stability—were the precursors of our present inflation.

The higher prices caused by degraded performance spread throughout the major acquisition community, encouraged by the permissive climate for cost growth. Smaller suppliers were forced to follow suit to remain competitive for employees, services, and material. This situation compounded the effect of increases in volume of procurements after 1965. General inflation followed, and higher taxes, including the surtax, were imposed to pay the bills.

(2) Limitations on military hardware and services. During periods of stringent budget limitations, high and ever-increasing costs limit available and planned military hardware and services.

It is puzzling that the strongest opposition to improved cost control measures comes from some of the most verbally hawkish elements of the acquisition community. It is also strange to find that these same verbally hawkish elements are strong supporters of the theory that defense inefficiency is necessary to the attainment of "social goals," and that they often rationalize excessive costs on the grounds of "maintaining capability."

As something of a hawk myself, albeit a parsimonious one, I find these arguments fascinatingly illogical. Even if the Government desired to spend a given amount of defense money to "maintain capability," to employ the disadvantaged, or whatever, I see no reason why we should not try to get full value in return. This is particularly true in periods when it is argued that we need more or newer defense hardware.

(3) Poor product quality. Product quality is inevitably affected adversely by the poor management and worker discipline encouraged by loose acquisition policies. In some contractor operations, workloads are so low that workers do not maintain concentration on their widely spaced essential activities. Workmanship suffers greatly under these conditions.

In all the major weapons systems I am familiar with, those which experienced severe technical and quality problems were affected to some degree by this underlying cause.

4) Impact on international trade. General domestic inflation is often cited as a growing problem in maintaining a favorable trade balance. A more persistent and possibly irreversible problem, which may be obvious at present only to industrial specialists, is the effect of undemanding acquisition cost management practices on our nation's management and work habits.

The poor management and work habits typical of the larger defense plants rapidly infect entire communities. There is a growing body of opinion which asserts that this situation is one of the root causes of a national productivity problem which threatens our competitive position in world markets and, hence, our balance of trade.

Until recently, American management and labor were so efficient compared to foreign competitions that they could be paid considerably more than their foreign counterparts and still compete successfully in world markets. There are increasingly fewer market areas where our margin of effectiveness is sufficient to offset differentials in rates of pay.

ACHIEVE SOCIAL GOALS?

(5) Failure to achieve "social goals." It is ironic that even with the strong position enjoyed by the "social goals" faction in the defense acquisition community, avowed "social goals" are not being achieved. The reason for this is quite simple. Most defense acquisition activities are very poor vehicles for employing those who could not otherwise be employed in a healthy economy.

Some time ago, this fact was recognized, and an effort was made by the Department of Defense to encourage defense contractors to hire low skilled and poorly motivated employees from among the hard core unemployed. Authority was granted to pay up to a 33 percent price premium for materials and services supplied by the disadvantaged. Armed Services Procurement Regulations requirements and restrictions in the Defense Appropirations Act were bypassed by transferring defense funds to the Small Business Administration for their subsequent contracting. The SBA is not bound by Armed Services Procurement Regulations or restrictions in the Defense Appropriations Act.

Even with all this activity, the hard core unemployed remain largely unemployed. Furthermore, those few who have been employed have, for the most part, been introduced to an undemanding, subsidized type of industrial activity which will equip them very poorly for the competitive world. I believe we should do much more to help the disadvantaged become more productive citizens and thereby have a better life. We should make sure they have a fair chance to fill legitimate, necessary jobs in the defense industry.

However, it is quite clear that extra-cost employment of the disadvantaged could be brought about much more efficiently outside the defense establishment. The specialized nature of the defense business, coupled with the inefficient management now prevalent in the industry, results in huge Government administrative and contractor overhead costs which must be paid in order to employ the disadvantaged. These expenses could be much less if extra-cost programs to employ the disadvantaged were assigned to agencies other than the Defense Department.

I believe employment of the disadvantaged in economically productive activities would be more beneficial to both the national economy and the disadvantaged. Finally, a significant excuse for inefficiency would be removed.

(6) Failure to "maintain capability." At many contractor facilities where the Government has spent vast sums of money to "maintain capability", it appears that the opposite result has been achieved. Often these organizations have been sustained in near idleness long enough to impair seriously their ability to become effective producers. The effect on these companies is as tragically demoralizing and debilitating as the effect of prolonged welfare payments on a healthy family.

Worst of all, from the standpoint of organizational potential, most of the best producers among the staffs of the "maintained" companies have long since departed. Top people, particularly creative ones, simply will not tolerate the deadly, stagnant atmosphere of near idleness and make-work if opportunities for challenge and growth exist elsewhere. The atrophy of major industrial suppliers could have disastrous consequences should the time come when national survival depends upon our ability to outproduce any other nation.

(7) Breakdown of trust in Government. By far the most disturbing implication of continued drift in defense cost control policy is the danger of losing the trust and faith placed in the Government by the American people. Until quite recently, defense waste and its causes were seldom discussed publicly. However, as the procurement community has grown larger and less efficient, it has also become more visible to the grassroots taxpayer.

Since my difficulties in the Pentagon were publicized, I have heard from literally hundreds of private citizens who expressed their own conviction, usually based on personal experience, that there is enormous waste in defense acquisition. These citizens generally have difficulty putting a dollar price on their own particular horror stories and often have difficulty detecting and explaining the causes. However, they are convinced of the avoidability of waste and object to the increased tax burden to pay for it.

PUBLIC BEING MILKED

There is another group of people who feel even more strongly than the average taxpayer group that the American public is being milked. These are the professional management people who have attempted to correct defense cost abuses and have suffered personal reverses as a result. All these people deeply resent being told in official pronouncements that all is well and that the ever-increasing defense money requirements are solely the result of the necessity to counter "threats" or of inexorable economic processes. They know better.

An increasing number of people believe that a prime purpose of defense expenditures is to enrich the so-called military-industrial complex. This belief is fed by obvious waste, frank admissions of protecting supplier interests at the taxpayers' expense, and delays in corrective actions by the Government. In these circumstances, we might reasonably ask how long we can expect the annual recurrence of the miracle of April 15 in which millions of our citizens give up sizable portions of their bank accounts with minimum protest.

I am told by friends from abroad that this phenomenon is almost unique in the free world and that foreign governments view it with awe and envy.

It is by no means certain that our heavily burdened taxpayers will continue to provide the still enormous sums for the necessary portions of the defense budget if the taint of waste is not removed. Moreover, oratory and superficial, isolated demonstrations of toughness will not suffice. Hard-nosed corrective action on a broad scale is needed. More than any other area of government, stewardship of the defense appropriation should be above reproach. At present, it is not.

Although I have painted a gloomy picture and a somewhat frightening one, I believe our present difficulties offer opportunities for improvement in the future. The possibility of capturing the cost reduction potential represented by excessive costs in our major weapons systems presents a genuine opportunity to find money for other national requirements at minimum risks to our security. We might even consider cutting taxes.

TRAINING INFLUENCES VIEWS

I recognize that my views on this subject are heavily influenced by my training and experience as an industrial engineer. Unquestionably, this background causes me to view industrial and business operations much more critically than most other managers in the weapons acquisition business. However, there are thousands of other experienced industrial engineers who have had the same exposure to defense inefficiencies as I, though rarely on so broad a scale.

As a long-time worker in industrial engineering professional association activities, I have met and talked with hundreds of these people over the years. Many are long-time friends. I know of none who have shared my experiences who will disagree with my appraisal of the problems and the opportunities in the acquisition of major defense systems. Because of our special skills, I believe that we professional industrial engineers have a particular responsibility to speak out on these subjects. Yet how many have? Unfortunately, not many.

The reason for my professional colleagues' silence is crystal clear to me. Those who have the best opportunity to view at close hand the situations I have described are engineers in the employ of large defense contractors. Clearly, these people could not make public disclosures of their convictions without jeopardizing the interests of their employers, at least in the short run. Also, they probably would be fired. Unquestionably, an industrial engineer who offended his employer in this way would have great difficulty obtaining responsible employment.

Despite my sympathy and understanding of these individuals' situations, I cannot avoid the question of whether industrial engineers can truly be called professional under these circumstances. By a loose definition, all employed industrial engineers are professional in that they get paid for their activities and have thereby lost their amateur standing. However, I believe the hallmark of true professionalism is an overriding dedication to the public good.

No one would argue the fact that a professional civil engineer should not approve a faulty design for a bridge or public building simply because his employer wished him to do so. I recognize that the issues in such decisions are not always clear-cut or precisely stated, and I am not so naive as to believe that the judgments are completely unaffected by employer interest.

However, open advocacy of jeopardizing the safety of people using the structures would never be tolerated. Should such a practice become commonplace and known to the public, the approval of the civil engineer would become meaningless and his professionalism would be destroyed.

ATTAIN TRUE PROFESSIONALISM

Given this unfavorable comparison with other professional disciplines, accentuated by the dilemma faced by industrial engineers in the defense industry, I have concluded that we as a group cannot truly lay claim to professional objectivity at present. At the same time, I am convinced that I and others of my craft can somehow overcome the obstacles to attainment of true professionalism.

I would be most interested in the views of my colleagues on the subject. We have a golden opportunity to make a major contribution to the national well-being, and the mood of the country demands that we try.

FIRST IN SPACE, FIRST ON EARTH

Mr. GURNEY. Mr. President, for the past 2 or 3 years, it has been politically popular in Congress to shoot down the space program. The arguments always include the new space term of "moondoggle" and have been accompanied by caustic remarks about the multibillion dollar cost of bringing back green cheese from the moon, plus anguished cries and pleas that if we were not spending so much money on the moon, we could solve all our problems of poverty and housing and welfare.

These same negative voices are now being heard to say that since we have attained the moon goal, now is the time to forget this moon-madness and to turn to the pressing problems here on earth.

On the other hand, some of us have been arguing hard and consistently that the nation first in space is going to be first here on earth, not only in scientific, engineering, and technological preeminence, but, of equal importance, in the area of foreign relations.

Some of us have pointed out repeatedly that the greatest propaganda triumph accomplished by Communist Russia in the entire history of its nation was realized when Russian space people first orbited Sputnik and first put a man in space, Uri Gagarin. Overnight, the eyes of the entire world were focused on this outstanding Russian achievement and the leader of the Communist world took over the driver's seat from the United States of America. We in turn were relegated to the back seat.

It took years and many space dollars before this Nation convinced the world that we were in the running with Soviet Russia in this space business. We scored many other firsts in space, but so also did the Russians.

Finally, on July 20, with the entire world watching, Neil Armstrong became the first man to set foot upon the moon. There is no way to accurately assess the far-reaching effects of this magnificent achievement of all of mankind in general and the United States in particular. It certainly can be said that this was the greatest outstanding single achievement in the history of the world. Certainly it can be said that once again the United States took over the driver's seat and in turn relegated to the back seat in this business of space and engineering and science and technology, the Communist Soviet Union.

Perhaps the most convincing, concrete piece of evidence of the enormous value of a successful space program was displayed in Bucharest, Rumania, last week. President Nixon visited a Communist nation, a Russian satellite behind the Iron Curtain, with its eastern border common with Russia. This was a nation whose leaders have seen its neighbors ruthlessly cut down in Czechoslovakia and in Hungary, when they sought to gain some small measure of independence from Russia. This was a nation which now witnesses the adjoining nation of Yugoslavia training its people for guerrilla warfare in the forest and the mountains, in the event that the leaders of the Kremlin decide to march into Yugoslavia with their tanks and soldiers. Yet in spite of all this, this Communist nation gave the most spectacular welcome on his world tour to President Nixon, the President of the United States, the hated foe of communism and the constant target of the masters of the Kremlin. There is unanimous agreement that this warm feeling on the part of the Rumanian leaders and the Rumanian people and the outpouring of a million of their citizens to greet our President had a direct relationship with the successful voyage of Apollo 11 to the moon.

Our defense budget is now running at a cost of $77.1 billion annually. We are fighting a war against commumism in Vietnam at a cost of $25 billion annually. We have spent $171 billion in foreign aid since World War II. Every single dollar of defense spending, of Vietnam spending, of foreign aid spending, is directly related to our national goal of survival against communism and our efforts especially to protect ourselves against the Soviet dreams and ambitions of world conquest.

We spent $22 billion going to the moon. It is my firm belief that a strong argument can be made that these dollars are equal in value for goods received, in the constant anti-communism struggle for the good will and friendship of peoples around the world, to any defense dollars or any foreign aid dollars.

There are many practical arguments of the importance of practical fallouts from the space program, in the field of communications, weather reporting, new products and a host of other things.

But if none of this had occurred at all, I am convinced that the prestige which the United States has acquired throughout the world by virtue of its Apollo 11 moon voyage is alone worth the money we have invested and expended.

In view of this Rumanian visit of President Nixon and his warm and tumultuous reception there, it is unthinkable not to drive ahead in the space program of the United States.

There are four major goals to be performed. One, to further manned space flight for long periods in close to the Earth orbit to prepare us for longer space voyages. Two, more scientific exploration to unlock the secrets of the universe. Three, a manned space flight to Mars. Four, unmanned explorations of the rest of the planets in the solar system.

Not all of these goals can be accomplished at once and simultaneously, nor is there any thought that they should be. Properly scheduled, they are all possible within the financial capability of the United States. We should map right now an orderly space program to carry us through the next two decades of the 1970's and the 1980's. We can do this and spend considerably less a percentage of the gross national product of this Nation than we did in accomplishing the Apollo program.

To set our goals for anything less, would deny our heritage and cast aside and abandon the never-failing adventurous spirit of our Nation and its people since the first settlers came to this land over 350 years ago.

It is for the administration to set the

goals, but it is just as important that Congress as the representatives of the people, back the administration in an ongoing, adventurous, and productive space program, that is representative and reflective of the United States of America and its heritage of exploration, and breakthrough in science and engineering and technology.

In closing, I again remind the Senate that the Nation in this world that is first in space will also be first here on this planet, Earth.

BUDGET BUREAU ACTION TO IMPROVE DISCOUNTING

Mr. PROXMIRE. Mr. President, the application of discounting analysis to proposed public investment undertakings is essential in separating those expenditures which are economically worthwhile from those which are not. On July 1, 1969, the Bureau of the Budget issued a circular to all executive agencies requiring consistent and improved discounting procedures. This circular was a direct response to the recommendation of my Subcommittee on Economy in Government of the Joint Economic Committee.

In discussing this Budget Bureau circular on the floor of the Senate on July 2, 1969, I stated that the minimum rate which it designates as acceptable is too low. While this minimum rate is based on the current yield on long-term Government securities, the Bureau appeared to accept a discount rate of 4⅞ percent at a time in which the actual yield on Government securities is 6¼ percent.

Within the past few days, I have learned from Director Mayo, of the Bureau of the Budget, that the Bureau is requesting the use of higher rates of interest in the evaluation of activities other than those under the jurisdiction of the Water Resources Council. He stated:

> These higher discount rates were specified in the issue letters sent to agencies this spring. The issue letters prescribed use of a 10 percent discount rate with tests for sensitivity at a higher rate and the then current yield on Government bonds of 6 percent.

This is most encouraging information. Effective discounting analysis will go far toward improving the efficiency of Federal Government investment decisions.

I ask unanimous consent that the letter from Robert Mayo providing this information and the memorandum referred to in that letter be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., July 30, 1969.

Senator WILLIAM PROXMIRE,
Chairman, Subcommittee on Economy in Government, Congress of the United States, Washington, D.C.

DEAR SENATOR PROXMIRE: Thank you for your letter of July 9. I am pleased to learn that you and I both agree that Budget Bureau Circular No. A–94 will contribute to improved investment policy in the Federal Government.

There may be some misunderstanding with respect to the Circular's use of the discount rate formula established by the Water Resources Council for project evaluation. The interest rate established by the Water Resources Council applies to water resources projects whose evaluation practices are under its jurisdiction. For other Federal activities, however, this rate is intended only as a minimum, and higher rates, when requested by the Bureau, apply in their evaluation.

To preclude similar misunderstanding within the Executive Branch, the attached memorandum accompanied copies of the Circular sent to agency heads and emphasizes that the accepted evaluation rates are above the minimum based on the Water Resources Council formula. The higher discount rates referred to in the memorandum were specified in the issue letters sent to agencies this spring. The issue letter prescribed use of a 10 percent discount rate with tests for sensitivity at a higher rate and the then current yield on Government bonds of 6 percent. As the Circular and the memorandum provide, these rates continue to apply.

The study identified in the Circular is well underway, and the results of this effort to estimate a discount rate based on the opportunity cost of private spending displaced by Government expenditure will be reviewed intensively in the fall. If the review indicates that this rate and the procedure devised to estimate it provide a suitable standard for evaluating programs and projects, the Circular then can be revised accordingly. In the meantime, I believe that the Circular as it now stands provides satisfactory guidance for investment decisions in the Federal Government.

Sincerely,

ROBERT P. MAYO,
Director.

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

EXECUTIVE OFFICE OF THE PRESIDENT, BUREAU OF THE BUDGET,
Washington, D.C., July 1, 1969.

Subject Circular No. A–94, "Discount rates and procedures to be used in evaluating deferred costs and benefits."

Circular No. A–94 was issued June 26 to be effective July 1, 1969. It provides a more adequate standard for evaluating public investments and a *minimum* interest rate to be used. However, I draw your attention to paragraph *5b* in the Circular:

"The Bureau of the Budget will request specific higher rates for particular projects or program evaluation efforts. Agencies should include in their analyses present value estimates of costs, benefits, and outputs based on these rates. (A study of the interest rate representing opportunities foregone in the private sector is being made and will be available later in the year.)"

The higher discount rates requested by the Budget Bureau for evaluating policy issues should continue to be used as requested earlier this year. The intent of the Circular was to identify a minimum acceptable interest rate and encourage use of higher and more appropriate rates, pending completion of the study identified in the Circular.

ROBERT P. MAYO,
Director.

REPORTS OF COMMITTEE TO MAINTAIN A PRUDENT DEFENSE POLICY

Mr. JACKSON. Mr. President, the Committee To Maintain a Prudent Defense Policy, under the chairmanship of Dean Acheson, has made a substantial contribution to making the consideration of the ABM defense matter more intelligent and rational.

I invite the special attention of Senators to two reports of that committee on two key issues raised in the ABM debate. I believe Senators can find these analyses helpful in making their judgments.

The questions to which these two reports are addressed are: "The Problem of Coordinating a Surprise Attack—Can Our Deterrent Depend on It?" and "Instead of Deploying Safeguard, Could We Not Wait and See Whether the Soviet SS–9 Threat Continues To Develop, Since We Could Deploy More Offensive Missiles if It Does?"

I ask unanimous consent that the two reports be printed in the RECORD.

There being no objection the two reports were ordered to be printed in the RECORD, as follows:

[A report from Committee To Maintain a Prudent Defense Policy]

THE PROBLEM OF COORDINATING A SURPRISE ATTACK—CAN OUR DETERRENT DEPEND ON IT?

Opponents of Safeguard have frequently argued that there would be no threat to our deterrent even if the Soviet Union develops the capability to destroy our Minuteman force with its SS–9's because the Soviets would still face the impossible task of coordinating a simultaneous attack on all three components of our deterrent—bombers, submarines, and land-based missiles. While our bomber force might be vulnerable to attack by submarine-launched missiles which could arrive before the planes have time to leave their bases, such an attack would give us time, or so the opponents of Safeguard contend, to fire our Minuteman missiles before the SS–9's, which must travel a greater distance, could reach the Minuteman silos. If on the other hand, the attack on bomber bases were delayed to avoid giving warning to the Minuteman bases, then the bombers could leave their bases as soon as the SS–9's were detected by radar. Thus, it is argued, the impossibility of coordinating a simultaneous attack on these two elements of the deterrent would protect them even if each one individually becomes vulnerable.

This argument is based on a misunderstanding. In making it, the opponents of Safeguard ignore some of the feasible tactics which an attacker could use to prevent the launch of Minuteman on warning of an SS–9 strike. For instance, while the Soviet submarine-launched missiles are attacking the bomber bases, a few could be diverted to attack the Minuteman fields. These would not be sufficiently numerous or accurate to destroy any significant number of Minuteman missiles, so long as the latter remained inside their hardened silos. But, for good reason, no commander would launch his force from the protection of its silos while nuclear detonations were occurring nearby. The net effect would be to keep Minuteman in the silos until the SS–9's arrived. Once our bombers and land-based missiles become vulnerable individually, it will be possible to coordinate an attack which would destroy them both.

Thus if we allow the Soviet deployment of SS–9's and submarine-launched missiles to continue without any response on our part, it will be possible in the mid-70's for a coordinated Soviet attack to eliminate the retaliatory capability of both our bombers and our land-based missile force. Our deterrent will then rest solely on our fleet of Polaris/Poseidon nuclear submarines.

This is an excellent force whose great advantage lies in its ability to remain concealed under the sea. Like any other weapon it has defects, in this case particularly the difficulty of protecting communications. It is unlikely that these weaknesses will be critical so long as the submarine fleet is not the only element of our deterrent. On the other hand, it is unreasonable to suppose that even the great advantage of concealment under the sea will persist forever, particularly in the face of the kind of concentrated assault the Soviets might make if this became the sole basis of our deterrent. Even the strongest and most authoritative supporters of the Polaris program, such as Admiral Rickover, recognize the need to preserve the diversity of our forces and have supported Safeguard.

It is impossible now to say precisely when or how Polaris might become vulnerable in the future. But it would be foolhardy to ignore the possibility. As one of President Eisenhower's top defense advisers said in a recent satement to the Senate Armed Services Committee:

"Much has been mentioned about the invulnerability of Polaris as an 'Assured Deterrent' and there is no indication whatsoever that this position is not valid today. However, it is not inconceivable to imagine developing a system to destroy essential underwater communication from the main land by introducing artificial static at the wave lengths used or as needed in the event of a crisis situation. Nor does it seem entirely impossible, with adequate effort, to develop a capability of tracking our Polaris submarines to their designated underwater stations. And in a crisis situation to destroy them or render them ineffective."

If the day comes when all three elements of our strategic force are vulnerable to attack, then it will be impossible to rely for protection on a hope that the problem of coordinating an attack on all three will be deterrence enough. A vulnerable bomber force, as we have said, does little to reduce the vulnerability of a vulnerable missile force. If our submarines also become vulnerable, timing an attack on them would probably be even less of a problem, operating as they do much closer to the Soviet Union than to their own centers of command and control, and depending on communication links which may themselves become objects of attack.

Unless we do something to reduce the growing vulnerability of our land-based missile and bomber forces, we will be left with nothing on the day when our submarine force also become vulnerable. Moreover, we will hasten the arrival of that day by simplifying the problems of the Soviet military planners and allowing them to concentrate on a single remaining obstacle. When the fate of mankind may depend on the effectiveness of the U.S. nuclear deterrent, it would be imprudent to allow its effectiveness to be negated with the suddenness of a single technical breakthrough.

A recent book criticizing the President's ABM proposal opens with the words "History is littered with Maginot Lines." But the President's proposal, which aims at preserving three diverse elements of our deterrent is not a Maginot Line. If we place our sole reliance, however, on our submarine force, excellent though it is, it may prove to be the last Maginot Line in history. The words of former Secretary of State Dean Acheson are appropriate here:

"To use a Maginot Line mentality as a pejorative term is to be trapped by a cliché. The Maginot Line was good and useful strategically and tactically. It was never designed as the sole and sufficient defense of France. Its flanks and top had to be protected also.

"The Germans never broke the Maginot Line; they outflanked it at its northern end through feebly-held Belgian positions and inadequate British and French mobile forces. The planned ABM deployment can be saturated but not by missiles it is planned to meet in the mid-1970's. If these are increased, Safeguard can be increased also. But to write off our bombers and land-based missile forces and rely only on submarines as critics suggest would be true Maginot psychology."

[A report from Committee To Maintain a Prudent Defense Policy]

Instead of Deploying Safeguard, Could We Not Wait and See Whether the Soviet SS-9 Threat Continues To Develop, Since We Could Deploy More Offensive Missiles If It Does?

No.

Delaying for even a short while may force us into costly crash programs whose effect on the strategic nuclear balance would be truly destabilizing.

Opponents of Safeguard have contended that additional Minuteman missiles could be deployed in as little as two years. In fact it would take not two but four and one half years from the time of a decision to deploy more Minuteman missiles to the date when the first missile would be ready. If the deployment were to be carried out on the same moderate-priority, moderate-cost basis as Safeguard, it would be six and a half years before even three hundred additional Minuteman could be deployed. Doubling the Minuteman force, as some opponents of Safeguard have suggested, would not be possible by the mid-70's unless it were done on a costly crash-program basis.

There would be an even longer lead time for the deployment of other offensive systems such as Polaris. A former Secretary of the Navy has testified that "the leadtime for Polaris is more than 4 years; I would think 5 to 6 years, from the time you make a decision to go forward, before you would have additional boats in the water."

Those who contend that the leadtime for deploying Minuteman would be as little as two years have supported this contention by quoting Secretary Laird's statement that "it only takes 18 to 24 months from the start of construction to the operational availability of an ICBM in a silo." Had they examined the context of this quote, they would have known that Secretary Laird was referring to the problem of detecting Soviet missile deployments. Eighteen to twenty-four months is the interval between the start of site construction, the first observable step in missile deployment, to the time when the missile is ready for use. It is an inadequate measure of the time it would actually take the U.S. to deploy more Minuteman, for it does not include the time required to make the decision, negotiate contracts, build the missiles, and survey and purchase sites.

Thus, to be ready in the time period for which Safeguard has been planned, additional deployments of offensive missiles would have to begin very soon. In exchange for this short postponement we would be surrendering our option to deploy a defense of our own existing missiles that in no way threatens the Soviet deterrent, and committing ourselves to the course of additional deployments. Such offensive deployments would reduce the number of missiles the Soviet Union could expect to have survive a U.S. attack. Whereas the Soviets would not have to respond to Safeguard unless they are determined to have the ability to destroy our Minuteman force in a first strike, they would have to respond to additions to our offense simply in order to insure the security of their own deterrent. We would then have the very sort of arms race which the opponents of Safeguard are so concerned to avoid.

WOMEN'S RIGHTS HAVE A LONG TRADITION IN THE UNITED STATES

Mr. PROXMIRE. Mr. President, I speak today for the ratification of the Human Rights Convention on the Political Rights of Women. I fully realize that the issue of women's rights is not "Page 1" news, but few would deny that our failure for 15 years to join the many other nations that have signed this convention is significant and worthy of the Senate's attention.

The long history of women's rights in the United States goes back to 1691, when the province of Massachusetts gave women the right to vote for all elective offices in its Old Province Charter. New Jersey, Kentucky, and Kansas followed with limited voting rights for women. Full suffrage for women was first granted by the territory of Wyoming in 1869. The State constitution, subsequently adopted by Wyoming voters, was approved by Congress in 1890. Before 1920, 13 States had given 18 million women full suffrage. The first woman Member of Congress, Jeannette Rankin, was sent to Washington in 1917 by the State of Montana.

For the remaining States, the cries of such leaders as Susan B. Anthony led 9½ million women to the streets to fight for universal suffrage before the 19th amendment was ratified in 1920. Today, our children accept the political equality of women as natural in a democracy. They look on the history of the women's marches with the same curiosity reserved for only the strangest of events—just the same way that children, 50 years in the future, will look upon accounts of the epic landing on the moon.

Throughout the history of the United States, women have played active roles in business, in science, in social reform, and in Government. We recall the names of Dolly Madison, Barbara Fritchie, Clara Barton, Jane Addams, Amelia Earhart, Eleanor Roosevelt, Margaret Mead, and Helen Keller. In the Senate we have outstanding examples in former Senator Maurine Neuberger and Senator MARGARET CHASE SMITH. These are just a few of the women who, over our history, have been admired by our Nation. But there are many more who have quietly made their contribution. Today, one-third of our labor force is comprised of women, some of whom hold the highest positions in their fields. Throughout the country, women serve on juries, the judicial bench, boards of education, city councils, and State legislatures. We continually make progress in adding social and economic equality to the political equality our women enjoy.

For 50 years, we have recognized the political equality of women. But, for the last 15 of these years, we have failed to add our signature to that of other nations which have ratified this convention. It is not enough to tell the world that our Nation's laws comply with this convention. I submit that we can join other signatories in encouraging adoption of this important democratic concept in all countries only by ratifying the Convention on the Political Rights of Women.

KNOWLEDGE OF THE DECLARATION OF INDEPENDENCE

Mr. HATFIELD. Mr. President, on Monday, April 14, of this year I entered into the RECORD the results of a survey conducted by the University of Maryland, European division. The survey polled a cross section of Americans at an Air Force base in Germany to determine their knowledge of the Declaration of Independence, and their attitudes toward the ideas expressed in the document. The study consisted of presenting, in the form of a petition, the preamble of the Declaration to the people and asking them to sign it. Only 16 percent recognized the document as the Declaration of Independence; 27 percent signed the petition, leaving 73 percent who refused to sign.

However, I am sure that Senators will be interested to learn that this has not been the only survey conducted concerning attitudes toward the Declaration of Independence. Recently I received a letter from Mr. Robert Farrell, owner of Farrell's Ice Cream Parlour Restaurants International, Inc., in which he described his restaurants' "Declaration of Independence campaign." From July 1 to July 6 of this year, each of Farrell's 21 restaurants displayed an enlarged copy of the Declaration of Independence with an attached sheet of white paper. The restaurants' patrons were urged to "sign the Declaration of Independence, it will be something you can tell your grandchildren about." It was heartening to learn that during the 6-day period well over 5,000 people "signed the Declaration." Mr. Farrell wrote:

> If it has done one thing, it has shown a lot of us that patriotism does run deep in people, regardless of our changing times and attitudes.

GREECE—A NEW VIETNAM?

Mr. GOODELL. Mr. President, since the beginning of the cold war, the United States has been the acknowledged leader of the Western World. In this role, we have had to seek ways to contain the spread of communism on behalf of ourselves and our allies. Considering the magnitude of this commitment, we might be very disturbed to learn that many of our efforts have been counter-productive.

The United States has actively solicited the friendship of all nations that proclaim to be anti-Communist, and in doing so, we are vulnerable to the charge that we support any government that supports us, regardless of how oppressive it might be. Facts often bear out this conclusion and several of our allies have governments that could never be defined as democratic. Even more distressing, however, we are open to the allegation that we have used our influence to bring undemocratic governments to power and maintain their authority. If this were true, we would actually be encouraging communism with a policy that was designed to contain it.

By supporting foreign dictatorships, we are frustrating liberal elements within these societies. In such situations, Communist propaganda becomes believable and freedom-loving people see the United States as an oppressive force rather than as a symbol of democracy and individual liberty. If this discontent should erupt into revolution, it is the United States that is called upon to restore the status quo.

I know that many Senators are very much concerned about the possibilities I have mentioned, and I commend to their attention a position paper by Elias P. Demetracopoulos which deals with the present military junta in Greece. Mr. Demetracopoulos was a distinguished political editor of international standing in Greece before the junta seized power, and he has been highly critical of the present regime. His paper, published by the Hudson Institute with a very interesting introduction by the noted U.S. strategic thinker, Herman Kahn, discusses recent events in Greece and speculates on the ramifications of current U.S. policy toward that country. In addition, I commend to Senators an article by Mr. Demetracopoulos published on the editorial page of the Wall Street Journal on April 21, 1969, which supports the ideas in his important and revealing paper.

Mr. President, I ask unanimous consent that these items be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

GREECE—A NEW VIETNAM?

(By Elias P. Demetracopoulos)

INTRODUCTION BY HERMAN KAHN

A recent Hudson Institute study, which attempted to identify various possible crisis areas, pinpointed Greece as a real possibility for future trouble. As part of our continuing program to build up our own internal competency on Greek issues and to contribute to internal and external discussion of these important issues, we are requesting a number of people to write papers on various aspects of the potential Greek crisis.

This Hudson discussion paper, written by a Greek national, Elias P. Demetracopoulos—the distinguished political Editor in exile and a leader in the United States of the Resistance Movement against the Athens Junta—who has consistently opposed the present military regime, is in some ways unique. For while it does contain the kinds of arguments that one would expect from an author opposed to the existing government in his home country, it argues very seriously that U.S. policy regarding Greece should be changed on the grounds of America's own national interests. While I myself have some disagreements with the contents of the paper, it is refreshing to see that instead of basing his arguments for a change in U.S. Greek policies merely on the internal situation in Greece, the author has chosen another tack.

Mr. Demetracopoulos points out that current developments in Greece are not only contrary to American national interests but also have seriously weakened NATO's southern flank. While I have not followed events in Greece very closely, several of the points made herein are worth serious study. This is especially true concerning the possibility of a renewal of a civil war and the weakening of the effectiveness of the Greek military. In any case, this paper deserves attention as it is a coherent statement of the beliefs and positions held by the more objective and anti-communist critics of the military Junta in Greece. Thus, if only because so many of the views expressed here are held by such critics, this paper is worthy of careful consideration by serious students of contemporary Greek, NATO and U.S. foreign policy issues.

GREECE—A NEW VIETNAM?

I would like to discuss the situation in Greece; a situation which I believe not only denies the Greek people basic democratic rights but is also harmful to the national interests of the United States and contains the seeds of another "Vietnam." The element of time is terribly important in this connection, as the dangers posed by the current Greek situation leave little time for constructive action by the United States. In other words, I believe the clock is running out in Greece, and unless some major changes are forthcoming in American policy, both the U.S. and NATO are apt to be faced with the reality rather than the potential of explosive political, military, and economic developments on NATO's Southern Flank.

U.S. foreign policy in Greece, inherited by the Nixon Administration, is based on the hypothesis that the present dictatorial regime provides sufficient military, political and economic stability to satisfy America's strategic interests in the area—the kind of stability, supposedly, which could not be guaranteed by any realistic alternative. In support of this hypothesis ex-Defense Secretary Clark M. Clifford, in testimony before the Senate Foreign Relations Committee last May said, "I believe that the obligation upon us as a member of NATO is such that I place that as a more important consideration than I do the present government of Greece. I believe that we deal with a highly imperfect world, and if we were to confine our help to our Allies on the basis of our approving completely the different types of governments that existed then, I believe that NATO would disintegrate, and I believe that would be a calamity."

If that were true—if indeed the regime offered the only reasonable hope of stability in Greece—it would be possible for me to understand Mr. Clifford's position, even though both as a Greek and as a supporter of free democratic systems of government as a matter of moral and political principle, I am strongly opposed to dictatorship in any form. In my opinion, however, the premise that the Junta has or can bring stability to Greece is false. On the contrary, not only has the Junta failed to provide stability in spite of dictatorial and ruthlessly repressive tactics; it has actually created instability, uncertainty and the very real risk of civil war in Greece.

First, let us begin with the premise that the Junta has brought military stability. Both the Pentagon and other senior U.S. officials claim that the Greek armed forces and terrain, as well as the U.S. and NATO bases in Greece, are necessary to maintain control of the Eastern Mediterranean, to deter direct communist aggression from the North, and to provide a vital link with Turkey which would otherwise not be a viable military ally. In addition they cite increased Soviet naval strength in the Mediterranean to strengthen their argument. I agree with their assessment as to the importance of a strong and stable Greece as far as NATO is concerned. The key question then is: have the Colonels indeed provided this stability?

The Greek armed forces today are far less effective than they were prior to the coup. They are mainly an internal security force in which the Junta-controlled elements watch not only potential civilian opponents but also the very real latent opposition in the armed forces themselves. To this effect the continuing purges of the Greek military establishment two whole years after the April 21, 1967 coup are a key indicator.

The Junta has systematically removed from the armed forces an alarming number of the officers they consider unreliable. These hundreds of officers were trained at enormous American expense in the U.S., other NATO countries and Greece, since the Truman Doctrine of 1947. The officers purged were not and could not possibly be communist, considering the nature of the recruiting process and the close ties between the Greek Armed Forces and the U.S. military and intelligence communities. Indeed many of these officers fought against the communists in the Greek guerilla war. In fact, the officers purged by the Junta were generally considered by Washington, the NATO authorities and the Joint U.S. Military Aid Group to Greece to represent the elite of the Greek officer corps. Their only sin was to have opposed the illegal seizure of power by a relatively small group of officers. It is interesting to note that "the hatchet fell with particular alacrity," according to the May 1969 issue of *Le Monde Diplomatique,* "on those officers who, during the German occupation . . . chose the path of resistance, either inside Greece or outside, especially those who served in the 'Sacred Battalion' which distinguished itself in all Mediterranean campaigns alongside the British forces. . . . For any man who was capable of choosing to fight against an oppression (the Nazis) is perfectly capable of fighting a new oppression. . . ."

The usurpers, the officers who seized power two years ago, are reliably reported to number no more than 300, with a good percentage of them having intelligence and security training and background.[1]

The purging of the cream of the Greek officer corps and a preoccupation with the internal security duties make the combat effectiveness of the Greek armed forces in time of full mobilization of the reserves an agonizingly open question mark for NATO planners. Thus the illegal seizure of power by the Junta and its subsequent actions have not only seriously weakened the combat capabilities of the Greek armed forces; they have also undermined Greece's political and moral ability to fulfill its NATO commitments. For any crisis which required full mobilization would in all probability lead to the speedy overthrow of the Junta. This really explains why the Junta thought it wise to "defuse" the Cyprus crisis in November 1967. The armed forces have become mostly a police force which, under the new constitution, are also charged with preserving the "existing Social Order." The same reasoning applies to the U.S., NATO bases and other American listening posts and propaganda machinery operating on Greek territory. These bases are important. Yet in view of the climate in which they exist today it is a real question how much long-range strategy in the area can be built around them.

The Soviet naval build-up in the Mediterranean, the Middle East crisis, the events in Czechoslovakia and the outflanking of Greece and Turkey by the Soviet Union's rapid strategic deployment along North Africa's coastline and the Middle East, were used by the Johnson Administration as reasons for supporting the Junta. This is indeed tragic, since the Junta's actions have weakened the military capabilities and stability of the Greek armed forces and consequently NATO's strength in the area.

Let us now turn to the key question of political stability which many supporters of the 1967 coup—including the Junta itself—cite as one of the prime benefits of the current Greek dictatorship. Measuring political stability is not easy when there is martial law and press censorship, when no opposition is permitted, and when violence, although on the increase, is still sporadic. The Junta alleges that they stepped in to save the country from the danger of communism—yet even Greek Conservative leaders emphasize the fact that the danger of communism was nonexistent in Greece. They overthrew a conservative government.

Those who place too great an emphasis on the confused political situation in Greece as a justification for the Colonels' coup must remember that Greece fought a hard and dirty war against a foreign dominated and supported communist aggression at the peak of the "Cold War" in Europe. The victory, although assisted greatly by U.S. material help and advice, was finally wrested with Greek, and only Greek, blood. If Greece were able to win this victory under a parliamentary government with basic democratic institutions functioning it is inconceivable that the current military dictatorship is necessary to correct alleged political instability.

There are some who argue that there was no political stability prior to the Junta and that the present arrangement is at least an improvement. This argument is superficial. Its evaluation needs a detailed recording of the events and the over-all background that preceded the coup.

The fact is that political stability was damaged in the 1965–67 period by the intervention of the Greek Monarchy and its military establishment in the political process, thus perverting the institution of parliament and the mechanism of achieving political stability which had worked well until then. This was done by repeatedly denying the use of the best safety valve available to real democracies—free elections.

In 1963 and early 1964, the eight years of conservative (ERE) rule under Prime Minister C. Caramanlis, ended at the polls with the largest majority in modern times for the Center Union Party led by the late George Papandreou. The peaceful transfer of power was accomplished in the middle of the Cyprus crisis involving the threat of a shooting war with Turkey, following years of impressive aggregate growth and financial stability. It was, to be sure, a growth in which many did not share; few reforms in education had been accomplished and not enough employment opportunities had been opened up, as indicated by the thousands who had to seek work abroad.

As Richard Westebbe of the World Bank, formerly senior foreign economic adviser to the Greek government, said in 1963 in a penetrating report, "Greece's long-run structural problems concern deficiencies in the structure of production, in public administration, in education, in financial institutions, and in the distribution of income."

The victors (the Center Union) promised a better distribution of income, a more rapid modernization of Greece to enable it to enter the Common Market, and a reform of Greece's institutions which, among other things, implied the paying of fair taxes by certain privileged classes and a reduced role of the Crown in controlling the Armed Forces and the political processes. In short, a return to the intent of the constitution which would have the King "reign, not rule." In foreign policy, Greece was to become a fully equal member of the NATO Alliance, with a real voice in determining its own destiny. In pursuing these goals there is no question that the Papandreou Government committed a number of mistakes and lost many opportunities.

The Center Union Party was soon faced with the violent and growing opposition of the Crown, the Armed Forces leadership, and the economic oligarchy—an opposition which was enjoying the support of a large part of the official American establishment in Athens. The story can be picked up with the elections of 1961 in which the Army, through the so-called "Pericles Plan," unnecessarily rigged the result to ensure an ERE (National Radical Union) victory, when the real unadulterated result undoubtedly would have given Caramanlis a narrower victory or, at the very worst, would have forced him into a coalition with the Center. The election-rigging gave the liberal forces their cause and they exploited it until their ultimate victory at the next elections. When it was decided to bring down the Papandreou Government, a "treason plot" called "Aspida" was concocted and ascribed to the Prime Minister's son. The charge has never been proven and even the Junta, four years later, has been unable to produce any evidence.

The Papandreou Government retaliated by resurrecting the Pericles charges and conducting a formal investigation. The Generals panicked and persuaded the King of an imminent plot to seize power by unnamed leftist groups tolerated or led by Prime Minister Papandreou. The result was the overthrow of the elected government and a series of almost comic-opera attempts to make parliamentary rump-governments from mid-1965 through Christmas 1966. The agreement of the Conservative and Center Union Parties to hold elections in 1967 in order to restore real parliamentary government, and thus political stability, led directly to the Colonels' coup, only a few weeks before the elections were to be held under the conservative government of Mr. P. Canellopoulos—who, by the way, has spent a good part of the last two years under strict house arrest.

The Athens Colonels have since persecuted the leaders of all of Greece's major political groupings, i.e., the conservatives, the royalists, the Center Union—among whom were several of America's best friends—as well as the left and the extreme left. They have resorted to systematic torture of opponents, as was shown at the recent Strasbourg hearings of the European Human Rights Commission and as has been publicly condemned by leaders of the British, Danish, Swedish, Norwegian, Dutch and Italian governments, among others.[2]

On March 27, 1969, Secretary of State William P. Rogers, in his first major presentation to the Senate Foreign Relations Committee, said he shared the "concern" of Senator Claiborne Pell (D-R.I.), "not only for the torture phase" of Greece's new military regime, "but for other civil liberty" infringements. The Nixon Administration has made an encouraging start on the explosive issue of Greece's military dictatorship, through this statement of Secretary Rogers, who went well beyond any comments of his predecessor.

Senator Pell, speaking in the Senate on October 3, 1968, and January 31, 1969, said: "Over the past months I have become increasingly concerned with one of the more heinous characteristics of the Greek dictatorship. I refer to the brutal behavior of this regime in the treatment of its own citizens." . . . "I said in a speech to this body in May 1967 that I deplored the illegal military seizure and that I deplored, moreover, the lack of any kind of strong public reaction or expression of disapproval from the United States." . . . "It seems to me that the inescapable conclusion can only be that the revitalization of democracy in Greece is as much in our own interest as it is in the interests of the people of Greece. We should, therefore, do everything we can to encourage its prompt evolution."

Many senior U.S. government officials, at the time of the Colonels' coup, argued that there was little the U.S. could have done because the coup took the U.S. by surprise and once it was successfully carried out the U.S. was faced with a *fait accompli*. This is untrue as the threat of dictatorship in Greece was spotted early and this threat greatly disturbed politically prominent Americans well before the actual coup took place:

As early as September 4, 1962, and again on October 13, 1963, Senator Barry Goldwater (R-Ariz.) in published interviews with this writer stated: "I am particularly concernd about the political developments in that country (Greece) and I do believe that careful investigation should be carried out on those accusations against our U.S. Embassy role in Athens in the last Greek elections." And in 1963 he said: "I am against the establishment of a dictator any place. That is why I strongly attacked the suggstion made that the establishment of a dictatorship in Greece would be an effective solution to Greece's problems. Oh, Lord, No. Greece is the most sophisticated, civilized country in the world. Our democratic way of government came from Greece. It would be tragic if Greece, where democracy itself was first founded, were to go back to a dictatorship. I can't even imagine the Greeks thinking about it."

---

[1] Mr. John S. Rountzounis, an American writer and journalist, has repeatedly charged that the Junta's leader, George Papadopoulos, was "a recruiter of Gestapo informants" during the Nazi occupation (*Washington Post,* November 8, 1968; *Baltimore Sun,* November 18, 1968). More recently in the aforementioned May, 1969 issue of the influential and well-informed *Le Monde Diplomatique,* it is stated that: "The president of the Government, Papadopoulos, during the occupation served under Major Koukoulacos (rewarded after the coup with the governorship of Greece's Agricultural Bank), commander of a battalion armed and equipped by the Germans—like all the other so-called Security Battalions (Tagmata Asphalias)—which conscientiously played its role as a security unit . . . against the "Communist" resistance fighters!"

[2] See article in *Look* Magazine, May 27, 1969, page 19: "Greece: Government by Torture," written by *Look* Senior Editor Christopher S. Wren.

And in the summer of 1966 a galaxy of highly placed and influential U.S. personalities, covering the spectrum of American political life, condemned publicly, very strongly and in no uncertain terms, the possibility of a military dictatorship of any kind in Greece, under whatever pretext. They also urged the Johnson Administration to take all necessary steps to ensure that such a catastrophic development for American interests will not occur.

Their names are: The Speaker of the House of Representatives J. McCormack, Senators V. Hartke, S. Thurmond, E. McCarthy, J. Javits, W. Morse and E. Kennedy; the Chairman of the House Judiciary, Armed Services and Agriculture Committees, Congressmen E. Celler, M. Rivers and H. Cooley; the former Chief of Naval Operations, Admiral A. Burke and the former Supreme NATO Commander in Europe, General L. Norstad; and the then Governor of California, E. Brown.

They spelled out their views to me in question-answer format, taped, typed and in officially signed press interviews, which received wide coverage both in Europe and America.[3] In short, there were numerous, early and authoritative warnings given to Washington, but to no avail.[4]

Since 1947, America has played a decisive role in Greece, and, beginning in 1959 with Ambassador Ellis Briggs—now a strong advocate of the Athens Colonels—America has pursed disastrous, contradictory and vacillating policies—policies largely influenced by inter-service and personality rivalries. Should these policies be continued the communists will have an opportunity to organize and lead a liberation movement in Greece, for the first time since the late 1940's, with wide support and backing from non-communist elements in both Greece and Western Europe. Such a movement, even if led by communists, would ironically be formed under the banner of returning democracy to Greece. Thus, the tragic makings of a new Vietnam in Greece are all present.

It is very important for Americans to understand that there is widespread belief in non-communist Europe that Washington was involved, either by commission or omission, in the April 21, 1967 coup and is responsible for keeping the Athens Colonels in power. While the substance of the more extreme forms of these theories has not been proven yet, the U.S. should realize that these beliefs have done much more than the criticism of the Vietnam War or the de Gaulle policies to undermine basic U.S. positions and interests in this vital area. This point, in many ways the most telling, is supported by such a personality as Mrs. Helen Vlachou-Loundras, well-known publisher of the most influential conservative Greek newspapers, who was forced into exile in London, when, after the Junta seized power, she bravely refused to publish under censorship. (Her husband—wartime hero conservative Navy Captain Costas Loundras—was sentenced to eighteen months imprisonment after he was kept by the Junta in solitary confinement for fifty days.) Mrs. Vlachou-Loundras spoke about the Greek regime in London on October 17, 1968:

"So the moment of truth is approaching, and the first brand new European dictatorship since the war is about to emerge, born of The Pentagon by the CIA, reared by NATO, surrounded by doting businessmen. It is no use criticizing the Americans, divided as they are between those who would like to chase the junta but can not do it, and those who can and will not." In this connection, it is very significant that the Johnson Administration in December 1967 let down, in a shameful, unbelievable and humiliating way, even the ultra-conservative Greek monarchy which, since the Truman doctrine of 1947, has been a basic element of U.S. foreign policy towards Greece. This happened when King Constantine finally decided to overthrow the Junta in his armed but ill-fated attempt.

That is why I strongly believe that an over-all and thorough congressional investigation of the U.S. role vis-à-vis Greece would not only be completely justified but also urgently advisable if the blunders of the past are not to be repeated by the Nixon Administration and a new "Vietnam" is to be avoided.

The European reaction to the Greek coup can be gleaned in the following statements: West German Socialist Deputy, Klaus Schultz, said recently, "It was 36 years ago that Hitler took power in my country. And he did it under conditions far more democratic than those imposed by the Greek colonels." British Laborite Bob Edwards, during the debate whether to expel Greece from the Council of Europe for violating the 18-nation organization's statutes on human rights, said: "I am amazed at some of these speeches. We heard them between the wars—Franco was going to hold elections. Hitler was no dictator and Mussolini made the trains run on time."

In a futile attempt to improve their international image, to buy desperately needed time and to overcome the stubborn refusal of Greeks of prestige and ability to work for the regime, the Junta announced a referendum on a new constitution in September 1968. This document, which received the private blessing of some American officials, in fact makes the Armed Forces the sole final source of power, the guardian of the status quo and the dispenser of civil liberties in Greece. Thus the constitution in effect gives the wolves the responsibility for guarding the lamb by giving the Athens Junta full power to "protect" the liberties they had already seized from the Greek people.

The subsequent referendum on the Colonels' constitution, carried out under conditions of martial law, resulted in a Soviet-style vote of 92.2%. The really free sentiments of the Greeks became manifest a few weeks later when over 300,000 people in Athens spontaneously demonstrated against the regime and for democracy on the occasion of the funeral for George Papandreou, the last elected Prime Minister. On March 29, 1969, the influential London *Economist* wrote: "Mr. Papadopoulos (the head of the Junta) has clearly reconsidered his views about a regrouping of political forces, which would eventually produce a satisfactory alternative to the present regime. He now argues that the constitution cannot be brought fully into force, and normal parliamentary democracy allowed to function, until the Greeks have acquired the necessary political maturity."

"The slowness with which the authorities are completing some of the legal formalities needed to make the provisions of the constitution operative, suggests that Mr. Papadopoulos is trying to keep all his options open. About a quarter of the constitution is still not even theoretically in force, including the provision for the creation of a constitutional tribunal, which the regime considers essential for the proper functioning of democracy. Nor has the prime minister yet fulfilled his pledge to introduce a law to allow the regime to ease or tighten martial law as it thinks fit, so that the Greeks can show how well they can behave under conditions of relative, or disciplined, freedom. All this deliberate slow motion is justified by the argument that the Greeks need time to acquire enough political maturity to decide who should govern them—although last September they were apparently sufficiently mature to decide in a plebiscite how they should be governed."

---

[3] In Greece, these interviews were published by the newspapers *Ethnos* and *Athens Daily Post* during the month of August 1966.

[4] Eliot Janeway, the well-known syndicated columnist for the *Chicago Tribune,* reported from Athens on September 28, 1966:

"*Warning from Greece.* The first cold-war crisis erupted in Greece. A stop-over in Athens, en route from Switzerland to Britain, uncovered genuine concern that the smoldering constitutional crisis there may turn Greece into our next hot spot. The source of the exposure is not just Greece's vulnerability to a one-two-three punch in the form of a German slump, a dollar drought and a British devaluation. It is that Russia may decide that the time is ripe for her to reassert her primacy in the Communist world by taking advantage of our involvement in Vietnam to follow through on de Gaulle's withdrawal from NATO to open a second front in Europe. If so, Greece is her ripe and ready target. We urge a close and literal reading of Gromyko's warning that Europe may be closer to trouble than in many a year."

And again on October 11, 1966:

"The big question now is whether Russia will now take advantage of our involvement in Asia, and our distraction from Europe, to explode a bombshell against us on a second front. The mere suggestion is a blood-chiller. Nevertheless, we fear that this is now a clear and present danger, and that it will be the better part of prudence to prepare for the scary possibility of a new Russian-American confrontation this side of Asia. . . .

Watch Greece. Whereas Berlin and Iran are potential danger-points at which a provocative Russian initiative would be needed to force a confrontation, the third of the three possible storm centers is one that no Russian initiative could keep quiescent. This is Greece. It is our best judgment that Greece is well on her way into a constitutional crisis which will precipitate a domestic confrontation, with inevitable and obvious implications, between Right and Left. If this does develop, the question then will be whether Russia could avoid being drawn into it even if she felt it to her interest to remain aloof. Not least among our reasons for assuming that she will find herself drawn into any internal Greek confrontation on the side of the Left is the fact that the U.S. is certain to be involved on the side of the Right. . . .

We do not now mean to be taken as flatly predicting an imminent U.S. confrontation with Russia against the background of recurrent guerrilla war in Greece. But we are anxious to focus attention on the danger, which is real. We do expect a Greek constitutional crisis to erupt. We do take literally the King's threat to suspend the constitution. We do not regard Greece as an isolated Balkan trouble spot. We do not know, nor do we know of anyone who trusts himself to know, whether Russia could stay out of such a free-for-all if it once got started. . . .

We suggest that the above be taken as the warning it is meant to be: of exposure to shock in Europe just when the next step-up in the Vietnam escalation is distracting us even further from Europe and, therefore, making it more difficult for us to plan our reactions to possible shock in Europe."

On the eve of the NATO Ministerial meeting in Washington, last April, the Junta feeling the weakness of its position—both domestically and internationally—announced a series of supposed "liberalization" measures, under the new constitution. These measures, however, would be applied only after appropriate legislation is drafted and promulgated. According to Mr. Papadopoulos, this will take at least six months. But he did not explain how these two constitutional freedoms of assembly and of association could be reinstated under martial law, even if the legislation required to make them operative were to be enacted. Thus, the aim of his move is quite transparent: a typical gesture on his part to forestall several NATO countries' pressure for an early restoration of democracy in Greece.

Last June's outrageous dismissal by the Junta of Michael Stasinopoulos as head of Greece's highest court, after he defiantly refused to resign, in direct violation of their own "constitution," is perhaps the best evidence of the importance the Athens dictatorship attaches to this much publicized and used document of their own making.[5] This was followed by the mass resignations of the senior judges of the Council of State to protest this dismissal of their Chief Justice and the interference by the military regime with the independence of the Judiciary, and was followed by the predawn arrests and banishment of one leading judge and the prominent lawyers who had successfully defended 21 leading judges purged in 1968.

Finally, let us turn to the alleged economic stability which the Junta pledged to bring to Greece. I believe that as a result of the coup, Greece is far more likely to be faced with a serious economic crisis, instead of stable growth.

The rate of growth of the Greek economy which averaged close to 8% a year in the period 1960–66 was reduced to about half this figure in 1967, when good crops and an illusory increase in services offset a sharp fall in industrial investment leading to stagnation in manufacturing output. In 1968 manufacturing recovered somewhat but low crops held the growth rate to about 4%. Admittedly, the building boom had already leveled off by April 1967. However, the collapse of confidence following the coup led to a sharp fall in business investment and consumer purchasing. Imports into Greece stopped rising, and people hoarded money. The reaction of the Government was to stimulate demand and buy popularity. A massive give-away took place when all farm debts amounting to some $280 million to the U.S.-financed Agricultural Bank were written off. This not only penalized farmers who had paid their debts but probably convinced all farmers, who constitute some 45% of the total population, that there is no point in paying future loans. What is perhaps worse is that the immense resources distributed in this way have not been directed towards raising farm productivity and bringing about the long needed structural reform of Greek agriculture.

Bank credit and Government spending programs were greatly expanded. The money supply increased at an annual rate of 20% in 1967, and although the growth in money has decelerated since, it has not been matched by comparable increases in output. The recovery of consumer demand in 1968 has already led to a renewed import growth and some pressure on prices. Exports barely rose in 1968 and tourist earnings declined for the second year in a row, since the Junta took over. Another mainstay, emigrants' remittances, are stagnant. The result is a worsening balance of payments position. This has been partly shielded by drawings on the secret gold sovereign reserve and partly by a number of short-term loans concluded with U.S. and European banks which are reliably reported to be secured by the nation's gold and hard currency reserves.

In the past, Greece's basic current trade imbalances were offset by rapidly growing tourist, emigrants' and shipping remittances. These were increasingly augmented by capital inflow, mainly on private account from abroad. The prospect of maintaining balance of payments equilibrium at the present exchange rate, and with free imports, lay in a hoped for rapid rise in industrial and agricultural productivity. Unfortunately, with low growth rates and a sharp fall in private investments the outlook is for controls and/or devaluation, including rescheduling of all recently contracted short-term foreign debt.

Further the mammoth spending programs have created a large inflationary potential which could lead to crisis conditions in a short time.

A confidential 12-page report prepared in March 1968 on Greece's Economic and Financial Developments by the Morgan Guaranty Trust Company of New York states that:

"The regime has, however, displayed an increasing number of signs that it intends pursuing a 1930-style authoritarian course. On the one hand, it has been intensely nationalistic, having called repeatedly for a regeneration of Greek life. On the other, it has taken a number of steps designed to appeal to the lowest socio-economic groups: freezing prices; raising some incomes; and providing working girls with dowries. All this has taken place against a background of increasingly restrictive measures. Nevertheless, the combination has thus far been successful. Some of the reforms introduced by the Papadopoulos government—especially those relating to the bureaucracy—have been to an extent necessary and desirable. The constitution, which the government was supposed to introduce in response to pressures from Western Europe, has yet to be made public. However, any constitution which the drafters might develop would be meaningless because the regime does not intend that there be any return to democracy.

"Since the coup, Greek economic activity has slowed down; GNP growth rate is officially estimated to have been 5% in 1967—and privately put nearer to 3%—compared with 7.4% in 1966. Much of this has been due to a slowdown in investment, especially of the private sector. However, in 1967 the trend toward more rapid growth of industrial than agricultural production was reversed—agricultural production grew faster than industrial, largely due to the rapid growth of the latter in 1966. Prices have been stable due to a price freeze. Wages, on the other hand, have been allowed to rise rather rapidly. The over-all government budget deficit for 1968 will again be large—mostly due to the rising government investment budget."

At the end of March 1969, in a series of speeches to merchants, industrialists and others, Mr. Papadopoulos tried to undo the damage caused to the economy by the crippling uncertainly over the regime's intentions. He was not particularly successful. He insisted that the regime had achieved the political stability needed to expand economic activity. But his claim that it was not a dictatorship, but only a "parenthesis . . ., that was necessary to put things straight," was contradicted by his further assertion that "whether you like it or not, the revolution is a reality and you cannot get rid of us."

The Government made numerous appeals to attract foreign capital. Its most publicized achievement for political, propaganda and lobbying reasons, was the signing of a lucrative contract with Litton Industries (a few weeks after coming to power) which guarantees the latter a handsome annual fee as well as a commission on all investments it induces to come to Crete and the Western Peloponnesus. It is of interest to note that Litton withdrew its proposals prior to the coup, due to overwhelming parliamentary opposition. To date Litton has produced some studies and very small investments coming mainly from the Litton group companies. It would seem that even their corporate name has not been sufficient to overcome the doubts of those who might have put their money in Greece. That is why, according to reliable information, both the Junta and Litton, at this very moment, are mutually dissatisfied with each other's performance, and the contract is presently being renegotiated. In addition, Litton was unhappy when last year the U.S. Department of Justice disclosed that it had launched an inquiry to determine whether Litton has engaged in activities which require it to register as a foreign agent.

Although most foreign investors found pre-Junta Greece a favorable spot for private enterprise, a difficulty did arise in the case of the Esso-Pappas refining, petrochemical and steel complex. This contract was strongly criticized by the Center Union before it came to power and was renegotiated to Greece's advantage while they were in power. Oddly enough, Pappas has since then managed to avoid, with Junta approval, most of the less profitable investments he was supposed to undertake and he has emerged as one of the most influential and vocal backers of the Junta in the U.S.

Finally, much has been made of an agreement of the Junta with Onassis last November to establish a new refinery, aluminum plant and tourist investments totaling some $400 million over fifteen years. Specific features, according to reports from Athens, include his right to supply crude oil, in this case Russian, shipped in his own tankers, as well as guaranteed employment for part of his tanker fleet. Further, the prospect of another aluminum plant is far from an unmixed blessing. There is no cheap power left in Greece. Onassis proposed to produce high-cost power with his oil in his own thermal plants. He would charge himself an artifically low power rate in order to produce aluminum and would force all other Greek consumers of power to pay a much higher rate for the excess power he would produce. It is significant that the Onassis effort to build the alumina-aluminum plant in partnership with the U.S. Reynolds Metals Company has fallen through and on March 17, 1969, the latter announced that it has ended talks with Onassis.

Alfred Friendly writes in the *Washington Post* of April 5, 1969, from Athens:

"The battle of the Greek tycoons, the former brothers-in-law, Aristotle Onassis and Stavros Niarchos, over which one will operate the proposed new $400 to $500 million investment program for a new oil refinery, aluminum plants and several tourist projects raised for the first time the suspicion of corruption with the Junta.

"The government's off-again, on-again, handling of the intricate affair may have been merely clumsy or shabby, testifying only to its administrative incompetence. But on its face, the Niarchos proposal, which was ultimately rejected, seemed so much more advantageous to the country than that of Onassis as to suggest bad faith by the regime.

"One would have supposed that, once the suspicion arose, the government would have taken elaborate pains to demonstrate clean hands. After all, one of the Junta's most loudly proclaimed justifications for its coup two years ago was the promise that it would end the notorious corruption of previous governments. If it is subject to the same failing, it loses a principal excuse for its existence.

---

[5] On this issue an editorial of *The New York Times* of July 4, 1969, under the heading " 'Justice' in Greece. . . ." had this to say: "It was predictable that Greece's ruling colonels would lash out, sooner or later, at any branch of the country's judiciary that refused to come to heel. The abrupt and clumsy attempt to purge the nation's highest administrative tribunal in flagrant violation of the junta's own Constitution of 1968 has, however, shocked even stout backers of Colonel Papadopoulos. . . ."

"Suspected of sticky fingers, the regime's logical response would have been to lay out the proposals in detail, argue them and supply a complete explanation for its final choice. Instead, after a few weeks of pulling and hauling, the Junta clamped complete censorship over the whole matter. Nothing more may be printed about it in the Greek press. The consequence was obvious; what was once a smoldering rumor is now a wildfire scandal."

It would appear in fact that the scandal of which Mr. Friendly writes reached such dimensions that even the Junta could not stick to its agreement with Onassis. As a result, on May 20, 1969, the Junta canceled its agreement with Onassis to build a large new oil refinery in Greece and decided to invite international bids for the rights.

In summary, instead of bringing about stable economic growth the Junta has presided over a tragic misuse and waste of national resources, in an attempt to buy acceptance and some semblance of legitimacy. The resulting "gold rush" to extract favorable concessions from the Athens Colonels in return for supporting their dictatorship has resulted in the sacrifice of important Greek economic resources and interests which no parliamentary government could have undertaken and remain in office.

The political anomaly of a new post-war dictatorship in present day non-communist Europe has led to a suspension of some $55 million of European Investment Bank loans to Greece under the Treaty of Association with the Common Market. The long-run future of Greece's association with the Common Market, the first of its kind, is in fact in doubt. As Greece's chief Common Market negotiator John Pezmatzoglu, then Deputy Governor of the Central Bank, said in a 1966 Bank of Greece message, the economic union of Greece with the EEC was based on the mutually agreed, basic objective of an ultimate political union of Greece with its European partners.

Since then the Governor of the Central Bank, Professor X. Zolotas, an internationally respected central banker, and the equally prominent Professor J. Pezmatzoglu have resigned in protest over the Junta and its policies. In fact, the great bulk of Greece's trained professionals have refused to participate in the Government, a phenomenon which has seriously hindered efforts at rational economic policy formulation and implementation. Last year, during a Congressional investigation conducted by the House Subcommittee on International Finance, on the proposed first World Bank loan to Greece, its influential Chairman, Congressman Henry S. Reuss of Wisconsin, criticized strongly the World Bank and the Johnson Administration for the proposed loan. He even criticized some of the new so-called "non-corrupt" leadership of Greece's economy when he identified the new Deputy Governor of the Bank of Greece, a Mr. Constantine A. Thanos, as having plagiarized his doctoral dissertation and other works and whose proposed appointment to the faculty of the University of Athens, in 1963, was vetoed because of these affairs. Reuss also questioned whether Greece, governed by such people and under these conditions, could be considered creditworthy for international public lending.

I believe that it is imperative for the Nixon Administration, which is in the advantageous position of having no responsibility for the events and policies of the last few years, to conduct a basic and urgent review of U.S. policy towards Greece on the following grounds:

A. The assumption that the current military regime in Athens has or can bring stability is incorrect.

B. The Junta has greatly weakened Greece's military capability and political ability to fulfill its NATO commitments.

C. The situation in Greece is potentially dangerous. If present policies are continued, a new Vietnam could result.[6]

D. The widespread belief in Europe that the U.S. is responsible for the coup and for keeping the Colonels in power is seriously damaging to America's position in Europe.

E. The existence of a military dictatorship in Greece is morally and politically repugnant especially to the extent that it appears that the United States is supporting this regime.

In considering U.S. policy towards Greece I would like here to make several points directed primarily to American conservatives. It has been a tragedy that many American opinions and actions concerning Greece have been viewed as a political issue between conservatives and liberals. As a result of the opposition to the Greek Junta by many prominent American liberals, all too many American conservatives have not realized the true nature and intent of the current Greek regime. While Greek political liberals have suffered as a result of the coup, as many Greek conservatives with well-known anti-communist credentials have been suppressed, imprisoned, and driven into exile by the Junta. In fact, many of the most severe critics of the coup and the current regime could be described as conservatives.

In the light of the Athens Colonels' past and continued repression of anti-communist Greek conservatives and the often-forgotten fact that the Colonels seized power from a conservative government, I would ask some American conservatives who have either largely remained neutral or have supported the current Greek regime to reconsider their positions. For the situation in Greece cannot be described or understood along American political lines. In this case both American liberals and conservatives, perhaps for different but compatible reasons, should oppose the authoritarian dictatorship imposed on the people of Greece by a small group of colonels in Athens.

Thus, in reviewing U.S. policy towards Greece I would suggest that the following specific changes in the policies inherited by the Nixon Administration would be both in the interest of the United States and the Greek people:

1. A clear-cut public condemnation of the Greek Junta by the new administration and real efforts of disassociation from the Johnson Administration policies, attitudes and methods used in dealing with Greece.

2. Delay the appointment or appoint, but do not dispatch, to Athens a new U.S. Ambassador and make clear to the Junta and the NATO Allies the real reasons for such a delay.

3. Terminate immediately and completely all U.S. military aid to the Athens regime and reverse the disastrous decision taken on October 21, 1968, during the last days of the previous Administration, to resume delivery of major U.S. military equipment to the Athens Colonels. Such a decision, under those circumstances, gave in effect official public U.S. government approval to the Athens military dictatorship.

With the U.S. presidential elections only two weeks away, the Congress adjourned, and three weeks after a rigged "referendum," conducted by the Greek Junta under martial law, the Johnson Administration felt that it was safe and advisable to go ahead with a decision that was strongly debated and shelved repeatedly by the same Administration in the past.

4. Take the initiative for joint NATO action against the Junta by exercising maximum diplomatic, economic and military aid pressure, on a well-coordinated basis, in behalf of the Atlantic Alliance. Such an American initiative will take options away from Moscow policy-makers and will build up U.S. influence in NATO and among the European liberals, intellectuals and youth. Such a U.S. initiative would have worldwide favorable repercussions and Washington will be in a better position to exploit existing turmoil among Moscow's Eastern European communist satellites, non-satellites and the communist parties in non-communist Europe.

5. Give full U.S. support to the efforts of the Common Market and the Council of Europe to isolate morally, politically and economically the Athens Colonels.

6. Find other appropriate ways and means to support actively and effectively all anti-Junta, anti-communist elements who represent the vast majority of the Greek people.

7. Strong efforts should be made to dispel the belief of U.S. involvement and support of the Greek Junta in Greece and the rest of Europe, including the use of the Voice of America. Such efforts are essential to forestall violent anti-American backlash in Greece, which otherwise is a virtual certainty.

8. As a last resort, taking up a line already gaining ground in NATO, particularly in Denmark, Norway, The Netherlands and Italy, and moving to expel Greece from the Alliance.

In evaluating the merits of the above eight basic recommendations it is important to understand the following points:

A. All the above peaceful measures are sufficient if used effectively, in my opinion, to overthrow the Greek dictatorship without bloodshed, and without risking American lives, as you do in Vietnam today, or you did in Korea, Lebanon and in the Dominican Republic. The Nixon Administration must have learned some very valuable lessons recently with the events in Pakistan, the crisis in Peru and the negotiations over the Spanish bases. These events proved the grave risks inherent in dealing with anti-communist military dictatorships and should help dispel the myth that such regimes serve effectively the U.S. interests.

B. If the Junta is overthrown by these peaceful measures proposed to the Nixon Administration, Washington will be in a much better position to deal also with the Middle East crisis, having the full support and cooperation of the liberated (with American support) Greek people, and the U.S. and NATO bases presently in Greece will not any longer be surrounded, as is the case today, by an increasingly hostile population, which makes their value presently, in the case of emergency, at least doubtful.

C. More than 100,000 hard-core Greek communists live in various parts of the Eastern European communist world, including the thousands of young children abducted by the retreating Greek communist guerrilla forces in 1949. These children are now completely trained militarily and indoctrinated. Greece has very extended and rugged mountain frontiers with her northern communist neighbors. These facts may represent, at a given moment, an ace in the hands of Moscow and Peking.

D. Greece's unique geographical position places her athwart the crossroads of Europe,

---

[6] In this connection three very interesting articles from Athens, by the well-informed and nationally syndicated columnists Rowland Evans and Robert Novak, were published in the *Washington Post* of June 19, 1969 ("Greece Facing Grim Alternatives: Salazar-Type Rule or Bloody Revolt"), of June 23, 1969 ("U.S. Action Against Greek Junta Is Prevented by Military Needs"), and of June 26, 1969 ("Nature of Greek Junta Underscored by Arrest of Distinguished General"—this article details the ordeal of two Greek officers with anti-communist credentials, General George Koumanakos and Admiral Athanasios Spanides).

Asia, the Middle East, and Africa. The Middle East and Africa are two areas where the Greeks for centuries have maintained the closest ties and interests. On the northern borders of Greece is a kaleidoscope of three different kinds of communism: the Peking style in Albania (where more than 2,000 Chinese advisors are stationed in this first Chinese beachhead in Europe), the Moscow style in Bulgaria, and the Tito style in Yugoslavia. This fact itself makes Greece a very good western "window," an ideal listening and influence post for the Southeastern European area. But it also makes Greece far more exposed to external communist and Slavic-chauvinistic pressures now greatly complicated by the current Sino-Soviet confrontation.

E. The U.S. record over the last decade clearly shows a very benign attitude toward right-wing military coups while registering great alarm over left-wing ones. The so-called Schwartz doctrine (former State Department policy planner and, at present, top Pentagon authority on international security affairs) makes clear the U.S. will not interfere with extra-constitutional, totalitarian rule by anti-communist governments. This double standard justified accusations all over the world and, naturally, Greece.

We were all dismayed at the ruthless crushing with Soviet military power of the modest liberal reforms which were taking place in Czechoslovakia. No satellite could be allowed to sway that far from orthodoxy and control in the minds of Warsaw Pact hard liners. Moscow paid a heavy price in terms of world condemnation and the discrediting of hard-core Czech communists. To many, the parallel of the U.S. position in Greece is disquieting. And Moscow's diplomats and propagandists are counterattacking criticism aimed at their Czechoslovakian action by pointing to the U.S. role in Greece since April 1967. For the coup against the prospect of a liberal but pro-NATO government was carried out by people closely connected with the U.S. military, intelligence and financial complex, with U.S. weapons and using a top-secret emergency NATO plan. All in the name of anti-communism, the preservation of the orthodoxy of Greece in the Western Alliance and protecting the Monarchy—which the Junta forced into exile eight months later. Moscow intervened with Soviet troops to crush what she considered dangerous Czechoslovak liberalization tendencies.

While I do not believe that the use of U.S. troops to protect the freedom of the Greek people was, or is, necessary, it is a tragedy that the Johnson Administration played the role of Pontius Pilatus while U.S.-supplied tanks were used to crush Greek democracy even though ample warnings about the impending coup existed. That the Johnson Administration, on many occasions, has given the impression of supporting the dictatorship of the Athens Colonels, is doubly disquieting, considering that the freedom of the Greek people was guaranteed by NATO which Greece freely joined as a free nation in 1952.

In the process the U.S.'s best friends were systematically destroyed. In the end the Greeks will force their oppressors out of power. The process could be bloody and might well involve the U.S. in another Vietnam-type situation. It is, therefore, legitimate to ask why long-term U.S. interests are being sacrificed in Greece for the sake of an ephemeral appearance of security and stability and whether it is wise to continue along this road to disaster much longer.

[From the Wall Street Journal, Apr. 21, 1969]

A GREEK IN EXILE LOOKS AT THE COLONELS

(By Elias P. Demetracopoulos)

U.S. foreign policy in Greece has been based on the hypothesis that the present dictatorial regime provides sufficient stability—military, political and economic—to satisfy America's strategic interests in the area. In my opinion the premise that the junta has brought stability to Greece is false.

The Greek armed forces today are far less effective than they were before the coup. They are mainly an internal security force in which the junta-controlled elements watch not only potential civilian opponents but also the very real latent opposition in the armed forces themselves. To this effect the continuing purges of the best officers is a very interesting indicator.

The junta has systematically removed from the armed forces an alarming number of the officers they consider unreliable. These hundreds of officers are trained at enormous U.S. expense. That is why the combat effectiveness of the Greek armed forces in time of full mobilization of the reserves should be an agonizingly open question-mark for the NATO planners. In fact, such mobilization would lead to the speedy overthrow of the junta. This also explains why really the junta thought it wise to "defuse" the Cyprus crisis in November 1967.

A QUESTION OF STABILITY

The U.S. and NATO bases plus the American listening posts and propaganda machinery operating on Greek territory are important. Yet in view of the climate in which they exist today it is a real question how much long-range strategy in the area can be built around them. Measuring political stability is not easy when there is martial law and press censorship, when no opposition is permitted, and when violence, although on the increase, is still sporadic. The junta alleges that it stepped in to save the country from the danger of communism—yet even Greek conservative leaders emphasize the fact that the danger of communism was nonexistent in Greece. The junta overthrew a conservative government.

In this connection, it must always be remembered that Greece fought successfully a Communist aggression at the peak of the "Cold War" under a parliamentary government. The junta has persecuted the leaders of Greece's major political groupings, i.e., the conservatives, the royalists, the Center Union, the left and the extreme left. It has resorted to systematic torture of opponents and has been publicly condemned by leaders of the British, Danish, Swedish, Norwegian, Dutch and Italian Governments, among others.

Since 1947, America has played a decisive role in Greece. In this respect, it is significant to remember that in non-Communist Europe the widespread belief that Washington was involved, either by commission or omission, in the April 21, 1967, coup and that she is responsible for keeping the Athens colonels in power two years later, has done much to undermine basic U.S. positions and interests in this vital area. This point is supported by the publisher of the most influential conservative Greek newspapers (until the junta seized power and she bravely refused to publish them under censorship), Mrs. Helen Vlachou-Loundras, now in exile in London.

Last Oct. 17 she said of the Greek regime: "So the moment of truth is approaching, and the first brand-new European dictatorship since the war is about to emerge, born of the Pentagon by the CIA, reared by NATO, surrounded by doting businessmen. It is no use criticizing the Americans, divided as they are between those who would like to chase the junta but cannot do it, and those who can, and will not."

RIGGED REFERENDUM

In a futile attempt to improve its international image, to buy desperately needed time and to overcome the stubborn refusal of Greeks of prestige and ability to work for the regime, the junta carried out a referendum on a new constitution in September 1968, which makes the armed forces the guardian of the status quo in Greece. The referendum gave a Soviet-style vote of 92.2% and was carried out under conditions of martial law. The really free sentiments of the Greeks became manifest a few weeks later when more than 300,000 people in Athens spontaneously demonstrated against the regime and for democracy on the occasion of the funeral for George Papandreou, the last elected prime minister.

On the eve of the NATO ministerial meeting in Washington earlier this month the junta, feeling the weakness of its domestic and international position, announced a series of "liberalization" measures under the new constitution. These measures, however, would be applied only after appropriate legislation is drafted and promulgated. The aims of such a move are quite transparent: To forestall several NATO countries' pressure for an early restoration of democracy in Greece.

Political stability can be said to exist as long as we recognize that it is achieved at the point of U.S.-supplied guns and in the face of the passive and growing opposition of the vast majority of the Greeks. Nevertheless, it is argued that the regime has been good for business and that on the economic front Greece can now move forward.

A privately circulated 12-page report prepared a year ago by a New York bank states:

"Since the coup, Greek economic activity has slowed down; GNP growth rate is officially estimated to have been 5% in 1967—and privately put nearer to 3%—compared with 7.4% in 1966. Much of this has been due to a slowdown in investment, especially of the private sector. However, in 1967 the trend toward more rapid growth of industrial than agricultural production was reversed—agricultural production grew faster than industrial, largely due to the rapid growth of the latter in 1966. Prices have been stable due to a price freeze. Wages, on the other hand, have been allowed to rise rather rapidly. The overall government budget deficit for 1968 will again be large—mostly due to the rising government investment budget."

At the end of last month, the junta tried in a series of speeches to undo the damage caused to the economy by crippling uncertainty over the regime's intentions. The government made numerous appeals to attract foreign capital.

The junta's most publicized achievement for political, propaganda and lobbying reasons was the signing of a lucrative contract with Litton Industries, a few weeks after coming to power. To date Litton has produced some studies and very small-sized investments coming exclusively from the Litton group companies. That's why both the junta and Litton, at this very moment, are mutually dissatisfied with each other's performance.

The political anomaly of a banana republic dictatorship in present day non-Communist Europe has led to a suspension of some $55 million of European Bank loans to Greece under the Treaty of Association with the Common Market. The long run future of Greece's association with the Common Market is in doubt. The governor and deputy governor of the Greek central bank have resigned in protest over the junta's policies.

REVIEW THE U.S. POSITION?

My belief is that there are serious grounds for being disturbed by U.S. policy toward Greece—grounds that make mandatory a basic and urgent review of the U.S. position by the Nixon Administration, which is in the advantageous position of having no responsibility for the events and policies of the last few years. Time is running out on the Greek issue faster than most officials in Washington seem to realize.

In the present Greek process the U.S.'s best friends are systematically destroyed. The Johnson Administration, on many occasions, gave rise to the belief it was supporting the junta. In the end the Greeks will force their oppressors out of power. The process could be bloody and might well involve the U.S. in another Vietnam-type situation. It is, therefore, legitimate to ask why long-term U.S. interests are being sacrificed in Greece for the sake of an ephemeral security and stability and whether it is wise to continue along this road much longer.

SENATOR COTTON'S REASONS FOR SUPPORTING THE ABM

Mr. COTTON. Mr. President, recently I released for publication a report to the people of New Hampshire stating my position on the ABM and my reasons. My newsletters are limited to 1½ pages. Brevity results in some oversimplification. Rather than take the time of the Senate, after a long and repetitious debate, to amplify my views, I ask unanimous consent that my report be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Prolonged debate over the antiballistic missile (ABM) has kept the Senate at a standstill. Now that every detail of this subject has been discussed and rediscussed and we are about to vote, I can review it with you.

My reasons for supporting ABM can be simply stated:

Already we have expended over three billion in research to develop this defense against nuclear attack. We can't know whether the ABM will work until we actually assemble it. At least two are required to permit the interplay of radar and other devices. It will take five years to install them, and it's time we started.

There may be no way to destroy every nuclear missile in a massive attack. However, I refuse to believe that a nation that can put two men on the moon can't devise some system capable of saving many lives and, by preserving our capacity to strike back, make the enemy think twice before he launches a nuclear offensive. Perhaps ABM won't work, but the Soviets think it will and have installed sixty, improving them as they go along. It's time we put ours to the test. A batch of blueprints is no defense.

Now for some of the doubts that are agitating so many people.

Will the ABM provoke the Soviets and dim the prospects for an arms agreement? This seems to worry everyone except the Soviets. Kosygin at his London press conference explicity rejected the idea that the deployment of a defensive missile system heats up the arms race. The ABM is as purely defensive as a bomb shelter. It is not pointed at, nor can it hurt any other nation.

Are we launching a program that will sink billions in a system that may not work or may not be needed? It is proposed to devote two billion over the next five years to research and development. So far as I know, not a single Senator opposes this. The only question is whether we spend another two billion over the same period to install two ABMs. This means less than two dollars apiece a year for each inhabitant of the U.S.—a low price for insurance. And even this amount can be stopped at any point if ABM proves ineffective or if a nuclear arms agreement makes it unnecessary. This bill does not commit us to spend one additional cent toward the twelve ABMs contemplated for a complete Safeguard System.

Should the Senate adopt a compromise? The answer to that is that the President's proposal is emphatically a compromise. He refrains from starting a Fractional Orbital Bombardment System (FOBS), though the Soviets have one. He refrains from adding new missiles, though the Soviets are producing the devastating 25-megaton SS-9. He refrains from increasing our Polaris-Poseidon submarine fleet, though the Soviets are adding to theirs and may have already passed us. He says, "I am recommending a minimum program essential for security."

Personally, I vote for this minimal protection because I do not want, at this time, to raise any roadblock against the President's cherished hope for arms limitation. I do so with misgivings. It is doubtful that the Soviets will limit their armaments while threatened by a huge and hostile China. We want no race in missiles and megatons, but I would build and deploy more Poseidon submarines to make a first-strike knockout more difficult.

After all, if a nuclear conflict is to be averted, it will be because both sides have all the horrible weapons in their arsenal so that neither dares resort to them. Even Hitler did not resort to gas or germ warfare because the Allies were equipped to respond. But we needn't look at Hitler or the Soviets or the Chinese to see why the hope of the world lies in a checkmate. We dropped the atom bomb on Hiroshima and Nagasaki killing 100,000 people, including women and children. Though it shortened the war, I believe most Americans now regret it. But have you ever stopped to think whether we would have dropped those bombs if the Japanese could have retaliated? I think not!

To sum up, I am voting for the ABM because I agree with Dr. McMillan, UCLA Professor of Chemistry, who said to the Senate Committee:

"I believe that the great majority of the American people with their down-to-earth common sense are having as great a difficulty as I am in swallowing the sophisticated arguments that conclude it is somehow bad to defend ourselves."

EQUAL EMPLOYMENT OPPORTUNITY

Mr. FANNIN. Mr. President, I have today received a letter from the Comptroller General of the United States, Elmer Staats, in which he responds to an inquiry I posed last month relative to the legality of the so-called revised Philadelphia plan affecting Government contractors.

Under the revised plan, contractors in order to qualify as bidders would have had to agree in advance to hire a certain specified "range" of minority employees.

Mr. President, I seriously questioned the legality of this under the 1964 Civil Rights Act. Section 703(j) specifically prohibits the setting up of any kind of preferential treatment because of race, color, national origin, and so forth. I have said all along that I am for equal employment opportunity, but equal treatment must be that—equal. Some may not be treated "more equally" than others under the law.

I am happy to see that the Comptroller General has ruled in favor of all workers' rights in holding the plan illegal. He has said, in his decision which I shall have placed in the Record, that in the absence of specific court rulings to the contrary, or additional statutes that the 1964 Civil Rights Act is in conflict with the OFCC regulations and the Philadelphia plan revised.

Undoubtedly there will be those who misinterpret this matter—just as some of my colleagues have said the law, the 1964 Civil Rights Act, does not apply—to them I must issue the reminder that if this is to be a nation of laws and not of men, we must abide by the law and this law was supposedly passed to protect the rights of every man, not just those of one color.

Mr. President, I ask unanimous consent that the letter from the Comptroller General, along with the full text of his decision, be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., August 5, 1969.

Hon. PAUL FANNIN,
U.S. Senate.

DEAR SENATOR FANNIN: With reference to your letter of July 1, 1969, concerning an order issued June 27, 1969, to the heads of all agencies by the Assistant Secretary for Wage and Labor Standards, Department of Labor, announcing a Revised Philadelphia Plan to implement the provisions of Executive Order 11246, there is enclosed a copy of our decision of today, B-163026, to the Secretary of Labor.

In the event the attached decision is not considered dispositive of your interest in the matter, we will be pleased to respond to any further questions you may have concerning the subject.

Sincerely yours,
ELMER B. STAATS,
Comptroller General of the United States.

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., August 5, 1969.

THE HONORABLE THE SECRETARY OF LABOR.

DEAR MR. SECRETARY: We refer to an order issued June 27, 1969, to the heads of all agencies by the Assistant Secretary for Wage and Labor Standards, Department of Labor. The order announced a revised Philadelphia Plan (effective July 18, 1969) to implement the provisions of Executive Order 11246 and the rules and regulations issued pursuant thereto which require a program of equal employment opportunity by contractors and subcontractors on both Federal and federally assisted construction projects.

Questions have been submitted to our Office by members of Congress, both as to the propriety of the revised Philadelphia Plan and the legal validity of Executive Order 11246 and of various implementing regulations issued thereunder both by your Department and by other agencies. In view of possible conflicts between the requirements of the Plan and the provisions of Titles VI and VII of the Civil Rights Act of 1964, Pub. L. 88-352, discussions have been held between representatives of our Office, your Department, and the Department of Justice, and your Solicitor has furnished to us a legal memorandum in support of the authority for issuance of the Executive Order as well as the revised Philadelphia Plan promulgated thereunder.

The memorandum presents the following points in support of the legal propriety of the Plan:

I. The Executive has the authority and the duty to require employers who do business with the Government to provide equal employment opportunity.

II. The passage of the Civil Rights Act of 1964 did not deprive the President of the authority to regulate, pursuant to Executive Orders, the employment practices of Government contractors.

III. The revised Philadelphia Plan is lawful under the Federal Government's procurement policies, is authorized under Executive

Order 11246 and the implementing regulations, and is lawful under Title VII of the Civil Rights Act of 1964.

Without conceding the validity of all of the arguments advanced under points I and II, we accept the authority of the President to issue Executive Order 11246, and the contention that the Congress in enacting the Civil Rights Act did not intend to deprive the President of all authority to regulate employment practices of Government contractors.

The essential questions presented to this Office by the revised Philadelphia Plan, however, are (1) whether the Plan is compatible with fundamentals of the competitive bidding process as it applies to the awarding of Federal and federally assisted construction contracts, and (2) whether imposition of the specific requirements set out therein can be regarded as a legally proper implementation of the public policy to prevent discrimination in employment, which is declared in the Civil Rights Act and is inherent in the Constitution, or whether those requirements so far transcend the policy of nondiscrimination, by making race or national origin a determinative factor in employment, as to conflict with the limitations expressly imposed by the act or with the basic constitutional concept of equality.

Our interest and authority in the matter exists by virtue of the duty imposed upon our Office by the Congress to audit all expenditures of appropriated funds, which necessarily involves the determination of the legality of such expenditures, including the legality of contracts obligating the Government to payment of such funds. Authority has been specifically conferred on this Office to render decisions to the heads of departments and agencies of the Government, prior to the incurring of any obligations, with respect to the legality of any action contemplated by them involving expenditures of appropriated funds, and this authority has been exercised continuously by our Office since its creation whenever any question as to the legality of a proposed action has been raised, whether by submission by an agency head, or by complaint of an interested party, or by information coming to our attention in the course of our other operations.

The incorporation into the terms of solicitations for Government contracts of conditions or requirements concerning wages and other employment conditions or practices has been a frequent subject of decisions by this Office, many of which will be found enumerated in our decision at 42 Comp. Gen. 1. The rule invariably applied in such cases has been that any contract conditions or stipulations which tend to restrict the full and free competition required by the procurement laws and regulations are unauthorized, unless they are reasonably requisite to the accomplishment of the legislative purposes of the appropriation involved or other law. Furthermore, where the Congress in enacting a statute covering the subject matter of such conditions has specifically prohibited certain actions, no administrative authority can lawfully impose any requirements the effect of which would be to contravene such prohibitions. It is within the framework of these principles that we consider the order promulgating the revised Philadelphia Plan.

The Assistant Secretary's order states the policy of the Office of Federal Contract Compliance (OFCC) that no contracts or subcontracts shall be awarded for Federal and federally assisted construction in the Philadelphia, Pennsylvania, area (including the counties of Bucks, Chester, Delaware, Montgomery, and Philadelphia) on projects whose cost exceeds $500,000 unless the bidder submits an acceptable affirmative action program which shall include specific goals of minority manpower utilization, meeting the standards included in the invitation or other solicitations for bids, in trades utilizing the seven classifications of employees specified therein.

The order further relates that enforcement of the nondiscrimination and affirmative action requirements of Executive Order 11246 has posed special problems in the construction trades; that contractors and subcontractors must hire a new employee complement for each construction job and out of necessity or convenience they rely on the construction craft unions as their prime or sole source of their labor; that collective bargaining agreements and/or established custom between construction contractors and subcontractors and unions frequently provide for, or result in, exclusive hiring halls; that even where the collective bargaining agreement contains no such hiring hall provisions or the custom is not rigid, as a practical matter, most people working the specified classifications are referred to the jobs by the unions; and that because of these hiring arrangements, referral by a union is a virtual necessity for obtaining employment in union construction projects, which constitute the bulk of commercial construction.

It is also stated that because of the exclusionary practices of labor organizations, there traditionally have been only a small number of Negroes employed in the seven trades, and that unions in these trades in the Philadelphia area still have only about 1.6 percent minority group membership and they continue to engage in practices, including the granting of referral priorities to union members and to persons who have work experience under union contracts, which result in few Negroes being referred for employment. The OFCC found, therefore, that special measures requiring bidders to commit themselves to specific goals of minority manpower utilization were needed to provide equal employment opportunity in the seven trades.

Section 7 of the Assistant Secretary's order of June 27 indicates that the revised Plan is to be implemented by including in the solicitation for bids a notice substantially similar to one labeled "Appendix" which is attached to the order. Such notice would state the ranges of minority manpower utilization (as determined by the OFCC Area Coordinator in cooperation with the Federal contracting or administering agencies in the Philadelphia area) which would constitute an acceptable affirmative action program, and would require the bidder to submit his specific goals in the following form:

Identification of Trade	Estimated Total Employment for the Trade on the Contract	Number of Minority Group Employees

Participation in a multi-employer program approved by OFCC would be acceptable in lieu of a goal for the trade involved in such program.

The notice also provides that the contractor will obtain similar goals from his subcontractors who will perform work in the involved trades, and that "Failure of the subcontractor to achieve his goal will be treated in the same manner as such failure by the prime contractor prescribed in Section 6 of the Order * * *." Since Section 6 of the order contains nothing relative to "failure," we assume the intended reference is to Section 8, which reads as follows:

"POST-AWARD COMPLIANCE

"a. Each agency shall review contractors' and subcontractors' employment practices during the performance of the contract. If the goals set forth in the affirmative action program are being met, the contractor or subcontractor will be presumed to be in compliance with the requirements of Executive Order 11246, as amended, unless it comes to the agency's attention that such contractor or subcontractor is not providing equal employment opportunity. In the event of failure to meet the goals, the contractor shall be given an opportunity to demonstrate that he made every good faith effort to meet his commitment. In any proceeding in which such good faith performance is in issue, the contractor's entire compliance posture shall be reviewed and evaluated in the process of considering the imposition of sanctions. Where the agency finds that the contractor or subcontractor has failed to comply with the requirements of Executive Order 11246, the implementing regulations and its obligations under its affirmative action program, the agency shall take such action and impose such sanctions as may be appropriate under the Executive Order and the regulations. Such noncompliance by the contractor or subcontractor shall be taken into consideration by Federal agencies in determining whether such contractor or subcontractor can comply with the requirements of Executive Order 11246 and is therefore a 'responsible prospective contractor' within the meaning of the Federal procurement regulations.

"b. It is no excuse that the union with which the contractor has a collective bargaining agreement failed to refer minority employees. Discrimination in referral for employment, even if pursuant to provisions of a collective bargaining agreement, is prohibited by the National Labor Relations Act and Title VII of the Civil Rights Act of 1964. It is the longstanding uniform policy of OFCC that contractors and subcontractors have a responsibility to provide equal employment opportunity if they want to participate in Federally-involved contracts. To the extent they have delegated the responsibility for some of their employment practices to some other organization or agency which prevents them from meeting their obligations pursuant to Executive Order 11246, as amended, such contractors cannot be considered to be in compliance with Executive Order 11246, as amended, or the implementing rules, regulations and orders."

It is our opinion that the submission of goals by the successful bidder would operate to make the requirement for "every good faith effort" to attain such goals a part of his contractual obligation upon award of a contract. The provisions of Section 8 of the order would therefore become a part of the contract specifications against which the contractor's performance would be judged in the event he fails to attain his stated goals, just as much as his stated goals become a part of the contract specifications against which his performance will be judged in the event he does attain his stated goals.

As indicated at page 4 of the order, the original Philadelphia Plan was suspended because it contravened the principles of competitive bidding. Such contravention resulted from the imposition of requirements on bidders, after bid opening, which were not specifically set out in the solicitation. The present statement of a specific numerical range into which a bidder's affirmative action goals must fall is apparently designed to meet, and reasonably satisfies, the requirement for specificity.

However, we have serious doubts covering the main objective of the Plan, which is to require bidders to commit themselves to make every good faith effort to employ specified numbers of minority group tradesmen in the performance of Federal and federally assisted contracts and subcontracts.

The pertinent public policy with respect to employment practices of an employer which may be regarded as constituting unlawful discrimination is set out in Titles VI and VII of the Civil Rights Act. Title VI, concerning federally assisted programs, provides in section 601 (42 U.S.C. 2000d) that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.

Section 703(a) (42 U.S.C. 2000e–2(a)) of Title VII states the public policy concerning employer employment practices by declaring it to be an unlawful employment practice for an employer (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or (2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin. Section 705(a) (42 U.S.C. 2000e–4(a)) creates the Equal Employment Opportunity Commission, and section 713(a), Rules and Regulations (42 U.S.C. 2000e–12(a)), provides that the Commission shall have authority from time to time to issue, amend, or rescind suitable procedural regulations to carry out the provisions of that title.

The public policy regarding labor organization practices is delineated in section 703(c) (42 U.S.C. 2000e–2(c)) wherein it is stated that it shall be an unlawful employment practice for a labor organization (1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin; (2) to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, or national origin; or (3) to cause or attempt to cause an employer to discriminate against an individual in violation of that section.

Whether the provisions of the Plan requiring a bidder to commit himself to hire—or make every good faith effort to hire—at least the minimum number of minority group employees specified in the ranges established for the designated trades is, in fact, a "quota" system (and therefore admittedly contrary to the Civil Rights Act) or is a "goal" system, is in our view largely a matter of semantics, and tends to divert attention from the end result of the Plan—that contractors commit themselves to making race or national origin a factor for consideration in obtaining their employees.

We view the imposition of such a requirement on employers engaged in Federal or federally assisted construction to be in conflict with the intent as well as the letter of the above provisions of the act which make it an unlawful employment practice to use race or national origin as a basis for employment. Further, we believe that requiring an employer to abandon his customary practice of hiring through a local union because of a racial or national origin imbalance in the local unions and, under the threat of sanctions, to make "every good faith effort" to employ the number of minority group tradesmen specified in his bid from sources outside the union if the workers referred by the union do not include a sufficient number of minority group personnel, are in conflict with section 703(j) of the act (42 U.S.C. 2000e–2(j)) which provides as follows:

"Nothing contained in this subchapter shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this subchapter to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group *on account of an imbalance which may exist with respect to the total number or percentage of persons* of any race, color, religion, sex, or national origin employed by any employer, *referred or classified for employment by any employment agency or labor organization,* admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area." (Italics added.)

While the legislative history of the Civil Rights Act is replete with statements by sponsors of the legislation that Title VII prohibits the use of race or national origin as a basis for hiring, we believe a reference to a few of such clarifying explanations will suffice to further show the specific intent of Congress in such respect when enacting that title. In the Congressional Record, volume 110, part 5, page 6549, the following explanation by Senator Humphrey is set out:

"* * * As a longstanding friend of the American worker, I would not support this fair and reasonable equal employment opportunity provision if it would have any harmful effect on unions. The truth is that this title forbids discriminating against anyone on account of race. This is the simple and complete truth about title VII.

"The able Senators in charge of title VII (Mr. Clark and Mr. Case) will comment at greater length on this matter.

"Contrary to the allegations of some opponents of this title, there is nothing in it that will give any power to the Commission or to any court to require hiring, firing, or promotion of employees in order to meet a racial 'quota' or *to achieve a certain racial balance*.

"That bugaboo has been brought up a dozen times; but it is nonexistent. In fact, the very opposite is true. Title VII prohibits discrimination. In effect it says that race, religion, and national origin are not to be used as the basis for hiring and firing. Title VII is designed to encourage hiring on the basis of ability and qualifications, not race or religion." (Italics added.)

In an interpretative memorandum of Title VII submitted jointly by Senator Clark and Senator Case, floor managers of that legislation in the Senate, it is stated in the Congressional Record, volume 110, part 6, page 7218:

"With the exception noted above, therefore, section 704 prohibits discrimination in employment because of race, color, religion, sex, or national origin. It has been suggested that the concept of discrimination is vague. In fact it is clear and simple and has no hidden meanings. To discriminate is to make a distinction, to make a difference in treatment or favor, and those distinctions or differences in treatment or favor which are prohibited by section 704 are those which are based on any five of the forbidden criteria: race, color, religion, sex, and national origin. Any other criterion or qualification for employment is not affected by this title.

"There is no requirement in title VII that an employer maintain a racial balance in his work force. On the contrary, any deliberate attempt to maintain a racial balance, *whatever such a balance may be,* would involve a violation of title VII because maintaining such a balance would require an employer to hire or to refuse to hire on the basis of race. It must be emphasized that discrimination is prohibited as to any individual. While the presence or absence of other members of the same minority group in the work force may be a relevant factor in determining whether in a given case a decision to hire or to refuse to hire was based on race, color, etc., it is only one factor, and the question in each case would be whether that individual was discriminated against.

"There is no requirement in title VII that employers abandon bona fide qualification tests where, because of differences in background and education, members of some groups are able to perform better on these tests than members of other groups. An employer may set his qualifications as high as he likes, he may test to determine which applicants have these qualifications, and he may hire, assign, and promote on the basis of test performance.

"Title VII would have no effect on established seniority rights. Its effect is prospective and not retrospective. Thus, for example, if a business has been discriminating in the past and as a result has an all-white working force, when the title comes into effect the employer's obligation would be simply to fill future vacancies on a nondiscriminatory basis. He would not be obliged—or indeed, permitted—to fire whites in order to hire Negroes, or to prefer Negroes for future vacancies, or, once Negroes are hired, to give them special seniority rights at the expense of the white workers hired earlier. (However, where waiting lists for employment or training are, prior to the effective date of the title, maintained on a discriminatory basis, the use of such lists after the title takes effect may be held an unlawful subterfuge to accomplish discrimination.)" (Italics added.)

In the Congressional Record, volume 110, part 6, page 110, the following objections, which had been raised during debate to the provisions of Title VII, and answers thereto by Senator Clark are printed:

"Objection: Under the bill, employers will no longer be able to hire or promote on the basis of merit and performance.

"Answer: Nothing in the bill will interfere with merit, hiring, or merit promotion. The bill simply eliminates consideration of color from the decision to hire or promote.

* * * * *

"Objection: The bill would require employers to establish quotas for nonwhites in proportion to the percentage of nonwhites in the labor market area.

"Answer: Quotas are themselves discriminatory."

While, as indicated above, we believe that the provisions of the Plan affecting employers who hire through unions conflict with section 703(j) of Title VII, and that the above statement by Senator Humphrey further indicates that the act was not intended to affect valid collective bargaining agreements, we further believe that the appropriate direction of any administrative action to be taken where it is the policy of a union to refer only white workers to employers on Federal or federally assisted construction is indicated in the following question and answer set forth in the interpretative memorandum by Senator Clark and Senator Case (Congressional Record, vol. 110, pt. 6, p. 7217):

"Question. If an employer obtains his employees from a union hiring hall through operation of his labor contract is he in fact the true employer from the standpoint of discrimination because of race, color, religion, or national origin when he exercises no choice in their selection? If the hiring hall sends only white males is the employer guilty of discrimination within the meaning of this title? If he is not, then further safeguards must be provided to protect him from endless prosecution under the authority of this title.

"Answer. An employer who obtains his employees from a union hiring hall through operation of a labor contract is still an employer. If the hiring hall discriminates against Negroes, and sends him only whites, he is not guilty of discrimination—but the union hiring hall would be."

We believe it is especially pertinent to note that the "Findings" stated in section 4 of the order of June 27 as the basis for issuance thereof, consist almost entirely of a recital of practices of *unions*, rather than of contractors or employers. Thus, in attempting to place upon the contractors the burden of overcoming the effects of union practices, the order appears to evince a policy in conflict with the interpretation of the legislation as stated by its sponsors.

In this connection your Solicitor's memorandum contends that the principle of imposing affirmative action programs on contractors for employment of administratively determined numbers of minority group tradesmen, when such programs are for the purpose of correcting the effects of discrimination by unions prior to the Civil Rights Act of 1964, is supported by the decisions in *Quarles* v. *Philip Morris*, 279 F. Supp. 505; *U.S.* v. *Local 189, U.P.P. and Crown Zellerbach Corp.*, 282 F. Supp. 39; and *Local 53 of Heat and Frost Insulators* v. *Vogler*, 407 F. 2d 1047. We find, however, that decisions of the courts have differed materially in such respect; see *Griggs* v. *Duke Power*, 292 F. Supp. 243; *Dobbins* v. *Local 212*, 292 F. Supp. 413; and *U.S.* v. *Porter*, 296 F. Supp. 40.

Additionally, your Solicitor's memorandum cites cases involving affirmative desegregation of school faculties (*U.S.* v. *Jefferson County*, 372 F. 2d 836 (1966), and *U.S.* v. *Montgomery County*, 289 F. Supp. 647, affirmed 37 LW 4461 (1969) in particular). However, there is a clear distinction between the factual and legal situations involved in those cases and the matter at hand. The cited school decisions required reallocation of portions of existing school faculties in implementation of the requirement for desegregation of dual public school systems, which had been established on the basis of race, as such requirement was set out in the 1954 and 1955 decisions of the Supreme Court in the *Brown* v. *Board of Education* cases (347 U.S. 483 and 349 U.S. 294). In the *Brown* cases desegregation of faculties was regarded as one of the keys to desegregation of the schools, and in the *Jefferson County* case the court read Title VI of the Civil Rights Act as a congressional mandate for a change in pace and method of enforcing the desegregation of racially segregated school systems, as required by the *Brown* decisions.

The requirements of the revised Philadelphia Plan do not involve a comparable situation. Even if the present composition of an employer's work force or the membership of a union is the result of past discrimination, there is no requirement imposed by the Constitution, by a mandate of the Supreme Court, or by the Civil Rights Act for an employer or a union to affirmatively desegregate its personnel or membership. The distinction becomes more apparent when it is recognized that the order of June 27 pertains to *hiring* practices of an employer. Hiring was not at issue in the school cases, and those cases do not purport to hold that a school district must, or even may, correct a racial imbalance in its faculty by affirmatively requiring that a stated proportion of its teachers shall be hired on the basis of race. To the contrary, the court recognized in its decision in the *Jefferson County* case (page 884) that the "mandate of Brown * * * forbids the discriminatory consideration of race in faculty selection," and such consideration is expressly prohibited by section VIII of the court's decree in Appendix A of that case.

The recital in section 6b.2 of the order (and in the prescribed form of notice to be included in the invitation) that the contractor's commitment "is not intended and shall not be used to discriminate against any qualified applicant or employee" is in our opinion the statement of a practical impossibility. If, for example, a contractor requires 20 plumbers and is committed to a goal of employment of at least five from minority groups, every nonminority applicant for employment in excess of 15 would, solely by reason of his race or national origin, be prejudiced in his opportunity for employment, because the contractor is committed to make every effort to employ five applicants from minority groups.

In your Solicitor's memorandum it is argued that the "straw man" sometimes used in opposition to the Plan is that it "would require a contractor to discriminate against a better qualified white craftsman in favor of a less qualified black." We believe this obscures the point involved, since it introduces the element of skill or competence, whereas the essential question is whether the Plan would require the contractor to select a black craftsman over an *equally* qualified white one. We see no room for doubt that the contractor in the situation posed above would believe he would be expected to employ the black applicant, at least until he had reached his goal of five nonminority group employees, and that if he failed to achieve that goal his employment of a white craftsman when an equally qualified black one was available could be considered a failure to use "every good faith effort." In our view such preferential status or treatment would constitute discrimination against the white worker solely on the basis of color, and therefore would be contrary to the express prohibition both of the Civil Rights Act and of the Executive order.

It is also contended in your Solicitor's memorandum that substantial judicial support for administrative affirmative action programs requiring commitments for contractors for employment of specified numbers of minority group tradesmen is contained in the decision of the Ohio Supreme Court in *Weiner* v. *Cuyahoga Community College District*, 19 Ohio St. 2d —— (July 2, 1969). That decision upheld the award of a federally assisted construction contract to the second low bidder, as a proper action in implementation of the policies of the Civil Rights Act of 1964, after approval of award to the low bidder was withheld by the Federal agency involved for failure of the low bidder to submit an affirmative action program (including manning tables for minority group tradesmen) which was acceptable to that agency pursuant to an OFCC plan established for Cleveland, Ohio.

While the decision in *Weiner* case (which was a majority opinion by five of the justices with dissenting opinions by two) has some bearing on the issues here involved, since the decision appears to be based in substantial part on the conflicting opinions of Federal courts cited earlier we do not believe the decision can be considered as controlling precedent for the validity of the revised Philadelphia Plan.

In support of the required procedure, which is admitted at page 33 of the Solicitor's memorandum to require contractors to take actions which are based on race, the memorandum relies upon the acceptance by the courts, in school, housing and voting cases, of the use of race as a valid consideration in fashioning relief to overcome the effects of past discrimination. Aside from other distinctions, we believe there is a material difference between the situation in those cases, where enforcement of the rights of the minority individuals to vote or to have unsegregated educational or housing facilities does not deprive any member of a majority group of his rights, and the situation in the employment field, where the hiring of a minority worker, as one of a group whose number is limited by the employer's needs, in preference to one of the majority group precludes the employment of the latter. In other words, in those cases there is present no element of reverse discrimination, but only the correction of the illegal denial of minority rights, leaving the majority in the full exercise and enjoyment of their corresponding rights.

In addition it may be pointed out that in those cases the judicial relief ordered is directed squarely at the parties responsible for the denial of rights, and we therefore do not consider them as supporting requirements to be complied with by contractors who, under the findings of the Plan, are themselves more the victims than the instigators of the past discriminatory practices of the labor unions. Moreover, in the court cases the remedies are applied after judicial determination that effective discrimination is in fact being practiced or fostered by the defendants, whereas the Plan is a blanket administrative mandate for remedial action to be taken by all contractors in an attempt to cure the evils resulting from union actions, without specific reference to any past or existing actions or practices by the contractors.

While it may be true, as stated in the Plan, "that special measures are required to provide equal employment opportunity in these seven trades," it is our opinion that imposition of a responsibility upon Government contractors to incur additional expenses in affirmative action programs which are directed to overcoming the present effects of past discrimination by labor unions, would require the expenditure of appropriated funds in a manner not contemplated by the Congress. If, as stated in the Plan, discrimination in referral is prohibited by the National Labor Relations Act and Title VII of the Civil Rights Act of 1964, it is our opinion that the remedies provided by the Congress in those acts should be followed. See also in this connection section 207 of Executive Order 11246.

While, as indicated in the foregoing opinions and in your Solicitor's memorandum, the President is sworn to "preserve, protect and defend the Constitution of the United States," we question whether the executive departments are required, in the absence of a definitive and controlling opinion by the Supreme Court of the United States, to assess the relative merits of conflicting opinions of the lower courts, and embark upon a course of affirmative action, based upon the results of such assessment, which appears to be in conflict with the expressed intent of the Congress in duly enacted legislation on the same subject.

In this connection, it should be noted that, while the phrase "affirmative action" was included in the Executive order (10925) which was in effect at the time Congress was debating the bills which were subsequently enacted as the Civil Rights Act of 1964, no specific affirmative action requirements of the kind here involved had been imposed upon contractors under authority of that Executive order at that time, and we therefore do not think it can be successfully contended that Congress, in recognizing the existence of the Executive order and in failing to specifically legislate against it, was approving or ratifying the type or methods of affirmative action which your Department now proposes to impose upon contractors.

We recognize that both your Department and the Department of Justice have found the Plan to be legal and we have given most serious consideration to their positions. However, until the authority for any agency to impose or require conditions in invitations for bids on Federal or federally assisted construction which obligate bidders, contractors, or subcontractors, to consider the race or national origin of their employees or prospective employees for such construction, is clearly and firmly established by the weight of judicial precedent, or by additional statutes, we must conclude that conditions of the type proposed by the revised Philadelphia Plan are in conflict with the Civil Rights Act of 1964, and we will necessarily have to so construe and apply the act in passing upon the legality of matters involving expenditures of appropriated funds for Federal or federally assisted construction projects.

In this connection it is observed that by section 705(d) of the act, Congress charges the Equal Employment Opportunity Commission with the specific responsibility of making reports to the Congress and to the President on the cause of and means of eliminating discrimination and making such *recommendations for further legislation* as may appear desirable. That provision, we believe, not only prescribes the procedure for correcting any deficiencies in the Civil Rights Act, but also shows the intent of Congress to reserve for its own judgment the establishment of any additional unlawful employment practice categories or nondiscrimination requirements, or the imposition upon employers of any additional requirements for assuring equal employment opportunities.

We realize that our conclusions as set out above may disrupt the programs and objectives of your Department, and may cause concern among members of minority groups who may believe that racial balance or equal representation on Federal and federally assisted construction projects is required under the 1964 act, the Executive order, or the Constitution. Desirable as these objectives may be, we cannot agree to their attainment by the imposition of requirements on contractors, in their performance of Federal or federally-assisted contracts, which the Congress has specifically indicated would be improper or prohibited in carrying out the objectives and purposes of the 1964 act.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

AMERICAN PRISONERS HELD CAPTIVE IN NORTH VIETNAM

Mr. GOLDWATER. Mr. President, the statistics are known, the despicable condition of their confinement has been confirmed, and the arrogant and uncooperative attitude of their captors has been broadcast throughout the world—yet little or nothing has been accomplished toward the release or more humane treatment of more than 1,300 of our servicemen held prisoner by the North Vietnamese. Dissatisfied with the lack of progress made by the State Department which coordinated the problem for the former administration, the Defense Department requested and received earlier this year, the authority as primary action agency on the prisoner problem.

Since then, the Department has made a vigorous effort to obtain maximum information on the prisoners from the meager sources available. Disgusted by the combination of poor and frequently inhumane treatment, Secretary Laird has issued two strongly worded statements requesting a list of prisoners' names, the immediate release of all prisoners, particularly the sick and wounded, and that the North Vietnamese honor the Geneva Convention rules which include: First, neutral inspection of confinement areas; second, proper treatment of prisoners; and, third, free flow of mail.

Speaking for the North Vietnamese Government at the Paris meeting, Xuan Thuy has rejected these requests stating that his government will never provide even a list of the names of those confined.

The administration of captured North Vietnamese soldiers has been the responsibility of the South Vietnamese Government. Here great emphasis has been placed on proper treatment of enemy prisoners including adherence to the Geneva Convention rules and regular inspection of POW camps by the International Red Cross. Sick and wounded prisoners have been released and repatriated to North Vietnam. The North Vietnamese, however, have shown little or no interest in their own captured soldiers. All offers of exchanges have been rejected. In recent months the south unilaterally released 103 prisoners in the hope that the north would react favorably. The results were negative.

Of the more than 1,300 American prisoners, nearly 800 are airmen downed over North Vietnam. The first U.S. pilot who we believe is still a prisoner was captured in August 1964. As of June 1969, more than 200 American servicemen have been listed as either prisoners of war or missing in action for more than 3½ years. This period of time is longer than any U.S. serviceman was held prisoner during World War II.

It has been more than 6 months since the bombing of North Vietnam was halted. During this period which has included other peaceful initiatives such as the beginning of a combat troop withdrawal of 25,000 men, there have been no releases and almost no information on American prisoners. In the past 5 years, North Vietnam has released only six pilots and all six had been held for relatively short periods of time ranging from 3 to 7½ months.

The meager information on captured U.S. servicemen come primarily from a few propaganda photographs and films, leaks from Communist-bloc reporters, and from escaped American prisoners. Although inexact and sketchy, all indications are that the American prisoners are being physically mistreated. The great majority have been isolated from the outside world for long periods of time. There are strong evidences of malnutrition and improper medical care. Recent photographs show that some prisoners are continuing to suffer from injuries incurred at the time of capture. Other pictures show considerable and dangerous losses in weight.

In the past 5 years less than 100 prisoners have been allowed to write their families. For the most part these letters have been short, sterile, and obviously censored. Their frequency has averaged two per year—an unbelievably low number in view of their confinement. Conversely, in December of 1968, 714 Christmas packages were forwarded to prisoners by their relatives. We have no confirmation whether any were actually received. In two cases, propaganda films indicating that the prisoners were opening Christmas cards revealed under close study that the mail shown was Easter cards sent many months before.

Mr. President, almost all Senators have suffered some personal grief or anguish. What makes these trials bearable is the knowledge that these trials will eventually end. Think for a moment of the courageous families of these prisoners who have lived for months and years under the clouds of worry and uncertainty. Seventy-five of these families reside in Arizona. I can think of no tribute worthy of their suffering. I can, however, think of some actions appropriate to today's situation.

First, we should not hasten into commitments in Paris or elsewhere with a government which is unwilling to honor even the humanitarian accords of the Geneva Convention. Second, we should support and encourage an extension of the determination recently stated by the Secretary of Defense:

> We will not relax our efforts to ensure humanitarian treatment for all American servicemen while they are in captivity and to secure their release. These brave men and their families shall not be forgotten.

Mr. President, I urge that we support the Secretary of Defense in his new and vigorous efforts to resolve this complex and exceedingly difficult problem. It is apparent that determination, unity, and resolve are necessary to success. We in this body should provide these essentials.

ILLICIT NARCOTICS SALES

Mr. JAVITS. Mr. President, the illegal flow of drugs from foreign countries compounds the serious burgeoning problem of narcotics addiction in our country. Recent investigations to trace this traffic, have disclosed that about 80 percent of the illicit heroin entering the United States traces its origin to opiates grown in Turkey clandestinely manufactured in France. I have been deeply concerned about our need to effectively control the unlawful flow of narcotics into the United States and have written to Mr. John E. Ingersoll, Director of the U.S. Bureau of Narcotics, in order to determine what action has been taken by our Government to suppress this illicit traffic in narcotics from Turkey.

Mr. Ingersoll has advised me that an agreement has been reached with the Government of Turkey which provides for a phased reduction in the number of provinces currently growing opium. Moreover, the Agency for International Development initiated a $3 million loan project designed to provide Turkey with scientific equipment and expertise for crop substitution and agricultural techniques. Also, funds have been allotted to strengthen and increase law enforcement by the Turkish Government for the prevention of illicit opium sales.

The Director is confident in the sincerity of the Turkish Government's intentions in this area, and by the propitious results of the loan program so far. He expresses the belief that opium production in Turkey will end entirely at least by the fall of 1972. The information herein illustrates important governmental action on the matter of the availability of narcotics; as well as a peaceful self-help relationship between the United States and Turkey.

ACHIEVING NATIONAL HOUSING GOALS

Mr. BAYH. Mr. President, few domestic programs are more essential to future national welfare than providing adequate housing for all Americans. Despite general recognition of this need, essential goals in this field cannot be achieved without massive and concerted efforts by all agencies and organizations, both public and private. In meeting the ever-increasing demand for improved housing, a major role must continue to be played by traditional building contractors and craftsmen. However, because of the unprecedented, overwhelming needs throughout the country, architects, engineers, and designers have been turning to newer techniques which may prove feasible in producing livable homes on a quantity basis.

In this connection I was interested to note that Mr. James R. Price, president of the National Homes Corp., which is the Nation's largest manufacturer of housing, on July 22 suggested to the Senate Subcommittee on Housing and Urban Affairs ways of easing the critical shortage of decent housing in our large cities. Through innovative methods of mass production and by adapting industrial techniques, this firm in less than 30 years has produced attractive housing for more than a third of a million families, many in lower- and middle-income groups. Moreover, National Homes, which has its home office in Lafayette, Ind., since it was organized in 1940, has been an exemplary illustration of how Government and private enterprise can cooperate in the resolution of problems.

Under the leadership of Mr. Price and his associates this company has pioneered in developing and applying new processes which have earned an enviable reputation in the field. Late last year National Homes won a nationwide competition and contract awarded by a jury of outstanding experts to design and construct the Thomasville Urban Development Area at Atlanta, Ga. The five proposals submitted in the competition were evaluated on the basis of such criteria as the excellence of the site plan in relation to an optimum living environment, excellence of architectural design, quality of proposed construction, achievement of stipulated goals with respect to education, recreation, commerce, streets, utilities, rentals, and other factors, and the financial responsibility and demonstrated capability of the developer. It is a tribute to National Homes that the jury unanimously selected it as the company which best met the criteria established for this large and unique project.

Mr. President, it is important that careful consideration be given to all constructive suggestions which might help alleviate our critical housing shortage. In his testimony Mr. Price offered some thoughtful comments about housing with respect to such matters as the need to secure inner-city land, the advantages of industrialized module construction, the desirability of Federal insurance for large-scale projects, and the value of providing leadtime for builders through advance commitments of funds. Because his proposals should have widespread significance to all those who are concerned with our serious housing needs, I ask unanimous consent that Mr. Price's statement and an article written, describing National Homes project in a Chicago ghetto, by Jerry Reedy, and published in the February 1969 issue of Better Homes and Gardens, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF JAMES R. PRICE

Mr. Chairman and members of the committee, my name is James R. Price, Board Chairman and Chief Executive Officer of the National Homes Corporation. With me are Frank P. Flynn, Jr., President of our National Homes Acceptance Corporation, and Milton Semer, our Washington counsel.

I greatly appreciate this opportunity to testify on this year's legislative proposals.

National Homes is the largest home manufacturer in the United States. It was started in 1940 with the basic idea that homes can be built better and more economically on an industry assembly line than by conventional methods. An original investment of $12,500 in that idea has grown into a current net worth of $48 million.

Over 29 years, nearly 350,000 American families have purchased new National Homes. The first home was sold in 1940 for $3,250—$350 down and $19.42 a month for principal, interest, taxes, and insurance. It was recently resold for $14,000.

Our homes are priced below the average in the markets we serve. Last year, our average, including lot, was $18,350, with a range of $12,500 to $70,000.

Our sales this year are running against the tide. While the industry is on the decline, we will manufacture 24,000 units this year, up from 16,000 last year. In the first five months this year, we gained 34 percent over the same period last year, compared with only a 6 percent increase in the industry. Our single-family home production was up 34.4 percent, while the industry was down 5.4 percent.

We have used Federal government programs, such as FHA and VA, all during our history. All of our homes, except mobiles, meet or exceed structural and design standards set by the FHA. In the past two years, we have also become users of federal subsidy programs, for two main reasons:

(1) An alarming proportion of prospective homebuyers are priced out of the market. For example, a worker earning $10,000 a year, who would pay the statutory norm of 20 percent of his income for mortgage payments cannot afford to buy a $20,000 FHA-insured house. He can afford monthly mortgage payments of $166, but his payments on the $20,000 house at 7½ percent interest would amount to approximately $173. At 8½ percent interest, his payments would be approximately $188 a month.

(2) National Homes has recently made a sizable investment in new technology and production capacity to serve low income families in our urban centers—families historically subsidized through public housing programs. Of course, in developing this capability, we shall also be able to serve this income level in rural areas and small towns. Attached are excerpts from Time magazine and Better Homes and Gardens which describe our first inner city project.

National Homes is tooled up to expand its operations. We work with 1,000 builders, in 37 states, and deliver homes from manufacturing plants in localities I have listed in an attachment.

Not only are sales up, but National Homes is profitable enough to undertake a substantial expansion in plant and equipment. But expansion will vary with product lines. Overall, 3-shift capacity will increase from 72,800 units this year to 98,000 next year. But as the following tabulation shows, the mix varies, for reasons the Committee may find interesting.

	1969	1970
Technology No. 1 (finished and unfinished panels)	46,000	46,000
Technology No. 2 (3-dimensional modules, excluding mobile homes)	10,800	28,800
Mobile homes	16,000	24,000
Total, annual 3-shift capacity	72,800	98,000

What I call our Technology No. 1—finished and unfinished panels—has increased capacity over the years—expanding in boom years, cutting back when housing starts dropped—and is now at the point where it can handle a steadily rising volume of sales.

For mobile homes, consumer demand is so strong that we are expanding plant capacity very substantially.

The largest expansion, however, and our greatest investment in the Nation's future, is in my Technology No. 2, industrialized housing in the form of 3-dimensional modules to serve low and middle income families in our urban centers.

MOBILE HOMES

The spectacular rise of the mobile homes industry reflects many of the problems confronting the Congress. Your very able Staff Director, Carl Coan, suggested that we explore this phenomenon with the Committee.

Two years ago, I resisted entering the mobile home market because I felt I could outcompete them with my regular line which meets traditional housing standards. The short version of my story is that when I couldn't lick them, I joined them—but with some misgivings about what it meant for future housing patterns in the country.

As building standards, space requirements, zoning regulations, labor cost, land costs and material costs have priced our low and moderate income families out of single family housing mrakets, the mobile home industry has provided housing for a substantial percentage of our population. Mobile homes are placed primarily in areas beyond code and zoning requirements. They use conustruction techniques and space far less than our accepted housing standards. They are amply financed by our banks and other lending institutions. This industry has been supplying housing to first-time homebuyers who had no other opportunity to procure shelter. Last year, one out of five new homes was a mobile home.

Mobile home production is up 39 percent this year over last year and will provide housing for 400,000 families this year. A great majority of the mobile homes are sold to young families, transient workers and senior citizens. Also, families earning as low as $350 per month can qualify. This trend will continue for as long as the conditions I have described continue.

LAND

The scarcity of suitable housing sites for low and moderate income housing is the first important bottleneck to meeting National housing goals.

A total of 4.6 million units of housing for low and moderate income families called for over the next decade are to be newly constructed housing. Land for this volume of new housing is not now available in built-up central-city areas.

We welcome the urban renewal provisions of the 1968 Act that provide that at least 20 percent of the land acquired must be utilized for housing, and at least half of that must be for low and moderate income housing. This is a start back from the policies of the past that have aggravated, rather than solved, the housing needs of inner-city residents, and which have made many communities hostile to urban renewal programs.

As you go into many urban centers you see a lot of vacant ground. I would have thought that this land would have been available for low-income housing. I learned differently. One of the objectives, at the time the 1949 act was enacted, was to take this ground and to improve the city's tax base. Values are assigned to the land for either commercial, or industrial, or high income multifamily. Thus, the value assigned would be too high for low-income housing.

As far as I am concerned, something has to be done to make this inner-city land available for low cost housing. Many people we are trying to house don't want to live out in the suburbs. They want to live in, yet we have a lot of ground not available to them because of zoning and high costs.

HUD should take the lead in converting a substantial portion of urban renewal land for low and middle income housing. Since land is going to have to be subsidized, in the inner city, it might as well be written down to zero with the Federal Government providing 100 percent of the subsidy cost, if used for low and middle income housing. Also, the Federal Government could directly help with land costs by adopting the provisions of Section 9 in S. 527, which provides for a write-down on surplus Federal land.

WORKABLE PROGRAM

An asumption of the 1968 Housing Act is that many of the 6 million units for low and middle income families will be in the nation's suburbs as relatively low-density housing—garden apartments, townhouses, or single family houses on small lots. Yet the plain political fact is that most suburbs resist the location of such housing within their boundaries.

This suburban resistance is buttressed, in the case of federally-assisted housing, by the "Workable Program" requirement (which requires approval by the local legislative body), and by other local approval provisions which attach to public housing and rent supplement programs. These local veto provisions should be eliminated, as recommended by the Kaiser Committee

Another good reason for waiving workable programs, especially in rural areas and small towns, is that the trend toward area-wide housing efforts, such as multi-county housing, authorities, shows promise of helping thousands of low-income families never reached before. It seems unnecessary to me to impose this requirement which was originally designed to promote city planning.

TRANSPORTATION

Much stress has been placed on the need for the inner city dweller to get to the areas of new industry, usually on the outskirts of the city, but transportation also plays a vital role in determining where new government-assisted housing is to be located. If transportation is available, the land cost is too high; if there is no transportation, land cost is within reach, but is unsuitable to the needs of prospective tenants for shopping, schools and employment. Serious thought should be given to this problem because the expense must be met one way or another. Either the higher land cost must be paid or transportation facilities must be extended to the new housing area. The alternative is to abandon the project and leave the housing needs unmet. I would support virtually any program—including substantial subsidies—that could solve this problem.

ENCOURAGING LARGE VOLUME

In the last fiscal year, 48,000 units were started under the 221(d)(3) and Section 202 housing programs. The 221(d)(3) houses were constructed by 357 sponsors; the average project contained 125 units. They took up to 30 months to complete from start to finish.

Our national housing goals cannot be met unless large volume industrialized housing is brought into the picture.

The government has no program to cover large-scale projects. Most FHA offices are reluctant to insure project sections covering more than 250 units. The developer has no commitments that further sections will be approved, so he cannot plan volume production. The solution is to reserve funds for this purpose, assuring the developer that he can proceed to invest in large tracts. I know that Senator Proxmire is a leading advocate of experimenting with large-volume production. The Administration has stated it agrees. I hope that it will come about soon.

LIMITS ON CONSTRUCTION COSTS

The limits on construction costs are out of date. The construction cost-limits for both FHA moderate income and public housing programs should be amended to keep abreast of rising construction costs. These cost limitations are set by statute.

Limitations should be at least $1,000 higher for the inner city because of greater density, fire requirements, and unusual site conditions left from wrecking for redevelopment. Special attention should be given to provide 5 and 6 bedroom homes, which are greatly needed in the inner-city.

FORWARD FUNDING

I realize that this Committee needs no urging to support forward funding. You have for as long as I can recall urged Congress to authorize and appropriate funds for housing programs to allow for lead-time. It is difficult for any entrepreneur with a long-term view to consider entering the housing field on a large scale in the face of the variation in the amounts of funds available for financing these programs from one year to the next.

We are going through a period in which newly authorized programs are funded below authorized levels, and even these limited amounts are late in coming.

With a minimum of five years or more advanced funding, to give the continuity needed to encourage large-scale industrialized housing, we have a fighting chance to meet some of our critical housing needs for low and moderate income families.

[From Better Homes and Gardens, February 1969]

A Promising Step Forward in Assembly-Line Housing

(By Jerry Reedy)

Visit a house construction site today and you might find yourself doing a double take—if not scrambling for cover. Instead of seeing workmen banging away with hammers, you may well view giant boxes swaying beneath cranes. The boxes are "modules"—the building blocks of a small, but progressive and growing segment of the housing industry. Stacked on top of each other or inserted in huge frames, modular components create housing in a fraction of the time required by traditional methods of construction.

At San Antonio's Hemisfair, for example, cranes put together a 21-story modular hotel for Hilton in only nine months. Conventional construction time for such a project is about a year and a half.

The mobile-home industry also joined the trend by creating stronger mobile homes and stacking them up in what became known as "instant housing." In most cities, however, mobile homes have found this construction route tough, if not impossible, because of zoning ordinances, building codes, and loan restrictions.

Much new building technology has been employed only in large, multi-family public housing, or in experimental show-cases such as "Habitat" at the Montreal World's Fair. By contrast, single-family housing remains largely a board-by-board operation, with few innovators and even fewer innovations. At a time when housing is both scarce and expensive, the situation cries out for a solution.

Fortunately, a few have heard the cry. One such man is Jim Price, chairman of the board and co-founder with his brother of National Homes Corporation, the nation's largest prefabber. National has been manufacturing prefabricated houses since 1940; this month the Lafayette, Indiana, concern rolled out Number 335,000. Tough and hard-driving, Price has two primary goals: to make National Homes the General Motors of the housing industry, and to put decent housing within the reach of everyone. He may just succeed.

In 1967, after riots in Chicago, Detroit, and Newark, Price approached the mayors of the three cities with a plan to build single-family townhouses on vacant land in the ghettos. Chicago was the first to accept, and the initial eight structures were set in place last August.

A typical approach? Not quite. Each four-bedroom unit is completely furnished, fully landscaped, and air-conditioned. Interior and exterior building materials were purchased from major manufacturers on the basis of quality, durability, and low maintenance. The simple yet smart exterior styling gives little if any hint of "public housing." In back, each townhouse has a private patio, as well as access to a common recreation area with separate sections for adults and children. Grass, trees, and shrubs are included just as they would be in any good suburban development. Total price: $14,500.

When asked how he manages to produce a quality home at this figure, Jim Price spurns such words as "technology," preferring to call it "know-how." Whatever it was, the Chicago project allowed National workmen to perform virtually the ultimate in prefabrication: *They completed each of the eight houses down to the last detail entirely within the factory and in compliance with FHA, VA, and Chicago's own stringent building code. And they did it in only ten days!*

When the houses were finished, they were simply loaded onto trucks in sections taken to Chicago, and lowered by crane onto previously poured foundations. Plumbing and wiring were connected, and the first family moved in the same day. Price says he will build a new factory for these townhouses wherever he can get a large enough commitment to make it worthwhile. National already has plants in the planning stage for Chicago, the Philadelphia area, and Winston-Salem, N.C.

National now produces townhouses at its sprawling main plant in Lafayette, in a completely separate building. The townhouses—or more appropriately, the first or second floors of the townhouses—move down an assembly line on giant dollies through 13 assembly stations. Several large sections—walls and floors, for example—are made ready at sub-assembly areas.

A bare floor arrives at station number one, where it is mounted on the dolly. Before it rolls to station number two, it receives an end wall, a sidewall and a vinyl floor. Workers at successive stations install interior partitions, the remaining exterior walls, plumbing, wiring, and appliances. At station 13, the finished product is wrapped in plastic and loaded onto a truck.

Though terminology has changed, most innovations are direct descendants of the prefabrication techniques of the forties and fifties. The idea remains the same: bigger building blocks *produced off-site* and *assembled on-site*.

Not many years ago, however, "prefabricated" was used to describe dreary, look-alike houses that sat in soulless subdivisions with little prospect of outlasting their mortgages—uninspiring, unimaginative, unappealing, uninviting, unsafe, and un-everything. Many prefabs deserved their bad reputations. Others were simply victims of the general low esteem that—with much justification—characterized all American housing during and after the hectic post-war building boom.

Switch back to the present. Housing prices have soared. Land costs more, labor costs more, lumber costs more. Rigid zoning ordinances and inflexible building codes help perpetuate the spiral; higher taxes twist it still more. Many who elect to pay the price for a new home are stopped before they start: interest rates on mortgage loans have gone up, too. For some, mortgage money is hard to find at any price. The nation's builders lament their third straight year of depressed housing starts, and many smaller operators are out of business.

This housing crisis is all too familiar to builders and homeowners (see the August, 1968, Better Homes and Gardens). Yet we can scarcely begin to suggest the misery and despair that inadequate, substandard housing creates in the teeming urban slums.

Obviously, National Homes can't rehabilitate the ghettos single-handedly. But its efforts demonstrate that totally manufactured housing can go a long way toward lowering costs and reducing construction time. The implications are staggering. Widespread adoption of the technique could provide not only decent housing for the poor, but more reasonably priced housing for everyone. Not ten years from now. Not even five years from now. Right now.

THE PESTICIDE PERIL—XXXIX

Mr. NELSON. Mr. President, California, which produces more agricultural commodities and uses more pesticides than any other State in the Union, has been one of the prime arenas for the growing pesticide controversy. The State has already acted to ban the use of DDT in households and home gardens and in dust form in farm fields. Further comprehensive action is being urged. Recently, some 60 marine scientists, representing the major marine laboratories along the California coast, wrote an open letter to Gov. Ronald Reagan and the people of the State of California stating:

> Scientific evidence now available shows beyond question that DDT and its residues have caused serious and irreparable damage to populations of beneficial birds and fishes.

The letter included a factual summary sheet explaining how DDT enters our oceans and into marine organisms, how it affects creatures, and what must be done to stop this dangerous threat to our environment.

The information included in both the letter and the fact sheet further testifies to the extent of the massive contamination caused by DDT and other persistent, toxic pesticides. I ask unanimous consent that the open letter and the fact sheet be printed in the Record at this point.

There being no objection, the open letter was ordered to be printed in the Record, as follows:

Open Letter to Gov. Ronald Reagan and the People of the State of California

As marine scientists we are deeply concerned by the accumulation of DDT in the oceans.

DDT is a "hard" pesticide, that is, it takes years to decompose to harmless products by weathering and biological processes. As a result it has been accumulating in the environment. Not only is it carried from land to sea by rivers and runoff, but it also evaporates from lakes and soil along with water and it's dispensed world wide by winds. DDT and its toxic residues are found in Antarctic penguins and seals, and in fishes living thousands of miles out at sea. Though the sea is immense, the accumulation of DDT in it has reached a point where it presents a grave threat to marine food resources.

Defenders of DDT point out that concentrations in the sea are very low. This is true; DDT in the sea is measured in parts per trillion of seawater. Even at these low levels, however, DDT is quickly absorbed by the microscopic plants of the plankton. They, in turn, are eaten by planktonic animals which retain and store the DDT from their food. Animal plankton is consumed by small fishes and crustaceans, which are eaten by larger fishes, and so on.

As an individual animal feeds and grows it builds up a concentration of DDT from several times to nearly 100,000 times the concentration of DDT in its food. With every step in a food chain the concentration of DDT in body tissues gets higher. At the ends of some of these food chains are fish-eating birds like the brown pelican, or birds of prey like the peregrine falcon which feeds mainly on fish-eating birds. These carnivors build up the highest body concentrations of DDT and its toxic residues, and were among the first warm-blooded animals known to suffer widespread reproductive failure.

The scientific evidence now available shows beyond question that DDT and its residues have caused serious and irreparable damage to populations of beneficial birds and fishes. There are many reports of destructive effects of DDT on shellfish (shrimps, crabs, oysters) and on beneficial insects which help provide natural controls on insect pests. DDT residues in several edible fishes are approaching 5 parts per million, the maximum level considered safe for regular human consumption under Food and Drug regulations. In some commercially important fish populations this level has already been significantly exceeded, particularly in lakes and in enclosed seas like the Baltic, and there the fish are failing to reproduce successfully because of DDT. Other important fisheries in the open seas are threatened, and if use of DDT is continued there is real danger that man's food supply from the sea will decline drastically while world population continues to increase.

It is true that since World War II DDT has saved millions from death by malaria, typhus, and other insect-borne diseases, and saved billions of dollars in food crops from insect pests. However, DDT is no longer an essential weapon in the battle for human health and food. It is less effective than it once was, for nearly 150 species of insect pests have developed resistance to it, and many other pesticides which are less destructive to man's environment and food supply are now available to take its place.

As marine scientists we are seriously concerned by the prospect of wholesale damage to important world fisheries, and by the possible loss of whole categories of animals which play important roles in preserving on the planet an environment favorable to man.

We strongly urge that the further use of DDT be banned.

Californians favoring such action should write their State Senators and Assemblymen, requesting support for Senate Bill 1430, which seeks to ban the use of DDT.

Signed:

Dr. Donald P. Abbott, Dr. Isabella A. Abbott, Dr. Lawrence R. Blinks, Dr. Rolf L. Bolin, Dr. David Epel, Dr. Malvern Gilmartin, Dr. Welton L. Lee, Dr. John H. Phillips, director, Dr. C. B. van Niel, Dr. Ellsworth H. Wheeler, Jr., Hopkins Marine Station of Stanford University.

Dr. Denis L. Fox, Dr. Francis P. Haxo, Dr. Martin W. Johnson, Dr. Ralph A Lewin, Dr. Robert R. Hessler, Dr. William A. Newman, Dr. William A. Nierenberg, director, Dr. B. E. Volcani, Dr. Claude E Zobell, Scripps Institution of Oceanography, University of California, San Diego.

Dr. Robert A. Arnal, Dr. Charles W. Bell, Dr. John P. Harville, director, Dr. G. Victor Morejohn, Dr. Jack T. Tomlinson, Dr. Edgar L. Yarberry, Moss Landing Marine Laboratory; Dr. Wheeler J. North, Dr. John S. Pearse, California Institute of Technology.

Dr. George S. Araki, Dr. Robert D. Beeman, Dr. Margaret G. Bradbury, Dr. Claude G. Alexander, Dr. Joel F. Gustafson, Dr. John S. Hensill, Dr. Curtis L. Newcombe, Dr. George T. Oberlander, Dr. Albert Towle, Dr. Hideo Yonenaka, San Francisco State College.

Dr. Demorest Davenport, Dr. Alfred Ebling, Dr. R. W. Holmes, University of California, Santa Barbara; Dr. Burney LeBoeuf, Dr. A. Todd Newberry, Dr. Richard S. Peterson, University of California, Santa Cruz.

Dr. Cadet H. Hand, Jr., director, Dr. Michael T. Ghiselin, Dr. Lary V. Davis, Bodega Bay Marine Laboratory, University of California; Dr. William N. Eschmeyer, Dr. W. I. Follett, Dr. Earl F. Herald, director, aquarium, Dr. Victor A. Zullo, California Academy of Sciences, San Francisco.

Dr. Michael G. Hadfield, Pacific Biomedical Research Center, University of Hawaii; Dr. Edmund H. Smith, Pacific Marine Station, University of the Pacific; Dr. Joseph Arditti, Dr. Richard Campbell, Dr. Peter S. Dixon, Dr. H. Koopowitz, Dr. Stuart M. Krassner, Dr. Grover C. Stephens, University of California, Irvine.

Dr. Joe H. Brumbaugh, Sonoma State College; Dr. Howard M. Feder, Hartnell College, Salinas; Dr. Vicki M. Buchsbaum, University of California, Los Angeles.

A Summary on DDT

DDT—THE PROBLEM

DDT, chemically known as 1,1,1-trichloro-2,2-bis (p-chlorophenyl) ethane, was the first major synthetic insecticide. Developed by Swiss chemist Paul H. Mueller, who received a Nobel Prize in 1948 for his work, it was first used in massive amounts during World War II. Since that time it has probably saved millions of people from death by malaria, typhus, and other insect-borne diseases, and saved billions of dollars in crops from insect pests.

Praised for its beneficial effects, DDT has also been harshly criticized. Past controversy centered mainly on its acute toxic effects on a broad range of organisms. Amounts of DDT used to kill pests also kill many other animals including birds, fishes, and beneficial insects which help hold pests in check. Acute poisoning of non-target organisms still occurs, but present controversy centers mainly on a more subtle effect—the chronic poisoning of many species by the increasing levels of DDT in the environment. The main effect of chronic poisoning is reproductive failure. The visible signs of this are not as spectacular as those of acute poisoning, but the end results may be worse. Reproductive failure can lead to extinction of species, and we see this happening today.

Pollution of the environment by DDT is world wide. For years DDT has been accumulating in the oceans. The consequences are serious and soon may be disastrous. How has pollution of the oceans occurred? What is DDT doing to organisms there? And what can be done to prevent further damage?

HOW DDT GETS INTO THE OCEAN

Three properties of DDT concern us here: its stability, its ability to evaporate with water, and its tendency to cling to particles.

Stability. DDT is one of the chlorinated hydrocarbons. These are "hard" pesticides, that is, they are stable and not easily decomposed into harmless products by weathering or the activities of living things. The half-life of DDT in the environment varies greatly with conditions; it may extend for several years or even several decades.

DDT does undergo slight changes into the residues DDD and DDE. These are toxic too, and may also cause reproductive failure.

Use of DDT in the U.S. has been declining in the past 10 years, but use abroad has increased. DDT is being applied to the world faster than it is breaking down to harmless products, so concentrations are building up.

Evaporation with water. Some of the DDT applied to soils and lakes drains into streams and rivers, and is carried to the sea this way. But DDT can also evaporate along with water from both soils and lakes, so some of it enters the air.

Adherence to particles. In air and water DDT tends to cling to other particles there. In the air DDT attaches readily to dust and is transported world wide by winds. Since the sea covers nearly three quarters of the globe, it receives a major share of the dust which settles.

By runoff, rivers, and airborne dust, much DDT applied on land eventually enters the oceans and accumulates here. DDT and its toxic residues are found in Antarctic penguins and seals, and in fishes living thousands of miles out at sea.

HOW DDT GETS INTO MARINE ORGANISMS

Characteristics of DDT involved here are: its low solubility in water, its high solubility in fatty materials, and its ability to undergo "biological magnification".

Solubility. Only about 1.2 parts of DDT will dissolve in a billion parts of water. Since DDT is almost insoluble in water, filtered water always contains very low concentrations. Much more DDT may be present attached to fine particles dispersed in the water.

DDT is highly soluble in fatty or oily materials, however. For this reason it is very readily taken up by the bodies of insects and a great many other kinds of organisms, even though it may be present in the environment in very small quantities. Once it enters a body it tends to stay there, thus in any environment DDT tends to accumulate in living organisms. It is also absorbed by fatty materials in dead and decomposing organisms.

The actual concentration of DDT in the sea is very low, and is measured in parts per trillion of sea water. Even at these low levels it is quickly absorbed by living organisms. Most marine animals and plants contain sizable amounts of fats or oils, and the DDT content of this material increases during life partly as a result of direct absorption.

Biological magnification. This is another factor important in the build-up of high DDT levels in animals. In the sea, as on land, the animals are ultimately dependent on plants for food. Nearly all plants of the open sea are microscopic in size; present in immense numbers they form the plant plankton. They contain considerable oil, and readily absorb and retain DDT.

The tiny plants are eaten by many different kinds of small animals. Each small animal eats a large number of plants, and most of the DDT in the plants become stored in its body. Since the animal contains the DDT absorbed by many plants, the concentration of DDT in its body becomes much higher than that in the plants which it eats.

This process of concentration of DDT is called "biological magnification". Some animals are not very efficient in concentrating and storing the DDT in their food, and their levels of DDT are not very much higher than those in the things they eat. Other organisms are highly efficient concentrators, and may eventually build up levels of DDT as much as 100,000 times greater than that in their food.

Small animals are eaten by larger ones, and these in turn by still larger animals. At each successive step in such a "food chain" the DDT concentration increases. In the water it is present in a few parts per trillion; in marine plants it is many parts per trillion. In the smaller animals it is measured in parts per billion. In the larger animals levels are measured in parts per million.

At these levels we are in real trouble. Already the animals may be suffering a degree of reproductive failure from chronic poisoning. They may also be inedible by man. Food and Drug regulations prohibit marketing of fish which contain more than 5 parts per million of DDT and its residues.

The highest concentrations of DDT usually occur in the larger animals which feed on fishes, such as fish-eating birds like the pelicans and ospreys, and birds of prey like the peregrine falcon which feeds mainly on fish-eating birds. DDT levels in these birds may be between 5 and 100 *times* greater than the levels permitted in market fish.

Animals which die without being eaten by larger forms decompose. As this occurs, particles of organic matter and scraps of dead tissue containing DDT are eaten by a variety of small scavening animals, which in turn are eaten by larger animals. Thus DDT in dead organisms on the bottoms of lakes and seas may enter the food chains again rather than being "lost" in bottom deposits. Since the sea is the ultimate receptacle for much of the DDT spread on land, many marine animals contain higher concentrations of DDT than do some land forms.

WHAT DDT IS DOING TO ORGANISMS

Marine plants. Laboratory experiments suggest that concentrations of DDT amounting to only a few parts per billion in water may reduce photosynthesis and growth in marine plant plankton. Such concentrations of DDT do not occur in the open sea, and are not anticipated there, but they may be approached in bays receiving agricultural drainage. No damage to plant plankton of the sea attributable to DDT has yet been reported, but we need to keep an eye on coastal waters where plant plankton supports some of man's richest fisheries.

Shellfish (shrimps, crabs, oysters, clams). For shellfish, too, man's major fisheries lie in coastal waters, often in bays which receive some runoff containing DDT as well as aerial fallout. Several cases of local damage to oysters and shrimps have been reported.

Commercial crab fisheries on both east and west coasts have declined in recent years. The causes are still unproven. However, studies carried out on DDT levels in adults, eggs, and larvae of the west coast market crab strongly suggest that DDT is an important factor. Adult crabs appear normal, with levels of DDT of less than 0.5 part per million, and are still highly edible. But the DDT transferred to the eggs apparently kills many of the larvae, and this may be causing the population decline.

Fishes. The worst damage to fishes has occurred in inland waters and in enclosed seas like the Baltic. Carnivorous fishes in some lakes in the U.S., Sweden, and other countries contain levels of DDT above those considered safe for regular human consumption (5 parts per million). The Lake Michigan coho salmon fishery, worth millions of dollars a year, was recently closed when the catch was found to contain up to 19 ppm of DDT.

DDT levels much lower than this have been linked with reproductive failure in some fresh water fishes. DDT from the females is transferred to the eggs as these are formed. As a young fish larva grows and uses up the yolk the DDT enters its blood. In New York State, all trout eggs with more than 2.9 ppm DDT died near the end of the larval stage. The level causing larval death was even lower for trout eggs in Wyoming. Some larval mortality due to DDT occurs in the echo salmon.

DDT levels are considerably lower for most Californian marine fishes. Anchovies are mostly below 1 ppm DDT, though individual fish are sometimes higher. One batch of 44 anchovies taken off Terminal Island measured above 12 ppm DDT, more than twice the allowable level in fish sold for food. Shiner perch in San Francisco Bay contained 1–1.4 ppm DDT; hake taken off the Channel Islands averaged 1.8 ppm. The flesh of English sole, mackerel, tuna, and striped bass usually measures well below 1 ppm, though three striped bass which had been feeding on carp in inland waters averaged 111 ppm, more than 22 times the allowable limit.

A few parts per billion of DDT causes an upset in the temperature selecting and acclimating mechanism in salmon, and in some fishes low concentrations of DDT result in abnormal behavior that makes them easy prey to predators. Much more needs to be known of the effects of low concentrations of DDT on the reproduction and behavior of marine fishes. Fish that are still safe to eat may be suffering reproductive damage.

Birds. Those suffering most from chronic DDT poisoning thus far are the fish-eating birds and the raptorial birds which prey on them. These birds occupy positions on food chains several steps removed from plants, and receive the greatest effects of biological magnification.

DDT and its toxic residues are stored up in the body fat of birds at concentrations which may reach several hundred or even over 1000 parts per million. The highest levels yet found have been in the body fat of birds found dead on California beaches.

During breeding, as fat is depleted the DDT residues stored there are released to the blood. They stimulate the liver to produce enzymes that break down sex hormones which are necessary for successful breeding behavior and the formation of proper egg shells.

Birds suffering chronic DDT poisoning lay thin-shelled eggs or eggs without any hard shell. Such eggs break during incubation.

The bald eagle, osprey, brown pelican, Bermuda petrel, peregrine falcon, and numerous similar birds are all suffering degrees of reproductive failure through production of thin-shelled eggs. The effects have been catastrophic in some cases. The peregrine falcon began to lay thin-shelled eggs during the first decade of DDT use. It is now extinct as a breeding population on the east coast of the U.S. On the west coast breeding is known only in a few small groups which do not prey on fish-eating birds but instead feed on pigeons which have a much lower DDT content.

The brown pelican appears to have suffered total or almost total reproductive failure all over North America. The last known breeding ground on the west coast north of Mexico was Anacapa Island. This year *all* eggs laid here were either thin-shelled or shell-less, and *all* were broken before hatching. A recent survey extending part way down Baja California showed no successful reproduction here either. The outlook for survival of numerous seabirds is gloomy.

Man. DDT affects man in relation to both his food supply and his health.

Food. DDT still plays an important role in preserving part of man's food supply from pests, but it is rendering other parts of that supply inedible or destroying the source itself.

Permissible limits of DDT residues in foods sold on the market are established in Food and Drug regulations. Limits are set at levels low enough so that, if properly enforced, there will be no cases of acute poisoning and no cases of chronic poisoning even with continued use of the food.

Maximum permissible levels are being approached in some foods today, despite increasing restrictions on the use of DDT. The high DDT content in milk caused Arizona to place a temporary ban on the use of DDT. The Lake Michigan coho salmon fishery is closed because of high DDT levels in the fish. Pesticide levels in lake fishes and in some Baltic Sea fishes caused Sweden to ban virtually all use of DDT. DDD levels measured a decade ago in eight species of fishes inhibiting Clear Lake in California showed levels ranging from a low of 5 ppm (now the permissible limit) to 133 ppm. These levels are unusually high, for Clear Lake received large scale treatment with DDD to control gnats in 1949, 1954, and 1957; DDD was applied at the rate of 1 part to 50–70 million parts of water.

Reproductive failure in trout and other fishes at levels well below those occurring in Clear Lake show that the dangers to man lie not only in making fish inedible but in the destruction of the fishery itself. The prospect of a marked decline in reproduction of important food fishes in lakes and coastal seas at the same time that world population is increasing should be a matter of deep concern to all.

Health. People in the U.S. carry in their fatty tissues levels of DDT averaging about 12 ppm.

DDT is also present in human breast milk. In some parts of the world, and occasionally in the U.S., the DDT level in mothers' milk is so high that under FDA standards it could not be sold for human consumption.

Some industrial and agricultural workers long exposed to DDT have concentrations of over 600 ppm in their body fat without suffering from any gross functional disorders.

However, little work has been done on subtle, long-term effects of DDT in man. Recent clinical research shows a strong correlation between high DDT levels and encephalomalacia, cerebral hemorrhage, portal cirrhosis, and various carcinomas. DDT and its derivatives can also induce cancer in tumor-susceptible mice.

THE SOLUTION—BAN THE USE OF DDT

While DDT has been enormously beneficial in some respects in the past, it is now clear that it poses a very real threat to important human food resources and to other species indirectly beneficial to man.

DDT is less effective now than when it was first used, for nearly 150 species of insect pests have developed resistance to it.

Moreover, satisfactory alternatives are now available, and more are under development, for the more perceptive manufacturers of pesticides have taken note as DDT and other chlorinated hydrocarbons have been placed under increasing restrictions.

Alternative pesticides include such chemicals as the carbamates and organophosphates, which break down more easily and are not stored by living organisms. While these are more expensive than DDT at present, commercial pesticide distributors have predicted that prices will drop as sales increase, just as was the case with DDT. Meanwhile, there is hope for the development of both chemical and biological control measures which will be more selective for specific target organisms, and less destructive to beneficial species and innocent bystanders.

Even if we stopped using it today, DDT would remain with us in the environment for a long time. The number of years or decades is uncertain. Accumulation of DDT in the sea would surely continue as wind and water transferred the DDT now in soils, lakes, and the atmosphere into the ocean basins. Eventually concentrations here would reach a peak and begin to decline, but we cannot afford to wait until DDT comes close to destroying the great ocean fisheries before we call a halt to its use. If we do, the uncounted tons of DDT remaining on land and in the air could still raise the DDT concentration in the sea from a dangerous to a disastrous level. Action should be taken *before* there is wholesale damage to important world fisheries, and before we experience the loss of whole categories of animals that play important roles in preserving an environment favorable to man.

DDT is already banned in some areas, and its use has been restricted in other states. A "DDT trial" has just been concluded in Wisconsin, and bills to ban DDT are under consideration.

CALIFORNIA SENATE BILL 1430—TO BAN USE OF DDT

Early in May, 1969, the California State Senate voted to consider legislation aimed at banning the use of DDT in the state. Senate Bill #1430, introduced by Senators John A. Nejedly (Contra Costa County, District 7) and Lewis F. Sherman (Alameda County, District 8) needs support if it is to pass during this session. Only a few weeks of the session remain.

Those wishing to support the bill should write to the Senator and Assemblyman from their own districts, asking support of the bill to ban DDT use in California.

Letters to your newspapers, perhaps including some information from this summary, should help awaken others to the problem and enlist their support.

While it is highly desirable that a ban on DDT should extend quickly to the nation and to other countries, control must start here at home. California manufactures and uses more DDT than any other state.

The time to ban its use is *NOW*.

DETERMINING THE CAUSES OF HIGHWAY ACCIDENTS

Mr. BAYH. Mr. President, the search for a solution to any problem should begin with a clear understanding of its nature and the possession of adequate factual and relevant information. Certainly no exception to this rule is the catastrophic motor vehicle accident situation which has plagued the United States for many years. If substantial progress is to be made in reducing the annual massive toll of life and limb in highway accidents, one of the essential elements will be the gathering of accurate, detailed data on all factors involved in their occurrence.

Because of this I am very much pleased to invite the attention of the Senate to the findings disclosed by a unique study which was conducted in Indiana during the years 1965, 1966, and 1967. The Indiana State Police during that period made an intensive and thorough analysis of 1,000 fatal highway accidents which cost over 1,200 lives, carefully investigating, recording, and classifying their every detail and aspect. From the tabulation and compilation of this data, some very significant conclusions emerged. For instance, it was revealed that the consumption of alcoholic beverages was the primary cause of traffic deaths in rural Indiana, with more than 50 percent of the fatalities being attributed to this factor.

The August 1969, issue of the FBI Law Enforcement Bulletin contains an article entitled "Analogue 1000," written by Robert K. Konkle, superintendent of the Indiana State Police Department, which describes this very comprehensive and valuable project. Because of its national significance, I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the FBI Law Enforcement Bulletin, August 1969]

ANALOGUE 1000

(By Robert K. Konkle, Superintendent, Indiana State Police Department, Indianapolis, Ind.)

Analogue 1000 is the history of 1,000 fatal traffic accidents that occurred on rural Indiana roads and highways between August 1965 and April 1967 and claimed a total of 1,238 lives. This study was an effort to determine exactly how those accidents happened through a probing, indepth examination of any incidents or factors that might have had some bearing on the causes of the tragedies.

The total motor vehicle accident situation is an enormous and complex problem. Efforts in engineering, public education, and traffic law enforcement to prevent accidents are virtually overwhelmed by the rapid and continuous growth of traffic volume. New roads cannot be built fast enough nor can older routes be repaired or redesigned quickly enough to absorb this growing mass of vehicles.

In the field of education, legislative action to tighten up licensing requirements and improve traffic court systems is painstakingly slow. Driver education programs in schools and among adult groups are generally insufficient. Law enforcement is hampered by lack of manpower. The greatest problem facing police in this regard is that the large number of accidents causes investigators to do little more than report their occurrence rather than conduct thorough investigations.

In July 1965 the Indiana State Police, without benefit of any special grants or financing, launched a study project in hopes that probing accident analyses would provide more and better information on the exact causes of traffic accidents.

The project encompassed 1,000 fatal smashups. The size of the sampling was limited in order to keep research within manageable proportions. State police investigators believed the circumstances surrounding these accidents would substantially reflect similar elements of all traffic accidents.

All investigations were conducted by Indiana State Police troopers who are trained accident investigators. At the time of the study, there were 570 troopers assigned to patrol duties in Indiana's 92 counties.

Troopers were given an outline showing only the minimum information which would be required. Beyond this, they were asked to use initiative and investigative judgment comparable to that required in homicide investigations. Their reports were submitted in narrative form and forwarded to State police headquarters in Indianapolis for tabulation and analysis by Lt. Richard A. Berger of the department's traffic division.

Information from these reports was encoded into an information retrieval system. Data from the system cards were then analyzed and compiled for this report.

Blood or breath specimens were obtained in most cases. Blood samples were checked for any trace of barbiturates, amphetamines, and alcohol. Breath samples were analyzed for blood-alcohol content.

FINDINGS

Analysis of the data compiled produced the following findings:

1. Human consumption of alcoholic beverages is the number one cause of rural traffic deaths in Indiana. In this study 746 persons died as a result of accidents in which a drinking driver was involved.

2. The educational level of a driver affects his chances of becoming involved in a fatal traffic accident.

3. Novice drivers, on the road to gain driving skill by means of experience, accounted for 263 deaths according to trooper investigators and in themselves present a critical problem.

4. Approximately 40 percent of traffic law violations in this study could be considered to have been willfully committed.

5. Drivers in certain vocations are more likely to make driving errors that result in traffic fatalities.

6. If groups of people may be categorized, we concluded that the group causing the greatest portion of our traffic accidents is not likely to be reached by safety campaigns.

7. A history of traffic arrests and minor traffic accidents has little to do with the probability of a particular driver's having a fatal accident. By and large, fatal accidents seem to be chance occurrences.

8. Two percent of highway deaths might possibly be suicides.

AT FAULT—ALCOHOL—BY AGE

Age	Total	Had been drinking	Percent of total who had been drinking	At fault	Percent at fault and alcohol
Under 16	22	2	9	2	100
16 to 21	311	82	26	68	83
21 to 30	339	132	39	112	85
30 to 45	376	141	37	115	82
45 to 60	263	84	32	63	75
60 to 75	144	26	18	23	88
75 and over	50	7	14	6	86

ALCOHOL

An analysis of figures showing drivers who were known to have consumed alcoholic beverages prior to their respective accidents revealed that 389 (82 percent) were at fault, 33 (7 percent) were partially at fault, and 52 (11 percent) were not at fault. In addition, 18 percent of all drivers who had been drinking were under Indiana's legal drinking age of 21. This portion of the study also showed that half the total number of drinking drivers had blood-alcohol levels of above 0.16 percent. Indiana's legal limit is 0.15 percent.

DANGEROUS DRUGS

Blood specimens only were analyzed for alcohol, amphetamines, and barbiturates and, for the most part, were obtained from deceased drivers.

Although we were unable to fully gage the extent drugs played in this study, we did find that nine drivers had consumed barbiturates and five persons were found to have consumed stimulants prior to being involved in fatal wrecks. Four of these persons had also consumed alcohol in addition to the drugs.

VOCATIONAL FACTORS

It was difficult to categorize groups of drivers by vocation because of the ambiguity of the terminology and the debatable nature of the categories selected.

One example of this is where to classify truckdrivers. We put some in the skilled group, some in the semiskilled, and some in the unskilled category depending on qualifications, type of operation, and previous experience.

Office administrators were considered skilled, while file clerks were generally considered to be semiskilled. The professional group contained those persons engaged in commonly recognized business and technological pursuits. The list below is based on tabulations of known vocational data:

Vocation:	Percent
Semiskilled	44
Skilled	16
Students	12
Unskilled labor	11
Housewives	5
Farmers	4
Professional	4
Armed Forces	3
Technological	1

Violation causes	Number	Percent
Deliberate	373	41
Carelessness	280	30
Inexperience or attention diverted	264	29
Total law violations	917	

WEATHER FACTOR

Weather conditions, according to the project study, were an important factor in the overall accident picture.

When a driver is unable to stop at an icy intersection and crashes into another vehicle, it may be construed that the accident was caused by weather conditions. Yet it may also be said that the because of the driver's lack of skill in driving on icy pavement and his lack of experience and good judgment, he slid into the intersection and collided with other traffic.

This situation appears analogous to an ice skater who falls on the ice. Did he fall because it was slippery or did he fall because he was not sufficiently skilled at ice skating?

We concluded that the young, inexperienced driver is more likely to misjudge or exercise poor judgment than the older more experienced driver. For example, if a driver misjudges his speed approaching icy intersections several times without killing himself, he will probably develop reasonable judgment and skill in this particular weather-related situation.

MARGIN FOR ERROR

All of us have observed that driving is deceptively easy and that a margin for error does exist, particularly for those drivers who commit hazardous errors and still manage to avoid accidents. Arrests by our troopers for serious moving violations outnumber the fatal accidents we investigate by nearly 100 to 1. This ratio does not take into account the myriad dangerous driving acts that are not seen by officers on patrol.

How, then, can the less experienced person gain driving skills and good judgment without placing other motorists on the road in danger? We consider this a serious problem, substantiated by the study findings.

For example, drivers in the 16- to 21-year-old group accounted for 21 percent of all drivers in the 1,000 fatal smashups. They also accounted for one-third of all drivers in the "drove too fast for existing conditions" category which was primarily weather oriented. Finally, 60 percent of all those drivers shown "at fault" in this age group committed their driving errors as a result of inexperience.

NAMES CHECKED

All drivers' names were checked through Indiana Bureau of Motor Vehicle files, Indiana State Police accident records, and the National Driver Register (NDR). Out-of-State drivers were checked through the NDR only. The NDR, at the time of this report, contained only the names of those drivers who had been convicted of a serious traffic violation, such as leaving the scene, driving while suspended or intoxicated, or reckless homicide.

We were surprised at how few drivers had previous arrest and accident records. We had surmised that a fatal accident was the climax of a history of minor accidents and traffic arrests. The statistics from Analogue 1000 do not effectively substantiate this theory. Paradoxically, the study raises the question of whether or not a history of traffic accidents can be interpreted to mean that the builder of such a record has gained driving experience which has helped improve his driving skills.

TRAFFIC LAW VIOLATIONS

Traffic enforcement and education efforts imply that traffic accidents do not just happen—they are caused. The implication is that errors, or traffic violations, are willfully and flagrantly committed. If not committed out of intent, then they are done out of ignorance of the law or carelessness.

The following chart reflects our findings in this area. Intoxicated persons were presumed to have been willful violators:

Vocations	Total	Percent of total	Mechanical defects	Had been drinking	Percent who had been drinking
Unemployed	44	3	4	22	50
Retired	81	5	2	15	19
Professional	45	3	3	4	9
Skilled technical	10	1	1	4	40
Skilled other	181	12	14	69	38
Semiskilled	477	32	58	150	31
Unskilled	123	8	43	70	57
Armed Forces	29	2	0	9	31
Farmer	44	3	0	6	14
Housewife	59	4	2	10	17
Student	141	9	22	21	15
Unknown	271	18	55	94	35

Deliberate violators, for purposes of this report, were defined as those who were speeding, passing on a hill or curve, or committing other acts of recklessness.

Violations committed out of carelessness are changing lanes without looking, failing to signal a turn, making a left turn into the path of oncoming vehicles, and others.

Violations in the last category represent those over which the driver has little or no control. For example, a driver crosses the centerline because, in the first instance, he ran off the roadway and, in trying to get back on the pavement, overcorrected and swerved to the opposite lane into an oncoming vehicle. Also inserted in this category were the drivers inexperienced in driving on icy roads.

Deliberate violations

Excessive speed.
Passed on hill.
Passed at intersection.
Passed on curve.
Passed without sufficient clearance.
Failed to observe automatic signal.
Failed to observe stop sign.
Followed too closely.
Fled from police.
Improper or no lights.

Unintentional violations

Drove off roadway.
Failed to signal.
Ran into rear of another vehicle (but not following too closely).
Speed too fast for conditions.
Speed too slow.
Failed to yield the right-of-way at a stop sign.
Failed to yield at private drive.
Failed to yield right-of-way (other).
Drove left of centerline.
Wrong way on one-way road.

Routine accident statistics can be misleading. For example, compilations of accident data in Indiana for 1966 showing "driver errors" were published in part as follows:

	Percent
Failed to yield right-of-way	24.4
Drove left of center	6.5

The casual observer notes that a leading cause of accidents is failure to yield the right-of-way and might automatically conclude that all such violations are deliberate and committed out of impatience or other reasons. If failure to yield the right-of-way were generally a conscious and deliberate act, then 24.4 percent of Indiana's motor vehicle accidents in 1966 were either suicides or attempted suicides. This, however, is not the case.

ANALYSIS OF FIGURES

A breakdown of our study figures shows that 209 drivers failed to yield the right-of-way and that 93 of these violations were committed at stop signs, 35 as a result of making a left turn in the path of oncoming traffic, 15 at the end of private driveways, and 66 fell under the category of "failed to yield right-of-way—other."

The analysis of these cases revealed that only 10 of the 93 violations committed at stop signs were deliberate, while eight committed in making left turns were deliberate. Two from a private driveway and six in the "other" category were also done deliberately. A close look at the analysis shows, therefore, that 26, or 12.4 percent, of the drivers in our study who failed to yield the right-of-way committed these violations deliberately. The foregoing example illustrates how routine accident statistics can be misinterpreted.

We note that "drove left of center" accounted for 6.5 percent of all the accidents in Indiana in 1966. Were these conscious acts?

Of those drivers in Analogue 1000 who were on the wrong side of the road at the moment of impact, 90 (27 percent) had no intention of being there. A total of 60 percent committed this violation because they were under the influence of alcohol.

Strict enforcement of traffic laws may prevent the rapid rise of accident rates because deliberate violators are probably deterred by seeing police on patrol and are motivated to pay strict attention to their driving to avoid arrest. It appears doubtful that strict enforcement has any measurable effect on unintentional violators.

SUICIDE

Suicide by way of a traffic "accident" may occur more frequently than we realize. This method of suicide can easily be used to defraud insurance companies if the victim exercises reasonable guile in his own execution.

Life insurance policies often have double indemnity clauses which make such an "accidental" death more appealing to the would-be suicide in that he or she might be able to leave a substantial amount of money to survivors. And when fraud is the intent, there is obviously no suicide note left behind.

The cases in this category were placed there because of the circumstances existing prior to the death and the fact that other evidence indicated a possibility or probability of suicide.

The number shown in the report therefore is, in reality, a sum of probables rather than proven facts—20 men and eight women, half of whom were under the influence of alcohol at the time of impact.

We believe it is important to recognize that some fatal accidents are suicides and that police investigators should never overlook this possibility.

None of the investigations in the study disclosed evidence of premeditated murder.

MECHANICAL DEFECTS

Mechanical defects, for purposes of this study, included only those defects which in most cases were not the primary cause of the accident. But, had the defect been absent, the accident might not have occurred. This segment of the study therefore is a tabulation of investigative judgments.

MECHANICAL DEFECTS

	Number	Percent
Faulty steering	11	5.3
Faulty brakes	25	12.2
Faulty suspension	5	2.4
Faulty lights	17	8.3
Faulty window glass	6	2.9
Faulty windshield wipers	2	1.0
Faulty exhaust system	6	2.9
Miscellaneous other	13	6.3
Faulty tires	121	58.7

In most cases the officer and a garage mechanic examined the wreckage. We have every reason to presume that all defects contributing to the cause of accidents cannot be found. In some cases disintegration was such that the detection of preexisting defects was impossible.

In our opinion the "faulty tire" category may be misleading. Since 106 faults were termed "excessive tread wear," the question arises what might have been the outcome of the accident had the skidding vehicle been equipped with tires in good condition? We surmise that some accidents might have been less severe with increased braking traction and that perhaps some would have been avoided completely under the assumption that no uncontrollable slide would have occurred in the first place.

Fifteen of the tire faults were so listed because they blew out or lost air before the accident and, in the investigators' opinion, contributed directly to the cause of the accident.

In summary, we believe that mechanical defects pose a real hazard in the total traffic accident picture. Based on that belief, the department strongly endorses mandatory vehicle inspection programs.

CONCLUSION

We are aware that Analogue 1000 is not a scientifically perfect research program. But the findings of an indepth investigation of 1,000 fatal traffic accidents have provided us some valid facts.

We believe the information gained concerning alcohol-related accidents reflects the need for more effective controls on the drinking driver.

In the area of mechanical defects, the figures clearly reveal that the combination of safe drivers operating safe cars can help cut down the accident toll.

In still another area, this study points up the need for establishing some kind of controlled traffic training environment in which young drivers can gain driving experience under all kinds of road and weather conditions without endangering lives.

In the final analysis, traffic safety is not just a police problem. It is a "people problem" in which there are achievements still to be gained from responsibilities yet to be assumed by people who administrate, who enforce, who judge, who teach, and, finally, by people who drive.

We have learned how to project man into outer space and return him safely to earth. Now, we have got to find a way to keep him alive on our streets and highways.

STAATS RELATES PPB PROGRESS

Mr. PROXMIRE. Mr. President, since 1965, the executive branch has been developing a planning-programing-budgeting—PPB—system. Such a system holds out enormous potentials for improving the allocation of Government expenditures and encouraging efficiency in Government. In the last 5 years, the system has been initiated in 26 agencies in the Federal Government. It has aided decisionmakers in these agencies to allocate public resources more effectively, reduce the portion of the budget which is "uncontrollable," understand the actual impact of public programs, identify programs that no longer serve national objectives, and connect planning and budgeting with actual program performance.

Within Congress there has been substantial interest in the development of the PPB system. Both my Subcommittee on Economy in Government of the Joint Economic Committee and the Subcommittee on National Security and International Operations of the Senate Committee on Government Operations have held extensive hearings on the development of this innovative planning and budgeting system.

In the past few weeks, three important documents have been released with the evaluation of public expenditure programs. The first of these is a three-volume study entitled "The Analysis and Evaluation of Public Expenditures: The PPB System." This study contains 50 background papers by economic experts submitted to my Subcommittee on Economy in Government. Second is the record of 2 days of hearings entitled "Guidelines for Estimating the Benefits of Government Expenditures." These hearings before the Subcommittee on Economy in Government focused on the appropriate procedures for measuring the benefits and economic performance of public spending programs.

Finally, on July 29, 1969, Mr. Elmer Staats, the Comptroller General, released a report by the General Accounting Office on the PPB System. It is entitled "Survey of Progress in Implementing the Planning-Programing-Budgeting System in Executive Agencies." This survey was undertaken to "obtain information on the executive agencies' progress in implementing this system and on major problems being encountered and to summarize the results of this study for the use of interested congressional committees and all executive agencies." Because of the importance of the PPB system and the need for Members of Congress to become familiar with the progress which is being made in implementing it, I ask unanimous consent that a portion of the GAO report be printed in the RECORD.

There being no objection, the excerpt from the report was ordered to be printed in the RECORD, as follows:

INTRODUCTION

The General Accounting Office has made a survey of the Planning-Programming-Budgeting (PPB) system which was formally introduced in the executive branch of the Federal Government by the President in August 1965.

This system was initially required to be adopted by 22 agencies and encouraged for adoption by 17 other agencies (See page 11). Our survey was directed principally to the agencies in the first category. The 21 agencies included in our survey are listed on page 13.

In announcing the introduction of this system in August 1965, the President stated that once in operation, the system would enable us to:

Identify national goals with precision and on a continuing basis.

Choose among those goals the ones that are most urgent.

Search for alternative means of reaching those goals most effectively at the least cost.

Inform ourselves not merely on next year's cost—but on the second, and third, and subsequent year's costs—of Federal programs.

Measure the performance of programs to insure a dollars worth of service for each dollar spent.

The President also stated that:

"This system will improve our ability to control our programs and our budgets rather than having them control us. It will operate year round. Studies, goals, program proposals and reviews will be scheduled throughout the year instead of being crowded into 'budget time'.

"To establish this system and carry out the necessary studies, each of you will need a Central Staff for Program and Policy Planning accountable directly to you. To make this work will take good people, the best you now have and the best you can find."

The overall objective of the PPB system as initiated in 1965 was to correct certain shortcomings in the planning and budget systems in Federal agencies. These shortcomings were identified by the Bureau of the Budget:

Program review for decisionmaking, had frequently been concentrated within too short a period.

Objectives of agency progrtms and activities had too often not been specified with enough clarity and correctness.

Accomplishments had been insufficiently presented for consideration by top management.

Future year costs had not in all cases been laid out systematically enough.

Formalized planning and systems analysis had too little effect on budget decisions.

An expression of GAO opinion regarding the issues raised by the application of PPB in the executive branch and the related implications for the Congressional role in establishing national policies and budgets was contained in the Comptroller General's statement before the Subcommittee on National Security and International Operations of the Committee on Government Operations, United States Senate, on March 26, 1968. The planning-programming-budgeting system was described as an effort to establish on a Government-wide basis a common approach and procedure for:

1. Establishing longer range planning in terms of Federal objectives and goals as defined by the Congress or the President.

2. Identifying the most advantageous programs to fulfill these objectives on the basis of an analysis of costs and benefits of available alternatives.

3. Translating programs into budgetary and legislative proposals and longer term projections.

In his statement the Comptroller General favored the use of the simpler, more easily understood term "program budgeting" as embracing these three elements. In this report we have generally used the term "Planning-Programming-Budgeting system" or "PPB" in accordance with the practice of the Bureau of the Budget and the executive branch agencies.

It is apparent that the system has been useful to Federal agencies. For example, the Administrator of the Agency for International Development (AID) has testified as to the following benefits for his agency:

PPBS considerations have a pervasive and powerful influence on the allocation of funds within and among countries in which development is being emphasized.

PPBS has been helpful in clarifying some of the decisions made within AID and has become an important tool in arriving at executive judgments in the field of foreign aid.

The system forces AID decisionmakers to concentrate more than they perhaps otherwise would on alternatives, and on costs, and gives them a much better picture of where they are going in the long run.

PPBS assists in fixing priorities.

As another example, officials in the Department of Health, Education, and Welfare have noted benefits from the PPB system in locating low-priority programs, in planning for disease-control programs at Federal, State, and local levels, in allocating incremental funds among categorical disease programs, and in bringing together funding decisions on existing programs with decisions about requests for new legislation.

Some of the overall improvements that have been achieved as a result of PPBS, according to Bureau of the Budget officials, are:

Agency officials have a better understanding of their programs, program objectives and the available alternatives.

The quantity and quality of information needed for planning and programming have been enhanced.

Analyses are more often used in the decisionmaking process.

The primary purpose of our survey of the PPB system was to obtain information on the progress of the executive agencies in implementing this system and on major problems being encountered. Largely because of the long-range nature of the development of a fully functioning PPB system, we did not undertake to make a comprehensive evaluation of the benefits of the system to the agencies. As more experience is gained in the Federal agencies in the application of PPB concepts and techniques, the General Accounting Office (GAO) will make evaluations of the benefits of the system as part of its ongoing examinations of agency management systems and of particular programs.

Our survey was made in Washington, D.C. during the second half of fiscal year 1968 and first half of fiscal year 1969. A draft of this report was reviewed by officials of the Bureau of the Budget, and their comments have been considered in preparing the final report.

EVOLUTION OF PPB

In August 1965 the President notified the heads of all Federal departments and agencies that a planning-programming-budgeting system was being introduced in the Federal Government. This system, commonly referred to as the PPB system, is one of the most recent innovations in Federal budgetary procedure.

In the sections which follow some of the principal budgetary innovations that preceded the PPB system and some of the principal features of the PPB system are described.

Budget history prior to 1965

The first comprehensive executive budget was a requirement of the Budget and Accounting Act, 1921. This legislation established the Bureau of the Budget as a staff agency to assist the President in formulating proposals to the Congress and in carrying out administrative details.

A budget preview process was begun by the Bureau of the Budget in 1946 as a preliminary step in the preparation of the 1948 budget. Its primary purpose was to develop and communicate to the major agencies general policy guidance concerning their fall budget requests.

The preview process is still in use although numerous changes have been made, and over time it has become more and more a systematic procedure for program planning and evaluation. In 1961 the preview became a two-stage (spring and fall) process with emphasis in the spring preview on major policies, goals, and objectives rather than on detailed budget figures. In 1964 agencies were asked to submit program plans to the Bureau of the Budget indicating program priorities and issues, matters which are also basic elements of the PPB system formally introduced in August 1965.

The first Commission on Organization of the Executive Branch of the Government (the Hoover Commission), created by Public Law 80–162 in July 1947, recommended the adoption of a budget based on functions, activities and projects, which the Commission referred to as a performance budget. The objective of the performance budgeting approach was to focus attention on the services to be rendered or work to be done rather than on resources required.

A comprehensive and functional classification of budget amounts, which cut across agency lines, was adopted in the 1948 budget presented to the Congress. The Bureau of the Budget had previously used the same kind of classification in its internal projections of the budget. A functional classification is still used. For fiscal year 1970 *The Budget of the United States* still shows budget expenditures classified according to 12 major functions and numerous subfunctions.

In 1943 Executive Order 9384 required the preparation of 5-year programs of all public works by the agencies involved and the summarization of these plans by the Bureau of the Budget for the President's consideration. For many years the Bureau required departments and agencies to include cost information in their reports to congressional committees on proposed legislation. This requirement was enacted into law in 1956 (Public Law 84–801). One of the basic features of the PPB system that bears a resemblance to Executive Order 9384 and Public Law 84–801 is a multiyear planning and programming process.

In August 1956 Public Law 84–863 was enacted. This law directed the head of each agency to take action to achieve consistency in accounting and budget classifications and to achieve support of budget justification by information on performance and budget costs. The cost-based budgeting requirement was an attempt to depart from the obligations basis of budgeting and to emphasize during the budgetary process the resources that would be consumed. Analyses which underlie decisions made within the framework of the PPB system also emphasize resources consumed and, in addition, emphasize where possible the program benefits or program effectiveness which are achieved with these resources.

Department of Defense innovations

Since the establishment of the Department of Defense in 1947, several different schemes have been used to classify its budget amounts. Until 1949 the Department presented a budget for each of the three separate services. In 1949 "performance budget" classifications were made a requirement for all the military services. Since 1961 classification has been in terms of programs.

In 1961 a highly significant change was made in the Department of Defense budget system. In effect, the change resulted in presentation of the Department's budget on a program or mission-oriented basis. For fiscal year 1970 the Department's budget was classified in the following program categories: strategic forces, general purpose forces, intelligence and communications, airlift and sealift, guard and reserve forces, research and development, central supply and maintenance, training, medical, and other general personnel activities, administration and associated activities, support of other nations.

Department of Defense resources are and have been since 1961 summarized and reviewed for planning purposes in terms of major mission-oriented programs that cut across the three military services. However, for appropriation purposes, the Congress still acts in terms of organizational entities and categories of expenditure (such as military personnel, operations and maintenance, procurement, etc.).

History of PPB from 1965

While the Department of Defense had not called its system PPB, the major characteristics of the system established in 1965 are the same. For example, classification of budget amounts, which is an important part of the PPB system, is also designed to cut across organizational lines as appropriate, and is oriented to programs and objectives rather than to the usual object classes. Comparisons of these and other ways to classify Federal budget figures are discussed in subsequent sections of this report.

The PPB system introduced in 1965 requires that agencies:

1. Establish long-range planning for goals and objectives,
2. Analyze systematically and present for agency head and for presidential review and decision possible alternative objectives and alternative programs to meet these objectives,
3. Evaluate thoroughly and compare the benefits and costs of programs, and
4. Present the prospective costs and accomplishments of programs on a multiyear basis.

The initial instructions concerning PPB from the Bureau of the Budget to executive agencies were in Bureau of the Budget Bulletin No. 66–3, dated October 12, 1965. This bulletin required the following agencies to adopt the PPB system:

Departments: Department of Agriculture, Department of Commerce, Department of Defense (Including Corps of Engineers), Department of Health, Education, and Welfare, Department of Housing and Urban Development, Department of the Interior, Department of Justice, Department of Labor, Post Office Department, Department of State, Treasury Department.

Independent Agencies: Agency for International Development, Atomic Energy Commission, Central Intelligence Agency, Federal Aviation Agency (later became part of the Department of Transportation which was also required to adopt the PPB system. The Department of Transportation was included in our survey), General Services Administration, National Aeronautics and Space Administration, National Science Foundation, Office of Economic Opportunity, Peace Corps, United States Information Agency, Veterans Administration.

Bulletin No. 66–3 also encouraged 17 other, mostly smaller agencies, to adopt the PPB system.

Each agency was required to develop a series of output-oriented categories, commonly referred to as program structures, which covered operations of the agency and to develop (1) a comprehensive multiyear program and financial plan, and (2) analyses, including program memoranda and special studies. The program structures of agencies are discussed in more detail in a subsequent section of this report.

The multiyear program and financial plan, as approved or modified by the agency head in conformity with guidance received from the Bureau of the Budget and the President, was to form the basis for the agency's annual budget requests. Bulletin No. 66–3 also called for a program memorandum to be prepared annually on each of the agency's program categories. Each memorandum was to discuss for several years into the future the program objectives, effectiveness, costs, alternatives, and uncertainties. In effect, a program memorandum was to be a document which summarized the program and financial plan approved by the agency head for a program category and which contained a succinct evaluation and justification for the program. Special studies, which might involve either an intensive examination of a narrow subject or a broad review of a wide field, were to be ad hoc studies prepared in response to either Bureau of the Budget or agency management requests.

The Bureau issued revised PPB guidelines on July 18, 1967, in the form of Bulletin No. 68–2. A principal change was to require that the multiyear program and financial plan prepared by each agency would show the future implications of past and present decisions; it was not to reflect the effect of possible future decisions. Unlike the program and financial plan, the program memorandum document was to continue to outline the strategy for an agency's plans and programs for future years.

Bulletin No. 68–2 required the new Department of Transportation to adopt the PPB system, and the following agencies were given until January 1, 1968 to adopt it: Civil Service Commission, Federal Communications Commission, Federal Power Commission, Federal Trade Commission, Interstate Commerce Commission, Securities and Exchange Commission, Small Business Administration, Tennessee Valley Authority.

Several other agencies were advised to develop and integrate their planning and programming with budgeting as fully as practicable, but specific time limits were not prescribed. Bureau staff were to be available for consultation on the nature, extent, and timing of their PPB system. These agencies were: Export-Import Bank of Washington, Federal Home Loan Bank Board, Federal Mediation and Conciliation Service, National Labor Relations Board, Railroad Retirement Board, Selective Service System.

The most recent instructions from the Bureau of the Budget to the executive agencies is contained in Bulletin No. 68–9 dated April 12, 1968. This bulletin is applicable to the 22 major agencies that had been required to adopt the PPB system at the time of Bulletin No. 68–2 (See page 11). Bulletin No. 68–9 notes in addition that the following, mostly smaller agencies, will be contacted by the Bureau with respect to the extent of required compliance to the guidance provided in the bulletin: Civil Service Commission, Federal Communications Commission, Federal Home Loan Bank Board, Federal Power Commission, Federal Trade Commission, Railroad Retirement Board, Securities and Exchange Commission, Small Business Administration, Tennessee Valley Authority.

As far as agency coverage is concerned, the effect of Bulletin No. 68–9 is to delete the earlier requirement that the following agencies either implement the PPB system or develop and integrate the system with their budgeting as fully as possible: Interstate Commerce Commission, Export-Import Bank of Washington, Federal Mediation and Conciliation Service, National Labor Relations Board, Selective Service System.

Bulletin No. 68–9, like the predecessor Bulletin No. 68–2, provides that the program and financial plan (PFP) is to be a comprehensive multiyear summary of all agency programs in terms of their outputs, costs, and financing needs over a planning period covering the budget year and at least four future years.

Bulletin No. 68–9 does not require agencies to prepare a program memorandum (PM) for each of their program categories. Instead, a PM is required only where the agency has a major program issue, which is defined as a question requiring decision in the current budget cycle, with major implications in terms of either present or future costs, the direction of a program or group of programs, or a policy choice. A PM is to be oriented to major program issues and thus may cover all or only part of a program category, or cut across several program categories. Where a program category is not involved in a major program issue, the category will not be covered by a PM.

Bulletin No. 68–9 further provides that the PM should (1) integrate the objectives of the agency program with specific decisions made on program issues for the budget year; (2) show why particular choices have been made; and (3) compare alternative programs in terms of their costs and who pays them, and their benefits and the group benefitted.

Under Bulletin No. 68–9 each agency receives from the Bureau an issue letter requesting special analytic studies and identifying the major program issues to be covered by PM's for the upcoming budget cycle. Final versions of each PM are to be submitted on September 30 with the agency's budget submission. The final PM's are supposed to indicate the recommendation of the agency head on all identified major program issues.

For the 1970 budget year, the Bureau outlined in Bulletin No. 68–9 special detailed guidance to be followed by a few selected agencies in the preparation of their PFP as a test to determine the feasibility of making this guidance applicable to all agencies. The financial information to be included in the PFP for these selected agencies is supposed to reflect the "program level" for each year in the respective program category and subcategory classifications.

In most cases, according to the Bureau, the best financial measure of program level will be the budget authority; however, in other cases other measures may be appropriate. For example, for construction and other projects financed on an incremental basis, the "program level" for the budget year should reflect the full amount to which the Government will in fact be committed for projects for which approval is requested in that year. As another example, budget outlays may be used instead of budget authority where, as in the case of many trust funds, budget authority represents appropriate receipts not all of which will be used under the planned program.

Since the "program level" shown in the PFP may not be the same as the budget authority levels, a reconciliation of total budget authority with total program levels in the selected agencies is to be made for each year shown in the PFP.

In addition to use of the "program level" concept, Bulletin No. 68–9 also calls for the selected agencies to use a "commitment" classification in which they will group financial data for programs according to the degree of control that can be exercised by the executive branch in the allocation of resources in the budget and future years. This classification scheme includes the following principal categories:

Programs controlled by statutory formulae.
Programs controlled by workload level.
Market-oriented programs.
New programs requiring legislation.
Administration commitments.
Programs controlled by the level of appropriations.

AGENCY PROGRAM STRUCTURES

Development of a program structure is prerequisite to implementation of the PPB system in any agency, and the development of a Government-wide PPB structure is believed by some observers to be prerequisite to the realization of the full utility of PPB. We found that 20 of 21 agencies included in our survey and directed by the Bureau of the Budget to adopt a PPB system had succeeded in developing a program structure of some description. There were differences among these structures, and during our survey it became evident that there were obstacles to the creation of a Government-wide structure.

The purpose of a program structure

The PPB system is intended to enable Government managers to focus their attention on major resource allocation problems. The purpose of a program structure is to provide the framework for such allocation, and the structure establishes the basic classification scheme for marshalling of information required for program analysis and policy decisions. It follows that a program structure should highlight the Government's fundamental objectives and the competing and complementary programs involved in carrying out such objectives. For example, the program structure of the Department of Agriculture includes the program category Communities of Tomorrow and the Department of Housing and Urban Development has a program category entitled Decent Housing. Both of these categories focus on objectives. The fundamental standard of highlighting objectives is discussed throughout the literature on PPB and in the guidance of the Bureau of the Budget to the agencies developing program structures after October 1965.

All other considerations in the creation of a program structure derive from the fundamental purpose of the structure, as stated above. It can be said, for example, that all functions and activities of an agency should be encompassed by the program structure regardless of the organizational placement, a clear necessity if the resource allocation purpose is to be achieved. Beyond such elementary guidance, however, there is latitude for considerable disagreement as to what might be appropriate standards for an agency's program structure.

The Bureau of the Budget, while providing such elementary guidance, left to the various Federal agencies the basic discretion as to how their respective program structures would be developed. The initial instructions (October 12, 1965) of the Bureau of the agencies on their program structures were limited to such considerations as the following:

1. The program structures should be output-oriented and should present data on all the operations and activities of the agency in categories which reflect the agency's end purpose or objectives.

2. It may be desirable to have the basic program categories cut across bureau lines to facilitate comparisons and suggest possible trade-offs among elements which are close substitutes. It is desirable to develop program formats which facilitate comparisons across agency lines.

3. To facilitate top level review the number of program categories should be limited. For example, a cabinet department should normally have fewer than 15 program categories. Agencies were advised by the Bureau in April 1968 that an agency generally should have between five and ten categories.

4. Program categories and subcategories should not be restricted by the present appropriation pattern or budget activity structure.

As goals, objectives, and priorities of agencies shift with time and circumstances, it may be necessary that PPB program structures reflect these changes and adapt to them as required if the structures are to be an aid to making resource allocation decisions.

All of the agencies included in our survey except the new Department of Transportation were originally required by Bureau of the Budget Bulletin No. 66–3, dated October 12, 1965, to adopt a PPB system, and all of them except the Department of State had done so by the time of our survey.

According to the Bureau of the Budget, a program structure adopted by the Department of State in 1967 did not prove satisfactory and work on a new program structure was stopped pending development of an interagency foreign affairs programming system.

USE OF ANALYSIS

As part of the survey we obtained samples of analytical studies that had been made as part of the PPB process. The objectives of our examining into these matters were twofold. One was to enable us to draw conclusions as to what criteria had been observed for performing and reporting the results of analyses.

The criteria of greatest interest to us were concerned with disclosure of the sources of data used, the assumptions made and the sensitivity of the analytical results to those assumptions. These criteria and their significance to analyses are discussed below.

The second objective was to enable us to judge the extent to which agency program output measures have been related to benefits produced or capabilities attained through use of analysis. We sought also to ascertain the extent to which agencies use output data to monitor and control their programs.

Analysis and its purpose

Anaylsis is a method of investigation by which a solution to a complex problem is sought by separating the problem into simpler, more understandable elements. Then, by study of the behavior and interaction of these elements, a better understanding is gained of the complex problem.

As a reasoned approach to highly complicated problems of choice, analysis can provide agency decisionmakers with a more rational basis for making such choices by making available:

1. More concrete and specific data.

2. Systematic consideration of possible alternative objectives and alternative programs to meet these objectives.

3. Evaluations and comparisons of benefits and costs for alternative programs.

4. Relationships between anticipated program outputs and resources to be expended.

In order to fulfill the purpose of making an analysis, documentation of the results should include a list of the assumptions made which are different from the assumptions that may be prescribed in an agency's written policies. Documentation should also include discussion and analysis (sensitivity analysis) of the extent to which the analytical conclusions depend on the range of possibilities regarding each significant assumption. Thus a range of conclusions should often be presented, corresponding with the ranges of particular assumptions that might be made.

The techniques applied in an analysis generally are based on assumptions that certain idealized mathematical relationships exist in the elements of the problem being analyzed. To the extent that these techniques are used, therefore, implicit assumptions are made that these ideal relationships fit the problem being analyzed. For example, some statistical techniques are based on the existence of certain mathematical relationships between numbers of individuals and the extent to which they do or do not partake of a given characteristic. Another example concerns a technique called linear programing. Use of this technique implies that there is a strict proportionality between the problem variables and the objective being optimized. The validity of implicit assumptions such as these and the extent to which they influence the results of analyses should be documented.

Finally, the sources of data used should be identified along with available information as to accuracy and completeness. As noted in the report section which follows, the extent of documentation needed may vary; however, we believe that agencies should give consideration to the potential advantages of having written instructions concerning documentary support for analytical reports. The lack of formal instructions does not of itself rule out the possibility that there will be full disclosure of uncertainties and their effects on the results of an analysis. In our opinion, however, without formal instructions the risks are increased that the accuracy and applicability of the analytical results may not be brought to the attention of a decisionmaker using such results and that there may be discrepant results from analyses of the same or similar problems made by different people or made at differing times.

Five analyses were selected for review by us of which two were made by the Department of Defense (DOD) and one each by HUD, HEW, and the Department of Transportation (DOT). Our objective was to ascertain the extent to which the criteria for documenting analyses had been met. The two Department of Defense examples cover the strategic mobility force level recommendations and the short-range attack missile program. Both are complex in that they consist of a number of interrelated analyses all of which have been going on for a number of years and which are still continuing. The HEW example is an analysis pertaining to income and benefit programs; that from HUD concerns the low income housing program; and from DOT, we reviewed an analysis of airport user charges.

None of the analyses met our criteria for documentation. In only four of the analyses were the basic assumptions stated explicitly.

Four of the five analyses presented and discussed the sensitivity of the analytical results to ranges of values of the variables governing the results. None of the analyses discussed the assumptions implicit in the analytical techniques used, and estimates were not made (where statistical data were used) of the range of variance of the data. In three of the five studies the sources of data used were noted, but in only one case was there any discussion of the effects of data uncertainties on the analytical results.

Details of the five analyses are discussed in appendix III.

REQUIREMENTS FOR ANALYSIS IN MEASURING OUTPUT

Output measures are used by agencies to quantify program results in order to:

1. Monitor progress towards achievement of agency or program goals;

2. Plan current and future program benefits in terms of resource requirements using the relationship of benefits to output measures and of the latter to resource requirements.

Output measures typically represent the things for which agency personnel are held accountable and are expressed in workload units such as number of cases, grants, actions, or as agency end-product outputs such as number of miles (roads, streams, etc.), of people (assisted, in school, etc.), and in dollar value of output (grants, land purchased, etc.).

These work units do not directly measure the results of the programs in terms of benefits produced or capabilities attained, and they cannot be directly used as measures of program effectiveness. They may be of value, however, in evaluating the efficiency of organizational units. Without a link between output measures and measures of benefit or effectiveness, the use of output measures may be self-defeating in that the quality of results may be overlooked in attempts to meet or exceed stated quantitative goals.

Some efforts have been made to link work outputs to measures of the ultimate benefit desired. To the extent this can be accomplished, benefit-cost studies can focus directly on the choice of alternative program levels in terms of output measures. Some output measures used for programming are illustrated in appendix II.

Studies recently completed by the GAO of anti-poverty programs authorized by the Economic Opportunity[1] Act showed that much remains to be done in order to predict program benefits resulting from programmed outputs. Three main types of difficulties encountered were:

1. Determining what the program is really intended to accomplish in the way of benefits—increase in income, participation, satisfaction, etc.

---

[1] Report to the Congress by the Comptroller General of the United States on "Review of Economic Opportunity Programs—Made Pursuant to Title II of the 1967 Amendments to the Economic Opportunity Act of 1964" March 18, 1969, (B–130515) and supplementary reports.

2. Determining how these may be measured—dollars, level of health, level of happiness, etc.

3. Determining how disparate measures can be combined, for example, healthier and poorer but more involved in community affairs.

The Department of Defense has also recognized some of the difficulties in coordinating, measuring, and relating outputs to capabilities and to resources. Directive 7000.4 (April 13, 1968) established the policy for coordinating the department's output measurement systems.

Collection and use of output measurement data

In seven of the 21 agencies included in our survey we asked for more detailed information on the collection and use of output measurement data. The comparison of planned to actual output serves to give agency management a measure of organizational efficiency, aids in program scheduling and is a required input to future year planning. Thus these output measures may serve useful purposes even in the absence of a link to program effectiveness.

Two agencies, HUD and HEW, expend their funds to a large extent in the form of grants, and rather loose and intermittent control is exercised on program performance. Details of outcomes may be known only on the basis of samples of grantee performance. We were advised that HUD measures of program outputs are largely unobtainable. HEW officials describe the collection of such data as a problem, and it appears that such information might be obtainable if requirements for it were made a condition for grants.

One agency, OEO, has expended considerable effort in collecting program output measurements. Quarterly reports have been, and monthly reports are now being generated in which comparisons are made between planned and actual output measurements.

The Departments of Labor, Agriculture, and Interior receive output data for some but not all of their programs. Labor receives data on its manpower programs and conducts quarterly reviews of planned versus actual program outputs. In Interior we were informed during our survey that only the Bureau of Land Management systematically reports output data. In Agriculture the collection of output data is increasing but department analysts see the need for improvement in the commodity program areas. The available output data are used by both management and line organizations in Agriculture to monitor performance and for future planning. The Department of Commerce has not systematically started to collect program output data at the Secretarial level.

AGENCY POLICIES

During our survey we inquired as to whether the agencies had prepared written policies and procedures for internal guidance in implementing the PPB system and integrating the system into their existing management systems and organizations. Our objective was to evaluate whether the written policies appeared adequate to guide generation and use of their analytical work.

Our conclusions are based on our review of a relatively few studies (see appendix III) and discussions with agency officials. Although we reviewed the documents which were provided to us by the agencies, it is possible that some documents having a bearing on policies and procedures were not made available.

It is possible for agencies to have effective and efficient management systems, such as the PPB system, without written policies. However, in our opinion the relative formalism which is an essential ingredient of the PPB system makes it desirable for agencies to have certain of their basic policies made explicit to provide greater assurance that policies and procedures followed are in accordance with Bureau of the Budget guidance on the subject and with the policies the executive decisionmakers wish to have implemented. In agencies where PPB responsibilities are decentralized and analyses are made at various organizational levels, we believe the case for written policies and procedures is stronger than in agencies where analytical staffs are small and centralized.

Bureau of the Budget policies

Bureau of the Budget instructions to agencies concerning the PPB system are included in BOB Bulletin 68–9, dated April 12, 1968. Bulletin 68–9 discusses program memoranda and special analytic studies, and it describes the scope and content of the program and financial plan. These three types of documents constitute the formal documentation peculiar to the PPB system. The Bulletin also outlines an illustrative annual cycle for PPB submissions to the Bureau of the Budget.

Bulletin 68–9 states that responsibility for the development and use of PPB systems rests with the head of each agency. Agency heads are requested to take such action as is necessary to ensure that line managers participate in the operation of the PPB system. The Bulletin also notes that to make PPB a fully effective system a general understanding of the methods and purposes of PPB must be generated throughout agencies.

The overall PPB guidance contained in BOB Bulletin 68–9 appears to be adequate to guide agencies in the basic elements of the system. It does not, nor was it intended to, provide detailed instructions needed by agencies to adopt the system and to tailor the system to their particular needs. Adaptation of the system to agency peculiarities is the responsibility of agency officials.

Written agency policies

The extent of the need for written guidance on PPB matters will vary from agency to agency. The necessary detail should include those matters considered important by the agency in order to insure the quality and uniformity of the analyses and in order to allow more direct comparability of analyses made by different analysts at different times. We are of the opinion that certain matters, which are discussed below, are so basic that all agencies should be expected to have written guidance on them.

The following matters should, in our opinion, normally be covered by agency instructions in writing:

1. Guidance on environmental assumptions.

2. Guidance on analytical matters related to sensitivity analyses, discounting of future costs and benefits, secondary and indirect costs and benefits which should be considered in analyses, and risk.

3. Provision for coordination of information sources with other agencies.

4. Documentation required for PPB studies.

Each of the 21 agencies were asked whether written policies had been prepared. These department level PPB staffs commented frequently to us that detailed written guidance covering these matters are unnecessary and undesirable because their department hires professional and experienced analysts, and these analysts would be offended by such detailed written guidance. Accordingly, there were a number of departments that had few or no written policies covering these matters.

This matter was pursued at greater length in discussions with the staffs in seven major civil agencies (Agriculture; Commerce; Housing and Urban Development; Health, Education and Welfare; Interior; Labor; and OEO). Only one (Interior) had written policies that dealt with environmental matters. Six of the seven agencies had no written policies related to other analytical matters, coordination of analytical work with other agencies or documentation required for PPB studies.

We also reviewed in some depth the policies provided by the Department of Defense. The Department of Defense has provided various forms of specialized guidance for the performance of particular requirement studies such as studies covering strategic forces in which all three services are involved. This particular specialized guidance is intended to provide adequate consistency with regard to the considerations, the alternative counter-forces to be considered in meeting threats, and other important matters such as the time frame to be considered by the analysis and the cost segregation to be included. There are also a number of Department of Defense instructions setting forth the requirements for submitting PPB material An instruction intended to formalize the analysis of alternatives in economic terms was revised and reissued in February, 1969.

The Department of the Interior has some general guidance on discounting of future costs and benefits, but the guidance permits the use of a variety of discount rates depending on the project type and the analyst concerned. This department also includes in its instructions checklists of various matters that analysts should consider, but its policies on these matters are not specifically stated.

In the pages which follow we discuss the basis for our belief that certain written agency policies are generally desirable.

* * * * *

STAFFING AND MANPOWER FOR PLANNING, PROGRAMING AND BUDGETING

During the survey we inquired into the organizational locations of PPB staffs, and we requested the agencies to furnish us information concerning their professional employees who had responsibilities in the PPB area.

Organizational location of PPB staffs

It is our understanding that some of the responsibilities being carried out by various PPB staffs, in many if not most cases, would have been carried out by other staffs in the absence of the more formal PPB system and/or specifically-designated staffs. The staffs that have been given PPB responsibilities thus cannot in all cases be considered as additional staff required solely because of the existence of the system. Presumably, much of the analytic efforts related to such matters as costs, program benefits and effectiveness, identification of meaningful alternatives, and planning estimates, which are some of the major problem areas in which PPB staffs have an interest, existed before 1965, and such analytic efforts would continue even without the formal system.

Instructions to agencies from the Bureau of the Budget provide that the responsibility for both the development and use of the PPB systems rests with the head of each agency. Agency heads have been requested to take such action as is necessary to insure that line managers participate in operation of the system and that they have sufficient resources to insure their participation in the development of program memoranda and other documents related to the system. In general, the agencies have responded to the Bureau instructions by setting up PPB staffs at two levels—one staff at the department level to report to a department-level official and other staffs at the bureau-level reporting to bureau-level officials.

In appendix IV we have identified the highest-level official who spends full-time on PPB matters at the department level.[2] Many agencies have assigned department-level PPB responsibilities to persons that report to or would appear to have direct access to high-level decisionmakers in the agencies. Some agencies (for example, the Department of Labor, the National Aeronautics and Space Administration, and the National Science Foundation) do not have a department-level staff engaged specifically and primarily in PPB matters. In these agencies PPB responsibilities have been integrated into the existing agency structure.

In other agencies department-level PPB staffs report directly to the agency head or to an official equivalent to an under secretary (for example, the Department of Agriculture, the Department of Transportation, the Office of Economic Opportunity, the Atomic Energy Commission, the Peace Corps and the Department of Defense). In still other agencies (for example, the Department of the Interior, Treasury Department, Department of State, General Services Administration, Agency for International Development, and U.S. Information Agency), PPB staffs report to lower-level officials at the department level.

Size and composition of PPB staffs

Information obtained during our survey shows that as of April and May 1968 the 21 agencies included in our survey had assigned full-time PPB responsibilities to 1,594 employees, excluding secretarial and clerical assistance. Most of these persons are at the subdepartment level as shown below:

Grade level	Level		
	Department	Subdepartment	Total
GS–16 or higher	61	113	174
GS–13 through 15	218	807	1,025
GS–12 and below	71	324	395
Total	350	1,244	1,594

It should be noted that 920 (58 percent) of the 1,594 employees are in the Department of Defense.

There are an additional 251 department-level and 1,884 subdepartment-level employees who are considered to be part-time PPB employees (who spend less than 75 percent but 25 percent or more of their time on PPB matters). These part-time PPB employees in terms of equivalent full-time approximate 100 at the department level and 780 at the subdepartment level.

The sizes of departmental-level and subdepartmental-level PPB staffs, as might be expected, varied considerably from agency to agency, and therefore an average size is not presented.

For each agency the number of full-time and equivalent full-time PPB employees per 1,000 persons employed by the agency as of June 30, 1968, are shown in the schedule which follows. The schedule also shows the total number of PPB employees in each of the agencies as of April 1968 or May 1968. The number of PPB employees per 1,000 agency employees was calculated to determine whether the sizes of PPB staffs depend on the number of agency employees. Since the number of employees per 1,000 employees varies considerably among the agencies, we conclude that at the time of our survey there was no such relationship.

FULL-TIME (AND FULL-TIME EQUIVALENT) PPB EMPLOYEES AND NUMBER OF SUCH EMPLOYEES PER 1,000 AGENCY EMPLOYEES

	PPB employees	
	Number	Number per 1,000[1]
Agencies providing a service:		
Post Office Department	105.3	0.19
Department of Commerce	44.8	1.71
Treasury Department	35.0	.42
General Services Administration	27.3	.71
Veterans' Administration	30.2	.20
Scientifically oriented agencies:		
National Aeronautics and Space Administration	67.0	2.07
Department of Defense	1,442.0	1.18
Atomic Energy Commission	29.0	4.06
Department of Transportation	79.0	1.37
Corps of Engineers	6.5	.34
National Science Foundation	4.7	.42
Agencies concerned with social problems:		
Department of Health, Education, and Welfare	174.0	1.65
Department of Labor	23.1	2.38
Department of Housing and Urban Development	20.0	1.35
Office of Economic Opportunity	32.0	1.06
Natural resources agencies:		
Department of Agriculture	57.0	.66
Department of the Interior	70.0	1.15
Foreign affairs agencies:		
U.S. Information Agency	10.1	.87
Department of State	8.0	.30
Agency for International Development	179.0	([2])
Peace Corps[3]	30.0	1.88
Total	2,474.0	

[1] Based on total agency personnel estimated for June 30, 1968.

[2] Documentation required by this agency for PPB is extensive because programing documents or memorandums are required (1) for about 44 countries in fiscal year 1969, (2) for each individual technical assistance project, (3) for each capital project, and (4) for Public Law 480 commodities. In effect, decisionmakers rely heavily on various analytical and programing type documents that are considered to be within the PPB system although some such documents were required for decisionmaking before the introduction of PPB in 1965. PPB personnel include persons who prepare these documents, economic advisers on various countries and persons who prepare economic analyses related to both country and sector analyses. Persons spending part time on PPB include regional coordinators. The number of PPB employees per 1,000 agency personnel was 10.2.

[3] Included in Peace Corps total personnel for this calculation were 14,570 volunteers who were estimated to be in training or overseas as of Aug. 31, 1968.

We also inquired into the types of PPB work undertaken by full-time and part-time PPB employees. It seems clear on the basis of the information provided that PPB staffs in both the Department of Defense and the civil agencies spend a significant amount of their PPB time on matters related to program outputs or effectiveness. The information provided also indicates that procedural matters have taken up about as much of these staffs' PPB time (30.2 percent), as has their analysis of program costs (29.6 percent). The following tabulation shows the percentage of total PPB time spent in several types of PPB work by PPB staffs at all levels in 20 agencies (the National Science Foundation did not provide this particular information).

[In percent]

	Department of Defense	20 civil agencies	Combined defense and civil agencies
PPB procedures (preparation of documents, preparation of instructions, systems design, etc.)	38.5	18.6	30.2
Analysis of program outputs and effectiveness	37.5	40.3	38.7
Cost or resource estimating, analysis, and research	23.4	38.3	29.6
Other	.6	2.8	1.5
Total	100.0	100.0	100.0

THE NEED FOR ADEQUATE MASS TRANSPORTATION

Mr. WILLIAMS of New Jersey. Mr. President, recently the Banking and Currency Committee concluded hearings on S. 1032, a bill which would create a mass transit trust fund. This bill would provide on a regular basis the money so urgently needed to provide adequate transportation for our Nation's cities. As the Trenton Times in its excellent July 27, 1969, editorial stated:

> If urban mass transit is ever going to function with the efficiency and reliability of, say, a rocket to the moon, it is going to need large-scale federal aid—and on some kind of assured annual basis, like that enjoyed by the highway program.

The Times went on to state that under the trust fund concept of assured funding:

> States and cities would be able to push ahead with transit projects secure in the knowledge that a year or two down the track Congress wouldn't cut off the current.

Unfortunately, as this editorial so ably reports:

> The Nixon administration hasn't yet come to that conclusion. James M. Beggs, undersecretary of transportation, told Senator Williams' subcommittee last week that his department, in drawing up its own program, is still wrestling with the "ticklish" problem of financing and that several options are still under consideration, including both the trust fund and general appropriations methods.

The Department of Transportation has now assured me that a comprehensive mass transit program will be presented to the Congress within the month. As the New York Daily News in its August 4 editorial calling for trust fund legislation states:

> The money to feed the kitty would come from the present 7% federal tax on automobile sales—and that proviso could make the going very sticky indeed.
>
> American auto makers and motorists can be expected to kick like so many maddened steers at the idea of having transit improvements extracted from their hides.
>
> The argument for such aid is simple: our vast urban areas must have modern, efficient transit systems to function; our cities must work effectively if they are not to become a drag on the nation's economy.
>
> Everyone from Secretary of Transportation John Volpe down agrees that urban transit problems have reached the stage where only a healthy transfusion of federal money can turn the tide.
>
> Yet the fastest, cheapest and most efficient method of people-moving has received only crumblets of aid while billions have been poured into road and air travel facilities.

Now is the time for action. Secretary Volpe now at last has an opportunity to match the words of hope which he has so ably uttered over the last 6 months with the appropriate deeds.

So that all Members of this body may have the benefit of these two excellent editorials which so ably state the need for a mass transit trust fund, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

---

[2] For preparation of appendix IV and the discussions which follow, concerning the number of persons assigned to PPB staffs, individuals who spend 75 percent or more of their time on PPB matters are considered to spend all their time on PPB. Those persons spending from 25 to 74 percent of their time are considered to be part-time PPB staff, and those persons that spend less than 25 percent of their time on PPB matters are not included in the figures.

[From the Trenton (N.J.) Times, July 27, 1969]

ASSURANCE FOR TRANSIT

If urban mass transit is ever going to function with the efficiency and reliability of, say, a rocket to the moon, it is going to need large-scale federal aid—and on some kind of assured annual basis, like that enjoyed by the highway program.

This is the rationale behind Senator Harrison Williams' bill to create an urban mass transit trust fund similar to the highway fund. Senator Williams would earmark portions of the auto excise tax to the fund, which would not be subject to the uncertainties of the annual congressional appropriations process. [States and cities would be able to push ahead with transit projects secure in the knowledge that a year or two down the track Congress wouldn't cut off the current.]

But the Nixon administration hasn't yet come to that conclusion. James M. Beggs, undersecretary of transportation, told Senator Williams' subcommittee last week that his department, in drawing up its own program, is still wrestling with the "ticklish" problem of financing and that several options are still under consideration, including both the trust-fund and general appropriations methods.

The fickleness of Congress in dealing with the needs of the cities, and their transit needs in particular, can be documented. At this moment a badly-needed subway system for the City of Washington, authorized by Congress four years ago, is stopped in its tracks because of the opposition of one man, the chairman of the D.C. appropriations subcommittee. With Senator Williams and New Jersey Transportation Commissioner David Goldberg, who testified Thursday, we believe the trust-fund arrangement to be by far the best approach.

[From the New York Daily News, Aug. 4, 1969]

FIRST AID FOR TRANSIT ILLS

Over the past decade or so, the federal government has laced the U.S. with a network of high-speed highways and exerted itself mightily to keep abreast of growing air traffic.

Congress now has before it a bill authored by Rep. Edward I. Koch (D.-N.Y.) that would commit Washington to the same sort of effort in a field too long neglected—urban mass transit.

The Koch bill calls for a $10 billion trust fund to be set up over four years. Grants would be made from the fund on the basis of federal contributions of 90% for individual projects; state and local governments would ante up the remainder.

The money to feed the kitty would come from the present 7% federal tax on automobile sales—and that proviso could make the going very sticky indeed.

American auto makers and motorists can be expected to kick like so many maddened steers at the idea of having transit improvements extracted from their hides.

But Congress and the nation must face up—and quickly—to the need for putting new life into this most vital part of our transportation system.

The argument for such aid is simple: our vast urban areas must have modern, efficient transit systems to function; our cities must work effectively if they are not to become a drag on the nation's economy.

Everyone from Secretary of Transportation John Volpe down agrees that urban transit problems have reached the stage where only a healthy transfusion of federal money can turn the tide.

Yet this fastest, cheapest and most efficient method of people-moving has received only crumblets of aid while billions have been poured into road and air travel facilities.

Rep. Koch's proposal provides, at the least, a jumping-off point for a campaign to remedy that oversight. So what say, straphangers and commuters; how about getting out and pushing, with vigah?

TAX REFORM

Mr. MOSS. Mr. President, last Thursday the Senate passed a 6-month extension of the surtax. I voted against the passage of the surtax extension bill because I found it unconscionable to add more tax burdens on the average taxpayer while there are still many wealthy Americans who are not paying their fair share. But the surtax has passed, and we were given assurances that tax reform would be reported by the Committee on Finance before the end of October.

These assurances, while not satisfactory to me, were at least encouraging. Also encouraging is the fact that the House is expected to vote this week on the tax reform package of the Ways and Means Committee. With these coming developments in mind, I would like to elaborate on some of the inequities I see in the present tax structure and then offer my own specific proposals for tax reform.

Fundamental to any system of taxation in a democracy is a common belief in its fairness. This is particularly true in this country where our entire tax system is based upon voluntary compliance. Today, however, public faith in our tax system is fast crumbling. There is good reason, as I shall itemize later, for what has aptly been called a "taxpayer's revolt." At long last the public is aware of what some of us have been saying for years—that our tax structure is shot through with loopholes.

One notorious example has been often cited, but bears repeating. In 1967 there were at least 155 Americans with adjusted gross incomes over $200,000 who paid no Federal income tax at all. During that same year 21 persons with adjusted gross incomes of over $1 million also avoided paying any Federal income tax. Note that these figures are for adjusted gross incomes—that is they do not even include, for instance, the untaxed half of capital gains and depletion allowances. Even so, the Treasury reports that 75 percent of those with adjusted gross incomes of over $1 million pay only 20 to 30 percent of that income in Federal income taxes. With such statistics as these no one can claim that our tax structure is fair. No one can say that each American citizen is taxed according to his ability to pay and at a progressive rate. No one can deny the desperate need for tax reform.

It is an unfortunate, but accurate, generalization to say that the present Federal tax structure is rigged against the average taxpayer—against those whose income is primarily derived from wages or salaries. Federal income tax law has been described as operating on a triple standard. Wages, salaries, professional fees, and other so-called ordinary income are taxed according to a first or common standard, that is, at the full progressive rates. Many individuals in this category are allowed only the inadequate "standard deductions," and some families are even below the poverty line but still pay taxes.

The second and more favored standard applies to income from capital gains. Only one-half of such income is taxed and even that half is limited to a 25-percent maximum rate. The privileged status of capital gains income is well dramatized by comparing the taxes paid by two individuals with the same total income but whose sources of income are different. A married wage earner with an income of $8,000 will be burdened with a Federal income tax of $1,000. Another individual with the same $8,000 income, but whose income falls under the capital gains standard, escapes by paying only $354. Some forms of income, it seems, are more equal than others.

But even if this special capital gains rate can be justified, the large amounts of capital gains that are allowed to escape the tax base completely cannot be. I am speaking of that fact that capital gains on assets transferred at death go tax free. If an individual holds an appreciated asset until his dies, the appreciation is not subject to the income tax.

But it is the third and most favored of our tax system's triple standard where the greatest loopholes are found. Under this third standard some forms of income are completely excluded from the tax base. Many of these special provisions in the Tax Code may originally have had, or if tightened may still have, some plausible justification, but in their present form they stand as a mockery to any notion of fairness.

The most costly of these loopholes is the $2 billion in Treasury revenue that is lost through tax-free bonds. Because the interest from local government bonds is not taxed, local governments are able to sell their bonds at lower interest rates. Because we recognize the tremendous need of States and counties for funds to finance the galloping costs of local government, we have been loath to tamper with interest rates of the revenue bonds they sell. But I feel the time has arrived when we must make some adjustments, and, as I shall suggest later, there are much more efficient methods of reducing the borrowing costs. Of the $2 billion in lost Treasury revenue only $1.3 billion reaches the State and municipal governments in the form of lower interest costs. But even if there were not this $700 million "leak," tax-free bonds would still be an insupportable loophole. Like so many other tax shelters, it is only the rich or the private financial institutions that can take advantage of this provision in the Tax Code. For those with low or moderate incomes, it does not "pay" taxwise to invest in the relatively low yields of municipal bonds. In terms of equity and efficiency then, we must find a way to aid local governments without at the same time creating a loophole for the financially sophisticated.

The most publicized of the increasingly well-known list of loopholes is the 27½-percent oil depletion allowance. Again, this provision, along with the lesser known "intangible drilling costs" deduction, had a worthy rationale in the beginning, but clearly the intent of Congress has been perverted by the excessive advantage taken of it.

At the core of this dispute over such tax incentives as oil depletion is a philosophical dispute over what should be the objectives of tax policy. I agree with those who believe that the tax structure should be neutral; that is, the free market system, rather than the tax code should allocate investment resources. But obviously our tax structure is not neutral. Here Treasury figures are especially revealing in that they demonstrate the wide disparity in effective tax rates according to industry:

	Percent
Manufacturing	43.3
Lumber	29.5
Minerals	24.3
Petroleum	21.1

The extraction industries, however, are not the most favored among business enterprises. Private financial institutions fare even better:

	Percent
Commercial banks	24.5
Savings and loans	14.5
Mutual savings	5.3

If the market is not doing what is best for society or for the economy, then the Government should correct the imbalance directly—not by making exceptions in the tax code which distract business decisionmakers and which have consequences beyond the control or foresight of Congress. Like so many other indirect tinkerings with the free market, the oil depletion allowance has been very inefficient in achieving its stated purpose. A Treasury-sponsored study by the Consad Research Corp. indicates that the $1.5 billion tax incentive to the oil industry generated only $150 million in additional mineral resources. But even if more efficient tax incentives can be devised, we must be careful not to regard the oil industry or any other industry as having some inalienable right to a tax break. The political influence of the oil industry is immense, and if Mr. Nixon listens to those who financed his campaign, the administration may give us no help, but we must do something about oil depletion before we can say this year's tax reform is truly "meaningful."

There are, of course, other loopholes a few of which I shall briefly mention. Perhaps most invidious is the "hobby farmer" loophole. Congress intended that farmers should have a simplified accounting method for tax purposes, but once again, some of our wealthy citizens have taken advantage of the rest of us. A few individuals and corporations with large nonfarm incomes have taken up farming in order to create a tax loss. The procedure is complicated, but the effect is a windfall for the scheming few and higher costs for the legitimate farmer.

Real estate also has managed to obtain various special provisions which can be classified as loopholes. For instance, under the accelerated depreciation deduction real estate speculators can write off at twice the normal or "straight line" depreciation rates. Since depreciation write-offs are considered a cost and are, therefore, subtracted from rental income, little, if any, tax is paid during the early years of ownership. In fact, some wealthy individuals use accelerated depreciation to create a tax loss on paper. As the amount of depreciation decreases, Treasury studies show that these properties are often sold or refinanced, starting the whole cycle all over again.

The misuse of their tax exempt status by some foundations has been well documented in numerous congressional hearings. I will later suggest several measures to curb some of these abuses. While these reforms will not bring in any additional revenue, at least they will help insure that tax-exempt foundations will be used for the public good and not for the private advantage of a few.

Now that I have briefly described some of the worst of the many tax loopholes, I think it appropriate to offer a list of specific reforms:

First, although it cannot perhaps be fairly called a loophole, I believe the time has come to repeal the 7-percent investment tax credit. It has served its original purpose well in spurring the economy to its potential growth rate, but now the inflationary heat must be turned down. Repeal should bring in about $3 billion in additional tax revenue.

Second, I propose taxing the appreciation in assets transferred at death at the capital gains rate. Such a tax would not apply on transfers between the decedent and spouse nor to estates valued less than $60,000.

The Ways and Means bill does not even touch this enormous tax dodge by which some wealthy people are able to pass on vast estates. The present law also has the effect of inhibiting the natural market because the property holding of older people tend to be "locked in" instead of being sold when market conditions are right. It is estimated that at least $15 billion in realized appreciation escapes income taxation every year through this loophole and that the revenue gains in plugging this loophole would be at least $1.5 billion.

Third, once a satisfactory mechanism for assisting local government in meeting their local borrowing costs is created, I would remove completely the tax-exempt status of local government bonds. At least three methods have been suggested.

First. The most imaginative in terms of long-term potential would be the creation of an Urban Development Bank. Such a bank would raise the great majority of its capital by selling its own taxable bonds. The Urban Bank would then lend capital funds to local governments at rates comparable to present low rates of tax-free bonds.

Second. Or the Treasury could simply provide a subsidy to reimburse the local governments for the extra interest costs of selling taxable bonds.

A third possibility would have the Federal Reserve purchase local government bonds, but at a low-interest rate. Whatever solution the Congress adopts, it would close this $2 billion loophole and still provide local government with the same, if not more, financial assistance. Revenue savings could be as much as $700 million for the Treasury.

The Ways and Means on this subject goes only halfway in that it offers an interest subsidy but still permits the issuance of tax-free bonds. We can do better than that. As long as the local governments are receiving the same, if not more, financial assistance through one of these mechanisms, there is no reason to continue this costly tax shelter. This tax-free bond loophole can be closed and it should be closed completely.

Fourth, to discourage hobby farming, I have already joined in cosponsoring the bill introduced by the Senator from Montana (Mr. METCALF) to limit the amount of farm losses that can be deducted from nonfarm income. Revenue gains from ending this tax dodge have been estimated to be at least $145 million and perhaps as much as $400 million.

Fifth, I recommend repealing the accelerated depreciation provision on all real estate except moderate- and low-income housing. The Ways and Means proposal retains the present 200 percent depreciation on all housing whatever its cost, and only reduces to 150 percent the depreciation for commercial and industrial construction. Once again, the Ways and Means Committee has not gone far enough. Economists tell us that booming industrial construction has been a substantial cause of the present inflation. In addition to hindering the battle against inflation, the Ways and Means bill will still permit speculators to reap profits while the rest of us pay taxes. Only the desperately needed moderate- and low-income housing deserves an incentive at this time. Repealing the special treatment of industrial construction and luxury apartments will capture an additional $700 to $800 million in lost tax revenue.

Sixth, more study needs to be done on the economic impact of the capital gains provision, but to begin with I believe we should abolish the current 25-percent maximum alternative tax rate on capital gains and extend the required holding period from 6 months to 1 year. This reform alone will bring in at least $500 million.

Seventh, I am willing to go at least as far as the Ways and Means Committee has gone in reducing the oil depletion allowance to 20 percent. I would deduct them as a current expense. Tax revenues would be increased by $400 million if these changes are made.

Eighth, I favor the simple repeal of the special unlimited charitable deduction provision which has been abused by some individuals. At the same time I would support increasing the maximum percentage that the average taxpayer can deduct for charity from the present 30 percent to 50 percent. The estimated revenue gain in changing this loophole is $50 million.

Ninth, in order to correct some of the abuses of the spirit of the tax-exempt foundation provision, I would support the following proposals: Financial transactions between a foundation and its founders, contributors, officers, or trustees should be prohibited; foundations should not be allowed to own more than 20 percent of any business unrelated to their charitable functions; and foundation borrowing to buy investment properties should be prohibited. Foundation lending should be limited to appropriate charitable functions.

I do not, however, support the Ways and Means proposed 7½-percent tax on foundation income. If we can prevent abuses of the tax-exempt privilege by some foundations, I see no reason to punish all foundations by taxing them. The revenue gain is minimal compared with the good works that will be left undone.

Tenth, finally, I reaffirm my support of the minimum income tax. This reform will serve as the last line of defense against those individuals who seek to avoid paying their fair share of taxes. Simply stated, the minimum income tax provision would not allow an individual to have more than 50 percent of his total income excluded from taxation. Unlike the weaker limited tax preference proposal of the Nixon administration, I would include the untaxed half of capital gains, interest from tax-free bonds, oil depletion allowance, the excess accelerated depreciation, and the appreciation in the value of property donated to charity as being subject to the 50-percent limit on tax preferences. Revenue gains from a minimum income tax are difficult to measure since the amounts that will escape regular taxation depend on how tightly other loopholes are closed.

Mr. President, I have offered 10 revenue-producing tax reforms. There are, of course, others that deserve support, but if we can enact just these 10, the increase in tax receipts will be substantial. It is difficult to be precise in making tax revenue predictions, but the estimates range from $3.2 billion to $3.5 billion.

But closing loopholes is not enough. The great majority of our taxpayers—those with moderate or low incomes—are in desperate need of tax relief. These are the people who are already being overtaxed by the cruelest tax of all—inflation. These are the people who are often forced to moonlight in order to make ends meet. These are the people who deserve a tax break.

With the revenue gains achieved by tax reform, I believe we can provide at least some relief. We must be careful, however, not to fuel inflation by granting too much of a tax cut too soon. Our first priority must be to provide tax relief to those who need it most. I am, therefore, offering these four proposals which can be instituted at once:

First. Under existing law a taxpayer may elect to claim a standard deduction equal to 10 percent of his adjusted gross income up to a maximum of $1,000. There is, however, a separate minimum standard deduction which provides that a taxpayer is entitled to at least a minimum deduction of $200 plus an additional $100 for each exemption. I recommend raising this minimum standard deduction to $600 plus $100 for each exemption. This is the most equitable and efficient method I could find for directing tax relief to persons in the lowest income ranges. I ask unanimous consent that a table which shows the effect of this proposal be printed in the RECORD:

There being no objection, the table was ordered to be printed in the RECORD, as follows:

EFFECT OF CHANGES IN THE STANDARD DEDUCTION UNDER THE PROPOSAL ON PERSONS BELOW THE POVERTY LINE, CALENDAR YEAR 1969

Family size	Exemptions and minimum standard deduction allowed		Poverty income levels, 1969 [1]	Estimated number of poor persons (in thousands) [2]			
	Present law	Proposal		Total	Number of poor now taxable	Number made nontaxable	Number helped, but still taxable
1	$900	$1,300	$1,735	4,620	1,150	550	600
2	1,600	2.000	2,240	5,200	1,220	790	430
3	2,300	2,700	2,755	2,640	460	400	60
4	3,000	3,400	3,535	2,550	490	360	130
5	3,700	4,000	4 165	2,620	270	220	50
6	4,400	4,600	4.675	2,590	250	180	70
7 or more [3]	5,800	5,800	5,755	7,600	450	50	400
Total				27,820	4,290	2,550	1.740
Total family units				10,630	2,180	1,250	940

[1] 1969 poverty levels are assumed to be 6 percent above the HEW nonfarm level for 1966. This conforms to the method by which the number of poor was projected.
[2] Includes both adults and children.
[3] Averages about 8 persons per family.

Mr. MOSS. Mr. President, under the present law a single individual begins paying tax at an income level of $900. With this new provision he would not incur any tax liability until his income exceeded $1,300. A married couple with two children who now pays taxes on everything above $3,000 will not begin to pay taxes under the new provision until their income exceeded $3,400.

This proposal's most profound effect is on the 28 million individuals below the poverty line. I ask unanimous consent that a table which demonstrates this effect be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

EFFECT OF INCREASING THE PRESENT $200 PLUS $100 MINIMUM STANDARD DEDUCTION TO $600 PLUS $100 WITH $1,000 CEILING

[Dollar amounts in millions; number of returns in thousands]

AGI (in thousands of dollars)	Percent law tax	Tax decrease	Tax decrease as percent of present law tax	Number of returns with tax decrease	Number of returns made nontaxable	Number of returns shifting to standard deduction
0 to 3	$1,159	$415	35.8	9,760	2,025	870
3 to 5	3,177	420	13.2	7,870	320	1,120
5 to 7	5,439	200	3.7	5,940	15	980
7 to 10	13,925	95	.7	4,330		400
10 to 15	18,916					
15 to 20	7,550					
20 to 50	12,795					
50 to 100	6,326					
100 and over	6,202					
Total	75,490	1,130	1.5	27,900	2,360	3,370

Note: Details may not add to totals because of rounding.

Mr. MOSS. Mr. President, of these 28 million poor, 4.3 million of them are now taxed, but with this change in the minimum standard deduction this number would be reduced to 1.7 million. Much more, of course, must be done for the impoverished in this country, but at least we can begin by nearly eliminating the tax burden on the poor. The revenue loss of this relief is only $1.2 billion. The Ways and Means package contains essentially the same proposal. Congress should delay this relief no longer.

Second. I recommend increasing the maximum standard deduction from the present 10 percent and $1,000 maximum to 14 percent and $1,800 maximum. This form of relief is primarily directed at the middle income groups since individuals with higher incomes will continue to find it advantageous to itemize their deductions. I ask unanimous consent that a table showing the effects of this provision be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

14 PERCENT WITH AN $1,800 CEILING

Adjusted gross income class (in thousands of dollars)	Revenue loss (in millions of dollars)	Number benefiting (in thousands)
0 to 3	21	2,264
3 to 5	161	6,380
5 to 7	259	6,316
7 to 10	436	7,551
10 to 15	664	6,489
15 to 20	179	1,263
20 to 50	89	474
50 to 100	6	19
100 and over	1	2

Mr. MOSS. Mr. President, besides providing the bulk of the benefit to those in the $5,000 to $15,000 income brackets, this revision also promotes the goal of tax simplicity. In 1944 when the 10 percent standard deduction was first offered, 82 percent of the Nation's taxpayers chose to use it. Since then that percentage has been eroded to only 57 percent in 1969. If this proposal is enacted, the Treasury estimates that over 80 percent of those filing returns will again use the standard deduction. Such simplicity, by the way, would save the Treasury $100 million in collection costs. The net revenue loss to the Treasury is estimated at $1.8 billion.

The Ways and Means bill proposes that the standard deduction be increased in steps over the next 3 years to 15 percent with a $2,000 maximum. I am not wedded to any magic figures, I want only that the relief for the middle income taxpayer be substantial and that it be immediate.

Third. I plan to offer an amendment which would allow those individuals using the standard deduction to deduct in addition any donations to charity which exceeded 3 percent of their adjusted gross income. The present tax structure encourages those who itemize their deductions—usually the more affluent—to donate to charity, but our tax laws withhold this incentive from those who take the standard deduction. The 3 percent threshold would exclude the minor charitable contributions but would still act as a stimulus to meaningful private giving by the 80 percent of the Nation's taxpayers who are expected to use the standard deduction. The revenue loss of this measure is estimated at $440 million.

Fourth. I am cosponsoring the bill introduced by the Senator from Minnesota (Mr. McCarthy) which would extend the head of household benefits to unremarried widows and widowers, and individuals who have attained the age of 35 and who have never been married or who have been separated or divorced for at least 3 years, and who maintain their own households. This equitable reform will cost the Treasury about $300 million.

These four tax relief measures can and should be enacted immediately. The cost is only about $3.7 billion. Over a longer period, I believe the relief must be even greater. I propose, therefore, that for the next 4 years the amount allowed for each personal exemption will be at $1,000.

The present $600 exemption has been in effect since 1948 and no one can claim that it is still adequate. But because of the present budgetary restraints and because this reform is costly, I regret to say that I feel the increase must be gradually instituted. But at least we can begin.

Mr. President, I have offered 15 proposals. Some of them are complex and all of them will be resisted by a multitude of special interests who have escaped their share of taxation in the past. But the public is angry and the Congress is listening. We can have comprehensive tax reform this session if we keep the pressure on. I hope that the House will pass the Ways and Means package. As I noted, the Ways and Means bill is not completely satisfactory, but at least it is a real beginning on which the Senate can build when a tax bill arrives in this body.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT ON OPERATIONS OF THE INTERNATIONAL COFFEE AGREEMENT—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Finance:

To the Congress of the United States:

I transmit herewith the 1968 report on the operations of the International Coffee Agreement.

This treaty, in force since 1963, is vital to the economic well-being of many friendly developing countries in Latin America and Africa. It has provided them stable and predictable earnings from their principal export crop and thus has encouraged their economic development. The United States consumer in turn has benefited from stable prices considerably below the peaks reached before the Agreement entered into force. I hope to see the Agreement continued and strengthened. I reaffirm our support of the Coffee Diversification Fund, designed to encourage a shift of resources away from the production of surplus and unneeded coffee. Discussions with the Coffee Fund on the terms and conditions of a United States loan to the Fund are expected to begin fairly soon.

The report reviews the operations of the International Coffee Agreement in 1968. On April 30, 1969 agreement was reached with the Brazilian Government regarding Brazilian soluble coffee exports. This has obviated any immediate need for United States' action.

Richard Nixon.

The White House, *August 5, 1969.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Young of Ohio in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 714) to designate the Ventana Wilderness, Los Padres National Forest, in the State of California, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 1611) to amend Public Law 85–905 to provide for a National Center on Educational Media and Materials for the Handicapped, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H.R. 1632. An act for the relief of Romeo da la Torre Sanano and his sister, Julieta de la Torre Sanano; and

H.R. 2336. An act for the relief of Adela Kaczmarski.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H.R. 11959. An act to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters; and

H.J. Res. 764. A joint resolution to authorize appropriations for expenses of the President's Council on Youth Opportunity.

HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were each read twice by their titles and referred, as indicated:

H.R. 11959. An act to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters; to the Committee on Labor and Public Welfare.

H.J. Res. 764. A joint resolution to authorize appropriations for expenses of the President's Council on Youth Opportunity; to the Committee on Government Operations.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The Assistant Legislative Clerk. A bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein missile range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER (Mr. Allen in the chair). Under the unanimous-consent agreement, there will be 4 hours of debate on the pending amendment, the time to be equally divided between the proponents of the amendment and the opponents.

Who yields time?

Mr. HART. Mr. President, on the time allocated for those in support of the amendment, I yield 25 minutes to the able Senator from Massachusetts (Mr. Kennedy).

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the debate over deployment of an anti-ballistic-missile system has engaged the Senate intensely now for some 5 weeks. In general framework, however, this debate has been going on for more than a year—since June of last year, when Senators John Sherman Cooper and Philip A. Hart, in company with others, first moved to strike out the deployment funds.

Tomorrow, we arrive at a critical juncture in this year-long debate, when we vote on the Cooper-Hart ABM amendment to the Defense procurement authorization bill. In its simplest aspect, this vote will determine whether the Senate authorizes a $350 million down payment on an $11 billion military weapons system. But, in a larger context, the significance of the vote is much more broad, for the ABM may well prove to be the point at which a whole body of conventional wisdom was laid aside in favor of realism in defense planning and budgeting.

Because the realities of nuclear age defense planning have become so technical, it is highly significant that many in Congress and in the country at large are making a determined effort to remove the cloak of mystery which so long has shrouded national defense programs. It is simply irrelevant, in this climate of increasing sophistication, to fall back on the slogans and shibboleths which have traditionally passed as explanations in our consideration of multi-billion-dollar defense bills. Because so much is at stake, we must instead ask hard questions and demand full answers.

The ABM debate has taught us the value of looking closely at defense programs. As we approach tomorrow's vote, we do so prepared by weeks of hearings and months of discussion, both in committee and here on the floor. We also approach the vote with sharp and honest divisions of opinions and judgment. These divisions were apparent in the testimony of witnesses in the hearings conducted both by the Armed Services Committee and the Foreign Relations Committee. They were apparent in "ABM: An Evaluation," edited by Dr. Jerome Wiesner and Prof. Abram Chayes, and the books which appeared in rebuttal to it. Finally, they were apparent in the many public meetings and debates over the ABM which have been held through the spring and summer.

Here on the Senate floor in the past few weeks, the arguments for and against deployment have been many and detailed. We owe a debt of gratitude, I think, to those of our colleagues who have carried the burden of this enlightening debate. Senator Stennis, particularly, should be singled out, because of the even-handed, open way he conducted the hearings on the ABM, and because of his continuing good grace in floor managing the bill and in bringing the matter to a vote. He has been joined by Senator Jackson in presenting the bulk of the case for deployment, and together they have presented a careful series of arguments. On the other side of the issue, Senators Cooper, Hart, Symington. Fulbright, Gore, and Mansfield have repeatedly sought to match the claims and statements of many of those not in Congress with logic, clarity, and reason. They have insisted that the debate should be kept on a high level, to the great benefit of the debate itself as well as of the Senate as an institution.

As we approach the conclusion of this discussion, it may be well to review where this complex issue now stands. With all respect to those who have so ably presented the case in favor of deployment, there remain three principal unanswered questions:

First, will the Safeguard ABM strengthen our national security?

Second, will the Safeguard ABM heat up the arms race?

Third, will the Safeguard ABM unnecessarily drain billions of dollars from other pressing needs?

The answers to these questions are not easily forthcoming. They were not easy for President Johnson nor for President Nixon. They are not easy for us. But they are so full of ramifications that we must exercise the greatest care in seeking a reasoned position on them.

I will not take the time of the Senate to review in detail all the arguments made so well in the past few weeks. Rather, I intend only to try to put some of them into perspective; for, as we vote, it is the long view of the implications of the vote itself which should concern us, and not the narrow arguments over one or two of the dozens of facets of the ABM debate.

If the Senate accepts the Cooper-Hart amendment, and if the amendment remains intact throughout the remainder of its legislative journey, then the Defense Department will be foreclosed from beginning deployment of phase I of the Safeguard ABM in fiscal year 1970. It will, however, have about half a billion dollars in fiscal 1970 to press research, development, testing, and evaluation of the whole variety of defenses to a hypothetical missile attack on this country.

It may prove useful to outline the implications of accepting the Cooper-Hart amendment, as one way of gaining a measure of perspective.

First, the amendment would put the United States on record against starting another lap in the arms race. It is self-evident that no one can really win the arms race, instead, we and our adversaries are forced to run around and around the track, spurring each other on by each new tactic, strategy, or weapon. One basic tenet of today's war planning is that the best defense is a good offense, because the attacker has so many advantages over the defender. We have no evidence that the Soviets can destroy or seriously damage our diverse and dispersed nuclear forces. Nor do we have any convincing evidence that they will have the ability to do so in the reasonably foreseeable future. Thus, acceptance of the Cooper-Hart "no deployment" amendment would be a clear signal that the United States, far and away the world's most powerful nation, was seeking to slow and eventually stop the otherwise perpetual motion of the arms race.

Second, it would put the Pentagon on notice that it no longer had a blank check from Congress, for far too long, we have acted as if we believed the Pentagon had an exclusive license on knowledge and judgment in matters relating to national security. Our vast Pentagon budget; our overly large foreign commitments; our crazy-quilt draft laws—these are some of the legacies of our uncritical acceptance of Pentagon recommendations and practices. There is no reason in logic or procedure for us to treat the Department of Defense differently than we treat the Department of Labor or the Department of Health, Education, and Welfare when we review their budget requests. When the Pentagon seeks program funds, then we should examine the justifications for these programs with the same care we examine those for education, health, housing and all the others. The scrutiny to which we have put the ABM has indicated to roughly half the Senate that the justification for beginning deployment immediately is not a compelling one. This indication should have a salutary effect on our Pentagon planners, because in the future they may take increasing care to send to the Congress programs based more on the realities of the threat to our security and less on a desire for new weapons systems.

Third, it would indicate to those disenchanted with our present inattention to our domestic needs that the Congress both recognizes these needs and intends to do something about them. So long as we support marginal military projects, we will be woefully short of funds to help relieve the pressures here at home. And these pressures come not only from the poor among us; they come from our students, from our middle-income taxpaypayers, from our conservationists, and from many, many others. These pressures rise because the Government seems less to be governing than to be drifting, with no clear precepts or priorities. I see no reason whatever that we in Congress should avoid the very difficult question of priorities. If we do, inflation will take an even larger toll; cynacism and uneasiness will spread; and doubts that we can be masters of our own fate will be more widely held. Because the case for beginning ABM deployment is so marginal, this debate is an unequalled place to begin demonstrating that the Congress, at least, can develop and articulate a sense of national priorities and goals.

Fourth, it would put the Congress on record against premature deployment of complex electronic weapons systems. The cost overruns, overoptimism, and specification shortfalls in these systems are more and more shocking as more and more specific information becomes available. We all know that Apollo 11 was a stunning technological triumph, and we applaud those who contributed to it. But we must not forget the Mercury and Gemini flights which went before it, nor the previous Apollo flights themselves which taught lesson after lesson and gave us the confidence to proceed. Perhaps we can make the ABM work as it is designed to, despite the reservations voiced by many of our most outstanding scientists. But we cannot make any reasonable judgment about whether it will or will not work so long as many of Safeguard's components remain unbuilt or untested, even in prototype, as Senator SYMINGTON pointed out on July 28. And because all the different components must work in complete concert, they should be tested as a complete unit. We should build prototypes of the system's components where the fullest evaluation and testing can be carried out. We should not build these prototypes on an operational site, because the tests can be neither as extensive nor as varied in the continental United States as they can be on a remote island. Once the prototypes are built and tested, we would then know whether the system worked or whether, like Apollo, we must refine and redesign before we rely upon it.

Fifth, it would put the Congress on record as seeking real value for its defense dollars. Even if Safeguard worked as designed, a number of studies—both classified and unclassified, both from within the Pentagon and from outside it—have demonstrated that the Soviets could easily neutralize it. When the evidence was made available, a few years back, that the Soviets were constructing a small and obsolescent ABM around Moscow, Defense Department officials assured a concerned Congress that it was a routine matter for us to overwhelm the Soviet ABM. Similarly, it is no less difficult for the Soviets to do the same thing to our ABM.

Thus, while Safeguard might work in a technical sense, it would not protect. This is one of the key points on which we must all be absolutely clear. If we spend the billions to construct phase I of Safeguard—placing defensive missiles around one-third of our Minuteman force—we have not bought an effective defense of those Minutemen because the Soviets can easily overwhelm it. I have previously, on July 10, read into the RECORD a table showing just how simply the Soviets can overcome Safeguard, using technology which exists today. Furthermore, if we spend those billions on Safeguard phase I, we have not added any protection to the rest of our deterrent—the remaining two-thirds of our Minuteman, our bombers, our submarines, or our tactical aircraft stationed around the world.

It has been argued here in the Senate that should the Soviets choose to counter our ABM by building more offensive missiles, then we could despond by adding more defensive missiles, thus nullifying their counter step. But if this is our intended response, then it seems to me we are deploying not a thin ABM, but the foundation of a much larger, thick ABM. If this is so, then we should be debating an ABM of far different dimensionns and far larger cost than the one presented to us.

We might well ask what we would have bought if we deploy Safeguard phase I. We would have bought a number of radars, of computers, and of missiles. But they would be nothing more than idle monuments to the ingenuity of our scientists and engineers; their relativity to the realities of weapons planning would be nil.

We might also ask what we would have bought if we deployed the full Safeguard ABM, as it was outlined in testimony by Defense Department officials. We would not have bought any meaningful protection as against the Soviets—nor against a determined Chinese attack. We may, though, have bought some degree of protection against accidental launches, if one makes certain assumptions about the state of readiness of our ABM and the level of crudeness of the attacking missiles. But neither the President nor the Secretary of Defense nor any of Safeguard's proponents have suggested that this alone is sufficient justification for proceeding with deployment of Safeguard.

Thus, in the absence of any convincing testament that Safeguard would add a solid element to our defense capabilities, we would be well advised to avoid spending our limited tax dollars on it.

Sixth, the Congress would indicate its concern over a continuing reliance for our strategic deterrent upon a land-based, fixed-site missile. As the ICBM's in both the Soviet's and our own inventories become more sophisticated, their accuracy increases. This in turn increases the vulnerability of the missile silos, and is presumably one reason behind the decision to deploy an ABM. If we assume that at some time in the future the Soviets—and we, too, of course—are able to refine ICBM guidance systems sufficiently, then the credibility of the fixed-site ICBM as a deterrent is gravely impaired because of the accuracy of the attacking warheads. This is so no matter how hard the silo is, because a detonation would throw dirt from the crater over the silo door, thus preventing it from opening to launch the retaliatory missile.

But this line of reasoning does not support deployment of Safeguard phase I, primarily because of the serious doubts about Safeguard's efficacy and the relative simplicity of neutralizing it. What it does support is intensive research and development into ballistic-missile defenses generally, to discover if there is some ABM system which offers a reasonable chance of success. Fixed-site ICBM's are not now obsolete, nor are guidance systems sufficiently refined. But it does appear folly to spend billions constructing an ineffective defense around missiles which may themselves soon be obsolete.

One of the most frustrating aspects of war planning in the nuclear age is the rapid rate of obsolescence of modern weapons systems. Thus, we are only now learning how to perfect MIRV's—which may be the most unsettling arms race development of the 1960's. We plan to install MIRV's on both Minuteman and Polaris missiles. Yet, as I have just outlined, the fixed-site Minuteman—to be fitted with MIRV's—may be obsolete. But we plunge steadily onward, spending billions, acting not so much rationally as reflexively. Every step we take requires a counterstep by the Soviets; every step the Soviets take requires us to take a counterstep. We develop and deploy a weapons system; the Soviets render it obsolete. And, of course, vice versa. All this absorbs billions of dollars, postpones the arrival of better lives for men and women and children the world over, and throws cold water on our hopes for a stable and peaceful world.

Seventh, it would go far toward making the Department of Defense more candid in its dealings with the Congress. Traditionally, we are aware only of the tip of the iceberg in defense matters. Only grudgingly has the Pentagon filled out the record with the Congress on such items as the chemical and biological warfare program, the Cheyenne helicopter, the C–5A, the main battle tank, cost overruns, and of course the ABM. In each of these cases, the industry of an individual Senator or Congressman brought the facts out into the open, and serious abuses—actual or potential—were corrected.

In the case of the ABM, many of us have known for some time of the existence of studies or reports commissioned by the Defense Department which were critical of one or another aspect of the ABM. Yet, it has been the most difficult task to obtain these reports or studies, or even, in some cases, to get an official acknowledgement that they exist. It is my understanding that one such Defense Department classified study is similar to an unclassified study which I placed in the RECORD on July 17. Both studies examine various alternative ways of strengthening the credibility of our deterrent—as by deploying an ABM system, building more Polaris submarines, further hardening of our missile silos, or constructing more ICBM's. These alternatives are weighed, one against the other, in the studies—and the ABM is determined to be the worst of the four alternatives.

Now, it is reasonable to ask why we in the Congress, at some point during these past few months, were not told of this and of the other studies. There may be powerful and compelling reasons for choosing the ABM over the other alternatives, but we are not told what the reasons are. As a result, we must make assumptions as to the reasons, and this does not create an atmosphere of confidence in our dealings with the Pentagon.

I have listed seven possible implications of Senate acceptance of the Cooper-Hart amendment. There are of course more. But even the ones I have listed, it seems to me, argue in favor of postponing the deployment decision while pressing ahead with ballistic missile defense research and development, and while concurrently seeking to get the long-stalled arms control talks with the Soviet Union back on the track to consummation. We are just 3 weeks short of a year from the date once set for announcement of arms control talks. Yet there appears no urgency on our part to reopen those negotiations. Instead, we push MIRV testing and ABM deployment—all factors detrimental to the climate of cooperation so essential to successful talks.

We all seek a safer world and a better world. Yet we cannot have a safer world while we press forward toward a new and intensified lap in the arms race. Neither can we have a better world—either here at home or abroad—while we pour two-thirds of our controllable budget expenditures into military programs. We are learning that the assumptions upon which our defense postures and budgets are constructed may well be unrealistic and out of date. If they are, and if we continue to stock our arsenals of war while neglecting our tools of peace, then the world we pass on to our children will be far worse than it is today.

We must think, as we consider our vote on the ABM, what shape we want for the world our children inherit from us. We can begin now to shape a safer and better world for them, or we can continue on as we have in the past. I have chosen the former course, and my vote against deployment of the ABM reflects that decision.

Mr. HART. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I am glad to yield to my good friend from Michigan.

Mr. HART. Mr. President, I rise not only to thank the Senator from Massachusetts for a speech that is cogent, persuasive, thoughtful, and balanced in its presentation, but I rise also to thank him for the many hours he has given to developing a broader understanding of the proposed ABM, its doubtful effectiveness, its assured cost, and its threat to successful arms control negotiations.

For many months the Senator from Massachusetts has been perhaps the one most effective Senator in encouraging the scholarly community of this country, those who have the technical understanding which none of us can approach, to come here and counsel with us, both in private discussions and in open sessions. It has been his invitation to which many of those distinguished American scholars have responded. It is largely as a result of the patient willingness on the part of these distinguished American scientists that has enabled us this year to be more comfortable in our belief that we do more fully appreciate and evaluate all the elements involved than was the case when the Senate confronted the ABM issue last year.

Senator KENNEDY's reasoned speech and its balance are a hallmark of his entire distinguished career in this body. The publication of the scientific papers that were assembled at the request and under the counsel of the Senator from Massachusetts are now in paperback form. Encouraging such publication reflects the understanding of the Senator from Massachusetts that, indeed as he said, the decision we take tomorrow will affect enormously the kind of world our children will have.

It would have been a less promising world had we not, largely with the help of the public, rescued ourselves from the decision to deploy the ABM system labeled "Sentinel" last year.

With him, I believe that it will be a better world if we avoid deploying the ABM system labeled "Safeguard" this year.

If that decision is made, it will be in very large part a consequence of the thought, energy and counsel of the Senator from Massachusetts.

Mr. MANSFIELD. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. It is always a pleasure to yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I must apologize for being delayed, but there was some official business I had to attend to. I did, however, have a chance to read the speech of my distinguished colleague, the assistant majority leader, and I want him to know that I join the distinguished Senator from Michigan (Mr. HART) by adding my commendation to the Senator for the work he did initially, not only this year but also last, and for the impetus which he gave to this issue and for the breadth of knowledge which he made available to the Senate. I assure him that, as always, he is rendering a great public service which will redound to the benefit of this body and to the country as a whole.

His well thought out, closely reasoned, and wholly logical proposal, in conjunction with the remarks made today by the distinguished Senator from Alaska (Mr. GRAVEL), has resulted in two of the finest contributions which have been made in this Chamber during this most important debate on one of the most important subjects to have come before this body during this decade.

Again to the Senator, my thanks and appreciation for a job well done and a presentation well made.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield to the Senator from Maine.

Mr. MUSKIE. I would like to express my regret that I was not on the floor to hear all the Senator's presentation. I have had an opportunity to examine it, and it is consistent with the high quality of leadership that the Senator has shown on this issue over the past month. I like especially his choice of the seven implications to analyze the meaning of this debate and the issues which it involves. I am sorry I was not on the floor to get the full impression of what the Senator had to say. I compliment him.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield to the Senator from Kentucky.

Mr. COOPER. I wish to compliment the Senator on his statement. I agree with the Senator from Michigan that the debate on the ABM issue has been a process of education. All of us in the Senate have been required to educate ourselves on this question and to provide information to the country, and we have had to learn a great deal. The initiative taken by the Senator from Massachusetts in calling to our help and that of the public the knowledge of a great number of noted scientists, those without predisposition or bias, in my judgment, it was a service of incalculable value to the Congress and the country, for which we thank the Senator from Massachusetts, Senator KENNEDY.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield to the Senator from Missouri.

Mr. SYMINGTON. I join my colleagues in congratulating the assistant majority leader for an excellent talk. The Senator points out that the Soviets could easily neutralize any addition in defense which came from Safeguard, and that is one of the more important aspects of the criticism of this system that has never been answered.

In recent hearings, when it was shown to my mind conclusively that a relatively slight addition in the production of the new Soviet SS-9 missile—a type we abandoned years ago as not being the right type or character of missile—would neutralize any effective defense provided by the deployment of Safeguard the Defense Department fell back into the question of cost.

It is very difficult for me to understand what, in dollars the SS-9 missile would cost the Soviet Union. More on that later. In any case I am glad the able Senator brought this out and congratulate him on his presentation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. Mr. President, I yield 2 additional minutes to the Senator from Massachusetts.

Mr. KENNEDY. I thank the Senator from Missouri for his comments. I believe one of the great contributions to this whole debate and discussion was the very important information the Senator from Missouri developed in demonstrating what would be necessary to overwhelm the implementation of phase I of the Safeguard system. I know there have been those who have argued that all we would have to really do is expand phase I into phase II, phase III, or phase IV. There were those who suggested this expansion in response to the arguments raised by the Senator from Missouri. What we were talking about then was not the thin system, which has been debated; but a thick system, which increases the magnitude dramatically and increases cost significantly, even above the cost that has been estimated here. The thick system is really a different kettle of fish. So I think the point the Senator from Missouri made in bringing that information into the debate was extremely important in helping resolve this issue in the minds of many Senators.

I think one of the other important contributions the Senator made was with reference to the status of the testing of the Safeguard components themselves, to which I referred in my statement.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield to the distinguished chairman of the Foreign Relations Committee.

Mr. FULBRIGHT. I want to join in commending the Senator for his statement, which I have just had a chance to read. I am sorry I was not able to be on the floor. There is one point I wanted to mention again, which is like the point made by the Senator from Missouri: I noted in the newspapers recently that Mr. Kissinger, one of the President's principal advisers, was reported to have said that even if the ABM did not work, it would be worth it because the Russians would not know it did not work.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. Mr. President, I yield 2 minutes.

Mr. FULBRIGHT. Therefore the Russians would have to do all their planning on the assumption that it would work.

This may be a very good assumption in an academic atmosphere, but the Russians have experimented with the ABM. They started to install a system and then quit deploying it. They did so because they believed that, in the present state of the art, it would not work. So we are not kidding anybody. The Russians are not fools. They would know it did not work. So the idea of going ahead with it on the theory that, even though we knew it would not work, they would not know about it, and they would spend all their money trying to overcome it, does not make sense.

It seems to me that in considering the question of whether it will work, or whether it will not work, or the various difficulties it has, or will encounter, there has always been the assumption that it does not matter what it would cost. We seem to feel that in the realm of defense it would somehow be unpatriotic to raise the question of cost.

I do not agree with that, especially when we consider the fact that the President spent a great amount of time in promoting extension of the surtax. In other words, the importance of the financial condition of the country and approving the surtax indicate the administration's concern with inflation. We already have inflation. We have a very serious financial condition. Therefore, I do not think we should ignore the question of cost.

Does not the Senator agree that if we proceed to give the President authority tomorrow, if the vote is to authorize the ABM, the decision will be made and there will be no turning back on it?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. Mr. President, I yield 1 additional minute.

Mr. FULBRIGHT. It seems to me, having had such a serious debate about it, and having won the vote, we will be committed indefinitely and at incalculable cost, which would be anywhere from $10 to $50 or $75 billion, to proceed. Does not the Senator agree with that?

Mr. KENNEDY. I agree with the comments made by the distinguished Senator from Arkansas. I would say that this is indeed a watershed in the decision made by the Senate in confronting this issue.

Second, I agree with the Senator completely about the openendedness of the whole deployment of the system, not only in the potential of the increased cost of the weapons system, as we have seen in recent times with respect to overruns and all the rest——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. I yield 1 additional minute.

Mr. KENNEDY. But I think, as I mentioned to the distinguished Senator from Missouri, in response to the materials which he brought to this debate, it would take a relatively short period of time for the Soviets to overcome phase I of the Safeguard system. The proponents of the system have said all we would have to do is build more—phase II, phase III, and phase IV. What we are getting into is an additional cost of tens of billions of dollars, if we follow that logic to its legitimate end. The Senator has stated it accurately. I am in agreement with that observation. I think it is a most important one.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. YARBOROUGH. I would like to associate myself with the remarks of the majority leader and his comments on the work of the assistant majority leader in the months of the debate that has been going on.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. Mr. President, I yield 1 minute.

Mr. YARBOROUGH. And the knowledgeable people he has brought to Washington and the meetings that have been held and all the important work he has done. In addition to being the assistant majority leader, he has done much work off the floor to see that that information was obtained and that discussions were had in order to enable Senators to make up their minds on this question.

I compliment the Senator not merely for what he has said, and not merely for his work as assistant majority leader, but for the months of dedicated work he has done on and off this floor in connection with this crucial issue.

Mr. KENNEDY. I thank the Senator for his kind remarks.

Mr. MAGNUSON. Mr. President, I have decided to vote for $760,000,000 for continued research and development of the missile defense concept. I will not vote, however, to deploy the antiballistic missile at this time. I am even somewhat reluctant to support this huge sum for research, because the great mass of scientific opinion on the ABM casts grave doubt on the likelihood that it will ever become a workable defense system.

As one Member of this body, and as a member of the Defense Appropriations Subcommittee, I have conscientiously examined the testimony, the reports, and all the technical data available to me on the subject of the ABM.

On the basis of that evidence, it is obvious to me that public debate has tended to obscure the real issue with which the Senate is faced. That issue is not whether America should be protected: we all agree that it should. The real issue is whether or not the ABM system, as proposed, would in fact add to that protection; if so, at what cost, and with what advantages over alternative defense programs.

The testimony I have heard, in scores of open and closed sessions of the Senate, suggests that the ABM may never work. Further intelligence indicates that even if ABM can be perfected technologically, it may not provide true defense against the weapons of tomorrow. In addition, the very Minuteman ICBM's the proposed system is designed to protect may themselves be an obsolete part of our nuclear arsenal within a few years.

These factors make it necessary to question this particular proposal, but this is not to question the value of defense. The decision to commit the already overburdened taxpayer to a multi-billion-dollar weapons system is one we should not make hastily, particularly when that system may not provide defense at all. The cost of deployment, with its inevitable overruns amounting to billions, is too high a price for the illusion of defense without the substance.

We all want to provide America with the best defense system possible. To this end, I have voted for $976 billion in defense spending since World War II—and there will be more to come. In that tradition, and in the desire to give America the benefit of every possible defense, I am willing to go the extra mile and approve this huge sum for research and development of the ABM concept. I hope this money will not be wasted, but if it is, it will still be a fraction of what we might have wasted on premature deployment of this proposal.

The alternative is to blindly buy an untested system, a weapon in search of a mission; to accept, from "A" to "Z," every proposal the Pentagon puts forth. But this alternative does not provide defense, nor is it my idea of how best to represent the people.

Deployment is a commitment that is sure to cost billions. It is a commitment to a weapon whose reliability is presently uncertain; a commitment to a weapon that might easily become the most expensive piece of ineffective military hardware in history. Let us face the facts: weapons system failure is a common occurrence in the history of the Pentagon.

What exactly is the system we are discussing? The very name—"Safeguard"—may prove to be the greatest misnomer in recent years. For there is neither the plan nor the expectation that this system, even if proven, could protect our cities. That was the task set last year for the Sentinel ABM system—a task the Pentagon finally abandoned, and a task that is presently impossible, for this year the military freely admits that there is no known method of defending a city from massive nuclear attack. Even before that fact was conceded, however, many people in the cities to be "protected"—and my hometown of Seattle was one—indicated they did not want an ABM for a neighbor.

Faced with the end of the Sentinel project, the military has retreated to the present alternative, whose alleged purpose is to protect a small number of Minuteman sites around the country. The theory behind this proposal is that if some of our Minutemen survive a nuclear attack, and can be fired in retaliation, the initial attack might never take place at all.

This might work—provided that the ABM's computer, its complex radars, and both its missile systems worked flawlessly. It is this last point—whether or not it has demonstrated the potential to perform reliably—that raises such persistent doubts in the minds of able Americans, in and out of Congress. The ABM may prove workable, after further research and development, but its projected performance simply does not justify its deployment now.

Some people have argued that even if the system doesn't work, the Senate must vote to deploy it in order not to undermine the President's prestige in the coming arms talks with the Soviet Union. This theory is based on assumptions that are tenuous at best.

The Soviets will negotiate on arms settlements when it serves their political interests to do so—regardless of whether we deploy the ABM. That is their style; that is the way they do business with the West.

If any weapons will affect the Soviet's willingness to talk, it is our offensive ones that will do so. These we have perfected; these alone present a threat to which the Soviets might respond. Minuteman missiles, Polaris, and Poseidon submarines, perhaps even new manned or nuclear-powered bombers—these are weapons over which the Soviets might wish to negotiate. There is nothing very compelling to negotiate over a defensive missile system that may not even work.

These are the realities of nuclear strategy—whether or not the Pentagon admits it—and these are the realities upon which the President does not appear to have been objectively advised.

These are my honest doubts about the system we are debating, yet even with these doubts, I am not abandoning the ABM. I have stated that I will vote to give it a reasonable chance, a chance to prove itself through the research and development process. This is a process that is continuing: just this week, the Senate Defense Appropriations Subcommittee, of which I am a member, approved an $80,000,000 extension of a contract for the development of improved missile defense system technology.

By deferring a deployment decision on the ABM until it is better developed, we do not jeopardize our security. We simply acknowledge that the ABM does not appear to be proper at this time.

Although America has a great many capabilities, the overburdened taxpayer cannot afford poor investments. A "no think" policy toward military spending—the type of policy that produced the TFX, nerve gas, the main battle tank, the C–5A, and countless others—will prevent us from solving both our military and our domestic problems.

Much of what I have said had already been said by others. I have come to my conclusion as a result of long hearings, discussions, questions of and answers from all kinds of people in the military field and the scientific and technological field, Members of the Senate and the House of Representatives, and members of the committee; and from discussing at some great length with many able Americans both in and out of Congress the matter before us.

Just as we must reexamine our military spending, we must take a new look at the strategic considerations to which that spending should be geared. We must not lull the American people into thinking that this system can defend them against the terrible threat of nuclear war.

We must convince ourselves, as well as our adversaries, that the only way to defend against a nuclear war is to prevent it: the only way to win a nuclear war is not to fight it.

The PRESIDING OFFICER. Who yields time?

Mr. HART. I yield 10 minutes to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, no one can deny that the issue confronting the Senate today is one of the most important of these Vietnam war years. For what faces us is not only a matter of preparation for war but also a matter of national priorities. This is another big war expense, piled on top of the Vietnam war which is now costing about $36 billion a year.

The clear lesson of the past 5 years is that this Nation cannot afford to squander exorbitant sums for weaponry to be used helter-skelter all over this world, and at the same time address its attention to the rising needs of health, education, employment training, and other domestic needs. We cannot engage in this exorbitant squandering of our resources, and escape the highest interest rates in history, high taxes, and runaway inflation. Our economy cannot stand the reckless spending; our taxpayers are getting too wise to swallow it any longer. So we must choose now where we will place the greatest emphasis—on continued, wasteful, unrestricted, wild military adventures, or on the search for more effective solutions to our many problems here at home.

Of course, this is not an either/or matter; no rational man would advocate abandoning an adequate national defense. But as demands on our financial resources grow, so must the need carefully to examine each new request for military spending grow, in much the same way as we have been doing with domestic spending in the past. We must distinguish between essentials and nonessentials, between necessities and boondoggling.

The ABM proposal is one matter which should be examined with the greatest care before action is taken on it, because of the scores of billions of dollars it will ultimately cost. We must decide whether this is a billions of dollars boondoggle, or a valuable insurance policy.

From my study since the ABM proposal was made, and as the debate progressed, I have concluded that this is one project which is not necessary.

First, there are grave doubts about the technical feasibility of an antiballistic missile at this time. They have been debated too thoroughly on the floor to require further debate by me, and the Senate has heard of the tremendous technical problems which the ABM system must still surmount if it is to be a workable defensive device. Nothing has been said on the floor of the Senate to change my opinion on this score. This raises the economic question of why spend these billions, when money more wisely spent might obtain a more effective defense?

The ABM accelerates the arms race, without increasing the superiority to our arms. What we build, Russia will build. We now have complete arms superiority over the Russians. They are playing catch-up. If we build a new weapon system, they copy. It is needless proliferation built upon proliferation.

But the matter of gravest concern to me, the one closest to my heart, is the matter of national priorities. The estimated cost of this system since the debate started has already increased from slightly more than $6 billion to $11 billion; informed persons estimate the ultimate cost to approximate $60 billion. Before 1 cent has been approved by Congress or one site has been built, the projected cost has increased by almost $5 billion. How much higher will these costs go before the system is completed? Furthermore, even the arguments of the ABM proponents give grounds for grave doubts about our future expansion of this system into a hardened, "thick" antimissile system at an ultimately fantastic cost.

What is being talked about, then is no moderate sum. We are talking about a beginning of at least $11 billion in the next few years. Those who support this proposal should stop and ask themselves how hastily they would want to proceed were this sum being requested for domestic programs and domestic progress. How quickly would they vote for an $11 billion domestic program to elevate the standard of living in this country? Not very fast, I think, I do not believe in waste. I do not believe in spending vast sums of money for a boondoggle. And I think we need to proceed with the greatest care on this proposal for that very reason.

Furthermore, we are told by this administration that we must cutback in almost every domestic program in the Federal Government—cutback in education, cutback in housing, cutback in economic development, cutback in medicare and medicaid, cutback in health. They have cut the Hill-Burton hospitalization request by 60 percent, or more than half—cutback in child care, cutback in rural programs—cutback, cutback, cutback—cutbacks are being made in all these domestic programs. The reductions in the fiscal year 1970 budget recommended by this administration in April total $1,211.3 million. Every domestic program has been funded at a level far below its authorization. Why? Because we are told that the money is needed for military spending. The Congress has authorized $9 billion for education this year, but the administration requests that only $3.2 billion be appropriated, or about 35 percent of the moneys authorized.

This administration has requested that we spend $5.2 billion for ammunition to be shot at the Vietnamese, for the fiscal year beginning July 1 of this year. There are an estimated 240,000 North Vietnamese and north Vietcong now in South Vietnam. If we take that 240,000 and divide it into the $5.2 billion they want for ammunition alone, Mr. President, that is $21,666.67 for ammunition to shoot at each Vietcong and North Vietnamese soldier, whether they hit him or not. But they ask only $3.2 billion for elementary and secondary education for the 72 million schoolchildren in America, which is $44 for each child. They are willing to spend $44 for education on each American child, and $21,666.67 to shoot at each Vietcong or North Vietnamese.

It is time, Mr. President, that we stop to think about what this Nation is doing, what our objectives are, and what should be the course of reason, intelligence, and rationality.

The proposed authorization for the ABM for this fiscal year, they keep saying, is "only $759.1 million" for this year.

Mr. President, if this sum were deleted and the money applied to other uses, it would be possible from this sum to restore all cuts made in the budgets of OEO, the Department of Agriculture, EDA, HUD, and the Veterans' Administration together, plus $156.3 million of the cuts made in the HEW budget. And we could do this without raising the total budget 1 cent.

I realize that the Cooper-Hart amendment now under consideration deleted none of the funds authorized in fiscal year 1970. I think the proper place to do this is in the appropriations measure and I hope it will be done at that time. But what the Cooper-Hart amendment does is delay the initiation of this ABM project. It gives us more time—time to evaluate the need for such a system, time to find other means to protect our retaliatory capacity, and hopefully, time to reach a meaningful agreement on arms limitation so that no expenditure of this type will be necessary. My point in reciting these figures is merely to give a graphic example of what this type of expenditure means in terms of domestic programs.

Let us be perfectly clear about what we are talking about here. We are talking about human beings and their hopes, aspirations, and lives. We are talking about children who may not be able to get an education, people who may not be able to build a home or start a business or improve a small farm. We are talking about people who may not be getting adequate health care or enough food to eat.

The administration cut back the loan funds for college students. It cut the funds for work studies in all five programs. We had to enable students to work through college. They cut back last year on the 6,000 fellowships financed 2 years ago. They cut it back to 3,500 fellowships.

The quality of American life is being pulled down to pay for this type of adventure.

We are talking about people not getting adequate health care—about 35 million of them. We are talking about people not getting enough to eat—some 20 million.

That is what is involved. Human beings are involved. Tens of millions are hungry in our country. Tens of millions in our country are without medical care. This is what is involved, not just dollars and cents. And how can we do this to them in good conscience and tell them we are doing it all for a weapons system which is not needed this year, and which might be of dubious worth in the first place?

Furthermore, as many of the opponents of this proposal have pointed out, weapons systems, once deployed, seem to develop a self-sustaining momentum of their own, even when obsolete. Once initiated, they are extremely difficult to discontinue, even if they will not do the job. So, knowing this and knowing the demands we will have on our budget in the coming years, why should we start on something potentially as costly as this proposal when there are such grave scientific doubts that it will accomplish the purpose?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I yield an additional 5 minutes to the Senator from Texas.

The PRESIDING OFFICER (Mr. Gravel in the chair). The Senator from Texas is recognized for an additional 5 minutes.

Mr. YARBOROUGH. Mr. President, as an example of an area—just one—in which our Nation will face great challenges in the coming years, let me bring to the attention of the Senate what this administration's own U.S. Commissioner of Education, Dr. James E. Allen, Jr., was quoted as saying recently. The New York Times of July 9, 1969, reports that Dr. Allen predicted that by 1980, public spending on education would total $100 billion annually, "with the Federal Government tripling its share of the cost for elementary and secondary schooling."

Using Dr. Allen's predictions, the Federal expenditure for elementary and secondary education alone will increase from the present $4 billion per year to $25 billion in 10 years. This is just an estimate of the Nixon administration. Many education experts say that Dr. Allen is too conservative in his estimate, and predict that the Federal share will increase to 50 percent of the total public outlay on education which would mean a $50 billion annual Federal outlay by 1980.

We can thrash around in the quagmire of histrionics and rhetoric all we want, but there is no way that we can teeth out the bit placed in our mouth by the educational needs of our children and the other needs of all our people. We have a hard choice to make, and it is time that the chosen representatives of the American people face up to it. All of us would like to be able to tell our constituents that we took no chances at all with our military demands and that we met every military spending proposal presented to us, even proposals the value of which was questionable.

But, the realities of projected Federal revenues, of present inflation and Federal military spending, of the runaway interest rates and of the limits of the tax burdens that can be placed on our people, tell us with candor we cannot escape, that we cannot escape what we cannot continue to finance every demand that comes from the Pentagon and still meet the unyielding obligation we have to our children and their education and to our Nation and its inner welfare. We cannot continue to do both, Mr. President, and we all know it.

We know it from the inflation, high interest rates, the impaired living of the people of our Nation. Talk to them on any street in the country. Talk to them in the ghettos. Talk to the people who are rich in stocks. Talk to them all.

I think we would be wasting our money were we to spend it on the ABM proposal. We would be spending to protect ourselves from imaginary demons beyond our borders and ignoring the very real enemies—hunger, poverty, ignorance, and physical suffering—here in this Nation that are boiling over in every class of our society. We should reexamine our priorities in this area and stop spending money on exorbitantly expensive unproven, doubtful projects such as the ABM. For this reason, I oppose without any hesitation the ABM deployment provisions of this bill this year.

The Military Establishment says that the ABM is necessary for our safety. But they say that about the War in Vietnam, when I know the war in Vietnam is doing more harm than benefit to this country. When the military leaders are so wrong about Vietnam that a blind man could see it these past years, why should we believe them to be infallible on the ABM? If the ABM is really necessary, let our military leaders close out the unnecessary $35 billion a year war in Vietnam, and spend that money in a more sensible way.

I no longer believe, as I once did, that the military is wiser than the Congress about the necessity and the limits of military spending. My experience in 12 years in Congress convinces me that Congress is wiser and that Congress must reassert its constitutional power over the purse strings of our country before our economic system collapses from an overweight military burden.

Mr. President, I ask unanimous consent to have printed at this point in the Record a telegram under date of August 2, 1969, from a number of my constituents.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

August 2, 1969.

Senator Ralph Yarborough,
U.S. Senate,
Washington, D.C.

We support your opposition to deployment of the "Safeguard" ABM system. We urge you to speak out and vote for the Hart-Cooper amendment to the military procurement authorization bill S.R. 2546. We believe the "Safeguard" ABM system is unworkable and a waste of resources needed for vital domestic needs. We fear that deployment of the ABM will increase the arms race and will not give us any increased national security.

Mrs. Shirley Taylor, Mrs. R. T. Dutton, Groves, Tex.; Rose Durham Port, Neches, Tex.; Rev. Jim Jones, Rev. Robert C. Sneed, Groves, Tex.; Robert Chavey; Hector Ramirez, Port Arthur, Tex; Frank Rojas, Philip Bordages, Brick Logan, Orange, Tex.; James Carter, Mr. and Mrs. George Cowart, Mr. and Mrs. Theo Kresser, Mr. and Mrs. Bobby C. Williams, Mr. and Mrs. C. A. Brink, Mr. and Mrs. W. L. Stertz, Sr., Tim Kidwell, Kurt and Kathleen Schroeder, James Blair, Wayne Sullivan, Larry Albright, Loretta Oliver, Gem Logan, Orange, Tex.; Mr. and Mrs. Jerry Hanks, Nederland, Tex.; Robert Briggs, Duane Force, Bob Held, Tobe Duhon, Tommy Fitts, Don Humphrey, Ron Platt, and Phil Richey.

Mr. KENNEDY. Mr. President, I yield 4 minutes to the distinguished Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized for 4 minutes.

Mr. MOSS. Mr. President, as we approach the historic vote set for tomorrow, I want to reaffirm my support of the Hart-Cooper amendment. I recognize the need for continued research and development of an ABM system, but I object to deployment at this time for the following reasons:

First. The technical difficulties involved in establishing an operative, reliable Safeguard system are at present insurmountable, in my opinion. Why should we burden the already overloaded middle-income taxpayer with a Presidential delusion?

The Hindenberg Zeppelin and the unsinkable *Titanic* demonstrated that even with man's best effort and most advanced technology, disaster can still follow. The difference of then and today is that today the disaster would not be localized; instead, the disaster would claim the world.

Second. The spiraling nuclear arms race will be escalated one step closer to holocaust and doom. The U.S. Senate must assume its position of leadership in the world's quest for peace. When our military superiority is as great as it is today, it seems utter folly to pour more taxpayer's money down the never-ending, always-increasing military appropriations drain—a drain, might I remind Senators, that is based on destruction of life and property, as opposed to constructive improvement of quality of life and environment.

Third. Last, and perhaps most important for the survival of the human race, is the false state of security that a questionable Safeguard system would create. In my remarks earlier to the Senate, I discussed the very real threat of defense planners becoming less reluctant to utilize nuclear weapons in their overall defense program. If this were to become the case, the chances of nuclear war occurring approach the absolute. The chances of maintaining the nuclear nonproliferation treaty, with smaller countries becoming more and more acutely aware of the increased dependence of the great powers on nuclear weapons, would become an impossible dream. The chances of a lasting peace based on trust would also be greatly diminished with passage of the ABM Safeguard system.

Mr. President, our country is facing a crisis in trust and confidence perhaps unparalleled in our Nation's history. People are beginning to ask why the Government spends $85 billion plus a year on defense when the real threat to the common man is right within his own city or State. The threats of crime, poverty, unemployment, and disability—and of air and water pollution—are far more real to the average citizen of the United States than are his awareness and fears of the Russians or the Chinese.

In this new crisis situation we must come up with new answers to the old questions. We simply cannot go along with tradition because it is tradition; we simply cannot approve every military appropriation because it is a military request. We have to demonstrate to the citizens of this great Nation, and indeed the world, that we are taking a new direction; that we, as U.S. Senators, are concerned about and are working on how to correct the local threats of crime, poverty, and unemployment.

If we do not begin to work to solve these domestic problems, I am afraid that we, as a nation, are going to become victims to what the 19th century historian McCall predicted would be the reason for the fall of the United States. He foresaw that the United States would not succumb to external invasion but would instead fall to internal subversion caused by discontent and extremism.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. I yield myself 3 minutes.

Mr. President, there is a very excellent letter in the July issue of Science magazine from David C. Williams of the Space Power Research Division, Sandia Laboratories, Albuquerque, N. Mex.

It is a very devastating attack on the Chayes-Wiesner report, and I would like to read one of the points made, because it is a point we have tried to make over and over again in this debate:

> According to the Chayes-Wiesner report, Secretary of Defense Laird's assertions (that the Soviets seek "superiority" or first-strike "counterforce" capability over the United States) are "not based on any intelligence about new weapons systems" but are, instead, merely his reinterpretations of older data that were not previously viewed with much alarm. Actually, of course, new intelligence has come in during the last year, but the key point—evidently overlooked by the report—is that earlier estimates of Soviet intentions optimistically assumed that their extremely rapid missile deployment was only aimed at achieving parity with the United States, not superiority. Unfortunately, in the past year the assumed leveling-off point has been passed, yet Soviet deployment continues unabated. Ergo, it is probable that they seek superiority after all.

Mr. President, I ask unanimous consent to have this letter in its entirety printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHAYES-WIESNER REPORT CHALLENGED

The Chayes-Wiesner report (16 May, p. 807) criticizing the Safeguard ABM system is of such questionable quality that some comments must be made. Many of the relevant data are (unfortunately) classified, and arguments based upon such data inevitably degenerate into exchanges of the "So I say—So you say" type. I therefore eschew refutations based upon classified information and restrict myself to some more general comments:

(1) According to the Chayes-Wiesner report, Secreatry of Defense Laird's assertions (that the Soviets seek "superiority" or first-strike "counterforce" capability over the United States) are "not based on any intelligence about new weapons systems" but are, instead, merely his reinterpretations of older data that were not previously viewed with much alarm. Actually, of course, new intelligence has come in during the last year, but the key point—evidently overlooked by the report—is that earlier estimates of Soviet intentions optimistically assumed that their extremely rapid missile deployment was only aimed at achieving parity with the United States, not superiority. Unfortunately, in the past year the assumed leveling-off point has been passed, yet Soviet deployment continues unabated. Ergo, it is probable that they seek superiority after all.

(2) The report asserts that we can afford to delay Safeguard because the Soviets will face a long "lead-time" in developing and deploying any new systems. Actually, the Soviet systems of such concern to Secretary Laird are already developed and even deployed in large numbers. That lead-time is already gone.

(3) I was startled by the recommendation that Safeguard *not* be deployed because each of its components "is at the extreme of sophistication for its type." Does this mean that the authors would have been more favorably inclined if Safeguard were already obsolete? Its advanced technology undoubtedly will require much time for debugging, especially with respect to integration of its components, which is one more reason for avoiding unnecessary delay in deployment.

(4) It is almost embarrassing to find the F-111 (TFX) listed among alleged Pentagon bloopers. Military men mostly opposed that system; it was passed anyway by civilian "experts" under then Secretary of Defense McNamara, during the Kennedy Administration whose science adviser was—remember?—Jerome B. Wiesner.

(5) Many of the report's arguments conflict with each other. For example, it is asserted that: (i) Even China will be able to penetrate the Spartan-only defense of our cities with ease; (ii) Safeguard will escalate the arms race, implying that even the Soviets will so respect the Spartan-only defense that they will fear it represents an attempt to erode their second-strike capability; (iii) the Spartan-plus-Sprint defense of our missiles will not increase the credibility of our second-strike capability, which implies that the Soviets will be so contemptuous of the combined system that they will feel certain they can penetrate it with nearly 100 percent efficiency in a very brief time (anything less will not save them from U.S. retaliation, and Safeguard will have "worked"). Make up your minds, boys: Is Safeguard bad because the Spartan defense won't even work against China or because it might even work against the Soviets; because the U.S.S.R. won't respect the system or because they will?

Though I favor Safeguard deployment, there are unquestionably many technological points that may be legitimately debated. Unfortunately, this hastily compiled report contains enough flaws and inconsistencies, many obvious even to intelligent laymen, that it is apt to damage the credibility of the scientific community more than it will damage the credibility of Safeguard.

DAVID C. WILLIAMS,
Space Power Research Division, Sandia Laboratories, Albuquerque, N. Mex.

Mr. COOPER. I suggest the absence of a quorum.

Mr. TOWER. Mr. President, I ask unanimous consent that the time consumed by the quorum call requested by the Senator from Kentucky be charged to neither side.

The PRESIDING OFFICER (Mr. MONDALE in the chair). Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COOPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. COOPER. Mr. President, I yield 20 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 20 minutes.

SAFEGUARD: THE TONKIN GULF OF THE NUCLEAR ARMS RACE

Mr. JAVITS. Mr. President, in these closing hours of debate on the ABM, I wish to raise an issue which I believe goes deeply to the experience of the Senate and the Nation within the past few years. It relates to the significance of our vote on the ABM in terms of future of governmental policy.

One of the great adages in Washington is that it is not enough to say so; we have to prove it either by action or by vote. That goes for politics and policies as well. The significance of the vote on Safeguard is that it could restore or begin to restore the authority of Congress with respect to foreign policy and military policy. Such authority is vested in the Congress by the Constitution but—as was brought out in the debate on the national commitments resolution—it has not been exercised in a significant way in recent years.

The Gulf of Tonkin resolution is a dramatic example.

It is interesting, indeed ironic, that the man in whom it awoke the greatest feeling that Congress was surrendering its power was the manager on the floor of the Senate of the Gulf of Tonkin resolution; namely, our very distinguished chairman of the Committee on Foreign Relations himself, the Senator from Arkansas (Mr. FULBRIGHT).

Mr. President, I see in the ABM vote a watershed in this regard. In my judgment, if we do successfully oppose deployment of ABM, then we will have gone far toward reasserting our constitutional prerogatives and responsibilities in the national security field.

Mr. President, that is the thesis which I should like to lay before the Senate. It is uniquely a Senate issue which will be here decided, precisely because it is so close, precisely because the scientific evidence is so contradictory that we must consider the ultimate effect upon Government policy of what we will be here deciding.

Interestingly enough, Mr. President, I am coming to the conclusion that it may not make so much difference in terms of what actually happens, whether we win or lose, because I have a hunch much the same thing is likely to happen in the end. I doubt very much that this weapon can be deployed even within the period the administration is talking about. We may come out at exactly the same place so far as this weapon is concerned whether the vote is 51 to 59 or 49 to 51 the other way.

What is very important is that we should recapture our constitutional prerogatives.

The eyes of the Nation—indeed of the entire world—are focused on the Senate this week. Tomorrow's vote on the Cooper-Hart amendment will be the "moment of truth" which decides whether or not this Nation can make a concerted effort to freeze the nuclear arms race. I agree with President Nixon when he said:

> The choice will affect far more than our foreign policy; it will determine the quality of our lives.

What we decide will indeed have far-reaching consequences.

In his Air Force Academy speech, the President characterized opponents of the ABM program as "new isolationists" and said our objective was "unilateral disarmament."

He said: "I hold a totally different view of the world," and he ruled out compromise in the following language:

> When great questions are posed, fundamental differences of opinion come into focus. It serves no purpose to gloss over these differences or to try to pretend that they are mere matters of degree.

The attitude of the President, together with the testimony of Secretary Laird and others, suggest strongly that the Safeguard ABM proposal may well be to the nuclear arms race what the Tonkin Gulf resolution was to Vietnam. If the Senate acquiesces in the administration's decision to proceed with immediate ABM deployment, we must expect that the Nation and the world will accept Wednesday's vote as a determination that the nuclear arms world will be escalated—bid up—and that the likelihood, of at least, a freeze on strategic nuclear arms as a result of the SALT talks is considerably reduced. This is the way the then-President and the world took the import of the Tonkin Gulf resolution as to combat involvement of U.S. troops in Vietnam.

The President has stated his position very clearly. In his Air Force speech he said:

> The question, I submit, in defense spending is a very simple one: "How much is necessary?" The President of the United States is the man charged with making that judgment.

Moreover, the President has made it clear how he sees it between competing domestic and military priorities:

> The aggressors of this world are not going to give the United States a period of grace in which to put our domestic house in order . . .

In my judgment, the Senate cannot accept the exclusive authority of the President to decide on the Nation's priorities and its military budget. In fact, article I, section VIII of the Constitution gives exclusive authority to the Congress "to raise and support armies, to provide and maintain a navy, to make rules for the Government and regulation of the land and naval forces."

An important constitutional question thus has been posed. I do not believe the Senate can duck this question.

It would be well for us to remember Secretary Katzenbach's assertion in 1967 that the Tonkin Gulf resolution was a "functional declaration of war." I do not think any of us felt that way when we voted for the Tonkin Gulf resolution, but later we seem to have had no effective answer to Mr. Katzenbach's assertion on behalf of the Johnson administration.

President Johnson and Secretary Rusk felt just as strongly about the Vietnam war as President Nixon and Secretary Laird feel about the Safeguard ABM. But the attempt of the Johnson administration to subordinate urgent domestic civilian needs to the insatiable budgetary demands of the Vietnam war produced the gravest kind of domestic strains and strife, and caused the political destruction of the Johnson administration.

The apparent determination of the administration to cross the Rubicon of ABM and MIRV would make an escalation of the nuclear arms race inevitable unless checked by the Senate. In my judgment, it is essential that we defer the crossing of that Rubicon until a thorough effort has been made to negotiate a strategic arms limitation agreement in the SALT talks. We have it in our power—the power of the purse—to do this. It is a power which, in all prudence, we must exercise.

The danger of heedless escalation of the nuclear arms race is a very real one despite the efforts of Safeguard proponents to minimize this aspect of the debate.

Already there is some claim that the reasons for immediate ABM deployment given by Secretary Laird are having a detrimental effect on the commencement of the SALT talks. According to an article in the Washington Post of August 3, the position in Senate testimony by Secretary Laird "may have been seized upon by the Moscow hawks to demand a new review and a delay in the talks."

As much as we all hope that this report proves to be wrong, it is ironic that this very possibility was foreshadowed in the recent pro-ABM study produced by the Hudson Institute. This book, entitled "Why ABM?" has been widely touted by administration supporters as the reply to the anti-ABM study edited by Wiesner and Chayes.

It states:

> The testimony of Secretary Laird . . . contributed rather significantly to the crystallization of the critical attitudes of the Soviet commentators.

The author concluded:

> Secretary Laird chose to invoke the imminent threat posed by alleged Soviet first strike intentions. . . . Hence the way the American Administration chose to argue its case for BMD tended to produce Soviet concerns lest the BMD decisions be used as a vehicle for expanding the strategic arms competition.

The alleged Soviet "first strike" threat, which Secretary Laird leaned on so heavily, was a red herring from the beginning. Even Secretary Laird has more or less backed away from that position now, after being confronted in the Foreign Relations Committee with the intelligence estimates of the CIA. But some damage may have already been done to the SALT negotiations.

The Pentagon's own testimony on "the Status of U.S. Strategic Power," just a year ago before Senator STENNIS' Preparedness Investigating Subcommittee, is sharply contrary to the Soviet "first strike" case which has been used by Secretary Laird.

The technological lead of the United States is unquestioned—and today should be even more so following the Apollo moon landing. Still, according to General Wheeler, the Chairman of the Joint Chiefs of Staff, an American "first strike" capability is not possible. His reasoning is significant:

> It is literally impossible to buy sufficient forces at the present level of the art to destroy the enemy strike capability before it is launched . . .

During these same hearings on the status of U.S. strategic power, Dr. John Foster, Director of Defense Research and Engineering, presented a very confident picture of our strategic posture and described the so-called action/reaction cycle in a way which may be very pertinent to the decision before us. He said:

> *So, in each case it seems to me, the Soviet Union is following the U.S. lead* and that the United States is not reacting to the Soviet actions. Our current efforts to get a MIRV capability on our missiles is not reacting to a Soviet capability so much as it is *moving ahead again to make sure, that whatever they do of the possible things that we imagine they might do, we will be prepared!* . . .

And, as I see no reason to doubt Dr. Foster's statements, then we must conclude that the United States is in a position of sufficiently comfortable security to enter the SALT negotiations before crossing the ABM and MIRV thresholds. These two weapons systems represent a next generation of weapons, so to speak, and if we cross that threshold even before we give the SALT talks a chance, we will automatically escalate the arms race because the Soviets will inevitably follow our lead.

Our military planners seem determined to get ABM and MIRV in under the wire before any moratoria can be worked out. Probably they view this as a prudent holding operation against possible failure of the SALT negotiations. But in terms of prudence it seems to me to be dubious and fallacious.

There has been a big effort in this debate to minimize the question of costs. In my judgment, it would be unwise for Senators to kid themselves in this way. The issue is not the $759 million in this bill—it is the probably hundreds of billions of dollars which the next round of the nuclear arms race will cost if we do not succeed in heading it off through negotiations.

The administration's approach to the SALT talks must not be the routine approach of the past. Such an attitude would be inadequate to the security needs of our Nation and to the historic opportunity before us to achieve a breakthrough in the limitation and control of nuclear weapons.

The old proverb that an ounce of prevention is worth a pound of cure is especially true as it applies to the nuclear arms race. If we can achieve a stabilization of the strategic arms race at present levels we will certainly have achieved far more in terms of national security than if we challenge the Soviets to a staggering new round of nuclear weapons systems by deploying Safeguard. That race can only end in bankruptcy or nuclear holocaust.

Several theories on the relationship of ABM to the SALT talks have been put forward by the administration. One theory is that Safeguard would have no effect on the SALT negotiations. Another theory is that we need Safeguard as a "bargaining chip" in the negotiations. Now a new theory—the strangest of all—is beginning to emerge. According to this theory, it would help negotiations if both sides have an anti-Chinese ABM. Nobody has yet explained how an ABM system can be programed to work against only one nationality of missiles.

Implicit in this latest theory on ABM is an assumption that it is in the U.S. interest to side with the Soviet Union in its increasingly bitter dispute with Communist China. A recent article in the New York Times by Harrison Salisbury predicts an imminent possibility of large-scale war between Russia and China. I do not believe that the American people are convinced at this stage that the United States should be committed to the U.S.S.R. in some tacit defense arrangement nor have we the remotest notion of either the U.S.S.R. or the world's attitude on such a major move.

However, the worsening conflict between Russia and China does, in my judgment, have some direct bearing on the SALT negotiations. It indicates that the overall strategic balance is deteriorating from the Soviet viewpoint. The increased prospects for European unity, and the possibility of a joint European nuclear deterrent now under discussion among our NATO allies, are further indications that the Soviet Union will not be free—as Secretary Laird has postulated—to strive for a first-strike capability against the United States. The U.S.S.R. is going to have substantial strategic worries on both its immediate borders, east and west. To me, this contributes to the logic of making a determined effort now to a nuclear arms-control breakthrough.

In terms of U.S. security, Safeguard is clearly not required at this time. Its deferral, on the other hand, could be the catalyst which moves the search for an arms-control agreement to a new and historic plateau.

The alternative to a nuclear arms-control agreement is grim. At home we would not have the resources to deal in an adequate and human way with the exploding crises of our cities and our rural poor. We would not be able to relieve the anguish of black America—which is not prepared to wait any longer to achieve the benefits of equal citizenship. And, by sharpening the alienation of the younger people through the continued distortion of national priorities, we invite a massive repudiation of the whole system of life we have created when authority inevitably passes to the next generation.

Mr. FULBRIGHT. Mr. President, will the Senator from New York yield to me?

Mr. JAVITS. I am glad to yield.

Mr. FULBRIGHT. Mr. President, the Senator from New York made a few remarks which are of special interest to me. I agree with his analysis of the effect of the Gulf of Tonkin resolution and the hearings which the Committee on Foreign Relations held on that resolution. They certainly made a great impression upon me. I think his analysis as to the significance of that is exactly correct.

I disagree with him on the proposition that if the vote goes either way on the pending issue by one or two votes, there may not be very much difference as to its ultimate deployment. It may make a great deal of difference in terms of money. I would hate to see $10 billion thrown away on a gimmick, when there is no difference in the end. There should be a difference that will be worth our while.

Before the Senator from New York came into the Chamber, I alluded to a statement made by Mr. Kissinger, at least as reported in the newspapers, that it would not make much difference whether the ABM worked or not, the Russians would not know it and therefore they would have to plan on the basis that it will work. The Russians are not stupid. They have tried to develop an ABM. They cannot make it work. They quit deploying it.

We just passed a tax bill to get enough taxes to stem inflation, so that the question of money is important. I would, therefore, only disagree with the Senator in saying that there is no use throwing away $10 billion.

Mr. JAVITS. I thoroughly agree with that.

Mr. FULBRIGHT. Now, the other point, as to the role of the Senate, is the important one. As a matter of fact, by coincidence, my own remarks will be devoted substantially to that, because I share the Senator's feeling.

Mr. JAVITS. I am highly honored.

Mr. FULBRIGHT. I think the Senate is in a position for the first time in 25 years, as a body, as the Senate—I am not talking about a committee—where it can make a serious challenge to a major weapons system or any major program involving the Defense Department. If we should lose this vote, I am afraid it will create the impression that the military establishment is simply too strong to be controlled by the Congress or the Senate. That would be unfortunate.

Mr. JAVITS. That is right. It would be unfortunate especially in the thinking of the Pentagon and in the way in which it swings its weight around. It would be the most salutory thing in the world if they were impressed by our power for a change.

Mr. FULBRIGHT. The Senator is correct. When we recall the role of the Senate on the C–5A and the new tank and the helicopter—which has been, fortunately, abandoned now—and when we remember the amounts of money that were spent on them and upon a number of other weapons systems, as described by Bernard Nossiter in the Washington Post a few weeks ago, a negative vote on this issue would have a salutary effect on the Pentagon. The Pentagon would be a little more careful about dispensing public funds.

Mr. JAVITS. And the Pentagon would know that somebody is really looking over their shoulder.

Mr. FULBRIGHT. And is interested.

I want to emphasize one point, because on several occasions serious consideration was given to how we could discourage continuation of the war by cutting appropriations. We always came to the conclusion that, because of the danger to the men in the field, because of the emotional factors associated with the conduct of the war, we simply could not take that route.

When we finally get down to it, this

is about the only really effective power Congress has—that is, the power of the purse. We can talk, we can give advice, we can do all of that sort of thing, but they do not have to abide by it. The only thing they can abide by is this power. That is why the point the Senator has made is a very important one.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MILLER. In his statement the Senator referred to immediate deployment. Did he not?

Mr. JAVITS. Yes.

Mr. MILLER. It is my understanding there will not be immediate deployment and that it has been estimated officially that the earliest there could be any deployment would be about in 1973 or 1974. That does not seem to square with the immediate deployment concept the Senator has referred to.

Mr. JAVITS. The decision we are taking is the decision to deploy, and great nations do not bluff. If the Senate of the United States votes to deploy, then there is going to be deployment. We cannot assume there is not going to be, and we cannot be misled and put into that dead-end street or booby trap by the statement, "Well, we really may not deploy, though you are authorizing." That is precisely what the Senator from Arkansas (Mr. FULBRIGHT) argued on the Tonkin Gulf resolution. He answered question after question. He said, "This does not mean we will have extensive ground forces involved in Vietnam." He meant it in good faith. It is one of the reasons why he was so deeply hurt by the abuse of the good faith and trust he asked the Senate to put in it.

That would be precisely what we would face in this situation if we were ever taken in by the argument that "Well, fellows, don't worry about it, just give us the authority; we really may not do it."

Mr. MILLER. Would the Senator not recognize that if the Senate made the decision to authorize the President to proceed with long lead time procurement, which could not, before 1973 or 1974, result in deployment, that in 1970, 1971, and 1972, the Senate would have the power to say, "No further work on this, because we do not think it is necessary"? Does not the Senator realize that Congress has that power?

Mr. JAVITS. The Senator says quite properly that Congress would have the power, but it had the power to cut off appropriations for ground combat in Vietnam. The answer is that once a great nation, by a vote of its Senate, commits itself to a certain course, it is very difficult to change it. We may ourselves vote against it thereafter, just as we sought to stay our hand in cutting off appropriations for ground forces in Vietnam. Then, other forces come into play.

The point is that if we are right, we are right now, just as right as we will be after we have spent another $1 billion, or $2 or $3 billion, or $5 billion. We say we are right now. That is our argument before the Senate, the country, and the world.

I yield to the Senator from Michigan.

Mr. HART. Mr. President, I ask the acting manager of those in opposition to the amendment if he would be willing to charge the time consumed in colloquy to the opponents of the amendment.

Mr. DOMINICK. Mr. President, I will take the time the Senator from Iowa uses from our time, but not that of the Senator from New York.

Mr. JAVITS. No; that is fine.

Mr. HART. That is all I ask.

Mr. DOMINICK. I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator is advised that the time cannot be divided in that manner.

Mr. HART. Would it not be possible that an agreement, assuming the opponents of the amendment concur, could be arrived at that will charge 5 minutes to the opponents of the amendment, of the time consumed in the discussion?

The PRESIDING OFFICER. The Senator's question is answered in the affirmative.

Mr. HART. Then I ask unanimous consent that that occur, if that is agreeable to the Senator from Colorado.

Mr. ERVIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MILLER. Mr. President, it seems to me that there are two answers to the argument of the Senator from New York. The first is that I do not believe there is any comparison between maintaining troops to conduct operations in Vietnam and the renewal of an authorization for continued development and deployment of an ABM system.

There are many people who are opposed to the Vietnam war. In fact, I think there may have been one or two Senators who were opposed to the Tonkin Gulf resolution originally, who continued to vote for the appropriations, because failure to appropriate money could have caused a considerable loss of American life in Vietnam.

You do not have that situation with an ABM system. It is merely another weapons system. It is about the same thing as authorizing the President to go ahead with long leadtime procurement for the purpose of deploying, for surface testing, a weapons system such as AMSA, an advanced manned strategic aircraft. I do not think this proposal is in the same ball park, at all, as maintaining troops in the field to fight a war.

I think the second answer to the argument of the Senator from New York is that the President of the United States has given Congress his solemn assurance, in his message on this subject, that the entire ABM system will be reviewed periodically, to determine whether we should go forward with it in the light of international developments. I do not think we ever had that assurance on the Tonkin Gulf resolution. So it seems to me that we have two very essential differences between the ABM deployment authorization now before us and support of troops in Vietnam.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMINICK. Mr. President, I yield 5 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I will reply to the Senator's statement, and then attempt to complete my remarks.

All the Senator has done, it seems to me, is nicely underline and emphasize my point, because precisely the same points were made in the Tonkin Gulf resolution debate. One point was that it was routine. We were assured that the President did not "need" a resolution to go after those who were attacking us, but it would be a good thing, and very constructive, if Congress backed him up. Congress did.

Then that piece of paper got warm in Lyndon Johnson's pocket as it was flashed on every time he deployed another 100,000 men.

I think in a business like this, we always get to the same point we have in Vietnam, because the enemy reacts. We are not going to deploy this ABM without the Russians reacting. We will never again be in the same strategic position or environment because a deployment decision will inevitably alter the strategic situation as it now exists and will activate the "action/reaction" cycle.

In addition, there is talk about this being an answer to a Chinese missile threat. The only way to make Safeguard meaningful against China is by deploying not two sites, but 12 sites. They admit that.

So, once embarked upon this course, the whole prestige, dignity, and credibility of the country is committed. We will have decided, we will have acted; and it is my judgment that this would lead us in directions, just as in the case of the Tonkin Gulf resolution, which we never anticipated when we passed it.

It seems so innocuous; as the Senator from Iowa stated, it is just a weapons system on which we are going to do a little more experimenting and a little procurement, and nothing is really going to happen.

But when that piece of paper gets into the hands of a President who is deeply convinced that this is what America needs for security, not only against the Soviet Union but against China, then the sky is the limit as far as the use of it is concerned. He will feel perfectly justified, because he says to Senators, "You voted for this. You are all over 21 years old, and should have known what it was you were voting for. If you did not know, Senator JAVITS told you what it meant."

Mr. President, will the Senator yield me 2 more minutes?

The PRESIDING OFFICER. He has no more time.

Mr. MILLER. Will the Senator yield to me for just 1 minute?

Mr. HART. One minute.

Mr. MILLER. Mr. President, I think the Senator is still getting this out of context, because we have involved the difference between a weapons system and fighting a war. I would invite his attention to the fact that just a little over a year ago, against the recommendations of President Johnson and the Defense Department, Congress scrapped the Navy version of the TFX. One could say, following the Senator's argument, that when the TFX was originally authorized by Congress, we committed ourselves to proceed until the very end, and procure all kinds of Navy versions of the TFX.

It was decided by the Senate unanimously, in the Armed Services Committee, that we would scrap it, and the same thing can be done in this case.

Mr. JAVITS. May I answer that argument by pointing out that the TFX was nothing the Russians had to react to, whereas this is. This goes to the heart of the strategic struggle between the Russians and ourselves.

Second, Congress scrapped the TFX, if my memory serves me, not less than $3 to $5 billion later. That is what we were discussing just before, as the Senator from Arkansas pointed out.

Mr. President, one of the central arguments against the decision to deploy the ABM is precisely because it can be interpreted as an attempt to regain a first strike capability for the United States. This only increases the likelihood of a Soviet reaction, and threatens to make impossible any real agreement to contain the nuclear arms race at roughly present levels and weapons systems in the impending SALT negotiations.

In short, let us take counsel of the portentousness of this decision. Let us not fail to learn from the bitter lesson of the Gulf of Tonkin resolution which should have taught us by now that these decisions do not involve merely routine resolutions. The repercussions could involve thousands upon thousands of lives and, indeedfl the fate of mankind.

AMENDMENT NO. 122

Mrs. SMITH. Mr. President, I send to the desk an amendment in the nature of a substitute for the Hart-Cooper amendment No. 101, and ask that it be printed. I shall call this amendment up at the appropriate time tomorrow.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. HART. Mr. President, I yield 20 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 20 minutes.

Mr. FULBRIGHT. Mr. President, I am very sorry that the time was so short for the Senator from New York. I consider that the emphasis he is putting upon certain aspects of the case are extremely important. To me, they constitute the essentials of the case.

THE ABM IN POLITICAL CONTEXT

As with most of the great questions that come before the Senate, the issues in this ABM debate are broader than the subject officially at hand. Among the questions involved there is first of all the technical question—the workability and practicality of a proposed new weapons system. Then there is the foreign policy question—the probable effects of deployment of the ABM on our relations with the Soviet Union and the prospects for disarmament. Finally, there is the extremely important constitutional question—having to do with whether, how, and to what extent Congress is disposed to exercise its responsibilities under article I, section 8, of the Constitution, which requires Congress, among other things, to "provide for the common defense," "raise and support armies," "provide and maintain a navy," and "make rules for the government and regulation of the land and naval forces."

The technical questions have been thoroughly discussed by Senators more expert in these matters than I. The only point I would emphasize is that the purely technical questions—whether and how the Russians might acquire the capacity simultaneously to destroy most or all of our Minuteman missiles, strategic bombers, and Polaris-Poseidon submarines, and whether and how that capacity could be denied them by deployment of the Safeguard—are questions which cannot be separated from the largely nontechnical question of intent, that is, whether the Russians actually desire and are actively seeking to acquire the capacity to eliminate our nuclear retaliatory capacity in a preemptive first strike.

The Secretary of Defense has steadfastly asserted that the Soviet Union is going for a "first-strike capability," although he has been less than steadfast in his adherence to any one definition of that term. Numerous experts, with whose testimony most Members of the Senate are now familiar, have contested the Secretary's prediction. Professor Rathjens for one told the Disarmament Subcommittee:

> I would not claim that the development by the Soviet Union of such a first-strike capability is impossible, but it is at worst a distant prospect.[1]

No one, of course, knows—or can know—for certain whether the Russians actually intend to try to acquire a "first-strike" capability, but we do know what our own capabilities are. On the basis of extensive testimony by leading experts in the field, there is virtually no doubt of our ability—without deployment of the ABM—to counter anything and everything the Soviets might do toward acquiring a first-strike capability. In order to acquire a first-strike capacity, the Soviet Union would have to be able to destroy all three components of our deterrent concurrently, and that, in the view of the experts, is beyond any foreseeable Soviet capability.

Perhaps even more important in this matter of intent is the ability of each side to influence the other by what it does and what it does not do. Even if the Soviets had no interest at all in acquiring a first-strike capability, we could easily arouse such an interest on their part by seeming to be going for a first-strike capacity ourselves. In matters of this kind, the two sides are bound to see a mirror image of each other. The Secretary of Defense cites the possibility that the Soviets may deploy their own extensive ABM system as one basis for his conjecture that they might acquire a first-strike capacity by the mid-1970's. Why would not our ABM arouse the same fears on their part that theirs would arouse on ours? Are they to be reassured by the knowledge that Americans, being good people, would never strike a preemptive blow, while they, being bad people, must naturally expect us to guard against them by any and all means available?

Mr. President, in a recent exchange of letters the Secretary of Defense and I summarized our respective views on the ABM. I ask unanimous consent that Secretary Laird's letter to me of July 1 and my reply of July 8 be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., July 1, 1969.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In reviewing the transcript of my testimony before your committee on June 23, 1969, two matters appeared to me to be particularly troublesome from the standpoint of the publication of an unclassified version. The first concerns the wholesale deletion of Mr. Helms' testimony. While I completely agree with the necessity for this action, it does leave the public record incomplete. Since the major purpose of this hearing was to explore whether any differences existed between Mr. Helms and myself or between Department of Defense positions and those taken by the intelligence community, it should be obvious that the deletion of Mr. Helms' testimony from the public version creates certain grave obstacles to a balanced understanding of what transpired. Accordingly, the reader of this record, should be forewarned that no conclusions, one way or the other should be drawn from the printed testimony with regard to the position taken by Mr. Helms on any particular aspect of the intelligence estimates.

The second matter involves, essentially, a problem of semantics. The transcript reflects considerable confusion over such terms as "first-strike weapon," "first-strike capability," and "first-strike intentions." Notwithstanding several hours of intense discussion of these terms before your committee, I fear that a mutual understanding of their meaning still eludes us. This is particularly unfortunate because it is essential that both the Congress and the public understand the character of the threat which led to the President's safeguard proposal. Therefore, I would like to restate the issue in terms that avoid the semantic difficulties which apparently trouble some of the members of your committee when first-strike terminology is used.

As you well know, the strategic nuclear war policy of the United States since the end of World War II has been firmly based on the concept of deterrence. To achieve deterrence we must have what my predecessor Robert McNamara called an assured destruction capability. He defined this term in this last posture statement as follows: "* * * an ability to inflict at all times and under all foreseeable conditions an unacceptable degree of damage upon any single aggressor, or combination of aggressors—even after absorbing a single attack." He went on to say, "One can add many refinements to this basic concept, but the fundamental principle involved is simply this: it is the clear and present ability to destroy the attacker as a viable 20th-century nation and an unwavering will to use these forces in retaliation to a nuclear attack upon ourselves or our allies that provides the deterrent * * *"

Thus the question that presents itself is whether the Soviet Union could achieve by the mid-1970's a sufficient capability, in a surprise attack, to reduce our surviving strategic offensive forces below that critical minimum level required for assured destruction. This, Mr. Chairman, is the crucial issue, because if the Soviets should achieve such a capability, or believe they have achieved such a capability, our deterrent would be lost and the chances of a global nuclear war greatly increased.

---

[1] *Strategic and Foreign Policy Implications of ABM Systems*, Hearings by Subcommittee on International Organization and Disarmament Affairs of the Committee on Foreign Relations, U.S. Senate, 91st Cong., 1st sess., pt. I (Washington: U.S. Government Printing Office, 1969), p. 357.

It is my carefully considered judgment, in which all of my principal military and civilian advisors agree, that the Soviet Union could achieve such a capability, or reach a position where they believe they have achieved such a capability, by the mid-1970's —if we do nothing now to offset it. This judgment is based upon the following conclusions:

1. The Soviet Union could acquire a capability to destroy virtually all of our Minuteman missiles. To be able to do so they would need: (*a*) at least 420 SS–9's with three independently targeted re-entry vehicles which have a capability of separating from one another by some relatively small number of miles; (*b*) each of these re-entry vehicles would have to have a warhead of approximately 5 megatons and a reasonably good accuracy; (*c*) the SS–9's would have to be retargetable; and (*d*) the range would have to be sufficient to reach all of the Minuteman silos. It is my understanding that the technical community and the intelligence community agree that the Soviet Union could have that capability by the mid-1970's.

2. The Soviet Union could acquire a capability to threaten severely the survival of our alert bombers. To do so they would need: (*a*) a force of about 15 Y-class Polaris-type submarines on station off our shores; and (*b*) the ability to launch the missiles on a depressed trajectory. It is my understanding that there is not disagreement within the intelligence community that they could have this capability as well by the mid-1970's.

3. Although we confidently expect our Polaris/Poseidon submarines to remain highly survivable through the early to mid-1970's, we cannot preclude the possibility that the Soviet Union in the next few years may devise some weapon, technique or tactic which could critically increase the vulnerability of those submarines. Nor can we preclude the possibility that the Soviet Union might deploy a more extensive and effective ABM defense which could intercept a significant portion of the residual warheads. In any event, I believe it would be far too risky to rely upon only one of the three major elements of our strategic retaliatory forces for our deterrent.

In summary, Mr. Chairman, it is entirely possible that the Soviet Union could acheive by the mid-1970's a capability to reduce, in a surprise attack, our surviving strategic offensive forces below the minimum level required for "assured destruction," and thus gravely weaken our deterrent. In my judgment, the overall strategic balance between the United States and the Soviet Union is much too close to run that risk. Therefore, something more must be done now to insure a favorable strategic balance in the mid-1970's and beyond.

Short of achieving a workable agreement with the Soviet Union on the limitation of strategic armaments, which at best will take some time, we are convinced that the deployment of phase 1 of Safeguard would be the most prudent and economical course we could pursue at this particular juncture. This action would place us in a position to move forward promptly not only with the defense of our Minuteman and bomber forces should the Soviet threat develop as I have described, but also with the defense of our population against the Chinese ICBM threat should that emerge during the next few years.

Mr. Chairman, I believe you will agree that this letter should be made part of the public record and inserted before Director Helms' prepared statement, the text of which cannot, of course, be published.

Sincerely,

MELVIN R. LAIRD.

JULY 8, 1969.

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: Thank you for your letter of July 1 regarding the transcript of your testimony before the Committee on Foreign Relations on June 23, 1969. You ask that your letter be made part of the public record and inserted at the beginning of the transcript. I will, of course, accede to your request. I would not, however, want your letter to stand without comment, and so I am also having this response inserted.

In the first paragraph of your letter, you express concern at the possible inferences that could be drawn from the fact that the public record is left incomplete because of "the wholesale deletion of Mr. Helms' testimony." I am sure you remember that originally, you were invited to appear in open session before the Committee on Foreign Relations to discuss your statement of May 22 before a closed session of the Committee on Appropriations of the House of Representatives which was subsequently made public. You took the position that you preferred to come in executive session and that you wished to be accompanied by the Director of the Central Intelligence Agency, Mr. Helms. I acceded to your request.

At the conclusion of our June 23 meeting, when I expressed the hope that it would be possible to release a sanitized version of the transcript of the meeting, you were the first to say that everything Mr. Helms had said would have to be deleted. The deletion of all Mr. Helms' testimony, and of certain portions of your testimony were made by the executive branch and not by the committee. If this procedure has resulted in what you consider to be an "incomplete" record which "creates grave obstacles to a balanced understanding of what transpired," to quote your letter, the responsibility for having brought about this result is surely yours and not mine.

You also say in the first paragraph of your letter that since the major purpose of the hearing was to explore whether any differences existed within the intelligence community, or between the Department of Defense and the intelligence community, you feel that the reader of the record should be warned that no conclusions should be drawn from the printed testimony with regard to the position taken by Mr. Helms on any particular aspect of the intelligence estimates. I would agree that the deletion of Mr. Helms' testimony—and, I should add, of certain portions of your testimony—does create an obstacle to a balanced understanding of what transpired at the meeting on June 23. In fact, as the record now stands it leaves the impression that there have been no disagreements within the intelligence community as far as certain recent developments in Soviet weaponry are concerned. I felt that I had no choice but to agree to the deletions requested by the executive branch on the grounds of national security. But the fact of the matter is that there have been disagreements within the intelligence community on such recent developments, although all the testimony given at our June 23 meeting indicating such disagreements has been deleted from the public record.

As for the second matter you find troublesome, which you refer to as a "problem of semantics," I do not agree with the implication of the statement in your letter that these "semantic difficulties" apparently trouble some of the members of the committee when "first strike terminology" is used. The problem of semantics, as you call it, arose in the course of the June 23 hearing when you were questioned about your statement at a public hearing of the Subcommittee on International Organization and Disarmament Affairs on March 21, that "with the large tonnage the Soviets have they are going for our missiles and they are going for a first-strike capability." When you were asked on June 23 whether this statement did not mean that you ascribed to the Soviets a desire to achieve a capability to deliver "a knockout blow" against the United States, you denied that you meant to imply that was the Soviet intention and you appeared to redefine "first-strike capability" as meaning, simply, the ability of a weapon to destroy a missile in a hardened site. I think that a reading of even the sanitized transcript shows that semantic difficulties seemed to trouble you at least as much as, if not more than, members of the committee and that the points at issue are far more serious than mere semantics.

Turning to the second and third pages of your letter, you say that you base your judgment that the Soviet Union could achieve a capability to reduce our surviving strategic offensive forces below that critical minimum level required for assured destruction on three conclusions. It strikes me as somewhat simplistic to imply, as you do, that if the Soviet Union continues to build up its strategic offensive forces to the point where they could threaten to reduce our strategic offensive forces below the critical minimum level required, we would not and could not increase our strategic offensive forces. You seem to argue in your letter that the only thing that can be done to offset an increasing Soviet capability to reduce our strategic offensive forces below a "critical minimum" level is to begin deployment of an ABM system to defend Minuteman. For the reasons I have given, I find that argument specious on its face. I also find it questionable on the ground that you seem to take it for granted that the Safeguard system would be able to operate effectively and could do so in the face of a Soviet attack. As you know, questions have been raised by many of the most eminent scientists in this country as to whether the system is far enough along in its development to be deployed or whether further research and development are necessary. Others have raised questions regarding the vulnerability of the radar components. Still other questions have been raised as to whether the system could not be overcome—even when fully deployed—by an increase in Soviet missile strength on the order of only 10 percent. Your letter ignores these questions completely.

The first of your three conclusions is that the Soviet Union could acquire a capability to destroy virtually all of our Minuteman missiles by the mid-1970's if they deployed at least 420 SS–9's with three independently targeted reentry vehicles and if certain other conditions were met with respect to warhead size, accuracy, range, and retargetability. Without recapitulating the technical objections that have been made by experts to this argument, I would simply point out again that your statement assumes that the United States would not deploy additional Minuteman missiles, or other appropriate weapons, if the SS–9 threat continues to develop. Your statement also assumes that the Soviets would not deploy more than 420 SS–9's, or additional smaller missiles to use against radar installations, if they wished to counter the Safeguard system.

The second conclusion is that the Soviet Union could acquire the capability to threaten the survival of our strategic bombers by the mid-1970's providing they have by that time a force of 15 Polaris-type submarines on station and the ability to launch missiles on depressed trajectory. There are, as you know, a number of ways to reduce the threat to our strategic bomber force. One is to disperse bombers, moving more bomber bases inland. A second is to renew the procedure of keeping a certain number of bombers on airborne alert. Finally, while you do not mention the fact, we all know that strategic bombers can be based abroad, so that Soviet submarines would have to be able to attack these bases as well.

Your third conclusion relates to the time period in which our Polaris/Poseidon submarines will remain effective. You state that "we confidently expect our Polaris/Poseidon submarines to remain highly survivable through the *early to mid*-1970's." Is it any wonder that the members of the Senate, not to mention the American people, find it difficult to take such a statement at face value when set against the statement made by Deputy Secretary of Defense Packard before the House Armed Services Committee, on April 15, at which time he said: "Based on the data we now have, we expect the Polaris to remain highly survivable until *at least the late 1970's* * * *" Secretary Chafee, in a recent letter to Senator Gore, said that his views were in accord with Mr. Packard's statement. Other authorities have made similar statements. I note, incidentally, that while you refer to the agreement of the intelligence community with your first two conclusions, you do not mention the views of the intelligence community regarding your third conclusion. You simply refer to what, in your opinion, "cannot be precluded."

You also refer, in your third conclusion, to "the possibility that the Soviet Union might deploy a more extensive and effective ABM defense. * * *" Yet you do not mention the steps the Administration is ready to take, whether wisely or unwisely, to counter just such a Soviet development—that is, the conversion to the Poseidon system on our submarines, which will provide us with some 5,000 warheads instead of the 656 we now have, and the plans to fit Minuteman missiles with multiple-independently guided warheads.

I will close with two general comments.

First, by stating separately each of your three conclusions—that is, that the Soviet Union could acquire a capability to destroy virtually all of our missiles, to threaten the survivability of our bombers and to negate the effectiveness of our nuclear submarines—you imply that the Soviet union could also acquire the capability to destroy all three elements of our deterrent concurrently. Many expert witnesses have pointed out in public Senate hearings that this implication—or perhaps it is an assumption on your part—is unfounded. If all three elements of our deterrent—that is, missiles, bombers and submarines—were not destroyed simultaneously, an attack on one would provide sufficient warning to permit use of at least one of the other two elements. Thus, a Soviet missile attack against our missiles would provide ample time to permit our submarines and bombers to retaliate. Conversely, a Soviet submarine attack on our bombers or our submarines would provide ample warning to permit us to launch our missiles. I will not belabor the point but will add only that, while the intelligence community, or the U.S. Intelligence Board, may agree that the Soviet Union could acquire by some time in the 1970's two of the three capabilities you mention in your letter, they have not agreed that the Soviet Union could destroy all three elements of our nuclear deterrent force simultaneously. Indeed, they have as you know, and as the public record makes clear, never concluded that the Soviets are "going for a first-strike capability."

My second general comment has to do with the assumption, which runs throughout your letter, that the Soviets could achieve certain capabilities in the future and that, before these capabilities are achieved, they must be offset by our development of even greater capabilities. In making this assumption, you ignore the mirror image that the Soviets must see, for on what basis can we assume that the Soviets do not feel about our development of greater weapons capabilities just as we feel about theirs? Can they assume that we are not intent on being able to pose the same threat to them that the Administration says they could pose to us? You have claimed in your public statements, for example, that Safeguard will be an effective ABM defense able to intercept a significant number of their warheads. Yet you state in your letter, as a justification for your judgment that the Soviet Union could achieve a first-strike capability by the mid-1970's: "Nor can we preclude the possibility that the Soviet Union might deploy a more extensive and effective ABM defense which could intercept a significant portion of the residual warheads." Why would our deployment of an ABM system, which you and your associates claim to be effective, not be interpreted by the Soviets in much the same way?

In sum, Mr. Secretary, I find to return to your phase, that I too have a "problem of semantics." Mine arises in considering your contention that the deployment of the phase I of the Safeguard system would be "the most prudent and economical course we could pursue at this particular juncture." It strikes me, on the contrary, that the deployment of this dubious new weapons system, virtually certain as it would be to destabilize the present arms balance and to initiate a costly and futile intensification of the arms race, would be the antithesis of prudence, at best wasteful, more probably prodigal, and quite possibly disastrous.

Sincerely yours,

J. W. FULBRIGHT, *Chairman.*

Mr. FULBRIGHT. Mr. President, it is urged that the ABM will be a useful bargaining lever in disarmament negotiations with the Russians. All previous experience shows that, far from facilitating agreement, the introduction of a new weapons system by one side invariably provokes the other side into matching or exceeding it. It was indeed our own apprehension about Soviet antiballistic-missile capacity that gave us the idea of MIRV. Each side tends to assume the worst, planning for what has come to be known as the greater-than-expected threat. When you acquire a new weapons system, you must assume that it may not work as planned while your adversary must assume that it will. The result is the stepping up of the arms race, with mounting danger, skyrocketing costs, and rapidly diminishing security. As a bargaining lever for disarmament, the ABM is likely to be as effective as gasoline shot through a firehose.

A word also seems in order about the cost of deploying the ABM. Taking into account the unrealistically low estimates to which the Pentagon is addicted and the inevitable stepping up of the arms race to which the ABM would surely lead, the ultimate costs are beyond calculation. In addition, as we all know, every new weapons system soon acquires a constituency—a process which is aided and abetted by the perspicacity with which Pentagon officials award lucrative contracts and establish new plants in the districts of influential Members of Congress. I have not the slightest doubt that, if the antiballistic missile is deployed, it will soon acquire its own powerful constituency, and then we will be saddled with it—for reasons wholly independent of its ostensible military utility.

According to current intelligence calculations, made in terms of equivalent real purchasing power, the Russians are spending about three-fourths as much as we are on defense. Nonetheless, we are told, they threaten to pull ahead of us in strategic weapons and we must be prepared to counter that threat. I do not understand why they should be getting so much more for their money than we are. Perhaps the fault lies in inferior American efficiency—a disconcerting thought. Perhaps it lies in the lack of legislative oversight of the defense budget comparable in rigor and thoroughness to that exercised over the much smaller budgets of the other departments.

Be that as it may, by any standard the amounts spent on defense have become staggeringly disproportionate to the rest of the economy. It fills me with dismay when Department of Defense officials suggest that, as part of a "grand design" for strategic policy, we may be forced to "win" an arms race with the Russians by relying on our superior resources to spend them into bankruptcy. Such a strategy puts me in mind of the practice among the Indians of the Pacific Northwest known as the "potlatch." Starting as a rivalry in gift-giving for the sake of prestige, the practice degenerated, as the tribes became wealthier, into competitive orgies of waste and destruction, in which the competing tribes tried to establish their superiority by spending the others—and themselves—into ruin. If nothing else comes of the debate on this military procurement bill, we will be doing a major service to the Nation by putting the Pentagon on notice that Congress no longer intends to sit by in benevolent passivity while the generals and their civilian bosses vie with the Russians in a suicidal "potlatch."

Possibly the most significant long-term issue in this debate is the question of Congress' will—or lack of will—to exercise its constitutional responsibilities for the general superintendence of the Armed Forces, or, as article I, section 8, of the Constitution specifies, for making "rules for the government and regulation of the land and naval forces." On June 25, by a vote of 70 to 16, the Senate expressed its judgment that a national commitment, to be valid, required the consent of Congress. The national commitments resolution was an assertion of the principle of congressional responsibility for foreign military operations; the issue now before us is a test of our determination to put that principle into practice.

Recent Presidents have claimed the authority not only to command the Armed Forces but to deploy them and commit them to hostilities on foreign territory. The current President has gone a step farther, claiming the authority to judge how much we spend on our Armed Forces. As President Nixon put it in his speech at the Air Force Academy on June 4:

> The question in defense spending is "how much is necessary?" The President of the United States is the man charged with making that judgment.

Until recently many—perhaps most—of the Members of this body would have concurred passively in this sweeping assertion of Executive authority.

In practice we have concurred in this principle, repeatedly granting the Executive anything and everything he has requested in the field of defense, and doing so with little or no debate. We did so because we thought it a patriotic duty, momentarily forgetting that we have a prior patriotic duty to preserve and exercise the responsibilities entrusted to Congress by the Constitution. Vested with the responsibility both for appropriating funds and for regulating the Armed Forces, Congress—and not, as Mr. Nixon asserts, the President—is charged with the responsibility for judging "how much is necessary" in defense spending.

Soldiers, like nature, abhor a vacuum. In the absence of congressional "rules for the government and regulation of the land and naval forces"—to quote once again the language of the Constitution—the armed services have become vigorous and effective partisans for their own favored policies, for new weapons systems and, of course, for funds to finance them. Playing fast and loose in politics, the armed services exert great influence on the Executive, actively lobby in Congress, expend enormous sums on contract research in foreign policy, and, in the name of "public affairs," assiduously cultivate public opinion.

Last fall, for example, a nationwide publicity campaign in support of the ABM was outlined in a memorandum prepared by Lt. Gen. Alfred D. Starbird, the Sentinel System Manager, and approved by the Army Chief of Staff.[2] Prudently canceled by the Nixon administration in March of this year, the Starbird plan is nonetheless instructive as an example of the kind of partisan political activity in which the armed services are at liberty to engage in the absence of diligent congressional oversight.

Noting the rise of congressional and public opposition to deployment of the Sentinel, the memorandum outlined a publicity campaign to "gain public understanding of the reasons" for the ABM, to "gain the understanding of the people of affected communities," and generally to build public support for the ABM. To advance these purposes the memorandum outlined a program of press releases, magazine articles, interviews, and speeches. Press releases were to originate either with an Army official or a Sentinel contractor or subcontractor. Military personnel were themselves to write articles in favor of the ABM and also "to encourage and assist in the preparation of magazine articles on the Sentinel system by civilian scientific or technical writers of national stature." As to the speakers' program, the memorandum specified that senior Army personnel "will participate in this program to the maximum extent feasible."

Far more astonishing than the ultimate cancellation of this military propaganda campaign is the fact that it was contemplated at all. It is totally incompatible with the principle of a nonpolitical military establishment and, in this respect, an unacceptable incursion upon our constitutional processes. One can hardly blame the military itself for these transgressions. It is only human nature for vigorous and intelligent men such as our top ranking military leaders to do all that they can to advance their own stock in trade. The real fault lies not with the soldiers who have taken the opportunity to fill a political vacuum but with the civilian officials who created that vacuum by vacating the field.

In this respect the major fault probably lies with Congress. In the wise and perceptive words of the senior Senator from Louisiana:

> For almost 20 years now, many of us in the Congress have more or less blindly followed our military spokesmen. Some have become captives of the military. We are on the verge of turning into a militaristic nation. . . . We have forgotten many of the traditions and values which made this country great, and we have flung men, arms, and material almost heedlessly about the world.[3]

The heart and core of the issue is congressional control of military spending. If this control were thorough and effective, there would be little or no threat of militarism in American society. Insofar as congressional restraints are perfunctory and formalistic, leaving the Pentagon to be in effect its own judge and jury in the choice and funding of its weapons systems, then the military might as well be regarded as a full-fledged fourth branch of Government, with the extra advantage of being free from the checks and balances which inhibit the other three.

No agency or individual in the executive can relieve the Congress of its responsibility for putting limits on military spending. Even the Bureau of the Budget, which effectively controls domestic spending, is a toothless lion in its dealings with the Pentagon. Out of the $6 billion reduction made in President Johnson's last budget, for example, $5 billion came from domestic spending. The Defense Department is the only Government agency which is not subject to independent review of its funding requests by the Bureau of the Budget. Instead the Defense Department is permitted to designate an official of its own to work with each Budget Bureau examiner under a system of joint policy review. One Budget Bureau examiner is reported to have said that, whenever a Budget Bureau examiner requests information and his Defense Department counterpart does not wish to produce it, the matter is closed. The Bureau of the Budget's National Security Programs Division has only 26 examiners to review the $80 billion defense budget; of these only four are concerned with strategic weapons systems such as the Minuteman and the ABM. Once a new weapons system is initiated, according to former Budget Bureau Director Charles Schultze, it is not evaluated again, even though the presumed threat to which it was supposed to respond turns out to be exaggerated or nonexistent.

Secretary McNamara described the relations of his Department with the Bureau of the Budget quite candidly in a statement to the House Armed Services Committee in 1965. He said:

> The Bureau of the Budget has absolutely no authority to determine in any way the budget of the Defense Department . . . I can't remember a single instance in which the Bureau of the Budget and I differed on a recommendation in which the President accepted the Bureau of the Budget view.[4]

Mr. President, my remarks on the Bureau of the Budget and the Pentagon are drawn from an excellent article by Barbara Newman called "Can the Budget Bureau Put the Lid on Pentagon Spending?" I ask unanimous consent that this article, which appeared in the Washingtonian for July 1969, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FULBRIGHT. A great deal can be done, no doubt, to strengthen the Budget Bureau's ability to regulate military spending. The fact will remain, however, that both the Department of Defense and the Bureau of the Budget are agencies of the Executive, with as much or as little independent authority as the President wishes them to have. As long as the principal restraints on military spending are those within the executive branch, they are optional restraints, only slightly preferable than no restraints at all. Reflecting on the Pentagon's position in the funding process, I am reminded of a Damon Runyon character, a gangster from Detroit who forced his friends at gunpoint to shoot crap with blank dice, pointing out that he "remembered where the spots formerly were."

Only Congress is in a position to put spots on the Pentagon's dice. Aside even from the competence and experience of many members of the Armed Services and Appropriations Committees of the two Houses, Senators and Representatives bring the one indispensable qualification to the task of controlling military spending which not one single agency or individual in the entire executive branch can match. That qualification is the fact that we do not work for the President and, because we do not, we are free—as no one who serves the Executive can ever be free—to make independent judgments about the Executive's policies.

We are free to make independent judgments and, under the Constitution, it is our duty to do so. The question now before the Senate is a test of our willingness to meet that responsibility. Whether and how we do so may well prove to be the most significant long-term issue involved in this debate on the ABM.

I am, for all these reasons, opposed to deployment of the ABM. I am also concerned with certain other provisions of the military procurement bill, most particularly with title IV, which states that funds authorized under this or any other act for the use of the Armed Forces of the United States are also to be available to support "Vietnamese and other free world forces in Vietnam" and "local forces in Laos and Thailand."

---

[2] Sentinel System Master Plan, Part No. 3.22, "Public Affairs Plan for the Sentinel System," 12 November 1968.

[3] *Congressional Record,* 91st Cong., 1st sess., April 1, 1969, Senate, p. 8304.

[4] Quoted by Barbara Newman, "Can the Budget Bureau Put the Lid on Pentagon Spending?" *Washingtonian*, July 1969, p. 62.

I am puzzled by these clauses and would welcome an explanation of their meaning by the distinguished chairman of the Committee on Armed Services.

First of all, I would like to know whether, under title IV, there is any limit, or any way of imposing a limit, on the funds which could be transferred to non-American forces in Vietnam, Laos, and Thailand. Could the Secretary of Defense, under this provision, use all of the proposed $20 billion to support South Vietnamese, Laotian, and Thai forces? Or only some specified part of that amount? And if there is a limitation, where is it carried under the law?

I would also like to know whether the chairman of the Armed Services Committee regards title IV as a national commitment of the United States in the sense in which that term was defined by the Senate resolution of June 25. Will we, by approving title IV, be committing ourselves to the defense of the present regime of Laos and Thailand in any manner or degree exceeding the provisions of the SEATO Treaty? More specifically, are the funds authorized by title IV to be used to implement the secret military agreement with Thailand—secret military-Executive agreement, I should say—of which we have recently been made aware. Perhaps the answer will be clearer when the Foreign Relations Committee is provided with a copy of the official text, which it has repeatedly—and thus far unsuccessfully—requested.

I raise these questions for the consideration of the chairman of the Armed Services Committee. I know that, as one of the 70 Senators who voted for the national commitments resolution, he is as concerned as I am to restore Congress' constitutional authority over the disposition of the Armed Forces and the making of national commitments.

The central issue in this discussion of the ABM, of our military policies and expenditures, and of the responsibilities of Congress in these fields is, of course, our national security. The Senators who support deployment of the ABM are deeply concerned with our Nation's defense. They will readily acknowledge, I am sure, that those of us who oppose the ABM are no less concerned with the national security. Perhaps it can be said that the proponents of the ABM and of large military expenditures are primarily concerned with the means of our defense, while others of us lay emphasis on the ends to be protected and preserved.

I think we would all agree that the central, commanding goal of American foreign policy is the preservation of constitutional government in a free society. That being the case, we are not at liberty, as is a dictatorship, to devise a national security policy solely on the basis of the effectiveness and cost of weapons systems, or even on the basis of military plus political considerations, such as the effect of any new weapons system on international disarmament negotiations. Both of these are of critical importance but, as a constitutional democracy, we are also bound to weigh every step—every weapons system and every negotiation—in terms of their compatibility with our constitutional processes. When a new weapons system such as MIRV or the ABM is contemplated, we must ask ourselves not only whether these will effectively counter the Soviet SS–9's and how they will affect disarmament negotiations. We must also ask ourselves whether, by placing still another powerful instrument in the hands of our military, by delegating still greater power to the Executive and accordingly reducing the authority of Congress, we are not weakening the very constitutional processes we are trying to defend.

To fail to make these evaluations, and to give unexceptional priority to purely military considerations, is to sacrifice the ends of security to its means. It is hardly helpful to say that we would rather "err on the side of security" in such matters as the ABM, because security is involved on both sides of the issue. The more pertinent question is whether the instrument is compatible with the objective.

Exhibit 1

[From the Washingtonian, July 1969]

Can the Budget Bureau Put the Lid on Pentagon Spending?

(By Barbara Newman)

Robert P. Mayo is the typical quiet, competent, Nixon-style civil servant. For twenty years, he toiled away at the Treasury Department, specializing in debt management. In 1961, he became vice president of a Chicago bank—the one headed by David M. Kennedy, now Secretary of the Treasury. Mayo now directs the Bureau of the Budget (BOB).

Melvin R. Laird is acid-tongued and supremely confident. In eight terms as a Congressman from Wisconsin, he rose to the top ranks of House Republican leadership through the force of his keen intellect and Machiavellian personality. Laird now heads the Department of Defense (DOD).

The two men, caught up by growing public sentiment that military spending is too high, are on a collision course.

Poor Bob Mayo.

The first round came when Mayo, in an effort to cut the 1969–70 Pentagon budget, gave Laird a list of suggested spending reductions. Laird ignored Mayo. Out of an $80 billion Pentagon budget, Laird chopped $600 million, by reducing the number of B–52 bombing runs in Vietnam from 1,800 to 1,600 a month. Laird, the politician, knew that key Congressmen would oppose "selling out our boys in Vietnam" in order to comply with a Budget Bureau request for a defense spending cut.

Mayo was out on a limb. Laird had cut his budget as requested. Congress didn't like it. President Nixon maintained a tight-lipped silence. Mayo lost round one.

There is no question that the Bureau of the Budget, which exercises such potent control over domestic spending, has not been able to get a handle on defense spending. Of the $6 billion trimmed from the $199 billion Johnson budget for 1969–70, $5 billion came from domestic spending. This, despite the fact that Vietnam, urban unrest, and weapons system cost overruns have increased both public and Congressional demand for a review and reordering of our national priorities.

When the new Nixon team appeared before Senator William Proxmire's Joint Economic Committee, Mayo was candid. He said he wanted "a more separate, highly competent, highly skeptical look at the defense budget."

Proxmire (D-Wisconsin), and Congressman William Moorhead (D-Pennsylvania) are both certain that the Budget Bureau does not exercise strong enough control over defense spending. They both think they have a hot issue—that 1969 is the year to probe Pentagon spending.

This is also the year to look at the Bureau of the Budget. An influential group of House members, led by Deputy Majority Leader John Moss of California, has introduced a resolution asking that a Select Committee be created to investigate Budget Bureau operations. Included in the group are six committee chairmen: Wilbur Mills, Ways and Means; Mendel Rivers, Armed Services; Chet Holifield, Joint Atomic Energy; Thomas Morgan, Foreign Affairs; Wayne Aspinall, Interior; and Samuel Friedel, House Administration. House Majority Leader Carl Albert of Oklahoma says the BOB investigation "is long overdue."

The Bureau of the Budget was set up in 1921 in an effort to coordinate and rationalize Government programs. It started out in the Treasury Department, and in 1939 moved to the White House to become a direct arm of the President. The Budget Bureau director is not a Cabinet officer; he is a Presidential appointee, and he does not require Senate confirmation.

The Budget Bureau has stayed small. It has a staff of 500, of whom 325 are professional staff. The BOB annual budget is only $10 million. It runs no programs itself. It stays out of politics. Only five positions were affected by the Johnson-Nixon transition—the BOB director and four assistant directors. Of the five, only two—Mayo and Richard Nathan, assistant BOB director for human resources—have a distinctly Republican coloration. Dwight Ink, now assistant BOB director in charge of executive department reorganization, is a career civil servant who worked at the Department of Housing and Urban Development under President Johnson. Deputy director is Philip S. Hughes. Maurice Mann is assistant director for economic affairs. James Schlesinger is assistant director with responsibilities in the national security area.

Despite its size and the quiet way in which it operates, the power of the Budget Bureau is formidable. All budget requests from Federal agencies must be cleared by the Budget Bureau. All legislation proposed by agencies is scanned by the Budget Bureau to make sure it conforms with the President's programs.

The Budget Bureau also conducts efficiency studies of agency operations. It was told by President Johnson to coordinate the conversion by all agencies to the Program-Planning-Budgeting System. Known as PPB, this system was developed by Robert McNamara for the Defense Department. It is an attempt to rationalize the budget process by outlining all options and costing each out.

The power of the Budget Bureau is cited by this statement of a former White House aide: "Without the bureau, the President would be operating in the dark, going by guess and by God. . . . The bureau tells the President the choices available to him, the pros and cons in each case, its own recommendations. How much more influence can you have?

The Budget Bureau is now housed in two buildings. Director Mayo and half of his staff are in the Executive Office Building just west of the White House. The rest of the staff is in Federal Office Building Number 7, the red brick building near the northeast corner of Seventeenth and Pennsylvania.

As a result of a 1967 reorganization, the Budget Bureau is now divided into six divisions: Human Resources, headed by Richard Nathan; Natural Resources, headed by Carl H. Schwartz, Jr.; National Security Programs, headed by Ellis H. Veatch; International Programs, headed by James W. Clark; General Government Management, headed by William Pfleger; and Economics, Science, and Technology, headed by John D. Young.

These six divisions are the BOB linkage to all Government departments and agencies. Most of the staff members of the six divisions are budget examiners. They review all budget requests, and exert more influence per position than any other people in Government.

In addition to the six divisions, the BOB has four other offices: Budget Review, which puts the budget together after getting all the pieces from the six divisions; Executive Management, which oversees interagency, Federal-state, and Federal-local programs; Statistical Standards, which helps devise Government statisical measurements; and Legislative Reference, which coordinates legislation proposed by departments and agencies.

Of the BOB's 325 professional staff members, 177 are budget examiners in the six divisions. The remaining 148 are supervisory personnel or staffers in the four other offices. The average professional grade is GS–14 (annual salary of $18,500 to $24,000). Over half the professional staff has master's degrees. Thirty-two are women. Nine are black. Most are generalists rather than accountants.

Nathan and Schlesinger are two of the more interesting additions to the staff. A Harvard Ph. D. and former associate at the Brookings Institution, Nathan headed the welfare and intergovernmental relations task forces for candidate Nixon. He is both an assistant director and chief of the Human Resources Division; he has been told to tighten up social programs. Schlesinger is Mayo's ace in the hole in his poker game with Melvin Laird. A summa cum laude Harvard graduate, Schlesinger has a Ph. D. in economics and was Director of Strategic Services for the Rand Corporation, an influential think tank operation that does a lot of work for the Government. Schlesinger knows how the Pentagon operates; Mayo wants him to tighten up defense spending.

Schlesinger's operating arm at the Budget Bureau is the National Security Programs Division, which works out of plush carpeted offices on the tenth floor of Federal Office Building Number 7. Division Director Ellis Veatch is considered competent, but not tough or innovative. Schlesinger is clearly the man who will have to rock the boat.

The division, with a staff of twenty-six budget examiners and six supervisory personnel, keeps an eye on $80 billion a year in defense spending. The division, according to a former examiner, has had a heavy staff turnover. He talked of "winds of discontent" brought about by the division's ineffectiveness. Another Budget Bureau official said he thought National Security Programs Division examiners "are more in bed with the people they work with than the other BOB examiners."

The Defense Department is treated differently. All other agencies and departments are subject to independent BOB review. The Defense Department, however, designates an official of its comptroller's office to work with each BOB examiner. This joint review was put into effect in 1950, as an expediency during the Korean War, and it has never been lifted. Top BOB officials say it is necessary because of the size and complexity of the defense budget. BOB Deputy Director Philip S. Hughes says the Defense Department exerts more "muscle" and "power" than other department, making for a different "climate" in the review of defense spending requests.

During the fall, which is budget season, BOB examiners move from their downtown offices to the Pentagon, where they share an office with their Defense Department counterpart. One examiner says the relationship is not one of equals; it is one of *primus inter pares*, and the Defense examiners are *primus*. He says if a BOB examiner requests information and his Defense counterpart doesn't want to produce it, the matter is closed. "The Budget Bureau doesn't back up its examiners in requests for information," he says. Another examiner says if the BOB examiner cannot get the information he needs, the examiner is at fault, not the joint review policy. "The Pentagon budget process is highly individual. How effective one is depends on how resourceful he is and how much information he can amass to trade off with his Pentagon counterparts." Another examiner put it this way: "Your position doesn't give you a thing. You have to scratch like hell."

Senator Proxmire and Congressman Moorhead view the C5A matter as an example of weak BOB control of defense spending. At hearings of his House Military Operations Subcommittee, Moorhead—aided by his assistant, Peter Stockton, who had worked at the Budget Bureau—proved that the Air Force had doctored internal reports to cover up a $2 billion cost overrun on Lockheed production of the $5.3 billion C5A transport contract. Moorhead had to contend with the protestations of Subcommittee Chairman Chet Holifield, who whispered to Moorhead that he was "a son of a bitch for bringing those documents in here." Holifield told Moorhead, "Now your stooge Nossiter has a story." He was referring to *Washington Post* reporter Bernard D. Nossiter, who assiduously covered the hearings and wrote a series of hard-hitting stories.

The hearings produced evidence that the Defense Department knew that Lockheed's bid on the first fifty-eight C5A planes was low, and that Lockheed might lose heavily on the first run. The losses were to be recouped on the second run of fifty-seven planes. Colonel Kenneth N. Beckman, the Air Force C5A project director, said it was felt that disclosure of the huge C5A losses "might put Lockheed's position in the common (financial) market in jeopardy."

Pentagon sources say the Budget Bureau knew the C5A was over its contract ceiling by early 1967. Yet in March 1968, Air Force Assistant Secretary Alexander Flax told the House Appropriations Committee: "We believe C5A is within the range of target and ceiling at the moment."

The BOB examiner who knew about the C5A overrun in early 1967 was Richard A. Stubbing. His knowledge had zero impact. But in January of this year, Nossiter wrote a story about "The Stubbing Paper."

It turned out that Stubbing, a BOB examiner since 1962, had written the paper in 1968 while at Princeton University's Woodrow Wilson School. The paper exposed information on enormous cost overruns and faulty operation of many aircraft and missile electronic systems. The paper contended that the highest profits often went to the most inefficient firms. BOB press officer Joseph Laitin ruled Stubbing inaccessible to the press. He derided the paper as a "schoolboy thesis" and said Stubbing was "very far down on the totem pole" and "not qualified to talk to the press." A BOB source says he is certain Stubbing gave Nossiter the paper because he was so frustrated at BOB's ineffectiveness.

Both Proxmire and Moorhead think the Budget Bureau needs more examiners looking at defense spending, though Moorhead sardonically says, "For the job it does in Defense, the bureau is overstaffed."

The National Security Programs Division has twenty-six examiners. Ten work on general purpose forces, which include spending for all conventional armed forces, considered the most difficult expenditures to control. Four work on strategic forces, such as the Safeguard ABM and Minuteman. Two work on intelligence and communications, three on research and development, three on training, medical, and other general personnel activities, one on guard and reserve forces, one on supply and maintenance, one on airlift and sealift, and one on administration and associated activities.

The case is made that not only does the BOB not have enough examiners working on the defense budget, but that the BOB examiners work with the wrong people. Charles Schultze, a hard-nosed pragmatist who was Budget Bureau director from June 1965 to February 1968, says the BOB "tends to get involved too far down the spigot." BOB examiners work with the comptroller's office at the Pentagon. They should work with the Defense Department's systems analysis people. Says Schultze, "BOB should be involved in the formulation of the basic strategic contingencies on which the budget is built.

This lack of outside involvement in strategic decisions allows the Defense Department to justify weapons systems by what the BOB calls "shifting sands" of rationalization. Although the Defense Department insists that it has a "zero base" budget that starts from scratch each year, Schultze contends that once a weapons system gets the green light, it is not evaluated in subsequent years. Schultze points to the plan to convert thirty-one Polaris submarines to carry 496 Poseidon multiple warhead missiles at a cost of $2.5 billion. The Poseidon was conceived as an answer to the Soviet "Tallinn" antimissile system, which turned out to be an aircraft defense system rather than antimissile system. When the threat on which the Poseidon was based turned out to be non-existent, the military developed other reasons for it. Secretary of Defense Laird now says Poseidon is needed as a deterrent against the Soviet SS–9 missile.

The timing of the Federal budget process puts the Budget Bureau at another disadvantage in controlling defense spending. All agencies and departments must have their budgets to BOB by September 15, except for the Defense Department. In December, the defense budget is sent to the President and the Budget Bureau at the same time. Thus the Budget Bureau must petition the President for changes in the defense budget instead of working them out with the Pentagon.

Because the Budget Bureau is an arm of the President, its effectiveness in controlling Government spending in general, and defense spending in particular, depends to a large extent on the attitude of the White House.

Under President Eisenhower, Budget Bureau directors were numbers men—Joseph Dodge, Roland Hughes, Percival Brundage, and Maurice Stans were more interested in bookkeeping than in drawing up options for the President. They were more interested in how many cars an agency had than in evaluating its programs. This narrow budget approach is referred to as "the green eyeshade approach" by BOB staffers.

Presidents Kennedy and Johnson changed all that. Their BOB directors were economists—David Bell, Kermit Gordon, Charles Schultze, and Charles Zwick were interested in evaluating programs and setting up options so that the President could choose between alternatives.

President Eisenhower had kept a relatively tight lid on defense spending. But President Kennedy, on taking office, decided to build up our conventional forces capability and he took the lid off. Ironically, a major influence on Kennedy was a book, *Nuclear Arms and Foreign Policy*, by Henry Kissinger, then a Harvard professor and now President Nixon's adviser on national security. Kissinger argued that the Dulles emphasis on massive nuclear retaliation should be replaced by a more flexible conventional force response. Thus, the military budget which was $40 billion in 1959 had doubled eight years later.

Under Presidents Kennedy and Johnson, the Budget Bureau influence on defense spending was diminished by the forceful personality of Secretary of Defense Robert McNamara. In a 1965 statement before the House Armed Services Committee, McNamara made the point this way: "The Bureau of the Budget has absolutely no authority to determine in any way the budget of the Defense Department . . . I can't remember a single instance in which the Bureau of the Budget and I differed on a recommendation in which the President accepted the Bureau of the Budget view."

This inability of the Budget Bureau to exert any influence on defense spending has motivated Congress to probe both defense spending and BOB operations. Defense Secretary Laird says he will cooperate with a General Accounting Office (GAO) study of defense procurement. Many Congressmen are not optimistic about the GAO study, however, because GAO is an agent of Congress and thus subject to pro-Pentagon Congressional pressure.

Again, take the C5A as an example, it is being built in Lockheed's Marietta, Georgia plant. One of the most powerful men in the United States Senate is Senator Richard Russell (D-Georgia), until this year chairman of the Senate Armed Services Committee. He now is head of the Senate Appropriations Committee. On the House side, Congressman Mendel Rivers (D-South Carolina), the chairman of the House Armed Services Committee, has so many military installations in his home city of Charleston, that the situation, once considered faintly amusing, is now viewed on Capitol Hill as a crude absurdity.

Congressional leadership thus would appear to have too much to lose if the full power of the GAO was let loose on the Pentagon. There are indications, however, that public reaction to examples of Pentagon carelessness is being felt on the Hill. In May, Congressman George Mahon (D-Texas), the hawkish chairman of the House Appropriations Committee, tangled publicly with Rivers over military spending after the accidental $25 million sinking of a nuclear submarine under construction in California.

Budget Bureau officials still hope they will get increasingly more effective control over the Pentagon. More budget examiners with background in systems analysis and defense procurement would be needed. The amount of guts and leadership shown by such Budget Bureau officials as Director Mayo and Assistant Director Schlesinger will be important.

But the critical ingredient is Presidential leadership. The Budget Bureau must have strong White House backing if it is going to stand up to the Secretary of Defense and the Joint Chiefs. As former BOB Director Schultze points out, "Nobody wants the Joint Chiefs to be able to say that you refused to do things needed for the country on budgetary grounds. . . . Most Presidents are unwilling to take on the Joint Chiefs on budgetary grounds."

President Nixon's performance thus far indicates that he will be much tougher on social welfare than on Pentagon spending.

Furthermore, there are indications that President Nixon is pushing the Budget Bureau back toward the role it played under President Eisenhower. The Budget Bureau's Resource Planning Staff, set up in 1967 by Director Schultze in an effort to more effectively set up options and priorities for the President, has been quietly disbanded. According to BOB officials, its functions are being taken over by Presidential Counsellor Arthur Burns at the White House, and Burns is known as a man who tends to keep his hands off military spending. Control of defense spending thus would appear to rest in the hands of President Nixon and Secretary of Defense Laird.

So Bob Mayo may have lost more than round one. He may have already lost the battle for Budget Bureau control of the peace dividend that will come from the end of the Vietnam war.

Mr. FULBRIGHT. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. FULBRIGHT. Mr. President, does the Senator from Mississippi wish me to yield to him?

Mr. STENNIS. Just briefly, for 1 minute, to make a comment. I can get some time later.

Mr. FULBRIGHT. The question I addressed to the Senator was with regard to title IV of the bill now before us. It is in connection with this broad authority that I asked my questions. I assume that later on in his remarks the Senator will comment on it.

Mr. STENNIS. Very well.

Mr. FULBRIGHT. I had not observed that the Senator was in the Chamber.

Mr. STENNIS. I was listening but it was necessary that I leave the Chamber briefly.

Mr. FULBRIGHT. I thought it would be useful if the Senator would give us his comments on the significance of the final section in the bill.

Mr. STENNIS. I thank the Senator.

Mr. FULBRIGHT. Mr. President, I revert to the earlier remarks made by the Senator from New York which interested me very much. Although I had not talked with him about his speech he emphasized very much the same theme I had emphasized.

It is true, of course, as the Senator from Iowa pointed out, that there always remains in the Congress the power to make changes in a program such as this. But I submit to him and the Senator from New York that actual deployment of the ABM has already commenced.

There was an article in the press the other day about the purchase of rights-of-way into sites in Montana. I wrote to the Department of Defense asking about the authority for this action because it seemed to be clearly part of the deployment of the program. It was. The Department said they were using transfer authority and they are already, in effect, proceeding to deploy in the sense of establishing the sites which are in phase I, contemplated by this program.

I think the answer to the questions raised by the Senator from Iowa were properly and effectively answered by the Senator from New York when he said the decision on this matter is to a very great extent a watershed decision. It is not final in the technical sense; Congress could theoretically undo it, but to approve deployment now would start a process that would be irreversible as a practical matter. There would be no coming back and undoing it. Of course, many other matters of equal or greater importance will come before the Congress, but I doubt there will be more hearings comparable to the hearings that have been held this year on this ABM. So as a practical matter, leaving out the technical authority of the Congress to change it, it will not be changed.

The PRESIDING OFFICER (Mr. PACKWOOD in the chair). Who yields time?

Mr. STENNIS. Mr. President, I yield 15 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. McCLELLAN. Mr. President, tomorrow we will make a decision which could be crucial to our national destiny and to the future peace of the world. The decision of the Senate to proceed or not to proceed with the first stages of deployment of the Safeguard anti-ballistic-missile system may well be of that import and gravity. Because of this, I feel compelled to state briefly for the record some of the reasons why I shall vote to proceed with further research and development and with the first stages of deployment of the Safeguard system.

Mr. President, I do not seek to influence any other Senator. Each of us, no doubt, by this time has already reached conclusions that have led us to an irrevocable decision. We have done that primarily upon the basis of how we view current international relations and world conditions and upon expert opinion that has been marshaled on both sides of this vital and highly controversial issue. It is not my purpose to attempt to, nor would I be so presumptuous as to think that I could, change anyone's vote. I do not know that I am right in my judgment, and I am equally sure that none of my colleagues—nor anyone else for that matter—can claim infallibility with respect to his judgment on this question. There are simply too many imponderables involved for either side to contend that the arguments they make—in support of or in opposition to deployment—are conclusive and irrefutable. We simply do not know. We can only make an educated guess and hope for the best.

There is sharp disagreement between the proponents and opponents of the ABM system and likewise among the many who are regarded as experts in this field as to whether this system will work—whether it will be effective once it is installed and becomes operational. In its present state of development, some doubts may be justified. But, on the question of whether it can be developed and made to work, I have no serious doubts. I am confident that it can be done. The astronomical technological advances that American ingenuity has achieved during the past few years and our recent successful journey to and safe return from the moon present overwhelming proof which reaffirms our warranted faith that it can be done.

There may be good reason to doubt that an effective operational system can be adequately researched and developed without deployment. I, therefore, think deployment is necessary to permit the testing this system will require to make certain of the efficient coordinated functioning and effectiveness of the various units of which the system is composed.

In a system of this magnitude and complexity, it is, of course, expected that problems—serious problems—will be encountered. I am confident, however, that they can and will be overcome by American genius, technology, and resolve.

It can be argued that there is a serious risk of failure, that the effort will be costly, and, if unsuccessful, the money and resources we expended in the effort will be wasted. But the overriding consideration is whether this weapon should be added to our defense arsenal. If it is essential to protect our offensive deterrent system and we fail to provide it, we may well have placed in jeopardy both our national security and the future peace of the world.

I believe it is needed, and the greater risk would be in our failure to reenforce and protect our existing deterrent force to the Communist threat of aggression and conquest.

I cannot agree with those who would pursue a course of weakening our defense potential, letting down our guard, and indulging in the vain hope that we can negotiate reliable and satisfactory agreements with Russia on a limitation of armaments and on all vital issues involving war and peace. I am unwilling to put all of our eggs into the negotiating basket or to assume the nonevident good faith of Communist leaders. Their avowed ambitions of expansion, their past record of treachery and deceit, and their invasion and subjugation of smaller and weaker nations by force of arms are forbidding and indefensible. Their record compels suspicion and continued distrust until there is a discernible and demonstrative change in their policy, tactics, and goals.

Since World War II, the United States has entered into bilateral and multilateral agreements for collective defense with 42 countries around the world in both hemispheres. These commitments were not lightly made. I do not necessarily approve of all of them. But, at the time they were made, our Government believed them to be compelling and necesssary. Why; because of the threat of Communist aggression. The most noted of these agreements, of course, is NATO, which was established in August 1949, for the purpose of providing for the collective defense and protection of Western Europe.

Mr. President, we have spent hundreds of billions of dollars since World War II in trying to build a fortress against the would-be conquering forces of communism. We are today fighting a war in Vietnam at a cost of billions of dollars and thousands of lives each year. We fought a war in Korea that cost us 33,000 lives and many billions of dollars. We still maintain a military force in Korea of some 56,000 men. We have spent on NATO and the arming of Western Europe many billions of dollars and are still spending some $8 to $10 billion annually to maintain 320,000 troops in the NATO forces in Europe.

Mr. President, we have done all this, and more, because we felt compelled to do so in order to deter Russia and other aggressors of the Communist world. Has Russia changed? I see no hard evidence that she has. The Berlin wall still stands, and the recent invasion and occupation of Czechoslovakia is a most eloquent reminder of Communist goals of conquest and subjugation.

I submit that this most recent aggression by Russia continues an international trauma of faith-shattering dimensions.

This does not mean that we should be unwilling or refuse to negotiate. It would certainly be a blessing to all the world—to the entire human race—if the United States, Russia, and other world powers could and would enter into an arms limitation binding agreement—one that could be enforced. Let us ever strive to make progress in that direction, but, in doing so, we must not lose sight of reality.

We must guard against any arms agreement that can be converted into a subterfuge and used to shield secret preparations for war. Such an agreement must permit inspection and supervision which will permit all parties to such agreement to get information at any time, to reassure that the treaty or the agreement is not being violated by any signatory thereto.

We must not be lulled into a sense of complacency by exaggerated expectations and false hopes. Our potential enemies are not relaxing their efforts and determinations to achieve that superiority and supremacy which would permit them to impose their will on all other nations by force of arms. There is very little enthusiasm that I observe, Mr. President, manifested by Russia, and certainly none by China, for an arms limitation agreement.

In my judgment, if Russia were ready, sincere, and in good faith about desiring an arms limitation agreement, we could proceed to the conference table on that issue within the next 60 days, and certainly within a few months thereafter have the finished product before us in the form of a treaty for ratification.

Why is that not being done?

Simply because they are not ready. They are unwilling. They do not wish such a treaty or such an agreement, unless it is one of a kind which will deny inspection, one that can be used as a subterfuge, one that can be used as a shield to deny those party to the agreement the opportunity to know what secret preparations in this field are being made behind that agreement.

This is why we do not have an agreement. That is why no progress has been made, or is being made satisfactorily, at least, toward obtaining such an agreement.

Are we to blame for that?

We hear so much today about our country's being to blame, that our country is to blame for this and for that.

Are we to blame for no arms limitation agreement?

The PRESIDING OFFICER. The time of the Senator from Arkansas has expired.

Mr. STENNIS. Mr. President, I yield 5 additional minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 additional minutes.

Mr. McCLELLAN. Mr. President, I do not believe that world conditions and the attitude of the two leading Communist powers—their international policies—permit us to let down our guard and cease to maintain a strong military deterrent to their expansion goals—goals which they seek to attain by use of force where necessary. The building and maintaining of such a deterrent has been costly, as I have have already illustrated. It will continue to be costly, but its cost, however great, cannot compare with the cost and horrible consequences of the war that it is designed to prevent.

I think we must ask whether our armed might—our military posture—has been a major factor since World War II in preventing a global war and particularly in preventing the invasion and subjugation of Western Europe by the invading armies of communism. If there had been really no threat or danger to Western Europe when NATO was created, then we would be forced to concede that the billions of dollars in expenditures which we have made to provide an armed deterrent for the protection of the NATO countries were wasted and spent in vain. It was prudent and in our national interest for us to provide that deterrent at the time NATO was established. Have conditions then so changed that it is no longer advisable for us to maintain or strengthen it? I find that no such change is evident. Therefore, prudence and our national interest continue to dictate that we act accordingly.

A decision whether to deploy or not to deploy the ABM system involves risks, but consider how different are the risks involved. If we begin deployment and it should turn out that the system will not live up to expectations or that the Soviet and Chinese offensive threats fail to materialize, then we shall have lost money—some hundreds of millions of dollars. But, what is at stake, and what risks are involved if we fail to perfect this ABM system and begin its deployment? If we fail, we will simply be gambling with the needed protection and the continuing availability of our existing ICBM deterrent. This ICBM system, with its ability to deliver the bomb, is the backbone of our deterrent, both to the outbreak of nuclear war and to the use of the threat of nuclear war by Communist powers to bolster their aggressive ambitions. If we do not develop and deploy the ABM, we may well place in jeopardy much of our ICBM striking power.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield the Senator 3 minutes more.

Mr. McCLELLAN. Mr. President, the contention made that our deployment of this strictly defensive weapons system will provoke Russia and thus cause her to escalate the arms race is a weak argument. It is of little persuasion, and it is unacceptable. The ABM system is a weapon of defense that will be used to prevent the destruction or immobilization of armaments already in place and ready for use. If we must make a choice between offending Russia and protecting and preserving the military armaments that we have already deployed, then I think we have no alternative except to choose the latter. That would be my choice. Russia has already installed an anti-ballistic-missile system which she thought necessary to strengthen her defense, and I am unwilling to sacrifice or compromise my country's right to deploy a like or even better system to protect our arsenal of striking power.

Safeguard is not a provocation, and the Soviet Union cannot legitimately read into Safeguard a turning point in our military strategy. This additional weapon of defense will simply continue to deny to Russia a nuclear first strike, knockout capability against our ICBM system. However, there is a very strong probability that the Soviet Union would interpret a rejection of Safeguard by the Senate, and other current developments in the United States, as a major turning point in American strategy from one of growing strength to one of wishful thinking and weakness.

Defeat of this proposal would encourage both Russia and China to be bolder in their foreign relations and to worry less about the consequences of a military confrontation with the United States. I, therefore, regard it dangerous both to the United States and to the world for us to thus attempt to appease and feed the expansionist dreams of the Communist world conspiracy.

Let us remember that Russia has as much reason to be concerned about attacks from China and other nuclear powers as we. The argument that Safeguard deployment will interfere with arms control talks is untenable. If anything, its proposed deployment will provide us with a better basis and with an instrument of strength upon which to proceed in the important arms limitation negotiations.

That is why, in balancing the risk, I believe it is wiser and safer to proceed now than it is to delay the deployment of the ABM system for another 2 years.

If my judgment is in error, if my decision to support the present development and deployment of the Safeguard system is wrong—and I do not believe it is—then I will be comforted to know that I have erred on the side of national security and in a good-faith desire to protect our country from dangers posed to it by Communist enemies that cannot be trusted.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I yield the Senator from Arkansas 2 additional minutes.

Mr. McCLELLAN. I yield to the Senator from Washington.

Mr. JACKSON. I compliment the able and distinguished senior Senator from Arkansas for a well-reasoned speech. I must say it is loaded with commonsense. The able Senator from Arkansas has served a long time on the Defense Appropriations Subcommittee. His knowledge and background in that area have been extremely helpful to those of us who have served with him. Again, I compliment him most highly for his remarks.

Mr. McCLELLAN. I thank the Senator.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. ALLOTT. I also wish to join in complimenting the Senator on his speech. All of us who know him know of his dedication to the defense of this country. I am happy to hear him speak in this vein, and with such strength, about the defense of this country rather than indulge in a lot of beliefs which merely consist of words and which have no reason behind them. He is entirely right in everything he said, and I am happy he said it in the way he said it today.

Mr. McCLELLAN. I thank the Senator.

Mr. STENNIS. Mr. President, I yield 1 additional minute.

I compliment the Senator on two points he made with such emphasis and clarity. The only issue here is our own national security for our own people. This is one weapon that is not going to help anyone else. It is not going to be shared with anyone else. We will pay for all of it, whatever its cost. It is solely for the defense of the American people.

Mr. McCLELLAN. It is strictly a defensive weapon.

Mr. STENNIS. And, of course, it is for our defense capacity through ICBM's.

Another point he makes is that, as a practical matter, the ABM system has just reached the place in its progressive life where putting it together for some deployment must be done now if we are going further.

I thank him very much for his contribution to the debate.

I yield 20 minutes to the Senator from North Carolina (Mr. ERVIN).

Mr. ERVIN. Mr. President, as we approach a vote on one proposal to deploy the ABM, let us face with forthrightness the perilous state of the world and the threat which it poses to America. Let us also ponder what America must do to surmount and overcome this threat and preserve her freedom.

Two powerful nations, Russia and Red China, whose people are numbered by the hundreds of millions and whose armies are the largest on earth, are ruled by communism, which is bent upon extinguishing the lights of liberty throughout the earth and enslaving mankind.

If there be those who doubt the validity of this statement, let them observe the liberty-loving peoples of Bulgaria, Czechoslovakia, East Germany, Hungary, Poland, and Rumania, who are held captive behind the Iron Curtain.

One of the countries ruled by communism, Russia, already possesses nuclear weapons of devastating power, and the other, Red China, is on the verge of acquiring them.

For these reasons, America will have to live in a world beset by perils as long as Russia and China harbor the communistic dream of world conquest. This being so, the crucial question of our generation is how can America meet and surmount the perils which confront her. I submit she must do three things.

First. America must keep her heart in courage.

Second. America must keep her heart in patience.

Third. America must lift up her hand in strength.

I shall not elaborate upon the proposition that America must keep her heart in courage. A wise commentator, the late Elmer Davis, said all that needs to be said on this subject when he declared that America "will remain the land of the free only so long as it is the home of the brave."

The perils which confront our country will exist as long as communism dreams of world conquest. Consequently, America must keep its heart in patience as well as in courage until communism relinquishes this dream.

It will not be easy for America to do this. We are an impatient people, who demand immediate solutions of our problems, no matter how difficult and enduring they may be. Besides, many of us are prone to ignore or rationalize unpleasant realities rather than to face them with forthrightness and fortitude. Moreover, the hunger for peace in our time, which sent Chamberlain to Munich and our world to its present unhappy state, still tempts multitudes to conjure up utopias and fantasies.

These weaknesses enhance the danger that our Nation may not heed the warning given it by Benjamin Franklin, the wisest of all Americans, when he said:

> Let us beware of being lulled into a dangerous security.

If she is to avoid being lulled into a dangerous security and survive in freedom the perils which beset her, America must have the patient fortitude to face with forthrightness these unpleasant realities:

First. The day has not yet arrived when the nations of earth are willing to beat their swords into plowshares and their spears into pruning hooks.

Second. Even a peace-loving nation cannot live in peace unless it pleases its wicked neighbor.

Third. God grants freedom only to those who love it and have the hardihood to guard and defend it.

It is impossible to overmagnify the danger arising out of our proneness to rationalize rather than to face forthrightly unpleasant realities.

Nowadays some men in positions of authority rationalize in this fashion: War is irrational. Hence, it is not intelligent for us to think that the men in the Kremlin would precipitate a war in which Russia might be virtually destroyed.

It would be well for them to remember the rationalizations made by some Americans when Hitler was climbing to power in Germany. They rationalized then in this manner: It is not rational to think that the Germans would entrust an irrational man like Hitler with powers of leadership, or that an irrational man like Hitler would be so irrational as to provoke a world war even if the Germans were so irrational as to entrust him with powers of leadership.

Despite these rationalizations, history records in letters of blood that those irrationalities came to pass and that in consequence the corpses of untold millions of men, women, and children were prematurely buried in untimely graves.

After all, it is not what Americans think, but what the men in the Kremlin and the men in Peking think which makes our world so insecure.

Despite the irrationality of war, mankind has expended a major part of his energy, his time, his treasure, and his blood in waging war. And although our country is a peace-loving nation, every generation of Americans has been compelled to go to war. Indeed, America has spent 33 years of its relatively short existence fighting eight wars and 619,553

Americans have died in wars during the past 52 years. It is worthy of note that thousands of those who have died in Korea and South Vietnam have been slain by bullets donated by Russia for that purpose to our enemies.

At the present moment, many persons in authority clamor against the proposal that we deploy an ABM system to protect our retaliatory missiles from destruction by Russian SS-9 missiles. They say, in substance, that unless we leave our retaliatory missiles unprotected, Russia will escalate its production of destructive weapons and refuse to negotiate an enforceable arms-limitation agreement with us.

Like other rationalizations, this rationalization refrains from recognizing unpleasant realities. It ignores the unpleasant reality that Russia has already accelerated its production of destructive weapons to such an extent that it has achieved virtual parity with us. It also ignores the unpleasant reality that since the end of the Second World War, American negotiators have met with Russian negotiators hundreds of times, and that Russia has refused to negotiate an enforceable arms-limitation agreement with us.

I became intrigued with this unpleasant reality, and addressed a communication to the Arms Control and Disarmament Agency, putting to it this question: How many times since the end of the Second World War have representatives of the United States and representatives of Russia met together for the avowed purpose of negotiating a reasonable and enforceable arms limitation agreement?

I received from the U.S. Arms Control and Disarmament Agency a letter to the effect that 1,534 meetings of this nature have taken place between American negotiators and Russian negotiators, since the end of the Second World War.

It takes a more optimistic man than I to believe that we are on the verge of reaching any agreement with Russia on these subjects after these 1,534 fruitless meetings.

Mr. President, I favor peace. Let us pray for peace, let us work for peace, let us negotiate for peace; but let us beware of being lulled into a dangerous security either by the stratagems of our potential enemies or our own rationalizations.

America must keep its heart in courage and patience. It must also be prepared at all times to lift up its hand in strength.

By this I mean that America must maintain sufficient military might to deter any aggression or to defeat any aggressor in case aggression comes.

It will not be easy to keep America militarily strong. This is true because our people may weary of the tremendous expense which an adequate national defense entails, and those in charge of our foreign policy may be beguiled into making an unrealistic and unenforceable arms agreement with those bent upon enslaving the world.

It is to be noted that already some persons in positions of authority insist on the curtailment of defense expenditures in order that our country may be able to finance welfare programs, some of which, I regret to say, are so designed or administered as to reward the indolent for their indolence.

Those who decry the high cost of an adequate national defense should remember that freedom is not free. It was purchased for us with a great price. If we wish to preserve its blessings for ourselves and our posterity, we must pay the cost of so doing, no matter how great it may be. When all is said, General MacArthur was right when he declared:

> The inescapable price of liberty is an ability to preserve it from destruction.

The statement of General MacArthur is peculiarly applicable to the question of the deployment of an ABM system, because such system is designed to protect from destruction weapons on which our liberty may ultimately depend.

I claim no originality in asserting that if she is to survive our perilous age in freedom, America must keep her heart in courage and patience and lift up her hand in strength.

All history proclaims that this is the only way in which free men can keep their freedom in a perilous world.

When the German armies drove the valiant, but ill-trained, British force known as Kitchener's Mob back to the English Channel in the early days of the First World War and despair settled upon Britain, Rudyard Kipling enshrined this truth in one of the great poems of history—the poem entitled "For All We Have and Are"—which inspired the British people to forget their despair and carry on. Let me quote this poem:

> For all we have and are,
> For all our children's fate,
> Stand up and take the war.
> The Hun is at the gate!
> Our world has passed away,
> In wantonness o'erthrown.
> There is nothing left to-day
> But steel and fire and stone!
>
> Though all we knew depart,
> The old Commandments stand:—
> "In courage keep your heart,
> In strength lift up your hand."
>
> Once more we hear the word
> That sickened earth of old:—
> "No law except the Sword
> Unsheathed and uncontrolled."
> Once more it knits mankind,
> Once more the nations go
> To meet and break and bind
> A crazed and driven foe.
>
> Comfort, content, delight,
> The ages' slow-bought gain,
> They shrivelled in a night.
> Only ourselves remain
> To face the naked days
> In silent fortitude,
> Through perils and dismays
> Renewed and re-renewed.
>
> Though all we knew depart,
> The old Commandments stand:—
> "In courage keep your heart,
> In strength lift up your hand."
>
> No easy hope or lies
> Shall bring us to our goal,
> But iron sacrifice
> Of body, will, and soul.
> There is but one task for all—
> One life for each to give.
> What stands if Freedom fall?
> Who dies if England live?

America must keep her heart in courage and patience and lift up her hand in strength.

And the best testimony that the Senate can give concerning the willingness of America to keep her heart in courage and patience and to lift up her hand in strength is to vote in favor of the deployment of the ABM.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, how much time do the opponents of the pending amendment have?

The PRESIDING OFFICER. The opponents of the amendment have 67 minutes.

Mr. JAVITS. Mr. President, how much time do the proponents of the amendment have?

The PRESIDING OFFICER. The proponents of the amendment have 20 minutes remaining.

Mr. STENNIS. Mr. President, I had asked the Senator from Kansas (Mr. DOLE) to defer his speech earlier in the afternoon.

Mr. DOLE. Mr. President, I will defer to the Senator from New Jersey.

Mr. JAVITS. Mr. President, I yield 10 minutes to the Senator from New Jersey.

Mr. STENNIS. Mr. President, I yield another 5 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 15 minutes.

THE ABM AND THE CHANGED STRATEGIC MILITARY BALANCE

Mr. CASE. Mr. President, I have received a letter, dated July 15, from Malcolm E. Smith, Jr., of St. James, N.Y. Mr. Smith was shown as having paid for a full-page advertisement that recently appeared in newspapers all over the country. The ad was headlined "The Real Truth About How Many U.S. Senators Are Being Tricked by Russia."

Mr. Smith has attached to his letter of July 15 a brief digest of a recent American Security Council study entitled "The ABM and the Changed Strategic Military Balance."

I ask unanimous consent that the text of Mr. Smith's letter, of his digest of the American Security Council study, and of a list, also enclosed with his letter, of the 31 outstanding experts who prepared the study be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ST. JAMES, N.Y.,
July 15, 1969.

DEAR SENATOR: I have made a short digest of the recent American Security Council study by 31 leading experts especially for your benefit. It gives you the essential facts of the 72 page study in a few minutes reading time. I urge you to read it before you vote on ABM. No responsible authority has disputed the facts this study presents.

Sincerely,

MALCOLM E. SMITH, JR.

THE ABM AND THE CHANGED STRATEGIC MILITARY BALANCE: A SHORT DIGEST OF THE AMERICAN SECURITY COUNCIL STUDY

(Prepared by Malcolm E. Smith, Jr.)

The most Important Facts and Statistics of Concern to Senators, Congressmen, News Writers and Citizens.

31 outstanding experts including Dr. Edward Teller, General Nathan F. Twining, Admiral Lewis L. Strauss, General Thomas Power and 27 more have jointly prepared a detailed study on exactly what the Soviet Union has done, is doing, and is *continuing* to do in the development of offensive missile capability. The study was completed in May,

1969. The facts in this study *must* be known because, as the American Security Council states, "Not a single political or military authority has been able to offer any reasonable explanation for the current Russian build-up of staggering destructive power except in terms of deliberate, coldly calculated aggressive intentions."

The Most Important Facts and Statistics From The 72 Page ASC Study:

1. The combined total of ICBMs, IR/MRBMs (Intermediate and Medium Range Ballistic Missiles) is now estimated at 2750 for the U.S.S.R. to 1,710 for the U.S.A. p. 10.

2. The U.S.S.R. now has whole families of military (and naval) weapons systems that the United States does not have in its inventory. p. 11.

3. The Soviets presently enjoy a clear lead in space orbital weapons . . . Properly deployed, a significant number, let us say 100, could be in a position to attack the United States in a matter of seconds after the button was pushed in the Kremlin. p. 11.

4. The Soviets have an estimated 1,000 Intermediate and Medium Range missiles which are primarily aimed at Europe and now completely pin Europe down. p. 11.

5. The Soviets have very large 50–100 megaton nuclear weapons which were tested in 1961–62 . . . adapted for missile delivery. p. 11.

6. The Soviets have the Bear Bomber. It is the world's longest range, highest endurance bomber . . . an effective anti-shipping and anti-submarine attack aircraft with air to surface attack missiles on board. p. 11.

7. Furthermore, the Soviet Union has been developing a sophisticated ABM defense system for ten years and now has anti-ballistic missiles deployed around Moscow and in a "Blue Belt" defense line described by Marshal Malinovsky as being "for the defense of the entire territory of the Soviet Union." p. 11.

8. In connection with their missile defense program, the Soviets are developing a comprehensive civil defense program . . . spending about ten times as much effort as the United States in providing the Soviet society an adequate civil defense. p. 11.

9. The U.S.S.R. may invest at least $50 to $100 billion more in strategic forces between now and 1975 than the United States, unless the relative trends change substantially. p. 24.

10. Whereas many voices in the U.S. call for cuts in the defense budgets and large new expenditures for social reconstruction programs, the Soviet Union is able to devote the lion's share of its economic resources to weapons systems while holding expenditures for the domestic sector to very low levels. p. 31.

11. The U.S. News and World Report (Feb. 6, 1967, p. 34) estimated as a result of their study, that almost 70 percent of the U.S.S.R. military budget was being devoted to strategic forces. p. 23.

12. Former Secretary of Defense Clark Clifford stated in his January 15, 1969 Posture Statement that the United States had 1,054 Intercontinental ballistic missiles (ICBMs) and the Soviets had 900 ICBMs on September 1, 1968. p. 36.

On March 19, Secretary of Defense Laird testified to the Senate Committee on Armed Services: "As of today, the Soviets have in being and under construction more ICBM launchers than the 1,048 possessed by the United States." p. 36.

On April 25, 1969, Secretary Laird reported the Soviet ICBM total as 1,140. This includes 1,000 ICBMs in hardened sites and 140 ICBMs on launching pads. (footnote: This was in New York Times, April 26, 1969, p. 1.) He also said that the Soviets could have 2,500 ICBMs by 1975. p. 36.

13. Of special concern is the Soviet development and deployment of a very heavy intercontinental ballistic missile, the SS–9, which was unknown to the U.S. public until it was disclosed by Secretary Laird in his initial appearance this Spring before the Senate Armed Services Committee. This missile carries a warhead in the range of 20–25 megatons, far larger than anything in the U.S. inventory. Because of its size and its accuracy the SS–9 is regarded as a weapon designed to knock out American Minuteman ICBMs. p. 37.

14. The figures indicate that former Secretary of Defense McNamara's assessment in his defense posture statement in 1968 that "the Soviet ICBM force will continue to grow over the next years, but at a considerably smaller rate than in the recent past," was not correct. p. 37.

15. President Nixon emphasized our faulty intelligence estimates when he noted during his press conference on April 18, 1969 that production of SS–9 missiles and nuclear submarines has been 60 percent greater than was estimated in 1967 when the decision was first made to deploy the Sentinel ABM system. p. 40.

16. The present Soviet ICBM force now includes well over 200 SS–9s and this deployment is progressing at a fairly rapid rate—particularly since December, 1968. This is the missile which is projected by the Defense Department to reach possibly 500 by 1975. This missile booster can also be adapted to fire an orbital bombardment warhead. p. 40.

17. In addition to the SS–9, the Soviets are continuing to deploy the SS–11 and the newer SS–13 model ICBMs. These carry smaller warheads than the SS–9, but the SS–13 is the first solid-fueled Soviet ICBM and it can be developed in large numbers. p. 40.

18. The study notes the increasing confidence of Soviet leaders that they can build up their offensive capabilities with less fear of detection by U.S. space reconnaissance vehicles. p. 40.

19. "Mobile complexes for launching intercontinental hard-fuel missiles are the most important latest features. The complexes have high maneuverability, can be well camouflaged, and therefore, cannot be spotted by the enemy's aerial or space reconnaissance. Some of the latest Soviet rockets are suitable for orbital launching." (quote from TASS quoting Deputy Defense Minister Moskalenko on February 19, 1969) p. 40.

20. The U.S.S.R. has built some eight types of ICBMs in the last 10 years (SS–6 through SS–13). p. 40.

21. "They are also working hard on FOBS . . . also designed to reduce warning time to our bombers so that they will not have sufficient time to become Airborne" (quoting Secretary Laird's testimony of March 20) p. 41.

22. "We know that the Soviets have been moving ahead with a rather active program in producing Polaris-type submarines. They are now in production. They are not yet deployed as far as we know." (quoting Deputy Defense Secretary Packard in his testimony before the Senate Armed Services Committee on March 19). p. 41.

The submarine referred to here (above) is the "Y" class, which went into production in 1968. Seven were commissioned in that year and the Soviets have a production capability now estimated at one per month. The sub carries 16 underwater-launched, 1500 mile range missiles. p. 41.

23. The Georgetown Center for Strategic Studies, in a forthcoming study, estimates total Soviet submarine-launched ballistic missiles at 350. p. 42.

24. In his Congressional testimony, Deputy Secretary Packard indicated that if the Soviets employ their maximum production rate for "Y" class submarines then their Polaris-type missiles alone could exceed the U.S. total of 656 by the end of Fiscal Year 1971. p. 42.

25. The Soviet Navy has more than a 2 to 1 numerical advantage over the U.S. Navy in this area of sea warfare (attack submarines) and this is a matter of concern since the attack submarine is considered to be the most effective weapon against nuclear submarines. p. 42.

26. The U.S. needs to be able to deliver six times as many warheads as would the Russians to achieve destruction "parity" with them (referring to Secretary Laird's testimony to the Senate Foreign Relations Committee). p. 46.

27. The Soviet Union has built a belt (often referred to as the "Blue Belt" defense system) defense ranging from the Baltic Coast and named for one of the anchors in the line—the city of Tallinn, capital of Estonia. Marshal Malinovsky reported the completion of this belt defense system to the 23rd Congress of the Communist Party of the Soviet Union. At that time he described it as being "for the defense of the entire territory of the Soviet Union. p. 49.

28. Recent news accounts indicate there are some 67 P-R-O missile sites around the Russian capital. The Soviet Union officially describes P-R-O's mission as the ". . . interception and destruction of enemy missiles or rockets in space, preferably at distant approaches to their objectives and far from national territory." (This quote is from "Troops of National Air Defense (1968), book by Marshall P. F. Batitsky). p. 49.

29. The U.S.S.R. is spending more than twice as much as the United States to build its strategic military strength. The U.S.S.R. is spending about $18 billion yearly or about 4 to 5 percent of its gross national product on strategic military forces. The U.S. strategic military budget is only $7.6 billion yearly, or less than 1 percent of its gross national product. p. 62.

30. The Soviet Union is developing its defensive strategic forces at a steady pace which gives every indication that the Soviets are, or soon will be in a position to limit a retaliatory blow which the United States might deliver after absorbing the weight of a Soviet first strike, p. 62.

THE 31 OUTSTANDING EXPERTS WHO PREPARED THE ASC STUDY

Members of this committee are outstanding experts in their fields. They were selected as being the best qualified in different aspects of this complex subject. Their combined qualifications make them the most outstanding independent committee to consider this subject. These men are busy in their professions but took time out and donated their efforts to this study. They include two Nobel prize winning scientists; the developer of the H-bomb; the developer of the over-the-horizon radar; a former chairman of the Joint Chiefs of Staff; the general who headed the development of our own ICBMs; the present head of the A.E.C.'s weapons division at Los Alamos; a former commander of the Strategic Air Command; a former chairman of the Atomic Energy Commission; a former Commander of the Polaris Submarine Fleet; a world renowned diplomat; senior strategists; senior editors of leading American newspapers; leading American businessmen, and other such authorities whose combined knowledge and experience make this study required reading for every concerned citizen.

In two previous studies prepared at the request of the House Armed Services Committee this group accurately predicted the present adverse strategic balance.

COCHAIRMEN

Dr. Willard F. Libby, Director, Institute of Geophysics and Planetary Physics, UCLA.

Dr. William J. Thaler, Chairman, Physics Department, Georgetown University.

Gen. Nathan F. Twining, U.S.A.F. (Ret.), Former Chairman, Joint Chiefs of Staff.

OTHER MEMBERS

Gen. Paul D. Adams, U.S.A. (Ret.), Former Commander in Chief, U.S. Strike Command.

Dr. Harold M. Agnew, University of California, Los Alamos Scientific Laboratory.

Dr. James D. Atkinson, Professor of Government, Georgetown University.

G. Duncan Bauman, Publisher, St. Louis Globe Democrat.

Peter Bruce Clark, President, Publisher, The Detroit News.

Adm. Robert L. Dennison, U.S.N. (Ret.), Former Supreme Commander, Atlantic.

The Honorable Elbridge Durbrow, Retired Career Ambassador.

Adm. H. D. Feldt, U.S.N. (Ret.), Former Commander in Chief, Pacific.

Robert W. Galvin, Chairman of the Board, Motorola, Inc.

Vice Adm. Elton W. Grenfel, U.S.N. (Ret.), Former Commander, Atlantic Submarine Fleet.

Dr. Montgomery Johnson, Chief Scientist, Philco Ford Corp.

Vice Adm. R. E. Libby, U.S.N. (Ret.), Fomer Deputy Chief of Naval Operations.

Vice Adm. Fitzhugh Lee, U.S.N. (Ret.), Former Commandant, National War College.

Dr. Nicholar Nyaradi, Director, School of International Studies, Bradley University.

Dr. Stefan Possony, Director of International Studies, Hoover Institution, Stanford University.

Gen. Thomas S. Power, U.S.A.F. (Ret.), Former Commander, Strategic Air Command.

Brig. Gen. Robert C. Richardson, U.S.A.F. (Ret.), B. A. Schriever Associates, Inc.

Ira G. Ross, President, American Ordnance Association.

Vice Adm. W. A. Schoech, U.S.N. (Ret.), Former Chief of Naval Material.

Gen. Bernard A. Schriever, U.S.A.F. (Ret.), Former Commander General, Air Force Systems Command.

Adm. Lewis L. Strauss, U.S.N. (Ret.), Former Chairman, U.S. Atomic Energy Commission.

Dr. Kenneth Street, Jr., Professor of Chemistry, University of California (Berkeley).

Dr. A. D. Suttle, Research Scientist.

Dr. Edward Teller, Nuclear Scientist.

Rear Adm. Chester C. Ward, U.S.N. (Ret.), Former Judge Advocate General, U.S.N.

Dr. Kenneth Watson, Professor of Physics, University of California (Berkeley).

Gen. Albert C. Wedemeyer, U.S.A. (Ret.), Chief U.S. Strategist, World War II.

Dr. Eugene P. Wigner, Physicist, Princeton University.

Mr. CASE. Mr. President, I also ask unanimous consent that comments I had had prepared on each paragraph in Mr. Smith's letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1. "The combined total of ICBM's, IR/MRBM's (Intermediate and Medium Range Ballistic Missiles) is now estimated as 2,750 for the U.S.S.R. to 1,710 for the U.S.A."

Comment: U.S. strategic forces defend against Soviet ICBM's and the small Soviet bomber force. Soviet strategic forces defend against NATO as a whole—that is, against U.S. ICBM's and intercontinental bombers as well as against U.S. medium-range bombers, including U.S. carrier-based bombers, and the tactical nuclear missiles we have in Europe. Yet Mr. Smith's digest reverses the situation. He combines Soviet ICBM's and IR/MRBM's and compares that combined total to U.S. ICBM's and Polaris missiles. He thus ignores our intercontinental bombers and our carrier-based aircraft, as well as the 7,000 or so tactical nuclear weapons in Europe, many of which can hit targets in Warsaw Pact countries. Furthermore, he ignores the program already under way to replace Polaris with Poseidon missiles, which will increase the number of our submarine-launched separately-targetable warheads by a factor of almost ten. Were Mr. Smith to use the more accurate measure of nuclear weapon force loadings he would have had to admit an almost four-to-one superiority on the part of the United States.

2. "The U.S.S.R. now has whole families of military (and naval) weapons systems that the United States does not have in its inventory."

Comment: While the U.S.S.R. has some military and naval weapons systems that the U.S. does not have, the U.S. has some military and naval weapons systems that the Soviet Union does not have. In real terms the United States defense budget has been higher than the Soviet defense budget for at least 20 years. Does Mr. Smith mean to suggest that we should have an even higher defense budget, beyond the present $80 billion level, or that the United States has not used its defense funds efficiently?

3. "The Soviets presently enjoy a clear lead in space orbital weapons . . . Properly deployed, a significant number, let us say 100, could be in a position to attack the United States in a matter of seconds after the button was pushed in the Kremlin."

Comment: The implication of this paragraph is that the Soviets are on the verge of deploying space orbital weapons. This "fact" is simply not true.

4. "The Soviets have an estimated 1000 Intermediate and Medium Range missiles which are primarily aimed at Europe and now completely pin Europe down."

Comment: While the Soviets have an estimated 1,000 IR/MRBM's aimed at Western Europe, we have about 7,000 tactical nuclear weapons aimed at Eastern Europe, as mentioned above. If their 1,000 weapons "completely pin Europe down," what effect do our 7,000 weapons have? Furthermore, our ICBM's are targeted on their IRBM's and MRBM's.

5. "The Soviets have very large 50–100 megaton nuclear weapons which were tested in 1961–62 . . . adapted for missile delivery."

Comment: There is no evidence that the Soviets have continued to develop, and certainly not to the point of deployment, the 50–100 megaton nuclear weapons that were tested in 1961–62. The view of U.S. defense authorities has been that it is preferable to have smaller and more accurate nuclear weapons than those of larger megatonnage. If a 50–100 megaton nuclear weapon made sense, it would be perfectly easy for the United States to have one.

6. "The Soviets have the Bear Bomber. It is the world's longest range, highest endurance bomber . . . an effective anti-shipping and anti-submarine attack aircraft with air to surface attack missiles on board."

Comment: The Soviets have a total of about 150 intercontinental bombers while we have 656. I do not believe that any informed expert would be willing to trade our bomber force for theirs.

7. "Furthermore, the Soviet Union has been developing a sophisticated ABM defense system for ten years and now has anti-ballistic missiles deployed around Moscow and in a 'Blue Belt' defense line described by Marshal Malinovsky as being 'for the defense of the entire territory of the Soviet Union.'"

Comment: The Soviet ABM defense system deployed around Moscow is not "sophisticated" by our standards. In the first place, its radar is far less advanced. In the second place, the Soviets are far behind the United States in computer development. And in the third place, the Soviets have deployed only 64 launchers and it would be possible for the United States to saturate this defense, even assuming 100% effectiveness of every interceptor, by targeting 65 warheads on Moscow. The Soviet system has been described as similar to our Nike-Zeus system which we did not deploy because it was decided that the system could not be effective against a Soviet attack. Apparently the Soviets have reached the same conclusion, for originally the Galosh system was to have many more defensive missile launchers.

8. "In connection with their missile defense program, the Soviets are developing a comprehensive civil defense program . . . spending about ten times as much effort as the United States in providing the Soviet society an adequate civil defense."

Comment: The Soviets are far ahead in developing a civil defense program, as are many other European countries who have lived through World War II. Perhaps if we spent less on offensive weapons, and on ineffective defensive weapons, we would be able to devote additional resources to civil defense.

9. "The U.S.S.R. may invest at least $50 to $100 billion more in strategic forces between now and 1975 than the United States, unless the relative trends change substantially."

Comment: The ratio of spending on strategic weapons has shifted in favor of the Soviets only recently. The deployment of the major part of the U.S. ballistic missile force occurred much earlier than Soviet deployment. Furthermore, our bomber force was substantially completed in the 1950's and our ballistic missile force by the mid-1960's. In this earlier period, our expenditures were substantially higher than the Soviets and only in the late 1960's, when the Soviets attempted to catch up, has their total spending on strategic weapons begun to exceed ours. We have continued to outspend the Soviets, however, on strategic bombers and ballistic missile submarines. Furthermore, a considerable part of total Soviet spending on strategic weapons has gone for IR/MRBM's, a weapon we have not emphasized since the early 1960's. As far as strategic defense is concerned, the Soviets have customarily spent more than we have because of their traditional emphasis on defense and the fact that some of the potential threats to them are closer geographically than is true in our case. And with respect to spending on ABM's, if they continue to curtail work on the Galosh system and we increase our spending on Safeguard, the ratio will begin to swing in our favor.

10. "Whereas many voices in the U.S. call for cuts in the defense budgets and large new expenditures for social reconstruction programs, the Soviet Union is able to devote the lion's share of its economic resources to weapons systems while holding expenditures for the domestic sector to very low levels."

Comment: It is true that the Soviet Union holds expenditures for the domestic sector to very low levels and that many voices in the United States call for cuts in defense budgets and for greater expenditures in the domestic sector. This state of affairs argues for a limitation of weapons development and not for such a new development as the Safeguard system.

11. "The U.S. News and World Report (Feb. 6, 1967, p. 34) estimated as a result of their study, that almost 70 percent of the U.S.S.R. military budget was being devoted to strategic forces."

Comment: A large percentage of the Soviet military budget is being devoted to strategic forces because the Soviet inferiority and their wish to gain some sort of parity with the United States.

12. "Former Secretary of Defense Clark Clifford stated in his January 15, 1969 Posture Statement that the United States had 1054 intercontinental ballistic missiles (ICBM's) and the Soviets had 900 ICBM's on September 1, 1968.

"On March 19, Secretary of Defense Laird testified to the Senate Committee on Armed Services: 'As of today, the Soviets have in being and under construction more ICBM launchers than the 1048 possessed by the United States.'

"On April 25, 1969, Secretary Laird reported the Soviet ICBM total as 1140. This includes 1000 ICBMs in hardened sites and 140 ICBMs on launching pads. (footnote: This was in New York Times, April 26, 1969, p. 1). He also said that the Soviets could have 2500 ICBMs by 1975."

Comment: The fact that the United States and the Soviet Union are presently about equal in the number of ICBM launchers simply means that either country can now destroy the other using only land-based ICBMs. As noted above, the United States is far ahead of the Soviet Union in submarine-launched ballistic missiles, in intercontinental bombers and thus in total nuclear force loadings. We are also far ahead in the development of MIRVs and are on the verge of deploying them while the Soviets have not even tested this weapon. As for Secretary Laird's statement that the Soviets "could have 2.500 ICBMs by 1975" if they continue to deploy ICBMs at the rate at which they were deployed in 1967–68, the intelligence community has estimated that they will not continue to deploy at the same rate and that the number of ICBMs the Soviets will have is far less than 2,500. Furthermore, we will soon be in a position to deploy MIRV's if the Soviet ICBM level increases beyond our estimates and could also deploy additional land-based ICBM's.

13. "Of special concern is the Soviet development and deployment of a very heavy intercontinental ballistic missile, the SS–9, which was unknown to the U.S. public until it was disclosed by Secretary Laird in his initial appearance this Spring before the Senate Armed Services Committee. This missile carries a warhead in the range of 20–25 megatons, far larger than anything in the U.S. inventory. Because of its size and its accuracy the SS–9 (is) regarded as a weapon designed to knock out American Minuteman ICBM's."

Comment: The SS–9 was unknown to the U.S. public until this spring but has been known to the intelligence community ever since it was first tested. We have also known about deployment since the beginning. It is true that the missile carries a larger warhead than any U.S. missile, but the United States made a conscious decision some years ago not to develop large megaton warhead missiles. Greater effectiveness even against hard targets can be achieved with smaller and more accurate weapons.

14. "The figures indicate that former Secretary of Defense McNamara's assessment in his defense posture statement in 1968 that 'the Soviet ICBM force will continue to grow over the next years, but at a considerably smaller rate than in the recent past,' was not correct."

Comment: Secretary McNamara's assessment in his defense posture statement in 1968 was correct. The peak rates of the Soviet ICBM deployment were several years ago and the Soviet ICBM force is growing at a smaller rate than in the recent past.

15. "President Nixon emphasized our faulty intelligence estimates when he noted during his press conference on April 18, 1969 that production of SS–9 missiles and nuclear submarines has been 60 percent greater than was estimated in 1967 when the decision was first made to deploy the Sentinel ABM system."

Comment: At the time of the President's press conference on April 18, the production and deployment of SS–9 missiles and nuclear submarines was within the range predicted by intelligence estimates in 1968.

16. "The present Soviet ICBM force now includes well over 200 SS–9s and this deployment is progressing at a fairly rapid rate—particularly since December, 1968. This is the missile which is projected by the Defense Department to reach possibly 500 by 1975. This missile booster can also be adapted to fire an orbital bombardment warhead."

Comment: As noted above, the peak years for deployment of the SS–9 have been in the past. The Defense Department keeps changing its estimate of the number of SS–9s which the Soviet Union will have by 1975 but the most recent estimate by the intelligence community, which Secretary Laird confirmed in a hearing before the Committee on June 23, was some 400 SS–9s by 1975, not 500. While it may be possible to adapt the SS–9 missile booster to fire an orbital bombardment warhead, the Soviets have not demonstrated this capability so far. As noted above, the United States is far ahead in the development of MIRVs which have the same effect as an orbital bombardment.

17. "In addition to the SS–9, the Soviets are continuing to deploy the SS–11 and the newer SS–13 model ICBMs. These carry smaller warheads than the SS–9, but the SS–13 is the first solid-fueled Soviet ICBM and it can be developed in large numbers."

Comment: It is true that the Soviets are continuing to deploy the smaller SS–11 and the SS–13 missiles which are similar to our Minuteman in size. The SS–13 is the first solid fuel Soviet ICBM. This fact simply shows that they are behind us in technology, for we gave up solid fueled missiles long ago in favor of the more efficient liquid fueled missiles.

18. "'The study notes the increasing confidence of Soviet leaders that they can build up their offensive capabilities with less fear of detection by U.S. space reconnaissance vehicles."

Comment: There is no evidence that Soviet leaders are more confident that they are subject to less detection by U.S. space reconnaissance vehicles. And it is not true. We are ahead in space reconnaissance technology and getting better all the time. The CIA briefings given the Committee show convincingly that surveillance is more rather than less efficient with every passing year.

19. "'Mobile complexes for launching intercontinental hard-fuel missiles are the most important latest features. The complexes have high maneuverability, can be well camouflaged, and therefore, cannot be spotted by the enemy's aerial or space reconnaissance. Some of the latest Soviet rockets are suitable for orbital launching.' (quote from TASS quoting Deputy Defense Minister Moskalenko on February 19, 1969)"

Comment: While the Soviets may be developing mobile complexes for launching ICBMs, there is no reason why the United States could not do likewise were we to decide that mobile missile launchers were desirable.

20. "The U.S.S.R. has built some eight types of ICBMs in the last 10 years (SS–6 through SS–13)."

Comment: That the Soviets have built eight types of ICBM's in the last ten years proves nothing except that they are still looking for a satisfactory model. No one would trade our missile force for theirs because ours is superior for any desired purpose.

21. "'They are also working hard on FOBS . . . also designed to reduce warning time to our bombers so that they will not have sufficient time to become Airborne.' (quoting Secretary Laird's testimony of March 20)."

Comment: There is no evidence that the Soviets have deployed FOBS. A FOBS capability against aircraft would have to be synchronized with the destruction of our ICBM's and submarine-launched ballistic missiles to be effective. Otherwise, an attack on the bombers would provide warning to permit the launching of ICBM's and Polaris/Poseidon missiles.

22. "We know that the Soviets have been moving ahead with a rather active program in producing Polaris-type submarines. They are now in production. They are not yet deployed as far as we know.' (quoting Deputy Defense Secretary Packard in his testimony before the Senate Armed Services Committee on March 19)."

"The submarine referred to here (above) is the "Y" class, which went into production in 1968. Seven were commissioned in that year and the Soviets have a production capability now estimated at one per month. The sub carries 16 underwater-launched, 1500 mile range missiles."

Comment: We have 41 Polaris submarines, most of which are deployed on station at all times. The Soviets are producing such submarines but have not yet even deployed them. U.S. superiority is unquestioned. While the Secretary of Defense originally estimated Soviet production capability of "Y" class submarines at one per month he changed that estimate, in his statement on May 22, to eight per year.

23. "The Georgetown Center for Strategic Studies, in a forthcoming study, estimates total Soviet submarine-launched ballistic missiles at 350."

Comment: The Soviets have commissioned only seven to ten submarines to date and each carries 16 missiles. The estimate cited includes many submarine-launched missiles carried on nonnuclear submarines of lesser range. Our sea-based force of missiles is much superior to theirs.

24. "In his Congressional testimony, Deputy Secretary Packard indicated that if the Soviets employ their maximum production rate for "Y" class submarines then their Polaris-type missiles alone could exceed the U.S. total of 656 by the end of Fiscal Year 1971."

Comment: The statement that the Soviets could exceed the U.S. total of Polaris-type missiles by the end of Fiscal Year 1971 completely ignores the fact that we are already converting Polaris submarines to Poseidon missiles so that by the end of Fiscal Year 1971, if the Soviets employ their maximum production rate but do not improve their missile system on these submarines, we will have almost ten times as many submarine-launched ballistic missiles as they.

25. "The Soviet Navy has more than a 2 to 1 numerical advantage over the U.S. Navy in this area of sea warfare (attack submarines) and this is a matter of concern since the attack submarine is considered to be the most effective weapon against nuclear submarines."

Comment: Attack submarines would have to be able to seek out, find and destroy all U.S. Polaris submarines on station simultaneously and, at the same time, the Soviets would have to be able to destroy our ICBM force and our strategic bombers were they to avoid an annihilating retaliatory strike. The Secretary of the Navy and Mr. Packard have expressed confidence that the Polaris submarines will remain "highly survivable until at least the late 1970's". The Secretary of the Navy has also stated that the Soviets have not been able to detect or track "any" of our Polaris submarines while on station.

26. "The U.S. needs to be able to deliver six times as many warheads as would the Russians to achieve destruction 'parity' with them (referring to Secretary Laird's testimony to the Senate Foreign Relations Committee)."

Comment: The Secretary of Defense's statement regarding the need to deliver six times as many U.S. warheads against the Soviet Union to achieve destruction "parity" has been challenged by many authorities. The fact is that we have more than enough ICBM's to destroy the 50 largest Soviet cities fifty times over. All talk of destruction "parity" is rather inconsequential in the light of such a fact.

27. "The Soviet Union has built a belt (often referred to as the 'Blue Belt' defense system) defense ranging from the Baltic Coast and named for one of the anchors in the line—the city of Tallinn, capital of Estonia. Marshal Malinovsky reported the completion of this belt defense system to the 23rd Congress of the Communist Party of the Soviet Union. At that time he de-

scribed it as being 'for the defense of the entire territory of the Soviet Union.' "

Comment: The judgment of most intelligence authorities is that the "Blue Belt" defense system, or Tallinn line, is not an ABM system but a defense system against bombers.

28. "Recent news accounts indicate there are some 67 P-R-O missile sites around the Russian capital. The Soviet Union officially describes P-R-O's mission as the '. . . interception and destruction of enemy missiles or rockets in space, preferably at distant approaches to their objectives and far from national territory.' (This quote is from 'Troops of National Air Defense' (1968), book by Marshall P. F. Batitsky)"

Comment: No matter what news accounts indicate, there are 64, and not 67, Galosh missile sites around Moscow, according to the Secretary of Defense. As noted above, the Galosh is relatively primitive, its deployment has been stopped in mid-stream and it could easily be saturated by American offensive missiles, just as Safeguard could be saturated by Soviet missiles because of the limited number of Sprints and Spartans involved.

29. "The U.S.S.R. is spending more than twice as much as the United States to build its strategic military strength. The U.S.S.R. is spending about $18 billion yearly or about 4 to 5 percent of its gross national product on strategic military forces. The U.S. strategic military budget is only $7.6 billion yearly, or less than 1 percent of its gross national product."

Comment: As noted above, Soviet spending on strategic offensive-defensive weapons has recently been higher than that of the United States, but in previous years U.S. spending has been higher. And with new weapons systems presently being planned, U.S. spending could exceed Soviet spending in the next year.

30. "The Soviet Union is developing its defensive strategic forces at a steady pace which gives every indication that the Soviets are, or soon will be in a position to limit a retaliatory blow which the United States might deliver after absorbing the weight of a Soviet first strike."

Comment: There is no indication that the Soviet Galosh system, which is the only Soviet defensive strategic force, could limit a military blow which the United States might deliver. The system does not protect Soviet missiles or even the Soviet population but is designed to protect only Moscow. Furthermore, as noted above, it can easily be saturated.

THE WRONG SYSTEM IN THE WRONG PLACE AT THE WRONG TIME

Mr. CASE. Mr. President, the Senate debate that is now drawing to a close reflects a profound—and, in my judgment, irreversible—change in our approach to the problem of assuring our survival as a nation.

The American people, I believe, are no longer willing to accept as inevitable the upward spiral of the arms race.

And the Senate clearly is no longer willing to accept as infallible the Pentagon's or even the President's judgment that a particular weapons system is essential to national survival.

This I believe to be true, whether or not a clear majority of the Senate votes to deny the President's request for authority to deploy the Safeguard antiballistic-missile system.

What has already happened, in short, may have much more to do with the shape of the future than the precise outcome of the vote we are approaching.

And because I am concerned about the shape of the future, as are all of my colleagues and as is the President, I think it most important that we understand what has happened and why.

Three years ago the Congress authorized and appropriated more than $150 million for advance procurement of the Nike X ABM system. The Joint Chiefs of Staff asked for the funds as a first step to deployment, although President Johnson opposed deployment and did not release the money.

Nevertheless, when the matter came before us on August 18, 1966, the Senate, by an overwhelming vote of 73 to 14, rejected an amendment to delete the funds offered by our recent colleague, Senator Clark of Pennsylvania.

I voted against the Clark amendment because I was not so certain that the Nike-X should not be deployed that I was prepared to withhold funds which the President might later decide to release.

A good many other Senators who are here today voted, as I did, for substantially the same reason, I suspect.

The next year, President Johnson took a different approach to the issue. In his budget message of January 24, 1967, he proposed that—

> We continue intensive development of Nike-X but take no action now to deploy an antiballistic missile defense; initiate discussions with the Soviet Union on the limitation of ABM deployments; and) in the event these discussions prove unsuccessful . . . reconsider our deployment decision.

"To provide for actions that may be required at that time," he asked for an additional $377 million. And because those of us who shared his view that we must seek to limit the arms race through negotiations found this to be a reasonable approach, no effort was made to withhold the requested funds in 1967.

But only 5 days after these funds cleared Congress, a most remarkable decision was announced by Secretary of Defense McNamara. Speaking in San Francisco on September 18, he concluded a brilliant analysis of the dynamics of the nuclear arms race by finding "marginal grounds" for deploying a thin ABM system against a potential Chinese threat.

So incongruous was this conclusion in the light of all his preceding discussion of ABM systems that many of us recognized a compelling need to study much more thoroughly the underlying technology and assumptions that were involved.

In my own case, that study began in a long discussion with Dr. George Kistiakowsky, who had been science adviser to President Eisenhower and was generally acknowledged to be an eminent authority in the field of nuclear weaponry. Others went about the problem in similar fashion, I am sure.

As we continued into 1968 our study of the proposed Sentinel deployment, some of the major questions came into sharper focus.

The Sentinel system, it will be recalled, was purported to give assurance of protection for most of the country against the kind of attack we were told China might be capable of delivering in the mid-1970's—a "light" and "unsophisticated" attack of from 50 to 100 intercontinental ballistic missiles.

Since the Chinese had just tested their first hydrogen weapon and had yet to deploy any ICBM's, what reason had we to count on them to build an offensive force so patently vulnerable to the claimed defensive capabilities of the Sentinel ABM system?

There was no reason, so far as I could determine, other than the need to make that assumption in order to justify the deployment of an allegedly Chinese-oriented ABM system.

The very thinness of the anti-Chinese rationale underscored the importance of another question.

What reason had we to suppose that the Soviets, from whom we were actively seeking agreement to begin negotiations on strategic arms limitations, would view Sentinel as directed against China and not against the Soviet Union, as the administration continued to assert?

Again, there was none, so far as I could determine. On the contrary, there was much to suggest that the Soviets would be driven to the worst assumptions about our purposes, since Sentinel was clearly an area-defense system and, once deployed, could be thickened rapidly.

Their reaction to our deployment of Sentinel, I concluded, would most likely duplicate our reaction to the discovery some years ago that the Soviets were deploying a primitive ABM system. The United States immediately gave highest priority to the development of multiple warheads for our offensive missiles, in order to insure penetration to their targets.

Thus, deployment of Sentinel seemed most likely to hasten Soviet development of larger and more sophisticated offensive missile forces, and further complicate thereby the task of bringing the nuclear arms race to a halt through negotiations.

It was largely for these reasons that I joined with others in opposing deployment of Sentinel in 1968. Our efforts in the Senate centered on an amendment by Senator COOPER and Senator HART to delay deployment for one year. And because some funds for Sentinel deployment were to be authorized or appropriated in four different bills, four votes were taken on the issue.

The first vote came on April 18 when, with more than one-third of the Senate absent, the Cooper-Hart amendment failed, 28 to 31. I then proposed to Senator GORE, as chairman of the Disarmament Subcommittee of the Committee on Foreign Relations, that he hold public hearings on the foreign policy implications of ABM deployment, so that we all might be better informed on the issue prior to further consideration on the floor.

Unfortunately, it was not possible to have those hearings at that time. Our further efforts to forestall Sentinel deployment were all rebuffed: on June 24, by a vote of 34 to 52; on August 1, by a vote of 27 to 46; and, finally, on October 2, by a vote of 25 to 45. At one time or another, 41 Senators had been recorded in opposition to deployment. But our case had yet to prevail.

The pertinent developments of the last 10 months can be summarized quickly.

On the diplomatic front, the Soviet invasion of Czechoslovakia, and the election of a new President properly determined to review national policy, contributed to continued delay in initiating arms talks. That a date has yet to be set is deeply disappointing to me and many others.

On the domestic front, localities selected to play host to Sentinel installations became arenas of great disputation. Upon taking office, the Nixon administration stopped deployment; and 8 weeks after taking office, the President set out a new rationale for deploying ABM around missile sites instead of cities, and a new label—Safeguard—for the same set of components.

On the legislative front, Senators who had questioned the need for Sentinel found themselves impelled to make a still more rigorous examination of Safeguard and, indeed, of the entire cycle of action and reaction that has perpetuated the nuclear arms race.

And this time the Senate went at the job in its most educational and responsible fashion—through open, public hearings before the Disarmament Subcommittee, the Committee on Foreign Relations and—most significantly—the Armed Services Committee.

Those hearings, in their collective impact upon the Senate and the Nation, epitomize the profound change of which I have spoken: We do not accept the inevitability of the arms race and we cannot abdicate to the Pentagon or even the President our responsibility to make our own decisions on the basic questions of national survival.

Thanks to the help of some of the finest scientific minds in the Nation, too many of us have been exposed to too much about Safeguard that is self-serving, contradictory, or irrational to ever again permit the security of this Nation to turn on a mere appeal for loyalty to serve, to party, or to country. And the sooner that fact is absorbed, the sooner we can get on with the business of taking sensible steps to solve real problems at home and abroad.

It is against this background that, tomorrow, I shall vote for the Cooper-Hart amendment to prohibit deployment of the Safeguard system. The Senate is familiar with the many arguments that have been made for and against deployment. I wish only to make clear my own understanding of the central issue.

It is not, in my judgment, the question of whether deployment will or will not strengthen the President's hand in negotiations or make more or less likely a viable arms control agreement with the Soviets. Those questions are imponderable, I believe.

Nor is the central issue a question as to whether there is something inherently right or wrong about seeking an active defense against ballistic missiles. We have spent $3 billion on that search in this decade, and I fully expect that we will spend as much or more over the next decade on ABM research and development, for the need is as intractable as the problem is infinitely complex.

Nor is the central issue the question of "national priorities." That concept has served and will continue to serve a useful purpose in focusing attention on the fact that we do not possess unlimited resources and must, therefore, give greater heed to how we use them. And if Safeguard offered any real assurance of adding to the Nation's security, I would give it as much support as I must now deny it.

The central issue is whether Safeguard would do the job the administration says it must and can do.

That job, as we all know, is to provide by the mid-1970's sufficient assurance that a significant portion of our Minuteman force would survive a Soviet attack so that no such attack would be tempting. Such assurance, we have been told, would serve the imperative of deterrence, and without such assurance the credibility of our capacity to respond in kind to a devastating attack would be seriously eroded some years hence.

The question before us is simply this: will Safeguard do the job of deterring an attack on those 350 Minuteman missiles in Montana and North Dakota?

The evidence is overwhelming that the answer must be "No."

It is undisputed that all of the components to be used—the radars to detect and track incoming warheads, the Spartan and Sprint missiles to be fired at them, and the computers to make all this possible within seconds—all were designed for the quite different purpose of meeting a missile attack on our cities.

This is understandable, for since the Army was first given responsibility for ballistic missile defense back in the 1950's, it has concentrated its research efforts on area defense of cities or "soft targets," not on point defense of such "hard targets" as underground Minuteman silos.

And it was to the protection of cities that Sentinel deployment was pointed. But when that was found to be undesirable by the new administration—and I agree with their decision—the very same components of Sentinel were repackaged as Safeguard and assigned the job of hard-point defense.

The trouble with this is that a system which may be well designed to intercept a few warheads directed at a city turns out to be very poorly designed to intercept many warheads directed against a hardened Minuteman field.

The critically important missile site radar turns out to be far more vulnerable to destruction than the Minuteman the system is asked to defend, and for that reason the most likely target of a first strike.

So the radar itself must be defended by Safeguard's own Spartan and Sprint missiles. But these could easily be exhausted in defending the radar against the Soviet version of our Minuteman—the SS-11.

The radar would then almost certainly be destroyed, leaving the Minuteman themselves defenseless against attack by that much larger Soviet SS-9 missiles.

Safeguard would be, quite simply, the wrong system in the wrong place at the wrong time.

Rather than engage in such needless waste, we should heed the advice of Dr. Wolfgang Panofsky, the eminent physicist who now heads the Stanford Linear Accelerator Center. Here is the way he summarized the problem when he testified before the Armed Services Committee on April 22:

> On reviewing the stated purposes of the modified Sentinel system I conclude that the mission of defending the Minuteman force is the only one which may become a valid and important motive in the future. However, the modified Sentinel system which is a simple reconfiguration of components designed for city defense is not a reasonable engineering solution for this problem. A good technical solution for this purpose should involve smaller and less expensive missiles and larger numbers of simpler hardened radars.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CASE. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes, and that the time not be charged to either side.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, the Senator asked unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. CASE. Mr. President, Dr. Panofsky also testified:

> Considering the enormous combined second-strike power of the Polaris and Poseidon fleet, the SAC bombers, Minuteman and Titan, and the tactical nuclear armed aircraft in Europe, it appears impossible that the Soviet Union can attain a first-strike power by the mid-1970's. For this reason we would well afford the time to develop a properly designed active defense for Minuteman, should it be required.

This strikes me to be so eminently sensible a course that I can only continue to hope the Nixon administration will come around to the same view.

The Cooper-Hart amendment points the way. The bill before us would authorize ample funds for continuing research and development on ballistic missile defense, and the amendment would in no way detract from that effort. And if additional funds were clearly needed to move in the direction proposed by Dr. Panofsky—and by many others—there is no question in my mind that the Senate would agree to supply them.

Tomorrow we shall have another opportunity to affirm our determination as a nation and as an institution to be the masters of our fate. As one who believes deeply in the rationality of man, I look forward to that opportunity with high confidence in the Senate's ability to lead our Nation.

I have one brief additional comment which I would like to make on a point which has been raised over and over again, and that is that the Senate and the Congress must not tie the hands of the President in dealing with this serious matter. I agree that the Senate should not tie the President's hands to any ineffective system of defense whatever and that nothing else should tie his hands. The hands of the President should not be tied specifically to an ineffective ABM which would not do the job he expects it to do.

If deployment of this proposed Safeguard system is once begun, the simple fact is that research and development on a new and effective design will stop and that by deployment of this ineffective system we will have destroyed the President's chance to get a system of ballistic missile defense that will do the job.

Mr. President, those of us who propose that the Cooper-Hart amendment be adopted are, in fact and in real substance, proposing to free the President's hand to do the job in the best way calculated to accomplish this purpose.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. MURPHY. Mr. President, I would like to ask if it has been the experience in the past, in fact the entire history of space advance, that once a program has started that all research and development has stopped.

Mr. CASE. The point is we have not deployed anything.

Mr. MURPHY. That is not the question. My question was: Is it not true that we started on the first missile? Let us go back to the little Vanguard. All research and development did not stop with that. It continued and we went on to the Titan. Does not research and development continue in any event?

Mr. CASE. If it were merely a matter of wasting the billions of dollars that Safeguard would cost, that would be bad enough.

But the point is that once we put it into the ground, this enormously soft and vulnerable system of radars and computers, we will have stopped attempting to design the kind of multiple and hardened radars which Dr. Panofsky and others have suggested to do the job that should be done.

If I were not convinced of this I would regard the matter before us as wasting billions of dollars. It is more than that. It is endangering the possibility of getting the kind of defense against ballistic missiles which this country may need.

Mr. STENNIS. I yield 15 minutes to the Senator from Kansas.

IN SUPPORT OF THE PRESIDENT ON THE ABM

Mr. DOLE. Mr. President, almost 50 years ago that great editor from my State, William Allen White, wrote:

> This nation will survive, this state will prosper, the orderly business of life will go forward if only men can speak in whatever way given them to utter what their hearts hold . . .

The last few weeks I have heard in this Chamber such heartfelt convictions of men trying to do what they think is right to achieve world order and maintain the security of the United States. We have heard from both sides of the aisle. We have heard from men labeled liberals and those conservatives. We have heard from those who might be labeled "hawks" and those who might be labeled "doves." Throughout the Nation we have also heard opposing views on the subject of our defense system. Equally reputable statesmen, equally distinguished scientists and equally moral and patriotic men have presented differing views.

Spirited debate is inevitable when we are confronted with a problem of such technical magnitude and scientific complexity as our deterrent defense system. The issue does not lend itself to simplistic opinions and easy answers. But whatever position each Senator forms after much consideration and study, he must be guided first and foremost by the desire to bring peace, order, and security to the world. We know that although absolute viewpoints are impossible, absolute values are essential. As a Senator who believes that commitment to such values is his first responsibility I now utter what is in my heart.

PEACE OBJECTIVES

I believe we are on the threshold of achieving some meaningful peace settlements. I believe that we are ready to move from the "era of confrontation to the era of negotiation."

But peace is not going to be won by general statements of intentions; it is going to be won by limited accommodations and treaties. It is not going to be gained suddenly in one settlement, but rather in fragments, treaty by treaty. The nonproliferation treaty or an arms control pact may be the initial steps toward peace. Only by strenuous and often frustrating negotiations can we reach agreements on these sensitive subjects. But such negotiations, however, requires diplomatic and military credibility.

We will have no such credibility unless we maintain strategic force equilibrium. We will have no such credibility unless we can protect our nuclear deterrent power. We will have no such credibility unless we sustain a comparative sufficiency in defense deployment. And without such credibility an America—stripped of necessary bargaining power—would be bargaining uphill when negotiating with the Soviet Union.

NEED FOR DETERRENCE

Today there is no question of our ability to deter an attack from Soviet Russia. Even after an enemy first-strike—our surviving missiles and bombers would be able to inflict unacceptable damage.

Our Polaris missiles at sea would survive. Most of our Minuteman force would survive. Most of our alert bomber force would survive.

Then, if we have such nuclear sufficiency today, why is it necessary to begin developing the Safeguard defense system?

As former President Eisenhower said:

> Our real problem is not our strength today; it is the vital necessity of our action today to insure our strength tomorrow.

So it is that we should make the Safeguard deployment not because of any present threat to our national security but because of the possibility of a future threat. In 1969 and 1970, we can protect our nuclear striking power. But if we are to continue such protection in 1973, 1974, and 1975, we must make the necessary decisions now. If there can be projected an insufficiency of nuclear defenses at that time, we weaken our bargaining power at the conference table today.

Now why is there concern and doubt about the protection of deterrent strike force in the next 5 or 6 years? Our most authoritative evidence indicates that the Soviet Union is substantially increasing the potential thrust of its missile attack.

SS–9 MISSILE

First, the U.S.S.R. is increasing deployment of the SS–9 missile—a missile larger than Titan II—with tremendous nuclear capacity and impressive accuracy. The more ICBM's Russia can put in the air, the smaller chance our Minuteman missiles and alert bombers will survive and be able to strike back.

Thus, the SS–9 becomes a counter force weapon as it is deployed in large numbers. If the Soviets installed about 50 SS–9's—a force equivalent to our Titan II force—we would simply assume that the Soviets need that number of large missiles to take out that number of large American cities.

Even an SS–9 force of 100 missiles could be viewed by us as an added insurance force with the same objective of destroying our big cities.

But a force of 200, however, requires us to consider the possibility that the SS–9 is not intended for cities but for the hardened Minuteman sites of our nuclear deterrent power.

Second, the Soviet Union is developing midair proliferation of nuclear warheads. By multiple reentry vehicles, Soviets possibly could increase the warheads from 300 to 900, any one of which would be capable of destroying the Minuteman.

Third, our intelligence tells us that the Soviet Union is building Polaris-type submarines at a rapid rate. If missile-bearing submarines came to within a few hundred miles of our shores, the quick flight time of their missiles can substantially shorten the time available for the takeoff of our alert bombers. Since few of our alert bombers could survive such an atomic submarine attack, all the more vital is the protection of our Minuteman striking power.

U.S. ACTION

In the light of these developments, what protective actions should the United States take?

First, we could install more Minuteman missiles. We rejected this because it would escalate the arms race and could push the Soviets to deploy even more weapons than they now plan.

Or we could design a new deterrent missile that could travel about the countryside, always hiding from enemy attack. We are reluctant to have mobile missiles. We believe this would be unacceptable to the American public. It, too, would be stimulation of the arms race.

Or we could build bigger missiles with larger warheads. But this also would accelerate the arms race.

Or we could increase the hardening of Minuteman. We do plan to add further hardening for some Minuteman missiles, but this approach has its limitations. Further hardening can be matched by further increases in Soviet accuracy and warhead size.

Finally, we could provide the protection of our nuclear deterrent striking power against ballistic missiles. Such a defensive deployment would not stimulate the arms race. In fact, since the Russians have already begun developing their own ABM defense system, our defensive parity would help us reach a solid arms control agreement with the Soviet Union.

Safeguard by its selective defense of our Minuteman missile sites both strengthens our deterrent to nuclear aggression and increases our leverage for disarmament negotiations. Its protection of our retaliatory forces against direct attack stops any enemy from launching a first strike war. Yet its unprovocative defensive nature would not stimulate the arms race.

THE ISSUE

There are those who argue against Safeguard or any ABM system with allusions to the sinister influence of the military-industrial complex, are escalation and ultimately nuclear devastation. I am convinced that much of the intense emotion presently directed against the ABM is a result of the widespread disillusionment with the Vietnam war.

However, we all agree that the military should not set our Nation's priorities and goals. Congress must begin to more closely scrutinize both military policies and expenditures.

At the same time, there has been an awakening to the pressing domestic needs of our Nation. The problems of our disadvantaged citizens, our urban growth, and environmental decay require immediate attention. However, these problems must be solved within the context of a safe and secure society.

But these are not the issues presently before the Senate. All Americans dread a nuclear war and the risks of an escalating arms race. The real issue today is the strategic reality of our defense posture.

We may differ about the implications on the recent Soviet moves in missile deployment. We may differ on the effects of those moves on the future defense of our nuclear deterrent force.

But all of us can agree that if America should lack an effective nuclear deterrent defense, the stability of world order would be shaken, and the chances for a peace settlement broken.

The President has said:

> The imperative that our nuclear deterrent remain secure beyond any possible doubt requires that the U.S. must take steps now to insure that our strategic retaliatory forces will not become vulnerable to a Soviet attack.

The time has come when the Senate of the Unted States either gives the President the tools to bring peace and security, or denies them. This is the issue after all the testimony, after all the debate, after all the speeches, after all the argument.

CONCLUSION

Sixteen years ago another Kansan, Dwight David Eisenhower, came to Washington and uttered what was in his heart:

> In pleading our just cause before the bar of history and in pressing our labor for world peace . . . we hold it to be the first task of statesmanship to develop the strength that will deter the forces of aggression and promote the conditions of peace.

Let us in this spirit strengthen the shield of our defenses that deter war and strengthen the hands of those that can negotiate a peace.

Mr. DOMINICK. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. I am happy to yield to the Senator from Colorado.

Mr. DOMINICK. I congratulate the Senator from Kansas on what I think is an excellently reasoned speech. He does not try to go into details of science. He lays it out in cold logic.

It seems to me that this is a productive effort, so far as we are concerned, in trying to preserve our security.

I was intrigued, because he refers to the problems that are being outlined here on the floor as to the rural areas of our cities, where the Senator from Kansas points out that we must have a secure country before we can fix those problems irrevocably. I noticed that the Senator from New York (Mr. JAVITS) talked about the necessity for reallocating resources. The Senator from Louisiana (Mr. ELLENDER) on yesterday said something to the same effect.

It is an interesting fact that as we go through phase 2 of the program on the estimate we now have, it would cost $10.2 billion. This $10.2 billion is approximately three and a half months of the Vietnamese war at present expenditures. The $10.2 billion would be spent from now all the way through 1974. So when we are talking about reallocating resources, we are going to do far better once we get out of our involvement in that war than we would do by saying we are not going to go ahead with this proposal.

Another feature that I think is important with respect to the amendment that is before us is that it involves only $345 million. When we look at it in terms of the over $2 billion a month we are expending in Vietnam, we have another example of the fact that we are not dealing with much money. We are dealing here with a symbolism issue which has arisen, for some unknown reason, in the Senate.

I also listened to the Senator from Arkansas (Mr. FULBRIGHT) today, and I read the speech of the Senator from Louisiana (Mr. ELLENDER). They talk about mirror reaction. The Senator will know that the Soviet Union started deploying its system in 1963, and it is still building it, despite the fact that it is stated the Soviet Union has stopped. That is not a fact. So it seems to me there is no mirror reaction now, in view of the fact that the Soviet started its system in 1963, 6 years ago.

Would the Senator agree with that?

Mr. DOLE. Yes. As I have tried to say many times on the floor, as a junior Member of the Senate I do not question any Member's motives for being for or against anything. I think everyone has a reason for his belief. I think sometimes the public has a certain feeling about the Senate. Members of the public feel that 50 percent are for doing nothing and another 50 percent are for blowing up the world. That is not the issue. I think 95 Senators think we should do something about it, yes, perhaps have research and development, but some of us believe we cannot waste 1 year's or 2 years' time.

I think what the question boils down to is whether or not we want to give the President the tools he needs with which to negotiate. I had faith in President Johnson's request for the Sentinel system and supported it in the House, and I have confidence in the Safeguard system and will support it in the Senate.

Mr. DOMINICK. Mr. President, I ask unanimous consent that a letter to the editor, which was published in the New York Times for today, Tuesday, August 5, 1969, signed by Sanford Aranoff, assistant professor of physics, Rutgers University, dealing with the need of an ABM for defense, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ABM FOR DEFENSE

To the EDITOR:

A July 17 editorial criticizing Senator Winston L. Prouty's endorsement of the Safeguard antiballistic missile system, began by stating that the system is untested, and so should not be deployed. This is not an objection. Many of the components have been thoroughly tested, and further testing will continue after deployment.

Much time and money have already been invested in the testing. Let us not belittle American technology by saying the ABM will not work because it is complex. We can build successful complex systems—the Apollo program for example. Of course, it has not been tested under wartime conditions, but the same is true for the enemy's system.

In actual wartime, neither offense nor defense works as well as anticipated. It may be that our defense will work, while the enemy's offense will not. Even if our defense does not work, the fear that it may, while the offense will not, will deter the enemy.

As to cost, we have been spending far greater sums on air defenses up till now. The Soviets have been spending several times the amount of money that we have for their defenses. Until now, no one has suggested that we dismantle our defenses to save money for our cities. To stop spending for defense is to leave our country open for attack. Why, then, is the issue raised about missile defense? Either we must ignore the question of cost when discussing the ABM, or save money by dismantling our expensive air defenses.

FIRST STRIKE DESTRUCTION

The editorial comments that we can destroy every center in the Communist bloc. This is true if we strike first, or if they strike first, but leave our missiles intact. If you believe that our missile will remain after an attack, you should give your reasons.

You state that the Administration should not press for a vote that can bring marginal victory at best. What is wrong with a "marginal" victory? The Administration feels that it is in the best interests of this country to have a defense against nuclear attack. That many people disagree does not change the objective situation.

We are speaking about defense, not offense. It is sad that the concept of ABM has been distorted by its opponents to mean an offensive system. The missiles of the ABM have a range of less than one thousand miles, and cannot be construed as an offensive weapon against Russia. It is these cities about which we are so concerned that require proper defense.

SANFORD ARANOFF.

NEWARK, *July 18, 1969*.

Mr. STENNIS. Mr. President, may I commend the Senator from Kansas. I have noted the quality of the speech. As a Member of this body he has always impressed me with the forceful way in which he expresses his logical reasoning. I think in this he has a very sound, commonsense view.

I yield now to the Senator from Nevada.

Mr. BIBLE. Mr. President, I understood the Senator from California wanted to direct an inquiry to the Senator from Kansas.

Mr. MURPHY. Mr. President, does the Senator from Kansas have the floor?

The PRESIDING OFFICER. The time of the Senator from Kansas has expired.

Mr. STENNIS. Mr. President, I yield 3 additional minutes to the Senator from Kansas.

Mr. MURPHY. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. I yield.

Mr. MURPHY. I congratulate the Senator for his realistic approach and the use of figures that are actual figures, and not hypothetical figures.

I also wish to congratulate the Senator from Colorado for pointing out that the amount of money involved is less than $400 million, which is less than the amount of cost as between deployment and no deployment.

Another feature is involved. I am sure my distinguished colleague knows that embodied in this proposal is the element of constant review, as suggested by the President. So this is no program that, once started, will never be stopped, as is true of so many programs. The President has asked for constant review. The minute it is not needed, it will be stopped. As long as it is needed, it will continue to be tested.

I congratulate my distinguished colleague for making this very realistic appraisal of an important question, on which may turn the entire future of this Nation.

Mr. DOLE. I thank the Senator from California. I also agree with his statement that this program will be reviewed on an annual basis by the Senate. I think that is one of the real strengths of the program.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. TOWER. I also would like to commend the distinguished Senator from Kansas. I think he has performed a fine service in underscoring that what we are doing is projecting ourselves toward the mid-1970's. There has been much talk about the relative postures of the Soviet Union and the United States today, but we must project it into the future and think in terms of what might happen.

I have heard a great deal about the fact that those of us arguing for the system are basing our argument on the fear that the Soviet Union might develop a first-strike capability. That indeed is the reason why we want an ABM system. It is very possible that the Soviet Union will develop a first-strike capability. Certainly, we have no intelligence to the effect that they are not developing a first-strike capability. As a matter of fact, there is indication that they have been building toward it. That being so, I do not see how we can afford not to prepare to put ourselves in a position to defend this country.

It has been said that the Soviets are not going to attack us because they know it would invite certain retaliation. We want that risk to stay there. What we are trying to do is maintain a risk for the Soviet Union so that they will find, in the mid-1970's or in the 1980's, that the odds are too great against their being able to launch a successful first strike with impunity.

Mr. DOLE. I agree with the Senator. I feel very strongly that this system is needed to stabilize the world position. I feel just as strongly about that as do those who take a different view.

The PRESIDING OFFICER. The Senator's additional time has expired.

Mr. STENNIS. Mr. President, I now yield to the Senator from Nevada (Mr. BIBLE). How much time does he want?

Mr. BIBLE. I would think 5 or 10 minutes.

Mr. STENNIS. I yield 10 minutes to the Senator from Nevada.

Mr. BIBLE. I thank the Senator from Mississippi, our distinguished able chairman of the Armed Services Committee.

Mr. President, it occurs to me that practically everything pro and con has been said about this question in the 5 or 6 long weeks of vigorous discussion on the ABM. I do not believe there is anything new that I can contribute at this point. I have attempted, to the best of my ability, to follow the debate closely and to follow what was developed during the so-called closed and secret sessions.

After much study, I am convinced that the wisest course is to support the request by the administration, and the majority recommendation of the Armed Services Committee, for phase 1 of the Safeguard ballistic missile defense system.

It seems to me that deployment of the ABM is a prudent and reasonable response to the activity of the Soviet Union in the development of offensive and defensive weapons systems and the advance of Communist China toward a nuclear arsenal. The addition of new offensive Minutemen, without protection, is likely to be more destabilizing, in my view, than the start of an active defense of the Minuteman silos, since adding new offensive vehicles increases the capacity to strike first.

I am not particularly impressed by the divergent views of the scientific community on the practicality of the Safeguard system. Such differences have occurred with every complex weapons system ever considered by the Nation. They have occurred in our space program. They have occurred in our medical research and in other areas of our research and development activities.

Able scientists are found on both sides of the issue. Therefore, it is difficult to accept at face value some scientific claims that this defense system may not work. There were eminent scientists who said the hydrogen bomb would not work; that the ICBM would not work, that the Polaris would not work.

We have heard this issue discussed at length over the past weeks and months.

I have reviewed the record carefully. I am not persuaded that the ABM is unreasonable. I feel the performance of carefully designed and well-engineered defense systems such as Safeguard will be every bit as effective as the performance of our offensive missile systems.

One other argument is constantly made—we have heard it day after day, and it has been met and counter-met and re-met again, on rebuttals and surrebuttals—I refer to the argument that approval of the Safeguard will make it harder for this Nation to reach reliable agreements with the Soviets on limitations of nuclear offensive and defensive weapons. It seems to me that in this regard, a telegram received July 17 by the Senator from Mississippi (Mr. STENNIS) and the Senator from Washington (Mr. JACKSON) from a group of distinguished Americans with long experience in negotiating with Moscow was a very useful contribution to our discussion. It read:

> In our varied experiences of negotiating with the Soviet Union, nothing suggests that a Congressional decision to authorize President Nixon's Safeguard ABM proposal will in any way hinder the start of strategic arms limitation talks with Moscow or impede the negotiations once they are under way.

It was signed by a number of very distinguished Americans—One could say they comprise a Who's Who in the field of American-Soviet diplomacy. Among them were Dean Acheson, Charles Bohlen, Arthur Dean, Frederick Eaton, Foy Kohler, Robert Murphy, and Herman Phleger.

If my memory serves me well, in the discussion of the Sentinel program last year when it was before the Senate, the argument was made that we should not move forward because to do so would jeopardize our talks with the Soviet Union. I believe it was within a week after the Senate had acted—and had acted adversely to that particular argument—that new talks were started.

I was somewhat impressed with the argument made today by the distinguished Senator from North Carolina (Mr. ERVIN). If I recall correctly, I think he said that since 1946 we have had 1,542 meetings with the Soviets in the field of disarmament.

Taken in its entirety, I believe that record provides a meaningful answer to the constant argument that deployment will slow us and probably jeopardize us in our negotiations with the Soviet Union.

Mr. President, it has been our experience in negotiations with Russia that the Soviets bargain vigorously for relative advantage. With this in mind, let us observe that Moscow has deployed an ABM and we have not. Moreover, the Russians are working on an advanced version of the ABM. It is commonsense to me that if we hope to get an agreement with the Soviets on arms limitation, we must be able to deal with them from positions of strength—defensive strength as well as offensive strength. We are certainly not maintaining our overall strength if we unilaterally abandon ABM deployment at a time when the Russians are working to strengthen not only their offensive missile systems, but their already deployed antimissile defenses as well.

Reciprocal, mutually acceptable agreement on both offensive and defensive nuclear systems will be, at best, difficult to achieve. It could take a long time. Meanwhile, I think we must put America in the strongest possible position for the conduct of these crucial negotiations.

It is for that reason that I shall vote against the Cooper-Hart amendment, and I shall support the request for authorization of phase I of the Safeguard ABM system.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. BIBLE. I yield.

Mr. STENNIS. I certainly appreciate the Senator's going to the trouble, here, to put his thoughts in writing in so concise a form.

I believe the entire argument can be boiled down to the point the Senator has made. That is the real issue before the Senate.

Mr. BIBLE. Mr. President, I appreciate the statement of the Senator from Mississippi. I have long considered the Senator from Mississippi, the chairman of the Committee on Armed Services, and his able colleague, the Senator from Washington (Mr. JACKSON), as two of the best informed men in America on this particular problem.

Mr. STENNIS. I thank the Senator. He has made great contributions in connection with the appropriations, but, more than that, I like his practical logic.

Mr. CHURCH. Mr. President, will the Senator from Michigan yield to me?

Mr. HART. Mr. President, may I inquire as to the time remaining to the proponents?

The PRESIDING OFFICER. The proponents have 10 minutes remaining.

Mr. STENNIS. Mr. President, I shall be happy to yield some time to the Senator.

Mr. CHURCH. I appreciate that. I shall not require more than 15 minutes.

Mr. STENNIS. May I inquire, Mr. President, how much time I have remaining?

The PRESIDING OFFICER. The Senator has 32 minutes.

Mr. STENNIS. I am happy to yield 5 additional minutes to the Senator from Idaho.

Mr. CHURCH. I thank the Senator.

Mr. President, at this late stage in the debate, there is little I can say that would add to the arguments already given, or to the voluminous data already gathered, or to the lengthy testimony already taken on the question soon to be decided, whether or not the Senate should give its consent to the immediate deployment of the Safeguard antiballistic missile system. Accordingly, my statement will be relatively brief.

It is undisputed that the price of an ABM system comes high. The initial phase, limited to the mission of defending two of our Minuteman bases, bears a price tag of at least $9 billion. Allowing for the anticipated cost overrun for research, development, and procurement, however, the total is much more likely to exceed $12 billion; and the future enlargement of the system, almost certain to follow once the deployment begins, could easily push the ultimate figure above $100 billion.

Despite this mammoth cost, I was nonetheless prepared to vote for the immediate construction and deployment of an ABM system if it could be shown by the evidence that the Safeguard proposal could meet three tests: First, the test of reliability in the event of a nuclear attack upon the United States; second, the test of shielding our people if such an attack should occur; and third, the test of lessening the chances of a nuclear exchange between the United States and the Soviet Union.

With these tests in mind, I have closely examined the evidence, weighed the testimony, and followed the debate. And I have been obliged to conclude that the Safeguard proposal appears to be deficient in all three categories.

As to whether the system would work in a showdown, the experts are sharply divided. Those components that give the ABM sight and direction—the radar and computer elements—are themselves the focal point of the doubt. The computer system would be the most complex ever attempted, and, given the present state of the art, there are serious reservations that it can be made operational. At the very least, further research and prior testing would seem to be required.

If the ABM is to successfully intercept incoming enemy missiles, its radar eyes must be at least as good as its computer brain. Few such eyes are contemplated for the Safeguard system, and these few could be readily blinded. Even the Pentagon's own planners concede that enemy nuclear warheads might be deliberately detonated above the atmosphere to create vast regions of ionized gas to black out the radar. Moreover, it must be expected that any attacker, mindful of the existence of our ABM system, would sow the skies with decoys and chaff, complicating beyond description the problem of swiftly identifying the real targets to be intercepted. Finally, the radar installations themselves, as presently planned, would be highly vulnerable to a concentrated missile attack, leaving our ABM's helpless without sight.

Questions like these concerning the reliability of the ABM under fire have simply not been satisfactorily answered. The experts cannot agree among themselves, with as many maintaining that the system will not work as contending that it will. Again, the prudent course would seem to call for further research and testing.

However, if one were to lean over in favor of the Safeguard proposal and dismiss all doubts about its being a sieve rather than a shield, the next question to be answered is this: Assuming it would work as planned, how many lives would Safeguard save in the event of a nuclear attack upon the United States? The answer to this question is none—or next to none—since the weapon is not to be deployed around population centers, but rather in the empty places which surround our Minuteman sites. Therefore, it just does not figure that the Safeguard ABM will save American lives, unless the very existence of the system itself will somehow lessen the chances of a nuclear war, to the consideration of which I now turn.

Proponents of the ABM argue that its installation will help keep our nuclear deterrent credible by increasing the number of Minuteman missiles which would survive an enemy first strike, thus augmenting our retaliatory capability to inflict unacceptable damage on the attacker. The argument, however, overlooks the fact that, in order for the Soviet Union to achieve a first strike capability, she would have to launch enough accurate attack warheads to knock out all of our offensive forces at the same time. In considering such an improbable undertaking, it should be recalled that each of our separate offensive forces—Minuteman ICBM's, strategic bombers and Polaris submarines—has by itself the capacity to utterly destroy Russia. Even if, by some miracle, all these forces were to be suddenly destroyed—which is far beyond any known or imagined Soviet capability—we would still possess enough medium range missiles in Europe to inflict unacceptable damage on the Soviet Union.

Under these circumstances, I find it impossible to believe that an ABM weapon system needs now to be installed at two of our Minuteman bases, in order to enhance the credibility of our overall deterrent. When it comes to strategic intercontinental nuclear capability, we already have a preponderant lead. Figures supplied by the Department of Defense show the United States with a 2-to-1 advantage in delivery vehicles, that is, missiles and bombers—2,356 to 1,227—and a 3½-to-1 advantage in the number of warheads—4,200 to 1,200. Yet the astounding fact is that in an all-out nuclear war the delivery of only 400 one-megaton warheads by the Soviet Union and 500 by the United States would result in 150 million fatalities and the destruction of 75 percent of the industrial capacity of both nations. Considering the number of warheads now available, the United States maintains an overkill ratio of 8½ to 1, while the Russians have an overkill ratio of 2½ to 1.

Obviously, the critical need facing both great nuclear powers is to call a halt to this mad arms race, which merely increases the threshold of danger to each side. As I observed here in the Senate more than a year ago, long before the ABM became a major issue:

> After 20 years of the nuclear arms race, the Russian and American people are not the most secure, but the most imperiled people in the world. If the funeral pyre each government has set for the other is ever ignited, both peoples will be laid out upon it.

How, then, will adding a new nuclear weapons system, the ABM, as another tier on the funeral pyre, possibly reduce the chances of its ignition? Since there is presently no need, as we have seen, to bolster the credibility of our overall deterrent, what effect can we expect from the deployment of the ABM at this time? First of all, we must expect such an action on our part to produce a predictable reaction on the part of the Russians. In strategic planning, the "greater than expected risk" is a principle used on both sides, and it leads planners constantly to anticipate action by the other side to compensate for an area of vulnerability or to seek temporary superiority.

As an example of the action-reaction cycle, we need only recall that several years ago the Soviets built the Tallinn defense system near Leningrad in response to our decision to develop a B–70 supersonic long-range bomber. When we discovered Tallinn through our reconnaissance satellites, we assumed it was an anti-ballistic-missile system and proceeded to develop MIRV—multiple warheads with separate targets—as a counterweapon. We later dropped the B–70 program after huge expenditures, but by that time both sides had entered a new stage of strategic arms competition as a result of their mutual misjudgments.

In the same manner, our decision to deploy the ABM will inevitably touch off a Soviet response that can only mean another costly round in the nuclear arms race—on both sides—thus increasing the burden and danger to each country without giving us, in the end, one whit of added advantage over the Russians.

Still, the proponents of the ABM seek to reassure us that our deployment of this new weapon system would not provoke a counter-response from the Russians. They argue that since the ABM is purely defensive, and since the Russians themselves once commenced, though apparently now have halted, the construction of an ABM defense around Moscow, the Soviet Union would not regard as provocative our decision to go forward with the installation of an ABM system. Yet the very man, Defense Secretary Laird, who makes this argument in one breath, contradicts it in the next. For he cites the possibility that the Soviets may decide in the future to deploy an extensive ABM system as one basis for his conjecture that they might acquire a first strike capability by the mid-seventies. Why would not our ABM arouse the same fears on their part that theirs would arouse on ours?

To compound the error, administration spokesmen also rely on another assertion, which rests upon the very opposite assumption, namely, that the Russians will be so concerned about our ABM that we will be able to use it as a bargaining lever in our upcoming arms control negotiations with the Soviet Union. Now a person looking for a reason to support the ABM could accept the first argument or the second, but it simply is not logically possible to accept both.

However, it is not only possible but eminently reasonable to reject both. All previous experience shows that, far from facilitating agreement, the introduction of a new weapons system by one side invariably provokes the other side into matching or exceeding it.

This can be best perceived by putting the shoe on the other foot. How would we regard the actions of the Kremlin if the situation were reversed? Suppose that we, rather than the Soviet Union, had taken the most recent initiative in proposing arms-control talks. Suppose the Russians had reacted as, in effect, we did, with a "wait-up-a-bit" response. Then, as the talks were about to commence, suppose the Russians began to add a new nuclear weapons system to their already immense arsenal.

Can there be any doubt as to what our reaction would be? Why, we would at once conclude that Russian deeds betrayed their words, that the real Russian purpose was to gain the upper hand in the arms race, rather than to join hands in ending it.

No, though our deployment of an ABM might hamper, it could not enhance our chances for securing agreement on arms control; and, though it might enlarge, it could not diminish the risk of a nuclear war.

So I am forced to conclude that the construction of an ABM system at this time would be a grave mistake. While we still possess a commanding lead in nuclear weapons, let us explore the possibilities for ending this pointless, perilous arms race, thus ushering in a new era of hope for mankind. If this proves impossible, there will be time enough to add an ABM to our vast nuclear arsenal, after further research has perfected the weapon and made it more reliable.

For these reasons, Mr. President, I shall vote in favor of authorizing the money requested to continue the research and development work on the ABM, but I shall vote against the deployment of the weapon this year.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. All time for today of the proponents of the amendment has expired.

Mr. CHURCH. Mr. President, the distinguished Senator from Mississippi extended 5 minutes of his time to accommodate me, and if that time has not expired, I would like to recognize the Senator from Arkansas and then the Senator from Colorado.

The PRESIDING OFFICER. That time also has expired.

Mr. TOWER. I yield 5 minutes to the Senator from Idaho.

Mr. CHURCH. I thank the Senator.

I yield to the Senator from Arkansas.

Mr. FULBRIGHT. I just wanted to say that I think the Senator has made the case extremely well. He has been very attentive in the hearings and has made a great contribution to the debate on this issue.

A moment ago, in the comments of one of the previous speakers, it was stated that, in the past, many people had said that the ABM would not work or that the Apollo would not work or that the hydrogen bomb would not work, and they have all proved that they could work.

I would ask the Senator if it is not a fact that in most of those cases it was not said that they would not work but it was said that they were of such low priority that they ought not be developed.

As to the allegation, for example, that certain great scientists had opposed the hydrogen bomb, I do not remember that they had opposed it—I do not believe they did—on the ground that it could not be made to work. They opposed it on the ground that we had no need for it and it ought not be developed because it would not contribute to the security of the country.

Is that the Senator's recollection?

Mr. CHURCH. I think the Senator states the case correctly, yes.

Mr. FULBRIGHT. In my opposition to the space program, at the level we have been spending funds for it, it was never because I believed that Apollo could not be made to work. It was because, first, I thought it was a crash program that was unjustified, that it was not so important that we should defer fundamental domestic programs in order to give that money to the space program. I believe the total space program now amounts to approximately $25 billion. It was simply that I thought it had a lower priority than a number of things such as our cities and education and others.

I think that is true with the ABM. We are not opposing it because we do not think it would not work. I think it is very dubious that it would work under wartime conditions. I think it is very likely the system can be made to work in the sense that it will shoot down a missile that we know is coming from Vandenberg Air Force Base to Kwajalein and we are all set for it. I think they can make a gadget that will shoot it down.

Mr. CHURCH. I agree that in a laboratory test it probably can be made to work, but the experts are in sharp disagreement that it would work under fire.

Mr. FULBRIGHT. Under fire—that is the grave question.

So when we say it will not work, we have to be precise about what is meant. I mean in that sense, even if it worked, I think it would not be worth the money, compared with other needs and alternatives we have.

Mr. CHURCH. I agree with the Senator.

I tried to emphasize in my address this afternoon that even if it were to work, even if one were to dismiss all doubts as to its reliability under fire, still, the best interests of the United States call for a postponement of its deployment until we can ascertain whether progress can be made in arms control talks; for it is in the success of these talks that the real security of the country lies, that the real safety of the American people rests.

For these reasons, I think it would be a grave mistake for us to proceed at this time with the deployment of an ABM system.

Mr. FULBRIGHT. I think the Senator is absolutely correct.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. DOMINICK. I was interested in listening to the speech, and, obviously, I do not draw the same conclusions that the Senator from Idaho does. But one thing really interested me, and that was the hypothetical question of what we would do if we had tried to get arms limitations, and so forth, and then all of a sudden they developed an ABM.

Actually, the Soviets developed their ABM system and started deploying it in 1963. As the Senator knows, we have not deployed anything on this side. We have authorized some funds. We have procured some leadtime parts. But we have not done any more than that over a period of 6 years. So we have not considered this as any kind of a massive threat, except in conjunction with the progressive growth of offensive weapons.

The PRESIDING OFFICER. The additional time allotted to the Senator from Idaho has expired.

Mr. DOMINICK. I yield 2 additional minutes to the Senator.

It seems to me that we should make this clear: An ABM, insofar as being any kind of threat to us, is not, unless it is combined with the capability to develop a first strike. We do not have that and have not made such an option available to ourselves. They have not yet done it, but they have the capability of doing it and are succeeding and are progressing in that direction. This is the only kind of situation I can see in which either side should be concerned about an ABM, which is purely defensive.

Mr. CHURCH. According to the best information I have, the Russians did commence the construction of an ABM system around Moscow, but it now appears that the construction has been stopped.

Mr. DOMINICK. No, it is still going on.

Mr. CHURCH. Perhaps the Senator has better information on that point than I possess.

However, my argument relates to the history of this nuclear arms race, which has been characterized by action and counteraction over the years. I think it is very difficult to argue persuasively that the decision on our part to deploy a very expensive new ABM system would not produce a counter-reaction on the part of the Russians that would carry us into another round of this pointless, perilous arms race; and, in the end, we will find that we have not achieved one whit of added advantage over the Russians.

This history has already proved so discouraging that I think we should now try to see if we can bring a halt to it, on both sides; before we introduce another round.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. If the Senator desires, I can yield time.

Mr. DOMINICK. Will the Senator yield me 3 minutes?

Mr. STENNIS. I yield 3 minutes.

Mr. DOMINICK. I do not want to prolong this discussion unnecessarily, but we had four scientists before us, all of them knowledgeable in Soviet weaponry. Two were against the ABM and two were for it. In the process of doing that, we had a discussion with them on whether the Soviet Union's missile development had been a cyclical reaction; and even the ones who were against the ABM said that they did not see that any of the Russian weaponry had been a cyclical or mirror reaction to what the United States had done.

I could cite example after example. For example, we have not developed an FOBS, and they have. We have not developed an SS-9, and they have. We have not developed an ABM system, and they have. I could go on and on in this way.

The point I am making is that they do what they think is important from their own country's interests and not just in reaction to what we do.

Mr. CHURCH. With that interpretation I wholly disagree, because nobody has suggested that the action-reaction cycle consists of both sides duplicating the exact weapons of the other. The argument is that when one side introduces a new weapons system, the other side finds a counter to that system which may not involve its exact duplication at all.

Mr. DOMINICK. A mirror reaction.

Mr. CHURCH. An action-reaction cycle. I believe it would be very difficult to demonstrate that there has not been this action-reaction cycle during the past 20 years, as both the United States and the Soviet Union have amassed these immense nuclear arsenals which, I might add, are now so large that, if they are ever detonated in anger, the destructive force released would be the equivalent of a thousand pounds of TNT against the temples of every living inhabitant on earth. Is this not enough?

The PRESIDING OFFICER (Mr. ALLEN in the chair). The time of the proponents of the amendment has expired. The opponents of the amendment have 17 minutes remaining.

Mr. STENNIS. I thank the Presiding Officer. Is there anyone who desires to speak?

Mr. HART. The Senator from Indiana has been extremely patient. I wonder if the Senator would yield to him.

Mr. STENNIS. Does anyone wish to speak in opposition to the amendment at this time?

The PRESIDING OFFICER. The opponents have 16 minutes remaining.

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana for not to exceed 10 minutes.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, after the time which each side has is exhausted, if the Senate is still in session, the time will not be controlled. Is that correct?

The PRESIDING OFFICER. After the time under the unanimous-consent agreement has expired, the pending question will be before the Senate with no limitation.

Mr. HART. Mr. President, would it be in order at this point to propound a unanimous-consent request to permit the Senator from Indiana to conclude his speech even though the time yielded to him may have been exhausted prior thereto?

Mr. DOMINICK. Mr. President, reserving the right to object, it is my understanding that when we finish with controlled time, all remaining time is uncontrolled.

Mr. HART. That would be true unless the Chair permitted the Senator from Indiana to proceed.

Mr. BAYH. Mr. President, the distinguished Senator from Mississippi has been most gracious to me. I do not wish to intrude on the time of those who oppose the amendment. If it is more convenient, I will wait.

The PRESIDING OFFICER. If all time is yielded back by the opponents, the matter would be before the Senate.

Mr. STENNIS. Mr. President, I would like to yield back the time. I am trying to protect someone who might come in late and desire time. I am glad to yield 10 minutes to the Senator from Indiana. At the end of that time, we can weigh the situation and perhaps permit the Senator to proceed.

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana for not to exceed 10 minutes.

DERAILING THE DANGEROUS ARMS RACE

Mr. BAYH. Mr. President, I thank the Senator. It is very considerate of the Senator from Mississippi to delve into his limited reservoir of time so that I can express myself on this critical matter.

Mr. President, the matter presently before the Senate has consumed almost a month of debate. I have listened very carefully to the statements on both sides. The debate has raged back and forth on the question of whether we should authorize funds for the deployment of the Safeguard anti-ballistic-missile system. I think the high quality of the Senate debate reflects on the very critical nature of the decision we are about to make. I have reached a decision only after long and careful study of every bit and piece of information available to me, as I am certain all of my colleagues have done. As a result, it is my opinion that to authorize the deployment of the Safeguard anti-ballistic-missile system at this time would not be in the best interest of the United States.

It seems to me there are three critical areas of discussion that form the crux of any decision with regard to Safeguard.

First. Is there, in fact, a Soviet first-strike threat to our retaliatory ability?

Second. Is the Safeguard, as designed, technically competent to meet such a threat?

Third. What are the implications of Safeguard deployment for a meaningful arms limitation?

Are the Russians developing first-strike capability that threatens our missile arsenal? Mr. President, in order to fully appreciate Secretary Laird's assumptions about the Soviets, one must examine this concept of first-strike capability. According to the testimony of Dr. Foster, a first-strike capability would involve a decision to launch an all-out nuclear attack against another country with the assurance that 95 percent of the retaliatory power of the attacked nation would be destroyed simultaneously. In other words, the nation attacked would not have the ability to retaliate. Therefore, in any realistic assessment of first-strike capability one must consider not only the Soviet's missile arsenal, but we must weigh it against our own nuclear force.

Secretary Laird's categorical statement that the Soviet Union was, and I quote, "going for a first-strike capability—there is no question about that" has been challenged. In fact, Mr. Laird has since revised his estimate of the Soviet threat.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an article entitled "Laird Narrows Scope of Warning on Soviet Threat," written by John W. Finney, and published in the New York Times.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LAIRD NARROWS SCOPE OF WARNING ON SOVIET THREAT

(By John W. Finney)

WASHINGTON, June 23—Under critical cross-examination by the Senate Foreign Relations Committee, Defense Secretary Melvin R. Laird retreated today from his statement that the Soviet Union was seeking a missile first-strike capability against the United States.

Testifying three months ago before the committee, Mr. Laird stated that the Soviet Union was "going for a first-strike capability—there is no question about that."

Recalled before the committee at a closed hearing today, he offered a new definition of Soviet intentions that was much narrower than his earlier suggestion that the Soviet Union was seeking to knock out the retaliatory capability of the United States.

In a prolonged argument with committee members that often involved semantics Secretary Laird finally took the position that all he was suggesting was that the Soviet Union was developing a "first strike weapon" with its SS–9 intercontinental missile. This weapon, in turn, he acknowledged, was aimed at only one portion of the United States retaliatory force, the Minuteman Missile.

SEE SEMANTIC VICTORY

Senator J. W. Fulbright, the committee chairman, and Senator Albert Gore, chairman of the disarmament subcommittee, immediately seized upon the Laird modification as at least a semantic victory in their battle to block deployment of the Administration's Safeguard missile defense system.

From the start of the anti-ballistic missile debate, Senator Gore observed, a key issue has been whether the Safeguard system was necessary to preserve the integrity of the American nuclear deterrent.

If the Soviet Union was intent on knocking out the American deterrent, as suggested in the earlier Laird "first strike" statement, the Tennessee Democrat said, then a justification could be made for the Safeguard system. But if the Soviet Union is developing only a capability to strike at just one part of the deterrent force, he said, "then the whole justification is pulled out—like Samson pulled out the pillars of the temple."

MOST DIFFICULT SESSION

Mr. Laird testified for nearly five hours before the committee in what Senator Fulbright, an Arkansas Democrat, was to describe as the "most difficult session" in his 25 years in Congress. The purpose of the closed door confrontation was to resolve whether there were differences between the intelligence community and the Pentagon over the Soviet missile threat.

In an unusual move, Secretary Laird insisted that he be accompanied by Richard Helms, the Director of Central Intelligence, a condition reluctantly accepted by the committee.

It was the first time in the memory of Central Intelligence Agency officials that the director had been drawn directly into a policy dispute between a Cabinet official and a Congressional committee. The effect was to silence Mr. Helms, who is known to have reservations about the Laird assessments of the Soviet missile threat.

HAD LITTLE TO SAY

Mr. Helms, according to members, had little to say before the committee and not a word afterward to reporters as he emerged from the committee room with Mr. Laird.

But Secretary Laird was not so reticent. After a brief appearance before television cameras outside the committee room, he hastened back to the Pentagon to hold an impromptu news conference at which he emphasized a new Soviet missile threat.

Following up a point first made by President Nixon at his news conference last week, Mr. Laird said the Soviet Union was testing a multiple warhead for its SS–9 missile that was capable of knocking out three Minuteman missiles simultaneously.

He thus opened a new intelligence dispute with the safeguard opponents. During the hearing, according to both Senators Fulbright and Gore, no evidence was presented indicating that the Soviet Union was testing independently targetable multiple warheads known as MIRV's, for multiple independently targetable re-entry vehicles.

LESS SOPHISTICATED

The presumption, therefore, was that the intelligence community believed the Soviet Union was testing less sophisticated multiple re-entry vehicles, known as MRV's, which fall in a cluster and are not independently targeted.

At his Pentagon news conference, Mr. Laird declined to be drawn into a dispute over the multiple warheads being tested by the Soviet Union were independently guided. The important point, he said, is that the three-part multiple warhead is falling into a variable triangular pattern that coincides with the way Minuteman silos are deployed.

Another semantic difference developed between Mr. Laird and the committee over whether the Pentagon and the intelligence community disagreed over the Soviet missile threat.

Senator Gore emerged before the hearing was completed to assert before the television cameras that the United States Intelligence Board—the top-level, interagency body that coordinates intelligence estimates—had made no finding supporting Mr. Laird's statement that the Soviet Union was seeking a first-strike capability.

DISAGREEMENT DENIED

An hour later before the cameras, Mr. Laird asserted that there was "no disagreement" within the intelligence community on intelligence "facts" about the Soviet Union and that "there is no question about interpretation" of these facts.

While the Intelligence Board may have not made any findings supporting the Laird conclusions, committee members, when pressed by reporters, acknowledged that the board had not made any findings contradicting the Laird first-strike assessment.

The point was emphasized at the Pentagon by Mr. Laird, who said the board had "never even considered" whether the SS–9 missile was a first-strike weapon or whether the Soviet Union was striving for a first-strike capability.

"They don't get into evaluations such as that," he explained.

Probably the biggest haggle that developed between the committee and Mr. Laird—one that consumed nearly two hours—was over the definition of "first strike," particularly as it was used by the Secretary when he told the committee on March 21 that the Soviet Union was "going for a first-strike capability."

FINDS IT NARROWER

Senators Gore and Fulbright observed that the term "first strike" used to mean the ability to knock out or destroy the retaliatory capability of an opponent. But now, Senator Fulbright said, Mr. Laird is offering an interpretation of first strike that is "much narrower and more restricted than it was originally."

Mr. Laird's new definition, the Senator said, was somewhat confusing because the Secretary offered "variations from minute to minute that were incredible." But as now used by Mr. Laird, he said, the term "first strike seems to have the relatively restricted meaning that the SS–9 is a weapon that has a capacity to destroy a missile in its silo."

This interpretation seemed to be supported by Mr. Laird after the meeting. Asked by reporters for his definition of first strike, he said it was the difference between a first-strike weapon that can be used against "hardened" targets, such as missile silos, and second-strike weapons that can be used against "soft" targets, such as cities. He then noted that "first-strike weapons can also be used as second strike weapons."

Mr. BAYH. Mr. President, one must wonder whether the first-strike threat originally postulated by the Secretary was not manufactured simply to justify a political decision to deploy Safeguard; witness the periodic leaks of "new, secret information" about Russian missile developments which have, on investigation, turned out to be old information in a new suit of clothes.

First, there was the old bugaboo about Galosh. That bubble was pricked when it was discovered that the Russians had experienced enough difficulties to discontinue deployment with only about 70 missile launchers in place. Next came the "startling revelations" about the SS–9 and the Secretary's projections about Soviet production. Well, the SS–9, as we were later to learn, was known to our Pentagon planners for some time. Former Assistant Secretary of Defense Enthoven testified that it was always regarded as a second-strike weapon by our defense planners. In fact, the SS–9 was also known to New York Times reporter Andrew Hamilton. In an appropriately entitled article "The Arms Race: Too Much of a Bad Thing" in the New York Times magazine of October 6, 1968, Mr. Hamilton described the SS–9 as a very large missile with a payload comparable to that of the U.S. Titan II—it is appropriate to note that the United States is planning to phase out its 54 Titan II's—and it is believed to have good accuracy. But, nobody would have ever expected it to have the nearly perfect accuracy attributed to it by Secretary Laird in order to justify his "first strike" assertion; an accuracy, I might point out, that has steadily been improving as the administration is required to answer new questions about the unlikely prospect that the SS–9 force could serve as a "first strike" weapons system. From an original estimate of accuracy for SS–9 of a CEP—circular error probability—of one-half mile, the Secretary has, upon reflection, now attributed to the SS–9 the amazingly accurate CEP of one-quarter mile. This assessment, as far as I can determine, and given the likely state of guidance technology, is extremely unrealistic.

At the recent closed session we debated back and forth the important question of the SS–9's accuracy. Legitimate doubts were raised about the Secretary's assessment, and I want the record to show that. The intelligence community, having studied the SS–9, has offered us a less dangerous assessment of this weapon than the Defense Department.

So much for Russia's own offensive capabilities. Now let us analyze the Secretary's most inflated estimates of that capability in its relationship to the entire U.S. nuclear arsenal.

The PRESIDING OFFICER. The time of the Senator from Indiana has expired.

Mr. STENNIS. Mr. President, may I inquire of the Senator from California (Mr. MURPHY), does he wish time?

Mr. MURPHY. Mr. President, I have been waiting here for some time now, waiting for the controlled time to expire.

The **PRESIDING OFFICER.** The Chair would advise the Senator from California that the time has not yet expired.

Mr. STENNIS. The Senator from California wishes to speak on another matter.

The **PRESIDING OFFICER.** The Chair would inform the Senator from Mississippi that he has 6 minutes remaining.

Mr. STENNIS. Mr. President, with the understanding, then, that the Senator from California will be recognized at the end of the remarks of the Senator from Indiana, I yield the remainder of my time to the Senator from Indiana.

Mr. MURPHY. I am perfectly happy to let the Senator from Indiana continue. May I inquire of the Senator from Indiana how much longer he expects to speak?

Mr. BAYH. Not longer than 10 or 15 minutes at the most.

Mr. MURPHY. Mr. President, I am glad to wait. I promise not to elongate the time by any questions.

Mr. BAYH. I will be glad to answer any questions the Senator from California may have.

Mr. President, if we assume that the Soviet first-strike capability is there, then I think we need to look at the targets toward which it would be directed. As I noted earlier, to be successful a Soviet first strike would involve the ability to mount, with the utmost assurance of success, a coordinated attack that would effectively cripple, first, 1,054 land-based ICBM's; second, 645 SAC long-range bombers; third, 41 Polaris/Poseidon submarines carrying a total arsenal of 656 missiles; and fourth, the more than 7,000 tactical nuclear weapons deployed in Europe and with the 7th Fleet. Numerically, such individual components of our nuclear arsenal as the Minuteman force, the Polaris fleet, and our SAC bombers alone are adequate second-strike systems.

If the Soviets are able to destroy all of our Minutemen, we would still have at least two other forces capable of a significant secondary response.

Considered in this light, Mr. President, the statement that Safeguard is needed as protection for our ICBM's against a Soviet first strike appears to be greatly inflated. On a numerical basis alone, as Dr. Panofsky noted, it is "implausible" that the Russians could launch a successful preemptive attack on our land-based ICBM's and strategic bombers. In addition, I think it is instructive to recall statements of Rear Adm. Levering Smith, director of Navy strategic projects. Admiral Smith was recently quoted as saying, in regard to the assured destructive capability of our sea-based missile force:

> I am quite positive that Russian submarines cannot and are not following any of our Polaris submarines underwater. I am also quite positive that the new generation of Russian submarines that are getting close to operational status, that are now being tested, will also not be able to follow our Polaris submarines.

Mr. President, I simply do not believe that the Soviet threat is so precise or realistic that we must react by deploying Safeguard.

But, let us assume though, for the sake of argument, that Secretary Laird's dire predictions are accurate and as we move into the 1970's the Soviet threat to our ICBM's does grow at the projected rate. By January 1975, therefore, we may find that our Minuteman force is vulnerable. If, at the same time, the Safeguard system was operational and could be expected to function perfectly, it is my contention that our Minuteman would be as vulnerable with Safeguard as without it—but only a few months later.

What I mean is, if we build Safeguard, the Soviets would simply increase their offensive capability so as to overwhelm that system.

The precise estimate for overcoming phase I of Safeguard is 3 additional months of offensive missile production; and 1 year of such production for saturation of a fully completed phase II Safeguard system. That the Soviets would follow such a reasonable and inexpensive course to negate Safeguard is made more plausible by the fact that our own Department of Defense planners have programed a like response to the limited Soviet ABM system known as Galosh. Sheer exhaustion of a maginot line-like defense, therefore, would be the likely reaction to all ill-advised and premature decisions to deploy Safeguard.

Mr. President, having said all this, one must now turn to the question of whether this hybrid ABM system, whose rationale and mission has undergone frequent modifications, would be an appropriate response—appropriate in the sense that it offers us both greater security and at the same time does not escalate the arms race. From all of the scientific evidence available, the only conclusion that one can reach is that Safeguard is not really safe at all.

As the debate draws to a close, both the opponents and the supporters of Safeguard have relied increasingly on the expert testimony of scientists and engineers. For the past 2 weeks or so, we have been deluged by vast amounts of technical information on the workability of Safeguard. It appears to me, Mr. President, that the scientific community opposing Safeguard, including in its ranks, Dr. James Killan, Dr. George Kistiakowsky, Dr. Jerome Wiesner, and Dr. Donald Hornig—former science advisers to Presidents Eisenhower, Kennedy, and Johnson—have presented convincing evidence that Safeguard is not defense but delusion. The vulnerability of the missile site radar, the inadequate number of Sprint interceptor missiles, and the difficulties likely to be encountered in the operation of the still-to-be-built world's largest computer have been dismissed with a simple "we will work it out."

Let us look at these important questions that remain unanswered:

First. The vulnerability of missile site radar. The multidirectional faces added to the missile site radar does not alter the fact that the radar system incorporated into Safeguard is identical to the system designed for the Sentinel ABM—despite the fact that the two systems have radically different purposes. The vulnerability of MSR, as the distinguished senior Senator from Missouri has pointed out, results not simply from the softness of the site—it is much softer than an ICBM silo—but from the inadequate number of Sprint interceptors planned as MSR protection. In fact, it is not unlikely that the Soviets would target their SS-11's, not their SS-9's, at the radar sites and thus free the more effective and larger SS-9 for attack on our Minuteman silos. This does not even take into account the likelihood of radar blackout in the event of a nuclear explosion in the atmosphere and the use of penetration aids and decoys to render the radar useless.

Second. The number of Sprint interceptor missiles is inadequate for both MSR cover and interception of the large numbers of offensive weapons that would be involved in a first strike. This is a critical point because, as Secretary Laird himself has admitted, the long-range Spartan is not considered as a very reliable component of Safeguard. The Secretary has said that Safeguard is primarily based on the Sprint missile backup. Yet, the plan for phase I deployment calls for only 75 Sprints at each of the two Minuteman bases—bases that house approximately 350 ICBM's. It is not unlikely, therefore, that the small number of interceptors could be negated by sheer exhaustion. After all, that is what Dr. Foster has indicated is our own policy in regard to the Galosh.

Third. The functioning of the computer. The Safeguard system relies on a computer whose exact task would remain undefined until an actual attack occurred. The danger in relying on a software system that could never be tested under realistic conditions, and for which we would have no prior programing experience, is that the margin of time is so short that, in reality, the decisionmaking process would rest with the untested computer.

Yet, we have been assured by the administration that the Safeguard's antiballistic missiles would never be activated without the specific approval of very high authorities. At the same time, the administration has continually claimed for the Safeguard an ability to respond to any surprise attack. With total reliance on an untested computer, one must surely wonder how these two requirements can be met simultaneously with any reasonable degree of assurance.

Mr. President, to sum up, it seems to me that the reliability of Safeguard is questionable under the best of circumstances. In the event of a Soviet first strike, as the Senator from Arkansas and the Senator from Idaho have indicated, its effectiveness is more than just suspect.

If the protection of our deterrent is a valid objective, as both sides have claimed, then it is too important a task to be left to blind fate—and that is the promise of Safeguard.

Mr. President, I must confess that whether these technical problems can be solved or not is, to my mind, only one of the central points to be considered. The Safeguard, after all, is not an end in itself. At issue here is a much, much larger question, the question of how to derail the dangerous and spiraling nuclear arms race that threatens to destroy mankind.

I do not think it is an exaggeration to say, Mr. President, that today we stand at a critical juncture in the brief but turbulent history of our nuclear rivalry with the Soviet Union. We are, in fact, on the eve of a new round in the seemingly uncontrollable arms race. Within the past year or so, both superpowers have begun to experiment with a new generation of nuclear weapons. If deployed, these weapons systems—and I count Safeguard among them—will only upset the already precarious strategic balance. Any action involving the deployment of an ABM system surely will produce a Russian reaction. Most likely, the Soviet Union will react by speeding up its MIRV program.

The immediate result will be the collapse of the planned SALT negotiations and continued buildups on both sides. Hopefully, a new strategic balance will be reestablished—but that will only come at a much higher level on the nuclear terror scale and, as Prof. George Rathjens pointed out, this "would simply make a nuclear exchange more probable, more damaging or both." The end result, therefore, is less security for everyone, and that is the delusion of defense in the nuclear age. Less nuclear weapons, not more, is the key to the survival of mankind.

Mr. President, I ask unanimous consent that at this point in my remarks there be printed in the Record an article by the highly respected columnist of the Washington Post, Mr. Marquis Childs, describing the classic action-reaction cycle that deployment of Safeguard will produce.

There being no objection, the article was ordered to be printed in the Record, as follows:

Chance of Nuclear Race Pause Now Dim If It Hasn't Vanished

(By Marquis Childs)

The seventeenth mutiple-warhead test shot will shortly be fired down the Pacific range. For a year now the MIRV (Multiple Independently Targeted Re-entry Vehicle) tests have averaged something more than one a month. The expectation in the Pentagon is that they will continue for at least another year. The average cost of each shot is $5 million.

What this means is difficult to convey if only because of the extraordinary complexity of these weapons. The questioner comes away with one overpowering impression: The momentum of the technology itself is irresistible. Once put in motion it cannot be stopped.

Therefore, any effort to agree with the Soviets on a moratorium to arrest multiple-warhead development is almost certain to fail. This is the view of the Pentagon technicians directing the MIRV tests.

They may be wrong, these dedicated technicians. They may eventually be overruled. But if they are correct, then the arms limitation talks with the Soviet Union supposedly due to begin in mid-August will have relatively little meaning. They will be a charade which, for differing political reasons, the negotiators on each side of the table will be willing to act out.

The reason, of course, is that once you have locked from three to 10 separate, independently targeted warheads on the top of a Minuteman or a Poseidon missile instead of one warhead, the hope of mutual inspection is gone. A crew of inspectors would have to take off the top of the missile to see how many nuclear shots it contained. The surveillance satellites that now can spot every minuteman silo and every Russian ICBM would be of no avail.

That kind of on-site inspection the Soviets would never agree to, having in the past rejected any encroachment inside their borders. Nor would this country agree to a violation of secrecy that shrouds the nuclear arsenal from all but those with the highest security clearance.

How did it happen? How did this technology gain such momentum that, if the technicians are correct, there is no stopping it? They trace the start of MIRV and MRV (Multiple Re-entry Vehicles not independently targeted), the latter already deployed on Polaris missiles, back to 1963. It was then that the first substantial evidence of Soviet deployment of the antiballistic missile system around Moscow known as Galosh was verifiable. The multiple warhead was a move to counter ABM defenses.

Progress was rapid in the early stages, since targeting 10 warheads, each aimed at targets several hundred miles apart, was not essentially different from targeting one warhead. A year of actual testing on Pacific and Atlantic ranges has proved out MIRV. The word in the Pentagon is feasible. It works. The problems remaining in the year or more ahead are largely engineering problems.

This is a classic example of the escalation of the arms race. Galosh, which according to Central Intelligence Agency estimates has never been completed because of doubts that the Soviet ABM is workable, touched off MIRV. And there is reason to believe that rapid American advances on MIRV stimulated the Soviets to step up deployment of the SS–9, the blockbuster missile of up to 25 megatons.

Regardless, however, of what immediately touched off what, MIRV was inherent at the outset in the technology of missilery. This is the inevitability of the weapons revolution, the flow of technological change that seems to the men who work with it to be as unfailing and relentless as the tides.

They talk in the same way of how impossible it would be to police an agreed moratorium on the development of MIRVs. You would have to, they say, ban all missile shots of whatever kind. For any shot could be a form of cheating. The Joint Chiefs of Staff, it is hardly necessary to add, oppose any effort to get an agreed moratorium on MIRV. And President Nixon has said that the United States will not stop testing unilaterally.

A year ago the broad principles of a negotiating agreement had been initialed by both sides. Secretary of Defense Clark Clifford and the others who worked out those principles expected in the first round of arms limitation talks to call for mutual disclosure of the progress made on multiple warheads. The invasion of Czechoslovakia put an end to that hope. In the year that has passed the United States has made rapid strides in nuclear armaments and so, one must assume, has the Soviet Union. The prospect of mid-August for at least a pause in the race is dim, if not vanishing.

Mr. BAYH. Mr. President, what troubles me in looking back over this scenario is the unlikely prospect of ever establishing a new strategic balance once a multiple independently targeted reentry vehicle is perfected. One must even doubt whether mutual deployment of MIRV equipped ICBM's would produce a stable strategic balance. In fact, with relatively equal MIRV deployments, neither nation would have an assured second strike capability and the arms race would soon be on as the two nuclear powers rushed to develop a more mobile missile force. With this emphasis on mobility will come uncertainty, and that is the one factor a stable strategic plan cannot cope with. At present, the relatively stable nature of the arms balance is due, in part, to the relative ease with which missile arsensals can be accurately identified. In the event of MIRV and mobile missile deployments, however, accurate estimates would be extremely difficult and this mutual uncertainty is bound to lead to a continual offensive build-up.

The supporters of Safeguard have argued that, since it is a "defensive system," it would not provoke the Russians; at least not to the extent that their reaction would destabilize the present strategic arms balance. I might add on this point, Mr. President, that the present strategic arms balance is favorable to the United States. It would be in our own best interest, therefore, and in the interest of all, to avoid escalating the arms race at this point. As former Secretary of Defense Clark Clifford recently explained:

> The hard fact is that we may never again expect to be in as favorable a position as we now enjoy for entry into talks about a freeze in strategic nuclear armaments. Technological developments may well make any arms limitation agreement more difficult to develop and enforce a year from now, or six months from now, than it is today.

The action-reaction cycle likely to be inspired by the deployment of Safeguard, as I noted earlier, will have grave consequences for arms control. The dynamics of the arms race and the history of the action-reaction cycle both point to the inescapable conclusion that the Soviets will feel compelled to increase their offensive capabilities to the full extent of offsetting a Safeguard system that they must judge to work perfectly—whether it will or not. As history shows, it was precisely this type of action-reaction cycle that led the Soviets to proceed with the Tallinn air defense system after it appeared that the U.S. would launch a full-scale B–70 bomber program. And as our own experience shows, the development of penetration aids, the decision to proceed with Minuteman III and Poseidon and, most importantly, the development of a MIRV capability were all responses to the Soviet's partial deployment of an ABM system, the Galosh, around Moscow.

This brings me to the most questionable argument of all being advanced to support the Safeguard; namely, that we must have an ABM system because the Russians have one. The so-called Galosh ABM system that partially rings Moscow, according to all accounts, and that includes the testimony of Secretary Laird and Dr. Foster, is inadequate as a damage-limiting defense. In fact, the evidence we have is rather compelling that the Russians have discontinued deployment of this obsolete Nike-Zeus-like ABM system. A similar Nike ABM system for the United States, it will be recalled, had been vetoed by President Eisenhower and President Kennedy.

This misguided notion that what they have, we must have has now been carried one step further, to the point that the pro-Safeguard forces have claimed that the President must have an ABM system to strengthen his hand during the SALT negotiations. But, as I pointed out, at present arms levels we already will be entering these talks from a position of strength. And, in view of the complications surrounding Safeguard, it seems apparent that we would be buying, at a great cost, a false card that would have significantly limited value and would severely complicate the negotiations.

CONCLUSION

Mr. President, those of us who are supporting the Cooper-Hart amendment to defer deployment repeatedly have said that protection of our Minutemen is a necessary objective of our second-strike policy. We believe that the present state of the art is such that deployment of Safeguard, as designed, is premature. We have urged continued research and development on the problems involved in developing an effective anti-ballistic-missile system. We have urged delay in deployment because we believe the specific nature of the Soviet threat is still undefined and the ability of the proposed defense so questionable that we may well lock ourselves into a system that is obsolete by the time it is operational. Finally, we feel very strongly that any decision to deploy new weapons systems will seriously undermine the prospects for a meaningful arms limitation.

I think it is important for us to recognize the dangers of the age in which we live and the type of confrontation we are talking about when we casually discuss nuclear offense, nuclear defense. We simply must get away from the idea that in the nuclear age there is safety in numbers. The notion that there is a technically sound defense against nuclear attack is a delusion that the American people must not accept. To hold out this false hope, as Safeguard does, will divert us from the necessary task of deescalation of the arms race.

The only truly safe defense against the destruction of civilization by nuclear holocaust is to take the steps necessary to see that the nuclear genie never leaves its silo. For once it does, mankind will not survive to recapture it.

As E. B. White remarked:

> The bomb has given us some years of truce and now promises us a millennium of oblivion.

To deploy the Safeguard and escalate the arms race will only move us closer to that millennium of oblivion we have worked so hard to avoid.

The PRESIDING OFFICER. All time under the unanimous-consent agreement has expired. The pending question continues to be on agreeing to the Cooper-Hart amendment to S. 2546. Debate will now be without limitation.

S. 2780, S. 2781, AND S. 2782—INTRODUCTION OF BILLS TO PROVIDE ADDITIONAL COMPENSATION FOR AMERICAN PRISONERS OF WAR IN VIETNAM AND NEXT OF KIN AND FAMILIES IN THE UNITED STATES

Mr. MURPHY. Mr. President, I am sure that all Americans are highly elated today at the news that, at long last, the North Vietnamese Government has released three American prisoners of war. Many of us are quite concerned at the manner and method in which it was accomplished and are not too pleased about the personalities that were used in bringing about this joyous event.

However, in our exuberance, let us not forget the other 1,325 Americans who are still missing or being held captive under conditions that cause great concern and anxiety to families throughout this Nation.

Mr. President, 5 years ago this day the North Vietnamese captured their first American prisoner of war. Because of the secretive policies and covertness of the former administration, the name of this Navy airman, and many others, was never revealed, and it is only now that his identity finally can be made public. I have never understood the reason for the secrecy that had been imposed in this area. It is hard for me to fathom the curious and singular reasoning behind the past policy of our Government. However, that is behind us. And today marks the fifth anniversary of the imprisonment by Hanoi of Lt. Everett Alvarez, Jr., of California, and I feel it is time that all Americans not only know of his tragic plight but also that of 1,325 additional Americans who are still presumed to be missing or prisoners of war in North Vietnam.

I would wish to give credit to Defense Secretary Laird for his efforts not only to bring this full story before the public, but also his actions in making contact with the next of kin of these American servicemen, families and loved ones to whom he has tried to bring some comfort in their lonely vigil.

Now, I learn from the press seven American so-called pacifists have served as our envoys to Hanoi to effect the release of the three prisoners coming home today. They were led by Rennard C. Davis, coordinator of the National Mobilization Committee to End the War in Vietnam—MOBE. Mr. Davis is currently under indictment in Chicago on charges of having conspired to incite disorders at the Democratic National Convention last August.

The man who negotiated with the North Vietnamese in Paris for Davis' trip to Hanoi is David Dellinger, also under indictment for his leading role in the Chicago riots. He is chairman of MOBE. Both Davis and Dellinger led demonstrations here in Washington against President Nixon's inauguration last January.

It took a fast series of court actions to permit these two to make their travels to Hanoi and Paris, Mr. President. Federal Judge Julius Hoffman, in whose court they were scheduled for trial, refused to let Mr. Davis make the trip, saying it would put his court "in the position of entering into foreign relations."

But the Justice Department, Defense Department, and Department of State intervened and Judge Otto Kerner of the U.S. court of appeals overruled Judge Hoffman and Mr. Davis led his strange group to Hanoi. I am informed by these Government agencies that their action came in the name of "humanitarianism," and that in effect they did not want to do anything to interfere with the possible release of prisoners of war.

I would also like to make another point clear which is of extreme concern to the next of kin families I have talked to. Again, it regards the mission to Hanoi of Rennie Davis and his group. Among them were members of the so-called underground press as well as a novelist and a documentary film producer. It is perfectly apparent from past experience that any photography done in North Vietnam by foreigners is controlled by and designed to strengthen Hanoi's worldwide propaganda crusade. Mr. President, before he left, Mr. Davis said:

> We will take advantage of our trip to bring back to the United States photographs and documents on Vietnam at war and to reaffirm our solidarity with the Vietnamese people.

Let me point out that the Geneva Convention of 1949, to which North Vietnam is a signatory, flatly prohibits exposing prisoners to "public curiosity," including cameramen.

But agreements and conventions, pacts and treaties, have never been taken seriously by Communist nations. North Vietnam has sold or made available to various news sources throughout the world propaganda films and photographs, and it is highly regrettable that we must rely on such distorted information to determine the status of these prisoners. North Korea used the same ploy when it released photographs of the *Pueblo* crew, saying those prisoners were well fed, permitted to exercise frequently, and that they could correspond with each other and their families. We now know that all of this was a lie. Those photos were staged. They raise hopes which later are so cruelly dashed when we learned the truth.

Mr. President, the release of the latest prisoners, brings to nine the total number of our captured fighting men to date set free by Hanoi.

My question today is, Can we again not turn our attention to the remaining 1,325 Americans who are prisoners or missing in action in Vietnam. What is their fate? In California we have the greatest number of the next-of-kin families of these men in the United States, 375 in all. This is the question they ask, the question that has haunted their sleep and waking hours for years. What is the fate of their husbands, brothers, or sons? Mrs. Pat Mearns of Los Angeles visited me the other day. Her husband, Air Force Maj. Arthur S. Mearns, has been missing in action since he bailed out of his aircraft over North Vietnam on November 11, 1966. Mrs. Mearns and her daughters, Mary Ann, 10, and Frances, 9, write to Major Mearns, who was on his 73d mission over North Vietnam, every week. But they do not know if he has received any of their letters. They do not know if he is dead, alive, sick, or well. She says:

> That is the worst thing, the not knowing.

Such poignant anguish is felt by thousands of wives and families of captured and missing American military men throughout this country. I would like to introduce legislation which I fully realize cannot ease the suffering of the prisoners of war in Southeast Asia. But I would hope it could be of some comfort and solace to their grief-stricken families.

I send to the desk three measures and

ask that they be appropriately referred, which would make all the pay of these war prisoners tax-free as long as they remain missing or in prison. Under present law, all enlisted pay in combat zones is tax free, but officers can exclude only the first $500 a month. Most of the pilots who are in prison are officers. A second bill would pay the $30-per-month family separation allowance to the families of prisoners. It would cover all prisoners, including those living in government housing or with relatives. The third would permit prisoners to accumulate more than the $10,000 limit on the overseas 10-percent savings program. Similar legislation has been introduced in the House by my good friend, Congressman BOB WILSON of San Diego, one of that body's leading authorities on military affairs.

These measures may seem of small import when the full significance of these prisoners' plight is concerned. I would hope, however, that they will represent a first step in future measures which we will consider to help these deserving patriots.

Mr. President, we must remember that the Geneva Convention is being flagrantly violated by the North Vietnamese. If the number of letters and cards authorized under the Geneva Convention had been permitted, the prisoners' next of kin would have received 18,000 pieces of correspondence. Actually, less than 600 have been received.

Besides calling for adherence to the Geneva Convention regarding a regular flow of mail, our government has asked for a release of the names of the prisoners being held. We have requested impartial Red Cross inspections of prisoners of war facilities and called for proper treatment of these prisoners. And we have asked for the immediate release of sick and wounded prisoners.

Mr. President, the South Vietnamese recently identified under the Geneva convention, 60 sick and injured North Vietnamese and Vietcong prisoners. They have offered to return these prisoners. What is the response from Hanoi? Silence. Hanoi refuses to recognize its own, and North Vietnam endorsed the Geneva Convention in 1957.

Even a first step, releasing the sick and wounded, would be a sign, however small, of a willingness to negotiate. If North Vietnam wants to convince us that it is treating captured pilots humanely, there is a simple route available. It is not through Rennie Davis and his friends who clearly hold no love or respect for their own government and its democratic institutions. No, the route is to cooperate with Washington's efforts to promote mutual observance of the Geneva Convention. I am shocked, but not surprised, by Hanoi's many cruel and inhumane responses to repeated pleas for humanitarian action.

Secretary of State Rogers told the House Foreign Affairs Committee on July 17 that he is at a loss to understand how North Vietnam can take a position "so lacking in humanity." And he said:

> We tend to accept the position of the other side without any comment. I don't understand why we have not become more excited about the prisoners question. By any humanitarian standards it is totally inexcusable. I would hope that Congress and the public would focus more on their intransigence and their unreasonable tactics.

Or, as my constituent Mrs. Mearns says:

> Many of us feel that public opinion is quite important to the North Vietnamese and that if enough people in the United States take an interest in our cause it might effect a change in attitude which pleas of relatives and our government have been unable to accomplish.

Mr. President, 4 days after the U.S. Ranger Spacecraft 7 sent us back pictures of the moon before crashing on the lunar surface on July 31, 1964, Lieutenant Alvarez was taken prisoner by the North Vietnamese. We know the dramatic advancement of our space efforts since then. Tragically, our efforts to obtain the release of our prisoners of war from Hanoi during the same period of time have only become more frustrating, fruitless and exasperating, despite the nine of our men who have come home. There are about 225 U.S. servicemen who have been confined or missing in action longer than any American prisoner during World War II.

And of equal import, Mr. President, is the real and continuing nightmare which plagues the next-of-kin families of all these prisoners and missing in action servicemen. Let us put ourselves in their places for a moment and wonder what hopes, what prayers, what suspense and anticipation we would have gone through during the month following Hanoi's announcement, on July 3, that three prisoners of war were about to be released. Each of those days and nights of anxiety dominated the lives of all the families of the 1,325 servicemen still missing or in prison.

Lieutenant Frishman, who was one of the three prisoners released today, gave eloquent testimony to the horrors of his existence in an April 17, 1969, interview with Rome's L'Europeo magazine. He told Correspondent Oriana Fallachi:

> It has been almost a year and a half since I last spoke to someone, Madam.

Well, it was a lot longer than that until our Government spoke out on this subject. And I would hope many of my colleagues would endorse Secretary Laird's efforts to now give it maximum exposure.

The plight of these prisoners, as well as their families, should be a story known around the world.

I now introduce the bills for appropriate reference.

The PRESIDING OFFICER. The bills will be received and appropriately referred.

The bills, introduced by Mr. MURPHY, were received, read twice by their titles, and referred, as follows:

To the Committee on Armed Services:

S. 2780. A bill to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict; and

S. 2781. A bill to remove the $10,000 limit on deposits under section 1035 of title 10, United States Code, in the case of any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict.

To the Committee on Finance:

S. 2782. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict.

Mr. MURPHY. Mr. President, not nearly enough has been told about this terrible situation that exists. I intend from now on to speak on it very often. I hope that many of my colleagues will join with me.

Mr. President, I ask unanimous consent that an article entitled "Enemy Agents as American Envoys," published in the Chicago Tribune on July 16, 1969, and an article entitled "Radicals Use U.S. POW's as Pawns in 'Peace' Game," written by Edward J. Mowery, and published in the San Diego Tribune on July 24, 1969, be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, July 16, 1969]

ENEMY AGENTS AS AMERICAN ENVOYS

David Dellinger and Rennie Davis, both under indictment for conspiracy to incite rioting during the Democratic national convention in Chicago last August, and both leaders of the pro-Hanoi National Mobilization to End the War in Viet Nam [MOBE], have been released from the jurisdiction of the federal District court here to "negotiate" with the North Vietnamese Communists for the release of three American war prisoners.

Federal Judge Julius J. Hoffman, in whose court Dellinger, Davis, and six others are scheduled for trial, released Dellinger last week to go to Paris for a meeting with Hanoi's delegation. Dellinger returned from Paris with word that agreement had been reached for Davis and three other anti-war agitators to go to Hanoi and complete arrangements for the release of the prisoners. Judge Hoffman, however, refused to release Davis, saying it would put the court in "the position of entering into foreign relations." Judge Otto Kerner of the United States Court of Appeals promptly overruled Judge Hoffman, and Davis left Tuesday night for Hanoi.

We think Judge Hoffman made a mistake when he permitted Dellinger to go to Paris, that he was right in refusing to release Davis to go to Hanoi, and that Judge Kerner was wrong in overruling Judge Hoffman. Dellinger and Davis not only were leaders of the Chicago convention riots but were organizers of a MOBE demonstration against President Nixon's inauguration in Washington last January. Both made anti-American speeches at a MOBE rally, and MOBE leaflets distributed at the rally served the enemy's cause as faithfully as if they had been printed in Hanoi.

Dellinger and Davis are enemy agents. Adhering to the enemies of the United States, giving them aid and comfort is treason, as defined by the Constitution, and in this sense Dellinger and Davis are traitors. Yet they have been released by federal judges, without objection from the justice department, and, according to their attorneys, with the approval of the state department, to act in effect as special envoys of the United States.

This is disgraceful. Undoubtedly the Communists contrived the shameful enterprise to embarrass and humiliate the United States. Compassion for the prisoners does not justify such dishonorable conduct. The United States and its South Vietnamese ally have enough North Vietnamese prisoners in custody to interest Hanoi in exchange negotiations at a proper governmental level, and the services of enemy agents are not needed.

[From the San Diego Tribune, July 24, 1969]

Radicals Use U.S. POW's As Pawns in "Peace Game"

(By Edward J. Mowery)

Washington.—For the second time in two years, the government has permitted radicals to maneuver the release of GIs captured by the North Vietnamese Communists. Veterans groups and members of Congress are burned. They're also experiencing a sense of frustration. Ho Chi Minh, Hanoi's Communist ruler, has bypassed our normal diplomatic channels and has even chosen a sympathetic emissary to "represent" this nation in the release of three POWs.

In '67, a character named Thomas E. Hayden was one of seven Americans who collaborated with the Reds in effecting release of three U.S. soldiers imprisoned by the Viet Cong. And currently, David Tyre Dellinger, 53-year-old ex-jailbird and self-styled "pacifist," has been chosen by Ho Chi Minh to expedite the return of two Air Force pilots and a Navy man taken prisoner by the Communists.

Using GIs as pawns, the North Vietnam Red leader has dignified the anti-war rantings of Dellinger and given his National Mobilization Committee to End the Vietnam War an undeserved plug. There can be little doubt that government officials would even consort with the devil to aid the release of American POWs. But the Hanoi Communists have set up a pattern that ridicules our established diplomatic methods of handling POW cases under international treaties.

We have opened the door for the Communists to return our men in dribbles at their convenience under the supervision of U.S. radicals on intimate footing with the Red enemy. The North Vietnamese and Viet Cong have captured 345 American service men (known POWs), and may hold an undetermined number of 980 others officially listed as missing.

The United States, South Vietnam and allies hold 25,000 Communist prisoners, well treated under terms of the Geneva POW conventions.

A peek into the backgrounds of Hayden and Dellinger doesn't enhance their qualifications to act as American emissaries in freeing gallant GIs. Hayden, 30, was born in Detroit, graduating from the University of Michigan and took part in the "rights" movement in Georgia and Mississippi. In '62, he became a prime organizer of the Students for a Democratic Society (later its president) and the principal author of the SDS "Port Huron Statement."

Hayden's affinity for Red-tinged radicals and his tirades against the "sinking and decaying" American social structure landed him in Moscow, Prague, Peking and Hanoi in the mid-'60s. With Dellinger, he was with 40 other Americans who held a week-long conference with Viet Communists in September 1967. He met with his Red buddies in Havanna and Paris. The theme: Condemnation of the U.S.—"the worldwide imperialist aggressor."

Hayden was arrested during the disgraceful Columbia University riot and was grabbed (like Dellinger) by Chicago cops at the Democratic National Convention last August.

It took a fast series of court actions and State Department encouragement to permit Dellinger to travel to Paris on his "Good Samaritan" mission to help our POWs. Dellinger is under federal indictment for his part in the Democratic convention melee, which normally bars a defendant from leaving his home district.

And like Hayden, he's a veteran rabble-rouser on the "peace" and radical circuits. A native of Massachusetts, Dellinger graduated from Yale in '36, tried a year in the divinity school and then took off on more exciting trends. In 1940, his refusal to register for the draft led to his conviction and prison sentence. In '43, he was denied conscientious objector status, and drew another prison term upon conviction of a draft violation. In quick sequence, he visited Hanoi, Moscow, Bratislava, Paris, Prague and Havana in the '60s for conferences with the Communist enemy.

And in July, 1968, Dellinger urged listeners at San Diego State College:

"Burn your draft cards, resist the draft, violate the law, go to jail, disrupt the U.S. government in any way you can to stop this insane war."

Richard Homan, national commander of Veterans of Foreign Wars, blasted Ho Chi Minh's "meddling and peddling" in U.S. affairs and our government's "regrettable" nod to Dellinger as our envoy in the POW matter. Most Americans agree with his vehement protest. Our heroes deserve better "representation."

Mr. MURPHY. Mr. President, it would seem without doubt that Hanoi once again has demonstrated a complete disregard for all humanitarian rules with regard to the treatment of prisoners and is now using the releases for propaganda purposes again.

Mr. COOPER. Mr. President, I commend my friend, the Senator from California, for his remarks about the prisoners of war and their families. The Senator is correct in saying that we become so concerned about all of the aspects of the war in Vietnam that we tend to forget those men who have been captured and are prisoners of war. We tend to forget their families.

I know the efforts that have been made by our Government and by the International Red Cross to reach these prisoners of war. I know that they have been rebuffed.

I noted a few days ago in one of the newspapers—I believe it was in the New York Times—a story concerning an organization composed of wives of prisoners of war in Vietnam. The organization tried to secure information about their husbands and to have better treatment and better sustenance provided for them.

I compliment the Senator on the very humane purpose expressed in his speech today.

Mr. MURPHY. I thank my distinguished friend, the Senator from Kentucky, for his complimentary remarks.

CERTAIN ASSISTANCE TO THE STATE OF CALIFORNIA

Mr. BYRD of West Virginia. Mr. President, at the request of the senior Senator from West Virginia (Mr. Randolph), I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 6508.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 6508) to provide assistance to the State of California for the reconstruction of areas damaged by recent storms, floods, and high waters, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BYRD of West Virginia. On behalf of the Senator from West Virginia (Mr. Randolph), I move that the Senate insist upon its amendment and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Bayh, Mr. Young of Ohio, Mr. Eagleton, Mr. Gravel, Mr. Baker, Mr. Dole, and Mr. Gurney conferees on the part of the Senate.

CHANGE OF CONFEREES

Mr. BYRD of West Virginia. Mr. President, on behalf of the senior Senator from West Virginia (Mr. Randolph) I wish to state that the Senate conferees on S. 1072 were named on July 17, 1969.

I ask unanimous consent that the Senator from Kansas (Mr. Dole) be designated as a Senate conferee in lieu of the Senator from Oregon (Mr. Packwood).

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATION OF VENTANA WILDERNESS, LOS PADRES NATIONAL FOREST, CALIF.

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 714.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 714) to designate the Ventana Wilderness, Los Padres National Forest, in the State of California which was to strike out all after the enacting clause, and insert:

> That, in accordance with subsections 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Ventana Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Ventana Wilderness—Proposed," dated March 14, 1969, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Ventana Wilderness within and as a part of Los Padres National Forest, comprising an area of approximately ninety-eight thousand acres.
>
> Sec. 2. As soon as practicable after this Act takes effect, the Secretary of the Agriculture shall file a map and a legal description of the Ventana Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal description and map may be made.
>
> Sec. 3. The Ventana Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.
>
> Sec. 4. The previous classification of the Ventana Primitive Area is hereby abolished.

Mr. BYRD of West Virginia. Mr. President, I have been asked to move that the Senate concur in the amendments of the House, and I so move.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 11 A.M. TOMORROW

Mr. KENNEDY. Mr. President, in accordance with the order entered yesterday, I move that the Senate stand in recess until 11 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 2 minutes p.m.) the Senate took a recess until tomorrow, Wednesday, August 6, 1969, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate August 5, 1969:

DIPLOMATIC AND FOREIGN SERVICE

Robert Strausz-Hupé of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Morocco.

Charles T. Cross, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

U.S. MARSHAL

James T. Lunsford, of Alabama, to be U.S. Marshal for the middle district of Alabama for the term of 4 years, vice William M. Parker, Jr.

Marvin G. Washington, of Michigan, to be U.S. marshal for the western district of Michigan for the term of 4 years, vice Floyd Stevens.

Marshall F. Rousseau, of Texas, to be U.S. marshal for the southern district of Texas for the term of 4 years, vice Marion M. Hale.

Charles S. Guy, of Pennsylvania, to be U.S. marshal for the eastern district of Pennsylvania for the term of 4 years, vice James F. Delaney.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for the temporary appointment to the grade of brigadier general:

Charles S. Robertson.
Duane L. Faw.
Mauro J. Padalino.
Edward S. Fris.
Frank C. Lang.
Victor A. Armstrong.
Thomas H. Miller, Jr.
Robert H. Barrow.
Herbert L. Beckington.
Leonard E. Fribourg.
Robert D. Bohn.
William F. Doehler.

EXTENSIONS OF REMARKS

FRIENDSHIP PIPELINE

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. LEGGETT. Mr. Speaker, perhaps at no other time since the close of World War II have the barriers dividing the United States and the Soviet Union been so permeable. Indeed, the underpinnings of mutual mistrust and suspicion that spawned and perpetuated the cold war seem to be crumbling at an unprecedented rate, as the era of hazardous confrontation gives way to the period of enlightened negotiation and reconciliation. It is important that we keep clear these emerging channels of communication between the peoples of the Soviet Union and the United States.

I rise today to bring to the attention of Congress the endeavors of Prof. Donald M. "Monti" Reynolds, a bacteriologist at the University of California at Davis, who is actively engaged in the slow but worthwhile efforts to establish viable communicative links with the Soviet Union, pushing back the curtain of ignorance which divide the two great powers.

For several weeks now, Professor Reynolds has operated what he calls the "Friendship Pipeline," sending scores of books relating to science, classical literature, and American political and cultural life to scientific colleagues in Science City, U.S.S.R. He hopes to expand his operations to include tape recordings of contemporary American music later in the year. I think that Congress should encourage this type of activity.

For the information of my colleagues in Congress, I insert into the RECORD at this point, an excerpt from the Sacramento Bee describing Professor Reynolds' project "Friendship Pipeline" in more detail:

GESTURE OF FRIENDSHIP: UNIVERSITY OF CALIFORNIA DAVIS PROFESSOR SENDS BOOKS TO SOVIET UNION

(By William Holden)

DAVIS.—Prof. Donald M. "Monti" Reynolds, a bacteriologist at the University of California campus here, was packaging some books destined for scientists he had met in central Siberia's Akademgorodok—Science City.

Thumbing through a recent American high school biology text, he commented: "Books like this will help them catch up with all the years they lost in biology because of Lysenko.

"He threw Russian biology off the track with his erroneous ideas on the hereditary transmission of acquired characteristics.

"In other words," Reynolds explains, "Lysenko believed a weight lifter, for instance, could pass on his acquired big muscles to his son by inheritance. American biologists have always known this is false.

"Russian biologists finally came around after many years of wandering down Lysenko's scientific blind alley and are eager to catch up with the rest of the world."

Reynolds has mailed a score of packages of books to scientific colleagues in Science City, which he visited as the U.S. member of UNESCO's International Union of Biological Sciences. They contained many volumes of science, classical literature and American political and cultural life.

FRIENDSHIP PIPELINE

Reynolds is housemaster of Hammarskjold House, a campus residence hall and headquarters for his "Friendship Pipeline," which sends books from UC Davis to Akademgorodok.

To reach this Science City, Reynolds says he "flew all night from Moscow in a jet and landed at dawn in the middle of snow-covered Siberia.

"We drove on roads lined with high banks of snow, through the beautiful birches and conifers of the taiga—the forest that cloaks a vast portion of Siberia.

"I caught glimpses of Old Russia in the form of beautiful log cabins with the patina of many, many decades on the wood. They are structures which in California would be preserved as historical monuments, but to my Soviet friends they are merely symbols of an old regime they are not proud of."

SCIENCE CITY

Then Reynolds discovered their pride—Science City, with its avant garde architecture rising at the edge of a frozen lake.

It was founded 10 years ago by scientist-colonists who had arrived with only tents to shelter them from the Siberian cold.

Reynolds is impressed by the "tremendous drive and incredible speed" with which the Russians created the science mecca in the bleak emptiness.

Today it comprises a concentration of scientific brains rivaling the technological centers of Moscow and Leningrad. Its paramount goal is to exploit Siberia's immense resources.

EXCITEMENT FELT

Reynolds was struck by the seemingly universal enthusiasm for developing the hinterlands:

"The excited way the people talked made me feel I was back in the time of my grandfather, who helped build the first railroad from California to Tacoma and Seattle. He later communicated to me the thrill of carving something out of nothing.

"It was a shock to come back to California's affluent society and find so many little lost navel-watchers who don't know what they want."

Lest he be misunderstood, Reynolds hastens to add he has a "passionate love for America."

Competition among students for admission to Science City's physics and mathematics school, he continues, is arduous.

"Each year, a math contest is conducted all over Russia," he says. "About 10,000 original competitors bright enough to submit answers to sophisticated problems are screened down to an entering class of only 100.

"I don't know any other school in the world where the selection is so rigorous."

Since it is the only Russian school administered by the Soviet Academy of Sciences, its students profit by "becoming understudies to great scientific figures early in their college life."

He also notes: "They seem much more intensively engaged in research in their early college life, rather than in just listening to lectures, as in America where undergraduates often never get their hands dirty at the laboratory bench."

BOOK BOXES

Meanwhile, Reynolds is enlarging Friendship Pipeline's diameter: He plans to place book collection boxes in 35 UCD departments.

Also, a foreign service officer in the State Department has promised the department will try, with the help of the U.S. Information Agency, to obtain science texts for the Pipeline.

And soon the Pipeline will be "wired for sound." Two UCD students at Hammarskjold House—Randy Tyra of Sacramento and Bruce Velick of Stockton—are taping contemporary American music, with their own commentaries, to send to youths in Eastern Europe.

ADMIRATION IN ITALY FOR APOLLO 11

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Tuesday, August 5, 1969

Mr. BOGGS. Mr. President, recently, Mr. and Mrs. Joseph A. Bruno, Sr., of Wilmington, Del., wrote to me of their visit to Italy during the time in which the heroic Apollo 11 astronauts made their historic journey to the moon.

Wherever they traveled in Italy, Mr. and Mrs. Bruno found admiration among the Italian people for this achievement, an admiration they described in their letter. I should like to share parts of the letter with the Senate.

Mr. and Mrs. Bruno watched our astronauts walk on the moon while visiting a village in southern Italy. They wrote:

> What a thrill it was to be an American and to see the expression of those faces gathered about the television set.

Earlier they visited St. Peter's Square to share with thousands of other pilgrims the Pope's prayers for the astronauts. The mission of our astronauts served as the subject of the sermon given at a Mass Mr. and Mrs. Bruno attended on the day of the landing on the moon.

> The priest spoke for twenty minutes on this adventure and pleaded for the people to pray for their safety to the moon and back to Earth.
>
> As we continued our tour and were being introduced as Americans, they said what an honor it was for the American people. We both were overjoyed in seeing this reaction that we felt such feelings should be forwarded to our Senator that he may relay the feelings of the people of Italy.

Such sentiment among our friends in Italy, I believe, demonstrates the existence of the "spirit of Apollo" of which President Nixon spoke on his return from his trip around the world.

The President said:

> The spirit of Apollo transcends geographical barriers and political differences. It can help bring the people of the world together in peace. In some way when those two Americans stepped on the Moon, the people of this world were brought closer together.

BUDGET BUREAU IMPOUNDS AND WITHHOLDS FUNDS APPROPRIATED FOR SMALL BUSINESS LOANS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. EVINS of Tennessee. Mr. Speaker, the House Small Business Committee last week held its annual oversight hearings on the operations of the Small Business Administration. Each of the programs conducted by that agency were reviewed. Particular emphasis was placed on its programs involved with minority economic development. It is my duty to report to you and to my colleagues that much of the testimony we received was both disturbing and, indeed, alarming.

Members of both parties within the committee agree that it is imperative that there be a strong and independent Small Business Administration. For that reason I feel it is of particular importance that SBA operates at an optimum level of efficiency. It is in that spirit of constructive and friendly criticism that I relate the testimony the committee has recently received.

The House has within the last few weeks appropriated $25 million, the entire amount requested by SBA, as a capital appropriation for its business loan and investment fund. This amount, according to Administrator Sandoval, was required to allow for fiscal year 1970, with sufficient funds available for executing first-quarter requirements in fiscal year 1971. Despite the fact that the entire amount requested is being appropriated, the SBA direct loan program, because of the Bureau of the Budget's intervention, will provide only $18 million in low-interest SBA loans for the Nation's small businessmen. This, of course, is a pitifully small amount, less than half a million dollars per year per State. The agency had initially requested $41 million. This in itself was quite probably inadequate even before this administration's Bureau of the Budget reduced it by over 50 percent to its present level.

As all of you are aware, we live in a time of continuing inflation, a time of crushingly high interest rates, a time when there is, as the bankers say, a "crunch" in money availability. The testimony we received established clearly that bank loans are increasingly difficult for most small businessmen to obtain today. It is clear that the Small Business Administration cannot, in good conscience, assume that bank loans for small businessmen, even though guaranteed up to 90 percent by SBA, will be forthcoming in anything approaching sufficient numbers to provide the needed funds for small business.

SBA regional directors, from several portions of the country, testified that, at the present time, small businessmen, other than a very select "blue chip" few, are not, on the whole, able to obtain loans from banks even when SBA guarantees are available.

The administration's insistence that it is vigorously pursuing what it terms "operation mainstream"—a program to make what Mr. Sandoval has predicted as not less than 10,000 loans a year to members of minority groups, principally Negroes, is a cruel hoax, as was pointed out by a number of witnesses.

Truthfully, the Nixon administration's cutback on congressionally appropriated funds, amounting last year to $170.2 million, has made it impossible for SBA to provide more than nominal support for even its traditional role in providing funds to the Nation's entire small business community. Attempting to superimpose ambitious new programs without providing the necessary funds, guarantees that no small businessman—whether a member of a minority or not—will receive adequate assistance.

It would appear that the leadership at SBA would be better advised to start administering the programs assigned to their agency in an orderly and efficient manner rather than wasting so much time dreaming up new slogans and writing press releases proclaiming how great their new programs will be.

As an example, one of the most promising approaches in the entire field of small business has been that of guaranteeing leases for small businessmen who would otherwise be unable to obtain premises in large shopping centers. This legislation was initiated by the House and enacted into law some 5 years ago. Sad to relate, there have only been 50 lease guarantees actually executed to date. Half of these were to lessees of one individual—a Mr. Bebe Rebozo of Miami, Fla. It is my feeling that if more effort were expended to bring the benefits of lease guarantees to small businessmen, including members of minority groups, this would make it available for them to obtain better locations and enhance their prospect for success to a far greater degree than any marginal benefits they might receive from the production of slogans and press releases.

It might even be said that the time has come for the SBA mimeograph machine to be quieted. While, of course, all of us appreciate the degree to which agency officials consider it imperative that their latest pronouncements gain the widest possible circulation. One suspects that the Republic would survive the cessation of the flow of adjectives describing the prospective virtues of programs which are virtually nonexistent because of the Budget Bureau's refusal to allow them to loan congressionally appropriated funds. Further, it is not right to let the American small businessman believe that assistance is available when, in truth, this simply is not the case. It is, it seems to me, particularly regrettable this should be done to members of minority groups, thereby arousing false hopes. These conditions should be corrected.

They can only be corrected administratively as the Congress has responded both by legislation and by providing appropriations—appropriations that are now being impounded and withheld from loan purposes.

PERSUASION OR PROVOCATION

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Tuesday, August 5, 1969

Mr. FANNIN. Mr. President, today I read in the Christian Science Monitor two articles which seem to mirror the situation we find ourselves in regarding the Federal Government's role in enforcing equal employment opportunity regulations and legislation.

Recently I noted an esteemed member of the Labor and Public Welfare Committee defending at some length the revised Philadelphia plan which calls for the hiring of minorities under a "goal" system. By this euphemism, the Labor Department bureaucrats seem to think they can avoid the clear restraints the Congress placed on equal employment enforcement when they passed section 703(j) of the 1964 Civil Rights Act.

Mr. President, at this point I would like to quote that entire section of the act which is pertinent:

> Pub. Law 88-352, 78 Stat. 257, Title VIII, Sec. 703 (j):
>
> Nothing contained in this title shall be interpreted to require any employer, employment agency, labor organization, or joint labor management committee subject to this title, to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color (etc.) . . . employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership, or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color (etc.) . . . in any community, State, section or other area, or in the available work force in any community, State, section or other area.

First I would like to call the Senate's attention to the fact that the word "quota" is not used in this section of the statute. Neither is the word "goal" or any other synonym. The language of the law simply says:

> You can't set up some sort of standard for any kind of group based on any kind of comparison by which you award "preferential treatment."

Congress has clearly indicated this. Examination of the House debate when this measure was passed clearly indicates Congress intended there should be no preferential treatment whatever, and until the courts or Congress rules otherwise, that must continue to be the law as it stands.

To say that the 1964 Civil Rights Act does not apply in such a case is perilous to say the least. Especially so in the light of today's ruling by the Comptroller General that requiring preferential treatment in Federal contracts is illegal.

Mr. President, I ask unanimous consent that these articles, which demonstrate some of the difficulties, problems, and overextensions of authority be inserted in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Carolina Mills Scouted for Bias

(By Lyn Shepard)

Greer, S.C.—The misty Carolina moon is still hiding on this sultry July evening as civil-rights worker Bob Valder and I stand beside his parked car.

If all goes according to plan, a group of local black mill hands will soon meet Mr. Valder here beside a small brick building he calls "the black folks' recreation center." We talk about his job while we wait.

As coordinator of TEAM (Textiles Employment and Advancement for Minorities), Mr. Valder has come to this little town near Greenville to collect complaints of racial bias in hiring and promotion of blacks.

Since last December, the young teacher has traveled from his Charlotte, N.C., office to seek out discrimination charges in Georgia, Florida, Virginia, and North and South Carolina mill towns. Most of his time is spent in the Carolinas, where a concentration of this nation's 7,000 textile plants can be found.

POWERS OF ATTORNEY SOUGHT

When Mr. Valder gathers complaints, he asks each worker to sign a form conferring power of attorney on the Legal Defense and Educational Fund, Inc. He then mails both papers to the New York offices of the National Association for the Advancement of Colored People affiliate for legal action.

Largely on the basis of such allegations, the Legal Defense Fund files suit in April against the Department of Defense, which accounts for roughly 3 percent of the textile industry's business.

Since the start of World War II, the Pentagon has entered into multimillion-dollar contracts with the larger textile firms to procure fabric for military uniforms.

Undersecretary of Defense David Packard bypassed a new procedure this spring, thereby causing the Nixon administration much embarrassment. He let three of the major textile suppliers win roughly $200 million in contracts without first obtaining their written promises of "affirmative action" to hire and upgrade minorities.

AGREEMENTS NOW SIGNED

The three firms—Burlington Industries, J. P. Stevens & Co., and Dan River Mills—have since signed such agreements. And defense spokesmen say they go further than any Southern industry programs they know of.

But the incident caused Mr. Valder to redouble his efforts. It also made Mr. Packard an inviting target for liberals in Congress.

"Weak, weaker, and weakest" was Sen. Edward M. Kennedy's reaction to the three oral insurances. He called the Packard action "a clear violation of the equal-hiring mandate."

However, the Justice Department has held that the federal government—which cannot be sued without its consent—will not permit the suit against the Pentagon.

LOCAL COMMITTEES FORMING

Mr. Valder, a nonlawyer, prefers to leave legal tactics to his New York superiors. He devotes his time instead to solving the "nitty gritty" problems of the black workers.

At present, TEAM is forming local "employment action committees" to abolish discrimination at the textile plants. To each panel, Mr. Valder sends copies of the firms' affirmative-action plans together with detailed instructions.

Of the J. P. Stevens plan, for instance, he noted:

"J. P. Stevens has committed itself to a number of steps which could significantly increase the number of black workers. You must be the watchdog to see that these steps are taken and that the result is not only more jobs but better jobs for Negroes at all levels of employment. . . ."

[The industry prides itself on the large number of blacks hired in the past few years but has been slow to place them in management jobs.]

"Study this plan carefully," the Valder memo goes on. "Discuss it. Compare these promises with the present situation at J. P. Stevens. Develop ideas for involving your community."

The memo suggests that each committee visit the local plant manager to review the company plan step by step.

"Indicate your concern," it urges, "about the integration of the *total* operation. Get information about management training. Be prepared to offer suggestions."

DISPLEASURE OVER RESULTS

So far, the committees have not formed as spontaneously as Mr. Valder would like. The grass-roots meeting in Greer dramatizes the problem he faces.

"We've had more job results in the pulp and paper industry," he muses as he checks his watch. It now is 7:10 p.m. at the recreation center and there is no sign of an aggrieved textile worker.

"We just can't crack anything in textiles," he says, watching a dozen black teen-agers toss a football around the parched playing field.

"We know of people who have applied for positions and haven't gotten them. But they're afraid to do anything about it. If they've got another job already, they think they may lose it."

Across the dirt road, an elderly black man hoes the soil between rows of vegetables. Behind the locked recreation center a Dixieland combo can be heard.

COMPLAINTS PILE UP

"I lay it on the line," Bob is saying, rubbing a finger over his moustache. "I tell them, 'We can't guarantee that you won't get fired. If you are, we can take your case to court. But it may stay there for two years.' "

Even so, the TEAM coordinator has stacked up 30 complaints against Dan River since December, as well as 15 against Cannon Mills Company. He has but one against J. P. Stevens.

In Greensboro, N.C., a spokesman for Burlington Industries recalled hiring-discrimination complaints made earlier against his firm by Legal Defense Fund plaintiffs.

"We checked out three of them," he said, "and found that the plant named in the complaints had more black than white workers. It's hard to call these legitimate complaints of discrimination."

The official added, though, that "maybe in some of the South Carolina mills, where they're slower to change, they could have some legitimate grievances."

GEOGRAPHY TRACED

The geographical origin of the complaints tells much of the story. All the Dan River cases came out of the firm's Danville, Va., plants. Those against Cannon, the well-known towelmaker, were gathered in the company town of Kannapolis, N.C.

Thus far, though, only a few grievances have come from South Carolina's Greenville-Spartanburg textile center, which includes many Stevens and Dan River mills.

"We've made special efforts—we don't like to call it 'preferential treatment,' of course," the Burlington spokesman pointed out.

"Our people are looking for all the minority people that can be promoted. We're bending over backward to do this. Our practice has been to find them, give them training, and move them ahead just as fast as we can. The larger firms are committed to this point of view."

In South Carolina, where segregation appears more firmly entrenched, Mr. Valder finds blacks less inclined to sign a complaint. Here the threat of firing and blacklisting works to discourage most protesters.

STILL NO ARRIVALS

Now our watches read 7:20 p.m. Still no arrivals at the recreation center.

"One thing's sure," Mr. Valder finally drawls as we drive away from the meeting site. "It's no trouble getting them to go along if 30 decide to come. But nobody's going to if only one or two are ready."

What will TEAM's next move be? Though frustrated, Mr. Valder appears determined to keep trying.

"It takes time," he says, reflecting on the nonhappening. "They just weren't ready tonight."

EQUAL-JOB OFFICE USES PERSUASION

CAMERON STATION, VA.—In an air-conditioned office a few miles from the Pentagon, Robert H. Shafer smiles to himself as a newsman asks about his plans to spur equal job opportunity in the Southeast textile industry.

"I think the textile firms are going to set achievable goals," he says, rocking back in his chair. "But if they don't, we're not going to leave them with bloody knuckles.

"We're going to sit down with them and ask, 'What's the trouble? Why aren't you able to overcome this problem?'

"We know we're not going to revolutionize the complexion of the employees overnight. We'll do it by evolution."

Mr. Shafer, chief of contract compliance for the Defense Supply Agency (DSA), oversees industry's "affirmative action" to hire and upgrade minority workers in several areas beside textiles.

But since 1967, many of the DSA's 110 civilian professionals have been prodding the major textile firms to change racial job patterns within their plants.

BALKING, THEN COMPLIANCE

The federal pressure increased last spring when the Pentagon renewed contracts with three Carolina textile companies to produce $200 million worth of military uniforms, sheets, and pillowcases.

At first the companies balked at "affirmative action" terms laid down by Mr. Shafer and Leonard Biermann, senior contract compliance officer in the Labor Department's Office of Federal Contract Compliance (OFCC). Yet, at the last minute, they backed down.

This approach—civil-rights enforcement by government persuasion at the bargaining table—often draws criticism from both industry and civil-rights camps.

Civil-rights workers complain that, if the government would just once cancel a prized contract on noncompliance grounds, industry would suddenly take notice.

"REVERSE BIAS" CHARGED

Present practice, argued Sen. Edward M. Kennedy (D) of Massachusetts in May, "gives the impression that our employment enforcement is a matter of winks and nods, and gentlemen's agreements—that employers can take their time and resist to their heart's content, subject only to the mildest of ultimate restrictions."

Textile-industry spokesmen counter that they have long ago opened job opportunities to blacks and other minorities. The OFCC and DSA, they contend, propose a form of "reverse discrimination."

"I won't tell them that every black body in their plant should be promoted," Mr. Shafer replies. "But I will tell them that when anyone is underutilized, it's wrong and has got to stop."

Judging a worker's unused potential is no easy task for an outsider, as this reporter found during a July visit to Burlington Industries' worsted-fabric complex in Raeford, N.Y.

I found Negroes as well as Lumbee Indians from the area in skilled jobs in the Burlington dyeing, spinning, and weaving operations. A far larger number work from midnight to 8 a.m., the third "graveyard" shift for those lacking seniority.

As Edmund Murray, vice-president and group manufacturing manager of the Raeford Worsted Group, walked with me up and down the rows of automated textile machines, he pointed out the military orders—fabrics in Air Force blue (federal shade 1549) and Army green (federal shade 344).

Some 35 percent of the Raeford plants' work force are blacks or Indians, Mr. Murray says. North Carolina's Hoke County, where the plants are based, is roughly 50 percent white.

What about the reaction of white workers, for the first time working shoulder to shoulder with Negroes?

"This was one of the amazing things," another Burlington official said. "At the beginning, our plant managers thought there would be trouble—when you started integrating the lunchrooms, the rest rooms, and so on. But there weren't any explosions."

THE 1968 DEADLOCK REPORTED

A spokesman for Dan River Mills, which produces ripstop poplin for Army combat fatigues as well as sheets and pillowcases, maintains this issue deadlocked negotiators for many secret meetings in 1968.

"The thing that distressed us the most," the official said, was that "equal employment opportunity appeared to require unequal treatment. We felt that this violated the 1964 Civil-Rights Act.

"One concept that they [DSA and OFCC] advanced to us was 'rigtful place.' Under this concept, we would have to review our payrolls back to some indefinite time in the past. We were to measure the average advancement of white workers against that of Negroes during that period and make up the difference in back pay.

"Also, whenever an opening occurred," he went on, "we were to advance the Negro first without regard to qualifications. We feel this would have caused chaos."

"At contract time," he went on, "everybody has to meet certain specifications, including equal employment. In the past, we had no notion of what 'affirmative action' meant. Now we were told it meant the 'rightful place' concept.

"That could have cost us hundreds of thousands of dollars. Now bidding is pretty tight, and if you don't know what your costs are ahead of time, it can become a losing proposition."

In fact, textile manufacturers insist that their margin of profit is far lower on federal contracts than it is on private ones.

APOLLO AND THE AGE OF HUMANITY

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. HOWARD. Mr. Speaker, America is "go" for a flight to freedom.

The astronauts have fulfilled President Kennedy's declaration that we achieve independence from earth this decade.

Now, the 1970's demand a declaration of independence from injustice.

Last century the direction was "go west young man" across the two dimensional plane that was America.

This decade astronauts like Allan Shepard, John Glenn, and Neil Armstrong were directed "go up young man" through three dimensional space.

Next decade we must commit ourselves to a civilization of justice in which children can "grow up young man."

Earthlings have long envisioned a "man in the moon" to make it seem a little friendlier. As moonlings Armstrong, Aldrin, and Collins look back at us, they know for certain there is a "man in the earth"—in fact, they know there are 3 billion men here.

But man in merely inhabiting earth does not necessarily make it a friendly place.

Violence at home and in Vietnam prevented President Kennedy himself and 37,000 youngsters, most of them less than 10 years old when the space age began in 1957, from seeing this fulfillment of Kennedy's lunar goal.

"We came in peace for all mankind" was man's first written message on the moon. President Nixon proclaimed a Day of Participation. Together let us commit ourselves to a decade of progress in the 1970's modeled on the 1960's Apollo effort.

Let us strive for substantial achievement, by July 21, 1979, of:

Justice among and within nations, even as we came in peace to the moon.

Quality education, that all children may understand the scientific and social excellence of which man is capable.

Conservation of earth's resources, even as the astronauts were careful not to pollute the moon.

Safe and durable consumer goods, just as we wisely furnished the astronauts the best equipment technology could yield.

Housing, food, and an end to bigotry so that all Americans may share happiness and productivity.

We saw Neil Armstrong and "Buzz" Aldrin exploring the moon, by television's brightest spotlight—the sun—in the early morning of July 21.

A few hours later this same sun illuminated America. I hope it was the dawning of the age of humanity—"harmony and understanding, sympathy and trust abounding."

OUTSTANDING KENTUCKY ADMINISTRATOR: MR. LARRY FORGY

HON. JOHN SHERMAN COOPER

OF KENTUCKY

IN THE SENATE OF THE UNITED STATES

Tuesday, August 5, 1969

Mr. COOPER. Mr. President, I am pleased when I find young people active in our political parties and am gratified when they are placed in responsible office. The State of Kentucky encourages its youth to such activity by maintaining a voting age of 18.

Our Republican State administration of Gov. Louie B. Nunn has demonstrated its confidence in young people by appointing to one of his most important cabinet posts a 29-year-old. I believe that Mr. Lawrence Forgy, Jr., who is Kentucky's budget director, may be the youngest person to hold such an office in all the 50 States.

Because of the interest in this young man's career, I ask unanimous consent that an article entitled "Larry Forgy: From 'Coon Range' to Budget Chief at 29," and pulished in the Louisville Courier-Journal and Times of May 25, 1969, be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LARRY FORGY: FROM "COON RANGE" TO BUDGET CHIEF AT 29

FRANKFORT, KY.—One thing a youth from the "coon range" of Logan County learns early in life is not to expect a job in Kentucky's state government.

A spectacular exception to the rule is Lawrence Forgy Jr., 29. As state budget director, he is just starting the formidable task of gathering and analyzing all the enormous mass of data needed to prepare the state's 1970–72 budget—a job that will continue until the 1970 General Assembly convenes next January.

Forgy is a native of the coon range, a geographical area where Logan County's handful of Republicans are clustered.

As a youth, he didn't have to be told that Democrats outnumber Republicans six to one in the "Free State of Logan." He was among the frustrated minority, and learned early that to the victor (usually the Democrats) go to the spoils (jobs).

He didn't need to be reminded, either, that the county was the political fiefdom of the late Tom Rhea, a Democratic Party warhorse until his death, nor that Logan, since Rhea's death, has been under the control of the gravel-voiced Emerson "Doc" Beauchamp, a Democrat who shuffles his political cards with the deftness of a Mississippi riverboard gambler.

Neither did anyone have to tell Forgy that the county, until President Nixon's election last year, had voted Republican only once in this century in a presidential election.

These and other realities of Kentucky politics came through vividly for young Forgy in the endless series of defeats suffered in county and state elections by his father and grandfather, both political giants for years among Logan County's Republicans.

But the losses, instead of leaving Forgy disillusioned with politics and government, only served to stimulate his interest in how the system works.

"I've never really been interested in anything else," he observed recently. "It's (politics and government) the only topic I can recall us conversing about around the dinner table. Just about every time we sat down to eat, there was talk of the next election, or the one just past, or about how this decision or that one by an officeholder would help or hurt him."

That early involvement in politics ultimately took Lawrence Forgy Jr. to Washington, D.C., where he earned an undergraduate degree, and later a law degree, from George Washington University, a school that specializes in training students for careers in government.

Since then, he has been rising rapidly up the ladder of a career in government that people here speculate could one day land him a position either as a cabinet officer in a national administration or sub-cabinet position where he has a lot to say about policy.

After graduation, Forgy worked briefly for the Federal Trade Commission as an investigator looking into the practices of some merchants in the nation's capital who were gouging the poor with high interest rates and tricky sales contracts.

Later, he shifted into a staff position on the Joint Congressional Committee on Internal Revenue Taxation, where he helped shape the contents of tax and revenue bills dealing with agriculture.

Had not Louie B. Nunn been elected as the state's first Republican governor in two decades, Forgy might still be in Washington. His work on the tax committee, however, impressed several members of the Kentucky delegation, including then Sen. Thruston B. Morton.

Morton brought Forgy and Nunn together in the days immediately following Nunn's election. Since then, Forgy has emerged as one of two experts in state government upon whom Nunn depends to advise him on how the state is spending its money—and how it should be spending it during the 1970–72 biennium. The other is Albert Christen, commissioner of finance.

Immediately following Nunn's election, Forgy was one of a small group around the governor whose job was to help in the transition of government. He was quickly yanked out of the job, however, and, along with Christen, was tossed the difficult task of coming up with a budget in 60 days.

It didn't take Forgy, with his background in revenue and taxation, long to recognize that Nunn's campaign promise of "no new taxes" would leave the state in a financial strait-jacket if the governor insisted on carrying out this commitment.

As a result, he was one of the early advocates of the 2-cent sales-tax increase and the $7.50 rise in automobile-license plates that went to finance the state's current record-making budget.

Just how well Forgy and others succeeded in putting together that budget is indicated by the ease with which it withstood an attack by the Democratic-controlled General Assembly.

Forgy also serves Nunn in a liaison capacity with federal revenue and taxation officials in Washington, a task he's suited for because of his previous work there and his knowledge of state government.

Since coming to Frankfort, Forgy has emerged, in the judgment of just about everyone here, "as the smartest person Louie has brought into state government."

Comments about his knowledge of government, of the federal bureaucracy, his ability to grasp and solve problems, to analyze intricate economic and financial data, and his personal demeanor are usually punctuated with such adjectives as "fantastic, great, superior, brilliant."

Criticism of him is difficult to come by, and what little there is often is flavored with overtones that suggest his critics envy Forgy's intelligence.

The chief disagreement about Forgy usually evolves around his knowledge of Kentucky politics. His critics claim he "lost touch with the local scene" during his eight years in Washington.

"I'd say," one observed, "that he tends to give too much weight to the influence of old-timers in the Republican Party."

This same person and others suggest, however, that when it comes to analyzing the politics of an administration decision, Forgy can hold his own with anyone. They cite the budget as one example, noting that it provided something for just about every voter in Kentucky.

Another example cropped up just recently during a staff meeting held to discuss what the administration could do to hold down the cost of the state's Medicaid program.

Forgy was quoted following that session as having remarked:

"If anyone here thinks a Republican governor who increased the sales tax and the price of license plates can deprive the poor of some headache powders, then he's got an Excedrin headache."

The only other criticism of Forgy's political know-how comes from persons who feel he's unresponsive to the patronage system—a barb he's aware of.

"But if you've got a good man, and he's doing a good job, then to hell with the people who say I'm not politically realistic," he replies. "I don't cut him off."

Among some Democrats and independent observers of state government, Forgy has also come in for criticism for his hand in the negotiations that resulted in the awarding of a state contract to provide insurance for state employees. That contract, Forgy's critics on this score contend, should have been awarded on competitive bids, instead of negotiated.

"I won't admit to that," Forgy observed recently. "We got a good rate on the insurance, and the statute is clear that we could negotiate it." (Actually, the clarity of the statute is now being decided in the courts.)

As a student and practitioner of government who has worked at both the federal and state levels, Forgy argues that the states are "where the action is, or ought to be."

State government, he contends, is less institutionalized than the Federal Government, and by virtue of the governor's powers of reorganization, can and should be more responsive to the public's political demands.

"It's not much of a problem," Forgy notes, for example, "for the voters from Lawrenceburg to drive over here and get in touch immediately with a person to help him solve his problem. But it's one heck of a problem for him to drive to Washington, and a greater problem when he gets there because he doesn't know where to go."

Forgy has crusaded almost day and night, without much success to plug the state into a central computer and to reorganize state government around what is known as program-planning-budgeting (PPB) system—a complex administrative tool that is designed to improve decision-making to create efficiency, and to help the state establish priorities.

The problem has been that he can't hire the expertise needed to install this system at the salaries the state would pay them—less than the $17,500 Forgy receives.

"You can't get them for less than $30,000 a year," he says. "But we've still got two years left (in the Nunn administration). I'm trying now to talk some of them into coming to Kentucky on the idea that they can make a reputation for themselves by setting the system up here."

Another thrust of Forgy's efforts has been to attempt to tune the State's bureaucracy into the possibility that the Federal Government may take over the entire welfare program, a development that would free $51 million in state funds for other uses.

This amount, along with another $400 million in federal funds which the state might realize annually from a federal revenue-sharing program, could have widespread ramifications for state government.

"With money like this, there's a tremendous amount we could do here in Kentucky," Forgy asserts. "But if the states don't prepare themselves to accept this money, and to spend it in constructive ways, then it's all over for the states. They'll just become instrumentalities of the Federal Government."

PPB is one of the keys to getting Kentucky prepared, Forgy contends. Another is higher salaries for state employes, to permit Kentucky to attract the caliber of personnel who will be needed to administer state government in the future.

A third element is long-range planning in state government, "so that what's done today is not done away with four years later, simply because other people don't want to follow the plan the previous government laid down."

Given the expertise and money, Forgy would plug the state into a computer tomorrow. This step, along with others he says are needed in the organization and administration of state government, could bring about a reorganization that would be as significant as the one wrought by former Gov. A. B. Chandler during his first term in office. State government, as we know it today in Kentucky, is largely the product of the Chandler reorganization of the mid-1930s.

Personally, Forgy has the demeanor of a restless, ambitious young man with well-defined goals. He is acutely sensitive to criticism of the Nunn administration, particularly from Democrats, a trait he shares with several other of the bright young men clustered around Nunn here.

"They feel, because of their youth, that if they make a bad mistake it will haunt them for the rest of their lives," a friend of Forgy's observed. "As far as Larry goes, though, you won't find anyone in state government any smarter or with more competence."

In this sense, Forgy could be the first of that "new breed" of politicians that some writers suggested a few years ago would shortly be dominating the political world. They were described then as unemotional, pragmatic problem-solvers, with minds tuned to the efficiency of the computer age.

Forgy fits this description. Additionally, he is on a first-name basis with people in Washington, New York City, and Kentucky who could be helpful to a person of his ambitions.

For the moment, Forgy doesn't see himself as a potential political candidate.

"There are some people who want to run and there are some people who don't," he notes. "I *think* I'm one who doesn't, but I'll never be happy very far from politics or government. Another thing, at my age for me to have political ambition is entirely out of order."

THE NATIONAL AFRO-AMERICAN MEMORIAL LIBRARY

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. HAWKINS. Mr. Speaker, there recently was established in the city of Memphis, Tenn., a National Afro-American Memorial Library, a depository for documented records of the history of black Americans. This is the culmination of an idea conceived more than 15 years ago by Dr. Alfred Jarrette, author and editor, presently dean of Saints Junior College, and Mr. San Ford Alexander, newspaper publisher of Los Angeles, Calif.

The idea was not the establishment of a commercial book publishing company to sell books about Negroes, but the creation of an organization and erection of a modern building for the purpose of compiling, preserving, and making available to the general public records, documents, and publications concerning the documented history of black people in the United States, as well as information concerning African countries abroad.

During the past few years there has been a demand for information about the black people. The history of the American Negro has become a focal point in many campus demonstrations. Much of the so-called history of blacks is distorted. The importance of establishing an agency for the purpose of compiling and distributing material concerning the achievements and experiences of black people in the United States and the lack of the availability of such information in our public and private educational institutions was the basis of Dr. Jarrette's appeal to civic and Government leaders. The response has been gratifying, and the library has become a reality.

The grand opening ceremony was attended by guests from all parts of the Nation, and messages of congratulations came from the President of the United States as well as other outstanding persons from other parts of the world.

Future plans of the nonprofit organization include the erection of a new building on the site of the present building, located at 236 South Danny Thomas Boulevard. The new building will contain a hall of fame room, documentary room, African exposition room, book room, lounge, and auditorium. World-famous Architect Paul R. Williams of Los Angeles has offered his services in drafting plans for the new structure.

The National Afro-American Memorial Library is a nonprofit organization, and all of its documents, records, and information will be available to the public.

Dr. Jarrette, the board of directors, and the national advisory board deserve the appreciation, good will, and support of all Americans in this worthwhile enterprise.

FARMERS' DILEMMA

HON. J. W. FULBRIGHT

OF ARKANSAS

IN THE SENATE OF THE UNITED STATES

Tuesday, August 5, 1969

Mr. FULBRIGHT. Mr. President, I have received a copy of a very informative letter written to the Commercial Appeal, a newspaper in Memphis, Tenn., by Mr. C. L. Denton, Jr., of Tyronza, Ark. This letter discusses in a very thoughtful way the dilemma faced by farmers all over the country and the need for Federal farm programs. I ask unanimous consent that the letter be printed in the Extensions of Remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DENWOOD PLANTATION,
Tyronza, Ark., July 23, 1969.

The MEMPHIS COMMERCIAL APPEAL,
Memphis, Tenn.

DEAR SIRS: In the past two weeks you have had editorials and cartoons that were rather critical of our farm program, possibly leaving the urban reader under the impression that the farmer is guaranteed a luxurious living with a minimum of work on his part.

As is so often true, the entire picture of the farm program is not always told. The economic "cost-price" squeeze has already eliminated many of the smaller farmers from farming. This resulted in a trend toward larger farms as a matter of economic survival. And now the current "vogue" is to criticize the larger farmer because the cost per farm—not the cost per acre—of the farm program has risen as a result of this economic problem. I will admit that the problem is too complex to deal with completely in a letter, but there are a few points I would like to call to your attention.

The need for a farm program was initiated in 1789 when our Congress enacted the first tariff act to protect fledging industry in our United States. By this action, subsidy became one of the oldest economic principles written into U.S. laws. Subsidy and subsidy-like programs have helped develop U.S. banks, housing groups, colleges, airlines, railroads, waterways, merchant fleets and many other businesses and industries. And without the development of these businesses and industries, our United States would not be the world power it is today. So subsidies do have their place in this society.

But when the question arises today, "Why can't American farmers operate in a free economy like everybody else?"—the simple answer is that other groups are not in a completely free economy. Industry groups—both management and labor—have a means of acting together for bargaining and strength. Professional people have institutions of control that represent their interests. And there is nothing wrong with this. But the farmer—of all major economic groups—is the only one without a broadly effective means of advancing his objectives in the arena of supply and demand. He pays minimum wages to farm workers as required by his government; he pays union scale wages in his purchases of farm machinery, autos and trucks, various fuels, rubber goods, insecticides and herbicides, etc.; and he pays taxes to help support an economy that includes many other subsidies. How, then, can your American farmer survive when he is buying in a "protected" market unless he, too, is given some "protection" on the sale price of his product? The farmer has no means of organizing effectively to regulate prices and production, as industry, labor and the professions do. The individual farmer, operating only one of the over 2 million farm units in this country, does not have the power to set prices. Nor is he able by himself to accomplish desired adjustments in production and price. Even if the farmer had the power to balance production exactly with demand at a certain price level, it might not be good for the national interest to permit this. Any error of production must be made on the side of abundance. So, shouldn't the government have the responsibility of helping manage this abundance?

The taxpayer has a right to ask the question, "What benefit does the rest of the country derive from our farm programs?" Some are even going so far as to urge abandonment of our farm program. Certainly, the taxpayers would be delighted to be relieved of the cost of farm programs. They do cost. Consumers would be pleased to feel that they were going to get unlimited productions at cheaper prices. But very few consumers recognize that the removal of these controls would almost certainly mean less long-time production. We do not have to analyze the entire profit motivation system to state that neither the present American farmer, nor whoever might succeed him—this could be giant corporation farming or a completely socialized agriculture—is going to permanently continue to produce with a reasonable expectation of a moderate profit. Over the years we have sought through farm programs to provide that prospect of profit by attempting to achieve a rough balance between supply and demand. This is the basis of our agricultural policy. We seek to encourage farmers to limit their production to something like the demand for these products. And I think any fair-minded person would agree that the farmers are entitled to have a fair return from their investment and labor if they are to continue to feed and clothe our people at reasonable prices. American consumers are still spending a smaller portion of their disposable income for food and fiber than most of their neighbors around this world.

I would like to emphasize that "Farm policy is not something separate." It is a part of an overall effort to serve our national interest at home and around the world. Agriculture is not an "island"; it is an integral part of our economic continent and national strength. The two basic goals of our farm policy are: Better income for farmers and balanced abundance for our consumers. There is no contradiction between the two. Both goals must be simultaneously sought and achieved. A farm policy that sought one and not the other would be unrealistic. A farm policy which achieved one and not the other would be a failure.

I do not wish to be understood as saying that we have no problems as a result of our present farm program. As long as man is in charge of anything, there will be imperfections. But if we expect perfection, and if one by one we counted out people or programs for the least fault, it wouldn't take us long to get where we had no people and no programs left with which to live. We see flaws and failings in high places, as well as in people of ordinary pursuits; and if we let ourselves, we could become cynical. What we need is more understanding and more explaining of things. We are all living in an imperfect world of imperfect people; and we shall surely find some disappointment in other people, as they will in us. But the more understanding of each other that we all are, the more we all shall find what we so much seek—understanding of ourselves.

Agriculture is a major source of the great strength of our country; it contributes much to the economic, physical, and—yes—even the spiritual might of this nation. Let us treat it with the consideration it is due.

Very truly yours,

C. L. Denton, Jr.

I. M. SHEFFIELD, JR., HONORED BY THE ATLANTA JAYCEES

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. THOMPSON of Georgia. Mr. Speaker, we, in the Fifth District of Georgia, are extremely proud of the Atlanta Junior Chamber of Commerce and the wonderful service its members have performed in our community. Because of their continuous support of, and work in, civic and community projects, the Jaycees regularly recognize outstanding civic, business, and financial leaders with honorary lifetime memberships.

One of Atlanta's leaders most recently so honored by the Atlanta Jaycees is Mr. I. M. Sheffield, Jr., and I take great pleasure in inserting into the Record information about this fine citizen, as reported by Dixie Business magazine, edited by Mr. Hubert F. Lee.

Also, I insert in the Record a brief article about the newly elected president of the Atlanta Jaycees and their past presidents.

The materials follow:

I. M. Sheffield, Jr.

Sheffield—One of Atlanta's outstanding men, I. M. Sheffield, Jr., has received the coveted Honorary Membership in the Atlanta Jr. C. of C.

Isham Mallie Sheffield reminds me of the late Guy Woolford, who with his brother, Cater, founded the Retail Credit Company. He is a man who believes that great things can be done by those who don't care who gets the credit.

I was the first editor of the Atlanta Jr. Chamber publication in 1922. Mr. Sheffield was a charter member in 1921 while I was a reporter for the Atlanta Constitution.

One of his fondest memories is of the National Jaycee Convention in 1928 which was held in San Antonio, Texas.

He helped elect Baxter Maddox national vice president.

The Southern Banker in March 1960 issue reported his election as a director of the National Bank of Georgia.

SHEFFIELD NAMED DIRECTOR

Joseph Earle Birnie, president The Bank of Georgia, Atlanta, Ga., has announced the election of I. M. Sheffield, Jr., Atlanta businessman, as director of the bank.

Mr. Sheffield, chairman of the Life Insurance Company of Georgia, has served as the president of the Life Insurers Conference. A charter member of the Atlanta Junior Chamber of Commerce, he is a member and former director of the Chamber of Commerce and member of the Georgia State Chamber of Commerce.

Mr. Sheffield is also a director and past president of the Atlanta Better Business Bureau and a member of the Georgia Tech Foundation. He is chairman and past president of the Atlanta YMCA and trustee of the Georgia Baptist Hospital. A native of August, Ga., Mr. Sheffield is a graduate of Georgia Tech and the Atlanta Law School.

SHEFFIELD GETS "1969" SALESMAN AWARD

On the evening of April 11, 1969, the "Salesman of the Year" for 1969 was another fine honor for Mr. Sheffield, given by Sales and Marketing Executives.

It was in recognition of the 69-year-old philanthropist's work last year with Georgia Baptist Hospital, the YMCA of Metropolitan Atlanta and Atlanta Baptist College.

Merchant Prince Richard H. Richard & Atlanta Architect John Portman are former recipients of the award.

The Atlanta Junior Chamber over the years has honored the following civic, business and financial leaders with Honorary Lifetime Memberships:

Austin Abbott, William B. Hartsfield, Harrison Jones, Frank Neely, A. L. Zachry, Dr. Allen D. Albert, Jr., Mrs. Dan Byrd, Jr., Mills B. Lane, Jr., Fain Peek, Robert S. Lynch, H. O. Smith, Fred B. Moore, Richard H. Rich, Abe Goldstein, Oby T. Brewer, Sr., 33° pp, James V. Carmichael, Edgar J. Forio, Robert R. Snodgrass, Granger Hansell, A. L. Feldman, Fred J. Turner, Ivan Allen, Sr., Hughes Spalding, Sr., John A. Sibley, Robert F. Maddox, Ivan Allen, Jr., Ben S. Gilmer, Edward Smith, Joseph Sheehan, Rawson Haverty, Dr. Noal Langdale, John J. McDonough, J. Pollard Thurman, Dr. John Letson, and I. M. Sheffield, Jr.

Jaycees: The New President

Jimmy Cleveland is the 1969 president of the Atlanta Jr. C. of C.

Jimmy is a third generation member of the Cleveland Electric Company.

His grandfather, Noble Ras H. Cleveland founded the company in 1925.

I was in the "Ras H. Cleveland" class when I was initiated in the Shrine.

Noble Ras Cleveland was recovering from a heart attack, so his two sons, Noble Louie W. Cleveland and Noble J. R., Sr., Jimmy's father, represented him.

Jimmy graduated in 1960 from Georgia Tech with a BS degree in Industrial Management. Congratulations.

PAST PRESIDENTS

John Westmoreland, 1921; Eugene Oberdorfer, 1922; Palmer Blackburn, 1923; Roy LeCraw, 1924; John M. Slaton, Jr., 1925; Fitzhugh Knox, Jr., 1926; Herbert B. Kennedy, 1927; Baxter Maddox, 1928; Jonathan Woody, 1929; Joe W. Ray, 1930; Frank K. Shaw, 1931; Rayford W. Thorpe, 1932; Duncan G. Peek, 1933; Clifford Hendrix, 1934; Everett G. Jackson, 1935; and J. B. Couch, 1936.

F. Dale Kelly, 1937; Wm. A. Horne, Jr., 1938; Herbert B. Hayes, 1939; Vernon S. Brown, John L. Parks, 1940; O. C. Hubert, 1941; Fred Sington, 1942; R. W. Schilling, 1943; Donald L. Moore, 1944; B. L. Brown, 1945; Dan C. Flinn, 1946; W. Lee Burge, 1947; Sidney Haskins, 1948; Hamilton Douglas, Jr., 1949; Clifford Oxford, 1950; Irving K. Kaler, 1950; Joseph A. Wyant, 1951; and Charles H. Smith, 1952.

Harold J. Selfen, 1953; Stewart Wright, 1954; DeJongh Franklin, 1955; John H. Thurman, 1956; Robt. L. Marchman, III, 1957; L. Douglas Cooke, Jr., 1958; Daniel C. Kyker, 1959; Dom Wyant, 1960; Jim Pilcher, 1961; Lamar Sheats, 1962; O. K. Sheffield, Jr., 1963; Wm. Frankel, 1964; Sam Buckmaster, 1965; Ivan Allen, III, 1966; Jim Goldin, 1967; and Claude H. Grizzard, 1968.

APPOINTMENT OF HERBERT APTHEKER TO FACULTY OF BRYN MAWR COLLEGE

HON. RICHARD (DICK) ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. ICHORD. Mr. Speaker, Mrs. Robert Williams, of Wilmington, N.C., an alumna of Bryn Mawr College, Bryn Mawr, Pa., recently furnished me a copy of a letter she had written to that college protesting the appointment of Herbert Aptheker to the faculty.

Herbert Aptheker has been publicly identified as a national functionary of the Communist Party, USA. He has been described as one of the party's most effective speakers and as one who does not hesitate to distort the basic Communist theories in order to make them more palatable.

I, like so many Americans, share Mrs. Williams' concern. American youth has always been a major Communist target. Any success by Aptheker in attracting students to the Communist Party, particularly through the distortion of domestic and foreign issues, is always a very dangerous potential.

The letter follows:

WILMINGTON, N.C., *July 1, 1969.*

Miss KATHARINE MCBRIDE,
President,
Bryn Mawr College,
Bryn Mawr, Pa.

DEAR MISS MCBRIDE: As a once proud alumna of Bryn Mawr College, I must protest the appointment of Herbert Aptheker to the faculty since I am and ever will be a proud citizen of our country.

My ancestors have served the government of the United States from its inception and have worn its uniforms. My present family continue to serve it and uphold its ideals. My son is about to leave, without protest, for Vietnam.

It is a source of amazement and sorrow to me that my college should engage a man who professes to abhor and seeks to undermine our government while partaking of its bounty and protection. By so doing you sanction his views and delude the youth of our country. I cannot believe that pride in and responsibility for our heritage have meaning for only a minority of Americans.

As long as Bryn Mawr College maintains its present position, please remove my name from the alumnae role.

Sincerely yours,
Isabel Martin Williams,
Mrs. ROBERT W. WILLIAMS,
Class of 1942.

MILITARY JUSTICE REFORM LAW GOES INTO EFFECT

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. BENNETT. Mr. Speaker, last year, in the 90th Congress, the most far-reaching and significant advance in the field of military justice in almost two decades was put on the books—with the enactment of the Military Justice Act of 1968. The law is the first important change in this field since the passage of the Uniform Code of Military Justice, which went into effect May 31, 1951.

I was pleased and privileged to be the chief House sponsor of the Military Justice Act of 1968, working with Senator SAM ERVIN, of North Carolina, and the key legal officers from the Pentagon for many years to bring about reform and equity in our military justice laws.

On August 1, 1969, the Military Justice Act of 1968 went into effect. I am continuing my efforts for reform in this key area for our servicemen, and have pending two bills which would further extend meaningful and protective benefits to military personnel.

One bill, H.R. 943, would guarantee servicemen due process in military administrative discharge procedures, and the second bill, H.R. 4225, would give Federal courts jurisdiction to try persons who are or have been connected with the Armed Forces when their discharge or civilian status allows them to escape prosecution for crimes they committed while under military control. I am hopeful further updating and reform in the military justice laws will take place in the 91st Congress.

An article in the New York Times of August 3, 1969, explains the new Military Justice Act and I commend its reading to the House of Representatives:

MILITARY TRIALS GET REVISED CODE—NEW REGULATIONS IN FORCE ON RIGHTS OF ACCUSED

WASHINGTON, July 31.—A law providing widespread reforms in the system of United States military justice becomes effective tomorrow.

The Military Justice Act of 1968 was signed by President Johnson last October, but except for two provisions involving judicial review, its implementation was delayed nine months to permit a joint military service committee to rewrite a court-martial manual and regulations.

The new law makes extensive changes in the Uniform Code of Military Justice, which was enacted in 1950. The code was the culmination of a drive to reform the courts-martial system after World War II.

The new law makes significant changes in the authority of military judges, courts-martial procedures, qualifications of legal counsel, release of the accused pending appeal, and appellate review.

The most significant provision of the law assures the defendant of representation by legally qualified military or civilian counsel unless it "cannot be obtained on account of physical conditions or military exigencies."

NOT REQUIRED UNDER CODE

Qualified legal counsel was not required under the Uniform Code of Military Justice and in some cases defendants were represented by officers with no legal qualifications.

The new law is also directed toward the criticism that post commanders could apply pressure on participants in courts-martial. The law prohibits mentioning in efficiency or fitness reports the performance of a servicemen as a member of a court-martial.

Major changes have been made in the procedures of general courts-martial, which deal with felonies and other major offenses. The law redesignates the law officer of a military court-martial as a military judge and makes him part of an independent judiciary that is not responsible to the commander of the installation where the court-martial is conducted.

Another change in general courts-martial and special courts-martial, which deal with less serious offenses, permits the defendant to request that his case be heard by a military judge alone. Military judges are prohibited from deciding general courts-martial cases alone if the death penalty may be imposed.

If an enlisted serviceman desires to be tried before a court-martial board, he may also request, during a pretrial session, that enlisted men be represented on his board.

COUNSEL AND TRIAL

The law requires legal counsel and a trial before a military judge in a case where a bad-conduct discharge may be imposed. It permits the accused to refuse trial by a summary court-martial, which is the least serious type.

A summary court-martial is tried before a single officer and it involves minor offenses.

Since the accused does not have the right to legal representation at a summary court-martial, he could ask for legal representation at a special or general court-martial despite the minor nature of the alleged offense.

With regard to judicial review, the new law permits the release of the defendant from confinement pending an appeal and allows the accused two years to petition for a new trial.

The law changes the name of Boards of Review to Courts of Military Review and redesignates the board members as appellate military judges. The Judge Advocates General are given the power to review cases that have not been reviewed by the courts and to change the findings if new evidence of error or fraud may have been involved.

PAN AMERICAN'S MISSION TO MOSCOW

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. PELLY. Mr. Speaker, the President of Pan American World Airways, Najeeb Halaby, has made a personal inspection of the Russian Supersonic Transport, the TU–144, and has indicated the aircraft now has flown at supersonic speeds, is ahead of the British-French Concorde in development, and is at least 5 years ahead of the United States.

Halaby's concern is reasonable, Mr. Speaker, for as I told the House on May 20, in the Moscow to New York service on which Pan Am and the Russian Airline, Aeroflot, compete, the Soviets have carried more than twice the number of passengers than have their American counterpart.

The name of the game is competition, Mr. Speaker, and anyone who does not think the Russians have begun an all-out drive to take away the lead of American aviation, both in production of aircraft and in the airlanes of the world, has closed their minds.

This threat makes it all the more imperative that the United States continue its orderly development of the SST. The argument no longer is whether there will be an SST or not. The argument now is whether it will be an American, a British-French, or a Russian SST that dominates the airline passenger service of the world.

The Seattle Times, July 31, commented on the Halaby trip to Moscow, and I ask unanimous permission for this editorial to appear at this point in the RECORD.

PAN AMERICAN'S "MISSION TO MOSCOW"

Najeeb Halaby, president of Pan American World Airways, was in Moscow this week for a personal look at the Russian supersonic transport, the TU–144.

Halaby has not signed any sales contracts, but the visit itself ought to be sufficient "handwriting on the wall" to administration officials concerned about maintaining America's world leadership in commercial airplane sales.

The visit is the first public sign that a major Western airline is taking the TU–144 seriously. It constitutes a long step in the Soviet Union's effort to market one of its commercial planes in the West.

While the TU–144 and the British-French supersonic Concorde are making test flights, America's faster-than-sound commercial project is still on the drawing boards at The Boeing Company, awaiting an administration decision on whether to proceed with construction of two prototypes.

Funds carried over from the fiscal-year 1969 budget are sufficient to continue design work until January 1.

But a decision must be made soon on whether to compete with the Concorde and the TU-144 or face loss of one of the most important mainstays of America's position in international trade.

Pan American's "mission to Moscow" is convincing evidence of that.

A NEW VIEW OF THE FARMER

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. SCHERLE. Mr. Speaker, the view of our Nation's farmers has changed in the past 10 years, according to an editorial opinion of the WHO Broadcasting Co., in Des Moines, Iowa. The editorial points out that the era of heavy criticism of the American farmer has passed with the realization that the farmer is not just a farmer, but a food producer. I offer this editorial for the RECORD not only for its merit of disavowing an age-old myth of the role of the American farmer, but as a reminder of the ever increasing importance of the agri-business community in our Nation and world.

A NEW VIEW OF THE FARMER

A quiet revolution has occurred the past 10 years in the city man's opinion of farmers. We passed through an era of heavy criticism. The farmer was pictured with horns . . . that guy who was taking government subsidies for not growing crops. The transformation happened because of food shortages in the world. Russia had to buy wheat from Canada. The American farmer lost his horns. Some of the strawhat, oat-straw chewing, and bibbed overalls stereotype went with them. The farmer wasn't just a farmer, he became a food producer. We all love to eat. It's better to have too much . . . than to have too little. No attacks on the American farmer now . . . in the national press. It's a step in the right direction.

SUPPORT OF AMENDMENTS TO THE SOCIAL SECURITY ACT TO PROVIDE COST-OF-LIVING INCREASES AND TO RAISE THE EARNINGS LIMITATION

HON. CHARLOTTE T. REID

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mrs. REID of Illinois. Mr. Speaker, rising living costs continue to be of deep concern to all of us—but it has been clear for sometime that inflation has caused especially severe hardships for those who must live on fixed incomes. There are about 22 million retirees in the United States receiving social security checks each month—with well over a million in Illinois alone. Obviously, inflation strikes most deeply at those older people who are living on their savings, insurance, and pensions. Most of these older Americans do not have the means to defend themselves against higher living costs produced by the inflationary spiral.

The Nixon administration and the Congress are committed to a fight against inflation and for stabilization of the dollar, but in the meantime we must review the adequacy of present social security benefits and make necessary changes. While Congress has periodically increased social security pensions, there is generally a timelag of several days during which the pensioners have suffered from a drop in their purchasing power. Since the last increase became effective in February 1968, the consumer price index rose 4 percent through December 1968.

Today, I am introducing two bills relating to the social security program. The first would provide an initial increase in the benefits payable to individuals equal to the rise in the cost of living since the last increase in February 1968—to be followed by automatic adjustments of benefits whenever the consumer price index rises by 3 percent or more.

The second bill would increase the earnings limitation from $1,680 to $3,600 a year. In my judgment, it is wrong to penalize people who want to work and to keep them from social security benefits toward which they have contributed for years. The policy of this Congress and the Federal Government ought to be to encourage productivity rather than to discourage it.

In my opinion, the enactment of these two measures would be a great step toward helping the elderly obtain the independence, dignity, and opportunity which they desire and deserve. It is my hope that the Committee on Ways and Means will give this proposed legislation immediate attention.

HIGHER EDUCATION FOR HIGH SCHOOL GRADUATES

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. O'KONSKI. Mr. Speaker, while many colleges and universities around the country are floundering in the dark, not knowing where they are going, Mount Senario College of Ladysmith, Wis., is meeting the problem head on.

I would like to call the attention of my colleagues to a program inaugurated by this northern Wisconsin college, which accords high school graduates an opportunity to better themselves by virtue of a higher education.

I commend those at Mount Senario College who are responsible for this new program, and I salute the Galvin Trust Fund in Chicago for the role which it is playing in this important venture.

Mr. Speaker, I am inserting in the RECORD today the news release from Mount Senario College outlining the details of this new program which will begin this fall:

HIGHER EDUCATION FOR HIGH SCHOOL GRADUATES

LADYSMITH.—A program which will afford high school graduates an opportunity to enhance their learning potential and to improve their capabilities for doing college work will begin this fall at Mount Senario College.

In announcing the College Institute, Father Michael Doyle, Acting President of the College, said, "Students admitted to this program will have the potential to do college work, but are not adequately equipped to carry a full college load. The main objective is to create a program in higher education which will heighten the opportunity for young people to equip themselves to assume leadership roles in the structure of our society."

It is anticipated that the Institute will allow the student to receive personal, specialized attention in basic skills which form the foundation for all higher education: reading, mathematics, and the communication arts.

Sister Eileen McGing, O.S.M., Director of the Institute, pointed out that: "Today, large numbers of promising young people are being turned away from American colleges and universities because screening techniques of higher education are geared to the average student and the institutions lack the personnel and equipment to provide the personalized attention which this program affords."

The faculty-student ratio at Mount Senario is geared to provide an opportunity for every student to intellectually mature in an atmosphere of understanding guidance. Students in the College Institute will be designated as special students and may be permitted to simultaneously take a limited number of courses for college credit as well as their participation in the developmental learning program. At the completion of a semester's work, each student will be evaluated and if satisfactory progress is made, will be admitted to Mount Senario College as a full-time student.

Supporting funds for MSC's College Institute have been provided by a grant from the Galvin Trust Fund in Chicago, Illinois. Mrs. Virginia Galvin, widow of Paul Galvin, founder of the Motorola Corporation, has established this fund in memory of her husband: $1000, will be received by Mount Senario during the next two years for the program. An additional $150,000 will be made available over the succeeding five years. These funds will cover faculty salaries, equipment and materials used in the program.

Registrations are now being accepted for the Mount Senario College Institute. Graduates of approved high schools will be professionally tested and advised to their best course of action by the Institute personnel. Those interested in participating in this program should call or write:

Director of College Institute, Mount Senario College, Ladysmith, Wisconsin 54848. (715) 532-5511.

CAVE SPRINGS RECREATIONAL AREA

HON. WILLIAM C. WAMPLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. WAMPLER. Mr. Speaker, it was my privilege recently to participate in the dedication ceremony for the Cave Springs Recreation Area in Lee County, Va., which is part of the Ninth Congressional District.

The Cave Springs Recreational Area is a result of cooperation among people on the Federal, State, and local levels of government. Local government bodies, interested residents, the Virginia Department of Highways, the U.S. Forest Service, and the U.S. Department of Labor worked together to build this economic and recreational area in southwest Virginia.

This area is located a few miles north of Dryden, Va., at the foot of Stone Mountain. Roads into the camp are, or will be, hardsurfaced. Graveled paths lead from the main circular drive through shady groves of laurel and towering pine trees. These paths follow a babbling brook which flows from Cave Spring. Past the cave, a path leads to a lookout on a ridge. There are also foot bridges, and a swimming pond will soon be completed.

There are some 500 acres in the general camp area, and some 20 acres in the campsite proper. There are 49 campsites and three buildings which contain modern lavatory facilities with automatically adjusting showers, ceramic tile floors, and ceramic walls. Each campsite has such conveniences as a table, grill, and garbage receptacle. All masonry work is in native stone.

At this time I would like to particularly commend the Department of Labor for its contribution, through the Job Corps and Operation Mainstream, in the creation of the Cave Springs Recreation Area. This area is truly a monument to what can be accomplished through cooperation.

A DEMOCRATIC SOCIETY CANNOT DEPEND ON FORCE

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. HAWKINS. Mr. Speaker, what are the underlying factors of the escalating violence between police and dissenters? In an interview with staff writer Trudy Rubin of the Christian Science Monitor, Prof. Jerome H. Skolnick, University of California at Berkeley, who directed a task force study of violent aspects of protest and confrontation for the National Commission on the Causes and Prevention of Violence, warns that appeals to law and order alone cannot silence protest.

Professor Skolnick is a well known and respected authority on police behavior and has authored many articles on police-community relations. His views merit the attention and study of all who are seriously concerned and seeking solutions to one of the most explosive issues of our time.

The text of the interview follows:

[From the Christian Science Monitor, July 31, 1969]

A DEMOCRATIC SOCIETY CANNOT DEPEND ON FORCE

Do you feel that the public and public officials correctly understand the nature of political protest today?

I think the testimony of J. Edgar Hoover to the violence commission in which he states "Communists are in the forefront of civil rights, antiwar, and student demonstrations" represents fairly well the dominant police view of protest in the United States. This opinion, coming as it does from the leading law-enforcement official in the United States, has wide acceptance in police work throughout the country.

However, we found, by contrast, that several distinguished investigating committees such as the blue-ribbon commission appointed by the regents of the University of California to study the Free Speech Movement, and the Cox Commission which examined the disturbances at Columbia University found that protest was not the result of a conspiracy. The Cox Commission stated "that demonology is no less false than the naive radical doctrine which attributes all wars, racial injustices, and poverty to the machinations of the capitalist and militarist establishment."

Why do you feel that FBI and the police support the "conspiracy" interpretation?

One problem is the method used in gathering evidence. Our findings tend to agree with surveys by Fortune magazine and CBS and statements by 22 Republican congressmen who toured the campuses this spring. However, those using social-science methods have come to very different conclusions than the FBI.

One reason is that the FBI suffers from a sampling problem: they infiltrate the hard core and take hardcore rhetoric very seriously. There is a difficult problem in how to interpret rhetoric—one has to be able to sort out the absurd from the serious.

Another problem in police interpretation is their tendency to view all protest as illegitimate misbehavior rather than legitimate dissent against policies which might be wrong. Moreover, their broad criteria for "leftists" often may not distinguish "dissent" from "subversion."

What is the basic interpretation you feel federal officials place on rhetoric?

I think there is a misinterpretation of the meaning of the student movement. In his statements on students President Nixon has said that fundamental American values such as liberty and human dignity and concern for the oppressed are being challenged by the students. On the contrary, I think that what the students are asking for is that these values be implemented. As far as conscience and human dignity, students see their dignity and conscience being attacked by being forced to fight in a war in which they don't believe.

Do you think that the increased use of violence in protests has led to misinterpretation by federal officials?

One of our findings is that there hasn't been that much violence in student protests on the part of students. For instance, most people think there were riots during the Free Speech Movement at Berkeley in 1964. There were no riots. There was a nonviolent sit-in and some disruption, but there was no violence.

There are some students and nonstudents who are nihilistic and seeking confrontation and who are willing to resort to violence. I won't call them SDS since SDS has great internal ideological differences. However, this group is very small and its support is usually achieved or dissipated according to the response of the authorities.

Our commission found that much of the physical violence at demonstrations has been perpetrated and escalated by the police. For example, in April, 1968, four months before the Democratic National Convention, there was a perfectly peaceful demonstration in Chicago in which the Chicago police initiated the violence. An investigation was conducted by an independent committee chaired by Dr. Edward J. Sparling, president emeritus of Roosevelt University; membership included such persons as Prof. Harry Kalven Jr., of the Chicago Law School, and Warren Bacon, vice-president of the Inland Steel Corporation.

The report said, "On April 27, at the peace parade of the Chicago Peace Council, the police badly mishandled their task. Brutalizing demonstrators without provocation, they failed to live up to that difficult professionalism which we demand."

However, the report found it "inappropriate" to place "primary blame" on the police for "the April 27 stage had been prepared by the Mayor's designated officials weeks before." It also found that "many acts of brutal police treatment on April 27 were directly observed (if not commanded) by the superintendent of police or his deputies." This incident is interesting in that it got very little newspaper publicity.

The commission has found other illustrations of police violence in New York, Boston, Los Angeles, and various parts of the country. The Kerner Commission found that during the major ghetto riots much of the violence was perpetrated by the police. For instance, reports of snipers were often untrue and police fired indiscriminately into buildings.

Partly as a result of such police action, black, student, and antiwar protesters mostly believe that legal institutions serve power and are incapable of remedying social or political problems.

Are we asking too much of the police, asking them to cope with social problems which should not be left to law enforcers?

We emphasize strongly that we see cities deteriorating and near bankruptcy and this of course is behind protest. This creates a lot of frustrated and angry people, and the people who have to handle this frustration and become the immediate object of it are the police.

The police themselves are in an increasingly difficult situation. They are overworked, undertrained, underpaid, and undereducated. They are very paranoid about their lives as well they might be. It's very difficult to be a policeman today because you're a target for hostility. So anybody who gets out of line becomes an object of concern and often overreaction.

But in addition you have the fact that the police themselves contribute to this by having a view of minorities and protests that is distinctly hostile. So when the police meet up with student or minority demonstrators in effect you have two hostile groups confronting each other instead of a restrained professional group dealing with a protest.

Did the commission find any general pattern of police behavior across the country?

I think the response of most police departments to minority groups and protest groups is pretty much the same all over the country. For instance, witness the behavior of the Berkeley police, considered to be the most enlightened in the country, at "people's park number two" a few weeks ago. (The Berkeley police raided the park in the middle of the night, uprooted flowers and trees planted by nonstudent squatters, and ripped down several structures built by the "street people." The police involved were reprimanded by their chief for "inappropriate" action.)

The best example we found of how a department should act is the behavior of the Washington, D.C., police during the Nixon inaugural. There were some kooks . . . who tried to make trouble by staging a counter-inaugural. The city authorities responded (1) by not taking the intelligence reports too seriously which is very important and (2) by seeing to it that the police were disciplined and did not lose their cool.

We also cited an example of a recent major antiwar protest in London which resulted in no serious violence; trouble was avoided by a superbly disciplined and restrained team of policemen.

Do you think the police are only reflecting the views of the society which hires them?

Yes, to an increasing extent. The police do come from a social position which tends to hold conservative views. They are reinforced by the problems of our urban areas, and also by the nature of police organizations which are set up in a kind of paramilitary fashion which often rewards a man for the number of arrests he makes. Police also tend to be a very closely knit group which sees the world in the same way and have a loyalty far greater than any ethnic group because they are facing danger.

Perhaps most important, these views are increasingly being reinforced by political authority. Police are very responsive to outside politics. Their conservatism makes them not much of an initiative force. They are initiating action now because they are allowed to.

In what way are they initiating action?

The police today are becoming increasingly politicized, especially through their fraternal organizations. We are witnessing illegal police strikes, "blue flu" slowdowns, extensive political lobbying, court-watching, and even self-conscious political organization by the police.

Does your task force consider increased police activism unhealthy?

Yes. Self-conscious political organization by police may threaten our long tradition of impartial law enforcement. In many cities and states the police lobby rivals even duly elected officials in influence.

Even more dangerous are instances of organized police revolt against the authority of police commissioners, civic government, and the courts. For instance, in the wake of a riot in Cleveland in July, 1968, following a shootout in which three policemen were killed, Negro Mayor Carl Stokes ordered police withdrawn from the community for one night to allow black community leaders to quell the rioting and avoid deaths. Police reportedly refused to answer calls and hung posters with the picture of Mayor Stokes, under the words "wanted for murder" in district stations.

There are growing numbers of police attacks on blacks, unrelated to any legitimate police work, such as the recent attack on a group of Black Panthers outside a New York City courtroom by a white group alleged to include off-duty policemen.

Another instance of revolt against authority in New York City came when the president of the Patrolmen's Benevolent Association there instructed his membership, about 99 percent of the force, that if a superior told them to ignore a violation of the law (for instance, to avoid shooting fleeing looters if it might create a larger disturbance) policemen were to ignore the orders.

How do you feel the problem of civil disorder should be met?

As we said in the task force report, we believe that the law must be enforced fairly and that the machinery of law enforcement needs upgrading, but we must distinguish carefully between increased firepower and enlightened law enforcement.

I think the only way this problem will move toward resolution is through what I see as a national debate over the priorities of American life. I see the police as part of a greater security complex, a complex over both internal and external security and the kinds of resources the nation is going to put into these efforts.

If we are going to be a nation which worries about security to the extent that we are willing to erode civil rights and liberties to attain it and continue to allow our cities to go bankrupt then I see the situation growing worse. A democratic society cannot depend on force to constantly answer legitimate grievances. In the long run the nation cannot have it both ways: Either it will make a firm commitment to widespread social and political reform, or as we wrote in our report, "It will become a society of garrison cities where order is enforced with less and less concern for due process of law and the consent of the governed."

MORE GUN CONTROL NONSENSE

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. HUNT. Mr. Speaker, on June 26, 1968, testifying on firearms legislation before the Senate Subcommittee on Juvenile Delinquency, Franklin L. Orch, executive vice president of the much maligned National Rifle Association of America, stated:

> The question that we have now before us is whether or not the American public is to continue to enjoy the possession and use of firearms for sport and defense, unhampered by restrictions which appear to be not only suspect but also prohibitory in their ultimate effect . . . At the outset, the object of the voyage was a regulatory addition to existing law to meet what was deemed to be the exigencies of the case. As time passed, the direction of the legislative effort changed from regulation to prohibition. First, it was prohibition on handguns in commerce; then, rifles and shotguns. Finally, we hear from the Administration and from various lawmakers in the Congress that even prohibition is not enough, and that we must have general registration and a possession license in order to have really meaningful controls.
>
> I have said many times before, Mr. Chairman, that the ultimate purpose of many of those who advocate severe federal restrictions is to make the controls so complex and burdensome as to bring about a virtual negation of the possession and use of firearms by the law-abiding citizen—as to reduce the right to own and use firearms to a practical nullity. The mounting evidence in public statements and in the kind and number of proposals certainly lends substantial credence to my warnings . . .

Then, in the Congressional Record of June 27, 1968, arguing for stringent mandatory sentences for persons convicted of using or carrying a firearm in the commission of a crime, I said:

> It is the criminal that society must be protected from rather than being lured into believing that the deranged individual will be less a potential criminal or his acts less damaging by a complacency that he can be prevented from coming into the possession of a firearm. Taken to its logical conclusion, the only gun-control legislation that might approach effectiveness in accomplishing this would be to outlaw all guns, except for duly constituted law enforcement authorities, so that it can then be presumed that anyone possessing a gun is a potential criminal. Surely, this is not the weight or intent of public opinion.

True to the trend, but perhaps sooner than expected, it is not without significance that while the Senate Subcommittee on Juvenile Delinquency was receiving testimony on firearms legislation, the President's Violence Commission, on July 28, 1969, released a report recommending a Federal system of handgun licensing designed to remove from circulation more than 90 percent of the estimated 24 million privately held handguns in the Nation. The purported causal relationship between criminality and the availability of handguns is indicative of the logic used to resist, by elements of the judiciary and the legislative branch alike, the imposition of stiff, mandatory sentences for persons convicted of using or carrying a firearm in the commission of a crime. The argument seems to go like this: The criminal user of a firearm is the victim of his society because its laws permit him relatively easy access to firearms. Therefore, the law-abiding citizen who cannot show a "special need for self-protection" should be required to surrender his gun. In the words of an editorial in the Evening Star of July 30, 1969, this is just so much "More Gun Control Nonsense." Interestingly enough, this editorial is followed by another, while unrelated in content, is pertinent in title: "Exercise in Futility".

I commend to the attention of the Members the full text of the Evening Star editorial which follows:

More Gun Control Nonsense

> As an introductory note to this editorial comment, an item in the crime news is worthy of attention. On Monday there were 22 armed robberies in Washington. This brought the July total as of that date to 450, compared to 332 armed robberies in all of July of 1968.
>
> In the face of this a task force of the President's Violence Commission (appointed by President Johnson) comes forward with a wacky recommendation. Its proposal is, except in a very small number of cases, that all Americans should be required to surrender any hand guns they own to the government.
>
> Here is the task force's reasoning: This is the only way in which the United States can break "the vicious circle of Americans arming to protect themselves from other armed Americans." Now what does this really come down to? Even the task force, we suppose, would concede that criminals are not going to surrender their hand guns. So what they are saying is that no homeowner, to cite one example, should be permitted to keep a hand gun in his own house to protect himself, his wife, and his children against the night when some armed criminal might break into his home. Their argument is that home owners "may" seriously overrate firearms as a method of self-defense against crime. The "loaded gun in the home creates more danger than security."
>
> This strikes us as blithering nonsense. How many members of this task force have been awakened in the middle of the night by a scream for help by some member of his family? Probably not one. But thousands of Americans are exposed to this dreadful experience every year. And in such a situation what is an unarmed householder supposed to do against an armed intruder? Hide under his bed, and never mind what happens to his family?
>
> The major thrust of this soft-in-the-head report is that the requirement to surrender your hand gun of which there are an estimated 24 million in the country, would reduce crime. This is absurd, for the criminals are not going to surrender their guns. A better and much more realistic way to deal with this problem will be found in legislation now being considered in Congress.

The intent of this legislation is to provide tough, really tough, mandatory penalties for criminals who use guns in the commission of a felony, such as rape, robbery or burglary. For a first offense the penalty generally favored would be a mandatory jail sentence in a federal jurisdiction, which includes Washington, of from one to 10 years. A judge would be forbidden to suspend this sentence or to make it run concurrently with the sentence for the primary offense. In case of a second offense, much stiffer jail sentences are proposed, and they should be written into law.

A similar bill passed the House last year, but was watered down in the Senate before becoming law. The argument then was that mandatory sentences deprive judges of discretion in imposing penalties. And so they would. But in one week at the time the watered-down bill was passed 17 criminals in this city were found guilty of crimes in which guns were used. In six of these cases, more than one-third, the judge imposed suspended sentences, which means that no jail terms were served for using a gun.

So we say let's make the sentences mandatory. And let's not deprive the law-abiding citizen of hand guns in his own home while the criminal element will remain armed to the teeth.

CORRESPONDENCE ON THE HORACE MANN SCHOOL

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. MIKVA. Mr. Speaker, I would like to insert at this point letters from the Horace Mann School PTA, a grammar school in my district, to the local school superintendent and to myself.

I believe that these letters provide a valuable insight into the educational situation in the inner city. These letters point up the existence of a crisis in our schools. A lack of funds and poor rapport between administrator and administered have led to a sad deterioration in the quality of education in the areas where good education is needed most. One thing that is not lacking, however, is a strong interest and a willingness to work on the part of the community. This community interest is one of our greatest assets in this area, and we must encourage rather than frustrate it.

The letters referred to follows:

Horace Mann School PTA Board,
Chicago, Ill.

Congressman Abner Mikva,
House of Representatives,
Washington, D.C.

Dear Mr. Mikva: Enclosed you will find a copy of a letter which we have recently sent to Dr. Curtis Melnick.

It is our desire to have this copy as well as other correspondence which was sent to you on May 21, 1969 by Mrs. Cynthia Samson, entered into the Congressional Record.

May we thank you again for your sincere interest in the problems of South Shore schools, particularly, Horace Mann.

Sincerely yours,

Rev. Lester Bell,
President.

Horace Mann PTA,
Chicago, Ill.

Dr. Curtis Melnick,
Superintendent, Area A,
Chicago, Ill.

Dear Dr. Melnick: We are writing with reference to your meeting with our Grievance Committee on April 28.

This meeting was fruitful and your concessions to our demands, fair.

Your agreement to the establishment of two E.M.H. classes, an educational resource room, and the acquisition of a remedial reading teacher, will aid in solving many of the outstanding problems at Horace Mann.

During the past two months, we have witnessed a minor change in the frequency of cultural programs at Mann. It is our sincere desire to see our school involved in meaningful and educational activities. We are certain that your acknowledgment of the absence of such curricula in the past year was a step toward their reinstatement.

Now that the school year is coming to a close, there are serious questions concerning the discipline at Mann. The last few weeks in particular have brought the school to the brink of tragedy. We can only hope that in spite of a reported forty per cent turnover in teaching personnel, Horace Mann will project a more positive image in September.

In addition to our demands, which were presented to you on April 28, we have found other problems which require your immediate attention.

With the addition of eight more mobile units, the need for the grounds to be blacktopped has increased. The small amount of gravel which has been placed around the existing units does not substitute for a solid surface, which would provide improved access to the mobiles as well as the main building.

Many teachers have found fault with the tenuous visits of the teacher supervisors. In view of the many new teachers arriving in September, we hope that you will encourage the use of supervisors to orient incoming personnel to the problems and curriculum that are singular to Mann.

We have spoken recently with your assistant, Mr. Phil Harris, about the possibility of a School-Community representative at our school. His reply at that time was that a third teacher aide had been added to the staff and perhaps one of the aides could serve as our liaison between the school and the community.

After much consideration of the proposal, we have reached the agreement that the use of the teacher aide in such a capacity, is not acceptable.

Our needs are great. The problems that have surfaced at Horace Mann in the past two years, in our opinion, can only be handled by a qualified, experienced, professional. Please consider this letter as our request for such a person.

The various committees of our P.T.A. will be functioning over the summer months in preparation of a lasting alliance between community and school.

Should the need arise, our Grievance committee may wish to meet with you. We are confident that you will, as you have in the past, be receptive to any new proposals they may present.

Very truly yours,

Rev. Lester Bell,
President.

Chicago, Ill., *May 21, 1969.*

Congressman Abner Mikva,
House of Representatives,
Washington, D.C.

Dear Mr. Mikva: Mr. Leon Davis has suggested that you are concerned about the school situation in South Shore and would be interested in knowing the experiences of our parents group. I apologize for the delay in writing, but as you can see, we have all been quite busy.

Horace Mann Elementary School (8050 S. Chappel) has changed in a relatively short time from an all white school to one which is today about 85% black. The school boundaries are: Stoney Island on the west; 83rd St. on the south; approximately Yates on the east and approximately 76 St. on the north. The lines vary a little on the east and north. The school was built for 800 pupils. Since September we have had over 400 new enrollments and the school, with 8 mobile classrooms, and 8 more requested, now pops at the seams with between 1,350 and 1,400, kindergarten through eighth grade, children. The neighborhood, as you no doubt know, is still predominantly middle-class.

Our troubles began before September, 1968. Mr. John Graven our principal was an innovative and creative man who was forceful enough to get supplies for the school and convince experienced teachers to work there. He also initiated and followed through on many programs which provided the enrichment needed by all children. His one failing (and perhaps it was forced on him by a system which demanded it if he was ever to move forward in his profession) was his apparent desire to keep the lid on until he could move up. He would categorically deny that there were any problems at the school. Parents were not informed of discipline problems. When white parents complained, they were told that it was the "black people's culture", and we could not interfere with their culture. Mr. Graven was appointed to a High School as principal at the end of September, 1968.

For one month we had no principal. In October the Board of Education started the "Mini-magnet". This was an experiment which took (on a volunteer basis) 25 children for each classroom from all the schools in the area. Half were white and half black; half boys and half girls; some from upper income and some from lower income homes; a spectrum of ability levels was selected, and these were given the advantages of full programs, small classrooms and much individual attention. There is no question that money was poured into this school. Mann lost a fine librarian who volunteered to go and was selected. We have since had 6 different people in the library. At the end of October or early in November, Mrs. Berg arrived.

We have been informed that many principals turned down the Mann school. We think we know why! Apparently people in the field know more about the problems at Mann than the parents did. Mrs. Berg is a fine woman with a marvelous education and many fine ideas about education which would work in the suburbs. She was completely inexperienced, and had never worked in a school with racial problems. She has also been hampered by poor district administration.

Around the end of November several parents met with Mrs. Berg to offer our help. I enclose (encl. No. 1) the letter which was presented to her at this time. She seemed to approve of our ideas and welcomed our help. Most of us left encouraged. The only thing that worried us was that she told us she needed a year to come to know the neighborhood, the children and the school. We felt that a year was too long in the lives of our children. She has taken her year, and things have gotten steadily worse. Our help was not accepted. Letters which were to be sent by her to the parents of the children who were consistently tardy, were not sent. We were not given the names and address of the parents in the school to invite them to coffee. Flyers which we tried to send through the school as invitations had the wording changed to play down their urgency. We were told that the teachers could see not any point to meeting with and hearing our ideas. Some of the teachers were told about our group in such a way as to make them seem threatened by us.

In December we heard about a program called the Ford Foundation Training program, which was being conducted by the Ford Foundation, The University of Chicago Graduate School of Education and the Chicago Board of Education. We called Dr. Melnick's office and were told by someone there that we were not eligible because of the economic make-up of the school community. But when we called the Foundation, we were told that our area was one of those selected and that we most certainly did qualify because of the racial change. After a great deal of difficulty, a meeting was set up. It was very well attended, and the program was presented. It would have brought a cadre of highly trained and qualified teachers, a psychologist, social worker and community worker into the school. If nothing else, it would have meant more hands to substitute. Mrs. Berg and the administration seemed to approve, the community was very enthusiastic, and we were told our chances were extremely good. Several weeks later, when we called the Foundation we were told that there were legal problems, though no more than any other schools. But we had apparently been junked in favor of another school.

From then on there was nothing but chaos at the school. Fights broke out on the school grounds every day. Fires were set; one of them in a classroom desk, was set in the presence of the teacher. Children were smoking in the halls. The noise during class time as well as during the periods when the upper grades were changing classes was impossible. Teachers got no support from the administration on discipline. Children talked back to teachers and used very abusive language. There have been two supply trucks all year, and those only half full. Because of the lack of teacher morale, absenteeism of teachers rose so that on some days as many as 25% of all the teachers were absent. (The district with 7 schools, had only 11 substitutes.) The French teacher, the art teacher, the gym teacher, the assistant principal and even the principal were acting as substitutes. Teachers had no free periods. A real downward cycle was begun.

During this period our coffees began and continued. With no help at all from the school administration, nine coffees have been held. Parents do care. Some of the teachers offered their rooms and helped find parents willing to have the coffee. At least one teacher was asked not to attend the coffee he had helped to set up.

In early March we felt we needed help. We contacted the NAACP for legal advice as to what our rights were and how far we could legally go in demanding them. We were told we had a case and could sue, but that the difficult burden of proof would lie with us. A meeting was arranged between Mrs. Berg, the district superintendent, Mrs. Krawczyk, the NAACP lawyer and Mrs. Donise Dagre who was to represent our group. Mrs. Krawczyk sent Mr. Schweitzer (district Human Relations Coordinator) who knew all we had to say because we had said it all to him before. Fortunately, the lawyer was unable to attend because Mr. Schweitzer was in no position to make any commitments and we did not want to waste anyone's valuable time. A day or two later, Mr. Schweitzer called Mrs. Dagre to ask if we wouldn't come to terms. She told him "No!"

On April 16, an urgent PTA meeting was called. It was an open forum for the parents to speak out about the school. 200 parents showed up, and most of them spoke out. Some of the teachers were at that meeting and felt that they were being attacked. The next day they requested a meeting with us. Dr. Redmond, Dr. Melnick and Mrs. Krawczyk were sent urgent telegrams inviting them to attend. Mrs. Krawczyk decided at the last minute that she would come. She spoke first and told us that there were schools with worse conditions than our own. Another meeting was arranged for the 29th and a committee appointed to speak with Mrs. Krawczyk two days later. Enclosed is a list of the very modest demands presented to her. Her response was belligerent and although she seemed interested in some of the innovative things we suggested, she committed herself to nothing and flatly refused a large number of things. At the close of that meeting we called for an appointment with Dr. Melnick.

That meeting took place in his office on April 28 and the same list of demands were presented to him. On April 29 the committee reported to the PTA as a whole and a few days later the enclosed article (encl. #2) appeared in the paper. There has been no retraction or denial to date. We therefore assume that Dr. Melnick agrees with our understanding of the results of that meeting and that his promises will be honored.

In the interim we have met with the teachers at their request and have begun to establish the rapport needed if we are going to work together, not only for better discipline and respect between students and teachers, but toward a quality education which has been sadly lacking at our school this past year. I think they now understand that this is our desire. The substitute problem at the school has been greatly eased and the cultural program seems to have been reinstated to some degree.

Your letter to us has arrived and we do need your help. We have tried in vain to get the figures on the per capita spending at Mann this year as opposed to schools in a tax-comparable white neighborhood. We know what is budgeted, but need to know what has actually been spent. We also need information as to what is required for eligibility under ESEA. Do we qualify? What are the statistics necessary for us to determine if we qualify? If we do qualify, what programs are the funds available for? If we do not qualify for ESEA, are there any other federal funds that might be available to us? Or other programs for which we could qualify. Even if we don't qualify for federal funds, we are interested in knowing what programs are available for others. This will give us an opportunity to push for them on a local level with local funds.

We thank you for your interest, and will be happy to keep you informed of any new developments. The school board has got a tiger by the tail, and I assure you, they will not be able to let go until we have a school we can be proud of. Our children are our most important concern, and we will bring in other schools in the community as soon as we can.

Sincerely yours,
(Mrs.) CYNTHIA SAMSON.

"CONGRESS AND YOU" EXPLAINS LEGISLATIVE PROCESS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. BENNETT. Mr. Speaker, one of the vital messages that we as Members of Congress can hope to get across to our constituents is that we want—and indeed need—to have their views and opinions on the issues of the day.

The legislative process, encumbered as it may be with antiquated rules and ritual, cannot properly function without the crucial ingredient supplied by those whom we, after all, are supposed to represent. It comes as no surprise here—although it may be news to some outside these Halls—that we welcome and encourage letters, telegrams, visits, petitions, reports, and polls that help reveal the thinking of individual citizens in our districts and the Nation. Anything that would enlarge and improve this necessary communications link between the Member of Congress and his constituents should be encouraged.

For that reason, I would like to call the attention of the House to a new book "Congress and You" written by Don Bacon, of Jacksonville, Fla. A journalist and longtime student of Congress, Mr. Bacon was a congressional fellow in 1961–62, serving on the staff of Majority Whip HALE BOGGS, of Louisiana. He has been a staff writer for the Wall Street Journal, the Washington Evening Star, and the Newhouse National News Service. He was from 1963 to 1968 the congressional correspondent for the Newhouse papers, and he currently serves as White House correspondent for that organization.

In "Congress and You," Mr. Bacon takes the concerned "average" citizen step by step through the intricate process of representative government. He cuts through the technical parliamentary language to tell simply how a bill is conceived and nurtured. He tells of the pressures we feel and of the interplay between the legislative and executive branches. In one particularly enlightening chapter, "The Diary of a Bill," Mr. Bacon describes candidly and objectively how one important bill—the Higher Education Act of 1965—was shaped as it made its way through Congress.

The book, published by the American Association of University Women, an organization of some 200,000 members with national headquarters at 2401 Virgina Avenue NW., is subtitled "A Primer for Participation in the Legislative Process." As Mr. Bacon stresses—

> It offers no arguments for or against congressional reform . . . It describes the way things are on Capitol Hill, and suggests that the nation's lawmakers do listen to outside voices—those that speak in the language Congress understands.

Don Bacon is a native of my hometown of Jacksonville, in the Third Congressional District of Florida. He is a graduate of the University of Florida, where he was editor of the Florida Alligator, the student newspaper, a publication I was proud to edit three decades ago. While he was an undergraduate, Mr. Bacon began his professional career as a reporter for the Jacksonville Journal.

Mr. Bacon has coauthored another book, "The New Millionaires," Bernard Geis Associates, which won the Loeb Award in 1961. He and D. B. Hardeman, former assistant to Speaker Sam Rayburn, are currently writing a definitive biography of our beloved late Speaker from Bonham, Tex.

Mr. Speaker, I am pleased to bring Mr. Bacon's new book, "Congress and You," to the attention of the House of Representatives and the Nation, and I commend it to you.

CUTS, TAXES AND ABM

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. WYMAN. Mr. Speaker, the importance of the fact that money denied by way of authorization or appropriation is not by that act available for other purposes is not as broadly understood as it should be. However, cuts in expenditures and reduction in appropriations represent money saved, thereby becoming available either for reduction of the national debt or for other needed projects.

Basic to all fiscal policy must be the firm determination that Federal spending will be matched by Federal revenues. The day is coming—it should be here now—when Congress by law must prohibit the expenditure or appropriation of tax dollars in excess of revenues.

In this connection, the following letter by Mr. Ernest W. Lefever of the Brookings Institution is significant.

Cut Funds Not Easily Transferred

> Many opponents of President Nixon's Safeguard ABM proposal in and out of Congress argue that expenditures for this purpose, like other defense spending, takes away money from desperately needed domestic programs. While it is obviously true that the government cannot spend the same funds twice, it is incorrect to assume that "savings" derived from cutting former defense programs or refraining from undertaking new ones are transferable to other areas of the federal budget.
>
> No member of the House or Senate is ever confronted with a clear option to authorize $10 million for education or defense, highways or space. Each program, domestic or foreign, is presented on its own merits, not as an alternative for other unrelated programs. The Congressman, keeping in mind his own priorities and responsive to his constituents, votes for the measure as presented, against it, or seeks a modification. He never presents an amendment calling for a transfer of $10 million to an unrelated program.
>
> Even in the complex budget-making process, each program must pass muster on its own merits, and no program is arbitrarily cut to beef up an unrelated program.
>
> In the past when we have cut back defense expenditures, we have usually cut taxes by approximately the same amount and the "savings" went into houses, cars, refrigerators and TV sets in the private sector. There is little evidence that a reduction in military spending has ever resulted in a comparable upsurge in domestic federal spending, especially in the controversial area of social welfare.
>
> In fact, there is some evidence that social welfare programs advanced more rapidly during periods of relatively high military expenditures. A case in point is Vietnam. During America's "most unpopular war," domestic welfare expenditures increased twice as fast as the rising defense budget. From 1964–70 federal welfare programs increased by about 120 per cent while defense spending, including Vietnam, increased only 55 per cent.
>
> Concerned citizens seeking tax support for domestic programs need not wait for the war to end in Vietnam or for an arms limitation agreement with Moscow. Fortunately, our $900 billion Gross National Product enables us to do what we need to do at home and abroad without sacrificing a portion of one good program for another one. Obviously, wasteful and other unnecessary spending should be rigorously eliminated from defense, poverty, highway and all other Government programs.
>
> With defense, including Vietnam, currently taking 8.7 per cent of the GNP, we have an interest in reducing military expenditures if this can be done without endangering national security. We also have an obligation to spend the other 91.3 per cent of the GNP wisely, especially that portion we have assigned to the federal government.
>
> It is important to note that, of our total defense budget, strategic expenditures (including research, development, hardware, maintenance and manpower) consume less than 20 per cent. General purpose expenses take the remaining 80 per cent. Cutbacks are more likely in the latter category.
>
> In the past decade, Soviet strategic expenditures have increased about 70 per cent while ours have decreased about 50 per cent, leveling off at a substantially lower amount than current Russian spending.
>
> The total ABM program from 1968 through its completion in 1976 is estimated to cost $10.2 billion, a figure that would not significantly affect the present level of our strategic expenditures. It would amount to less than 2 per cent of the defense budget (at its present level) and about one-fifth of 1 per cent of the GNP.
>
> The specific issue before the Congress now concerns a requested appropriation for fiscal 1970 of $893 million—less than 1/90 of the defense budget and less than 1/1000 of the GNP. Of this amount, $401 million is for research, development, testing and evaluation, which virtually no one opposes.
>
> The decision on Safeguard should be made on the basis of its contribution to national security and international stability, not on its cost—only 2 per cent of the defense budget.
>
> Citizens seeking to promote needed domestic programs should use to the hilt the multiple facilities of our remarkably responsive political system—mobilizing public opinion and electing Congressmen who will vote the necessary tax increases to finance such programs. This is the rational and democratic way to do what needs to be done.

TRIBUTE TO THE INDEPENDENCE OF DAHOMEY

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. POWELL. Mr. Speaker, the sixth decade of this 20th century has brought to the world problems, hopes, and accomplishments. It has also brought independence to Dahomey. On August 1, 1960, the Republic of Dahomey joined the world community of independent nations.

Formerly a territory of French West Africa, it is bounded by the Gulf of Guinea, Upper Volta, Togo, Niger, and Nigeria. The country itself has no geographical or historical unity. For its existence and for its frontiers, it owes a great debt to the accident of Anglo-French rivalry in the late 19th century partition of Africa. In 1902, Dahomey became a component colony of the federation of French West Africa.

The aftermath of World War II brought the concept as well as the hope of self-determination to many colonies, and Dahomey was no exception. In 1946, the French Government sought to hold on to Dahomey rather than grant independence. Under the new French constitution, Dahomey was given a deputy and two Senators in the French Parliament; and a council of government elected by the assembly was given executive control of most territorial matters. Unsatisfied with this "tokenism," Dahomey struggled until the first of August 1960, when it formally proclaimed its independence.

Her struggle for economic and political viability is another matter, however, and it certainly has not abated since that fateful August day in 1960. R. W. Apple, Jr., a correspondent for the New York Times, has analyzed their contemporary predicament in the following colorful manner:

> The recent history of this splinter of West Africa is like a continuous loop of film that passes through the projector again and again.
>
> Since Dahomey gained its independence from France nine years ago, there have been four coups d'etat. Each government has struggled with the country's all-but-insoluble economic problems and failed, to be replaced by an equally unsuccessful successor.

We can only hope that President Emile-Derlin Zinsou, a 51-year-old physician, will find a way out of this vicious cycle. Economically, Dahomey can take a great pride in the strides it has made during the past 6 years. With a new port at Cotonou, a 20-year plan—inaugurated in 1962—for industrial and agricultural growth, and one of the best educated populations in Africa, Dahomey has the ingredients to make substantial progress.

On this ninth anniversary, we wish to express our congratulations to the people of Dahomey, and wish their country the best of luck in all their future endeavors.

ABM AND THE LIBERALS

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. MIZE. Mr. Speaker, in this morning's Washington Post, former Vice President Humphrey is quoted as saying that the Soviet Union is stalling strategic arms limitation talks until that nation can complete some tests of MIRV—multiple independently targeted reentry vehicles.

The former Vice President, just returned from talks with high level Soviet officials, has indicated that the Russians believe the United States is ahead in the development of this awesome weapons system.

Mr. Speaker, this report comes from a man whose personal honor and integrity are beyond question. Along with other evidence, it should cause us all to consider carefully the advisability of further MIRV tests at this time.

There is little question that the United States is ahead in this newest arms race escalation. We have completed a series of flight tests; another series is scheduled later this year. It should, therefore, surprise no one that conservative defense planners in the Kremlin have demanded comparable tests to achieve "parity" in MIRV.

ABM IS A STRAW MAN

These developments—and the stalled SALT talks—should provide compelling proof that the real strategic arms question this session is not the ABM—antiballistic missile—which irreverently has been called an Edsel. In truth, the Safeguard ABM is a thin ABM which is roughly comparable to the thin Soviet system already installed and operational.

Installation of ABM, Safeguard style, will simply give the United States the valuable experience of deploying a pilot ABM and maintaining it in an operational status. All the options of further deployment of a thick ABM will remain open to the Congress and the President.

REAL ISSUE IS MIRV

Mr. Speaker, the crucial issue is MIRV. It was initially justified as a response to a thick Soviet ABM which, afterward, was never built.

Military planners like the MIRV. The MIRV is 16 Poseidon missiles launched from a nuclear fleet ballistic missile submarine with 10 independently targetable warheads each. The MIRV is one Minuteman III missile with three independently targetable warheads. The total MIRV is an offensive force of some 9,000 independently targetable nuclear warheads launched from 31 FBM submarines and some 1,000 Minuteman III silos.

Since there are scarcely 200 Soviet cities worthy of being considered "targets" in a nuclear strike, it is obvious that the MIRV—if deployed as currently planned—approaches a first-strike capability for the United States. Past experience shows that the Soviet Union will strive to match MIRV with MIRV, and thus reestablish mutual deterrence—based upon a second strike capability for both sides.

The inevitable response to full-fledged MIRV deployment is the thick ABM. If both sides develop MIRV and then the thick ABM, at a cost of hundreds of billions of dollars, the ultimate result about a decade from now will be a return to the precarious strategic balance of today—second strike for both sides—first strike too risky for either side.

RESOLUTION TO HALT MUTUAL TESTING OF MIRV

Mr. Speaker, these considerations caused me to join with 103 of our colleagues in introducing House Resolutions 465 to 469, which call upon the Government of the United States to seek prompt negotiations with the Soviet Union to reach agreement on limiting both offensive and defensive strategic weapons.

Our resolution calls upon the President to urgently propose to the Soviet Union an immediate suspension of flight tests of MIRV, subject to national verification or such other measures of observation and inspection as may be appropriate.

Finally, our resolution calls upon the United States to declare its intention to refrain from additional flight tests of MIRV so long as the Soviet Union does so.

THE SALT TALKS ARE NOW OR PERHAPS NEVER

Mr. Speaker, based upon the information at my disposal, it appears that our flight tests of MIRV have not developed to the point where we can be confident of its operational effectiveness. Further, we are confident that the U.S.S.R. has not developed a MIRV of sufficient reliability to merit full deployment.

Thus, now—and only now—we may be able to enter productive SALT talks with the Soviets. Should we—or they—develop MIRV to the point that it can be confidently deployed, another massive escalation of the arms race will almost be inevitable. This inevitability is based upon the fact that there is no practical way of inspecting the other side's deployment of MIRV without on-site inspection

A shrouded silo, a submerged nuclear submarine may carry a single warhead on each missile. They may also carry MRV or MIRV. There is no accurate way of telling. Therefore, if the talks do not come now—before operational readiness of MIRV is attained by either side—the taxpayers will be forced to foot the bill for a multibillion dollar MIRV, and a hundred billion dollar ABM, and we will have missed our chance to turn away from the "mad momentum" of the arms race.

Mr. Speaker, this week's issue of Newsweek magazine carried an excellent column by Stewart Alsop. It deserves the thoughtful study of each Member of Congress.

His defense of Safeguard is commonsense. The other body will vote tomorrow on Safeguard. Regardless of the outcome of this voting, the real issue will be the same next week as it is today. That issue, Mr. Speaker, will be the test development of MIRV.

Perhaps after we are done with this overblown ABM controversy, we can turn our attention to productive talks with the Soviet Union, and with our prayers and help, perhaps the President can forestall the escalation of terror and spending for MIRV and the thick ABM.

I submit Mr. Alsop's commentary for inclusion in the Record, as follows:

ABM AND THE LIBERALS

(By Stewart Alsop)

Washington.—During the long debate on the ABM, it became more and more obvious that the anti-ABM senators and their allies in the liberal-intellectual community were not really attacking a weapons system—they were attacking a symbol. It also became more and more obvious that they had chosen the wrong symbol.

The attack on the ABM was basically a way of expressing the furies and frustrations generated by the war in Vietnam. But the ABM was in several ways a very bad symbol of what the liberals wanted to attack. As a result, they were forced to take positions which were both illogical and illiberal.

The liberals' first line of attack was that the system wouldn't work; and that even if it did, there was no need for it, because the Russians could not build the kind of offensive missile force which could really threaten our Minuteman retaliatory force. Neither senators, nor columnists, nor scientists from wholly different fields who like to see their names in the papers are capable of discussing certain complex technical subjects intelligently. But even in this arcane field, common sense is still useful, and in recent weeks two leading scientists made remarks to this reporter which sounded like common sense.

Some time before Neil Armstrong and Edwin Aldrin performed their moon-walking miracle, Dr. John Foster, chief Defense Department scientist, remarked that "of course, ABM is a much easier proposition, technically, than the moonshot." Surely this is common sense. Surely if we can put men on the moon we can build a workable missile defense.

COMMONSENSE

Dr. Albert Wohlstetter, a widely respected specialist in the nuclear-strategic field, made the other commonsensible remark. When the ABM opponents say the Russians won't be able to build the kind of missile force which could knock out our Minuteman complex in a first strike, Dr. Wohlstetter remarked, they are assuming that the Russians several years from now won't be able to do what we know how to do right now. This, be added sensibly, is not a safe assumption to make.

The liberals' second line of attack has been that the ABM is just another expensive boondoggle of the "military-industrial complex." This line was best expressed by Tom Wicker, able columnist for the anti-ABM New York Times. The ABM, Wicker wrote, is an example of the "unlimited military expenditure in the quest of security," which has led the military to demand "more and more weapons . . . and more and more money to support them."

The notion that more and more money has been spent for more and more strategic weapons is an article of faith among the anti-ABM liberals. But it just doesn't happen to be true. In fact, as Dr. Wohlstetter points out, we are actually, allowing for inflation, spending about half as much for strategic forces now as we were in General Eisenhower's last year as President—$13.6 billion in 1959, as against an estimated $8 billion for 1970. The money has gone, not into more and more strategic weapons, but into the war.

ABM A RESPONSE

The liberals' third line of attack is that the ABM is aggressively "escalatory." This has been a hard line to maintain, simply because the wholly defensive ABM system could not hurt a single hair of a single Russian head. As Russian Premier Kosygin has said, such defensive weapons "are not the cause of the arms race." The ABM is, of course, a response to the rapidly growing (offensive) force of multi-megaton, multiple-targeted Soviet SS-9 missiles. The people who have really been spending "more and more money" for strategic weapons are the Russians. On this point the "intelligence community" is in a rare state of unanimity.

The last, and oddest, liberal line has been that the best response to the Russian offensive missiles is not defensive missiles but more American offensive missiles. If it turns out that the SS-9s are a real threat to the Minutemen, then build more Minutemen. And if nuclear war threatens, then all we have to do is "empty the holes"—fire our missiles before the Soviet missiles could knock them out. Thus have the liberals become, rather surprisingly, advocates of the "massive retaliation" theory of the late John Foster Dulles.

The trouble with the theory is that it would give a future President no choice between capitulation and a nuclear war which, according to the best estimates, would kill about a quarter of a billion Americans and Russians. The whole point of the ABM project is not simply to maintain what Winston Churchill called "the balance of mutual terror," but also to give a future President what John Kennedy called "a choice between Armageddon and surrender."

Obviously, there would be no choice if our cities were attacked. But the SS–9s are designed to hit the Minuteman complex, not the cities. The simple existence of a missile defense would make a "counterforce attack" on the Minuteman complex far less likely. If it came, a future President could choose to ride it out, in the knowledge that he retained the bargaining power inherent in a surviving retaliatory force.

THE ERRING GENERALS

Surely it is rather odd that the liberals should wish to deny this option to a future President. The main reason is that many liberals simply want a stick—any stick—with which to beat the "military-industrial complex."

Undoubtedly, the attitude of Congress, and of recent Presidents too, has been much too reverent toward the military. Almost all generals, as this reporter pointed out before it became fashionable to do so, are almost always wrong about all wars. This is so not because generals are bad people (most of them are able and honorable men) but because the process of getting to be a general endows a man with a built-in bias about wars. There has been no war in recent history about which almost all American generals have been wronger than the war in Vietnam.

Moreover, almost all generals are wasteful, and no generals are more wasteful than American generals, partly because America is rich. But the main reason generals are wasteful is that wars are wasteful. The worst of war's waste is in human lives, of course, for in all wars young men, who have done nothing to deserve death, die.

A war which is not won is intolerably wasteful. This explains the passion which has gone into the attack on the ABM, for it is essentially a protest against a tragic, unwon war. But it is simply not logical to protest against the war, and the generals who were wrong about it, by attacking the ABM. It is not logical to protest the loss of some 37,000 American lives by denying to a future President the option he may desperately need if he is to have a chance of saving 250 million lives. It is not liberal either.

SOVIET ENCROACHMENT CHALLENGED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. RARICK. Mr. Speaker, our Canadian neighbors are far less tolerant than we when it comes to allowing Soviet fishermen to poach in their territorial waters.

Let us hope that the State Department does not intercede for the release of the two Soviet fishing trawlers seized by the Canadian Fisheries Department; and make no diplomatic reprimands to Canada for creating tension off the coast of Vancouver Sound.

I insert an August 5 Associated Press release from Vancouver, British Columbia, following my remarks.

SOVIET CAPTAINS FACE ILLEGAL FISHING CHARGE IN CANADA COURT

VANCOUVER, B.C.—Two Soviet fishing trawlers, boarded by Canadian fisheries officials Monday off the west coast of Vancouver Island, were being escorted to Victoria to face charges of illegally fishing within Canada's 12-mile limit.

A Fisheries Department spokesman said the 220-foot ships were seized 9.4 miles off the coast. Spokesmen said the fisheries officials experienced difficulty in explaining to the Soviets captains that their ships were under arrest. The captains radioed the commander of the fishing fleet who was heading to the scene to discuss the matter.

A Canadian Forces destroyer was dispatched from Victoria to keep an eye on the vessels and Fisheries Minister Jack Davis said Canadian Forces planes would keep the trawlers under surveillence.

"It will be interesting to see what they have on board," said Davis. "If they have salmon, that will really tear it."

Taking salmon would be a violation of the International Salmon Fisheries Agreement signed by the Soviet Union.

It wasn't known when the trawlers would arrive in Victoria.

The fisheries minister said they were part of a Soviet fleet that has been taking fish off the British Columbia coast during the last two weeks. Before that they were fishing near the mouth of the Columbia River off the coast of Washington State.

THE SMUT RAKERS VERSUS PARENTS

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. McCLURE. Mr. Speaker, this morning the Subcommittee on Postal Operations, of which I am a member, initiated hearings on a subject not as familiar as tax reform or as talked about as the ABM. Nevertheless, in the long run, as a vehicle which can improve the moral climate of our country and thereby affect the very quality of American life itself, its potential is unlimited.

The subject matter is pornography, and especially what we can do to prevent its dissemination into the hands of children. The chairman of the subcommittee, the gentleman from Pennsylvania (Mr. NIX), opened today's session with what is probably the best statement on pornography I have ever heard. He noted the ways in which smut merchants obtain mailing lists of teenagers and the permanent damage to young minds resulting from exposure to obscene matter. He expressed for all parents in America the urgency of the problem.

I was particularly impressed by what Congressman NIX had to say about those who defend the dissemination of pornography in the name of free speech:

> There may be those who fear that their own right to express themselves may in some distant future be limited if the pornographers' right to sell is restricted. We will be hearing from these people in editorial columns in the near future. The ironic thing is that many of these same persons will support legislation that will restrict cigarette advertising aimed at the very young because they fear lung cancer themselves. These same individuals will support safety requirements for the manufacturer of automobiles because they abhor the slaughter of motorists on our highways. They will ask what interest is protected by anti-smut legislation. The interest we seek to protect here is as vital as the interest of the American public in physical health, it is an interest in the mental health of children.

I wish that all of my colleagues could have heard the statement at the time it was made. The next best thing is to print the full statement in the RECORD, and I herewith insert it at this point:

THE SMUT RAKERS VERSUS PARENTS

The subcommittee will come to order: Today the subcommittee will take up the subject of pornography and its mail distribution. Federal interest in the regulation of pornography is based on the jurisdiction of the Post Office Department and the operations of the customs bureau. Our subcommittee's jurisdiction is limited to the mailing of pornography.

The mass mailing of unsolicited, unnatural and sexually degenerate material is aimed for the most part at adolescents. Such mailings have the effect of undermining parents in their attempt to educate their children as to the meaning and purpose of sex. Pornography undermines the family because it, by its nature, preaches that men and women are sexual objects to be exploited for personal pleasure.

Many smut merchants operate by means of mailing lists which contain the names of preteen children. These names are gathered through the purchase of preteen mailing lists compiled originally by other businesses who sell to children by mail, such as stamp clubs and record clubs. The preteen lists are then held until the named children are about 15, for maximum effect.

Fifteen year olds are at the height of their curiosity about sex which they regard as an adult mystery rather than a matter of adult privacy. This curiosity reaps millions for pornographers. Smut is cheap to produce, inexpensive to mail, and may result in a form of addiction to pornography which will become very profitable in the future to the smut merchant.

Pornography as a form of prostitution in this age of automated mailing is lucrative because it costs so little to produce. For example, most pornography makes extensive use of pictures. One picture of one prostitute can bring a thousandfold profit through computerized mailings that can be force fed through millions of family mail boxes via the postal service at minimal delivery cost. From the pornographer's point of view the production cost is also very low in that he does not have to house the women he uses. The prices he charges for his books, pamphlets or movies can become as high for his hooked customers as prostitution itself. His legal position is stronger because he wraps himself in the cloak of free speech.

There may be those who fear that their own right to express themselves may in some distant future be limited if the pornographers' right to sell is restricted. We will be hearing from these people in editorial columns in the near future. The ironic thing is that many of these same persons will support legislation that will restrict cigarette advertising aimed at the very young because they fear lung cancer themselves. These same individuals will support safety requirements for the manufacturer of automobiles because they abhor the slaughter of motorists on our highways. They will ask what interest is protected by anti-smut legislation.

The interest we seek to protect here is as vital as the interest of the American public in physical health, it is an interest in the mental health of children. A child's disoriented orientation toward the opposite sex will damage his relationship with other people and may even make the state of marriage a very difficult one. In some cases it may lead to sexual deviation or crime. This can happen because a young person's first impression of something as important as sex is the strongest impression. Extensive psychiatry may be necessary for a child who has been disoriented by pornography in order to bring him back to his full potential.

The parents of America have had enough. They have no way to turn but to their representatives in Congress to protect themselves against mass mailings and repeated mass mailings designed to get by their guard and reach children, regardless of parental opposition. Pornography with its essential ingredient of sadism, the use of human beings as things, has no place in the American home or in the family mail box.

BLACK ECONOMIC UNION

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. REES. Mr. Speaker, "produce achieve, and prosper" is the motto of football-great-turned-actor Jim Brown and his Black Economic Union. The BEU was formed a few years ago by Jim Brown with the help of professional football star John Wooten of the Washington Redskins.

The BEU is dedicated to financing black-owned businesses and industry. The theory behind the organization, which now boasts six offices around the counrty, is that the black man must become respected on an economic level, must become a producer rather than exclusively a consumer, and must retain within his community a portion of the money he spends.

The BEU, with Jim Brown's driving force behind it, is actively engaged in education programs to develop black executives and business talent, technical assistance programs and meaningful job training programs. Among its solid accomplishments has been the provision of funds and/or technical leadership to launch or to help expand or stabilize over 400 black businesses to date.

The Black Economic Union Board of Trustees is composed of some of the most outstanding black men in the United States. They include, besides Jim Brown and John Wooten, Bill Russell, of the Boston Celtics, Bernie Casey, of the Los Angeles Rams, Arnold Pinkney, Brady Keyes, Carl Character, Charles Perry, Walter Beach, Bobby Mitchell, of the Washington Redskins, Joyce Whitley, Connie Harper, Mrs. Charles White, William Stennis, Curtis McClinton, Jim Shorter, Robert Butler, Julian Madison, Spencer Jourdain, and Earnest Thomas.

Leading the Black Economic Union is only one part of Jim Brown's life.

Although he is now retired from professional football as an All-Pro with the Cleveland Browns, his past history in this sport cannot go unnoticed.

Only 11 men in football history have racked up 200 yards or more rushing in a single game and the other 10 did it only once. Jim Brown did it four times. He led the league in rushing eight times—the record—gained the most yards in a single season—1,863 yards in 1963—scored the most touchdowns rushing in a lifetime—106—and the most touchdowns—126. Over all, he gained 12,312 yards in 118 games over nine seasons. He was also All-Pro fullback every season he played and in 1964 won the $10,000 diamond-studded Hickok Belt as the professional athlete of the year.

His main thrust today is that of an actor. In 3 short years Jim Brown has starred in 11 major films. He is rapidly becoming one of Hollywood's most sought-after and in-demand actors for motion pictures. Academy Award winner Frederic March stated recently:

> Having long admired Jim Brown as a great athlete, I was surprised to find him so completely dedicated to acting. Many young actors would do well to watch his concentration, his selflessness, and his whole professional demeanor. My prediction is that he will go far in the acting profession.

Jim Brown also still finds time to head his BBC management company which helps performers financially to get ahead in the entertainment world. The first group that he managed is now one of America's top vocal groups, "The Friends of Distinction." Through Jim Brown, they were given an opportunity to become successful.

Jim also heads the United Athletic Association, an organization formed by him to negotiate professional athletic contracts for athletes and to guide them in financial planning for their future economic security and the development of future career opportunities outside the field of professional athletics.

Today it is easy to understand why Jim Brown is considered one of America's outstanding black leaders, and it is indeed gratifying to pay tribute to this man who has done so much in his career to help others who are less fortunate so that they will also have the opportunity to succeed.

TRIBUTE TO THE INDEPENDENCE OF UPPER VOLTA

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. POWELL. Mr. Speaker, it was just 9 years ago that Upper Volta announced to the world its intention to make its own decisions. On August 5, 1960, Upper Volta proclaimed its independence, and it has set out to make good its intention.

Formerly a part of French West Africa, Upper Volta is landlocked by Mali, on the west and north, by Niger on the east, and by Dahomey, Togo, Ghana, and the Ivory Coast on the south. Belying the implications of its name, Upper Volta does not have a southern neighbor called lower Volta. In fact, there is not even a Volta.

Upper Volta has a population of about 5,054,000. Its area is 105,946 square miles or about half of that of France. It has a capital with the unlikely name of Ouagadougou. The Upper Voltans are a happy, generous, and kind people.

According to both legend and tradition, between the 11th and 13th centuries, the Mossi invaded the area which is now Upper Volta and subdued the aboriginal Ninigi tribes and named their land Mogho. Through the centuries other tribes, like the Hausa and the Fulani settled in Mogho. By the 19th century, dissension had considerably weakened the Mossi, and their country was easily conquered by the Europeans.

In everything but name and temperament, Upper Volta is depressed. With 90 percent of her population engaged in agriculture, there is obviously a great deal of room for improvement. Nevertheless, in the context of West Africa, the country is relatively prosperous and tranquil.

On this joyous anniversary of its independence, it is right and well for us to recall the electric words of Upper Volta's former President Maurice Tameogo:

> It is into a world long seen from the perspective of another dimension that the young African nations are making their entrance today as full partners; but if history makes them belated Wise Men, the gifts that they bring to the cradle of the new world are no less costly, for they are made of age-old wisdom and the will to construct. Their dynamism, long buried within, will be devoted to the reconciliation of the worlds in behalf of the only worthwhile cause—that of man himself . . .

J. T. TYKOINSKI, "FATHER" OF SOUND ON MOVIE FILM

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. PUCINSKI. Mr. Speaker, it was with great sadness we learned from the Polish American Journal that Mr. Joseph T. Tykoinski, professor emeritus of electrical enginerring at the University of Illinois, died at the age of 91.

Mr. Tykoinski was referred to as the "father" of sound movies.

I should like to include in the RECORD today the article which appeared in the Polish American Journal of July 5 about this enterprising and distinguished American of Polish descent.

The article follows:

J. T. TYKOINSKI, "FATHER" OF SOUND ON MOVIE FILM

URBANA, ILL.—Joseph T. (Tykoinski) Tykociner, inventor of sound movies and professor emeritus of electrical engineering at the University of Illinois died June 11 here.

Tykociner was referred to as the "father of sound movies."

June 9, was the 47th anniversary of his first public demonstration of sound on film, which took place at the university in 1922. Tykociner's invention meant that the sound track of a movie could be incorporated into the film. An exhibit of his demonstration is on permanent display at the Ford museum, Detroit.

PIONEER IN WIRELESS

Tykociner also was a pioneer in wireless transmissions, micro waves, and the field of zetetics, a word he coined meaning the science of research. He came out of retirement at age 84 to teach zetetics at the university.

Tykociner was born in Vlaclavek, Poland, in 1877. He saw his first movie in New York City in 1896 and said it was his dream to merge sound with film.

Tykociner served on the staff of the Marconi company in England in 1902 when the first wireless transmission was made across the Atlantic ocean. In 1905 he went to Russia where he helped the imperial navy equip itself with radio.

RETIRED IN 1948

The scientist returned to the United States in 1920 as a research engineer for Westinghouse Electric and Manufacturing company, but moved on to the University of Illinois the next year. He retired from the university in 1948. Tykociner served on the award of merit from the National Electronics conference in 1964, one of only three scientists to receive the prize since it was instituted 20 years earlier. In 1965 he received an honorary doctorate in engineering from the university.

THE 18-YEAR-OLD VOTE

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. RIEGLE. Mr. Speaker, today I join 13 of my colleagues in sponsoring a joint resolution proposing an amendment to the Constitution of the United States which would lower the minimum voting age in Federal elections to 18. I have long supported this proposal.

My action at this time was prompted by my recent participation in a task force consisting of 22 Members of this House which toured the Nation's colleges and universities to investigate firsthand the causes of student unrest.

While on that tour, I spoke with many students and student leaders. I found almost all of them to be intelligent, highly motivated, and deeply concerned about the future of America and about our national priorities. While there are some revolutionaries and others promoting violence on our campuses, they are a tiny, discredited minority who should not be confused with the vast majority of thoughtful, law-abiding students.

Our students are concerned about national priorities, about racism, and poverty, and our 8-year undeclared war in Vietnam, and the need for draft reform. They are concerned about the fact that America too often says one thing and does another.

In increasing numbers, our youth are involving themselves more actively and effectively in the search for answers to these problems. Certainly we need their talents and their enthusiasm in finding solutions.

Many programs have been established to harness the energy and good will of our youth. The Peace Corps and VISTA are two examples. Last week I introduced legislation proposing the Student Teaching Corps, another example of possible constructive utilization of young talent.

But, although we have provided some ways in which people can serve their ideals and their fellow men, we have not yet extended to them the single, most important and effective channel of expression and participation in our democracy: the right to vote. I am convinced that our youth can better serve the Nation, and that we can better meet their needs for meaningful participation, if we extend the franchise to them.

But what of those youth who are not in college? A significant number are serving their country in the Armed Forces. Many of them are risking their lives daily on the battlefields of Vietnam. Yet, they have not had a voice in determining the policies or in electing the leaders who send them there. It is both ironic and tragic that our young men are giving their lives to defend our national commitments without having a chance to help formulate these policies.

A great number of those between the ages of 18 and 21 are neither in college nor in the armed services. For example, consider a 19- or 20-year-old high school graduate who is married, is responsible for the well-being of his family, works and pays taxes, who is subject to the same penal code as his father, who can buy and carry firearms, who can drive a car, and who pays the insurance on the car.

And yet this man cannot vote. Why should he not join in determining the laws he is subject to and in voting for the men who will make and enforce them?

A frequent argument against lowering the voting age cites the traditionally low percentage of voter participation in the age span 21 to 25 years. Yet, President Kennedy's Commission on Registration and Voting Participation Report of December 20, 1963 stated:

> The Commission is concerned over the low voter participation of this age group between 21 and 30. We believe that a major reason for this low turnout is that, by the time they have turned 21 (the minimum voting age in 46 of the 50 states), many young people are so far removed from the stimulation of the educational process that their interest in public affairs has waned. Some may be lost as voters for the rest of their lives.

On the other hand, experience in those States which do have earlier voting shows that in these cases the 21- to 25-age group has the highest percentage of voter participation. It seems that identifying recent high school graduates with the democratic process pays off in responsible citizenship.

Today's youth are more highly qualified than ever before to assume the burdens of responsible free choice. They are certainly better educated. Seventy-five percent of our people graduate from high school today. Over 40 percent will attend college at some point. By comparison, 43 percent completed high school in 1940, and 16 percent could expect to attend college. In addition, extensive exposure to the news and to the world community—a product of television, radio, increased travel, and the technological age—gives today's 18-year-old a much deeper understanding of his world than those before him have had.

Since 1942 we have witnessed a growing movement in favor of lowering the voting age to 18. The most recent Gallop polls show that 66 percent of the American public—an alltime high—supports the 18-year-old vote. Presidents Eisenhower, Kennedy, Johnson, and Nixon; 52 of my colleagues in the House; 11 of our colleagues in the Senate; 34 State Governors; and many prominent organizations have also endorsed this proposal. This listing follows:

LIST OF SUPPORTERS FOR 18-YEAR-OLD VOTE

PRESIDENTS AND VICE PRESIDENTS

Eisenhower, Kennedy, Johnson, Humphrey, and Nixon.

SENATORS

George Aiken, Howard Baker, Alan Bible, Robert Byrd, Howard Cannon, Charles Goodell, Albert Gore, Michael Mansfield, Jennings Randolph, Richard Schweiker, and Ralph Yarborough.

REPRESENTATIVES

Brock Adams, Glenn Anderson, William Anderson, John Ashbrook, Alfonzo Bell, John Blatnick, Edward Boland, Frank Brasco, William Cahill, John Conyers, Charles Diggs, Harold Donohue, Edward Edmondson, Joshua Eilberg, Dante Fascell, Michael Feighan, William Ford, and Donald Fraser.

Richard Fulton, Cornelius Gallagher, Lee Hamilton, William Hathaway, Margaret Heckler, Henry Helstoski, James Howard, Andrew Jacobs, Joseph Karth, Robert McClory, John McFall, Lloyd Meeds, Thomas Meskill, William Moorhead, James O'Hara, Wright Patman, Claude Pepper, and Bertram Podell.

Melvin Price, Ogden Reid, Peter Rodino, Daniel Ronan, Fred Rooney, Edward Roybal, William St. Onge, John Saylor, James Scheuer, George Shipley, Samuel Stratton, James Symington, Olin Teague, Frank Thompson, Robert Tiernan, and Jerome Waldie.

GOVERNORS

Alabama, Alaska, Arkansas, Colorado, Connecticut, Delaware, Georgia, Hawaii, Iowa, Kansas, Kentucky, Maine, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

SUPPORTING ORGANIZATIONS

Young Republicans.
The Lutheran Church Missouri Synod.
Boys' Clubs of America.
The Ripon Society.
National Farmers Union.
U.S. Jaycees.
AFL–CIO.
Oregon "GO 18"
Randolph Institute.
Urban Coalition.
National Student YWCA.
YMCA.
Lutheran Council in the U.S.A.
Tenatax Chemical Corporation.
American Association of University Women.
Interfaith City-wide Coordinating Committee (New York).
Association of Economic Students of U.S.A.
Western States National Education Association.
Association of Student Governments.
Readers' Digest.
Encampment for Citizenship, Inc.
Council on International Relations and UN Affairs.
National Association of Colored Women's Clubs.
National Association of Social Workers.
Association of Classroom Teachers.
B'nai B'rith Hillel Foundation.
B'nai B'rith Youth Organizations.
National Council of Women of U.S.
Students and Citizens for Better Government.
National Association of Student Governments.
United Methodist Council of Youth Ministry.
United Student Leadership Conference.
U.S. Student Press Assn.
Veterans of Foreign Wars.
Paralysed Veterans of America, Inc.
Americans for Democratic Action.
Baltimore Youth Franchise Coalition.
Citizens Division of the Democratic Party.
Citizens for Vote 18.
SCLC.
College Young Democratic Clubs.
National Executives Committee.
Committee of Community Affairs.
Episcopal Church, Exec. Council.
Let Us Vote (LUV).
NAACP Youth and College Division.
National Education Assn.
YMCA National Student Caucus.
Southern Committee on Political Ethics.
American Jewish Committee.
United Auto Workers.
People Power.
American Legion.
Student California Teachers Assn.
Student Iowa Education Assn.
Student National Education Assn.
Student North Carolina Education Assn.
Student World Federalists.
U.S. National Students Assn.
U.S. Youth Council.

Hawaii Student Education Assn.
Minnesota Student Education Assn.
Kansas State Teachers Assn.
Student New Mexico Education Assn.

In conclusion, Mr. Speaker, I would ask, as many in this Chamber have asked me before, that we continue to follow in the American tradition of expanding the franchise; that we move to give constructive power to those who are concerned and yet often frustrated. For the immense problems that face us cannot be solved by one group or by another, but rather by all groups working together. Let us, therefore, extend the franchise to our young people by lowering the voting age to 18.

CONSUMER ALERT ON DRUG OVERCHARGES

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. O'HARA. Mr. Speaker, I am inserting in the RECORD the text of a "Consumer Alert" I am today sending to the people of the 12th Congressional District of Michigan:

YOU CAN CLAIM REFUND FOR DRUG OVERCHARGES

If you purchased any one of 10 often-used brand name antibiotics between 1954 and 1966, you were overcharged and can claim a substantial refund.

But you have to act quickly; your claim must be postmarked by *midnight, August 16*. For the convenience of 12th Congressional District residents, a refund claim form is printed on the reverse side of this newsletter.

The drugs involved—commonly used for treating respiratory infections, urinary and skin infections and viral infections such as pneumonia—are marketed under the names Aureomycin, Terramycin, Achromycin, Mysteclin, Panalba, Panmycin, Polycycline, Steclin, Teracyn and Tetrex.

Consumers were charged some $50 per 100 capsules for the drugs when the normal charge should have been about $10.

Consumers must be protected from illegal price fixing by tough government enforcement of the laws. Now, because of a court case prosecuted vigorously during the last Administration, consumers will be repaid for unfair, excessively high charges for purchase of the drugs.

As settlement of damage suits brought by consumer groups and some governmental agencies, five drug companies have established a $100 million repayment fund.

Consumer organizations are doing their best to inform citizens about the repayment, and encouraging them to claim the money due them.

It is important that consumers file the claims; no matter how small. By so doing they can impress upon manufacturers of all consumer products that price-fixing does not pay; that consumers will aggressively pursue repayment of overcharges.

All you have to do is check your records and your money to determine the estimated amount you spent to purchase the 10 drugs each year from 1954 to 1966. If precise records are unavailable, you can estimate the amount you spent.

Fill out the form on the reverse side of this newsletter and have it notarized. This indicates that the claim is true to your best knowledge.

Then mail the claim form and copies of records you may have on hand to *Post Office Box 724, the Bronx, New York, 10471*. Refunds will be processed by the U.S. District Court, Southern District of New York.

Spare application forms are available at my Mt. Clemens office, 215 S. Gratiot.

Millions of Americans were the victims of drug overcharges. The money should be returned to those from whom it was taken.

RADIO STATION WIND PERFORMS A NOTABLE PUBLIC SERVICE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. PUCINSKI. Mr. Speaker, radio station WIND, the Westinghouse Broadcasting Co.'s affiliate in Chicago has performed a notable public service for the retarded youngsters of that community.

I am placing in the RECORD today an editorial which explains this noble act of generosity. The WIND editorial, written by its general manager, Mr. John L. Williams, follows:

THE LAMBS

Every once in awhile, the generosity of WIND Radio listeners overwhelms all of us. Such was the case last Sunday, when an estimated 15,000 of our friends helped make it a great day for retarded children.

By taking the time to drive up to Libertyville and visit the Lambs Pet Farm, our listeners gave a big boost—both financially and morally—to Bob Therese and Corinne Owen, co-founders of The Lambs.

You've probably heard about how The Lambs got started. Bob and Corinne were teaching the mentally retarded when both came to the same conclusion—their handicapped students always seemed to react favorably when small animals were brought into the classroom. Mr. Therese and Miss Owen talked about it and decided to do something. And so they dedicated their lives to founding a haven where retarded young adults could work with animals in a sheltered atmosphere.

Today, The Lambs Pet Shop on State Street and their farm in Libertyville are completely staffed by the retarded. They enjoy working with animals and, although they don't make a big profit, they are not on the dole, either.

Last Sunday, WIND listeners spent enough money buying things at the Lambs Pet Farm to insure them at least another year of operations. Everyone who took part in the festivities benefited—and hope was given to an element of society that previously had little hope.

It wasn't too long ago that parents were advised to ship their retarded children off to institutions hidden away in the country. Today, the emphasis is on getting the most from damaged brains and allowing the mentally retarded to grow up in a comparatively normal atmosphere. WIND Radio salutes The Lambs for helping advance this admirable goal.

REPLACING DDT

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. O'HARA. Mr. Speaker, the people of the State of Michigan are greatly concerned over the growing threat to wildlife and humans from the persistent pesticides, especially DDT. The Michigan Agriculture Commission has ruled that DDT may not be legally sold in the State for any purpose.

Some farmers and agricultural experts fear that if legislatures ban the sale of DDT, there will be widespread losses to crops from insects which have in the past been controlled by DDT. Mr. Speaker, this fear is ill founded.

The U.S. Department of Agriculture has been seeking other means to combat insects. Today's Wall Street Journal has made a comprehensive survey of the efforts being made to find means of killing dangerous insects without poisoning the environment and I urge my colleagues to read this report carefully.

The story follows:

REPLACING DDT: U.S. RESEARCHERS GAIN IN EFFORTS TO DEVELOP SAFER INSECT CONTROLS—BIOLOGICAL METHODS SUCCEED AGAINST SEVERAL PESTS; INDUSTRY WILL FEEL IMPACT—BAD NEWS FOR THE BOLL WEEVIL

(By Burt Schorr)

WASHINGTON.—The famed bug-killer DDT is losing its deadly wallop and falling into disfavor as a threat to wildlife and mankind. But even if DDT fades from use, the insects will hardly take over the world, for potential replacements are on the way.

In fact, U.S. entomologists appear close to an important advance in man's age-old war against the insects that devour his crops. This attack won't be spearheaded by the well-known chemical insecticides but by an expanding arsenal of biological controls based on weapons provided by nature. If the approach succeeds as hoped, it may sooner or later reduce the use of chemical insecticides—and any resulting pollution of the environment. The effort will include:

—Massive deployment of bugs that are harmless to man but prey on crop-destroying pests.

—Large-scale sterilization of adult insects to disrupt their reproductive cycle.

—Use of synthetic copies of the natural scents secreted by pest species to lure bugs to their destruction.

Such biological-control methods are showing high promise in field tests. And some Agriculture Department officials predict that in certain parts of the country biological warfare, coupled with limited use of chemicals, will soon make possible the almost-complete eradication of the cotton boll weevil, now probably the nation's costliest single pest.

IMPACT ON INDUSTRY

By the early 1970s, some experts say, insecticide producers might find their domestic farm market—now calculated at around $110 million annually—leveling off or shrinking.

In the long run, though, such de-emphasis on farm insecticides might indirectly benefit the chemical industry; it might help prevent current clamor against bug-killers such as DDT from swelling into a drive for tougher restrictions on chemical pesticides generally, including weed-killers.

One of the promising experiments with biological techniques is now going forward in the Coachella Valley of Southern California, where farmers used to spray more than 4,600 cotton acres with chemicals to combat pink bollworm infestations.

Most mornings before dawn these summer days, a yellow Agriculture Department plane sweeps above the valley floor spewing out thousands of sterilized male and female adult ping bollworm moths through a tube projecting from the cabin. Chilled immobile at about 38 degrees, the gray-winged insects cascade into the warmer air, then revive to mate with normal adults in the cotton fields below. The union frustrates the pairing of fertile moths and produces no eggs or destructive larvae. Avoidance of insecticide-spraying helps preserve insects that normally prey on cotton pests other than the pink bollworm.

CABBAGE PATCH RESEARCH

Another progress report comes from a cabbage patch near Columbia, Mo. There, the cabbageworm, which chomps destructively on a variety of vegetables, including spinach and broccoli as well as cabbage, has been frustrated by the release of a tiny parasite wasp.

The wasp injects its eggs into the cabbageworm eggs on plant leaves; when the wasp grubs emerge, they devour the host eggs. Employing this and other biological techniques, Government entomologist Frank D. Parker has eliminated over 99% of the cabbageworms from the test plot—and all insecticides as well.

Not everyone, though, is as optimistic about biological-control possibilities as Federal researchers are. Many farmers, insecticide makers and state legislators resisting restrictions on DDT are distinctly skeptical. They contend it may be several years before effective alternatives are really ready. And they question the practically of releasing sterilized adult insects, claiming that with some species it would be necessary to deploy as many as 50 times the normal insect population.

At any rate, Government entomologists are pushing confidently ahead, armed with knowledge of past successes. As long ago as 1888, one Agriculture Department pioneer found a ladybird beetle in Australia that preys on a pest called the cottony-cushion scale, then threatening to wipe out California citrus groves. After two years of beetle shipments from Down Under, the scale was brought under control.

INTEREST WANES

Interest in biological methods waned following the spectacular successes of DDT during World War II and the rapid proliferation of chemical insecticides in the postwar years. Reece I. Sailer, chief of Agriculture's parasitic insect branch in Beltsville, Md., recalls somewhat bitterly that some 25 Government scientists were working on biological controls in 1938, but by 1955 the number had declined to only a half-dozen or so.

Soon after that, however, interest in the biological approach began to revive, and some notable victories followed. In recent years, massive releases of sterilized male screwworm flies have reduced the population of this Southern and Western cattle pest; annual savings to livestock producers from Florida to California are estimated at $120 million. And the Japanese beetle, which once chewed on nearly 300 species of U.S. plants, has largely succumbed to a dusting program that spread a disease that attacked the Nipponese invader.

Today Uncle Sam has over 170 entomologists, chemists and other specialists busy on biological control projects. One important center, the Federal Entomology Research Laboratory at Columbia, Mo., which opened in 1966, has just this year begun producing sufficient wasp eggs for experimental use against the cotton bollworm in Texas and the apple-boring coddling moth larva in Indiana.

In part, the resurgent interest in biological control springs from increased public concern about chemical dangers. DDT and some other long-lasting chemical insecticides, rather than breaking down harmlessly within a few weeks after spraying, often retain their potency for long periods—up to 15 years in cases of especially heavy DDT applications. If these chemicals enter the chain of food production, they can build up in the fatty tissues of animals and human beings with possibly harmful consequences.

This year Michigan barred all use of DDT except by public health agencies and indoor pest exterminators. And the Arizona Pesticide Control Board, faced with the problem of too much DDT in milk, ordered a one-year halt to commercial farm applications of the chemical and a related formula, DDD.

Currently, the Wisconsin Natural Resources Department is considering a statewide DDT ban; the legislature's lower house has already approved such prohibition. Also, the U.S. Agriculture Department has suspended use in its spraying programs of nine persistent insecticides, including DDT, until it reevaluates their environment impact.

The attack on DDT comes at a time when its use is declining in the U.S. Production for U.S. markets totaled only 40 million pounds in the 1966–67 crop year (the latest period available), about half the 1958–59 level. A major reason is mounting insect resistance to DDT; new strains of bugs seem impervious to its effects.

(Even so, restrictions on DDT pose a threat to pesticides generally, contends the National Agricultural Chemicals Association, voice of the industry. Noting the association's vigorous DDT defense in Wisconsin, where annual sales total a piddling $17,000, NACA President Parke C. Brinkley says, "We're trying to hold the line there because if we lose in Wisconsin we could lose everywhere." He worries most about a possible move in Congress to bar interstate sales of DDT or other pesticides.)

In theory at least, other chemical insecticides might offer alternatives to DDT. There are two newer insecticide families, the organic phosphates and organic carbamates, which break down in hours or days after application. But they are more costly than DDT, and some of them also show signs of declining effectiveness.

In the case of the cotton crop, many experts now believe the solution to its problems lies in biological-plus-chemical suppression of the boll weevil. With the need for weevil spraying reduced dramatically, natural enemies of the bollworm could recover. "This would reduce the need for bollworm spraying by 75%," asserts Theodore B. Davich, chief of the Federal boll weevil lab at State College, Miss.

SAFETY STANDARDS AND PURITY OF WATERS RESOLUTION

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. PEPPER. Mr. Speaker, the Miami, Fla., City Commission has given this Congress some excellent suggestions concerning safety standards and purity of waters. The city commission adopted resolution No. 40892 on July 24, 1969.

It is only fitting that this suggestion comes from this commission which represents people who enjoy water activities daily.

Mr. Speaker, I therefore submit the folllowing for the benefit of my colleagues:

RESOLUTION No. 40892

A resolution of the commission of the city of Miami, Florida, urging the Congress of the United States of America to expeditiously pass the revised Federal Boat Safety Act of 1969 and the Federal Marine Pollution Bill designed to protect the waters of our communities from marine pollution

Whereas, Bills have been presented to the Congress of the United States of America relating to boat safety and marine pollution; and

Whereas, safety standards and purity of our waters is of great concern to the nation and to the Florida area in particular, where water activities are enjoyed on a year around basis; and

Whereas, the Commission of the City of Miami on behalf of its residents desires to go on record as endorsing the above measures;

Now, therefore, be it resolved by the Commission of the City of Miami, Florida:

Section 1. The City Commission of the City of Miami, Florida hereby urges the Congress of the United States of America to expeditiously pass the Revised Federal Boat Safety Act of 1969 and the Federal Marine Pollution Bill designed to protect the waters of our communities from marine pollution.

Section 2. The City Clerk is hereby directed to forward certified copies of this Resolution to the Florida Delegation in Congress of the United States of America.

Passed and adopted this 24th day of July, 1969.

Attest:

F. L. CORRELL,
City Clerk.

THE STRANGE HISTORY OF THE OIL DEPLETION AND INTANGIBLE DRILLING ALLOWANCES

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. VANIK. Mr. Speaker, the tax reform bill which will be debated in the House Wednesday and Thursday provides that the percentage depletion rate for gas and oil wells is to be reduced from 27½ to 20 percent. Percentage depletion is also eliminated with respect to foreign oil and gas wells. Unfortunately, in the last days of the Ways and Means Committee deliberations, it was decided to remove intangible drilling expenses and the excess of percentage over cost depletion from the base of income used for figuring the minimum tax which each person is to pay. This exclusion of income is a continuation of a major loophole.

Since I was first elected to the Congress 15 years ago, I have fought to bring some degree of tax justice to the treatment of oil income. My maiden speech in this Chamber was on that issue.

I am not happy with the decisions reached with respect to intangible drilling expenses and percentage depletion, but I feel that the changes which have been made are a beginning—a small step toward greater tax justice and the elimination of special privileges for the oil industry.

The strange history of the oil depletion allowance, and all income tax matters relating to depreciation, begins in 1913 with the passage of that year's Revenue Act. This act introduced the idea that an allowance be provided for the depreciation of property employed in the proceedings of a business. It enacted a 5-percent deduction of a company's gross earnings as a "reasonable allowance for the exhaustion, wear and tear of property arising out of its use or employment in the business."

In 1916 Congress recognized the need to limit this provision. Therefore, the new Revenue Act read:

> When the allowance authorized . . . shall equal the capital originally invested, or in case of purchase made prior to 3/1/1913, the fair market value as of that date, no further allowance shall be made,

This bill actually formulated the depreciation concept as we know it today.

Special provisions for the natural resource industries were first considered in 1918. At this time, "discovery-depletion" was introduced in the Senate Finance Committee's version of the House revenue bill. The Senators then sitting on the committee felt that—

> The prospector for . . . oil . . . expends many years and much money in fruitless search. When he does locate a productive property and comes to settle it, it seems unwise and unfair that his profit be taxed at the maximum rate as if it were ordinary income attributable to the normal activities of a single year.

Consequently, a system, "permitting the deduction to be based on the fair market value of property discovered instead of its cost," was introduced. Designed to, "stimulate prospecting and exploration," this method of allowing for an inflated value was not permitted on "proven property."

Naturally, dissenting opinions were heard on both sides of the Capitol. Senator LaFollette fought the bill on the grounds that it would permit taxpayers to take depletion deductions far in excess of costs. Needless to say, he failed. The chairman of the House Ways and Means Committee, Mr. Kitchin, flatly stated:

> I cannot subscribe to them because I regard them [discovery depletion] as pieces of special favoritism. . . . I want to say that, in my judgment, they are unwise, unjust, and unwarranted.

Three years later, Congress limited this annual allowance to the net income from the discovered property in question for that year. This action put a stop to the practice of escaping taxes on nonmining incomes through offsetting deductions. Then, after another 3 years, the annual allowance was further limited to 50 percent of the net income involved.

The new chairman of the Ways and Means Committee, Mr. Green, was just as dogmatically opposed to these types of favors as was his predecessor. In 1924, his statement that he knew of "instances where companies actually advertised that they could make a distribution of their dividends, without paying any corporation tax" was instrumental in the passage of the 50 percent limit. Obviously not satisfied with this "significant reform," he stated in 1925, that—

> If I had my way I would wipe out this discovery depletion entirely . . . it might have been justified in time of war, and that was the only justification given for it to begin with . . . it was practically admitted that in normal times they would not be entitled to anything of that kind.

That same year the Couzens committee submitted its "Internal Revenue Bureau Investigation Report." The report was highly critical of the oil depletion deduction system. In referring to the mechanics of discovery depletion, it stated:

> There appears to be no system, no adherence to principle, and a total absence of competent supervision.

Significantly, however, the report was even more distressed with the rationale used to justify the entire concept of depletion alowances:

> The increment in the value of property due to the discovery of . . . oil . . . can in no way be differentiated, in principle from the increment in the value of real estate, stocks, bonds, and other property, yet all such increment is taxed . . . the greater part of the allowances for discovery depletion are made to those who drill in proven ground. . . . Furthermore, every investor in speculative stocks, particularly those who invest in new enterprises, . . . assume great risks of loss . . . [yet no other] investor is permitted to set up the value of his business, after its success has been demonstrated, as a deduction from the profit to be derived from that business for the purpose of determining his net taxable income. Discovery depletion is not a deduction permitted for the purpose of arriving at the net income derived from mines and oil and gas wells. It is clearly an exemption from taxation and as such is a discrimination against every other taxpayer and every other industry.

The stated purpose of the Revenue Act of 1926 was only to correct the administrative problems involved in depletion. The Senate introduced a system of percentage depletion allowances "in the interest of simplicity and certainty in administration." But no scientific justification for the percentages considered is recorded; they were allegedly designed to reflect the allowances currently being given. Statements such as the following by Senator Reed of Pennsylvania typify the spirit in which the proposal was debated.

> This present method of calculating depletion in oil wells is really a combination of uncertainties. . . . So we are trying . . . to get away from those uncertainties and to adopt a rule of thumb which will do approximate justice to both the Government and the taxpayers . . . probably the best way to do it is to provide that an arbitrary percentage on the gross value of each year's yield be chalked off for depletion.

The figure of 30 percent was finally adopted by the Senate. The House suggested that 25 percent would be sufficient. In conference the figure of 27½ percent was agreed upon as a compromise. The figure of 27½ percent is the result of a conference committee compromise. It is in no way a scientific principle.

A great deal of debate was concerned with the relative effects this new system would have upon the large and small operators. At one point Senator Couzens stated that in his opinion:

> Congress first intended to . . . allow the deduction to the little "wildcatter". . . . That idea has now been entirely abandoned and this is so profitable and advantageous to the oil industry that it is proposed to extend it so that not only the little "wildcatter" but the whole industry will get the benefit.

A few minutes later, Mr. Reed suggested that this "is going to work rather a hardship on the owners of flush production, newly discovered oil pools which put out a great amount of oil per day. It is hardly going to be enough to take care of those people, because that flush production does not last long." The obvious implication here is that possibly an even greater percentage was necessary. "At the same time we realized that it was going to be a great help to the owners of these little wells which barely pay the cost of pumping and keeping cleaned out." The conflicting opinions, as well as the overriding concern for the small producer are further exemplified in the following excerpt from the debates in the U.S. Senate on February 11, 1926:

> Mr. NEELY. If the bill is passed in its present form it will result in an increase in the taxes of all independent operators.
>
> Mr. REED (Penn.). It would for some of them and it would result in a decrease for others. I cannot bring that out too strongly, that all the little men and men who have settled production will probably be the gainers.
>
> Mr. NEELY. They are the large ones, are they not?
>
> Mr. REED. In my section of the country they are not.
>
> Mr. NEELY. In my section of the country they are.

In considering this act, and its implications, it is useful to recall that discovery depletion was introduced in the Revenue Act of 1918. Subsequently in 1921 and 1924, this original allowance was limited because it was literally a gross loophole. The table which follows was introduced by Senator Couzens to illustrate how the 1918 act compared with the proposed system of percentage depletion. The table is self-explanatory; but two significant figures deserve mention. They show that for the years 1918, 1919, and 1920, the total depletion allowed would have been increased by the 1926 act by 89.6 percent. Likewise, net taxable income would have been decreased 32.1 percent.

COMPARISON OF DEPLETION ACTUALLY ALLOWED OIL COMPANIES WITH DEPLETION ALLOWABLE UNDER 1926 REVENUE BILL

[Discovery depletion included in depletion allowed]

	1918	1919	1920	Total
Number of companies	100	115	75	
Gross income from production	$286,863,485	$338,419,621	$361,121,041	$986,404,147
25 percent of gross income	$71,715,871	$84,604,905	$90,280,260	$246,601,037
Net income (computed without allowance for depletion)	$76,985,704	$66,431,726	$59,595,303	$203,012,733
50 percent of net income (computed without allowance for depletion) maximum depletion allowable under 1926 bill	$38,492,852	$33,215,863	$29,797,651	$101,506,366
Depletion allowed by income tax unit	$18,188,848	$18,958,781	$16,381,431	$53,529,060
Percent of gross income allowed as depletion	6.34	5.6	4.5	5.4
Percent of net income (computed without allowance for depletion) allowed as depletion	23.6	28.5	27.5	26.4
Net income taxed after deducting depletion allowed	$58,796,856	$47,472,945	$43,231,872	$140,483,673
Net income taxable after deducting depletion according to 1926 bill	$38,492,852	$33,215,863	$29,797,652	$101,506,367
Percent of increase in depletion allowable under 1926 bill over depletion actually allowed	111.6	75.2	81.9	89.6
Percent of reduction in net taxable income when depletion is computed under 1926 bill	34.5	30.0	31.5	32.1

Note: The "25 percent of gross income" refers to the figure that was under debate. It was eventually raised to 27½ percent.

Source: Congressional Record, Feb. 11, 1926, pp. 3772, 3773.

According to this analysis, depletion deductions should have increased significantly as soon as the percentage system was implemented. For the 10 firms considered, the deduction increased by 11.5 percent from 1924 to 1925. Then in 1926, the new method was implemented. If it was comparable to the previous method, then the established trend should not have been significantly altered. But this was not the case: The deductions claimed in 1926 increased by 29.3 percent from those claimed in 1925. The new way of computing depletion deductions increased by a factor of nearly 3 the yearly increase in depletion and depreciation deductions claimed. In ensuing years, deductions would have to be dependent upon that years' earnings. Thus in 1927, when the sales and earnings of the industry decreased, so did the rate of increase for the deductions claimed.

PERCENTAGE INCREASE OF "DEPRECIATION AND DEPLETION" DEDUCTION CLAIMED

Companies	1925 (from 1924)	1926 (from 1925)	1927 (from 1926)
Atlantic Oil	2.3	(3.7)	10.2
Barnsdall Oil	33.8	111.0	72.0
Gulf Oil	13.6	22.0	(9.0)
Phillips Petroleum	4.4	52.0	3.0
Pure Oil	13.2	11.5	(3.1)
Sinclair	21.2	15.5	6.0
Standard (California)	(.9)	13.0	7.0
Sun Oil	18.0	32.6	28.4
Tidewater Oil	7.9	32.0	.3
Union Oil Co	1.1	7.0	(11.0)
Average increase (percent)	11.5	29.3	10.4

Note: Figures compiled from "Moody's Annual Reports."

These figures can only lead to conclusions that are more than obvious; percentage depletion has been a special-interest gift from the Treasury. Yet little was, or has been done to correct the serious errors involved. Instead, Congress has proceeded to replace discovery-value depletion with percentage depletion for almost every other conceivable mineral. A comprehensive list of these minerals, and their respective percentage allowances is contained at the end of my speech in appendix I. In so doing, the Legislative Reference Service's Economic Bureau asserts:

> No important effort appears to have been made to establish a relationship between the total deductions available under percentage depletion with those available under discovery value depletion.

Such actions progressed regardless of enraged outcries by responsible public officials. President Franklin Roosevelt claimed, in a letter to the Joint Committee on Tax Evasion and Avoidance, that the oil depletion allowances were the, "most glaring loophole in our present revenue law—in 1936, one mining company deducted nearly $3,000,000 under this provision, although it had already completely recovered the cost of its property—this was a sheer gift from the United States to this taxpayer and its stockholders." In spite of such accusations, depletion was not even discussed during these 1937 hearings. The flimsy excuse offered was, "lack of time."

Treasury Secretary Morgenthau proposed in 1942 that the existing oil depletion allowance be replaced by a more logical and direct one. He pointed out:

> One of the reasons asserted in behalf of percentage depletion for oil and gas is that it stimulates exploration for such properties.

Therefore, his feeling was that—

> If this is a proper objective, it would be better achieved by a special depletion allowance to those who do explore without indiscriminate extension of the same favor to all owners.

In support of his proposal, Morgenthau announced that—

> It would have cost the Federal Government about one-third as much to have paid all the cost of every wildcat well that was drilled in 1941 as to have allowed percentage and the associated intangible drilling expenses.

If the oil percentage depletion allowances are theoretically justifiable, then why not accept legislation such as Congressman Zelenko and Senator Neuberger proposed in April of 1957? They proposed a 1-percent depletion allowance on human beings for each year after the age of 45. The proposal was based on the theory that a locomotive engineer's eyes, a schoolteacher's frayed nerves, a day laborer's legs, an author's brain, and so on wear out also. Their reasoning is certainly no more circuitous than that which was employed in 1926.

The Treasury tax reform studies and proposals submitted in April of 1969 provides figures supporting the charge that these allowances are outrageous. It states that in 1965, the most recent year for which these figures are available, the petroleum industry had the lowest actual tax on total net income of any industry except savings and loan associations and mutual savings banks. Whereas all industries initially had an effective tax rate of 48 percent; after all the various deductions and privileges had been computed, the petroleum people had reduced their's to 21.1 percent. The next lowest figure was that of the other mineral industries at 24.3 percent. Compare these with an "all industry average" of 37.5 percent, and an effective rate for all other manufacturers of 43.3 percent. That is more than twice the petroleum rate.

The report proceeds to state:

> Only in the natural resource businesses is a taxpayer's deduction for wasting capital permitted to exceed his actual unrecovered capital cost. This arises because such a large part of the actual capital cost is permitted to be deducted as incurred, and then depletion is allowed as a percentage of receipts without regard to the remaining uncovered cost.

How this works to give the oil industry inordinately large advantages can be simply illustrated.

WHO GETS THE DEPLETION ALLOWANCE

	1949	1959	1965	1966
Total depletion claimed by petroleum industry	$727,303	$1,523,452	$2,276,452	$2,439,539
Depletion claimed by corporations with assets greater than $110,000,000	$657,856	$1,492,375	$2,235,343	$2,416,547
Percent of total claimed by these companies	90.5	98	98.2	99.1
Number of companies with greater than $100,000,000 assets	25	24	28	28
Total number of companies reporting	281	205	368	330
Percent of total that has greater than $100,000,000 assets	8.8	11.7	7.6	8.5

Quite apparently, the truth of the matter is that the percentage depletion allowance system gives the extractive industries an opportunity to significantly decrease the amount of taxable income for which they are liable. This is the case of the petroleum industry. In this industrial group, a few elite corporations are garnering a consistently greater share of their industry's total allowance. So a system, which is unfair to the country as a whole is even inequitable within the privileged industry itself. In 1966, the Treasury lost nearly $2.5 billion in depletion deduction to the oil producers and refiners. This is a group of 330 separate concerns. Yet, only 28 of them—that is, 8.5 percent—were able to claim more than 99 percent of the total deduction. This is up from 98 percent in 1965. This trend must be curbed.

Periodically, attempts have been made to curb the depletion disgrace. Senator PROXMIRE has described his oft-proposed amendment as follows:

> For those who have gross income from oil and gas properties of less than $1 million a year, it would not affect their depletion allowance at all. For those who gross between $1 million and $5 million it would reduce their depletion allowance from 27.5% to 15%. That would not be an elimination of the allowance, but merely a reduction.

This amendment, which would not only correct the disparity that exists within the industry, but would be a step toward more equitable national structure, has always been defeated.

My own bills would reduce depletion allowance on domestic production to 15 percent and repeal it entirely on American-owned foreign production.

The 1969 Treasury report stated that if only the percentage depletion arrangement for the petroleum industry were eliminated, the tax increase would be $1.5 billion. Our Government desperately needs this money. We have more pressing priorities than subsidizing one of the Nation's most lucrative industries—see appendix III. A cursory investigation shows that these funds could allow the Public Health Service to maintain an additional 82,000 occupied beds for an entire year; or we could build up to 24,000 additional public school classrooms, and fully furnish them; or we could extend present blind and disabled benefits to an additional 2.75 million people. These are places where our help is needed—not in a multibillion-dollar-per-year industry.

I find it particularly unfortunate that action was not taken to close the loophole of "intangible drilling expenses." This little-understood loophole is costing the Treasury—and the taxpayers of America—nearly a billion dollars a year in revenue. It is absolutely imperative—if the American citizen is to be given real tax justice—that remaining loopholes such as this be closed in the immediate future.

The option to expense or to capitalize intangible drilling and development costs has existed since the first income tax statute. It was conceived of, not by Congress, but, by the IRS in a special Treasury regulation. It was, however, recognized by the courts as in 1933 when the 10th Circuit Court stated that the code had been examined by Congress continually without any objection being raised; therefore, implicitly they must accept it.

In 1945, the Fifth Circuit Court of Appeals, questioned this privilege. It felt that these expenditures were, in fact, capital outlays, not expenses; and were therefore deductible only over time, and not immediately. So Congress quickly adopted a resolution affirming the IRS power to grant the more favorable treatment to the intangible costs; and in 1954, directed that such a ruling become a statute.

Specifically, these "intangibles" include anything which in and of itself is of no salvage value. Any expenditure for labor, fuel, repairs, hauling, or supplies used in the drilling, shooting, or cleaning of the wells; or in the clearing of the ground; or in the draining, surveying, or construction of roads; or any other geological work; or in the construction of derricks, tanks, pipelines, and other physical structures. Altogether this amounts to nearly 75 percent of the cost of drilling an oil well. The remainder can still be deducted by the normal method; that is, over a period of "useful life."

The benefit of this arrangement is that the immediate writeoff of large sums of money shields an equal amount of otherwise taxable revenue. This money is then available for reinvestment and further increased revenues. During 1960—the most recent figures available—$1.3 billion were deducted from taxable incomes. The Treasury Department estimates that if this section was abolished, an additional $800 million in revenue would be generated.

APPENDIX I

TWENTY-THREE PERCENT DEPLETION APPLIES TO THESE MINERALS

Antimony
Anorthosite (to extent alumina and aluminum compounds extracted therefrom)
Asbestos
Bauxite
Beryl
Bismuth
Cadmium
Celestite
Chromite
*Clay (to extent alumina and aluminum compounds extracted therefrom)
Cobalt
Columbium
Corundum
Flourspar
*Graphite
Ilmenite
Kyanite

Lead
Lithium
Manganese
Mercury
Mica
Nepholite Syenite (to extent alumina and aluminum compounds extracted therefrom)
Nickel
Olivine
Platinum
Platinum Group Metals
Quartz Crystals (Radio Grade)
Rutile
Block Steatite Talc
Sulphur
Tantalum
Thorium
Tin
Titanium

See footnote at end of table.

TWENTY-THREE PERCENT DEPLETION APPLIES TO THESE MINERALS—continued

Laterite (to extent alumina and aluminum compounds extracted therefrom)

Tungsten
Uranium
Vanadium
Zinc
Zircon

FIFTEEN PERCENT DEPLETION APPLIES TO THESE MINERALS

Aplite
Barite
Bentonite
Borax
Calcium Carbonates
*Clay, Ball
*Clay, China
*Clay, Refractory & Fire
*Clay, Sagger
Copper
Diatomaceous Earth
Dolomite
Feldspar
Fullers Earth
Garnet
Gilsonite
Gold
Granite
*Graphite (Flake)
Gypsum
Iron Ore

Magnesium Carbonates
Marble
Metal Mines (not otherwise named)
*Mollusk Shells (when used for chemicals and content)
Molybdenum
Phosphate Rock
Potash
Quartzite
Rock Asphalt
Silver
*Slate
Soapstone
*Stone (dimension or ornamental)
Talc
Thenardite
Tripoli
Trona

FIFTEEN PERCENT DEPLETION APPLIES TO THESE MINERALS—continued

Limestone
Magnesite

Vermiculite
Other minerals not covered elsewhere

TEN PERCENT TO THESE MINERALS

Brucite
Coal
Lignite

Perlite
Sodium chloride
Wollastonite

FIVE PERCENT TO THESE MINERALS

*Clay (used for drainage and roofing tile flower pots, etc.)
Gravel
*Mollusk shells
Peat
Pumice

Sand
Scoria
*Shale
*Stone
If from brine wells—bromine, calcium, chloride, magnesium chloride

SEVEN AND ONE-HALF PERCENT TO THESE MINERALS

*Clay and shale
(used for sewer pipe or brick)
*Clay, shale, and slate
(used as lightweight aggregates)

---

* Note differing rates, depending on use. Except for sulfur and uranium, all minerals in the 23 percent bracket have a 15 percent depletion rate for foreign production.

APPENDIX II

1969 TAX REFORM STUDIES AND PROPOSALS APRIL OF 1969 SUBMITTED BY THE TREASURY DEPARTMENT

Tax rates on corporate taxable income compared with actual tax rates on total net income for 1965

[In percent]

	Effective tax without surtax or 7-percent investment credit	Tax with surtax, without investment credit	Tax with both	Actual tax on taxable income	Actual tax on total net income
All industries	48	45.8	43.4	42.3	37.5
Petroleum	48	47.8	44.8	43.7	21.1
Other minerals	48	46.4	42.7	40.5	24.3
Lumber	48	45.1	41.2	29.6	29.5
Commercial	48	45.0	43.4	42.2	24.4
Other manufacturers	48	47.2	44.9	44.4	43.3

Note: The reduction in effective rate from 43.4 percent to 37.5 percent for all industries was due to the following:

Percent depletion	2.2
Tax-exempt interest	.9
Capital gain rate	.8
Others	2.0
Total	5.9 (+37.5=43.4)

HYPOTHETICAL ILLUSTRATION

	Income	Cost	
10 exploratory wells, dry, at	$10,000	$100,000	$70,000 deduct current. 30,000 deduct as depreciation.
1 successful well with deposit in ground valued at $220,000		10,000	5,000 deduct current. 5,000 lease cost [1] (not deductible).
Well income	800,000		220,000 deduct (27½ percent allowance).
Lifting cost		200,000	200,000 deduct current.
Total	800,000	310,000	

Net income=$490,000.
Taxable income=$275,000 (= income−[cost+depletion allowance]).

For tax purposes, cost is $305,000 because the lease cost is not deductible.

APPENDIX III

TAXES PAID BY A SELECTED GROUP OF THE NATION'S LARGEST REFINING COMPANIES—1967 AND 1968

[In thousands]

	Net income before tax	Federal tax	Percent	Foreign, some State's tax	Percent	Profit after tax
Standard Oil, New Jersey:						
1967	$2,098,283	$166,000	7.9	$700,000	33.0	$1,232,283
1968	2,303,587	223,999	9.7	802,907	34.8	1,276,681
Gulf:						
1967	955,968	74,142	7.8	303,539	31.8	578,287
1968	977,321	8,005	.81	342,997	35.1	625,319

APPENDIX III—Continued

TAXES PAID BY A SELECTED GROUP OF THE NATION'S LARGEST REFINING COMPANIES—1967 AND 1968—Continued

[In thousands]

	Net income before tax	Federal tax	Percent	Foreign, some State's tax	Percent	Profit after tax
Texaco:						
1967	$892, 986	$17, 500	1. 9	$121, 100	13. 5	$754, 386
1968	1, 019, 930	23, 800	2. 4	160, 600	15. 8	835, 530
Mobil:						
1967	594, 593	26, 900	4. 5	182, 300	30. 7	385, 393
1968	673, 739	22, 000	3. 3	223, 500	33. 2	428, 239
Standard Oil, California:						
1967	513, 067	6, 000	1. 2	85, 400	16. 6	421, 667
1968	569, 431	16, 700	2. 9	100, 900	17. 7	451, 831
Standard Oil, Indiana:						
1967	366, 347	74, 021	20. 2	10, 576	2. 9	282, 250
1968	895, 064	74, 678	18. 8	10, 892	2. 7	309, 494
Shell:						
1967	342, 022	44, 940	13. 1	12, 233	3. 6	284, 849
1968	387, 767	63, 378	16. 3	12, 298	3. 2	312, 091
Cities Service:						
1967	165, 289	32, 347	19. 6	5, 105	3. 1	127, 837
1968	138, 613	12, 683	9. 2	4, 594	3. 3	121, 336
Union:						
1967	$163, 820	$10, 400	6. 3	$8, 457	5. 2	$144, 963
1968	164, 232	5, 955	3. 6	7, 045	4. 3	151, 232
Sun:						
1967	146, 946	24, 700	16. 8	13, 670	9. 3	108, 576
1968	227, 790	44, 290	19. 4	19, 070	8. 4	164, 430
Atlantic-Richfield:						
1967	145, 259	....	0	15, 254	10. 5	130, 005
1968	240, 272	2, 999	1. 2	37, 713	15. 7	199, 560
Marathon:						
1967	138, 520	3, 700	2. 7	60, 962	44. 0	73, 858
1968	155, 335	4, 350	2. 8	67, 659	43. 6	83, 326
Sinclair:						
1967	150, 017	10, 585	8. 1	24, 060	18. 5	95, 372
1968	101, 265	−2, 747	0	27, 429	27. 0	76, 583

THE ALIENATION GAP

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. PETTIS. Mr. Speaker, I am pleased to endorse an amendment to the Constitution which would lower the voting age to 18.

The upcoming generation is undoubtedly the best educated and most concerned of any that we have produced. The majority of today's youth has demonstrated a responsible attitude toward tackling the issues which face our society and the electorate. Unfortunately, many young adults have felt alienated. My colleagues have asked me how we can channel this tremendous concern and activity. We can begin today by lowering the age of meaningful political participation to 18.

In February of this year, a Youth Franchise Coalition, composed of 23 organizations, banded together in an effort to persuade Congress and State legislatures to act favorably on legislation to lower the voting age. This coalition represents the first concentrated nationwide effort to push for legislative action on all fronts.

The last four Presidents, including Richard Nixon, have endorsed a lower voting age. Note also, that a Presidential Commission on Registration and Voter Participation recommended in 1963 that the States give serious consideration to lowering their voting ages.

At this time, four States have a voting age lower than 21: in Georgia and Kentucky, it is 18; in Alaska 19, and in Hawaii 20. In all State legislatures with the exception of Mississippi, bills have been introduced in 1968 or 1969 to lower the voting age. Momentum is clearly building in favor of lower voting ages. As more States begin to approve a lower voting age, there will be increasing pressure for Congress to enact a uniform, national voting age.

There are those who question whether persons 18, 19, or 20 are wise enough and mature enough to be given the privilege of voting. In general, I think it must be conceded that they are. Improved education and vastly superior means of communication have combined to make our young adults informed and intelligent.

It is a fact that the electorate is now balanced in favor of older people, a phenomenon resulting from increasing longevity. At the same time, the population as a whole grows increasingly younger. The inclusion of those 18, 19, and 20 within the electorate, therefore, would bring it into closer approximation with the population as a whole.

Certainly, great responsibilities go with the right to vote. With the vote, the 18-year-old must accept greater responsibilities, including knowledge and concern with the financial obligations contingent on policy decisions.

Mr. Speaker, if we desire to counteract the politics of alienation, we would be well advised to take this small step of lowering the voting age. We can only encourage and cultivate responsibility by telling people we will give them an opportunity to act responsibly. Let us be honest with ourselves when we call for positive action within the system and, in doing so, we will be honest with the younger generation.

STUDENT UNREST

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, as part of my efforts to bring to the attention of my colleagues pertinent material on student unrest, I want to include at this point in my remarks a thoughtful and provocative article by John W. Ryan, vice president and dean for regional campuses of Indiana University, which appeared in the recent weekend issue of the Christian Science Monitor:

CAUGHT IN A THICKET OF POLITICAL PRESSURES

(By John W. Ryan)

(NOTE.—From campus radicals to lawmakers, from aroused alumni to educational policymakers, a variety of advocates think they know what universities should be and do. But many of those who press hardest for their own ideas may well be endangering academic freedom. An authority on this intensely debated subject outlines the problem.)

American universities are caught in a thicket of political pressures. Current student efforts to "politicize" the institution are only one aspect of a developing trend by various groups, on campus and off, to shape the university to their own purposes or ends.

It is not surprising that enterprises of such enormous magnitude in the social and economic activity of American life should have attracted the attention of major economic and political-interest groups.

This attention carries with it political pressures. Universities in the United States are unquestionably the targets of political pressures from all segments of the political framework—in forms ranging from the most subtle to the most obvious.

The university today must conduct its deliberations and its decisionmaking in an environment in which political pressure is an undeniable ingredient. Elected officials at federal and state levels now have power over a sizable part of the purse of universities, public and private, and the very existence of such power creates a pressure factor. Various groups interested in influencing university decisions about program, research, and organization realize the importance—sometimes decisive—of bringing such power to bear on behalf of their particular interest.

FUND FIGHT FOREMOST

Elected officials do not ignore their power nor the attempts by interest groups to bring the power to bear, and they should not. Universities have grown in size, level of financial support, and breadth of study areas in no small part through political pressure favoring these developments.

Allocation of public funds, directly (state and federal appropriations and/or grants) and indirectly (estate and income-tax policies) is the most visible of the battlegrounds on which the many interest groups contend.

The university today is in turmoil. Beyond the customary intellectual questioning and searching characteristic of an academic community, there is now physical confrontation of groups which demand that the university organize itself and function to achieve the particular social and political goals.

One must expect this from a university which is valuable to so many as the upward-status ladder or the door of economic and professional opportunity. Just because the university is so important to so many different interests, it will be and is being fought over. None of these interests is reluctant to mount political pressure to influence university decisions.

GOALS OF "NEW LEFT"

The avowed objective of students and faculty of the "new Left" is to "politicize" the university, to polarize the academic community into adversary position on issues largely outside the traditional interests of the institution. This is of course one major area of developing political pressure on the universities. Counterpressures naturally follow.

Increased state pressure on the operation of universities is one reaction to recent campus unrest. Much legislation speaks directly to this point. A Michigan legislator now investigates the Michigan state universities, saying that "people are sick and tired of shaggy-haired idiots interfering with the activities of good students."

In another state, a resolution in the State Senate calls for the dismissal of the state university president on the grounds that demonstrations and disruptions have given the university an "unseemly nationwide reputation." In Colorado, the State Senate's Judiciary Committee has voted to investigate student unrest.

A bill in the Illinois Legislature would make mandatory the expulsion of any student participating in vandalism, rioting, or the seizure of buildings at state-supported colleges and universities. In Maryland, a measure has been entered to void state scholarships to any student convicted of criminal charges in connection with campus disorders. In California, legislators have introduced more than 40 bills designed to curb student protests in one way or another.

STATE RESPONSE MANIFOLD

Certainly, it is obvious to anyone following daily news reports that activities of campus groups have provoked direct reaction from federal and state legislative and executive bodies, reaction which threatens to damage seriously the ability of universities to operate with the self-determinaton essential to intellectual activity.

Direct response to campus turmoil is but one aspect of state action which threatens academic freedom.

Since January, state legislation shows a definite trend toward increased centralized control of public higher education. In Utah, for example, a new 15-man board this summer takes control of the state's seven public institutions of higher learning. In Ohio the board of regents, which controls that state's public universities, enacted several measures for submission to the Legislature over the objections of the universities' presidents—including one to raise fees, another to phase out subsidies for out-of-state students, and a third to create five regional "university colleges," which would heavily stress technical education and remove university branches from main campus control.

FEDERAL ROLE MORE SPECIFIC

The 1969 Indiana Legislature received a recommendation from its Commission on Post High School Education calling for setting up a board of regents responsible for all public higher education in the state. Though legislation to effect this did not pass, a commission has been authorized by the governor to exercise similar budget and program-review responsibility for the period until the next legislative session.

Political pressure arising from influence on financial support is not exclusively a phenomenon of state action. The federal role in university finance is more specific. But its magnitude invites the attention of legislative and administrative agencies beyond the projects themselves, involving them in management and procedural matters within the university structure.

Federal finance through research grants and contracts remains a major source of funding for some universities, thus exerting a divided influence on the research choices and capital investment made by individual professors, students, and the institutions themselves.

[In the fiscal year ending June 30, federal funds flowing to colleges and universities for research totaled $1.5 billion. An additional $711 million went to laboratories administered by academic institutions. Research grants have declined since 1964. They jumped sharply in the preceding seven-year period, spurred by the Russians' sputnik success in 1957.]

Not only is federal finance important; it is also concentrated in relatively few institutions. Charles V. Kidd, formerly of the National Institutes of Health, estimates that 20 universities (out of 2,400 colleges and universities) get 60 percent of the federal funds, and 50 get 90 percent of the money. One obvious conclusion drawn by the other institutions is that if they want a share of the funds, they must reshape themselves to be more like those 50 getting 90 percent of the money.

This is subtle, but real, pressure on the decisionmaking of universities, putting an emphasis on what Paul Miller, former president of the University of West Virginia, calls the "agent-client method of providing financial support."

The massive federal funding for student financial-aid programs now faces tightening restrictions on both use of funds and behavior of recipients as one channel for bringing political pressure to bear on the university—and this is a nonelection year.

Next year is not likely to be a time of calm and order on the campus, but rather of confrontation, activism, and violence. Therefore, I expect much more public reaction and political pressure on the university next year than we have seen to date.

PUBLIC STAKE RISES

One of the reasons for the increasing political pressure on universities is their immense claim on public funds. Considerable political pressure also results from the massive demands that privately funded education places on the traditional sources of finance, particularly the tuition-paying parent and the conscientious alumnus-contributor.

Financial considerations cut both ways on the political scene.

The upward spiral of university demands on public funds clearly draws political attention, but so do efforts to minimize the claims on public revenue.

Attempts by the university to reduce the drain on public funds often generate political counterpressures. Higher user charges (tuition, fees, dormitory rates) and curtailment of program expansion tend to bring on political reaction. The same legislative and administrative officials who want to avoid heavier financial commitments to higher education also want to prevent user-charge increases.

COST OF BARRING INNOVATIONS

Demands for new academic degree programs, special projects, and off-campus student projects arise constantly inside and outside the university. A negative response to all such demands (universities usually decline to undertake the new programs asked of them) puts a modest brake on escalating budget requirements. But this in turn produces pressure from faculty, students, alumni, and parents, as much as from elected public officials, for a favorable response to such demands.

Political pressure, in short, does not follow a consistent party line in what is encouraged or discouraged.

Because of the rising financial needs and the political opposition to public-fund increases, universities have redoubled their emphasis on management techniques aimed at greater efficiency and on reallocation of resources to reduce the demand for new funds. Better decisionmaking too, it is argued, can pare budgets by realigning priorities through cost-benefit analysis. Management of universities can benefit from such attention, but political pressures on the university stem from the nature of the decisions rather than how efficiently they are made.

INTERAGENCY COMPETITION

One cannot overlook the broader problem facing the universities, particularly those publicly controlled. This flows from political pressures for the increase of public-service programs (conservation, welfare, health, etc.) at the very time other forces are pressing for spending cutbacks and tax reduction. The result is that the university must compete for public funds with other agencies whose functions are applauded by the universities and whose very programs may grow out of university academic, research, and service achievements.

Among other developments that give rise to pressures on the university are these:

Professionalism—the establishment of high standards of competence and ethics in a specialized field of knowledge—has characterized education for careers in law, health sciences, engineering, management, education, and many other areas. The increase of knowledge in all of the traditional professions has stimulated subgroup specialization and the growth of demands on the university to serve these specialized areas with professional programs, degrees, and certifications. In part this has been the result of the sheer increase in knowledge through research. It also results from the desire of "new professions" to attain the status and exclusivity of the "old professions" by such means as requiring successful completion of a graduate professional curriculum. Demands on university faculties and funds inevitably result.

ALLOCATIONS DEBATED

The university is perceived as having know-how which enables it to experiment and train people for new roles in society. Public agencies under political pressure themselves to undertake new programs or move in now directions see the university as an allied agency, and so do nongovernmental groups with special goals. University members, sensitive to society's needs and problems, are willing to collaborate in these efforts.

Within the university, however, there is a running debate over allocating resources among instruction, research, experimentation, and external service. Groups outside the university, as well as those inside, plead for funds and try to get priority for their favorite projects.

The university itself, in its traditional roles of instruction and research, has generated new paraprofessional occupations in management, electronics, engineering, health sciences, social service, and education among others. The advanced professional today requires support staff in highly technical fields which did not exist a decade ago, and many pepole now want to qualify themselves educationally to serve in such capacities. Thus begins the cycle of "pressure"; People feel a need seek a response and often expect the university to do something.

ENROLLMENT BOOST ASSUMED

The population explosion, with its consequence increase in demand for admission to college, has forced public universities to base plans and budgets on an assumption of a constantly increasing enrollment. Annual fund requests rise to support the larger numbers. The built-in assumption of expansion creates an automatic increase in cost.

The assumption itself derives from pressure, political and otherwise, to provide higher educational opportunity to the growing number of those who desire it. The pressure has been necessary to sustain the growth, because many in the academic community have been opposed to ever-expanding enrollments and programs. Many have worried quite as much about the growing complexity of graduate and professional programs, as others have worried about rising costs. These pressures from outside the university have found a response inside, both to expansion and to restraint in expansion.

The phenomenon of social change in America and in the world draws political attention to the university. The university is the persistent critic of itself, and of the society in which it exists. At the same time, it is a prominent institution in the framework within which society operates. Society preserves itself, renews itself, examine itself—in part through the university. The more valuable the university becomes to both the conservators and changers of society, the more each will bring pressure, including political pressure, to bear on university decisionmaking.

THE BOYS COME HOME

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. HAGAN. Mr. Speaker, I want to call to the attention of my colleagues the article from the Tattnall Journal of Reidville, Ga., entitled, "The Boys Come Home." I think that this is one subject on which all of us can agree—"it is good to have them home again, those who lived to come back."

THE BOYS COME HOME

The sight of United States soldiers just back from Vietnam parading, in Seattle, is a nostalgic thing, one which produces a lump in many a throat. Whatever the mistake of politicians, these men fought a war as ordered—and now it is good to have them home again, those who live to come back.

Those who remember homecomings after the Spanish-American War, in 1919, after World War II in 1945 and 1946 and after the Korean War, know the drama. The nation owes each returning combat veteran a debt—regardless of the issues beclouding the Vietnam War.

All Americans hope the recent lull in casualties in Vietnam, and the beginning of the process of bringing the boys home, are connected—and that the process will continue. In any event, many young Americans who have obeyed the call of duty and risked their lives carrying out the orders of their government, and military superiors, are coming back.

The nation is proud of their sacrifice, their many achievements. Those of us who did not have to serve, who enjoyed business as usual or life as usual while others fought in the mud and jungle for their lives, should not forget our debt to them, and to those who didn't come back.

THE ROLE OF THE NEW LEFT IN THE ARAB-ISRAEL WAR

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. BOB WILSON. Mr. Speaker, I have noticed an expression of concern in the press about the role of the new left in helping the Communists and Egyptian President Nasser "Vietnamize" the Arab-Israel war. It appears that the antimilitary and antiwar mood in America has been exploited by the enemies of Israel as well as the enemies of the United States.

I refer to a syndicated article by a well-known Washington correspondent, Mr. Milton Friedman, correspondent of the Jewish Telegraphic Agency. It appeared throughout the Nation and abroad. He notes:

> The Arab calculation is that Americans, exasperated by Vietnam, may pressure Israel to make unilateral concessions in the name of "peace".

For the information of my colleagues, I insert the article in the CONGRESSIONAL RECORD, as follows:

NEW LEFT TO HELP NASSER "VIETNAMIZE" ARAB-ISRAEL WAR

(By Milton Friedman)

WASHINGTON.—President Nasser of Egypt has responded to the anti-war mood sweeping America by escalating the sub-war of attrition against Israel. Nasser hopes to emulate North Vietnam's Ho Chi Minh by endless guerrilla warfare that will drain Israel and generate a defeatist mood among Israel's supporters abroad. Communist and Arab propagandists are skillfully preparing "teach-ins" for the New Left in the United States, When universities reopen in September, a lot will be heard about self-determination of Palestinian Arabs.

Attempts are already being made to equate Israeli occupation of territories seized in the Six-Day War with the American involvement in Vietnam. Nasser is counting on the American youths, Jewish and non-Jewish, who are refusing military service to see the Arab "liberation" struggle in the same context as Vietnam's National Liberation Front.

Much water has flowed down the Jordan since the tense days of May, 1967, when virtually all Americans, young and old, supported Israel. They saw the Arabs and Russians ganging up or Israel. But since the endless alarms, the artillery battles, the jet flights and the guerrilla terrorism, a new public mood has emerged in the West. People, especially the young, are saturated. A growing trend favors not only withdrawal from Vietnam but disengagement from even the vague commitments the United States has to Israel. There are troubles enough at home—inflation, riots, pollution, urban chaos, and still continuing war in Vietnam.

No discernible anti-Israel sentiment has affected any large sector of the public. Instead, the mood appears to be a wish that both Arabs and Israelis would just disappear in the desert dunes.

Elements of the New Left, however, are about to become involved. The involvement will be on the side of the Arabs. Israel is depicted as linked with neo-colonialism, imperialism, and the U.S. defense establishment. The Arabs are seen as emerging, under privileged people who are struggling against racism, exploitation, and domination.

Israeli authorities have learned that a few individuals of Jewish origin who are New Left activists have been in Israel this summer looking for disgruntled Arabs. Such New Leftists are preparing for the fall teach-ins. Proclaiming that they are Jewish and therefore unprejudiced, such persons are expected to focus attention on the plight of the Arab refugees. Their full line will aid the propaganda of the Arab terrorists and do much to undermine Israel among non-Jewish liberals. Israel, a free nation, has not denied visas to such agitators.

Nasser, however, can only be joyous. He is convinced that the United States, wishing to avoid confronting the Soviet Union, will ignore the increasing flow of Russian weapons and technicians to Egypt. If the anti-war atmosphere in the United States is broadened, the supply of U.S. jets to Israel may be jeopardized. The Arab calculation is that Americans, exasperated by Vietnam, may pressure Israel to make unilateral concessions in the name of peace.

Another factor in Arab thinking is the lesson of attrition learned in Vietnam. Even if the Vietnamese suffered 10 dead for every American killed, the U.S. losses are great enough to sway public opinion. Since the Arabs so vastly outnumber the Israelis, contrasted with the tremendous numerical troop superiority America has over North Vietnam, the Arab strategy appears even more logical.

QUESTIONNAIRE ON TAXES, INFLATION, AND GOVERNMENT SPENDING

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. RUPPE. Mr. Speaker, following are the results from a poll I recently conducted in the 11th Congressional District of Michigan. The questionnaire was forwarded to all postal patrons in the 11th District, and I believe you will find the results to be of great interest.

Questionnaire results—Inflation, taxes, and Government spending

[Answers in percent]

1. In an effort to check inflation and rising prices, would you support:

(a) Substantial reduction in domestic programs:

Yes	43
No	33
Undecided	24

(b) Substantial reduction in military spending:

Yes	57
No	22
Undecided	21

(c) Extension of the 10% surtax for six months and a 5% extension for the succeeding 6 months, anticipating a tax reform program for this year.

Yes	50
No	33
Undecided	17

2. How much do you feel Congress should spend on the following:

(a) Education.

More	35
Less	13
Same	41
Zero	1
Undecided	10

(b) Poverty and hunger programs.

More	38
Less	21
Same	29
Zero	3
Undecided	9

(c) Antiballistic missiles.

More	20
Less	22
Same	28
Zero	17
Undecided	13

(d) Space program.

More	6
Less	36
Same	32
Zero	15
Undecided	11

(e) Highways.

More	37
Less	10
Same	43
Zero	1
Undecided	9

(f) Pollution control.

More	70
Less	2
Same	17
Zero	2
Undecided	9

(g) Programs to aid inner cities.

More	23
Less	22
Same	30
Zero	13
Undecided	12

(h) Programs to aid rural areas.

More	33
Less	14
Same	29
Zero	9
Undecided	15

(i) Vietnam war.

More	10
Less	36
Same	22
Zero	23
Undecided	9

(j) School lunch program.

More	22
Less	12
Same	50
Zero	9
Undecided	7

(k) Law enforcement grants.

More	57
Less	2
Same	27
Zero	3
Undecided	11

(l) Supersonic transport (SST) development.

More	6
Less	25
Same	24
Zero	29
Undecided	16

DOMESTIC AFFAIRS

1. Is the Federal government directing enough attention toward actively protecting the consumer interest?

Yes	28
No	60
Undecided	12

2. Should cigarette advertising be banned from radio and television?

Yes	54
No	38
Undecided	8

3. Should the electoral college be abolished and the President and Vice President elected by popular vote?

Yes	75
No	13
Undecided	12

4. Do you feel that some sort of national guaranteed income should replace present welfare programs?

Yes	30
No	60
Undecided	10

5. Do you favor reorganization of the Post Office Department along the lines of a public corporation?

Yes	65
No	27
Undecided	8

6. Regarding the Selective Service System, do you support:

(a) The present draft system?

Yes	19
No	38

(b) Moving toward an all-voluntary force (after Vietnam)?

Yes	55
No	18

(c) The lottery method, drafting young men first?

Yes	36
No	24

(Some voters considered the above an "either/or" question, while others did not. Consequently, the Yes answers for (a), (b), (c) combined exceed 100 percent.)

7. Would you support the establishment of a National Youth Conservation Corps?

Yes	37
No	29
Undecided	34

FOREIGN AFFAIRS

1. If we do not establish peace in Vietnam in the near future, which one of the following broad policy courses would you have me recommend to the President?

(a) Continue Paris negotiations and hold the present level of American commitment.

Yes	13

(b) Begin unilateral withdrawal of U.S. forces.

Yes	32

(c) Increase pressure on North Vietnam and resume bombing.

Yes	22

(d) Offer to agree to a coalition government in South Vietnam which includes the Viet Cong in return for a cease fire.

Yes	17

(e) Declare all-out war on North Vietnam and invade.

Yes	25

(Here again, some voters checked more than one answer. Consequently, (a), (b), (c), (d), (e), combined answers exceed 100 percent.)

2. Regarding foreign aid, should the United States:

(a) Continue to extend military assistance to other nations?

Yes	25
No	50
Undecided	25

(b) Continue to extend economic and technical assistance to other nations?

Yes	59
No	28
Undecided	13

3. Should I recommend to the President that he extend diplomatic recognition to Red China?

Yes	36
No	52
Undecided	12

4. Who do you feel represents the greatest threat to the security of the free world?

China, yes	30
Russia, yes	8
Both equally, yes	48
Undecided	14

5. Should the United States adopt a 12-mile offshore territorial limit against other nations who impose more than a 3-mile limit?

Yes	78
No	12
Undecided	10

TRIBUTE TO THE INDEPENDENCE OF NIGER

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. POWELL. Mr. Speaker, on this 9th anniversary of Niger's independence—August 3, 1960—I would like to extend my congratulations to the people of Niger and my wish that they continue to be successful in their drive toward economic prosperity.

With a population of 3.5 million people and a country the size of California and Texas combined, Niger has many problems, but one of them is not overcrowding. Actually, she is remarkably free of the turmoil and agonies which is convulsing her neighbor to the south, Nigeria.

Her economy has shown a decided improvement since independence. Although 80 percent of her GNP comes from agriculture, her GNP has shot up fourfold from 1958 to 1968. Although Niger has registered a trade deficit every year since 1960, these deficits are being progressively reduced. The reductions are primarily due to the success of her farm program, which increased the efficiency of the farmers and herdsmen while encouraging crop diversification.

In this age of moon landings and Mars sightings, Niger might do well to ponder the words of Astronaut Aldrin as he walked on the moon:

> I say that the rocks are rather slippery. . . . About to lose my balance in one direction and recovery is quite natural and very easy.

With a firm resolve, a high morale, and an exemplary determination, I am sure that the people of Niger, under the moderating inspiration of their exceedingly competent President, Hamani Diori, will continue on the road to peace, progress, and prosperity.

"PUBLIC BE DAMNED" ATTITUDE OF POTOMAC EDISON CO. OF WEST VIRGINIA

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. OTTINGER. Mr. Speaker, the Washington Post this month has been following a story that concerns a subject of vital importance to the Congress. The articles, which I submit for the RECORD, report the frustrations of citizens who are seeking the assistance of their Government to prevent the destruction of a public resource at the hands of a privately owned electric utility which has again demonstrated a "public be damned" attitude.

The Potomac Edison Co. of West Virginia, in blatant disregard of the public interest, has indicated its intention to proceed with the irreparable destruction of a unique and valuable scenic, historic, and recreational area. While these shocking actions come as no surprise to those of us who have followed the workings of the private utility industry for any length of time, we must all be dismayed by the collaborative assistance that is being rendered by the one agency with principal responsibility for the preservation of these public values, the Department of the Interior.

For many years now, several of us in both Houses of the Congress have been committed to the preservation and promotion of the Potomac River. Its shores have been the silent witness to countless great moments in history. Its potential for enjoyment and relaxation is today, more than ever before, so vitally needed by our overcrowded and overburdened population. Yet, we all recognize that if the Potomac is to be preserved and developed as it must be, it will require the commitment of private as well as public resources. Much of the area contiguous to the Potomac and its bordering Chesapeake and Ohio Canal is in private ownership.

Mr. and Mrs. Harold Sangster own 311 acres of undeveloped land near Shepardstown, W. Va., with three-quarters of a mile bordering the Potomac. Their land is rich in history, in scenic splendors, and in recreational opportunities. Indeed, the Department of the Interior's interdepartmental task force on the Potomac specifically identified the property as a recreation concentration area and much of the property would be within the boundaries of the Potomac National River Park as proposed by the Department last year. No doubt there will be increased pressures on the Department in coming years to utilize public funds to acquire such parcels of land to insure their preservation for the public good.

No such expenditure would be required in the case of the Sangster property. They acquired it specifically with the object of developing it consistent with the Department's own master plan, as a recreation area. Now the realization of this objective is about to be destroyed by the needless taking of this unique public resource for the selfish motives of a private power company. In total disregard of alternative routings that I have reason to believe would be compatible with environmental considerations and with the company's obligations to its users, the Potomac Edison Co. is about to wantonly bisect this property by constructing a 500-kilovolt powerline running along the shores of the Potomac.

With nowhere else to turn, the Sangsters looked to the Department of the Interior for help. As part of their overall plan to develop this property for recreational purposes, they offered the Department a free scenic easement over their property. All they asked in return was that the Department act to preclude the construction of the powerline over their land, the public value of which the Department had already formally recognized.

The Department turned a deaf ear. The Department clearly recognized that the public interest required preservation of this rich undeveloped land; yet, it based its refusal to pursue any of the alternative courses of action suggested to it solely on the ground that it lacked statutory authority. Despite requests for a supporting memorandum, the Department has never submitted any document setting forth the legal justification for its position. I was suspicious of this construction of the Department's authority and my suspicions have been confirmed. The full authority of the Department to act in the public interest has been set out in detail in a letter sent to Secretary Hickel by all seven members of the Subcommittee on Conservation and Natural Resources of the House Committee on Government Operations. That letter is as follows:

House of Representatives, Conservation and Natural Resources Subcommittee of the Committee on Government Operations,
Washington, D.C., July 11, 1969.

Hon. Walter J. Hickel,
Secretary of the Interior, Department of the Interior, Washington, D.C.

Dear Mr. Secretary: We request that you undo a recent action by your Department which runs counter to the public interest and your policy to protect the Potomac River and the Federal interest in the Chesapeake and Ohio Canal National Monument.

The Potomac Edison Company is constructing a 500 kilovolt transmission line through Pennsylvania, Maryland and West Virginia. Its original routing would have adversely affected the scenic view at Antietam National Battlefield and other historic places. As a result of widespread protests by many people, including several of us, the Interior Department, to its great credit, insisted that it would not grant the Company the permit it needed to cross the Chesapeake & Ohio Canal until the line was rerouted to protect those scenic and historic values.

We now learn that on July 1, 1969, your Department granted the crossing permit to the Company but disregarded important environmental values in an area immediately upriver from Dam 4, between Whiting Neck and Terrapin Neck, about 4 miles northwest of Shephardstown, West Virginia. There the Company intends to construct its line, with towers up to 137 feet high, parallel and immediately adjacent to the boundaries of the proposed Potomac National River Park. The line and towers will gravely impair the scenic view from the River and from the C. & O. Canal. In addition, the line will cut through the middle of the 311 acres Sangster tract which is in the Recreation Concentration Area especially designated by the Federal Interdepartmental Task Force on the Potomac. This tract, which for about three-fourths of a mile borders the Potomac River and offers direct access thereto, provides great opportunity for recreation development in an area where such access is greatly restricted by high bluffs along the River. Your Department has repeatedly acknowledged the unique values of the land and the urgent necessity to preserve them.

There are two aspects to this matter which are disturbing. *First*, that your Department granted the crossing permit in disregard of the recreational and scenic values in the Recreation Concentration Area through which the Company now intends to run the line along the boundary of the proposed park and less than $\frac{1}{10}$ mile from the River's edge, even though its earlier plans had a route that would have passed through farm land away from the Sangster tract where the towers would not have been visible from the River. *Second*, that the Department refused to accept from the owners the scenic easements and public access rights they offer to your Department, without cost to the Government, in their effort to protect the recreational and scenic values in this Recreation Concentration Area.

Unless your Department takes immediate action to protect the public interest in this case, the Company will acquire its right of way over this property by condemnation and promptly construct the line, thereby forever precluding the preservation of the scenic and recreation values in this area, including those of the C. & O. Canal National Monument.

Your Department has a particular obligation to prevent this result in light of Congressional interest in pending bills regarding the Potomac Basin (such as the Potomac National River bill, Potomac River Basin Compact, and proposals to expand the recreational status of the C. & O. Canal), and to maintain the status quo in this area until the Congress takes final action on these legislative proposals. Such protection can be achieved (1) by revoking the C. & O. crossing permit unless the Company agrees to construct its line where it will not be visible from the River, and the C. & O. Canal; and (2) by the Department's immediately accepting scenic easements and public access rights which will thereby protect the area against destruction of its scenic and recreational values. Your Department clearly has authority to take both of these actions, under the laws relating to National parks and monuments (16 U.S.C. 1), the C. & O. Canal (sec. 4, 67 Stat. 359, P.L. 83–184), the Outdoor Recreation Act (16 U.S.C. 4601–1(h)), and the National Park Foundation (secs. 1, 3, 81 Stat. 656, P.L. 90–209).

We call to mind that on at least two recent occasions—concerning the Hunting Creek landfill, and the imposition of new requirements on off-shore oil drilling leases—you demonstrated the courage and wisdom to reverse prior Department policies which had disregarded the public interest and endangered the environment. We urge that you do so here also.

We shall appreciate you promptly informing us of your action on this matter.

Sincerely,

Henry S. Reuss,
Chairman.
Guy Vander Jagt.
Floyd V. Hicks.
Paul N. McCloskey, Jr.
Jim Wright.
John E. Moss.
Gilbert Gude.

I join with the members of that subcommittee in demanding action by the Department.

The real issue now presented is whether the Department will act where necessary to protect the public interest. Whether it will encourage or frustrate the dedication of private resources for the public good. We will all await its response with interest.

As for the Potomac Edison Co., its actions only again confirm what many of us have long known: when public values conflict with utility greed, the latter will prevail. The company's total disregard of the public welfare, notwithstanding that I have every reason to believe that it could have selected a compatible alternative route, again demonstrates the need for public supervision of routing decisions. Many of us in the Congress will work diligently in coming months to ensure such supervision.

So that we may all have the opportunity to examine the relevant documents that have thus far been prepared in connection with this matter, I would now like to submit them for the RECORD. It will be noted that the Department's cursory reply to the extensive legal memorandum submitted to it came less than 24 hours after that submission.

[From the Washington Post, July 20, 1969]

PLANNED POWER LINE WOULD RUIN SCENERY, HOUSE COMMITTEE CLAIMS

(By John Hanrahan)

A controversial power transmission line, diverted last year to avoid Antietam National Battlefield, has been rerouted in such a way as to destroy the scenic and recreational values along the Potomac River, a congressional subcommittee has charged.

In a letter sent last week to Interior Secretary Walter J. Hickel, the House Conservation and Natural Resources subcommittee urged that the permit to construct the line be revoked unless the company "agrees to construct its line where it will not be visible from the River and C&O Canal."

The Interior Department on July 1 granted the permit to Potomac Edison Co. to allow it to cross the Potomac and the C&O Canal into Maryland with its 500 kilovolt transmission line between Whiting Neck and Terrapin Neck, about four miles northwest of Shepherdstown, W. Va. Towers of up to 137 feet high are included in the project.

The approval came despite protests from the affected West Virginia property owners, Mr. and Mrs. Harold L. Sangster, who said they wanted to protect the recreational and scenic values of the land and offered the Interior Department scenic easements and public access rights.

The department, in a June 26 letter signed by Assistant Secretary Leslie L. Glasgoe, refused the offer, saying, "We have concluded that the presently contemplated alignment meets the basic objectives of the Department of the Interior."

The House subcommittee, in a letter signed by its chairman, Rep. Henry S. Reuss (D-Wis.), urged Hickel to "undo a recent action by your Department which runs counter to the public interest and your policy to protect the Potomac River and the Federal interest in the Chesapeake and Ohio Canal National Monument."

The line and the proposed 137-foot towers, which are parallel to the Potomac for three-quarters of a mile and are immediately adjacent to the boundaries of the proposed Potomac National River Park, "will gravely impair the scenic view from the River and the C&O Canal," the subcommittee stated.

In addition, the subcommittee noted, the 311-acre Sangster tract through which the power line will cut, "is in the Recreation Concentration Area especially designated by the Interdepartmental Task Force on the Potomac." It was especially disturbing the subcommittee said, that the Interior officials had turned down an opportunity to preserve the area "without cost to the Government . . ."

[From the Washington Post, July 26, 1969

SECOND ROUND IN THE POWERLINE FIGHT

The rerouting of a Potomac Edison Co. power line a few months ago to avoid the Antietam National Battlefield has itself come under sharp challenge. The House Conservation and Natural Resources Subcommittee has asked Secretary Hickel to revoke the permit given for use of a modified route for the controversial line across the Potomac River and the C and O Canal National Monument because of new encroachments on scenic values. Certainly this complaint should be amply aired before condemnation of the land in question is sought.

Chairman Henry S. Reuss of the Subcommittee has made a convincing case. Under the new plan the 500-kilovolt transmission line, with 137-foot towers would be built in a section northwest of Sheperdstown, W. Va., immediately adjacent to the boundaries of the proposed Potomac National River Park. The view from the river and the old canal would be impaired, and the line would cut through the middle of a 311-acre tract which has been designated as a "recreation concentration area" by the Potomac planners. The tract is essential to the future park, according to the subcommittee because it offers access to the river in an area characterized by the high bluffs along the shore.

The action of the Interior Department in consenting to a crossing of the river at this point was especially unfortunate because the owner of the tract had offered to give the Government a scenic easement and public access rights to protect its scenic and recreational values. If the Potomac National River Park or anything comparable to it is ever to be achieved, the Interior Department ought to be accepting every easement of this kind that is offered to it.

The Subcommittee has made an extreme request that the C and O crossing permit be revoked "unless the Company agrees to construct its line where it will not be visible from the river, and the C and O Canal." Since the power line presumably has to cross the river and the canal at some point to connect with existing transmission lines at Doubs Station on the Maryland side, it is difficult to see how it can be kept entirely out of sight with present technology. But the necessity of a crossing does not justify the construction of an ugly power line for three-quarters of a mile along the edge of the proposed park. Secretary Hickel's firm stand for protection of the scenic values along the Potomac in other cases calls for a reexamination of this decision while there is yet time to avoid a grave mistake.

The power company has filed a condemnation suit in West Virginia in order to acquire right-of-way needed for its line across Sangster property. Unless the Department acts swiftly, the subcommittee warned, it will mean "forever precluding the preservation" of the area.

Gladys Kessler, one of the attorneys for the Sangsters, said that in a June 20 meeting Interior officials had agreed that the area was worthy of preservation. She said the Sangsters had suggested that the line either be moved back on their property one-half mile from the River and Canal or further back across a road and off their property.

Bernard Meyer, associate solicitor for the Interior Department who was involved in talks with the Sangsters' attorneys, said yesterday, "Its inevitable in our civilization to have some crossings" of the River and Canal with power lines.

Meyer said the Department had been involved in long discussions with the power company since the dispute over Antietam erupted two years ago. The Park Service approved the permit, he said, because it was satisfied that this was the proper routing for the line. Agreement to reroute the line from Antietam was reached in March, 1968.

Potomac Edison, he said, also was becoming concerned with the long delays. "I'm sure the power company feels it has an obligation to its customers and its stockholders in this matter," he said.

Plans for the $25-million, 155-mile power line from Hatfield's Ferry, Pa., through Maryland and into West Virginia, then back to Maryland to its terminal at Doubs, Frederick County, were first disclosed in May, 1967. As proposed, the line would have cut through a scenic area just south of the battlefield.

Stewart L. Udall, then Interior Secretary, helped block that route by withholding the permit to cross the C&O Canal.

The Maryland General Assembly, spurred by the sudden disclosure that power companies had virtually unlimited condemnation powers, enacted legislation requiring the State Public Service Commission to hold hearings and then decide whether to grant certificates for erecting such lines.

[From the Washington Post, July 31, 1969]

INTERIOR DENIES PLEA ON POWER LINE

(By John Hanrahan)

The U.S. Interior Department has rejected a congressional subcommittee's request to revoke the permit to construct a controversial power transmission line across the Potomac River near Shepherdstown, W. Va.

The power line, which includes towers of up to 137 feet high, will cross the river and the Chesapeake & Ohio Canal "at a point of minimal adverse environmental impact with regard to the resource values of the region as a whole," said Leslie L. Glasgow, assistant Interior Secretary.

Glasgow's comments came in a letter written Monday to Rep. Henry S. Reuss (D-Wisc.), chairman of the Conservation and Natural Resources Subcommittee of the House Committee on Government Operations.

The subcommittee has yet to respond to Glasgow's letter.

In a letter to Interior Secretary Walter J. Hickel two weeks ago, Reuss and six subcommittee members contended that the power line had been rerouted in such a way as to destroy scenic and recreational values along the Potomac. The line and the towers would run immediately adjacent to the boundaries of the proposed National Potomac River Park.

The subcommittee also expressed concern that the Department had refused the offer of scenic easements from the owners of the 311-acre tract through which the power line will cut, stating this would be an opportunity to preserve the area "without cost to the government."

The power line is the same one that the Interior Department last year ordered to be rerouted in order to avoid Antietam National Battlefield. The permit to cross the Potomac and C&O Canal with the power line was granted July 1 by the Department to the Potomac Edison Co.

The subcommittee has contended that the area is worthy of preservation to protect the scenic view and the Federal interest in the C&O Canal National Monument and the Potomac as a recreation area.

The 500 kilovolt transmission line which will run parallel to the river and canal for three-quarters of a mile, is to cross into Maryland between Whiting Neck and Terrapin Neck, about four miles northwest of Shepherdstown.

In his letter, Glasgow stated that "The presently contemplated alignment meets the basic objectives of this Department." Claiming that the Department does "not now have authority to acquire permanent interests in the Sangster property," Glasgow added:

"Furthermore, even if authority did exist to accept a scenic easement . . . it would be inappropriate to consider taking such action as has been suggested if its effect would be inappropriate to consider the line . . ."

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., May 26, 1969.

Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RANDOLPH: We regret very much the delay in replying to your written inquiry on behalf of Mr. Harold L. Sangster concerning a 500 KV transmission line which the Potomac Edison Company had intended to build across the center of the Sangster property. You should be aware that this Department carried on extensive negotiations with the Potomac Edison Company over the past 2 years concerning the entire routing of this transmission line as it would affect such areas in the public interest as the Antietam Battlefield (Maryland) Harpers Ferry (West Virginia), the South Branch-Cacapon River (West Virginia), the Chesapeake and Ohio Canal (Maryland), and the Potomac River (Park) proposals. Such work culminated in a compromise routing agreed to by this Department and the Potomac Edison Company on March 14, 1969, subject to final review of the line's plan-profile drawings and issuance of a right-of-way document by the National Park Service for crossing the Chesapeake and Ohio Canal National Monument (Maryland). By January of this year the plan-profile drawings were approved.

This Department has very carefully considered the matter of the line location in relation to the Sangster property as such property would be in the public interest of the Potomac River (Park) proposals. On May 16 the president of the power company was asked by telephone to consider moving the line to the south edge of the Sangster property which would afford reasonable assurance to minimize the impact of the line upon the Potomac River (Park). The president of the power company called on May 19 and stated that it was necessary to discuss the request with company attorneys. We had no response and again called him today. He advised that the company was considering moving the line as requested but as yet no decision had been reached, and would advise us definitely at a later date.

We appreciate your concern in these matters of public interest and hope you and Mr. Sangster understand the position of this Department. Please contact us again if you feel we could be of further assistance.

Sincerely yours,

Leslie L. Glasglow,
Assistant Secretary of the Interior.

U.S. Senate,
Committee on Public Works,
Washington, D.C., April 8, 1969.

Mr. Harold Sangster,
Scrabble, W. Va.

Dear Mr. Sangster: Thanks for your letter of April 7 relative to your property in Scrabble and the proposed transmission line to be constructed by Potomac Edison. Your concern is understood and I appreciate your counsel.

I have written to the Interior Department and to Potomac Edison Company in this regard and will be in touch with you as soon as a response is received.

With best wishes, I am

Truly,

Jennings Randolph.

U.S. Department of the Interior,
Washington, D.C., May 29, 1969.

Hon. Jennings Randolph,
U.S. Senate,
Washington, D.C.

Dear Senator Randolph: This is in further reference to your inquiry concerning the Potomac Edison Company's 500 KV transmission line which, according to the presently planned alignment, would cross Mr. Harold L. Sangster's property in West Virginia.

On the morning of May 28 Mr. David Granger of the firm of Clifford, Warnke, McIlwain, Glass and Finney, representing the Potomac Edison Company, met with me and members of my staff to discuss our request to consider moving the line as indicated in my letter to you of May 26. Mr. Granger summarized the power company's position substantially as follows:

1. The company has negotiated in good faith, has incurred more than a year in delay in project time and hundreds of thousands of dollars of additional expense in an earnest effort to meet the Department of the Interior's concerns.

2. The Department should not withhold issuance of the right-of-way easement to which the company is entitled on the basis of a request for special treatment by one private landowner. Such action would precipitate many such requests for special consideration, resulting in unreasonably increased project costs and further delay in meeting the public need for regional electric power supply.

Mr. Granger was asked if the company had in fact carried on any negotiation with Mr. Sangster, and he promised to look into this aspect and let us know as soon as possible.

This Department is fully aware and appreciative of the fact that the Potomac Edison Company has made a great effort which demonstrates significant progress in its and the utility industry's growing concern and actions with respect to the impact of transmission lines upon the quality of the environment. This agreement, whereby the company has moved so as to minimize intrusion upon and not dissect the complex of Antietam Battlefield-Harpers Ferry and the South Branch-Cacapon River area of regional and national historic and scenic interest, should be recognized as a long step in the right direction. It is our hope to retain this progress. We appreciate your interest and concern for environmental quality.

Sincerely yours,

Leslie L. Glasgow,
Assistant Secretary of the Interior.

June 5, 1969.

Mr. Leslie L. Glasgow,
Assistant Secretary of the Interior U.S. Department of the Interior, Washington, D.C.

Dear Mr. Glasgow: We understand that you recently discussed with a representative of the Potomac Fdison Company the presently planned crossing of Mr. and Mrs. Harold L. Sangster's property by a 500 KV transmission line. In the course of that discussion, the representative of Potomac Edison apparently made certain statements to you which, we feel, cannot remain unanswered.

It was stated that Potomac Edison had negotiated, in good faith, with Mr. and Mrs. Sangster and had already incurred great delays and expense in responding to the concerns of the Department of the Interior. In fact, the Company has not negotiated at all with Mr. and Mrs. Sangster on the critical question of where the transmission line will go. The Company advised us orally that they explored a proposed alternative routing we had suggested and rejected it as involving too much delay. They never subjected their conclusion to the scrutiny of our engineers who advise us the alternative routing of a very minor part of the line could probably be accomplished without any significant delay. In fact, Potomac Edison's own estimate of delay (3–6 months) given in March of this year suggests that had they begun at that time, in good faith, to reroute the line, the work would now be completed. As with the delay associated with the line rerouting requested by the Interior Department to protect Antietam and other areas and the Paw-Paw Bends, the alleged delay connected with the minor alterations we suggest is really a delay created by Potomac Edison's unwillingness to quickly resolve the issue when first raised.

Potomac Edison has also alleged that the request which we make is on behalf of a private landowner for special treatment. In fact, our request is made on precisely the same basis that the Department of the Interior requested the original rerouting—to preserve unique land for recreational and scenic purposes in the public interest. We know of no other similarly situated property on the entire proposed route. It is because of the very uniqueness of this 311 acre tract of land that we are so concerned about the irreparable damage which will be caused by this transmission line.

We very much appreciate the deep concern which the Department of the Interior has shown for the preservation of scenic and recreational land. We applaud their long and difficult struggle to preserve the Antietam Battlefield and Paw-Paw Bends. As the Department advised in its March 14, 1968 news release, it was the desire of the Department and of Charles D. Lyon, president of Potomac Edison, to preserve the Potomac River, riversides and adjacent setting as scenic and recreational areas for present and future generations. If the proposed crossing of Mr. and Mrs. Sangster's land is not prevented, the expressed desire of all concerned, to preserve the riverside and adjacent setting, will not be achieved.

Thank you for your interest in this matter.

Sincerely,

Anthony I. Roisman.

U.S. Department of the Interior,
Washington, D.C., June 2, 1969.

Hon. Jennings Randolph,
U.S. Senate,
Washington, D.C.

Dear Senator Randolph: This responds further to your inquiry concerning the Potomac Edison Company 500 KV transmission line as it would affect the Harold L. Sangster property (West Virginia) and following our previous letters of May 26 and 29 to you, we can report that:

1. This Department has fully examined this matter in depth.

2. This Department passed on to the company the concern expressed on behalf of the Sangsters by asking the power company to consider moving the line to the south side of the Sangster property. The company has indicated that it was not willing to alter the line as related to the Sangster property.

3. The company's counsel has reported that there were negotiations with Mr. Sangster and his attorneys since April 1968. We were informed also that during the period from April 1968 until February 1969 the discussions centered on the purchase price for a right-of-way across his property.

4. The company's counsel indicated Mr. Sangster or his representative did not object to the proposed taking of the right-of-way on the ground that it conflicted with his land use plans until February of this year. Mr. Sangster's counsel first visited this Department in March of this year at which time this Department was verbally informed of Mr. Sangster's land use plans.

After many months of serious negotiation between this Department and the company concerning this line, a final understanding resulted on January 3 of this year in line routing and alignment, tower heights and location, and vegetative treatment of the right-of-way. Throughout negotiations with the company this Department based its concern solely on the factors of public interest without consideration for any specific private land ownership.

You may be assured that this Department, in its extended negotiations with the company, has made an earnest effort to minimize the impact of the line upon the regional landscape and the areas of particular historic and scenic interest of the region. The effect of the compromise agreement is that the Potomac Edison Company is taking a great step toward the public interest in minimizing the adverse impact of transmission lines upon environmental aesthetics.

Since the company is willing to meet all the conditions of the agreement of March 14, 1968, we feel it is appropriate to issue the right-of-way easement across the Chesapeake and Ohio Canal National Monument and thus avoid further delay in the progress of this project to improve the reliability and supply of electric power to this region.

We appreciate your concern and interest in the utility aspects of environmental quality. Please contact us again if we can be of assistance in such matters.

Sincerely yours,
LESLIE L. GLASGOW,
Assistant Secretary of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, D.C., June 16, 1969.

Mr. ANTHONY Z. ROISMAN,
Berlin, Roisman & Kessler,
Washington, D.C.

DEAR MR. ROISMAN: This is in response to your letter of June 5 concerning the Potomac Edison Company's 500 KV transmission line crossing the property of Mr. and Mrs. Harold L. Sangster.

The information you have offered concerning the degree of negotiation carried on between the company and the Sangsters is of general interest. This Department, however, is not in a position to negotiate the location of this line on behalf of any individual private land owner.

You have made mention of the general line routing agreement of March 14, 1968 of former Secretary Udall and Mr. Lyon, president of the Potomac Edison Company. On January 3, 1969 this Department accepted the company's proposals for meeting the conditions of the March 14 agreement. Therefore, as of January 3 this Department has stood in confirmed agreement with the company on matters pertaining to the routing and construction of the line.

In April of this year a number of inquiries were received by this Department from members of Congress concerning the location of the line on the Sangster property. Those inquiries requested that issuance of the right-of-way document for the line to cross the Chesapeake and Ohio Canal National Monument be withheld while the Department reviewed the location of this line with regard to the Sangster property. As indicated above, this Department cannot now act to repudiate its agreement with the company which was negotiated in good faith.

However, in light of Congressional requests this Department did review the line routing as it appeared to be located on the Sangster property. In addition, because it would appear not to conflict with the proposed Potomac National River (Park) if the line were located farther south, this Department did ask the Potomac Edison Company to consider moving the line at least to the south edge of the Sangster property. This action on our part is all that we can do within the scope of the standing agreement.

Since this matter has been reviewed as requested, the right-of-way easement for crossing the C&O Canal will be issued in the very near future.

We hope you will understand the position of this Department.

Sincerely yours,
EDWARD A. HUMMEL,
Associate Director.

JUNE 25, 1969.

Hon. LESLIE L. GLASGOW,
Assistant Secretary of the Interior, U.S. Department of the Interior, Washintgon, D.C.

DEAR DR. GLASGOW: Pursuant to the understanding we reached at our meeting on June 20, we have outlined below why we think it clear that the Department is free to delay issuance of a permit to the Potomac Edison Company to cross the C&O Canal until it has been established that all efforts have been made to preserve the scenic, recreational and historic features of the Canal itself, the Potomac River and the surrounding land areas.

Preliminary, it is appropriate to focus on the significance of the Potomac Basin, particularly in the geographical area with which we are concerned. As President Johnson observed in directing the Secretary of the Interior to "clean up the river and keep it clean . . . protect its natural beauties [and] provide adequate recreational facilities," the river "should serve as a model of scenic and recreation values for the entire country."

One of the major obstacles to providing the needed recreational facilities is access to the river itself. As the Department of the Interior recognized in its own Report on the Potomac, "The Nation's River," the "main reach of the flowing river . . . is greatly menaced by rapid and inappropriate development along its banks, and through most of its length it is hard for people to reach." The Report went on to point out that "the bulk of the land between the canal and the river—7200 acres out of 10,000—is privately owned. Along most of the 120 miles where the canal property touches the Potomac, it is much too narrow to permit heavy use, so that public enjoyment of the river except at occasional spots is limited to hikers, cyclists, and boatmen." The Report concludes that "for the most part the Basin's main flowing streams remain a closed book."

What is particularly relevant to our consideration is the explicit designation of this property as a "Recreation Concentration Area" by the Federal Interdepartmental Task Force on the Potomac. Such designation is based on the fact that the property affords unique access to the river on the West Virginia side and, consequently, should be preserved and developed for fishing, camping [and] picnicking."

As you know, this property, over which the Potomac Edison Company seeks to run a 500 kv power line, includes more than 311 acres of undeveloped West Virginia land with three-quarters of a mile bordering on the Potomac River at a point where it is pollution free and where its water level remains virtually constant. Additionally, the property has several other unusual characteristics: two historic stone houses, one of which is approximately 250 years old and which has a mill race and an apple cellar, an unusual and popular cave formation known as Chimney Rock, and a winding, scenic, trout stream which conservation specialists at the Department of Agriculture have indicated is suitable for damming for creation of a spring-filled pond.

As you also know, the present owners of the property acquired it several years ago with the full intention of developing it only for purposes consistent with its unique scenic, historical and recreational attributes. Moreover, their dedication along these lines is evidenced by their willingness, as expressed on several occasions to the Department, to convey either to the Department, the Nature Conservancy or any other public trustee, a scenic easement which would insure the preservation and development of the property in harmony with these purposes.

Having put the case in context, let us now be clear what the precise issue is at this point. Based upon our discussions with the Department, it is our understanding that the Department accepts the uniqueness of this particular piece of land, that the Department agrees that such property should not be encroached upon by Potomac Edison's proposed power line, and that the Department recognizes the need to exercise its full authority to stop such encroachment and to bring about a rerouting of the line in order to avoid jeopardizing development of the Basin.

The issue, therefore, is whether any statutory restrictions preclude the Secretary from delaying issuance of the permit until he is assured that the property, the River, and the Canal, will be fully protected. As we show, not only is the Secretary not bound by any such statutory restrictions, but rather he has ample discretionary authority, if indeed not the affirmative obligation, to act as the guardian of these public resources.

The basic statute under which the Secretary is operating in this instance, conferring the authority to grant power line easements over the C&O Canal, clearly spells out his broad discretion to condition the grant of any easement to the full extent required for the protection of the Federal interest. The statute provides, in Section 4, that:

"The Secretary of the Interior is further authorized, in his discretion, to grant perpetual easements, subject to such conditions as are necessary for the protection of the Federal interest, for rights-of-way through, over or under the parkway lands along the Chesapeake and Ohio Canal, now or hereafter acquired, for railroad tracks or for other utility purposes . . ." [Public Law 83–184, 67 Stat. 359; see also Section 1]

Beyond that, the general enabling National Park Service legislation, which governs management of the C&O Canal, emphasizes that the purpose of such management is to: "promote and regulate the use of . . . national . . . monuments . . . as provided by law, by such means and measures as conform to the fundamental purpose of the said . . . monuments . . . which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." [16 U.S.C. 1]

The power line route selected by the company for crossing the property in issues would not only parallel the Potomac for approximately three-quarters of a mile, it would also require the construction of four large towers on the high bluffs on the West Virginia shore. As a consequence, visitors to the Canal, a "unique resource" according to the Department, particularly noted for its hiking suitability, will have their enjoyment of the River and of its scenic West Virginia shore marred by the presence of that long stretch of line. There can be no doubt that the scenic and recreational splendors of the Canal fall within any definition of "Federal interest" which Congress had in mind when it cautioned the Secretary to grant easements "subject to such reasonable conditions as are necessary for [its] protection."

Moreover, the C&O Canal is, of course, a national monument. Squarely involved, therefore, is the affirmative obligation of the National Park Service to "promote" its use. Again, as the Department has pointed out, "[a]long most of the 120 miles where the canal property touches the Potomac, it is much too narrow to permit heavy use." In the case of the particular stretch of the canal that lies directly across from the property in question, "promotion" of its full enjoyment properly includes not only the scenic effects of hiking on the canal itself, which would be impaired, but enjoyment of the magnificent West Virginia palisades, the very palisades on which the line is to be constructed.

In short, any action taken by the Secretary would be in furtherance of his statutory responsibility "to conserve the scenery and the natural and historic objects [of national monuments] . . . and to provide for [their] enjoyment [so as to] leave them unimpaired for the enjoyment of future generations."

Any remaining question as to whether the preservation of the private property in question is a "Federal interest" is affirmatively answered by the declaration of policy set forth in Section 1 of the Outdoor Recreation Act, 16 U.S.C. 4601:

"The Congress finds and declares it to be desirable that all American people of present and future generations be assured adequate outdoor recreation resources, and that it is desirable *for all levels of government and private interests* to take prompt and coordinated action to the extent practicable without diminishing or affecting their respective powers and functions to conserve, develop, and utilize such resources for the benefit and enjoyment of the American people." [Emphasis added, see also 16 U.S.C. 4601–4, 16 U.S.C. 742 and 16 U.S.C. 661].

To facilitate the realization of these objectives, the Secretary is authorized to (16 U.S.C. 4601–1):

"Provide technical assistance and advice to and cooperate with States, political subdivisions, and private interests, including nonprofit organizations, with respect to outdoor recreation."

The need to stimulate responsible private development of public resources was particularly emphasized in the report of the Senate Committee on Interior and Insular Affairs on this legislation (Senate Report No. 11, 88th Cong. 1st Sess., p. 3):

"The committee agrees with the [Outdoor Recreation Resources Review Commission] that private interest groups, both commercial and nonprofit, should be provided technical assistance within the general guidelines to be found in the ORRRC report . . .

"Private cooperation is especially needed in the field of hunting and fishing, the 7th and 12th ranking outdoor recreation activities, since the bulk of hunting occurs on private lands and access to public waters is quite generally over private property."

We thus have the general statutory mandate addressed to the Department "to conserve, develop, and utilize [outdoor recreation] resources for the benefit and enjoyment of the American people" and to promote and protect from impairment, national monuments, such as the C&O Canal, as well as the specific statutory authorization to grant easements across the Canal only after the Secretary is satisfied that he has imposed all "reasonable conditions as are necessary for the protection of the Federal interest." With this solid foundation of statutory authority, there can be no doubt that the Secretary is in no way precluded from delaying issuance of the permit until all the recognized public values are fully protected.

We recognize that in discharging these responsibilities the Secretary has considerable discretion. We suggest, however, that there is an analogy to be drawn from two recent landmark decisions, *Udall* v. *Federal Power Commission*, 387 U.S. 428, and *Scenic Hudson Preservation Conference* v. *Federal Power Commission*, 354 F. 2d 608 (C.A. 2, 1965), certiorari denied, 384 U.S. 941 (1966). Each call upon government agencies with authority to commit public resources for the development, by private companies, of electric power, to approach their responsibility to protect the public resource in the broadest conceivable fashion. Indeed in *Udall* v. *FPC*, the so-called *High Mountain Sheep* case, it was the Secretary of the Interior who urged that broad construction which was adopted by the Supreme Court. There is no justification for the Secretary to view his own responsibility in this instance as any less inclusive, especially in light of the affirmative statutory responsibility already discussed.

Moreover, the Secretary has already recognized his responsibility with respect to this very power line. We have reference, of course, to the Antietam dispute in which the Secretary insisted that the proposed line be rerouted from a particular point on private property where its presence would have gravely impaired the view from Antietam to a less intrusive point on private property. In that instance, the Secretary denied the application to cross the C&O Canal on the specific grounds that the proposed routing would have violated the historic, scenic and proposed recreational areas in Maryland and West Virginia.

The Antietam dispute is on all fours with the present dispute: in both instances, scenic, recreational, and historic values of the Potomac River Basin area faced impairment; in both instances, the Secretary was called upon to influence the rerouting of the power line on private property; in both instances, the Secretary was authorized to grant the requested easement "subject to such conditions as are necessary for the protection of the Federal interest"; and in both instances, the Secretary was faced with the basic policy question of whether to exercise his statutory discretion to delay issuance of the permit until he was satisfied that all public values would be adequately protected.

While we recognize the fact that the Department has the authority to acquire land contiguous to the Antietam Battlefield, we submit that that is not a distinguishing factor and indeed was never suggested to be the basis for the Secretary's actions. More to the point is the fact that the Secretary utilized the authority he had stemming from his responsibility for the Canal to protect *other* public areas. One of the public areas to be protected here is the Canal itself.

Moreover, the private property owners involved here have, of course, offered to convey either to the Department or its designee an easement which fully protects the public values of the property. There can be no doubt that the Department is fully authorized to take advantage of this offer. In the Outdoor Recreation Act, Congress recognized that the donation of private property is to be encouraged so as to minimize the financial impact on the Federal government. Accordingly, it authorized the Secretary of the Interior to (16 U.S.C. 4601–1(h)): "accept and use donations of money, property, personal services, or facilities for the purposes of [the Act]."

More recently the objective of stimulating the dedication of private property was given renewed emphasis when Congress established the National Park Foundation "[i]n order to encourage private gifts of real and personal property or any income therefrom or other interest therein for the benefit of, or in connection with, the National Park Service, its activities, or its services, and thereby to further the conservation of natural, scenic, historic, scientific, educational, inspirational, or recreational resources for future generations of Americans . . ." [Public Law 90–209, 81 Stat. 656]

The Senate Committee on Interior and Insular Affairs in its report on the bill, pointed out that the "thrust of this bill is to encourage our citizens to participate in a more meaningful way in the efforts of their Government to provide park and recreational opportunities for America." (Senate Report No. 532, 90th Cong., 1st Sess., p. 1)

In fulfillment of this objective, Congress provided that (Public Law 90–209, § 3):

"The Foundation is authorized to accept, receive, solicit, hold, administer, and use any gift, devises, or bequests, either absolutely or in trust of real or personal property or any income therefrom or other interest therein for the benefit of or in connection with, the National Park Service, its activities, or its services: *Provided*, That the Foundation may not accept any such gift, devise, or bequest which entails any expenditure other than from the resources of the Foundation. An interest in the real property includes, among other things, easements or other rights for the preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational or recreational resources. A gift, devise, or bequest may be accepted by the Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest therein is for the benefit of the National Park Service, its activities, or its services."

Apart from all the existing statutory authority and precedent, we should not ignore the fact that the Potomac River Basin, including the C&O Canal, is the focal point for a considerable amount of legislative and citizen concern. We of course have reference to such proposals as the Potomac National River Bill, the Potomac River Basin Compact, and the various proposals that seek to broaden the status of the C&O Canal as a scenic and recreational center.

It would be unfortunate if the Department, through inadvertence or inaction, which would constitute a breach of its underlying mandate to conserve our vanishing natural resources, permitted the desecration of a piece of property which is so essential to the fulfillment of each of those proposals. At the very least, in light of all this legislative activity, it is incumbent upon the Department to maintain the status quo from an environmental standpoint until the status of the Potomac River Basin is clarified.

This is particularly essential in view of the fact that the property in issue would be included within the boundary of the proposed Potomac National River. Indeed, the power line at issue is proposed to be constructed on that very boundary.

The same reasoning underlies the selection of that boundary for purposes of the National River and as the site of the company's towers and line, namely, that it is a natural highpoint on the West Virginia side clearly visible within the proposed park area. It must be recognized, therefore, that if a Potomac National River bill is enacted, there is every likelihood, especially in view of the Department's singling out of this property for public development purposes, that the property would be acquired by the Federal government. As has already been indicated, the present owners of the property are not only intent on developing the property consistent with its public recreational and scenic potential, but have offered to freely convey appropriate easements to the Department or a public trustee to guarantee such development. Thus, the Federal government would be relieved of the financial burden of acquiring the property without sacrificing any public purposes.

In the final analysis, the Department, as a policy matter, is squarely faced with the question of whether it will exercise the discretion it clearly enjoys under its statutory authority to encourage and assist the development of private property for public purposes. The alternative, should the Department fail to exercise its discretion, is Federal ownership of all property affected with a public interest.

To summarize, the Department's exercise of its discretion can be based on a number of factors. The statutory authority we have discussed above, in and of itself, grants the Secretary sufficient authority to delay issuance of the permit until he is satisfied that the "Federal interest" is adequately protected. Beyond that, we cannot ignore the Federal involvement in the development of the Basin area including the Department's dedication to the promotion of the C&O Canal and the general concern for the development of the River "as a model of scenic and recreation values for the entire country".

As you of course can appreciate, in preparing the above outline of the Secretary's authority to delay issuance of the permit, we have not had the benefit of reviewing any memoranda prepared by your staff. Therefore, should your staff urge you to take a position other than that which we have outlined, we would appreciate the opportunity to review and comment on any memorandum which is prepared for your consideration.

We appreciate your consideration of the issues we have discussed and look forward to hearing from you shortly.

Yours truly,

EDWARD BERLIN.
GLADYS KESSLER.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 11, 1969.
Mr. EDWARD BERLIN,
Miss GLADYS KESSLER,
Berlin, Roisman & Kessler,
Washington, D.C.

DEAR MR. BERLIN AND MISS KESSLER: In reply to your letter of July 3 concerning the Potomac Edison Company transmission line across the property of your clients, the Sangsters, we shall reaffirm the statement made in our letter of June 26 to you, "* * * the presently contemplated alignment meets the basic objectives of the Department of the Interior * * *". You are aware that the easement for a right-of-way for this transmission line to cross the Chesapeake and Ohio Canal has been issued. At the present time there is no authority for this Department to accept the offer of your client for a scenic easement of the Sangster property; however, if and when such authority is available this Department will be happy to consider the offer.

It is good to know the heartfelt concern of Mr. and Mrs. Sangster for the environmental quality of their property. This Department is not without interest and appreciation for Mr. and Mrs. Sangster along with similar property owners along the ultimate route of this transmission line.

Sincerely yours,
LESLIE L. GLASGOW,
Assistant Secretary of the Interior.

BERLIN, ROISMAN & KESSLER,
Washington, D.C., July 3, 1969.
Hon. LESLIE L. GLASGOW,
Assistant Secretary of the Interior, U.S. Department of the Interior, Washington, D.C.

DEAR MR. GLASGOW: We have received your two-paragraph letter of June 26, which purported to reply to the 9 page legal memorandum submitted to you at 6:15 p.m. on June 25.

Your reply is an insult—an insult to the owners of the West Virginia property in question who looked to the Department as their last hope for the preservation of land which is to be developed in the public interest; an insult to the Congress whose legislation authorizing the Department to protect the public values at stake here is being blatantly ignored; and an insult to the American public whose crying need for recreational and scenic opportunities is being ruthlessly sacrificed to the irresponsible demands of an electric utility company.

To be specific: At a meeting on June 20, with you and your staff, it was conceded by the Department that the property in question was endowed with unique recreational and scenic values worthy of preservation. We accepted in good faith your personal assertion that only the legal advice of your staff—to the effect that you lacked sufficient statutory authority and discretion—precluded you from exerting additional Departmental efforts to save this property. Relying fully upon your statement of the Department's position, we submitted a comprehensive legal memorandum outlining the substantial statutory authority on which the Department could justify its protection of property with recognized and unique public values.

Moreover, we repeated the offer to convey to the Department, at no cost, a scenic easement over these 311 acres in order to ensure their future protection. The memorandum established conclusively that the Department's prior rejection of such an easement, on the ground that it lacked statutory authority, was ill-founded and insupportable.

In the face of incontrovertible statutory evidence, you abandoned the fears you expressed earlier regarding your authority to act in this matter, reversed your earlier conclusion, and shifted to the position "that the presently contemplated alignment meets the basic objectives of the Department".

We submit, (1) that neither you nor your staff ever gave any good faith consideration to the legal memorandum submitted for you, (2) that you have misrepresented the Department's position by shifting your ground from the meeting of June 20, to your reply of June 26, and (3) that you have unconscionably violated the public responsibility Congress entrusted to you for enforcing legislation to preserve our environment for generations to come.

Finally, it should be clear that, despite issuance of the permit, the responsibility of the Department has not been diminished. It is still open to the Department, and incumbent upon it, to exercise the responsibility which it plainly has to protect the public interest. Our memorandum made clear the Department's statutory authority to acquire rights in property which should be preserved for recreational development. For the Department to refuse the offer of a free scenic easement over this property would be an unconscionable abdication of its responsibility to the American public, and a total disregard of its Congressional mandate.

Yours truly,
EDWARD BERLIN.
GLADYS KESSLER.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 26, 1969.
Mr. EDWARD BERLIN,
Miss GLADYS KESSLER,
Berlin, Roisman & Kessler,
Washington, D.C.

DEAR MR. BERLIN AND MISS KESSLER: We have had an opportunity to study the position set forth in your letter of June 25, 1969, with respect to the proposed permit to the Potomac Edison Company to cross the C&O Canal with a transmission line which would be aligned to cross the land of your clients, the Sangsters.

After having taken into account the views expressed in your letter as well as the position you asserted in our meeting last Friday, we have concluded that the presently contemplated alignment meets the basic objectives of the Department of the Interior. Accordingly, we see no further reason for delay in issuing the permit to the Company.

Sincerely yours,
LESLIE L. GLASGOW,
Assistant Secretary of the Interior.

UNIVERSITY PRESIDENT DISCUSSES CAMPUS UNREST

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. RIEGLE. Mr. Speaker, yesterday another of our fine academicians, Dr. Morris Abram, president of Brandeis University, testified before the Senate Government Operations Subcommittee on Campus Disorders. He made some valuable points relating to the action being taken by universities to handle the student unrest problem, and to the Government's latest efforts to deal with this same situation. Since many of my colleagues were unable to attend this hearing, and because I feel that Dr. Abram's remarks should be incorporated into the public dialog, I am inserting into the RECORD a New York Times article by Nan Robertson which outlines yesterday's testimony. The article follows:

ABRAM SUGGESTS CAMPUS REMEDY—WOULD CHANNEL IDEALISM TO COMBAT SOCIETY'S ILLS

(By Nan Robertson)

WASHINGTON, August 4.—The president of Brandeis University told Congress today that it could help end campus turmoil by extricating this country from Vietnam and channeling the energies of an idealistic generation into a "human service" corps.

Morris B. Abram, who kept his own campus running during a peaceful occupation of a building by black students last January, said the budgetary savings from any Vietnam pullout must be redirected to the "glaring needs of America."

These needs, he said, "occupy the minds and thoughts of our youth, filling them with guilt and rage at their presumed impotence to correct" the situation.

Mr. Abram told a Senate subcommittee on student unrest that universities and Congress "could work together in one program, so badly needed as to cause wonder that it has been overlooked." He said that with proper funding faculties and students could supply a "skilled, supervised, committed corps of manpower to work off-campus on the great societal ills."

Mr. Abram said that 300 Brandeis students were already doing this without Government assistance, largely on their own and "under great handicaps," in Waltham, Mass., site of Brandeis.

SUGGESTS AN AMENDMENT

The witness, long a legal advocate in his home state of Georgia of Negro civil rights, also suggested the Congress could write an amendment into existing civil rights acts that would provide "injunctive relief for those whose First Amendment rights are violated by violence and coercion."

Mr. Abram said that injunctions had become commonplace to enforce 14th Amendment rights of due process and equal protection, and "have been the chief legal instrument for desegregating public society."

"First Amendment rights also deserve protection, and if not on the university campus—where?" he asked rhetorically. "It may be a very sobering experience for radical extremists to face a Federal Judge and try to explain why they think they have the right to deprive others of their constitutional guarantees."

The First Amendment's guarantees include freedom of speech and assembly.

But Mr. Abram added that "outside legal assistance" should be a "last resort" and "never an instrument of choice." He declared:

"The strength of the university and its defenses should reside within its own community—before, during and after a disruption occurs."

DID NOT CALL POLICE

The Brandeis president did not call in the police during the 10-day occupation of the campus communications building, kept classes going and received the overwhelming support of both students and faculty for combining flexibility with firmness.

The demand for the creation of a black studies department was granted by the university.

Mr. Abram told the Senate subcommittee that radical enemies of the university inside its gates had "unwitting allies" outside—implying that some of them are in Congress. "These are reacting to the violence on the campus by responses which amount to starving the university of support, public and private. 'Shut it down!' or 'Starve it down!' These policies lead to the same end."

The witness said that the general Congressional retrenchment on Federal funds for domestic programs "has placed the better institutions" of learning "in a grave financial crisis."

It is precisely these institutions, Mr. Abram warned, that are "the focus of the turmoil," involving the brightest of American students.

"In fact, the one necessary ingredient for trouble is a critical mass of very bright students," he said.

Mr. Abram said that polls of college students show that this generation of Americans is composed of social critics—both revolutionaries and moderates. "An overwhelming majority" of the young agree strongly or partially with the statement "that our society now is characterized by injustice, insensitivity, lack of candor and inhumanity," he said.

"This generation was not sired nor raised by college administrators nor faculties, but by your friends and constituents," the witness continued. "They were educated in your home communities and under laws and conditions we either created or permitted to stand. The universities now are the habitations of your youth."

FBI OPERATIONS DURING FISCAL YEAR 1969

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. ASHBROOK. Mr. Speaker, on July 15 of this year the FBI released a summary of its operations during fiscal year 1969 which updates to a certain extent the testimony given by Director Hoover before a House Appropriations Subcommittee earlier this year. Due to the length of the appropriations testimony, the excerpts from the testimony which I inserted in the RECORD on July 8 were confined to the area of internal security and the operations of the New Left, the Communist Party, U.S.A., other radical organizations, and other information related to the internal security field. Omitted was data on the many achievements of the Bureau in organized crime, the increasing utility of the National Crime Information Center, the FBI contributions in the field of police training, and the staggering volume of work handled by the FBI Identification Division, which, for instance, this year received more than 7 million sets of fingerprints for processing.

While the more newsworthy achievements of the Bureau are brought to public attention, its function as a moneymaker are generally unknown. During the past fiscal year, fines, savings, and recoveries in FBI investigations reached a record figure totaling $345,832,583, which amounts to a return of $1.57 for every dollar appropriated for FBI operations. In addition, in the last fiscal year the Bureau had 13,166 convictions, resulting in actual, suspended, and probationary sentences totaling over 47,000 years. Also, during this period 29,220 stolen cars were recovered due to the efforts of the Bureau's agents.

As Mr. Hoover has repeatedly stated, citizen interest and concern is a necessary part of the fight against lawlessness and crime. This latest report by the Bureau on its operations offers a general idea of the scope and seriousness of the many threats to our general welfare, peace, and tranquility. I insert it in the RECORD at this point:

REPORT OF FEDERAL BUREAU OF INVESTIGATION, JULY 15, 1969

New all-time highs were scored by the FBI in various phases of its operations during Fiscal Year 1969, Attorney General John N. Mitchell announced today.

In commenting on the accomplishments of his agency during this period, FBI Director J. Edgar Hoover noted that in recent months law enforcement in the United States has been confronted with new and unprecedented challenges as a wave of unrest swept over the Nation's college campuses.

THE NEW LEFT

According to Mr. Hoover, "Never before in our history has there been such a strong revolutionary Marxist movement of young people so eager to tear down established authority. While it is the immediate goal of the New Left to gain complete control of our educational system, it is apparent that it hopes to lead a revolution ultimately designed to overthrow our system of government.

Mr. Hoover deplored the fact that sit-ins, seizure of campus facilities, destruction of university property, and the use of organized terror and violence disrupted more than 225 of the country's institutions of higher learning during the previous 12 months.

The FBI Director pointed out that fire bombs and other explosives, as well as rifles and shotguns, became familiar weapons in these so-called demonstrations, and that the 1968–1969 academic year saw a total of 61 cases of arson or bombings on our college campuses. He said that the activities of these student revolutionists resulted in over 3 million dollars damage to educational facilities and more than 4,000 arrests.

Citing the Students for a Democratic Society (SDS) as the instigator of much of this unrest, Mr. Hoover said: "The SDS remains at the core of the New Left. Some time ago it abandoned the concept of 'participatory democracy' which it had championed in years past and eagerly embraced the principles of Marxism-Leninism, even to the extent of publicly announcing its new goal of revolution. In so doing, it became the primary target for 'old left' takeover, and today we see old-line communists of every stripe seeking to seize and capitalize on the revolutionary zeal of the SDS. The Communist Party, USA (pro-Moscow), the Progressive Labor Party (pro-Peking), and the Socialist Workers Party (pro-Trotskyite) are all looking forward to a bright future in the SDS, provided they are able to gain control."

Mr. Hoover stated that efforts of the Progressive Labor Party to dominate this group came to the fore at the SDS National Convention in Chicago last month and forced a split between the National Office and the Progressive Labor Party factions of the SDS. As a result, each faction elected its own slate of national officers and will in the future attempt to lead students with opposing brands of Marxism-Leninism.

Mr. Hoover noted that typical of the FBI investigations occasioned by SDS activities was the case involving one of its members, Michael Sherrod Siskind, who attempted to set off a fire bomb at a Reserve Officers' Training Corps installation at Washington University, St. Louis, Missouri, on December 3, 1968. Siskind pleaded guilty after being charged with sabotage and received a five-year prison term.

The FBI Director pointed out that New Left violence was also seen in the series of demonstrations at the Democratic National Convention held in Chicago last August. Provocative and militant acts of demonstrators resulted in the arrests of more than 600 individuals and injuries to at least 1,100, including nearly 200 police officers. Among those indicted for violations of the Federal Anti-Riot Statutes were David Dellinger, one of the leaders of the National Mobilization Committee to End the War in Vietanam; Thomas Hayden, a co-founder of SDS; and Jerry Rubin, a leader of the militant antiwar group known as the Yippies.

BLACK EXTREMIST ACTIVITIES

Mr. Hoover declared that the increased activity of violence-prone, black extremist groups had placed added investigative responsibilities on the FBI. "Of these," he said, "the Black Panther Party, without question, represents the greatest threat to the internal security of the country. Schooled in the Marxist-Leninist ideology and the teachings of Chinese communist leader Mao-Tse-tung, its members have perpetrated numerous assaults on police officers and have engaged in violent confrontations with police in cities throughout the country. Leaders and representatives of the Black Panther Party travel extensively all over the United States preaching their gospel of hate and violence, not only to ghetto residents, but to students in colleges, universities, and high schools as well."

SELECTIVE SERVICE INVESTIGATIONS

The FBI Director noted that during the fiscal year just ended the efforts of New Left-type organizations to encourage militant resistance to the draft in colleges and even high schools had called for continuing emphasis by the FBI in this area of its responsibilities. He pointed out that the complexion of Selective Service investigations is continually changing because of the numerous different schemes to avoid the draft which are constantly appearing. According to Mr. Hoover, anti-draft militants, while continuing to counsel potential draftees in evasion tactics and the public burning of registration cards as a protest, have also attempted to further disrupt the Selective Service system by invading headquarters of local boards and destroying official records.

COMMUNIST PARTY, U.S.A.

Mr. Hoover noted that as a result of its 19th National Convention earlier this year, the entrenched leadership of the Communist Party, USA, under Gus Hall solidified its hold and erased any doubt whatsoever that the pro-Moscow faction of the Party is in firm control.

The dissidents in the Party, who were opposed to its undeviating support of the Soviet Union in such matters as the invasion of Czechoslovakia and support of the Arab nations in the struggle against Israel, were thoroughly defeated. Two of the most prominent opponents of Gus Hall's leadership, Gil Green and Dorothy Healey, former heads of the New York and Southern California Districts of the Party, respectively, both resigned from their official positions.

Mr. Hoover recalled that when the Soviets led the invasion of Czechoslovakia, both Mrs. Healey and Green issued statements to the press which were most critical of this action. To insure that this would not happen again, the Convention adopted a new rule prohibiting statements to the press which have not been cleared with the top leadership.

ORGANIZED CRIME

In connection with the FBI's continuing drive against organized crime, Mr. Hoover stated that there are reportedly some two dozen La Cosa Nostra "families" operating throughout the United States today. In scarcely more than a year's time, the heads of six of these "families" were arrested or convicted in Federal courts as a result of FBI investigations. During the same period, the "boss" of still another "family" died in a Federal prison and, in an eighth, no successor has been named nearly two years after the former leader died. Mr. Hoover pointed out that FBI investigations led to the arrest or conviction of four of the top contenders for the leadership of this "family." He said that the scope of FBI activities in this field—including the conviction of approximately 300 racket and gambling figures during Fiscal Year 1969—indicates the intensity with which the FBI is participating in the Federal Government's all-out drive against organized crime.

Mr. Hoover went on to say that two integral parts of this drive are the continuing pressure being exerted on the underworld's main source of illicit funds—gambling—and the dissemination of information to other Federal, state, and local agencies when violations uncovered do not fall within the primary investigative jurisdiction of the FBI. In this regard, more than 300,000 items of criminal intelligence information were furnished to other law enforcement agencies by the FBI during the fiscal year. As a direct result of this dissemination policy, more than 4,300 hoodlum, gambling, and vice figures were arrested during the year by these other agencies acting upon information obtained from the FBI.

Typical of the manner in which law enforcement agencies cooperate in combating organized crime was the series of raids conducted by FBI Special Agents and the New York State Police during the later part of 1968. Information obtained from FBI sources led to the recovery of more than 5 million dollars' worth of property stolen by a Cosa Nostra burglary ring operating in the New York-Northern Pennsylvania area. A portion of the stolen property, which had been dropped from a boat in Irondequoit Bay, New York, was recovered by FBI agents utilizing underwater diving gear.

Mr. Hoover also noted that as a result of FBI investigations, many other major prosecutive blows were delivered against the hoodlum element during Fiscal Year 1969.

On November 26, 1968, FBI Agents arrested La Cosa Nostra "Commission" member Stefano Magaddino and eight of his subordinates in the Buffalo area on charges involving interstate gambling activities. Seized at the time of the arrest was over $500,000 in funds belonging to the ring, whose sphere of influence reportedly ranged from New York City in the east to portions of Canada in the north.

One top hoodlum currently awaiting trial is Samuel Rizzo DeCavalcante, who has been identified as head of the Cosa Nostra "family" headquartered in the Elizabeth, New Jersey, area. DeCavalcante and two of his aides were arrested by FBI Agents on charges that they conspired to extort money from a group of professional gamblers.

In Chicago, the ranking Cosa Nostra member at the moment, John Philip Cerone, and two associates were arrested by FBI Agents on February 7, 1969, in connection with the interstate activities of a large-scale gambling operation.

As a result of some of the other major gambling investigations conducted by the FBI during the fiscal year, five persons were arrested on charges involving a numbers operation handling some 25 million dollars a year in wagering in New York and New Jersey; two other persons were arrested in connection with the smashing of another numbers operation reportedly handling about six million dollars a year in the same area; and 22 persons were arrested in connection with an investigation involving an interstate gambling operation centered in Northern Indiana.

Among those convicted and receiving sentences as a result of other FBI gambling investigations were West Coast mobster John Roselli, publicly described as a former lieutenant of the notorious Al Capone, and five of his accomplices; and Chicago gambling czar Ernest Sansone and five of his associates, whose disruption reportedly affected La Cosa Nostra-backed numbers operations as far away as Detroit, Michigan.

Mr. Hoover noted that in addition to investigations involving gambling violations, a number of other Federal statutes have been effective in the war against organized crime.

On August 8, 1968, for example, New Orleans, La. Cosa Nostra "boss" Carlos Marcello was convicted of attempting to assault a Federal officer and subsequently was sentenced to two years in prison.

On October 3, 1968, Chicago rackets leader William Daddano and five hoodlum associates were convicted in connection with the robbery of a Franklin Park, Ill., bank. Daddano was fined $13,000 and sentenced to 15 years in prison.

On December 5, 1968, Special Agents of the FBI arrested Russell Bufalino, one of the top Cosa Nostra leaders in Eastern Pennsylvania, and charged him with conspiring to transport some $23,000 worth of stolen television sets from New York to Pennsylvania.

On February 4, 1969, Ned Bakes, a notorious underworld "fixer" and "middle man," was arrested in Chicago by FBI Agents, and more than 13 million dollars' worth of stolen stock certificates was recovered.

On March 12, 1969, Carmine Lombardozzi, who has been described as La Cosa Nostra's "Wall Street representative," was convicted of participating in the interstate transportation of a $17,000 check stolen from a New York City brokerage house.

On April 15, 1969, Boston mobster Vincent Teresa was convicted in the United States District Court at Baltimore for his involvement in the theft of $750,000 worth of securities from a New York City brokerage firm. Teresa received a 20-year prison sentence, and he has also been charged with participating in the theft of some $357,000 worth of securities from a second New York brokerage concern.

Mr. Hoover noted that James Plumeri, reportedly a captain in the Cosa Nostra "family" of the late Thomas Luchese, and Peter DeFeo, reportedly a captain in the "family" of the late Vito Genovese, are currently awaiting trial in New York City. They had been taken into custody by FBI Agents in May, 1968, on charges of conspiring to share in a $47,500 series of "kick-backs" made in an attempt to secure a $2,500,000 hotel loan from the Teamsters Union Pension Plan.

Mr. Hoover went on to point out that since the death of Luchese in July, 1967, no one has been selected to assume the leadership of his "family." Reportedly, this situation exists because of prosecutive action launched against the top contenders as a result of FBI investigations. In addition to Plumeri's arrest, three other ranking members have been convicted on various charges since the death of Luchese: John Dioguardi, on November 10, 1967, for violating the Federal bankruptcy statutes; Vincent Rao, on November 17, 1967, for having perjured himself before a Federal Grand Jury; and Antonio Corallo, on June 19, 1968, for Interstate Transportation in Aid of Racketeering.

OTHER CRIMINAL INVESTIGATIONS

In discussing highlights of other FBI investigations in the criminal field, Mr. Hoover mentioned the kidnapping of Barbara Jane Mackle of Coral Gables, Florida, who was abducted from an Atlanta, Georgia, area motel. Intensive investigation by FBI Special Agents resulted in the safe return of Miss Mackle and the conviction of her abductor, Gary Steven Krist, on state kidnaping charges. Krist was sentenced to life imprisonment. His accomplice, Ruth Eiseman-Schier, later pleaded guilty and received a seven-year prison sentence.

The FBI Director pointed out that violations of the Federal Bank Robbery and Incidental Crimes Statute continued to represent a serious national problem during Fiscal Year 1969. He noted that in February of this year FBI Agents arrested seven persons in connection with a series of bank robberies in the Boston, Massachusetts, area totaling more than $227,000. These individuals, together with four others already in custody, were indicted on bank robbery charges at Boston.

In another case involving the $363,000 burglary of a Jacksonville, Florida, bank, FBI investigation identified the perpetrators as two brothers, both of whom had fled to Mexico. One of them was arrested by FBI Special Agents as he attempted to re-enter the United States. He subsequently pleaded guilty to the charges against him and received a substantial prison sentence. Extradition proceedings have been initiated against his brother in order to return him to the United States to stand trial. All but $4,000 of the loot has been accounted for or recovered.

Mr. Hoover noted that another vital field in which the FBI has jurisdiction concerns statements and claims made to Government agencies, including the Federal Housing Administration.

As an example, Mr. Hoover cited one case during the fiscal year which involved the arrests of 24 persons on March 13, 1969, by FBI Special Agents in Maryland, Delaware, the Washington metropolitan area, North Carolina, and Tennessee in connection with alleged fraudulent practices used to obtain home improvement loans insured by the Federal Housing Administration. A total of 42 defendants involved in 61 home improvement loans totaling over $200,000 were named in twelve indictments returned by a Baltimore, Maryland, Federal Grand Jury on March 11 and 12, 1969. On May 6, 1969, eight more individuals were indicted on similar charges at Baltimore.

The FBI Director also noted that the war in Vietnam has caused an increase in procurement-type fraud cases and has called for stepped-up FBI activity in this area. As one example, Mr. Hoover mentioned the arrests of four individuals who had been indicted by a Federal Grand Jury at Washington, D.C., on August 7, 1968, on charges of conspiring to defraud the Government of more than four million dollars in connection with the production of rocket launchers for the United States Navy. The persons arrested are presently awaiting trial on criminal charges and civil suits seeking double damages have been filed by the Federal Government at Washington, D.C., and St. Louis, Missouri.

NATIONAL CRIME INFORMATION CENTER

Mr. Hoover reported that the FBI's National Crime Information Center assumed an increasingly important role in serving the Nation's law enforcement agencies during the fiscal year. This computerized system, which stores information concerning wanted criminals and stolen property, including vehicles, guns, securities, and other identifiable items, contained 1,100,000 active records at the close of the fiscal year. Now serving local, state, and Federal law enforcement agencies in 48 states, the District of Columbia, and Canada, the National Crime Information Center currently handles in excess of 35,000 transactions every day. Positive responses to inquiries placed in the system, known as "hits," are averaging about 350 a day.

As a typical example of the service provided by the National Crime Information Center, Mr. Hoover related that a Detroit, Michigan, supermarket was held up by two armed men, one of whom was apprehended at the scene by an off-duty police officer shopping in the store. The identity of the bandit's partner was learned and a description was immediately placed in the National Crime Information Center. About a month later, the Des Moines, Iowa, police stopped an individual for speeding and made a routine check through the computer system. They were immediately informed that the speeder was identical with the bandit wanted in connection with the Detroit supermarket robbery.

POLICE TRAINING

According to Mr. Hoover, an all-time high was reached during the past fiscal year when FBI instructors extended training assistance to municipal, county, and state law enforcement agencies in 7,804 training schools attended by 233,741 law enforcement representatives. These schools, generally conducted on a local or regional level, included 118 one-week training sessions on police management taught by special instructor teams from the

FBI's Training Division in Washington, D.C. Emphasis was also given to training local police in such subjects as the National Crime Information Center, police-community relations, mob and riot control, and similar topics.

During the latter part of 1968, the FBI organized and conducted a series of specialized conferences dealing with crimes against financial institutions. A total of 282 conferences in all sections of the country were attended by 29,265 people representing 12,210 agencies.

The FBI National Academy, often referred to as the "West Point of Law Enforcement," afforded training to 200 officers during the fiscal year. With the graduation of the 83rd Session in the East Room of the White House on May 28, 1969, a total of 5,535 officers had received this training since the Academy was founded in 1935. Of the graduates still active in law enforcement, 28 percent occupy top executive positions in their agencies.

COOPERATION AND SERVICE FUNCTIONS

During the fiscal year, the FBI Identification Division received more than 7 million sets of fingerprints for processing, the largest number handled during any year since World War II. An average of more than 29,000 fingerprint cards were processed every workday during the 12-month period. Working in cooperation with local law enforcement agencies all over the country, this Division conducted fingerprint searches resulting in the identification of more than 32,000 fugitives.

Mr. Hoover also pointed out that the Identification Division processed more than 200,000 items of evidence for latent fingerprints during the fiscal year and, in addition, handled more than 3 million miscellaneous forms and inquiries dealing with fingerprint matters. The experts comprising the FBI's Disaster Squad were dispatched to eight major disasters to assist in identifying 244 victims. At the end of the fiscal year, the files of the Identification Division contained over 192 million sets of fingerprints representing some 84 million persons.

During Fiscal Year 1969, the FBI Laboratory conducted over 354,000 scientific examinations of evidence. More than 30 percent of those were on a cost-free basis for other Federal and non-Federal law enforcement agencies.

MISCELLANEOUS

In summarizing his agency's operations during the fiscal year, Mr. Hoover reported that fines, savings, and recoveries in FBI investigations during that period reached a record figure totaling $345,832,583, a sum representing a return of $1.57 for every dollar appropriated for FBI operations. In that time, the FBI had 13,166 convictions, resulting in actual, suspended, and probationary sentences totaling over 47,000 years. For the fourteenth consecutive year all prior records were surpassed with the recovery of 29,220 stolen cars in FBI cases.

Mr. Hoover noted that the smashing of one automobile theft ring involved the arrests of 23 individuals by FBI Agents last May. This highly professional crime ring was centered in West Virginia, and its operations reportedly encompassed nine additional states. To date, some 40 stolen vehicles and stolen merchandise with a combined value of almost a quarter of a million dollars have been recovered by FBI Agents. At the end of the 1969 fiscal year, the FBI had 102 major automobile theft rings under investigation or being prosecuted in the Federal courts.

Another sharp upturn was reflected with the location of nearly 26,000 Federal fugitives in FBI investigations, a new, all-time high. This figure included 2,971 violators of the Fugitive Felon Act, criminals being sought at the request of state and local authorities, as well as 18 notorious felons who were on the FBI's "Ten Most Wanted Fugitives" list.

FOREIGN TRADE ZONES MUST BE RETAINED

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. CELLER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include my testimony before the U.S. Tariff Commission today on the interim report of study of provisions of title 19 of the United States Code relating to the temporary entry of articles imported into the United States. My statement follows:

TESTIMONY BY MR. CELLER

Mr. Chairman and distinguished members of the Commission, I very much appreciate the opportunity to testify before you today concerning the tentative proposals now being considered by you. My testimony will be addressed in particular to the tentative suggestion that the Foreign Trade Zones Act of 1934 be repealed.

As you know, I am the author of this Act—which is often referred to as the Celler Act. The Act was sponsored by me in the 73rd Congress and passed by that Congress. It was later amended in 1950 as the result of legislation authored and sponsored by my colleague, Representative Hale Boggs of Louisiana. By including provisions relating to manufacture within a foreign trade zone, the Boggs amendment was a substantial and highly constructive supplement to the original program. As a result, I am pleased to inform you that Representative Boggs shares my views concerning this legislation and has authorized me also to speak to you today on his behalf.

At the outset, let me make two points which will make my position—as well as that of Representative Boggs—clear and unequivocal. First, we vigorously oppose any proposal to repeal the present Act. Second, not only are we adamant in our opposition to any repeal of the Act, but we are strongly in favor of an expanded implementation of the foreign trade program through a positive and dynamic administration by the Foreign Trade Zones Board—an administration that in the past has been sadly lacking. We have made our views known both to the Chairman and members of the present Board. We have also made them known to our colleagues in the Congress—most of whom, I believe, share the same views. I would hope that after thorough evaluation of the Foreign Trade Zones Act, this Commission will also endorse our recommendation that the present program certainly ought not to be dismembered, but instead be given the vitality that it justly deserves—the vitality that Congress always intended it to have.

I speak to you today not out of any pride of authorship—either on my part or on the part of Representative Boggs, the author of the 1950 amendment. If the Foreign Trade Zones Program had served its purpose and outlived its usefulness, we would be among the first to recommend that it fade gracefully and quietly into retirement. Each of us has devoted many years in Congress to the two major problem areas affected by the program—the problems of America's role in international commerce and the problems faced at home by our urban centers. Since the program makes major contributions in each of these areas, we vigorously resist any repeal of the Act. Moreover, since the program has a broad and undeveloped capacity to make enormous future contributions to international commerce and the healthy development of our now blighted cities, we insist that it be given dynamic and effective administration.

Gentlemen, the Foreign Trade Zones Act is based on an ancient idea—the idea of the Hanseatic League, a combination of so-called free ports in Europe around the Baltic Sea and North Atlantic. Although the idea is an ancient one, like the finest of old wines it has improved with age and contains the full assurance of future enjoyment.

Under the Act, "free ports" or "free zones" are established in the United States, into which goods can be imported and held free of duty until either shipped abroad or imported into our domestic customs territory. Pursuant to the Act, zones have been established in such places as New York, New Orleans, San Francisco, Seattle, Toledo, Bayonne, Honolulu, and Puerto Rico. Thirty-five years of operation of such foreign trade zones have proved their value to foreign commerce and their value to the local domestic economies of our cities.

The future need for foreign trade zones is even greater than has been the need in the past. Today we have many *air* ports in addition to sea ports. Transportation and communication facilities have increased many times since the program first started. Clearly the zones can afford our cities—both in-land and on the sea—vast opportunities for a healthy industrial development which will bring desperately needed employment. At the same time, a vigorous administration of the Zones Program would be of enormous benefit in enabling American labor to compete successfully with low-cost foreign labor. It would expand the domestic manufacture of goods sold both here and abroad. It would help to reduce the gold outflow and the outflow of capital.

I would like to enumerate for you just a few of the activities which are facilitated by the Act and which give rise to these benefits:

1. Manufacturing for export duty free and quota free—utilizing both foreign and domestic components, but only American labor.

2. The establishment and operation of production and distribution facilities employing American labor, machinery, technology, and management within the political boundaries of the United States, but outside of customs boundaries.

3. Manufacturing in the United States with the opportunity to defer the outlay of working capital for payment of customs duties on foreign components until the finished product enters customs territory for consumption—thereby giving business firms an opportunity to compete successfully in our own domestic import market with foreign manufacturers.

4. The imposition of customs duties on zone-produced goods only at the rates applicable to foreign components, rather than at rates applicable to the overall product.

5. The handling and use of quota-restricted materials in such a way as to provide manufacturing opportunities in the United States which would otherwise not be available. (In this regard, however, let me make it clear that this currently does not apply to petroleum due to the 1965 Presidential Proclamation concerning the oil import control program.)

6. Capital investment opportunities in the safe haven of the United States for domestic as well as foreign firms, which investment would otherwise be subject to the dangers of nationalization abroad.

In view of the present benefits—as well as the enormity of the potential benefits—of the program, it was with dismay that I read the report published in May of this year on the use of temporary procedures. Frankly, I am appalled—not only by the conclusions reached in the report—but by the gross deficiency of the report itself as a working tool. Nowhere in the entire report is there given even the slightest consideration to the National benefits realized under the Foreign

Trade Zones Program. Instead, this very important Act of Congress is treated in a summary and conclusive fashion. As both a lawyer and a legislator, I am quite disturbed by any government report that comes to conclusions that are not based on any findings of fact.

Let me review for you briefly the few, scanty statements that are made in the report purporting to evaluate the Act. They are all contained on a single page—page 7.

First, there appears the bald statement, and I quote: "The Foreign Trade Zones Act of 1934, the major objective of which was to expedite and encourage international commerce, has not given rise to the type of commerce for which it was designed."

No elaboration of this argument appears in the report. I am familiar with the adversary technique of creating a strawman and then knocking him down. This has not been done in this case. Instead, the technique has been to pretend that the man is invisible and then to argue that he does not exist. I submit that the Act is very much in existence and that it ought to be evaluated prior to the formulation of any conclusions about it.

Second, there appears the statement, "By far the greatest use of the zones in recent years has been storage and manipulation operations."

This statement implies that storage and manipulation operations are not among the primary purposes of the Act. Even the most cursory review of the legislative history of the Act will reveal that the Act was, in fact, intended to facilitate storage and manipulation operations.

Next there appears the statement, "subzones are currently being used to avoid import quotas on crude petroleum." This statement on the very touchy subject of petroleum has created much confusion and fostered needless controversy. There is certainly no doubt that, along with the other purposes of the Act, one of its prime functions is to facilitate the scheduling of import quotas through the use of zones. The fact that in some instances the petroleum industry has made use of zones to change the character of the cargo in question from the quota into nonquota merchandise, conforms precisely with the intent of Congress.

Let me also emphasize another point. As I indicated above, the use of quota-restricted materials in foreign trade zones does not apply to petroleum, due to the 1965 Presidential Proclamation concerning the oil import control program. There are serious problems concerning the importation of petroleum. However, these problems can be dealt with effectively by the President, by the Congress, and by appropriate agencies in a manner that is collateral to the operation of the Foreign Trade Zones Act. It would be a travesty to jettison the entire Foreign Trade Zones Program simply because of controversies that are peculiar to the petroleum industry. In this regard, speaking only for myself, I am aware that some persons contend that major segments of the petroleum industry would like to have the whole program repealed as a means of accomplishing an objective unrelated to the program itself. If, indeed, such destructive tactics are afoot, a government agency should not even have the semblance of approving them.

This brings me to the next statement on page 7, "Manufacturing operations in subzones serve solely to avoid the higher duties applicable to the imported materials." Now, this, too, is clearly one of the major functions of the Act, as amended. Under the Boggs amendment, manufacturing activities are not only permitted, but are facilitated and encouraged in a zone or subzone. The report simply ignores the basic questions—some of which are as follows: Just where should American manufacturing plants be located? Is it possible to establish new plants in the United States rather than overseas? Can we retain manufacturing plants already established in the United States rather than have them closed or reduced in size in order for the manufacturing activity to be relocated abroad—with a disastrous effect on American labor and on the domestic economies of our cities.

Next, there appears on page 7 the following statement: "Of course, all the provisions of the Foreign Trade Zones program could be made applicable to the bonded warehouse system and thereby make all bonded warehouses foreign trade zones." This is contrary to the intent and purpose of the Foreign Trade Zone System. In fact and in truth, one of the original purposes of the Act was to eliminate the myriad of compliance problems and complexities created under the bonded warehouse system.

In this regard, to illustrate just how far back the proposal would set the clock, I would like to direct your attention to the statement I made on the floor of the U.S. House of Representatives in 1934 at the time the House passed the original Act. I request that this statement be included in the record of these proceedings.

In my statement of 35 years ago, I directed the attention of the House to the opinion expressed by President Herbert Hoover when he was Secretary of Commerce in a letter written on December 19, 1925. At that time, there were procedures relating to bonded warehouses of the type suggested in the present proposal. President Hoover stated that such procedures "are so encumbered with requirements, such as filing manifests, making formal entry of all foreign merchandise whether intended for ultimate entry into this country or not, having goods weighed or otherwise examined before they are allowed to be deposited in bonded warehouses, that the privileges available are not sufficiently attractive to be used to any great extent."

President Hoover's observation of almost a half century ago has even greater relevance to our modern economy. To return to procedures that were already outmoded by 1925, can hardly be viewed as a constructive and progressive means of fostering commerce.

Turning again to the report, the final statement on page 7 is as follows:

"Another advantage of a foreign trade zone is the treatment of goods sent from customs territory into the zone as exported, for various customs purposes. If there is substantive justification for the continuation of this legal fiction, the criteria can be expressed and the favored treatment accorded in conjunction with the bonded warehouse facilities."

Since the report in no way clarifies this statement, let me make it clear that the purpose of this feature of the Act is to enable domestic firms engaged in international commerce to obtain refunds or duties under "drawback" procedures or refund of taxes under related procedures. In this area a repeal of the Act would also constitute a reversion to cumbersome and obsolete procedures. Such a giant step backwards would hamper foreign commerce and benefit only customs collectors who, as you know, are remunerated by the very persons whom they regulate.

This, then, concludes my comments concerning the brief statements that appear in the report. However, I would like also to call to your attention some serious matters which are not mentioned in the report. Both Representative Boggs and myself agree that the Foreign Trade Zones Program has to date, in fact, not lived up to our expectations, or to the expectations of Congress. If there are deficiencies, they do not flow from the Act itself. Instead, they are a direct result of the half-hearted, lackadaisical manner in which the Act has been administered. The Board created by the Act has, in fact, rarely met. Nor has it made any serious effort to apply imagination and foresight to the operation of the Foreign Trade Zones Program.

In addition, the program has been encumbered by needless and wasteful customs procedures that have sapped its vitality. Too often customs officials, jealous of their positions, have been over zealous and have enforced rules and regulations in a manner unrelated to the true purpose of our tariff system. Yet, despite these encumbrances—despite the lack of adequate administration—the program has, in fact, survived and clearly demonstrated its value and its capacity for future growth. For that reason, we shall continue to insist that there be full compliance with the intention of Congress. A vigorous administration is needed if such compliance is to be obtained.

In closing, I want also to emphasize that despite my criticism of the Commission's report, I recognize that—as is stated in the introduction—the report is of an intermediate nature. Thus, it is admittedly incomplete. I also recognize that the report has made a valuable contribution to this whole subject by raising issues which well deserve the most careful consideration. The hearings which you are now holding also afford the opportunity for extremely valuable contributions to the Foreign Trade Zones Program. It is my firm belief, and deep hope, that the intermediate report, as well as these hearings, will herald the opening of a new chapter in the history of both foreign commerce and urban development.

The Foreign Trade Zones Act, as sponsored by me and amended by the provisions authored by Representative Hale Boggs, has a bright and productive future. I urge this Commission to make itself fully aware of the purpose and operation of the Act. I am sure that it will end by agreeing with me that the worst possible step would be to abolish the Program.

RAILROAD SAFETY BILL

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. ASHLEY. Mr. Speaker, today I am introducing legislation designed to halt the soaring increase in railroad accidents. The bill would authorize the Secretary of Transportation to issue rules and regulations covering the entire spectrum of railway safety problems.

Train operations involve inherent dangers. Movement of large, heavy equipment at high speed characterizes the industry. Daily some 2 billion ton-miles of freight of all types move on the Nation's railroads. Hundreds of railroad yards receive, classify, and dispatch the 1.8 million freight car fleet on an around-the-clock, 7-day-a-week schedule. About 600,000 passengers daily commute to work and 200,000 railroad workers average 3.5 million hours of work per day.

It is logical to assume that operations of such magnitude will generate accidents and that, in fact, has been the American experience. The most obvious trend in rail travel over the past 10 years has been a large and steady rise in the number of accidents. Between 1963 and 1968, there was a 66-percent increase in the rate of train accidents, from 4,821 to 8,028. In 1968 there was an average of 669 train accidents a month, as compared with 400 a month in 1963—a significant increase by any yardstick.

Train derailments account for almost two-thirds of the problem. In 1968, there was a monthly average of 457 derailments reported, as against an average of 264 in 1963. There has also been a sharp increase in collisions, which represent the second largest category of rail accidents, from an average of 92 per month in 1963 to 144 per month in 1968.

The causes of rail accidents are fairly evenly divided among defects in or failures of equipment; defects in, or failures of, track or roadbed; and human factors. In general, the incidence of derailments is related largely to track and equipment defects—such defects cause 65 percent of all derailments—while collisions are mainly attributable to human performance.

As we fill out the skeleton of statistics, the deplorable record of railway safety takes on an even more frightening glow. In 1968, 2,359 persons were killed and 24,608 injured in railroad accidents. The most deadly accidents occurred at rail-highway grade crossings, where 1,547 people were killed and 3,807 were injured in 1968. Although such accidents account for 65 percent of train fatalities and rank second only to aviation mishaps in severity, only 20 percent of the 225,000 crossings are protected with automatic devices. Rail employees account for 6 percent of the total deaths—146 in 1968—and 71 percent of the total injuries—17,933 in 1968. The major contributing factors to the employee casualty rate include inadequate training programs, human errors, equipment defects, and noncompliance with safety, and operating rules.

In 1968, train accidents resulted in $140 million worth of damage to track and roadbed, equipment, and freight. This represents an increase of 233 percent over the loss of $59.7 million in 1961.

Railroad accidents and the three basic areas of causes—track defects, equipment failures, and human factors—take on added significance when dangerous materials are being transported. The increased shipment of hazardous materials has brought a new dimension to the railroad safety problem. Where once a train derailment caused only equipment, track, and lading damage, the presence of dangerous commodities has resulted in concern for public safety.

On January 25, 1969, in Laurel, Miss., a string of railroad tank cars carrying butane gas under pressure exploded, injuring 19 people, flattening 40 homes and rocking Laurel's 27,000 residents. In Sloan, N.Y., a train was derailed in the Penn Central Frontier Yards adjoining the village and 10,000 gallons of styrene poured into the local sewer system. Only prompt action by local authorities in evacuating the town saved the residents from grave danger. In Crete, Nebr.—a small town of 3,000—eight people were killed when some tank cars of anhydrous ammonia exploded after being derailed. Many more people were injured and Crete had to be evacuated to prevent further casualties. If this were an unusual occurrence there would be less cause for alarm. But unfortunately it happens frequently.

In short, trains are getting longer, heavier, and faster. Moreover, the need for transporting greater quantities and varieties of hazardous materials—chemicals, gases, explosives, and fuel—is increasing the likelihood that the accidents which do occur will be more serious. The alarming trend of train accidents, coupled with the prospect of even greater perils in the future, make out a clear case for comprehensive safety regulations.

It is evident that the present laws are inadequate to deal with many of the technical and operational problems of today. Thanks to statutes designed to meet specific problems, the Department of Transportation has jurisdiction over such things as power brakes, automatic couplers, locomotives, and signal devices. Federal statutes do not, however, cover the trucks, wheels, and axles of railroad cars nor their design, construction, or maintenance. Bridges and tunnels are not subject to Federal regulations and no Federal authority governs track and roadbed. Further, there is no general authority to promulgate standards for employee qualifications, physical requirements and training, nor to prescribe uniform railroad operating rules. The end result is that 95 percent of the accidents in the United States are caused by factors not subject to any control by the Federal agency responsible for promoting railroad safety.

The great rise in the railroad accident rate—as compared to improved safety records in many other fields—is testimony to the failure of the laws now governing railroad safety. The Department of Transportation's role in rail safety is in sharp contrast to its role in aviation, where it has authority over the entire aircraft. The Department can establish rules and regulations regarding the inspection and overhaul of aircrafts, the training and licensing of the personnel who operate and maintain them, and any practices or procedures necessary to the safety of air commerce.

The scope of the Departments of Transportation's authority over motor carriers is just as broad—including authority to establish reasonable qualifications for employees and requirements for the safety of operations and equipment.

The Department's successful record in the areas of rail safety over which it has jurisdiction is proof that broad Federal regulation can curb railroad accidents. In areas covered by the Department, the train accidents have remained relatively constant. On the other hand, in areas not controlled by the Department, the rate of train accidents has risen sharply. Field inspections show a slow but steady increase in the percentage of equipment found defective. Yet the Department's overall authority remains limited with respect to the important causative factors in railroad safety and State programs are few and of limited coverage.

The above-described state of rail safety supports the view of the President's Task Force on Railroad Safety:

> The safety experience of the American railroads during the past few years is at a point where some effective steps must be taken to bring the problem under control. . . Solutions short of broad Federal regulation may not adequately meet the situation.

The legislation that I am introducing today adopts the basic recommendations of the task force. It would give the Secretary of Transportation the broad authority needed to set standards for the entire range of safety problems, from equipment, roadbed and grade-crossing defects to employee qualifiactions and training programs. Moreover, it would create a National Railroad Safety Advisory Committee to bring together the views of the Federal Government, State governments, and railway labor and management. The bill would also provide Federal funds to guarantee that all grade crossings are equipped with automatic devices. In short, this legislation would give the Secretary the requisite authority to halt the soaring increase in railroad accidents.

In my view, and that of the Presidential task force, the need for comprehensive safety regulations for our railroads is clear. They must cover all aspects of railroading, and that is just what my bill would do.

I urge early hearings on this bill by the House Interstate and Foreign Commerce Committee and prompt action by the House. Such action is long overdue.

HUMAN RIGHTS IN NORTHERN IRELAND

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. BINGHAM. Mr. Speaker, the International Commission of Jurists continues its useful work on behalf of the rule of law throughout the world. It is dedicated to the cause of exposing injustice wherever it occurs.

The following is an article from the June issue of the I.C.J.'s Review, describing the shocking situation which prevails with regard to human rights in Northern Ireland:

HUMAN RIGHTS IN NORTHERN IRELAND

A depressing factor in recent times has been the regression of human rights and of the application of the Rule of Law in different parts of Europe. In Portugal and Spain the situation has long been deplorable; for nearly two years human rights have been virtually abrogated in Greece and, despite some marked liberalisation in Eastern Europe, events in Czechoslovakia have set the clock back both in that country and in many other areas of Eastern Europe. It is to be regretted that Northern Ireland has also to be added to this depressing list of European areas wherein the protection of human rights is inadequately assured. This is all the more unfortunate as elsewhere in the United Kingdom there is due respect for human rights; the good reputation of the UK is thus vicariously damaged.

SECTARIAN POLICIES

It is true that the problems in Northern Ireland are not new; they may be said to have existed ever since the partition of Ireland in the early 1920s. However, recent protests and acts of police brutality in the area, together with the obvious sectarian policies of successive Northern Ireland Governments, have highlighted the issues. Public outcry and world opinion have led to discussions between the Government of the Province[1] and the Government of the United Kingdom, which exercises sovereignty over the area, and to the initiation of some reform programmes.

Two main areas of concern arise: from discrimination based on religious and political grounds and the provisions of the notorious Civil Authorities (Special Powers) Act of 1922. In Northern Ireland historical factors have rendered political and religious differences nearly synonymous. Over sixty per cent of the population favour unity with Britain and are usually Protestant; and the remainder of the population who are Catholic mostly favour unity with the Republic of Ireland.[2] This is only a rough approximation; some Protestants are opposed to the present regime and some Catholics support it. The political-religious discrimination also has economic overtones; the Catholic minority is for the most part underprivileged economically.

The rate of growth of the Catholic population is higher than that of the Protestant section of the population;[3] accordingly, through the efflux of time, the Catholic population could become the majority. This basic factor accounts for much of the political and economic discrimination which has been systematically and ruthlessly exercised by the Belfast Government since the 1920s. Discrimination in housing and in employment has been utilised in order to weaken economically the Catholic minority and thus to preclude Catholics from acquiring property rights and to induce emigration.

ONE MAN—ONE VOTE

There are *three* separate electoral registers maintained. One for elections to the British Parliament in London where twelve members from Northern Ireland sit, one for electors to the Northern Ireland Parliament and one for Local Government elections. While there are some slight differences in regard to the "residence" qualifications between the British Electoral Laws and those of Northern Ireland applicable to elections to the United Kingdom Parliament at Westminster, these differences are not highly significant. The "One Man One Vote" principle, however, is breached when it comes to the register of voters for elections to the Northern Ireland Parliament at Belfast and the register of voters for Local Government elections. There is a different register of electors entitled to vote in elections to the Northern Ireland Parliament; this register includes voters who, in addition to their one vote, are given additional votes by reason of property or university qualifications. In 1968 there were some 25,000 more voters on the register for the Northern Ireland Parliament than for the Westminster Parliament; this represents the extent of the plural voting in elections to the Belfast Parliament.

The real gravamen of the complaint of the Catholic minority is in regard to the Local Government elections and administration. "The Campaign for Social Justice in Northern Ireland" claims that there are still a quarter of a million people, out of a total electorate of less than one million, who do not have a vote and that, among those who are privileged to be electors, many have the right to more than one vote.

In Local Government elections, voting rights depend on property qualifications, and the great majority of adults disenfranchised in this manner are Catholic. Even in areas where there is a majority of Catholic voters, the electoral areas are so designed as to produce a disproportionate balance by grouping large numbers of Catholics into some electoral units to enable other electoral areas to have Protestant majorities. This is known as Gerrymandering.[4] The "company vote" was another factor used to negate the "One Man One Vote" rule since limited companies above a certain valuation could control up to six votes in any one local electoral area. Few Catholics own limited companies.

The extent of this discrimination in regard to Local Government voting rights may be gauged from a comparison of the total electorate in Local Government elections and the total for the elections to the Westminster and Belfast parliaments. In 1967, only 694,483 were entitled to vote in Local Government elections compared with 909,841 *electors* for Westminster and 933,724 *votes* for the Belfast Parliament. In addition to this disparity, account must be taken of the fact that the 694,483 Local Government electors comprise many who are given the privilege of exercising more than one vote.

Thus although the Catholic minority is almost 40% of the total population, the (Protestant) Unionist Party controls 57 out of the 68 Local Councils.

The right to free elections by universal and equal suffrage is so well recognised in the democratic world as not to need elaboration.[5] It clearly involves the principle of "One Man One Vote"; it forbids discrimination in any form. Admittedly these elementary rules of democracy do not obtain in Northern Ireland.

DISCRIMINATION

Discrimination against Catholics exists not only in regard to housing but also in regard to work. In the first case, because of the property qualifications, houses means votes and are thus crucial political weapons. Although the situation changes from town to town and council to council, public building of houses in Catholic areas is notoriously slow. Catholic families have been known to wait as long as seventeen years for a house, while similar delays have not affected Protestants. Unemployment forces Catholics to emigrate. It is not by mere coincidence that Catholics are denied work while Protestants are accepted. Formerly actual government policy, the tradition is still actively discriminatory in practice.

SPECIAL POWERS ACT 1922

The Civil Authorities (Special Powers) Act has been the principal organ for suppression of opinion in Northern Ireland. It gives absolute powers to the Minister for Home Affairs to make pretty well whatever Regulations he wishes. The Act has been used to allow indefinite internment without charge or trial and the Act also gives powers to place persons under house arrest. This same Act makes it possible to commit an offence under the Act, although that offence has not been provided for in the Regulations. It is sufficient if the Court thinks that what has been done ought to be an offence.[6]

In addition, a special part-time police force, regarded as the militant arm of the Orange order (a political-religious society noted for its sectarianism) is mobilised from time to time and has all the authority under the Special Powers Act of the regular police force. The Special Powers Act and the "B Specials" police force were nominally aimed at preventing crime and controlling the activities of the Irish Republican Army, the military force of the Irish liberation movement. In fact, they have been used to quell civil disturbances and it is feared that they will be used in the future to put down civil rights demonstrations. In February this year the Northern Ireland Cabinet approved the call-up of an indefinite number of this special force. By reason of its composition, the regular police force is itself mistrusted by the minority. The Special Powers Act of 1922 not only gives very wide powers to the police but enables the Minister of Home Affairs to delegate his powers to any officer of the police who can then be the "civil authority."[7]

REFORMS[8]

In November 1968 the Northern Ireland Government announced that it would undertake some reforms. As is usual in such situations, the question arises as to whether these reforms are adequate and will be put into operation sufficiently quickly to allay the existing distrust of the Government's intentions. It is unfortunate that the Government, while promising to review the Local Government franchise, stated that this would only be brought into effect by the end of 1971. Local elections are due to be held in April 1970. It might have restored confidence if this reform was put into effect in time for April 1970. It is also unfortunate that the programme of reforms announced did not envisage legislation to prevent discrimination in regard to employment and housing.

UNITED KINGDOM'S INTERNATIONAL RESPONSIBILITY

The United Kingdom is a party to the European Convention on the Protection of Human Rights and Fundamental Freedoms. It is also a signatory to the two UN Covenants on Human Rights. The provisions of the Special Powers Act and the policies of discrimination referred to are clearly incompatible with the United Kingdom's international obligations. Because of this, the United Kingdom Government was obliged in 1957 to notify the Council of Europe that a "public emergency threatening the life of the nation" existed in Northern Ireland and that emergency powers were being utilised which might "involve derogations in certain respects from the obligations imposed by the Convention for the Protection of Human Rights and Fundamental Freedoms". It is unfortunate that the policies of the Northern Ireland Government and the reactions to them should place the UK Government in the invidious position of derogating from its international obligations.

---

[1] The political unit of "Northern Ireland" consists of 6 of the 9 counties of the Province of Ulster, one of the four provinces of Ireland. It has a Parliament and a Government with limited powers, subordinate to the control of the Parliament of the United Kingdom at Westminster. Financially, it is heavily subsidised by the British Government.

[2] The population of Ireland as a whole is 4,368,777. Of this total population 2,884,002 are in the Republic of Ireland and 1,484,775 are in Northern Ireland. The area of the Republic is 70,280 km.²; that of Northern Ireland is 14,146 km.².

[3] The birth rate in Northern Ireland at 22.4 per 1,000 is much higher than that of England and Wales which is 17.2 per 1,000. While no statistical breakdown is available showing the birth rate on denominational lines, it is probable that the birth rate among the Roman Catholic population is high.

[4] The word is derived from the name of the US politician Elbridge Gerry who was Governor of Massachusetts in 1812. At the time his party in the Legislature redistributed constituencies in the State so as to concentrate its strength and dissipate the strength of its opponents.

[5] Article 21 (1) and (3) Universal Declaration of Human Rights; Article 3, First Protocol to the European Convention on Human Rights; Articles 25, 26 and 27 of the U.N. International Covenant on Civil and Political Rights.

[6] Section 2(4) of the Civil Authorities (Special Powers) Act of 1922 provides: "If any person does any act of such a nature as to be calculated to be prejudicial to the preservation of the peace or maintenance of order in Northern Ireland and not specifically provided for in the regulations, he shall be deemed to be guilty of an offence against the regulations."

[7] Civil Authorities (Special Powers) Act 1922 Sec. 1(2).

[8] The Belgian League for the Rights of Man sent an Observer Mission to Northern Ireland. For a more detailed study, readers are referred to their *Report on Civil and Social Rights in Northern Ireland*.

Of course, it is still open for an aggrieved party to challenge the UK Notice of Derogation on the grounds that no 'public emergency threatening the life of the nation' exists in Northern Ireland or on the ground that the measures taken by the authorities are in excess of those 'strictly required by the exigencies of the situation'. The first of these grounds would raise the interesting question of whether the nation in this case is the 'United Kingdom of Great Britain and Northern Ireland', which is the State that is a party to the Convention, or 'Northern Ireland', which is only part of that State.

In any proceedings that might arise before the European Commission or Court of Human Rights, another fundamental question might well arise: if a Government by its own policies violates certain provisions of the Convention and thus contributes to the creation of a grave emergency, can it then rely on the 'derogation' clause of Article 15? This might well involve a construction in depth of Articles 14, 15, 17 and 18 of the Convention.

It is rather shocking that, in an area within the Council of Europe, there should have subsisted a state of public emergency which has forced the UK to derogate from its international obligations for over 12 years. This in itself gives a clear indication as to the need for very fundamental reforms in this small corner of Ireland. Legislation and conditions in Northern Ireland have been such a byword that they have been frequently cited by Ministers of the South African Government to justify their own policies of discrimination. Mr. Vorster has self-righteously pointed out in the South African Parliament that the South African detention legislation is less draconian than the Northern Ireland Special Powers Act 1922. A recent South African Government publication[9] quotes extensively from the Special Powers Act 1922 and the Regulations made thereunder in justification of its own repressive legislation. This use of Northern Ireland legislation to justify apartheid policies in South Africa should of itself have drawn attention to the state of human rights in Northern Ireland.

DR. SOPHIA MOSES ROBISON

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. RYAN. Mr. Speaker, Dr. Sophia Moses Robison, professor emeritus at the Columbia University School of Social Work and noted criminologist, died on August 3 at the age of 80.

It was my privilege to know Dr. Robison for many years; I valued her friendship and her sound counsel. She was respected not only professionally, but also by the community which she served so well.

She spent her undergraduate years at Wellesley and then went on to Columbia where she received an M.A. in 1913, and a Ph. D. in 1936.

Dr. Robison was well known for her research and writings on crime. She published several works on delinquency and served as research consultant to Federal, State, and local agencies involved with the problem of crime.

She retired from her post at Columbia in 1955, but she continued her research and writings. She was cited for her contributions to the city of New York in 1960, and as recently as this spring she wrote a prospectus for the New York Crime Commission concerning its delinquency control and prevention grant program.

Dr. Sophia M. Robison will be missed by everyone familiar with her work and with her warm, wonderful spirit. I extend to her family my deepest sympathy.

I include in the RECORD the obituary which appeared in the New York Times on August 4:

DR. SOPHIA ROBISON, SOCIOLOGIST AT COLUMBIA AND WRITER, DEAD

Dr. Sophia Moses Robison, an emeritus professor of sociology at the Columbia University School of Social Work who was noted for her writings and research on crime, died yesterday at Middlesex General Hospital in New Brunswick, N.J. She was 80 years old and lived at 610 West 110th Street.

Mrs. Robison, who retired from Columbia in 1955, had also taught at City, Hunter, Queens, Smith and Barnard Colleges, at Yeshiva, Howard and Adelphi University and at the New School for Social Research.

She was the author of basic works on delinquency including, "Can Delinquency Be Measured?," published in 1936, and "Juvenile Delinquency, Its Nature and Control," published in 1960.

Her article in The Michigan Law Review, "A Critical View of Uniform Crime Reports," attracted wide attention in 1966. In it, she maintained that the police had downgraded the actual incidence of crime.

As for statistics assembled by the Federal Bureau of Investigation, Dr. Robison believed they failed to take sufficiently into account the continuing increase in population of persons between the ages of 15 and 24, where the bulk of serious crimes originate.

WORKED AS CONSULTANT

Dr. Robison had served as a research consultant to many Federal, state and local agencies on delinquency, correction, housing and population analysis. In 1960 she was cited by Mayor Robert F. Wagner for her service to the city.

This spring, she prepared a prospectus on the state's delinquency control and prevention grant program for the New York Crime Commission.

Dr. Robison, a native New Yorker graduated in 1909 from Wellesley College, where she was a Durant scholar and member of Phi Beta Kappa. She received an M.A. degree from Columbia in 1913 and a Ph.D. degree in 1936.

Dr. Robison had served on the boards of the Arthur Lehman Counseling Service and the New York Chapter of the American Friends of the Hebrew University.

She had been a research director for the State Youth Commission, National Urban League and American Council for Emigrés.

Her husband, Sylvan, an insurance broker, died in 1937.

Surviving are 3 sons, Gerson, Robert and Morris; a daughter, Marcia R. Kunen; a brother, Adolph Moses; 2 sisters, Georgette Gell and Florence Moses, and 11 grandchildren.

A memorial service will be held tomorrow, at 11:45 A.M., at the Riverside, Amsterdam Avenue and 76th Street.

FREEDOM BECOMES ILLEGAL—VII

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. RARICK. Mr. Speaker, I have received a petition signed by 2,804 parents in one school district in my State.

The petition presents its own story, an appeal by parents for restoration of their children and freedom. Our colleagues must be made aware of the impending chaos—created by the tyranny of an impersonal, untouchable government.

Mr. Speaker, I insert the petition and a penetrating analysis by Dr. Carl Hansen from U.S. News & World Report for April 21, 1969, at this point in the RECORD:

PETITION

We, the undersigned citizens of West Baton Rough Parish, State of Louisiana, beseech our leaders, appointive and elective, local, state and national in the executive, legislative, and judicial branches to hear our pleas for help in our current dilemma as regards public education.

We are not experts in the fields of sociology, anthropology, psychology, theology, or jurisprudence, but we do believe that all races and creeds are equal in the eyes of God and further that all children are entitled to the best education available in institutions supported by the public treasury; however, we believe that student placement should be the right of the parent and/or the child.

We parents cry in the night in anticipation of the chaotic conditions we anticipate in the next school year and beyond. Our hearts are heavy because of the burden that will be on our little children who will shed tears of misunderstanding.

We love our country and we are dedicated to obeying the laws of the land even though we cannot understand the enforcement practices and policies as currently applied in certain areas.

We love our homes and do not want to leave them to live in areas where racial ratios are more to our liking. We do not want our system of public education to erode and crumble; we do not want to retrogress in racial relations.

We question the feasibility of the disruption of progress we were making in our educational system under our elected school boards and appointed staffs and faculties in view of other serious problems we are facing on the college campuses, the war in Vietnam, and the war on poverty. We ponder the question whether or not our country can afford another area of divisiveness and dissolution financially or emotionally.

We do implore that those in power will consider our situation as an emergency, even though we are only a small parish in a relatively small state, and take whatever action is necessary to give us more time to educate, relocate, or abdicate ourselves to the system of education which is eventually imposed upon us.

Respectfully,

(2,804 signers.)

JULY 4, 1969.

[From the U.S. News & World Report]

WHEN COURTS TRY TO RUN THE PUBLIC SCHOOLS

(By Dr. Carl F. Hansen)

If you live in a small Nevada town—or in one in Iowa or Ohio, for that matter—and your schools are mostly white, you may actually be flaunting a court ruling that says that racially imbalanced schools run against the Constitution of the United States.

---

[9] *South Africa and the Rule of Law*, published by the South African Department of Foreign Affairs, April 1968.

If your schools have all-white faculties, you may someday be ordered to hire 13 per cent black teachers to make the percentage fit in with the ratio of blacks to whites in the national population.

If you live in a city like Washington, D.C., or Chicago, you may someday have to see to it that the proportion of the poor in any school does not exceed the percentage of the poor in the entire city.

If you refuse to attempt to get a balance between the poor and the nonpoor in your schools through voluntary exchanges across school-district and even State lines, you may find yourself in contempt of court.

You may find your own child someday inexplicably "volunteering" to ride a bus out of your neighborhood for the kind of social and racial integration some of the nation's leaders think is best for everybody—except possibly for themselves.

If not already current realities, these requirements may ultimately result from the emergence of the doctrine of *de jure* integration.

A new and rather pervasive body of law is being generated by the courts and a limited number of school boards and State legislatures. The effect of this action is to make homogeneous schools either illegal or unconstitutional. In order to reduce homogeneity in school populations, school boards are being required by law to produce plans for increasing racial and social balance in their classrooms.

For much too long this nation lived with *de jure* segregation. Under this immoral and inhumane doctrine, children—and in some cases teachers—were told: "You may not enter this school or that one because of your race." The law stood guard at classroom doors, sifting out blacks from whites and sending each into prescribed educational areas.

Now comes a counterpart rule—that of *de jure* integration. The effect is the same as in the case of *de jure* segregation: The law again stands guard, admonishing the black child to enter a designated school because his dark skin will improve racial balance there, or instructing a white child to transfer into a black school for the same reason.

One of the more difficult problems about assigning pupils to schools by race is deciding who is white and who is black. For this, someone ought to devise a skin scanner capable of computing racial dominance by measuring skin shade.

In today's admonition against homogeneous schools, you have to think beyond simple race differentials; you are required to weigh the purses of schoolchildren to determine whether they belong to the poor or to the affluent segments of American society. If you are going to enforce mixing of pupils by social and income class, you must find out about the financial condition of their families.

At the base of the doctrine of *de jure* integration is the assumption that homogeneous schools are bad for children. If you want to raise a nasty question, simply ask: "What is the proof that schools with fairly similar enrollments are inferior? Why is an all-white school arbitrarily suspect, or an all-black school written off as worse than useless?"

The earliest examples of *de jure* integration is found in the 1954 action of the New York City board of education when it declared that "racially homogeneous public schools are educationally undesirable," and then placed upon itself the responsibility of preventing "further development of such schools" and achieving racial balance in all of its schools.

The action was taken on the advice of social theorists who reasoned that segregation by fact—that is, resulting from the free choice of people—was as bad as segregation by law.

The action of the New York City board of education was followed up in 1960 by the New York board of regents. On the premise that homogeneous schools impair the ability to learn, the regents ordered the New York State department of education to seek solutions to the problem of racial imbalance. It declared:

"Modern psychological knowledge indicates that schools enrolling students largely of homogeneous ethnic origin may damage the personality of the minority-group children. . . . Public education in such a setting is socially unrealistic, blocks the attainment of the goals of democratic education, and is wasteful of manpower and talent, whether this situation occurs by law or fact."

Three years later, the then New York State commissioner of education, Dr. James E. Allen, Jr., now United States Commissioner of Education, sent a memorandum to all State school officials requiring them to take steps to bring about racial balance in their schools. The commissioner defined racial imbalance as existing where a school had 50 per cent or more black children enrolled.

The legislative development of the concept of *de jure* integration has continued: California, Massachusetts, New Jersey, Wisconsin and Connecticut have declared in executive or judicial statements that racial isolation in the schools has a damaging effect on the educational opportunities of the Negro pupils.

In 1965, for example, the Massachusetts legislature enacted a Racial Imbalance Act. Schools with more than 50 per cent nonwhites were required to file with the Massachusetts State board a plan for correcting the condition.

It would be a serious mistake to overlook the role of the courts in establishing the rule that homogeneous schools must be abandoned.

The *de facto* school-segregation decision in *Hobson* v. *Hansen* explicitly instructed the Washington, D.C., board of education to submit plans for the reduction of imbalance in the schools.

By clear definition, Judge J. Skelly Wright included social class along with race as factors of concern. For the first time a court spoke not only on the unconstitutionality of racial imbalance but of social imbalance as well:

"Racially and socially homogenous schools damage the minds and spirit of all children who attend them—the Negro, the white, the poor and the affluent—and block the attainment of the broader goals of democratic education, whether the segregation occurs by law or by fact."

Judge Wright overrode the conclusions of at least eight federal courts that had ruled consistently that it is not the duty of a board of education to eliminate *de facto* segregation, provided there is no evidence suggesting the maintenance of *de jure* segregation.

The sweeping Wright decision, however, went far beyond the more common legislative view in such States as New York and Massachusetts that blacks suffer from attendance in predominantly black schools. The jurist in *Hobson v. Hansen* added social-class homogeneity as a factor detrimental to democratic education. In addition, he enunciated the opinion that all children are hurt by homogeneity. In all-white, predominantly affluent schools, therefore, the minds and hearts of the pupils are being damaged for about the same reasons that black children suffer in schools peopled by their own race.

If the rule requiring integration by social class prevails, every public school in the nation is subject to its effect. Even predominantly Negro school systems like the Washington, D.C., unit will be confronted with a redistribution of its pupils along social lines, if the literal meaning of the Wright opinion is observed. In the nation's capital, with about 94 per cent Negro public-school enrollment, more then 10,000 secondary-school students were reassigned in one year to bring about better social balance in the schools, Thus, *de jure* integration by class as a doctrine is already in partial effect in at least one major school system.

The conclusion that socially homogeneous schools must be destroyed rises from an increasing stress upon the theory that social class determines the quality of education. If the only way to improve achievement among lower-social-class pupils is to integrate them with higher-income pupils, a vast manipulation of school populations is in prospect. It would require a kind of despotism the world has not yet experienced, for enforcement is inevitable where the people do not volunteer.

It is difficult to believe that freedom can survive when government seeks to control the social and racial dispersement of the people—speaking, as it does so, the line: "This may hurt, but it will be good for you."

The judicial movement toward full development of the *de jure* integration doctrine was accelerated by the United States Supreme Court in three decisions issued in May, 1968. These are the Kent County, Va., the Gould, Ark., and the Jackson City, Tenn., opinions requiring the school boards in these communities to abandon their freedom-of-choice plans for desegregating their schools.

In these opinions, the Supreme Court declared that, in States where the schools were previously segregated by law, school boards must assume an affirmative responsibility to disestablish segregation.

In Jackson City, Tenn., for example, it was not enough to set up school zones on the neighborhood principle, at the same time allowing pupils to choose to attend schools outside those zones if space existed in them. Under this plan, formerly all-white schools received significant numbers of black students. Because, however, white students refused to attend or to elect to attend all-Negro schools, the Court was dissatisfied with the freedom-of-choice plan. The presence of all-Negro schools became clear evidence of intent to preserve segregation as it existed before 1954.

Not only must the Jackson City school authorities by the force of law require white children to attend formerly all-Negro schools, but they must also enforce faculty mixing by arbitrary assignment of personnel on racial lines.

The Supreme Court's disestablishment doctrine is the principle of *de jure* integration applied to those States in which segregation by law existed prior to the 1954 *Brown* decisions. This position—quite heavily burdened with patent discrimination against a group of States—is after all only one step removed from a decision requiring all States to disestablish segregation, whether this occurs by law or fact.

De jure integration, in summary, applies currently in those States and in those school districts where the local legislative bodies have enacted legislation establishing the new doctrine. It applies specifically to the District of Columbia, where the Wright opinion required the board of education to prepare plans to reduce homegeneity by race and social class.

Directly and unequivocally, the doctrine has been invoked by the Supreme Court of the United States in its disestablishment ruling applicable to jurisdictions formerly segregated by law. As has been said here, this step is the precursor of a ruling requiring local and State boards of education to disestablish *de facto* segregation as well.

A THREAT TO PUBLIC EDUCATION

The most damaging aspect to the *de jure* movement is that its proponents must discredit predominantly white schools—of which there are many throughout the country—and predominantly black schools, whether they exist in large cities like New York or small ones like Drew, Miss. Out of the attack on public education needed to establish an enforced abandonment of homogeneity by race or class has come a threat to public education that promises to bring down the walls of this primary citadel of democracy.

Hardly a school system anywhere with racial imbalance has escaped a scathing attack by those bent on achieving a millennium through the simplistic step of requiring racial balancing either by legislative or judicial action. Trace the anti-public-school sentiment in recent years to its source: You will discover—as in the case of the Washington, D.C., story—a sequence of attack, discredit, weaken; a strategy for imposing racial and social-class mixing through the winning of legislative and judicial support.

The danger in the drive for legislative and court actions to make integration the law of the land—here meaning the artificial management of persons to establish racial and social-class mixing—is the imminent destruction of confidence in public education.

As important as the hazard to public education is the fact that, in any case, *de jure* integration does not work.

The policy of the New York City board of education requiring racial balance produced overwhelmingly negative results. It left a trail of school disruptions, protests, boycotts and sit-ins. In the meantime, whites left the schools at an increasing rate.

In 1964, an official study group stated:

"No act of the board of education from 1958 through 1962 has had a measurable effect on the degree of school segregation. . . . Not a single elementary or junior high school that was changing toward segregation by virtue of residential changes and transfers of whites into parochial and private schools was prevented from becoming segregated by board action."

Four and a half years ago, the New York City board of education paired two schools—one mostly white, the other Negro. The promise made to the parents was that a race ratio of 65 per cent whites and 35 per cent blacks would be maintained in each school. Today—that is, in early 1969—the white enrollments are down to about 35 per cent in each of the two schools.

The Gould, Ark., experience is further proof of the futility of attempting to apply the doctrine of *de jure* integration. The community paired its two small schools last autumn. As a result, all but 50 of 250 white pupils withdrew. The authorities there estimate that in the coming school term the white enrollment will fall to no more than 20 pupils.

Washington, D.C., is an example of very rapid changes in race ratios over a period of a few years. From 1950 to 1967, the white school membership dropped from 46,736 to 11,784, while the black membership jumped from 47,980 to 139,364.

Enrollment figures show that formerly all-white Washington, D.C., public schools invariably moved to 75 per cent black membership two years after the 50 per cent point was reached. In each such school, the black membership quickly moved thereafter to 99 per cent.

The new and important discovery was that when a formerly all-white school approached 30 per cent black membership, the rate of change increased. Within two years, the black membership reached the 50 per cent point, from which it moved to 75 per cent within the next two years. The important finding is that the starting point for rapid white exodus is 30 per cent.

A police state with unlimited enforcement power will be needed to implement integration if it is required by law.

It is inviting to speculate about the ultimate possibility of an enforced integrated society. The next step may be to set up quotas for neighborhoods, so that the number of poor will be proportionate to their total number in the community. New homes funded by federal loans may, under a policy of social integration, be sold on schedules determined by the ratio of whites and blacks, Jews and non-Jews, Protestants, Catholics, agnostics and atheists in any community.

Out of the intervolutions from which the doctrine of *de jure* integration comes, two findings emerge with clarity:

One is that palpable preservation of *de jure* segregation anywhere—whether in schools, employment or housing—is morally wrong. The counterpart of this principle is that *de jure* integration is equally questionable.

CREATING THE HOMOGENIZED CITIZEN

The second main finding resulting from an analysis of the enforced mixing of people by race and class is that what is most desired is the "integrated man" made up of proportionate parts of every ethnic group and of the several religious and cultural components of American society. The homogenized citizen thus created is a dangerous change from the historic individualism which, with its supportive pluralism, has been this nation's major source of strength.

The melding, blending process inherent in the concept of *de jure* integration may destroy the dream of a free society. A development of such significance, therefore, deserves the most careful study and evaluation.

CREDIT UNION TO CREDIT UNION LOANS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

CUNA INTERNATIONAL, INC.,
August 4, 1969.

Hon. JAMES G. FULTON,
House of Representatives, Rayburn House Building, Washington, D.C.

DEAR CONGRESSMAN FULTON: During my appearance before the Foreign Affairs Committee, you requested me to submit additional details concerning problems encountered in initiating the program of credit union to credit union loans under the guaranty loan provisions of the Foreign Assistance Act. I am happy to comply with your request herewith.

First, I wish to emphasize that the need—and the opportunities afforded by this guaranty program—have in no way diminished. The importance of this program as a true people-to-people international effort cannot be over-estimated. Now that the program in the credit union field has reached the stage of development where it can be effectively implemented, the continuance of the Extended Risk Program is of paramount importance. The opportunity to expand and develop private sector participation in such a program has never been greater, and credit union pioneer experience in the small loan field should help guide others in the private sector area.

In March of this year, the first Extended Risk Guaranty credit union to credit union loan was consummated—in effect a pilot project which verified that the procedures which have been developed are sound and operative. It is true that the establishment of these procedures has taken what may appear to be an excessive amount of time. In view of the many complex problems which arose as the program developed—problems which have now been generally resolved—the delays, though frustrating, are understandable.

Problems which were encountered included, among others, the following:

1. The extension of small loans by U.S. credit unions to foreign credit unions was a totally new experience both to AID and to CUNA International. AID had to adapt the complex and intricate procedures of its normal multi-million dollar loan machinery to the "nickel, dime and quarter diplomacy" of comparatively insignificant loans of only several thousand dollars. CUNA, on the other hand, was faced with establishing the basic framework for its internal procedures.

2. The Bureau of Federal Credit Unions, which supervises federal credit unions comprising over half of the credit unions of this country, had to accommodate the regulations of the Federal Credit Union Act to permit international lending by federal credit unions.

3. To comply with legal requirements contained in laws, AID must have an arrangement covering guaranty loans with the foreign country involved. While some such arrangements existed, many were based on a less than 100% guaranty and thus had to be modified. At best, such action between governments is always a slow, time-consuming process. This program was no exception to that rule.

4. Treaty requirements provide that the foreign government must certify each loan application. Again, this procedure is beyond our government's control, and involves considerable time. As an example, it has taken four months to secure such certification from the government of one country in which a loan is about to be consummated.

These problems, of course, were associated with the purely administrative processes of getting the program "off the ground." Other factors had a bearing on the delay, however. For example, AID had four turn-overs of attorneys who were assigned to work with us during the time the administrative machinery was being set up and negotiations with foreign governments were being consummated—a situation which was beyond the Agency's control. CUNA, likewise, had similar problems in this area.

The actual preparation of loan applications by credit unions in the foreign countries has been another factor in slowing the program. In many of these credit unions the administrative know-how was lacking, placing an additional burden on CUNA's limited technical staff in those countries to give detailed assistance.

Finally, inflation here in our own country as well as abroad has had some effect. Interest rates on credit union loans and fluctuations in exchange values of national currencies have had a restraining influence on potential borrowers. Currency devaluation in one country has resulted in a credit union organization securing a loan in dollars and having to pay back, in subsequently devaluated currency a considerably greater amount to meet the dollar value of the loan.

We are now at the stage where our pilot operations have resulted in identifying and overcoming most of the technical obstacles which confronted us in initiating the program. Countries where major problems have been removed and the program is now moving forward include Bolivia, Brazil, Colombia, the Dominican Republic, Nicaragua and Venezuela. Chile and Paraguay are also in a similar category, although credit union development in these nations is not sufficiently advanced to utilize the advantages of the guaranty program at this time. Participation by Costa Rica and El Salvador will soon be possible. The growth of credit unions in several other less developed countries will undoubtedly bring them into this program in the near future.

It has taken more time than any of us had anticipated to establish the essential groundwork, develop machinery, secure foreign government clearances, and to meet innumerable legal requirements. We are now ready to move into high gear on the program in a number of countries. It is imperative that the Extended Risk Guaranty program be continued. I therefore urge that every effort be made to this end in order that this vital people-to-people program may be fully implemented.

Thank you for the opportunity to provide this additional information on our CUNA/AID operations. We deeply appreciate your interest and concern in these matters.

Respectfully yours,

J. ORRIN SHIPE,
Managing Director.

MIZELL COMMENTS ON H.R. 13111

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. MIZELL. Mr. Speaker, last week Congress considered the most far-reaching legislation since I took office last January. After I took part in the consideration and ultimate passage of H.R. 13111, there were a number of things that came to my mind that I feel are important enough to submit to my colleagues at this time. There is no question that hindsight is better than foresight, but recording observations after the fact can more than not prove beneficial to future activities and considerations.

There is no question in my mind that many sections of H.R. 13111 will benefit each and every American citizen. The health and education benefits are far-reaching and necessary. I feel, however, that we have to determine once and for all just how much we can afford to do. Runaway, irresponsible spending has caused this Nation to continuously operate at a deficit. This is one of the major contributions to the inflationary spiral which is plaguing the people of this country. The President has time and time again called on Congress to take a more responsible attitude toward spending programs and has clearly pointed out the need to do so. Now, with the cooperation of Congress, this Nation will operate at a surplus. This is a necessary condition if we hope to put an end to the inflationary trend. I cannot help but feel that the President has done more than his part in the great effort to get the Nation's economy back on an even keel. He has even gone so far as to cut drastically the budget and to present Congress with a comprehensive and sound fiscal program for the coming year.

Congress, however, continues to vote for increased spending in appropriation bills at a time when it is necessary to continue the surtax to try and meet our present obligations. To continue to vote for increases in spending at this time, I believe, is an irresponsible approach to sound fiscal policy. If a citizen would apply the same philosophy to the handling of his household budget and continue to spend more than he is taking in, bankruptcy is inevitable.

The President has stated that he is for phasing out the surtax while at the same time reducing spending for the purpose of curbing inflation and getting our economy back on a sound basis. This is a responsible position. So, in view of what happened last week when more than $2 billion was added to H.R. 13111, I challenge this body to take a more responsible attitude and follow the President's suggestion to holding the line or a reduction in spending. I do not see how we are going to get out of our fiscal plight unless Congress assumes its fiscal responsibility as the President has asked us to.

I voted against this tremendous increase in spending as I believe the vast majority of the citizens of the Fifth Congressional District would want me to.

MANKIND'S GIANT LEAP

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. TEAGUE of Texas. Mr. Speaker, the success of Apollo 11 has done much to lift the sight of man beyond his everyday environment and encourage the world to seek its own betterment. Mr. Robert Hotz in an editorial in Aviation Week & Space Technology of July 28, 1969, points to several important considerations in the success of this program. As we ponder our future course of action in our national space program, it would be well to remember the points made in Mr. Hotz's significant editorial.

The editorial follows:

MANKIND'S GIANT LEAP

(By Robert Hotz)

The small step of Neil Armstrong's boot from the lower rung of the lunar module landing gear ladder to the powdery surface of the moon was indeed a giant leap for all mankind.

Man's first adventure on the lurain embodied many triumphs of technology and spirit. But its greatest significance will prove to be the watershed it marks in man's knowledge of himself and his universe. From now on, the theories that have beguiled scientists and fiction writers alike will fade swiftly into obscurity as they are submerged by the vast quantity of new facts garnered in man's accelerating exploration of the moon and the rest of his universe.

Vanished already are the horror stories of man's difficulties in operating on the moon—banished by the swift mobility, varied work and easy communications of Neil Armstrong and "Buzz" Aldrin in man's initial 2 hr. on the lurain. Gone too are the long-espoused theories on deep layers of lunar dust that would engulf both man and spacecraft—refuted by the first scuffs of man's boots and the hard, mallet-driven progress of the core-sampling drill. Going fast are many of the theories of a cold, dead moon—jolted by Armstrong and Aldrin's first observations of lunar rocks. The first 78-lb. load of rocks brought back by the Eagle crew from Tranquility base will provide more answers on the origin and composition of the moon than a century of stargazing through instruments from earth.

Less than a week after the Apollo 11 crew returned safely to earth, the Mariner satellites will start transmitting back to earth man's first close view of the Martian surface in another astonishing triumph of space age science fact over theoretical fiction.

Among the other triumphs of Apollo 11 that should be noted are:

OPEN PROGRAM OVER SECRECY

The U.S. policy of an open space program for all the world to see paid a stupendous dividend on Apollo 11 as people of almost every nation on earth were able to see man's first steps on the moon in that incredible television transmission. Never has the American image been projected brighter on such a global scale. It showed all mankind that this country is truly willing to share its triumphs, tragedies and knowledge with all who care to participate. The world owes a great debt to Stanley Lebar and his Westingthouse colleagues, who conceived and built the tiny 7-lb. television camera that transmitted so faithfully from the moon, and also to the National Aeronautics and Space Administration officials, who fought so hard to keep it on the mission.

ENGINEERS OVER SCIENTISTS

One of the key differences between the U.S. and USSR space programs has been the divergent philosophies of its managers. The USSR program, dominated by the senior scientists of the powerful Academy of Sciences, has tended to overestimate the technical problems of manned space flight and insisted on over-testing with unmanned spacecraft or animal subjects. The U.S. program is managed by engineers backed by experience with operational development of high-speed aircraft from the X–1 to X–15. They have tackled problems such as the sound, heat and bio-medical barriers by designing and proceduring around them, while U.S. groundbound scientist experts in this fields urged slowdowns or abandoning manned space flight. The engineering approach not only enabled the U.S. to overtake and pass the USSR in the race to put men on the moon, but is also producing far more scientific data faster than the conservative small-step programs of the scientist-dominated USSR effort. The wild gyrations of Luna 15 in lunar orbit and its ignominious crash in the Sea of Crises at the same time Astronauts Armstrong and Aldrin were broadcasting priceless data from the Sea of Tranquility offered a valid contrast in the two national philosophies.

MANNED OVER UNMANNED SPACECRAFT

Apollo 11 was another demonstration of the vital necessity for man in the control loop for a truly effective space exploration vehicle. Without man aboard, the lunar module would have crashed in an uncharted crater of huge boulders. Wailing would have been heard around the world on the futility of trying to land spacecraft on the lurain. With Neil Armstrong at the controls, the danger of the automatic landing site was quickly recognized. Eagle was flown manually beyond the dangerous crater to a feathery touchdown on powdery sand. In addition, the LM guidance computer became overloaded, rebelled and flashed false alarms until it was bypassed by the human brains aboard. No unmanned spacecraft could have accomplished the reconnaissance, evaluation and experimenting that Armstrong and Aldrin did in their relatively short lunar stay. Unmanned spacecraft are certainly necessary for preliminary exploration of distant planets just as Ranger, Surveyor and Orbiter blazed a trail for Apollo. But man must eventually be on board to insure the mission's operational and scientific success.

Apollo 11 also gives man his first spark of immortality. It demonstrated that he no longer need be a prisoner of his earthly home. If, at some future time, this planet becomes uninhabitable because of a nuclear war, cumulative pollution or the end of its galactic cycle, the human race now has the capacity to seek a new environment.

Man may find that his ultimate survival as a species may depend solely on his resources of space technology and his skill as a space voyager.

WHO OWNS THE AIR?—CONGRESSMAN WYDLER OPPOSES PAY TELEVISION

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. WYDLER. Mr. Speaker, there is an old-fashioned expression "as free as the air" and for many generations this has implied that everyone had equal access to this native element without cost or hindrance. While the development of radio and television communication has necessitated certain regulations on the use of broadcasting wavelengths, the air has still, in the broadest and best sense, remained free. Whoever could afford a radio or television receiver could hear or see the best available programs without further investment. I now find that through subtle and confusing arguments efforts are being made to "sell the air" so that certain television channels will be visible only to those paying a fixed monthly fee for this privilege. I cannot for the life of me see how this can be a legitimate move in the best interest of the public. I have, therefore, introduced legislation to amend the appropriate sections of the Communications Act of 1934 to prohibit the granting of authority to broadcast pay television programs.

I have taken my stand on this matter for three very specific reasons:

First. I do not believe that any regulatory body of the Government, which is exactly what the Federal Communications Commission is, has the right to bargain away the airwaves of this country for the exclusive use of broadcasters who can then hang price tags on their programs. I believe that the air belongs to the people and is not for sale.

Second, I believe that over a period of time the best and most worthwhile programs, those having the major educational, cultural and recreational value, will move over to the pay TV channels. At a time when the television industry is being urged by its critics to upgrade itself, I cannot see how we can on the one hand ask for better quality programs and on the other hand make it financially difficult for the regular—or free—channels to provide such programing.

Third, I foresee that instituting pay television will ultimately disenfranchise a very sizable segment of our national population from seeing the programs best suited to inform, entertain and educate them. People on modest incomes, the aged, the retired, the newly married homemakers—these are the ones least able to pay for television programs, and yet they are the very ones for whom free television provides a window on the world. Some may not consider television a necessity of life, but I feel strongly that it occupies a significant place in the average individual's existence and that he is entitled to the freedom of the air much as we have always maintained the freedom of the seas.

I have now received from my congressional constituents petitions containing over 40,000 signatures requesting me to take action to forestall the initiation of pay TV. My bill might be called the "Television Consumers Protective Act," and I urge speedy action before we find ourselves faced with the alternative of a blank screen or an empty pocket.

U.S. MERCHANT MARINE—PART II

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. FEIGHAN. Mr. Speaker, there is a crisis at sea.

That crisis is the archaic condition of our Nation's merchant marine fleet. Yesterday I included in the RECORD the first of a series of three articles currently appearing in the Washington Evening Star which deal with the serious problems being faced by the merchant marine. The second article in this series is now included for my colleagues' consideration:

CRISIS AT SEA—THREE PIONEER SHIPPING CHANGES

(By Miriam Ottenberg)

An ex-trucker, a onetime furrier and a movie magnate are pointing the way to a revolution in America's ailing maritime industry.

They are introducing the first new ideas to American shipping since the clipper ships of a century ago captured the world's markets for Yankee sea captains.

Impatient with archaic methods, they pioneer at a time when fewer merchant ships are being built every year, when the present fleet is carrying only about 5 percent of the nation's ocean trade and when congressional demands for a program to revitalize the merchant marine remain unmet.

The new pioneers are:

Malcolm McLean, the onetime trucker and now president of McLean Industries and chairman of Sea-Land Services, Inc.

Joseph Kahn, the former furrier, now chairman of the board of Seatrain Lines, Inc.

Spyros S. Skouras, son of the chairman of 20th Century-Fox and president of the family's theater chain, now president of Prudential Lines, Inc.

All three argue that a long-range government program is a must if the country is to take full advantage of the shipping innovations now available.

They want a program that rewards efficiency, penalizes inefficiency, gives a fair shake to all segments of the shipping business and provides incentives for further development of new kinds of ships.

COORDINATED TRANSPORT

Their basic premise is that the merchant ship as a separate entity is a thing of the past. Today, it is considered an extension of rail and truck carriers. Linked to inland transportation, the ship has a bright future. Standing alone, it is finished.

Each of the three men saw that concept in a different way.

McLean was president of a successful trucking company in the mid-1950s when he got the idea that if he could combine the go-anywhere flexibility of trucks with the low cost of sea transportation, he could provide shippers with fast, safe and more economical distribution of their products.

He devised a container—actually a demountable truck trailer 35 feet long, 8 feet wide and 8½ feet high—that could be loaded at the shipper's door, sealed, trucked to a port, lifted off its chassis and stowed aboard ship. At its port of destination, it could be lifted off the ship onto a truck chassis and delivered to the consignee.

This door-to-door, across-the-sea transportation would reduce the longshoring expense, reduce pilferage and damage (since the trailers would be sealed throughout their journey), save on packaging and make one carrier responsible for the entire freight movement.

In January 1955, McLean bought four old tankers and the container era was launched.

VIETNAM SUPPLIES SPEEDED

Today, Sea-Land has more than 33,000 of these containers in use all over the world, with some 1,400 trucking companies and railroads under contract. By the end of this year, Sea-Land's fleet will total 39 ships—all converted World War II vessels.

One area where McLean's vision paid off is Vietnam. Conventional ships often were tied up in ports for 60 to 90 days in a logjam of unloading. Defense officials say Sea-Land's fast unloading of containers has saved the government millions in transportation costs and reduced damage and left losses to almost nothing.

Other American shipping lines now have shifted to containerization. So have foreign companies.

Kahn, the ex-furrier, entered the shipping business in 1950 just as the Ship Sales Act was expiring. Starting with two Liberty ships, and gradually improving and adding to his fleet, he came up with a number of innovations.

One was a method of having a full cargo coming and going, instead of an empty ship one way. He developed a technique for cleaning a ship at sea between ports after transporting oil, for example, so he could pick up grain or some other cargo for the return trip.

Another innovation was using low-cost Liberty ships to receive grain from the costly super-tankers in which large quantities of grain move in single sailings. Using that technique, the tanker Manhattan, largest commercial American flag vessel, became the biggest single factor in carrying grain to relieve famines in India and Pakistan.

Seatrain now owns almost 50 ships, including the Manhattan, which is being refitted as the world's largest ice-breaker.

"When we entered the shipping business, we knew very little about it and as a consequence we had open minds," says Kahn. "We didn't accept existing shipping methods, some of which hadn't changed basically since the Phoenicians."

Spyros Skouras is another who didn't accept the traditional way as the only way. In the early 1960s, when his line had to replace five old Victory ships with modern vessels, he challenged a naval architect to come up with an idea that would do for shipping what jet engines had done for the airlines.

LIGHTERS ABOARD SHIP

The architect confided that he had been working on something for years. His new concept: a barge known as LASH—for "lighter aboard ship." As the architect envisioned it, 73 of them could be carried on one ship.

Confident that this was the breakthrough he sought, Skouras began ordering LASH ships in November 1967. He expects delivery of the first of five next year. Pacific Far East Line joined the LASH movement and ordered six. The barge idea also attracted Lykes Steamship Co., which developed giant sea barge carriers called Seabees and has ordered three of them.

Shipping lines are enthusiastic over the barge idea and McLean's containers because they will mean big savings in time and money.

A ship can come into port and load and unload in one day instead of five, 10 or even 15. The trailers or barges can be unpacked after the ship has gone on to the next port and repacked with other goods to await the ship's return.

The cost difference is tremendous. It costs about $5,000 a day to keep a conventional ship in port, compared with $10.50 a day for a barge floating at the dock, as Skouras figures it. And barge-carrying ships don't have to wait for berths in crowded ports. They can anchor out in the harbor and unload their "floating cargo holds."

Conventional ships spend half their time in ports. The barge carriers will be able to spend 90 percent of their time at sea.

The 14 barge-carrying ships on order, the scores of container ships now sailing the seven seas and the others being built are ushering in a new era, one focused on capital rather than labor.

Labor is so much more productive in this form of shipping that labor costs ultimately will drop.

COST IS PROBLEM

But the new ships cost more to build at a time when bankers are reluctant to lend to ship lines without some long-term guarantees because returns normally are small on merchant ships.

McLean's Sea-Land has faced both labor realities and capital demands.

Under agreements signed 13 years ago, Teamsters Union drivers truck the Sea-Land trailers to the gate of the sprawling yard in Port Elizabeth, N.J., and pick up trailers at the gate. They don't enter the yard. That's the province of the longshoremen. Sea-Land deals with more than a dozen unions.

Sea-Land's gross increased from less than $20 million in 1956 to more than $250 million in 1968. Various methods of private financing kept Sea-Land bankrolled for years in building its fleet, but when future requirements for capital became too big to handle, McLean Industries decided this year to merge with R. J. Reynolds Co.

Neither McLean's Sea-Land nor Kahn's Seatrain receives direct government subsidies for ship construction, but both benefit from various indirect subsidies without which even the most inventive American ship owner couldn't survive against the subsidized foreign carriers.

Both McLean and Kahn feel strongly that the future health of America's merchant marine depends on how government assistance is provided.

McLean believes that the tax deferment now enjoyed by subsidized lines should be extended to the unsubsidized lines. Through this method, the subsidized lines can amass enough capital to pay half the cost of new ship construction.

"What we need," Kahn says, "is some form of tax incentive, either a long-term investment credit or some other tax credit."

He says the present system of awarding operating and construction subsides is time-consuming, costly and cumbersome.

"Instead of a construction subsidy, I suggest that the government establish a system of giving the shipping lines on an annual basis a five percent investment tax credit which over a perod of 20 years would amount to 100 percent tax credit."

Skouras, although president of a subsidized line, agrees that the tax deferment should be extended to the unsubsidized lines.

McLean, Kahn and Skouras all believe the breakthrough in shipping techniques of the past decade, together with the opening of Alaska's North Slope, have brought the American merchant fleet to the threshold of a new era.

But they also agree that it will take some long-term government commitments to cross that threshold.

ANTIMILITARY ATTITUDE ALARMS ISRAEL

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. BOB WILSON. Mr. Speaker, as the Congress considers the vital Safeguard ABM issue, it appears that its ramifications are so broad that objective observers are indicating alarm, including some with a liberal orientation.

I have noted with great interest a report that the U.S. antimilitary attitude has alarmed a friendly foreign nation, the State of Israel. The Israelis have no illusion about peaceful Soviet intentions. They are besieged by Russian rockets, jets, artillery, and tanks operated by Arab troops advised and aided by Soviet military personnel. I wish to call attention to a syndicated feature column published in Jewish newspapers throughout America and worldwide. It is written by a veteran member of the congressional press galleries, Mr. Milton Friedman, correspondent of the Jewish Telegraphic Agency.

So that my colleagues may know of another point of view on the ABM controversy and related antidefense pressures, I request insertion of Mr. Friedman's column, entitled "Antimilitary Attitude Alarms Israel."

I wish particularly to stress Mr. Friedman's observation that:

> Israelis perceive something more than a simple controversy over the merits of the costly anti-ballistic missile (ABM) system or some other weapon. They fear neo-isolationism. They envisage a naive rejection of defense needs that could encourage the Kremlin to risk nuclear war.

The full text of the Friedman column follows:

ANTIMILITARY ATTITUDE ALARMS ISRAEL

(By Milton Friedman)

WASHINGTON.—Are American liberals—Jews among them—inadvertently jeopardizing Israel by joining the growing public crusade against United States military establishment, defense spending, and foreign commitments?

This question has emerged among Israel soldiers, from officers of highest rank to privates in the bunkers along the Suez Canal. They want to see a strong and militant America. Their concern arises from radar blips and sonar contacts: Soviet nuclear submarines and middle-firing cruisers hovering distantly off the Israeli coast.

Israel can cope with the Arabs. But Russian nuclear blackmail may be used one day in an ultimatum for Israel withdrawal from all occupied territory. The question is: In such a contingency, will American voices now demanding cutrailment of missile systems and foreign involvement then demand a nuclear showdown? Will the present American antimilitary mood tempt the Russians to flex nuclear muscles against Israel?

The Kremlin can now be about 99 percent certain that Washington would not confront Moscow in a nuclear confrontation over Israel. Israel, unlike NATO countries, has no U.S. guarantee of security protection. But one percent of doubt remains; even one percent may be enough to deter the Russians from risking a world nuclear holocaust.

Israelis are concerned that even that very thin—but very vital shield—is being eroded by the anti-war mood in the United States.

Yet this flimsy shield is all that Israel has to depend upon. It is in Israel's vital interest to see America remain superior in ultimate weaponry and disposed to deter nuclear blackmail against free people.

Soviet strategists, mindful of the Vietnam war backlash in America, are now regarded as more likely to resort to an atomic-missile blackmail than to deployment of Mideast expeditionary force. They don't want to emulate the American debacle in Vietnam. There are also logistical, economic, propaganda, tactical and other reasons for not landing troop units in Egypt.

About 8,000 Russian military personnel are already in Egypt. They perform advisory and technical functions in the Egyptian military establishment. But care is being taken to avoid a role like that of the U.S. Green Berets in the early years of the Vietnam war. Russian officers do not accompany Egyptian patrols across the Suez Canal. Moscow is pressing for unconditional withdrawal of Israeli forces. The Arab-Israel fighting is escalating. Israel fears that at some point the Kremlin may decide to deliver a grim ultimatum. Then the scene would shift to Washington where liberals are assailing the U.S. role as protector—some say "policeman"—of the free world.

The Israeli conviction is that their embattled nation must not become another "Czechoslovakia." Israel can look only to Washington for a credible deterrent to any Russian nuclear blackmail.

Israelis are beginning to worry also that Washington may grow reluctant to supply further sophisticated weapons as pressure mounts against the sale of arms to belligerents or even countries at peace. Egypt can still look to Moscow for support as the Russians plunge ahead with reckless military spending for constantly modernized implements of war. Israel can at this point turn only to the U.S. for balancing jets, missiles, and other arms essential for survival.

Israelis do not want to become embroiled in domestic American affairs. They have problems enough of their own. But many listen with dismay when Americans suggest that the defeat of racism and poverty is contingent upon curtailment of defense commitments. Meanwhile, developments of new and better arms reassures Israelis but horrifies Americans alarmed by unmet urban needs.

Israeli military men accept as valid any legitimate move to end waste and incompetence in any army. Zahal, the Israeli defense establishment, practices such stringent weapons tests and cost accounting that American military officers would be horrified if called upon to practice it.

Israelis perceive something more than a simple controversy over the merits of the costly anti-ballistic missile (ABM) system or some other weapon. They fear neo-isolationism. They envisage a naive rejection of defense needs that could encourage the Kremlin to risk nuclear war.

An anti-war vogue has arrived in the U.S. with Jews in the forefront. It is an understandable response to the fiasco in Vietnam and the chaos at home. But it has ramifications beyond the borders of the U.S. that reach as far as the besieged kibbutzim and cease-fire outposts of Israel. A nuclear Armageddon will not confine itself to cease-fire lines; Israel's concern may prove truly universal while the American Jewish response could be dangerously provincial.

BANK PROFITS INCREASE AVERAGE OF 20 PERCENT ACROSS NATION IN FIRST 6 MONTHS OF 1969 AS SOME SMALL BANKS BEGIN TO CUT PRIME RATE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. PUCINSKI. Mr. Speaker, we will be debating the tax reform bill later this week and during that debate a plea will be made for the continuation of the surtax as an anti-inflationary measure. But I am certain no one will tell us that some banks have enjoyed increases in profits in the first 6 months of 1969, ranging up to 49 percent because of high interest rates.

Mr. Speaker, I originally voted for the surtax because Members of Congress were assured by the Treasury Department that the surtax was necessary to curb inflation.

The continued rise in the cost-of-living index and continuing inflationary pressures which have created tremendous problems for the entire Nation have in no way been abated by the surtax. Despite statements to the contrary, I have seen no evidence that the surtax has in any way curbed inflation.

A statement was made here on the floor the other day that the slowdown in the gross national product is one indicator of the anti-inflationary effect the surtax has had on the economy.

I submit that any such suggestion is preposterous.

If there has been a slowdown in the GNP, it is because we are witnessing a slowdown in the whole economy. There are even those who say that this Nation already is in a recession and heading for a serious depression.

My firm conviction is that the cause of this economic slowdown is the direct result of high interest rates which have now reached such a plateau that normal business relations are being forced into a tragic standstill.

Interest rates have been climbing steadily since 1956 and the Federal Reserve Board has proven itself time and again incompetent and incapable of dealing with the interest rate spiral.

A study I recently completed shows that during the first 6 months of 1969, the average increase in profits for all banks in America amounted to 20 percent across the board. A study of 50 major banks shows their profits increased in the first 6 months of 1969 from 49.1 percent for one bank in Detroit to 11 percent for a leading bank in Chicago.

Rising interest rates have indeed brought substantial earnings to the banking industry of America but they are playing serious havoc with the rest of this Nation.

If indeed there is an economic crash in this country, those who have watched interest rates rise with impunity will have to assume the full blame for this tragedy.

I shall place at the conclusion of my remarks a table which shows the gain in profits for the 50 major banks in this country during the first half of 1969.

I was pleased to see in the press this morning that two small banks in widely scattered parts of the country have undertaken the difficult task of rolling back interest rates.

United Press International reports out of Maywood, Ill., a western suburb of Chicago, that the Maywood-Proviso State Bank has reduced its prime rate to 8 percent from 8½ percent.

This same UPI story points out that the Wynnewood State Bank in a Dallas suburb also reduced its prime rate, but it is significant that the larger banks around the country tend to ignore the cuts being made by these small banks.

I believe this Nation owes a debt of gratitude to Mr. Peter D. Giachini, president of the Maywood-Proviso State Bank, for his daring move to voluntarily reverse the interest rate spiral by reducing the prime rate in his bank.

Mr. McChesney Martin, Chairman of the Federal Reserve Board, recently stated that we must have "patience, perseverance, and persistence" in maintaining tight money which inevitably creates skyrocketing interest rates. He tells us that this "in the long run" will result in taming inflation.

I should like to remind Mr. Martin the wise saying of one renowned economist when he remarked: "In the long run, we will all be dead."

There can be no doubt, Mr. Speaker, that exorbitant interest rates have brought the building industry in this country to a virtual standstill. Nor can there be any doubt that exorbitant interest rates have paralyzed our channels of commerce and to a great extent are responsible for the continued downward trend of the stock market.

The impact of this problem is best reflected when we recall that inflation increased 6 percent per year while prime interest rates charged by commercial banks jumped from 6.5 percent to an effective prime rate of 10.6 percent during the same period.

The reason prime rates are 10.6 percent is because the borrower, in addition to paying 8½ percent interest on his loan, frequently must leave 20 percent of his loan on deposit, making the effective interest rate 10.6 percent.

This amounts to an increase of 60 percent in prime rates the banks now charge. To put it another way, the banks have increased their prime interest rates 10 times more than the rise of inflation, or 1,000 percent.

The only other time we had a similar experience in our history was in 1928 just before the great crash.

The basic cause of the present chaos lies on a vicious circle of ballooning bank profits which come from ballooning bank interests and overloaned positions, overextended credits which in turn feed the fires of inflation resulting in more demand for credit and even greater bank profits.

Perhaps we should be reminded that even the biggest balloon has a finite capacity for retaining air before it bursts.

It is for this reason, Mr. Speaker, that I believe we must address ourselves to the continual rise in interest rates. It would be unfair to single the banks out for the full blame of this phenomenon when it is the Federal Reserve Board that is equally responsible for this chaotic condition. Until we get a Reserve Board that has the courage to tackle unbridled interest rates, the current crises will continue.

I am mindful that the Government can play a key role in bringing interest rates down simply by eliminating deficit spending and getting the Government out of the money market. The $3 billion surplus in fiscal 1969 is a good start toward getting the Government out of the borrowing business. I hope we can do as well and perhaps better in fiscal 1970.

Getting the Government out of the money market is not the cure-all for all of our problems. It will help. But there have to be more people like Peter Giachini who are willing to take a chance for the best interests of America. Mr. Giachini frankly admits that he was accused of being crazy when he suggested that his bank should voluntarily reduce prime rates.

In looking over the fantastic profits some of the leading banks in this country are making, which I place in the RECORD at this time, one cannot help but conclude that Mr. Giachini above all is a truly patriotic American who puts the survival of his country above the extra profit that his bank could earn.

God grant that Mr. Giachini's patriotism could become infectious in the banking industry and that there will be others who will follow his superb example of dedicated Americanism.

The list of 50 major banks and gains in their profits during the first 6 months of 1969, as well as the entire UPI story about Mr. Giachini, and another article from the Wall Street Journal, follow:

Fifty major banks and their gain in profit for the first half of 1969

	Percent
Bank of Commonwealth, Detroit	49.1
Valley National Bank, Phoenix	40.7
First, Pennsylvania	38.4
Security, Long Island	30.8
Newark and Essex	33.0
Philadelphia National	28.7
First National, Atlanta	25.6
Detroit Bank and Trust	29.6
Industrial Providence	27.5
North Carolina National Bank	25.3
United Virginia Bank Shares	21.7
Fidelity, Philadelphia	25.9
Bank of Hawaii	24.5
Western Bancorp	22.5
First Bank System	21.5
First and Mercantile, Richmond	23.1
Manufacturers National, Detroit	21.1
Bay State Corporation	21.2
First National State, New Jersey	21.8
Marine Midland, New York	20.0
Manufacturers Traders', Buffalo	21.7
Long Island Trust	22.4
Bank of New York	21.8
Manufacturers Hanover	21.1
Charter, New York	11.6
Pittsburgh National	20.3
Citizens and Southern, Atlanta	20.0

Fifty major banks and their gain in profit for the first half of 1969—Continued

	Percent
U.S. Trust, New York	18.7
National Westchester	18.0
Lincoln First, Rochester	15.1
First National, Boston	12.0
Cleveland Trust	16.6
National City, Cleveland	12.9
First National, Dallas	15.7
Girard, Philadelphia	19.8
Mellon, Pittsburgh	10.0
Union American, Los Angeles	14.9
Wells Fargo, San Francisco	12.2
Crocker Citizens, San Francisco	12.7
Bankamerica, San Francisco	13.1
Republic, Dallas	19.1
Harris, Chicago	13.2
Virginia National	15.1
Southeast Bancorp	16.2
First Union Bancorp	9.9
Wachovia, Winston-Salem	15.2
Chase Manhattan	8.6
Continental Illinois, Chicago	11.0
Chemical Bank	9.2
First Chicago	6.8

SOME SMALL BANKS CUT PRIME RATE

MAYWOOD, Ill. August 5.—"We checked the other banks and they all think we are crazy," said the president of a small bank in Chicago's suburbs yesterday after trimming the prime interest rate to 8 per cent from 8½ per cent.

"But we think rates are too high and we feel they are going to come down. And if we are going to do it later, we may as well do it now," Peter D. Giachini, president of Maywood-Proviso State Bank, said.

Maywood-Proviso was one of a small number of suburban banks that trimmed the prime interest rate—that charged large and most credit-worthy clients—without creating much of a ripple in banking circles on Wall Street.

Last Wednesday it took only a rumor that Morgan Guaranty Trust Co. of New York was about to cut its prime rate to send the stock market sharply and abruptly upward. Morgan Guaranty subsequently denied any such plan.

But Morgan Guaranty is a large enough bank for stock speculators to regard as a probable leader in any downward movement in the prime rate that would signal an approaching end to fiscal and monetary restraints and the resumption of business expansion.

The larger banks around the country tended to ignore the cuts by Maywood-Proviso and other small banks like Wynnewood State Bank in the Dallas suburbs—just as they ignored the number of widely scattered small banks that did not follow the majority of commercial banks up to 8½ per cent last June 10.

[From the Wall Street Journal]

TWO SMALL BANKS CUT PRIME RATE TO 8 PERCENT BUT MAJOR INSTITUTIONS DISCOUNT THE MOVE

Two small suburban banks reduced their "prime" lending rate to 8% from the record 8½% but the move was discounted by large banks, which usually lead in making changes in this key interest charge.

Major banks said they saw no immediate prospect for a change in the prime rate, although some money-market rates have eased slightly in recent weeks. They said there have been no indications of any relaxation of the stringest monetary policies being imposed on the banking system by the Federal Reserve Board.

Wynnewood State Bank, in suburban Dallas, announced it's lowering its prime rate to 8% to its most credit-worthy customers. W. David Long, president, said: "We can see a visible shrinking in the demand for hard goods and appliances. This factor, together with the current stock market decline and the easing of loan demand, evidences a sufficient cooling off of the economy during the past 60 days to warrant the reduction of our prime rate to qualified customers.

Maywood-Proviso State Bank, a small bank in suburban Chicago, also announced a reduction in its rate to 8%. "We feel rates are going to come down and, if we are going to do it later, we may as well do it now," said Peter D. Giachini, president.

LENDING LIMITS CITED

Bankers said it isn't at all unusual for local banks to be more responsive to local credit conditions than they are to national demand.

Smaller banks have lending limits that keep them from being significant suppliers of funds to the large national corporations that usually are considered prime customers. The Wynewood bank, for example, has a lending limit of $415,000 to a single customer. The limit at Maywood-Proviso is $142,500.

Even larger regional banks sometimes don't hitch their rate structures to the widely publicized prime rate, bankers noted. For example, a survey of larger banks taken nationally last month by the Federal Reserve Board showed some differences among the banks.

The board received responses from 336 banks and found that 309 were charging the prime rate, which was raised to 8½% from 7½% on June 9. Of the 309, 27 banks charged the 8½% prime rate only to national corporations. Their most credit-worthy local businesses could get loans at 7½% to 8%, a situation bankers call a "split rate."

Three banks had minimum lending charges of more than 8½%—one was at 9½% and two at 8¾%. Twelve banks charged a minimum of 8%, nine were at 7.5% and three had no specific minimum rate.

The Midland National Group of four banks in Milwaukee, for example, didn't follow the point increase in June and have maintained their prime rate at 7½%. John Kelly, president, said the banks since have increased outstanding loans "by about $5 million. We've heard from a lot of brokerage houses and a lot of finance companies, and even some conglomerates looking for our cheap money."

However, Mr. Kelly stressed, "we're mainly taking care of our regular customers."

The Midland National Group has assets of $138 million and deposits of $122 million.

OTHER RATES EASE

Recently, there has been some speculation about the possibility of a reduction in the prime rate because of changes in other short-term interest rates. For example, rates on commercial paper have dropped below the prime rate. This means large corporations can issue their promissory notes directly to investors or through dealers and pay less interest than banks would require, thus easing the upward pressures on bank credit demand. However, bankers say loan demand generally remains strong and money-market interest rates haven't yet dipped far enough for a long enough period to bring down the prime rate.

"There are modest indications the money market is reaching a plateau, but not enough to make any changes," said Edwin S. Jones, president of First National Bank in St. Louis. A spokesman for Wells Fargo Bank in San Francisco said demand for real estate and business loans is as strong as ever and the bank sees no prospect of reducing its prime rate.

The Wynnewood bank's action "doesn't mean anything" in terms of influencing the major banks' prime rate, said Vinson Grice, executive vice president of United California Bank in Los Angeles. "Obviously, the prime rate isn't too high in terms of other short-term interest rates," he said.

SENATE—*Wednesday, August 6, 1969*

(Legislative day of Tuesday, August 5, 1969)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by Hon. HERMAN E. TALMADGE, a Senator from the State of Georgia.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou Sovereign Lord of life and of history, judge of men and nations, whose covenant is to bless those who desire to know and to do Thy will, help us this day that by prayer and study we may know and do Thy will. By the illumination of Thy spirit make us precise in analysis, accurate in expression, pure in motive, and wise in decision.

O Lord, grant us Thy grace and wisdom more perfectly "to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." Enable us to "put on the whole armour of God; to be strong in the Lord and the power of His might," and to deploy the strength of our true character, so that as a people we may send forth missiles of friendship and good will to all mankind.

In Thy holy name we pray. Amen.

(At this point a disturbance occurred in the gallery. The Presiding Officer directed the Sergeant at Arms to preserve order.)

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 6, 1969.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. HERMAN TALMADGE, a Senator from the State of Georgia, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. TALMADGE thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, August 5, 1969, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I yield myself one-half minute, out of the time allotted, to ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nomination on the Executive Calendar will be stated.

U.S. MARSHAL

The assistant legislative clerk read the nomination of Albert A. Gammal, Jr., of Massachusetts, to be U.S. marshal for the district of Massachusetts.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, for the information of the Senate, none of the regular committees will be permitted to meet during the session of the Senate this afternoon.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated by title.

The Assistant Legislative Clerk. A bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein missile range, and to prescribe the authorized personnel strength for the Selected Reserve of each reserve component of the Armed Forces, and for other purposes.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 101 of the Senator from Michigan.

Who yields time?

Mr. MANSFIELD. Mr. President, I ask unanimous consent to take out of the time of both sides the time for a quorum call; and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. TOWER. Mr. President, reserving the right to object, do I correctly understand that the time is to be charged to both sides?

Mr. MANSFIELD. To both sides, yes.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Who yields time?

Mr. STENNIS. Mr. President, I yield 15 minutes to the Senator from Virginia.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized for 15 minutes.

Mr. BYRD of Virginia. Mr. President, the Senate has been debating for 5 weeks the military procurement authorization bill. Most of the discussion has centered around whether or not the United States should deploy an anti-ballistic-missile defense system.

I think these discussions have been good.

I think the debates on both sides of the question have been illuminating and well handled. I wish to mention particularly the speech made yesterday by the distinguished Senator from Alaska (Mr. Gravel). I thought it was a well handled address.

I did not agree, and I do not agree with his conclusions, but I think his speech was somewhat typical of the excellent presentations that have been made on both sides of the question.

Mr. President, yesterday the distinguished senior Senator from Maine introduced an amendment as a substitute for the Cooper-Hart amendment.

The amendment offered by the Sen- from Maine presents a clear-cut issue to the Senate.

The amendment introduced by the Senator from Maine would knock out all funds dealing with an anti-ballistic-missile defense system.

Those Senators who feel that this Nation should not have an ABM program will now have the opportunity to vote on this clear-cut issue.

All the other amendments which have been offered, including, particularly, the amendment offered by the distinguished Senator from Kentucky (Mr. Cooper) and the distinguished Senator from Michigan (Mr. Hart), do not present as clear cut an issue. But the Senator from Maine has given the Senate an opportunity to register in a clear-cut way its approval or disapproval of an ABM system.

Mr. GORE. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I am on limited time but I will be glad to yield very briefly to the Senator from Tennessee. I would like to finish my remarks but I yield very briefly to the Senator.

Mr. GORE. I withdraw the request.

Mr. BYRD of Virginia. Mr. President, I wish to comment briefly now as to whether or not it would be in the best interest of our Nation to deploy an anti-ballistic-missile defense system.

First, we must consider what the proposed system will do and what it will not do.

The missile defense system is not an offensive weapon. It is purely a defensive one.

It is not a warmaking weapon. Its only use is to protect the United States in the event of attack. If the United States is not attacked then this weapon would not be used.

It does not add to our Nation's offensive potential but it does add to our Nation's protection.

President Nixon believes that the Safeguard system will strengthen the hand of the United States in any arms control talks with the Soviet Union. I believe that history teaches us that the Russians respect strength.

In speaking of the Soviet Union, what evidence is there to suggest that the United States should not be on the alert as to Soviet capabilities? We all know that in 1962 the Soviet Union brought offensive missiles to the island of Cuba, 90 miles off our shores.

We all know that the Soviet Union is the major supplier of major weapons for the North Vietnamese, and they have been for 4 years.

We all know that it was the Soviet Union that stood behind Nasser when he provoked hostilities with Israel in 1967.

We all know of the brutal invasion of Czechoslovakia by the Soviet Union in 1968.

We all know that in 1969 the Soviet Union further tightened the screws on Czechoslovakia.

So, Mr. President, I say that in this uncertain world of violence and instability it is important for our Nation to attempt to develop some defense against nuclear weapons.

Before it is completed the ABM system will be a costly one. Balanced against the cost is this: In this imperfect world of international violence and instability, can we afford not to develop some defense against nuclear attack?

Those who have discussed the ABM, and most of the expert witnessess testifying in regard to the ABM on both sides of the question, agree that the Soviet Union has been and is substantially increasing its offensive capability.

The evidence seems conclusive that with the SS-9 the Soviets have the capability to knock out land-based strategic U.S. missiles.

Basically, the United States is relying on a strong offensive capability as the best deterrent against aggression. But if U.S. missile sites are knocked out, the U.S. retaliatory power is decreased.

Those who oppose deployment of the ABM system seem to put considerable faith in the possibility of arms control talks.

Most of those who oppose deployment of the ABM system feel that the Soviets have no intention of using its giant SS-9's to attack U.S. missile sites.

But, Mr. President, no one really knows what Russia's intentions are.

Most seem agreed, however, as to the magnitude of Russia's growing capability. To me, this is the most significant evidence obtained from the multitude of testimony in regard to the ABM system.

Another fact recognized by all scientists is that a long leadtime is required for deployment of a defensive system. There is a difference of opinion as to the precise number of years, but all scientists agree that the leadtime is substantial.

Thus, if the United States is to have an ABM defensive system by 1975, the deployment must begin now. None can say whether world conditions will be better or worse 6 years from now. All of us hope that, somehow, the statesmen of the world will find a formula for world peace. But there is no evidence to suggest that such a formula is in sight.

Last year, I voted for substantial reductions in non-Vietnam defense costs, and will do so again this year. I favor a reduction of $2 billion in the pending military procurement legislation. I have reached the conclusion, however, that it would be unwise to eliminate funds for the development of a system to protect the United States in the event of nuclear attack.

Mr. STENNIS. Mr. President, the Senate is out of order. May we have order in the Chamber.

The ACTING PRESIDENT pro tempore. The Senate will please be in order.

Mr. JACKSON. Mr. President, will the Senator from Virginia yield?

Mr. BYRD of Virginia. I yield.

Mr. JACKSON. I commend and highly compliment the able Senator from Virginia for an excellent analysis of the problem. I think the record he has made in his speech regarding the nature of the adversary is, indeed, very important in any Senator's coming to a conclusion on a vote on this important issue.

I must say that the able Senator from Virginia has put his finger right on the problem. We have spent a lot of time talking about the technical aspects of the ABM system but we have not had the kind of discussion, in my judgment, as to the nature of the adversary.

How can we really make a decision when we have not had that kind of presentation that I think is so essential. The Senator from Virginia has made a real contribution in this area in analyzing the kind of adversary we are up against.

I think that this point, as well as the points he is now making add immeasurably to this debate, and to the confidence of those Senators who really want to make sure that we are making the right move in trying to protect our deterrent so essential to the peace of the world.

Mr. BYRD of Virginia. Mr. President, I am very grateful to the Senator from Washington for his remarks.

Mr. TOWER. Mr. President, will the Senator from Virginia yield?

Mr. BYRD of Virginia. I yield.

Mr. TOWER. I should like to associate myself with the remarks of the Senator from Washington in commending the Senator from Virginia on his speech.

We should understand there is every reason to believe that the Soviet Union is not trying to achieve parity in terms of arms but, indeed, superiority.

Does not the distinguished Senator from Virginia think that since this evidence is very present, indeed, that we had better be considering how we will maintain our superior defense posture in the midseventies?

Mr. BYRD of Virginia. I quite agree with the distinguished Senator from Texas,

The ACTING PRESIDENT pro tempore. The time of the Senator from Virginia has expired.

Mr. STENNIS. Mr. President, does the Senator from Virginia desire more time?

Mr. BYRD of Virginia. Five minutes.

Mr. STENNIS. Mr. President, I yield 5 additional minutes to the Senator from Virginia.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized for 5 minutes.

Mr. BYRD of Virginia. Mr. President, I should like briefly to summarize my position in regard to the ABM system and at the same time attempt to summarize the statements which have been made on both sides of this controversy.

First, I think we should be aware that the Senate, last year, under a Democratic President, agreed to proceed with the deployment of an ABM defensive system.

Why should it not now agree when we have a Republican President?

Number 2, the scientific community is sharply divided on the deployment of an ABM system, as to whether it can be accomplished and whether an effective system can be developed.

We know that many scientists, such as Dr. Teller, who developed the hydrogen bomb, feel that it can be developed. The entire world has just witnessed a demonstration of what Americans can do when, on July 20, we landed 2 men on the moon. Thus, I am willing to give the benefit of the doubt to the scientific community, those who feel that an effective system can be developed.

Third, most agree—perhaps all agree—that the Soviet Union has been and is substantially increasing its defensive capability.

Fourth, the ABM is purely and solely a defensive weapon. It cannot be used for offensive purposes.

Fifth, the evidence is that the Soviets with the SS-9 have the capability—we do not know what the intentions are—but the Soviets have the capability to knock out U.S. missiles.

Sixth, a long leadtime is required for the deployment of a defensive system. There is a difference of opinion as to the precise number of years, but all seem agreed that the length of time is substantial.

Seventh, those who oppose deployment of the ABM seem to put considerable faith in arms control talks. Well, the President of the United States is the only man, through his representatives, who can speak for the United States at the oncoming arms control talks.

The President of the United States is convinced that the deployment of an ABM system would strengthen his hand when the talks are held.

Thus, while I have had doubts concerning the ABM proposal, I have decided to resolve those doubts in favor of defense.

In such technical and complex matters as the ABM, it is not possible to be certain whether we are right—either those who take the position I take, or those who take the contrary position—none of us can be certain that we are right.

So while I have doubts concerning the ABM proposal, I have decided to resolve the doubts in favor of defense.

In the light of world developments, I have concluded it would be wise to support the Commander in Chief in his firm belief that our missile bases must be protected against foreign attack.

In recent years, the world has made great strides in almost every line of endeavor—in medicine, in scientific achievements, in space.

But in learning to live in peace with one another, the nations have made little progress. During the past quarter of a century, the United States has been involved in three major wars.

Until a more peaceful world is at hand, it seems to me we have little choice but to spend the necessary funds in an effort to deter an attack on the 200 million people in the United States.

In such complex and technical matters as the ABM deployment question, it is not possible to be certain, but it is possible to be prudent. I support prudence.

Mr. COOK. Mr. President, will the Senator from Virginia yield?

Mr. BYRD of Virginia. If I have any time left, I shall be glad to yield to the Senator from Kentucky.

The PRESIDING OFFICER (Mr. BAYH in the chair). The time of the Senator from Virginia has expired.

Mr. STENNIS. Mr. President, I am sorry; I cannot yield right now. I yield myself 2 minutes on the amendment.

Mr. President, a great deal has been said from time to time to the effect that we must vote for the Cooper-Hart amendment; otherwise Congress would not be exercising control over this program. In other words, if the bill as written now is passed, it will be "goodby" as far as Congress is concerned. There has been a great deal in the press on that, and statements have been made on the floor in various ways to that effect.

Mr. President, that impression, or statements to that effect, are just in total error. The big purpose of the authorization bill is the requirement that these matters have to come here to be authorized. There is a double control over it, through appropriations. That applies in the other body with the same force and effect. That matter is clear-cut, very positive and definite, as to what it means. It will have to be authorized and appropriated before any further use is made of it. I just wanted to state that for emphasis.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. STENNIS. I want to be courteous

to the Senator. I do not have much time. I yield to him.

Mr. FULBRIGHT. The Senator makes reference to what, as the Senator knows, I said exactly—not exactly, but partly. I think I made clear in my remarks, both in my prepared remarks and my extemporaneous remarks, that this is the first time an important military request has been debated on the floor of the Senate. I did not say, and I did not mean to say, it had not been examined carefully in the Armed Services Committee.

One of the embarrassing things for me in this whole matter is that I have the greatest respect for the Senator from Mississippi; and certainly I always have had, and still do, for the Senator from Georgia. I know they have done their best. They are great patriots, and they have done a good job in their committees. But I have been in the Senate 25 years. The Senator has said there has been supervision, and so forth; but it has not taken place on the Senate floor. I have never witnessed or participated in a serious debate on it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I yield 1 minute.

Mr. FULBRIGHT. The Senator from New York raised an important matter. As the Senator from New York and I said yesterday, this is the very core of this matter. The most important matter involved in this debate is whether or not the Senate has the power, the will, and the determination to resist all of the influences brought to bear on the Members of the Senate. I mean legitimate influences. I mean from their constituents, from the great industries in the various States. I do not discount these influences and I do not in any way criticize them. I know I am subject to them just as well as anyone else. It is a fact of life in this great industrial Nation that the United States has become. I am not saying it in a critical way. But it is a serious matter.

I do not believe the Senator can cite a single case in which a serious challenge has been made on the floor of the Senate to any military program, involving, since World War II, over $1 trillion—more than $1,000 billion. I have never heard a serious debate take place on it. This is the first time. That is the only point I make, and I do not think the Senator will disagree with it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield one-half minute.

The Senator from Arkansas is discussing a wholly different matter from what I brought up. I merely brought up that the passage of the bill as written will still leave control of all this program in the hands of the Congress except the part that is in the bill. That is all. I do not complain about what the Senator has said. Of course, we will have control over it. Whether we have in the past exercised it is beside the issue.

Mr. FULBRIGHT. Of course, the Constitution gives us control. I am saying Congress has not exercised it. This is the first opportunity I have seen to exercise it. I agree that the Constitution gives us the power.

Mr. McINTYRE. Mr. President, will the Senator yield me time for a comment on that point?

Mr. STENNIS. Mr. President, I cannot yield any more just now. I just do not have the time. I dislike not to yield.

Mr. McINTYRE. Mr. President, will the Senator from Michigan (Mr. HART) yield to me briefly?

Mr. HART. Mr. President, I yield 1 minute.

Mr. STENNIS. Mr. President, I yield 1 minute.

The PRESIDING OFFICER. The Senator from New Hampshire has been yielded 1 minute. The Chair will let the Parliamentarian determine where that 1 minute came from.

Mr. McINTYRE. Mr. President, I have a comment on the question of control, because my distinguished chairman has just said that control over the whole ABM system is something that we on the Armed Services Committee, through the authorization bill, do exercise. And yet I know—and he must know—that under the experience we have had, if we do not express our senatorial decision putting strict control on the system on the record, then as we take up the authorization bill next year the system will be coming in the back door. We are not exerting the type of control that we in the Senate and the Congress should exercise over this massive new system. So I disagree seriously with my chairman on the question of control.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I do not believe it is possible to carry on debate on controlled time in this way. We can come back to it later.

Mr. COOPER. Mr. President, I yield myself some time from our time, but I want to comment on two points.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. COOPER. Mr. President, in responding to the Senator from Mississippi, I want to say that when we speak about future control over this system, through appropriation and review, I doubt that it will be effective. We will make the essential decision today.

The second point I make is that last year the Senator from Michigan (Mr. HART), I, and other Senators offered the amendment with the primary purpose of opening up the defense budget to debate in the Senate and in the country. Debate upon the military appropriation bill has been opened in the Senate and the Congress, and for the first time an opportunity has been provided for all Members to exercise their judgment and responsibility.

On those two points I must disagree with the Senator from Mississippi.

Mr. HART. Mr. President, I yield myself 1 minute.

Before it is lost in the more wide-ranging debate, I think some comment should be made with respect to the point the Senator from Virginia made at the outset. He began, it will be recalled, by saying the amendment offered by the Senator from Maine (Mrs. SMITH) now gave us a clear-cut choice. Those who do not want the anti-ballistic-missile system now have the opportunity to say so and make it stick by adopting that amendment.

I think it clarifies—and helpfully—our alternative courses but the two courses earlier available have been clear. There are three now. The first is provided by the committee recommendation that we deploy an antiballistic missile labeled the "Safeguard." The second is the Cooper-Hart amendment, which says that we shall research and develop what we would hope might be an effective anti-ballistic-missile system, but we shall not undertake to deploy a doubtful system. The third is the proposal now by the Senator from Maine. This in effect abandons any effort to develop, through research and underwriting, a testing program to obtain an effective ABM system.

Those choices are clear cut. It would seem to me that the complexity of the anti-ballistic-missile technique and the relative ease of neutralizing any anti-ballistic-missile system now attainable, argues for research and against deployment. The alternative means now available to our deterrent strike force are, both in time and cost, within reach and much more prudent and effective than the deployment of a doubtful system.

I yield to the Senator from Tennessee.

Mr. GORE. Mr. President, I wish to point out that the amendment offered by the distinguished senior Senator from Maine may go further than she intends, because it would not only prevent testing, research, evaluation, and development, procurement of an ABM, but it would also prohibit testing, research, development, evaluation, or procurement of "any part or component of such system."

This would prevent the testing, evaluation, and procurement of such parts and such components as may be necessary for other missile developments when those same components and those same parts would be used in any possible ABM deployment. Many of these missile parts and components are identical with those used in other systems, and there are many other such weapons systems under evaluation and under study, and have been for the past decade, and will doubtless be, and should be, for the next decade.

So it would seem to me that if the amendment of the senior Senator from Maine were confined purely and strictly to deployment of the Safeguard anti-ballistic missiles, then we might consider accepting it; but so long as it applies to and prohibits testing, evaluation, procurement, or research and development of "any part or component of such system," then it goes too far, and cannot be accepted. We must proceed with evaluation, testing, and research in many fields, including parts and components that may or may not be used in the ABM missiles.

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. HART. I yield to the Senator from New Hampshire.

Mr. McINTYRE. The remarks of the Senator from Michigan overlooked an amendment that will be offered either today or tomorrow by me. That amendment, it seems to me, reaches a common ground, because it retains control in Congress of the ABM system, and at the same time recognizes the possibility of the threat, and gives us a chance, if we want one, a year from now or possibly later, to move to deploy the ABM system.

Mr. HART. Mr. President, if there is time left, I shall react only to the point of saying I would be much more comfortable if we did not begin installing the machinery at the two proposed sites of the system, which would happen under the McIntyre amendment.

Mr. COOK. Mr. President, will the Senator yield?

Mr. HART. I yield 1 minute to the Senator from Kentucky.

Mr. COOK. I wanted to get into the record, in respect to the reliance of the Senator from Virginia on Dr. Teller, that I spent 1 day with Dr. Teller in the presence of the junior Senator from Alaska, and the next day spent quite some time with Dr. Teller, together with the Senator from California, the Senator from Ohio (Mr. Saxbe), and the Senator from Kansas (Mr. Dole).

I wish to express at this time, with reference to this reliance, that I came away less convinced after those 2 days of discussions with Dr. Teller than I was before.

I might further state for the record that I know of no time whatsoever that Dr. Teller was ever against the expenditure of massive funds, or ever against the deployment of any major missile system that the Defense Department wanted. He is the same distinguished scientist who said, about a month or so ago, that he was delighted that man could walk on the moon, because we might well use the moon as a source for atomic and hydrogen explosions in the future. I just wanted to get that into the record.

Mr. HART. Mr. President, I yield 5 minutes to the Senator from Kansas.

Mr. PEARSON. Mr. President, I wish to respond to a point that has been developed in this debate and reiterated many times. It is a minor theme, perhaps, rather than a major theme, but it has recurred very often in the colloquy on the Senate floor. It has not been reduced to a cliche; it is a point seriously made in a serious debate, but it takes the expression that the construction and deployment of the ABM is essential because we must keep our options open, or, expressed in another way, that we must give the President a second button.

I think every Member of this body would agree that it is desirable to have as many alternatives as possible, and have them available at all times. But the question arises as to whether or not the construction and deployment of the ABM really will keep our options diverse and usable. It may in fact close some of the avenues open to us. The decision to deploy may be one that will prevent us from taking other courses in the future; that will prevent us from increasing our Polaris fleet, the strongest part of our deterrent; that will prevent or block off the prospect of hardening to a greater degree our missile sites, or going to mobile launches, or increasing our offensive capability, or even, in fact, relying upon the superiority in numbers we now have at all strategic force levels.

It does seem to me that it might be reasonable to assume that to continue on the course urged by the proponents here would overcommit us to a single type of response, rather than opening up more avenues or more alternatives to us.

I am troubled by the associated argument of keeping our options open, which, as I have said, takes the form of proposing that we give the President a second button. Under the Safeguard system, the perimeter acquisition radar, extending some 2,000 or 2,500 miles out, can pick up a missile coming across the globe at perhaps 17,000 miles per hour.

Mr. FULBRIGHT. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. PEARSON. That, I think the authorities indicate, gives us a time of about 10 minutes to react. Our radar tracks it, runs it through a computer, makes a decision as to a possible target, relays this information to the missile site radar, where the tracking is continued, and the guidance system for the Spartan and the Sprint is put into motion.

If we have a blackout condition, it could take away 5 minutes. If we have an FOBS condition, it could limit the time to 3 minutes. If we have a launch in a submarine off the shore, it may be a little later time. It may be that under all these conditions, as a practical or sensible matter, we are not going to give the President another button to push, because there simply would not be time to do it.

He may be on a very valuable trip in Western Europe or Asia, such as President Nixon has just made with great advantage to this country.

But perhaps, really, what it will amount to will be similar to the very honest, courageous position that a distinguished Senator on this side of the aisle took some years ago in a campaign in which he faced up to the practicalities of nuclear exchange in Western Europe and indicated that it might be necessary to delegate some authority for the use of nuclear weapons. This is precisely what may well be the result, and, it seems to me, may be the only result, in this instance.

I bring this to the attention of the Senate in relation to the minor point relating to the second-button concept and the idea of keeping our options open.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, the time for the quorum call to be charged to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Eagleton in the chair). Without objection, it is so ordered.

Who yields time.

Mr. HART. I yield myself 2 minutes.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HART. Mr. President, as we approach the vote on this amendment, I think it is in order that it be made very clear that there is not a partisan division on this question, and there should not be a partisan division on an issue of this character.

A year ago, a Republican Senator from Kentucky and a Democratic Senator from Michigan sought to persuade the Senate to say "No" to a Democratic President who wanted to deploy an anti-ballistic-missile system. We were beaten. I think that even those who a year ago advocated that system now agree that it was a mistake.

In any event, they are now here with a new one, and this year a Republican Senator from Kentucky and a Democratic Senator from Michigan seek to persuade the Senate to say "No" to a Republican President who wants to deploy the same machinery that they advertised as great for city defense last year, but now say it is magnificent for defense of Minuteman missiles.

The division is clear on both sides. There are those on my side of the aisle who have a deep conviction that this is an unwise proposal. There are those on the Republican side who share that conviction. There are those on the Republican side who are convinced that our security requires that we go forward with deployment. There are those on my side who share that conviction.

Whatever the outcome, it ought not be read by the country or by nations that observe our actions and react to them as a partisan debate or a partisan issue. It involves people and sanity in a nuclear age.

The PRESIDING OFFICER. Who yields time? The time will be running equally on both sides.

Mr. TALMADGE. Mr. President, will the Senator from Mississippi yield me 5 minutes?

Mr. STENNIS. I yield 5 minutes to the Senator from Georgia.

Mr. TALMADGE. Mr. President, a few years ago, I was one of the Senators who voted against the ratification of the Nuclear Test Ban Treaty. One of the most impelling reasons why I voted against the ratification of that treaty was that the Russians had fired nuclear missiles at nuclear missiles. The United States had not. In other words, the Soviet Union at that time was dealing from knowledge. The United States of America at that time was dealing from ignorance. As a result of the knowledge the Soviet Union gained from those experiments, they have at least partially deployed an anti-ballistic-missile system around Leningrad and Moscow. They evidently thought it would work, from the experimentation they had done, or they would not have deployed this system.

At the present time, we have eminent scientists who say that the system will not work. We also have eminent scientists who say that the system will work. So the scientists themselves are divided on the issue. But we must also remember, Mr. President, that when we were discussing whether to build an atomic bomb, many scientists said, "No, don't build it; it won't work."

The same situation was true when it came to the thermonuclear bomb. The same situation was true when it came to the Polaris submarine. Think of what the defense posture of our country would be today had we not gone forward with the development of those weapons systems.

Assuming for the sake of argument that the system will not work, what have we lost? A few billion dollars. Assuming that the system will work, and we fail to utilize it, we are gambling with the security of this Nation. We are gambling with the lives of 204 million people in the United States. We are gambling with civilization itself.

Mr. President, when you have an issue where we are gambling the future of the country on the one hand and gambling money on the other hand, as far as the Senator from Georgia is concerned, there is but one way to resolve the issue and that is in favor of our country continuing to exist and protecting our people.

We hear a great deal of talk about national priorities. What is the greatest national priority any nation can have? The greatest national priority is to exist, to continue. What is the greatest priority we can have in this Nation? It is to protect the lives of our citizens. That is the issue we are talking about as far as the Senator from Georgia is concerned, and on that issue I am unwilling to gamble the fate of our country.

Mr. FULBRIGHT. Mr. President, will the Senator yield to me for 5 minutes?

Mr. HART. I yield.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. FULBRIGHT. Mr. President, I think the distinguished Senator from Georgia has presented in a very concise and a very effective manner the essence of the case for the ABM. I would only like to make a few observations about his presentation.

By and large, the scientists I have heard who oppose the ABM do not say it will not work under optimum conditions. Rather, they raise serious doubts that it will be effective in wartime conditions; that is, with the enemy actually exploding nuclear bombs over the radars, and so on. They raise that kind of question. They do not say it will not work under the ideal conditions that such things as the Apollo worked when there was no effort to thwart it.

My recollection is that those who opposed the hydrogen bomb, like Dr. Oppenheimer, did not say we could not make a hydrogen bomb. I think they were quite convinced we could. They had been the principal scientists in the development of the atomic bomb. Their position was that we did not need it, that it was a dangerous thing, and that on policy grounds we should not do it. I do not recall that they said we could not do it technically.

I did not say, Mr. President, you could not make an ABM which under optimum conditions would shoot down incoming missiles, especially if they come from Vandenberg Air Base. However, when it comes to programing a computer to deal with an almost infinite variety of situations that would be involved in a belligerent situation, at least as of now it is quite impossible even to program the computer, assuming you had a computer able to deal with that kind of complexity.

But that is not the main point. I agree with the Senator as to his priorities. The No. 1 priority is the preservation of the United States. In that sense I do not mean just physical preservation; I mean the society of which our Constitution is our basic charter. That is what we are really talking about. It is not just the physical existence of this piece of real estate, but the kind of society that I believe all Members of this body are devoted to.

This is where the critical difference comes in. I think the Senator and those who advocate his position are talking about a specific means as being indispensable to the preservation of this system. This is where we part company. I believe, and I believe most of the Members who heard the testimony believe, there are better ways and more effective ways to protect our physical security than building Safeguard. We believe this is a very secondary or dubious way to do it. For example, the Senator from Missouri, who is one of the best qualified men in this body, who is a Senator who has been a Cabinet member as Secretary of the Air Force, with long experience in the armed services, and who is from a family having long experience in the armed services, has made very clear his views about the ineffectiveness of this particular system. He suggests that if this is a very major matter of protection of our physical security, we should have a mobile Minuteman.

We have had not only the views of the Senator from Missouri, but we have had testimony, if one does not care what it may cost, that if we are prepared to spend $10 billion, $20 billion, $100 billion then we are saying that this Safeguard system is about the most inefficient and least likely way to provide effective security that we can think of. We are not saying, "Do not have regard for the military security of the United States."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, will the Senator yield to me for 2 additional minutes?

Mr. HART. I yield.

Mr. FULBRIGHT. Mr. President, in other words, the Senator from Missouri and I agree it would be much less expensive and much more effective if, instead of trying to protect the static Minuteman with the obsolete concept developed under the old Nike-Zeus and Sentinel systems, we had a mobile Minuteman system and moved them around, in the same way we move the Polaris around under the water. This would keep the enemy from knowing where they are and nullify the concept of destroying them, which is the job of the ABM.

We had testimony to the effect that defending the Minuteman, this particular ABM system is already obsolete. The ABM could easily be overcome with a multiplicity of weapons. Being static they can be targeted, and the accuracy of ICBM's is improving.

What we disagree about, and I do respect the judgment of the Senator from Georgia, is not the ultimate security of our country. We are saying that this system is not a proper system or appropriate system; that it could lead to incalculable cost. We believe we have had experience with other missile systems which have proved to be completely ineffectual and have been abandoned at great cost. Furthermore, we are concerned with other circumstances involving difficulties with our financial situation and our economy. We believe these circumstances should be taken into account when the Senate passes judgment in this particular case.

The PRESIDING OFFICER. Who yields time?

Mr. ERVIN. Mr. President, will the Senator from Mississippi yield to me for 3 minutes?

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from North Carolina.

DEPLOYMENT OF ABM

Mr. ERVIN. Mr. President, Dr. Emil John Pawlowski, the eminent Massachusetts psychiatrist, who has visited relatives behind the Iron Curtain, is a good judge of the minds of men. In his recent book entitled "Path to Permanent Peace," he has made some trenchant observations which are highly relevant to the proposal now being debated by the Senate.

I invite the attention of the Senate to certain of these observations which appear on pages 95, 102, 103, and 104 of his book:

> It is an admitted fact, but not accepted by all, that the Communists want to rule the whole world. Their policy has been to gain victory through subversion, and not from all-out war. However, if they thought they could beat the United States, their strongest enemy, without too much difficulty, they would in all probability wage a war against us. Many people in the United States do not recognize, or do not want to recognize, the seriousness of the Communist threat to our country and our way of life. They would hestitate to go to war unless we were openly attacked, and some, not even then. Perhaps the greatest deterrent to an all-out war between the Communists and the free peoples of the world is the atomic bomb. If it were not for the fact that both sides, including leaders, would lose in a nuclear war, we might have had a confrontation with Russia years ago. It is surely regrettable that the people of the world did not act early enough to have prevented Communism from becoming as strong as it is today.
>
> A weak country is going to provoke immature, aggressive countries to try to exploit it. Even a country which might be of the same strength as that of an aggressor will invite attack from the immature, competitive, and jealous aggressor. It is necessary for a country to be strong, and to have the aggressor know that it is strong and will use its strength, if it wants to be left alone to live in peace. It must appear to the aggressor that it would be foolhardy to try to exploit the country.
>
> In the case of the United States coping with the Communists, there seems to be no longer any danger that they could overwhelm us without being destroyed, too—if we maintain our superiority. We could lose our superiority, however, because of corruption and collapse within our country. If this country continues with its pathological cultural

trends, condoning lack of discipline, dependency, laziness, moral decline, corruption, inadequate law enforcement, rioting, catering to the wealthy, unjustified labor strikes, bureaucracy, Socialism, and the stifling of people's opportunities for the utilization of their potentials in the search for security, there could, in fact, be internal weakening and collapse of the country. Whether or not the future generations of Communists might try to beat us in a war will depend upon our maturity, wisdom, and physical strength, and their maturity and wisdom. Had they believed that they could have conquered us without significant losses themselves, they, as aggressors, most probably would have tried to have done so by this time. We now have to repel their every aggressive action, all the while making ourselves overpoweringly stronger than they. We must surpass them not only militarily, but also with our maturity and wisdom, our arts and sciences, our government and way of life, and in all other areas, including space exploration. It is not that we should seek to advance ourselves based on comparing ourselves with them, but rather to realize our potentials to the limit so that we can safeguard our existence and the existence of all other free peoples as dignified human beings. So long as they want to make us slaves we have to oppose them in every respect, no matter what they say or do to try to distract us, as in the way of proposing troop withdrawals and truce talks. We believe they are wrong in what they are doing, and we have to admit that we are really at war with all Communists. However, we do not want to fight an all-out war. Our strength should discourage them from attempting to fulfill their neurotic ambitions at this time. We have to believe, and let the Communists know, that we are not afraid of war, even nuclear war, and that we will fight to our deaths to preserve our way of life. We should not be intimidated by them. Only those people who are emotionally immature and insecure would say: "Better Red than dead."

Although I have had the privilege of sitting for many years on the Senate Armed Services Committee, I do not consider myself a defense expert, and least of all an expert on such a highly technical weapon system as Safeguard. But I do have some long-term familiarity with that particular program and I have had the opportunity to participate with my colleagues on the committee in their deliberations on a number of annual Defense authorization bills. On the basis of that experience and in consideration of the additional points of view brought out during the current debate, it is my judgment that the weight of the evidence clearly favors the deployment of the Safeguard system at this time.

In reaching this judgment I have weighed to the best of my ability all of the arguments pro and con on each of the major questions involved in this controversy.

First. Could the Soviets by the mid-1970's acquire a capability sufficient to endanger our strategic deterrent? The weight of the evidence clearly indicates that they could—if they continue on their present course and we take no further action now to increase our presently planned strategic offensive forces or to improve their survivability. There is general agreement that the Soviets could by the mid-1970's acquire a force of SS-9 ICBM's and submarine-launched missiles large enough virtually to destroy our entire land-based missile and manned bomber forces in a surprise attack.

Some have argued that our Polaris/Poseidon forces alone would be a sufficient deterrent. They point out that the 31 planned Poseidon submarines carrying 16 missiles each with 10 warheads per missile represents a force of almost 5,000 warheads. But they neglect to point out that only somewhat more than half of these submarines would be on a station at any one time, that not all of the warheads could be expected to reach their targets, and that the Poseidon warheads are very small as these things are measured.

But most important of all they overlook the point that it would be the height of folly, considering what is at stake, to depend for our deterrent upon only one of the three major elements of our strategic offensive forces, no matter how invulnerable it may appear to be today. We have witnessed major technological surprises in the past and common prudence would dictate that we must do everything possible to hedge against them in the future.

Second. Will the Soviets continue on their present course? I am convinced that no one knows the answer to this question, but until we have evidence to the contrary we must assume that they will. The survival of not only our own Nation but that of the entire free world depends upon our clear and continued ability to deter a Soviet nuclear surprise attack upon ourselves and our allies. In this area of the defense program there is absolutely no room for error; all doubts must be resolved in favor of the continued adequacy of our deterrent. That is another reason why I would consider it foolish to rely for our deterrent on only our Polaris/Poseidon forces, or on any other single element of our strategic offensive forces. I really cannot see how any prudent person can disagree with that basic principle.

Third. Would the deployment of the Safeguard system offer the best choice in insuring the continued survival of that minimum force required for deterrence. Let me acknowledge at the outset that there are other ways to achieve that objective, but none of them in my judgment would serve our purpose as well. It has been suggested, for example, that we increase the size of our strategic offensive forces—deploy more Minuteman or build more ballistic missile submarines This course, I believe, would be highly provocative and undesirable at this particular time. It would inevitably stimulate the strategic arms race. Although we know full well that our strategic nuclear war policy is irrevocably based on deterrence, the Soviet planners, just as our own, must always consider capabilities and not just declared intentions. If we were to add to our strategic offensive forces at this time we would, in effect, be increasing our first-strike capabilities.

In contrast, the deployment of the Safeguard system would add absolutely nothing to those capabilities. I am sure that every Member of this body is aware that the Spartan and Sprint missiles are suitable for defense only and cannot be launched against the Soviet Union; and I am sure the Soviet planners know that, too. So there is a very great difference between the deployment of a defensive system such as Safeguard and the deployment of additional offensive weapons such as Minuteman missiles or ballistic missile submarines.

It has also been suggested that we move our land-based missiles into harder silos, instead of protecting them with ABM's. The Defense Department has already undertaken the development of such silos, but there are distinct physical limits to hardening. Furthermore, with continuing improvements in the accuracy of Soviet offensive missiles even these silos could become vulnerable to large warheads. Thus, it may become necessary both to super harden and to defend those missile silos if we want to maintain a survivable land-based missile capability in the future. And, if we wish to maintain a survivable manned bomber capability, it may also be necessary to disperse further our alert bomber forces and defend them with ABM's against a surprise attack by Soviet ballistic missile submarines.

Fourth. Will the Safeguard system work? This is perhaps the most controversial aspect of the Safeguard proposal. The experts themselves appear to be divided on this question. But it seems to me, on balance, that the weight of the evidence favors the conclusion that the Safeguard system will work well enough for the purposes intended. The Defense Department has been working on ABM defense for almost 15 years. A vast amount of knowledge and experience has been acquired. The major components of the system have been developed to a point where their characteristics and capabilities are well understood. Moreover, the objective here is to insure that a sufficient portion of our strategic retaliatory forces survive to enable us to strike a decisive retaliatory blow even after absorbing a Soviet surprise attack. The Safeguard system can achieve this objective even if it works at less than 100-percent effectiveness.

It has been suggested that the Soviets could overcome the presently planned Safeguard deployment by increasing the number of their offensive missiles. This is undoubtedly true, but if the Soviets choose to run this race we have no alternative but to run it with them—if we are determined to maintain our strategic deterrent in the future. Admittedly, it is becoming more and more difficult to maintain it, but this does not mean we must throw up our hands in despair. We have succeeded in deterring a Soviet nuclear attack thus far, and with proper foresight and firm determination we can continue to do so.

Fifth. Will the deployment of Safeguard endanger the forthcoming talks with the Soviets on the limitation of strategic armaments? I can find no evidence that it would. The Soviets have already deployed an ABM system around Moscow and certainly that is no impediment to us. The Soviet leaders themselves make a clear distinction between offensive and defensive systems. They do not consider their ABM system a threat to us, and from what they have said I would conclude that they would not consider our deployment of Safeguard a threat to them. Furthermore, the figures published by the Defense Department clearly show that the deployment of a thin ABM defense, whether Sentinel or Safeguard, would reduce our fatalities from an all-out Soviet attack by only about 10 to 20 percent—from 110 to 120 million to 100 million. Therefore, their deterrent would be clearly unaffected by our decision to deploy Safeguard.

Mr. President, I have touched upon only the major issues related to the Soviet threat to our strategic offensive forces. There are two other purposes for which Safeguard is proposed—defense of our people against the potential Chinese Communist ICBM threat and defense against an accidental launch from any source. President Nixon has just recently reassured our Asian friends and allies that the United States will protect them against nuclear aggression. I submit that his hand would be greatly strengthened in this regard by the deployment of Safeguard. He would then be in a position to make good on his promise without risking the destruction of American cities once the Chinese Communists have achieved an ICBM capability. Repeated analyses by the Defense Department over the last few years have clearly established the fact that a thin ABM defense over the entire Nation could provide a very high level of protection for our population against the kind of ICBM threat Communist China is expected to be able to mount in the 1970's. And this same system could protect us against an accidental launch from any source.

For all of these reasons, the deployment of Safeguard should be started now. The program proposed by President Nixon is quite reasonable. Instead of the $1.8 billion requested in the January budget, he is asking for less than $800 million. And of that amount, more than half is for research and development, which I understand has the support of most of the Members of this body.

So what is at issue here is less than $400 million, most of which is for procurement. And may I remind the Senate that the production program has already been started with the approval of the Congress last year. If we fail to approve additional funds for this purpose now, the ongoing production program will have to be terminated, entailing the loss of several hundred million dollars and a delay in deployment of at least 2 years. It seems to me that it would be far more prudent and sensible at this particular stage to make the additional investment of less than $400 million and keep the program going for another year. By that time we should be in a much better position to evaluate the prospects for an agreement with the Soviet Union on the limitation of strategic armaments, as well as the potential Chinese ICBM threat.

Mr. President, I ask unanimous consent to have printed in the Record as a part of my remarks a convincing article entitled "ABM and the Liberals," written by Stewart Alsop which appears in the issue of Newsweek bearing a future date, namely, August 11, 1969.

There being no objection, the article was ordered to be printed in the Record, as follows:

ABM AND THE LIBERALS

(By Stewart Alsop)

Washington.—During the long debate on the ABM, it became more and more obvious that the anti-ABM senators and their allies in the liberal-intellectual community were not really attacking a weapons system—they were attacking a symbol. It also became more and more obvious that they had chosen the wrong symbol.

The attack on the ABM was basically a way of expressing the furies and frustrations generated by the war in Vietnam. But the ABM was in several ways a very bad symbol of what the liberals wanted to attack. As a result, they were forced to take positions which were both illogical and illiberal.

The liberals' first line of attack was that the system wouldn't work; and that even if it did, there was no need for it, because the Russians could not build the kind of offensive missile force which could really threaten our Minuteman retaliatory force. Neither senators, nor columnists, nor scientists from wholly different fields who like to see their names in the papers are capable of discussing certain complex technical subjects intelligently. But even in this arcane field, common sense is still useful, and in recent weeks two leading scientists made remarks to this reporter which sounded like common sense.

Some time before Neil Armstrong and Edwin Aldrin performed their moon-walking miracle, Dr. John Foster, chief Defense Department scientist, remarked that "of course, ABM is a much easier proposition, technically, than the moonshot." Surely this is common sense. Surely if we can put men on the moon we can build a workable missile defense.

COMMONSENSE

Dr. Albert Wohlstetter, a widely respected specialist in the nuclear-strategic field, made the other common sensible remark. When the ABM opponents say the Russians won't be able to build the kind of missile force which could knock out our Minuteman complex in a first strike, Dr. Wohlstetter remarked, they are assuming that the Russians several years from now won't be able to do what we know how to do right know. This, he added sensibly, is not a safe assumption to make.

The liberals' second line of attack has been that the ABM is just another expensive boondoggle of the "military-industrial complex." This line was best expressed by Tom Wicker, able columnist for the anti-ABM New York Times. The ABM, Wicker wrote, is an example of the "unlimited military expenditure in the quest of security," which has led the military to demand "more and more weapons . . . and more and more money to support them."

The notion that more and more money has been spent for more and more strategic weapons is an article of faith among the anti-ABM liberals. But it just doesn't happen to be true. In fact, as Dr. Wohlstetter points out, we are actually, allowing for inflation, spending about half as much for strategic forces now as we were in General Eisenhower's last year as President—$13.6 billion in 1959, as against an estimated $8 billion for 1970. The money has gone, not into more and more strategic weapons, but into the war.

ABM A RESPONSE

The liberals' third line of attack is that the ABM is aggressively "escalatory." This has been a hard line to maintain, simply because the wholly defensive ABM system could not hurt a single hair of a single Russian head. As Russian Premier Kosygin has said, such defensive weapons "are not the cause of the arms race." The ABM is, of course, a response to the rapidly growing (offensive) force of multi-megaton, multi-targeted Soviet S–99 missiles. The people who have really been spending "more and more money" for strategic weapons are the Russians. On this point the "intelligence community" is in a rare state of unanimity.

The last, and oddest, liberal line has been that the best response to the Russian offensive missiles is not defensive missiles but more American offensive missiles. If it turns out that the SS–9s are a real threat to the Minutemen, then build more Minutemen. And if nuclear war threatens, then all we have to do is "empty the holes"—fire our missiles before the Soviet missiles could knock them out. Thus have the liberals become rather surprisingly, advocates of the "massive retaliation" theory of the late John Foster Dulles.

The trouble with the theory that it would give a future President no choice between capitulation and a nuclear war which, according to the best estimates, would kill about a quarter of a billion Americans and Russians. The whole point of the ABM project is not simply to maintain what Winston Churchill called "the balance of mutual terror," but also to give a future President what John Kennedy called "a choice between Armageddon and surrender."

Obviously, there would be no choice if our cities were attacked. But the SS–9s are designed to hit the Minuteman complex, not the cities. The simple existence of a missile defense would make a "counterforce attack" on the Minuteman complex far less likely. If it came, a future President could choose to ride it out, in the knowledge that he retained the bargaining power inherent in a surviving retaliatory force.

THE ERRING GENERALS

Surely it is rather odd that the liberals should wish to deny this option to a future President. The main reason is that many liberals simply want a stick—any stick—with which to beat the "military-industrial complex."

Undoubtedly, the attitude of Congress, and of recent Presidents too, has been much too reverent toward the military. Almost all generals, as this reporter pointed out before it became fashionable to do so, are almost always wrong about all wars. This is so not because generals are bad people (most of them are able and honorable men) but because the process of getting to be a general endows a man with a built-in bias about wars. There has been no war in recent history about which almost all American generals have been wronger than the war in Vietnam.

Moreover, almost all generals are wasteful, and no generals are more wasteful than American generals, partly because America is rich. But the main reason generals are wasteful is that wars are wasteful. The worst of war's waste is in human lives, of course, for in all wars young men, who have done nothing to deserve death, die.

A war which is not won is intolerably wasteful. This explains the passion which has gone into the attack on the ABM, for it is essentially a protest against a tragic, unwon war. But it is simply not logical to protest against the war, and the generals who were wrong about it, by attacking the ABM. It is not logical to protest the loss of some 37,000 American lives by denying to a future President the option he may desperately need if he is to have a chance of saving 250 million lives. It is not liberal either.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question on his first remark?

Mr. ERVIN. I do not have any time to yield. The Senator from Arkansas might get time from the other side.

Mr. FULBRIGHT. I would like to make an observation on the Senator's first comment.

Mr. STENNIS. Mr. President, we are

going to reach a point, if I may respond, where those who wish to interrogate speakers will have to get time from their own side.

I am glad to yield 2 minutes to the Senator from North Carolina, if he so desires.

Mr. FULBRIGHT. If the Senator will just yield for an observation or perhaps a question.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from North Carolina, if he so desires.

Mr. ERVIN. Yes, Mr. President, I yield to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 2 minutes.

Mr. FULBRIGHT. The question raised by the Senator is what constitutes the strength of the United States. That is the question at issue. The Senator assumes that the only criterion of strength in the community is the number of weapons it owns. The point that those of us who oppose the ABM system make is that when we look at the difficulties this country is now experiencing, all the way from city riots, reflected even in our own Capital City recently, and in all the major cities nearly, as well as student riots, crime in the streets, and so forth, we are saying that to expend over $1,000 billion on weapons is weakening this country and is much more likely to make it subject to domination either by Fascist or Communist countries——

Mr. ERVIN. I believe the Senator from Arkansas is making a speech on my 2 minutes.

Mr. FULBRIGHT. Does not the Senator agree that just armaments alone are not the only criterion which makes our country strong?

Mr. ERVIN. Yes, it requires men who have the will to protect liberty as well as armaments to protect this country in the dangerous world in which we live at this moment. I am not willing to jeopardize the safety of my country by voting against the deployment of a defensive weapons system which is designed merely to save from destruction the retaliatory power of our Minuteman missiles.

Mr. President, I yield the floor.

Mr. FULBRIGHT. If the Senator will yield me 1 further minute——

Mr. HART. Mr. President, I yield 1 minute to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 1 minute.

Mr. FULBRIGHT. Mr. President, I still submit that the Senator is basing his comments on the assumption that the only source of strength and certainly the prime area of the concept of strength and security lies in armaments.

I say that armaments are only one aspect of it. I am not sure, under present conditions, that it is the most important one, because on the best authorities we have, we know that the strength of Russia and the strength of the United States where armaments are concerned is that each have enough to destroy the other more than once—in fact, anywhere up to 10 times over.

I say that the strength we now lack is in the unity of our people. What we need now is to reconcile the young people of this country, the city people of this country, and the rural people of this country, to the idea of returning the United States to what it used to be under more normal conditions.

The PRESIDING OFFICER. The time of the Senator from Arkansas has expired.

Mr. ERVIN. Mr. President, will the Senator from Mississippi yield me 30 seconds?

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 1 minute.

Mr. ERVIN. Two things are required to protect this Nation's liberty in this precarious world.

First, a people who are willing to keep their hearts in courage and patience and lift up their hands in strength.

Second, the weapons necessary to enable them to do these things.

It is the supreme duty of the Congress to make such weapons available to our country.

Mr. SYMINGTON. Mr. President, will the Senator from Michigan yield me time?

Mr. HART. Mr. President, I yield 3 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 3 minutes.

Mr. SYMINGTON. Mr. President, later on I shall make a short statement about what I believe is a mistake from the standpoint of national security; namely, deployment now of this Safeguard system. I am sorry the distinguished and able Senator from Georgia has left the Chamber as I would comment briefly on what he said about a previous decision.

It was in 1949 that, to the surprise of many people, the Soviets exploded their first nuclear weapon. It was a mission of the Air Force at that time to watch the air and winds therefore we are the first to know of it.

The question of how far we went with a hydrogen bomb was a political decision largely, not a military decision.

What worries me is the emphasis by ABM proponents about the vast technological capacity of the United States, which no one could deny, as a reason for going ahead with the system.

They talk about the glorious achievements of Apollo 11, which are so true; but I would hope they would go to a Cape Kennedy launching pad and see the type and character of effort being made there by our foremost scientists and engineers in order to accomplish one particular mission at a planned time and over a long period of weeks.

If they would do that, I doubt they would compare such a superb accomplishment with what might happen, all over the United States on an afternoon, comparable to December 7, 1941, no advance notice, with all these holes in the ground manned by sergeants, corporals, enlisted men, and junior officers.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. Mr. President, I yield 2 additional minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 2 minutes.

Mr. SYMINGTON. Everything would have to work adequately so as to succeed in defending the country.

I have studied, to the best of my ability, the tremendous complexity of this system. We know one of the radars has never been built, and that the software to go into the computer has not yet entered the computer because it is admitted to be the most complicated computer in the history of mankind.

I would ask those who bring up the technological achievement argument to consider that we have no better laboratories than our automobile laboratories where they project new automobiles in the laboratory which are, in essence, perfect. But there have been major campaigns waged against these same automobile companies because of inadequacies in actual operation, a very small percentage of the fine cars put out.

I think this is comparable to the problem of hundreds of missiles which would have to operate suddenly, and there can be no such percentage of failure.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, I suggest the absence of a quorum, with the time to be divided equally on both sides.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, I yield 20 minutes to the able Senator from Massachusetts (Mr. BROOKE).

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 20 minutes.

THE ABM DECISION—DEADLOCK OR ACCOMMODATION?

Mr. BROOKE. Mr. President, the conclusion of this vital debate approaches. All of us sense that the decision before us is a momentous one, and the prolonged discussion of this matter is fully justified by the significance of the issue. Many Members have offered their analyses and advice on this question, and I do not presume to review all aspects of the subject at this late date. Rather, I propose to touch on only a few of the more critical features of the decision we face.

After much study, the conclusion to which I have been drawn is firm. I do not believe that the United States should commit itself to deployment of an antiballistic-missile system at this time.

This conclusion is based on a broad range of considerations. In my judgment, additional work should be done on the proposed Safeguard technology before any commitment to deploy a system is made. But the more important

factors are not technical or economic. The fundamental issue posed by Safeguard concerns the future course of the arms race, with all that implies for the security and well-being of both ourselves and the Soviet Union.

Before going forward with deployment of such technology, we should first explore the many dimensions of strategic weaponry in the proposed strategic arms limitation talks. The central question for those negotiations is clear: Are the United States and the Soviet Union prepared to recognize the requirements of mutual deterrence? Are they prepared to acknowledge and act upon the premise that neither side can engage in strategic deployments which jeopardize the capacity of the other to retaliate?

If agreement can be achieved on this fundamental principle of security in the nuclear age, there should be real possibilities for specific arrangements to stabilize the balance of forces between the two great powers. If there is no such agreement, I think we will enter the most dangerous competition in arms in the history of mankind. This is especially true with regard to the developing capability of both countries to deploy multiple warhead missiles capable of striking more than one target.

To President Nixon's great credit, his revision of the former Sentinel ABM proposal was based on a recognition of the realities and the requirements of mutual deterrence. In his March statement he stressed his awareness of the risks of provocative innovations in the strategic forces, and specifically rejected the options of deploying either a heavy city defense or more offensive weapons. Either action might appear to the Soviet Union as a threat to its retaliatory capacity.

No previous President has made so explicit a formulation of mutual deterrence as the pillar of American policy. If he acts consistently on this basis, and if the Soviets are prepared to do likewise, Mr. Nixon will have an unparalleled opportunity to curb the arms race and to negotiate a reasonable strategic arms agreement with the Soviet Union.

The long debate on ABM has left no doubt that such an agreement is the preferred objective of the vast majority of Senators and citizens. There are other points of consensus, too, which stand out in sharp relief to the division and controversy surrounding this issue.

There is consensus that the United States should continue intensive research and development on ABM systems, for possible use either in the event of mutual agreement to deploy such weapons or in the event of failure to reach any agreement on reducing the impending threat to our retaliatory forces. Such studious critics of Safeguard as Hans Bethe and Wolfgang Panofsky have made a point generally accepted in the technical community: Hard-point defense appears technically feasible and in principle could be a sensible response to a Soviet deployment of accurate MIRV's capable of attacking our Minuteman force. So there is no disagreement over the desirability of continuing a vigorous program to perfect such technology.

As a measure of this consensus, there is widespread willingness in the Senate to authorize for research, development, and testing the full amount requested by the administration for fiscal 1970, including those moneys requested to start deployment of the Safeguard weapons system. The central disagreement concerns the question of committing the United States now, in the immediate prelude to the expected SALT talks, to deploy this ABM system.

It is a common tendency in a hard-fought debate to lose sight of the qualifications and reservations attached to arguments and to treat judgments as more conclusive than they are in fact. The debate over the Safeguard system is no exception. My own examination of the technological pros and cons, drawing on a broad variety of technical opinion, has led me to a decidedly mixed verdict.

The technology involved has been very extensively studied. I believe the system is probably better than its harshest critics are willing to acknowledge, but not demonstrably good enough to justify a commitment to deploy. Most of the first-blush criticisms, such as its capacity to handle the blackout problem, have been thoroughly analyzed and it appears that they have been adequately resolved in theory. But it is admitted by all that major technical uncertainties remain to be resolved.

Three such uncertainties stand out: First, are the radars so vulnerable that the system can easily be defeated? Second, can the computers and their immensely complicated software be made to perform to the necessary standards? Third, can the many components be successfully integrated into a working, reliable system?

It is alleged that smaller, harder, cheaper, and more numerous radars would be preferable for the hard-point mission. But there are obvious difficulties in obtaining the desired performance from such simplified radars, and it is certain that it would be some time before such technology could be brought from the concept stage to working hardware.

The large, relatively soft, high-capacity radars proposed for Safeguard are closer to readiness than the alternatives being suggested, but that is of little value if they can be easily destroyed.

Whether their admitted softness to blast effects is a crucial vulnerability depends on whether they can be effectively defended, since even very large warheads would have to penetrate to fairly close ranges of a few miles to deliver such destructive overpressures. The survivability of the radars could be greatly enhanced, albeit at major costs, if additional radars are deployed beyond those now proposed. Redundant radars would permit the system to employ the so-called preferential mode of defense, protecting only certain radars while an attacking force would have to target all missile site radars. Speaking in general and on the assumption that the system worked as planned, preferential defense could be a large advantage to the system and could economize defensive missiles in roughly a 1-to-4 ratio to the offense. On balance, the vulnerability of the radars must be recognized as a very serious problem, although one which may be soluble.

The second major area of technological uncertainty, the computers and their programing, can also not be resolved definitively at this time. The task of perfecting these components is a demanding one, although systems approaching the scale of the Safeguard computers have been produced and are functioning.

The computer-software problem merges into the overall question of whether the myriad components can be assembled into a system that meets the incredibly great demands imposed on any ABM, even one designed exclusively for hard-point defense. No amount of paper analysis can resolve this question. It is, I submit, the essence of the technological doubts which have been raised by the Safeguard scheme. Moreover, it is the issue which will plague any ABM system.

All of these problems argue that, if the Safeguard system or a variant thereof is to be deployed at some time, the first order of business is a large-scale test and evaluation to determine the operational feasibility of such a system.

But the basic dilemmas affecting our decision are not really technological; they are political and strategic. The Senate and the House, in conjunction with the President, must weigh the various risks to our national security and determine the most prudent course. In this evaluation, military and technical estimates mingle with guesses and instincts about Soviet intentions, about the nature and feasibility of arms control negotiations, and about the impact on those negotiations of the decision we are about to make.

Will a decision to deploy Safeguard be a boon to the SALT talks, by demonstrating support for the President and a determination to protect our deterrent in case those talks fail? Or will such a decision prove a detriment to the negotiations, injecting an additional element of threat into an already tense situation? The President based his recommendation, one surmises, largely on the view that proceeding with ABM at this time would both encourage the Soviet Union to negotiate in earnest and provide a valuable fallback capability in case the talks should fail to produce results.

On this matter judgments can and do differ. I consider it arguable whether the Safeguard system would in fact induce the Soviets to negotiate more expeditiously. Whether it does depends heavily on unknown and largely unpredictable psychological factors in the Soviet leadership, as well as on the balance of contending forces within the Moscow hierarchy. To some Soviets the U.S. decision to proceed with ABM and other weapons may seem a valid reason for urgent diplomacy; to others it may be cited as a challenge to be met and a cause for delaying genuine negotiations.

On the record of Soviet attitudes toward defensive systems, it seems even more probable that U.S. deployment of an ABM, particularly a thin capability intentionally designed to leave American cities hostage to Soviet retaliation, would be a matter of relative indifference. However, the President obviously considers the proposal an important ingredient in his approach to the SALT talks, and his judgment deserves careful consideration in our assessment.

To be skeptical of the positive value of ABM as an incentive to negotiations is not to conclude that a defeat for the President on this issue is likely to promote fruitful discussions. Indeed, it would be my view that either a rejection or an acceptance of the administration's proposal by a narrow margin could weaken the country's negotiating posture in the SALT talks.

Deep domestic division on matters at the heart of a diplomatic venture has never been an asset to the United States or any other democracy. It could well be that such evident cleavages in our body politic would tempt the Soviets to try to exploit the President's political vulnerability on this score by various maneuvers in the SALT talks.

The result could be diplomatic stalemate, on issues which must be promptly addressed with a minimum of propaganda, if we are to turn down the arms race and find a more secure basis for our strategic relationships.

It is this line of reasoning which our revered senior colleague from Vermont, Senator Aiken, expressed so directly and vividly in his remarks some days ago. This Nation has a large interest in avoiding a razor-thin decision on such paramount questions. That is why I feel confident that Senator Aiken captured the sentiment of both the Senate and the Nation in urging the President to modify his proposal. It is abundantly clear that there will be no consensus on the present recommendation. At this stage, while the outcome in the Senate is somewhat uncertain, we all know that there will not be a large majority, if indeed there is any majority at all, for deployment of Safeguard.

Our vote later today on the Cooper-Hart amendment will leave no doubt as to the opposition in this body to an immediate decision on deployment of the Safeguard system. I had hoped that prior to reaching this confrontation the administration would recognize the facts of the situation and seek a reasonable arrangement to defer that decision. It has failed to do so, despite numerous overtures from those opposed to deployment.

I am confident that the vote on this amendment will make its point with historic force: the President cannot proceed on the course he has proposed without adequate support in the Senate. Whatever the outcome of today's vote there will remain an urgent need to build a consensus on national policy concerning the ABM. So, in casting our vote today, all of us should be looking to this larger task.

In looking beyond this vote, our esteemed colleague from New Hampshire has already sketched out the essential elements of a reasonable accommodation. He has made clear that, whether the present amendment passes or fails, he intends to offer his proposal later this week.

Senator McIntyre's amendment would explicitly reserve to the Congress for later decision a commitment to deploy an ABM weapons system. It would specifically foreclose, pending later action, the installation of any operational missiles and the acquisition of any sites for deployment of such a system. Thus this plan would satisfy the central political point of concern to those of us who wish to defer any such decision. But at the same time this proposal would permit a start on testing and evaluation of the radars, computers, and associated electronics. It would authorize such testing at sites which could, if the progress of the technology and the evolution of international relations warrant, later become operational. Thus, it would meet the stated objective of the President to preserve the option of early deployment of an ABM defense for a portion of the Minuteman force.

I find much to commend this suggestion. The Soviet Union follows the debates in this Nation. They would scarcely fail to comprehend the measure of retraint shown by such a moderate decision in the Senate. And it should be especially evident to Moscow that further decisions on actual deployment of an ABM system will hinge directly on the results of the SALT talks. If any decision on this matter is likely to influence the Soviets favorably in the SALT talks, I would judge this combination of prudent preparation for possible deployment and obvious restraint short of immediate deployment would be most likely to do so.

Furthermore, by deferring any decision to deploy, but permitting test and evaluation of the electronic heart of the proposed system, the most critical technological questions may be worked out. If they are resolved satisfactorily, if the radars, computers, software, and other elements can be integrated effectively, our subsequent decisions can be made with higher confidence. If, in the meantime, improved radar technology and possibly smaller, less expensive missiles can be perfected, it may be possible to employ them. In any event, the overriding systems question, the issue applicable to any ABM system—namely, can such elements be put together in a working system—can be addressed in a more realistic way.

Shaking down and testing the technology now closest to operational status should significantly improve our capacity to pursue the next generation of such technology, if need be. I must say that I have always been troubled by the argument of those who answer the proponents of Safeguard by asserting that, first, the system will not work and, second, we will not let you prove whether or not it will work. Judgments vary on the workability of this system, and it behooves us neither to commit to its deployment, nor to constrain efforts to test it out short of actual deployment.

It is this kind of accommodation to which I believe the majority of the Senate is groping.

The remarkable leadership shown by Senator Cooper and Senator Hart, who have been in the forefront of this effort for over a year, has paved the way for a sensible resolution of this matter. All Americans are in their debt. In advancing their amendment they have provided a clear focus for those of us who oppose a commitment to deploy an ABM at present. If an accommodation is eventually reached, their efforts will be largely responsible. If it is not possible to do so, the vote for their amendment, which I and many others will cast, will constitute the closest thing to a vote of no confidence on an issue of national security in recent American history, probably since the Senate's rejection of the League of Nations' Covenant.

That is an outcome devoutly to be avoided, if possible.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BROOKE. Mr. President, I ask for 5 additional minutes.

Mr. HART. Mr. President, I yield 5 additional minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 additional minutes.

Mr. BROOKE. Mr. President, a hazard in any debate of great moment is that issues of wisdom become transformed into matters of fundamental principle. We face today not a question of principle, but a complex matter of judgment. We are united on the central issues of principle. We are agreed that the security of the United States must be preserved. We are agreed that arms control negotiations with the Soviet Union should be pursued. We recognize that the ABM issue, as a major element in the thermonuclear balance, touches the peace and well-being not only of Americans but of all men on earth.

The Senate, then, must resolve this issue not in terms of some ideological commitment or aversion to the ABM, but in light of how best to serve the overriding concerns we all share in this realm.

The lesson of the last year's great debate on the ABM is, I believe, a decisive one. It is that Congress is beginning once more to recognize its responsibility and to assert its authority on the crucial questions of peace and security. The intense debate over the city-oriented Sentinel defense has already accomplished much of its purpose. The profound concerns which that proposal raised in this body and in the Nation undoubtedly contributed to its revision. It is already apparent that military systems can be changed or dropped, that Congress and the people can exert effective influence in these matters.

That seems a modest enough accomplishment for a system of self-government. But where questions are so inherently complex, where issues are so technical and information so shrouded in secrecy and uncertainty, it is no trivial feat for the Senate to perform as it has in developing the policy implications of ABM. The decision is still in doubt, but I believe the Nation has been well served by the manner in which the Senate has approached it. I hope that the Nation and the world will continue to be well served by the way in which we resolve it.

Mr. COOPER. Mr. President, will the Senator yield 1 minute?

Mr. HART. Mr. President, I yield 1 minute to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 1 minute.

Mr. COOPER. Mr. President, as always the Senator has made a very reasoned and balanced speech on the issue. There is much more that I could say if time would permit it, because of the efforts of the Senator in this field, particularly relating to MIRV.

The Senator has stated the chief point correctly. It is a question of Congress recognizing its responsibility and asserting its authority on the crucial questions of peace and security, and the fact that we should resolve this issue not in terms of some ideological commitment, but in light of how best to serve our overriding concerns at this time.

Mr. BROOKE. I thank the Senator from Kentucky.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I ask unanimous consent that the time consumed in a quorum call be divided equally between both sides, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. McGOVERN in the chair). Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, with the concurrence of the distinguished minority leader; the manager of the bill, the distinguished Senator from Mississippi; the authors of the pending amendment, the Senator from Kentucky (Mr. COOPER) and the Senator from Michigan (Mr. HART); and the distinguished senior Senator from Maine (Mrs. SMITH)—and I believe I speak with their full concurrence when I make the following unanimous-consent request—I ask unanimous consent that at 2 o'clock the amendment submitted by the distinguished senior Senator from Maine (Mrs. SMITH) to the amendment be laid before the Senate and made the pending business; that there be a time limitation of not to exceed 1 hour, the vote on the amendment to occur at 3 o'clock; and that the time between 2 o'clock and 3 o'clock be equally divided between the distinguished senior Senator from Maine (Mrs. SMITH) and the distinguished senior Senator from Mississippi (Mr. STENNIS).

The PRESIDING OFFICER. Is there objection?

Mr. FULBRIGHT. Mr. President, reserving the right to object, on an amendment to the Cooper-Hart amendment, does not the Senator from Kentucky (Mr. COOPER) control the time? I raise this point as a question.

Mr. MANSFIELD. That can be worked out.

Mr. STENNIS. Mr. President, reserving the right to object—and I shall not object—perhaps the distinguished majority leader could make a statement in explanation as to where that would leave the Senate after the Smith amendment is voted on, if it is not agreed to.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MANSFIELD. Mr. President, we would allow a little leeway, if necessary, to put in a quorum call to make sure the great majority of Members are in the Chamber around 3 o'clock when the Smith amendment would be disposed of. Then, the time taken out of the original agreement up to 1 hour would be used subsequent to the debate on the Smith amendment, before voting on the Cooper-Hart amendment.

Mr. STENNIS. Mr. President, approaching the matter the other way, whatever time each side has remained on the Cooper-Hart amendment when the Senator from Maine starts making her presentation on her amendment, would be remaining and available for use after the Smith amendment is disposed of, provided it is not agreed to.

Mr. MANSFIELD. The Senator has stated the situation far better than I could, and that is the way it would be.

Mr. PASTORE. Mr. President, reserving the right to object, I wish to inquire how much time is remaining on the Cooper-Hart amendment.

Mr. MANSFIELD. Roughly, 1 hour and 45 minutes.

Mr. HART. No.

Mr. PASTORE. Mr. President, once the hour is taken out for the Smith amendment, how much time will be allowed for the Cooper-Hart amendment?

Mr. MANSFIELD. One hour.

Mr. PASTORE. What is the remaining time? That is my question.

Mr. HART. Mr. President, may I inquire how much time remains on the pending amendment?

The PRESIDING OFFICER. The time remaining is from now to approximately 4 minutes after 3.

Mr. FULBRIGHT. How is the time divided?

Mr. STENNIS. Mr. President, may I inquire how much time is remaining on the Cooper-Hart amendment for the proponents of the amendment?

The PRESIDING OFFICER. The proponents have 44 minutes remaining.

Mr. STENNIS. Mr. President, how much time is remaining for those who oppose the Cooper-Hart amendment?

The PRESIDING OFFICER. The opponents have 62 minutes remaining.

Mr. STENNIS. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, if we continue the debate, these figures would change according to how each side would make use of their time between now and 2 o'clock. Is that correct?

The PRESIDING OFFICER. The Senator is correct. The time remaining after 3 o'clock would depend on how each side uses its time between now and 2 o'clock.

Mr. MANSFIELD. Mr. President, in view of the developments, I ask unanimous consent, except for the 2 minutes which will be yielded to the distinguished junior Senator from Vermont (Mr. PROUTY), that at the conclusion of his remarks, and all remarks thereto, the Senate stand in recess until 5 minutes of 2 o'clock, at which time a quorum call, we hope, will bring all 100 Senators to the Chamber.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Vermont (Mr. PROUTY).

The PRESIDING OFFICER. The Senator from Vermont is recognized for 3 minutes.

Mr. PROUTY. Mr. President, the crevice in this debate has spread out from here across the land and become a chasm of misunderstanding.

Tragically, outside this body the intricacies of the ABM issue were distorted by simplification. Labels and slogans prevailed over definitive analyses.

As the breadth of the gorge widened and antagonists drew further apart, their voices raised. Reason was lost in a barrage of invective. The essence of the pending vote disappeared in a fury of hyperbole.

At some point the acronym "ABM" lost its identity with a weapons system. It became instead a symbol of diverse dissatisfactions.

"Stop the ABM" became a frenzied incantation against the Defense Establishment, a form of punishment for miscalculation and mismanagement.

To others the ABM became a symbol of patriotism, the last bulwark of our Republic.

Where once there was an issue—to proceed with Safeguard as the President recommended or to modify his proposal—now there are a multitude of diverse causes rallying around a symbol.

Sadly, today many champions of these causes envision this Chamber as Armageddon with the forces of good and evil arrayed for the final battle.

I look to these people whose hopes and fears were conscripted into what they thought was to be the last struggle. For them, I condemn the delusion of simplifications, labels, and slogans.

Whatever position soon prevails, the greater consequences may lie in the folly of rallying to symbols rather than substance, of following slogans rather than reason. History is replete with proof that a nation's internal delusions may be more disastrous than external collusions.

Mr. MANSFIELD. Mr. President, to clear the record, the time between now and 5 minutes to 2 o'clock is not to be taken out of either side, is that correct?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Second, I ask unanimous consent that the distinguished senior Senator from Maine (Mrs. SMITH) be recognized at 2 o'clock p.m.

The PRESIDING OFFICER. Is that for the purpose of calling up her amendment?

Mr. MANSFIELD. Yes, Mr. President, for the purpose of calling up her amendment. As a matter of fact, I ask unanimous consent that the distinguished Senator's amendment to the amendment be laid down now and made the pending business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will state the amendment.

The Assistant Legislative Clerk: In lieu of the matter proposed to be added by amendment numbered 101, add the following:

> Sec. 402. None of the funds authorized by this or any other Act may be used for carrying out, after the date of enactment of this Act, any research, development, testing, evaluation, or procurement of the antiballistic missile system known as the Safeguard system, or to carry out any research, development, testing, evaluation, or procurement of any part or component of such system.

Mr. HART. Mr. President, for purposes of clarification with respect to the time, do I understand correctly that the time between now and 5 minutes to 2 o'clock p.m., will not be charged to either side?

The PRESIDING OFFICER. The Senator is correct.

Mr. HART. And the time not yet used by either side will remain available to both sides when the Senate resumes at 3 o'clock p.m.?

The PRESIDING OFFICER. That is the understanding of the Chair.

Mrs. SMITH. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

RECESS UNTIL 1:55 P.M.

The PRESIDING OFFICER. Without objection, the Senate will now stand in recess until 5 minutes before 2 o'clock p.m.

(At 1 o'clock and 24 minutes p.m., the Senate took a recess until 1:55 p.m. today.)

At 1:55 p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. McGovern in the chair).

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. To which side does the Senator want the time charged?

Mr. MANSFIELD. Neither side, and with the understanding that the Senator from Maine (Mrs. Smith) has the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Tydings in the chair). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask the Chair to order the Sergeant at Arms to clear the Chamber except for those attachés who have business on the floor. Senators would like to hear what is going on and not have to fight their way through a press of manpower in getting into the Chamber.

The PRESIDING OFFICER. The Sergeant at Arms will clear the Chamber, in accordance with the request of the Senator from Montana.

Who yields time?

Mr. MANSFIELD. Mr. President, I believe that the distinguished Senator from Maine, who has a half hour, has the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

How much time does the Senator desire?

Mrs. SMITH. Such time as necessary.

Mr. President, I am told that this morning my amendment was attacked on the claim that it went too far, for it would adversely affect the Nike X advance development.

Let me set the record straight. This simply is untrue. The adoption of my amendment will not affect Nike X advance development. The bill has $141 million for Nike X under a separate account. This amendment was approved by our committee and has nothing to do with the Safeguard system.

In addition to the R. & D. for Nike X advance development, the Army seeks $3 million for anti-ballistic-missile activities in research and development funds at White Sands Missile Range. This also has nothing to do with Safeguard.

Mr. President, I offer this amendment in the nature of a substitute to the Hart-Cooper amendment because I believe that the proposed Safeguard anti-ballistic-missile system is too vulnerable and too costly and would be a waste of resources at a time when we must carefully determine our national priorities.

Even the advocates of the Hart-Cooper amendment have at length expounded on their opposition to the Safeguard ABM system. Yet, the Hart-Cooper amendment is a partial approval of the Safeguard ABM system in that it proposes a compromise authorization for research, development, testing, evaluation and normal procurement incident thereto for the Safeguard ABM system.

I do not approve of such a compromise and such authorization for the Safeguard ABM system. It would be a "foot in the door" authorization for a system in which I have no confidence.

Why waste funds on research and development of a system in which you have no confidence? To do so is to beg the question.

Why not face the issue directly instead of obliquely? If you have no confidence in the Safeguard ABM system, then why vote for any kind of authorization for it in any manner?

Why vote for authorization of research and development of a system in which you have no confidence? Why vote to develop a system in which you have no confidence? Why vote to develop a system when you are opposed to deployment of such a system?

Mr. President, on the proposed ABM system, I find myself torn between the desire to grant to the President of the United States and the leader of my political party that which he feels is necessary and my own conscience that it is not only not necessary but would be an unwise application of resources.

The United States is the most resourceful Nation in the world. But our resources are not unlimited. We must face up to the fact that there are limits and that those limits dictate a conscientious effort to establish priorities.

As I see it, the purpose and mission of the proposed ABM basically is deterrence—to deter Russia from a miscalculation of attacking the United States because we would have sufficient defenses for our missile sites.

To the contrary, I think offensive strength is the better deterrent and as such rates national security priority over the proposed ABM system. For what really deters Russia from attacking us is our offensive arsenal.

That is what the Soviets respect the most—that is what has stayed their hand during each confrontation starting with the first Berlin crisis on through the Cuban missile crisis—that is what has preserved the peace for two and a half decades—and it is that which is most likely to cause the Soviets to engage in meaningful talks on arms limitations.

I keep hoping that arms limitations talks will ultimately be productive—that the Soviets will be reasonable, sincere, and constructive—that we can bequeath a peaceful world to succeeding generations—that we can find accommodation with honor and security for each other and for the world.

But I am like the "show-me" Missourian as I have watched the Soviets achieve a power status of first-class magnitude by developing devastating weapons in complete secrecy—boastfully parading them on so-called peaceful May Day repeatedly in great surprise to our best intelligence forces—and totally rejecting inspection procedures whether it be on the limited test ban or on nonproliferation of nuclear weapons.

And, Mr. President, I am convinced that the proposed Safeguard ABM system would be woefully inadequate against a massive Soviet attack on our country should the Russians decide to attack. Make no mistake about it, if the Russians decide to attack it will be a massive attack with full utilization of all of their devastating weapons on cities as well as missile sites.

There are those who seem to think that both the United States and Russia have reached a technological plateau and in this thinking tend to doubt the probability of the development of a system superior to the proposed ABM system.

I do not share this view. I do not

think that either of the two countries has reached a technological plateau. Instead I think that technology is progressing so rapidly and that the state of the art is changing so swiftly that the proposed ABM will be obsolete and outmoded before it is ever put in place.

I do not want our Nation and our people to have a $40 billion or $20 billion or even a $10 billion obsolete white elephant ABM system on our hands.

I am without scientific knowledge, training, or ability. I certainly cannot speak with authority. But I certainly can speak with conviction—and I am convinced that the proposed ABM would be not only a tragic waste of money but even more tragically a self-deluding maginot line false sense of security.

Instead I have greater confidence and faith in the ability of our scientists to develop a far more effective and far less costly system than the proposed ABM system.

I am sure that it is no breach of security when I say that I have great hopes that before too long a sufficiently powerful laser will be developed for the defense not only of our missile sites but as well of our people and our cities.

I have been dubious about the practicability of the proposed ABM system ever since it was first proposed. Frankly, it lacked credibility to me—both the system and the rationale for it.

I do not believe that we need have any fear of a nuclear attack on this country by Red China for many, many years. Red China simply does not have the capability to wage nuclear war against us and would not have for many, many years.

While I think the Russian Kremlin leaders—as differentiated from the Russian common man and woman—would destroy the United States without hesitancy if they thought it was to their advantage and they could do it without any great risk to Russia, I cannot see the men in the Kremlin contemplating that now.

Why? Because I am sure that the increasing defiance of law and authority in the United States by growing dissent that has degenerated into violence and the open advocacy of, and militancy for, anarchy—that this trend is increasing the confidence of the men in the Kremlin that they, and their system of communism, can complete a Communist conquest of the United States without the necessity of firing a shot.

Why then should they devastate the resources of this Nation with nuclear attack? Why would they want to destroy the American resources that they so avidly covet?

Why would they want to have the tremendous problem of rehabilitating and reconstructing a nuclear-devastated country when they are growing so confident from trends here that their own advocates among Americans will ultimately deliver this country to them?

No, Mr. President, I simply cannot buy the rationale of fear of the men in the Kremlin advanced in advocacy of the proposed ABM. I simply do not find it credible. And I have so told President Nixon.

For these reasons, I do not believe that we have to precipitously rush into a most dubious ABM system for fear that Russia is on the verge of attacking us—I do not believe that there is an imminent threat of such urgency as to preclude us from trying to develop a more effective and less costly system than the proposed ABM system within not too distant a future.

Reaching the decision that I have on the ABM has not been easy. As the ranking Republican on the Armed Services Committee, it is neither pleasant nor easy to oppose the Republican President on this issue.

In the past I opposed a Democratic President when he proposed the ABM. I opposed him on the proposed thin system—on the Sentinel system—because I felt it would be obsolete before it could be put in place—and because I felt that the claim that it was for defense against Red China was not credible.

I have felt a personal obligation as the top Republican on the Committee on Armed Services to try to see my way to supporting the Republican President on this issue—and I have listened intently in trying to find the proposed Safeguard ABM system to be sufficiently improved over the Sentinel ABM system and sufficiently credible to change and support the leader of my own political party.

But I remain unconvinced—and I cannot see my way to change my position because it is now a Republican President making the proposal instead of a Democratic President.

I respect the sincerity of those who have opposed the President on some of his selections for high Federal office and have successfully blocked him on those selections. I would hope that there would be a reciprocity of respect for my own sincerity in this ABM issue. I know that there is from President Nixon.

The more I study the history of the proposal of an ABM system the more evident becomes the lack of credibility and consistency of the rationale for it.

First, a thick ABM system was proposed on the basis of defending against Russia. Then when opposition developed to the proposed thick ABM because of its great cost, the shift was made to a thin ABM system on the basis of not defending against Russia but against Red China and on the rationale of cost effectiveness.

Thus, the first shift—from thick to thin—from defense against Russian attack to defense against Red Chinese attack.

Then sites were selected and plans started on the thin ABM sites in the defense of cities and population centers.

But then another rebellious tea party broke out in Massachusetts on the part of irate citizens of the locality of a proposed site in Massachusetts—and the political fat was in the fire.

And then came another shift in the theory and rationale of the ABM—the shift from the defense of cities and population centers to defense of the missile sites.

What has not been so apparent to many is another very decided shift—for now the talk in support of the proposed thin Safeguard ABM system is not for defense against Red China but rather for defense against Russia.

Mr. BYRD of West Virginia. Mr. President, may we have order in the galleries?

The PRESIDING OFFICER. Visitors in the galleries are guests of the Senate and will be in order. Please keep the gallery doors closed. The Senate may proceed.

Mrs. SMITH. Mr. President, thus, the rationale for an ABM system has made the full circle in shifting on the factor of whom it is proposed to defend against for first it was the thick system to defend against Russia then it shifted to the thin Sentinel system to defend against Red China and now it is back to the thin Safeguard system to defend against Russia.

This shifting on against whom to defend—first Russia then Red China and then back to Russia—coupled with the shifting on what to defend—first the cities and population centers and now the missile sites—not only taxes one's credulity but even challenges one's imagination as to what the next shift will be by the advocates of the ABM.

Mr. President, I have read that retaliatory action has been taken against some of us who oppose the ABM system. I find that difficult to believe because no such action against me has even been hinted. Instead I have found President Nixon and members of his staff to be very patient and courteous and understanding about my opposition to the ABM.

On the other hand, Mr. President, it has been charged that opposition to the ABM is being used just to try to stop President Nixon. I think that is an unfair charge. In opposing the ABM, I am certainly not trying to stop President Nixon any more than are those in his own party who have opposed some of the administrative policies of his administration.

Mr. President, let me make it crystal clear that while I do not believe in the ABM, I do believe in America.

I do believe in our form of Government—but I do not believe in the ABM.

I do believe in our Republic—but I do not believe in the ABM.

I do believe in free enterprise—but I do not believe in the ABM.

I am for our American way of life—but I do not believe in the ABM.

The ABM is not an acid test of patriotism.

Mr. FULBRIGHT. Mr. President, will the distinguished Senator from Maine yield?

Mrs. SMITH. I yield.

Mr. FULBRIGHT. I wish to commend the distinguished Senator from Maine for one of the most perceptive speeches I have heard on the subject of the ABM. As the ranking minority member of the Committee on Armed Services, with a long history of interest in this matter, which she has outlined so lucidly, I think her speech makes one of the most persuasive cases I have heard anyone make with regard to this extremely important question.

I wonder whether I might ask the distinguished Senator this question: As the Senator knows, I have supported the Cooper-Hart amendment, but I share practically everything the distinguished Senator has said about the ABM, particularly the Safeguard ABM.

As I understand it, the distinguished Senator's amendment is confined to the Safeguard ABM—I am only inquiring now, I am not trying to put words in her mouth—let me ask my question a different way—is the Senator opposed to research and development in the field of radar development and computers, neither of which have been developed? In other words, I wonder whether the Senator really wishes to prohibit research in the general area of sophisticated radars and computers. To make it more specific, would it be acceptable to the distinguished Senator to provide for research and development on advanced radars and computers suitable for a sophisticated weapons system?

Would such research be inconsistent with the distinguished Senator's thought in her amendment?

Mrs. SMITH. The Senator from Maine would thank the distinguished chairman of the Foreign Relations Committee and in answer to his question would say that he may recall at the beginning, I said there was $141 million for the Nike X in the bill which I have supported and continue to support. No, my opposition to research and development is only insofar as the Safeguard system is concerned.

Mr. FULBRIGHT. I appreciate that very much. I am sympathetic with the distinguished Senator's statement on this subject. I am committed, of course, to support the Cooper-Hart amendment because I felt, up until now at least, that it was the only practicable way we might be able to restrain deployment of the ABM.

In all candor, I feel compelled to support the distinguished Senator's amendment with that understanding, because I think it has a great deal of merit to it. However, if that should fail, I will also be bound to support, as I am committed to support, the Cooper-Hart amendment because that is the only alternative I will have. But I appreciate very much the amendment of the distinguished Senator. I think that she has made one of the finest contributions to this debate that has been made so far.

Mrs. SMITH. I thank the distinguished Senator from Arkansas very much for his kind remarks.

The PRESIDING OFFICER. The galleries will please be in order. Visitors in the galleries are guests of the Senate, and the galleries will be in order.

The Senator from Maine has the floor.

Mr. AIKEN. Mr. President, will the distinguished Senator from Maine yield?

Mrs. SMITH. I yield.

Mr. AIKEN. Mr. President, I want to commend the distinguished Senator from Maine for having given the most logical and courageous speech which has been heard on this floor for a month.

Mrs. SMITH. I want to thank my distinguished colleague and friend from Vermont.

Mr. President, will the Chair please advise me as to the time remaining to me?

The PRESIDING OFFICER. The distinguished Senator from Maine has 4 minutes remaining.

Mrs. SMITH. Mr. President, I should like to hold that time.

Mr. STENNIS. Mr. President, as manager in charge of the time in opposition to the amendment offered by the distinguished Senator from Maine, I would want to be certain that insofar as possible those who wish to speak be recognized.

I yield to the Senator from Kentucky for such time as he may need, say, 6, 7, or 8 minutes.

Mr. COOPER. Mr. President, I should like to be recognized for 5 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 5 minutes.

Mr. COOPER. Mr. President, before I address myself to the amendment offered by the distinguished Senator from Maine, I should like to say that I do not believe a more eloquent speech has been made——

Mr. PASTORE. Mr. President, we must have order in the Senate if we are to hear the Senator from Kentucky.

The PRESIDING OFFICER. The point of the Senator from Rhode Island is well taken. Senators themselves must be in order if we are to preserve quiet in the Chamber. The Senate will please be in order.

The Senator from Kentucky may proceed.

Mr. COOPER. Mr. President, as I said before, before addressing myself to the amendment offered by the distinguished Senator from Maine, I should like to say that I do not believe we have heard a more eloquent speech during this debate than the one just made by the distinguished Senator from Maine. I agree wholly with her appraisal of the assumed threat which has been made the basis for the proposed ABM system. I like her concept of true security for this country.

We respect the distinguished Senator from Maine for her knowledge of defense and security matters from long experience as the ranking Republican member of the Armed Services Committee, we respect her also for the integrity, courage, and conscience which she has demonstrated so many times on the floor of the Senate.

Mr. CASE. May I associate myself with the sentiments just expressed by the distinguished Senator from Kentucky.

Mr. COOPER. Mr. President, I should like to address now myself to her amendment which is wholly consistent with the position she has taken during the years we have been discussing an ABM system.

I know that other Members of the Senate have told the Senator from Michigan (Mr. Hart) and me that they would prefer that our amendment would halt all research and development and procurement respecting the Safeguard system. Some will undoubtedly vote for Senator Smith's amendment.

I find that the amendment of the Senator from Maine and the Hart-Cooper amendment are in agreement in several ways.

We who support the Hart-Cooper amendment, are in agreement with the position of the Senator from Maine (Mrs. Smith) that the Safeguard ABM should not be deployed. We believe that it is not likely to prove an effective system for our country and will not enhance our security.

The amendments differ upon the question of providing funds for research and development, testing and evaluation. Our amendment seeks to determine if it is possible to build an effective system which might be needed if the grim threat which has been laid before the Senate day after day ever becomes a reality.

Listening to the colloquy between the chairman of the Foreign Relations Committee and the Senator from Maine, it occurred to me that our amendments may not be as far apart as it might seem. Her amendment refers only to Safeguard, and provides that no funds authorized by this or any other act may be used in any way with respect to the Safeguard system. Therefore the amendment might be interpreted to authorize continued research, development, evaluation, and testing only with regard to the design of the Safeguard system.

I ask a question to determine, if I can, if we are in agreement. Does the Senator's amendment prohibit any funds to be used in connection with any anti-ballistic-missile system, or is the Senator's amendment directed solely to funds for the Safeguard system?

Mrs. SMITH. The Senator from Maine will say, no, it is not unlimited. It is only to the Safeguard system.

Mr. COOPER. If the Senator's amendment should be amended so that it would provide funds for testing, evaluation, and research, and development could be used in an effort to design a more effective antiballistic missile, and amended to provide that funds could be used for that purpose, would such an amendment be consonant with the purpose of the Senator from Maine?

Mrs. SMITH. My amendment is confined to the Safeguard only, as I have said; and also, the distinguished Senator from Kentucky will recall that I said that there is $141 million in the bill for advanced development of anti-ballistic-missile systems, which I support.

Mr. COOPER. It has been suggested—and I cannot answer for other colleagues—that the Senator's amendment should be modified to provide that funds available in this bill or made available by prior acts could be so used——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOPER. May I have 2 minutes?

Mr. STENNIS. Yes. I yield the Senator 2 minutes.

Mr. COOPER. Could be so used as I have suggested to design a system which might be effective. I ask, if that were done, would such an amendment be acceptable to the Senator from Maine?

Mrs. SMITH. I think the statement I have already made on the $141 million would be the answer to the Senator's question. I would even be willing to increase that amount.

Mr. COOPER. Would the Senator be willing to increase the amount to the sums which are proposed in the bill before us?

Mrs. SMITH. On what items?

Mr. COOPER. Only for research, development, testing, and evaluation of a system other than the proposed Safeguard anti-ballistic-missile system.

Mrs. SMITH. I am agreeable to increasing the funds for the Nike X system.

Mr. COOPER. I shall discuss the matter with my colleague the Senator from Michigan, and others to see if there is a possibility of bringing our amendments into some common ground; but if we cannot, again I want to say that the distinguished Senator from Maine has brought light upon this issue. I know there will be Senators who support our amendment, who, I believe, will vote for the amendment of the Senator from Maine. I would point out that there are only two opportunities to prohibit the deployment of the Safeguard anti-ballistic-missile system. The first opportunity will come on the vote upon the amendment of the Senator from Maine.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. COOPER. May I have 1 minute?

Mr. STENNIS. I yield 1 minute more.

Mr. COOPER. If the amendment should fail, then I would hope that Senators who vote for the amendment of the Senator from Maine will recognize that the last opportunity to prohibit the deployment of the system—which is doubtful, which will not enhance our security, and which will inhibit our peace talks—will be on the vote on the Hart-Cooper amendment.

If we do not vote either for the amendment of the Senator from Maine or for the Hart-Cooper amendment, it will be understood by the administration that twice on this day the Senate of the United States has approved the deployment of the Safeguard anti-ballistic-missile system.

I have no quarrel—I am sure the Senator from Michigan (Mr. HART) does not—for any Senator who votes for the amendment of the Senator from Maine, but I do hope that those who do, know that it will be consistent and logical to vote for the Hart-Cooper amendment, if the amendment of the Senator from Maine should fail.

Mr. HART. Mr. President, will the Senator yield me 1 minute?

Mr. STENNIS. I yield 1 minute to the Senator from Michigan.

Mr. HART. I just want to say that I have listened to our colleague from Kentucky, coauthor of the amendment. I agree fully with everything he has said. As he has indicated, any Senator may well vote for the Smith amendment, but let us not blink the fact that if that amendment fails and the Cooper-Hart amendment is rejected, the Senate will have written the ticket and we deploy. If any Senator thinks that is the ultimate disaster, he should support one or the other of these amendments.

Mr. STENNIS. Mr. President, may I inquire how much time remains in opposition?

The **PRESIDING OFFICER.** The Senator from Mississippi has 19 minutes.

Mr. STENNIS. Mr. President, I yield 4 minutes to the Senator from Tennessee (Mr. GORE).

The **PRESIDING OFFICER.** The Chair recognizes the Senator from Tennessee for 4 minutes.

Mr. GORE. Mr. President, this has been one of the most hotly contested issues, one of the most important issues, in the history of the Senate. We struggle for the moment in the balance. It may be possible to achieve a majority will. Indeed, as the eloquent speech of the distinguished senior Senator from Maine (Mrs. SMITH) illustrates, the majority will of the Senate now appears against deployment of the ABM. I believe this to be true. If that be true, surely there is a way—parliamentarily—for this majority to express itself and to work its will. This is why I address the Senate, and more particularly the distinguished senior Senator from Maine, with whom I have had the honor to serve in both houses of Congress.

The Senator has significantly, if not modified, her stated intention which could be interpreted as in contravention of her amendment. The amendment, if I may take a moment to call attention to it, would prohibit research, development, testing, evaluation, or procurement of "any part or component of such system." As the Senator from Arkansas (Mr. FULBRIGHT) has pointed out, a significant component of an ABM deployment is radar. Another, and a most sensitive component, is computerization.

These systems are necessary in other weapons systems, both nuclear and nonnuclear. The able senior Senator from Maine has said that she favors—indeed, she says she has previously voted for—procurement and further research and development in these fields. This is very close to the will and the wish of the senior Senator from Tennessee.

But the only way the amendment can be made explicit is for the senior Senator from Maine to modify her amendment. Should the distinguished senior Senator from Maine be willing to modify her amendment so as to permit research, development, and evaluation of computer systems and radar systems, systems common not only to all models of anti-ballistic-missile systems, but to other missile systems, then widespread support of the amendment of the distinguished Senator from Maine might be possible.

The **PRESIDING OFFICER.** The Senator's time has expired.

Who yields time?

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, I never cease to be impressed with the tremendous courage of the distinguished senior Senator from Maine. I can remember a time when, on this floor, she cast a vote against the ratification of the test ban treaty. There were very few of us who voted against that treaty. I can remember other occasions when she has asserted her great independence. I can state, at least for this proponent of the ABM system, that I shall always hold her in high regard for making such a positive, hard-hitting statement. She has, certainly, my deep admiration, and I shall continue to be proud to serve under her leadership as the ranking minority member of the Armed Services Committee.

The **PRESIDING OFFICER.** Who yields time?

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I shall vote against the substitute offered by the distinguished Senator from Maine, and I should like to explain why. I do so because I am committed to continued research and development in the field of anti-ballistic-missile systems. But I should like to join my fellow Senators in expressing our admiration to the Senator from Maine for her courage and her foresight; and, although she has disclaimed any particular technical or scientific competence, I think she has demonstrated that she has something that perhaps the rest of us cannot share—womanly intuition—and also something I hope we all possess, exceedingly good judgment.

I only hope that if her amendment and any modifications thereof fail, she and others will support the Cooper-Hart amendment, because this would be far more than half a loaf—the cost of continuing research and development as against the estimated $40 billion figure that has been mentioned by some for deployment would be only 1 percent; so I think that she and others would achieve a 99-percent loaf in supporting the Cooper-Hart amendment.

Mr. COOK. Mr. President, will the Senator yield?

Mr. PERCY. I do not have control of the time.

Mr. STENNIS. I yield the Senator from Illinois an additional minute, if the Senator from Kentucky wishes to respond.

Mr. COOK. I associate myself with the remarks of the Senator from Illinois.

The **PRESIDING OFFICER.** Who yields time?

Mr. STENNIS. Mr. President, I yield myself 1 minute.

No one could possibly appreciate the fine sentiments of the Senator from Maine any more than I do, not simply because of our present situation, but because I have been there, as a member of the committee, all these years since the Senator from Georgia has been senior member of one group and the Senator from Maine, now the ranking member, formerly next to the ranking member, before the retirement of the former Senator from Massachusetts, Mr. Saltonstall.

I have seen honesty on both sides as the situation developed, one system after the other, with reference to missile development; and I appreciate so much her sentiments as well as, at the same time, the sentiments of the Senator from Georgia, the former chairman of the committee, who has worked so assiduously on the same proposition.

I know that this year, everything she says apropos of this matter——

The **PRESIDING OFFICER.** The Senator's time has expired.

Mr. STENNIS. I yield myself 1 additional minute—is not only true, but goes beyond bare truth. It has sincerity and deep concern behind it.

Of course, I would not support her in this amendment, because the vital issue here is with respect to the necessary, and I think absolutely necessary, further research.

Mr. JAVITS. Mr. President, will the Senator yield me 1 minute?

Mr. STENNIS. Yes; I shall be glad to yield to the Senator from New York in a moment, if my time has not expired. However, let me add this thought:

Mr. President, I have felt all the while that the real issue here is reflected by the Cooper-Hart amendment, and that that is the one that has been debated and should be decided.

I yield now to the Senator from New York.

Mr. JAVITS. Mr. President, I agree with the Senator from Mississippi that the Cooper-Hart amendment is the issue. It has been debated, and should be decided, because that issue is the symbolic as well as the practical one: Will or will not the Senate assert its power over this highly sophisticated escalation in the nuclear arms race?

I pay the Senator from Maine all homage for her position. While it is true we could exclude the Safeguard system, why exclude the ABM itself? It is as eligible for research as any other system. Later on in the day, it may possibly come to something. But I agree with the Senator from Mississippi that the issue before us is symbolic. The whole world regards the Cooper-Hart amendment as the issue, and our stand on that issue is the thing that will determine the policy of this country, perhaps for years to come.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, in my opinion, this relatively short talk by the distinguished senior Senator from Maine is just another reason for my being very proud to serve with her in the Senate. She is logical, she is persuasive, and she, as usual, evidences extreme intelligence with respect to the matter at hand.

I do have some hesitation to vote for her amendment, however, because some of the advocates have emphasized the importance of matching the Soviets in this field.

In this connection, in this country we were chasing missiles with the Nike-Hercules, and later with the Nike-Zeus, and then with the Nike X, and now, in effect, we have combined the Nike-Zeus with the Nike X in what was once called the Sentinel system, and is now called the Safeguard system; in summary, four efforts.

In the Soviet Union, there was an ABM system which they developed around Leningrad, well after we started work on our ICBM systems. Then later there was the Galosh system, which the Soviets have certainly decided not to go ahead with as planned, and now, they, too, are researching a further system which is comparable to our research and development in this ABM field.

There has been no deployment of that system on their part, and there would be, I hope, no deployment of this system at this time. Inasmuch as we all agree that the most important single blessing that could happen for mankind is some form of meaningful control of nuclear weapons and all they connote, I would hope that we could reach agreement on this roughly same plateau. That is the only reason I would vote against the amendment the distinguished senior Senator from Maine has proposed. I am for the Cooper-Hart amendment.

Mr. STENNIS. Mr. President, I had promised to yield to the Senator from Alaska. I now yield 1 minute to the Senator from Alaska (Mr. STEVENS).

Mr. STEVENS. Mr. President, I have not participated in the debate. However, I think that we all owe a debt to the distinguished senior Senator from Maine.

She has presented the issue that has been presented by our mail—at least by my mail. My constituents are either for or against the ABM system. That is what she has presented to the Senate and to our people.

I think that the people from Alaska, as stated by the junior Senator from Alaska, are at least 2 to 1 for the ABM system.

For that reason, I shall vote against the amendment of the senior Senator from Maine and also the Cooper-Hart amendment.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 1 minute.

Mr. DOLE. Mr. President, while I do not support the amendment of the distinguished senior Senator from Maine, I certainly commend her.

As the Senator from Alaska (Mr. STEVENS) has just stated, the Senator from Maine has cleared the air with respect to the ABM vote.

Our mail is either anti- or pro-ABM. And each Senator now has the chance to vote for or against the ABM. The Senator from Maine has given each of us a clear-cut opportunity to express our position.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from New York.

The VICE PRESIDENT. The Senator from New York is recognized for 1 minute.

Mr. GOODELL. Mr. President, I appreciate the very sincere and deep conviction of the distinguished senior Senator from Maine on this issue.

I regret under the circumstances we face that I must oppose the amendment of the Senator from Maine. I intend to vote for the Cooper-Hart amendment.

Mr. President, after months of hard review in committees of the Senate, after long hours of debate in this Chamber, after weighing the many views of citizens concerned over this important issue, the time has come to make a decision.

The question before us can be stated briefly: Should Congress authorize the deployment of missile defense of two Minuteman complexes along with Kwajalein construction and Safeguard research and development at a cost of $759 million for fiscal year 1970?

This question, however brief; this proposal, however limited in initial objective, is complicated by the enormous issues that it introduces.

Nuclear war is the problem we are being asked to face. The Pentagon has told us to think the unthinkable and to guard against it.

Since nuclear weapons came into being, our aim has been to guard against their use in war. What has emerged then are several principles to guide against the horror of nuclear war. One is assured destruction capability. This calls for a military might capable of inflicting an unacceptable degree of damage upon any aggressor. It warns a potential enemy that nuclear aggression means suicide to the aggressor. The other principle is damage limiting capability. This calls for a military might capable of minimizing the effect of enemy weapons that could damage us.

These guides are familiar to us. Throughout the years, they have served to justify a vast buildup in weaponry with destruction potential capable of world annihilation.

Our capability has reached a point where we must now ask: How much destruction power is enough?

Varying estimates have been made on the current status of the nuclear arms race. What appears as constant in each is overkill.

Still, the Pentagon asks that we deploy an ABM. Still the Pentagon has plans for the multiple independently targeted reentry vehicle—MIRV. With MIRV, one missile can destroy several different targets such as enemy ICBM sites. With MIRV, the side that would strike first would have an advantage since one ICBM might be able to destroy several unfired ICBM's in place.

It has been pointed out in the course of debate, that if MIRV is deployed, it will be difficult for nuclear nations to know how many warheads another has. It will be difficult to know what country is where in the nuclear arms race.

Mr. President, if ABM and MIRV go unchecked, we will be in an arms race of proportions unknown in weapons history. We will be racing not only with the Russians and Red China but with ourselves as well.

Today, we are to decide whether to deploy the Safeguard ABM.

No matter what the limited scale of Safeguard which has been proposed, we simply cannot assume that there will be no Soviet response.

I fear what is in store is the inevitable action-reaction cycle.

A natural repsonse to an ABM deployment by the United States would be further Soviet MIRV development and possible deployment.

In turn our own efforts in MIRV capability would increase.

Then will both sides look to deploying land-mobile missiles?

Mr. President, escalating new elements of uncertainty can only weaken the stability of deterrence with resulting peril to the security of our country.

Rather than fill a "deterrent gap" as the Pentagon claims it will, ABM could unleash a weapons race spiraling beyond the possible control by nations.

Mr. President, the burden of proof for an ABM rests on the Pentagon. We have been told that it is needed to plug a "deterrent gap." Yet to date, there has been no confirmed evidence that such a gap exists. Over the years, we have been told of a "bomber gap"; then of a "missile gap." We found out later that there had been errors in estimates of Soviet strength and that the military strength of the United States had all along been in fact superior.

Unilateral armament is the net effect of so many of the Pentagon's programs. "Confirmed" and "possible" estimates of potential enemy capability in war planning seem to give way to what war-game strategists think is "possible." For the "possible," and for just another option in contingency planning, we have spent billions on weapons. Far too often, it appears that funds for weapons are merely spent on an arms race against ourselves.

So it is that over the years we have spent billions of dollars to fill gaps that have not existed. Weapons have come and gone. Billions of dollars have been spent on developing weapons destined to be obsolete on the production lines due either to challenges of comparative technological development or simply that a new idea seemed more promising in terms of military effectiveness. Initial cost estimates of military hardware have been left behind as extra costs have spiraled.

Large cost increases over initial cost estimates are still with us. The complete Safeguard is currently estimated to cost $11 billion; but it could be much more.

The arms race is still with us. If the Soviet response to Safeguard is to place MIRV's on the SS–9, will the ABM be obsolete? Will the Pentagon request a safer guard against estimated Soviet capability by requesting a thickened ABM? Cost for this type of ABM is beyond estimate.

Mr. President, the ABM debate has meant many things to each of us. Concern over ABM has spread over offensive weapons, such as MIRV's and the effects of both on SALT, the strategic arms limitation talks. Concern has extended to the entire Defense budget which now totals $80 billion or over half of the Nation's $144 billion controllable budget. There is growing feeling that with more commonsense, defense spending could be reduced without risk to national security and with savings in the billions.

Many of us feel that military spending decisions must be considered in the context of unmet human needs in our cities and in areas of rural poverty. We simply cannot afford to let our domestic priorities be distorted by limitless spending on costly military hardware of questionable usefulness.

There is growing skepticism over the way in which the Pentagon presents its requests for funds. Over and over again, military requests are presented as defensive-sounding programs when actually they are perilous and provocative, taking us up several more rungs on the "balance of terror" ladder.

Concern over ABM has spread to the question of popular control over Pentagon requests with an insistence that Congress carefully review military programs in terms of such questions as: Do we really need this program? And why are we pursuing this course of weapons program?

What is significant in all of this is that ABM has meant one thing to all of us. ABM has moved our thinking beyond what science has done; and beyond what the military wants to do with science and weaponry. ABM has moved our thinking to what America must do now for its future and that of humanity.

Security of this Nation, both at home and among nations, is and must continue to be our first and foremost priority in protest and in policymaking. It will not be achieved by the military scientists or in stages of false security derived from an ABM system.

Time still remains to take the risks of peace: in economic competition among nations, in social development within nations, in binding arms control agreements, and in international cooperation. Time still remains to pool the tremendous resources of scientific talent, both at home and throughout the world, to convert knowledge to kill to knowledge to preserve; to redirect creativity from warlike purposes to peaceful purposes; and to free the energies of man from a threatened world to a more livable world.

For these reasons, I shall vote against deployment of the Safeguard ABM in the next year.

Mr. STENNIS. Mr. President, how much time does the opposition have remaining on the amendment?

The VICE PRESIDENT. Each side has 4 minutes remaining.

Mr. STENNIS. Perhaps the Senator from Maine wishes to use some time.

The VICE PRESIDENT. Does the Senator from Maine wish to use some time?

Mrs. SMITH. Not right now.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Colorado.

The VICE PRESIDENT. The Senator from Colorado is recognized for 1 minute.

Mr. DOMINICK. Mr. President, I thank the Senator from Mississippi.

With all deference and fondness for my distinguished leader on the Armed Services Committee, I must say that I do not see how we can fruitfully support the amendment.

It is my own feeling that, with the threats that face us, we have to maintain the credibility of our second-strike retaliatory force and, unless we can do something of this nature, we will be forced, as I think the Senator from Maine herself has said, to put in a lot more offensive weapons which, in my opinion, would be more provocative in terms of increasing the arms race and would be less satisfactory in terms of public reaction to the nuclear problem we all face.

So, with all due respect for my good friend and distinguished leader in the Armed Services Committee, I am afraid I cannot support the amendment.

Mr. STENNIS. Mr. President, as far as I now know, no other speakers want time. If it is desired, I am ready to yield back the time.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I yield 2 minutes to the distinguished Senator from Arkansas.

The VICE PRESIDENT. The Senator from Arkansas is recognized for 2 minutes.

Mr. FULBRIGHT. Mr. President, I am very intrigued by the significance of the amendment of the Senator from Maine.

It strikes me that it is entirely consistent with what I have been saying against the deployment at this time of Safeguard and, I would say, any other system. This happens to be the one under consideration. However, at the same time the Senator from Maine is in favor of continued research in this field involving such things as sophisticated computers and radars which are an integral and indispensable part of any kind of system, whatever one may call it.

The Senator says that in another part of the bill there is authorization for Nike X. However, I take it from that statement that she is not for the deployment of the Nike X or any other weapon, but simply for research in the general field relating to this kind of weapons system.

I do not see any inconsistency in that with what I have been saying or with what other people who support the Cooper-Hart amendment have been saying. If I understand it correctly, it is entirely consistent.

If there is clarification needed in order to make that clear, I should think the Senator from Maine would be willing to do that. I certainly would.

The time is rather short in which to do that. However, as I understand what the Senator has said, I believe it is entirely consistent with what we have tried to do with the Cooper-Hart amendment. Therefore, as I have said, I shall support the amendment. If it fails, I shall support the Cooper-Hart amendment.

Mr. STENNIS. Mr. President, I respectfully say that I do not intend to use any more time now. However, I understand I have 1 more minute remaining.

The VICE PRESIDENT. The Senator is correct.

Mr. GORE. Mr. President, will the Senator from Maine yield?

Mrs. SMITH. I am glad to yield to the Senator from Tennessee.

The VICE PRESIDENT. The Senator from Tennessee is recognized.

Mr. GORE. Mr. President, I wonder if the distinguished senior Senator from Maine is agreeable to modifying her amendment as follows:

> On page 2, after the word "system", strike the period and insert a comma and the following words: "*provided* that funds contained herein for research and development of radar and computer components of other weapons systems shall not be affected."

Mrs. SMITH. Will the Senator read the last part of the suggested modification?

Mr. GORE. The last part reads:

> Insert a comma and the following words: "*provided* that funds contained herein for research and development of radar and computer components of other weapons systems shall not be affected."

Mrs. SMITH. Mr. President, the Senator from Maine would be willing to accept the modification.

Several Senators addressed the Chair.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. STENNIS. Mr. President, have the yeas and nays been ordered?

The VICE PRESIDENT. The yeas and nays have been ordered, and it would take unanimous consent to modify the amendment.

Mr. GORE. Mr. President, the Senator from Maine can ask for unanimous consent to modify her amendment.

Mrs. SMITH. Mr. President, first I yield to the Senator from New Jersey.

The VICE PRESIDENT. The Senator from New Jersey is recognized.

Mr. CASE. Mr. President, will the Senator from Tennessee modify his suggestion to include an exception not only for funds contained in the pending bill, but also elsewhere, because the main provision of the amendment proscribes the use of any funds.

Mr. GORE. Mr. President, that is entirely agreeable.

Mrs. SMITH. Mr. President, I ask unanimous consent that my amendment be modified as suggested by the distinguished Senator from Tennessee.

Mr. GOLDWATER. I object.

The VICE PRESIDENT. Objection is heard. Who yields time?

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. FULBRIGHT. Mr. President, this request having been refused, would it be in order at a later date to offer the amendment with the modification the Senator from Maine has requested?

The VICE PRESIDENT. The Parliamentarian advises the Chair that if it were considered a substantial change, it would be in order.

Mr. FULBRIGHT. It would be in order to offer it later.

The VICE PRESIDENT. The Senator is correct.

Mr. SYMINGTON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SYMINGTON. Mr. President, does the Parliamentarian consider that the substantial change recommended by the Senators in question to the amendment of the Senator from Maine is a substantial change?

The VICE PRESIDENT. The Parliamentarian advises the Chair that he is not ready to pass final judgment on that, but that he would be inclined to consider it as a substantial change. That is not decided at the moment.

Mr. SYMINGTON. Mr. President, a further parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SYMINGTON. Mr. President, how long does the Parliamentarian believe it will be necessary for him to take to consider this before he can give his decision?

The VICE PRESIDENT. The Parliamentarian has not had a chance to inspect the language.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Chair will make the decision after the Parliamentarian has advised it.

Mr. SYMINGTON. The Chair, of course, is correct.

The VICE PRESIDENT. Who yields time?

Mrs. SMITH. Mr. President, I will be very glad to yield back any time that remains, if the distinguished chairman of the committee does likewise.

The VICE PRESIDENT. The Senator from Maine has agreed to yield back the remaining time if the Senator from Mississippi will yield back the 1 minute he has remaining.

Mr. FULBRIGHT. Mr. President, will the Senator yield to me?

Mr. STENNIS. The Senator from Maine has yielded back the time——

Mr. FULBRIGHT. I wish to propose a question. In view of the fact that the Chair has ruled——

The VICE PRESIDENT. Does the Senator from Mississippi yield time to the Senator from Arkansas?

Mr. STENNIS. Yes.

Mr. FULBRIGHT. In view of the fact that the Chair has ruled that this amendment, as proposed to be modified by the Senator from Maine, can be offered, I would appeal to those who wish to object, because it certainly will be offered. It is simply in the interest of saving time. We could now short circuit a rather long and roundabout move by having a vote on it now. If nobody else will offer it, I will; but I think others will.

The VICE PRESIDENT. The Chair is perfectly willing to entertain the request if it is renewed.

Mr. FULBRIGHT. Mr. President, I would respectfully ask unanimous consent again that the Senator from Maine be allowed to modify her amendment, because it has been ruled as a parliamentary matter that it can be offered.

Mr. STENNIS. Mr. President, a point of order.

Is it in order for the Senator from Arkansas to request that the Senator from Maine modify her amendment?

The VICE PRESIDENT. The request is in order by unanimous consent.

Mr. STENNIS. Mr. President, I object.

The VICE PRESIDENT. The Chair hears objection.

All time has expired.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, I would like to make an unusual request at this time, considering the circumstances.

We have a very distinguished visitor in the Chamber, and I would like, with the permission of the Senate, to suspend briefly so that the distinguished Senator from Alabama (Mr. SPARKMAN) can take the floor and introduce our guest.

The VICE PRESIDENT. Without objection, the Senator from Alabama is recognized.

VISIT TO THE SENATE OF THE SPEAKER OF THE BRITISH HOUSE OF COMMONS

Mr. SPARKMAN. Mr. President, we are honored today with the visit of a distinguished guest. We had the privilege of lunching with him, together with some members of the Committee of Foreign Relations, and we had a very fine discussion.

I should like at this time to present to the Senators the Right Honorable Horace Maybray King, the Speaker of the British House of Commons. [Applause, Senators rising.]

The VICE PRESIDENT. On behalf of the Senate, the Chair is very happy to welcome our distinguished guest.

Mr. SPARKMAN. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a brief biographical sketch of our distinguished visitor.

There being no objection, the sketch was ordered to be printed in the RECORD, as follows:

THE RIGHT HONORABLE HORACE MAYBRAY KING, SPEAKER OF THE BRITISH HOUSE OF COMMONS

Rt. Hon. Horace Maybray King, P.C., B.A., Ph.D., M.P.; British politician; born May 25, 1901; educated at Stockton Secondary School and King's College, University of London. Head of English Department, Taunton's School, Southampton, 1925–46; Headmaster Regents Park School, Southampton, 1947–50; Member of Parliament since 1950; Speaker's Panel, Chairman, 1953–64; Chairman of Ways and Means 1964–65; Speaker of House of Commons since 1965; Vice Chairman, Cultural Committee, Council of Europe, 1960.

Publications: *Selections from Macaulay*, 1933; *Selections from Homer*, 1940; *Selections from Sherlock Holmes*, 1948; *Parliament and Freedom*, 1951.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

In the meantime, Senators might want to meet the distinguished Speaker of the House of Commons.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Montana will state it.

Mr. MANSFIELD. What is the situation at the moment?

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Maine. All time has expired. The yeas and nays have been ordered.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Mississippi will state it.

Mr. STENNIS. Under the unanimous-consent agreement, is it not true that all time for debate has expired?

The VICE PRESIDENT. That is true.

Mr. STENNIS. Mr. President, a further parliamentary inquiry.

The VICE PRESIDENT. The Senator from Mississippi will state it.

Mr. STENNIS. That being true, is not the next step, under the unanimous-consent agreement, to call the roll for a yea-and-nay vote on the amendment?

The VICE PRESIDENT. The Senator is correct.

Mr. STENNIS. I call for the regular order.

The VICE PRESIDENT. The time can be extended by unanimous consent.

Mr. SYMINGTON. Mr. President, a parliamentary inquiry.

Mr. STENNIS. I call for the regular order.

Mr. SYMINGTON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Missouri will state it.

Mr. SYMINGTON. After the vote on this amendment, will it be in order to offer another amendment?

The VICE PRESIDENT. It will be in order after time on amendment No. 101 has expired.

Mr. SYMINGTON. I thank the Chair. I call for the vote.

Mr. STENNIS. The regular order, Mr. President.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 11, nays 89, as follows:

[No. 64 Leg.]

YEAS—11

Aiken
Fulbright
Gore
McCarthy
McGovern
Muskie
Nelson
Ribicoff
Saxbe
Smith
Young, Ohio

NAYS—89

Allen
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dirksen
Dodd
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Goodell
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Mundt
Murphy
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Russell
Schweiker
Scott
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.

So the amendment (No. 122) offered by Mrs. SMITH as a substitute for the Cooper-Hart amendment was rejected.

The VICE PRESIDENT. It is the understanding of the Chair that the time remaining on the amendment of the Senator from Michigan recurs as the order of business. The proponents have 44 minutes remaining. The opponents have 58 minutes remaining. Pending the expiration of the agreed-upon time on the amendment of the Senator from Michigan, no further amendments will be in order except by unanimous consent.

Mr. STENNIS. Mr. President——

The VICE PRESIDENT. The Senate will be in order.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which Mrs. SMITH's amendment (No. 122) was rejected.

Mr. TOWER. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to table was agreed to.

Mr. STENNIS. Mr. President, I had asked for recognition. Has the Chair ruled on the tabling motion?

The VICE PRESIDENT. The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, I yield now 20 minutes to the Senator from Rhode Island (Mr. PASTORE).

The VICE PRESIDENT. The Senator from Rhode Island is recognized for 20 minutes.

Mr. JAVITS. Mr. President, before the Senator does that, would he yield? Would someone yield me 30 seconds for a parliamentary inquiry? I think the Chair said something we want to hear about.

Mr. STENNIS. Mr. President, I have the floor.

The VICE PRESIDENT. The Senator from Mississippi has the floor.

Mr. JAVITS. Would the Senator allow us just to make a parliamentary inquiry?

Mr. STENNIS. Mr. President, I want to be courteous to the Senator. I do not know the nature of this matter. We had a recess a moment ago. I asked the Senator from Rhode Island to wait and that I would yield him time.

Mr. JAVITS. The Chair said something about no further amendments, which I think perhaps we should have clarified. We certainly should know the whole story.

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from New York?

Mr. PASTORE. I yield 30 seconds to the Senator from New York.

The VICE PRESIDENT. The Senator from New York is recognized for 30 seconds.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from New York will state it.

Mr. JAVITS. The Chair just stated something about other amendments, which we did not understand. Would the Chair please clarify his statement?

The VICE PRESIDENT. The Chair stated that pending the expiration of the agreed-upon time on the amendment of the Senator from Michigan, no further amendments would be in order except by unanimous consent.

Mr. JAVITS. I thank the Chair, and I thank the Senator from Rhode Island.

Mr. PASTORE. Mr. President, may we have order?

The VICE PRESIDENT. The Senate will be in order. Please, gentlemen, may we have order in the Senate?

The Chair has no intention of allowing the proceedings to continue until there is order in the Senate.

Please, gentlemen.

The Senator from Rhode Island.

Mr. PASTORE. Mr. President, the challenge of our time is peace——

Mr. STENNIS. Mr. President, would the Chair keep the Senate in order so that those who wish to hear may hear?

The VICE PRESIDENT. The Chair is doing his best.

Mr. STENNIS. Yes.

Mr. PASTORE. Mr. President, the challenge of our time is peace—an honorable peace—and to avert, if possible, a nuclear and a thermonuclear holocaust.

The Senate may be divided on some matters, but certainly there is no division among us on the basic purpose——

The VICE PRESIDENT. Will the Senator withhold for a moment?

Please, gentlemen, may we have order in the Senate?

Will those not having business on the floor kindly clear the Chamber?

The Senator from Rhode Island.

Mr. PASTORE. Mr. President, this Senate may be divided on some matters, but certainly there is no division among us on the basic purpose of American policy. It has always been, and still is, our goal to achieve a just and lasting peace.

We do not apologize for American efforts to support and to encourage a decent peace, and the United States of America has always been in the forefront seeking to limit and to reduce world armaments.

To be more specific, Mr. President, in 1946, under the administration of President Truman, when we had a monopoly on all atomic weapons, we offered, under the Baruch plan, to internationalize the atom and to share the hopeful possibilities of the nuclear age with the entire world.

Regrettably, we were summarily rebuffed by the Soviets. The Kremlin, instead of accepting our offer, proceeded with a hard-driving nuclear weapons program of its own, leaving us no alternative but to develop a strong Western nuclear deterrent.

Notwithstanding this, the United States, under President Eisenhower, under President Kennedy, under President Johnson, and now under President Nixon, has always vigorously pursued our aim of achieving understandings and agreements in arms control and in disarmament.

Now, gentlemen, let us face it. The only real solution to the mad race in armaments is limitation of all weapons.

In this day and age, with the world the way it is, complex and troubled as it is, it is not a question so much of what we want. The big question is, How do you get it?

We have made some small progress. The Nuclear Test Ban Treaty was achieved in 1963, and now, today, we are awaiting the ratification by the Soviets of the Nonproliferation Treaty, which they have not yet done.

In pursuance of my official duties as a member of the Joint Committee on Atomic Energy since 1952, I was much involved in the discussions and developments on the Nuclear Test Ban Treaty. And I stood on this floor side by side with the Senator from Arkansas and urged the Senate to ratify that treaty. I attended all the hearings in consideration of that treaty, even going, at the behest of President Kennedy, to Moscow in August of 1963 to witness its signing.

As for the Nonproliferation Treaty, Senators will recall that I introduced the resolution calling on President Johnson to exert every possible effort to bring about a treaty, and that that treaty was reported by the Joint Committee on Atomic Energy and was ratified on this floor by a vote of 84 to 0.

So let no one say here that I am not for peace and that I am not for disarmament.

We must admit that these achievements are small steps. Yes, we are thankful and grateful for them, but, by the same token, we have got to admit that it just is not enough. It just is not enough. We need more, and much more.

Unfortunately, we have learned by bitter experience that the process of limiting world armaments on any reliable basis is a long and tedious and difficult task.

Now, why am I for a defense system and why do I support the committee's recommendation?

Mr. President, I am not a late-comer to the conviction that an anti-ballistic-missile system is necessary for our security, nor are my convictions the result of the process of association, that if A is for it, I can be for it, and if B is against it, I should be against it. My conviction in my position is predicated on my own study, my own attendance at hearings, my own hearing at briefings from all of the responsible authorities of this Government.

In December of 1964, as chairman of the Joint Committee on Atomic Energy, I visited our establishment at Livermore, Calif., the place where we conduct all of our experiments and most of our experiments in weapons. And while I was there in 1964 they showed me a photograph of a missile that looked like a defense missile. They did not know for sure what it was, but it had all the appearance and it had all the characteristics of being an antiballistic missile. We were not sure. So we studied it, and we called John McCone in, who came in before our committee, and we called in all our authorities, whether it was from the Defense Department, Atomic Energy Commission, Los Alamos, Livermore, or anywhere else. They confirmed the fact that it was an antiballistic missile.

I will tell the Senate how they got it in 1964. In 1958 we began an "informal moratorium" on testing in the atmosphere with the Russians. We did not test and they did not test. At that time we were negotiating for a nuclear test ban treaty.

We pursued that plan under John F. Kennedy, but on August 30, 1961, while our negotiators were in Geneva talking with the Russians, they broke the moratorium and conducted 50 atmospheric tests with a total yield of about 120 megatons, and that is when they detonated their terror bomb—a 55-to-60 megaton blast when they developed the atomic warhead for their antiballistic missile—and we did nothing.

In 1963, at the invitation of President Kennedy, I went to the White House. At that time, we were considering the multilateral naval force for the Atlantic Alliance. We had a long discussion.

Finally I asked him, "Mr. President, what will we do when Red China becomes a nuclear power?"

President Kennedy hesitated. He looked me straight in the eye, and then he said:

> John, at that time we will have to reappraise the balance of power in the world.

One year and a half after that March meeting in 1963, on October 16, 1964, the Chinese, by surprise and before all expectations, detonated a nuclear device; and since then, they have had eight nuclear tests some of which have been of a thermonuclear nature, even superior to the efforts of the French who did not achieve a thermonuclear device, until last summer.

Those are the facts. We held hearings before our Joint Committee to find out what the threat of China was to our national security. We published a report, and then I was invited to speak at the launching of the *Narwhal* submarine at Groton, Conn. This was in September of 1967. I stood up and called upon the administration to go full-steam ahead, in view of the accomplishment of the Russians and of the Chinese, to work out an anti-ballistic-missile defense system.

This, as I say, was in September 1967, after President Johnson had met with Kosygin at Glassboro in June of 1967, 3 months before. Senators will remember that. They met at Glassboro to talk about disarmament, and they met at Glassboro to talk about an antiballistic missile, and how we could bring it under control. Will you ever forget? Kosygin left Glassboro and went to New York, and held a news conference. At that news conference, he rebuffed us completely, and said:

> Nothing doing; you can fly a kite as far as I am concerned, unless you get out of Vietnam unilaterally.

And that is where we stood.

In 1968, we authorized the antiballistic missile. Up to that time there had been no talks, and there had been no willingness to talk on the part of the Russians. But when we passed the authorization on June 24, 1968, within 3 days the Soviets announced they were ready to talk.

I am not saying that that action of the Senate is what induced them to talk, but all I am saying is, Is it not an extraordinary coincidence? Is it not extraordinary that the minute we show we mean it, then they begin to respect us?

But I ask Senators to recall, after they broke that self-imposed moratorium in 1961, how long after that did we have the Cuban crisis? We had that in October of 1962, and I should like to ask my friends here who say, "Let us trust the Russians," what made Khrushchev dare to put those missiles on Cuba? What daring made him do it? And why did he take them off? Because John Kennedy stood up. John Kennedy, who spent $800 million on the antiballistic missile in 1961, 1962, and 1963. He spent $285 million in 1961, $287 million in 1962, and $278 million in 1963.

Now some are calling it a boondoggle. Well, I say to my friends who like to quote John F. Kennedy, I never considered him a boondoggler. He spent $800 million on the antiballistic missile. That is how much he thought it would not work.

I say to my friends who say this cannot work, "Well, now, the Russians have deployed 67 around Moscow. I know that the Kremlin is crafty and cunning, but they are not stupid. They are not putting their money in 67 weapons that will not work."

I am asking my friends, if the Russians put their money in an antiballistic missile that they think will work, then why cannot we? Here is the Nation that was first to split the atom. Here is the Nation that was first to put a man on the moon. Why do we sell American science short? What is this inferiority complex about the superiority of American science? If they can do it, why cannot we do it? We put a man on the moon, did we not? John Kennedy in 1961 said, "We will put a man on the moon first," and we did, in 1969.

But did we leapfrog to our first jump to the moon? Of course not. We had to send Alan Shepherd up on May 5, 1961, and he was up there for 15 minutes and 22 seconds. If we had not sent him up for 15 minutes and 22 seconds, we would never have put a man on the moon in July of 1969.

For some reason, if one is for the ABM, he must prove that it is the ultimate. When has that ever happened? Does anyone believe we would have the modern Lincoln Continental if we had never had the first flivver? Of course not.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. JACKSON. Mr. President, I should like to ask the Senator if he is aware that, in 1962, it was said that the lunar orbital rendezvous technique would be a poor way to send a man to the moon, that it would not work, that it would involve too great risks for the lives of the astronauts, and so on. Is the Senator aware that the man who said that was Dr. Jerome B. Wiesner, the science adviser to President Kennedy? Fortunately, President Kennedy did not follow the counsel of Dr. Wiesner on that issue. Dr. Wiesner is now the leading opponent of the ABM. President Kennedy followed the advice of the responsible technical experts in NASA.

Mr. PASTORE. The best way I can answer that is that Jerome Wiesner—and he is a good friend of mine; I know all about Jerome. He was the scientific adviser to President Kennedy in 1961, 1962, and 1963; and while he was scientific adviser, John Kennedy spent $800 million on the ABM. So it is either one of two things: He was either advising

Kennedy wrong, or Kennedy was not listening to him. [Laughter.]

I mean, there you are. I studied geometry. [Laughter.]

You cannot have it both ways.

I will admit that this is not the ultimate answer, and I do not think we should have to prove that it is.

Let me tell you something else, about taking care of the poor. Here is one man who apologizes to no one about taking care of the poor. I stood on this floor alone and offered an amendment to override the House of Representatives and override my Appropriations Committee by increasing a cut that the House made, and was sustained by the Appropriations Committee on an amendment to raise it by $225 million.

Let nobody tell me that I am taking bread out of the mouths of the hungry in order to get the bomb. Let him tell that to somebody else.

Furthermore, who ever said we had to make a choice? After all, if we need the ballistic missile for the security of the Nation, let us have it. If we do not need it, let us do away with it. That was the purpose of the Smith amendment. If we do not need it, let us do away with it. Let us be honest about it.

The only question is: Will it work? I have already covered that ground. It is said that the ballistic missile is expensive. Everything is expensive. What are we talking about in the bill? A difference of $345 million. Yet we spend almost $500 million in Vietnam every week. If we can spend $500 million on strangers to keep them free, why can we not spend $345 million to save our American population? We are not so poor that we have to give up the security of our country.

Who ever said I had to make a choice between my father and my mother? Why can I not have security and feed the poor, as well? Can we not do that in America? Why should it be a question of one against the other? What good is it to have a full belly if the Russians and the Chinese are going to take us over? What good is it?

Now as to the miracle of our time: Today is the 24th anniversary of the dropping of the atomic bomb on Hiroshima—August 6, 1945. To me it is a miracle that no country has ever done such a thing since then. But why not? We had a monopoly in 1946. Now there are five members of the "nuclear club"—the United States, Great Britain, the Soviet Union, France, and Red China. That is the problem; that is the dilemma.

Do we want to sit back and rely on the intransigence of the Russians? I say we should go ahead and do it. I say, "OK, let us talk."

John Kennedy said:

> Let us never negotiate out of fear. But let us never fear to negotiate.

I asked President Nixon point blank: "Will this deter you or interfere with your talks on disarmament?"

He told me categorically: "This will help me. It will strengthen my hand."

The VICE PRESIDENT. The time of the Senator from Rhode Island has expired.

Mr. PASTORE. May I have 5 additional minutes?

Mr. STENNIS. Mr. President, I yield 5 additional minutes to the Senator from Rhode Island.

Mr. PASTORE. So I say to my friends: That is why I am for the antiballistic missile. It is not my job to sell this, and I do not intend to sell it. I do not expect to persuade or to influence any Senator's vote.

I do not care whether one is for or against it. I will say this for us: we are all sincere. This is a matter of judgment, conviction, and conscience.

Let me say that this idea that if one is for the ABM, he is a stooge or the captive of the industrial complex and that if one is against it, he is blind to the perils in the world is nonsense.

Every Senator in the Chamber understands the perils in the world. We are, of course, in disagreement as to how we meet and overcome the problem.

I say we cannot do it by just wishing for it. And I am hopeful for the day when we can take every missile and smash each one into junk. I hope for the day when we can take every bomb and dismantle each one of them.

I detest the day when the bomb became technically feasible. The bombs that fell on Hiroshima and Nagasaki were a scourge of mankind. I do not want to see another one dropped.

All I want to see us do is what we must do to prevent a holocaust. There is only one way to do that, and that is to assure the credibility of our deterrent power so that they will not take that chance. That is all we are doing. All we are talking about is a defensive weapon. It is a weapon that will not go off until they send—God forbid—one of their bombs and we have to stop it. Otherwise, we will not have to use an antiballistic missile.

The sad part of it is that I will never be able to prove my case. I never want to prove it. I pray to God that I will never have to prove I am right, because at that time it will be too late.

Let me tell the Senate that we can build all the antiballistic missiles we want to and we can build all the offensive missiles we want to. But if this thing ever lets go, God help us all.

I find no comfort in the fact that we can kill 150 million Russians on a second strike after they have killed 50 million Americans on a first strike.

I am not interested in the numbers game. I love humanity right down to the last individual. We have to save humanity. And if we are going to bring back our forces from the rest of the world, if we are not going to continue killing our soldiers, and if we are to begin to mind our own knitting, then let us begin to mind our own skin. That is what I am talking about.

Let me conclude by saying that whatever the vote of the Senate is, I shall abide by it.

My only prayer this afternoon, and I say this with all my heart, is that I hope, whatever decision we make, it will be for the sake of the security of this country and for the future of our people.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an excerpt from the report of the Joint Committee on Atomic Energy entitled "The Impact of Chinese Communist Nuclear Weapons Progress on U.S. National Security," and a chronology of events relating to atomic weapons and disarmament matters.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IMPACT OF CHINESE COMMUNIST NUCLEAR WEAPONS PROGRESS ON U.S. NATIONAL SECURITY

One of the crucial matters affecting U.S. national security is the development by foreign nations of nuclear weapons and the accompanying delivery systems. The present nuclear threat to the United States and the free world comes from the Soviet Union and Communist China. In order properly to understand the scope and magnitude of this threat, the Joint Committee has over the years held executive hearings at which nuclear weapons experts have charted the progress of foreign nations as they developed and refined their nuclear arsenals.

The emergence of a serious threat from the Chinese Communists began in 1964. In a brief span of less than 3 years, Red China has had six nuclear tests. The last one on June 17, 1967, was in the megaton range and indicated that they were making rapid progress in thermonuclear design. They are also making progress in the development of delivery vehicles for megaton weapons. The internal strife in Red China appears to have had little, if any effect on their nuclear weapons program to date.

The trends in nuclear weapons development by foreign nations have been followed closely by the Joint Committee. These trends have been borne out by subsequent events. Progress, particularly by Red China, has been more rapid and surprisingly more effective than had been expected or indeed predicted.

The nuclear and thermonuclear capabilities of the Soviet Union are generally well known and understood by the American public. The Joint Committee's intention in this report is to bring into perspective the accomplishments and possible future trends in the development of Red China's nuclear offensive force.

BACKGROUND

As the nuclear threat posed by the Chinese Communists became more pronounced, Chairman Pastore decided to conduct a special inquiry regarding Chinese Communist nuclear weapons development. This probe began on January 11, 1967, and was formally announced at the Joint Committee's first public hearing of the 90th Congress on January 25, 1967.

In connection with this study the Joint Committee received the following testimony in executive session:

January 11, 1967: Richard Helms, Director of the Central Intelligence Agency.

February 1, 1967: Dr. Norris Bradbury, Director, Los Alamos Scientific Laboratory, and Dr. Michael May, Director, Livermore Radiation Laboratory.

Mar. 13, 1967: Secretary of State Dean Rusk.

July 13, 1967: Representatives of the Department of Defense, CIA, and AEC.

These witnesses presented testimony concerning advanvces being made by Communist China in developing nuclear weapons as well as their progress in developing the capability to deliver these weapons against neighboring countries or the United States.

Detailed technical presentations were heard concerning each individual Chinese Communist nuclear test and an assessment was made of future developments by Red China in the field of nuclear weapons and associated delivery systems.

An analysis of the impact of the emergence of Red China as a nuclear power on U.S. foreign policy with particular emphasis on the proposed nonproliferation treaty was also presented.

Information concerning French and Soviet nuclear weapons and delivery methods were also discussed but principal emphasis was on Red China.

CONCLUSIONS

On the basis of various hearings we have had and studies made by the Joint Committee, the following committee conclusions have been developed:

1. Chinese nuclear weapons capabilities

The Chinese Communist test of June 17, 1967, at the Lop Nor Nuclear Test Site was her sixth nuclear test in the atmosphere and her first in the megaton range. Such a test was expected because of the success of the preceding thermo-nuclear experiment conducted on December 28, 1966. The Chinese purposely may have limited the yield of that test—their fifth test—to keep the fallout in China at an acceptable level. The fifth test indicated that the Chinese had taken a major step toward a thermonuclear weapon.

There is evidence that the sixth test device—with a yield of a few megatons—was dropped from an aircraft.

Analysis of the debris indicates use of U^{235}, U^{238}, and thermonuclear material. As in the other tests, there is no evidence that plutonium was used. The preliminary indication is that a considerable improvement accompanied the increase in yield. A large amount of U^{238} was used in the device.

The sixth Chinese nuclear test has confirmed the conclusion reached from the analysis of the fifth Chinese nuclear test that they are making excellent progress in thermonuclear design. They now have the capability to design a multimegaton thermonuclear device suitable for delivery by aircraft.

We believe that the Chinese will continue to place a high priority on thermonuclear weapon development. With continued testing we believe they will be able to develop a thermonuclear warhead in the ICBM weight class with a yield in the megaton range by about 1970. We believe that the Chinese can have an ICBM system ready for deployment in the early 1970's. On the basis of our present knowledge, we believe that the Chinese probably will achieve an operational ICBM capability before 1972. Conceivably, it could be ready as early as 1970–1971. But this would be a tight schedule and makes allowance for only minor difficulties and delays. We believe that the Chinese have already completed the development of a medium range ballistic missile. We have no indication of any deployment.

We also believe that by about 1970 the Chinese Communists could develop a thermonuclear warhead with a yield in the few hundreds of kilotons in the MRBM class and that they could develop an MRBM warhead with a megaton yield about a couple of years later. Meanwhile, should they desire a thermonuclear bomb for delivery by bomber, they could probably begin weaponizing the design employed in the sixth test.

The missile-delivered fourth Chinese test demonstrated that the Chinese now have the capability to design a low yield fission warhead compatible in size and weight with a missile. With a few tests, the Chinese could probably design an improved fission weapon for MRBM or bomber delivery. However, they may forgo extensive fission weapon production in order to have materials and facilities available for thermonuclear weapon systems.

The Chinese bomber forces consist of a few hundred short-range jet bombers and a handful of somewhat longer range bombers. We have no knowledge of a Chinese plan to develop heavy intercontinental range bombers.

Earlier, the Communist Chinese conducted four other nuclear detonations:

October 16, 1964: Low yield (up to 20 kilotons).

May 13, 1965: Low intermediate (20 to 200 kilotons).

May 9, 1966: Intermediate (lower end of 200 to 1,000 kiloton range).

October 27, 1966: Low intermediate (20 to 200 kilotons).

The Chinese were able to continue their nuclear program after the Soviets apparently ceased technical assistance in this area by 1960, and detonated a uranium device in October 1964.

All of the Chiense detonations have utilized enriched uranium (U^{235}) as the primary fissionable material. Uranium-238 was also present in all tests. The detonation of any device which also contains U^{238} results in some fissioning of the U^{238}. The debris from their third and fifth tests indicated some thermonuclear reactions had involved lithium-6 in those devices.

We believe that the Chinese are interested in the development of submarines equipped with suitable relatively long-range missiles; at this time we have not determined the exact nature or status of the program.

2. French nuclear test program

Turning to the French nuclear test program, in February 1960 the French tested their first atomic device. In 1966 the French conducted five nuclear tests. In 1967 they held a short series of three tests. Another series of tests is planned for next summer. All of the 1966 tests were plutonium fission devices. The last two tests in 1966 were experiments aimed at the thermonuclear development.

The year's tests were conducted on June 5, June 27, and July 2. They were suspended by balloons, above the Mururoa Lagoon. The tests all had low yields. The French announced that all of the tests were to be of triggers for thermonuclear devices which the French still have not tested.

Although French officials continue to state publicly that France will detonate her first thermonuclear device in 1968 when enriched uranium becomes available, there have been hints in the press that France is having her difficulties with its program. Should this be true, the first generation of both the land-based and submarine-launched missile systems might have to use warheads developed in the 1966 series.

To recapitulate, the Chinese are well ahead of the French in thermonuclear weapon design. In 2½ years and six tests the Chinese have successfully tested a multimegaton thermonuclear device. The French, on the other hand, have conducted many more tests over a 7-year period and have not yet tested a true thermonuclear device or achieved a megaton size yield.

The French have developed higher yield fission weapons than the Chinese. The French have achieved yields of up to 250 kilotons while the Chinese fission devices have had lower yields.

The French now have an operational strategic force of about 60 Mirage IV aircraft with a stockpile of 60 to 70 KT nuclear weapons. At this time the Chinese do not have such an operational strategic force.

SUMMARY

The Joint Committee believes that the American public needs to know the threat that is posed by Red China. Communist China has emerged with a fledgling, but effective, nuclear weapons capability. This capability has and will continue to have a great effect on U.S. foreign policy in the Far East. It will have an effect on our relations with the South East Asia Treaty Organization. It will have an effect on the nonproliferation treaty principally because of the close connection between Chinese nuclear power and the national security of India. Its effect will also be felt by Japan. Moreover, the Chinese Communists could use nuclear blackmail to assert their position not only broadly in Asia, but specifically in Southeast Asia.

Perhaps most significant for the United States is the fact that a low order of magnitude attack could possibly be launched by the Chinese Communists against the United States by the early 1970's. At present we do not have an effective anti-ballistic-missile system which could repel such a suicidal (for the Chinese) but nevertheless possible strike.

It is for these reasons that the Joint Committee feels the assessment it has made, based upon information received in executive sessions, should be brought before the American public—not to overemphasize or to underplay but to state clearly and concisely with due regard for the protection of intelligence sources where we stand in relation to this emerging threat to our national security.

Significant Dates in Atomic Weapons Development and Subsequent Test Ban and Nonproliferation Negotiations

DATES OF CERTAIN NUCLEAR WEAPONS EXPLOSIONS

July 16, 1945: First U.S. nuclear device test, Alamogordo, N. Mex.

August 6, 1945: First atomic bomb dropped on Hiroshima.

August 9, 1945: Second atomic bomb dropped on Nagasaki.

August 29, 1949: First Soviet atomic test.

October 3, 1952: First nuclear bomb test by the United Kingdom.

November 1, 1952: Hydrogen device fired at Eniwetok by United States.

August 21, 1953: First hydrogen device tested by U.S.S.R. detected by United States.

February 13, 1960: First French atomic test.

October 16, 1964: First Chinese atomic test.

DATES OF NEGOTIATIONS OF DISCOUNTINUANCE OF NUCLEAR WEAPON TESTS

June 14, 1946: U.S. proposal for international control of atomic energy (Baruch plan).

June 19, 1946: U.S.S.R. proposed alternate plan including insistence on retention of Security Council veto power over any control system.

March 24, 1957—Bermuda declaration: Joint declaration by the United States and the United Kingdom to conduct nuclear tests in such a manner as to keep world radiation from rising to more than a small fraction of the level that might be hazardous to continue to announce test series, also expressed willingness to announce tests to the U.N. and permit international observation if the U.S.S.R. would do the same.

November 14, 1957—General Assembly Resolution 1148 (XII): Regulation, limitation, and balance reduction of all armed forces and all armaments; conclusion of in international convention (treaty) on the reduction of armaments and the prohibition of atomic, hydrogen, and other weapons of mass destruction. Among its provisions, this resolution urged the immediate suspension of testing of nuclear weapons with prompt installation of effective international control, including inspection posts equipped with appropriate scientific instruments located in the United States, the Soviet Union, and the United Kingdom, and at other points as required.

December 10, 1957: Soviet proposal that U.S.S.R., United States, and United Kingdom discontinue all tests as of January 1, 1958.

March 31, 1958: Decree of the Supreme Soviet concerning the discontinuance of Soviet atomic and hydorgen weapons tests.

April 28, 1958: President Eisenhower by letter to Khrushchev proposed that both nations have the technical experts start to work on the practical problems involved in disarmament, particularly working toward the suspension of nuclear testing. President Eisenhower stated: "I reemphasize that these studies are without prejudice to our respective positions on the timing and interdependence of various aspects of disarmament."

May 9, 1958: Letter from Khrushchev accepting Eisenhower's proposal of April 28 to have experts study the problems involved in an agreement on the cessation of atomic and hydrogen weapons tests as far as inspection and control are concerned.

July 1, 1958: Conference of Experts from the West (United States, United Kingdom, Canada, and France) and East (U.S.S.R., Czechoslovakia, Poland, and Rumania) met in Geneva.

August 21, 1958: Conference of Experts adopted a final report for consideration by governments. Conference of Experts recommended the so-called Geneva system of detecting nuclear explosions. This system recommended a network of 180 control points. It should be noted that the American representatives, during this Conference, had taken the position that 650 control points would be necessary to have adequate protection down to 1 kiloton. Through compromise with the Soviets, they settled on the 180 stations, but then had to point out the weakness between the area of 1 and 5 kilotons.

August 22, 1958: President Eisenhower announced that based on the Conference of Experts' report, the United States was prepared to negotiate an agreement with other nations which have tested nuclear weapons for suspension of nuclear weapons tests and the establishment of an international control system.

The President also indicated that the United States would withhold further testing on its part of atomic and hydrogen weapons for a period of 1 year from the beginning of the negotiations unless testing is resumed by the Soviet Union.

October 31, 1958: First meeting in Geneva of the Conference on the Discontinuance of Nuclear Weapons Tests.

November 4, 1958—General Assembly Resolution 1252 (XIII): The discontinuance of atomic and hydrogen weapons tests. Among its provisions, this resolution urged the parties involved in the test-ban negotiations not to undertake further testing of nuclear weapons while these negotiations are in progress. It expressed the hope that the Geneva test-ban conference would be successful and lead to an agreement acceptable to all. It also requested the parties concerned to report to the General Assembly the agreement that might be the result of their negotiations; and requested the Secretary General to render such assistance and provide such services as might be asked for by the conference commencing at Geneva on October 31, 1958.

November 7, 1958: President Eisenhower announced that the United States had detected additional tests by the Soviets subsequent to October 31, 1958.

December 28, 1958: The President appointed a panel on seismic improvement to review technical problems and to recommend methods of improving seismic detection.

January 5, 1959: United States released data showing many underground tests could not be detected by Geneva experts system recommended in 1958. Indicated Geneva system applicable at 20-kiloton rather than 5-kiloton threshold.

February 22, 1959 to March 2, 1959: Macmillan meeting with Khrushchev. During this meeting Macmillan and Khrushchev discussed the establishment of quotas for numbers of onsite inspections in countries where suspicious events have taken place.

April 13, 1959: United States proposed phased testing ban limited in first phase to atmospheric tests below 50 kilometers, with simplified control system, if Soviet Union continued to insist on veto for onsite inspections.

April 23, 1959: Soviets reject U.S. proposal to stop only atmospheric tests and said numerous onsite inspections would not be necessary for complete ban.

June 22, 1959 to July 10, 1959: Technical Working Group No. 1 met in Geneva to study high-altitude detection problems. On July 10 Geneva Technical Working Group I proposed establishment of system of earth satellites and installations of additional equipment at control posts to detect high-altitude explosions.

August 26, 1959: United States extended unilateral suspension to end of 1959.

August 27, 1959: United Kingdom said it would not resume tests as long as Geneva negotiations showed prospect of success.

August 28, 1959: U.S.S.R. pledged not to resume testing unless Western Powers did so.

November 21, 1959—General Assembly Resolution 1402 (XIV): Suspension of nuclear and thermonuclear tests. Among its provisions this resolution expressed the hope that the countries involved in the test ban negotiations at Geneva would intensify their efforts to reach an agreement at an early date; it further urged the countries concerned in these negotiations to continue their voluntary ban on testing nuclear weapons; it also requested the countries concerned to report to the General Assembly the results of their negotiations.

November 25, 1959: Technical Working Group II met in Geneva with the Soviets and the British. This group met to consider data from the Hardtack series of nuclear explosions and the findings of the Berkner panel. On December 18, 1959, at the conclusion of the meetings held by Technical Working Group II, U.S. members of Geneva, Technical Working Group II reported that a large number of seismic events could not be identified without on-site inspection, even with improved techniques. The Soviet members of Geneva Technical Working Group II disagreed with U.S. finding.

December 29, 1959: United States said it was free to resume testing after end of 1959 but would not do so without giving advance notice.

February 11, 1960; United States proposed phased agreement, first phase to provide for cessation of tests in atmosphere, oceans, and outer space, to greatest height that could be effectively controlled; underground tests above 4.75 seismic magnitude (estimated by United States to equal explosion of about 20 kilotons) would also be covered; the 4.75 threshold would be lowered as capabilities of detections system were improved, 20 or 30 percent of unidentified seismic events above threshold should be inspected. United States experts estimated that this would mean about 20 inspections per year in U.S.S.R.

March 19, 1960: Soviets offered to conclude treaty on cessation of tests, together with moratorium on underground tests below magnitude 4.75, and to agree to point research program on understanding that weapons tests would be halted during program.

March 29, 1960: United States and United Kingdom said they would agree to voluntary moratorium on underground weapons tests below magnitude 4.75 after treaty was signed and arrangements were made for coordinated research program.

December 20, 1960—General Assembly Resolution 1577 (XV): Suspension of nuclear and thermonuclear tests. This resolution urges the countries involved in the Geneva test-ban negotiations to seek a solution for the few remaining questions so that a test-ban agreement could be achieved at an early date; it further urges the countries concerned in these negotiations to continue their present voluntary suspension of the testing of nuclear weapons; it also requests the countries concerned to report the results of their negotiations to the Disarmament Commission and the General Assembly.

March 21, 1961: First meeting under the new administration of the Geneva Conference on Discontinuance of Nuclear Weapons Tests. United States proposal presented by Ambassador Arthur H. Dean, Soviet Union introduced its troika proposal on this date.

April 18, 1961: United States and United Kingdom introduced draft treaty to the Geneva Conference.

May 5, 1961: Statement by President Kennedy on the Geneva test-ban negotiations made at his news conference. Mention is made of the new United States and United Kingdom proposals and the introduction of the troika proposal by Russia.

June 4, 1961: Khrushchev delivers Soviet aide-memoire concerning disarmament and nuclear weapons tests to President Kennedy at Vienna. Insists the question of control hinges on Western Powers accepting proposals on general and complete disarmament.

June 6, 1961: Kennedy reports to American people on his Vienna talks with Khrushchev.

June 6, 1961: Khrushchev reports to Russian people on his talks with President Kennedy. (Tass report topics covered:) General and complete disarmament, banning of nuclear weapons, cessation of tests, question of control. Hammarskjold, the German question (peace treaty).

June 17, 1961: U.S. aide-memoire to Soviet Russia concerning Geneva test-ban negotiations. Repeated new proposals offered by the United States and the United Kingdom on March 21, 1961.

June 28, 1961: President Kennedy announces appointment of Committee of Scientific Experts to advise him on test-ban problem.

July 5, 1961: Soviet note replying to U.S. note of June 17, 1961, concerning suspension of nuclear weapon tests. Says Soviet proposals have been distorted. Brings up again supervision of inspection and control by equal representatives of three basic groups: Socialist states, capitalist states in Western military bloc, and neutral states (troika).

July 15, 1961: U.S. note to Soviet Union referring to the Soviet note of July 5, 1961, on the Geneva test-ban negotiations. Says Soviet note contains a multitude of irrelevant and unwarranted comments. Confines its reply to the central issue: Is the Soviet Union prepared to reach an accord which would halt nuclear tests under effective international control?

July 15, 1961: United States and United Kingdom request to United Nations to place on the agenda the 16th General Assembly an item entitled "The Urgent Need for a Treaty To Ban Nuclear Weapons Tests Under Effective International Control."

July 20, 1961: President announces membership of nuclear test study group.

August 10, 1961: President announces he has reviewed report of Scientific Committee and is sending Ambassador Dean back to Geneva.

August 30, 1961: Soviets announce plans to resume nuclear testing. Among the reasons cited by the Soviets for taking this step were the turn-down of the troika proposal, the nuclear tests carried out by the French beginning February 13, 1960, and the Berlin situation.

August 30, 1961: White House statement on the Soviet's announcement that they planned to resume nuclear testing. This statement expressed concern and resentment in regard to the Soviet decision to resume nuclear testing. It added that the Soviet decision presented a threat to the entire world. It denounced the Soviet pretext for resumption of weapons testing by mentioning that the Berlin crisis was created by the Soviets themselves. It also mentioned that the Soviet Union bears heavy responsibility before all humanity for this decision which was made in complete disregard of the United

Nations. It concluded by announcing that Ambassador Arthur Dean was being recalled immediately from his post as chief negotiator at the nuclear test ban meetings.

September 1, 1961–November 4, 1961: The Soviet Union conducted a series of approximately 50 atmospheric nuclear tests with a total yield of about 120 megatons. The tests were conducted at three different locations in the Soviet Union: Semipalatinsk, Novaya Zemlya, and east of Stalingrad. The series was highlighted by a 55- to 60-megaton detonation on October 31, 1961, despite a resolution adopted October 27, 1961, by the United Nations appealing to the U.S.S.R. to refrain from carrying out their stated intention to explode a device of this yield.

September 3, 1961: President Kennedy, in a joint statement with British Prime Minister Macmillan, proposed that the Soviet Union agree immediately to discontinuing testing nuclear weapons in the atmosphere. The note suggested that the United States, United Kingdom, and U.S.S.R. representatives meet in Geneva not later than September 9 to record the agreement to cease nuclear testing in the atmosphere and report it to the United Nations.

September 5, 1961: President Kennedy announced that the United States would resume nuclear testing. He ordered the tests carried out in the laboratory and underground "with no fallout." This decision was made after the Soviets set off their third nuclear test in the atmosphere in 5 days. President Kennedy, in referring to the Kennedy-Macmillan statement of September 3 on banning nuclear testing in the atmosphere, said the offer remains open until September 9, 1961.

September 15, 1961: The United States detonates its first underground nuclear device since the end of the test moratorium at the Nevada Test Site.

November 2, 1961: The President announces that the policy of the United States will be to proceed in developing nuclear weapons to maintain a superior capability for the defense of the free world against any aggressor. This statement indicated that the United States would make necessary preparations in case it becomes necessary to test in the atmosphere.

December 22, 1961: A joint communique was issued by President Kennedy and Prime Minister Macmillan following a 2-day meeting in Bermuda. They agreed that it was necessary "as a matter of prudent planning for the future, that pending the final decision [to resume atmospheric testing] preparations should be made for atmospheric testing to maintain the effectiveness of the deterrent."

January 29, 1962: Geneva Conference on the Discontinuance of Nuclear Weapons Tests breaks up at 353d meeting. The United States proposed an adjournment, and Soviet negotiator Tsarapkin said, "This is the end."

February 7, 1962: President Kennedy and British Prime Minister Macmillan said they have proposed to Soviet Premier Khrushchev that another supreme effort to halt the nuclear arms race be made by raising next month's 18-nation general disarmament conference to the Foreign Ministers' level.

February 14, 1962: President Kennedy urged Premier Khrushchev not to press his proposal for an 18-nation summit meeting on disarmament. However, he assured the Soviet leader that he was ready to participate "at any stage of the conference when it appears that such participation could positively affect the chances of success."

February 21, 1962: Premier Khrushchev replied to President Kennedy's letter of February 14 still insisting on a summit conference on disarmament.

February 24, 1962: Letter from President Kennedy to Premier Khrushchev. President Kennedy replied to Premier Khrushchev's letter of February 21, 1962, stressing that heads-of-state participation at the Geneva Conference should be reserved until a later stage in the negotiations after preliminary agreements have been reached at the Foreign Ministers' level.

March 2, 1962: President Kennedy announced that he had ordered a resumption of nuclear tests in the atmosphere in late April unless the Soviet Union agrees before then to an "ironclad" treaty banning all tests. The President held out to Khrushchev the promise of a sumit conference at which such a treaty could be signed, and also said that a satisfactory treaty would be offered by the West at the disarmament conference opening in Geneva on March 14, 1962.

March 4, 1962: The Soviet Government sent the United States a message delivered to the State Department advising that Foreign Minister Gromyko would go to Geneva. The Kremlin message was reported to have said that Khrushchev had reluctantly accepted the Foreign Minister proposal.

March 14, 1962: 17-nation disarmament conference opened in Geneva. (Originally 18-nation conference, but France did not attend.)

March 15, 1962: The United States, during the Geneva Disarmament Conference, clearly indicated its willingness to drop the 4.75 threshold and to make the test ban treaty, from the outset, complete in its coverage by banning all tests in the atmosphere, outer space, underground, and in the oceans. The response of the Soviet Union to this proposal indicated an unwillingness on their part to accept a treaty with or without the U.S. proposed amendment.

March 16, 1962: Premier Khrushchev announced that Soviet scientists had developed a "global rocket" invulnerable to antimissile weapons and that it rendered obsolete the early warning system of the United States.

April 10, 1962: The White House released a joint United States-United Kingdom statement on nuclear testing appealing to the Soviet Union to agree to a nuclear test ban with adequate safeguards including the principle of international verification. This statement indicated that if such an agreement was not successful then the test series scheduled by the United States for the latter part of April would go forward.

April 10, 1962: Prime Minister Macmillan added a personal message to the joint Anglo-American note to Premier Khrushchev on a nuclear test ban asking him to accept an inspection procedure and "fill all the peoples of the world with a new sense of hope."

April 12, 1962: Premier Khrushchev rejects the Kennedy-Macmillan joint statement on nuclear testing.

April 16, 1962: Eight neutral nations appealed to the nuclear powers to persist in their efforts to reach agreement on prohibiting nuclear weapons testing for all time. They suggested establishing a system for continuous observation and control on a scientific and nonpolitical basis, built on existing national network of observation posts.

April 18, 1962: United States offered a three-stage plan for disarmament having as its goal general and complete disarmament and gradual replacement of the armed power of single nations by a strengthened United Nations. The disarming process would be balanced to prevent any state from gaining a military advantage, and compliance with all obligations would be effectively verified.

April 22, 1962: Joint Committee on Atomic Energy in summary-analysis of 1961 Vela hearing, reports that nearly 3 years of research had brought no material progress toward an effective method of detecting clandestine underground tests.

April 25, 1962: First, 1962 U.S. nuclear test in the atmosphere. This test was of an intermediate yield from a plane near Christmas Island. The President approved the resumption on nuclear testing after repeated unsuccessful attempts by the United States to get the U.S.S.R. to agree to a nuclear test ban treaty with adequate safeguards.

April 26, 1962: Secretary of State Rusk justified the new series of tests on the basis of refusal of the Soviet Union to accept the kind of international verification necessary for a test ban agreement. The Secretary of State referred to President Kennedy's address of March 2 in which he set forth the reasons why a certain number of tests would be necessary in the absence of an international agreement banning nuclear tests with adequate assurances; and, secondly, that it is a major objective of American policy to bring an end to testing immediately and permanently when we were assured that testing had been abolished.

May 1, 1962: France conducts underground explosion of nuclear device in Algerian Sahara.

May 2, 1962: Disarmament talks were resumed at Geneva. British Minister of State John Godber said U.S.S.R. must change its attitude toward verification measures if the world is to have general and complete disarmament.

May 16, 1962: Premier Khrushchev confirmed U.S.S.R. determination to test. He based his decision on the fact that the United States had resumed testing in the Pacific.

June 14, 1962: The 18-Nation Disarmament Conference[1] recesses.

July 12, 1962: Secretary of State Dean Rusk reports that the preliminary Vela results, released by the Defense Department on July 7, offer some promising signs for detecting and identifying nuclear tests but emphasized the new findings cannot be considered a substitute for control posts or on-site inspections.

July 13, 1962: Soviet Union served official notice that it claims the right to be the last nation to carry out nuclear weapon tests.

July 16, 1962: The 18-Nation Disarmament Conference reconvenes in Geneva. The United States proposes discussion of scientific findings, particularly from Project Vela.

July 21, 1962: The Soviet Government announces its decision to resume nuclear tests.

August 1, 1962: President Kennedy stated at his news conference that on the basis of recent technical assessments, the United States can work toward an internationally supervised system of detection and verification for underground testing which will be simpler and more economical than the system which was contained in the treaty which we tabled in Geneva in April 1961. He emphasized that these new assessments do not affect the requirement that any system must include provision for on-site inspection of unidentified underground events.

August 5, 1962: The Soviet Union detonates a nuclear explosion in the atmosphere in the order of magnitude of 30 megatons. This is the first of some 40 tests, continuing until December 25.

August 8, 1962: U.S. Delegate Dean proposed reducing the number of control posts to something like 80—a reduction of more than half. He offered this concession in view of his contention that detecting devices have gone ahead rapidly. Thus, our techniques for detecting sneak tests are much better.

August 9, 1962: Ambassador Dean formally introduces a new proposal for a comprehensive test ban treaty based on a worldwide network of internationally supervised, nationally manned control posts. Provided the Soviets agree to the principle of obligatory on-site inspection, the numbers of control posts and on-site inspections would be substantially reduced from previous U.S. proposals. Ambassador Zorin immediately rejects the new proposal.

August 20, 1962: The U.S.S.R. rejected proposals for a partial nuclear test ban treaty.

---

[1] The 18-Nation Disarmament Conference now composed of 17 nations. France, an original member withdrew at the beginning of the Conference.

The idea of a halfway treaty was advanced by Brazil, Sweden, and Italy. The proposed treaty would stop atmospheric tests immediately to ease fallout dangers.

August 27, 1962: The United States and Great Britain offered the Soviet Union the choice of an internationally inspected total ban on nuclear weapons tests or an uninspected limited ban. The limited ban would cover tests in the atmosphere, in space and under water pending further negotiations for a treaty to include underground tests, the most difficult to identify.

August 29, 1962: The U.S.S.R. submitted to the Disarmament Conference a formula for halting nuclear weapons tests that the United States and Britain have repeatedly termed unacceptable because of inadequate guarantees and safeguards for inspection of suspicious events.

August 29, 1962: President Kennedy welcomed a Soviet proposal that all nuclear testing cease by January 1. But he reiterated the Western position that an enforcible treaty, complete with inspection provisions, be signed first.

September 7, 1962: The 18-Nation Disarmament Conference recesses, but the Test Ban Subcommittee remains in session.

October 24, 1962: At the United Nations, Brazil proposes denuclearization of Latin America and Africa which would include a ban on nuclear weapon tests in these continents.

November 4, 1962: President Kennedy announces the end of the current series of atmospheric nuclear tests, but states that underground tests will be continued in Nevada. The last atmospheric detonation was November 4, 1962.

November 6, 1962: The General Assembly adopts a two-part resolution on nuclear tests. Part (A), sponsored by 37 powers and approved by a vote of 75 to 0 with 21 abstentions, calls for the cessation of testing by January 1, 1963, and an interim arrangement with certain assurances if no final agreement is achieved by that date. Part (B), sponsored by the United States and the United Kingdom and approved by a vote of 51 to 10 with 40 abstentions, urges the early conclusion of a comprehensive test ban treaty with effective international verification. The United States and the U.S.S.R. abstain on part (A), and the U.S.S.R. opposes part (B).

November 13, 1962: At Geneva, Ambassador Tsarapkin suggests that unmanned seismic stations be employed as an addition to existing national detection stations to monitor a test ban.

November 26, 1962: The 18-Nation Disarmament Conference reconvenes for the third session.

November 28, 1962: In an attempt to end the deadlock at Geneva, Swedish Delegate Rolf Edberg proposed a moratorium on all nuclear tests while an international group of scientists works out underground control methods satisfactory to both the West and the Soviet Union.

December 3, 1962: The U.S.S.R. rejected the proposal for setting up a nuclear test ban put forth by the Indian-Swedish delegations.

December 4, 1962: The Soviet Union told the United States and Great Britain that as long as they insisted on on-site inspection there would never be any agreement to end nuclear testing. Joseph B. Godber of Britain declared that dismissal of the neutralist efforts to break the test ban stalemate was "not the action of a responsible government."

December 4, 1962: Arthur H. Dean told the Soviet Union that unmanned seismic stations the so-called black boxes—cannot serve as a sole guardian of a nuclear test ban.

December 10, 1962: In the 18-Nation Disarmament Conference, Ambassador Tsarapkin formally proposes the establishment of two or three unmanned seismic stations on the territories of states possessing nuclear weapons. Locations by zones for those to be placed in the Soviet Union are named. This proposal is conditioned on the abandonment by the West of its insistence on international control and obligatory on-site inspection.

December 19, 1962: Premier Khrushchev, in a letter to President Kennedy, states that the Soviet Union is now prepared to accept two or three on-site inspections per year on Soviet territory. In addition, he says there could be three unmanned seismic stations on Soviet territory. The final location of the stations is left open.

December 20, 1962: The 18-Nation Disarmament Conference recesses.

December 28, 1962: President Kennedy in reply to Premier Khrushchev, indicates encouragement that the Soviets have now accepted the principle of on-site inspection, but states that the figure of two or three on-site inspections is not sufficient, nor are three unmanned seismic stations. He denies that the United States offered to agree on three inspections. The United States has reduced the number of on-site inspections to 8 from 10.

January 4, 1963: Arthur H. Dean announced that he had submitted his resignation on December 27, 1962, as chief U.S. negotiator at the Disarmament Conference at Geneva.

January 7, 1963: In a letter to President Kennedy, in further exchange on the subject of on-site inspection, Premier Khrushchev holds to his contention that an annual quota of two or three inspections is sufficient.

He emphasizes that he considers agreement in principle a great unilateral concession, and he agrees to further discussion on the questions between United States and U.S.S.R. representatives.

January 14, 1963: United States and Soviet representatives meet in New York. The United States is represented by William C. Foster, Director of the U.S. Arms Control and Disarmament Agency; and the U.S.S.R. is represented by N. T. Fedorenko, Soviet Ambassador to the U.N. and S. K. Tsarapkin, chairman of the Soviet delegation to the 18-Nation Disarmament Conference. Discussions continue in New York until January 22 when they are moved to Washington.

January 26, 1963: President Kennedy orders that preparations for underground testing in Nevada be suspended in the hope that the Western-Soviet discussions presently taking place in New York and Washington would materially enhance the prospects for an effective agreement on a test ban.

February 1, 1963: The New York and Washington, D.C., discussions on a test ban are slated to be taken up at the 18-Nation Disarmament Conference scheduled to be resumed on February 12. In a press conference, Secretary of State Rusk expressed the disappointment of the United States that the position of the Soviet Union appeared to have hardened into a take-it-or-leave-it attitude on their offer for two or three on-site inspections per year. The Secretary states: "The idea of on-site inspection is not simply a political question involving the acceptance of on-site inspection in principle, but is the practical problem of establishing arrangements which in fact do provide assurance that agreements are being complied with."

February 1, 1963: President Kennedy orders resumption of the preparations for underground testing in Nevada.

February 8, 1963: The scheduled series of underground tests is begun in Nevada.

February 12, 1963: The 18-Nation Disarmament Conference reconvenes at Geneva.

February 22, 1963: The ACDA announces in Washington that the United States is willing to consider possible acceptance of seven on-site inspections, providing the modalities of inspection can be agreed upon.

February 28, 1963: In a Moscow election meeting speech, Premier Khrushchev reaffirms his refusal to consider anything but three on-site inspections per year.

April 1, 1963: The United States and United Kingdom delegations table a memorandum of position concerning the cessation of nuclear weapon tests. This memorandum sums up the Western position on general principles of agreement on-site inspection and automatic seismic station arrangements, and includes specific proposals submitted to date.

August 5, 1963: Limited test ban treaty is signed in Moscow.

August 31, 1963: Hot-line teletype system between Washington and Moscow becomes operational.

October 7, 1963: President, with the advice and consent of the Senate, signs the limited test ban treaty.

October 10, 1963: The limited test ban treaty enters into force.

December 31, 1963: Premier Krushchev calls on all states to conclude an international agreement "for the renunciation by the states of the use of force for the settlement of territorial disputes and boundary questions."

January 8, 1964: In his state of the Union message, President Johnson announces that U.S. production of enriched uranium will be reduced by 25 percent and that the Atomic Energy Commission will close down 4 of its 14 reactors producing plutonium for weapons. The President calls on the Soviet Union to take similar steps.

January 18, 1964: President Johnson, in his reply to Premier Khrushchev's letter of December 31, 1963, appeals to the Soviet Union to support concrete steps to strengthen peace, by urging that both nations present new proposals at Geneva on the prevention of the spread of nuclear weapons, cessation of the production of fissionable materials for weapons uses, the transfer of large amounts of fissionable materials to peaceful uses, the prohibition of all nuclear tests, limitations on nuclear weapons systems, reduction of all risk of war by accident or design, and progress toward general disarmament.

January 21, 1964: The Eighteen Nation Disarmament Committee (ENDC) reconvenes in Geneva.

In a message to the ENDC, President Johnson submitted proposals designed to: prohibit the use of force, achieve a verified freeze of nuclear delivery vehicles, achieve a verified agreement on the cessation of the production of fissionable material for weapons, reduce the danger of accidental war and surprise attack, and halt the spread of atomic weapons.

April 20, 1964: President Johnson announces that he has ordered "a further substantial reduction" in the production of enriched uranium. Combined with the reduction announced last January, the overall reduction in the production of enriched uranium will be 40 percent over a 4-year period.

Premier Khrushchev announced discontinuance of the construction of two new reactors for the production of plutonium and that the production of uranium 235 would be substantially reduced over the next several years (On November 24, 1965, in Khrushchev's statement of April 20, 1964, the AEC stated "there is no evidence to confirm that the Soviets have indeed done what they stated they would do.")

April 21, 1964: Prime Minister Douglas-Home announces that United Kingdom production of military plutonium will gradually be terminated.

April 28, 1964: The ENDC recesses.

June 9, 1964: The ENDC reconvenes.

June 11, 1964: The IAEA Board of Governors approves an agreement between the United States and the Agency whereby four U.S. reactors will be placed under Agency safeguards against diversion to nonpeaceful ends.

June 25, 1964: At the ENDC, the United States presents a plan to provide verification for a cutoff in the production of fissionable materials for weapons.

August 27, 1964: At the ENDC the Indian representative states that under no circumstances will his country use its nuclear capabilities for nonpeaceful purposes.

September 17, 1964: The ENDC adjourns.

October 16, 1964: Communist China explodes its first atom bomb.

October 24, 1964: The chairman of India's Atomic Energy Commission states that India might be compelled to manufacture nuclear weapons unless some important and tangible steps are made toward general disarmament.

November 1, 1964: The White House announces that former Deputy Secretary of Defense Roswell L. Gilpatric has been appointed by the President to head a special panel to study ways and means of preventing the spread of nuclear weapons.

December 8, 1964: Following their Washington conference, President Johnson and United Kingdom Prime Minister Wilson issued a communique in which they express agreement on the urgency of a worldwide effort to prevent proliferation of nuclear weapons.

December 30, 1964: In a New Year's greeting to Premier Kosygin, President Johnson expresses the hope that practical agreements can be reached soon in the area of arms control.

January 19, 1965: AEC announces that the United States has detected venting from the Soviet underground test of January 15.

January 26, 1965: In a statement before the House Foreign Affairs Committee, ACDA Director Foster states that the Soviet test of January 15 may have been a technical violation of the limited test ban treaty.

February 15, 1965: AEC announces it will further reduce the rate of production of enriched uranium. The new reduction will be gradually carried out from 1966 to 1969.

May 14, 1965: Communist China explodes its second atomic bomb.

May 17, 1965: In the Disarmament Commission, ACDA Director Foster suggests a broad program of measures to halt the proliferation of nuclear weapons.

July 27, 1965: ENDC convenes at Geneva. In a message to the delegates, President Johnson states that the American delegation is instructed to seek "agreements that will limit the perilous spread of nuclear weapons, and make it possible for all countries to refrain without fear from entering the nuclear arms race," "effective limitation of nuclear weapons and nuclear delivery systems" and a "truly comprehensive test ban treaty."

August 8, 1965: Pope Paul VI urges mankind to renounce forever use of atomic weapons and prays that men will "no longer place their trust, their calculations, and their prestige in such fatal and dishonoring weapons."

August 17, 1965: At the ENDC, the United States presents a draft nonproliferation treaty.

August 31, 1965: At the ENDC the Soviet Union rejects the U.S. draft nonproliferation treaty of August 17.

September 16, 1965: The Conference of the Eighteen Nation Committee on Disarmament (ENDC) adjourns following the conclusion of its 234th plenary meeting.

September 23, 1965: In a speech at the United Nations, Ambassador Goldberg stresses that the first priority toward the goal of general and complete disarmament "must be given to halting the spread of nuclear weapons."

September 24, 1965: Soviet draft treaty on nonproliferation presented to the Secretary General of the United Nations.

October 17, 1965: William Foster, Director, Arms Control and Disarmament Agency, in a speech at the United Nations calls for the resumption of the ENDC at Geneva.

November 25, 1965: At the United Nations 26 nations present a draft resolution on the "urgent need for suspension of nuclear and thermonuclear tests." This draft resolution was subsequently sponsored by nine other nations.

December 3, 1965: The 35-nation draft resolution of November 25, 1965 approved by the General Assembly by a vote of 92 to 1 with 14 abstentions. Albania votes against the resolution. The following countries abstain: Algeria, Bulgaria, Byelorussian S.S.R., Congo, Cuba, Czechoslovakia, France, Guinea, Hungary, Mauritania, Mongolia, Poland, Ukrainian S.S.R., and the Soviet Union.

December 28, 1965: Ambassador at Large Averell Harriman leaves Washington to visit Eastern Europe on a peace mission for President Johnson.

January 27, 1966: The 18-Nation Disarmament Committee is scheduled to reconvene in Geneva.

SIGNIFICANT DATES CONCERNING DISARMAMENT DEVELOPMENTS, 1966 TO PRESENT

January 18, 1966: Senator Pastore (Dem., R.I.), Vice Chairman of the Congressional Joint Committee on Atomic Energy, and 52 other senators sponsored a resolution urging "serious and urgent efforts" to achieve a treaty and reach a solution of the nuclear proliferation problem.

February 23, 1966: Testifying before the Joint Committee on Atomic Energy, Secretary of State Rusk welcomed the Pastore resolution as a "significant expression of congressional support" for President Johnson's efforts to meet the threat of nuclear proliferation.

April 27, 1966: Secretary of State Rusk in a press conference denied that he had decided to "forego indefinitely" plans for "an allied nuclear weapons system." He said the United States had made no decision to foreclose A.N.F. or "any other collective approach to the problem."

April 28, 1966: At the ENDC, ACDA Director Foster announced that the United States had offered the IAEA access to Nuclear Fuel Services, Inc., a commercial chemical plant in West Valley, N.Y., processing plutonium to assist the IAEA in the development of safeguard procedures and the training of inspectors. He characterized the offer as "a new contribution to the development of safeguards" against the diversion of peaceful atoms to weapons use.

May 7, 1966: President Johnson announced that the United States would seek a treaty in the United Nations to prevent sovereignty claims in space and to seek an accord on cooperation and peaceful exploitation. In New York, Ambassador Goldberg requested an early meeting of the Legal Subcommittee of the UN Outer Space Committee to consider the President's proposal.

May 9, 1966: The Chinese Communists detonated their third nuclear device and asserted that it contained "thermonuclear material." They stated that their program was intended to oppose American "nuclear blackmail" and "U.S.-Soviet collusion and monopoly of nuclear weapons." Recalling their nuclear disarmament proposals of October 17, 1964, and May 14, 1965, they again declared that China would not be the first to use nuclear weapons.

May 10, 1966: The ENDC recessed until June 14. In his closing remarks, ACDA Director Foster blamed the Soviet Union for the impasse in negotiations and said it was regrettable that "it was the Soviet Union that at first gave assistance in the nuclear field to Communist China" which "may now be regarded with some dismay by those who granted it." Ambassador Roshchin blamed the United States and its allies in NATO for "blocked progress" but concluded that opposing positions were better understood.

May 17, 1966: The Senate unanimously approved the Pastore resolution commending the President for steps already taken, and supporting "the principle of additional efforts" for a nuclear nonproliferation treaty.

June 14, 1966: The ENDC resumed in Geneva. ACDA Director Foster in his opening remarks reminded the Committee of the 20th anniversary of the Baruch plan.

June 16, 1966: Ambassador Goldberg submitted a U.S. draft treaty on the exploration of the moon and other celestial bodies to Kurt Waldheim, Chairman of the Committee on the Peaceful Uses of Outer Space.

The Soviet Union also submitted to the United Nations a draft treaty on peaceful exploration and research in outer space and asked that it be included on the agenda of the twenty-first session of the General Assembly.

July 2, 1966: France exploded an atomic bomb on Niururoa atoll in the Pacific, the first in a series of explosions scheduled for the area.

July 12, 1966: At Geneva the Legal Subcommittee of the U.N. Committee on the Peaceful Uses of Outer Space began discussion of the U.S. and Soviet draft celestial-bodies treaties. Ambassador Goldberg stated that the drafts, though different in scope, would be reconcilable if there was good will and common purpose to reach agreement.

July 27, 1966: Prime Minister Eshkol told Jerusalem journalists that Israel had no nuclear arms and would not be the first to introduce them into her area.

July 28, 1966: At the ENDC, ACDA Deputy Director Fisher proposed the application of IAEA or equivalent international safeguards to the peaceful nuclear activities of non-nuclear-weapon states and to all international transfers of nuclear material and equipment for peaceful uses, in order to prevent the proliferation of nuclear weapons and to prevent nuclear weapons from being developed "under the guise of peaceful application of nuclear energy."

September 21, 1966: Secretary of State Rusk expressed hope for international agreements on the peaceful uses of space and on non-proliferation. He also hoped that the time would come "when, by permitting effective inspection on their own soil, the Soviets will make possible progress in reducing armaments."

September 24, 1966: Observing ACDA's fifth anniversary, President Johnson pledged the United States "to continue to search for peace." "When the United States was the only nation possessing atomic weapons," he said," we urged others to join us in placing all atomic facilities under international control."

October 10, 1966: President Johnson met with Foreign Minister Gromyko in Washington to discuss a number of topics, including non-proliferation. After the talks, Mr. Gromyko told the press that the exchange was useful and that "it looks like both countries . . . are striving to reach agreement" on a non-proliferation treaty.

October 27, 1966: The Soviet Union set off the world's largest underground nuclear explosion—equal to more than a million tons of TNT—which seismic signals indicated as a yield in the intermediate to high range. The AEC reported the test was conducted on Novaya Zemlya.

October 27, 1966: Communist China's New China News Agency announced successful conclusion of a guided-missile-nuclear-weapon test with an explosive yield in the range of 20 kilatons.

November 4, 1966: By a vote of 110 to 1, with 1 abstention, the General Assembly adopted resolution 2149 (XXI) on renunciation of actions hampering the conclusion of a non-proliferation agreement. Albania voted against the resolution, and Cuba abstained. The resolution was cosponsored by the United States, Soviet Union, and other countries.

November 16, 1966: At the AEC's Hanford

plant near Richland, Washington, representatives of 50 nations and several international agencies watched the demonstration of a U.S. method of monitoring a shutdown plutonium-producing reactor.

December 2, 1966: The First Committee adopted by a vote of 99 to 0, with 10 abstentions, the tripartite draft resolution on the elimination of foreign military bases in the countries of Asia, Africa, and Latin America.

December 8, 1966: In Austin, President Johnson announced that the United States and the Soviet Union had reached agreement on a draft treaty barring weapons on the moon and other celestial bodies.

December 19, 1966: The General Assembly unanimously adopted resolution 2222 (XXI), endorsing the proposed treaty on the peaceful uses of outer space.

December 21, 1966: At a news conference, Secretary of State Rusk said that the United States would like to see "some means developed" to avert another upward spiral in the arms race and to avoid the "wholly new major levels of expenditure" which would be required by deployment of anti-ballistic missile defense systems by the two major powers. He expressed the hope that the Soviet Union would agree to refrain from entering this new and costly phase.

December 28, 1966: Communist China carried out a nuclear test at Lop Nor in Sinkiang province.

January 10, 1967: In his State of the Union message to the Congress, President Johnson declared that U.S. policy in East-West relations was "not to continue the cold war but to end it." Referring to Soviet ABM development, he emphasized that "the important link between Russia and the United States" was "our common interest in arms control and disarmament."

January 27, 1967: The Treaty Governing Activities of States in Exploration and Use of Outer Space Including Moon and Other Celestial Bodies was signed at Washington, London, and Moscow.

March 2, 1967: President Johnson announced at a news conference that Premier Kosygin had replied to his letter of January 27 and agreed to bilateral discussions on "means of limiting the arms race in offensive and defensive nuclear missiles."

April 25, 1967: The Senate unanimously approved (88–0) the outer-space treaty of January 27, 1967.

May 19, 1967: Tass announced that the Presidium of the Supreme Soviet of the USSR had ratified the outer-space treaty.

June 17, 1967: Communist China successfully exploded its first hydrogen bomb at the Lop Nor center in Sinkiang, the site of China's five earlier nuclear detonations.

June 23, 1967: After their first meeting at Glassboro, N.J., President Johnson said that he and Premier Kosygin had agreed that it was "now very important to reach international agreement on a non-proliferation treaty."

June 25, 1967: At the conclusion of the Glassboro, N.J., summit conference, President Johnson stated that he and Premier Kosygin had discussed arms limitation and had agreed that Secretary of State Rusk and Foreign Minister Gromyko would "pursue this subject" further in the immediate future.

August 24, 1967: At the ENDC, the United States and Soviet Union tabled separate but identical texts of a draft non-proliferation treaty.

September 9, 1967: In a speech at the launching of nuclear submarine NARWHAL, Senator Pastore calls for development of a U.S. ABM system.

September 18, 1967: Speaking at San Francisco, Secretary of Defense McNamara announced that the United States would deploy a limited anti-ballistic missile system against Communist China.

October 10, 1967: The outer-space treaty of January 27 entered into force when the United States, the United Kingdom, the Soviet Union, France, and other nations deposited their instruments of ratification at Washington, London, and Moscow.

November 3, 1967: Secretary of Defense McNamara announced at a press conference that the Soviet Union was believed to be in the process of developing an orbital nuclear missile that could reduce the warning time of an attack on the United States to about 3 minutes. He called the new Soviet system a "fractional orbital bombardment system (FOBS)."

November 6–7, 1967: Joint Committee on Atomic Energy and Senate Preparedness Committee hearings on Scope, Magnitude, and Implications of the United States Anti-ballistic Missile Program, held.

November 18, 1967: Marshal Krylov, Commander-in-Chief of the Soviet Strategic Rocket Forces, announced at Moscow that the USSR had developed new missiles "capable of delivering nuclear warheads to the target along ballistic and orbital trajectories." He said that the head portions of these rockets carried devices to break through the enemy's anti-missile defenses.

December 2, 1967: President Johnson announced that when safeguards were applied under the non-proliferation treaty, the United States would permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in the United States, with the exception only of those with "direct national security significance."

December 5, 1967: By an 85–0 vote with 9 abstentions, the General Assembly passed resolution 2286 (XXII) approving the Treaty for the Prohibition of Nuclear Weapons in Latin America. Cuba, the Soviet Union, and France were among the abstaining states.

December 18, 1967: The General Assembly passed resolution 2340 (XXII) establishing an *ad hoc* committee to study the exploration and use of the sea-bed and ocean floor. The vote was 99 to none, with no abstentions.

December 24, 1967: The AEC announced that the Chinese Communists had conducted their seventh atmospheric nuclear test explosion. The low yield detonation was held in the Lop Nor testing area. This test, unlike the six earlier ones, was not publicly announced by the Peking authorities.

January 18, 1968: The ENDC reconvened in Geneva. The United States and the Soviet Union submitted separate but identical revised texts of the draft non-proliferation treaty.

February 12, 1968: President Johnson told the Congress that the draft non-proliferation treaty of January 18 was the most significant achievement of the U.S. Arms Control and Disarmament Agency since its establishment.

March 7, 1968: In the ENDC, the United States, the United Kingdom, and the Soviet Union submitted to a draft Security Council resolution on security assurances to non-nuclear weapon states. The resolution would recognize that the nuclear-weapon permanent members of the Security Council would have to "act immediately in accordance with their obligations under the United Nations Charter" against a nuclear attack or threat of nuclear aggression against a non-nuclear weapon state.

March 20, 1968: In the U.N. *Ad Hoc* Committee To Study the Peaceful Uses of the Sea-Bed, the Soviet Union proposed that the ENDC negotiate an international ban against using for military purposes the sea-bed and ocean floor beyond the limits of national jurisdiction.

April 1, 1968: At Mexico City, the United States signed Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America (see February 14, 1967). The protocol calls on nuclear-weapon states (1) to respect the statute of denuclearization in Latin America, (2) not to contribute to violations of the basic provisions of the treaty, and (3) not to use or threaten to use nuclear weapons against the Latin American parties to the treaty.

June 4, 1968: In his commencement address at Glassboro State College, President Johnson said that the United States was anxious to reach an agreement with the Soviet Union to avert a "costly anti-ballistic missile race between the United States and the Soviets." He said that the United States was now ready to put an end to the nuclear arms race, provided that it and the Soviet Union could reach "binding agreements" which would "preserve the security of each nation."

May 31, 1968: Speaking to the General Assembly, President Johnson said that the non-proliferation treaty was the "most important international agreement in the field of disarmament since the nuclear age began."

June 24, 1968: U.S. Senate votes funds for a U.S. ABM system.

June 27, 1968: In the Supreme Soviet, Foreign Minister Gromyko announced that the Soviet Union was ready to begin discussions with the "Western nuclear powers" concerning a "mutual restriction and subsequent reduction" of offensive and defensive missile systems.

July 1, 1968: The non-proliferation treaty was opened for signature at Washington, London, and Moscow. The representatives of 56 countries signed during the White House ceremonies.

July 11, 1968: In a statement to the Senate, Foreign Relations Committee, General Wheeler, the JCS Chairman, said that the JCS had long supported "balanced, phased, safeguarded, and verifiable arms control measures." In reviewing the non-proliferation treaty, they concluded that the treaty did not "operate to the disadvantage of the United States and our allies" and that it did not "disrupt any existing defense alliances" of the United States.

August 20, 1968: Armed forces of the Soviet Union, Poland, Hungary, Bulgaria, and East Germany invaded Czechoslovakia.

August 24, 1968: At Mururoa atoll, France exploded its first hydrogen bomb.

September 4, 1968: NATO's Defense Planning Committee announced that a meeting of military experts to study plans for mutual arms reduction by NATO and the Warsaw Pact nations had been called off as a result of the Soviet invasion of Czechoslovakia.

September 5, 1968: Speaking before the National Press Club, Secretary of Defense Clifford said that he did not think that the U.S. decision to install the Sentinel ABM defense system and to continue MIRV tests would hinder the success of the proposed U.S.-Soviet negotiations on strategic arms limitations. He said that the Soviet invasion of Czechoslovakia indicated that a "significant American military presence in Western Europe" was still needed, and that "when and if we negotiate, safety and success demand that we negotiate from strength."

September 11, 1968: In a press statement, Mr. Nixon endorsed the non-proliferation treaty but urged the Senate to delay approval until the "posture and intentions of the Soviet Union toward Czechoslovakia and other nations of Central and Western Europe can be reassessed."

September 17, 1968: The Senate Foreign Relations Committee approved the non-proliferation treaty by a 13-to-3 vote, with 3 absentions. Senators Hickenlooper, Aiken, and Williams abstained from voting, while Senators Dodd, Lausche, and Mundt voted against the treaty.

September 29, 1968: Secretary of Defense Clifford said in a television interview that the United States "should maintain a nuclear superiority vis-a-vis the Soviet Union. He believed this issue involved the "very existence of our nation as a nation," and "you deal much better with the Soviet Union when you deal from strength."

October 25, 1968: At a news conference, Secretary of Defense Clifford said that the Soviet Union had considerably narrowed the nuclear missile gap in recent years, but that the United States still maintained, "substantial military superiority" over the Soviets.

December 10, 1968: The Soviet Union announced an increase in its military budget for 1969.

December 27, 1968: Communist China conducted an atmospheric hydrogen bomb test in the Lop Nor area. The detonation had a yield of about three megatons and was the eighth Chinese atmospheric test detected by the United States.

January 14, 1969: Appearing before the Senate Armed Services Committee, incoming Secretary of Defense Laird stated that negotiations between the United States and the Soviet Union concerning missile reductions had been set back "at least for 9 to 12 months" as a result of the Soviet's invasion of Czechoslovakia last year.

January 20, 1969: The Soviet Government announced that it was ready to "start a serious exchange of views" with the United States on a "mutual limitation and subsequent reduction of strategic nuclear delivery vehicles, including defensive systems."

January 27, 1969: At his first Presidential news conference, President Nixon said that he favored the non-proliferation treaty, but that he would have to confer with the National Security Council and Congressional leaders on whether this was the proper time to ask the Senate to approve it.

February 5, 1969: In a special message to the Senate, President Nixon formally asked for approval of the nuclear nonproliferation treaty.

February 25, 1969: The Senate Foreign Relations Committee approved the nonproliferation treaty by a vote of 14 to 0. Senator Dodd (Dem., Conn.) abstained.

March 13, 1969: The U.S. Senate by a vote of 83-15 gave its advice and consent to ratification of the non-proliferation treaty.

March 14, 1969: President Nixon announced that the United States would deploy a modified ballistic missile defense system to be known as the Safeguard program.

March 17, 1969: Dr. DuBridge, Science Adviser to the President, stated in a letter to President Nixon that he thought the Safeguard antiballistic missile system approved by the President represented a "sound and reasonable approach to our strategic defense problem."

March 18, 1969: The Eighteen Nation Disarmament Committee (ENDC) began its 15th session at Geneva. In a letter to ACDA Director Smith, President Nixon stated that the "fundamental objective" of American foreign policy was the establishment of a world of "enduring peace and justice" in which international disputes would be resolved "without resort to war."

April 7, 1969: At a press conference, Secretary of State Rogers said that nothing was hindering the start of the strategic arms limitation talks between the United States and the Soviet Union. He said he expected them to begin in the late spring or early summer.

April 10, 1969: The Department of State announced that the United States and the Soviet Union would hold technical talks in Vienna, beginning April 14, on the peaceful uses of nuclear explosions.

April 16, 1969: The United States and the Soviet Union issued a joint communique at the conclusions of the Vienna talks on peaceful nuclear explosions declaring the talks "timely" and "very useful" and recommending that additional talks on the subject be held.

May 22, 1969: At the ENDC, the United States submitted a draft treaty to ban the emplacement of nuclear weapons and other weapons of mass destruction on the seabed and ocean floor beyond a three-mile coastal limit.

June 19, 1969: President Nixon told his news conference that the United States was completing its strategic review. Secretary of State Rogers had informed the Soviet Ambassador that the United States had set July 31 as the target date for the beginning of the talks.

July 3, 1969: In a message to the ENDC, President Nixon expressed the hope that a "sound seabed arms control measure" could be presented to the General Assembly.

July 10, 1969: In an address to the Supreme Soviet, Foreign Minister Gromyko said that the Soviet Union was prepared for Strategic Arms Limitation Talks (SALT) and hoped that both sides would bear in mind its "paramount importance."

July 11, 1969: In a press statement, Secretary of State Rogers said that Gromyko's speech seemed to be "positive in tone". He said that the United States considered SALT a "significant step forward in our relations with the Soviet Union" and was awaiting a Soviet response on the time and place of the talks.

Mr. PASTORE. Mr. President, I thank Senators for listening.

The VICE PRESIDENT. Who yields time?

Mr. JACKSON. Mr. President, will the Senator from Kentucky yield some time?

Mr. FULBRIGHT. Mr. President, I hope the Senator from Kentucky will not yield time to the opposition.

Mr. COOPER. Mr. President, I understand that 44 minutes remain.

The VICE PRESIDENT. The Senator is correct.

Mr. JACKSON. Mr. President, how much time remains to the opposition?

The VICE PRESIDENT. Thirty-three minutes remain to the opposition.

Time is running.

The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, I yield 10 minutes to the Senator from Missouri.

The PRESIDING OFFICER (Mr. GURNEY in the chair). The Senator from Missouri is recognized.

Mr. SYMINGTON. Mr. President, I ask that we have order and that the time involved not come out of my time.

The PRESIDING OFFICER. The Senate will be in order so that the Senator may be heard.

The Senator may proceed.

SIGNIFICANT REASONS AGAINST SAFEGUARD DEPLOYMENT

Mr. SYMINGTON. Mr. President, it would appear that just about everything which could be said has been said about the proposed deployment of this Safeguard ABM system.

For months, based on the facts, it has been difficult indeed for me to understand why there has been such unparalleled desire, from so many quarters, to deploy this system at this time.

Perhaps there is one aspect which has not been adequately emphasized; namely, if the strength and reliability—specifically, the lethal yield, megatonnage, and CEP, accuracy—now ascribed to the Soviet SS–9 missile by our Defense Department is correct, it would appear that our Minuteman, in their fixed missile sites, will shortly become obsolescent if not actually obsolete.

If this is correct, then I believe it is important to weigh carefully our entire defense posture—what should we have, what should we do so as to attain adequate security at minimum cost in lives and treasure.

What are the true national priorities incident to our increasingly limited resources?

I do not agree with this sudden elevation to unprecedented performance by the Defense Department of this liquid-fueled Soviet SS–9, actually nothing more than a possible improvement to our own now abandoned liquid-fueled Titan ICBM. But if the Department is correct, then, in recognition of the tremendous increase in the art of nuclear yield as against weight, it would seem clear that it is of paramount importance to our national security for us to establish, now, a major research and development program for the establishment of mobile missiles on the ground comparable to the mobile status of Polaris on the seas.

Finally, after long study, it is my conviction that, first, because some of the five primary components have not yet been built, let alone tested, and because of their complexity, these units may not work adequately, when linked together, in case of a sudden all-out attack; second, no one has ever yet asserted that the Safeguard radar is right in design to defend hard missile sites; third, no one has presented any logical answer to the constantly repeated assertions of objective scientific experts that the Safeguard radar is vulnerable to even the smaller Soviet SS–11 missiles, of which they have hundreds, and fourth, and no one yet has ever denied that a relatively slight addition to the production of Soviet SS–9's would nullify any effective defense which could be obtained as the result of the deployment of this Safeguard ABM system.

Except for heavy multiplication of the relatively small number of Sprints and Spartans that are now planned in this Safeguard system—figures so small that unfortunately they have never been declassified—the only defense offered to this devastating criticism is that the very high cost of the SS–9's to the Soviets would prevent them from increasing SS–9 production; an argument absurd on the face of it.

To illustrate this absurdity, consider the fact that the latest unit cost of the Minuteman III, our most modern ICBM, is currently estimated at less than $5 million, that figure including various R. & D. and site costs.

But in effort to rig up some answer to the charge that the Soviets could totally nullify any effective defense obtained from Safeguard by means of but a small increase in SS–9 production, we are now told that the unit cost to the Soviets of future SS–9's would be $30 million.

In other words, in this ever more strange dialog of justification, we are now asked to believe that in a country where we are told each man in turn is told where to work, when to work, and at what wages he shall work, the cost of the new Soviet ICBM will nevertheless be over six times greater than the cost to our own taxpayers of our newest ICBM.

If the Senate now decides to accept this latest justification for deployment

of this unproved weapons system, I believe that it will be a sorry day, indeed, for the security and well-being of this country.

Now Mr. President, I do not, in any way, criticize the sincerity of those who are for this system or those who are against it. But 24 years ago, as Assistant Secretary of War, I heard what could be well described as "terror talks" about the Soviet danger, have heard them consistently over this quarter century, and am hearing them again today.

When I objected to this system because the technology of it did not appear right to me, I was criticized. Some people said, "We thought you were one of us." Well, I am "one of us." I am an American citizen, as we all are.

I did some research, and found that, since the end of World War II, I have worked for and voted for $953 billion of the taxpayers' money to protect this country. So as of the end of this session, I will have voted for over one trillion dollars, $1,000 billion, to protect the United States against outside danger.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. SYMINGTON. If I may finish this one point.

Mr. President, it has gotten to a point in the Senate—and I say this with great respect—that we have some Senators who can hear the farthest drum before the cry of a single hungry child in the street; and we have some Senators, fed up with that approach, who can hear all the children, whether or not they are hungry, before they can hear a single drum.

Then there is another group, and a large group, which can hear every single child and every single drum and say: "What of it? I'll vote for all the children and I'll vote for all the drums."

That is perhaps the worst position. It is as clear as light that the integrity of the dollar, through such problems as inflation and the continuing unfavorable balance of payments, is slowly but steadily being eroded to the point where our people are suffering—really suffering—not only the really poor, but also those with average and less than average incomes in this country.

Therefore, I earnestly hope there is a fourth group on this floor, a group who will say: "We have to establish some priority. We cannot go on forever listening to the terror talks about the dangers which are made to justify the latest of these new weapons systems being presented to the Congress."

I say this as one who admits his own error in voting for every one of these systems up to this particular Sentinel-Safeguard system.

I yield to the Senator from Arkansas.

Mr. FULBRIGHT. I merely wanted to emphasize what the Senator said about how much we have appropriated since World War II and how, on every occasion, if a question has been raised, we have heard exactly the same kind of talk as the Senator from Rhode Island has just given us.

Now we look at the situation in this country. The Senator from Missouri has often talked of it, and it has resulted, to a great extent, in the diversion of over a trillion dollars.

Actually, when the Senator says he has voted for $935 billion, he is talking about direct costs of the military. He does not include such things as the indirect costs of the veterans' program and in the interest on the debt created by the military. If that is used, it is $1,250 billion.

This is one of the troubles with this country today, because we have neglected so many of the other activities. The Senator from Rhode Island very glibly says if we need anything else, we can have it; there is no matter of choice. Well, this has been proved to be clearly not feasible under our system. The Senator, himself, knows this, when we consider the critical situation this country is in today, financially and internally, from the disaffection of so many people in the ghettos and the universities.

So I agree with the Senator from Missouri, and I do hope that on this, the first occasion that the Senate has ever seriously challenged, on the floor of the Senate, any military program, the Senate will at least resolve any doubts in favor of some restraint upon the growth of the largest military establishment the world has ever seen.

Mr. SYMINGTON. Mr. President, I thank the Senator from Arkansas for his constructive comments.

I have served 17 years on the Committee on Armed Services with one of the most gracious and intelligent people with whom it has ever been my privilege to work, the senior Senator from Maine. To the best of my knowledge—although I may be wrong—this is the first weapons system that she has ever questioned in such open fashion. I would hope that my colleagues on both sides of the aisle would give at least some respect to her opinion in a field in which there is no greater authority in this body than the senior Senator from Maine.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 5 minutes to the senior Senator from Wyoming.

Mr. McGEE. Mr. President, hopefully, we will soon decide the question of deployment of antiballistic missiles. The long hours of debate over this vital, if not agonizing, question have reinforced what all of us, Senators and citizens alike, have long known. That is, our decision here will not be easy.

The question before us is of unprecedented dimension. The testimony heard in Senate committees and the long debate on the floor have all been tools to help us in our decision. The coming determination on the deployment of the ABM may hold in balance more answers to the mystery of the future than any of us would like to believe. For this reason, making the right decision becomes a more awesome responsibility than any one mortal could possibly wish in his own time. As painful and as difficult as the decision is for all of us as Senators of the United States, we are required by the Constitution, by tradition and constituent expectation to do so.

Until now, much overstatement and misstatement has characterized the widespread discussion on the ABM. Wishful thinking and emotional "druthers" have often swept the dispute beyond the normal rules of reason; and most serious of all, the longer the debate has gone on, the more intransigent have the proponents and opponents become.

A major casualty of the ABM dispute has been the open mind and the flexible judgment. The temptation to freeze one's opinion; to lock in one's case and then to assemble as much evidence as possible to prove that case too often has come to dominate the forensics of the Nation's debaters on this question.

The well-being of the human race, as well as the national interest of the United States, demands that our judgment here be as error free as possible. The quest for wise judgment forces us to use every analytical tool at our disposal. One such tool would, in my estimation, be a set of four questions. Such a set would be something like the following questions:

First. Do the security demands of the United States require the ABM?

Second. Will the ABM work?

Third. Will our adoption of an ABM system escalate the arms race?

Fourth. Are there viable alternatives to the ABM?

As imperative as is the need for certainty in responding to these questions, the current status of data, facts, information and the interminable unknown have surfaced only one firm conclusion and that is no one knows for sure. This is what is so characteristic of the hours and hours of hearings, the pages and pages of testimony, and the days of debate about the ABM.

The questions I refer to have not become less imperative by the testimony and by the debate, so, my comments are only one Senator's attempt at answers to the urgent questions so far raised by our discussions.

The first of these urgent questions is: Do the security demands of the United States require the ABM?

Both sides in the controversy are generally agreed that some eventualities which would upset the security of the United States might indeed come to pass. In the first place, both sides have agreed—generally speaking—that the Soviet Union's big SS-9 Missile might be able to destroy virtually all the American Minuteman intercontinental missile force in a surprise attack.

Second is the possibility that the growing Soviet missile-carrying submarine fleet might be used to launch a surprise attack on the American Bomber Force.

Third is the possibility that the Mainland Chinese might deploy a force of ICBM's that could threaten the destruction of a number of American cities.

Fourth is the possibility of an accidental or a demonstration launch of a missile by one of the nuclear powers.

What is so characteristic of all these possibilities is that they are, indeed, possibilities not certainties or even probabilities. Wisdom has for some time dictated that meaningful choicemaking has seldom been allowed the luxury of certainty.

The second question we must answer in our deliberations over the ABM system is: Will the ABM work?

Here again there is little disagreement over whether the various components of the Safeguard system taken separately will work. All of them except the long-range perimeter acquisition radar have been built and successfully tested.

But, all this does not permit us the ease of accepting the facile implication that we must buy the Safeguard system; since we do not know, with clear certitude, whether all the components when put together will work in an emergency. Yet, it is all we have at this point, and the need for ABM seems to me still present, even though we do not have absolute assurance that it will all work in an emergency.

Perhaps there is some point in recalling that similar doubts about "workability" preceded the final successful completion of other weapons systems.

The third question raised in the controversy over the ABM system is even more difficult than the first two. That is: Will our adoption of an ABM system escalate the arms race?

Here again, the question is a matter of judgment. Will the hopes for world peace be enhanced if the United States goes ahead with deployment of a major new weapons system while it engages in the disarmament talks that are sure to be extremely complex and may last for 4 or 5 years? Or will the hopes for peace be enhanced if the United States stops deployment of both Safeguard and multiple war heads as a dramatic first step in the negotiations?

Whether or not these questions are a matter of judgment does not allay the reality of the Soviet Union's SS-9 missile. Nor do the questions relieve us of the fact of a growing Soviet missile-carrying submarine fleet. The questions give us scant comfort in the face of mainland China's determination to build ICBM's. And last, the possibility of an accidental or a demonstration launch of a missile by one of the nuclear powers is not lessened by the question.

Therefore, before deciding that a limited ABM deployment would trigger a new level of the arms race, one would have to establish within reasonable certainty that the "balance of terror" would be seriously upset. However risky or frightening the maintenance of such a balance may appear to be, it has in the past afforded a better climate for talks than the contrary condition of serious imbalance. For example, during the time that the United States had a monopoly on atomic bomb delivery capability, there was no disposition in Moscow to discuss arms limitations. Now that the Soviets and the Americans have achieved their relative balance of terror the prospects for meaningful talks, at least, have noticeably improved. The proposed "thin line" deployment would not add to the delicate scales of balance new elements not already present.

By the same token, it is argued by some political scientists that the mainland Chinese cannot afford to discuss arms limitations at least until they have acquired a delivery capability. For the predictable future, however, the relevant make-weights for nuclear balance will be held in American and Soviet hands.

If, on the other hand, our failure to deploy a thin line of ABM's should forfeit our relative balance of capabilities, would not the chances for U.S.-U.S.S.R. negotiations have been set backward?

Because the answers to the first three questions are dominated by uncertainties, the fourth question becomes almost chimerical. Are there viable alternatives to the ABM?

The necessity for an answer does not diminish in the face of the illusive difficulty of the question. The fact is, if the consequences of the decision not to employ the ABM system prove to be wrong, then it would be disastrous to the United States. On the other hand, if we build the ABM system and do not have to use it, such a decision would not be a disaster. I know there are those who believe that weaponry expenditures destroy our chances of resolving our grave domestic problems. But, I believe that the vaunted wealth of the United States allows us not only to safeguard national security but to resolve the very serious internal problems as well. And deployment conceivably could even preserve the chance for new solutions to the disarmament question.

Even so, this Senator, as an individual human being, for example, is plainly structured constitutionally in opposition to military might; he is philosophically fearful of unrestrained arms races. His personal "druthers" would be to oppose the ABM. And were he still a professor in the classroom, he might well be out on the public platform crusading against the ABM.

As a U.S. Senator, however, I have sought to isolate, in my own conscience, the requirements of a public sense of responsibility, and have made an effort to equate that sense with an understanding of that even deeper responsibility which falls upon the shoulders of the President of the United States. This, then, becomes the key to my quest for the necessary answer regarding the limited deployment of the ABM.

The President of the United States—any President, not just this one—I presume, must start from his own assumption that his decision may be wrong. Only in this way can he then measure the consequences of human error for the people of his country. Should he decide to deploy the ABM system and this turns out to be a wrong decision, would the consequences be irretrievable? Or, on the other hand, should he decide to veto the system and this turned out to be a wrong decision, what would it mean? In the simplest terms it could mean, in the first instance, the wasting of several billions of dollars—little more. In the second instance, however, if scrubbing the system proved to be a wrong decision, the obvious consequence could be serious, if not fatal, to our country's security.

Or, even the pending compromise proposal could risk the loss of irretrievable time should the optimists turn out to be wrong.

The sheer uncertainty surrounding the search for the right answer must weigh heavily on the sense of responsibility of any President of the United States. It would seem to boil down to the President's having to back into the lesser of two evil choices. While a Senator on either side of the argument can still afford to be wrong with less disastrous consequences for the country or for the world, the President cannot.

For this reason, there ought to be a greater understanding of the importance of protecting the President's options—of allowing the President the opportunity to hedge his bets in order to keep open the choice of correcting or adjusting the national course as we learn more and as the known factors permit a more sophisticated judgment.

As the country in general and the Senate of the United States in particular now approach the time for decision on the ABM, I believe it important to keep uppermost in our minds the requisite of Presidential responsibility in arriving at that decision.

The awful loneliness imposed by that sense of responsibility on the conscience of a President—be he a Truman, an Eisenhower, a Kennedy, a Johnson, or a Nixon—ought to evoke a deeper understanding in the heart of each Member of this body. It is in that spirit of understanding that I have chosen to support the President of the United States in his request to proceed with a limited deployment of an anti-ballistic-missile system.

Mr. President, I wish to concentrate on one point. It is a very personal point. It has to do with the philosophy of this liberal Democratic Senator in regard to this special issue. In a sense, I think it would be fair to say that I have sort of backed into this position.

One of the real casualties in this dialog, in these debates, and in this controversy, in my judgment, has been the freezing of many minds, the closing of many more of them; and I hope that once we get this behind us, there will be a thawing out again. For that reason, what I have to say at this time has nothing to do with persuading anyone to consider the rightness or the wrongness of my particular view; because, if the truth were known, I am constitutionally structured, as an individual human being, to oppose armies, to oppose generals, to oppose arms races. It just goes against my grain. And I would not mind confessing that if I were back in the classroom, professoring again on my campus, I probably would be out crusading against the ABM.

But on this special occasion I have tried to isolate in my conscience and within the dimensions of my personal philosophy what I have striven to understand better than I ever have before, and that is the loneliness of the responsibility that finally devolves upon the shoulders of the President of the United States—any President of the United States, not just the present one.

I must say, Mr. President, that while I can have my own biases on this question, the world will survive if McGEE is wrong.

The world probably will survive the decision that any Senator in this body makes. If I am wrong, I can just say: "Sorry, Chief; let us try something else. We will go on our way." But in the case of the President, the issue is slightly different, and if he makes a wrong decision, the consequences are far more serious than if I do.

Thus, I have tried to approach a closer understanding of the kind of situation in which he finds himself. I would think, although I have no reason for knowing, that any President would have to back into this matter by assuming that he is wrong, so if he decides to agree to an ABM deployment and assuming he turns out to be wrong, what are the consequences? In this case I suppose the consequences would be the expenditure of a great many billions of dollars as Senators have mentioned, and probably more than that.

But the real test comes when a president has to ask himself, "Suppose I am wrong if we do not deploy it. Then, what are the consequences?" I think it is immediately obvious that the consequences then are those of a highly escalated price and a price that goes beyond dollars and taxes, a price that might be irretrievable because of the passing events of our time.

On this basis, as I have searched for understanding on my own part, I thought of that terrible isolation that falls upon a President, be he a Truman, Eisenhower, Kennedy, Johnson, or a Nixon, and that he has to be prepared to take the lesser of evil alternatives. We have to help him, in my judgment, to protect his options, and to hedge his bets.

Whatever else emerges from our hours and hours of debate and hearings, it is that none of those who testified before us are willing to testify quietly alone with us that they are sure they are right. There is that haunting uncertainty.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McGEE. There is that haunting uncertainty of not being sure that behooves me to support the President in protecting this option, in hedging on this point, until we can learn more in the days ahead about the judgments that we will still be required to make.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, I yield to the senior Senator from Maine. How much time does the Senator request?

Mrs. SMITH. Mr. President, I shall take only——

Mr. NELSON. Mr. President, I wish to inquire if this is on the time of the proponents of the measure.

Mr. HART. It is. I wish to explain to the distinguished Senator from Wisconsin, who understood he had 10 minutes and we were advised he had requested 5 minutes, that we will make our best effort to deliver on the time we have been asked to provide. I think all of us understand why time is now unanticipatedly being allocated to the Senator from Maine.

Mr. NELSON. Yes, I am wondering. Some of us have brief remarks.

The PRESIDING OFFICER. Does the Senator wish to state a parliamentary inquiry?

Mr. NELSON. Mr. President, I would like to ask unanimous consent that whatever time the Senator from Maine uses be changed to the time on the bill.

The PRESIDING OFFICER. There is no time on the bill.

Mr. STENNIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, will the Senator restate his request? What is the request of the Senator?

Mr. NELSON. Mr. President, I would like to have the Senator from Maine recognized from some other time rather than on the time of some of us who would like to make remarks. Perhaps we should ask unanimous consent that each side be granted 5 more minutes.

Mr. STENNIS. The time now being used is on the amendment.

Mr. HART. The Senator can have all of my time remaining, which is 2 minutes.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, at this stage of the proceedings, under the unanimous-consent agreement, is it in order to offer an amendment to the Cooper amendment?

The PRESIDING OFFICER. It is not in order until the time has expired, unless it is by unanimous consent.

Mr. HART. Mr. President, I yield to the distinguished Senator from Maine.

Mrs. SMITH. Mr. President, I shall take only a minute.

I thank the distinguished Senator from Michigan for yielding.

Mr. President, at the expiration of time on the Hart-Cooper amendment I intend to offer another amendment, and for the information of the Senate I will read the amendment at this time. The amendment will be my original section 402, with an additional provision:

> SEC. 402. None of the funds authorized by this or any other Act may be used for carrying out, after the date of enactment of this Act, any research, development, testing, evaluation, or procurement of the antiballistic missile system known as the Safeguard system, or to carry out any research, development, testing, evaluation, or procurement of any part or component of such system; *Provided*, That funds contained herein or elsewhere for research, development, test and evaluation of components, and related procurement, of any other advanced antiballistic missile system or other weapons system shall not be affected.

I have copies of the proposal on my desk if anyone wishes to read it.

Mr. COOPER. Mr. President, will the Senator yield for a parliamentary inquiry?

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, I make a parliamentary inquiry in order to be certain. When all the time has elapsed upon the Cooper-Hart amendment, will it then be in order for the Senator from Maine to offer her amendment?

The PRESIDING OFFICER. The Chair advises the Senator that it would be in order for anyone to offer an amendment at that stage.

Mr. COOPER. I want it to be specific. I ask about the amendment of the Senator from Maine.

Is there any parliamentary device which can prevent her from offering her amendment when all the time has elapsed, if she secures the floor?

The PRESIDING OFFICER. No; nothing would prevent its offering at that time.

Mr. COOPER. Mr. President, I would like to make an announcement.

Mr. FULBRIGHT. Mr. President, may we have order? It is difficult to hear the Senator.

The PRESIDING OFFICER. The Senate will be in order.

Mr. COOPER. Mr. President, the Senate knows of the long hours of debate we have had on the Hart-Cooper amendment. We believed in it, and worked for it, and fought for it. We have been joined by many other Senators in this body who have worked in the same way.

We have had an opportunity to listen to the distinguished Senator from Maine when she first presented an amendment and, of course, she has been very kind to discuss her amendment with us.

She will offer a new amendment. The Senator from Michigan (Mr. HART) and I have considered it with many others and decided that her amendment, in a different way, but as precisely and perhaps more clearly accomplishes the purpose of our amendment.

So when the opportunity arises I shall vote for her amendment. My colleague, the Senator from Michigan (Mr. HART) will speak for himself, but I know we will vote for her amendment and we would hope very much that all of those who have been so kind as to support the amendment which we offered will join us in supporting the amendment of the Senator from Maine.

Mr. MURPHY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 1 minute to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President going back to the proposition about the amendment, no amendment has been offered now or sent to the desk. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STENNIS. But I have one in my hand—which is not my own.

My point is that the amendment of the Senator from Maine, another amendment, offered on that same subject, would have to carry a substantial difference in substance.

The PRESIDING OFFICER. The Senator is correct.

Mr. MURPHY. Mr. President, a parliamentary inquiry.

Mr. STENNIS. Does the Senator wish to be recognized?

Mr. MURPHY. No. I wish to address a parliamentary inquiry.

Mr. STENNIS. I yield 1 minute for that purpose.

Mr. MURPHY. Mr. President, when the Senator from Maine offers a new amendment, will it be in order for debate, will time be controlled, and for how long?

The PRESIDING OFFICER. The Chair advises the Senator there will be 1 hour under the previous agreement, which would be divided equally.

Mr. STENNIS. I yield 10 minutes to the Senator from Washington.

Mr. JACKSON. Mr. President, in my opening remarks in this debate on July 9, I addressed the Senate on the main considerations which lead me to support President Nixon's request for the authorization of phase I of the Safeguard ABM. Later, at a closed session of the Senate, I discussed many of the classified matters relating to the proper consideration of this issue. Since that time, I have noted a recurring theme of those who oppose the President's ABM request: It is said that the Safeguard ABM "will not work."

This is not the first time we have heard this argument against a new development. When the first automobile chugged down the street, there were loud cries of "The darn thing will never work, get a horse." When the first pair of pajamas was put on sale, a man looked at it and predicted it would never replace the old-fashioned nightshirt.

In 1906, we were told that heavier-than-air craft would be incapable of sustained flight. Who said that? Simon Newcomb, an American scientist of the first rank, and he said that a few years after the Wright brothers flew at Kitty Hawk.

In 1933, we were advised that we were never likely to be able to control atomic energy to a useful extent. Who said that? Dr. Ernest Rutherford, the great English scientist and Nobel Prize winner, and he said it less than a decade before we achieved the first sustained nuclear chain reaction.

At the end of the 1940's, we were told the H-bomb might not prove feasible. Who said that? Various members of the prestigious General Advisory Committee to the Atomic Energy Commission. In the end, every member of the General Advisory Committee recommended, for one reason or another, that we not go forward with the hydrogen bomb—except Dr. Glenn Seaborg, who was away in Europe when the committee met on October 29, 1949. And who were the members of the General Advisory Committee? They were a Who's Who of the American scientific fraternity.

It is our good fortune that President Truman rejected the advice of these noted scientists. He concluded that the Soviets would go ahead with their own program, whatever we did, and that to leave the field and possibly sole possession of the H-bomb to Russia would be a criminal dereliction of duty. As things turned out, the Soviets were already hard at work on the H-bomb. Their test came at about the same time as ours at Eniwetok and was also a successful one.

In 1949, a book was on the presses with a prediction that it would be 10 years before the Soviets would produce a workable atomic bomb. When the Soviets exploded an atomic bomb in August 1949, the printing presses had to be stopped, and the prediction cut out of the type. Who was the author of the book? The distinguished scientist, Dr. Vannevar Bush, who directed the important Office of Scientific Research and Development during World War II. The book was his well-known "Modern Arms and Free Men."

In 1949, we were told that it would prove impossible to make relatively accurate intercontinental rockets—that in fact such rockets would be extremely inaccurate and astronomically expensive. Who told us that? Dr. Vannevar Bush.

In February 1953, it was said that the Soviets could not be expected to have any ICBM's before the late 1960's. Who made that prediction, plainly in error before the year 1953 was even over? That prediction was made in the final report of the Lincoln Summer Study, among whose prominent members were President James Killian of MIT, Dr. Carl Kaysen of MIT, and Dr. Jerome B. Wiesner of MIT.

In 1956, we were told that it was not technically feasible to put H-bombs in intercontinental missiles. Who told us that? P. M. S. Blackett, the outstanding British scientist and Nobel Prize winner in physics. And he told us that at a time when it had been known in the classified literature for more than 2 years that it was technically feasible and when, in fact, this knowledge had played an important part in the decision to accelerate the U.S. ICBM program.

In 1962 it was said that lunar orbital rendezvous would be a poor way to send men to the moon, that it would not work, that it involved too great risks for the lives of the astronauts, and so on. Who said that? Dr. Jerome B. Wiesner, then science adviser to President Kennedy. Fortunately, President Kennedy did not follow Dr. Wiesner's counsel on this issue. He followed the advice of the responsible technical experts in NASA.

We all recognize the right of scientists to speak their minds. The men I have cited were able and knowledgeable. They have made outstanding contributions in their own professions and disciplines. The point is: Exact prediction on these matters defies absolute assertion, and even great scientists can be wrong.

In short, we do not settle an issue like the ABM by claiming it will not work. Distinguished scientists will be found on both sides of this sort of issue. Trying to make one's case by the method of scientific authority will not wash. Like President Truman in the H-bomb decision, and like President Nixon now in the ABM decision, we Senators have to use our heads and exercise our judgment in evaluating the conflicting points of view and in weighing all the relevant considerations.

As my colleagues know, some critics of Safeguard have tried to give the impression that the whole scientific community is up in arms against the Safeguard ABM. This is a wild distortion of the facts. Even the scientists who appeared before the Senate Armed Services Committee as opponents and critics of the Safeguard system did not go out on the limb of saying that Safeguard would not work. And there is no doubt whatsoever about the eminence of those scientists who believe Safeguard is practicable and who strongly support going forward with the program as recommended by President Nixon—such men as:

Dr. Freeman Dyson, professor, Institute of Advanced Study in Princeton.

Dr. Charles Herzfeld, former director, Advanced Research Projects Agency.

Dr. Willard Libby, Nobel Prize winner in chemistry, professor of chemistry and director of the institute of geophysics and planetary physics at the University of California, Los Angeles, and a former member of the AEC.

Dr. William McMillan, professor of chemistry, UCLA.

Dr. Frederick Seitz, president, Rockefeller University, recently president of the National Academy of Sciences.

Dr. Harold Smith, associate professor of nuclear engineering, University of California at Berkeley.

Dr. Edward Teller, associate director, Lawrence Radiation Laboratory, University of California.

Dr. John Wheeler, professor of physics, Palmer Physical Laboratory, Princeton University.

Dr. Eugene Wigner, Nobel Prize winner in physics, professor of mathematical physics, Princeton University.

Mr. President, the Safeguard system is the result of a very comprehensive research and development effort. The components are more fully advanced and better tested than were the components of the Polaris missile system, when a comparable go-ahead was given.

We solved greater and more complicated technical problems to make the successful Apollo flight, than we find in the Safeguard program. Surely, if we can walk on the moon, we can make the Safeguard program work.

Since President Nixon made his request for the Safeguard ABM on March 14, the facts of growing Soviet strategic offensive capabilities are more ominous—not less so.

The Soviets are continuing to install their very large SS–9 missiles, each capable of carrying one gigantic 20- to 25-megaton warhead. The number of their SS–9 missiles operational or under construction now considerably exceeds the figure of 230 used as late as May by Secretary Laird. Moreover, the number exceeds the earlier estimate of the intelligence community for the time period involved.

Since March, the Soviets have tested multiple reentry vehicles on their SS–9; three such RV's—each with payload equivalent to a 5-megaton warhead—per missile, and these tests have not been unsuccessful.

Also, our information now is that the Soviets have launched or have under construction more than 20 "Y" class Polaris-type submarines. The Soviet Union not only has the plant capacity to produce as many as six to eight of these "Y" class submarines a year, but the current information is that they are in fact producing them at the rate of eight per year at two assembly-line facilities. It is considered likely that as production experience is gained the rate of output from the two facilities might increase significantly.

In recent months, more and more informed analysts of Soviet developments, right, left, and center, are assessing the Soviet leadership as evident products of the Stalin system, not inclined or able to move the Soviet Union out of the vicious circle of repression, fear, repression. The defection of Anatoly Kuznetsov is just the latest testimony to the trend toward the domestic hard line in Russia. Furthermore, an increasing number of Western analysts are warning that the Soviet Union faces a leadership crisis, the outcome of which is unpredictable. We do not know who will have the finger on the Soviet nuclear trigger in the months and years ahead. The enormous Russian arsenal will be at the disposal of whatever "strong man" or ascendant faction of tough, ambitious figures maneuver to the fore in the struggle for power and influence going on within the Politburo.

Furthermore, three danger spots in the world show no signs of quieting down; the threatening situation on the Sino-Soviet border where both sides have piled up vast arsenals; the potentially explosive conditions in Central Europe, where the Kremlin is using force to turn back the clock in Czechoslovakia; and the Middle East, where no agreements are in sight, and where the bitter conflict goes on. Crises in any one of these areas—and in other areas—could get out of hand; the trouble and violence could spill over and involve us directly.

Hence, there is everything to be said for the United States maintaining a strong and prudent defense posture.

And, as I see it, this means moving now to give a future President an option between capitulating to any nuclear attack and "emptying the holes" in an all-out nuclear war. The whole point of the Safeguard ABM is to keep open the option for a future President for what John Kennedy called "a choice between Armageddon and surrender."

Mr. President, I do not find the prospects of negotiating reliable agreements with the Soviet Union on the limitation of offensive and defensive nuclear systems as rosy as some people now paint them. But we have to do our best, for if there is a chance to have successful negotiations we must not miss it.

I am confident President Nixon is going to be in a better position—as the Senator from Rhode Island (Mr. PASTORE) so well stated a short while ago—to negotiate with the Soviets on nuclear arms control, when the Senate has voted to give him the authority to move ahead with phase I of Safeguard.

The purpose of negotiations with Moscow on offensive and defensive nuclear systems is to reach mutually acceptable agreements that improve the chances for building a peaceful world. We do not want just negotiations. We want serious and productive negotiations that advance the prospects for a more stable, decent world in which individual liberty can survive and flourish. So our preparation for these negotiations and our stance as we enter them are very important.

The PRESIDING OFFICER. The time of the Senator from Washington has expired.

Mr. STENNIS. Mr. President, I yield 2 additional minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 2 additional minutes.

Mr. JACKSON. Mr. President, I think it very likely that the Soviets will want to maintain a limited ABM defense to give them some future protection from nuclear coercion and attack from Communist China and other secondary nuclear powers. In any case, I do not see how anyone could realistically expect to get Moscow to agree to limit its ABM deployment, if we abandon the deployment of our ABM's, unilaterally, before the negotiations even begin. Nothing in the record of negotiations on the control of arms suggests that this would be the way to have a successful parley with the Soviets.

I believe there is some chance that we could come to an agreement with the Soviet Union for a limited ABM defense on both sides—for example, an agreed ceiling on the number of ABM's for each side—provided that the Congress does not foolishly throw that chance away by now scuttling our own program.

In my view, nothing would be more detrimental to our diplomatic effort—or more shortsighted in the cause of world peace—than to deny President Nixon the strong hand he needs just as his negotiators are about to sit down at the conference table.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, how much time is left for the opposition?

The PRESIDING OFFICER. Fifteen minutes.

Mr. STENNIS. Mr. President, we have used quite a bit of the time on this side. I respectfully ask to be relieved of yielding now, and ask the other side to yield some time.

The PRESIDING OFFICER. Does the Senator from Michigan yield time?

Mr. HART. Mr. President, what time remains on the side of the proponents?

The PRESIDING OFFICER. Thirty minutes remain on the Senator's side.

Mr. HART. And the opponents?

The PRESIDING OFFICER. Fifteen minutes.

Mr. HART. Mr. President, I am prepared to yield time to the Senator from Wisconsin (Mr. NELSON), but he is not present at the moment.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Iowa (Mr. MILLER).

The PRESIDING OFFICER. The Senator from Iowa.

Mr. MILLER. Mr. President, there is not much I can add to what the able Senator from Washington and the able Senator from Rhode Island have had to say, except I would like to put in perspective one point that the Senator from Missouri has been stressing very greatly, and that is the terrible cost of our defense budget.

There is no one in the Senate who is not concerned about the size of the defense budget. No one has a premium on that concern. But let us put it in perspective. The other day I sought to do that, and I regret that my colleague the Senator from Missouri did not hear me.

I pointed out that our gross national product for fiscal 1970 will be $960 billion. If our defense budget goes through at $78 billion, including only the sum of $345 million for the Safeguard system, it will mean that 8.1 percent of our gross national product will go for national defense. Last year it came to 8.2 percent. Five years ago the total was 8.4 percent. Ten years ago it was 8.5 percent. Fifteen years ago it was 9.5 percent.

Mr. President, if we take a look at it from that standpoint, we are not doing as badly, considering the relationship of our defense budget to our gross national product, or our country's capabilities, as we were 15 years ago. In fact, as compared with 3 years—5 years ago, 10 years ago, and 15 years ago—it will be less.

I am not saying that we should not be concerned about defense costs, but I think there has been just too much talk about it without taking it in the perspective in which I put it.

One last comment. For a long time I thought the Cooper-Hart amendment was being supported by Senators who recognized the need for an ABM system and recognized the need for a Safeguard system, but wanted to limit the funds to research and development. Now the Senator from Kentucky tells us that they can support the Smith amendment because the Smith amendment would do away with the Safeguard system altogether. I do not think we have been given the proper approach on this question, with all deference to my colleague from Kentucky. I do not think the true position has been shown to us.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOPER. Mr. President, may I have 1 minute to respond?

Mr. HART. I yield 1 minute to the Senator from Kentucky.

Mr. COOPER. Mr. President, the amendment which the Senator from Michigan (Mr. HART) and I have offered, which has been debated for weeks, would deny the use of any funds during the next fiscal year for deployment and provide funds only for research and development.

When Senators study and consider the amendment which will be proposed by the Senator from Maine (Mrs. SMITH), I believe they will find the Smith amendment could achieve the same result. I have read her amendment carefully and discussed it with her. The amendment proposes that no funds shall be used for research and development, test, evaluation, or procurement for the Safeguard system—as designed. It would prohibit its deployment, as ours would.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. I yield 2 additional minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 2 additional minutes.

Mr. COOPER. We have been fighting against the Safeguard system because we have said again and again on the floor that we do not believe it is designed correctly. We have advocated that the funds be used for designing a new system. This is the purpose of Senator SMITH'S amendment, also.

The amendment of the Senator from Maine provides that these funds can be used for any purpose connected with research and development, testing, and evaluation, concerning this or any other weapons system or any other advanced ballistic missile system. Our amendment seeks research on a better designed ABM system.

As I said a few minutes ago, the amendment of the Senator from Maine is perhaps more precise than ours is. But I find no essential difference between our two amendments. I want to make this clear.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, I yield 5 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 5 minutes.

Mr. NELSON. Mr. President, more than 4 years ago, in the spring of 1965, I was here on the floor of the Senate arguing and voting against appropriations to launch a land war in Vietnam. The same pundits of the press, the same generals in the Pentagon, and the same Members of Congress, were then making the same arguments for intervention in the war in Vietnam that they are now making for deployment of the ABM. There is hardly a single proponent for intervention in the war in Vietnam in all America who now does not wish we could turn the clock back to avoid that tragic mistake. Five years from now, in my judgment, they will be confessing their mistake on the ABM as they are now confessing, privately and publicly, their mistake on Vietnam.

On April 18, 1968, I introduced the first amendment to delete appropriations for the anti-ballistic-missile system. That amendment received only 17 votes. Since that time there has been increasing widespread debate over the wisdom of deploying this weapons system and increasing opposition to it until, it appears now, the Senate is about equally divided. It is interesting to note that the membership of the Foreign Relations Committee, which conducted extensive hearings on this issue, is divided 10 to 4 against deployment and the Armed Services Committee is divided 10 to 8 in favor of deployment. Thus, a majority of 18 to 14 on these two committees is opposed to deployment.

In any event, as I see it, the most disturbing thing about the Safeguard proposal to deploy antiballistic missiles is its disastrously bad timing. At this very point the United States and Russia are in a position to begin negotiations which could put an end to the arms race. This is the heart of the issue before us. We can either take the initiative now to push for arms control agreements or we can add fuel to the escalating weapons race by deploying an anti-ballistic-missile system. Whatever merits the proponents claim for an ABM, Russia knows that we have sufficient nuclear warheads in hardened missile sites on the ground, in bombers, and in inaccessible submarines to retaliate with devastating force upon any country that attacks us. Russia occupies the same relative posture of strength toward us.

If under these circumstances it is not possible for the great powers to move for negotiations to deescalate the arms race, we may as well concede it never can be done. If that is the gloomy prospect we can resign ourselves to an endless weapons race that dramatically increases insecurity in the world, dissipates critical resources and contributes to the growing disillusionment with political systems here and elsewhere which are so remarkably efficient at making war and so utterly incapable of creating a peace.

What we should do now is postpone on-site deployment of the ABM while we continue research and development. If at some later date compelling reasons arise for deployment, that issue can be decided then. At the time we announce the postponement, we should initiate talks for deescalation. All elements are now present for mutually beneficial negotiations.

This is the first time such an opportunity has appeared in 20 years. If we pass it up we may have to wait another 20 years. The world cannot afford that.

If we deploy a new weapons system Russia responds with another and we react with something else. After the Safeguard system, each side expands from a thin system to a thick one, and then to the multiple warhead—MIRV—and then to construction of launching sites on the bottom of the ocean, and so on without end.

Former Secretary of Defense Robert McNamara said it well:

> It is precisely this process of action and reaction upon which the arms race feeds, at great cost to both sides and benefit to neither.

In the growing debate over the military budget in general and the ABM in particular, we are really witnessing the opening of a much broader debate over a much larger question—what are and what should be our national priorities? How long can we continue to ignore critical social, political, and economic problems on the homefront and still maintain the unity of our people? We can spend all our resources for defense, and have nothing left to defend. We can populate our country with shiny new missiles and other glamorous armaments and ignore the continuing decay of our cities, the overwhelming pollution of our rivers and lakes and air, the children who go hungry and sick in this affluent society, the educational institutions that limp along for lack of funds.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NELSON. Mr. President, I ask for 1 more minute.

Mr. FULBRIGHT. I yield the Senator from Wisconsin 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 2 minutes.

Mr. NELSON. Is it not remarkable that almost any weapons system the mind of man can conceive we will fund to the patriotic chant of "national defense" when in fact each step up the escalation ladder brings us closer to a certain end spelled "international disaster." Is it not ironic that we can spend $350 million a year on chemical agents and disease organisms that would wipe out whole populations of people but we have to close Job Corps camps and send unfortunate boys and girls back to the streets because we need to save $57 million in the current budget? Does not it give one cause to ponder the character of a society that can enthusiastically spend $25 billion for the moon landing and fund only $214 million in a lamentably insignificant effort to stay the pollution of our rivers, lakes and streams? Remarkable though the achievement, to what avail do we discover the physical composition of all the barren planets in our solar system while man's depredations destroy those characteristics that distinguish this planet from all the rest?

A year ago, the U.S. Senate was debating another version of the ABM—the Sentinel program. I opposed that system, and said that if it was bad politics to do so, at least it was good sense, and that is something worthwhile nowadays.

Right now we have a "sufficiency" of arms capability that is almost beyond comprehension. Future plans for our Polaris submarines will give them 6,000 underwater warheads poised for action. Add to this right now 1,000 land-based Minuteman missiles, 7,000 tactical nuclear weapons in Europe, plus another 1,000 for our bombers. Enough to snuff out any country and the rest of the world. How much is enough? Between the United States and Russia there are stockpiled enough nuclear weapons to equal 15 tons of TNT for every man, woman, and child on earth.

Over the weeks all the arguments pro and con have been made. There is really nothing to add. I would emphasize once more, however, that all experts agree that any anti-ballistic-missile system can be quite simply neutralized by saturation. It is only necessary to make a photographic count of the ABM silos and produce enough offensive missiles to absorb the system. This point is not in dispute. Is anyone in doubt that either side would do exactly that in the event the other deployed an ABM? We in fact have already responded to the limited deployment of 72 antiballistic missiles around Moscow in precisely this fashion. They may protect Moscow for a limited time against attack by China, but they offer no defense against our system. They know that and so do we.

Every Member of the Senate has viewed the Defense Department chart that shows how many offensive missiles it will require to neutralize both phase I and phase II of our proposed ABM system. The Russians know what that number is as well as we do since it is a relatively simple mathematical calculation. Thus, I wonder why the Defense Department has not made the chart public as suggested by the distinguished Senator from Missouri, Senator SYMINGTON. It woud seem obvious that the American public is entitled to know as much about that chart as the Russians do.

Of course, one response the proponents make to the saturation argument is that we can expand our ABM if they try to neutralize our system, as they will certainly do, and therein lies the catalytic agent for a dramatic escalation of the arms race.

Former Defense Secretary McNamara graphically described the folly of spending when he said:

> $4 billion, $40 billion, or $400 billion—and at the end of all the spending, and at the end of all deployment, and at the end of all the effort, to be relatively at the same point of balance on the secruity scale that we are now.

Certainly we cannot expect to throw a new weapons system into the arms race and then join the Russians in meaningful arms control negotiations.

Mr. President, I ask unanimous consent that remarks I made in opposition to deployment of the ABM on April 8, 1968, and April 19, 1968, be printed in the Record at the conclusion of my remarks.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

[From the Congressional Record, Apr. 8, 1968]

Mr. Nelson. The price tag on this proposal is now $5 billion. As we all know, it will be higher. We are told it is aimed against China missiles only. It is conceded by everyone that at best it would be effective against a crude, unsophisticated delivery system. On February 2 of this year, Defense Secretary McNamara testified before the Armed Services Committee that this was a Chinese oriented system. When Senator Dominick asked, "If a Soviet missile should come within that particular defense system you could handle that one?" Secretary McNamara replied:

"If it were only one missile, yes. However, if it were the size attack the Soviets are capable of mounting today, the answer is 'No.' "

In a speech, a few months ago on September 18, 1967, the Defense Secretary said:

"Our strategic offensive forces are immense. All of these flexible and highly reliable forces are equipped with devices that insure their penetration of Soviet defenses."

Mr. McNamara said further:

"None of the [ABM] systems at the present or foreseeable state of the art would provide an impenetrable shield over the United States. There is clearly no point . . . in spending $40 billion if it is not going to buy us any significant improvement in our security. Every ABM system that is now feasible involves firing defensive missiles at incoming offensive warheads in an effort to destroy them. But what many commentators on this issue overlook is that any such system can rather obviously be defeated by an enemy simply sending more offensive warheads, or dummy warheads, than there are defense missiles capable of disposing of them."

He reminded his audience that the United States has "already initiated offensive weapons programs costing several billions in order to offset the small present Soviet ABM deployments.

Secretary McNamara pointed out that four distinguished scientific advisers to three Presidents—Eisenhower, Kennedy and Johnson—"have unanimously recommended against the deployment of an ABM system designed to protect our population against a Soviet attack." He went on to say:

"We have the power not only to destroy completely China's entire nuclear offensive forces, but to devastate her society as well."

He went on to elaborate on the folly of spending "$4 billion, $40 billion, or $400 billion—and at the end of all the spending, and at the end of all deployment, and at the end of all the effort, to be relatively at the same point of balance on the security scale that we are now."

So, nevertheless, we are now in the treadmill process of spending $5 billion on a system that may not work at all and, at best, could have some brief, some transitory value until China slightly refined its delivery system, which everyone concedes they can easily do—and certainly will.

What incredible manner of logic is this? We can, as Mr. McNamara put it, totally destroy "China's entire nuclear offensive forces" and "devastate her society as well," but, he says, we should install this system because "one can conceive conditions under which China might miscalculate."

I respectfully suggest to Mr. McNamara that the fertile human mind can conceive of almost any condition it wants to. With that assumption, any proposition can be logically supported.

It is, I think, a weird process of reasoning that causes us to spend $5 billion on a system of doubtful and certainly temporary value on the belief that China might be insane enough sometime to attack us knowing it would result in devastation for their whole society.

We cannot even wait to conclude our first round of folly in Vietnam before launching into a second round of folly in a nuclear missile race.

In 1965, when we intervened in Vietnam with a military ground troop commitment, it was argued, among other things, that it was a necessary move to contain China. High State Department including the Secretary of State and other officials, used the same argument to justify each stage of the escalation. Now we are there with over a half million troops and draining our Treasury at the rate of $25 billion a year in an enterprise we wish we had never undertaken in the first place.

China has not a single troop in the war but somehow we are supposed to be containing China by fighting the Vietnamese.

Now, again, under the guise of defending ourselves against the same enemy, China, we are launching a little "thin missile system" which, like the Vietnam war, will balloon into a big thing—and, like Vietnam, 5 years from now we will all be saying, how in Heaven's name did we ever get trapped into this? Well, it is not easy, but it can and will be done if we work at it hard enough.

I think the truth of the matter is, this is not an anti-Chinese system at all, but the first step in construction of a major heavy ABM system. Of course, many of the proponents—I emphasize this—of the thin system do not intend that result any more than they intended a big war in Vietnam, but that, nevertheless, will be the result.

The signposts along the route we are traveling are clear and we can read them down that route as far as the eye can see—they read: We escalate; they escalate; we escalate; and so forth, until we reach the end of the line, wherever that may be. As Mr. McNamara put it, we could spend $4 billion, $40 billion, or $400 billion on an ABM system and at the end be relatively at the same point of balance on the security scale that we are now.

In commenting on the futility of it all, Dr. Jerome Wiesner, science adviser to the President, said:

"Defense against thermonuclear attack is impossible."

Dr. Ralph Lapp stated:

"I believe that for every wrinkle you introduce into defense there are 10 more wrinkles that can be introduced in the power of the offense."

I am aware that the Joint Chiefs and the military hierarchy favor the heavy ABM just as they favored intervention in Vietnam, and we who oppose it will be told now, as we were then, that we are wrong and the military knows what is best. And, again, 5 years from now, if we are still around, we will have the doubtful honor of pointing to our sad mistake—and we will be told then, as now, to quit talking about the past—that is history—let us talk about the future. And so mankind goes down his merry road to disaster.

There is, of course, no doubt that this authorization will pass. This is an election year and we all know that the two biggest words in the English language are "national defense," "national defense." If you just shout them loud enough you are in the clear—you win and your opponent loses. It is just plain unpatriotic to question any appropriation for national defense. Defense against what? It does not matter what, or where, or how, or whether it makes any rational sense at all—just utter the magic words and you are in the clear.

We know that the military-industrial complex favors this appropriation; we know that Congress supports it; I assume that the public does, too. But I do not and I will not vote for it. I cannot in good conscience vote for a program that will launch us into a spiraling missile escalation which has no end and no purposes either. If that is bad politics, at least it is good sense and that is something worthwhile nowadays. For my part, I would rather leave here with my conscience than stay here without it.

In conclusion, may I say, how much better it would be if we just poured this money into our troubled cities for programs to right what is wrong in America. Lest we do that soon, we may not have a worthwhile society left here in America for the ABM to defend.

Mr. President, I ask unanimous consent to have printed at this point in the Record an article entitled "Experts See 'Thin' ABM Vulnerable," published in the Washington Post of Sunday, March 3, 1968; an article entitled "Defense: The Missile Nobody Needs," written by William E. Jackson, Jr., and published in the New Republic of October 28, 1967; and an article entitled "Anti-Ballistic-Missile Systems," written by Ricard L. Garwin and Hans A. Bethe, and published in the Scientific American of March 1968.

There being no objection, the material was ordered to be printed in the Record, as follows:

"[From the Washington Post, Mar. 3, 1968]

"Experts See 'Thin' ABM Vulnerable

"The Chinese will be able to build missiles that will penetrate the so-called 'light' ABM system the United States intends to construct, according to statements by two groups of American scientists.

"An article in the March issue of Scientific American by Richard L. Garwin and Hans A. Bethe, both long associated with the development of American nuclear weapons, argues that the proposed system 'will add little, if anything, to the influences that should restrain China indefinitely from an attack on the U.S.'

"The two scientists argue that the Chinese can surmount the American system, 'whose characteristics and capabilities have been well publicized.' Their article discusses this possibility in considerable technical detail.

"Bethe is a Nobel Prize winning physicist. Garwin, a Columbia University physicist, was recently reported to have gone to South Vietnam, a report setting off rumors that nuclear weapons were being deployed there. But Pentagon officials later said he went instead to Thailand.

"The Federation of American Scientists, in a statement, called the ABM system 'irresponsible on fiscal grounds' and 'pointless on military grounds.' The Federation statement said that 'the basic technical fact is that this system can be easily neutralized by the Chinese by using relatively simple and cheap penetration aids or by developing different means of weapons delivery.'

"Both the Garwin-Bethe article and the FAS statement express fear that the 'light' ABM system, approved last September by Defense Secretary Robert S. McNamara, will not stop here. Both believe there will be great pressure to expand the system into one designed to protect against Soviet ICBMs at a cost of $40 billion or more.

"The FAS statement is also critical of incoming Defense Secretary Clark M. Clifford's statement that he will seek 'clear-cut nuclear superiority' over the Soviet Union. The statement said that 'at today's level of weaponry there can be no such thing.' "

[From the Congressional Record, Apr. 19, 1968]

Mr. Nelson. Mr. President, my remarks are addressed to the bill itself, which I am going to vote against.

There are, it seems to me, any number of routes a country may follow down the road to disaster. We seem to be traveling several roads at the same time; namely, the war in Vietnam, the destruction of our environment and the disintegration of our great cities.

One would think that these manmade disasters would be sufficient for any country to contend with at one time. But, apparently not.

We are now about to trigger a missile race with Russia, an offensive and defensive missile escalation that literally will have no end.

The so-called thin missile system is not aimed at China at all. That is ridiculous. It is simply an opening wedge for the installation of a heavy system aimed at Russia which will cost us $30 to $40 billion, when the system will be obsolete anyway. We will have succeeded only in exacerbating the balance of terror.

Mr. President, I will not vote for this bill because it involves this authorization for the Sentinel thin missile system.

I predict that every single Member of this body who votes for this bill which will start this escalation by construction of the thin missile system, will regret his vote and the honest ones will publicly apologize for it in less than half a dozen years.

Mr. HART. Mr. President, I yield 1 minute to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, because I have voiced my opposition to the Safeguard missile system on the floor of the Senate on other occasions, and since the issue is rather clear now, and the time of the proponents is very limited, I have been requested, rather than to detain the Senate at this time, to ask unanimous consent that a detailed statement by me of my reasons for supporting the pending amendment be printed in the Record; and I now do ask unanimous consent that those remarks be printed in the Record at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement is as follows:

Mr. Harris. Mr. President, I would like to speak in behalf of the pending amendment to S. 2546.

Passage of the amendment does not mean that an ABM system would never be deployed. It means, rather, that deployment would be postponed while we consider whether the ABM is indeed necessary for our national defense.

This amendment would limit funds for the ABM system to those needed for research and development. Deployment and site acquisition would be delayed pending the results of this further research.

In the past, we have spent enormous sums to deploy weapons systems. All too often these systems have been abandoned before becoming operational or have been declared obsolete shortly after deployment. Especially with our mounting domestic problems, we cannot afford to spend the taxpayer's dollars in such an undisciplined and incautious manner.

Matthew Arnold, in describing 19th century England said:

"We show as a nation laudable energy and persistence in walking according to the best light we have, but we are not quite careful enough, perhaps, to see that our light be not darkness."

Today, in 20th century America, there is a great need for us, as a nation, to be certain that "our light be not darkness"—that we not misunderstand the true meaning of the "security" we seek. In the nuclear age, security can derive only from stability. It is all too obvious that the spiraling arms race, on the periphery of which we exist today, presents the ultimate in instability and thus insecurity.

To preserve an adequate level of stability and security requires a slowing of the arms race—an event which can occur today only through agreement between the United States and the Soviet Union.

It is clear that deployment of the ABM at this time could be very detrimental to our negotiations with the Soviet Union, and this is the most important argument in favor of the pending amendment.

The Administration claims it is essential that we bargain from the position of strength which the ABM will supposedly provide. The debate on this question of our present military strength has established clearly the impressive state of our deterrent force.

I recently met with the Chief of Naval Operations, Admiral Moorer, to discuss the current status of our Naval force. I must say that I am impressed with our Navy and its great flexibility, mobility, and almost unquestioned effectiveness. As an example, Admiral Levering Smith, Director of the Navy's strategic systems project, has stated that the Polaris Submarine will remain invulnerable for another forty years. To eliminate the effectiveness of our submarine force, the Soviet Union would have to develop an antisubmarine technology capable of tracking all missile submarines. Since the free world controls a great percentage of the shorelines, the tracking of our submarines becomes an almost impossible task.

Our advantage over the Soviet Union in the intercontinental bomber category has also been established. We have a clear numerical advantage of 646 intercontinental bombers to their 150 to 155. In addition, our bombers can carry three to four warheads, compared to the two which Soviet bombers can carry.

It is estimated that in the event of attack we could have no less than 40% of our bomber force in the air. This force, like our nuclear submarines, is clearly impressive and clearly superior to its Soviet counterpart.

The third deterrent force discussed during the debate, ICBM's, is for all purposes evenly balanced with neither power being able to claim a superior force.

Finally, we have the capacity to deliver thousands of warheads with intermediate range planes and missiles stationed on aircraft carriers and foreign bases. By reason of the strategic location of these weapons, it is generally conceded that we have a formidable deterrent force in these weapons alone.

Notwithstanding the numerical superiority we have in these various categories, the Soviet Union has nonetheless indicated its willingness to negotiate arms limitations.

They do so recognizing that we live within a structure of nuclear deterrence with both nations maintaining the ability to destroy the other.

If either we or the Russians try to radically alter this relative nuclear vulnerability in an attempt to obtain a first strike capability, or what appears to be a first strike capability, the only choice available to the other side will be to react with new weapons costing billions of dollars.

It is important that one understand that once we leave the present arms level in the elusive search for nuclear superiority, there will be much less opportunity for meaningful arms negotiations. The next plateau of armaments, the ABM and the MIRV reaction, does not very easily lend itself to arms control.

I do not mean to indicate that the Soviet Union will agree with us on arms limitations just out of the goodness of their hearts. Nor will we agree with them just to be nice to them.

Each of us will agree with the other—if at all—only because we find it in our own self interest to do so.

There are indications that the Soviet Union, beset with border clashes with mainland China and increasingly feeling a growing demand for consumer goods at home, may now have begun to see that, since neither country can or will allow the other to achieve any substantial defensive or offensive advantage, some mutually enforceable agreement now for arms limitations could provide the same kind of military parity which would exist after we had both spent untold additional billions on new systems.

Whether these talks are eventually successful or not, they are long overdue, and we should get on with them. In the meantime, we should do nothing which would damage in advance their possibility for success. The point is that we have the time to do so, while continuing research and development on an admittedly undeveloped and untested ABM system.

By withholding authorization for the deployment of the ABM we leave open what may in fact be the last feasible option for successful talks which both the United States and Russia have indicated a desire to hold. If we now deploy the Safeguard system, we make much more difficult any eventual agreement with the Soviet Union, which President Nixon has made clear he seeks.

Daily, in debate on this floor, the technical feasibility of the ABM has been questioned, along with the effectiveness of detector-control systems. Responsible and informed members of the scientific community assert that an effective detector-control system can be developed only through extensive and realistic experiments and tests. This strongly suggests the need for further research and development in order to assure the workability of the system before initiating costly construction and deployment.

In the past, we have sometimes proceeded too quickly in procuring components for systems not fully developed. Such haste has resulted in expenditures in excess of $4 billion for missiles such as the Mauler, Typon, Navaho, and others which were never deployed.

In the past 16 years we have spent billions of taxpayer's dollars on systems which were only briefly deployed—the Nike-Ajax, Regulas, and Atlas D, E, and F.

My fellow Oklahomans well remember the silos which were dug in the Southwest section of our state for the Atlas Missile. Barely completed and dedicated, they were abandoned. They are now for the most part empty—waiting for the ingenuity of man to devise other uses for these multi-million dollar holes in the ground.

This program and similar ones cost the taxpayers approximately $19 billion.

This is not to say all of the money expended in these programs was wasted. In some instances, for example, we greatly improved our technology. But, the point is that recommendations in this field are not necessarily infallible, and where we have time to do so, as in the instant case we should take the time to determine that our technology has been perfected.

Finally, one must confront the questions of our national priorities. National security should be, and is a major concern of all Americans. But what of health, safety, education, and happiness of our people? Is this not also a part of our national security? These are the things that are necessary for man's "growth, joy and reason." These are more truly the things that give us our strength and our purpose.

Erich Fromm, among others, has warned us of an inherent danger in our technology—acceptance of the principle that something *ought* to be done because it is technically *possible* to do it.

Quoting Dr. Fromm:

> "The principle means the negation of all values which the humanist tradition has developed. This tradition said that something should be done because it is needed for man, for his growth, joy, and reason, because it is beautiful, good, or true. Once the principle is accepted that something ought to be done because it is technically possible to do it, all other values are dethroned, and technological development becomes the foundation of ethics."

Indeed it would be tragic if we spend billions on a weapons system and find that in the end it has lessened the national security we seek because of its adverse effect on the coming arms negotiations with the Russians and because it has decreased our economic ability to meet pressing needs here at home.

The diversity of opinion on the ABM proposal is evidence of its complexity and significance. I think we realize that we may be setting forth priorities and goals for this nation that will be hard to change. So, let us not imitate the Queen of Hearts who had to pass sentence first and then hear the evidence. The pending amendment gives us the opportunity to develop the evidence and then weigh it carefully before acting finally. I hope it will be adopted.

The PRESIDING OFFICER. Who yields time?

Mr. HART. I yield 2 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I intend to support the Cooper-Hart amendment, but I also wish to indicate a clear intention to support a modification which the Senator from Maine has indicated she intends to submit. I do this because I feel that the modified Smith amendment can accomplish everything that I feel is needed to be done on the antiballistic missile system.

It would enable the redesign of the MSR to make it less vulnerable. It would enable redesigning to make a number of multiple radars available, rather than the single MSR that would be at each site; and it would enable us to design a system that would be far less vulnerable.

In addition, it would give us the time to see whether the Soviet Union is serious about the intention to negotiate, and whether it intends to seriously try to find a way to stop the nuclear arms race.

Mr. President, each of us sees this problem from a different perspective. I have, in common with the distinguished Senator from Missouri, a background in military procurement, though his experience was at a substantially higher level than mine, and we have had comparable experience in the electronics industry. I suppose it could be said that both the Senator from Missouri and I are members and have been members of the military-industrial complex for about a quarter of a century.

I oppose the Safeguard system, simply because I think we all know several things. We know that it has never been fully assembled. We know that it has never been fully tested. We know that it has never been, therefore, fully evaluated. We have no idea, really—any of us—what it will cost. The range of estimates is from a low of $8 billion to figures mentioned by members of the Armed Services Committee ranging up to $40 billion.

I feel it would be a great mistake to rush into production and deploy a system when we do not know whether it will work, whether it can be put together, to effectively carry out its mission, whether it will carry out its objectives, or what it will actually cost.

My own experience in production would lead me to believe we will actually lose time by rushing into production on a system that has not even been fully completed in design.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HART. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Michigan has 16 minutes remaining. The Senator from Mississippi has 11 minutes.

Mr. HART. I yield 4 minutes to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I agree with the Senator from Wisconsin that about all that can be said on the substance of this issue has been said. I simply wish to clarify my position with regard to the amendment of the Senator from Maine.

I think it would accomplish the same ultimate objective as the Cooper-Hart amendment.

It may be that some, because of prior commitments to the Cooper-Hart amendment, would feel that they cannot support the amendment. I would hope that everyone who will support the Cooper-Hart amendment will feel free to support the amendment of the Senator from Maine. If, by any chance, that amendment should fail, then, of course, they will have another opportunity to vote.

I can only say with regard to these systems, by way of review, that for 25 years this country has placed its principal reliance upon armaments. The major expenditures of this Nation have been for armament. We have piled up the most prestigious amount of arms the world has ever seen. These arms have the capacity to destroy all the world, and certainly all of the countries within the Communist bloc.

The Communists, of course, have similar armaments.

I do think we should give very serious consideration at least to a change in our approach to this policy.

Surely, none of us is satisfied with present conditions in our country.

We have seen our present policy result in internal turmoil all the way from the ghettos in the cities to the universities and many other areas.

We have seen our present policy result in many of the things the Senator from Wisconsin has stated. I will not repeat them.

I do plead with my colleagues to give prayerful consideration to this need for a slight change in direction to promote the security of our country.

I cannot help believing that the security of our country does not result from the piling up of more and more weapons of varying kinds in our arsenals and neglecting the internal strength of our country.

Surely, with the warnings we have had, ranging all the way from the riot in Watts to the burning and riot in Washington, we have had a warning that different priorities are required.

It seems to me that the first step toward that would be for us to take this small degree of change of direction in our expenditures for military equipment.

The main significance of this particular change, of course, is in the arms race. And it would be a gesture of good will and a token of our good will to other nations who are interested in deescalating the arms race.

I do hope that the Senate, in view of the present conditions and our past experience, will at least take the slight risk involved in trying another approach to our security.

There has been a tendency to identify the amount of arms we have with security, in the belief that arms and security are the same thing, only said in different words. I do not think that is true. Security, to a great extent, must depend on the internal strength of our Nation.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. HART. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 1 minute.

Mr. HART. Mr. President, as other Senators have done, I came to the floor with an elaborate speech. It would not have changed any minds, although it might have made me comfortable when looking at the RECORD.

The only thing I desire to say that may have some effect is that, with the Senator from Kentucky (Mr. COOPER), I hope very much that the Senate will support the amendment intended to be offered by the able Senator from Maine.

That amendment achieves, I think, the objective that is common to all of us—to encourage research and to insure against deployment.

This is the last chance we have to correct a mistake we made last year when we approved deployment of ABM Sentinel.

The people of this country, by their voices of protest have helped us to obtain this opportunity to correct that mistake. Let us not repeat the mistake again.

Mr. President, I yield 5 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 5 minutes.

Mr. COOPER. Mr. President, I want to make it clear that the amendment the Senator from Michigan and I have offered is not withdrawn and in the event the amendment offered by the Senator from Maine should be defeated—and I hope it will not be—there will be a vote on our amendment.

I have talked a great deal in this debate, and I shall now make my last speech for the RECORD.

The debate upon the proposed Safeguard anti-ballistic-missile system has been long and hard fought. But it has been worthwhile. It has proven the absolute necessity of the democratic process of inquiry and public debates. It has challenged the Senate as a body to exercise its responsibilities and has challenged the courage of the administration to enter negotiations with the Soviet Union for the control of arms without binding itself to a weapons system, which the negotiations will seek to control.

It has been urged again and again in the debate that a decision must be made now to deploy the Safeguard system, that it is essential to the security of our country. The responsibility for national security rests with the Congress as well as with the executive branch of our Government. We respect the President's grave responsibilities, but the Constitution calls for a joint judgment. It is a trust given the Congress by the people.

The relation of the issue before us to national security, with its vast implications for the protection and future of our country, has caused the Senate to debate its definition and the Nation's goals.

If, as has been argued, national security means a decision at this time to deploy the Safeguard system, to protect our country's retaliatory nuclear forces—the deterrent—I submit that it is a narrow definition, and the supporters of Safeguard have not made their case.

The United States possesses now vast superiority over the Soviet Union in nuclear strength. Compared to the Soviet Union's 2,200 deliverable warheads, the U.S. arsenal includes 4,200 warheads, deliverable from land, the air, and under the seas. If the Soviet Union continues to increase its strategic nuclear weapons, our country can and will increase its nuclear strength and, if needed, can speed the construction of a more effective ABM system. The bill before us is proof that the administration is increasing its offensive nuclear weapons. It provides funds for the Minuteman III program, for MIRV, for converting Polaris submarines to Poseidon, and for attack submarines. The Department of Defense has portrayed a grim picture of Soviet capabilities. It should give all the facts and tell our people that the United States has the capability to protect the deterrent.

Deployment of the Safeguard system is not possible in fiscal year 1970. No component, no part of a component of Safeguard can be emplaced on any missile site in fiscal year 1970. Research and development must proceed for some time on the antimissiles—Spartan and Sprint—and the warheads will not be ready until 1974. The radars simply do not exist. A missile site radar—MSR—is being tested at Kwajalein. Construction of the perimeter acquisition radar—PAR—the development of the necessary computers has begun, but their "software"—the feeding of necessary information and intelligence into the computers—has not yet been fully developed.

The amendment which we support does not lock the hands of the President. It provides full funds for research and development. It does prohibit in fiscal year 1970 the procurement of components of the Safeguard system. They have not been tested separately or as integrated units. Their procurement could "lock in" our country to Safeguard, a system which outstanding scientists, who have spent years working on ballistic systems, have testified is not designed for missile site defense, and cannot be effective without a minimum expenditure of $40 billion. A decision to deploy now, to lock in the system, will not contribute to national security.

We have a kind of security today. It is the ability to destroy the Soviet Union or any other power. The Soviet Union has this security as well.

The pursuit of security through nuclear power alone will never end. It will waste the fruits of the earth and make the labor of men empty. It will increase the sense of futility, particularly among the young. For we and the Soviets, with all our technology, can be reduced to dust at any moment. The green earth and millions who live on it can be burned to grey ashes. This specter is the essence of the nuclear arms race. This is our present security.

A point of view is held by some in this land which has been hardly challenged, but which we challenge today. It is that the United States is required to install nuclear systems against every threat, assumed or potential. It requires one to think of the loss of millions of human beings as if there were no rational alternative.

There is a rational alternative. Our country has the opportunity to strive through negotiations to halt the arms race. We ask that the decision to approve Safeguard—a new weapons system—shall not be made at this time, so that the United States may enter negotiations, supported not only by its overwhelming nuclear power, but also with the power that proceeds from the best purposes of our system of government, from the belief in world order and moral force.

I know the heavy responsibility that bears upon all who will vote today—opponents and proponents of deployment alike. All are moved with a common purpose—the ultimate and true security of our country.

We ask the Senate to take the course of reason, with confidence in the strength of our country, to seek ways to reduce, rather than accelerate, the nuclear arms race. This course offers the only hope of true security for our country and the endangered world.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 4 minutes to the Senator from Arizona.

First, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Arizona is recognized for 4 minutes.

Mr. GOLDWATER. Mr. President, I would not want the debate to end without clearing up a few technical points. I would not want the future readers of the CONGRESSIONAL RECORD to think that we could let go unchallenged some rather erroneous—and I think—foolish statements made on technical points.

We have been told that the radar will not work. We have been told that the computer system will not work. I know a little about radar. I have used them. I know a little about computers. I have used them.

The present state of our radar art is an exceptionally high one. We have three-dimensional radar available. We have excellent range and excellent definition. We have a radar system at Eglin Air Force Base. It is called the PSR 85. That is the phase search radar.

This is used to locate the position of satellites, some of them traveling much higher than radar search would be required in the event of incoming missiles. We have the MSA system already operative in the Pacific. The PAR is under construction. It is a 5,000 element radar, about which there is no question as to its feasibility and workability.

As to the computers: We are told that the state of the art is not far enough developed to have a computer to figure out what to tell the missile as it goes out to seek the incoming missile.

I would like to remind Senators that there are available—in fact, in use—two commercially made radars that are nearly twice as big in capacity and required ability as the computer about which we are talking here. These are run by enlisted men. A doctorate is not required to run these computers. The computers at NASA headquarters, for example, after the Apollo flight, have 5 million words stored. This is the biggest computer in the world, and in history, and probably will never be equaled.

What are the problems this computer and radar face that are so gigantic? They really are not gigantic. We know the location of every missile site in Russia, just as they know the location of every missile site in this country. We can tell fairly well which silos of hers are aimed at which targets of ours, and she can do the same we can. Any missile launched from Russia to hit any target in this country probably would not deviate more than 2 or 3 degrees in its trajectory, the two countries being so far apart. We know the height of the trajectory it would have to attain; we know the speed that the missile would have to attain. In other words, we are looking through a tube—if we think of a trajectory as a tube—about 2 or 3 degrees in extreme width, to enable a missile to hit a target in this country.

This is not complicated. If you tell me that a man is going to shoot me and he is in the corner over there and I can see him and he has a rifle aimed at me, I can do something about it. I do not have to have a lot of computered facts.

We know where they are coming from; we know the height of the trajectory; we know the speed. The computer merely has to react to the radar telling the computer "Here comes an enemy bogey," and off goes the missile, if that is desired.

Mr. President, I merely wanted to clear up this point. I know it is not going to change one vote. I just do not want future generations to think that the Senate would allow erroneous statements to continue about the ability of American science and American technology and American know-how to produce what is a much simpler system than the system we developed, against the advice of noted scientists, to get men to the moon.

That is all I have to say on that subject, Mr. President.

Mr. STENNIS. Mr. President, how much time remains for those in opposition to the amendment?

The PRESIDING OFFICER (Mr. EAGLETON in the chair). Seven minutes.

Mr. STENNIS. Mr. President, I yield myself 7 minutes, or so much thereof as I may actually use.

I realize that this matter has come to the point at which all phases of it have been discussed; but I think that, for the Committee on Armed Services, I should make a brief summary, at the expense of some repetition, of just what is involved.

In the first place, Mr. President, with respect to this missile system, which we have and which Russia has and which Red China may have, the best possible defense and the best possible chance is for those systems to stay there unused. That is what we all pray for. In other words, take Russia first. I would have a very happy thought if I knew we had an effective ABM and they had one, also. I believe that would be the best guarantee that they would not be used. And let each know the other has it. But perhaps it is not possible to have a perfect one, anyway. Certainly, they are on their way—there is no denial of that—and we are burning up daylight now if we let a situation develop in which they have an effective one, or one they believe is effective, and they know we do not have one.

Even if they never fire theirs, there is the blackmail, there is the uncertainty, there is the gnawing void in our mind on everything. So the blackmail value to them would be tremendous. And whatever perfection we had in ours would certainly be a great investment in negotiation, peace of mind, and other proposals.

I say that as one who is deeply concerned about the effectiveness of these ICBM's; and there might not be anyone left, anyway, if each turned loose on the other.

I wish to make a further point, Mr. President, with respect to the proponents of the Cooper-Hart amendment. They say, "Yes, there is a threat"—they have said it until a few minutes ago—"and we think that threat ought to be met. There is a threat of some kind. We ought to have an ABM system. We favor the research for it." That, without limit, has been the story here until a few minutes ago. So that is the recognition of a threat.

They have gone so far as to say: "Yes, we need ABM; we need this system. We want this money to stay in here for for the Safeguard." That is what the vote showed a minute ago. "We want that money in here for the research on the Safeguard system." So they must believe there is something to the idea of a threat and that this is a step in meeting that threat.

Until this afternoon, the only difference between the bill as reported by the committee and the Cooper-Hart amendment pertained to this relatively small amount of deployment, which is another phase of advance testing; and that is what the President trimmed it down to—to the absolute minimum, to keep from losing all that time. So under the Cooper-Hart amendment and the bill itself, there is no difference except as to those very small items.

It has been said over and over—I do not wish to take the time now just to repeat—that this is a defensive weapon, after all. And that is what it is—purely defensive. I never can be made to believe, with what little commonsense I have, that Russia or anyone else would consider that as an act of aggression. No one blames anyone else for self-defense. Self-defense is natural and it is inherent. There is an old saying: "Even the worm will turn to protect itself." I do not follow one iota the argument that this is aggression. But some of those who make that argument turn right around and say: "Do not go into a Maginot Line concept; do not get on the defensive in a Maginot Line concept." That is a total contradiction of the idea of the others that this is aggression.

May we have a semblance of order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. Mr. President, this just reduces it to the hard, practical matter of whether we are going to cut this off now, after admitting that we need a system and that this one has shown promise, to keep it going—whether or not we cut it off entirely for this last step.

What are the circumstances? The President of the United States, who is planning to go to this conference, has said, "Before I go, before I leave, I want your backing on this weapon." That is what he said, and I know that is what he meant.

What are we going to tell him? Let us not fool ourselves. We are going to jerk the rug out from under him, and not give him anything to stand on except a lot of words. "Oh, Mr. President, we are going to trust you to negotiate, but you do not have judgment enough to say what kind of backing you think you need in weapons and also in moral support. We are not behind you either way. We will not let you have the weapons. Therefore, we take away our moral support."

They deny it, but that is where we are going to leave it. I am going to stand by our Chief of State, and it makes no difference who he is. He wants this weapon to protect us; I think he should have it.

The PRESIDING OFFICER. The Senator from Michigan has 6 minutes remaining.

Mr. HART. Mr. President, I yield the time remaining to the able majority leader.

The PRESIDING OFFICER. The Senator from Montana is recognized for 6 minutes.

Mr. MANSFIELD. Mr. President, I deny that those of us who are opposed to the ABM system are undermining the President or are adopting a morally indefensible position. I think that we should get away from the emotion and get down to as many of the facts as we possibly can, recognizing no matter what our position, none of us, not a single one of us, is infallible.

We are approaching a high water mark in the debate on the ABM. For the record I wish to reiterate that three times last year I voted with the distinguished Senator from Kentucky (Mr. COOPER) and the distinguished Senator from Michigan (Mr. HART) against the ABM under a previous Democratic administration.

There have been emotions displayed in this debate today. That is understandable as the heat generates and the arguments become a little bit more personal. There have been many illustrations of what went on in 1898, 1905, and 1912, as if that had anything to do with the question of the ABM, even if the illustrations were correct, and they were. But by and large this debate has been solid, it has been statesmanlike, it has been nonpartisan, and regardles of one's position, in my opinion, it has been in the national interest.

The President made a judgment. He brought about a drastic configuration of the Sentinel system, which he inherited. After a reassessment and reevaluation, he came up with the Safeguard. The President faced up to his responsibility, made a judgment, and rendered a decision; and I honor him for it.

But as Senators we also have to face up to our responsibilities, render a judgment, make a decision, cast a vote, and then we are responsible to the people of the States from which we come for what we do in this and in other instances. That is the way it should be.

For all I know, the advocates of the anti-ballistic-missile system may be right and I may be wrong. But I have to make a decision. I cannot take a walk. I do not wish to avoid a vote. So one has to do what one thinks is best and be prepared to accept the consequences, good or bad.

The statement has been made that some of us are advocating giving up the ABM unilaterally. No such statement has been made by anyone in opposition to this proposal because, as a matter of fact, I am not aware that we have any ABM's at the present time.

I would point out, though, that even though we do not have radars and computers, Sprints and Spartans, we do have parity as of this moment with the Soviets in the matter of ICBM's; that we are infinitely superior in the field of the Polaris missile, where we have about a 12-to-1 or 13-to-1 advantage. If I read the press correctly this morning, there is a decidedly greater advantage because we have some multiple warheads, I understand, on some of the Polaris missiles. In the field of heavy bombers, the nuclear bombers, we have at least a 4-to-1 and possibly a 5-to-1 superiority.

The question has been raised about cost and that has bothered me. It was my understanding that originally the cost was to be $6.3 billion for the entire system. The distinguished Senator from Maine this afternoon on the floor of the Senate estimated the cost to be about $12.5 billion.

I am worried about the question of reliability, too, and I must disagree with my good friend, the Senator from Arizona (Mr. GOLDWATER) who seems to have such faith in the radar which would be installed but which would be very vulnerable, very soft, and very dangerous as far as the missiles themselves are concerned. I have little in the way of faith, as yet, on the question of computers and much needs to be done.

I wish to say in conclusion that what we want to achieve is balance, balance between our offensive needs and our domestic problems.

One priority that we should hold out is hope to our people and the world so that we can get away from a possible mad momentum engendered by an arms race. We should do all we can through negotiations and otherwise to achieve peace, not just for ourselves but for all mankind.

The VICE PRESIDENT. All time has expired. The question is on agreeing to the amendment offered by the Senator from Kentucky (Mr. COOPER) and the Senator from Michigan (Mr. HART).

Mrs. SMITH. Mr. President, I send to the desk an amendment and ask that it be stated.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Maine (Mrs. SMITH) proposes an amendment in the nature of a substitute. In lieu of the matter proposed to be added by amendment No. 101, add the following:

SEC. 402. None of the funds authorized by this or any other Act may be used for carrying out, after the date of enactment of this Act, any research, development, testing, evaluation, or procurement of the antiballistic missile system known as the Safeguard system, or to carry out any research, development, testing, evaluation, or procurement of any part or component of such system; *Provided*, That funds contained herein or elsewhere for research, development, test and evaluation of components, and related procurement, of any other advanced antiballistic missile system or other weapons system shall not be affected.

Mrs. SMITH. Mr. President, I yield myself 2 minutes.

Mr. GORE. Mr. President, I make the point of order that the Senate is not in order.

The VICE PRESIDENT. The Senate will be in order. The Senator from Maine may proceed.

Mrs. SMITH. Mr. President, the observations I made on my original amendment apply to this amendment, for this amendment merely clarifies my original amendment.

I think that the additional language suggested by the Senator from Tennessee (Mr. GORE), the Senator from Kentucky (Mr. COOPER), and the Senator from Michigan (Mr. HART), is most acceptable.

Mr. STENNIS and Mr. HART addressed the Chair.

The VICE PRESIDENT. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I ask for the yeas and nays on the last amendment offered by the Senator from Maine.

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered.

Mr. HART. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HART. Mr. President, is the amendment now pending subject to the agreement earlier entered into, namely, that there will be 1 hour of debate equally divided?

The VICE PRESIDENT. The Senator is correct.

Who yields time?

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. STENNIS. Mr. President, the situation on the division of time now is the same as it was on the first amendment offered by the Senator from Maine. Is that correct?

The VICE PRESIDENT. The Senator is correct.

Mr. STENNIS. Mr. President, since it falls to me on this side I do want representation had with that time. I assume the Senator from Maine would use time first. I make that announcement.

The VICE PRESIDENT. The Senator from Maine is recognized.

Mrs. SMITH. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I think it is important that the Senate have something of the rationale which went into the additional language we now find——

The VICE PRESIDENT. The Chair would inquire of the Senator from Maine how much time is yielded to the Senator from New York.

Mrs. SMITH. I yield 3 minutes to the Senator from New York.

The VICE PRESIDENT. The Senator from New York is recognized for 3 minutes.

Mr. JAVITS. Mr. President, I think it is important that the Senate have some concept of the additional language which went into the Smith amendment and why I shall vote for it. I hope very much, as Senators HART and COOPER have announced, that other Senators who support the Cooper-Hart amendment will vote for it, too.

What it does is to make, in my judgment, a very substantive difference in opening up research and development, testing, evaluation, and related procurement to advance ABM systems other than Safeguard.

This does not mean that if Safeguard has a transistor that we cannot deal with that transistor in another system, or a weapon, or a Sprint, or a PAR, or anything else that happens to be in the Safeguard system. But it does take off the restraints on the ambit of research and development which we are authorizing so as to reject Safeguard as the system upon which the research and development will be focused and extend it to the most advanced, the best ABM system our people may wish to research and experiment with.

It seems to me, as the Senator from Kentucky (Mr. COOPER) has said, that represents the fundamental concept which we have had in respect of the Cooper-Hart amendment, and represents acceptance by the Senate of responsibility for a weapons system of such major character, with such portentous political effect as we have been debating here that, therefore, it should be acceptable to those of us——

The VICE PRESIDENT. The time of the Senator from New York has expired.

Mrs. SMITH. I yield 1 additional minute to the Senator from New York.

The VICE PRESIDENT. The Senator from New York is recognized for 1 additional minute.

Mr. JAVITS. Who found the previous amendment too restrictive in terms of its being negative, but now it introduces a positive note which we had hoped to preserve and, indeed, it amplifies and expands that in terms of the area and the field it will cover.

Mr. FULBRIGHT. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. FULBRIGHT. To make it plain and concise, this amendment will allow the research and evaluation, but it will delay at least for a year any further authorization.

Mr. JAVITS. The Senator is exactly right.

Mr. FULBRIGHT. That is its effect.

Mr. JAVITS. Yes. It will have the same effect and, at the same time, give a broader field for research and development, which all of us agree to.

Mr. FULBRIGHT. The actual deployment will be delayed.

Mr. JAVITS. The Senator is exactly right. I thank the distinguished Senator from Maine for yielding to me.

Mr. HART. Mr. President, will the Senator from Maine yield me 1 minute?

Mrs. SMITH. I yield 1 minute to the Senator from Michigan.

The VICE PRESIDENT. The Senator from Michigan is recognized for 1 minute.

Mr. HART. Mr. President, not being certain that there would be opportunity available under controlled time, under the Smith substitute, I indicated earlier, as we were approaching the closing of controlled time on the Cooper-Hart amendment, my strong hope that the Smith amendment would be supported by all of us who, over the months, have had a deep conviction that it would be wrong at this period, in the development at this moment in the world's negotiations in search of arms control, to deploy any ABM system.

This amendment, which is against deployment, as the Senators from Arkansas and New York have indicated, makes clear the fullest opportunity for the Department of Defense to undertake research on behalf of what may never be found; namely, a good system.

Mr. DOMINICK. Mr. President——

Mr. STENNIS. Mr. President, the Senator from Texas is ready to speak and waive time on the other. I yield 4 minutes to the Senator from Texas.

The VICE PRESIDENT. The Senator from Texas is recognized for 4 minutes.

Mr. TOWER. Mr. President, I think it should be made adequately clear that the proposal by the distinguished Senator from Maine, as it has been modified from its original form, actually changes nothing. I repeat, it changes nothing. It still wipes out the ABM. It wipes out research and development on Safeguard.

Now I have heard Senators in this Chamber say that they favor research and development on Safeguard to determine whether it will be made workable.

If this amendment is adopted, there will never be any research and development on Safeguard, at least not next year. The fact is, those who say they want ABM research and voted against the Smith amendment the first time, would be inconsistent if they failed to vote against it the second time. Certainly, those who said that they would accept a system with some modifications would be inconsistent if they vote for this amendment, because it will wipe out the Safeguard program. It will wipe out any research, any development, any testing, or any evaluation on Safeguard. It will wipe it all out. Let me make that clear.

This is a much stiffer proposal than the Cooper-Hart amendment. I think that Senators had better vote very carefully on this amendment because they may be wiping out for a year any Safeguard research and development, if the amendment is agreed to.

We know that the Russians possess the SS–9 which is not the type of system designed for soft targets. It is the type of system designed for missile sites. I think we can draw the conclusion that they are building toward a first strike capability.

I do not see why we have to listen to a lot of talk about provocation. On the one hand, the opponents say that it will not work and the Russians will have it. If that is the case, then there is no provocation.

On the other hand, even if they do not, the Russians have said they do not regard such deployment as a provocation.

This is a system which is not aimed at people. It will not harm the hair on one Russian's head, even if it were fired off.

So far as escalation of spending is concerned, we spent much less money on strategic weaponry during the last year of the Eisenhower administration beyond that which the Soviet Union spent—about twice as much as we did—on strategic weaponry. That is one of the few things our intelligence community all agree on.

I think that we would be taking a tremendous chance if we relied on the good will and good intentions of the Soviets, when they have got a "gun" already at our temple.

Make no mistake about it, there is no change in the second amendment. The latter just clarifies the language.

If we want to wipe out the ABM altogether, that is what we will be doing if we vote for the second amendment. We will be wiping out research and development on Safeguard altogether.

Mr. STENNIS. I yield 3 minutes to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, with all due respect to the Senator, to say that this amendment wipes out all development of the ABM is not accurate. Some of us, years ago, opposed the Nike X. Some of us, years ago, opposed the Nike-Hercules.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. SYMINGTON. I will be glad to yield shortly.

Mr. TOWER. The Senator has called this inaccurate. I request that he yield.

Mr. SYMINGTON. I am tight for time but would be glad to yield on the Senator's time.

Mr. TOWER. All right; if the Senator from Mississippi will grant it.

Mr. STENNIS. I yield 1 minute to the Senator from Texas.

Mr. TOWER. The Safeguard system is described in specific language.

Mr. SYMINGTON. I thought the Senator from Texas referred to any ABM system, not just the Safeguard system.

Mr. TOWER. I said the Safeguard system.

Mr. SYMINGTON. If I am wrong on the record. I am glad to apologize. We have had the Nike-Ajax and then the Nike-Hercules; then we had the Nike-Zeus and later the Nike X. One is the Spartan part of the present Safeguard system, formerly the Sentinel system. The Sprint is the former Nike X.

Therefore what we have had is an ever-shifting, ever-changing group of components.

I noticed the word carefully placed in the amendment of the Senator from Maine—"components." There will be the right to research all these components in effort to develop an ABM system that will be satisfactory. I happen to believe the proposed system may not work. Therefore, I would rather see more research and development before we ask the American people to spend additional billions of dollars for deployment. That is what, in my opinion, this amendment says; and also that is the thrust of the Cooper-Hart amendment. Therefore, I support the amendment of the distinguished Senator from Maine.

Mr. STENNIS. Mr. President, I yield 5 minutes to the distinguished Senator from Georgia.

Mr. RUSSELL. Mr. President, I congratulate the distinguished Senator from Maine. If she succeeds in having her amendment adopted in its present form, she will have carried the original amendment, or it will have that very effect. There cannot be any possible question about that. I feel that the distinguished Senator from Maine is too good a legislator not to know that if this amendment carries, it will have the effect of her original amendment and will prohibit "any research, development, testing, evaluation, or procurement of the anti-ballistic-missile system, known as the Safeguard system, or to carry out any research, development, testing, evaluation, or procurement of any part or component of such system."

If there can be any more far-reaching language than that to strike down and eliminate any research and development on this system, a system which has been researched now for some 8 or 10 years at a cost of more than $5 billion, I do not know how it could possibly be drafted.

To say that this additional language which is now proposed has no effect on the Safeguard project—which is referred to by the name of Safeguard in the submission of the Department of Defense and in the report of the committee to this body—is to me something that is incomprehensible, because the additional language only says that nothing herein contained shall affect "any other"—note that language; not the Safeguard but "any other"—system.

So this amendment if adopted will kill all the research and all the development of the so-called Safeguard system after Senators have stood here on the floor day after day and stated they were in favor of research and development, but not deployment. This strangles it in the crib. There is no chance for it to have another breath of life in the bill if this amendment goes into effect. There is nothing in this additional language that mitigates the effect of that statement in any degree. It refers to "any other advanced anti-ballistic-missile system or any other weapons system shall not be affected."

If this amendment had not been offered with this language added, it would have had exactly the same effect on the other weapons system which this language has, which is none; but the basic thrust of the original amendment advanced by the distinguished Senator from Maine to eliminate the Safeguard is not mitigated in the slightest degree or affected in any way by this additional language. I do not see how Senators can possibly construe it as affecting it in any way, because it does not relate to any exemptions for the Safeguard program or any components thereof.

It says "provided that funds for other advanced" systems shall not be affected. But the amendment would kill any project that is embraced within the Safeguard system. Of course that includes all the generation missiles the Senator from Missouri referred to, the Nike-Zeus, which grew up to the other systems, such as Hercules, and was carried on, but they are today all components of the Safeguard system.

I will say this much: It is my solemn opinion that, if this amendment is agreed to and if the Department of Defense moved forward in the slightest degree with research and development of any component of the so-called Safeguard system, it would be in defiance of this mandate from the Congress and the Department of Defense would subject itself—very properly—to very drastic criticism.

Mrs. SMITH. Mr. President, I yield 2 minutes to the Senator from New Jersey (Mr. CASE).

Mr. CASE. Mr. President, I asked for this time to make two points, both related to the same matter, the substantial difference between the original amendment proposed by the Senator from Maine and the amendment now pending before us. I could not have supported the original amendment because I believed it was necessary for us to attempt to develop, by research and development, an anti-ballistic-missile system for the defense of our Minuteman, and I was very doubtful that the language of the original amendment would have permitted that.

Clearly, the present language does permit it. It is substantially different. It would be possible, for example, under the amendment, to take components of the Safeguard system, do research on them as a part of another system, the Sprint missile, the Spartan missile, radars, computers, and what-not, all of which, although a part of the Safeguard system, could be worked over and changed for inclusion as another anti-ballistic-missile system—that is the difference—an anti-ballistic-missile system which has a chance of doing the job.

That bears directly on the question of whether we have a substantially different amendment. Otherwise, I for one would not be able to support it.

Mr. SYMINGTON. Mr. President, will the Senator yield me 1 minute?

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. SMITH. Mr. President, I yield 1 additional minute to the Senator from New Jersey so he may yield to the Senator from Missouri.

Mr. CASE. I yield to the Senator from Missouri.

Mr. SYMINGTON. Is it not true that the Safeguard system is part of the Nike X system, and part of the Nike-Hercules system, and part of the Nike-Zeus system, and part of the Sentinel system; and therefore we would continue to utilize all these various components and their improvements in the engineering and evaluation of any new system.

I would respectfully present that if we followed the opinion of some people as to what under the revised Smith amendment we could or could not do, we could not take even one transistor used in the Safeguard system and utilize it in any new system. Of course the amendment does not mean that. In all good humor, I suggest we should do again what we have already done some five or six times before, and that is change the name. Let us call the new development the Lifeguard system. Then everything will be all right and we can proceed with further research and development.

Mr. JAVITS. Mr. President, will the Senator yield?

Mrs. SMITH. I promised to yield to the Senator from Tennessee.

The PRESIDING OFFICER. How much time does the Senator from Maine yield?

Mrs. SMITH. I yield 4 minutes to the Senator from Tennessee.

Mr. GORE. Mr. President, the pending amendment is considerably different from the amendment previously voted upon. If Senators will turn to pages 21, 22, 23, and 24 of the report, they will find four pages of missiles for which the pending amendment would provide research, development, test, and evaluation of components and related procurement.

Mr. President, these include all of the Navy missiles, and all of the Air Force missiles. Let me read the names of some of them: Polaris, Sidewinder, Phoenix, Standard missile, Tartar, Terrier, Talos, Chaparral, Redeye, Hawk, Pershing, Tow missile, Minuteman I, Minuteman II, Minuteman III, Shrike, Sparrow, Sram.

The pending amendment would not touch any funds available in this bill or, to quote from the amendment, "elsewhere," for research, development, testing, and evaluation of components related to procurement of any of these items.

Moreover, it would permit research and development on components common to both Safeguard and these other missiles. It is, Mr. President, the deployment of the Safeguard ABM system toward which the pending amendment is pointed. The adoption of the pending amendment, as would the adoption of the Cooper-Hart amendment, would prevent the deployment of the Safeguard antiballistic missile. It would not prevent research and development, evaluation and testing, or funding thereof, on any other missile system listed on these four pages.

Therefore, Mr. President, I hope that a point of order will not be made against the amendment. If it were not a material change, why would the junior Senator from Mississippi and the junior Senator from Arizona object to the distinguished Senator from Maine modifying her amendment according to her stated legislative will?

The VICE PRESIDENT. The Senator's time has expired.

Mrs. SMITH. Mr. President, I yield 1 minute to the Senator from New York.

Mr. JAVITS. Mr. President, I rise only to ask the Senator from Maine, who is the author of the amendment, a question.

The Senator has heard interpretations of her amendment made by me, by the Senator from New Jersey, and by the Senator from Missouri. The interpretations are substantive. Does the Senator accept those interpretations as stating her intention in offering the amendment?

Mrs. SMITH. Mr. President, the proof that there is a substantial difference between my original amendment and this new amendment as proposed is that the latter has been accepted by the sponsors of the Cooper-Hart amendment.

Mr. JAVITS. And the Senator does accept these interpretations to which I have referred as stating her intention in offering the amendment?

Mrs. SMITH. That is correct.

Several Senators addressed the Chair.

Mr. STENNIS. I yield 1 minute to the Senator from Kentucky.

Mr. COOPER. Mr. President, as one of the sponsors of the Hart-Cooper amendment, I should like to say that neither of us ever saw the Smith amendment until it was sent to the desk. We voted against the original amendment of the Senator from Maine because we did not believe it met the purposes of our amendment. I opposed, and Senator Hart opposed, the original modifying language proposed by the Senator from Tennessee (Mr. Gore). But in discussions, and with various objections being made—some made by Senater Hart and me, and some by others—the amendment which the Senator from Maine has now sent to the desk was agreed upon for these reasons.

I have the greatest respect for the Senator from Mississippi, but I must say that commonsense leads me to disagree with him.

The VICE PRESIDENT. The Senator's time has expired.

Mr. COOPER. One-half minute more. What we, who oppose the ABM, are seeking is to prevent its deployment. It is the insistent, compulsive reasoning of those who favor deployment that they want a premature decision to deploy a future system—a step which we oppose.

First, our amendment provided for full research and development of ABM technology; and second, its purpose was to see if it was possible, by intensive research and development, to develop a system which might work, and which would be surer to work than the one which has been proposed by the administration. If it was ever necessary to deploy a system we might then have an effective system.

The amendment offered by the Senator from Maine as her first proposal, was perfectly in accord with one of our views, that this system should not be deployed now; but we felt that research and development should go on.

The VICE PRESIDENT. The Senator's time has expired.

Mr. COOPER. Ten seconds more. She added that provision of research and development to her second amendment. Thus it differs. It certainly differs from her first amendment; and what she has said shows that what she intends is in accord with the intentions of Senator Hart and myself and our supporters in offering our amendment.

Several Senators addressed the Chair.

Mr. STENNIS. Mr. President, I yield to the Senator from Florida 1 minute.

Mr. HOLLAND. Mr. President, is it not true that the Senator's amendment does provide for the use of the funds provided in this bill for research and development on the Safeguard?

Mr. COOPER. It provided for the use of the funds——

Mr. HOLLAND. To the extent of $400.9 million, did it not?

Mr. COOPER. Will the Senator let me finish?

The VICE PRESIDENT. The Senator's time has expired. Who yields time?

Mrs. SMITH. Mr. President, how much time do I have remaining?

The VICE PRESIDENT. The Senator from Maine has 10 minutes remaining.

Mrs. SMITH. I reserve that for the time being.

The VICE PRESIDENT. Who yields time?

Mr. STENNIS. Mr. President, I think the Senator from Kansas had asked me first. I yield 2 minutes to the Senator from Kansas.

Mr. DOLE. Mr. President, I take this

time to address a question to the Senator from Maine. Do I understand correctly that her original amendment would have prohibited the use of any funds for deployment, research, and development of the Safeguard?

Mrs. SMITH. That is correct.

Mr. DOLE. Do I understand that her present substitute has the same purpose, to prohibit funds for Safeguard research or development?

Mrs. SMITH. Of the Safeguard; that is correct.

Mr. DOLE. So my point is that there is really no difference between her first amendment and this substitute, because what was implied in the Senator's first amendment she is spelling out in her second amendment. I think the intentions are the same; if you are totally against the Safeguard system, you will vote for the Smith amendment; if you are for research and development, as was the Hart-Cooper amendment, you vote against the Smith amendment.

Mr. STENNIS. Mr. President, I yield next to the Senator from Colorado, 3 minutes.

Mr. DOMINICK. Mr. President, I shall not take long on this, but I have been sitting here for 5 weeks listening to this debate on the Cooper-Hart amendment, and until today, I have never heard them say they were against research and testing of the Safeguard system. Over and over again, I have heard the Senator from Kentucky and his supporters get up and say, "We want to test this on Kwajalein; we do not want it in North Dakota, and we do not want it in Montana. We will do it on Kwajalein. We have MSR out there, and we are going to test it there."

If we accept this amendment, according to its language, you cannot test it with the MSR on Kwajalein; as a matter of fact, you cannot test it anywhere, because it is a component of the system. You cannot put together a PAR, or do any of these things we have been talking about for 5 weeks.

All of a sudden, we are faced with a complete turnabout, in about a half hour, where the Cooper-Hart group all of a sudden say they are in support of this amendment.

On what basis? On the basis of what facts do we suddenly find ourselves no longer in favor of research and development on the component parts of the Safeguard missile? I certainly must confess that I am confused and concerned, and I think what we are doing is avoiding the real issue, which is the vote on the Cooper-Hart amendment. We have already voted on that of the Senator from Maine.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, notwithstanding the positive assertions of the Senator from Tennessee, as shown at page 25 of the report, it breaks down the requested authorizations for the Safeguard anti-ballistic-missile system under three items—(a), (b), and (c).

The largest item is (b), and it reads as follows:

> (b) The request for an authorization for funds for research and development for the Safeguard system in the amount of $400.9 million.

That amount was continued available for research and development under the Cooper-Hart amendment.

That amount is cut out and will not be available for research on Safeguard or anything else under the pending amendment.

I would want that to be clearly understood by every Senator.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. STENNIS. Mr. President, I think the Senator is absolutely right, without any doubt whatsoever.

Mr. HOLLAND. I thank the distinguished Senator.

Mr. GORE. Mr. President, will the Senator yield?

Mr. HOLLAND. I will yield in a moment.

I have also inquired of the clerk of the committee, who advises me that the other funds available for research are $141 million for the Nike X missile.

But that is all that would be available under the particular amendment, and not for use on the components of the Safeguard missile at all, but simply for use on the components of the latest Nike model.

There is not any comparison between the two objectives. I state this because I know it is true. The Cooper-Hart amendment does permit the retention of $400.9 million in the bill. However, the pending amendment would cut it out for all practical purposes.

Mr. GORE. Mr. President, will the Senator yield?

Mr. STENNIS. Plenty of time remains on the other side.

Mrs. SMITH. Mr. President, I yield 3 minutes to the Senator from Tennessee.

The VICE PRESIDENT. The Senator from Tennessee is recognized for 3 minutes.

Mr. GORE. Mr. President, the senior Senator from Tennessee referred to pages 21, 22, 23, and 24. Funds are untouched for any missiles or any components thereof or funding thereof on any of those four pages.

Funds would be prohibited for the items on page 25 which do not contain components identical or necessary for the four previous pages.

Let me read it. It reads:

> One missile site radar, (Grand Forks).

Funds would be denied by the pending amendment for that.

It reads:

> One missile site radar data processor, (Grand Forks).

Funds would be denied for that.

The VICE PRESIDENT. The time of the Senator has expired.

Who yields time?

Mr. HOLLAND. Mr. President, will the Senator yield me 1 minute?

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Florida.

Mr. HOLLAND. Mr. President, I want to make it very clear, and there is no doubt about it, that the $400.9 million which would have been retained in the bill for research and development of Safeguard by the Cooper-Hart amendment would be cut out by the pending amendment.

Neither the Senator from Tennessee nor anyone else will deny that, because that is the fact. And Senators should realize that it is a fact.

Mr. GORE. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield if I have time remaining.

Mr. GORE. The Senator is incorrect, because the amendment would not deny any funds available in this bill or elsewhere for components of advanced ABM or other missile systems. That is plain.

What it does prohibit, let me read again from page 25:

> Advance procurement for one other perimeter acquisition radar . . . (Malmstrom).

It prevents the deployment at Grand Forks and also—this runs over to the other page—it prevents the deployment in both North Dakota and Montana.

If, however, components needed for the missiles on the previous four pages are identical with those that would be used in Safeguard, research and development can continue upon those.

That is perfectly plain from the amendment.

Mr. HOLLAND. Mr. President, I ask unanimous consent that section 402 of the amendment, as rewritten, be printed at this point in the RECORD.

There being no objection, section 402 of the amendment, as rewritten, was ordered to be printed in the RECORD, as follows:

> SEC. 402. None of the funds authorized by this or any other Act may be used for carrying out, after the date of enactment of this Act, any research, development, testing, evaluation, or procurement of the antiballistic missile system known as the Safeguard system, or to carry out any research, development, testing, evaluation, or procurement of any part or component of such system; provided that funds contained herein or elsewhere for research, development, test and evaluation of components, and related procurement, of any other advanced antiballistic missile system or other weapons system shall not be affected.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from California.

Mr. MURPHY. Mr. President, I point out to my distinguished colleagues that in the colloquy in committee if the missiles on pages 21, 22, 23, and 24 would have done the job, we would not have had to include page 25, which is headed, "Safeguard Anti-Ballistic-Missile System."

I would like to make clear one other point. In the heat of the debate, there is one very important consideration in the judgment of those who have asked for this system, and that is the time when this system will be ready.

For every year that goes by now, in the judgment of our best scientific brains, we lose 2 years in the time when the system would be ready.

I hope that my colleagues will bear that in mind at this moment. This cannot be delayed. That is why the President has asked for it at this time.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from New Hampshire.

Mr. COTTON. Mr. President, we have been hearing utterances to the effect that Congress was going to assert itself and that Congress was not going to let itself be subjected to this military-industrial complex, whatever that is, not let the Pentagon do anything that Congress does not know about and authorize.

If the wording of the pending amendment is not an open invitation and is not a mandate to the Pentagon to do by subtlety and circumvention what the Cooper-Hart amendment would let them do openly, they would have to go ahead with research for the Safeguard system. However, at the same time what they would be doing would be also research for some other kind of system or defense.

I can easily understand those—although I do not agree with them—who want to authorize research and development but not the installation of the Safeguard or an ABM, whichever we wish to call it. But when we agree to an amendment upon which the debate here has been so confusing, anyone who tried to establish a legislative history would realize it is simply an invitation to the Pentagon, after all our protestations that Congress was going to assert itself and no one was going to put anything over on Congress, to go ahead and, by subtlety, do what the proponents of the Cooper-Hart amendment would let them do.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. RUSSELL. Mr. President, I have been very curious as to why all of a sudden the very carefully drawn Cooper-Hart amendment was abandoned and scuttled in favor of this amendment, the meaning of which, to say the least, is somewhat controversial.

Everyone can understand the Cooper-Hart amendment. It very clearly said we could go ahead with research and development, but that we could not deploy the system.

We now have an amendment that says we cannot go ahead with research and development of even any component, but that we can go ahead with other systems.

I think it is noteworthy that all those who proposed to vote for the original amendment have very vigorously shifted their support to the amendment of the Senator from Maine.

There cannot be any question that if one reads the amendment it carries out completely the intention of the original amendment of the Senator from Maine.

If the Senate keeps its faith, and it should, as to the matter, it will not drop suddenly, like a hot cake, the very clear amendment that we have been debating for some weeks and on which long speeches have been written and delivered on both sides, in favor of some other amendment, brought here at the very last minute.

Mrs. SMITH. Mr. President, I yield 3 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I think it is very important that we clarify the distinction here between what we truly do mean.

If the distinguished Senator from Georgia, the chairman of the Appropriations Committee, is correct, I would find myself in a position to vote against the amendment. But my understanding is entirely different. I think it is almost a question of semantics as to what we mean by a name.

I understood the Sentinel system had Sprints, Spartans, PAR's, MSR's, and computers and software for the computers. As I understand it, the Safeguard system has Sprints, Spartans, PAR's, MSR's, and computers and software for the computers. However, its mission is different.

It has been moved from the cities and put at the missile sites and is hard protection rather than protection of areas.

I would like to ask the distinguished Senator from Maine whether, under the amendment, as now modified, we could accomplish the things that I feel are necessary to be accomplished. Is it possible, under the amendment offered, as it is now being debated, for the MSR to be redesigned so that it can be made harder and less vulnerable than the present system?

Mrs. SMITH. That is my understanding.

Mr. PERCY. It can?

Mrs. SMITH. That is my understanding.

Mr. PERCY. Is it possible to replace the one, single, exceedingly expensive MSR, missile site radar, which costs an estimated $150 to $165 million each, and there is only one at each site—a radar that could be destroyed by an SS–11, much less an SS–9, if sent by the Russians, and, therefore, highly vulnerable and much more vulnerable than are hardened missile sites themselves—and do research, design, development, evaluation, and testing with a multiplicity of radars then, that could be hardened and made less vulnerable?

Mrs. SMITH. My interpretation would be "Yes."

Mr. PERCY. Under the distinguished Senator's amendment, would it be possible to continue the testing and evaluation of Sprints, a program that is intended to be carried on at Kwajalein?

Mrs. SMITH. Yes.

Mr. PERCY. Could we then continue the testing and evaluation of Spartan?

Mrs. SMITH. Yes.

Mr. PERCY. Could we develop the software for the computers that would be required for a ballistic-missile system that could be named other than Safeguard, because it would be slightly modified and changed, just as the distinguished Senator from Missouri has indicated we have changed and taken the genesis of the whole development of ABM from the beginning to systems that successively we decided not to deploy until we have finally come to Sentinel and Safeguard, and we would attach this to the next advanced stage of a perfected ABM system? Does the Senator from Maine perceive that we could do this under this modification?

Mrs. SMITH. That would be my interpretation, yes.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The time of the Senator has expired.

Mr. PERCY. Will the Senator yield me 30 seconds?

Mrs. SMITH. I yield 1 additional minute to the Senator.

Mr. PERCY. Is there, then, this distinction between the original amendment, which was overwhelmingly defeated, and this amendment? Could all the things I have named be done under the original amendment which the Senator feels we can do under the modified amendment?

Mrs. SMITH. I would say no.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. PERCY. May I conclude on one point?

If the answer is in the affirmative on everything that needs to be done, I intend to vote for the modified amendment of the distinguished Senator from Maine.

I yield to the Senator from Georgia.

Mr. RUSSELL. The Senator has described the various systems. Does he not consider all those as components of the Safeguard system?

Mr. PERCY. All the items I have listed?

Mr. RUSSELL. That the Senator from Illinois has enumerated.

Mr. PERCY. Yes; I do.

Mr. RUSSELL. How does the Senator view the language that says no research, testing, or evaluation shall be done on any part or component of the Safeguard system?

Mr. PERCY. Also, the language is clear: It says, "provided that funds contained herein or elsewhere for research, development, test and evaluation of components, and related procurement, of any other advanced anti-ballistic-missile system——

Mr. RUSSELL. "Any other."

Mr. PERCY. "Or other weapons systems shall not be affected."

Mr. RUSSELL. If the word "other" does not take it completely away from Safeguard, I do not know what word in the English language could be used.

Mr. PERCY. If the distinguished Senator from Maine feels that we can carry out all the missions which we feel must be carried out, I can support it.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Tennessee.

Mr. BAKER. Mr. President, I am much concerned with the developing and evolving distinction, or apparent distinction, between the original Smith amendment and the modified Smith amendment. In a most respectful way, I suggest that we are dealing with something more than semantics, but, rather, something that is very vital to the interpretation of what we are about to do. Words, after all, are more than semantics; and any fair reading of the amendment proposed by the distinguished Senator from Maine is to the effect that you cannot go ahead with research, development, testing, the evolution, or the procurement of the Safeguard system by name.

Mr. RUSSELL. Or any component.

Mr. BAKER. Or any component thereof.

The modification goes on to say, "provided that funds contained herein," and so forth, "and related procurement of any other advanced anti-ballistic-missile system."

Mr. President, I respectfully suggest

that any other advanced missile system taken in context with the description of Safeguard by name positively excludes any evolutionary changes or differences from the Safeguard system, and that, as a matter of law, as a matter of statute, we are about to preclude the evolutionary development of any improvement of even the concepts developed in the Safeguard system thus far. I do not believe that is the intention of the Senate today. I do not believe we intend to scrap what we have done so far and require our scientists to start over from scratch with some other system; but I believe that is the fair intentment and the inevitable effect of the words that are before the Senate in the new amendment.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Who yields time?

Mr. **STENNIS**. Mr. President, I yield 1 minute to the Senator from Texas.

Mr. **TOWER**. Mr. President, it occurs to me that what the distinguished Senator from Illinois has just suggested is that if we change the name of the system and go ahead and do all these things, it will not matter. I wonder if it would be in order for us to offer an amendment to change the name of the system to something other than Safeguard.

The **PRESIDING OFFICER**. Who yields time?

Mrs. **SMITH**. I yield 1 minute to the senior Senator from Vermont.

Mr. **AIKEN**. Mr. President, I note that everyone who has spoken so fervently in opposition to the proposal of the Senator from Maine has been even more outspoken against the Cooper-Hart amendment. Everyone who has been in the Senate more than 6 months knows that if the amendment offered by the Senator from Maine is as bad as the devotees of ABM say, they would be working to attach it to the Cooper-Hart amendment instead of killing it. That is just practical politics.

Mr. **STENNIS**. Mr. President, I yield 1 minute to the Senator from Iowa.

Mr. **MILLER**. Mr. President, the Senator from Missouri, who originally supported the Cooper-Hart amendment, now says he supports the amendment of the Senator from Maine because it would knock out the Safeguard system, and he says he does not think the Safeguard system will work.

The Senator from Missouri well knows that you cannot determine the answer to that question until you have service testing, and you cannot have service testing until you have deployment. That is what the Cooper-Hart amendment is all about .

So I suggest that we get on and defeat this amendment and then defeat the Cooper-Hart amendment, so that we can have service testing to prove who is right and who is wrong on whether this can work.

Mr. **STENNIS**. Mr. President, I yield 1 minute to the Senator from Arizona.

Mr. **GOLDWATER**. **Mr. President, I ask the distinguished Senator from Maine two questions.**

Both the Senator from Texas and the Senator from Missouri have inferred that all we need to do is to change the name of Safeguard to something else, such as Rightguard or Outguard, and we can get around the Senator's amendment. Is that correct? Does the Senator say "Yes" to that?

Mrs. **SMITH**. I could not give a yes or no answer to that.

Mr. **GOLDWATER**. I think the Senator should be able to give an answer. One of the Senator's supporters has made the charge that it could be. One of the Senator's opponents has made the charge. I think it is something the Senator should consider.

One other question. The Senator from Maine serves on the committee. Does the Senator know of any other advanced anti-ballistic-missile system that is being considered at the present time?

Mrs. **SMITH**. No; I would have to say I do not.

Mr. **GOLDWATER**. So, in effect, the Senator is suggesting that we rub out approximately 15 years of testing and ask the scientists and the engineers to start again.

Mrs. **SMITH**. Of course, it could be that the Nike X is advanced development.

Mr. **GOLDWATER**. But not under the language of the Senator's amendment, as I understand it.

Mrs. **SMITH**. It would not be my understanding. There is money in this for the Nike X and the Nike-Zeus.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **STENNIS**. Mr. President, I yield myself such additional time as I may have.

This is tragic; this is a tragedy.

The **PRESIDING OFFICER**. The galleries will be in order.

Mr. **STENNIS**. It is a legislative monstrosity, when there is not time to analyze, to find the meaning of words, to check and doublecheck, and to throw this in like a double-barreled shotgun and fire both barrels at the same time. Let us listen to the words.

There are $400 million, in round numbers, in the bill for research and development for Safeguard. The first Smith amendment would knock it as high as the sky and take it out by name.

The amendment states:

> None of the funds * * * may be used for * * * any research, development, testing, evaluation, or procurement of the antiballistic missile system known as the Safeguard system . . .

The Safeguard system went down the drain there.

Then, there are the words, "or to carry out any research, development, testing, evaluation, or procurement of any part or component of such system." That is the Safeguard. The Senator from Maine wanted to cancel all research and would do so by that language.

Now, I read the remainder of the language. The foregoing language was the language voted on a few moments ago. **That would be the law, just like the Medes and the Persians. [Laughter.]**

> Provided that funds contained herein or elsewhere for research, development, test and evaluation of components, and related procurement, of any other advanced antiballistic missile system.

Other than what? Other than the Safeguard, of course. It states, "or other weapons system."

Other than what? Other than the Safeguard. Then, it states, "shall not be affected."

Of course, they are not affected. They were not affected by the original Smith amendment. They are not affected by this amendment. The same language is here, "shall not be affected."

Mr. President, every word that was in the first Smith amendment about Safeguard is in this amendment. Senators who have been saying they are for research for Safeguard and for this amendment are going to have awfully red faces and they are going to be trying to get out of that situation. That is why I say it is tragic; it is compounded tragedy. It is legislating in the dark where we do not know what these words mean.

I yield back my time.

SEVERAL SENATORS. Vote! Vote! Vote!

The **PRESIDING OFFICER**. The Senator from Maine has 4 minutes remaining.

Mr. **JAVITS**. Mr. President, will the Senator yield to me for 1 minute?

Mrs. **SMITH**. I yield.

Mr. **JAVITS**. Mr. President, one thing has now been made clear by the Senator from Mississippi in his speech. He has failed to account for the fact that the amendment introduced by the Senator from Maine (Mrs. SMITH) does not affect the money in the bill. The bill states in section 201 that there is $1,638,600,000 for research, development, testing, and evaluation. Now all the Senator from Maine is doing is to put a restriction on how that money can be used. If that restriction allows use of $400 million for research on an ABM system, it is still in the bill. Section 402 does not take it out of the bill. Therefore, the interpretation of the Senator from Maine controls rather than the interpretation put on it by the Senator from Mississippi.

Mr. **HARTKE**. Mr. President, there are only two questions at issue in our votes today:

First. Will the ABM work?

Second. Do we need it for our national defense?

Question is not, Can we trust the Russians?

Question is not, Do the Russians have an ABM?

Question is not, Does the President of the United States carry a heavy and lonely burden?

Question is not even how much the system would cost, because if it is needed and would work, no price is too high, but if it is not needed or will not work, a single dollar is too much.

Those are the only, the operative questions: Will it work? Do we need it? All other questions turn on the answers to those two questions.

Will it work? Opponents and defenders alike admit we do not know. That is why those of us who favor the Hart-Cooper approach are willing to authorize substantial funds for R. & D. We are not unreasonable—we are not dogmatic. We say only that the scientific doubts are so weighty that further R. & D. is called for.

For me, the far more crucial question is the second: Do we need it for our national defense? The answer is perfectly clear: We do not.

The only justification offered for Safeguard is that it—and it alone—can protect our deterrent force against a Communist first strike.

That is simply untrue.

Our second-strike force is invulnerable. Even the most massive and successful Soviet attack on the two Minuteman bases could not save the attacker from an utterly devastating response from our Polaris submarines, from our manned bombers, and from our thousands of other ICBM's and IRBM's both here and abroad.

And that is the meaning of second-strike invulnerability—that the Nation which sustains a first strike will still have enough offensive capacity left to punish the attacker beyond endurance.

We have that now—without our ABM. We shall continue to have it—and to an even greater extent as our multiple warhead missiles are deployed on land and sea—without an ABM.

The Communists dare not attack us—with or without an ABM—because they know they would suffer utter devastation if they did.

It is that simple. Deterrence is deterrence is deterrence. Adding a multibillion-dollar ABM system will add nothing—not one iota—to our present overwhelming deterrent force.

The rest, Mr. President, is oratory. And I think we have had enough of that.

Mr. RANDOLPH. Mr. President, a distinguished American has said:

> The present tensions with their threat of national annihilation are fostered by two great illusions. The one, a complete belief on the part of the Soviet world that the capitalistic countries are preparing to attack them; that sooner or later we intend to strike. And the other, a complete belief on the part of the capitalistic countries that the Soviets are preparing to attack us; that sooner or later they intend to strike. Both are wrong. Each side, so far as the masses are concerned, is desirous of peace. Both dread war. But the constant acceleration of preparation may, without specific intent, ultimately precipitate a kind of spontaneous combustion.

Those are the words of a man of unquestioned patriotism—a man who was probably the greatest soldier of the 20th century, the late Douglas MacArthur. That illusion of which he speaks has been a dominant theme running through the arguments of those who advocate deployment of the Safeguard ABM. And it is that illusion which continues to lead us down the path of nuclear weapons proliferation.

I have the very distinct impression that those who support deployment of the Safeguard system have reacted to this issue as if the tocsin of war with Russia has sounded, as if the gauntlet has been thrown down. Yesterday we talked of possible accommodation, of arms control, and of consultation. Tomorrow we may discuss such matters. But today it is nuclear war. Every scare, every ghost, every hostile phrase and activity have been paraded through this Chamber to justify the Safeguard as a protection against the Soviet threat. Any indication of relaxing tensions between the United States and Russia has been downgraded. Frankly, I sense the tone and the temper of some of the arguments simply as scare tactics. The issues cannot be separated—peace yesterday—nuclear war today—peace tomorrow, hopefully. This Senate dialog constitutes a critical element of any future arms control initiatives undertaken with the Soviet Union. After frightening the people of our country with the prospect of a fantastic Soviet superiority over the United States in weaponry, it is inconceivable that we can reverse our field to talk of accommodation.

There are persons who deny that the decision to deploy an ABM potentially stimulates the arms race and induces a reaction from the Russians. These individuals completely disregard a basic theory of conflict. The installation of any measure to protect an offensive capability generates from your opponent—if he is totally committed to the proposition of superiority over you—the effort to counteract your advancement. To state that the system which you install is "defensive" and therefore not provocative, is illogical. It seems to me that during this debate many proponents of the ABM have used a reference to comments from the Soviet Union that an ABM system is defensive and not meant to be provocative to justify their position. Of course, the Russians issue such statements, because they are utilized as rationale for a Russian ABM. Curiously, this proposition from the Soviet Union is accepted, while other comments are dismissed as being purely Soviet trickery. There is little reasoning here. Because the Soviet Union has installed ABM facilities surrounding Moscow and because we are stating that our system is primarily as a defense of retaliatory forces, the proponents of the ABM theorize that it follows accordingly that Russia will not construe this as a hostile action. Here is the failure to recognize the proposed phased deployment of the ABM in other areas of the United States, purportedly as a defense against China, leaving open the question of later modification as an enlarged defense system. Thus, the Soviets are to leave this unanswered question on the side of our good will, rather than taking the initiative to move forward with nuclear weaponry to counteract the more frightening prospect of an expanded American ABM system. Here is the assumption that the Soviet Union is willing to take the risk—while ours is to be a no risk policy. In my mind, there is no doubt the ABM stimulates the arms race. It is provocative. Be that as it may there are other facets to this very difficult problem which augur against the proposed deployment of the Safeguard system.

Mr. President, I believe it is critical to dispel a false and dangerous impression that has been generated during the months of discussion of the ABM. The United States is not without a massive deterrent force. Our Republic is not defenseless. Time has not run out on the American system. Our Nation has a strong and viable offensive capability. In fact, we have the capacity for overkill. Let there be no mistake about this fact. And our defense posture will continue to be strong.

Mr. President, I comment on a number of vital factors. Earlier, I used the phrase "scare tactics." This is to be avoided. We must present the facts to the American public but I submit that we must not leave the citizens of this country with the notion that our land is defenseless.

A Russian first strike against the United States is not inevitable. Secretary of Defense Melvin Laird has stated that in the event of a Russian attack:

> I am hopeful that we would be able to react immediately to an attack. . . . I do not want to frighten people about this I want the Soviet Union, and I want any potential aggressor to understand that we are going to be in a position where we will respond immediately.

It is my belief that we are in that position to respond. What does the Secretary of Defense refer to when he talks of our ability to respond immediately? America possesses an intricate system of radar and early warning devices which provides a capability to detect a hostile attack. This elaborate system is composed of the distant early warning—DEW—line, the ballistic missile early warning system—BMEWS—the SAGE system and other systems. There is no need now to again discuss the functions of these systems in detail. This has been done. We know that they provide an extensive and flexible early warning system. We continue to pursue research and development programs to refine our existing capability and to develop more sophisticated equipment. Thus, to speak only in term of the number of missiles and warheads disregards a critical element of our deterrent capability.

The early warning device facilities which give credibility to our offensive weapons systems cannot be ignored. And I suspect that we are in a better position and have a better prospect of major advances in this system than in any area of our weapons system.

What is behind this early warning system? What is the immediate response capability to which Secretary Laird has referred? The United States possesses a deadly arsenal of weapons, consisting of approximately 1,054 ICBM's, 41 Polaris submarines with over 600 missiles, over 500 bombers and hundreds of carrier-based fighter bombers with a nuclear weapons capability. This capacity involves nuclear tonnage sufficient to destroy the Soviet Union. The minority statement contained in the report on the procurement had this significant comment:

> We do believe that any primary defense against the threat of nuclear attack lies in our deterrent capacity. In this connection, we believe that with our Polaris fleet, our land-based ICBMs, our strategic bombers, and the thousands of additional nuclear warheads we have at sea and abroad, if we were attacked we could destroy the Soviet Union some fifty times over.

The term is "overkill."

It is particularly significant that our Polaris missiles cannot be targeted by enemy missiles as in the case of our fixed base ICBM's. The Polaris striking force, which has within its arsenal the nuclear force to destroy the Soviet Union, is not restricted to set geographic coordinates. We continue to develop advanced missile systems for the Polaris submarine. And this arsenal is adaptable to expansion to meet increased threats. There is no substantial indication that the capability of the Polaris system is being threatened by Russian countermeasures.

Against this present—I emphasize present—array of weaponry, we have the statements by the Secretary of Defense that the Soviet Union could have approximately 2,500 ICBM's by 1975 and 1,000 submarine-launched missiles for a total of 3,500 missiles. We do not know that the Soviets will have this total. These are intelligence estimates, about which Secretary of Defense Laird said:

> Our national intelligence projections for the mid-1970's involves a large measure of judgment rather than hard evidence.

Yet, the proponents of the ABM persist as if the projected Russian force for 1975 were a reality today. And it is equally fallacious to lump in the Soviet capability the numbers of intermediate-range or medium-range missiles. This may be indicative of the Russian global deployments, but it is not indicative of meaningful levels of weapons in terms of the ABM issue. Yes, the Russians possess the same overkill capacity we have. Thus, in discussing the achievement of nuclear superiority, we do not mean the advantage of a few additional missiles. Rather, one must visualize thousands of missiles, which, if developed by any one nation, negates an effective ABM as conceived under the present proposal.

Against this background of nuclear weaponry we are asked to support the deployment of a defensive system which protects only a part of the American offensive capability—the ICBM. This part does not contain probably our most valuable deterrent, the Polaris submarine striking force. Even acknowledging the necessity of this protection the proposed ABM system has been not only questioned by scientific experts but also has been determined by many of them to be unworkable. It is my feeling that there are questions with regard to the reliability of the Safeguard missiles in this system in view of the number of weapons failures experienced in the most optimum testing conditions.

However, the ABM does not merely involve the effectiveness of the missiles. The heart of the ABM is a complex system of radars and computers, parts of which have not been built let alone tested under the optimum conditions. And yet we are to accept at face value the contentions of the proponents that this system—missiles, radars, and computers—will operate under the most horrible conditions imaginable—a nuclear conflict. I am unable to accept that position. I again quote from the minority statement on the ABM:

> Safeguard is the most complicated technological development ever planned for operation by man. The system consists of three major component parts: (1) missiles, (2) radars, and (3) computers.
>
> Although we have had a long and therefore disturbing series of failure in missile testing, including another Minuteman failure only last week, there is no reason to conclude that the two Safeguard missiles, the Spartan and the Sprint, will not work. But there is reason to doubt that the long-range radar (PAR) and the short-range radar (MSR), parts of which have not been built let alone tested, will operate successfully together in that almost instantaneous manner which would be necessary in case of sudden attack; and there is even more reason to doubt that the computer, which has been neither built nor tested, and which is admittedly far more complicated than any computer ever yet attempted, will operate properly when called upon to do so.
>
> Finally, it is logical to consider whether, even if these three separate components would operate properly as separate units, would they so operate when combined. For obvious reasons, the testing of any joint operation has not been possible.
>
> The second reason is the vulnerability of the system. Because the resistance strength (PSI) of the MSR radar is less than 10 percent of the strength of the missile site in its present conformation that radar is very vulnerable even to the less lethal, less accurate Soviet SS–11 missile, of which the Soviets have hundreds more than they have SS–9s.
>
> Because the MSR radar is designed to guide both Safeguard missiles to their targets, if it is knocked out the entire Safeguard system would be blinded and therefore worthless.

I think it is particularly significant also to remember that in launching a nuclear attack the enemy has available a multitude of tactics and gimmicks with which to evade a defensive system. Those in our Defense Department are confident we have such an ability to evade or bypass any ABM system which the Soviet Union has deployed. There is a likelihood that the Soviet Union possesses the same capability in this regard as does the United States. I see no merit in taking a system—a system which has not been subject to the extensive research and development procedures normally followed by our Defense Department—and deploying it with the presumption that we will then make it work. In responding to the reliability questions, many proponents of the ABM have utilized the arguments that if we can send a man to the moon we can surely make this system work. In my mind there is a failure in this argument to recognize that the recent moon shot was a result of years and years of preparation involving thousands of scientists and numerous preparatory launchings prior to focusing an entire agency of the Federal Government on a single launching operation. And launching in terms of the ABM we have a vastly different problem. The issue here involves the ability to launch hundreds of missiles against incoming missiles instantaneously as opposed to a single launching operation with a lengthy countdown and preparation period. I do not downgrade our space program. But that effort is not the same as what must be done with an ABM.

Mr. President, there is no doubt in my mind that additional research and development work on an ABM system is absolutely essential. I shall support a research and development program. I oppose the deployment of a system whose components have not been through even the most preliminary testing stages. I firmly believe that the ABM is a step toward escalation of the arms race at the very time that our Nation and the Soviet Union are creating the climate for arms discussions. We can approach such discussions with a strong position. The United States is not at the mercy of Russia and the United States will not be at the mercy of Russia by 1975.

Mrs. SMITH. I yield back the remainder of my time.

Mr. STENNIS. Mr. President, do I have time remaining?

The PRESIDING OFFICER. The time has expired.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

All time has expired. The question is on agreeing to the amendment of the Senator from Maine to the amendment of the Senator from Kentucky and the Senator from Michigan.

Mr. TOWER. Mr. President, a parliamentary question.

The VICE PRESIDENT. The Senator from Texas will state it.

Mr. TOWER. As I understand, the question is on agreeing to the amendment in the nature of a substitute for the Cooper-Hart amendment. If the substitute fails, the question recurs on the Cooper-Hart amendment.

The VICE PRESIDENT. The Senator is correct. The question is on agreeing to the amendment in the nature of a substitute for the Cooper-Hart amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 50, nays 50, as follows:

[No. 65 Leg.]

YEAS—50

Aiken
Bayh
Brooke
Burdick
Cannon
Case
Church
Cook
Cooper
Cranston
Eagleton
Ellender
Fulbright
Goodell
Gore
Gravel
Harris
Hart
Hartke
Hatfield
Hughes
Inouye
Javits
Kennedy
Magnuson
Mansfield
Mathias
McCarthy
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Smith
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—50

Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Cotton
Curtis
Dirksen
Dodd
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Holland
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Long
McClellan
McGee
Miller
Mundt
Murphy
Packwood
Pastore
Prouty
Russell
Scott
Sparkman
Spong
Stennis
Stevens
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

The VICE PRESIDENT. On this vote the yeas are 50, and the nays are 50. The Vice President votes nay. The amendment is rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. TOWER. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. The Chair would inform the Senate that the question now recurs on the amendment of the Senator from Michigan.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will withhold a moment. The Senate will please be in order.

The Senator from Mississippi will state the inquiry.

Mr. STENNIS. Mr. President, I ask for the yeas and nays on the Cooper-Hart amendment.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, a further parliamentary inquiry.

The VICE PRESIDENT. The Senator from Mississippi will state it.

Mr. STENNIS. What is the question now before the Senate?

The VICE PRESIDENT. The question now before the Senate is adoption of the amendment offered by the Senator from Michigan, amendment No. 101.

Mr. STENNIS. That is called the Cooper-Hart amendment, is that not correct?

The VICE PRESIDENT. That is correct.

Mr. SYMINGTON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Missouri will state it.

Mr. SYMINGTON. Is all time on the Cooper-Hart amendment also——

The VICE PRESIDENT. All time on the Cooper-Hart amendment has expired.

On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[No. 66 Leg.]

YEAS—49

Aiken
Bayh
Brooke
Burdick
Cannon
Case
Church
Cook
Cooper
Cranston
Eagleton
Ellender
Fulbright
Goodell
Gore
Gravel
Harris
Hart
Hartke
Hatfield
Hughes
Inouye
Javits
Kennedy
Magnuson
Mansfield
Mathias
McCarthy
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—51

Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Cotton
Curtis
Dirksen
Dodd
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Holland
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Long
McClellan
McGee
Miller
Mundt
Murphy
Packwood
Pastore
Prouty
Russell
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

So the Cooper-Hart amendment (No. 101) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JACKSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The bill is open to further amendment.

Mr. McINTYRE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment offered by the Senator from New Hampshire will be stated.

The legislative clerk proceeded to read the amendment.

Mr. McINTYRE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with and that the amendment be printed in full in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

At the end of the bill, insert the following new title:

"TITLE V—SAFEGUARD ANTIBALLISTIC MISSILE SYSTEM

"SEC. 501. (a) In the case of funds authorized under this Act for the Safeguard antiballistic missile system, such funds may be used only for—

"(1) Research, development, testing and evaluation of the system's radars, computers, and related electronic equipment, and procurement thereof.

"(2) Preproduction expenses of the Sprint and Spartan missiles and the production of such missiles for research, development, evaluation and testing.

"(b) The equipment described in clause (1) of subsection (a) may not be installed at any proposed ABM site, except at or near Grand Forks Air Force Base, North Dakota, and Malmstrom Air Force Base, Montana.

"(c) None of the funds appropriated pursuant to this or any other Act may be expended for the acquisition of land, not now owned by the United States, or the use of land owned by the United States, for the construction or installation of any ABM facilities at any proposed ABM site, except at or near Grand Forks Air Force Base, North Dakota, and Malmstrom Air Force Base, Montana.

"(d) None of the funds appropriated pursuant to this or any other Act may be expended for the procurement, installation, or deployment of any operational missile as a part of any antiballistic missile system, nor for the construction of any silos or other launch facilities for any operational missile as a part of any antiballistic missile system."

Mr. McINTYRE. Mr. President, I also request that the amendment be made the pending business, in view of the lateness of the hour.

Mr. MANSFIELD. And, Mr. President, no action will be taken on the amendment until tomorrow.

The PRESIDING OFFICER. All proceedings will be suspended until there is order in the Chamber, including the upper galleries, or the doors will be closed.

Mr. DIRKSEN. Mr. President, will the Senator from New Hampshire yield?

Mr. McINTYRE. I yield.

ORDER OF BUSINESS

Mr. DIRKSEN. Mr. President, I would like to query the distinguished majority leader concerning the program for the rest of the day and also tomorrow.

The PRESIDING OFFICER. We must have order in the Chamber. The gallery doors will be closed, so that Senators can hear each other and be heard.

The Senator from Montana.

ORDER FOR RECESS TO 10:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the previous order granted for convening tomorrow be changed. I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HARTKE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that immediately after the prayer and the Journal the distinguished Senator from Indiana (Mr. HARTKE) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF THE McINTYRE AMENDMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished Senator from Indiana, the pending business be laid before the Senate and that the Senate start the consideration of the McIntyre amendment, which is now before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE MEETINGS TOMORROW

Mr. SPARKMAN. Mr. President, will the Senator yield at that point?

Mr. MANSFIELD. I yield.

Mr. SPARKMAN. May committees have the right to sit? We have a very urgent executive session, if we could sit until 12 o'clock.

Mr. MANSFIELD. Until 12 o'clock, but not beyond that hour.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, it is very possible that Calendar No. 214, H.R. 7206, an act to adjust the salaries of the Vice President of the United States and certain officers of the Congress, may be brought up late in the afternoon tomorrow, if a break occurs, or if not then, on Friday. If it is brought up tomorrow, Members of the Senate had better be prepared for at least one rollcall vote, and perhaps more.

There will be no further business today, except speeches, unless a Senator has any questions.

Mr. MAGNUSON. Mr. President, I ask the majority leader, we have had pending here the merchant marine authorization bill for a long time. Upon inquiry, I have always received the answer that we wanted to finish this pending bill, which I understand.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MAGNUSON. We cannot appropriate anything, we cannot even have the State, Justice, and Commerce Department appropriations continued, until we get this business completed.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MAGNUSON. Until we get this authorization. But if we are going to break into the pending bill with another bill——

Mr. BYRD of West Virginia. Mr. President, may we have order? Senators cannot hear.

The PRESIDING OFFICER. We must have order in the Chamber. The Senators cannot be heard.

Mr. MAGNUSON. There are a great many of us on both sides of the aisle who would like to see this authorization out of the way.

The PRESIDING OFFICER. The occupants of the gallery are reminded that they are the guests of the Senate, and will be courteous and quiet.

Mr. MANSFIELD. The Senator knows there is a "hold" on it; amendments will be offered, and the matter cannot be disposed of in 1 day.

Mr. MAGNUSON. I know where the "hold" comes from, but I think the Senator from Delaware and I have always agreed on a time limitation. He will have an amendment on ship construction, which he normally has every year.

Mr. MANSFIELD. May I say to the distinguished Senator from Washington that I do not care whether the bill I announced is coming up, perhaps tomorrow, on the Post Office Department, ever comes or not, though something ought to be done for the Vice President. It is not my intention, except under the most unusual circumstances—and the joint leadership is in agreement on this—to set aside this measure for anything which will take up any length of time; and I dare say the bill which the Senator mentions—and it is a most important bill, and I recognize its need—will have to wait until we get through with the present business.

Mr. MAGNUSON. I do not think it will take up much time. I am sure the "hold"—I am just assuming this, but it usually is—is from the Senator from Delaware. If that bill cannot be taken up out of order, I am going to have to object to other bills also.

Mr. DIRKSEN. The other bill is not our bill. If the Senator wants to object to the Speaker and the Vice President, that is his privilege.

Mr. MAGNUSON. I have objected to the Speaker and Vice President many times.

Mr. MANSFIELD. And I am sure that will continue in the future.

Mr. MAGNUSON. Many times. But I am not objecting in that sense. I am trying to point out the urgency of getting at this authorization bill. It is holding up the State, Justice, and Commerce Department appropriations, and holding up all kinds of things, if it goes over until October; and if the Senator from Delaware is here, I need not stand here and tell him what is happening to the American merchant marine, when we cannot even get it authorized, let alone get the money. The Senator from Delaware and I are going to have a big argument, as we do every time, about the money. But I say, let us at least authorize the money to let the merchant marine continue to exist, before it sinks.

Mr. MANSFIELD. We will get to it as soon as possible.

Mr. MAGNUSON. I am for the Vice President and the Speaker of the House of Representatives, and the majority and minority leaders.

Mr. MANSFIELD. Mr. President, may I raise the possibility of a Saturday session this week? The joint leadership is prepared to come in early to meet the convenience of the Senate, and do everything we possibly can to expedite the passage of the pending business.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, since I shall require about 5 minutes, I yield 1 minute to the Senator from Nevada.

By unanimous consent, the following routine morning business was transacted.

DEATH OF JOHN GOSNELL, EXECUTIVE OFFICER AND GENERAL COUNSEL OF NATIONAL SMALL BUSINESS ASSOCIATION

Mr. BIBLE. Mr. President, our Nation, our private enterprise system, and especially the small business community has suffered a great loss in the recent death of John A. Gosnell.

John Gosnell was both executive officer and general counsel of National Small Business Association. He made many significant contributions to the small business community in his 13 years of distinguished and dedicated service to the association.

The many Members of Congress who knew him were indeed fortunate. We could not fail to realize the measure of his worth, and somehow share it. John Gosnell was a forthright man without pretension, a man who possessed a sense of high obligation and a sense of humor.

In addition to his service on the National Advisory Council of the Senate Select Committee on Small Business he was a member of the Advisory Council on Federal Reports; former vice chairman of the Small Business Committee of the American Bar Association; and was formerly a member of the Export Expansion Council of the Department of Commerce.

Mr. Gosnell was a member of the American, Federal, Arkansas, New York, and District of Columbia Bar Associations. Born in Little Rock, Ark., he was a 1925 graduate of Vanderbilt University. He was a specialist in the law of unfair competition and in trademark protection, and practiced law in El Dorado, Ark., Atlanta, Ga., New York, N.Y., and Washington, D.C. In earlier years he served with the Reconstruction Finance Corporation and the War Production Board.

Numerous tributes have been paid to him. Carl A. Beck, King of Prussia, Pa., chairman of the board of trustees, National Small Business Association said:

> John Gosnell had a great many friends, a host of acquaintances, and was widely known in the Washington community. The high personal esteem in which he was held reflected substantial recognition and stature to our Association, and opened new avenues of service and representation to the Small Business policy. His incisive analyses, coupled with a ready wit and delicious sense of humor, built esprit de corps and teamwork among both staff and trustees. He will be sorely missed both within and without our organization, but the structure and relationships he built stand as a tribute to his contribution.

This is a time of bereavement for John's lovely wife, Relda, and his wonderful family. It is a time of sorrow for all the small business community. John Gosnell would surely feel, however, that there must not be mourning but renewed dedication to achievement of the principles in which he so strongly believed.

He once wrote these fundamental truths:

> The truth is that the small enterpriser (entrepreneur) is the leaven of the socioeconomic process, in a free economy, never static, hard to identify and define except by standards which are both arbitrary and temporary.

John Gosnell was a man capable of incisive appraisal, an articulate spokesman for private enterprise and a dedicated friend and supporter of the small business community.

Mr. JAVITS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

S. 2789—INTRODUCTION OF THE HEALTH, NUTRITION, AND HUMAN NEEDS ACT OF 1969

Mr. JAVITS. Mr. President, I introduce today the Health, Nutrition, and Human Needs Act of 1969, designed to eliminate poverty-related hunger and malnutrition among the Nation's urban, rural, and migrant poor.

I am the ranking member of the so-called Hunger Committee, and joining me in introducing this measure are the Senator from Wisconsin (Mr. NELSON), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Connecticut (Mr. DODD), and the Senator from Oregon (Mr. HATFIELD). Other Senators will undoubtedly join in sponsoring the bill; and I shall provide their names for the RECORD in due course.

As a result of initiatives taken by Senator MCGOVERN and other members of the Select Committee on Nutrition and Human Needs, by other committees and

Members of the Congress, and by concerned private citizens and groups—the Nation has "discovered" hunger in America.

The President's historic message of May 6, 1969, calling for "an end to hunger in America for all time," and the actions taken by Secretary of Agriculture Hardin, Secretary of Health, Education, and Welfare Finch and others in the administration—overcoming some of the redtape that entangled their predecessors—have brought us from discovery of a national problem to a commitment to take appropriate action. Food stamp and other legislation proposed by my colleagues to deal with particular facets of the problem are welcome steps down the road from commitment to resolution.

The Senate established the Select Committee on Nutrition and Human Needs to determine what steps would be necessary "to establish a coordinated program" to assure "every U.S. resident adequate food, medical assistance, and related basic necessities of life and health."

The "Health, Nutrition, and Human Needs Act of 1969," which I introduce today, would provide, for the first time, a complete spectrum of programs designed to eliminate the disgrace of poverty-related hunger and malnutrition in the United States.

The act would establish six major programs:

First, a program of nutrition outreach is authorized to improve the effectiveness of our food and nutrition assistance programs at the local level by involving the Office of Economic Opportunity, and particularly Vista and other volunteers.

Second, the Nutrition Education and Information Act is designed to inform the Nation, and particularly its low-income citizens, of the nutritional and economic aspects of food use and acquisition and to determine the extent and effects of the failure to meet the nutritional requirements of human development.

Third, under the Maternal and Child Nutrition Act, low-income mothers, infants, and children would receive nutriments, supplemental foods, and health services related to malnutrition.

Fourth, the Private Industry Nutrition Assistance Act would provide incentives to small businesses, reform the Food Stamp Act of 1964, and establish a Private Sector Advisory Committee on Nutritious Foods, to increase the private distribution of nutritious commodities to low-income households.

Fifth, the Human Needs Act would direct the Secretary of Agriculture to utilize commodity distribution programs to supplement the food stamp and school feeding programs.

Finally, a National Advisory Council on Malnutrition would be created to make a continuing evaluation of all food and nutrition assistance programs, and to advise the President and the Congress. Extensive provisions in this act were designed to promote greater administrative cooperation among the Federal agencies involved in food programs.

THE HEALTH, NUTRITION AND HUMAN NEEDS ACT. TITLE I—NUTRITION OUTREACH ACT

Existing food assistance programs have failed to reach most of the Nation's urban, rural, and migrant poor. The nutrition outreach program of title I authorizes the Office of Economic Opportunity to utilize, at the local level, comprehensive nutrition and related health and education services available under this and related acts.

President Nixon articulated the goals of this title in his address of May 6:

> The Office of Economic Opportunity, with its exclusive commitment to the problems of poverty and its unique outreach among the poor themselves, has an especial role to play.

To give legislative sanction to that role, the nutrition outreach program amends the Economic Opportunity Act to provide a full range of supportive services at the local level. The Director of the Office of Economic Opportunity is authorized to use Vista volunteers and to establish auxiliary and special volunteer programs in order to assist in the identification of those in the greatest need, inform the poor of food and nutrition programs, and assist them in obtaining the benefits thereof.

Presently, many low-income persons are handicapped by the inaccessibility of food stamp centers. Witnesses before the select committee have described the complicated administrative procedures which also block greater use of certification and issuance centers. This title would remove these onerous burdens for it authorizes the establishment of local food stamp centers and assistance to those who most obtain food stamps.

Many of the four million participants in the commodity distribution program, according to hearings of the select committee, face similar hardships in traveling from their homes to the distribution centers. This title therefore authorizes programs for the purchase or rental of mobile vans suitable for the distribution of commodities—as well as supplemental foods.

This title also establishes programs for the formation of buying clubs, food store cooperatives, consumer cooperatives, and community stores. Such cooperatives are needed in low-income areas and have already been successfully initiated in parts of the United States. For example, the Greenwood Grocery Co-op in Greenwood, Miss., now has sales of $5,000 each week and offers low food prices and quality food to its 900 members. Such co-ops not only give low-income persons the chance to stretch their food dollars, but also gives them the opportunity to contribute to a community organization intent on bringing about needed changes in community life.

In order to insure that the nutritional needs of low-income persons are met, the title directs the Director of the Office of Economic Opportunity to carry out a complete evaluation of all food assistance programs, with periodic reports of his findings and recommendations to the President and to the Congress.

TITLE II—NUTRITION EDUCATION AND INFORMATION

The purpose of this title is twofold: To teach the poor how to help themselves in acquiring nutritious foods and maintaining wholesome diets, and to research the relationship between nutrition and healthful development.

Under part A, the Secretary of Health, Education, and Welfare is authorized to enlist appropriate educational and other agencies, as well as related private entities, in new programs designed to educate low-income persons in the nutritional and educational aspects of food use and acquisition. Schools, neighborhood health, day care, preschool and child centers, and educational broadcasting will become the vehicles for new informational materials and curriculums. All worthwhile and workable educational devices and techniques will be called into service. The need to provide such information was stressed by the Food and Nutrition Committee on the Urban Affairs Council in its findings earlier this year.

Knowledge of nutritional needs for families would be inadequate without continuing research. Therefore, part B directs the Secretary of Health, Education, and Welfare to conduct a continuing comprehensive survey to study the incidence and location of hunger and malnutrition, the kinds of foods to be approved for purposes of the act and the relationship between malnutrition and intellectual, emotional, and physical development.

I recommend that the Secretary of Health, Education, and Welfare conduct this comprehensive survey also with special consideration of the nutritional needs of migrants, the rural poor, Eskimos, Indians, and the elderly. These minorities have suffered too long from neglect of their special nutritional needs.

No one knows exactly how many children each year are born prematurely to malnourished mothers. Such children are more susceptible to disease and often die in the first year of life. Many of these children never appear on public health rolls as victims of malnutrition. To rectify this situation, this part amends the Public Health Service Act to include statistics on deaths of adults and children which are attributable or related to conditions of hunger and malnutrition and authorizes the Surgeon General to include reports of incidences of hunger and malnutrition in annual health conferences.

TITLE III—THE MATERNAL AND CHILD NUTRITION ACT

The President has noted that—

> Serious malnutrition during pregnancy and infancy can impair normal physical and mental development in children. Special effort must be made to protect this vulnerable group for malnutrition.

Part A of this title establishes new programs to provide low-income households with nutriments and supplemental foods, and related health services necessary for proper human growth and development, remedial programs utilizing work training programs, and volunteers, to identify and rehabilitate young children who have suffered from nutritional deficiencies.

In his address, the President specifically requested that the Secretary of Health, Education, and Welfare provide "special package and pilot voucher programs for pregnant women and infants so that vitamin and mineral products can be made available to those diagnosed as suffering from nutrient deficiencies." Purchase voucher and similar plans are specifically authorized under this act.

Our programs must not end when a child enters school. Although from 6 to 7 million American children are eligible for free or reduced-price lunches, less than 3 million needy children benefit from such programs. Schoolchildren's minds cannot be filled with knowledge if their stomachs are not filled with food.

Mr. President, testimony before the select committee has pointed out the need for stronger leadership—both from Congress and the Department of Agriculture—in setting forth guidelines and standards for children who participate in the free and reduced-price lunch programs. Leadership is also needed to assure maximum participation of needy children in all child feeding programs.

Therefore, part B of this title directs the Secretary of Agriculture to consult with the Secretary of Health, Education, and Welfare in order to establish national eligibility standards for participation of needy children in free or reduced-price meal programs as well as uniform standards for States to use in distributing Federal funds to local schools or school districts. The aim is to assure maximum participation by needy children in school and other child feeding programs of the Federal Government.

In the implementation of child feeding reforms, it is important that needy children are not made known to their fellow students through published lists, tickets, or any other such devices. For this reason, part A requires that no overt identification shall be made of any child who receives free or reduced-price meals under any Federal program. For too long, poor children have been embarrassed by published lists or separate lines.

We must also take steps to insure that milk under the special milk program benefits needy students. This part requires the Secretary of Agriculture to consult with the Secretary of Health, Education, and Welfare to insure that priority is given to the furnishing of milk to such children.

It is generally accepted that the American private food market is the most effective food distribution system in the world. I feel that we should take steps now to speed up and encourage private food service concerns and processors to bring their expertise to food distribution, management, and services for our school feeding programs. The pace has been extremely slow and it is the intention of this title to hasten and expand such efforts. This title would provide $10 million for the Secretary of Agriculture to carry out demonstration projects with private food companies for the supply, preparation, and delivery of food in schools which have no or limited facilities for meal preparation and which are located in low-income areas. Every effort should be made to bring into schools which now are without facilities.

Rodney E. Leonard, former Administrator of Consumer and Marketing Services in the U.S. Department of Agriculture, and presently a consultant to the Children's Foundation on food assistance programs, said recently before the select committee:

> It would be an absurd waste of money if tens of millions of dollars were poured into building and equipping expensive kitchens when the food service technology now available has already eliminated the need for these facilities.

These provisions would bring us a long way toward realization of the goal stated by the Food and Nutrition Committee of the Urban Affairs Council, to provide "free or reduced price lunch and breakfast to all children from low-income families attending school or in Headstart, day care or summer camp programs."

TITLE IV—PRIVATE INDUSTRY NUTRITION ASSISTANCE ACT

Title IV is intended to increase the access of low-income families to nutritious foods through the private food distribution system. The Urban Affairs Council correctly pointed out:

> The American private food market is the most effective food distribution system in the world. Efforts should be made to extend its reach to those it presently misses.

I might add that recent testimony before the Select Committee on Nutrition and Human Needs reveals a very clear willingness among private industry to provide necessary services.

Five programs are authorized by this title.

Part A calls for demonstration projects involving business concerns, local retail foodstores and foodstore cooperatives for the development and distribution of low-cost fortified or enriched foods and for the development of nutritional education messages and new and improved package designs, containers and recipes emphasizing nutrition content for use in low-income areas. For years, this country has been working with private food companies to develop fortified and enriched foods for consumption in developing countries while, until recently no such programs have been undertaken in this Nation. If we can provide such services abroad, we should certainly provide them at home.

Part B of this title is designed to foster in low-income areas business activity in keeping with the purposes of the act. Priority is to be given to those small business concerns which are owned by residents of the area to be served and to those which engage in the production, processing and distribution of highly nutritious and fortified commodities as determined by standards established elsewhere in the act. In addition, this part gives the Administrator of the Small Business Administration, after consultation with the Director of the Office of Economic Opportunity and the Department of Commerce, the authority to require that assisted small business concerns provide employment opportunities in the area to be served.

Part C of this title is designed to make greater use of local development corporations in fulfilling the purposes of this act. Utilization of local development corporations will also promote greater community involvement. Such corporations providing, in the aggregate, more than 50 percent of their assistance in aid of small business concerns qualifying under part B of this title will receive certain benefits under this part.

Part D of this title contains amendments to the Food Stamp Act of 1964 designed to compensate for the limited food-purchasing power of low-income households. The amendments require the Secretary of Agriculture to consult with the Secretary of Health, Education, and Welfare in administering the program. National requirements are established to insure that any household of four with a monthly income of $360 or less is eligible for participation in the program. Any household with a monthly income of $80 or less is entitled to free food stamps. In order to encourage the recipients of food stamps to use such stamps for the purchase of nutritionally enriched foods, the Secretary is authorized to provide for a higher face value on food stamps when they are used for that purpose. Other sections accomplish reforms in the administrative procedures. In order to accomplish the purposes of the act, the Secretary is authorized to operate a food stamp program at the same time as food commodity programs.

In offering these amendments I hope to build upon and interrelate with other programs the needed reforms that Senator McGovern, members of the Senate Agriculture Committee, and the administration have offered and are now before the Congress.

On May 6 the President expressed a recommendation of the Urban Affairs Council which called for "an advisory committee of major food processing and food distribution companies." Part E would establish the Private Sector Advisory Committee on Nutritious Foods in line with the President's request, to obtain the opinions of and to benefit from the innovations of the private food industry and related professionals.

TITLE V—THE HUMAN NEEDS ACT

This title requires that direct commodity distribution programs be used to supplement food stamp and school feeding programs to insure that low-income families in the United States are provided with a suitable variety of foods necessary to provide such households with well-balanced, nutritiously adequate diets. In order to provide such foods, the Secretary of Agriculture is directed to establish national standards of eligibility, make cash payments to States, make grants to public and private agencies for storage and use "section 32" funds for the purchase of nutritional foods not otherwise available under Federal food assistance programs.

USDA figures state that the participation level in the commodity programs nationally is only 22 percent. It is mainly for this reason that this title directs the Secretary of Agriculture to take measures to insure the maximum participation of low-income households in commodity distribution programs and authorizes the Secretary to make the payment necessary to assist States and local agencies in carrying out the objectives of the title. It is unfair to tell States which are already overburdened with financial problems develop comprehensive programs unless the Federal Government helps them to defray some of the costs of such programs.

So that the commodity distribution program will be able to reach more people in need, this title directs the Secretary of Agriculture to consult with the Secretary of Health, Education, and Welfare and the Director of the Office of Economic Opportunity to arrange for the distribution of commodity foods through neighborhood service centers of HUD, OEO, and other agencies. He is also authorized to utilize the facilities of private organizations for the storage and distribution of such commodities.

As I stated earlier, the location of commodity distribution centers is of major importance in reaching all of those in need. In many cities, neighborhood service centers operated through the Office of Economic Opportunity, the Department of Housing and Urban Development, and churches or schools serve as community centers for a variety of projects. These centers are centrally located and readily available to the community residents so that there would be no problem of transportation to and from such centers in order to receive commodities. I am sure that we all realize the difficulty we would have if we had to go 5 or 10 miles in order to purchase our groceries. The same is true for recipients of food commodities—they should not be required to travel great distances in order to receive their food.

TITLE VI—GENERAL PROVISIONS

Under this title a National Advisory Council on Malnutrition would be established to study the operation and effectiveness of programs authorized under this and other acts. Second, this title contains provisions to encourage coordination and authorizes transfers and joint projects in order to insure maximum effectiveness, without unnecessary duplication.

One of the primary values of the Council will be to receive the opinions of representatives of the poor. Therefore, the act directs that at least seven members be representatives of the Nation's urban, rural, and migrant poor.

Mr. President, because I feel that the Federal role can be effective only if there is cooperation and coordination at the State and local level, I have stated in my bill that the National Council shall encourage the establishment of State and local advisory councils on hunger and malnutrition. Secretary Finch has indicated that the Nation's Governors have a major role in combating hunger and I feel that the establishment of such State councils is a big step in meeting that objective.

As the ranking minority member of the Select Committee on Nutrition and Human Needs. I have seen how field hearings have had a positive effect in finding out what the problems were in particular areas relative to hunger and food program inadequacies. It is for this reason, Mr. President, that the Council is authorized to conduct hearings. I feel that hearings conducted by such a Council or its members would be extremely helpful in the formulation of its recommendations to the President.

Such a Council would be an extremely valuable asset to all Federal agencies concerned with our food assistance programs. I am confident that the President, upon enactment of this legislation, will select the most competent, qualified, and broadly representative persons for appointment to the Council. The President's concern in eliminating hunger has been made clear by his message to the Congress and by his appointment of Dr. Jean Mayer, nutritionist and Professor of nutrition at Harvard's School of Public Health, as his special consultant to plan the White House Conference on Nutrition to be held later this year.

Implementation of this act would require an estimated $1.3 billion for food stamps and $415,000,000 for other programs in the first year.

Mr. President, the problem of hunger and malnutrition is not only an urban or a rural one. It is not a black or a white one. Nor is it a new one. But only recently have we become aware of the need for multifaceted, full-spectrum comprehensive programs to combat these problems of national concern. It is now time to act.

Lines of hungry, malnourished Americans, so visible during the depression, less visible, but continuing today, are bitterly ironic in this age of prosperity.

With humility we recognize the grandeur of our intentions. With pride, we conceive of their fulfillment—the fulfillment of a second, long-awaited dream of mankind—the end of hunger.

Mr. President, I ask unanimous consent that a title-by-title analysis of the bill, together with the text of the bill itself, be printed in the RECORD at this point.

The **PRESIDING OFFICER**. The bill will be received and appropriately referred, and, without objection, the bill and the section-by-section analysis will be printed in the RECORD.

The bill (S. 2789) to eliminate poverty-related hunger and malnutrition in the United States through interrelated and coordinated programs, and for other purposes, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Health, Nutrition, and Human Needs Act of 1969".

STATEMENT OF POLICY

The Congress hereby finds and declares that it is the policy of the Congress to eliminate poverty-related hunger and malnutrition in the United States by enlisting through interrelated and coordinated programs the combined resources of local, State and Federal governmental agencies and private, profit and nonprofit organizations and volunteers in a sustained effort to provide the Nation's urban, rural, and migrant poor with sufficient nutrition to enable them to function as healthy citizens.

TITLE I—NUTRITION OUTREACH

SHORT TITLE

SEC. 101. This title may be cited as the "Nutrition Outreach Act".

STATEMENT OF PURPOSE

SEC. 102. The Congress hereby finds and declares that nutrition assistance programs have failed to reach many of the Nation's urban, rural, and migrant poor. It is the purpose of this title to improve the access of the poor to nutrition assistance by the development of supportive programs at the community level and by a continuing evaluation of all nutrition assistance programs to determine the effectiveness of such programs in meeting the needs of the poor.

AMENDMENTS TO ECONOMIC OPPORTUNITY ACT OF 1964

SEC. 103. The Economic Opportunity Act of 1964 is amended as follows:

(1) Section 222(a)(6) of such Act is amended to read as follows:

"(6) A program to be known as 'nutrition outreach' designed to improve the access of low-income persons to nutrition assistance, which program shall include but not be limited to—

"(A) programs to furnish information to low-income persons regarding the nutritional and economic aspects of food use and acquisition in order to assist them in maintaining a nutritious diet;

"(B) programs to inform low-income persons of their eligibility under federally assisted nutrition programs and to assist them in certification for assistance;

"(C) programs to assist low-income persons in the purchase of food stamps including but not limited to programs to establish food stamp centers;

"(D) programs to ensure the participation in school feeding programs of all low-income children eligible for such programs;

"(E) programs to improve the distribution of surplus and other food commodities and special diet supplements to low-income persons, including but not limited to programs for the establishment of commodity distribution centers and the purchase or rental of mobile vans suitable for such distribution;

"(F) programs to provide such foodstuffs, and medical and hygienic services may be necessary to counteract poverty-related conditions of malnutrition among low-income persons;

"(G) programs to encourage the formation of urban and rural buying clubs, foodstore cooperatives, consumer cooperatives, and community stores; and

"(H) programs and research for the development of new approaches to solve nutritional problems of low-income persons, including but not limited to studies to determine the feasibility of establishing a public corporation therefor.

The Director of the Office of Economic Opportunity shall consult with and enter into such arrangements and agreements with the heads of other departments and agencies of the Federal Government and with State and local agencies as may be necessary to ensure the effective coordination with and the maximum utilization of food and nutrition programs authorized under this Act and all other Federal, State, and local food and nutrition programs."

(2) Section 221(a)(4) of such Act is amended by adding a comma and "sound nutritional practices" after "adequate housing."

(3) Section 222(a)(7) of such Act is amended by adding at the end thereof the following new sentence: "Information provided under this program shall include information on the nutritional and economic aspects of food use and acquisition."

(4) Section 222(a)(8) of such Act is amended by adding "nutrition and food" after "education."

(5) Section 224 of such Act is amended by adding "nutrition" after "recreation."

(6) Section 233 of such Act is amended by adding at the end thereof the following new subsection:

"(d) After consultation with the Secretary of Agriculture and the Secretary of Health, Education, and Welfare, the Director shall carry out a complete evaluation of all food assistance and related programs of the Federal Government in order to determine the effectiveness of such programs in meeting the needs of low-income persons. The Director shall report his findings and recommendations to the President not later than January 20 of each year beginning with the calendar year 1970."

(7) Section 312(a)(1) of such Act is amended by adding "nutrition" after "health services."

(8) Section 522(a) of such Act is amended by adding "nutrition" after "social".

(9) Section 610 of such Act is amended by adding "nutrition" after "education".

(10) Section 810(a)(1) of such Act is amended by adding "nutrition" after "welfare."

(11) Section 820(a) of such Act is amended by adding "and poverty-related hunger and malnutrition" after "elimination of poverty."

APPROPRIATIONS AUTHORIZED

SEC. 104. There is authorized to be appropriated the sum of $300,000,000 for the fiscal year ending June 30, 1970, and such sums as may be necessary for each of the four succeeding fiscal years to carry out the provisions of this title.

TITLE II—NUTRITION EDUCATION AND INFORMATION

SHORT TITLE

SEC. 201. This title may be cited as the "Nutrition Education and Information Act".

STATEMENT OF PURPOSE

SEC. 202. The Congress hereby finds and declares that the Nation lacks sufficient knowledge with respect to sound nutritional practices and the incidence of hunger, and malnutrition among its citizens. It is the purpose of this title to encourage the development of new and improved curriculums and educational materials relating to the nutritional and economic aspects of food use and acquisition and to authorize research projects designed to increase general knowledge with respect to the nutritional needs of the Nation.

PART A—NUTRITION EDUCATION

NEW PROGRAMS

SEC. 211. (a) The Secretary of Health, Education, and Welfare (hereinafter in this part referred to as "the Secretary") is authorized to make grants to and enter into contracts and agreements (including interagency agreements) with and provide technical assistance to Federal, State, and local governmental agencies and private, profit and nonprofit organizations and institutions, including but not limited to State and local educational agencies, institutions of higher education, public and private nonprofit hospitals, neighborhood health, day care, preschool, and child service centers and facilities and educational broadcasting entities, for programs and projects for—

(1) the development and conduct of courses and community education programs (including seminars, workshops, and conferences) and for the preparation and distribution of informational materials, relating to nutritional and economic aspects of food use and acquisition;

(2) the planning and conduct of preservice and inservice specialized work training programs for individuals (including, to the maximum extent feasible, individuals of low-income status) designed to prepare such individuals to administer and supervise administration of programs conducted persuant to clause (1); and (3) the evaluation of programs and projects conducted pursuant to clauses (1) and (2).

(b) The Secretary shall give priority to programs and projects which are designed to educate, inform, and involve members of low-income households.

(c) Financial assistance for a program or project under this section may be made only upon application at such time and meeting such requirements as the Secretary deems necessary. Applications from local educational agencies for financial assistance under this section and any amendments thereto may be approved by the Secretary only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

(d) Payments under this section may be made in advance or by way of reimbursement, and in such installments and on such conditions as the Secretary deems necessary to carry out the purposes of this section.

(e) The Secretary shall consult with the Secretary of Agriculture, the Director of the Office of Economic Opportunity, and the heads of other appropriate Federal, State, and local agencies to develop procedures for coordination of programs under this section with those under related Federal, State, and local public assistance programs and food and nutrition assistance programs to insure that educational and informational programs on the economic and nutritional aspects of food use and acquisition are an integral part of such related programs. With the consent of the agency or department concerned, the Secretary is authorized to utilize the facilities and personnel of other Federal, State, and local departments and agencies in carrying out the provisions of this part.

APPROPRIATIONS AUTHORIZED

SEC. 212. There is authorized to be appropriated for the purposes of this part the sum of $25,000,000 for the fiscal year ending June 30, 1970, and such sums as may be necessary for each of the four succeeding fiscal years.

AMENDMENT OF HIGHER EDUCATION ACT OF 1965

SEC. 213. Section 531(b) of the Higher Education Act of 1965 is amended by striking out the period at the end of clause 10 and inserting in lieu thereof a semicolon and the word "and", and by inserting after such clause a new clause as follows: "(11) programs or projects to prepare teachers and other educational personnel to meet the special problems created by malnutrition and hunger."

AMENDMENT OF VOCATIONAL EDUCATION ACT OF 1963

SEC. 214. Section 161(b) of the Vocational Education Act of 1963 is amended by adding after "consumer education programs," the following: "including promotion of nutritional knowledge and food use and the understanding of the economic aspects of food use and purchase,".

PART B—INFORMATION ON NUTRITIONAL NEEDS

CONTINUING COMPREHENSIVE SURVEY

SEC. 221. The Secretary of Health, Education, and Welfare, in consultation and cooperation with other officials of the Federal Government and of the States, shall conduct a continuing comprehensive survey of the incidence and location of serious hunger and malnutrition and health problems incident thereto in the United States and shall report his findings and recommendations for dealing with these conditions to the President not later than January 20 of each year, beginning with the calendar year 1970.

NUTRITIOUS FOOD STUDY

SEC. 222. The Secretary of Health, Education, and Welfare is authorized to carry out a continuing study regarding the kinds of food which should be approved as "enriched foods" for purposes of this Act and shall periodically advise the Secretary of Agriculture and the Administrator of the Small Business Administration and other appropriate agencies and departments of the findings of such study. The study conducted under this section shall include all recent developments in food fortification and enrichment, including the effect of the practices and regulations of the Food and Drug Administration upon such developments. Such study shall be conducted in cooperation with the Private Sector Advisory Committee on Nutritious Foods, established under section 441 of this Act.

RESEARCH ON FOOD AND NUTRITION

SEC. 223. The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Agriculture, shall plan and conduct research on poverty-related hunger and malnutrition, including but not limited to the relationship between malnutrition and intellectual, emotional, and physical development.

AUTHORIZATION OF APPROPRIATIONS

SEC. 224. There is authorized to be appropriated the sum of $10,000,000 for the fiscal year ending June 30, 1970, and such sums as may be necessary for each of the four succeeding fiscal years to carry out the provisions of sections 221, 222, and 223 of this part.

AMENDMENTS TO EXISTING LAW

SEC. 225. The Public Health Service Act is amended as follows:

(1) Section 313 of such Act is amended by adding at the end thereof the following new sentence: "Such forms shall be prepared in such manner as to provide for an indication of the number of deaths which are attributable directly or indirectly to conditions of hunger or malnutrition."

(2) Section 312(a) of such Act is amended by adding at the end thereof the following new sentence: "To the maximum extent feasible such collection of statistics shall indicate the number of deaths of adults and the number of deaths of children which are attributable directly or indirectly to conditions of hunger or malnutrition."

(3) Section 441 of such Act is amended by adding at the end thereof the following new sentence: "The institute authorized to be established by the preceding sentence shall also conduct and support research and training relating to malnutrition (including prenatal malnutrition) and its effects on maternal health, child health, and human development, with special emphasis on malnutrition in the health and development of members of low-income households."

APPROPRIATIONS AUTHORIZED

SEC. 226. In order to enable the Secretary of Health, Education, and Welfare to carry out the provisions of the second sentence of section 441 of the Public Health Service Act, as amended by this title, there is authorized to be appropriated $6,000,000 for the fiscal year ending June 30, 1970, and such amounts as may be necessary for each of the four succeeding fiscal years.

TITLE III—MATERNAL AND CHILD NUTRITION

SHORT TITLE

SEC. 301. This title may be cited as the "Maternal and Child Nutrition Act of 1969".

STATEMENT OF PURPOSE

SEC. 302. The Congress hereby finds and declares that malnutrition during pregnancy, infancy, and childhood can seriously impair the ability of an individual to develop physically and mentally. It is the purpose of this title to provide mothers, infants, and children in low-income households with the nutrients and supplemental foods and related health services necessary to proper human growth and development.

PART A—HEALTH PROGRAMS

NEW PROGRAMS

SEC. 311. (a) The Secretary of Health, Education, and Welfare (hereinafter in this part referred to as "the Secretary"), in consultation with the Secretary of Agriculture, is authorized to make grants to and enter into contracts and agreements, including interagency agreements, with and provide technical assistance to Federal, State, and local governmental and private profit and nonprofit agencies, organizations, and institutions including but not limited to State and local hospitals, neighborhood health, day care, and preschool child service centers and facilities for the planning and conduct of—

(1) specialized programs designed to provide to mothers and children in low-income households public health services for the prevention and treatment of mental and physical health problems which are attributable to, caused by or connected with malnutrition and hunger;

(2) programs to provide mothers and children in low-income households with supplemental food and nutriments; and in order to provide such supplemental food and nutriments the Secretary may by regulation establish a purchase voucher or similar plan entitling participants therein to specified amounts of foods and medical and hygienic items and services required for sound nutrition and care during pregnancy and infancy;

(3) remedial programs to identify and rehabilitate infants and young children whose growth and development have been retarded by reason of nutritional deficiencies; and

(4) specialized work training programs and volunteer service programs for individuals (including, to the maximum extent feasible, individuals of low-income status) designed to prepare such individuals to administer, and supervise in the administration of, the services provided under the programs referred to in paragraphs (1), (2), and (3).

(b) Payments of any grants under this section shall be made in advance or by way of reimbursement, and in such installments and on such conditions as the Secretary deems necessary to carry out the purposes of this section.

(c) Each recipient of any grant under this section shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such funds from such grant are given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(d) The Secretary shall have access for the purpose of audit and examination to any books, documents, papers and records of the recipients of grants hereunder that are pertinent to the grants received under this section.

(e) In carrying out the provisions of this section, the Secretary shall, to the maximum extent feasible, cooperate with other Federal, State, and local departments and agencies which are carrying on programs and activities related to those authorized by this section. With the approval of the head of the Federal, State, or local department or agency concerned, the Secretary of Health, Education, and Welfare is authorized to utilize the facilities and personnel of other Federal, State, and local departments and agencies in carrying out the provisions of this section.

(f) There is authorized to be appropriated for the purposes of this part the sum of $50,000,000 for the fiscal year ending June 30, 1970, and such sums as may be necessary for each of the four succeeding fiscal years.

AMENDMENTS TO EXISTING LAW

SEC. 312. (a) The Public Health Service Act is amended as follows:

(1) The first sentence of section 311(b) of such Act is amended by inserting immediately after "health services," the following: "the establishment and conduct of programs to meet the problems of hunger and malnutrition,".

(2) The first sentence of section 312 of such Act is amended by inserting immediately after the first sentence thereof the following new sentence: "There shall be included on the agenda of any such conference reports and discussions of the problems of hunger and malnutirtion."

(3) Section 314(a)(2)(C) of such Act is amended by inserting "(including such needs which are attributable directly or indirectly to conditions of hunger or malnutrition)" immediately after "health needs."

(4) Section 314(d)(7) of such Act is amended by inserting immediately after the first sentence thereof the following new sentence: "Effective with respect to allotments under this subsection for the fiscal year ending June 30, 1970, and for each of the next two fiscal years, not less than 10 per centum of a State's allotment under this subsection shall be available only for the provision under the State plan of specialized services which are designed to provide health services, nutriments, and supplemental foods for the prevention, diagnosis, and treatment of mental and physical health problems, which are related to maternal health, child health, and human growth and development (including prenatal development) for mothers and children in low-income households, and which are attributable to, caused by, or connected with malnutrition and hunger."

(b) Section 2 of the Act entitled "an Act to transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes", approved August 5, 1954 (Public Law 568, 83d Congress), as amended, is amended by inserting "(including such needs which are attributable directly or indirectly to conditions of hunger or malnutrition)" immediately after "health needs" each place such term appears therein.

PART B—CHILD NUTRITION PROGRAMS

AMENDMENTS TO NATIONAL SCHOOL LUNCH ACT AND CHILD NUTRITION ACT OF 1966

SEC. 321. (a) Section 2 of the National School Lunch Act is amended by inserting after the words "Secretary of Agriculture" the following words: "in consultation with the Secretary of Health, Education, and Welfare".

(b) Sections 2 and 3 of the Child Nutrition Act of 1966 are amended by inserting after the words "Secretary of Agriculture" the following words: "in consultation with the Secretary of Health, Education, and Welfare".

(c) Section 3 of the Child Nutrition Act of 1966 is amended by adding at the end thereof a new sentence as follows: "The Secretary of Agriculture shall, after consultation with the Secretary of Health, Education, and Welfare, impose such requirements as he deems necessary under this Act to insure that priority is given to the furnishing of milk to low-income children."

DEMONSTRATION PROJECTS

SEC. 322. (a) The Secretary of Agriculture is authorized, after consultation with the Secretary of Health, Education, and Welfare, to formulate and carry out demonstration projects under which the Secretary of Agriculture shall contract with private food service concerns for the preparation of nutritious meals and with private food processors for the provision of such meals in schools which lack or have inadequate food preparation facilities and/or food programs and which are located in rural or urban areas having a high concentration of low-income households. Such projects may also be carried out for the benefit of children participating in preschool and nonschool programs if the children participating in such programs are predominantly children of low-income households.

(b) Such projects shall be placed in operation not later than six months after the date of enactment of this title and shall be administered, to the extent practicable, in conjunction with nutrition education programs carried out under this and other acts.

(c) The Secretary of Agriculture shall consult with and cooperate with local authorities.

(d) In carrying out this section, the Secretary of Agriculture shall furnish to the maximum extent possible, milk and other agricultural commodities in carrying out this section.

(e) There is authorized to be appropriated the sum of $25,000,000 for the fiscal year ending June 30, 1970 and such sums as may be necessary for each of the four succeeding fiscal years to carry out the provisions of this section.

STANDARDS

SEC. 323. (a) The Secretary of Agriculture shall consult with the Secretary of Health, Education, and Welfare to—

(1) establish eligibility standards which children must meet to qualify for free or reduced price meals provided under any Federal program;

(2) establish such uniform standards and procedures as he deems necessary for the allocation to schools and school districts of Federal funds made available to States under child feeding programs to assure maximum participation by schoolchildren of low-income households in the programs authorized by this title and under any other Federal program; and

(3) develop curricula, training programs, and materials relating to diet and nutrition to be used in the training and education of persons engaged in the operation of school feeding programs for children.

(b) No overt identification shall be made of any child who is furnished food at a free or reduced price under any Federal program.

EVALUATION

SEC. 324. (a) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Agriculture, shall evaluate the adequacy and effectiveness of school food programs administered by the Department of Agriculture, the Department of Health, Education, and Welfare, and other departments and agencies of the Government in meeting the nutritional and health needs of school children, preschool children and children provided with food under nonschool programs, and shall report his findings and recommendations for improving such programs to the President not later than January 20 of each year, beginning with the calendar year 1970. The Secretary shall, in evaluating the adequacy and effectiveness of such programs, determine the extent to which such programs provide nutrition assistance and education to children of low-income households.

TITLE IV—PRIVATE INDUSTRY NUTRITION ASSISTANCE ACT

SHORT TITLE

SEC. 401. This title may be cited as the "Private Industry Nutrition Assistance Act".

STATEMENT OF PURPOSE

SEC. 402. The Congress hereby finds and declares that fortified and enriched food products have failed to reach many of the Nation's poor. It is the purpose of this title to enlist the support, cooperation, and participation of private industry, including food producers, processors, merchandisers, and food-related industries in the national effort to eliminate poverty-related hunger and malnutrition, to encourage the participation of individuals of low-income status in such private industry efforts, and to make fortified and enriched food products more available under Federal food programs that utilize the private distribution system.

Part A—Development and Distribution of Fortified and Enriched Products

DEMONSTRATION PROJECTS

Sec. 411. (a) In order to demonstrate the feasibility of an improved private industry effort to relieve conditions of malnutrition in the United States, the Secretary of Health, Education, and Welfare (hereinafter in this part referred to as "the Secretary") is authorized to carry out demonstration projects, by way of grant, contract, or otherwise, with—

(1) business concerns for research designed to develop low-cost fortified or enriched foods appropriate for distribution in areas having a high concentration of low-income households (including proprietary infant formula products and products for pregnant women and mothers suffering from nutrient deficiency) and to develop new and effective means of marketing and distributing such foods to individuals in such areas;

(2) local retail foodstores and foodstore cooperatives for the sale of fortified or enriched foods approved by the Secretary in order to develop more effective distribution of such foods in areas having a high concentration of low-income households;

(3) business concerns for the development of nutritional education messages and symbols, new and innovative packaging designs, containers and recipes with emphasis on nutritional content in connection with the sale of low-cost fortified or enriched foods appropriate for distribution in areas having high concentrations of low-income households and effective procedures for the coordination of food use advertising campaigns, including recruitment and training of food assistance program participants as food use advisers; and

(4) such local retail foodstores and foodstore cooperatives as he determines appropriate to conduct special educational programs in nutrition in areas having high concentrations of low-income households.

(b) Financial assistance for the commencement or continuation of a project under this title may be made only upon application at such time or times, in such manner and containing or accompanied by such information as the Secretary deems necessary.

(d) The Secretary shall make necessary arrangements with respect to any project authorized by paragraph (4) of subsection (a) of this section for participation by and coordination with the local educational agency and the agency organization or institution conducting the comprehensive health services programs, if any, in the area to be served by such a project.

AUTHORIZATION OF APPROPRIATION

Sec. 412. There is authorized to be appropriated not to exceed $5,000,000 for the fiscal year ending June 30, 1970, and $10,000,000 for the fiscal year ending June 30, 1971, to carry out the provisions of this part.

Part B—Small Business Food and Nutritious Beverage Production, Processing, and Distribution Facilities

AMENDMENTS TO THE SMALL BUSINESS ACT

Sec. 421. (a) Section 7 of the Small Business Act is amended by adding after subsection (f) a new subsection as follows:

"(g) (1) In furtherance of the objectives of the Health, Nutrition, and Human Needs Act, the administration is authorized—

"(A) in consultation with the Director of the Office of Economic Opportunity and the Secretary of Commerce to provide counseling and technical assistance (i) to small business concerns engaged in the production, processing, or distribution of food and nutritious beverages in areas having a high concentration of low-income housing and (ii) to individuals wishing to establish such concerns; in providing such assistance the administration shall accord a preference to those concerns which are engaged, and to those individuals residing in any such area who wish to engage, in the production, processing, and distribution of commodities conforming to the standards determined under section 222 of such Act; and

"(B) to make loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) to any small business concern described in subparagraph (A) to finance plant construction or conversion, or the acquisition of equipment, facilities, or machinery, or to supply such concern with working capital if the administration determines, on the basis of a plan presented by such concern, that the proceeds of such loan will be used in furtherance of the purposes of the Health, Nutrition, and Human Needs Act.

"(2) The rate of interest for the administration's share of any loan made under this subsection shall not exceed 3 per centum per annum. The Administration is authorized to pay to each bank or other lending institution participating in any such loan, for and on behalf of the obligor, so much of the interest which becomes due and payable on the loan as is attributable to that part of the interest rate on the loan as exceeds 3 per centum per annum.

"(3) The term of any loan under this subsection, including renewals and extensions thereof, shall not exceed thirty years.

"(4) Any small business concern assisted under this subsection shall conform to such requirements as the administration, after consultation with the Director of the Office of Economic Opportunity, shall require to ensure that such concern will provide, to the greatest extent possible, employment opportunities for unemployed or underemployed individuals residing in the area to be served."

(b) Section 4(c) of such Act is amended—

(1) in paragraph (1), by striking out "and" before "(B)", and by striking out the period and inserting in lieu thereof the following: "; and (C) a poverty area loan fund which shall be available for financing functions under section 7(g), including administrative expenses in connection with such functions.";

(2) in paragraph (2), by striking out "and" before "(B)", and by striking out the period and inserting in lieu thereof the following: "; and (C) pursuant to section 7(g) shall be paid into the poverty area loan fund."; and

(3) in paragraph (4), by striking out "and" before "(D)", and by striking out the period and inserting in lieu thereof the following: "; and (E) under section 7(g) shall not exceed $200,000,000."

Part C—Local Development Corporations

AMENDMENTS TO THE SMALL BUSINESS INVESTMENT ACT OF 1958

Sec. 426. Section 502 of the Small Business Investment Act of 1958 is amended—

(1) by inserting "(a)" after "Sec. 502.";

(2) by inserting ", except as provided in subsection (b)," after *"Provided, however,* That"; and

(3) by adding at the end thereof the following:

"(b) If more than 50 per centum of the aggregate amount of assistance extended by any State or local development company is in aid of small business concerns of the type referred to in section 7(g)(1) of the Small Business Act, loans may be made under subsection (a) to any such company subject to the following restrictions and lmitations:

"(1) All such loans shall be so secured as reasonably to assure substantial repayment.

"(2) In agreements to participate in loans to any such company on a deferred basis, such participation by the Administration shall not be in excess of 95 per centum of the balance of the loan outstanding at the time of disbursement.

"(3) The proceeds of any such loan to any such company shall be used solely to assist an identifiable small business concern and for a sound business purpose approved by the Administration having due regard for the purposes of the Health, Nutrition, and Human Needs Act.

"(4) Any such loan made by the administration shall be limited to $350,000 for each such identifiable small business concern.

"(5) Any development company assisted hereunder shall meet criteria established by the administration, including the extent of participation to be required or the amount of paid-in capital to be used in each instance as is determined to be reasonable by the administration; except that in no event shall the participation to be required exceed 50 per centum, or the amount of paid-in capital to be required exceed 10 per centum.

"(6) The rate of interest for the administration's share of any such loan shall not exceed 3 per centum per annum. The administration is authorized to pay to each bank or other lending institution participating in any such loan, for and on behalf of the obligor, so much of the interest which becomes due and payable on such loan as is attributable to that part of the interest rate on such loan as exceeds 3 per centum per annum.

"(7) No such loan, including extensions or renewals thereof, shall be made by the administration for a period or periods exceeding thirty years, plus such additional period as is estimated may be required to complete construction, conversion, or expansion; but the administration may extend the maturity of or renew any such loan beyond the period stated for additional periods, not to exceed ten years, if such extension or renewal will aid in the orderly liquidation of the loan."

Part D—Amendments To Increase Private Distribution of Nutritious Commodities

DECLARATION OF POLICY

Sec. 431. Section 2 of the Food Stamp Act of 1964 is amended to read as follows:

"Sec. 2. It is hereby declared to be the policy of the Congress, in order to promote the general welfare, that the Nation's food abundance should be utilized cooperatively by the States local governmental units, the Federal Government and other agencies to safeguard the health and well-being of the Nation's population and to raise levels of nutrition among low-income households and to strengthen our agricultural economy. To effectuate this policy of the Congress, a food stamp program is herein authorized to compensate for the limited food-purchasing power of low-income households which contributes to hunger and malnutrition among members of such households."

DEFINITIONS

Sec. 432. (a) Subsection (a) of section 3 of the Food Stamp Act of 1964 is amended to read as follows:

"(a) The term 'Secretary' means the Secretary of Agriculture in consultation with the Secretary of Health, Education, and Welfare."

(b) Subsection (j) of section 3 of the Food Stamp Act of 1964 is amended to read as follows:

"(j) The term 'State' means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the Trust Territories of the Pacific."

(c) Section 3 of the Food Stamp Act of 1964 is amended by adding at the end thereof a new subsection as follows:

"(1) The term 'enriched food' means any food which is nutritionally fortified or enriched and which has been approved by the Secretary in consultation with the Secretary of Health, Education, and Welfare as a food specially suited to meet the nutritional needs of persons suffering from malnutrition."

GENERAL PROVISIONS

SEC. 433. Section 4(b) of the Food Stamp Act of 1964 is amended to read as follows:

"(b) Nothing in this or any other Act shall be construed as prohibiting the Secretary from distributing federally owned foods, under any other federally authorized program, to low-income households in any area in which a food stamp program is in effect, if he determines that the operation of more than one program in such area is necessary to provide the members of all such households in such area with well-balanced nutritionally adequate diets.".

SEC. 434. Section 5 of the Food Stamp Act of 1964 is amended to read as follows:

"SEC. 5 (a) Participation in the food stamp program shall be limited to those households whose income is below that sufficient to provide them with a nutritious diet and other basic human needs.

"(b) The Secretary shall prescribe uniform national standards of eligibility for participation in the food stamp program, under which any household of four with a monthly income of $360 or less shall be eligible for participation in the program. Such standards shall place a limitation on the resources to be allowed eligible households: *Provided*, That such limitation may apply to the income, if any realized from such resources and not to any income which might be realized through liquidation of such resources.

"Standards prescribed under this section shall be revised at least annually to reflect any increase in the cost of living, as determined on the basis of the Consumer Price Index published monthly by the Bureau of Labor Statistics of the Department of Labor.

"(c) Notwithstanding the provisions of subsection (b), above, the Secretary may establish other standards of eligiblility if such other standards are necessary to meet any temporary emergency food needs of households which are victims of natural or manmade disasters.

"(d) The Secretary is authorized to develop and operate a system under which eligibility determinations for households whose heads are migrant farmworkers, as defined in section 3 of the Farm Labor Contractor Registration Act of 1963, may be made on an interstate or interarea basis by the Secretary or, upon delegation by the Secretary, by one or more State agencies."

SEC. 435. (a) Subsection (a) of section 7 of the Food Stamp Act of 1964 is amended to read as follows:

"(a) Except as hereinafter provided in this subsection, the face value of the coupon allotment which is issued to any household certified as eligible to participate in the food stamp program shall be not less than an amount necessary to purchase a nutritionally adequate diet for the members of such household, but in no event shall that amount be less than the equivalent of $120 a month for a household composed of four persons. A household may, if it so elects, purchase any amount of coupons less than the full coupon allotment it is entitled to purchase.

(b) Subsection (b) of section 7 of the Food Stamp Act of 1964 is amended to read as follows:

"(b) Households shall be charged such portion of the face value of the coupon allotment issued to them as is determined to be equivalent to their normal expenditure for food, except that (1) any eligible household with a monthly income of $80 or less shall not be charged any amount for such coupon allotment; and (2) in no case shall any eligible household be charged an amount greater than an amount equal to 25 per centum of the income of such household for such coupon allotment.

(c) Section 7 of the Food Stamp Act of 1964 is amended by adding at the end thereof the following new subsection:

"(e) In order to encourage the recipients of food stamps to use such stamps for the purchase of nutritionally enriched foods, the Secretary is authorized to provide for a higher face value on food stamps when such stamps are used for the purchase of enriched foods than on the same stamps when such stamps are used for the purchase of other food. The amount of the increased value to be placed on food stamps under this subsection shall be established at such level as the Secretary determines is necessary to encourage recipients of food stamps to purchase enriched foods."

SEC. 436. (a) Section 10(a) of the Food Stamp Act of 1964 is amended by adding at the end thereof the following new sentences: "The Secretary shall to the maximum extent possible encourage participation by eligible households in the program authorized by this Act and shall give special consideration to the problems of households with aged, illiterate, and physically disabled persons. In making arrangements to facilitate the certification of applicant households and the availability of coupons to eligible households, the Secretary shall consult with the Director of the Office of Economic Opportunity and shall utilize to the maximum extent possible the services and programs of the Office of Economic Opportunity as authorized under title I of the "Health, Nutrition, and Human Needs Act." After consultation with the Postmaster General, the Secretary may also use the facilities of United States post offices, for such arrangements.

(b) Section 10(c) of the Food Stamp Act of 1964 is amended by adding at the end thereof the following new sentences: "An affidavit by a member of an applicant household, in such form as the Secretary may prescribe, shall constitute sufficient evidence of eligibility. If an applicant household is subsequently disqualified, adjustments may be made in its coupon allotment and no further penalty of any kind shall be imposed.

(c) The second sentence of section 10(e) of the Food Stamp Act of 1964 is amended by striking out the word "and" immediately preceding "(4)" and by adding at the end thereof a semi-colon and the following new clause: "and (5) notwithstanding the provisions of any other Federal or State law, for a system whereby the charges for the coupon allotment required to be paid under section 7 of this Act by any certified household receiving a payment under a federally aided public assistance program may be withheld by the State agency from such payment if such a household notifies the State agency that it elects to pay such charges under such a withholding system."

(d) Section 10(f) of the Food Stamp Act of 1964 is amended to read as follows:

"(f) If the Secretary determines that, in the administration of the program authorized by this Act, the State agency in any State fails to comply with the provisions of this Act, or with the regulations issued thereunder or with the provisions of the State plan of operation approved by him, within any area in such State, the Secretary shall inform such State agency of such failure and after sufficient notice if such failure is not corrected he shall directly administer the program in such area or administer it through any private nonprofit organization or through any Federal, State, or local public agency he deems appropriate."

SEC. 437. (a) The first sentence of section 11 of the Food Stamp Act of 1964 is amended to read as follows: "Any eligible household, approved retail foodstore, or wholesale food concern upon a finding that such household, approved retail foodstore or wholesale food concern has persistently violated the provisions of this Act, or of the regulations issued pursuant to this Act, may be disqualified from further participation in the food stamp program or from participation to the same extent as prior to the time of such finding."

(b)(1) Section 13 of the Food Stamp Act of 1964 is amended by inserting "or households" after the phrase "wholesale food concern" each time such phrase appears in such section.

(2) Section 13 of such Act is further amended by adding the following new sentence at the end thereof: "In the case of a household, no administrative action to terminate participation in the food stamp program authorized by this Act shall take effect during the pending of any administrative or judicial review under this section until a final determination is made in any such case."

COOPERATION WITH STATE AGENCIES

SEC. 438. Section 15 of the Food Stamp Act is amended to read as follows:

"SEC. 15. (a) Except as provided in subsections (b) and (c) of this section, each State agency shall be responsible for financing from funds available to the State or political subdivisions thereof, the cost of carrying out the administrative responsibilities assigned to it under the provisions of this Act. Such responsibilities shall include, but shall not be limited to, the certification of households, the acceptance, storage, and protection of coupons after their delivery to receiving points within the States; the issuance of such coupons to eligible households and the control and accounting therefor; and the undertaking of effective activities and actions to inform low-income households concerning the availability and benefits of the food stamp program and to facilitate the participation of eligible households.

"(b) The Secretary is authorized to pay to the State agency of a State an amount not to exceed 50 per centum of the total cost of carrying out the administrative responsibilities under this Act in any political subdivision if he determines that such payment is necessary to enable such political subdivision to conduct a food stamp program for eligible households living in such political subdivision.

"(c) Notwithstanding the provisions of subsections (a) and (b), the Secretary is authorized to share with each State agency additional administration costs when the Secretary determines (1) that participation in the food stamp program is substantial and is being conducted in an area having a high concentration of low-income households or (2) that an unexpected or seasonal increase in the number of eligible households significantly increases administrative costs.

"(d) The share of the costs specified in subsections (b) and (c) which the Secretary is authorized to pay to any State agency shall be related to the relative financial ability of the State and the political subdivisions thereof."

APPROPRIATIONS AUTHORIZED

SEC. 439. (a) Section 16 of the Food Stamp Act of 1964 is amended to read as follows:

"SEC. 16. To carry out the provisions of this Act, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1970, and for each of the four succeeding fiscal years such sums as may be necessary to carry out the provisions of this Act. Such portion of any such appropriation as may be required to pay for the value of the coupon allotments issued to eligible households which is in excess of the charges paid by such households for such allotments shall be transferred to and made a part of the separate account created under section 7(d) of this Act. This Act shall be carried out with (1) funds appropriated from the general fund of the Treasury for that specific purpose and (2) unexpended funds under section 32 of Public Law 320, Seventy-fourth Congress.

PART E—PRIVATE SECTOR ADVISORY COMMITTEE ON NUTRITIOUS FOODS

ADVISORY COMMITTEE ESTABLISHED

SEC. 451. (a) In order to obtain the views of recipients of Federal food assistance programs and to benefit from the innovations of private industry in the development of nutritious foods, the President shall appoint a Private Sector Advisory Committee on Nutritious Foods within ninety days after the date of enactment of this Act, which shall be composed of twenty-seven members who are representative of private food companies, including producers, processors, distributors, and related food industry representatives, nutritionists, members of the medical and dental professions, educators familiar with the operation of school feeding programs, and recipients of Federal food assistance programs. The President shall appoint one of the members as Chairman. The Advisory Committee shall advise the President, the Secretary of Health, Education, and Welfare and the Secretary of Agriculture, and other appropriate Federal officials on the implementation of this title and on the development of new or improved fortified or enriched foods (including the effect of the practices and regulations of the Food and Drug Administration upon such developments), and recommend new and effective means of coordinating private industry efforts with Federal food programs. The Secretary of Health, Education, and Welfare shall provide such staff and technical assistance as the Advisory Council may reasonably require.

(b) The Advisory Committee shall make an annual report of its findings and recommendations (including recommendations for changes in the provisions of this title) to the President not later than January 20 of each year beginning in the calendar year 1970.

(c) Members of the Advisory Committee who are not regular full-time employees of the United States shall, while serving on business of the Advisory Committee, be entitled to receive compensation at rates fixed by the President, but not exceeding $125 per day, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(d) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1970, and for each of the four succeeding fiscal years such sums as may be necessary to carry out the provisions of this part.

TITLE V—HUMAN NEEDS

SHORT TITLE

SEC. 501. This title may be cited as the "Human Needs Act".

STATEMENT OF PURPOSE

SEC. 502. The Congress hereby finds and declares that it is in the interest of the United States to improve the distribution to low-income households of food products necessary to good health and mental and physical development.

NUTRITIOUS COMMODITIES

SEC. 503. (a) The Secretary of Agriculture, in consultation with the Secretary of Health, Education, and Welfare, shall utilize the full authority granted to him under section 32 of Public Law 320 of the Seventy-fourth Congress, as amended, section 416 of the Agricultural Act of 1949, as amended, section 709 of the Food and Agriculture Act of 1965, and all other related direct commodity distribution programs to supplement food products provided through the Food Stamp Act of 1964, the Child Nutrition Act of 1966, and the National School Lunch Act, in order to insure that all low-income households in the United States are provided with a suitable variety of food products in such quantities as the Secretary of Agriculture, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity determine to be necessary to provide the members of such households well balanced nutritionally adequate diets. Notwithstanding any other provision of law, funds available to the Secretary of Agriculture under section 32 of Public Law 320, Seventy-fourth Congress, shall be expended in carrying out the provisions of this section to purchase agricultural and other suitable products without regard to whether such products are in surplus supply.

(b) The Secretary of Agriculture, after consultation with the Secretary of Health, Education, and Welfare and the Director of the Office of Economic Opportunity shall establish national standards of eligibilty which members of low-income households must meet in order to qualify for the benefits of direct distribution of food commodities under section 32 of Public Law 320 of the Seventy-fourth Congress, as amended, section 416 of the Agricultural Act of 1949, as amended, section 709 of the Food and Agricultural Act of 1964 and related direct commodity distribution Acts.

(c) In areas in which any Federal program for the direct distribution of food commodities is in operation, the Secretary of Agriculture, the Secretary of Health, Education, and Welfare and the Director of the Office of Economic Opportunity shall institute such measures as may be necessary to encourage and facilitate maximum participation by the members of low-income households in the benefits of such program.

(d) Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to operate a direct commodity distribution program for the benefit of members of low-income households in any area in which there is in operation a food stamp program under the Food Stamp Act of 1964 if he determines that the operation of both programs in such area is necessary to carry out the objectives of this section.

(e) In order to assist the States and local distributing agencies to defray the administrative and operating costs incurred by them in carrying out the program authorized by this title the Secretary of Agriculture is authorized to make such payments to such States and local agencies in such amounts as he may determine, after consultation with the Secretary of Health, Education, and Welfare, to be necessary to accomplish the objectives of this section.

(f) In order to ensure maximum participation by eligible households in the direct commodity distribution programs referred to in subsection (a) of this section, and in order to provide greater efficiency and convenience in the distribution to such households, the Secretary of Agriculture shall, in consultation with the Secretary of Health, Education, and Welfare and the Director of the Office of Economic Opportunity, arrange for distribution of nutritious commodities through programs authorized under titles I and III of this Act and shall utilize to the maximum extent possible the services of and neighborhood facilities established by the Office of Economic Opportunity, the Department of Housing and Urban Development, and any other Federal agency. The Secretary is authorized to enter into contracts with or make grants to profit and nonprofit, public and private agencies, institutions and organizations for the storage and distribution of food commodities under such programs.

AUTHORIZATION OF APPROPRIATION

SEC. 504. There is authorized to be appropriated for the fiscal year ending June 30, 1970, and for each of the four succeeding fiscal years such sums as may be necessary to carry out the provisions of this title.

TITLE VI—GENERAL PROVISIONS

DEFINITIONS

SEC. 601. As used in this Act—

(1) "Low-income" means an income level for households below that sufficient to provide all the members thereof with a nutritious diet and other basic human needs, determined by the Director of the Office of Economic Opportunity after consultation with the Secretary of Health, Education, and Welfare and the Secretary of Agriculture. In making such determination the Director of the Office of Economic Opportunity shall not be bound by any previous regulation or other determination with respect to "low-income."

(2) The term "household" shall mean a group of related or nonrelated individuals, who are not residents of an institution or boardinghouse, but are living as one economic unit sharing common cooking facilities and for whom food is customarily purchased in common. The term "household" shall also mean a single individual living alone who has cooking facilities and who purchases and prepares food for home consumption;

(3) "Areas having high concentrations of low-income households" means areas determined by the Director of the Office of Economic Opportunity after consultation with the Secretary of Health, Education, and Welfare; and

(4) "State" means each of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, The Virgin Islands, Guam, and the Trust Territories of the Pacific.

ADMINISTRATION

SEC. 602. (a) In administering any program authorized by this Act or any Act amended by this Act, the head of the agency responsible for any such program is authorized to utilize the services, facilities, and personnel of any other agency of the Federal Government and of any other public or nonprofit agency or institution in accordance with appropriate agreements, and to pay for such facilities, services, and personnel either in advance or by way of reimbursements, as may be agreed upon.

(b) In administering any program authorized by this Act or any Act amended by this Act, the Director of the Office of Economic Opportunity, with the approval of the President, shall establish procedures under which the head of any agency responsible for programs thereunder shall consult with other appropriate Federal departments and agencies in order that such programs may be effectively coordinated at the local level with other nutrition programs carried out by such departments and agencies or by State and local public agencies.

TRANSFER OF FUNDS

SEC. 603. Notwithstanding any limitation on appropriations for any program authorized by this Act or any Act amended by this Act, or any Act authorizing appropriations for such programs, not to exceed 25 per centum of the amount appropriated or allocated from any appropriation for the purpose of enabling the Secretary of Health, Education, and Welfare or the Secretary of Agriculture or the Administrator of the Small Business Administration to carry out any such program may be transferred and used by the Director of the Office of Economic Opportunity for the purpose of carrying out any other such program under this Act or any Act amended by this Act, but no such transfer shall result in increasing the amounts otherwise available for any program by more than 25 per centum.

INTERDEPARTMENTAL JOINT PROJECTS

SEC. 604 (a) In order to carry out the purposes of this Act or any Act amended by this Act more effectively and efficiently, through the wider use of joint projects drawing upon the resources available from more than one Federal program, appropriation or agency, the President is authorized to—

(1) identify related nutrition programs likely to be particularly suitable or appropriate for specific kinds of joint projects;

(2) develop and promulgate regulations setting forth illustrative joint projects, com-

mon application forms, and other materials designed to assist in the planning and development of joint projects;

(3) review program requirements in order to determine which requirements may impede the support of joint projects and the extent to which such requirements may be appropriately modified, and order the modifications accordingly;

(4) establish administrative procedures for Federal departments and agencies to assist in the support of classes of joint projects;

(5) establish joint or common application processing and project supervision procedures for joint projects approved by him; and

(6) develop common accounting, auditing, and financial reporting procedures that will facilitate carrying out the purposes of this section.

(b) To facilitate the establishment of joint management funds on an interdepartmental basis for any program authorized by this Act or any Act amended by this Act, any account in a joint management fund involving money derived from two or more Federal assistance programs administered by more than one Federal department or agency shall be subject to such rules and regulations, not inconsistent with other applicable law, as the President may establish with respect to the discharge of the responsibilities of affected departments and agencies. Such regulations shall assure the availability of necessary information, including requisite accounting and auditing information, to the affected departments and agencies, to the Congress, and to the Executive Office of the President. Such regulations shall also provide that the department or agency administering a joint management fund shall be responsible and accountable for the total amount provided for the purposes of each account established in the fund, and shall adhere to such accounting and auditing policies as are prescribed by the President.

(c) Effective in the first full fiscal year after the effective date of this section, the President shall, before the end of such year, and each successive year submit to the Congress an evaluation of progress in accomplishing the purposes of this section.

ESTABLISHMENT OF NATIONAL ADVISORY COUNCIL ON MALNUTRITION

SEC. 605. (a) There is hereby established a council to be known as the National Advisory Council on Malnutrition (hereinafter in this title referred to as the "Council") which shall be composed of twenty-one members appointed by the President. The President shall appoint persons to the Council who are representative of the public in general and appropriate fields of endeavor related to the purposes of this Act. The membership shall include not less than seven persons from among or as representatives of the Nation's urban, rural, and migrant poor. Seven members of the Council shall be appointed for a term of two years, seven members shall be appointed for a term of four years, and seven members shall be appointed for a term of six years. Thereafter all appointments shall be for a term of six years except that a person appointed to fill an unexpired term shall serve only for the remainder of such term. The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman. The Secretary of Agriculture, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Director of the Office of Economic Opportunity and such other public officials as are designated by the President shall serve as ex officio members of the Council. The Council shall meet at the call of the Chairman but not less than four times each year. Eleven members shall constitute a quorum and a vacancy on the Council shall not affect its powers.

(b) The Council shall (1) advise the Congress and the President with respect to matters of policy arising in the administration of this Act, or any other Act amended by this Act, and other Federal food and nutrition assistance laws; (2) review the operation and effectiveness of programs provided for under this Act, or any other Act amended by this Act, and other Federal food and nutrition programs; and (3) make recommendations to the President regarding the improvement of such programs and the elimination of duplicate operations in such programs. The Council shall submit a report to the President summarizing the results of its work during the preceding year together with such recommendations as it deems appropriate not later than January 20 of each year, beginning in calendar year 1970. The President shall transmit a copy of such report together with copies of all reports made pursuant to sections 103, 221, 324, and 451 of this Act to the Congress together with his comments and such recommendations for legislation as he deems appropriate.

(c) The Council or, on the authorization of the Council, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title hold such hearings, take such testimony, and sit and act at such times and places as the Council, subcommittee, or member deems advisable. Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Council, upon request made by the Chairman or Vice Chairman, such information as the Council deems necessary to carry out its functions under this title. The Council is authorized to employ such technical and staff personnel as it deems necessary to carry out its functions under this title. The Council may, in carrying out its functions under this title, utilize the services and personnel of any department or agency of the Federal Government. Any services or personnel furnished under this section shall be furnished on a reimbursable basis.

(d) Members of the Council who are not regular full-time officers or employees of the United States shall, while carrying out the functions of the Council, be entitled to receive compensation at rates fixed by the President, but not exceeding $125 per day, including traveltime; and while so serving away from their homes or regular place of business, members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

(e) The Council shall encourage the establishment of State and local advisory councils on hunger and malnutrition for the purpose of obtaining from such advisory councils prompt and accurate reports on the efficiency and effectiveness of the administration of Federal food and nutrition assistance programs provided for under this and other acts. Any appropriate existing agency of a State or local subdivision may be used for purposes of this section.

(f) In carrying out its functions under this section, the Council shall, from time to time, consult with the Private Sector Advisory Committee on Nutritious Foods established under section 451 of this Act.

(g) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1970, and for each of the four succeeding fiscal years such sums as may be necessary to carry out the provisions of this section.

The section-by-section analysis is as follows:

TITLE-BY-TITLE SUMMARY OF THE HEALTH, NUTRITION, AND HUMAN NEEDS ACT OF 1969

TITLE I—THE NUTRITION OUTREACH ACT

This title amends section 222(a)(6) of the Economic Opportunity Act of 1964 to substitute for the present "Emergency Food and Medical Services program" a new program entitled "Nutrition Outreach." This amendment authorizes the Director of the Office of Economic Opportunity to develop new programs to improve the access of low-income persons to the benefits of food assistance programs at the local level. The Director is authorized to use Vista volunteers and to establish auxiliary and special volunteer programs to assist in the identification of those in the greatest need, inform low-income persons of food and nutrition programs and assist them in obtaining the benefits thereof.

Other amendments to the Economic Opportunity Act incorporate nutrition education and service into community action programs and such special programs as comprehensive health services, family planning, senior opportunities, day care and programs for migrant workers.

The title directs the Director of the Office of Economic Opportunity to carry out a complete evaluation of all food assistance programs, with periodic reports of his findings and recommendations to the President and to the Congress.

TITLE II—NUTRITION EDUCATION AND INFORMATION

This title authorizes the development of new and improved curricula and educational materials relating to the nutritional and economic aspects of food use and acquisition and authorizes research projects designed to increase general knowledge with respect to the nutritional needs of the Nation.

Part A authorizes the Secretary of Health, Education and Welfare to make grants and enter into contracts and agreements with federal, state and local governmental, educational and health agencies and private profit and non-profit organizations and institutions for the development and conduct of courses and community education programs (including seminars, workshops and projects) and for the distribution of informational materials relating to food use. Pre-service and in-service training programs for teachers and other educational personnel or individuals to work with low-income households are also authorized. The Higher Education Act of 1965 is amended to prepare teachers and other educational personnel to meet the special problems created by malnutrition and hunger. The Vocational Education Act of 1965 is amended to include other nutrition education programs.

Part B is designed to increase available information with respect to the nation's nutritional needs. The Secretary of Health, Education and Welfare is authorized to conduct a continuing comprehensive survey of the incidence and location of serious hunger and malnutrition in the United States, a continuing study regarding the kinds of foods which should be approved as enriched foods and research on the relationship between malnutrition and intellectual, emotional and physical development. Provisions of the Public Health Service Act are amended to authorize additional research on the effects of malnutrition.

TITLE III—THE MATERNAL AND CHILD NUTRITION ACT

This title is designed to provide mothers, infants and children in low-income households with nutriments and supplemental foods and related health services necessary to proper human growth and development.

Part A authorizes the Secretary of Health, Education, and Welfare, in consultation with the Secretary of Agriculture, to make grants and enter into contracts and agreements with federal, state and local governmental agencies and private profit and non-profit organizations and institutions for the planning and conduct of programs to provide mothers and children in low-income households with supplemental food and nutrients and related health services for the prevention and treatment of mental and physical health problems connected with malnutrition and hunger.

Remedial programs are authorized to identify and rehabilitate infants and young children whose growth and development have been retarded by reason of nutritional deficiencies. Specialized work training programs and volunteer service and research programs are also established. The title authorizes the establishment of purchase voucher or similar plans providing pregnant mothers with required nutriments and services. The Public Health Service Act and other Acts are amended to provide for related services.

Part B authorizes the Secretary of Agriculture, in consultation with the Secretary of Health, Education and Welfare, to evaluate school feeding problems, formulate standards and establish programs and projects involving private food service concerns for the preparation and service of nutritious meals in schools which lack or have only inadequate facilities.

TITLE VI—PRIVATE INDUSTRY NUTRITION ASSISTANCE ACT

This title is designed to improve the access of the poor to fortified and enriched food products through the private distribution system.

Part A authorizes the Secretary of Health, Education and Welfare to carry out demonstration projects with business concerns, local retail foodstores and foodstore cooperatives for the development and distribution of low-cost fortified or enriched foods and for the development of nutritional education messages and new and innovative package designs, containers and recipes emphasizing nutritional content for use in low-income areas.

Part B of this title is designed to utilize the Small Business Act to foster business activity in keeping with the purposes of this Act. Priority is given to those small business concerns which are owned by residents of the area to be served and to those which engage in the production, processing and distribution of highly nutritious and fortified commodities. This Part gives the Administrator of the Small Business Administration the authority to require that assisted small business concerns provide employment opportunities to the area to be served.

The development of these small business concerns is to be fostered principally by providing technical and counseling assistance and by limiting the interest paid by small business concerns on all loans to 3%. The term of all loans may run as long as 30 years. The basis for loan approval is the plan presented by the applicant small business concern; approval is to be granted only if the plan furthers the purposes of the Act.

Part C of this Title is designed to make greater use of the local development corporation under the Small Business Investment Act of 1958 in fulfilling the purposes of the act. Utilization of the local development corporation will also promote greater community involvement. Local development corporations providing, in the aggregate, more than 50% of their assistance in aid of small business concerns qualifying under Part B of this title will receive certain benefits under this Part.

The principal benefits of these provisions are a limitation on interest and a relaxation of participation requirements. Only 50% of the paid-in capital need come from the community and paid-in capital may be as little as 10% of the amount needed. The balance may be supplied by loan at an interest rate of not more than 3%.

Part D of this title contains amendments to the Food Stamp Act of 1964 designed to compensate for the limited food-purchasing power of low-income households. The amendments require the Secretary of Agriculture to consult with the Secretary of Health, Education and Welfare in administering the program. Requirements are changed so as to ensure that any household of four with a monthly income of $360 or less is eligible for particpation in the program. Any household with a monthly income of $80 or less is entitled to free food stamps. In order to encourage the recipients of food stamps to use such stamps for the purchase of nutritionally enriched foods the Secretary is authorized to provide for a higher face value on food stamps when they are to be used for that purpose. Other sections accomplish reforms in the administrative procedures. In order to accomplish the purposes of the Act, the Secretary is authorized to operate a food stamp program simultaneously with a food commodity program, if necessary.

Part E establishes a Private Sector Advisory Committee on Nutritious Foods, appointed by the President, to obtain the opinion of the private food industry and related professionals. Representatives of private food companies, nutritionists, educators and food program recipients will be appointed to the Committee. The Committee will advise the President and federal officials on the development of new fortified foods, coordination of private industry efforts with those of the federal government and on the implementation of Title IV.

TITLE V—THE HUMAN NEEDS ACT

This title requires that direct commodity distribution programs be used to supplement food stamp and school feeding programs to ensure that all low-income households in the United States are provided with a suitable variety of foods sufficient for well-balanced, nutritionally-adequate diets. In order to provide such foods, the Secretary is directed to establish national standards of eligibility, make cash payments to states, make grants to public and private agencies for storage and use "section 32" funds for the purchase of nutritional foods not otherwise available under federal food assistance programs.

TITLE VI—GENERAL PROVISIONS

This title contains provisions defining various terms referred to in the Act and establishes administrative procedures for coordination, transfers and joint projects in order to ensure the effectiveness of efforts at the local level without unnecessary duplication.

The title also provides for establishment of a National Advisory Council on Malnutrition to make a continuing study of the operation of food and nutrition assistance programs, to advise the Congress and the President regarding such operation and to make recommendations for improving the operation and effectiveness of such programs through expansion and coordination thereof.

The Council shall be composed of 21 members including persons especially qualified for service on the Council because of training, experience, education and background and shall include at least seven persons representing the nation's urban, rural and migrant poor. The Secretary of Health, Education and Welfare, the Secretary of Agriculture, the Director of the Office of Economic Opportunity, the Secretary of Housing and Urban Development and other public officials designated by the President will serve as ex officio members of the Council.

The Council is authorized to hold hearings and take testimony and is directed to encourage the establishment of state and local advisory councils on hunger and malnutrition for purposes of obtaining reports on the efficiency and effectiveness of federal food assistance programs.

Mr. JAVITS. Mr. President, as a result of the initiatives taken by the Senator from South Dakota (Mr. McGovern), the chairman of the committee, and other members of the Select Committee on Nutrition and Human Needs, and by other committees and Members of Congress generally, as well as by concerned private citizens and groups, the Nation has "discovered"—I used that word in quotation marks, but it is very true—hunger in America.

Food stamp and other legislation proposed by Senator McGovern, our chairman, and by other colleagues, to deal with particular facets of the problem, will recommend stops down the road from commitment to resolution.

The Senate established the Select Committee on Nutrition and Human Needs to determine what steps would be necessary to establish a coordinated program, to assure every American adequate food, medical assistance, and related basic necessities of life and health.

The President's historic message of May 6, 1969, calling for "an end to hunger in America for all time," and the actions taken by Secretary of Agriculture Hardin, Secretary of Health, Education, and Welfare Finch, and others in the administration—overcoming some of the redtape that blocked their predecessors—have brought us from "discovery" of a national problem to a commitment to take appropriate action.

The Health, Nutrition, and Human Needs Act of 1969, which I introduce today, would provide for the first time a complete spectrum of programs designed to eliminate the disgrace of poverty-related hunger and malnutrition in the United States. The act would establish six major programs, Mr. President.

First. A "nutrition outreach" program in the Office of Economic Opportunity aimed at overcoming transportation and distribution problems that prevent present food assistance programs from reaching the poor. The program would include use of VISTA volunteers, local volunteer groups, the establishment of local food stamp centers, the authorization of programs to use mobile vans for distribution of commodities, and the formation of food stores in poverty areas. A total of $300,000,000 is authorized for these programs.

Second. Nutrition education and information provisions aimed at teaching the poor how to help themselves in acquiring nutritious foods and maintaining wholesome diets. The Secretary of Health, Education, and Welfare would be authorized to enlist schools, local groups, and the broadcasting media in the education program and to conduct a continuing survey of hunger and malnutrition throughout the Nation. A total of $35,000,000 is authorized for these efforts.

Third. Maternal and child nutrition provisions aimed at improving the distribution of nutritious foods to pregnant women and infants; establishing national eligibility standards to insure greater participation by low-income persons in the school lunch and special milk programs, and using demonstration projects to enlist the help of private food companies in making these programs available to low-income area schools without kitchen facilities. A total of $75,000,000 is authorized for these programs.

Third. Private industry nutrition assistance provisions which would establish demonstration projects to encourage the development by private companies of low-cost fortified and enriched foods. Small business activity and the use of local development corporations in low-income areas would also be promoted. The food stamp program would be expanded so that families of four with a monthly income of less than $360 would be eligible to buy stamps and so that families with monthly incomes of $80 or less would be entitled to free food stamps. A total of $5,000,000 is authorized for the non-food-stamp provisions in this section.

Fifth. Human needs provisions which would permit for the first time distribution of commodities in areas that now have food stamps and would permit the use of so-called section 32 funds for the purchase of nutritional foods not otherwise available under Federal food assistance programs. Neighborhood service centers of such agencies as HUD and OEO as well as schools, churches, and other local institutions would be used to expand storage and distribution of commodities.

Sixth and finally, a 21-member National Advisory Council on Malnutrition, with seven of its members representing the Nation's urban, rural, and migrant poor, would be established to study the operation and effectiveness of these and other programs to combat hunger, to make a continuing reassessment of all nutrition assistance programs, and to advise the President and Congress.

Mr. President, the problem of hunger and malnutrition is not only an urban or a rural one. It is not a black or a white one. Nor it it a new one. But only recently have we become aware of the need for multifaceted, full-spectrum comprehensive programs to combat these problems of national concern. It is now time to act.

Lines of hungry, malnutritioned Americans, so visible during the terrible depression of the 1930's still continue today. Today they are not as visible, but they are bitterly ironic in this age when we conceive of their fulfillment, a fulfillment long awaited in terms of mankind—the end of hunger.

I hope very much that the Senate will pay serious and considered attention to this very comprehensive program.

I hope that the Senate will pay attention also to the report which will be made public tomorrow and that we shall have early action on what may be called, and quite properly, a scourge upon our Nation.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on August 4, 1969, the President had approved and signed the following acts:

S. 38. An act to consent to the upper Niobrara River compact between the States of Wyoming and Nebraska; and

S. 1590. An act to amend the National Commission on Product Safety Act in order to extend the life of the Commission so that it may complete its assigned tasks.

SAFETY AND HEALTH STANDARDS FOR INDUSTRY—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-144)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

Technological progress can be a mixed blessing. The same new method or new product which improves our lives can also be the source of unpleasantness and pain. For man's lively capacity to innovate is not always matched by his ability to understand his innovations fully, to use them properly, or to protect himself against the unforeseen consequences of the changes he creates.

The side effects of progress present special dangers in the workplaces of our country. For the working man and woman, the by-products of change constitute an especially serious threat. Some efforts to protect the safety and health of the American worker have been made in the past both by private industry and by all levels of government. But new technologies have moved even faster to create newer dangers. Today we are asking our workers to perform far different tasks from those they performed five or fifteen or fifty years ago. It is only right that the protection we give them is also up-to-date.

There has been much discussion in recent months about the quality of the environment in which Americans live. It is important to note in this regard that during their working years most American workers spend nearly a quarter of their time at their jobs. For them, the quality of the workplace is one of the most important of environmental questions. The protection of that quality is a critical matter for Government attention.

Few people realize the extent of needless illness, needless injury, and needless death which results from unsafe or unhealthy working conditions. Every now and then a major disaster—in a factory or an office building or a mine—will dramatize certain occupational hazards. But most such dangers are realized under less dramatic circumstances. Often, for example, a threat to good health will build up slowly over a period of many years. To such situations, the public gives very little attention. Yet the cumulative extent of such losses is great.

Consider these facts. Every year in this country some fourteen thousand deaths can be attributed to work-related injuries or illnesses. Because of accidents or diseases sustained on the job, some 250 million man-days of labor are lost annually. The most important consequence of these losses is the human tragedy which results when an employee—often the head of a family—is struck down. In addition, the economy loses millions of dollars in unrealized production and millions more must be used to pay workmen's compensation benefits and medical expenses. It is interesting to note that in the last five years, the number of man-days lost because of work-related injuries has been ten times the number lost because of strikes.

What have we done about this problem? The record is haphazard and spotty. For many decades, governmental responsibility for safe workplaces has rested with the States. But the scope and effectiveness of State laws and State administration varies widely and discrepancies in the performance of State programs appear to be increasing. Moreover, some States are fearful that stricter standards will place them at a disadvantage with other States.

Many industries and businesses have made commendable progress in protecting worker health and safety on their own. Some, in fact, have managed to reduce the frequency of accidents by as much as 80 or 90 percent, demonstrating what can be accomplished with the proper effort. But such voluntary successes are not yet sufficiently widespread.

There are some other positive signs. Collective bargaining agreements often include safety and health provisions; many professional organizations have suggested voluntary standards; groups like the National Safety Council have worked to promote better working conditions. But the overall record is still uneven and unsettling.

The Federal role in occupational safety and health has thus far been limited. A few specific industries have been made subject to special Federal laws and limited regulations have been applied to workers in companies who hold certain Government contracts. In my message to Congress last March on Coal Mine Safety, I outlined an important area in which further specific Federal action is imperative. But something broader is also needed, I believe. I am therefore recommending a new mechanism through which safety and health standards for industry in general can be improved.

The comprehensive Occupational Safety and Health Act which the Secretary of Labor will soon transmit to the Congress will correct some of the important deficiencies of earlier approaches. It will go beyond the limited "accident" orientation of the past, giving greater attention to health considerations, which are often difficult to perceive and which have often been overlooked. It will separate the function of setting safety and health standards from the function of enforcing them. Appropriate procedures to guarantee due process of law and the right to appeal will be incorporated. The proposal will also provide a flexible mechanism which can react quickly to the new technologies of tomorrow.

Under the suggested legislation, maximum use will be made of standards established through a voluntary consensus of industry, labor, and other experts. No standard will be set until the views of all interested parties have been heard. This proposal would also encourage stronger efforts at the State level, sharing enforcement responsibility with States which have adequate programs. Greater emphasis will also be given to research and education, for the effects of modern technologies on the physical well-being of workers are complex and poorly understood. The Public Health Service has done some important groundwork in the field of occupational health, but we still need much more information and understanding.

Our specific recommendations are as follows:

1. Safety and health standards will be set by a new National Occupational Safety and Health Board. The five members of the Board will be appointed by the President with the advice and consent of the Senate to five-year terms; one member of the Board will change each year. At least three members of the Board must have technical competence in the field of occupational safety and health.

The Board will have the power to promulgate standards which have been established by nationally-recognized public or private standard-setting organizations. Thousands of these standards have been carefully worked out over the years; the Board will adopt such a "national consensus standard" when the standard-setting organization possesses high technical competence and considers the views of all interested parties in making its decisions.

If the Secretary of Labor (in matters of safety) or the Secretary of Health, Education and Welfare (in matters of health) objects to any such "national consensus standard," they may bring that objection before the Board. The Board can then set a new standard after giving the matter a full public hearing. When national consensus standards do not exist, the Board will have the power to break new ground after full hearings. If the Secretary of Labor or the Secretary of Health, Education and Welfare object to the Board's action, they can delay its implementation until at least three of the Board members reconfirm their original decision.

2. The Secretary of Labor will have the initial role in enforcing the standards which the Board establishes. The Secretary will ask employers whom he believes to be in violation of the standards to comply with them voluntarily; if they fail to do so, he can bring a complaint before the Occupational Safety and Health Board which will hold a full hearing on the matter. If the Board determines that a violation exists, it shall issue appropriate orders which the Secretary of Labor can then enforce through the Court system. In emergency situations, the Secretary can go directly to the courts and petition for temporary relief.

3. The State governments will be encouraged to submit plans for expanding and improving their own occupational safety and health programs. Federal grants will be available to pay up to 90 percent of the cost of developing such plans. When a State presents a plan which provides at least as much protection to the worker as the Federal plan, then the federal standard administration will give way to the State administration, with the Federal government assuming up to 50 percent of that State's costs.

4. The Secretary of Health, Education and Welfare will be given the specific assignment of developing and carrying out a broad program of study, experiment, demonstration, education, information, and technical assistance—as further means of promoting better safety and health practices in the workplace. The Secretary will be required to submit a comprehensive report to the President and the Congress, including an evaluation of the program and further recommendations for its improvement.

5. A National Advisory Committee on Occupational Safety and Health will be established to advise the Secretary of Labor and the Secretary of Health, Education, and Welfare in the administration of the Act.

Three years ago, following its study of traffic and highway safety, the Congress noted that modern technology had brought with it new driving hazards, and, accordingly, it enacted the National Traffic and Motor Vehicle Act and the Highway Safety Act. With the advent of a new workplace technology, we must now give similar attention to workplace safety and health.

The legislation which this Administration is proposing can do much to improve the environment of the American worker. But it will take much more than new government efforts if we are to achieve our objectives. Employers and employees alike must be committed to the prevention of accident and disease and alert to every opportunity for promoting that end. Together the private and public sectors can do much that we cannot do separately.

RICHARD NIXON.

THE WHITE HOUSE, *August 6, 1969*.

REPORT OF ATLANTIC-PACIFIC INTEROCEANIC CANAL STUDY COMMISSION—MESSAGE FROM THE PRESIDENT (H. DOC NO. 91-143)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce:

To the Congress of the United States:

I am transmitting the fifth annual report of the Atlantic-Pacific Interoceanic Canal Study Commission. The report covers the period July 1, 1968 to June 30, 1969.

The Commission has now completed its data collection activities on all of the five sea-level canal routes under investigation. Field operations have been terminated, and all facilities and equipment not removed from the routes have been turned over to host-country governments under the terms of the survey agreements.

Within the United States the office and laboratory evaluations of route data are well-advanced, as are the Commission's studies of the diplomatic, economic, and military considerations that bear on the feasibility of a new, sea-level canal constructed by conventional or nuclear excavation. The Commission will render its final report not later than December 1, 1970, pursuant to its authorizing legislation.

During the year the Atomic Energy Commission conducted the third of its planned series of nuclear excavation experiments in support of the canal investigation. Although all the now planned nuclear cratering experiments will not be completed soon enough for full evaluation by the Commission, it is expected that the Commission will be able to reach general conclusions as to the feasibility of employment of nuclear explosives for canal excavation.

This anniversary sees the canal investigation entering its final phase, and I take great pleasure in forwarding the Commission's fifth annual report to the Congress.

RICHARD NIXON.

THE WHITE HOUSE, *August 6, 1969*.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Vice President laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

S. 2788—INTRODUCTION OF OCCUPATIONAL HEALTH AND SAFETY ACT OF 1969

Mr. JAVITS. Mr. President, the President has sent to the Congress today a message concerning the need for a Federal occupational health and safety law accompanied by a bill, which would implement the proposals made in the message, with a letter of transmittal from the Secretary of Labor. I now introduce the administration's occupational health and safety bill and ask that the message, the letter of transmittal and the bill be printed in the RECORD at the conclusion of my remarks.

Mr. President, in keeping with President Nixon's pledge during the campaign to have his administration address itself to improving the quality of life for all Americans, this administration has made the improvement of the health and safety of working American men and women one of its primary goals. Earlier this year the administration sent up a strong coal mine health and safety bill which I was also privileged to sponsor, and I am indeed pleased that the Committee on Labor and Public Welfare last week reported out a strong coal mine health and safety bill—a bill which I hope will be taken up by the Senate as soon as it comes back from the recess.

The general occupational health and safety bill which the administration has sent up and I have introduced today is a most impressive breakthrough and major assumption of responsibility by the administration for the occupational health and safety of 35,000,000 working Americans. Under it a five-man Occupational Health and Safety Board would be established with responsibility for promulgating health and safety standards and enforcing those standards. In view of the herculean complexity and the long period of time which would be necessary in setting standards for all occupations throughout the country, the Board, quite properly, would be expected to utilize standards already developed by national standards-producing organizations. In addition, the views of the Secretary of Labor with respect to safety matters and the Secretary of Health, Education, and Welfare with respect to health matters would have to be given special consideration by the Board.

Inspections to insure compliance with Federal health and safety standards would be the responsibility of the Secretary of Labor, who would have also the power to initiate enforcement proceedings before the Board. The Board, if it finds after a hearing that an employer has violated a Federal health or safety standard, may issue an order against the employer requiring compliance which is enforceable in the Federal district courts. In addition, if the violation is willful, the Board may impose a civil penalty of up to $10,000 on the employer. In case of emergencies or imminent danger, the Secretary of Labor may apply to the U.S. district courts for a temporary restraining order and preliminary injunction pending the completion of proceedings before the Board.

The bill also recognizes that the States have a critical role to play in the occupational health and safety field. It provides that if a State files a plan meeting criteria demonstrating that the State program will be substantially as effective as a Federal program would be, insofar as standards, inspections, legal authority, qualified personnel, and adequate funding are concerned, the State may continue to exercise responsibility in the occupational health and safety field, subject to continuing evaluation by the Secretary of Labor. Grants to the States are provided to develop State plans, for developing information system and for administration of State programs.

The bill also provides for a research and training program and for the establishment of a national advisory committee on occupational health and safety.

Mr. President, the record of occupational health and safety statistics since the beginning of this century indicates that, although great strides were made in reducing death, injury, and disease between 1900 and 1960, during the last 10 years or so there has been no significant improvement in occupational health and safety in America. We have obviously reached a plateau insofar as the efforts of private industry and the States are concerned in this area, and major improvements are most unlikely unless and until the Federal Government becomes energetically and authoritatively involved in an occupational health and safety program. The bill the administration has sent up would certainly go a long way toward accomplishing that objective.

I recognize, of course, that the bill may be regarded as too strong by those who would prefer to leave occupational health and safety entirely in the hands of the States and the private business community; and that, on the other hand, the bill may be regarded as not going far enough by those who would prefer to see the Federal Government completely take over occupational health and safety throughout the country. The administration has properly rejected both of these extremes. The bill I have introduced today would give the Federal Government a key role in improving occupational health and safety, yet would provide for maximal utilization of the resources of both Federal and State and local governments.

I do, however, want to point out that it may be desirable to go somewhat further than this bill does in strengthening the hand of the Federal Government in this area. Of particular importance, in that connection, is the coal-mine health and safety bill recently ordered reported by the unanimous vote of the Committee on Labor and Public Welfare. Certainly we should investigate carefully whether any of the provisions in that bill can be appropriately embodied in a general occupational health and safety bill.

Among the issues which I believe should receive the most careful attention of the Labor Committee, as I know they will, when hearings are held on this bill and other occupational health and safety measures are whether enforcement orders issued by the board should be self-enforcing—subject to court review—rather than enforceable only through a decree of the Federal district court; whether the jurisdictional limitations in the bill, particularly those concerning agricultural workers, exclude too many workers from coverage; whether there is a need for permitting Federal inspectors to issue orders in emergencies without first having to appeal to the district court for a temporary restraining order; whether labor organizations ought not to be permitted more effective participation by, for example, allowing them to demand inspections and intervene in enforcement proceedings; and whether the Secretary of Labor and the Secretary of HEW should have the power to ask judicial review of standards promulgated by the board, just as the Secretary of Labor does have power under the bill to ask judicial review of enforcement orders by the board.

The committee will also, of course, give attention to whether the promulgation of standards and their enforcement ought to be handled by a board or the Secretaries of Labor and HEW. On this particular issue I find myself in agreement with the administration that a board should be utilized.

Clearly, in the development of standards, whatever agency is given the final authority will of necessity have to rely heavily on consultation with advisory committees and recognized experts in numerous fields.

Mr. President, I know that the distinguished chairman of the Committee on Labor and Public Welfare (Senator YARBOROUGH) and the distinguished chairman of the Subcommittee on Labor (Senator WILLIAMS), recognize the necessity for an effective Federal occupational health and safety law. I am certain, therefore, that the Subcommittee on Labor will accord this issue the high priority that it deserves and that hearings will be commenced on this legislation in the very near future.

Mr. President, I ask unanimous consent to have the bill printed in the RECORD along with an explanatory statement of the bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred and, without objection, the explanatory statement will be printed in the RECORD.

The bill (S. 2788) to provide a comprehensive program for assuring safe and healthful working conditions for working men and women by creating a National Occupational Safety and Health Board to be appointed by the President for the purpose of setting mandatory safety and health standards; by authorizing enforcement of the standards developed under the act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes, introduced by Mr. JAVITS, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2788

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Occupational Safety and Health Act of 1969."

CONGRESSIONAL FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that personal injuries and illnesses arising out of work situations which result in death or disability impose a substantial burden upon, and are a hindrance to, interstate commerce in terms of lost production, wage loss, medical expenses, and disability compensation payments.

(b) The Congress declares it to be the purpose and policy, through the exercise by Congress of its powers to regulate commerce among the several States and with foreign nations to provide for the general welfare, to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to recognize the humanitarian considerations in preserving our human resources—

(1) by encouraging employers in their efforts to reduce the number of occupational injuries and health hazards in their establishments, and to stimulate employers to institute new and perfect existing programs for providing safe and healthful working conditions;

(2) by building upon advances already made through employer initiative for providing safe and healthful working conditions;

(3) by creating a National Occupational Safety and Health Board to be appointed by the President for the purpose of setting mandatory occupational safety and health standards applicable to businesses affecting commerce;

(4) by providing for research in the field of occupational safety and health, including the psychological factors involved, and by developing innovative methods, techniques and approaches for dealing with occupational safety and health problems;

(5) by exploring ways to discover latent diseases, establishing causal connections between diseases and work in environmental conditions, and conducting other research relating to health problems, in recognition of the fact that occupational health standards present problems often different from those involved in occupational safety;

(6) by providing for training programs to increase the number and competence of personnel engaged in the field of occupational safety and health;

(7) by providing for the effective enforcement of such safety and health standards;

(8) by encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational

safety and health laws by providing grants to the States to assist in identifying their needs and responsibilities in the area of occupational safety and health, to develop plans in accordance with the provisions of this Act, to improve the administration and enforcement of State occupational safety and health laws, and to conduct experimental and demonstration projects in connection therewith;

(9) by providing for appropriate accident and health reporting procedures which will help achieve the objectives of this Act; and

(10) by encouraging joint labor-management efforts and improved employee work practices to reduce the number of such injuries and diseases.

DEFINITIONS AND JURISDICTION

SEC. 3. (a) For the purposes of this Act:

(1) The term "Secretary" means the Secretary of Labor or his duly authorized representative.

(2) The term "Board" means the National Occupational Safety and Health Board established under section 5 of this Act.

(3) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States; or between a State and any place outside thereof; or within the District of Columbia, or a possession of the United States, other than a State as defined in subsection (a) (6) of this section, or between points in the same State but through a point outside thereof.

(4) The term "person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

(5) The term "employer" mean a person engaged in a business affecting commerce who has employees, but does not include: the United States or any State or political subdivision of a State; any nonagricultural employer who employed no more than three employees at any time during the preceding calendar year; and any agricultural employer who did not, during any calendar quarter during the preceding calendar year, use more than 500 man-days of hired farm labor.

(6) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

(7) The term "industry" means a trade, business, industry, or branch thereof, or group of industries, in which individuals are gainfully employed.

(8) The term "occupational safety and health standard" means a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations or processes, reasonably necessary to provide safe or healthful employment and places of employment.

(9) The term "national consensus standard" means any occupational safety and health standard or modification thereof which (a) has been adopted by a nationally recognized public or private standards-producing organization possessing technical competence and under a consensus method which involves consideration of the views of interested and affected parties, and (b) has been designated by the Board, after consultation with other appropriate Federal agencies.

(10) The term "establishment" means any distinct, physical place of business.

(b) (1) The Board in its discretion may by rule of decision or by published rule, decline to assert jurisdiction over any class or category of employers where in the opinion of the Board the effect on commerce of such employer's operation is not sufficiently substantial to warrant the application of this Act.

(2) This Act shall not apply with respect to employment performed in a workplace within a foreign country or within territory under the jurisdiction of the United States other than the following: a State; Wake Island; and the Canal Zone.

STANDARDS

SEC. 4. (a) Except as provided in sections 3(b), 12, and 14 of this Act, each employer engaged in a business affecting commerce shall furnish employment and a place of employment which are safe and healthful as prescribed by occupational safety and health standards promulgated by the National Occupational Safety and Health Board, established by section 5 of this Act. Such standards shall be promulgated, modified, or revoked by the Board by rule in accordance with subsections (b) or (c).

(b) Whenever the Board determines that safety and health standards should be prescribed for any trade, craft, occupation, or type of business, industry, workplace, or other work environment for which no standards have previously been prescribed pursuant to this Act, and for which an applicable national consensus standard exists, it shall promulgate by rule such applicable national consensus standard, such rule (or subsequent modification thereof) to become effective thirty days after publication in the Federal Register unless within such thirty-day period the Secretary of Labor (with respect to safety issues) or the Secretary of Health, Education, and Welfare (with respect to health issues) files a written objection together with reasons in support of such objection with the Board in which event such standard shall be promulgated in accordance with subsection (c) of this section. If the Board in its judgment decides that it is necessary to modify a national consensus standard it shall give notice to the nationally recognized standards-producing organization which produces such standard and afford the organization a period of sixty days (beginning with the day of receipt of such notice by the organization), or such additional period as the Board may, in its discretion, allow within which to modify such standard in accordance with the consensus method of the organization. *Provided*, That if the standards-producing organization fails to modify the national consensus standard within the sixty-day period, the Board may commence proceedings under subsection (c) of this section. If the organization so modifies such standard, the Board shall promulgate by rule such modified national consensus standard, such rule to become effective thirty days after publication in the Federal Register, unless within such thirty-day period the Secretary of Labor (with respect to safety issues) or the Secretary of Health, Education, and Welfare (with respect to health issues) files a written objection together with reasons in support of such objection with the Board in which event such standard shall be promulgated in accordance with subsection (c) of this section. Any such standard promulgated pursuant to this subsection shall be known as an "adopted national consensus standard." Section 553 of title 5, United States Code, shall not apply to this subsection.

(c) A rule or regulation to establish or modify an occupational safety or health standard other than those which are required to be promulgated or modified in accordance with subsection (b) shall be promulgated, issued, modified, or repealed by the Board as enumerated in paragraphs (1), (2), and (3) of this subsection: *Provided*, That prior to the institution of any procedures under this subsection, the Board shall submit to the appropriate national standards-producing organization any proposed standard and afford such organization reasonable opportunity, not to exceed 90 days unless extended by the Board, to prepare a report on the technical feasibility, reasonableness and practicality of such standard:

(1) Whenever the Board makes a preliminary determination that such a rule should be prescribed, the Board shall schedule and give notice of a hearing. Notice of the time and place of any such hearing shall be published in the Federal Register thirty days prior to the hearing and shall contain either the terms or substance of the proposed rule or a description of the subjects and issues involved. Prior to the hearing interested persons shall be afforded an opportunity to submit written data, views, or arguments. Only persons who have submitted such written data, views, or arguments shall have a right at such hearing to submit oral or written evidence, data, views or arguments.

(2) Upon the entire record before it, including any written data, views, and arguments submitted in connection with the hearing, and giving due regard to national consensus standards, if any, the Board may issue a rule promulgating, modifying, or revoking an occupational safety and health standard. The rule shall become effective on the expiration of 60 days after the date of its publication in the Federal Register unless the Secretary of Labor (with respect to safety issues) or the Secretary of Health, Education, and Welfare (with respect to health issues) files a written objection to the rule or any part thereof before the expiration of such period. Such objection shall be accompanied by suggested alternative standards and shall state that, based on the record before the Board the rule does not, in the judgment of the Secretary or the Secretary of Health, Education, and Welfare, as the case may be, provide safe and healthful working conditions or is not feasible.

(3) If within 60 days of the publication in the Federal Register of the rule the Secretary of Labor (with respect to safety issues) or the Secretary of Health, Education, and Welfare (with respect to health issues) files a written objection, and suggests alternative standards, the rule shall not become effective unless the Board within 30 days after the filing of objections reaffirms or modifies its decision to issue its rule by a majority vote of its five members, and states the reasons for such action. The rule, as finally determined and adopted by the Board shall be published in the Federal Register, to take effect not less than 30 days after publication. Whenever the rule as finally determined and adopted varies from the rule originally proposed by the Board, the Board shall also publish the basis for the new rule.

(d) The Secretary of Labor (with respect to safety issues) or the Secretary of Health, Education, and Welfare (with respect to health issues) may submit a request to the Board at any time to establish or modify occupational safety and health standards indicated in the request. Within ninety days from the receipt of the request, the Board shall commence proceedings under subsections (b) or (c) of this section to set such standards.

(e) If, after the termination of a hearing conducted under subsection (c) of this section and prior to the publication of the rule, an interested person who participated in the hearing before the Board makes application to the Board for leave to adduce additional evidence and such person shows to the satisfaction of the Board that such additional evidence may materially affect the result of the hearing and that there were reasonable grounds for failure to adduce such evidence in the hearing before the Board, the Board may reopen the hearing for the purpose of considering such additional evidence.

(f) In determining the priority for establishing standards under this section, the Board shall give due regard to the need for mandatory safety and health standards of particular industries, trades, crafts, occupations, businesses, workplaces or work environments. The Board shall also give due regard to the recommendations of the Secretary and the Secretary of Health, Education, and Welfare regarding the need for mandatory standards in determining the priority for establishing such standards.

NATIONAL OCCUPATIONAL SAFETY AND HEALTH BOARD

Sec. 5. (a) The National Occupational Safety and Health Board is hereby established. The Board shall be composed of five members, at least three of whom shall have a background either by reason of previous training, education or experience in the field of occupational safety or health, who shall be appointed by the President by and with the consent of the Senate. One of the five members may be designated at any time by the President to serve as chairman of the Board.

(b) The terms of office of the members of the Board shall be as follows: one member shall be appointed for a term of one year, one member shall be appointed for a term of two years, another for a term of three years, and the two remaining members shall be appointed for periods of four and five years respectively. Their successors shall be appointed for terms of five years each, except that vacancy caused by death, resignation, or removal of a member prior to the expiration of the term for which he was appointed shall be filled only for the remainder of such unexpired term. A member of the Board may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(c) Subchapter II (relating to executive schedule pay rates) of chapter 53 of title V of the United States Code is amended as follows:

(1) Section 5314 (5 U.S.C. sec. 5314) is amended by adding at the end thereof the following: "(54) Chairman, National Occupational Safety and Health Board."

(2) Section 5315 (5 U.S.C. sec. 5315) is amended by adding at the end thereof the following: "(92) Members, National Occupational Safety and Health Board."

(d) The principal office of the Board shall be in the District of Columbia. The Board shall have an official seal which shall be judicially noticed and which shall be preserved in the custody of the Secretary of the Board.

(e) The Board shall, without regard to the civil service laws, appoint and prescribe the duties of a Secretary of the Board. Subject to the civil service laws, the Board shall appoint such other employees, including hearing examiners, as it deems necessary in exercising its responsibilities. The compensation of all employees appointed by the Board shall be fixed in accordance with chapter 51 and subchapter III of chapter 53 of title 5, United States Code.

(f) For the purpose of carrying out its functions under the Act, three members of the Board shall constitute a quorum, and official action can be taken only on the affirmative vote of at least three members; but upon the order of the Board a special panel composed of one or more members, or a hearing examiner, shall conduct any hearing provided for in section 4 and submit the transcript of such hearing to the entire Board for its action thereon.

(g) The Board is authorized to employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

(h) To carry out its functions under section 4 and section 7(a) the Board is authorized to issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents and administer oaths. Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(i) The Board may order testimony to be taken by deposition in any proceeding pending before it at any stage of such proceeding. Reasonable notice must first be given in writing by the Board or by the party or his attorney of record, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Board, as provided in subsection (j) of this section. Witnesses whose depositions are taken under this subsection, and the persons taking such depositions, shall be entitled to the same fees as are paid for like services in the courts of the United States.

(j) In the case of contumacy by, or refusal to obey a subpena served upon any person under this subsection, the Federal district court for any district in which such person is found or resides or transacts business, upon application by the United States, and after notice to such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and produce documents before the Board, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(k) The Board is authorized to make such rules as are necessary for the orderly transaction of its proceedings.

DUTIES OF THE SECRETARY

Inspections and investigations

Sec. 6. (a) In order to carry out the purposes of this Act, the Secretary, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized—

(1) to enter upon at reasonable times any factory, plant, establishment, construction site, or other area, workplace, or environment where work is performed by an employee of an employer or on a contract described in section 11(a); and

(2) to question any such employee and to inspect and investigate during regular working hours and at other reasonable times and within reasonable limits and in a reasonable manner, any such area, workplace, or environment, and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein.

(b) For the purpose of carrying out his duties under this Act the Secretary may delegate his authority under this section to any agency of the Federal Government with or without reimbursement and with its consent and to any State agency or agencies designated by the Governor of the State and with or without reimbursement and under conditions agreed upon by the Secretary and such State agency or agencies.

ADMINISTRATIVE ENFORCEMENT

Sec. 7. (a)(1) If, upon inspection or investigation, the Secretary within his discretion determines that there is reasonable cause to believe that an employer has violated the standards promulgated under section 4 or that any person has violated any regulation prescribed under subsection (b) of this section or any contractual requirement of section 11(a), he may petition the Board for a hearing to determine if a violation has occurred. The Board shall hold a hearing (in accordance with section 554 of title 5, United States Code, but without regard to subsection (a)(3) of such section), and shall issue such orders, and make such decisions, based upon findings of fact, as are deemed to be necessary to enforce such standards, regulations, or requirements: *Provided,* That no employer shall be found to have violated the standards under this Act if he demonstrates by a preponderance of the evidence that he has provided safe and healthful working conditions which are substantially equal to those required to be maintained pursuant to the applicable standards under this Act. The Board shall give any person who is alleged to have violated the standards promulgated under section 4, the information required by section 554(b) of title 5, at least fifteen days prior to hearing.

(2) In making his inspections and investigations under this Act the Secretary may require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy, failure, or refusal of any person to obey such an order, any district court of the United States or the United States courts of any territory or possession, within the jurisdiction of which such person is found, or resides or transacts business, upon the application by the Secretary, shall have jurisdiction to issue to such person an order requiring such person to appear to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(b) Each employer shall make, keep, and preserve for such period of time, and make available to the Secretary such records concerning the implementation of section 4 of this Act as the Secretary shall prescribe by regulation as may be necessary to carry out his functions under this Act. On the basis of such records, employers shall file such reports with the Secretary as he shall prescribe by regulation, as necessary to carry out his functions under this Act. In prescribing regulations under this section, the Secretary shall consult with the States in order to minimize or eliminate separate recordkeeping or reporting requirements and to avoid duplication of effort.

JUDICIAL PROCEEDINGS

Sec. 8. (a) The Secretary shall have power, upon issuance of an order under section 7(a)(1), to petition any United States district court within any district wherein a violation of the Act is alleged to have occurred or wherein the employer has its principal office, for appropriate relief. The district courts of the United States shall have jurisdiction to enforce (by restraining order, injunction, or otherwise) any order of the Board under section 7(a)(1) of this Act. The Secretary or any other person adversely affected or aggrieved by an order of the Board issued under section 7(a)(1) of this Act may obtain review of such order by the United States district court for the district wherein the violation is alleged to have occurred or wherein the employer has its principal office by filing in such court within 30 days following the issuance of such order a petition praying that the action of the Board be modified or set aside in whole or in part. A petition for review by the court shall not stay an order of the Board under section 7(a)(1) unless otherwise provided by the court.

(b) If, upon inspection or investigation, the Secretary within his discretion determines (A) that there is reasonable cause to believe an employer has violated any standard promulgated under section 4 or that any person has violated a contractual requirement of section 11(a) and (B) that conditions or practices in such places of employment are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated, the Secretary may petition any United States district court, within any district wherein such violation is alleged to have occurred, or wherein the employer has its principal office for injuctive relief or a temporary restraining order. Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law: *Provided,* That no temporary restraining order shall be issued without notice unless a petition alleges that substantial and irreparable injury will be unavoidable and such temporary restraining order shall be effective for no longer than five days and will become void at the expiration of such period: *Provided further,* That the Secretary may obtain appropriate injunctive relief following the expiration of a five-day restraining order pending the outcome of a proceeding under section 7(a)(1) of this Act begun during the five-day period of the temporary restraining order. Upon filing of any petition for preliminary injunction the courts shall cause notice thereof to be served upon the employer, who shall be given an opportunity to appear by counsel and present any relevant testimony.

(c) Except as provided in section 518(a) of title 28, United States Code, relating to litigation before the Supreme Court and the Court of Claims, the Solicitor of Labor may appear for and represent the Secretary and the Board in any civil litigation brought under this Act but all such litigation shall be subject to the direction and control of the Attorney General: *Provided,* That in any appeal of any action of the Board brought by the Secretary under section 8(a), the Solicitor shall represent the Secretary; the Attorney General shall represent the Board in such proceedings.

(d) In any case where an injunction or temporary restraining order is obtained pursuant to subsection (b) of this section by the Secretary, the court which grants such relief shall set a sum which it deems proper for the payment of such costs, damages, and attorney's fees as may be incurred or suffered by any party who is found to have been wrongfully restrained or enjoined. In no case shall any party wrongfully restrained or enjoined be entitled to a recovery for costs, damages and attorney's fees in excess of the sum set by the court.

(e) Any interested person affected by the action of the Board in issuing a standard under section 4 may obtain review of such action by the United States Court of Appeals for the District of Columbia by filing in such court within thirty days following the publication of such rule a petition praying that the action of the Board be modified or set aside in whole or in part. A copy of such petition shall forthwith be served upon the Board, and thereupon the Board shall certify and file in the court the record upon which the action complained of was issued as provided in section 2112 of title 28, United States Code. Findings of fact by the Board, if supported by substantial evidence on the record as a whole, shall be conclusive; but the court, for good cause shown, may remand the case to the Board to take further evidence, and the Board may thereupon make new or modified findings of fact and may modify its previous action and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence on the record considered as a whole. The remedy provided by this subsection for reviewing a standard shall be exclusive. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of a proceeding under this subsection shall not, unless specifically ordered by the court, delay the application of the Board's standards.

INADMISSIBILITY AS EVIDENCE; CONFIDENTIALITY OF TRADE SECRETS

SEC. 9. (a) No record or determination of any administrative proceeding under this Act or any statement or report of any kind obtained or received in connection with an investigation under, or the administration or enforcement of, the provisions of this Act shall be made available to any third party or admitted or used as evidence in any civil action other than an action for enforcement or review under this Act nor shall the Secretary or any representative of the Secretary be required by compulsory process to testify as an expert in any civil action growing out of any matter mentioned in such record, determination, statement, or report, except this subsection shall not be construed to bar the use of compulsory process in requiring any representative of the Secretary to testify on matters otherwise within his personal knowledge concerning the facts involved in such civil action.

(b) In connection with any inspection or proceeding under this Act no witness or any other person shall be required or permitted to divulge trade secrets or secret processes except as authorized by the person who owns such secrets or processes.

PENALTIES

SEC. 10. (a) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of inspections or investigatory duties under this Act shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of inspecting or investigating duties under this Act shall be punished by imprisonment for any term of years or for life.

(b)(1) Any person who makes a false statement or representation of a material fact, knowing it to be false, or who knowingly fails to disclose a material fact, in any document, report, or other information required under the provisions of section 7(b), shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

(2) Any person who willfully makes a false entry in or willfully conceals, withholds, or destroys any books, records, or statements required under the provisions of section 7(b) shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

(c) Any employer who willfully violates any standards promulgated under section 4 of this Act may be assessed by the Board, pursuant to an order issued under section 7 (a)(1) of this Act, a civil penalty of not more than $10,000 for each violation. In assessing the penalty, consideration shall be given to the appropriateness of the penalty to the size of the business of the person charged and the gravity of the violation.

GOVERNMENT CONTRACTS

SEC. 11. (a) Each contract exceeding $2,500 and requiring or involving the employment of any person (1) to which the United States or any agency or instrumentality thereof, or the District of Columbia is a party, (2) which is made for or on behalf of the United States, any agency or instrumentality thereof, or the District of Columbia, or (3) which is financed in whole or in part by loans or grants from, or loans insured or guaranteed by, the United States or any agency or instrumentality of the United States, shall include the requirement that no part of such contract (or any subcontract thereunder) will be performed in any place or under any condition which does not meet the applicable occupational safety and health standards. The applicable occupational safety and health standards shall be the standards under section 4 of this Act, except that, to the extent that the contract will be performed in a State in which there is in effect a State plan approved under section 14 which provides for the development of safety and health standards relating to one or more occupational safety or health issues, the applicable occupational safety and health standards relating to such issues shall be those developed under the State plan rather than those under section 4.

(b) In addition to the remedies otherwise provided in this Act, the Board may declare ineligible to receive for such period of time as the Board may prescribe, up to three years, any contract of a type described in subsection (a) of this section (whether or not the contract exceeds $2,500) any person or firm, or any firm, corporation, partnership, or association in which such person or firm has a controlling interest, which is found to have violated the requirements under this Act. No such contract shall be awarded during such period to such person or firm, or to any firm, corporation, partnership or association in which such person or firm has a controlling interest. For the purpose of carrying out the provisions of this subsection the Board shall distribute a list of all agencies of the United States containing the names of persons or firms declared ineligible to receive such contracts and the periods of ineligibility.

(c) In addition to the remedies otherwise provided in this Act, the Board may recommend to the appropriate contracting agency that such agency cancel, terminate, suspend, or cause to be canceled, or suspended, any contract made by any contracting agency for the failure of the contractor to comply with an order of the Board issued under section 7(a)(1) of this Act for the breach or violation by such employer of the requirements under subsection (a) of this section.

VARIATIONS, TOLERANCES, AND EXEMPTIONS

SEC. 12. The Board, on the record, after notice and opportunity for hearing, may provide such reasonable limitations and may make such rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all of the provisions under this Act as it may find advisable and proper in the public interest or to avoid serious impairment of the conduct of Government business. The Board shall keep an appropriately indexed record of all variations, tolerances, and exemptions granted under this section, which shall be open for public inspection.

AUTHORITY OF THE SECRETARY TO ISSUE RULES AND REGULATIONS

SEC. 13. The Secretary shall prescribe such rules and regulations as he may deem necessary to carry out his responsibilities under this Act, including rules and regulations dealing with the inspection of an employer's establishment.

EFFECTIVE DATE: FEDERAL-STATE RELATIONSHIP

SEC. 14. (a)(1) Except as otherwise provided in this section, this Act shall be effective on the first day of the first month after the date of its enactment.

(2) Sections 7, 8, 10, and standards promulgated under section 4 shall not take effect until July 1, 1972. Section 11 shall not apply to contracts entered into before July 1, 1972.

(b)(1) No State safety or health standard in effect upon the effective date of this Act or which may become effective thereafter, shall be superseded by any standard promulgated under this Act except insofar as such State safety or health standard is in conflict with this Act.

(2) Any State safety or health standard in effect upon the effective date of this Act, or which may become effective thereafter, which affords employees significantly greater protection than a safety or health standard promulgated under this Act shall not thereby be construed or held to be in conflict.

(c) Any State which, at any time, desires to assume responsibility for development and enforcement in such State of occupational safety or health standards relating to any occupational safety or health issue with respect to which a Federal standard has been promulgated under section 4 shall submit a State plan for the development of such standards and their enforcement.

(d) The Secretary, after consultation with the Secretary of Health, Education, and Welfare, shall approve the plan submitted by a State under subsection (c), or any modification thereof, if such plan—

(1) designates a State agency or agencies as the agency or agencies responsible for administering the plan throughout the State;

(2) provides for the development and enforcement of safety and health standards relating to one or more safety or health issues, which standards and their enforcement are or will be substantially as effective in providing safe and healthful employment and places of employment as provided in this Act;

(3) provides for the right of entry and inspection of all work places subject to the Act;

(4) contains assurances that such agency or agencies have or will have the legal authority and qualified personnel necessary for the enforcement of such standards;

(5) gives assurances that such State will devote adequate funds to the administration and enforcement of such standards; and

(6) provides that the State agency will make such reports to the Secretary in such form and containing such information, as the Secretary shall from time to time require.

(e) The Secretary shall, on the basis of reports submitted by the State agency and his own inspections, make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), he shall notify the State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect.

(f) The State may obtain a review of a decision of the Secretary withdrawing approval of or rejecting its plan by the United States Court of Appeals for the Circuit in which the State is located by filing in such court within thirty days following receipt of notice of such decision a petition praying that the action of the Secretary be modified or set aside in whole or in part. A copy of such petition shall forthwith be served upon the Secretary, and thereupon the Secretary shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28, United States Code. Unless the Court finds that the Secretary's decision in rejecting a proposed State plan or withdrawing his approval of such a plan to be arbitrary and capricious, the Court shall affirm the Secretary's decision. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(g) After the Secretary approves a State plan submitted under subsection (c), he may, but shall not be required to, exercise his authority with respect to standards promulgated under section 4 of the Act until he determines, no later than three years after the plan's approval under subsection (d), that, on the basis of actual operations under the State plan, the State meets the criteria set forth in such subsection. Upon making such determination, the provisions of sections 6, 7 (other than 7(b)), and 8 (other than section 8(e)) relating to judicial review of standards issued by the Board, and standards promulgated under section 4, shall not apply with respect to any occupational safety or health issues covered under the plan: *Provided*, That nothing in this subsection shall prevent the Secretary from making inspections at any time for the sole purpose of conducting the continuing evaluation provided for in subsection (e) of this section.

RELATIONSHIP TO OTHER FEDERAL PROGRAMS

SEC. 15. Nothing in this Act shall authorize the Board or the Secretary to regulate, or shall apply to, working conditions of employees with respect to whom other Federal agencies, and State agencies acting under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021) have statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

FEDERAL AGENCY SAFETY PROGRAMS AND RESPONSIBILITIES

SEC. 16. (a) It shall be the responsibility of the head of each Federal agency to establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the standards promulgated by the Board under section 4. The head of each agency shall (after consultation with authorized representatives of the employees thereof)—

(1) provide safe and healthful places and conditions of employment, consistent with the standards set under section 4;

(2) acquire, maintain, and require the use of safety equipment, personal protective equipment, and devices reasonably necessary to protect employees;

(3) keep adequate records of all occupational accidents and illnesses for proper evaluation and necessary corrective action; and

(4) make an annual report to the President with respect to occupational accidents and injuries and the agency's program under this section. Such report shall include any report submitted under section 7902(e)(2) of title 5, United States Code.

(b) The President shall transmit annually to the Senate and House of Representatives a report of the activities of each Federal agency under this section.

HEALTH RESEARCH AND RELATED ACTIVITIES

SEC. 17. (a) (1) The Secretary of Health, Education, and Welfare, after consultation with the Board and the Secretary, and with other appropriate Federal departments or agencies, shall conduct (directly or by grants or contracts) research, experiments, and demonstrations relating to occupational safety and health.

(2) The Secretary of Health, Education, and Welfare shall from time to time consult with the Board in order to develop specific plans for such research, demonstrations, and experiments as are necessary to produce criteria enabling the Board to meet its responsibility for the formulation of safety and health standards under this Act; and the Secretary of Health, Education, and Welfare, on the basis of such research, demonstrations, and experiments and any other information available to him, shall develop such criteria.

(3) The Secretary of Health, Education, and Welfare shall also conduct special research, experiments and demonstrations relating to occupational safety and health as are necessary to explore new problems, including those created by new technology in occupational safety and health, which may require ameliorative action beyond that which is otherwise provided for in the operating provisions of this Act. The Secretary of Health, Education, and Welfare shall also conduct research into the motivational and behavioral factors relating to the field of occupational safety and health.

(b) The Secretary of Health, Education, and Welfare is authorized after presenting written notice to make inspections as provided in section 6 of this Act in order to carry out his functions and responsibilities under this section.

(c) The Secretary is authorized to enter into contracts, agreements, or other arrangements with appropriate public agencies or private organizations for the purpose of conducting studies relating to his responsibilities under this Act. In order to avoid any duplication of efforts under this section the Secretary shall consult with the Secretary of Health, Education, and Welfare.

(d) Within two years after the effective date of this Act, the Secretary of Health, Education, and Welfare, in consultation with the Secretary and the Board, shall complete a comprehensive study and evaluation of occupational health problems and transmit a report, including recommendations thereon, to the President and to the Congress.

TRAINING AND EMPLOYEE EDUCATION

SEC. 18. (a) The Secretary of Health, Education, and Welfare, after consultation with the Secretary of Labor and with other appropriate Federal departments and agencies, shall conduct, directly or by grants or contracts, (1) education programs to provide an adequate supply of qualified personnel to carry out the purposes of this Act, and (2) informational programs on the importance of and proper use of adequate safety equipment.

(b) The Secretary is also authorized to conduct (directly or by grants or contracts) short-term training of personnel engaged in work related to his responsibilities under this Act.

(c) In order to encourage labor and management to promote occupational safety and health, the Secretary shall provide technical assistance to labor and management relating to the promotion of sound safety and health programs and practices.

(d) In consultation with the Secretary of Health, Education, and Welfare, the Secretary shall provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe or unhealthful working conditions in employments covered by this Act, and to consult with and advise employers as to effective means of preventing occupational injuries and illnesses.

ADMINISTRATION; NATIONAL ADVISORY COMMITTEE

SEC. 19. (a) In carrying out his responsibilities under this Act, the Secretary is authorized to—

(1) use, with the consent of any Federal agency, the services, facilities, and employees of such agency with or without reimbursement, and with the consent of any State or political subdivision thereof, accept and use the services, facilities, and employees of the agencies of such State or subdivision with or without reimbursement; and

(2) employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

(b) (1) There is hereby established a National Advisory Committee on Occupational Safety and Health (hereafter in this subsection referred to as the "committee") consisting of twelve members appointed by the Secretary, four of whom are to be designated by the Secretary of Health, Education, and Welfare, without regard to the civil service laws and composed equally of representatives of management, labor and the public. The Secretary shall designate one of the public members as Chairman. The members shall be selected upon the basis of their experience and competence in the field of occupational safety and health.

(2) The Committee shall advise, consult with, and make recommendations to the Secretary and the Secretary of Health, Education, and Welfare on matters relating to

the administration of the Act. The Committee shall hold no fewer than two meetings during each calendar year.

(3) The members of the Committee shall be compensated in accordance with the provisions of subsection (a)(2) of this section.

(4) The Secretary shall furnish to the Committee an executive secretary and such secretarial, clerical, and other services as are deemed necessary to the conduct of its business.

GRANTS TO THE STATES

SEC. 20. (a) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States to assist them (1) in identifying their needs and responsibilities in the area of occupational safety and health, (2) in developing State plans under section 14, or (3) in developing plans for—

(1) establishing systems for the collection of information concerning the nature and frequency of occupational injuries and diseases;

(2) increasing the expertise and enforcement capabilities of their personnel engaged in occupational safety and health programs; or

(3) otherwise improving the administration and enforcement of State occupational safety and health laws, including standards thereunder, consistent with the objectives of this Act.

(b) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States for experimental and demonstration projects consistent with the objectives set forth in subsection (a) of this section.

(c) For receipt of any grant made by the Secretary under this section, the Governor of the State shall designate the appropriate State agency, or agencies.

(d) Any State agency, or agencies, designated by the Governor of the State, desiring a grant under this section shall submit an application therefor to the Secretary.

(e) The Secretary shall review the application, and shall, after consultation with the Secretary of Health, Education, and Welfare, approve or reject such application.

(f) The Federal share for each State grant under subsection (a) or (b) of this section may be up to 90 per centum of the State's total cost.

(g) The Secretary is authorized to make grants to the States to assist them in administering and enforcing programs for occupational safety and health contained in State plans approved by the Secretary pursuant to section 14 of this Act. The Federal share for each State grant under this subsection may be up to 50 per centum of the State's total cost.

(h) Prior to June 30, 1972, the Secretary shall, after consultation with the Secretary of Health, Education, and Welfare, transmit a report to the President and to Congress, describing the experience under the program and making any recommendations as he may deem appropriate.

EFFECT ON OTHER LAWS

SEC. 21. (a) Except as provided in subsection (c) of this section nothing in this Act shall be construed as repealing or modifying in any way any other Federal laws prescribing safety and health requirements.

(b) Nothing in this Act shall be construed or held to supersede or in any manner affect the functions or authority of the Secretary of Health, Education, and Welfare under any other law, or to affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, occupational or other diseases, or death of employees arising out of, or in the course of employment.

(c) The safety and health standards promulgated under the Walsh-Healey Public Contracts Act, 41 U.S.C. 35 et seq., the Service Contract Act, 41 U.S.C. 351 et seq., and the National Foundation on Arts and Humanities Act, 20 U.S.C. 951 et seq., are deemed repealed and rescinded on the effective date of corresponding standards promulgated under this Act, as determined by the Secretary of Labor to be corresponding standards. The safety and health provisions of the Walsh-Healey Public Contracts Act, 41 U.S.C. 35 et seq., the Service Contract Act, 41 U.S.C. 351 et seq., and the National Foundation on Arts and Humanities Act, 20 U.S.C. 951 et seq., are deemed repealed and rescinded effective July 1, 1975.

AUDITS

SEC. 22. (a) Each recipient of a grant under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant is made or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of any grant under this Act that are pertinent to any such grant.

REPORTS

SEC. 23. Within one hundred and twenty days following the convening of the first session of each Congress, the Secretary, the Board, and the Secretary of Health, Education, and Welfare shall prepare and submit to the President for transmittal to the Congress biennial reports upon the subject matter of this Act, the progress concerning the achievement of its purposes, the needs and requirements in the field of occupational safety and health, and any other relevant information, and including any recommendations they may deem appropriate.

APPROPRIATIONS

SEC. 24. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SEPARABILITY

SEC. 25. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

The statement ordered to be printed in the RECORD reads as follows:

EXPLANATORY STATEMENT OF THE "OCCUPATIONAL SAFETY AND HEALTH ACT OF 1969," A DRAFT BILL TO ASSURE SAFE AND HEALTHFUL WORKING CONDITIONS FOR WORKING MEN AND WOMEN

GENERAL

The draft bill would provide a comprehensive program for assuring safe and healthful working conditions for working men and women (1) by directing the President to appoint a National Occupational Safety and Health Board which would set mandatory safety and health standards; (2) by providing for enforcement of such standards; (3) by building upon advances already made through employer initiative which provide safe and healthful working conditions; (4) by assisting the States in their efforts to assure safe and healthful working conditions; and (5) by providing for research, including special research into health problems, and information, education and training in the field of occupational safety and health.

COVERAGE

The bill would apply to all employers engaged in businesses, affecting commerce unless they are expressly excluded from the coverage of the bill (sec. 3), or are exempted under section 12 (authorizing the Board, after a hearing, to permit reasonable variations, tolerances, or exemptions) or 14 (exempting employers from Federal standards in States having approved plans). Employers excluded from coverage would include (1) the United States or any State or political subdivision of a State; (2) any nonagricultural employer who employed no more than three employees at any time during the preceding calendar year; or (3) any agricultural employer who did not, in any calendar quarter during the preceding calendar year, use more than 500 man-days of hired farm labor (the same coverage as under the Fair Labor Standards Amendments of 1966); and (4) any class or category of employers over which the National Occupational Safety and Health Board has by rule declined to assert jurisdiction because the effect on commerce of such employer's operation is not sufficiently substantial to warrant the application of the bill's requirements.

STANDARDS

Section 4 of the proposal provides that each employer engaged in a business affecting commerce shall comply with mandatory safety and health standards set by the National Occupational Safety and Health Board, which is to be appointed by the President, as provided for in section 5 of the bill. The bill requires that prior to initiating a standard-setting procedure, the Board must submit any proposed standard to a national standard-producing organization in order that the organization may report on the feasibility of the proposed standards. In addition to setting its own standards, the Board would, where possible, adopt the standards set by nationally-recognized standards-producing organizations which develop their standards under a national consensus method. When the Board considers it necessary to have a modification of an adopted national consensus standard, the Board is required to give notice to the standards-producing organization. Such notice is given in order to afford the standards-producing organization an opportunity to modify the standard in accordance with its consensus method. If the standards-producing organization modifies the standard the Board must promulgate it in its modified form, unless the Secretary of Labor or the Secretary of HEW objects. That is, the Secretary of Labor and the Secretary of Health, Education, and Welfare would participate in the standard-setting process by being authorized to question any standard adopted by the Board and to submit to the Board their own recommendations for standards. Whenever one or both of the Secretaries question any standard adopted by the Board, the Board would conduct a hearing on the objections and recommendations of the Secretary.

Private parties are afforded the right to judicial review of the Board's standards. Section 8(e) provides that any interested person affected by the action of the Board in issuing a standard may obtain judicial review thereof in the United States Court of Appeals for the District of Columbia.

ENFORCEMENT

The Secretary is authorized to make inspections and investigations of premises subject to the Act, and if within his discretion he determines that there is reasonable cause to believe that a violation of the standards promulgated under the Act has occurred, he may petition the Board for a hearing to determine if a violation has occurred. Following the hearing, the Board may issue orders deemed necessary to enforce the standards, regulations, or requirements of the Act. The Secretary may seek enforcement of the

Board's orders in the district courts or, where he objects to a Board order, he may obtain judicial review thereof in these courts. Persons aggrieved by the Board's orders may also seek judicial review in the district courts. The Secretary institutes civil litigation under the Act, subject to the general direction of the Attorney General, as under the Fair Labor Standards Act. In addition, no employer is to be considered in violation of the standards promulgated under the Act if he demonstrates by a preponderance of the evidence that he is providing conditions which are substantially as safe and healthful as would be maintained if the employer was in exact compliance with the applicable standards promulgated under the Act.

Also, where an inspection discloses an imminent danger to employees, the Secretary is authorized to seek a temporary restraining order or appropriate injunctive relief from a Federal district court, which the court may grant after setting a monetary sum to cover the costs for damages suffered by any party who is later found to have been wrongfully restrained.

RECORD KEEPING REQUIREMENTS

The bill requires employers to keep records concerning occupational injuries and diseases and make these records available to the Secretary. The Secretary may also require employers to submit such reports as he deems necessary to carry out his functions under the Act. However, the Secretary in prescribing regulations under this section is directed to consult with appropriate State agencies in order to minimize separate record keeping or reporting requirements and to avoid any duplication of effort.

PENALTIES

It is a felony under the proposed bill to use force against any person engaged in enforcement activities under the Act. Varying fines and prison terms commensurate with the seriousness of the offenses are provided for. Willful violations of the record-keeping and reporting requirements of the Act are made misdemeanors.

There is also a civil penalty of up to $10,000 which may be imposed by the Board on an employer who willfully violates a standard promulgated under section 4 of the Act.

FEDERAL CONTRACTS AND ASSISTANCE PROGRAMS

In addition to the enforcement procedures and penalties, the Secretary would have additional remedies in the case of Government contracts or subcontracts. Each Federal contract or one involving Federal assistance, exceeding $2,500, must contain a requirement that the work to be performed under the contract will be done under safe and healthful conditions which meet any applicable standards set by the Board under the Act, unless the contract is being performed in a State with an approved plan. In such case, the State standard under the plan applies.

The Board may declare any person who violates the requirements of the Act ineligible to receive contracts subject to the Act (whether or not the contract exceeds $2,500) for such period as the Board may prescribe, up to three years. No contract can be awarded during such period. In addition, the Board may recommend to a contracting agency that a contract be cancelled, terminated, or suspended where a contractor or subcontractor does not comply with an order of the Secretary, or breaches the contract's conditions relating to safety and health.

The provisions of the proposed bill dealing with Government contracts replace the safety and health provisions of the Walsh-Healey Act, the Service Contract Act, and the National Foundation on the Arts and Humanities Act over a period of time.

RELATIONSHIP TO OTHER FEDERAL PROGRAMS

Section 15 provides that nothing in the Act authorizes the Secretary of Labor to regulate, or applies to working conditions of employees with respect to whom another Federal agency has statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

VARIATIONS, TOLERANCES AND EXEMPTIONS

Section 12 of the draft bill authorizes the Board to allow reasonable variations, tolerances, and exemptions from any of the provisions of the draft bill.

RULES AND REGULATIONS BY THE SECRETARY OF LABOR .

Section 13 of the proposal directs the Secretary to prescribe such rules and regulations as he deems necessary to carry out his duties under the Act, including rules and regulations dealing with inspections.

FEDERAL-STATE RELATIONSHIP

An important aspect of the bill is to encourage the States to do an effective job in assuring safe and healthful workplaces for the business within their boundaries. Therefore, section 14 provides that where State law affords employees significantly greater protection than the Federal law, State law is preserved. Section 14 also provides for the submission of State plans to the Secretary when a State wishes to assume responsibility for the development and enforcement of occupational safety and health standards for which a Federal standard exists. These plans would be approved by the Secretary, after consultation with the Secretary of Health, Education and Welfare, if they are developed and enforced in such a manner as to be substantially as effective as the Federal standards and meet certain criteria set out in section 14. The Secretary would continue to evaluate the State programs and employers would continue to report data to the Secretary as required by the Act. After the Secretary approves a State plan, he can continue to apply the Federal standards in whole or in part (for a period up to three years) until he determines, on the basis of actual operations, that the State plan is meeting all of the criteria of the Act.

If the Secretary desires to withdraw his approval of a State plan, he must first afford the State an opportunity for a hearing. In addition, a State may obtain judicial review of the Secretary's decision to reject or withdraw approval of a State plan in the U.S. Court of Appeals in the circuit where the State is located.

HEALTH RESEARCH AND RELATED ACTIVITIES

The draft bill also provides for research, demonstrations, and experiments relating to occupational safety and health. The Secretary of Health, Education, and Welfare is responsible for the conduct of these activities and is authorized to carry them out either directly or by grants or contracts. He may also conduct research into the motivational and behavioral factors relating to occupational safety and health. The Secretary of Health, Education and Welfare is directed, on the basis of such research, demonstrations, and experiments, to develop criteria which will enable the Board to meet its responsibilities under the bill for formulating occupational safety and health standards. In order to coordinate the responsibility of the Secretary of Health, Education and Welfare for developing criteria, with the corresponding responsibilities of the Board for formulating occupational safety and health standards and of the Secretary of Labor for enforcement, they are directed to consult for the purpose of developing specific plans for research, demonstrations, and experiments to be undertaken by HEW.

Since there might be certain areas of research outside the scope of HEW's capabilities, such as the operation of particular types of industrial machines, the bill authorizes the Secretary of Labor to contract or otherwise arrange for the conduct of studies by public or private organizations. To guard against any possible duplication of effort the bill provides for consultation between the two Secretaries.

The Secretary of HEW, in consultation with the Secretary and the Board, is also directed to complete a comprehensive study and evaluation of occupational health problems, and transmit a report, including recommendations, to the President and to the Congress.

TRAINING

The bill directs the Secretary of HEW to conduct (directly or by grants or contracts) educational programs to provide an adequate supply of personnel to carry out the purposes of the bill and to provide informational programs on the importance and proper use of safety equipment. The Secretary of Labor is authorized to provide, either directly or by grants or contracts, short-term training to up-date skills of the personnel already engaged in occupational safety and health work.

In order to encourage the efforts of labor and management in the area of occupational safety and health, the Secretary of Labor is also directed to provide technical assistance relating to the promotion of sound occupational safety and health practices.

In addition, the Secretary of Labor is directed to establish training programs for employers and employees in the avoidance and prevention of occupational diseases and injuries.

GRANTS TO THE STATES

The draft bill provides for grants to the States to assist them (1) in identifying their needs and responsibilities in the area of occupational safety and health, (2) in developing State plans under section 14, or (3) in developing plans for—(a) establishing systems for the collection of information on the nature and frequency of occupational injuries and diseases; (b) increasing the expertise and enforcement capabilities of their personnel engaged in occupational safety and health programs; and (c) improving the administration and enforcement of State occupational safety and health laws, including the standards thereunder. The Secretary is also authorized to make grants to the States for experimental and demonstration projects. The Federal share for each of the above grants may be up to 90 percent of the States' total cost.

In addition, the Secretary may make grants to the States up to 50 percent of the State's total cost to assist them in administering and enforcing programs for occupational safety and health contained in State plans as approved by the Secretary under section 14 of the Act.

MISCELLANEOUS

To assist the Secretary in carrying out his responsibilities under this act he is authorized to use with or without reimbursement the services, facilities, and employees of Federal and State agencies and to employ outside experts and consultants. The bill establishes a tripartite National Advisory Committee on Occupational Safety and Health to advise and make recommendations to them concerning the administration of the Act. The Board is to be composed of twelve members appointed by the Secretary of Labor, four of whom would be designated by the Secretary of HEW.

Section 16 of the draft bill makes the head of each Federal agency responsible for establishing and maintaining a comprehensive and effective occupational safety and health program, consistent with any standards set by the Board under section 4, to protect the employees under his jurisdiction.

Section 21 of the bill provides that nothing in the bill shall be construed as repealing or modifying in any way other Federal occupational safety and health laws or in any manner supersede or affect any workmen's compensation law. Excepted from this provision are the safety and health standards promulgated under the Walsh-Healey Act, the Service Contract Act, and National Foundation on the Arts and Humanities Act, which are superseded as soon as corresponding standards are promulgated under the draft bill. (The safety and health provisions of the Walsh-Healey Act, the Service Contract Act and the Arts and Humanities Act are repealed in their entirety on July 1, 1975.)

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

Hydroelectric Plant Construction Cost and Annual Production Expenses

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a publication entitled "Hydroelectric Plant Construction Cost and Annual Production Expenses, 1966–1967 (with an accompanying document); to the Committee on Commerce.

Proposed Inclusion of Railroad Retirement Benefits as Income of Veterans for Veterans' Administration Pension

A letter from the Deputy Administrator, Veterans' Administration, Office of Administrator of Veterans' Affairs, transmitting a draft or proposed legislation to include railroad retirement benefits as income of veterans for Veterans' Administration pension (with an accompanying paper); to the Committee on Finance.

Proposed Repeal of Savings Provision of Law Protecting Veterans Entitled to Disability Compensation for Arrested Tuberculosis

A letter from the Deputy Administrator, Veterans' Administration, Office of the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to repeal the savings provision of Public Law 90–493 protecting veterans entitled to disability compensation for arrested tuberculosis (with an accompanying paper); to the Committee on Finance (with an accompanying paper); to the Committee on Finance.

Proposed Elimination of Certain Duplications in Federal Benefits Now Payable for the Same, or Similar, Purpose

A letter from the Deputy Administrator, Veterans' Administration, Office of the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend section 902 of title 38, United States Code, to eliminate certain duplication in Federal benefits now payable for the same, or similar, purpose (with accompanying papers); to the Committee on Finance.

Proposed Occupational Safety and Health Act of 1969

A letter from the Secretary of Labor, transmitting a draft of proposed legislation to provide a comprehensive occupational safety and health program (with accompanying papers); to the Committee on Labor and Public Welfare.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, without amendment:

S. 65. A bill to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Emogene Tilmon of Logan County, Ark. (Rept. No. 91–341);

S. 80. A bill to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Enoch A. Lowder of Logan County, Ark. (Rept. No. 91–342);

S. 82. A bill to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Wayne Tilmon and Emogene Tilmon of Logan County, Ark. (Rept No. 91–343); and

H.R. 9946. An act to authorize and direct the Secretary of Agriculture to quitclaim retained rights in certain tracts of land to the Board of Education of Lee County, S.C. (Rept. No. 91–344).

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, with amendments:

S. 81. A bill to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to J. B. Smith and Sula E. Smith, of Magazine, Ark. (Rept. No. 91–345); and

S. 1836. A bill to amend the Federal Seed Act (53 Stat. 1275), as amended (Rept. No. 91–346).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. HOLLAND:

S. 2783. A bill for the relief of Cipriano Diaz Campo; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 2784. A bill for the relief of Hermina Romero; to the Committee on the Judiciary.

S. 2785. A bill to authorize the United States Commissioner of Education to make grants to elementary and secondary schools and other educational institutions for the conduct of special educational programs and activities concerning the use of drugs and for other related educational purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Hartke when he introduced the bill (S. 2785) appear later in the Record under the appropriate heading.)

By Mr. GORE:

S. 2786. A bill for the relief of Daniel Dumuk Aguila and his wife Norma Aguila; to the Committee on the Judiciary.

By Mr. BIBLE:

S. 2787. A bill to amend the Federal Aviation Act of 1958 in order to require air carriers to file reports with the Civil Aeronautics Board listing lost, damaged, and stolen baggage and cargo; to the Committee on Commerce.

(The remarks of Mr. Bible when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. JAVITS:

S. 2788. A bill to provide a comprehensive program for assuring safe and healthful working conditions for working men and women by creating a National Occupational Safety and Health Board to be appointed by the President for the purpose of setting mandatory safety and health standards; by authorizing enforcement of the standards developed under the Act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Javits when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. JAVITS (for himself, Mr. Nelson, Mr. Scott, Mr. Dodd, and Mr. Hatfield):

S. 2789. A bill to eliminate poverty-related hunger and malnutrition in the United States through interrelated and coordinated programs, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Javits when he introduced the bill appear earlier in the Record under the appropriate heading.)

S. 2785—INTRODUCTION OF THE DRUG ABUSE EDUCATION ACT OF 1969

Mr. HARTKE. Mr. President, today I introduce a bill that attempts to handle one of the major social problems of this country. This bill can be considered as a supplement to Senator Yarborough's bill, the Comprehensive Narcotic Addiction and Drug Abuse Care and Control Act of 1969, which I was proud to cosponsor.

The purpose of my bill is to assist the community, parents, and teachers to handle and understand the growing problem of drug addiction. It is similar to a bill introduced in the House of Representatives by Congressman John Brademas and others.

Although all studies indicate that drug addiction is a major cause of crime, society remains relatively ignorant about drugs and their consequences to individuals and to society. Also, recent surveys and polls reveal that increasing numbers of our young people are using marihuana and even more dangerous drugs. Society has many laws to prohibit and punish the drug pusher and user. I firmly believe, however, that punishment is not enough, that society will only be preserved and our young people protected when we attack the basic ignorance and misinformation fostering the spread of drug use. For this purpose, I introduce today a Comprehensive Drug Education Act of 1969.

We can no longer combat this serious problem of ignorance by threat and imprecation. We must equip law enforcement officials, parents and teachers with the necessary knowledge and techniques to convince our young people of the dangers and foolishness of drug use.

Our teachers, if they are to successfully handle this problem, must be prepared to correct misconceptions, distortions and fallacies about drugs. They must be able to develop a modern, integrated curriculum using a variety of teaching techniques, including audiovisual aids, to present forcefully the horror and folly of drug addiction. They must have a fine appreciation of what amount of information on drugs and drug addiction is appropriate for a particular age group. And they must be able to draw out and encourage student participation in drug addiction courses to discover those students who have or could have a drug problem.

My bill would provide for education of teachers so that the teachers will have the skills to achieve the above stated goals.

This bill would also provide: funds to educators, law enforcement officials and other members of the community to study the drug problem; provide funds for short-term seminars for parents to become familiar with this problem; provide grants to institutions of higher education for research and development of teaching material and techniques in this area; form an advisory committee of leading educators, law-enforcement officials, psychologists and doctors to make periodic evaluations of the programs authorized by this act, and to make necessary recommendations for improvement.

The purpose of this bill is to bring the resources, talents and human concern of the entire community to bear on the solution of the growing menace of drug addiction.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The bill will be received and appropriately referred.

The bill (S. 2785) to authorize the U.S. Commissioner of Education to make grants to elementary and secondary schools and other educational institutions for the conduct of special educational programs and activities concerning the use of drugs and for other related educational purposes, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Labor and Public Works.

S. 2787—INTRODUCTION OF AIR CARGO LOSS STATISTICS LEGISLATION

Mr. BIBLE. Mr. President, I introduce for appropriate reference, a bill designed to help deal with the increasingly acute rate of air cargo thievery and pilferage at the country's major air terminals where losses total many millions of dollars each year.

This thievery-pilferage plague, especially at international ports of entry, is part of the biggest multibillion dollar racket nationally today—stealing from business.

The Senate Select Committee on Small Business, of which I have the honor to be chairman, has been conducting an investigation into the economic impact of crime on small business. One phase of this inquiry deals with the problem of theft and pilferage of goods in transit. Air commerce is the first mode of transportation being examined.

Our hearings have already shown the appalling fact that it is totally impossible today for anyone to know the actual exten of theft, pilferage or loss of air cargo in transit because there are no adequate statistics available to show it. Air carriers are not required to report the number or extent of cargo losses to anyone.

Mr. President, this bill would amend the Federal Aviation Act of 1958 by requiring the Civil Aeronautics Board to have all domestic carriers, air freight forwarders, or their agents submit quarterly reports listing and evaluating all cargo and baggage stolen, presumed stolen, lost, damaged, or missing.

Certainly, the movement of cargo by air carriers is growing at an unprecedented rate. As an example, in 1958 our domestic air carriers flew 725,717,000 ton-miles—a ton-mile is 1 ton flown 1 mile. That rate more than tripled in 10 years with 1968 showing 2,909,932,000 ton-miles flown.

On the immediate horizon we see the introduction of new and larger aircraft which will contribute to a greater increase of air cargo traffic. Today air cargo tonnage is increasing faster than passenger traffic. While passenger traffic totals are expected to triple over the next decade, air cargo is projected to more than quadruple during the 1970's.

The skyrocketing increase in air cargo shipments has not gone unnoticed by the professional criminal. He has turned his attention to the high-value air cargo at our airports but the full extent of such losses are unknown.

As an example, the largest of this country's international airports, New York City's John F. Kennedy, was threatened by an industry boycott because of severe cargo losses. Intervention by a New York State legislatively sponsored crime commission brought about formation in 1968 of an airport security council by the air carriers to deal with the cargo security problem. The council's first act was to compel carriers to file cargo loss reports so the security people could learn the true scope of the theft problem. Despite innovative security precautions by the airport security council, two airlines there lost more than $1 million in cargo thefts in 1 week last month.

Testimony at our hearings showed that other major airports are the victims of growing cargo thefts.

The American Watch Association, an especially hard-hit shipper, testified its cargo losses totaled $2½ million in 2 years, declaring that comparably such a loss to the auto industry would total almost $400 million.

A major insurer, Insurance Co. of North America, told the committee that theft is the greatest cause of all air-freight losses.

The Air Transport Association, speaking for the domestic air carriers, admitted that the lack of loss statistics today makes it impossible to determine the extent of air cargo criminal activity on a national basis. Certainly, Mr. President, if the air carriers themselves do not know what their own losses are from air cargo theft and pilferage, no sound method of dealing with the problem can be developed until the true extent is known statistically.

The Department of Transportation testified that the scope and characteristics of the problem of air cargo theft and damage are presently unclear and suggested better definition of the problems, citing reporting requirements.

It would be my hope that the Civil Aeronautics Board might see fit to require administratively the quarterly reporting by the airlines of cargo thefts. I have written to CAB Chairman John H. Crooker, Jr., urging this step as an adjunct to a recent requirement for an annual report on loss claims by commodity. The latter would not be adequate for developing security measures.

This bill, however, will help to point up the theft and pilferage problem and keep it at a forefront of attention. The American business and industrial communities which are making increasing use of air commerce to transport cargo, deserve better treatment than they have been receiving.

Innovative security methods are required to protect the increasing amount of air cargo. If our air carriers are to meet the problems of the 1970's in the air commerce field, certainly their customers—the shippers—deserve better technology on protecting shipments just as they deserve the best available technology to move their shipments at a faster and more massive rate.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2787) to amend the Federal Aviation Act of 1958 in order to require air carriers to file reports with the Civil Aeronautics Board listing lost, damaged, and stolen baggage and cargo, introduced by Mr. BIBLE, was received, read twice by its title, and referred to the Committee on Commerce.

ADDITIONAL COSPONSORS OF BILLS

S. 2518

Mr. HARTKE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Kentucky (Mr. COOK), the Senator from Montana (Mr. METCALF), and the Senator from Georgia (Mr. TALMADGE), be added as cosponsors of S. 2518, to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability benefits thereunder.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2548

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Georgia (Mr. TALMADGE), I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of S. 2548, to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such acts.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2748

Mr. HARTKE. Mr. President, I ask unanimous consent that, at the next printing, the name of my distinguished friend from Pennsylvania, the assistant minority leader (Mr. SCOTT), be added as a cosponsor to S. 2748, to amend the Antidumping Act, 1921, as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF RESOLUTION

Mr. HARTKE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. HATFIELD), the Senator from South Dakota (Mr. McGOVERN), the Senator from Utah (Mr. Moss), and the Senator from New Jersey (Mr. WILLIAMS) be added to the Senate Resolution 228 relating to the Geneva Protocol of 1925 banning the first use of gas and bacteriological warfare.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF UNITED STATES CODE RELATING TO CIVIL SERVICE RETIREMENT—AMENDMENTS

AMENDMENT NO. 128

Mr. MOSS submitted amendments, intended to be proposed by him, to the bill (S. 2754) to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes, which were ordered to lie on the table and to be printed.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH—AMENDMENT

AMENDMENT NO. 126

Mr. COOK (for himself and Mr. Bayh) submitted an amendment, intended to be proposed by them, jointly, to the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 127

Mr. McINTYRE proposed an amendment to Senate bill 2546, supra, which was ordered to be printed.

(The remarks of Mr. McIntyre when he proposed the amendment appear earlier in the Record under the appropriate heading.)

AMENDMENTS NOS. 118, 119, AND 120—ADDITIONAL COSPONSOR

Mr. HARTKE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New Jersey (Mr. Williams) be added as a cosponsor of amendments Nos. 118, 119, and 120 to S. 2546, to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARINGS ON AVAILABILITY OF FUNDS FOR FEDERAL COLLEGE STUDENT ASSISTANCE PROGRAMS

Mr. PELL. Mr. President, the Subcommittee on Education will meet on Thursday, August 7, 1969, to hear testimony on the availability of funds for federally assisted student aid programs. The testimony is expected to concentrate on the national defense student loan program and the insured loan program.

Recent news reports and communications received by the Subcommittee on Education indicate that individuals are facing a crisis in the financing of higher education due to the curtailment of the total Federal commitment to presently authorized programs. Indications are that the administration is of the view that the most important area of immediate concern is the insured loan program and that the crisis can be met by emergency legislation concerning that program.

The hearing on Thursday will seek to find the extent of the crisis, its cause, and the means of meeting it.

Specifically, the subcommittee will want to ascertain whether there is a relationship between the present situation and the administration's recommendation that funds for the national defense student loan program be cut. The subcommittee will also be interested in finding out whether lending institutions are in any way exploiting the present tight-money situation.

Mr. President, I, for one, have been an ardent supporter of Federal assistance to college students. I have long contended that a broad, well-balanced program of student aid should be initiated by the Congress. Emergency legislation is now being considered on both sides of the Capitol. However, we should not forget that emergency legislation is no substitute for a well-considered comprehensive, rational approach to student aid.

Education merits a high priority among our national goals. Its priority is so high that the cost of providing it should not deter us from recognizing that priority. However, we have a duty to provide educational opportunities in the most efficient manner possible. A legitimate doubt has been expressed as to whether a subsidized, insured, loan program is the most efficient manner by which we provide the greatest amount of higher educational opportunities. It is for this reason that the subcommittee will also consider an expansion of the national defense student loan program as an alternative to emergency action on the insured loan program.

It should be also noted that the Subcommittee on Education plans to conduct comprehensive hearings on student financial aid sometime in the near future. Legislation enacted on an emergency basis should not be considered as a substitute for a comprehensive approach to a problem. Therefore, I would expect that any legislation arising from the present situation would be limited, both in scope and duration.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Robert G. Renner, of Minnesota, to be U.S. attorney for the district of Minnesota for the term of 4 years, vice Patrick J. Foley, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Monday, August 11, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

COMPLETION OF HEARINGS ON EXTENSION OF ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. PELL. Mr. President, the Subcommittee on Education commenced hearings on extension of the Elementary and Secondary Education Act and related matters on June 11, 1969. Since that date we have had 12 more days of hearings. We have created a record which I believe will be most helpful to the Senate in its future action on Public Law 89-10. No further hearings are scheduled, and the record will close on August 13, 1969.

OPEN MIND AND FLEXIBLE JUDGMENT—MAJOR CASUALTY OF ABM DEBATE

Mr. McGEE. Mr. President, in other remarks I intend to make prior to the Senate's vote on the proposed ABM system, I state my personal regret that a major casualty of this debate has been the open mind and the flexible judgment. As one personally structured in opposition to military might and fearful of unrestrained arms races, I have nevertheless found it necessary to look upon this issue with a sense of public responsibility and to render judgment, not on the basis of personal philosophical leanings, but on the best evidence available.

Mr. Stewart Alsop, in this week's Newsweek, has written a column entitled "ABM and the Liberals," which says, at least in part, some of the things which have been crossing my mind during this rather long debate.

I ask unanimous consent that Mr. Alsop's column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

ABM AND THE LIBERALS

(By Stewart Alsop)

Washington.—During the long debate on the ABM, it became more and more obvious that the anti-ABM senators and their allies in the liberal-intellectual community were not really attacking a weapons system—they were attacking a symbol. It also became more and more obvious that they had chosen the wrong symbol.

The attack on the ABM was basically a way of expressing the furies and frustrations generated by the war in Vietnam. But the ABM was in several ways a very bad symbol of what the liberals wanted to attack. As a result, they were forced to take positions which were both illogical and illiberal.

The liberals' first line of attack was that the system wouldn't work; and that even if it did, there was no need for it, because the Russians could not build the kind of offensive missile force which could really threaten our Minuteman retaliatory force. Neither senators, nor columnists, nor scientists from wholly different fields who like to see their names in the papers are capable of discussing certain complex technical subjects intelligently. But even in this arcane field, common sense is still useful, and in recent weeks two leading scientists made remarks to this reporter which sounded like common sense.

Some time before Neil Armstrong and Edwin Aldrin performed their moon-walking miracle, Dr. John Foster, chief Defense Department scientist, remarked that "of course, ABM is a much easier proposition, technically, than the moonshot." Surely this is common sense. Surely if we can put men on the moon we can build a workable missile defense.

COMMONSENSE

Dr. Albert Wohlstetter, a widely respected specialist in the nuclear-strategic field, made the other commonsensible remark. When the ABM opponents say the Russians won't be able to build the kind of missile force which could knock out our Minuteman complex in a first strike, Dr. Wohlstetter remarked, they are assuming that the Russians several years from now won't be able to do what we know how to do right now. This, he added sensibly, is not a safe assumption to make.

The liberals' second line of attack has been that the ABM is just another expensive boondoggle of the "military-industrial complex." This line was best expressed by Tom Wicker, able columnist for the anti-ABM New York Times. The ABM, Wicker wrote, is an example of the "unlimited military expenditure in the quest of security," which has led the military to demand "more and more weapons . . . and more and more money to support them."

The notion that more and more money has been spent for more and more strategic weapons is an article of faith among the anti-ABM liberals. But it just doesn't happen to be true. In fact, as Dr. Wohlstetter points out, we are actually, allowing for inflation, spending about half as much for strategic forces now as we were in General Eisenhower's last year as President—$13.6 billion in 1959, as against an estimated $8 billion for 1970. The money has gone, not into more, and more strategic weapons, but into the war.

ABM A RESPONSE

The liberals' third line of attack is that the ABM is aggressively "escalatory." This has been a hard line to maintain, simply because the wholly defensive ABM system could not hurt a single hair of a single Russian head. As Russian Premier Kosygin has said, such defensive weapons "are not the cause of the arms race." The ABM is, of course, a response to the rapidly growing (offensive) force of multi-megaton, multiple-targeted Soviet SS–9 missiles. The people who have really been spending "more and more money" for strategic weapons are the Russians. On this point the "intelligence community" is in a rare state of unanimity.

The last, and oddest, liberal line has been that the best response to the Russian offensive missiles is not defensive missiles but more American offensive missiles. If it turns out that the SS–9s are a real threat to the Minutemen, then build more Minutemen. And if nuclear war threatens, then all we have to do is "empty the holes"—fire our missiles before the Soviet missiles could knock them out. Thus have the liberals become, rather surprisingly, advocates of the "massive retaliation" theory of the late John Foster Dulles.

The trouble with the theory is that it would give a future President no choice between capitulation and a nuclear war which, according to the best estimates, would kill about a quarter of a billion Americans and Russians. The whole point of the ABM project is not simply to maintain what Winston Churchill called "the balance of mutual terror," but also to give a future President what John Kennedy called "a choice between Armageddon and surrender."

Obviously, there would be no choice if our cities were attacked. But the SS–9s are designed to hit the Minuteman complex, not the cities. The simple existence of a missile defense would make a "counterforce attack" on the Minuteman complex far less likely. If it came, a future President could choose to ride it out, in the knowledge that he retained the bargaining power inherent in a surviving retaliatory force.

THE ERRING GENERALS

Surely it is rather odd that the liberals should wish to deny this option to a future President. The main reason is that many liberals simply want a stick—any stick—with which to beat the "military-industrial complex."

Undoubtedly, the attitude of Congress, and of recent Presidents too, has been much too reverent toward the military. Almost all generals, as this reporter pointed out before it became fashionable to do so, are almost always wrong about all wars. This is so not because generals are bad people (most of them are able and honorable men) but because the process of getting to be a general endows a man with a built-in bias about wars. There has been no war in recent history about which almost all American generals have been wronger than the war in Vietnam.

Moreover, almost all generals are wasteful, and no generals are more wasteful than American generals, partly because America is rich. But the main reason generals are wasteful is that wars are wasteful. The worst of war's waste is in human lives, of course, for in all wars young men, who have done nothing to deserve death, die.

A war which is not won is intolerably wasteful. This explains the passion which has gone into the attack on the ABM, for it is essentially a protest against a tragic, unwon war. But it is simply not logical to protest against the war, and the generals who were wrong about it, by attacking the ABM. It is not logical to protest the loss of some 37,000 American lives by denying to a future President the option he may desperately need if he is to have a chance of saving 250 million lives. It is not liberal either.

THE CONSTITUTION AND NATIONAL PRIORITIES

Mr. PEARSON. Mr. President, a leading Kansas newspaper editor, Mr. Stewart Awbrey, of the Hutchinson News, has written a compelling appeal that we look to the U.S. Constitution as our guide to a renewed understanding of national priorities.

He very aptly points out that the Constitution sets down for America the purposes of establishing justice, insuring domestic tranquillity and providing for the common defense. There is in these purposes, Mr. Awbrey says, an order of priorities that can lead us toward better decisions when it comes to committing our national resources to such programs as ABM.

Mr. President, the writing of Mr. Awbrey on this subject deserves a place in the RECORD, not only for the good sense of his idea but also for the wisdom he has shown in dealing with the most fundamental questions of national priorities. I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A DEAD CONSTITUTION?

(By Stewart Awbrey)

The U.S. Senate this week begins its countdown on ABM.

Too much debate has been held to justify repetition of the detailed arguments.

The wisest course for a Senator at this moment in history is to re-read the Constitution. Beginning at the beginning, where the drafters established priorities that have served well.

Until, that is, comparatively recent times, when we forgot them. What are these priorities?

"To form a more perfect union, establish justice, ensure domestic tranquillity, and to provide for the common defense."

To dispose of the last first, it may seem that a vote for ABM is a vote for the common defense.

It isn't at all. It's a vote for common slaughter, not only of U.S. citizens but of mankind.

"Common defense" in a thermonuclear time does not mean piling more murder on top of our unbelievable capacity to kill, and to overkill—whatever that ghastly term means. Common defense rests today on arms control and eventual disarmament, on strengthening of international organizations to control war.

Our strategic arms policy today violates the Constitution. Providing defense today means providing a stable peace. A stable peace is not found through ABMs or any plunge upward in nuclear power.

"A more perfect union" has meant something a bit different at every stage of our history. Today, it means to turn back from our plunge toward two societies—one black, one white. It means an end to racism and discrimination, to the division of our peoples.

Congress isn't doing much about fulfilling that Constitutional priority either.

"To establish justice."

Our justice is divided too—one system for the poor, one for everybody else. Our attitudes toward justice are switching from a system based on laws to one based on men. We protect property, at the price of killing a teenage Negro girl fleeing the scene of a police raid.

We tolerate organized crime, and plot new laws to stifle dissent. We tolerate rake-offs, political bribery, extortion, price-fixing, and consumer frauds.

And is it justice to have hungry children in a land of surplus?

"To ensure domestic tranquillity."

Anyone who thinks we are even trying to meet that priority hasn't been reading or listening.

We can stop riots, call the National Guard, pass unconstitutional restrictions on individual liberty—and call it tranquillity. We can demand students go to wars they despise and accept jobs and goals they discredit—and call it tranquillity. We can jail the malcontents, the criminals, and the non-believers in medieval fortresses that offer no hope of tomorrow—and call it tranquillity. We can tell the poor to improve their own lot, while offering them only high interest, a bum education, and a ghetto existence—and call it tranquillity.

And this tranquillity may last our lifetime. I can't even think of what it will bring tomorrow.

I submit our priorities were well-established in the preamble to our Constitution.

I submit we have failed miserably to follow them.

An end to the ABM insanity, to an arms race of any description, would be a good first step toward getting us back on the road our forefathers built.

REPORT OF THE COMMITTEE TO MAINTAIN A PRUDENT DEFENSE POLICY

Mr. JACKSON. Mr. President, I believe it would he helpful to Members of the Senate in connection with their consideration and voting on the President's request for phase I of the Safeguard program to read again the sensible and realistic paper prepared by the Committee To Maintain a Prudent Defense Policy—

chairman, Dean Acheson; vice chairman, Albert Wohlstetter. The paper is addressed to the question; "Will Safeguard Precipitate an Arms Race?"

I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[A paper from Committee to Maintain a Prudent Defense Policy]

WILL SAFEGUARD PRECIPITATE AN ARMS RACE?

No.

Those who oppose the Safeguard system on the grounds that it will precipitate an arms race have been vague about the arms race they expect and the way in which Safeguard would induce it.

Clearly the opponents of Safeguard cannot mean that the $2 billion annual expenditure required for a five-year deployment of Safeguard will substantially affect the size of either our own or the Soviet defense budget. In either case the financial sums are a small fraction of the respective arms budgets. Nor can the opponents of Safeguard means that the ABM expenditures are additions to an already spiraling reciprocal investment in weapons systems. Far from increasing in recent years, the U.S. budget for strategic nuclear forces has been declining. Indeed, the strategic component of the budget has declined to the point where the FY 1970 request, measured in constant dollars, is one-half the sum we were spending in 1959–60 for strategic purposes against a lesser threat.

Critics of Safeguard are well aware that the Soviet Union is presently deploying a large strategic offensive missile, the SS–9, whose accuracy, yield, and MIRV capability threaten seriously our land-based missiles in the mid-seventies. How we respond to this emerging threat will crucially determine our capacity to prevent the arms race that the proponents of Safeguard are concerned to avert.

Assuming the threat, *arguendo,* the critics of Safeguard have recommended measures which, if adopted, would lead to a dangerous and destabilizing arms race in offensive weapons. Rather than defend our Minuteman silos with active defenses, many critics of the Safeguard response have actually proposed that we double our Minuteman force. Such a measure would threaten the Soviet deterrent in much the same way that their deployment of the SS–9 threatens our own. The inevitable Soviet response to a doubling of the Minuteman force would be the deployment of still more offensive missiles, with the result that we in turn would be forced to increase further our offensive weapons. Such a sequence of offensive deployment constitutes the very arms race we hope to avoid.

Conversely, in an important sense the deployment of Safeguard will discourage the Soviets from continuing to threaten the strategic balance. By defending the Minuteman force, and by making clear at the outset that we shall add to its defense if the Soviets persist in the deployment of offensive missiles, we demonstrate the futility of any Soviet effort to achieve a disarming first strike capability against Minuteman.

The Safeguard defense of Minuteman posesses no threat to the Soviet deterrent. The area defense component of Safeguard will not affect the retaliatory capability of a sophisticated nuclear force like that of the Soviet Union. Thus there is no need for the Soviets to respond to Safeguard unless they are determined to threaten the deterrent on which our own security is founded. Should the Soviets be so determined in spite of our best efforts to discourage them, our deployed ABM can be supplemented in a non-provocative way. Without increasing our capacity to destroy Soviet cities and population, Safeguard is a defensive system designed to neutralize increases in Soviet offensive power.

Delay in the deployment of Safeguard creates an incentive for the Soviets to continue to deploy SS–9s. An SS–9 force capable of eliminating a massive retaliatory missile threat to Russia is a strategic asset of great importance to the Russians and a justification for the considerable investment it represents. An extensive SS–9 force that our ABM has rendered ineffective against Minuteman, on the other hand, is a poor investment of Soviet resources, and an increasingly declining asset in the face of a controlled and responsive offsetting defense.

Delay of Safeguard may leave us with the sole recourse of adding to the Minuteman force. This would precipitate an arms race, involve us in an urgent, uncertain, and costly program to regain the strategic balance under highly unstable conditions.

RISE OF THERMAL GENERATING PLANTS FOR ELECTRICITY

Mr. MAGNUSON. Mr. President, much is being done, and much more is being written and said, about the quality of our environment. Air and water pollution are becoming almost "old hat." The complexities in dealing with the environment are growing so fast one has difficulty keeping up with developments.

Ten years ago, only the most far-sighted persons could perhaps guess at the types of environmental problems we are dealing with today. One of the most perplexing of these is the rise of thermal generating plants for electricity. This situation is developing in the face of steadily growing need for more electricity in almost every region of our Nation, while at the same time we strive to preserve the environment—not only for man, but for animals, birds, and sealife.

As we face this problem, we recognize that cooperation is essential—cooperation of the various levels of Government and with the private sector. A prime example of this is my own State of Washington, where a vital fisheries industry is cautiously looking at plans for thermal plants along the shores of Puget Sound.

A farsighted appeal for cooperation was recently made by Dick O'Keef, editor of the "Fish Business Weekly," published in Seattle. Mr. O'Keef is a knowledgeable spokesman for the industry, and he is aware of the consequences of a lack of cooperation.

Mr. President, I ask unanimous consent to place Mr. O'Keef's remarks of July 28 in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THIS TIME

(By Dick O'Keef)

Nuclear power plants will be built all over the Northwest. This is progress—and you can't stop progress. You can fight it and stall it for a while with delaying tactics but in the end progress overwhelms all opposition.

The seafood industry is justifiably concerned over the thermal pollution problems nuclear power plants will create. Damage to marine life will occur, particularly to the temperature-sensitive salmon resources. Statements to the contrary are hogwash.

But we can't expect the policymakers in state and local government to oppose the nuclear plants. The truth is they see the nuclear power plants as being of much greater economic value than the marine life that will be damaged or destroyed.

It is apparent to your editor this is a battle the seafood industry cannot hope to win with a direct assault. What is needed is a new strategy which will protect the industry yet allow the nuclear power plants to be built with a minimum of direct opposition.

Continuation of the present blind opposition to the nuclear power plants surely will end in time in total defeat for the seafood industry. Instead the industry should employ its opposition to gain concessions from the power companies and the federal and state governments. These concessions should compensate for the losses to be expected from thermal pollution and could include more hatcheries, artificial spawning channels, and other aids to fish propagation long sought by the seafood industry.

And the industry should be working with the power companies to minimize damage to marine life in the first place. Alternate sites could be proposed when practical for all parties and the industry's advice would be welcomed and respected with the proper constructive involvement.

In the opinion of your editor anything else is folly. Those who disagree might consider what all the industry opposition to hydroelectric and nuclear energy developments on the Columbia River has accomplished. Let's do better this time.

VISTA PROGRESS

Mr. JAVITS. Mr. President, I invite the attention of the Senate to a number of progressive developments which are taking place in one of our most important domestic antipoverty efforts—the VISTA program. This people-to-people program has enabled thousands of Americans from the ages of 18 to 80 to make a personal commitment and a real contribution to the struggle for human dignity and equality. VISTA volunteers have served in urban ghettos and in rural communities, in Appalachia and on Indian reservations, among migrant workers and among the mentally retarded.

Under the fine leadership of Padraic Kennedy, VISTA has begun to recruit increasing numbers of specialists and other highly skilled persons, who are able to contribute additional expertise and talent to the solution of the myriad problems encountered by VISTA volunteers. Hundreds of lawyers, education specialists, health workers, architects, teachers in the arts, and planners have been accepted for training programs during July and August.

Equally important, an increasing number of VISTA volunteers have been recruited from among the ranks of the poor to work in their own communities. These two trends will undoubtedly strengthen the solid contribution which VISTA workers have made to our antipoverty efforts.

In addition, Director Donald Rumsfeld has indicated that the Office of Economic Opportunity hopes to involve VISTA workers in its plans to improve the outreach and delivery of expanded food and nutrition programs. Working in cooperation with local community action agencies, VISTA volunteers will aid in identifying persons in need of assistance, informing them about available programs, helping those who qualify to establish eligibility and gain access to food and nutrition programs, and providing nutrition and consumer education. The injection of talented, idealistic, and hard-working VISTA workers into food and nutrition outreach programs promises to be of great benefit to our heretofore inadequate efforts in overcoming hunger and malnutrition in America.

I have long supported this excellent program, in which my own daughter, Joy, is presently serving as a summer volunteer. I ask unanimous consent that an article written by Benjamin Welles and published in the New York Times of July 6, which further describes the outstanding gains recorded by the VISTA program, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Vista Positions Draw the Skilled—Young Professionals Join Idealists on Service Unit

(By Benjamin Welles)

WASHINGTON, July 5.—The VISTA program is enjoying an increase in volunteers with special skills in addition to young people whose chief contribution in the past has been intense idealism.

Padraic Kennedy, the 35-year-old director of the Volunteers in Service to America, disclosed the recruiting trend in a recent interview. VISTA was started in 1964 as a domestic counterpart to the Peace Corps.

Mr. Kennedy said that the program had quietly grown in popularity until recruitment is now breaking all records, with college recruitment alone expanding by 28 per cent in recent months. He said he was particularly pleased by the increased enlistment of specialists, such as young lawyers.

VISTA has already accepted 1,937 specialists for its six-week training programs between now and September. These include 748 lawyers, 751 education specialists, 244 business school graduates, 102 health workers and 92 architects and planners.

AVERAGE AGE IS 23.8

The average age of volunteers is now 23.8.

"We can only accept one out of every eight applicants," Mr. Kennedy said. "When the new year began July 1, we had more than 6,000 volunteers for one year's service and more than 1,000 applying to be summer associates for 10 to 16 weeks."

Mr. Kennedy is a long-time associate of Sargent Shriver, the first Peace Corps director and now Ambassador to France.

"The flood of young lawyers seeking to join us is especially encouraging," Mr. Kennedy said. "Instead of going for high starting salaries, they're willing to spend their first year living among the poor and helping them. For $50 a month plus room and board.

"Draft dodging" is not a prime factor, Mr. Kennedy stressed.

"The VISTA volunteers are drafted like anyone else," he said. "Besides, most qualified young lawyers can usually get a legal job with the Judge Advocate General's Office and the rank of captain if that's what they want."

Officials believe that racial tensions, as well as the focusing of national attention on widespread poverty and on the plight of urban communities, account for the new interest of young Americans in VISTA.

A Gallup Poll based on 972 interviews with college students between April 23 and May 17 showed that 56 per cent expressed interest in joining VISTA, against 44 per cent who preferred the Peace Corps. A year ago, they said, the proportion was exactly 50–50.

"It's not so much a decline in interest in the Peace Corps," explained one official, "as rapidly expanding interest in doing something inside this country for the poor and underprivileged.

"The significant fact is that 72 per cent of the college population expressed interest in serving either in VISTA or in the Peace Corps."

By the end of 1969, Mr. Kennedy said, one-fifth of all VISTA workers will have been recruited from the ranks of the poor: Indians, Mexican-Americans, Puerto Ricans, urban blacks and Appalachian whites. They will work in their own communities, he said, in teams with professionally skilled VISTA workers.

TREND IN TEAM SIZE

Another trend, Mr. Kennedy said, is the increasing assignment of volunteers to teams of eight to 12 men and women led by a full-time supervisor. The supervisor is occasionally, but not always, a former volunteer. VISTA also is concentrating its teams, he said, on fewer but somewhat larger projects.

In the past, Mr. Kennedy said, the assignment of three or four volunteers to small, often scattered, projects had proven less efficient and had led to morale and disciplinary problems.

Applicants selected for training, he said, undergo a six-week "on-the-job" training program before starting their one-year service. In training in community development, public health, education, hygiene and help to backward or mentally retarded children is rigorous. Approximately 10 to 20 per cent of each training class of 50 applicants is screened out or voluntarily withdraws.

"We'd rather weed out those who can't make it or who feel it's not for them than have them quit once they're on the job," Mr. Kennedy said. "That gives VISTA a black eye."

Once accepted for training, volunteers receive their fare to centers in different places throughout the nation. During and after training, they receive board and lodging, plus $50 a month, which is banked for them and available on completion of service. Each volunteer also receives $75 a month for personal expenses, seven days' leave a year and one round-trip ticket home.

Increasing emphasis is being placed, VISTA officials said, on projects aimed at combatting hunger, developing small business and employment opportunities in inner cities, increasing the participation of the poor in the planning of Model Cities programs and involving educational institutions in the problems of poverty communities.

VISTA, now has full time volunteers in 49 states—all except Mississippi—in Washington, D.C., in Puerto Rico, the Virgin Islands, and in the United States Pacific territories.

SOVIET PRODUCTION OF AIR-TO-AIR COMBAT AIRCRAFT

Mr. CANNON. Mr. President, with the country's attention focused on the current ABM debate, it is easy to overlook other aspects of our Nation's defense. For example, many Americans do not realize to what extent the Soviet Union is forging ahead in the production of air-to-air combat aircraft.

I am certain many will be shocked to learn that it has been 20 years since the United States developed a single-purpose, air-superiority fighter. Fortunately, we are finally doing something to rectify this untenable position and our efforts are well described in the excellent article by Edgar E. Ulsamer, associate editor, Air Force/Space Digest. So that my colleagues and the American people may share his assessment, I ask unanimous consent to have his article, "The F–15: Tomorrow's Champion of the Dogfight Arena," placed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

The F–15: Tomorrow's Champion of the Dogfight Arena

The Soviet Union leads the United States in air battle strength by a factor of at least two and possibly as high as five, depending on the interpretation given authoritative information compiled by The Institute for Strategic Studies in London, as well as other sources. Evidence concerning continuing intensive Soviet efforts—six new, advanced air-to-air combat fighters were shown at the 1967 Moscow Air Show alone—indicates that this lead can be expected to widen further in the years immediately ahead.

The last strictly air-superiority fighter developed by the US Air Force was North American's F–86 of Korean MIG Alley fame. Understandably, the Air Force attaches supreme importance to the opportunity to build, after a twenty-year pause, a new air-superiority fighter. Lt. Gen. Marvin L. McNickle, Deputy Chief of Staff, Research and Development, Headquarters USAF, told this reporter: "The fact that we haven't been permitted to build an air-superiority fighter in years doesn't mean we haven't been working on one (in terms of planning) or didn't want one."

These two considerations have propelled the F–15 air-superiority fighter program into what General McNickle termed "the Air Force's top-priority undertaking." The staff officers responsible for the F–15 program exude confidence that the effort will result in "the best aircraft in the dogfight arena that can be built with present technologies."

Brig. Gen. Roger K. Rhodarmer, Deputy Director for Operational Requirements and Development, DCS/R&D, who supervises the F–15 program, said, "We are using the latest techniques to come up with the best thrust-to-weight factor (the key to an air-superiority aircraft) and to balance the drag of the aircraft against the lift (coefficient) to give us maximal maneuvering capability. It is possible that the Soviets could build as good an aircraft as the F–15, but I don't think anybody can build a better one."

General McNickle added, "Of course, you can't rule out a technological breakthrough, but we think that our mathematicians and aerodynamicists can compete with the best in the world. We have had NASA along with us all the way on the F–15 program, and their team is as good as exists anywhere." He indicated that the Soviet lead time to bring an innovative design from the blueprint stage to operational level appears to be similar to that of this country. "While their development cycle is usually shorter than ours, they keep their aircraft in the prototype stage longer than we do, and they build more prototypes."

General McNickle pointed out, however, that in the case of an unforeseen advance by the Soviets, "we have some head room in the engine" to give the F–15 additional performance.

Several other factors account for the Air Force's high degree of confidence in the F–15. Paramount is that the program's timing is such that the F–15 reaps a rich crop of advanced but well-proved technologies in materials and propulsion, as well as some areodynamical improvements. These advances, Air Force experts say, are premised on technologies proved reliable and devoid of undue risks by extensive and varied test programs. In the aggregate, they permit significant advances in thrust-to-weight ratio of the F–15 over the best currently existing fighters.

Augmenting these technological advantages is a novel Air Force-developed method of employing computers for trade-off studies to achieve a better blend of features and to permit an exploitation of available technologies superior to that previously possible.

Thirdly, there is firm determination, anchored in a categoric directive by the Chief of Staff, not to compromise the air-superiority capability of the F–15 through corollary mission requirements. This combination of factors, according to Lt. Col. John R. Boyd, Office of the Deputy Chief of Staff for Research and Development, the originator of the computer trade-off analysis technique, justifies the assumption that the F–15 currently envisioned will represent a "greater jump in performance over previous aircraft than we have ever had before."

The F–15, currently in contract definition, is a single-seat air-superiority fighter in the weight class of 40,000 pounds, whose two advanced technology engines combined will provide a thrust-to-weight ratio of better than one to one.

The aircraft is to employ a fixed wing, a configuration agreed upon by NASA and the Air Force as best suited for its mission, according to General McNickle. It will not employ a supercritical wing design (suggested by NASA initially) because the three airframe competitors and the Air Force have concluded that this design is as yet not sufficiently developed to enter operational status.

The F–15's principal criterion is to be "superior to any present or planned fighter in close-in visual and long-range missile encounters." Its tactical missions are to be fighter sweep, escort, and combat air patrol, all of which require that the F–15 be able to acquire, identify, engage, and destroy enemy aircraft in contested airspace and in an enemy-controlled radar environment. The aircraft is to be globally self-deployable without the aid of tankers.

According to Col. Robert White, ASD's F–15 Program Director, more than 500 conceptual variation analyses were performed and a three-year study effort was completed before contract definition was begun.

The F–15 program is premised on contract definition with some hardware development.

In August 1968, the Air Force awarded initial engine development contracts, jointly with the U.S. Navy, to both General Electric and Pratt & Whitney. This competitive eighteen-month contract will end late in February 1970, and upon completion of 2,000 hours of static tests (including sea level and altitude thrust runs) of the two competing engines, the Air Force will select the winning engine contractor.

Both the Air Force and Navy spokesmen stress that while they equally fund this engine-development program, two different engines will result: the Navy engine that is to power the much shorter length F–14B air-superiority/fleet defense fighter, and the F–15 engine. While this joint program is the logical result of the considerable similarity in requirements, commonality will not be permitted to impinge on the peculiar needs of each design, General McNickle stressed, adding that sharing of core engines by various USAF aircraft in the past has not led to performance reductions. The Navy engine, for instance, will employ a larger fan than the F–15 to furnish the higher takeoff thrusts required for carrier operation.

In September 1968, the Air Force invited eight aircraft manufacturers to submit proposals for contract definition, and on December 31, 1968, the Air Force selected Fairchild Hiller Corp., McDonnell Douglas Corp., and North American Rockwell Corp. to proceed with contract definition for the F–15 airframe.

The three companies were to make proposals involving detailed design and funding and production information by June 30, 1969. On the basis of this data, the Air Force will select one contractor to develop and build the new aircraft. While there is a straight progression from "paper study to hardware without prototype testing," Colonel White noted that "in the development phase the contractor must indeed show that he will be capable of giving us the kind of performance we have specified before we will enter into the production phase."

While the Air Force and the Department of Defense have not yet decided on a final contractual approach, Col. Robert F. Titus, Office of the Deputy Chief of Staff for Research and Development, told Air Force/Space Digest that the Air Force is inclined toward a single contract involving separate line items for R&D, test aircraft, and production aircraft and that R&D and production items may well be covered by different types of contractual arrangements.

As he put it: "It makes sense for the government and the contractor to 'share the risk' inherent in exploiting the technology in the development stage of the program. Some degree of flexibility is also necessary to pursue alternate solutions on fighter aircraft. This flexibility on a 'shared-risk' contract arrangement is a must if the Air Force is to sign up in 1969 on a contract to deliver an air-superiority fighter aircraft which will meet the theat in the mid-'70s. Some form of cost-sharing is, therefore, likely. Once you have established what the system should cost, a fixed-price approach, however, might be advantageous. But it would be difficult tc establish realistic firm prices before a production design can be decided on and a valid data base on costs is established. The Air Force is very sensitive to weapon system pricing problems and, therefore, is devoting considerable time and effort to exploring all of the procurement alternatives before announcing the F–15 procurement approach."

General McNickle added that the F–15 contracting methods that are being worked out seek to prevent "the kind of troubles the total package procurement concept has caused—where the combined inflationary cost increases, covering in effect an eight-year period, surfaced all at once in the case of the C–5, and in consequence are made to look big." But neither Congress nor the Air Force wants to commit the government to a program unless the costs are reasonably well known, he said. In consequence, he said, the F–15 is laid out on a "development-milestone" basis, which, along with a fiscal-year planning clause, will prevent overly long-term cost commitments that are premised on imponderables and replace them with an incremental decision point approach.

General Rhodarmer explained that the F–15 development will be funded in incremental steps tied to the calendar year only for budgeting purposes. This cumulative learning process will permit reasonably accurate, year-by-year cost figures and at the same time greatly reduce the "disengagement" between the government and the contractor inherent in long-term, fixed-price contracts.

General McNickle said, "We are going to follow an approach where we in effect tell the contractor: 'We are in this together, and we will ride herd on the development on a step-by-step basis to make sure of your progress.' "

General Rhodarmer explained the over-all cost estimates for the F–15, premised on a "composite model involving cost data from eleven different supersonic aircraft built by this country, vary even internally—between the Air Force and DoD—and we have trouble deciding what the cost model should be. Obviously, building something new involves a number of judgment factors and new circumstances, over and above measurable experiences from past efforts, which affect price in a critical sense."

As a result, the Air Force is not willing to reveal the F–15's expected unit cost other than to say that it will be less than the F–111, and, as General McNickle put it, "You probably won't be too far off if you assume that its price will be largely determined by its weight, and the F–15 is a relatively light, single-seat aircraft." Because of reduced electronics requirements, the F–15 should cost less than the Navy's F–14B.

Unit cost is also influenced by the number of F–15s the Air Force will order in the production contract and possible follow-on buys. Estimates of how many F–15s will be bought range between 500 and 2,000 aircraft. (At the moment no consideration has been given to possible purchase of the F–15 by allied nations in terms of either price or possible modification, according to Colonel Titus.)

Principal evaluation criteria for the source selection process, in terms of basic airframe efficiency, include compatibility of the propulsion installation with the airframe, armament provisions, man-machine compatability, the efficiency of the navigation system, stability and control features, configuration and visibility, fire-control system, and structural efficiency, including the prudent use of materials. In the case of the latter, the Air Force has not specified but, on the basis of information from the three competing contractors, expects the first integrated application of advanced composites in aeronautical history.

According to Dr. Steven Tsai, Chief Scientist at the Air Force Materials Laboratory, it is likely that between ten and fifty percent of the F–15 structure will be made of such advanced materials as titanium, boron epoxy, graphite epoxy, and boron/aluminum composites, the application of which can reduce component weight between ten and forty percent and introduce superior strength, stiffness, heat resistance, and fabrication qualities.

Dr. Tsai stressed that while the Air Force has placed no demands for incorporation of advanced materials in the F–15 airframe design, "it would not seem likely that the F–15 system requirements could be met any other way."

USAF Headquarters spokesmen told this reporter that because of the weight and size constraints, the use of even relatively expensive materials "may well prove cheaper in the long run than the use of conventional materials." The Air Force, therefore, is encouraging the contractors to show how and why the application of advanced materials will prove advantageous in terms of weight, size, and life cycle of the over-all design, all considerations which to date favor their use to the extent predicted by Dr. Tsai.

Less certain is another advanced technology that could lead to weight and space savings, as well as a reduction of the aircraft's vulnerability: the fly-by-wire technique, developed to a high degree by NASA for space application and now being viewed "with great interest by the Air Force for use in combat aircraft," according to Colonel Boyd.

This technique provides an electronic or electrical linkage between the pilot's stick and individual hydraulic packs located right at the aircraft's movable control surfaces, thereby replacing the present system of hydraulic lines crisscrossing the entire aircraft. Colonel Boyd added, however, that because of the untried nature of this system in aeronautical applications, the Air Force as yet has not decided on whether or not the F–15 is to employ this technique.

On November 5, 1968, the Air Force awarded contracts to Westinghouse Electric Corp. and Hughes Aircraft Co. for competitive development of a new attack radar system. On completion of this twenty-month competitive development program, the merits of the two competing entries will be evaluated by the Air Force in actual fly-off.

As with the airframe and engine sectors, the Air Force has imposed no constraints on the ingenuity of the contractors concerning innovative approaches. A requirement is focused on the ability to operate in an all-weather GCI (ground-controlled interception) electronic countermeasure environment. This includes interrogation responder radar beacons to differentiate between friendly and enemy aircraft (IFF) and the ability to acquire and lock on a target in the ground clutter to permit the use of radar-controlled missiles.

Some avionics features are still being

analyzed through trade-off studies, including electro-optical systems in which the Air Force, according to Colonel Titus, is "very interested." Electro-optical systems amplify images based on television principles and keep the pilot from "chasing after some dot on the horizon for identification purposes only to discover that it is a Navy airplane, or some other friendly plane," he said. "In the process, of course, you expend what fuel you have and it's time to go home. We have lost more 'kills' chasing friendlies than for any other reason," he added.

No decision on such features as helmet-mounted sights, head-up displays, and a look-down capability of the attack radar has been reached as yet.

The selection of the F-15's avionics, according to Colonel Titus, is guided by the belief that "visual combat maneuvering will be with us for a long time, and as a result we don't want to burden the aircraft with any avionics gimmickry which imposes weight penalties and increases costs." On the other hand, he stressed, "We do want a high degree of automaticity and simplified operation in the cockpit."

High thrust-to-weight ratio and low wing loading are the two pivotal features of the F-15 that determine its air battle capabilities. Its dash speed at altitude will be about Mach 2.5-plus; its on-deck dash speed, above Mach 1; and its sustained maximum speed, above Mach 2. But its high acceleration, climb, and maneuverability are rated by the Air Force as vastly more important than sheer speed.

The highest speed recorded in aerial dogfights in Vietnam was Mach 1.3. The F–15, allowing for its service life beginning in the mid-1970s, is to have maximum acceleration capability from the speed of escort, about Mach 0.8, to Mach 1.5, the highest foreseeable air battle speed. While there are a number of aircraft in the U.S. inventory capable of rapid acceleration, this ability is either confined to acceleration along the line of flight, or normal (at a ninety-degree angle) to the line of flight, but not both. The F–15 will become the first U.S. fighter with this combined acceleration capability, and thereby cure a deficiency existing in relation to the Soviet inventory, according to Colonel Titus.

The F–15 is designed to meet a threat range constituted by a variety of current and projected Soviet fighters, such as the MIGs, Foxbat, and Flagon, according to the Air Force, and to be superior to all.

Colonel White described the F–15 performance needs this way: "Aerial combat to effect a shoot-down can be accomplished several ways: first by using a slow, long-range aircraft that flies an orbit in a desired area, equipped with sensory equipment to permit long-range detection, acquisition and identification of enemy aircraft, and then acts as a missile-launching platform to provide the capability of destroying the enemy aircraft with missiles at long range without really maneuvering the aircraft itself. At the other extreme, a very high-speed aircraft—Mach 3-plus—may be vectored to intercept an enemy aircraft and with extremely high speed make a single calculated pass effecting the kill, again by the use of a missile that must have maneuvering capability sufficient to defeat any evasive measures taken by the enemy aircraft at the precise time of kill.

"Between these two extremes, there lies a broad spectrum in which the aircraft themselves engage, fly in man-to-man maneuver, and by the use of guns or missiles effect the kill. In this mission, the surviving aircraft will be the one with greater maneuverability." This, Colonel White said, means a fast, extremely agile, lightweight aircraft with fully integrated and complementary weapons.

Also, excess power required to provide the performance and agility necessary to close for a kill from a position of advantage must be available, he said. "On the other hand, we can escape successfully from a position of disadvantage, whether it be in the air or from ground defenses, such as surface-to-air missiles," he explained. The relatively small size of the F–15 will make detection significantly more difficult, he said. Once detected, "a smaller target is harder to hit, particuarly when it has the agility to move quickly to upset enemy defenses," according to Colonel White.

While the F–15 will be faster than the F–4 which it will replace, it won't be as fast as the Mach 3-plus F–12. This has caused critical comments by some aircraft designers, along with a claim that the Air Force has failed to exploit the available technology as fully as possible. Air Force spokesmen reject this charge "emphatically and categorically."

Colonel White, Colonel Titus, and others concede freely that it may be possible to design an aircraft capable of the needed acceleration characteristics in the high subsonic and low supersonic regimes while also incorporating a Mach 3 cruise capability, but at least four reasons militate against such a design:

It could not be built now since it requires a number of sophisticated materials and propulsion techniques, such as variable-geometry engines and exotic fuels that have not yet reached an operational state.

Its size and weight would be prohibitive, resulting in a clearly detectable radar signature and other drawbacks.

Its costs would be such "that whatever improvements in performance we might get would be indefensible in terms of exchange ratio (increase in kills) advantage."

Such an aircraft would not be practical, "We don't need it."

The inexorable size restrictions inherent in the air battle mission do not permit fuel tankage "needed for supersonic cruise except in test runs," according to Colonel Titus. The supersonic speed capability of present-generation combat aircraft, in a practical sense, is being used in only a very limited manner. Also, he pointed out, "you don't escort strike aircraft at anything but subsonic cruise. So what you need is the ability to jump from the speed of escort to the speed of engagement, and in that area the F–15 will have no peer."

Employing engine technologies about twenty-five percent more efficient than those of present-day fighters as a result of the extensive Air Force-directed research in propulsion techniques during the past few years, and utilizing both advanced aerodynamics as well as lightweight materials, the F–15's thrust-to-weight ratio will be better than one to one.

This compares with a thrust-to-weight ratio of about 0.8 to one for the F–4, and less than 0.5 to one for the F–111A. As a result of this high thrust-to-weight ratio, the F–15 will be able to climb from treetop level to maximum altitude with rocket-like speed.

Its ceiling is classified, but below the 90,000 feet of the Foxbat. As General Rhodarmer explained. "We will rely on the F–15's missiles to go after the Foxbat at altitude. You can't optimize for maneuverability and cover the high-speed, high-altitude spectrum, too. That's what we have our missiles for." He added that a number of advantages accrue to the F–15 from this configuration: "An aircraft of the Foxbat/F–12 type operating at altitude has a very limited maneuver capability and can't easily avoid an air-to-air missile. On the other hand, the F–15's excellent maneuver capability, along with its radar system, enable the aircraft to avoid missiles launched against it from above by a Foxbat/F–12 type aircraft, just as the F–15 can avoid SAM-type missiles coming from below."

Combined with the F–15's excellent thrust ratio, which provides the basis for its high rate of acceleration, is an aerodynamic configuration that preserves this capability in turns. As Colonel Boyd put it, "Maneuverability in the sense of the F–15 is defined as being the ability to perform a change or a combination of changes in altitude, airspeed, and direction, which boils down to good climb and acceleration as well as good turning characteristics."

The F–15's ability to turn will be achieved by dint of its wing size and aerodynamic efficiency. While the installation of engine thrust deflectors as a means of gaining the required turning performance had been examined, Colonel Boyd said, "We believe it is cheaper to do this job with the wing. For the time being, the wing is still the most efficient and economical device for enhancing turn capabilities. Future generations of engines with higher thrust-to-weight ratios may, however, change the picture."

The F–15 is designed as a fighter's fighter, an offensive weapon, according to Colonel Titus. The importance of its armament, therefore, is overriding. A gun and two types of missiles are required.

"In the gun, we want a high muzzle velocity and high cyclic rate of fire," Colonel Titus stressed. The gun might fire the caseless ammunition currently under development by the U.S. Army.

In addition, the F–15 will employ short-range maneuvering dogfight missiles and standoff missiles. The short-range missile is likely to be an updated Sparrow missile—the AIM 7F—with a minimum effective range substantially below that of the present missile (which requires too much distance to be fully effective in dogfights).

Without compromise of the primary air-superiority mission, the F–15 will have an intrinsic, substantial ground attack capability, according to Air Force spokesmen. Colonel Titus pointed out that, "Of course, we are not going to be able to provide all-weather precision radar bombing." But because it is easy to fly, and because it can lift heavy payloads due to its high thrust loading and low wing loading, "the F–15 will be able to deliver two or four 750-pound bombs right on target—and this represents a formidable ground attack capability in my opinion," it was stressed by Colonel Titus.

No decision has been reached by the Air Force as yet concerning the need for a modified two-seater training version of the F–15. On the basis of past abilities to train USAF fighter pilots in the F–100 and other aircraft without a two-seater trainer, and because automation reduces the F–15 pilot's workload substantially, the trainer model may not be necessary, in the view of Colonel Titus.

The rationale for the F–15 program was summed up by General McNickle in the statement that "not since North Africa (during World War II) has the American fighting man been under air attack. We have taken this condition for granted too long. It could change in a hurry" without the F–15 coming into being.

Colonel Titus added that the United States has "relied on the superior pilot skills of our crews in the past decade and sustained the myth that the other side can't match our training levels. The folly of this reasoning becomes clear when you look at the high level of proficiency that we have been able to instill in some of our allies, such as the South Korean air force. There is no reason for assuming that if we can train others, our adversaries can't do the same. We can't rest on our laurels any more. We need an aircraft that corrects the deficiencies of our force structure," Colonel Titus pointed out.

There is good reason to believe that the F–15 will do just that.

DEPLOYMENT OF THE ABM

Mr. SCOTT. Mr. President, the publicity attendant to the long debate over deployment of President Nixon's Safeguard anti-ballistic-missile system has, in my opinion, contributed to a distortion of the issue. The ABM is no black and white matter. We who support the President's limited proposal are not unaware of the residual benefits of this debate—one of the most important debates of this decade. One of those benefits is discussed in an excellent editorial published in today's Wall Street Journal.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Aug. 6, 1969]

ABM: The Opponents' Accomplishments

The acrimonious debate over the anti-ballistic missile should reach its climax in the Senate votes scheduled for today. The most significant accomplishments of those Senators who have opposed the ABM, though, do not depend on the outcome of the voting.

These accomplishments do not hinge on any single weapons system, still less on ABM deployment, which is a problematical decision and not the Armageddon. The accomplishments, rather, have to do with the attitudes of the nation, the armed services and the Congress. Because of the challenge to the ABM, the nation is more aware of its strategic position, the armed services are aware they have no blank check on the national treasury, and the Congress is far more aware of its responsibilities for civilian control of the military and military spending.

Never before has the nation seen the strategic arms race debated in such breadth and detail. The challenge has pried into the open a great amount of classified information—needlessly classified, in the opinion of even such a nuclear hawk as Dr. Edward Teller—and created a huge public record. A far clearer understanding of the strategic issues is now accessible to any citizen willing to pursue the record.

It must at once be added that the public debate based on this vast information has been vastly disappointing. The record is there for the diligent student, but the issues were never drawn in a fashion the citizen could follow without great study. And if the ABM opponents get most of the credit for opening the record, they must also bear much of the blame for fuzzing the issues.

The Senators worried about the arms race, to take the first thing, picked the wrong weapons system as their target. The threatening development in strategic weaponry is not the ABM, which can be defended as a stabilizing factor in the nuclear balance and is, after all, a defensive weapon. The threatening development is multiple warheads, which are offensive weapons and which nearly everyone agrees are destabilizing. If the ABM opponents win in the Senate today, indeed, it seems likely to cement MIRV all the more solidly in the U.S. arsenal. If so, the opponents' victory may be a Pyrrhic one.

In challenging the ABM, the opponents also picked the wrong issues. Their two chief contentions are that it won't work, and that it will escalate the arms race by alarming the Soviets. These contentions cannot be reconciled even by assuming a high degree of Soviet stupidity. For if the Soviets wrongly or rightly believe the system may work technically, it will in fact work as a deterrent. And deterrence, not shooting down missiles, is its actual purpose.

Such issues have distracted attention from the real decision before the nation. The Soviets have recently been on the march in nuclear weaponry, and if they keep up the pace they will be significantly ahead by the mid-1970s. Unless the U.S. is willing to accept inferiority, it must decide between two options: It can build an ABM, which necessitates starting now because of long lead time, but which might deflect the arms race toward a bit more emphasis on defense. Or it can plan to meet Soviet advances with further offensive weapons, which sacrifices the opportunity to stress more defense, but provides the chance to wait a few more years to see if the Soviets actually do keep up their recent pace of arms deployment. It is, as we said, problematical.

Even if the ABM issue was never clearly drawn, though, it remains highly significant that a challenge was made to some weapons system. The Senate Armed Services Committee evidently had grown accustomed to rubber-stamping Pentagon proposals, and as a consequence its leaders were caught without their homework done in the early stages of the ABM debate. They are not likely to let that happen again, which means more scrutiny not only for the ABM but for any weapons the committee considers.

This effect is already apparent. It is quite unusual, for example, that some members of the Armed Services Committee have joined criticism of the ABM. The full committee also recently ended any development of bacteriological warfare for offensive purposes. The possibility of rejection by the committee, in turn, will push its way back into all levels of Pentagon planning. If the generals know their requests will receive detailed and possibility brutal scrutiny, they will be accordingly less willing to advance those they are not confident they can defend.

The effect of the challenge to the ABM, in short, is likely to be a general tightening of military planning, which could yield both sounder weapons and less budget fat. This is by no accounting a small accomplishment, and it is one the ABM opponents can claim even if they lose the voting today.

ABM IS NOT PARTISAN ISSUE

Mr. MATHIAS. Mr. President, I invite attention to a recent communication by the junior Senator from Illinois (Mr. Percy) to his constituents regarding the ABM question. His thoughtful remarks emphasizing the nonpartisan character of the debate deserve the widest possible circulation.

I agree with Mr. Percy that ABM is a matter for every Senator to decide as his own conscience dictates, and I agree with his conclusions on the issue. I ask unanimous consent that his letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

A Letter on ABM to the People of Illinois

Tomorrow the Senate will vote on the merits of deploying an anti-ballistic-missile system.

This proposal was brought to the floor by the Committee on Armed Services after only 10 out of 18 of its members favored the plan. The debate has lasted three weeks. But the issue has been with us since President Johnson first approved the deployment of the Sentinel ABM—a system that was ultimately scrapped by President Nixon upon the recommendation of the Pentagon. I had opposed the Johnson decision.

As a new decision on ABM approaches, the outcome remains in doubt. The Senate is almost evenly divided. Senators whose honor and patriotism are beyond question, Republicans and Democrats alike, are aligned on either side of this vital issue.

In these circumstances, it is fitting to address this letter to all the people of Illinois to state clearly my position.

I shall vote against the deployment of the ABM system in the United States at this time.

I shall do so because I feel deeply that the fundamental interests of our country call for delaying the decision to deploy for one year.

In that time, a firm path for arms talks will hopefully be laid down and in that time the ABM system, now technologically imperfect and incomplete, will hopefully be further refined and improved through intensive research, development, engineering, testing and evaluation. Deployment could occur at a test site in the Pacific.

In this way, we may yet avert another escalation of the nuclear arms race without endangering our national security.

Efforts to devise a workable ABM must continue without any loss in momentum. Therefore, I firmly believe that any attempt to eliminate or to reduce funds of the ABM for this purpose should be rejected by the Senate.

Consequently, I shall vote against any cuts whatsoever in the appropriation for the ABM as proposed by the Armed Services Committee, with the understanding that these funds should be spent for further development rather than actual deployment.

Some have claimed that in opposing the deployment of an ABM now I oppose a President of my own party.

Yet the fact is that the leader of those who favor deployment is Senator John C. Stennis, a Mississippi Democrat, while the leader of those who oppose deployment is Senator John Sherman Cooper, a Kentucky Republican who served with distinction as Ambassador to India under President Eisenhower.

The fact is that many of our most knowledgeable scientists as well as informed, former Defense Department officials have raised grave doubts regarding the feasibility of the present ABM approach—doubts that echo through the Pentagon itself today.

The fact is that the ABM proposal created an unprecedented split within the Senate Armed Services Committee and that the senior Republican member of that committee voted against deployment of the ABM.

The fact is that the ABM system has never been put together. Critical parts have never been tested. The design of several key elements has not yet been completed.

The fact is that under my commitment to fund the ABM project in full and to approve production of components that require a long lead-time, there will be no delay in my view in the present timetable should we decide a year from now that a genuine need to deploy the ABM exists.

And the fact is that on this important question the President has told me that each Senator should be guided by his own conscience to vote in a way that best serves the national interest.

In good conscience, as a former defense contractor, I cannot support putting this yet to be completed weapons system into production.

For all these reasons, I shall vote against the deployment of the ABM now and I shall vote for funding in full the development of an effective ABM without and delay to have ready in the event it is needed.

REPORT IN OPPOSITION TO ABM

Mr. TYDINGS. Mr. President, on June 4 and 6 of this year, the Washington Area Citizens Against the ABM held public hearings on the subject of the proposed Safeguard system and its possible deployment in the Washington area. Those who testified included Members of Congress, scientists, and many citizens actively involved in the political, social, and economic life of the greater Washington area.

Based on the testimony presented, a select panel published their findings and offered recommendations regarding ABM deployment. As we enter the final day of debate on the Safeguard in the Senate, I feel it would be extremely useful to include this excellent report in the RECORD so that our deliberations might benefit from it.

Therefore, I ask unanimous consent that the report of the Citizens Panel of the Washington Area Citizens Against the ABM be included in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT OF THE CITIZENS PANEL OF WASHINGTON AREA CITIZENS AGAINST THE ABM

(Public Hearings held in the city of Washington, D.C., June 4 and 6, 1969, on the subject of the proposed Safeguard anti-ballistic-missile system and its deployment in the Metropolitan Washington area)

REPORT AND FINDINGS OF THE CITIZENS PANEL ON THE ABM HEARINGS

The members submitting this report were requested by the Washington Area Citizens Against the ABM to serve as a panel to hear citizens testimony on the ABM in the D.C. Council Chambers on June 4 and 6, 1969. Prior to the hearings, extensive publicity was given through the communications media about the hearings and the opportunity to testify and invitations to testify were sent to almost 100 organizations. Over six hours of testimony was heard on the two dates but the public response was so great that all those who wished to testify could not be accommodated.

Representative of the President of the United States and the Defense Department were specifically invited to testify but declined to testify or submit statements.

All witnesses who appeared opposed the ABM. Thus, all the testimony on the various aspects of the question was essentially uncontradicted. The testimony covered both the local and national aspects of the question.

The following is the report and findings of the panel, reached as a result of the testimony presented to us.

I. The Safeguard system is not necessary

The Department of Defense justifies the proposed Safeguard Missile Defense (which will deploy ABM sites around Minuteman Missile Bases and Washington, D.C.) as necessary to protect the American deterrent from a Soviet "first strike" which would destroy our capacity, to retaliate. But the fact of the matter is that there is no clear and present danger to our ability to destroy the Soviet Union, even if there were a surprise attack against us.

There is no known method of neutralizing the nuclear missiles in our Polaris submarines, for example. At a minimum, even after a Soviet attack on the Minutemen, three times the number of missiles needed to destroy the USSR would be left.

Even if there were such a danger, the Safeguard system would be a hopelessly inadequate defense system. Whatever protection the ABM could give, even if it worked perfectly, could be completely offset by a 10% increase in the number of Soviet offensive missiles. Such an increase would be far less costly than the construction of the ABM defense itself.

II. The thick ABM

The real reason for the Safeguard system is not to protect the offensive missiles, a task it is ill suited to, but as the first step in an ABM system designed to cover America's cities. Such a system would be enormously costly, and would force the USSR to reciprocate, thus neutralizing any strategic advantages that the system might produce.

III. The Safeguard will not work

In any event, the anti-missile missile simply will not work (though Soviet strategic planners will have to assume that it will), any better than an anti-bullet bullet would. The great weight of independent scientific opinion is that the ABM is incapable of performing the task assigned to it. Furthermore, cost overruns will make the system vastly more expensive than anticipated officially.

All in all, the Safeguard system is destined to be, if it is authorized, the greatest defense spending scandal of the cold war so far.

IV. ABM and the U.S.S.R.

If the United States starts to build an ABM system, the USSR will react by building a major ABM system of its own. If the military group in the Soviet Union is able to divert large funds for this military purpose, the forces of conservatism in the Soviet Union, which is at a critical juncture in its political history, will be strengthened. This would push the Soviet Union in a direction that would lead to heightened international tension.

V. ABM and China

China has no intercontinental ballistic missiles and indications are that they are not proceeding rapidly in their development. Even if they do develop an ICBM in the future, they would be deterred from using it first, because of the United States' overwhelming power of retaliation. There is strong indication that the military wishes an ABM system to give the United States the power to strike China (and other nations) first without fear of retaliation to itself.

VI. ABM and American security

The deployment of the Safeguard will weaken, rather than strengthen, America's security from foreign attack. The United States deterrent capacity is already secure and only an escalation of the nuclear arms race can make it less so. Such escalation could be the chief effect of the ABM. Furthermore, since security is not only a matter of military hardware, but also of the ability of the people of the nation to function in a unified way, the continued allocation of national resources to defense, instead of to the solution of critical social problems, will increase the tension within American society and thus reduce our security.

VII. ABM and disarament

There presently exists a real opportunity to bring the arms race to a halt, based on fact that both the U.S. and the U.S.S.R. have secure deterrents, and to let this chance go by would amount to a national tragedy, since sooner or later the nuclear stockpiles will be used if they are not removed. If the United States deploys ABM the Soviet Union will have to respond in kind, and the chance for disarmament will have passed.

VIII. The ABM and national priorities

The need of the people for better housing, education, health care, and related matters has priority over the need for ABM. Even if this weapon were workable technically and strategically, the added security it could provide would be less important at the present time, than the meeting of the critical domestic needs of the people. The imposition of an unnecessary and vastly expensive weapons system on the country amounts to a decision to repress the poor and black people of the United States.

IX. ABM is not needed in Washington

The decision to place an ABM site in or near Washington is motivated more by the fact that the people of Washington are politically powerless than by reasons of strategic necessity. It will not make the city safer, as the Soviet Union will simply target more ICBMs toward Washington (as the U.S. did toward Moscow when its ABM system was set up), making Washington and Moscow sister cities—the two most vulnerable on earth.

X. ABM will bring added danger

Because more missiles will be deployed against Washington by the USSR, there would be an increased danger that one will be fired accidentally. If the ABM is kept on alert to prevent this, there is an equal danger that one of its missiles will go off accidentally. There is also the danger of a nuclear explosion on the ground or of a non-nuclear explosion leading to contamination of the area with radioactive materials. In the event of a war, the radar at the ABM site would be attacked, even if the city is not, and the people (except those in the deep shelters of the White House and Pentagon) would fall victim to the fallout.

XI. Washington has greater needs

The Washington ABM site would be within twenty miles of the White House and would cost about $600,000,000. The area is, however, faced with a critical shortage of low and middle income housing. The land is needed to build that housing. The funds are needed for housing and for many other local problems. If the people of the city could make the decisions that affect their own lives, they would decide against the ABM and for use of the money in ways that would improve their lives and the lives of their children.

XII. Future action by area citizens

At the hearings a proposal was made that if the ABM should be authorized and a Washington Area site should be chosen, the people opposed should march to the site, claim it, and camp there until the site chosen is dedicated to a use chosen by the people of the Washington, D.C. area. This proposal received wide support from the people present at the hearing.

APPENDIX

"Public outlays for defense . . . are economically non-productive and constitute a drain on our economic resources and our society" (Report of the Mayor's Economic Development Committee June, 1969).

Even as the Administration is seeking to spend a minimum of $600 million (assuming no overruns) to deploy a Safeguard ABM for the security of the District of Columbia, there is in this city a multitude of social and economic ills for which there are no available funds. The fact that poverty exists to the degree that it does in the Nation's capital is a result of America's obsessive concern with military and defense commitments and gross neglect at home.

The Mayor's Economic Development Committee Report documents many of the critical needs of the people of the District, and has projected a ten year program to meet those needs. The cost of the program is estimated at three billion dollars.[1]

The need is clear:

Housing

In 1968, 37% of the housing units in the District were either dilapidated and required replacement, or were overcrowded, rat-infested, and in serious need of renovation and repair. The Mayor's Economic Development Committee, citing this problem and other urgent needs, projects $165 million over the next decade to provide adequate housing for all local residents. "Housing subsidies," the report states, "are vastly productive in every way. First they generate a volume of construction and employment which otherwise would not occur at all. Secondly, they reduce the tremendous human and other costs which result from sub-standard housing in all its causal ramifications."

---

[1] This is in addition to the recommended budget, 1970, for D.C. of $828 million. The three billion dollar figure does not include an additional 5.5 billion dollars which will be needed to pay for expected increases in normal government expenditures over that same time period.

Welfare

More than 30 percent of the total District population and more than 38 percent of the nonwhite population in 1967 were below the "minimum decency standard" of income, $4500 for a family of four, $2000 for unrelated individuals. The average assistance for families with dependent children in 1968 was 52% below the "minimum decency standard." The average old age assistance payment was 55.7% below that standard. The Mayor's Economic Development Committee, in recommending a uniform system of income support payments for a "minimum decency standard," estimates a cost of 236 million dollars over the next ten years for income aid to those outside the employment stream.

Employment

Over 12 percent of "optimum, potential, resident civilian labor force" is not employed. In addition, the percentage cited does not reflect underemployment, parttime, or substandard wages, which may affect as many as three times the number unemployed, according to unofficial U.S. Labor Department statistics. In citing the unemployment statistics, the Economic Development Committee has projected 260 million dollars for manpower training over the next decade.

Health

The District of Columbia has the highest rate of infant mortality recorded by any state except for Mississippi, and the highest of all but one major urban center. The Mayor's Economic Development Committee has estimated that 307 million dollars will be needed to develop the resources necessary for the adequate provision of health care to residents of the city.

Child care and development

Present facilities accommodate only 13 percent of the children, ages 3–5 whose parents require such services. To provide comprehensive services for children between these ages only will cost 180 million dollars.

Education

In 1968, 89.6 percent of District schools were overcrowded. Given present standards of acceptable classroom size there was a shortage of 1598 classrooms, reflecting only one facet of the myriad of educational difficulties besetting the city. The Mayor's Economic Development Committee claims that 504 million dollars will be needed in the Elementary and Secondary schools in the system.

Expansion plans for Federal City College and the Washington Technical Institute are geared to ultimately accommodating approximately 30,000 students. The total costs of this expansion is estimated at 900 million dollars. The Mayor's Economic Development Committee has recommended only one-half of the necessary expenditure, or 450 million over a ten year period because of "anticipated District budget limitations."

Transportation

In order to provide an efficient and balanced system of transportation attuned to consumer interests the Mayor's Economic Development Committee has projected a cost of 800 million dollars.

The 600 million dollars to deploy a Safeguard ABM to protect the District of Columbia would provide sufficient funds to finance those improvements necessary in the City's public school system to bring it up to an acceptable level of quality and equality.

Or 600 million dollars would finance the implementation of adequate day care and child development, housing and manpower training programs.

Half that amount, approximately 300 million dollars would finance a program aimed at providing adequate health care for all residents of the city.

The entire sum of $600 million dollars would finance the first two years of the ten year program.

If there is a question of the security and well being of the inhabitants of the District of Columbia, the people must be given a major role not only in defining its needs, but in establishing its priorities.

On June 6, 1969, in the City Council chambers, IT WAS RESOLVED, by the group assembled in attendance, that "funds appropriated for the deployment of an ABM system be applied as a downpayment for the needs of our residents and our city."

The strength of our society which is predicated on equality, dignity, and the well-being of man, must be restored—for that in the last analysis is our only security.

PANEL

Rev. Joe Gipson, Chairman.

Rep. George E. Brown (June 6 only).

Councilman Joseph Yeldell (June 6 only).

Mr. Julius Hobson.

Mrs. Etta Horne.

Dr. George Wiley (June 4 only).

Mrs. Sophie Reuther (June 4 only).

Mr. Victor Reuther (June 6 only).

WITNESSES

Hon. Andrew Jacobs—Congressman from Indiana, Member of the District of Columbia Committee.

Dr. Jeremy Stone—Council of the Federation of American Scientists.

Rev. Channing E. Phillips—Democratic National Committeeman from the District of Columbia.

Prof. Amatai Etzioni—Institute of War and Peace Studies, Columbia University.

Mr. John Carter—Emergency Transportation Committee.

Mr. Warren Morse—American Federation of State and Municipal Employees.

Rev. Tom Torosian—Capital Group Ministry.

Rev. Ralph Dwan—Washington Planning & Housing Association.

Mrs. Martha Swain—D.C. School Board.

Mr. Frank Wallick—United Auto Workers of America.

Mr. William Carpenter—Federal Employees for a Democratic Society.

Mr. Gus Johnson—Chairman, Democratic Central Committee, 10th District of Virginia.

Mrs. Marrianne Hurt—Fairfax County Democratic Committee.

Dr. Fern Wood Mitchell—SANE.

Mrs. Willie Hardy—Metropolitan Community Aid Council.

Hon. George E. Brown—Representative from California.

Dr. Leonard Rodberg—University of Maryland.

Mr. Ralph Fertig—Americans for Democratic Action, Washington Chapter.

Dr. Herbert S. Dinnerstein—

Mr. Marion Barry—Pride, Inc.

Mr. Don Goldman—Capital Hill American Civil Liberties Union.

By submission

Mr. Carlos Moore—International Brotherhood of Teamsters.

Chester C. Shore—American Veterans Committee—D.C. Chapter.

Rev. George W. Malzone—Center for Christian Renewal.

Dr. Richard Barnet.

Mr. Elliot Stanley.

Mrs. Folly Foder—Women Strike for Peace.

Mrs. Ethel Lubarsky—Prince Georges County Ad Hoc Committee Against the ABM.

Rev. Dan McGuire.

Mrs. Louise Alexander—Circle on the Hill

Mr. David Alexander—Capitol Hill Action Group.

Mrs. Lola Boswell—National Capitol Humanist Association.

Mr. Joseph Eis—Montgomery County Alliance for Democratic Reform.

Mrs. Ellie Robbins—Northern Virginia Action Committee.

Mr. Donald Green—New Democratic Coalition.

Rev. Harry Applewhite—Council for Social Action of the United Church of Christ.

Mrs. Judith Rosen—Northern Virginia New Democratic Coalition.

Mr. Melvyn Meer—Maryland State New Democratic Coalition.

WASHINGTON AREA CITIZENS AGAINST THE ABM

The Council of Churches of Greater Washington.

Washington Association of Scientists.

Alliance for Democratic Reform of Montgomery County.

National Capital Humanist Association.

Washington Area Council of United World Federalists.

D.C. Chapter of American Veterans Committee.

Women's Strike for Peace.

New Democratic Coalition of Prince Georges County.

Women's International League for Peace and Freedom.

Sane.

Social Action Group of Saint Stephen & The Incarnation Church.

Mt. Pleasant Neighbors Association Inc.

Council for Christian Social Action of the United Church of Christ.

Potomac Association of the United Church of Christ.

City Wide Welfare Alliance.

Legislative Task Force.

The Capitol Group Ministry.

Northern Virginia New Democratic Coalition, National and Urban Affairs Workshop.

Cook's Union Local # 209.

Committee of Return Volunteers, Washington Chapter.

Legislative Assistants Against the ABM.

D.C. Democratic Central Committee.

American Federation of Government Employees.

Federal Employees for a Democratic Society.

Washington Mobilization for Peace.

Veterans for Peace in Vietnam.

Center for Christian Renewal.

Success, Inc.

Northeast Organizers.

Washington Lay Association, Board of Directors.

Northwest Citizens on the Urban Crisis.

Capital Hill Action Group.

Circle on the Hill.

North Virginia Action Committee.

Emergency Committee on the Transportation Crisis.

Washington Peace Center.

Center for Emergency Support.

Democrats for Peace and Progress.

THE BOEING 747—A NEW TECHNOLOGY

Mr. MAGNUSON. Mr. President, recently Air Transport World did a study on the impact the introduction of the Boeing 747 is having on the management of Pan Am, the first company to put this aircraft into operation.

The 747 is truly new technology. It can perform feats that are truly staggering in dimension. It will fly higher, faster, and farther than anything now in operation.

And new technology requires new

management techniques to achieve maximum aircraft utilization and volume traffic. Pan Am and its founder, Juan Trippe, are bringing in a new generation of executives to realize fully the potential of this great aircraft.

This study is timely; I therefore ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PAN AMERICAN IS "ALL CHANGE" ON EVE OF 747 INTRODUCTION

(By Joseph S. Murphy)

Pan American, the airline that Juan Trippe built, is undergoing the biggest transformation in its history. It involves both new management philosophies and new operating philosophies.

And it's all taking place on the eve of the biggest single expansion in Pan Am's history—the introduction of 25 giant Boeing 747s into service within the short span of only nine months.

The key figure involved in much of the change at Pan American is its president Najeeb Halaby whose job it is to see that the big jumbo jets get into service when they're supposed to, that Pan Am is ready to operate them and that it sells the seats it will take to make them profitable.

The fact that Harold Gray, Pan Am's chairman and chief executive officer has delegated to Halaby the responsibility for operations, traffic and sales is one of the biggest changes that has taken place in the airline's 41-year history.

It means that, unlike Juan Trippe who built and ran Pan Am until he retired last May, Harold Gray is not trying to run the whole show himself. He is keeping matters of finance, legal, public relations and labor relations for himself. But in operations, traffic and sales (plus Pan Am's subsidiary operations, except hotels) Jeeb Halaby is now the boss.

What's more, he is making his presence felt.

Satellite check-in stations to ease airport congestion, a passenger service rep aboard each big international flight, a choice of meals in economy, even a 747 "shakedown cruise" with 365 Pan Am employes aboard to Honolulu or London . . . these are just a handful of examples of new thinking at Pan Am designed to make the going even greater.

"We can't use paying passengers as guinea pigs for new experiments in passenger loading and the like," Halaby says. And he has a seven-man Boeing/Pan Am audit group (or "murder squad" as the U.S. Navy would call it) to challenge just about everything that's being done to prepare for the 747. Their role is to make sure there won't be any surprises when the big jet starts flying.

One of Halaby's pet topics is service and it's an area getting more than its normal share of attention. The dispersal of passenger check-in facilities to eight new locations in the New York metropolitan area is just the start of this thinking on the ground. Soon Pan Am will add a special arrivals terminal at JFK Hangar 17 for noncustoms or pre-cleared flights to further reduce congestion at its main Kennedy terminal.

One of the best clues to Pan Am's intent as regards to service was the naming of Harold Graham to the job of VP-service earlier this year. Graham has a reputation for being a thinker and a doer who just completed an eight-year stint getting all of Pan Am steamed up over air freight. His new job is service, both passenger and cargo, and the ball is already starting to roll since he took on the new post in February.

One big change is the passenger service rep now going aboard all major flights. Graham already has 37 and the figure will be up to 75 by June. These are management-caliber, bilingual, college grad types whom Pan Am expects will fly the line for perhaps a year, then move into sales or other positions with a solid indoctrination of what an airline operation is all about.

Meals, too, are getting Graham's attention. There will be 100 or more new menus and a choice of menu in economy on many flights. Pan Am currently is spending $35 million on new commissary and flight kitchen facilities alone. Graham feels that Pan Am, today, has a better than average airline food service but aims to improve upon that, particularly in such areas as getting a first beverage service to the passenger sooner, consistency of service (the on-board reps should help here) and the like.

EXECS IN ECONOMY

Although Pan Am management executives historically have reported their experience on flights as to quality of service, this program now is being expanded to take in operations personnel. Also, says Graham, from now on all traffic and sales management are being required to travel one leg of their trips in economy to get a taste of what the majority of Pan Am's customers are experiencing.

In cargo, Graham feels that shippers are getting a good shake everywhere in the world except at JFK airport in New York. The situation here should improve as airlines become more successful in bypassing airport terminal logjams with containerized freight.

Graham's job in service is only part of the changing scene taking place at Pan Am under sr. VP-traffic and sales, Norman Blake. For the two big airline jobs for which Jeeb Halaby is responsible—sales and operations—Blake heads one and T. J. "Tom" Flanagan, the other. Like Halaby, both are "second generation" management in Pan Am. As Willis Lipscomb and John Shannon were Trippe's and Gray's strong men in these fields, now Halaby looks to Blake and Flanagan.

Blake already has more than two years under his belt as sr. VP-traffic and sales since he took over from the retiring Lipscomb in January 1967. Since he took over, Pan American's advertising has shown a marked improvement to a point where it is generally ranked often with United as the best in the business.

Its "Pan Am Makes The Going Great" stands as one of the strongest sell lines yet developed and just won an American TV Commercial Festival award. Over the years, J. Walter Thompson has done a great job for Pan Am, but it has been at its best in the last two years.

But now, with stepped up IATA demands, 747 planning and the new emphasis on service, sales cannot be neglected and to make sure they aren't, in February Blake named James Montgomery to the top sales job. He is without doubt one of the best sales brains in the airline business. But he has his job cut out for him as Pan Am late this year begins the biggest capacity hike in its history as it pumps in 25 747s over a nine-month span.

THINKING MASS SALES

The big job that Montgomery is tackling is to get Pan Am's sales organization worldwide to think in terms of mass selling, no longer of personal travel or individual account sales.

He looks to travel agents for 70% of his business now and an even higher figure tomorrow. But he feels airlines must work harder with agents to step up the efficiency of their operations, to give them the professional tools they need to keep pace with demand.

He sees a big need for airline attention to the tour operator for the traffic growth that must come to fill the jumbos. The tour product today, he feels, is only one-tenth of what it should be. The tour offerings to the U.S. today are at about the same state that tour packages to Europe were 15 years ago.

Montgomery feels the airlines should help build a strong outside tour operator industry rather than have each carrier get into that business itself.

Finally, he thinks U.S. government involvement is a must in a successful Visit-USA program, that the head of USTS should be at the asst. secretary level with a $30 million promotional budget and that this, with the Discover America Travel Organizations as a private industry ally, could do the job that must be done.

Montgomery is quick to correct the misunderstanding that the new bulk inclusive tour fare is a defensive fare mechanism brought about by competition from the supplementals. The BIT fare is a normal market development device in filling the capacity offered by the 747s and Montgomery is hopeful the 747 will make possible some additional thrust promotional fares.

The shift of Montgomery from VP-passenger sales to the top job and Graham from VP-cargo sales to service means no change of emphasis in Pan Am. In fact, says Montgomery, he has been spending more time on cargo lately than passengers and in this market sees a 30% increase per year for Pan Am for the next five years. It does mean there are two top sales jobs open at Pan Am, a VP-passenger sales and VP-cargo sales which should be filled by Montgomery before the year runs out.

In operations, the new head man is T. J. "Tom" Flanagan and he has moved to the top at a fast pace. Only two years ago, he was named VP-Far East after setting up Pan Am's R&R operation for U.S. Vietnam servicemen. Before that he ran the Internal German Service or IGS as Pan Am calls it. The first real clue to his future came a year ago when he was tabbed VP and asst. to the retiring Shannon.

As with just about all other aspects of Pan Am these days, 747 planning is the big item in operations, too, and the man most affected in Flanagan's shop is R. W. "Randy" Kirk, VP-ground operations.

About 80% of the decisions on major items of 747 support systems have now been made, Kirk told *ATW*. The rest haven't been decided mostly because there is nothing critical in the way of lead time involved with them.

The next big activity starts up at Pan Am with the delivery of its first training 747 in September. While it is training pilots at Roswell, N. Mex., it also will be checking out ground systems, baggage loaders and the like and training personnel to use them.

In all, Pan Am this year is spending $27 million for ground support equipment for the 747 alone. Of the 132 airports it serves in 80 countries, 32 will see 747 service in the initial go around.

If Pan Am's present plans hold, the first 747 flight will take off for London on December 15, going on to Frankfurt. Paris/Rome service will start in December as will U.S. West Coast-Hawaii. In January, the 747 will go to Tokyo and the Caribbean and by June the first jumbo jet should be flying Pan Am's round-the-world route.

Pan Am in 1968 was about a $1.25 billion operation with airline revenues of $1.036 billion accounting for about 83%. The Aerospace division at Kennedy Space Center contributes about 10% and the Business Jet Division and Inter-Continental Hotels each about 3% to 4%.

Both of the latter are moving at a strong pace. The Business Jet division had sold 30 Falcons in the first five months of 1969, more than it did in all of 1968. And among his major roles with subsidiaries, president Halaby both flies and sells the Falcon.

HOTELS PAY OFF, TOO

For I–CH, 1968 was about an $80 million year although with the mixture of Pan Am owned, partly owned and just managed hotels, the net revenues from I–CH were nearer to $40 million. Right now it has 47 hotels in 34 countries, will open four more before 1969 runs out and will have 65 hotels in 45 different countries by 1972.

Pan American is a perfect example of what the jet has done for international air transportation in the short span of 10 years.

From a $357 million operation in 1959, the first year of jets, it blossomed into its first billion-dollar-plus year in 1968. From 3.2 million passengers in '59, Pan Am has tripled the figure to 9.7 million and will move into the 10-million bracket this year. Over the 10-year span, its average passenger distance has grown 18% from 1427 to 1693 miles.

In efficiency, Pan Am's cost per revenue ton-mile was 54.4¢ in its first year of jets. This dropped sharply to 30.3¢ in 1967 and for the first time reversed a nine year trend by bending back upward to 30.9¢ in 1968.

Over the first decade of jets, Pan Am has moved from a net profit of about $7 million a year (1959–1961) to as high as $83 million in 1966. In 1968 its net was off sharply from $60 million the year before and would have fallen almost to the 1959 level had it not been for a stretchout on its depreciation period which added to its profit in '68.

Over the 10-year span of jet operation, Pan Am's accumulative profit after taxes amounted to about $353 million on total revenues of $6.4 billion for a return of about 5.5% on sales. However, most of this was contributed during the five-year span from 1963 through 1967. Here are the actual results by year:

	Revenue (million)	Net profit (million)	Percen return on revenue
1959	$357	$7.4	2.0
1960	413	7.1	1.7
1961	460	7.2	1.6
1962	504	15.0	3.0
1963	561	33.6	6.0
1964	605	37.1	6.1
1965	669	52.1	7.8
1966	841	83.7	9.9
1967	942	60.5	6.4
1968	1,036	49.2	4.7
Total	6,388	352.9	5.5

The top management transition at Pan Am has been one of the smoothest in the airline business. As far back as 1964 Trippe named Harold Gray president and moved up to chairman and chief executive himself. Four years later he retired, moving Gray into both top spots and Halaby, who came aboard in 1965, in as president. Trippe is still there, in a consulting capacity, but he's there.

Jeeb Halaby, at 53, represents quite a change as the president of Pan Am. Compared to the relatively inconspicuous although powerful behind the scenes techniques of Juan Trippe, and the more open yet conservative ways of Harold Gray, Halaby is a real mover.

He rarely, if ever, shirks a speaking engagement. He has already held one brainstorming session with a flock of Pan Am stewardesses to find out what they like and don't like in the cabin. He still flies (and sells) Pan Am's Fanjet Falcon business jets.

He finds running an airline is a lot tougher job than most credit it to be. With all the regulation of routes, rates and rights, you'd think you'd find some relief in the form of a monopoly or near monopoly, notes Halaby. Not only is that not there, he observes, but instead ever-increasing competition, plus dynamic change both in equipment operated and in the markets upon which airline profitability relies.

But as a pilot, a lawyer and a politician in that order, Halaby is finding good use for all three talents as Pan Am president. He has the support of the airline's new generation management team. They seem to like him. They like the new spirit he is pumping into Pan American. The result can't help but ease the burden for Jeeb Halaby and Pan American as the curtain is raised later this year on the era of the jumbo jet in air transportation.

A CASE FOR THE ABM

Mr. MUNDT. Mr. President, a recent editorial in the Daily Plainsman, a widely read newspaper blanketing central South Dakota, provides a strong endorsement for President Nixon's proposed ABM program. It emphasizes the gross inconsistency contained in the arguments of those willing to spend billions of dollars for further research and development of ABM weapons but who would hamstring our Government from testing and deploying the results of this research on the operational sites where the ABM is to be utilized.

Naturally, I am honored and flattered by the extent to which the Plainsman editor drew from my own speech on the ABM in developing his persuasive point of view.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Huron (S. Dak.) Daily Plainsman]

A Case for the ABM

With the immediate future of the antiballistic missile program to be determined in the United States Senate this week, the long debate has finally been limited as opposing factions jockey for the crucial votes that will determine whether the ABM effort will be limited to research and development or whether it will include actual deployment.

Both sides have marshalled eminent scientists to argue the pros and cons of the ABM system during the long and sometimes acrimonious debate that is now drawing to a close. And the experts have done a pretty good job of contradicting each other on the subject of whether or not the system will actually work.

In view of the contradictory technical testimony we believe that Sen. Karl Mundt has advanced one of the best arguments for supporting the ABM. Says Mundt:

"Debate will never determine an accurate answer to the question, 'will it work?' The only way to be sure on that point is to research, develop, design and deploy an ABM system which can be tested on its operative site. If those of us who believe it will work are wrong and should win the vote, all we shall have lost is the money expenditure involved (about $2 per year per individual American). But if those who oppose the ABM and believe it will not work are wrong and should win the vote, we may have lost everything dear to all of us, including a second chance to try to rectify this error in judgment.

"Russia already has an ABM system installed around Moscow and is testing and developing additional antiballistic missiles. We have none. I completely favor pressing forward with nuclear disarmament talks with the Soviet Union because, in the end, I firmly believe the only complete protection against possible mutual annihilation through a nuclear war is to set up a system of complete nuclear disarmament accompanied by unchallenged and unchallengeable mutual inspection on both sides . . . On this point, it seems to me every realist must recognize that for the USA to have any chance of inducing the Russians to join us in such a mutual disarmament of our nuclear weapons, it is imperative that we do not permit the USSR to outstrip us or to outarm us in any important aspect of nuclear armament. The monopolized capacity to ward off any atomic attack through use of antiballistic missiles is too great an advantage to give any potential foe of the USA."

There, stripped of technical jargon, is the issue on which the Senate is scheduled to vote on Tuesday. The monetary gamble involved in deploying a limited ABM system is small, the impact on future events may be tremendous.

We believe that the past history of negotiations with the Russians supports the position of Sen. Karl Mundt.

ABM LIBERALS

Mr. DODD. Mr. President, as we approach a vote on the question of whether or not to proceed with the deployment of the Safeguard ABM, I invite the attention of Senators to an article written by Stewart Alsop which appeared on the newsstands yesterday.

The article, which is captioned "ABM and the Liberals," is, in my opinion, the most effective and succinct reply to the critics of Safeguard that I have yet come across.

Mr. Alsop points out that in proposing that we build more Minutemen as an alternative to Safeguard, or that we empty our silos at the first sign of a Soviet attack, the liberals have made themselves advocates of the doctrine of "massive retaliation" which they once repudiated.

He also says quite rightly that "the passion which has gone into the attack on the ABM * * * is essentially a protest against a tragic, unwon war." But, he says, "it is not logical to protest the loss of some 37,000 American lives by denying to a future President the option he may desperately need if he is to have a chance of saving 250 million lives. It is not liberal either."

Mr. President, I ask unanimous consent to have printed in the Record the complete text of Mr. Alsop's article.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Newsweek magazine, Aug. 11, 1969]

ABM and the Liberals

(By Stewart Alsop)

Washington.—During the long debate on the ABM, it became more and more obvious that the anti-ABM senators and their allies in the liberal-intellectual community were not really attacking a weapons system—they were attacking a symbol. It also became more and more obvious that they had chosen the wrong symbol.

The attack on the ABM was basically a way of expressing the furies and frustrations generated by the war in Vietnam. But the ABM was in several ways a very bad symbol of what the liberals wanted to attack. As a result, they were forced to take positions which were both illogical and illiberal.

The liberals' first line of attack was that the system wouldn't work; and that even if it did, there was no need for it, because the Russians could not build the kind of offensive missile force which could really threaten our Minuteman retaliatory force. Neither senators, nor columnists, nor scientists from wholly different fields who like to see their names in the papers are capable of discussing certain complex technical subjects intelligently. But even in this arcane field, common sense is still useful, and in recent weeks two leading scientists made remarks to this reporter which sounded like common sense.

Some time before Neil Armstrong and Edwin Aldrin performed their moon-walking miracle. Dr. John Foster, chief Defense Department scientist, remarked that "of course, ABM is a much easier proposition, technically, than the moonshot." Surely this is common sense. Surely if we can put men on the moon we can build a workable missile defense.

COMMONSENSE

Dr. Albert Wohlstetter, a widely respected specialist in the nuclear-strategic field, made the other common sensible remark. When the ABM opponents say the Russians won't be able to build the kind of missile force which could knock out our Minuteman complex in a first strike, Dr. Wohlstetter remarked, they are assuming that the Russians several years from now won't be able to do what we know how to do right now. This, he added sensibly, is not a safe assumption to make.

The liberals' second line of attack has been that the ABM is just another expensive boondoggle of the "military-industrial complex." This line was best expressed by Tom Wicker, able columnist for the anti-ABM New York Times. The ABM, Wicker wrote, is an example of the "unlimited military expenditure in the quest of security," which has led the military to demand "more and more weapons . . . and more and more money to support them."

The notion that more and more money has been spent for more and more strategic weapons is an article of faith among the anti-ABM liberals. But it just doesn't happen to be true. In fact, as Dr. Wohlstetter points out, we are actually, allowing for inflation, spending about half as much for strategic forces now as we were in General Eisenhower's last year as President—$13.6 billion in 1959, as against an estimated $8 billion for 1970. The money has gone, not into more and more strategic weapons, but into the war.

ABM A RESPONSE

The liberals' third line of attack is that the ABM is aggressively "escalatory." This has been a hard line to maintain, simply because the wholly defensive ABM system could not hurt a single hair of a single Russian head. As Russian Premier Kosygin has said, such defensive weapons "are not the cause of the arms race." The ABM is, of course, a response to the rapidly growing (offensive) force of multi-megaton, multiple-targeted Soviet SS–9 missiles. The people who have really been spending "more and more money" for strategic weapons are the Russians. On this point the "intelligence community" is in a rare state of unanimity.

The last, and oddest, liberal line has been that the best response to the Russian offensive missiles is not defensive missiles but more American offensive missiles. If it turns out that the SS–9s are a real threat to the Minutemen, then build more Minutemen. And if nuclear war threatens, then all we have to do is "empty the holes"—fire our missiles before the Soviet missiles could knock them out. Thus have the liberals become, rather surprisingly, advocates of the "massive retaliation" theory of the late John Foster Dulles.

The trouble with the theory is that it would give a future President no choice between capitulation and a nuclear war which, according to the best estimates, would kill about a quarter of a billion Americans and Russians. The whole point of the ABM project is not simply to maintain what Winston Churchill called "the balance of mutual terror," but also to give a future President what John Kennedy called "a choice between Armageddon and surrender."

Obviously, there would be no choice if our cities were attacked. But the SS–9s are designed to hit the Minuteman complex, not the cities. The simple existence of a missile defense would make a "counterforce attack" on the Minuteman complex far less likely. If it came, a future President could choose to ride it out, in the knowledge that he retained the bargaining power inherent in a surviving retaliatory force.

THE ERRING GENERALS

Surely it is rather odd that the liberals should wish to deny this option to a future President. The main reason is that many liberals simply want a stick—any stick—with which to beat the "military-industrial complex."

Undoubtedly, the attitude of Congress, and of recent Presidents too, has been much too reverent toward the military. Almost all generals, as this reporter pointed out before it became fashionable to do so, are almost always wrong about all wars. This is so not because generals are bad people (most of them are able and honorable men) but because the process of getting to be a general endows a man with a built-in bias about wars. There has been no war in recent history about which almost all Americans generals have been wronger than the war in Vietnam.

Moreover, almost all generals are wasteful, and no generals are morse wasteful than American generals, partly because America is rich. But the main reason generals are wasteful is that wars are wasteful. The worst of war's waste is in human lives, of course, for in all wars young men, who have done nothing to deserve death, die.

A war which is not won is intolerably wasteful. This explains the passion which has gone into the attack on the ABM, for it is essentially a protest against a tragic, unwon war. But it is simply not logical to protest against the war, and the generals who were wrong about it, by attacking the ABM. It is not logical to protest the loss of some 37,000 American lives by denying to a future President the option he may desperately need if he is to have a chance of saving 250 million lives. It is not liberal either.

SIXTY-THREE NATIONS HAVE SIGNED THE HUMAN RIGHTS CONVENTION ON POLITICAL RIGHTS OF WOMEN

Mr. PROXMIRE. Mr. President, as of May 1, 1969, 63 nations had signed the Human Rights Convention on the Political Rights of Women. I regret to say that the United States is not among them. Many of the nations who have ratified this convention are not as old as the convention itself. Many we would consider to be less democratic than ourselves. Some are our opponents in the cold war.

These nations have joined their world partners to show support for the universal political rights of women, and to encourage all nations to adopt these ideals.

Mr. President, I ask unanimous consent that a list of signatories of this convention be printed in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

Signatories of the Convention on the Political Rights of Women

Afghanistan, November 16, 1966.
Albania, May 12, 1955.
Argentina, February 27, 1961.
Belgium, May 20, 1964.
Brazil, August 13, 1963.
Bulgaria, March 17, 1954.
Byelorussia SSR, August 11, 1954.
Canada, January 30, 1957.
Central African Republic, September 4, 1962.
Chile, after 1966.
China, December 21, 1953.
Congo (Brazzaville), October 15, 1962.
Costa Rica, after 1966.
Cuba, April 8, 1954.
Cyprus, after 1966.
Czechoslovakia, April 6, 1955.
Denmark, July 7, 1954.
Dominican Republic, December 11, 1953.
Ecuador, April 23, 1954.
Ethiopia, after 1966.
Finland, October 6, 1958.
France, April 22, 1957.
Gabon, after 1966.
Ghana, December 28, 1965.
Greece, December 29, 1953.
Guatemala, October 7, 1959.
Haiti, February 12, 1958.
Hungary, January 20, 1955.
Iceland, June 30, 1954.
India, November 1, 1961.
Indonesia, December 16, 1958.
Ireland, after 1966.
Israel, July 6, 1954.
Italy, after 1966.
Jamaica, August 14, 1966.
Japan, July 13, 1955.
Korea, Republic of, June 23, 1959.
Laos, after 1966.
Lebanon, June 5, 1956.
Madagascar, February 12, 1964.
Malawi, June 29, 1966.
Malta, after 1966.
Mongolia, August 18, 1965.
Nepal, April 26, 1966.
New Zealand, after 1966.
Nicaragua, January 17, 1957.
Niger, December 7, 1964.
Norway, August 24, 1956.
Pakistan, December 7, 1954.
Philippines, September 12, 1957.
Poland, August 11, 1954.
Romania, August 6, 1954.
Senegal, May 2, 1963.
Sierra Leone, July 25, 1962.
Sweden, March 31, 1954.
Thailand, November 30, 1954.
Trinidad and Tobago, June 24, 1966.
Tunisia, after 1966.
Turkey, January 26, 1960.
Ukrainian SSR, November 15, 1954.
Union of Soviet Socialist Republics, May 3, 1954.
United Kingdom, after 1966.
Yugoslavia, June 23, 1954.

Mr. PROXMIRE. Mr. President, for a number of these nations, ratification was not a simple procedural step. For them, it required a difficult, controversial step away from traditional values and practices. In several nations, new constitutions and other legal instruments conferring equal political rights for men and women have had to be enacted. Among those who have experienced these changes are Brazil, Laos, Romania, Spain, Cuba, Ireland, Italy, Japan, Poland, and the Soviet Union. Even nonsignatories have taken important steps in granting political rights to women as a result of the encouragement for reform offered by this Human Rights Convention and its signatories. Among these are Dahomey, Honduras, Sudan, Togo, and Uruguay. A more notable example is Switzerland.

Mr. President, 63 nations have already made great strides in promoting women's rights around the world. Sixty-three nations can stand proudly upon their convictions. These nations have taken progressive steps that, in several cases, broke with strong traditions. We in the United States are not required to suffer the agonizing controversy of breaking with tradition to ratify this convention.

The United States has long encouraged other nations to adopt the ideals embodied in our own Constitution. Where women's rights are concerned, why should the United States relinquish the lead?

Mr. President, I call upon the Senate to ratify the Convention on Political Rights of Women without further ado.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10:30 tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 57 minutes p.m.) the Senate took a recess until tomorrow, Thursday, August 7, 1969, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate August 6 (legislative day of August 5), 1969:

INTERNATIONAL MONETARY FUND

Nathaniel Samuels, of New York, to be U.S. Alternate Governor of the International Monetary Fund for a term of 5 years; U.S. Alternate Governor of the International Bank for Reconstruction and Development for a term of 5 years; U.S. Alternate Governor of the Inter-American Development Bank for a term of 5 years and until his successor has been appointed; and U.S. Alternate Governor of the Asian Development Bank.

IN THE NAVY

Vice Adm. Lot Ensey, U.S. Navy, for appointment to the grade of vice admiral on the retired list pursuant to title 10, United States Code, section 5233.

Having designated Rear Adm. Frederick H. Michaelis, U.S. Navy, for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, I nominate him for appointment to the grade of vice admiral while so serving.

IN THE AIR FORCE

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

To be first lieutenant

DENTAL CORPS

Lowery, Huey P., 3197343.
MacDonald, Gerald B., 3235867.
Munford, Arthur G., 3162305.
Noren, Gaylord D., 3235741.
Paetz, Bill L., 3186862.

The following Air Force officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be first lieutenant

Abendschein, Frederick E., 3175725.
Ackerman, Thomas E., 3172642.
Adair, Harmon L., Jr., 3193189.
Adams, Gerald R., 3170768.
Adams, Harold B., 3177108.
Agnew, John T., 3175726.
Ahl, Wolfgang A., 3172343.
Albasio, John A., 3153741.
Alexander, Gary F., 3175044.
Alexander, Winser E., 3160869.
Alford, Benjamin F., 3192960.
Alley, Charles E., 3178809.
Allgood, John R., 3177360.
Alpert, Harold S., 3191128.
Alverson, Kintner W., 3192961.
Amann, John J., 3174169.
Amick, Leonard B., Jr., 3171667.
Anders, Billy D., 3173009.
Anderson, Angus M., 3153748.
Anderson, Darwin C., 3176752.
Anderson, James M., 3179096.
Anderson, John M., 3163222.
Anderson, Ralph J., 3175727.
Anderson, Robert C., Jr., 3172490.
Andrew, Thomas J., 3178883.
Anstee, Richard P., 3174665.
Anthony, Ronald R., 3189462.
Antol, Wayne M., 3175805.
Applegate, William P., 3173989.
Armstrong, Richard F., 3171876.
Arneson, David A., 3177481.
Arns, John H., Jr., 3173776.
Ash, Alan I., Jr., 3179415.
Atkins, Walter J., Jr., 3171584.
Aungier, Ronald H., 3174309.
Avant, James R. Jr., 3171242.
Bacon, William G., 3179467.
Badger, Robert C., 3170927.
Bailey, Frank L., 3178170.
Bailey, Joseph R., 3176143.
Bailey, Michael H., 3179278.
Bailey, Richard W., 3159147.
Bain, Gary H., 3179348.
Ball, Willis H., III, 3177524.
Ballard, Ronald D., 3158343.
Balthazar, Paul R., Jr., 3179858.
Banachowski, Chester A., 3157660.
Banfe, Albert C., Jr., 3153832.
Bannister, Jeffrey A., 3179457.
Barber, John S., 3179493.
Barger, William T., 3192792.
Barnes, Barney F., Jr., 3177426.
Barnes, Michael P., 3153774.
Barrilleaux, James L., 3162230.
Barton, Charles H., Jr., 3179221.
Base, John R., 3174468.
Basinski, Gary J., 3189430.
Batiste, John L., 3163157.
Bauer, Edward R., 3158502.
Bayer, Anthony R., Jr., 3171639.
Beall, Clarence W., III, 3178204.
Beam, Jack E., III, 3173861.
Beams, William A., 3153929.
Beasley, Jay N., 3172347.
Beaty, Joseph K., 3172348.
Bebber, Gary D., 3178799.
Beck, Dennis G., 3179692.
Beck, Gerald D., 3179160.
Becker, Donald A., 3193231.
Belisle, Robert J., Jr, 3193429.
Bell, Gary C., 3179785.
Bell, Roscoe J., 3179240.
Bender, Ralph A., 3174810.
Benner, Joseph G., 3173166.
Bennes, James M., 3179853.
Bennett, Bryan L., 3174811.
Bennett, Jerry W., 3175391.
Bennett, John J., 3171379.
Bergene, John C., 3153901.
Bernstein, Lewis A., 3179023.
Betourne, Gary P., 3172826.
Betzing, Martin H., 3179690.
Bey, Victor L., 3175392.
Biezad, Daniel J., 3189224.
Billingsley, Samuel F., III, 3179603.
Black, Charles E., 3158695.
Blackburn, Alan D., 3174605.
Bland, John R., Jr., 3162979.
Blatz, Durand B., Jr., 3190033.
Blau, Lionel H., 3177910.
Blewitt, James R., 3178770.
Bochicchio, Leonard P., 3172293.
Bodenheim, Bodie R., 3176990.
Bok, Frederick C., 3171527.
Boley, Roger A., 3177607.
Boll, Raymond J., 3179173.
Booher, David L., 3175041.
Bopp, James H., 3174073.
Boraas, Bruce F., 3173560.
Bost, Thomas D., 3171784.
Boucher, Douglas W., 3189225.
Boyd, James A., Jr., 3179090.
Boyd, Michael L., 3179000.
Boyd, Sterling W., 3179647.
Boykin, Kenneth S., 3179224.
Boykin, Samuel V., Jr., 3170779.
Brackenhoff, Don M., 3179099.
Bradley, John L., III, 3193522.
Bradley, Larry A., 3179675.
Brady, John M., 3172446.
Brandt, Conrad R., 3170931.
Brannum, Edward S., 3153849.
Branson, Grant E., 3173810.
Bray, Donald M., Jr., 3179775.
Breard, Robert F., 3177147.
Breidling, John C., 3176509.
Breneman, James R., 3159030.
Brewer, Jerry D., 3172351.
Brickley, David G., 3175734.
Bridge, Thomas J., 3175648.
Bright, Donald W., 3175463.
Brister, Donald R., 3179351.
Brocavich, Ronald G., 3171382.
Brock, James M., 3178723.
Brockmeier, Jerry D., 3179309.
Brodie, James E., 3179284.
Brodkorb, Richard E., 3158598.
Brodock, Harry L., 3179303.
Brom, Theodore E., Jr., 3153883.
Brooks, Jacob H., 3161348.
Brown, Carroll S., 3161872.
Brown, Joe B., 3192798.
Brown, John M., 3176151.
Brown, Joseph R., Jr., 3159180.
Brown, Robert L., 3179667.
Brown, Samuel H., VII, 3153722.
Brubaker, David E., 3175686.
Bruner, William P., Jr., 3170711.
Bruns, Richard P., Jr., 3179004.
Bryan, Robert F., II, 3176201.
Buchanan, Timothy G., 3172856.
Buck, Erik S., 3179052.
Buckholtz, David W., 3178740.
Buickerood, Richard W., 3174076.
Bull, William W., 3153681.
Burgess, James D., 3173892.
Burich, William J., Jr., 3172353.
Burkepile, Dick L., 3189674.
Burkhart Frederich M., 3175806.
Burr, David P., 3179537.
Burton, Gary H., 3172776.
Butler, Robert L., 3179137.
Byers, John M., 3172354.
Byrd, Willie, Jr., 3193899.
Cabral, Charles A., Jr., 3171478.
Cain, John H., 3170713.
Campbell, Francis G., 3178807.
Campbell, James W., 3175712.
Campbell, Tom J., 3178323.
Carlson, Rodney L., 3154285.
Carnes, Robert M., 3160776.
Carpenter, Billie R., 3177578.
Carpenter, James B., 3153666.
Carr, Richard E., 3177525.
Carson, Leonard R., III, 3176775.
Carter, Edward B., 3192550.
Case, Billy D., 3193053.

Chalfont, Alan C., 3176611.
Chamberlain, Peter S., 3179514.
Chambers, Charles E., 3160365.
Chan, Joseph W., 3172320.
Chaney, Clifford D., 3171384.
Chapman, Thomas J., 3173580.
Chappell, Marvin L., 3193236.
Chase, Gerald H., 3179713.
Chew, James P., 3179035.
Chidester, James R., Jr., 3171123.
Chittick, James E., 3179764.
Christensen, Gary C., 3173940.
Christensen, Jens E., 3176202.
Church, James W., 3172659.
Clark, Gary W., 3161282.
Clarke, Bradlee F., Jr., 3174395.
Clay, Earl L., 3171448.
Cleaves, Mark M., 3154369.
Cleckler, Jimmy J., 3154324.
Clevenger, James D., 3177115.
Clifford, George B., 3157776.
Clough, James A., Jr., 3176156.
Clow, Douglas J., 3172660.
Clyburn, Lewis M., 3156383.
Cobb, Harvey G., 3172978.
Cobern, James M., 3177196.
Cocks, Joel P., 3177562.
Coffman, Joseph M., Jr., 3153872.
Cohn, Samuel E., 3192641.
Cole, Theodore M., III, 3171125.
Conklin, Benjamin H., Jr., 3191546.
Conkright, Terry L., 3179188.
Conway, John F., 3179570.
Cook, Lee W., 3175106.
Cooke, Ian N., 3173374.
Copher, Ernest A., 3179186.
Cornelius, Richard, 3179238.
Cornish, Richard K., 3177321.
Cornwell, John C., III, 3171248.
Cotton, Jerry L., 3176204.
Covi, John H., 3191811.
Cox, Wayne P., 3179716 .
Craft, Robert D., 3171796.
Craig, Patrick R., 3188915.
Craig, Samuel, 3170887.
Craver, Clarence F., Jr., 3177604.
Cream, Bertram W., 3160663.
Crook, James L., 3173699.
Crosby, Anthony J., 3154316.
Crouch, Charles D., 3172563.
Crowder, Donald E., 3179502.
Crowell, Glenn D., 3177708.
Crowther, Wayne R., 3179426.
Crump, Manning L., 3192127.
Crutchfield, William G., Jr., 3179829.
Cullen, Bruce J., 3179252.
Cunningham, John D., 3176720.
Curtis, Charles W., 3161112.
Cuthbert, Stephen H., 3178783.
Daly, Patrick F., 3175610.
Dampier, Ronald L., 3153898.
Dannheiser, Charles C., 3172565.
Davidson, Frank R., 3153761.
Davidson, John P., 3179847.
Davidson, William F., 3179208.
Davies, John W., 3154317.
Davis, Bobby J., 3177526.
Davis, Edward R., 3171389.
Davis, Guy A., Jr., 3176563.
Davis, James H., 3173120.
Davis, John R., 3183840.
Davis, Richard S. Jr., 3174750.
Dawkins, Barry L., 3153878.
Dean, Ronald J., 3154250.
Dean, Thomas O., Jr., 3179815.
Dearing, Munro G., III, 3178116.
Deason, Mauriece D., 3179534.
Degrand, James M., 3177406.
Degrande, Joe, Jr., 3177152.
Delaney, Douglas B., 3174401.
Delaura, Lewis, 3177595.
Delpintorres, Jose M., 3175951.
Demo, Robert W., 3178781.
Dendy, Charles S., 3153788.
Denton, Richard P., 3190184.
Desch, Joseph M., 3179256.
Deshields, James C., 3191464.
Devore, Timothy, 3178847.
Dickinson, William A., IV, 3190806.
Diefenbach, Brent O., 3193729.
Dietsch, David A., 3175082.
Diggins, William H., 3172321.
Dinkle, Ralph E., 3159396.
Dishman, Benton G., Jr., 3172917.
Dittman, Henry Jr., 3176722.
Doan, John H., 3192563.
Dolcourt, Victor E., 3171482.
Donahue, James L., 3171390.
Doney, Edward D., 3162909.
Dorau, Warren G., 3153828.
Dorman, William K., 3179243.
Dorsey, Fred A., 3171975.
Downs, Stelvin L., 3172036.
Dozier, Grover L., Jr., 3154352.
Drinnon, Paul T., 3183717.
Droddy, Jesse D., 3179121.
Dudgeon, Foster E., 3193114.
Dugas, Richard J., 3189983.
Duisenberg, Peter D., 3179786.
Dull, Richard F., 3154305.
Duncan, Ralph E., 3154318.
Dunker, Gene L., 3179649.
Dunne, Brian J., 3178998.
Dunnigan, Edward J., 3157461.
Dupre, Roger P., 3183864.
Dushiek, Robert W., 3153655.
Duwel, Philip S., 3179119.
Dwdraczyk, John F., 3162249.
Dymek, Chester J., Jr., 3173246.
Eason, Robert A., Jr., 3179403.
Eaves, James W., 3171704.
Eckhardt, Gary D., 3178154.
Eddie, Carroll T., Jr., 3179689.
Edwards, James L., 3153686.
Egedenissen, Stig., 3179808.
Elder, James S., 3176928.
Ellis, David B., 3175559.
Elwood, John F., 3179290.
Ely, Richard N., 3179676.
Elzinga, Richard G., 3179685.
Emerson, Roy G., 3191659.
Endres, William J., 3177504.
Engle, James T., 3177718.
Ennis, Tolbert L.,3179699.
Eramo, Daniel J., Jr., 3174537.
Eshelman, Byron D., 3177200.
Essex, Jackie G., 3178856.
Evans, Ted R., 3178754.
Fagan, Michael T., 3178389.
Fannin, Charles B., 3153802.
Faulhaber, Robert L., II, 3173634.
Faulk, Albert W., 3191494.
Fazekas, Frank S., 3191093.
Fekke, Peter L., 3171249.
Ferebee, B. John, 3170987.
Ferguson, William F., 3175689.
Fett, Paul, Jr., 3177599.
Fette, John H., 3179113.
Fiedler, Harald P., 3174253.
Fields, Eric D., 3161557.
Finch, James F., 3178718.
Findlay, William R., 3153850.
Fisher, David R., 3175250.
Fitzpatrick, William E., 3179321.
Fleming, James P., 3177119.
Flora, Gerald J., 3179390.
Fluck, Peter A., 3172232.
Flynn, Gerald R., 3173429.
Flynn, William A., Jr., 3176097.
Flynt, Hal H., Jr., 3176377.
Folse, Paul J., 3154340.
Foos, Larry D., 3171449.
Forbes, Stephen T., 3175849.
Ford, Ralph H., 3178753.
Forde, Dale F., 3191496.
Forys, Edward, 3178861.
Foster, Billy J., 3176270.
Fowler, Donald L., 3171393.
Fowler, Robert F., 3171252.
Fralick, Don E., 3190942.
Frantz, Ronald G., 2178846.
Franz, George M. R., 3153896.
Frazey, Lynn A., 3179435.
Frazier, Robert J., Jr., 3174406.
Frazier, William H., II, 3170800.
Freeman, Carey L., 3190456.
Freeman, Norman A., 3177325.
Freilinger, Mich J., 3172118.
Freitas, Michael A., 3171253.
Frey, Charles D., 3179708.
Friestad, David E., 3177251.
Frith, Richard W., 3154336.
Frohman, David R., 3178925.
Frost, Fredric H., III, 3177644.
Fuller, David L., 3179597.
Fuquay, Gary H., 3172568.
Furlong, Daniel J., Jr., 3178301.
Furr, Marshall W., 3176165.
Fye, Falko K., 3177538.
Gadd, Clayton T., 3172951.
Gallagher, David G., 3178827.
Gant, Clark W., 3171081.
Garcia, Miguel, 3153899.
Gardner, James R., 3172369.
Garner, William J., 3178997.
Gaspard, Arthur L., Jr., 3173027.
Gates, Robert M., 3177528.
Gaven, Edward J., 3157917.
Geleott, Ronald W., 3178748.
Gelzer, Randell E., 3176008.
George, Gary L., 3179466.
George, Raymond D., 3176441.
Ghizzoni, Alan A., 3175216.
Gibson, Charles M., 3170989.
Gillespie, David C., 3172793.
Gillespie, David L., 3193901.
Gilliam, William T., 3171893.
Gingerich, Jon S., 3171045.
Glackman, John C., III, 3154304.
Gladden, Frederick O., 3170942.
Glaspell, Wilson L., 3193732.
Glavin, Terrence J., 3174616.
Glidden, Donald J., 3179152.
Goodman, Geoffrey H., 3191212.
Goodman, James W., 3175749.
Goodwin, James F., 3179543.
Gordon, Jerome D., 4159134.
Gose, Arthur E., Jr., 3179802.
Gosnell, Larry L., 3161061.
Gossick, Roger V., 3154337.
Graham, Daniel J., 3159087.
Grant, David B., 3179172.
Grant, Louis W., 3172987.
Grant, Wayne A., III, 3173089.
Grasso, Nicholas, 3174191.
Gray, Charles A., 3177159.
Graziano, Peter J., 3174095.
Greaves, Douglas D., 3173787.
Greebon, Oliver R., 3176567.
Green, Dale A., 3192574.
Green, Daniel F., 3171101.
Green, Don W., 3174758.
Green, Frederick L., 3172988.
Greene, Gerard M., 3175750.
Greene, William D., 3176380.
Greenwood, George R., 3174098.
Grigg, Dale, 3179115.
Grove, John W., 3174322.
Groves, Claude D., Jr., 3176936.
Grubb, Peter A., 3153800.
Grumet, David L., 3154332.
Gundel, James T., 3179237.
Gunnels, Charles W., III, 3171980.
Hahn, Roland E., 3153744.
Haire, William R., 3179843.
Haldi, Richard T., 3179779.
Hale, Loren E., 3192131.
Hamilton, Michael C., 3162264.
Hamon, Thomas V., 3178939.
Handel, David P., 3179626.
Handschumacher, James F., 3175219.
Hanley, Peter F., 3177677.
Hanna, Richard B., 3189942.
Hannigan, John F., Jr., 3189444.
Hansen, Harold N., 3178258.
Hansen, Richard A., 3153747.
Hanson, Brian P., 3176621.
Hanson, David E., 3183845.
Hardaway, Ben C., Jr., 3172923.
Harper, Michael J., 3174888.
Harrold, Robert D., 3170728.
Hart, John M., 3176012.
Hart, Varnell C., 3153657.
Hartley, William B., Jr., 3170814.
Hartman, Don O., 3183809.
Hartsell, William S., III, 3192579.
Hartshorn, Harold G., 3174619.
Haupt, William T., 3175691.
Hawk, Thomas R., 3179643.
Hays, Larry R., 3183810.
Headrick, Larry R., 3192754.
Hecht, Lawrence W., 3177164.

Hedditch, David R., 3153664.
Heft, Robert G., III, 3172796.
Helgoth, Harry G., 3178891.
Helms, James M., 3190462.
Helms, Rumsey H., Jr., 3174856.
Helwig, Roger D., 3171401.
Hersey, Howard J., 3173870.
Hertler, Robert J., 3190646.
Hicklin, Fred M., Jr., 3192658.
Higa, Ronald J., 3172003.
Higdon, Lawrence I., 3171984.
Higgins, Michael W., 3173517.
Higgins, Scott P., 3179045.
Hileman, Lonnie C., 3179834.
Hill, Robert N., 3154338.
Hillman, Paul, Jr., 3174103.
Himmel, Richard W., 3175592.
Hinds, James L., 3175062.
Hines, Roderick G., 3154246.
Hinkle, Ronald K., 3173035.
Hintz, James A., 3159699.
Hitt, George C., 3170731.
Hlad, Dennis F., 3179519.
Hoag, Robert J., III, 3154329.
Holden, James T., Jr., 3178979.
Holdiness, Philip C., 3154301.
Holland, Jackie D., 3179581.
Hollomon, Michael R., 3176275.
Holmgren, Douglas B., 3177291.
Homich, George H., 3173709.
Hooyer, David A., 3193613.
Hope, Jon W., 3177567.
Hopping, Cecil R., 3172379.
Hotsko, Anthony M., 3173789.
Houck, Elmer D., 3179153.
Howard, Robert P., 3154364.
Howard, Rodger L., Jr., 3179198.
Howell, Cleves H., III, 3158372.
Howell, Harold E., 3183816.
Hrdina, Douglas J., 3158542.
Hubbard, George C., 3174859.
Hubbard, Robert M., 3179469.
Hubbard, Ronald P., 3179367.
Hubert, Craig C., 3179567.
Huff, Stephen A., 3172245.
Hughes, David K., 3154372.
Hughes, Paul E., 3160457.
Hummel, Dennis K., 3172606.
Humphries, Wade C., 3170824.
Huntsman, James M., III, 3160812.
Hvozdovic, Michael J., Jr., 3176946.
Ingle, Edward C., Jr., 3178865.
Ingle, James A., 3174890.
Irwin, David J., 3173441.
Jackelen, George G., 3179668.
Jacks, Donald R., 3171049.
Jackson, James H., Jr., 3176623.
Jackson, Kenneth K., 3179510.
Jacobsen, Allan H., 3172618.
Janelle, Donald G., 3154560.
Jehle, James R., II, 3177744.
Jennings, Gary L., 3172133.
Johnson, Albert F., 3154323.
Johnson, Daniel F., 3192156.
Johnson, Dennis, Jr., 3179471.
Johnson, Jay H., 3179255.
Johnson, Robert L., 3179291.
Johnson, Stephen D., 3172925.
Johnson, William R., 3178956.
Johnston, Donald J., 3177469.
Johnston, Richard L., 3179441.
Jolley, Richard H., 3162782.
Jones, Arthur G., 3153730.
Jones, Barry E., 3179476.
Jones, James L., Jr., 3178782.
Jones, Joseph A., 3172926.
Kaehlert, Ronald C., 3172069.
Kaeppel, Paul H., 3153709.
Kallenbach, Daniel P., 3179007.
Kalmuk, Eugene J., Jr., 3178960.
Kammann, Philip H., 3154368.
Kasemeier, Douglas G., 3177167.
Kaufman, Warren F., 3153889.
Kearns, Michael W., 3179656.
Keenan, Philip S., 3179835.
Kehoe, William W., 3177564.
Kelley, Donald O., 3157470.
Kelsey, David J., 3153932.
Kennedy, James J., 3172327.
Keppler, James S., 3179722.
Kerr, David T., 3190528.
Kiesel, Stephen R., 3172573.
Kifer, Stephen J., 3172386.
Kiffer, James J., 3179316.
Kildebeck, James S., 3163232.
Kimbell, Earl S., Jr., 3177697.
King, David P., 3179527.
King, Odel T., Jr., 3153784.
King, Robert W., 3171053.
King, Stanley G., 3179229.
King, Thomas A., 3179680.
King, Winston H., 3193126.
Kinnaman, Stephen B., 3177169.
Kirby, Gary L., 3179787.
Kirchhoff, William J., 3192219.
Kirsch, John P., 3179235.
Kirschen, Phillip B., 3179494.
Kjeldsen, John P., 3193696.
Kmetz, Michael P., 3183820.
Knirsch, George R., Jr., 3171003.
Knitter, Raymo E., Jr., 3175221.
Knoblock, Kenneth J., 3177563.
Knuth, Dale E., 3193657.
Kobussen, Richard W., 3163178.
Koerber, Harold M., 3154357.
Koger, Olin D., 3172072.
Kolar, John F., 3179166.
Kollmer, Roy D., 3179037.
Kopplin, William L., 3192590.
Korker, Fred C., 3179282.
Kozuch, John C., 3176678.
Kozyra, Robert E., 3177014.
Kribs, Leonard K., 3175593.
Kritzer, Tamara E., 3179077.
Krug, Stephen H., 3171408.
Kubicko, Richard M., 3153916.
Kuchel, Terrence G., 3183848.
Kueltzo, Carl N., 3172137.
Kuhlmann, Alfred J., Jr., 3173041.
Kwolek, Richard A., 3179468.
Laban, John C., 3153690.
Lafreniere, Raymond C., 3178963.
Lagraize, Edward J., III, 3173093.
Lain, John L., Jr., 3172330.
Laing, Arthur R., 3178727.
Lambert, Cecil V., Jr., 3191396.
Lambert, Kenneth R., 3176732.
Lamont, Frederick C., 3193895.
Lane, Alan D., 3176851.
Lane, Gary S., 3179452.
Lane, Ronald A., 3175423.
Lantz, Howard E., 3177551.
Lard, Lynn M., 3179123.
Large, James T., 3179190.
Larson, Carl E., 3172207.
Lasure, Robert J., 3179057.
Lawrence, David L., 3179014.
Lawson, Joe M., 3154297.
Leech, Stephen D., 3172141.
Leggett, James P., 3179297.
Lehmann, Dennis C., 3189825.
Leinen, Michael L., 3176216.
Lenz, Gary L., 3153667.
Leonhardt, Jack H., 3134084.
Lester, Ronald S., 3176543.
Lewis, Kenneth M., 3175618.
Liebman, Bruce L., 3163067.
Lierman, John W., III, 3153815.
Lilly, Richard J., 3154350.
Linden, Vincent L., 3178814.
Lipp, Dennis D., 3172394.
Lipscomb, Earle F., 3179286.
Little, Littleton L., Jr., 3171899.
Littlefield, David H., 3191107.
Loebach, Clarence H., Jr., 3158768.
Lokey, Thomas C., 3179271.
Lombardi Silvio F., 3174382.
Long, George E., 3178952.
Long, Lewis R., 3153771.
Long, Robert L., 3179002.
Lopez, Gerald A., 3158173.
Lorden, Thomas F., 3178983.
Lorenz, Michael A., 3175157.
Losness, James A., 3153825.
Lotterhos, Julius L., III, 3154954.
Lotz, George B., II, 3171679.
Louden, Linda K., 3153857.
Lowe, David A., 3172396.
Lucas, Jerry K., 3175425.
Lucas, William L., 3173592.
Ludwig, Charles L., 3175075.
Lutostansky, David P., 3175766.
Lykosh, Kenneth J., 3154275.
Macewen, Howard A., 3158019.
Mackean, Barry C., 3179030.
Maclean, Brian T., 3153693.
Macleod, John D., 3153662.
Macmillian, G. Brian, 3130728.
Maddle, Charles A., 3183823.
Magioncalda, Alan M., 3179374.
Mahan, Douglas F., 3173829.
Mahan, Terry L., 3176679.
Maher, James E., 3179363.
Mangan, Thomas J., 3191177.
Mangis, Edward V., 3173878.
Manion, David R., 3158769.
Mansur, Paul D., 3153884.
Marino, Francis L., 3178058.
Marshall, Francis C., Jr., 3190500.
Martin, Forrest R., 3174057.
Martin, Gerald A., 3179553.
Martin, Richard M., 3193662.
Massari, Richard D., 3170834.
Massey, Julius H., III, 3171947.
Matheny, John K., 3176734.
Mather, Theodore O. J., 3179465.
Matheson, Alva L., 3176857.
Mathews, Michael T., 3172510.
Matthews, William K., 3171491.
Matz, Ronald L., 3153796.
Mauger, Jack A., 3179862.
Mauss, John F., 3172075.
Maxwell, William B., Jr., 3183825.
May, Douglas H., 3179538.
May, John E., 3178471.
Mayercik, Ronald M., 3173798.
Mayhall, James M., 3153759.
Mazziotta, Joseph, 3178750.
McAdory, Louis A., 3177755.
McAllister, Gerald S., 3176180.
McAllister, Grant H., 3192222.
McAtee, Michael L., 3178940.
McCallister, Larry H., 3179180.
McClain, Philip K., 3172399.
McClung, James D., 3153743.
McClure, Kenneth J., 3178903.
McCoy, Richard C., 3153813.
McCracken, Wilson L., 3176735.
McCuskey, David P., 3179034.
McDonald, Thomas S., 3171565.
McFarland, Milton R., 3134337.
McGaughy, Michael P., 3177127.
McGill, Arley H., II, 3179020.
McGinn, Freddie L., III, 3153791.
McGuirk, James F., II, 3175664.
McHenry, Frank A., Jr., 3177020.
McIlnay, Gary D., 3172077.
McIntosh, Robert A., 3177521.
McKay, Thomas, 3178906.
McKenna, Phillip E., 3189279.
McKinney, Timothy W., 3173282.
McMahon, Robert L., 3177021.
McMinn, Harry L., 3176182.
McNair, Clifford L., 3177833.
McNees, Terry C., 3192467.
Means, Paul E., 3178884.
Meeks, Loy E., II, 3176705.
Melton, Marvin R., Jr., 3176285.
Melton, Ronald M., 3193214.
Menchen, Paul E., 3175078.
Menoski, John S., 3179863.
Menoles, Stephen P., 31 3001.
Mercy, Frank B., 3173519.
Merryman, John B., 3176581.
Mestemacher, Donald R., 3179199.
Metteer, Stephen E., 3178786.
Miller, David C., 3179245.
Miller, John O., 3154362.
Miller, Milton E., Jr., 3179618.
Miller, Paul M., II, 3179833.
Miller, William C., 3189507.
Mineo, James S., 3179460.
Minihan, Kenneth A., 3171743.
Mitchell, Gerald L., 3174895.
Molinaro, Joseph M., 3179104.
Molle, Robert N., 3174559.
Monkus, Stanley W., 3179630.
Monschke, Richard A., 3176473.
Montgomery, James E., 3179754.
Montgomery, Vernon C., Jr., 3173052
Moody, Victor R., 3153715.
Moon, William B., 3179599.
Moore, Clyde T., Jr., 3178969.
Moore, David P., 3192468.

Moore, Melvin W., 3105202.
Moran, Felix F., III, 3193666.
Morgan, Dallas D., 3162785.
Morris, Allen R., 3153870.
Morrissey, David M., 3157602.
Morse, Charles T., 3163019.
Moses, Ronald K., 3178878.
Mueller, David P., 3153674.
Mulligan, Michael W., 3173760.
Musselman, Jon H., 3153760.
Mutka, Charles J., 3153838.
Myers, Curtis W., 3172155.
Myers, Richard A., 3179445.
Nagy, John T., 3183826.
Narancich, Jerry W., 3154314.
Nathman, Stephen F., Jr., 3175432.
Neff, Arthur D., 3175160.
Negley, Robert M., Jr., 3160416.
Neglia, Lawrence J., 3178024.
Nelson, Charles K., III, 3161388.
Nelson, Philip G., 3154252.
Nelson, Wade A., 3190770.
Nesbitt, John D., 3172877.
Nesbitt, Lance D., 3179422.
Nester, Richard A., 3172515.
Nestor, Steven F., 3172158.
Newell, Thomas G., 3161523.
Newton, Lloyd W., 3176340.
Nieman, Richard L., 3153845.
Nixon, Hugh W., Jr., 3172161.
Novotny, Ray A., 3177267.
Ohara, Douglas N., 3191622.
Olberg, Ronald E., 3177591.
Oldham, Mack L., 3179217.
Olinghouse, John E., 3179844.
Oliverio, Ronald D., 3175623.
Olson, Kenneth D., 3174035.
Olson, Scott W., 3154256.
Onofrio, Jack D., 3192102.
Osborn, Alvin L., Jr., 3175575.
Osgood, John C., III, 3172046.
Outwater, Fisk, 3162003.
Owens, Richard F., 3178974.
Owens, Robert C., 3177542.
Ownby, Ted, Jr., 3175498.
Palmer, Gary M., 3176812.
Palmer, Ronald F., 3179841.
Panton, Roger A., 3159097.
Parker, Woodrow W., II, 3176048.
Parkinson, Michael J., 3178993.
Parsons, Charles A., 3175721.
Patrick, David W., 3190357.
Patrick, Larry E., 3163340.
Patterson, Douglas A., 3171353.
Patterson, Gerald G., 3176584.
Patterson, John W., 3175257.
Patterson, Michael R., 3177022.
Patterson, Tony G., 3172517.
Patterson, Vernon G., 3177130.
Paul, Larry E., 3177544.
Pavlow, Leo, 3177508.
Payne, Gary G., 3179563.
Peacock, Frank A., 3178760.
Peavy, James A., Jr., 3170848.
Pecoul, William E., 3173125.
Peksens, Rudolf F., 3190176.
Pence, Steven W., 3173882.
Pendergrass, James H., 3188956.
Perry, Robert J., 3163138.
Peters, John C., 3161181.
Peters, Larry E., 3177339.
Petersen, John W., 3178197.
Peterson, Kenneth S., 3175776.
Petty, Douglas G., 3172880.
Phillips, Hester W., 3191408.
Phillips, Larry L., 3174825.
Phillips, Larry L., 3174825.
Phillips, Robert K., Jr., 3172265.
Pierce, Glenn A., Jr., 3160950.
Pierce, Roger G, Jr., 3178992.
Pierce, Warren L., 3153677.
Pittman, James R., 3175778.
Plump, Wayne E., 3177494.
Pluth, John B., 3174899.
Polay, Michael J., 3174647.
Polk, Charles J., 3179228.
Pope, Michael H., 3190027.
Porter, John C., 3170749.
Porter, Stephen G., 3179140.
Porterfield, Samuel D., 3176051.
Posey, James N., 3153736.
Potter, Roland K., 3173971.
Pounds, Herbert E., Jr., 3176476.
Powell, David W., 3158682.
Predovich, Larry A., 3153751.
Prince, Cecil D., 3171064.
Pusch, Donald E., 3176477.
Putterman, Stephen M., 3179640.
Quick, Larry L., 3172307.
Quiram, Richard J., 3174671.
Raborn, Smiley F., III, 3179219.
Racki, Henry C., Jr., 3178376.
Radtke, Schrade F., Jr., 3189508.
Ramsdell, Charles I., Jr., 3171422.
Randall, Lorin J, 3179386.
Rankin, Michael D., 3177610.
Rasmussen, Richard A., 3193016.
Rasmusson, William L., 3174900.
Ray, Clarance W., 3153704.
Raymond, John, Jr., 3158062.
Redifer, Eric L., 3193747.
Reed, James W., 3175235.
Reed, John C., 3177556.
Reed, Ralph M., 3160027.
Rees, John T., 3173547.
Reese, Gomer D., III, 3178962.
Reeves, James I., 3176350.
Register, Patrick S., 3171755.
Reiling, Keith T., 3153880.
Remcho, Vincent T., Jr., 3178989.
Rencken, Robert H., 3190888.
Repass, William F., 3179411.
Rettig, Charles L., 3193900.
Revels, William R., III, 3171756.
Reynolds, Steven K., 3172816.
Rice, James W., 3179866.
Rice, Roger P., 3175842.
Rich, Robert J., Jr., 3173641.
Richards, Roland C., 3173524.
Richardson, Brent J., 3176054.
Richardson, Charles L., 3174872.
Richardson, Kenne R., 3172268.
Rickert, David E., 3174967.
Rife, Patrick D., 3171466.
Rinehart, John M., 3174969.
Rinewalt, Randall, M., 3176523.
Riney, Freddy H., 3176591.
Riordan, Robert A., Jr., 3162218.
Rish, Wyman M., 3179691.
Ritchey, Milton W., 3153922.
Ritt, Kenneth R., 3153814.
Riva, Denis P., 3179660.
Rivera, Joseph F., 3177471.
Roberts, Charles E., Jr., 3179222.
Roberts, Kenneth R., 3179376.
Robinson, Delanyard L., 3170911.
Robinson, Ray G., 3171467.
Rodway, Loren A., 3176233.
Roellig, Richard H., 3193888.
Rohowsky, George, 3153919.
Rohrer, Thomas H., 3154355.
Ross, Alan A., 3179358.
Ross, Thomas H., 3193020.
Ross, William R., 3179566.
Rowden, William A., 3177565.
Rowe, Charles E., 3175201.
Rowe, Edward G., 3178831.
Rowland, Larry A., 3179477.
Rudnick, Simon H., 3171548.
Ruester, William J., 3172272.
Rumble, Wesley L., 3153865.
Ruprecht, Ray E., 3171866.
Russell, Thaddeus T., Jr., 3154293.
Russo, Leone S., 3178911.
Ryan, John T., 3179671.
Ryan, Michael B., 3193100.
Ryckmen, Jerry W., 3171017.
Sabor, Frank S., 3173601.
Saczynski, Jerome J., 3178797.
Sadecki, Roger W., 3179039.
Sanders, Charles T., 3172997.
Sanders, Deene J., 3176745.
Sanders, Jay H., 3154330.
Sanders, William S., 3190774.
Sargent, Michael A., 3173354.
Sassman, Clifford D., 3193023.
Satterwhite, Millard N., Jr., 3183757.
Sattler, Dennis H., 3175339.
Sauls, David W., 3158740.
Savage, William J., 3178873.
Sawyer, Wilbert L., Jr., 3153682.
Scanlan, Michael A., 3179407.
Schaer, Rodney J., 3177433.
Schafer, John C., 3177025.
Schanzlin, Donald N., 3174149.
Schauffele, Walter W., 3174150.
Scheck, Ronald R., 3178929.
Scheithauer, Arthur C., Jr., 3172062.
Scheuerman, David L., 3177342.
Schlichtmann, Donald C., 3154253.
Schlie, Perry A., 3172519.
Schmitt, Walter F., Jr., 3176895.
Schneider, Carlton L., 3179170.
Schnurr, Jack C., 3171468.
Scholl, Timothy H., 3193101.
Schroll, J Dean, 3189659.
Schwindle, James M., 3170753.
Scott, James K., 3171020.
Seaman, Frederick, 3178737.
Seavers, Richard A., 3189490.
Sechrest, Walter S., 3179450.
Segar, Bryce D., 3159019.
Segars, Robert V, III, 3179462.
Seibel, Michael F., 3193889.
Selzer, Kenneth E., 3172420.
Sember, Michael G., 3175895.
Senter, Douglas M., 3176192.
Shafer, Robert J., 3172695.
Shanafelt, Gary L., 3154286.
Sharpless, David W., 3178950.
Shaw, Elmer W., 3179294.
Shaw, William C., Jr., 3176526.
Sheffield, Charles A., 3179852.
Shepherd, John L., 3176298.
Sherman, Howard C., 3174327.
Shires, Roger D., 3178844.
Shuler, Dwight M., 3176193.
Shults, Charles E, III, 3171549.
Shutt, James A., 3172421.
Simard, Ernest F., II, 3179268.
Simmons, Albert M., 3176491.
Simmons, Delvin G., 3175443.
Simmons, Ralph G., 3176818.
Simmons, William R., 3175384.
Simonetto, Joseph A., 3172335.
Singleton, Daniel E., 3175343.
Slagle, Daniel T., 3157481.
Slapikas, Peter J., Jr., 3179662.
Slater, Walter D., 3178785.
Sleigh, William F., 3192474.
Sloyer, Wayne E., 3189795.
Sluis, James K., 3193029.
Smiley, Scott L., 3174723.
Smith, Daniel M., 3191411.
Smith, David B., 3193030.
Smith, David K., 3154257.
Smith, Peter, 3179373.
Smith, Ray C., 3177275.
Smith, Thomas F., 3176132.
Smith, Westcott H., 3160356.
Smithtro, Stanley J., Jr., 3175898.
Sneed, Robert M., 3179605.
Snell, Linwood H., Jr., 3191413.
Snider, John J., 3172523.
Snyder, Joseph P., Jr., 3179368.
Snyder, Kenneth J., 3178789.
Snyder, Roger L., 3183863.
Sokol, Thomas C., 3173802.
Solak, Walter L., Jr., 3179178.
Solee, Richard D., 3191513.
Sorum, David R., 3179133.
Southerland, Ilet B., III, 3153658.
Spahr, Ronald W., 3176236.
Spears, James R., 3153752.
Spengler, Gary K., 3179381.
Spohn, Verner J., Jr., 3175678.
Squiers, Harry R., 3173223.
Stadler, Kent A., 3190379.
Stalcup, William G., Jr., 3179577.
Stallard, Leroy, 3179143.
Stamp, John M., 3177216.
Stampfli, Robert G., 3172583.
Stanford, Dennis G., 3173803.
Stangel, James E., 3179484.
Stanger, Nickie J., 3176766.
Steele, David J., 3171470.
Steele, Vernon F., 3178826.
Stein, Richard F., 3153920.
Steitz, Peter K., 3175089.
Stephens, Freya L., 3179518.
Stephenson, James M., 3179443.
Stephenson, Lee A., 3175242.
Sterrett, Harold R., III, 3174305.
Stevens, Kirby A., Jr., 3171156.

Stevens, Richard M., 3176493.
Stinson, Philip D., 3158747.
Stott, James H., 3177428.
Stouffer, Harold G., 3161242.
Strahl, Douglas F., 3175582.
Strong, George F., Jr., 3154376.
Strunk, David R., 3175178.
Stuart, David M., 3154375.
Stuart, John E., 3177498.
Stuart, John L., 3171109.
Stuckey, Roy G., 3179693.
Studier, Gerald E., 3153810.
Stutts, Charles B., Jr., 3190482.
Sulkin, Arthur B., 3177612.
Summers, Larry E., 3179481.
Summers, Stephen S., 3173843.
Swanzy, Willard M., II, 3171433.
Swartz, Frank A., 3175179.
Sweeting, Ted G., 3170969.
Swinyard, James W., 3177134.
Tanner, Napoleon B., III, 3153763.
Tarzier, Laimon T., 3176401.
Taschner, Edwin C., Jr., 3176975.
Tavenner, Jack L., 3177185.
Taylor, Bobby R., 3179739.
Taylor, Boyce A., 3179106.
Taylor, Dewey D., 3179740.
Taylor, Kenneth M., Jr., 3177736.
Tebbe, Stanley T., 3179304.
Tennyson, Gayle A., 3173845.
Teske, Clayton H., 3177186.
Thacker, Blaine L., 3175518.
Thacker, Brian T., 3173528.
Thatcher, Peter B., 3171686.
Thayer, Willis J., 3153885.
Thomas, David R., 3175243.
Thomas, William A., 3179111.
Thompson, Earl F., 3153766.
Thompson, James J., 3179378.
Thompson, Stevens L., 3190671.
Tidwell, Alan D., 3173730.
Tiebout, Cornelius H., 3172086.
Tillman, Nolan V., 3174276.
Tone, Robert L., 3192048.
Torkelson, Truman R., 3174919.
Touslee, Richard L., 3171434.
Townsend, Gene E., 3176767.
Townsend, Lawrence W., 3173227.
Traynor, George L., 3153890.
Trembour, William F., 3174982.
Trifon, David A., 3193038.
Trojovsky, Dennis K., 3171472.
Trout, William L., 3154313.
Tucci, Robert L., 3176636.
Turner, Leo K., Jr., 3179147.
Urick, Francis J., 3177491.
Usrey, Jessie B., 3179149.
Uyak, Herman W., Jr., 3175797.
Valentine, Jerry G., 3160056.
Vandyke, Richard H., 3178924.
Vangilder, Robert E., Jr., 3179058.
Vanguilder, George G., 3174506.
Vanmeter, William C., 3153689.
Vanosdol, Ronald I., 3172529.
Vanover, Leonard E., 3193290.
Varner, Orville E., 3177135.
Vasser, William C., Jr., 3176497.
Venanzi, Gerald S., 3173807.
Vesely, David L., 3173553.
Villanti, Anthony V., 3176898.
Vogel, Edgar H., II, 3178835.
Vogelsang, Stanley B., 3177187.
Vogt, Thomas C., 3176307.
Voigt, David A., 3171193.
Vongunten, William H., 3154268.
Waddle, William A., Jr., 3171090.
Wagoner, Donald L., 3172941.
Walker, Richard R., 3179107.
Walker, Thomas D., 3171026.
Walkup, Ronald F., 3177486.
Wallace, Alvin L., 3179778.
Wallace Wayne L., 3154299.
Waller, Howard P., 3179408.
Waltman, Denze D., Jr., 3172310.
Ward, David C., 3171773.
Ward, John F., 3179066.
Ward, Richard P., 3177534.
Ward, Wendell H., 3173006.
Waring, Robert O., 3179819.
Warner, Ralph E., II, 3171475.
Warren, Thomas N., 3160387.
Warren, William G., 3179512.
Watson, William E., 3179341.
Watts, William H., 3179600.
Wayne, John B., 3172886.
Weatherly, John L., Jr., 3174903.
Weaver, James P., 3175847.
Weaver, John V. O., Jr., 3171915.
Webb, David M., 3179033.
Webb, Thomas D., 3192632.
Weeks, Martin W., Jr., 3174804.
Weiant, James W., 3179836.
Weihing, Floyd T., Jr., 3173687.
Weisweaver, Thomas R., 3178902.
Welch, James G., 3177303.
Weller, Carl E., 3177095.
Wells, Harold T., 3174875.
Wells, Neil L., 3179736.
Wendling, Gerald A., 3177282.
Werling, Wesley T., 3173076.
Werve, Frederick W., 3153729.
West, John T., 3178736.
West, Larry K., 3179419.
West, Walter T., 3171777.
Weyker, Donald G., 3179302.
Wheeler, Henry A., 3171994.
Wheeler, Leonard B., Jr., 3159322.
White, Edward C., Jr., 3192634.
White, Raymond C., 3175308.
Whiting Truman C., Jr., 3174659.
Wieborg, James E., 3179006.
Wiles, Thomas E., 3171373.
Wilkins, Jeffrey A., 3177038.
Williams, Deronda B., 3159179.
Williams, Douglas H., 3177039.
Williams, Jason N., 3154294.
Willis, Paul K., Jr., 3176076.
Wilson, Charles J., 3173688.
Wilson, James T., 3160103.
Wilson, John L., 3189861.
Wilson, Joseph C., Jr., 3179595.
Wilson, Larry K., 3154385.
Wilson, Michael B., 3175587.
Wilson, Paul R., 3133466.
Wilson, Robert M., 3173848.
Winchell Edward J., 3177347.
Winter, James G., 3171092.
Winter, Lee A., 3179226.
Winters, Bennett L., 3179094.
Wirth, Harry D., 3172200.
Wockenfuss, Edgar F., Jr., 3179704.
Wojack, Ronald P., 3173532.
Wojtas, John J., Jr., 3191300.
Wood, Barry K., 3176140.
Wood, James G., Jr., 3174836.
Woodall, Carl E., Jr., 3179539.
Woodberry, Nathan D., 3155860.
Woolley, Robert G., 3178837.
Worcester, Stephen A., 3174991.
Worden, Donald F., 3171374.
Working, Lyle A., 3179392.
Wozniak, David W., 3191301.
Wright, Leonard A., Jr., 3174049.
Wright, Russell G., 3177139.
Wrigley, Frank, 3183839.
Yada, Richard H., 3171077.
Yardlem, Wayne R., 3172708.
Yoakum, David L., 3177901.
Yoshikawa, Reuben S., 3179281.
Yoste, Florian H., III, 3173732.
Young, John E., 3154345.
Yount, Charles A., 3154341.
Zachousky, James S., 3192383.
Zahaba, Thomas R., 3178805.
Zieman, Donald W., 3172641.
Zimmer, George D., 3179594.
Zimmermann, Conrad R., 3178857.

To be second lieutenant

Aarons, Ronald D., 3183865.
Abbott, Gerald E., 3179911.
Abernathy, Charles R., 3183866.
Abernethy, Theodore J., Jr., 3191883.
Acke, Edward H., 3180948.
Adams, Henry A. III, 3181599.
Adams, James D., 3172610.
Adams, Stephen D., 3176830.
Adkins, Gary V., 3180818.
Adler, Bradley B., 3180703.
Agnew, John D., 3177930.
Aikman, Lynn A., 3192146.
Aitken, James G., 3181102.
Akers, Gibson C,. 3175455.
Allen, Philip W., 3182315.
Allen, Richard L., 3172910.
Almond, Russell H., Jr., 3193423.
Althoff, Ronald D., 3182130.
Altman, Billy G., 3192686.
Alwood, Gary L., 3175095.
Anders, Wayne R., 3189461.
Andersen, Roland E., 3181769.
Anderson, Arnold R., Jr., 3189304.
Anderson, Harlan L., 3192741.
Anderson, J. K., 3175634.
Anderson, John F., 3181003.
Anderson, Jon J. 3173418.
Anderson, Ward F., 3182015.
Andreus, Frank C. II, 3182583.
Andrews, Robert G., 3193206.
Andrews, Robert P., 3190675.
Angelisanti, Dennis L., 3180771.
Arent, Lauren E., 3183868.
Armstrong, James C., Jr., 3193305.
Arnold, John M., 3176408.
Arnold, William D., 3181636.
Ashby, Randolph W., 3179975.
Ashton, Gerald L., 3180758.
Atkinson, George E., III, 3179923.
Aubrey, Richard D., 3180920.
Aukamp, Donald R., 3180785.
Austin, David J., 3182573.
Austin, Thomas W., 3189305.
Austin, William H., 3181707.
Baboyian, Malkon C., 3180222.
Baden, Frederick E., 3199015.
Bafundo, George R., 3193380.
Baity, Mickey W., 3191319.
Baker, Don L., 3172971.
Baker, George L., 3177689.
Baker, Herbert G., 3157616.
Baker, James H., III, 3180084.
Baldwin, Ralph H., III, 3180095.
Baldwin, Richard F., 3193350.
Ball, Warren E., 3180791.
Bandy, Robert R., 3191320.
Bannon, C. D., 3180450.
Bannon, Thomas A., 3191885.
Barbezat, Eugene L., 3180060.
Barnes, David B., 3181532.
Barnes, Howard A., Jr., 3182576.
Barnes, Jere R., 3180602.
Barr, Robert E., 3189725.
Barratt, Frederick J., 3190270.
Barrett, Donald R., 3193519.
Barrett, John R., 3190514.
Bartenfeld, Chelsea L., 3189004.
Bartlett, Raymond V., 3190963.
Bartlett, Robert E., 3180083.
Bartness, Patrick M., 3182681.
Bauer, James F., 3181573.
Beatty, Robert K., 3181233.
Beck, Frank P., 3178681.
Beck, Michael O., 3192962.
Beck, Robert J., 3182325.
Belew, William R., Jr., 3177626.
Belsito, David R., 3190109.
Benet, John P., 3182142.
Bennett, Richard J., 3190862.
Bentley, Edward F., 3191025.
Bentley, Tommy R., 3181098.
Berg, Mark L., 3192745.
Berg, William M., 3180395.
Bergevin, Charles L., 3182465.
Bergmark, Donald G., 3180845.
Berube, Howard A., 3183874.
Best, Douglas E., 3180738.
Bewley, Carroll E., 3189801.
Bialek, Stanley H., Jr., 3182605.
Bigelow, Richard E., 3190138.
Bildner, Michael P., 3159619.
Bird, Robert J., 3189326.
Biser, James R., 3180011.
Bish, John A., 3172445.
Black, Ralph P., Jr., 3192541.
Blackburn, Ronald L., 3181039.
Blackwell, James R., 3191809.
Blatt, Bernard L., 3181820.
Blewett, Raymond G., 3190616.
Bliss, Vernon L., 3180323.
Blocher, Bruce K., 3191906.
Blomgren, Alan A., 3193833
Bloom, Lawrence G., 3182599.
Blue, Donald W., 3158031.

Blythe, Chester E., 3191426.
Boehner, Frederick L., 3174390.
Bois, John W., 3180844.
Bolin, Michael H., 3198979.
Bolton, Robert L., 3190576.
Bonacasa, Salvatore A., 3191136.
Bond, Daniel C., 3181355.
Bond, James A., 3181207.
Boretsky, Stephen L., 3180760.
Borkowski, Robert, 3198980.
Borowski, Harry R., 3181447.
Bouslough, Dennis A., 3180894.
Bowman, Norman H., Jr., 3177629.
Bowmar, Edward A., 3189373.
Boyd, Kenneth R., II, 3191543.
Boyd, William G., 3182504.
Boyle, Matthew A., 3189433.
Bracchi, Donald G., 3182537.
Bradburn, Terry L., 3192966.
Bradbury, Byron G., 3181527.
Bradley, Stuart C., 3182558.
Brawders, Ronald J., 3178008.
Breault, Gordon K., 3173371.
Brennan, Vincent M., 3182287.
Brewer, Darlene K., 3180336.
Brice, Ernest, 3192863.
Bridge, William M., 3180957.
Bridges, Mark E., 3191643.
Briggs, Arthur F., III, 3180087.
Brinker, Stanley R., 3181919.
Brister, Leroy H., 3190446.
Britton, Jack W., 3182712.
Brooks, Robert L., 3171693.
Brosnahan, Michael J., 3181947.
Brost, William P., 3177912.
Brown, Dennis C., 3182140.
Brown, Dennis R., 3191235.
Brown, Donald S., II, 3192910.
Brown, Douglas P., 3191210.
Brown, Gerald S., 3170782.
Brown, Robert H., 3181169.
Brown, Robert S., Jr., 3180736.
Brown, Stanley L., 3179872.
Brundage, Timothy C., 3181124.
Brushwood, Earl T., 3188909.
Bryan, Robert E., 3180887.
Bryant, Louis E., Jr., 3181729.
Bryant, Ronald, 3172975.
Brychel, John P., 3190383.
Bucher, Wallace T., 3180955.
Buckley, Richard H., 3190619.
Buhmann, Ronald W., 3182363.
Bunzendahl, Sidney J., Jr., 3193266.
Burdick, Bingley L., Jr., 3180973.
Burgeson, John C. 3190227.
Burgess, Ray W., Jr., 3173016.
Burleson, John L., 3190488.
Burnet, Robert C., 3176912.
Burnham, William W., 3157941.
Burns, Gregory M., 3181518.
Burns, Michael T., 3189503.
Burton, Homer R., 3192062.
Butcher, Frank S., 3180211.
Buxton, Leroy W., 3183882.
Byrd, Johnnie L., 3178248.
Cadwallader, Richard, 3181404.
Cafazzo, Robert F., 3192322.
Callanan, Thomas J., 3178011.
Callaway, Michael W., 3172657.
Callison, Jerry L., 3181196.
Callum, Hugh R., 3172318.
Campbell, Blaine B., Jr., 3177698.
Campbell, Charles H., 3192436.
Caparoon, Phillip E., 3180203.
Carmichael, Robert W., Jr., 3180633.
Carney, James M., 3182232.
Carson, Bruce, 3180764.
Carter, Harold W., 3171122.
Carter, Robert L., 3189136.
Casady, John T., 3181448.
Case, Harley A., Jr., 3191864.
Casper, Gerald D., 3180091.
Cass, Stein L., 3182644.
Cassidy, Michael S., 3178358.
Castle, Richard S., 3189757.
Castonguay, Joseph L., 3181165.
Catlett, Gayle S., 3180649.
Causey, Robert J., 3180862.
Cavanagh, Thomas T., III, 3190797.
Centioli, Ralph, 3199027.
Chaffin, James A., 3181885.
Chandler, Wayne R., 3189466.
Channer, Russell J., 3190751.
Chapman, Harold P., 3183885.
Chapman, Richard D., 3179876.
Chase, Paul A., 3182461.
Chastain, David K., 3172358.
Chastain, Walter E., 3199029.
Childress, James S., 3182384.
Christensen, Roger D., 3180138.
Christian, James D., 3188913.
Christian, Lynn F., 3180486.
Christofferson, William H., 3180523.
Christy, Curtis L., 3181976.
Cirillo, Francis A., Jr., 3181202.
Clapper, John R., 3181721.
Clarenbach, John F., 3181019.
Clark, Philip J., 3180482.
Clark, Richard J., 3182243.
Clark, Ronald D., 3182685.
Clay, Robert E., 3192694.
Clayton, Lloyd K., 3182048.
Clement, Thomas E., 3181177.
Cliett, Gary N., 3181328.
Clingaman, Ronald L., 3189376.
Clinkscales, Marshall S., Jr., 3180355.
Cobleigh, Nelson E., 3188980.
Cocheo, Dennis, 3190868.
Cochran, Harold M., 3159035.
Coggins, William F., Jr., 3199011.
Colacicco, Vincent A., 3181358.
Cole, William III, 3190869.
Coleman, Robert G., II, 3192557.
Collins, John W., Jr., 3173941.
Comstock, George F., Jr., 3192325.
Concannun, Michael R., 3183890.
Congleton, Duane E., 3180837.
Conmy, John M., 3180169.
Connor, Frank A., 3198983.
Connors, Paul C., 3181025.
Conolly, Richard N., Jr., 3180665.
Copson, David W., 3180566.
Corbett, David L., 3175993.
Corder, Charles T., 3193724.
Cordova, Dale P., 3181592.
Cornelia, Thomas B., 3190801.
Cosenza, John A., 3174533.
Cosgrove, John M., Jr., 3180876.
Coslett, Ronald K., 3172360.
Courtney, William L., Jr., 3180376.
Covert, Thomas M., 3180661.
Covington, Walter L., 3180458.
Cowan, Roger G., 3180530.
Coyne, James, 3190941.
Cozza, James A., 3193643.
Craig, George B., 3180587.
Crank, Paul W., III, 3176427.
Cranston, Stewart E., 3178115.
Crawford, Harvey J., 3182549.
Crawford, Leo E., 3181094.
Crawford, Robert H., Jr., 3192272.
Creekmore, Edward L., 3183894.
Creller, Bruce O., 3182741.
Cronin, David M., 3182538.
Crotty, John W., 3178218.
Crouch, Beverly E., 3193440.
Crouch, Clemence E., 3180319.
Crumbliss, James J., Jr., 3192973.
Crumrine, Larry R., 3180923.
Culbertson, Henry G., III, 3178527.
Cunney, John C., III, 3190231.
Curran, Charles R., 3130922.
Cushion, Kenneth E., Jr., 3181549.
Cushman, James H., III, 3182274.
Daguiar, Roger F., 3189880.
Dahl, James H.,.3193780.
Dale, Kenneth R., 3192809.
Dalley, Edward O., 3181732.
Daly, Michael J., 3178462.
Dandurand, Richard L., 3180660.
Daniel, Shirley D., 3180595.
Daniel, Terry A., 3177709.
Darrough, George N., 3176782.
Darveaux, Joseph E., 3180742.
Dauernheim, John M., 3191148.
Davis, Harry C., 3178506.
Davis, William E., 3192645.
Dearmond, Christopher W., 3190066.
Deaver, William H., III, 3176162.
Deignan, Francis X., 3190113.
Delaino, George T., 3181156.
Delaney, Gilbert L., 3158755.
Dellinger, Carl L., 3198986.
Delongchamp, Robert D., 3193814.
Delury, John W., Jr., 3182556.
Dembrowsky, Paul E., 3190142.
Derossi, Gordon, 3183897.
Desilets, Jeffrey P., 3191653.
Desmond, John M., 3181901.
Diehl, Richard G., 3198987.
Dieman, John C., 3181858.
Dileo, Raymond C., 3182613.
Dillehay, Lawrence B., 3180739.
Dilley, Jerry L., 3182578.
Dinkel, Jon A., 3180588.
Dobbs, Harold R., Jr., 3177714.
Dobbs, James B., 3181249.
Dobbs, Larry E., 3180929.
Dobson, Gordon W., 3190808.
Dobson, Russell K., 3182518.
Dodge, Charles J., Jr., 3181427.
Dodson, William E., Jr., 3178512.
Doescher, Ronald O., 3183898.
Dolan, Richard F., 3182122.
Dolwick, Carlton L., 3172918.
Dommeyer, Carl D., 3171129.
Donahey, Dayl W., Jr., 3175997.
Donahue, William J., 3182008.
Donaldson, Malcolm L., Jr., 3190034.
Donart, James R., 3174937.
Donovan, Gerard P., 3182736.
Dooley, Larry R., 3175315.
Dotson, Jefferson S., 3193536.
Downey, James F., 3190520.
Downey, Paul, 3181072.
Dressler, Daryl V., 3182009.
Drinkard, John M., 3180788.
Driscoll, John J., Jr., 3181312.
Drum, Loren H., 3190722.
Drury, Jon E., 3180846.
Duckworth, Dale L., 3173701.
Duckworth, Johnny D., 3182225.
Duda, Rudolph J., 3173994.
Dugan, Edward J., III, 3179894.
Dumiak, Michael J., 3189680.
Duncan, Robert F., 3181118.
Dungan, Donald R., 3180420.
Dunker, John M., 3179985.
Dunn, Martin E., 3189437.
Dupre, Robert E., 3190145.
Durbin, Michael E., 3182643.
Duryee, William H., 3181097.
Dussault, Robert G., 3182206.
Dye, James D., Jr., 3180438.
Earley, William M., 3181662.
Ebdon, Thomas J. III, 3177967.
Edburg, John D., 3160908.
Eden, James L., 3191551.
Edmondson, Marvin G., 3170792.
Edwards, Richard L., 3177935.
Egolf, James D., 3182233.
Ehmke, William D., 3181966.
Eidson, Merrill L., 3180693.
Eldridge, Paul B., 3190146.
Eley, Donn D., 3189335.
Ellinger, Robert W., 3191750.
Ellington, David C., 3182619.
Elliott, James E., 3193192.
Elliott, William R., Jr., 3177994.
Elmer, William H., 3180137.
Englund, Gene E., 3182072.
Engstenberg, Paul J., 3190812.
Enockson, Stephen N., 3181541.
Epperson, Preston G., 3181116.
Epps, James H., 3171705.
Erkman, Richard L., 3188921.
Erickson, Frederick J., 3170794.
Ernst, Henry J., III, 3182560.
Erstad, Stanley L., 3181878.
Eschrich, Glenn J., 3181462.
Eshbaugh, Vernon L., 3192445.
Etter, Robert T., 3189504.
Evans, Robert L., 3180753.
Everts, Russell A., 3171176.
Evett, Lee R., 3172365.
Ewing, Jon W., 3178155.
Faggard, Lionel E., 3199037.
Failor, Wayne G., 3181913.
Fairbrother, Clarence L., 3175560.
Farina, Ciro P., 3180786.
Farmer, Charles T., 3191377.
Farmer, Norman R., Jr., 3180228.
Farnan, Dennis J., 3182360.

Feeney, John J., 3178390.
Feighery, Edward, 3182278.
Ferrell, Robert L., 3188982.
Fesmire, Robert A., 3180958.
Finnigan, Dayton D., 3180354.
Fischer, John C., 3182328.
Fish, Norman E., 3181326.
Fisher, James W., Jr., 3182692.
Fisher, Robert A., 3193574.
Fitch, Charles P. IV, 3180330.
Fitch, Russell W., Jr., 3172366.
Fittz, James A., 3180726.
Fitzgerald, Clyde W., Jr., 3180597.
Fleckten, Thomas C., 3190408.
Fletcher, Benny R., 3181780.
Flinton, Joseph A., 3192072.
Flora, Richard D., 3182432.
Flynn, Richard O., 3182172.
Fobes, Joseph W., III, 3189440.
Foley, James A., Jr., 3190185.
Foncannon, John J., 3189336.
Font, Argentino, Jr., 3180547.
Foster, Dean R., 3182702.
Foster, Robert Q., 3178528.
Fowler, Richard B. II, 3178156.
Fowler, Robert H. II, 3177536.
Fowler, Stephen E., 3180641.
Fox, Gary K., 3172368.
Francis, Ralph L., 3181547.
Francisco, San D., 3193610.
Fray, John M., 3180475.
Froelich, John M. II, 3191889.
Fuhrman, Roger A., 3172727.
Fuller, Darrell P., 3173431.
Fuller, Robert S., 3182034.
Fulton, Ralph C., Jr., 3177722.
Fuqua, William J., Jr., 3177723.
Gabriel, Kenneth N., 3192448.
Gain Robert C., 3180067.
Gaines, Johnson D., 3182106.
Gallagher, John J., 3192487.
Gallin, James P., 3193391.
Ganley, Robert W., 3181060.
Garaux, Dale L., 3180421.
Garman, Warren W., 3181475.
Gasparian, Richard G., 3182078.
Gatewood, Lawrence E., 3181464.
Gavitt, Isaac F., 3191156.
Gelfand, Norman D., 3179906.
Gennin, George S., 3173705.
George, Clarence H., 3190759.
George, Kenneth W., 3176103.
Gerlach, Gerald L., 3189082.
German, Robert D., 3180427.
Gernert, William E., III, 3181140.
Geyer, Gary S., 3191760.
Gibbons, Johnny L., 3176166.
Gibbs, Daniel B., 3180624.
Gibson, Robert C., 3181552.
Gibson, Robert T., 3174189.
Giddens, George G., 3181218.
Giganti, George R., 3190107.
Giles, Steven P., 3193359.
Gill, Jesse W., III, 3192572.
Gillespie, Clark P., 3182660.
Gillespie, John M., II, 3182612.
Gillespie, Tarleton L., 3193530.
Gilmore, Charles R., 3182019.
Gilmore, James M., 3181890.
Gilstad, Claire J., 3181551.
Gist, John W., Jr., 3175268.
Glaisyer, John B., 3192153.
Glanville, Peter E., 3182222.
Glanzer, David W., 3180938.
Glass, Larry J., 3191588.
Goebel, Gary M., 3178090.
Goldhammer, Michael B., 3171397.
Golondzinier, Theodore M., 3171181.
Gordon, Ronald E., 3190460.
Gorman, David C., 3171132.
Gosling, Thomas J., 3180205.
Goss, David R., 3180735.
Grant, Keith R., 3182365.
Grant, Wendell E., 3181210.
Grant, William J., 3171808.
Graves, John C., 3181758.
Gray, Christopher H., 3191038.
Greco, Barry J., 3178350.
Gregg, Dennis N., 3181068.
Gregory, Raymond W., 3176445.
Gregory, Russell A., 3181749.
Grenier, Leon E., 3198907.
Griffee, Robert L., 3180671.
Griffin, Gerald, 3182025.
Griffin, John E., III, 3193458.
Griffin, Melvin C., 3180128.
Griffin, Robert L., 3181851.
Groenewold, David J., 3181519.
Gronquist, Keith R., 3192202.
Grosso, Frank J., 3191160.
Grounds, Rolly D., 3181339.
Grubiak, Joseph S., Jr., 3181107.
Gugat, Richard F., 3171133.
Gurney, Donald L., 3177305.
Gustin, Douglas E., 3180812.
Haber, Lawrence I., 3182411.
Hager, Glen N., 3192452.
Hague, Jack N., 3190461.
Haigh, Charles A., 3182230.
Hailes, Theodore C., IV, 3191892.
Hainey, Francis J., 3190150.
Hakel, James C., 3180419.
Halbach, James, 3182199.
Hall, Billy D., 3180881.
Hall, Ronald J., 3175320.
Hall, William E., Jr., 3181175.
Hallgren, John W., 3190685.
Haltigan, John B., 3182733.
Haltman, Harry P., 3181574.
Hamme, Curtis S., 3192983.
Hammond, James N., 3192079.
Hammond, Robert E., 3191254.
Hand, Donald R., 3198912.
Hanseman, Robert W., 3175368.
Harcrow, Robert J., 3192985.
Harden, Richard E., Jr., 3176106.
Hare, William C., III, 3180118.
Harken, Grant L., 3193692.
Harkrader, Winfred T., II, 3182062.
Harmon, Lawrence K., 3180524.
Harris, Marvin J., 3181250.
Harris, Raymond L., 3198913.
Harris, Thayne S., 3193362.
Harrison, James W., 3189161.
Harrison, John T., Jr., 3192914.
Harrow, Edward D., Jr., 3189473.
Hartenbower, James E., 3192018.
Hartmann, James R., 3181158.
Harty, Thomas E., 3191162.
Harville, Thomas C., Jr., 3191337.
Hatfield, Jerome E., 3178216.
Hawkins, Joel A., 3181030.
Hawksworth, Gary D., 3172924.
Haynes, Eldon R., Jr., 3180875.
Heck, Frederick B., II, 3180748.
Heifner, Milton G., 3180724.
Hein, Robert E., 3171487.
Heinze, Herman H., 3190586.
Helie, Ronald G., 3190243.
Helms, Jane E., 3182413.
Hemphill, David W., 3191213.
Henneman, Douglas E., 3190624.
Henry, George M., Jr., 3192988.
Hensler, John D., 3182066.
Hensley, Horace E., 3199081.
Herrick, John E., 3181492.
Herzinger, Larry G., 3189085.
Heslin, Robert M., 3183859.
Hickey, William M., 3180712.
High, Lynn O., 3190687.
Higuchi, Curtis M., 3199042.
Hill, Peter A., 3175061.
Hill, Roger E., 3182562.
Hintz, Duane H., 3193790.
Hintze, Ronald M., 3180050.
Hiroshige, Sidney K., 3179998.
Hobbie, Nicholas H., Jr., 3180780.
Hodgen, Walter L., 3177773.
Hoffer, Gilbert L., 3182628.
Hoffman, Westly J., 3182041.
Hoffmeyer, Ronald A., 3190287.
Hoke, Paul L., 3180413.
Holdner, John E., 3182090.
Holladay, Wendell T., Jr., 3182220.
Holland, Richard J., 3180883.
Hollberg, Marsh D., Jr., 3182672.
Holley, Donald N., 3182115.
Holley, John A., 3190464.
Hollingsworth, Harry D., Jr., 3191338.
Hollobaugh, Mark R., 3180892.
Holm, Clarence J., 3191500.
Holmes, Miller P., Jr., 3173707.
Holmes, Roy W., 3198993.
Holscher, Gary G., 3178900.
Holt, Jerry F., 3176276.
Holzwarth, Robert E., 3192756.
Hoogerwerf, James J., 3178481.
Hopkins, Edward C. D., 3162988.
Hopkins, Leonard E., 3181110.
Hopson, Charles D., 3198919.
Horman, Gary H., 3180130.
Horn, Louis G., 3192990.
Horner, Lyle G., 3181974.
Horton, Michael V., 3188935.
Hortter, Ronald C., 3199043.
Horvath, Kenneth J., 3180943.
Hostetler, Allen L., 3189602.
Houppert, Paul D. D., 3199044.
Howard, Charles D., 3172038.
Howard, Timothy H., 3175064.
Hubbard, Clarke D., 3193793.
Huddle, William R., 3193584.
Hudson, Billy W., 3189892.
Hudson, Kenneth E., 3199045.
Huffman, Lawrence C., 3181854.
Hughes, Frank D., 3198915.
Hughey, Darryl D., 3182542.
Hull, James O., 3198922.
Hunt, Terry L., 3181881.
Hunter, James P., 3192488.
Hurley, Patrick J., 3178394.
Hutcheson, Main R., 3174026.
Hutton, Warren G., 3191895.
Icenhower, Stephen D., 3181122.
Ihrke, Jan E., 3179902.
Ingalls, Lawrence H., 3177253.
Irvine, Arthur E., II, 3181417.
Irving, Delmont S., 3180732.
Irving, Robert H., 3179958.
Isaacs, Paul R., 3180235.
Israel, Kenneth R., 3193063.
Ivie, James E., 3181113.
Jackson, Calvin H., 3177826.
Jacobs, Michael C., Jr., 3193395.
Jacobs, Paul T., 3177743.
Jahn, John W., II, 3180345.
James, Dennis T., 3180179.
James, William A., 3180054.
Jansen, Robert L., 3175616.
Jarvi, Theodore C., 3198924.
Jenkins, Robert F., 3180073.
Jennings, Jon A., 3181408.
Jensen, Paul, 3180484.
Jobe Harley B., III, 3180677.
Joersz, Eldon W., 3191502.
Johnson, Darwin L., 3181822.
Johnson, Deborah G., 3180680.
Johnson, Dennis S., 3181799.
Johnson, Edmund T., III, 3178368.
Johnson, Edward P., 3179928.
Johnson, James B., 3182602.
Johnson, James O., 3177828.
Johnson, Jerrell R., 3182726.
Johnson, Jimmie R., 3174259.
Johnson, Sharon L., 3180538.
Johnson, Thomas R., 3181040.
Johnson, Tom., Jr., 3200280.
Johnston, Fowler P., Jr., 3182081.
Jones, Arthur J., Jr., 3192489.
Jones, Ernest H., Jr., 3192584.
Jones, Ernest T., 3182216.
Jones, George W., 3198995.
Jones, Herman D., Jr., 3182658.
Jones, Robert F., 3173662.
Jones, Travis O., Jr., 3181726.
Jones, William C., III, 3180548.
Jordan, James J., 3177977.
Jordan, William E., 3191767.
Jump, Michael W., 3189117.
Jumps, Ronald E., 3189391.
Juracek, Randall A., 3190691.
Justice, William A., 3172005.
Kalbert, John F. A., 3180877.
Kane, Kimberlin J. M., II, 3182661.
Karcz, Alvin K., 3180405.
Karlage, Joseph F., 3191527.
Kasl, Dennis L., 3157505.
Katonak, Thomas T., 3180151.
Kealoha, Dwight M., 3189036.
Keel, Lowell C., 3172250.
Keil, Lee S., 3191045.
Keller, Michael L., 3190293.
Kelly, Jerome, 3181125.
Kennedy, Barry J., 3181074.
Kennedy, Don B., 3193124.
Kenney, Matthew J., 3199049.

Kerns, Paula V., 3198927.
Kes, Peter A., 3191047.
Kettenring, Kenneth N., Jr., 3192002.
Key, Gerald A., 3189850.
Killeen, John E., 3174111.
Killian, James A., 3191259.
Kimball, Robert D., 3182399.
King, Daniel T., 3178220.
King, John R., 3181297.
Kirbie, Darrell G., 3180384.
Kiss, Stephen E., 3192490.
Klatt, David B., 3190435.
Kleeb, Gerald N., 3180317.
Kline, Donald F., 3192460.
Kline, Larry L., 3182100.
Klingensmith, John R., 3175020.
Kloss, Terry P., 3180454.
Kluter, Eugene E., 3179914.
Knode, Charles S., 3180950.
Knoll, Leroy L., 3182390.
Knott, Paul L., 3182524.
Knowles, Roger C., 3177751.
Kodak, Douglas P., 3174951.
Kolczynski, Edward F., 3192245.
Kornreich, James E., 3175223.
Korsant, Philip B., 3180586.
Kostal, Yaroslav J., 3174197.
Kowalchuk, Larry A., 3190824.
Kranz, Albert J., 3177754.
Krattiger, Thomas M., 3182114.
Krebs, Kenneth L., 3177938.
Krimsky, Roger M., 3181936.
Kroll, Jeffrey R., 3181115.
Krovisky, Frank P., 3183860.
Kruchek, Charles L., 3175545.
Kruchten, Robert J., 3189229.
Krug, Frederick T., 3181844.
Kubecka, Frankie A., 3193244.
Kubiak, Sue E., 3181266.
Kuhl, Francis A., 3180556.
Kulchak, Delbert G., 3169258.
Kulzer, Peter G., 3189173.
Kurrus, Robert W., 3192833.
Labar, Charles R., 3163533.
Labriola, Dennis J., 3191102.
Lacroix, Richard L., 3181869.
Ladd, David C., 3192592.
Lafave, Michael P., 3182438.
Lafontaine, Susan A., 3182318.
Lajeunesse, John J., 3180070.
Lake, Daniel E., 3182069.
Lambert, Alvin G., Jr., 3189546.
Lambeth, Frank S., Jr., 3182035.
Land, David C., 3180721.
Lane, Jack C., 3181914.
Langan, George C., 3180362.
Langsdale, Robert E., 3182293.
Lariscy, William B., 3181416.
Larocca, Michael J., 3189119.
Larson, Donald D., 3177800.
Larson, Donald R., 3181875.
Larson, Raymond C., 3182238.
Larson, Robert A., 3170955.
Larson, Robert A., 3178370.
Laur, Timothy M., 3183861.
Lavecchia, John J., 3191171.
Lavelle, Michael P., 3182056.
Lazaroff, Gerald W., 3193539.
Lea, Edward K., 3180799.
Lee, Robert G., 3192997.
Leer, Wilbur B., 3180794.
Lefarth, Ralph R., 3181329.
Legg, Roger H., 3180761.
Leidemann, William J., 3181082.
Lemmonds, Elmo P., 3193472.
Lennox, George C., Jr., 3182239.
Lenox, Robert D., 3183821.
Leposa, Robert H., 3191267.
Lhotka, Allan J., 3189176.
Liebermann, Richard A., 3182444.
Lindley, Robert K., 3182682.
Lindquist, James A., 3198930.
Lindsey, Robert S., 3171816.
Linker, Martin N., 3191441.
Linsley, Peter J., 3180940.
Lippincott, George J., 3177924.
Littell, Thomas G., 3181973.
Livingston, Arthur P., 3180717.
Lochrane, Hugh M., 3192249.
Lohse, Herman D., 3181000.
Loncki, Joseph, 3181923.
Long, Albert J., II, 3192350.
Long, John E., 3179964.
Looke, William F., 3193245.
Loomis, Jan R., 3179988.
Looney, Charles A., III, 3180650.
Lopshire, Larry T., 3177583.
Loranger, Donald E., Jr., 3190652.
Loughman, Michael F., Jr., 3190992.
Love, David H., 3181588.
Love, Thomas R., 3189450.
Lowery, Lucas D., Jr., 3193246.
Lubbers, Vincent J., 3180489.
Luces, Saba A., 3172208.
Lucey, David T., 3180540.
Lum, Dexter W., 3179935.
Luze, Sylvestor L., 3192763.
Lynn, Edward C., 3181861.
Lyon, William T., 3180645.
Lyons, Albert E., 3172251.
Mack, John L., Jr., 3192595.
Mackelprang, Sandie M., 3193330.
Mackenzie, David S. G., 3182476.
Mackey, Thomas J., 3190159.
Macrae, Cameron F., III, 3199694.
Mactaggart, Stuart E., 3193800.
Madden, James R., 3189696.
Magliand, John V., 3191175.
Magnuson, Larry A., 3181779.
Mague, Michael J., 3171655.
Maiocco, Robert, 3180490.
Mallar, Gordon C., Jr., 3190254.
Mannion, Robert E., Jr., 3190073.
Manny, Robert F., 3180112.
Mapp, Johnny R., 3182224.
Marchioni, Dan J., 3180907.
Marienberg, William H., 3181395.
Markham, Dale P., 3193132.
Marks, Richard D., 3181062.
Marley, Frank E., Jr., 3192884.
Marriner, Mayford B., 3180572.
Marshall, Albert B., Jr., 3191341.
Marshall, Harvey A., 3192189.
Marshall, Richard C., Jr., 3177017.
Martin, Richard L., 3182591.
Martin, Samuel T., Jr., 3182149.
Marvin, Earle D., 3181850.
Mason, Kent W., 3158625.
Masters, Charles W., 3191998.
Masters, Jon M., 3180809.
Mathes, Richard A., Jr., 3180494.
Mathews, Arthur B., 3180558.
Mathews, James W., 3182097.
Mathis, Wayne R., 3182547.
Matkin, Donald H., 3180697.
Matza, Bruce R., 3171819.
Maxwell, Earle C., Jr., 3198934.
May, Clarence G., 3179885.
Mayfield, John S., 3181369.
Mayo, Larry G., 3180182.
McAdams, William A., 3180522.
McAllister, Larry E., 3198935.
McAnespie, John W., 3191779.
McArthur, Richard E., 3181987.
McCann, Robert R., 3198936.
McCauley, Robert H., 3181081.
McClellan, Jerry L., 3191999.
McClure, William C., III, 3179875.
McConnell, William C., 3181691.
McCool, Kenneth B., 3180123.
McCormick, Donald B., 3182251.
McCormick, Kenneth R., 3177570.
McDermott, John D., 3190075.
McDonald, Robert A., 3155356.
McDougall, Hugh M., 3189992.
McElhinney, Robert E., 3180233.
McEwen, Oren L., 3177947.
McGarity, Hugh D., 3192666.
McGee, Gary D., 3181812.
McGraw, Joseph A., Jr., 3182527.
McGregor, Roger D., 3182497.
McGurk, Thomas D., 3181406.
McIlroy, Patrick T., 3180814.
McIntire, John L., III, 3177971.
McIntosh, Duncan M., 3170958.
McKinney, Thomas R., 3182257.
McLaughlin, John J., 3181961.
McLellan, James R., 3180616.
McNay, Thomas G., 3180210.
McShane, Michael J., 3191443.
Meeboer, William J., Jr., 3190700.
Meier, David M., 3181618.
Merrell, Jack G., Jr., 3182522.
Messner, Michael W., 3175331.
Meyer, Frederick J., 3190256.
Meyers, Charles J., Jr., 3174204.
Michie, William D., 3177333.
Mickelson, Michael R., 3181934.
Mikula, John J., II, 3180573.
Miles, Frederick E., II, 3181483.
Miller, Alan P., 3189185.
Miller, Carl A., 3182651.
Miller, Gregory S., 3182102.
Miller, James E., Jr., 3190078.
Miller, John D., 3174960.
Miller, Phillip A., 3180840.
Miller, Ray D., 3172044.
Miller, Stephen J., 3189091.
Mills, Randall M., 3191273.
Mistrot, Ralph W., Jr., 3193003.
Mitiguy, Michael J., 3193402.
Miyamasu, Noel S., 3181805.
Moen, Thomas D., 3182595.
Moitoza, Edwin G., 3193403.
Monaghan, James W., 3181759.
Monheim, Thomas J., 3192252.
Montgomery, Alexander C., III, 3174682.
Montjoye, William D., 3199057.
Moon, Thomas A., 3162758.
Moore, Cal W., 3180678.
Moore, George M., Jr., 3190502.
Moore, Paul R., Jr., 3180817.
Moore, Ralph E., Jr., 3189995.
Moore, Troy, 3180350.
Moore, William P., 3171415.
Morley, David W., 3158732.
Morris, Donald F., 3190702.
Morris, Jerome W., 3193097.
Morris, Robert F., 3191311.
Morris, Robert L., 3192279.
Morse, Donald E., 3192607.
Morse, Perry A., 3180387.
Moses, Louis J., 3189550.
Moses, Noidrie J., Jr., 3192608.
Mosier, Stephen A., 3159968.
Mosteller, Clifton H., Jr., 3191343.
Mote, Charles S., 3182684.
Mucciano, Richard F., 3182391.
Mucho, Richard G., 3177336.
Muelhoefer, Alfred K., 3180625.
Mueller, Kurt H., 3182389.
Muench, Robert S., 3182590.
Mullen, Kevin B., 3179903.
Munn, Raymond K., 3181724.
Murphey, Thomas G., II, 3181809.
Murphy, James C., 3181473.
Murphy, Thomas P., 3172468.
Myers, Joseph F., 3181710.
Myrick, Dennis R., 3181540.
Nading, Gary L., 3180436.
Nance, William G., 3171748.
Nash, David R., 3182551.
Neill, John M., 3182169.
Nejezchleb, Allen L., 3180401.
Nelson, Brian B., 3159069.
Nelson, Jerry L., 3189092.
Neu, Paul H., 3181752.
Neville, Rey A., 3181932.
Newbern, David W., 3175573.
Newman, Ward C., Jr., 3181275.
Newton, George L., III, 3193545.
Nibeck, Stuart N., 3179899.
Nichelini, Robert W., 3178195.
Nichols, Douglas E., 3182479.
Niebling, John W., 3190533.
Noland, Stephen J., 3178145.
Noll, William L., III, 3182155.
Nolte, Douglas R., 3182468.
Norton, Maurice E., III, 3181813.
Nowlin, James D., 3182550.
Null, Robert L., 3199059.
Oatmeyer, Thomas F., 3180904.
Ocepek, Richard, 3191965.
Oesterle, Donald L., 3181711.
Ohanlon, William P., 3182424.
Olden, Henry T., 3181041.
Olivieri, Joseph H., 3199060.
Olmstead, William J., 3180991.
Olsen, David G., 3181737.
Olsen, Douglas M., 3174372.
Olson, Dennis L., 3182731.
Olson, Nathan B., 3176763.

Olsson, Jon M., 3193284.
Opdycke, Don R., 3172813.
Orlando, Donald P., 3174384.
Osborne, Richard T., 3190038.
Osterloh, Robert J., 3192767.
Paasch, Terry E., 3181223.
Paddock, Kenneth L., 3171106.
Pahl, Robert S., 3181026.
Paine, Lauran B., Jr., 3178064.
Pajer, George B., IV, 3161084.
Palmer, Burdette A., 3181929.
Palomaki, Douglas I., 3180243.
Papa, James A., 3190907.
Park, John J., 3190083.
Parker, Richard D., 3188953.
Parlatore, Carl P., 3189453.
Parrott, Gerald E., 3181986.
Pate, Joseph A., III, 3178566.
Pate, Lowell G., 3181432.
Paterson, Robert S., 3181101.
Patt, Donald C., 3181167.
Patt, Douglas C., 3181166.
Patterson, Arthur T., 3192840.
Patterson, Robert D., II, 2178340.
Patton, Arthur H., Jr., 3181229.
Paul, James F., 3182404.
Payne, Rodney H., 3181397.
Peck, Robert A., 3178066.
Peeples, David R., 3181484.
Peglow, Stephen P., 3180838.
Peiler, Rudolph M., Jr., 3172015.
Pensworth, Frederick L., 3199063.
Peoples, Robert J., 3180961.
Petersen, Harold L., 3181792.
Petersen, William C., 3179893.
Peterson, Daniel R., 3190417.
Peterson, Donald L., 3177906.
Peterson, George D., 3174870.
Peterson, Gerald H., 3180461.
Petschke, Charles A., 3174133.
Pettenger, John F., Jr., 3177617.
Pfau, Richard A., 3180731.
Pfeifer, Jerry R., 3180456.
Phillippi, Stephen W., 3190001.
Phillips, David C., 3180085.
Phillips, Robert P., 3181226.
Phillips, Weldon P., 3190505.
Phinney, David L., 3180377.
Piazza, James R., 3191217.
Pieper, Charles R., 3181499.
Pigford, Vincent S., 3192892.
Pike Peter X., 3191013.
Pilgeram, Keith W., 3173911.
Pitman, Leroy E., 3189707.
Pittard Homer A., 3193370.
Pittman, Harry B., 3193075.
Plummer, Duane H., 3198942.
Pluta, John C., 3180052.
Pomeroy, Frederick J., 3181943.
Pool, James C., Jr., 3193076.
Pope, Arnold B., 3159221.
Popp, Bernard J., 3181365.
Porter, Jerry R., 3180505.
Possehl, Wayne A., 3192425.
Power, Thomas M., 3171284.
Powers, Aubrey P., Jr., 3199064.
Procek Michael E., Jr., 3190132.
Proefrock, Myron C., 3181494.
Pugh, Ronnie L., 3170852.
Pulley, Donald C., 3189407.
Puryear, Franklin G., 3180984.
Quisenberry, Bobby R., 3182648.
Rabata, Francis C., 3180745.
Radcliffe, Allen B., Jr., 3161937.
Radtke, Kenneth C., 3181811.
Raffelson, Dennis B., 3193669.
Rahter, William R., 3192005.
Raineri, Edwin A., 3193014.
Rakar, George J., 3180026.
Rambo, Stephen W., 3191283.
Randall, Howard A., 3192944.
Rankin, Richard C., 3181490.
Rasch, Peter C., 3174649.
Rasmussen, Richard J., 3176861.
Rasmusson, Elton J., 3177821.
Ratcliff, John H., 3193222.
Rauch, Stanley A., 3192771.
Rausch, Vincent L., 3189552.
Ray, Jimmy L., 3182386.
Ray, Patrick R., 3192918.
Rayburne, Michael H., 3176743.
Reddick, Loy W., Jr., 3181768.
Reggio, Robert L., 3181378.
Rehkop, James L., 3180605.
Reid, Howard S., Jr., 3190265.
Reid, Wilson D., Jr., 3180368.
Reinhard, Kenneth O., 3176713.
Reuter, David F., 3190843.
Rex, Alan M., 3182165.
Rex, Robert A., 3182175.
Reyer, Charles A., Jr., 3181607.
Reynolds, Ernest T., 3192470.
Rhodes, Joseph L., Jr., 3180186.
Rich Danny F., 3181609.
Richardson, Jewett T., Jr., 3176714.
Rickenbach, David R. 3182080.
Rickert, Wayne L., Jr., 3192619.
Ricks, William R., 3176629.
Rieck, Darwin A., 3192772.
Riedler, James A., 3198945.
Rierson, James W., 3178652.
Ringhoffer, George D., 3181727.
Riordon, John A., 3199066.
Ritzhaupt, William R., 3192107.
Roark, James M., 3177999.
Roberson, Richard J., 3174828.
Roberts, Gilbert B., 3181790.
Roberts, James H., 3180532.
Robinson, Thomas Y., 3180189.
Robson, John E., 3182051.
Roby, Steven, J., 3181254.
Rodgers, Francis X., 3192497.
Roetter, Charles W. W., 3180002.
Roller, William C., Jr., 3182071.
Romanchek, James J., 3189454.
Rosa, James W., 3190978.
Rose, Floyd E., Jr., 3191081.
Rosenberg, Lawrence, 3160577.
Ross, Albert E., 3171189.
Ross, Donald E., 3171427.
Roth, Dale B., 3192040.
Rowcliffe, Paul H., 3189412.
Roy, Daniel L., 3180591.
Royer, Ronald K., 3182729.
Rubenis, Janis J., 3180843.
Rumpf, David C., 3180504.
Runkle, Marty T., 3193598.
Russell, Jack R., 3191578.
Russell, John L., 3175172.
Russo, Stephen J., 3181860.
Ryanczak, Michael P., 3190927.
Rybczyk, John, 3198947.
Sakamoto, Gerald H., 3180301.
Sakuma, Gary S., 3193672.
Sams, Ronald W., 3180371.
Sanborn, James M., 3174916.
Sanchez, Daniel H., 3179881.
Sanders, Robert A., 3176485.
Sandrock, John H., 3190664.
Santarelli, Eugene D., 3189456.
Sarpen, William P., 3190775.
Scarborough, James W., 3181661.
Schaeffer, Roy C., 3180360.
Scheiber, Edmund M., Jr., 3181507.
Scheimberg, Haskell R., 3181954.
Scheper, Richard J., 3192006.
Scherck, Paul E., Jr., 3181715.
Schmidt, Michael F., 3180035.
Schmitt, Christopher M., 3181829.
Schneider, Bernard J., 3180789.
Schnittger, William F., 3180691.
Schrimpf, George E., 3190666.
Schuster, Theodore J., 3173549.
Schwartz, David L., 3180917.
Scott, Stephen H., 3182108.
Sears, Robert M., 3177769.
Seavitte, Samuel M., 3181631.
Sedgeman, William H., Jr., 3181489.
Sellars, John M., 3180322.
Sellers, Benjamin W., Jr., 3180022.
Sevigny, Norman J., 3181713.
Shannon, Lemuel P., 3171761.
Sharp, Theodore L., Jr., 3181668.
Shearer, Robert L., 3180886.
Shearer, William C., 3174830.
Shelton, Randal W. 3180879.
Shibuya, Calvin H., 3158567.
Shipman, Jerry W., 3192114.
Siebern, Vincent E., 3193027.
Siebert, John V., 3179940.
Sikula, Gerald J., 3199001.
Silver, Nelson D., 3175238.
Simmons, Larry K., 3189911.
Simmons, Michael D., 3182441.
Simpson, Robert D., 3180082.
Sinclair, Timothy A., 3191315.
Singer, Michael D., 3182406.
Skillern, Kenneth R., 3180599.
Skipp, Robert, 3180519.
Slavin, Thomas J., 3182283.
Sleighter, Donald G., 3192374.
Sloop, Gary M., 3193374.
Slymen, Edmund G., 3181979.
Small, Joseph L., 3199070.
Smalley, John H., 3180483.
Smallwood, Robert D., 3180097.
Smart, William W., 3181134.
Smelter, David R., 3181626.
Smith, Gordon M., 3192428.
Smith, Harold A., 3158745.
Smith, Harry W., 3154540.
Smith, James E., 3182083.
Smith, Lee J., 3190365.
Smith, Robert A., 3181895.
Smith, Robert C., 3191195.
Smith, William F., 3181187.
Smoyer William P., 3178289.
Snell, Cecil L., 3189003.
Snyder, Brewster B., 3189776.
Sobotka, Francis E., 3179870.
Solomonson, Clifford J., 3190741.
Spahr, Michael G., 3180167.
Sparks, James W., 3193142.
Sparks, Jerry L., 3183787.
Spencer, Warren R., 3189358.
Spilis, David L., 3174978.
Spires, David N., 3180885.
Spitler, Jack B., 3180078.
Spittler, Thomas J., 3191064.
Spontak, Andrew T., 3192266.
Spratlin, Billy W., 3180066.
Sproul, Lyle A., 3182068.
Spurgeon, Jimmy H., 3198954.
Squires, Ralph H., Jr., 3199003.
Stadler, Frank W., 3173066.
Stanley, Dennis J, 3181394.
Stanley, Donald K., 3199071.
Stanton, Carroll M., 3192044.
Staub, Lester E., 3191288.
Stecklow, John E., 3182567.
Steeno, David L., 3193806.
Steffen, Ronald R., 3181497.
Stein, Ronald E., 3190632.
Steinfeld, James H., 3178202.
Stephens, Boyd W., 3181112.
Stephens, Brian B., 3177106.
Stephens, William K., 391902.
Sternberg, Charles D., 3199004.
Sterner, John E., 3182359.
Stevens, Emanuel N., Jr., 3176063.
Stevens, Richard S., 3190980.
Stewart, Joseph W, 3181051.
Stewart, Robert L., 3181747.
Stokes, John B., II, 3173067.
Stone, Francis X., Jr., 3173413.
Stone, James W., 3181085.
Stone, John W, Jr., 3182031.
Stone, Michael C., 3181764.
Stoneberg, John F., 3181560.
Storer, Harold S., Jr., 3189509.
Strammiello, Donato A., 3157962.
Strand, David W., 3192952.
Streit, John L., 3181915.
Stretton, John L., 3180455.
Striegel, William H., 3189099.
Struthers, Allen A., Jr., 3192168.
Stuart, Hunter R., Jr., 3181630.
Sturgeon, William J, Jr., 3190930.
Sturm, Gregory D., 3180246.
Stutsman, Frederick C., 3191197.
Sullivan, Joseph P., 382171.
Sumter, Leonard, Jr., 3182152.
Sundberg, Roger R., 3171550.
Sunderland, Harry R., 3177741.
Sweet, Robert B., 3182639.
Swezey, William D. B., 3190098.
Swilley, Mason R, Jr., 3182395.
Tallent, Rex A., Jr., 3180557.
Talley, Howard B, 3181224.
Tattini, James G., 3189211.
Tavernise, Emilid G., 3155516.
Taylor, Charles T., 3180669.
Taylor, Gary W., 3180560.

Taylor, William R., 3180030.
Tedrow, Floyd K., 3181194.
Tellborg, Edwin R., 3180219.
Tencza, Joseph J., Jr., 3189796.
Teske, John A, 3181535.
Thibodo, Micheal T., 3191515.
Thomas, Bredette C., Jr., 3162559.
Thompson, Elmer L, 3178959.
Thompson, Harvey L., 3198957.
Thompson, Kenneth A., 3190634.
Thompson, Robert W., 3181734.
Thornton, Philip E., 3182039.
Tidwell, Herbert A., 3180695.
Tilley, Marshall D., 3189917.
Tillotson, Dennis A., 3192735.
Tompkins, James S., 3180666.
Toscano, James P., 3191292.
Toth, Paul J., 3198959.
Toucey, Richard M., Jr., 3192628.
Townsend, James N, 3182728.
Tradelius, Paul C., 3175519.
Trease, Kenneth R., 3182650.
Treger, Herbert L., 3181430.
Tucker, William L., 3181926.
Turner, Thomas M., 3192736.
Turner, William G., 3193289.
Ulery, Robert R., 3180308.
Unckrich, William F., 3182569.
Updyke, Junius E., 3180606.
Vance, William A., 3178100.
Vance, William G., 3191803.
Vanetten, Peter, 3180679.
Vanhorn, William P., 3180485.
Vanmierlo, Ronald L., 3173805.
Vanovermeiren, Gary F., 3180740.
Vanuk, Daniel A., 3191451.
Vanzandt, James R., 3180364.
Vanzee, Lloyd E., 3181239.
Varela, Charles D., 3177899.
Varner, Stuart M., 3170698.
Vaught, Johnnie L., 3189422.
Veltrie, Gerry L., 3178110.
Venezia Robert A., 3171844.
Venturi, Richard R., 3191020.
Vestal, Howard L., Jr., 3180694.
Villand, Salvatore, Jr., 3180956.
Villarreal, Lorenzo, II, 3180324.
Vincent, Robert K., 3154510.
Voigtmann, Fredrick N., 3181180.
Wachsmuth, Armin A., 3172435.
Waddell, Castner R., 3180634.
Waddell, Earl R., III, 3180663.
Wahineokai, Wayne W., 3189102.
Wait, Dwight R., 3172437.
Waldman, Albert C., III, 3180014.
Walentas, Peter, 3199077.
Wales, Edwin A., 3181422.
Walker, Eddie, 3177849.
Walker, John M., 3180664.
Walker, Thomas W., 3181277.
Walker, Tommy L., 3181244.
Wallace, Richard C., 3181520.
Walsh, Brian M., 3180152.
Ware, Russell L., 3198964.
Warner, John C., 3182311.
Warner, Paul H., 3180155.
Warren, Lee M., 3178488.
Waters, George H., 3199079.
Weatherford, Smiley W., Jr., 3188971.
Webb, James H., 3181141.
Weber, Robert J., 3181602.
Webster, Russell C., 3180967.
Weekes, Wallace C., 3190713.
Wege, Ralph, 3177900.
Wegner, Lavern J., 3190714.
Weiglein, Arthur J., 3181276.
Weirtz, Dean E., 3191982.
Weisert, Donald H., 3180212.
Weissmuller, John M., 3190854.
Wellington, John R., 3182471.
Wells, Frank H., 3198966.
Wendlandt, Richard T., 3192317.
Wentworth, Douglas L., 3192171.
West, Lloyd A., 3181981.
Whisnant, Cleatus G., 3191359.
White, James E., 3174876.
White, Phillip W., 3177226.
Whitehead, Darell R., 3180836.
Whiting, Frank T., Jr., 3198970.
Whiting, John H., 3193229.
Whittaker, Jonathan W., 3191882.
Whitten, Frederick C., 3181644.
Wiater, Paul H., 3190962.
Wick, Chad P., 3181455.
Wier, Harvey D., Jr., 3193678.
Wilburn, Sammy F., 3192958.
Williams, Farl W., 3199006.
Williams, Fred R., 3180600.
Willams, George M., Jr., 3180528.
Williams, Hamilton, Jr., 3180238.
Williams, Ralph R., 3178317.
Williams, Wynne P., 3190427.
Williamson, Robert J., 3178004.
Wilson, Francis M., 3181637.
Wilson, James R., 3192740.
Wilson, Lawrence F., 3180017.
Windingstad, Ronald M., 3181784.
Windsor, Walter L., Jr., 3172533.
Wingfield, Kieth A., 3162356.
Winston, John M., 3181563.
Wisniewski, John W., 3178404.
Witty, Jack L., 3180723.
Wojcik, Michael R., 3193716.
Wolcott, David T., 3178405.
Wood, James D., 3177348.
Woodcock, Donald L., 3199008.
Woodham, John H., 3170767.
Woods, Robert S., 3193562.
Wooster, Larry M., 3193511.
Wootten, Ronald L., 3181676.
Worcester, Robert H., 3180960.
Worrell, Kenneth E., 3191362.
Worthington, Douglas K., 3180720.
Worthington, John A., 3182434.
Wray, David W., 3180959.
Wray, James C., 3180900.
Wright, Donald J., 3190381.
Wright, Karen S., 3181453.
Wright, Ralph E., 3182383.
Wright, Stephen A., 3180687.
Wyttenbach, Barry D., 3190636.
Yamamoto, James T., 3172024.
Yeager, John G., 3181948.
Yock, Edward J., 3173557.
Young, James A., 3198972.
Zajicek, Thomas P., 3179920.
Zaretsky, Harris, 3180684.
Zeigler, Jacob H., III, 3192636.
Zick, Marvin N., 3182454.
Ziegler, Randall K., 3180699.
Zielie, Paul A., 3198973.
Zimmerman, Myron P., 3182507.
Zimney, Raymond A., 3181246.
Zucker, Irwin, L., 3180320.
Zukowski, Robert J., 3190334.
Zwerg, John W., 3180111.

Subject to medical qualification and subject to designation as distinguished graduates, the following students of the Air Force Reserve Officer Training Corps for appointment in the Regular Air Force, in the grade of second lieutenant, under the provisions of Chapter 103, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Baker, Larry M.
Berry, Michael J.
Brock, James R.
Campbell, John H.
Cavin, Houston L.
Conley, John C.
Doehling, Robert E.
Dove, Edgar L.
Eslick, William L.
Hannah, Darryl E.
Harvey, Jack R.
Hatcher, Thomas D.
Henderson, Charles R.
Hooker, Walter C.
Huddleston, James R.
Johnson, Jackie L.
Johnston, Lawrence D.
Long, Edward D., Jr.
Marshall, Marvin D.
Morales, Epifanio, Jr.
Nelson, Lyle T.
O'Neal, Michael R.
Oshiro, Lawrence H.
Player, Vinroe S.
Rutledge, John W.
Sargent, James F.
Sawyer, Miles L.
Seymour, Raymond P.
Shankel, Robert D.
Siekfer, John B.
Simmons, Thomas R.
Smith, William B.
Tanaka, Patrick Y.
Torrado, Miguel A.
Valenzi, Richard R.

CONFIRMATION

Executive nominations confirmed by the Senate August 6 (legislative day of August 5), 1969:

U.S. MARSHAL

Albert A. Gammal, Jr., of Massachusetts, to be U.S. marshal for the district of Massachusetts for the term of 4 years.

HOUSE OF REPRESENTATIVES—*Wednesday, August 6, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Lord is good; His mercy is everlasting; and His truth endureth to all generations.—Psalm 100: 5.

O God, who art the Lord of heaven and earth, whose love lives forever and whose truth endureth through all generations, hear us as we pray lifting our hearts unto Thee.

Thou hast called us to live together as brothers and hast taught us that we belong to each other. Do Thou bless all endeavors leading toward peace in our world, justice in our Nation, and good will in all our hearts.

Let Thy spirit so live in men and so move among them that the leaders of our Nation and of every nation may seek peaceful means to settle disputes, to maintain order, and to establish justice.

Help us all to learn that peace depends upon understanding love; that law and order must be built upon righteousness and truth; and that justice can live only in the hearts of men of good will.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Geisler, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 714. An act to designate the Ventana Wilderness, Los Padres National Forest, in the State of California.

The message also announced that Mr. DOLE be appointed a conferee on the bill (S. 1072) entitled "An act to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, and titles I, III, IV, and V of the Public Works and Economic Development Act of 1965, as amended," in lieu of Mr. PACKWOOD, excused.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 6508) entitled "An act to provide assistance to the State of California for the reconstruction of areas damaged by recent storms, floods, and high waters," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BAYH, Mr. YOUNG of Ohio, Mr. EAGLETON, Mr. GRAVEL, Mr. BAKER, Mr. DOLE, and Mr. GURNEY to be the conferees on the part of the Senate.

PERMISSION FOR SUBCOMMITTEE ON INDIAN AFFAIRS, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, TO SIT DURING GENERAL DEBATE TODAY

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Subcommittee on Indian Affairs of the House Committee on Interior and Insular Affairs be permitted to sit during general debate this afternoon.

This request is made because we have witnesses from Alaska scheduled to appear. Otherwise they would be held here longer than they possibly can afford to be here.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. HALL. Mr. Speaker, reserving the right to object, I do appreciate the gentleman from Colorado coming to the microphone and stating forthrightly the problem of his committee hearing during business of the House. It seems to me this is the correct way to do legislative business, as compared with yesterday's almost covert—to me—permission for the Committee on Rules to have until midnight last to file an as then unacted upon House resolution and report. But it seems to me also that this is an awfully important day.

Insofar as I have been able to determine what the calendar is, we have pay of the House employees to consider, we have an important education bill to consider, perhaps, and, of course, we have the tax reform bill to consider.

Mr. Speaker, I shall not object under the circumstances, but I would serve notice that in the future, except under extreme circumstances similar to this where long travel distances are involved, when there is heavy business such as we have scheduled, or when the requests are made in an offstage voice, affecting the legislative business, I would be constrained to object.

Mr. Speaker, I withdraw my reservation of objection and yield to the gentleman's request.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

RETAIN ROBERT MORGENTHAU

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, on August 4, the very distinguished chairman of the Banking and Currency Committee, WRIGHT PATMAN, made a statement in this House in support of the retention by the administration of the U.S. attorney for the southern district of New York, Robert Morgenthau. I want to add my voice in support of that statement. Coming from New York and having practiced law in the State and Federal courts, I am very familiar with Mr. Morgenthau's reputation and it is superb.

There are many people in the State of New York who will judge the Nixon administration's real position on law enforcement by what the President does on this appointment. It is rumored that Robert Morgenthau's present position will be subverted and that he ultimately will be replaced. If that were to occur it would give great heart to organized crime and the Mafia in particular which is constantly under attack in the southern district because of the zeal of Robert Morgenthau. There are major party bosses in both parties in New York City who because they have feared the investigations being conducted by Robert Morgenthau's office into their activities would like very much to see him removed.

Robert Morgenthau has conducted his office without fear or favor and in a totally nonpartisan manner, letting the chips fall where they may. There are too few in the investigatory agencies of this country on the local, State, and Federal level who have the strength, conviction, and integrity to take such a position.

I urge the President and the Attorney General to set the precedent which Chairman WRIGHT PATMAN suggested and that is that—

> U.S. attorneys will be selected in accordance with a single standard—their ability to perform. They can do this through the magnificently simple act of announcing their intent to retain and support Robert Morgenthau in office.

THE PLACE TO VISIT IS COLORADO

(Mr. ROGERS of Colorado asked and was given permission to address the House for 1 minute.)

Mr. ROGERS of Colorado. Mr. Speaker, we will shortly be going on our recess, and I should like to direct attention to a good place to go; that is, the State of Colorado.

I particularly wish to emphasize that Members should get a copy of the National Geographic for the month of August 1969. There they will find an excellent article, and photographs of our great State. The article is written by Edward J. Linehan, associate editor, and sets forth many of the beauties of our great State.

We ask everyone to read this article and then to come out and visit with us during the recess.

REQUEST TO CONSIDER H.R. 13194, AMENDING THE HIGHER EDUCATION ACT OF 1965, UNDER SUSPENSION OF THE RULES PROCEDURE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that it may be in order on Monday next to bring up under suspension of the rules H.R. 13194, amending the Higher Education Act of 1965.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. HARSHA. Mr. Speaker, reserving the right to object, this is excellent legislation and I support it, but I object to the methods by which it is being brought up on the floor. The parliamentary procedure suggested by the chairman of the committee will prevent the House from working its will and deny members the opportunity of offering any amendments of any kind.

We have been trying for months, Mr. Speaker, to get legislation from the Committee on Education and Labor dealing with student unrest, but we have been blocked by them because they failed to report out any legislation. Consequently, we have been forced to deal with this matter piecemeal on the floor and offer amendments to the various bills as they appeared before this body on the floor. Now, this is no way to legislate. I want the House to be fully aware, if this procedure is to be permitted, we are precluded from dealing with this problem of student unrest.

Continuing under my reservation to object, Mr. Speaker, the chairman of the committee has ample time now to go to the Committee on Rules and get a rule and bring up this measure under the rule on the floor so that proper amendments can be offered.

Mr. PERKINS. May I respond to the gentleman? Will the gentleman yield?

Mr. HARSHA. I yield to the chairman of the committee.

Mr. PERKINS. First let me say to the gentleman that a high degree of diligence has been exercised in attempting to bring this bill to the floor because of the urgency for immediate enactment. In the course of trying to report a bill from committee I agreed that I would consult with the leadership on the minority side and with the Speaker and that I would do my very best to bring this bill to the floor under suspension of the rules.

We all know that there is controversy within the committee on the point that the gentleman just made. Related to this and because of the absolute necessity for passage in the House and the Senate before we go home for recess—I am not now in a position, to go before the Committee on Rules. Several members of the committee who voted to report the bill did so only because of the understanding that the bill would be considered under suspension of the rules.

Mr. HARSHA. That may be all well and good, but the fact remains that you are preventing the House from working its will on this all-important issue to the American public. They are fed up with having their tax dollars used to sustain students in schools who are in violation of the law and who are disrupting and destroying college campuses.

Now, the House has amply demonstrated that it desires to meet the public demand and deal with this problem. However, to bring this measure up under a suspension of the rules denies the House the right to work its will. It denies the taxpayer his "day in court."

I think that the gentleman from Kentucky should go to the Rules Committee and get a rule and we can still under the rule pass this bill before the recess in time to aid the students for this coming school year.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield to me?

Mr. HARSHA. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I want to substantiate what the chairman of the Committee on Education and Labor has said; namely, that he consulted with the Speaker and with me about the urgency of this legislation. On the basis of that urgent need, I did not raise any objection to the consideration of the bill under suspension of the rules.

On the other hand, there is substance to the argument which has been made by the gentleman from Ohio (Mr. HARSHA). The Committee on Rules could be responsive to such a request for a rule. I am only saying that the gentleman from Kentucky has told the story as it transpired. I do not want anyone in the House to doubt that he did follow the course of action that he described.

Mr. PERKINS. Mr. Speaker, will the gentleman yield further?

Mr. HARSHA. I yield further to the gentleman from Kentucky.

Mr. PERKINS. Let me say to my good neighbor that I, personally, feel it would be disastrous if we involve this legislation in the student unrest controversy at this late hour, inasmuch as we did have trouble in getting the bill reported from committee. I am of the opinion that it is the only way we can get the bill enacted into law at this time.

I am hopeful that the gentleman from Ohio (Mr. HARSHA) will withhold his objection and press his point, not on this particular piece of legislation, but at a later date.

Mr. HARSHA. I would ask the gentleman from Kentucky to withdraw his request because we will, under either method, not consider the bill until Monday. The gentleman has ample time during which to get a rule and bring the matter up under a rule and get it enacted by Monday of next week.

Mr. PERKINS. Mr. Speaker, if the gentleman will yield further, the gentleman from Michigan, the distinguished minority leader (Mr. GERALD R. FORD) and the gentleman from Illinois (Mr. ERLENBORN) both will substantiate my earlier statement that I am not now in a position to go before the Rules Committee because of the agreements necessitated in our efforts to obtain favorable action at this time by the committee.

Mr. HARSHA. If the members of the Committee on Elections and Labor want to assume that burden of refusing to bring this legislation up for consideration, unless it is under suspension of the rules, and thereby deny the students the right to these loans, that is their responsibility; that is a burden they will have to assume. But this matter can be taken up under a rule and passed without denying the House the right to work its will. It can be amended to deal with the student unrest issue and passed in ample time to be of help to students this fall.

Mr. ERLENBORN. Mr. Speaker, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Speaker, I thank the gentleman for yielding. I understand the gentlemans' concern, and I share the gentleman's concern. As the gentleman knows, I was the author of the bill that tied up the Committee on Education and Labor for over a month dealing with the subject of student unrest. The gentleman is right that perhaps we can get a rule, but the gentleman is wrong if the gentleman thinks this could be the vehicle for passage of a student unrest amendment. If we did get a rule and we placed this bill on the floor for consideration and such an amendment was put on the bill, I am sure that would guarantee the fact that this very important legislation to make funds available for students to attend colleges and universities would not be passed. Certainly, it could not be passed in time for it to be effective for the coming semester. If we use this as such a vehicle, then we are playing games with a very important program, one that will determine whether or not funds will be available under the guaranteed student loan program for the semester starting in September of this year.

Mr. HARSHA. The gentleman is absolutely 100 percent wrong, I disagree entirely with his statement that it will not pass, student destruction amendments have been placed onto every bill they have been applicable to since the start of the year, and where we get the idea that the legislation will not pass is beyond my comprehension, it most assuredly will pass, as other amendments of a similar nature have passed.

Mr. ERLENBORN. Mr. Speaker, will the gentleman yield further?

Mr. HARSHA. I yield further to the gentleman from Illinois.

Mr. ERLENBORN. The gentleman is absolutely correct that it would pass the House and it would then go to the other body where I am certain the amendment would not be adopted. The bill might not even get out of the other body, but if it did, it would assuredly go to conference and could not be passed in time for the coming semester. I will further say to the gentleman that if he would insist on his objection and we have this come out under a rule, in the first place it probably would not be brought up. In the second place if it were brought up, the procedure it would have to follow would guarantee that it could not be passed in time to help the students for this coming semester.

Mr. HARSHA. Mr. Speaker, I would say to the gentleman from Illinois that I think the gentleman is wrong on that point. If the other body does what the gentleman indicates and would assume the burden of not passing this legislation then that is their prerogative but I think the House should be entitled to work its will. The other body could pass this legislation as quickly as this House could. There is no reason to delay it or have it flounder in a conference committee. If the other body wants to delay it so as to preclude the availability of these funds this year they could do that even with the method of procedure being employed that the gentleman from Kentucky requests. But that is their responsibility, not ours. This House should be granted the right to work its will and a handful of Members should not be permitted to deny the majority the right to express the taxpayers' desires on this matter of student violence and destruction of facilities constructed with taxpayers' hard-earned dollars.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky (Mr. PERKINS)?

Mr. GROSS. Mr. Speaker, further reserving the right to object.

The SPEAKER. The gentleman from Iowa (Mr. GROSS) further reserves the right to object.

Mr. GROSS. Mr. Speaker, this bill is not without merit but when I hear talk about playing games with legislation, let me say that the Committee on Education and Labor has been playing games with this legislation long before the request was made here this morning to take this bill up under a suspension of the rules. That committee has known for weeks that the prime interest rate has been advanced progressively to 8½ percent and therefore legislation of this nature would be needed insofar as students are concerned. Why has there been no previous committee action? And the gentleman from Kentucky (Mr. PERKINS) and the gentleman from Illinois (Mr. ERLENBORN) can give the House no assurance that if we take this bill up under the unusual and brutal procedure of suspension of the rules, whereby amendments are prohibited, and pass this bill, that it will receive immediate consideration by the other body.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I will yield to the gentleman if he can give us firm assurance that the other body will take up and pass this bill.

Mr. PERKINS. I would say to the gentleman from Iowa that yes, I think we can give you some assurances that the other body will give immediate consideration to this legislation. I had a conference with the Senate chairman, Mr. PELL, of the Senate subcommittee this morning that will deal with this legislation. I chatted with him for some 30 minutes. I am of the opinion that hearings will be conducted over there tomorrow. I am of the opinion that there is a good chance that this bill will be taken up by the Senate and sent to the President of the United States this week if we are permitted to go through with this procedure here today.

Mr. GROSS. I will say to the gentleman that at least one other member of his committee has no assurance that there will be that kind of expeditious action on the part of the other body after passage of this bill by the House tomorrow, or whenever it is to be brought up.

Mr. PERKINS. That is Monday.

Mr. GROSS. Yes; to be brought up under the suspension of the rules on Monday—that is the gentleman's request; is it not?

Mr. PERKINS. Yes; that is my request.

Mr. GROSS. And then we are expected to believe the other body is going to take it up and pass it before Wednesday of next week?

Suppose the other body adds an amendment to the bill penalizing students who obtain loans and, who then engage in demonstrations and riots on college campuses. Then it would have to go to conference.

Mr. PERKINS. They know the parliamentary situation. I am of the opinion the bill will not be amended and that it will become law in the form in which it is passed by the House.

Mr. GROSS. I cannot find a single other assurance that the other body will even take the bill up before the recess next Wednesday.

Mr. SCHERLE. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. SCHERLE. Mr. Speaker, I hold in my hand an editorial from this morning's Washington Post. I very seldom read it because it is never in touch with the people and is often out of tune with the rest of the country.

However, this editorial states, and this is most significant—Representative SCHERLE stated the amendment adopted in the appropriation bill "is designed to put a little starch into the backbones of our weak-kneed administrators, to make them face up to their responsibility." That is exactly what this amendment was designed to do—with over 250 campus disruptions, with 3,000 arrests and millions in property damage. College presidents and administrators sit timidly by and allow this dedicated minority to take over the universities and cause untold hardship on the bona fide student whose only desire is to get an education. The Post calls this amendment innocuous.

However, 200,000 questionnaires have been returned to 14 Members of this body insisting that Federal aid be cut off from student demonstrators.

At the present time five students at George Washington University who participated in the takeover of Maury Hall and members of the SDS are receiving $1,000 in NDEA student loans.

Can anyone in this body tell me why the taxpayers of this country should be asked to finance students who organize these riots? I do not know. I can find no reason why the Members of this House should not be consistent and amend every vehicle that comes to this floor and support amendments cutting off student aid for those who are not there for constructive purposes.

The amendment which was adopted last week puts teeth in the law and will serve the intent of the drafters and the House and will only fail for one reason, that is if Secretary of Health, Education, and Welfare Finch does not enforce legislative intent and uphold the law as passed by this Congress.

It is not my desire to hold up funds needed for student loans. It is not my intention to restrict legislation designed to assist all students. My record is clear. I take this position because "I care." I care about the students, the institution, and the taxpayer through whose generosity all this is possible. He should not be asked to finance militant and radical students. College enrollment this fall is being curtailed because there is not enough room, yet administrators will not enforce the law and punish the guilty. Is this asking too much?

Mr. GROSS. Mr. Speaker, the committee has had weeks in which to bring up this legislation, well knowing that it would be necessary, and there is no reason why the committee could not have performed its duty. I am not opposed to student loans. I am opposed to this procedure which would prevent the House from working its will on this bill.

Mr. Speaker, under the circumstances, therefore, I must object.

The SPEAKER. Objection is heard.

TAX REFORM ACT OF 1969

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I am opposed to this body considering the Tax Reform Act of 1969 at this time in such a rushed-up manner. By admission of the Ways and Means Committee itself, this is the first such bill of its kind in 56 years. The committee has had nearly a month to consider the bill's provisions and has had the assistance of a most competent committee staff to explain to them the minute ramifications of each provision. Yet we as Members of the House have been given only 2 days in which to study a bill 368 pages in length and reach a supposedly intelligent decision. It is beyond me as to why after waiting this long for significant tax reform, we must all of a sudden rush this bill through. I firmly believe we should wait until after the recess to consider the Tax Reform Act and allow the Members of the House ample opportunity to conduct a diligent study of this piece of legislation and also discuss the bill with their constituents.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT DURING GENERAL DEBATE TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may sit tomorrow during general debate on the subject of immunity legislation for witnesses.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, will not the tax bill be on the floor of the House tomorrow?

Mr. ALBERT. The gentleman is correct.

Mr. GROSS. Are these out-of-the-city witnesses who are appearing before the committee?

Mr. ALBERT. All I can say to my friend is I have been sent a note from the gentleman from New York (Mr. CELLER), chairman of the committee, indicating that the gentleman from Ohio (Mr. McCULLOCH) and the gentleman from Virginia (Mr. POFF) accede to his request. Beyond that I do not know.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PER ANNUM GROSS RATES OF PAY OF CERTAIN POSITIONS UNDER HOUSE OF REPRESENTATIVES

Mr. HAYS. Mr. Speaker, I call up House Resolution 502 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 502

Resolved, That (a) effective August 1, 1969, the per annum gross rates of pay of those positions under the House of Representatives listed below shall be as follows:

(1) Postmaster, $31,500;

(2) Floor Assistant to Minority, $27,732.60;

(3) Pair Clerk to the Majority, $26,000; and

(4) Pair Clerk to the Minority, $25,000.

(b) The position of Pair Clerk to the Majority is hereby exempted from the provisions of the House Employees Position Classification Act (2 U.S.C. 291 and following).

(c) Until otherwise provided by law, there shall be paid out of the contingent fund of the House such sums as may be necessary to carry out this authorization.

AMENDMENTS OFFERED BY MR. HAYS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I offer two amendments and ask unanimous consent that they be considered en bloc.

The Clerk read as follows:

Amendments offered by Mr. HAYS:

On line 6, strike out "$26,000;" and insert in lieu thereof "$27,000;".

On line 7, strike out "$25,000." and insert in lieu thereof "$26,000."

The SPEAKER. The Chair will state it is not necessary to ask unanimous consent to consider the amendments en bloc. All the amendments relate to one section of the bill.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. HAYS. Mr. Speaker, if the gentleman from Missouri asks a question, I yield to him.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I would appreciate a little more explanation about this, realizing it is a privileged resolution and realizing it was brought up yesterday and I thought very properly withdrawn by the gentleman after some colloquy.

I think I understand the equity involved in the resolution, and I commend the committee for their action, but could the Members of the House be assured, before we make other errors in overpaying those who would help us, in order to correct existing errors, that this is the means to an end, and that perhaps the entire pay scale would be readjusted in view of the fact that this continuation of errors was brought on by hasty legislation and as a result of Commission action and other erroneous situations into which the House has gotten itself by past action?

Mr. HAYS. Mr. Speaker, I will state that is a very lengthy question, and I will try to make the answer briefer than the question. I say to the gentleman from Missouri I can promise that the subcommittee of which I am the chairman has the whole matter under study, and this is the beginning.

As the gentleman will note, in one case we are rolling back a salary, and in another case we are leaving one alone, in order to make the thing compatible and comparable throughout the salary scale. I am sure when we get through it will not be perfect, but we will do the best we can.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I appreciate that explanation. It was the point of reduction to which I addressed myself with approval. I certainly hope that if this is passed today, the subcommittee which the gentleman chairs will look further into this proposition, especially in view of the tax reform legislation which we will consider, and in view of the spending habits we have drifted into, and in view of the need to balance the budget, and many other considerations.

Mr. Speaker, I thank the gentleman for yielding.

The amendments were agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE SELECT COMMITTEE ON THE HOUSE RESTAURANT

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-428) on the resolution (H. Res. 508) providing funds for the Select Committee on the House Restaurant, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 508

Resolved, That effective July 10, 1969, in carrying out its duties, the select committee created by House Resolution 472 is authorized to incure such expenses, not to exceed $40,000, as it deems advisable. Such expenses shall be paid out of the contingent fund of the House on vouchers authorized and approved by such committee, signed by the chairman thereof, and approved by the Committee on House Administration.

SEC. 2. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. FULTON of Pennsylvania. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 144]

Addabbo
Baring
Barrett
Brasco
Brown, Calif.
Byrne, Pa.
Cabell
Cahill
Carey
Celler
Clark
Conyers
Culver
Daddario
Daniels, N.J.
Davis, Ga.
Edwards, Calif.
Farbstein
Fascell
Flowers
Ford, William D.
Gallagher
Gilbert
Gubser
Halpern
Hébert
Hull
Jacobs
Kirwan
Kuykendall
Lipscomb
Lukens
McDade
McKneally
Mailliard
Miller, Calif.
Minshall
Mizell
Morton
Ottinger
Philbin
Powell
Rooney, N.Y.
Rosenthal
Rostenkowski
Saylor
Scheuer
Shipley
Stratton
Taft

The SPEAKER. On this rollcall 382 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

TEMPORARY EXTENSION OF AUTHORITY CONFERRED BY EXPORT CONTROL ACT OF 1949

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H. J. Res. 864) to provide for a temporary extension to October 31, 1969, of the authority conferred by the Export Control Act of 1949.

The Export Control Act furnishes the authority for restricting the outflow of scarce materials and for regulating exports, particularly to Communist-bloc countries, in furtherance of our national security and foreign policy. A temporary 2-month extension to August 30, 1969, Senate Joint Resolution 122, was previously passed under unanimous consent on June 27.

The committee has not yet completed its deliberations and the Senate has not yet acted. The extension to October 31, 1969, will enable the committee to complete its deliberations and has been agreed to unanimously by the subcommittee and by the gentleman from New Jersey (Mr. WIDNALL), the ranking minority member of the full committee.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Reserving the right to object, Mr. Speaker, why is this necessary?

Mr. PATMAN. Mr. Speaker, it is necessary because it was impossible for either the House or the Senate committees to prepare legislation before the expiration date. It is just a request for a 60-day extension.

Mr. GROSS. It is for what?

Mr. PATMAN. This is not the extension of the Export Control Act.

Mr. GROSS. That would require legislation, would it not?

Mr. PATMAN. It would, yes, but this just extends the time, so we can be permitted to pass on legislation.

Mr. GROSS. Was the expiration not fixed by law?

Mr. PATMAN. Yes, sir, it was fixed by law.

Mr. GROSS. Then why has not the firm date been met for the expiration of the act?

Mr. PATMAN. It is infrequent that this is asked for, but this is necessitated because of the failure of the House and the Senate to get behind this before the expiration date. This sometimes happens, and over the years in the Congress only one or two cases have occurred.

Mr. GROSS. Will the gentleman agree it is happening with increasing frequency to the detriment of the orderly legislative process in the House of Representatives? I am not concerned about the other body. The gentleman speaks of the other body not taking action, but how about the House meeting these dates for expiration of laws?

Mr. PATMAN. I submit to the gentleman that as long as it is not over 30 or 60 days there cannot be much harm done, and there is not a hiatus in the law.

Mr. GROSS. Mr. Speaker, I suggest to the gentleman that if the Banking and Currency Committee would spend more time on meeting expiration dates such as this, rather than beefing up with millions of dollars the foreign giveaway programs and soft loans through the World Bank, it would contribute much more to the legislative process and the general welfare.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 864

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 of the Export Control Act of 1949, as amended (50 U.S.C. App. 2032), is amended by striking out "June 30, 1969" and inserting in lieu thereof "October 31, 1969".

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FIFTH ANNUAL REPORT OF THE ATLANTIC-PACIFIC INTEROCEANIC CANAL STUDY COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-143)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed, with illustrations:

To the Congress of the United States:

I am transmitting the fifth annual report of the Atlantic-Pacific Interoceanic Canal Study Commission. The report covers the period July 1, 1968 to June 30, 1969.

The Commission has now completed its data collection activities on all of the five sea-level canal routes under investigation. Field operations have been terminated, and all facilities and equipment not removed from the routes have been turned over to host-country governments under the terms of the survey agreements.

Within the United States the office and laboratory evaluations of route data are well-advanced, as are the Commission's studies of the diplomatic, economic, and military considerations that bear on the feasibility of a new, sea-level canal constructed by conventional or nuclear excavation. The Commission will render its final report not later than December 1, 1970, pursuant to its authorizing legislation.

During the year the Atomic Energy Commission conducted the third of its planned series of nuclear excavation experiments in support of the canal investigation. Although all the now planned nuclear cratering experiments will not be completed soon enough for full evaluation by the Commission, it is expected that the Commission will be able to reach general conclusions as to the feasibility of employment of nuclear explosives for canal excavation.

This anniversary sees the canal investigation entering its final phase, and I take great pleasure in forwarding the Commission's fifth annual report to the Congress.

RICHARD NIXON.

THE WHITE HOUSE, August 6, 1969.

OCCUPATIONAL SAFETY AND HEALTH—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-144)

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Education and Labor and ordered to be printed:

To the Congress of the United States:

Technological progress can be a mixed blessing. The same new method or new product which improves our lives can also be the source of unpleasantness and pain. For man's lively capacity to innovate is not always matched by his ability to understand his innovations fully, to use them properly, or to protect himself against the unforeseen consequences of the changes he creates.

The side effects of progress present special dangers in the workplaces of our country. For the working man and woman, the byproducts of change constitute an especially serious threat. Some efforts to protect the safety and health of the American worker have been made in the past both by private industry and by all levels of government. But new technologies have moved even faster to create newer dangers. Today we are asking our workers to perform far different tasks from those they performed five or fifteen or fifty years ago. It is only right that the protection we give them is also up-to-date.

There has been much discussion in recent months about the quality of the environment in which Americans live. It is important to note in this regard that during their working years most American workers spend nearly a quarter of their time at their jobs. For them, the quality of the workplace is one of the most important of environmental questions. The protection of that quality is a critical matter for government attention.

Few people realize the extent of needless illness, needless injury, and needless death which results from unsafe or unhealthy working conditions. Every now and then a major disaster—in a factory or an office building or a mine—will dramatize certain occupational hazards. But most such dangers are realized under less dramatic circumstances. Often, for example, a threat to good health will build up slowly over a period of many years. To such situations, the public gives very little attention. Yet the cumulative extent of such losses is great.

Consider these facts. Every year in this country, some fourteen thousand deaths can be attributed to work-related injuries or illnesses. Because of accidents or diseases sustained on the job, some 250 million man-days of labor are lost annually. The most important consequence of these losses is the human tragedy which results when an employee—often the head of a family—is struck down. In addition, the economy loses millions of dollars in unrealized production and millions more must be used to pay workmen's compensation benefits and medical expenses. It is interesting to note that in the last five years, the number of man-days lost because of work-related injuries has been ten times the number lost because of strikes.

What have we done about this problem? The record is haphazard and spotty. For many decades, governmental responsibility for safe workplaces has rested with the States. But the scope and effectiveness of State laws and State administration varies widely and discrepancies in the performances of State programs appear to be increasing. Moreover, some States are fearful that stricter standards will place them at a disadvantage with other States.

Many industries and businesses have made commendable progress in protecting worker health and safety on their own. Some, in fact, have managed to reduce the frequency of accidents by as much as 80 or 90 percent, demonstrating what can be accomplished with the proper effort. But such voluntary successes are not yet sufficiently widespread.

There are some other positive signs. Collective bargaining agreements often include safety and health provisions; many professional organizations have suggested voluntary standards; groups like the National Safety Council have worked to promote better working conditions. But the overall record is still uneven and unsettling.

The Federal role in occupational safety and health has thus far been limited. A few specific industries have been made subject to special Federal laws and limited regulations have been applied to workers in companies who hold certain Government contracts. In my message to Congress last March on Coal Mine Safety, I outlined an important area in which further specific Federal action is imperative. But something broader is also needed, I believe. I am therefore recommending a new mechanism through which safety and health standards for industry in general can be improved.

The comprehensive Occupational Safety and Health Act which the Secretary of Labor will soon transmit to the Congress will correct some of the important deficiencies of earlier approaches. It will go beyond the limited "accident" orientation of the past, giving greater attention to health considerations, which are often difficult to perceive and which have often been overlooked. It will separate the function of setting safety and health standards from the function of enforcing them. Appropriate procedures to guarantee due process of law and the right to appeal will be incorporated. The proposal will also provide a flexible mechanism which can react quickly to the new technologies of tomorrow.

Under the suggested legislation, maximum use will be made of standards established through a voluntary consensus of industry, labor, and other experts. No standard will be set until the views of all interested parties have been heard. This proposal would also encourage stronger efforts at the State level, sharing enforcement responsibility with States which have adequate programs. Greater emphasis will also be given to research and education, for the effects of modern technologies on the physical well-being of workers are complex and poorly understood. The Public Health Service has done some important groundwork in the field of occupational health, but we still need much more information and understanding.

Our specific recommendations are as follows:

1. Safety and health standards will be set by a new National Occupational Safety and Health Board. The five members of the Board will be appointed by the President with the advice and consent of the Senate to five-year terms; one member of the Board will change each year. At least three members of the Board must have technical competence in the field of occupational safety and health.

The Board will have the power to promulgate standards which have been established by nationally recognized public or private standard-setting organizations. Thousands of these standards have been carefully worked out over the years; the Board will adopt such a "national consensus standard" when the standard-setting organization possesses high technical competence and considers the views of all interested parties in making its decisions.

If the Secretary of Labor (in matters of safety) or the Secretary of Health, Education and Welfare (in matters of health) objects to any such "national consensus standard," they may bring that objection before the Board. The Board can then set a new standard after giving the matter a full public hearing. When national consensus standards do not exist, the Board will have the power to break new ground after full hearings. If the Secretary of Labor or the Secretary of Health, Education, and Welfare object to the Board's action, they can delay its implementation until at least three of the Board members reconfirm their original decision.

2. The Secretary of Labor will have the initial role in enforcing the standards which the Board establishes. The Secretary will ask employees whom he believes to be in violation of the standards to comply with them voluntarily; if they fail to do so, he can bring a complaint before the Occupational Safety and Health Board which will hold a full hear-on the matter. If the Board determines that a violation exists, it shall issue appropriate orders which the Secretary of Labor can then enforce through the Court system. In emergency situations, the Secretary can go directly to the courts and petition for temporary relief.

3. The State governments will be encouraged to submit plans for expanding and improving their own occupational safety and health programs. Federal grants will be available to pay up to 90 percent of the cost of developing such plans. When a State presents a plan which provides at least as much protection to the worker as the Federal plan, then the federal standard administration will give way to the State administration, with the Federal government assuming up to 50 percent of that State's costs.

4. The Secretary of Health, Education, and Welfare will be given the specific assignment of developing and carrying out a broad program of study, experiment, demonstration, education, information, and technical assistance—as further means of promoting better safety and health practices in the workplace. The Secretary will be required to submit a comprehensive report to the President and the Congress, including an evaluation of the program and further recommendations for its improvement.

5. A National Advisory Committee on Occupational Safety and Health will be established to advise the Secretary of Labor and the Secretary of Health, Education, and Welfare in the administration of the Act.

Three years ago, following its study of traffic and highway safety, the Congress noted that modern technology had brought with it new driving hazards, and accordingly, it enacted the National Traffic and Motor Vehicle Act and the Highway Safety Act. With the advent of a new workplace technology, we must now give similar attention to workplace safety and health.

The legislation which this Administration is proposing can do much to improve the environment of the American worker. But it will take much more than new government efforts if we are to achieve our objectives. Employers and employees alike must be committed to the prevention of accident and disease and alert to every opportunity for promoting that end. Together the private and public sectors can do much that we cannot do separately.

RICHARD NIXON.
THE WHITE HOUSE, *August 6, 1969*.

OCCUPATIONAL SAFETY AND HEALTH

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, the average working adult American spends nearly a third of his waking hours at work, more than he spends in any other activity. It is vitally important, therefore, that the environment in which he works to be a healthy and a safe one. How unfortunate it is that so many of our American workplaces are unnecessarily dangerous.

It is striking to realize that millions of man-hours of work are lost every week because of accidents or diseases which are sustained on the job. The President's recent message to Congress on this subject estimates that over 250 million man-days of labor are lost for this reason every year. Behind this statistic lies a great deal of human suffering, both for the worker who is struck down and for his family. And the loss is shared by all of us, for there is a considerable drain on the economy as well.

What makes this situation particularly sad is that so much of this loss is unnecessary. Some enlightened industries have found that by making the right kind of effort they have been able to cut accidents by 80 to 90 percent or more. Yet in too many places such efforts are not now being made. And too many of the State programs which are designed to deal with this problem have proven sadly inadequate.

President Nixon is to be applauded for moving into the vacuum in such a decisive yet understanding way. He does not preempt the role of the States; he instead has developed a plan to help them play their role better. He does not give up on voluntary standard setting; in fact, he makes maximum use of standards which are set by a voluntary consensus. But he also provides a way in which abuses can be checked. He offers a proposal through which the health and safety—and indeed the life itself—of the American worker can be vigilantly protected.

I urge the Congress to give careful attention to the President's message and careful consideration to his proposals. They are sound proposals and most necessary ones. For it is in the interest of everyone—employees, employers, and the public alike—to make all job situations as safe and as healthy as possible.

Mr. ARENDS. Mr. Speaker, during these days when our space successes are so much on our minds, we are more aware than we usually are of the rapid rate of technological change. We know how quickly old habits and old expectations become obsolete. For this reason, I believe the Congress will greet with special enthusiasm the message from the President concerning occupational safety and health. For it is built on the premise that new technologies have introduced new dangers to the workplaces of this country and that the laws which protect American workers must be kept up to date.

This emphasis comes through at several places in the President's message. He stresses, for example, that the new law will go beyond the old fashioned and narrow accident orientation and will be much more concerned with health than has been the case with past approaches. He points out that many occupational hazards are poorly understood, particularly health hazards which may not have their full effect for many months or many years. For this reason, says the President, we must place a continuing emphasis on greater research and study, and he suggests that this responsibility be assigned specifically to the Secretary of Health, Education, and Welfare.

President Nixon also proposes an ongoing National Occupational Safety and Health Board; not one which will simply set standards once and for all and then forget about them, but one which will be available to break new ground as new technologies are implemented and as new findings are made.

Keeping up to date with the technology is one of the great challenges for all of us in this exciting and difficult time. It is a challenge for the Government as well. In his excellent message on occupational safety and health, the President demonstrates his determination to meet that challenge. I hope the Members of Congress will now match his determination with their own.

Mr. QUIE. Mr. Speaker, in a campaign speech last October, candidate Richard Nixon declared:

> I believe better occupational safety laws are needed on both Federal and State levels.

In the message which he has just sent to the Congress, President Richard Nixon has followed up on that statement of last fall. And not only has he proposed a better Federal law but he has also suggested a workable method for encouraging better State laws and for making full use of good State laws when they are developed.

The President has taken the leadership. Now occupational safety and health has become a prime area for congressional action. For the problem is great, and the problem is growing. New technologies present ever new hazards to American workers, hazards which are often poorly understood. Even now, some 14,000 lives are lost every year because of work-related diseases or accidents. And many more additional thousands are thrown out of work either permanently or temporarily because of injuries or illnesses which they sustain on the job. These losses are tragic, for the individuals and families involved and for our whole society. They are also unnecessary. The President's proposal can do a great deal to eliminate them, and the Congress has a responsibility to act quickly.

The President's proposed legislation would set up a new National Occupational Safety and Health Board to promulgate occupational safety and health standards. In most instances, the Board would borrow standards which have been established by nationally recognized public or private standard-setting agencies, organizations which bring a great deal of expertise and the habit of wide consultation to their work. The Secretary of Labor would carry out the investigative function and would bring complaints against those who violate the standards. If the Board found that a violation existed, then the Secretary could seek to enforce its orders through the courts.

It is important to note that this procedure carefully guarantees that the due processes of law will be observed. It provides for full hearings and the right of appeal. It is eminently fair to all interested parties. It will create an atmosphere in which industries want to obey the standards, rather than looking for ways of avoiding them. Most importantly, it will provide greater protection for the workers of America. I encourage Members of the Congress to join me in supporting this important Presidential initiative.

Mr. ANDERSON of Illinois. Mr. Speaker, one of the healthiest trends we have witnessed in this country over the past few years has been man's increasing awareness and concern over the quality of his environment. This concern has been translated into several important pieces of legislation aimed at improving the quality of our environment—legislation dealing with air and water pollution, waste disposal, and beautification. And much remains to be done if we are to salvage our polluted planet as a place fit for future human habitation.

Today, President Nixon has sent to us a most important message relating to another environmental problem—the problem of our very working environment and the health and safety of millions of working Americans. We are told that each year some fourteen thousand deaths in this country result from work-related injuries or illnesses; that work-related accidents and diseases account for some 250 million man-days of labor lost each year as well as huge financial losses to our economy. But more seriously, these accidents and illnesses are responsible for a human tragedy and suffering that we cannot begin to measure in terms of man-hours lost or economic consequences.

While some States and industries have made very substantial contributions in the area of occupational health and safety, the fact remains that the overall national situation is still very bleak and discouraging. We in the Congress have also made limited contributions in certain areas; in this session we have dealt with coal mine safety and Federal construction safety. But the real need is obviously for a comprehensive approach to the problem of occupational health and safety.

I am therefore quite encouraged by the message which we have before us today, not only because the administration has taken a positive position on such a Federal approach to the problem, but because it has also made some substantial improvements over proposals offered in the past.

Let me briefly outline those changes which I think made this approach far preferable to previous legislative proposals:

First, the administration bill will provide for the creation of a new National Occupational Safety and Health Board that will be charged with the responsibility of establishing standards and enforcing them in close cooperation with the Secretary of Labor.

Second, the administration bill will provide for increased health components which were not part of previous bills. The Secretary of Health, Education, and Welfare will be primarily responsible for seeing to it that the President and the Congress are regularly apprised of studies and experiments relating to the health of workers.

Third, the administration bill will give greater attention to due process at every stage of the proceedings so that proper hearings and appeals will insure fairness and justice for all concerned.

Fourth, the administration bill gives proper recognition to the role of the States in these matters by assisting them in the development and administration of their plans, and by giving the States a sufficient amount of time to get their plans in shape.

And, finally, the administration bill will embody an overall concept of balance; in cases of extreme urgency, the Secretary of Labor will be empowered to move quickly and obtain a court injunction if necessary.

Mr. Speaker, earlier in this session, I introduced a construction safety bill which embodied many of these same concepts. I am quite pleased to see that they are now being incorporated into a badly needed, comprehensive Occupational Safety and Health Act. I have been informed that this improved piece of legislation is the result of an extensive review conducted by the National Safety Advisory Committee which is broadly representative of industry, labor, and the general public. I have no doubt that it will therefore be acceptable to all sectors of our working community, and I commend this administration on both the way it has approached this subject and on the final product. I offer my full support for this measure and encourage my colleagues to do likewise in the interests of health and safety for the American worker.

Mr. ERLENBORN. Mr. Speaker, one of the most interesting and attractive features of the President's message on occupational safety and health is the procedure by which new standards would be promulgated. Rather than giving the proposed new five-man national Board the overwhelming and hopeless task of developing totally new standards for hundreds of different industries, the President's proposal takes advantage of reasonable standards which are already in place. Standard-setting organizations of high repute have been bringing a great deal of expertise to this problem for many years; all they have lacked was the enforcement power which is associated with the Government. Recognizing this, the President gives the Board power to make these so-called national consensus standards its own standards, so long as it believes the standard-setting organization is technically competent and that it has sought out the views of all interested parties in the process of doing its work.

The President does not leave the matter there, however. He also provides a means by which the Secretary of Labor or the Secretary of Health, Education, and Welfare can object to a consensus standard and throw the whole question into an open hearing before the Board. In these cases—and in cases where no consensus standard exists—a wide range of expertise can be focused on the problem anew, and the Board can create new standards as it sees fit. If the appropriate departmental secretaries are not satisfied, they can object again and delay implementation until the Board reconsiders the matter and three of the five members reconfirm their action.

This is a procedure which is fair, economical, and sensible. It avoids foolish duplication and makes wise use of existing resources without allowing itself to be limited by them. Perhaps most importantly, it can be seen as a model for the kind of cooperation between government and industry without which this country cannot thrive. I hope the Congress will support this proposal, for the spirit in which it is written is not of antagonism but of cooperation. The relationship it fosters between those who set standards and those who follow them is not that of adversaries but that of partners.

Mr. BEALL of Maryland. Mr. Speaker. The President's message on occupational safety and health is one of the most important proposals to be laid before this session of Congress.

I am pleased to see that greater emphasis will be given to research and education. Although the various standards-setting organizations, both public and private, have done commendable work in establishing limits for exposures to harmful agents in the workplace, their efforts have failed to keep pace with the torrent of new and potentially harmful substances being introduced into industry each day. Without the type of research program proposed by the President, we may find ourselves in the position of having to run faster just to stand still.

The Public Health Service's efforts in the field of occupational health have been limited to highly selective programs and projects. Restricted in both resources and manpower, the PHS activities have, nevertheless, made a substantial contribution to worker health during the last 50 years. The type of expanded research program which would be the result of the enactment of the proposed legislation would allow an across-the-board attack on all of the health problems which result from job-related exposures.

I stress the need for expanded research capacities in the Public Health Service since this work will be the basis upon which the National Occupational Safety and Health Board will promulgate their standards. It should be kept in mind that the standards-setting organizations do not have any research capacities of their own and have to rely on work done by industry and the various governmental agencies. Under such a system it has been difficult, and impossible in some instances, to fill in some gaps in knowledge and move to head off future problems. With an increased occupational health research capacity in the Public Health Service, it will be possible to integrate the important work done by industry and

State occupational health programs into more meaningful criteria to serve as the basis for practical and workable standards.

Mr. STEIGER of Wisconsin. Mr. Speaker, the President has recommended an excellent program for the improvement of occupational health and safety in our Nation's workplaces. It is balanced in approach and encompasses, I believe, the proper scope of Federal activities.

I think it was evident from testimony presented to the Education and Labor Committee last year that some industries and some companies have done excellent work in the area of industrial safety, as have a number of our States, including, I am proud to say, Wisconsin. The President's proposal recognizes this fact. Conversely, it is true that the quality of effort and results have been quite uneven, and our safety and health record could be greatly improved. The President's proposal also recognizes this fact. There will be national standards and enforcement where necessary, but State governments will be encouraged to submit plans for expanding and improving their own occupational safety and health programs, and when a State presents a plan which provides at least as much protection to the worker as the Federal plan, then Federal administration of standards will give way to State administration.

This balanced approach is also carried over into the area of research, training, education, and identifying and reporting with respect to industrial safety and health.

The Secretary of Health, Education, and Welfare is authorized to undertake research geared to the prevention of occupational diseases and accidents, and funds are provided to implement demonstration, education, information, and technical assistance programs. Training of needed personnel and the establishment of a program to educate employees and employers in matters affecting on-the-job safety and health are also provided. Grants are authorized to assist States in identifying their needs and responsibilities in this area and in developing plans for establishing systems for collecting information and increasing the expertise and enforcement capabilities of their personnel, and in administering and enforcing their approved plans. Provisions are also made for technical assistance to labor and management for the promotion of sound safety and health programs and practices.

An essential part of the President's proposal, however, is the creation of a National Occupational Safety and Health Board to set national standards. The President realizes that the problems to be dealt with are not political, nor economic, nor concerned with deep differences in policy. To the contrary, they are technical. They vary from industry to industry and in some instances from region to region. The appointment of an independent board, which will call on "national consensus standards" established by nationally recognized public and private standard-setting organizations, will, I believe inspire the utmost confidence in every segment of the American public and insure a continuity of effort and direction, regardless of the administration in power.

The President has also provided for the recovery of damages if a stopwork order for violation of the act is set aside by an appropriate court.

There is one significant feature which is not included. That is an exemption for those enterprises which are effectively meeting health and safety performance requirements and have outstanding records in this respect. I had personally hoped that such a provision would be a part of the administration's recommendations because I believe this would serve as an inducement to both labor and management to provide an excellent safety record. It would be an inducement based on performance which so many have said is an essential part of improving health and safety in the workplace. I hope that during the hearings this question can be explored in depth further before the House acts on this legislation.

I believe the President has captured the cooperative spirit which is necessary to improve the environment of the American worker. President Nixon has recognized that—

> It will take much more than new government efforts if we are to achieve our objectives.

But he emphasizes:

> Together the private and public sectors can do much that we cannot do separately.

No one can be against better health and more safety. The key, however, is how we achieve that goal. A cooperative program involving all levels of government and the private sector is, in my judgment, the way we will enhance the quality we seek.

Mr. O'HARA. Mr. Speaker, I have read the President's message on occupational safety and health legislation with some concern and with some interest. This is an area of legislation in which I have had a deep interest for a great many years, and it is one in which the 91st Congress has already seen considerable activity. It is good, finally, to have the administration taking a position.

Let me assure you, Mr. Speaker, I find the fact the administration is taking a position much more praiseworthy than the position it actually takes. Much of the content of the administration proposal for an occupational safety and health bill is nothing more nor less than a rehashing, even a weakening, of proposals which the House Education and Labor Committee considered in the 90th Congress and found ineffective or even counterproductive. In fact, if I were of a mind to make a bad joke, I would point out that this bill submitted to us today is very similar to what I described in a somewhat partisan speech 2 months ago as my idea of a Republican safety bill. Even in a bad joke, Mr. Speaker, I will not, however, accept responsibility for the parentage of this legislation.

The administration's bill, Mr. Speaker, fortunately, is only one of several bills on this subject now before the House. The Select Subcommittee on Labor, under the able chairmanship of the gentleman from New Jersey (Mr. DANIELS), has been working most vigorously on safety legislation for the past 6 months in the absence of administration recommendations. I trust that subcommittee will continue on the path its dedicated chairman has already marked out, and work on the question of occupational safety and health legislation in terms of all the proposals before the House—even including this administration's collection of rejected ideas from the 90th Congress.

Just yesterday—as luck, or something, would have it—the Wall Street Journal ran a lead story on the many occupational hazards that plague the lives of American working men and women. As is usual in that the newspaper, the newsstory itself was an excellent one, pointing out the seriousness of the problem, and highlighting the unfortunate fact that men are disabled and men die simply because their employers have not taken precautions they could have taken. The Wall Street Journal headlines on this well-balanced story are something else again, suggesting as they do that accidents are all caused by "tired young workers." That argument we heard last year from the opponents of occupational safety legislation, and we will no doubt hear it again this year.

But if we look past the headlines, if we look beyond the administration's already rejected proposals, if we look to the cold hard facts, we see workers by the millions being disabled, workers by the thousands being killed, dollars by the billions being wasted in occupational accidents and diseases. I hope we can get some action this year, but I hope, for the sake of those most affected—the working people themselves—that we can get effective action, in the form of some of the bills that have been waiting for this distant cousin to come up from downtown all these long months now.

The story referred to follows:

WATCH IT, THERE: TIRED, YOUNG WORKERS SPUR A STEADY INCREASE IN INDUSTRIAL ACCIDENTS—NADER CALLS PROBLEM WORSE THAN CRIME IN THE STREET, SAYS NOT ALL IS REPORTED—WHAT CAUSED A MINE MISHAP?

(By Richard D. James)

HAMMOND, IND.—The 20-year-old worker, on the job just two days, began oiling a giant forging hammer at Amsted Industries' busy Hammond Works without notifying the machine's operator. The operator, who didn't notice the youth, activated the 2,500-pound device. Down it slammed, crushing the tip of the new man's right index finger.

The accident was painful but not especially serious—the injured man was back on the job the next day. But it was part of a nationwide trend, and an unhappy one. Here in Hammond for example, several workers at this noisy, dimly lit factory have in recent months been sidelined for up to eight weeks with broken bones, severed fingers, cuts, bruises and sprains suffered on the job. In 1968, the plant's accident rate soared 45% from the 1967 level.

By the way of explanation, Amsted officials point out that the plant hired some 400 new workers last year. "A lot of them were young people who didn't realize the dangers of factory work no matter how often we warned them," says one executive.

Amsted's situation at Hammond isn't at

all unique. As manufacturers hire more workers and ask them to work longer hours, industrial accidents have become more frequent. U.S. Department of Labor statistics show that "disabling" mishaps—those that result in permanent injury or at least one day's loss of work—occurred at the rate of 14 for each one million man-hours worked in 1967, the latest year for which their figures are available. That's up from 13.6 per million in 1966 and 11.4 in 1958. The National Safety Council, a private group that keeps similar figures, says the 1968 injury rate also climbed.

WORSE THAN CRIME IN THE STREETS

The Safety Council also reports that 14,300 persons died in U.S. industrial accidents last year, up from 13,500 in 1961. Last year's toll was the second highest since 1950—and only 292 fewer than the number of American servicemen killed in the war in Vietnam in 1968.

According to some observers, these statistics don't tell the full story. "Companies vastly under-report their number of job accidents," contends safety crusader Ralph Nader. He claims that the National Safety Council's figures are particularly suspect because "by giving awards to the companies with the best safety records, the council provides an incentive for incomplete reporting."

Adds Mr. Nader: "The industrial safety problem is far more serious than crime in the streets. In some blue-collar neighborhoods you find many people without arms, fingers or legs. It's like Dusseldorf after the war."

A spokesman at the Safety Council's Chicago headquarters says he has "heard rumors" that companies cheat on their reports, but he adds that the council has no "direct evidence" to that effect.

FATIGUE AND INEXPERIENCE

The plant safety director for one large Midwestern firm says Mr. Nader is correct. "This is something that goes on," he admits. "Management sometimes puts pressure on safety men to make the company look good, so the safety men conveniently forget a few accidents."

Whatever the actual death and injury figures, it's widely agreed that many accidents involve inexperienced workers who are unfamiliar with the equipment they are manning. "In a typical month, one of every three on-the-job injuries we have involves people who have been on the job less than six months," says James F. Van Namee, safety director of Westinghouse Electric Corp. in Pittsburgh. "About 50% of our accidents involve employees in their first year."

The close relationship between accidents and fatigue-causing overtime work is apparent in Government statistics showing that the two rise together. Investigations carried out by individual firms reveal the same trend.

For instance, officials at Western Electric Co's Hawthorne Works in Chicago recently were puzzled by hand injuries suffered by several operators of punch presses that were equipped with devices designed to automatically brush aside the operator's hand each time the press came down. Both the press and safety device were activated by the same pedal.

BLAMING THE OTHER GUY

A company inquiry showed that the injuries occurred late on busy days; the weary operators had pushed the pedals down only part way, activating the presses but not the guards. Western Electric now says it will alter the machines so that both press and guard are set in motion simultaneously.

There's little agreement about the causes of many accidents. Some company officials are quick to blame employes who disregard safety rules; if everyone followed the rules no one would get hurt, this argument goes. Union officials counter that companies pay too little attention to safety and too much to productivity when shopping for new machinery; all the safety rules in the world won't stop unsafe machines from harming workers, they assert.

Such a dispute recently arose around an on-the-job accident at Inspiration Consolidated Copper Co.'s open-pit mine near Phoenix. Three workers were taking a break in the shade of a huge Caterpillar tractor-scraper when the earth-moving machine began rolling down the dirt ramp on which it was parked. One worker, an experienced man, jumped aboard the tractor in an attempt to stop it. After a few seconds of futile effort he leaped off the machine, which was picking up speed. The fall broke his left hip. Two days later, he died of complications from the injury.

Miles Jacob, president of Inspiration Copper, says the worker acted rashly. 'He shouldn't have jumped on the equipment. We have a flat company rule against getting on moving equipment. We don't want anyone trying to save equipment if it's rolling out of control," he says.

Alan Burch, safety director of the International Union of Operating Engineers, of which the worker was a member, gives a different version. "The machine was unsafe because it had no parking brake," he declares. "Why the devil not? It was a $100,000 piece of equipment, but the company wouldn't spend $200 for an optional parking brake. It could have saved this man's life."

Not so, says Duncan MacDonald, Inspiration Copper's industrial relations director. "We used that type of equipment for 20 years without ever having such a accident," he says. "If the blade of the machine had been set in the ground as it should have been, the scraper couldn't have moved." He adds that the company has no plans to add handbrakes to its scrapers as a result of the mishap. "It would give the operators a false illusion of safety," he says.

The same sort of dispute centers around the use of safety apparel such as goggles, hard hats and metal-tipped boots in potentially dangerous jobs. Companies say workers often refuse to wear such gear and get hurt as a result. Unions reply that too many companies don't feel strongly enough about the value of safety apparel to pay the bill for it.

At least a few company men admit there's some justice to the union side of that argument. "When you come right down to it, a lot of our safety decisions are really cost decisions," says one executive, "we give our workers safety glasses because they cost just $3.50. Safety shoes, which they also need, cost $14, so they aren't compulsory and the men have to buy them themselves."

Several actions are in the works that could result in tougher safety standards for industry. Last year the Johnson Administration proposed legislation to greatly extend the Secretary of Labor's power to establish and enforce safety and health rules for companies engaged in interstate commerce. No action was taken on the measure, but a similar bill is pending before the current Congress.

Unions have taken the initiative in pressing other measures. The United Mine Workers Union is seeking a Federal law that will reduce the maximum amount of dust permissible in coal mines and, it is hoped, help ward off the "black lung" disease that infects many miners. Earlier, this year, at the urging of coal miners in West Virginia that state's legislature extended workmen's compensation to "black lung" sufferers.

The Oil, Chemical and Atomic Workers Union, prompted by growing worry over environmental health hazards, recently announced plans to use its own equipment to measure noise, dust and chemical levels in plants where members work. The union says actions to reduce such hazards have been hampered by lack of information. "We're going to collect our own data so we don't have to rely on company doctors telling us there's nothing wrong," says an official.

An official of a big chemical company takes issue with the union's implication that company doctors misrepresent health conditions. "If a hazardous situation arises, we do our best to correct it immediately," he adds.

Mr. WIGGINS. Mr. Speaker, the President today announced proposed legislation to attack the problem of work-related injuries and deaths. In proposing action by Congress on occupational safety and health, the administration has taken another important step directed toward improvement of the whole environment. The President's proposal follows closely the establishment of the Environmental Quality Council and reflects this Nation's growing interest in and concern for man in relation to his total environment.

The health problems of industry and of the community are so varied and involve so wide a range of man-environment relationships—physical, chemical, biological, and social—that occupational health problems must be considered in the context of overall environmental ills. The worker is, and reacts, as a whole man, not as an isolated system responding to a single stimulus. Not only is he threatened by general environmental insults caused by pollution of the air he breathes and the water he drinks, but he is confronted, as well, by hazards that attend his very occupation.

The people of this country want and need a prosperous industrial economy, but they also need safe jobs, safe food, drugs and clothing. The American people rightfully believe that a science which can decipher the genetic code and a technology capable of placing men on the moon's surface can also halt pollution of the environment and improve the workplace without destroying our way of life.

Today's occupational hazards which undermine the health and shorten the lives of thousands of workers are an important part of the environmental crisis that causes such uneasiness throughout this Nation and the world today.

The President's proposal clearly indicates recognition of the fact that the rapidly changing nature of today's technology makes protection of the work force a matter of first priority in dealing with environmental problems. It is undoubtedly one of the most important and needed health proposals offered in this decade.

Mr. ESCH. Mr. Speaker, the President's message on occupational safety and health proves that this administration is going to practice what it preaches about cooperation between the private and public sectors and between Federal and State Governments. The president here outlines a proposal which does not see the Government in Washington as an enemy of private enterprise or an enemy of the States, but rather as a cooperative and helpful partner in the common task of bringing safer and more healthful conditions to American workplaces.

Note, for example, the way in which the health and safety standards are adopted. A new national Board will be established to set these standards, but the presumption will be that this Board will turn first to nongovernmental standard-setting organizations which are nationally known, which have a reputation for high technical competence, and which consider the views of all interested parties in making their determinations. Only in cases where the Secretary of Labor or the Secretary of Health, Education, and Welfare object to these so-called national consensus standards, or in cases where no such standards exist, will the new Board break new ground. And, in such a case, it will act only after a full public hearing.

Consider, too, the relationship with the States. Under the proposed legislation, a State government will be encouraged to develop its own plans for enforcing high standards; in fact, Federal money will be available to help with this task. And if the forthcoming plans are sound enough, then the Federal apparatus will yield its role to the States—though Federal money will still be available to help with the administrative burdens.

Both of these provisions will do much to remove the inflexibility, the arbitrariness, the remoteness which afflicts programs that rely too heavily on Federal mechanisms alone. By bringing private industry and State governments into full partnership in its efforts, the Nixon administration will encourage that cooperative atmosphere in which effective enforcement efforts can truly thrive. I commend the President for his message, and I ask my colleagues to give it their serious consideration.

GENERAL LEAVE

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks relating to the President's message on Occupational Safety and Health, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 13270, TAX REFORM ACT OF 1969

Mr. O'NEILL of Massachusetts. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 513 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 513

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13270) to reform the income tax laws, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed six hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Massachusetts (Mr. O'Neill) is recognized for 1 hour.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield myself such time as I may require, and at the conclusion of my remarks I yield 30 minutes to the gentleman from California (Mr. Smith).

Mr. Speaker, House Resolution 513 provides a closed rule, waiving points of order, with 6 hours of general debate for consideration of H.R. 13270, the Tax Reform Act of 1969.

Points of order were waived because of the fact that the Ramseyer rule was not complied with.

The purpose of H.R. 13270 is to reform substantively and comprehensively the present income tax laws which were enacted over 50 years ago.

Under the bill, it is anticipated that virtually no individual with significant amounts of income will be able to escape payment of taxes. Specific tax benefits are reduced. Remaining tax preference items are grouped and a minimum tax or a limit on tax preferences is imposed. This, in general, requires individuals with significant amounts of tax-free income to pay tax on at least one-half of their economic income. Also, individuals with substantial tax preferences will no longer be able to wipe out their tax liability on their income subject to tax by charging all their personal deductions to the taxable portion. Instead, they will be required to allocate their personal deductions between their taxable and tax-free income.

Care has been taken not to absorb most of the fiscal restraint provided by the surcharge and other measures included in this bill for 1970.

After that year, however, general reductions are provided which approximate the revenue gains. The reductions include provision for a low-income allowance designed not only to remove any tax burden at, or below, the poverty level, but also to provide substantial relief for those in the income levels only slightly more capable of bearing tax burdens. It is expected that the bill will remove 5.8 million taxpayers from the tax rolls.

Also included in the bill are the postponement for 1 year of the scheduled excise tax reductions, the continuation of the surcharge for the first 6 months of next year at a 5-percent rate, the repeal of the investment credit, provision for 5-year amortization for air and water pollution control facilities, and provision for a low-income allowance. As you know, these matters have already passed the House this year, but have not been acted upon by the Senate.

There are some 27 groups of tax reform provisions in the bill including, among others, private foundations, tax-exempt organizations generally, charitable contributions, farm losses, interest deductions, deferred executive compensation, corporate mergers, and natural resources, to mention a few.

Tax reform is necessary for a number of reasons. Present law permits a small minority of high-income individuals to escape tax on a large proportion of their income; general tax reductions should be made possible; those with substantially the same incomes should pay substantially the same tax; present defects in the tax structure impede the proper functioning of the economic system.

Mr. Speaker, this is a very technical subject which, I am sure, will be explained thoroughly by the experts during general debate, for which ample time for explanation has been provided. I therefore, urge the adoption of House Resolution 513 in order that H.R. 13270 may be considered.

Mr. Speaker, now is the time for 7 hours of anger and frustration. This bill should get an open rule—it will not of course and it cannot, but it should for two reasons.

The first is that the Ways and Means Committee must know and realize that it cannot continue to give the House ultimatums. Everything is up or down, yes or no. The House ends up, almost always, voting for a bill that is three-fourths decent, one-fourth lousy, without amendments. It is unfair. The Ways and Means Committee is a powerful committee, but it should not rule the House on such important matters as taxation and social security.

The second reason that this bill should have an open rule is that this is supposed to be a major reform bill and it is not. Unfortunately, it is probably the reform bill. The committee hails this bill as the most comprehensive reform measure in the last 56 years. It is probably also the most comprehensive reform measure we will see for the next 20 years. And it should not be. This bill only touches on major abuses. There is not real reform here. There are some changes and there is some relief, but this is not the landmark it should be.

The bill will not and cannot get an open rule because all the interests in the House would join together to eliminate even these minor improvements and we would end up with nothing. Perhaps. But perhaps it would be worth the chance to have rollcall votes on every loophole and every abuse and perhaps we might get meaningful reforms. But let us be practical; give this bill an open rule, and after months, there would be no bill.

There are some very good portions in the bill. The committee's pet peeve—tax-exempt foundations—is handled well. So are charitable deductions. But the changes in oil depletion are a joke and nothing is done with regard to the drilling allowance.

"The power to tax is the power to destroy" said John Marshall in McCulloch against Maryland, but conversely, the power to exempt from taxation is the power to create, or nurture, or protect. That is what has happened with the oil industry. The depletion and intangible drilling allowances are nothing less than subsidies to the oil industry. We, the American public and taxpayers are subsidizing the oil industry as clearly as if we handed them funds. As the committee so brilliantly stated in its report—to exempt from taxation—when they were speaking of certain tax-exempt foundations—is the same as providing a subsidy. The same holds true for an industry. If the oil industry—with its vast profits and dividends—needs a direct subsidy, let them come to the Congress with that. But to indirectly, and under the guise of justifiable cost, obtain a subsidy in the form of freedom from taxation is nefarious, unfair, and slightly disgusting.

The committee admits that it is not doing anything in this bill about estate and gift taxes. They say they will do something, hopefully, in this Congress. Well, fine. But it seems to me that they are also saying that they are finished with the oil loophole, the regulated utilities, excess war profits, and such things as personal and standard deductions and exemptions. If this is the last word on such items, I am deeply disappointed.

Is a tax reform bill a bill to slap major abusers on the wrist, give a few benefits to the really poor and close to poor, and protect the oil industry?

The committee, for instance, tries to tax everyone at least a little. There is a nice limit on tax preferences that would not allow all deductions to be used. However, not included in this LTP are the depletion and drilling allowances. Why not?

Now we get to tax relief. There is a commendable effort to aid the really poor and the "might as well be poor" through a low-income allowance and increases in the standard and minimum deductions. Fine. Then there is a lovely cut in the tax rate for those people with taxable income—that is after all deductions and exemptions—of $8,000 for a couple or $4,000 if single. That means most of the tax relief goes to persons with adjusted gross incomes of more than $15,000 a year. Very nice. There is a 5-percent reduction for those people with adjusted gross of more than $200,000 a year. Fine. What about the poor, average, working guy with a family and a home—mortgaged? Nothing. Not a thing.

These people, with adjusted gross incomes from about $7,500 to about $13,000 get nothing. They miss the low income because they earn too much. They itemize so they do not benefit from the larger standard deduction. They get nothing. And this is the bulk of the public. These are the working people and the small businessmen who are sick and tired of getting nothing and constantly giving. How can a guy who gets no relief support more spending when both the poor and the rich get a break. He is sick of it and it is not fair.

The Bolling amendment is good and necessary. Why skip from the poor to the rich and forget about the average American? His amendment would cut down the reductions in the higher categories and give them to the people in the middle.

That is the major hoped-for change. It is not enough. The Ways and Means Committee, I think, has failed the Congress—and the Democrats.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding. I would like to go back to the question of the waiver of all points of order. The gentleman addressed himself to that I believe when he made his opening statement and said that there was no motion in the Committee on Rules that this bill have an open rule. I appreciate the statement made by the gentleman in line with the new policy of the Committee on Rules to explain the waiver of points of order, which does usurp the prerogatives of the individual Member.

I further appreciate that perhaps points of order might be in order to save a printing bill under the Ramseyer rule. I appreciate that individual points of order might need to be waived even by section or title on considering a tax bill. But, I take it from the opening statement made by the gentleman from Massachusetts, which the gentleman presented so well, that the gentleman also is against waiving points of order.

In that event could the gentleman tell us in a little bit more detail why in a general tax reform bill toward which we have been looking, and toward which we have been promised so often, that this comes up under a closed rule? In other words why is it not an open rule in the opinion of the Committee on Rules?

Mr. O'NEILL of Massachusetts. I would say to the gentleman from Missouri that it comes up under a closed rule primarily because no motion was made by any member of the Committee on Rules to make it an open rule.

Mr. HALL. If the gentleman will yield right there, it would seem to me that the reverse would be true in that all bills would be under an open rule unless a motion came up to waive points of order. By whom was the motion made?

Mr. O'NEILL of Massachusetts. When the motion was made it was to agree to House Resolution 513. That was the motion that was made to the Committee on Rules and that was the motion that was ultimately adopted.

Mr. HALL. So that the reverse is true in fact, that the motion itself which I have in my hand, and which I have read, was the motion to eliminate the rights of individually elected Representatives by waiving all points of order.

Mr. O'NEILL of Massachusetts. The gentleman is correct.

Mr. HALL. Is it not true in the opinion of the gentleman from Massachusetts that we have been told for years that eventually we would get a general tax reform bill and that it would be considered under an open rule? If so, if this is it, with the limitations which the gentleman from Massachusetts has so amply described, then why not an open rule?

Mr. O'NEILL of Massachusetts. I would say that statement has never been made in the House as long as I have been in Congress, 18 years. We have always had a closed rule with tax and social security bills and I am sure that the chairman, the gentleman from Arkansas (Mr. Mills), or the gentleman from Wisconsin (Mr. Byrnes), the ranking minority member of the committee, always come and ask for closed rules on the basis that it is practically impossible for 435 people to write tax legislation on the floor of Congress. And while I would like to have an open rule myself, I have to agree with them. They have all the consultants both from the committee and from the Bureau of Internal Revenue downtown to sit at their elbows and provide them with information and advice regarding the actions that they will take. They write their briefs and the committee then goes over them. In other words they have the expert advice that we could not get while we would be trying to amend a bill of this type on the floor.

Mr. HALL. Mr. Speaker, if the gentleman will yield for just one more observation it may be practically impossible to unite the thinking of 435 Members on the floor, but this resolution, per se, precludes the right of any one of those individual Members when we have such a rule; and I for one fear it is not just a question of the Ramseyer rule and it is not just a question of points of order but a question of fear of what might happen to the interest rates or the economy in general that brings these closed and fixed rules forward like this so often.

Mr. Speaker, I thank the gentleman for yielding.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, is the gentleman saying that bugs will not be found in this bill after it is passed and sent over to the other body; that there will not be plenty of bugs found in it?

Mr. O'NEILL of Massachusetts. No; I do not believe that at all. I think that we fortunately have the House to protect our programs and correct the mistakes that the other body makes.

Mr. GROSS. I am not so sure that there would be so many mistakes if we had an open rule or that there would be any more mistakes than we probably will discover in this bill.

I cannot agree with the gentleman that the House could not work its will upon this bill. At the very least, it seems to me that there ought to have been a modified open rule, so that amendments, germane to specific sections of the bill, could have been considered by the House. That would have been helpful—that kind of a modified open rule. That would have precluded the House going hog wild in the field of taxation with any and every kind of amendment that anyone could devise.

I was in hope that the gentleman would conclude his remarks by saying that he was opposed, as he said he was, to a closed rule, and then saying that he would vote for this closed rule.

I am a little disappointed. I wanted to commend the gentleman, but I can only do so reservedly now.

Mr. O'NEILL of Massachusetts. In answer to the gentleman, may I say this. I will move the previous question. If the previous question is voted down, of course, we would have an open rule on the bill. If you want to really scuttle the bill—if you want to defeat the bill—that is the simple way to do it, by voting against the ordering of the previous question. The gentleman has been around this House long enough to know that if we ever have an open rule on this bill, you will be here not only until Christmas but the year after Christmas, and probably beyond. This bill would never be enacted.

Furthermore, we would be deluged with vans bringing in all the lobbyists from all over the United States who were working on this legislation.

If you are interested in tax reform, as I know you are, you will not allow this bill to be killed slowly through an open rule allowing every amendment to weaken it. Although I am not satisfied with the bill, I am satisfied that there is some good in the bill and I think the best we can do is to go along with the closed rule.

Mr. GROSS. The gentleman from Iowa is reconciled to the fact that we are going to be here until Christmas with or without an open rule on this bill.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I yield to the gentleman.

Mr. PUCINSKI. The gentleman from Massachusetts said there would be great difficulty among the Members of the House in trying to work their will on this legislation with an open rule.

What is the gentleman's reaction to the situation where, on sending this legislation to the other body, they have no closed rule and no rule of germaneness. They can run all over the place with this legislation.

What makes any Member of this Chamber feel that we are any less competent or any less capable in dealing with this matter than the other body? I am opposed to the closed rule and shall vote against it.

Mr. O'NEILL of Massachusetts. I thank the gentleman.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I yield to the gentleman.

Mr. HAYS. Mr. Speaker, I would just like to point out that if the rule is defeated, it in my opinion does not necessarily mean that the gentleman from Arkansas will not bring the bill up. He can go to the Committee on Rules later on and get a different rule that makes perhaps one or two amendments in order.

I would like to see an amendment in order striking out this surtax provision that the Senate is not going to buy and the House does not want extended past the 31st of December.

You know we had a piece of legislation in the House Committee on Administration to print some reports on this reform bill, the tax reform bill, and I said I would vote for it if they struck out the word "reform" because I do not think it really belongs in it—and to just call it a new tax bill.

The SPEAKER. The Chair recognizes the gentleman from California (Mr. SMITH).

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from New Mexico (Mr. FOREMAN).

Mr. FOREMAN. Mr. Speaker, I thank the distinguished gentleman from California (Mr. SMITH) for yielding. Even though I do have a high respect for my friend, the gentleman from Massachusetts (Mr. O'NEILL) I am impelled to set the record straight now, clearly, at the beginning of this debate on some of the colorful misinformation and/or misunderstandings that will be presented in the attack upon the extractive industries, more particularly the mining and petroleum industries.

Further, Mr. Speaker, I am constrained to point up some of the other important shortcomings of this proposed tax reform bill, H.R. 13270. Let us not deceive ourselves about this tax legislation. Certainly, it does provide a small tax reduction to a good many individuals, however, this legislation whacks away unnecessarily at the mainspring of our free enterprise, capitalist system by leveling even heavier tax burdens on the investors and the businesses and industries that are the wheels of a progressive nation. I am for tax reform, just like everyone else is, meaningful, realistic tax reform that will actually relieve the overbearing tax load on our people today, but not at the expense of jobs and economic progress.

As that great American, Abraham Lincoln, once said, and if he did not say it, he should have:

> 1. You cannot lift the wage-earner by pulling down the wage-payer.
>
> 2. You cannot help the poor by destroying the rich.
>
> 3. You cannot help small men by tearing down big men.
>
> 4. You cannot strengthen the weak by weakening the strong.
>
> 5. You cannot build character and courage by taking away a man's initiative.
>
> 6. You cannot really help men by having the government tax them to do for them what they can and should do for themselves.

We need to restudy these principles most carefully as we consider the legislation before us today.

Now as for the matter under consideration directly, I very much disagree with the proposition to consider the tax bill under a closed rule which allows no corrective amendments or changes, just a "yes" or "no," "up" or "down" vote as it is. This will not really permit the House to work its will and correct some of the inequities that exist in the proposed legislation.

As for the matter of the misinformation and shortcomings of this tax legislation:

First, critics attack percentage depletion as one of several tax provisions alleged to be "loopholes." It is not a loophole at all—it is simply a depreciation allowance on a depleting capital asset.

Minerals, such as petroleum, by nature have a dual character. In the earth they are part of their owner's capital assets. When produced and sold, part of the value received represents capital, and part income, making it difficult to establish an equitable taxation basis. In keeping with the basic principle that income, but not capital, should be taxed, Congress adopted the principle of percentage depletion which today applies to over 100 minerals, including oil and gas, as a means of fairly taxing the income derived by extractive industries.

A compelling reason for adoption of percentage depletion was to supply an incentive for owners of capital to accept the great risks involved in the search for, and development of, mineral resources which are so essential to our economy and security. History shows the incentive has worked well in achieving its purpose. It would be risky to discard or weaken a system which has worked well over a long period of years in supplying petroleum and other essential minerals.

Critics maintain that the oil industry does not pay its fair share of taxes. This simply is not true. In addition to income taxes, the petroleum industry pays a number of other direct taxes. One of these, the severance tax, is paid only by industries which extract natural resources. The fact is that in 1966—the latest year for which figures are available—the oil industry paid $2.5 billion in direct taxes, which amounted to 5.1 cents for every dollar of gross revenue. The direct tax burden for all U.S. business corporations was only about 4.5 cents per dollar of gross revenue, or about 10 percent less than petroleum's.

Percentage depletion has benefited the consumer by helping keep petroleum prices low. In fact, the price per gallon of gasoline today, before the taxes levied at the service station pumps, are the same as the price in 1948. This is even more impressive, when you consider the many improvements made to increase the delivery performance of a gallon of today's gasoline as compared to the gasoline of 1948.

That the consumer is the beneficiary is clearly shown by the oil industry's profit record. According to figures compiled by the First National City Bank of New York, from 1925—the first year's taxes to come under percentage depletion—through 1966, petroleum company earnings after taxes averaged 9.9 percent of invested capital. By comparison, the figure for all manufacturing companies was 10.7 percent. In 1966, this comparison was petroleum companies 12.6 percent, and all manufacturing companies 14.1 percent. Of the 25 leading U.S. industrial corporations on the basis of sales, seven are petroleum companies.

But not one of these petroleum companies is in the first 75 on the basis of return on invested capital.

Critics charge that because of the percentage depletion provision, petroleum producers recover their costs many times over. The fact is that although the oil industry realizes about $1 billion a year through the operation of this provision, it invests about $5 billion a year in the United States in searching for and developing new petroleum reserves.

Petroleum—oil and gas—supplies 75 percent of our Nation's energy needs. The U.S. Government predicts that demand for petroleum will rise by 50 percent of current levels by 1980 and will more than double betweer now and the end of the century. Yet, despite the coming requirements, proved domestic reserves of crude oil declined during 1968 for the second year in a row and now stand at the lowest level in 10 years.

Speaking from a more personal point of view, Mr. Speaker, practically every single State in the Union, and a very large percentage of the congressional districts, would be adversely affected economically if we alter these long-proven, time-honored tax principles on the some 100 extractive industries. In my own State of New Mexico, we have substantial production in only seven of these industries—copper, manganese ore, molybdenum, perlite, petroleum, potash, and uranium—but alteration of the percentage depletion allowances will cripple our tax base from which we derive the income for the construction of our roads, the financing of our schools and educational programs, and other important services.

New Mexico is the sixth largest petroleum-producing State with production almost equal to that of Brazil, Chile, and West Germany combined. More than 13,000 New Mexicans are employed in some phase of the petroleum industry. Their payrolls amount to almost $73 million annually, or $73 for every man, woman, and child in the State. The petroleum industry spends almost $274 million annually for production supplies and equipment in New Mexico. Last year, oil and gas operations paid $60,130,000 in direct revenues to the State—not counting local taxes or approximately one-fourth of all New Mexico State tax revenues.

A careful examination of our past experiences indicates that certainly we should at least maintain these proven incentives and tax principles, not reduce them, if our Nation is to have sufficient, reasonably priced, reliable supplies of petroleum essential to its future security and economic strength.

Second, by loading heavier tax burdens on savings and loans, and banking institutions, this tax reform legislation serves to raise already high interest rates even higher, and thereby add further burdens on prospective home buyers, homebuilders, the building trades, suppliers, and others.

Third, by changing the rules on tax exempt bonds, local governments will be forced to look to Washington to solve their problems. By the time the Federal Government "administers" the program, the cost of Government will go up just that much more.

Fourth, by limiting charitable contributions, this bill will force private charities and all educational institutions to turn more to the need and demand for Federal tax dollars.

Next, this tax bill erodes away the difference between capital and income by increasing the holding period from 6 to 12 months, and the maximum tax from 25 to about 33 percent, on capital gains. More and more people in our country are reaching a position where they can invest their savings—even after taxes—and can convert income into capital. It has been, and should be, a fundamental and vital recognition that capital is a very different thing from income, and therefore should be so considered in tax legislation. In many countries capital gains are not taxed at all.

This country needs more capitalists, not fewer. We need to encourage investment, not discourage it. We need to encourage people to create and build and profit; for as they do, the whole country moves ahead, and we have more jobs, and less poverty—more wealth and less Government dependence.

We need to reduce—not increase—the growing, confiscatory taxes on business and industry, so they can expand and grow and develop and create more and better jobs and new ideas and products. Then and only then, will we really be preserving and extending the free enterprise, capitalistic system—the system which has produced the greatest and highest standard of living ever known before in the history of mankind.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I think the gentleman from Massachusetts has pointed out the bad parts of the bill and the good parts of the bill and the reasons why we ought to have an open rule.

Then he came to the conclusion that we should have a closed rule—which, in my opinion, that is the right conclusion.

I wanted to have some open rules for a long period of time. I have urged the adoption of open rules by the Committee on Rules on many occasions.

But I do think in all seriousness that with a bill the size of this bill, consisting of some 368 pages, which has to do with amending 27 different provisions of the Internal Revenue Code, to place this, and to fight it out for 6 hours or 10 hours of debate on an open rule would be an extremely difficult thing to do.

So far as an open rule is concerned, pertaining to certain sections, now there are 27 different parts and my personal opinion is that if we started to open up title VII which has to do with the continuation of the surtax, then why should not we open other titles?

Then if the request was made to open title VI, having to do with the State and local organizations—interest on certain governmental obligations, we would have simply one more special provision. If we are going to open it at all, we might as well open the 27 sections while we are at it, that is the entire bill.

When we end up consideration of the bill, the bill, when it is passed by the House of Representatives, is not going to be the final language which we eventually will be accepting and voting upon for the tax reform. It will go to the other body. As best I understand, the other body has already stated that they will have a bill to the floor of the Senate, or reported by October 31. So there is quite some period of time between today, August 6, and October 31. Eventually there will be a conference, and the final terms of our tax reform bill, which we will eventually be voting on, in my personal opinion—and I am giving you only my personal opinion—will be sometime when the conference report is returned to the House, hopefully in November.

This rule provides for 6 hours of debate. As was mentioned, it is a closed rule, waiving points of order. So far as the waiver of points of order is concerned, I cannot see how anyone can object to that. There are 27 different sections, and under the Ramseyer rule they would have to reprint almost the entire revenue code to take care of the 368 pages in the bill. That in and of itself would be a tremendous costly and difficult job.

So far as open and closed rules is concerned, everyone can have an opportunity——

Mr. MOSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield briefly to the gentleman from California.

Mr. MOSS. I wish to take issue with the gentleman's statement on the open rule. I think the gentleman has just made a point which I find deeply disturbing to me in relation to the scope of the bill and the fact that we are being asked to vote upon it at a time when we have not had adequate opportunity to inform ourselves as to its content or as to its full reach or effect. Does not the gentleman have some sense of disquiet about that?

Mr. SMITH of California. I intend to make some comments along that line. But on the question of waiving points of order, that has to do with the Ramseyer rule. Whether it is open or closed, that is an entirely different subject. The majority of the Rules Committee that submitted this resolution felt that it should be considered under a closed rule. However, we are not the final say. The House of Representatives can vote on that question. If you do not think you should have a closed rule, or if you desire to open up one, two, or 27 sections, all you have to do is to vote down the previous question. After that time it will not necessarily go back to the Rules Committee.

The Member who would make the point on that probably would be recognized for 1 hour to offer an amendment, and we would have a vote on the amendment.

But in my opinion, the only way we can act properly is to have a closed rule and proceed with the consideration of the bill.

Personally—and again I say these are only my personal comments—I would have much preferred to have the bill lay over until we come back after the recess and schedule it for consideration on September 2 or 3, because in all honesty I do not believe the Members have had an opportunity to thoroughly review this particular bill.

I usually like to review what I think is in the bill when I present the rule, but my personal review that I have had staff help in preparing is 11 pages, double-spaced, and I do not intend to take that time. But the Ways and Means Committee has had an opportunity to study the matter. The Rules Committee heard a very complete explanation yesterday. So we do have a little advantage of the other Members. I personally would have no fear of the time delay between now and September 3. I tried to do that, but it did not work out that way.

There seems to be some concern that pressure groups or some others might change some votes between now and when we come back from the recess. Personally, that does not bother me a bit. I would just as soon go home and talk with the charitable institutions, city officials, county officials, municipal officials, and all the other organizations, listen to them, and see what they have to say. But in the final vote the gentleman from California will make up his mind as to how he is going to vote, and he is going to vote on the bill that way regardless of what pressure groups try to do to influence him. No one has ever done it before, and they will never do so as long as I am a Member of this legislative body.

But that was not the desire. The desire of the leadership on both sides is to proceed with the matter. I think some certain promises or indications were made at the time of the surtax consideration, that we would have a tax reform bill which would be here before the August recess.

The Ways and Means Committee have made tremendous efforts in complying with their statements in that respect. The leadership has. So the bill is here today for consideration. As far as I am concerned, I think we should proceed with the rule and have the debate and the consideration, and then we should vote the matter up or down when we finish the debate at the end of some time tomorrow.

Mr. Speaker, I urge adoption of the rule as offered by the Rules Committee and reserve the balance of my time.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. MADDEN).

Mr. MADDEN. Mr. Speaker, yesterday the Rules Committee met and heard testimony from Chairman MILLS, ranking member JOHN BYRNES, and other members of the Ways and Means Committee on the long-delayed and important tax reform legislation. Our meeting lasted from 10:30 a.m. until 8 p.m. This tax reform bill, H.R. 13270, consisted of 368 typewritten pages and the report of the committee accompanying the bill was made up of over 200 pages. The committee finally reported out a closed rule with 6 hours of debate.

Unfortunately, the Ways and Means Committee saw fit to encumber and cloud this outstanding tax reform legislation with an unrelated provision tacking on a 5-percent surtax measure covering the period from January 1, 1970, through June 30, 1970. I personally supported an amendment in the Rules Commtitee to report a modified closed rule giving members a separate provision of voting on the 5-percent surtax charge for 1970, but it was defeated. I opposed and voted against the original surtax when it was passed over 1 year ago. It has failed to stop inflation.

When we realize that this is the first major tax reform legislation in over a quarter of a century it gives the Congress the opportunity to relieve millions of wage earners and salaried folks, especially in the lower and middle income bracket and to reduce their Federal tax burden to the extent of approximately 5 to 6 percent of their former assessment.

This legislation will reduce a great number of the major loopholes enjoyed by big oil, big foundations, big real estate, capital gains, and so forth. The bill by reason of closing these loopholes will bring into the Federal Treasury billions of dollars which formerly were exempted from taxpaying on income and profits by reason of the pressure of powerful lobbyists during the past 30 to 40 years.

During the past 8 to 10 years I have, on numerous occasions, both on the floor of the House and when the Ways and Means Committee appeared before the Rules Committee on tax legislation, demanded that the Congress do something to repeal some of these fabulous depletions, exemptions, and credits which big business and industry have been enjoying over the years to the detriment and depletion of our Federal Treasury, from profits which should be in the taxpaying category.

It might at this time be well to remind some of the Members and the public of some facts concerning this unfortunate situation in our tax structure.

Standard Oil of New Jersey had an income of $1,271,903,000 in 1962, but paid only six-tenths of 1 percent of their fabulous profits. In the following 4 years their percentage tax on similar profits ranges as follows:

	Year	Net income before tax	Percent tax paid to Federal Government
Standard Oil (New Jersey)	1962	$1,271,903,000	0.6
	1963	1,584,469,000	4.3
	1964	1,628,555,000	1.7
	1965	1,679,675,000	4.9
	1966	1,830,914,000	6.3
Atlantic Oil	1962	61,110,000	0
	1963	56,747,000	0
	1964	61,081,000	0
	1965	105,299,000	0
	1966	127,384,000	

Some companies do not do as well as the oil companies, however. Perhaps they do not have as powerful a lobby in Washington as "big oil."

The following statistics on three coal companies illustrate the contrast:

	Year	Gross profit	Percent tax paid to Federal Government
Consolidation Coal Co.	1964	$44,863,073	26
	1963	39,568,737	28
	1962	32,918,065	26
Pittston Co.	1946	13,721,024	30
	1962	14,699,420	35
Island Creek Coal Co.	1964	7,713,060	18
	1963	5,149,930	24
	1962	3,459,563	(1)

[1] Lost by SEC.

From 1962 through 1966 the Atlantic-Richfield Oil Co. had profits of $411,621,000. But after deducting its 27½-percent oil depletion allowance, "intangible drilling costs" and other items it came up with a whole string of goose eggs. Its total income tax obligation for those 5 years was zero.

In 1962 the Marathon Oil Co. had a net profit of $36 million. After deducting its depletion allowance and other items, Marathon not only paid no income tax but received a tax credit of $2.2 million.

In 1965 the 20 largest oil companies in the United States had aggregate profits of nearly $6 billion. Taking advantage of special preferences in our tax laws, they paid income taxes representing only 6.3 percent of these profits. By comparison, the same rate paid by a married taxpayer with two children earning just $4,000—these companies enjoyed 41.7 percent less than the rate paid by most U.S. corporations.

Shocking examples like these reflect no dishonesty on the part of tax loophole companies; they reflect a failure of Congress to face up to the glaring inequities in our income tax system.

Let us consider the tax "bonanza" enjoyed by the 27½-percent exemptions under the oil depletion allowance. In this case you determine your income from a producing well and deduct 27½ percent of that amount before beginning to calculate your income tax. You do the same next year, and the year after that, and every year as long as that well produces. You don't stop when you have retrieved your investment; in fact, the average well is "depleted" 12 times over. If your drilling cost was $50,000, your total income tax deductions on its production might be $600,000. This bill reduces the depletion loophole 7½ percent and most Members feel that it should be repealed entirely.

What applies for oil works to a lesser extent for other minerals. Sulfur and uranium get a depletion allowance of 23 percent, for example, and copper gets 15 percent. But oil accounts for 60 percent of all depletion claimed.

We will now consider two examples of tax concessions to the average large real estate developer. His income in 1966 was $1,433,000. He wrote off $575,000 as the tax-free portion of his capital gains. And figuring accelerated depreciation on buildings he owned, he was able to show a "loss" of $864,000 totally wiping out his tax obligation.

Another real estate operator had an income in 1966 of $1,284,718. This included his $20,000 salary, plus dividends, interest, and $1,210,426 in capital gains.

The capital gains were realized on investments he made with borrowed money, the interest on which—$587,693—was also deductible. His tax for the year: $383.

This legislation also provides for covering loopholes enjoyed by wealthy individuals, personal estates, and unreasonable tax concessions given large foundations who circumvent the law by engaging in private business and profit-making ventures under the umbrella of being charitable and educational organizations for civic betterment and gifts to needy folks.

Former Treasury Secretary Joseph Barr testified in January that 21 persons with incomes of over $1 million paid no taxes at all in 1967, while 155 with incomes of over $200,000 also escaped taxes entirely.

When the wealthy escape taxes it is the average taxpayer who gets hit for higher taxes to make up the difference in our Federal budget. The best example of this is the 10 percent tax surcharge. I voted against this surcharge tax a year ago and I voted against it this year. To the wealthy exploiter of loopholes the surcharge is no problem at all. Ten percent of nothing is still nothing.

I do hope that the 5-percent surcharge that has been unfortunately added to this tax reform bill will be deleted when this bill is considered in the other body. I do hope that the American public will convey its opinion against this 5-percent surcharge for next year and contact their Senators urging them to delete the 1970 surcharge appendage from this outstanding and too-long-postponed tax reform legislation.

This pending tax reform legislation also clips the wings of the "hobby farm loophole" which allows wealthy part-time farmers to escape taxes by using fictional farm "losses" to offset income.

Although this tax legislation has its shortcomings and, in my opinion, has not gone far enough in outright repealing or recommending more deductions, credits, and exemptions, nevertheless it is a major start and will be a great forward step in equalizing the Federal tax burden for all citizens in whatever bracket they may be classified.

I also wish to commend the House Ways and Means Committee for their actions during our luncheon recess of the Rules Committee hearings yesterday. Chairman MILLS and ranking minority leader JOHN BYRNES called the Ways and Means Committee in meeting and moved swiftly to provide additional tax relief for millions of former taxpayers who were inadvertently left out of the tax reform bill originally reported by their committee. Objections were made concerning this omission involving mainly lower income and homeowning families in the $5,000 to $15,000 income bracket. The Ways and Means Committee gladly complied to correct the committee's mistake and include this taxpaying group within the major bill. This oversight was an unintentional "mistake" on the part of the Ways and Means Committee and should be commended for remedying the defect in the pending legislation.

Under our Constitution, the House of Representatives has been designated for the origin of all taxing power legislation. The Ways and Means Committee has been holding hearings on this legislation since January and I do hope that the other body will not arbitrarily and without any hearings or long deliberation diminish any major portions of this outstanding tax reform bill, the first major tax reform in 50 years. I do not include the hoped for exclusion of the unfortunate 5-percent surcharge tax for 1970.

We all realize that a complex and much involved 368-page tax bill concerning many segments of our economy cannot be perfect but the committee I think has turned out an outstanding bill. Chairman Mills also assured the Rules Committee that he would urge the Ways and Means Committee next year to reconsider any phases of our tax structure that might have been overlooked in this original tax reform legislation and that they would make every effort to place all taxpaying individuals in the lower, middle or upper income brackets on the same percentage of Federal taxpaying responsibility.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, at the outset of my remarks let me say for the RECORD that I am going to vote for this bill, even though it does not give the amount of tax relief that I think it should. It is at least a step in the right direction, and I am hopeful the Senate will make the additional amendments which I think should be made. The closed rule which is usually granted for tax bills in the House, will preclude Members of the House from amending the bill. We will have one vote either for or against the bill as it has been reported to the House from the Ways and Means Committee. I have decided to vote for it because the bill has more good than bad features.

Let me first discuss some of the bill's shortcomings. This bill fails to increase the $600 exemption presently afforded each individual under the law. I offered a bill to increase this exemption to $1,000 per person as inflation has made the $600 figure completely unrealistic. The Ways and Means Committee chose to do nothing at all with this exemption. In my opinion, this is the bill's greatest shortcoming.

The bill makes a start toward the taxation of tax-exempt foundations. I say a start, as the tax rate is only 7½ percent. The bill also makes a start toward taking the profits made by churches in their purely business and commercial activities. However, churches can still invest in apartment buildings, office buildings, and so forth, and keep their rentals tax free.

Millionaires who have been escaping the payment of income taxes will start to pay under this bill. Also, the individuals who have been acquiring farms for tax writeoff purposes will find that the bill covers such operations.

The gas and oil depletion allowance has been reduced from 27½ to 20 percent. This may or may not be a good thing as it may encourage more foreign imports, especially on the east coast. This reduction may cause the oil companies to pass the added cost of production along to its customers in higher gasoline prices.

Mr. Speaker, the section dealing with State and municipal bonds may cause some concern. State and local government units are given an opportunity to issue taxable obligations under the bill and in turn receive from the Federal Government a payment equal to between 30 and 40 percent of the interest yield of the bond—on issues brought out in years after 1974, the payment will be between 25 and 40 percent.

Now, Mr. Speaker, let us look at some of the adjustments of the tax burden for individuals.

First. Standard deduction: Over a 3-year period the standard deduction is increased from 10 to 15 percent and the maximum standard deduction is increased from $1,000 to $2,000.

Second. Low-income allowance: The minimum standard deduction is increased to a level of $1,100 by adding to the present minimum what is called a low-income allowance.

Third. Top rate on earned income: A ceiling of 50 percent is placed on the tax rate for earned income.

Fourth. Single persons: Single persons over 35 years of age and widows and widowers are given the head-of-household exemption.

Fifth. Rate reductions: Tax rate reductions which will give everyone at least a 5-pecent reduction are included in the bill. These rate reductions are not sufficient and especially so in the middle-income group. I am certain, however, the Senate will adjust these rates.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Speaker, at such time as the previous question is demanded on this bill I will urge that the previous question be voted down. If the previous question is voted down, the rule will be open for amendment. Then I hope to offer an amendment to permit the House to vote on extending the surtax, the 5-percent surtax, into 1970—between January 1, 1970, and until June 30, 1970.

My amendment will be to the resolution on line 11, after the period, where I hope to insert the following language: "Except for one amendment to strike section 701 from the bill and renumber all subsequent sections accordingly."

And then go on to the rest of the section.

Mr. Speaker, the Congress itself has clearly given its mandate to eliminate the surtax on December 31, 1969. The Senate took this action and it was concurred in by the administration. Last Monday this House concurred in the Senate action terminating the surtax on December 31, 1969. Accordingly, the surtax had to be added to the reform bill which is otherwise a commendable achievement.

I do not know—no one knows—what will be left of the tax reform provisions when the reform bill gets back here. It is very likely to remain as a conglomerate of watered-down titles designed to appease and dismiss those millions of taxpayers who have prayed and hoped for reform. My fear is that by the time this reform bill gets back here it will be stripped of reform and will be returned here with little more than an extension of the surtax into 1970. My fear is that if the surtax is extended into 1970, an effort will be made next year to extend it into 1971.

Mr. Speaker, the only certain way—the only certain way—we can insure relief to the taxpayers is by eliminating the surtax today for all time.

Mr. Speaker, 205 Members of this House voted against the surtax earlier this summer. Last Monday, 170 Members of this House voted against the surtax. In my judgment, and in light of our action last Monday, an overwhelming number of the Members of this House would strike out the extension of the surtax into next year. I do not believe that we should go by a rule which seeks to suppress the will of the majority.

Mr. Speaker, I urge my colleagues to vote down the previous question and support the amendment to strike from the bill section 701 which extends the surtax for the first 6 months of 1970.

PARLIAMENTARY INQUIRY

Mr. PICKLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. Rodino). The gentleman will state his parliamentary inquiry.

Mr. PICKLE. I would like to ask the Speaker if the previous question is voted down and if the gentleman from Ohio offers an amendment to strike section 701, my inquiry is, Would it then be in order to offer an amendment to the amendment offered by the gentleman from Ohio?

The SPEAKER pro tempore. The Chair will state in response to the parliamentary inquiry, that under the proposition which the gentleman from Texas poses, the control of the time would be in the hands of the gentleman from Ohio, and unless he yields for the purpose of offering an amendment no amendment would be in order.

Mr. PICKLE. And no other amendment would be in order then at that point?

The SPEAKER pro tempore. The gentleman is correct.

Mr. SMITH of California. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. Dennis).

Mr. DENNIS. Mr. Speaker, I rise in opposition to this rule, and I do so with reluctance. First because I have the highest respect for the very distinguished and able chairman of the Committee on Rules and the very distinguished and able chairman of the Committee on Ways and Means and the ranking members of both of those committees. Second because I realize that the House is probably unlikely to reject the rule, and I usually like to reserve advocacy for a cause that at least might be successful. And third because I would like to say that I do not share the views of the gentleman from Ohio (Mr. Vanik) on the surtax; so that we find ourselves for the moment on the same side for different reasons.

But once in awhile, Mr. Speaker, I think a man needs to protest. This bill here may not be—may not be—the most important bill that any of us will ever have to deal with in the Congress, but it is certainly, at the very least of it, as important a bill as we will have to deal with during the 91st Congress; and this is the only Congress I am a Member of and perhaps the only one I will ever be a Member of, for all I know.

Mr. Speaker, I will tell you that when I was elected a Member of this body—and I am not altogether naive; I had heard of such things as closed rules and so on—but I was a proud man when I was elected to come to the Congress and represent some 400,000 to 500,000 people in the Congress of the United States. I do not stand as tall today as I did then, because it has been brought home to me that, although I am an elected representative of the people, I am practically impotent to do anything here so far as this bill is concerned—and it is an important bill—and I do not think that should be true.

Mr. Speaker, there are 27 categories in this bill. I do not see why we could not have a rule that would permit the Members of the Congress to speak on the most important of those categories.

I have here a wire from a distinguished citizen of my State, although not of my district. He says:

> At a time when colleges and universities need more financial support, proposed tax measure would surely trigger cutbacks to fewer and smaller gifts, compounding the crisis.
>
> Approximately 50 percent of Notre Dame's gift income derived from appreciated securities. Am reasonably certain comparable situation exists at other colleges and universities.

My own father was a president of a small college for 17 years. I do not know, if we do catch a few millionaire taxpayers, whether I want to necessarily take away necessary gifts or support from higher education, and private higher education, in this country. And I think if President Hesburgh of Notre Dame, who sent me this wire, is correct, at least it ought to be possible to offer an amendment to bring his views before the House.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Arkansas.

Mr. MILLS. Mr. Speaker, I would say to the gentleman that there is no change with respect to the giving of appreciated properties to colleges and universities. There is a change with respect to giving that type of property to private foundations.

Mr. DENNIS. Is it not true, though, that the effect of the provisions of the bill certainly will have a tendency to cut down the big gifts at one time?

Mr. MILLS. I would say to the gentleman from Indiana that I do not think so.

Mr. DENNIS. Well, President Hesburgh evidently does think so, and so do other people who have wired me.

The SPEAKER pro tempore (Mr. Rodino). The time of the gentleman has expired.

Mr. DENNIS. May I have 1 additional minute, Mr. Speaker?

Mr. SMITH of California. Mr. Speaker, I yield 1 additional minute to the gentleman from Indiana.

Mr. DENNIS. Mr. Speaker, I thank the gentleman for yielding me the additional time.

But more than that, Mr. Speaker, I would say this. There may be practical reasons why you cannot have an open or a partly open rule, but it is indefensible to bring in here 700 pages of a bill and report and expect the gentleman who is talking or anybody else to vote intelligently as a Representative of this body. That is the thing I really object to. This matter should go over so that we can study it and see what our people think and see what we think after that study.

I may wind up voting for the bill. My mind is open on its merits—whether it is 51 percent good or bad; but it is the procedure that I protest and therefore I am not going to support this rule.

The SPEAKER pro tempore (Mr. Rodino). The time of the gentleman has expired.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the distinguished member of the Committee on Rules, the gentleman from Illinois (Mr. Anderson).

Mr. ANDERSON of Illinois. Mr. Speaker, as the debate under the rule has progressed, the suggestion has been made that it would be the better part of wisdom here today for us to vote down the previous question and thereby subject the bill to amendment.

I certainly hope that the House will not take that course of action. I might say that this is one instance where I almost wish that the 6 hours of general debate that will follow the adoption of this rule could have preceded our discussion of the rule.

If I could not have that wish, I might instead wish that the Members of this House who have today expressed their reservations about a closed rule might have had the opportunity that we had in the Committee on Rules yesterday to hear the very cogent, clear, and concise explanation of this bill as we got it from both the chairman of the Committee on Ways and Means, the distinguished chairman, the gentleman from Arkansas (Mr. Mills), and the ranking minority member of the committee, the distinguished gentleman from Wisconsin (Mr. Byrnes).

It is never easy to stand here in the well of the House and advocate the adoption of a closed rule. Invariably, as we have seen today, there are Members who thereby assume that somehow we ascribe some inferiority to the Members of this body and we somehow infer that they are less capable than the Members of the other body to work their will in amending this bill.

Of course, that is not the reason. Long ago it was decided that in a parliamentary body of this size commonsense would dictate that the practical exigencies of the situation dictate that we must somehow limit debate.

We do not have the unlimited debate that takes place in the other body. That, of course, is the fundamental reason, I think, why we urge a closed rule here today.

Let me say that this was brought out in a most interesting fashion yesterday in the testimony before the Committee on Rules by those who speak so highly of an open rule and of the ability of the other body to offer amendments from the floor which are not even germane. It was pointed out that many of the inequities that have crept into our Tax Code, many of the things the people complain so bitterly about today, have taken place because of that very practice which obtains in the other body. We might be far better off today if we had tax laws that had been carefully drafted by the Finance Committee of that body and were not subject to the kind of Christmas tree decoration, the kind of ornamentation of legislation that has taken place on so many occasions in the other body.

Mr. Speaker, let me reply to one other point in the brief time that I have. Some have said that this is not a tax relief bill. This is supposed to be a reform bill.

The chairman of the Committee on Ways and Means told us in January that he would bring a bill to the floor of the House before the August recess that would concern itself with tax reform—and almost to the very day he has been able to fulfill that promise because of the magnificent work that has been performed not only by the distinguished chairman but by every member of the House Committee on Ways and Means.

I hope in a very real sense, when we adopt—and I hope we will—a closed rule on this bill today, we will have signified a great measure of confidence in the ability of that committee.

I think anyone who has taken the time to read the report and to study the legislation will be convinced that they have done their work and done it very well indeed.

I am a little bit nonplused by the argument of those who say that they have been taken unawares and that they have been taken by surprise. I think that on at least four separate occasions the Committee on Ways and Means has issued statements on its tentative decisions.

They have published committee prints of those tentative decisions and made them available to every Member of this House. I was told by a clerk of that committee that as many as 50,000 copies of those tentative decisions have been published and made available. I do not know about you, but I have heard from the banks. I have heard from the savings and loans. I have heard from the cooperatives. I have heard from virtually every one of the taxpayers who are affected by some of the more complicated provisions of this bill, and I cannot really believe that we come totally unprepared, that we have been caught, as it were, by surprise when we are asked to consider this bill here today.

I recall the message that this House received from the President of the United States on the 21st day of April of this year, 1969, and the concluding sentence in that message was this:

> We may never be able to make taxes wholly popular in this country, but we can at least try to make them fair.

If you will go back and reread that message, as I did only this morning, you will find that there are nine broad-gaged categories of proposed reforms that the President spoke about in that message, and every single one of those nine categories has been treated in the bill that is now being brought to you by the Committee on Ways and Means. I would suggest that it would be very poor advice, indeed, to follow to suggest that we vote down the previous question. Instead, I hope that we will adopt the closed rule and proceed with 6 hours of discussion, and then to vote on what I think is truly a landmark piece of legislation.

Mr. Speaker, I urge the adoption of the rule.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield 1 minute to the Honorable Speaker of the House of Representatives.

Mr. McCORMACK. Mr. Speaker, I served for 10 years on the Committee on Ways and Means, from 1930 to 1940, before I was elected majority leader. I sat on that committee during consideration of five tax bills, and I realize the difficulty that committee has.

I want to compliment all members of the committee for the diligent manner in which they devoted themselves to bringing out this bill, a particularly comprehensive one which, from every practical angle, is a particularly difficult one to consider in the House under an open rule.

I realize the theoretical logic of the argument of an open rule, as we all do. But practical aspects are involved, and from a practical angle, it seems to me that the consideration of a tax bill under a closed rule is a justifiable exception to the general principle of considering bills under open rules. So when my friends who feel strongly on the point argue that way, I recognize the logic of their argument, but when made on the type of legislation we are considering, I also recognize the practical aspects of the bill as it comes before the House of Representatives.

In the 1930's I supported a closed rule before the Rules Committee on tax legislation, and I have supported such a rule since. Under the circumstances, from every practical angle, it is the wise course for the House to take.

I wish again to compliment the committee for the work they have done. I did not think they would be able to report the bill out as soon as they have. I did not think they could get it to the floor of the House before the recess. I spoke to the members of the committee and urged them to get the bill out. I know the chairman of the Committee on Ways and Means, the gentleman from Arkansas (Mr. MILLS), made a promise to do so, and the then acting chairman of the committee, the gentleman from Louisiana (Mr. BOGGS), also made a promise that they would get the bill out, that they would do everything within their power. Yet I had my doubts, based upon experience. They have done a remarkable job in getting the bill before the House before the recess, and they are entitled to our congratulations.

In connection with the closed rule, again I say that from a practical angle it should be supported, and I hope the Members will vote for the previous question and for the resolution providing for a closed rule.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Speaker, yesterday before the Rules Committee I was one of several Members that testified against a closed rule. There it was pointed out by some members of the Rules Committee to one of the witnesses that a rule was either accepted or rejected on the floor of the House and not by the Committee on Rules. Now is the time for the membership of the House to accept that challenge.

For many years I have voted for rules even though I may have felt strongly that I would oppose the bill on final passage. I follow this procedure because I think it is highly undemocratic to deprive any Member of the House to have his say. The one exception to the procedure in supporting all resolutions coming from the Rules Committee is to vote against a closed rule. I will vote against this closed rule for the same reason I vote for all the other open rules and that is to give the membership of the House a voice in the amendment process. A closed rule can accomplish only one thing and that is to push the democratic process into the background.

Any kind of a "take it or leave it" offer is distasteful whether it has to do with the sale of a commodity or a legislative proposal. The Rules Committee serving up a closed rule in effect says to the House that here is a document of over 360 pages which you are forced to take under conditions that silences every Member except those who happen to be on Ways and Means.

While other Members have referred to the restrictions imposed upon the Members of the House in comparison with the freedom of the other body of the Congress, I find the comparison more serious and more deplorable than most observers. A good example is what happened last year. On January 29, 1968, the House operating under a closed rule passed a rather noncontroversial bill which postponed the effective date of certain tax changes and speeded up some corporate tax payments. In 6 weeks time there was returned from the other body a bill which a hundred Senators had been given the freedom to offer amendments. And this same bill which had been sent to the other body by the House had grown to include a 10-percent surtax, a ceiling on Federal spending, a ceiling on Federal employment, removal of a freeze on ADC payments, and other changes in the tax laws.

Mr. Speaker, we hear it argued so frequently a tax bill cannot be written on the floor of the House. But it seems to me the argument is not only undermined by refutation but is completely demolished by the procedures we follow in another sensitive area of legislation. Every appropriation bill is considered under an open rule that permits every Member to voice their opinions on amendments. A much publicized example of that freedom of choice happened last week when the Joelson amendment was approved on the floor of the House against the recommendation of the Appropriations Committee.

It would seem there would be a general disposition to be less careful, cautious, and conservative in the process of spending money than the process of raising money in a revenue bill. As to appropriation bills, the Members of the House who have always been said to be the most direct representatives of the people have a voice in determining how appropriation measures are disposed of but are not capable of being trusted where the highest degree of care and caution could be expected as in the changes of tax laws.

Here is a bill affecting 200 million people. If we adopt a closed rule we are saying to ourselves that not 100 percent of us are Representatives, but only 25 Members, or just 6 percent—because only the members of the Ways and Means Committee have enjoyed a voice as to the details of this bill.

If we vote down the previous question, we will be given the chance to strike out section 701, which extends the surtax from January 1 to June 30, 1970.

Until the very last some of us who were witnesses yesterday were hopeful there might be at least a limited rule adopted. For those who have been entertaining the fear that an open rule would permit an amendment of every section of the entire Internal Revenue Code, such persons would have been interested in, and I think would most likely agree with a limited rule which would allow amendment only as to those sections of the Code contained in the present bill and prohibiting amendments to any other section of the Revenue Code. But apparently the Ways and Means Committee gave no consideration to even such a limited rule.

Another proposal which is certainly democratic and would give the membership of the House at least some measure of voice in this legislation was the suggestion to grant a rule with a separate vote section by section of the bill. But alas, the Rules Committee again turned a deaf ear to this kind of reasonable proposal.

No fellow Member has ever said or will say the 25 members of the Ways and Means Committee are not honorable men and just men but it is difficult to believe these are the only 25 men in Congress who are possessed with sufficient knowledge and judgment to accurately and fairly consider revenue legislation. As just and fair as these 25 are, a large portion of the membership have been accountants and lawyers who have had considerable experience in taxation matters. Not all of the ability and intelligence of the House is concentrated in these 25 honorable men.

If we continue year after year to adopt a closed rule on revenue measures we are in effect perpetuating the system where the details of revenue legislation are controlled by a minority of the Congress.

A while ago a member of the Rules Committee who today is handling the rule on the floor, the gentleman from Massachusetts (Mr. O'NEILL), remarked if an open rule was granted there would be hundreds of amendments which would keep us here until Christmas and require another building to house the lobbyists. My reaction which I am sure is the same as many other Members is that if this would happen then for once it might be salutary and truly beneficial to have a free and open debate like the body on the other side of the Capitol. I repeat—today we have a chance to accept the challenge of the Rules Committee and vote down the previous question.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. COLMER).

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Mississippi, the chairman of the Rules Committee.

The SPEAKER pro tempore (Mr. RODINO). The gentleman from Mississippi is recognized for 5 minutes.

Mr. COLMER. Mr. Speaker, I am grateful to both of my colleagues in control of the time on this resolution for yielding me this time.

Mr. Speaker, I never find myself happy when I am in disagreement with my committee. I am in disagreement with my committee today and that is the reason why I am not controlling the time on this resolution. I do not handle the rules which I oppose. I am opposed to this one.

Mr. Speaker, I have the profoundest respect and greatest admiration and affection for the leadership of this House on both sides of the aisle.

I know how they operate and I try to cooperate insofar as I can. We sat in the committee all day yesterday, from 10:30 in the morning until 7:30 last night, in an effort to cooperate.

I am not going to take any of the brief time I have here discussing an open or a closed rule. If this House does not know my position on that now, there is no purpose in my attempting to repeat it, but I am glad to see we are getting more and more converts to the cause of open rules.

However, I would not support the amendment that is proposed by my good friend, the gentleman from Ohio (Mr. VANIK). I would not support it for the one reason only: that the gentleman would take just one provision of this tremendous, complex bill and wipe that out. Where would the rest of us be who are interested in other provisions of this gargantuan piece of legislation?

Mr. Speaker, there are more than 700 pages in the bill and in the report. The bill was reported out only this week—on Monday. I am not going to embarrass anybody—that is not my nature, I hope—but if I wanted to ask every gentleman and every gentlewoman who has read this legislation, the bill, and the report, to stand up, I wonder how many would stand up?

I believe we would find this House as solemn and silent as a tomb, because I believe there have not been any. My great friend and leader, the Speaker of the House, has just appealed to the Members to support this rule and speed the bill's passage. Again, I would not offend him because I have a real devotion for him, but I would not exempt even him from the statement I have just made.

Who is familiar with this? Who has read it? Who knows what he is called to vote upon.

I am for tax reform like everybody else, but I want to know what I am voting on.

The purpose in my taking this time is to reiterate what I tried to emphasize all day yesterday, and the appeal I have made to my leadership on both sides, and to my devoted friend the chairman of the Ways and Means Committee. Give us a little time. That is all we ask for. That is all we possibly could get under this situation.

I do not want to go home and face my people and have them ask me about a provision in this bill, that I have not had an opportunity to study.

I used my humble and best efforts all day yesterday, as well as several days prior thereto, to have this bill go over until we get back from recess. Time is not of the essence in this matter.

Why, the learned gentleman from Arkansas, who knows possibly as much as anybody about what goes on on this Capitol Hill, testified yesterday before the Rules Committee that the Senate would have this matter disposed of—I hope I do not misquote him—by October 31.

Mr. Speaker, I maintain that it is not proper to rush this far-reaching piece of legislation through this body before the ink is hardly dry. Yes; it is beneath the dignity of the House to proceed in this unwarranted and unjustified fashion.

The SPEAKER pro tempore (Mr. RODINO). The time of the gentleman from Mississippi has expired.

Mr. SMITH of California. Mr. Speaker, I yield 1 minute to the gentleman and request that he yield to me. Would the gentleman do that, please?

Mr. COLMER. Of course, I am happy always to cooperate with my friend.

Mr. SMITH of California. The gentleman knows I have great admiration for his ability and his friendship. I am a little confused. From what the gentleman says I get the impression that he is against considering the bill today, which would be against the rule. But the gentleman is not for voting down the previous question for the purpose of just changing one section, is he? That would not give us any more time.

I am a little confused. I should like to know just what the gentleman has in mind.

Mr. COLMER. I never try to confuse my friend or anyone else. I thought I made myself clear, that I was opposed to opening this up for one amendment alone.

Mr. SMITH of California. Very well.

Mr. COLMER. If I did not, I repeat it.

I am now pleading that we have time, and I am trying to emphasize again that this body is capable of legislating if given the opportunity.

I thank the gentleman.

The SPEAKER. The time of the gentleman from Mississippi has again expired.

The gentleman from California has 1 minute remaining.

Mr. SMITH of California. Mr. Speaker, I yield that minute to the distinguished minority leader, the gentleman from Michigan (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Speaker, because of the overall first-class job done by the Committee on Ways and Means and because I think it would be unwise to open this up to just one amendment, in my judgment, I think we ought to vote for the previous question. Furthermore, I think we should get to the business of considering this bill, its interpretation and its explanation, as quickly as possible. To vote for the previous question is the best way to achieve that result.

Mr. RYAN. Mr. Speaker, I intend to vote against the motion for the previous question. If the previous question is defeated, then an amendment to the rule will be offered by the gentleman from Ohio (Mr. Vanik) which would make in order an amendment to H.R. 13270 to delete the 6-month extension of the surtax from January 1, 1970, through June 30, 1970, at a 5-percent rate, which is contained in section 701, title VII, of H.R. 13270.

The Members of the House should have an opportunity to debate and vote on the extension of the surtax independent of the tax reform aspects of this legislation. Adoption of the closed rule reported out by the Committee on Rules will prevent a separate vote.

In view of the fact that 205 Members of the House opposed extending the surtax when it was considered on June 30, I believe it is only fair that those of us who opposed the 12-month extension of the surtax be permitted an opportunity to vote on the surtax independent of the tax reform bill. Otherwise, we will be confronted with the choice of either voting for the entire package consisting of the surtax and tax reform because of our support for tax reform, or voting against the entire package because of our opposition to the surtax. The two issues are, to my mind, separate. Hence, a separate vote should be permitted.

The arguments against extending the surtax to June 30, 1970, are the same as they were when we considered the extension on June 30. The surtax is a war tax—necessitated by the exorbitant costs of the war in Vietnam and the bloated military budget. President Nixon, who voiced strong criticism of the Johnson administration's economic policies as a presidential candidate, himself called the surtax a "war tax" last September. As the war policies of the Johnson administration have become his own, so, apparently, has the surtax of the Johnson administration been adopted by the President.

Today, as we consider further extending the surtax, we should ask ourselves whether the situation at home or abroad has really changed since the surtax was first imposed last year. The war in Vietnam continues to claim hundreds of American lives each week and billions of dollars a month. The promises which have been made to long denied sectors of our domestic society are still unfulfilled; and the massive Federal action which is so urgently needed in our urban areas remained stalled. And inflation in our economy increases in spite of over a year's application of the surtax.

In view of this situation—a situation in which the Federal Government is spending $30 billion a year on military operations in Southeast Asia, while the programs which could help alleviate pressing problems of inadequate housing, inadequate educational opportunities, and a rapidly decaying urban environment suffocate from lack of financial support, there is simply no justification for maintaining a burdensome and onerous war tax.

If Congress seriously wants to reduce the sources of inflation, it should, as I have repeatedly urged, refuse to approve any additional funds for the war in Vietnam. For as numerous economic experts have pointed out, the costs of the war and the military budget are the major causes of that inflation. If Congress would take that action, if Congress would refuse to pour any more men and money into the disastrous Vietnam war, extension of the surtax would not be necessary.

A 6-month extension of the surtax beyond December 31, 1969, is also inappropriate now that both the House and Senate have voted for a 6-month extension to that date. There is no justification for even considering this issue further. Too much unfinished business remains before Congress—including the consideration of an income maintenance program, which I have proposed, the reform of the electoral system, and extension of the Voting Rights Act of 1965—for more time and debate to be taken up with the surtax.

The SPEAKER. All time has expired.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. VANIK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 264, nays 145, not voting 23, as follows:

[Roll No. 145]

YEAS—264

Abbitt
Abernethy
Adair
Albert
Alexander
Anderson, Ill.
Annunzio
Arends
Ashley
Aspinall
Ayres
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Bray
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Byrnes, Wis.
Cabell
Camp
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Colmer
Conable
Conte
Corbett
Corman
Cramer
Cunningham
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Dellenback
Denney
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Duncan
Dwyer
Edwards, Ala.
Edwards, La.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Fish
Fisher
Flynt
Foley
Ford, Gerald R.
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Tenn.
Fuqua
Garmatz
Gibbons
Gilbert
Goldwater
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Haley
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harvey
Hastings
Hébert
Heckler, Mass.
Hogan
Holifield
Hosmer
Howard
Johnson, Pa.
Jones, Ala.
Jones, Tenn.
Kee
Keith
King
Kleppe
Kluczynski
Kyl
Landrum
Langen
Latta
Leggett
Lloyd
Lujan
Lukens
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
MacGregor
Madden
Mahon
Mann
Marsh
Martin
Mathias
May
Mayne
Meeds
Meskill
Michel
Miller, Calif.
Miller, Ohio
Mills
Minshall
Mize
Mollohan
Monagan
Moorhead
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Nedzi
Nelsen
O'Hara
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Patman
Pelly
Pepper
Perkins
Pettis
Philbin
Pike
Pirnie
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Purcell
Quillen
Railsback
Reid, Ill.
Reifel
Rhodes
Rivers
Robison
Ronan
Rooney, N.Y.
Rooney, Pa.
Roudebush
Ruppe
Ruth
St. Onge
Sandman
Satterfield
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Sikes
Sisk
Skubitz
Smith, Calif.
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stuckey
Sullivan
Symington
Talcott
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tunney
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Wampler
Watson
Watts
Whalen
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wyatt
Wylie
Wyman
Young
Zion
Zwach

NAYS—145

Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Ashbrook
Bevill
Bingham
Brademas
Brinkley
Brown, Calif.
Button
Byrne, Pa.
Caffery
Carey
Chisholm
Clancy
Clark
Clay
Collins
Conyers
Coughlin
Cowger
Daniel, Va.
Daniels, N.J.
Dennis
Dent
Diggs
Dowdy
Dulski
Eckhardt
Edmondson
Eilberg
Feighan
Findley
Flood
Ford, William D.
Foreman
Fountain
Fulton, Pa.
Galifianakis
Gallagher
Gaydos
Gettys
Giaimo
Gonzalez
Griffin
Gross
Gude
Hagan
Hall
Hanna
Harsha
Hathaway
Hawkins
Hays
Hechler, W. Va.
Helstoski
Henderson
Hicks
Horton
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Joelson
Johnson, Calif.
Jonas
Jones, N.C.
Karth
Kastenmeier
Kazen
Koch
Kyros
Landgrebe
Lennon
Long, La.
Long, Md.
Lowenstein
McCarthy
McMillan
Macdonald, Mass.
Matsunaga
Melcher
Mikva
Minish
Mink
Montgomery
Morgan
Moss
Natcher
Nichols
Nix
Obey
Olsen
Ottinger
Passman
Patten
Pickle
Pucinski
Quie
Randall
Rarick
Rees
Reid, N.Y.
Reuss
Riegle
Roberts
Rodino
Rogers, Colo.
Rogers, Fla.
Rosenthal
Roth
Roybal
Ryan
St Germain
Schadeberg
Scheuer
Shipley
Slack
Smith, Iowa
Snyder
Stokes
Stubblefield
Taylor
Thompson, N.J.
Tiernan
Vanik
Vigorito
Waggonner
Waldie
Watkins
Weicker
Whalley
White
Whitten
Wolff
Wright
Wydler
Yates
Yatron
Zablocki

NOT VOTING—23

Baring
Barrett
Brasco
Cahill
Culver
Daddario
Edwards, Calif.
Farbstein
Fascell
Flowers
Gubser
Halpern
Hull
Kirwan
Kuykendall
Lipscomb
Mailliard
Mizell
Morton
Powell
Rostenkowski
Saylor
Taft

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Rostenkowski for, with Mr. Brasco against.

Mr. Kirwan for, with Mr. Edwards of California against.

Mr. Morton for, with Mr. Farbstein against.

Mr. Gubser for, with Mr. Barrett against.

Until further notice:

Mr. Daddario with Mr. Lipscomb.
Mr. Fascell with Mr. Mailliard.
Mr. Baring with Mr. Saylor.
Mr. Hull with Mr. Cahill.
Mr. Culver with Mr. Kuykendall.
Mr. Taft with Mr. Mizell.
Mr. Powell with Mr. Halpern.

Messrs. DENT, HARSHA, KOCH, and DANIELS of New Jersey changed their votes from "yea" to "nay."

Messrs. KEE and CONTE changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADJOURNMENT TO 11 O'CLOCK A.M. THURSDAY, AUGUST 7

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

TAX REFORM ACT OF 1969

Mr. MILLS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13270) to reform the income tax laws.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13270, with Mr. FLYNT in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas (Mr. MILLS) will be recognized for 3 hours, and the gentleman from Wisconsin (Mr. BYRNES) will be recognized for 3 hours.

The Chair now recognizes the gentleman from Arkansas.

Mr. MILLS. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, this is the day that I have looked forward to for a long, long time.

I suppose I have been as concerned as anyone about the need for changes in the Internal Revenue Code over the years that I have been in the House. Actually, this is not the first time that changes have been made. I would remind my colleagues who were here in 1958 of the pressures under which the Committee on Ways and Means and the House itself worked in the drafting and passage of legislation relating to the taxation of life insurance companies. Then again more of you will remember the work in 1961 that went into what became the Revenue Act of 1962. Again in 1963 there were many changes included in the Revenue Act of 1964. The reforms in those bills were extensive in nature. However, none of them—not even all of them combined—covered nearly as much, or were as broad in scope as the beneficial changes that are contained in the bill presently before the committee.

In the past I have not detected as much interest in change for improvement and for greater equity as I have detected in the last year or so. Why this great interest in tax reform developed within that time, I do not know. Perhaps the people who say that it was triggered by the enactment of the surcharge last year by this House are right, because then we did increase taxes by 10 percent for a temporary period.

But in my opinion taxpayers are interested in improving the tax system because they have reason to believe that there are those who are not carrying their fair share of the tax burden based upon ability to pay.

The former Secretary of the Treasury upon leaving office called to the attention of the American people the fact that in 1966, there were 154 individuals with incomes of over $200,000—21 of them with incomes of $1 million or more—who paid no tax. That added additional fuel to the fire and the desire for tax reform.

I have never noticed in the past on any matter such a volume of mail coming to the Ways and Means Committee office from all over the United States as I have observed entering that office in connection with the legislation now pending before the House.

Mr. Chairman, there is widespread interest in what is contained in this bill. And, do not be misled, Mr. Chairman, about people not knowing what is in the bill.

There may be some Members of Congress who, perhaps, have been devoting their time to some other subject matter and who have not read the reports and the releases put out by the committee, who may not know about all of the provisions in this bill. But the American people know the provisions of this bill which affect them, at least if they are involved in the very many areas where we have clamped down on the preferences of segments of our business population, or individuals.

Have you heard from any of your bankers back home? Have you heard from any of your savings and loan people back home? Have you heard from any of your cooperatives back home? Have you heard from anybody in the mineral or extractive industry back home? Have you heard from any of your real estate operators back home? I could go on and on and on.

They do not write you unless they know that something in the bill affects them. When it comes to provisions like this, they know what is going on.

So, I would say to you that if you do have a question about what is in the bill by a constituent or a friend when you get back home, you ask him a question: "Have you been enjoying a tax preference or a shelter for all or a part of your income which allows you to avoid paying the full rate of tax on it?" If he says "Yes;" you tell him "This bill does affect you. It squares your situation with that of all other taxpayers." Yes, that situation is changed.

On the other hand, if you see a taxpayer back home and you ask him if he has been enjoying a tax preference, and he says "No; I am subject to the withholding taxes and I have no income that is not fully subject to taxation," then you tell him that the bill contains benefits for him because we have taken all of the revenue—more, in fact, that could be recouped through the elimination of the tax shelters and the preferences dealt with the bill—and we have given this revenue back in many ways to all the taxpayers.

As a result there will not be a taxpayer in your district who will not have his taxes reduced some way or other in 1971 and 1972. And in 1972 there will not be a taxpayer in your district with up to $100,000 of taxable income who will not be able to realize a tax rate savings of at least 5 percent. In saying this, of course, I do not mean that there may not be some who have the preferences who may find their taxes increased.

Mr. Chairman, later in my remarks, I am going to insert a table showing how this recovered revenue is distributed in the form of tax reduction for people by income classes—from zero to $3,000, from $3,000 to $5,000, from $5,000 to $7,000, from $7,000 to $10,000, from $10,000 to $15,000, and so on. This table represents a revised version of a comparable table in the committee report that reflects more accurately the effects of the bill with the committee amendment to be offered. And you will notice that the table in the committee report shows that people in the zero to $3,000 income class will have a savings of 64 percent in their tax load as a result of this bill; the new table will show that these people will save over 66 percent. Also, the table in the report shows that people in the $3,000 to $5,000 income group will get a tax savings of 27 percent; the savings for this group goes up above 31 percent as a result of the amendment that the committee will offer in due course.

Mr. Chairman, there are just two answers to give to two types of constituents. You can advise the constituent who has enjoyed a preference that his preferential treatment has been reduced or eliminated. He is not going to be treated any worse than anybody else. He is just going to be treated like everybody else. And you can tell the fellow who hasn't any tax preferences and feels that he has been carrying a heavy load of the taxation all these many years, that the revenue we are getting by eliminating the shelters and preferences is going to him in a reduction of his taxes in the same legislation.

Mr. Chairman, I feel very strongly about the need for this legislation. I feel—in spite of the fact that many of these so-called preferences and shelters have been in the law since the adoption of the Income Tax Act 56 years ago, and certainly many of them for the last 43 or 45 years—that these preferences and shelters are not sacrosanct by virtue of age. They are susceptible of reconsideration and reevaluation.

There is no doubt in my mind that when any of these preferences were written into the law, there was a reason for doing so. Let me tell you about one case that provides a good example on this point. In the 1920's—and I know there were two Members here then that are here now, and maybe there are others—a man in Philadelphia died possessed of a great estate. In the process of dividing it among his children, he left a very sizable amount of money to a daughter who had become a Catholic nun pledged by her vows not to have income nor to own property.

The property passed to her in a trust in a form which made it impossible for her to divest herself of the property. As a result the law was changed in order to permit her to give all of the income from this property to the church.

So we passed a provision that became known as the unlimited charitable contribution provision, for her benefit. I am satisfied that there is not a man or lady on the floor of the House today, who would not have voted for that proposition, faced with the argument that was then made by the Committee on Ways and Means for this very fine lady.

But do you realize that this provision in 1966 enabled 49 people who have qualified for the unlimited charitable contribution year after year to avoid payment of all taxes on incomes which ranged from $200,000 to over $16 million.

Mr. Chairman, this is the way that provision works. These people make charitable contributions, I am certain, with the very highest of philanthropic motives. But at the same time they can receive substantial tax advantages because they usually give away assets that have been in their family for a long time. For example, an asset which initially may have cost $10 but today may be valued at $100. In this case they receive a charitable contribution deduction at today's market value of $100 for something that actually cost $10. They can, for example, give away stocks in their portfolio that have appreciated in value and then with this year's earnings buy back at today's market price the same stocks—and the same identical number of shares.

Now that can be done. So we are eliminating that over a 5-year period.

I have heard many people who are connected with colleges and universities say that we by curtailing the opportunities to reduce taxes through charitable contributions have made it a little bit more difficult for them to get contributions in large amounts. But to replace the unlimited charitable contribution deduction and to offset the elimination of 2-year short term charitable trust—where to avoid the 30-percent limitation on charitable contributions, one sets up a trust with a life of 2 or more years and provides that all the earnings from the property in the trust are to go to charity—we are changing this 30 percent limit. We are saying that anybody who wants to—and they do not have to qualify for the unlimited charitable contribution—can give away 50 percent of his gross income in the taxable year for educational, religious and public charitable purposes, hospitals and things of that sort and get deductions for these contributions.

It may mean that the charities will have to contact more people to get the same number of dollars. But the same amount of dollars and more ought to be available for contributions.

Now I gave you an example to show how these preferences get into the law. We worked very hard during the consideration of this bill because, a former Secretary of the Treasury—who is also a former Member of the House and who is sitting here to my right—shocked the Nation by saying that 154 people with $200,000 or more of income had avoided the payment of all income taxes.

But, Mr. Secretary, you did not say that 21 of these people who did not pay any income tax had more than a million dollars of income.

Now we have not only looked into how 154 high-income people could escape all tax but we have also examined why others with very large incomes pay an effective rate of 5 or 10 or 15 percent rather than an effective rate of 50 or 60 or 70 percent.

Several factors account for the ability of high-income people to escape all tax or to pay very low taxes.

In our examination of these cases, I believe I have already said we found that there were 49 with unlimited charitable contribution deductions. In many of these cases, the cost was little if anything to the taxpayer because the contributions were composed largely of appreciation in the value of assets which never had been taxed.

A second group of 72 cases benefited primarily from the deduction for interest paid on loans to acquire growth stocks and similar investments with the intention of taking down gain in the form of capital gains.

Consider an individual who has enough credit to be able to borrow $9 million to buy growth stocks which pay small dividends. Think of the amount of interest he pays on such a loan, most of it deducted from his other income, not from that investment, so that he reduces that income, in excess of $200,000 a year, to zero of tax.

Others benefit primarily from accelerated depreciation on real estate, or percentage depletion and intangible drilling expenses, or from very large farm losses offset against other income. In this latter case it is interesting to note that according to the statistics of income, the average size of farm losses increases as the size of the nonfarm income increases.

Many high-income individuals also reduce their effective tax rates to about 25 percent because of the alternative tax on capital gains. Many of them use their itemized personal deductions as an offset against their remaining income so the only income they have which is subject to tax is capital gains.

Still other high-income individuals substantially reduce their tax, or pay no tax at all and do not even file tax returns. I am referring to persons who derive their entire, or almost their entire, income from tax-exempt State and municipal bonds. A case was called to our attention of one widow whose husband left her enough municipal and State bonds to produce interest income of approximately $2 million a year, all of which is untaxed. The gentlelady from Michigan (Mrs. Griffiths) will know of the case to which I refer.

A person I have known for a number of years deliberately set out in the taxable year 1968 to see that he could, through the use of these tax shelters and preferences, avoid the payment of any tax on $300,000 of income and not dispose of 1 penny of it. In the taxable year 1967 he paid a tax of somewhere between

$155,000 and $165,000. He decided to change this by using two types of shelters, one an interest deduction, and the other, excess depreciation, divided among a series of partners in the ownership of a building. In this way he reduced the tax on his $300,000, not to zero, but to the point where he was entitled to a $10,000 refund when he filed his tax return on April 15, 1969. Despite this he received $600,000 of cash during these 2 years.

He brought his return to me. He said, "It is not right. I wanted to show you, as chairman of the Ways and Means Committee, and you in turn could show the members of the committee what is going on all over the country."

These things, in my opinion, have brought about a situation where we might be faced with a breakdown of taxpayers' morale. We have in our country a self-assessment system. Nobody tells you what to put down on your tax return. The law says you shall include your income. The law says that you are entitled to certain deductions. But the law does not supply an individual to sit there and put it down for you. You do it. It is a self-assessment system.

Tax reform is needed to provide a sense of fair play in our tax system. To me this very simple reason for tax reform is probably the most important of all. It is necessary to insure that those with substantially the same income and family responsibilities pay substantially the same tax. It is also needed to make sure that the graduated income tax structure works fairly between different income levels. Because the tax preferences in present law permit a minority of high-income taxpayers to escape tax on a very large proportion of their economic income, many high-income individuals now pay tax at lower effective rates than those with relatively modest incomes.

Tax reform is also needed so we can all share the tax burden as evenly as possible and in this way perhaps none of us will have to pay as much as otherwise would be true. This has come to be known as base broadening. But I do not like base broadening without the other side of the coin—rate lowering. Only if all individuals and corporations are bearing their fair share of the tax burden is it possible to have a sufficiently broad-based tax to obtain the necessary revenue without unduly burdening some classes of taxpayers. This bill is based on this principle. On the one hand we broaden the base and on the other hand, as I will describe shortly, we lower the rates—right in the same bill.

The bill before us goes a long way toward the achievement of these tax reform objectives. It is designed to make sure that virtually no taxpayer will be able to escape payment of all tax on his economic income. Million dollar incomes without tax liability will become a thing of the past.

The Tax Reform Act sets up two lines of defense to keep individuals with large incomes from arranging their affairs so they are able to escape tax on all, or most, of their income. The first line of defense is a reduction, or elimination entirely, of specific tax preferences. For example, the alternative tax on capital gains received by individuals is eliminated. This makes sure that in all cases individuals will include in income half of their long-term capital gains. Other provisions in the bill, which I will describe further in a while, also deal with specific preferences. I am referring, for example, to the opportunities for individuals to avoid tax through offsetting large farm losses against substantial amounts of other income; charitable donations of appreciated property to private foundations, in the form of ordinary income and in other forms; the size of the present percentage depletion deductions, and the extent that accelerated depreciation on real estate can be used to offset other income.

Under the bill, for example, in the case of real estate, the 200 percent declining balance method and other fast forms are restricted to new housing so any encouragement from this device will be concentrated in the area of greatest need—new housing. Other new real estate can still claim depreciation at the 150 percent declining balance rate but not at 200 percent. Old properties are limited to straight-line depreciation since there is no need to provide any incentive here. Recapture rules in the case of real estate are applied to the excess of the depreciation allowed over straight-line. This prevents the conversion of ordinary income in these cases into capital gains. It also eliminates the inducement to continue turning properties over just to obtain this advantage.

I have already indicated in part how the charitable contribution deductions have been substantially restructured. The general charitable deduction limitation is increased to 50 percent but the so-called unlimited charitable deduction is eliminated entirely over a 5-year period. The extra tax benefits derived from charitable contributions of appreciated property are restricted in the case of gifts to private foundations, gifts of ordinary income property, gifts of tangible personal property, gifts of future interests, and in the case of so-called bargain sales. Also, the 20 percentage point increase in the charitable contributions deduction is not to be available with respect to appreciated property.

Farm losses also can no longer be used to convert ordinary income into capital gains by those with farm losses of $25,000 or more and with incomes of $50,000 from nonfarm sources. Other provisions of the bill primarily relating to farm operations provide for the recapture of depreciation upon the sale of livestock, the extension of the holding period for livestock and a revision of the tax treatment of hobby losses.

I have given you a few examples of what I call the first line of defense in this bill—the attack on specific problems. Let me turn now to the outer limit or defense perimeter. Here I am referring to the group of important tax preference items remaining after the application of the various specific provisions of the type I have already referred to. With this outer perimeter, we provide for a type of minimum tax called a limit on tax preferences. This requires individuals with significant amounts of tax-free income to pay tax on at least one-half of their economic income. This is accomplished by adding the tax preferences to the taxable income, dividing the result by two, and paying tax on this half.

In addition, individuals with substantial tax preferences will no longer be able to wipe out all their tax liability by charging all their personal deductions to the taxable portion of their income. Instead, they will be required to allocate their personal deductions between their taxable and tax-free income.

So far I have been talking largely about the impact of the tax reform bill on individuals. However, I want to emphasize that the reform measures in the bill also are concerned with the tax treatment of corporations and tax-exempt organizations.

Corporations in the business of operating oil and gas wells or mining will be affected by the reduction in the percentage depletion allowances provided by the bill for a wide range of items. The percentage depletion rate for oil and gas is reduced from 27½ to 20 percent of gross income—a 27.3-percent reduction and the rates on all but five of the other minerals are reduced by a comparable percentage. Oil and gas companies are not paying tax burdens comparable to other corporations and on that ground alone an adjustment in percentage depletion rates is justified. Perhaps more important, however, depletion rates have become the popular synonym for loophole. This means that no reform bill would be considered a real reform bill without reducing depletion rates. I think it is also necessary for the industry to change its image and this can only be done with a reduction in depletion rates.

Another corporate reform relates to multiple surtax exemptions. Corporations will no longer be able to avoid tax by setting up multiple related corporations to secure multiple $25,000 surtax exemptions for related corporations, such as a chain of stores. Multiple surtax exemptions are withdrawn under the bill gradually over an 8-year period.

The provision gradually eliminating multiple surtax exemptions for affiliated corporations will eventually also eliminate difficulties of statutory interpretation that have arisen under sections 269 and 1551 which were enacted, as their legislative history indicate, for the purpose of insuring the denial of surtax exemptions and accumulated earnings credits to corporations organized in connection with the direct or indirect split-up of an existing business.

The Congress was aware, through information introduced in hearings and otherwise, of the practice in several industries of forming a new corporation to engage in business in a separate marketing location, often within the same State or same metropolitan area, not previously served, and of the formation of the new business corporation by the direct or indirect transfer of property consisting of money or credit use to buy from the transferor inventory, fixtures and similar property, and by the parent's guarantee of a lease of property and the furnishing of its organizational experience and business know-how.

Questions have been raised by the Internal Revenue Service whether the statute should be applied to deny such corporations their surtax exemptions. The Congress did not intend section 1551 to be applied to corporations formed in the course of an expansion of a business into a new geographic area or into a different type of operation, but rather intended the establishment of facts within the industry practices previously described to be sufficient, without more, to demonstrate that the securing of a surtax exemption or an accumulated earnings credit was not a major purpose of the organization of such a corporation. The application of section 269 in similar circumstances was understood and intended to be similarly limited for the same reasons.

The courts have applied sections 1551 and 269 in a manner consistent with this intention of Congress and it is expected that the Internal Revenue Service will recognize this limit upon the scope of these sections in its audit activities with respect to taxable years prior to January 1, 1976, when the phaseout of multiple surtax exemptions for all affiliated corporations now provided by this committee will become fully effective.

Corporations, also, are subjected to a higher capital gains tax—the rate is increased from 25 to 30 percent.

Still another area of concern is the tax treatment of corporate mergers. Here the bill denies an interest deduction for what is called debt, where it has most of the characteristics of equity securities in those cases where it is used to acquire other corporations. In this case also availability of the installment method for reporting gains is denied where the debt can be readily traded on the market—for example, where it is in registered form or there are interest coupons attached.

The tax advantages now secured by commercial banks as a result of special reserves for bad debt losses and capital gains treatment for bonds held in their banking business are withdrawn. The banks are placd on the regular 6-year moving average in computing their bad debt reserves but are given a 10-year carryback if they incur losses in excess of their income.

Mutual savings banks and savings and loan associations also will be required to reduce their overly generous deductions for excessive bad debt reserves. These institutions will no longer be allowed to compute their bad debt deductions on the basis of a reserve amounting to 3 percent of qualifying real property loans. In addition, the alternative deduction allowed for their bad debt reserves also is to be reduced gradually over a period of 10 years from 60 to 30 percent of taxable income. Here, too, however, in order to provide protection in the event of unusually large losses, the net operating loss carryback of such institutions is increased to 10 years. This, together with the present 5-year carry forward provision allows the spreading of losses over 15 years.

Let me turn now to the area of private foundations. The bill requires these foundations to pay a 7½ percent tax on their investment income. This is equal to the tax corporations pay on dividend income they receive. The bill requires the foundations to distribute their income for charitable purposes. It requires them to avoid self-dealing in transactions with their contributors.

In addition, it gives assurance that the huge resources of such foundations will not be used for political purposes.

In all of these provisions, the pending bill seeks to limit tax preferences for individuals and corporations to the full extent possible giving recognition to the fact that in some cases this may cause possible dislocations. Unfortunately, however, some of the preferences in the tax laws appear to be deeply imbedded in economic activities, and it has been claimed that their removal will result in serious dislocations for the economy.

The tax reform bill in a number of cases gives recognition to this argument by phasing in the remedial tax treatment over a period of years, frequently as long as 7 or 10 years.

In addition, the bill does not entirely remove the tax preferences, even after this transitional period, in those areas where it would appear that there is a good possibility that such action might cause serious dislocations in the economy. It does not, for example, remove the advantage of the double declining balance depreciation for new housing, because of the great need for improved housing.

For similar reasons, the tax advantages associated with the receipt of State and municipal bond interests have been reduced only indirectly and even gradually over an extended period of time. For example, for purposes of this minimum tax, initially only one-tenth of the State and municipal bond interest received by individuals is taken into consideration. This increases gradually over an extended period of time so that only after 10 years is the interest on issues of tax-exempt bonds taken into account to the same extent as other tax preferences.

Even when this time is reached, tax-exempt municipal bond interest will result in the imposition of a tax burden only in those cases where a taxpayer has more preference income than he has taxable income. As a result, even after a 10-year interval, individuals will pay no larger tax than at present, so long as their preference income does not exceed their taxable income.

At one time we considered imposing a 10-percent minimum tax on corporate holdings of State and municipal bond interest but this was dropped because we did not want to seriously affect the municipal bond market.

The only other provision which might have some indirect effect on State and municipal bond interest is the so-called allocations formula for deductions. Under this formula, deductions for such expenses as charitable contributions, taxes, and interest are allocated between taxable income and tax preference income on the basis of the proportion of each to the total. This is because the itemized deductions are likely to represent amounts paid, or contributed, as much out of the tax-free income as out of the taxable income. In the allocation of deductions provision, only interest on State and municipal bonds issued in the future is taken into account and even then only gradually over a 10-year transition period. Here, too, we considered a corporate allocations formula for municipal bond interest but dropped it in the interest of not disturbing the municipal bond market.

I do want to call your attention, however, to a provision in the bill designed to ease the problem faced by States and municipalities in floating their bond issues. The bill follows a new approach which will provide a new market for State and municipal bonds in the future by enabling them to issue taxable bonds but in turn receive from the Federal Government a subsidy that will compensate the States or municipalities for more than the extra interest cost they incurred on taxable securities.

The participation by the States and localities in this program is to be entirely on a voluntary basis. There will be no compulsion of any kind to get them to issue taxable bonds. Moreover, the Federal Government will maintain a complete hands-off policy toward such bond issues and will neither review the advisability of the local project for which the funds are borrowed nor the issuer's ability to service the securities.

The States and localities should benefit greatly under this program. They will be able to issue taxable bonds at a relatively low net cost. As a result, they will be able to sell their securities to tax-exempt institutions, such as pension funds and to individuals with moderate incomes who are not now attracted to tax-exempt State and local securities because of their relatively low yield. The new program will, therefore, make it possible for the States and localities to secure broad new markets for their securities and, therefore, should ease their borrowing problems.

The Tax Reform Act not only provides remedial measures to limit tax preferences; it also makes structural changes which, together, will provide relief to the bulk of our taxpayers. In fact, the remedial measures go hand in hand with the relief provisions since the revenue gains resulting from the remedial measures are what make it possible for us to afford the tax relief. When the bill is fully effective, all the revenue gains secured by the corrective measures are devoted to relief measures.

One of the relief provisions provides for increases in the standard deduction. The present standard deduction amounts to 10 percent of adjusted gross income with a ceiling of $1,000. The Tax Reform Act increases the standard deduction to 13 percent with a $1,400 ceiling in 1970, 14 percent with a $1,700 ceiling in 1971, and 15 percent with a $2,000 ceiling in 1972.

This increase in the standard deduction is needed to counteract the impact of higher medical costs, higher interest rates, high State and local taxes, and increased homeownership in encouraging more and more taxpayers to itemize their deductions. Nearly 34 million returns or more than half of all taxable returns will benefit from this increase in the standard deduction.

The bill also provides for a new low-income allowance designed to relieve individuals at or below the poverty level from payment of all income tax. Under this new allowance, the minimum amount of income that a family unit may have without incurring tax liability is raised to $1,100 plus the sum of its $600 personal exemptions.

As a temporary transitional measure, the bill provides that for 1970 this new income allowance is to be phased out as the income of the taxpayer increases over the poverty level. However, in subsequent years the allowance will apply without being phased out in this way. In 1971, when the provisions will be fully effective, the low-income allowance alone will benefit over 38 million taxpayers and will take off the tax rolls almost 6 million poor people.

In describing the rate reductions provided by this bill I shall include not only the rate reductions provided in the bill but also the reduction included in the committee amendment which will be offered later in the consideration of the bill.

Tax rates are cut at least 5 percent throughout the entire income range with one-half of the reduction taking effect in 1971 and the full reduction taking effect in 1972. This is accomplished by reducing by 1 percentage point the present rates ranging from 14 to 22 percent—applying from $500 to $6,000 of taxable income for a single person and from $1,000 to $12,000 for a married couple filing joint returns. These are the income levels that also benefit substantially from the low-income allowance and the standard deduction.

At higher income levels, rates are also cut at least 5 percent. The top marginal rate is cut from 70 to 65 percent. This reduction in tax rates, particularly in the upper rate, should substantially reduce the incentive for taxpayers to seek shelter against the ordinary income tax rates.

Despite these rate reductions individuals with incomes above $100,000 on the average, will receive no net tax reduction under the tax reform bill. This is because they receive little or no benefit from the low-income allowance and the increased standard deduction. In addition, they are affected by the corrective measures adopted to the tax reform bill to curb the use of tax preferences.

Another relief measure provides a ceiling on tax rates for earned income. A 50-percent limit is set on the top marginal tax rate applicable to earned income to take effect in 1970. This is provided not as a tax relief measure but to reduce the pressure for the use of tax shelters. With a top 50-percent marginal tax rate of this type on earned income, taken together with the changes made by the bill affecting the tax on capital gains, the maximum incentive for a taxpayer to convert ordinary income to capital gains is reduced from a 45 percentage point differential under present law to 17½ percentage points.

The fifth and final tax relief measure in the bill relates to the tax treatment of single persons.

Widows, widowers, and single persons age 35 or over will be allowed one-half of the income splitting benefits available to married persons filing joint returns. In addition, a surviving spouse will continue to receive the full income-splitting benefits accorded to married couples filing joint returns so long as she continues to support a dependent child in her household. These provisions will avoid the unduly heavy tax burdens resulting under present law for such individuals.

Before leaving the relief measures in the bill, I would like to comment on one of the charges which have been made. Some have said that the tax reform bill will complicate our tax structure. For the vast bulk of our taxpayers, just the opposite is true. The bill undoubtedly does add complexities for the small minority of taxpayers who now benefit greatly from tax preferences. But these taxpayers are accustomed to arranging their affairs in a complicated manner in order to get the maximum tax advantages from preferences. As a result, they should not be greatly bothered by the additional rules resulting from changes in the Tax Reform Act designed to reduce their preferences. They are more likely to object to the fact that their tax liabilities are being brought in line with those of other taxpayers.

The Tax Reform Act will provide very substantial tax simplification for the vast bulk of taxpayers who do not now use tax preferences to any significant degree. The increases in the standard deduction and the new low-income allowance which I described a few moments ago, both, will make important contributions toward tax simplification. These two provisions together, when fully effective, will make an additional 5.8 million returns nontaxable and will shift to the standard deduction some 11.8 million returns now itemizing deductions. This removal from the tax rolls of millions of low-income individuals with small tax liabilities will relieve these individuals entirely of the necessity of preparing tax returns and making tax payments. It will also relieve the Internal Revenue Service of the administrative burden of processing these returns. Similarly, the shift of large numbers of taxpayers from itemized deductions to the standard deduction will greatly simplify the operation of the tax system for both taxpayers and the Internal Revenue Service.

This bill also contains the portions of the surcharge bill, on which Congress has not acted. H.R. 12290 as passed by the House not only provided for the extension of the surcharge to mid-1970 but also contained a number of provisions designed to make a start on the tax reform program. H.R. 9951, which just recently was enacted into law, provided only for the extension of the 10 percent surcharge until December 31, 1969. The Tax Reform Act of 1969 includes those remaining provisions in H.R. 12290 which have not yet been enacted into law.

The adoption of the Tax Reform Act with these provisions by the House will give this chamber an opportunity to take these items up with the Senate in conference.

The specific items concerned are as follows:

The bill now before the House provides for extension of the surcharge at a 5 percent annual rate for the first half of calendar year 1970.

The second feature carried over from H.R. 12290 postpones for 1 year the reductions scheduled by present law in the excise taxes on automobiles and communications services.

The third feature taken from H.R. 12290 repeals the investment credit as of the end of April 18, 1969. At present this credit generally amounts to 7 percent for qualified investment and 3 percent for public utility investment. In this case, it should be noted that the repeal of the investment credit not only is an anti-inflationary measure but also represents a reform of our tax structure as well.

The bill provides for the permanent repeal of the investment credit for property constructed or acquired after April 18, 1969. To avoid hardship, a transition procedure is provided for taxpayers who have already made investments or who have committed themselves to make such investments on the assumption that the investment credit would continue.

The tax reform bill, as did H.R. 12290, also provides a tax incentive to private industry to increase their efforts to combat environmental pollution. This is done by permitting the costs of new pollution control facilities, certified by the relevant State and Federal authorities, to be amortized over a 5-year period. Since pollution control facilities ordinarily have a useful life extending considerably beyond 5 years, this rapid amortization will provide a substantial inducement for investment in such facilities.

The bill also provides for 7-year amortization for railroad rolling stock, other than locomotives. This was not in H.R. 12290.

Before concluding I thought it might also be useful to the Members if I review with them the revenue effect of this bill.

The Tax Reform Act in calendar 1970 provides revenue gains of $4.1 billion—substantially more than the $1.7 billion of revenue loss provided by the relief provisions effective in that year. This means that the bill contributes substantially to fiscal restraint in 1970. The bill was designed to have this effect because of the need to continue an anti-inflationary stance in 1970 in order to bring the economy under control.

By 1979, when all the changes made by the bill will be fully effective, the revenue gain under the bill will be $6.9 billion and the revenue loss

$9.3 billion. However, it is anticipated that this difference of $2.4 billion between the revenue loss and revenue gain will, in the long run, absorb only a small portion of the fiscal dividend which can be expected in these years—the increased tax receipts attributable to continued growth of the economy over the years.

The $6.9 billion of revenue gain when the revenue act is fully effective is composed of a $3.6 billion revenue gain from all items in the tax reform program and a $3.3 billion gain from repeal of the investment credit.

Of the total of $9.3 billion of revenue loss in 1979, rate reduction accounts for $4.5 billion and the maximum 50 percent rate on earned income accounts for $100 million. The low-income allowance—with no reduction after income passes the poverty level—provided a tax reduction of $2.6 billion. The increase in the standard deduction reduces revenue by an estimated $1.4 billion; while the extension of income splitting to widows, widowers, mature single people, and surviving spouses with dependent children involves a $650 million revenue loss.

The tax reform bill is specifically tailored to give proportionately greater relief to people with low and moderate incomes than to people with high incomes. As I indicated earlier when its provisions become fully effective, the bill will provide an average tax reduction of more than 66 percent for those with adjusted gross income of $3,000 or less, a 32 percent reduction for those in the $3,000 to $5,000 income class, 18 percent for taxpayers in the $5,000 to $7,000 income range, 11 percent between $7,000 and $10,000, over 10 percent in the $10,000 to $15,000 class and 8 percent plus in the $15,000 to $20,000 class. As a result of the substantial impact of the provisions of the bill to restrict tax preferences, those with incomes above $100,000 will, on the average, receive no tax reduction but instead will have their taxes increased about 4 percent.

Most of the income tax relief for those in the low-income brackets is provided by the new low-income allowance of $1,100. The increase in the standard deduction to 15 percent will also aid those with modest incomes as well as taxpayers in the middle-income brackets who will also benefit from the increase in the standard deduction ceiling from $1,000 to $2,000. For income levels above $15,000, the increase in the standard deduction gradually becomes less significant while the rate reductions become more significant.

Mr. Chairman, I believe the bill commends itself to the support of every Member of this House, not just because there are in it some very fine changes—primarily beginning in 1970—beneficial to all our taxpayers, but also because we have made fundamental changes with the purpose of trying to restore a greater degree of equity under the tax law between taxpayers with the same ability to pay.

This bill is essential to reform our tax structure and to make our tax system fairer. It is urgently needed to maintain the morale of our taxpayers and to demonstrate to all that million dollar incomes with no tax liabilities are a thing of the past. It is needed to grant tax relief to taxpayers in general and particularly to those at poverty levels. Finally, the bill is needed to repeal the investment credit which has outlived its usefulness and to extend the surcharge on a temporary basis until mid-1970 so that we can complete the job of fiscal restraint needed to clamp down on inflation and to get the economy under control.

The American people are looking to us to provide leadership and responsible action in providing tax reform. Responsible action calls for us to act and act now in passing H.R. 13270.

At this point I insert in the RECORD a series of tables showing revisions in certain tables in the committee report and also two committee amendments to be offered at the appropriate time.

COMMITTEE REPORT TABLES

As the Members of the House know, the Committee on Ways and Means has agreed to an amendment decreasing tax rates in 1971 and 1972 not only to the extent shown in the bill and in the committee report but also an additional amount. The additional amount provides for a 1 percentage point decrease in the brackets from 14 percent through 19 percent and also in the 32 percent and 36 percent brackets. This committee amendment was adopted in order to give assurances of at least a 5-percent rate reduction for all taxpayers. The cost in 1972 when the amendment is fully effective is $2.4 billion.

This committee amendment will change many of the tables shown in the committee report. Because of this, I would like to insert in the RECORD at this point a new series of tables from table 1 through table 12—pages 4 through 19—which correspond to those in the committee report as to table numbers and content. There is no table 5 or 6 in the material I am inserting, however, since these tables in the committee report are unaffected by the rate change adopted by the committee. In addition, I am inserting one table toward the back of the report, which also was changed—table 15 appearing on page 212 of the report:

TABLE 1.—THE BALANCING OF TAX REFORM WITH TAX RELIEF UNDER H.R. 13270 WITH MODIFIED RATE REDUCTION—CALENDAR YEAR TAX LIABILITY (P. 4 OF COMMITTEE REPORT)

[In millions of dollars]

	1970	1971	1972	1974	1979
Tax reform program	+1,640	+2,050	+2,180	+2,600	+3,555
Repeal of investment credit	+2,500	+3,000	+3,000	+3,100	+3,300
Tax reform and repeal of investment credit	+4,140	+5,050	+5,180	+5,700	+6,855
Income tax relief	−1,692	−6,787	−9,273	−9,273	−9,273

Note: The tax surcharge extension ($3.1 liability for 1970) and the excise tax extension ($1.17 billion, $0.8 billion, $0.8 billion, and $0.4 billion for 1970 through 1973, respectively) are not included above because of their impermanent character.

TABLE 2.—BALANCING OF TAX REFORM AND TAX RELIEF—CALENDAR YEAR TAX LIABILITY (PAGE 12 OF COMMITTEE REPORT)

[In millions of dollars]

	1970	1971	1972	1974	1979
Tax reform program	+1,640	+2,050	+2,180	+2,600	+3,555
Repeal of investment credit	+2,500	+3,000	+3,000	+3,100	+3,300
Tax reform and repeal of investment credit	+4,140	+5,050	+5,180	+5,700	+6,855
Income tax relief:					
Low income allowance	−625	−625	−625	−625	−625
Removal of phaseout on low income allowance		−2,027	−2,027	−2,027	−2,027
Increase in standard deduction [1]	−867	−1,086	−1,373	−1,373	−1,373
Rate reduction		−2,249	−4,498	−4,498	−4,498
Maximum 50-percent rate on earned income	−200	−150	−100	−100	−100
Intermediate tax treatment for certain single persons, etc		−650	−650	−650	−650
Total reductions	−1,692	−6,787	−9,273	−9,273	−9,273

[1] 1970: 13 percent, $1,400 ceiling; 1971: 14 percent, $1,700 ceiling; 1972: 15 percent, $2,000 ceiling.

Note: The tax surcharge extension ($3,100,000,000 liability for 1970) and the excise tax extension ($1,170,000,000, $800,000,000, $800,000,000 and $400,000,000 for 1970 through 1973, respectively) are not included above because of their impermanent character.

TABLE 3.—INDIVIDUAL INCOME TAX LIABILITY—TAX UNDER PRESENT LAW AND AMOUNT AND PERCENTAGE OF CHANGE UNDER REFORM AND RELIEF PROVISIONS WHEN FULLY EFFECTIVE (P. 13 OF COMMITTEE REPORT)

AGI class	Tax under present law (millions)	Increase (+) or decrease (−), from reform and relief provisions (taking into account committee amendment)		Percentage tax decrease under original rate schedule	Additional percentage reduction from modified rate schedule
		Amount (millions)	Percentage		
$0 to $3,000	$1,169	−$775	−66.3	−64.0	2.3
$3,000 to $5,000	3,320	−1,049	−31.6	−27.3	4.3
$5,000 to $7,000	5,591	−996	−17.8	−12.3	5.5
$7,000 to $10,000	11,792	−1,349	−11.4	−6.5	4.9
$10,000 to $15,000	18,494	−1,932	−10.4	−6.0	4.4
$15,000 to $20,000	9,184	−775	−8.4	−5.4	3.0
$20,000 to $50,000	$13,988	−$976	−7.0	−5.1	1.9
$50,000 to $100,000	6,659	−365	−5.5	−5.0	.5
$100,000 and over	7,686	+324	+4.2	+4.2	
Total	77,884	−7,893	−10.1	−7.0	3.1

TABLE 4.—TAX RELIEF PROVISIONS AFFECTING INDIVIDUALS AND TOTAL FOR ALL REFORM AND RELIEF PROVISIONS AFFECTING INDIVIDUALS, WHEN FULLY EFFECTIVE, BY ADJUSTED GROSS INCOME CLASS, 1969 LEVELS (PAGE 13 OF COMMITTEE REPORT)

[In millions of dollars]

AGI class	Reform provisions	Low income allowance	Elimination of phaseout	15-percent $2,000 standard deduction	General rate reductions	Maximum tax on earned income	Intermediate tax treatment	Total relief provisions	Total, all provisions
0 to $3,000	+16	−552	−202		−27		−10	−791	−775
$3,000 to $5,000	−3	−72	−788		−141		−45	−1,046	−1,049
$5,000 to $7,000	+3	−1	−594		−329		−75	−999	−996
$7,000 to $10,000	+7		−335	−228	−663		−130	−1,356	−1,349
$10,000 to $15,000	+26		−83	−789	−975		−111	−1,958	−1,932
$15,000 to $20,000	+23		−16	−231	−496		+55	−798	−775
$20,000 to $50,000	+90		−8	−117	−806		−135	−1,066	−976
$50,000 to $100,000	+137		−1	−7	−420	−20	−54	−502	−365
$100,000 and over	+1,081			−1	−641	−80	−35	−757	+324
Total	+1,380	−625	−2,027	−1,373	−4,498	−100	−650	−9,273	−7,893

TABLE 7-8.—TAXABLE RETURNS UNDER PRESENT LAW, NUMBER MADE NONTAXABLE BY RELIEF PROVISIONS, AND NUMBER BENEFITING FROM RATE REDUCTION

[Number of returns in thousands (p. 17 in committee report)]

AGI class	Taxable under present law	Made nontaxable by low-income allowance and 15 percent $2,000 standard deduction	Remaining taxable—benefit from modified rate reduction
0 to $3,000	10,053	5,398	4,655
$3,000 to $5,000	9,562	389	9,173
$5,000 to $7,000	9,779	41	9,738
$7,000 to $10,000	13,815	8	13,807
$10,000 to $15,000	13,062	7	13,055
$15,000 to $20,000	3,852	2	3,850
$20,000 to $50,000	2,594		2,594
$50,000 to $100,000	340		340
$100,000 and over	95		95
Total	63,152	5,845	57,307

TABLE 9.—TAX BURDENS UNDER PRESENT LAW,[1] UNDER H.R. 13270,[1] AND PERCENT TAX CHANGE, MARRIED COUPLE WITH 2 DEPENDENTS (ASSUMES NONBUSINESS DEDUCTIONS OF 1 PERCENT OF INCOME) (P. 17 OF COMMITTEE REPORT)

Adjusted gross income (wages and salaries)	Present tax law	H.R. 13270 tax	Percent tax change
$3,000	(3)	(4)	0
$3,500	[3] $70	(4)	−100.0
$4,000	[3] 140	[4] $65	−53.6
$5,000	[3] 290	[4] 200	−31.0
$7,500	[5] 687	[6] 576	−16.2
$10,000	[6] 1,114	[4] 958	−14.0
$12,500	[6] $1,567	[6] $1,347	−14.0
$15,000	[6] 2,062	[7] 1,846	−10.5
$17,500	[5] 2,598	[7] 2,393	−7.9
$20,000	[6] 3,160	[7] 2,968	−6.1
$25,000	[5] 4,412	[6] 4,170	−5.5

[1] Does not include 10-percent surcharge.
[2] Uses provisions effective for tax year 1972.
[3] Uses minimum standard deduction of $600.
[4] Uses minimum standard deduction of $1,100.
[5] Itemizes deductible nonbusiness expenses.
[6] Uses 15-percent standard deduction.
[7] Uses $2,000 limit on 15-percent standard deduction.

TABLE 10.—TAX BURDENS UNDER PRESENT LAW,[1] UNDER H.R. 13270,[2] AND PERCENT TAX CHANGE (ASSUMES NONBUSINESS DEDUCTIONS OF 10 PERCENT OF INCOME) (P. 18 OF THE COMMITTEE REPORT)

Adjusted gross income (wages and salaries)	Single person under 35 (not a widow or widower)		
	Present tax law	H.R. 13270 tax	Percent tax change
$900	[3] 0	[4] 0	0
$1,700	[3] $115	[4] 0	−100.0
$3,000	[3] 329	[4] $180	−45.3
$4,000	[5] 500	[4] 344	−31.2
$5,000	[5] 671	[4] 524	−21.9
$7,500	[5] 1,168	[6] 1,023	−12.4
$10,000	[5] $1,742	[6] $1,507	−13.5
$12,500	[7] 2,398	[6] 2,078	−13.3
$15,000	[7] 3,154	[8] 2,806	−11.0
$17,500	[7] 3,999	[8] 3,683	−7.9
$20,000	[7] 4,918	[8] 4,650	−5.4
$25,000	[7] 6,982	[7] 6,566	−6.0

[1] Does not include 10-percent surcharge.
[2] Uses provisions effective for tax year 1972.
[3] Uses minimum standard deduction of $300.
[4] Uses minimum standard deduction of $1,100.
[5] Uses 10-percent standard deduction.
[6] Uses 15-percent standard deduction.
[7] Itemizes deductible nonbusiness expenses.
[8] Uses $2,000 limit on 15-percent standard deduction.

TABLE 11.—TAX BURDENS UNDER PRESENT LAW,[1] UNDER H.R. 13270,[2] AND PERCENT TAX CHANGE (ASSUMES NONBUSINESS DEDUCTIONS OF 10 PERCENT OF INCOME) (P. 18 OF THE COMMITTEE REPORT)

Adjusted gross income (wages and salaries)	Single person, 35 and over (widow or widower at any age)		
	Present tax law	H.R. 13270 tax	Percent tax change
$900	[3] 0	[4] 0	0
$1,700	[3] $115	[4] 0	−100.0
$3,000	[3] 329	[4] $175	−46.8
$4,000	[5] 500	[4] 331	−33.8
$5,000	[5] 671	[4] 501	−25.3
$7,000	[5] 1,168	[6] 957	−18.1
$10,000	[5] $1,742	[6] $1,399	−19.7
$12,500	[7] 2,398	[6] 1,906	−20.5
$15,000	[7] 3,154	[8] 2,532	−19.7
$17,500	[7] 3,999	[8] 3,250	−18.7
$20,000	[7] 4,918	[8] 4,042	−17.8
$25,000	[7] 6,982	[7] 5,643	−19.2

[1] Does not include 10-percent surcharge.
[2] Uses provisions effective for tax year 1972.
[3] Uses minimum standard deduction of $300.
[4] Uses minimum standard deduction of $1,100.
[5] Uses 10-percent standard deduction.
[6] Uses 15-percent standard deduction.
[7] Itemizes deductible nonbusiness expenses.
[8] Uses $2,000 limit on 15-percent standard deduction.

TABLE 12.—EFFECT OF H.R. 13270 ON FISCAL YEAR RECEIPTS, 1970 AND 1971 (P. 19 OF COMMITTEE REPORT)

[In billions]

	Fiscal year 1970	Fiscal year 1971
Tax reform provisions:		
Corporation	+$0.4	+$1.1
Individual	+.3	+.6
Total, tax reform provisions	+.7	+1.7
Tax relief provisions:		
Corporation	−0	−.1
Individual	−.7	−3.6
Total, tax relief provisions	−.7	−3.7
Other provisions:		
Repeal of investment credit:		
Corporation	+$0.9	+$1.9
Individual	+.4	+.6
Total, repeal of investment credit	+1.3	+2.6
Extend tax surcharge:		
Corporation	+.3	+.7
Individual	+1.7	+.4
Total, surcharge extension	+2.0	+1.1
Extend excise taxes	+.5	+1.1
Total, other provisions	+3.8	+4.8
Total	+3.8	+2.8

TABLE 15.—INDIVIDUAL INCOME TAX RATE SCHEDULE UNDER PRESENT LAW, UNDER H.R. 13270 AS REPORTED AND AS MODIFIED, FOR CALENDAR YEARS 1971 AND 1972 (P. 212 OF THE COMMITTEE REPORT)

Taxable income bracket		Tax rate (percent)				
Single person not eligible for inter. rates (thousands of dollars)	Married (joint) (thousands of dollars)	Present law	Committee bill As reported 1971	Committee bill As reported 1972	Committee bill As modified 1971	Committee bill As modified 1972
0 to 0.5	0 to 1	14	14.0	14	[1] 13.5	[1] 13
0.5 to 1	1 to 2	15	15.0	15	[1] 14.5	[1] 14
1 to 1.5	2 to 3	16	16.0	16	[1] 15.5	[1] 15
1.5 to 2	3 to 4	17	17.0	17	[1] 16.5	[1] 16
2 to 4	4 to 8	19	19.0	19	[1] 18.5	[1] 18
4 to 6	8 to 12	22	21.5	21	21.5	21
6 to 8	12 to 16	25	24.0	23	24.0	23
8 to 10	16 to 20	28	27.5	27	27.5	27
10 to 12	20 to 24	32	31.5	31	[1] 30.5	[1] 30
12 to 14	24 to 28	36	35.5	35	[1] 34.5	[1] 34
14 to 16	28 to 32	39	38.0	37	38.0	37
16 to 18	32 to 36	42	41.0	40	41.0	40
18 to 20	36 to 40	45	43.5	42	43.5	42
20 to 22	40 to 44	48	46.0	44	46.0	44
22 to 26	44 to 52	50	48.5	47	48.5	47
26 to 32	52 to 64	53	51.0	49	51.0	49
32 to 38	64 to 76	55	52.5	50	52.5	50
38 to 44	76 to 88	58	55.0	52	55.0	52
44 to 50	88 to 100	60	57.0	54	57.0	54
50 to 60	100 to 120	62	60.0	58	60.0	58
60 to 70	120 to 140	64	62.0	60	62.0	60
70 to 80	140 to 160	66	63.0	60	63.0	60
80 to 90	160 to 180	68	64.5	61	64.5	61
90 to 100	180 to 200	69	65.0	61	65.0	61
100 to 120	200 to 240	70	66.0	62	66.0	62
120 to 150	240 to 300	70	66.5	63	66.5	63
150 to 200	300 to 400	70	67.0	64	67.0	64
200 and over	400 and over	70	67.5	65	67.5	65

[1] Changed in Aug 5 modification.

COMMITTEE AMENDMENTS

The Committee on Ways and Means has adopted two amendments to be offered to the pending bill. One of these amendments relates to the rate reduction effective in 1971 and 1972. This amendment provides for a 1 percentage point rate reduction in the rate brackets from 14 percent through 19 percent. These are the rate brackets from zero through $4,000 in the case of single persons not eligible for intermediate tax rates and zero through $8,000 for married couples filing joint returns. In 1971, the rate decreases in these brackets are increased by one-half a percentage point. The amendment also decreases the rate in the $10,000 to $12,000 brackets for single taxpayers in present law from 32 percent which under the reported bill is reduced to 31 percent, a further percentage point to 30. Similarly, the 36 percent rate in present law which under the reported bill is reduced to 35 percent is further reduced to 34 percent in the committee amendment. These rates, of course, are those applicable to 1972. In 1971 the reductions are one-half this size; namely, to a level of 30.5 percent and to a level of 34.5 percent, respectively.

It is anticipated that in 1971 these rate reductions will reduce revenues by $1.2 billion and that by 1972 when the reductions are fully effective the revenue loss will be $2.4 billion. These rate reductions were added to those in the committee bill to give assurance that all taxpayers would receive rate reductions of at least 5 percent in 1972.

The committee amendment which will be offered is as follows:

COMMITTEE AMENDMENT ON RATES OF TAX ON INDIVIDUALS

Page 358, strike out line 13 and all that follows down to (but not including) line 1 on page 364, and insert in lieu thereof the following:

"(3) TAXABLE YEARS BEGINNING IN 1971.—In the case of a taxable year beginning after

December 31, 1970, and before January 1, 1972, there is hereby imposed on the taxable income of every individual (other than an intermediate tax rate individual to whom subsection (b) applies) a tax determined in accordance with the following table:

“If the taxable income is:	The tax is:
Not over $500	13.5% of the taxable income.
Over $500 but not over $1,000	$67.50 plus 14.5% of excess over $500
Over $1,000 but not over $1,500	$140 plus 15.5% of excess over $1,000
Over $1,500 but not over $2,000	$217.50 plus 16.5% of excess over $1,500
Over $2,000 but not over $4,000	$300 plus 18.5% of excess over $2,000
Over $4,000 but not over $6,000	$670 plus 21.5% of excess over $4,000
Over $6,000 but not over $8,000	$1,100 plus 24% of excess over $6,000
Over $8,000 but not over $10,000	$1,580 plus 27.5% of excess over $8,000
Over $10,000 but not over $12,000	$2,130 plus 31% of excess over $10,000
Over $12,000 but not over $14,000	$2,750 plus 35% of excess over $12,000
Over $14,000 but not over $16,000	$3,450 plus 38% of excess over $14,000
Over $16,000 but not over $18,000	$4,210 plus 41% of excess over $16,000
Over $18,000 but not over $20,000	$5,030 plus 43.5% of excess over $18,000
Over $20,000 but not over $22,000	$5,900 plus 46% of excess over $20,000
Over $22,000 but not over $26,000	$6,820 plus 48.5% of excess over $22,000
Over $26,000 but not over $32,000	$8,760 plus 51% of excess over $26,000
Over $32,000 but not over $38,000	$11,820 plus 52.5% of excess over $32,000
Over $38,000 but not over $44,000	$14,970 plus 55% of excess over $38,000
Over $44,000 but not over $50,000	$18,270 plus 57% of excess over $44,000
Over $50,000 but not over $60,000	$21,690 plus 60% of excess over $50,000
Over $60,000 but not over $70,000	$27,690 plus 62% of excess over $60,000
Over $70,000 but not over $80,000	$33,890 plus 63% of excess over $70,000
Over $80,000 but not over $90,000	$40,190 plus 64.5% of excess over $80,000
Over $90,000 but not over $100,000	$46,640 plus 65% of excess over $90,000
Over $100,000 but not over $120,000	$53,140 plus 66% of excess over $100,000
Over $120,000 but not over $150,000	$66,340 plus 66.5% of excess over $120,000
Over $150,000 but not over $200,000	$86,290 plus 67% of excess over $150,000
Over $200,000	$119,790 plus 67.5% of excess over $200,000

“(4) Taxable Years Beginning After 1971.—In the case of a taxable year beginning after December 31, 1971, there is hereby imposed on the taxable income of every individual (other than an intermediate tax rate individual to whom subsection (b) applies) a tax determined in accordance with the following table:

“If the taxable income is—	The tax is—
Not over $500	13% of the taxable income.
Over $500 but not over $1,000	$65 plus 14% of excess over $500
Over $1,000 but not over $1,500	$135 plus 15% of excess over $1,000
Over $1,500 but not over $2,000	$210 plus 16% of excess over $1,500
Over $2,000 but not over $4,000	$290 plus 18% of excess over $2,000
Over $4,000 but not over $6,000	$650 plus 21% of excess over $4,000
Over $6,000 but not over $8,000	$1,070 plus 23% of excess over $6,000
Over $8,000 but not over $10,000	$1,530 plus 27% of excess over $8,000
Over $10,000 but not over $12,000	$2,070 plus 30% of excess over $10,000
Over $12,000 but not over $14,000	$2,670 plus 34% of excess over $12,000
Over $14,000 but not over $16,000	$3,350 plus 37% of excess over $14,000
Over $16,000 but not over $18,000	$4,090 plus 40% of excess over $16,000
Over $18,000 but not over $20,000	$4,890 plus 42% of excess over $18,000
Over $20,000 but not over $22,000	$5,730 plus 44% of excess over $20,000
Over $22,000 but not over $26,000	$6,610 plus 47% of excess over $22,000
Over $26,000 but not over $32,000	$8,490 plus 49% of excess over $26,000
Over $32,000 but not over $38,000	$11,430 plus 50% of excess over $32,000
Over $38,000 but not over $44,000	$14,430 plus 52% of excess over $38,000
Over $44,000 but not over $50,000	$17,550 plus 54% of excess over $44,000
Over $50,000 but not over $60,000	$20,790 plus 58% of excess over $50,000
Over $60,000 but not over $80,000	$26,590 plus 60% of excess over $60,000
Over $80,000 but not over $100,000	$38,590 plus 61% of excess over $80,000
Over $100,000 but not over $120,000	$50,790 plus 62% of excess over $100,000
Over $120,000 but not over $150,000	$63,190 plus 63% of excess over $120,000
Over $150,000 but not over $200,000	$82,090 plus 64% of excess over $150,000
Over $200,000	$114,090 plus 65% of excess over $200,000”

(b) Intermediate Tax Rates.—Section 1 (b)(1) is amended by inserting “and before January 1, 1971,” after “December 31, 1964,” each place it appears and by adding at the end thereof the following new subparagraphs:

“(C) Taxable Years Beginning in 1971.—In the case of a taxable year beginning after December 31, 1970, and before January 1, 1972, there is hereby imposed on the taxable income of every individual who is an intermediate tax rate individual a tax determined in accordance with the following table:

“If the taxable income is:	The tax is:
Not over $1,000	13.5% of the taxable income.
Over $1,000 but not over $2,000	$135 plus 15.5% of excess over $1,000
Over $2,000 but not over $4,000	$290 plus 17.5% of excess over $2,000
Over $4,000 but not over $6,000	$640 plus 19.5% of excess over $4,000
Over $6,000 but not over $8,000	$1,030 plus 21.5% of excess over $6,000
Over $8,000 but not over $10,000	$1,460 plus 24.5% of excess over $8,000
Over $10,000 but not over $12,000	$1,950 plus 26.5% of excess over $10,000
Over $12,000 but not over $14,000	$2,480 plus 29.5% of excess over $12,000
Over $14,000 but not over $16,000	$3,070 plus 31% of excess over $14,000
Over $16,000 but not over $18,000	$3,690 plus 34% of excess over $16,000
Over $18,000 but not over $20,000	$4,370 plus 35.5% of excess over $18,000
Over $20,000 but not over $22,000	$5,080 plus 38.5% of excess over $20,000
Over $22,000 but not over $24,000	$5,850 plus 40% of excess over $22,000
Over $24,000 but not over $26,000	$6,650 plus 42% of excess over $24,000
Over $26,000 but not over $28,000	$7,490 plus 43% of excess over $26,000
Over $28,000 but not over $32,000	$8,350 plus 44% of excess over $28,000
Over $32,000 but not over $36,000	$10,110 plus 46.5% of excess over $32,000
Over $36,000 but not over $38,000	$11,970 plus 48% of excess over $36,000
Over $38,000 but not over $40,000	$12,930 plus 49.5% of excess over $38,000
Over $40,000 but not over $44,000	$13,920 plus 50.5% of excess over $40,000
Over $44,000 but not over $50,000	$15,940 plus 52.5% of excess over $44,000
Over $50,000 but not over $52,000	$19,090 plus 54.5% of excess over $50,000
Over $52,000 but not over $60,000	$20,180 plus 55.5% of excess over $52,000
Over $60,000 but not over $64,000	$24,620 plus 56.5% of excess over $60,000
Over $64,000 but not over $76,000	$26,880 plus 57.5% of excess over $64,000
Over $76,000 but not over $80,000	$33,780 plus 59% of excess over $76,000
Over $80,000 but not over $88,000	$36,140 plus 60% of excess over $80,000
Over $88,000 but not over $100,000	$40,940 plus 61% of excess over $88,000
Over $100,000 but not over $120,000	$48,260 plus 63% of excess over $100,000
Over $120,000 but not over $140,000	$60,860 plus 64% of excess over $120,000
Over $140,000 but not over $160,000	$73,660 plus 65% of excess over $140,000
Over $160,000 but not over $200,000	$86,660 plus 66% of excess over $160,000
Over $200,000 but not over $240,000	$113,060 plus 66.5% of excess over $200,000
Over $240,000 but not over $300,000	$139,660 plus 67% of excess over $240,000
Over $300,000	$179,860 plus 67.5% of excess over $300,000

“(D) Taxable Years Beginning After 1971.—In the case of a taxable year beginning after December 31, 1971, there is hereby imposed on the taxable income of every individual who is an intermediate tax rate individual a tax determined in accordance with the following table:

“If the taxable income is:	The tax is:
Not over $1,000	13% of the taxable income.
Over $1,000 but not over $2,000	$130 plus 15% of excess over $1,000
Over $2,000 but not over $4,000	$280 plus 17% of excess over $2,000
Over $4,000 but not over $6,000	$620 plus 19% of excess over $4,000
Over $6,000 but not over $8,000	$1,000 plus 21% of excess over $6,000
Over $8,000 but not over $10,000	$1,420 plus 24% of excess over $8,000
Over $10,000 but not over $12,000	$1,900 plus 26% of excess over $10,000
Over $12,000 but not over $14,000	$2,420 plus 28% of excess over $12,000
Over $14,000 but not over $16,000	$2,980 plus 30% of excess over $14,000
Over $16,000 but not over $18,000	$3,580 plus 33% of excess over $16,000
Over $18,000 but not over $20,000	$4,240 plus 35% of excess over $18,000
Over $20,000 but not over $22,000	$4,940 plus 37% of excess over $20,000
Over $22,000 but not over $24,000	$5,680 plus 39% of excess over $22,000
Over $24,000 but not over $26,000	$6,460 plus 40% of excess over $24,000
Over $26,000 but not over $28,000	$7,260 plus 41% of excess over $26,000
Over $28,000 but not over $32,000	$8,080 plus 43% of excess over $28,000
Over $32,000 but not over $36,000	$9,800 plus 45% of excess over $32,000
Over $36,000 but not over $38,000	$11,600 plus 46% of excess over $36,000
Over $38,000 but not over $40,000	$12,520 plus 47% of excess over $38,000
Over $40,000 but not over $44,000	$13,460 plus 48% of excess over $40,000
Over $44,000 but not over $50,000	$15,380 plus 51% of excess over $44,000
Over $50,000 but not over $60,000	$18,440 plus 53% of excess over $50,000
Over $60,000 but not over $80,000	$23,740 plus 55% of excess over $60,000
Over $80,000 but not over $100,000	$34,740 plus 57% of excess over $80,000
Over $100,000 but not over $120,000	$46,140 plus 60% of excess over $100,000
Over $120,000 but not over $160,000	$58,140 plus 62% of excess over $120,000
Over $160,000 but not over $200,000	$82,940 plus 63% of excess over $160,000
Over $200,000 but not over $300,000	$108,140 plus 64% of excess over $200,000
Over $300,000	$172,140 plus 65% of excess over $300,000.”

A second committee amendment has also been approved by the committee and will be offered to the bill before final passage. This amendment relates to oil shale. It provides that the percentage depletion allowance is to be computed on oil shale at the cutoff point after the oil is extracted from the shale but before hydrogenation and also before any of the refining processes are applied.

The purpose of this amendment is to provide the same base for computing percentage depletion extracted from oil shale as already applies in the case of oil produced from an oil well. The committee concluded that it was necessary to use the same base for the computation of the depletion allowance in these two cases if oil extracted from oil shale is not to be discriminated against. It should be clear, however, that oil shale under your committee's bill still will receive percentage depletion at 15 percent rather than the 20 percent which will be available for oil produced from oil wells.

The committee amendment which will be offered is as follows:

Committee Amendment on Oil Shale Treatment Processes

Page 281, immediately before line 4, insert the following:

“(e) Treatment Processes in the Case of Oil Shale.—Section 613(c)(4) (relating to treatment processes considered as mining) is amended by striking out ‘and’ at the end of subparagraph (G), by redesignating subparagraph (H) as subparagraph (I), and by inserting after subparagraph (G) the following new subparagraph:

“ ‘(H) in the case of oil shale—extraction from the ground, crushing, loading into the retort, and retorting, but not hydrogenation, refining, or any other process subsequent to retorting; and’.”

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I am glad to yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I should like to compliment the gentleman for a very able presentation, but I should like to ask a couple of questions.

I attempted, I might say, to ask a member of the committee, and also of the staff, and they were not able to give me an immediate answer.

The question is with respect to charitable contributions. I wonder what the effective date of the proposed changes in the present law would be with respect to charitable contributions? Is it the end of this calendar year?

Mr. MILLS. It is January 1, 1970, for most of the charitable contribution provisions.

Mr. FRELINGHUYSEN. If the gentleman will yield further briefly, I wonder about the appreciated value of contributions.

Mr. MILLS. Let me explain that.

Mr. FRELINGHUYSEN. There is some confusion as to when there would be a tax involved.

Mr. MILLS. Let me explain that.

We have said in the bill that if one gives appreciated property to a private foundation—unless the private foundation pays the amount out in within 1 year—the individual giving it will have to include in his income and pay a capital gains tax on the difference between the cost of the property to him—assuming it is capital gains income—and the fair market value of the charitable deduction at the time he gives it. If property cost him $10 and it is worth $100 today, there would be a $90 capital gain included in his income but he would receive a charitable contribution deduction of $100.

This provision of the bill applies to private foundations—not the public ones.

Except to the extent the minimum tax of limited tax preference applies, we have not changed the law one iota with respect to giving appreciated property to a college in the gentleman's district or mine, or to a hospital in the gentleman's district or mine. Under existing law one can give 30 percent of his adjusted gross income even though it is appreciated property for those kinds of purposes, and we permit that type of giving to continue.

The CHAIRMAN. The time yielded by the gentleman from Arkansas has expired.

Mr. MILLS. Mr. Chairman, I yield myself 2 additional minutes.

Mr. FRELINGHUYSEN. I notice there is going to be a tax imposed if tangible personal property should be given away. As a trustee of a metropolitan museum in New York, it does strike me as a harsh provision, because it almost surely will prevent the transfer to a museum of certain gifts of that character. It would seem to me there might have been a proviso saying that if the gift were to a museum, which would keep such tangible personal property, there would not be any tax.

Mr. MILLS. Let me explain that to my friend.

I can make an argument as a lawyer against every change that has been made in this bill. I believe I could make a plausible argument, from the point of view of its desirability for some limited reason, just as the gentleman is making a very fine argument in the case of appreciated personal property for museums.

But there are difficulties if we look at it. Paintings and other art objects are very hard to value. As a result very high values are placed on paintings which cost the person very little. Who is to say how much the painting is really worth? Besides that why does there have to be a double benefit? Why should gifts of paintings be treated better than gifts of cash? Actually he may have given up, so far as the cost to him is concerned, only a small fraction of what he has deducted. He might reduce his tax to zero.

Mr. FRELINGHUYSEN. If the gentleman will yield further, it seems to me the gentleman just said there would be a limited tax in any case, so there would not be the possibility of reducing the liability to zero in any event.

It does seem to me there are going to be some real hardships imposed on museums and institutions which rely on tangible personal property instead of appreciated securities.

Mr. MILLS. I will tell my friend from New Jersey that everybody whose toes have been stepped on by this bill, can tell the same things as to its effect upon him.

The CHAIRMAN. The gentleman from Arkansas has consumed the balance of his time.

Mr. MILLS. Mr. Chairman, I yield myself 1 additional minute.

Mr. DENT. Mr. Chairman, will the gentleman yield to me?

Mr. MILLS. I am glad to yield to the gentleman.

Mr. DENT. I would like to clear up a point on the tax-exempt securities and income. As I understood what the gentleman said, you break it down into two parts and the second part is that you would divide somehow the tax exemptions between taxable income and others.

Mr. MILLS. You add the tax preferences to the regular income subject to tax, divide the result by two, and if this is greater than your regular income, this is the new base for your tax.

Mr. DENT. That I understand.

Mr. MILLS. That is with respect to both future and current issues of State and municipal bonds, but it is phased in over a 10-year period.

Mr. DENT. I understand. You also said and used the example that if you had a taxable income of $100,000 and nontaxable income, tax exempt, of $150,000, you would add them together and divide by two and have a taxable income of $125,000. Now, supposing I had $500,000 taxable income and $100,000 worth of tax-exempt bonds and added them together, would I not be in the tax bracket of $300,000?

Mr. MILLS. No. It does not work that way. You would not have to place it under an LTP—limit on tax preference—unless there is an amount of nontaxable income that is greater than the amount of the taxable income. Otherwise it would work in the reverse way.

Mr. DENT. Thank you. I just wanted to clear that up.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. KOCH. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield myself 1 additional minute.

I yield to the gentleman from New York.

Mr. KOCH. Mr. Chairman, I want to say to the chairman of the Committee on Ways and Means that I was told when I came here that the most singular situation from the point of view of being a Congressman would be to sit in the Chamber when you discussed a tax bill, and that was surely true today.

Mr. MILLS. Oh, my goodness. You just ask me anything you want.

Mr. KOCH. I am interested with respect to the 7½-percent tax on private foundations investment income. I would like to know the rationale for having done that with respect to private foundations and when the same rationale is not applied to investment income of churches, colleges, and foundations receiving the bulk of their funds from governmental units or the general public. What was the rationale for distinguishing between them?

Mr. MILLS. Let me return the gentleman's compliment first of all. When you came to this Congress I knew from what they said about you that you would ask intelligent questions, and you have done so. This is a very good question.

We have not affected in any way the income of public charities, educational institutions, or churches. When you give funds to these institutions your contributions are usually spent right away. But when you give to private foundations this amount is usually retained in the foundation. Usually only the income on this is spent. We think this justifies a difference in tax treatment. That is why we have written rules here that apply only to private foundations.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MILLS. Mr. Chairman, I yield myself 1 additional minute.

Let me make another distinction here. What is in the bill does have, as you point out, application only to private foundations like the Ford Foundation, Rockefeller Foundation, or Carnegie Foundation, and so on. They receive most of their income from investments in stocks and things of that sort. They were usually given these funds by the creator of the foundation. The funds they spend are only the income on this corpus. Others have to spend the contributions themselves. In the case of a corporation, you would get what is called an intercorporate dividends received deduction. The corporation producing the earnings in the first place is paying a 48-percent tax. When it pays out a dividend to another corporation, this corporation gets the deduction of 85 percent of the dividends it receives because when this is paid out to individual shareholders there is another tax. If the private foundation is the shareholder you do not have the prospect of the second tax at the shareholder level.

In the case of a corporation you get a deduction of 85 percent out of the total amount of dividends received. This leaves 15 percent subject to the tax, and at a 50-percent rate the tax amounts to 7½ percent. So, if the XYZ Corp., for example, receives a dividend on stock it owns in General Motors, it pays a 7½-percent tax on its dividend income. We did not want to tax the foundations to pay more than that. But we wanted to tax them this amount to develop sufficient revenues to convince the Committee on Appropriations that the Internal Revenue Service should have sufficient manpower to check the operations of these foundations with regularity to see that they live within the rules.

I say this because some of the things that foundations have been doing in the past in my opinion are not good from the point of view of public policy.

Mr. **BYRNES** of Wisconsin. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I am going to be very brief in these opening remarks. But I do think that as this debate opens I should make some general comments.

Tax reform is long overdue. I think this is recognized by every Member in this Chamber.

The chairman of the Committee on Ways and Means and I last summer and early fall both stated that the first order of business of the Ways and Means Committee in the 91st Congress should be an in-depth consideration of tax reform and the development of tax reform legislation for presentation to the Congress. We said that should be the case no matter what party happened to be in control of the committee or who happened to be chairman of the committee when the new Congress, the 91st Congress, met in January.

When this new Congress met, that was the first order of business. We began our deliberations in the early part of February and they have continued until this moment.

We now bring to you the fruits of that labor, during those many days and many hours since the middle of February.

During the course of this year the chairman and I have both promised on several occasions to this Congress that we would have a tax reform bill before this House upon which you could act before the recess that had been scheduled for the middle of August. There were many skeptics. There were those who chided us on those occasions and said, in effect, that they were just mere words and we would never have tax reform.

I say to you here today that we have kept our promise. You have before you today a tax reform bill of broad measure and I think one of the major tax bills that has ever been considered by the Congress of the United States since we adopted the income tax law in 1913.

Mr. Chairman, this is a nonpartisan bill. I think credit for the formulation of the legislation must go to a broad group of people. Certainly credit should go to the members of the Committee on Ways and Means, to the chairman, and to every member of that committee, because every member contributed in some degree to the development of the legislation that is now before us. Credit must also be given to the majority and minority staffs of the Ways and Means Committee who worked far beyond the normal call of duty in terms of hours and effort in assisting in the development of this bill.

Credit must be given to the staff of the Joint Committee on Internal Revenue Taxation under the leadership of Dr. Woodworth, who were valuable in their help and assistance.

Credit must be given to the legislative drafting service, particularly Ed Kraft and Ward Hussey.

Yes, and credit must go to the Treasury Department and their staff of technicians and tax experts under the able direction of Edwin Cohen, Assistant Secretary of the Treasury, in charge of tax policy, who I think did a yeoman's job of working with the staffs and with the committee to carry out the objectives that the committee had in bringing to you a real reform measure.

The **CHAIRMAN**. The time of the gentleman from Wisconsin has expired.

Mr. **BYRNES** of Wisconsin. Mr. Chairman, I yield myself 3 additional minutes.

Yes, Mr. Chairman, credit should also go to the staff of the previous Treasury Department who prepared a lengthy study of reform proposals which were submitted to the committee early this year and which also formed a basis for the work of the committee.

So I say, Mr. Chairman, this bill is a bill of many parts. It is a bill of great complexity. It is a bill that if we were going to look for adjectives we might call it momentous or we might call it extensive, but fundamentally we have to recognize that this is not just some simple little bill that comes before you that is the product of one or two minds; this is the product of a large group of people dedicated to a recognition of the need to produce greater equity in our Tax Code and, as the chairman has said, a necessity born of the fact that ours is a voluntary system that must have the confidence of the people.

Mr. Chairman, we bring to you a bill—I am not saying that it is a perfect bill—but it is a good bill. We bring to you an improvement of the Code, but in its enactment not a perfect Code.

Certainly we are going to have to continue surveillance. Certainly there will be some flaws found and maybe some loopholes still remaining that we have not found that we will have to calk up as we find them.

I do not think we will have a repetition in the future of what has occurred in recent years whereby some of the loopholes and the advantages that were being taken by some taxpayers were not called to the attention of the committee.

The people who should have the responsibility of maintaining the surveillance that should be maintained over the operation of the Code so that the Congress could be alerted to situations where certain taxpayers were taking advantage of the Code in a way and purposes that were never intended by the Congress, either did not maintain that surveillance or did not report what was taking place to the Congress. As a result the inequities in the Code accumulated.

The **CHAIRMAN**. The time of the gentleman from Wisconsin has again expired.

Mr. **BYRNES** of Wisconsin. Mr. Chairman, I yield myself 2 additional minutes.

But, Mr. Chairman, we have advised the Treasury Department and the Internal Revenue Service that procedures should be established, and it is my information that procedures have been set up, so that there will be a continuing surveillance of the use of the various provisions of the Code and whether they are being used in a legitimate manner and where loopholes open up and are disclosed, that they will be brought to the attention of the committee and of the Congress so that we can take appropriate action.

Let me say I think this is a most important and necessary step, and a step in the right direction.

We bring to you, as I say, Mr. Chairman, what I think is a good bill. It is a bill that accomplishes fundamentally three objectives. First, it closes the loopholes that have developed, that people have taken undue advantage of and we have reduced the tax liability in many areas where the burden was too high and where equity requires reductions, and we have simplified the filing requirements for many, many taxpayers. It can be alleged, as it will be that this bill provides many additional complications. I will admit it does. But those complications are for those people who operate in a complicated manner. But for the average taxpayers, the guy in the street, this bill will simplify his tax return by bringing 11 million people within the purview of the opportunity to use the standard deduction and thus avoid the problems of itemizing all of their personal deductions. They will be able to use the simplified form by use of the standard deductions.

So we have made improvements down the line.

Mr. **MILLS**. Mr. Chairman, will the gentleman yield?

Mr. **BYRNES** of Wisconsin. I yield to my chairman.

Mr. **MILLS**. Mr. Chairman, I want to join with the gentleman in his statement of gratitude for the very fine people who have worked on the bill, including the members of our staff.

But I wanted to say something especially about my good friend, the gentleman from Wisconsin, if he will allow me to do so.

Mr. **BYRNES** of Wisconsin. I suppose I could yield some time for that purpose.

Mr. **MILLS**. I am not going to be critical, but if there ever was anyone who stood firmly and solidly like the Rock of Gibraltar in behalf of tax reform, it is the gentleman from Wisconsin.

In many instances my friend, I think, had views that were a little bit further down the road than my own, but he has convinced me and he has convinced others and he has been convinced himself by others—he has compromised—but he has never compromised to the point of allowing something to go untouched that constituted a shelter in the past or a preference in the past.

Without the gentleman my committee could not have succeeded in this great job that I think we have completed.

So I want to include the gentleman as he has included other members of the committee in the category of being very, very helpful and commend him for his great contributions to this legislation.

Mr. **BYRNES** of Wisconsin. I certainly am deeply grateful for the kind words of my chairman, but as he pointed out before, I do not think there is any individual who can take any special credit when we list the large number of people who have contributed so much in time and in effort and in ideas in the development of this legislation.

Mr. FOREMAN. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. FOREMAN. I appreciate the distinguished gentleman's explanation of the bill.

There is one provision that I would like to ask the gentleman to expand on briefly, if he will, and that is with reference to this business of interest deductions.

The gentleman says that the deduction of interest on funds borrowed to carry an investment is generally limited to investment income over $25,000.

My question is this. If you borrow money—if a small businessman borrows money to go into business or to run a business—is all the interest chargeable as an expense or interest deduction?

Mr. BYRNES of Wisconsin. First, let me say, no change is made in the deduction of that interest because it is a business expense.

What we are talking about here is only interest that is paid to carry on investment. As we have examined these returns, we found people with very large incomes avoid tax liability when we are dealing in loans of the magnitude of millions of dollars they were pledging the assets and charge that interest off against ordinary income. The investment was designed to produce a capital gain. So it was felt that there was here a very definite loophole. But the ordinary businessman will not be affected. His business interest will still be deductible. He deducts that interest in determining his net business income.

Mr. FOREMAN. And those interest deductions are still allowable?

Mr. BYRNES of Wisconsin. That part, and in addition to that, an amount equivalent to any investment income he receives plus $25,000. But any interest in excess of that would not be permitted as a deduction against income.

Mr. FOREMAN. I thank the gentleman.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. BETTS).

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. BETTS. Mr. Chairman, this is not an easy task to follow the chairman and the ranking member of the committee, and I want to make clear that I have no intention of getting into the details of the bill. I simply wish to make a few brief general observations.

I believe the first observation that anyone should make on this subject is to compliment the chairman and the ranking member for the leadership they have displayed throughout the days and weeks we considered this bill. As the chairman and the ranking member also said—and I certainly want to associate myself with their remarks—we recognize the sterling performance of the staffs of the committee, the Joint Committee on Internal Revenue, and the Treasury. They contributed their labor, expertise, and talent which resulted in the final draft of the bill. I believe the chairman and the ranking member were looking for some adjectives to explain the bill. I might add that it is a monumental work. When it is passed and becomes law, it will be regarded as landmark legislation.

So I want again to pay my respects to the chairman, the gentleman from Arkansas (Mr. MILLS) and the ranking minority member, the gentleman from Wisconsin (Mr. BYRNES), because their leadership represents a promise made and a promise kept that this measure would be on the floor before the August recess.

Mr. Chairman, if and when this bill becomes law it can possibly be called the beginning of an era. Whether that is good or bad depends on many things that could happen in the future. If nothing is done to change it, it will probably be a good thing for the economy and everyone affected will no doubt become accustomed to it in the years ahead. On the other hand, if it is used as a means to oppress different segments of the economy by further restrictions of tax benefits in the future, it could stifle private enterprise and encourage the Federal Government to take over in many areas.

An example of this—and I cite this as only one instance—would be tax-exempt securities. I think we were tinkering with a sensitive balance of power between local and National governments when we wrote that section of the bill. Publicity directed to a few rich persons who have been able to reduce or avoid taxation by holding exempt securities has obscured the real danger of legislating here. Anything that impedes or discourages local financing such as Federal taxation of obligations simply tends to discourage normal operation of local government. When local bonds cannot be sold and local governments cannot finance the building of facilities, the Federal Government naturally steps in and finances these facilities.

With Federal aid goes Federal control. The power to tax, in my opinion, should not be used to destroy the constitutional division of powers between the local and Federal governments, and I hope we have not gone too far in this bill on this subject. At any rate, we have gone far enough, and if this provision becomes law, I hope it marks the end of the assault on the tax exempts.

Whether it is a good or bad bill depends to some extent on whether it is considered as a package or judged by specific items. I can think of provisions in this bill which certainly do not appeal to me. I am sure no one on the committee nor no one in the House would approve of everything in the bill. But to my mind the overriding consideration that we must give to this measure is that the American people want tax reform and are demanding it. This bill represents not one person's views on reform but the combined views of all the members of the Ways and Means Committee. I have enough confidence in the committee to believe this is the best overall tax reform which can be produced. For that reason, I support the bill.

When I say everyone is for the bill, I have to make some exemptions, because I suspect every person who wrote me about this bill said he was for tax reform except he did not want it to hurt him. In my opinion many of these objections were bona fide because many of the situations we have corrected have been written into the law for many years and were debated in both Houses of Congress and do not represent any hasty decisions. Just simply to jump to conclusions and ridicule all of them and call them loopholes in my opinion is not right. But our expanding economy and the increasing wealth which we enjoy I think has given rise to the need for a reappraisal, and this bill in my opinion represents an attempt not to eliminate benefits or destroy industry or the right to accumulate wealth, but is simply a readjustment of the benefits to the new conditions which prevail at present.

Mr. HAYS. Mr. Chairman, will the gentleman yield for a question?

Mr. BETTS. I yield to my good friend, the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, on the interest-rate provision in the new law, it is my understanding that for a person who borrowed money we will say to buy a farm or who borrowed money to buy a house and signed a mortgage, that the present law is not changed, that he can still deduct his interest payment.

Mr. BETTS. It is not changed as far as the home or farm is concerned. It is only where there is an investment.

Mr. HAYS. It is only when a person borrows in excess of $25,000 for an investment?

Mr. BYRNES of Wisconsin. Mr. Chairman, if the gentleman will yield, it is $25,000 interest, not $25,000 investment.

Mr. HAYS. It is $25,000 of interest for investment purposes. The money is borrowed for investment purposes, in other words.

Mr. BETTS. The interest would apply only to the money borrowed for investment income.

Mr. HAYS. But it does not apply to money borowed for homes or farms.

Mr. BETTS. That is correct.

I mentioned readjustment that this bill represents. I assume that in this readjustment there may be some shock to the economy and to the industries affected and to the persons affected, but I hope any economic shock that may occur or result from these readjustments will be slight and only temporary.

There is just one other comment about another feature of the bill which I think is unfortunate but it has to be a part of this bill whether we like it or not. That is, this bill certainly does not do anything to simplify the Tax Code. All it does, so far as that is concerned, is add 368 pages to an already complicated Internal Revenue Code.

While I support the bill and while I am sure the great majority of the American people are demanding this bill, I suspect after they have it and see what is in it, the next thing they will be crying for is simplification of our tax law.

I would hope that passage of this bill will hasten the day when our committee and the Congress, will turn to simplification—to real, honest, sincere, bona fide simplification of the tax provisions. Then the passage of this bill will have served another useful purpose.

Mr. SCHNEEBELI. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Pennsylvania.

Mr. SCHNEEBELI. Mr. Chairman, on balance, H.R. 13270, the new comprehensive tax reform bill, is a giant step forward toward achieving Federal tax equity—it represents probably the greatest and most dramatic change in our income tax history. Under the bill, virtually no individual with significant income will be able to escape a tax of some type, and most of them will be subject to a minimum 50-percent tax on their present tax-free income. Virtually all of the revenue gains are proposed to be devoted to the removal of hardship under the present law, or for providing tax reductions of general application.

The bill covers changes in at least 27 main areas and omits only one large area of suggested change, since the committee did not have time enough to get into the matter of estate and gift tax change. Hopefully, changes in this sector may be proposed during the present Congress.

The basic action of the bill, including the repeal of the investment credit will, by 1971, bring over $5 billion in additional revenue from the higher income brackets—both corporate and individual—and reduce the tax burden by the same amount in the lower and middle-income brackets for individuals. The proposed legislation is a proper compromise with all of the changes suggested by the administration, the committee, and the general public, and should give much better balance to the whole Federal income tax system.

However, I am strongly opposed to the provisions of the bill which drastically alter the tax treatment of municipal bonds. This fundamental alteration of our federal system is wrong in concept, is proposed at the worst possible time, goes far beyond any proposals that are needed to achieve tax equity, and is essentially irrelevant to the purposes of this legislation.

The timing of the committee's proposal could not be worse. Despite the growing trend toward centralization, the primary responsibility for basic governmental services remains at the level of government closest to the people—our States and localities. The growing costs of education, the maintainance of public order, the health, housing and welfare needs of our citizens, and the decay of the inner city are imposing tremendous costs on State and local governments. While these costs are growing in direct proportion to increases in our population and the continuing urbanization of our society, State governments do not have a source of revenue that grows proportionately.

The Federal Government has usurped the broadest and most elastic tax that can be imposed—the individual and corporate income tax. The States are required to rely primarily on sales taxes and property taxes which do not grow in proportion to increases in the gross national product and personal income. The present tax structure confronts them with the social problems of technology, but not the accompanying resources. Indeed, a study conducted by the Tax Foundation indicates that during the 20-year period from 1955 until 1975, total outstanding debt of State and local governments will increase from $44.3 billion to $169.4 billion—an increase of around $125 billion. During this period, total outstanding debt as a percentage of personal income will rise from about 12 percent to about 16 percent, despite dramatic increases in personal income.

The committee's action will compound the problems the States are experiencing in meeting their borrowing needs. The stability of the tax-exempt bond market has already been disrupted by the announcement of the committee's tentative decisions, on Monday, July 28, On Tuesday, the tax-exempt market was thrown into chaos with several attractive issues drawing no bids. The Wall Street Journal on Wednesday, July 30, carried the following quote from a senior official experienced in the tax-exempt bond market:

> This is the worst single day in our market's history, and its significance is that it was the beginning of a realization that the tax-exemption feature is truly in jeopardy.

The apprehension and uncertainty attending the committee's decision to propose an alternative plan to the historic tax-exemption privilege will dampen the demand for State and local issues. Investors may fear that once the system is established, the Federal Government, caught in a fiscal crunch, will ask the States and municipalities to pick up the interest tab. The disruption caused by these factors will be further compounded by the complexity of the new mechanisms that are established.

The practical and immediate consequences of disrupting the market, as serious as they are, do not alarm us as much as the violation of fundamental principles represented by the committee's decision. The committee's action can have only one result: The increasing threat of Federal control over State and local governments. Since the founding of our Republic, State and local bond issues have—under recognized principles of comity that are grounded in our Constitution—been exempt from Federal taxation.

The committee has carefully drafted the present provisions in hopes of avoiding constitutional impediments to its action. By providing an incentive in the form of Federal funds dispensed by a new group of Federal employees to encourage the States to issue taxable bonds, the committee bill uses the carrot rather than the stick. Since centralization has been defined as that device by which the taxpayer's normal prudence is overcome by his greed, the soft sell approach may accomplish the committee's goals while at the same time complying with the letter of the Constitution. But we are not concerned with the letter of the law, but the basic principles underlying our federal system. The committee's extension of the carrot may, in the final analysis, be more effective in undermining State and local responsibilities than simply using a stick to abolish tax exemption of State and local bonds.

Even if we did not agree that these proposals, which offend both prudence and principle, are offered at the wrong time in the wrong bill, we would be opposed to the specific provisions involved. If tax equity was the concern of the committee, this concern should have been alleviated when tax-exempt interest was included in the base of the limited tax preference (LTP) and the requirement for allocating itemized deductions between taxable and tax-exempt income. In going beyond this point to establish an awkward and possibly costly incentive program, the bill engages in overkill.

Since the committee's own revenue estimates show that this program will result in a revenue increase to the Federal Government of less than $2.5 million per year, it is not designed to correct a serious inequity and cannot masquerade as a reform. Instead, it must be represented for what it is, a restructuring of important fiscal relationships within our federal system. As such, the proposed incentive system should be held for consideration with other proposals relating to Federal-State fiscal relations that the Congress will be considering.

The Nixon administration, which did not recommend the subsidy system adopted by the committee, is currently preparing revenue-sharing proposals. These proposals recognize that federalism in the best sense of the term—providing autonomy for States and local governments—is the cornerstone of our governmental system. In its action, the committee seriously erodes this cornerstone. We strongly feel that any consideration of this proposal should await broader deliberations when the focus will be on Federal-State fiscal relations and more time will be available to examine the fundamental issues that are involved.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, 50 years have elapsed since the present income tax was enacted. During that time, there has never been, what many believe to be, a major reform or revision to the income tax structure although numerous efforts have been made, since then, to improve the system.

One of the major criticisms that I have expressed since coming to the Congress is that, over the years, many people with exceptionally high incomes have not been paying any taxes at all—let alone carrying their "fair share" of the overall burden. Too often, these same people, through careful manipulation, have discovered ways and means of compounding advantages and, in my judgment, this has been totally unacceptable, unfair, and unjust. I have never been one that wants to deprive anyone of proper reward for initiative—be it in a job or the development of an enterprise, but none of us can condone unequal or unfair tax legislation, loopholes, or a continuance of this inequity.

If we, in the Congress and in the Federal Government, are to generally expect taxpayers to voluntarily pay their taxes, then it is our responsibility and ours alone—to insure and insist that their taxes are fair and equitable.

It is for this reason, Mr. Chairman, that I welcome this opportunity to bring about meaningful and substantive tax reform in this country. And I commend the Committee on Ways and Means for advancing this timely and comprehensive reform package which does, indeed, include many of the revisions and improvements that I have personally advocated and which a majority of the American people can and will welcome.

Certainly, there will be objections—all Members will not agree on some of the provisions which have been included or those that have been omitted. Admittedly, the committee has postponed other income tax problems which either could not be resolved in committee or which required far more study than the limited time available afforded. But, there is no doubt that more remains to be done.

Noteworthy, however, is the fact that this bill includes some 27 separate tax reform provisions and noteworthy among these, in my judgment, is the fact that virtually no individual in this country with significant amounts of income, will henceforth escape payment of all taxes due. This, I am sure, will come as good news to the overburdened taxpayers in the middle- and lower-income groups.

There is one provision that I am particularly pleased with—that of granting relief to widows, widowers, unmarried individuals and single heads of household. This has been long overdue and will help many women in particular who have chosen to follow a personal career, thus carrying "head of household" financial responsibilities.

I am not completely satisfied with all aspects of the committee's tax reform recommendations, particularly with regard to the tax-exempt status of State, municipal, and school bonds. Local units of government have an increasing need for the municipal bond capital accumulation capability in order to finance their public facility requirements. I am generally pleased that the committee listened to our pleas and made major changes at the 11th hour.

Tax relief and tax simplification is provided for middle-income taxpayers both by increasing the standard deduction and raising the maximum standards deduction allowed. This will help many people who need relief desperately. There are likewise provisions whereby low-income groups will have the tax burden removed if they are at, or below, the established poverty level and substantial tax relief is included in the income levels only slightly capable of bearing a tax burden.

I, for one, believe the committee acted most responsibly when it included the temporary phaseout provisions with regard to the surcharge and the balance of the original tax package that cleared the House, to raise vitally needed revenue to offset some of the pressures that are now being felt during this transitional inflationary-checking period that we are now going through. This measure has special meaning for my congressional district which is now "feeling the squeeze" of the so-called "tight money" situation. Inflation must be controlled in order to release the credit for housing. Many people cannot afford to buy needed housing and this has played havoc with the economy of my area.

In all candor, Mr. Chairman, this bill has considerable merit—it is long overdue—and, as such, deserves the support of the Members of this body. It is a giant step forward in the field of tax reform and it is legislation, while not complete, that can and undoubtedly will serve as a "building block" for the future. To some it will be painful—to many it will give substantial relief, but I honestly believe the committee's tax reform package is designed to give fairer tax treatment to many more people.

Quite frankly, I am of the view that passage of this bill may well set a precedent for the State and local governments to follow suit. In the final analysis, what is really needed in this country is a total revision of our entire tax structure at every level of government. As such, I am hopeful and even optimistic that such a trend may be launched here today.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. Mr. Chairman, I have had the privilege of serving in this body for seven terms on three different major committees which have handled a number of important legislative measures, but I say this afternoon that at no time has a committee spent longer hours or extended greater effort toward turning out legislation than has been the case with respect to the bill before us today.

This bill before us today marks a significant milestone in the field of Federal tax legislation because it is a measure which includes many reforms long demanded by the rank-and-file taxpayers of this country in the interest of tax equity.

It must be obvious to every Member of this body that a tax bill of this nature and scope could never be written in a manner that would satisfy everyone. That being evident, it is very simple for for any Member to level broad criticism against it for whatever particular reason motivates them to do so, political or otherwise.

Meaningful legislation of this kind can be produced only by negotiation and compromise. To suggest that it could be otherwise would be the apex of demagoguery of naiveté. In fact, if every Member of this body were to write a bill which he personally felt was perfect, we would probably have more than 430 different pieces of legislation with wide variations in different sections of it.

Withdrawing preferential or favored treatment under the Internal Revenue Code from any individual or group will naturally bring complaints, some deeply bitter and all with varying degrees of justification.

On two occasions in the past month this body was called upon to vote for extension of the surtax. This action was directly related to the legislation before us today and, in my opinion, to suggest otherwise is just not facing reality. I say this because the reform bill by itself will result in a loss of about $2 billion more in revenue than it will return. But the phasein of certain benefits on taxation of earned income will not result in any immediate impact which would reverse the anti-inflationary purpose of the surtax bill.

Hopefully this Congress will squarely face its responsibility to put the Government's fiscal house in order in the months ahead so that inflation can be stemmed and the tax break to individuals in this bill not voided by high living costs.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Fifty-one Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 146]

Anderson, Tenn.
Ashbrook
Ashley
Baring
Barrett
Belcher
Brasco
Broomfield
Cahill
Carter
Celler
Chisholm
Clancy
Clark
Clay
Corbett
Culver
Cunningham
Daddario
Diggs
Dingell
Edwards, Calif.
Edwards, La.
Fallon
Farbstein
Fascell
Flowers
Foley
Frey
Gubser
Halpern
Harsha
Hathaway
Hawkins
Hull
Kirwan
Kuykendall
Latta
Lipscomb
McEwen
Mailliard
Martin
Mizell
Nix
O'Neill, Mass.
Ottinger
Passman
Patman
Poff
Powell
Reifel
Reuss
Rivers
Robison
Rostenkowski
Saylor
Scheuer
Taft
Teague, Tex.

Accordingly the Committee rose; and the Speaker having resumed the chair (Mr. FLYNT), Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 13270, and finding itself with a quorum, he had directed the roll to be called, when 373 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. At the time the point of order of no quorum was made the gentleman from Illinois (Mr. COLLIER) had consumed 5 minutes, and the gentleman has 5 minutes remaining.

The Chair recognizes the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. Thank you, Mr. Chairman.

Mr. Chairman, there is one aspect of the bill before us today that the people of this country ought to understand, and understand well, if the manner in which the individual Members of this body voted on the surtax proposals are to be clearly understood. In opposing the original surtax extension of 10 percent for 6 months and 5 percent in the following 6-month phaseout of it, the opponents also voted against the repeal of the 7-percent investment credit which will produce more in revenue than the other reforms in this bill. In fact, repeal of the 7-percent investment credit is a $3.3 billion revenue package whereas all of the other reforms combined amount to about $2.7 billion.

With the substantial across-the-board

benefits to taxpaying individuals embraced in this bill, it obviously becomes necessary to include the 7-percent investment credit feature in the reform bill because obviously we could not responsibly propose this legislation without it. Certainly no one can deny that this proposal in the original surtax bill offered a substantial attack upon inflation in and of itself.

There are provisions in this bill which I personally do not particularly like and that may well be of a nature that will demand remedial legislation in the future. This will depend upon the effects which it will have on certain economic factors of an unpredictable nature. Certainly it has not been unusual for the tax-writing committees of this Congress to make changes from time to time appropriate to the prevailing economic and fiscal conditions of the country.

But, all in all, I believe that this bill represents a broad step in the right direction toward correcting existing tax inequities. It is a meaningful bill in many respects, and one which holds out tax relief for millions of Americans whose major income is earned income. This bill represents the first substantial relief for the middle- and upper-middle-income taxpayers of the country who have been the "forgotten men and women" in tax measures passed previously at local, State, and Federal levels, for that matter.

In closing, may I suggest that the inclusion of the 5-percent surcharge in this bill for the first 6 months of 1970 is a feature of it which we would all prefer to eliminate if it were fiscally responsible to do so in the broad application of this proposal. But it takes no special intellect to understand that virtually every individual taxpayer, from the lower to the higher levels, will actually pay less in taxes over the next 2 or 3 years than the amount involved in the 6-month, 5-percent surtax extension included in this bill. I believe it should be understood that those who vote against the omnibus legislation we have before us will be doing so with the knowledge that they are denying this overall tax benefit to the vast majority of their constituents who want and need tax relief.

For this and other obvious reasons, I urge strong support of this bill.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 20 minutes to the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Chairman, the legislation we have before us today is, or at least was, the most sought after, asked for, longed for, waited for, pleaded for, demanded, promised, pledged, and anticipated legislation we have considered in the past decade. In fact, it had all the earmarks of being eligible for the grand prize for being the most popular legislation of all times.

Many of our colleagues, and indeed a large segment of the American people, sincerely felt that tax reform legislation would be a panacea for all of our economic and revenue problems. They had heard all too often about "tax loopholes," "tax havens," and "tax gimmicks." Their tax burden was so great, Mr. Chairman, that they were angered to learn that some citizens were not paying their fair share of the costs of operating our Government, and they were particularly angry that some people receiving incomes in excess of a million dollars were paying no taxes at all.

It was natural, therefore, that the American people should demand that these inequities be corrected and be corrected without delay. Then, Mr. Chairman, when the state of our economy necessitated continuation of the 10-percent surtax, which is a most objectionable tax, it was logical that the American people would resist and oppose its extension. They felt that, if Congress would just close the so-called tax loopholes, we could raise raise enough revenue to eliminate the necessity for continuing the surtax. They had received so many promises and had heard so much about what tax reform could do, they were led to believe that tax reform legislation would create a tax millennium.

So the letters piled into our offices demanding tax reform. And, as our colleagues will recall, there were efforts made in this House and the other body to hold the surtax proposal as a hostage to guarantee early consideration of tax reform legislation.

There are, of course, two reasons why tax reform legislation could not eliminate the necessity for continuing the surtax. The first one is the fact that tax reform legislation would not produce enough revenue, particularly enough revenue in time to do any good. Raising revenue is not the purpose of tax reform legislation. It was never intended to raise additional revenue, but merely to distribute some of the tax burden in a more equitable and fair manner. As evidence of this fact, Mr. Chairman, the bill we have before us, when it becomes fully effective in 1972, will result in a net loss in revenue of $2.4 billion and this includes the repeal of the 7-percent investment credit contained in the original surtax extension.

The second reason why tax reform legislation would not eliminate the necessity for the tax surcharge is that the only way the Congress can provide true relief for the American taxpayers, and I mean by that term a realistic reduction of their tax burden, is by cutting Federal spending. The Ways and Means Committee cannot perform any acts of magic in shifting the tax burden sufficiently to provide the type of relief the American people have been asking for. We may do more to help the taxpayers by reminding them of this fact when we are called upon from time to time to solve all the problems with which the Nation is confronted by merely spending additional Federal dollars.

Now, Mr. Chairman, the picture has changed sharply. We are now finding that the legislation before us today is not quite as popular as it was in the beginning. Yet the bill we have before us is what we have promised the American people and it is what the American people have been demanding for several weeks. It is a far-reaching piece of legislation. It covers 27 groups of provisions, and every provision may cause some difficulty in some particular segment of our economy. We found on further study and deliberation that many of the so-called tax loopholes were not loopholes as such but were created as a result of deliberate action by the Congress in years past for a specific purpose. Our problem was to eliminate abuses resulting from existing provisions of tax law.

As has been pointed out many times today, the Ways and Means Committee worked for several months on these problems. There had to be a great deal of give and take, or compromise, in working out solutions. I honestly believe we did the best job we could have done at this time. Yet every area of our economy has been hit to some degree, and we have noticed in recent weeks that the tone of our mail has changed. Now many of our letters start in the first paragraph with words to the effect that the writer is for tax reform legislation but that he opposes certain provisions of the tax reform bill. Almost all have some qualification, but they still recognize that tax reform legislation is necessary.

Mr. Chairman, as I stated before, there are objections to every section of this bill, and we cannot be indifferent about this fact. There are two provisions, for instance, which I am afraid may be devastating to the construction and home building industry. I refer to the home building industry because I happen to know the industry; at least I had a number of years of experience in it.

As our colleagues know, homebuilding is a major industry in this country, greatly affecting the economic health and well-being of our people. Our colleagues also know that there is a serious shortage of homes in the country at this time which is being further aggravated by the tight money market and high interest rates. In fact, the homebuilding industry is being hit harder by these two problems than any other industry, and it is, at this time, desperately seeking relief.

One of the sections of the bill will eliminate capital gains on the recapture of accelerated depreciation at the time of sale and will eliminate completely accelerated depreciation on older property sold after July 24, 1969. I agree wholeheartedly with the committee that it is unfair for any individual, be he a builder, real estate operator, or investor, to receive benefits of accelerated depreciation in excess of what is needed for expenses and amortization, thus receiving a tax-free cash flow, and then later on, selling his property to pay tax only on half of the income he receives. But there is another side to this problem. This provision was previously enacted deliberately into the law to encourage investment capital into the construction industry. At the time it was considered to be the only way in which the construction industry could compete for capital with other types of investments which were much safer and more productive. There is no question in my mind, Mr. Chairman, that this section will reduce capital investment in homebuilding and thus reduce sales of property which will, in turn, reduce reinvestment of the proceeds from the sales for production of additional houses.

I offered an amendment in the committee to extend the holding period on the sale of property in order to be entitled to capital gain treatment on all depletion, which would have stopped the quick turnover of property the committee was trying to prevent. I hope, Mr. Chairman, that we have not made a mistake in rejecting the amendment.

The other section of the bill which will injure the homebuilding industry is the section dealing with savings and loan associations and mutual savings banks. We reduced the allowance for bad debt reserve from 60 percent of the current income to 30 percent over a period of 10 years. Certainly there is an inequity when savings and loans pay a tax of 16.9 percent of their income; mutual savings banks pay only 6.1 percent of their income; while commercial banks are paying a tax of 23.2 percent and we are increasing their tax in this bill; and other industries are paying taxes amounting to from 43 to 45 percent of their income. Yet, on the other side of the question, savings and loan associations and mutual savings banks are the principal source of mortgage funds for homebuilding, and in order to be entitled to the 60-percent bad debt reserves 82 percent of their funds must be invested in residential type properties. I am fearful, Mr. Chairman, that we are creating a further shortage of funds at a very bad time for the industry.

Again I say that there are some objections to every section of this bill. The one section on which we received the most objections happens to be a section which attempts to close one of the biggest loopholes of all, the tax deduction for the appreciated value of gifts to charity and nonprofit organizations. Under current provisions an individual can make a gift of property in kind and receive twice the amount of tax exemption that he could receive if he sold the property and contributed the cash proceeds.

Most of our taxpayers have heard of the 154 individuals who earned at least $200,000 each in 1966 and did not pay one red cent of income taxes. Seventy-five percent of these individuals used the contribution of appreciated value of gifts as a method of reducing their tax liability. Mr. Chairman, we are cutting down on this provision and eliminating the unlimited charitable contributions provided for in existing law. The maximum allowance for the deduction of the appreciated value of gifts in this legislation will be limited to 30 percent of an individual's income. We have heard lots of protest against this provision, and it may well reduce some of the funds which are now going to educational and charitable organizations. But, on the other hand, we could not have true tax reform without some action on this part of the tax law.

Mr. Chairman, I hope and believe that the vast majority of the American people will also adopt a position of give and take in supporting this tax reform legislation. I am confident that they will realize that true tax reform means that everybody must agree to give up some of their own loopholes along with the other fellow. I support this bill with the knowledge that neither the Committee on Ways and Means nor Congress is going out of business. When we find that some of the provisions in this legislation have gone too far and possibly others not far enough, as I am certain will be the case, we can come back and correct the defects as we have always done in the past.

Mr. MILLS. Mr. Chairman, I yield 15 minutes to the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Chairman, there is no more difficult assignment for any legislative body than to change a nation's rules of taxation and reform its tax code. I am rather proud to be associated here with the effort of the Ways and Means Committee in doing just that.

I have heard it said here on the floor, and I have read in the press time and time again that we would not have a tax-reform bill this year which would be of any significance. I want to set the record straight as far as I am concerned: There never has been one iota of doubt from the time that the chairman of the committee (Mr. MILLS) issued an announcement for hearings on tax reform in January that we would have this bill before this House this year.

This effort would not have been possible had it not been for our most distinguished chairman. I think it has been a lifetime goal of the chairman to accomplish what we are accomplishing here today.

Also, even then, it would not have been possible had it not been for the ranking minority member, the gentleman from Wisconsin (Mr. BYRNES) who has been equally dedicated.

So I join in paying tribute to them here today. Also, I commend the staff for one of the finest performances I have seen on Capitol Hill in many a year. Both the Joint Committee on Internal Revenue Taxation and the committee staff, as well as the Legislative Counsel who actually drafted the language, worked around the clock day in and day out for weeks in order to accomplish this bill, which so many people said was not possible.

It still would not have been possible without the help of the Treasury Department. Assistant Secretary Cohen and others worked equally diligently with the staff and with the committee, day after day, in long, hard sessions to iron out the problems that are presented in a bill of this kind.

The committee held hearings over a 2-month period. On the committee table are the 15 volumes that make up the hearings this committee held.

We have been in long executive sessions, day in and day out, for weeks ironing out these problems, and coming to these solutions.

It has been argued, and probably will be argued, that this bill does not represent real reform. I say emphatically for the record, this is real tax reform.

We have investigated every section of the Tax Code where there was even a hint of a tax shelter. Twenty-seven major areas of the code will be changed if this bill becomes law. Individuals who have escaped taxation through a number of loopholes—charitable contributions, tax-exempt bond purchases, real estate depreciation—will now find their way blocked. Corporations that have flourished under tax shelters available for corporate mergers, multiple corporations, foreign tax credits, depreciation practices and natural resource holdings will now find this special protection reduced or removed.

I believe the true measure of the importance of this bill is in the equity it will restore to our tax structure. Clearly, passage of this legislation will take us a giant step toward equity. The burden of the low- and average-income taxpayer will be eased, while the wealthy will begin to pay a fair share. The low-income allowance provision will remove from the rolls 5 million taxpayers, representing the poverty level of the Nation. It will also cut sharply the taxes of another 7 million who are in need.

The tax liability of the average, or middle-income, taxpayer will be reduced by a series of provisions:

First. An increase in the standard deduction from 10 percent to 15 percent by 1972, while the ceiling on this deduction is gradually raised from $1,000 to $2,000. Thirty-four million taxpayers will benefit. Taxes will decline by as much as 6 percent in the $5,000-to-$15,000 class for adjusted gross income, and by more for those in the $3,000–$5,000 class.

Second. An across-the-board cut in individual tax rates, starting in 1971. By 1972, taxpayers at all income levels will find their taxes reduced by about 5 percent.

Third. An extension of head-of-household benefits to single people 35 years of age or older, as well as widows and widowers. Full income-splitting rights would go to widows and widowers with dependent children. The head-of-household provision will allow affected individuals to enjoy at least part of the lower tax rates available to married persons filing joint returns.

In our treatment of single people we are taking care of an inequity that has been in the law for a long time by giving them head-of-household treatment which, I believe, is tremendously important to millions of Americans.

Widows or widowers, supporting a dependent child in their home, could make full use of the joint return, or income-splitting advantage, until the child is 19 or completes his college education. By 1971 these changes will reduce Federal tax revenues by $650 million a year.

The committee's efforts for equity mean, on the other hand, that the wealthy who are escaping taxation, or paying low effective rates of tax, would be reached. This is one of the things that stirred up Americans all over the country when they heard for the first time, possibly, that there were 154 Americans whose income exceeded $200,000 a year and who did not pay a dime of income tax. I believe this has been one of the things that has made it possible for us to proceed with this tax bill and reach the point we have today. I would say it has been our dedicated effort to make it absolutely impossible for this to happen again. When we pass this tax legislation we will not read again about these millionaires who do not pay taxes because we have examined in detail all of the procedures that have been used by these 154, and by thousands of others who are in a similar category, and we have systematically attacked the problem and plugged the loopholes.

In addition to all the treatment in the individual sections of the code, we have provided for the limitation of tax preferences, which is the equivalent of a minimum tax. It is a safeguard to insure that those individuals who are financially able to pay tax will include in taxable income at least one-half of their economic income. This minimum tax would eventually increase tax liability by $85 million a year, mostly for taxpayers with incomes of $50,000 or more.

Add to this the proposed requirement for allocation of deductions between taxable income and tax preference amounts. Now, individuals who receive tax-free income can charge the full amount of their personal deductions to taxable income, awarding themselves, in effect, a double tax benefit. This practice would be largely cut back. The allocation provision would add some $460 million in tax revenues when fully effective, almost all to come from taxpayers with adjusted gross income of $20,000 or more.

Yet this bill is not intended to be an exercise in soaking the rich to benefit the less well-off. A maximum-income tax would also be introduced, setting a tax ceiling of 50 percent on earned income. Other income would remain subject to the higher top rates now in effect. This provision would hopefully emphasize the advantages of earned income and ease the search among the high-income taxpayers for tax shelters to protect unearned income.

The equity in the system is also significantly enhanced by tightening tax rules governing tax-exempt organizations, as well as tax-paying corporations, including financial institutions.

About 80 percent, or some $5 billion, of the revenue produced by reforms in this bill will come from corporations.

What is placed in the average taxpayers' pocket by the proposed tax relief measures—some $7 billion annually by 1979—will be nearly matched by the additional Federal revenue gained in closing the tax loopholes to individuals and corporations.

In short, this bill gives this Congress the opportunity to bring real reform and real equity to the taxpayers of this country. It is an opportunity we must not pass by. The taxpayers have told each Member of this House that they will no longer stand for tax inequity, and that they will not settle for token adjustments. There can be no question that the proposed legislation is the answer to the taxpayers' demands.

Now, Mr. Chairman, I want to talk very briefly about the investment tax credit. We put the repeal of this credit in this bill. It passed earlier in the House. Of course, the entire thing has been pigeonholed over in the other body. I want to review the position I maintained when the House approved this repeal. I do not believe it is wise to repeal the investment tax credit. If you will recall the reasons why we put it in the code back in 1962, it was designed for the very special purpose of building growth in the American economy. We have never hit upon a more effective device to accomplish that purpose. It has been one of the leading reasons why this economy of ours has moved ahead during the past 8 years as it has. I think we are going to need it again. What we should be doing now, perhaps, is reducing the credit level from 7 percent to 3 percent or even 1 percent. But we should be leaving this on the books so that we can turn the credit up again to get the economy moving. I am not in accord with the inclusion of the repeal provision in this bill.

Mr. DENNEY. Mr. Chairman, will the gentleman yield at that point?

Mr. ULLMAN. Yes. I yield to the gentleman.

Mr. DENNEY. As I understand it, the repeal was primarily done in order to raise revenue to help the smaller taxpayer because of the relief given to them so that it would equalize out income against deductions so that the Treasury would not have this tremendous loss. Was any consideration given in the committee hearings to putting a limitation of $10,000 or $15,000 or $20,000 per year per taxpayer on investment credit? What I am concerned about is that in my area in the Midwest many of the farmers and small businessmen are only able to exist and refurbish their businesses and buy their machinery by the use of this investment credit. This completely wipes out the one thing that they really do need. Their operating costs have gone up, but their income is still at the level of 1950.

Mr. ULLMAN. I will say to the gentleman that I led the fight in the committee for the so-called small business investment. I fought to keep the credit up to the first $20,000 of investment operable in this country.

It would have been of tremendous value to the farmer and the small business people of the Nation. This investment credit repeal, as the gentleman will remember, was in the surcharge bill that the House passed earlier this year. It was not possible to go through that fight again for this bill because the House had already voted upon it.

But I would hope that, perhaps, when this bill comes back from the other body we can hold a part of this investment credit. What I would prefer to do would be to keep it at an across-the-board level of about 3 percent. I offered that amendment in the committee during the consideration of the previous surcharge bill. But if we cannot do that, at least we should give some small business credit and possibly some relief to the transportation industry, which depends so much upon it.

Mr. CHAMBERLAIN. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Michigan.

Mr. CHAMBERLAIN. I would state that this question was raised in colloquy with the Secretary of the Treasury as to whether or not something could be done at this time. The committee was advised that they were studying this and that they hoped to have some recommendations on it when they submitted their further suggestions for tax reform later this year or early next year. I would agree that it is an area that needs attention.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. BURLESON of Texas. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. ULLMAN. I think we want to keep the RECORD absolutely straight though. The administration was emphatically opposed to any kind of investment credit. What they wanted was some alternative to the investment credit. I think you are right in that they recognized there was a problem. But I also want to make the RECORD clear that they were strongly opposed to any continuation of it whatsoever.

Mr. Chairman, I would also comment on another provision of the earlier tax surcharge bill that has been included in this bill, a provision to extend the tax surcharge at a 5-percent level for the first 6 months of 1970. I voted against such an extension in June, and I remain opposed today. I continue to believe there is no justification for extending the surcharge longer than necessary to achieve a balanced budget for fiscal 1970. I voted earlier this week to extend the surcharge for the last half of 1969 to achieve this purpose. But I do not see any new evidence to support still further extension. Indeed, the recent "discovery" by the Treasury Department of an unexpected $3 billion surplus for fiscal 1969 makes me more skeptical than ever about Treasury projections and arguments. I would hope that this provision is eliminated before Congress sends the bill to the President.

Mr. Chairman, there is one other area of this tax bill that I want to touch upon. It is the matter of the committee's treatment of tax-exempt bonds.

I am very much opposed to restrictions on the existing treatment of tax-exempt bonds. I think the communities of this Nation are in a real time of crisis insofar as financing is concerned.

Sales of these bonds by State and local governments to commercial banks form the backbone of support for the growing need to build new schools, sewage and water systems, highways and mass transit facilities, housing and recreation projects. The tax exemption on bonds to these buyers is essential to the future of many of our municipalities.

This exemption generally makes it possible for the States and local governments to borrow at lower interest rates than would otherwise be possible. For example, as a result of the exemption, since 1962, yields on State and local government bonds generally have varied between 65 and 75 percent of the yields on taxable corporate bonds of the same quality. State and local governments are especially concerned about the cost of borrowed funds because they have been hard pressed in recent years to finance their expenditures. Their expenditures have increased more rapidly than any other major sector of the economy in recent years. Between 1957 and 1966 their receipts and expenditures more than doubled and their issues of long-term debt almost doubled.

We cannot afford to block any of these governments' present avenues of financing. In the committee, the original recommendation was to levy a tax on tax-exempt bonds in both the private and corporate sector. We were able to get that provision removed insofar as corporate purchases of tax-exempt bonds is concerned. As of now in this bill there is absolutely no restriction and no taxation on corporate-purchased—banking purchases—of tax-exempt bonds. I would refresh your memory to the effect that last year 90 percent of tax-exempt bonds were sold to the commercial banks and corporations.

At the same time, it is clear that State and local governments need new avenues to the bond market if they are to cover all their requirements now competing for financing. The base must be broadened. Thus I am particularly heartened by the committee's approval of a proposal that I strongly recommended to provide an option to these governments through creation of a new system of taxable bonds. I think this is a very exciting and challenging alternative for a municipality.

There is a great lack of understanding about this alternative for the moment. However, I believe once the municipalities of this Nation realize the potential in this alternative method of financing, they will open up these new doors to the financing that they very much need.

State and local units would be allowed the choice of issuing taxable obligations, offering a higher interest rate to investors. To help these governments pay the higher interest costs, the bill authorizes a U.S. Treasury subsidy. The mechanics of this payment are described as follows in the committee's report:

> Under the bill, the fixed percentage to be paid by the United States may vary within a range that is not less than 25 percent and not more than 40 percent of the interest yield for calendar quarters beginning after December 31, 1974. Between the date of enactment and January 1, 1975, the fixed percentage may not go below 30 percent of the interest yield. The use of a range, instead of a constant fixed percentage, will permit the Secretary to take into account fluctuations in the ratio of tax-exempt yields to taxable yields that reflect the general supply of credit in the money market and the demand for credit. Determination of the interest yield on any issue of obligations is to be made immediately after they have been issued.
>
> A State or local government issuing a debt obligation subject to the provisions provided by the bill may choose to have the fixed percentage the United States is to pay represented by a separate set of coupons attached to the bond which shall be obligations of the United States to the holder. It is thought that the use of such dual coupon obligations might be necessary to avoid violation of the maximum interest limitations imposed on some States and localities by local law.
>
> Payment of the interest subsidy by the United States will be made to the issuer, even in the case of dual coupon obligations, unless the issuer requests that payment be made to a specified paying agent. In no case will the United States be required to assume the administrative burden of making payment directly to the holders of the obligations.
>
> The United States is required to pay its portion of the interest on taxable obligations not later than the time the issuer is required to pay interest on the obligations. Where it is the most practicable method of effecting the intent of the bill, adjustment for any premium or any discount at which the obligations are issued may be made between the issuer and the United States at the time of issuance or such later time or times as may be appropriate.

The taxpayers will not lose on this plan: the additional tax revenues will offset the cost of the payments.

The result will be a greatly expanded market for the municipalities—drawing to the higher bond yields such new customers as individuals with moderate incomes, life insurance companies, tax-exempt foundations and pension funds. I would suggest that all of the Members advise your municipalities of the great potential here. This, in my judgment is one of the most important provisions in this bill.

The CHAIRMAN. The time of the gentleman from Oregon has again expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. UTT).

Mr. UTT. Mr. Chairman, I am unable to share the enthusiasm of some of my colleagues over the legislation now pending before the Committee. It has been said to be the greatest tax reform bill to come out of the Ways and Means Committee in the past 20 years. I cannot assign it that high appraisal. The truth is that is a normal tax bill with nothing new under the sun except the complicated accounting necessary in the excess deduction account, the limited preference account, the allocation of deductions accounts, and a few other complicated formulae.

I will agree that the committee worked diligently and has a great volume of testimony to which we paid little attention in the final analysis. There are many sections of the bill to which I can fully subscribe and others where there has been great improvement. But, even with that, there are loopholes in the foundation section through which you can drive a 10-ton truck. By setting up subsidiary charitable or educational organizations, the big foundations can do by indirection what we have prohibited them to do by direction. We have given certain foundations complete immunity.

It was considered that control of a corporation by a foundation was an evil thing. It was even evil if it were to be controlled by a consort consisting of the founder and members of the founder's family to the second and third generations. Later, the committee decided that if the people of the foundation were "good" people and qualified under a technical amendment, total control of a corporation was to be OK. That took care of the Kelloggs of Battle Creek. I am certain that there are many family foundations just as virtuous as the Kellogg Foundation, but they do not receive preferential treatment. To name but a few, I would refer you to the Hormel Foundation, the Waterman Foundation, and the Kaiser Foundation. Why this discrimination?

Our committee legislated in a state of emergency because of the adamant position taken by the other body to the effect that, until a reform bill was on the floor, there would be no surtax. With 6 months of testimony and 2 months of executive sessions, we moved like a race horse in the final 10 days just to get something; anything, to the floor. There were massive changes made 2 days before we reported the bill—and some corrections after it was reported—and we were given 1 day after reporting the bill to file any minority or additional views.

Surely, the general public is entitled to know what is in a bill, how it affects them, and what changes can be made to relieve or to ameliorate a situation so that they can communicate their views to their elected representatives. There was a general feeling that if H.R. 13270 was not passed before the recess and the Members would return to their districts for conferences with their constituents, they would return in September firmly committed against the passage of this so-called reform tax bill.

There is much evidence in the record, both public and executive, to the effect that we have abandoned the theory of taxation for revenue and are interested only in taxation to accomplish social reform. This should not be the field of the Ways and Means Committee and, yet, there is every evidence that the effect of this bill, should it unfortunately ever become law, will reduce all Americans to the lowest common economic denominator. This is not a satisfactory state of affairs for me. You have heard of all of the good things about the bill and, while agreeing with much of it, I shall reserve my time to point out what I consider to be bad tax legislation.

The revisions on the treatment of charitable gifts will curtail many of the contributions to our universities and hospitals, even though the recommendations of the current and past administration in this field were not followed. If we had followed them, philanthropy would really have been a dead duck.

The tax treatment of State and municipal bonds is most crucial to every State and municipal district in America. That treatment was slightly eased a day or two before reporting, but in that area, there is a new basic concept of State and municipal financing. That is the proposal that the Federal Government should pay the difference between normal municipal interest rates and the interest rates in the marketplace, ranging from an additional 2 to 4 percent. This proviso anticipates that the issuing State or municipality would agree to permit their bonds to be taxed. It sounds good, but it would not increase the purchasers' interest in State or municipal bonds. The buyer buys them because of their nontaxability and he does not want to depend on the Federal Government to maintain the subsidy over the period of many years. This section brings no relief whatsoever to the municipal bond area. We also provide for the taxing of all new State and municipal bonds; just a little, of course, but like the tree in Brooklyn, it would grow and grow. If permitted by the leadership, I intend to offer a motion to recommit, eliminating any reference to the taxation or issuance of State or municipal bonds. The cry will go up, as it always has, that some rich people will buy only tax-free bonds, and escape Federal taxation. My friends, we have been talking Federal sharing of revenues with the cities and States and school districts for a long time. This is the easiest way to do it. If Mr. Jones buys $5 million worth of municipal bonds from my community, at 4 percent, when he could get 6 percent, 7 percent, or 8 percent from American Telephone, he has suffered an economic loss to the benefit of my community. For this $5 million he would be receiving $200,000 a year income, but at the same time he would have relieved my community of an additional $200,000 which taxable bonds would have cost. Who pays that $200,000? The people in my community in increased local taxes. If you want to do something for the local communities, stay away from interfering with tax-free bonds, and I do not consider that Mr. Jones is an evil man because he is not paying Federal taxes. But, the do-gooders and the planners will call it socially unjust.

There is another area which we invaded; namely, the agricultural area. Here we decided that because some people have been able to convert some normal income into capital gains, that it was socially unjust, even though it was helpful to the farming industry of America. We created an "excess deduction account" to handle these cunning people, so that we could recover at a later date, when any profit was realized. This may well drive all of the farmers into an accrual system of accounting rather than the cash system upon which 90 percent of the farmers operate. But, so what? We cured a so-called social injustice on the part of a few people and the farmer be hanged.

I have a letter from my own Governor of California, Ronald Reagan, which states:

> As you can see, much more than just the horse industry is involved. Of course, I do not have to tell you of the importance of agriculture and its place in our California economy.
>
> There are certainly a number of loopholes which can and should be closed in our tax system, but I think it very essential that in our eagerness to get at some of the 2,500 or so persons who are reported not to have paid a sufficient amount of income tax, I am afraid we may do permanent injury to the enormously important agricultural sector of our economy.

This Congress will have to decide whether or not the economic good done by the inflow of nonfarm income into the agricultural stream of America is worth more than the cure recommended by our committee.

The crying need today in America is for housing and more housing and more housing, but our committee moved into that area to slow down the housing industry; both single and multiple housing. What is the reason? It is simple. Some people were making money out of accelerated depreciation, by recapture through capital gains. So, we penalize the whole industry to get rid of these real estate developers. The changes in depreciation schedule will produce, in 1972, revenues amounting to $235 billion. This money will come at the expense of homebuilding and will be more "helpful" in funding our foreign aid program.

Other members of the committee, I am sure, will discuss changes in the extractive industries, including, of course, the national whipping boy, depletion. So, I will limit my remarks on this subject to simply saying that the action taken by the committee can well result in rationing of natural gas, and retarding the discovery of new petroleum sources in America. It will not be a matter of how much you pay for natural gas in your homes. It will be a matter of whether or not there will be enough gas to go around. The uncontroverted evidence is that we are consuming natural gas much more rapidly than we are discovering replacemnts. I supported a reduction on depletion from 27½ to 23 percent, but that motion lost on a 12-to-13 vote. I could not cut further. My main fault in the treatment of extractive industries is that without any hearings whatsoever, we proceeded to cut depletion allowances in a hundred metallic and nonmetallic ores. No inquiry was made as to the military shortage of some of these minerals, such as beryllium, which is absolutely essential in the space age; most of which has to be imported. No questions were asked as to whether the one big beryllium mine in Utah could survive with a reduced depletion. No questions were asked with reference to chrome, which is in short supply. We currently buy millions of dollars worth of chrome from Russia, which buys it from Rhodesia, and sells it at 50 percent above the market, because our State Department is too stupid to buy it directly from Rhodesia, and has the false idea that we are promoting social reform in Rhoedsia. How silly can we get? On the other hand, there are several minerals, both metallic and nonmetallic, which probably could survive without any depletion allowance, but those same people who hated the use of the meat ax approach in appropriations, used in it the Ways and Means Committee.

The last item and, to me, the most deadly to the American free enterprise system, is the tax treatment given to capital gains Some one has convinced the majority of our committee that there is no difference between capital and earned income. That is a deadly assumption. Capital is the thing that makes possible creative risk investments, and is entitled to separate and preferred treatment. The history of the great economic progress in America has been based on the willingness of millions of individuals to risk their hard-earned cash for research, development, expansion, and production of goods in America. We stand today on the threshold of the greatest opportunity in our history to perfect and produce gadgets of every sort and description at cheaper and cheaper prices in order to give the American a still higher standard of living than we have now. We must not destroy that incentive; that creative imagination which can give us the greatest progress in our history. Here, again, we are stymied by the Marxian doctrine of social reform through taxation. When capital gains taxes were under discussion a few years ago, and Mr. George Meany was on the stand, I asked him if he believed in taxation for revenue or punitive purposes. He quickly replied, "for revenue." Then, I said, "Mr. Meany, studies have been made by Brookings Institute that show if you reduced the capital gains alternative tax and reduced the holding period, there would be more than a trillion dollars worth of real estate and stocks which would become unfrozen and would double the amount of revenue from the capital gains sector." He replied, "Yes, Mr. UTT, but that would be socially unjust." In that statement alone is the fallacy of this whole reform legislation.

When Walter Reuther was on the stand this year, he made a most convincing argument that the capital gains dollar paid for as much food, clothing, lodging, and luxuries of living as the earned dollar, and, therefore, the capital gains should be treated exactly as earned income. The first part of his argument is true, but the second part is false and fatal. The capital dollar deserves a high station in our economic system, and this so-called reform legislation strikes a deadly blow to capital, the foundation of our free enterprise system. The maximum tax of capital gains under this bill has been increased by 38 percent, and the holding period has been doubled.

We invaded the area of deferred compensation, which affects millions of people in America. Business in America is successful because it shares its gains in the form of incentives with many of its employees. It is an effort to give an employee, in a key position, the responsibility and pride of proprietorship. The world moves by motivation and when you destroy that motivation, you reduce the output. Inability to pay and to obtain the broad spectrum of brains and ability to run our mammoth corporations, will cost the Government taxes by reason of falling income. It will reduce dividends to the stockholders and will create a sense of frustration on the part of those outstanding men and women who make our economy tick. How much revenue did we gain in performing this social reform on deferred compensation? About $10 million. The Treasury could lose much more by falling income of one big corporation, but then, we obtain a social reform.

The committee extended the unrelated income section to churches and charitable institutions. This reform was long overdue although it falls far short of covering the field. Only active unrelated income to be taxed and not passive unrelated income. In other words, we tax the oranges but we do not tax the lemons. This passive income gimmick is not only used by churches, colleges, and charitable organizations, but also is a favorite tax shelter for labor unions. This was untouched. The gimmick is in the definition of "passive" income. The taxable income will be active income received from operating a trade or business, including a hotel. Passive income is rental income, derived from renting a loft building, a warehouse building, or real estate where the owner is not actively engaged in a trade or business. You not only can drive a 10-ton truck through that loophole, but you can drive a Rock Island freight train through it.

As I said in the beginning, this is not a true tax reform bill. The race horse pressure kept us from discussing an alternative tax, referred to as "tax on value, added," which is used in the common market countries of Europe and most all other modern industrial countries. This system of taxation serves to relieve the balance-of-payments problems and to equalize competition by the use of border taxes equal to the tax on value added. This would be real tax reform and would show some progress in thinking on the part of our committee.

The biggest loophole was not considered, although I made reference to it. That is the interest free, tax free, rent free competition by the Federal Government competing with private enterprise. Federal Government controls 17 percent of the productive capacity of the United States, over half of which should be sold to the private segment. This would generate $5 or $10 billion in taxes every year.

Finally, we were completely irresponsible when we included, in this reform package, the distribution of some $9 billion, which is $2 billion more than the amount which will be coming into the Treasury annually by 1979 by reason of this legislation. I urged the committee to apply all of these revenue increases to the national debt, so that for once we would not have to raise that debt on July 1, 1970. It appeared that no one had heard about the national debt, so my idea was retired. It was just 2 days ago on the floor of this House when the leadership on both sides, in argument for the 10-percent surtax, and in argument for the continuation of the 5-percent surtax, said over and over again that if we do not enact the surtax and take the money out of the economy, all our past actions will be lost and inflation will spiral again. And, here, 2 days later, we are considering a bill which returns to the enocomy some $9 billion. How are these dollars different today than the ones we discussed 2 days ago? They both will cause inflation, and the tax reductions provided in this bill will be stolen by inflation, before they are effective. The high sounding promises of tax equity, tax simplification, and tax neutrality, are strangely missing from the context of the reform bill. Two-thirds of the revenue gain in this tax bill comes from only two segments of American industry—the petroleum industry and the finance industry. This is not equality. Of course, the effect of the 7-percent investment credit is spread much more equitably, but that was not a part of this original tax reform bill. Ninety percent of the revenue gain is coming from corporations and, yet, in giving tax relief, not one-tenth of 1 percent was awarded to the goose that has been laying the golden eggs.

For the above reasons, it is obvious that I do not support passage of the 1969 tax reform bill, as it came from the House Ways and Means Committee. It is completely unworthy of that committee which has had an outstanding record of responsibility in the past.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CHAMBERLAIN), a member of the committee.

Mr. CHAMBERLAIN. Mr. Chairman, we are considering what will certainly be one of the landmark pieces of legislation of this decade. The opportunity for a broad review of the tax system comes rarely. The time and effort for such an undertaking is not easily found amid the pressing demands from other problems begging attention. That the time has been found and the effort has been made, and is going to continue to be made, is a credit both to the legislative branch of our Government, especially to the chairman and the ranking minority member of the Ways and Means Committee, and to the cooperation of the Nixon administration.

As I indicated in supplementary views with the gentleman from Pennsylvania (Mr. SCHNEEBELI) in the report accompanying H.R. 13270 I am in general agreement with the proposed Tax Reform Act of 1969. As I am sure is true with most Members, there are features of the bill that cause me to have reservations. At the same time I recognize that if each Member of the House were to hold out for what he considered the most ideal plan of reform then we certainly would have no bill and no reform at all. While I intend to support the bill I cannot do so without expressing my very deep concern over the plan to alter the traditional and time-tested method of financing our State and local governments from tax-exempt bonds through the lure of a direct interest subsidy from the Federal Treasury.

This proposal, under sections 601 and 602 of the bill, goes beyond the question of tax reform and enters the whole new area of restructuring our federal system.

Mr. Chairman, let me make it clear that I do not think it is right that some individuals have avoided paying any Federal income tax whatsoever, and can now under present law, by investing in tax-exempt bonds. I would point out, however, that this bill contains not one but two provisions aimed specifically at closing that loophole. These are the limit on tax preferences, whereby an individual will not be permitted to shelter more than 50 percent of his income through tax exempt activities such as investing in municipal bonds, under section 301 of the bill; and the provision under section 302 requiring the allocation of itemized personal deductions between an individual's tax-free and taxable income. These provisions, it seems to me, should be sufficient. If you have doubts about this I would call your attention to a New York Times story entitled "Reform Hits Tax-Exempt Market," on Sunday, August 3, 1969. In discussing the limited tax preference provision, it stated:

> The prospect of this change in Federal income taxation threw the municipal bond market—a term that includes the market for all local government securities—into a tailspin last week. Prices plummeted and interest rates shot up to their highest levels in American financial history. Many investment bankers dropped out of the bidding for these bonds, and state and city controllers complained bitterly of the high costs they had to accept.

To go beyond this and add yet another provision which will most likely contribute to depress the bond market further, and raise the interest charges that cities and States, with or without a Federal subsidy, will have to pay, is to engage in overkill. This is not the intention of those, I take it, who urge reform in tax-exempt bond area. Neither, however, should it be the consequence of this bill whatever the intentions.

Presumably, the bond market would ultimately adjust to these new conditions, but undoubtedly at considerable cost to many vital public projects across the land. Yet, there is another threat at work here. For by tying State and local governments to the Federal Treasury through this subsidy mechanism we can only make them more dependent on Washington than before. If our cities and towns are really to be revitalized, it will not be achieved by making it more difficult for State and local governments to meet their problems.

The financial resources available to these governments as we all know, are extremely limited due to the preempting by the Federal Government of prime sources of tax revenue. Because of this State and local governments have gone more and more to the tax-exempt bond route to pay for streets, sewers, parks, schools, and other facilities. Currently I am advised there are outstanding some $130 billion worth of these tax-exempt bonds. If State and local governments cannot market their bond issues or can only do so at high interest rates their only real alternative is to turn to Washington more and more for Federal aid which means more and more Federal taxes. The situation was graphically expressed in the opening paragraph of the New York Times story previously mentioned.

> Tax reformers in Congress last week made sewers in Seattle more expensive, increased the costs of operating Alfred University and Pace College in New York State and made it more difficult for Newark, N.J.—the scene of one of the nation's worst racial outbreaks in 1967—to borrow $12 million for urban renewal.

Certainly it cannot be claimed that the changes being made by this bill with reference to State and local bonds is for the purpose of raising Federal revenues. Since the committee's own revenue estimates show that this provision will result in a revenue increase to the Federal Government of less than $2.5 million per year, it is not designed to correct a serious inequity and cannot masquerade as a reform. Instead, it must be represented for what it is, a restructuring of important fiscal relationships within our federal system. As such, the proposed subsidy incentive system should be held for consideration with other proposals relating to Federal-State fiscal relations that the Congress will be considering.

While I recognize that the House will not have an opportunity to amend the bill with respect to this provision, unless it might possibly be included in the motion to recommit the bill with instructons, it is my hope that the other body will take careful note of the implications of this alleged reform for I feel that we have acted in haste and to the detriment of State and local governments.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Texas (Mr. BUSH), a member of the committee.

Mr. BUSH. Mr. Chairman, the hour is late. I would like to join my colleagues in commending the staff, the chairman, and the ranking minority member of the committee for the excellent job they have done. The chairman of the committee, the gentleman from Arkansas (Mr. MILLS), talked about the morale of the taxpayer and he talked about the taxpayers writing in and demanding tax reforms. My experience is that the taxpayer is writing in and demanding tax relief. I support this legislation because in the long run we will provide meaningful tax relief when these tax cuts are phased in at all levels. The bill definitely does provide long-time tax relief. True it extends the surtax but in cutting the brackets approximately 5 percent for each of them, then it becomes meaningful tax relief. I also support it because I think many of the reforms are excellent, but I would like to turn the attention of the Committee for a moment to just talk about a few things that concern me where I think we have gone either too far or where the philosophical trend concerns me very much.

Mr. Chairman, there can be no question that the American people desperately need tax relief. There can be no question that our tax system should be more equitable. And the Ways and Means Committee has been working long and hard since February in coming up with the bill before us today. The reforms in the bill are in many instances highly technical, but I do believe that on the balance they are meaningful.

However, I am distressed by the trend toward centralization contained in this bill. For this reason the Honorable ROGERS MORTON and I wrote minority views, which I would like placed in the RECORD at this time, emphasizing views quite different from the impact of this legislation. In them, we tried to voice our concern for the centralized nature of these reforms—for the discouraging effect that some of these reforms will have on private investment and local fundraising by the cities and States; thus, creating a greater dependency upon Washington.

The minority views follow:

IX. SUPPLEMENTARY VIEWS OF HON. GEORGE BUSH AND HON. ROGERS C. B. MORTON

There are many excellent things in this massive reform proposal which have our full support; however, we do want to set out some concerns we have about parts of the legislation.

We subscribe to the separate views of Mr. Utt calling for simplification of the tax form. We did not come to grips with this problem in the committee.

In addition, we have some concern about the overall philosophical direction in which we have moved. In a well intentioned effort to remove "loopholes" we have not placed reasonable emphasis on "incentives."

We believe that the most effective way to solve problems is by getting industry involved in certain areas through the tax credit approach. We have done nothing on this. In fact we have moved away from needed decentralization and the encouragement of industry to find new answers by classifying some incentives solely as "loopholes."

REAL ESTATE

In a well-intentioned effort to correct obvious abuses in the real estate investment field, we fear that we lost sight of the national interest. In our view, we should not be cutting back on the real estate incentives built into our tax system. The extent which the removal of these incentives dries up capital to an already capital-starved industry will clearly not be in the national interest. Tight money is hurting our homebuilding industry. The suggestions of the committee will help guarantee that we continue to fail to meet our Nation's housing goals.

In a legitimate effort to eliminate abuse we have, we fear, moved to aggrevate an already intolerable shortage in residential dwellings of all sorts.

We had an excellent testimony from the Under Secretary of HUD representing the administration on this, and we agree with their testimony that the proposed revisions of section 1250, which will affect present capital gains treatment on real estate, will possibly inhibit investment in real estate at a time when investment should be encouraged.

NATURAL RESOURCES

Four out of five Federal Power Commissioners, none of whom have been identified in the past as defenders of the status quo in oil and gas taxation, testified that we are now faced with a very serious gas shortage and that we should be wary about doing anything that will curtail exploration for new resources.

Assistant Secretary of the Interior Hollis Dole spelled out his Department's concern about declining ratios of gas resources to gas consumption. His testimony corroborated that we have a serious resource shortage. He emphasized the need for continued incentives for other critical minerals in short supply.

In the face of this expert testimony, the committee has moved in almost punitive fashion against the oil industry and totally disregarded the Interior Department's suggestions on oil (as well as on other minerals). The depletion cut has hit the industry for an estimated $375 million. The removal of existing tax treatment on oil payments accounts for another $160 million approximately. The elimination of foreign depletion could cut down on our control of reserves abroad. It results in no revenue gain whatsoever to our Treasury after the second year. The changes in the foreign tax credit on income earned abroad take another $40 million out of this industry.

We recognize that depletion on oil has become a symbol—an idol that some feel must be toppled—but in the light of the unrefuted testimony of the serious resource shortages, we simply suggest that taking about $600 million out of an industry at this time is not in the national interest. The loser here will be the consumer—gasoline prices must rise sooner or later. This industry, not now disproportionately profitable, cannot be expected to absorb these additional costs.

Our own national defense and our position of world leadership depend upon both a viable domestic petroleum industry and a meaningful control of oil reserves beyond our own borders.

TAX-EXEMPT SECURITIES

We concur with the remarks of our colleagues, Messrs. Chamberlain and Schneebeli, on tax-exempt bonds. President Nixon's campaign stressed the need for a reaffirmation of our confidence in local government. He recognized that answers at the local level are more responsive to local problem-solving than those formulated in Washington, D.C.

By changing the rules on tax-exempt bonds, the committee has forced local government in the future to look to Washington to solve its problems.

In an effort to get at a handful of taxpayers who invest heavily in tax-exempt bonds, and thus pay little or no tax, we have damaged the ability of local governments to finance their growing needs without help from Washington.

The "alternative treatment" is inefficient. By the time the Federal Government "administers" the program, the cost of Government will go up just that much more.

The interest subsidy will be expensive to administer and could be used to coerce local government units to turn to Washington. If the rate of the subsidy is high, local governments will be forced to abandon the present system entirely.

Again, in an effort to sock the rich investor, we have inadvertently forced all local government to be more reliant on Washington, D.C., at a time when our city problems are so critical that we need all the diversity and imagination that local governments can bring to bear on their own critical problems.

FOUNDATIONS

We favor the concept of a fee or charge to foundations to pay for the additional costs that will be incurred by the Internal Revenue Service audits of returns of tax-exempt organizations to verify their compliance with the rules. Many foundations have abused their tax exempt privilege, and increased scrutiny by the Internal Revenue Service can cut down on abuses.

However, we oppose the 7½-percent tax on these organizations. The theory of pluralism should be encouraged not discouraged. Private philanthropy is more innovative than government. It can move more quickly and it is more imaginative. By imposing this tax we are simply cutting down on the volume of good the private sector can do. We should be moving away from centralization but, alas, by this tax we take one more step toward it.

We strongly feel that we must not permit foundations to exist solely as havens to protect accumulated idle capital. But as long as foundations do not increase alarmingly in relation to the GNP, they can set an imaginative course which genuinely helps mankind.

CHARITABLE CONTRIBUTIONS

In the committee there is some feeling that our private charities and private educational institutions are "sacred cows" grown fat on special treatment. Those sharing this view felt we did not go far enough in discouraging large gifts to universities.

Our view is different. As we reduce charitable contributions, by making it less attractive for people to give, we again force the recipients to turn to Washington—to get the Federal Government to solve our problems in education, health, and charity.

We support the elimination of the unlimited charitable deduction, but this move will unquestionably cut down on charitable giving.

The limitations on gifts of books, papers, and art at appreciated value will hurt our libraries, universities, and art galleries. People won't give as much with the removal of the full incentive.

And so, once again, through changing valid incentives to charitable giving, we are moving toward reliance on Washington:

1. Reliance to educate;
2. Reliance to take care of the poor; and
3. Reliance to construct buildings for educational and charitable purposes.

We are unquestionably eliminating some tax inequities. But in doing so, we are forcing private charities and all educational institutions to turn more to the Federal Government.

CAPITAL GAINS

In this bill we seem to erode away the difference between capital and income. The Treasury indicated that a change in the holding period from 6 to 12 months would result in a revenue gain. We feel this is incorrect. People would not turn their capital over as much and thus we would have a revenue loss. Our basic objection, however is not on the revenue side; rather it is because we make accumulating capital more difficult. The higher the tax on capital, the less investment money available to start new business and to expand existing businesses. This means jobs.

By doing away with the alternative long-term capital gains tax computation, we removed capital gains from the maximum 25-percent rate. On top of this, we put half of the capital gains excluded from income into LTP and allocation of deduction formulas.

This country needs more capitalists, not less. We need to encourage investment, not discourage it. We need to encourage people to create and build and profit; for as they do, the whole country moves ahead. We have more jobs, and less poverty—more wealth and less government dependence.

By this legislation we have moved away from the differentiation between capital and income. More and more people in our country are in a position to invest their savings—even after income taxes. They work hard, they pay full taxes on their incomes, they pay living expenses and at that point they have converted excess income into capital. It is proper that this capital be accorded special rates of taxation. In some countries capital gains are not taxed at all.

We do not consider capital gains treatment a loophole. To us it has been a fundamental and vital recognition that capital is a very different thing from income. In our view the committee moved in the wrong direction with this change. The overall revenue gain, which we agree we need, will not compensate for the damage we are doing to the vitality of the capitalistic system—the system which has produced a fantastic standard of living for this country.

Mr. Chairman, let me elaborate further in one area—tax-exempt foundations—my city has benefited tremendously by foundation philanthropy.

I agree that the confidence and support of the American people are indispensable if private philanthropy is to continue its past record of contributions. This confidence can only be maintained if any hint of impropriety is precluded by the enactment of sound legislation that, while affording flexibility and latitude to foundations, insure that the resources benefiting from tax exemption are dedicated to public purposes. For this reason I support the committee's efforts to prevent self-dealing between a foundation and substantial contributors to the foundation or directors of the foundation, although I do have some reservations about the particular form of the committee's proposals.

The proposal to impose a 7½-percent tax on a foundation's investment income is punitive and ill advised. There are abuses that do occur from time to time in the use of foundation funds, just as there are abuses that occur in use of governmental funds. However, the committee's bill responds to the few abuses that came to its attention and ignores the overwhelming good that has been done by private philanthropy and the important part that foundations play in American life. In the fields of medicine, science, education, the arts, and other areas, foundations provide a diverse source of ideas and funds to support innovative ideas that may become major programs—often underwritten by the Government—for the betterment of humanity.

The work of the Rockefeller Foundation in eliminating or controlling hookworm disease, malaria, and yellow fever in many parts of the world have saved millions of lives through the years, and launched the foundation on a program of preventative medicine that still represents an important part of their activities. The International Rice Institute in the Philippines, established and operated by the Ford and Rockefeller Foundations jointly, has developed a "miracle rice" that portends a revolution in the nourishment of Asia. The control of widespread hunger is a first step toward establishing stability in this part of the world. Widespread hunger is in part attributable to the population boom in Asia toward which Rockefeller Foundation programs on birth control have also been directed.

Mention should also be made of the tremendous role the Ford Foundation has played in expanding and improving the health of our private colleges and universities in the United States at a time when they have been undergoing real financial strain. A particularly interesting project is currently being supported by the Commonwealth Fund and Carnegie Foundation at the University of Colorado Medical Center. It involves the training of a new kind of medical practitioner—a pediatric associate—who will examine and immunize well children and treat normal childhood diseases under the direction of a pediatrician. If the program is successful it will alleviate the severe demand made on pediatric services by providing trained personnel to handle the more routine medical treatments under a physician's supervision, while freeing the physician to concentrate on more complex cases. This program might in the future be adapted to other areas of medical practice and is a good indication of how foundations can provide "seed money" for very productive changes in our society.

These private initiatives will be reduced in view of the diversion of private funds to the Federal Treasury that will be required by the committee's bill. While the Federal Government spends over $200 billion a year, the committee received testimony indicating that private foundations spend about $1.5 billion—far less than 1 percent of the Federal Government's expenditures. Despite the relatively small resources available to private foundations, the good that has accrued from their private initiatives, unhampered by the monolithic structure of our huge Federal bureaucracy, has been remarkable. Unfortunately, the committee's bill fails to take account of the importance of private initiatives in meeting the increasing problems of our pluralistic society. By diminishing the resources available to the private sector, the committee's bill will unfortunately increase the trend toward centralization and reliance on the Federal Government for the resolution of our problems. In summary, I support the committee's action to eliminate self-dealing.

I support the committee's action in keeping the foundations out of partisan politics.

I generally support the committee's proposals to keep the foundations from competing unfairly with taxpaying activities.

But I believe in private philanthropy. It is more innovative, more creative, more flexible, and more imaginative than government. The thing that worries me here is that some of our action is penalizing private philanthropy too much.

Mr. Chairman, the rates of city and State taxation have been increasing so rapidly that the American taxpayer is genuinely upset, and appropriately so, by his ever-increasing taxes. However, as hard as it may be to believe, even with the surtax, people are paying less Federal tax now than they did in 1962.

We are all familiar with the tax relief portions of this legislation. Yet, I think it is fair to question if this bill is really going to provide the relief it is heralded to do.

If the major pressure for increasing taxes is coming from the cities and the States, how have we relieved this? In my view by charging taxation on tax-exempt annuities, by discouraging inincentives in capital-starved industries and discouraging exploration in other critical industries and by discouraging capital turnover, we have only increased dependence for money and for initiative upon the Federal Government. The bill does not face up to this problem and I find this tremendously disappointing.

Would not the committee have been doing more for the American taxpayer if we had looked at this aspect of the rising tax problem and had provided the cities with alternative methods of raising funds, such as tax credits and revenue sharing?

Another question we need to ask ourselves is, Is this bill going to add to inflation or is it going to help halt it? The President asked the Congress some months ago to extend the surcharge until January 1, reduce it until the end of June and then let it expire. At the same time he asked that the investment tax credit be repealed. These actions were requested by the President in order that the deficit might be brought to a surplus, thus easing the pressures toward rising prices in this country.

But due to events that took place in the other body we have included the repeal of the investment tax credit in this legislation. However, close scrutiny of the revenue effects of this reform bill will reveal that instead of using the funds for a reduction of the deficit they are, in fact, being used to cover the deficits incurred by the tax relief sections of the bill.

Unless the revenue estimates we have been working with in committee are in error the intermediate effects of this bill could be inflationary.

I do not believe, however, that in the real long term the bill is inflationary. We should enjoy substantial economic growth in this country, but I do have reservations about its impact on the economy before the economy has expanded enough to take care of the deficits.

Furthermore, I would ask, Have we, in this legislation, affected the proper balance between investment and consumption? Much of the revenue gain distributed to the taxpayer by the tax cut is coming from corporations. We may not have gone too far in this legislation, but we have to be extremely careful not to discourage investment in an effort to bring tax relief. Because by doing this we could seriously damage our growing national economy. We could put more money into the economy through consumer spending than would result from the across-the-board-tax cut, but if there is an overkill on investment this money would be chasing fewer and fewer goods—with higher prices and higher interest rates being the result.

It is in this regard that the repeal of the investment tax credit has me concerned. Although I have supported the repeal of the investment tax credit because of its inflationary and supposed "temporary" nature, I now think that there is a danger, in view of the other reforms, that we have indeed gone too far.

In closing, Mr. Chairman, I would like to make special mention of the committee action regarding the depletion provisions of the tax laws.

In my view, the committee went way too far. I recognize that depletion on oil has become a symbol. It is almost as if it was an idol that had to be toppled.

We had excellent testimony from the Interior Department and from four out of the five FPC Commissioners, all of whom warned the committee about impending gas shortages.

I think any Member of the Congress willing to look at the facts and willing to concede that depletion has ever had meaning, would agree that it is more meaningful now than ever in the past. It is not a gimmick; it is not a loophole. It is recognition that a man's capital should not be taxed at straight income rates and it is further a valued incentive. It is in our national interest that the domestic oil industry remain strong. Yes, Mr. Chairman, I feel that we have moved in the wrong direction as far as our depletion allowances go—not just in oil and gas; but, in other minerals as well. I am hopeful that the other body will give a careful review to the depletion picture and will restore the cuts that the Ways and Means Committee recommended.

I recognize that depletion has been considered a regional gimmick or loophole; but the tragedy of it all is that it is not such a device. It is a meaningful and time-tested provision which not only compensates in some degree for the inordinate risks in oil and gas exploration; but, more importantly, gives fundamental recognition to the fact that man's capital is being used up as oil reserves are depleted.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. BUSH. I am happy to yield to the distinguished gentleman from Texas (Mr. MAHON), chairman of the Committee on Appropriations.

Mr. MAHON. Mr. Chairman, I thank the gentleman for the very helpful and informative statement he is making in regard to the pending measure. My friend formerly lived in the district which I now have the privilege of serving in Congress. His exceptional knowledge of the subject matter which he is discussing and the concern which he has expressed is very much in order.

Mr. Chairman, I want to join the gentleman in expressing my concern that the provisions in this bill, some of the provisions in this bill which relate to oil will prove to be very damaging not only to the oil industry but also to the general economy of the country.

I regard a healthy oil industry most important from the standpoint of the overall economy of the Nation and also to the military security of the country.

I commend the gentleman for his able efforts and I express the hope that before the pending measure is finally enacted into law it will be much improved over the present version.

Mr. BUSH. I thank the distinguished gentleman.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. BUSH. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I thank the gentleman for yielding, and I thank him for the remarks he has made on the subject of cuts which have taken place in depletion rates on a large number of minerals that are vital to the economy of the United States. The gentleman made mention of the fact that the Department of the Interior and one of our major commissions in Government has warned of the effect of these cuts. The gentleman, I am sure, is also aware of the fact that the majority of the members of the Mines and Mining Subcommittee of the Committee on Interior and Insular Affairs of this House sent a message to the distinguished members of the Committee on Ways and Means, pointing out to them the fact that in view of our production situation in the United States on a large number of minerals that consideration should be given on many of them to increases in depletion rates rather than cuts.

I have before me at this time a list of 10 minerals that are classified as strategic minerals in the United States. They include uranium, vanadium, fluorspar, tungsten, cobalt, nickel, beryllium, mercury, lead, and zinc. All of these minerals have been victimized by these cuts in depletion, to the detriment of the economy of the United States, and certainly to the detriment of the mining industry in the country.

I think we are going to see a shortage in gas in many cities in the country, whose Congressmen will be voting for the cut in depletion on gas, and I think the day will come when many will rue that vote.

Mr. BUSH. Let me say to my colleague that we had excellent testimony from the Department of the Interior, and four out of the five members of the Federal Power Commission who highlighted the gas shortage in this country. We had people from the North and East vitally concerned about protecting the consumer contact the members of the Committee on Ways and Means. These people had heretofore been opposed to incentives for intangible drilling and depletion but they now say:

> Don't tamper with these incentives at a time when our reserves are getting critical. We need more incentives to guarantee more reserves.

So I would say there is more understanding, but the fact remains that in this area the committee went too far. I am gratified, indeed, that the committee did not change the important provisions relating to intangible drilling.

Mr. BURLESON of Texas. Mr. Chairman, will the gentleman yield?

Mr. BUSH. I yield to my colleague from Texas.

Mr. BURLESON of Texas. I thank my colleague for yielding. First, I wish to compliment my associate and colleague on the committee for having done such an able and outstanding job in the committee, especially in presenting the situation in relation to the oil industry. There is a great deal of propaganda about the oil industry to the effect that everyone has a loophole and that a lot of people have gotten rich out of it. If that be true, is it not a little bit in contrast to the fact that so many people are going out of the business and have gone out of the business?

Mr. BUSH. There are fewer drilling rigs, fewer geophysical crews running, and less exploration; and yet depletion is considered a big get-rich-quick loophole. I do not wish to interrupt my colleague, but I point out that if we look at the cases of the 154 rich people who have paid no tax, and if you go around the street and ask the people, "Why didn't these rich people pay any tax at all?" they'd answer, "Oh, it is that oil and gas depletion allowance."

Of those 154 cases of rich people paying no tax, their total income was $112 million, and depletion accounted for less than 1 percent of the devices used to escape taxation. The oil industry has been abused. I think our part of the country has been abused by people calling this allowance a loophole. The country is the real loser.

Mr. BURLESON of Texas. If the gentleman would yield further. If my computations are correct, here is what I think the provisions of this bill have done as far as domestic production is concerned.

After applying the provisions of the bill, after considering the royalty payments, and using $3 a barrel—I think that is about the average price of crude at the present time—the net effect of this means $2.90 a barrel to the producer instead of $3 a barrel—a reduction in income even though the costs of labor, supplies, and everything else are mounting.

And yet the end price of oil today is less than it was 40 years ago.

Will the gentleman agree that somehow, somewhere, somebody has got to make this up?

Mr. BUSH. I heartily agree with my colleague, who is most knowledgeable on this. I know our State and country is most grateful for the work the gentleman has done on this. He stood up and fought and because he knows this subject he commends the respect of the whole House on this.

Mr. CASEY. Mr. Chairman, will the gentleman yield?

Mr. BUSH. I yield to the gentleman from Texas (Mr. CASEY).

Mr. CASEY. Mr. Chairman, I commend the gentleman from Texas (Mr. BUSH) as well as the gentleman from Texas (Mr. BURLESON) for the efforts they have made to try to get an understanding of the benefits that the country reaps from oil depletion and to convince people that it is not a loophole. I regret that not enough people seem to have listened to the answers and to have taken note of the work the gentlemen have done on it.

I sincerely hope, Mr. Chairman, the Members of the other body will finally see the light.

Again, Mr. Chairman, my compliments to the gentlemen on the hard work which the gentlemen have done on the Committee on Ways and Means. Certainly I appreciate the remarks of the gentlemen.

Mr. BUSH. Mr. Chairman, I thank the gentleman from Texas for his comments.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. BUSH. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, can the gentleman inform me, is the oil depletion the only tax break the oil industry gets?

Mr. BUSH. Mr. Chairman, I can only say the gentleman must not have heard my earlier comments. I do not consider the oil depletion a tax break. I consider it a proper provision in the tax law, but there are other provisions in the tax law that I think are valuable incentives as well.

Mr. Chairman, this legislation took $605 million out of the oil industry, $160 million out of the oil payments, and $375 million out of the depletion, and they wiped out foreign depletion. So I would say there were some cynical comments made in this Chamber that the oil industry was not being touched. I say $600 million in anybody's league is a pretty deep touch. It really smarts.

Mr. KYL. Mr. Chairman, the gentleman knows I am somewhat acquainted with this oil industry from one end to the other. The gentleman has tried to explain why the depletion allowance is not necessarily an evil thing.

What the gentleman has to explain to the American people, along with most of those who are interested in this, is how a single company can show a great profit for a year's business and still get by with paying little or no taxes.

Mr. BUSH. Mr. Chairman, the very definition of depletion restricts depletion to production. One gets 27½ but not to exceed 50 percent of the net profit from any lease. This clearly precludes the depletion as being the reason why taxes are not paid.

One of the big reasons given by one company was the use of oil payments "carve-outs" and ABC oil payments. These have been eliminated by this legislation.

Some companies had tremendously heavy exploratory drilling expenses, and they can deduct these. They can deduct them as a cost of doing business—certainly they should be able to deduct these.

I am glad the gentleman raised the question because it is absolutely impossible for the company to use depletion as a reason to pay no tax. The very definition of it is 27½ percent restricted to 50 percent. For that reason, it cannot be used as the reason for paying no taxes.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. BUSH. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Chairman, not on the subject of depletion, did I understand the gentleman a short time ago to make the statement that after the provisions of this law, after the change in the tax structure and tax exemption for municipal bonds, we will have more money?

Mr. BUSH. No; the gentleman understood it just the reverse. I am sorry if I left that impression. I am unhappy with the provision with respect to municipals, because I think it will make the municipalities and the local governments look more to Washington. I think experience will tell that. I am opposed to the provisions as now written.

Overridingly, I am in favor of this legislation, but this municipal bond part troubles me immensely.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield for a comment?

Mr. BUSH. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, on the statement which I understand the gentleman from Iowa made about oil companies escaping taxes, I would like to comment.

Mr. BUSH. Mr. Chairman, I think the gentleman asked how a company could pay no tax at all. I hope the gentleman from Iowa had not formed his opinion before asking the question. I hope I answered it to the gentleman's satisfaction.

Mr. EDMONDSON. Mr. Chairman, I do not believe there is an oil company in the United States that is escaping all taxes, although income tax payments may go up and down. The total tax picture seems to me to be of primary significance. In the year 1966, which is the most recent year for which I have such data, the oil industry paid 5.1 cents in direct taxes for every dollar of gross revenue, whereas all business corporations paid 4.5 cents per dollar of gross revenue.

The aggregate tax payments on oil industry operations in 1966 were $10.5 billion including excise and sales taxes, and these payments provided 5 percent of all receipts of the Federal, State, and local governments.

Mr. BUSH. I believe that is right. That is the total tax picture. It is a very valid observation by my knowledgeable colleague.

Mr. EDMONDSON. I thank the gentleman.

(Mr. BURLESON of Texas asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BURLESON of Texas. Mr. Chairman, reference by my colleague and fellow Texan (Mr. BUSH) to the treatment of the oil industry in this measure, prompts me to discuss this matter a bit further.

No one can be sure what the future may bring. But that does not relieve those of us charged with conducting the affairs of the Nation from disregarding the likely possibilities. And if we can by the course we choose today prepare our Nation for tomorrow's risks, then that is the action we must take. Neither emotionalism, labels, or symbols should influence us to shirk that responsibility.

By reducing the oil and gas depletion allowance to 20 percent, the committee is unnecessarily gambling with the future security of the United States. The decision obviously must be based upon either one or a combination of two premises; first, that the domestic petroleum industry despite the reduction will continue to explore for, develop, and produce the petroleum our Nation needs; or second, that foreign petroleum supplies will be available at reasonable prices. I do not think that either premise is supportable.

A decrease in the depletion rate from 27½ to 20 percent will increase the industry's after tax cost of at least 10 cents per barrel. The added burden can hardly be expected to encourage oil and gas producers to continue their search for new petroleum reserves. In only one of the last 7 years—1967—did the oil industry's earnings on net investment exceed the earnings of other manufacturing. Exploration and development expenditures have remained static in the last decade, despite a 51-percent increase in petroleum demand. It has been estimated that if the oil industry is to meet the fuel needs of the Nation, as much as $100 billion will have to be spent in the 15-year period 1965–80. That is almost 40 percent more than the industry has been spending. Increasing the tax and reducing the profits of oil and gas products will make investments in the industry less attractive at a time when more capital than ever is needed.

The loss resulting from the reduction in the depletion rates could be offset by a rise in the price of crude oil. However, the mounting pressures to relax import controls might prevent any price increase regardless of the fact that petroleum products are less expensive today than in 1926. Furthermore, the long delay between exploration and production makes petroleum investments more vulnerable to the jerks and starts of changing governmental policy.

The decision to cut the depletion rate is serious but equally significant is the attitude the decision manifests. An oil and gas producer could well conclude that what the committee has done in this bill is only the beginning. If such is the case and this impression is allowed to grow, the outlook for petroleum investment in the United States will remain poor.

With so much foreign oil presently available, why can we not rely on it to supply our needs? The United States consumes one-third of all the energy produced in the world and three-fourths of our consumption comes from oil and gas. Yet our petroleum reserves are only 7 percent of the world's total. Given the 27.3-percent reduction in depletion and the pessimism it will engender, our domestic reserves could drop by more than 50 percent in the next decade. We would then be faced with having to import 8.5 million barrels of oil a day. There is only one place where the United States could get that much—the Middle East. Eighty-six percent of the free world's proved reserves outside the North American Continent are there. The Middle East has twice as much oil as the rest of the world.

Unfortunately, the American posture in the Middle East is at a low ebb. Egypt, Syria, Iraq, Yemen, Sudan, and Algeria have all severed relations with the United States because they felt we were supporting Israel. Other states, such as Jordan and Saudi Arabia, have also become less sympathetic.

As our influence has ebbed, Russian influence has grown. The Russian fleet in the Mediterranean now has port facilities in Alexandria and Port Said. Soviet pilots now fly Russian-made planes with Egyptian markings on Russian missions in the Middle East. Iraq has recently granted Russia the right to develop the rich Rumaila field. Other similar agreements have been signed with Iran, the United Arab Republic, Syria, and Algeria. Mr. Speaker, I fear that our Nation has not yet concluded, as a matter of policy, that foreign oil and its control is politics. Our adversaries in this world leave no doubt about it.

The proponents of increased reliance on foreign oil point to the resources in Canada, Latin America, Indonesia, and Australia. Canada does represent a secure source. However, its total reserves could not keep the United States supplied for 2 years. Venezuela, the largest Latin American oil country, is already producing near capacity. Argentina's total reserves would last us about 6 months. Indonesia and Australia, because of their proximity to Japan, are more likely to be selling their excess oil to the Japanese who are certainly anxious to rid themselves of their dependence on Mid-East oil.

Assuming, however, that the United States could rely on these countries and all the other nations in the free world outside the Middle East and North Africa to provide it with the 8½ million barrels a day it would need, what would happen to Western Europe and Japan if the Middle East decided to impose another petroleum boycott? The spare capacity in the United States, Canada, and Venezuela that cooled the crises in 1956 and 1967 would be gone. We would be using all the rest of the free world's spare capacity.

Reliance on foreign oil is dangerous for another reason. A case in point is the seizure of American-owned oil property in Peru. Also our current friendly relations with Indonesia should not obscure the memories of President Sukarno and the influence Red China once wielded over the island nation.

I am opposed to a reduction in the depletion rate because I feel that it will inevitably lead to a substantial contraction of the domestic industry and to a heavy dependence on foreign oil. I believe the Congress should not be inundated by a wave of emotionalism. There is a greater issue involved than tax policy. The security of our Nation is at stake. I would call to your attention the fact that every agency and committee directly concerned with the energy supply of our country, including the Department of the Interior, the majority of the Federal Power Commission, and the chairman and 13 other members of the Interior and Insular Affairs Committee have urged that no action be taken by the Congress to reduce the rate of oil and gas depletion.

Finally, on several occasions and from several sources, we have been urged to cut the depletion rate just to see what happens. What if we see only after it is too late?

In addition to a reduction in the percentage depletion rate on domestic production, the bill currently under consideration completely eliminates the deduction for percentage depletion on foreign oil and gas production. In taking this action, the committee must have concluded that the participation of American capital in the development of foreign petroleum is no longer in the national interest. This conclusion ignores the broad perspective of our national security, balance of payments, and foreign policy objectives. I disagree with this conclusion. Our country's interest in the ownership of foreign oil supplies is too vital to burden it with additional taxes. Without a continuing aggressive exploration and development program by the U.S. companies, we cannot long maintain our favorable overseas posture in the face of increasing competition from nations of the Communist bloc and those of the free world as well.

Many foreign governments are encouraging the acquisition of overseas reserves by privately owned companies domiciled in their countries or by state-owned companies. The United Kingdom, for example, grants cash incentives for overseas oil and gas exploration and development. France permits its national companies to deduct foreign exploration expenses against income derived from domestic sources. Germany makes interest-free loans to German companies and requires no repayment unless the ventures are successful.

Percentage depletion and other tax incentives have encouraged U.S. companies to develop diversified sources of foreign oil by U.S. companies. The resulting production has been profitable, and, as a consequence, the oil industry is one of the few that has made a contribution to the positive side of the balance of payments.

The increase in tax revenues from eliminating percentage depletion on foreign production will be transitory. The governments of the producing countries will merely increase their taxes and take away the additional revenue. The elimination of percentage depletion on foreign production will force American companies to pay more foreign income taxes.

Our stake in American ownership of foreign oil reserves is high. Reducing the incentives for American companies to operate abroad will place our companies at a competitive disadvantage with foreign corporations which are either not taxed at home or are directly subsidized. Such action can only hamper American companies' search for additional petroleum supplies.

Significantly, percentage depletion will still be allowed on all depletable minerals produced abroad other than oil and gas. I support this, but the reasons for retaining percentage depletion for these other minerals are equally applicable to oil and gas. To deny depletion for all foreign petroleum production would handicap American interests in many countries that would, in times of emergency, be in position to supply our needs. For example, Canadian reserves would be as secure a source of supply as our own.

I reiterate my concern at the action being taken today with regard to percentage depletion. By removing a symbol, the Congress could well be taking the first step toward making the United States completely dependent upon foreign petroleum sources. If this ever happens, rest assured, the strong voice that we have exercised in an effort to maintain some semblance of global stability will come through as only a faint whisper.

Mr. MILLS. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. BURKE), a member of the Ways and Means Committee.

Mr. BURKE of Massachusetts. Mr. Chairman, I rise in support of this bill.

Mr. Chairman, the bill before the House represents many months of arduous and painstaking labor on the part of the Committee on Ways and Means. This was the initial major order of business before the committee in this session of Congress, and it has retained that priority right up to this moment. This bill, H.R. 13270, the Tax Reform Act of 1969, represents over 2 months of public hearings, and our executive sessions lasted right up until yesterday. The printed record of our public hearings alone encompass some 15 volumes and 5,690 printed pages.

I believe we have done a workmanlike job—a job to be proud of—and I wish to commend Chairman MILLS, the ranking minority member, Congressman JOHN W. BYRNES of Wisconsin, and all members of the committee from both sides of the aisle, all of whom have contributed to the development of this monumental piece of legislation. Without the spirit of team effort that pervaded the committee sessions, it would not have been possible.

I am not saying the bill is perfect in every respect. There are some provisions of it, if it were in my power to change and the House rules permitted, I would amend. I have been around here long enough to know, however, that the legislative process does not often lend itself to the full and complete achievement of all of one Member's goals, ambitions, or desires with respect to a given piece of legislation. So it is with this bill.

I believe that some of its provisions dealing with the tax treatment of mutual savings banks, a financial institution that is so vital to the economy and people of New England, are somewhat harsh. For instance, I do not believe that the 60 percent of taxable income method of computing additions to reserves for bad debts should be reduced below 40 percent. Instead, and over my objection, the bill will reduce it to 30 percent over a 10-year period. I was pleased, however, that in the making of mutual savings banks subject to investment standards the committee, at my behest, set the percentage for qualifying assets not at the originally decided upon 82 percent, but at the lower figure of 72 percent. I fought hard for this reduction in the committee, and I might also add that I was gratified that the committee, on my motion, liberalized somewhat the composition of qualifying assets. It was also a prudent move on the part of the committee, in my judgment, to extend the net operating loss carryback provision from 3 years to 10 years.

So while I still believe that the provisions of the bill relating to mutual savings banks are too stringent, I am pleased that I was successful in easing some of the original committee decisions respecting these institutions, which are so important in my State and section of the Nation.

Mr. Chairman, for the past several years, I have been fighting to achieve for American workers more equitable, fair and sensible tax treatment for moving expenses. I have introduced bill after bill on this subject, seeking to expand the "bare bones," stingy treatment of legitimate, job-related employee moving expenses. The foundation for the provision in this bill was laid by my successive bills that have been introduced in this and preceding Congresses.

Briefly, the effect of the provision is to broaden the categories of deductible moving expenses, to provide that reimbursed employees are to be treated in the same manner as nonreimbursed old employees and new employees, and to refine the tests which must be satisfied for the deduction to be available. The three additional categories of expenses for which a moving expense may be available under the bill are:

First, remove house hunting trips;

Second, temporary living expenses at the new job location; and

Third, qualified expenses relating to sale or purchase of a residence and certain lease expenses.

While this provision may not be as broad as we would have liked or the dollar limitations as generous as we would have desired, it is a giant step in the direction of recognizing that moving expenses are really a cost of earning income and that the mobility of labor is an important and necessary part of a healthy, growing economy. I am pleased that the present administration adopted the concept of my bill and included it in its tax reform program.

Mr. Chairman, there are other sections of this bill that I could discuss, some of which I think are very good provisions and some which could be, and undoubtedly will be, improved upon in the future. I think that on the whole it is an excellent bill, and I am particularly gratified that the revenue gains garnered by tax reform are going to be returned to our citizens in rate reductions and in the form of the other tax reducing provisions, particularly those that will benefit our citizens in the lower and middle-income brackets.

Mr. Chairman, I wish to express the wish that after the enactment of this bill that Congress continues the work in tax reform. Only by our continuing efforts can equity be established in the tax field. This is the second meaningful tax cut that has been recommended by the House Ways and Means Committee during the past 4 years.

Mr. BOGGS. Mr. Chairman, one must consider this reform bill with the surtax bill passed on June 30. That bill was passed by a five-vote margin after a very difficult fight. It was opposed by the AFL–CIO, the National Manufacturers Association, the Liberty Lobby, the Farm Bureau, and many others, including the vast majority of the members of my own party.

Prior thereto, on Friday, June 27, we passed a resolution continuing the withholding rate for 30 days and then later at the expiration of that period, we passed a temporary measure extending the withholding rates through August 15.

Although the able leader of the Finance Committee in the other body, my friend and colleague from Louisiana, Senator LONG, had reported the House bill as we had passed it, the Democratic leadership there threatened to take no action at all.

Finally, the other body passed a 6-month extension of the surtax in which the House concurred on Monday of this week, which means that the withholding rates will be maintained as is through January 30, 1970. However, the Ways and Means Committee then added to the reform package the repeal of the investment tax credit, the extension of the surcharge at a 5-percent rate through June 30, 1970, and the extension of the excises as contained in the original bill.

Passage of the surtax bill was not an easy job. I include herewith articles which appeared in the Wall Street Journal of July 1, 1969, the New York Times of the same date, and the New Orleans Times-Picayune of July 11, 1969:

[From the New York Times, July 1, 1969]

House Approves Keeping Surtax; Vote Is 210 to 205

(By Eileen Shanahan)

WASHINGTON, June 30.—The House of Representatives, by the narrow margin of 210 to 205, approved today the Administration's bill continuing the income tax surcharge, repealing the 7 per cent investment credit and reducing or eliminating Federal income taxes for some 13 million low-income families.

The vote came only minutes after President Nixon had publicly reaffirmed his commitment to support the enactment of "meaningful tax reform" this year.

The commitment came in the form of a letter from Mr. Nixon to the Republican leader of the House, Gerald R. Ford of Michigan, which was read aloud to the House near the end of the afternoon's angry debate on the tax bill.

FEARS OF OPPONENTS

Mr. Nixon's letter spoke directly to the fears that had been expressed by opponents of the surcharge—fears that once the surcharge extension had been passed neither the Administration nor the Congressional leaders would do anything further about reform.

Mr. Nixon's letter said that he wished "to remove any doubt" concerning his Administration's "commitment to prompt and meaningful tax reform."

He said that there was "no reason why a far-reaching tax-reform bill cannot be put before the House of Representatives this summer." He said that this was the plan that had been announced by the House Ways and Means Committee, and that it was "also the policy of this Administration."

Mr. Nixon had previously committed himself to propose a major tax reform package by November. His letter today only moved up that timetable, with its implied promise that the Administration would help the House write a major tax reform bill even before that.

Whether Mr. Nixon's letter changed any votes on the surtax bill could not be ascertained immediately. But the vote certainly constituted the first major test of the Nixon Administration's ability to carry the Democratic-controlled House, and the test was won.

[From the Wall Street Journal, July 1, 1969]

Nixon's Surtax Extension Is Cleared by House, 210–205; Senators Now Will Seek To Add Tax-Reform Provisions

WASHINGTON.—The House narrowly passed and sent to the Senate the Nixon Administration's bill extending the 10% income tax surcharge.

The final tally, after a flurry of last minute vote switches, was 210 to 205.

The bill faces a protracted debate in the Senate, many of whose members plan to try using it as the vehicle for major tax-reform legislation.

On final passage, 154 Republicans and 56 Democrats voted aye. Voting against the bill were 179 Democrats and 26 Republicans. At the end of the roll call, the bill was behind 203 to 197, but this result gradually changed as each of about 18 members who had gathered in the well of the House announced—often to applause from one side or the other—that he was changing his vote.

The bill would extend the surcharge at the present 10% rate through Dec. 31 and at 5% for the first half of 1970. The surtax actually expired at midnight last night, but Congress approved a measure last week that will continue through July the payroll withholding rates based on the 10% surtax, with the aim of avoiding bookkeeping trouble for employers while the surtax issue is being resolved.

OTHER PROVISIONS

The bill also would repeal the tax credit of up to 7% for equipment purchases, retroactive to April 18; would postpone for a year the phased reduction scheduled to begin next Jan. 1 in telephone and automobile excise taxes; would eliminate or reduce the Federal tax liability of many low-income individuals, and would allow a five-year amortization of air and water pollution-control equipment.

The package is estimated to produce revenues of $9.26 billion in the fiscal year that started today. The surcharge extension would bring in $7.64 billion of this, and repeal of the investment credit would gain another $1.35 billion. The excise-tax extension would bring in $540 million, and the low-income allowance would cost the Treasury $270 million.

In a statement, Treasury Secretary Kennedy "warmly congratulated" the House for voting to extend the surtax and he urged the Senate to "take up this measure and act on it favorably without delay."

Yesterday's four-hour debate was a fairly drab rerun of arguments that have been heard on both sides of the issue as the bill has moved unsteadily toward its House showdown.

Opponents of the bill, mainly Democratic liberals, attacked it on the ground it didn't contain sufficient tax-reform items. In response, Ways and Means Committee Chairman Mills (D., Ark.) who has been ailing and thus didn't participate fully in the debate, reiterated his pledge to bring a major tax-reform bill to the House by mid-August.

Other opponents contended that the surtax was enacted last year as a means of halting inflation and holding down interest rates, but that it obviously hasn't worked and therefore should be dropped.

PROPONENTS' ARGUMENTS

Proponents of the bill argued that inflation would be even greater if the surtax hadn't been in effect, and that failure to pass the measure would be equivalent to surrendering in the inflation fight. They also said the surtax extension has been supported by both Presidents Johnson and Nixon, as well as by prominent economists and the Congressional Joint Economic Committee.

The debate had perhaps two high points, one involving Chairman Mills' tax-reform pledge and the other centering around a letter read to the House by Republican Leader Ford of Michigan, who had just received it from President Nixon.

During most of the debate, Rep. Mills sat passively as Rep. Boggs, (D., La.), House Whip and No. 2 Democrat on the Ways and Means Committee, acted as the bill's floor manager. Mr. Boggs has been the Democratic leader in shaping the bill the past few weeks during Mr. Mills' illness, and Mr. Boggs told the House that Chairman Mills was appearing on the floor against his doctor's instructions.

MILLS' TAX-REFORM PROMISE

Late in the day Mr. Mills took the micophone to deliver a ringing tax-reform commitment that included a warning to liberals eager for reform that they may soon get more than they bargained for.

He said the committee is preparing a "good, real, wholesome, effective reform measure." When the reform bill reaches the House floor, "some of you may feel we've created a bullet that's a little too hot to bite into," he said later.

"You're going to have a chance to vote for reform," Mr. Mills added. "I just hope there's as much interest in reform then as there is today. The country needs this surtax bill and the country needs tax reform. As far as I'm concerned, this country is going to get both of them."

The letter from President Nixon said that "as the House nears a decision," Mr. Nixon wished to "reaffirm" his commitment to "prompt and meaningful reform."

The President noted that he had already sent Congress an interim tax-reform package, but that "much more is needed and will be done." He said Treasury officials are working continuously with the Ways and Means Committee in drafting the comprehensive bill being prepared.

"There is no reason why a far-raching tax-reform bill can't be put before the House this summer," Mr. Nixon said. "This is the announced goal of the Ways and Means Committee and it is the goal of this Administration."

But Mr. Nixon added that "the goals of fiscal responsibility and reform are not mutually exclusive. We must have both."

Here are additional details on the bill's major sections:

Investment tax-credit.—The bill would repeal the tax credit of up to 7% for equipment purchases, retroactive to April 18. The credit was instituted in the early 1960s to spark a lagging economy, but its availability is regarded as an unneeded stimulus that's inconsistent with the Government's fight against inflation.

In general, the credit won't be available for property acquired after April 18 even though construction began before the date. But the bill provides some exceptions under which the credit is to be available for property built or acquired under a binding contract entered into before last April 19. This "binding-contract" rule and other transitional provisions are similar to rules established by Congress in 1966 when the credit was suspended temporarily.

For property placed in service after 1970 that's nonetheless entitled to use of the credit because of these transitional rules, the bill would establish a phase-out mechanism reducing the 7% credit by 0.1 percentage point for each full calendar month after November 1970 and before the time when the property is placed in service. Thus, property placed in service in January 1971, if entitled to any credit, would be eligible for a credit up to 6.9%. The maximum credit allowable on property placed in service in July 1974 would be 2.7%, and no credit would be allowed for property placed in service after 1974.

Another provision of the credit-repeal action deals with the approximately $2 billion of unused investment credits outstanding from past years. Taxpayers have accumulated these because of limitations in present law on the amount of credit that can be claimed in a year.

The bill would put a special limitation on the amount of unused credits a taxpayer could claim as carry-overs to any year beginning with 1969. It provides that the credit attributable to carry-overs that's claimed in a year couldn't exceed 20% of the total amount of the taxpayer's unused credits that otherwise would have been available as carry-overs to the year in question. This special restriction is in addition to the general limitation of 50% of tax liability on the amount of credit a taxpayer can claim in a year.

One of the transitional rules provides that in cases where construction of a building had begun before last April 19, and the cost of the building plus any equipment ordered under a binding contract before that date represented more than half of the cost of the building and equipment, the entire equipped building and "incidental appurtenances" would be eligible for the credit of the extent they would otherwise qualify for it.

A transitional rule that engendered some controversy during the debate concerns barges for ocean-going vessels. If such a vessel designed to carry barges were eligible for the investment credit under the binding contract rule and if the Commerce Department's Maritime Administration were a party to the contract, the credit would be allowed on any barges constructed or acquired for use on the vessel.

Excise-tax continuation.—The bill would postpone for a year scheduled reductions in the 7% excise tax on passenger cars and the 10% excise tax on local and toll telephone services and teletypewriter exchange services.

Present law has scheduled a reduction in both these taxes to 5% during 1970, 3% during 1971 and 1% during 1972, with the tax being repealed as of Jan. 1, 1973. This timetable would be set back a year.

The Administration and the Ways and Means Committee have maintained that because of budgetary and economic conditions these reductions should be delayed.

Low-income allowance.—This provision adds to the minimum standard deduction enacted in 1964 an amount sufficient to bring the starting level of taxation almost up to the so-called "poverty level" in the case of all families with eight members or less.

The allowance would remove 5.2 million returns from the tax rolls, almost all of them showing incomes below the poverty level, and it would produce a tax reduction on another seven million returns. Thus, income taxes will either be eliminated or reduced on a total of 12 million returns.

The provision would add an amount which, together with the minimum standard deduction, would provide for $1,100 of nontaxable income in the case of all families with eight or fewer persons.

The additional tax-free income allowed by the bill is phased out gradually on the basis of a reduction of $1 in the amount of the additional allowance for every $2 by which the taxpayers' adjusted gross income exceeds the maximum nontaxable amount.

The low-income allowance wouldn't become effective until calendar 1970. On the basis of a full year's operation, it's estimated to reduce Federal revenue by $625 million.

Antipollution equipment amortization.—To lessen the impact the investment credit's repeal might have on industry's efforts to reduce air and water pollution, the bill provides that the cost of new pollution control facilities could be amortized over five years.

Because these facilities often have a useful life of as much as 20 years, the usual depreciation deduction per year is small. The larger deduction available under the bill is aimed at providing an incentive for installation of pollution-control equipment.

To qualify, the equipment would have to be certified by appropriate state and Federal authorities. The five-year amortization would be available only on a facility whose construction was completed by the taxpayer after 1968.

BOGGS THANKED FOR TAX VOTE

WASHINGTON.—Rep. Hale Boggs of New Orleans, ranking Democrat on the House Ways and Means Committee, Thursday made public copies of letters from President Nixon and Treasury Secretary David M. Kennedy thanking him for his efforts in behalf of the House-passed income-tax surcharge tax legislation.

Rep. Boggs was House floor leader for the measure, which has gone to the Senate. Following is the text of Nixon's letter to Boggs:

"Dear Hale:

"As a former member of the House I know how difficult it can be for a member of the opposition party to support the administration on such a politically potent issue as the surtax extension. That is why I particularly want to thank you for your voting as you did on Monday.

"With every good wish,

"Sincerely,

(signed) "R.N."

Secretary Kennedy's letter said in part:

"I know that there was considerable opposition to this measure within your party, and without your leadership the Treasury Department would not have been able to win approval of this vital legislation. For your statesmanship approach to this issue and efforts to keep this anti-inflation bill bipartisan, I am sincerely grateful."

The action of the Democratic leaders in the other body in holding the surtax bill was far from popular.

The following is a statement I made to the press on July 30, and a sampling of the editorial comment:

STATEMENT OF HON. HALE BOGGS

U.S. Rep. HALE BOGGS (D.-La.), House Majority whip and ranking Democratic member of the House Committee on Ways and Means, today made the following statement:

I am impelled to make this statement about the position now taken by certain members of my party in the United States Senate with respect to the tax surcharge bill.

Due to the illness of Chairman Wilbur Mills, it became my responsibility to manage the bill in the Ways and Means committee, to present the bill to the Rules Committee and ask for the use of a "closed rule" and to manage the bill on the floor of the House of Representatives.

The bill was opposed by the National Association of Manufacturers, Farm Bureau Federation, The Liberty Lobby, AFL–CIO, and most of my own House Democratic colleagues.

Working with Congressman Gerald Ford, Congressman Richard Bolling, Congressmen George Mahon, Mendel Rivers, Wright Patman, and under the leadership of Speaker John McCormack and majority leader Carl Albert, we were able to pass the bill by the narrow margin of five votes.

During the course of the debate, President Nixon, Chairman Mills of the House Ways and Means Committee, myself, and others, said without equivocation that we would proceed immediately to write a comprehensive reform tax bill.

I assumed the responsibility of the surcharge bill which also included the repeal of investment tax credit and the extension of existing excises, as well as the removal of five million poor people from the tax rolls because of my conviction that this legislation is absolutely essential if this nation is to dampen the raging fires of inflation now creating sheer panic in our Nation and threatening a depression of devastating consequences. At the present time, because of the fantastic rise in interest rates, the construction industry is already in a depression, the building and loan associations and other mutual savings groups are threatened with bankruptcy because of their inability to complete with 10% interest rates; homebuilding, with all of its economic and social implications, is fast coming to a standstill.

The stock market continues to go down because the financial community is convinced that the Government, and that means the executive branch and the legislative branch, doesn't have the courage to do the things that must be done to curb inflation and restore confidence at home and abroad in the American dollar.

I also agreed to manage the tax surcharge bill because I, along with Senator Mansfield, Senator Kennedy, Speaker McCormack, and majority leader Albert, sat with President Johnson prior to his leaving the white house and prior to submission of his own budget to Congress in January, when he pointed out that there was no way to have fiscal responsibility in this country without at least a one year extension of the surcharge. He said that he had to convince President elect Nixon of this necessity. As far as I can recall, all present agreed with President Johnson.

President Nixon, despite a campaign promise to permit the expiration of the surcharge on January 30, 1969, agreed to a further extension of a year. Thereafter, the Democratic caucus in the House of Representatives suggested the repeal of the investment tax credit and, in the meantime, the joint economic committee had recommended the extension of the surcharge for one year and the repeal of the investment tax credit.

In April, President Nixon recommended the extension of the surcharge at 10%, through 1969, and at 5% through June 30, 1970, which was five percent less during the latter part of the whole year than President Johnson had requested.

In view of the circumstances which impelled the congressional committee with the responsibility for initiating tax legislation, and the House leadership of both parties to expedite passage of the surtax extension bill, it has been distressing to me that the Democratic leadership of the other body should play a game of brinksmanship with this crucial fiscal measure.

In holding the surcharge bill hostage to tax reform, the Senate Democratic leadership impugns the integrity of the Committee on Ways and Means in its current announcements of decisions on comprehensive tax reform, the leadership of the House of Representatives, and the wise counsel of the distinguished chairman of the Senate Committee on Finance.

In flinging a gauntlet of fiscal irresponsibility at President Nixon, the Senate Democratic leadership is jeopardizing the economic stability of the nation and exposing the Democratic party to a charge of economic irresponsibility which could haunt our party for years to come—just as the stock market crash of 1929 became a political burden to the Republican Party.

The prudent fiscal course in my judgment is quick enactment of the surcharge bill as passed by the House of Representatives on June 30. And to follow this with expeditious action on the program of tax reform now nearing completion in the Committee on Ways and Means. This program has dealt with every manner of tax preference—and will assure that no wealthy person shall by shrewd tax planning escape his share of the Federal tax burden.

We can combine tax equity with fiscal responsibility. I shall, before the tax reform bill is reported to the House, offer an amendment to increase personal exemptions by $100 per person, and to increase the standard deduction to 15 percent, with a maximum of $1,500. The bulk of this relief will be spread among taxpayers with incomes below $10,000 to $15,000 per year.

In the interest of tax fairness, I shall also propose that widows and widowers shall be entitled to continue after the death of a husband or wife to file on a joint return basis, until their dependent children shall have reached age 19 or concluded college.

On the basis of projected revenue receipts and effective control of Federal expenditures, I am advised that such a program is possible without significant risk of incurring a deficit in the administrative budget for the next five years.

This in my judgment is a program of tax equity with fiscal responsibility.

[From the Washington Post, Aug. 4, 1969]

Mansfield Leadership Wins Propaganda Victory on Tax

(By William S. White)

The story on taxes is a complicated tale indeed, full of all manner of marchings and counter-marchings, but the essential facts of the matter aren't really all that hard to identify after all.

The Nixon administration and the cooperating House Democratic leaders have won the war, by bringing off a six-month extension of the 10 per cent income tax surcharge as an anti-inflation weapon. The rebellious Senate Democratic leadership, for its part, has won the immediate headlines—and it has also won the curious prospective honor of being held blameworthy if any national recession should be the price ultimately required for a long season of senatorial irresponsibility.

The fact that the tax bite has been extended for six months instead of 12, as had originally been sought by the administration and the House people, gives the Senate hierarchy headed by Sen. Mike Mansfield a propaganda victory that looks pretty big on the outside but is empty on the inside. The Mansfield people can say, and are saying, that anyhow they gave the President a licking here. The truth is that Mansfield and Company have themselves been defeated.

For what they had really been trying all long to do, and have in fact quite failed to do, was to block any extension at all save in some delaying interlinkage with some vague fundamental reform of the whole tax structure. The real issue from the start was not whether the surcharge was to be continued for 12 months or six but whether it was to be continued in the here and now. The true name of the game was quick action; timing was of the essence if only for psychological reasons, in the stock market and elsewhere.

So this is how it all now actually stands: The Mansfield leadership group in the Senate has saved its face, but at a very great long-term cost since its conduct here has alienated it from its Democratic counterparts in the House to a degree rarely seen.

The House leaders—Speaker John McCormack and Reps. Carl Albert, Wilbur Mills and Hale Boggs—have saved incomparably more. They have forced through Congress an obviously prudent and profoundly dangerous inflation, over the resistance of their own party rank and file in the House and over the marely exampled obstructionism of their own leadership colleagues in the Senate.

And they have saved at least a part of the Democratic Party from an indictment for partisan dilly and daily in an economic crisis. Finally, essentially vindicated, too, is the heretofore lonely and roughed-up chairman of the Senate Finance Committee, Sen. Russell Long of Louisiana. Mansfield and his associate, Sen. Edward Kennedy, had pretty well tried to freeze Long out of his due privileges.

Moreover, if one looks beyond the superficialities here it is not certain that even the 12-month extension would not have prevailed in the Senate had this been the sole alternative. Had not some senators known perfectly well that a continuation of at least six months would win they would have been compelled to put economic principle above short-term politicking and would in fact have voted for 12 months.

The truth is that this episode more than any other has both illustrated and deeply hardened a fundamental cleavage between the Democratic controllers of the Senate and House. The former, headed by Mansfield and Kennedy, have been taking the line that most any stick was good enough to beat the Nixon administration with, whether on taxes or foreign policy or military preparedness. In the House, McCormack, Albert Boggs and Mills are incomparably more national-minded, first because this is simply the way they think and second because they believe that the best politics is to be responsible as distinguished from merely belligerent.

"Getting Nixon" or "gutting Nixon" is of course good melodrama and will surely appeal to the more frantic partisans. Supporting Nixon on the grand and not properly partisan issues, not because he is Nixon and not because he is a Republican but simply because in these things the real interest is simply the national interest, is far less stirring. Still it is very likely to turn out to be far more sensible, even in expedient political terms. This country has been tired for a long time of automatic partisanship—Jones is such a good Democrat and Smith is such a dreadful Republican—and vice versa and more and more demands more performance and less political theater.

[From Newsweek magazine, Aug. 4, 1969]

Fiscal Policy at Bay

(By Henry C. Wallich)

The extension of the tax surcharge is assured—at least for six months. But the outlook for rational use of fiscal policy is very dim indeed.

Congress has proved, as near as anything can be proved in politics, that quick decisions to raise or cut tax rates cannot be relied upon when they are needed. The extension of the surcharge should have been an easy decision. Inflation is rampant. Monetary policy has been stretched almost as tight as it will go. Nothing much was being asked—only an extension, partial at that, of a tax enacted earlier. Yet the battle has been long, the prospect touch and go, and the result falls decidedly short.

What makes the case so discouraging is that the surcharge has been opposed on grounds that, by themselves, are entirely creditable. No Machiavellianism, no petty vested interests that perhaps could be set aside. Conservatives have opposed the surcharge for the simple reason that they want a smaller public sector. Liberals have opposed it because they want tax reform. Agree or not, these are respectable positions. Yet when they are promoted under threat of blowing up the whole country in inflation, the democratic processing of fiscal policy reaches an impasse.

FRUSTRATION

Three times now something like this has happened. More than a year went by getting the tax cut of 1964 enacted. Perhaps that could be explained on grounds of novelty. Another seventeen months were spent debating the surcharge. Raising taxes, it turned out, was harder than cutting them. Finally, frustration was escalated when a simple extension bogged down in time-consuming political maneuvering. How, after this sort of experience, can we make ourselves believe that fiscal policy is operational?

However this may end, the economic consequences of the battle will still be felt. Interest rates are higher for fear that the Fed might have to serve up an even crunchier monetary policy. Some homes, some schools will not be built because of that. With the outlook cleared, the markets will recover. But what cannot be recovered is the damage done to the fiscal policy instrument itself.

This blow falls at a moment when flexible fiscal policy is more urgently needed than ever. More is being demanded of the economy. It must be stabler than in the past because unemployment tolerances have shrunk. It must grow faster, because the richer we get, the less we seem able to make do with what we have.

Permissible reaction time is shrinking for policymakers. Fluctuations seem to be getting shorter, demanding quicker responses. Running the economy close to the brink of inflation calls for policy in constant airborne alert. Monetary policy, hampered in any event by long lags, may be increasingly preoccupied with the balance of payments. This is the moment the Congress has chosen to put under a cloud the basic stabilizing instrument that it shares with the Executive.

WHAT ELSE?

Alternatives to Congressional fiscal policy are few and uninviting. Hope for an act of Congressional self-denial that would delegate power over tax rates to the President? The antecedents of this excellent idea are not encouraging. The fact that it cannot handle something does not mean that Congress will delegate it. Give the President discretionary power over tax increases only? An excellent idea too, but it would not have helped right now when extension was the issue. Operate fiscal policy by changing expenditures instead of taxes? Not impossible, but surely more vulnerable to political ailments than even tax changes. Let the Fed do it all with monetary policy? Perhaps it could. But we had better then get ourselves a new set of financial institutions, able to take the drastic interest-rate movements that might be required.

There is no good panacea to substitute for good Congressional handling of fiscal policy. But if that is to be achieved, Congress will have to build a wall between tax reform and tax-rate change. So long as any rate change becomes a Christmas tree on which to hang reforms, however desirable, fiscal policy will remain mired in fiscal politics. There is no reason to mix rate change and reform, any more than there is to reform the banking system every time the discount rate changes. Reform and rate change happen to come through the same committees—that is all. From the New Economics, Congress has gained a thorough understanding of how fiscal policy ought to work. What is needed now is the will to make it work.

Under this bill, all of the people below the poverty line will be removed completely from the tax rolls.

The minimum standard deduction for the middle income taxpayer will be increased from $1,000 to $2,000; the rate on middle income taxpayers will be reduced by at least 5 percent; the rate on high income taxpayers will be reduced from 70 to 65 percent. In addition, every person 35 years of age who is single and has a mother, father, relative or any other dependent, will be given the same tax treatment as married couples enjoy today. That is, they will be able to file the equivalent of a joint income tax return. Furthermore, every widow or widower will be protected as long as he or she remains a widow or widower, for such period as it takes to educate their children.

This is done by permitting the widow or widower to continue to file a joint income tax return after the death of a husband or wife.

In addition, people who are required to move from one place to another in their employment will be able to deduct the expenses required for moving, including the expenses of living in temporary quarters and the selling of one house and the buying of another.

The principles of tax averaging will be applied across the board, which means that a person who makes $20,000 one year, $10,000 the next year, $3,000 the next year, and $5,000 the next year, can average out those 5 years for tax purposes.

We have also made it impossible for a person to make a million dollars a year and pay no taxes whatsoever. The bill simply says that half of that, or $500,000, will still be tax free, but the other half will be subject to the normal rate.

We discarded the Treasury Department's recommendations on the mineral industry, which would have wrecked the oil and gas industries in Louisiana, and took in exchange therefor a slight decrease in percentage depletion.

We did not affect the legitimate foundations such as Rockefeller and others, but we made it impossible to establish foundations in order to avoid the payment of taxes.

In this bill, we have balanced the budget each year, both the administrative and unified, with a substantial surplus, making it possible for more funds to be available for education, for the rebuilding of the cities, for the elimination of the ghettos, for the elimination of water and air pollution, and for making our country a better place in which to live.

I am very proud of the fact that I had to play the main role in putting together these two packages.

The tax reform and tax relief before the House today provides greater tax equity and substantial tax relief. It also leaves room for substantial increases in domestic programs to provide even greater equity and necessary services for our citizens.

In fact, the incentives provided by this bill will contribute to a substantial increase in the growth rate of the economy and generate revenues far above those that could otherwise be expected. By plugging tax loopholes, the bill has reduced the incentive to devote effort to unproductive "tax planning." By reducing the tax advantage of certain activities, many of which were not truly productive on a before-tax basis, effort will be redirected to economically productive activities and thus contribute to the real growth of our economy and making available more goods and services to devote to necessary public programs. The incentive to work and invest is further encouraged by this bill through the reduction in the excessively high tax rates which have discouraged initiative and effort. The top rate, for example, is cut from 70 to 65 percent and rate reduction takes place in all income brackets. The 50-percent tax rate limit on earned income will be particularly effective in encouraging initiative and effort of the sort that produces economically useful results.

Even on the basis of a conservative assumption on the growth of revenue that does not take into account the impetus to growth and initiative provided by this bill, there are still ample funds available for significant improvement in our domestic programs even after the tax reduction provided by this bill is taken into account.

I insert at this point a table which shows the effect of the tax reform bill on the unified budget surplus. The table shows the expected revenue under present law and the extension of the surcharge and excise taxes contained in H.R. 12290. The table conservatively assumes that these receipts will grow at a rate of 6 percent a year.

This is shown in line 1 of the table for fiscal years 1970 through 1974. To this is added the revenue gain from the repeal of the investment credit and the revenue gain resulting from the tax reform provisions contained in the bill before us today. The total receipts from these three sources are reduced by the tax relief and incentive provisions contained in this bill. The table shows clearly that even after taking account of the tax relief provisions, there is a substantial increase in receipts in each fiscal year.

For example, on even the conservative 6-percent growth in receipts assumption, the total revenue after accounting for the tax reform and tax relief provisions increases from $198 billion in fiscal year 1970 to over $237 billion in fiscal year 1974. The next line in the table, labeled "budget outlays" assumes that budget outlays increase by 4 percent a year which accounts for the "relatively uncontrollable" expenditures and does not account for either reduced defense expenditures or any new programs. This 4-percent-a-year increase in relatively uncontrollable expenditures means an increase of approximately $8 billion a year which is quite consistent with the recent experience.

Even after taking the growth in uncontrollable expenditures into account, there is still a substantial surplus on the unified budget basis in each of the fiscal years 1970 through 1974. As the table shows, the unified budget surplus, on the basis of these calculations, is $5.1 billion in fiscal year 1970 but reaches over $11 billion in fiscal year 1974.

Clearly these budget surpluses of $5 to $11 billion leave ample room to adopt—

First, an entirely new welfare concept which abolishes the existing welfare program and replaces it with a self-enforcing minimum income program without the degrading interference by social workers and a program that would encourage people to work because it would reduce their minimum income payments by only 50 cents for every dollar of earnings in contrast to the present program which produces welfare payments dollar for dollar for income earned and thus discourages those on welfare from seeking work. A budget surplus of $11 billion would permit $4 billion to be devoted to this program.

Second, revenue would also be available to begin tax sharing with the States, returning the portion of the Federal revenue to the States which so desperately need it, perhaps as much as a billion dollars,

Third, even this conservative estimate in the growth in receipts would permit a billion dollars to be devoted to improving and expanding our airports and further developing our great highway system,

Fourth, additional revenues should be devoted to increasing social security benefits by at least 10 percent as President Johnson proposed. An additional $2 billion could be devoted to this necessary program,

Fifth, the growth in revenue will also permit more than a billion dollars to be devoted to achieving our national goal of building 25 million new housing units within the next decade,

Sixth, an additional billion dollars could also be devoted to aid to education as proposed by Congressman Joelson,

Seventh, an additional billion dollars could also be devoted to expanding the model cities program of HUD.

These estimates are an indication of the way in which the budget surplus in 1974 of more than $11 billion could be used for new programs. To the extent that revenues grow more rapidly as a result of the incentive provided by the tax reform and tax relief bill before us today, the amounts devoted to each of these programs could be substantially larger and still leave us with a budget surplus.

ROUGH ESTIMATE OF THE EFFECT OF THE TAX REFORM BILL ON THE UNIFIED BUDGET SURPLUS WITH CONSTANT GROWTH RECEIPTS AND EXPENDITURE ASSUMPTIONS

[In billions of dollars]

	Fiscal years				
	1970	1971	1972	1973	1974
Unified budget receipts with House-passed surcharge bill (H.R. 12290) minus investment credit repeal[1]	196.8	202.3	214.4	227.3	240.9
Repeal of investment credit	+1.3	+2.6	+3.0	+3.0	+3.1
Tax reform	+.6	+1.7	+2.2	+2.5	+2.8
Total receipts	198.7	206.6	219.6	232.8	246.8
Tax relief, incentive	−.7	−3.7	−7.9	−9.6	−9.7
Revenue net of tax reform and relief	198.0	202.9	211.7	223.2	237.1
Budget outlays[2]	192.9	200.6	208.6	216.9	225.6
Unified budget surplus (+) deficit (−)	+5.1	+2.3	+3.1	+6.3	+11.5

[1] Present law except for H.R. 12290 cf. p. 44 of the Ways and Means Committee report on H.R. 12290 assumes revenues grow at 6 percent a year. Fiscal year 1971 receipts are $6,300,000,000 lower than fiscal year 1970 because of the expiration of the surcharge.

[2] Assumes a 4-percent increase for "relatively uncontrollable" expenditures and does not contain an estimate of reduced defense expenditures or new programs.

Note: Trust fund surpluses depend on whether suggested social security tax and benefit changes are adopted. These would affect receipts and outlays as well as trust fund surpluses so they are not shown.

There was another provision in the Treasury Department's proposals which would have drastically affected programs of the Department of Housing and Urban Development, headed by former Gov. George Romney.

I conferred with Secretary Romney about the Treasury Department's proposals, and he wrote me the following letter.

Let the record show that Secretary Romney's problems were with another Department of the Nixon administration and not with the Committee on Ways and Means:

July 23, 1969.

Hon. Hale Boggs,
House of Representatives,
Washington, D.C.

Dear Mr. Boggs: This follows up on our conversation yesterday morning regarding the serious negative effect that certain tax reform proposals would have on our ability to meet the National housing goals.

As you know, among the various tax reform proposals which have been advanced to your Committee are several effecting accelerated depreciation and capital gain treatment of real estate investments. While these proposals vary, their general approach is to restrict or eliminate the use of accelerated depreciation and to tax as ordinary income rather than capital gain the portion of the real estate sale price which represents accelerated depreciation previously taken.

These changes, if adopted, would severely restrict the construction of multi-family residential housing and would effectively destroy this Department's chances to achieve the housing goals established by the Congress in the 1968 Housing Act.

Multi-family rental housing currently accounts for 40% of all new housing produced. It is in very short supply with vacancy rates below 1% in many of our large cities.

Production of such housing, including much Federally subsidized housing, depends very heavily on private investment. This is the entire thrust of the 1968 Housing Act.

Continuation of private investment in rental housing depends upon existing tax incentives. The proposed changes in accelerated depreciation and capital gain of real estate investments would drive private investors out of the housing market into opportunities offering lower risk and greater liquidity.

We recognize the need for tax reform. However, we do not believe that the Congress should in the name of tax reform completely undercut the housing goals established in the 1968 Housing Act.

I enclose for your information a memorandum from Richard Dunnells, one of our able staff assistants, which discusses the matter in greater detail. I have omitted the attachments but if you would find them of interest, please let me know.

Sincerely,

George Romney.

Department of Housing and Urban Development,

July 14, 1969.

To: George Romney, Secretary.
From: G. Richard Dunnells.
Subject: Major Points in Opposition to Tax Reform in Rental Housing.

In anticipation of your appearance before the Ways and Means Committee, this memo summarizes the major points in opposition to proposed tax reform. Attachment A provides some questions and answers. Attachment B is a copy of the position paper which covers in greater depth our arguments against tax reform.

1. *Accelerated depreciation and capital gains treatment under Section 1250 provide a substantial stimulus to private investment in critically needed new rental housing construction. We oppose the elimination or substantial cutback of these tax incentives absent the development and enactment of alternative methods for maintaining and increasing the Nation's supply of rental housing.*

2. *Inflation and tight money have hit housing harder than any industry in this country.* Today, soaring land, building materials, labor and money costs are severely restricting housing construction. Equity money is tight. With housing on the bottom rung of the money market ladder, builders are finding it increasingly difficult to marshal equity money for housing construction.

3. *These financial restraints come at a time when we are faced with a critical shortage of housing.* Some 20 million persons are living in substandard housing; vacancy rates are at all-time lows (below 1% in New York City and Chicago; 1.5% in Newark; and 2.5% in Boston); rents are spiraling upwards; new construction is lagging 25% behind demand and, unless production rates pick up, will lag 40% behind demand by 1973. This housing shortage has been felt most by our cities where overcrowded, substandard units and the lack of decent alternative housing have contributed substantially to social and economic tensions. If tax restraints are now added to existing financial restraints, we cannot expect to approach meeting today's need for housing.

4. *Tax reform restricting construction of multi-family rental housing will effectively destroy our chances for meeting national housing goals.* Prohibitive costs of single family housing and the enormous growth of our urban centers have caused the rate of multi-family rental starts to increase to the point where today this type of housing accounts for over 40% of our total annual housing starts. Moreover, multi-family rental housing is looked to as the major source to alleviate our urban housing shortage—particularly as it relates to low and moderate income families. To meet future housing needs—26 million new housing units by 1978—12 million (or approximately 50%) of these new units must be multi-family rental. This means that we are going to have to produce 1,020,000 new rental units per year by

1973 and 1,250,000 units by 1978. Last year we produced only 600,000 new rental units—about one-half the production rate we'll have to have over the next decade. We can say categorically that should existing tax incentives be eliminated, the construction of multi-family rental housing will drop to a fraction of its present level.

5. *Under our present system, the production of rental housing depends entirely upon its offer of competitive yields to private investors.* Virtually our entire stock of rental housing has been sponsored and built by private enterprise. Today, we have no viable substitute for this system. Although HUD has a variety of tools to assist in the production of rental housing, these tools are of no use unless private enterprise is willing to invest in and build this housing. This willingness, of course, depends on the potential yields offered as compared to other sources of investment. If the yields are competitive, private capital will go into rental housing. If not, it will go elsewhere.

6. *The elimination or substantial cutback of the tax benefits of accelerated depreciation and Section 1250 capital gains treatment will reduce yields to the point of driving private equity capital away from rental housing investment.* Even with these tax incentives, rental housing with its lack of liquidity and high risks, has failed to provide financial incentives to attract sufficient private investment from other fields. Without them, the margin they provide which makes rental housing investment attractive for many investors will be removed. If an investor can't get yield from tax benefits (which don't show up in rents), they'll demand higher cash return on their equity (which will show up in higher rents). But rents cannot be raised without regard to competitive effects. There is a limit on the direct cash flow return potential here. If equity investors in multi-family rental housing (without the benefit of tax incentives) cannot reasonably anticipate a competitive direct cash flow return from rents, then the equity money stays away from rental housing with a resultant loss of housing starts. The net effect of the elimination of these tax incentives then is twofold:

(1) There will be a slowdown in the rate of construction of new multi-family rental housing.

(2) Rents will be forced upward at an accelerated pace since there would be increased pressure for greater cash return on equity.

7. *The elimination or substantial cutback of these tax incentives would overturn Congress' plan for promoting production of low and moderate income rental housing.* The 1968 Housing Act sets a goal for the next decade of ". . . the construction and rehabilitation of twenty-six million housing units, six million of these for low and moderate income families." To achieve that goal, the Congress had a choice between (1) a program built upon the existing system of private construction and ownership supplemented by Government assistance or (2) a program of direct Government construction, ownership, and operation of rental housing built for low and moderate income families. Congress chose the former. In its reliance upon and expansion of the pre existing system of private investment in housing with its recognized dependence upon existing tax incentives, Congress authorized the organization of the National Corporation for Housing Partnerships. The Report of the Senate Banking and Currency Committee which recommended the creation of the National Housing Partnerships states:

"This title would authorize the creation of a federally chartered, privately funded corporation to mobilize private investment and the application of business skills in the job of creating low and moderate income housing in substantial volume. Such a corporation in turn would form a partnership as its vehicle for participating in developments, projects, or undertakings for the provision of housing primarily for families of low and moderate income, pursuant to Federal programs or otherwise."

"This partnership arrangement makes it possible to assure an adequate return to the investors. *Under existing Internal Revenue Service regulations and rulings,* partnership losses for tax purposes flow to the individual partners. In the case of new housing units financed on a 10-percent equity—90-percent debt basis, the annual *accelerated depreciation* of the building cost results in substantial book losses during the *initial ten years* after a project is built. Assuming the member of the partnership is in a relatively high income tax bracket, *his share of the depreciation losses, plus cash income from project operations would provide an after-tax return on his investment which would compare favorably with the return which most industrial firms realize on their equity capital.*" (Report of the Committee on Banking and Currency, United States Senate, on the Housing and Urban Development Act of 1968, Sen. Rep. 1123 p. 80.)

8. *Unless we are prepared to rely primarily upon publicly funded construction programs to produce multi-family rental housing (which means either a limited construction program far below national needs or a greatly increased public involvement in the production of this housing with a corresponding increase in appropriations) we must have the participation of private enterprise.* Concern for the closing of inequitable "loopholes" and "leakages" in individual cases should not be at the cost of driving private investment away from housing and curtailing critically needed new multi-family rental construction.

Now, Mr. Chairman, I include herewith my statement before the House Rules Committee on yesterday:

Mr. Chairman, first, let me thank you for letting me come back. You were very kind to me last time. You kept me for eight hours and I was tired after that. And, incidentally, the Ways and Means Committee has been working ever since February of this year for nine or 10 hours a day so this is an early evening for us. So I consider this day just beginning.

I discovered when that long session was over that the TV people wanted me, and I looked kind of tired. I told them that rabbits had just eaten up all of my cabbages, and I was in a bad fix because my wife and grandchildren prefer live rabbits to cabbages.

Somehow or other, I lost my glasses today so I am handicapped. I had to buy these at the dime store and I can't see too well.

Now, Mr. Chairman, I was interested in what you said because I grew up where you did. My family votes for you although I don't vote the same way you do here on some issues. I went to a mission parochial school in Long Beach, Mississippi. Most of the children were first generation Italians, Yugoslavs and south Europeans. They were very poor. But, I happen to have a dear mother, who is still alive, thank God, who taught me that I wasn't any better than anyone else. Then, I went to Gretna, Louisiana where many of the children were first generation Germans, Irish, etc. One day at the Gretna Parochial School, I looked up and saw an airplane—the first one that I had ever seen. It was about 1922. While looking up and running I feel into a ditch.

Talk about pollution—that was real pollution. A good nun sent me home to change my clothes and on the way home I figured out what I was going to tell my mother. I told her that an immigrant boy shoved me into the ditch. The next day my mother came to the school to complain and the nun set her straight. That night I received the licking that I deserved from my father for telling a lie.

So that could be one of the reasons why I vote for poverty programs, social programs, voting rights, etc.

It took a lot of doing for me to get elected last time. I won by 1.2%. I don't know about all this so-called oil money. I got less than 5% of what it cost to run my campaign from that industry.

I want to tell you it cost money to get re-elected. I have a little island in my district called Grand Isle. Hurricane Betsy about blew it off the map, but thanks to former President Lyndon Johnson and Hale Boggs that island was rebuilt. I made flood insurance possible. But when the votes were counted last year, I lost Grand Isle. Half of the inhabitants of that island are employees of the oil industry and in that area I lost by 2–1. The others were loyal and voted for me.

Now, the last time we had an open rule on a major bill was the Smoot-Hawley Tariff bill, and I invite you to read the history of that. I don't know how many amendments were offered, but they went into the thousands. They logrolled—"You give me my tariff and I'll give you yours." But, shortly thereafter, the late Cordell Hull proposed and passed the reciprocal trade program and ever since then you've had no logrolling on tariff measures and such measures have invariably been considered under closed rules.

If you open this bill to amendments, there might be hundreds offered. The House would be in utter and sheer pandemonium. Now, people say they don't understand this bill. Yesterday I put into the RECORD two articles—one written by Eileen Shanahan of the New York Times along with a summary, and one written by Arlen J. Large and Fred Zimmerman of the Wall Street Journal, and I suggested to Members of the House that they read those articles, and if they read them they would understand this bill. I do not know how many read them. I hope they all have.

Today in the Washington Post there are several matters of interest. First, an editorial—here it is—"Tax Relief for Nearly Everyone," and all throughout you find things about the tax bill and how good it is. Now, here's tonight's Star. The headline says, "Mills Unit O.K.'s New Tax Bill." Then I turn to the stock market and I see where stocks are neither up nor down because the business community is uncertain, but I looked at what happened to tax exempt municipals. They are up today because we have not done a single solitary thing to hurt them and they know it.

You may recall that 8-hour session that I had before your Rules Committee on the surtax bill, and I asked how many of you will vote to tax municipals. Most of you said, "Count me out." Well, they are still tax free under this bill.

Mr. Chairman, we must look at these bills as a package. Let me say this to you, Mr. Bolling and Mr. Anderson, those speeches you made on the floor on June 30th for the rule on the surtax were magnificent. And, Mr. Chairman (Mr. Colmer), you voted for that bill and that was courageous.

After the first bill (the surtax bill) passed, I read in a column or two that due to inept leadership the Democratic liberals in the House almost defeated the surtax bill. All of my colleagues from Louisiana, except for myself, voted against the bill. Most of them don't call themselves liberals. All of the Democrats from Georgia voted against the bill. All of the Democrats from Mississippi, with the exception of Mr. Colmer, voted against the bill. I don't believe they would classify themselves as liberals. They had every right to vote as they please. That is their sacred privilege, and I am not interested in labels. If you will check the record, you would note that most of the 56 votes were from Democratic Members who are classified as liberals.

Mr. Chairman, after the Rules Committee

granted the rule for the surtax bill, my whip count showed 23 votes on the Democratic side for the bill. Minority Leader Ford came to me on Friday and said he had 170 Republican votes. I really didn't think he did, but I understood his strategy. I knew, and he knew, that if the Members went home over the Fourth of July the bill would never pass. So, we met with the Speaker and agreed to call the bill up on June 30, and we passed it by five votes. There were people who voted for it who said that it will cost their political life. I asked what is more important, their political life or the United States. At 4:00 p.m. on June 30, the White House called me to say that the Republicans could produce 154 votes and that's all. In between that time, I was able to increase the Democratic votes from 23 to 56. Prior to the passage of the bill, Mr. Ford, the Minority Leader, read a letter from President Nixon, pledging tax reform. Chairman Mills made the same pledge, as did Speaker McCormack, Majority Leader Carl Albert and myself. We have kept that pledge.

From that time on, Wilbur Mills, John Byrnes and the other members of the Ways and Means Committee have labored day and night.

As I previously pointed out, the committee cut percentage depletion 30% across the board on 110 depletable items in the cut. We had come to the point where a candidate running for Congress in a non-oil producing State almost had to sign a pledge committing himself to be against 27½% on percentage depletion for oil and gas, and where a candidate running in an oil producing State had to sign almost a similar pledge to keep percentage depletion at 27½%.

In other words, the mineral industry, vital to our Nation, had become a divisive controversy in our country.

No Member of Congress has a greater interest in the health of this industry than I do. Louisiana produces about one-half of the gas consumed in the United States, more oil per acre than any State in the United States, and tremendous quantities of sulphur, salt, and other minerals.

These industries employ at least 125,000 people. They pay together about 70% of all the taxes collected in Louisiana. They pay practically all of the cost of higher education in Louisiana and much of the cost of the welfare program. In addition to this, millions of barrels of oil are being produced off the Louisiana coast on the outer continental shelf. The Federal Government is collecting from this production about a billion dollars a year from which Louisiana receives not one cent.

But the Treasury Department wants more. Here in the paper today is a statement from the Treasury: "Administration to seek tightening of tax loopholes." It says that the Treasury will go to the Senate Finance Committee and statement to obtain all of the wrecking amendments affecting the mineral industry which the House Ways and Means Committee rejected.

This bill reduces percentage depletion to 20% on oil and gas. It also takes from the oil and gas industry another $400 million in the so-called "carve-out" and "ABC" provisions. In other words, it would seem to me that the Treasury Department would be satisfied with what they have already done, and even should they succeed in the Senate they will never succeed in conference.

My good friend, John Byrnes, is here and just finished testifying. He remembers the time when a candidate from his State of Wisconsin had to sign a pledge that he was for butter and against coloring oleomargarine so that it looked like butter. On the other hand, if a candidate came from the cotton belt, he had to be for oleomargarine and permit oleomargarine to be sold colored to look like butter.

Prior to that time, the only way a housewife could buy oleomargarine was to buy it colored white. I remember my mother buying oleomargarine with a little packet of yellow coloring, but by the time she finished trying to mix it all up it wasn't fit to eat. After years of controversy, we finally changed the law and one would have to go back to the history books to revive the argument.

So, it occurred to me that it was time to remove the mineral industry as a divisive political controversy in America. There is no more efficient industry in America and without it, the moon shot would not have been possible. I would like to invite you gentlemen to come down sometime and look at the oil fields and our sulphur production, particularly in the Gulf of Mexico, and look at the petrochemical plants. They are modern miracles.

So, on July 21 I went to New York on my own, at my own expense. I met with executives of the sulphur industry and oil industry and told them that in my judgment there had to be a reduction in percentage depletion. Naturally, they were not pleased, but I said to them it would not be limited to oil, gas and sulphur. My motion would propose a cut almost across the board.

And, that is what it did with the exception of gold, silver, and one other mineral, which cannot be profitably produced in our country today.

Now, Mr. Chairman, the hour is late. If the committee permits the House on tomorrow to vote on a closed rule and then pass the bill, members of the business community will know what is in store for them.

As I said, consider these bills as a package. It is the only way. Here is what happens. Inflation in this economy today, if it continues, will lead to a panic and inevitably to a depression, and God knows what that would be.

Incidentally, the Treasury revenues are up $3.1 billion because of inflation and will be up more because of inflation, but if we act today, maybe the business community will take time out to read Eileen Shanahan and Fred Zimmerman rather than having two or three martinis at lunch and not knowing what is going on.

I have been working on this package since June 15. Many a night I failed to get more than one or two hours sleep.

Now, Mr. Chairman, the hour is late but if the committee permits the House on tomorrow to vote on a closed rule and then pass the bill, the business community will know what is in store for them; the rate of interest will start going down; the cost of what has to be paid to finance waterworks in Pascagoula, Mississippi, will go down, too, and we can return to a healthy rate of growth of about 4% GNP a year.

This is indeed a monumental package benefiting every American.

Tomorrow on the floor I will attempt to show what will be possible aside from the tax reduction for all Americans.

[From the Wall Street Journal, Aug. 5, 1969]

Highlights of the Tax-Revision Bill the House Will Consider

Washington.—The House is due to vote this week on a measure described as the most sweeping revision of the Federal income-tax laws in the nation's history.

The 863-page reform bill, as completed by the House Ways and Means Committee last Friday following months of work, would raise more than $6.8 bilion of Federal revenue annually through tighter tax treatment of most wealthy persons and a variety of industries.

Almost exactly this amount would be redistributed, mainly to lower and middle-income taxpayers, through rate reductions taking effect in 1971 and 1972 and through several other tax benefits.

The bill's principal architect, Chairman Mills (D., Ark.) of the Ways and Means Committee, is scheduled to seek formal clearance from the House Rules Committee this morning to allow floor debate on the bill tomorrow and Thursday, with a vote likely Thursday afternoon.

Assuming House passage, the measure faces a prolonged and explosive fight in the Senate.

Here is a summary of the bill's major provisions, as outlined in a lengthy report that went on sale yesterday for $1 at the Government Printing Office:

TAX REDUCTIONS

Rate reductions: The bill provides individual income-tax cuts totaling $2.04 billion, spread evenly between 1971 and 1972. The reductions, generally averaging about 5% when fully effective, would begin at the point in the tax tables where the current 22% tax rate applies. This rate is paid by married persons whose taxable income is between $8,000 and $12,000.

The current top tax rate of 70% would be cut to 65% over the two years. Also, a 50% maximum rate would be imposed on earned income of individuals, effective in taxable years starting next Jan. 1. This provision is expected to result in an annual revenue loss of about $100 million by 1972.

Standard deduction: A taxpayer who doesn't wish to file an itemized return, generally because he doesn't have home mortgage-interest payments to deduct, currently is allowed a standard deduction of 10% of adjusted gross income, with a $1,000 maximum.

The bill would raise this, in calendar 1970, to 13% with a $1,400 maximum, and the following year it would rise to 14% with a $1,700 maximum. In 1972, it would level off at a new rate of 15% with a $2,000 maximum.

When fully effective, the change would cost the Treasury an estimatd $1.3 billion annually. But the increase is expected to simplify the collection process by prompting more individuals to use the standard deduction. Currently, 58% of returns claim the standard deduction; by 1972, this figure would be expected to rise to nearly 70%.

The increase would result in a tax cut on nearly 34 million returns.

Low-income allowance: the bill would add to the minimum standard deduction (of $300 for the first exemption and $100 for each additional one) an amount sufficient to raise a family's exempt income to $1,100, plus the number of $600 regular personal exemptions available to the family.

The provision, which would apply to families of eight or fewer members, would bring the starting level of taxation nearly up to the so-called poverty level.

As an example, a married taxpayer with four children filing a joint return with an adjusted gross income of $4,700 is currently allowed exemptions totaling $3,600 and a minimum standard deduction of $800. He is subject to tax on $300 and would pay $46. The proposal would give him an additional allowance of $300 because his gross income is below the poverty level. He thus wouldn't have any taxable income.

The allowance would remove 5.2 million returns from the Federal tax rolls and result in a tax reduction on another 7 million returns.

The allowance would become fully effective beginning in 1971. The annual revenue loss is estimated at $2 billion. The provision is similar to a section in the bill the House passed last June 30 to extend the income-tax surcharge.

Single persons: Single persons 35 years of age or more and any person whose spouse has died, would be provided income tax rates halfway between those available to married couples and those currently applicable to single persons. This intermediate category is known as "head-of-household" status.

Widows and widowers with dependent children younger than age 20 or attending school would be allowed to file joint returns.

These changes, which would take effect next year, would reduce Federal revenue by $650 million in 1971 and subsequent years.

Moving expenses: The present deduction for moving expenses would be expanded to allow the deduction of expenses for house-hunting trips, living expenses for up to 30 days at the new job location, expenses related to the purchase of a residence or settlement of an unexpired lease at the old job location, and expenses related to the purchase of a residence at the new job location.

The total deduction for these additional categories would be limited to $2,500, and expenses related to house-hunting trips and temporary living quarters couldn't exceed more than $1,000 of that limitation. Additionally, all moving-expense reimbursements would be included in gross income. Courts generally have interpreted current laws as providing that reimbursements for deductible moving expenses shouldn't be included in gross income but that reimbursements for other moving expenses should be included.

A deduction wouldn't be allowed, however, unless the distance between the taxpayer's new job is at least 50 miles farther from his former residence than was his old job.

The changes, which generally would take effect ~~next~~ Jan. 1, will cost the Treasury ~~about $100~~ million annually.

Income averaging: The bill would simplify the present income-averaging provision, which allows a taxpayer with unusually large earnings in a single year to spread the income over several years for tax purposes.

TAX INCREASES—INDIVIDUALS

The bill would permit the averaging of all types of currently ineligible income, including long-term capital gains. Under current law, a taxpayer's income must be more than 133⅓% of the average of the prior four years to be eligible for averaging. The bill would lower this figure to 120%.

These changes, which would take effect next year, would cost the Treasury about $300 million annually.

Limit on tax preferences: An individual having income that isn't subject to taxation because it derives from any of five types of preferential sources would be required to include in his ordinary income-tax base half of this preferential income, to the extent it exceeds the income subject to tax.

The requirement would apply only in cases where the income from preferential sources exceeded adjusted gross income subject to tax by at least $10,000.

The five preferential sources of income:

The excluded half of long-term capital gains.

Any appreciation in gifts of property to educational or charitable organizations (to the extent they aren't otherwise subject to tax).

The excess of accelerated over straight-line depreciation in real estate.

Farm losses, except to the extent it is established that the losses are "economic losses."

Interest from currently tax-extempt state and local bonds, which would be taken into account proportionately over a 10-year period.

If an individual is subject to this minimum tax in one year but woudn't be if the preferential items were spread over that and any of the succeeding five years, a downward adjustment is to be made in the subsequent year's tax base to reflect this.

The committee reversed itself in the final drafting process and removed from the coverage of this tax plan two oil-related items the Nixon Administration had wanted included: The excess of percentage over cost depletion and certain excessive intangible drilling and development costs.

The limit on tax preferences would apply to taxable years beginning next Jan. 1. When fully effective, the plan would raise $85 million annually. About half of the additional tax liability would come from taxpayers whose incomes are more than $50,000 a year.

Allocation of deductions: This companion proposal to the limit on tax preferences would require the allocation of personal itemized deductions between adjusted gross income subject to tax and seven specified categories of income that aren't subject to taxation. These categories are the five items covered in the limit on tax preferences, plus the two relating to percentage depletion and intangible drilling expenses.

The allocation would be made on a pro-rata basis generally according to the portion of the total income that is subject to tax and the preference items that aren't subject to tax. The allocation wouldn't be required if the amount of income from the seven preferential sources totaled less than $10,000. The itemized deductions taken into account under this rule include all deductions except employe business expenses, alimony and child-care deductions.

The allocations requirement would apply beginning next year, although it would affect tax-exempt interest on bonds issued after last July 12. The plan would increase Federal revenue by $205 million next year, and by $460 million annually when fully effective.

Capital gains: The alternative maximum capital-gains tax rate of 25% would be eliminated for individuals, effective on transactions after last July 25. This provision is expected to increase Federal revenue by $360 million a year.

The holding period that's required before the sale of an asset is eligible for capital-gains tax treatment would be lengthened to one year from the current six months. This change would apply to taxable years beginning after last July 25, and would increase annual Federal revenue by $150 million after next year.

The corporate tax rate on long-term capital gains would be increased to 30% from 25%. This change would apply to transactions after last July 31, and would increase annual revenue by $175 million a year.

Only 50% of an individual's net long-term capital losses could be deducted from ordinary taxable income. In the case of married persons filing separate returns, the amount of capital losses that could be deducted from ordinary income would be limited to $500 for each spouse, instead of the present $1,000 limit.

These two requirements would apply to taxable years beginning after last July 25, and would increase revenue by more than $50 million a year.

Another of the bill's provisions would restrict the extent to which lump-sum pension distributions would receive capital gains treatment and would tighten the tax treatment of the amounts of distributions represented by employer contributions made to purchase employer securities for a pension plan. These changes would apply starting next Jan. 1, and would increase revenue by $50 million in 1979.

Charitable contributions: The general limit on the charitable-contribution deduction for individuals would be increased from 30% of adjusted gross income to 50%, minus any nonbusiness interest deductions claimed in excess of $5,000.

The provision allowing unlimited deduction of charitable contributions in certain cases would be repealed gradually by 1975.

A taxpayer would have the choice of reducing the charitable deduction claimed for certain gifts to the amount of his cost or other basis in the property, or, if he wished, claiming a deduction based on the fair-market value of the property, including in his income the untaxed appreciation on the property.

Application of these requirements would be limited, however, to most contributions to private foundations, to cases where the property's sale would have resulted in ordinary income or a short-term capital gain, and to gifts of tangible personal property such as art and collections of papers.

Also, when a taxpayer sold property to a charitable organization for less than its fair-market value, the cost of the property would be allocated by the taxpayer between the portion considered to be sold and the portion considered to be given, on the basis of the fair-market value of each.

By 1972, the annual revenue gain from these and other changes in taxation of charitable contributions is estimated at $20 million.

State and local bonds: To encourage state and local governments to begin issuing taxable, rather than tax-exempt, bonds, the Federal Government would offer to make annual payments on the taxable bonds equal to the average cost of the additional interest plus some additional amount.

The amount of the Federal subsidy would be fixed by the Treasury Secretary within a range of 25% to 40% of the interest yield of the bond, except that for the first five years that the arrangement was in effect the range would be 30% to 40%.

The governmental units could continue to issue tax-exempt bonds if they wished, although under another of the bill's provisions the interest paid to individuals from these bonds—whether new or outstanding—would be taxed in certain circumstances.

If the issuing governmental unit elects that a bond issue won't be tax-exempt, the fixed percentage subsidy would follow automatically without any Federal review of the advisability of the local project or the issuer's ability to repay.

The subsidy arrangement would apply to obligations issued after the bill's enactment. The plan isn't expected to result in a net revenue loss to the Federal Government, because the revenue gained by taxation of interest would more than offset the cost of the subsidy.

Restricted stock plans: The bill would provide for taxing the employe receiving the stock at the time it was transferred to him in those cases where it is nonforfeitable at that time. Currently, the tax is deferred until the time restrictions lapse, and the employee then is taxed either on the value of the stock when it was transferred or, if smaller, on the value at the time the restrictions lapsed.

The bill generally would require that the employee be taxed on the fair market value of the stock at the time it was transferred to him. In cases where an employe's interest in the stock at the time of transfer is forfeitable, he wouldn't be subject to tax until his interest becomes nonforfeitable, but the tax would be based on the value of the stock at that time.

The rules generally would apply to property transferred after last June 30, and would take effect upon enactment of the bill. The Federal revenue impact of the changes is described as negligible.

Stock dividends: Current law provides that stock dividends generally don't result in gross income for tax purposes, but there are two exceptions to that rule that would be broadened by the bill.

Under the first exception, the bill would require that if stock or stock rights are distributed in conjunction with a taxable dividend distribution based on other shares, then the stock distribution would be taxable. But this would apply only if the distribution increased the recipient's proportionate interest in the corporation.

Under the second exception, preferred stock or preferred stock-rights distributions would be treated as taxable dividends even if they weren't related to a cash dividend on other stock.

The bill also would broaden the application, through changing the effective dates, of certain stock-dividend regulations the Treasury issued last January.

The bill's stock-dividend changes would apply to distributions made after next Jan. 10. The changes aren't expected to have any immediate revenue impact, but are considered likely to forestall substantial future revenue losses.

Other deferred compensation: Although deferred compensation is to continue to be taxed generally when it is received, a minimum tax would be imposed on the deferred compensation to the extent it exceeds $10,000 in any taxable year ending after last June 30.

The minimum tax to be paid would be the lower of two alternate amounts computed according to complex formulas. Under the first alternative, which is generally indicative of the tax liability that would result in these cases, the amount to be paid would be the aggregate increase in tax resulting from adding (to the employee's taxable income for each taxable year in which an excess is deemed to have been earned) the portion of the excess over $10,000 that's considered to have been earned in that taxable year.

Various transitional rules would soften the immediate impact of the changes, which are expected to increase revenue by $25 million by 1979.

Interest deductions: The bill would limit to an amount equal to investment income the deduction by individuals of interest on money borrowed to acquire or carry investment assets, except that interest expenses could be offset against other income up to $25,000.

Investment income would be computed on a net basis. In determining the limitation, interest would be considered on the last deduction taken. Capital gains would be included in investment income.

Interest deductions denied in any year because of the limitation could be carried forward and used in late years to offset investment income then. The limitation wouldn't apply to interest on funds borrowed in connection with a trade or business, nor would it apply to income from rental properties unless the property was being rented under a net lease arrangement.

The requirement would apply to taxable years starting on or after next Jan. 1, and would increase Federal revenue by $20 million annually.

Farm losses: Any taxpayer having an annual farm loss over $25,000 and adjusted gross income from nonfarm sources of $50,000 or more, would be required to maintain an "excess deductions account."

Farm losses above $25,000 would be entered in the account, and any net ordinary farm income would be deducted as it was incurred.

When there was a sale of farm assets that would otherwise qualify for capital-gains treatment, the gain would be treated as ordinary income to the extent of the total in the excess-deductions account. That account then would be reduced accordingly.

Capital gains from the sale of farm buildings and farm land wouldn't be subject to conversion to ordinary income except in limited amounts, however.

The so-called "hobby loss provision" of present law would be replaced by a section disallowing the deduction of losses arising from a business that wasn't operated with a "reasonable expectation" of realizing a profit.

These and other farm-loss changes would become effective next year. They would increase revenue by $5 million in 1971 and by an estimated $20 million annually in 1979.

Accumulation trusts: Several of the bill's provisions would have the effect of specifying that beneficiaries are to be taxed on distributions received from accumulation trusts in about the same manner as if the income had been distributed to the beneficiary on a current basis as it is earned, rather than being accumulated.

The committee maintains that the progressive tax structure is distorted when an individual creates trusts that accumulate income taxed at low rates and the income, in turn, is distributed later with hardly any additional tax being paid by the beneficiary, even when he is in a high tax bracket.

TAX INCREASES—CORPORATIONS

The new requirements generally would apply to distributions made after last April 22. They will increase Federal revenue by $50 million in 1970 and by $70 million annually in later years.

Mergers: A corporation generally wouldn't be allowed to claim a deduction for interest paid on certain bonds and debentures issued in exchange for at least two-thirds of another company's stock, as long as the bonds or debentures meet each of three qualifications making them similar to equity securities.

Specifically, the deduction wouldn't be allowed in cases where the bonds are subordinated to a "significant segment" of the corporation's other creditors; where the bonds or debentures are convertible into stock, or warrants to purchase the corporation's stocks are issued in conjunction with the bonds and debentures; and where the corporation's debt-equity ratio is more than two to one, or on a pro-forma basis, the corporation after the acquisition would fail to earn (based on the combined earnings before the acquisition) its interest costs at least three times over.

The provision contains an exception permitting deduction of $5 million annually in interest payments in connection with acquisitions. Also, the restriction wouldn't apply to securities issued in certain acquisitions of foreign corporations.

Additionally, two limitations would be placed on the use in acquisitions of the present installment-sales provision, which permits deferral of income-tax payments until the income is received in cases where less than 30% of the selling price is received in the year of sale.

Under the first limitation, bonds or debentures with interest coupons or in registered form (or in a form making it possible to trade them readily) wouldn't be treated as evidences of debt, and thus the installment-sales privilege wouldn't apply.

Under the second restriction, the availability of the installment-sales provision would be limited to transactions in which the payment of the loan principal, or the payment of the principal and interest together, are spread relatively evenly over the installment period.

Among several provisions affecting the original-issue discount—arising from the value of warrants attached to bonds or debentures—is one requiring a holder of a bond or debenture to include the discount in his gross income over the life of the indebtedness.

Most of these changes would be effective as of last May 27. The revenues increases resulting from these and other merger-taxation changes are estimated at $10 million for the first year and $40 million by the fourth year.

Depletion allowances: The 27½% oil-depletion allowance would be reduced to 20%, and comparable cuts would be made in the allowances on most other minerals. The 15% rate for gold, silver, oil shale, copper, and iron ore would be retained, however.

Additionally, percentage depletion wouldn't be allowed any longer for foreign oil and gas production.

The oil-depletion allowance permits the owner of a well to deduct annually from his taxable income 27½% of the gross value of oil the well produced, up to half the net income from the well. The allowance is figured without respect to the amount invested in the well.

The committee said that in recent years the oil industry has paid about 21% of taxable net income to the U.S. and foreign governments, compared with an average tax of 43% by most other manufacturing companies. The committee added that percentage depletion is "the most important single reason for the lower rates" paid by the oil industry. It asserted, too, that the bill's cut in depletion rates "should have only a minimal effect" on the search for new petroleum reserves.

The depletion changes are to apply to taxable years beginning after last July 22. The changes in allowances will increase Federal revenue by $425 million in 1970 and by $410 million the following year. Although a $90 million annual gain is possible from repeal of foreign depletion, this may be fully offset eventually by increased foreign taxes.

Production payments: These complex transactions, which are a frequent financing method in the oil and gas industry, would be treated for tax purposes essentially as loans.

Under the so-called carved-out production payment, the proceeds received when the payment is sold wouldn't be taxable to the seller. But as income is derived from the property subject to the carve-out, the income would be taxable to the owner of the property subject to the allowance for depletion.

In the case of retained production payments, the property would be considered as being transferred under a mortgage. The income derived from the property used to satisfy the production payment would be taxed to the owner of the mineral property subject to the allowance for depletion. The production cost attributable to producing the minerals would be deductible by the owner of the working interest in the year incurred.

The changes generally would apply to production payments created on or after last April 22. The Government's annual revenue gain is estimated at $100 million in 1970 and $200 million by 1979.

Foreign tax credit: The bill would make two major changes in the application of the credit on U.S. taxes that companies are allowed for taxes paid to foreign governments.

One change, which would apply in cases where a company offset U.S. income by a loss in another country, would allow the U.S. to recapture, against the foreign tax credit of a later year, the U.S. tax benefit the company derived from the foreign loss.

Another change would apply in cases where a company was extracting minerals from property whose mineral rights were held by a foreign government. The provision would specify that if the company, while doing this, generated tax credits in that country in excess of the current overall limitation on their use, the company couldn't apply them to offset income earned in another foreign country if a U.S. tax was to be paid on that income.

The first change would take effect next Jan. 1, and the second would apply to taxable years beginning after the date of the bill's enactment. The bill's foreign-tax credit changes would increase revenue by about $65 million annually.

Real estate depreciation: Current accelerated depreciation rates would be permitted on new residential housing, but all other new real estate would be ineligible for any faster depreciation method than the 150% declining-balance rate. This limitation would apply to construction begun or real estate acquired after last July 24.

Depreciation on old buildings acquired after July 24, unless there was a binding purchase contract in effect on that date, would be limited to the straight-line method.

Capital expenditures made to rehabilitate property could be amortized over five years.

On future real estate depreciation, any write-off in excess of straight-line would be recaptured as ordinary income, to the extent of the capital gain occurring when the property is sold anytime after July 24. This is the same as the recapture rule in present law, except for the elimination of the provision for a percentage reduction in the recapture, The changes would apply to taxable years ending after last July 24. Changes in the recapture provision eventually will increase revenue by $125 million a year. The reduction in depreciation allowances will add $585 million to revenue annually by 1974. The rehabilitation writeoff will cause a revenue loss of $15 million next year and about $200 million in 1974.

Utilities Depreciation: The bill would have the general effect of freezing the current situation regarding depreciation methods used by gas and oil pipelines, telephone companies, electric companies and water systems.

Companies depreciating existing property on a straight-line basis wouldn't be allowed to convert to faster depreciation rates on that property.

Companies depreciating existing property on an accelerating basis and then "normalizing" deferred taxes (by computing the greater Federal income-tax liability that would have resulted from use of straight-line depreciation and adding this amount to a reserve account for future tax liability on the company books) would have to convert to the straight-line method unless they continue normalizing.

Companies taking accelerated depreciation on existing property and passing on to customers the benefits of deferred taxes would have to continue unless the appropriate regulatory agency allowed a change.

A utility's present depreciation method would be determined by reference to its latest tax return filed before last July 22.

In the case of property completed or acquired after next Dec. 31, the bill provides that if the company currently passes on to customers the benefits of deferred taxation, then it must stay on accelerated depreciation and continue to pass on these benefits unless a regulatory agency permits it to change.

The requirements apply to taxable years ending after last July 22, the date the committee's tentative decisions were published. The Federal revenue increase under these changes is estimated at $60 million next year and $260 million in 1974, although the committee believes that the changes will forestall expected Federal revenue losses of nearly $2 billion a year if present industry trends were allowed to continue.

Tax-free dividends: Companies would be required to compute earnings, for the purpose of determining distributions to shareholders, on the basis of straight-line depreciation. This requirement is designed to curb the issuance of nontaxable distributions, prevalent practice particularly in the utilities and real estate industries.

The requirement would apply to the computation of earnings in taxable years beginning after June 30, 1972. This delay is to avoid "drastic reductions in the market values of the shares of corporations which now make such tax-free distributions," the committee said. The change would increase Federal revenue by $80 million annually beginning in 1973.

Financial institutions: Commercial banks are permitted more generous bad-debt reserves, for tax-deduction purposes, than most taxpayers. They generally maintain a reserve of 2.4% of outstanding uninsured loans, whereas if they were treated as other taxpayers they would be allowed a reserve totaling less than 0.2% of these loans.

The bill provides for gradually lowering the reserve to about this level by allowing banks to add to the reserves only the amount called for on the basis of the average of their actual loss experience in the current year and the five preceding ones. Because of a transitional rule, the reduction would occur over several years.

The change would increase Federal revenue by $250 million annually.

Another section of the bill would prohibit mutual savings banks and savings and loan associations from continuing to compute their bad debt reserves on the basis of 3% of qualifying real property loans.

The other current computation method used by these institutions (the deduction of 60% of taxable income) would be tightened over 10 years by reducing the figure to 30%. Additionally, mutual savings banks wishing to make full use of this method would be required to have 72% of their nonliquid assets invested in residentially related real estate.

These changes would increase the Government's revenue by $10 million in 1970 and by $160 million in 1979.

The present preferential treatment given to transactions by financial institutions in corporate and Government bonds and other evidences of indebtedness would be eliminated by requiring parallel treatment of gains and losses on these transactions. Institutions would be required to treat net gains from these transactions as ordinary income instead of as capital gains. They would continue to treat net losses as ordinary losses.

This rule would increase revenue by $50 million annually.

All these changes in taxation of financial institutions would become effective for taxable years beginning after last July 11.

Investment tax credit: The bill would repeal retroactive to last April 18 the 7% tax credit for business equipment purchases. This provision already has passed the House, but it was contained in a bill that got sidetracked in the Senate during the controversy over extending the income-tax surcharge. Even so the Senate Finance Committee and most key Senators have stated they favor repeal of the tax credit, effective as of last April 18.

The full revenue effect from repeal is estimated as a $3.3 billion annual gain for the Government.

Multiple corporations: The use of multiple surtax exemptions (under which the first $25,000 of a corporation's income is taxed at a 28% rate rather than the regular 48% corporate rate) would be eliminated over a five-year period.

Multiple use of other tax benefits designed to aid small business would be eliminated.

The revenue effect of changes in this area is estimated at an increase to Federal funds of $20 million the first year, and $235 million by the 10th year.

Cooperatives: Patronage dividends would be required to be distributed over 15 years or less. The required cash payout in any year, on either current or prior years' patronage, would have to equal at least 50% of the amount of the current year's patronage.

These requirements will apply starting next year.

Subchapter S corporations: In the case of these corporations, which are taxed in a manner similar to partnerships, amounts set aside under qualified pension plans for shareholder-employe beneficiaries won't be allowed to be excluded from the income of the shareholder-employe to the extent they exceed 10% of the compensation paid, or $2,500, whichever is smaller. This requirement would apply starting next year.

TAX INCREASES—TAX-EXEMPT ORGANIZATIONS

Private foundations: The bill would impose a tax of 7½% on net investment income, beginning next year. It's estimated that this would increase Federal revenue by $65 million in 1970, and by $100 million annually after 10 years.

Another provision would require a foundation to distribute on a current basis all its net income other than net long-term capital gains.

The bill limits to 20% the combined ownership of a corporation's voting stock that may be held by a foundation and related persons. Existing excess holdings must be disposed of within 10 years.

Among other restriction on foundation's activities, the bill forbids them to spend money for lobbying, certain types of voter-registration drives, and grants to individuals, unless there are assurances that these grants are made on an "objective" basis.

Most changes affecting foundations would apply beginning next year.

Other tax-exempt organizations: Exempt organizations generally would be prohibited from continuing to participate in debt-financed property acquisitions, wherein the organizations in effect share their tax-exemption with private businesses.

The unrelated-business income tax would be extended after 1975 to nearly all tax-exempt organizations that currently aren't covered, including churches. Additionally, the regular corporate tax would be extended to the investment income of such organizations as social clubs and fraternal beneficiary societies.

After 10 years, these provisions would increase Federal revenue by $20 million annually.

[From the Washington Post, July 23, 1969]

TAX REFORM DEMANDS SWAMP HILL

(By Drew Pearson and Jack Anderson)

The mail pouring in on Congress demanding tax reform is unprecedented. And its central target is the 27½ per cent oil depletion allowance, which costs the Federal Government approximately $2 billion a year in lost tax revenues. The average taxpayer is so riled that he will not be satisfied with reform legislation unless the oil depletion allowance is repealed altogether or reduced to 15 per cent.

Meanwhile, the oil companies plan to retaliate. An industry public relations man recently admitted: "We can't let this go on without an answer of some kind. We've got to do something to scare the housewives."

Standard Oil of New Jersey had already started to do just that. It has informed credit card holders that the price of gasoline will increase if the depletion allowance is either reduced or abolished.

Despite this, the change in Congressional attitude is almost revolutionary. Many Congressmen realize they can no longer defend the $2 billion tax loophole to oil companies.

It was different 15 years ago when Rep. Charles Vanik, then a Congressional freshman, made his maiden speech on the House floor against the oil depletion allowance. The late Speaker Sam Rayburn, a friend of oil, who was in the chair, turned around and looked at the American flag during most of the speech.

Vanik, now a member of the Ways and Means Committee, is preparing another speech for delivery soon in which he reviews the background of the oil depletion allowance from its beginning in the 1918 Revenue Act, when it was called the "Discovery Depletion Allowance."

He will state, in part, that the average steel worker with a family of four paid more taxes than the Atlantic Oil Company in the years 1962 through 1968. Actually, Atlantic paid no Federal income tax at all in all of those years, except for 1968. After merging with Richfield, it paid a tax of only 1.2 per cent on a net income of $240,272,000.

Note: One reason why President Nixon contrived that end run around Sen. Mike Mansfield for quick passage of the surtax bill was fear of public reaction when Senators go home for the August recess. There are so many gripes from disgruntled taxpayers that the President was afraid some Senators may become infected by the angry public mood when they go home.

BARRY KEEP BUSY

How does a man react when he has run for President of the United States, then returns to Washington to serve in Congress?

Not many have done this. John Quincy Adams served as President, then returned to Washington to serve in the House of Representatives as a Member from Massachusetts.

But most ex-Presidents and most ex-candidates for President are not willing to come back to the sometimes unexciting, exacting, time-consuming job of serving in Congress.

Not so Barry Goldwater, candidate for President in 1964, now (for the second time) Republican Senator from Arizona.

Sen. Goldwater takes the "chores" of the Senate seriously. He has been attending the ABM debate religiously, takes pride in answering mail from constituents. The volume is heavy. As an ex-candidate for President, he also gets mail from other parts of the United States.

"I have a sort of fetish about keeping my desk clean," he confides. "We get about 500 letters a day, and if they don't get answered, I take them home. My staff has been with me a long time, and they're pretty good about helping me."

Goldwater is deluged with speaking invitations, and he's accepting some.

"I have been trying to raise money to pay for a church in the Grand Canyon Park," he explains—"Shrine of the Ages."

"We found that on Sunday morning in the park the Catholics would take over the lodge lobby, the Protestants would clean out the bar and hold services there, and other denominations would hold services wherever they could. So we're building this church. It's non-denominational and will have several rooms for several churches. I am donating my lecture fees to finish the cost of the church."

On the Senator's wall are photographs of his wife, children and seven grandchildren. There is also an interesting photo of his being sworn in to serve in the present 91st Congress. In the photo, believe it or not, are Sen. Mike Mansfield, Democrat and Hubert Humphrey, another well known Democrat. They are all smiling together. Such is politics and nonpartisanship in the Senate of the United States.

AEC BLASTS

In partial deference to Howard Hughes, chief defender of Nevada, who objects to earth shaking nuclear explosions the Atomic Energy Commission has moved to the Aleutian Islands to set off some whopping one-megaton and two-megaton underground blasts to test the anti-ballistic missile system.

Conditions in outer space will be carefully simulated in these underground tests.

What the AEC is trying to learn is how big a blast it will take to knock down incoming nuclear warheads.

[From the New Orleans Times-Picayune, July 16, 1969]

BOGGS ATTENDS SESSIONS IN NEW YORK—CONFERS WITH OFFICIALS OF MINERAL INDUSTRIES

WASHINGTON.—Rep. Hale Boggs, ranking member of the House Ways and Means Committee, said he spent Monday in a round of New York conferences with representatives of the oil, natural gas, sulphur and petrochemical industries in an effort to "counteract" the "attacks" being made on those industries.

"I am astonished," the New Orleanian said Tuesday, "at the amount of misinformation that is being fed to the American people about the mining and mineral industries of our nation."

Boggs said the whole question of the "extractive industries" is scheduled to come before the House Ways and Means Committee in closed session Thursday and Friday.

WIDE DISCUSSION

There is wide discussion under way across the country involving the 27½ per cent income tax allowance pertaining to the oil industry.

"There are 110 minerals that qualify for the percentage depletion," said Boggs. "If the percentage depletion formula were removed in its entirety, the whole 110 minerals would be affected, and not more than $1 billion would be realized in terms of revenue.

"However, the impact on the economy of the country, and the economy of Louisiana in particular, would be almost catastrophic."

INDUSTRIES PROVIDE

Rep. Boggs said these industries provide about 60 per cent of all of Louisiana's revenues, including nearly all of the revenue earmarked for higher education. He said more than 150,000 Louisianians are employed in the oil, gas, sulphur and petrochemical industries.

He said these industries invest some $5 million, daily in the state, and daily yield more than $1 million in taxes, and fees. Nearly $2 million is invested each day in drilling and equipping oil and gas wells or drilling dry-holes.

"One-fourth of the United States as a whole depends on Louisiana for these things," he said. "One fourth of our national oil needs is provided by Louisiana. The United States also depends upon Louisiana for almost one-third of its natural gas supplies. A substantial part of the natural gas reserves are in offshore Louisiana, which will supply future markets in the East and Midwest."

ADVISED BY FPC

Boggs said the Federal Power Commission advised him in an official letter that if the existing tax formula is drastically changed in light of gas shortages, the price of natural gas for both industrial and residential users must be increased.

Taking cognizance of the opposition to the depletion allowance for income-tax purposes granted for various minerals, Boggs said:

"I am hopeful that as a result of our meeting in New York Monday, an alternate and workable proposal can be presented to and adopted by the Congress in the months ahead."

[From the States-Item, July 15, 1969]

BOGGS, OILMEN MAP FIGHT ON TAX CHANGES

WASHINGTON.—U.S. Rep. Hale Boggs said today he has discussed with representatives of the oil, gas and sulphur industries strategy to fight efforts by some members of Congress to change the federal tax structure in a way that "would severely injure these industries."

Boggs, said the meeting, held in New York City, covered proposals now pending before the House Ways and Means Committee which would reduce depletion allowances, disallow intangible drilling costs and disallow taxes to foreign countries, among other things.

"The oil, gas and sulphur industries and their complementary industries, the petrochemical plants," said Boggs, "provide well over 150,000 jobs in our state; they invest something like $10 million per day, and they provide over half the tax revenues required to operate the state of Louisiana."

He said practically all of the revenues for higher education come from the mineral industries.

"Unfortunately," Boggs continued, "there has been so much adverse publicity about these industries, that there are many members of Congress, most of whom are totally misinformed who are attempting to pass legislation which is not correct in equities, but punishes industries which have made enormous contributions to the development of our country."

Louisiana has most of the proven oil and gas reserves in the country, he said.

United States cities, he stated, are faced with an acute shortage of natural gas.

"I have been informed by the Federal Power Commission that the proposals advocated by some members of Congress to change drastically existing tax laws will result in increased costs to industrial and residential consumers throughout the United States," Boggs said.

[From the New Orlean Times-Picayune, July 20, 1969]

BOGGS EXPECTS CHANGE IN TAX—OPINION ON DEPLETION ALLOWANCE GIVEN

The 27.5 percent oil depletion allowance will be cut, U.S. Rep. Hale Boggs predicted Saturday. He also said, however, that the allowance may not be reduced below 20 percent.

He said opponents of the oil industry "have been proposing a percentage depletion rate of 10 percent, or at the most 15 percent."

Boggs held out hope for independent Louisiana producers, adding that he has proposed that the allowance for percentage depletion—the amount of gross income from a well on which the depletion figure may be claimed—be increased from 50 to 70 percent.

Boggs said, "This will be the greatest help imaginable to independent producers in Louisiana and will more than make up whatever dollar cost will be involved in any reduction in percentage depletion."

PLAN REPORTED

It was reported that Boggs proposed a compromise 22 per cent oil and gas depletion allowance rate in closed-door hearings of the House Ways and Means Committee Friday.

Boggs, ranking Democrat on the committee and a strong defender of the 27.5 per cent depletion rate, would not comment on the report.

The proposal for a compromise on the amount of gross income oil and gas producers can deduct before taxes indicates a willingness on the industry's part to take a relatively modest cut in depletion allowances to salvage intangible drilling costs, also under committee scrutiny.

Some members of the committee insist on a cut to 15 per cent. They balked at Boggs' compromise move. Others asked for more statistical data on possible effects of the cut on oil and gas reserves.

Boggs said the committee is in the process of working out problems confronting mineral industries.

The treasury department has proposed that so-called "intangible drilling costs" be disallowed, that foreign tax credits now available be disallowed and that the depletion allowance be limited only to recoverable cost of a given well instead of being applied to a company's wells as a whole.

Staff figures calculate the depletion allowance is worth $50 million, a percentage point to the petroleum industry.

If all oil and gas depletion were eliminated, it would cost the industry $1.4 billion in revenue annually.

A committee source said the 22 per cent figure does not represent an agreement among members on the fate of the depletion allowance.

The proposed draft language is simply to serve as a vehicle from which the committee will proceed Monday.

[From the Washington Post, July 22, 1969]

DISPUTED TAX BREAK WOULD DROP BY 30 PERCENT—HOUSE UNIT VOTES TO CUT OIL EXEMPTION

(By Frank C. Porter)

The House Ways and Means Committee voted yesterday to cut the oil depletion allowance from 27½ to 20 per cent on domestic production and to eliminate it entirely on foreign output.

The 18-to-7 tally was considered a landmark decision. For years tax reformers in both houses of Congress have sought unsuccessfully either to reduce or repeal outright the depletion allowance.

The issue has achieved particular prominence this year as the most visible and politically controversial symbol in the first comprehensive effort toward tax reform since 1954.

The final motion on rolling back domestic depletion allowances was offered by Rep. Hale Boggs (D-La.), the No. 2 Democrat on the Committee. Louisiana is one of the larger oil producers in the Nation.

Earlier, the Committee had been prepared to vote on reducing oil depletion to 23½ per cent. But Boggs and others were able to persuade a majority of their colleagues that a cut of only four percentage points would be construed as mere tokenism by the voter back home.

Yesterday's decision was the first roll call vote during the intensive executive sessions that Chairman Wilbur D. Mills (D-Ark.) hopes will produce a wide-ranging reform bill before Congress recess Aug. 13. A good part of the package has been tentatively approved through informal agreement.

OTHER MINERALS

The Committee also voted to reduce the depletion allowance—which range downward from the 27½ per cent on oil and gas—by about 27 per cent rounded off to the nearest percentage point. The allowance on coal, for example, would be reduced from 10 to 7 per cent.

Left untouched, however, is the 15 per cent allowance on gold, silver, oil shale, copper and iron ore to encourage domestic exploration.

The allowance works this way. An oil company is permitted to deduct 27½ per cent of its gross income from its net income before computing Federal income taxes. The allowance cannot exceed 50 per cent of net income.

For example, a company grosses $10 million on an oil well and has pre-tax profits of $3 million after expenses. Under the law for most corporations it would pay Federal income taxes of 52 per cent or $1,560,000, leaving an after-tax profit of $1,440,000.

PROFIT INCREASED

The depletion allowance would amount to 25½ per cent of the $10 million gross or $2,750,000. But since it cannot exceed 50 per cent of the $3 million in earnings, only $1.5 million can be deducted. This leaves a taxable net of $1.5 million, income taxes of $780,000 and after-tax profits of $2,220,000.

Later in the day, Boggs issued this statement:

"The oil and gas and other extractive industries are vital to the economy of this country. The marvel (on the moon) that we have just witnessed could not have been possible without the efficiency of the American energy industries.

"For years, however, the oil 27½ has been a matter of continuing divisive national continuing divisive national controversy. I hope that the progressive members of this great industry will accept these reasonable reforms and thus remove the issue as one of national controversy.

"I don't think that I have to establish my credentials as a life-long friend of these industries."

ACCEPTABLE COMPROMISE

Rep. Charles A. Vanik (D-Ohio), a principal supporter of the Boggs motion who led the fight for repeal of the overseas depletion allowance, termed the action on oil taxation yesterday "an acceptable compromise that will pave the way for a substantial package of tax reform."

Committee staffers said that reducing the mineral depletion allowances would raise Federal revenues by $432 million a year, $360 million of which would come from oil and gas. There was no estimate for the revenue effect of ending depletion allowances overseas, but Committee staffers said it would be small.

But Boggs said that with the effect of other reforms, such as tentatively approved curbs on so-called carved-out and ABC production payments, the added revenue should be as much as $1 billion.

In the afternoon the Committee rejected a further proposal for curbing oil industry tax preferences. This would have required companies to amortize the cost of drilling wells in established oil fields over five years rather than deducting them entirely in the first year.

Rep. George Bush (R-Tex.), a former oil company executive and one of the seven who voted against the depletion allowance reduction, said, "This is no time to tamper with legitimate tax incentive." As quoted by United Press International. Bush said this was the advice presented by Interior Department and Federal Power Commission witnesses, who point to serious gas reserve shortages in the United States.

[From the Wall Street Journal, July 22, 1969]

CUT TO 20 PERCENT IN OIL-DEPLETION CREDIT, SLICE IN ITS SCOPE VOTED BY PANEL—OTHER ALLOWANCES ALSO PARED; HOUSE UNIT SAID TO STUDY UTILITY DEPRECIATION SHIFT

(By Fred L. Zimmerman)

WASHINGTON.—The House Ways and Means Committee voted to reduce the 27½% oil-depletion allowance to 20% and to prohibit its use on foreign production.

Varying allowances on other minerals would be scaled down proportionately.

The decision was a major victory for committee liberals, who had protested a staff recommendation last week that the controversial oil allowance be cut only to 23% and that its use on foreign production be permitted to continue.

Their protests prompted several polls on the oil-taxation issue, the first actual votes Ways and Means has taken during the lengthy drafting of its comprehensive tax-reform bill. The vote on final acceptance of the oil package was said to be 18 to 7.

In a later decision on a separate issue, the committee decided to leave untouched the current practice of allowing oil companies to deduct on a current basis their intangible drilling and development costs. The committee had been considering a suggestion that these costs be amortized over several years.

The committee also is understood to be considering a complex proposal for changing the depreciation practices of many regulated utilities, thereby substantially increasing Federal revenue from these companies. A related proposal would curb the issuance, primarily by utilities, of so-called "tax-free dividends" to stockholders.

Meanwhile, the Senate impasse continued over how to handle the Administration's House-passed surtax-extension bill, amid signs that the surtax-scheduling question has become a heated partisan issue.

The bill, which cleared the Senate Finance Committee by one vote last week, would continue the income-tax surcharge at 10% through Dec. 31 and at 5% for the first half of 1970.

Senate Republicans and the Nixon Administration want the extension brought to a quick Senate vote, but Senate Majority Leader Mansfield reiterated his determination to delay that vote until the Ways and Means Committee's big reform bill has passed the House and is ready for a Senate vote immediately after the surtax bill.

Sen. Mansfield, and the Democratic Policy Committee he heads, control the scheduling of legislation on the Senate floor. Members of this group, along with a number of Democratic liberals, favor holding the surtax bill hostage as a way of insuring Administration backing for sweeping tax reform.

THREAT OF FILIBUSTER

Sen. Mansfield said Friday that liberal Democrats might filibuster against any attempt by the Administration to push the surtax bill through the Senate ahead of his timetable. He repeated that he's willing to support an extension of up to three months in payroll withholding rates based on the surtax, while the surtax issue itself is being settled.

The surtax actually expired June 30, the day the House voted 210 to 205 to continue it for a year. Congress earlier had voted to continue payroll withholding rates until July 31. Among other provisions, the surtax bill would repeal the tax credit of up to 7% for equipment purchases, retroactive to April 18.

Sen. Mansfield's scheduling decision, if it holds, will delay a vote on the surtax bill until at least September. The Senate probably will be working on the measure involving deployment of the antiballistic missile system until time for the Congressional recess that begins Aug. 13 and ends Sept. 3.

The tax-reform bill for which Sen. Mansfield has said he's going to wait is being rushed to completion by the Ways and Means Committee on the other side of the Capitol. While much of Congress took yesterday off, the committee met in closed session nearly all day to resolve several controversial questions of oil taxation.

A committee source estimated that the proposed changes in the depletion allowances would increase annual Federal revenue by about $400 million, mostly from the oil and gas industry. That industry's Federal tax bill would rise another $200 million a year through the committee's earlier decision to treat so-called "mineral production payments," a special financing method of the oil and gas industry, as loans for tax purposes.

The oil-depletion allowance permits the owner of an oil well to deduct each year from his taxable income 27½% of the gross value of the oil the well produced, up to half the net income from the well. The allowance is figured without respect to the amount invested in the well.

The committee's decision, although still short of the cut to 15% that's favored by many Congressional liberals, is certain to be one of the hottest features of the reform bill when it reaches the Senate. Sen. Long (D., La.), is perhaps the oil industry's most powerful defender from his position as chairman of the Senate Finance Committee. He's known to oppose any cut at all in the depletion allowance, which has become a symbol of tax loopholes to liberals.

Treasury officials who attended yesterday's closed session were said to have been fairly silent on the Administration's attitude toward an oil-depletion cut, although President Nixon recently reiterated a campaign statement that he opposes reducing the allowance. But one of the seven committee members who is understood to have voted against the reduction was Rep. Morton of Maryland, chairman of the Republican National Committee.

Rep. Vanik (D. Ohio), a leader of the reform movement within the committee, said the vote to cut the depletion allowance "saved the tax reform bill. No one would have accepted it if we hadn't done something meaningful about oil depletion."

UTILITIES' DEPRECIATION

The Ways and Means Committee's deliberations on the question of utilities' depreciation center on a 10-page confidential report prepared for the committee by the staff of the Joint Committee on Internal Revenue Taxation, a group of Congressional tax experts.

Ways and Means discussed the subject last week and is expected to return to it this morning, with some changes in current practices likely to be part of the reform bill

Chairman Mill (D., Ark.) has promised will be passed by the House by the Aug. 13 recess.

The problem Ways and Means is trying to resolve arises from the fact that although many regulated utilities depreciate their property for tax purposes on a straight-line basis, about half of the regulatory agencies require utilities that use accelerated depreciation to pass on to customers the resulting reduction in Federal income taxes.

Some agencies insist that utilities they regulate use accelerated depreciation for tax purposes. In cases where the utilities don't, some agencies treat the companies, for rate-making purposes, as if they did so. The result is that taxes are less.

The Joint Committee staff has told Ways and Means that unless Congress takes action it's likely that accelerated depreciation and the "flow-through" of resulting rate reductions to customers will become nearly universal among regulated utilities. This development would reduce Federal revenue by about $1.5 billion annually, the staff estimates.

The group's report to Ways and Means discusses several alternatives for dealing with the problem, but it appears to favor a recommendation that regulated utilities be prohibited from depreciating for Federal tax purposes, on a faster basis than the straight-line method. That is unless the Federal income tax reductions are "normalized" for rate-making purposes.

This "normalization" procedure involves computing the greater Federal income tax liability that would have been incurred if the utility had used straight-line depreciation, including these additional taxes in current expenses, and then adding the total to a reserve for future tax expense.

The customer's costs then are the same as they would be under straight-line depreciation and the utility has access to cash that could be used for capital investment, current expenses, or for any other purpose in the same way funds generated by a depreciation reserve may be used.

Even under this method, a regulatory agency could exclude the future-tax reserve from the base on which it computes rates, thus giving the customer the benefit of its use without providing the utility with a return on this amount. The staff group noted that this "normalization" method seems to me to be preferred by the accounting profession as the procedure that "more accurately reflects income."

The staff group suggested that if the committee adopts the recommendation to require straight-line depreciation, unless normalization is permitted, a utility should be given perhaps three months after enactment to choose whether to apply the new rule to its operations or to continue, presumably because of price competition, to pass on to customers in the form of lower rates the tax reductions that result from accelerated depreciation.

For a particular piece of new or existing property, the staff also suggested that a regulated utility shouldn't be allowed to change to a faster depreciation method than whatever one is being applied to the piece of property.

The staff group also proposed a way of reducing the issuance of so-called "tax-free dividends," particularly by utilities using accelerated depreciation.

In determining how much of a utility's dividends are subject to Federal taxation, the fact that the utility's earnings are reduced by depreciation has to be taken into account. If the dividend is paid from that amount set aside for depreciation it is tax-free.

The group said that "the opportunity for such manipulations could be substantially reduced" by requiring companies to compute earnings on the basis of straight-line depreciation even though another depreciation method is used in computing Federal taxes.

[From the New Orleans States-Item, July 21, 1969]

Vote Is Victory for Louisiana Oil—Boggs

Washington.—Rep. Hale Boggs of New Orleans said today the new oil and gas tax changes approved by the Ways and Means Committee are a "significant victory" for the Louisiana petroleum industry.

He said that by accepting a cut of 7.5 percentage points in the oil and gas depletion allowance, the industry supporters on the committee were able to stave off a series of much more injurious tax amendments.

Boggs, ranking Democrat on the committee, said the reduction of the depletion allowance from 27.5 to 20 per cent was approved by a vote of 18–7.

He indicated the vote should end the decades-old fight waged by critics who claimed the allowance rate was too high and enabled some oil companies to avoid most or all federal income tax.

Boggs said the industry's opponents on the committee prepared a package of tax amendments "that would have wrecked the oil and gas industry in Louisiana."

The changes included cutting the allowance for intangible drilling costs, changes in the way the depletion allowance is allowed, denial of depletion allowances to land owners, denying tax credit to major companies for taxes already paid abroad and a cut in the depletion allowance rate to 10 percent.

Boggs said every one of these was rejected in return for agreement on the 20 per cent rate in the depletion allowance.

The depletion allowance, which applies at varying rates to all minerals, is deducted from gross income up to 50 per cent of the net income to determine taxable income.

Boggs said, "Some people in politics don't want to win—they just want an issue" referring to those who proposed the package.

He said these politicians have been using the petroleum industry as a whipping boy and most recently attempted to block passage of the income surtax extension by insisting on a depletion allowance amendment.

With today's action, Boggs said, "the oil industry changes its image to what it should be—the most important source of energy in the country."

The oil tax amendments are part of a wide-ranging tax reform bill being prepared by the Ways and Means Committee, which hopes to finish action within a month.

A strong move is also under way in the Senate to use the pending surtax extension bill as a vehicle for tax amendments, including a depletion allowance cut.

[From the Washington Post, July 25, 1969]

The Symbol of Tax Reform

Rightly or wrongly, the 27½ per cent depletion allowance long enjoyed by the oil industry stands as the foremost symbol of tax inequity. Reformers have been tilting at the oil depletion allowance ever since it was written into the law in 1926. The House Ways and Means Committee had to move resolutely against this special privilege in order to convince other legislators in Congress and the public that its tax reform bill is worthy of the name.

It is highly significant that Rep. Hale Boggs offered the motion in the Committee to cut the oil depletion allowance from 27½ to 20 per cent. His state of Louisiana is one of the large oil producers, but he had doubtless come to realize that something had to give. Whether or not he was seeking to fend off a more severe cut, we think he has properly read the current public demand for closing, or at least narrowing, the most flagrant leaks in our tax structure.

Spokesmen for the oil industry insist that the depletion allowance has a legitimate and constructive purpose. By allowing the oil companies to escape the payment of taxes on 27½ per cent of their gross revenue from the sale of oil and gas at the well (if the allowance does not exceed 50 percent of net income), Congress intended to encourage the companies to reinvest these sums in other oil and gas producing ventures. By this means, it was assumed, a healthy domestic oil industry could be assured in the interests of national security. But the result has been a rather gross distortion of tax obligations. The National Committee on Tax Justice reports that the oil industry paid only 13 per cent of its profits in Federal taxes in the year ending last September compared to 45 per cent for other manufacturing industries.

Probably there is no way of proving that the depletion allowance is related to national security, or that it is not. The prevailing view is that the relationship, if any, has become a very slender thread and that the special privileges granted oil and various other extractive industries must be critically reappraised. The major question is whether the cuts approved by the Ways and Means Committee go deep enough.

We think the Committee was well advised, however, to call for a substantial reduction instead of complete elimination of the allowance at this time. Complete reversal of a policy in effect for more than 40 years might cause serious disruption in the industry. It is better to go a step at a time and see what the consequences are. The Senate may decide on a deeper cut, but it is not necessary to sweep away the controversial depreciation allowances to achieve meaningful reform. The important thing is to make the bill now taking shape a demonstrable pursuit of equity, without sparing any sacred cows.

[From the New York Times, July 24, 1969]

Closing the Depletion Loophole

The House Ways and Means Committee took a significant step toward meaningful tax reform when it voted to reduce the oil and gas depletion allowances from 27.5 to 20 per cent. Proportional reductions would also be made in the allowances for other minerals, which now range from 5 to 23 per cent.

If adopted by the Congress, those recommendations would add about $400 million to tax revenues. But that figure grossly understates the importance of the reform, both as a symbolic attack on the citadel of tax privilege and as a means of ensuring a more efficient allocation of economic resources.

The petroleum industry has long defended on two grounds the depletion allowances and the companion privilege of writing off drilling costs as a current business expense rather than treating them, for tax purposes, as investments. One argument relates to the risks of oil exploration; the other rests on the national defense need for maintaining proved domestic reserves of oil through continuous exploration.

A spokesman for the petroleum industry pointed out in a recent discussion of the oil and gas depletion allowances that of "50 new field wildcat wells drilled . . . only about one well is likely to turn out to be a profitable producer." Assuming that statement to be accurate, it does not follow that the oil and gas exploration is so much riskier than other business ventures as to justify special tax treatment. The reasoning about risk is circular because much of the wildcat drilling would never be attempted in the absence of the tax shelters.

The more important question concerns the national defense. First, it should be pointed out that the link—essential to the industry's case—between the depletion allowance and the growth of proved oil reserves has never been convincingly demonstrated. Second, it is doubtful whether the growth of oil reserves within the continental boundaries of the United States is really essential to the national defense.

In a nuclear conflict that engulfed the major centers of population, the adequacy of oil reserves would not be preeminent on the list of priorities. In limited, non-nuclear wars, such as those that have occurred in the Middle East, the flow of petroleum may for a time be disrupted. But the dangers on that score are being diminished by the new strikes in Canada and Alaska as well as the very large reserves in Latin America, Indonesia and Australia.

The economic fact of the matter is that there is a superabundance of low-cost oil outside the United States. Its flow, to be sure, can be interrupted. But it is highly unlikely that all of the sources of supply would be dried up at the same time. It follows that the American public is shouldering an unnecessarily costly burden by subsidizing the oil industry, not only by special tax treatment, but also through the imposition of import quotas and cartel restrictions on domestic production. As a result, prices to consumers are higher, tax revenues are lower and—because of the tax shelter—capital flows into domestic exploration that would yield higher returns invested elsewhere.

The proposed reduction in the mineral depletion allowances will provide a crucial test of whether Congress is willing to vote for a fairer tax system. A failure to adopt the recommendation of the overwhelming majority of the Ways and Means Committee can only lead to the further erosion of public confidence in the democratic process.

[From the Washington Post, Aug. 3, 1969]

Administration To Seek Tightening of Mineral Industry Tax Loopholes

(By Murray Seeger)

The administration will accept higher depletion allowances but seek to tighten other loopholes when it sends Congress its official position on taxing the oil, gas and hard minerals industry.

This position is taking shape, according to Treasury Department sources, for submission to the Senate Finance Committee next month.

Meantime, the House is expected to lower Thursday the oil depletion allowance from 27½ per cent, where it was set in 1926, to 20 per cent.

Other mineral depletion figures would be decreased by the same proportionate amounts except for iron, coal, copper, silver and oil shale which would remain at 15 percent.

The administration's proposals would be more generous to the minerals industry than the reform legislation as it now reads.

Since the House is expected to pass the reform legislation unchanged from the House Ways and Means Committee's draft, the administration plans to make its case in the Senate.

There the Finance Committee under its chairman, Sen. Russell Long (D-La.), is expected to vote to push the depletion percentages back to current levels.

The administration is not expected to fight this move but will try to balance it by insisting that the minimum tax plan in the reform bill be expanded to apply to the excess income individuals get from oil depletion and expense allowances.

This privileged form of income was deleted from the minimum tax plan by a surprise vote of the Ways and Means Committee.

In addition, the administration will seek to change the expense write-off section which now allows 100 per cent tax deductions for the cost of finding and developing new wells.

The Treasury will suggest that "development wells," those drilled into known pools, be paid for over 10 years standard depreciation. "Exploratory wells," those drilled in the search for new supplies, would continue to get the generous one-year write off.

In this way, the Treasury experts feel the government's tax policy would encourage exploration for new oil sources while cutting down on excessive tax subsidies for the industry.

[From the New York Times, Aug. 6, 1969]

Treasury Asks Big Rise in Taxes on Oil Industry

Washington, August 5.—A plan that would substantially increase the taxes paid by the oil industry has been worked out by the Treasury Department. However, it is not clear whether the White House will approve the proposal.

The Treasury's objective, Assistant Secretary Edwin S. Cohen said, is to make certain the nation "gets its money's worth" from the favored tax treatment accorded the oil industry.

Thus, the plan would not eliminate outright the preferential treatment given the oil industry under the tax laws. Rather, it would require the industry to use its tax savings in the national interest—specifically, to discover new reserves of oil and perhaps other minerals.

ALLOWANCE DEFENDED

The industry has always defended the 27½ per cent depletion allowance and its other favorable tax treatment as necessary incentives for the discovery of new oil deposits that the nation would need, particularly in time of war.

The industry objected vigorously to the Treasury's plan when it was submitted to the House Ways and Means Committee during the closed sessions in which the committee was writing its tax reform bill.

The committee's discussion of the plan reportedly consumed only a few minutes. The proposal was never seriously considered.

Now, however, the Treasury wants to make a real appeal for changing the tax rules that apply to the oil industry at the public hearings on tax reform that the Senate Finance Committee plans to start shortly after Labor Day.

To do this, the Treasury will have to receive White House approval for its plan, or a special dispensation to submit public testimony without White House approval.

Richard M. Nixon promised during the Presidential campaign that he would not permit any reduction in the depletion allowance, and the Treasury's proposal would not do so.

The Ways and Means Committee's tax reform bill does involve a cut in the depletion allowance—to 20 percent.

The Treasury's plan, while leaving the allowance untouched, would impose more new taxes on the oil industry than the committee's bill, however.

The committee has estimated that the reduction in the depletion allowance would increase the industry's taxes by $360-million annually, although the figure has been disputed as too high.

The Treasury's plan would increase the industry's taxes by at least $500 million, Treasury experts believe.

In addition to proposing that the tax savings from the depletion allowance be used for the exploration of new oil fields or the development of natural resources other than oil, the Treasury wants to restrict the other major tax advantage enjoyed by the oil industry—its ability to write off, in just one year, most of its costs of drilling oil wells. Such costs are regarded as capital costs in other industries and must be written off gradually, over the lifetime of the productive assets.

The Treasury is willing to permit continued immediate deductions in cases where real exploration for new oil fields is involved. But where the drilling amounts only to the sinking of new wells in a proved field, the Treasury would require long-term capitalization of the costs.

In its attempt to persuade the oil industry not to fight its plan, the Treasury offered what one official described as "an overly generous" distinction between exploration and development costs. But the industry, apparently sure it had the support to defeat the Treasury in Ways and Means Committee, rejected the whole idea.

GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Chairman, I ask unanimous consent that all Members desiring to do so may extend their remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BOLAND. Mr. Chairman, I rise in support of this bill—a bill that, although far from the ideal one I envisioned when the Ways and Means Committee opened hearings this year, would put a measure of equity into this country's income tax code.

A package of major tax reform legislation has finally come before us. Administration officials and congressional leaders have been talking about tax reform for years, citing the gaping loopholes that allow the wealthy and the privileged to escape their just share of taxation. They have talked about the plight of the average taxpayer, faced with taxes that steadily move upward year by year at the same dreary and disheartening pace. They have talked about the poor, forced to contribute a significant share of their yearly incomes to the Federal Government. They have talked about certain giant corporations and individual entrepreneurs, sheltered against virtually any kind of taxation by laws that appear hand tailored for their benefit.

The idle talk at last has ended. The debating and dithering over tax reform has run its course. We in the Congress now have an opportunity to act.

The Ways and Means Committee, chaired by the able and distinguished Mr. Mills, has reported out legislation that seeks genuinely meaningful reforms. The bill would plug up scores of loopholes and clear away still further scores of special tax subsidies—loopholes and subsidies that drain billions of dollars from the Federal Treasury each year. The 27½ percent oil depletion allowance—one of the most celebrated loopholes enjoyed by private industry, and one of the loopholes I have been trying to close for years—would be trimmed back to a far more reasonable 20 percent. The alarming tax benefits lavished on multiple corporations would be tightly restricted. The huge tax windfalls that stem from corporate mergers would be substantially eliminated. And, as just one further example out of literally hundreds I could cite here, firm limits would be put on the depreciation deductions granted to owners of nonhousing real estate. This last reform by itself is expected to yield $1 billion in new tax revenue by the time it becomes fully effective.

The bill, however, contains little that would seem startling or dramatic to the average taxpayer. It does seek small tax reductions—relatively trivial ones—for taxpayers in the middle-income brackets. It does call for a 50-percent increase in the standard deduction that most people use to compute their tax. It does propose fairer treatment for poor people, for single people, for widows and widowers bringing up children. But it contains nothing that would inspire the average taxpayer to rub his hands in gleeful anticipation of next April 15.

The bill's chief benefit for the middle-income taxpayer is its goal of eliminating special tax privileges—privileges that certain businesses and industries have maintained for decades through political muscle and Washington lobbying. The bill would recover the billions of dollars in taxes that these institutions now elude. This means, of course, that the country's average taxpayers would no longer have to make up for this revenue drain in their own tax returns.

I am something less than ecstatic about this bill. It is highly disappointing in some respects—especially in its lack of deductions for families sending children to college, in its failure to increase the personal exemption, in its unfair approach to private philanthropic foundations, in its request for a full year extension of the surtax instead of a 6-month extension.

But it is essentially a good bill—the first effort at major tax reform since the income tax was enacted more than a half century ago.

It will eventually mean significant savings in dollars and cents for the average taxpayer.

I urge its passage.

Mr. ROGERS of Florida. Mr. Chairman, as one who not only strongly favors meaningful tax reform, but also all due speed in securing passage of a good reform bill, I find the situation facing the House today most difficult.

The House Ways and Means Committee, and its most able chairman, have worked long and hard to get this bill to the House. Yet it is some 368 pages long. The report explaining the bill is an additional 226 pages, and now we have been handed a supplemental report by the committee of another 148 pages.

The Rules Committee has approved only 6 hours of debate, and has closed off all amendments. And the bill and reports, which together total some 742 pages of highly technical language, have only been in our hands a few days.

Haste on the part of the House today might be regretted in the weeks ahead. The Senate leadership has already indicated they will not bring the reform bill up prior to October, so the rush in the House is not only unnecessary, it is not going to accomplish swift enactment of the legislation.

I believe the Members of this House should have time not only to study each and every provision of this bill, but to have sufficient time to hear from constituents at home as they, too, have time to digest the contents of this proposal.

If we are not to have this additional time, then at least we should have the opportunity to have the bill open for amendment by the House. From the brief review I have made of the bill and reports today, I find myself in basic agreement with many of its provisions, but I am sure that the debate will open additional questions and propose additional relief, as well as discuss particular hardships resulting from some of the changes which might well require amendments. The House should be permitted to work its will on any specific section by the amendment process, rather than being placed in the position of having to approve or reject the entire package.

I can see the wisdom in the "closed rule" procedure on less complicated tax questions, but in a bill which seeks a major change not only in tax rates but in the whole area of tax law, we should not be placed in a position of having to vote for a bill which we might favor in most part, but object to in part, or have to vote against a bill which we feel is basically good but has areas of ommission, when these matters could be worked out by the amendment process.

I intend to vote against the closed rule for these reasons, and hope that the House will be able to consider whatever amendments seem necessary as debate on the bill develops all the facts.

Mr. UDALL. Mr. Chairman, during my years of service on the House Post Office and Civil Service Committee, every time we have had a rate hearing, the question of postage rates of tax exempt publications and their tax exempt status has come up. Invariably, one of the arguments advanced to us for maintaining very low rates for a large number of tax exempt organizations was the fact that the Internal Revenue Service exempted them from paying a tax. Yet they had large advertising content. The postal deficit in this one area alone has been over $100 million a year.

The Post Office Committee faced up to this problem by gradually raising the postage rate on the advertising content to about what taxpaying publications pay. But tax-exempt publications still pay a fraction of what taxpaying publications pay in postage for their editorial content.

Now, I do not see any difference between an advertisement which appears in National Geographic or Holiday. They are both for the purpose of making money and they should both pay a tax, just as the advertisement which runs in National Geographic should pay the same postage as the advertisement which runs in Holiday.

I am puzzled, therefore, by a sentence on page 50 of the report relating to the taxation of advertising profits of tax exempt organizations. I refer specifically to the sentence which reads:

> Where an organization publishes more than one magazine, periodical, etc., the organization may treat any of these on a consolidated basis in determining its unrelated trade or business income so long as each such periodical, etc., is "carried on for the production of income."

The next paragraph on page 50 calls upon the Secretary or his delegate to prescribe regulations respecting the allocation of income and expenses, and so forth, "to prevent avoidance of unrelated business income tax liability."

It strikes me that these are diametrically opposed concepts. If anything, the report language opens up more of a loophole than the language in the bill was intended to close. The trouble with the language I have read is that tax exempt organizations with multiple publications will arrange things so they will not have to pay any tax. Because they can charge off all kinds of activities including pamphlets, newsletters, membership solicitation letters, and so forth, against the profits of one magagine, they can claim that all of these were for other publications or activities for the production of income. The tax-exempt organization which will have to pay the tax is the smaller organization which has only one publication. But I rather expect that the small ones will follow the lead of larger organizations and arrange to use some device which will siphon off the tax.

It seems to me that the sentence I have quoted above is an open invitation to tax avoidance. I feel certain the committee did not intend this because that is not what the language on page 93 of the bill says. I am therefore hopeful that before the other body completes its consideration of this bill, that all the rest of the language, including the directive to the Secretary to prevent tax avoidance, will govern.

I want to take this opportunity to commend the Ways and Means Committee for the action it took in applying the unrelated business tax to the advertising profits of tax exempt organizations, and for also stating as follows on page 50, of the report:

> Because of the ensuing controversy over this problem your committee has decided to deal with this by legislation. In general, it is in agreement with the purpose of the regulations. Your committee believes that an entity competing with tax paying organizations should not be granted an unfair advantage by operating tax free, unless the business contributes importantly to the exempt function. It has concluded that by this standard, advertising in a journal published by an exempt organization is not related to the organization's exempt functions. And therefore it believes this income should be taxed.

The foregoing language will be rendered meaningless unless each publication of a tax-exempt organization is considered separately.

Mr. EILBERG. Mr. Chairman, I rise today to give my support to the promise of H.R. 13270 that at long last the Congress is moving toward a recognition that there must be tax justice in the United States. Every day without fail when I read my mail, I find that 50 percent of these letters are entreaties that I exert every effort to achieve tax reform. I am pleased with the action that the committee has taken in closing some of the more glaring loopholes in the tax system. However, I feel obliged to note two substantial weaknesses in the committee bill.

First, while the committee has acted to increase tax revenues by some $1 billion by closing tax loopholes which the wealthy have utilized to escape paying their fair share, they have at the same time acted to reduce the income tax burden on this same group by 5 percent. What this means is that, despite the action of the committee in closing tax loopholes, the real tax gain to the Federal Government will only be $300 million because of the rate cut. I would have much rather seen the committee cut the income tax rates of only the middle-income taxpayer and thus assure that the closing of these tax loopholes would yield the additional revenue the committee advertised.

Second, I am dismayed that there will be no opportunity to vote on continuation of the tax surcharge on its own merits. In a bill as complex as this one, it is my opinion that the only reasonable approach is to separate the matter of the tax surcharge from tax reform. There are many of us who supported the enactment of the tax surcharge last year because we believed that it was an economic tool which was necessary in the effort to fight the tight money situation, keep down interest rates, and stop the spiraling cost of living. The results of the past 12 months have shown us beyond any shadow of a doubt that the surcharge has not helped stem the tide of inflation.

In view of the fact that the extension of the tax surcharge initially was passed by this body by only five votes, because so many of us wanted tax reform to replace this regressive tax as a revenue source, I can see no reason for lumping the surcharge and tax reform together. Obviously, if those of us who felt the tax surcharge was unnecessary and that tax reforms should be the place for the needed additional revenue to come were sincere, we are amazed that the committee has ignored this fact in its request for a closed rule on H.R. 13270.

Mr. Chairman, I ask that you consider the irony of the fact that the major portion of the legislation we are now considering is designed to be the first small step toward tax justice since the first income tax law was passed in 1861 placing 3-percent income tax on all income over $800. Incidently, we celebrated the 109th anniversary of this first income tax law August 5. At the same time, included in this legislation is the extension of the surcharge. The surcharge has the same faults as our income tax laws and still will until we in the Congress can completely overhaul them and bring about tax justice. The very rich still do not pay their fair share of the surcharge and the middle-income taxpayer pays too much.

While I oppose the surtax, I am also a realist. I know that the loophole closing provisions of H.R. 13270 are necessary. However, I also know that there is no good reason why the tax rates for the very wealthy should be reduced and there is no good reason why the surcharge has to be packaged together with these tax reform proposals on a take it or leave it basis. However, because I feel it is so important to get the tax reform ball rolling full force, I will vote for this bill. Hopefully this bill, which is only a small first step toward tax justice, will provide new hope to law-abiding taxpaying Americans that tax justice is indeed possible in the foreseeable future.

The paychecks of the people in my district will be increased by the action we take here today, Mr. Chairman. These checks will be increased further when we are rid of this regressive surtax. It is my hope that the 91st Congress will be remembered for its successes in achieving tax justice. H.R. 13270 is a very small step toward that goal but a step which I encourage my colleagues to take with me.

Mr. PATMAN. Mr. Chairman, I am quite concerned about the provisions in this bill substantially increasing the taxation of savings and loan associations. The previous administration, the present administration, prior Congresses, and the current Congress have expended much energy on a commitment to provide decent housing for our people. While the needs are mushrooming each year, attempts to meet them are failing. Housing starts are expected to drop to one million this year, far short of the average 2.6 million needed each year for the next 10 years.

Everyone familiar with the matter knows that the single major source of funds for one to four family housing units is the savings and loan association. These associations are now struggling to keep their heads above water in providing housing and money and, I for one, do not want to see them plunged under.

The committee report shows that savings and loan associations have been paying taxes at a rate anticipated by Congress; that, indeed, it is necessary to preserve the inducement for them to continue investing in real estate mortgages.

I strongly hope that before this bill is enacted into law, careful consideration of the role savings and loan associations play in meeting our housing needs and the necessity for preserving their ability to do so will result in reducing the impact on the savings and loan business.

FOUNDATIONS

Mr. Chairman, foundations can well afford to pay a 20-percent tax on their net investment income. This would produce for the Treasury approximately $200 million annually instead of the $65 million annually resulting from a 7½-percent tax.

I should also like to call to the attention of the Members the fact that the Internal Revenue Service publishes very little information on foundations. They should be directed to summarize and analyze information which is reported to the Service by foundations. This would have great public value. For example, at present, there is no accurate, up-to-date information available which provides an insight into the variety of foundations that exists in this country, such as:

Foundations that are closely and exclusively related to one operating organization.

Foundations that primarily produce services in exchange for grants or contract purposes.

Fundraising foundations.

Contract research foundations.

Community foundations.

Company-sponsored foundations.

Family foundations.

The Internal Revenue Service should adopt a plan for the classification of foundations as one of the first steps in making new policy for foundations. This plan should be based on the relevant differences in purposes, organization, and operation. In other words, foundations should be separated from the other tax-exempt organizations of charitable, educational, religious, literary, and scientific character with which they are presently classed for tax treatment, and there should be appropriate differentiation of treatment of the various types of foundations. For example, the private, family-type foundations require a different set of rules than the contract research foundations, which receive the greater part of their income in exchange for services rendered—in competition with taxpaying research entities. Also, fundraising foundations, which solicit gifts from the public, need still different rules.

Mr. Chairman, for a number of years the Subcommittee on Foundations of the House Select Committee on Small Business, of which I am chairman, has been conducting a review of the activities of privately controlled, tax-exempt foundations. A number of hearings have been held and seven reports have been issued which have disclosed a number of abuses of the tax-exempt privilege by such organizations.

When the Committee on Ways and Means began its hearings on Tuesday, February 18, 1969, it was my privilege to appear before that committee as its first witness to discuss the importance of tax reforms related to privately controlled, tax-exempt foundations.

At that time, I introduced a bill, H.R. 7053, which had three features, each of which were directed at shortcomings discovered during the continuing study which had been conducted by the Subcommittee on Foundations. Briefly, these three features would have required every such organization to pay a tax in the amount of 20 percent of its gross income including capital gains. Contributions, gifts, grants received would have been excluded from this tax. Second, it would have restricted ownership of the outstanding shares of any stock of a corporation to not more than 3 percent and would have limited interest in the capital or profits of a partnership to a similar percentage. Third, the net income of every privately controlled, tax-exempt foundation would have to be disbursed annually for the purposes for which it was organized.

This bill was not a vindictive measure, rather, by encouraging foundations to their original purpose of philanthropy, it was believed that they could carry on the good work for which they were organized, which a large number of foundations have been doing in the highest and best public interest.

H.R. 13270, the result of prodigious efforts by the distinguished members of the Ways and Means Committee included provisions covered in H.R. 7053, the bill which I had introduced on February 18, 1969, but their recommendations varied from those included in my bill.

In reviewing that portion of H.R. 13270 applicable to private foundations, I prepared a brief summary of the recommendations and I would like to include this summary in the RECORD:

SUMMARY OF H.R. 13270 RELATING TO PRIVATE FOUNDATIONS AND TAX-EXEMPT ORGANIZATIONS GENERALLY

GENERAL

Private foundations

a. Permissible activities are substantially tightened to prevent self-dealing between foundations and their substantial contributors;

b. Requires distribution of income for charitable purposes;

c. Limits holding of private business;

d. Assures that activities are restricted as provided by the exemption provisions of the tax laws;

e. Assures that investments are not jeopardized by financial speculation;

f. Taxes investment income at 7½ percent.

Tax-exempt organizations generally

a. Their activities are limited so that they cannot participate in debt financed programs;

b. Extends unrelated business income tax to almost all tax-exempt foundations including churches after 1975;

c. Extends regular corporate tax to investment income of tax-exempt organizations, primarily established for member benefits—such as social clubs, fraternal beneficiary societies and so forth.

SPECIFICS ON PRIVATE FOUNDATIONS

1. Tax on investment income: The Bill imposes a 7½ percent tax on net investment income defined as including interest, dividends, rents and royalties and net capital gain, less expenses incurred in earning such income.

Comment: A question arises as to whether net income from operating a related business is subject to the tax. It is believed legislative history should be developed to clarify this. H.R. 7053 had recommended a 20 percent tax on gross income.

2. Prohibitions on self-dealing: The Bill's provisions are very tightly drawn. Self-dealing standards have been expanded to include government officials as a party to such deals, establishes three graduated levels of sanctions against the self-dealers as well as the foundation manager who willfully engages in them and results finally in taxing all items excluded since 1913. Foundations charters are to be revised to include as a condition of tax-exemption that the foundations be prohibited from self-dealing.

Comment: The Bill is very tightly and effectively drawn and should go a long way towards its eliminating this abuse.

3. Distribution of income: The Bill provides that to avoid tax, private foundations must distribute all income currently, defined as in the year received or in the next year (but not less than 5 percent of investment assets) and to allow for a carry-forward of "excess" distributions. It imposes graduated sanctions on the failure to distribute.

Comment: Distributable net income excludes net-long-term-capital gains. Assets used directly for the foundations' exempt purposes are excluded for determining the 5-percent base. "Private Operating Foundations" a new term, are not subject to these distribution requirements. The Bill as drawn should assure the distribution of income on a current basis.

4. Stock ownership limitation: The Bill limits to 20 percent the combined ownership of corporate voting stock which may be held by a foundation and all disqualified persons. If, however, it can be shown that someone else has control of the business, the 20 percent limit may be raised to 35 percent. Existing excess holdings must be disposed of in 10 years; future excess holdings acquired by gift or bequest in five years. The same general rule applies to partnerships and sole proprietorships.

Certain sanctions starting with a 5 percent tax each year on excess holdings are provided for.

Comment: Except for the 20 percent to 35 percent rule as compared to the 3 percent which H.R. 7053 recommended, there is no comment.

5. Limitation on assets: Present law provides that a private foundation loses its exemption if its accumulated income is invested in such a manner as to jeopardize carrying out its exemption purposes. No such limitation applies to investment of assets.

A 100 percent tax is imposed on the foundation and 50 percent on the foundation manager who knowingly so invests the assets. The tax could be avoided where State Attorneys General take certain actions. Penalty is similar to self-dealing to cover repeated or flagrant violations.

Comment: Good provision.

6. Other limitations: The Bill provides that foundations are forbidden from spending money for lobbying, electioneering (including voter registration), grants to individuals (unless there are assurances that the grants are made on an objective basis), grants to other organizations (unless the foundation is responsible for the use of such funds (by the donee)) or for any other non-exempt purpose. Any improper expenditure is subject to tax. There are certain provisions which do not apply where such activity is supported by five or more foundations and carried on by non-partisan exempt organizations active in at least five states.

Comment: The Bill should effectively limit such activities. Penalties for repeated or flagrant violations, sanctions, and court review are the same as those for self-dealing.

7. Disclosure and publicity requirements: The bill provides that every organization exempt under Section 501(a), whether or not it is a private foundation, is required to file an annual information return except when the Secretary of the Treasury determines this to be unnecessary for efficient tax administration. Additional information is to be shown on the return and provision is made to furnish information to State officials. Failure to file will result in a sanction of $10 a day up to a maximum of $5,000.

No comment.

8. Change of Status: The Bill provides that new exempt organizations must notify the Internal Revenue Service that they claim 501(c)(3) tax-exempt status. This is not required under present law. They also must notify IRS if they claim to be other than private foundations. These requirements do not apply to churches, schools and other specific classes of organizations. Sanctions with respect to changing its status from private to other than private may involve repayment of all tax benefits received. Abatement of the tax is allowable under certain circumstances (i.e.) distribution of its assets to other non-private exempt organizations. Certain other provisions are included which will assist state officials in enforcing the law.

Comment: It is believed, that this will close the presently existing loopholes in filing for and continuing tax-exempt status.

9. Changes in definitions: The definition establishes for the first time a definition of "Private Foundations".

Comment: Desirable.

10. Private operating foundation definition: The Bill defines for the first time a "Private Operating Foundation". These organizations are eligible to receive distributions from other private foundations but are otherwise subject to the limitation imposed upon private organizations.

Comment: This appears to be a desirable feature.

11. Hospitals: The Bill eliminates some of the present ambiguity with respect to hospitals. It provides that hospitals are to be organized and operated exclusively for providing of hospital care and are not included in the term private foundations.

No comment.

Mr. Chairman, it is recognized that because it is a summary, it does not include the thoughtful deliberations on which the committee made its final judgment. Further, there have been a number of recommendations made in the reports published over the years, which have not been considered in H.R. 13270. I believe that these recommendations are still valid and should be given serious consideration when further legislation concerning privately controlled, tax-exempt foundations is contemplated. They are noted in the following list:

Previous recommendations for the regulation and control of privately controlled tax-exempt foundations which are not covered in H.R. 13270

1. Limitation on life of foundations, and/or officers directors and trustees
2. Restricting commercial lending and borrowing.
3. Restricting benefits to a controlled company's employees.
4. Prohibiting solicitation or acceptance of contributions from suppliers.
5. Limiting speculative or trading activity in securities.
6. Denying exemption if foundation formed for tax avoidance or for financial benefit for the contributors.
7. Requiring foundations to publish annual reports available to the public.
8. Requiring the publication annually of a national register of all foundations.
9. Make available for public inspection all matters relating to granting, denial, revocation of tax exemption.
10. Expenditures for television, radio and other news media advertising.

My testimony before the House Ways and Means Committee on February 18, 1969, I believe is important to the deliberations of this body on H.R. 13270. I would like to have it inserted in the Record at this point:

Statement of Hon. Wright Patman, Democrat of Texas, Chairman, Subcommittee on Foundations, Select Committee on Small Business, Before the Committee on Ways and Means on Tax Reform, February 18, 1969

Mr. Chairman, I greatly appreciate your invitation to testify before this committee on the important subject of privately-controlled, tax-exempt foundations.

Today, I shall introduce a bill to end a gross inequity which this country and its citizens can no longer afford: The tax-exempt status of the so-called privately-controlled, charitable foundations, and their propensity for domination of business and accumulation of wealth.

Put most bluntly, philanthropy—one of mankind's more noble instincts—has been perverted into a vehicle for institutionalized deliberate evasion of fiscal and moral responsibility to the Nation.

This has been accomplished by tax immunities granted by the United States Congress. The use of the tax-free status, as I shall amply document, reveals the continuing devotion of some of our millionaires to greed, rather than conversion to graciousness.

Mr. Chairman, when a privilege is abused, it should be withdrawn. And the onerous burdens on 65 million taxpayers demand that Congress curb the tax-exempt foundations which, in unwitting good faith, it helped to create.

Did the Congress intend that foundations use their tax-exempt status to finance the recruiting of college football players? To pay the bills for several years of gay living and partying by twin sisters who befriended an aging millionaire? The foundations fiddle while the small businessman, the farmer, the individual citizen, pay the tax bills—and burn. If the rich care to fritter away their dollars in senseless frivolity, that is certainly their privilege--but Congress has no obligation to give them tax-free dollars at the expense of the rest of the country.

Mr. Chairman, my bill is by no means a vindictive measure; indeed, by encouraging the foundations to return to the original purpose for their existence—that is, philanthropy—they should emerge stronger, not weaker. This new vigor I do not fear, so long as it is exercised in the proper area. Their pained outcries of persecution notwithstanding, I do not seek to destroy the foundations, but to reform them. And I do not single out the foundations for harsh regulation—I simply propose that they be subject to the same economic rules as the rest of America. Equal treatment under the law is perhaps a painful contemplation for some of them, but equal treatment under the law is really what America is all about.

My bill has three features, each of which is directed at a shortcoming discovered during the continuing study which the Subcommittee on Foundations of the House Small Business Committee has conducted since 1962:

(1) Every privately-controlled, tax-exempt foundation would pay a tax in the amount of 20 percent of its gross income, including capital gains. Gross income would be comprised of the following: gross profit from business activities; interest; dividends; gross rents; gross royalties; gain or loss from sale of assets, excluding inventory items; and other income, *excluding* contributions, gifts, grants, etc., received.

(2) A privately-controlled, tax-exempt foundation would not be permitted to own more than three percent of the outstanding shares of any class of stock of a corporation or to own more than a three percent interest in the capital or profits of a partnership.

(3) The net income of every privately-controlled, tax-exempt foundation would have to be disbursed annually for the purposes for which it was organized.

According to the Internal Revenue Service, there are 30,262 private, tax-exempt foundations in the nation. The Internal Revenue Service is responsible for regulating the foundations, but it has been a singularly ineffectual watchdog. For instance, despite the multitude of computers and data-retrieval systems with which it watches the individual taxpayer, the Internal Revenue Service cannot tell the Congress the assets and income of all the foundations it is supposed to supervise. But an indication of the foundations' economic girth comes from the study of 596 foundations by our Subcommittee on Foundations. In 1966 these foundations had a gross income of $1,079,627,732, including capital gains. A 20 percent tax on this income alone would yield the U.S. Treasury some $200 million. Income from the other 29,666 foundations known to the IRS would add to this figure; but, lacking firm data, the exact amount cannot be computed.

Yet, the amount of the tax revenue, significant though it may be, resolves only part of the problem. Another issue before the Congress is the astounding amount of wealth which foundations have managed to spirit away behind the protective walls of tax exemption. And the figure is increasing rapidly, both in terms of income and assets.

The value of the assets of the 596 foundations covered by our Subcommittee's study was 50 percent greater at the close of 1966 than it had been six years earlier, at the end of 1960—$15.1 billion, compared to $10.2 billion. The $15.1 billion valuation is 41 percent greater than the $10.7 billion capital funds (capital, surplus, and undivided profits) of the 50 largest banks in the United States. This massive, systematic diversion of assets into tax-exempt status erodes our nation's tax base, and forces millions of individual citizens and small businessmen to carry a still heavier tax burden.

The statistics on foundation receipts are even more sobering.

The 596 foundations reported total receipts of $559.7 million during the first accounting period for which they submitted data to the Subcommittee (usually 1951). By 1966 the total receipts had increased to $1.3 billion.

The foundations will suffer no injustice from my proposed reforms. Instead, they will finally share with all of us the burden of maintaining our society. If foundations pay their share of taxes, the burden on 65 million taxpayers can be somewhat lessened—the most welcomed charity of all.

One of the questions that turns up frequently in the mail I receive is, "What are the Ford and Rockefeller foundations, the two biggest foundations in the country, really up to?" This question usually stems from the following type of expenditures and is reason for mounting concern over foundation operations:

In fiscal years 1966 and 1967, the Ford Foundation paid out $360,351.26 to four outside law firms. Of this amount, $159,644.73, or 44 percent, was paid to Ginsburg & Feldman, 1700 Pennsylvania Avenue, Washington, D.C.

The Ford Foundation paid out $446,262.46 for public relations in fiscal year 1967.

The Rockefeller Foundation paid $31,546.53 to Earl Newsom & Company, Inc., New York City public relations counsel, in 1967.

The Ford Foundation spent $210,037.38 for outside printing in fiscal year 1967.

As of September 30, 1967, the Ford Foundation had 357 employes in the United States and 920 in foreign countries.

As of December 31, 1967, the Rockefeller Foundation had 211 employees in the United States and 112 in foreign countries excluding nationals hired locally. The Rockefeller Foundation sent 75 percent more money out of the country in 1966 than it spent here. It spent $17.8 million for the benefit of foreign institutions or persons, while individuals and institutions in this country received only $10.9 million.

The Rockefeller Foundation spent half as much just running its New York office—$5.4 million—as it spent throughout the entire nation in 1966. It spent more just running its New York offices—in salaries and the like—than it spent on "benevolence" in New York State and California combined. The Foundation spent $1,693,762 in India, but not a penny in Arkansas. It spent half a million dollars in Uganda, but not a cent in Idaho. It spent more than $1 million in Nigeria, but it could bring itself to spend only $1,000 in Kentucky.

It spent nearly $2 million in Colombia, but it spent nothing at all in South Carolina, or Wyoming, or Maine, or Delaware.

More than $5 million went into the upkeep of its elegant offices in New York, but only $2,374 of its money went into West Virginia.

In fiscal years 1966 and 1967, the Ford Foundation lost $92,496.92 and $100,119.58 respectively in the operation of its cafeteria and dining room, and, of course, the taxpaying restaurant owners in New York City lost over 300 potential customers.

In 1966 and 1967, the Rockefeller Foundation lost $44,456 and $47,176 respectively in the operation of its lunchrooms, and the taxpaying restaurant owners in New York City lost over 200 potential customers here.

I am hopeful that this committee will agree that there is an urgent need to redefine the role of the privately-controlled charitable foundation. Are the giant foundations on the road to becoming political machines? An article in the New York Times of December 23, 1968 says "Ford grants have gone lately for widening voter registration in Cleveland's slums" and are said "to have aided the election of Carl B. Stokes in November 1967."

The Ford Foundation had gross income of $252 million in 1967, $385 million in 1966, and has assets valued at $3–3½ billion. The Rockefeller Foundation had gross income of $53 million in 1967, $42 million in 1966, and has assets valued at $736 million. I need not tell you gentlemen what can happen in a local, state or national election where this kind of money is turned loose, directly or indirectly, in behalf of their favorite candidates.

This committee would do well to scrutinize closely the ventures of the foundations in politics. The Honorable John J. Rooney of Brooklyn, New York can tell you quite a good deal about that. It is alleged that the Ford Foundations' grants for experimental school decentralization in New York helped ignite New York City's longest teacher's strike. Have the giant foundations made or do they plan to make grants that will aid certain candidates to run for National, state and local office? Does the Ford Foundation have a grandiose design to bring vast political, economic and social changes to the nation in the 1970's? Is this what Congress had in mind when it granted tax exemption to privately-controlled foundations?

It has been reported that the Ford Foundation, the Rockefeller Foundation and others have made grants to public servants. This committee should consider the effect on public servants when they are subjected to foundation grants. Will the grantees be critical of their benefactors? Do you want the foundations to make grants to public servants in police departments, health, or sanitation departments? Do you want city employee unions to receive foundation grants?

On July 10, 1968, a story in the Washington Post said:

"The Ford Foundation has offered generous travel grants to various members of Kennedy's Senate staff, including three of the young writers and intellectuals who were important influences on the Senator's philosophical development—Peter Edelman, Adam Walinsky and Tom Johnston.

"The grants are provided under a Foundation program of long standing that seeks to ease the transition from public to private life. They provide up to a year of leisure and freedom from immediate financial concerns."

Subsequently, the Ford Foundation advised us that the following aides of the late Senator Robert F. Kennedy received travel and study awards from the Ford Foundation aggregating $131,069.50:

Jerry Bruno	$19,450.00
Joseph Dolan	18,556.00
Peter Edelman	19,091.00
Dall Forsythe	6,390.00
Earl Graves	19,500.00
Thomas Johnston	10,190.00
Adam Walinsky	22,200.00
Frank Mankiewicz	15,692.00
Total	131,069.50

I have the most heartfelt sympathy for the late Senator Kennedy's associates, but again I ask this Committee, is this what the Congress had in mind when it granted tax exemption to charitable foundations? Were aides of Vice President Humphrey, Senator McCarthy, and Governor Wallace offered similar awards by the Ford Foundation.

As you know, a foundation is exempt from taxation today under section 501(c)(3) of the Code, provided it is organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or education purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office."

In coming weeks, the foundation lobbyists will be emitting predictable cries that they can't "afford" taxation because it would divert funds from their "vital activities" in public welfare, educational and other fields. Let us dispense with this nonsense in a hurry, for the bloated foundations would benefit greatly from forced attendance at a financial weight-watchers' class. If their managements have trouble deciding which "vital" programs should be abandoned because of the 20 percent tax, I direct their collective attentions to several gross examples of foundation foolishness discovered during our Subcommittee's study.

While our cities decay, and while those of us not fortunate enough to merit the tax-exempt status of the foundations pay a 10 percent surtax to keep the nation more or less solvent, the Bollingen Foundation of New York City, a creation of the Mellon banking family of Pittsburgh, spends tax-free dollars on such esoteric research subjects as: "The works of Hugo von Hofmannsthal," "The phenomenology of the Iranian religious consciousness," "The origin and significance of the decorative types of medieval tombstones in Bosnia and Herzegovina."

While the Congress and the Administration searched feverishly for funds to finance essential urban rebuilding programs, the Richard King Mellon Foundation sent $50,000 to Ireland for the "preservation of historical buildings."

While thousands of Puerto Rican youngsters drop out of New York Schools because they can't master English, the Agricultural Development Council, Inc., of New York, one of the 13 Rockefeller-controlled foundations in our study, sends $311,280 to Japan to "improve English language teaching in Japanese schools." The list is seemingly endless—one could call the examples ironic, but I think "tragic" is the better adjective. The shortage of physicians in America is critical, so the Commonwealth Fund of New York sends $208,141 to Canada for medical education.

The fore-mentioned Bollingen Foundation, an organization that seems to specialize in sending thousands of dollars abroad for the development of trivia into nonsense, disbursed $212,113 in foreign grants during the period January 1, 1965–November 15, 1967, including grants for the following:

Archaeological research and preparation for publication of a study relating to the remains of rural chthonic traditions which existed in Europe during the Middle Ages—$4,500.

Completion of study of a Roman mystery cult of the second and third century, A.D.—$5,000.

Acquisition of data on important proto-historic entrepots and on maritime activities of peoples of Southeast Asia in proto-historic times—$3,000.

Congress certainly cannot complain if the entire Mellon banking family assembles in one of their Pittsburgh mansions each evening for a round-table discussion on the origin and significance of the decorative types of medieval tombstones in Bosnia and Herzegovina. If the Mellons are more interested in medieval tombstones than in Pittsburgh poverty, and care to spend their money studying 12th and 13th Century church construction, that is the Mellons' affair. However, there is no obligation upon either the Congress or the American citizenry to give the Mellons tax-free dollars to finance their exotic interests.

In sum: The foundation programs contain ample fat that could and should be trimmed, and the Federal government can find better uses for the money than studies of medieval tombstones.

Grants to governments by U.S. foundations are not without precedent. The Ford Foundation, for example, made direct grants (in U.S. dollars) to at least 25 foreign governments during the period January 1, 1965–September 30, 1967: United Arab Republic, Government of Jordan, Government of Lebanon, Republic of Zambia, Government of Northern Nigeria, Federal Republic of Nigeria, Government of Midwestern Nigeria, Government of Eastern Nigeria, Government of Pakistan, Government of West Pakistan, Government of East Pakistan, Government of India, Republic of the Ivory Coast, Syrian Arab Republic, Republic of Iraq, United Republic of Tanzania, United Mexican States, Government of Kenya, Republic of Tunisia, Government of Antigua, Federal Republic of Cameroon, Government of West Bengal, Republic of Chile, United States of Brazil, Government of Nepal.

Thus far, the relationship between the tax exempt foundations and the United States Government has been a one-way street—with the foundations doing all the "gittin." For example, three of the Rockefeller-controlled foundations have received Federal funds totalling at least $16 million during the past 13 years, in part from the Agency for International Development.

Our review of the records of 25 of the 596 foundations under study shows that 22 of those 25 foundations disbursed grants abroad in dollars, totalling $70.4 million, purchased foreign securities costing $91 million, and sent $15.2 million to foreign branch offices during the period January 1, 1969–November 20, 1967. Translating this into hardships imposed on our tourists, the aggregate outlay of $176.6 million is equal to the amount of duty-free goods that 1,766,000 Americans would be permitted to bring into this country at $100 a person.

The second part of my reform bill is directed at the use of foundations to dominate businesses and to escape estate taxes. Through their domination of numerous corporations, the foundations wield a significant—and unchecked—weight in the American economy.

The progressive development of thousands of foundations through gifts of corporate stock illustrates the increasing flow of formerly taxable income into these cozy tax shelters. In the hands of the foundations, the dividends, of course, go untaxed, and our tax base is further eroded.

The tax-exempt foundation has long been used by many of our millionaires as a loophole which enables them to avoid Federal estate taxes and thus keep their businesses and large fortunes intact. The late Secretary of the Treasury Andrew Mellon used a charitable foundation to avoid estate taxes on his multimillion dollar estate. The Ford Foundation was created to reduce the taxable estates of Henry and Edsel Ford, and to enable their heirs to avoid having to sell Ford Motor Co. stock to meet estate taxes. Thus the Ford Foundation was given more than 90 percent of the equity in Ford Motor Co.

Substantial portions of the great fortunes of men who profited by the enormous expansion of American business continue to find their way into tax-exempt foundations. These foundations have already passed and will continue to pass—by right of inheritance—to the control of heirs or their trustees. This enables a few individuals to control ever increasing tax-exempt wealth.

Here are a few conspicuous examples of prominent Americans who have died in recent years and whose personal foundations will receive at least $293.4 million, which will, of course, escape estate taxes.

[In millions of dollars]

Donor	Donee	Approximate amount that will pass to the Foundation valued as of date of death
Archibald G. Bush, St. Paul, Minn	The Bush Foundation, St. Paul, Minn	$118.0
Henry R. Luce, New York, N.Y	Henry Luce Foundation, Inc., New York, N.Y	68.0
Arthur Vining Davis, Pittsburgh, Pa	Arthur Vining Davis Foundation No. 2, Pittsburgh, Pa	15.0
Do	Arthur Vining Davis Foundation No. 3, Miami, Fla	30.0
George Gund, Cleveland, Ohio	The George Gund Foundation, Cleveland, Ohio	20.0
Mr. and Mrs. Stephen Currier, New York, N.Y	Taconic Foundation, New York, N.Y	20.0
Billy Rose, New York, N.Y	Billy Rose Foundation, Inc., New York, N.Y	20.0
Walt Disney, Los Angeles, Calif	The Disney Foundation, Los Angeles, Calif	2.4
Total		293.4

The trend to shift the wealth of America's richest families into tax-exempt foundations and trusts represents a gigantic loophole in our tax laws. This is an area urgently needing reform.

Stanley S. Surrey, former Assistant Secretary of the Treasury for Tax Policy, is reported to have said in a speech on February 23, 1967: "The present resort of tax and business planners to the creation of a private foundation to hold the stock of a business enterprise so as to perpetuate the family control of that enterprise is a complete distortion of the policies and philanthropic motivations that underlie the tax benefits granted charitable contributions and charitable institutions." I agree emphatically with Mr. Surrey's statement, and urge that Congress put an end to this distortion.

Increasing numbers of foundations hold substantial interests in commercial enterprises. Of the 596 foundations under study by our Subcommittee, 136 held stock in 288 corporations at the close of 1966, in amounts ranging from five to 100 percent of the outstanding shares of at least one class of stock. The carrying value of those shares was $2.5 billion, the estimated market value $4.9 billion. Even the latter figure is most likely an understatement, however, because in many instances the securities were in closely-held companies that are not traded. A prime example is the James Irvine Foundation, of San Francisco, which owns 53 percent of the Irvine Co., which in turn owns 88,000 acres of suburban Los Angeles, almost one-fifth the land area of Orange County. The land is reportedly valued at $1 billion—but the Foundation carries the Irvine Company stock at $2.

Here is a sampling of some nationally-known companies that had substantial links with tax-free foundations at the end of 1966:

B. Altman & Co. (New York)—95 percent of the capital voting stock owned by Altman Foundation, New York City.

American Chain & Cable Co., Inc.—17 percent of the capital voting stock owned by Wm. T. Morris Foundation, New York City.

American National Insurance Co.—35 percent of the common voting stock owned by the Moody Foundation, Galveston, Tex.

Cannon Mills Co.—16 percent of the common voting stock owned by the Cannon Foundation, Inc., Concord, N.C.

Coca-Cola International—16 percent of the common voting stock owned by Emily & Ernest Woodruff Foundation, Atlanta, Ga.

Dana Corp.—17 percent of the common voting stock owned by the Charles A. Dana Foundation, Greenwich, Conn.

Duke Power Co.—57 percent of the common voting stock owned by Duke Endowment, New York City.

Federal Cartridge Corp.—100 percent of the common voting stock and 100 percent of the preferred nonvoting stock owned by Olin Foundation, Inc., New York City.

Ford Motor Co.—100 percent of the class A nonvoting stock owned by the Ford Foundation, New York City.

W. T. Grant Co.—10 percent of the common voting stock and 8 percent of the preferred nonvoting stock owned by the Grant Foundation, Inc., New York City.

Great Atlantic & Pacific Tea Co., Inc.—34 percent of the common voting stock owned by John A. Hartford Foundation, Inc., New York City.

H. J. Heinz Co.—17 percent of the common voting stock owned by the Howard Heinz Endowment, Pittsburgh, Pa.

Hughes Aircraft Co.—100 percent of the common voting stock owned by the Howard Hughes Medical Institute, Miami Beach, Fla.

Hunt Foods and Industries, Inc.—8 percent of the common voting stock owned by the Norton Simon Foundation, Fullerton, Calif.

Irvine Co.— 53 percent of the common voting stock owned by the James Irvine Foundation, San Francisco, Calif.

Kaiser Industries Corp.—15 percent of the common voting stock owned by the Henry J. Kaiser Family Foundation, Oakland, Calif.

Kellogg Co.—Approximately 51 percent of the common voting stock owned by W. K. Kellogg Foundation Trust, Battle Creek, Mich.

S. S. Kresge Co.—22 percent of the capital voting stock owned by Kresge Foundation, Detroit, Mich.

Eli Lilly & Co.—24 percent of the common stock owned by Lilly Endowment, Inc., Indianapolis, Ind.

McDonnell Aircraft Corp.—7 percent of the common voting stock owned by the McDonnell Foundation, Inc., St. Louis, Mo.

Merrill, Lynch, Pierce, Fenner & Smith, Inc.—17 percent of the common voting stock owned by the Charles E. Merrill Trust, New York City.

Miller Brewing Co.—47 percent of the common voting stock owned by De Rance, Inc., Milwaukee, Wis.

Ralston Purina Co.—20 percent of the common voting stock owned by the Danforth Foundation, St. Louis, Mo.

Rohn and Haas Co.—19 percent of the common voting stock owned by the Phoebe Waterman Foundation, Philadelphia, Pa.

Sahara Coal Co., Inc.—36 percent of the preferred nonvoting stock and 24 percent of the common voting stock owned by Woods Charitable Fund, Inc., Lincoln, Nebr.

Sun Oil Co.—22 percent of the common voting stock owned by the Pew Memorial Trust, Philadelphia, Pa.

Timken Roller Bearing Co.—10 percent of the common voting stock owned by the Timken Foundation of Canton, Ohio.

United States Sugar Corp.—48 percent of the common stock owned by Charles Stewart Mott Foundation, Flint, Mich.

Wieboldt Stores, Inc.—91 percent of the 6 percent cumulative preferred voting stock owned by Wieboldt Foundation, Chicago, Ill.

My bill, by limiting foundation holdings to more than three percent of any class of shares, would make it more difficult for our millionaires to bypass the tax collector by handling their intact estates over to tax-free captive foundations. The estate tax—was a Congressional declaration of public policy—the use of tax-exempt foundations to avoid estate taxes is a violation of that public policy, and should be halted.

My constituents in East Texas have a bitter truism: "Them that has, gits." When speaking of the foundations, one can add two more words: "Them that has, gits, and keeps." And it is to be proclivity of some foundations for hoarding money, rather than distributing it, as they are supposed to do, that the third section of my reform bill is directed. The tax returns of the 596 foundations under study by our Subcommittee indicate they had accumulated (meaning unspent) income of $1.9 billion at the end of 1966. At the end of the first accounting period for which they submitted data to our Subcommittee (usually 1951), their unspent income totalled only $364 million.

My solution is straightforward, and simple: The foundations were created to spend, not to hoard and grow—thus Congress should require them to spend, annually, their net income, and for the purposes for which they were organized.

The foundation problems are far more numerous and serious than Treasury officials have been willing to admit publicly. During our Subcommittee's 1964 hearings, I made the following statement, in part:

"The Secretary of the Treasury has testified that it is the Treasury's duty to be alert to all possible violations of law. The Secretary also says (1) he does not consider it proper for a foundation to engage in insider's stock deals, stock price manipulations, short sales, margin trading, speculation in commodity futures, or to act as an unregulated source of stock market credit, and (2) the SEC should be alerted to the possibility of a foundation's involvement in insider deals and stock price manipulations.

"Yet, testimony before this Subcommittee indicates the following:

"The IRS does not examine foundations to determine whether they are violating any Federal securities laws—including those relating to insider's stock deals, stock price manipulations, and unregulated sources of stock market credit.

"The IRS has not collected any information, as to the extent that foundations are involved in speculation and trading on margin.

"The IRS has not collected any data on the involvement of foundations in corporate proxy fights.

"The IRS does not examine foundations to determine whether their foreign operations may be in conflict with Government policies.

"The IRS does not examine foundations to determine whether the foundations are channeling income and corpus in a direction that may hurt competitors and investors.

"The IRS does not examine foundations to determine whether they are being used as a device for engaging in various trade practices which might be in violation of certain statutes administered by the Federal Trade Commission or the Antitrust Division.

"Few of the persons in the IRS who examine foundation tax returns would be sufficiently familiar with the antitrust law to know whether the practices as cited may violate Section 5 of the FTC Act or the Sherman Act.

"The IRS does not examine foundations to determine whether there is a conflict of interest between the duties of a foundation's directors or trustees and their interests as officers, stockholders and employees of business corporations whose stock is controlled by the foundation.

"The Acting Commissioner does not know of any cases where compensation of officers, directors or trustees among the large foundations has been unreasonable or unjustified. Yet, Mr. Benson Ford received $15,000 for attending three meetings of the Ford Foundation.

"The IRS does not review a foundation's individual charitable donations.

"The IRS has no rule of thumb regarding the percentage of income that a foundation must spend for the purpose for which it was granted tax exemption.

"The IRS does not examine foundations to determine whether contributions are being made to the foundations by persons or organizations that supply goods or services to companies interlocked with the foundations.

"The IRS does not know how much money was spent overseas by U.S. foundations in 1963.

"The IRS does not examine foundations to determine whether they are making loans overseas that may be contributing to our balance of payments problem

"This is the most impressive record of do-nothing that I have seen in my 36 years in Congress."

I regret to say that those observations are just as pertinent today as they were in 1964.

The fact that foundations are exempt from taxation does not mean that they are exempt from other Federal laws. Hence, antitrust law, FTC law, SEC law, etc. are applicable to foundations.

It is, of course, possible for a foundation to be used as a device for engaging in various trade practices which may be a violation of certain statutes administered by the Federal Trade Commission or the Antitrust Division. For example, contributions may be made to a foundation by (1) persons or organizations that supply goods or services to companies interlocked with the foundations, or (2) from persons or organizations that buy goods or services from companies interlocked with the foundation. The point is that if the company that is interlocked with a foundation is doing business and by a contribution to the parent foundation they get the business because of that interlock, they are obviously getting an advantage. This is one of the things that the Ways and Means Committee should consider in drafting a self-dealing law.

In other words, a contribution can be made to a foundation for a business purpose rather than an eleemosynary purpose. For example, under the Robinson-Patman Act, business concerns are prohibited from making disproportionate discriminatory discounts to particular buyers if the effect might be to substantially lessen competition or tend to create a monopoly. Hence, contributions to a foundation can be a method of getting around this provision of law.

Also, there is the business practice known as reciprocity, which may violate the antitrust laws. It involves tacit or actual agreement to do business with a firm if it reciprocates and gives business in return. Foundations may be parties to reciprocity arrangements. For example, a business affiliated with a foundation may say to one of its suppliers, "I will buy from you if you will contribute to such and such a foundation" or, "if you buy from me, such and such foundation will make you a business loan at favorable terms".

Our study indicates that many business suppliers and buyers have made sizable contributions to foundations controlled by customers. For example, we know that a number of suppliers of the Hilton Hotel chain are contributors to the Conrad N. Hilton Foundation, of Los Angeles. Mr. C. N. Hilton, Jr., Secretary of the Conrad N. Hilton Foundation, has acknowledged that, during the fiscal years ending February 28, 1952 through February 28, 1963, 29 donors—who were suppliers of goods or services to Hilton Hotels Corporation or its subsidiaries—made contributions to the Conrad N. Hilton Foundation in the amount of $61,695.18.

Does not this kind of situation appear to raise the specter of business reciprocity—We will buy from you if you contribute to our foundation?

If so, does it not raise a number of serious antitrust problems? Specifically, may it not involve a possible violation of the Robinson-Patman Act because it involves the inducement of discriminatory prices?

Or may it not involve a violation of Section 5 of the FTC Act as have other instances of business reciprocity because they involve "unfair methods of competition"?

Here is another case that we discussed in our hearings. The Rogosin Foundation, of New York City, is controlled by the Rogosin family. The Rogosin family has also dominated Beaunit Corporation (formerly Beaunit Mills, Inc.), Rogosin Industries, Limited, and Skenandoa Rayon Corporation.

On December 31, 1952, the Foundation held 33⅓ percent of the nonvoting preferred stock of Beaunit Mills, Inc. (carrying value $2.7 million) as well as 5 percent of the common voting stock of the same corporation (carrying value $1.9 million).

Beaunit Mills, Inc. manufactures synthetic yarn, knits and weaves fabrics, and manufactures intimate apparel. The Goodyear Tire and Rubber Company of Akron, Ohio, has been a buyer of tire-cord yarn from Beaunit Corporation.

In March 1952, Goodyear made a cash donation of $150,000 to the Rogosin Foundation. Additionally, on March 10, 1952, Goodyear loaned $2.5 million to the Rogosin Foundation at 4 percent interest. The loan was to be paid off in installments due January 3–August 15, 1953, January 3–August 15, 1954, and January 3–August 15, 1955. According to the Foundation, payments on the loan were made on August 15, 1953, August 15, 1954, and August 15, 1955.

The Foundation states that it used the $2.5 million loan to purchase from Beaunit Mills, Inc., 30,000 shares of the latter's preferred stock. An identical number of shares of Beaunit Mills, Inc., preferred stock was pledged by the Foundation as collateral for the loan.

So, here we have the question as to whether this arrangement involves a price discount from Rogosin to Goodyear, for which Goodyear, the buyer, compensated Rogosin by making a contribution to the Rogosin Foundation. If this were the case, would it not seem to raise both tax and antitrust problems. First, it is a method whereby the buyer compensates the seller by making a tax deductible contribution to the Rogosin Foundation? Second, would not this practice, at best, be a distortion of the pricing and exchange process in a free enterprise economy? Third, might not this practice actually involve, (a) a violation of the Robinson-Patman Act because it involved discriminatory pricing, or (b) a violation of section 3 of the Federal Trade Commission Act because it is an unfair method of competition? Additionally, of course, Goodyear was acting as a source of unregulated credit.

Then there are the possible antitrust problems—actual or potential conflict of interest situations—that may stem from situations where board members of foundations also sit on the boards of business firms that compete with each other. As we all know, Section 8 of the Clayton Act provides that no person shall be a director of two or more competing corporations. Now, that Act does not apply to indirect interlocks, such as when a foundation has two board members, one of whom is also a board member of corporation A and the other member is on the board of corporation B (a competitor of A). While there is nothing illegal about such an arrangement under Section 8, there could be a special public interest problem when a foundation established for eleemosynary purposes becomes a vehicle for such indirect interlocks which might affect competition.

Here is another area that this panel should explore. Does a businessman in government pose a greater potential conflict of interest than the officials of foundations in government—such as, for example, McGeorge Bundy, President of the Ford Foundation, whose overlords, the Ford family, have immense commercial interests throughout the world, including the Middle East? It seems to me a bit inconsistent for the Congress to require a businessman to completely eliminate potential conflict of interest when, at the same time, it permits Mr. Bundy to wander in and out of the Government while retaining his $65,000 annual salary from the Ford Foundation. This was the case in June 1967 when Mr. Bundy became Executive Secretary to the National Security Council Committee on the Middle East.

Now, to turn to the stock market—there is ample evidence that many foundations are actively trading in the market with substantial portions of their funds. Judging from the content of their portfolios and the frequency of turnover, many foundations are concerned less with equity yields and inflationary trends than they are with the lure of capital gains to swell their principal funds. I might add that former Secretary Dillon testified that he shares my view that speculative gains for charity are not worth the risk of speculative losses, and that he knew of no case where directors or trustees of a foundation have reimbursed the foundation for losses incurred in speculation.

One of the operations that should be subjected to the close scrutiny of this committee is that of the private pooling of investments by some foundations—in other words, the pooling of capital to trade in the stock market. For example, some of the Rockefeller foundations have informed us that they have a joint investment staff of 16 persons, not including secretarial, headed by Mr. J. Richardson Dilworth, which provides investment services with the cost shared by the various Rockefeller participants.

Does this not raise some potential problems—the possibility of speculative tactics, the possibility of a conflict of interest, the possibility of huge buying power that will have a strong impact on the prices of stock they deal in?

Secretary Dillon also testified that a foundation can be a source of unfair competition arising from active use of foundation assets by donors or trustees for private business ends, and that there are an infinite number of ways in which foundation assets or income can be used for the preferment of one set of private persons over another. The Secretary agreed that (1) foundations' money-lending activities put them into unfair competition with private lenders and also give the foundations an element of influence over a wide range of business ventures, and (2) such activities may present problems, such as preferential rates of interest. All this is made possible by the fact that, at present, the only restraint on a foundation's money-lending appears to be that loans must carry a "reasonable" rate of interest and adequate security, and that nothing prevents the foundation from making loans to its founder or his family, the businesses under his control, or a donor.

I conclude with this thought: There is something fundamentally wrong in conditions which make such acquisition of economic power possible, and which tolerate its continuation. And it is the responsibility of Congress to correct those conditions.

I am indeed grateful for the opportunity to appear before this distinguished panel. Thank you very much. You may be assured that our Subcommittee will do everything possible to cooperate with the Committee on Ways and Means. I have informed Chairman Mills that we will be delighted to loan our records and our staff to the Committee on Ways and Means whenever it wishes.

Mr. HANNA. Mr. Chairman, 4 weeks ago the House passed the measure to extend the 10-percent surcharge for 12 months. At that time I opposed the 12-month extension of the surtax. I based my opposition to this extension on two factors.

First, my belief that progress toward the adoption of a meaningful tax reform package should be guaranteed before any further steps were taken to extend or increase the tax burden now levied on America's overtaxed middle-income taxpayers. It was my judgment that we had for too long considered tax reform and tax increase as two separate matters. I believed that before further increases were made in our tax rate, progress had to be made in eliminating the evident inequities which exist in our tax structure. I mentioned only a few of the loopholes. I referred to the favorable treatment which is accorded foundations. Attention was brought to the fact that several hundred taxpayers with gross incomes ranging around $1 million had paid no Federal income tax during the last tax year. Note was made of the fact that the charitable deductions provisions were slanted to give unduly favorable treatment to the wealthy. In short, it was my considered opinion that our tax structure as it stood was so archaic—so badly in need of revision—that a thoroughgoing overhaul of the tax structure was necessary before the House voted to extend the surtax.

Second, I indicated my belief that an adequate case had not been made for a 12-month extension. I felt at that time and still do today that a 6-month extension would provide a sufficient time to enable both the House and the Senate to adopt a meaningful reform measure. Indicating my willingness to support a 6-month extension, I was reflecting my genuine concern that the pressures of inflation which are all too evident at this time coupled with the need to increase Government revenues to offset heavy defense spending necessitated a continuation of the fiscal restraint which the surcharge measure indicated. However, it was my judgment, that a 6-month extension would provide sufficient time to determine whether or not other Government policies of restraint would be sufficient to ameliorate the inflationary problem.

Today, I find that the two circumstances which I had set out as preconditions to my support for any tax extension measure have been met. My first condition was met when a meaningful and far-reaching tax reform measure was reported by the House Ways and Means Committee. It will be voted on this week. I am, in general, very well pleased with the provisions of this bill. It is my opinion that it is the most far-reaching and most effective tax reform measure to be reported in over three decades. I believe that there can be little doubt that the House will pass the tax reform measure when it comes to a vote Thursday. Moreover, the developments in the Senate in recent weeks make it clear that a tax reform measure of similar magnitude will pass that body too. My second condition is met by the 10-percent surtax extension which is before the House at this time and which extends the surtax for only 6 months. As I indicated when I opposed the 12-month extension, I would support a 6-month extension if an extension were coupled with the assurance of tax reform. Both of the conditions have been met.

In closing, let me make clear the fact that I do not support the provision of the measure which will be reported today which would extend the surtax at the rate of 5 percent for an additional 6 months beginning on January 1, 1970. It is my judgment that the issue of whether or not there is a legitimate need for further tax extension can be adequately dealt with when the need is documented. It is not at all clear at this time whether or not added tax restraint will be needed beyond the first of the year. There are some indications that the economy is beginning to approach a leveling off in the rate of inflation. I would hope that this is true. Above and beyond my hope, I do not feel that we should legislate in this period of ignorance. The best we can do at this point is to speculate about the future. Recent actions by the House and Senate make it very clear that it is possible for the Congress to move fast and effectively on tax policy. Therefore, I would suggest to my colleagues that it is inappropriate to consider any extension of the surtax beyond January 1. Should, of course, a good case be made for further extension, then that case can be considered the first of the year when the 10-percent surtax will otherwise expire.

Mr. BOLAND. Mr. Chairman, the Tax Reform Act now before the House contains more than 80 pages dealing with foundations. Much of what the Ways and Means Committee has reported to the floor is excellent and will deal with the critical and flagrant abuses—self-dealing and manipulation of foundations for private gain—that have marked the operations of some small, personal foundations in the past. Most of the legislation dealing with foundations is constructive and much needed.

However, several of the provisions dealing with the private philanthropic foundations and their role in American society, are matters of great concern. I am speaking today because I fear that, perhaps inadvertently, some provisions of the Tax Reform Act will lead to an erosion of a deep and vital tradition in American life, the principle of private social initiative. The Congress certainly has the right and obligation to inquire into the operations of American philanthropic operations and to enact legislation to insure that the foundations continue do what they are supposed to do for our country—apply private wealth for the public good. But in enacting such legislation the Congress has a responsibility to exert careful regulation while avoiding either intended or unintended punitive action. This, I am afraid, we may have done in the case of several provisions which I will discuss in a moment.

However, I should first like to talk generally about the unique and vital role which private foundations play in American life. In doing so, it is necessary to sweep away some of the mythology and misinformation that has grown up about American foundations. Some of this has grown up in recent years as a result in part of unwise decisions and actions taken by the foundations themselves.

One of these myths is that foundations represent dangerous concentrations of social and economic power. The Treasury Department's report on private foundations in 1965 dealt with this matter and found that it lacked factual basis. The evidence is clear—indeed, obvious—that foundations do not constitute a menacing complex of institutional power.

Another myth is that American foundations are great reservoirs of money.

The assets of all American foundations total some $20 billion. This is a large sum, to be sure, but if we compare it against the great problems that foundations address, that sum begins to shrink. For example, foundations are deeply engaged in efforts to advance the quality and extent of education at all levels. Yet even if all their assets were applied to education, they would equal about one-third of national education expenditures for just 1 year. To put the matter of scale in even sharper perspective, let me note that I have spoken so far of the assets of foundations; the annual income available for foundations to disburse comes to $1 billion. In fact, even within the total field of private philanthropy, foundations provide a relatively small percentage, only 8 percent. The greatest philanthropist still is the individual citizen who accounts for nearly 80 percent of all donations.

The impact, uniqueness, and value of foundations lie not in their size but in the way they operate—as creative forces that exert enormous leverage for progress in human affairs. This does not apply, of course, to every foundation in the United States. There are, after all, some 20,000 of them.

And, most foundations, though quite law abiding, are little more than incorporated channels for giving by individuals. But they account for a quite small proportion of the field, both in assets and influence.

More than two-thirds of all foundations assets are held by a relative handful, perhaps 200 of the general purpose foundations—those whose governing concept is the identification of problems important to American society and the support of efforts toward their solution. These few hundred are the leaders in the field. They include of course the foundations whose names have become household words—Carnegie, Rockefeller, Ford, Kellogg, Lilly, Old Dominion, Sloan and Guggenheim. But among these are also such professionally managed and socially productive institutions as the Falk Foundation in Pittsburgh, the Babcock and Reynolds Foundations of North Carolina, the Hill Foundation in Minnesota, the Kettering and Beaumont Foundations in Ohio, the Meyer Foundation here in Washington, the Mott Foundation in Michigan, the Rosenberg Foundation in California, and dozens of others.

Another myth that has surrounded foundations is their untouchability—that since they are under nobody's control they are accountable to no one and free to do mischief as well as good, to engage in folly as well as high purpose. This myth has intensified, I believe, because we are drifting in this country toward a mistaken definition of accountability. We more and more believe that to be accountable an institution must be regulated by Government.

One reason foundations have been able to do so much is precisely because they enjoy an unusual degree of freedom of action and of inquiry. That permits them to respond to changed conditions and needs, to venture down unfamiliar paths when there seems to be a promise of an important result to society. They are, after all, private institutions, established with private wealth. Nonetheless, the best of them—the vast majority of the leaders I spoke of earlier—recognize large public responsibilities. In effect, they see themselves as quasi-public. Thus, many leading foundations go well beyond the legislative requirements of reporting and public disclosure of their activities. And sections of the bill now before us, such as those involving grants to individuals, would add new requirements for reporting and public disclosure, designed to avoid abuses.

Furthermore, foundations have widely representative boards of trustees, men and women of unquestioned dedication to public service and enviable records of judgment and accomplishment. The presence on the boards of foundations of such trustees as Roger Blough, Amory Houghton, F. R. Kappel, Ralph J. Bunche, Elliot V. Bell, Philip D. Reed, Detlev Bronk, Barry Bingham, C. Douglas Dillon, Lee A. DuBridge, George D. Woods, Robert McNamara, Frederick Seitz, Devereaux C. Josephs, Lucius D. Clay, Lewis W. Douglas, Caryl Haskins, Harding Bancroft, John Cowles, Gabriel Hauge, Robert F. Goheen, Arthur Dean, Father Theodore M. Hesburgh, Whitney North Seymour, Erwin D. Canham, Francis Biddle, JONATHAN B. BINGHAM, Arthur F. Burns, David E. Lilienthal, Luis Muñoz-Marin, and Charles P. Taft constitute a powerful assurance that foundations will act responsibly and will be accountable in the broadest sense to American society. Foundations are also open to review by the press, and their performance undergoes continuing "market evaluation" by academic and community institutions that cooperate with them. Those institutions are perhaps the most informed judges of the worth and effectiveness of foundations.

As the president of one foundation has said—

> Philanthropy is an act of trust. It involves three parties—the giver, the receiver, and the public. The giver trusts the integrity and purpose of the receiver, the receiver in turn trusts the giver's obligation to respect his independence, and lastly the public trusts that this transaction is motivated solely by the desire to serve the common welfare.

And finally, Congress does have and has exercised, ever since 1915, the right to inquire into activities of foundations. Leading foundations, indeed, welcome responsible congressional inquiry. It gives them a rare opportunity to respond to public curiosity and to explain their own ways and means in the highest representative forum in the land. And this is as it should be. The foundations have an obligation of candor, and in such periodic inquiries the Congress has its own obligation to hear from all sides within and without the foundation field.

The foundations themselves have taken measures in the past to insure greater public understanding and to increase their accountability.

They have established a documentation center that encourages and assists foundations to report publicly on their activities. Several hundred of the larger community and family foundations have formed a council to share technical assistance and professionalize their operations.

And currently foundations are cooperating with an independent private commission of distinguished men that is conducting a large-scale inquiry into the role of foundations, the Peterson Commission, among whose members is our distinguished former colleague, Thomas B. Curtis. The Commission is expected to file its report later this year. Foundations large and small have gone to extraordinary effort not only to respond to the large-scale periodic congressional inquiries but also to share their experience and talent with congressional committees and executive agencies on an array of special problems in education, public health, the arts, population, and many other fields.

The most pervasive myth of all is that foundations are little more than tax dodges. The corollary, of course, is that foundation funds are really public funds. The cynics and critics who use this myth to undermine foundations or to treat them as just another agency of Government misread both the historical antecedents of American philanthropy and the present function of foundations. This approach also runs counter to a profound tradition of which the modern American foundation is perhaps the crowning example. That tradition—as old as mankind itself—is the impulse to help one another. No society has a monopoly on this fundamental human inclination. We ascribe it to the Judeo-Christian ethic because that is the wellspring of our civilization. Indeed at least one historian has noted that some Europeans regarded the very settlement of the American continent as an act of philanthropy. The charitable impulse arrived in this country as early as the first settlers. One of the real founders of American philanthropy was the Puritan leader John Winthrop of my own State who preached a classic sermon titled "A Model of Christian Charity" as his company sailed toward New England in 1630.

Said Winthrop:

> In this duty of love we must love brotherly without dissimulation, we must love one another with a pure heart, fervently, we must bear one another's burdens, we must not look only on our own things but also on the things of our brethren.

The seed of American philanthropy was nurtured by William Penn, Cotton Mather, Benjamin Franklin, Benjamin Rush, Peter Cooper, and hundreds of others who demonstrated concern for their fellow man even while fashioning a new nation as rugged, independent men.

But something distinctive happened to philanthropy on these shores. Our generosity has gone beyond charity. Our concern for the poor and the afflicted and for general social ills has sought to reach beyond the dole, beyond palliatives, and into root causes and out to lasting remedies and effective preventatives. The purpose of our philanthropy has become nothing less than the affirmative promotion of the welfare, happiness, and culture of mankind.

Moreover, while we have continued to place great reliance on individual generosity we have consciously institutionalized the philanthropic impulse as a matter of public policy. The American genius for organization has fussed with the deep charitable tradition into a form that is the wonder and envy of far older civilizations.

The second great tradition embodied in the contemporary foundation is the diversity of American life. Our strength springs from many wells. We have cherished the multiple roots of our population and we place a high value on a multiplicity of effort. Government has grown in scale and extent of interest far beyond the design of our Republic's founders, but we still look to private initiative for some of our most important work. This habit does not so much bespeak a fear of massive and overweening government. That is only part of it. Principally it reflects our deep conviction in the positive advantages of variety and competition in social, education, scientific and cultural matters, our deep belief that the sum of many parts is far richer than a single whole, enlarging the area for choice in approaches, concepts, and values.

This technique of social progress through cooperation rather than by total Government control and involvement attracted the comment of that most astute foreign observer, Alexis de Toqueville. Upon returning to France in 1830, he wrote:

> The Americans are the most peculiar people in the world. You'll not believe it when I tell you how they behave. In a local community in their country a citizen may conceive of some need which is not being met. What does he do? He goes across the street and discusses it with his neighbor. And then what happens? A committee comes into existence and then the committee begins functioning on behalf of that need and, you won't believe this but it is true. All of this is done without any reference to any bureaucrat, all of this is done by private citizens, on their own initiative.

While both the range of Government grew and the complexity of our social problems grew enormously in the ensuing century, belief in the value of private effort for the common good persisted. Abraham Flexner, one of the philanthropic statesmen of this century summed it up as follows:

> The level of a civilization can perhaps be measured by the extent of private initiative, private responsibility, private organization in all the fields open to human culture.

Every town and city in this country is richer for the effort of the hundreds of thousands of private organizations that carry forward the philanthropic impulse—the Boy and Girl Scouts, the 4-H Clubs, the Red Cross, the YMCA, the YWCA, and the YMHA as well as organizations devoted to the conquest of disease, the American Heart Association, the American Cancer Society; the great organizations that have grappled with severe problems of racial anguish, the National Association for the Advancement of Colored People, and the National Urban League, the Urban Coalition, and others. Add in the important scientific and scholarly organizations whose patient painstaking work in the quiet of laboratories and libraries yield over time the basic knowledge and insights that enrich us all—the Brookings Institution, the National Bureau of Economic Research, the American Council of Learned Societies, the Social Science Research Council, the Council on Library Resources, Resources for the Future, the Nature Conservancy, and many others, to say nothing of the great private colleges and universities, many in my own State. All these contribute to the vigor of American society as surely as the wealth of our mines, fields, and factories.

The purpose of foundations is not material profit, but, rather the advancement of human well-being, and so they are tax-exempt organizations. However, the heavy burden of taxation on individuals has aroused strong pressures for relief and reexamination of basic premises, including the whole field of exemptions. I strongly support tax reforms.

But in the process we must guard against unwittingly destroying or damaging sources of wealth that no amount of tax revenue can replace. If in the desperate search for tax relief we somehow circumscribe the great nonprofit sector, we should first carefully calculate whether the taxpayer will not in the long range suffer consequences far heavier than the amount by which his burden may be lightened.

We take philanthropy so much for granted that the danger of miscalculating for a short-term fiscal or political advantage is great. Foundations are a perfect case in point. They have been taken for granted because they work on fundamental problems, and the results of their efforts are better measured over the years and decades than by daily headlines.

Some foundations work so unobtrusively that the field has acquired an unfortunate reputation for a reticence that is sometimes even mistaken for secretiveness. Leaders in the foundation field have of late realized that they must strike a better balance between the need for public accountability and a reluctance to appear to be self-serving. My own view is that the public ought to know more about the distinguished record of foundation contributions to the public well-being. For example, with the exceptions of hearing reference to the Carnegie libraries and the Rockefeller work in eliminating rural disease, our schoolchildren learn little of the unique and rich role of foundations in American life.

We need to take inventory and remind ourselves of the contributions initiated by American foundations for the last century and down to the present. The most cursory glimpse discloses such landmarks as—

Thorough reform of medical education;

The national merit scholarship program to help talented students get a college education;

Control of yellow fever and other endemic diseases;

Dr. Robert H. Goddard's pioneering experiments in rocketry;

The college-faculty pension system, the first major step to overcome the financial hardships of the teaching profession.

A nationwide drive against loan shark practices;

Legal aid and defense for the poor;

Greater educational and economic opportunity for minority groups;

Early assistance to Dr. Jonas Salk's polio-vaccine research;

"An American Dilemma," by Gunnar Myrdal, a pioneering study of Negro conditions;

The founding of free public libraries;

Pilot experiments in combating poverty;

Introduction of public television and television as a teaching tool;

Cracking of the "genetic code" mechanism that shapes all plant and animal cells; and

The Mount Wilson and Mount Palomar telescopes, which have provided major new knowledge about the universe.

The record is extensive and inspiring; moreover, the foundations are not living off past glories. They are in fact helping American society to adapt rationally and constructively to the turbulent changes of our day. Their vitality is greater than ever, and so is their variety.

Just a few years ago doubts were raised as to the need for foundations in an era when the role of Government had expanded so greatly into such traditional fields of foundation-giving as education, health, and even the arts. But neither the New Frontier nor the Great Society has diminished the need for foundation work.

They have continued to play a vital role in supporting established agencies and in experimenting on a small scale in untried areas where the Government should not or will not yet operate massively. The foundations are assisting experimental ventures in the reform of our welfare system. They are helping to fashion imaginative approaches in conservation, ecology, and restoration of the quality of our environment. To their proud record in educational reform they are adding fresh chapters—for example, the revitalization of legal education to meet new public responsibilities and a restructuring of medical education to meet urban and rural community health needs. Notwithstanding the growth of Federal scholarship and fellowship programs, particularly needs of hundreds of thousands of individuals for assistance in their basic education, specialized advanced study, or midcareer training are being met only through highly selective and imaginative foundation programs.

The Nation's severely strapped artistic institutions still await an adequate governmental response, and even when that comes they will need foundation support for new programs and ventures. Ever since the emergence of television as a major means of communication, foundations have carried on the lonely struggle to preserve part of the spectrum for purely educational and public purposes; now their perseverance has moved public television into an era of great promise and impact.

While Americans take scientific agriculture for granted, today in a dozen underdeveloped countries American foundations are helping to seed what has become known as a Green Revolution, through development and dissemination of remarkable new varieties of rice, wheat, and other basic foodstuffs.

The basic story of how foundations have worked to help the Nation survive its racial ordeal has yet to be told, and when it is I think some of those who have thoughtlessly pinned labels like troublemaker and agitator on foundations may have second thoughts.

The past, the present, and the future potential of foundations is best summed up, perhaps, by the 1965 Treasury Department report:

> Private philanthropy plays a special and vital role in our society. Beyond providing for areas into which government cannot or should not advance (such as religion), private philanthropic organizations can be uniquely qualified to initiate thought and action, experiment with new and untried ventures, dissent from prevailing attitudes, and act quickly and flexibly.
>
> Private foundations have an important part in this work. Available even to those of relatively restricted means, they enable individuals or small groups to establish new charitable endeavors and to express their own bents, concerns, and experience. In doing so, they enrich the pluralism of our social order. Equally important, because their funds are frequently free of commitment to specific operating programs, they can shift the focus of their interest and their financial support from one charitable area to another. They can, hence, constitute a powerful instrument for evolution, growth, and improvement in the shape and direction of charity.

If then private foundations are such an indispensable feature of our national life, why are they under attack? And why is there a danger that they will be legislated into blandness?

The fault in part lies here in the Congress. There are abuses in the foundation field but the Congress has failed, until today, to deal with them. The law permits the relatively easy establishment of foundations that may be used more for private gain than for philanthropic good. The Treasury Department's 1965 investigation revealed:

> The preponderant number of private foundations perform their functions without tax abuse.

And there is now before the House a set of carefully considered, intelligent proposals for preventing these few abuses. One would prohibit dealings between a foundation and any substantial donor and insure that assets dedicated to charity will actually be used for that purpose. Another would assure steady distribution of foundations' net income. The involvement of foundations in a business substantially unrelated to the philanthropic function of the foundation would be limited. Transactions in which foundations may acquire businesses by means of borrowing with tax-exempt income would be prohibited.

These necessary reforms would eliminate the scattered abuses that have unfairly tarnished the reputation of one of American society's most treasured resources. It is a mark of the responsibility of the bona fide foundations of this country that they have publicly and consistently concurred in the substance of these proposals and urged their passage. By curbing abuses these proposals would remove any cloud of suspicion and serve to strengthen and encourage the growth of responsible philanthropy.

But along with these constructive proposals have come several others. They have nothing to do with tax reform, nor with the business-related abuses that have rightly preoccupied many Members of Congress for many years. Instead, this second set of proposals strike at some of the most valuable and necessary activities in which American foundations have been engaged for many years.

Two concern me deeply, and lead me to ask the question: Have we gone too far?

The first in section 101(a) of the bill, enacting a new section 506 of the Internal Revenue Code. In the words of the committee report:

> The new section imposes a "minimal" tax of 7½ percent upon a private foundation's net investment income. The income subject to this tax includes interest, dividends, rents and royalties, less the expenses paid or incurred in earning such income.

Until today, foundations, along with all other charitable, philanthropic, nonprofit U.S. institutions have been exempt from tax. But today we single out the private foundation for special, if not favorable, treatment.

Until today, the tax exemption has been a means of expressing the commitment of the Congress and the country to private philanthropy and charitable organizations. Many of the greatest foundations were organized even before it became advantageous in tax terms to do so—the General Education Board in 1902, the Carnegie Foundation for the Advancement of Teaching in 1905, Milbank Memorial Fund in 1905, Russell Sage Foundation in 1907, Carnegie Corp. of New York in 1911, and the Rockefeller Foundation in 1913. But it was through later exemption statutes that the public sought to encourage the establishment and growth of private effort in the fields of social needs and cultural and educational activities. Thus the exemption in the case of organized philanthropy is not so much a privilege as it is an inducement to activity for the public good.

The public forgoes tax revenue, and in return expects a unique yield that similar funds spent through the public treasury could not possibly produce. The value of that yield stems from the diversity, competition, multiplicity of effort, and the sense of participation and self-reliance that a free and various people prefer against the alternative of organized human affairs managed exclusively by the State.

The purpose of imposing a tax on foundations is not to appreciably alleviate the tax burden on the American public. The estimated yield annually would be $65 million in the first year, $85 million in the fifth year, and $100 million in the tenth year. We should be clear about what we are doing. This is not a tax on foundations; it is a "sales tax" paid by the recipients of foundation generosity. Projects, people and institutions in every Member's district will be hit by this tax. It simply means that foundations will have 7½ percent less each year to give to hospitals; 7½ percent less each year to grant for medical research; 7½ percent less each year for scholarships and study grants; 7½ percent less each year for support of colleges and universities; and so on.

To repeat: the burden falls on the recipients, not the foundations. And what we are saying today is that we accept a responsibility that the Government should do these jobs, give these scholarships, support this research; we are saying that the Government, not private groups, are better suited to do the job. We are saying—let us have more and more Government control. I agree with the supplementary views filed by Mr. BUSH and Mr. MORTON, at page 225 of the committee report:

> We oppose the 7½ percent tax . . . The theory of pluralism should be encouraged, not discouraged. Private philanthropy is more innovative than government. It can move more quickly and it is more imaginative. By imposing this tax we are simply cutting down on the volume of good the private sector can do. We should be moving away from centralization but, alas, by this tax we take one more step toward it.

The alternative, which I support, is also set forth in the statement of Messrs. BUSH and MORTON:

> We favor the concept of a fee or charge to foundations to pay for the additional costs that will be incurred by the Internal Revenue Service audits of returns of tax-exempt organizations to verify their compliance with the rules. Many foundations have abused these tax exempt privileges, and increased scrutiny by the Internal Revenue Service can cut down on abuses.

I might add that most of the major foundations also support this approach.

An even more serious aspect of the tax on foundations are the precedents we are establishing.

The first precedent is that now we can tax foundations, we can increase the tax. In a sense, we have already done so: the original committee proposal was a 5-percent tax and this has now been raised to 7½ percent. Make no mistake, it can go higher. And the higher it goes, the less the recipients will receive. And the higher it goes, the closer we come to the danger which Chief Justice John Marshall warned of early in the history of our Republic:

> The power to tax is the power to destroy.

If in later years it comes to pass that foundations are destroyed as a force in our society, history may well say that destruction began here and now.

A second dangerous precedent is that we are taxing nonprofit, philanthropic, charitable institutions. Make no mistake, we are setting the precedent here and now. We are, in effect, saying that any exempt organizations are subject to tax, for the great principle that has guided our tax policy since 1913 has been altered.

The question we might well ask is, Who will be next?

Some are angry with foundations and say it is acceptable to punish them a little. But suppose, in another time, some are angry with our universities and colleges or our hospital system and urge that they be taxed "just like the foundations"; it may be hard to imagine, but a year ago, a tax on foundations was hard to imagine.

This tax is characterized as "minimal." I disagree. In fact, the 7½-percent tax on investment income of foundations is equal to or greater than the tax which a noncharitable corporation would pay on dividend income under similar circumstances.

The second section which prompts the question, have we gone too far, is section 4945(c)(2), in a new chapter of the Code dealing with private foundations. Under the new subsection foundations would be forbidden from—

> (1) Any attempt to influence legislation through an attempt to affect the opinion of the general public or any segment thereof, and
>
> (2) Any attempt to influence legislation through private communication with any member or employee of a legislative body, or with any other person who may participate in the formulation of the legislation, other than through making available the results of non-partisan analysis or research.

Here again we have singled out foundations for special treatment, and here again we have established a precedent that could be applied to any other group or organization that enjoys some tax exemption from the Government.

I am not troubled with the prohibition on foundation lobbying or grassroots efforts. In fact, the responsible foundations do not disagree with this restriction. But I am concerned, however, that this one group is singled out, while all other tax-exempt organizations and trade associations may continue to lobby and continue to stir up support for or against legislation.

I might add, for clarification, that I agree that the present law should continue to apply to all such groups; I believe that the existing substantiality test has worked well and can continue to do so.

What concerns me most about the restrictions quoted above is the possibility that they may severely restrict productive communication between Congress and any other legislative body and the foundations. We are saying to the foundations—and the foundations alone—"when it comes to legislation, you keep quiet."

This, I submit, is self-defeating.

The language in the bill could well be interpreted to restrict the healthy, constructive interchange of ideas and proposals among legislative bodies and private foundations. This hurts both, for communication is helpful to both sides. It is a two-way street; communication means that we in Congress can involve the private sector in our problems and let the foundations benefit and be seasoned by our experience as legislators; we can influence their thinking, inform their judgments, and, it might be added, bring a sense of realism to their deliberations. On the other hand, this provision prevents us from having the benefit of new, original and valuable ideas and approaches.

We benefit from suggestions from all sides and groups; that is the genius of our system. But here we are striking at the very root of the democratic, pluralistic system. We are silencing a segment of society; we are cutting off communications; we are depriving our great deliberative body, and other legislative bodies, of what might be a point of view essential to our work—a highly likely result when we consider that foundations often work on the frontiers of knowledge, and often lead in efforts to solve the great problems of our day.

Should we be forbidden to hear from an agricultural expert with valuable experience merely because he works for a foundation?

Should we be prevented from getting the views of a demographic researcher, antipollution expert or cancer specialist, merely because he works for a foundation?

Are we going too far? Are we depriving ourselves of a vital resource? I hope we are not.

Mr. Chairman, the Tax Reform Act of 1969 does so much good in so many fields that I believe it will be remembered as one of the great, progressive acts during my years in the Congress.

I hope that it will not be remembered as the law which began a regressive trend in American history. On this point, I am not sure, Mr. Chairman, for the proposed tax on foundations may well be the first step toward the destruction of organized private initiative in American public affairs. It can happen here, and what more convenient place to start with than foundations which work quietly—except when they touch the raw nerve of controversy—which are still, to many of us, an imperfectly understood oddity, and which lack legions of ready defenders? Today's act could be a signal to the whole array of nonprofit institutions that the National Government no longer valued their efforts, and that even the relatively small fraction of the national wealth channeled to social purposes outside the Government must now be commandeered to the public treasury.

The absorption of all philanthropic initiative by the State would not happen overnight, but in one crisis or another a new incursion would be rationalized on the grounds no firmer than those advanced for the current proposals for a tax and restrictions on foundation activities. Not every nonprofit venture would be proscribed, of course—only those of importance and public impact. All matters affecting public policy would revert to the State. To private initiative the State would leave the marginal, the bland, and the most narrowly defined charity.

We would find ourselves living in a society where, in place of the multiplicity of effort and a spectrum of contending views, there stands a monolithic system.

This may not happen, but the questions and issues I am raising today must be asked, and answered. For "the price of liberty is eternal vigilance."

Mr. DONOHUE. Mr. Chairman, I wish to register my convictions on this measure before us—H.R. 13270—the Tax Reform Act of 1969.

I intend to support this measure, but only with several misgivings and reservations that I am sure are commonly shared by a great many other Members of the House. I intend to support it because, however deficient it may be, it does represent the first small but real step in all our history toward the imperative national urgency to more equitably distribute the tax burdens in accord with ability to pay; because no amendment improvement can be offered under the yes or no closed rule procedure governing debate on the bill, and because there is good reason to believe and hope that the Senate will make significantly improving changes and revisions in the bill when it reaches that body.

Mr. Chairman, when I voted against the income tax surcharge extension here last June 30, I expressed my conviction that the desire of the enormous majority of our American taxpayers today is that the Congress should primarily concern itself with the enactment of urgently needed and too long delayed equitable tax reform before or at least simultaneously with any action on such an extension. At that time, I emphasized my belief that it was my legislative obligation to do everything within my power "to encourage prompt enactment of a more equitable tax system freed from every discriminatory and unjustifiable preference and loophole." Since my voting action, together with 204 House colleagues, against the surtax extension has resulted in this unexpectedly early presentation of a tax reform bill, I share, with these colleagues, a certain, limited gratification that we are, at least, today, dealing with the essential subject of national tax reform.

We are gratified, Mr. Chairman, because this bill before us does contain provisions to extend modified tax relief to those American taxpayers who need it the most.

Under certain provisions of this bill, we are happy to observe that nearly 6 million poverty-level families are removed from tax rolls on which, in this affluent country, they should never have been included. Other provisions, over a 3-year period, grant a modest reduction to the great number of moderate-income taxpayers who do not itemize their deductions and, by late action last night, a vast number of middle income—from $7,500 to about $13,000—mostly homeowning families who itemize their deductions are covered, now, within the tax reduction language. May I say, Mr. Chairman, that without this late action by the committee, a tremendous injustice would have been imposed upon millions of overburdened American taxpayers and, had this action, we had encouraged, not occurred, many of us would have been heavily moved toward protest rejection of the bill. We congratulate the chairman and the committee for their right and timely gesture, in consideration of these heavily tax-plagued middle-income Americans. Let me remind my colleagues, Mr. Chairman, of the fact that authoritative statistics reveal that the middle-income taxpayers in this country have long been required to shoulder nearly two-thirds of all personal Federal income tax levies.

Also, Mr. Chairman, a great many of us are pleased to see that this measure contains a few of the wholesome objectives we have long been trying to achieve through the introduction of individual bills, such as those designed to grant head-of-household rates to single taxpayers; to grant head-of-household status to all widows and widowers maintaining a household; to make widows and widowers with school-attending children eligible for the income-splitting advantages of joint returns; and to liberalize tax deduction allowances for moving and house-hunting expenses.

However, we are deeply disturbed and disappointed that this measure contains no provisions for any relief or consideration at all of the increasingly burdensome expense of rapidly rising college tuition costs that fall most heavily upon the moderate- and middle-income family head; that no proposal is being made to increase the $600 personal exemption to a more realistic, higher figure; that no recommendation is made, in the face of ever-rising bare subsistence costs, for any significant relief for those of our citizens, in retirement, living on a fixed income and that no special consideration is being extended to the elderly, over 65, and the many citizens among us who are deaf and otherwise severely handicapped.

Mr. Chairman, a great many of us have repeatedly brought the unusual economic urgencies of these particular Americans to the attention of the Ways and Means Committee and we shall continue to do so until action is recommended and taken to grant these citizens the special measure of tax relief they merit and which they must have in order to live in this modern economy without fear and despair. Let us hope, that in all justice, the committee will expedite relieving action in these areas.

As I indicated, Mr. Chairman, before, a great many of us entertain several earnest reservations about the entirely wholesome nature and complete scope of this bill, despite the allegations that it is "comprehensive" in its projected reform.

On the contrary, a great many of us feel and fear that it still proposes too little, for too many, while it still too much and too greatly favors the comparatively few who are extremely wealthy and the interests that are extremely powerful.

For instance, we are forced to question the claimed comprehensive plugging of the loopholes of the privileged few, when we find, from analysis, that even when the highly praised limitation on tax preference procedure, recommended by the committee, is fully applied in 1971, it will only recover an estimated $85 million of escape taxes which represent only one-half of 1 percent of the overall currently existing $15.3 billion tax-free income.

We are forced to doubt the comprehensiveness as well as the effectiveness of the supposedly heavy but simple reduction in the oil and gas depletion allowance from 27½ to 20 percent, when we find that the lucrative intangible oil drilling costs remain untouched and excess percentage depletion allowances are exempted from the tax preference limitation provision.

We are further impelled to look with some skepticism upon this supposed comprehensive reform action when we learn that the very fertile field of recovery of excess profits from the very high profit segments of the defense industry was apparently not considered by the committee, along with authoritatively suggested examination of possible additional tax recovery in the fields of revised estate and gift tax regulations, taxation of capital gains untaxed at death, the possible elimination of payments of estate taxes by redemption of government bonds at par and the establishment of the same rate for gifts and estate taxes. It would certainly seem that a review, by the committee, of these and other likely tax recovery sources, suggested by experts, from those who can most afford it for the relief of those who most need it, would have been and still is in order if the announced objective of "comprehensive" reform is to be anywhere near fulfilled. Let us again hope that renewed action on this score will soon be initiated by the committee.

May I further emphasize, Mr. Chairman, that I and a great many others here are concerned with the manner in which this tax reform bill is being presented coupled with the proposed extension of the income surtax at the 5-percent rate from January 1, 1970, through June 30, 1970. A great many of us remain firm in our conviction that this extension should have been given separate consideration from this tax reform bill for the simple reason, as I previously stated, when the first proposed extension was being discussed here last June 30, that if a real, substantial, comprehensive loophole, preferential tax plugging, and escape tax recovery bill was enacted, the extension of this income surcharge, for the proposed time limits and at both the 10-percent and 5-percent rates might very well and probably be found unnecessary.

Let us remember that some of our most esteemed economic authorities still maintain that the surcharge has had no appreciable effect upon the control of inflation, that living costs are consistently rising practically every month, and that interest rates for the ordinary borrower are at the alltime high of our history. It is pertinent to also remember that even in the provisions of this bill, ostensibly to give some tax relief, as well as to more equitably distribute the tax load, it is proposed to again extend, what we had previously committed ourselves to eliminate, the excise taxes on automobiles and communications services, which seems to be very close to contradicting one of the main intents of this measure.

Also, Mr. Chairman, a great many of us have some real misgivings about some of the other projected reforms in this bill, such as the long-range effect of the suggested restrictions upon charitable contributions that could adversely affect our educational institutions; the practical wisdom of the suggested limitations upon State and municipal tax-exempt bonds; and the possible unwitting discouragement and withdrawal of financial assistance to potential homebuyers when it has been the long accepted policy of our National Government to try to reasonably encourage home purchases and building.

But, despite our misgivings and reservations, I hold the deep belief, Mr. Chairman, that it is imperative, especially in this period of national turbulence and uncertainty, that this House and this Congress make a beginning toward the full restoration of public confidence in the essential fairness of our tax system. Insofar as this House of Representatives is concerned, this is the first and only step we are permitted to take today.

Let us, therefore, in practical wisdom and patriotic concern, take this first if small step, today, while we pledge to continue to work and look toward tomorrow, to take the giant leap that will finally and comprehensively place our tax system on a sound and equitable basis by which every individual can know and be assured that he, and every one of his fellow citizens, and every sort of business and enterprise in this country is fairly sharing in the legitimate costs of our National Government in compliance with the traditional principle of taxation in accord with the true ability to pay, and for the promotion of the true peace and progress of the people of the United States and the world.

Mr. PICKLE. Mr. Chairman, this is such a huge and complex bill that it is difficult for the House thoroughly to know all the details of each provision and to express its intent precisely.

I realize an open rule on a tax bill is not practical, but I do think certain specific votes ought to be allowed. For instance, I question the change recommended relating to tax-exempt municipal bonds. The provision for interest subsidy payments by the Federal Government to cities and school districts is most complex and confusing to the local taxing entity. Moreover, it places unnecessary administrative burdens on them. It seems to me that it gets the Federal Government more into local matters than it should. It probably does not raise any revenues for the Federal Government, and possibly hurts the cities and counties.

I have asked to see if it would be in order to offer amendments to any amendment offered if the previous question was voted down. I hope there might be a possibility for at least one or two amendments to the tax package without making it a completely open rule. I therefore intend to vote against the previous question.

I am for a reasonable tax reform bill, but I regret that we must take it all or nothing. This is a 368-page bill, and even the Ways and Means Committee was holding special, emergency meetings and making corrections as late as yesterday. Assuming that this bill is passed by the House, I hope there can be some changes in the Senate.

Mr. CASEY. Mr. Chairman, in a short time this deliberative body will be asked to vote on a tax bill that exceeds 350 pages in length; that has a two-part committee report that is several hundred complex pages in length; that involves the reallocation of some $7 billion in tax liability; that provides long overdue tax relief for some in the future but imposes high tax burdens on everyone in the more immediate future; that attacks the fiscal integrity of our State and local governments; that impairs the capital recovery ability of our private enterprise system; that purports to enhance equity in our tax system through arbitrary and capricious substantive amendments that threaten to have stifling effect on the creation of new jobs and the improvement of existing job opportunities.

Mr. Chairman, in my judgment there is no Member of this deliberative body who has had the time to study this legislation to permit an informed vote on this far-reaching measure. There is no Member who has had adequate time to determine how H.R. 13270 will affect his constituency or the attitude of his constituents with respect to it. While I am confident there is much in this bill that has merit, I am also confident that many of the changes in the bill are totally lacking in merit. In the latter category of changes lacking in merit, I place the amendments adversely affecting the natural resource industry.

The bill, H.R. 13270, includes provisions sharply reducing the percentage depletion rates in the case of more than 100 essential minerals and dangerously impairing the ability of American-owned enterprises to enage competitively in international natural resource development.

Mr. Chairman, I believe every Member of the House of Representatives recognizes the importance of energy in promoting a high level of per capita income, in postering our economic progress, and in maintaining our national security. Petroleum provides almost three-fourths of our Nation's energy requirements. It is with respect to petroleum and our future energy requirements that I would like to address the balance of my remarks.

Mr. Chairman, we live in a changing world; these are dynamic times. It is often necessary, therefore, that some of our institutions and laws be altered to enable us to meet new challenges and new conditions. At the same time, however, we should always keep in mind that there are two sides to the face of change. Just as some changes are beneficial, others can be harmful.

The proposal to reduce percentage depletion falls, it seems to me, in the latter category. Just a few years down the road lies a tremendous increase in our population. The Nation's demand for energy continues to soar. Nevertheless, despite these sobering facts, we are seriously considering a reduction in the incentives to explore for oil and gas—the source of nearly 75 percent of the energy that keeps this country moving ahead.

To keep this proposal in proper perspective, it would be helpful, I think, to consider some of the points brought out in a recent study made by the energy division of the Chase Manhattan Bank. This study, which was appropriately titled "Can't We Ever Learn?", called attention to the fact that last year this country consumed 50 percent more oil than our domestic petroleum industry added to its proved reserves.

Ideally, the study said, the new reserves added each year should not only match consumption but should exceed it. Our underground inventories of oil, in other words, should expand in reasonable proportion to growth in demand. Yet 1968 was the ninth consecutive year that reserve additions of crude oil and other petroleum liquids were below the level of consumption.

The Chase Manhattan study goes on to say that to a degree, of course, we can supplement our own domestic reserves with oil imported from foreign sources. In fact, we are already relying on imports for nearly one-fourth of our needs.

Chase Manhattan points out:

> But the nation would incur a very grave risk indeed if it became heavily dependent upon outside sources. As the record forcefully demonstrates, reason does not prevail throughout the world. And there is no real assurance that oil from abroad would be continuously and fully available.

Continuing, the study says:

> The economy of the United States is much too dependent upon oil to tolerate an inadequate supply. And in the unfortunate event of another international war the nation's position would be perilous if it had to rely upon a high proportion of imported oil. Prudence and common sense, therefore, require that the nation remain largely self-sufficient.

The study says that to maintain a minimum safe inventory of proved reserves, the domestic industry will need to find and develop 87 billion barrels of oil between now and 1980. Says Chase Manhattan:

> Against that requirement, the recently reported discoveries in Alaska do not loom large—and we should be mindful that they are not yet in the category of proved reserves.

Can the domestic industry find that much oil? In answer to that question, the Chase Manhattan report points out that over the past two decades there has been a consistent relationship between the amount of money spent in the search for oil and gas and the proved reserves actually found. The report says:

If this relationship continues, the petroleum industry will need to spend approximately 116 billion dollars to find and develop 87 billion barrels of oil. That would necessitate an average outlay of 9.7 billion dollars a year between 1968 and 1980—well over twice as much as the industry has been spending in recent years.

Chase Manhattan says that over the past 9 years the petroleum industry spent as much as $40 billion trying to find and develop new sources of petroleum in the United States. To have found enough oil to meet market needs and to maintain a satisfactory level of reserves, it should have spent 70 percent more than was actually spent. The answer as to why it did not, says, the report, hinges primarily on two factors: First, the incentive to spend; and, second, the ability to spend.

Neither major companies nor independent producers, says the report, have had financial resources sufficient to support a fully adequate expenditure. The petroleum industry is far more capital intensive than most others; the scope of its activities create vast capital needs. But the industry also involves a higher degree of risk than most others, the report points out, and for that reason it has had to generate most of the funds for its capital and other financial requirements from its operations.

Says Chase Manhattan:

Historically about 45 percent of the money needed has been derived from net earnings, another 45 percent from the various provisions for capital recovery, and only 10 percent from the capital markets. But in recent years the industry has been unable to generate enough from operations and has to depend much more heavily upon borrowed capital. Currently, its use of borrowed funds is well over twice as large as the historical proportion.

Let me quote just one more paragraph from this important study:

Clearly, the availability of sufficient petroleum from domestic sources is vital to the welfare of the United States. And, obviously, if the petroleum industry is to satisfy the nation's needs and also maintain a safe margin of proved reserves, it must have enough capital to reform that function. It must also have sufficient incentive to use its capital for that purpose. In the face of these demonstrated needs, it would be logical to think that nothing would be done to prevent the industry from accomplishing its essential purpose. Yet, incredible as it may seem, obstacles are indeed placed in the industry's way.

The title of this report, as I mentioned before, is "Can't We Ever Learn?" I hope we can, Mr. Chairman, I am confident we can. But let us make sure that we do not learn in that hardest of schools—the school of experience. Let us make sure that we do not learn through suffering acute shortages of oil and gas—shortages that could not only damage our economy but which could also endanger our national strength.

Mr. Chairman, 87 billion barrels of oil that we need to find and develop between now and 1980 is a lot of oil and the $116 billion that we will need to spend to achieve this objective is a lot of money. The course of responsible action would seem to argue persuasively against impairing any of the current tax incentives that are needed to get the job done.

As a part of my remarks, I will include the commentary from the Chase Manhattan Bank letter entitled "Can't We Ever Learn?":

CAN'T WE EVER LEARN?

Last year the United States consumed 50 percent more oil than the domestic petroleum industry added to its proved reserves. It was not the first time the industry has been unable to keep pace with the nation's growing needs. Indeed, 1968 was the ninth consecutive year in which reserve additions of crude oil and other petroleum liquids were below the level of consumption. For the entire nine year period, the new reserves represented little more than four-fifths of the accumulated consumption in that time.

Ideally, the new reserves added each year should not only match consumption but should exceed it. Proved reserves are in the nature of underground inventories. And, as such, they should expand in reasonable proportion to the growth of market demand—if the market's needs are to be fully and continuously accommodated. If that goal had been achieved over the past nine years, the petroleum industry would have had to find 1.4 barrels of proved reserves for each barrel consumed instead of the 0.8 barrel it actually did find. In other words, it should have discovered a total of 51 billion barrels in the nine year period—two-thirds more than the 30 billion actually found.

It is not absolutely essential, of course, that the ideal situation be achieved. To a degree, the nation's domestic reserves can be supplemented with oil imported from foreign sources. And the United States now relies upon imports for nearly one-fourth of its needs. But the nation would incur a very grave risk indeed if it became heavily dependent upon outside sources. As the record forcefully demonstrates, reason does not prevail throughout the world. And there is no real assurance that oil from abroad would be continuously and fully available. The economy of the United States is much too dependent upon oil to tolerate an inadequate supply. And in the unfortunate event of another international war the nation's position would be perilous if it had to rely upon a high proportion of imported oil. Prudence and common sense, therefore, require that the nation remain largely self-sufficient.

But it won't be for much longer, if the trend of the past nine years continues. By 1980, the annual consumption of oil products in the United States is expected to reach 19 million barrels per day—nearly 50 percent more than the 13 million a day consumed in 1968. Between 1968 and 1980, the accumulated consumption is expected to amount to 70 billion barrels. If the United States is to maintain a minimum safe inventory of proved reserves and not become more dependent upon outside sources than it now is—obviously a desirable goal from the standpoint of the nation's well-being—the domestic petroleum industry will need to find and develop a total of 87 billion barrels between 1968 and 1980. Against that requirement, the recently reported discoveries in Alaska do not loom large—and we should be mindful that they are not yet in the category of proved reserves.

To find such a tremendous amount of oil will require an equally enormous capital expenditure. For the past two decades there has been a consistent relationship between the amount of money spent in the search for oil and natural gas and the proved reserves actually found. And if this relationship continues, the petroleum industry will need to spend approximately 116 billion dollars to find and develop 87 billion barrels of oil. That would necessitate an average outlay of 9.7 billion dollars a year between 1968 and 1980—well over twice as much as the industry has been spending in recent years.

In the past nine years—the period during which domestic reserve additions were less than consumption—the petroleum industry spent as much as 40 billion dollars trying to find and develop new sources of petroleum in the United States. By any standard, that was a huge financial effort. But, obviously, it was not enough. To have found sufficient oil to match market needs and maintain a satisfactory level of proved reserves, a capital expenditure of about 68 billion dollars would have been required—70 percent more than was actually spent. Why—if there was a need—did the industry fail to spend that much? The answer hinges primarily upon two factors: (1) the incentive to spend, and (2) the ability to spend.

Insofar as the search for oil and natural gas in the United States is concerned, the petroleum industry may be divided into two basic groups—the major companies and the independent producers. For a decade following World War II, both groups spent nearly identical amounts of money. And they both increased their levels of spending year after year, keeping pace with market expansion. By the mid-fifties, each group was spending approximately 2.5 billion dollars a year—more than three times as much as they were a decade earlier. But since that time, their pattern of capital spending has changed to a marked degree. The major companies have sharply curtailed the rate of growth of their expenditures. And the independent producers have progressively reduced their annual outlay. Currently, the independents are spending only half as much as they were a dozen years ago.

These developments provide clear evidence of damage to the incentive to spend. Obviously, if the rate of return on their investment had been more attractive relative to other investment opportunities, both groups would have spent more than they did in their search for additional domestic reserves of oil and natural gas.

But neither group had financial resources sufficient to support a fully adequate expenditure. The petroleum industry is far more capital intensive than most others. And the scope of its activities creates vast capital needs. It is also an industry whose operations involve a substantially higher degree of risk than most others. And, for that reason, it has had to generate most of the funds for its capital and other financial requirements from its operations. Historically, about 45 percent of the money needed has been derived from net earnings, another 45 percent from the various provisions for capital recovery, and only 10 percent from the capital markets. But in recent years the industry has been unable to generate enough from operations and has had to depend much more heavily upon borrowed capital. Currently, its use of borrowed funds is well over twice as large as the historical proportion. Had the industry chosen to spend all the money required to maintain a satisfactory level of proved reserves over the past nine years, it would have been forced to borrow far more than it actually did. And we must be mindful, of course, that all borrowed capital eventually must be repaid with funds generated from operations.

Clearly, the availability of sufficient petroleum from domestic sources is vital to the welfare of the United States. And, obviously, if the petroleum industry is to satisfy the nation's needs and also maintain a safe margin of proved reserves, it must have enough capital to perform that function. It must also have sufficient incentive to use its capital for that purpose. In the face of these demonstrated needs, it would be logical to think that nothing would be done to prevent the industry from accomplishing its essential purpose. Yet, incredible as it may seem, obstacles are indeed placed in the industry's way.

For the last decade and a half. the industry's generation of capital funds has been severely limited by governmental regulation of the price of natural gas. Carried on without sufficient regard for economic and competitive circumstances, the regulation forces the industry to accept a price for gas that is much too low. Since various oil products must compete in the market with the low priced gas, their prices are indirectly affected also by the regulation.

These circumstances limited both the generation of capital and the incentive to invest the funds that actually were available. Significantly, the cutback of capital spending devoted to the search for new oil and gas reserves was initiated shortly after the imposition of the price control. And, as a result, the nation is now faced with a shortage of both oil and natural gas. How, we might wonder, could anyone ever have believed the United States could continue to have adequate supplies of oil and natural gas, if the petroleum industry were denied sufficient funds to search for them? Yet, that denial has persisted, despite repeated warnings of the consequences.

And there exists today a situation that demonstrates further how poorly the lesson has been learned. As noted earlier, the petroleum industry derives a large proportion of its capital funds from the various provisions for capital recovery. Together, amortization, depreciation, depletion, etc. rank equally with net income as a source of capital. Until recently, they satisfied as much as 45 percent of the industry's overall financial needs. All private industries, of course, have provisions for capital recovery—otherwise, they could not survive. But they all do not have the same provisions. A factory or a piece of machinery can be depreciated over its lifetime. And when they are worn out, they can be replaced. But when oil and natural gas have been extracted from the earth and consumed they cannot be replaced—new sources must be found instead. And that can be an exceedingly costly and risky undertaking. The record abundantly demonstrates that vast sums of money can be spent without any oil or gas being found. Since, in fact, the production of oil and gas represents a depletion of its capital assets, the petroluem industry is permitted by law to recover a portion of this capital by means of a depletion allowance.

This procedure, however, has been subjected to increasing attack. And there are mounting demands that the allowance be reduced or eliminated. Some of the attacks obviously are politically motivated. But there is also criticism that reflects a lack of understanding of the true role played by the depletion allowance. There is a failure to recognize that the allowance applies only to revenue generated by the industry's successful producing properties—and the benefits derived do not offset the large sums spent on the search for petroleum that proves unsuccessful.

Most often, the allowance is labeled by its critics as a tax loophole—conveying the impression that the money thus obtained is utilized for some nonessential purpose. But regardless of what its detractors choose to call it, the depletion allowance is today what it always has been—a source of capital. And if that source is reduced or eliminated, it must be replaced by another.

There is only one practical alternate source. If, for example, the industry's generation of capital funds were reduced 10 percent by a change in the depletion allowance, net income would have to be increased by an equal amount. And that could be achieved only with an increase in gross revenue—which, of course, would necessitate higher prices for petroleum products. Thus, a cut in the depletion allowance would, for all practical purposes, be the equivalent of a tax increase to consumers. And, as such, it would carry all the inflationary force of any other rise in their costs.

Clearly, a reduction in the depletion allowance—or any of the other provisions for capital recovery—would not be in the best interests of the United States. The nation's dependence upon petroleum, its tremendous needs, the vast amount of capital required by the petroleum industry to satisfy those needs, the industry's decreasing ability to generate enough capital and mounting dependence upon borrowed funds, and the developing shortage of both oil and natural gas are all reasons why such an action would be ill advised. Rather than inhibit the generation of capital and thereby discourage its use, the interests of the United States would be far better served by positive actions designed to achieve the opposite results. If we are to have enough oil and gas, we have to pay enough for them—there simply is no other way. Why is that elementary fact so difficult to understand?

Mr. MILLS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Edmondson) having assumed the chair, the Chairman of the Committee of the Whole House on the State of the Union (Mr. Flynt) reported that that Committee, having had under consideration the bill (H.R. 13270) to reform the income tax laws, had come to no resolution thereon.

GENERAL LEAVE

Mr. MILLS. Mr. Speaker, I ask unanimous consent that those Members who spoke on the bill in general debate and those Members who wish to extend their remarks under the permission obtained earlier be permitted to include extraneous matter with their remarks.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

CHAIRMAN WRIGHT PATMAN CELEBRATES BIRTHDAY ON AUGUST 6

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, I rise today to congratulate and extend my best wishes to Hon. Wright Patman, distinguished chairman of the House Banking and Currency Committee and Representative of the First District of the great State of Texas, on the occasion of his 76th birthday.

For more than 40 years, since he was first elected to the 71st Congress, Wright Patman has compiled an outstanding record of dedicated and devoted service to the people of America.

It has been my privilege to serve on Chairman Patman's Banking and Currency Committee since I was first elected to Congress in 1965. During this time, I have witnessed his vigorous campaign to help the Nation's poor and disadvantaged people overcome their excessive financial burdens. As a Representative of Chicago's West Side, I have noted with admiration Mr. Patman's indefatigable efforts to champion the cause of the "little man" and to bring him financial relief.

As a critic of excessively high interest rates, Mr. Patman has brought public attention to this serious financial inequity. In recent months as the Nation's banks have raised their prime interest rates to 8½ percent, and still further raises are threatened, the urgency of his criticism has become apparent.

Chairman Patman has long been a critic of the Federal Reserve System. He has suggested stronger congressional control over the Federal Reserve Board. In an era of growing inflationary pressures, the inability of the Federal Reserve Board to help alleviate this situation has been justly criticized by Mr. Patman.

In this regard, another prominent authority on financial affairs, Senator Paul Douglas, former senior Senator from Illinois and a mainstay of the Senate Finance Committee for more than 10 years, paid this tribute to Wright Patman:

> He knows more about the Federal Reserve System than anybody in Congress and has more factual knowledge of its operations than its officials themselves.

A man who is vitally aware of the social as well as economic problems in our Nation, Mr. Patman is neither oblivious nor unconcerned about our Nation's cities. He is a man who realizes that credit abuses are often responsible for high crime rates and civil disorders in our cities, and he is continuing the fight to stop these credit abuses.

As our Nation's precarious financial situation becomes a subject of growing concern, Congress and the American people can and will rely heavily on Wright Patman's expertise and genuine interest in the field of economic affairs.

One of the great accomplishments in Wright Patman's career has been the exposing of usurious interest rates, sometimes as high as 50 and 60 percent, which were being charged American boys in uniform all over the world. Through the efforts of the Domestic Finance Subcommittee, which Wright Patman heads and on which I serve, our subcommittee went to Europe and Asia. We exposed these juice racketeers who were charging exorbitantly high interest rates, and we eliminated these juice racketeers and loan sharks from operating on military installations all over Europe and Asia. Today, thanks to Wright Patman, we have Federal credit unions in Europe and Asia with millions of dollars in deposits and extending millions of dollars in low-interest-rate loans.

Someday, I hope that the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, AMVETS, Catholic War Veterans, Jewish War Veterans, and our other veterans' organizations, will recognize this great contribution that has been made to our men in uniform assigned to military installations all over the world, who have fought in the Korean war and are fighting in the Vietnam conflict, in order to defend our democratic principles and to maintain peace and freedom. I firmly believe that these national veteran organizations should publicly acknowledge this valuable work that has been done in the interest of our American fighting men.

Personally, I want to say that Wright Patman's wise counsel as well as his exemplary public service have been sources of profound inspiration to me, and it has always been my pleasure to follow his lead in advocating the best interests and welfare of all Americans.

Once again I am delighted to extend best wishes to Wright Patman on the occasion of his 76th birthday and to wish him continued good health and many more years of outstanding public service.

THE EVERGLADES NATIONAL PARK NEEDS HELP

(Mr. McCARTHY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. McCARTHY. Mr. Speaker, the third largest national park in the United States and the only subtropical park—the Everglades—is a unique tropical area stretching from the Tamiami Trail south to Florida Bay and covers the entire southern shoreline of the tip of Florida. The park is a sea of sawgrass dotted with tree islands and bordered on the west with a belt of mangroves. It is the home of the snowy egret, the green heron, the ibis, the roseate spoonbill, the anhinga, and thousands of other birds. It is the home of the alligator and the green turtle. The Everglades is rich in the marine organisms and marine life that are necessary to the fish that swarm off Florida's coastline. Twenty of the species of wildlife living in the Everglades are rare—so rare that they are threatened with extinction.

The Everglades stretch beyond the boundaries of the national park itself. North of the Tamiami Trail are three conservation areas established by the U.S. Corps of Engineers and the Central and South Florida Flood Control District. These areas are a major attraction to fishermen—the largemouth bass is a sportsman's favorite. Visitors can camp or stay in these water conservation areas while enjoying the northern Everglades.

The Everglades National Park is threatened. The city of Miami, or more precisely, Dade County, wants to construct a 39-square-mile jetport on the north edge of the park. This airport—big enough to contain the airports of four other major cities—is designed to handle the modern jet-age aircraft that carry visitors to and from south Florida. When it is completed, an average of 100 flights an hour will roar in and out of this complex.

Miami would be helped in the construction of this giant airport by the Federal Government. The Department of Transportation has agreed to study a high-speed ground transportation system—perhaps a railroad—connecting Miami and the airport. Miami is also arguing for an interstate highway link from the airport to the city, a link that if approved would be paid for mostly by the Federal Government. In addition, the Federal Aviation Administration has raised no objections to the proposed location of this airport. So although the Department of Transportation is required by law to consider the effects on the environment of its projects, so far it apparently is unaware of the destructive effects that this mammoth airport will have on the Everglades National Park.

The fragile balance of nature in the Everglades will suffer irreparable damage if the new Miami Airport is built at the planned location. Construction of 39 square miles of runways and terminals will further reduce the amount of water available to the park. The communities that will spring up around the airport will further cut into the water that now comes from the conservation districts north of the Tamiami Trail. Noise from the modern jets will blanket much of the park. The airport planners themselves say that the park offers them a location where there will be no complaints because of aircraft noise. Wildlife will not complain. It will just disappear. Pollutants from the exhausts of low-flying aircraft will poison the waters of the Everglades. It is unlikely that the park would survive the airport.

Fortunately, there are alternative locations for the airport. Every effort should be made to have one of these locations used rather than the north edge of the Everglades Park. The Department of Transportation has an obligation to pursue this goal. And the Congress has a responsibility to see that the interests of every American are best served by protecting the park.

Every American has invested part of his tax money in the Everglades National Park. As a rich, unusual wonderland of nature, it is the property not just of Miamians, not just of Floridians, but of the Nation. The airlines themselves understand that the Everglades National Park is a major attraction that brings millions of visitors to Florida. The park is advertised by Eastern, National, and other airlines as a place to visit. It is ironic that the airlines are not more aware that the new airport that they want may destroy the very source of their passenger traffic. But others are aware of the danger and should speak out. This is the way in which the park will be saved. I have written to Secretary John A. Volpe, of the Department of Transportation, asking that no action be taken that would jeopardize the Everglades National Park.

I am including in the Record an article appearing in the July issue of the Sierra Club Bulletin concerning the threat to the Everglades National Park for the information of my colleagues:

THE EVERGLADES JETPORT—ONE HELL OF AN UPROAR

(By Gary A. Soucie)

The nation's third largest national park is in trouble, serious trouble. As Undersecretary of the Interior Russell Train stated at the June Senate Interior hearings on the Everglades, "Everglades National Park has the dubious distinction of having the most serious preservation problems facing the National Park Service today. . . ." Everglades National Park is in as much jeopardy as the 22 endangered species of fish and wildlife that find refuge within its boundaries.

The fragile, unique ecology of Everglades National Park is utterly dependent on a reliable supply of pure, fresh water. But the sources of this supply exist outside the park's boundaries, in the sloughs and sawgrass savannahs of the Everglades to the north, in the strands and marshes of the Big Cypress Swamp to the north and west, in Lake Okeechobee almost 70 miles north, and even in the Kissimmee Prairie beyond the lake. And, every since the 1880's, man has been busy as the proverbial beaver draining, diking, ditching, and otherwise "managing" this water.

The real trouble began in 1948 when Congress authorized the construction of a gigantic flood control, drainage, and reclamation project north of Everglades National Park. Still under construction (at latest count it was $170 million old and still only 48 per cent complete), the project already has the capability of completely shutting off the park from its source of surface water, which was proved during the long and severe drought of the early 1960's.

Designed and built by the Army Corps of Engineers, the project is administered by a state agency, the Central and Southern Florida Flood Control District (FCD). Both of these agencies have been notably more understanding of the project's other water users: citrus growers, beef ranchers, sugarcane growers, vegetable farmers, real-estate developers, and municipal water users. However, since the appointment of conservation-minded Chevrolet dealer Robert W. Padrick to the chairmanship of the FCD's board of governors, the national park has fared considerably better.

But there is no way to insure that the next FCD chairman will be as understanding of the park's problems as Bob Padrick; so the only long-range solution is to secure for Everglades National Park a guarantee to its miniscule, but absolutely necessary share of the project's water. The Corps has several times entered into agreement with the National Park Service, but has backed off each time. The people of the United States have been waiting 21 years now for this guarantee, and in each of those 21 years Congress has appropriated several millions of public dollars to advance construction of the flood control project. It's high time for Congress to secure for the people of the 49 other states their interest in Everglades National Park. That's precious little to ask for all that equity in the water project.

THE NEW ENEMY

But, while conservationists and the National Park Service were engaged in this long struggle to secure the park's water supply, Everglades National Park took a mean blow below the belt from an entirely different foe. On September 18, 1968, ground was broken in the ecotone between the Everglades and the Big Cypress Swamp for the world's largest airport. Just imagine, an airport of 39 square miles, large enough to hold Kennedy, Los Angeles, San Francisco, and Washington national airports with plenty of room left over to spare; with runways six miles long, capable of handling the largest and fastest jet transport aircraft—and just six miles away from, and "upstream" of, Everglades National Park.

Though not exclusively a water problem, the jetport certainly will have an impact on this resource. First consider the degradation of the waters flowing into Everglades National Park from the use of pesticides, fertilizers, and detergents on the airport site, from the inevitable fuel spills, from the effluent of the 35 to 40 million passengers it is expected to serve by 1985. Then, consider the tons of hydrocarbons, petrochemicals, and carbon particulates from unburned and partially burned fuel that will be dumped into water on its way to the park during approach, landing, takeoff, and climbout.

Perhaps even more important is the broad threat to both water quality and quantity posed by the massive development of the Big Cypress Swamp that will be spurred by the construction and operation of the world's largest jetport. It has been estimated that a city of 500,000 to one million inhabitants will spring up in the wilderness of the Big Cypress Swamp. The drainage required by a development of this magnitude (remember, this is Florida swampland) would siphon off a substantial portion of the park's Big Cypress water supply. And the potential pollution of the rest is fantastic.

In April of this year, the Sierra Club joined with 20 other conservation organizations to oppose the jetport's development at the present site and requested Secretary of Transportation John Volpe to withdraw his department's support and to actively encourage the relocation of the facility.

Jetport backers, including not only the Port Authority but also other Miami and Dade County economic interests and several major airlines, are quick to point out to conservationists that the Big Cypress lands in Collier and Monroe counties are subject to undesirable development whether or not the jetport is developed at the present site. True, but the jetport will accelerate and magnify the development. As Nathaniel P. Reed, special assistant to Governor Claude R. Kirk, pointed out to the Senate Interior Committee:

"For years competent biologists and ecologists have wondered what would happen to the park if the peripheral Big Cypress lands were ultimately developed. Due to the money squeeze, the problem remained insoluble. In my opinion, the park cannot be saved for future generations if the Big Cypress is allowed to be developed. Even 'planned development' will surely wreak havoc with the water route."

Without the development catalyst of the jetport there might, just might, be time to acquire enough of the Big Cypress and to zone enough of the rest to preserve the western Ten Thousand Islands section of Everglades National Park. With the jetport, that slim chance is lost.

TRANSPORTATION ACT VIOLATED

Last year, at the urging of Senator Henry M. Jackson, Congress amended the Transportation Act to require consultation between the Secretaries of Transportation and Interior prior to approval of any transportation program or project which uses park, wildlife, or recreation lands of federal, state, or local significance. This language was designed to prevent just the sort of disaster that now threatens the Everglades. The FAA has made an airport construction grant of $500,000 to the Dade County Port Authority without the required consultation between the Secretaries of Transportation and the Interior, and without the required demonstration that (1) there was no "feasible and prudent alternative" and that (2) the airport program included "all possible planning to minimize harm" to Everglades National Park and State Water Conservation Area 3, an important state outdoor recreation area. Not only that, but the Department of Transportation's Federal Railway Administration has announced a $200,000 grant to study high-speed ground transportation connecting the jetport with Miami, 52 miles to the east, and plans are under way to route Interstate Highway 75 connecting Tampa-St. Petersburg and Miami past or through the jetport site.

Port authority and FAA officials have lately been given to public expression of conservation platitudes, but the record is clear: it's the same old flim-flam. The memorandum from the Port Authority staff to the Dade County commissioners recommending the jetport project mentions Everglades National Park just once: "The Everglades National Park south of the site at Tamiami Trail assures that no private complaining development will be adjacent on that side." This great national park was seen exclusively as a buffer, "with no one to complain about the noise except the alligators." And as for the "environmental concern" the jetport sponsors profess to share with the Interior agencies and private conservation organizations, *Aviation Week & Space Technology* published the following statement in their May 22, 1969 issue—before the rising tide of public concern began to well up:

"The bulk of the takeoffs will be out over the 15 miles of clear zone of the undeveloped state-owned water conservation area. . . . Climbouts could then turn south over the Everglades National Park, providing what the airport officials believe to be optimum environment operating conditions."

This doesn't pass muster as sound environmental planning.

At present the air over Everglades National Park is pure and clear. But what will it be like if the jetport is developed at the present site? Figures on pollutant emissions from jet aircraft engines readily available from the Department of Health, Education, and Welfare or the Society of Automotive Engineers are highly unreliable, but some inside-outside figure can be calculated to provide an idea of the magnitude of the air pollution problem. Based on 900,000 flights a year—the projected operation level as a full-blown commercial jetport—the airport's annual contribution to the Everglades atmosphere will be something like this:

Carbon monoxide, 9,000 to 72,000 tons.
Nitrogen oxides, 4,150 to 6,000 tons.
Hydrocarbons, 13,000 to 40,250 tons.
Aldehydes, about 1,000 tons.
Particulates, 1,260 to 3,250 tons.

That is a big-league air pollution.

And the prognosis for noise pollution isn't much rosier. The supersonic transports the jetport is being built to accommodate (the sign at the gate bills it as "the world's first all-new jetport for the supersonic age") are expected to be noisier than the current generation of jets. And how noisy is that?

When the Anglo-French Concorde made its maiden flight this past winter, NBC reported, "On takeoff, the roar of its four engines could be heard in villages 20 miles away." And the Concorde is expected to be even noiser on approach. Last year *Aerospace Technology* reported, "It is expected that the Concorde will exhibit sideline noise levels of about 118 PNdB (decibels of perceived noise), according to U.S. engineers, and may show a rather startling 124 PNdB figure during approach. . . ." Boeing's studies show that its larger, faster, and more powerful SST will probably generate a sideline noise level of 122 PNdB. As a yardstick, 120 decibels is considered the threshold of pain. The current subsonic commercial jets at takeoff generate noise levels three miles away in the range of 120 PNdB.

It is difficult to determine what the noise levels would be within Everglades National Park, but it's a safe bet that they would be considerably higher than a typical national park "noise"—the rustling of leaves, which is rated at 10 decibels. Talk about uproar; if the jetport is developed at the present site, it will turn the wilderness quietude of Everglades National Park into bedlam. Nine hundred thousand flights a year averages out to more than 100 flights an hour, 24 hours a day, 365 days a year.

NEEDED: ONE HELL OF AN UPROAR

Fortunately, Section 4(f) of the Transportation Act gives the Department of Transportation a clear mandate to move the jetport if a "feasible and prudent alternative" exists. At the June 3 hearing before the Senate Interior Committee, alternative sites were identified by two state witnesses: Nat Reed of the governor's office and FCD Chairman Padrick. The sites they identified are both on state-owned land, so a land swap with the Port Authority would make things relatively simple.

But the push for another site isn't going to come from Miami, not while either alternative would benefit Fort Lauderdale, West Palm Beach, and other cities north of Miami along Florida's Gold Coast. The push is going to have to come from Washington, by shutting off the federal subsidy for development at the present, destructive site. And Washington isn't likely to push too hard without a push from the general public. Everglades National Park might well become the first national park to be dis-established, unless the American people stand up in its defense. So far, through the various federally supported programs and projects of diverse agencies and departments, the American public has unwittingly been subsidizing the destruction of Everglades National Park.

As long as the various federal departments and their agencies pursue their separate ways, ignoring the several laws that exist to promote—and that even require—inter-departmental coordination and sound environmental planning, there can be no hope for preserving and restoring the American environment. In many ways the Everglades problems are symptomatic of an even larger problem. Hopefully, President Nixon's new Environmental Quality Council will roll up its collective shirtsleeves and go to bat for Everglades National Park. For it the Everglades are lost, America will have gone one hitless inning toward losing the whole environmental ballgame.

The first step down the long road toward saving Everglades National Park is moving the jetport away from the park. As Senator Nelson observed, moving the jetport will cause one hell of an uproar in Dade and Collier counties. But the jetport isn't likely to be moved unless there is one hell of an uproar in the 50 states of the Union over the threat to Everglades National Park. Conservationists who want to see Everglades National Park given at least a fair chance of survival, are writing President Richard M. Nixon, as well as their senators and congressmen. If the jetport isn't moved, say goodbye to the continent's only subtropical national park and to the world's only Everglades.

FOUNDATIONS

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, a substantial part of the bill we are considering deals with foundations. The committee has wisely written into the bill some meaningful safeguards that should help correct the abuses practiced by some foundations for personal gain and not for the public good.

I commend the Committee on Ways and Means for these actions, and from the communications I have received I know they will be welcomed by the leaders of the thousands of legitimate foundations which do so much good in this country.

Some of the other provisions in this bill seem to me to be, however, unduly restrictive and, in effect, to apply the lash to the extremely worthwhile foundations for the sins of the few. I realize that the widespread publicity given in recent months to some unwise foundation actions may have been a factor in the committee's deliberation. This is regrettable, but understandable.

But, Mr. Speaker, I think it fair to observe that there seems to be an impression in some quarters that Congress is about to express a vote of no-confidence in our private foundations. I am sure that the great majority of Members of the House would agree in saying emphatically that nothing could be farther from the truth.

Mr. Speaker, the philosophy of giving which is embodied in our foundations is a unique American concept. In no other country are there such institutions comparable for using the resources of the private sector for the public good as our foundations—or at least as many and as varied and as significant.

The benefits of foundation grants are interwoven with the most important social, scientific, and cultural advances of this century. Last Monday, Marquis Childs, in his column in the Washington Post, put it this way:

> The benefits of foundations have been spread far and wide. Every form of scientific research, medical advance, music, the drama, all the arts have profited. City planning, urban well-being, the plight of the poor, the ills of a time of troubles have come under the foundation purview.

Mr. Speaker, it is against such a background of enormous public good that we must view the occasional account of a minor foundation action which we may question.

Let us not forget that Dr. Jonas Salk developed the polio vaccine under a foundation grant.

When we marvel at man's trip to the Moon or television pictures of Mars, let us not forget that the pioneering work of Dr. Robert H. Goddard was supported by a foundation.

Let those who are concerned about the education of our people not forget that the Carnegie Foundation has spent $24 million and built 2,500 libraries to establish the principle of the public library.

And let those who worry about the influence of Government on education remember that it was $93 million of Carnegie funds—not Federal or State appropriations—which established the pension system for teachers.

It was through the philanthropy of the Rockefeller Foundation that hookworm was eradicated in the South and malaria and yellow fever were conquered.

A foundation grant financed the famous Flexner report which put an end to the old-style medical schools, while other foundation funds helped establish our modern system of medical education and move American medicine into the twentieth century.

As Congressmen, we daily feel the burgeoning pressures of the problems of our cities. We may lose sight of the fact that the Ford Foundation has been trying, for almost a decade, to combat the conditions which have produced the crisis that afflicts urban America.

Mr. Speaker, I am happy to see that the committee report specifically excludes the work of the Southern Regional Council from the prohibitions against foundation support of activities which might influence the outcome of elections. As a result of action taken by this Congress in passing the Voting Rights Act of 1965, combined with the nonpartisan Voter Education Project of the Southern Regional Council, some 800,000 American Negroes have been registered to vote. This result could not have been accomplished without foundation support.

I commend the committee for singling out in the report both the Southern Regional Council and the League of Women Voters education fund as examples of political activities which could continue with foundation support under the provisions of this bill.

Mr. Speaker, many people today are concerned about what they consider the pervasive influence of the Federal Government in many areas of our national life. This influence derives almost exclusively from the ability of the Government either to supply or withhold Federal financing of public undertakings.

We might consider how much stronger the Federal influence in these areas would be without the some $1½ billion which the foundations supply annually to support activities in the public interest. This is particularly true in the fields of education, health, and welfare, which are the principal areas of foundation spending.

I, for one, believe we need more, not fewer, centers for innovative action in this country. I am not willing to rely on Government for everything. And certainly the record proves that the innovations supported by our private foundations have, for the most part, been effective and overwhelmingly in the public interest.

There are, Mr. Speaker, two good examples of what I am saying in State government. Perhaps many people do not know that two foundations have financed the work of the Citizens Conference on State Legislatures. This conference has worked for higher salaries for State legislators to help free them from the influence of special interests. It has also advocated the adequate staffing and office space essential to the effective work of our State legislatures.

At the request of the Governors, foundations also supplied the initial funding for a program carried out by the National Governors' Conference for studies in a number of areas relating to the role of States in our modern society.

Mr. Speaker, I could cite many other examples of the vital contributions that foundations are making to our national life. I hope, however, that I have made the point that private foundations are a striking and highly visible example of the way private interests work in cooperation with Government to help lift the standard and quality of life in our country.

It therefore makes no sense to weaken these private efforts by placing unreasonable restrictions on all foundations because we do not approve of some of the actions of a few. For this reason, I see no justification for imposing a 7½ percent tax on the foundations when the effect will only be to reduce the income of recipients by that amount. Instead of going to them, the money will go to the Government—so that what we are really saying is that we feel Congress can spend the money more wisely for the public good than can the private foundations. Indeed, it is my understanding that the Treasury did not request this tax.

But, Mr. Speaker, I recognize the problems of the committee in dealing with the whole complex problem of tax reform. I, nonetheless, want to be sure that the American people realize that, in voting for this bill, the House is in no way passing an adverse judgment on the great accomplishments of the private foundations in this country.

Mr. Speaker, at this point in the RECORD, I include an excellent editorial on the subject I have been discussing from the New York Times of today, August 6, 1969.

The editorial follows:

PRESERVING THE FOUNDATIONS

The House Ways and Means Committee's shotgun approach to the tax-free foundations would buy reform at a very high social cost. It proposes a genuine—and wholly desirable—crackdown on the self-dealing manipulations of foundations that are operated as vehicles for tax avoidance. But great harm would come from the new tax and other restrictions the bill would impose upon the bona fide philanthropic foundations which enrich American life with ideas and innovative social programs.

A leading case in point is the 7.5 per cent tax that would be levied on the investment income—dividends, interest, rent, royalties and capital gains—realized by foundations. The levy is not sufficiently stiff to discourage the tax-dodgers, but it would put a dent in the useful activities of worthier foundations. About two-thirds of their income now goes in the form of gifts to private universities and local charities. Hence, what the Treasury realized in additional revenues—probably not more than $65 million in the first year—would soon be offset by demands for new or expanded Federal programs in the same fields.

Although the foundations tax is described by the committee as a "user fee" to defray the costs of more vigorous policing, no machinery is proposed or funds earmarked for that purpose. A preferable alternative would be a much lower special registration fee for foundations, the proceeds of which would support a special supervisory office in the Treasury Department. With effective supervision of the foundations, dollars destined for philanthropy would actually get where they are supposed to go.

There has been a softening of some of the very harsh restrictions that the committee originally proposed to prevent foundations from engaging in political activities. The Southern Regional Council is specifically cited in the committee report as a foundation that may continue to finance voter registration drives. But a number of ambiguous and potentially restrictive provisions remain in the bill.

The whole title dealing with tax-exempt organizations should be sent back for redrafting. Its passage by Congress would inhibit creative philanthropic activities, an essential ingredient of a pluralistic society.

SHOULD FEDERAL FUNDS BE USED TO SUBSIDIZE COUNTRY CLUBS ANYWHERE?

(Mr. CONTE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. CONTE. Mr. Speaker, I rise today because of my deep concern about the recent news that the Farmers Home Administration has approved a $265,000 loan guarantee for an all-white country club situated in Lee County, Miss.

Only last weekend, Mr. Speaker, I had the painful experience of talking with several small businessmen in my district unable to secure loan guarantees because of the woefully inadequate funds available to the Small Business Administration.

What a damning indictment of our system of national priorities when funds for such ventures are unavailable at the same time the Federal Government is in the business of subsidizing country clubs—and all-white country clubs at that. And make no mistake about it, since the FHA will be picking up the interest payments over 5 percent, we will be expending Federal funds, possibly as much as $270,000 over the 40-year term of the loan.

Aside from this matter of national priorities, Mr. Speaker, there is also the grave question whether we should be subsidizing an institution which would appear to be racially exclusive.

It is not enough, I suggest, to be told that, in accepting the loan, the country club is bound to Federal nondiscrimination requirements. I wonder if any of us expect a vigorous recruitment drive for black members.

It has also been pointed out that, in approving the guarantee, the FHA may ever. have bent its own rules. According to an FHA loan administrator, the size of the loan does exceed their usual FHA standard of approving no loan that would create indebtedness of more than $1,000 per family membership. Those guidelines were exceeded here by more than 15 percent.

Perhaps the reason for FHA's confidence in this case is based on the fact that farmers in Lee County collected over half a million dollars in subsidy payments in excess of $5,000 in 1968.

I also understand that the country club in question did not originally have sufficient rural members to qualify for FHA financing. It was one member short. Fortunately for the club, however, a doctor who works in town but lived in the country signed up, and the loan guarantee went through.

I am sure this was a great relief to the authors of last week's antibusing amendment who otherwise might have seen the specter of forced busing of rural country club members.

Seriously, Mr. Speaker, this incident raises grave questions, even beyond the serious matter of racial discrimination. Should Federal funds be expended to subsidize country clubs anywhere at a time when the housing and nutritional needs of so many Americans remain unmet, I think the answer is clear.

BOTH HORNS OF ASIAN DILEMMA

(Mr. ADAIR asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ADAIR. Mr. Speaker, there has been some criticism of the President for assertedly saying one thing on Guam and another in Thailand regarding U.S. policy in Asia.

The Cleveland Plain Dealer clarifies the situation nicely in the attached recent editorial:

Both Horns of Asian Dilemma

President Nixon has been urging Asians to shoulder more of their own defense burden. At his stops in Manila and Jakarta Mr. Nixon served notice that U.S. forces in Asia will shrink and will not again get mired down as they have in Vietnam.

But in Bangkok the President said: "The United States will stand proudly with Thailand against those who might threaten it from abroad or from within."

Are those two positions consistent? Communist guerrillas are already a significant threat in northeast Thailand. Some of them take orders from Peking and some from Hanoi. Is Mr. Nixon pledging to increase U.S. military troops stationed in Thailand if the Communist threat grows more serious—as that threat once grew in Vietnam?

Those two positions represent the two horns of America's dilemma in Asia. On one hand the United States cannot throw massive forces into every Asian country that gets into trouble. On the other, it cannot renege on its obligations; certainly not on signed commitments such as the Southeast Asia Treaty, which applies if Thailand is subjected to armed attack.

Beyond that, the United States has its own interests to protect in maintaining peace. World peace cannot be assured by a total unilateral American pullout, no matter how fervently some peace talkers argue that it can.

Mr. Nixon's two-sided policy is consistent if the time dimension is added in. Over a term of five to 10 years, if promising Southeast Asian countries develop well economically and governmentally, they can do far more militarily for themselves.

One must also be able to rule out any serious increase in tensions, and certainly there must be no spread of war. Certainly then U.S. force levels could be lowered.

Mr. Nixon's words express a hopeful outline of the near future. They are not an exactly drawn blueprint, so he should not be called to give precise dates and numbers or situations in which U.S. power will or will not be committed.

His principal point is coming through clearly for all to hear. The United States is not going to plunge into every Asian mixup, but it is not going to desert its friends and it will remain an Asian power.

INTERCITY RAIL PASSENGER SERVICE ACT

(Mr. ADAMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ADAMS. Mr. Speaker, I am introducing today the Intercity Rail Passenger Service Act. I am being joined by 17 cosponsors on this bill which will provide capital assistance to railroad companies or regional transportation agencies so that Intercity Rail Passenger Service will be continued.

The bill would authorize the Secretary of Transportation to purchase and to rehabilitate existing passenger equipment or to purchase new equipment, such as high-speed trains. The equipment in this car pool would be leased by the Department of Transportation to railroads or regional transportation agencies operating passenger service.

During the past year alone the number of intercity passenger trains has been reduced by 20 percent. In June of 1968 there were 590 regular intercity trains. Today, less than 500 are in scheduled service. About 50 of the remaining intercity trains are presently involved in discontinuance proceedings before the ICC.

Many in the management of the railroads have asked that Congress give an operating subsidy to the money-losing railroads. This approach not only flies in the face of precedent but also provides little or no incentive to reduce costs or to increase revenues on their own initiative.

The vast undertaking to recapture 20 years of lost ground in passenger service can only adequately be accomplished by the Federal Government giving capital assistance to the railroads.

Much of our passenger fleet is nearly 20 years old and will inevitably have to be replaced. Today, a new passenger car costs about $250,000. The railroad industry is already starved for capital, and it is unreasonable to expect the industry to put sorely needed capital into passenger service, at best a break-even proposition. However, there is a clear social need for the continuance of such service. We have already poured billions of dollars into other modes of transportation—highways, airways, and waterways. But cars and planes by themselves cannot handle the growing number of intercity travelers. The Intercity Passenger Service Act will go a long way toward correcting the imbalance in our transportation subsidies.

It is difficult for me to understand how the Congress can allow merger after merger in the railroad industry and stand by while the railroads roll steadily on forcing passengers off the railroads. If we in Congress do not accept responsibility and act decisively, the public will very soon be excluded from the railroads completely.

I want to especially thank the National Association of Railway Passengers and particularly Anthony Haswell, chairman of NARP, for their help in developing this legislation. It is a very complicated field and I appreciate the technical advice they have given.

I include excerpts from various news media:

[From Life magazine, Aug. 2, 1968]

Nation's Real Interest: National Rail Service

In the past 10 years, 858 intercity trains have disappeared, among them such reverberating names as the 20th Century Limited, the Lark and the Chief. Oddly enough, the people now most eager to do away with the great trains are the railroad operators themselves . . . They want to be free to make money on freight alone . . . It may be that the real interest of the country would dictate that some form of railroad passenger business coast to coast should be supported at the expense of a few interchanges or airport runways.

[From the Washington (D.C.) Post, Feb. 19, 1969]

Generation of Neglect to Overcome

There is one encouraging aspect to the cry for Government to help that went up last week from the Nation's railroads. It is simply that they have finally begun to face up to the fact that they are not going to be allowed to get completely out of the passenger business. This is the crucial first step towards creating a national transportation policy in which the railroads have a major role, although the specific proposal of the railroads—that the Government underwrite losses on non-profitable trains—is not a very creative second step. The first response to the Metroliners running between here and New York City indicates there is a substantial and perhaps growing market for the railroads on intercity runs, particularly in heavily populated sections of the country. There may also be markets on longer runs, such as those that can be made overnight and those across less populated sections where air transportation is not readily available. And, as the airways and the highways steadily grow more crowded, there may even be a future for the railroads in the summer vacation travel. To tap such markets, however, the railroads have a generation of neglect to overcome. The tragedy of rail transportation is that the industry after World War II was seized by the idea that its future lay solely in freight operations. Instead of responding to the challenge presented by the airlines, many railroads set out to destroy their own passenger train operations and did about everything they were allowed to do to make traveling by train as inconvenient and uncomfortable as possible. If the railroads are to overcome this era of neglect, they need more than just a Government subsidy to non-profitable trains. It is going to take railroad management that is creative enough and eager enough to build up public interest once again in getting there by train. This means fares that are competitive, cars that are clean and comfortable, tickets and reservations that are simple to obtain, other passenger services that are the equivalent of those offered to air travelers, and a strong effort to convince the public of the advantages, such as getting there on time, of rail transportation.

[From the Washington (D.C.) Star, Oct. 9, 1968]

160,000 Passengers on Sunset Limited "Despite Deplorable Conditions"

Two young lawyers—one representing the California Public Utilities Commission and the other the National Association of Railroad Passengers—have urged the normally somnolent ICC to come out of its slumber long enough to realize that times have indeed changed since 1887, when the ICC was first organized. They have reminded the commissioners that when the ICC was founded, railroads were fighting each other to woo passengers. And they say—rightfully, we think—that the Interstate Commerce Act is broad enough to allow the commission to require the railroads to see that the segment of the traveling public—106 million passengers last year—which wants to ride the trains for distances longer than commuting continues to have not only just a train, but an adequate train . . . The service that remains is in some cases continually downgraded by railroads anxious to discourage the remaining passengers. One of the worst such cases is the Southern Pacific Co., and its once-famous Sunset Limited between New Orleans and Los Angeles . . . Despite the deplorable conditions aboard, more than 160,000 persons rode the Sunset last year . . . Seaboard Coast Line turns a profit on its Florida-bound streamliners. But its trains are clean. Seaboard lures passengers with movies, games, free champagne and candlelight dinners. What works for them might well pay off for the Southern Pacific.

[From the Wall Street Journal, Dec. 11, 1968]

Most Economical Method of Moving People Quickly

Few industries are as dependent on popular support as the railroads, and yet the roads sometimes seem to be at war with the public. In their own interest, it would seem time to try some new tactics . . . One approach would be a more constructive attitude toward passenger service. With all of the aerial and highway traffic jams, it should be evident that the nation is going to continue to need mass transit, and railroads remain the most economic method for getting people quickly from place to to place . . . All in all, the railroads could do quite a bit to show that they realize their status as a vital utility entails specific public responsibilities. If they did, the industry would once again be on the right track.

[From the Wall Street Journal, Feb. 19, 1969]

Subsidies: Know What We're Paying For

The Association of American Railroads has proposed that the Federal Government pay the cost of operating money-losing passenger trains. If subsidies of that sort are enacted, the nation will want to be sure it knows what it's getting. What's it's getting now is passenger service that is highly uneven in quality and quantity. In some areas, especially in the West, the service is excellent, while elsewhere it is decrepit or just about nonexistent . . . The question, in sum, is not merely who will pay but what the money will buy. In too many parts of the country, the public already is paying heavily for the lack of adequate means to travel from place to place.

About Time United States Got High-Speed Trains

It is about time that the U.S. got some high-speed trains. Europe has long had them and Japan's highly successful Tokaido express travels at 130 mph . . . Since the Government obviously has higher-priority projects—spaceships, supersonic transport planes and down-to-earth welfare spending—such heavy expenditures [for an expanded high-speed rail service program] will have to wait for some future generation. But the trains have finally begun to speed up, and that should be welcome news to passengers and railroads alike.

[From the Philadelphia (Pa.) Inquirer, May 28, 1968]

All Passenger Service Eliminated by 13 Major Railroads

As it is, the ICC is authorized to allow carriers to reduce passenger service but not to promote it. Perhaps that is as it should be, but under this policy some 13 major railroads have eliminated all regular passenger service and the number of passenger trains operating on a daily basis has been reduced to . . . less than 600. If it is fighting for a lost cause to try to resist the trend, it ought to be recognized and faced. On the other hand, if the welfare of the nation is hurt in any real way, the decline ought to be arrested.

[From the Chicago (Ill.) Tribune, Dec. 29, 1968]

Fast Rail Service Deserves Priority

We are happy to note that the Illinois Central railroad is planning to experiment with a 170-mph train on its run between Chicago and Carbondale, 307 miles downstate. With the highways leading to big cities already clogged and with metropolitan airports already overcrowded, it does not take very much thought to figure out that what urban areas need most in the way of transportation is fast rail service. . . . We would like to think that the railroads could inspire the necessary confidence to raise the money [for high-speed service] themselves, just as we would like to see the aviation and trucking industries pay a fair share for the cost of publicly financed facilities used by them. But on the basis of need, the railroads should have priority. And if the only way the job can be done is with federal help, the railroads are as entitled as their competitors to a crack at the public treasury. Any proposal which emerges from the present negotiations at least deserves consideration.

[From the Providence (R.I.) Journal, May 29, 1968]

Railroads Have "Preferred to Let Passenger Service Die"

The railroad lines themselves have preferred to let passenger service die on the simple premise that there is a greater and surer financial return in promoting long-haul freight business . . .

There still is no federal long-range transportation policy in spite of all the talks about getting one . . . Rail lines, it is being recognized, offer the most economical public method of getting people in and out of big cities—yet that service dies as the roads jam and the airlanes clog.

[From Christian Science Monitor, Nov. 19, 1968]

"Millions" Would Enjoy Fast, Comfortable Trains

Any cutoff of federal aid to the development of a high-speed train should be resisted vigorously by both politicians and the public. Since Washington finds it possible to pour vast sums into the development of aircraft, it can certainly afford to spend pennies on the production of a new, faster, and pleasanter type of rail travel . . . Fast train travel is needed as airports and roads become increasingly clogged and unpleasant. Furthermore, we still believe that there are millions of individuals who would enjoy train travel if this could be both sped up and made more comfortable. The present experimentation is designed to do both. We therefore say: Give the railroads a chance. And let the government spend a minute proportion of the fabulous funds it pours out on aviation on rail travel.

U.S. Has "Worst Railroad Passenger Service" in Industrialized World

The United States has the worst railroad passenger service of any industrialized country in the world . . . There is little if any acknowledgement from either political party that millions of dollars are going to be needed over the next decade if the nation's cities and suburbs are to have modern mass transit. There is little disposition to tell the airlines that they ought not to develop 'jumbo jets' when ground facilities do not exist to cope with them. Or to tell the truckers that they cannot go on indefinitely increasing the length, width and weight of their huge trailers. Or to tell the highway builders that there is a limit to the need for new construction and that scenic, esthetic and other social values must be considered as equal in importance to engineering efficiency. Or to tell the railroads that passenger service cannot be thrown away like an old suit of clothes.

[From the New York Times, May 13, 1968]

A Practical Necessity

Railroad companies have developed the propaganda myth that maintenance of passenger service is a matter of interest only to a dwindling number of train buffs. In reality, ninety-eight million passengers, not counting daily commuters, traveled on intercity trains last year. Rather than dwindling, the number of rail passengers is likely to rise in the coming decade as highway and airline congestion worsens . . . A functioning network of passenger railroads connecting major points in this nation is not a matter of nostalgia and romance; it is a practical necessity . . . The ICC's duty is to stop pampering the railroads it is supposed to regulate and to begin protecting the defenseless traveling public.

[From the Oklahoma City (Okla.) Daily Oklahoman, Nov. 1, 1968]

Auto: Insatiable Space User

The automobile is such an insatiable consumer of urban space and public funds that its multiplying demands raise the eventual prospect of downtown areas being reduced largely to streets, freeways and parking lots. Downtown Los Angeles, to cite one wheels-stricken example, is estimated to consist 68% of streets, freeways and parking space . . . What applies to Los Angeles will apply eventually even to such relatively uncongested urban centers as Oklahoma City. The answer . . . is a balanced urban transportation system that embraces private cars, buses, commuter railroads, subways and rapid rail transit.

TO THE HORIZON—TO THE STARS: APOLLO 11 AND ITS MEANING TO MANKIND

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Indiana (Mr. BRAY) is recognized for 10 minutes.

Mr. BRAY. Mr. Speaker, issuance in August of a special 10-cent airmail stamp to commemorate the flight of Apollo 11 and man's first steps on the surface of the moon will mark the most outstanding and thrilling event of centuries.

The stamp itself will make history. The astronauts carried to the moon, aboard Eagle, the die from which plates for printing the stamps will be made, with a "Moon letter." The letter was hand-canceled on the moon with a special postmark, and a similar postmark will be used for cancellation when the stamp is issued.

When he wrote "To pluck bright honor from the pale faced moon," Shakespeare was oddly prophetic in this line from Part I of King Henry IV, but it has taken man centuries to reach the point of "bright honor." First, of course, there was fear. What other emotion could there have been, in that remote, never-to-be-measured time, that one instant when some early, brute man, eyes squinting, swaying on unsteady legs, was for the first time suddenly aware of the full moon soaring in splendor above the distant hills? For him, and for centuries to come, the moon became a deity. Here we have an interesting note: practically all representations of the moon as an object of worship portray the deity as a goddess.

So it went for centuries, the cult of moon worship, from the ends of the earth to the ends of the earth. And when it challenged other faiths, the response was quick and direct: the 17th chapter of Deuteronomy tells how Moses, the great lawgiver, decreed:

> If there be found among you . . . man or woman, that . . . had gone and served other gods, and worshipped them, either the sun, or moon . . . thou . . . shalt stone them with stones, till they die.

There is scarcely a part of the globe where people did not worship the moon: Ishtar of Babylon, Mother of All, Silver Shining Seed; Astarte in Phoenicia; Isis in Egypt; Artemis in Greece; Diana in Rome; Mama-Quilla, goddess of the Incas, high in the Peruvian Andes; Pah among the Pawnees; Terah of Carthage; Tsuku-Yomi in Japan; Hina in Hawaii; Great Varuna, among the Hindus, also King of the Dead because the moon was where the dead went; Myesyats, of ancient Slavonic legend. Nokomis, mother of Hiawatha, was daughter of the moon, and in Egypt Thoth, the dog-headed ape, played checkers with the moon and won one seventy-second of the moon's light. Thoth, being a clever and imaginative fellow, used the light to create 5 extra days.

For most of them, their temples and shrines fell long ago, although various forms of moon worship still exist among primitive peoples. But in the poetic sense, the first human footprint in the lunar dust, undisturbed for aeons, was the final and symbolic step that meant the passing for all time of the moon as a deity.

But, curiously, amidst this widespread fear, and worship—among all the exhortations to the moon, for good or evil, almost buried in centuries of superstition, flickering, now dimly, now brightly, against a background of myth, magic, and marvel—we find oddly disturbing and disquieting signs of early man's relation to the moon that indisputably point to a far earlier stirring of man's intellect than was ever before imagined.

On cave walls, bones, tools, bits of human utensils, dating back 30,000 to 35,000 years to the Upper Paleolithic Age, appear puzzling and mysterious markings and scratches, not accounted for by random causes, or normal usage. Only after careful notations of marks that appeared to be in groups were made, then these analyzed by precise statistical methods, did the results tumble out to unbelieving eyes: there were many, many more groups of markings in amounts of 29 or 30 than pure chance could ever account for. The cycle of the moon is 29.5 days.

Mark Twain wrote:

> War talk by men who have been in war is always interesting, whereas moon talk by a poet who has not been in the moon is likely to be dull.

The irrepressible Twain followed this up by asserting that—

> Everyone is a Moon and has a dark side which he never shows to anybody.

But his comments on poets writing about the moon merely illustrated the fact of its being used so frequently as a subject for verse.

The moon in poetry ranges from the idyllic; Shelley called it "that orbed maiden, with white fire laden, whom mortals call the moon," and Milton wrote:

> Hesperus, that led
> The starry host, rode brightest, till the moon,
> Rising in clouded majesty, at length
> Apparent queen, unveil'd her peerless light
> And o'er the dark her silver mantel threw.

To the mixed sentiments of Sir Richard Burton, translator of "The Arabian Nights":

> That gentle Moon, the lesser light,
> the Lover's lamp, the Swain's delight,
> A ruined world, a globe burnt out,
> a corpse upon the road of night.

Be all this as it may, it is still a matter of record on the rolls of human history that the moon has guided man in planning, believing, or indulging in a truly astonishing number of things. According to the moon, or by it, or with its help, or on account of it, man would: Make war; make peace; make love; invoke its aid for victory in battle, as in Joshua 10:12:

> Joshua . . . said in the sight of Israel, "Sun, stand thou still upon Gideon; and thou, Moon, in the valley of Ajalon."

He would dream about it, Genesis 37:9:

> Joseph said, "Behold, I have dreamed a dream more; and, behold, the sun and the moon and the eleven stars made obeisance to me."

He would work by it—moonlighting; smuggle by it—"moonshine" is originally an 18th-century British term for smuggled brandy; go mad under its spell—lunacy, mooncalf; swear by it, with reservations—Juliet begged Romeo:

> O! swear not by the moon, the inconstant moon, that monthly changes in her circled orb.

He would plant the crops; harvest the crops; hunt; sail—by using the tides; predict the weather; lie hidden from his enemies as the moon shone; go hunting for his enemies as the moon shone; fear the full moon, for it was then that vampires and werewolves roamed abroad; build shrines and temples in its honor; plan uprisings; swear solemn oaths; hold secret meetings; attempt to read the future; see indications of divine displeasure if the moon were red; write music; impress his fellow men—members of the priesthood, being more skilled in astronomy and knowing when eclipses would occur, used this to great and often rascally advantage among primitive peoples; and among all this attempt to read into it signs of hope or of disaster for man's future.

But, above all else, dream of reaching it, and reflect on its beckoning beauty—so near, and yet so far. This was one of the first sentiments expressed by the first man whose astonished eyes beheld it through a crude telescope. Galileo said:

> It is a most beautiful and delightful sight to behold the body of the Moon.

> Yon rising moon that looks for us again,
> How oft hereafter shall she wax and wane!
> How oft hereafter rising look for us . . .

In 1947 the U.S. Army Signal Corps bounced a radar signal off the moon, a startling and significant achievement for that time, just 20 short years ago. I recall seeing a cartoon drawn at the time. The picture was of a quizzical moon, peering down at a smiling earth, and the caption was "I could swear she winked at me." The landing of Eagle was a triumph for man, in the sense that we are all members of the human race, but above and beyond that, it was a purely American triumph, a culmination of a solely American endeavor, with American footprints the first to disturb lunar dust unspoiled for 4½ billion years, and the American flag standing in the Sea of Tranquillity.

The doubters and faint-of-heart who said "It cannot be done" are behind us, now, forever, but among us yet are those who would for some warped reason of their own continue to downgrade it and say "It should not have been done" or "We should not do any more." Such as these are as old as human history. It is recorded that in 1486 Ferdinand and Isabella of Spain appointed a committee—what a modern sound that has—to study Columbus' plans for exploration to the west. And, as do many committees, a host of reasons were found why it could not or should not be done. According to Bartolome de la Casas, a biographer and contemporary of Columbus, reporting to Their Majesties in 1490, wrote:

> The committee . . . judged his promises and offers were impossible and vain and worthy of rejection . . . that it was not a proper object for their royal authority to favor an affair that rested on such weak foundations, and which appeared uncertain and impossible to any educated person, however little learning he might have.

The equivalent of the committee that we have among us today forget that there come times in human existence when singular or collective efforts of men rise to the greatest challenge of all: the challenge of meeting what man's destiny must surely be. There come times when the pace of man's advance surges and roars ahead with one gigantic bound. Sir Bernard Lovell, Director of Britain's Jodrell Bank Observatory, drew his lesson from history in his comments on Apollo 11:

> If you look at the thousands of years of civilization you will find that only those communities that have been prepared to struggle with the nearly insoluble problems at the limits of their technical capability—those are the only communities, the only times, that civilization has advanced.

Man must make this great leap when the time is there, or he stands in danger of turning his back upon what he was ultimately meant to be, what he ultimately can be, and what he ultimately will be. We have our dreams; we have our faith; we have our courage; and we have our hope. All these things and more went into Apollo 11; the skilled hands that machined a valve or soldered a connection or designed a part or sketched equations upon a blackboard, they were directly involved. Without our great American free enterprise system, without the know-how and the production capacity and prosperity that this and our educational structure engender, Apollo 11 could never have been a success. All America has a part in this great achievement. And from those watching, waiting millions who were not a direct part of the mission, there were their prayers.

I believe there is a universal pride among the inhabitants of Earth over what Apollo 11 accomplished. I also believe this pride is, justifiably, stronger and greater, and heads are held higher because of it, here in our own country, over what our fellow countrymen have done. And let no one say this is solely a pride in material things. The experience of Apollo 11 was, true, a triumph for technology in showing what man can do, but there was undeniably something spiritual and esthetic about it that fulfilled a deeper need and yearning in the heart, mind, and soul of man.

A sense of adventure? A new sort of challenge? An appreciation for the sheer, pristine beauty of the flight, in sight as it was viewed and in concept as it was carried out? A reminder that the jaded, the mundane, the obvious, the tiresome, can suddenly be swept away by unparalleled magnificence? Yes, I think all these things were there. For it is written in the Book of Deuteronomy, 8:3, that—

> Man doth not live by bread only, but by every word that proceedeth out of the mouth of the Lord doth man live.

The injunction is repeated again in the Bible, in Matthew 4:4; let us never forget it. Man's plane of existence demands more than bread, because man, created just lower than the angels, is not a beast. And Apollo 11 was more than bread.

THIS NEW OCEAN

So gladly, from the songs of modern speech
Men turn, and see the stars, and feel the free
Shrill wind beyond the close of heavy flowers;
And through the music of those languid hours
They hear, like Ocean on a western beach,
The surge and thunder of the Odyssey!

For man, our earth is but the shore of that great sea, the universe. As men have set off from the shores into the unknown beyond the horizon since time immemorial, so do we today feel our spirits soar and our minds stir as we are once again beckoned by an unknown sea, vast beyond comprehension. Virgil knew these passions, and wrote on them, centuries ago, in "The Aeneid," as Aeneas and his comrades set out to challenge the fates:

> They sit down at the thwarts, and their arms are tense on the oars; at full strain they wait the signal, while throbbing fear and high passion of glory drain their riotous blood. Then, when the clear trumpet-note sounds . . . all the sea is torn asunder by oars.

August 1492, and Columbus' three ships drifted slowly down the Rio Tinto on the morning tide. To the ears of Columbus and his sailors came the sound of friars' voices raised in the ancient hymn "Iam Lucis Orto Sidere—Now the Risen Star of Light." Its weirdly prophetic, haunting refrain swelled and drifted about the top gallants of the ships: "Et nunc et in perpetuum—Now and forevermore." Like the opening bars to that never-ending great symphony of quest beyond the unknown, its words linger with us still.

And men will always push out on the tide, "now and forevermore." For of all the vertebrate animals, man is the only one who walks with his head upright, his line of sight fixed on, and his eyes reaching out to, the horizon or the stars. And now, that which was beheld by the eyes for so long has been grasped by the hands.

We could not do otherwise; it would go against our destiny to turn our backs upon the challenge of the universe just as much as it would have been in violation of the laws of nature and the laws of creation to have turned aside from the challenge of what lay beyond the next hill, or—

Beyond that last blue mountain barred with snow
Across that angry or that glittering sea

But some still ask, "Why?" H. G. Wells, in his book "First Men on the Moon," had the narrator, Bedford, repeat the age-old question. It is as applicable to space flight as it must have been to the Phoenicians who 500 years before Christ set out to explore the coast of Africa:

> Why had we come to the Moon? The thing presented itself to me as a perplexing problem. What is this spirit in man that urges forever to depart from happiness and security, to toil, to place himself in danger, even to risk a reasonable certainty of death?

Wells had Bedford conclude that "some force not himself impels him and go he must," but in 1935, in his scenario for the film "Things to Come," Wells gave a more detailed answer:

> For man there is no rest and no ending. He must go on—conquest beyond conquest. This little planet and its winds and ways, and all the laws of mind and matter that restrain him, and at last out across immensity to the stars. And when he has conquered all the deeps of space and all the mysteries of time—still he will be but beginning.

All things end—except beginnings. Man is still but an infant on the cosmic scale. Sir James Jeans has demonstrated this in his famous analogy: place a penny on top of the 70-foot obelisk known as Cleopatra's Needle, and a postage stamp on the penny. The obelisk represents the age of the earth; the penny the length of man's total existence, and the stamp the period of time in which man has been civilized. Possible life on earth would have to be shown by a column of stamps almost a mile high.

I believe it is all part of one eloquent, master plan of creation. First, to teach us humility, to make us more aware of the immensity and grandeur of the universe, and our very small scale of existence to date within it. Second, I feel, it is planned to show man what he can really be. For man has been given the power to turn his own earth into a lifeless, charred cinder. Prometheus, for the sin of giving fire to mortals, was chained to a rock for eternity and an eagle sent to devour his liver, but as this fire of a nuclear furnace, its secret now unlocked and ready to be used as man's will so dictates, can incinerate and destroy, it can also provide man with the means to take life—the life of mankind—to where none as we know it exists.

The pattern of creation has given us the choice, and I am confident we will make the wiser of the two. We are moved by things beyond our ken and comprehension, things which we know not. Walt Whitman asked in his "Passage to India":

> Are thy wings plumed indeed for such far flights?

Then, in the closing lines of his verse, Whitman answered in a sweeping, rapturous outpouring of faith, trust, and belief in man's destiny:

> O sun and moon, and all you stars! Sirius and Jupiter!
> Passage to you!
>
> Passage—immediate passage! the blood burns in my veins!
> Away, O soul! hoist instantly the anchor!
> Cut the hawsers—haul out—shake out every sail!
> Have we not stood here like trees in the ground long enough?
> Have we not grovell'd here long enough, eating and drinking like mere brutes?
> Have we not darken'd and dazed ourselves with books long enough?
>
> Sail forth! steer for the deep waters only!
> Reckless, O soul, exploring, I with thee, and thou with me;
> For we are bound where mariner has not yet dared to go,
> And we will risk the ship, ourselves and all.
>
> O my brave soul!
> O farther, farther sail!
> O daring joy, but safe! Are they not all the seas of God?
> O farther, farther, farther sail!

MOBIL OIL CORP. LETTER RECEIVED

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 15 minutes.

Mr. VANIK. Mr. Speaker, today a constituent mailed to my office a circular letter which he received from the Mobil Oil Corp. in which the chairman of the board of Mobil Oil Corp. infers that the corporation assumes a fair share of the Nation's tax burdens. Later on, he suggests that increased taxation of oil would result in higher prices to the consumer.

According to public records, the Mobil Oil Corp. had a net income of $673,739,000 in 1968 and paid taxes totaling $22 million or a 3.3-percent rate while other industry averages ranged between 37.5 percent and 48 percent. How can this record be reconciled with the statement of Mr. Nickerson?

If the oil industry moves prices upward, we should make every effort to permit the rules of the marketplace to operate. Oil prices are today artificially rigged by State production controls and the oil import quota.

The oil import quota alone costs the consumer $7.2 billion per year, nearly 6 cents per gallon.

I think we should give Mr. Nickerson the free market he is asking for by providing an increase in import quotas with every increase in oil prices. The people of America need not stand still for any continued price manipulation of oil.

Following is the full text of Mr. Nickerson's letter:

MOBIL OIL CORP.,
New York, N.Y., July 18, 1969.

DEAR INTEREST OWNER: Oil companies are faced with an immediate threat of greatly increased taxation. Tax changes under consideration in Congress could, if enacted, prove damaging to everyone who depends on petroleum for transportation, heat, power, or income—as well as cause harm to the U.S. economy. None of us objects to over-all tax reform, but there are considerable dangers in piecemeal reform in a highly emotional climate.

The attack in Congress is aimed at tax concepts established more than four decades ago—measures reviewed and endorsed many times since by thoughtful men in government. This attack has been characterized by inflammatory and uninformed criticism of the amount of taxes paid by oil companies, of petroleum product prices, and of oil company profits.

It is a demonstrable fact that the U.S. oil industry as a whole pays its fair share of taxes. Oil companies' relatively low U.S. *federal* income taxes are more than outweighed by their payment of large state and local taxes that do not apply to other industries.

As for prices, probably no other industry can match oil's record of keeping prices reasonable. Since 1957–59 the prices of gasoline (exclusive of taxes) and home heating oil in our country have risen only about half as much as the government's Consumer Price Index.

Regarding profits, for 20 years the U.S. petroleum industry as a whole has had a lower rate of return on net assets than manufacturing in general. Even so, roughly half of oil earnings must be reinvested to provide for growing demand. This need for capital is enormous: more than $62 billion has been invested by the industry in the United States in the past 10 years. In the dozen years ahead the investment required will be on the order of $110 billion in the U.S. alone.

Despite its moderate product price and profit levels, the industry faces the possibility of an increase in its tax burden that will both stifle the incentive to search for more oil and force product prices up. I am sure that no conscientious and informed legislator would knowingly espouse a policy that would risk making oil products scarce and costly.

Whether or not you agree with these views, I hope that you as a taxpayer and an interest owner will express your opinion to your Senators and Representatives. They can be reached at the Senate Office Building, Washington, D.C. 20510; and the House of Representatives Office Building, Washington, D.C. 20515. The time is short.

Sincerely yours,
ALBERT L. NICKERSON.

COURT SUIT AGAINST UNITED MINE WORKERS AND ASSOCIATED PARTIES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from West Virginia (Mr. HECHLER) is recognized for 15 minutes.

Mr. HECHLER of West Virginia. Mr. Speaker, I am very happy to see that a Federal court suit has been filed on behalf of the long-suffering disabled coal miners and their widows. This suit was filed Monday in U.S. district court, and seeks at least $75 million in compensatory damages, not counting punitive damages.

This suit charges that there has been a conspiracy by the United Mine Workers of America, the UMW welfare and retirement fund, the union-owned National Bank of Washington and the Bituminous Coal Operators Association of America to deprive many disabled and retired miners and miners' widows of their pensions and that through gross mismanagement and other causes there have been breaches of the fiduciary duties owed to the miners.

I will have a great deal more to say about this suit and the substance of the allegations contained therein. For many weeks, I have been calling attention to the gross inequities in the United Mine Workers welfare and retirement fund, and the failure of the top leadership of the United Mine Workers of America to stand up for the rank and file of coal miners. In focusing congressional attention on protecting the health and safety of the miners, we in Congress must not overlook the tragic neglect of those retired and disabled miners and their widows—many of whose sweat and blood went into the original establishment of the welfare and retirement fund in 1946 and have since been declared ineligible to share in the very benefits which they helped create.

Mr. Speaker, attached to my remarks is the text of the complaint filed in the U.S. District Court for the District of Columbia, along with several news articles on this suit:

IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Willie Ray Blankenship, Box 81, Hewett, West Virginia; Rev. Marvin Lovell Kuhn, Gordon, West Virginia; Howard Linville, Peytona, West Virginia; Marble Morgan, Box 439, Whitesburg, Kentucky; Charles Omechinski, Box 305, Quinwood, West Virginia; et al., as listed in Exhibits A, B, and C, which are attached hereto and made a part hereof, individually and on behalf of all others similarly situated and on behalf of the United Mine Workers of America Welfare and Retirement Fund of 1950, 907 Fifteenth Street, N.W., Washington, D.C.; and

The Association of Disabled Miners and Widows, Inc., 227 State Street, Madison, West Virginia.

Plaintiffs,

versus

W. A. (Tony) Boyle, George Titler and Edward L. Carey, individually and in their capacities as president, vice-president, and general counsel, respectively, of the United Mine Workers of America, 900 Fifteenth Street, N.W., Washington, D.C., and certain other officers of the United Mine Workers of America, as listed in Exhibit E, which is attached hereto and made a part hereof;

The United Mine Workers of America, 900 Fifteenth Street, N.W., Washington, D.C.;

Bituminous Coal Operators' Association, 918 Sixteenth Street, N.W., Washington, D.C., and its individual members, including Consolidation Coal Company;

The United Mine Workers of America Welfare and Retirement Fund of 1950, 907 Fifteenth Street, N.W., Washington, D.C.;

The National Bank of Washington, 619 Fourteenth Street, N.W., Washington, D.C.;

Guy Farmer, Josephine Roche, and W. A. (Tony) Boyle, 907 Fifteenth Street, N.W., Washington, D.C., individually and in their capacity as trustees of the United Mine Workers of America Welfare and Retirement Fund of 1950, 907 Fifteenth Street, N.W., Washington, D.C.;

George L. Judy and Henry S. Schmidt, individually and as former trustees of the

United Mine Workers of America Welfare and Retirement Fund of 1950, 907 Fifteenth Street, N.W., Washington, D.C.; and

Wilmer J. Waller, W. A. (Tony) Boyle, Edward L. Carey and Barnum L. Colton, individually and in their capacity as directors of the National Bank of Washington, 619 Fourteenth Street, N.Y., Washington, D.C.,

Defendants.

COMPLAINT FOR DAMAGES AND EQUITABLE RELIEF FOR BREACH OF TRUST

Plaintiffs, by their attorneys, for their complaint allege:

I. Jurisdiction and venue

1. This is an action at law and equity brought by the Plaintiffs, on their own behalf and on the behalf of all others similarly situated, and on behalf of the United Mine Workers of America Welfare and Retirement Fund of 1950 (hereinafter referred to as the "Welfare Fund"), seeking the relief described below, including, *inter alia*, to enjoin and redress a continuing breach of fiduciary duty by the Defendants with respect to the assets of the Welfare Fund, and for a mandatory injunction that the Welfare Fund be administered solely for the benefit of those for whom the Welfare Fund was created. The amount in controversy, exclusive of interest and costs, exceeds Ten Thousand Dollars ($10,000). The amount in controversy, exclusive of interest and costs, for each of the individually named Plaintiffs, exceeds Ten Thousand Dollars ($10,000).

2. The jurisdiction of this Court is invoked pursuant to 11 D.C. Code § 521; 28 U.S.C. §§1331, 1332, and 1337; 29 U.S.C. §§ 185–186; and the principles of pendant jurisdiction of this Court. The Plaintiffs have no adequate remedy at law.

II. Description of plaintiffs

3. This action is brought by Plaintiffs as a representative or class action, pusuant to Rule 23 of the Federal Rules of Civil Procedure, on their own behalf and on behalf of all others similarly situated who are now receiving, or should be receiving, or will, upon retirement or becoming disabled through sickness or injury, be eligible to receive, pensions and other benefits from the Welfare Fund.

4. The class is so numerous that joinder of all members is impracticable. There are questions of law and fact common to the class. The claims of the Plaintiffs are typical of the claims of the class. The Plaintiffs will fairly and adequately protect the interest of the class.

5. The Defendants have acted or have refused or have failed to act, in concert and individually, on grounds generally applicable to the class, thereby making appropriate the relief requested in this Complaint with respect to the class as a whole.

6. The class consists of the following persons:

A. Group I Plaintiffs are all retired or disabled miners who have received, or are receiving, or are aligible to receive pensions and other benefits from the Welfare Fund, or who are entitled to receive but have been wrongfully denied pensions and other benefits by the Welfare Fund. The names of several such Plaintiffs, who are representatives of this class, with each individual's address listed, are set forth in Exhibit A attached hereto and made a part hereof.

B. Group II Plaintiffs are all widows and other family survivors of deceased miners who have received, who are now receiving, or who are entitled to receive pensions and other benefits from the Welfare Fund. The names of several such Plaintiffs, who are representatives of this class, with each individual's address listed, are set forth on Exhibit B attached hereto and made a part hereof.

C. Group III Plaintiffs are all active and dues-paying members and all former members of the United Mine Workers of America ("U.M.W.A."), who will be eligible under existing regulations to receive pensions and other benefits from the Welfare Fund. The names of several such Plaintiffs, who are representatives of this class, with each individual's address listed, are set forth on Exhibit C attached hereto and made a part hereof.

7. The Plaintiffs and the class which Plaintiffs represent are also suing on behalf of the United Mine Workers Welfare and Retirement Fund of 1950, asserting claims derivatively on behalf of the Welfare Fund against Defendants named herein as set forth below.

8. The Association of Disabled Miners and Widows, Inc., Madison, West Virginia, is a West Virginia non-profit corporation organized in West Virginia on May 24, 1967. It has approximately 4,000 dues-paying members. Each such member is a disabled or retired miner or widow who has either been denied a pension or hospital benefits or who, under existing regulations of the Welfare Fund, is not eligible for a pension and other benefits of the Welfare Fund. The Association is using on behalf of itself and for each of its individual members.

III. Description of the defendants

9. *Defendant U.M.W.A.* is an unincorporated association with its central office and headquarters at 900 Fifteenth Street, N. W., Washington, D. C. It carries on the activities of a labor union and has tens of thousands of members in many states, and its employees represent it and carry on its business in many states, including West Virginia, Virginia, Kentucky, and Pennsylvania.

10. *Defendant Welfare Fund* is an irrevocable trust created pursuant to Section 302(c) of the "Labor Management Relations Act of 1947" [29 U.S.C. § 186(c)]. Its principal place of business and central office and headquarters is located at 907 Fifteenth Street, N.W., Washington, D.C. The Welfare Fund was created pursuant to a trust agreement which was a part of the collective bargaining agreement entered into in 1950 between the U.M.W.A. and a group of owners and operators of coal mines which formed the Bituminous Coal Operator's Association and eight other associations and/or coal companies. The Welfare Fund's purpose is to pay retirement pensions and other benefits to coal miners and their families and survivors. The trust agreement (hereinafter referred to herein as the "Trust Agreement") is set forth under the heading "U.M.W.A. Welfare and Retirement Fund of 1950" of the 1968 Coal Wage Agreement, which carries forward and preserves, subject to amendments, modifications and supplements, the terms and conditions of previous coal wage agreements dating back to 1941. A copy of the 1968 Coal Wage Agreement (hereinafter referred to as the "Coal Wage Agreement") is attached as Exhibit D hereto.

11. *Defendant Bituminous Coal Operators' Association* is a business association formed in June, 1950, as a collective bargaining agency for the country's major coal producers. Its members include the nation's largest coal operators, including Consolidation Coal Company, Island Creek Coal Company, Clinchfield Coal Company (Division of the Pittston Company), and Peabody Coal Company. The Association carries on its business and has its central office and headquarters at 918 Sixteenth Street, N.W., Washington, D.C.

12. *Defendant National Bank* is a national banking association organized under the banking laws of the United States. Its headquarters and principal office is at 619 Fourteenth Street, N.W., Washington, D.C. As of December 31, 1968, Defendant U.M.W.A. owned 740,801 shares of the 1,000,000 issued and outstanding shares of the National Bank.

13. *Defendant W. A. (Tony) Boyle* is (a) a Trustee and Chairman and Chief Executive Officer of the Defendant Welfare Fund; (b) the President of Defendant U.M.W.A.; and (c) a director of the Defendant National Bank of Washington. Defendant Boyle maintains an office at 900 Fifteenth Street, N.W., Washington, D.C., and he is to be found within the District of Columbia. Other officers of the U.M.W.A. who are parties Defendant are set out in Exhibit E.

14. *Defendants W. A. Boyle, Josephine Roche, and Guy Farmer* (referred to hereinafter as the "Defendant Trustees") are the three trustees of the Welfare Fund. W. A. Boyle is chairman and chief executive officer, appointed as representative of the Defendant U.M.W.A.;[1] Guy Farmer, general counsel of Defendant National Bituminous Coal Operators' Association, was appointed as the representative of the employers signatory to the 1968 Coal Wage Agreement; and Josephine Roche was appointed as the "neutral" Trustee. The Defendant Trustees are responsible for the operation of the Welfare Fund, including, but not limited to, investment of trust funds, questions of coverage and eligibility, types of benefits, amounts of benefits, methods of providing for benefits, and all other related matters of the Welfare Fund. Defendants Roche and Farmer maintain an office at 907 Fifteen Street, N.W., Washington, D.C., and both may be found within the District of Columbia.

15. *Defendant Henry Schmidt* was one of the three original trustees and served on the Board until his resignation in early 1969. He was replaced by *Defendant George L. Judy*, who served for only one month, to be replaced by Defendant Guy Farmer. Defendants Schmidt and Judy maintain offices at 907 Fifteenth Street, N.W., Washington,, D.C., and each may be found within the District of Columbia.

16. *Defendant Edward L. Carey* is the general counsel of the Defendant U.M.W.A., and director of the Defendant National Bank of Washington. Defendant Carey maintains an office and place of business at 900 Fifteenth Street, N.W., Washington, D.C., and he is to be found within the District of Columbia.

17. *Defendant George J. Titler* is the vice-president of the Defendant U.M.W.A. He maintains an office at 900 Fifteenth Street, N.W., Washington, D.C., and he is to be found within the District of Columbia.

18. *Defendant John Owens* is the secretary-treasurer of the Defendant U.M.W.A. He maintains an office at 900 Fifteenth Street, N.W., Washington, D.C., and he is to be found within the District of Columbia.

19. *Defendants Wilmer J. Waller and Barnum L. Colton* are each directors of the Defendant National Bank of Washington. Defendant Waller is the chairman of the Board of Directors of the National Bank, and Defendant Colton is the president of the National Bank. They each maintain an office at 619 Fourteenth Street, N.W., Washington, D.C., and each may be found within the District of Columbia.

IV. As and for a first cause of action by all plaintiffs (including the welfare fund) against defendant trustees

20. In conformity with the terms of the Trust Agreement, as amended, and with the applicable laws governing trusts, the Welfare Fund is required to be organized and administered as a separate entity. The Welfare Fund is to be operated independently of the U.M.W.A. and the coal operators, pursuant to regulations adopted by its Board of Trustees. The Welfare Fund's purposes, as stated in the Trust Agreement, are to

---

[1] Trustee Boyle is the successor to John L. Lewis, who was the Welfare Fund's chairman and chief executive officer until Mr. Lewis' death on June 11, 1969.

make payments of retirement pensions to employees of mine operators, their families and dependents; payments for medical or hospital care; pensions to the families of employees on the death of employees; and benefits of other types as specified in regulations of the Welfare Fund.

21. The Welfare Fund derives revenues from 40¢ per ton royalty payments on each ton of coal produced by coal operators signatory to the Coal Wage Agreements. The Trust Agreement obligates all signatory operators to pay these royalty payments monthly to the office of the Welfare Fund in Washington. Title to all money paid into or due and owing the Welfare Fund is vested exclusively in the Defendant Trustees. The Defendant Trustees maintain accounts at the Defendant National Bank, out of which are paid pensions and other benefits as authorized to beneficiaries who qualify.

22. The Defendant Trustees are required by the Trust Agreement, the statutes governing the establishment of pension and retirement trusts, and by the principles of equity, to perform specific duties as trustees. These duties arise from the Defendant Trustees' fiduciary position in relationship to the Welfare Fund and the beneficiaries of the Welfare Fund, including the Plaintiffs and the class which the Plaintiffs represent. The duties of the Defendant Trustees include, but are not limited to, the following:

a. Defendant Trustees must have undivided loyalty to the Welfare Fund and the beneficiaries of the Welfare Fund and must administer the Welfare Fund solely in the interest of the beneficiaries without permitting the intrusion of interests of the Trustees or third parties that may in any way conflict with the interests of the Welfare Fund;

b. The Trustees may not engage in any self-dealing, either for themselves or for their affiliates, relatives, friends, and associates;

c. The Trustees must manage the funds and assets of the Welfare Fund, and they must invest those funds and assets so as to produce reasonable income for the beneficiaries of the Fund, including Plaintiffs and the class which Plaintiffs represent;

d. The Trustees have a duty to collect all of the royalties due from the coal operators pursuant to the provisions of the Coal Wage Agreements of 1950 and 1968;

e. The Trustees have a duty to maximize the payment of reasonable benefits to the beneficiaries of the Welfare Fund, including Plaintiffs and the class which Plaintiffs represent;

f. The Trustees have a duty to promulgate just and reasonable regulations and requirements to assist and aid the beneficiaries of the Welfare Fund, including Plaintiffs and the class which Plaintiffs represent, to receive pensions and other benefits and not to promulgate hostile, arbitrary, restrictive, and inappropriate regulations which had and have as their purpose to exclude beneficiaries of the Welfare Fund, including Plaintiffs, from receiving Welfare Fund benefits;

g. The Trustees have a duty not to loan funds of the Welfare Fund to, or to invest in the business organizations of, any associate, relative, friend, employer, or other interested person with whom the Trustees have a direct or indirect interest;

h. The Trustees have a duty not to defraud the beneficiaries of the Welfare Fund, including Plaintiffs and the class which Plaintiffs represent;

i. The Trustees have a duty not to waste the Fund's assets or to operate the Fund in any manner which is not for the sole and exclusive benefit of the beneficiaries, including Plaintiffs and the class which Plaintiffs represent; and

j. The Trustees have a duty to administer the Welfare Fund for the "sole and exclusive benefit" of the Plaintiffs and other members of the class, pursuant to the provisions of 29 U.S.C. § 186.[2]

The Defendant Trustees have violated each of the above duties and other duties not enumerated above.

23. The beneficiaries of the Welfare Fund, including the Plaintiffs and the class which Plaintiffs represent, have beneficial, equitable, and legal interests—including vested interests—in the Welfare Fund, in accordance with the Trust Agreement, the statutes governing the establishment of pension and retirement trusts, and the principles of equity. These interests of the beneficiaries, including Plaintiffs, arise from the provisions of the Trust Agreement and the Coal Wage Agreements; the fact that funds which were paid and are being paid to the Welfare Fund are because of the labor of the beneficiaries, including Plaintiffs; that benefits paid by the Welfare Fund are a form of deferred compensation paid to beneficiaries because of such beneficiaries' labor; and from the statutes and principles of equity relating to trusts. These interests entitle the beneficiaries, including Plaintiffs and the class which Plaintiffs represent:

a. to enforce the provisions of the Trust Agreement;

b. to have breaches of the fiduciary duties by the Trustees enjoined;

c. to obtain the proper legal and equitable redress because of such breaches by the Trustees;

d. to receive reasonable income in the form of pensions from the Welfare Fund;

e. to receive reasonable hospital and other similar type benefits from the Welfare Fund;

f. to have the Welfare Fund administered according to reasonable regulations and requirements which are designed to assist and aid such beneficiaries, including the Plaintiffs and the class which Plaintiffs represent, to receive pensions and other reasonable benefits; and

g. to receive from the Trustees the Trustees' undivided loyalty so that such Trustees would operate the Welfare Fund for the benefit of beneficiaries, including Plaintiffs and the class which Plaintiffs represent.

24. The Welfare Fund has not been and it is not presently being operated or administered by the Defendant Trustees for the sole benefit of the beneficiaries of the Fund, including Plaintiffs and the class which Plaintiffs represent.

As more fully alleged hereinafter, the Defendant Trustees have violated their duties as Trustees for their own or other's profit and benefit, and they have exploited, made use of, and permitted the use of the assets of the Welfare Fund hereinabove referred to without the knowledge or consent of these Plaintiffs, all in violation of Plaintiffs' rights and interests as beneficiaries under the Trust Agreement.

25. Upon information and belief, Plaintiffs allege that Defendant Trustees have violated their duties as Trustees of the Welfare Fund in the following ways, among others, and that such acts constitute a breach of such Trustees' fiduciary duty to the beneciaries of the Welfare Fund, including Plaintiffs and the class which Plaintiffs represent:

A. Funds of the Welfare Fund amounting to between $40,000,000 and $100,000,000 each year for at least the past five years have been deposited in non-interest paying accounts with the Defendant National Bank, thereby providing funds to the National Bank for the benefit of said bank and Defendant U.M.W.A., which owns more than 74 percent of the common stock of said bank. As a result of such action, the Welfare Fund has been deprived of interest amounting to between $2,000,000 and $5,000,000 annually, for a five-year total of between $10,000,000 and $25,000,000. This money was therefore not available to the Welfare Fund to pay to Plaintiffs in the form of benefits to which they were and are entitled. The amounts of money of the Welfare Fund kept on deposit at the National Bank are grossly in excess of the amounts required to meet the regular commitments of the Welfare Fund. The revenues thus lost have been appropriated to the benefit of the National Bank, which has profited by the use of interest-free money to enrich itself; to the benefit of the U.M.W., which has received each year because of its ownership of common stock of the National Bank up to $1,500,000 in cash dividends from the Bank and whose stock has appreciated in value as a result of its unjust enrichment at the expense of the Welfare Fund.

---

[2] 29 U.S.C. § 186 provides in pertinent part that:

(a) It shall be unlawful for any employer or association of employers or any person who acts as a labor relations expert, advisor, or consultant to an employer or who acts in the interest of an employer to pay, lend, or deliver, or agree to pay, land, or deliver, any money or other thing of value—

(1) to any representative of any of his employees who are employed in an industry affecting commerce; or

(2) to any labor organization, or any officer or employee thereof, which represents, seeks to represent, or would admit to membership, any of the employees of such employer who are employed in an industry affecting commerce; . . .

(b)(1) It shall be unlawful for any person to request, demand, receive, or accept, or agree to receive or accept, any payment, loan, or delivery of any money or other thing of value prohibited by subsection (a) of this section. . . .

(c) The provisions of this section shall not be applicable . . . (5) with respect to money or other thing of value paid to a trust fund established by such representative, for the sole and exclusive benefit of the employees of such employer, and their families and dependents (or of such employees, families, and dependents jointly with the employees of other employers making similar payments, and their families and dependents): *Provided*, That (A) such payments are held in trust for the purpose of paying, either from principal or income or both, for the benefit of employees, their families and dependents, for medical or hospital care, pensions on retirement or death of employees, compensation for injuries or illness resulting from occupational activity or insurance to provide any of the foregoing, or unemployment benefits or life insurance, disability and sickness insurance, or accident insurance; (B) the detailed basis on which such payments are to be made is specified in a written agreement with the employer, and employees and employers are equally represented in the administration of such fund, together with such neutral persons as the representatives of the employers and the representatives of employees may agree upon and in the event the employer and employee groups deadlock on the administration of such fund and there are no neutral persons empowered to break such deadlock, such agreement provides that the two groups shall agree on an impartial umpire to decide such dispute, or in the event of their failure to agree within a reasonable length of time, an impartial umpire to decide such dispute shall, on petition of either group, be appointed by the district court of the United States for the district where the trust fund has its principal office, and shall also contain provisions for an annual audit of the trust fund, a statement of the results of which shall be available for inspection by interested persons at the principal office of the trust fund and at such other places as may be designated in such written agreement; and (C) such payments as are intended to be used for the purpose of providing pensions or annuities for employees are made to a separate trust which provides that the funds held therein cannot be used for any purpose other than paying such pensions or annuities; . . .

B. The investment portfolio of the Welfare Fund has been so mismanaged by the Defendant Trustees that it has lost an undetermined amount of money on a $44,000,000 investment portfolio during a period of time which has been marked by one of the largest advances of the prices of common stock and some of the highest interest rates on corporate and municipal obligations in the history of this country. At the present time, the entire investment portfolio of the Fund is comprised of common stock.

C. The Defendant Trustees have deliberately and willfully invested monies of the Welfare Fund's investment portfolio in common stocks of companies in which certain of the defendants have a direct or indirect financial interest. For example, more than 10 percent of the Welfare Fund's investment portfolio is comprised of "party-in-interest" common stocks.[3]

D. The funds of the welfare Fund have not been used to generate income for the Welfare Fund but for the personal benefit of Defendant Boyle, and for the benefit of Defendants U.M.W.A., Bituminous Coal Operators' Association and its members, and the National Bank in that such funds were used by the National Bank and the U.M.W.A. to make loans to selected coal operators, selected coal-related companies, and friends of such Defendants, all to the detriment and damage of the Plaintiffs.

E. Administrative expenses of the Welfare Fund are grossly excessive in that many of the salaries and expenses paid by the Welfare Fund are paid to friends and relatives of U.M.W.A. officials for work which is not done, or such salaries are grossly in excess of payments normally made to persons doing similar work, and for expenses which are not incurred. Further, funds of the Welfare Fund are being diverted through indiscriminate and illegal transfers of and the consequent use thereof, of such Welfare Fund funds from the Fund's use to and for the use of the U.M.W.A. and the Bituminous Coal Operators' Association and its members.

F. In order to minimize the benefits payable by the Welfare Fund and maximize the money available for Defendants' own wrongful purposes, Defendant Trustees have engaged in hostile acts to deprive Plaintiffs and other members of the class which Plaintiffs represent of benefits to which they are or will be entitled, as for example:

1. The U.M.W.A. has deliberately and purposely misled Plaintiffs and other members of the class who would otherwise have been eligible for Welfare Fund benefits to do acts which the U.M.W.A. knew would violate existing Welfare Fund regulations and thereby make such persons ineligible for benefits.

2. U.M.W.A. agents and employees have willfully induced and encouraged U.M.W.A. members to accept employment in mines of coal operators which are not signatories to the Coal Wage Agreements, knowing that by accepting such employment, such members would be ineligible for Welfare Fund benefits. Thereafter, the U.M.W.A. caused the Welfare Fund to refuse Welfare Fund benefits to such members on the grounds that they were last employed in a non-signatory mine contrary to a Welfare Fund regulation.

G. Regulations of the Welfare Fund are arbitrary, capricious, and unreasonable and have been deliberately designed by the Defendant Trustees wrongfully to exclude Plaintiffs and the class which Plaintiffs represent as beneficiaries. Examples of regulations of the Welfare Fund which are arbitrary and capricious are italicized below. Individual examples of the results of the application of such arbitrary and capricious regulations are also set forth below, as follows:

1. Pension Benefit Regulation B–2

For miners who ceased working in the coal industry *before February 1, 1965*—

1. Age 55 or over at date of application.

2. *Twenty years' service as an employee in a classified job for an employer in the coal industry within the thirty-year period immediately preceding date of receipt of application by the Trust Fund.*[4]

The following application of this particular regulation demonstrates its arbitrary, capricious, and unreasonable effect:

a. Plaintiff Willie Ray Blankenship: Mr. Blankenship of Hewett, West Virginia, is sixty-six years of age. He began working in the mines when he was eighteen years of age. Although forced to leave the mines temporarily in 1944 because of a serious back injury, he resumed working one year later and continued to work in the mines until December, 1967, when emphysema and silicosis (coal miners' pneumoconiosis) caused his permanent retirement. Mr. Blankenship applied for a Welfare Fund pension shortly thereafter and was notified in October, 1968, that he was ineligible because of the above Regulation B–2, i.e., he did not work twenty years in union mines within the thirty-year period immediately preceding his pension application to the Welfare Fund. Mr. Blankenship, notwithstanding over thirty-five years of employment in union mines, does not receive Welfare Fund benefits.

b. Plaintiff John Thomas Green: Mr. Green of Bloomingrose, West Virginia, is seventy years of age. He began working in the mines at the age of fourteen and was continuously employed in union mines for forty years, from 1913 until 1953, the year the mine in which he had been employed was finally "worked out." He was unable to pass the health test for other union mine employment principally because of "black lung." On March 21, 1960, Mr. Green applied for a Welfare Fund pension. The application was denied because of the above Regulation B–2, i.e., he did not work twenty years in union mines within the thirty-year period immediately preceding his pension application to the Welfare Fund. Mr. Green, despite forty years' employment in union mines, does not receive Welfare Fund benefits.

c. Plaintiff Reverend Marvin Lovell Kuhn: Reverend Kuhn of Gordon, West Virginia, is sixty-five years of age. He worked in union coal mines from October, 1925, until he became injured and disabled in September 1946. Reverend Kuhn has not applied for a Welfare Fund pension because local union representatives have told him that he would not qualify because of the above Regulation B–2, i.e., he did not work twenty years in union mines within the thirty-year period immediately preceding his pension application to the Welfare Fund. Reverend Kuhn, despite twenty-one years in union mines, does not receive a Welfare Fund pension.

d. Plaintiff Howard Linville: Mr. Linville, of Peytona, West Virginia, is fifty-eight years of age and the father of four children under eighteen years of age. He worked in union coal mines for twenty-one years until December 30, 1958. On that date he suffered a back injury in the mines and became permanently disabled. On January 4, 1967, the Welfare Fund denied Mr. Linville's application for a pension because of the application of Regulation B–2, i.e., he did not work twenty years in union mines within the thirty-year period immediately preceding his pension application to the Welfare Fund. Mr. Linville, despite twenty-one years in union mines, does not receive a Welfare Fund pension.

e. Plaintiff Estle Eugene Noonkester: Mr. Noonkester of Midway, West Virginia, is sixty-six years of age. He began working in the mines when he was thirteen years of age and worked in the mines for almost forty years. In 1962 at the age of fifty-nine, he was forced to leave the mines as a result of coal miners' pneumoconiosis and complications suffered from a back injury sustained in the mines. Mr. Noonkester, after first being denied even an application blank by union officials, applied for a Welfare Fund pension in 1964. Mr. Noonkester was denied his pension because of the application of the above Regulation B–2, i.e., he did not work twenty years in union mines within the thirty-year period immediately preceding his pension application to the Welfare Fund. Mr. Noonkester, despite almost forty years work in union mines does not receive a Welfare Fund pension.

2. Pension Benefit Regulations A–3 and B–4

A–3; B–4. *Permanently ceased working following regular employment for at least one full year as an employee in classified job for an employer signatory to the National Bituminous Coal Wage Agreement.*[5]

The application of these particular regulations demonstrates their arbitrary, capricious and unreasonable effect:

a. Plaintiff Joseph Blake Hatlay: Mr. Hatlay of Webster Springs, West Virginia, is sixty-one years of age. He worked in union mines for thirty years—from 1930 until 1960 when the union mine in which he was last employed was "worked out." In 1961, unable to pass the physical examination to get into a union mine (because of coal miners' pneumoconiosis) and not being old enough to apply for his Fund pension, Mr. Hatlay worked on and off for a period of two years in non-union mines in order to support his family. He applied for a pension from the Welfare Fund in 1963 and was refused because of the above Regulations A–3 and B–4; i.e., his last job was in a non-union mine. Notwithstanding the fact that Mr. Hatlay worked over thirty years in union mines, he does not receive any Welfare Fund benefits because he worked to support his family for less than two years in non-union mines.

---

[3] The term "party-in-interest" means any administrator, officer, trustee, custodian, counsel, or employee of any employee welfare benefit plan or employee pension benefit plan, or a person providing benefit plan services to any such plan, or an employer any of whose employees are covered by such a plan or officer or employee or agent of such employer, or an officer or agent or employee of an employee organization having members covered by such plan. (Part IV—Section D., Employee Welfare or Pension Benefit Plan Annual Report Form, U.S. Department of Labor Form D–2.)

[4] For miners who ceased working *after* February 1, 1965, the requirement of twenty years' employment within the preceding thirty-year period has been eliminated. To qualify for a pension, those miners must only prove twenty years' employment (Pension Benefit Regulation A–2).

[5] This particular regulation has been declared arbitrary and capricious by this Court. *Collins* v. *U.M.W.A. Welfare and Retirement Fund of 1950*, U.S. District Court for the District of Columbia, Civil Action No. 1977–67, April 22, 1969.

3. Hospital and Medical Care Benefits

A. Miners and pensioners

1. Working miners are eligible while regularly employed in the coal industry as an employee in a classified job for an employer signatory to the National Bituminous Coal Wage Agreement. *Eligibility continues while miners are so employed and for one (1) year thereafter while unemployed.*

2. Miners awarded workmen's compensation payments for a mine injury or occupational disease sustained while employed in a classified job in the coal industry may continue to be eligible for Hospital and Medical Care Benefits while *unemployed and receiving workmen's compensation payments and for one (1) year thereafter up to a maximum of four (4) years from the date of last employment.*

The following application of these particular regulations demonstrates their arbitrary, capricious and unreasonable effect:

a. Plaintiff Odell Sylvester Gwynn: Mr. Gwynn of Beckley, West Virginia, is sixty-three years of age. He began working in the mines when he was sixteen. He was employed as a brakeman and motorman in union mines from 1922 until 1949 when he was forced to leave as a result of a back injury sustained on the job. He underwent spinal surgery in 1951 and 1952. Mr. Gwynn received hospital benefits from the Welfare Fund for only one year, pursuant to Fund Regulation 3–A–1. Following that year, however, Fund officials demanded the return of his Fund "hospital card," which entitles the bearer to receive medical benefits at Fund-associated hospitals in the coal fields, and stopped all further medical benefits. At that time, U.M.W.A. representatives told Mr. Gwynn that it was of no benefit to him to continue paying his union dues since he would not be getting any more welfare Fund benefits in any case, and not to apply for a pension from the Welfare Fund because he would be ineligible under the Fund Regulation B–2, i.e., he did not work twenty years in union mines within the thirty-year period immediately preceding his pension application to the Welfare Fund. Mr. Gynn, despite twenty-seven years in union mines, does not receive a Welfare Fund pension. Mr. Gwynn has also not received any further medical benefits from the Welfare Fund, even though he has continued to need medical care for the injury received while working in a union mine, because the Fund provides medical benefits for only one year.

b. Plaintiff Charles Omechinski: Mr. Omechinski of Quinwood, West Virginia, is fifty-one years of age and has spent twenty-seven years in union coal mines as a machine man and coal loader. In 1961 he was forced to leave the mines and undergo surgery to have a part of his right lung removed—a situation caused by coal miners' pneumoconiosis and silicosis. The Fund permitted Mr. Omechinski to retain his "hospital card" for one year after his surgery, recalling it at the end of that year. In 1963, Defendant Titler, then president of U.M.W.A. District 29, refused to take Mr. Omechinski's union dues, stating that he had lost all union benefits and would never be eligible to receive a pension. Mr. Omechinski has not received any further medical benefits from the Fund, even though he has continued to require medical care, because the Fund provides medical benefits for only one year.

c. Plaintiff Posey Stewart: Posey Stewart of Oceana, West Virginia, is fifty-one years of age. He has worked over thirty-three years in union mines. He was seriously injured in 1963 (his last year in the mines) and was allowed to keep his Welfare Fund "hospital card" for one year. The medical benefits were then terminated. Mr. Stewart has not received any further medical benefits from the Fund, even though he has continued to require medical care, because the Fund provides medical benefits for only one year.

4. Funeral Expense and Widows and Survivors Benefits

A. The dependent survivors of deceased miners are eligible for Widows and Survivors Benefits provided the miner was at the time of death:

1. *Regularly employed in the coal industry as an employee in a classified job for an employer signatory to the National Bituminous Coal Wage Agreement. Eligibility continues while the miner is so employed and for (1) year thereafter while unemployed.*

2. Unemployed and receiving workmen's compensation for an injury or occupational disease sustained while employed in a classified job in the coal industry. *Eligibility may continue while the miner is receiving workmen's compensation payments and for one (1) year thereafter up to a maximum of four (4) years from the date of last employment.*

3. Receiving Trust Fund pension payments and not employed in an occupation outside the coal industry.

The following application of these particular regulations demonstrates their arbitrary, capricious, and unreasonable effect:

a. Plaintiff Mrs. Verna Mae Jackson: Mrs. Verna Mae Jackson of Baisden, West Virginia, is thirty-five years of age and the mother of two children, James Jackson, aged ten, and Anita Fay Jackson, aged seven. Her late husband, Clyde Jackson, was employed in union mines for almost twenty-five years. A severe illness forced his retirement in 1962. He was given a Welfare Fund hospital card for one year after which he received no additional union benefits. Mr. Jackson died in 1967. Mrs. Jackson has received no Welfare Fund benefits under the above Regulations because her husband, who worked twenty-seven years in the mines, did not die while working in the mines or within one year after he ceased working.

b. Plaintiff Mrs. Anna Felecia Omechinski: Mrs. Omechinski is the seventy-four year old widow of Ludwig Omechinski, an active coal miner for thirty-four years. Her late husband died in 1963 at the age of seventy-five. Although receiving a Welfare Fund pension at the time of his death, Mrs. Omechinski was only given a $1,000 widow's benefit. She is not receiving any sort of pension from the Fund at this time, nor is she entitled to hospital care under the above regulations because her husband, who worked thirty-four years in the mines, did not die working in the mines or within one year after he ceased working.

5. Arbitrary "Requirements" of the Welfare Fund

Regulations of the Welfare Fund which are arbitrary, capricious, and unreasonable are not limited to the examples referred to above. There are other regulations of the Welfare Fund which are also arbitrary and capricious, together with certain "requirements" of the Welfare Fund which are not given the status by the Trustees of formal "regulations." These requirements relate to various aspects of the administration of the Fund and to the method of proving an applicant's eligibility under the Regulations. For example, the Fund requires that if no work records are available, then the applicant must prove his work record through affidavits of two miners who worked with him. Since many of the applicants' work records go back some thirty to forty years, this is often an impossible burden.

H. Regulations are not only arbitrary and capricious, but are often deliberately and wrongfully applied to eliminate pensions and hospital benefits to applicants who would otherwise qualify. This wrongful and deliberate application of such regulations has taken several forms, e.g., where proof of an applicant's qualification has been summarily rejected and where the Trustees have attempted to retroactively apply new Regulations to applicants who had already qualified under Regulations in effect at the time of their application.

I. The granting or withholding of benefits has been used and is used as a weapon of intimidation by the U.M.W.A., its officers, and the Welfare Fund to eliminate criticism of and opposition to the U.M.W.A. or the Welfare Fund. The Defendant Trustees of the Welfare Fund wrongfully misused their authority under the Trust Agreement in determining the types and amounts of benefits and to establish eligibility requirements and in denying the applications for benefits of certain individuals, including certain individual Plaintiffs. The Trustees have also misused their authority to administer the Welfare Fund so that all benefits are subject to termination, suspension, revision, or amendment by the Trustees in their sole discretion at any time. No hearing or appeal procedure is provided to any applicant or beneficiary to challenge or review a ruling of the Defendant Trustees or the Welfare Fund. To maintain this arbitrary control by the Trustees, Welfare Fund benefits are not automatically provided to union members and workers; they are granted, rather, only through arbitrary and capricious rulings of the Trustees.

J. No hearing is allowed by the Trustees on questions of eligibility, on the termination of benefits, or on any other questions. Plaintiffs herein have been denied such hearings. Each letter from the Welfare Fund to an applicant or pension holder ends with this caption: "This benefit is subject to suspension or termination at any time by the Trustees of the Fund for any matter, cause or thing of which they shall be the sole judges and without assignment of reason therefor." Plaintiffs and members of the class which Plaintiffs represent have thus been forced to use the courts to enforce such rightful claims, thus imposing an unlawful and unwarranted burden on those for whose benefit the Welfare Fund is supposed to be operating.

K. The Trustees are required to conduct a thorough and continuing review of the accounts of coal operators signatory to the 1950 and 1968 Coal Wage Agreements. The Trustees are charged with the duty of taking prompt action to enforce royalty payments if delinquencies appear. A large amount of payments which should have been made into the Welfare Fund by signatory coal operators have not been made, and the Defendant Trustees, in violation of their duties, have failed to take steps to collect the deficiencies.

L. Defendants and/or agents of the Defendants falsely and fraudulently and with the willful intent to defraud Plaintiffs and other members of the class made false representations and misleading statements to Plaintiffs concerning the purposes, administration, and operation of the Welfare Fund, knowing that such statements were false and misleading at the time they were made, including, but not limited to, the following:

1. That if Plaintiffs paid "Welfare Fund dues," that said Plaintiffs would receive upon retirement a Welfare Fund pension;

2. That if Plaintiffs could work in a non-union mine before retiring, that such non-union employment would not disqualify Plaintiffs from receiving their Welfare Fund pensions;

3. That no money has been paid by any individual miner into the Welfare Fund, but that all payments come from royalties paid by the signatory coal companies. Plaintiffs relied upon such false and misleading statements to their detriment.

M. Defendants and/or agents of Defendants deprived Plaintiffs and other members of the class of their rights to the assets of the Welfare Fund in that Defendants wrongfully converted the monies, assets, and property rights in the Welfare Fund from the Plaintiffs and other members of the class for the use of the Defendants.

26. Plaintiffs and members of the class to which Plaintiffs belong have duly and fully performed each and every term, covenant, and condition of the Trust Agreement upon their part to be performed, and have duly requested of Defendants, both in and out of courts of law, on innumerable occasions, that Defendants take and/or cooperate in the taking of various steps which would result in the Welfare Fund being operated for the benefit of the Plaintiffs and other members of the class. Defendant Trustees, in violation and in breach of their duties as trustees, have neglected and refused and still fail, neglect and refuse, to comply with said requests, or to take or cooperate in the taking of any of the said steps, and the said failure, neglect and refusal of Defendants to so act has resulted in losses as set forth below, which has resulted in the permanent, irreparable, and irretrievable damages to the Plaintiffs and threatens to result in the next year alone of the loss of at least $10,000,000 to the Welfare Fund, causing further permanent, irreparable, and irretrievable damage to the Plaintiffs. Further, Defendants have failed, declined, and refused to recognize and to perform and still fail, decline and refuse to recognize and to perform in other respects, their duties as Trustees under the Trust created by the Trust Agreement.

27. As a result of the foregoing:

a. Plaintiffs named herein have been damaged in each of their respective individual cases in an amount to be fixed by the Court;

b. The class which Plaintiffs represent have been damaged in an amount to be fixed by the Court; and

c. The Welfare Fund has been damaged in an amount as set forth below.

Because the acts of all of the Defendants as set forth above and as set forth herein were willful and constituted reckless and intentional disregard of the rights of Plaintiffs, the class which Plaintiffs represent, and the Welfare Fund, Plaintiffs seek punitive damages in an amount to be fixed by the Court.

AS AND FOR A SECOND CAUSE OF ACTION BY ALL PLAINTIFFS DERIVATIVELY ON BEHALF OF THE WELFARE FUND AGAINST ALL DEFENDANTS OTHER THAN THE WELFARE FUND

28. Plaintiffs reallege each and every allegation contained in Paragraphs 1 through 27, inclusive, with the same force and effect as though the same were set forth in full.

29. The resources of the Welfare Fund having been illegally utilized for the private and personal uses of the other Defendants, and the Welfare Fund having refused and being incapable to prevent itself from being plundered, and refusing to assert its rights against the other Defendants, Plaintiffs demand that the money so utilized and the gains or benefits of the use of such money by the other Defendants be returned to the Welfare Fund by those Defendants who are jointly and severally liable therefore.

30. As a result of the foregoing:

a. Plaintiffs named herein have been damaged in each of their respective individual cases in an amount to be fixed by the Court:

b. The class which Plaintiffs represent has been damaged in an amount to be fixed by the Court; and

c. The Welfare Fund has been damaged in an amount as set forth below.

Because the acts of all of the Defendants as set forth above and as set forth herein were willful and constituted reckless and intentional disregard of the rights of Plaintiffs, the class which Plaintiffs represent, and the Welfare Fund, Plaintiffs seek punitive damages in an amount to be fixed by the Court.

AS AND FOR A THIRD CAUSE OF ACTION BY ALL PLAINTIFFS DERIVATIVELY ON BEHALF OF THE U.M.W.A. AGAINST DEFENDANTS BOYLE, TITLER, CAREY, AND THE OTHER U.M.W.A. OFFICERS SET FORTH ON EXHIBIT E

31. Plaintiffs reallege each and every allegation contained in Paragraphs 1 through 27, inclusive, with the same force and effect as though the same were set forth in full.

32. By wrongfully utilizing the name and organization of the U.M.W.A., its assets and, in particular, the Welfare Fund for their own purposes and those of their associates, Defendants named herein violated their fiduciary responsibility as officers of a labor organization under 29 U.S.C. § 501, i.e., their duty to fairly represent the members of the U.M.W.A., and their attendant common law fiduciary obligation to Plaintiffs.

33. As a result of the foregoing:

a. Plaintiffs named herein have been damaged in each of their respective individual cases in an amount to be fixed by the Court;

b. The class which Plaintiffs represent has been damaged in an amount to be fixed by the Court; and

c. The Welfare Fund has been damaged in an amount as set forth below.

Because the acts of all of the Defendants as set forth above and as set forth herein were willful and constituted reckless and intentional disregard of the rights of Plaintiffs, the class which Plaintiffs represent, and the Welfare Fund, Plaintiffs seek punitive damages in an amount to be fixed by the Court.

AS AND FOR A FOURTH CAUSE OF ACTION BY ALL PLAINTIFFS AGAINST ALL DEFENDANTS

34. Plaintiffs reallege each and every allegation contained in Paragraphs 1 through 27, inclusive, with the same force and effect as though the same were set forth in full.

35. The Welfare Fund, in granting pensions to retired miners and their survivors and dependents who are part of the retired labor force of this country, and in providing medical benefits to injured and disabled miners and their survivors and dependents, provides and performs a public function. Because of the size of the Welfare Fund and the number of persons it serves and will serve, it has assumed a quasi-governmental role, carrying out a stated government policy, function, and purpose of long standing that the country's elder, retired workers and citizens should receive "pensions" and "medical care." The continued well-being and security of thousands of employees and their dependents are directly affected by the Welfare Fund. The Welfare Fund is affected with a national public interest, and it has become an important factor affecting the stability of employment of thousands of employees in several states. The Welfare Fund has become an important factor in commerce because of the interstate character of its activities, and of the activities of its participants, and the employers, employee organizations, and other entities by which it was established and maintained. Further, it is in the interest of the Federal Government that pension funds such as these should operate subject to governmental review and authority and government-established safeguards.

36. The Welfare Fund was created "pursuant to Section 302(c) [29 U.S.C. § 186(c)] of the Labor-Management Relations Act of 1947." Its benefits are those which are "specified, provided for or permitted" in said Section 302(c), or which are "determined by the Trustees [to be] within the scope of the provisions" of Section 302(c). The power of the Trustees must be "within the scope of the provisions of the aforesaid 'Labor-Management Relations Act of 1947.' "[6] The Coal Wage Agreement itself is a collective bargaining agreement specifically authorized by Congress, and while the U.M.W.A. is essentially a private organization, its power to represent and bind all members of a class or craft is derived solely from Congress. Further, Congress, pursuant to the Welfare Fund Disclosure Act (29 U.S.C. §§ 301–309), requires that the Welfare Fund file periodic reports to the Department of Labor disclosing its operations. Congress has thus specifically licensed the creation and operation of the Welfare Fund, setting standards, types of benefits, and the type of organization of the Welfare Fund.

37. The courts of various states, including the state courts of West Virginia, Kentucky, and Pennsylvania, and the United States Federal District Courts, have been used by the Welfare Fund to enforce the arbitrary and capricious regulations of the Welfare Fund.

38. The Welfare Fund does not allow a hearing, or other guaranteed procedures of due process, to an applicant seeking review of an adverse decision and/or denial of his pension or benefit application. Thus, Plaintiffs and the class which Plaintiffs represent have been deprived of property without due process of law, in violation of the Fourteenth Amendment of the Constitution of the United States.

39. As a result of the foregoing:

a. Plaintiffs named herein have been damaged in each of their respective individual cases in an amount to be fixed by the Court;

b. The class which Plaintiffs represent has been damaged in an amount to be fixed by the Court; and

c. The Welfare Fund has been damaged in an amount as set forth below.

Because the acts of all of the Defendants as set forth above and as set forth herein were willful and constituted reckless and intentional disregard of the rights of Plaintiffs, the class which Plaintiffs represent, and the Welfare Fund. Plaintiffs seek punitive damages in an amount to be fixed by the Court.

AS AND FOR A FIFTH CAUSE OF ACTION BY ALL PLAINTIFFS AGAINST ALL DEFENDNTS

40. Plaintiffs reallege each and every allegation contained in Paragraphs 1 through 27, inclusive, and 35 through 38, inclusive, with the same force and effect as though the same were here set forth in full.

41. The National Bituminous Coal Wage Agreement of 1968 (hereinafter the "Coal Wage Agreement") is a collective bargaining agreement and carries forward and preserves the terms and conditions of previous coal wage agreements. It is "by and between" the signatory coal operators and the U.M.W.A., as the exclusive bargaining agency representing the employee of the signatory coal operators. Plaintiffs and the class which Plaintiffs represent are principals and beneficiaries of the Coal Wage Agreement and of such previous coal wage agreements. The U.M.W.A. was the agent of the Plaintiffs, entering into the Coal Wage Agreement "on behalf of each member" of the U.M.W.A. The performance of certain of the provisions of the Coal Wage Agreement was specifically intended for the benefit of the Plaintiffs and the class which Plaintiffs represent. There is no arbitration provision in the 1968 Coal Wage Agreement which is applicable to the benefits intended for the Plaintiffs and the class which Plaintiffs represent. A copy of the 1968 Coal Wage Agreement is attached hereto as Exhibit D.

42. The U.M.W.A. has, and had, a duty pursuant to the Coal Wage Agreement and applicable law to fairly represent its members, including Plaintiffs and the class which Plaintiffs represent, and to enforce for its members the terms, conditions, and provisions of the Coal Wage Agreement. On in-

---

[6] The above quoted portions are all from the Trust Agreement, which is a part of the 1968 Coal Wage Agreement, attached as Exhibit D.

formation and belief, Defendant U.M.W.A. has breached and is continuing to breach the Coal Wage Agreement and such previous Coal Wage Agreements in that it has not fairly represented its members and that it has acted contrary to the purposes and provisions of such Agreements and has diverted the benefits which such agreements were intended to confer on Plaintiffs herein and other members of the class to itself, to wit:

A. The Welfare Fund created by these Agreements has been used as a U.M.W.A. slush fund in that funds of the Welfare Fund have been deposited and invested or not invested or not deposited at the discretion of the U.M.W.A. and the Bituminous Coal Operators' Association, and for U.M.W.A. and the Bituminous Coal Operators' Association purposes;

B. Defendants U.M.W.A., its 74 percent owned and controlled subsidiary, the National Bank, and the Bituminous Coal Operators' Association and its individual members, have all received and are receiving personal and monetary benefit and gain from the past and continuing breach of the Coal Wage Agreements by having the funds of the Welfare Fund remain on deposit at the National Bank for U.M.W.A. and the Bituminous Coal Operators' Association purposes without the Welfare Fund receiving any benefit therefrom and contrary to the provisions of the 1950 and 1968 Coal Wage Agreements.

43. On information and belief, Defendant Trustees and Defendants Boyle, Carey, Titler, Waller, Owens, and Colton, the National Bank, and the Bituminous Coal Operators' Association induced the U.M.W.A. to breach the Agreements in order to serve their own purposes, i.e., to solidify their positions of office and power in the U.M.W.A. and for their own and other's personal financial gain.

44. On information and belief, Defendant National Bank induced the U.M.W.A. to breach the Coal Wage Agreement in order to serve its own purposes, i.e., to create additional reserves for its lending use. An analysis of the relationship between the demand and time deposits of the Welfare Fund deposited in the National Bank as compared with the total demand and time deposits of the National Bank shows that the Welfare Fund deposits grew from some 8 percent in 1961 to 26 percent in 1968 of the National Bank's total demand and time deposits. The Welfare Fund's demand deposits in 1968 thus created for the National Bank, under present Federal Reserve Regulations, approximately $500,000,000 available for lending purposes.

45. As the exclusive bargaining agent for its individual members, Defendant U.M.W.A. is under the legal obligation to provide such individuals "fair representation." The above practices are specific examples of Defendant's past and present breach of such duty and of its failure to act in good faith on behalf of its members.

46. As a result of the foregoing:

a. Plaintiffs named herein have been damaged in each of their respective individual cases in an amount to be fixed by the Court;

b. The class which Plaintiffs represent has been damaged in an amount to be fixed by the Court; and

c. The Welfare Fund has been damaged in an amount as set forth below.

Because the acts of all of the Defendants as set forth above and as set forth herein were willful and constituted reckless and intentional disregard of the rights of Plaintiffs, the class which Plaintiffs represent, and the Welfare Fund, Plaintiffs seek punitive damages in an amount to be fixed by the Court.

AS AND FOR A SIXTH CAUSE OF ACTION BY ALL PLAINTIFFS AGAINST ALL DEFENDANTS

47. Plaintiffs reallege each and every allegation contained in Paragraphs 1 through 27, inclusive, and 35 through 38, inclusive, and 42 through 45, inclusive, with the same force and effect as though the same were here set forth in full.

48. Defendants conspired together as set forth above to defraud Plaintiffs and to deprive Plaintiffs and other members of the class of their rights pursuant to:

a. the 1950 and 1968 Coal Wage Agreement, which established the Welfare Fund;

b. 29 U.S.C. § 501;

c. 29 U.S.C. §§ 185–186;

d. their rights as beneficiaries of the Welfare Fund;

e. their rights not to have the assets of the Welfare Fund wrongfully converted to the use of the Defendants, as Defendants have done pursuant to this conspiracy.

49. On information and belief and in furtherance of this conspiracy to defraud and deprive Plaintiffs of their rightful benefits, Defendants falsely and fraudulently and with the willful intent to defraud Plaintiffs and other members of the class, represented to Plaintiffs that the Welfare Fund was to be used exclusively for the benefit of Plaintiffs and the other members of the class which Plaintiffs represent. These representations were false in fact and known to be false by Defendants at the time they were so made.

50. In truth and fact, Defendants have not and are not devoting the Welfare Fund to the sole and exclusive benefit of Plaintiffs but intended to and did use the Welfare Fund (a) for their own financial purposes; (b) to induce Plaintiffs to believe that the U.M.W.A. and its leaders were acting in the Plaintiffs' best interests; and (c) to perpetuate the union leaders' control over the U.M.W.A., the National Bank, and the Welfare Fund.

51. Plaintiffs and members of the class in fact relied to their detriment upon these agreement terms and upon the false, fraudulent, and misleading statements of the Defendants and were induced thereby (a) to ratify and support the National Bituminous Coal Wage Agreements of 1946, 1950, and 1968; (b) to support the union and its officers in maintaining power; and (c) to not seek the removal of the Defendant Trustees prior hereto.

52. As a result of the foregoing:

a. Plaintiffs named herein have been damaged in each of their respective individual cases in an amount to be fixed by the Court;

b. The class which Plaintiffs represent has been damaged in an amount to be fixed by the Court; and

c. The Welfare Fund has been damaged in an amount as set forth below.

Because the acts of all of the Defendants as set forth above and as set forth herein were willful and constituted reckless and intentional disregard of the rights of Plaintiffs, the class which Plaintiffs represent, and the Welfare Fund, Plaintiffs seek punitive damages in an amount to be fixed by the Court.

PRAYERS FOR RELIEF

Wherefore Plaintiffs demand judgment:

(1) That damages be awarded in amounts as follows:

(a) To each individual Plaintiff, an individual amount due as fixed by the Court;

(b) To the class which Plaintiffs represent, an amount to be fixed by the Court;

(c) To the Welfare Fund:

1) At least $30,000,000, as the amount of funds which should have been collected by the Welfare Fund from the local operators, but which funds were not collected;

2) At least $20,000,000, as the amount of funds which is due to the Welfare Fund if its funds had been properly invested instead of improperly invested or not invested at all;

3) At least $25,000,000, as the amount of funds which were wasted because of the mismanagement of the Fund;

(d) Punitive damages to Plaintiffs, the class which Plaintiffs represent, and the Welfare Fund, in amounts to be fixed by the Court.

Plaintiffs have no adequate remedy at law. Monetary damages are inadequate to compensate the Plaintiffs for their injuries. If the Defendant Trustees are permitted to continue as Trustees, Plaintiffs will suffer great and irreparable loss and injury, and the assets of the Welfare Fund will be lost beyond recovery. Plaintiffs therefore demand:

(2) That Defendant Trustees be required to account for all of the assets of the Welfare Fund, whether in their possession or disposed of by them for their own account, and for all of their acts under the Trust Agreement;

(3) That Defendant Trustees be removed as trustees and that substitute Trustees be appointed in their place and stead who will administer the Welfare Fund for the benefit of those persons for whom the Welfare Fund was created, and in accordance with the terms of the Coal Wage Agreements;

(4) That until new Trustees are appointed, the Court place the Welfare Fund into receivership so that the assets of the Welfare Fund will be preserved and will not be sold, disposed of, or encumbered in any way pending the outcome of this litigation;

(5) That all Defendants be restrained and enjoined from any further wasting of the assets of the Welfare Fund, and from selling, disposing of, or encumbering any of the assets of the Welfare Fund;

(6) That the substitute trustees be mandatorily enjoined to promulgate and adopt new regulations for eligibility to receive benefits which are not unreasonable, arbitrary, or capricious, and which are not hostile to the Plaintiffs and other members of the class, and that such new regulations include the right to a hearing and other procedures guaranteed to meet the standards of due process;

(7) That Defendants Boyle, U.M.W.A., the Bituminous Coal Operators' Association, the National Bank, Defendant Trustees, and all other Defendants named in Exhibit E be directed to execute any and all papers and documents which may be necessary and proper to protect the Welfare Fund and the interests of Plaintiffs;

(8) That Defendants be restrained and enjoined from further participation in a continuing conspiracy with the Bituminous Coal Operators' Association and its individual members to the detriment of the Plaintiffs; and

(9) That Plaintiffs have such other, further, and different relief as to the Court may seem just and proper, together with the interest, costs, and disbursements of this action, including just and reasonable attorneys' fees and expenses.

Respectfully submitted.

ATTORNEYS FOR PLAINTIFFS

Harry Huge, 1823 Jefferson Place NW., Washington, D.C.

Paul Kaufman, 723 Kanawha Boulevard, East Charleston, W. Va.

Harry Caudill, Whitesburg, Ky.

OF COUNSEL

Abe Krash, Esq., 1229 19th Street NW., Washington, D.C.

Steve Clarkson, Esq., 1200 18th Street NW., Washington, D.C.

James L. McHugh, Esq., 1250 Connecticut Avenue NW., Washington, D.C.

Richard B. Sobol, Esq., 1823 Jefferson Place NW., Washington, D.C.

Adam Walinsky, Esq., 425 Park Avenue, New York, N.Y.

EXHIBIT A

GROUP I PLAINTIFFS

The following named Plaintiffs are all retired or disabled miners who have received or are receiving or are eligible to receive pensions and other benefits from the Welfare Fund or who are entitled to receive but have been wrongfully denied pensions and other benefits from the Welfare Fund:

Edward Abbott, Route 2, Madison, West Virginia.

Lester Bruke Ashcraft, Route 2, Box 224, Clarksburg, West Virginia.

Okey Otto Baldwin, Foster, West Virginia.

Oliver Baldwin, Box 88, Blair, West Virginia.

Leonard Wayne Bassham, Foster, West Virginia.

Jimmie C. Bentley, Route 2, Box 713, Pikeville, Kentucky.

Willie Ray Blankenship, Box 81, Hewett, West Virginia.

John F. Calvert, Route 1, Box 253, Fayetteville, West Virginia.

E. E. Cody, Route 1, Fayetteville, West Virginia.

Clarence Caudill, P.O. Box 504, Northfork, West Virginia.

Curtis G. Collier, Eolia, Kentucky.

Henry M. Collier, Payne Gap, Kentucky.

Mose S. Cline, Box 7, Isaben, West Virginia.

Hubert R. Cooper, Star Route, Box 3, Thurmond, West Virginia.

Noah L. Cooper, Box 56, Aspers, Pennsylvania.

Lilly Cornett, Jewel Ridge, Kentucky.

Elson Daniels, Box 18, Glen Daniels, West Virginia.

Bill F. Day, Thornton, Kentucky.

Bryant Dixon, Blackey, Kentucky.

Albert J. Duncan, Twin Branch, West Virginia.

Carl Easter, Nellis, West Virginia.

Azel J. Farley, Box 22, Rock Creek, West Virginia.

Ronald Herbert Fauber, Bloomingrose, West Virginia.

Leroy W. Fields, Thornton, Kentucky.

Lonnie W. Gibson, Route 1, Box 131, North Tazewell, Virginia.

John Thomas Green, Bloomingrose, West Virginia.

Thurman Green, 27 Ronda Street, Dry Branch, West Virginia.

Odell Sylvester Gwynn, 100 Segmon Street, Beckley, West Virginia.

Jack Hairston, 406 Bluefield Avenue, Charleston, West Virginia.

Joseph Blake Hatlay, Webster Springs, West Virginia.

Darius O. Hoke, Quinwood, West Virginia.

Carl Maxwell Keffer, 102 Spruce Street, St. Albans, West Virginia.

Joda Kincer, Kona, Kentucky.

Edgar D. Kromer, 106 North Pike Street, Beckley, West Virginia.

Reverend Marvin Lovell Kuhn, Gordon, West Virginia.

Paul Jones, Chauncey, West Virginia.

Howard Linville, Peytona, West Virginia.

Charles D. Lowe, Route 2, Elizabethton, Tennessee.

Lonzo May, Box 166, Lookout, Kentucky.

C. P. McDorman, Route 2, Box 317–C, Charleston, West Virginia.

Riley McGowan, 1441 East Ninety-fourth Street, Cleveland, Ohio.

Otto McKinney, Foster, West Virginia.

Marble Morgan, Box 434, Whitesburg, Kentucky.

Earnie W. Morris, Scarboro, West Virginia.

Mason H. Myers, Box 75, Davis, West Virginia.

Edward Washington Nelson, Box 243, Williams Mountain, West Virginia.

Arkie Newman, Jenkins, Kentucky.

Estle Eugene Noonkester, Midway, West Virginia.

Damon Ralph Peters, Brandytown, West Virginia.

Johnny W. Pocrnich, Bradshow, West Virginia.

Isaac Howard Ratcliff, Kings Creek, Kentucky.

Herbert Shepherd, Eolia, Kentucky.

Albert Sloane, Kona, Kentucky.

Ezra Smith, Ridgeview, West Virginia.

Virgil Spurlock, 7509 Wentworth Avenue, Cleveland, Ohio.

Hurl Stowers, Route 1, Box 4, Clothier, West Virginia.

Ewing White, Kona, Kentucky.

Archie Williams, Sumerco, West Virgnia.

Harry N. Brewster, 15 Poplar Street, Richwood, West Virginia.

William J. Simpson, 109 Davis Street, Elkins, West Virginia.

EXHIBIT B

GROUP II PLAINTIFFS

The following named Plaintiffs are all widows and other family survivors of deceased miners who have received, who are now receiving, or who are entitled to receive pensions and other benefits from the Welfare Fund:

Mrs. Preston J. Britt, 2508 Washington Avenue, St. Albans, West Virginia.

Mrs. Mont W. Harris, Barrett, West Virginia.

Mrs. Verna Mae Jackson, on behalf of herself and her children, James Jackson, age ten, and Onita Fay Jackson, age seven; Baisden, West Virginia.

Mrs. Jerome Clayton Jarrell, Lewisburg, West Virginia.

Mrs. Raymond Maul, Route 1, Box 351, Clarksburg, West Virginia.

Mrs. Bernard Lee Law, Scarboro, West Virginia.

Mrs. Bernard McKinney, Herndon, West Virginia.

Mrs. Anna Felicia Omechinski, Box 812, Mount Hope, West Virginia.

Mrs. Lake Ervin Sizemore, Route 1, Box 201, Bandy, Virginia.

Mrs. Luther Trammell, Bob White, West Virginia.

Mrs. Lance Harold Trent, Baileysville, West Virginia.

Mrs. Earl Whitt, Route 2, Box 105, South Point, Ohio.

EXHIBIT C

GROUP III PLAINTIFFS

The following named Plaintiffs are all active and dues-paying members and/or all former members of the United Mine Workers of America (U.M.W.A.), who will be eligible under existing regulations to receive pensions and other benefits from the Welfare Fund:

John Rufus Hill, Box 384, Raven, Virginia.

Pratt Kears, Hearnshaw, West Virginia.

Doncie Loftis, Clothier, West Virginia.

Charles Omechinski, Box 305, Quinwood, West Virginia.

Posey Stewart, Box 1, Oceana, West Virginia.

EXHIBIT D

NATIONAL BITUMINOUS COAL WAGE AGREEMENT OF 1968, EFFECTIVE OCTOBER 1, 1968

This agreement, made this 14th day of October, 1968, by and between the coal operators and associations signatory hereto, hereinafter referred to as Operators, parties of the first part, and the International Union, United Mine Workers of America, hereinafter referred to as Mine Workers, on behalf of each member thereof, party of the second part, covering all of the bituminous coal mines owned or operated by said first parties, amends, modifies, and supplements previous agreements as herein provided. This agreement (subject to the amendments, modifications and supplements as hereinafter provided) carries forward and preserves the terms and conditions of the Appalachian Joint Wage Agreement (dated June 19, 1941) effective April 1, 1941, to March 31, 1943, the Supplemental Six Day Work Week Agreement, the National Bituminous Coal Wage Agreement (dated April 11, 1945) effective April 1, 1945, and all of the various district agreements executed between the United Mine Workers of America and the various operators and coal associations (based upon the aforesaid basic agreements) as they existed on March 31, 1946, subject to the terms and conditions of this agreement and as amended, modified and supplemented by this agreement as herein set out.

Witnesseth: It is agreed that this contract is for the exclusive joint use and benefit of the contracting parties, as defined and set forth in this agreement. It is agreed that the United Mine Workers of America is recognized herein as the exclusive bargaining agency representing the employees of the parties of the first part. It is further agreed that as a condition of employment all employees shall be, or become, members of the United Mine Workers of America, to the extent and in the manner permitted by law, except in those exempted classifications of employment as hereinafter provided in this agreement. This provision does not change the rules or practices of the industry pertaining to management. The Mine Workers intend no intrusion upon the rights of management as heretofore practiced and understood. It is the intent and purpose of the parties hereto that this agreement will promote and improve industrial and economic relationship in the bituminous coal industry and to set forth herein the basic agreements covering rates of pay, hours of work and conditions of employment to be observed between the parties, and shall cover the employment of persons employed in the bituminous coal mines covered by this agreement.

EXEMPTIONS UNDER THIS AGREEMENT

It is the intention of this agreement to reserve to management and except from this agreement an adequate force of supervisory employees to effectively conduct the safe and efficient operation of the mines and at the same time, to provide against the abuse of such exemptions by excepting more such employees than are reasonably required for the purpose.

Coal inspectors and weigh bosses at mines where men are paid by the ton, watchmen, clerks, engineering and technical forces of the operator, working at or from a district or local mines office, are exempt from this agreement.

All other employees working in or about the mines shall be included in this agreement except essential supervisors in fact such as: mine foremen, assistant mine foremen who, in the usual performance of their duties, may make examinations for gas as prescribed by law, and such other supervisors as are in charge of any class of labor inside or outside of the mines and who perform no production work.

The union will not seek to organize or ask recognition for such excepted supervisor employees during the life of this contract.

The operators shall not use this provision to exempt from the provisions of this agreement as supervisors, more men than are necessary for the safe and efficient operation of the mine, taking into consideration the area covered by the workings, roof conditions, drainage conditions, explosion hazards, and the ability of supervisors, due to thickness of the seam, to make the essential number of visits to the working faces as required by law and safety regulations.

Disputes arising under this section shall be referred to a Joint Board of Review consisting of two representatives of the union and two representatives of the operators whose decision shall be final and binding on the parties.

MINE SAFETY PROGRAM

(a) *Mine safety code*

The Federal Mine Safety Codes for Bituminous Coal and Lignite Mines of the United States, Part I-underground mines and Part II-strip mines, promulgated and approved

October 8, 1953, by the Secretary of the Interior are hereby adopted and incorporated by reference in this contract as a code for health and safety in bituminous and lignite mines of the parties of the first part.

(*b*) *Enforcement*

(1) Reports of the federal coal mine inspectors: Whenever inspectors of the United States Bureau of Mines, in making their inspections in accordance with authority as provided in Public Law 49 and Public Law 552 find there are violations of the Federal Mine Safety Code and make recommendations for the elimination of such noncompliance, the operators shall promptly comply with such recommendations, except as modified in paragraph two of this subsection.

(2) Whenever either party to the contract feels that compliance with the recommendations of the federal mine inspectors as provided above would cause irreparable damage or great injustice, they may appeal such recommendation to the Joint Industry Safety Committee as hereinafter provided.

(*c*) *Review and revision*

In order to carry out the intent and purposes of the agreement affecting the Federal Mine Safety Code it is agreed that representatives of the United Mine Workers of America and the coal operators signatory hereto shall hold joint consultations with the United States Bureau of Mines looking toward review and appropriate revision of the Federal Mine Safety Code. Any revised code that is agreed upon between the aforementioned parties, when adopted by the parties, shall be adopted and incorporated by reference into this agreement in place of the code adopted and incorporated in the National Bituminous Coal Wage Agreement of 1950 and continued under this agreement.

(*d*) *Joint Industry Safety Committee*

There is hereby established under this agreement a Joint Industry Safety Committee composed of four members, two of whom will be appointed by the Mine Workers and two of whom will be appointed by the operators, whose duty it shall be to (1) arbitrate any appeal which is filed with it by any operator or any mine worker who feels that any reported violations of the code and recommendation of compliance by a federal coal mine inspector has not been justly reported or that the action required of him to correct the violation would subject him to irreparable damage or great injustice; and (2) to consult with the United States Bureau of Mines in accordance with the provisions of Section (c) above.

(*e*) *Mine Safety Committee*

At each mine there shall be a mine safety committee selected by the local union. The committee members while engaged in the performance of their duties, with the following exception, shall be paid by the local union. When the mine safety committee is making an investigation of an explosion and/or a disaster, they shall be paid by the company at their regular rate of pay for the hours spent making such investigation, provided there is not a more favorable local agreement or practice already in effect. The committee at all times shall be deemed to be acting within the scope of their employment in the mine within the meaning of the Workmen's Compensation law of the state where such duties are performed.

The mine safety committee may inspect any mine development or equipment used in producing coal. If the committee believes conditions found endanger the life and bodies of the mine workers, it shall report its findings and recommendations to the management. In those special instances where the committee believes an immediate danger exists and the committee recommends that the management remove all mine workers from the unsafe area, the operator is required to follow the recommendation of the committee.

If the safety committee in closing down an unsafe area act arbitrarily and capriciously, members of such committee may be removed from the committee. Grievances that may arise as a result of a request for removal of a member of the safety committee under this section shall be handled in accordance with the provisions providing for settlement of disputes.

The safety committee and operators shall maintain such records concerning inspections, findings, recommendations, and actions relating to this provision of the agreement as may be required, and copies of all reports made by the safety committee shall be filed with the operators.

(*f*) *Memorial periods*

The International Union, United Mine Workers of America, may designate memorial periods not exceeding a total of ten (10) days during the term of this agreement at any mine or operation provided it shall give reasonable notice to the coal company.

WORKMEN'S COMPENSATION AND OCCUPATIONAL DISEASES

Each operator who is a party to this agreement will provide the protection and coverage of the benefits under Workmen's Compensation and Occupational Disease Laws, whether compulsory or elective, existing in the states in which the respective employees are employed. Refusal of any operator to carry out this direction shall be deemed a violation of this agreement. Notice of compliance with this section shall be posted at the mine.

UNITED MINE WORKERS OF AMERICA WELFARE AND RETIREMENT FUND OF 1950

A. It is hereby stipulated and agreed by the contracting parties hereto that there is hereby created a Fund to be designated and known as the "United Mine Workers of America Welfare and Retirement Fund of 1950." During the life of this agreement there shall be paid into such Fund by each operator signatory hereto the sum of forty cents (40¢) per ton of two thousand (2,000) pounds on each ton of bituminous coal produced by such operator for use or for sale. On all bituminous coal procured or acquired by any signatory operator for use or for sale, (i.e., all bituminous coal other than that produced by such signatory operator) there shall during the life of this agreement be paid into such Fund by each such operator signatory hereto or by any subsidiary or affiliate of such operator signatory hereto the sum of eighty cents (80¢) per ton of two thousand (2,000) pounds on each ton of such bituminous coal so procured or acquired on which the aforesaid sum of forty cents (40¢) per ton had not been paid into said Fund prior to such procurement or acquisition. The parties hereto mutually agree that, if at any time during the term of this agreement a court or tribunal of competent jurisdiction determines by final decision that the provision appearing in the sentence just preceding, providing for the payment by signatory operators of eighty cents (80¢) per ton under certain prescribed conditions, is invalid or in violation of the National Labor Relations Act, as amended, or other federal or state law, the parties shall, at the option of and upon demand by party of the second part, without affecting the integrity of any other provision of this section or any other provision of the National Bituminous Coal Wage Agreement, meet and engage in good faith negotiations to agree upon a clause to be inserted into this agreement in replacement of the provision found invalid or unlawful. Such Fund shall have its place of business in Washington, District of Columbia, and it shall be operated by a Board of Trustees, one of whom shall be appointed as a representative of the Employers, one of whom shall be appointed as a representative of the United Mine Workers of America and one of whom shall be a neutral party, selected by the other two. In the event of resignation, death, inability or unwillingness to serve of the Trustee appointed by the operators or the Trustee appointed by the United Mine Workers of America, the operators shall appoint the successor of the Trustee originally appointed by them and the United Mine Workers of America shall appoint the successor of the Trustee originally appointed by it.

The operators signatory hereto do hereby appoint Henry G. Schmidt of Cleveland, Ohio, as their representative on said Board of Trustees. The United Mine Workers of America do hereby appoint John L. Lewis, of Washington, D.C., as its representative on said Board of Trustees. It is further stipulated and agreed by the joint contracting parties that Josephine Roche, of Denver, Colorado, is appointed as the neutral Trustee. Said three Trustees so named and designated shall constitute the Board of Trustees to administer the Fund herein created.

In the event of a deadlock on the designation or agreement as to any future neutral Trustee, an impartial umpire shall be selected either by agreement of the two Trustees, representatives of the contracting parties hereto, or by petition by either of the contracting parties hereto to the United States District Court for the District of Columbia for the appointment of such an impartial umpire, all as made and provided in Section 302(c) of the "Labor-Management Relations Act, 1947."

It is agreed by the contracting parties hereto that the Trustees herein provided for shall serve for the duration of this contract and as long thereafter as the proper continuation and administration of said trust shall require.

It is agreed that this Fund is an irrevocable trust created pursuant to Section 302(c) of the "Labor-Management Relations Act, 1947," and shall endure as long as the purposes for its creation shall exist. Said purposes shall be to make payments from principal or income or both, of (1) benefits to employees of said operators, their families and dependents for medical or hospital care, pensions on retirement or death of employees, compensation for injuries or illness resulting from occupational activity or insurance to provide any of the foregoing, or life insurance, disability and sickness insurance or accident insurance; (2) benefits with respect to wage loss not otherwise compensated for at all or adequately by tax supported agencies created by federal or state law; (3) benefits on account of sickness, temporary disability, permanent disability, death or retirement; (4) benefits for any and all other purposes which may be specified, provided for or permitted in Section 302(c) of the "Labor-Management Relations Act, 1947," as agreed upon from time to time by the Trustees including the making of any or all of the foregoing benefits applicable to the individual members of the United Mine Workers of America and their families and dependents, and to employees of the operators other than those exempted from this agreement; and (5) benefits for all other related welfare purposes as may be determined by the Trustees within the scope of the provisions of the aforesaid "Labor-Management Relations Act, 1947." Subject to the stated purposes of this Fund, the Trustees shall have full authority, within the terms and provisions of the "Labor-Management Relations Act, 1947," and other applicable law, with respect to questions of coverage and eligibility, priorities among classes of benefits, amounts of benefits, methods of providing or arranging for provisions for benefits, investment of trust funds, and all other related matters.

The aforesaid Trustees shall designate a portion (which may be changed from time to time) of the payments herein provided, based upon the Trust's statistical experience, as a separate fund to be administered by the said Trustees herein described and to be used for providing for pensions or annuities for the members of the United Mine Workers of America or their families or dependents and such other persons as may be properly included as beneficiaries thereunder.

It is further agreed that the detailed basis upon which payments from the Fund will be made shall be resolved in writing by the aforesaid Trustees at their initial meeting, or at the earliest practicable date that may by them thereafter be agreed upon.

Title to all the moneys paid into and or due and owing said Fund shall be vested in and remain exclusively in the Trustees of the Fund, and it is the intention of the parties hereto that said Fund shall constitute an irrevocable trust and that no benefits or moneys payable from this Fund shall be subject in any manner to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance or charge, and any attempt so to anticipate, alienate, sell, transfer, assign, pledge, encumber or charge the same shall be void. The moneys to be paid into said Fund shall not constitute or be deemed wages due to the individual mine worker, nor shall said moneys in any manner be liable for or subject to the debts, contracts, liabilities or torts of the parties entitled to such money, i.e., the beneficiaries of said Trust under the terms of this agreement.

The obligation to make payments to the "United Mine Workers of America Welfare and Retirement Fund of 1950" under this contract shall become effective on October 1, 1968, and the first actual payments are to be made on November 10, 1968, and thereafter continuously on the 10th day of each succeeding calendar month covering the production of all coal for use or sale during the preceding month.

It is stipulated and agreed by the contracting parties hereto that the Trustee designated by the United Mine Workers of America shall be the Chief Executive Officer and the Chairman of the Trustees of the Fund provided for in this agreement.

It shall be the duty of the operators signatory hereto, and each of them, to keep said payments due said Fund, as hereinabove described and provided for, current and to furnish to the United Mine Workers of America and to the Trustees hereinabove designated a monthly statement showing the full amount due hereunder for all coal produced for use or for sale from each of the several individual mines owned or operated by the said operators signatory hereto; together with a monthly statement showing the full amount due hereunder on all bituminous coal procured or acquired from any mine, preparation plant or facility other than those owned or operated by such signatory operator, all as hereinabove set out and provided. Payments to said Fund shall be made by check payable to "United Mine Workers of America Welfare and Retirement Fund of 1950" and shall be delivered or mailed to the office of said Fund located at 907 Fifteenth Street, N.W., Washington, D.C., or as otherwise designated by the Trustees.

It is stipulated and agreed by the contracting parties hereto that an annual audit of the Fund hereinabove described shall be made by competent authorities to be designated by the Trustees of said Fund. A statement of the results of such audit shall be made available for inspection of interested persons at the principal office of the Trust Fund and at such other places as may be designated by the Trustees.

Failure of any operator signatory hereto to make full and prompt payments to the "United Mine Workers of America Welfare and Retirement Fund of 1950" in the manner and on the dates herein provided shall, at the option of the United Mine Workers of America, be deemed a violation of this agreement. This obligation of each operator signatory hereto, which is several and not joint, to so pay such sums shall be a direct and continuing obligation of said operator during the life of this agreement and it shall be deemed a violation of this agreement, if any mine, preparation plant or other facility to which this agreement is applicable shall be sold, leased, sub-leased, assigned, or otherwise disposed of for the purpose of avoiding any of the obligations hereunder.

Action which may be required hereunder by the operators for the appointment of a successor Trustee representing them, or which may be required in connection with any other matter hereunder, may be taken by those operators who at the time are parties hereto, and authorization, approval, or ratification of operators representing fifty-one percent (51%) or more of the coal produced for use or sale during the calendar year previous to that in which the action is taken shall be sufficient and shall bind all operators.

B. It is hereby stipulated and agreed by the contracting parties with respect to the Fund created by the National Bituminous Coal Wage Agreement of 1947:

(1) The operators signatory hereto agree to make payments into said Fund on or before March 15, 1950, on account of all coal produced for use or sale up to and including March 6, 1950, wth respect to which payment has not heretofore been made, such payments to be on the basis heretofore made by said operators under the National Bituminous Coal Wage Agreement of 1947 and the National Bituminous Coal Wage Agreement of 1948, whichever is applicable.

(2) The operators signatory hereto hereby renounce and forever release any and all claim to or interest in payments made into the said 1947 Fund.

(3) The Trustees appointed pursuant to this agreement are hereby authorized and directed to accept into the new trust fund hereby created and to devote for the purposes hereinabove specified and enumerated, any and all trust funds remaining unexpended or unobligated in said 1947 trust fund.

(4) The parties hereto agree that the best interest of the beneficiaries of said trust fund would be served by having all unexpended or unobligated funds therein transferred as above provided, and agree that the Trustees thereof should transfer such funds to the new trust fund created by this agreement.

C. It is stipulated, understood and agreed by the contracting parties hereto that the present practices with respect to wage deductions and their use for provision of medical, hospital and related services shall continue during the terms of this contract or until such earlier date or dates as may be agreed upon by the United Mine Workers of America and any operator signatory hereto.

D. It is the intent and purpose of the contracting parties hereto that full cooperation shall by each of them be given to each other, the Trustees named under this Section and to all affected mine workers to the eventual coordination and development of policies and working agreements necessary or advisable for the effective operation of this Fund.

APPLICATION OF CONTRACT TO COAL LANDS

As part of the consideration for this agreement, the operators signatory hereto agree that this agreement covers the operation of all of the coal lands, coal producing and coal preparation facilities owned or held under lease by them, or any of them, or by any subsidiary or affiliate at the date of this agreement, or acquired during its term which may hereafter (during the term of this agreement) be put into production or use. The operators agree that they will not lease, license or contract out any coal lands, coal producing or coal preparation facilities for the purpose of avoiding the application of this agreement or any section, paragraph or clause thereof.

WAGES AND HOURS

(a) For all inside employees a work day of eight hours from portal to portal, which means collar to collar or bank to bank, is established including a staggered thirty minutes for lunch, and without any intermission or suspension of operation throughout the day. For inside day workers these eight hours shall be paid for at straight rate. Overtime beyond eight hours per day and forty hours per week shall be paid for at time and one-half with no pyramiding of overtime. Straight time rates for inside day workers shall be the total daily normal shift earnings for eight hours divided by eight (8) hours.

(b) For all outside employees except those covered in subsection (c) hereof (including all strip mine and coke oven employees), a work day of seven hours and fifteen minutes is established including a staggered thirty minutes for lunch, and without any intermission or suspension of operations throughout the day. These seven hours and fifteen minutes shall be paid for at straight time rate. Overtime beyond seven hours and fifteen minutes per day and thirty-six and one-quarter hours per week shall be paid for at time and one-half with no pyramiding of overtime. Straight time earnings for outside day workers covered by this paragraph shall be the total daily normal shift earnings for seven hours and fifteen minutes divided by seven and one-quarter (7.25) hours. However, the work day of any outside employee engaged in the dumping, handling and preparation of coal and the manufacture of coke may be extended to eight hours provided overtime is paid for work in excess of seven hours and fifteen minutes per day.

(c) For all outside continuous employees who are engaged at powerhouses, substations and pumps operating continuously for twenty-four (24) hours daily, and hoisting engineers, a work day of eight hours is established including a staggered thirty minutes for lunch and without any intermission or suspension of operations throughout the day. These eight hours shall be paid for at straight time rate. Overtime beyond eight hours per day and forty hours per week shall be paid for at time and one-half with no pyramiding of overtime. Straight time earnings for day workers covered by this paragraph shall be the total daily normal shift earnings for eight hours divided by eight (8) hours.

(d) The day rate for inside electrician, mechanic and continuous mining machine operator (i) shall be increased three dollars per day effective October 1, 1968 and shall be not less than thirty-three dollars; (ii) shall be increased two dollars per day effective October 1, 1969 and shall be not less than thirty-five dollars; (iii) shall be increased two dollars per day effective October 1, 1970 and shall be not less than thirty-seven dollars.

(e) The traditional differential in District 20 and District 23 will be abolished during the life of this contract. This differential will be abolished in four steps: one-fourth of the differential will be abolished October 1, 1968; one-fourth October 1, 1969; one-fourth October 1, 1970 and the remaining one-fourth of the differential will be abolished September 30, 1971.

(f) All mine workers other than those covered by subsection (d) whether employed by the month or day shall receive (i) effective October 1, 1968 twenty dollars and twenty-five cents per day in addition to that provided for in the contract which expired March 31, 1946; (ii) effective October 1, 1969 twenty-two dollars and twenty-five cents per day in addition to that provided for in the contract which expired March 31, 1946; (iii) effective October 1, 1970 twenty-four dollars and twenty-five cents per day in addition to that provided for in the contract which expired March 31, 1946.

(g) The following eight holidays shall be observed: New Year's Day, April 1st, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day and Christmas Day. If any of the foregoing holidays falls on Sunday, it shall be celebrated the following Monday. Employees who work on the foregoing holidays shall be paid at triple time or triple rates for all time worked. Employees who do not work on the foregoing holidays will be paid straight time or straight time rate provided such employee was not absent his last scheduled day prior to and his first scheduled day following the holiday because of an unauthorized work stoppage. When a holiday occurs during an employee's scheduled vacation, he shall be paid for the holiday not worked in addition to his vacation pay. An employee forced to cease work because of injury or personal illness will be compensated for all holidays when due occurring during the following 364 days provided he establishes medical proof of illness or injury. Payment for holidays not worked shall be included with pay for the pay period in which the holiday occurs.

(h) The operator's rate will be paid for tramming mobile loading, cutting, continuous mining or related machines and equipment from one location to another.

(i) Rockdusting shall be done at the expense of the coal operator.

(j) It is understood and agreed that roof bolters will be paid the same day rates paid to drillers and shooters on mechanical crews, except roof bolters on continuous mining machines will be paid the continuous mining machine operator helper's rate.

(k) Work performed on Saturday shall be paid for at time and one-half or rate and one-half. Work performed on Sunday shall be paid for at double time or double rates. No coal will be produced or processed on Sunday or on the foregoing holidays but the operator shall be permitted to load previously mined and processed coal for shipment on Sunday or on the foregoing holidays, provided that the employees engaged in such loading for shipment shall be covered by this agreement and shall be paid at double time or double rates for all work performed on Sunday, and at triple time or triple rates for all work performed on the foregoing holidays.

The operator shall have the right to schedule maintenance crews, powerhouse and substation employees, pumpers, lamphouse and bathhouse men, firemen, fan attendants, switchboard operators and other similar employees for Saturday and Sunday work and schedule their days off during the first five days of the work week (except continuous hoisting engineers as now provided in subsection (c) hereof). However, such employees shall be given the opportunity to work the same number of days per week as the number of days of which the mine produces coal, and shall be given equal opportunity to share the available work on premium days.

(l) Amend the National Bituminous Coal Wage Agreement of 1945 to provide: "Employees scheduled for and starting work on the second shift, whether paid by the day or by the ton, shall be paid eight cents additional for each hour employed. Employees scheduled for and starting work on the third shift, whether paid by the day or by the ton, shall be paid ten cents additional for each hour employed. Shift differentials shall be considered part of the regular rate of pay in the calculation of overtime or premium rates, holiday pay and vacation pay."

(m) Amend the Appalachian Joint Wage Agreement of 1941 to provide: "Unless notified not to report, when men report for work at their usual starting time, they shall be entitled to four hours' pay whether or not the operation works the full four hours, but after the first four hours, the men shall be paid for every hour thereafter by the hour, for each hour's work or fractional part thereof. If, for any reason, the regular routine work can not be furnished, the employer may furnish other than the regular work. Reporting pay shall not be applicable to any portion of the four hours not worked by the employee due to his refusal to perform assigned work. Notification of employees not to report means reasonable efforts by management to communicate with the employee.

VACATION PAYMENT

An annual vacation of fourteen days shall be the rule of the industry. To assure consumers of a continued supply of coal and extend employment opportunities, the two separate vacation periods shall be as follows:

Dates of vacation period

Beginning at the start of the morning shift on Saturday, June 28, 1969, and ending at the beginning of the morning shift on Saturday, July 12, 1969: or beginning at the start of the morning shift on Saturday, July 12, 1969, and ending at the beginning of the morning shift on Saturday, July 26, 1969.

Beginning at the start of the morning shift on Saturday, June 27, 1970, and ending at the beginning of the morning shift on Saturday, July 11, 1970; or beginning at the start of the morning shift on Saturday, July 11, 1970, and ending at the beginning of the morning shift on Saturday, July 25, 1970.

Beginning at the start of the morning shift on Saturday, June 26, 1971, and ending at the beginning of the morning shift on Saturday, July 10, 1971; or beginning at the start of the morning shift on Saturday, July 10, 1971, and ending at the beginning of the morning shift on Saturday, July 24, 1971.

The operator must make a separate written declaration for each mine he operates setting forth which vacation period he has elected to take. This declaration must be filed with the president of the respective UMWA district in which the mine or mines are located by May 15.

Day men required to work during either of these periods at coke plants and other necessarily continuous operations or on emergency or repair work shall have vacations of the same duration at another agreed period of fourteen consecutive days.

Staggered vacations

To further assure a continued supply of coal and extend employment opportunities any operator signatory hereto may operate his mine without interruption and schedule vacations of 14 consecutive days for each employee at his mine during the calendar year. In the event the operator elects to operate his mine without interruption, he must file a written declaration with the president of the respective UMWA district in which the mine is located by January 1.

Should the operator elect to operate his mine without interruption, vacation period shall be scheduled by the company at the times desired by individual employees so long as this does not affect the operation of the mine. Should there be a conflicting choice of vacation between two or more employees, the choice will be determined on a seniority basis. Each employee shall have as much advance notice of his scheduled vacation as practicable.

Qualifying period and amount of payment

All employees with a record of one year's standing from June 1, 1968 to May 31, 1969, shall receive as compensation for the 1969 vacation period the sum of ten times the employee's day wage rate; and all employees with a record of one year's standing from June 1, 1969 to May 31, 1970, shall receive as compensation for the 1970 vacation period the sum of ten times the employee's day wage rate; and all employees with a record of one year's standing from June 1, 1970 to May 31, 1971, shall receive as compensation for the 1971 vacation period the sum of ten time the employee's day wage rate with the following exception: Employees who enter or return from the armed services to their jobs during the qualifying period shall receive the sum of ten times the employee's day wage rate. The employee's day wage rate will be his regular rate paid at the time his vacation payment is due as set forth below.

Shift differentials are included in the calculation of vacation pay. For employees who rotate all three shifts, add the shift differential of 8¢ for the second shift and 10¢ for the third shift and then divide the total of 18¢ by three to arrive at an average of 6¢ per hour shift differential. For employees who only rotate the first and second shifts, take the second shift differential of 8¢ and divide by two to arrive at an average of 4¢ an hour shift differential.

All the terms and provisions of district agreements relating to vacation pay for sick and injured employees are carried forward to this agreement and payments are to be made in the sum as provided herein.

Pro rata payments for the months they are on the payroll shall be provided for those mine workers who are given employment or who leave their employment during the qualifying period.

Time of payment

The vacation payment shall be made on the last pay day immediately preceding the beginning of the respective vacation periods. If the operator elects to stagger his mine, an employees taking his individual vacation between January and July is entitled to his vacation payment immediately preceding the beginning of his respective vacation. If the employee takes his individual vacation after the regular June-July vacation period, he is entitled to receive his vacation payment on the last pay day before the June vacation period. Employees who leave their employment during the qualifying period shall receive their pro rata share of vacation payment at the time they sever their employment. In the event any employer should sell, lease, transfer, assign or otherwise dispose of his mine, he shall pay to each of his employees his pro rata share of vacation payment on the day of such sale, assignment or lease.

Graduated vacation

In addition to the foregoing vacation, any employee who has had the length of continuous employment with the coal company specified in the table below, shall be entitled to the corresponding additional vacation days each year with pay. The word "days" means working days. The rate of pay for each additional day of vacation will be the same rate of pay used in the calculation of the employee's regular vacation and will be paid at the same time as set forth above in this provision.

Length of continuous employment	[Additional days per year]
Ten years but less than 11 years	1
11 years but less than 12 years	2
12 years but less than 13 years	3
13 years but less than 14 years	4
14 years but less than 15 years	5
15 years but less than 16 years	6
16 years but less than 17 years	7
17 years but less than 18 years	8
18 years but less than 19 years	9
19 years or over	10

Continuous employment under this graduated vacation provision means employment which has not been interrupted by voluntarily quitting, discharge, retirement or a final determination of permanent and total disability under federal and/or state laws which provide compensation therefor. The time for taking these additional days of vacation shall be determined between the employee and the employer, but will be taken in the year in which they are due.

Failure of any operator signatory hereto to make full and prompt payment of the amounts required hereby, in the manner and on the dates herein provided, shall at the option of the United Mine Workers of America, be deemed a violation of this agreement. This obligation of each operator signatory hereto which is several and not joint, to so pay such sums, shall be a direct and continuing obligation of said operator during the life of this agreement; and it shall be deemed a violation of this agreement if any mine, to which this agreement is applicable, shall be sold, leased, sub-leased, assigned or otherwise disposed of for the purpose of avoiding the obligation hereunder.

CHECKOFF

The membership dues, including initiation fees, and assessments of the United Mine Workers of America and its various subdivisions, as authorized and approved by the International Union, United Mine Workers of America, shall be checked off the wages of the employees by the operators covered by this contract and shall be remitted by the operators to the properly designated officers of the mine workers for distribution to its various branches. Such remittances shall be accompanied by an itemized statement showing the name of each employee and the amount checked off for dues, initiation fees and assessments together with a list of employees from whom dues, initiation fees and assessments have not been collected.

In order that this section may become effective and operate within the limitations of the "Labor-Management Relations Act, 1947," the mine workers hereby agree to furnish, with all reasonable dispatch to the respective operators, and the operators agree to aid, assist and cooperate in obtaining written assignments from each employee so employed. Upon the presentation to the operators of such assignments in such reasonable form as time and circumstances, looking to the continuous and uninterrupted production of coal, may allow, said operators shall make deductions so authorized and deliver the same to the designated district officer of the mine workers or to such authorized representative as may be designated by the mine workers.

SETTLEMENT OF LOCAL AND DISTRICT DISPUTES

Should differences arise between the Mine Workers and the operators as to the meaning and application of the provisions of this agreement, or should differences arise about matters not specifically mentioned in this agreement, or should any local trouble of any kind arise at the mine, an earnest effort shall be made to settle such differences immediately: (The parties will not be represented by legal counsel at any of the steps below.)

1. Between the aggrieved party and the mine management.

2. Through the management of the mine and the mine committee.

3. Through district representatives of the United Mine Workers of America and a commissioner representative (where employed) of the coal company.

4. By a board consisting of four members, two of whom shall be designated by the Mine Workers and two by the operators. Neither the Mine Workers' representatives on the board nor the operators' representatives on the board shall be the same persons who participated in steps (1), (2), or (3) of this procedure.

5. Should the board fail to agree the matter shall, within twenty (20) days after decision by the board, be referred to an umpire to be mutually agreed upon by the operator or operators affected and by the duly designated representatives of the United Mine Workers of America, and the umpire so agreed upon shall expeditiously and without delay decide said case. The decision of the umpire shall be final. Expenses and salary incident to the services of an umpire shall be paid equally by the operator or operators affected and by the Mine Workers.

A decision reached at any stage of the proceedings above outlined shall be binding on both parties hereto and shall not be subject to reopening by any other party or branch of either association except by mutual agreement.

DISCHARGE CASES

Amend the "Discharge Cases" section of the Appalachian Joint Wage Agreement of June 19, 1941, by striking all of the language of that section and substituting the following:

When a mine worker has been discharged from his employment and he believes he has been unjustly dealt with, it shall be a case under the "Settlement of Local and District Disputes" clause. In all discharge cases should it be decided under the rules of this agreement that an injustice has been dealt the mine worker, the operator shall reinstate and compensate him at the rate based on the earning of said mine worker prior to such discharge. Provided, however, that such case shall be taken up within five days from the date of discharge.

SENIORITY

1. Seniority at the mine shall be recognized in the industry on the following basis: Length of service and qualification to perform the work.

2. In all cases where the working force is to be reduced, employees with the greatest seniority shall be retained providing they are qualified to perform the work.

3. Employees who are idle because of a reduction in the working force shall be placed on a panel from which they shall be returned to employment on the basis of seniority as outlined in paragraph one.

4. Employees who are placed on a panel shall retain the seniority earned prior to their layoff and, in order to protect their relative seniority standing, will continue to accrue seniority while on the panel.

5. Employees will be granted a leave of absence in order to serve as a district or international officer or representative and shall retain their seniority earned prior to their layoff and will continue to accrue seniority while serving in the capacity of union officer or representative. This provision is retroactive to April 1, 1964.

6. Employees who are promoted to a supervisory position exempt from coverage under this agreement for a period in excess of four months shall retain their original seniority as of the date of their promotion, but will not accumulate any seniority for the time spent in such supersivory position.

7. When a permanent vacancy is filled at a mine where shift rotation is not practiced, the employee with the greatest seniority shall be given preference with respect to the first, second and third shift work.

8. Promotions to all permanent vacancies and new jobs created during the term of this agreement will be made on the basis of mine seniority as set forth in the following procedure.

(1) The job or vacancy shall be posted by management in a conspicious place for a period of five production days and will be properly identified.

(2) Any employee—including panel members—qualified to perform the work where the permanent vacancy occurs shall be entitled to bid on such vacancy during the five-day posting period.

(3) After the five-day posting period the senior qualified man making a bid for such permanent vacancy shall be selected from applicants.

(4) When an employee is absent from work due to illness or other legitimate reason during the five-day posting period he shall be notified by management of the vacancy. Notice to the last known address by certified mail shall be sufficient notice.

(5) During the five-day posting period the management shall have the right to fill such vacancy by an employee they may select.

(6) No claim shall be recognized by either the company or union representatives for any vacancy after the five-day period and the job has been filled by the senior qualified man making a bid for the same.

(7) In order to provide a stable working force under ordinary circumstances an employee will not be entitled to bid on a vacancy for a period of six months after his last job change under this procedure.

(8) In case of an older man's refusal to take a job, he shall become ineligible for that job in that instance but shall retain all privileges for all subsequent jobs.

9. When a mine is abandoned or closed after April 1, 1966, employees laid off shall at their request be placed on the panel of the other mine or mines of the same company in the same UMWA district.

When employees are laid off in a reduction in force at a mine after October 1, 1968, the employees so laid off shall at their request be placed on the panel of the other mine or mines of the same company in the same UMWA district.

When work is available at the other mine or mines of the same company and the employees have requested their names be placed on the panel or panels of such mine or mines, the employees from the abandoned mine or the employees laid off in the reduction in force, shall be transferred to the other mine or mines where work in available. They shall be transferred in line with their position on their former mine's panel list, but their seniority at the mine to which they are being transferred will not begin until they are so transferred with the following exception.

When employees from the abandoned mine are required to remain there to assist in closing or dismantling work, they will have the right to transfer later, but their seniority will be retroactive to the date when they would have been transferred had they not been required to remain at the abandoned mine on dismantling work.

Should such closed or abandoned mine be reopened, or should work be available for the men laid off in a reduction in force, they will be permitted to return to the former mine with full accumulated seniority therein.

10. Any person on the panel list who secures casual or intermittent employment during the period when no work is available for him at the operation shall in no way

jeopardize his seniority rights while engaged in such temporary employment. However, any person on the panel list who secures regular employment at another operation, or outside the industry, and does not return to work when there is available employment at the mine for those in said panel, shall sacrifice his seniority rights at the operation and shall have his name removed from the panel list.

11. The superintendent of the mine and the secretary of the local union shall be joint custodians of the panel records. It shall be the obligation of the employee to keep the custodians advised of any change of address. Notice to the last known address by certified mail shall be sufficient notice of recall. Failure to respond within a reasonable time shall be sufficient reason to remove him from the panel.

12. Grievances which arise under the provisions of this section shall be processed under the "Settlement of Local and District Disputes" clause of this agreement.

BATHHOUSE OR WASHROOM

There shall be no charge by the operator for use of a bathhouse or washroom. The operator will furnish soap in the bathhouse or washroom. Where bathhouses or washrooms are not furnished by the operator, other satisfactory arrangements will be made between the operator and the district.

BULLETIN BOARDS

The operator agrees to provide bulletin boards or bulletin spaces for the union's use and the union agrees to post notices or information of interest to the union.

CHRISTMAS BONUS

In each of the years 1969, 1970 and 1971 each employee with a record of one year's standing prior to December 1 of such year shall receive on the pay day prior to Christmas a separately identified Christmas bonus calculated on the following basis:

One hundred twenty dollars less ten dollars for each calendar month during the immediately preceding December 1 through November 30 period in which the employee failed to work all the days he was scheduled to work that month unless his failure to work was due to good cause.

Pro rata payments for the months they are on the payroll shall be provided for those mine workers who are given employment or who are laid off during the December 1 to November 30 qualifying period.

CLASSIFICATION REQUIREMENT

Within sixty days of his employment or within sixty days of the effective date of this agreement, whichever is earlier, each new employee—unless prohibited by law—shall be classified in a regular, recognized occupation. Failure to so classify such new employee will result in automatic classification at the rate which is the highest rate for any work performed during the period since he was employed and has not been classified. Nothing in this section, however, shall be understood to require double manning of jobs or prevent return of an employee to his usual classification following temporary assignment to another job.

CLASSIFIED WORK

Supervisory employees shall perform no production, classified or other work covered by this agreement except in emergencies and except as such work is for the purpose of training or instructing employees. When a dispute arises under this section, it shall be adjudicated through the grievance machinery and the burden of proof will be on the employer to prove that the supervisory employee has not performed such work.

COMPULSORY RETIREMENT

No operator signatory to this agreement will have a policy of compulsory retirement based solely on age for the employees covered by this agreement.

HELPERS

On each face production crew the mine operator shall designate one of the crew members as helper who, when directed, shall operate either a loading machine or any type of continuous mining equipment in the absence of the operator, but when not operating the machine shall perform such other duties within the working section as directed by the mine operator. It is understood that the working crew is not to be increased by designation of a member as a helper. It is further understood that it is the intent of the parties that a member of the face production crew, other than the operator, shall be within sight or hearing of the loading machine or continuous mining equipment when said equipment is actively engaged in the production or loading of coal. The designated helper shall be paid the cutting and shearing machine operator's rate. The helper shall be paid the machine operator's rate for the time spent performing the duties of a machine operator.

HOUSE COAL

House coal shall be sold to all employees (including retired employees or their widows and the widows of employees of the company) who live within a reasonable distance of the mine, for their own household use, at the cost of production, exclusive of sales and administrative costs. Should any differences arise between the Mine Workers and the operator of any mine as to the price so to be charged for said coal, such differences shall be settled under the terms of the "Settlement of Local and District Disputes" section of this agreement.

JURY DUTY

When a regular employee is called for jury service, he shall be excused from work on the days he is required to appear in court. Employees called for jury duty, upon proof of such service and of the amount of pay received therefor, will be paid whatever sum, if any, is necessary in addition to the fees received for jury duty service to reimburse him for earnings lost because of such jury duty.

NEW MACHINERY

The right to install and operate new types of equipment is recognized. When such equipment is to be installed, the company will notify the president of the UMWA district in which the new type of equipment will be located. It is agreed that upon installation of new types of equipment not already in use in the industry for which no wage rates are now established the rates for operating such equipment shall be established by agreement between the management of the mine and—subject to the approval of the International Union—the president of the UMWA district in which the new type of equipment is operated.

PAY DAY

Amend the Appalachian Joint Wage Agreement of 1941 by striking the first sentence of the "PAY DAY" section and inserting in lieu thereof the following: "All employees will be paid at least every two weeks."

STRIPPING CREWS

A swing shift shall be recognized for the stripping and dragline crews when stripping coal, but when the operator uses a swing shift the regular crews shall be assured of six days each week except weeks in which holidays occur.

TONNAGE RATES

Amend the "Basic Tonnage Rates" section and Schedule A of the Appalachian Joint Wage Agreement of 1941 by striking out the language of that section and substituting the following:

"Hand loaders employed on a tonnage rate basis will be paid a tonnage rate to be negotiated between the company and the President of the UMWA district in which the company operates subject to the approval of the International Union."

WORK JURISDICTION

The following work shall be performed solely by members of the United Mine Workers of America and will be covered by this agreement:

1. All hauling of coal, overburden, mine refuse in or about the mine, including hauling to a screening, crushing, washing or other preparation facility, or other contiguous mine-related operation.

2. All repair and maintenance work in and around the mine to the extent that the employer has the necessary equipment at such mine or at a central repair shop where such work is normally performed and regular employees with the necessary skills available to do the work.

Nothing in this section shall be construed or applied to diminish the exclusive work jurisdiction otherwise expressed or implied by this agreement.

CONSTRUCTION WORK

All construction of mine or mine-related facilities including erection of mine tipples and sinking shafts which is not performed by the operator may be performed by such outside contractors as are designated by the operator and such work will be under the jurisdiction of the United Mine Workers of America in the manner and to the extent permitted by law.

JOINT COMMISSION ON WAGE RATES

A joint commission consisting of representatives of the operators and the mine workers from each bituminous district in the United States is established to investigate the wage rates and classifications existing in the various districts for the purpose of determning whether there are wage rates for all classifications of work, whether there are any existing discrepancies or inequities in rates within the districts or among the district and other related problems.

The United Mine Workers of America will designate representatives from each bituminous district and the operators will designate representatives from each bituminous district. The commission shall undertake this assignment at an early date and shall complete its investigation and report its recommendations no later than December 30, 1969.

DISTRICT AGREEMENTS

New districts of the United Mine Workers of America may be established.

This agreement supersedes all existing and previous contracts except as incorporated and carried forward herein by reference; and all local agreements, rules, regulations and customs heretofore established in conflict with this agreement are hereby abolished. Prior practice and custom not in conflict with this agreement may be continued, but any provisions in district or local agreements providing for the levying, assessing or collecting of fines or providing for "no strike," "indemnity" or "guarantee" clauses or provisions are hereby expressly repealed and shall not be applicable during the term of this agreement. Wherever a conflict arises between this agreement and any district or local agreement, this agreement shall prevail. When day men are transferred to loading coal the individual affected, if aggrieved, shall have the right of review under the settlement of disputes procedures provided in this agreement.

No district contract or agreement negotiated hereunder shall become effective until approval of such contract or agreement by the International Union, United Mine Workers of America, has been first obtained.

MISCELLANEOUS

1. Any and all provisions in either the Appalachian Joint Wage Agreement of June 19, 1941, or the National Bituminous Coal Wage Agreement of April 11, 1945, containing any "no strike" or "penalty" clause or clauses or any clause denominated "Illegal Suspension of Work" are hereby rescinded, cancelled, abrogated and made null and void.

2. Any and all provisions of any contracts or agreements between the parties hereto or some of them whether national, district, local or otherwise providing for a protective wage clause and a modification of this agreement or said agreements if a more favorable wage agreement is entered into by the United Mine Workers of America, are hereby rescinded, cancelled, abrogated and made null and void.

3. The United Mine Workers of America and the operators agree and affirm that they will maintain the integrity of this contract and that all disputes and claims which are not settled by agreement shall be settled by the machinery provided in the "Settlement of Local and District Disputes" section of this agreement unless national in character in which event the parties shall settle such disputes by free collective bargaining as heretofore practiced in the industry, it being the purpose of this provision to provide for the settlement of all such disputes and claims through the machinery in this contract provided and by collective bargaining without recourse to the courts.

4. Each operator signatory or who may become signatory hereto hereafter agrees to give proper notice to the president of the local union at the mine by the 18th day of each month that said operator has made the required payment to the United Mine Workers of America Welfare and Retirement Fund for the previous month.

NATIONAL CONFERENCES

It is hereby stipulated and agreed by all parties signatory hereto that they, and each of them, will attend any conference or conferences held under the terms of this agreement and that such conference or conferences shall be convened at Washington, District of Columbia, unless such place of meeting is changed by mutual agreement of the parties.

INTEGRATED INSTRUMENT

This agreement is an integrated instrument and its respective provisions are interdependent and shall be effective from and after October 1, 1968.

TERMINATION OF AGREEMENT

This agreement dated October 14, 1968 shall be effective October 1, 1968 and is not subject to termination by any party signatory hereto prior to September 30, 1971, provided, however, That either the parties of the first part or the party of the second part may terminate this agreement on or after September 30, 1971, by giving at least sixty (60) days' written notice to the other party of such desired termination date.

In Witness Whereof, each of the parties signatory hereto, pursuant to proper authority, has caused this agreement effective October 1, 1968, to be signed by its proper officers or representatives at Washington, District of Columbia, on this 14th day of October, 1968.

UNITED MINE WORKERS OF AMERICA

W. A. Boyle, President; George J. Titler, Vice President; John Owens, Secretary-Treasurer.

District No. 2—Harvey Younker.
District No. 3—Ewing Watt.
District No. 4—James W. Kelly.
District No. 5—Michael Budzanoski.
District No. 6—Thomas A. Williams.
District No. 8—Elias Dayhuff.
District No. 10—Sam Nicholls.
District No. 11—Ernest Goad.
District No. 12—Joe Shannon.
District No. 14—Henry Allai.
District No. 15—Arthur Biggs.
District No. 17—R. R. Humphreys.
District No. 19—William J. Turnblazer.
District No. 20—E. E. Hollyfield.
District No .21—Henry Allai.
District No. 22—Frank M. Stevenson.
District No. 23—Louis Austin.
District No. 27—R. J. Boyle.
District No. 28—Carson Hibbits.
District No. 29—Larkin S. Philpott.
District No. 30—C. E. Beane.
District No. 31—C. J. Urbaniak.

OPERATORS

Bituminous Coal Operators' Assoication.
Central Pennsylvania Coal Producers' Association.
Northern Panhandle of West Virginia Coal Operators' Association.
Northern West Virginia Coal Association.
Ohio Coal Association.
Southern Coal Producers' Association.
Western Pennsylvania Coal Operators' Association.
Amherst Coal Company.
Armco Steel Corporation.
Beatrice Pocahontas Company.
Bell and Zoller Coal Company.
Beth-Elkhorn Corporation.
Bethlehem Mines Corporation.
Bishop Coal Company.
C F & I Steel Corporation.
Cannelton Coal Company, Kanawha & Pocahontas Division.
Carpentertown Coal and Coke Company.
Central Appalachian Coal Company.
Central Ohio Coal Company.
Clinchfield Coal Company, Division of The Pittston Company.
Coal Processing Corporation.
Consolidation Coal Company.
Duquesne Light Company.
Eastern Associated Coal Corporation.
Enos Coal Corporation.
Freeman Coal Mining Corporation.
Gateway Coal Company.
Harmar Coal Company.
Inland Steel Company.
Island Creek Coal Company.
Itmann Coal Company.
Jewell Ridge Coal Corporation.
Joanne Coal Company.
Jones & Laughlin Steel Corporation.
Kentland-Elkhorn Coal Corporation.
Kings Station Coal Corporation.
Mathies Coal Company.
Mohawk Mining Company.
National Coal Mining Company.
National Steel Corporation, National Mines Corporation.
North American Coal Corporation.
Old Ben Coal Corporation.
Omar Mining Company.
Peabody Coal Company.
Pikeville Coal Company.
Republic Steel Corporation.
Rochester & Pittsburgh Coal Company.
Sewell Coal Company.
Slab Fork Coal Company.
The United Electric Coal Companies.
Union Carbide Corporation.
United States Steel Corporation.
Westmoreland Coal Company.
Winding Gulf Coals, Inc.
Windsor Power House Coal Company.
Youngstown Steel Corporation, Buckeye Coal Company, Olga Coal Company, The Youngstown Mines Corporation.
Zeigler Coal & Coke Company.
Alabama Commercial Coal Operators' Association.
Arkansas-Oklahoma Coal Operators' Association.
Ayrshire Collieries Corporation.
Gibraltar Coal Corporation.
Kaiser Steel Corporation.
Southwestern Illinois Coal Corp.
Pittsburg & Midway Coal Mining Company.
Yankeetown Dock Corporation.

Exhibit E

Additional UMWA Officers Who Are Also Named as Defendants

The following named officers of the U.M.W.A. are hereby named as Defendants to this action. Their names and addresses are listed below and it is believed that each Defendant maintains an office at this address and may be found within the District of Columbia:

R. J. Boyle, 900 Fifteenth Street, NW., Washington, D.C.
Carson Hibbits, 900 Fifteenth Street, NW., Washington, D.C.
R. R. Humphreys, 900 Fifteenth Street, NW., Washington, D.C.
John T. Kmetz. 900 Fifteenth Street, NW., Washington, D.C.
Cecil J. Urbaniak, 900 Fifteenth Street, NW., Washington, D.C.
Ewing Watt, 900 Fifteenth Street, NW., Washington, D.C.
Larkin Philpott, 900 Fifteenth Street, NW., Washington, D.C.
James W. Ridings, 900 Fifteenth Street, NW., Washington, D.C.
C. E. Beane, 900 Fifteenth Street, NW., Washington, D.C.

[From the New York Times]

Miners Sue Union, Charging Fraud—Officials of Welfare Fund, Bank and Owners' Group Accused of Private Gain

(By Ben A. Franklin)

WASHINGTON, August 4.—A group of union coal miners and miners' widows filed a damage suit today, that accused the United Mine Workers of America, the union's Welfare and Retirement Fund, a union-owned bank and the largest association of mine owners and operators of conspiring to betray the rank-and-file membership for private profit.

Those filing the suit demanded at least $75-million in compensatory damages, not counting punitive damages for "willfully defrauding" the membership, which could total millions more.

They also asked the United States District Court here to place the $179-million union Welfare and Retirement Fund, the focus of the suit, in Federal receivership to prevent what they called further "plunder" of the members' assets.

CONSPIRACY IS CHARGED

Without specifically naming those alleged to have made "private gain," the suit charged that, through conspiracy, the officers of all of the defendant organizations "have all received and are receiving personal and monetary benefit and gain" through violations of "fiduciary trust." Allegations of "personal financial gain," minus specific details, appeared on nearly half the complaint's 37 pages.

At a news conference, Harry Huge, a Washington lawyer who said he had spent six months preparing the suit, declined to respond to newsmen's demands for details.

"I would rather wait until we get to court," he said at one point. "You don't put all your evidence in the first complaint."

Asked if he believed that criminal prosecutions might arise from the evidence to be submitted later in his civil complaint, Mr. Huge replied, "No comment." Finally, he made a veiled reference to a defendant who he said had received an "interest-free loan" to purchase coal company stock, with the understanding that if he made a profit he would keep it and that if the stock went down he would simply return the stock as payment for the loan. There were no other details.

CHARGES ROYALTY LOSS

In general, the suit charged that the union Welfare and Retirement Fund had enabled the coal industry to profit by failing to collect $30-million due the fund in miners' pension royalties, had failed to earn at least $20-million in income by "improper investment" of the industry's 40-cent-a-ton pension royalty, and had "wasted" another $25-million. It called these actions "willful," "reckless," "fraudulent" and "a conspiracy to defraud" the rank and file. It charged that the defendants "intended to and did use the welfare fund for their own financial purposes."

Even if no money damages are ever awarded by the court—lawyers estimated today that the suit would probably not come to trial on the crowded civil docket here for two to three years—the mere act of filing the complaint almost certainly damaged the re-election hopes of the United Mine Workers' president, W. A. Boyle, who is the principal defendant in the suit.

Mr. Boyle had himself named as one of the three trustees of the fund, replacing John L. Lewis after the death of the former union president on June 11.

Lawyers and other spokesmen here for the rank and file plaintiffs denied at a news conference that there had been any intention to embarrass Mr. Boyle politically during the most strenuous challenge to an incumbent president in the union's 79-year history. But that seemed likely to be an immediate effect, and union spokesmen charged this afternoon that the suit was politically motivated.

PURE HOGWASH

A press spokesman for the United Mine Workers, Rex Lauck, called the accusations "pure hogwash." Spokesmen for the other defendants—the Welfare and Retirement Fund, Inc., The U.M.W.-owned National Bank of Washington, and the Bituminous Coal Operators' Association, an industry group—said they had not seen the complaint and would have no comment.

Nearly three-quarters of the stock of the National Bank of Washington, the city's third largest, is owned by the mine union. The suit charged that the deposition of millions of dollars of union welfare funds in noninterest bearing accounts at the bank had profited the bank, and therefore the union. Mr. Boyle has long been a director of the bank.

Mr. Boyle, 64 years old, is being challenged for re-election to a second five-year term by Joseph A. Yablonski, 59, a long-time member of the union's International Executive Board and a former supporter of the Boyle regime. Last May, Mr. Yablonski made a public break with Mr. Boyle, accusing him of "dictatorial" conduct. He has since gathered around him rank and file and other anti-Boyle support. Election day is Dec. 9.

In a statement today, Mr. Yablonski commended the plaintiffs "for their initiative and industry" in filing the suit.

The plaintiffs were 78 active, disabled or retired union members or miners' widows and the leaders of the 4,000-member Association of Disabled Miners and Widows, Inc., a group organized three years ago at Madison, W. Va., to press complaints against alleged abuses by top officials of the union and the welfare fund. Four retired miners among the plaintiffs at the news conference denied that they were supporters of Mr. Yablonski.

"After giving our lives to the United Mine Workers and the mines," declared Howard Linville, a 58-year-old disabled miner who is the first plaintiff named in the suit, "now we have nothing. We feel that is wrong and that the union and the Welfare and Retirement Fund which we helped found did not intend that its members and its disabled and its widows and its retired should not have their pensions and hospital benefits."

OLD COMPLAINT

This was an old and bitter complaint, reflecting a series of retrenchments in benefits by the welfare fund in the late nineteen-fifties and early nineteen-sixties after a decade of costly pension and medical care experience.

Mr. Linville, for example, told newsmen that in 1967 he had been denied the union pension "for which I walked the picket line in the nineteen-forties, because, although he had worked 21 years in union mines he had failed to meet the fund's recently amended requirement that 20 of his union working years fall within the 30-year period immediately preceding his application for benefits.

The welfare fund has consistently denied that its policies are unfair. In recent years, it has usually won lawsuits brought by individual miners designed to force pension payments. In its annual financial statement published today, the fund said that total benefit payments to miners—the retirement stipend is now $150 a month—had reached a high of $158.6 million in the year ending June 30.

[From the Washington (D.C.) Post]

MINERS' SUIT SAYS UMW MISUSES FUND

(By Robert C. Maynard)

Rank-and-file coal miners charged in U.S. District Court here yesterday that their welfare and pension fund is being "plundered" by the leadership of the United Mine Workers.

The suit, asking damages of at least $75 million, also charges that miners have been denied their rightful pensions and medical benefits while the union leadership gained personally from funds diverted from membership use.

In a terse afternoon statement, the union denied the charges of the suit, calling them "untrue, unfounded and politically motivated." At the same time, the union issued a brochure on the pension fund that says it is providing more aid to miners than ever before.

Lawyers filing the suit on behalf of 4,000 disabled miners and widows of miners insisted that the suit was in no way affiliated with the challenge ot the leadership of UMW President W. A. (Tony) Boyle.

Joseph Yablonski, a former friend and associate of Boyle, is challenging Boyle's bid for re-election to a new five-year term in a Dec. 9 election. The campaign has been marked by sporadic violence.

Yablonski, speaking through the office of his Washington lawyer, Joseph Rauh, said in a statement:

"I am running for president of UMW to redress just the kind of abuses that are the basis of this suit. Had I been running this union, we would have had no need for law suits such as this."

Harry Huge of Washington Research Project, the public interest law firm handling the suit, said his involvement in the suit pre-dates Yablonski's campaign.

The suit, which also charges a conspiracy between the union and the Bituminous Coal Operators' Association, a management group, names as defendants the top leadership of the union, the management group, the Welfare and Retirement Fund and the National Bank of Washington.

The other main charges are:

That $40 million to $100 million a year for the past five years has been deposited by pension fund officials in the National Bank of Washington accounts that provided the Fund with no interest, thus enriching the bank at the expense of the union rank and file.

That the United Mine Workers owns 74 per cent of the National Bank and that members of the union leadership are on the board of directors, thereby standing to benefit personally from its enrichment at the expense of the pension fund.

That through mismanagement the fund lost an unknown portion of a $44 million portfolio, once filled with government bonds, but now made up of common stock, some of it coal-related firms in which some of the defendants have interests.

That the expenses of the fund were bloated to support friends and relatives of members of the union hierarchy.

That the trustees "engaged in hostile acts" designed to deny union members pensions and benefits to which they would otherwise have been entitled.

That members were dropped from pensions and other benefits without recourse and for arbitrary reasons.

That the fund was "illegally utilized for the private and personal use of the defendants and the fund . . . (was) . . . incapable of preventing itself from being plundered."

At a press conference at the International Club, during which all present baked in sauna-like discomfort, several of the miners told their stories of losing benefits after a year or being ruled ineligible because of a narrow technicality in the regulations.

Howard Linville of Paytona, W.Va., one of the plaintiffs, described how, after a year, medical benefits were halted irrespective of the condition of the recipient.

"Bonnard Foster, my neighbor, had a heart condition and when he had his (benefit) card taken he couldn't get this medicine and he died," Linville claimed.

Other miners told other stories of such personal disasters, which led them to form the Association of Disabled Miners and Widows in 1967. It was their group that was the prime mover in bringing the suit that was filed yesterday.

Although most of the charges made in the suit have been made publicly in the past, either in the press or in speeches by political adversaries of Boyle, never before have they been brought together in a law suit.

[From the Washington (D.C.) Evening Star, Aug. 5, 1969]

$75 MILLION SUIT ALLEGES MISUSE OF UMW FUND

A $75 million suit charging wrongdoing in operation of the United Mine Workers of America Welfare and retirement fund has been filed in U.S. District Court here.

The suit, filed yesterday by five individuals on behalf of the Welfare and Retirement Fund and the Association of Disabled Miners and Widows, Inc., charges that between $40 million and $100 million each year for at least the past five years has been deposited in a non-interest-paying account in the National Bank of Washington.

The suit said this means a loss of $2 to $5 million annually in interest.

Listed as defendants are the union and its president, W. A. (Tony) Boyle, who is engaged in a contest for re-election; the Welfare and Retirement Fund; the National Bank of Washington, of which 74 percent of the common stock is owned by the UMW; and Bituminous Coal Operators Association.

Other defendants are George Titler, vice president, and Edward L. Carey, general counsel of the union; Guy Farmer, Joseph E. Roache and Boyle as trustees of the retirement fund; George L. Judy and Henry S. Schmidt as former trustees of the fund; and Wilmer J. Waller, Boyle, Carey and Barnum L. Colton, as directors of the bank.

Harry Huge of Washington, the attorney representing the dissidents, denied that the suit was instigated because Boyle happens to be in a political battle with Joseph Yablonski for the union presidency.

The suit charges that funds of the welfare fund have not been used to generate income for the fund, but have been used for the personal benefit of some of the defendants.

The administrative expenses of the fund "are grossly excessive" and many of the salaries and expenses of the welfare fund go to "friends and relatives" of UMW officials "for work not done," it charges.

The suit asks that the court order an accounting of all assets, and remove the present trustees and place the fund in receivership until new trustees are named.

It seeks at least $30 million as the amount of funds which it claims should have been collected by the welfare funds from coal operators but was not, $20 million as the amount due if the money had been properly invested and $25 million as the amount the suit claims was wasted because of mismanagement.

[From the Washington (D.C.) Daily News, Aug. 5, 1969]

Beneficiaries Make Move: $75 Million UMW Suit Is Filed

(By Stanley Levey)

W. A. (Tony) Boyle, already faced with serious opposition to his re-election as president of the United Mine Workers (UMW), has received another jolt with the filing of a $75 million suit against him, the union, the union's welfare fund, the union-owned bank, soft coal operators and a number of associates.

By contrast, Mr. Boyle's major opponent for the presidency, Joseph (Jock) Yablonski, while claiming no connection with the suit, appears almost certain to benefit from it. The suit is based on many of the charges that Mr. Yablonski, formerly a Boyle lieutenant, has made against Mr. Boyle and his union administration.

The suit was filed in District Court here yesterday by 79 plaintiffs from Kentucky, Ohio, Tennessee, Pennsylvania, Virginia and West Virginia and by the Association of Disabled Miners and Widows (ADMW) Inc.

CHARGES LISTED

It makes these charges against Mr. Boyle and fellow defendants:

That they "mismanaged" the $180-million welfare and retirement fund "so that it suffered great financial loss." Those bringing the suit, most of them disabled, say they have wrongfully been denied pensions and other benefits as a result.

That they "conspired" with coal operators, the union and the union-owned National Bank of Washington "to operate the fund for their benefit and not for the benefit of the miners and pensioners." The plaintiffs alleged that for many years welfare fund money has lain idle in non-interest checking accounts in the bank, depriving the fund of $2 million to $5 million a year in interest income.

That they "defrauded the miners and pensioners" by investing welfare fund reserves "for the personal benefit" of Mr. Boyle and his co-defendants, by making loans of fund money to coal operators and friends, and by paying "grossly excessive" salaries and expenses to friends and relatives for work not done.

That they issued "arbitrary and capricious" eligibility regulations for the fund, "designed to exclude miners from receiving pensions and other benefits." The plaintiffs estimate that 70,000 miners have been denied such pensions and benefits, while 90,000 receive them.

ISSUE REPORT

At the same time the suit was being filed, fund officials were issuing their report for the year ended June 30. It showed that the fund paid out $158.6 million in pensions, hospital and medical benefits, funeral expenses and widows' and survivors' benefits, spent $5.2 million on administration, took in $157.4 million from soft coal operators (based on a royalty of 40 cents a ton), had an income of $5.7 million from interest and dividends, and ended the year with an unspent balance of $179.4 million.

The fund also showed that it had sharply reduced the sum it had put in non-interest checking accounts. In the 1968 fiscal year, the fund kept $67 million in such accounts, resulting in criticism from newspapers, miners, public officials and Ralph Nader, the consumer and safety crusader. This year $32.7 million went into no-interest checking accounts.

The plaintiffs in the suit are represented by a blue-ribbon battery of attorneys, including Harry Huge, member of the Washington Research Project, which he described as "a public interest law firm;" Harry Caudill of Whitesburg, Ky., author and advocate of liberal causes, and Adam Walinsky, former legislative assistant to the late Sen. Robert F. Kennedy, and now a "self-employed lawyer and consultant."

The suit is being financed by the ADMW, Group of 4,000, from the $1-a-month dues members pay, and by the Washington Research Project. A spokesman said the attorneys were serving on a "routine" contingency basis, meaning that they would share in any damages collected.

A VOLUNTEER ARMY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Wisconsin (Mr. Steiger) is recognized for 45 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, today I join the gentleman from New York (Mr. Lowenstein) and a bipartisan group of other Members—Mr. Addabbo, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Cowger, Mr. Edwards of California, Mr. Findley, Mr. Halpern, Mr. Lukens, Mr. Rees, Mr. Ryan, Mr. Taft and Mr. Udall—in introducing the Voluntary Military Manpower Procurement Act of 1969.

Throughout this Nation's experience with the selective service system, we have been warned by men of great insight of the dangers inherent in a system of forced military conscription. Thirty years ago, the late Senator Robert A. Taft clearly pointed out the dangers of the draft to a democratic society:

> It is said that a compulsory draft is a democratic system. I deny that it has anything to do with democracy. It is far more typical of totalitarian nations than of democratic nations. It is absolutely opposed to the principles of individual liberty, which have always been considered a part of American democracy.

In recent years, leaders from all shades of the political spectrum have echoed Robert Taft's warning. Adlai Stevenson, William F. Buckley, Jr., Adm. Ben Moreell, Mark Hatfield, George McGovern, Barry Goldwater, Don Rumsfeld, and Thomas Curtis, to name just a few, have called for the abolishment of the draft and the institution of an all-volunteer armed force. The platforms of both the Republican and Democratic parties in recent years have joined in this plea, and I was pleased to note that the Young Republicans at their recent national convention in Chicago also endorsed this concept.

Mr. Speaker, it is time these voices were heeded. It is time that we take the necessary steps to bring about an end to forced conscription.

Listening to the debates on the draft in this body and reading the commentary in the press, it appears that supporters of our present Selective Service System are few in number. Most all agree that it should be changed and, according to a recent Christian Science Monitor poll, a majority of Congress supports, at least in principle, the concept of an all-volunteer armed force. President Nixon, moreover, has been a welcomed addition to this growing opposition to forced conscription. During the recent campaign he pledged that his administration would work toward the goal of an all-volunteer military. Speaking of the need for moving in this direction, Mr. Nixon stated:

> A system of compulsory service that arbitrarily selects some men and not others simply cannot be squared with our whole concept of liberty, justice and equality under the law. . . .

Last March the President took a major step toward fulfilling his campaign pledge by naming an impressive commission, headed by the distinguished former Secretary of Defense, Thomas S. Gates, Jr., which was directed to develop a comprehensive plan for eliminating conscription and moving toward the goal of voluntary service. I applaud this move and eagerly look forward to the commission's recommendations. I am also confident that unlike earlier studies prepared under the previous administration, the report of this commission will be made public so that we in Congress and the American people will be provided with the information necessary for an intelligent debate on this proposal.

Congress, however, need not be dormant until the release of this report. We can begin preliminary work on legislation which will prepare us to act knowledgeably when the President's recommendations are transmitted to Congress. Consideration of the bill being introduced today, which is similar to the measure introduced in the other body by Mr. Hatfield and eight other Members— Mr. Cook, Mr. Dole, Mr. Goldwater, Mr. McGovern, Mr. Nelson, Mr. Packwood, Mr. Prouty, and Mr. Schweiker—would be a fruitful first step.

Mr. Speaker, one may wonder, as I frequently have, why so little action has been taken in this area, even though support for abolishment of the draft appears so strong. So far no proposal of the type being introduced today, has ever been seriously considered in committee. Part of the answer, I believe, is that while many favor the idea of an all-volunteer military, some are unsure of its feasibility. To me, such doubts should be even more compelling reason for serious committee investigation—not almost complete neglect as has been the case.

Exacerbating this uncertainty has been the lack of information made available to Congress on this topic. The Johnson administration never made public most of the reports and working papers which had been compiled by the various commissions President Johnson had appointed to study the draft and its possible alternatives. However, Mr. Speaker, even though the data available are meager, it is still possible to dispel some of the doubts which plague many Members about the feasibility of an all-volunteer armed force.

Many of those who favor this concept in principle balk at implementing it because they fear the financial costs would be prohibitive. One hears of figures upward of $17 or $20 billion per year in additional expenses. The fact is, though, that no one can really be sure just what the costs will be. It is impossible to determine exactly what level of pay increase would provide adequate incentive for enough men to volunteer in order to meet our manpower requirements. For that matter, we cannot even be sure of what these manpower requirements will be. What is possible, though, is to make some rough estimates, and these show that the figure of $17 billion or more is simply not accurate.

Those who suggest that the costs of an all-volunteer service would be prohibitive, assume that increased pay would be the only important factor in inducing a man to enlist into one of the services. If pay was the only inducement for voluntary enlistment, then the costs would possibly become excessive, but such is not the approach we suggest. Pay alone will not be enough. Salary is not the only factor considered when one selects a potential career.

Mr. Speaker, when we attempt to resolve the problem of attracting men into the armed forces, it is important to provide for improvement in a wide range of career inducements. Military life could become a great deal more attractive to our young men if it promised them expanded opportunities for educational development, training in job skills that could be utilized in their post-service life, and if it could be enriched in terms of cultural and recreational benefits that would not only enhance the soldiers full development, but also improve the image of the military to the civilian world. It is probably this latter factor which is most important. Nothing could increase enlistments faster than a positive image of the military in the civilian community. The services must be upgraded in such a manner that our soldiers receive the respect from the whole society that their heroic actions in defense of our liberty accord them.

Our proposal calls for the Secretaries of the various services, under the direction and supervision of the Secretary of Defense, to provide these career inducements. We suggest, among others, improvement in in-service educational and vocational training opportunities, and enhancement of the cultural and recreational life of the servicemen. By taking these steps, and more, we can make military life more attractive and thus lower somewhat the payroll increases necessary to attract the needed volunteers.

An additional provision of this bill calls for an investigation of the possibility of establishing Military Youth Opportunity Schools. Our proposal directs the Secretary of Defense, with the cooperation of the Secretaries of Labor and HEW, to determine the feasibility and desirability of establishing schools which would provide special educational and physical training to volunteers who fail to meet the minimum physical and mental requirements for military service.

Such an approach, if deemed feasible and desirable, would make it possible for many thousands of young men who want to volunteer but cannot because of inadequate mental or physical development to enter the service. Presently, about 70,000 potential volunteers are turned down each year because they do not meet the minimum physical, mental or moral standards for military induction. These schools would also make it possible to attract young men into the service who would not otherwise have benefit of this special training. This suggestion, if implemented, would not only increase the number of volunteer enlistments, but also make a positive contribution to aiding those who lack meaningful opportunity in the civilian world.

Pay, of course, is still one of the most important factors. Regardless of how we get men into the service, we must pay them a living wage. Present military pay falls short of this. We cannot hope to attract enough volunteers if they are not adequately paid. Our bill, however, does not attempt to present detailed recommendations of what military pay rates should be. Such recommendations should only be the product of long and careful investigation. I eagerly look forward, therefore, to the recently completed Hubbell report on military pay being translated into concrete legislative proposals. It appears from this report that DOD will be moving in a direction of military pay reform that will be conducive to attracting volunteers. Among the report's recommendations which I strongly support are:

Raising military pay to at least a level commensurate with civilian pay for comparable types of work and equivalent skill levels.

Liberalizing the retirement program so that those career soldiers who do not put in 20 years can still receive some retirement benefits.

Changing the confusing and complex system whereby a soldier receives his pay part in-kind and part in-cash, to one where a career soldier would receive his pay in the form of a regular salary.

Presently, soldiers are not aware of how much they actually do receive and consistently underestimate their level of pay. Likewise, banks and other lending institutions also underestimate military pay and thus make it harder for military personnel to receive credit.

I hope we will see positive action by DOD on this report and commend it to all Members for review.

I do feel, however, that the greatest salary increases are needed for the lower enlisted ranks and the junior grade officers. It is at these ranks where the present pay inequalities are most blatant and ironically are the points of entrance into military service for new enlistees. These pay grades must be increased if we are to attract more volunteers. The question, of course, then arises as to how much these pay raises could cost. As stated earlier, no exact figure can be suggested; but it is worthwhile to review briefly the judgments of those who have seriously studied this matter.

The concensus of these studies is that it would cost an additional $4 to $7 billion per year in order to meet the manpower needs of an armed force of about 2.7 million men. Dr. Walter Y. Oi, a leading economist and former manpower consultant for the Defense Department, has written one of the most comprehensive studies of the cost of an all-volunteer force. Dr. Oi concludes that the budgetary payroll cost would have to be raised by only $4 billion per year. I recommend that all Members review Dr. Oi's presentation which was placed in the March 9, 1967, RECORD by our former colleague, the Honorable Donald Rumsfeld.

More recently, there have been studies completed at Harvard and by the Institute for Defense Analysis—IDA—which, though they differ in their estimates, still place the figure below the $17 billion price tag so frequently, but mistakenly, quoted.

The Harvard study, "The Draft Versus the Free Market: The Economics of Military Manpower Procurement in Peacetime," was prepared by Stewart W. Kemp. Kemp argues that it may be possible to maintain an armed force of 2.7 million men without even increasing pay. He bases this conclusion on the fact that during the 1970's there will be many more young men in the 18-to-26 age group than there are today. Thus, there will be a larger pool of available manpower from which to attract volunteers. The IDA study, "The Supply of First Term Enlistees in the Absence of a Draft," using a different methodology, puts the price tag at about $5 to $7.5 billion.

These various studies, though they disagree as to the exact costs, show that a volunteer force will cost far less than many have believed. Indeed, these studies except for Kemp's also assume that the only added inducement for enlistment will be pay. They neglect the additional flow of volunteers possible by implementation of the general types of in-service improvements I have already mentioned.

Mr. Speaker, in determining the economic costs of the volunteer approach we must also note that the budget costs of the present system of manpower procurement greatly understates the real costs of the draft. There are important costs which are placed upon the individual soldier and on society in general which never get into the accounting figures—cost which would not occur if we had an all volunteer force.

The most cruel and unjust aspect of the present system of forced conscription is the uncertainty which each young man faces for as long as 7 years. Without even attempting to measure the psychological damage to the individual or the contribution of the draft to the unrest which marks so many of our campuses, we can see the terrible toll of the draft in the frequent inability of a young man of draft age to find meaningful employment.

It has been estimated that 40 percent of those who enter the service between the ages of 22 and 25 have been turned down for jobs because of their draft eligibility. My colleague from the Education and Labor Committee (Mr. PUCINSKI) as early as 1959 brought to the attention of this body the relationship between the draft and the inability of young men to find employment. He stated in a speech before the House:

> Many young men who graduate from high school and who do not, or cannot because of economic reasons, go to college find it impossible to get decent employment because the first thing they are asked by a potential employer is what is his draft status.

What makes this situation even more intolerable is that the gentleman from Illinois (Mr. PUCINSKI) found that this inability to find employment contributed directly to the increase in juvenile delinquency. Is this not, then, yet another cost of our present system of military manpower procurement which should be considered before fear is expressed at the estimated costs of the all-volunteer approach?

This, Mr. Speaker, is but one way in which the draft contains hidden costs to society. It also forces many highly trained individuals out of their productive positions in the civilian world and gives them military work to do which a less well trained individual could easily handle. This entails a very definite cost to society and is shamefully wasteful in both a social and economic sense. Moreover, to speak of only the cost to society in this regard neglects the heavy costs such job displacements place on the draftee.

Under present military pay—even with the recent pay increases—a young man is not only drafted, but an implicit tax is also put on him for the privilege of being drafted! For the young man who does find employment before he is drafted, must suffer a pay cut between what he receives in the civilian market and what he is payed as a draftee. Dr. Oi clearly points out the magnitude of this "hidden tax" on military personnel:

> In 1964, the typical recruit to regular enlisted ranks (volunteers) could as a civilian have earned $3,450 per year, while the typical draftee who is older could have earned $3,810 per year. The average military income (for the first three years of service and including the value of subsistence and quarters) was only $2,400 per year. Each draftee or draft-induced volunteer was thus burdened with a hidden tax averaging roughly $1,200 per year . . . The inordinately low levels of first-term pay thus impose a considerable burden on a minority of youths—those who happen to be drafted or who were coerced to enlist by the threat of a draft. Put in another way, the men who serve in the Armed Forces are compelled to pay a hidden tax twice as high as the average tax burden placed on all adults, and by this process a part of the real cost of procuring military manpower is concealed.

Using these 1964 figures, Dr. Oi placed the total costs of this implicit tax on each age group of draftees at about $800 million for the time they spend in the military service. For all the Armed Forces, the figure would be over $5 billion. The recent pay increases have made some progress in removing this additional burden on our soldiers, but the pay inequities between military and civilian life still exist. With higher pay and an all-volunteer Armed Forces, one would simply be transferring the existing costs from those who do the fighting to society in general. This should be done regardless of the nature of conscription.

Finally, by instituting an all-volunteer military there would be important dollar and cent savings in the area of training, equipment and other secondary costs. Each time a volunteer enlistment makes a compulsory induction unnecessary, there is a savings, according to our five colleagues who wrote the outstanding study, "How To End the Draft," of around $5,000. Given that we have drafted in the neighborhood of 300,000 young men in each of the recent years, this would amount to a total savings of about $1.5 billion simply in training and related costs.

To understand how such savings are possible, we must keep in mind that volunteers reenlist at a much higher rate than draftees. In fiscal year 1969, 30 percent of all volunteers reenlisted while only 8 percent of the draftees reenlisted. Moreover, the percentage of volunteers who re-enlist and who had not volunteered initially because of the draft, is appreciably higher. Also to be remembered is that a volunteer enlists for 3 to 4 years while draftees are inducted for only 2 years. Thus there is far less manpower turnover among volunteers than among draftees and hence the rather considerable savings in training costs.

These costs are simply one area where the volunteer concept would bring important savings. One provision of our proposal urges the Secretary of Defense to replace as many military personnel as possible with civilian employees. There is no need for clerical help to go through the expensive process of basic training. As another example of possible savings contingent upon the abolishment of the draft would be the costs of operating the Selective Service itself: Almost $64 million in fiscal year 1968!

Moreover, the modern military needs far better trained and technically equipped soldiers than it ever has before. As President Nixon has commented:

> The complex weapons of modern war demands a higher level of technical and professional skill. . . . Conscription was an efficient mechanism for raising the massive land armies of past wars. . . . But I believe our military needs in the future will place a special premium on the services of career soldiers.

It is not unusual to have an average turnover of almost 500,000 soldiers each year. Draftees, who serve on an average of less than 2 years, make up the vast percentage of this turnover. Given the present size of our Armed Forces, this means that almost one-sixth of our total force is replaced each year. With such massive turnover rates, it is impossible to develop the type of technical expertise that modern soldiers need. This creates costs in terms of equipment wear from misuse; and, most important, an armed force less capable of carrying out its mission in times of war. The draft, it could well be argued, lessens the ability of our military to do that which they are mandated to do: insure and protect the security of our Nation.

In short, while in terms of "budget" expenses it would seem that the all-volunteer approach would cost a considerable amount of money; it also brings about important savings in other areas. The concept of volunteerism, with a proper pay scale, would place the costs of the military on the shoulders of society itself and not on the recruit, and it would provide us with a military more capable of carrying out its peacekeeping duties.

Mr. Speaker, while the question of cost is possibly uppermost in the mind of most of those who are concerned about the feasibility of an all-volunteer military, I do not deny that there are other fears as well.

Many question, for example, whether or not such an approach would provide the military with the needed manpower flexibility to cope with crisis situations. Many argue that it is only through forced conscription that short term fluctuations in manpower needs can be satisfied.

We are well aware of this problem and our proposal contains the safeguard of returning to forced conscription to meet our manpower needs if the President and Congress decide that such action is necessary. Our proposal, while it abolishes the draft 6 months after enactment of the bill, does retain Selective Service registration. Hence, it would take only a very short time to return to the draft if our national security warranted such a move.

The proposal being introduced today contains an important provision in this regard which is missing from its counterpart in the Senate. I am aware that it may be necessary, at some time in the future, to return to conscription; but if we are forced to return to such a system, I feel it is important that the Selective Service be operated in as fair and just a manner as possible. The bill provides, therefore, that a National Commission on the Operation of the Selective Service System, appointed by the President with the advice and consent of the Senate, be established.

This Commission is mandated to make recommendations on the functioning of the Selective Service System during the absence of the draft, the procedure for reinstating the draft and the criteria for granting deferments and determining the order of induction in the event of a resumption of the draft. With the addition of this provision, it is my hope that, if we are forced to return to a draft, it will not result in the inequality and hardship that the present Selective Service System fosters.

However, one can also underestimate the amount of flexibility possible in the all-volunteer approach. As the noted economist Milton Friedman observes:

> Recruitment by volunteer means could provide considerable flexibility—at a cost. The way to do so would be to make pay and conditions of service more attractive than is required to recruit the number of men that it is anticipated will be needed. There would then be an excess of volunteers—queues. If the number of men required increased, the queues could be shortened and conversely.

Though, as Dr. Friedman notes, this technique of increasing the flexibility of the volunteer approach would entail additional costs, such costs may be preferable to returning to the undemocratic technique of forced conscription.

Mr. Speaker, the final issue of feasibility which I feel is important to briefly discuss at this point is the question of the possible threat to democratic government posed by an all-volunteer military. It is feared by some that maintaining an armed force composed totally of volunteers would lead to the creation of a Junker class of military professionals who would be insensitive to democratic norms. Though concern over maintaining the democratic ethos of our society is commendable, I feel that such fears are misplaced in this instance.

First, our Armed Forces are already made up overwhelmingly of professionals. Only about 15 percent of our present armed force is composed of draftees, and these draftees are concentrated in the very lowest enlisted ranks which have little control over military policy. Presently, important military decisions are already made by the professional soldier, tempered by firm civilian control of the military which would, of course, be unchanged by our legislation. Of equal importance, Mr. Speaker, is the fact that our democratic traditions are not maintained solely by the legal structures and conventions of our country. They are protected as well by the democratic values and norms of the society itself. As long as these are strong, our democratic tradition is protected. If they become weak, democracy is threatened—regardless of the nature of the military.

Second, historically it is interesting to note that we have had, for all but the last 20 years, an all-volunteer armed force except during times of major war. We developed the strongest democratic tradition known to mankind while maintaining a wholly volunteer armed force. The histories of other nations also show little correlation between the nature of conscription and the possible threat to the established order. Napoleon and Franco are only two out of many examples of revolutionaries who came to power at the head of armies composed of conscripts.

It is not my purpose to belittle those who are concerned, as we all are, with maintaining democratic values in our country. It is simply my view that an all-volunteer armed force would not be a threat to our democratic form of government. Indeed, I feel that forced conscription is far less democratic than the notion of voluntary service. As Dr. Friedman notes:

> So long as compulsion is retained, inequity, waste and interference with freedom are inevitable.

In closing, Mr. Speaker, let me say that for too long we have tolerated in this country a system of forced military conscription which runs counter to the democratic and libertarian principles which are the foundation of our Republic. The forced regimentation of our young men into a myriad of arbitrary selective service classifications, and the resulting inequity to those who are drafted, is, to me, more characteristic of authoritarian regimes than a free society.

The proposal introduced today provides a feasible and needed alternative to the draft. It is a step which should have been taken long ago and should not now be delayed. As my good friend and former colleague, Donald Rumsfeld stated over 2 years ago:

> Military manpower requirements and the recommendations to meet them pose broad and complex questions. Based upon the information available thus far, the case for moving toward a volunteer military seems to be overwhelming.

Mrs. CHISHOLM. Mr. Speaker, today I join with Representative LOWENSTEIN of New York, STEIGER of Wisconsin, and other Members in introducing the "Voluntary Military Manpower Procurement Act of 1969," which is intended to create a volunteer army.

I favor such a move because the present selective service system depends on forced labor to fulfill what the Army says are our Nation's military manpower needs. The present draft system is indentured servitude, a 16th century anachronism.

A democracy that depends on conscription of often unwilling citizens is not a democracy at all. Even worse, when a country preys on its politically weakest element—nonvoting youth—to carry out its military aims, it is nothing more than an elitist jungle where only the strong and the lucky can survive.

More than that, it is a political and social tinder box. We wonder why the youth of this Nation are rebelling. Could it be because we treat them as mindless, subservient cannon fodder?

A few weeks ago I cosponsored a bill introduced by Representative THOMPSON of New Jersey that fell far short of the bill being introduced today. The Thompson bill introduces basic reforms into the selective service system, but it would retain the draft. It did look better than anything else that was to be introduced this session of Congress and it did provide for relief of many of the inequities in the present draft system. I still support it, but I support it only as the minimum immediate first step to be taken toward a volunteer army.

Only a volunteer army is truly appropriate for a free and democratic society. Let me share with you some of my reasons for believing this.

Perhaps the first and most emotional argument raised by the fearmongers who oppose the idea of a volunteer army is that in time of national crisis we would not be able to raise an army. That just is not true. We have always, in time of true national crisis, been able to raise an army; not only of soldiers abroad but also an army of workers at home.

What those who argue this way are doing is accusing Americans, particularly American youth, of being moral and physical cowards. Bear in mind that the average critic is well over the draft age of 26 and most could not pass the induction physical even if they could meet the mental requirements. In short, most of them, because of their age, are too old to fight; they only wage the wars, while those who do the fighting and the dying cannot even vote, cannot even decide whether or not to fight.

A volunteer army would give these young people a vote of a kind, a say in the decisions that affect their lives, which, after all, is what democracy and freedom are all about. It would, in fact, provide a direct check by all citizens on foreign policy set by the President and the executive branch of the Government. Unpopular wars such as Vietnam could be either prevented or stopped by the people; they simply would not volunteer for military service.

Another argument that many opponents of a volunteer army use is the high cost. They say that it will cost more, and they are right. There are as yet no good estimates of how much it will cost, but most authorities point to about $7 billion additional per year. But if we examine the cost outlays, even superficially, it is readily apparent that the increased cost factor is only true in the short run and that the additional benefits that will eventually derive to the society will be worth the higher cost.

In order to induce enough people to volunteer, it will be necessary to provide higher wages—wages that closely parallel what soldiers could make in civilian life. That should be done anyway; there is no valid reason for treating soldiers as second-class citizens economically.

As far as the present pay scale of the military is concerned, soldiers are subject to what amounts to a double tax. They are forced by the draft or the threat of it to accept lower wages and then must pay an income tax on what they do make. This extra tax should not be carried by the soldiers alone; it should be shared by the society as a whole.

It is the added inducements or fringe benefits necessary to creat a voluntary army that would reduce the cost in the long run. By offering better training and higher education, the military will produce men who will return to civilian life with substantially better skills and education than those who return at present. Veterans, in short, will be better equipped to cope with and to live in modern American society.

Just as there is no valid reason to treat the soldier as a second-class citizen economically, there is no valid reason to treat him as a second-class citizen socially or politically.

A volunteer army would help to insure that this would not happen. The primary inducement the military would have to offer to potential volunteers is a more democratic institution than the one that now exists. Violations of civil liberties simply would not be allowed to occur, for if they did, volunteers would be hard to find. The Armed Forces would have to become freer and more democratic. They would have to drop their tyrannical ways.

I would not worry about soldiers not obeying orders. People rebel against tyranny but are willing to accept orders that are fairly and democratically formed.

Another major objection to this plan has been, of course, the argument that such a volunteer army would significantly increase the political power of the military. The argument is based on the assumption that all volunteers would be of a similar political bent. Hogwash. A volunteer army would not significantly alter the political power of the Armed Forces.

For one, the major control of the military would rest in the same hands that it does at present—the career officers and the executive branch of the Government. And as I have argued before they would be more, not less, accountable to the people.

In the second place, the same people who make up the bulk of the draft quota now—the black and the poor—would represent the largest pool of potential volunteers. In short, the numbers and the political inclinations would be about as they are now. Once again it is important to point out that soldiers will have received, by the time of their discharge, better training and education—and above all they will have received the kinds and types that they want and on terms more acceptable to both them and the general citizenry.

In the final analysis there are only two basic differences between a volunteer army and the present draft army—costs and personal liberties. I am willing to pay the higher costs for a volunteer army if that army will do two things:

First, if it will provide an effective citizen check on our foreign policy and bring it back to the inner limits of sanity and good sense, and;

Second, if it will guarantee each citizen, a soldier or not, that the personal and political liberties of a democracy cannot be abridged at the personal whims of any one individual.

I do not have much hope that this bill will pass. The U.S. Congress still operates too often on the Hamiltonian thesis that "The people are a beast." This bill attempts to restore directly to the people some of the power that has been usurped and controlled by the politicians. It seems to me that unfortunately neither Congress nor the executive branch wants that power restored.

I would like to repeat for emphasis "Only a volunteer army is truly appropriate to a free and democratic society."

Most of the world of today is divided into two camps. It is a Mexican standoff. Neither side dares start a war but both sides are afraid of the others commencing one.

Foreign policy based on military might or military priorities cannot ease the situation; history has proven that lasting peace cannot be accomplished that way. A volunteer army is the first step toward a world of peace and a world of harmony.

Mr. TAFT. Mr. Speaker, I am most pleased to join my colleagues from both sides of the aisle in sponsoring the Voluntary Military Manpower Procurement Act of 1969, which would replace the compulsory draft system with an all-volunteer Army.

The case for an all-volunteer Army is a strong one. In a day when we have the ability and technological expertise to place a man on the moon, it is inconceivable that we can tolerate such an outdated and inefficient draft system.

A volunteer Army appeals to me for many reasons. It seems that a system of military protection comprised of volunteers is more suited to the nature of democracy than is the present Selective Service System. For a country built on the premise that men are the agents of their destiny, to allow the Selective Service to interrupt the course of young men's lives for as long as 7 years does not seem consistent with our political heritage.

A volunteer Army would certainly draw the most committed and dedicated individuals, those interested primarily in the military service of their country. This idea is consistent with the fact that only 15 percent of the total Army today is composed of draftees, with the remaining 85 percent being enlisted men.

Further, the volunteer Army provides us with a far more efficient and competent military. It would give us men who choose to serve, rather than those who are forced to. It would give us men who would be able to utilize the training they received, rather than their returning to civilian life within a short period of time following the completion of this training. We spend a great deal of money merely training men who will be in the service for a limited time. In the case of a volunteer Army, however, we can assume that the men would stay in the service longer, and therefore they will be able to better utilize the skills which they acquired throughout their training period.

Mr. Speaker, it is my belief that it is the responsibility of this body to take a hard look at the inequities of the present draft system, and replace this system with one which is based upon the concept of individual choice. Such a needed system is the all-volunteer Army.

Mr. CLAY. Mr. Speaker, I join several of my House colleagues today in sponsoring legislation to abolish the draft and to replace it with an all-volunteer Army.

Compulsory military service, when not essential to national survival, is alien to our concept of a democratic society. In my opinion, this Nation can muster an adequate defense force of willing and dedicated volunteers.

Conscription in America has traditionally been a much detested expedient, utilized only during the most extreme emergencies. It must not now be allowed to persist as a mere convenience to our military high command. It is crucial to our belief in nonauthoritarian government that it does not become a regular fixture of our society.

In 193 years of national existence, only 35 years have witnessed a recourse to coercive military service imposed by the Federal Government. During the remaining 165 years, our Nation prospered and won several wars with a tightly knit volunteer Army. If there is any tradition regarding military service, it is one of free choice in whether to serve or not to serve. In this period of great military influence, it is vital that all forms of conscription be recognized as temporary, stop-gap measures, to be used only until a voluntary system more in harmony with our form of society can be reinstituted. No other policy, regardless of its impartiality, can promote the ideal of free choice.

Much of the unrest among our youth has been attributed to the use of an unprecedented peacetime draft. The Nation's students protest the draft even though they are protected from it by a discriminatory deferment system. They have clearly recognized that the present utilization of compulsory military service is repugnant to the tenets on which this country is supposedly structured. It is one more well-founded observation which supports their disillusionment with this Nation. The young question whether these tenets are anything more than empty political rhetoric.

Large segments of our society are being alienated from their Government by the unnecessary use of conscription. The draft may appear administratively convenient and cheap, but the real price is a growing disenchantment with our Federal Government and a loss of faith in the effectiveness and validity of our traditional beliefs.

The draft has now been with us for the longest continuous period in our history, 21 years. By its sheer longevity it has acquired the powerful backing of the status quo, and thus—many argue that conscription is the only practical method of meeting our manpower needs. It is not. There are many compelling arguments for a rapid transition to a volunteer force and the elimination of all compulsive systems.

The pool of potential volunteers is rapidly growing. By 1975, the number of young men reaching draft age each year will have increased by 300,000 to over 2,100,000. With the resulting drop in the percentage of our youth needed for service, it will become even more difficult to decide fairly who should serve under a compulsive system.

The draft creates an excessive turnover of personnel. As few as 3 percent of draftees reenlist. Not only is the Army faced with constantly training entire divisions of new troops, but in the event of an emergency, a very high percentage of our soldiers would have less than 1 or 2 years of experience. With enlistees, a higher level of training could be achieved, and the turnover among volunteers is only 15 percent a year. An important bonus would be that a smaller, better trained Army would be more effective than a larger one composed of draftees. We will be exchanging quantity for quality. Morale is lower among those serving under compulsion than among those who have volunteered. Volunteers working with and meeting discontented draftees will have their own morale effected.

A return to a volunteer force will end the discriminatory practices inherent in our draft. It is a scandal that the rich and those in college are able to avoid service, leaving the major burden on the lower and middle classes. The draft is being used as a weapon to stifle legitimate dissent. Minority groups, struggling for equal treatment live in expectation of punitive draft decisions. Students and nonstudents should be able to make decisions without having to consider how the alternatives will effect their draft classification. Schools and employers should accept people for their qualifications rather than for their draft status. Everyone—businesses, schools, and the Army—would benefit by the transition to a volunteer force.

Objections to a volunteer force result more from bureaucratic intransigence than from true practical difficulties. The annual cost of such a force would be far below the dubious Department of Defense estimate of $17 billion. Most experts estimate a more realistic $8 billion price tag. Proper fiscal management in the Pentagon alone would supply a large part of this added cost. If this Nation can afford a senseless war, the least it can do is to fund a career Army tc fight it.

I take strong issue with the argument that a volunteer army would be overwhelmingly black or poor. The higher pay would be as attractive to whites as to blacks, and if every minority group member eligible for service enlisted, they would still constitute a minority of our fighting forces. Even if the percentage of minority group members and poor people in the army were to rise, there can be no rational objection to creating decent opportunities at competitive rates for the socially disadvantaged.

The fear that a professional army would be a threat to our democracy is barely applicable to the draft issue. This danger has always come from the top military elite, which would be unaffected by any change in the lower ranks. Armies of draftees have followed military dictators as enthusiastically as groups of volunteers. The responsibility for keeping the Army's influence limited remains with the people and the Government. Whether that army is composed of conscripts or of volunteers makes little difference.

The objection that a volunteer force would be incapable of rapid expansion has been overdramatized. A draft structure should be retained for use in an emergency, or a waiting list should be instituted if enlistments exceed the spots available. The present draft with its monthly quotas would be no quicker in expanding our Armed Forces than would be any of several contingency methods.

Finally, to consider a career army as a group of mercenaries would be to put all our present professionals in the same category. For most of our history, we have relied on a career army without detriment to our national reputation. Certainly, no one is going to enlist for spoils or riches. Remove the stigma of compulsion, raise the low pay scales which presently make the draft seem important since it discourages volunteers—and the army will become just another respected vocation.

Financially, America can afford a volunteer army. Socially, America cannot afford the draft. The draft, not a volunteer army, is the luxury. If our Government and the precepts on which it is based are to retain their credibility among the young, the minorities and among large segments of the middle class—we must put an end to the present system. It is contradictory to our Nation's political system and a crime against its citizens.

Too many American boys from too many families have witnessed the discriminatory, un-American practices which have found fertile ground in an unjustly imposed and ill-managed conscription policy. We can no longer tolerate it. There is nothing to revise—it rests on grounds which are not consistent with freedom of choice or national security. It has been utilized to the detriment of both and it must be abolished.

GENERAL LEAVE TO EXTEND

Mr. STEIGER of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order today, on a volunteer army.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

THE SENATE ABM VOTE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York (Mr. Farbstein) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, I am as convinced today as ever that the antiballistic-missile system could turn out to be the most tragic and costly military dud in the Nation's history. The defeat of the antideployment amendment in the Senate is deplorable.

The administration has failed utterly to convince the American people that the ABM would prove to be an effective deterrent. I have always maintained that the ABM is not technically feasible and have not changed my mind. I doubt that the outcome of today's Senate action will make many converts for the ABM from the ranks of the thoughtful.

The thought of an expenditure of billions of dollars on such a controversial defense system is shocking to me because of the vital necessity of substantial expenditures for social and humanitarian purposes.

I regret and have consistently opposed the administration's decision to divert sorely needed resources from the urgent requirements of our cities. What a difference a few billions would make if used to combat hunger, despair, housing deficiences and other problems facing the underprivileged.

It is my conviction that the advocates of ABM are not soundly evaluating the priorities involved in the national welfare.

I intend to keep on fighting ABM. A battle has been lost, but not the war.

WRIGHT PATMAN, HAPPY BIRTHDAY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, since 1928 the Congress has been served by the honorable Wright Patman, dean of the Texas delegation and the distinguished chairman of the Committee on Banking and Currency. But Wright Patman has served the people of Texas even longer than his great service in the House, for he has also been a member of the Texas Legislature and a district attorney.

Wright Patman is in all ways a remarkable man. He is and has long been the champion of the interests of the individual citizen, the citizen who is and has been the backbone of Texas First District and the backbone of this Nation. Wright Patman has strong convictions and he states them without fear and without reservation. Not all men agree with him, but all men must respect his energy, his intense convictions, and his complete integrity. His has been a life of selfless service, a life that few could emulate.

Today is the birthday of Wright Patman. He was born on this date in 1893, at Patman's Switch, Tex.

I take this opportunity to wish him a most happy birthday and many returns. So long as he lives and serves, the people of his district and the people of Texas and the United States will be well served.

A WELCOME TO THE NEW CHIEF OF ARMY ENGINEERS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Maryland (Mr. Fallon) is recognized for 15 minutes.

Mr. FALLON. Mr. Speaker, I wish to acknowledge a changing of the guard in one of our most highly respected agencies.

The Corps of Engineers has a new Chief—Lt. Gen. Frederick J. Clarke—and I know I express the sentiments of this body in extending to him a cordial welcome and hearty congratulations on his appointment.

Well-trained, well-experienced and well-qualified for the job, General Clarke, who has been Deputy Chief of Engineers since December 1966, takes over as Chief of Army Engineers after an illustrious career which was launched with his graduation from West Point, further enhanced by a master's degree in civil engineering from Cornell University and topped off by a wealth of assignments at home and abroad in the fields of civil and military construction.

General Clarke, before becoming Deputy Chief of Engineers, was commanding general, U.S. Army Engineer Center at Fort Belvoir, and commandant, the Engineer School, Fort Belvoir, Va., from 1965 to 1966. He was Director of Military Construction, Office of the Chief of Engineers, Washington, D.C., from 1963 to 1965, in charge of the worldwide military construction programs of the Corps of Engineers.

From 1960 to 1963, General Clarke was engineer commissioner of the District of Columbia, one of the three commissioners then charged with responsibility for administration of the Nation's capital.

General Clarke was born in Little Falls, N.Y., on March 1, 1915, and was commissioned in the Army Corps of Engineers in 1937 following graduation from the U.S. Military Academy, West Point. He received his masters degree in civil engineering from Cornell University in 1940. He is also a graduate of the Command and General Staff College Armed Forces Staff College, and the National War College.

A registered professional engineer, General Clarke is also a Fellow of the American Society of Civil Engineers, and a member of the Society of American Military Engineers, National Society of Professional Engineers, District of Columbia Society of Professional Engineers, and the American Public Works Association.

Although General Clarke becomes Chief of Engineers at a time when many sections of our country are clamoring for development of our water resources to proceed at a faster pace, he inherits a healthy and growing program. His is a billion-dollar-a-year agency in furthering the construction and maintenance of our river basin works. At the present time, some 280 projects are under construction, and about 100 more are in the advance engineering stage. The future also holds promise with more than 330 studies for new projects underway.

Mr. Speaker, as Chairman of the Committee on Public Works, the committee which has jurisdiction over the civil works activities of the Corps of Engineers, I personally wish to welcome General Clarke as the newest member of a long line of distinguished Chiefs of Engineers.

SOVIET SLAVE LABOR CAMPS TODAY

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, as a result of skillful thought conditioning, many of our unsuspecting citizens have been deliberately misled to believe that Soviet Russia is mellowing and that brutality—slave labor camps and individual persecutions no longer exist as standard methods of "persuasive education" under the Bolshevik system. Sensitivity training was to be more effective.

In fact, we have even been subjected to distorted testimony from some of our Nation's leaders that forced labor camps have been eliminated from the so-called new modern Russia.

To know that the party line about Communist mellowing is a distortion of the facts, one need only look to the personal testimony of one Soviet citizen, Anatoly Marchenko. Marchenko as recently as 1966 was confined in a Russian political prison and because of his testimony of his personal experiences there, was returned to the slave labor camp under a new charge of "anti-Soviet propaganda."

The reprisal by the Russian Communists in trying to suppress Marchenko's memoirs must be considered the best guarantee of the truth and accuracy of his reporting.

Because there are American fighting men and other citizens presently languishing in Communist concentration camps around the world, Marchenko's testimony may be revealing as to the inhuman conditions under which our people are being held captive.

Before removing all our troops from South Vietnam, those in leadership should likewise prepare for removal of all American citizens from North Vietnam—imprisoned in Communist camps. And in talks and summits with Red dictators—our leaders must demand the release of U.S. prisoners from Red labor camps. Silence and inaction at such meetings can only be construed—both by the American people and the captive peoples in Communist-ruled lands—as condoning the cruelty and brutality of present-day concentration camps.

I include at this point an introduction and Anatoly Marchenko's "My Testimony—Soviet Prison Camps Today," as printed in the August Reader's Digest, as follows:

BEHIND THE LINES

Some months ago, an editor in our Paris office began to read the French newsweekly *L'Express*. It was part of his regular but interesting routine, reading in the hope of finding material usable in the Digest.

The editor, John Flint, started to skim a long article entitled *"Les Camps Après Khrushchev,"* written by one Anatoly Marchenko. He hadn't got far into it when his skin began to prickle and his editorial antennae to quiver. The piece was a remarkable eyewitness account of life in Russia's political prison camps between 1960 and 1966. Its blistering realism stood in dramatic contrast to recent Soviet claims that while, yes, there had been regrettable inhumanities in the forced-labor camps during the Stalin era, all that was over and done with now. The author insisted from personal experience that it all continues, virtually undiluted, even today.

Sensing that this was news of scoop proportions, Flint translated the article and flashed it to the home office in Pleasantville. Were we interested?

We were indeed. But could *L'Express* tell us more about it—what, for instance, was the source of the article? It was, replied *L'Express*, a section taken from a copy of an unpublished book manuscript in their possession, a document in Russian, smuggled out of the Soviet Union on microfilm. Back flew our cable: could we see the manuscript? But of course, the French journal replied.

A few days later a bulky manuscript arrived. The urgent task of translation was begun, guided by the Digest's own crack Kremlinologist, retired senior editor Eugene Lyons. Day by day, with mounting excitment, we read Marchenko's words as they emerged in English. The book had the clear ring of authenticity. Its harrowing revelations, the richness of incident, made it gripping reading. And it was unique: no one else has written—and got safely into the hands of an uncensored publisher—a major book on the camps *as they exist in Russia today*. Without hesitation, we bought publication rights from *L'Express*.[*] A condensed version appears on page 193.

Unlike the handful of other Russian authors who have dared to send their works out to the free world, the 32-year-old Marchenko is not a member of the intelligentsia, but one of the proletariat—those in whose name the communist revolution was made. A sometime machine operator and freight loader, with only eight years of schooling, he was driven by his experiences to an eloquence that transcends his education. The result is a book both gruesome and poetic.

In Marchenko's cry for justice and freedom, one senses the true voice of Russia. "I do not consider myself a writer," he says. "These notes are not a literary work. But there is not a single fictitious character here, not one invented story. Every incident, every fact, can be confirmed by others—by hundreds, sometimes thousands, of witnesses. They could, indeed, supply details more monstrous than I am going to relate."

One of those thousands is the famed writer Yuli Daniel, a prison mate of Marchenko's. When Marchenko was released, Daniel inscribed the flyleaf of a book for him. "You became deaf here," he wrote, "but your eyes have been opened."

Marchenko's freedom was short-lived. In July 1968, he wrote a letter to three Czechoslovak journals, to several Western communist newspapers, and to the British Broadcasting Corp. in London, assailing Soviet opposition to the liberalizing reforms of the Dubcek government in Czechoslovakia. His protest, of course, altered nothing. Just one month later, tanks rolled and Soviet troops invaded Prague.

Meanwhile, the KGB arrested Marchenko. He was promptly tried—presumably on charges of "anti-Soviet propaganda"—convicted and sentenced to a year at hard labor in the same camps he so graphically describes in his book.

Soviet "justice" is nothing if not thorough. This past February Marchenko's pretty, 29-year-old blond fiancee, Irina Belgorodskaya was tried for having in her handbag 60 copies of a petition protesting Marchenko's arrest. In a closed trial, the court found her guilty of "defaming the Soviet state" and sentenced her to one year in a labor camp. As she stepped from the grim courthouse into freezing weather, she and her guards were confronted by a crowd of her friends and supporters. "We're with you, Irina!" they shouted, and showered the girl with bouquets as the police hustled her into a waiting truck, and away.

Marchenko himself was due to be released this August. Now, in light of his book, it is possible that he will be tried and sentenced again—to become, in the words of a traditional labor-camp song, "an eternal prisoner." If so, there is at least some comfort in the knowledge that truth and courage are also eternal, and hold the ultimate power to make men free.

THE EDITORS.

MY TESTIMONY: SOVIET PRISON CAMPS TODAY

(By Anatoly Marchenko)

(NOTE.—When I was in the Vladimir prison, I was often seized by despair. I was ready to jump at my jailers, my only purpose being to perish—just as other prisoners before my eyes had committed suicide. Only one thing stopped me and gave me the strength to live:

---

[*] *L'Express* is putting all money and royalties due Marchenko, including part of the Digest payment to *L'Express*, into a special account for the author. In addition, the Digest will set aside a further payment to Marchenko, in the hope that he will someday be free to collect it.

the hope that when I got out I could give my testimony and tell all that I had witnessed.

(In the last few years, various literary and documentary works have shed light on the political prison camps of the Stalin era. This is all to the good. Yet these works, referring only to the past, may create the impression that nothing like it is—or can be—happening today. This is not so. How many forgotten people are still prisoners! How many new victims are coming into the camps! In fact, the camps today, if less numerous, are just as horrible as in Stalin's time—in some respects better, but in others worse.

(I do not consider myself a writer. These notes are not a literary effort. During my six years in prisons and camps I just tried to see and to remember. There is not a single fictitious character here, nor one invented story, Every incident, every fact, can be confirmed by hundreds, sometimes thousands, of witnesses. My friends and fellow prisoners could, indeed, supply details and fact more monstrous than those I am going to relate.)

My name is Anatoly Marchenko. I was born in 1938 in the small Siberian town of Barabinsk. My father worked on the railroad. My mother was a cleaning woman. Both are illiterate.

After eight years in school, I became a construction worker and traveled all over Siberia, wherever new hydroelectric stations were being erected. It was in Karaganda, in Kazakhstan province, that I first tangled with the law. There was a fight in our barracks. By the time the militia came to break it up, most of the leading brawlers had run away, but they grabbed all those still there—me among them. They tried us all in one day, with no effort to find out who was guilty or innocent. So I had my first taste of Russian justice in the Karaganda camps.

After my release, I decided to escape from the Soviet Union. I simply could not see any alternative. A young man named Anatoly Budrovsky joined me, and on October 29, 1960, we tried to cross the Iranian border. Soviet guards captured us 50 yards from the frontier.

For five months the KGB (secret police) held me in solitary confinement. Every day two interrogators grilled me, determined to obtain an admission that I was a traitor to my country. But I did not break down. Though there was no real evidence supporting their charge, I was tried for treason.

On March 3, 1961, the Supreme Court of the Turkmen Soviet Socialist Republic reviewed my case. For two days, behind closed doors, they asked me the same questions that I had been asked during the interrogations, and I answered them, denying that I was a traitor. However, my comrade Budrovsky testified against me to win leniency for himself. I asked the court why they ignored other witnesses favorable to my case and believed him. I was told: "The court decides for itself which evidence is correct and which it should believe."

In the end, Budrovsky was given two years for trying to cross the frontier; I was sentenced to six years for treason. I was then 23 years old.

Much later I would realize that by branding me a traitor they had mutilated not merely six years of my life but my entire future. At the time I had only one feeling: something had happened which made a mockery of justice, and I was powerless to fight it.

I was told I would be sent to a "Komsomol (Young Communist League) building site," and shortly after my trial I was shipped out. I traveled by *stolypinsky vagon*, a special railroad car used since the tsars' time for transporting convicts, and by KGB vans known as "Black Ravens." In the latter there is room for about ten prisoners, but some 30 of us were crammed in so tight that even a dead man could not have fallen down.

I was shipped through several staging points: Tashkent, Alma Ata, Novosibirsk. At the end of May, after nearly three months in transit, I came to Potma, in the infamous Mordovian camps about 300 miles southeast of Moscow. A vast area here is crisscrossed by high barbed-wire fences, studded with watchtowers, flooded at night by searchlights, patrolled by soldiers with police dogs. Everywhere there are warnings: "Halt! Forbidden Zone!"

In this region one sees more soldiers, officers and secret police than local people; more dogs than in the sheep-raising regions of the Caucasus. The statistics here are curiously out of balance. There are vastly more men than women, for instance, and there is a remarkable diversity of national groups. Russians, Ukrainians, Latvians, Estonians, members of many other nationalities have been coming to this camp complex for years and decades. From all corners of the Soviet Union, children of today's prisoners gather to be near their parents. Fathers and older brothers of many of the people now serving sentences, having themselves been prisoners, lie buried in this soil.

Now I, too, would contribute my mite to the Mordovian statistics.

THE CURFEW TOLLS

From the Potma receiving center I was sent to Camp No. 10, a large compound of wooden buildings behind barbed wire. In one of the overcrowded barracks I located a bunk, then obtained a straw mattress, pillow and blanket. At the commissary I picked up threadbare black pants, jacket and cap, undershirts, quilted coat, boots and two sets of underwear—the regulation work clothes.

Shortly the dinner hour struck, and I followed the other men to the mess hall. It was filled with closely placed tables made of coarse boards with benches on either side, and already it was mobbed and noisy. I joined a food line and slowly progressed up to a window, where a bowl of soup was handed to me. The thin liquid was called *shchee*, meaning cabbage soup, but it was a parody of that national dish. The second course was a watery gruel, about three tablespoons in all. It took only a minute to swallow it.

In time I learned that the diet was scientifically designed to keep us barely alive. The daily portion was 2400 calories, including 700 grams of bread—about one and a half pounds—and 50 grams of meat. (The police dogs on guard duty received 450 grams of meat.)

This diet is far less than a man requires if he is doing hard work. And even so, we didn't get all we were supposed to. When the meat was brought to the kitchen for preparation, you looked at it in bewilderment. It was blue, and bones, sinew, tendon were all you could see. If we got 15 grams of real meat a day we were lucky. When the cabbage was brought in—black, slimy and putrid—we could not at first even guess what it was. In the summertime, the stench could knock you out. Much of the food had to be thrown away.

Following my introduction to this diet, the chief of my compound summoned me to his office. His room was small and neat. On one wall was a portrait of Lenin, on another, Khrushchev.

He examined my dossier and went through the usual questions: my name, birth date, the statute under which I had been convicted. Then in a dry official tone, he listed the camp rules. I must come to work in the regulation clothes. I must attend political-indoctrination classes every Thursday. "The prisoner is obliged . . . obliged . . .obliged . . ." If I broke the rules, I might be deprived of the once-a-year visit from my family, of my limited rights to buy items at the commissary, of the right to receive food packages, or to write and receive letters. For serious infractions, I could also be put in solitary confinement.

"All right," he concluded. "Tomorrow you begin work in the fields. You can go."

In the barracks the platoon leader, himself a prisoner, asked me how long I was in for. When I told him, he remarked, "Six years. That's child's play." Others smiled, too.

They wanted to know about my trial. Had I been allowed to read my formal sentence? I answered no. "Yes, that's how they still do it," they said. Almost all of them had, like myself, been tried and condemned behind closed doors. "True, there are some people here who had public trials," they said, "but they are ordinary criminals, embezzlers and the like."

After supper, I took a walk in the compound enclosure. It was a warm spring night. The grass was beginning to grow. But shortly, even before it was completely dark, the searchlights in the watchtowers went on. I returned to the barracks to make up my bunk.

At ten o'clock I heard the curfew—a length of rail struck ten times. Even before the ringing stopped, I could hear another rail, far away in another compound; then more and more, still farther off. Suddenly it was as if I could hear this same signal even in Moscow, echoed by the clock in the Spassky Tower in Red Square. In my imagination a curfew was pealing from the Far East to the frontiers of Europe—from camp to camp, across the entire country.

A PLAN TO ESCAPE

The next morning at 7:30, after twice being thoroughly searched, we were marched under armed guard through a sort of no-man's-land to the work zones. In the fields red flags marked the area beyond which we were forbidden to step. I performed simple farmer's chores, such as planting cabbages, tomatoes, potatoes and carrots. But after a long day, without a minute's rest, few of us had met the work quota. Failure to reach it, or poor work (as judged by the administrators), meant penalties, including a special famine diet.

The first month I worked very hard. We were paid as much for this labor as on the outside—between 70 and 75 rubles a month. The difference was that a free worker has only his taxes deducted. In camp we also paid taxes but, in addition, 50 percent of our wages went for camp maintenance. From what was left, a few more rubles went for our prison uniforms, and another 13 were deducted for food. (As a free man, I spent 50 rubles a month for food, and cannot honestly say I ate well.)

Ironically, billboards all over the camp exhorted us to "Save and buy a car!" Yet we were lucky if during our entire prison term we could keep enough for a suit and a pair of shoes when released. The first month I was credited with only 48 kopecks (about 50 cents). The next month, nothing.

I was tempted to say to hell with the backbreaking labor, let them put me in solitary! But long ago I had decided that, no matter how tolerable the camp, I would not sit behind wire. I would escape somehow. Thus I had to make friends with other prisoners, and learn all I could about the camp. Perhaps I would find a comrade for the attempt.

One of the first persons I met was Anatoly Burov, a short, baldheaded man in his 30s. He had been a child of only two or three when his family were deprived of their land and belongings because his father was considered a kulak, or rich peasant. (During the forced collectivization of the 1930s, anyone who had two cows or refused to join a collective farm was included in the term.) One spring a number of kulak families were rounded up and taken by boat down the Ob River. After a while, they were simply dumped on the shore in a deserted area and told to shift for themselves.

The outcasts dug some mud huts underground, then cut trees to build cabins. Slowly the Burovs and other exiled families began to work together. They made homes, tended the fields. Then three or four years later the government boat returned. The community was a great surprise to the communist officials. "You are supposed to be dead," they said. "But here you are, kulaks again!"

A month passed, then a detachment of soldiers arrived. Once again the families were uprooted, deprived of land and belongings—"They didn't even let us have a spoon"—and set down in a wilderness. Taken into the army in 1945, Burov ran away, was caught and drew a five-year sentence. Twice after that he tried to escape. When I met him he had been a prisoner for 16 years.

I liked Burov, and together we planned to dig a tunnel. Cautiously enlisting the aid of a third prisoner, we began to scout for the best site. We had the hours between curfew at 10 p.m. and a bed-check at 2 a.m., and from then on until dawn, in which to work. However, our efforts were in vain. We dug first under our own barracks, but at a depth of half a meter we came to water. The following nights we examined all the other barracks—with the same results. Yet we were so determined to escape that we kept on looking.

Meanwhile, our strength began to give out. It was not easy to go without sleep most of the night, then work all day, while subsisting on camp fare. In June I fell ill with an inflammation of the ears. Several times I went to the doctor, only to be told that since I had no fever I was only trying to avoid work. By the end of June, I was no longer fulfilling my work quota, and so I was sent to solitary confinement, the usual punishment.

Solitary in 1961 was an ordinary barracks about half a mile from Camp No. 10, divided into various types of cells. Some were literally for solitary confinement; others held two or as many as 20 persons. All the cells had bare boards for beds and a peephole in the door. In one corner stood a rusty *parasha*, the slop pail, or toilet, found in all Soviet prisons. For the prescribed daily walks, there was a tiny yard—not a blade of grass, since anything growing would have been eaten by the prisoners.

The principal punishment in solitary was the food. For breakfast we got a cup of boiling water and the day's bread ration of 450 grams (one pound). At lunchtime we might get a container of soup with bits of putrid sauerkraut swimming in it. Supper might be a rotten piece of codfish the size of a matchbox. There was not a gram of sugar or fat.

Even the regular camp food, although a semi-starvation diet, began to look like a feast, and I waited for my stretch in solitary to end more eagerly than for the end of my whole prison term. I sat in solitary for seven days and came out so weak I had to hold onto the walls to support myself. Despite that, I was required to go to work the next day.

"SAVE US FROM THIS HAPPY LIFE"

As soon as I began to feel better, Burov and I and our friend decided on a new escape attempt: a tunnel beneath a new barracks just being erected. We chose a night when movies were being shown outdoors in the barracks yard. After the newsreel we were able to slip away unobserved, and met inside the partly finished building. It was very dark.

As we dug, a ray of light from the tower would now and then cross the building. Each time, we quickly stooped and waited for it to glide away. We dug down about half a meter without mishap, but 20 centimeters farther, water appeared. Failure again! Suddenly Burov rushed in. He had been standing watch outside. "The guard just passed the window!" he whispered excitedly.

Had we been discovered? We filled the hole quickly, but as we emerged from the building, the entire area was suddenly flooded with light. We were completely blinded. We tried to hide but the guards dragged us into the open and showered us with blows. For fear of being overpowered, these guards carried no guns, but each was equipped with a pointed stick. They also used their metal-tipped boots, kicking our legs.

"Killers! Torturers!" the other prisoners shouted at our tormentors. To scare the prisoners, guards from a tower fired several volleys over their heads.

As we were led away, I walked with my head bent low and my hands trying to protect my face, fending off blows with my elbows. But soon my body ceased to react to pain.

We were taken before a major for questioning, then handcuffed, marched to a special cell, ordered up against a wall and beaten again. Now we could not even use our arms to protect our faces. Afterward the guards threw us to the floor and stomped us with their boots.

"That's the way!" the major kept saying. "Let them remember and tell others how they tried to run away!"

After a time they removed the handcuffs and dragged us into another cell. Here we lay, bloodied, bruised and barely able to move, for three or four days. The door would open occasionally and food would be shoved in. But at first we could not get up to take it.

We were now in the zone of special regimen or "*spetz*," in prisoners' lingo. What kind of wild beasts are confined here, under seven locks, behind heavy bars and rows of barbed wire outside? All those who plan to escape, or resist the guards or repeatedly fail to fulfill their work quotas.

The cells in the special regimen are much like those in solitary, and again the main punishment is hunger. But, in *spetz*, the prisoners are forced to work even harder than before. If your quota is not met, the already meager food ration is reduced—and with less nourishment you're sure to drop farther and farther behind. You do not die of starvation outright, but are gradually drained of all strength.

Men kept in *spetz* for years are reduced to a condition of complete animalism. They forget what self-respect, honor and morality mean. In every cell are one or more informers ready to squeal on other prisoners in order to gain a bit of extra food or some small privilege for themselves. Others, more desperate, hang themselves. Or they cut their veins under the blankets at night. Or they mutilate themselves.

One day while I was there three prisoners decided to commit suicide. During working hours they left the brick factory and went to the fence that surrounded the compound.

"Don't climb! I'll shoot!" a guard in a tower shouted.

"Please do us that favor. Save us from this happy life!" a prisoner called back, and began to climb. As he reached the top an automatic weapon chattered, and he was hit. His corpse, entangled in the wire, remained hanging on the fence. The second man began to climb, calmly inviting a similar death. Again the tower guard obliged. Then the third went up and also drew fire. I was later told he was not killed and was seen at the hospital in Camp 3. Thus he got away from *spetz* only for a time. The other two had escaped forever.

THE TATTOOED MAN

In *spetz* I witnessed things I never would have believed if I had not seen them. Worst of all were the tattoos with which some prisoners covered themselves. I saw two men, for example, who had tattooed on their cheeks and foreheads such phrases as "Communists are executioners" and "Communists drink the people's blood." In large letters across his forehead, another prisoner had tattooed, "Slave of Khrushchev."

Usually these people were ordinary criminals who, in prison, had deliberately planned to get into political camps in the mistaken belief that conditions there are more tolerable, that the work is easier, the treatment more humane. Such men may write a leaflet attacking the Party; they have been known to make an American flag out of rags and hang it in some public place.

Of course they face rapid disillusionment, for in the political camps they go even hungrier than before. They are more apt to get solitary, more likely to get beat up by the guards. Soon some of them begin to voice complaints, only to realize that it is useless. And so they resort to other forms of protest—such as tattooing, a practice learned in the criminal camps.

In our *spetz* barracks I saw a young man, Nikolai Shcherbakov, who did not have a single spot of unmarked skin on his face. On one cheek was tattooed the inscription, "Lenin is an executioner," and on the other, "Because of him millions suffer." Under his eyes the tattoos read: "Khrushchev, Brezhnev, Voroshilov—all executioners." On his scrawny neck, in black, was the rough outline of a hand gripping his throat. This hand was initialed KPSS (Communist Party of the Soviet Union), and the thumb, KGB.

One evening in September, word spread through the barracks that Shcherbakov had cut off one of his ears. Before the amputation he tattooed a message on it. Then he banged on the door of his cell and when a guard opened the peephole, he threw the ear at him. It read: "Gift for the 22nd Congress."

How do prisoners tattoo themselves? I have seen it done may times. A man pulls a nail out of his shoe, or picks up a piece of wire, and patiently shapes it into a sharp pin by rubbing it against a stone. To make ink, he burns a piece of black rubber, usually from the sole of a shoe, and combines it carefully with urine. With these materials he then begins to puncture his skin.

Why did these unfortunate people mutilate themselves for life? To mark your face, you must have given up all hope of a normal existence. You must begin to feel, as a camp song puts it, "like an eternal prisoner." I wondered about Shcherbakov. Why had he cut off his ear? What for?

And yet in moments of helpless despair I, too, found myself thinking: Why *not* throw a piece of my own body at the torturers? At such moments you don't ask yourself, "What for?"

CELL NO. 54

I spent three months in *spetz*, plus 15 days in solitary. Then I was called before a "people's court" for trial. There was a judge, some spectators—mostly camp officials—and two associate justices, an elderly man and woman, representing "the people." They were just decorative dummies, and no one addressed a word to them during the entire affair.

When the judge began asking me questions, I announced that I refused to take part in this comedy. In the end, he declared that three years of my sentence in camp were to be replaced by three years in prison.

I was to be moved to Vladimir, a city some 110 miles east of Moscow where there is a prison dating from tsarist times. The trip, again by *stolypinsky vagon* with many other prisoners, took several days. At one station we were lined up in columns of fives and, surrounded by dogs and guards, marched across a footbridge over the tracks.

A crowd had gathered, watching the scene, and some people shouted, "Fellows, where are you going?" Several packs of cigarettes were tossed into our column, also cigars and even money.

Then an official rushed up and began shouting at the transport commander, "You were warned not to make prisoners walk in open daylight so everybody can see them! You've attracted a crowd like a theater performance."

I recalled how many times I had read that, throughout Russia's history, the simple people, the plain folk, were filled with pity for prisoners and always gave them bread. Dostoevski has written that on holidays prisoners in Siberia were showered with gifts of bread, cakes, etc. Now the rule is to hide prisoners away and not even let the people look at them!

At Vladimir, as before, I was interrogated, made to undress, inspected minutely, and issued prison garb and gear. Then I was taken down a passageway with cells on either side. The warden opened the door of No. 54, and I entered to begin the next three years of my life.

My cell was small, 15 feet by 8 feet. It held five people. On the far wall, opposite the door, there was a tiny barred window covered by a kind of shutter on the outside; scarcely any daylight filtered through. Along each blank wall was a double bunk, with a fifth bed below the window. Here, too, was a large iron container. It was divided into sections, one for each inmate, to store eating utensils and the bread ration. In the center of the cell was a little, dark-red table on iron legs welded to the floor, and next to it two small benches. And of course there was the everlasting *parasha* by the door.

The prison routine was about the same as in *spetz*. The main difference was that we did not work. From reveille at 6 a.m. to curfew at 10 p.m. we were not allowed to lie down on our bunks—7 to 15 days of solitary confinement was the punishment if we were caught. And all day long in the corridor between cell blocks, the wardens patrolled silently up and down in soft felt boots, constantly peeping in at us.

What can prisoners do for 16 hours? We were permitted to write—one could buy a notebook of 12 pages once in two weeks—although everything you wrote was checked by a warden. Each cell also had a chess set and dominoes. Books and newspapers could be borrowed from the prison library—two books per person for ten days. However, after a while reading loses its attraction for hungry men.

I find it impossible to describe the tortures of continual hunger. Every morning we were awake long before reveille, thinking of the bread to come—reduced to 400 grams for one's first two months at Vladimir. Finally, when the food trap in the door was opened, all of us were there, trying to spot the biggest portion, as if an extra ten grams could save us from famine. The more prudent prisoners broke their bread into three equal portions for the day's three meals. But often a prisoner was unable to restrain himself and consumed the whole ration at once, even before he received the rest of the breakfast—a few decayed sardines and a mug of hot water.

It is so difficult, suffering pangs of hunger hour after hour, knowing that in your little iron compartment there is a piece of bread. You think about it continually; sometimes you can bear it no longer. You break off a tiny crust. You tuck it inside your cheek and try to prolong the pleasure, like a child sucking a piece of candy. But soon the crust is eaten.

In helpless protest many a prisoner was driven to bizarre behavior. Some cut their stomachs open; others filled their eyes with ground glass; a few at times pulverized sugar (if they had any) and inhaled it until abscesses formed on their lungs.

Another common practice was to swallow strange objects. If the doctors in the prison hospital had made a museum of the things pulled out of our insides, it would have been an amazing collection—spoons, toothbrushes, pieces of wire. They also operated frequently to eradicate tattoos. The procedure was primitive: simply cut out the tattooed skin, pull the edges together and sew them up. I recall one prisoner who was operated on three times. First they excised a ribbon of forehead skin on which he had the popular "Slave of Khrushchev" inscription. Shortly after he returned from the hospital, he again managed to tattoo his forehead, so again the inscription was removed. Once more this happened—until now the skin was stretched so tight across his head that he could scarcely close his eyes. We called him the "ever-seeing one."

AN AMERICAN FOR A NEIGHBOR

One day we learned that the American U-2 pilot, Francis Gary Powers, shot down over Russia in 1960, had been freed before the expiration of his term. This, we were told, was in consideration of his wholehearted repentance, his good behavior and pleas from his family.

This touched off discussion and argument in our cell. Powers had not completed even a quarter of his term, yet they let him go! And here we were—obviously considered more dangerous than a capitalist spy! But it also occurred to us that there must be more realistic reasons for his release. Probably, we surmised, the Americans had caught one of our spies and Powers had been exchanged for him. Subsequently I learned that this was so.

We had known all along that Powers was in the Vladimir prison with us. He had been brought directly from Moscow by automobile, not by prison car. Some prisoners even managed to see him during his daily walks in the yard. They said that Powers wore his own clothes, not the tawdry, threadbare prison uniform; that his face was clean-shaven, not like us, who were scraped with hair clippers every ten days; that his head was not shaved as ours were.

Powers had a cellmate who shared his easy life. He was an Estonian or Latvian, apparently an educated man who spoke good English. He was serving a 25-year term, but had been promised his freedom if he fulfilled certain instructions. He was to divert the American with conversation about films, literature and sports, saying as little as possible about life and customs in the Soviet Union. And he was to make Powers believe that his own treatment was enjoyed by all Soviet political prisoners. If by chance Powers saw anything to the contrary, his cellmate was supposed to give some plausible explanation.

It was in vain that some of us hoped he could tell the truth about this hell on earth when he went back to his country. He had not even come close to the real prison existence at Vladimir.

There was one disbeliever, named Gennady, who argued with his cellmate that there could not possibly be two different sets of circumstances for political prisoners. Because everyone laughed at him, Gennady vowed that he would get a look at Powers and prove that he was right.

Some days later a cellmate told the wardens that Gennady had swallowed two spoons. A search of the cell showed the spoons were missing, and Gennady was taken to the hospital building for X rays. As he was led through the passageway where Powers' cell was located, Gennady broke away from his dumbfounded wardens, opened the peephole to the American spy's cell and glued himself to it long enough for a good look.

In due time Gennady was brought back to his cell, before being removed to solitary. (The X rays showed he had not swallowed the spoons.) He told his cellmates that he had seen the American, and what others had said about him was correct. Powers had his own natural haircut, wore a civilian suit, and appeared to be well fed.

TOUR OF INSPECTION

Prisoners were taken out for a walk once a day. You'd think that everyone would be overjoyed to get out of the stuffy, smelly cell into the fresh air. But in the cold months, the wardens had to drive us out forcibly. Temperatures ranged from 15 to 30 degrees below zero Fahrenheit, and we had only a small poncho to wear over our cotton uniform, ancient clothes falling apart after many washings.

Besides, everyone was famished, emaciated, with little body heat. We walked around the yard, stamping our feet and slapping our hands. The doctors excused only those completely unable to walk. The old and sick would sit in a corner by the fence, huddled up, shivering, for the entire hour.

After returning to the cell, we could not get warmed up. The cell itself was so cold that at night we covered the teapot with a poncho or blanket to keep it from freezing and covered ourselves with all the rags we had, including the mattress covers meant to serve as bedsheets.

It was the same story with baths, which we were permitted to have every ten days at the bathhouse. In summer we waited for the day impatiently, craving a rinse and the chance to walk a little extra in the fresh air. But in winter, bath day was a torment. New arrivals hoped to get washed and warmed by hot water. Nothing of the sort! The water was so cold that even a young man like me, raised in Siberia, had his hands frozen numb. And the bathhouse itself was so cold the walls were often caked with frost. You were furious, standing there naked, with the cold piercing your innards.

Why didn't we protest such tortures? Let me tell this story.

One day a state representative visited the prison on an inspection tour and asked us what complaints we might have. We did not answer him—we knew it was useless. The next day on our walk we were taken out with the men of Cell 79. Had the official seen them, too? Indeed he had. In fact, he had been astonished and embarrassed, for he knew one of the inmates in Cell 79, a man named Stepan.

"You still here?" the official exclaimed.

"As you see," Stepan replied.

The man hesitated briefly, then said goodby. Stepan explained that he and the official had spent two years in the same cell together until, in 1956, the official had been "rehabilitated." How could anyone complain to a man with that background? He already knew everything, only too well.

"LET GOD CURE YOU"

In Vladimir, there were many religionists," confined because of their faith in God. Among them were Baptists, Evangelists, Jehovah's Witnesses, Russian Orthodox, Muslims. Sometimes in the press we read about crimes committed by religionists—ritual murder, torture of children and the like. I cannot believe this. I have met many of them in camps and prison, and they were all opposed to violence.

Consoled by the belief that they were suffering for God and faith, they bore their torments more patiently than most. I heard them sing hymns about how the Redeemer bore His cross but did not blame His enemies for "in Him burned a holy love." Though they were submissive in all things except those pertaining to their faith, they were sent to Vladimir in great numbers, usually for failure to fill work quotas or refusal to work on religious holidays.

The administration always tried to humiliate the believers. When one asked to see the prison doctor, he was taunted: "Why a doctor? Try to see your God—let him cure you."

And Lent! All of us prison inmates were half dead from lack of food. Yet most religionists wanted to follow the rules of their faith—including fasting—even here. "You're lying," the wardens would say. "You're just pretending." But during Lenten days many believers lived on bread and water.

Now a word about the mental cases. The prisoners often said that there were no sane or normal people among us. And indeed, under the conditions, it was hard to remain psychologically sound.

In one cell at Vladimir some prisoners obtained a knife blade and collected some paper. Then each cut off a piece of his own flesh, some from their abdomen, others from a leg. They threw the pieces into a dish, made a small fire with the paper, and began to cook the flesh. When the wardens noticed what was happening and rushed into the cell, the prisoners grabbed the half-raw "stew" meat burning their hands in the process, and tried to cram it into their mouths.

I know it is hard to believe, but it really did happen. Subsequently I talked to some of the prisoners involved. The remarkable part of it is that they seemed entirely normal. One was Yuri Panov. There was hardly an unscarred spot on his body, for he had cut pieces from himself on several occasions. Yet Panov did not appear to be psychopathic.

In camp we often discussed such incidents. If the men involved were abnormal, what were they doing in prison? Even Soviet law requires that abnormal people be sent to a psychiatric ward or placed in custody of relatives. If they were normal, then what must be said of the conditions that drive normal men to such actions?

This is something our society should think about. But few people know anything of such horrors.

THE FRUITS OF LABOR

Quite unexpectedly, a year before my prison sentence was up, I was returned to camp. Perhaps they needed the space at Vladimir for new arrivals!

I reached Potma in early summer, and with several others was sent to Camp 7. From the railroad station of Sosnovka we went on foot, with dogs and armed soldiers surrounding us. It was so pleasant walking on a road, through small towns and villages, beyond which we could see woods! Grass was growing on the roadside. I hadn't seen grass in two years.

The minute we got inside the camp gate, other prisoners gathered around, asking who we were, how long we were in for and why. "You're from Vladimir?" they said. "Buried people look better!"

They took us to the mess hall, where I was given a full dish of noodle soup and a plate full of bread. "Eat, eat!" they urged. The soup was thin and without fat, but it seemed to me that even at home I had never eaten better noodles.

"Well, friend, is it like the soup at Vladimir?"

"No," I assured them. "One portion here equals five at Vladimir."

I emptied the dish and they brought me a new one. "Eat!"

So I returned to the world of the forced-labor camps. There had been changes since I left. Wherever you looked there were photographs of Khrushchev and quotes from Khrushchev's speeches. In the previous camp we had worn a uniform "Stalin hat." Now we wore a black cotton "Cuban cap." Even here, the prisoners said jokingly, Nikita was trying to root out the Stalin personality cult.

After two years in prison I was in bad physical shape, but I had to go back to work. I was assigned to a loading brigade, handling logs, coal and various raw materials in the freight yard. After unloading one freight car I thought I would be unable to walk back to the barracks and in the morning my entire body ached. I could not walk straight, and reeled from side to side. Everyone laughed good-naturedly, and for quite a while I was kidded about my duck walk.

In time, I sampled all the jobs in Camp 7. Virtually all work was done by hand, even pushing 62-ton railroad cars up an incline for some 200 meters. On paper we were listed as having "mechanical aids," but these were only picks, hooks, and a couple of boards for a ramp.

Almost all of the camp's 3500 prisoners worked in the large furniture factory. It had a mill and a foundry—which was real hell—where we made machine parts out of zinc, aluminum and copper alloys. The ventilating equipment was defective so that we inhaled fumes and gases. Often we had to rush outside for a breath of fresh air. In the finishing department the air was heavy with fumes of lacquer and acetone. There we suffered headaches, became dizzy and vomited.

It was impossible to fulfill the quotas set for us; they were constantly increased while wages were lowered. In the finishing section, where radio cabinets were polished, the norm used to be six Yugdon radios a day, but in my time this was hiked to 13. Likewise, in 1964 a worker had to polish four television sets a day. The next year it was raised to six, although the labor on each remained the same. The polishing was done by hand, using a cotton wad soaked in acetone, until the body of the set glistened.

But the main evil of camp work was not the hard labor, or the fact that we toiled for a pittance. We hated it because it was slave labor, degrading work, supporting parasitical officials who did nothing but make us feel worthless.

Later, when I was released and returned to freedom, I often walked past furniture stores and radio shops and looked at the window displays. Here was a nicely polished table, there a beautiful dresser. Here were the familiar radio sets I had worked on.

You buy yourself a television set for 360 rubles, and you sit in the evening in a cozy room enjoying the lawful fruit of your labor. But this set cost me and my fellow prisoners many hours of hard labor. Look at its nicely polished surface. Can you see the reflection of a shaved head, a yellow, emaciated face, a black camp uniform? Maybe it is a former friend, someone you knew.

BOUQUET FOR A COMMISSAR

It is Thursday, the day of political classes. Attendance is mandatory, and at exactly 7 p.m. everybody must be in his barracks for the lecture.

All of us try to avoid going. What can we learn from such lessons? Everyone is tired of communist verbiage, the slogans, the billboards. Besides, most of these prisoners have completed high-school studies, some are even college graduates, and many have studied Lenin, Marx, Engels, Hegel, Kant and contemporary philosophers. After all, we are "political" prisoners.

As the hour approaches, the library and the mess hall close. We have nothing to do but play volleyball and dominoes or walk in the yard. Then the headquarters door opens, and a detail of some 30 wardens emerges to round us up.

"All right, stop playing! Let's go to political class."

Refusing to attend is lawful ground for punishment—the withdrawal of such privileges as family visits (once a year) or the right to receive packages from the outside (one every three months). But these privileges are allowed only after we have served half our term, and even then most of us would probably be deprived of them for some other infraction. In all my time I never received a single package, and I had only two visitors.

The camp director, Major Sveshnikov, before each class dictates the lesson to our platoon leaders, most of whom are nearly illiterate. They conduct the classes, trying to teach politics from their notes. It can be quite funny. Quite often the pupils, having been forced to come to class, take it out on the teacher with a barrage of questions.

One night my friend Kolya Yusupov demanded, "You say one must live honestly and not cheat the state. But how *can* a family live on 50 to 70 rubles a month? What is *your* pay? How do you reconcile that—and the higher work quotas, and the rising prices of all foodstuffs—with the rise in living standards?"

Our lecturer hemmed and hawed, then answered, "Yusupov, you purposely draw attention to minor shortcomings, which are mostly temporary." All the prisoners laughed.

I spoke up. "How long *will* these conditions last?" I asked. "We all know that the decree on censorship was only a 'temporary' measure. That was nearly 50 years ago, and we still have censorship."

"You, Marchenko," the harassed platoon leader replied, "were given too short a term. It should be made longer. As for the rest of you, I see that some of you are begging for solitary."

"All right!" we shouted. "You've convinced us! You've convinced us!"

From time to time we were also asked to attend "discussions" by government officials who were visiting the camps. At first very few prisoners could be persuaded without threats, but later the authorities began to present programs with folk songs and poems in conjunction with the meetings.

One day representatives of a Baltic republic visited us, and we were promised a concert after the usual lecture. Quite a large number of us turned out. At the close of the talk a young prisoner from the Baltic area suddenly stood up and went to the speaker's platform, carrying a tightly wrapped bouquet. This had never happened before—flowers were given to performers, never to lecturers. A dead silence fell over the audience.

"In the name of our countrymen," the prisoner began, "allow me to present you with the garden flowers that grow here, so far away from our native land."

His words caused a commotion among the prisoners. Exclamations were heard from all sides: "Scum! Stool pigeon! Toady!" I myself was boiling over with fury.

The prisoner finished his little speech and presented the bouquet. But when the speaker began to remove the wrappings, we saw that it was a bouquet of barbed wire! At first the crowd was stunned. Everyone, on stage and off, stood with his mouth open. Then the storm broke out. Never before or since have I heard such wild applause.

That evening the prisoner was taken off to solitary for 15 days, and then sent to *spetz*. Soon after the episode we read in the camp newspaper that the concert-meeting had taken place in "an atmosphere of friendliness and warmth"!

EXIT KHRUSHCHEV

One day in the fall of 1964, as we were going to lunch from work, we saw three wardens dragging a prisoner to solitary. Many of us knew him, and we called out, "Why did you get solitary?"

"Because of Khrushchev!" he answered.

Nikita Khrushchev had just been ousted, and the camp administration was rushing to erase every trace of him—all the posters, banners, portraits and glorifying slogans. Our friend had been summoned to headquarters with a contingent of the most venal prisoners, human wrecks who for a price would do anything. Sveshnikov, the camp director, placed several packages of imported India tea in front of him—an invaluable commodity on the prison black market.

"Go into the library reading room," Sveshnikov instructed our friend, "and get rid of everything that has to do with Khrushchev."

The prisoner's eyes went from the officials to the tea, and back again. "For tea," he finally said in a businesslike tone, "one does anything. But you know, director, you have a huge backside. You have fattened yourself at our expense . ."

He was immediately hauled away. But he continued to shout: "You dirty bastards! I got seven additional years because of Khrushchev! Now you ought to *release* me! Instead you're putting me in solitary, once more because of him."

This was the scene we encountered as we went to lunch. (We had been working all night loading freight, so we hadn't heard the news.) The authorities had begun eradicating Khrushchev's name and face immediately, in the early hours, hoping to complete the job before the prisoners awoke. But it was too large an undertaking, and soon those who had sold themselves for the India tea were accompanied by a chorus of jeering prisoners as they set to work cleansing the camp of everything that had the slightest connection with the fallen leader. Khrushchev's head was clipped off posters and stuck laughingly on the foreheads of friends who happened to be nearby. Pictures of Brezhnev, Podgorny and others were also mutilated. This was later explained as due to "confusion."

As soon as all signs of Khrushchev were gone, a new business started. Prisoners who had been sentenced because of Krhushchev began to clamor for their freedom. It was said that at Camp 2 some prisoners got all their belongings together and marched to the sentry post. "We were jailed for criticizing Khrushchev," they explained. "And now it turns out we were right. So open the gate. Release us!" Needless to say, they were hustled back to their barracks.

To avoid trouble, camp officials called the anti-Khrushchev prisoners, one by one, to the KGB offices, where they were told to write to the Presidium of the Supreme Soviet and ask for a pardon. Apparently officialdom figured that it would take time for the prisoners to write, more time for the letters to be sent, still more before an answer came, and by then all this excitement would have died down.

In any event, of those who did plead for pardons, only a few were released. The others were told that in criticizing Khrushchev they had also attacked the Central Committee of the Party. Or they were simply notified that "because their offense was of a very serious nature, no pardon could be granted."

LETTER LOVES

During all these years I continued to have trouble with my ears and often suffered intense pain and dizzy spells. At last I was sent to the hospital zone in Camp 3. Afterward I obtained a temporary assignment there as a hospital aide.

It is difficult to imagine that love can flower under the forbidding circumstances of camp life. But it does. Our hospital and the women's hospital were next to each other, separated by a forbidden zone. Not only could one see women, but it was even possible to talk to them secretly or throw a note over. Later, the women's building was moved farther away, but the patients still managed to keep in contact.

Sometimes nurses, or aides like myself who carried women to and from operations, were induced to transmit notes. If we were discovered, solitary confinement was inevitable. But no rules could stop men and women who had been cut off from normal life for so long.

Some of these "letter loves" lasted a week, others for years. Often the first note was sent to anyone, at random. Simple self-introductions led to declarations of love and visions of meeting someday. Thus the prisoner in his dreams embraced not just "a woman," but his own Nadya or Lusia, who had told him that she loved him. He waited impatiently for the next note—the camp, the loneliness, the barbed wire all temporarily forgotten—to learn if she was still "his" or if she had found another phantom lover.

Nikolai Semyk had such a beloved: Luba, a first-aid specialist. Both of them had worked in the hospital for five years, and they maintained their correspondence through a nurse. Occasionally, when he helped carry women to the operating room and back again, Nikolai even had a chance to see Luba. We tried to abet him by distracting the attention of wardens, so at times Nikolai and Luba remained alone for as much as two or three minutes.

Luba had a husband, a nice fellow, and Nikolai had even seen him when he made a visit. The existence of a husband, however, did not mar the prison love. Here were two different lives: freedom, a husband who might come to visit once a year—and the camp life, the notes, the day-to-day dreams of a real meeting. It was impossible to say which life was real, which imaginary.

The vast majority of prisoners, however, live without any sort of love, not even the correspondence type. In consequence, homosexuality is widespread, especially among the criminal offenders. The young single men suffer most, and there are many of them in camp because more young men are being arrested these days. Many have lived with sweethearts before they are imprisoned, but common-law wives may visit only if they obtain a document attesting to the relationship. Demeaning as it may be, many girls ask for such a document.

Once, one of my girl friends suddenly visited me! Luckily I was not guilty of any infraction of rules at the time, and I was granted three days to spend at the visitors' barracks. What good fortune—three whole days with a woman.

But afterward, I decided not to write her anymore. Why should I tie her down to a prisoner? What kind of happiness could she have, meeting me for three days once a year?

THE ARRIVAL OF A CELEBRITY

When I returned from the hospital zone to Camp 11, I had only eight months left to serve. Now a major topic of discussion was the public trial of Andrei Sinyavsky and Yuli Daniel, whose satirical writings had been smuggled out of Russia and published abroad under pseudonyms. When the first news stories appeared, nearly everybody in camp had decided that these men must be scum. They were to be tried under Article 70 of the Russian criminal code, which was interpreted as a ban on publication abroad of "anti-Soviet propaganda and agitation." A public political trial under this article was unheard of, so we assumed that Sinyavsky and Daniel would obediently play prearranged roles and confess that they had worked on orders from the West, that they had sold out for dollars. We didn't know the whole world was talking about the men's arrest, and it was that reason the government couldn't keep the affair under wraps.

Now the trial was over. The defendants had not pleaded guilty. They did not confess and beg for mercy, but argued with the court and insisted on freedom of expression. Sinyavsky and Daniel were brave fellows, we decided, and pretty soon we might hear about the case from the writers themselves, for we were sure that they would come to the Mordovian camps. With our expertise, we even correctly predicted their sentences: Sinyavsky would get seven years, Daniel five.

As it turned out, the two men were separated, but Daniel came to our camp. I met him the first day. He appeared to be about 35 or 40 and had obviously prepared for prison life, for he had on a quilted jacket, warm boots, and a rust-colored fur cap with ear flaps. (Of course, he had to surrender these clothes.)

As we talked, Daniel turned his right ear toward me and asked me to speak louder. I turned my right ear to him, cupping it with my palm. We were amused to discover that we were "twins," both hard of hearing.

His trial had been open in name only. The audience was composed mostly of KGB agents. "I'm sure my friends would have come," Daniel said. "But they were not allowed in."

Though Daniel had fractured his right arm at the front during the war and it had not healed properly, the authorities assigned him to the heaviest kind of camp labor: lifting heavy logs and shoveling coal. They counted on breaking him down, forcing him to ask for lighter work.

At first not everyone felt kindly toward Daniel. Some gloated over his misfortune: "Let him bend his back, as we do! We know these writers! They live in comfort and write about our 'paradise on earth.'"

But the hostility melted after the first few days. Daniel was a simple unaffected person. His fame hadn't turned his head at all. On unloading duty, he tried his best to do his full share, even though pains soon developed in his shoulder at the spot where the bone had been shattered. Yet he never applied for lighter work. Before long the other prisoners were trying to help him. On night calls we let him sleep, and we insisted that the brigade leaders put him on the easier chores.

Shortly our brigade leaders were summoned before the KGB. "Who's helping Daniel?" they demanded.

"They're all helping."

"Why? Can't he do it himself? That's goldbricking!"

One fellow gave a proper answer:

"What does it say in your communist code? There must be mutual comradely help. Every man is a friend of the other, his comrade and brother."

The KGB agents didn't argue. They put Daniel in the machine shop, pretending that they were trying to ease his lot. We all understood: it was not kindness, the authorities simply were irritated by his popularity. He was liked by everyone in camp. Sometimes the Lithuanians would invite him to their barracks to listen to folk songs. The young people from Leningrad invited him for coffee. The Ukrainians urged him to read his poetry.

"I had heard that all political prisoners were released ten years ago," he joked with us one day. "Of course, I knew about a Jew in Kiev being imprisoned because of his ties with Israel, or some such thing. So, with Sinyavsky and myself, I thought, that would make *three* politicals. Probably we'd be put together with criminals. Then I learned that there were thousands of political prisoners. They certainly had us fooled!" This was greeted with laughter.

In June 1966, he was sent to solitary for 15 days for non-fulfillment of the work quota and for feigning illness. There was a loose fragment of bone in his arm, and his old wound had become infected. But the doctor refused to give him a work release, and when Yuli didn't report one morning, he was clapped in solitary.

He endured the 15 days, but the next morning he was given another ten, and then another. There was no reason for this punishment; it was plain harassment. Daniel was continually picked on, up to the time of my release. He was not allowed a full visit with his wife or even to keep the cigarettes she brought him.

But he never complained, never asked for anything, and was quick to defend his companions. We were proud that Yuli was made of fiber that was not easily bent.

"ALL OF ONE MIND!"

Two or three months before my release, I was called in for a talk with three people: a KGB officer, the director of collective activities, and my platoon commander, Captain Usov.

"Marchenko," I was told, "you must behave after your release. The free life isn't like camp, where each man has his own opinions."

"Comrade director," I said, "times have changed. Even communists disagree now."

"Don't indulge in slander! All communists are of one mind!"

"Yes? Then what about the Chinese, the Albanians?"

"Every family has its black sheep," he replied.

"Marchenko," the KGB officer said, "with such ideas you will be back here soon."

"I know that," I said. "In other countries there are legal opposition parties, including communist parties, whose goal is to change the existing system. They are not charged with treason or imprisoned. But I, a simple workingman, not a member of any party, have to spend six years behind barbed wire, and then I am threatened with more for having convictions of my own."

"Other countries have their own laws, we have ours. All you prisoners keep throwing America in our faces. If they have freedom there, why do the Negroes riot? Why do American workers go on strike?"

"But Lenin himself said that strikes and the struggles of Negroes in the United States are indications of freedom and democracy."

At this, my "educators" jumped on me. "How dare you libel Lenin! Where did you hear such lies?"

Luckily I had been doing a lot of reading—I remembered the quote word for word. I repeated it and cited the number of the Lenin volume. Instantly the director went to his office, brought back a volume from the latest edition of Lenin's works and thrust it at me. While I turned the pages, all three waited like hounds with an animal at bay. Lenin couldn't possibly have said such a thing. Besides, they couldn't believe that a fellow like me, without an education, had read Lenin.

I handed them the open book, and the director read the passage aloud. The KGB officer said, "Give it to me." All three began turning pages, hoping to find some refutation or explanation of what Lenin had written. Unable to find it, the officer said, without embarrassment, "Marchenko, you interpret Lenin your own way because of your opinions. That's not good. You certainly won't remain at liberty."

I know that when Soviet people on the outside hear about such a discussion they will say, "Damn it—in camps they have more freedom than we do! Even at home, we would be cautious before saying what Marchenko said to camp authorities. And after he said it, he was told he could go! Here we would be arrested right away."

If I had said such things in the barracks, informers would have reported it and I might have received an extra sentence for "propagandizing among the prisoners." But it is the camp officials' obligation to *convince* a prisoner—and if they fail it's their own fault, isn't it? Possibly, if I had been the only one of this argumentative kind, they might have shipped me to Vladimir, but I was not alone. All the young people in camp are like that—and the camps are constantly growing "younger."

FREEDOM

Just before my release, I was sent to solitary, because I was ill and refused to work. I drew 15 days, and when I returned to camp I reeled like a drunkard from weakness. But the end of my sentence was now only 17 days away. I went to work as before, hauling lumber and shoveling coal. I still had dizzy spells, but I wanted to spend my last days with my friends.

We got together every free moment. Our talk centered on one topic: where I should go, how I should arrange my life in freedom. Under internal passport regulations, I would not be allowed to reside in the Moscow or Leningrad districts, in any seaport, or in a border region. In addition, there were several other areas from which I would be barred as an ex-political prisoner. Because of my loss of hearing, it would be impossible for me to take up my old profession as a boring-machine operator. I could probably go to work as a freight loader.

The day before my release I returned all camp property. Then early the next morning, my friends and acquaintances came to say farewell. They gave me the addresses of their families, and asked me to stop and convey their greetings if I had the chance. Above all, they told me not to forget those who remained behind in the Mordovian camps and those still serving in Vladimir.

Yuli Daniel presented me with a book. On the flyleaf he wrote in verse: *"In general, it was not too bad. You became deaf here, but your eyes have been opened. Be proud of this. Not everyone who has sight can see."*

At ten o'clock my closest friends escorted me to headquarters. Here we embraced and again said goodby. I can't possibly describe my emotions. All the joy faded away and there was a lump in my throat. I was afraid I'd burst into tears.

"Go, Tolya, go. You'll be late for the train!"

Soon I was walking along the no-man's strip—already separated from my friends by the barbed wire. Waving to them once more, I entered heaquarters. The door shut behind me. Now I had to look forward to a completely different farewell. I was taken to an office.

"Strip naked! Now crouch! Stretch out your arms!"

Having searched my body, they searched all my clothes—every seam in my shirt, my underwear, everything. Then came the examination of my suitcase. A warden opened the book and saw Yuli's poem. At once he showed it to a KGB officer, who took it and left the office.

A little later Major Postnikov, top KGB man in the whole Mordovian complex, arrived. He studied Yuli's poem and ordered: "Cut it out! Cut the entire page and fill out a form!" I asked him to explain what was so terrible about the poem.

"In my view, Daniel is expressing his opinions in it."

"But what's so seditious in these opinions?" I asked.

Postnikov did not answer.

At last I was walking toward the exit, accompanied by the major. We walked through several doors, at each of which the major showed some official papers. The doors were then shut behind us. The last door opened—and I found myself out on the street.

A column of women prisoners was being led past headquarters as I came out. I heard the coarse shouts of the armed guards. The women who wore heavy work boots, walked slowly, dragging their feet. They had on dark-gray jackets, padded cotton pants. Their faces were all yellowish-gray. I studied them and thought: Perhaps I carried one of you on a stretcher, in the hospital. But I couldn't recognize anyone. In that column they all looked alike. Prisoners, nothing more.

The column passed. I took a deep breath of air; even if it was Mordovian, at least it was free air. It was snowing. Large snowflakes fell and immediately melted on my clothes. It was early afternoon on November 2, 1966—five days before the 49th anniversary of the establishment of the communist regime.

EDITOR'S NOTE

Marchenko settled in the city of Aleksandrov, 60 miles northeast of Moscow, and there *My Testimony* was written. For a year and a half he lived in relative peace. He wrote several letters to Russian authorities to protest against the living conditions in the camps. His manuscript on labor-camp and prison life was, of course never published; nevertheless, copies did circulate underground.

Then on July 22, 1968, a month before Russia's invasion of Czechoslovakia, Marchenko addressed a 2000-word letter to three Czechoslovak journals, to the communist newspapers of Britain, France and Italy, and to the British Broadcasting Corp. In it he denounced the Soviet attempt to repress liberal reforms in Czechoslovakia.

"I am ashamed for my country," he wrote. "I would be ashamed for my countrymen also if I believed that they were unanimous in supporting this policy of the government. But I am confident that such is not the case. The unanimity of our people is a fiction, artificially created through the violation of the very freedom of speech that is being upheld in the Czechoslovak Socialist Republic."

One week later, on a journey to Moscow, Marchenko was arrested. His trial is reported to have taken place in mid-August. He was sentenced to a year at hard labor in the same camps he had depicted so vividly.

In the preface to *My Testimony,* Marchenko relates that Captain Usov, his platoon commander, once said to him, "Marchenko, you are never pleased with anything. All you ever want to do is run away! What have you done to *improve* things?"

"If, after all these writings, I again confront Captain Usov in prison," Marchenko continues, " I shall say to him: 'I did everything in my power. Here I am again.' "

TAX-EXEMPT LIBERAL CHURCHES FINANCE REVOLUTION

Mr. RARICK. Mr. Speaker, as we resume our consideration of the tax reform bill, I think it well for our colleagues to study a report compiled by the Church League of America of Wheaton, Ill., which itemized the various violent revolutionary organizations in our country financed by tax-exempt funds while masquerading behind a facade of religion.

Mr. Speaker, I include the report "The Liberal Churches Finance the Revolutionists," the August 1969 report by the Church League of America, 422 North Prospect Street, Wheaton, Ill., at this point:

THE LIBERAL CHURCHES FINANCE THE REVOLUTIONISTS

During the past two years, various militant organizations have been funded by both the Federal Government and church-sponsored groups. This report will deal with the funding through private sources and will not deal with the Federal programs. Investigation of this funding disclosed three basic points:

1. The militant organizations, in many instances, received initial support through Federal funding. After the Federal funds were expended or withdrawn, church-sponsored organizations stepped in and subsidized the militant group with tax-exempt funds.

2. A relationship was established, connecting religious denominations and the State Councils of Church through dual affiliation of individuals, and between these organizations and the National Council of Churches (NCC) in the same manner. The NCC appears to be the driving force behind the various funding programs.

3. The funds, supplied to the militant organizations by church-sponsored groups, were diverted into politics, civil disorders and labor disputes. This use appears to be a violation of the tax-exempt provisions, granted to tax-exempt churches and church-sponsored organizations.

THE NATIONAL COUNCIL OF CHURCHES

The Council is a merger of previously formed, inter-denominational organizations. This includes elected representatives from National Synods, Assemblies and Council of Member Communions. Eight hundred members are then elected from this group to sit as members of the NCC's General Assembly. The General Assembly meets every three years to chart broad policy, review program and give Christian witness. The member Communions nominate approximately one-fourth of their General Assembly representatives to serve as the General Board. The General Board meets three times each year to decide on Council policy, program, organization and administration.

The General Board of NCC is an ultra-liberal, leftist-oriented body of churchmen. The pronouncements voted on by the General Board are considered as policy statements. These pronouncements voted on and adopted, include the following:

1. Expressing the concern relative to control of armaments, and the use of space, and efforts toward peaceful settlement of disputes. (1959)

2. Adoption of the Hartford Appeal, dealing with freedom of expression. (1959)

3. Protesting loyalty oath requirement in the National Education Defense Act of 1958. (1959)

4. Urging the churches to support major revisions in the McCarran-Walter Act, and the establishment of a National Study Committee to make recommendations for a more effective immigration policy. (1959)

5. Recognizing that orderly, non-violent, sit-in demonstrations are expressions of just and righteous indignation against laws that violate human personality and urging Christians to express sympathetic concern for the students who have taken part in these demonstrations. (1961)

6. Recognition of the People's Republic of China by the United States Government. (1966)

7. Opposed permanent Military Conscription. (1966)

In September, 1967, the NCC's General Board adopted a resolution that asserted "Christians cannot be content with words; they must back their words with money." At this meeting, the Board suspended their standing rules to create a five member investment committee with power to divert at least ten per cent of "unrestricted capital funds" into ghetto developments.

The following Communions compose the National Council of Churches:

African Methodist Episcopal Church.
African Methodist Episcopal Zion Church.
American Baptist Convention—IFCO member organization.
Antiochian Orthodox Catholic Archdiocese of Toledo Dependencies.
Armenian Church of America.
Christian Churches, International Convention.
Christian Methodist Episcopal Church.
Church of the Brethren.
Church of the New Jerusalem.
Exarchate of the Russian Orthodox Church in North and South America.
Friends United Meeting.
Greek Archdiocese of North and South America.
Lutheran Church in America.
Moravian Church in America.
National Baptist Convention in America—IFCO member organization.
National Baptist Convention, USA, Inc.
Philadelphia Yearly Meeting of the Religious Society of Friends.
Polish National Catholic Church of America.
Presbyterian Church in the United States.
Progressive National Baptist Convention, Inc.
Protestant Episcopal Church—IFCO member organization.
Reformed Church in America.
Romanian Orthodox Episcopate of America.
Russian Orthodox Greek Catholic Church.
Serbian Eastern Orthodox Church.
Seventh Day Baptist General Conference.
Syrian Antiochian Orthodox Church.
Syrian Orthodox Church of Antioch.
Ukranian Orthodox Church of America.
United Church of Christ—IFCO member organization.
United Methodist Church—IFCO member organization.
United Presbyterian Church in USA—IFCO member organization.

COUNCIL OF CHURCHES IN SOUTHERN CALIFORNIA

The National Council of Churches' Yearbook, 1964, Division of Christian Education, has the Council of Churches in Southern California listed as a State Council Representative. This means, the Council of Churches in Southern California had nine representatives present at the Assembly of Division of Christian Education, for the NCC, and was a member State Council. The Council of Churches in Southern California has a sub-division organization, titled, the Commission on Church and Race. This Commission has contributed funds to militant organizations in the Los Angeles area.

There is a connection between the NCC and the Council of Churches in Southern California, as shown by the affiliation of individuals who have held, or now hold, offices in both organizations. This affiliation is also evident, due to the Council of Churches in Southern California's membership as a member State Council to the NCC. Some dual affiliations are as follows:

John N. Pratt: He is presently employed as director of the Commission on Church and Race, Council of Churches in Southern California, and was the Legal Council for the NCC, 1963–1966.

Stanley McKee: He was vice president for the Council of Churches in Southern California in 1968; formerly a representative to the NCC's General Assembly in 1960.

Forrest C. Weir: He was General Secretary for the Council of Churches in Southern California in 1968; formerly a member of the NCC's General Assembly in 1952 and 1960.

Rev. Don E. Lindblom: He was the secretary for the Council of Churches in Southern California in 1968; formerly a State Council Representative to the NCC, Division of Christian Education in 1964.

INTER-RELIGIOUS FOUNDATION FOR COMMUNITY ORGANIZATION—IFCO

IFCO is a tax-exempt, non-profit organization and located at 211 East 43rd Street, New York, New York. A newsletter, published by IFCO, lists its address as 475 Riverside Drive, New York. This is the same address maintained by the NCC. IFCO is alleged to be an inter-denominational organization, but available data indicates it is not restricted to religious organizations.

A membership requirement is a $1,000 minimum donation per year by each member organization. When IFCO was first incorporated, the membership included ten denominations, six of which were NCC member Communions:

American Baptist Home Mission Society—NCC member organization.
American Jewish Committee.
Board of Homeland Ministries, United Church of Christ—NCC member organization.
Board of Missions, Methodist Church—NCC member organization.
Board of National Missions, United Presbyterian Church USA—NCC member organization.
Catholic Committee for Urban Ministries.
Executive Council of the Episcopal Church—NCC member organization.
Foundation for Voluntary Service.
General Board of Christian Social Concerns, Methodist Church—NCC member organization.
National Catholic Conference for Interracial Justice.

Additional organizations have joined IFCO since the group incorporated. This includes organizations that, in the past, as non-members, received funds from IFCO. Membership entitled each organization to have two representatives on IFCO's Board of Directors to dictate future policy. The additional members are:

	Donation
Black Affairs Council of the Unitarian Universalist Association	$1,000
California Center for Community Development	1,000
Catholic Committee for Urban Ministries	1,000
Disciples of Christ "Reconciliation Program"	1,000
Hope Development Inc., Houston, Tex	1,000
City Wide Citizens Action Committee, Detroit	1,000
Washington, D.C., Capital East Foundation	1,000
National Welfare Rights Organization	1,000
Milwaukee Northcott Neighborhood House	1,000
Foundation for Community Development, Durham, N.C.	1,000
NCC, Division of Christian Life & Mission	5,000

The following organizations received money from IFCO prior to becoming a member of the organization:

National Welfare Rights Organization	$1,000
City Wide Citizens Action Committee	1,000
Foundation for Community Development, Durham, N.C.	1,000
Capital East Foundation, Washington, D.C.	1,000

In 1966, when IFCO was incorporated, some of the directors and signers on the incorporation papers were identified as having previous NCC affiliation and others were presently affiliated. In 1966, IFCO's Board of Directors included twelve individuals, of which eleven had NCC affiliation, either directly, or through their denominations.

Directors

Harvey Everett—American Baptist Home Mission Society, NCC member organization.

Rev. Ray Schroder—American Baptist Home Mission Society, NCC member organization.

Henry B. Clark—Employed by NCC.

James A. McDaniel—United Presbyterian Church USA, NCC member organization.

D. Barry Menuez—Episcopal Church, NCC member organization.

Rev. Joseph Merchant—United Church of Christ, NCC member organization; and was the Director of the Division of Home Missions for NCC in 1954.

Leon E. Modeste—Episcopal Church, NCC member organization.

Rev. Gary Oniki—United Church of Christ, NCC member organization.

Rev. Paul A. Stauffer—Methodist Church, NCC member organization.

Rev. George E. Todd—Presbyterian Church USA, NCC member organization.

Rabbi Marc Tanenbaum—American Jewish Committee.

Rev. George H. Woodard—Episcopal Church, NCC member organization.

Incorporation signers were: Ray L. Schroder—See above; James A. McDaniel—See above; Joseph W. Merchant—See above; James Brewer; Harold K. Schultz—NCC employee.

FUNDING

The National Council of Churches contributed an undertermined amount of money towards a newly formed agency called Operation Connection. NCC's contribution included their furnishing office space in New York City, for Operation Connection's headquarters. The procedures that Operation Connection will follow are outlined as follows:

1. The program would not try to duplicate any existing programs, but would tie in with religious or secular efforts as those of the NCC and the Urban Coalition.
2. Operation Connection would encourage communications between existing programs. In general, its staff would first focus on a target city and analyze what resources the black and religious communities have available.
3. Funds would be given to programs "designed, conducted and controlled" by the poor, with no strings attached, other than that the funds not be used to support violence. Some funds could go towards electing black officials in the target cities.
4. Operation Connection will also attempt to "confront leaders of the private sector and the religious community with the meaning of the black revolution."

The co-chairmen of Operation Connection are Rev. Albert Cleage, Jr. of Detroit and the Rev. John E. Hines.

The Rev. Cleage is a former Black Muslim who was a close associate of the late Malcolm X. He is described as the spiritual leader of Detroit's many Black Nationalist groups. He is a member of IFCO's Board of Directors.

The Rev. John E. Hines, presiding Bishop of the Protestant Episcopal Church and a vice president at large, for the NCC, 1966 through 1969.

COUNCIL OF CHURCHES IN SOUTHERN CALIFORNIA

The Commission on Church and Race has both funded and sponsored militant organizations in Southern California. These organizations include the following:

Watt's happening to Coffee House

Originally funded through a Federal grant. One stipulation of the grant was the community's responsibility to raise matching funds. The community failed to raise the funds and, at this point, the City of Los Angeles contributed the necessary amount to continue the program. The Coffee House has been used by numerous organizations, both militant and non-militant, as a meeting place. There is a proposal to erect a new building to house the Coffee House, and allegedly, Ron Karenga, the leader of "US",* will utilize the new office space for his organization.

SOCIAL ACTION TRAINING CENTERS

A Federal grant for $150,000 was granted for two Social action training centers. The Commission on Church and Race and the California Center for Community Development (IFCO member organization) jointly sponsored the training centers. The center, located in South Los Angeles, was directed by Walter Bremond and assisted by Ron Karenga. The second center, located in East Los Angeles at the parish of Fr. John B. Luce. Both centers' training programs include the following:

1. The meaning and history of direct action, picketing, sit-ins and other forms of demonstrations.
2. How and when to picket and how to make and distribute leaflets and placards.

Two training films that were shown were "The Organizer" and "The Freedom Ride." Practical experience was gained by trainees participating at demonstrations.

Each center started a newspaper. The South Los Angeles paper was originally titled *Harambee*. *Harambee* was discontinued, when a second paper, titled, *The Black Voice,* took its place. In East Los Angeles, the newspaper was titled *La Rama*. All three papers are anti-establishment, anti-white and preached revolution. They glorify militant activity in the community. The South Los Angeles training center evolved into a coalition of organizations known as the Black Congress. The East Los Angeles training center evolved into a group known as Accion De Bronze Colectiva.

Community alert patrol

The patrol was started in June, 1966. The alleged purpose for the patrol was to observe, record and document examples of police brutality. They aligned with the temporary alliance of local organizations, which included members representing the following leftist-oriented groups:

Congress of Racial Equality, Students Nonviolent Coordinating Committee, Self Leadership for All Nationalities Today, National Association for the Advancement of Colored People, United Civil Rights Congress and "Us".

Louis Gothard, presently employed by Assistant Director for IFCO, was a member of the Community Alert Patrol and the Temporary Alliance of Local Organizations.

Community Alert Patrol members were observed at Will Rogers Park, acting as security guards for Stokely Carmichael, on November 26, 1966.

Piranya coffee house

The coffee house was used as a meeting place for militant, Mexican-American youths. It was a police problem from the time it first opened. The director, David Sanchez, is the Prime Minister for the Brown Berets. Sanchez was a trainee of the East Los Angeles Social Action Training Center. Numerous arrests for disturbing the peace, possession of alcohol by minors and curfew, were made at the coffee house. The Council or Churches in Southern California sponsored other organizations, including the following: Self Leadership for All Nationalities Today, a paper organization; Willowbrook Job Corporation: Sons of Watts Improvement Association and financial assistance was provided for two police malpractice complaint centers, one in Watts and one in East Los Angles.

INTER-RELIGIOUS FOUNDATION FOR COMMUNITY ORGANIZATION—IFCO

Key individuals in IFCO:

Louis Gothard: Presently, IFCO Assistant Director; was Los Angeles Community Alert Patrol Director.

Lorenzo Freeman: Presently, IFCO Assistant Director, in charge of project evaluation; was Assistant Director of the West Central Organization, Detroit, Michigan. The West Central Organization employed Saul Alinsky in a consultant capacity, allegedly paying him $200 a day.

Joseph Merchant: Presently, IFCO Board of Directors; was incorporation signee.

Ray L. Schroder: Presently, Board of Directors.

Chestyn Everett: Presently, IFCO Field Representative. He was listed in the space provided for husband, wife or guardian, on Ron Karenga's application for U.C.L.A., in December, 1961.

Albert B. Cleage, Jr.: Presently, IFCO Board of Directors; was the director for the City Wide Citizens' Action Committee, in Detroit.

ORGANIZATIONS FUNDED BY IFCO

Operation Exodus, Boston, Mass., $5,000.

Operation Exodus initiated a program to bus ghetto students to outlying schools. When initial funds were expended, the organization filed a suit against the school board. They are demanding the school board to continue the bussing program and assume the responsibility for its funding.

Camden, New Jersey Christian Center, $2,000.

Rev. Amos Johnson, Jr., the center's director, is employed through the American Baptist Home Mission Society, IFCO member organization. Another organization, the Black People's Unity Movement, holds meetings at the center. The Black People's Unity Movement has been involved in high school sit-ins, walk-outs, boycotts and general disruptive activities throughout the community. A confidential source states the Black People's Unity Movement is supposed to receive $57,000 from IFCO; however, no funds have been received as yet. Rev. Johnson is an officer of the Black People's Unity Movement.

Chester, Pennsylvania Home Improvement Project, $15,004.

This organization was subsidized by the United Fund, until the money was withdrawn, due to the political involvement of the project.

Garfield Organization, Chicago, Illinois, $20,000.

This organization is a militant, civil rights group. They were active in staging demonstrations against businesses, protesting the business' selling alleged over-priced and inferior products in the Negro community. Two officers of the organization, Frederick Andrews, the Executive Director, and Edward Crawford, the organizer, were arrested during the disturbance in Chicago, following the death of Martin Luther King, Jr. They were charged with arson, conspiracy to commit arson and burglary.

United Black Community Organizations, Cincinnati, Ohio, $44,000.

This is a coalition of Negro organizations similar to the Los Angeles Black Congress. The director, Harold Hunt, is described as "the militant of all militants." This organization applies pressure to the establishment demanding additional benefits in welfare and better housing.

East Central Area Council, Columbus, Ohio, $21,065.

This is an all-Negro organization. It has been involved in staging demonstrations against the establishment. It has demanded changes in school policy and has protested alleged police brutality.

Force, Dayton, Ohio, $26,000.

This organization has participated in demonstrations demanding increased benefits for welfare recipients.

California Migrant Ministry, $54,000.

This organization has involved itself in the labor dispute between the migrant farm workers and the established farm owners in California. It exerts pressure on the farmers in the grape industry, through boycotts, picketing and strikes. The NCC, IFCO, and the Council of Churches in Southern California have all endorsed the activities of the California Migrant Ministry.

City Wide Citizens' Action Committee, Detroit, Michigan, $85,000.

This is a militant organization, led by the Rev. Albert Cleage, Jr. The Rev. Cleage embraces the philosophy that "Negro communities should band together for mutual defense and store food stuffs to prepare themselves for the coming invasion of Negro communities by the whites." The Rev. Cleage sponsored a Black Power Convention at his church. Black Nationalists from throughout the United States, attended the convention, where initial plans for the Republic of New Africa (RNA) were discussed. Also discussed, was the question of opening discussions with the United States Government, for settlement of key questions and status under the Geneva Convention for black guerrillas that would swear allegiance to the new government.

---

*See Church League Special Report "Discussion and Death—US Style," April 1969.

West Central Organization, Detroit, Michigan, $7,000.

The West Central Organization is a coalition similar to the Los Angeles Black Congress. It is described as very militant and has applied pressure against the establishment, demanding better welfare rights and housing. The past director, Lorenzo Freeman, presently an IFCO employee, received his training from Saul Alinsky, a revolutionary radical.

Hope Development Incorporated, Houston, Texas, $90,000.

A militant organization, originally funded by a Federal grant. It was involved in fund-raising activities which bordered on extortion. The method used was to mail letters to approximately five hundred local business owners. The letters solicited donations, explaining "the firms take funds from the black community; therefore, some of the funds should be returned for community work." The letter stated that Hope represented the black community; therefore, the funds should be returned to them. The businesses were assessed specific amounts from $25 to $500. In some instances, when donations were refused, the businesses were picketed. This matter was investigated by the McClellan Committee; however, no criminal charges were filed.

Community Improvement Alliance, Jersey City, N.J., $64,341.

This organization was sponsored and originally financed by the Jersey City Council of Churches. The Community Improvement Alliance and the Black Panther Party share the same headquarters. The Board of Trustees for the Community Improvement Alliance are:

David Bell who is also the finance officer for the Jersey City Black Panther Party.

Beatrice Waiss is also one of the most outspoken members of the Jersey City Congress of Racial Equality.

Robert Castle, Jr. has been directly, or indirectly, involved in every major demonstration involving militants and the police in Jersey City, since 1963. A confidential source states that Black Panther Party members are trained in guerilla warfare at Castle's farm. This farm is in his wife's name.

Joseph Cypress is active in the Black Panther Party and teaches the members Karate.

National Campaign for Political Education, Newark, N.J., $10,000.

No record of this organization could be located as being an incorporated organization.

Newark, New Jersey, Area Planning Association, $2,000.

This organization protested the erection of a medical and dental center, stating it was unfair to relocate approximately seven hundred families. Demands were also made on construction companies and labor unions to have one-half of the apprentice and one-third of the journeymen jobs on the medical center filled by non-whites. The director, Junius W. Williams, shared his residence in Newark, with Phillip Hutchings, who is a successor to H. Rap Brown, as the director of the Student Non-violent Coordinating Committee.

Liberty City Community Council, Miami, Florida, $5,000.

This is described as a quasi militant organization. The organization attempts to promote trouble or make an issue of police action in their area and they were active in the 1968 racial disturbances.

Farm Labor Organizing Committee, Ottawa, Ohio, $1,000.

This is the Ohio counterpart of the California Migrant Ministry. They work through the AFL–CIO and are attempting to organize migrant farm laborers.

Suburban Action Centers, Philadelphia, Pa., $19.000.

This organization stated its purpose was to "unracist the society." The organization opposed anti-riot legislation, calling it racist and repressive. This position appears to have caused dissention in the community, and according to the director, the organization has lost its effectiveness. He stated, "We learned that confrontation doesn't work without power."

Combat, Steubenville, Ohio, $16,100.

This is a Saul Alinsky-oriented organization. They participate in demonstrations and civil rights marches, demanding additional welfare benefits. They are aligned with two left-wing organizations, the Communist Action Training Center and the Young Socialist Alliance.

National Welfare Rights Organization, Washington, D.C., $106,212.

This is a nation-wide militant welfare organization. Their goals are additional welfare benefits and a guaranteed annual income. They participate in mass marches and civil rights demonstrations.

The following organizations have received grants from IFCO; however, information concerning their activities is not available at this time.

	Donation
Southwest Georgia Project, Albany, Ga	$5,000
Foundation for Community Development, Durham, N.C	189,742
Poor People's Corporation, Jackson, Miss	1,000
Deep South Education & Research Project, New Orleans	10,000
National Communications Network, N.Y	8,117
Afro-American Black People's Federation, Peoria, Ill	3,000
Virginia Community Development Organization, Richmond	2,000
Organization of Organizations, Syracuse, N.Y	5,000
Capital East Foundation, Washington, D.C	67,250

The total funds disbursed by IFCO, as covered in this report, amount to $885,831. Of this total, $584,722 were granted to organizations involved in militant, political or labor activities. The remaining $301,109 may have been used for the same purposes; however, no information is available concerning the activities of these organizations.

DIRECT FUNDING BY RELIGIOUS DENOMINATIONS

Religious denominations are funding militant organizations by direct grants. Information regarding this type of funding has been obtained on the Episcopal, Presbyterian and United Church of Christ denominations. These figures are not complete; however, they do show a trend where churches are funding organizations under the guise of "community organization" or "community development" projects.

THE EPISCOPALIAN CHURCH

This denomination convened at a general convention in Seattle, Washington, in the fall of 1967. The funding program that was approved involved funding for several militant organizations. Since 1967, the Episcopalian Church has given the following amounts to militant organizations:

	Donation
Inter-Religious Foundation For Community Organizations See IFCO for details.	$200,000
California Migrant Ministry See IFCO for details.	30,600
Afro-Mex Coalition	53,000

This is a coalition organization. The Negro portion is known as the Black Congress and the Mexican-American portion is known as the Accion De Bronze Colectiva. The Black Congress member organizations are as follows:

Black Panther Party, Los Angeles Area

The Black Panther Party in the Los Angeles area is a section of the Black Panther Party for Self Defense, whose National Headquarters is located in Berkeley, California. They are revolutionary, anti-white and anti-government. The Los Angeles Panthers have had several confrontations with law enforcement, including gun fights, resulting in serious injuries to policemen and death to Black Panthers. The leaders insist that violence is the only way to social and economic change for the black man. They advise their followers to arm and protect themselves against the police.

California Community Alert Patrol

This organization is similar to the original Community Alert Patrol. The director, Ganzia Washington, has been frequently observed at militant demonstrations. He has also been observed transporting Black Panthers to demonstrations. The California Community Alert Patrol is aligned with several militant organizations, including the Student Non-violent Coordinating Committee, the Black Panther Party and "US".

Congress of Racial Equality

This organization was a forerunner in staging militant demonstrations. It participated in some of the first sit-ins, lie-ins and shop-ins.

L.A. County Welfare Rights Organization

A militant organization that, on occasion, has demanded additional benefits for welfare recipients. Representatives from Los Angeles took part in the National Welfare Rights march in Washington, D.C. Representatives appeared before the L.A. County Board of Supervisors and demanded an increase in welfare benefits. They threatened to tie up the welfare bureau through court litigation, if their demands were not met.

Police Malpractice Complaint Center, Watts

This organization allegedly assists victims of police brutality. It advises the victims how to lodge a complaint. It is affiliated with the American Civil Liberties Union.

Slant—Self Leadership for All Nationalities Today

An alleged civil rights organization that appears to be a paper organization, with no membership other than the officers; however, two of the officers, Karl Von Key and James Doss are officers in Ron Karenga's organization, "US".

United Parents' Council

A militant organization involved in education disputes. The director, Mrs. Margaret Wright, has been involved in student unrest in the Los Angeles area. She alleges she is the Deputy Minister of Education for the Black Panther Party in the Los Angeles area.

Watt's Happening Coffee House

See Council of Churches in Southern California for details.

"US"

This is an all-Negro, anti-white, militant organization. The leader, Ron Karenga, embraces the philosophy that the Negro community will be invaded by the whites. Members of "US" have been arrested on numerous occasions for possession of firearms and lately, two members were arrested for the murder of two Black Panther Party officers killed on the U.C.L.A. campus.

There are additional organizations that are members of the Black Congress. These organizations are not necessarily militant; however, individual members have participated at various demonstrations and rallies sponsored by the Black Congress.

The Accion De Bronze Colectiva member organizations are: East Los Angeles Welfare Rights Organization, see L.A. Welfare Rights Organization for details; La Raza, a militant anti-establishment, anti-white, bi-lingual newspaper. The newspaper glorifies the activities of the Mexican-American militant organizations. The editor, Eli Risco, was indicted for his activity in the high school walkouts in East Los Angeles during March, 1968.

UMAS—United Mexican-American Students

A militant student organization with branches in colleges. They were active in the high school walk-outs in East Los Angeles, March, 1968.

MASA—Mexican-American Students Association

A militant student organization with branches on the college, high school and junior high school levels. They were active in the high school walk-outs in East Los Angeles, March, 1968.

MAPA, 40 A.D.—Mexican-American Political Association

This is a political organization. One of its members, Pat Sanchez, was indicted for his part in the East Los Angeles school walk-outs, March, 1968.

Inside-Eastside

A militant, bi-lingual newspaper that appears to be the student counterpart of La-Raza.

El Sereno Mothers' Club

A neighborhood P.T.A. type organization. The director, Mrs. Nell Sparks participated with other members in demonstrations on the grammar school and high school levels. Members were also present during the East Los Angeles high school walk-outs, March, 1968.

Police Malpractice Complaint Center, East Los Angeles

A militant organization that has initiated demonstrations and picketing, protesting alleged police brutality.

Brown Berets

A militant, Mexican-American youth organization. Several members, including the Prime Minister, DAVID SANCHEZ, were indicted for their part in the East Los Angeles high school walk-outs, March, 1968.

La Junta

A militant, Mexican-American youth organization. This group has recruited their members from East Los Angeles gangs. The director, Gilberto Cruz Olmeda, was indicted for his part in the East Los Angeles high school walk-outs, March, 1968. At that time, he was a member of the Brown Berets.

The remaining organizations that are part of the ABC are not necessarily militant; however, they too have participated in demonstrations and rallies.

East Side-Springfield Concerned Citizens, Florida, $27,500.

The stated goals of this organization is to exert influence on public opinion and officials' decisions on critical community issues.

Southwest Georgia Project, $50,000.

An organization established to help poor black people to gain a voice in political decisions, elect their own candidates, change social conditions and develop black-owned and black-operated businesses.

Urban training center, Chicago, $5,000.

A training center for the clergy. They convene a three-month workshop for black clergy and community organizers with instructions in community organization. Saul Alinsky is a featured speaker.

	Donation
Community improvement alliance, Jersey City	$8,080
See IFCO for details.	
Combat, Steubenville, Ohio	5,000
See IFCO for details.	

MIGRANT FARM WORKER PROJECT

This organization assists migrant workers to organize and improve wage rates and working conditions.

The remaining organizations have received funds; however, no information concerning their activities is available.

	Donation
Joint Strategy and Action Committee	$3,365
Northport Day Care Center, Alabama	21,600
Selma Inter-Religious Project, Alabama	3,500
United Council for Black Dignity, San Francisco	5,000
West Berkeley Ministry	3,000
Black United to Motivate Progress, Oakland	1,250
Coalition of American Indian Citizens, Colorado	6,000
SCLA, Washington, D.C	5,000
St. Patrick's Episcopal Church, Washington, D.C	1,000
Vine City Foundation, Georgia	30,000
Southern Rural Action Project, Georgia	8,000
Twilight Sewing Plant, Georgia	26,850
Black Radical Action Project, Indiana	2,360
American Indian Center, Iowa	28,945
Organization for Citizens Representation, Kansas	6,000
Wyandotte County Welfare Council, Kansas	8,600
West End Community Council, Kentucky	15,000
Diocese of Maryland Project	3,375
Community School Board, Boston	50,000
Community Assembly for a Unified Southend, Boston	10,000
Episcopal City Mission, Boston	4,000
East Side Voice for Independent Detroit	25,000
Woodward East Project, Detroit	33,000
People Against Racism, Detriot	7,000
Poor People's Corporation, Mississippi	2,000
Mid-City Community Congress, Missouri	6,000
Diocese of West Missouri Project	(1)
Puerto Rican Education Program, New Jersey	35,000
Build, Buffalo, New York	1,000
Reality House, New York	13,000
North East Area Development, Rochester, New York	6,500
East Harlem Housing Office, New York	10,000
Mount Vernon Community Parents, New York	25,000
Confederation of Action Groups of the Lower East Side, N.Y	17,460
Board for Urban Ministry, New York	12,000
Cultural Arts Program, New York	5,000
The Real Great Society, New York	(1)
Harlem Commonwealth Council Inc., New York	(1)
Mantua Community Planners, Pennsylvania	16,260
National Council of Churches, Tennessee	5,000
St. Paul's School, Texas	12,000
The Panther's Den, Wisconsin	13,640

[1] Unknown.

UNITED CHURCH OF CHRIST—UCC

There appears to be an affiliation between the UCC and the NCC through joint membership of individuals in both organizations and the fact that UCC of Southern California is a member organization of NCC.

Rev. Truman Bartlett Douglass: Director, Board of Homeland Ministries, Inc. In 1968, Vice President for Division of Christian Life and Mission, a sub-division of the NCC. (Now Deceased).

Dr. Marjorie H. Likins: Minister, Christian Education, UCC, 1968. In 1964, she was a Council of Churches in Southern California representative to the NCC.

FUNDING

West End Community Council, Louisville: Episcopal, $5,000; UCC, $5,000.

The activities included formation of a federation of West End Parent-Teachers' Association, as an action group for the purpose of organizing welfare recipients. They also participated in a demonstration at the State Capitol.

West Side Residents Organization, Cleveland: UCC, $2,000.

This organization is directed by the Rev. Donald C. Armstrong, a graduate of the Community Organization course at the Urban Training Center in Chicago. This is a Saul Alinsky-oriented school.

Contact Point Ministry, Columbus: UCC, $6,000.

Advised by Rev. Donald P. Huey, a graduate of Urban Training Center in Chicago.

North Side Christian Ministry, Pittsburgh, UCC, $1,000.

Activities include picketing of real estate dealers who evicted slum tenants because they tried to protest sub-standard housing.

Lincoln Temple, UCC, Washington, $5,000.

This is a neighborhood community organization ministry involved in encouraging residents to organize around issues of lack of police service and consideration, poor educational opportunities and sub-standard housing.

During the last week in October, 1968, the General Board of the National Council of Churches sponsored "The United States Conference on Church and Society" in Detroit, Michigan, for the purpose of planning "strategies which can help direct economic and social development for full opportunity in a technological age." It grew out of the World Conference on Church and Society sponsored by the World Council of Churches July 12–26, 1966, in Geneva, Switzerland. (See Church League of America's complete report on this unbelievable leftist conference dominated by the Marxists from the Soviet Union and other countries which made the United States the culprit for most of the world's ills. News and Views, November 1966, "The World Council of Churches—Platform for Communist Propaganda.")

The General Board of the National Council of Churches, meeting in San Diego, California, the last week of February, 1969, voted "to receive the report of the U.S. Conference on Church and Society and refer it for study and *action* to the churches, to individual Christians and to the public.

"That the recommendations for actions contained in the report be referred to the appropriate unit within the National Council for *implementation* and/or recommendation.

"That the General Board create a Committee to receive the reports and recommendations from the units for presentation to the next meeting of the Board." Here are the charts used by the National Council of Churches' United States Conference on Church and Society. They are purely political and economic from beginning to end. They have nothing to do with the historic message and mission of the Christian Church to preach the Gospel of our Lord and Savior Jesus Christ to the uttermost parts of the earth and to win individual souls to Him and unto Everlasting Life.

Here, again, is indisputable proof that the National Council of Churches is a left-liberal political organization, seeking to influence government policies on the domestic and international scenes, while masquerading behind the facade of religion.

It is time for the Internal Revenue Service to take a hard look at this leftist political action organization, masquerading behind the facade of religion, which takes in $25 million in tax-deductible funds annually and spends it to destroy the churches and the country.

It is past time for the members of the constituent denominations of the NCC to cut off the funds and to withdraw their membership from an unholy yoke.

SEC. I.—ALTERNATIVE USES OF U.S. POWER IN DEVELOPING COUNTRIES

Issue	Goal	Objectives	Approximate objectives	Targets	Tactics	Resources	Agents
1. China	Develop closer relations with China and her people.	Change U.S. policy re China; seat China in U.N.; develop closer social and economic relations with China; halt arms race.	Rescind Trading With Enemy Act; permit travel and free flow of information. Support principle of self-determination; open diplomatic relations with China; strengthen training of missionaries.	Mission boards, missionaries, seminaries, churchmen.	Create China task force; recall or retire missionaries who cannot adjust; establish travel to Asia committee; establish Christian news center.	Missionaries; priority for peace program of NCC.	NCC/DIA and cognate units in denominations.
2 Latin-American military policy.	Self-determination of all people in Latin America.	Change U.S. Latin American military policy; recognize Cuba; halt arms sale	Dismantle LA military bases, keep nuclear weapons out of LA, stop both military and paramilitary intervention in LA. Educate constituencies, dialog with decisionmakers; take direct action.	Constituencies; decision-makers.	Pronouncements by church agencies, educational programs; picketing and demonstrations; establish criteria for church investment, support nonviolent groups working for change.		NCC.
3 Latin-American economic policy.	To aid Latin American economic development.	Change corporation policies; change government policies, support anti-status-quo movements.	Form group of corporation executives dedicated to change; establish research, education, and action agency focused on Latin American economic matters; evaluate structures and programs of churches re LA. Confront businessmen with issues of Latin American development.	Business leaders; government; churches.	Educational programs, mass media; supply funds to groups working for change, appoint minister-at-large to corporations, develop corporate pressure groups.		NCC; denominations.
4. Economic development in Africa.	To understand aspirations of underdeveloped countries; to achieve more self-determination of economic and political policies.	Change corporation policies; involve church in development.	Deploy church personnel to development situations; consultation to reexamine mission in redevelopment issues; to invest church funds in under-developed countries.	Industry, banks, commercial establishments, Government.	Dialog, consultations, educational programs, confrontation between "have" institutions and spokesmen for "have-nots."		NCC; local churches.
5. World hunger	Immediate alleviation of hunger; develop self-sufficiency in food production; change present U.S. foreign policy.	Direct shipment of food to crisis areas; develop nutrition-education; mother-care and family planning; investment of church funds in underdeveloped countries.	Educate church people; arrange nationwide conferences; encourage investment of private capital; establish goals for nonmilitary foreign assistance; provide Cabinet status for Director of International Assistance; war on hunger planks in party platform.	Church people; technically competent laymen.	Churches invest their funds in development; urge private investments in developing economies; hold consultations; develop educational programs.		NCC; denominations.
6. Southern Africa	Independence for southern Africa	To secure a definite statement by U.S. Government re economic policy; develop dialog between groups and nations as equals; influence American corporations doing business in southern Africa.	Seek enforcement of Rhodesia sanctions; defense and aid for detainees; increase cooperation with other groups.	Clergy; Christians	Dialog; provide information		
7. Vietnam	Deescalate U.S. military action, realine diplomatic action; redirect U.S. political action; develop opening for international initiative.	Secure more accurate information for American public; support conscientious dissent; evaluate military chaplaincy; develop political action through churches; bring economic pressure; increase voluntary services to alleviate suffering; and promote development; take direct action to oppose escalation.	Develop adequate informational plans; appeal to mass media for adequate and unprejudicial coverage; establish counselling and protective services for resisters; secure adequate planks in platforms; hold new round Senate hearings; establish ecumenical service centers; remove church investments from war industries; work for volunteer rather than conscript army.	Mass media; church leaders; churches; pastors; individuals; Government officials.	Letter writing, educational programs (seminars, teams, etc.). Use mass media; raise defense and support funds; put pressure on government; cooperate with other groups working for same ends; boycotts, picket war plants; issue public statements; declare "no business" day of protest if there is escalation.	Other groups dealing with same issue.	NCC Vietnam office; executive committee of general board; churches at all levels.
8. Middle East	Resettle refugees; reduce fear and mistrust; develop channels for political settlement; economic development of the Middle East.	Develop support for UNRWA; prevent United States-U.S.S.R. power struggle in area; understand human and theological problems in area.	Marshall world opinion through WCC; educate U.S. citizens in problems; establish NCC channels of influence; support for movements for social change; reduce shipment of arms to area.	Government; mass media	NCC assign staff for info-gathering; send NCC delegation to U.S. Government offices; use mass media and religious press.	UNRWA; WCC	NCC; World Council of Churches.

SEC. 1.—ALTERNATIVE USES OF U.S. POWER IN DEVELOPING COUNTRIES—Continued

Issue	Goal	Objectives	Approximate objectives	Targets	Tactics	Resources	Agents
9. United States, Europe, Russia, and developing nations.	Major powers develop structures of cooperation for world development.	Interpret economic and political responsibility for development and secure Christian participation; educate corporate executives to responsibility. International decision-making processes of private agencies; ecumenize church resources.	Change religious education curricula; influence public school curricula; influence congressional action; increase Christian participation in government agencies; invest church funds in development. Ecumenical decision on funds and personnel.	Church people		Church magazines; department of education for mission; National Education Association.	Department of Churchmen Overseas. Department of International Affairs, of NCC.
10. International relations education.	Better understanding of: Foreign policy; other cultures; relationship between faith and its expression in life. Recruit and train specialists in this field.	Have people act in the area of international affairs; develop educational programs at each level of church life; establish major programs of world affairs education through the DCE of the NCC; create better coverage of international affairs in universities and mass media.	Develop skills; secure institutional commitments; develop and expand lay academies; research and experiment with new curricula; develop specialists, cadres, leadership elites, pressure groups; develop new curricula; help persons analyze situations and facts.	Public; churchmen; government.	Use mass media; develop cadres, develop leadership elites; apply pressure on churches; experiment and innovate; devise new curricula; enlarge exchange programs.		NCC, DIA, and DCE; local churches.

SEC. II.—REDISTRIBUTION OF POWER AND OPPORTUNITY FOR SOCIAL AND ECONOMIC BETTERMENT IN THE UNITED STATES

Issue	Goal	Objectives	Approximate objectives	Targets	Tactics	Resources	Agents
1. Power	To understand and use power; to distribute power more equitably.	Develop a theology of power; have more minority group members in church executive positions.	Reserve a propertion of executive positions for minority group persons; develop skill bank; establish permanent machinery for emergency educational opportunities.	Church leaders and members; advisory panel Negro Employment; NCC member denominations.	Theological reflection; disciplined group action; infiltration of power structures; confrontation.	Churches economic, investment, and employment powers; small committed groups within local churches.	NCC and member denominations; NCC staff and committees.
2. Income distribution	To achieve a guaranteed annual income for all people.		Support and develop organizations of the poor; change investment and employment practices of churches.	Middle class Christians; ecclesiastical bureaucracies.	Education; organize broadly based coalitions.		Churches.
3. Education	To develop educational systems to permit full partcipation with power in a democratic society.	Guarantee that schools serve all children fully and equally; modify present school structures; create parallel educational structures; reallocate financial and personnel resources of the churches.	Modify tax policies; change school planning policies; establish demonstration centers; establish freedom schools.	Churches, their agencies and councils; educators and the educational establishment; white churches.	Establish listening posts, gather information rally support, infiltrate organizations, establish community organizations; raise funds, educational programs, political action; donate church buildings; hire professional consultants.	Funds and personnel in church organization now deployed for other activities (25 percent); Interreligious Foundation for Community Organization.	Division of Christian Education; Division of Christian Unity; Department of Educational Development. Den. Boards of Christian Education. Local churches and Community groups; white churches.
4. Mass media			Develop research center on effect of media on social change; conduct experiment to increase audience impact on programing; develop encounter between church and media professionals.				
5. Violence	To understand violence in society and to develop alternatives to its use.	Expose violence in society wherever it is expressed; combat the use of violence in maintaining status quo and preserving privilege.	Study relation between racism and violence; mobilize church resources to stand with oppressed in times of physical violence.	White groups that mobilize to protect privilege; the privileged class.	Revise social action guidelines, mobilize legal services, "one-time" newspapers.		Churches, social action groups: NCC denominations.
6. Community organization.	To bring the powerless into greater participation in decisions of society.	Recruit and train community organizers; refashion church structures.	Reorder priorities of DCLM; Bring pressure on church leadership for change; Establish "gadfly committees"; develop educational programs on powerlessness.	DCLM, denominations; social action groups, local churches.	Support IFCO; pressure from conference delegates on church leadership.	Interreligious Foundation for Community Organization.	Division of Christian Life and Mission; denominations; social action groups.
7. Economic development and manpower.	To develop means by which economic well-being of all is guaranteed.	Secure a guaranteed annual income for all people; expand service occupations in society; attract business and jobs into the ghetto and minority communities.	Secure subsidies for businesses in ghettoes; establish interdenominational research commission; establish coalition to influence Congress; have church investment and pension funds used for above purposes; declare moratorium on church building.	Legislators; top executives and officials; corporation policymakers; investment committees.	Public statements, information gathering, study, and discussion; support project equality; examine church employment practices; demonstration projects.	Economic Development Corp. of NCNC.	Churches and community organizations.

8. Legislation	To use legislative processes for social and economic change.	Transfer decisional power to those affected by decisions; involve the churches more actively and relevantly in legislative processes at national and regional levels.	Free church staff to participate in legislative activity; divert money from building to people; develop and support community organization; develop effective educational programs; coordinate denominational and interdenominational activity.	Legislators at national, regional, and local levels; church staff personnel.	Redeploy staff and funds; train personnel in effective legislative action techniques, coordinate legislative activities; determine priorities; communication among those working on similar issues.	NCC Washington office; denominational offices.	NCC general board; regional and national denominational agencies.
9. Corporate structures	To redirect the power of corporate structures to serve the well-being of all persons.	Have corporations use their power responsibly; involve a broader range of people in corporate decisionmaking process.	Curb excesses in use of power; create parallel corporate structures in poor communities; secure government regulation; stimulate internal reform.	Leaders of corporations		Industrial missions; metropolitan associations; community organizations; specialized ministries.	
10. Urban crisis (A special group).	To combat racism in American society.	Develop education and action programs; support community organizations; establish educational structures; redirect church investments; use church buildings more adequately.	Develop task forces; have hearing before DCLM; have den. structures implement these tactics; develop legislative programs.	Residents of suburbs; ghetto residents; DCLM; corporation executives; denominational leadership.	Use unused church buildings; educational programs; community organizations; redirect church investments; hearing at DCLM program board.	DCLM staff; IFCO	DCLM; denominations; social education and action groups.

SEC. III.—DEVELOPMENT OF POLITICAL AND SOCIAL INSTITUTIONS TO COPE WITH RAPID TECHNICAL CHANGES

Issue	Goal	Objectives	Approximate objectives	Targets	Tactics	Resources	Agents
1. Politics of research	To involve the church and individual Christians in decisions required by research into the future.	To discover implications of present actions; to develop responses in interest of humanity; mobilize expert laymen.	Develop new operational style for Church—experimental; develop groups as catalysts; develop continuing committees on politics of research in church.		Bring pressure for funding; develop political pressure; personal contacts.		
2. Privacy, pressure and political processes.	To guarantee the privacy of individuals in the light of technological invaders of privacy.	Develop theological and philosophical definitions of "right to privacy"; develop legal controls on use of privacy invading equipment.					
3. Manipulation of the mind.	To build the ethical and legal grounds under which devices for controlling the mind can be developed and used.	Develop strategies of information, interpretation and action; develop strategies related to mass media (sociocultural manipulation).	Develop boards of review; pass necessary legislation, create awareness among public of potentials and dangers; support continued research on effects; change public attitudes toward addicts.	Public; church	Research study; educate; form committees; working groups of concerned people.	Academy of Religion and Mental Health; Society for the Scientific Study of Religion.	
4. Life-and-death issues.	Build ethical and legal systems to deal with issues raised by scientific research on birth, life, health and death.	Develop a pool of technical expertise within church; learn to work in a world which doesn't share church's values; encourage responsible use of freedom; correct imbalance of resources spent on death and life; find new definitions of problems and issues.			Study, research, training dialog; minority report: use investments; use buildings for health and education; pay community for social services; dialog between professionals and laymen.		Local churches.
5. Leisure and job flexibility.	To help persons adjust to the demands of leisure and job flexibility.	Allocate resources to alleviate human ills; have portion of leisure time channeled to public service; channel resources for public resources and facilities; church work for financial security of low-income groups.	Develop community participation in political processes; establish centers of continuing study; change role of minister and laity in fulfilling ministry.	Christians	Examine church publications and curriculums; work for curriculum changes; establish dialog groups.		Christian education boards; "Religious community".
6. Technology and the human psyche.	To examine ways human psyche is affected by technology.	Achieve a free and open educational system; expand the Christian concern for the mass media; involve recipients of institutional services in decisions affecting those services.	Create climate for innovation; reeducate teachers; establish experimental learning centers; hold consultation among theologians and mass media experts; train people to participate in decisionmaking process of institutions (bureaucracies).	Churchmen			

SEC. III.—DEVELOPMENT OF POLITICAL AND SOCIAL INSTITUTIONS TO COPE WITH RAPID TECHNICAL CHANGES—Continued

Issue	Goal	Objectives	Approximate objectives	Targets	Tactics	Resources	Agents
7. Changing cultural values and norms.		Develop and use a method for constructing and reconstructing values in a changing technological society.	Change religious education curriculums; create ecumenical channels; establish national clearinghouse; train ministers; establish policy-planning centers; form vocational and professional groups.		Alter curriculums; hold conferences regionally and locally.		NCC and member churches; local churches.
8. Technology's impact on natural environment.	To have men exercise responsible dominion over both earth and technology.		Develop broad basis for participation in decisionmaking; church support for various measures; inform public about stewardship of natural resources.		Develop information and exchange systems; use secular means.		NCC department of stewardship; church at various levels.
9. Military uses of technology.	Develop international control of military technology utilize military technology for world peace.	Develop means of combating military uses of technology; church involvement in combating militarism; reorient American priorities; internationalize ocean floor.	Establish NCC task force; build prototype global military safety system; oppose military research and develop alternative research possibilities; develop education and communication programs to develop support and action.	Government, laymen, college administrators and students; denominational leadership.	Hold war prevention games; develop war prevention center; hold convocations; study relationship between military research and campus policies; develop dialog, support action programs; speakers bureau.		NCC; NCC department of higher education; campus groups; local churches.
10. Planning for beauty, space, and livability.	To involve churchmen in the struggle to create an environment which will be more livable.	Establish new church structures at local, metropolitan, and national levels; develop ecumenical strategies of both study and action.	Develop effective community organization; develop ecumenical parishes; review current boundaries, funding and planning processes; develop comprehensive strategies; national churches provide coordination, support and training; establish interfaith urban affairs center.	Denominational and council leadership.	Deploy church staff to neighborhoods; organize cadres; develop interdisciplinary advisory groups; develop educational programs.	Urban training center; American Institute of Planners.	Local churches; metropolitan councils of churches; national church agencies.

A NEW ALARM: THE SUBMARINE GAP

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. HALL. Mr. Speaker, as a member of the Committee on Armed Services, it has become painfully clear to me, that our Navy, the greatest in the world, is in danger of falling behind.

Since World War II, the Soviet Union has built a submarine fleet approaching 400 vessels. 65 of which are reportedly nuclear powered.

If the United States is to continue its dominance of the high seas, a necessity as a simple deterrent in these days of potential nuclear war, we must give special attention to the strengthening of our undersea fleet.

Francis Vivian Drake, writing for the Reader's Digest, has set down a most enlightening article on the posture of our submarine fleet as compared to that of Russia's.

I include this article in the CONGRESSIONAL RECORD, at this point, so that others may also be enlightened:

A NEW ALARM: THE SUBMARINE GAP

(By Francis Vivian Drake)

An astonishing statement was recently made before the U.S. Senate Armed Services Committee, investigating our ability to counter the threat posed by Russia's enormous buildup in nuclear weapons. Vice-Adm. Hyman G. Rickover, father of the atomic submarine, was asked which he would rather have under his command, the Soviet submarine force or our own. Without hesitation he replied: "The Soviet!" He added: "I would rather have that force, as it exists and is programmed, than ours as it exists and is programmed."

This blunt answer, coming from a man aware of every detail of what he was talking about, shocked the committee. It came at a time when our entire land-based intercontinental ballistic missile system is becoming vulnerable as never before to the big new Russian SS-9 "Scarp" missile (which can carry several 20-megaton bombs—*each 1000 times as powerful as the Hiroshima bomb*). It also highlights a fact long shielded behind secret testimony: that while the atomic sub is assuming a pre-eminent role in deterring nuclear attack, and while the Russians are working at top speed to overtake our submarine strength, our own missile sub production has been halted. The last one we built, the *Will Rogers*, was launched in 1966. Since then, although it takes at least five years from the date of authorizing to build one, no more have been put into production.

Full-scale research on the Fast Submarine and the Quiet Submarine, two projected types of the utmost importance in the years ahead, was held up for years. Also, the planned size of the attack submarine fleet, whose function is to protect our missile subs and guard our shores, was limited by the civilian defense bureaucracy to far below the number requested by the Chief of Naval Operations, the Joint Chiefs of Staff, the U.S. Senate and House committees. As a result, the impending submarine gap is so serious that the Committee of Atomic Energy calls the outlook "frightening."

FROM THE BLACK DEPTHS

Once this nation was safe behind the barriers of its oceans. Then, with the coming of the atomic age, defense emphasis shifted from the sea to our land mass, with ICBMs entrenched in what seemed to be impregnable concrete silos. Today, all this is changing. The whereabouts of every ICBM silo is known, and the Russians can pretarget their huge new missiles on them. Faced with this threat, our military strategists are turning their thoughts back to the sea—not to its blue surface, but to the black depths in which modern nuclear submarines (each as large as a World War II cruiser) can operate at high speed, armed with long-range atomic missiles which can strike any target in the world.

The military advantages are great:

Dispersion. The United States, with only 43 percent of the land area of the Soviet Union, is crammed with cities, roads, and means of observation by spies. The sea, in contrast, covers 71 percent of the world's surface. In it, nuclear submarines can cruise over 400 miles a day, anywhere, any time, and remain undetected—*except by other nuclear submarines.* They can speed faster than most surface ships, remain submerged for months at a time, and yet be navigated with such accuracy that each missile is always trained on its assigned target.

Deception. All missiles discharged from the United States would have to enter the Soviet Union from one main direction, through what is known as the Threat Tube. The Tube is 33 degrees wide, or about nine percent of the Soviet defense perimeter. This shrinks the area to be defended, and the Russians are already building anti-ballistic missiles (ABMs) with which to frustrate an attack. But our nuclear missile subs can fire from the Atlantic, Pacific or Indian oceans, even from the open waters between the North Pole and the Soviet Union. Thus Russia would be forced to maintain a 360-degree defense.

Invulnerability. No surface detection device yet invented is able to pierce the depths used by nuclear submarines. Even a missile with a warhead designed to explode beneath the surface would be unlikely to knock one out, for a submarine is constantly changing course. The "reflecting layers" of the deep ocean throw off even the best sonar, and a vessel directly above a nuclear submarine might not know it was there.

Time. In nuclear war, literally every minute would be crucial. Our search radar has the capacity to detect hostile ICBMs only about 20 minutes before they would reach the United States. During this time the "blips" would have to be confirmed, and precious minutes would be spent in communications. The President's tremendous decision—whether to give a command which would mean death for millions of people and the destruction of a large part of the civilized world—would thus have to be taken in a very few minutes. But U.S. nuclear submarines, cruising thousands of miles nearer to the attacker than our land bases, and consequently with shorter flight time for their missiles, would give the President a longer time to think and confer before reacting.

Vulnerable Silos. Russia has overtaken us in number of land-based installations. The United States has 1054 land-based missiles, nearly all Minutemen, and no program for increasing the total. Today the Russians have more than 1000 ICBMs, and military experts believe they will have 1500 by next year. Moreover, the Soviets' new Scarp missile (they already have 200) can carry two tons 5600 miles. Dr. John S. Foster, director of research and development for the Department of Defense, says that if we were hit by say 500 Scarps, each with three warheads, fewer than 100 of our Minutemen would survive. And these, being targeted through the Threat Tube where they could be picked up by Russian ABMs, would not have great deterrent power.

We are not about to abandon our multibillion-dollar land-based deterrent. There are steps we can take to increase its security. We can fit our own missiles with multiple warheads. We can try to shield our silos from the electronic storm of a big nuclear blast which might blow every fuse for miles around and render a missile useless. We can strengthen our silos against blast, and defend them with point-defense missiles designed to explode an attacking missile high in the air. All these things we are doing. However, at the same time we have to recognize the way the scales have tipped between land and sea, and *use* the great areas of the sea to provide us with a safe mix of deterrent power.

BASE OFF OUR SHORES

Today we still have a slim lead in nuclear submarines, but the gap is closing rapidly. We now have 41 missile submarines, each carrying 16 single-bomb Polaris missiles. And 31 of these boats are being equipped with the larger Poseidon missile which can carry up to ten nuclear bombs in one warhead. The 41 nuclear subs may sound an awesome total, but at any one time 16 of them have to come off station to take on supplies, change crews and be serviced. That leaves only 25 on sea patrol, but in case of premeditated attack many of them could be shadowed beforehand by a hostile sub and some might be lost.

Many Naval experts believe that these 25 subs are not enough to provide a reliable balance of deterrence. Although between them they carry 400 missiles, that is equivalent to only 40 percent of our land-based retaliatory strength. Another 12 boats would raise it to 60 percent.

To guard our missile subs, to protect our shores against hostile submarine marauders, and to escort surface ships all over the world, the Navy now has 39 nuclear attack submarines, plus 30 more being completed. These have equipment designed to sink adversaries at long range, and are the *only* vessels reliably able to intercept and destroy similar deep-diving submarines.

In keeping hostile subs at bay, under constant surveillance, our attack subs are already engaged in a secret, unending cold war. Every submarine makes a distinctive sound "signature"—a combination of the noise of propellers, turbines, reduction gears and the mass of machinery within the hull. Our attack subs listen for the sounds and, aided by a complex network, some of it on the ocean floor, shadow Soviet craft.

The undersea threat is already great. A few years ago communist efforts to emplace missile batteries on Cuba brought us to the edge of war. Yet today much deadlier bases are cruising up and down our shores; all our cities are within easy range, including Chicago, Kansas City and Denver.

The Navy contends that a total of 69 attack submarines will not be enough to keep hostile subs at bay and discharge all the other vital tasks assigned to them. At least 25 will be unavailable on any given day, leaving only 44 to patrol the seven seas. The Navy has repeatedly requested a total of 105 nuclear attack subs, or 36 more than the program calls for.

AT THE CROSSROADS

Quick to grasp the enormous possibilities of nuclear submarines, the Russians are working all-out to surpass us. They already have 320 diesel-driven subs, to our 66. We have 80 nuclear subs, missile and attack, in commission; they have 65 of both types and are building more. By 1970, says Admiral Rickover, "the Russians will have more nuclear submarines than the United States." The Senate Preparedness Committee has announced that "the Soviets now possess the largest and most modern shipyards in the world, in fact exceeding the capacity of the rest of the world," and it is estimated that they can turn out at least one submarine a month

We are thus at the crossroads between successful deterrence and the possibility, at the worst, of a disastrous war and, at the least, of blackmail. The Joint Committee on Atomic Energy fears that "unless major improvements are made, the United States may find itself unable to counter the increasing Soviet submarine threat." It is urgent that the repeated recommendations of the Joint Chiefs of Staff and the Armed Services committees of the House and Senate be acted on in at least five respects:

1. Immediate reassessment of the needed size of our nuclear missile submarine fleet, with notice taken of the increasing vulnerability of our land-based system. To repeat, we have *no* missile subs building.

2. Revision of the Johnson Administration's limit of 69 nuclear attack subs, to a new total of 105, with retirement of our old and slow diesel boats.

3. Top priority for development of the Fast Submarine, forerunner of future subs, by providing a major increase in the nuclear power plant. Last year, a Soviet nuclear sub intercepted our mightiest carrier, the *Enterprise,* in mid-Pacific. The *Enterprise* increased speed from 22 knots to 24, and then to 26 (30 m.p.h.) but the Soviet sub kept up. Only when the big ship wound up to 30 knots did the Russian fall behind. The incident showed that the Russians are already well on the road to increased submarine speeds.

4. Equal priority for the Quiet Submarine. Present nuclear subs are driven by steam, generated by the nuclear reactor, passing through a train of turbines with reduction gears between. The greater the speed, the more gear noise. (The plan is to substitute electric drive, and special propellers designed to reduce noise.) The implications are enormous, in the desperate hide-and-seek carried out deep in the sea.

5. Approval of starting work on the projected ULMS—Undersea Long Range Missile System—already approved by the Armed Services committees of both House and Senate. This project contemplates design of submarines able to carry missiles of extreme range, at high speed, at a low operating cost and with increased prospects of survivability. Special systems would reduce in-port time; the longer-range missiles would shorten the distance the subs would have to travel to reach station, and thus increase on-station availability. In short, we should get much more deterrence for our money.

In their pursuit of world domination, the Russians have already realized that the sea is the coming area of decision, and that nuclear submarines are the most powerful weapons in it. As long ago as 1964 the Russians brazenly called for the destruction of our submarine missiles as the first step toward disarmament.

Time presses. Submarines take a long time to build. Our current plan of "Production Zero" can place us in a position of peril from which no sudden appropriation of money, no last-minute afterthoughts, no wishful thinking could bring escape.

TWO U.S. LEGISLATORS CALLED "AGITATORS" BY SOUTH AFRICA

(Mr. MORSE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MORSE. Mr. Speaker, 2 days ago on August 4, I shared with the House my hope that the South African cabinet would reconsider its decision to grant Congressman OGDEN REID a visa only on the condition that he make no speeches during his planned visit to South Africa. I deeply regret, however that it has reaffirmed its decision, denying the gentleman from New York the right to address the Annual Day of Affirmation of Academic and Human Freedom ceremony of the National Union of South African Students, the purpose for which he had been invited to South Africa.

Not only is this a personal affront to Mr. REID, but, even more important, it is a devastating attack on the principles of freedom and mutual understanding to which all men of good will are devoted.

I was particularly disturbed by the charges levied against my colleagues, Mr. REID and Mr. DIGGS, by Radio South Africa. I am including these in my remarks here, and know my colleagues in the House will understand my distress and concern:

[From the Baltimore (Md.) Sun, Aug. 5, 1969]

TWO U.S. LEGISLATORS CALLED "AGITATORS" BY SOUTH AFRICA

JOHANNESBURG, August 4—Radio South Africa attacked two members of the United States House of Representatives tonight, charging that they are "agitators, not impartial observers."

The government radio defended the Foreign Ministry's decision to grant conditional visas to Representatives Charles C. Diggs, Jr. (D., Mich.), and Ogden R. Reid (R., N.Y.).

RESTRICTIONS PLANNED

Hilgard Muller, the foreign minister, announced Friday that the legislators' visa applications will be granted if they promise not to interfere in South Africa's domestic affairs or make public speeches during their visits.

Mr. Diggs, a Negro, is chairman of the House subcommittee on Africa. Mr. Reid was invited by the anti-government National Union of South African Students to address Witwatersrand University in Johannesburg on academic freedom.

Describing Mr. Diggs and Mr. Reid as "well known for their anti-South African outlooks," the radio said: "The conditions under which the visas have been granted them impose no limitations that could possibly hinder genuinely interested visitors.

DEBARRED FROM MEDDLING

"They are simply debarred from meddling in the country's internal politics, whether this be by liaison with subversive elements or by taking part in [the student union's] campaign against university apartheid [racial segregation].

"In imposing these conditions South Africa has shown the world without any ambiguity that she has nothing to hide. Even our declared enemies are accepted and are welcome to come and see how we are trying to solve problems to which nobody else has yet put forward better solutions."

The radio said Mr. Diggs and Mr. Reid have been "forced to show their cards, and these are the cards of agitators, not impartial observers.

"An unfortunate backlash from the episode could be that it would be used to pressurize the Nixon administration into turning away from a more relaxed relationship with the republic [of South Africa]. This would be what one would expect of Mr. Reid and Mr. Diggs."

There are no Members of this body more responsible, more genuinely interested, and more aware of the need for increased understanding between the peoples of the two nations. There are none more concerned with human rights and the rule of law. The reaction of Radio South Africa can only reflect a repudiation of these principles and a further step toward isolation from the world community. I can but hope that those in South Africa who invited Congressman Reid will maintain their courage and their commitment.

Congressman Reid has felt compelled to cancel his trip to South Africa under these conditions, but I am heartened by his determination, in the face of this adversity, to persevere in his commitment to the cause of human rights and human dignity. I am honored to share with his colleagues his thoughtful statement, issued this morning:

Reid Denied South African Visa

I have been informed that the South African cabinet, at a meeting Tuesday attended by the Prime Minister, reaffirmed that my visa to visit that country would be granted only on the condition that I make no speeches.

That decision is unacceptable to me as a Member of Congress and a former newspaperman, and I have, regretfully, cancelled plans to go to South Africa. I had deeply hoped to be able to visit South Africa and to meet with South Africans from every sector of society and to call on members of the government if their schedules permitted. It is a cause for genuine regret and sadness that, at a time when our world grows smaller, any nation should act to restrict communication between peoples.

It appears that the South African government is determined that the walls of state repression should increasingly close in on all South Africans, including some 27,000 members of the National Union of South African Students. NUSAS' continuing commitment to oppose apartheid and the serious erosion of the rule of law in South Africa through an Annual Day of Affirmation of Academic and Human Freedom can only excite the admiration of Americans generally.

The students represent much of the hope of South Africa. They should know that their courage does not go unnoticed and that their commitment will be joined by the solemn resolve of all on this planet who know that mankind cannot be free if any man's rights are denied.

It should also be a source of pride to and a cause for support by newspapermen throughout the world that their colleagues in South Africa are continuing to report the news and run forthright editorials irrespective of the consequences of a lengthening list of restrictive and stifling laws curbing a free press.

I am grateful to our government for having made clear from the outset and at the highest levels in Washington and Pretoria that the refusal of unconditional visas would have an effect on relations between our two countries and could signal to the world further South African withdrawal into isolation. The United States has imposed no restrictions on South African MP's visiting this country, and our government has made plain that this decision can only generate considerable and unfavorable public comment across the United States.

For my part, my determination is stronger than ever to help those opposed to apartheid and concerned that all human beings are equal in dignity and rights, and I intend to release the Affirmation Day speech scheuled for August 18th on that date.

LET US HAVE ACTION IN THE SUBWAY CRISIS

(Mr. HARSHA asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HARSHA. Mr. Speaker, in December 1968, this Congress imposed a legal mandate upon the District of Columbia Government to accomplish a specified highway program. Except by words—both written and spoken—this mandate has been deliberately ignored. In addition to bringing ridicule upon this Congress, a transportation crisis of monstrous proportions has been created. This failure to comply by the District of Columbia government smacks of irrationality.

Practitioners of demagoguery have led some members of the District Council to ignore the truth from a fear born out of threat and intimidation. The truth is that not only is the subway needed, but certain highways within this city are also required. This joint use of subway and highways is an essential to this city's economic health. Without both, this city will strangle. Further, and most important, this requirement is known and accepted by most of the District's citizens.

All that needs to be said and written on this subject has been said, resaid, written, rewritten, discussed and rediscussed. Congress, the District Council and the public have enjoyed endless debate and argument through all the media. There are no new and startling revelations to come forth on this topic. Enough is enough. Let us have some action. Let us recognize the needs. Let the work begin.

Unless this transportation program of highways and subways is initiated now in this our Federal City, the result will be a giant step backward into utter confusion instead of forward to modern transportation.

COMMISSION ON POPULATION AND THE AMERICAN FUTURE

(Mr. BUSH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BUSH. Mr. Speaker, today I cosponsored bill H.R. 13337 with 24 other colleagues. This bill is a result of the President's request for Congress to establish a Commisison on Population and the American Future.

This Commission will allow the leadership of this country to properly establish criteria which can be the basis for a national policy on population. Only a formal body with congressional recognition can properly execute this task. This task also includes providing to all levels of government in the United States and to our people, information and education regarding the broad range of problems associated with population growth and their implications for America's future. The Commission will create the public awareness that these problems deserve. The success of future legislation to create and ensure an environment of quality strongly depends on an acute public awareness of the problems propogated by our present population growth rate.

I would like to point out that this Commission is not charged with the responsibility of recommending legislative action. It is not just another study group. The duties of the Commision are well defined in this bill. They are centered on the foreseeable social consequences of the population growth in the United States. Such a high level inquiry with such broad purposes can provide us with a clear picture of what directions our society is taking toward a more meaningful life for all our citizens. Future legislation that involves urban affairs, transportation, conservation, agriculture, health, education and welfare could be much more meaningful as a result of having the information that this Commission will produce.

As a result of the many hearings held by the Republican Research Committee on Earth Resources and Population, of which I am chairman, I feel the urgency of this problem of population growth with intrinsic intensity.

Mr. Speaker, I would like H.R. No. 13337 printed in the Record at this point:

H.R. 13337

A bill to establish a Commission on Population Growth and the American Future

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commission on Population Growth and the American Future is hereby established to conduct and sponsor such studies and research and make such recommendations as may be necessary to provide information and education to all levels of government in the United States, and to our people, regarding a broad range of problems associated with population growth and their implications for America's future.

MEMBERSHIP OF COMMISSION

Sec. 2. (a) The Commission on Population Growth and the American Future (hereinafter referred to as the "Commission") shall be composed of:

(1) two Members of the Senate who shall be members of different political parties and who shall be appointed by the President of the Senate;

(2) two Members of the House of Representatives who shall be members of different political parties and who shall be appointed by the Speaker of the House of Representatives; and

(3) not to exceed twenty members appointed by the President.

(b) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission.

(c) The majority of the members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 3. (a) Members of the Commission who are officers or full-time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) Members of the Commission who are not officers or full-time employees of the United States shall each receive $150 per diem when engaged in the actual performance of duties vested in the Commission.

(c) All members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

DUTIES OF THE COMMISSION

SEC. 4. The Commission shall conduct an inquiry into the following aspects of population growth in the United States and its foreseeable social consequences:

(a) the probable course of population growth, internal migration, and related demographic developments between now and the year 2000;

(b) the resources in the public sector of the economy that will be required to deal with the anticipated growth in population; and

(c) the ways in which population growth may affect the activities of Federal, State, and local government.

STAFF OF THE COMMISSION

SEC. 5. (a) The Commission shall appoint an Executive Director and such other personnel as the Commission deems necessary without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and shall fix the compensation of such personnel without regard to the provisions of chapter 51 and subtitle II of chapter 53 of such title relating to classification and General Schedule pay rates: *Provided*, That no personnel so appointed shall receive compensation in excess of the rate authorized for GS-18 by section 5332 of such title.

(b) The Executive Director, with the approval of the Commission, is authorized to obtain services in accordance with the provisions of section 3109 of title 5 of the United States Code, but at rates for individuals not to exceed $150 per diem.

(c) The Commission is authorized to enter into contracts with public agencies, private firms, institutions, and individuals for the conduct of research and surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

GOVERNMENT AGENCY COOPERATION

SEC. 6. The Commission is authorized to request from any Federal department or agency any information and assistance it deems necessary to carry out its functions; and each such department or agency is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the Chairman or any other member when acting as Chairman.

ADMINISTRATIVE SERVICES

SEC. 7. The General Services Administration shall provide administrative services for the Commission on a reimbursable basis.

REPORTS OF COMMISSION: TERMINATION

SEC. 8. The Commission shall submit an interim report to the President and the Congress one year after it is established and shall submit its final report two years after the enactment of this Act. The Commission shall cease to exist sixty days after the date of the submission of its final report.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this Act.

PRESIDENT NIXON'S TRIP ABROAD

(Mr. BUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUSH. Mr. Speaker, in reflecting on President Nixon's trip abroad, it seems just to say that he has registered a significant success. Throughout his journey, he displayed a vigorous confidence and conviction in the ideals and ideas he transmitted to world leaders.

In scope and purpose, the trip has contributed immeasurably toward broadening the base of world peace.

With the safe touchdown of the monumental Apollo 11 mission, the President initiated this most important tour. With a most expansive and overwhelmingly favorable response from almost 1 million Rumanians, he concluded his trip. The spirit of both events was universal in impact on the world community.

In Asia, the President outlined the program we must pursue to insure a lasting peace and eliminate the possibility of future Vietnams. The steps he spelled out will undoubtedly be of benefit in our immediate and long-range efforts to effect the necessary lasting peace in Southeast Asia. While asserting a clear U.S. stance against aggression, he assured our allies of our conviction in peace and progress for that area of the world.

In keeping with the theme of his administration, Mr. Nixon's trip augured well for his intent to bring people together. Indeed, he has taken the positive role of bringing nations closer together.

It was a long day's journey in the quest of peace. It was one that will be long remembered and recounted by all proud Americans.

WHAT IS NEWSWORTHY—TRADITIONS AND PRECEDENTS OF THE HOUSE OF REPRESENTATIVES

(Mr. TALCOTT asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. TALCOTT. Mr. Speaker, what I have to say now will not be widely reported—but to give a better perspective to the reporting about the Congress I must say it.

Last Thursday in a special order, I talked about some of the traditions and precedents of the House of Representatives particularly relating to decorum. Anyone hearing or reading my comments would have quickly understood that I have great respect for the House, its rules, precedents, and Members. I said repeatedly that most Members comply with the rules and traditions and that new Members were anxious to learn of the precedents, traditions, and rules so that they could comply.

Apparently a wire service reported that the main thrust of my remarks were critical of the dress or personal grooming of Members. It was not. I did not mention grooming—for which there is, of course, no rule, precedent, or tradition. I mentioned several precedents relating to attire very briefly—five out of 88 paragraphs.

A number of reporters, photographers, and radio newscasters contacted me for a story. Each encouraged me to say something critical or demeaning about the House or its Members. When they discovered I had nothing critical to say and only praise for the great traditions and precedents of the House and respect for the Members they decided there was no story.

This tells me a good deal about reports relating to the House. Criticism of the House will get you headlines; compliments or credit for the House are not considered newsworthy.

The people of our Nation quickly hear and read the criticisms but seldom hear or read complimentary reports about the House of Representatives.

Each reporter called me for a story—leading me to believe, at first, that what I had to say was newsworthy. I soon discovered that if I would criticize the House, its leadership, or its Members—that was newsworthy; but if I intended to commend the House or applaud its conduct—that was not newsworthy.

All readers and listeners ought to know this criterion of the various news media for selecting news relating to the House.

MONEY FOR SAFEGUARD

(Mr. LOWENSTEIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LOWENSTEIN. Mr. Speaker, today the other body begins voting on the proposed deployment of the Safeguard missiles. Coincidentally, perhaps, we awoke this morning to read in some headlines that the House had yesterday voted some $2.5 million that can be used for beginning the deployment of some Safeguard components. The distinguished and knowledgeable chairman of the House Armed Services Committee, the honorable MENDEL RIVERS of South Carolina, was not aware until the very last moment that this money was included in the omnibus military construction bill that he steered so skillfully through the House yesterday. Chairman RIVERS is a man of his word, and, as the House recalls, he explained the situation in which he found himself in the straightforward and courteous fashion that those who know him here have come to expect from him.

This $2.5 million that one finds in this morning's headlines, then, slipped through the House, without serious debate, amidst some parliamentary confusion, in a cloudy situation, marked by differing assurances from various distinguished Members, both about the reasons for the belated discovery of the inclusion of this particular $2.5 million, and about the import of a vote for the bill containing it. We shall have to live with these headlines, and no one will ever be sure if it was in fact accident or the brainstorm of some rising public relations expert in the Pentagon that produced a situation so unfair to Chairman Rivers and his committee and to the House itself, and so fortuitous for those who may have thought that headlines about a vote here might influence the outcome of the voting today in the Senate.

In any event, that substantial part of the American public that has come to the conclusion that the proposed deployment of Safeguard would drain our resources needlessly, and would in fact weaken our national security, will expect—whatever precisely did happen here yesterday and whatever happens in the opening skirmishes in the Senate today—that the decision about so vital a question will not be made by indirection, by stealth, by fortuity, by threat, or in confusion.

So I want to salute the chairman of the Armed Services Committee for his fairness in explaining his dilemma yesterday. And I want to serve notice that despite this morning's headlines, the battle over the deployment of Safeguard has not yet begun in this House. I do not for a moment believe that the American people—as they come increasingly to understand the facts of the situation, and what is at stake in this decision—will accept quietly a new and suffocating burden of wasteful expenditures any more than they have proved to be willing to accept quietly the continuation of the inequities so long regarded as unchangeable in the Federal tax structure.

COMMENDING REPRESENTATIVE WILBUR D. MILLS FOR HIS STATEMENT ON TEXTILE IMPORTS

(Mr. ST GERMAIN asked and was given permission to extend his remarks at this point in the Record.)

Mr. ST GERMAIN. Mr. Speaker, on July 28 Representative Wilbur D. Mills spoke emphatically and forcefully on the subject of textile imports. It was an opportune time for strong words from the chairman of the House Committee on Ways and Means. I commend him for his statement, and I know that the American textile industry took his remarks as a sign of welcome hope while it looked ahead into an otherwise darkening future.

Yes, the textile import picture is gloomy indeed. Imports exceeded 3¼ billion square yards last year, piling up a trade deficit of $1.1 billion. These figures alone are ominous, but the accelerating trend is the most worrisome part of all. Imports have more than tripled since 1961.

Take imports from Taiwan. Manmade fiber textile manufactures from Taiwan totaled $7 million in 1966. This jumped to $15 million in 1967—then up to $36 million in 1968—and imports for 1969 are conservatively estimated at $65 million.

Imports on manmade fiber textiles from all foreign countries are running about 30 percent ahead of last year; and last year's pace exceeded the year before by 50 percent. Is this an orderly expansion of trade we are witnessing? More properly, it can be called an all-out attack on our domestic industry. No wonder that capital investment in the textile industry was down 30 percent last year from its 1966 level.

The initiation of discussions with Japan by Secretary of Commerce Maurice H. Stans must be regarded as a crucial matter. Japan exports over a billion yards of cloth a year to this country and takes none of our cloth in return. Japanese manufacturers are reportedly constructing textile plants in Taiwan, Thailand, Korea, and Indonesia. With over a third of all imported textiles and an even higher percentage of manmade blends coming from Japanese controlled companies, an agreement with Japan is essential. There is good reason to believe that other countries would follow suit if control arrangements were reached with Japan.

Can anyone seriously say that we should have no import restrictions out of consideration for the needs of developing countries? Japan is no second-rate industrial nation. In the free world, it is second only to the United States in its gross national product, and has the highest growth rate of any nation. Just imagine—the Japanese Government is scheduling a 12-percent annual growth rate for the years ahead. Let us stop subsidizing that incredibly expanding economy at the expense of our own textile industry.

It is high time we decided to act out of consideration for the needs of our own people. The Labor Department estimates that 100,000 textile jobs a year will be lost if the current import trend continues. There are 27,000 textile workers in Rhode Island. This does not even include the supervisory positions—just the workers. Nor does it include textile related industry such as companies that make equipment for textile mills. Of those 27,000 workers, 80 percent to 85 percent are in my district. I am concerned about their jobs and intend to do everything in my power to make sure that they still have them 5 or 10 or 25 years from now.

The discussions with Japan which Secretary Stans has initiated, as I said, must be regarded as a crucial matter. Either we get voluntary controls or Congress must pass a quota system. That is what the situation calls for; that is what Chairman Mills promised in no uncertain terms; and that is the set of alternatives Japan should contemplate.

Again, I commend Mr. Mills for the firm position which he has taken on this matter, to his honor and to the hope of the rest of us who have the welfare of the textile industry at heart.

POLITICAL CHECKS PROPOSED FOR REGULATORY AGENCY HEADS

(Mr. NELSEN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. NELSEN. Mr. Speaker, I am today introducing legislation which I believe will help erase the shadowy figure of politics from the doorsteps of Federal regulatory agencies.

This measure is sponsored in the Senate by Senator George Murphy, of California, with whom I had the pleasure of serving as a member of the Commission on Political Activity of Government Personnel during the 90th Congress. The Commission, you may recall, invesitgated and made recommendations concerning the Hatch Act and other Federal restrictions on the political activity of Federal employees.

Briefly, the bill being introduced today would prohibit political activity or campaigning by members of major Federal regulatory agencies and the Civil Service Commission. It would do so by amending sections 7323, 7324, and 7325 of title 5, United States Code.

Mr. Speaker, Federal regulatory agencies exercise vast powers on behalf of the American public. They oversee the licensing and operations of privately run industries in which the public interest is also vested, such as the broadcast industry, the power industry and so forth. No taint of politics can be permitted to touch these quasi-judicial bodies, which are intended to function with strictest impartiality and devotion to the public interest.

At the present time, however, the top political appointees of these agencies are not subject to the same restraints on their political activity as are lesser Federal employees in these agencies. While there is no present indication of political impropriety, this matter is nonetheless an oversight that should be corrected by law.

Therefore, this measure would put political activity and campaigning off limits to the following Federal units: The Atomic Energy Commission, the Board of Governors of the Federal Reserve System, the Civil Aeronautics Board, the Civil Service Commission, the Federal Communications Commission, the Federal Home Loan Bank Board, the Federal Maritime Commission, the Federal Power Commission, the Federal Trade Commission, the Interstate Commerce Commission, the National Labor Relations Board, and the Securities and Exchange Commission.

It would also broaden the range of penalties that could be imposed for violations, to be enforced by the Civil Service Commission except where violations involve a Civil Service Commissioner. In latter cases, the Justice Department would act as the enforcement agency.

Mr. Speaker, I have long been active in the fight to curb improper political conduct within the Federal Establishment and to improve the Federal merit system for employees. The proposal offered today is a step toward these goals.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Vanik for 15 minutes, today, to

revise and extend his remarks and include extraneous matter.

Mr. Hechler of West Virginia, for 15 minutes, today, to revise and extend his remarks and include extraneous matter.

Mr. Steiger of Wisconsin (at the request of Mr. Wiggins), for 45 minutes today to revise and extend his remarks and include extraneous matter.

Mr. Miller of California, for 1 hour, on Monday, August 11, 1969, to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Gaydos), to revise and extend their remarks and include extraneous matter:)

Mr. Farbstein, for 20 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Fallon, for 15 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Hall and to include extraneous matter.

Mr. Gray in two instances and to include extraneous matter.

Mr. Gross, to revise and extend his remarks made during reservation of objection to request of Mr. Perkins today.

Mr. Harsha, to revise and extend remarks made in colloquy with the gentleman from Kentucky (Mr. Perkins).

Mr. Mills, to include tables, charts, extraneous matter, two committee amendments to be offered to H.R. 13270 tomorrow, and an explanation of the two amendments with his remarks made today in the Committee of the Whole.

(The following Members (at the request of Mr. Wiggins) and to include extraneous matter:)

Mr. Cramer.
Mr. Wyatt.
Mr. Ashbrook.
Mr. Arends.
Mr. Brock.
Mr. Collier in four instances.
Mr. Hogan in two instances.
Mr. Steiger of Wisconsin.
Mr. Wyman in two instances.
Mr. Hosmer in two instances.
Mr. Michel.
Mr. Nelsen.
Mr. Reifel.
Mr. Byrnes of Wisconsin.
Mr. Bow.
Mr. Findley.
Mr. Utt.
Mr. Coughlin.
Mrs. May.
Mr. Wiggins.
Mr. Hunt.
Mr. Fulton of Pennsylvania in three instances.

(The following Members (at the request of Mr. Gaydos) and to include extraneous matter:)

Mrs. Chisholm.
Mr. Baring.
Mr. Boland in two instances.
Mr. Rodino in two instances.
Mr. Teague of Texas in eight instances.
Mr. Brown of California in four instances.
Mr. Gonzalez in two instances.
Mr. Rarick in three instances.
Mr. Pickle.
Mr. Murphy of New York.
Mr. Long of Maryland.
Mr. Lowenstein in eight instances.
Mr. Hungate in two instances.
Mr. Matsunaga in two instances.
Mr. Johnson of California in four instances.
Mr. Thompson of New Jersey in two instances.
Mr. Hanna in two instances.
Mr. Mikva in two instances.
Mr. Ottinger.
Mr. Slack in three instances.
Mr. Anderson of California.
Mr. Rivers in two instances.
Mr. Tunney in two instances.
Mr. Howard.
Mr. Obey in eight instances.
Mr. Podell.
Mr. Fraser.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1632. An act for the relief of Romeo de la Torre Sanano and his sister, Julieta de la Torre Sanano; and

H.R. 2336. An act for the relief of Adela Kaczmarski.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 714. An act to designate the Ventana Wilderness, Los Padres National Forest, in the State of California.

ADJOURNMENT

Mr. GAYDOS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, August 7, 1969, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1030. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to provide a comprehensive program for assuring safe and healthful working conditions for working men and women by creating a National Occupational Safety and Health Board to be appointed by the President for the purpose of setting mandatory safety and health standards; by authorizing enforcement of the standards developed under the act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes; to the Committee on Education and Labor.

1031. A letter from the Comptroller General of the United States, transmitting a report on the cessation of unauthorized payments of proficiency pay and variable reenlistment bonuses to candidates in officer training programs, Department of Defense; to the Committee on Government Operations.

1032. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Federal Communications Commission as of June 30, 1969, pursuant to the provisions of section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

1033. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication, "Hydroelectric Plant Construction Cost and Annual Production Expenses, 1966–67"; to the Committee on Interstate and Foreign Commerce.

1034. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend section 902 of title 38, United States Code, to eliminate certain duplications in Federal benefits now payable for the same, or similar, purpose; to the Committee on Veterans' Affairs.

1035. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to repeal the savings provision of Public Law 90–493 protecting veterans entitled to disability compensation for arrested tuberculosis; to the Committee on Veterans' Affairs.

1036. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to include railroad retirement benefits as income of veterans for Veterans' Administration pension; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAYS: Committee on House Administration. House Resolution 508. Resolution providing funds for the Select Committee on the House Restaurant(Rept. No. 91–428). Ordered to be printed.

Mr. DAWSON: Committee on Government Operations. Report on Federal involvement in construction in hazardous geologic areas (seventh report) (Rept. No. 91–429). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS: Committee on Armed Services: H.R. 10420. A bill to permit certain real property in the State of Maryland to be used for public purposes generally; with amendment (Rept. No. 91–451). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SANDMAN: Committee on the Judiciary. S. 267. An act for the relief of Lt. Col. Samuel J. Cole, U.S. Army (retired); with amendment (Rept. No. 91–430). Referred to the Committee of the Whole House.

Mr. WALDIE: Committee on the Judiciary: S. 499. An act for the relief of Ludger J. Cossette; with amendment (Rept. No. 91–431). Referred to the Committee of the Whole House.

Mr. WALDIE: Committee on the Judiciary: S. 620. An act for the relief of Richard Vigil (Rept. No. 91–432). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. S. 632. An act for the relief of Raymond C. Melvin; with amendment (Rept. No. 91-433). Referred to the Committee of the Whole House.

Mr. WALDIE: Committee on the Judiciary. S. 882. An act for the relief of Capt. William O. Hanle (Rept. No. 91-434). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. House Resolution 498. Resolution to refer the bill (H.R. 4498) entitled "A bill for the relief of Branka Mardessich and Sonia S. Silvani" to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code (Rept. No. 91-435). Referred to the Committee of the Whole House.

Mr. FLOWERS: Committee on the Judiciary. H.R. 2260. A bill to confer jurisdiction on the U.S. District Court for the Western District of Wisconsin to hear, determine, and render judgment on the claim of Emma Zimmerli against the United States; with amendment (Rept. No. 91-436). Referred to the Committee of the Whole House.

Mr. SANDMAN: Committee on the Judiciary. H.R. 2407. A bill for the relief of Elbert C. Moore; with amendment (Rept. No. 91-437). Referred to the Committee of the Whole House.

Mr. FLOWERS: Committee on the Judiciary. H.R. 2458. A bill for the relief of Frank J. Enright (Rept. No. 91-438). Referred to the Committee of the Whole House.

Mr. SANDMAN: Committee on the Judiciary. H.R. 2477. A bill for the relief of John N. Green, U.S. Navy (Rept. No. 91-439). Referred to the Committee of the Whole House.

Mr. RAILSBACK: Committee on the Judiciary. H.R. 2963. A bill for the relief of Mrs. Barbara K. Diamond (Rept. No. 91-440). Referred to the Committee of the Whole House.

Mr. RAILSBACK: H.R. 4634. A bill for the relief of Lawrence Brink and Violet Nitschke. (Rept. No. 91-441). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 5000. A bill for the relief of Pedro Irizarry Guido (Rept. No. 91-442). Referred to the Committee of the Whole House.

Mr. WALDIE: Committee on the Judiciary. H.R. 7567. A bill for the relief of Bert N. Adams and Emma Adams; with amendment (Rept. No. 91-443). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 10356. A bill for the Relief of Mrs. Iris O. Hicks (Rept. No. 91-444). Referred to the Committee of the Whole House.

Mr. WALDIE: Committee on the Judiciary. H.R. 11060. A bill for the relief of Victor L. Ashley; with amendment (Rept. No. 91-445). Referred to the Committee of the Whole House.

Mr. RAILSBACK: Committee on the Judiciary. H.R. 11503. A bill for the relief of Wylo Pleasant, doing business as Pleasant Western Lumber Co. (now known as Pleasant's Logging & Milling, Inc.) (Rept. No. 91-446). Referred to the Committee of the Whole House.

Mr. WALDIE: Committee on the Judiciary. H.R. 11500. A bill for the relief of Mr. and Mrs. John F. Fuentes without amendment (Rept. No. 91-447). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 12089. A bill for the relief of Rose Minutillo. (Rept. No. 91-448). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 11890. A bill for the relief of T. Sgt. Peter Elias Gianutsos, U.S. Air Force (retired); with amendment (Rept. No. 91-449). Referred to the Committee of the Whole House.

Mr. SANDMAN: Committee on the Judiciary. H.R. 11968. A bill for the relief of Maj. Louis A. Deering, U.S. Army; with amendment (Rept. No. 91-450). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS (for himself, Mr. Bingham, Mr. Blanton, Mr. Button, Mr. Culver, Mr. Cunningham, Mr. Dingell, Mr. Eckhardt, Mr. Friedel, Mr. Howard, Mr. Mikva, Mr. Mollohan, Mr. Moorhead, Mr. Moss, Mr. Ronan, Mr. Tiernan, Mr. Van Deerlin, and Mr. Vigorito):

H.R. 13352. A bill to provide for the modernization of railroad passenger equipment in order to meet the needs of the commerce of the United States, of the postal service, and of the national defense, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROTH:

H.R. 13353. A bill to establish a system of general support grants to State and local governments, to allow partial Federal income tax credit for State and local income tax payments, to authorize Federal collection of State income taxes, to enlarge the Federal estate tax credit for State death tax payments, and to permit States or local taxing authorities to tax property located in Federal areas; to the Committee on Ways and Means.

By Mr. ADDABBO:

H.R. 13354. A bill to provide more efficient and convenient passport services to citizens of the United States of America; to the Committee on Foreign Affairs.

By Mr. ANDERSON of California (for himself, Mr. Brown of California, Mr. Edwards of California, Mr. Hanna, Mr. Hastings, Mr. Olsen, Mr. Pollock, Mr. Reuss, Mr. Snyder, Mr. Whitehurst, and Mr. Wyatt):

H.R. 13355. A bill to provide for public disclosure by Members of the House of Representatives, Members of the U.S. Senate, justices and judges of the U.S. courts, and policymaking officials of the executive branch as designated by the Civil Service Commission, but including the President, Vice President, and Cabinet members; and by candidates for the House of Representatives and the Senate, the Presidency, and the Vice-Presidency; and to give the House Committee on Standards of Official Conduct, the Senate Select Committee on Standards and Conduct, the Director of the Administrative Office of the U.S. Courts, and the Attorney General of the United States appropriate jurisdiction; to the Committee on the Judiciary.

By Mr. BROWN of Michigan:

H.R. 13356. A bill to equalize the retired pay of members of the uniformed services retired prior to June 1, 1958, whose retired pay is computed on laws enacted on or after October 1, 1949; to the Committee on Armed Services.

By Mr. COLLIER:

H.R. 13357. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAMER (for himself, Mr. Harsha, Mr. Schwengel, Mr. Denney, Mr. Snyder, Mr. Zion, Mr. Duncan, Mr. Grover, Mr. Cleveland, Mr. Hammerschmidt, Mr. McDonald of Michigan, Mr. McEwen, Mr. Miller of Ohio, Mr. Schadeberg, Mr. Wyman, Mr. Steiger of Wisconsin, Mr. Thomson of Wisconsin, Mr. Robison, Mr. Bray, Mr. Esch, Mr. Ruppe, Mr. Smith of New York, Mr. Corbett, Mr. Stafford, and Mr. Quillen):

H.R. 13358. A bill to amend the Federal Water Pollution Control Act, as amended, to provide adequate financial assistance and to increase the allotment to certain States of construction grants funds; to the Committee on Public Works.

By Mr. DELLENBACK (for himself, Mr. Hansen of Idaho, and Mr. Ruth):

H.R. 13359. A bill to provide for educational assistance for gifted and talented children; to the Committee on Education and Labor.

By Mr. DINGELL:

H.R. 13360. A bill to establish wildlife, fish, and game conservation and rehabilitation programs on certain lands under the jurisdiction of the Department of the Interior, the Department of Agriculture, the Atomic Energy Commission, and the National Aeronautics and Space Administration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FULTON of Tennessee:

H.R. 13361. A bill to assist small business and persons engaged in small business by allowing a deduction, for Federal income tax purposes, for additional investment in depreciable assets, inventory, and accounts receivable; to the Committee on Ways and Means.

By Mr. GUDE:

H.R. 13362. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. MESKILL:

H.R. 13363. A bill to provide more efficient and convenient passport services to citizens of the United States of America; to the Committee on Foreign Affairs.

By Mr. NELSEN:

H.R. 13364. A bill to place additional restrictions on the political activities of members and commissioners of certain Federal agencies; to the Committee on House Administration.

By Mr. O'NEAL of Georgia:

H.R. 13365. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. OTTINGER:

H.R. 13366. A bill to provide for the modernization of railroad passenger equipment in order to meet the needs of the commerce of the United States, of the postal service, and of the national defense, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PODELL:

H.R. 13367. A bill to provide more efficient and convenient passport services to the citizens of the United States of America; to the Committee on Foreign Affairs.

By Mr. RODINO:

H.R. 13368. A bill to provide for the issuance of a special postage stamp to recognize the independence of the Baltic Republics of Lithuania, Latvia, and Estonia; to the Committee on Post Office and Civil Service.

By Mr. TEAGUE of Texas:

H.R. 13369. A bill to extend for 2 additional years the authority to set interest rates necessary to meet the mortgage market for guaranteed and insured home loans to veterans under title 38 of the United States Code, and for other loans; to the Committee on Veterans' Affairs.

By Mr. VANIK:

H.R. 13370. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories, and possessions, to include privately owned property; to the Committee on Public Works.

By Mr. WHITEHURST:

H.R. 13371. A bill to require the Secretary of the Interior to make a comprehensive study of the polar bear, seal, walrus, and cetaceans for the purpose of developing adequate conservation measures; to the Committee on Merchant Marine and Fisheries.

H.R. 13372. A bill to require that certain salacious advertisements not otherwise barred from the mails be mailed by registered mail at first-class mail rates, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. AYRES (for himself, Mr. Gerald R. Ford, Mr. Esch, and Mr. Steiger of Wisconsin):

H.R. 13373. A bill to provide a comprehensive program for assuring safe and healthful working conditions for working men and women by creating a National Occupational Safety and Health Board to be appointed by the President for the purpose of setting mandatory safety and health standards; by authorizing enforcement of the standards developed under the act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes; to the Committee on Education and Labor.

By Mr. DON H. CLAUSEN (for himself, Mr. McKneally, Mr. Harvey, Mr. Adair, Mr. Hastings, Mr. Wydler, Mr. Williams, Mr. Conable, Mr. King, Mr. Martin, Mr. Beall of Maryland, Mr. Chamberlain, Mr. Biester, Mr. Johnson of Pennsylvania, Mr. Cederberg, Mr. Meskill, Mr. Blackburn, Mr. Weicker, Mr. Myers, Mr. Coughlin, Mr. Cunningham, Mr. Horton, and Mr. Morse):

H.R. 13374. A bill to amend the Federal Water Pollution Control Act, as amended, to provide adequate financial assistance and to increase the allotment to certain States of construction grant funds; to the Committee on Public Works.

By Mr. GALLAGHER:

H.R. 13375. A bill to provide for the establishment of a national cemetery within the Manassas National Battlefield Park, Va.; to the Committee on Interior and Insular Affairs.

H.R. 13376. A bill to provide that Interstate Route No. 80 shall be known as the 80th Division Memorial Highway; to the Committee on Public Works.

By Mr. GONZALEZ:

H.R. 13377. A bill to provide for the modernization of railroad passenger equipment in order to meet the needs of the commerce of the United States, of the postal service, and of the national defense, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD:

H.R. 13378. A bill to repeal a portion of the act of July 15, 1968, relating to entrance, admission, and recreation user fees in connection with the national parks and other Federal areas; to the Committee on Interior and Insular Affairs.

By Mr. LOWENSTEIN (for himself, Mr. Steiger of Wisconsin, Mr. Addabbo, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Cowger, Mr. Edwards of California, Mr. Findley, Mr. Halpern, Mr. Lukens, Mr. Rees, Mr. Ryan, Mr. Taft, and Mr. Udall):

H.R. 13379. A bill to supply manpower needs of the Armed Forces of the United States through a voluntary system of enlistments, to further improve, upgrade, and strengthen the Armed Forces, and for other purposes; to the Committee on Rules.

By Mr. TUNNEY:

H.R. 13380. A bill to authorize the U.S. Commissioner of Education to make grants to elementary and secondary schools and other educational institutions for the conduct of special educational programs and activities concerning the use of drugs, and for other related educational purposes; to the Committee on Education and Labor.

By Mr. ADDABBO (for himself, Mr. Biaggi, Mr. Delaney, Mr. Dulski, Mr. Farbstein, Mr. Gilbert, Mr. Halpern, Mr. McKneally, Mr. Powell, Mr. Wolff, and Mr. Wydler):

H. Con. Res. 314. Concurrent resolution expressing the sense of Congress relating to films and broadcasts which defame, stereotype, ridicule, demean, or degrade ethnic, racial, and religious groups; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 13381. A bill for the relief of Marguerita R. deBarrera and Carlos Barrera; to the Committee on the Judiciary.

By Mr. FLYNT:

H.R. 13382. A bill for the relief of Albert G. Harris, Jr.; to the Committee on the Judiciary.

By Mr. GUDE:

H.R. 13383. A bill for the relief of Mrs. Marcella Coslovich Fabretto; to the Committee on the Judiciary.

By Mr. McKNEALLY:

H.R. 13384. A bill for the relief of Tommaso Prestigiacomo; to the Committee on the Judiciary.

By Mr. TUNNEY:

H.R. 13385. A bill for the relief of Marilyn Lund; to the Committee on the Judiciary.

By Mr. YATRON:

H.R. 13386. A bill for the relief of the estate of Edwin G. Griffith; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

205. By the SPEAKER: Petition of Earle Ray Esgate, Gibson, Ga., relative to redress of grievances; to the Committee on the Judiciary.

206. Also, petition of Clarence Mertion, Sr., Washington, D.C., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

AFTER APOLLO, WHAT NEXT IN SPACE?

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. TEAGUE of Texas. Mr. Speaker, Lt. Gen. Ira C. Eaker, U.S. Air Force, retired, has written a thoughtful and interesting discussion of the future of our national space program. Because of General Eaker's outstanding background in this area, I am including this article in the Record for the benefit of my colleagues and the general public:

AFTER APOLLO, WHAT NEXT IN SPACE?

(By Ira C. Eaker)

The great success of the Apollo 11 mission has provided many answers in space but it has also raised some questions which the decision makers in Washington must soon answer.

The critics who for the past seven years have carped, "Why go to the moon?" now have their answer. There can no longer be any doubt that the lunar program will be worth its cost many times over.

Those who were certain that there was no necessity to put men on the moon, instrumented probes could do as well, also have been discredited completely. Compare the world-wide propaganda differential between Russia's Luna 15 and U.S. Apollo 11 which arrived at the moon the same weeek.

It is now clear also that man in space can do many useful things which unmanned satellites cannot accomplish. For example, Apollo 11 would have crashed on the moon's surface as did Luna 15, had not Neil Armstrong taken over from the computerized controls and piloted it to a safe landing area.

Some have expressed surprise that the Russians made little apparent effort to win the moon race. Their resources like ours are not unlimited. They chose instead to put their major effort into space weapons development. This also accounts for the fact that they have repeatedly refused our overtures for joint space programs. So long as their space effort is militarily oriented there is no prospect for cooperative ventures in space between the U.S. and the USSR. Their leaders will never consider admitting our scientists to their laboratories and test centers.

The question now of major concern in the space program is what follows the Apollo series. Some space enthusiasts want at once to head for Mars. The manned exploration of Mars has not been fully cost estimated but it will be several times the $24 billions spent on the whole Apollo program.

One thing is certain, it would be national folly to abandon space after Apollo or to discontinue space effort for a few years and use the funds thus saved for welfare programs, as some now advocate.

If the tremendous NASA facilities are closed and the great scientific teams are disbanded, even for a year, they can never be reopened or reassembled at present momentum and efficiency.

There is a sound space program which can follow Apollo and at a cost the U.S. can afford.

First, we must find out more about what man can profitably do in space. This calls for a space station in which men live and work for a time, returning to earth at intervals and being replaced by fresh crews.

The NASA space station must include some experiments in defense capability, formerly programed for the Air Force MOL (Manned Orbital Laboratory), now cancelled. This will help to determine what the USSR has learned in its military space effort, reveal their capability and suggest how to deal with it.

Next, NASA must continue experiments in development of rocket engines of much greater thrust, including nuclear power for space vessels. Research studies on manned probes of Mars can be continued without hardware procurement.

Unmanned satellite development for communications and weather, which have been continuing programs, overshadowed by Apollo, must also be continued.

These necessary programs will keep the facilities and technical teams of NASA occupied but at somewhat lower manpower and budget levels for the next few years.

NASA budgets, which have averaged $5 billion annually for the past seven years, cannot safely be cut below $3.5 billion for the next few years and will necessarily have to be increased when the new engines and new vessels for outer space probes (Mars and beyond) have to be ordered.

The all important considerations about future space effort are to keep the facilities active, hold the scientific teams together and insure that we are never caught by technological surprise in space.

THE EXTENT OF POVERTY IN MEMPHIS, TENN.

HON. ALBERT GORE

OF TENNESSEE

IN THE SENATE OF THE UNITED STATES

Wednesday, August 6, 1969

Mr. GORE. Mr. President, the Memphis Commercial Appeal, a great and prestigious newspaper, has published five probing, provocative articles on the existence and extent of poverty in the city of Memphis.

The author, Mr. Barney DuBois, has successfully brought home to thoughtful citizens the challenge to remove the want and pain of abject poverty.

In summary, the Commercial Appeal has published an impelling editorial entitled "Target: Poverty." I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TARGET: POVERTY

Memphis no longer can ignore its massive poverty problem. Nor can the surrounding Mid-South area of suburbs, small towns and farms pretend that this is strictly an urban dilemma and responsibility. Indeed, even the best of regional efforts would not be enough; the ultimate solutions must flow from the federal level as well as the local.

Painful as it may be to admit that a booming community such as Memphis is unable to fulfill the basic human needs of more than one-fourth of its citizens, the fact is that it hasn't and isn't. And it is evident that despite numerous anti-poverty programs—ranging from Capitol Hill in Washington down to slums in South Memphis—the cancer is spreadng too fast to be halted by the cures now available.

In five articles in The Commercial Appeal by reporter Barney DuBois, concluded yesterday, the bitter truth has been explored. Those who have read them should now have a better understanding of what it means for a man to work hard all week and yet see his children, even babies, crying from hunger. The reader has been given a taste of what it's like to live on neckbones and watered oatmeal—if there's that much to eat in the crowded slum home. He has heard the angry accusations against the affluent society from those who work against impossible odds in fighting poverty.

None of this is easy to take. The family fighting its way up the economic ladder in our competitive society seldom looks back to see if others are getting an equal chance to make the difficult climb. We had better start looking. There is revolution brewing at the bottom of the ladder which could topple it.

Add the racial overtones—the fact that 80 per cent of Memphis poverty is in the black ghettos—and the threat to a stable community is magnified.

Useless as statistics are in getting to the root of the problems facing Memphis, they do provide a gauge for the scope of what must be done. Between the 1960 census and the special census of 1967, Memphis gained about 10,700 whites (mostly by annexation); in the same period the city's black population increased by more than 28,000, generally the result of migration from the villages and farms of Mississippi, Arkansas and West Tennessee. Significantly, the biggest jump in black population was in the age group 19 or under—more than 20,000, almost half of them male.

These, then, are the citizens of tomorrow—the children who need a good education, who will be entering the job market, rearing families and grasping for a livable income.

The census figures leave no doubt about where the problem lies in geographic terms. The areas of Memphis where black residential population is 50 per cent or more form a large inner-city sector in the form of a letter "C." It forms at the north between Wolf River and Jackson, curves west to the Mississippi River, and bends south and then eastward between Crump Boulevard and Interstate 240. Most of the census districts wherein the median family income is $3,500 a year or less lie within that big "C." It is the area where illegitimate births average 30 per cent and sometimes rise above 60 per cent. It is the area where still-births, premature births and infant mortality run above average. It is even the part of Memphis where we find the highest rate of deaths by stroke and hypertensive heart disease.

But for those who survive in the urban jungle life remains a day-to-day struggle. Anxiety, fear and depression stalk the dark streets. Crime, prostitution and dope pushing are a part of the daily environment. Home may be a crowded hovel and sanitation almost nonexistent. Illiterate parents, driven into the city by modernized farm methods and insensitive government programs, wallow in confusion and watch their children recycled into another generation of poverty.

There it is, Memphis. And it's becoming worse despite all the steps taken by governmental agencies over the past five or six years.

The poverty problem needs no more surveying. It demands coordinated action at all levels—municipal, county, state, regional and federal.

Memphis is beginning to make a stab at finding adequate and nutritional food for hungry school children. There are job-training and job-placement programs. There is public health care. There are low-cost housing projects. There is increasing equality in education. There are signs of growing concern among the more affluent. There is increased emphasis on fighting poverty in City Hall and in the Shelby County Court.

But we still are merely scratching the surface. Most of the efforts are piecemeal. We are trying to patch a fabric that is decayed and threadbare. It's not enough.

To meet the undeniable needs the community should begin with a coordinator, an official who can centralize the focus on all the complex and interrelated parts of the poverty problem. He should find and get every available penny of federal assistance, and see that it is wisely spent. Mississippi and Arkansas should be made to see that they share with Tennessee the responsibility for regional poverty, which knows no boundary lines and which simply has its gravitational core in the City of Memphis. Members of Congress should participate and cooperate with local government in making existing help more available and in creating new programs which do more than pacify.

Costly? Yes. But the price of failure to act soon and effectively will be much higher. What needs to be done—what must be done—can be done, if we will.

DRAFT APPEAL CHIEF CHARGES MEDDLING BY GENERAL HERSHEY

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. THOMPSON of New Jersey. Mr. Speaker, the newspapers today cite just one more instance of the outrageous behavior of Selective Service Director, Gen. Lewis B. Hershey. According to two outgoing members of the supposedly independent National Selective Service Appeal Board, General Hershey rides "roughshod" over this Board.

This Board, under the intent of Congress, is to decide cases on their merits, not on the basis of the whim of the Selective Service Director, who should have retired long ago. As the following article shows, General Hershey systematically and continuously subverts the independent Board. If those who have worked most intimately with General Hershey report these practices, there must be some merit to the charges of others who say that the present draft system is unfair, punitive, and capricious.

I include the following news article from this morning's Washington Post in the RECORD at this time. It documents very clearly the deficiencies in the present Selective Service System. It is just one more reason why reform is needed in the Nation's draft system and why Congress should begin hearings on this important area at the earliest possible date.

The article follows:

DRAFT APPEAL CHIEF CHARGES MEDDLING BY GENERAL HERSHEY

NEW BRITAIN, CONN., August 5.—The outgoing chairman of the National Selective Service Appeal Board and a board member who resigned last month charge that Selective Service Director Gen. Lewis B. Hershey runs rough-shod over the supposedly independent board.

In fact, the member who resigned, Dr. Kenneth W. Clement of Bratenahl, Ohio, believes Hershey should be retired and replaced by a civilian since "for some time now, he has been unable to distinguish between himself and the Selective Service."

Judge Henry J. Gwiazda of New Britain, the outgoing appeal board chairman, said that what he called Hershey's maneuvering and meddling impeded justice in many draft cases and was aimed at reducing the board to a rubber stamp for Hershey's policies.

"We are not only under Gen. Hershey's thumb, we are actually subject to him," Gwiazda told UPI in an interview.

[The board's third member, Charles N. Collatos, said in Lynnfield, Mass., that he thinks Hershey "is doing a good job," Associated Press reported.]

Gwiazda, who has submitted his resignation from the board at the request of President Nixon, said the 75-year-old Hershey has used his position to quash board options which, by executive order, are supposed to be independent of the director of the Selective Service System.

Most intolerable has been the board's inability to appoint an executive secretary—who by law must not be affiliated with the military, Gwiazda said.

The executive secretary of the National Selective Service Appeal Board is the key man, according to Gwiazda, responsible for running the board's Washington office and, most important, for "briefing" information about the draft appellant to the three board members whose final decision carries the weight of the President.

Gwiazda said the staffing problem was part of "an effort on the part of the director of long standing to eliminate the board, usurp the prerogatives and authority of the board or to make the board subservient to the director."

Gwiazda said Hershey had offered him Col. Francis S. Drath and Col. George J. Wendel—both of the Selective Service staff—to brief the cases.

Hershey has used one paragraph of the 1948 Universal Military Training and Service Act, which says the Selective Service System must provide compensation, offices and other necessary facilities at its headquarters, to give himself budget control and power over the board, Gwiazda said.

Gwiazda said he had recently requested Col. Robert T. Hays, retired head of the legal division of the Selective Service, to fill the post of executive secretary. Hays fit the civilian bill because he had retired, Gwiazda said.

The appointment was not permitted by Hershey, Gwiazda said, "because we would then have a man as competent as the man running Hershey's legal division."

Gwiazda said he had issued a directive to Col. Thoms M. Pickle, chief of the administrative division of the Selective Service to inscribe Hays on the personnel rolls and, "it was there that I obviously had stepped on the director's toes."

Gwiazda said all three of the board members were called in by Hershey, and "it was pointed out to us that he is the one to take charge of this personnel thing, and he is the one who is going to furnish us the people and that we, or I particularly, have no authority to issue directives."

Supporting Gwiazda's claim that the board is hamstrung by Hershey, Clement, a board member whose resignation was accepted by President Nixon last month, told UPI, "especially for the last six months, the general has stepped up his efforts to interfere."

THE SEARCH FOR PEACE IN THE MIDDLE EAST

HON. EDWARD W. BROOKE

OF MASSACHUSETTS

IN THE SENATE OF THE UNITED STATES

Wednesday, August 6, 1969

Mr. BROOKE. Mr. President, a very important book has recently been written about the efforts of one Arab leader to bring peace to the Middle East. The title is "The Search for Peace in the Middle East—The Challenge of President Bourguiba." The author is Samuel Merlin, director of political studies of the Institute for Mediterranean Affairs in New York.

"The Search for Peace in the Middle East" is the story of a dramatic initiative to unfreeze the Palestine deadlock. It was undertaken by the President of Tunisia, Habib Bourguiba, during a 54-day tour in the Middle East and Southeast Europe. Since then he has been pursuing his campaign with ever-increasing vigor, especially in the aftermath of the Israel-Arab war in June 1967.

Bourguiba's campaign for a negotiated solution to the Palestine problem provoked violent reactions in the Arab world—demonstrations and counter demonstrations, mutual recriminations, and attempts to assassinate the Tunisian President—culminating in a formal break of diplomatic relations between Cairo and Tunis.

What caused disarray among the Arabs in the Middle East was his challenge to two of the most deeply inculcated and widely accepted tenets in popular Arab opinion: the reality of a pan-Arab nation stretching from the Persian Gulf to the Atlantic, and the inevitable disappearance of Israel from the political map of the region. He bravely and unhesitatingly proclaimed pan-Arabism as a myth and the existence of Israel as a historic reality.

President Bourguiba's main motivation stemmed from his basic philosophy that war is no solution to international problems and that conflict can best be solved through negotiations undertaken in a spirit of good will. He believes that a solution to the Palestine conflict is possible and that it can be achieved, though gradually, on the basis of mutual respect and without victors or vanquished.

Perhaps the most noteworthy feature of this book is that both subject and author are a breed apart from the familiar figures on the Middle Eastern political scene. Though one is an Arab statesman and the other an Israeli citizen and scholar, they share a perspective that is neither narrow nor partisan; both of them see the complex problems of the Middle East within the wider context of historic trends and realities and both are animated by the same vision of peace and justice. This vision is more realistic for them than the prevailing attitudes of fanaticism and intransigence.

Known to his countrymen as "the Father of Tunisia's independence," "the Supreme Warrior," and "the Beloved," Habib Bourguiba emerges as one of the most arresting figures on the contemporary international scene. Through his fierce independence and his bold questioning of the dogma of Pan-Arabism, the courageous President of Tunisia—the smallest and poorest of all the north African states—has had a profound influence not only on inter-Arab relations but on the course of international politics well beyond the Arab world.

This, then, is the story of a man and a challenge: of that man's steadfast refusal to succumb to the rampant despair about the prospect for peace in the explosive Middle East.

Mr. President, I ask unanimous consent that several reviews of this noteworthy book be printed in the RECORD.

There being no objection, the reviews were ordered to be printed in the RECORD, as follows:

[From the (Louisville, Ky.) Courier-Journal & Times, Mar. 16, 1969]

BOURGUIBA'S QUEST OF DESTINY

(A review by Israel T. Naamani)

This is a story about a fluorescent personality, a man in anxious quest of destiny—Habib Bourguiba. Samuel Merlin, the author of this strangely fascinating narrative, has served as the director of political studies for the Institute of Mediterranean Affairs (in New York) since 1957.

The book has the quality of a first-rate detective story. Merlin eagerly raises many questions and is not modest in supplying cogent answers. What made the president of Arab Tunisia on March 6, 1965, in the "Old City" of Jerusalem (then in Jordan, before the Israeli occupation) launch his concerted campaign for Arab-Israeli peace—an effort that lasted about seven months of touring the Middle East? Was he acting for King Hussein? For De Gaulle? Had he consulted Nasser? Did he have the blessings of Tito? What did the Shah of Iran tell him? What did the president of Turkey have to say? Did Bourguiba have a "revelation on the way to Damascus?" Was he possessed by an irrational desire to play Samson in the Temple?

In his initial speech Bourguiba told "the most embittered people of the world, whose only spiritual nourishment consisted of wild promises of speedy liberation, revenge," that their politicians were guilty of "intrasigence and inflexibility" and ". . . the policy of 'all or nothing' brought us only defeat."

The reaction in the Arab world was vehement. Changing his tactics, employing a "zig-zag of thoughts" and verbal virtuosity, the Arab president restated his views in different terms and pointed out that what he said openly was what Nasser and other leaders said privately. The reaction in the Western world was one of amazement and encomium. The Christian Science Monitor thought he should get the Nobel prize for peace. De Gaulle lifted him to the peak of Mt. Olympus—he likened him to himself! The official Israeli attitude "was reserved and confused."

What really motivated Bourguiba? Merlin thinks it was fear of pan-Arabism, the dread of Nasserism. "The disappearance of Israel, as a hypothesis, would certainly enable pan-Arabism to overrun countries like Jordan and the Lebanon." Eventually also Arab Tunisia. "And the purpose of his tour became crystal clear; to save his country, it is imperative for him openly and dramatically to challenge Nasser's leadership. . . . Here indeed was a purpose of such magnitude and importance that he decided to stake his career on it, and even to risk his life, not to speak of his popularity in the Arab world."

This reviewer tends to agree with Merlin. When the syntactical dust of Bourguiba's speeches is settled, one realizes that the Tunisian leader set out to challenge Nasser's Ibn Monroe Doctrine. To paraphrase Brutus: "Not that I loved the Arabs less, but that I loved Tunisia more."

[From the Boston Sunday Globe, Apr. 6, 1969]

SANE TALK FROM ARABS

The crisis in the Middle East has sharpened since George Ball, U.S. ambassador to the United Nations, warned that the danger there is potentially greater than it is in Southeast Asia. It has intensified since President Nixon more recently voiced concern lest it detonate into a confrontation among the great powers. In this touch-and-go situation Samuel Merlin's story of the peace initiatives undertaken by President Habib Bourguiba of Tunisia is a welcome reminder that sanity is not without champions in the Arab world despite the stridency of President Nasser at Cairo.

This long, fascinating book is admirably free from the cliches that too often envelop discussions of Palestine. Written by a veteran newspaperman, member of the first Israeli Parliament, and presently director of the Institute for Mediterranean Affairs in New York, it provides an invaluable compendium of Middle Eastern history since the early 1950s, centering the reader's attention upon the 54-day campaign launched in 1965 by the intrepid Tunisian president who seeks to unfreeze the Middle Eastern deadlock over Palestine through an appeal for negotiations.

Bourguiba's challenge elicited thunderous cheers from Arab audiences, but none from President Nasser and his supporters in several Arab states heeded Bourguiba's warnings that war would prove disastrous—as it did two years later in "the six day" conflict of 1967. The Tunisian statesman's attack pan Arabism, his opposition to growing Russian influence in the Middle East, his insistence upon education, economic development and counciliation among races within each state, brought down upon him floods of abuse from opportunistic Arab leaders. He still persists—with the solid support of his people in Tunisia.

"The Search for Peace in the Middle East" covers a chapter all too often forgotten these days, as artillery roars sporadically across the Canal and territorists ply their trade. Whether fractious Arab leaders will heed the counsel of "the Tito of the Arab world" in time remains in doubt.

James H. Powers.

Tunisia: Bourguiba: Voice of Reason in the Mideast

(By Leon Dennen, NEA foreign news analyst)

(Note.—The following syndicated column (Newspaper Enterprise Assn.) appeared on March 3, 1969 in numerous newspapers throughout the country)

New York—In the volatile Middle East conflict there is still time for objectivity and moderation despite the escalation of Arab terrorism.

Another round of a major Arab-Israeli conflict is not as imminent—or inevitable—as those now pushing for an "imposed peace" by the great powers seem to believe.

These are some of the conclusions reached by Samuel Merlin, director of the Institute for Mediterranean Affairs in New York, who has a new book entitled "The Search for Peace in the Middle East."

President Nixon's foreign policy advisers and the Russians—if they really want to stave off a second wave of warfare—will do well to read carefully Merlin's study of the complex political, social and cultural problems that keep the Middle East in perpetual turmoil.

Although a citizen of Israel and a former member of Jerusalem's parliament (Knesset), Merlin sees the Arab statesman, Tunisia's President Habib Bourguiba, as one of the Moslem leaders likely to hold the key to Arab-Israeli negotiations.

Not that Bourguiba knows the secret of instant diplomacy. An Arab nationalist, he can hardly be suspected of pro-Israeli sympathies. But he is one of an influential group of Moslem leaders who counsel moderation in the Middle East.

Unlike President Nasser of Egypt, he believes the conception of a Pan-Arab nation stretching from the Persian Gulf to the Atlantic is an illusion.

"Arabism," in Bourguiba's view, will succeed only after it casts off "its backward-looking, negative and destructive forces" and turns to a progressive and humanistic vision blended with Western civilization.

Bourguiba startled the militant Arab leaders in 1965 when, during a tour of the Middle East, he told a gathering in Jordan that the existence of Israel is a fact of life and a historic reality.

He also told the Palestinian refugees: "The policy of all or nothing brought us only defeat in Palestine and the sad situation in which we find ourselves today."

He warned that it was grave error to reject compromise.

Nassar castigated Bourguiba as a "traitor" and Tunisia was eventully forced to resign from the Arab League..

But Tunisia's president, despite repeated attempts on his life by Arab terrorists, continues to advocate a policy of moderation in the Middle East.

His cautious offer of his good offices to bring together representatives of Isreal and Palestinian Arabs for peace negotiations has so far not been heeded, Merlin says, adding, "But the day may not be far off when both parties will avail themselves of this opportunity."

In Merlin's view, enlightened Moslem statesmen like Bourguiba, in co-operation with the Moslem leaders of Iran and Turkey, are in a much better position to influence moderate Arabs in Egypt and Jordan than the big powers or even the United Nations.

They, too, may fail. But they must no longer be ignored in forging what President Nixon calls "an acceptable settlement" of the Arab-Israeli dispute.

Merlin's "Search for Peace in Middle East" Provides Thorough Review of Bourguiba Plan

(Note.—The following review appeared in the Detroit Jewish News on January 31, 1969, and was written by the editor-in-chief, Mr. Philip Slomovitz.)

Samuel Merlin, who was a member of the first Knesset, whose leadership in the Hebrew Committee of National Liberation brought him closely to the ranks of Vladimir Jabotinsky and the Revisionist Zionists, displays marked ability as a man of research and student of history in a volume in which he deals with "The Challenge of President Bourguiba" of Tunisia. In nearly 500 pages he has incorporated every statement that has been uttered by Bourguiba on the question of the Middle East and his dissection of them and his explanation of the Bourguiba position are of immense interest.

Entitled "The Search for Peace in the Middle East," this volume, published by Thomas Yoseloff, serves as a valuable addendum to previously published works dealing with the Arab-Israel conflict.

There is a long subtitle to the book: "The Story of President Bourguiba's Campaign for a Negotiated Peace Between Israel and the Arab States." The basic declarations, rebuking Nasser, urging the admission that Israel is a reality, are all in this compilation. But there also are many assertions that were antagonistic and damaging to Israel. Merlin admits them but looks at the over-all picture in his discussion of a study of a serious issue and an important personality.

Merlin makes specific references to a speech by Bourguiba to the Turkish parliament in which he took a strong pro-Arab position and a very antagonistic one towards Israel but even on that score he explains: "Careful reading of his Turkish speech shows that though Bourguiba was inimical to Israel in appraising historic events, his speech did not contain any call to violence. On the contrary, we may perhaps even read constructive implications. For example, there is the inference that if Israel had not indulged in the Suez Campaign, and later in the diversion of the Jordan waters, there might still have been a possibility of healing the wounds."

While some of the proof provided by Merlin is not thoroughly convincing, he makes an interesting case for Bourguiba's position, and his accumulation of Bourguiba's condemnation of Nasser and his endorsement of proposals for recognition of Israel's existence emerge as major in the conciliatory attitude of the Tunisian president.

Of special current interest is Merlin's account of Bourguiba's visits in Jordan and Lebanon, his appeals for reason and intelligence by Arab leaders, his assertion that "we must have enough courage to dominate our passions" and Merlin comments:

"One must consider that Jordan's King (Hussein) and Lebanon's President (Helou), though they did not publicly identify themselves with Bourguiba's views, nonetheless consistently refrained from taking a stand against him: What is more, the Jordanian and Lebanese papers published detailed accounts of Bourguiba's views. In Jordan, the press is not free to do as it likes. The non-Nasserite Lebanese papers were generally sympathetic. One Jordanian newspaper, Al Maner, came out on March 7 (1965) in praise of his (Bourguiba's) ideas: 'The Arabs should learn a lesson from what Bourguiba said. They must understand that in dealing with the Palestine problem one has to be realistic and not be swept away by emotions . . .' Some observers in Israel suggested that perhaps King Hussein himself had prompted Bourguiba's campaign . . ."

In his relations with Jews, Bourguiba is portrayed as doing his utmost to assure the security of Jewish communities in Tunisia. He was accused by Egyptians as having made "a dark deal" with the Parisian Rothschild Bank. "When Bourguiba made his peace initiative in the Middle East," Merlin writes, "Nasser and other Arab leaders, the press and radio presented this initiative to their people as part of a deal among the Tunisian president, imperialism, Israel and world Jewry. Nasser referred to Bourguiba as 'Ben-Gurion's man.' "

Even on the question of Arab-Jewish relations Bourguiba "was careful to say nothing in public that could jeopardize his future relations with the leaders of Arab states" while seeking in his own country to prevent indignities upon Jews. Merlin points out, however, that: "Tunisian Jews are discreetly permitted to visit Israel and return to their country. Those who wanted to emigrate to Israel were permitted to do so." But while Jews were expelled from Arab lands, Merlin emphasizes that Bourguiba "would like to see the stream of Jewish emigration slowed down if not ended altogether, for he is said to see in the Jews a creative element which he would like to preserve for Tunisia's future development . . ."

Merlin places much stock in Bourguiba's advocacy of a peace plan for the Middle East, even if it calls for Israel's return to early stages of statehood, thereby negating much of what could be hoped for in advocating accord. Merlin declares that Bourguiba's peace offer "of his good offices to bring together representatives of Israel and the Palestinian Arabs has so far not been heeded. But the day may not be far off when both parties will avail themselves of this opportunity. They can afford to ignore this offer much longer only at their own risk and peril. . . ."

Asserting that in his peace campaign Habib Bourguiba grew in stature, Merlin commends the Tunisian president's "superior qualities, enlightenment, culture, superb style, pragmatism, moderation, common sense, lack of fanaticism or dogmatism. . . ."

While there will no doubt be many differing views on Merlin's conclusions, his gathering of data regarding an important Moslem's views on the Arab-Israel conflict, the peace offer, the contrasting attitudes of the leaders among Israel's enemy neighbors, make the present work valuable for the data it contains.

MIRV

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. BOLAND. Mr. Speaker, as the Senate debate over the deployment of the Safeguard anti-ballistic-missile system approaches a climax, I would like to caution my colleagues in that body not to overlook a far greater danger of escalation in the arms race than the defensive Safeguard—the continued atmospheric testing of multiple independently targetable reentry vehicles. The MIRV, an awesome nuclear weapon, impedes the possibility of substantive strategic arms limitation talks between the two powers; it would give rise to potential mutual fear of either side's obtaining a first-strike capability; it enhances the threat of an escalation of the arms race to an unprecedented level. I strongly recommend that the United States immediately suspend atmospheric testing of MIRV, and continue to do so as long as the Soviet Union does not resume testing.

On July 2, 1969, I, along with 101 other Members, cosponsored Mr. ANDERSON's resolution in the House calling on the President to propose to the Soviet Union a mutual moratorium on the flight testing of MIRV's. In cosponsoring this resolution, I wanted to indicate to President Nixon my deep concern over the MIRV issue and my support for a mutual moratorium until such time as a formal agreement can be reached in the upcoming arms limitation talks with the Soviet Union. Senator BROOKE introduced a similar resolution, S. 211 in the Senate on June 17, 1969.

A joint Soviet-American suspension of MIRV atmospheric flight testing is a constructive way of preserving the opportunity to forestall deployment of this dangerous technology—an opportunity that will not long remain open to us. At the present stage of MIRV development, we can monitor MIRV tests by the Soviet Union, just as they can monitor ours. So we would know if Russia resumed testing—we would know instantly, and we would resume testing. Both nations are capable of unilaterally policing a short-term MIRV moratorium, since neither side would be able to conduct significant flight testing without exposing itself to the other nation's sophisticated surveillance system. But if MIRV is not halted in the test stages, it may be too late, since the system does not lend itself to easy detection once it is deployed.

With the possibility of MIRV deployment only a short time off, it is most vital that we act now to at least delay its deployment until the possibility of a formal agreement on MIRV has been thoroughly explored in arms talks. Once MIRV systems are deployed, it will be impossible to tell—without onsite inspection—whether a missile has one or many warheads. Each side will have to presume that any missile which could be mirved, would be mirved. We and the Soviet Union can now determine how many ICBM's exist in a country by use of sophisticated surveillance techniques. Neither nation can do this with MIRV, because only onsite inspection can determine how many warheads a missile carries. It is extremely unlikely that either the United States or Soviet Union would agree to onsite inspections.

Once both nations have deployed MIRV, it would be virtually impossible to reach any kind of meaningful arms limitation agreement. President Nixon stated on March 14, 1969:

> I want no provocation that might deter arms talks.

If MIRV testing is not stopped, and if we ever arrive at any kind of an arms control agreement in the future, it will be at a level so much higher than now that the danger will be vast. We must cease testing of MIRV pending arms limitation talks with the Soviet Union.

The United States is significantly ahead of the Soviets in MIRV research and development, an advantage that would not be compromised by U.S. cessation of atmospheric testing. The Soviets are definitely testing MIRV's, but there is some doubt about whether they are anywhere near our technological sophistication in MIRV development. In any case, our national security and our current MIRV advantage would not be compromised by a cessation of atmospheric testing. Instead, deployment of a MIRV system would jeopardize the stability of mutual deterrence by increasing the vulnerability of hardened missile silos like our land-based Minuteman.

The arms race between the United States and the Soviet Union is based on a mutual deterrence or second strike capability. This assured retaliatory capacity calls for the victim in a nuclear attack to possess the ability to inflict enough damage on the aggressor to discourage such an attack. This second strike capability is now the bedrock of our defense strategy and that of the Soviets. Deployment of MIRV technology is a multiplication of offensive capability. It presents a direct threat to mutual deterrence. When either side achieves a sufficiently accurate MIRV capability, it will have a significant capacity to reduce the other side's retaliatory ability. It creates a potential first strike capability—an ability to inflict enough damage on the victim that he is too crippled to retaliate. The United States does not seek a first strike capability. Such a situation would create a planet characterized by mutual suspicion, fear, and instability. President Nixon has opposed dramatic increases in our offensive capability, because it would be provocative to the Soviet Union. It would escalate the arms race. Therefore, MIRV is incompatible with the sensible strategic doctrine President Nixon has enunciated for the security of both the United States and the Soviet Union.

We have reached a critical juncture in the arms race, one from which there would be no turning back. Once the U.S. fully deploys MIRV's, it will escalate the arms race to an unprecedented level of danger. The Soviet Union would have to build its defenses to counteract MIRV, and, we, in turn, would have to build up an ICBM force which would possess three to five times its present destructive force to penetrate the defenses of the Soviet Union. U.S. deployment of the MIRV may cause a spiraling of the arms race to the point of no return, costing vast sums, and at the end, leaving the two nuclear powers at relatively the same security level as they are now. Both the United States and the Soviet Union would be forced into a race that would not only drain billions from each nation's treasury, but would also make a potential nuclear war far more destructive than any now anticipated.

While the ABM battle continues in the Senate as an important issue in the arms race, we must not forget the potential disasters of deployment of the offensive MIRV. A suspension of the atmospheric testing of MIRV is vital for any substantive arms control talks with the Soviets; it is vital for a reduction of the risks of nuclear war; it is vital for curtailing the arms race.

COMPLIANCE WITH CIVIL RIGHTS ACT OF 1964 BY ARKANSAS AGRICULTURAL EXTENSION SERVICE

HON. J. W. FULBRIGHT

OF ARKANSAS

IN THE SENATE OF THE UNITED STATES

Wednesday, August 6, 1969

Mr. FULBRIGHT. Mr. President, recently a statement was published in the RECORD which was very critical of the Agricultural Extension Services in the South in regard to their compliance with title VI of the Civil Rights Act.

Mr. C. A. Vines, director of the Arkansas Agricultural Extension Service, informs me that rapid strides have been made in Arkansas in compliance with the act and that the statement was most unfair.

The Arkansas Agricultural Extension Service has recently published a statement of its efforts to comply with the Civil Rights Act of 1964. I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF EFFORTS TO COMPLY WITH THE CIVIL RIGHTS ACT OF 1964

JULY 1, 1969.

The services of the Arkansas Agricultural Extension Service have been available to all people, regardless of race, color, sex, religion, or national origin, since its inception.

Since the passage of the Civil Rights Act of 1964, Extension administration has taken the following action to comply with the various provisions of the Act:

1. The Director assumed the responsibility for compliance with the Act by the Arkansas Agricultural Extension Service. District Extension Agent-Chairmen and the County Extension Chairmen, under the supervision of the Director, assumed responsibilities for compliance in the various districts and counties.

2. Orientation and training of all Extension workers regarding policies and requirements of the Act have been carried out through office conferences; areas, district, and state conferences; and the use of printed materials which were furnished by the Fed-

eral Extension Service. During the past year all employees have reviewed again the Civil Rights Act of 1964 and the various rules and regulations.

3. Periodic reports have been obtained from the counties, and this will be continued to assure that the organization is in compliance and that it will continue to comply with the rules and regulations.

4. Changes have been made in staff assignments to meet compliance requirements of the Act. Extension employees are working with all the people and are not assigned by virtue of race, color, or national origin to serve a specific clientele group. The word "Negro" no longer appears in the titles of Extension employees. At the present time the Arkansas Agricultural Extension Service has three Negro men and one Negro woman serving as specialists on the state staff. There are 12 Negro men serving as associate county Extension agents and five as assistant county Extension agents. Six Negro women are serving as associate Extension home economists and nine as assistant Extension home economists.

5. During recent years, 12 Negro men have been promoted from assistant to associate county Extension agents, and six Negro women have been promoted from assistant to associate Extension home economists. One Negro man has been promoted from area agricultural agent to a state specialist position, and one Negro woman has been promoted from the position of area home demonstration agent to a state specialist position.

6. There are 22 counties in Arkansas with both white and Negro employees. In all of these counties, the Negro and white staff is housed in office space arranged without regard to race, color, or national origin. The state office is completely integrated. All office signs, directories (including telephone personnel lists), entrances to the offices, rest rooms, and drinking fountains are designed for employees and clientele to prevent discrimination on the basis of race, color, or national origin.

7. Extension employees participate in an official capacity in conferences, conventions, and meetings which are open to all people, thus assuring that any person or group may participate and shall not be excluded or treated differently because of race, color, or national origin.

8. All professional improvement activities; in-service training opportunities; area, district, and state conferences are conducted on an integrated basis to eliminate any possibility of discriminatory or segregated practices.

9. One plan of work is prepared in each county, enabling all county employees, where competent, to work across racial lines.

10. All mailing lists in counties include all interested people regardless of race, color, or national origin, and materials are mailed to the people without distinctions based on race or color.

11. All publications, research reports, announcements regarding new or changed programs, newsletters, and other information are distributed without regard to race, color, or national origin.

12. Steps have been taken to include representatives of all segments of the present and potential clientele in the program planning processes.

13. Information pertaining to the Civil Rights Act of 1964 has been disseminated to the public and potential beneficiaries through personal contacts, letters, newspaper stories, and meetings. Eighty-three newspapers in Arkansas, during the past year, carried news articles relating that the Agricultural Extension Service serves all people regardless of race, color, or national origin.

14. The various private organizations receiving assistance from the Extension Service were advised of the provisions of the Civil Rights Act and were notified in writing that Extension personnel cannot assist or conduct programs through organizations that discriminate on the basis of race, color, or national origin.

15. The training of all white and nonwhite leaders in agriculture, home economics, and 4-H Club programs is integrated in all counties.

16. Equal opportunities are being provided for all 4-H Club members, Extension Homemakers Club members, and leaders to participate on a non-segregated basis in all county, area, district, state, regional, and national activities.

17. All persons have equal opportunity to participate in tours, field days, meetings, short courses, and other educational activities conducted by the Extension Service.

18. County Extension Advisory Committees have been established in all counties. An equal number of members for each committee are appointed by the county judge and the Director of Extension. The committees, composed of lay leaders, are selected with consideration given to occupation, sex, geographic location, and minority groups.

19. The composition of the County Extension Advisory Committees was analyzed as of June 30, 1968, for the purpose of determining whether or not all committees had equitable representation of both sexes and all races. In order to have proper distribution of membership, the committees were enlarged in certain counties, with the additional membership being either Negro men, Negro women, or white women.

20. A series of 36 seminars with an attendance of 1,368 was held during August and September, 1968, for the purpose of training the members of the county development councils as to principles of economic development, changing institutions, and how people maintain services and facilities. Both men and women (white and Negro) participated in the seminars. This was an educational endeavor to strengthen the county development program and to assure that the county program is designed to include all social and economic groups.

21. A description of complaint procedures has been communicated to the county staffs and general public.

22. Compliance checks were made, involving all 78 county Extension units in Arkansas. The compliance checks were made by the Director of Extension through questionnaires and letters.

23. All employees have read and studied the reprint from the Federal Register, Vol. 33, No. 169—Thursday, August 29, 1968, the Rules and Regulations pertaining to Title 7—Agriculture, Subtitle A, Part 18—Equal Employment Opportunity in the State Cooperative Extension Services.

24. All job descriptions have been reviewed and revised where needed.

25. A new personnel appraisal system has been developed with new evaluation procedures being established. The work performance of each person is being evaluated by his supervisor and he is being informed of his rating through individual conferences.

26. Beginning July 1, 1969, the same minimum starting salary has been established for the positions of associate county Extension agent, assistant county Extension agent, associate Extension home economist, and assistant Extension home economist regardless of sex, color, or national origin.

27. The Extension Education Specialist has been assigned the responsibility for the recruitment of new county Extension employees. Extension Leaflet No. 435 was developed to be used in connection with the recruitment of new personnel and carries a statement regarding equal employment opportunities.

WHY SOME VOTED AGAINST SURTAX

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. HUNGATE. Mr. Speaker, there seem to be some Members who are not quite clear as to why some of us—perhaps 170—voted against President Nixon's 10-percent surtax extension—CONGRESSIONAL RECORD, August 4, 1969, page 22064.

I suggest a few reasons:[1]

> 1. Can we really believe that voting for this surtax will halt inflation? Not for a moment . . . One cannot in good conscience do the "responsible" thing and tax the American taxpayer still more when it obviously will be a futile gesture. (CONGRESSIONAL RECORD, volume 114, part 14, page 18012.)
>
> 2. I have not heard one convincing argument that the proposed tax increase would not be passed on to consumers and so actually inflate prices . . . An increase in taxes will work a new hardship on the forgotten American . . . (CONGRESSIONAL RECORD, volume 114, part 14, page 18027.)
>
> 3. I did not support, nor vote for, this increase because taking 10% more taxes out of your pocket and increasing by 10% the taxes of all businesses will in the long run be inflationary, not deflationary. (CONGRESSIONAL RECORD, volume 114, part 15, page 20385.)
>
> 4. I believed that there were better alternatives available to the Congress by which inflation might be attacked and fiscal responsibility restored. (CONGRESSIONAL RECORD, volume 114, part 14, page 19046.)
>
> 5. The tax package will not stop the present cost-push inflationary spiral. Nor will it result in any immediate lowering of interest rates. (CONGRESSIONAL RECORD, volume 114, part 17, page 22802.)
>
> 6. Raising taxes further will tend to influence still higher prices for goods and services. (CONGRESSIONAL RECORD, volume 114, part 14, page 18085.)
>
> 7. While I am deeply concerned about the seriousness of our fiscal crisis, I opposed the 10 percent income tax surcharge . . . because I do not believe it will resolve that crisis. (CONGRESSIONAL RECORD, volume 114, part 16, page 21641.)

Existence of a $3.1 billion surplus, representing about a $4 billion mistake by the Nixon administration in its 30-day fiscal forecast, could be a reason to vote against the Nixon surtax.

By contrast, President Johnson's 6-month forecast of $2.4 billion surplus was far more accurate. Even adding some $900 million to the education bill, as we did, over Nixon administration objections, still leaves us with a surplus about the size of President Johnson's January estimate.

Now, if 8 years of "wild-eyed, free-spending liberalism" left us a $3.1 billion surplus in fiscal 1969, then surely a "sound, conservative, business-oriented, economy-minded" administration will not need increased funds and certainly not need more taxes.

---

[1] Sources available on request.

ELECTORAL REFORM

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Wednesday, August 6, 1969

Mr. FANNIN. Mr. President, improvement is the watchword of our society. It is precisely because man has always sought a better way of doing things that we now enjoy the marvelous comforts of our technological world.

Our desire for improvement has altered our way of living, given mankind the key to mastery over his own environment, enhanced our knowledge of medicine, and made the luxuries of the 19th century the commonplace possessions of everyone who lives in the 20th century.

It is trite and redundant to remark that we are living in a changing world. But it is useful to exercise discrimination, to inspect each change and alteration carefully. Hopefully, we will adopt those changes and innovations which will truly contribute to a better society and reject those proposals which however well motivated might produce an undesirable result.

Mr. President, I regard the present proposal to permit the direct election of the President of the United States by popular vote as a dangerous and serious threat to our democratic process.

If this proposition were to be adopted, it would further diminish the voice of the residents of our rural areas.

We have all been dismayed whenever there has been a disclosure of fraudulent voting. We are committed to the preservation of the dignity and the power of the individual citizen. We believe in majority rule, but we also are committed to preserving the voice of the minority.

The organization of this body, which each State having equal representation, seeks to preserve the integrity of the individual, and give restraint to the sometime unwise power of immediate mass reaction. The organization of the House of Representatves of this Congress provides representation on a population basis.

The Founding Fathers may have been seeking merely a convenient mechanism when they established the electoral college. I personally do not like its present provisions which result in a winner-take-all situation. But were we to elect the President by popular vote, this obviously unfair situation might be magnified. The huge voting power of any great American city would completely outweigh the wishes of all the residents of the State of Arizona. The mass vote of a dozen cities in the United States could outbalance the total vote in most of the western half of the United States.

This danger is pointed out in an editorial published in the Arizona Republic which clearly demonstrates that the popular election of the President of the United States would disenfranchise a great many of our citizens:

> According to the 1960 national census there are more people in New York State than in nineteen other states combined. Theoretically this means that the New York electorate could, under the so-called popular presidential election, out-vote the electorate of the following states—Arizona, Alaska, Nevada, Wyoming, Vermont, Delaware, New Hampshire, North Dakota, Hawaii, Idaho, Montana, South Dakota, Rhode Island, Utah, New Mexico, Maine, Nebraska, Colorado and Oregon.

Supporters of this proposal defend their position by claiming that never in history have all the voters of New York State given all their votes to a single candidate or a single proposition. And this is true. But under the scheme they advance the possibility of an entire portion of the Nation being disenfranchised is created.

There are two proposals which would provide certain needed reform and at the same time preserve a degree of equality between the 50 States. One such proposal would divide the State's electoral voices in a manner corresponding to the popular vote of that State. A second proposal would give the two electoral votes representing the U.S. Senate seats to the winner of the State, and then award the electoral votes represented by the congressional districts to whichever candidate carried that particular congressional district. Both of these proposals have merit.

In my view, the suggestion that we establish a popular-vote election of the President of the United States without regard to State boundaries is dangerous and destructive. It would further enlarge the authority of the Federal Government and further diminish the authority and responsibility of the States. It would lead to disenchantment of the electorate, and perhaps to widespread corruption in those areas where political bossism is still dominant.

Mr. President, there is a gentleman of my acquaintance, who has been an outstanding advocate of the principle of electoral reform along the lines I have described. I am proud to count him among my friends, not only for his speaking out on this matter, but also for his devotion to principle, well illustrated by the newspapers published under his aegis.

I refer to Eugene Pulliam, publisher of the Arizona Republic, the Phoenix Gazette, the Indianapolis Star, and the Indianapolis News. The position these newspapers have taken and the one I advocate is not in any sense an attempt jealously to preserve an unwarranted prerogative for those States within our Union where the population is numerically unequal to the high density areas of the East. This is not a sectional division. I am prompted to speak because of my concern for the future of our Republic, should unwise action be taken, as well as the desire to see the rights and voices of all our citizens safeguarded.

Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks a series of editorials published in the Arizona Republic, the Indianapolis Star, and the Indianapolis News.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

DO YOU WANT YOUR STATE DISENFRANCHISED?

WHY DISENFRANCHISE SO MANY STATES?

If the proposal to replace the electoral college with direct presidential elections succeeds, Arizona will be one of a number of states whose voters could in effect be disenfranchised.

There are, according to the 1960 national census, more people in New York State than in 19 other states combined. Theoretically, this means that the New York electorate could, under the so-called "popular" presidential election system, outvote the electorate of the following states:

Arizona, Alaska, Nevada, Wyoming, Vermont, Delaware, New Hampshire, North Dakota, Hawaii, Idaho, Montana, South Dakota, Rhode Island, Utah, New Mexico, Maine, Nebraska, Colorado, and Oregon.

(Under the electoral college system, the worst that can happen is that New York's electoral vote can offset the electoral vote of 10 states.)

An election victory in New York and California could count more than an election victory in 26 other states combined.

Obviously, such a system could be disastrous in a nation which prides itself on its unique regional and geographical differences. Yet the proposal for such a system has already been approved by the House Judiciary Committee.

In our earlier series of editorials, we explained the need for electoral reform. The present electoral college system is outmoded and in part downright unfair. But the proposed remedy, the one which is currently fashionable, would be far worse.

It would invite tampering with the ballot boxes in the large cities and states, thereby encouraging boss politics and political corruption . . .

It would encourage the proliferation of splinter parties . . .

It would obviate the need for a genuine national consensus, in place of a momentary and perhaps temporary majority mandate . . .

It would undermine our federalist system, which helps restrain unchecked federal ambition by requiring that political actions be conducted through the machinery of the states. Thus it would replace our representative form of government with a so-called "popular" form . . .

And, as noted, it could in effect disenfranchise a sizable number of states whose voters have just as great a stake in the presidency as do voters in the larger cities and states.

It is interesting that Indiana Sen. Birch Bayh is leading the drive for popular election of the President, when only two years ago he made a fiery, convincing speech opposing just such a proposal. It is also interesting that Sen. Ted Kennedy would be so strongly in favor of popular presidential elections, when his brother, the late President John F. Kennedy, delivered one of the most lucid arguments ever made against that so-called "reform."

It is true that there can be no progress without change. But it is also true that change, indiscriminate change, does not automatically lead to progress.

The changes proposed by the popular presidential election are a good example of the sort of change that could lead to calamity.

TO AVOID BOSS CONTROL

In the Senate lies the best hope for initiating a step toward sensible revision of the Electoral College, since it has in its Judiciary Committee a bill which would allot electoral votes on a district-by-district basis.

The House Judiciary Committee has reported out a bill which would abolish the Electoral College and substitute direct popular election of the president and vice-president. This would be the wrong way to go for a number of compelling reasons.

One is that direct popular election would make a fundamental change in the structure of the government. In 1956 Senator John F. Kennedy (D-Mass.), later President, pointed to this in defending the Electoral College against similar proposals. Direct popular election, he said, "while purporting to be more democratic, would increase the power of and encourage splinter parties, and I believe it would break down the federal system under which most states entered the Union, which provides a system of checks and balances to insure that no one area or one group shall obtain too much power."

The point Mr. Kennedy made about splinter parties is another of the reasons direct popular election would be wrong. We have seen in the recent example of the French election how proliferation of splinter parties can confuse the issues of an election, dilute the strength of major parties and cast doubt on the mandate of the vote. Under the Electoral College system splinter parties are inconsequential. In direct popular election they can be spoilers.

A handful of states could control the election of the president and vice-president by direct popular vote, and this is a point which many Americans seem to miss. This may have been what was in John Kennedy's mind when he referred to "a system of checks and balances to insure that no one area or one group shall obtain too much power."

Under the present Electoral College system with the practice of casting each state's electoral vote in a bloc, a handful of the most populous states are regarded as pivotal. It is almost impossible to be elected without winning most of them. But they are only *pivotal*—winning all of them by whatever margin is not enough. It is still necessary to win in a substantial number of the rest of the states.

In a nationwide direct popular election a handful of states could *elect* the president and vice-president, regardless of what happened in the rest of the country.

This was pointed out in a recent article by Dr. George Comfort, professor of political science at Butler University. He noted that in the 1968 election 54.6 per cent of all the votes were cast in nine states embracing 12 of the largest cities. These states were California, Illinois, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio and Pennsylvania.

The vote in these states was largely determined by the vote in the 12 big cities. In Illinois, for example, more than half of the total state vote usually is cast in Cook County alone.

The significance of this is that political machines in 12 cities in 9 heavily populated states can pile up pluralities so big that the votes in the rest of the country would not matter in a nation-wide popular election.

Under the Electoral College system this does not happen because the influence of the big city vote stops at the state line. The candidates who seriously hope to be elected must pay attention to virtually all of the states. In a direct popular election they could concentrate their attention on the few most populous ones with the biggest cities. The rest would not matter.

"Today, we have a system which—in all but one instance throughout our history—has given us presidents elected by plurality of the popular vote," said John Kennedy in his 1956 Senate statement. "Nevertheless, it is proposed to exchange this system—under which we have, on the whole, obtained able presidents capable of meeting the increased demands upon our executive—for an unknown, untried, but obviously precarious system which was abandoned in this country long ago, which previous Congresses have rejected, and which has been thoroughly discredited in Europe."

That statement is just as pertinent and just as true in 1969.

The Electoral College system which we have is a sound and successful system. It could be improved by doing away with state bloc voting, which the district-by-district bill would accomplish. This is what should be done.

DISENFRANCHISED

One aspect of the popular vote amendment proposed by Sen. Birch Bayh of this state is the question of what such an approach would mean to the voters of Indiana.

The answer is that, depending on the variables of any given election, the voting strength of this state could be swallowed up by the population power of the largest states in the union. Equally to the point, votes cast honestly by citizens of this state could be nullified by dishonest votes in New York or Chicago or Kansas City.

This is an ironic development in view of the fact that one argument urged in behalf of the popular vote approach is that it would "equalize" election results, and that mathematical arguments have been brought forward to suggest Indiana and other states would gain proportionally if the popular vote went through. But these arguments, although interesting as arithmetic, ignore the hard realities of politics.

These realities include the fact that some nine large states, of which Indiana is not one, encompass some 51.9 per cent of the nation's population and could theoretically control the election. Moreover, within these states themselves a great part of the population is included in cities with a million or more inhabitants—cities which Indiana does not possess.

Under these circumstances, it seems apparent that electoral efforts would have to be focused heavily on these cities and these states, where the most voters counted by the head can be reached the most directly. It is therefore likely that the big cities and the big-city states would in point of fact wield as much influence or more than under the present system, even if their impact on the election is supposed to be reduced in theory.

The problem becomes more serious when we reflect that these cities are also the areas in which fraudulent votes are most chronic, and that the popular vote approach would create maximum incentives for such fraud. Without far stricter vote policing than has occurred so far or is presently contemplated, the quantum of fraud in these areas is almost certain to increase with the popular vote. This will accentuate the power of the big-city states still further.

Under this proposal, in short, we believe the citizens of Indiana, whatever the theoretical benefits being extended to them, stand in danger of being doubly disenfranchised. First, by the emphasis the popular vote system would place on the big-city states. And second, by the heightened incentive the system would give to fraudulent voting and the heightened impact of such voting on the final outcome.

THE NEW FOREIGN POLICY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. RARICK. Mr. Speaker, few Americans would have expected to see, beaming from the front page of their newspaper, the President of the United States in a warm embrace with the Communist dictator of Rumania—a Communist country in the collaboration bloc with the Red Chinese, our declared foe in the unresolved UNO war in Korea.

Perhaps the peace our President seeks through Rumania is the peace that was forsaken in Korea where we remain in a state of war with troops committed—suffering loss of American lives whenever the Red Chinese puppets in North Korea elect to violate the cease-fire.

But then, who would have expected that our State Department would authorize travel for select Americans behind the Bamboo Curtain.

Too, the Rockefeller mission to Latin America has proven to be another blunder. Someone's goals might have been accomplished but it is doubtful any benefit was gained for the United States or for the Latin American friends of the United States.

U.S. foreign policy has become a maze of bewilderment. How could anyone make this many mistakes accidentally?

I include the Pan American Headlines for August, an editorial by Willard Edwards, and an article by Virginia Prewett following these remarks:

[From Pan American Headlines, August-September 1969]

NELSON IN WONDERLAND—ROCKEFELLER MISSION STRIKES OUT IN LATIN AMERICA

Whoever sold President Nixon the idea of a Rockefeller fact-finding tour presented him with a rather unwelcome bag of worms. From its inception, the tour was a misfortune. Perhaps something will be salvaged from the trip when Gov. Rockefeller submits his report in August. Our fingers are crossed on this possibility.

Let us make a brief tally of some of the successive bumbles.

(1) The very programming of the tour was a crass mistake. Latin Americans are a proud people with a high concept of the importance of their separate national problems. There was an arrogance and an offensiveness in a schedule which brought Governor Rockefeller, with his imposing entourage of 30 or more, into each country for a snap three or four hours of conference. The nations resented being ticked off in this casual manner by their omniscient visitors. The visits took on the officious schedule of a Cook's tourist.

(2) Inevitably, the visits were an open invitation to nasty demonstrations by all the subversives. A delegation, which was seeking goodwill, discovered that its visit had simply fomented anti-Gringoism. The Rockefeller people departed to leave behind them near-class war in some of the countries.

(3) In Argentina, America's stanch friend, Rockefeller's visit upset the delicate social balance that President Ongania had achieved, and precipitated a general strike. In the course of the disorders, President Ongania had the grim experience of seeing the assassination of Augusto Vandor, the one top labor leader who had helped him prevent complete control of the Argentine trade unions by the Peronists and Communists.

(4) In Brazil, the swing country in South America, Rockefeller, thinking of the New York City far-Left voters, gave a deliberate snub to President Costa e Silva by conspicuously staying away from the ceremony when the President decorated General Porter, a member of his own party. Nelson apparently didn't want his name associated with the Pentagon.

(5) Any prestige which the trip could have given to the Nixon administration was nullified by the open refusal of three nations—Chile, Peru and Venezuela—to receive the Rockefeller party. These are key South American countries, once on our side. Nothing could have more humiliatingly shown up the precariousness of our paper majority in the OAS. Without the dictators—Duvalier, Stroessner, Somoza, Lopez and Sanchez—we would be outvoted in the OAS. The Rockefeller mission, with its faulty advance plan-

ning, brought these unpleasant political sores out into the open.

If President Nixon is going to pivot his long deferred Latin American policy upon the findings of such an inept mission, we are afraid he will be building his policy upon sand. Not since Don Quixote have we witnessed such a pilgrimage of innocents.

[From the Chicago Tribune, Mar. 25, 1969]

Rhodesia Unable To Open Doors in Washington

(By Willard Edwards)

Washington, March 24.—Foreign agents are everywhere in the capital and it was not unusual to encounter one of them in the Senate office building.

Kenneth H. Towsey, registered representative of Rhodesia, confessed he was a bewildered and frustrated man.

Why, he asked, are so many doors on Capitol hill closed to him? Why, in a nation approaching the 200th anniversary of its freedom from British rule, do most members of Congress shun reappraisal of an American policy devoted to crushing his small country's struggle for independence from Great Britain?

He was particularly baffled because a national opinion poll had revealed more than 80 per cent of the American people in sympathy with that struggle.

As a former diplomat who resigned his consular post in the British embassy when Rhodesia proclaimed its independence in 1965, Towsey has been around Washington long enough to understand the realities of American politics.

He set up the Rhodesian information office here and registered as a foreign agent, as required by law. His mission is to present his country's viewpoint. He has found that difficult because emotions and prejudices obscure any discussion of issues involving racial minorities.

NO PROBLEMS FOR OTHER AGENTS

The doors of most members of Congress are open to scores of other foreign agents, many of them prosperous, who collect big fees for promoting the interests of nations dependent on Uncle Sam's beneficence.

Not more than a dozen of 100 senators and 25 or 30 of 435 representatives will listen to the Rhodesian emissary, he said. The remainder shrink from questioning this government's support of United Nations sanctions against the small, landlocked, African country on the absurd claim that it constitutes a threat to world peace.

In the present political climate in the United States, it is enough for this majority to know that there are about 4,200,000 blacks and 225,000 whites in Rhodesia and that the sanctions are designed to produce black majority rule by enforcing a one-man, one-vote system. They fear being called advocates of "white supremacy" if they question the wisdom of immediate imposition of this system in Rhodesia.

The constitution proposed by Rhodesia last year provides for a white minority in control of its parliament for an unspecified period. It left no doubt that racial parity would eventually be attained, but few will listen, Towsey said, to Rhodesia's reasons for going slow before thrusting unconditional voting rights on 4-million tribal Africans.

Is the American press equally reluctant to present Rhodesia's side of the argument? Towsey said a recent incident inclined him to a dismal affirmative.

POLL GRATIFYING TO TOWSEY

When the W. H. Long marketing organization of Greensboro, N.C., published last month the results of a poll it had taken in more than 250 communities in 50 states, he was understandably gratified.

The results showed 83.7 per cent of Americans opposed to the U.N. sanctions; 86.2 per cent in disagreement with Britain's claim to the right to specify voting requirements in Rhodesia; 81.7 per cent in favor of a hands-off policy; 92.4 per cent against halting trade with countries because they had not adopted the one-man, one-vote standard.

Towsey sent the poll far and wide, to more than 6,000 outlets. That was a month ago, and the only response he noted was a Washington newspaper's denunciation of the poll as "loaded." Otherwise, his clipping service reported a blank.

The Nixon administration eventually must decide whether to reappraise the policy dictated by former President Johnson against the Rhodesian quest for independence. It is receiving disturbing reports of communist terrorist plans in southern Africa which are aided by this nation's boycotts and embargoes in that area.

Ask Latins To Avoid U.S. Clash

(By Virginia Prewett)

Washington.—A powerful Latin American voice is urging Latin Americans who now threaten to form an official common front vis-a-vis Uncle Sam not to take the plunge.

Colombia's President Carlos Lleras Restrepo, a constitutionally-elected liberal with continental prestige, told his countrymen in a televised chat on July 2 the following:

That if the hemisphere must now choose between splitting into two antagonistic camps or developing a better U.S.-Latin American cooperation, the Latinos should opt for the latter.

President Lleras, whose personal diplomacy toward the United States is friendly but firmly independent, also called on Latin Americans to understand the United States better. No Latin American leader of comparable stature has made such an appeal in recent memory.

"When we speak of the United States," he said, "We personify the country as if it were one individual. We see the old image of Uncle Sam with his striped pants, top hat and beard, as if he could decide about coffee prices, etc.

"But we must abandon this idea and realize our relations with the United States are with an extremely complex country, with no single will ruling," he said. President Lleras spoke of divided powers among the executive, the president and Congress and pointed out that capital, labor, regional interests and pressure groups affect the U.S. policy pluralistically.

The Colombian, recently a state visitor here, also said he wonders why the underdeveloped Latin American countries focus their complaints against the developed world on the United States, as if no other developed countries exist. The same complaints could be made against France, Russia, Britain, Germany and Japan, he said.

EDUCATION ON DRUG ABUSE—A CRITICAL NEED

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. TUNNEY. Mr. Speaker, two unrelated news stories which appeared in California newspapers recently graphically, and tragically, point out one of the most perplexing problems facing parents, educators, and law enforcement officials today—how to effectively inform teenagers and young adults on the dangers of drug abuse.

One story originating from my district tells of the tragic death of a 17-year-old girl who drowned while swimming under the influence of LSD in a pond on a mountain ranch commune run by a celebrated former university professor.

The other—an interview with a recently retired professional football player—revealed that some ballplayers allegedly use stimulant drugs excessively to improve their stamina and performance, despite a league prohibition against the practice.

To the over-30 generation, narcotics and certain dangerous drugs are bad per se. Nothing credible can be said to mitigate the blanket indictment against their use. The common cliche holds that heavy use of such drugs breeds addiction, crime, prostitution, moral degradation, and so forth. The Nation's press is rampant with examples to back up such generalizations.

Yet, young people increasingly tend to take a more independent view. Like all generations of youth before them—and armed with a greater degree of sophistication with which we have endowed them—they do not accept as sacrosanct these generalizations of their elders. Many tend to discount the unfortunate examples as being exceptions to the rule—the inevitable result of a few unstable members in any society who are consciously or subconsciously compelled to carry any act to the extreme. They accusingly cite the use of alcohol by their elders to "prove" their point.

Faced with what they often view as a hypocritical, insecure world, many of these young people are too easily fascinated by the charismatic rumors and myths that drugs bring truth and love and beauty and happiness. Rightly or wrongly, they tend to believe that "everybody's doing it" without the dire, life-shattering consequences that the adult world publicizes.

Herein lies one of the basic problems. When faced with these challenges to their credibility, adults retreat to trite sermons devoid of "believable" facts. Few parents can knowledgeably and unemotionally explain the consequences of continued use of marihuana. Educators too frequently are stymied by questions about the physiological effects of varying consumption levels of amphetamines, barbiturates, and other "mind-bending" drugs. Law enforcement officials revert to more arrests and harsher punishments as a deterrent weapon, in response to community frustrations.

The net result causes only increased alienation and bitterness between young people and their parents, teachers, and the community at large.

Amidst the confusing dialog between the generations, however, three facts do stand out clearly:

First. Teenagers and young adults are using narcotics and dangerous drugs with increasing prevalence—though much of this may be confined to experimentation.

Second. The younger generation is unbelievably naive about the dangerous consequences that too easily results from their experimentation, and lacks confidence in, and knowledge of sources to turn to for what they regard as reliable information.

Third. The adult world, including educational and law enforcement institutions, by and large does not understand the problem and is equally devoid of sufficient, credible information and knowledge with which to respond to the questions of youth.

There is no question but what law enforcement activities must be stepped up. At the same time, these activities must be reoriented to place greater emphasis upon cutting off the source of supply, in lieu of merely "busting" increasing numbers of misled teenagers.

I have introduced, and am preparing for future introduction, legislation which will—like a rifle shot—zero in on the impervious perpetrators of the traffic in illicit drugs. This, alone, will not solve the problem entirely; it will provide only a first-line barricade in the war on drug abuse.

To augment the arsenal of weapons, we must provide our youth and adults alike with the facts to fight the rumors and myths and generalizations. That is why I am today cosponsoring the Drug Abuse Education Act of 1969.

This legislation—which is gaining widespread support among Congressmen of both parties—authorizes vitally needed Federal grants to encourage the development of drug abuse education programs in elementary and secondary schools and in community seminars. It will encourage the development of new and improved curricula; provides for demonstrating their use and evaluating their effectiveness in model programs; insures the dissemination of educational materials; expands training programs for teachers, counselors and law enforcement officials; and, offers community education programs for parents and others.

The youth of our Nation are not adverse or unresponsive to reliable information. They will believe factual information when presented in a credible climate. Within their own culture, they are increasingly heeding the warning of compatriots that "speed" kills. Their desire for knowledge is abundant; we cannot shirk our responsibility to provide them with the knowledge they so desperately seek.

Mr. Speaker, I strongly urge favorable action by Congress on this legislation at an early date. The stakes are high—the lives of our youth hang in the balance. If we ignore their plight, and continue to retreat into shells of purely punishment-oriented righteousness, we will have only ourselves to blame for the consequences.

JAMES CARR WINS PRAISE FOR JOB AS SAN FRANCISCO UTILITIES CHIEF

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. JOHNSON of California. Mr. Speaker, many of my colleagues will recall the service of James K. Carr in a variety of Federal capacities, including the 2 years he spent as the first water and power consultant on the staff of the House of Representatives Committee on Interior and Insular Affairs and a decade later in the Kennedy and Johnson administrations as Under Secretary of Interior.

Jim Carr today is general manager of the San Francisco public utilities system, which is a diversified utilities complex operating the world's fourth largest airport, a domestic water and power supply system, and municipal railroad system carrying nearly 700,000 passengers a day.

A few days ago Mr. Carr was honored on his fifth anniversary of taking the reigns of this public utility empire. In the words of San Francisco mayor, Joseph L. Alioto:

> He is one of the finest public servants I've ever known.

Mr. Speaker, on Sunday, July 27, the Sacramento Bee carried a very fine report of this tribute and of Jim Carr's service to his State and Nation. So that I may share the occasion with my many colleagues who remember this dynamic public servant, I include this article in the RECORD at this point:

JAMES CARR WINS PRAISE FOR JOB AS SAN FRANCISCO UTILITIES CHIEF

(By Lee Fremstad)

SAN FRANCISCO.—"He is one of the finest public servants I've ever known—and I've known a lot of them," said Joseph L. Alioto, mayor of San Francisco, as he raised his wine glass in a luncheon toast to the man seated next to him.

"Hear! Hear!" responded the guests as they lifted their glasses to the very good health of James Kennedy Carr, who squirmed in a state close to embarassment as the words of esteem piled one upon the other.

It was the latest accolade for the 55-year-old Carr, whose five-year anniversary as general manager of San Francisco's giant public utilities empire was marked this month.

Words of praise are not unfamiliar to Carr. He has heard many of them since his initiation into public service as a rodman on a U.S. Geological Survey team in the Mt. Lassen area in 1933.

These days the native son from Redding sits in command of a utilities complex which includes the fourth largest airport in the world, handling a million travelers each month; a water department which serves 2 million residents in San Francisco and three other counties; the Hetch Hetchy Water and Power System, a self-supporting agency which delivers pure Sierra water from the Yosemite to bay area users; and a municipal railway system which serves 690,000 passengers on a typical day.

Those glasses could well have been lifted, too, for Carr's 35-year career in public service.

COMBINED SKILLS

Considering his family background, Carr more likely could have become a politician than the professional engineer he is. As it turned out, he has merged both political and engineering skills in fashioning his dynamic career.

His father was Judge Francis Carr, Northern California Democratic political leader for more than 30 years. Young Carr got into the game early, stumping his neighborhood as a 6-year-old rooting for James M. Cox over Warren G. Harding in the 1920 presidential race.

He worked for a while as a law clerk in his father's office but did not follow his brothers Francis and Laurence into law school. Instead he went to the University of Santa Clara where he graduated in 1934 at the age of 20 with a degree in civil engineering.

By age 21 he was assistant district engineer for the Works Progress Administration in 10 Northern California counties. A year later he was the first junior engineer hired by the Bureau of Reclamation on the Shasta Dam project and staked out what was to become Shasta Dam.

His association with the bureau, and just about every major Northern California water project, lasted for 15 years. In 1951, he made his first venture to Washington, D.C., where he served as the first water and power consultant to the House Committee on Interior and Insular Affairs.

Carr was lured back to California in 1953 to become assistant general manager of the Sacramento Municipal Utility District. In the five years he was with SMUD, Carr's political skills were called upon as frequently as his engineering ability. One of his first assignments, successful as it turned out, was to fight a move to take away the agency's federal power assignment.

IRRESISTIBLE OFFER

Early in 1961, about the time Katherine, his wife since 1939, had the new wall-to-wall carpets put into the Sacramento home they were so fond of, Carr got a job offer he could not refuse.

Leaving Sacramento, new carpets and all, Carr flew off to Washington, D.C., where he became undersecretary of the interior in the incoming administration of John F. Kennedy.

Carr served under Kennedy, and then Lyndon B. Johnson until 1964 when the San Francisco utilities post became vacant with the death of Robert C. Kirkwood.

Carr's career defies any classification in narrow terms of either engineering or politics. He is consultant to the Atomic Energy Commission on nuclear desalting and was chairman of a panel of scientists and engineers at a 1963 desalting conference in Vienna.

He headed a U.S. delegation to Japan for the State and Interior Departments for natural resources development. He went to Madrid last November for another desalting conference.

Carr headed the Alaska Earthquake Commission which arrived in Seward while the fires were still burning after the disastrous 1964 earthquake.

Carr's interest in natural resources and their preservation earned him a unique memorial a few years ago when a research vessel of the Bureau of Commercial Fisheries hauled up a hitherto unknown species of fish from the Caribbean.

CARR'S RATFISH

To acknowledge Carr's interest and help in the bureau's exploratory fishing program, the find was christened Neoharriotta carri, which translates to "Carr's long-snouted ratfish."

It is, Carr points out readily, perhaps the ugliest creature he has ever seen.

From the beginning as a young engineer Carr has believed that the products of the engineer's art should be more than just functional. At Shasta Dam he conceived the idea for the spectacular scenic-road approach to the huge structure. He had two million young pine trees planted on the nearby slopes which had been long bare because of fumes from a copper smelter.

Around the visitor's area he planted flower beds which his fellow engineers began calling "Carr's petunia patch."

CHIDED ENGINEERS

Carr chided his colleagues at an engineers' convention in Las Vegas in 1964: "We should ask ourselves repeatedly, 'Is what we build to remain throughout our lives a monument to beauty or a monument to ugliness?' "

He says engineers too often have been the mere hirelings of men concentrating on profit alone.

Carr defined the role of the engineer at that 1964 convention in terms that most would agree describe the career of Carr himself.

"It is our responsibility," he said, "to use mathematics, materials, money and men to improve the quality, the character, the livability of the community."

FREE TRADE—A TWO-WAY STREET

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. BYRNES of Wisconsin. Mr. Speaker, I noted with interest an editorial in the August 4 edition of the Washington Evening Star. Titled "A Good Appointment," the editorial praised Senate approval of the appointment of Carl Gilbert as President Nixon's Special Trade Negotiator.

The editorial went on to state that Mr. Gilbert, long a proponent of free trade, will have his work cut out in fending off protectionist impulses from within as well as without the administration. The villian within the administration, as the Star sees it, is Commerce Secretary Maurice Stans.

I am afraid, Mr. Speaker, that the Washington Evening Star shows lack of understanding, if it feels that Mr. Stans does not understand the evils of a protectionist trade policy, and if it feels that achieving free trade is simply a matter of the United States being in favor of free trade.

Achieving freer trade requires far more than the lowering of trade barriers by this country. Other countries must also reply in kind if meaningful and lasting results are to be obtained. Secretary Stans is aware of this crucial fact—just as he is aware of the Nixon administration's commitment to a freer trade policy.

For the benefit of those who would like to understand Mr. Stans' position on this matter, let me suggest the perusal of his straightforward comments made in Tokyo, Japan, July 30, 1969, to the seventh meeting of the Joint United States-Japan Committee on Trade and Economic Affairs. Mr. Stans' remarks amply indicate that he is fully aware both of this country's desire to achieve freer trade and the manner in which such trade can be achieved. His comments follow:

REMARKS BY MR. STANS

This Seventh Meeting of the Joint Committee represents, for me, a renewed pleasure, and a new privilege. For this conference affords me the pleasure of once again returning to Japan, which I had visited only some two months ago.

In our trade and economic relations since the last meeting of the Joint Committee nearly two years ago, the growth has been striking. At that time, our total bilateral trade had just broken the $5 billion mark. Now our latest full-year figures, for 1968, show that this trade has surpassed the $7 billion level and perhaps will be above $8 billion this year.

The flow of our trade, in both directions, has accounted for this expansion but, not surprisingly, the pace in the two directions has been uneven. Indeed, taking a somewhat longer period of four years, although U.S. exports to Japan have increased by a healthy average of 10 percent annually, but Japanese sales to the United States have spurted much more dramatically, at a rate of nearly 25 percent. Last year alone, our purchases from Japan rose by more than one-third, which was in itself greater than Japan's total exports to any other market.

The result, as all of us around this table know, has been a shift for the United States to a bilateral deficit position, beginning in 1965, with the deficit in 1968 amounting to $1.1 billion. This is the largest trade deficit that we have with any country.

For this current year 1969, our exports to Japan are up only moderately, but our purchases of Japanese goods in the first five months of this year, however, were running 22 percent higher than in the same period of 1968. If these developments continue, our trade deficit with Japan this year will probably be about $1.5 billion. Secretary Petty has already pointed out that this is not a healthy relationship, for us or for you.

RESTRICTIVE LEGISLATIVE PROPOSALS

It is perfectly understandable that a matter of major concern to Japan is the protectionist sentiment in the United States, especially as reflected in the number of restrictive bills introduced in the U.S. Congress, and I may say, the speeches which were made on the floor of Congress yesterday.

This is perhaps explained by the astonishing array of manufactured products where the United States takes the major share of Japan's exports. Last year, the United States received about three-fourths of your total exports of television receivers, plywood, nails, bolts, and nuts, and may I add, woven wool products. We also took more than half of your export of such products as footwear, pottery, sound recorders, radios, toys and sporting goods, clothing, and various steel items. And not much below the one-half mark are automobiles, sewing machines, cutlery, ball and roller bearings, and motorcycles. So it is not really sufficient to note that the United States accounts for nearly one-third of total Japanese sales abroad, for in many commodity areas the U.S. share is far more.

Last May I asked you to listen to what I had to say, and not to newspaper reports of what I was going to say. By the same token, I would suggest that you not judge the future course of U.S. policy in terms of what some unofficial observers say that it is.

The Nixon Administration is firmly committed to the maintenance—and enlargement—of a freer trade policy. Carrying out this commitment entails certain difficulties, however, and will require some cooperation on the part of our trading partners who have the most to gain from continued open access to the American market.

NON-TARIFF BARRIERS

I am most gratified that Japan accepted the proposal I made in May, that lists of non-tariff barriers be exchanged between our two Governments prior to this meeting. And I am pleased to note that the exchange has now been completed. I want to refer merely to one or two aspects of these lists, and then offer a new suggestion for further progress.

I believe that any review of this area of trade barriers would demonstrate two things: First, considering the constantly expanding and enormous inflow of Japanese products into the United States, those areas where Japan might perceive some restrictive activity on the part of the United States have had a very minor impact. They are, in addition, fully open to public inspection and knowledge and are so administered.

Second, in all candor I cannot make a similar statement with respect to the barriers which Japan has to our trade, and we think they are of much more significance than those we have.

Our latest note on the liberalization of quantitative restrictions on the selective list of priority items currently under discussion makes it clear that, in our view, Japan's offers represent only very limited progress toward Japan's obligations to remove all remaining illegal quantitative restrictions as well as eliminate its import licensing system at an early date.

We urge Japan to effect full liberalization, and we can never be satisfied until that is done. Secretary Hardin and I, during our counterpart sessions this afternoon, will be discussing plans for further consultations with Japan, which we hope can take place in Washington in the fall. We would hope that these consultations would result in a firm timetable for the removal of all remaining restrictions on our exports of agricultural and industrial products to Japan. In the light of our trade imbalance, that would be a fair action.

In the meantime, I would like to make another suggestion. Our bilateral submissions on non-tariff barriers in the last 60 days show clearly that such exchanges of views can be valuable, for we believe that we can reassure you very promptly on some of the concerns you have expressed about our trade barriers. Undoubtedly you can clear up some questions we raised about yours. I propose, therefore, that we now follow up with an exchange of written comments on each country's submission within the next 60 days. Following that, there should be discussion at the technical level.

I have spoken, in recent months, as I did during my last visit here, of an "Open Table" approach to this problem area which the specialists call NTBs. I do believe that Japan, more than any other country, has a greater variety of inhibiting practices which are invisible but very real; by that I mean they are difficult for your trading partners to accurately discern, and therefore to intelligently discuss. I have only to use the phrase "administrative guidance," which Secretary Petty has already referred to, to make myself understood on this point. I am hopeful that our continued discussion of these matters, along with Japan's growing understanding of its increasingly important place in the world community, will result in a progressive erosion of these barriers to a freer flow of goods.

FOREIGN DIRECT INVESTMENT

Eliminating your trade barriers is undoubtedly the most constructive move that we could suggest. I do not believe, however, that a freer exchange of goods can be viewed in isolation, for it often has a close relationship to investment. Because we so well recognize the advantages to our domestic economy of an inflow of risk, equity capital—with its inputs of foreign managerial and technical know-how—we welcome, and indeed encourage, foreign investment in the United States.

In fact, new Japanese investment in the United States rose sharply last year. It is now represented in a number of States, in addition to Alaska which has been the region of heaviest investment.

But when we look at the situation affecting foreign investment in Japan itself, we see that the Japanese Government has apparently done even less to liberalize its restrictions here than it has accomplished in the field of trade. One example of the relationship between trade and investment is the limitation on the freedom of American companies to establish, and expand, sales and service facilities, a limitation which does not reciprocate the open investment policies of the United States.

Another example is that the Administration cannot effectively respond to criticism from the Congress, and from American businessmen, who wish to know why the United States should continue to absorb increasing quantities of Japanese goods when Japan has barriers to both U.S. exports and U.S. capital. The fact of our rising purchases of Japanese automobiles, for example, compared with the Japanese investment restrictions in this same industry, is often cited to me as the leading case in point.

While Japan has announced the second stage of its five-year liberalization program, I must say that we are disappointed that the selected industries—in many instances, actually narrow segments of industries—are largely areas which do not hold much interest for potential American investors. Most important, we are concerned at the continued emphasis on "liberalization" in terms of 50 percent foreign participation. In our view, and this is bolstered by American history, the concept should embrace majority foreign ownership, up to 100 percent, if that is what the private parties involved desire. This again would be true reciprocity.

In light of Japan's increasingly impressive economic growth, the very real contributions which foreign investment can make to maintaining that growth, and Japan's expanding stake in a world of freer movement of goods and capital, we urge Japan to accelerate its liberalization timetable, and to do so in terms that are meaningful to U.S. business.

Textile problem

This brings me to textiles. This is a subject which we have discussed before. In fact, it has attracted public discussion far beyond that which we have had among ourselves.

I do not intend to emphasize the matter here in this meeting, or to restate the full case, or to say anything other than that the problem has become increasingly serious and a solution is even more necessary than before.

Here are just a few facts:

In 1968 alone our net import balance of cotton, wool, and man-made fiber textile products in the U.S. exceeded $800 million, an increase of 60 percent above the previous year. Thus far in 1969 we have seen a further deterioration of that position. Undoubtedly our negative balance will be above $1 Billion this year.

The first five months of this year as compared with the first five months of last year saw all man-made fiber textile and apparel imports from all sources increase 29 percent.

Man-made fiber apparel imports increased 83 percent in this period. From Japan alone, imports of man-made fiber textile and apparel products were up 52 percent, with man-made fiber apparel from Japan up 95 percent during the same period, almost double in one year's time.

We face constant reminders that other countries have restricted the access to their textile markets, many of them under agreement with Japan, leaving us the only major free world market fully open to wool and man-made fiber textile imports. We are the only open and free market for these products in the world. We cannot continue to absorb all the world can produce without great harm to the textile industry and its workers.

American firms in greater numbers are being forced to consider moving their operations overseas, to the *lowest* cost labor areas. This is merely transferring employment from the United States to third countries, and that doesn't help Japan either.

I recognize the difficulties in this textile situation that appear from your point of view. Your textile and apparel workers and your industry spokesmen want to continue their full access to our market, particularly since their access to other markets is so restricted. They fear being closed out of the United States. But their fears and alarms are not justified by the facts of our attitude. We foresee no harm to Japan's industry or its workers in a constructive solution. I am confident that the goals of both countries can be met without displacement of the workers or companies in either your industry or ours.

I have stated our suggestions before, in our previous meetings, as to how to resolve this problem. Our judgment is that the interests of all concerned would be best served by the development of a flexible multilateral agreement and, under the multilateral agreement, a series of comprehensive bilateral agreements covering wool and man-made fiber textiles and apparel. But our position is not frozen on that procedure. We invite your suggestions—we appeal for your help—as to how we can resolve this major problem which in the long run certainly is a mutual one and involves our mutual well being.

We are willing to start negotiations at any time. We are willing to negotiate in Tokyo, in Washington, or in Geneva. We are willing to include cotton textiles in these negotiations as well.

The situation compels us to urge that we join together in reaching a mutually satisfactory arrangement and quickly.

CONCLUSON

I hope to discuss these subjects in more detail in our counterpart meeting this afternoon with Minister Ohira. In summary, I would like to say this now.

We have come here in a spirit of true friendship and a sincere desire to cooperate in the solution of all of our mutual problems.

We agree with Minister Ohira on the dangers of protectionism in the U.S. We can both dislike it, but neither of us can ignore the factors that it feeds on. To the extent it springs from Japan's restrictions on our trade in the face of our high trade imbalance, or from Japan's reluctance to help us prevent loss of employment in the textile industry, it would be highly unfortunate if we could not agree to take steps quickly to reverse it.

There is nothing contradictory between our basic belief in freer trade and our desire for an orderly world market in textiles. The reality is that the textile problem is so severe that it is an impediment to our desire to move toward freer trade. We cannot expect enactment of new trade legislation until it is resolved.

It is inevitable that world producers of textiles will recognize that the U.S. cannot accept the serious harm that will result to its economy if the present flood of textiles is continued. The problem will not go away. It is getting worse. All we ask is a prompt agreement for a reasonable flow of trade.

We believe our trade relations would be enhanced immeasurably, with a net advantage to Japan, if Japan would remove all quantitative restrictions on imports this year, rather than only half of them in 1971; and if Japan were to liberalize all investment this year, rather than part next year and part in 1972, and would liberalize to 100% rather than 50%.

As Mr. Gilbert has said, we want to work with you in every possible way toward the elimination of nontariff barriers on both sides.

Our remarks are not intended on any point to be selfish, but to state what we really believe needs to be done to strengthen our trade relationships, to the long time advantage of both of us.

We do not pretend to have all the answers. We seek a true partnership of spirit, and we invite your views and your help on those matters which trouble us, and we will do our best to resolve those which trouble you. An attitude of give and take, and a firm resolve to meet, talk, and act on our differences, can smooth them out and allow us both to grow securely, in trade and in internal strength. We invite Japan, as a mature nation, with the second strongest economy, to join us in full partnership and full reciprocity.

THE SUIT AGAINST THE UMW

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. HOWARD. Mr. Speaker, the deplorable conditions under which miners have been forced to work for years is properly getting more and more attention these days. One of the outstanding crusaders for mine safety has been Representative KEN HECHLER of West Virginia, a truly dedicated and sincere man. On the Senate side the distinguished Senator from New Jersey, HARRISON A. WILLIAMS, JR., has reported out a strong mine safety bill from his Labor Subcommittee. Today's Washington Post calls attention to some of the problems faced by miners. Because of the importance of this editorial I commend it to my colleagues:

THE SUIT AGAINST THE UMW

Monday 4,000 disabled miners and mine widows filed suit in U.S. District Court accusing the leadership of the United Mine Workers of misusing welfare and pension funds. Attending the press conference announcing the suit were four miners. All began working in the mines at an early age. All are now disabled with back injuries, heart conditions or black lungs. All are now deprived of their pensions and medical benefits. The story was told of a sick miner from the coal fields of West Virginia whose benefit card was cruelly revoked by the union. He needed medicine, but with no card and no money to buy it, he was dead in a week.

Personal disasters such as these led to the formation in 1967 of the Association of Disabled Miners and Widows. It is this group that is asking at least $75 million in compensatory damages from the UMW. In a well-written suit, it alleges a gross abuse of trust by the union and its president W. A. (Tony) Boyle, trustees of the union's Welfare and Retirement Fund, the union-controlled National Bank of Washington, the Bituminous Coal Operators' Association and certain individuals.

Specifically, the disabled—and apparently disowned—miners charge that the trustees of the Welfare Fund have cheated the rank and file of at least $20 million by improper investment, that they have conspired with coal operators against the interests of the miners and pensioners, that between $40 million and $100 million a year for the past five years has been deposited in the National Bank of Washington but has not been collecting interest—income that should have been going to miners.

Although the Suit against the UMW is new, the charges are not. For the past few months, Ralph Nader and others, including Rep. Ken Hechler of West Virginia, have been calling attention to UMW practices. Ralph Nader's disclosures, if true—and he is known to gather his facts with care—depict the UMW as regressive, unresponsive and arrogant.

The suit by the disabled miners is important because it finally forces the union's leaders into meeting the charges with something more than denials through press releases, letters-to-the-editor or the inevitable full-page ad. To be sure it may be some time until the suit comes to trial before the U.S. District Court—perhaps two or three years. But in the meanwhile public scrutiny of the UMW will doubtless increase.

HE BANS MANUALS TO END MEDIOCRITY

HON. BEN REIFEL

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. REIFEL. Mr. Speaker, in the August 5 edition of the Washington Post, Willard Clopton, Jr.'s column, "The Federal Diary," commended George B. Hartzog, Jr., for his work as Director of the National Park Service.

The article, "He Bans Manuals To End Mediocrity," discussed Mr. Hartzog's administrative decision to abolish the handbooks and manuals used by his agency in order to increase creative and fresh thinking.

As one who has served in subordinate capacities both as a career employee in the Department of the Interior and as a member of the Armed Forces over a period of some 25 years before coming to Congress, I well remember with appreciation those few instances in which my superiors permitted me to exercise some initiative and direction on my own. As a consequence I found my work a great deal more exciting as well as rewarding.

It is largely a result of this kind of leadership that Mr. Hartzog has provided for the National Park Service that resulted in the employees of that agency of Government giving about a million and a half dollars of overtime for which they were not paid. This amounts to about $250 per employee in the Park Service. This additional time which was purely a contribution on their part was made necessary by the employment ceiling that was required by the Congress last year.

Rather than let the service deteriorate and at the same time disappoint visitors to our National Parks and Monuments who drove many thousands of miles, they gave freely of their time in this manner.

Their willingness to give this additional time was, I am sure, the result of the kind of leadership that Mr. Hartzog has provided. He is an extremely dedicated public servant. His outstanding service in improving the quality of our national parks and thus encouraging domestic travel is particularly commendable.

I want to take this opportunity also to commend Mr. Clopton for his excellent reporting of this kind of "enlightened" management in one of our Government agencies. The full text of Mr. Clopton's article follows:

THE FEDERAL DIARY: HE BANS MANUALS TO END MEDIOCRITY

(By Willard Clopton, Jr.)

Government offices are cluttered with piles of manuals and handbooks which tell employees and supervisors, in tedious detail, how to do their jobs. They're needed, we're told, in order to insure uniformity in management.

Well, Director George B. Hartzog Jr. of the National Park Service has decided that uniformity is exactly what he doesn't want. What he wants instead from his people is "creativity and personal growth." Accordingly, Hartzog just issued an order abolishing nearly all of the 56 handbooks and administrative manuals used by his agency.

The only ones to be kept will be a few used by agency attorneys in preparing litigation. The rest are being replaced by the adoption of broad administrative policies which lay down general guidelines, and the establishment of program and personal performance standards to be used in evaluating the finished product.

In other words, bosses will be given a general idea of what's expected and the rest is up to their ingenuity.

"My experience in government leads me to believe that, generally, 'uniformity' is a synonym for 'mediocrity,'" Hartzog said in a recent speech at the Federal Executive Institute in Charlottsville, Va.

He said he's convinced that people don't work for money alone, but in order to achieve and grow to their full potential.

What he wants to do he said, is attract "highly motivated" people to the Park Service and "encourage, recognize and reward" the initiative they show. He said he wants to promote "an attitude of constructive inquiry, a receptivity to change and a determination to find better ways of doing our job."

Hartzog may have read a recent article in the magazine Psychology Today by Dr. Frederick Herzberg. The piece, called "Motivation, Morale and Money," points out that real satisfaction on the job isn't the same thing as the mere absence of discontent.

Consider money. A worker can get mighty unhappy if he feels he isn't being paid what he's worth. But Herzberg notes that once the man gets a raise, and after some time passes, "he will begin to want another raise just as badly as if he had never received the first one." Nothing has really happened to alter his attitude toward the work he does or to increase the pleasure he gets from it.

Herzberg writes that the satisfaction of what he calls man's "animal" needs "produces a kind of opiate relief." But "positive satisfaction or happiness seems to require some attainment or psychological growth."

Thus, workers who concentrate on finding their workday satisfaction in such things as more pay, longer breaks and a free parking space are actually "fixated at a low level of maturity," he suggests.

But he adds that "Industry (and he could well have said government), by ignoring man's psychological need for growth and structuring jobs and rewards as if man had only animal drives, creates the condition for perpetuating immaturity. . . .

"Leaders in industry claim to offer challenge and the opportunity for achievement in the business (read "bureaucratic") world," he goes on. "But they must learn to recognize that the typical management approach to man-as-a-worker actually blocks man's efforts to achieve his full potential."

The famed psychoanalyst Carl Jung put it this way:

"The supreme goal of man is to fulfill himself as a creative, unique individual according to his own innate potentialities and within the limits of reality."

One can only wonder how the late Dr. Jung would have gone about reforming the bureaucracy. But it's likely he would have considered getting rid of the handbooks and manuals a good first step in the therapeutic process.

FULL FINANCIAL DISCLOSURE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. ANDERSON of California. Mr. Speaker, several financial disclosure bills have been introduced this session of Congress. While these are good bills, none to date contains the full disclosure provisions that many of our citizens have rightfully demanded of public service employees.

I am introducing today a bill with full disclosure provisions which is the most stringent bill to date in this Congress. It provides for the following:

First, full disclosure for Members of the House and Senate, all officers and employees of the House and Senate with annual salaries greater than $18,000, and all presidential, vice presidential, senatorial, and congressional candidates;

Second, full disclosure for justices and judges of the U.S. court system;

Third, full disclosure for the President, Vice President, Cabinet members and other policymaking officials of the executive branch as determined by the Chairman of the Civil Service Commission; and

Fourth, full disclosure for any employee in the executive with an annual salary greater than $18,000.

This last measure is most crucial, as bills previously introduced only covered individuals in the executive who have civil service status as "policymakers." No public servant earning a salary of $18,000 or more should escape disclosure simply because civil service regulations do not officially list him as a policymaker.

Mr. Speaker, this legislation is necessary because the present disclosure rules contain too many loopholes. For example, Members who are attorneys do not have to list clients, or the business that their law partners have with firms regulated by Federal agencies. Present rules do not require disclosure of fees for speeches or articles under $5,000, and do not require disclosure of gifts, contributions for office expenses, loans, debts, business income from non-Government contractors or from farm subsidies. The Senate's new disclosure rule calls for listing honorariums over $300, but does not require disclosure of business income, stocks, or legal fees. At present, neither Supreme Court Judges nor most Federal employees have to file any disclosure information.

This bill is simple: It requires full financial disclosure. I urge its enactment as a needed reform to rectify the current situation.

A HALF MILLION PRESCRIPTIONS IN OVER 50 YEARS

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. SLACK. Mr. Speaker, anyone who can recall with pleasure, as I do occasionally, the days when the corner drugstore was not a supermarket cluttered with hardware and home appliances will also remember the pharmacist of 50 years ago. He was the master of powders and potions, clad in a white jacket and surrounded by thousands of bottles and jars out of which came relief from pain and distress, according to the doctor's prescription.

One of my constituents, Mr. A. F. "Sixty" Bond, of Clendenin, W. Va., has bridged that span of time with a career of 51 years in pharmacy. A vigorous 70 years of age, he still works 40 hours each week in his profession, and has filled an estimated 500,000 prescriptions. As a reminder that there are still thousands of hard-working, responsible Americans of the old school among us, I call to your attention the following report of his career, published in the July 31 issue of the Charleston, W. Va., Daily Mail:

CLENDENIN MAN RECEIVES TOP PHARMACEUTICAL HONOR

(By Jerry Kessel)

A. F. (Sixty) Bond, whose career as a pharmacist goes back 51 years, today received the Beal Award, the highest honor given by the West Virginia Pharmaceutical Assn.

Bond, who has operated Bond's Drug Store in Clendenin for 16 years, was named the recipient at the group's annual convention, but the plaque didn't come in until this week.

A native of Pendleton County, Bond graduated from Keyster High School in 1918 and went to work for Romig Drug Store there.

FLU EPIDEMIC

He remembers that year well. "The flu epidemic was in 1918," he said, "and the store was next to the undertaking parlor. Prescriptions piled up that year, sometimes 200 at a time, and so did the bodies. Some of the old patent medicines were coming in then, he recalled, and people were buying lots of Bayer Aspirin and Vicks Salve."

In 1925 Bond enrolled in the West Virginia University School of Pharmacy. He graduated in 1928 and received the Lehn and Fink Gold Medal, the school's award for the best scholastic award.

"My daughter also received the same award," he noted proudly. "We have identical gold medals."

His daughter, Ann (Mrs. Luther Smith), is a pharmacist in her father's drug store.

"I work 40 hours a week and my daughter does the rest. I couldn't get along without her," Bond declared.

Bond estimates he has filled "about a half million prescriptions."

He's had little trouble with narcotic addicts who try to obtain their drugs without a prescription.

"Sometimes one will come in with a sad story about needing some paregoric 'for a sick baby' but I can tell pretty much who they are and if I sense one, I just shut him off," Bond said.

In the days of prohibition, Bond said, two of the most popular items were Horke Vino and Virginia Dare, medicines sold as tonics. Their big appeal was their alcoholic content.

"Folks would boil them down a bit and have their liquor," Bond said.

ORIGINALLY "SWIFTY"

How did Bond acquire the nickname Sixty?

"When I was young, my family had to move around. My father died when I was six and I picked up odd jobs. Somehow I was called Swifty. It finally was changed to Sixty," he said.

"One of my friends said it should be Sexy but I'm 70 years old and I don't know about that," he laughingly said.

Bond has held every office in both the Kanawha and the state pharmaceutical associations.

He was married in 1929 to Bessie Smith, of Roane County. In addition to their daughter, they have one son, Albert F., Jr., who works for Projects Research in Huntsville, Ala.

THE DIRTY MAIL CASE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. MICHEL. Mr. Speaker, I am sure there is not one Member of Congress who has not heard from constituents expressing a sense of outrage over receiving unsolicited pornographic material through the mails.

As we all know, the courts have made it rather difficult to legislate in this area, however, it was my pleasure last week to join with several of my colleagues in sponsoring a bill which states, among other important features, that these smut peddlers must first ask permission of a prospective customer by sending a form letter containing no pictures or lurid language. With permission, the seller may send as much advertising as he pleases. Without permission, he risks a jail sentence if he puts the offensive material in the mail.

An editorial appearing in the Monday, August 4, 1969, edition of the Peoria Journal Star discusses the effect of these court decisions and I insert it in the RECORD at this point:

THE DIRTY MAIL CASE

We have gone downright silly in this country when we stretch the "free expression" right to the point where the government becomes an accomplice at shipping unwanted and shocking pornography directly into the home.

It is one thing to defend the rights of people to be dirty if they choose and the rights of performers to display eroticism on the stage so long as the only participants are those who wanted to see it and paid for the "privilege."

It is something else altogether to ship "advertising" that is unvarnished and obscene pornography by any standard that admits the possible existence of such a thing, unasked, into homes where it shocks and disturbs many.

This junk is as vicious an invasion of privacy and as shocking an assault on the sensibilities and rights of many Americans as is the obscene phone call.

The phone call is criminal. The mailed pictures of the same obscenities are not only privileged—but Uncle Sam becomes the accessory who forces them upon the protesting householders!

Presently, the "rule" is that if you don't want it, you fill out a form and notify the sender, and the law says he must not send you any more of that stuff.

And the Supreme Court is now deciding if that violates the freedoms of the senders of junk mail, specifically those sending pornography!

It is unthinkable that they will find that even if you protest and make it clear you don't want this stuff in your home, the United States government is legally bound to assist the pornographers in forcing it into your presence and into your home against your will!

That they would even consider this obscene invasion of a man's "castle" and privacy and rights is shocking enough.

Far from forcing it on everybody, the U.S. government ought to abandon the present policy, restore severe penalties for inflicting commercial obscenity without invitation upon persons simply because they have a postal address, and ban from the mails commercially aimed obscenity.

When the basic rights of the pornographer-for-profit and the basic rights of the average citizen collide, our concern should be for the householder, not the purveyor of filth.

Acquiring a postal address should not involve abandoning the rights of privacy, nor reduce anyone to the class of a second-class citizen and thus a helpless victim of any creep who tries to make money out of the crudest appeals to sex.

The "freedom" to have that kind of approach to sex ought to be matched, at least, by the freedom to have a different standard—without having the lowest standard possible forced on everybody!

Meanwhile, the worst shocker of all is the Washington director of the American Civil Liberties Union, so busy defending the freedoms of the pornographers that he is attacking more basic freedoms for all.

He charges the citizen's "right of refusal" as presently practiced violates freedom of expression by "making a censor of every citizen."

Hell, yes! Every man is his own "censor," for his own standards, and his own home. Not anybody else's. That is freedom. That is tolerance. That is individuality.

This legal apostle of "civil liberties" would make the venal, money-seeking publishers of pornography the final judge of taste for all of us, and our own feelings, our own personal choices, and our own homes would be brushed aside. Tolerance is for their, not for anybody else's, taste. Freedom is for them, not for anybody else's privacy.

This clown is working against the civil liberties of 200,000,000 Americans in seeking to provide a commercial privilege for a few.

Next he'll be arguing that if you have a window peeper, you are violating his civil liberties if you pull down your shade! You gotta leave it open!

How nutty can we get?

FALLACIES IN OUR EVER-EXPANDING WELFARE AND CIVIL RIGHTS FIELDS

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. UTT. Mr. Speaker, I received a letter today from a constituent, whose name I must withhold to prevent possible retaliation. It clearly delineates two fallacies in our ever-expanding welfare and civil rights fields.

Everyone of good will deplores the conditions under which some of our citizens live and, unfortunately, the first thought that comes to mind is that the Federal Government "ought to do something" to help them. So the Federal Government has done something in the form of providing low-cost housing projects with subsidized rent. These look great when new and without doubt are a considerable improvement over much of the housing previously occupied by their new tenants.

But human nature does not change with new quarters and humanitarians who press for Government action generally fail to consider the motivations of the human race. It is well known to landlords that their tenants often

have little regard for the property because they have no equity in it, and when the Government is involved, the lack of concern is magnified. My constituent's letter clearly illustrates how quickly such subsidized housing deteriorates.

In the field of civil rights, again the motivations of human nature have not been considered. In the desire to help alleviate the problems encountered by the black race, Government officials went overboard and discriminated in reverse, giving preference to black citizens. Black militants figured that "a little was good, so a lot is better," and their demands have accelerated. At the same time, they have vigorously promoted black separatism and in the process have instilled hatred of whites in a large number of fine black citizens. Again, my constituent's letter clearly illustrates how this divisiveness is creating problems.

Mr. Speaker, the letter, with names deleted, follows:

DEAR SIR: Subject: Low cost housing for the elderly and those of below average income. For reasons of old age and poor health, my wife and I retired January 1, 1969. Our son, who is making a career of the Navy, informed us of a low cost housing project in south east San Diego, known as the Bay Vista Methodist Heights Apartments, sponsored by a local Methodist church, and financed through the Prudential Life Assurance Company and our Federal government with 265 two-and-three bedroom apartments. We made inquiry and were informed that this was to be an integrated community with a hope for a balance of 75% black and 25% white and other ethnic people. The government-subsidized rent was to amount to 25% of our gross income; this amount to include all utilities, and outside maintenance. We were delighted as this amount fit well within our limited budget.

My wife and I moved in February, at which time the project was about 60% completed. We are both avid hikers and there was lots of walking area. We made long walks every day and observed with interest the gradual progress. Huge sums were being invested to make this a beautiful place to live. There is a Head Start school for the little ones; also two large and well-equipped playgrounds, and all beautifully landscaped; plants and flowers, palm trees, full-grown olive trees, many shrubs, sprinklered lawns, and all maintained. Each family as they were moved in was handed a set of rules and regulations, all set up to make this a good place to live.

A fine manager, Mr. Ronald Warren, has tried valiantly to build up a good cooperative effort. During our daily walks and contacts, we had a fine opportunity to watch the progress and also the rapid deterioration. Despite a constant effort on the part of management and a 25% tenant turn-over, the entire project went from bad to worse with broken windows and doors, filthy laundry and garbage rooms, litter and beer cans thrown everywhere, trees and shrubs pulled up by the roots, sprinklers demolished, terrible housekeeping with pest control units arriving on the picture almost every day. White and other ethnic children were forced out of the play areas by Negro children; many beaten, stoned and threatened. Most of the non-Negro parents were told that, if they did not move, they would be forced to, which they were. From many of the teenagers, a "good morning" would bring a cold stare or downright looks of hatred. The Black Panther Party seems to have a lot of influence with the young people in this area. It will soon be all black.

In all fairness we must report that we had the pleasure of meeting and knowing some very fine black people; ones that did give a damn, mostly among the older and better adjusted, that seemed to appreciate their improved status. Some seemed to think that the new generation is trying to pay back for the many years of suffering and discrimination

We have always liked to think of ourselves as something of crusaders, and believed that all races and creeds might live together in some harmony. We still do, but guess we are a bit premature. My wife and I have raised and educated six children, and have operated a small cleaning store for the past 14 years. We are now living in a different area, pretty much "lily-white." Our rent is over twice the amount that we were paying, which we can ill afford, but peace of mind and some freedom from fear are worth considerable sacrifice.

Perhaps communication, education and emancipation may hold some of the answers. To us this should have been an honor and privilege to be chosen to live in this fine new low cost housing project. It seems such a waste to spend millions to provide new slum housing for old. Perhaps a better percentage of integration might help. We have a number of thoughts for providing low income people with better housing at a much lower cost to Uncle Sam.

Thank you for bearing with us.

THE REGULATORY AGENCIES

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, one of the most provocative articles I have read in a long time was published in the August 1969 Washington Monthly. The author is Louis M. Kohlmeier, Jr., a Washington correspondent for the Wall Street Journal. The topic Mr. Kohlmeier discusses is that of the regulatory agencies. In his article, Mr. Kohlmeier raises what I believe are a number of substantive and valid criticisms of our present system. While few will agree with all of the proposed solutions, I hope that many would agree that change is long overdue in this area. I commend to my colleagues this thoughtful analysis of the regulatory agencies for their information, consideration, and comment:

THE REGULATORY AGENCIES: WHAT SHOULD BE DONE?

(By Louis M. Kohlmeier, Jr.)

The modern nations of the world have adopted three fundamentally different political approaches to mass production and mass consumption. Under communism, as practiced in the Soviet Union, the state had abolished private property, assumed ownership of the means of production, and attempted to distribute equally among the people the output of consumer goods and services. Under socialism, as practiced in the Scandinavian countries and some other nations of western Europe, the state has nationalized selected industries and institutions, but the people have retained some private property rights as well as the right genuinely to elect a new government. Under the capitalist system, as practiced in the United States, government has left production almost entirely in private hands and has superimposed upon those industrial activities most vital to the public interest the authority of government to regulate commerce. The distinctions between the three systems have changed and blurred, but certainly have not disappeared. Americans enjoy the greatest freedom and the highest standard of living of any people in the world.

On the other hand, it is becoming increasingly obvious that all is not well in the consumers' paradise. For example, transportation was, in a large sense, the beginning of both industrialization and government regulation of industry; but now, some three-quarters of a century after that beginning, America's transportation facilities do not offer the people the widest possible choices of services at the lowest possible prices. Washington has promoted the construction of thousands of miles of urban and intercity superhighways; but the more it builds, the more crowded the highways become. Government is consequently turning once more to the railroads but finds that train service all over the nation has declined to the point that it may become extinct within five years. Government determines that it must subsidize the development of modern trains but finds that our railroad technology has sunk so low that this nation, the most technologically advanced in the world, must send a delegation to Japan to learn how to build a truly modern passenger train.

There is evidence that government regulation of commercial airline transportation, which began with the purpose of assuring flying consumers the most frequent and the most reasonably priced service, now has become government protection of the biggest airlines, meaning overpriced and not-so-frequent airline service. And there is equally good reason to conclude that regulation of the trucking and the ocean shipping transportation industries has also become protection contradictory to the original promises.

Government agencies, like people, are not all good or all bad. One agency—the Federal Power Commission—recently lowered the prices many consumers pay for the natural gas they use. But this same agency also has placed a floor under the prices producers receive for their natural gas and consistently has ruled against price competition among the big companies that transport gas from wells in the Southwest to the nation's cities. If this agency was not wholly to blame, its bad planning still was part of the reason why 30 million people in the Northeast were plunged into darkness on the evening of November 9, 1965, by the most massive electric power failure in history.

Another agency, created years ago to protect the public resource of radio spectrum space, can be reasonably accused of squandering that resource in regulating the commercial television industry.

To many observers, it looks as if big business and a mass-production economy have become too much for a constitutional democracy to manage effectively for the benefit of the people. But to conclude that the agencies created to protect the consumer have been captured by the industries they were supposed to regulate is to oversimplify. Industries do have an interest in the agencies. And when politics and business mix there is the risk of scandal. But the exercise of power in Washington is never so simple.

If constitutional democracy has failed to master modern industrial economics, the reasons must lie in the meanings given to the Constitution over nearly 200 years. The Constitution provided in its preamble for a government to "promote the general welfare." It provided in its substantive parts for private property rights, and it checked these rights with a power conferred on the central government to regulate commerce. The Constitution assigned this power to the Congress, as the branch of government closest to the people. In the age of industrialization, Congress could not or would not legislate with finality: it chose to delegate its power to regulate commerce by setting up regulatory agencies. Each agency was to be expert in the economics of the industry assigned to it. To each agency Congress sooner or later gave a mandate, a sweeping statement of purpose and authority to assure the public interest in a field of private industrial endeavor. To each agency Congress also gave the power to fulfill that mandate by writing rules and making decisions. The agencies' rules and decisions are the law. Inasmuch as the agencies were to be experts in economics, a calling distinct from politics, Congress appropriately created walls to shield the agencies from presidential direction and political shenanigans. This rationale of government regulation of business did not spring forth full-blown but, over the years, evolved as Congress adapted constitutional meanings to mass-production economics.

Each agency began small and clear of purpose. With the increase of industrial technology, old purposes have tended to fade and new powers have been needed. If rates and prices are to be controlled, then the number of competitors in an industry also must be regulated. A law nine pages long and an agency of 32 civil servants becomes, over the course of more than 200 amendments, a law 400 pages long and a bureaucracy of more than 1200. And finally there emerge many large, expert agencies. In an economic sense they are industrial planners, and in a political sense they are a distinct branch of government.

In law or in practice, the agencies are not a part of any one of the three branches established by the Constitution. Planning is essentially an executive function, but the agencies are by law independent of the President's direction. Making law is a legislative function, but the agencies in practice are largely independent of Congress—because Congress has deferred to their expert judgments for the writing of rules with full force of law. And deciding obligations and privileges under law is traditionally a judicial function, but the agencies are generally independent of the courts because the Supreme Court also has deferred often to their expertness. In their independence and with their power, the agencies have become something tantamount to a fourth branch of government.

Perhaps the Constitution could survive a fourth branch in which there are deposited pieces of each of the three kinds of power the founding fathers determined to separate. The difficulty is that the fourth branch lacks the essential bases of power upon which the three constitutional branches rest. The power of the legislative branch derives fundamentally from the constituencies from which each of its more than 500 members were elected. The power of the executive rests upon a constituency and consensus of the nation's people at large. And the power of the judiciary is grounded in life tenure.

POWERS AND CONFLICTS

The power of the regulatory agencies does not rest on constituencies of voters, either regional or national, or on life tenure. Theoretically, the agencies' technological proficiency is their source of power and their guarantee of independence, yet Congress has not discovered a way to make experts out of political appointees. Their expert knowledge was to be applied to the public interest; but Congress has found no way to communicate effectively with the agencies, nor have the agencies found a way to communicate directly with the consumers they are supposed to represent. They are isolated from the President, yet their walls are pierced by political pressures brought sometimes by the White House and sometimes by members of Congress itself.

Thus each agency develops a constituency of its own—the industry, or industries, it was created to regulate. The arrangement is not so sinister as it may sound, at least in terms of pay-offs and petty political wrongdoing. The conflicts of interest are on a far larger scale.

Some such conflicts are among the agencies themselves. They are inevitable when individual agencies go their own separate ways toward bigger and better super-highways, or airliners, or ships, as ends in themselves. One agency of government promotes the atomic generation of electricity. Another sides with the natural gas industry. One promotes the airlines, another railroads and a third highways. One agency promotes small business and another defends big business. And all this without communication either way with "the people."

There is a second and perhaps larger conflict. On the one hand, government agencies uniformly become protectors of industry against the rigors of competition, particularly price competition. On the other hand, there is the competitive free enterprise system, as enforced by federal antitrust laws that are almost as old as government regulation of industry.

And there are also conflicts in the exercise of power between the regulatory agencies and the three branches of government, conflicts which are not so easily seen. Evidence and testimony pop up from time to time suggesting that something has gone awry in governments' attempts to adjust constitutional powers and freedoms to the needs of a mass-production economy. The late Justice Robert H. Jackson said some years ago that the rise of the consumer agencies was "probably the most significant legal trend of the last century." Then he added that the rationalization of the agencies with constitutional purposes is but "a smooth cover which we draw over our confusion as we might use a counterpane to conceal a disordered bed." President Kennedy spoke of "a chaotic patchwork of inconsistent and often obsolete regulation evolved from a history of specific actions addressed to specific problems of specific industries at specific times." Indeed, every President of recent history has complained, with justification, that he is charged with more responsibility to the people as wage earners and wage spenders than he has the authority to fulfill.

Perhaps the only sure conclusion is that government, as presently constituted, has made more promises than it can keep. Perhaps an inflation of promises and laws, no less than of money, is built into the system of representative government. But the promises have been made and government will not repeal them. America will continue to try to find new answers, in the old Constitution or perhaps eventually in a new one, by weighing, as it always has, private rights against government powers, state powers against national powers, and, within the national government, legislative and executive and judicial powers against one another.

The balance today weighs more in Washington's favor, as against individual and state rights, than once it did. And, inside Washington, the balance weighs more toward executive power. The nation's hopes for material plenty are centered on the President, and gradually the President, by vote of Congress or without it, is acquiring authority commensurate with his responsibility. He has a Council of Economic Avisers and a special assistant for consumer affairs. He can use the power of his office to prevent a steel price increase and to settle a railroad strike. He has a Department of Transportation that has assumed some of the authority of a few of the old independent regulatory agencies and all of the responsibility for bringing sense and coordination to the nation's conflicting transportation laws and agencies. He has, in short, begun to do what the branch closest to the people has failed to do: coordinate the conflicting powers of government, and establish some manner of priority among multiple federal aims.

STAFFING THE FOURTH BRANCH

Shortly after his election in 1960, President Kennedy assigned James M. Landis, an old family friend, former Harvard Law School dean, and former regulator, to the task of studying the agencies' efficiency and effectiveness. The Landis report was not a secret document, and it was the basis of several messages the President sent to Congress. President Johnson, within days of the Kennedy assassination, spoke to the regulators directly and privately, although the White House press office released his statement. In it Mr. Johnson said he wanted the regulators to concern themselves with "cooperation" with business rather than "new areas of control" of business. Presidents Kennedy and Johnson appointed to the agencies, as vacancies occurred, men they felt shared their philosophies.

But, as Lyndon Johnson's statement indicated, their philosophies were not identical, even if both were Democrats. John Kennedy was a liberal who favored tough and expansive regulation of business and initially appointed tough and expansive regulators. Lyndon Johnson was a liberal on matters such as civil rights, but on issues of property rights he was a conservative who used his appointment power to soften and curtail regulation. Richard Nixon is also a conservative who, during the 1968 Presidential election campaign, sent a form letter to 3,000 securities-industry leaders pledging that the Securities and Exchange Commission would follow a soft line during the Nixon Administration.

Taken together, the known evidence of interventions from Wilson to Nixon demonstrates that Presidents, Democratic or Republican, have not disassociated themselves from the substance of regulation. Contemporary regulation, in form and substance, also is influenced by a more or less constant application of patronage politics. The spoils system, roughly the equivalent of the system that remains in the executive branch, invaded the regulatory agencies in 1950. Prior to that year, Presidents at times had given appointments to commissions and boards as rewards for party service. By law, no party may have a majority of more than one among the members of most agencies, but Presidents past and present usually have been able to find in the opposite party men and women to their liking. In 1950, however, a significantly larger opportunity for patronage politics came into being.

That, presumably, was not the intention. President Truman in 1950 submitted to Congress reorganization plans for the major regulatory agencies. Their main purpose was to authorize the President to designate one of the members of each agency as its chairman and to vest in the chairman the responsibility for naming key staff personnel. Previously, the members of most agencies elected one of themselves as chairman, usually rotating the position annually, and all members participated in the hiring of important staff people. President Truman told Congress that his aim was to pinpoint responsibility of efficient operation of the agencies and to speed their work, trim their backlogs and generally improve "effectiveness and economy." Mr. Truman must be taken at his word, but, as so often has happened with the regulators, the end results have been quite different from the effects intended.

Congress agreed to all the reorganization plans except one for the Interstate Commerce Commission. The railroad industry, unwilling to take its chances with a chairman of Harry Truman's choice, stirred up enough opposition so that Congress voted to bar the President from naming the ICC chairman. At almost all other agencies, the President since 1950 has designated the chairman, the chairman serves at the President's pleasure and each time the White House changes party hands the chairmanships also change party hands. The Supreme Court has never been called upon to decide whether, as a matter of constitutional law, the chairmen may serve at the pleasure of the President or are entitled to the chair for the duration of their terms as members of a commission or board. Some chairmen have been of the latter view, but not strongly enough to fight all the way to the Supreme Court. Some chairmen since 1950 also have had to be persuaded by the new President to vacate the chairmanship; most have not. Most have gone quietly, accepting the principle that the chairmanship belongs to the party in the White House.

The extension of Presidential power to the chairman has had profound effects because it reaches laterally to the other agency members and seeps downward into the agency staffs. Political allegiance and alliance are more important to all than they once were. Indeed, politics has become a larger topic of concern inside some agencies than it is inside departments of the executive branch. In the political limbo of the regulatory agencies, declarations and demonstrations of loyalty to the President are a useful kind of job insurance.

A few agencies still remain relatively nonpolitical. The Interstate Commerce Commission is not unconcerned with politics, but it also is not consumed with politics, partly because it picks its own chairman. The Federal Reserve Board is not concerned to excess, because its members have 14-year terms. By and large, however, politics has, since 1950, eroded the expertise which is supposed to be the touchstone of regulation. When James Landis asserted nine years ago that the agencies had suffered "a deterioration in quality, both at the top level and throughout the staff," no one seriously challenged his statement. It remains valid today.

A BLOB IN EVERY JOB

The test of competence for each candidate consists of the submission by the White House of his or her name to industry executives before sending it on to the Senate for confirmation. CAB candidates are cleared with airline eexcutives, FPC candidates with gas and electric companies, ICC candidates with railroad officials and usually truckers too. (Such procedures are also followed in executive branch appointments that may have quasi-regulatory functions, as was the case when the American Medical Association objected to the proposed appointment of Dr. John Knowles.)

Every President in recent history has run some sort of check with industry before appointing or reappointing a regulator. The method of checking has not always been the same, and industry reactions have been given varying weights by different Presidents. But the practice is so well established that not long ago a new president of Eastern Air Lines proposed publicly that the whole thing be brought out into the open through a committee of airline presidents to select a list of "competent candidates" for consideration by the President in filling the next vacancy on the CAB. The committee was not formed, at least not out in the open. The appointment machinery apparently works well enough, for example, to satisfy one bank executive, who said of the banking regulators: "This system works best if there's a blob in every job."

Almost no President has ever sent up for Senate confirmation a name to which industry takes vigorous exception. President Truman, for instance, refused, for no reason that was apparent at the time, to reappoint James Landis. Landis, who had been chairman of the Securities and Exchange Commission in the 1930's, was chairman of the Civil Aeronautics Board in 1947. As his term on the CAB was drawing to an end, the White House announced he would not be reappointed. Landis subsequently said: "There is no question that the airlines were against me. I am against monopolistic practices and a number of things that they have been doing." The only exception in recent history was in 1949, when President Truman tried unsuccessfully to reappoint Leland Olds to the Federal Power Commission over gas-industry opposition. More often, the names that the White House picks pass the industry check without difficulty.

Why do Presidents run checks with industry before picking regulators? Fundamentally, because Presidents usually look upon regulation more or less as industry's preserve, but also because they want to be forewarned of opposition. If it appears that a nomination will face a stiff fight, the President must decide whether to drop it or do battle with the Senate. Another reason for the checkouts is that all Presidents, Democrats as well as Republicans, number leading industrialists among their personal friends and political contributors. Conferring with them is regarded an act of courtesy, if not prudence.

No President can forever ignore the business community or incur its universal and undying wrath by appointing hostile regulators. As John F. Kennedy learned, an excessive amount of Presidential hostility toward the business community can in the long run shake business confidence in the future of the nation's economy. Badly shaken confidence means a falling stock market and perhaps curtailment of new plant construction and new job opportunities. That is bad politics. Regulatory-agency appointments are not the be-all of business confidence, but they surely are part of the fabric of White House relations with business.

Politics and regulation being what they are, regulators generally fall into one of two categories. The first consists of occasional appointees who are bright, able, and ambitious; they invariably stay for a few years and then resign, long before the expiration of the five-year or seven-year terms to which they were appointed. But most incumbent regulators are in a second category—those who are appointed wholly because of their political credentials and need of jobs, and who want to stay on indefinitely, or at least as long as their political connections and industry acceptability remain intact.

The premature resignations of men regarded by their peers as bright and able have been decried over and again. When the first Hoover Commission investigated the regulatory agencies during the Truman Administration in the late 1940's, it complained that the regulators were coming and going so rapidly that many "do not remain long enough to master the problems of regulation and to perform their duties well." During the Eisenhower Administration, in 1956, the chairman of the Civil Aeronautics Board, in a moment of frankness, told a House committee that the CAB never adheres to "a fixed philosophy for any very fixed period of time because the members come and go."

Key staff members who are bright and able also come and go. The politics involved is not subtle. A principal value to the President of his power to designate chairmen is the patronage potential in each chairman's authority to appoint key staff personnel. These staff officials—the head of the CAB's Bureau of Economic Regulation, of the SEC's Division of Trading and Markets, of the FCC's Broadcast Bureau—do not have the job security enjoyed by the mass of federal civil servants of lower rank in the agencies and the executive branch. They are part of the "Schedule C" layer of Washington officialdom that is below the rank of Presidential appointment and above the rank of civil service protection; they can be hired and fired at will.

There was a time, before 1950, when someone who wanted one of the top agency staff jobs and who was accepted by the members of the commission or board had simply to obtain a letter of endorsement from one of the senators of his home state. Once hired, from outside the agency or by way of promotion from within, he usually stayed. A change in command at the White House didn't reach him. Now the appointments go through the same political patronage clearance procedure at Democratic or Republican National Committee headquarters that is involved in all noncivil service appointments to high federal office.

The job seeker normally goes first to his Democratic or Republican national committeeman or committeewoman, or to another party official of his home state designated to clear federal jobs for that state. If the state official looks with favor on the job claim, he submits it to National Committee headquarters. Only then does the job seeker go to see the chairman of the agency for whom he wants to work. "This is normal procedure," says a Democrat who served as a top staff official of the SEC during the Kennedy and Johnson Administrations. "The chairman of any agency could argue against me or anyone else sent over by the National Committee, if he really felt strongly. But that ordinarily doesn't happen."

What does happen is that when the White House changes party hands, the chairman of the agencies change and the top staff appointees go and come with the chairmen. When Dwight Eisenhower became President, staff heads rolled at the Federal Trade Commission, the Civil Aeronautics Board, and most other agencies. When John Kennedy became President there was a wholesale turnout of Republicans. And when Richard Nixon moved into the White House, the Democrats were turned out.

All this is not to say that there is no expertise left in the agencies. A few experienced staff officials at some agencies have remained through Democratic and Republican Administrations. They've usually done so by means of friendly alliances that permit the politically displaced to take lesser jobs with civil service protection in an agency, hoping to return to power when the next Administration comes along. But these are the exceptions. The rise of politics and the decline of expertise inside the agencies is described, privately, by a member of the Federal Trade Commission: "At the FTC everybody, down to Grade 13, knows who's a Republican and who's a Democrat and who contributed to what party."

A PROPOSAL FOR REFORM

The executive branch, by and large, is not now as defenseless as the regulators against pressures brought by special-interest segments of the population. The pressures bear on the great departments, some of which tend to be advocates of broad special-interest groups. The Department of Labor is regarded by all concerned as the voice of organized labor; the Department of Commerce is the accepted advocate of business; the Department of Agriculture is the spokesman for (as well as subsidizers of) farmers. But these departments are advocates of very large special-interest groups which, because they are not of a single view on matters of competition, subsidy, and so forth, expose department officers to varying points of view. And, most importantly, their advocacies are not unduly objectionable to the public because cabinet secretaries are subject to the discipline of the President, whose constituency embraces all the people.

If the President and his executive branch are now reasonably secure against the pressures and commitments that have plagued the regulators, they may not remain so. The experience of the democracies of western Europe suggests that increased centralization of power within government generates its own pressures and problems. Big business and big labor are capable of generating big political pressures that do not necessarily assist efficient government planning. Issues of mechanization, full employment, and higher wages in such industries as transportation, communications, steel, and automobiles tend to be resolved more by political than economic means; and, if they are not resolved, big labor is capable of general strikes that paralyze a nation. Government, industry, and labor relationships in the United States do not yet parallel those in Europe. But neither is America as far from Europe as it once was. General Motors says that industry and government should work "not as adversaries, but as allies," and government no longer disagrees.

Big government and its counterparts in industry and labor will not disappear; they were responses to the demands of the people in an era of industrialization and urbanization, for economic security and abundance. Blind condemnation of bigness is no more useful than blind affirmation. If the needs of governmental efficiency and priority are to be balanced anew with doctrines of economic freedom and individualism, bigness must be disciplined through a redistribution of powers among the three constitutional branches. This would involve a re-evaluation of the relationship between the federal government and the states, as well as a reaffirmation of antitrust law as the best and only means this nation has discovered to assure economic freedom and economic individualism.

ABOLITION

The independent regulatory agencies should be abolished, and the powers of each should be carefully re-examined. Those promises and powers in their laws which do not conflict with competitive principles and antitrust statutes should be distributed among the three branches; those that do conflict should be repealed. In redistributing those powers which are retained, consideration must be given to the question of whether some tasks, assumed by Washington in pursuit of the general welfare of the entire nation, can more effectively be performed by state and local governments, alone or in a new form of partnership with the federal government. Washington must treat all who are subject to its laws with equality and uniformity.

That fundamental constitutional requirement inhibits effectiveness of centralized planning in a nation as large, populous, and variegated as the United States. The transportation requirements of New York are not the same as those of Nashville and Tucson. The Federal Trade Commission admittedly has not been able to effectively police the retail advertising of all merchants on every Main Street, and one FCC member has said, "Federal efforts alone can never be successful." If Washington delegates or shares its tasks, it must also share its tax revenues. The most promising method is bloc grants to the states; Washington would, for example, grant to each state a proportionate sum for transportation purposes and allow the state to decide where and how to spend the money. Federal authority and money cannot be shared in areas of exclusive federal jurisdiction, such as navigable waters and airways. But federal funds, shared or not, should not be used to subsidize private corporations.

In the redistribution of powers among the executive, legislative, and judicial branches of the federal government, each branch would be charged with larger economic responsibility and authority.

If Congress insists that the President bear responsibility for full employment and full purchasing power, then he must have authority for making monetary policy, which now is vested in the Federal Reserve Board. Perhaps efficiency also requires that he have the authority to raise and lower income-tax rates within a limited range prescribed by Congress. But his authority should be confined to power that is narrow in its range of discretion and uniform in its application. He should not, formally or informally, exercise authority over prices charged by private corporations or wages negotiated by labor unions. Nor should his Council of Economic Advisers promulgate price and wage guidelines. The role of the council should be to advise the President in the exercise of his authority and in his recommendations to Congress, and to coordinate the enforcement and administration of law by the great departments of the executive branch.

Congress itself is inherently incapable of regulating the nation's commerce or else it would not have created the independent regulatory agencies or enacted the Employment Act and created the Council of Economic Advisers. Having charged the President with responsibility, and having now begun to enlarge the authority of the executive branch, Congress should have no great difficulty in removing the regulators and reapportioning their powers.

Constitutionally, there is no solution to the problem of the regulators other than to abolish them and redistribute those powers which may be exercised by the three branches. The Constitution created a government of the people, and the people gave their sovereignty only to officers whom they elected and judges to whom they gave lifetime tenure.

Regulators are extensions of the legislative branch, but it would be totally inconsistent and wholly impractical to elect regulators to four-year or other terms. Congress created the agencies for the very purpose of removing the regulation of commerce from politics and substituting independent expertise for political partisanship. There is no reason to believe that popular election of regulators would not further intensify the politics of regulation and deny expertise and independence.

To confer upon the regulators, as they now exist, lifetime tenure also would be inconsistent and impractical. The Constitution, in granting tenure to judges, denied them the power to decide issues other than those brought before them. Judges cannot reach out to make law where they feel law should be made; it was the purpose of regulation by independent agency to do precisely that.

To transfer the regulators and their powers intact to the executive branch would confer upon the President powers which, as the Supreme Court has said, would be so discretionary in form and so arbitrary in effect as to be unconstitutional.

Abolition of the agencies, it must be emphasized, does not mean abandonment of specific federal promises of the lowest possible rates and prices and the greatest abundance of goods and services, or repeal of the general promise of economic stability and security. It does mean restructuring some parts of government and industry to improve the likelihood that those promises can be fulfilled.

ANTITRUST LAW

Reaffirmation of competition as a national policy and refurbishment of antitrust law as the means of enforcing that policy are absolutely essential prerequisites to abolition of the regulatory agencies. The writing and enforcement of antitrust law will never be a pure science, economic or political. Antitrust is, as regulation attempted to be, a political policy addressed to industrial economics. The policy of antitrust is to foster competition; the policy of regulation, formal or informal, is to suppress competition. There will continue to be valid exceptions to the rule of competition. Natural monopolies, in the form of local electric, water, and transit companies, are exceptions that will continue to be regulated under state authority. But all the exceptions that by law or habit have been created in Washington should be re-examined.

Antitrust law is a useful instrument for enlarging the store of knowledge concerning the public effects of industrial concentration. It can be made more useful. Enforcement by the Justice Department should be coordinated with the work of the Council of Economic Advisers. The informal efforts of the President to regulate prices and wages through the prestige or inherent powers of his office would be abandoned. Those ends would be pursued through formal antitrust actions, coordinated with fiscal and monetary policy by the Council of Economic Advisers, filed by the Justice Department, and decided by the commerce court. The formal exceptions to antitrust law enacted by Congress for the benefit of the regulatory agencies should be repealed.

Enforcement of the Sherman and Clayton Acts has been inadequate. Active participation by the Council of Economic Advisers in formulation of antitrust policies and suits should result in greater enforcement effort. But, pending the Council's participation, Congress can act to reinvigorate enforcement. The antitrust division of the Justice Department needs more money and manpower. Its annual budget of about $7 million is less than half the budget of a single large regulatory agency and one-tenth the amount the government has paid in airline subsidies in a single year. After giving it more money and manpower, Congress should forbid the division to negotiate consent-decree settlements of antitrust suits it has brought. It has been allowed to compromise suits on the theory that, being understaffed, it thus could bring more suits. All suits should go to trial; and, in price-fixing suits, businessmen no longer should be allowed to plead no-contest and thus avoid trial where the trial record can be used by private parties and by the states as the basis for triple-damage suits against the price-fixers. More businessmen convicted of price-fixing should be fined the full $50,000 and be required to spend one full year in a federal prison.

Congress should further augment enforcement by enacting an absolute ban on all future mergers involving significant competitors—direct, indirect, or potential. A significant merger could be defined as one in which one of the merger partners has annual sales or assets in excess of $100 million.

When competition is reaffirmed and antitrust law is refurbished, there will be no need of regulators. The agencies should be abolished on a first-in, first-out basis.

TRANSPORTATION

The transportation area demands first attention, as President Kennedy indicated. The antitrust law exemptions that permit railroads, truck lines, and barge lines to fix rates should be repealed. The Interstate Commerce Commission's controls on entry into these industries, through its power to license common carriers and its power to approve mergers, also should be repealed. Railroad and other transportation industry executives who persist in fixing prices should be subject to the criminal penalties of the Sherman Act. Antitrust law would take the place of regulatory law, and there no longer would be an function for the ICC.

The authority of the Civil Aeronautics Board to fix domestic airline fares, control entry into the industry, and approve mergers should similarly be repealed. Commercial airlines are no longer an infant industry, and they should by law be declared ineligible for subsidies. If these actions are taken, and antitrust law is thereby substituted for regulatory law, there will be no reason or excuse for a Civil Aeronautics Board.

The elimination of rate-fixing conferences, subsidies, and controls on entry will not be so easily accomplished in areas of overseas air and ocean transportation. The democracies of western Europe, which have ownership interests in their international airlines and shipping companies and which are the mainstays of the International Air Transport Association and other rate-fixing conferences, will resist United States withdrawal. Nonetheless, the United States supplies far more passengers and freight than any other nation, and it should use its influences to re-establish competition on international air and sea traffic lanes.

Pan American World Airways and other U.S. companies operating international air services are not now receiving federal subsidies, and they, like domestic airlines, should no longer be eligible for subsidies. To end the need for federal subsidization of construction of commercial ships, American shipping companies should be given the freedom they are now denied to build ships in foreign shipyards. To end the need for ship-operating subsidies, U.S. ship lines must meet foreign-flag competition the same way other United States producers are expected to compete on the international market. Higher American wages and other operating costs must be offset by superior American technology and automation. American shipbuilders, ship operators, and maritime labor for too long have lobbied in Washington intensively and successfully for subsidies with the fundamental argument that America needs its ships for national defense emergencies. Automated ships designed in America and built in foreign yards will be under American control for defense emergencies.

Coordination of the remaining federal programs involving domestic transportation will lie within the responsibility and authority of the Department of Transportation. It already has authority as well as responsibility in matters of rail, highway, and aviation safety that formerly was vested in the ICC and CAB. Regulation of automobile safety was vested in the department in 1966. Regulation of safety matters in international ocean transportation should be transferred to the department. The Federal Maritime Administration, its authority to subsidize ship construction and operation having been repealed, can thus be totally abolished.

Aviation safety, on domestic and international air routes, will continue to be an important matter of Transportation Department concern. The public interest requires continued operation by the Federal Aviation Administration of the nation's air-traffic-control system and certification by FAA of new types of aircraft. FAA is part of the Transportation Department; its spending must be coordinated with actual levels of air traffic and with total federal spending. Airlines and other civilian users of the FAA's air-traffic-control and navigation system should pay their full share of the costs of operating and improving the system, through establishment of airways-user charges. Federal spending to develop a supersonic commercial airliner should end. The SST should not be built until private enterprise can develop a reliably safe and commercially sound airplane—and perhaps the SST should not be built even then, if the public nuisance of sonic booms cannot be substantially reduced.

Improvement of the nation's rivers, harbors, and coastal waterways for navigation, flood control, and generation of electricity also must remain a federal concern, because these navigable waterways belong to no single state and are in exclusive federal domain. But the works of the Army Corps of Engineers must be transferred to either the Transportation Department or the Department of the Interior. Inasmuch as federal promotion of barge line transportation will be inappropriate in a new era of transportation competition, perhaps the other purposes of waterways improvements will be paramount and the works of the Engineers therefore should be transferred to the Interior Department. Control of floods, dredging of harbors, and control of beach erosion and pollution certainly are proper federal concerns, but barge lines and other private interests that gain special advantage from such programs must pay appropriate user charges for the benefits received.

Federal spending for improvement of surface transportation within the United States cannot quickly be curtailed. If construction of the Interstate Highway System were stopped prior to its planned completion in 1972, millions of motorists would write irate letters to their congressmen. Federal highway construction already has gone so far that federal subsidies probably are essential to save what is left of the nation's urban and intercity surface transportation facilities. Federal spending for highways and common-carrier forms of transportation will continue to grow until 1972. But coordination, through the Transportation Department, can begin before then. The Highway Trust Fund, which defies coordination, should be eliminated and highway spending controlled by annual appropriations: highway users charges larger than those presently collected should be required of all truck lines. The federal government then should adopt a bloc grant program for transportation, giving to each state annually a proportionate sum, based upon population, to be allocated for urban and intercity highways, rail facilities, subways, or buses. The Transportation Department would have authority to make certain that the grants are used efficiently and honestly, but state governments would have final authority to decide how and where the money is expended.

ABOLISHING THE FCC

Communications services, like transportation services, involve a combination of intrastate, interstate, and international responsibilities and demand new and enlightened approaches. Domestic telephone and telegraph companies are natural local monopolies whose rates and practices will continue to be regulated by the states. Long-distance telephone and telegraph services, both interstate and international, also have been monopolistic in nature and have been regulated by the Federal Communications Commission.

Technology, however, has blurred the distinction the FCC has attempted to maintain between voice (or telephone) services and written communications (or telegraph) services; and technology is further blurring distinctions between wire, cable, and radio as methods of carrying all types of communications. It seems entirely likely that, given free rein, communications satellites offer a relatively cheap new method of transmitting very large volumes of interstate and international communications and of opening both domestic and overseas long-distance communications to a new era of competition. If this potential of communications satellites were realized, competition and antitrust law could be substituted for regulation of long-distance services, and the land-based, local telephone, and other connecting services would continue to be regulated by the states.

Enlarged use of communications satellites would of course require assignment of more radio frequencies and complicate the already large problem of frequency allocation. The existing problem of allocating frequency space among users of industrial radio services, public police and fire departments and similar users, and commercial broadcasters demands more comprehensive and enlightened government study and action. The responsibility for study and the authority to allocate frequency space should be transferred from the Federal Communications Commission to the executive branch. Allocation authority could be shifted to the Commerce Department, where it originated, but would be better pinpointed by transfer to the Transportation Department, which then would be the Department of Transportation and Communications.

In re-evaluating present and projected radio spectrum usage, the executive branch should immediately add to the space available for satellite and other communications by moving all television broadcasting into the ultra-high-frequency channels, and thus freeing the very-high-frequency channels for other uses. The move will inconvenience television-receiver owners, but no more than they already have been inconvenienced. It will put all commercial TV broadcasters on an equal footing, increase competition in the industry, eliminate the most onerous features and politics of the FCC's 1952 master plan and perhaps even bring back to life more television networks.

Further, the executive branch and Congress should reconsider the 1962 Communications Satellite Act. Reconsideration might well lead to the conclusion that competition, rather than a monopolistic government-industry consortium, is appropriate for international as well as domestic communications. They clearly should reject the proposal, made late in 1968 by a Presidential committee headed by a State Department official, of a still larger government-sponsored monopoly that would own all U.S.-held submarine cable and other facilities, including satellites, for international communications. In addition, Congress and the executive branch should endorse competition by encouraging the development of cable-television and pay-television services with the United States. And the Federal Communications Commission should be abolished.

ENERGY

Re-examination of federal responsibility and authority in the area of energy resources also is long overdue. The inability of the Atomic Energy Commission to promote civilian uses of atomic energy, to the extent hoped, suggests that Congress again should relax governmental controls over private use and take new measures to foster industrial competition. Civilian control of atomic energy should remain, but control should be transferred to the Department of the Interior. The department could regulate safety and other aspects of private industrial usage of atomic energy.

Inasmuch as the primary private use apparently will continue to involve atomic generation of electricity, it is entirely appropriate that the Secretary of the Interior become the coordinating agent of all federal programs concerning energy resources. The Federal Power Commission's authority to license the construction of hydroelectric dams on navigable waterways should be transferred to the Secretary, and Congress must fix standards he is to follow in deciding whether contested dam sites are to be developed by private investor-owned utilities or by public authorities. His decision would be appealable to the new commerce court. Federal regulation of interstate transmission of natural gas and of gas producers should be abandoned; neither transmission nor production is a natural monopoly, and competition should be required in both areas through the application of anti-trust law to entry into the business, to merger proposals, and to rate-fixing. Regulation of electric and gas utilities, which are local distribution monopolies, should remain with the states.

BANKS

Federal supervision of national banks and federal insurance of deposits in national and state banks are essentially safety functions which should be consolidated in the Treasury Department. The Office of Comptroller of the Currency, already in the department, could be renamed the Federal Banking Administration. The Administrator would assume the Comptroller's authority to examine and supervise national banks. The bank regulatory authority of the Federal Reserve Board would be transferred to the administrator, and the function and authority of the Federal Deposit Insurance Corporation also would be consolidated in the new office of the administrator.

The Federal Reserve Board, thus relieved of its responsibility and authority to examine and regulate member banks of the Federal Reserve System, would become solely an agent of monetary policy, adjusting the nation's supply of money and credit to its needs of the moment. The Federal Reserve System of member commercial banks would remain intact, but the board should be abolished as an independent agency. It should be reformed as a part of the executive branch—and must be, if the responsibility which has been charged to the President by Congress for full employment and purchasing power is to be fulfilled.

Conservative bankers assert that the Federal Reserve Board's independence is a healthy brake on the soft money and easy-credit policies of some liberal Presidents. But the Federal Reserve Board has not proved itself unerring in economic wisdom either, and divided responsibility and authority lead to conflict and invite irresponsibility. The President, not the board, is accountable to the intended beneficiaries of full employment and purchasing power.

Authority for monetary policy should be vested in a multimember board, but the board should be part of the executive branch. Its members should be confirmed by the Senate and should serve at the pleasure of the President. It could be composed of the chairman of the Council of Economic Advisers (who also would be chairman of the new Federal Reserve Board), the Secretary of the Treasury, and the administrator of the new Federal Banking Administration.

Reform, over the long term, also should include an end to the dual system of national and state banks. Chartering of commercial banks by the federal government and the states has led to conflicting standards of competition. Chartering of new banks, which means control of entry into the business, should be left to the states alone. State law on branch banking already controls national as well as state banks and should remain. Banks are not in fact interstate businesses and should not be allowed to spread themselves across state lines. More competition among banks is desirable, and antitrust law should apply to bank mergers and, to the extent possible, to other competitive matters in the banking industry.

A banking industry consisting entirely of state-chartered and state-regulated banks need not be inconsistent with a central banking system headed by the reconstituted Federal Reserve Board. State banks, as well as national banks, presently are members of the Federal Reserve System.

CONSUMER PROTECTION

Federal jurisdiction in matters of consumer protection from false advertising, securities frauds, flammable fabrics, and the like should be re-evaluated and new balances struck between federal and state authority and government regulation and free competition. Federal efforts to police hundreds of thousands of retailers and other businessmen who deal directly with consumers should be re-examined and abandoned where Washington cannot succeed.

Those policing functions which the federal government can best perform, such as guarding against false advertising on national television and stock manipulation on national securities exchanges, should be transferred to a new Consumers Affairs Division in the Justice Department. The division would police consumer frauds and misrepresentations by filing suits in the new commerce court. Policing of lesser frauds and misrepresentations would be left to the states and to individuals. To assist, the federal government should provide funds in the form of state grants which would be distributed to Better Business Bureaus and similar organizations and would be used to expand the embryonic program, now administered by the Office of Economic Opportunity, to provide legal services to consumers who cannot afford a lawyer's fees.

The Federal Trade Commission's authority to police misleading advertising, flammable fabrics, and mislabeled furs thus would be redistributed between the Consumer Affairs Division and the states. The FTC's authority to enforce the Clayton Antitrust Act would be consolidated with the same authority already existing in the antitrust division of the Justice Department. The Robinson-Patman Act amendment to the Clayton Act, which the antitrust division has almost never used, would be repealed. Hopefully, federal exemptions from antitrust laws which permit states to enact fair-trade laws also would be repealed. And the Federal Trade Commission would be abolished and made over into a part of the judicial branch.

The Securities and Exchange Commission would similarly be taken apart and abolished as it now exists. Authority to investigate fraud in the sale of securities and manipulation of stock market prices would be transferred to the Consumer Affairs Division. Its authority to control entry into the stock market business and to regulate stock exchange commission rates would be repealed. Entry would be free, and mergers and commission rates would be subject to antitrust laws. Antitrust law thus reaffirmed would be employed to bar forevermore member firms of the New York Stock Exchange and other exchanges from fixing commission rates and to bestow on investors the benefits of commission-rate competition. The new federal program of grants to the states for the purpose of strengthening Better Business Bureaus and other consumer protection agencies might well be expanded to also strengthen the securities regulatory agencies of New York, California, and other states.

LABOR

The labyrinth of federal bureaucracies that regulate labor and management relations ought to be reformed. Federal laws guaranteeing workers' right to organize, those proscribing unfair union and management practices and those written to assure democratic procedures in unions' internal affairs, should be administered by the Labor Department through suits filed in the new labor court. The National Labor Relations Board can be reconstituted as the court. The Labor Department already polices unions' internal affairs, through suits filed in federal district courts. It also should assume the functions now vested in the NLRB, including the supervision of union representation elections among employees.

Federal programs now assigned to the National Mediation Board and the Federal Mediation and Conciliation Service should first be combined and then reviewed by Congress and the Labor Department. Federal mediation clearly has not been successful in transportation. Its collateral effect of stagnating labor-management bargaining, leading ultimately to compulsory arbitration, is surely undesirable. Greater reliance for mediation and conciliation might be placed on state agencies which already exist for those purposes.

Labor's basic right to organize and bargain for wages and other benefits is not an abuse of antitrust laws, but organized labor should not enjoy total immunity from those laws. Unions ought not to be used as price-fixing mechanisms, either by barbers musicians, and other self-employed persons or by agreement of workers with employers. Antitrust law does and should apply to conspiracies of unions with employers for the purpose of damaging competitive employers or unions.

The Equal Employment Opportunity Commission should be abolished because it is an inefficient means of opening job opportunities to Negroes and other minority groups. Its responsibility should be transferred either to the Labor Department or to the civil rights division of the Justice Department. Suits to require employers and unions to fulfill their obligations under the 1964 Civil Rights Act would be filed in the new labor court, as they now are filed by the Justice Department in federal district courts.

The reform of the regulators will not be quick or easy. More and perhaps better answers may be found in the course of abolishing the independent regulatory agencies and subjecting their promises and powers to the discipline of constitutional doctrine and of the competitive system reinforced by antitrust laws. If those promises and powers are not so disciplined, governmental efficiency, coordination, and priority will be pursued by other means. Greater economic stability and consumer security will be found, but at a greater sacrifice of economic as well as individual freedom.

A REEVALUATION OF OUR JAPAN POLICY

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. TUNNEY. Mr. Speaker, 27 years ago, President Franklin Delano Roosevelt asked the Congress to declare war on Japan, and turn back Japanese military aggression in Asia. The Congress agreed, war was declared and a huge American expeditionary force was sent to fight in the Far East.

The people of our country were not primarily fighting to protect China and Southeast Asia from Japanese conquest. They were fighting to defend American territory and vital national interests against an aggressor who perpetrated a sneak attack on Pearl Harbor.

Since the end of World War II and in a period of only 15 years, the United States has been engaged in two additional wars in Asia, involving over half a million casualties and almost $200 billion in expenditures. In both instances the wars were fought to repulse foreign aggression and protect our national security.

The irony of world politics is clearly seen in the Korean and Vietnam conflicts. In both wars the United States has viewed China as the main threat to world order while Japan has been our firm Asian ally. A few years earlier, in World War II, our great ally was China and our implacable enemy was Japan.

To add to the confusion, in the Vietnam war, we are not even pitted on the field of combat against our main antagonist—China. We are fighting Vietnamese in their homeland. There is considerable doubt in the minds of many Americans that we are supporting a government in Vietnam which has broad popular appeal and one which has inherent viability. The pattern of the war does not allow for a neat separation of the Vietnamese protagonists into the forces of good and the forces of evil. An earlier division based upon anti-Communists valiantly struggling against Communist oppressors has lost some of its emotional vitality because it all too often appears that American soldiers are dying to uphold a corrupt, selfish, inefficient regime in Saigon.

The cost of our efforts in Vietnam in manpower, in money, in international friendship, in domestic programs deferred, in moral confusion has led many Americans to question just what our national interests are in Asia and whether we can afford a continuation of present policies.

In the past 6 months I have taken two extensive trips to Asia to try and resolve these questions for myself. Unfortunately there are no clear-cut answers. I am certain of one thing however—the United States has a vital stake in the future of Asia and our present disgust with the Vietnam war must not result in a rejection of all responsibility for the area.

It is critically important that in the next few years long-range policy objectives in Asia be carefully formulated and dispassionately implemented. It is absurd to lurch from crisis to crisis with predictable constancy and outrageous inevitability.

There have been too few responsible governmental officials in the last 20 years who clearly saw the limitations as well as the extent of America's role in Asia. There has been a tendency to play the role of the reluctant imperialist—the Roman who feels morally compelled to bring civilization to the world and then defend the empire from all its enemies.

With a series of bilateral and multilateral alliances after World War II, we took on military responsibilities that we just do not have the resources to handle. Vietnam has clearly demonstrated that the United States cannot be the policeman for the world. We cannot put down every insurgency in every underdeveloped country, nor should the United States want to.

There has been a tendency to think in terms of military reaction to dynamic social changes that are political and economic in nature. In the minds of some officials it is better to maintain the status quo rather than suffer the discomfort of unpredictable change.

Too many Americans think of Asia as a monolith. Actually it extends from India and Pakistan around through Southeast Asia and Indonesia to China, Korea, and Japan. Asia contains over 50 percent of the world's population and includes a multitude of different languages and dialects, racial groupings and cultures. The people of Asia in the last generation have become imbued with a spirit of nationalism. The force of nationalistic aspirations has been nourished by passionate anticolonial feelings. It is a nationalism which rejects intermeddling by other Asian States, China included, as fully as it disdains European or American interference.

No Asian policy can be uniform in its approach to different countries, cultures, and levels of economic development.

There are for instance two different types of policy commitment in the case of the Korean and Vietnamese wars. It is one thing to repulse Northern military aggression in South Korea with a unified South Korean population. It is quite another thing to defeat a combination of guerrilla subversion and northern military aggression in South Vietnam where a substantial portion of the South Vietnamese people are determined to overthrow their government. Sadly, many Americans are not able to differentiate between the two types of commitment They have not been helped by simplistic overgeneralizations by responsible officials.

Basic policy goals should be considered in the context of what the United States can afford both materially and spiritually. Potential adverse effects to domestic human resource development programs, balance of payments and the general health of the economy should be weighed before policy is established. There should be a systematic consideration of alternative methods of achieving policy objectives.

If this was done 15 or 10 or 5 years ago does anyone believe that the United States would have opted to get bogged down in a seemingly endless war in Vietnam—a country with less than 2 percent of the population and economic productivity of Asia? If Americans could have made a decision in the early sixties to buy South Vietnam for over 200,000 casualties, 30,000 soldiers killed in action and $100 billion, do you think there would have been many takers?

This is not to say that the United States can, like a recluse, retreat into a fortress America and ignore the rest of the world. The world will not ignore us. What I am suggesting is a careful evaluation of our relationship to countries in Asia within a total framework of American national interest. This means disenthralling ourselves of the notion that the U.S. security is threatened and we must militarily respond whenever there is a revolution against a government located on the periphery of China.

Such an analysis would produce a logical rationale for maintaining a forward line of defense in Asia. It would demonstrate a need to remain in a state of military preparedness to resist overt foreign aggression in Korea, against Japan or even in Southeast Asia. We must not, however, in the future confuse revolutionary war, where two or more political elements in a country are fighting for control of the government, with wars of international conquest. To do so, could lead to future Vietnams with even more tragic consequences.

Irrespective of what we may have thought at one time, American military power is limited and we cannot unilaterally provide a defense shield against Communist subversion throughout Asia. We depend on stable societies with political structures capable of directing the type of capital investment necessary to produce prosperity. Hopefully the governments will be responsive to their people and will develop self-perpetuating democratic institutions. It is important in this regard that our aid efforts concentrate on self-help projects, education and institution building. We must always bear in mind that our efforts are merely supplementary to, not substitutive of, local resourcefulness, developmental planning and execution.

On my most recent trip to Japan in November of last year, Mr. Takeiri, chairman of the Komeito Political Party, in talking to me about the dimensions of American power said:

> In terms of world morality and political reality it is an illusion that the great powers can control small countries. You have tried in Vietnam and have failed. Your assistance does not change the character of governments nor make them better liked by their people.

The fact that we cannot remake nations and peoples in our own image and likeness should not lead us to despair. Japan with a war shattered economy and a completely demoralized population in 1946 has within the last 20 years performed an economic and social miracle in a uniquely Japanese way. In 1968 her gross national product was $116 billion and had been expanding at the rate of 10 percent per year for the last 20 years. This colossal productivity makes Japan the third ranking industrial nation in the world in terms of total output. Japan's development has taken place as a result of Japanese energy, vision, and determination. It has been directed by a freely elected government committed to free enterprise economics.

In surveying our role in Asia, it becomes obvious that Japan is the center of gravity in any policy formulation. Without strategic bases on Okinawa or the main Japanese islands, it would be impossible to logistically support a major military operation in Korea, Taiwan, or Southeast Asia. Without Japan's assistance, our economic and technological aid programs to other Asian countries will fall far short of what is needed to fire the torch of sustained progress. In other words, Japan must be the focal point of our Asian policy.

For too long we have been taking the friendship of Japan for granted. We have ignored the fissures that have appeared in the foundation of mutual support and cooperation. It is time to take a long, unbiased look at our relations. We must identify areas of agreement and disagreement and strive to resolve differences which exist so that ultimate goals uniting our two countries will be achieved.

It is essential that we do not engage in crisis diplomacy in our relationship with Japan. We do not want to ignore conflicts of interest until an explosion is imminent. By systematically addressing ourselves to the various problem areas we can establish a basis for mutual understanding in a calm and rational atmosphere. To drift into acrimonious confrontation with Japan would be a tragic failure of our foreign policy.

The United States and Japan have a common desire in wanting stability and peace in Asia. Japan is particularly concerned that social upheavals and political unrest in the undeveloped countries of Asia which leads to major power intervention could result in a direct military confrontation between China and the United States. Japan fears the result would be an utilization of nuclear weapons by both sides and an eventual destruction of Japan as the ally of and a base for the United States.

Japan shares American interest in the resources and markets of Asia. With a population of over 800 million persons excluding China, with substantial raw material resources, the underdeveloped countries of Asia could in the future be important trading partners to industrial nations on both sides of the Pacific.

Japan wants to remain under the American nuclear umbrella. She knows that if she had not benefited from such protection she would not have reached the present high level of prosperity. Japan has never allocated more than 1.5 percent of her gross national product to defense since World War II. This compares with the 9½ percent that the United States is presently spending on her own and free world defense. If Japan had had to make a similar diversion of resources over the past 20 years, she could never have attained such a high level of economic growth.

Japan's numerous connections with the United States have become close, intricate and mutually rewarding. Our joint trade is over the $7 billion mark, ranking second only to our trade with Canada and far in excess of any trade that we have with any European country. This is by far the largest transoceanic trade between two countries in history. It accounts for 30 percent of Japan's foreign commerce and 9 percent of our own. Japan is our largest customer for agricultural produce with total purchases approaching the $1 billion mark. She has a wide variety of cultural and intellectual contacts with our country, exceeding by far the number she has with any other nation. Unquestionably our countries have become interdependent at various levels of contact and neither can afford a rupture in this friendly association.

Against a backdrop of cooperation and shared aspirations several serious problems have arisen between our two nations. The first relates to the treaty of mutual security and cooperation and the continued use of military bases in Japan and Okinawa. Most Americans are totally unaware that a problem exists and so the time bomb ticks toward 1970 in a national atmosphere of complacent ignorance.

It is important to remember that the treaty, Okinawa and the U.S. bases in Japan are all interrelated subjects which must be evaluated in terms of Japan's crushing defeat in World War II and her subsequent rehabilitation. For the first time in history Japan was occupied by a foreign army and the myth of the Kamikaze of the divine wind which would always save Japan from defeat and occupation was shattered. The Japanese are an immensely proud people and the shock of nuclear attack, defeat, and conquest produced a deep sense of national humiliation. This manifested itself in a pathological fear of atomic weapons, a strong strain of pacifism and an unalloyed guilt over the militarism that led to Japan's foreign wars and ultimate military destruction.

In the first years following the surrender and occupation, the Japanese accepted the dictates of American policy without objection or reserve. The people were surprised by the generosity of the occupation forces. They had been led to believe that defeat would insure barbaric reprisals against them. These reprisals did not occur. There developed what former Ambassador Edwin Reischauer calls an "American fixation." All aspects of economic, social, and political life were contrasted to the way Americans did things. Often the American model was imposed by the Americans from above. Following the signing of the peace treaty in 1952 and their subsequent huge economic success the Japanese developed a new self-confidence and a new pride. The "American fixation" is fading and nationalism is beginning to assert itself.

It became clear to me several months ago as I talked to scores of Japanese from all walks of life, that the mood of the Nation has changed dramatically in the last decade. The young have no guilt about World War II and they are dissatisfied with playing the role of shadow to a dominant U.S. presence. One young businessman summed up the new attitude of Japan by saying:

> The majority of young people complain that Japan does not have as much independence in foreign affairs as she should have. It is not pleasant having foreign bases on your land. We don't like the fact that the United States apparently plans to be in Japan forever.

An integral part of the Japanese psychological dilemma in their relationship with the United States and their ability to pursue an independent foreign policy, is article 9 of Japan's new constitution. In article 9 Japan renounces forever war as the sovereign right of a nation and promises not to maintain land, sea, and air forces as well as other war potential. Although this policy is still a part of the Japanese Constitution and no government would dare abolish it, the Japanese presently maintain a balanced military force of over 250,000 men. The Government gets around the Constitution by calling its soldiers,, airmen, and seamen a "self-defense force."

Although most Japanese acknowledge the need for a self-defense force, they are opposed to any governmental action which would thrust Japan toward an involvement in a foreign war. They also resist any substantial increase in defense spending, knowing economic growth would suffer.

Emerging from the panoply of postwar national attitudes, the crisis that is approaching for Japanese-American relations in 1970 can be identified. In 1970 the mutual security treaty will have been in force for 10 years and will then be subject to abolition by either party with a 1-year notice of intent to terminate. Leftwing groups in Japan intend to force the Government to give notice to terminate by sponsoring mass street demonstrations and rallies adjacent to American military installations.

It is the treaty which provides the legal foundation for U.S. commitment to come to the aid of Japan in the event of armed attack against her. The treaty also grants the use to America of military bases in Japan. It is obvious that the treaty is essential to America's defense posture in Asia. It is equally obvious why Communist and Marxist elements in Japan would dearly love to see it eliminated.

The number of diehard leftwingers is a small percentage of the total Japanese population, but they are presently benefited by three conditions: first, a general belief that the United States has too many bases, too close to civilian population centers, and that the United States never intends to abandon these bases; second, a nearly universal and increasingly vocal desire by Japanese and Okinawans to have Okinawa and the other Ryukyu Islands returned to Japan as an integral part of the Japanese state. At the present time approximately one million Okinawans and other Ryukyuans are administered by an American high commissioner who doubles as commander of U.S. military forces on Okinawa and holds the rank of lieutenant general; third, a deep-seated fear held by many Japanese that U.S. military engagements in other parts of Asia are going to draw Japan into a war with China, in which Japan would once again be subject to nuclear attack. The Vietnam war has particularly inflamed this anxiety.

It cannot be doubted that, if the United States wants to retain its high level of cooperation with Japan and wants to nurture mutual friendship, accommodations are going to have to be made with popular Japanese sentiment. A way is going to have to be found within the next year to return administrative control of the Okinawan people to Japan and still not compromise the effectiveness of our base structure on the island. A way is going to have to be found to make our military presence less visible to the Japanese on the home islands. This may have to be done by moving our bases out of population centers and perhaps eliminating nonessential bases.

The two factors which greatly complicate a satisfactory resolution of the Okinawa problem is that American bases on the home islands of Japan cannot be used to support a military action elsewhere in Asia without prior consultation with the Japanese Government. Additionally, no nuclear weapons can be stored on bases located in Japan. The question is can the Japanese Government politically afford to resume administrative control of Okinawa without subjecting the American bases there to the same type of restriction on free use and nuclear storages as exists in Japan?

My conversations on Okinawa last November with the American High Commission, Lieutenant General Unger, and members of General Unger's staff lead me to believe that the Military Establishment does not think we can restrict our use of the Okinawan bases to the same limitations as exist for the Japanese bases and still have the capacity to live up to our defense commitments in Asia.

A solution must be found to this apparent impasse. It is going to require creative and affirmative thinking by the Nixon administration. A head in the sand approach will resolve nothing and produce an even deeper division on the issue between Japan and the United States.

In my opinion, a possible solution which should be considered is the early announcement that the United States has been burdened with the administrative control of Okinawa for over 20 years. It is time that the Japanese assumed their responsibilities for the overall welfare of the Ryukyuans. We, therefore, are forthwith going to divest ourselves of such control. No mention would be made of free use of the bases or nuclear storage. These points would be left for future negotiations with the recognition that any modification of American rights could well be conditioned upon Japan doing more for itself in the area of self-defense.

A second serious problem area in which Japanese interests are often at cross-purposes with those of the United States is bilateral trade policy. It is not my intent today to catalog the various commodities which constitute the $7 billion commerce between our two countries. I want to point out however, that protectionism is always a nemisis to the health and expansion of trade and that a protectionistic state of mind is gaining strength in both Japan and the States. Frankly, neither nation can afford it.

Following World War II the United States gave $4 billion in loans and credits to Japan. For the first two decades following the war the balance of trade was heavily in our favor, providing in 1961 the remarkable surplus to the United States of $654.8 million. In 1965 Japan was able for the first time to achieve a parity in her trade with us. In 1968 it was $1.1 billion in Japan's favor. When you consider that Japan is also selling $175 million worth of goods to the South Vietnamese Government, goods purchased with American dollars, you can readily see the extent of the deterioriation that has occurred in our overall balance of commercial accounts with Japan in the past several years.

Japanese imports have had a particularly large impact on the steel and textile industries. By way of example, Japan sold $490 million worth of steel and $216 million worth of textiles in the United States in 1965. In 1968 the respective figures are $809 million for steel and $272 million for textiles.

Strong protectionist lobbies are operating on Capitol Hill to restrict Japanese imports. Congress must not succumb to such tempting false panaceas. It takes 435,000 workers to produce the commodities we sell to Japan. A self-defeating and self-sustaining spiral of restrictive trade legislation on both sides of the Pacific could endanger the jobs of one or all of these American workers.

But trade is a two-way street. If the United States is to use restraint in imposing new trades barriers, Japan must reduce those barriers to the U.S. goods which presently exist in violation of her convenants under the Gatt Treaty. At the moment she has 121 illegal quota restrictions on various commodities. Japan almost totally excludes U.S. automobiles and computers from her domestic market. Japanese licensing procedures inhibit the importation of many other commodities which are not officially subject to quota restrictions. Many American businessmen throw up their arms in disgust and dismiss as impossible the prospect of being able to cut through redtape and acquire a Japanese import license.

On-going negotiations on the details of trade policy between high-ranking American and Japanese officials must be given high priority. Our trade with Japan is vastly more important to the United States than trade with all the rest of Asia combined. The underlying philosophy of any agreements should be to the end that a freer and more expansive commerce is developed between our two countries. This means, and I reiterate, refusal by the United States to establish restrictive trade laws and willingness by Japan to eliminate various practices which unfairly and illegally constrain the importation of goods from the United States.

An American looking at Asia today cannot help but stand in awe of the enormity of the problems facing underdeveloped countries in the region. Teeming populations, inhibiting religious and social customs, grinding poverty, low levels of education, all contribute to institutional structures that produce change at a slow and irregular pace.

Technological innovation and communications are having a dramatic impact on popular attitudes. Misery is no longer accepted as inevitable. Progress is a value of mystical dimensions. Ferment and dissatisfaction have replaced dull resignation to the unchangeable. Political unrest is an inescapable offshoot of this new awakening.

The United States as a revolutionary country should feel sympathetic to the revolution of aspirations occurring in Asia and other parts of the world. Justice, freedom, opportunity, progress are not exclusively Western values. They are human values of universal appeal.

The war in Vietnam has distorted our vision. It has tended to polarize our thought between monolithic communism and noncommunism fighting for supremacy in the third world. In actuality the fever of irrepressible change is multifaceted and is far too effervescent for the United States or any other world power to control. We cannot remake the world. We can, however, in Asia, with the help of Japan, share our technical skills and capital resources to assist in the developmental process. We can relate to Japan of the 1970's and abolish sterotypes conceived during the late 1940's and early 1950's.

We must recognize the bitterness of Asia's colonial heritage and expect that our own motives will at times be held suspect. Our strategy should emphasize social and economic initiatives, not military reaction. It has to be based on long-term objectives not short-term crisis planning. We should not try and shape the present in the image of the irretrievable past. Altered circumstances require fresh vision.

We must not attempt to defend our past mistakes in Asian policy. But neither do we want to make the greatest mistake of all—that of waiting with arms folded and doing nothing for fear of making a mistake. History will judge us harshly if we do.

MINERAL KING

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. JOHNSON of California. Mr. Speaker, in recent weeks there has been considerable discussion concerning the development of the recreation potential in the Mineral King area of California.

A few days ago I noticed in the New York Times a "Letter to the Editor" from an old friend of mine, Horace M. Albright, formerly Director of the National Park Service, and a lifelong conservationist. I know of no one more knowledgeable in the field than Mr. Albright and I feel that his remarks, contained in the Times of Saturday, July 26, make sense and will help to bring some order out of a confused situation.

I therefore share these remarks with my colleagues by inserting them in the RECORD at this point:

MINERAL KING PROJECT

LOS ANGELES, CALIF.,
July 15, 1969.

TO THE EDITOR:

As a former director of the National Park Service, familiar with the Mineral King area of California for 54 years, I believe it important to clarify several points in your recent editorials.

The U.S. Forest Service, under the policy of multiple use of the public lands under its jurisdiction, designated the Mineral King region in the Sequoia National Forest for development as an all-year recreational area. It advertised for competitive development proposals from private enterprise, considered bids submitted by six organizations, and accepted the proposal of Walt Disney Productions.

During more than four years the cooperative planning by Federal and state governments, only the Sierra Club has objected to this project.

There is really no sound conservation or legal foundation for its opposition because:

Mineral King has been subjected to resource utilization for many years—for cutting of timber, mining, hunting, livestock grazing, summer homes. It is not now, and for nearly a century has not been a primitive area. It is not within the purview of the Wilderness Act of 1964.

Although it contains much of the watershed of the East Fork of the Kaweah River, it was withheld from addition to Sequoia National Park when that park was extended to the crest of the Sierra Nevada in 1926, because it was affected by commercial and private in-holdings. This view was not opposed by the Sierra Club.

The Forest Service proposes to lease to Disney for a period of thirty years only the authorized eighty acres, the same that has been done in the development of almost 100 other major winter sports areas throughout the United States.

A road to Mineral King has traversed the Sequoia National Park for many years. The only natural feature that it touches is the Atwell Mill Grove of Big Trees.

The surveyed route of the planned new road fully protects this grove. When built, the new road can no more affect the health and safety of the Atwell Grove than do the roads through the Giant Forest and General Grant Groves in Sequoia-Kings Canyon National Parks, the Mariposa, Tuolumne and Merced Groves in Yosemite National Park, or the Calaveras and other groves in state parks farther north.

The state highway officials, the Forest Service and Disney Productions are to be commended for their plans for Mineral King. Walt Disney was a dedicated conservationist and was recognized as such by his election to honorary membership in the Sierra Club. He also received the Department of the Interior's highest tribute, the Conservation Award; and also the American Forestry Association's distinguished service award for his conservation activities.

Walt Disney's organization carries on his ideals. The public need have no apprehensions that Mineral King will be despoiled by the development proposed.

HORACE M. ALBRIGHT.

PUBLIC OPINION POLL

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. HALL. Mr. Speaker, today I plan to place in the mail 170,000 copies of the annual Seventh Congressional District of Missouri public opinion poll. Included in the poll will be questions dealing with important legislation soon to be voted on by Members of the Congress. I insert the text of the questionnaire at this point in the RECORD:

	Yes	No	Undecided
1. Should the Federal Government develop laws to help prevent strikes by public employees?	☐	☐	☐
2. Do you favor lowering the voting age to 18?	☐	☐	☐
3. Do you favor the actions of the administration to try and balance the the budget and pay on the national debt?	☐	☐	☐
4. Do you favor a lottery system for the drafting of military personnel?	☐	☐	☐
5. Should the electoral college be abolished and the President elected by a direct vote of the people?	☐	☐	☐
6. Do you feel the Paris peace talks to be the best means of ending the Vietnam war?	☐	☐	☐
7. Should the Federal Government guarantee an annual income to heads of families, whether or not they are working?	☐	☐	☐
8. Should the Post Office be converted into a government-owned corporation and be operated on a self supporting basis?	☐	☐	☐
9. Should part of the revenue collected from Federal income taxes be returned to the States to use as they see fit?	☐	☐	☐

10. How do you rate the kind of job President Nixon is doing?

Excellent Good Fair Poor Undecided Other

(Optional)

The following personal data will be helpful in interpreting the results of this poll, although you need not list your name and address.

Sex: Male ____; Female ____.

Party Preference: Republican ___; Democrat ___; Independent__

Age: 18-20 __; 21-24 __; 25-44 __; 45-46 __; 65-over ________

Name ________________________________

Address ________________________________

City ________________________________

THE NEED TO PATCH THE LOOPHOLES

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. MIKVA. Mr. Speaker, warnings of an incipient "taxpayers' revolt" have sounded within Congress and throughout the Nation. Concern for the high cost of Government, for an ever-growing Federal budget, and for the waste and lopsided set of priorities which govern the use of the tax dollar is shared by Members of Congress and the average citizen alike. At this very same time, the Congress has passed an extension of the 10-percent surtax. Yet, it seems to me questionable logic to speak of the need for additional revenue through the surtax—a measure which continues to place the greatest burden of high taxes on the middle-income earner—while failing to strike at the heart of a tax structure which permits the loss of billions of dollars in needed revenue through tax loopholes from which only a small proportion of the population, primarily among the wealthiest of our citizens, benefit.

Both in the amount of taxable dollars which remain untouched by the income tax and in the loss of faith experienced by the average taxpayer as he becomes aware of the inequities which abound in the tax structure, the costs of the present system are enormous. We cannot afford to ignore the demand for meaningful tax reform such as that proposed in a bill introduced by Mr. REUSS and 26 Members of Congress; if enacted, this bill is estimated to return $9 billion in additional revenue to the Federal Treasury, an increase which by itself would have made the extension of the surtax unnecessary. It simply is not fair that the rich actually pay a lower proportion of their income in taxes than do any of the rest of the taxpaying population.

Encouraging signs have come from the President, from the Ways and Means Committee, and from my colleagues in the House and Senate that the malaise of the taxpayer and the obvious injustices of the present system are recognized. The question now is whether we will simply hear a lot of talk with no action, or whether the taxpayers of the Nation will effect their wishes to get rid of the tax havens, the tax breaks, and the tax exemptions.

Reduction of the oil depletion allowance—from 27½ to 10 percent—provisions to tax capital gains presently untaxed at death which often pass to descendents greatly enhanced in value but not subject to Federal income tax; and the Slum Prevention Act, which I have sponsored, to deny all tax depreciation benefits to owners of property which does not comply with local housing and building codes, are among those measures which could insure that the general interest—not special interests—will prevail in our tax policies.

Of all proposals, the most obvious reform yet suggested is the requirement that a minimum income tax of 20 percent be placed on incomes of $50,000 and above. This measure would at least see to it that all citizens pay some share of their incomes in taxes. This measure, however, cannot be the measure of meaningful reform. In terms of dollars or in the number of taxpayers affected this is not "where the ducks are."

Clearly, no one measure can completely erase the inequities of the past several decades, but the time has come when Congress has a real opportunity to begin the long neglected task of instituting a truly progressive tax system. At the very least it ought to get started.

The two articles which I insert at this point in the RECORD cogently express my own feelings on tax reform. Mr. Wicker makes clear the immediacy of the tax reform issue, especially as it relates to congressional action on the surtax. Mr. Slawson's technical treatment of the subject presents the issues and some of the answers which must be considered by every Member of this body if we are to have meaningful tax reform.

The articles follow:

IN THE NATION: WHEN THE MOMENT COMES

(By Tom Wicker)

WASHINGTON, July 9.—There is so much to be said for prompt extension of the 10 per cent surcharge on income taxes that it would be easy to make villains of those Senators who are holding out for inclusion of fundamental tax reform in the extension. But in politics as in ordinary life, when it is easy to spot a villain, he usually isn't.

The recalcitrant Senators are not, by and large, making a case against the surcharge; they are trying to seize a moment for tax reform. Anyone who has watched the legislative process closely knows that such moments actually come when pubic sentiment and political conditions meet to form opportunity—when, as Senator Everett McKinley Dirksen said during the 1964 civil rights debate, "The time of an idea has come."

CARPE DIEM

Perhaps the most famous such moment of recent times came in 1965, after the Selma marches led by Martin Luther King; the high-water mark of the civil rights movement, Selma led President Johnson to propose and Congress to approve, on a tide of public sentiment, the Voting Rights Act that has done so much to enfranchise the Southern black man. How transient such moments are is well illustrated by the fact that the Nixon Administration now has asked that the effect of this legislation on the South be softened.

LOST OPPORTUNITY?

Already this year, one rare "time of an idea" may have been squandered by the Administration's tergiversation. After the threat raised by the George Wallace candidacy last year, the public mood by every conceivable measure was ripe for fundamental reform of Presidential elections, probably including the elimination of the Electoral College.

But when the new President made his recommendations, he refused to support a popular election amendment on grounds it probably could not pass the state legislatures, and he even vacillated between more limited reforms. Without real Presidential backing for anything, the moment for electoral reform may well have been lost; certainly it has been badly blurred.

Thus it is of vital importance that both the outgoing Johnson and the new Nixon Administrations have aroused public interest in tax reform; that the impact of the surcharge itself has produced something near a tax revolt among the middle class; and that Senators and Representatives circulating among their constituents this year have found few demands so insistent as that for tax reform—which no doubt is somewhat confused with tax reduction, but which nevertheless directs itself at outrages like the oil depletion allowance.

Moreover, for once, this political situation matches the public mood. Because those Senators who are backing tax reform hold something near the decisive votes on the surcharge extension (which was approved by the House by only 210 to 205, despite the support of both Democratic and Republican leaders), because the surcharge would expire unless positive Congressional action keeps it in effect, and because it is the vital kingpin of the Administration to wring inflation out of the economy, the reformers are in a unique position that may not come again.

The Administration has promised a thoroughgoing tax reform bill later this year or next; so have Congressional leaders for the surcharge extension; and there is no reason to doubt that a reform bill would be forthcoming if the extension bill, with a limited package of reforms, were to be approved quickly. But that is not the point.

Any strong reform bill will be aimed at eliminating inequities; and that means in turn that those who benefit from the inequities, like the oil industry, will fight tooth and nail against reform. Nothing in the Nixon Administration's record so far encourages the belief that it has much will to resist the pressures of any special interest but that of the NAACP; and the history of Congress is replete with surrenders to oil men and to other groups that oppose tax reform.

A TOUGH GAME

The necessity for extension of the surcharge is, therefore, the crucial weapon of the reformers; making tax reform a condition of their vote for extension is what enables them to play the tough game usually employed by special interests and their defenders—in fact, the kind of tough game played by Congressional economizers when they delayed the original surcharge bill until they could force adoption of a Federal spending ceiling. Should tax reforms be less persevering?

Tax Reform: Moves To Patch the Loopholes

(By W. David Slawson)

On April 21, one day before his subordinates at the Treasury were scheduled to testify on the subject to the House Committee on Ways and Means and only a few weeks after he had said that he would not make any major tax proposals until 1970, President Nixon announced his "important first steps in tax reform" at a press conference called for the purpose. His unexpected action placed the leadership of both parties behind tax reform and thereby gave the nation its first opportunity for a truly significant change in its tax laws since World War II.

Credit for the opportunity does not belong exclusively to the new President; in 1966, President Johnson directed the Treasury to prepare proposals and background studies for reform. The Treasury submitted its report in the spring of 1967, but by then Mr. Johnson had decided to concentrate on urging Congress to enact a tax surcharge as a weapon against inflation, and the reform proposals were ignored. A small group of Treasury officials and interested Congressmen nevertheless continued to work behind the scenes. A rider attached to the tax surcharge bill called upon the Administration to prepare tax-reform "studies and proposals" for presentation to Congress by the end of 1968.

His hand thus forced, Mr. Johnson ordered the earlier Treasury proposals updated and submitted them to Congress, without comment, on December 31. They were at first also ignored by the incoming President, but were taken up by Wilbur Mills, chairman of the House Committee on Ways and Means, who began holding hearings on them this spring. The hearings greatly contributed to a ground swell of popular and Congressional support which had been gaining momentum all winter until, by April 21, President Nixon had either to act or see his opposition on the Hill take control and receive the political credit.

Whatever motivated them, the Nixon proposals merit support. They go only a short way toward solving some immense problems, but that would be far more than the last two Democratic Presidents were able to accomplish, or than President Johnson was even willing to suggest. More important, they serve to align the Nixon Administration, at least in substantial part, behind the earlier Treasury proposals now being considered in the House, and those proposals are quite good indeed. Tax reform of some kind seems a distinct possibility.

The President's proposals can best be viewed against the inequities they are designed to correct. The first, a "low income allowance," is a system of deductions which would eliminate income taxes entirely for the *very* poor (families of four with incomes of less than $3,500, for example) and students working part time, and give some relief to the elderly and handicapped. The income levels at which federal taxes currently become effective were set back before World War II, when a family of four might have lived at least decently on $3,500 a year. An adjustment of the kind proposed is long overdue.

A second proposal would liberalize deductions for moving expenses. Its principal beneficiaries would be rising young executives in national corporations, who are moved frequently and far at company expense—though without benefit of as much tax relief as they might deserve—but everyone who moves will obviously benefit as well.

Under existing law, a taxpayer who receives both taxable and excludable income can take all his personal deductions against the former and so gain a double benefit from the exclusion. Interest on funds borrowed to purchase securities on which a capital gain is realized, for example, may be deducted in full against the half of the capital gain which is taxable, thus allowing much more than half of it to escape tax. A third reform proposal would require that such deductions be allocated between taxable and excludable income.

Existing tax law allows farmers to deduct expenses, even of a long-term capital nature, in the year in which the taxes are paid—that is, to operate on a simple "cash basis"—and, sometimes, to pay only a capital gains tax on whatever receipts they realize from the sale of their plants or livestock in the years after the expenses are incurred. The two privileges can be combined to the substantial advantage of taxpayers with large amounts of nonfarm income. Such a taxpayer, for example, can buy a dairy herd (which he may never see), deduct its expenses against his high nonfarm income, and realize the gains from sale in a subsequent year when his income may be less and when the gains will be taxable only at the much lower capital-gains rates anyway. Another reform proposal would deny such farm deductions against nonfarm income in excess of $5,000 per year, unless the taxpayer were willing to follow normal accrual procedure for all his farm transactions—the justification being that anyone with sizable nonfarm income presumably has the sophistication not to need the privilege of simple "cash-basis" accounting. Probably in deference to the farm bloc, however, the proposal is silent on the other leg of the abuse. There is no more justification for farmers to receive capital-gains treatment on their dairy cattle than there is, say, for a truck manufacturer to enjoy it on the sale of his trucks, and the special treatment for farmers is doubly unjustifiable because it significantly benefits only the small percentage whose incomes are high enough to be taxable, otherwise, at the highest ordinary-income rates.

A proposal with the nickname "LTP" (for "limitation on tax preferences") is the Nixon answer to the furor created by the Treasury's disclosure that many taxpayers with very high incomes pay no tax, or only a token tax, because they qualify for so many gimmick deductions that their income for tax purposes is near zero.

However, LTP is itself another gimmick. It derives from the Treasury's original and sound idea for a "minimum income tax," which would have required everyone to pay at least as much tax on half their income as they would pay without any of the gimmick deductions. The Nixon version uses the same approach, but, among other limitations which reduce it to near impotence, fails to require reinclusion of the two most important deductions: capital gains and interest on municipal bonds are left outside the scheme, as tax free as ever.

When asked to explain the omission of municipal bond interest, Administration officials first replied that the Justice Department had raised questions of constitutionality. Whatever may have motivated those questions, it cannot have been any real legal doubts. Supreme Court decisions have long since made clear that private income from state and municipal sources is subject to federal tax just as much as private income generally. An explanation later offered was that taxing the interest on such bonds, even to the limited extent involved in a "minimum income tax," would jeopardize federal-state and federal-local relationships. That explanation at least makes sense, since state and local governments would, of course, have to pay higher interest rates to offset the effect of imposing a federal tax. But studies show that the federal government could impose its tax, subsidize the higher state and local interest payments and still come out much ahead. The source of the Administration's refusal to include municipal bond interest in its proposal is now known to have been Attorney General Mitchell, whose private practice was primarily as an attorney for the issuers and purchasers of such bonds.

Still another proposal deals with trusts. They are now taxed at the same rates as individuals, so that a taxpayer seeking to transfer income-producing property can avoid taxes by putting it in trust for years, where it will be taxed at essentially the rate an individual would pay if that were his sole source of income, and let the trust distribute the property with its accumulated income to the recipient afterward. Existing law sometimes allows the donor and recipient thus to escape entirely paying the greater tax the latter would have had to pay on a direct transfer of the property, and in all cases limits the recipient's tax liability to the tax difference for the five years preceding the property's distribution. The reform proposal is to eliminate both the five-year limit and the technicalities which sometimes allow the recipient to escape paying the tax differential entirely.

The law on deductions for gifts to charity is subjected to several proposals, designed to decrease the extreme tax benefits for lower-income givers. The rules applicable to private charitable foundations would be tightened, to restrict the extent to which the creator or his family could continue to control them for his or their private (and tax-free) benefit. The application of normal taxation to businesses operated by clubs and societies but not substantially related to the services they perform for their members would be extended to similar unrelated businesses operated by churches and social-welfare organizations, and the investment income of clubs and societies would be made subject to tax.

Three proposals deal with the corporate tax. Since a corporation is taxed only 22 per cent on its first $25,000 of income and 48 per cent on the rest, it pays handsomely to spread a single business enterprise among as many corporations as possible. Grocery chains, for example, may form a different corporation for each of 1,000 or more stores. Present law permits such spreading, subject to a token tax penalty of only $1,500 per additional corporation. The first proposal would eliminate this loophole by, in effect, taxing as a single corporation all corporations which are subject to control by substantially the same group of shareholders. The second would eliminate a technicality on mineral "production payments" through which about $200 million in taxes now escape payment each year. The third would eliminate the 7 per cent investment credit, which at present allows corporations a credit against their tax of 7 per cent of what they invest in depreciable property other than depreciable real estate. This proposal is not so much a reform as an attempt to fight inflation by dampening investment. As such, it would be of questionable efficacy.

One difficulty is that it would be effective only selectively, and not always with the selection one might wish. The credit does not apply to, and so its elimination would not affect, investment in real estate; nor would elimination do anything to dampen corporate growth by investment in nondepreciable intangible items such as heavy advertising. Even in the areas to which the credit applies, its elimination would have little anti-inflationary effect in the short run because corporate investment plans are normally made months or even years in advance and cannot easily be turned off in response to a quick change in tax consequences. And in the long run, the effect on corporate investment would probably be eliminated by the ability of corporations to pass on to consumers their resultant higher taxes in the form of higher prices. Both theory and history indicate this result. Corporation income taxes today (state taxes included) exceed 50 per cent, yet the ratio of corporate after-tax income to corporate investment—i.e., the corporate rate of after-tax profit—is still almost exactly the same as it was in the twenties, when corporate taxes were so low as to be negligible. If elimination of the credit served an anti-inflationary purpose at all, it would be only in the "middle run"—if any exists—between the time span of corporate planning, and the time span for passing on taxes in the form of higher prices, and by the time that "middle run" comes around in, say, a year or so, the inflationary picture may have changed entirely. The net result of the proposal may therefore be simply to increase corporate taxes and thereby raise prices, a result no different from, and hence just as regressive as, the imposition of a sales tax. The poor, whose incomes are spent almost entirely on the kinds of goods and services which would be hit by such a price increase, would end up paying the cost.

The only other proposal of note in the Presidential package is a technical one designed to remove a tax advantage now enjoyed by the huge corporate conglomerates, which enables them to pay more for businesses that they acquire and so stimulates their acquisition activity. The proposal would have its intended effect (which would not be nearly enough, however, to stop the growth of conglomerates), but it is subject to serious question on the merits. It is my opinion, at least, that the tax advantage it seeks to remove—the deductibility of interest paid on bonds in certain situations—is one which businesses other than conglomerates can also avail themselves of in comparable circumstances, and so ought either to be removed entirely or left alone.

Although subject to serious criticism, the Nixon proposals have value. The road to tax reform has been blocked so often that one can hardly afford to scoff at what, after all, would be far more than President Kennedy was able to accomplish or than President Johnson even proposed. But the time *may* be ripe for achieving more. The December 31 Treasury proposals, rather than the proposals of the President, are providing the principal focus for the current hearings of the House Committee on Ways and Means, and Chairman Mills has let it be known that he does not intend to limit the committee's recommendations to what the President wants.

Among the many Treasury proposals which are superior to those of the President, or which the President chose not to support at all, three are especially important. The Treasury's "minimum income tax" would constitute a real, not fraudulent, step toward tax equity by imposing and alternative tax equal to the tax which would ordinarily be paid on one-half of one's income if certain very important exclusions from income were added back in—specifically, interest on municipal bonds, percentage depletion in excess of cost, the normally excluded half of capital gains, and appreciation on property given to charity. A second Treasury proposal would tax the appreciated value of property which is given away to noncharitable recipients or which is still held by the owner at the time of his death. A third would combine the now separate taxes on estates and on gifts during life into a single "transfer tax" and, in the process, greatly simplify and tighten the two taxes provisions.

Should Congressman Mills' committee decide to report out of the last mentioned Treasury proposal, however, it would do well to eliminate a qualification on one of its provisions which would effectively cancel it. Under existing law, trusts lasting more than a generation can pass an interest from one generation to the next entirely without tax, on the theory that an interest in a trust is not transferred at all, but is, rather, extinguished" and "created anew" each time a member of one generation dies and a member of the next generation takes his place. The Treasury would tax the passing of such trust interests like any other gift or estate transfer, but only for trusts created after the reform was adopted. Since by the Treasury's own statistics, *almost all* family trusts in estates of $2 million or more are of the generation-skipping variety, this means, in effect, that at least *another full generation* of the very rich will be assured of immunity from estate or gift tax, and if history is any guide at all, we can be sure that by the time this particular reform catches up with the second or third generation of heirs (by the year 2000, perhaps?), a new generation of Wall Street lawyers will have found a new gimmick to beat it. The lack of need for the qualification can be seen from the fact that the beneficiaries of these trusts are, or will be, in no worse position relative to a change in the tax laws than are those who have or will receive property free of trust—in either case, the heirs will receive property or income from property which they can enjoy during their life and which will, or should be, subject to whatever transfer taxes are in effect when they die. If the Treasury's notion that every property disposition has a vested right to be taxed only in accordance with the tax laws in force at the moment of its creation were applied across the board, every parcel of property would have its own set of tax laws and some property would still be taxable in accordance with the laws of the Presidency of William McKinley!

The real shortcoming of both sets of proposals is not that they would imperfectly accomplish the reforms they propose, but that they fail even to attempt the most important reforms. First and most obviously, nothing (except the Treasury's "minimum income tax," which would have a partial effect) has been proposed to eliminate or reduce oil and gas depletion allowances or similar allowances for other minerals, or the related privileges of deducting "intangible" drilling expenses. Government-sponsored studies have predicted that the elimination of these privileges for oil and gas alone, even assuming no compensating price or cost adjustments by the industry, would yield, conservatively, an additional $1.6 billion in revenues per year. The assumption of no compensating adjustments is extremely conservative; the additional revenues which would actually be received would probably be twice that much, or about $3 billion. Also conspicuously absent are proposals to eliminate the broad and unjustifiable "tax shelters" at present available for investments in real estate. These are complicated—so complicated, in fact, that the results of eliminating them can only be vaguely guessed—but they derive principally from the real estate investor's ability to deduct about twice as much depreciation for tax purposes as actually occurs in the initial years and then resell his property and report the difference between the resale price and his artificially reduced basis as capital gains, taxable at less than half ordinary rates.

The documents passed to Congress by the Treasury on December 31, however, contain "studies" of the economic implications of a repeal of the depletion allowance and the deduction for intangible drilling costs on the oil and gas industry and of a repeal of the special tax privileges for real estate. Needless to say, both studies carry clear implications that repeals would be desirable, and both are sufficiently well reasoned and factual to supply ample ammunition for Congressional committees or anyone else choosing to make use of them. Chairman Mills recently let it be known that he favors action to cut back the depletion allowance even if the President should oppose it—though Mills apparently would not support, let alone propose, action to eliminate the allowance entirely.

But the omission which dwarfs all others is the failure of the proposals to include any thoroughgoing revision of the tax treatment of capital appreciation. Much the larger portion of the wealth of the very wealthy in the United States is gained not from earnings (salaries or wages) but from property, and the larger portion of that is gained not in immediate cash (rents, dividends, etc.) but in the growth in value of the property concerned—so-called "capital appreciation." The two major sources of capital appreciation are corporate stock and real estate. Upward of $600 billion of corporate stock is held by or for individuals, and all but a fifth of it is held by or for the richest 1 per cent of the population. From 1950 through 1964 it averaged 6.5 per cent appreciation per year in book value (a fair measure of stable, long-term growth) and better than 11 percent per year in market value. Book value growth since 1964 has been at an even faster pace. From this source alone, therefore, the richest 1 per cent receive income of upward of $30 billion a year. Under present law, this income produces only about $1 billion in tax—a rate of only 3.3 per cent despite the income's being received by persons most of whom are (or should be) in the 70 per cent bracket. Comparable figures for real estate do not exist, but if we disregard occupant-owned homes on the ground that they are not primarily investments, the amounts, concentrations and rates of tax would probably be found to be similar. The failure of the income tax to reach this income makes a mockery of the tax's pretensions of being progressive, that is, of taxing the rich more, proportionately, than the poor. In fact, when capital appreciation is taken into account, the rich pay a *much lower* proportion of their income in tax than do any of the rest of us except the really poor.

Appreciation is taxed so lightly because under existing law it is not even considered to be income unless and until the property is sold. Since most such investment property is never sold but is held until death and then bequeathed to an heir, most of it escapes tax entirely. Moreover, that which is sold and taxed, is taxed at an especially low rate which never exceeds 25 per cent. The one aspect of this situation which the Treasury proposals at least would correct, even partially, is the failure to assess a tax at death or when the property is given away during the owner's lifetime. The Treasury would consider such transfers as "sales" for tax purposes unless they were made to charity. That correction is important, but it would still leave property owners with a lifetime's free use of income most of which, if they had earned it as salary or wages, would have had to have been paid as tax, and it would still leave them paying only at the low rate of 25 per cent or less.

Any such immense omission from the income tax might be thought to have elicited a great deal of controversy, but this one has not, because the tax law's failure even to consider appreciation as income has led or allowed most tax commentators to leave it out of account entirely. It is common to read even in reputable comments, for example, that not much more revenue could be obtained even if the richest 1 per cent were taxed at 100 per cent of their income, because their total annual income left after tax at current rates is only something like $1 billion or $2 billion a year—but unbeknownst to the reader, "income" in such statements carries the highly artificial and exclusive meaning which has been attached to it by the tax laws. If the *real* income—including appreciation—of the richest 1 per cent were taxed even at, say, 50 per cent, the additional revenue would be more than $15 billion from corporate stock alone, plus something comparable from real estate and other appreciable property. Put another way, including such income within the scope of the income tax would, conservatively, increase existing revenues of $75 billion by almost half—or would allow rates to be reduced almost a third for everyone.

But even a clear-eyed attempt to include this kind of income in the income tax would encounter difficulties. Appreciation may be hard to measure in the absence of an actual sale, or taxing it may discourage investment and so slow the growth of the economy. That neither difficulty is conclusive in all situations, however, can be seen from two examples: publicly traded stock has a market value which can easily be ascertained with or without an actual sale, and the large corporations which issue it make their investment decisions essentially without regard to their stock's tax status; and land, whether unimproved or underlying improvements, has a value which appraisers can fix at least approximately, and although investment in land *would* be discouraged by taxing its increased value, discouraging that kind of "investment" would not slow the growth of the economy because the mere holding of land for profit (which for this purpose must be sharply distinguished from the building of improvements on it) makes no contribution to economic growth and, indeed, often hinders it.

The income tax laws *could* feasibly be adapted to include much, probably most, of the appreciation which now escapes tax. That which could not feasibly be included should, if we are to have a fair tax system, be subject to special treatment under some other kind of tax. Some Western European countries apply a capital or "worth" tax of some small per cent per year for that purpose, and there seems no reason why a similar scheme could not be adopted here. Or, wealth not feasibly reachable by the income tax might be subjected to an especially high estate-tax rate, so that its recipient would at least be restricted in his ability to pass on the same, privileged tax-free status to his heirs.

The Nixon proposals differ principally from the Treasury proposals in their failure to include any steps toward placing a fairer share of the tax burden on capital appreciation. The conclusion seems inescapable that they were drafted with the intention not to disturb the large holders of the nation's accumulated wealth. Even the steps the Treasury proposes to take in this direction are far from enough, given the immensity of the problem, but they are probably as much as we can realistically hope to achieve at this time.

The Nixon proposals deserve support as the bare minimum that ought to be done. The Treasury proposals, plus Chairman Mills's suggestions to reduce the percentage depletion allowance, deserve wholehearted support, as the best general program for reform offered in this generation, if not in this century. But no one should lose sight of the fact that in the long run still more fundamental reforms are necessary if the burdens and benefits of the nation's economy are to be fairly shared by all.

SUGGESTED COURSE FOR SOME COLLEGE PRESIDENTS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. ASHBROOK. Mr. Speaker, on July 24, 1963, the National Governors' Conference unanimously adopted a report of the Committee on Cold War Education which dealt with the foundations of American freedom and the assault upon it by the international Communist movement. The report stated in part:

> The Cold War of Communism far outshadows any creation of the Third Reich. It is the broadest, most effective, political warfare ever conducted in the history of mankind. Its aim is to conquer the rest of the free world by use of diplomatic proposals, economic sorties, propaganda, intimidation, sabotage, terrorism, support of revolutionaries in now-free countries, and by driving wedges between the free-world allies.

At another point in the report it was stated that—

> The Communist bloc is waging a very real war against the free nations. He must fully understand the nature and extent of this war and of Communist objectives.

The report of the National Governors' Conference emphasized the utter necessity of education on the Communist threat as have the American Bar Association, the American Legion, the Veterans of Foreign Wars, the National Education Association and other national organizations, along wth national officials and agencies of government.

It is understandable then why the Lower-Merion-Narberth Council of Republican Women, located just outside of Philadelphia, Pa., have protested the appointment of a leading functionary of the Communist Party of the United States to teach a course on black history at Bryn Mawr College in this area. Apparently the women of the council have taken the trouble to learn the nature of the Communist movement and its danger to the American way of life. Perhaps courses on this subject should be mandatory for college presidents such as Miss Katherine McBride, Bryn Mawr's guiding light. I would be willing to bet that just about any high school student in the State of Florida who has attended the 30-hour mandatory course on freedom versus communism which that State requires would never make the mistake that Miss McBride made in exposing her students to the wiles of Herbert Aptheker.

I insert in the RECORD at this point the article "Council Questions College's Good Faith in Picking 'Red,'" from the Main Line Chronicle, of Ardmore, Pa., of July 10, 1969:

COUNCIL QUESTIONS COLLEGE'S GOOD FAITH IN PICKING "RED"

A strong protest was lodged with Bryn Mawr College by the Lower Merion-Narberth Council of Republican Women against the appointment of an admitted Communist to lecture at the college.

Miss Katherine McBride, president of the college, has insisted that Dr. Herbert Aptheker will teach only "black history" at Bryn Mawr, not Communism.

Her naive explanation was called "specious reasoning" by the Council. If a lecturer on "black history" were needed, it was pointed out, either Lincoln University or Cheyney College could furnish authoritative lecturers: the college did not have to call in a white Communist.

THUMBING ITS NOSE

The college has been accused repeatedly of spawning and sponsoring Red influences, and the appointment of Dr. Aptheker has been taken as an indication that Bryn Mawr now feels bold enough to thumb its nose at the community.

The defenders of the college declare that what Bryn Mawr does on campus is of no concern to the community, and that "academic freedom"—which others call "academic arrogance"—must be preserved.

The Council, however, maintains that "we have a legitimate complaint against Bryn Mawr College for bringing such a subversive influence into the community." Bringing in Communists has a direct influence upon "the attitudes and activities of the students in our secondary schools."

Others who have protested the appointment have declared it to be political in character rather than academic, noting that Dr. Aptheker was jubilant over his selection because of what it means to the Communist Party, giving it status and respectability.

TEXT OF LETTER

The Council's protest letter was sent to both Miss McBride and Judge Edmund B. Spaeth Jr., head of the board of trustees of the college. The letter follows:

"We wish to protest the appointment of Herbert Aptheker as lecturer at Bryn Mawr College.

"There is a question of community involvement in such an appointment. Bryn Mawr is not part of Lower Merion Township per se, but because of its geographical position in our community, its policies have a direct effect upon the attitudes and activities of the students in our secondary schools.

"Since many of our members are parents of students in these schools, we feel that we have a legitimate complaint against Bryn Mawr College for bringing such a subversive influence to our community.

"To say that Mr. Aptheker would be here simply for the teaching of Black Studies, would be peculiarly specious reasoning. To bring the Theorist of the Communist Party into our midst for that purpose when we have Lincoln University and Cheyney College to draw from, is for Bryn Mawr College to approach the threshold of the practice of discrimination against the Black Race.

"The College can no longer separate itself from the Community—the students themselves are too active and the Student Body too fluid to contain its influence in an Educational Island.

"There have been too many instances of student unrest at both the college and secondary level to allow the suasion of such a man to go unchallenged.

"We ask you to reassess your decision in this matter."

The letter is signed by Mrs. Earl B. Marks, president of the Council.

THE 1969 POLL OF THE FOURTH DISTRICT OF ILLINOIS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. DERWINSKI. Mr. Speaker, I am pleased to release the results of the 1969 poll of the Fourth Congressional District of Illinois which revealed that 68.3 percent of those answering support the development of an ABM system. The results also disclosed that 45.1 percent support the 6-month retention of the 10 percent surtax.

The questionnaire was mailed throughout the Fourth Illinois District in the first week of June. In view of the votes pending this week on both the ABM and tax issues, the results are quite pertinent especially since the district I represent is a complex suburban area possessing a true cross section of our population.

Because of the substantial support for an ABM system, I thought it practical to personally advise both Illinois Senators of the results of this issue, since some Members of the Senate do not have the time to keep in touch with grassroots opinion back home.

Another significant result was that 92.4 percent feel that law enforcement efforts are being hindered by court decisions. On the question of lowering the voting age to 18, 64.4 percent responded "No" in contrast to a 63 percent "No" response to the identical question a year ago.

On the question of admission of Red China to the United Nations 70.1 percent voted "No." May I direct the attention of the Members to the fact that the question on developing a volunteer army to replace the draft when the Vietnam War ends drew a 47.7 percent affirmative response.

This 1969 questionnaire drew an 18 percent response from the Fourth Illinois Congressional District which is suburban Chicago.

Mr. Speaker, I believe the response to my questionnaire demonstrates the healthy interest that citizens are displaying in current events and I submit for inclusion in the RECORD the complete questionnaire results:

The 1969 citizens' questionnaire results, Fourth Congressional District of Illinois

[In percent]

1. Do you favor raising the amount retired persons may earn without surrendering Social Security benefits?

Yes	95.4
No	4.6

2. Do you believe a volunteer army can be developed to replace the draft when the Vietnam War ends?

Yes	47.7
No	52.3

3. Do you approve of the President's request for a 6-month retention of the 10% surtax?

Yes	45.1
No	54.9

4. Do you favor development of the modified anti-ballistic missile defense system?

Yes	68.3
No	31.7

5. Would you support tax credit for industrial plants to install water and air pollution control facilities?

Yes	64.5
No	35.5

6. Do you favor lowering the voting age to 18?

Yes	35.6
No	64.4

7. Should Red China be admitted to the U.N.?

Yes	29.9
No	70.1

8. Do you think law enforcement efforts are being hindered by court decisions?

Yes	92.4
No	7.6

9. Do you favor proper enforcement of our laws by the courts to stop personal and group destructive acts?

Yes	97.7
No	2.3

10. Are you in favor of increasing Social Security taxes to provide increased Social Security benefits?

Yes	43.3
No	56.7

POWELL COLORADO TREK HONORED

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. BARING. Mr. Speaker, I wish to pay tribute today to the hundreds of Nevadans and persons from other States who will be taking part this coming weekend in a pageant commemorating the tremendous feat of Maj. John Wesley Powell and a stalwart crew of men who shot the Colorado River and arrived at the mouth of the Virgin River, their termination point, August 1869.

That was a century ago this month, August 1969, that Major Powell's expedition successfully came to civilization once again after over a 3-month journey through the great Grand Canyon. Major Powell's party started at Green River, Wyo., May 24, 1869, to explore the Colorado River.

Unknown dangers were ahead for these men, and their erstwhile efforts to achieve the goal set by Major Powell is well-documented today in several texts. Perhaps the best one is a book later written by Powell himself. While these men sought to conquer the mighty raging river for the first time, they undoubtedly had little time to appreciate the scientific value of their journey which was to be told later by the commander of that treacherous inland voyage.

Since the Powell expedition, numerous expeditions have succeeded in passing through the glorious river canyon, several members of these parties being well-known Members of Congress today.

But to Powell and his men of 1869 goes our tribute today and to the organizations commemorating the event this August 9 and 10 weekend. Mr. Speaker, I would like to acknowledge these groups which include: The State of Nevada, the Nevada Historical Society, the Nevada Park System, the National Park Service, the Moapa Valley Chamber of Commerce, the Sierra Club, and the residents of the Overton arm of Lake Meade, nearby the mouth of the Virgin River and at Powell's termination point.

RESULTS OF 1969 PUBLIC OPINION QUESTIONNAIRE

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. HUNT. Mr. Speaker, in keeping with my policy to actively solicit the views and opinions of my constituents in the First Congressional District on current domestic and foreign issues, I recently sent by postal patron delivery my third annual public opinion questionnaire.

I am most encouraged by the increasingly higher percentage of returns each year, reaching a high point this year of a 12.4-percent return from among more than 137,000 questionnaires. This reflects not only a heightened interest in current affairs but is indicative of the growing desire to communicate one's ideas and participate in the decisionmaking processes in the Congress.

Among those issues leading the list in terms of well-defined opinions are welfare reforms, criminal justice, postal service, and public pensions. Of the almost 17,000 responses, 82.7 percent are against the implementation of a system of guaranteed annual incomes; 12 percent want the Post Office Department reorganized as a Government-owned corporation to operate on a self-supporting basis; 88.7 percent favor preventive detention of potentially dangerous criminal defendants, while 90.9 percent, the highest majority on any question, support mandatory sentences for convicted felons where the use of a firearm is involved; and 76.3 percent prefer tying social security, veterans, civil service, and railroad retirement benefits to increases in the cost of living. On one of the more controversial issues, as indicated by the highest percentage of undecided votes, the deployment of the Safeguard anti-ballistic-missile system is favored by 49.4 percent of the respondents, while 29.6 percent are opposed to the President's proposal.

Obviously, these questions do not cover all of the subjects in which my constituents have expressed an interest, but they do represent a significant sampling of important questions on which there are decided controversies. Other issues of equal importance, and of no less current concern, have been dealt with in previous questionnaires. These responses have proven to be an invaluable source of information from representative Americans and, when compared with the results of questionnaires prepared by other Members, contribute significantly to the effectiveness of the legislative process.

Mr. Speaker, the tabulation of my 1969 public opinion questionnaire follows:

[Results in percent]

1. Should the Federal government develop laws to help prevent strikes by public employees?

Yes	63. 9
No	27. 5
Undecided	7. 7
No response	0. 9

2. Do you favor lowering the voting age to 18?

Yes	34. 0
No	61. 9
Undecided	3. 4
No response	0. 7

3. Do you favor legislation which would return to the States and local governments, for use as they see fit, a percentage of the tax money now collected in Federal income taxes?

Yes	67. 8
No	21. 0
Undecided	9. 0
No response	2. 2

4. Do you believe the Federal government should guarantee an annual income to heads of families, whether or not they are working?

Yes	10. 5
No	82. 7
Undecided	5. 7
No response	1. 1

5. Do you support the proposal to convert the Post Office into a Government-owned corporation to operate on a self-supporting basis?

Yes	72. 0
No	16. 5
Undecided	10. 2
No response	1. 3

6. Red China—Do you favor U.S. support for admission of Peking to the United Nations?

Yes	33. 2
No	53. 5
Undecided	12. 3
No response	1. 0

7. Do you favor deployment of the Anti-Ballistic Missile System proposed by President Nixon?

Yes	49. 4
No	29. 6
Undecided	19. 4
No response	1. 6

8. Do you favor denying *bail* to criminal repeaters and narcotics offenders?

Yes	88. 7
No	7. 5
Undecided	2. 7
No response	1. 1

9. Do you favor mandatory jail sentences for the use of *firearms* by a convicted felon?

Yes	90. 9
No	4. 3
Undecided	3. 5
No response	1. 3

10. Do you favor tying *Social Security, Railroad Retirement, Civil Service Retirement* and *Veterans benefits* to increases in the cost of living?

Yes	76. 3
No	13. 9
Undecided	8. 4
No response	1. 4

Source: Tabulation prepared electronically by Capitol Computer Research, Inc., Box 271, Alexandria, Virginia 22313; a private, nonfederal organization.

COLLEGE STUDENTS BASICALLY SOUND

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. PICKLE. Mr. Speaker, we seldom read much good news of any kind, and we are constantly beseiged with a bad "press" from college student disorders. With this in mind, I submit for inclusion in the RECORD the following Associated Press dispatch—it is good news about the college students of today.

We have been overwhelmed with the newspaper accounts of the militant minority—at the expense of the serious student who "attends classes, goes to church, and plans to get ahead just as his father did a quarter of a century ago."

It is time to give recognition to the college people who make their grades—not headlines, as known by the following article:

GREAT MAJORITY OF STUDENTS BASICALLY SOUND CITIZENS

NEW YORK (AP).—The militant minority may occupy the campus building and the headlines, but today's average college man attends classes, goes to church and plans to get ahead just as his father did a quarter of a century ago.

Not only are brick-wielding dissidents rare among today's college population, but most students say American society is "basically sound." Only 9 per cent of all students could be classed as "revolutionaries" believing that existing institutions should be scrapped and replaced.

So reports a nationwide survey of student and alumni attitudes conducted by Roper Research Associates and commissioned by Standard Oil Co. (New Jersey) During winter 1968 1,500 students and almost 700 alumni were interviewed.

"I found it a rather encouraging study," said Burns Roper, president of the research firm. "There was a good deal of criticism of the system, but it was mostly 'let's change the system from within' rather than 'let's overthrow it.' "

Some conclusions of the Roper study:

Less than one-fourth of college students have smoked marijuana and only 3 per cent have tried LSD. About 46 per cent would like to make marijuana legal and 7 per cent favor legal sanctions for LSD.

Belief in some form of god was voiced by about 60 per cent of college students. Forty per cent of the freshmen and 3 per cent of seniors said they believed in the orthodox "Supreme Being who created the earth and who rewards and punishes everyone."

Two-thirds of unmarried male seniors said they have had sexual relations with one or more women to date—half the freshmen have.

Although about a third of college students plan to go into the military after graduation, almost as many wish to avoid the draft—25 percent by legal means and 2 per cent by any means including a stint in federal prison if necessary.

Not only are college students "squarer" than many worried parents believed, they are also more probusiness than had been assumed. Most plan careers in business and industry. Careers in education, professional work and government service followed in that order.

SPECIAL SUBCOMMITTEE ON REORGANIZATION

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 4, 1969

Mr. SHRIVER. Mr. Speaker, it is encouraging to learn of the progress which is being made by the subcommittee of the Committee on Rules on legislative reorganization bills. I want to commend the distinguished gentleman from California (Mr. SISK) for his interest and leadership in pursuing this important subject.

As sponsor of one of the reorganization bills (H.R. 9331) now under study by the subcommittee, I hope that public hearings soon will be scheduled on these measures.

There can be little question that proposed congressional reforms are long overdue. It has been 23 years since the last major reorganization legislation was approved by Congress. In view of the significant social, economic, and technological changes, it is clear that the 1946 act does not address itself to the problems of the 1960's and 1970's.

Mr. Speaker, I believe the Congress must tackle this matter of reorganization so that we are prepared to face the coming decade with competence and assurance.

REMARKS OF MAJ. GEN. R. McC. TOMPKINS AT THE ANNUAL NAVY LEAGUE MEETING, PARRIS ISLAND, S.C.

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. RIVERS. Mr. Speaker, I am very happy to call to the attention of the Members of the House the very thoughtful and especially well delivered address by Maj. Gen. R. McC. Tompkins at the Navy League annual meeting at Parris Island, S.C., on June 20.

General Tompkins in his lucid way focuses attention on some important considerations of American sea power and equally crucial considerations concerning the place of the military in modern American life. He speaks with great pride of the men he has served with in his career of over 30 years and reminds us of the honored place that the military profession should have among us. His address follows:

OPENING REMARKS AT NAVY LEAGUE ANNUAL MEETING AT PARRIS ISLAND, S.C., MADE BY MAJ. GEN. R. MCC. TOMPKINS, ON JUNE 20, 1969

Mr. Chairman, Mr. Shuman, Mr. Keyserling, Mr. Firth, Rear Adm. Hare and Mr. Moss, Maj. Gen. Peatross, and other distinguished military leaders, other distinguished guests, ladies and gentlemen:

I am most happy to be home again and to be with you here tonight. This is the first formal gathering I have attended in the Low country since that memorable evening in 1967 at La Tai Inn, at Fripp Island. That was shortly before I went out to Viet Nam, and the occasion was Military Appreciation Night—but I didn't know it. The information I had from my Chief of Staff, the Staff Secretary, my own personal secretary and my Aide was that sports clothes would be appropriate. Thus it came about that on the appointed night while all of Beaufort—including my trusty staff—arrived at the Inn with the ladies smartly dressed in mink stoles and brocade dresses, and the gentlemen in smartly-cut lounge suits of the type favored by well-dressed financiers in New York—the then-Commanding General of Parris Island and his lady presented a curious spectacle as they joined the party. Julie had on a sweater and skirt and loafers. I had arrayed myself in a tasty costume based on an old tweed riding coat and a polo shirt. We felt like sparrows among peacocks. But with the hospitality and kindness so typical of Beaufortonians, we were made welcome and no one mentioned our astonishing costumes.

Tonight, as you can see, I've taken the precaution of wearing a white uniform. Now, no matter what happens, I can always mutter something about exigencies of the Service and other similar clap-trap.

I can tell you that several times in my life I've found myself in rather hazardous and precarious positions. None of them, however, have filled me with quite the same trepidation that I feel right now.

I understand from Mr. Keyserling that my job is to talk to you.

And I further understand that your job is to listen to me.

I can only hope that you don't finish your job before I finish mine.

But I want you to know that I've spent a good many hours trying to decide what I might say that would be worth your attention. I've discarded several favorite topics because I know perfectly well that this is no time for a long-winded discourse of glittering generalities shot through with golden threads of the obvious. And I don't propose to dip into my not inconsiderable stock of cliches and platitudes to extol the United States Marine Corps. The record of the Corps will have to stand on its own merits.

But while I was doing all this meditating, one fact kept nagging at me until I decided to discuss it with you here tonight.

Just a few months ago there came to my desk—the report of the Seapower Subcommittee of the House Armed Services Committee.

This vital survey, directed by the Chairman in September of 1968, lays it right on the line. It shows, in excrutiating detail that we, the world's greatest naval power, have let things slide backwards to an alarming degree. The average age of our ships, the lack of planned replacements, the unavailability of necessary spare parts for obsolescent ships, and a host of related factors have placed us in a most serious posture.

I know that you are all familiar with this vital report. It is unemotional, factual—and completely frightening in the evidence it presents.

I shall content myself with reading only three short sentences. First, the final sentence in Section 605, under the heading "U.S. Naval Strategy":

"Without a strong and modern Navy, which permits many additional choices in international affairs, the United States could find itself in a position of being unable to carry out commitments or of paying too high a price to do so."

And two sections under the heading "Conclusions":

Section 801: "The U.S. Navy is in a serious condition primarily because of the age of its ships."

Section 802: "That the Navy is as effective as it is now is a great tribute to the efforts and the devotion to duty of its officers and men."

I would like to re-emphasize that final section. That our ships keep going, under the burden of operational commitments more severe than any "peacetime" Navy has ever experienced is indeed a great tribute. And it comes about by the hard work and leadership of a comparatively small percentage of career officers and enlisted men, coupled with the innate pride and patriotism of the majority of the willing, if non-career, personnel who man them.

But it is the *career men*, officers and enlisted alike, who are the key to our success in continuing to operate under today's terribly difficult conditions. If cost-effectiveness ever got around to considering these men they would be found to be one of America's great bargains. The only trouble is that there are not enough men such as these. And, because this is so, in the long haul the ability of the Navy to serve national policy to the full potential of sea power can only diminish.

The ship-building and modernization program envisaged by the Chairman will ensure, we pray, that by the 1980's the United States should have the required fleet of about 850 ships of modern design and construction.

But what about the officers and men to take them to sea, to sail them, to fight them, and to do all the other things required? Never lose sight of the fact that it is the hard core of professionals who are the indispensible element in training the citizen who serves temporarily. You will recall that as late as 1940, the U.S. Navy numbered 160,997 men. By 1945, it numbered 3,380,817—an expansion of over 20 times. It was that hard core of professionals who made this possible.

Someone once said: "A profession is neither a hobby nor an enthusiasm. It is not something embarked on in an emergency, however necessary at times that may be. A profession is something to which you give your life."

And it is one of the inescapable facts of this decade that fewer and fewer young men are attracted to a military career, to adopt it as their profession, to spend their useful life following the Flag. The appeal of a military career is verging on an all-time low. Thousands of fine young Americans serve their obligated service gallantly and without complaint. But to make a career out of it?—"no thank you" at best, or "don't be silly" more frequently.

Why is it that young men who have proven themselves in battle, are unwilling to become career men in one of the Services?

There is, understanably, a national weariness with the unending atmosphere of war and crisis. It has gone on for a long time—a perpetual dark shadow over American life. And concurrently there has grown up a not inconsiderable body of opinion in this country that believes the wretched military, by some legerdemain, are at the bottom of the whole mess.

These are not my opinions alone—the unilateral opinions of an aging professional. Far from it.

On 4 June 1969, the President of the United States addressed the graduating class at the Air Force Academy in Colorado Springs. Among many other things, President Nixon said:

". . . It is open season on the Armed Forces . . . The military profession is derided in some of the so-called best circles in America. Patriotism is considered by some to be a backward fetish of the uneducated and unsophisticated."

And this from a reecnt editorial in the Washington Post:

"It is common now to hear 'the military' called to account for all that has gone wrong with the economy or the state of domestic tranquility. Somehow a monster has been created in our midst and now, it is said, that the monster must be slain. All of it is so easy—and so uncomfortably reminiscent of Joe McCarthy's sly attacks on the State Department. Generals, the theory goes, are more murderous than the rest of us; more warmongering, crueler. It is made more complicated by the undeniable fact that 'the military mind' does exist, that a battalion commander's perception of his mission is different from that of the rest of us."

For as many years as I can recall—and they inevitably become more and more—that term the "military mind" has been used in a critical sense.

The fact that a battalion commander's perception of his mission undoubtedly will be different from that of someone who bears no responsibility is perfectly natural—it couldn't be any other way. And by the same token the butcher, the baker, and the candlestick-maker—each in his chosen field—will perceive his task in the light of his training, knowledge, and experience.

But I am certain that, if you asked at random a dozen people what the term "the military mind" meant to them, the definitions could scacrely be called complimentary. At best—to many people—the term denotes a rigid, unimaginative, narrowminded stuffed-shirt type, overly preoccupied with unimportant minutiae, totally concerned with an archaic type of existence who probably couldn't get along in civilian life.

Cartoonists usually depict the military mind as residing in a gross, venal, medal-encrusted slob, pop-eyed, greedy, and obviously without a redeeming trait.

This attitude is a great pity because it is so far from the truth. But it is apparently what many people believe and it accounts, in no small measure, for the reluctance of young men to embark on a career in the profession of worms.

But the truth of the matter is quite different. Perhaps General Shepherd put the record straight when, in the course of testifying before Subcommittee No. 2 of the House Armed Services Committee on 7 February 1955, he said:

"There is no more honorable profession than a career spent in the service of one's Country. The military profession is founded upon ideals of devotion to duty, acceptance of responsibility, and absolute loyalty. Such a career demands of those who follow it complete dedication to these unselfish principles. There are individuals who accept service to their Country primarily for the intangible rewards that follow such loyalty and devotion."

Let me repeat some of those archaic phrases:

'Devotion to duty."

"Acceptance of responsibility."

"Absolute loyalty."

"Complete dedication."

"Unselfish principles."

"Intangible rewards."

"Loyalty and devotion."

These are the qualities, gentlemen, that I believe are typical of the so-called military mind. And if that be so, and every experience of my service life proves it to be so, then I say "Thank God for the military mind."

For over 30 years, I have had the honor as a professional Marine of following our Flag all over the world. And long before my time, other men followed that Flag and fought for it and all it stands for. But all of us—1775 and 1969—have one thing in common and that is an unequivocable belief in the United States. For better or for worse, it is *OUR* Country.

And I cannot understand how there could be Americans who, in President Nixon's own words, consider patriotism the backward fetish of the uneducated and unsophisticated. Something is badly out of focus.

But all our people should understand exactly what it is that this country of ours is facing—now and in the future.

We—the United States—by default rather than by choice—find ourselves with the fate of the 20th century in our hands. With Britain's decline, our burdens become greater and more inescapable. Ho Chi Minh has stated that Viet Nam is the first of the wars of liberation and others will follow when they have won Viet Nam.

There is no doubt in my mind that for a long time to come, the Armed Services of the United States will be called upon to serve in parts of the globe as yet undreamed of. Granted that it might be rather old-fashioned to mention it in this day and age, but we may find a parallel in the 19th century for our present requirement to fight limited wars.

Between 1824 and 1901, the British Army fought in some 29 wars and campaigns that have been officially dignified by names. And there were hundreds of other bitter little fights that went on in the most improbable places and were never considered of sufficient stature to be listed in the approved battle honors. But a man can get killed just as dead at a trail-crossing on the Kyber Pass as ever he can in the Argonne or Normandy or Khe Sanh. He just has less company.

But this was the type of burden that Great Britain had to carry—and now the burden is ours. The British Army and the Royal Navy have marched and sailed over the horizon and into the pages of history. They are only a token force of a gallant people.

And we shoulder this burden at a time of unrest and dissent that has not been seen in this beloved Country of ours since those tragic years between 1860 and 1865.

We are fighting this bitter expensive war in Viet Nam. The reasons for our involvement go back 20–22–24 years, depending on how you reckon these things. But there's no sense in hashing them over now. The fact is—we're there.

I can tell you though that this Country has never been involved in a task more difficult than the one we're facing in Viet Nam. And it is a task that places a heavy burden on our younger generation.

Wars, you know, are fought mainly by young men—the riflemen and their lieutenants. They are the ones who go forward to the point of contact where war is girt with horrors. And these young men—age 18 to 23, perhaps—endure these horrors and overcome them along with the reasonable promptings of fear and the yearnings of the belly and do what has to be done.

And while the lieutenant and his men are facing the terrible realities of life and death in some stinking rice paddy, we're treated to some pretty curious spectacles here at home where one can safely indulge in all kinds of irrational activities.

There are the infragrant yippie packs caterwauling that America is 200 years mistaken.

Then that irrational, irresponsible minority of non-people people whose sole product is division, whose single achievement is the treasonable encouragement of the enemy—collect blood for the Viet Cong, praise Ho Chi Minh, and dishonor the American Flag.

And we then have certain circles that choose to euphemize such treason as the "peace movement," mass criminality as "demonstration," and exhibitionistic anarchy as "protest" and "dissent".

It might be well for some of our fellow citizens to understand, as James Mill said, that war is an ugly thing, but it is not the ugliest of things. The decayed and degraded state of moral and patriotic feeling that thinks nothing is worth war is much worse. The man who has nothing for which he is willing to fight, who cares for nothing more than his own personal safety, is a miserable creature who has no chance of being free unless made and kept so by the exertions of better men than himself.

Somewhere there is a long line of silent men who probably watch with consternation and amazement what we are doing to this Country and to ourselves. They are the "Better Men" who helped secure our Nation in battles large and small from the earliest days down through almost 200 years of our history.

Those half-forgotten actions such as Brandywine and Trenton and Yorktown; San Jacinto and Chapultepec; El Caney; Belleau Woods, Soissons, Blanc Mount, St. Mihiel and the Argonne.

And in our own memory and experience, the great battles of World War II and the bitter fighting in Korea.

And today those "Better Men" are the men who carry that lonely, heavy burden in Viet Nam where there are no 40-hour weeks and no campus riots.

We say that a tour of duty in Viet Nam for a Marine is 13 months. And so it is. But thus far in this war there are over 11,000 Marines who won't be completing their normal tours. They were killed in action.

They didn't stage sit-down strikes. They went because they deemed it their duty—whatever that might mean to you. They went because their Country needed them there.

They went for the guys with the long hair and the protest signs, the draft-card burners, the hippies, the anti-everything people who have nothing better to do.

They went for all the men who have fought gallantly on many battlefields to keep our Country free.

They went for all Americans—including those who have abdicated their privilege of being an American.

They went because they were men and, being such, they carried the burden of the Free World on their young shoulders.

The Navy League could do no greater service for the Naval Establishment, the Armed Forces, and the United States than to ensure that the people of this Country understand and appreciate why it is those wretched people in uniform are doing their best to carry out the orders of the President.

If and when people comprehend the deadly realities of the confrontation going on today in Viet Nam—and where tomorrow, God only knows—then, and only then, will fighting men be accorded the respect they so richly deserve.

LOS ANGELES FAMILY PLANNING COUNCIL OFF TO GOOD START

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. BROWN of California. Mr. Speaker, in last January's report of the President's Committee on Population and Family Planning, one of the more immediate problems presented was that of the approximately 5 million women throughout this country who are financially unable to receive adequate family planning services.

Over 150,000 of that 5 million total reside in the Los Angeles area, and they are now beginning to get proper information and services through the newly established Regional Family Planning Council. Already, in the first 3 months of this year, the council's outreach program brought in about 4,000 new patients.

I commend Dr. Richard Sanville, executive director of the Los Angeles Regional Family Planning Council, for the excellent work his group is now doing. I believe that other areas—both urban and rural—could use the Los Angeles program as a model for increased efforts in this crucial section. And, to do so, it means that the Federal Government must vastly enlarge its commitments.

According to the President's Committee report, for fiscal 1970 at least $60 million should be allocated for such services if there is to be any effect upon the key 5 million lower income women. However, when the House approved the funding for these programs last week, only around $45 million was targeted for family planning services.

Underfunding family planning services rates as false economy. The gap is widening between persons who can afford such services and those who cannot, and that gap deepens even more when we are faced with the tautology that the birth rate is highest in those areas where income levels are lowest.

As it now stands, even the prospect of spending the allocated $45 million is dim, since these services are covered by statutory expenditure controls. Congress must give family planning services the high priority indicated by President Nixon in his population control message last month.

The July 23 Los Angeles Times carried a significant article about the Los Angeles Regional Family Planning Council, and I now insert that article into the RECORD at this point:

BIRTH CONTROL BEING MOBILIZED HERE

(By Jean Murphy)

Death control without birth control is leading the world to disaster.

On that assumption, a unique attack on the problem of too many pregnancies has been initiated in Los Angeles. Said Richard

Sanville, executive director of the Los Angeles Regional Family Planning Council:

"Most of the problems of our times—smog, water pollution, poverty, violence, crime, congestion—are all caused by the fact that we're practicing death control (i.e. improved medical care for the elderly, longer life spans) without birth control.

"A couple with three children have more than their share. No one should do more than reproduce himself. Otherwise, we're facing absolute disaster.

"We need some important world figure, like Mr. Nixon, to get up and say again and again, 'Listen, world, this beautiful island in space we live on is no longer going to be beautiful because we can no longer support the number of people who are here and who are going to be here and we've got to do something about it.'"

(President Nixon, several days after Sanville's statement, called for a five-year program of making birth control help available to all American women of childbearing age. "I promptly wrote the President a letter of approbation—with one qualification: the time has passed when we can afford *not* to infringe upon people's religious convictions or personal wishes. The world is on the brink of disaster," Sanville said.)

It's almost too late for us to solve the problem; it depends on every man and woman . . . We have lived at the golden moment. From here on in, the way things are, it's going to be all downhill.

"We're using up our resources as though there were no tomorrow. Sure, the earth can support more people on a subsistence level, but we're talking about the quality of life.

"It's a worldwide emergency and everybody pussyfoots around it. Even the term family planning is a euphemism. It should be called birth control or conception control or population control. We ought to say what we mean."

Birth control is the concern of the Regional Family Planning Council, now in its first year of operation and, Sanville said, the only one of its kind in the country.

"Before last November, our area had disparate, isolated clinics. There was no coordination. Some recognized that this was an inefficient way to get a big job done," he said. The council was formed and funding obtained from the Office of Economic Opportunities, $450.000 for the first year, nearly $1 million for the year beginning Oct. 1.

"Our goal is to substantially reduce the incidence of unwanted pregnancies, infant deaths, stillbirths, premature babies, abortions and illegitimate births and to make a significant contribution toward complete health care for the medically indigent; our goal is to raise the standard of living and the health level of the population," Sanville said.

DELEGATE AGENCIES

Under the council's umbrella, there are nine delegate agencies, 33 birth control clinics, 20 physicians in private practice in South Central Los Angeles and Operation Outreach.

"Our outreach and education program is based on door-knocking," Sanville explained. "Outreach workers are mature, indigenous women who know what having too many babies can mean."

In poverty areas, the workers go from door to door; they visit mothers in hospitals; they address groups; they attend kaffeeklatsches. Sanville credits Outreach with bringing about 4,000 new patients into birth control clinics in the first three months of 1969.

"Our biggest stumbling block is lack of information," said Mrs. Joyce Henderson, public health nurse and assistant director of Outreach.

Sanville agreed that ignorance spawns unwanted babies.

"It happens right here in Los Angeles: a woman has a baby and literally doesn't know why.

"Once, we went into a home where the woman was pregnant with her fifth child. Her husband had threatened to leave her because he couldn't support more children and she was crying. 'You didn't have to have it, you know,' we said. But we were three months too late; neither she nor her husband had known that pregnancy can be prevented."

The council's "target area" is comprised of 154,500 women between the ages of 15 and 45 who meet OEO poverty guidelines.

"We had hoped to reach between 5% and 10% the first year, but with our present momentum, we'll exceed our expectations," Sanville said. For such women, counseling, examination and contraceptives are free.

"A millionaire can get a smallpox vaccination free. Any couple should be given a contraceptive free," Sanville said.

The council considers the intrauterine device and the pill the most effectice contraceptives.

Although the overall birth rate in Los Angeles County is declining, the pressures created by too many unwanted, uncared for babies continue to be acute in some poverty areas.

According to Dr. Carl Coffelt, chief of the maternal health division of the County Health Department, the countywide birth rate is 17.6, the number of live births per 1,000 population per year. In the Northeast health district, the rate is 27.4; in the East, 25.5; in the Southeast, 22; in Santa Monica West, 13.3.

DEATH RATE

The infant death rate in the Southeast district is 29.1 compared to 19.1 countywide. The maternal death rate in the Southeast is 8.1 compared to 2.5 countywide.

"It is significant that those areas with high birth rates also have high rates of both infant and maternal mortality, morbidity and other related health problems," Dr. Coffelt said. "Family planning is an effective way to reduce infant death rates."

Sanville, who holds a master's degree in public health from UCLA, was administrator of Central City Community Mental Health Center before joining the council. He has worked with family planning in South America and the Caribbean as well as in Los Angeles for 10 years.

Council offices are located at 1636 W. 8th St. The address and telephone number of a nearby clinic may be obtained by calling 386-5614.

GUNS ON THE LOOSE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD an editorial appearing in the Washington, D.C., Post chronicling the complete failure of the gun law of the District of Columbia to either reduce crime, which is reaching a new high in the District of Columbia, or control weapons ownership. Many of us in this body have pointed out the complete ineffectiveness of registration legislation to prevent either crime or criminal ownership and misuse of firearms.

The editorial follows:

GUNS ON THE LOOSE

Considering the amount of effort that went into the enactment of a gun registration law for the District of Columbia, enforcement of this sensible, salutary requirement has been remarkably lackadaisical. June 15 was the deadline for compulsory registration of all firearms in this crime-troubled community. No more than about 25,000 guns have been registered, however, although it is estimated on the basis of voluntary registration in the past and on the basis of records of gun purchases in the District that some 75,000 firearms are owned by responsible citizens legally entitled to possess them.

It is easy enough to understand why persons ineligible to own guns fail to comply with the registration law. But this failure on the part of responsible citizens of whom no more is required than the completion of an application form seems very puzzling. Perhaps it stems, in part, from inadequate publicity about the registration law. Perhaps it is attributable, in part, to inertia and apathy among District government officials. Obviously, there is a lot of misunderstanding about the nature and impact of the gun law.

There is nothing about the registration requirement that limits in any way the freedom of legitimate and responsible gun owners to purchase, possess and use their firearms for sport, for target shooting, for protection or for any other lawful activity. The law spells trouble only for persons who cannot qualify under it for ownership of a lethal weapon—criminals, drunks, the mentally ill. It is useful in forbidding transfer of guns to such persons and useful, too, in providing an additional charge against those who use guns for criminal purposes. The law-abiding ought to support the law by bringing themselves in conformity with it as speedily as they can. The District authorities ought to give it vigorous enforcement in every way at their command. There are too many guns on the loose in this community.

THE NEED FOR COMPETITION IN BROADCASTING

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. BINGHAM. Mr. Speaker, broadcasting frequencies are among the most limited and precious resources of a modern society. In our country, virtually all of the available radio and television channels are already in use. Access to the immense communication potential of the air waves is now limited to a relatively small number of broadcasters.

Since 1934, the Federal Government has recognized that these resources are a public trust. Their use is a privilege, to be exercised in the best public interest. Under the Communications Act of 1934, licenses are renewed every 3 years. The FCC license review procedure underscores the centrality of the public interest in broadcast license allocation. It is possible for the FCC to consider a wide range of evidence about the ability of various applicants to use a broadcast channel in the best public interest. Although the review has seldom resulted in the transfer of a broadcast license from an operating station to a previously unlicensed applicant, the competition protects the public's ultimate rights in the matter.

In recent months, some broadcasting interests have mounted a campaign to give broadcast license holders virtual perpetual rights to the airwaves.

A number of Members of Congress have responded to the broadcasters' urgings. Bills have been introduced in both Houses which would give broadcasters virtually perpetual rights to their licenses. The bills, of which S. 2004 and H.R. 10010 were the first, would require the FCC to make an initial finding on each license renewal application without considering any application other than the license holder's. If the FCC finds that the license holder is serving the public interest, convenience, and necessity to an acceptable degree, the license will be granted. Except for flagrant violators of the public interest, license holders would be sheltered from competition.

The existing competitive procedure requires any license applicant to be prepared to demonstrate that he is the best qualified to serve the public interest with his programing. To effect such judgments, applications of incumbent license holders must be judged in comparison with all alternative applications, not in isolation from other applications. I am convinced that such open competition for broadcast licenses is the best way to guarantee that our airwaves will be put to constructive use.

A number of relevant and highly appropriate commentaries on the matter have appeared in the press recently. So that Members can inform themselves further, I insert the attached articles to be printed in the Record:

[From the New York Times, June 1, 1969]

Television—Challenging Those Who Control the TV Channels

(By Jack Gould)

Challenges by citizens groups to renewals of licenses for long-established television stations have aroused more reaction in Washington than any other recent development in broadcasting. The controversy poses a long-range social question of substantial importance: Is TV to be a "locked-in" medium in perpetuity?

Upward of 40 bills have been introduced in the House and Senate to shield existing broadcasters from last-minute petitions to lift their franchises and award them to other groups claiming they could render a more fruitful program service. And the Federal Communications Commission, in what can only be described as unseemly haste, elected not even to study a thoughtful 350-page petition from a group of New Yorkers which sought to block renewal of The Daily News' license for WPIX on Channel 11. The WPIX renewal was rushed through the F.C.C. bureaucracy even though there was no legal barrier to the regulatory agency's power to pause and examine what the petitioners had in mind. That particular battle may be headed for the courts.

Through a proposed amendment to the Communications Act, Senator John O. Pastore, Rhode Island Democrat and Chairman of the Senate Communications subcommittee, would, for all practical purposes, wipe out the feasibility of any meaningful challenge to present occupants of television's channels. Under his suggested bill, no competing application for an existing channel could be entertained by the F.C.C. until the commission itself had first found that the present license-holder had been remiss in his responsibilities. And, if the wording of the amendment means what it appears to say, the F.C.C. would be required to rely primarily, if not wholly, on the representations of the license-holders.

It is small wonder that Broadcasting magazine, the alter ego of the lobbyists of the National Association of Broadcasters, has applauded Senator Pastore and other congressmen who have advanced similar proposals. Everyone knows that the F.C.C. has never lifted a license solely on the ground of inadequate program performance. Now, if Senator Pastore's bill clears through Congress, the preservation of the status quo will be tighter than ever.

The motivation behind the Senator's solicitude for present broadcasters is the desire to avoid interminable hearings prompted by capricious challenges which, on the surface, appear to have more nuisance value than substance. But the danger is that such a curb may also outlaw challenges having genuine merit.

When a group prepares an exhaustive petition, with extraordinary explicit detail on how it would use a channel, the effort hardly can be considered frivolous. And that was the precise accomplishment of the New York group headed by Lawrence K. Grossman, a former vice president of the National Broadcasting Company. His associates include representatives of the Puerto Rican and Negro minorities in both the proposed management of a new station and in its financial structure. The outline of how the outlet would become involved in the community reflects a heartening awareness that broadcasting could be notably different from what it is now. There would be entertainment and commercials, but no plugs for cigarettes or anything in the nature of advertising warlike toys, and over 23 per cent of the week's scheduling would be devoted to programs outside of entertainment and sports.

With some legal uncertainty still attached to The Daily News case, the merits of the challenge can hardly be assessed precipitously. The likelihood of upsetting the WPIX renewal is perhaps not too strong, but for the F.C.C. (save for the dissenting Commissioner Nicholas Johnson) to give the fast brushoff to such a document hardly speaks well for the agency's receptivity to new concepts.

The organized campaign to assure broadcasters indefinite immunity to challenges poses a unique problem of major social consequence. The clearcut purpose of a system of renewing licenses every three years is to keep broadcasting performance under constant review. If that is not the purpose, then a permanent franchise might as well be granted and all the costly fol-de-rol of renewal proceedings unceremoniously junked at great savings to the taxpayer.

Senator Pastore and his like-minded colleagues in the Senate and House raise the point that the huge investments of existing licensees should not be jeopardized by challenges either not seriously intended or wanting in the necessary financial resources. But this line of thinking overlooks one simple remedy: the F.C.C. could readily devise special application requirements that would quickly separate bona fide challenges from playthings intended purely as harassment. Since the burden of proof might properly be placed on the challenger, exacting documentation of the sincerity of his intentions and his ability to perform might be demanded.

But candor is also necessary when it comes to discussing an existing television station's huge stake in its occupancy of a channel. At least 90 per cent of the value of the broadcasting property rests in the channel per se, and under the law that channel does not belong to the broadcaster but to the public. Banner sums of tens of millions of dollars are not paid out for studio equipment and antenna towers. What lies at the heart of the unconscionable trafficking in licenses is the desire to control a priceless facility with the knowledge that it is perennially protected.

Yesterday's generation, which was lucky enough to scoop up channels in the early days, does have a very real monopoly, a monopoly that both Congress and the F.C.C. majority go to inordinate lengths to preserve. But broadcasting is much more than a tangible item of property; it is the dominant medium for the conveyance of opinions and attitudes.

Just because a broadcaster has held a license for two decades or more does not automatically mean that he alone is best qualified to meet the needs of a continuously changing society and the rising requirements and goals of emerging groups with fresh ideas and approaches. Shutting out these eager forces from even a prayer of gaining access to the best Very High Frequency channels is bound sooner or later to bring an increasingly strong reaction. The opening of V.H.F. channels to some new blood is clearly a matter deserving of a long-range review by Congress, the F.C.C. and the White House. True diversity begins with diversity of management and it might as well be faced that this means finding room for newcomers. Shunting them off to less desirable Ultra-High frequency channels or Cable TV is electronic segregation. Since all V.H.F. channels everywhere have been spoken for, it may well be that the only socially desirable solution is to consider whether one licensee should control a channel seven days a week. Shared channels have worked in London commercial TV and, if that is the only way of increasing the number of entrepreneurs in American television, it deserves consideration. Why, for instance, should only three companies have access to national networks when there might be six dividing weekdays and weekends? Shared channels are part of the basic structure of radio: there are daytime stations and full-time stations.

Every proposed innovation inevitably raises howls of disapproval, but that is hardly the important issue in television. Unless existing broadcasters affirmatively open their doors to those who believe the home screens can be very different and infinitely more useful than it now is, then sooner or later serious challenges to the status quo will increase. The rearguard action in Washington to thwart those ambitions is the most telling evidence of the case for change.

[From the New Republic, July 5, 1969]

Boredom in Perpetuity?

When the Federal Communications Commission awarded the license of Boston's WHDH–TV to a competitor, it shook the industry. Congress, said the National Association of Broadcasters, should forthwith prohibit the FCC from allowing a competing application for a station license, unless the original holder was found to be acting contrary to the public interest. To which *The New York Times* responded: "An analogous change in the election laws . . . would mean that no one could run for public office until the incumbent had been impeached."

Senator John O. Pastore (D., R.I.) chairman of the State Communications Subcommittee, who has conducted hearings on the pernicious effect on viewers of sex and violence on the home screen, found himself in sympathy with the NAB. He obligingly introduced a bill (S. 2004) to amend the Communications Act so as to make it virtually impossible for a competing group to challenge a present holder of a broadcasting license. That bill now has 18 co-sponsors in the Senate; 56 similar bills have been introduced in the House. It's a scandal.

The express purpose of the Communications Act is to make the best use of scarce broadcast channels by selecting the licensees who will best serve the public interest. That is why, in theory, licenses are granted for only three years—and not in perpetuity to giant communications corporations which latched onto desirable channels during the past two decades. A broadcaster presumably must meet the same standards on renewal as those for which he was granted a license in the first place—a point to which the FCC's attention was again called last week by Warren E. Burger in one of his last opinions as judge of the US Court of Appeals for the District of Columbia. Judge (now Chief Justice) Burger withdrew the renewal of a license the Commission had awarded WLBT–TV in Jackson, Mississippi (it had been accused of racial discrimination in programming) and instructed the FCC to invite new applicants. The Commission examiner had shown, Judge Burger said, a "curious neutrality-in-favor-of-the-licensee."

For two decades, the FCC automatically renewed the license of *The New York Daily News'* WPIX–TV. It did it again recently—and then, under pressure, reversed itself in the face of charges that WPIX presented "distorted news." The accusation was made in a formal complaint by Forum Communications, a group of businessmen and community leaders whose competing application the FCC had elected not even to study. A story in *Variety* last January said that the station was allegedly using old films to illustrate current news; Walter Engels, the station's news manager, admitted to some of the "abuses" (crowd scenes of Budapest identified as Prague). The station's president, Fred Thrower, later said that the charges were "entirely baseless." The FCC intends to investigate further. If the renewal is finally denied WPIX–TV—a station whose schedule consists almost exclusively of old movies and syndicated reruns with a minimum of news—it will be somewhat like the government finally getting Al Capone for income tax evasion.

An individual license at stake sends shudders through the broadcasting fraternity, for if licenses are "put up for grabs" every three years the huge and spiralling prices brought by the sale of stations will belong to the past. The multi-million-dollar sums paid for stations are not for plant and equipment but for the control of a priceless facility—the channel. Broadcasters do not like to be told, as they were by Judge Burger, that they "are temporary permitees—fiduciaries—of a great public resource, and they must meet the highest standards which are embraced in the public-interest concept."

Television needs new voices, more creativity, greater diversity in order to refresh this bored society. Congress, however, is disposed to buy broadcasters' contention that all's well and no newcomers need apply.

[From the New York Times, July 2, 1969]

UTILIZING TELEVISION

To the EDITOR: The need for new approaches to the use of television is urgent.

The lay viewer would have thought that Senator John O. Pastore's (R.I.) vociferous complaints about TV programing in April Congressional hearings had indicated a desire for innovations and review of old policies. Yet, according to Jack Gould's column (June 1) the Senator supports an amendment that would in reality close the door to license ownership challenges from groups outside the traditional F.C.C. bureaucratic structures.

There is no doubt that the financial and commercial interests of current monopolistic channel owners prevent the fullest and most creative uses of the television medium. Individual ownership of television stations by Congressmen cannot be disassociated from Capitol Hill support of Senator Pastore's legislative proposals.

Is there not a need for further open confrontation between the people and questionable Congressional tactics where such a socially and politically influential medium is concerned? As Chairman of the Senate Communications subcommittee, Senator Pastore might do well to make fully public all of his views on communications, not just those that will bring easy public approval, such as the traditional criticisms of too much violence, too many commercials, and low taste in programing.

ADELE ALICE RIDDLE.

NEWPORT, R.I., *June 23, 1969.*

[From the Saturday Review, June 28, 1969]

WHO WILL CRY HAVOC?

(By Robert Lewis Shayon)

During the debates on the Radio Act of 1927, a Congressman named Johnson said: "The power of the press will not be comparable to that of broadcasting stations when the industry is fully developed. . . . If the strong arm of the law does not prevent monopoly ownership . . . American thought and American politics will be largely at the mercy of those who operate these stations." How ironic that Congress, which passed the 1927 act and thereby laid the foundation for the present structure of broadcasting, should be, forty-two years later, the instrument that will almost certainly fulfill Representative Johnson's prophecy!

At this writing, more than fifty-six Congressmen and one Senator (with eighteen other Senators as cosponsors) have each introduced identical versions of a bill that grants virtual property rights in perpetuity to broadcast licensees. The new legislation, as introduced by Senator John O. Pastore, would forbid the FCC, in a license renewal proceeding, to consider the application of any person other than the incumbent licensee, unless the latter has been already denied renewal. This is comparable to saying that you can't elect a new officeholder until the incumbent has been impeached. The power of the broadcasters is such that every observer of the communications scene expects that the bill will be voted into law, possibly this summer. It will slam the door on competitive bidders for broadcast franchises, as well as disintegrate the recent efforts by citizen groups to seek a voice in the FCC's disposition of the airwaves.

According to the communications law, licensees may be granted only "the use of such channels, but not the ownership thereof . . . for limited periods of time." A renewal application (every three years) now automatically triggers a comparative hearing when a challenger files a technically correct, substantive application for the same channel. Several such significant challenges have been filed recently in a number of areas, and this is why Congress, at the behest of the National Association of Broadcasters, is hurrying to put its finger in the dike.

Congress intended originally that the most able broadcasters should have the licenses, but the FCC, through the years, eroded this intent and "squatters rights" developed. The FCC and Congress later obliged the industry by allowing license-holders to sell their franchises to the highest bidder, without having to consider any other applicants. The United Church of Christ case—challenging the licensing of WLBT in Jackson, Mississippi, which discriminated against the black community—opened the door to citizen group action in renewals (the unanimous Appellate Court opinion was written by Warren Burger, the new Chief Justice of the Supreme Court).

In the more recent WHDH (Boston) case, the FCC took the license away from an incumbent and awarded it to a challenger. This rare show of activism inspired the aforementioned "filing on top" or "strike" applications by new business groups challenging incumbents. Broadcasters play games with champions of the public interest, so long as they merely make rhetoric or struggle along with meager resources; but when the industry feels its jugular vein threatened, it lowers the boom. The broadcast licenses, which the station owners get free from the public, are trafficked annually for tens of millions of dollars in an unending round of fat killings derived from tax write-offs via depreciation, a practice similar to oil depletion allowances. Open, competitive bidding would ruin the market. Who would pay millions for a license that had to come up for serious scrutiny every three years?

At the NAB convention in March, President Vincent Wasilewsky proposed the legislation that is now being pushed through the Congress. Senator Pastore, at the convention, stated his "deep-seated conviction that public service is not encouraged or promoted by placing the sword of Damocles over the heads of broadcasters . . ."

Senator Pastore has set July 15 and 16 for Senate hearings on his bill. His eighteen cosponsors are Democrats and Republicans along the whole political spectrum: Warren Magnuson (D-Wash.), chairman of the Senate Commerce Committee; Norris Cotton (R-N.H.), ranking minority member of the Commerce Committee; Mike Mansfield, Senate majority leader; and members of the Commerce Committee.

At the July hearings, the chairman of the FCC, Rosel Hyde, is expected to argue against the legislation. Proponents of the bill argue that it is really in the public interest to give the present license-holder "the benefit of the doubt warranted by his previous investment and experience." Also, they assert that broadcasters will cut back on expense to maximize revenue if their tenure as licensees is uncertain.

Supporters of the legislation also argue that at renewal time the burden of proof of service in the public interest will still be on the broadcaster. The record reiterates that it is the FCC that determines how the burden of proof shall be allocated, and, historically, the commission or its staff has placed that burden on the challenger, who rarely has access to the requisite evidence, which is safely in the hands of either the licensee or the FCC staff. Our Congressmen are stampeding to serve their local broadcasters, they have gotten word of the industry's "educational campaign." Each politician's destiny, of course, rests heavily on his image as projected by the broadcasters, who have the eyes and ears of his constituency, not only at campaign time but all through his term of office. What Congressman or Senator will dare to vote against the bill? And if he runs again, which of his challengers at the polls will dare risk the disfavor of the broadcaster who has the power to shape his competing political image?

Congressman Johnson and his colleagues who wrote the Radio Act of 1927 sensed that they were fashioning a dangerous creature. Alas, they failed to cast themselves as Frankensteins. As for the press (largely crossbred now with the new media), it maintains a general discreet silence. Who will cry havoc down the airwaves? It is but a subset of a familiar category: the power that runs the nation rests not in the public officials but in the shadows where the flow of ideas is controlled. Conspiratorial fantasy? Who owns the Brooklyn Bridge? When the bridge is sold, it is because no one comes forth to claim it.

WYATT POLL RESULTS

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. WYATT. Mr. Speaker, each year since I was first elected to this body I have issued a questionnaire on significant national and international issues to those I represent in Oregon's First Congressional District.

The same procedure was followed this year, with over 180,000 questionnaires distributed to my constituents. I received 30,894 replies, a record number of returns.

These annual polls are highly important to me, as they indicate the feelings of those I represent on matters which will come before the Congress. The tabulation of this year's questionnaire results has just been completed, and I would like to present it at this time for the benefit of my colleagues in this body:

[In percent]

	Yes	No	No opinion
1. If the Paris talks drag on with no apparent progress toward a peaceful settlement of the Vietnam conflict, would you favor a resumption of the bombing of North Vietnam?	57.8	31.0	11.2
2. Should the President be required to secure the approval of Congress before taking any action involving the commitment of American forces to hostile actions abroad?	73.6	21.0	5.4
3. Should the United States extend diplomatic recognition to Red China?	44.3	43.4	12.3
4. Do you favor President Nixon's recommendation for a limited anti-ballistic-missile program?	51.9	31.8	16.3
5. Foreign aid:			
a. Should the United States continue to extend military assistance to other nations?	34.6	53.2	12.2
b. Should the United States continue to extend economic assistance to other nations?	57.2	31.7	11.2
6. Once the Vietnam conflict has been resolved, would you favor replacement of the present draft system with an all-volunteer army?	52.9	38.0	9.2
7. Tax reform: Do you feel that there are substantial inequities and loopholes in the Federal income tax laws which require change?	92.7	3.0	4.3
8. Do you favor the banning of cigarette advertising on television?	64.7	26.4	8.9
9. Should Congress enact a statute to require the licensing and registration of all firearms?	34.7	60.7	4.6
10. Should the Congress create a Cabinet-level Department of Consumer Affairs?	38.7	34.7	26.6
11. Do you favor President Nixon's proposal to create a National Law Enforcement Academy to upgrade the competence of State and local police?	70.1	19.1	10.8
12. Should the National Labor Relations Act be amended to require that farmers recognize and bargain with unions representing their workers?	28.1	55.9	16.0
13. Should Congress place a ceiling on the total amount of Federal farm subsidy payments which 1 person may receive in any 1 year?	85.0	5.1	9.7
14. Do you favor President Nixon's proposal for automatic cost-of-living adjustments in social security benefit payments?	81.3	11.0	7.7
15. Should Congress propose a constitutional amendment to set the minimum voting age at 18 in all States?	24.6	69.5	5.9
16. Should Congress propose a constitutional amendment to permit voluntary nondenominational prayer in public schools?	70.8	20.8	9.1

	Percentage favoring
17. Electoral college reform is being advocated. Which of the following choices do you prefer? (Please check 1 only.)	
a. Abolish the electoral college system and provide for the direct popular election of the President	76.4
b. Provide for the election of presidential electors by districts within each State, rather than the present "winner-take-all" system of State at-large election	5.2
c. Provide for the proportional division of each State's electoral votes among the various presidential candidates in accord with the share of the popular vote each receives in the State	9.5
d. No change in the present system	5.1
e. No opinion	3.8

QUESTIONNAIRE

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. BOW. Mr. Speaker, as has been my custom for some time, I have prepared and will mail shortly a questionnaire to all of the voting citizens of the 16th Congressional District of Ohio. As I have told them many times, "Your Congressman, FRANK T. BOW, would like your opinion," and I hope there will be a heavy response so that we can lay plans for legislative work in the future.

The questionnaire will contain an explanatory message as follows:

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 1969.

DEAR FRIENDS: The first half of the 1969 session of Congress has been completed and this seems to be an appropriate time to issue the annual questionnaire seeking your opinion.

Most of the questions on the inside pages refer to problems that will be considered in the remaining months of 1969. We do not expect to adjourn this session of the Congres until mid-December. More and more, this has become a full-time job requiring the presence of your Congressman in Washington all year-round.

The fact that Congressmen are not able to return to their home districts as frequently as we did in years gone by makes the questionnaire and your mail increasingly important. Being unable to visit with you to learn your opinions, I must rely more heavily on your answers to the questionnaire and on your letters so that I truly represent your views in Congress. I hope that everyone will check his opinions on the questions, add any comments you wish in the space below, and return this to me promptly.

You will note that it does not require an envelope for the return. Simply fold it so that my address is on the outside, affix a six cent stamp and put it in the mail.

One additional note for those who have occasion to use my Canton District Office: the office has been moved to the new Citizens Savings Building at 100 Central Plaza South, Suite 452. The telephone number has also been changed—the new number is 456-2869. I have also added a telephone answering device which will give you the telephone numbers of members of my Washington staff if you have an emergency call when the offices are closed.

Sincerely yours,
FRANK T. BOW,
Member of Congress.

The questions will read as follows:

FRANK T. BOW'S 1969 QUESTIONNAIRE

	His		Hers	
	Yes	No	Yes	No
1. Do you favor a Federal tax-sharing program under which the Federal Government would share a portion of its revenues with the States giving them broad discretion in the expenditure of the money	☐	☐	☐	☐
2. From what you have read about the tax reform bill passed by the House of Representatives this month, do you believe that most of the so-called tax loopholes have been closed	☐	☐	☐	☐
3. Do you favor the bill soon to be debated in the House to abolish the electoral college and choose our President by direct popular vote	☐	☐	☐	☐
4. Should Federal scholarship and loan funds be withheld from students who participate in criminal, destructive, or disruptive behavior at the institutions they attend	☐	☐	☐	☐
5. Do you favor President Nixon's program of selecting postmasters and rural letter carriers on the basis of merit, rather than that of political appointment	☐	☐	☐	☐
6. Do you favor removing the limitations on earnings of those who receive social security retirement or disability payments	☐	☐	☐	☐
7. In his proposals, the President would lower the cost of food stamps for the poor; the very poor could get them free. The amount of food the stamps could buy would be increased. The authorizations for the relief of hunger in the United States would be increased by $1,000,000,000 from the present $1,500 000,000. Do you favor these proposals	☐	☐	☐	☐
8. Would you support a complete overhaul of the welfare system which included these features: (1) uniform national standard of payments to provide minimum necessary income for the aged, disabled, children without parents; (2) an annual minimum income guarantee for families which include a potentially able-bodied worker with provisions for job training and incentives to make the family become self-sustaining	☐	☐	☐	☐
9. Do you favor President Nixon's recommendation for a limited anti-ballistic-missile program	☐	☐	☐	☐
10. Do you favor establishing the territorial limits of the United States (now 3 miles out at sea) with respect to the ships of any other country at the same distance as the territorial limits claimed by that country	☐	☐	☐	☐
11. Do you support President Nixon's proposal to convert the Post Office Department into a self-supporting Government-owned corporation	☐	☐	☐	☐

In the following questions, please indicate the alternative that most closely represents your opinion:

	His	Hers
1. With regard to the Middle East, the United States should—		
(a) Give maximum support to Israel including military equipment	☐	☐
(b) Give maximum support to the Arab nations including military equipment	☐	☐
(c) Work with the Soviet Union, England, and France to effect a settlement of the Arab-Israeli dispute	☐	☐
(d) Adopt a hands-off policy	☐	☐

FRANK T. BOW'S 1969 QUESTIONNAIRE—Continued

	His	Hers
2. With regard to Vietnam, the United States should (check 2 if necessary)—		
(a) Continue withdrawal of American troops regardless of consequences	☐	☐
(b) Continue withdrawal as quickly as South Vietnam troops can take over the military responsibility	☐	☐
(c) Make additional concessions at the Paris peace talks	☐	☐
(d) Increase military pressure on North Vietnam in an effort to bring about concessions from that nation and the Vietcong	☐	☐
(e) Resume bombing in an effort to win military victory	☐	☐
3. With regard to social security benefits, we should—		
(a) Enact the Bow bill for automatic cost-of-living increases (about 7 percent if enacted effective this month)	☐	☐
(b) Enact a 15 percent benefit increase even though this might require additional payroll taxes	☐	☐
4. With regard to the Selective Service System, do you believe Congress should—		
(a) Modify the basic rule for selective service, selecting by lot first from the youngest in the prime age group, ages 19 to 26, and work up, rather than from the oldest and work down, and also permit graduate students who are selected after undergraduate deferment to finish an academic year if already started	☐	☐
(b) Abandon the Selective Service System for a voluntary military manpower procurement system to provide for meeting the manpower needs of the Armed Forces through a completely voluntary system of enlistments except in times of declared war	☐	☐
5. With the completion of the successful Apollo 11 moon landing, do you believe that the United States should now—		
(a) Continue to increase its space budget with a new goal of landing a man on Mars and/or other planets by the end of this century	☐	☐
(b) Scale down our space budget and concentrate on domestic human needs	☐	☐
6. Would you rate President Nixon's performance to date as (circle 1)— Excellent Good Fair Poor		

NEED FOR ENACTMENT OF JUDICIAL REFORM LEGISLATION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. RODINO. Mr. Speaker, as a member of the House Judiciary Committee I have long recognized the need for improvements in our Federal court system. I was, therefore, pleased to introduce in the House, H.R. 10951, a companion bill to S. 1506, which the distinguished Senator from Maryland Mr. Tydings, developed after exhaustive and careful study of the problem. In my judgment this legislation will accomplish significant and long overdue reforms and help attain the basic objective of our Federal judicial system—to assure that justice is rendered swiftly and fairly, by judges who possess the highest qualifications and standards of integrity and probity. In today's issue of the Washington Post there appears an excellent editorial endorsing this legislation and I include it in the Record for the consideration of my colleagues:

[From the Washington Post, Aug. 6, 1969]

HOW TO RELIEVE UNFIT JUDGES

The judicial cleanup operations in Illinois are being watched with special interest in Congress and elsewhere because the method used at Springfield is similar to the proposals now under study by the Senate Judiciary Committee for the federal courts. Charges of corruption on the bench in Illinois led to an investigation by a court-appointed commission. The outcome was a finding that Chief Justice Roy J. Solfisberg Jr. and Justice Ray I. Klingbiel were guilty of gross impropriety—the acquisition of stock in a new Chicago bank while handling a case involving an organizer of the bank. Both resigned in line with the investigating commission's recommendations.

A legislative committee in Illinois is now demanding a much wider investigation of financial dealings on the part of judges. Probably the most important fact is that Illinois, along with California and a few other states, appears to have found a satisfactory method of dealing with misbehavior on the bench—one of the most baffling problems that arises under the American system of government. The result in Springfield will doubtless encourage Congress to go ahead with the reform being sponsored by Senator Tydings.

The Tydings bill would set up in the judicial branch a Commission on Judicial Disabilities and Tenure composed of five district and circuit judges. Any complaint against a judge would go before this body for investigation. If it should prove to be frivolous or without foundation, it could be dismissed without further action. But if the commission should find evidence of misbehavior (willful misconduct in office of persistent failure to perform his duties) it could recommend the removal of a federal judge.

The proposal is carefully safeguarded, with a review of the findings by the Judicial Conference of the United States, and a final appeal to the Supreme Court. But it is anticipated that in most cases the judge in question would comply with the recommendation of the commission, as the judges in Illinois have done. Experience has shown that some means of dealing with misconduct and disability on the bench (short of the cumbersome impeachment process) is essential to an efficient and untainted judicial system. Congress should not lag behind the states in this area of reform.

MESSAGE TO PARENTS ON DRUGS

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. PODELL. Mr. Speaker, as a parent with three children, as well as a Member of the House of Representatives, I share the increasing awareness and concern over the twin problems of drug addiction and the ever-increasing traffic in this poison. Every home in each community is in danger. There is no question of geographical immunity.

I am particularly concerned over the fact that everything from marihuana and pep pills to heroin are being sold in the schools of our Nation, including many of those within our own 13th Congressional District. This activity brings this perilous specter into the home of every parent. As the school year gets fully underway again, a mass concerted effort must be made to combat this ever imminent threat. Each of us must be aware of the problem, able to recognize and cope with it. Ability to recognize early danger signals and symptoms is all important. Swift detection and knowledge of who to go to is the linchpin of any effort to cope with it effectively. The enclosed information is designed to alert every parent to danger signs to watch for in a child.

Our struggle against this insidious traffic must combine alertness, awareness, determination, and consistency. On a national level I have introduced and supported legislation which carries the severest penalties for those parasites and pariahs who engage in such criminal trade, particularly those who prey upon youngsters. Coupled with such penalization is a full range of rehabilitative services aimed at aiding those who succumb. Yet, all this will fail if individual family groups and parents are unaware or unwilling to play an active part, cooperating fully with appropriate authorities.

Above all, let us be constantly reminded that no child is immune. No home is sacrosanct. No school can close its gates to this activity. An endangered child could come from any home. Be alert. I fervently hope the information contained herein will never be of use to you, but it is at least available.

NATIONAL SMALL BUSINESSMAN OF THE YEAR

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. BROWN of California. Mr. Speaker, recently Mr. David Pon Tell, a constituent of mine, was honored by nationwide recognition. He received the National Council for Small Business Management Development award as National Small Businessman of the Year. I would like to add my congratulations to a man who deserves a great deal of credit for hard work and imaginative leadership. Much of our American economic development depends on the initiative and efforts of such men. I am proud to represent Mr. Pon Tell and the other businessmen of the 29th District of California.

At this point I would like to insert into the Record this excerpt from the San Gabriel Chamber of Commerce News, July 1969, which speaks of Mr. Pon Tell's achievement:

NATIONAL RECOGNITION

Eureka! San Gabriel can well be proud. It has achieved national acclaim! It has produced the "National Small Businessman of the Year". Dave Pon Tell, first Vice-President of the San Gabriel Chamber of Commerce and President of Presentation Industries, Inc., a highly successful San Gabriel firm with branch offices in San Francisco. The Company is engaged in research, design, consultation, manufacture, installation and service of first quality two and three dimensional communication tools for exhibitions, museums, briefings, sales meetings and educational environments. The intent of all the materials developed by Presentation Industries is to sell the idea, product or service.

Dave was chosen over hundreds of other small businessmen (small businesses considered are those grossing less than five million yearly and hiring less than 250 employees) at a recent annual conference of the National Council for Small Business Management Development held in Connecticut. National newspapers and technical magazines will proclaim the honor. A factor influencing the decision of the judges was the extent of improvement in Dave's business as a result of his leadership, guidance and management techniques. Congratulations, Dave!

PLANNING GROUP ENDORSES PAYMENT LIMIT

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. FINDLEY. Mr. Speaker, 20 members of the National Planning Association Agriculture Committee have signed a report recommending a limit of $15,000 on the aggregate Government payments that can go to a single farm.

This statement is especially timely, because still unresolved by the Congress is the question of placing a $20,000 limit on payments to farmers for the 1970 crop. The limit was voted in the House bill, and out of the Senate version. House conferees have not yet met.

Text of the statement and members signing the NPA statement follow:

LIMITING GOVERNMENT PAYMENTS TO FARMERS

Government payments to farmers are a principal instrument of farm price and income policy. An increasingly important question is whether payments might be used to redress in part the very uneven distribution of income within agriculture and, in particular, whether payments to the largest producers might be limited.[1]

Payments under all programs were distributed among individual producers in 1967, as shown in Table 1, page 2. Commodity programs accounted for 86 percent of all payments: $932 million for cotton, $865 million for feed grains, $731 million for wheat, $81 millions for sugar, and $33 million for wool—a total of $2,642 million. Payments for long-term land retirement and for agricultural conservation accounted for most of the remainder.

Complete information is not available on how payments under the different commodity programs were distributed in 1967. Data for states in which more than half of all payments were made for a particular commodity, however, show that large payments are proportionately much more important for cotton than for feed grains or wheat (Table 2, page 2). Each of 14 Mississippi counties had more $50,000-plus payments than the states of Iowa and Illinois combined. A special tabulation of individual commodity payments amounting to $10,000 or more in 1967 showed that 18,054 were for cotton, 4,579 for wheat, 850 for feed grains, and 165 for wool.[2]

Footnotes at end of article.

TABLE 1.—SIZE OF PAYMENTS TO INDIVIDUAL PRODUCERS ,ALL PROGRAMS, 1967

Range of payments	Average payment	Number of payments	Payments: Total (million)	Payments: Percent
Less than $5,000	(1)	(1)	$1,852.0	62.4
$5,000 to $9,999	$6,825	60,942	409.8	13.8
$10,000 to $24,999	14,750	25,309	373.3	12.6
$25,000 to $99,999	40,176	6,128	246.2	8.3
$100,000 to $499,999	167,268	388	64.9	2.2
$500,000 or more	1,020,000	20	20.4	.7
Total			[2] 2,966.6	100.0

[1] Not available.

[2] Does not include $115,300,000 for which distribution by size of payment was not determined.

Source: Senate hearings before the Committee on Appropriations, Department of Agriculture and related agencies, 90th Cong. 2d sess., fiscal year 1969, pt. 2, p. 1485.

BACKGROUND AND PURPOSES OF PRESENT PAYMENT PROGRAMS

The payment programs, with some exceptions, grew out of efforts to accomplish three things: (1) support farm income; (2) permit surplus stocks to be liquidated and prevent accumulation of new surpluses; and (3) maintain an acceptable relationship between market prices in the United States and prices at which commodities move in foreign trade.

Wool payments were begun in 1956 as an alternative to further increasing the tariff on wool. The payments are a percentage supplement to the market price and do not require production control on the part of the producer. Production costs for wool are so high in the United States, however, that domestic wool production has declined despite the supplemented price.

The feed grain program was introduced in 1961 to reverse the build-up of surplus stocks that had occurred when prices were supported but production was not controlled. Farmers were offered payments to cut back feed grain acreages. Price supports for feed grains, which already were near export prices, were not much changed. Excess stocks were worked off by 1966, a rising volume of exports was achieved without significant subsidy, and a moderate amount of income support was given to producers.

The current wheat program was adopted after growers rejected compulsory production control in 1963. Support prices, which had been much above export prices for many years, were reduced approximately to the level at which wheat was moving in world trade. In order to maintain wheat growers' income and to prevent excess production, growers were offered high payments to stay within or to cut back from acreage allotments. Wheat certificates that must be purchased by millers are the source of part of the payments now going to producers.

The cotton program in effect prior to 1964 supported prices much above world trade levels and required a large export subsidy to make foreign markets accessible to U.S. cotton. Surplus stocks were accumulating despite compulsory acreage allotments because the national allotment could not be put below 16 million acres. Imports of cotton products and competition from man-made fibers were reducing markets for U.S. producers. The program now in effect supports the domestic cotton price at a much lower level and requires no export subsidy to sell abroad. It provides high payments to producers who comply with acreage restrictions that in some years have been below the old allotments. An old allotment still cannot be exceeded unless the producer chooses to stay out of the program altogether and to export his cotton, a seldom-used option.

Payments under the Sugar Act have been made for 30 years. The principal means of supporting domestic prices is import quotas; but prices are supplemented by payments to growers who comply with certain requirements, including compliance with any allotments when in effect and minimum wage standards. The payment rate is lower to large producers than to small producers.

Wool payments are strictly price supplements to increase incomes of producers. They play no other program role.

FEASIBILITY OF LIMITING PAYMENTS

Payment rates to large wool producers might be scaled down—perhaps to zero beyond some level of output—without creating unmanageable problems in supply management or in other respects.[3] The main consideration in deciding whether to adopt such a policy, of course, is the intended income effect of the program. Other considerations include effects on farm size and efficiency, to be discussed later.

In contrast, feed grain payments are almost entirely rewards for complying with production controls that must be effective if current price supports are to be workable. If feed grain payment rates to large producers were substantially reduced, most would stay out of the program. Virtually the whole burden of reducing acreage would fall on family-size farms, and the government's cost of obtaining needed participation would increase. Moreover, the principal income benefit of the feed grain program is the supported market price made possible by acreage control, and that market price is available to participants and nonparticipants alike. Payments could be limited to $10,000 per producer, however, without weakening the supply control effect of the program. This would be feasible because too few producers now receive larger payments to matter.[4]

TABLE 2.—SIZE DISTRIBUTION OF TOTAL PAYMENTS TO INDIVIDUAL PRODUCERS IN STATES IN WHICH MORE THAN 50 PERCENT OF ALL PAYMENTS WERE MADE FOR A PARTICULAR COMMODITY, 1967

[Percent of total]

Range of payments	Feed grains (10 States)	Wheat (8 States)	Cotton (9 States)
Less than $5,000	91.0	64.8	39.8
$5,000 to $9,999	6.6	21.1	14.7
$10,000 to $24,999	2.1	11.4	21.1
$25,000 to $99,999	.3	2.5	18.4
$100,000 or more	(1)	.2	6.0
Total	100.0	100.0	100.0

[1] Less than 0.05 percent.

Source: Senate hearings before the Committee on Appropriations, Department of Agriculture and related agencies, 90th Cong., 2d sess., fiscal year 1969, pt. 2, pp. 1485–1492.

Wheat payments contain both income supplement and supply control compliance elements. The payment rates adopted when the present program began were chosen mainly to keep incomes of producers at the earlier level. The rates necessary for this income purpose were considerably higher than needed to obtain sufficient compliance with acreage restrictions to make the new level of price support workable. Thus, there is considerable opportunity in the wheat program to scale down or limit the income supplement portion of the payment going to large producers. But a compliance portion available to almost all producers should remain if the present level of price support (which is below the International Grains Arrangement price) is to be effective. A limitation on the amount of payment going to an individual producer could be established at $15,000, however, without affecting a critical proportion of wheat production.

Payments under the cotton program are largely income supplements. The current price support for cotton—about 20 cents per pound—is so low that production probably would not much exceed market outlets at that price if all payments to growers were eliminated and compulsory acreage allotments were withdrawn. Cotton payments could feasibly be scaled down for large producers, and only a small compliance payment would be needed to prevent surplus production at the current market support price. Payments going to a single producer probably could be limited to $15,000 without endangering supply control and price support.

Sugar payments appear to be largely supplemental to income and thus susceptible to further scaling down for large producers. The sugar program, however, was not studied in detail.

FARM SIZE, EFFICIENCY

Any government program that improves returns in agriculture and reduces risk on farms of all types probably tends to make investment in large-scale units more attractive. Payment limitations would reduce the incentive for investment in agriculture, which continues to be troubled with excess capacity, and would lessen emphasis on bigness.

On the other hand, efficiency considerations suggest that supplemental payments should not be scaled down or limited so as to perpetuate farms not large enough to gain the principal economies of size.[5] Studies indicate the large family farms in feed grain, wheat, and even cotton production can be equally or nearly as efficient as large-scale units.[6] Payment limitations in the range of $10,000 to $20,000 would be compatible with efficiency in farming.

Limiting supplemental payments to farms larger than efficient family farms would not hold tiny units in agriculture. The great contrast in efficiency in American agriculture is between well-organized and adequately capitalized family farms on the one hand and farms too small to provide productive work for the family on the other. The problem of poverty of families dependent for their living on tiny farms would remain. Although measures to correct this situation are urgently needed, payments for farm products sold are not an effective way to attack the problem.

Significant limitation of supplemental payments is likely to encourage owners of large-scale units to modify their operations in an effort to receive full benefits. The nominal ownership of land might be changed by revision of titles, or leasing arrangements might be altered so that the land owner received the principal benefits of payments in the form of higher rents. Safeguards provided in legislation might reduce this difficulty but probably could not eliminate it entirely.

RECOMMENDATIONS

The National Planning Association's Agriculture Committee believes that Federal farm commodity programs should be altered to limit payments going to the largest producers. The high government payments to large farm producers are not justified by lack of wealth and income on the part of recipients, nor are such payments necessary to make other features of the programs workable.

We have concluded, from a study of the payment system under the Agricultural Act of 1965, that the farm commodity programs would better serve the national and the farm interests if a limit were placed on payments.

In proposing a limitation on payments, we point out a distinction between compliance payments—those necessary to obtain participation in voluntary programs to prevent surpluses—and supplemental payments—those simply adding to incomes of recipients. Feed grain payments are almost entirely compliance payments, regardless of names attached to them. Wool payments are wholly supplemental, and cotton payments are nearly so. Wheat payments are in part compliance and in part supplemental.

Supplemental payments can be sharply limited without affecting other features of a program. If voluntary production-control features are to be retained, limits on compliance payments must be set high enough so that producers no longer having an incentive to comply will account for only a small fraction of potential output.

We recommend that total annual payments to a single producer or farm in connection with commodity programs be limited to about $15,000.

We see some merit in scaling down payments to the largest producers rather than applying an abrupt cutoff point. For example, the full rate of payment might be paid up to a total of $10,000. From that point to $15,000, the rate might be cut to 75 percent of the full rate. From $15,000 to $17,500, the rate could be reduced to 50 percent, and so on, until the absolute limit of $20,000 was reached.[7]

A payment ceiling of the proposed kind would not have an important adverse effect on the surplus control feature of any program. Questions would remain about the income distribution effects of programs, but a ceiling would be a simple and feasible way of putting commodity programs in better coordination with national goals of social equity.

The savings in payments resulting from a ceiling, though likely to be less than 10 percent of total payment costs, could make a significant contribution to improving the lot of the rural poor if applied to education, retraining, and other investments in human resources. The proposed ceiling would be sufficiently high to accommodate farms large enough to be efficient but would reduce emphasis on mere bigness in agriculture.

Two important changes in the cotton program should accompany payment limitations. One would prevent a price support provision designed to negate a payment limitation. The other would remove all penalties, other than loss of payments, for exceeding acreage allotments. Large growers willing to produce for the market without payments should be permitted to do so even if only a few might prefer this option. For all payment programs, administrative arrangements should prevent, so far as possible, the evasion of a ceiling by such devices as nominally dividing ownership among family members or revising leasing arrangements.

It should be noted that we propose a ceiling only on payments made in connection with commodity programs. Programs to retire low quality land in whole farm units from general crop production for long periods of time have a somewhat different objective and are less likely to result in windfalls for well-off people. For these reasons, a payment limitation should not be imposed on long-term land retirement programs unless and until a need for it is demonstrated.[8]

MEMBERS OF THE NPA AGRICULTURE COMMITTEE SIGNING THE STATEMENT

Lauren K. Soth, Chairman, Editor of the Editorial Pages, Des Moines Register and Tribune.

Robert K. Buck, Vice Chairman, Waukee, Iowa.

Ferriss Owen, Vice Chairman, Director, Nationwide Mutual Insurance Company.

John Baker, Community Development Services.

Murray R. Benedict, Professor Emeritus, Department of Agricultural Economics, University of California.

Charles Edwin Bishop, Vice President, The University of North Carolina.

Sam Henry Bober, Tucson, Arizona.

George E. Brandow, Department of Agricultural Economics, Pennsylvania State University.

Willard W. Cochrane, Dean, Office of International Programs, University of Minnesota.

August Dahme, Aberdeen, South Dakota.*

Arval I. Erikson, Economic Advisor, Oscar Mayer & Co.

Harry I. Graham, Oxon Hill, Maryland.

W. E. Hamilton, Director of Research, American Farm Bureau Federation.*

Earl O. Heady, Executive Director, The Center for Agricultural and Economic Development, Iowa State University of Science and Technology.

A. C. Hoffman, Vice President, Kraft Foods Division, National Dairy Products Corporation.

Flint McRoberts, The McRoberts Farm.

James G. Maddox, Professor, Department of Economics, North Carolina State University.

Donald R. Murphy, West Des Moines, Iowa.

William H. Nicholls, Director, Center for Latin American Studies, Vanderbilt University.

R. J. Odegard, O. J. Odegard Potato Company.

T. W. Schultz, Professor, Department of Economics, University of Chicago.*

Lloyd R. Wescott, Holsteins, Inc.

FOOTNOTES

[1] *W. E. Hamilton:* A more important question, in my opinion, is whether payments should continue to be a principal instrument of farm price and income policy. I believe there is a place for payments to help farm people make needed adjustments—i.e., I would support payments to obtain needed adjustments in land use through long-term land retirement contracts, and to provide retraining and adjustment assistance to low-income farmers who do not have the resources that are needed for a successful farming operation. The limitation issue relates primarily to commodity program payments which do not achieve long-term adjustments in resource use. Instead of trying to devise a system of limiting such payments, I would prefer to phase out the programs which make payments to supplement commodity prices.

[2] W. W. Wilcox, *Large Farm Program Payments and Implications of Proposals for Limitations*, The Library of Congress Legislative Service S. 129, February 1969, p. 9. Sugar program payments were not included.

[3] *T. W. Schultz:* The phrase "unmanageable problems in supply management" is pure jargon. The United States is heavily dependent upon imported wool.

[4] *T. W. Schultz:* This sentence should read. ". . . because only a few producers receive large payments."

[5] *T. W. Schultz:* This assumption is wrong because these payments tend to distort economic incentives that strongly induce inefficient bigness.

[6] Some relevant studies are discussed in J. P. Madden, *Economies of Size in Farming*, Agriculture Economic Report No. 107, U.S. Department of Agriculture, 1967.

[7] *T. W. Schultz:* While I agree with this recommendation, it is only a very small first step in correcting the distortion in economic incentives that burden U.S. agriculture as a consequence of our farm commodity programs.

[8] *August Dahme:* I believe that if we should have a land retirement program, it should have payment limitations, using the same formula recommended for commodity programs.

MINNESOTA EXPERIMENTAL CITY MAY BE ENCLOSED UNDER A 1-MILE DOME

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. FRASER. Mr. Speaker, one of the most fascinating and intriguing possibilities for the Minnesota experimental city is that of enclosure under domes. We are all familiar with shopping centers completely enclosed for protection against the weather, and the Houston Astrodome, which has proved the feasibility of enclosure under a dome for certain uses.

The Minnesota experimental city contemplates dome enclosures of 1 mile in diameter with the possibility of the enclosure being air conditioned. A variation of this approach involves interconnected separate domes with diameters of one-fourth mile each in an arrangement resembling a "bunch of grapes."

Following is a discussion of dome enclosures extracted from volume III of the Minnesota experimental city progress report, dated May 1969:

B. ENVIRONMENTAL HEALTH

(II.B.1.) ENCLOSURE AT CITY SCALE

One intriguing possibility which has been advanced for a high-technology city is that of a full enclosure, or umbrella. Such enclosure would create the potential for a totally new environment in terms of the physical dimensions and in terms of the patterns of living and working and playing it would support. As with similar heroic proposals, the full range of potentials and outcomes would not become immediately clear but would unfold over time. A variety of investigative, experimental, and developmental projects would be needed to mount the task of enclosing the city. These will range from engineering considerations through a broad spectrum of social and economic implications, and ecological and climatological impacts.

A dome enclosure with a diameter of the order of one mile has been suggested as relevant to the Experimental City proposal—taking into consideration the Minnesota location, timing, and available technology. To achieve this end objective of a one-mile diameter enclosure, it has been suggested that two intermediate stages may be necessary because of the magnitude of the undertaking.

Test Model: A test model of suitable dimension should be constructed to deal with as many of the anticipated engineering problems as practicable. Such a model would be used for studying feasible structural techniques, materials requirements, and interacting systems, particularly those related to climatological factors. (An eight-foot diameter model was found to be satisfactory for most of such investigations in connection with the 200-foot diameter U.S. Expo '67 structure at Montreal.)

Enclosure for a Microcosm Balanced Community: Building upon the test results of the above model, it is suggested that a ¼-mile diameter enclosure be constructed over a microcosm balanced community. Such an intermediate model might be constructed as a part of the Experimental City or as a permanent installation in another location. This full-scale test would provide reliable insights into man's reaction to living in the enclosed space; it would permit projections of likely socio-cultural impacts; it would serve as a proving ground for interacting environmental systems similar to those to be developed for the one-mile diameter city enclosure.

(II.B.1.) SCALING FACTOR STUDY

It is not certain that the present state-of-the-art will be adequate to allow design of an air conditioning system for an enclosure having a diameter of the order of one mile without some additional experimental information. Adherence to proper scaling factors and similar parameters is required when extrapolating model tests or small-scale tests to full-scale conditions. For scaling based on diameter, the ratio of the diameter of the Experimental City to the diameter of the Houston Astrodome is of the order of ten. In most cases the extrapolation of model tests to full-scale conditions having a diameter scaling factor of this size can be carried out successfully. However, data on a full-range of scaling factors will be necessary before the actual air conditioning system for the Experimental City is designed.

(II.3.1.) CLUSTERED DOME CONCEPT

A possible configuration for an enclosed experimental city would be a grouping of interconnected separate domes, each having diameters of the order of ¼ mile. One efficient configuration for these domes would be a "bunch of grapes" arrangement, each connected to a long enclosed corridor. This corridor could house the transportation system and allow ready access to the domes spaced along its length. The potentials of this modular concept need examination. For example, domes of various sizes could be constructed as they are needed and dismantled when they no longer serve a useful purpose; separate domes could be built for containing various climatic environments such as tropical, cold, and temperate.

MILITARY CONSTRUCTION AUTHORIZATION, 1970

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 5, 1969

Mr. GILBERT. Mr. Speaker, I voted against the passage of H.R. 13018, the Military Construction Act, and voted for recommittal, because I subscribe to the views in the report on page 52 to section 708 of the bill; namely, that the amendment is ill conceived, ill advised, vague and, therefore, in my opinion, is unconstitutional. It has the effect of stifling freedom of speech. It has been our cherished American possession to be able to petition our Government.

I would subscribe to section 708 if it had provided a distance from which a person may picket.

I wonder, as some of my colleagues must also, why the Armed Services Committee would involve itself with title 18 of the United States Code respecting criminal penalities, and particularly amending a section designed to protect our judicial process, judges, and juries, and the fair decision which is also guaranteed in our Constitution.

Section 708 was apparently added to the bill in committee without advance notice, discussions, or hearings, I commend the gentleman from California (Mr. LEGGETT), for offering his amendment to delete section 708 from the bill, and I support the Leggett amendment.

In addition, I am opposed to the $2.5 million authorization contained in the bill for anti-ballistic-missile communications system in Colorado. In addition to being opposed to the ABM system in general, I do not believe this authorization should be a part of the Military Construction Act. I am opposed to the anti-ballistic-missile system for reasons stated on this floor during debate on the issue in the House in February and again in a statement in the House on March 20, 1969.

Mr. Speaker, for the above reasons I did not feel that I could, in good conscience, vote for passage of H.R. 13018, the Military Construction Act.

LT. COL. GEORGE H. ROBERTS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. LONG of Maryland. Mr. Speaker, I should like to commend an outstanding military officer upon his retirement. Lt. Col. George H. Roberts has spent 23 years in active military service to this country, encompassing World War II, the Korean conflict, and the Vietnam era. His efforts have included extensive and vital assignments with the Army's Chemical Warfare Service. Colonel Roberts has served at Edgewood Arsenal, Fort McClellan, the Alaska General Depot, and in the Office, Chief Chemical Officer, Army Chemical Warfare Service. His awards and decorations include the Army Commendation Medal with four oak leaf clusters, the Good Conduct Medal, the American Campaign Medal, the World War II Victory Medal, the National Defense Service Medal with oak leaf cluster, and the Armed Forces Reserve Medal.

Colonel Roberts has not only served long and well within the military; he has devoted a great deal of personal time and effort to young men in the areas where he has been stationed, through his leadership in the Boy Scouts of America. In his work with scouting, he received the Silver Beaver Award from the Baltimore Area Council, Boy Scouts of America. This is the highest award which can be given to an adult volunteer by any local scouting council. His example of service and loyalty is an excellent one for all of our young people to study and follow.

LEGISLATION NEEDED TO PREVENT CRIMINAL ACTS DANGEROUS TO TRAVELERS ON TRAINS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. RODINO. Mr. Speaker, on July 31 I reintroduced legislation to make it a criminal offense to commit acts dangerous to persons onboard trains. I am pleased to note that my distinguished colleague from New Jersey (Mr. SANDMAN), who is also a member of the Judiciary Committee, has joined me in this bipartisan effort to deal with an increasingly serious problem.

Vandalism and acts such as throwing stones or shooting at trains have been a matter of concern to the railroad industry and law-enforcement agencies for a considerable time. Unfortunately, the situation is not improving. In the last Congress, at Senate hearings on similar legislation, a representative of the Association of American Railroads succinctly described the problem:

> It should be emphasized that we are not dealing with a mere nuisance program. Some occurrences have resulted in serious injury. Anytime someone fires a bullet at a train it is possible that someone may be killed. Indeed this has happened.

In this connection, I would like to include in the RECORD a recent article from The New York Times of July 28, which points out that some of the major problems of railroads result from an increase in vandalism.

Mr. Speaker, there is nothing new about the concept of Federal criminal laws to deal with the kind of criminal acts taking place. There is a Federal train wrecking statute, for example; a statute making it a Federal crime to destroy or injure property moving in interstate or foreign commerce; and a statute making it a Federal crime to embezzle or steal interstate or foreign shipments. Through these laws Congress has recognized the national interest and the need for Federal action.

It is clear that existing law enforcement is not adequate, and while enactment of this legislation will not solve the entire problem it will serve as a deterrent against the commission of such acts and will provide an additional warning to potential criminals that should assist the efforts of law enforcement officials.

The New York Times article follows:

COMMUTER LINES AT CRISIS POINT—NEGLECTED FOR YEARS, RAILROADS SERVING CITY ARE FALTERING

No American city is as dependent on railroad commuter service as New York. But after decades of neglect, the state of the commuter lines has reached a point of acute crisis.

Last-minute cancellations of Long Island Rail Road trains are delaying and embittering more and more commuters every day. New Haven riders are finding their trains crowded, littered and late. The Penn Central is arguing with New York State's Public Service Commission over how to get badly needed cars for its Hudson and Harlem Divisions. And commuters throughout New York City's suburbs are wondering if they will be forced to pay higher fares for poorer service.

Perhaps the only plus in the metropolitan commuter rail situation is to be found in New Jersey, where two of the three commuter lines serving New York City are showing signs of improvement, in part through an infusion of state operating subsidies. But these gains have been made in a situation regarded as so unsatisfactory as not to afford much gratification to riders.

This picture has been drawn by The New York Times from interviews with rail officials, commuters and representatives of government and civil agencies concerned with the plight of the six railroads that bring a quarter of a million commuters into the city each working day.

Experts and observers say the inefficiency of metropolitan rail service springs from a variety of factors, including the need to turn from the railroads' long-term origins to rapid service systems, an increase in vandalism over which the lines have little control, public indifference and a history of controversial management practices.

But increasingly the commuter who daily faces the threat of cancellations, breakdowns, overcrowding and long delays has been showing a lack of patience with such explanations.

"It's amazing what a stoic lot commuters have been," a New Haven rider remarked recently. However, this stoicism has been yielding to rage and activism.

T. David Reznik, a marketing analyst, doesn't ride the railroad to work these days—he walks the railroad to work. Instead of taking his regular Penn Central trains to and from Larchmont each day, he takes a variety of trains so he can go through the aisles distributing complaint sheets to his fellow passengers.

The printed sheets have blank spaces in which passengers can write in the number of "bulbs not working" and "fans not working" or the "minutes late" in arriving.

"I start in back and work my way forward, car by car," Mr. Reznik said. "The conductors keep threatening to arrest me." He said he had handed out 4,000 forms in the last three weeks, and the Federal Department of Transportation has been receiving the completed forms from passengers.

On Long Island, a drive is being organized to obtain 10,000 signatures on petitions asking for the removal of the top management of the state-owned Long Island Rail Road, and reports are current that Governor Rockefeller will seek the dismissal of the line's president.

Conductors are hearing more and more from angry passengers, and at least a few of them are growling back. Asked what the trouble was in a delay, one conductor told a fuming commuter recently: "I'll write you a letter."

Passengers are expressing a rising anxiety over railroad safety, especially on overcrowded trains. They suffer and swelter in cars with sealed windows when air-conditioning fails. With cinder blocks dropped on trains from overpasses and sharp rocks flung at windows by vandals, some riders feel like moving objects in a shooting gallery. Executives do not know at what hour they will get to work and their wives do not know what time they will reach home at night.

Frederick A. Menes of Old Westbury, L. I., has been getting up at 5:30 A.M. every weekday, half an hour earlier than usual, to be certain of getting a train that will bring him in on time to his job as general personnel supervisor for the New York Telephone Company.

Mr. Menes begins his morning anxiously listening to radio reports of rail delays on the Long Island Rail Road. What has been canceled today? Until recently he counted on catching a 7:26 train out of East Williston that was due at Pennsylvania Station at 8:12.

If the 7:26 has been scratched, Mr. Menes dashes for the 7:02, changing at Jamaica for a packed train that is scheduled to arrive in Manhattan at 7:55.

But even if the 7:26 is running, it is not at all certain that it will arrive on time. If another train has been canceled, the 7:26—normally an express after Jamaica—may add some local stops in Queens, and may lumber into Penn Station at 8:30 or 8:35.

Such frustrations have important implications for New York City.

Late arrivals to work mean costly lost time and scrapped schedules for the city's businesses. Suburbanites who turn to their automobiles add to the city's traffic, parking and pollution problems and swell demands for new expressways or increased subway facilities. State officials confront demands for subsidies or even railroad takeovers that would shift costs to all taxpayers, including city residents who never ride the commuter lines.

"It's getting to the point at which something's about to blow," said Barrie Vreeland, director of the transportation department of the Commerce and Industry Association. Mr. Vreeland's office has been receiving a stream of complaints from corporate personnel officers worried about late arrivals at work.

Ralph C. Gross, president of the association, described the rail problems as "detrimental to business expansion and economic growth" here because "most of the top and middle-level executives who work in New York live outside the city."

Urban planners are generally agreed that there is no more efficient, or potentially faster, way of moving large numbers of people from suburban or urban business centers than by rail. Yet in much of the nation, railroad passenger service largely has disappeared.

The Federal Urban Mass Transportation Administration says only five American cities still have regular commuter rail service: New York, Chicago, Philadelphia, San Francisco and Boston. Most cities now have auto-oriented transportation systems.

As a result, experts say that billions of dollars of public money have been pouring into expressway systems while only a few millions have trickled into capital improvements for commuter railroads.

As urbanization chews up fields and meadows near the city, executives are moving farther out into the suburbs, sometimes well beyond the 50-mile range, and that makes high-speed rail transit more necessary for them. But suburbanites who turn from trains to autos put pressure on for the building of more highways.

The Regional Plan Association, the nongovernmental research organization, notes that "the autos required to transport the equivalent of one trainload of commuters use about four acres of parking space—eight times the area of the main concourse at Grand Central Terminal."

Fundamental to the railroads' problem is the fact that they were not designed to do the job they are now doing. According to Robert W. Minor, senior vice president of the Penn Central, the lines were originally long-haul carriers and were not engineered for the short-haul, high-speed service required today.

Commuter railroads here do not have the equipment needed for rapid acceleration and deceleration in the short distances between suburban stations. And the stations themselves generally lack the high-level platforms needed for fast loading and unloading of passengers.

Efforts are beginning to be made to change all this through the introduction of new equipment, financing and major reconstruction, but the overhaul is going to take years, according to railroad experts. And they note that the transition itself is contributing to delays and breakdowns.

Those who nourish a hope that things will soon get better have little to go on but optimism, in the opinion of most rail specialists.

The Regional Plan Association pointed out that the commuter lines are largely based on "the investments made in capital rail equipment prior to 1929." The Depression discouraged investments, then World War II came along, and then the postwar automobile boom, with its corresponding decline in riders using the rails.

According to records of the American Railway Car Institute, the trade association of railway car manufacturers, there is no continuing industry in the manufacture of self-propelled "inter-urban or commuter cars."

In 1969, said Walter A. Renz, the association's president, only 25 cars have been ordered for all the commuter lines in the nation.

"The cars cost so much because there are so few orders," he said. "It's no secret that the railroads detest these passenger runs, and I haven't seen any real commuter car business for a long, long time."

Added to these problems are difficulties and prospects peculiar to each of the commuter railroads in this area.

U.S. MERCHANT MARINE

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. FEIGHAN. Mr. Speaker, for the past 2 days I have included in the RECORD articles from the Washington Evening Star which voice a concern for the deplorable condition of our merchant marine fleet. The following is the last article in this timely series, and I include it herewith for the benefit of my colleagues:

CRISIS AT SEA: NEW U.S. MARITIME POLICY IN MAKING

(By Miriam Ottenberg)

Before his election, Richard Nixon castigated the Johnson administration for policies which he said had put this country on a course toward becoming a second-rate seapower.

He found a "shocking deemphasis of our national maritime efforts" and promised:

"We shall adopt a policy that recognizes the role of government in the well-being of an industry so vital to our national defense and stimulates private enterprise to revitalize the industry."

By early fall, the nation should get a good idea of how far the Nixon administration is ready to go to reverse the downward slide of America's merchant fleet.

An interdepartmental working group on maritime policies currently is trying to determine how the President's promised policy can best be carried out. One member of that group, Undersecretary of Commerce Rocco C. Siciliano, said last week that the administration's programs probably would go to Congress in 60 days.

ALTERNATIVES MAPPED

The President will be handed a number of alternatives on how best to build up the merchant fleet.

Nixon could urge Congress to approve a widely recommended tax deferment measure, which would stimulate private financing of ship construction.

Or he could ask Congress to increase funds for ship construction subsidies, which would assure more ships, while decreasing funds for operating subsidies, which are used mainly to equalize the difference in wages and other benefits paid American and foreign seamen.

Another possible step would involve the largely unusable reserve fleet. Nixon could divert the millions being spent to preserve useless ships to building more merchant ships.

The big problem is money, but the approach to spending seems to be different than during the Johnson administration, in the opinion of everyone interviewed in the preparation of this series.

CAUTIOUS OPTIMISM

Sen. Warren G. Magnuson, D-Wash., chairman of the Senate Commerce Committee, is expressing "cautious optimism" after preliminary talks with several Cabinet officers about maritime spending.

Rep. Edward A. Garmatz, D-Md., chairman of the House Merchant Marine and Fisheries Committee, notes a "different climate," and Rep. William S. Mailliard, R-Calif., the House committee's ranking minority member who drafted his party's maritime platform, is confident that Nixon is committed to restoring the merchant marine.

Spokesmen for the shipping lines, ship builders and maritime labor also seem more hopeful that a decade of neglect is coming to an end. In an industry plagued by divisiveness, there are signs of a growing willingness to make concessions in the interest of achieving what all want most: A government commitment to a long-range program to make the United States a front-running maritime power rather than a poor fifth.

The main reason the industry has been so fragmented was the discouraging view from the bridge—nothing ahead but fog. President Johnson promised a broad-gauge program and named a prestigious committee to make recommendations, but sent Transportation Secretary Alan Boyd to Congress with a program nobody liked.

QUESTIONS RAISED

Nixon's committee, in reviewing the recommendations and reports of the Johnson years and a score of earlier studies, is asking these questions:

How much shipping capacity do we need to meet national defense and essential civilian requirements? And how do we get it in the most advantageous way?

For planning purposes, the committee is envisioning the most severe international emergency possible and asking how many ships could actually be counted on to respond. It wants to know how many U.S.-owned ships flying foreign flags with foreign crews would answer the call if the cause was unpopular? How many ships of allied nations would respond?

Another element in determining how large the U.S. flag fleet should be is our peacetime commerce. How much of America's foreign trade should be carried in American flag ships?

Before becoming president, Nixon promised a sharp boost in the U.S. merchant fleet's share of the nation's ocean trade. He noted that U.S. ships now carry only 5.6 percent of the total, while Soviet ships transport more than 50 percent of Russia's cargo. Nixon set a goal of more than 30 percent by the mid-1970s.

SHIP ALTERNATIVES

The interdepartmental committee also is debating whether all the shipbuilding money should be spent on the big, highly productive but enormously expensive ships, or whether part of it should be used for smaller, more austere cargo ships for the vanishing U.S. tramp fleet.

Some committee members are impressed by the fast turnabout capacity of the new container-carrying ships, the more voyages they can make and the profits they can pour back into more ship building.

Other committee members are arguing that, as the Soviets have found, the less developed nations don't have the port facilities and harbors to accommodate the sophisticated new ships. The smaller ships will do nicely in those harbors, they contend, and the shrinking tramp fleet will be strengthened.

Furthermore, it is argued, the administration is going to need labor's support to help push its maritime proposals through Congress. And if all labor sees ahead are a few costly automated giants, rather than a mix of big ships and a number of smaller ones, maritime labor leaders are likely to withhold their support.

MESSAGE TO HALL

Nixon showed his awareness of labor's stake. He sent a message to Paul Hall, president of the AFL–CIO Maritime Trades Department which represents more than 7 million workers, pledging "a strong and viable merchant marine." And he recently promised Joseph Curran, the president of the National Maritime Union, to consult with labor representatives before making public his new maritime program.

Some of the major proposals now being weighed by the President's maritime policy group:

1. A minimum 5-year effort, with the government providing $300 million annually, to build between 35 and 40 ships a year instead of the present 10 or 12. That was proposed in both the House and the Senate last year, and again this year, as the starting point for congressional action.

TAX DEFERMENTS

2. Extension of the tax deferment privilege now enjoyed by the subsidized lines to the unsubsidized lines. The subsidized lines are now permitted to put their profits into a tax reserve fund which enables them to accumulate capital for new construction.

Magnuson included that proposal in his over-all maritime bill and told the Senate:

"If tax deferred funds may be accumulated but spent only for building new vessels, there is an increased incentive to invest capital in new vessels." He argued that availability of these funds would decrease the need for construction subsidy funds.

3. Various suggestions to halt the exodus of U.S. merchant ships to foreign flags and to encourage their return to U.S. registry. These range from voluntary action on the part of the "flags of convenience" ship owners to a requirement that a certain percentage of oil imports must be carried in American ships.

The government permits 12 percent of domestic oil consumption to be imported oil. Joseph Kahn, chairman of the board of Seatrain Lines, Inc., argues that if the government required that 25 percent of the imported oil be carried in American ships, there would be "no need for a subsidy of any kind for construction of American flag tankers. It would mean a lot of ships."

A RE-EVALUATION

4. A re-evaluation of the "effective control" theory under which more than 15 million deadweight tons of ships flying the Liberian, Panamanian or Honduran flags are now classified as available to the United States in an emergency.

About 12 million tons of these are in tankers and 3 million in ore-carriers. Since less than 7 million tons of tankers, mostly of World War II vintage, now fly the American flag and the tonnage of ore-carriers is almost nil, members of Congress are asking defense planners how sure they are that the raw materials and fuel needed for our industrial machine would actually be delivered in an emergency.

5. Some form of longterm financing to encourage ship building and reduce the need for government subsidies.

6. More money and more attention to research and development in ship construction. The pending Magnuson-Garmatz bills propose $25 million for research, and Maritime Administrator Andrew E. Gibson has asked the best engineering brains in the country to work on a long-range research program. He believes new technology is "probably the key to a profitable future" in the maritime industry.

PASSENGER PLAN

7. Revitalizing the American passenger fleet. This may have a low priority with the planners, but labor worries as more and more ship jobs disappear, and American tourists want to sail on the safest ships in the world.

One proposal advocates the sale of unprofitable passenger ships on condition that the ship line agree to construct new ships suitable for the cruise trade so popular today.

Another proposal—regarded by some as something of a lifeline—would permit the merger of passenger operations on a broad consolidated company basis. Garmatz, for one, believes the only way passenger ships are going to be saved is by having one corporation for all American passenger service.

There are hopeful signs in the present gloomy picture.

KEY MARITIME AIDES

First, the men President Nixon picked for the top maritime jobs and for his policy group are all intimately identified with maritime affairs.

Gibson, the maritime administrator, is a former senior vice president for operations of the Grace Line who commanded an ocean freighter at the age of 22—the youngest ship captain in recent merchant marine history.

Undersecretary Siciliano, a former assistant secretary of labor in the Eisenhower administration, was at the time of his new appointment president of the Pacific Maritime Administration, which handles labor relations between West Coast shipping companies and longshoremen's unions.

CARL A PIONEER

Robert Carl, special assistant for transportation to the undersecretary of the Navy, went to sea in the early 1930s as an ordinary seaman and has since pioneered in every aspect of ocean transportation—as a Navy captain, as an organizer of the Military Sea Transportation Service, as a ship owner, as president of the largest marine maintenance corporation in the United States and now as the naval undersecretary's adviser on martime policy.

Carl asserts that the present Defense Department is fully aware of the importance of the merchant marine and its present depressed state and will support any new program to revive it.

Another hopeful note is the present stance of maritime labor.

Gibson, among others, found it "encouraging that last season's negotiations were carried through with practically no work stoppage, which makes the martime industry more attractive to investors."

The maritime administrator noted that a lot of work has been done by both unions and management to show investors that things have changed—and that it's now safe for them to put their money into a maritime industry on the threshold of a new era.

TRANQUILLITY GREETS THE EAGLE

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. RIVERS. Mr. Speaker, I take this moment to call to the attention of the House a short but touching poem by Mrs. Natalie H. Dorsey of Boca Raton, Fla., which expresses the religious feeling of one who watched with pride and awe the landing of two Americans on the moon:

Life has its moments of grandeur.
Of drama intense, unsurpassed,
A brief shining moment of wonder,
Repercussion, world-wide and vast;

Neil Armstrong, Buzz Aldrin, Mike Collins:
Intrepid, skilled, science-bred;
A whole world breathtless and waiting,
As upward, moonward they sped.

Quietly said their Commander
"Tranquillity Base Here,"
"The Eagle Has Landed"—historic words,
Humanity spellbound—a cheer, a tear;
We saw, on TV, watching people
Older ones their hearts beating fast;
The young their eyes now alight,
New hope for their future, at last.

What courage and skill—what knowhow!
How proud the U.S. on this day!
How gladly the nations of Earth
Shared our glory, many kneeling to pray.

So God in His wisdom unfailing
Saw fit to permit us this hour
Saw fit to remind a torn-apart world
Of his magnificent, omnipotent power.

GEN. EARLE G. WHEELER'S EXCELLENT SPEECH ON THE CONTRIBUTION OF POLISH SOLDIERS TO THE SURVIVAL OF FREEDOM

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. PUCINSKI. Mr. Speaker, recently, Gen. Earle G. Wheeler, USA, Chairman, Joint Chiefs of Staff, was the principal speaker at a banquet held in Washington marking the 25th anniversary of the Polish-American Congress.

In his remarks General Wheeler outlined in a magnificent manner the impressive array of contributions made by Polish soldiers in the struggle for freedom.

I take this opportunity to first congratulate General Wheeler for his deep understanding of the valor of Polish soldiers and also to include his entire speech in the RECORD.

General Wheeler's speech follows:

ADDRESS BY GEN. EARLE G. WHEELER, USA, CHAIRMAN, JOINT CHIEFS OF STAFF, BEFORE THE POLISH AMERICAN CONGRESS, WASHINGTON, D.C., SATURDAY, JULY 26, 1969

My natural habitat, as I suspect you know, is the Pentagon Building across the Potomac River.

That building, and the challenges that face all who work there, add up to a stern taskmaster.

So, when I say to you—as I do now—that it is a pleasure for me to be here with you, I am also confessing to the shortlived happiness that comes to every Pentagon resident when the call of duty—plus good company and an excellent dinner—summon him elsewhere.

In 1976, we shall celebrate America's 200th "Birthday".

In 1966, members of this Congress, and Polish patriots around the world, observed the 1000th anniversary of the Polish State.

I believe that this long, and often bitterly difficult, Polish historical experience has given to Americans of Polish descent an understanding of events, particularly of events in Central Europe, which has not been fully grasped by many of our fellow Americans.

In saying this, I am not imprudent enough to attempt to lecture this audience on the history of Poland.

I shall, on the other hand, draw certain lessons from Poland's proud and difficult past—particularly from military operations during World War II—which, to me, clearly illuminate certain strategic dangers and opportunities confronting the United States today.

Before setting forth on this task, I must recall that moment in time when the intertwining of Polish and American fortunes was first impressed upon me.

Just over forty-one years ago, I entered the United States Military Academy at West Point, New York.

There is at West Point one particular view of the Hudson River—from what is called Trophy Point—which is close to the hearts of all West Pointers. From this vantage point, one can see the River as it turns northward towards Newburgh and Albany beyond. It was at this inspiring spot in July of 1928 that I saw, for the first time, the heroic statues of General Washington and his brilliant Polish Adjutant, General Kosciuszko, together in peace over the long years, as they had served together from 1776 through the battle of Yorktown.

My earliest impression, then, of the Polish soldier was deeply favorable. The years since 1928—particularly the World War II years—have strengthened that first impression.

Certainly, in all three wars of this century, Americans of Polish descent have led the way in their bravery and devotion to duty. The roll call of your—and I am happy to add "our"—fighting men, and the honors they have earned, stand in the shadow of no group. I have found particularly inspiring the return to aerial combat in Korea of our top World War II ace, Colonel Francis Gabrewski. By becoming a double ace in Korea, Colonel Gabrewski became the top fighter pilot in American history.

But in a real sense, the important, and often somber, lessons for today's policy makers arise from Poland's national experience in the years before, during, and after the Second World War. Sometimes it seems to me that the only lesson we learn from history is that we don't learn from history.

Following the dismemberment of Czechoslovakia at Munich in 1938, Poland became the unmistakable target of Hitler's Germany. The Soviet Union's role was crucial. For months following Munich, Britain and France sought to draw Russia into a common front against any future Hitlerian design against the European order. Some progress seemed to be achieved when, on the 23d of August 1939, there burst upon the world the announcement of the Non-Aggression Pact between Hitler and Stalin.

Let no one ever forget that it was this synical agreement—which the Western Democracies lacked the military capacity to challenge effectively—that set into irreversible motion forces which very soon culminated in World War II.

Poland, a nation then of 35,000,000, could have elected not to fight. There was after all, the mechanized might of 80,000,000 Germans on the Western frontier, and the armed forces of Russia's 175,000,000 people coiled to the East.

But fight Poland did, and, in so doing, became the first country of World War II to stand up and fight to save herself from Hitler's tyranny.

You well know the story. For seventeen days Poland stood up to, and was even beginning to contain, Hitler's powerful thrusts.

On 17 September 1939, however, the full perfidy of the Hitler-Stalin Pact became clear for all to see. Twelve powerful Soviet columns entered Poland from the East. Valor was not enough. The Polish Armed Forces were caught in a gigantic pincer. The sad end soon came.

Now, surely, even the Poles would accept their fate, lay down their arms, and passively await eventual liberation.

It is to the eternal credit of Poles that you and your forebears did no such thing.

By an incredible pattern of unit and individual odysseys, Poles by the thousands took their stand with the Western Allies. Not all made the trip successfully—as the horror of Katyn Forest will always remind us—but soon we in the United States again saw the "White Eagle" flying over proud Polish land, sea, and air formations.

Polish fighting men were there in the dark days—the invasion of Norway, the fall of France, the Battle of Britain, and Tobruk. They not only witnessed the turn of the tide; they helped in turning it.

Slowly, but inexorably, defeat turned into victory.

Under the overall command of General Sikorski, Lieutenant General Anders' Second Polish Corps took a central part in the bloody Italian battles of Cassino, Acona, and Bologna.

Other Polish formations battled in Normandy, Belgium, and with great distinction, at Arnheim.

Poised in the Polish homeland, were thousands of Polish patriots ready to join in the liberation of their country. I shall return to this part of your story in a few moments.

Certainly, for friend and foe alike, the record of the Polish Third and Fifth Divisions at Cassino in May of 1944 is, perhaps the most enduring legacy of Polish wartime valor and combat success.

From 11 to 18 May 1944, these splendid units persisted in the attack and finally achieved a success that had eluded the brave men of all the other allied formations. Cassino, the symbol of an impregnable defense, fell to Polish arms.

One can read today, on the slopes of Point 593, just below "Phantom Ridge", the following poignant words on the Polish War Memorial:

> "We Polish Soldiers,
> For your freedom and ours,
> Have given our Souls to God,
> Our bodies to the Soil of Italy,
> And our hearts to Poland."

If the Battle of Cassino, now twenty-five years in the past, may be viewed as the undying wartime symbol of Polish arms abroad, the August 1944 Warsaw Uprising, from the same vantage point of time, can only be viewed as the timeless symbol of Communist perfidy and callousness.

For nearly five months, Marshal Rokossovsky, the Soviet Commander, resting within artillery range of Warsaw along the Vistula, refused to come to the aid of General Bor's partisans who initiated their brave 63-day struggle at Soviet instigation.

In a very real sense, the post-war Communist regime in Poland came to power over the bodies of 250,000 of their fellow countrymen permitted to be slain in furtherance of Soviet post-war goals.

Those who profess to see little difference between Communists and free men might do well to contrast the fate of Warsaw in August 1944 with the liberation of Paris in the same month.

I shall not attempt to review for this Congress the events of the past twenty-five years in post-war Poland. You know the record well and follow with deep and compassionate concern the fortunes of the land of your forebears. I shared your sense of outrage at the massacre of the striking workers of Poznan in June 1956—perhaps the clearest guide to the indomitable spirit of Poland which persists despite the postures of the leadership.

As I remarked earlier, I have drawn certain lessons from Poland's proud and bitter past which illuminate some of the strategic dangers and opportunities confronting the United States today.

The first lesson is quite simple.

We must always focus upon Communist capabilities and not upon the will-of-the-wisp of Communist intentions.

No one will ever know at what point in time Stalin decided to invade Poland in September 1939—perhaps even Stalin didn't know his own intentions until the moment of perfidy was close at hand. In any event, as the world was soon to see, Stalin chose to exercise the brutal capability he did possess.

Those who choose to believe that this assessment is "ancient history", quite unrelated to today's more hopeful scene, need travel only as far as Prague for a vivid lesson.

The second lesson I draw is related to the first and focuses upon the danger we face.

There are some who have read, at least in part, President Eisenhower's "Farewell Address" of January 1961 in which our late President warned, among other perceptions, against what he termed "The Military-Industrial Complex".

As I have stated on an earlier public occasion I have read President Eisenhower's January 1961 address in its entirety and I again suggest that, taken as a whole, the address was a wise, prudent, and balanced assessment of the dangers and opportunities confronting the American people at the close of General Eisenhower's eight years as our President. I would urge you all to read President Eisenhower's address if you have not done so.

I have also read, and call to your attention, a message to his fellow citizens delivered by this great American on 5 August 1968. In this short piece entitled, "Communist Danger—Lasting Solutions", President Eisenhower gave us the clearest possible warning of the nature of the opponent we face—a more recent reinforcement of the warning against Communism set forth in his 1961 address.

I now would like to recall pertinent sections from the 1968 message:

"Abroad, in every major sector, we confront a formidable foe—an expansionist tyranny which respects only toughness and strength and still displays little interest in travelling the pathways to peace, with honor and justice.

"Remember, it is not by a tyrant's words, but only by his deeds that we can know him.

"There is nothing particularly new in this. . . . But what is new is a growing disposition among some of us to ignore these aggressive moves, to discount the blatant threats, to seek, in effect, for surface accommodations rather than to insist upon mutual acceptance in practice or principle. *This is wishful thinking at its worst.*" (Emphasis added.)

"Of course, all of us yearn for universal peace with honor and tonight our prayers are both with our representatives in Paris and our brave men in Vietnam. But once we begin to compete over how best to contrive an American retreat in such a struggle—then we are heading for trouble. But I (President Eisenhower) must offer this thought:

"It is one thing to call for a peaceful settlement of this struggle. It is quite another to call for a retreat by America. *The latter is the best way I know to stockpile tragedy for our children.*" (Emphasis added.)

No one could possibly wish more for a durable peace in Vietnam than the person occupying my position.

Early Tuesday morning I returned from a trip to Vietnam which took me again from the DMZ to the Mekong Delta.

I was favorably impressed by the real desire of the Armed Forces of the Republic of Vietnam to extend their already wide share of the combat role to permit progressive American redeployments. In consonance with progress in the Paris talks and the level of battlefield violence, we may expect even more "Vietnamization" of the war. All see the need; all agree with it.

I will not, however, forecast when American redeployments can be substantially completed, nor will I forecast the size of any additional redeploying increments over either the short run or long term future.

It cannot be said too often that the land, sea, and air forces we have deployed to Vietnam are the best we have ever fielded. They deserve well of the Republic.

It has been said that the current generation of young Americans is the best generation we have ever produced. If this thought is true, in fact, I suggest that the "best" portion of our "best" generation is represented by the skilled, compassionate, young men who serve our country's interests in Vietnam. I am proud to serve in the Armed Forces with them.

As I said earlier, the proud and difficult history of the Polish nation has given to Polish-Americans a more informed view of the real nature of the dangers we face together than is given to others.

In this regard, I have heard, particularly over the past year or so, that our Armed Forces cost a lot of money. As a fellow taxpayer, I quickly agree. They most certainly do.

I need not remind this audience, however, that there are far higher costs we would inevitably have to bear if we choose to dismiss, by decree, the very real strategic threat which exists to our nation and its interests. Make no mistake about this point. While our military expenditures are large, they are brought about by very real forces and events beyond our borders. These dollar costs are not, as some would have our people believe, a form of national self-inflicted wound which causes our undeniably real domestic needs to be ignored in favor of a manipulated view of a non-existent threat to our safety and security.

I deeply appreciate, Mr. Mazewski, this opportunity to meet with the Polish-American Congress during its 25th Anniversary Year. Yours has been a voice of realism and responsibility for more than a quarter of a century. I congratulate you, and through you, the nearly ten million law-abiding Americans of Polish descent in our beloved land who stand up to their country's foes, pay their country's taxes, and offer massive dissent to those who would smother liberty in Poland and elsewhere in the world.

Thank you.

THE CASE OF THE 18-YEAR-OLD VOTE

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. BROCK. Mr. Speaker, as one of the cosponsors of the 18-year-old vote amendment, I would like to take this opportunity to explain why I consider it to be an important and timely piece of legislation.

On the recent campus tour which I led, a 22-man team of Members, after meeting and talking with over a thousand students in all parts of the country, produced a report to the President. In it, one of the major recommendations we made was lowering the voting age to 18.

Why? To begin with, we found that today's young Americans were better educated, more informed, and more intensely interested in the political process than ever before. On the basis of all available evidence, there was no question about their qualifications.

Second, at a time when there is so much talk of a generation gap and dropping out of society, extending the franchise to include 18-year-olds is a sensible, just countermeasure that will help to keep the vast majority of our young people in the mainstream of our society, where they have an important contribution to make.

To those who hesitate to endorse such a proposal, I would point out that the 18-year-old vote is not uncertain or experimental. It has been tried and tested in individual States with total success—in States, I might add, that do not enjoy any special economic or educational opportunities unavailable elsewhere in the country.

By supporting this proposal, the Congress can make a real contribution to the future of America, and can give a promising, but much-maligned generation of future leaders a vote of confidence at a time when it is sorely needed.

I urge my colleagues to give this proposal their most serious consideration. and not to allow the misbehaviour of a small minority of our young people to blind them to the tremendous promise of the majority. In historical perspective, this may be one of the most important decisions we will be called on to make in the 91st Congress.

THE ARMS TRADE—PART II

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. COUGHLIN. Mr. Speaker, one of the critical factors contributing to the outbreak of war between the Arab States and Israel in June 1967 was the prior infusion into the Middle East of large quantities of modern weapons by the major world powers.

The Soviet Union caused—indeed, it initiated—much of the political instability in the area by supplying sophisticated arms to both Egypt and Syria, while Great Britain and France also fueled this instability by selling arms to Israel and Jordan prior to the war.

But what concerns me here is the U.S. arms aid policy in the Middle East. Historically, our policy has apparently been one of balancing opposing forces in the area. Before 1965, we recognized Israel, while declining to sell it arms, but encouraging it to acquire what it needed from our European allies.

On the other hand, we recognized all Arab States and agreed to supply some of them with limited quantities of weapons. This policy presumably pleased everyone: Jewish people because we recognized the legitimacy of Israel and encouraged our allies to arm it; and the Arab States because we would provide them, not Israel, with weapons.

This policy soon proved inadequate, partially due to heavy Soviet arms shipments into the area and shifting political priorities among our European allies. Thus, today we find ourselves directly contributing to the destablization of the Middle East by supplying arms to most of the antagonists—precisely what our original policy sought to avoid.

Mr. Speaker, we are firmly committed to the existence of Israel not only because of our heritage but also because she is the only real democracy in the Middle East. When Israel is threatened, I believe we should go to her aid. At the same time we cannot abandon what friends we may have among the Arabs. It is not in our interests to have Israelis and Arabs fighting each other, yet we are nevertheless giving both sides the military hardware to do just that.

Allow me to demonstrate how short sighted and inflexible our policy has become by comparing our actions prior to the 6-day war with those following it.

In March 1965, the United States announced that it no longer would hold off supplying arms to Israel in view of heavy Soviet arms aid to Egypt. By May, Israel was displaying its American-built arms, mostly Hawk missiles. It was later revealed—February 1966—that during the previous year the United States had secretly supplied Israel with Patton tanks in an effort to counter Soviet tank sales to Egypt and Syria.

By then 2 months later, in April 1966, the United States announced that, in order to maintain the arms balance in the Middle East, it planned to sell "a limited number" of F–104 Starfighters to Jordan. Then only 6 weeks later the United States startled the world by announcing it had secretly agreed to sell tactical jet bombers to Israel as a deterrent against the numerically superior air power of Arab nations. Seven months later, in December, the United States turned around and announced that it planned to give Jordan a variety of armaments—as the New York Times put it, "to bolster her against Israel." And 7 months after that, the 6-day war broke out.

On the Israel-Jordan front, the world witnessed American-equipped Jordanians fighting Israelis in American tanks, and Israelis firing American missiles at Jordanians flying American-built jets.

Thus, over a 2-year period, the United States rushed back and forth between antagonists, first giving arms to one side and then "balancing" matters by giving arms to the other. I maintain that this policy was misguided, myopic, and, as proved, disastrous.

Now, let us see what the United States did following the 6 day war of 1967:

Within 30 days after the cessation of hostilities, the United States announced that arms shipments to both sides would be resumed, and by October 1967, virtually all U.S. arms curbs on the area had been lifted.

Israel has now received more Hawk missiles and a promise of 58 F–4 Phantom jets, to be delivered some time this year. Jordan will soon receive—if it has not already—a second squadron of F–104 Starfighters, as well as additional Patton tanks, armored personnel carriers, self-propelled weapons, 105 millimeter and 155-millimeter guns, and jeep-mounted antitank weapons.

Most of this equipment is being used today in the continuing clashes between Israel and Jordan. The next full-scale outbreak of warfare in the Middle East is, I fear, imminent, and dare we ask what equipment the combatants will use, and who, together with the Soviet Union, must share much of the responsibility for it?

Mr. Speaker, frankly I do not believe that our arms aid policy promotes either tranquility or stability. I refuse to believe that my Government has learned nothing from past mistakes. Perhaps one can overlook a temporarily short-sighted policy, but there is no excuse for us to repeat it in the face of historical evidence that the policy is misguided.

Selling to both sides is at best a temporary expedient, a stop-gap measure designed to stabilize momentarily a critical situation. It is not meant to be a cornerstone of our arms aid policy to the Middle East. Yet, that is what it has become: an official policy actively pursued rather than an interim tatical response.

In order that we not repeat this policy ad infinitum, the United States, in my opinion, must immediately seek long-term solutions. This involves coming to an immediate, broad-based agreement with both our allies and the Soviet Union to put a lid on the Middle East arms race. Whatever agreement is reached must threaten the sovereignty of neither Israel nor the Arab countries, but it must drastically reduce the quantity of arms that are currently flowing into the area.

It is obvious that our State Department must get off dead center and act far more aggressively in its search for a solution. I call on those individuals within our Government who are directly responsible for such matters to seek nothing less than placing the question of conventional arms control in the Middle East as a top priority item to be discussed at the forthcoming Geneva Disarmament Conference.

Under the leadership of the President, our State Department, our disarmament negotiators and the executive establishment we must begin to resolve this critically dangerous matter now.

TOPICS: INDIA, ASIA, AND THE UNITED STATES

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. BOLAND. Mr. Speaker, President Nixon has just returned from a tour of Asia and India—a tour during which he made clear the need for a new role for the United States to assume in its future Asian policies. The economic and cultural progress of India's democratic government since its independence from Great Britain in 1947—progress largely spurred by U.S. economic assistance—is an exemplary case of what our future policies in Asia should be. We must encourage large nations like India, Japan, and Indonesia to assert a larger role in Asia—to assume and share more of the responsibility in Asia rather than relying so heavily on American military assistance and intervention. A stable democracy like India, characterized by steadily increasing living standards, offers a far better alternative to totalitarianism for the small developing nations of Asia than all the military aid and intervention that the United States can muster.

It is time that we changed the startlingly naive philosophy that U.S. military might is going to influence the underdeveloped nations of Asia toward democracy, or that military intervention alone will contain communism in that area and help secure world peace. Our experience in Vietnam graphically illustrates the fallacy and absurdity of that kind of reasoning. Expanding U.S. trade and economic assistance to these large nations, rather than simply relying on military aid and involvement, can greatly strengthen political and cultural stability within Asia. Only through the striking example of democracies like Japan and India can our system of government spread throughout Asia. Only by assisting their peaceful progress toward a high standard of living, increased economic stability, cultural progress, and stable government, can we hope to achieve peace in Asia. It is time to direct our Asian policy toward this goal, to initiate a more farsighted approach to a continent that contains a larger population than the other four continents combined.

Chester Bowles, former U.S. ambassador to India, points out the need for such an approach in a column published August 2 in the New York Times. With permission, Mr. Speaker, I put this column in the RECORD at this point:

TOPICS: INDIA, ASIA, AND THE UNITED STATES

(By Chester Bowles)

(NOTE.—Chester Bowles served as Ambassador to India for six years.)

President Nixon's one-day "splashdown" in New Delhi this week focused attention on India's international role. Once that role is fully understood by the American Government, our policies in all of Asia will become more realistic.

Strategically located and with a population greater than Latin America and Africa combined, India is influential in lands beyond her own borders. A politically stable India, with steadily rising living standards, is essential to a stable Asia.

The Vietnam war has demonstrated that even with our great military power and industrial capacity, the United States cannot play an influential part in Asia as long as our political support is limited to a few, relatively small, nations. Japan, India and Indonesia, representing over 90 per cent of all non-Communist Asians, must carry their share of the responsibility.

India can play a more effective role. An extraordinary expansion of agricultural output coupled with a steady increase in exports and a broad forward movement of Indian industry has created a new sense of hope. Although population control is a major problem, a vigorous family planning program is now moving ahead. Indian leaders are confident that, with adequate assistance, they can achieve close to economic self-sufficiency within five or six years.

A primary hurdle is the annual foreign exchange outlay of about $500 million to the U.S., the World Bank and other consortium nations for capital repayments and interest on past loans. A debt moratorium which would postpone these payments for, say, five years would greatly ease the pressure and go far to assure India's success.

ALLIES AND DOLLARS

We should have no illusions, however, about economic assistance. Our aid program will not enable us to purchase the friendship of the recipient nations of their unquestioning support for whatever positions we may take in the United Nations. In the case of India, the only valid purpose for our economic assistance is to enable the Indian Government and its people to achieve political viability and economic progress.

On military assistance, the assertion by our Government, in Congressional hearings and elsewhere, that we sell massive quantities of lethal equipment abroad to "foster world peace and encourage economic development" is regarded by our friends as naive and by our critics as downright dishonest.

In the early 1950's, when our military assistance programs were first launched in Asia, our rationale was the containment of China and the U.S.S.R. and in several key situations our assistance, no doubt, made a significant contribution. However, in later years the justification for these programs has become increasingly political and in consequence they have proliferated in areas irrelevant to the original objective.

In actual practice, many of our military assistance programs have increased tensions, raised the military budgets of developing countries, identified us with unpopular dictators and juntas, and convinced people who should be our friends that the United States Government is more interested in peddling arms at a profit or shoring up reactionary regimes than in fostering the cause of peace.

With my wife I have visited almost every corner of India. Everywhere we have found a deep sense of friendliness and appreciation for Americans as individuals and as a people. There have been fewer anti-American demonstrations here than in almost any developing nation.

I understand and often share the frustrations that leading Americans sometimes feel in regard to India. India can be very exasperating indeed. "What," a friend of mine once asked, "has India ever done for us?"

STABILITY IN ASIA

The answer to this question is clear. Since the British left in 1947, India has survived as a stable and democratic nation. In these twenty-two year economic and social progress have been significantly greater than in the previous 200 years under colonialism. The Indian Government and people have maintained not only national unity but freedom of speech, a free press and free, orderly elections.

Indian democracy is an inevitable competitor to totalitarian China. If India succeeds, the prospects for the stability and peace of Asia will be vastly increased.

ALABAMA'S BIRTH AS A STATE

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. NICHOLS. Mr. Speaker, last Saturday, my State of Alabama held ceremonies commemorating the 150th anniversary of the adoption of a resolution of statehood and a State constitution. Although this took place on August 2, 1819, it was not until December 14 of that year that Alabama was officially admitted to the Union.

In ceremonies at Huntsville, where the constitutional convention was held 150 years ago, Postmaster General Winton Blount unveiled a postage stamp honoring our entry into the Union. Also present to deliver the principle address was our colleague, the distinguished gentleman from Missouri (Mr. BOLLING), who is a direct descendent of John William Walker, president of the 1819 constitutional convention.

In honor of this occasion the Montgomery Advertiser reran a column written by the late Judge Walter B. Jones. Judge Jones was one of our Nation's most distinguished jurists during his 43 years on the bench. His column, "Off the Bench," which appeared in the December 17, 1962, Advertiser, depicted the signing by President Monroe of the resolution creating the State of Alabama.

I find this column most interesting and very appropriate to the very historic occasion which we in Alabama are celebrating this year. I include it in the RECORD at this point:

ALABAMA'S BIRTH AS A STATE

Today is the 150th anniversary of Alabama's adoption of a resolution of statehood and a state constitution by a convention assembled at Huntsville. That was Aug. 2, 1819. On Dec. 14 of that year, Alabama was admitted to the Union.

The late Judge Walter B. Jones, who died six years ago yesterday at his home on Adams Avenue, wrote the following column for The Advertiser about the office of President James Monroe on that December day when the August resolution was received and acted on.

Judge Jones, son of a former Governor and a circuit judge for 43 years, wrote a weekly column, "Off the Bench," for The Advertiser for 33 years, from Dec. 14, 1925, to March 31, 1941 and from Dec. 1, 1947 to June 2, 1963, when his illness forced him to discontinue it. He had interrupted the column between 1941 and 1947 to write a massive legal work.

In commemoration of his death and the birth of Alabama as a state, we are reprinting his column of Dec. 17, 1962.

OFF THE BENCH

(By Judge Walter B. Jones, 1888–1963)

DECEMBER 17, 1962.—On a dreary December afternoon, 143 years ago Friday last, down on the south side of Pennsylvania Avenue in Washington City, a little town of about 13,000 population, two-thirds of whom were white, a chilly damp wind swept in from the Potomac, moaning through the trees surrounding a large white building. The building had been burned by British troops only a few years before, and now rebuilt and painted white to hide the marks of the fire, it was the official residence of the president of the United States.

While it was cold and damp outside the building, big wood fires made the inside fairly comfortable. In a large room on an upper floor huge oak logs piled high upon the fire, blazed cheerfully on the hearth, brightening and warming the room. At an oval table a few feet back from the fireplace a tall, thin man sat looking over a bundle of official documents just handed him. Occasionally he put his signature to some of the documents.

The distinguished looking man seated at the table was Virginia-born James Monroe, fifth president of the United States, a battle-scarred hero of the Revolution and four times governor of Virginia. His grayish-blue eyes were deepset and kindly. He was six feet tall, but being stoop-shouldered and ungainly, seemed of less height. His face was delicately refined.

Monroe's eight years in the White House were known as the "Era of Good Feeling." In a message to Congress, December 1823, he stated the Monroe Doctrine that the United States would regard as an unfriendly act any attempt by a European nation to interfere in the affairs of the American countries or to increase its possessions on the American continents.

In his reelection to the presidency in 1820 he received all the votes cast in the electoral college but one cast by a New Hampshire presidential elector for John Quincy Adams in order that no one might share with Washington the honor of a unanimous election.

With the President were two of his clerks, his vice president, Daniel B. Tompkins, formerly governor of New York for 10 years; and the President's Secretary of State, John Quincy Adams, the son of the second president of the United States and in a few years to succeed Mr. Monroe in the presidential office.

As the clerk handed the papers from Congress to Secretary of State Adams, sitting at Mr. Monroe's right hand, the former read them to the President, stating to him the purpose and legislative history of the bills and resolutions.

"Now, Mr President," said the Secretary of State, picking up a document from the table, "here's a resolution I know you'll be happy to sign."

"Yes?" inquired the President.

"It's a resolution of the Senate and House of Representatives which gives us a new state," replied Mr. Adams. "It puts into effect an act you approved last March to enable the people of the Alabama Territory to form a constitution and a state government and for the admission of the territory as a state into the Union."

"How does the resolution read, Mr. Adams?" asked the President, "and what are its chief provisions?"

"Well, it is a resolution declaring the admission of the state of Alabama into the Union," replied the Secretary of State, "and the resolution recites the fact that on Aug. 2, last, the people, by a convention called for that purpose at Huntsville, formed themselves a constitution and state government. These are republican and conform to the principles of the articles of compact between the original states and the people and the states in the Northwest Territory."

"And does the resolution," inquired the president, "admit Alabama on an equal footing with the original states? Please read me the text as to this point, Mr. Secretary."

Mr. Adams read: "Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, that the state of Alabama shall be one and is hereby declared to be one, of the United States of America and admitted into the Union on an equal footing with the original states in all respects whatever."

"Very good. Let me approve the resolution," said the president.

The document was handed to Mr. Monroe, who then moved his inkhorn closer and taking the quill of a feather used in those days as a pen for writing, he wrote the words "Approved, Dec. 14, 1819," and under them signed "James Monroe."

"Now, gentlemen," said Mr. Monroe, "the Union has a new member, Alabama has just become our 22nd state. So let us stand and salute the new state with a toast. Fill every glass up. Pour forth the cheering wine."

The President stood up beside the table facing the south, all following his example. Secretary Adams poured bright sherry from a handsome old cutglass decanter into each small wine glass. When all the glasses had been filled, the President lifted his glass, and standing his full six feet in height, said: "Let us drink in honor of our youngest state." He paused, each lifted high his glass and faced Mr. Monroe as he said:

"I drink to Alabama and her people. May God graciously smile upon the state and bless her people with all goodness, happiness and prosperity." Each glass was lifted high.

The President, the Vice President and the Secretary of State resumed their seats, a servant chunked up the fire. The President turned his attention to other official documents. The ink dried on his signature to the joint resolution. The Territory of Alabama, after a brief life of two years, had passed on into history; and come July 4 in the Union of the flag there would be another five-pointed white star in the cluster on the blue field.

That star, the 22nd, first put in the flag July 4, 1820, represents our state, Alabama and her 3,000,000 people.

NEW YORK TIMES CORRECTS A 1920 ERROR

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. PUCINSKI. Mr. Speaker, several weeks ago I had occasion to call to the attention of the House an editorial which appeared in the sedate New York Times on January 13, 1920, in which the New York Times sharply scolded Prof. Robert H. Goddard for suggesting that man could develop a rocket which could free itself from the pull of the earth's gravity and could propel itself into space.

I said then how tragically wrong the New York Times was.

It was with great pleasure that I read a United Press International dispatch of New York on July 18 which reported that the New York Times ran a correction admitting that Goddard was indeed right.

I obviously do not agree with many parts of the New York Times' editorial policy. Nevertheless, I am sure we will all agree it takes a great newspaper to correct an error, even if such a correction does come a half century later.

The UPI story follows:

TIMES CORRECTS A 1920 ERROR

NEW YORK, July 17.—The New York Times ran a correction today on an error made in 1920 about the future of rockets.

The Times, on Jan. 13, 1920, scoffed at Professor Robert H. Goddard, the father of space exploration, for believing a rocket could function in a vacuum. "He only seems to lack the knowledge ladled out daily in high schools, the Times wrote.

With the Apollo 11 headed for the moon today, the Times decided:

"It is now definitely established that a rocket can function in a vacuum.

"The Times regrets the error."

THE INTERCITY RAIL PASSENGER SERVICE ACT

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. OTTINGER. Mr. Speaker, the Intercity Rail Passenger Service Act, introduced today by my distinguished colleague from Washington (Mr. ADAMS) and 17 colleagues, is an important step forward in assuring modern, convenient, attractive railroad passenger service in the years ahead. This legislation deserves the support of everyone who is concerned over increasing congestion on our highways and in our airways, and who realizes the urgent need for a balanced system of transportation in our Nation.

I am today introducing a bill identical to that sponsored by the gentleman from Washington with one important addition. My bill contains a section requiring as a condition precedent for assistance under the act the approval by the Secretary of Transportation of a comprehensive program submitted by each railroad for service and safety improvements in passenger service. I think it vital that the railroads make a positive commitment in the passenger service area in order to obtain Federal assistance.

In all other respects, my bill is identical to the Adams bill, and I want to acknowledge the invaluable assistance this effort received from the National Association of Railroad Passengers and its founder and chairman, Anthony Haswell.

The bill authorizes the Secretary of Transportation to purchase and to rehabilitate existing passenger equipment or to purchase new equipment where the railroads or regional transportation authorities are unable to provide such equipment themselves. The equipment pool created by the bill would be leased by the Department of Transportation at a cost which will cover the operating expenses.

As a member of the Committee on Interstate and Foreign Commerce, I intend to press for early hearings on this legislation. We have delayed far too long in taking action to preserve and improve railroad passenger service. This bill, as a companion measure to the mass transit trust fund legislation I introduced earlier, and a comprehensive railroad safety bill I will introduce next week, should provide a sound basis for revitalizing a vital sector of our national transportation picture.

RESEARCH AND PESTICIDES

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mrs. MAY. Mr. Speaker, in the current controversy over the use of DDT and other persistent chemicals, too little public attention is being directed toward the efforts which have been and are being made to develop safe and effective alternatives to long-lasting agricultural pesticides. I refer specifically to the ongoing research efforts of the U.S. Department of Agriculture in the area of biological control of insect pests.

For a number of years now, research entomologists in USDA's Agricultural Research Service have been quietly and diligently searching for better and more effective ways to control the population of man's natural adversaries in the insect world—and they have been succeeding. In my own State of Washington, ARS researchers are exploring biological control methods for the codling moth, a serious and highly destructive apple pest.

The Washington fruit industry actively and enthusiastically supports this program, and growers have organized Pest Control Districts in order to facilitate the cooperative sanitation measures necessary to the success of a biological control project. This program is on the verge of moving from the research stage to large scale field application if adequate funds are made available. Other biological control efforts such as the screwworm and pink bollworm programs have shown success in the past and promise for the future.

This is a story which needs to be told, and the Wall Street Journal is to be commended for singling it out for front page treatment. It is an exciting story—a challenging one—and staff reporter Burt Schorr has done an excellent job of putting it together for public attention. The only thing I would add to the following article, Mr. Speaker, would be a plea for increased public support for even greater research and developmental efforts in the field of biological control.

The article follows:

[From the Wall Street Journal, July 31, 1969]

Replacing DDT—U.S. Researchers Gain in Efforts To Develop Safer Insect Controls—Biological Methods Succeed Against Several Pests; Industry Will Feel Impact—Bad News for the Boll Weevil

(By Burt Schorr)

Washington.—The famed bug-killer DDT is losing its deadly wallop and falling into disfavor as a threat to wildlife and mankind. But even if DDT fades from use, the insects will hardly take over the world, for potential replacements are on the way.

In fact, U.S. entomologists appear close to an important advance in man's age-old war against the insects that devour his crops. This attack won't be spearheaded by the well-known chemical insecticides but an expanding arsenal of biological controls based on weapons provided by nature. If the approach succeeds as hoped, it may sooner or later reduce the use of chemical insecticides—and any resulting pollution of the environment. The effort will include:

Massive deployment of bugs that are harmless to man but prey on crop-destroying pests.

Large-scale sterilization of adult insects to disrupt their reproductive cycle.

Use of synthetic copies of the natural scents secreted by pest species to lure bugs to their destruction.

Such biological-control methods are showing high promise in field tests. And some Agriculture Department officials predict that in certain parts of the country biological warfare, coupled with limited use of chemicals, will soon make possible the almost-complete eradication of the cotton boll weevil, now probably the nation's costliest single pest.

IMPACT ON INDUSTRY

By the early 1970s, some experts say, insecticide producers might find their domestic farm market—now calculated at around $110 million annually—leveling off or shrinking.

In the long run, though, such de-emphasis on farm insecticides might indirectly benefit the chemical industry; it might help prevent current clamor against bug-killers such as DDT from swelling into a drive for tougher restrictions on chemical pesticides generally, including weed-killers.

One of the promising experiments with biological techniques is now going forward in the Coachella Valley of Southern California, where farmers used to spray more than 4,600 cotton acres with chemicals to combat pink bollworm infestations.

Most mornings before dawn these summer days, a yellow Agriculture Department plane sweeps above the valley floor spewing out thousands of sterilized male and female adult pink bollworm moths through a tube projecting from the cabin. Chilled immobile at about 38 degrees, the gray-winged insects cascade into the warmer air, then revive to mate with normal adults in the cotton fields below. The union frustrates the pairing of fertile moths and produces no eggs or destructive larvae. Avoidance of insecticide-spraying helps preserve insects that normally prey on cotton pests other than the pink bollworm.

CABBAGE PATCH RESEARCH

Another progress report comes from a cabbage patch near Columbia, Mo. There, the cabbageworm, which chomps destructively on a variety of vegetables, including spinach and broccoli as well as cabbage, has been frustrated by the release of a tiny parasite wasp.

The wasp injects its eggs into the cabbageworm eggs on plant leaves; when the wasp grubs emerge, they devour the host eggs. Employing this and other biological techniques, Government entomologist Frank D. Parker has eliminated over 99% of the cabbageworms from the test plot—and all insecticides as well.

Not everyone, though, is as optimistic about biological-control possibilities as Federal researchers are. Many farmers, insecticide makers and state legislators resisting restrictions on DDT are distinctly skeptical. They contend it may be several years before effective alternatives are really ready. And they question the practicality of releasing sterilized adult insects, claiming that with some species it would be necessary to deploy as many as 50 times the normal insect population.

At any rate, Government entomologists are pushing confidently ahead, armed with knowledge of past successes. As long ago as 1888, one Agriculture Department pioneer found a ladybird beetle in Australia that preys on a pest called the cottony-cushion scale, then threatening to wipe out California citrus groves. After two years of beetle shipments from Down Under, the scale was brought under control.

INTEREST WANES

Interest in biological methods waned following the spectacular successes of DDT during World War II and the rapid proliferation of chemical insecticides in the postwar years. Reece I. Sailer, chief of Agriculture's parasitic insect branch in Beltsville, Md., recalls somewhat bitterly that some 25 Government scientists were working on biological controls in 1938, but by 1955 the number had declined to only a half-dozen or so.

Soon after that, however, interest in the biological approach began to revive, and some notable victories followed: In recent years, massive releases of sterilized male screwworm flies have reduced the population of this Southern and Western cattle pest; annual savings to livestock producers from Florida to California are estimated at $120 million. And the Japanese beetle, which once chewed on nearly 300 species of U.S. plants, has largely succumbed to a dusting program that spread a disease that attacked the Nipponese invader.

Today Uncle Sam has over 170 entomologists, chemists and other specialists busy on biological control projects. One important center, the Federal Entomology Research Laboratory at Columbia, Mo., which opened in 1966, has just this year begun producing sufficient wasp eggs for experimental use against the cotton bollworm in Texas and the apple-boring coddling moth larva in Indiana.

In part, the resurgent interest in biological control springs from increased public concern about chemical dangers. DDT and some other long-lasting chemical insecticides, rather than breaking down harmlessly within a few weeks after spraying, often retain their potency for long periods—up to 15 years in cases of especially heavy DDT applications. If these chemicals enter the chain of food production, they can build up in the fatty tissues of animals and human beings with possibly harmful consequences.

This year Michigan barred all use of DDT except by public health agencies and indoor pest exterminators. And the Arizona Pesticide Control Board, faced with the problem of too much DDT in milk, ordered a one-year halt to commercial farm applications of the chemical and a related formula, DDD.

Currently, the Wisconsin Natural Resources Department is considering a statewide DDT ban; the legislature's lower house has already approved such prohibition. Also, the U.S. Agriculture Department has suspended use in its spraying programs of nine persistent insecticides, including DDT, until it re-evaluates their environment impact.

The attack on DDT comes at a time when its use is declining in the U.S. Production for U.S. markets totaled only 40 million pounds in the 1966–67 crop year (the latest period available), about half the 1958–59 level. A major reason is mounting insect resistance to DDT; new strains of bugs seem impervious to its effects.

(Even so, restrictions on DDT pose a threat to pesticides generally, contends the National Agricultural Chemicals Association, voice of the industry. Noting the association's vigorous DDT defense in Wisconsin, where annual sales total a piddling $17,000, NACA President Parke C. Brinkley says, "We're trying to hold the line there because if we lose in Wisconsin we could lose everywhere." He worries most about a possible move in Congress to bar interestate sales of DDT or other pesticides.)

In theory at least, other chemical insecticides might offer alternatives to DDT. There are two newer insecticide families, the organic phosphates and organic carbamates, which break down in hours or days after application. But they are more costly than DDT, and some of them also show signs of declining effectiveness.

In the case of the cotton crop; many experts now believe the solution to its problems lies in biological-plus-chemical suppression of the boll weevil. With the need for weevil spraying reduced dramatically, natural enemies of the bollworm could recover. "This would reduce the need for bollworm spraying by 75%," asserts Theodore B. Davich, chief of the Federal boll weevil lab at State College, Miss.

SEX EDUCATION

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. NEDZI. Mr. Speaker, there is often more heat than light in discussions regarding sex education in the classroom. When an occasional article contributes an illuminating viewpoint, it is worthy of our attention. Under leave to extend my remarks, I commend the following editorial from the July 28, 1969, issue of the Detroit News to the attention of my colleagues:

SEX EDUCATION: FACT OR FANCY?

Problems in sex education? Of course. We would hardly expect a subject as personal and emotionally charged as sex to glide effortlessly from concept to classroom. But one sex education problem that should be thrown out immediately is the politically-tinged criticism of bedrock conservatives who substitute noise for debate, red herrings for issues and blanket condemnation for careful study.

It is possible that the real problems raised by sex education in the schools will prove so difficult that a worthwhile program is impossible to attain. Earnest investigators still admit we are a long way from definitive answers as to who shall teach what, when.

And it is possible that even sincere proponents expect too much, or the wrong results, from "model" programs. It may be that sex education will not "pay off" in terms of less venereal disease, "promiscuity" or "deviant behavior." It may be that the real dividends of sexual knowledge lie in understanding and accepting sexuality philosophically, morally and personally. A "model" program directed toward the wrong results could produce clinically-astute, substantively-ignorant individuals.

But how can these questions be explored and objectively answered, if discussion degenerates into name-calling, fear-mongering, and political mouse-trapping? How can concerned parents and responsible educators shape initial programs or make policy decisions when the air is clogged with cries of "pornography," Communist plots and bluenose shock?

More important, how can we bow to the flag-wavers who piously argue that sex education should be left to the "parents, churches and schools on a local level," when the ignorance, tragedy, and failure of that brand of sex education is evident everywhere? State guidelines for sex education in the schools are surely the first step in trying to improve the record of existing channels of sex education.

The terrain of sex education is necessarily uneven and pitted with obstacles. If society is to master it, it must first refuse to be put off or stopped by political opportunists who would seize the issue for their own ends. The road to worthwhile sex education can be paved only by concentrating on the basic questions, not the bombast of self-appointed moralists.

RETIREMENT OF LT. GEN. WILLIAM F. CASSIDY, CHIEF OF ENGINEERS

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. CRAMER. Mr. Speaker, whenever the Public Works Committee, its members, or staff visit areas stricken or threatened by natural disaster, they are impressed by the universal praise that the citizens of those areas express concerning the Army Corps of Engineers. In no small measure this is a result of the efforts and ability of Lt. Gen. William F. Cassidy, Chief of Engineers, who retired August 1, 1969. General Cassidy has been director of the nationwide water resources program since his appointment in July 1965. During that time the programs that he has so effectively administered and so diligently nurtured have exceeded a billion dollars every year. General Cassidy has managed these programs well and despite many problems that have been imposed upon the Corps of Engineers due to the need for funds elsewhere these projects have by and large been advanced.

The extensive projects engineered and executed by the Corps of Engineers under General Cassidy's direction stagger the imagination when we consider them in the light of past history and in the light of the benefits that we are deriving from nearly every portion of the country. The development of river-basin projects, the control of floods and the establishment of protection to our shorelines from erosion have been of tremendous importance to this country.

In my home State of Florida, General Cassidy has been responsible for the study of the Intracoastal Waterway Caloosahatchee to the Withlacoochee and from St. Marks to Tampa Bay.

In the area of conservation—an area of deep concern to me—the corps of Engineers and General Cassidy have been responsible for the protection of our shorelines from erosion. In addition, the project to preserve one of our greatest national parks, the Everglades National Park, assuring that sufficient water remains to preserve its unique character, has been again the responsibility of General Cassidy.

Those of us who have been dealing with General Cassidy and whose interest is heavily on the side of conservation have been impressed by the general's desire to protect our environment and to preserve our Nation's beauty. In many cases, projects that many people thought would be a regrettable but necessary sacrifice of a natural area turned out to be because of his interest and enhancement of those areas. In this regard, corps created lakes have provided a much-needed source of recreational opportunity to those of us who need to spend time closer to nature and through it, in communion with the Almighty.

I join with the many Members of this House and the members of the Public Works Committee in commending General Cassidy for a job well done and in wishing him well for the future.

PHILLIPS: A MAN WHO GETS THINGS DONE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. TEAGUE of Texas. Mr. Speaker, few men have the background, tenacity, dedication, and outstanding competence of Lt. Gen. Samuel C. Phillips, Director of the Apollo Program. General Phillips has been dedicated to public service throughout his entire life. An excellent article in the July 1969 issue of Today portrays well the contributions of General Phillips to our national space program. I commend this article to the reading of my colleagues and to the general public, as follows:

PHILLIPS: A MAN WHO GETS THINGS DONE

The man could walk around the Apollo launch pad unrecognized by the majority of the workers who prepare moonships for launch.

Dressed in a dark business suit, he might well be a visiting businessman except for his bearing, which says "military."

The man has been responsible for spending more than thirty billion taxpayer dollars to create the most sophisticated system in history.

Lt. Gen. Samuel C. Phillips, 48, is winding up five years as director of the Apollo Program for the National Aeronautics and Space Administration. He is ready, in fact anxious, to get back to the normalcy of the military after 10 years of hectic living-out-of-a-suitcase, billion-dollar responsibility.

Before he was chosen to lead the Apollo Program, Gen. Phillips took over development of the Minuteman intercontinental ballistic missile development program. At the time he was an obscure Air Force colonel.

Within months Phillips earned a reputation as an effective, brilliant manager.

But even in multi-billion dollar programs like Minuteman and Apollo, Phillips is little known to the public; however civil servants, congressmen and Presidents know him as a man who can get things done.

Dr. Wernher von Braun, the German-born rocket expert credited with the design of America's moon rocket, gives the credit for Apollo's success to Gen. Phillip's management techniques.

Business colleges know Gen. Phillips as the father of "systems engineering" or "systems management," a method of doing business which is reaching into all big industries.

Military men know him as father of the Minuteman missile, the first missile which worked right the first time it was tried.

And the public knows him—if at all—as author of the "Phillips report," a critical assessment of space contractors' Apollo workmanship which reached print even though it was supposed to be a secret intra-agency letter.

When Gen. Phillips returns to the military, he'd prefer not to return as a program director. He's had enough.

"The job of program director of a big program is very demanding," Phillips says. "And 10 years in the hot heat is a long, long time."

The past five years as boss of Apollo have been particularly tough.

"There are a lot of important decisions a program director has to make pretty much on a personal basis," Gen. Phillips recalls.

It was Gen. Phillips, for example, who decided to send Frank Borman and the Apollo 8 crew around the moon last December, even though men had never flown on the Saturn 5 rocket before.

"In my mind it was a private and personal thing," he says.

The decision to send the Apollo 11 crew to the moon to land was one that "made itself," as Gen. Phillips explained it. The equipment and the people had all been tested. Once Apollo 10 proved the preliminary steps could be accomplished, it was a matter of taking "one more big bite."

Gen. Phillips, a tall slender man who still walks in a hurry and stands and sits erect, a holdover from his military background, had ample training for those crucial decisions.

It was Gen. Phillips, then a brigadier general, who had to decide when Minuteman missiles were safe enough to place them into silos across the country and leave them unattended, with nuclear warheads pointed skyward.

Moments like that have made Phillips keenly aware of what he calls "the burden" of responsibility.

"I like responsibility," he hastily adds, "and wouldn't have it any other way."

But he can't help but feel the pressure of "travel . . . absence from home and family . . . The days are long day after day and week after week."

"But there are satisfactions too," Phillips adds, "Results I think are important for the country."

He knows better than anyone that success is good for the space program. "I personally think a vigorous continuing manned space program is important to the strength of the country."

Like most key space agency officials, Gen. Phillips makes a convincing case for manned programs and for the space budget. He recalls somewhat wistfully when the agency was receiving nearly $6 billion a year from congress, "and looking at $7 billion."

"Now it's down to almost $3 billion in spite of the tremendous accomplishments."

Gen. Phillips strongly believes that the space program stands up well when compared to social programs such as welfare.

"Space exploration is producing much for the country in terms of capability, techniques and stature in the international arena," he contends.

Even though he is temporarily detached from the military to work for the space agency, he obviously restrains himself when talking about the values of federal programs.

But now Gen. Phillips is expecting to put back on his blue Air Force suit and work for the military again.

Gen. Phillips was born in a small lumber town in Arizona where his father was an electrician.

He graduated from the University of Wyoming in 1942 as an electrical engineer and was commissioned a second lieutenant in the Army.

After the war, the highly-decorated Major remained in Europe for three years and then returned to earn a master's degree at the University of Michigan.

TEENAGE VOLUNTEERS GIVE AID TO KIDNEY DISEASE PATIENTS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. BROWN of California. Mr. Speaker, an unusual and tragic situation confronts many citizens affected by kidney diseases.

Medical science research and development have made possible techniques for diagnosis and prevention of these diseases; yet, people continue to die from kidney-related ailments simply because of a severe lack of funds and facilities to make full use of existing technology.

Hospital treatment with a kidney machine is much too expensive for the average American. It can cost up to $40,000 per year, and even for patients who can afford the luxury, not enough machines are available.

Again, this session, I am sponsoring with the distinguished Member from Pennsylvania (Mr. BIESTER) legislation to combat this problem. What medical research needs now is a Government program to encourage education and training of personnel and to fund research and demonstration projects for implementing treatment techniques on a mass basis which would mean lower costs for kidney disease sufferers. Such programs require combined funds and efforts at all government levels, by medical schools, medical societies, and by nonprofit research groups. The proposed legislation, H.R. 12425, would begin to act in all these areas.

In lieu of a large-scale national approach, various local programs have already been initiated. A group of 40 Los Angeles teenagers are now in their second year of such a program which is being carried out at the Cedars-Sinai Medical Center in the 29th Congressional District of California.

Under direction of Mrs. Douglas Marlow, the teenage volunteers assemble and package dialysis kits for kidney disease patients, and, according to the Los Angeles Times:

> Without the help of the young volunteers, patients here would have to pay 2 to 2½ times more for supplies.

I applaud the spirit and dedication of these 40 young Los Angeles men and women. The people of the 29th District can be proud to be involved in this pioneering effort to make the wonders of science possible for more Americans. It is just this type program which H.R. 12425 could support in many other parts of the country.

Mr. Speaker, I include the article from the Los Angeles Times, "Teens Go Beyond Their Years in Service," at this point in the RECORD:

TEENS GO BEYOND THEIR YEARS IN SERVICE

(By Evelyn de Wolfe)

"Teen-agers who make the headlines usually are those who are in trouble or causing trouble. How come you're doing a story on us?" asked 14-year-old Jane Lowenthal, one of 40 teen-agers committed to year-round volunteer service for Cedars-Sinai Medical Center's kidney dialysis program.

Jane and others of her group believe they represent only a small portion of a majority in the younger generation concerned with hope, love and peace.

"We're actually a cross-section of the teenage community, not just a small clique of dogooders," said 15-year-old Bob Danziger, another young paramedical volunteer. "You can't label us. Some of us are liberals; others are moderates. We may even have some conservatives.

"I think what's really important is when a project like this can bring such a diverse group together and give it a purpose that supersedes all differences. When our country becomes united on this basis, we'll have no trouble maintaining peace and economic stability."

The youth project at Cedars-Sinai is referred to as the "40-foot table." It's just that—a 40-foot table where hundreds of home dialysis kits are assembled and packaged for use in the hospital and for distribution to patients afflicted with kidney diseases.

The youngsters, ranging in age from 13 to 17, call their working area "our cage." Each has pledged a year of service and as a group they have given a total of 12,563 hours to the project. It was initiated two years ago by Mrs. Douglas Marlow, director of dialysis volunteers.

Mrs. Marlow's involvement, also on a volunteer basis, stems from personal experience. Her son, Gordon Marlow, suffers from a kidney disease and was the first home dialysis patient in Southern California.

Medical science has registered considerable progress in the kidney field, both through transplantation and the use of the artificial kidney machine, Mrs. Marlow said. But, she adds, there only 100 patients on kidney machines in California and only 35 patients who have these life-saving machines at home.

Mrs. Marlow at first attempted to organize an adult volunteer group to help defray costs and lighten the load for staff members in the kidney dialysis program but adults were not readily available for long-term service.

"When I proposed using youngsters in the project, the first reaction was one of skepticism," she said. "Could they be depended upon? Would they be sufficiently motivated?

"With the help of Dr. Arthur Gordon and our hospital's supervisor of dialysis nurses, Miss Louise Hanes, we initiated the program on July 6, 1967."

Each of the young volunteers, most of whom were recruited from the Westside Jewish Community Center, signs up for one year of service in order to make the extensive training worthwhile.

It also gives them an opportunity for in-depth understanding of the 17 different processes they are taught in the making of blood lines, declotting equipment, connectors and other essential parts of artificial kidney machines that fit into the shunt which is permanently implanted in the kidney patient.

They receive instruction in putting together the kidney machine, its sterilization and operation. And they have discussion sessions about present procedures and also lecture in schools.

To humanize the experience, Mrs. Marlow has each student spend one night at her home to watch her son Gordon dialyze on the kidney machine. Each is then asked to describe his or her reactions to the experience.

After this indoctrination Merrick Sayers reported: "I was making the parts for the machine and knew where the parts fit but it was not until I saw the blood leaving the body and entering the machine that I realized what life really was."

REAL INVOLVEMENT

Tina Pasternack feels "it's a chance for real involvement. Nothing is so meaningful as when patients come in to see you just to let you know how grateful they are."

Young volunteers learn that kidney diseases claim at least 100,000 lives each year in the United States, 700 in Southern California alone and that only 2,000 are being kept alive by dialysis machines.

In a hospital the cost to a patient for dialysis twice a week for a year is between $20,000 to $40,000. To maintain a patient in home dialysis the cost is between $3,000 and $5,000. Without the help of the young volunteers, patients here would have to pay 2 to 2½ times more for supplies.

Last December a group of 12 volunteers made a trip to Mexico City at the invitation of Dr. Luis Cervantes, director of the Government Hospital Kidney Center in Mexico City, who had seen the teen volunteer project in operation at Cedars-Sinai.

On their 16-day goodwill tour (for which they received some financial assistance from comedian Tommy Smothers) they taught doctors and nurses at two Mexican hospitals how to assemble the dialysis kits. In that period, they saved the Mexican kidney program more than $2,600.

EXCHANGE PROGRAM

Tommy Smothers and scriptwriter Jo Himes have become honorary chairmen of an adult group—We-Kare (Women Engaged in Kidney Advancement in Research and Education.) The group is comprised primarily of mothers of the teen volunteers and was founded by Mrs. William Furman, mother of 17-year-old Paul Furman. The young group has adopted the name of Kare-Teens for its sideline activities as an auxiliary of We-Kare.

As a result of the successful outcome of the Mexican trip an exchange program has been started by Dr. Cervantes whereby two American teen-agers, members of Teen-Kare, will go to Mexico and two Mexican teenagers will come to Los Angeles.

The two American teenagers leaving this month for a summer stay and volunteer internship at the hospital in Mexico City are Ellen Satenstein and Leonard Friedman.

Leonard has given 1,000 volunteer hours to the dialysis project and is one of 10 of the original 18 volunteers who started with the program two years ago.

He works directly with doctors at Cedars-Sinai and is involved in building artificial kidneys for metabolic research on dogs. He devotes four afternoons a week to this volunteer activity.

"Besides getting me started on my career in medicine 12 years early, I think this whole experience will make me a better person," says Leonard. "I get to meet people who would be dead if it weren't for our work. When they express their gratitude and make you feel you're doing something really important, the few hours a day we give up to help them seems like no trouble at all."

A PROGRAM TO COMBAT PRETEEN DELINQUENCY

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. MURPHY of New York. Mr. Speaker, if the seed of delinquency can be weeded out before it takes root, potential delinquents will instead become useful members of society. The National Social Conditioning Camps are structured to combat delinquency before it takes root. I include in the RECORD a booklet describing the work of this worthwhile, nonprofit organization. National headquarters of the organization are located in Washington, D.C., with regional office in New York City, Post Office Box 1804. The material follows:

IN THE WILDERNESS OF THE ALARMING FACTS AND FIGURES ABOUT THE PRE-TEEN DELINQUENCY—IS THERE A VOICE CRYING TO BE HEARD?—COULD IT BE YOURS?

If you are a parent or a thinking member of your community, concerned with your children, your schools and churches, your playgrounds, guidance centers, your courts and social agencies—

That voice might well be yours—saying "It's our job to prevent even the seeds of preteen delinquency from taking root!"

For one blight destroys an orchard . . . and the prevention of any blight to our Nation's most precious heritage—our children—must be one of major concern to us all.

Educators, psychologists, sociologists—all know that the most likely candidates for preteen delinquency are the children who feel confused, deserted, lonely, helpless and unable to cope with problems that seem overwhelming. They are beset with anxieties. Their families often lack the understanding and ability to help them. And, although we sometimes hear of the "upper middle class" pre-teen delinquent, the fact is incontrovertible that the real spawning ground of pre-teen delinquency is *economic poverty*, the broken home and the lack of spiritual and intellectual inspiration and motivation necessary for the maturation of exery one of us.

Indeed—these leaders and researchers in the field of child behavior and development advise us that the *inclination* towards delinquent-behavior is manifested in the *very young*, disadvantaged child, resentful of his deprivation and keenly aware of the difference between the "haves" and the "have nots". Like their colleagues in the field of preventive medicine, these specialists advocate "Preventive Therapy" in the approach to *pre-teen* delinquency—the concentrated effort to reach out to disadvantaged youngsters with the good things of life. The child who feels loved, wanted and respected by his peers and the adult world, *automatically rejects* delinquent behavior.

This then was the motivation for a group of dedicated, outstanding citizens and educators who corresponded with a full exchange of many viewpoints. These were further evaluated to bring the best, practical solution to this problem.

And, after many months of deliberation and research, the answer became urgently clear—the proposed establishment of one or more Multi-purpose, "Social Conditioning" *free camps*, available year-round as a Shangri-La for our dependent *pre-teen* children. Such camps *strategically* located, will meet generally accepted operational standards including those set up by the American Camping Association.

CAMP SHANGRI-LA A LIVING EXPERIENCE

Camp Shangri-La will be the first of a series of "Social Conditioning" camps for the benefit of our dependent children between the ages of 7 and 12 years, as a *prototype* of similar camps to be established eventually in every state of the union.

Its purpose: to provide these children during summer, week-ends and school vacation periods—the character building experience of group living, by fortifying and strengthening them to better cope with the world we live in today—and tomorrow. We call this program "Social Conditioning". Its heart and life is devoted to "preventive therapy" through prevention programming; the guidance and social conditioning of children who, through circumstance or environment, face almost insurmountable family problems.

How? By providing a fresh beginning to the disaffluent child: improved in social and personal response—far better equipped to function in a constructive way! A youngster now welcomed as a credit to the community, not a liability, nor a Police problem.

Here, children who have only known the hot, crowded city streets will learn the beauty and wonder of the world of nature with its endless rhythms and truths.

Here, the child who feels confused, deserted and alone will learn the happiness of cooperation with others, the joy of acceptance, of sharing, and the pride of responsibility.

Here, skilled teachers and leaders will encourage children to a level of achievement and performance consistent with their ability, so that all youngsters may feel the pride of self-respect in a job well done.

Here, young children will be taught improved skills in getting along with others, while they are led to grow in the development of moral and social courage.

Here, children will be directed towards setting for themselves their own worthwhile goals. They will learn how to make the necessary plans for the achievement of their goals, and the necessity of accepting their responsibilities.

And—above all—children will be helped to grow in self-understanding . . . the dynamics of vicarious sacrifice and the art and pleasure of giving.

All year-round, these camps will be an available haven where, under expert guidance, *pre-teen* children can constructively live together, work together and play together.

Here, they can learn the joy of being close to nature—see rabbit tracks in the winter snow—hear the song of the returning migrant birds in the spring.

An impossible Shangri-La?

Not at all—with your *help* and *financial support*.

Only out of a successful living experience, however brief, can a child be helped to build a moral and physical fiber that will sustain him in the demands of modern living.

You can be a part of our country's forward frontier—the push to weed out the seeds of *pre-teen* delinquency *before* they have a chance to grow.

You can be part of the positive affirmation that every disadvantaged child deserves the chance to be taught the value of a way of life that embraces purpose, joy and dignity.

Let us make no mistake about it! The fight to Prevent Pre-Teen Delinquency is going to be *won* or *lost* at the grass root level—here and now!

Your financial support can help us win the battle and work the miracle in the life and hopes of these children.

All our children have an inherent right to grow up uncorrupted and unafraid.

FREEDOM OF THE PRESS—TO SUPPRESS NEWS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. RARICK. Mr. Speaker, today's announcement that a woman editor of a local Washington paper was mugged and robbed in broad daylight, in sight of the Capitol, must certainly expose to our people the extent to which a free press has been suppressed in our Nation's Capital.

The victim, who was knocked down and kicked in the face by "three youths," was able to report only that her assailants were 18 or 19 years old.

It is startling to notice that while she can report the age of her assailants it is "irrelevant" to report their race, according to her own newspaper.

Perhaps the next loss of freedom to the reader will be the concealment of the age of criminals on the theory that to report the facts may be harmful to certain age groups.

And following that, there may be no real value in even reporting crime, as it will only alarm the people and cause them to dislike criminals.

Freedom of the press—to report the full facts and the full truth to the public, for whose benefit the right exists, has been diluted and destroyed by the very profession whose proud privilege it should be to defend it to the last.

Pertinent clippings from the Washington, D.C., Evening Star follow:

WOMEN'S EDITOR OF STAR ROBBED OF $200, BEATEN

Gwen Dobson, women's editor of the Star, was robbed of more than $200 about 6:15 p.m. yesterday by three youths, one of whom knocked her down and kicked her in the face.

She suffered a possible fractured right cheekbone, and abrasions.

She said she was walking across a small parking lot on the I Street side of the Evening Star building, between 2nd and 3rd Streets SE, when she heard someone running behind her.

Mrs. Dobson was struck on the shoulders and as she fell, her purse was snatched. Then a witness said, her assailant kicked her in the face and fled south into a housing project complex across the street.

The youths were described as 18 to 19 years old.

NEWS GUILD HITS LISTING BY RACE

The executive board of the Baltimore-Washington Newspaper Guild has voted to condemn "the practice of stressing irrelevant racial designations in crime stories" by daily newspapers.

The guild leaders, in an unanimous action taken at a Wednesday meeting, particularly were critical of "deliberate racial orientation in selecting crime stories and identifying suspects."

The guild is the bargaining agent for most editorial and commercial employees of the three Washington daily newspapers. The board said it took action in recognition of its constitutional responsibility "To guarantee . . . constant honesty in the news (and) to raise the standards of journalism and ethics of the industry. . . ."

CLC JOINS GUILD IN RACIAL PROTEST

The Washington AFL-CIO Central Labor Council has joined the executive board of the Washington-Baltimore Newspaper Guild in condemning what the groups feel is a practice of stressing irrelevant racial designations in crime stories.

The guild, which represents editorial, advertising and clerical employees of most daily newspapers in the Washington-Baltimore area, passed a resolution last week condemning the practice.

The local guild is a member of the American Newspaper Guild, an AFL-CIO affiliate.

DDT SYMPOSIUM

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. OBEY. Mr. Speaker, one indication which we have regarding the dangers of DDT and other persistent pesticides is the increasing number of persons who are engaged in full-time studies of this subject.

A large number of these people will be attending a symposium at Oregon State University from August 18 to 20 of this year. The title of that symposium is "The Biological Impact of Pesticides in the Environment," and its goal is to assess the significance of pesticides in relation to ecological problems and health.

I would like to congratulate the Environmental Health Sciences Center at Oregon State University for its initiative in sponsoring a symposium of such importance to the preservation of fish and wildlife and man himself. The major problems regarding persistent pesticides will be discussed and no doubt, information will come from that 3-day gathering which will help us to deal with the matter of persistent pesticides and their effects on our environment.

I am particularly pleased to note that representatives of agriculture and conservation as well as other groups will present their views at this conference. The fact is that pesticides are sometimes needed in agriculture and our goal must, therefore, be the use of the safest pesticides in the safest manner possible for man and animals.

Although those in agriculture use a major share of the pesticides in this country, I would like to point out that of the $1.7 billion which is expected to be spent for pesticides this year, $255 million will be for household and garden use and another $255 million will be for institutional and industrial use.

A responsible policy regarding the use of pesticides, then, must be garnered with the help of people in various fields of endeavor who present their viewpoints and talk out their problems. This conference brings many such forces together in an effort to obtain a total picture of man, his environment, and his future with pesticides. It is an encouraging development.

I insert in the RECORD a copy of the program for this symposium to indicate to interested Members of the House and Senate the types of questions which will be discussed during those 3 days:

THE BIOLOGICAL IMPACT OF PESTICIDES IN THE ENVIRONMENT; A SYMPOSIUM ASSESSING THE SIGNIFICANCE OF PESTICIDES IN RELATION TO ECOLOGICAL PROBLEMS AND HEALTH

The purpose of this symposium is to assess the impact of pesticides on non-target biological systems by determining (1) the extent of occurrence of pesticide-related damage to health and well-being of man and animals, (2) if this damage is significant, and (3) if this is a direct effect of the pesticide involved. Furthermore, the symposium will consider possible remedies for those problems arising from the introduction of pesticides into the environment.

PROGRAM

MONDAY, AUGUST 18

1. The transport and accumulation of pesticides in environments and ecosystems

Chairman: Dr. Sheldon Lambert, Shell Chemical Company, Modesto, California.

Morning

9:00: Welcome and introduction to the symposium, Dr. Roy A. Young, Acting President, Oregon State University.

9:15: Global Distribution of Pesticides, Dr. Virgil H. Freed, Director, Environmental Health Sciences Center, Oregon State University.

10:00: Coffee break.

10:15: Pesticide Movement in Ecosystems, Dr. Tony J. Peterle, Population and Environmental Biology, Ohio State University, Columbus, Ohio.

10:45: Biological Magnification of Pesticide Residues, Dr. Parisot or Dr. Macek, Fish Pesticide Laboratory, Fish and Wildlife Service, Columbia, Missouri.

11:15: Panel discussion and open forum, Dr. Lambert and panel.

11:50: Summation of session and chairman's remarks, Dr. Lambert.

12:00: Lunch.

II. The impact of chlorinated hydrocarbons on birds

Chairman: Dr. Leon C. Terriere, Department of Entomology, Oregon State University.

Afternoon

1:30: The Thin Egg Shell Problem, Dr. Lucille F. Stickel, Pesticide Research Coordinator, Patuxent Wildlife Research Center, Laurel, Maryland.

2:15: Effects of Pesticides on Birds, Dr. James O. Keith, Bureau of Sports Fisheries and Wildlife, Davis, California.

2:45: Coffee break.

3:00: Effects of Various Chlorinated Hydrocarbons, Dr. Robert Risebrough, Department of Nutritional Sciences, Institute of Marine Resources, University of California, Berkeley, California.

3:30: Induction by Dieldrin in Japanese Quail, Dr. James W. Gillett, Department of Agricultural Chemistry, Oregon State University.

4:00: Panel discussion and open forum, Dr. Terriere and panel.

4:50: Summation of session and chairman's remarks, Dr. Terriere.

5:00: Adjournment.

TUESDAY, AUGUST 19

III. The effects of pesticides on fish

Chairman: Dr. James O. Keith.

Morning

8:30: Changing Patterns of Speciation and Distribution, Dr. Denzel Ferguson, Department of Zoology, Mississippi State College, State College Mississippi.

9:15: Esturine and Marine Residues, Dr. Phillip Butler, Director, Shellfish Research, Bureau of Commercial Fisheries, Gulf Breeze, Florida.

9:45: Coffee break.

10:00: Effects of Dieldrin on Steelhead Growth and Development, Dr. George Chadwick, Department of Fisheries and Wildlife, Oregon State University.

10:30: Acute and Chronic Fish Kills by Pesticides, Mr. Eldridge Hunt, Pesticide Investigations Project, Department of Fish and Game, Sacramento, California.

11:00: Panel discussion and open forum, Dr. Keith and panel.

11:50: Summation of session and chairman's remarks, Dr. Keith.

IV. Effects of pesticides on health and neurophysiology of mammals

Chairman: Dr. W. P. Stephen, Department of Entomology, Oregon State University.

Afternoon

1:30: Pathology of DDT and Dieldrin in Rats, Paul Ortega, M.D., Mt. Zion Medical Center, San Francisco, California.

2:15: Effects of Pesticides on E.E.G. of Rats, Dr. Dorothy Wooley, Department of Environmental Toxicology, University of California, Davis, California.

2:45: Coffee break.

3:00: Effect of Dieldrin on E.E.G. of Sheep, Gary Van Gelder, D.V.M., Veterinary Diagnostic Lab, Iowa State University, Ames, Iowa.

3:30: Effect of Endrin and other Insecticides on E.E.G. of Pigeons and Squirrel Monkeys, Dr. Alvin Revzin, Head, Biochemistry and Pharmacology, Civil Aeromedical Institute, Federal Aviation Authority, Oklahoma City, Oklahoma.

4:00: Panel discussion and open forum, Dr. Stephen and panel.

4:50: Summation of session and chairman's remarks, Dr. Stephen.

5:00: Adjournment.

WEDNESDAY, AUGUST 20

V. Factors contributing to pesticide usage and affecting choice of remedies to resultant problems

Chairman: Dr. Joseph Street, Department of Animal Science, Utah State University, Logan, Utah.

Morning

8:30: Benefits of Pesticides in Food Production, Mr. Kenneth Walker, Assistant to Deputy Director, Agricultural Research Service, Department of Agriculture, Washington, D.C.

9:00: Benefits of Pesticides in Public Health Programs, Dr. William Durham, Director, Pesticides Research Laboratory, Office of Pesticides, U.S. Public Health Service, Perrine, Florida.

9:30: Unexpected Effects of Substitute Pest Control Methods, Dr. J. E. Swift, Chemical Coordinator, Extension Service, University of California, Berkeley, California.

9:45: Coffee break.

10:00: Analytical Validation of Residues, Dr. Daniel Menzel, Battelle-Northwest, Richland, Washington.

10:30: Panel discussion and open forum, Dr. Street and panel.

11:30: Overall evaluation of symposium, Dr. Street.

12:00: Adjournment.

Afternoon

1:30: Further discussion, as needed, Dr. Street.

Registration times will begin at 8 a.m., each day until start of the session.

A brief period for clarifying questions will be available following each speaker, but discussion will be directed to the appropriate periods.

HOW WE BEAT THE RUSSIANS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Robert Hotz provides a thought-provoking and significant editorial in Aviation Week & Space Technology of August 4, 1969. Mr. Hotz discusses the elements of the successful Apollo program and the significance of this program for our Nation and the world. At the height of our success in the manned lunar landing, we as a nation would do well to ponder the comments in the following significant editorial:

HOW WE BEAT THE RUSSIANS

(By Robert Hotz)

The United States has decisively beaten the Russians to the moon by at least a year. This is one of the salient facts of our time. It will expand into considerable significance in the years ahead as the world emerges from its numbing elation over this triumph of man over his environment into a thoughtful appraisal of how this incredible victory was won and how the contrasting elements of the competing societies determined the final outcome.

The historical record shows that the Soviet Union pioneered space exploration and manned space flight. It had built a substantial lead over the United States by May, 1961, when President John Fitzgerald Kennedy boldly committed his country to land men on the moon before 1970. In only slightly more than eight years from that national commitment, this nation wiped out the Soviet superiority in manned spaceflight and won the moon race going away. It is a staggering achievement for both man as a species and this nation as an organization of reasonably free men.

Here are what we believe to be the key elements in this brilliant performance:

First. The Bold, Firm and Imaginative National Commitment. President Kennedy made it clear he was calling for a long-term commitment that would cost considerable in blood, sweat and treasure. With a candor no American President has displayed since he warned the American people not to accept the challenge unless they had the guts to run the full course. Yet despite failures, tragedy and constant carping criticism from some elements, the American people and their Congress never faltered in supporting Apollo with every nickel it required.

President Kennedy's successor, Lyndon B. Johnson, clung steadfastly to the Apollo program and supported it to the hilt even when the political benefits of this policy appeared dubious.

Not since World War II has an American national policy received such sustained and solid support.

Second. A Solid Foundation. The U.S. had a solid technical foundation of people, experience and facilities on which to build the giant pyramid of Apollo. This was a result of its dedicated superiority in post-war military and commercial aircraft development and a broad-base program of military missile research. Without the research laboratories of the old NACA and the brains of their researcher plus the facilities of the military development complexes, including the Cape Canaveral launch facilities and test range, it would have been impossible to even hope for completion of the Apollo mission before the end of this decade. The U.S. did not have to start its moon race with the Russians from scratch.

Third. Lunar Orbital Mission Technique. All of the conventional thinking (circa 1960) on reaching the moon envisioned either a direct flight or a launch from an earth orbit platform. John C. Houbolt, a NASA Langley laboratory researcher, proposed a radically different concept of descending to the moon with a relatively small spacecraft from lunar orbit. After a bitter intramural battle, Houbolt's lunar orbiter concept was adopted as Apollo policy. Conservatively it cut two years' time from Apollo's successful landing. The Soviets continued on the earth orbital philosophy. They are at least a year away from success by that route; longer if they switch to a lunar technique.

Fourth. Use of Industry. The Apollo job was spread by NASA throughout the existing tiers of technical capabilities from design, manufacture and quality control, drawing on every special skill available and developing those that didn't exist. More than 400,000 people and 20,000 firms were marshaled at the peak of the Apollo program to support NASA's program leadership. No single agency, government or industrial, could have done the job on its own.

Fifth. The Gemini Program. At the start of the Gemini program in March, 1965, the U.S. had only 53 hr. of manned space flight compared to 507 hr. for the USSR. At the end, in November, 1966, the U.S. had amassed 1,993 hr. of flight and 12 hr. of EVA (extravehicular activity) while the Soviets still had only 507 hr., including 12 min. of EVA. This was where the U.S. really overtook and passed the Russians. During the Gemini program, all of the flight requirements of Apollo were proved—rendezvous, docking, EVA and physical endurance in weightlessness. All of the key Apollo commanders gained their initial space flight experience on Gemini missions.

Sixth. Management Apollo is the most complex technical management problem ever tackled by man. Each succeeding phase of its development posed management problems never before encountered in either industry or government. Some of its early managers fell by the wayside. NASA itself proved grossly inadequate. Unlike more hidebound organizations, it had the courage and innovation to bolster its resources with experienced program managers from the military. They helped provide the hard drive and development experience that pushed Apollo down the final stretch. In addition use of Bell Laboratories, Boeing and General Electric for key management functions embellished a fundamentally new management pattern.

Seventh. Open Program. The complete openness and sometimes reluctant candor with which NASA conducted its manned space flight program not only insured the global impact of its successful operations but were also a fundamental spur to the technical achievements. Every riveter, electrician, welder and engineer on the program knew that the results of his work would bathe in a pitiless glare of international publicity. This was painfully evident during the tragic spacecraft fire on Pad 34. But the stimuli contributed to the flawless performance of Apollo 11.

The American people should ponder thoughtfully the elements of their national life and resources that were welded into the fabulous flight of Apollo 11. They can be applied to solving other problems of life on earth.

MRS. GREEN WARNS ON EDUCATION

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. ULLMAN. Mr. Speaker, my distinguished colleague from Oregon and good friend (Mrs. GREEN) is recognized throughout the country for her deep understanding of, and sympathy for, the problems we face today in the field of education. As chairman of the House Special Subcommittee on Education, she has acquired a broad view and expertise that qualifies her as few others to advise the Congress of the course we should follow in attempting to help restore harmony on campus and meaning to our Federal education programs.

In a recent speech to the National Association of University Business Officers at San Francisco, Mrs. GREEN describes the clear and present danger to our entire system of education. Perhaps even more importantly, she warns against harsh overreaction in responding to it. Her warning deserves the attention of us all, and I insert the speech at this point in the RECORD.

ADDRESS TO NATIONAL ASSOCIATION OF UNIVERSITY BUSINESS OFFICERS, SAN FRANCISCO, CALIFORNIA—JULY 14, 1969

I really am very pleased to come back and have a chance to visit with people in this group. I had that pleasure back in 1965, I believe it was, in Chicago at one of your conventions, and so much has happened since that time.

In 1965, the escalation in Viet Nam was just beginning, and all of us were listening to those promises of the light that could be seen at the end of the tunnel. Since then we have spent approximately $100 billion in that small country 8,000 miles away. And well over 36,000 young Americans have left for that country never to return. It might seem offhand that these two issues, the higher education problems which Mr. Lemman has so well defined and Viet Nam, are far removed from one another; and, yet, strangely enough, at least as many of us in the Congress see it, they are very, very closely related.

In terms of campus unrest, which is the problem that you people have to face along with your faculty members and your college presidents, it is related. And it is a problem which we in the Congress must face because of the increasing pressure from our constituents.

I am sure that as business officers of the various colleges and universities across the country you have had reason to question the intention of the Federal Government—its promises in terms of authorization, promises that were made in the 1963 act to which Mr. Lemman referred, and the Higher Education Act of 1965, and then the amendments to that act in 1968, and the little resemblance between those authorizations and those promises and the actual appropriations which were made. And, as I said, under this tremendous pressure from people across the country in our districts and in other places, we have had some reason in Congress also to question the ability of the colleges and universities to bring order and to retain academic freedom, which is certainly threatened by elements on the far left.

It seems to me that, first of all, it is essential that confidence be restored if this partnership which started in 1963 is to grow; it seems to me that it certainly is in the mutual interest of the academic community of this Nation and also of the Federal Government that this partnership does grow and does prosper. Each of the parties would, of course, be the beneficiary.

Let me, if I may in the time allotted today, discuss three problems as some of us see them in the Congress. First of all, there is campus unrest. This cannot be ignored today if we are talking about programs in higher education or programs in education at any level. Secondly, it cannot be ignored when we talk of appropriations. What is the outlook for fiscal year 1970? I suspect that many of you have at least a mild interest in that; then third, briefly, what is ahead in terms of legislation?

This explosion on the college campus is a painful, new instruction in a very old lesson: namely, that the methods employed to gain desired ends can sharply warp the ends themselves.

Some very noisy elements have decided in thoroughly autocratic fashion that our system of education reinforces and extends values that will not yield to anything but violence as they see it. I, of course, believe that that is a very shortsighted and very false view. Files are scattered and an office is flooded at Berkeley; bombs are set off and phone wires are cut at New York University; paintings are torn down and furniture is thrown into the street at Queens College; a dean is unceremoniously taken out of his office and escorted in a manner unknown to him down the stairs; fire destroys the Student Union at Wilberforce University; the Afro-American Study Center burns to the ground at the University of Wisconsin; a student is blinded by a bomb at San Francisco State. I could go on and on citing the incidents—471 incidents, some of them occurring more than once on an individual campus. These are no innocent panty raids that we are witnessing on the campus. These are not cases of a little too much beer at the annual fraternity bust.

The American Association of Insurance Companies recently estimated that since January 1, 1969—in fact, between January 1, 1969 and May 31, 1969, there was about $4.5 million property damage, and this was not complete. It did not include, for example, the damage at San Francisco State or at Mr. Creighton's university, Stanford, here in California.

We are well aware that it is a minority of students that are causing this campus violence, but our concern in the Congress (and reflected in the mail which we receive) is heightened by the announced intentions of the very militant factions of the SDS and the Black Panthers that they intend to organize at the high school level. Indeed we see increased evidence of this at the high school level and even down into the elementary schools. If we couple this with the increasing use of drugs, then I do not see how anyone could describe the educational scene today as anything but a crisis in education.

A recent Senate study on the use of drugs said that since 1960 there had been a 778% increase in the number of arrests of people under eighteen for the use of drugs—marijuana and the hard drugs. It was reported in that same Senate study that in one high school in Washington, D.C., of 1,400 youngsters, one out of three had used heroin. We know that the people who are pushing marijuana are pushing Heroin. And because there is more money to be made, they are now lacing the marijuana with heroin. And we find junior high youngsters addicts before they know it.

So if we combine these things, I think you can understand the tremendous concern on the part of the elected representatives as they hear from district after district across the country.

Students do have some honest grievances, and all of us who are concerned about education recognize that. One of the grievances which they have, of course, is against the military. But the Pentagon is not the only culprit. The student calls out for an end to teacher absenteeism from the classroom, and we know that in many cases this objection is valid. All too often foundations and businesses and other strange governmental projects can call on the talent and energy of teachers to the detriment of student service. I must say that I have never quite understood nor had much sympathy for the "publish or perish" syndrome. A system of promotion that takes the most experienced people out of their jobs or assigns them fewer and fewer opportunities to practice the art of teaching. In my view, it is upside down to give the youngest faculty members the largest number of students and the most courses. Until faculty members have fully discharged their duties to their students, I simply do not think that they ought to be free to make binding contractual allegiance to other institutions or to agencies of the government.

I think there is an increasing concern on the part of the members of our committee to review the way research grants are given. While technically they flow through the institution (and I don't know how much control you business officers have over them), there is an increasing concern that these research grants indeed go to the institution where there would be some authority exercised, rather than to go to the individual professor giving him total freedom to do as he wishes.

It seems to me that there are lots of examples at Harvard, Berkeley, Columbia, and Chicago, colleges and universities with a most illustrious list of faculty members where too often students see only teaching assistants, while the illustrious ones fold and spindle and otherwise mutilate the idea of service to students. If I can give two examples, a member of my own staff came from the academic community and is going back to it and will receive approximately the same salary as he received in my office, but for a period of nine months. He will only be required to teach three hours. The university has promised him the university plane to take him to any research library in the state and to nearby places. Another example in Oregon, a California professor getting $25,000 was wanted by an Oregon institution, they offered him $27,000. He had been required to teach three hours in California, and the answer by the Oregon institution was, "we will not require you to teach at all.".

The college student sees his college costs spiral, and he has some honest complaints. He, also, now is asking in a louder voice than ever before for a voice in the operation of the school, and many of us appreciate that demand. After all, it cannot be just the faculty and the administration which sets the tone of the campus. Students must be able to help in making the school the place which they think it should be. But as I see it, this does not mean that students suddenly become the ones most wise, most experienced and most capable of making all policy decisions.

But students do need to be heard, and if honest grievances are taken care of, then the militant factions of SDS and the black panthers quickly lose their sympathetic audience. The list of wrongs in our society is lengthy, and many of these students never cease talking about them. We can be proud of the idealistic young people who want to set things right. We can be proud of their ideals, and we can share them fully for, after all, we helped to create them. But we can also be made heartsick and stunned and shocked into disbelief by acts of hate-generated violence completely outside the mainstream of our system of conflict resolution. Moreover, I think that because we are aware of the just grievances, we have now too long tolerated willful and capricious violence.

In this climate, what will be the public response and what will the congressional response be? Sometimes, as a Member of Congress, I have the feeling that many in the academic community somehow feel that Congressmen are waiting for an opportunity to force the power of the state into the academic community. May I suggest that nothing could be further from the truth, in the first place, Congressmen are typically products of a university environment and are sympathetic to its desire for institutional autonomy. Secondly, Congressmen also typically do not have unlimited faith in the power of the state or of the Government to solve problems. They at least claim to be specialists in this area of government and too often many of us have seen our efforts fail. Therefore, I think without any exception the members of Congress would much prefer that the university solve its own problems. Certainly the last thing that any Congressman needs is a new problem. We have too many of them already and have enough trouble finding the answers. But may I say to you in all sincerity and in all honesty that I do think legislation is coming in this area. In fact, it has already come.

Sixteen of us on the committee sponsored what we believed was moderate legislation. Let me describe it very briefly for those of you who are perhaps not familiar with it. It had two titles, title I asked the college or university all by itself, without any interference at the Federal or State level. To develop a plan for that university and for that university alone that (1) would make sure that the channels of communication were open between all of the factions of the academic community and (2) that there would be steps taken to prevent violence from occurring on that campus and, if it did occur, that there would be steps taken to bring it under control.

This plan was not to receive the veto or the approval of the Commissioner of Education or the Secretary of HEW or anyone else in the Federal Government. It was to be developed by the university to meet that university's problems and it was to be available upon the request of the Commissioner of Education, but only upon his request. If the university itself just simply refused to develop a plan, then it would not be eligible for funds. And you business officers know that in fifty different pieces of legislation we ask a university to develop a plan whether it is title I of the Higher Education Facilities Act or title III, or whatever it is, stating how those funds would be spent, what kind of a program it would have. So this conforms to precedent. But in other legislation, the Commissioner of Education or the Secretary of HEW does have the power of approval or does have the power of veto. And all of you know it only too well.

What did we say in the legislation that the plan would be? First, that rules and regulations have been or are being prepared which provide for an effective means to assure adequate opportunity for free expression, consultation and orderly discussion by the parties involved of educational and associated problems which affect and are of concern to trustees, administrators, faculty, and students of the institution; and, second, set standards of conduct for students, faculty, other staff, and visitors on such property and facilities intended to accomplish the purposes of the section 101(b), together with appropriate internal disciplinary procedures and sanctions to enforce such standards; and, third, that such rules and regulations have been or will be published within the university and are or will be made available to the Commissioner upon his request. This is really all there was to title I. As I say, it was a decision that was made by sixteen of us on the committee that legislation in this area was going to come and it would be much better for legislation to be carefully considered by a committee that was friendly to education than to have legislation drafted on the floor by other groups.

In title I, opponents of the legislation and the press have mis-stated that we were asking for battle plans, that we were asking for universities to tip their hands to the SDS on what they would do in case of a riot. Nothing could be further from the truth. It was up to the university to include as much or as little as they wanted to include in that plan. But we were persuaded that many colleges and universities had taken the attitude that "it can't happen here." In fact, Dr. Harrington of the University of Wisconsin was in my office a few months ago and he said that when the eruption occurred at Columbia University, at Wisconsin they patted themselves on the back and said, "Well, it can never happen here, only at Columbia." We think it is appropriate for colleges to think through what they would do to prevent riots or bring them under control.

Title II of the bill was a modification of the existing law. Again, I am not completely familiar with the responsibilities of business offices in each and every university and I know they vary from place to place. Some of you have responsibility, I presume, in cutting off funds to students and faculty members under the present law. Section 504, and in other universities I am sure it is left to the student financial aid officer. But the two modifications we made in the present law or the two modifications we proposed were:

One, a change in the penalty to the student or to the faculty member. The present law says that if a student or a faculty member is engaged in a riot or a major disruption on the campus (and it is up to the campus to determine whether it is major or not) then the Federal financial assistance will no longer be available to that student or that faculty member for a period of two years. Some of us felt that the two years was too harsh, that there ought to be more flexibility for the college or university. So we changed that provision from two years automatic and mandatory to a provision that said "up to five".

In other words, the college could determine the seriousness of the offense of the student or the faculty member and could cut off the aid for the rest of that month or for the rest of that semester or for a period of two years or, in case of a person traveling from campus to campus, up to five years.

Now I think section 504 which was adopted last year was in answer to the complaints of hundreds and hundreds of taxpayers in every congressional district. People largely from the middle and the low-middle income group who were having great difficulty in setting aside enough money to send their own children to college. They wrote and said, "We can't save enough to send our own children to college, and yet you require us to pay taxes to finance revolutionaries on other college campuses."

It has been claimed by some of the academic community that this would not stop riots. It was never intended to stop riots. We consider it simply a contractual arrangement between a student or a faculty member and the Government. And that that person must use the funds in furtherance of his education. He or she would lose the money if he were not to remain in good academic standing. He or she, of course, would lose it if he were to leave the country and go to Acapulco. He would lost it if he flunked out. He would lose it if he were expelled. And in the congressional view last year and again this, that student or faculty member should lose it if he commits an act of violence which the university itself, not the Government, decides is serious in nature and subsequently disrupts the campus.

Business officers, as I say, may become more involved in this particular provision because already this year (and this is why I say legislation is going to be passed) two amendments offered by Congressman Scherle of Iowa have been adopted by an overwhelming majority. Only one time was there an effort to defeat it, and the opponents of it received only fifteen votes. But these two amendments by Congressman Scherle say that if a college or university is not in compliance with section 504, then all funds of every Government agency and Department of the Federal Government will be cut off to the entire university.

The bill which sixteen of us sponsored was defeated in the committee by an 18 to 17 vote. It was a bipartisan effort by the sixteen of us. The defeat of the legislation, as I see it, was a grievous error because legislation is certain to come from other committees. HUAC is holding hearings at the present time. The McClellan committee in the Senate is holding hearings. Already besides the two Scherle amendments, there has been an amendment to the NASA appropriation bill, an amendment to the HUD appropriation bill and an amendment to a supplemental appropriation bill. All carried by very substantial votes.

The additional reason why I regret that it was not adopted in the committee is that now the chairman of the Education and Labor Committee of the House loses all control over the direction of any legislation on campus unrest because he can no longer control the debate on the floor; he no longer has any say over the recognition of Members to speak who would be friendly to the higher academic community or to others; he can not control the motion to recommit, he can not control substitute motions. All of that power—and that is a tremendous power for the chairman of the committee—is now transferred to the chairman of another committee who may not be nearly as friendly to education. Also the members and the chairman of the Education Committee have now lost all power in the conference committee because people of other committees will be assigned to the conference committee and the only hope we would have would be on the floor to defeat repressive amendments.

What do I consider repressive amendments? I consider punitive and repressive any legislation which would cut off all funds to colleges or universities if, for example, a riot is not brought under control in a certain period of time. This is in the Kuykendall bill, and its in the Harsha Bill, and it is being sponsored by at least fifty-five members of the House.

I also consider very repressive and very punitive the amendment which was adopted in a Senate Committee. It says that all funds under NASA legislation would be cut off to any college or university if military recruiters are barred from a college campus. When you say that all funds will be denied to an institution if a riot is not brought under control in a certain period of time or if military recruiters are barred, you have transferred the power to the most militant factions of SDS and the black panthers. It certainly is possible for a hundred militant people today to go on a campus and bar military recruiters, and if funds are cut off if a riot isn't brought under control, say in a ten day period of time, is a challenge to the most militant faction. They have announced their intention of bringing the university or the college to a halt, and it simply dares them to go out and to prolong the riot.

Under the legislation which the sixteen of us sponsored, the power rests exclusively in the governing board of the institution whether it be the president or the board of trustees or board of regents or whatever it is. It is their determination as to whether or not they want to make a plan, and if they develop that plan, then they are immediately eligible for funds and the SDS or the other groups can not prevent them from getting the funds.

Campus violence also has another very undesirable aspect to it, and this is the fact that it may be the cause of cutbacks in appropriations. Some of us are still fighting the appropriation cutbacks in the committee for fiscal year 1970. If we did not have any campus unrest at all I am enough of a realist to know that when our country is involved in a war effort costing several billion dollars a year—about $30 billion as a matter of fact—that many deserving programs, particularly domestic programs, are going to suffer.

In the past two years, an effort has been made to make across-the-board cuts in all Federal spending. The thought behind it, I suppose, is a democratic one that all segments of the Government should be forced to economize equally and share the budget strain. This may appeal to our sense of fair play, but also may appeal to our indecision in permitting us to avoid stating national priorities. But realistically there are programs that can be cut and programs that should not be cut. Education, as I see it, falls in the latter grouping. I am firmly convinced that there are areas that can spare funds more easily than education.

Let me just sum up by saying that the editors of *The Congressional Quarterly* recently interviewed highly placed sources in the Pentagon and in industry about the 1969 Budget. And those sources agreed that the 1969 Budget was loaded with fat. Some argued that $10.8 billion could have been cut from the Fiscal Year 1969 budget without in the slightest way impairing our national defense. We are told by some that the modified ABM system that we are now contemplating in the Senate and the House would only cost $4 to $5 billion. But we are also told by other equally well informed people that it will go to at least $10 billion, and no one less than Senator Symington, a former Secretary of the Air Force, has said it will go much, much higher than that. In fact, he was quoted at one point as saying that "a thick system" might go as high as $400 billion. Most people in the Congress believe that it will go at least to $40 or $50 billion. And that is one of the reasons there is great opposition to it at the present time. In addition, there is no proof that it will provide that security desired, but certainly it will cause more escalation in the arms race.

So I would urge you and your colleagues in the academic community to write not only to your Senators and to the Members of the House about the fiscal year 1970 appropriations, but also to write letters to the administration. I think that the time is most urgent. The appropriation bill in the House will come up on the floor probably before the August recess.

What is ahead in new legislation? This week, if not too many people are going to Cape Kennedy on Wednesday, my subcommittee will turn to the guaranteed student loan program. Because of the increase in the prime interest rates, this demands immediate attention if it is to function at all on the college campuses.

One of my friends on the appropriation committee is very much disturbed about the cuts in the NDEA loans and rightfully so when we know that the guaranteed student loan program is not working as we had hoped. He told me that he would like to offer an amendment on the floor to increase the NDEA loan funds by one-third, but he could not do it unless there was some legislation accompanying it on campus unrest or unless some legislation had preceded the appropriation bill. So I am unable to tell you what is going to happen in these two areas. I happen to believe that the NDEA loan provision is the best program we have in terms of student financial assistance. I see by your program that Jim Moore is going to be with you this afternoon to discuss these matters.

The other one piece of legislation that I see the possibility of enactment this year is community colleges; I am told that the administration is going to send down a bill in that regard. I must say that I am most concerned about the vocational and the technical needs of our young people and, as I see it, they are not being met. I have told other groups that I place this as No. 1 priority in the country today in terms of education. The enrollment in Vocational education at the Secondary level, and this is of importance to people in higher education too, constitutes a quarter of the total high school enrollment throughout the Nation. Even though five out of six young people never achieve a college education, less than one-half of the noncollege-trained labor force was found by a 1964 Labor Department survey to have had any formal training for current jobs. It seems to me that our schools should be able to offer better preparation to our youth. James Conant, in his book "The Slums and the Suburbs", stated that educational experience of youth should fit their subsequent employment and there should be a smooth transition from full time school to full time job whether the transition be after grade 10 or after graduation from high school or college or university. Unfortunately, this smooth transition is many times not possible because of the lack of vocational education programs.

Oftentimes the rural high schools tend to be too small to offer more than agriculture or home economics. Most of their students will ultimately seek jobs in the cities, but they have no preparation for this urban life. Yet, as we have noted, despite this need for vocational education, the authorization this year, which includes the secondary schools and the community colleges was $766 million. The budget request by this administration and by the Johnson administration—(both administrations)—was only $279 million, a little over one-third of the authorization.

May I say to you also as friends in the higher education community, that I have believed for some time that too much emphasis has been placed in this country on the college diploma. We have persuaded, perhaps unconsciously, young people and their parents to believe that success and happiness can only be achieved after graduation from a four-year institution. I think this is not so. In fact, I think this is the cause of a great deal of the unrest. We have encouraged the enrollment of students who perhaps should have gone to technical schools or community colleges. We have waived admission requirements at many colleges and universities. As a result, we have helped to create anger, frustration and bitterness in young people who are not prepared for the academic process at a university and who cannot compete successfully. Would it not be better to provide good vocational training first? John Gardner, in a speech a few years ago said:

"We must learn to honor excellence, indeed to demand it in every socially accepted human activity, however humble the activity. An excellent plumber is infinitely more admirable than an incompetent philosopher, and the society which scorns excellence in plumbing because plumbing is a humble activity and tolerates shoddiness in philosophy because it is an exalted activity will have neither good plumbing nor good philosophy, and neither its pipes nor its theories will hold water."

So this year I hope that there will be an administration bill for community colleges. (There have been other bills that have been introduced.) and I hope that successful action can be taken on this legislation.

One of the other great needs (and I say this to you from the small, private institutions) another high priority, in my book, is for operating expenses. Block grants for all institutions but especially directed to the small, private institutions that do not have the benefit of tax dollars. A president of a small college in Connecticut with 2,700 students told me that some of the larger institutions, as he phrased it, could continue to be permissive and have experimentation but that if one strike or one serious disruption occurred on his campus they would be out of business. He said, "we are that close to financial ruin and we could not stand it without being driven to the wall."

May I say also that not only with the financial situation in the country and the cutback in appropriations, but for other reasons too. It does not make too much sense to me to have space available in private, nontax-supported institutions and then to spend tax dollars at the Federal and the State level to increase the space at the larger, multiple universities. So I think that at some time, in the near future, the Congress is going to turn its attention to block grants for colleges and universities throughout the country, and I would hope that it would be without strings attached. But, as I said, because of Vietnam and the adverse climate in terms of college unrest, this has to wait until after, at least, this first session of the 91st Congress.

In conclusion, may I suggest that even though the times are very trying and even though I am told that there are college president vacancies on many college campuses and though I know you business officers are on the firing line every day, that now is not the time that either you or me on the committees in education can give up. Together I think we must plan ahead and somehow persuade the American people that this is a passing problem and that indeed the vast majority of faculties and students will no longer tolerate violence and this disruption. At the same time, may I urge you to make your views known on the financial needs to your representatives in government. I came across a statement recently which I think is very true in 1969. It says this: "In a country like this, if there cannot be money found to answer the common purposes of education, there is something amiss in the ruling political power." George Washington said that 200 years ago.

Thank you.

DR. STRANGELOVE, GO HOME—OUR CBW POLICY

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. BRADEMAS. Mr. Speaker, several months ago I attended a Defense Department briefing for several Members of Congress on our chemical and biological warfare policies.

Many of us were deeply disturbed by what we learned at that meeting and by the questions which remained unanswered in our own minds. We had been informed of the one-eighth of the iceberg which was visible; we were horrified at the thought of what we might find if we probed more deeply into the matter.

Since that time, largely through the unflagging efforts of the distinguished gentleman from New York (Mr. McCarthy), more information on our CBW policies has been made public, and we have found that our earlier fears were well founded.

Mr. Speaker, as citizens of a democratic society, we must ask ourselves how we can reconcile the development, production, deployment, and use of these inhuman weapons with the high ideals upon which our society was founded.

A recent article in the weekly magazine Ave Maria, published by the Congregation of the Holy Cross in Notre Dame, Ind., raises precisely this question. I insert the article at this point in the Record:

DR. STRANGELOVE, GO HOME

Running nose. Tightness of chest. Dimness of vision. Pinpointing of eye pupils. Difficulty in breathing. Drooling. Excessive sweating. Nausea. Vomiting. Cramps. Involuntary defecation and urination. Twitching. Jerking. Staggering. Headache. Confusion. Drowsiness. Coma. Convulsion. Cessation of breathing. Death.—*symptoms of nerve-gas poisoning as described by Army technical manuals.*

Another project stamped "U.S. Government," demonstrating this nation's technological know-how and world leadership, crept into the news last week while all eyes were riveted on Apollo 11 streaking toward the moon.

There wasn't much ballyhoo, though: no special press accommodations, no televised presidential phone call, no fat sheaf of mimeographed handouts jammed full of statistics and technical jargon. The government doesn't thump many tubs about its chemical and biological warfare (CBW) activities, especially when things go wrong.

And things most certainly had gone wrong: Early in July, two dozen Americans (including a civilian) on Okinawa were accidentally exposed to VX, one of the deadliest nerve gases in existence. Like the nerve gas that drifted off a testing range into Utah's Skull Valley last year, killing 6,400 sheep.

This accident wasn't as bad as the one in Utah: The people didn't die, for one thing—in fact, according to the Pentagon, "all were returned to full duty within six hours." And this time it took the Pentagon only a couple of weeks to admit, under pressure, that there'd been a CBW "mishap." For months after the Skull Valley sheep kill, the Army insisted that its nerve gas hadn't been responsible, even though it paid the owner for his loss.

But the fact that almost nobody knew that CBW agents had been deployed overseas—including, apparently, the government of Japan, which retains "residual sovereignty" over Okinawa—is typical of the air of stealth that hangs over the whole CBW program.

The military hides the figures on how much it costs to develop and test and produce gases and germs in uninformative categories scattered through the budget of unrelated installations and activities.

It ships tons of deadly agents around the country and the world, disposes of leaking containers by dumping them into the ocean or burying them in the ground, and tries to act innocent when it's caught lying about what it's done.

It proclaims that work with CBW agents is done under strict safety controls, neglecting to mention that one such laboratory had 3,300 accidents over an eight-year period, infecting some 400 people; that the case of one employee who contracted pneumonic plague, a highly infectious disease, was kept secret although the man was a lifeguard at a swimming pool, although he had come in contact with many people, and although we are bound to report such cases to the World Health Organization; that the Rocky Mountain Arsenal's attempt to dispose of its waste material in a deep dry well, after toxic materials had begun to kill nearby plants and animals, caused more than 1,500 earth tremors in the Denver area, some of them strong enough to damage property nearby.

It insists that it abides by the 1925 Geneva Protocol banning germ and gas warfare, which we are pledged to observe—though our use of tear gas to flush people into the open where bombing raids can reach them, and our heavy use of defoliants as an anti-food weapon, are certainly chemical warfare in every legitimate sense of the term.

It claims that we keep on hand only a limited inventory of chemical weapons, as a deterrent—though we store about 100,000,000 (one hundred million) lethal doses of nerve gas at Rocky Mountain Arsenal and Tooele Army Depot.

And in all of this, anyone who tries to discover our policy with regard to CBW winds up having to sort through evasions and contradictions and obfuscations and long silences . . . even if he happens to be a United States Congressman, like Richard D. McCarthy, of New York, who told the House of Representatives that "the Army's unclassified briefing was perfunctory at best; the classified presentation was not much better. I get the impression that the security curtain is parted only when it serves the interests of the advocates of the program."

You might think that it goes without saying that this is an intolerable way for a representative government to run any program, especially one as serious and fraught with danger as CBW is. But that's the way it is run. Really. So we have to spell it out.

The government of the United States owes it to its own citizens, to the people of the rest of the world, and to the generations to come, to have a clear official policy on the use of chemical and biological weapons, which can have an immense effect on human, animal and plant life. Such a policy must have built into it strict controls and an effective system of accountability, both for the elements of the policy itself and for actions aimed at putting it into effect; and it must be in harmony with the principles held by this and other civilized nations, especially a reverence and respect for life and a proportionality between the ends sought and the means used to reach those ends.

These principles apply to warfare as well as to other areas of human life; to again quote Congressman McCarthy, the principles of proportionality, as applied to warfare, "require that belligerents refrain from employing any kind of violence which is not necessary for military purposes." Since we have other weapons, more easily controllable and more limited in their side effects, with which to respond to any CBW attack, there's no need to develop and maintain a CBW offensive capability as a deterrent. And since there's no way to inoculate the American population against the hundred or more possible CBW agents now in existence—not to mention the fact that the hundred or more inoculations might be as deadly as the agents themselves—there's no need to carry on elaborate and expensive research-and-development programs for defensive measures that will never be used.

As to the chemical weapons we are now using: Since we are on record as categorically pledging "not to resort to use of such weapons unless they are first used by our enemies," and since the way we have used tear gas and defoliants is at the very least a breach in the thin dividing line between "conventional war" and chemical warfare, we should refrain from their use as well.

And, finally, we should begin an era of openness about our activities in the CBW field. One good way to start might be for President Nixon to resubmit to the Senate the 1925 Geneva Protocol for ratification. In the debate, our entire policy on these matters would be reviewed and discussed; and at the end, hopefully, if the treaty were ratified, we could let the world know where we stand on this issue.

After all, we already have one arsenal of weapons with which we can destroy every living creature on this planet several times over. Do we really need to have a variety of ways to achieve such a hellish goal?

MINI-STATE STRATEGY AND PEACE IN ASIA

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. HANNA. Mr. Speaker, I have recently had brought to my attention two interesting points of view on the course of our future policy in Southeast Asia. Both articles are written by outstanding analysts, although from different perspectives.

The first article appeared in a number of papers a couple of weeks ago. Written by the noted columnist Joseph Kraft and titled, "Pacific Mini-State Strategy Is Going Out," the thrust of the article strongly suggests that our present policy in the Pacific is outdated, and in fact a hindrance.

Mr. Kraft's thesis is that our present commitments to the so-called mini-states—Vietnam, Korea, Taiwan, and so forth—are preventing the major nations from reaching understandings about their own interests in the area. Kraft believes that until we take a larger view in dealing with the area, our present policy of "fortified mini-states" will continue to frustrate stability. Kraft writes:

> What is required now is a new security system for Asia. In such a system the mini-states would not be protected by only one power but guaranteed by a balance among the United States, Russia, China and Japan.

Of course what he is suggesting is balancing the major power interests so that each feels its integrity is secured and its interests protected. This will, according to Kraft, produce the type of stability so lacking now in this area.

The other article I wish to present is written by the Honorable Paul B. Park, who serves in the National Assembly of Korea, and as chairman of the Asian Peace Research Society. Mr. Park, like Mr. Kraft, points out the current frustration of American policy in Asia. He suggests that America's over-commitment in the area may be counterproductive to our goals.

However, at this point Mr. Park and Mr. Kraft have a rather substantial parting of the ways. Mr. Park would have us build our future strategy upon the foundation of Korea. He strongly sets forth his arguments which include:

First, an exact understanding of the Asian Communist, which he regards as a much different phenomenon than his Western counterpart.

Second, the knowledge that Japan neither has the heart nor the determination to play a major military role in the Pacific.

The only reasonable alternative for American policy, according to Mr. Park, is to anchor its future in the area to that of Korea. Only Korea, says Park, has sufficient military ability, suitable experience, and the necessary determination to halt the advance of Asian communism. Korea, bolstered by an American commitment to a joint military command would provide the necessary strength to insure stability and growth in Southeast Asia.

It is rather obvious that Mr. Kraft's thinking is not shared by some leaders of the many smaller nations to which we now have commitments. To move in the direction suggested by Mr. Kraft raises many complex issues as well as serious uncertainties. However, the direction in which Mr. Park's proposal would lead is not clear either.

There is no question that the President is in the process of evaluating the policy options available to us in Asia. I offer these two articles as part of the current dialog and am hopeful they will add something to the emerging debate:

PACIFIC MINI-STATE STRATEGY IS GOING OUT

(By Joseph Kraft)

PARIS.—The sad fate of the story that the President was en route to Moscow warns against great expectations for Mr. Nixon's current trip through the Pacific.

In fact, the trip is chiefly interesting as a gauge of American policy after Vietnam. It suggests an eventual move from a policy based on dependent mini-states to a policy based on the great powers of Asia.

As it happens, the Pacific is more and more becoming a point of convergence for the great powers. In the United States influence is steadily passing to the West Coast. In Russia, vast natural resources and the challenge of China combine to heighten the importance of Siberia and the Pacific ports.

Japan is already the world's third-ranking country. And despite Mao and the cultural revolution, China, with its vast internal market and the skill that has produced nuclear weapons, will probably rank with Japan at the end of the century.

A mild foretaste of the colossal possibilities implicit in the convergence of Pacific powers is afforded by the rich bounty reaped from good relations between the United States and Japan. But even these relations, not to mention Washington's ties with Moscow and Peking, are now complicated by the American role in the petty states fringing the Asian mainland.

These states—South Korea, Formosa, South Vietnam, Thailand, Laos, Malaysia, and Singapore—looked for a long time like ideal candidates for American protection. Geography made it possible to defend them against China by limited deployment of air and sea power. Tininess made it possible for American economic assistance to have a dramatic impact.

But even the American Gulliver has not been able to solve the political problems of the Asian mini-states. Washington has not rid the Philippines of deadly corruption, nor sorted out the ethnic mess of Malaysia, nor made Chinese nationalists welcome to Formosan patriots, nor given secure constitutional rule to South Korea and Thailand.

On the contrary, American support, by making it possible to avoid realities for a time, has led to an aggravation of internal political problems. In some cases, the inner rot has made countries vulnerable to Communist subversion. And in the case of Vietnam, the United States felt able to head off the Communists only through a major war with a large-scale commitment of American troops on the Asian mainland.

The lesson of Vietnam is that the policy of fortified mini-states does not work. Not only does it fail to crush Communist insurgency but it fosters a more militant spirit in Communist China and gets in the way of more harmonious relations with both Russia and Japan.

What is required now is a new security system for Asia. In such a system the mini-states would not be protected by only one power but guaranteed by a balance among the United States, Russia, China, and Japan.

Such a system is plainly years away. Still it represents the goal to which sensible efforts in Asia should tend at this time. And in that respect, President Nixon's trip is a good beginning.

Vietnam is treated as just another country—not, as in President Johnson's trips, as the center of world gravity. Attention is being focused on some countries that have not even supported the war there—Indonesia, India, and Pakistan.

Most important of all, the trip is bracketed with gestures of conciliation towards China. Just before leaving Washington, the President approved liberalization of rules governing trade and visits to Peking. He winds up his trip in Romania—the country most eager to promote better relations between Washington and Peking.

Even so the trip is largely atmospherics and personal publicity. There may be a point in making an indent for a new Asian security system. But the real way to set that change in motion is to push hard—much harder than so far—for an agreement at the Vietnamese peace talks here in Paris.

Peace in Asia

(By Paul B. Park)

Peace is the theme of our time. This peace however, shall not be achieved when we disregard peace in Asia where one third of the world population exists. Thus, I have come to the realization that without true peace in Asia, there is no true peace in the world. Peace in Asia must be an integral part of our over-all peace endeavor.

Following is my personal views on peace in Asia:

I am an Asian and every day I see a conflict in our area of the world. This conflict is fundamentally an ideological conflict between Communism and democracy or capitalism, if you wish. But I want to put in this term: "Conflict between tyranny and freedom."

America today has overextended her power particularly in Asia in light of the fact that America is not an Asian power. America is in a dilemma; she wants to "pull out" from Vietnam, yet she does not want to turn over the entire Asia to the Communists. America wants to secure somehow an honorable peace in Asia.

I can truly understand America's stand today and am sympathetic to the situation. I am, as a matter of fact, one of the students who is searching for the same answer for America to remove herself from Asia and secure an honorable peace in Asia as well.

In searching for an answer to the above, I want to point out two of the most important factors overlooked by many good American friends.

I

American people often think that Communists are the same practically the world over. But I see clearly two drastically different kinds of Communists:

(1) The liberal kind of Communist who we find in Eastern Europe and even in today's Russia.

(2) Yet, the Asian Communist is not this kind. My term is "savage" for these Communists and that is a perfect description of the Communist in Red China, North Vietnam and North Korea. They are just repeating, if not doing worse than the very thing that Stalin did in his early days in power in Russia. With them, co-existence is out of the question:

Mr. Secretary of State Rogers just stated: "After all the efforts we made to de-escalate the war in Vietnam, all we received was a negative response." This is not surprising.

Once you know what kind of Communist you are dealing with in Asia you know that there is only one thing that is understood by the Asian Communists and that is "strength". What we need in Asia today is true power and manifestation of commitment and determination. This is the key to Asian peace. Mere good will, gentlemanship or negotiation conferences will not work.

II

Many Americans feel that Japan should be given the role of American manager in Asia. It appears very favorable; yet, being a person who has been educated in Japan and who has had an opportunity to study the Japanese psychology to the core, I know Japan is not just to take over the responsibility in Asia as chief bulwark for freedom. Japanese national interests do not call for this need. Any American policy which is designed to rely on Japan would invite disastrous results. After all, Japan was defeated by the U.S. only a little over 2 decades ago. These kinds of national wounds do not heal that quickly.

With this view, I want to conclude my emphasis by saying that America ought to de-Americanize Asia and it can be done without losing honorable peace in Asia if and when the U.S. knows how to deal with the Asian Communists and secondly if the U.S. realizes that a U.S.-Asian policy cannot depend on Japan.

The United States must seek committed strength and ever-ready deterrent forces in Asia without America actually being there. America must seek one country with a determination to live free and one which has enough military manpower to portray a display of strength with America's blessing.

There is one country which qualifies to do this and that is the Republic of Korea. The Republic of Korea has the fourth largest military force in the world and with the most recent fighting experience against Communist forces during the Korean war and now in Vietnam—with a population of 30 million and adequate economic strength and above all, her determined character and spirit for freedom. This one nation has all the qualifications to serve as America's bulwark defense and deterrent power in Asia.

Korea needs one thing to fulfill this role. And that is unreserved blessing from the United States people and government. This display of America's trust married to Korea's potential will enable Korea to create a magic power that can safeguard Asia's peace.

From this standpoint, I developed just one plan and this can be done. May I invite your comments on this plan attached.

Thank you.

AN EXPERIMENT OF COALITION GOVERNMENT IN 1946 IN VIETNAM

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. PUCINSKI. Mr. Speaker, recently South Vietnamese Senator Le Tan Buu was a visitor to Washington and during a conference which I had the honor to attend, he made available to me a study which he did regarding coalition government in Vietnam in 1946.

There are great pressures being applied now for a coalition government in Vietnam but those who urge such a course obviously, totally forget that Vietnam did have a coalition government in 1945 and 1946 and it was this coalition government that led to the present conflict and turmoil.

I believe every student of history ought to read this article. It is worthwhile for us, as Americans, to see the Vietnamese conflict through the eyes of a ranking Vietnamese political leader.

I believe we also should note the experience Vietnam had when certain parts of the country were held by the Communists and others by the Nationalists. There are those who now suggest we should surrender certain parts of South Vietnam to the Communists. History can be a great teacher. Following is the study by Senator Le Tan Buu:

An Experiment of Coalition Government in 1946 in Vietnam

(By Senator Le Tan Buu)

I.—The situation in North Viet-Nam in 1945 and 1946.

March 9th: The Japanese took over French military and administrative establishments in Indochina.

Administrative authority given by the Japanese to a Viceroy, Pan-Ke-Toai, in North Viet-Nam.

July: Communists took over the power in many districts of North Viet-Nam. Viceroy Phan-Ke-Toai remained actionless by collusion with communists then acting under the cover of the League for Independence of Vietnam (Viet-Nam Doc-Lap Dong-Minh-Hoi, in short Viet-Minh).

August 17th: 20,000 demonstrators gathered in front of the City theater to support the Court of Hue. The Viet-Minh appeared for the first time, they lowered the imperial flags and hoisted the red ones with yellow star: Demonstration was spread to every street where there were great quantities of red flags, leaflets and megaphones, and huge crowds. Viceroy Phan-Ke-Toai surrendered. The nationalists disappeared.

August 29th: A provisional government was formed by:

Ho-chi-Minh, President and Minister of Foreign Affairs.

Vo-nguyen-Giap, Minister of Interior.

Chu-van-Tan, National Defense.

Duong-duc-Hien, Youth.

Vu-trong-Khanh, Justice.

Dao-trong-Kim, Public Works.

Tran-huy-Lieu, Propaganda.

Nguyen-manh-Ha, Economy.

Nguyen-van-To, Social Welfare.

Pham-ngoc-Thach, Hygiene.

Le-van-Hien, Labor.

Pham-van-Dong, Finances.

Vu-dinh-Hoe, Education.

Cu-huy-Can and Nguyen-van-Xuan, Ministers without portfolio.

On August 25th, 1945 Bao-Dai having abdicated was appointed supreme Counsellor of the Provisional government.

September 9th, 1945: 180,000 Chinese soldiers commanded by General Lu Han came and re-occupied Indochina down to the 16th parallel in accordance with decision of the Potsdam Conference. Supported by General Siao Wen, political counsellor of General Lu Han, Nguyen-hai-Than of the Vietnam Revolutionary League (Vietnam Cach-Menh Dong-Minh Hoi VNCMDMH) and Vu-hong-Khanh of the Viet-Nam Quoc-Dan Dang made without delay a strong opposition against the Ho-chi-Minh Government-Intervening in order to avoid a clash between Nationalists and Communists, General Siao-wen requested that they should unite with each other to safeguard South Vietnam against French re-occupation and should therefore form a coalition government. Ho-chi-Minh accepted such a proposal but he demanded that a general election should be held before the formation of a communist and nationalist coalition government. On November 11th, 1945 the Indochinese Communist Party announced its dissolution and its replacement by an Association for Marxist Studies.

January 6th, 1946: Communists obtained 80% of the vote in the general election (of which the sincere and free character is not discussed here). Out of 350 seats, Ho-chi-Minh gave 70 to the nationalists, (50 to VNQDD, 20 to VNCMDMH).

March 2nd, 1946: Meeting of the National Assembly. The Provisional Government of Ho-chi-Minh resigned. The National assembly proclaimed a Coalition government composed of:

Ho-chi-Minh (Communist) as President.

Nguyen-hai-Than (VNCMDMH) as Vice-President.

Huynh-thuc-Khang (Independent) as Minister of Interior.

Phan-Anh (Independent) as Minister of Defense.

Vu-dinh-Hoe (Socialist) as Minister of Social Welfare.

Tran-dang-Khoa (VNQDD) as Minister of Public Works.

Le-van-Hien (Communist) as Minister of Finances.

Truong-dinh-Tri (Independent) as Minister of Public Health.

Huynh-thien-Loc (Independent) as Minister of Agriculture.

Cu-huy-Can (Communist) as Secretary of State of Agriculture.

Nguyen-tuong-Tam (VNQDD) as Minister of Foreign Affairs.

Dang-thai-Mai (Communist) as Minister of Education.

Duong-duc-Hien (Socialist close to communists) as Minister of Youth.

Nguyen-van-Tao (Communist) as Minister of Labor.

Chu-ba-Phuong (VNQDD) as Minister of Economy.

Nguyen-tan-Gi-Trong (Independent) as Minister of Propaganda.

Nghiem-ke-To (VNQDD) as Secretary for Foreign Affairs.

Vo-nguyen-Giap (Communist) and Vu-hong-Khanh (VNQDD) as Military Commissioners.

Bao-Dai as Supreme Counsellor.

A Permanent Committee was appointed by the National Assembly. Composed exclusively of Communist M.P. the permanent Committee represented the National Assembly and acted in its place when it could not be assembled.

Ho-chi-Minh wanted to have the assistance of a Coalition government in order to avoid criticism in his coming negotiations with France.

II—6.3.1946—After the signature of a Preliminary Agreement with the French.

The coalition government began to collapse. The leaders of VNCMDMH and VNQDD charged that the agreement signed by Ho-chi-Minh was an act of surrender to the French.

The Viet-Minh began to fire at the Nationalist in many provinces of North Viet-Nam. In Hongay Province the V.N.C.M. D.M.H. established a provisory government to resist the Ho-Chi-Minh government. When general Leclerc went to the North with his troops, he saw that the Nationalist were pro-Chinese and anti-French, and the Communists were those who respected the Agreement. Then the Communists joined the French troops to crush the Nationalists though the Chinese troops were still present. In Hanoi the French tanks blocked the ways to the streets where there were Nationalist offices, while the Viet-Minh attacked these offices. The Viet-Minh let the French troops chase out the Nationalists from Lang-Son and Hai-Phong.

After that the Viet-Minh troops came and occupied these cities. In Hongay the French liberated the local Viet-Minh authorities jailed by the V.N.C.M.D.M.H.

When the Chinese troops withdrew from North Viet-Nam (June 1946) Vo-nguyen-Giap began one large scale operation against the Nationalist: First he crushed the V.N.C. M.D.M.H. then the V.N.Q.D.D. His troops wiped out the Nationalists from the Delta. The Nationalist leaders were jailed by all pretexts (from counterfeiting of bank-notes to illegal weapon carrying).

In March 1946, before the signing of 6.3.1946 Agreement, the Vice-President of the Government Nguyen-hai-Than, leader of the V.N.C.M.D.M.H., fled to China to be safe and also to avoid the responsibility of collaborating with the French Army.

The Foreign-Minister Nguyen-tuong-Tam (VNQDD) crossed the frontier in May 1946, followed a short time after by VU-HONG-KHANH, a Military Commissioner in the Ho-Chi-Minh government and a signer of the 6.3.1946 Agreement.

But the V.N.C.M.D.M.H. and the V.N.Q.D.D. still had representatives in the Coalition government one V.N.Q.D.D. leader Chu-Ba-Phuong was Minister of Economy and Bo-xuan-Luat one leader of V.N.C.M.D.M.H. vice-minister of Agriculture.

III—A French-Vietnamese conference was held at Fontainebleau (Summer of 1946) in order to carry out the principles mentioned in the 6.3.1946 Agreement. It had no result.

Ho-Chi-Minh, who attended the conference, didn't want to return to Vietnam empty handed, so he signed with Marius Moutet (France-Outremer Minister in the French government) a Modus-Vivendi on 14th September 1946.

This Modus-Vivendi narrowed the agreement between the French and the Vietnamese government about the economical and cultural relations between the two countries. Both sides agreed not to attack each other, and would meet again January 1947 to discuss definite treaty.

The 20 October 1946 Ho-Chi-Minh returned to Hai-Phong and from 23 to 27 of the same month a great number of Nationalists leaders were jailed by Ho because they accused Ho of collusion with the French.

The National Assembly, with the remaining 291 members, opened its 2nd session on 28 October 1946. Out of 50 seats reserved for the V.N.Q.D.D., 20 seats were occupied, the 30 others were empty because these 30 members were already killed or had fled to China. Out of 20 seats for the V.N.C.M.D.M.H., 3 were empty. Other seats were: 90 independents, 30 Viet-Minh (headed by Pham-Van-Dong), 15 Marxist Study Bloc (where there were Vo-Mguyen-Giap Tran-Huy-Lieu), 45 Democrat pro-Viet-Minh bloc 24 Socialist Pro-Viet-Minh bloc.

Any representative who criticized the government was watched by the V.M. police. While the assembly session went on, many Representatives disappeared. The French Police documents show that 17 representatives of the V.N.Q.D.D. and V.N.C.M.D.M.H. disappeared during the session.

On 31.10.1946 Ho-Chi-Minh and his government resigned, but the Assembly asked him to form a new government.

This government was unanimously accepted by the National Assembly and composed of:

Ho-Chi-Minh (communist) President.

Hoang-Minh Gam (com.) Foreign Minister.

Ta-Quang-Buu (com.) Vice-Minister of Defense.

Vo-Nguyen-Giap (com.) Minister of Defense.

Huynh-Thuc—Mang (Independent) Minister of Interior.

Vu-Dinh-Hoe (socialist Pro-Com) Minister of Justice.

Pham-Van-Dong (com.) Minister of Economy.

Le-Van-Hien (com.) Minister of Finances.

Nguyen-Van-Nuyen (Independent) Minister of Education.

Tran-Dang-Khoa (VNQDD) Minister of Public-Work.

Nguyen-Van-Tao (com.) Minister of Labor.

Chu-Ba-Phuong (VNQDD) Minister of Social and Health Affaires.

Hoang-Huu-Nam (com.) Vice-Minister of Interior (Mr. Huyah-Thuc-Khang the Minister was only a puppet).

In any ministry where a non-communist member was minister the Viet-Minh created a Vice-Minister Communist. The latter was the real boss of this ministry. Such as: Hoang-Huu-Nam in the Interior, Tran-Cong-Trung in the Justice, Nguyen-Khanh-Toan in the Education, Cu-Huy-Can in the Agriculture. Nguyen-Van-To (Independent) and Bo–Xuan-Luat (VCMDMH) were Ministers of Stato.

This Government was completely under communist hands.

Bao-Dai, the ancient king was still Supreme Adviser, but he was in Hong-Kong. (Bao-Dai was sent to China for liaison. He didn't return but fled to Hong-Kong as a refugee).

From June 1945, high-ranking leaders of the VNQDD and VNCMDMH such as Nguyen-Tuong-Tam, Vu-Hong-Khanh and Nguyen-Hai-Than were refugees in China. They created on 17.2.1947 a "National United Front" in Nan-King. This front had contact with the Religious sects of Cao-Dai and Woa-Hao and the Social Democratic Party of Mr. Nguyen-Van-Sam in South Vietnam. From the 15th to the 22nd of March these above groups met together in Kouang-Choou and made a decision to support BAO-DNI. They were to talk with the French in an equal and independent stand.

IV—In summary the experience of coalition government between the Communists and the Nationalists in North Vietnam 1946, gave us this lesson:

1—The communists consented to make coalition with the Nationalists only under strong pressure of China (at this time China had 180,000 soldiers in North Vietnam).

2—Once in coalition, the Communists always find the hidden way to eliminate the Nationalists.

First the Communists exploited the deep hatred of the Nationalists against the French. They let the French come in North Vietnam and utilized them to fight against VNQDD and the VNCMDMH while the Chinese troops still were in North Vietnam.

3—When the Chinese troops withdrew from N.V.M. the Communists openly attacked the Nationalists. To save their lives the high ranking leaders of these parties were forced to flee to China. The middle ranking leaders were all killed. Some unworthy men were left alive to cover the eye of the people and fill some secondary seats in the government.

A DANGEROUS GAME WITH MILK PRODUCTION

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. OBEY. Mr. Speaker, several days ago I inserted into the CONGRESSIONAL RECORD a copy of a letter I recently sent to Secretary of Agriculture Clifford Hardin asking that the price support for milk be raised to the full 90 percent of parity. I also reported at that time that the reply from the Secretary's office indicated that the price support level would not be increased because the Department of Agriculture found "price increases to producers as a result of market forces encouraging."

In my letter I pointed out facts which should be well known to Secretary Hardin and his advisers.

The production of milk is down and has been for many, many months. Fluid sales are up and the current price for beef is so favorable that incentives for the culling of herds are strong.

A recent article which appeared in the Milwaukee Sentinel goes even further, and legitimately asks whether our Government is playing blindman's buff with this Nation's ability to produce an adequate supply of milk and dairy products.

That article, titled "Turmoil in Dairyland—United States Facing New Problems as Milk Production Drops," points out that not only is milk production down, but that a 4-billion-pound deficit is expected this year. It points out that butter production is down, while butter consumption is up, that cheese production is down, while cheese consumption is up, and that powdered milk production is down, while powdered milk consumption is up.

While my reply from the Secretary's office indicates that the Department of Agriculture finds recent price increases to producers "encouraging," the article indicates that the Government also finds some comfort in the fact that 75 percent of all butter stocks are in Government hands.

The relevant fact, Mr. Speaker, is not that the Government owns 75 percent of all butter stocks. The relevant fact is that total butter stocks are down 18 percent, even though Government-owned stocks are up.

Perhaps as the following article says, the administration will panic when they see how serious the present crunch really is and will allow increased imports of beef and dairy products. That would be tragic irony for the American farmer.

I sincerely hope the administration will act now to avoid such a development. What is needed to stimulate domestic milk production is an increase in the milk price support to 90 percent and it is needed now.

I am placing the following article in the RECORD for the review of my colleagues:

TURMOIL IN DAIRYLAND—VI: UNITED STATES FACING NEW PROBLEMS AS MILK PRODUCTION DROPS

(By Gene Divine)

The crunch will be on Wisconsin's 570 cheese factories and 16,999 dairy plant workers in September as a result of federal government policy which is destroying the nation's capacity to manufacture dairy products.

Last year the nation consumed the equivalent of 500 million pounds of milk more than were produced, with imported milk helping fill the gap. And in 1969, with per capita consumption increasing and milk production decreasing, the deficit is estimated at 4 billion pounds.

This will leave little milk at a price which cheese makers can afford to pay. Wisconsin, as America's dairyland, will suffer most. The state made $414 million worth of cheese last year.

U.S. PRODUCTION DOWN

Milk production nationally has declined for the last six years and in Wisconsin for the last two years. In April milk production was the smallest for the month in Wisconsin in 12 years.

The state agriculture department reports reduced butter and cheese production "due to the smaller supply of milk."

United States milk production in June was the lowest for that month since 1934. June was also the 15th consecutive month that production was below that of the corresponding month of the previous year.

The June output brought production for the first half of 1969 to a rate 2% below the same period in 1968, according to United States department of agriculture (USDA) figures.

MARKET TURNAROUND

A few years ago nobody knew where to go with all of the milk in June when the cows went out on pasture. Last June Wisconsin exported milk to deficient areas.

Wisconsin has a large enough surplus to assure the entire nation of enough milk to drink—if the trucks to haul it are available. A year ago Georgia wanted Wisconsin milk, but there were no extra stainless steel tank trucks in which to haul it.

When most of Wisconsin's milk goes into bottles prices will be so high that most manufacturing plants in the nation won't be able to continue to operate at a profit.

EUROPE HAS SURPLUS

Where will the cheese and butter come from? Europe. Right now in France huge butter surplus stocks are spoiling in warehouses. Last year Russia sent ice cream mix (butter fat) into the United States by having it refined in the Netherlands.

Suffering as a result of the shortage will be not only the 780 licensed Wisconsin dairy plants, but the Wisconsin dairy farmer, because imports will depress all milk prices.

Even now fewer and fewer persons are willing to work seven days a week at the present compensation for milking cows in our otherwise affluent society.

FIGURES SPEAK

This is borne out by the continuing decline in milk production despite government protestations that the current price is "high enough to ensure an adequate supply."

USDA figures show that production of 117.3 billion pounds of milk in 1968 was down 5.6% from the 126.9 billion pounds of 1964.

In 1968 dairy farmers marketed 112.5 billion pounds of milk, but the market consumed 113.1 billion pounds.

The deficit came from storage stocks and imports. Current trends, as reported by the USDA, indicate a 2% increase over 1968 in domestic consumption of milk and dairy products.

BUTTER USE UP

Butter consumption is up 1.5%, and cheese, ice cream and powdered milk use is up 5%.

But United States butter production is down 4%, with Wisconsin down 12%, Minnesota down 4%, and Iowa down 11%. Cheese production is down 6% nationally and 3% in Wisconsin at a time when high meat prices are increasing the demand for the cheaper protein of cheese.

Powdered milk production is down 9%.

In Wisconsin, milk production is running 2.2% below a year ago and the number of milk cows on farms is 2% less. High meat prices are encouraging dairy farmers to sell more dairy cows.

STATE EXPORTING MORE

While state production declines, more milk moves out. Normally a period of national surplus, June saw milk moving out of Wisconsin by the 50,000 pound truckload every week during the month.

Drought and extremely hot weather in Georgia and much of the South has resulted in lower milk production than normal there and created a sudden demand for many more thousands of pounds of Wisconsin milk.

Thus far spot shipments of milk have moved out of state at a rate almost double that of the first half of the year in 1968, and the normal months of shortage are yet to come.

The first hay crop in the state was pretty much a disaster for many farmers. This will be reflected during the next winter in less milk production, which in turn will force production costs up.

FARMER COMMENTS

Richard J. Wilhelm of Arpin, a dairy farmer, expressed his concern:

"The poor farmer is getting lost in the mad vicious circle which some seem never to check into until it is too late. . . . Nobody cares until—no milk."

He was referring to the fact that the government refuses to raise the milk price support level on the ground that the milk supply is adequate.

Bureaucrats point to government ownership of 75% of all butter stocks to deny the existence of a serious milk shortage.

BUTTER STOCKS

They are being outsmarted by industry, which must pay 10% interest on short term loans to store butter. By selling to the government Uncle Sam takes the high interest rate and spoilage raps, even though reselling for more than the purchase price.

Proof is in the fact that the total butter cold storage stocks are down 18% from a year ago, but government holdings are a larger percentage of the total.

Wisconsin dairy leaders worry that federal bureaucrats and Nixon administrators will panic when they realize how serious the crunch is, and open the gates to South American beef and European surplus dairy products. They see chaos in this country as meat and dairy prices plunge downward.

This would be popular with consumers and foreign nations, but it would leave Wisconsin's farmers and our $1 billion dairy industry holding the bag.

HAWAII CITIZENS OPEN DOORS AND POCKETBOOKS TO SUPPORT PHILOSOPHERS' "FESTIVAL OF IDEAS"

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. MATSUNAGA. Mr. Speaker, East-West dialog found its most recent expression in the fifth East-West Philosophers' Conference in Honolulu, Hawaii, which ended on July 26, 1969.

For 5 weeks, over 100 scholars from 20 countries, including a sizable contingent from Iron Curtain countries and the Middle East, deliberated upon the conference theme of "Alienation and Modern Man." According to Dr. Abraham Kaplan, director of the conference, the participants came to recognize the need for people consciousness and sense of community in receiving each other's ideas. It became obvious to the conferees that in order to understand another person's ideas it was necessary "to understand not his words, but him."

From the potpourri of ideas exchanged at the conference Dr. Kaplan has identified two provocative conclusions reached by the conferees on alienation. First, according to Dr. Kaplan, the conferees agreed that alienation is not about distance between men—since many men, artists, scholars, even average men, like a certain aloofness and distance from their fellows. And second, the conferees agreed that "those who are alienated in our times are not the ones engaged in dissent, but the ones who are indifferent or in despair." In essence, the alienated are not those "people who are doing something, but the ones who do not give a damn, or who think it does not matter a damn."

Much skepticism was also heard at the conference for the technological advances recently epitomized by America's triumphant moon landing. That technology must be "humanized"—that is, made to serve man rather than have man serve it—perhaps most accurately depicts the consensual feeling expressed at the conference. This challenge undoubtedly represents one of the most crucial tests for mankind in the final third of the 20th century.

In evaluating the site of the conference the participants were quick to note the general warmth and openness with which they were welcomed by the residents of my home State. Contributions totaling more than $100,000 from island individuals and firms made the conference financially possible. Dr. Kaplan paid what was perhaps the most fitting tribute when he said that other communities support drama or music, "but I don't know of anybody else who gives civic support for a festival of ideas."

My heartiest congratulations are extended to my fellow citizens of the 50th State who made possible the success of the Fifth East-West Philosophers' Conference. Believing that my colleagues and other readers of the Congressional Record would wish to read more about the conference, I submit for inclusion in the Record an excellent editorial from the Wednesday, July 30, 1969, Honolulu Star-Bulletin, and another well-written article by Advertiser reporter Jane Evinger, which appeared in the July 27, 1969, issue of the Sunday Star-Bulletin and Advertiser:

[From the Honolulu Star-Bulletin, July 30, 1969]

ALIENATION IN APATHY

In winding up the East-West philosophers' five-week discussion of "The Alienation of Modern Man," Dr. Abraham Kaplan, the conference director, identified two things that alienation is not about.

First, he said, the conferees agreed it is not about distance between men—since many men, artists, scholars, even average men, like a certain aloofness and distance from their fellows.

Second, he said, alienation is not found in dissent. Rather the dissenter is a most unalienated individual passionately involved in society. By his act of dissent he shows optimism that there is a chance for him to succeed.

The true alienated man, said Kaplan, is the apathetic individual who cares not, tries not, sees no hope.

Much of the discussion turned on technology and its dehumanizing effects. There was probably as much skepticism about America's triumphant Moon landing among the philosophers as in any other group of 125 people anywhere.

But even there, among the skeptics, the thinkers, there was no consensus that technological advance should be stopped or the clock turned backward.

Rather, Kaplan suggested, there was agreement that technology must be humanized, made to serve man rather than man to serve technology.

"Humanize technology," said Kaplan, is the phrase that perhaps comes closest to the heart of the thoughts expressed in five weeks of discussion.

Laymen will understand. Many dissenters grasped the point long ago. Politicians have based successful campaigns on it. Even those who are not activists find this an imperative for the years ahead—probably the crucial test for final third of the 20th century: Humanize technology.

[From the Honolulu Sunday Star-Bulletin & Advertiser, July 27, 1969]

KAPLAN ASSESSES PHILOSOPHERS' "FESTIVAL OF IDEAS"

(By Jane Evinger)

The value of the East-West Philosophers' Conference, which yesterday wound up five weeks of meetings at the University of Hawaii, lies in the opportunity it gave participants to get to know each other, its director indicated yesterday.

Dr. Abraham Kaplan, taking a backward look at the gathering from the vantage point of the director's seat, said the conference's "value lies in people."

"If someone asked what I got from the conference, I'd have to list a few names—the old friends I came to know better, and the new friends—and basically, this is what I think everybody would say.

"If you haven't got the friends, you haven't got the ideas, because you don't understand them."

Despite his extensive travel, Kaplan said, until the conference, "I think I didn't realize enough how really hard it is to cross the cultural gap.

"In order to be able to understand what anybody says, you have to understand not his words, but him."

Kaplan, who is professor of philosophy at the University of Michigan, has been in Hawaii the past year and a half, working on plans for the conference, which is held every five years. More than 100 scholars from 20 countries attended this year's sessions.

Kaplan leaves Hawaii Friday.

Trying to evaluate the conference, he noted that "there is in our time a great deal of distrust of the mind—of the uses of the mind, and of reason.

"When people ask what's the point of coming together for all this talk, it is because they don't trust the mind.

"It's similar to a couple asking 'what's the point of our marriage?'—when they get to that point, you know the marriage is pretty much finished.

"I think the most significant things in human experience are just the ones we don't know how to measure—the growth of love, of understanding, of sympathy.

"Also, the things that are really significant in human experience are often the ones we can't assess until long after. That's why I oppose devices that measure teaching, even though I've come out pretty well on some of them, because most people can't tell who was a good teacher until 20 years after."

As the conference ends, Kaplan said, "I understand better than ever before—and I think a lot of people in the conference do—the importance of being concerned with human problems without necessarily rushing off to accomplish."

He notes that many people "think either you don't care, or if you do, you go rushing off into politics.

"But if you look at somebody engaged in medical research, certainly nobody can say he doesn't give a damn about disease!

"And yet he's not running around with a box of Band-Aids giving first aid to anyone on his doorstep."

Both researchers and practitioners are needed, Kaplan indicated.

At the conference, he said, philosophers "have shown that we care very deeply about the problems that are besetting man today, but we have also felt that our caring is no justification for abandoning our philosophic calling or our role as educators and becoming amateur politicians.

"I repudiate the philosophy that has no room for relevance to human problems, but I also repudiate the conception of relevance that has no room for philosophizing."

Of the conference theme, "Alienation and Modern Man," Kaplan said "we have had 100 people and 200 ideas.

"But I think many of the conferees would agree with me that those who are alienated in our times are not the ones engaged in dissent, but the ones who are indifferent or in despair.

"It's not the people who are doing something, but the ones who don't give a damn, or who think it doesn't matter a damn."

The conference for the first time this year included a sizable number of participants from Europe—including some from Iron Curtain countries—and the Middle East.

It also included a number who were not technically philosophers. They ranged from psychologists to journalists and a novelist.

Kaplan would like to see both of these expansions taken even farther for the 1974 conference.

"I believe strongly that the next conference should really become, in the true sense of the word, worldwide," he said. "In the years to come we are going to have to recognize the growing importance of Latin America and Africa.

"And we must recognize that philosophy is not limited to the professional card carriers of the departments of philosophy.

"Maybe the sixth one can be called the East-West-North-South Conference on the Human Mind and Human Problems."

The conference faced some handicaps, Kaplan said.

"Communication ultimately depends on community, and I think it unfortunate that we didn't have the physical facilities for everyone to stay in one place.

"A third of the participants were in Waikiki and two-thirds were in four different locations on campus. There was no single roof under which we could meet and conveniently for meals."

While the community and the University administration were helpful, Kaplan said, "not all parts of the University recognize a sense of common purpose, of shared goals.

"In many areas, I was surprised that the University seemed to be at loggerheads with itself."

He had to buy eight University parking passes out of conference funds, and also used the funds to pay a number of parking tickets for participants who'd parked in places not authorized for pass holders.

Kaplan said it also was "difficult to get the auditoriums we needed on campus. We were in four different ones, and they were not always suited to our needs. It is like the interservice rivalries which weaken national defense."

Kaplan's major feeling however, he stressed, is that "I think this was a memorable experience for many, many people.

"If you asked the conferees to tell you the single most impressive thing, the answer would be the hospitality—the way the community opened its arms" to them with lunches, dinners, excursions and other offerings.

A delegate from behind the Iron Curtain, he noted, plans to take back with him, as a souvenir, his invitations to the Governor's reception honoring the participants.

He wants to show it to his own university as an indication of the way philosophers are valued in Hawaii.

Island individuals and firms contributed more than $100,000 to make the conference possible.

"When all is said and done, I feel it is fantastic that the citizens of Honolulu and Hawaii have made this possible, not just the funding, but the way they opened their arms to the conferees," Kaplan said.

Other communities support drama or music, he said, "but I don't know of anybody else who gives civic support for a festival of ideas."

CAN OUR ASIA POLICY BE MADE "CRYSTAL CLEAR"?

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. MATSUNAGA. Mr. Speaker, President Nixon's pronouncement of our Asia policy, as gleaned from his recent speeches in Guam, Thailand, and Vietnam, has evoked considerable editorial comment across the Nation.

The Honolulu Star-Bulletin has joined in this journalistic inquiry to ascertain the nature and extent of this, the most important foreign policy statement to be made to date by the present administration. In behalf of my constituents, I urge the President to clarify his position on Asia and make it "crystal clear," if that is possible. His recent statements have confused even those who have stood by with him and supported him.

I believe my colleagues and other readers of the Congressional Record would find of interest the editorial entitled "Nixon's Asia Policy," which appeared in the July 30, 1969, issue of the Honolulu daily. The editorial follows:

[From the Honolulu Star-Bulletin, July 30, 1969]

Nixon's Asia Policy

President Nixon's speeches in Thailand and Vietnam (the latter just after a unit of Ninth Division troops was flown out to Hawaii) perplex more than they enlighten.

The obvious contradiction in President Nixon's newly-expressed Asia policy is so great that it is bound to leave his own people wondering, not to mention the countries it otherwise affects.

The President has pledged "no more Vietnams." He has told the leaders of Thailand that the 47,000 U.S. airmen and support troops in Thailand will be gradually withdrawn as the war in Vietnam comes to a close.

Yet at the same time he says "the United States will stand proudly with Thailand against those who might threaten it from abroad or within."

What does he mean by "stand proudly" with Thailand? To the Thais the insurgents whose arms and supplies come from Red China are not to be dismissed lightly. Nor are the Communist Pathet Lao and North Vietnamese forces in Laos.

It can hardly be overlooked that our involvement in Vietnam began by "standing" with the late President Diem. When he was assassinated we supported his successors as the Viet Cong threat increased. Then the North Vietnamese entered the country in force and our commitment grew apace.

There is little reason to doubt that, once we have left Southeast Asia, the same procedure will be repeated by North Vietnam against Thailand. How do you "stand" with a friend without providing men and weapons, assuming the enemy proves strong?

No doubt when President Nixon has returned to Washington he will report to his constituents on this Asia policy which seems to be unfolding as he travels. The policy is badly in need of explanation.

Meantime Hawaii wishes aloha to its new home division—the Ninth, back from a Vietnam tour that earned deserved official praise.

AWARDS OF THE ROBERT F. KENNEDY MEMORIAL FOUNDATION

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. LOWENSTEIN. Mr. Speaker, the Robert F. Kennedy Memorial Foundation was founded after Senator Kennedy's death for the purpose of furthering the ideals for which he lived. One of its activities is to recognize those individuals and organizations that have made the greatest contributions in the mass media to the realization of those ideals, particularly in the reporting of poverty and discrimination. The first of these annual awards were announced recently by a panel of four distinguished judges, John Chancellor, of NBC; Michael Harrington, author; Hugh Sidney, of Time-Life; and Bill Small, of the Washington bureau of CBS.

The awards and their recipients were:

For best network broadcast coverage: CBS News, for the documentary, "Black History, Lost, Stolen, or Strayed," written by Perry Wolff and Andrew A. Rooney, directed by Mr. Rooney and Vern Diamond, and narrated by Bill Cosby. The award cited the network for "an honest, eye-opening account of what white America has done to rewrite and distort the black American's place in history, produced with a freshness and creativity which capture the viewer's attention from the very outset."

For best newspaper coverage: Mr. Nick Kotz of the Des Moines Register and Tribune, "For continuing coverage of hunger and rural poverty in America, exposing the mismanagement of Federal food programs, and focusing attention on the contrast between the large Federal subsidies given to wealthy farmers and inadequate assistance given the hungry black poor who live on or near subsidized plantations."

For best magazine coverage: Mr. David Nevin of Life magazine, for his article, "These Murdered Old Mountains," "a compelling and infuriating article about the destruction of the beautiful mountains and hardy people of eastern Kentucky by strip mining."

For best local broadcasting: Radio station WMCA of New York City, on whose behalf its distinguished President, Mr. R. Peter Straus, accepted the award. The citation read:

For continuing special coverage of the problems of poverty and discrimination in New York City and New York State, including special programs on conditions of migrant farm workers, consumer frauds, and misuse of legal processes in the ghetto, and on feelings of black America toward white America following the assassination of Dr. Martin Luther King, and for the service rendered in establishing "Call For Action," a volunteer ombudsman service to help people find their way through government bureaucracy.

I include in the Record, at this point, two of the editorials that have made WMCA such a beacon of courage and social concern and have gained it the gratitude and respect of concerned men and women throughout the Nation:

Grape Boycott

The farm workers who pick table grapes in California are on strike. They want the same legal rights that industrial workers have had for 30 years. Until they've won those rights, we're not buying grapes.

We're not—but the Defense Department is. In the last six months of 1968, grapes were shipped to Vietnam at seven times the level of the previous year.

The Pentagon doesn't have any real explanation for their sudden love of grapes, except to say that their policy is not to get involved in labor-management disputes. But we don't see how the government can buy more and more grapes—and still claim to be neutral.

At the very least, Washington should cut back its grape-buying to the pre-strike level. And if it must take sides, we think it should support the workers, not the growers.

Grape Boycott

The Defense Department is fond of saying that it doesn't take sides in labor-management disputes. Yet last year it increased grape shipments for Vietnam to seven times the previous rate.

Now, California grape growers are involved in a bitter—but so far non-violent—labor-management dispute with striking farm workers. We think buying more grapes is taking sides. What's more, we think the Pentagon has taken the *wrong* side.

Defense spokesmen give three "reasons" for sending more grapes to Vietnam. One is "high troop acceptability." Two is a dearth of "export-quality" oranges. Three is better refrigeration.

If these are reasons at all, they are reasons why the Pentagon *can* ship more grapes to Vietnam. We have yet to hear one good reason why it *should*.

Nothing is more important in these times of great national difficulties than that the mass media display courage and integrity in exposing and documenting instances of misery and injustice wherever they may occur. That is why these awards are so worthy of note, that is why we salute with our grateful best wishes those individuals and organizations that earned these honors, and that is why we thank the foundation itself for its initiative and vision in bestowing such awards. We take this occasion too to pledge that we will increase our efforts to achieve the goals of Robert F. Kennedy, even as we find ourselves missing his leadership and strength more each passing month.

CONGRESS HAS SPOKEN CLEARLY TO DISTRICT ON SUBWAYS AND HIGHWAYS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. HOGAN. Mr. Speaker, there exists in this Capital City the sad and intolerable situation of a public body, the District of Columbia Council, which, while appointed to be broadly representative of the District of Columbia community, continues to take a position on highways and rapid transit that is not only contrary to the best interests of the residents of the District of Columbia but as evidenced by a recent poll commissioned by the chairman of this body is also contrary to the wishes and desires of those residents.

The Congress directed in clear and unequivocal terms in the 1968 Highway Act that the District of Columbia build roadways required for the Washington metropolitan area, and on two subsequent occasions reemphasized its position that Three Sisters must be built by refusing to appropriate subway funds to the District until it proceeded with the highway construction. However, notwithstanding directives from Congress, the District of Columbia City Council continues to ignore those wishes because, in their view, people of the District of Columbia do not want more highways. And how does the Council obtain its enlightenment on this question?

From a small but vocal anti-highway group whose main power of persuasion comes from its ability to take over with impunity the proceedings of the Council and then to threaten further public disturbances and possible riots if their unreasonable demands were not granted. In brief, in reaching a decision of this question of such great importance to the whole community, the District of Columbia Council has, in the main, followed the unreasoned direction of a small but vocal group of activists.

There has finally come to light two polls, taken in an orderly and professional manner, which indicate that the majority of the District's citizens agree with the Congress on the need for additional highways. Both of these polls, one commissioned by the chairman of the Council and reluctantly released by him, make it abundantly clear that the people want these highway projects. With such evidence before it, I fail to see how the District government can now continue its refusal to comply with the wishes of both the Congress and the citizens of the District of Columbia. If they continue to do so, grave doubts must be raised as to the ability of the District to function under the present form of government.

FREEDOM BECOMES ILLEGAL—VIII

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. RARICK. Mr. Speaker, the tragic denial of freedom to parents and children continues to kindle repercussions in my district, and rightfully so, for what thinking American today can conceive of our Government callously denying freedom to a segment of our people—of all races.

The empassioned disenchantment of taxpaying American citizens who are the parents of little children is best evidenced by a petition directed to all constituted authority by thousands of citizens of Washington Parish, La.

The question is no longer, "How far will you be pushed, Mr. and Mrs. America?"—it is now, "How long will the American people tolerate tyranny such as this from their own Government"—and that under perversion of the very Constitution adopted to prevent exactly such tyranny.

And to our colleagues who still live in areas of relative freedom, I can but remind you that if our bureaucrats can take such extreme action against the children of my area, it is only a matter of time until your parents and children also will be affected by this erosion of individual liberty—and will cry to you for help.

Mr. Speaker, I include a copy of the petition from citizens from one school district in Louisiana:

A PETITION TO ALL CONSTITUTED AUTHORITY

We, the undersigned citizens of Washington Parish, Louisiana, urge our officials, appointive and elective, local, state and national, in the executive, legislative, and judicial branches of our Government, to hear and to consider our plea for help as we approach a time of desperation and impending chaos in the problem of public education. We employ the simple petition as the right of citizens to "petition for redress of grievances" for it seems to embody the spirit that motivated the early founders of this nation. It is respectfully urged that it be received and considered in the spirit that it is submitted.

In the passing of time and the ultimate easing and settling of the current imposing social and racial problems, history will note that we inherited and did not create the dilemma with which we are confronted. In spite of past history, our heritage and environment, we do believe that all races and creeds are equal in the eyes of God, and further that all children are entitled to the best education available in institutions supported by the public treasury. However, we believe that student placement should be the right of the parent, subject to reasonable and necessary regulation by local school authority.

Our parents, our children and our teachers are bewildered; they are burdened and grieved beyond words in anticipation of the chaotic conditions expected at the beginning of the school year, just a few weeks hence. Our children weep because of the burdens and frustrations imposed on them in the closing of their schools, the prospect of their daily transportation to schools distant from their homes, and in the prospect of being dealt with as displaced persons. They cannot understand; nor can we.

We love our country, some of us have fought for it; some have lost family members as they fought under our Flag; we are dedicated to the obedience of the laws of our land, even though we cannot understand the enforcement practices and policies as currently applied in certain areas.

We love our homes and our environment. We love and cherish our system of public education, and reflect upon the fact that it has brought instruction and a yearning for knowledge to many who would have been denied opportunity. It seems that the public school system is now being undermined; it staggers under the burden of divisive influences and orders; it is on the brink of crumbling. This we seek to avoid.

During the past school year our public schools operated on an integrated basis and in an atmosphere of comparative harmony; in our entire area we have experienced an atmosphere of relative calm, order and mutual helpfulness as between the races; this relationship we seek to maintain; we do not desire to retrogress in racial relations.

In this hour of comparative harmony, hopefulness and progress, we sincerely question the disruptive changes that are in the process of being made in our public school system. We earnestly plead for a moratorium of reasonable duration, or whatever action is necessary to give us more time within which to adjust to whatever may be eventually imposed upon our public school systems and upon us.

HOUSE OF REPRESENTATIVES—*Thursday, August 7, 1969*

The House met at 11 o'clock a.m.

The Reverend James Edmund Schneider, Bethany and Browne Memorial Methodist Churches, Jersey City, N.J., offered the following prayer:

O Gracious God, we commit ourselves to Your loving care. Bless the deliberations of this hour. You do not belong to us, dear Father, we belong to You. Help us to walk with You—not ahead or behind—but with You. Bless these lawmakers gathered together and bring them an understanding of the sacred privilege they have as servants of the people. We commit to Your loving care the souls of those who have made the supreme sacrifice in behalf of their country in the cause of freedom. Bless the President of these United States and all those who are in this great assembly. May peace soon reign throughout the world, and may Your will be done on earth as it is in heaven. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

TRIBUTE TO REV. JAMES EDMUND SCHNEIDER

(Mr. DANIELS of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIELS of New Jersey. Mr. Speaker, we were privileged today to have as our Chaplain, the Reverend James Edmund Schneider, of Jersey City, N.J. Reverend Schneider serves as pastor of two churches in Jersey City, Browne Memorial Methodist Church and Bethany United Methodist Church. He is also chaplain for the Hudson County, N.J., Police Department.

He has served as county commander, as well as chaplain, of the Hudson County American Legion and has been chairman of the New Jersey American Legion 40 and 8, which has graced many of the Legion parades.

I would also like to add that Reverend Schneider was most impressed with the sincerity of the many Members of the House with whom he met. He also indicated to me that he was especially moved by the dignity and humility of our honorable Speaker.

THE PRESIDENT'S MESSAGE ON MASS TRANSIT

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, today we will receive a message from the President on mass transit. I regret that his message will be, in my opinion, totally inadequate, and it should be unacceptable to this House. The President, badly advised, has not grasped the dimension of the mass transit problem. His proposal will request that we spend only $3.1 billion over the next 5 years and that amount is to be made available through the appropriation method. Almost everyone familiar with this problem who recently testified before the Senate Banking and Currency Committee or who has spoken publicly elsewhere has made the point time and time again that what we need is a much larger expenditure of Federal funds to be committed much sooner than the President proposes; and what is most critical is the assurance that the funds will be available through the establishment of a mass transit trust fund. There is pending before this House, H.R. 9661, now cosponsored by 101 Members, which will meet the dire mass transportation needs of this country. It provides for a $10 billion trust fund to be expended over the next 4 years. It will be funded by the proceeds of the existing automobile excise tax. I urge the Members to join as cosponsors.

To his credit, Secretary John A. Volpe indicated the need for this trust fund approach. His view did not prevail at the White House. I hope that the trust fund concept will prevail in this House and that we ultimately can persuade the President that his advisers are in error so that he too ultimately supports the trust fund concept.

I will be making a more detailed statement on this matter later in the day.

CALL OF THE HOUSE

Mr. CHARLES H. WILSON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 147]

Ashley
Baring
Biaggi
Blatnik
Buchanan
Celler
Clark
Cunningham
Daddario
Davis, Ga.
Edwards, Calif.
Flowers
Green, Pa.
Halpern
Hull
Ichord
Kirwan
Lipscomb
Long, Md.
Mailliard
Murphy, N.Y.
Powell
Reid, N.Y.
Rivers
St Germain
St. Onge
Scheuer
Schneebeli
Taft
Teague, Tex.

The SPEAKER. On this rollcall, 402 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

PERMISSION FOR COMMITTEE ON THE DICTRICT OF COLUMBIA TO FILE REPORT ON DISTRICT REVENUE BILL UNTIL MIDNIGHT FRIDAY

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia have until midnight tomorrow night, Friday, August 8, to file a report on the District revenue bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

ENFORCEMENT OF COUNTERVAILING DUTIES LAW FOR DAIRY PRODUCTS

(Mr. THOMSON of Wisconsin asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. THOMSON of Wisconsin. Mr. Speaker, today the dairy industry represents a highly significant sector of our economy. For the Nation, dairying provides a vital source of healthful nutritional milk and dairy products for consumers and of income to farmers. Particularly in Wisconsin, the No. 1 milk-producing State in the Nation, dairying is of great importance to our economy.

Despite the fact that America's farmers, including our dairymen, are the most efficient and productive in the world, however, they are still facing serious economic problems.

In the marketplace, for example, dairying is confronted by ever-greater competition—both domestic and foreign.

For these reasons, it is particularly important, first, that we have adequate laws and policies to guard against unfair competition and, second, that such laws be enforced.

Under section 1303 of United States Code, title 19, duties on import subsidies subsidized by foreign countries are required to be increased—in addition to the regular duty—by the amount of the subsidy.

Unhappily, the U.S. Treasury is failing to enforce this law in relation to dairy products.

As a result, foreign exporters are encouraged, first, to export maximum volume of products to the United States within quota limitations; and second, to circumvent quotas by developing new variations of dairy products not covered by a specific quota limitation.

To protect the American dairy farmer, it is absolutely essential that action be taken as early as possible to plug this hole in the import dike. If such administration action is not forthcoming soon, this should certainly provide additional incentive for Congress to enact more effective dairy import control laws.

TIME TO GIVE AMERICAN BOND BUYER A BREAK

(Mr. MICHEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MICHEL. Mr. Speaker, now that we are about to dispose of the tax-reform bill, it is time for Congress to give the American bond buyer a break. We have had approval by the Nixon administration of proposals to raise the interest rate, and I introduced legislation last February to increase the rate payable to 5 percent. Now it is time that we bring these bonds up to date.

The figures for July repeat a pattern of the past several months—more bonds cashed in than were bought. At this time when we are trying to devise ways to cope with inflation, the Congress can help do the job by making these bonds more attractive to small investors. It is significant that the $419 million in E and H bonds and freedom shares sold in July is a 13-year peak. But offsetting this record is the fact that over a half-billion dollars' worth of these bonds were cashed in by Americans who realize that they are not keeping up with the inflation of their money by holding onto these bonds. Thus, we had a net loss of $53 million for July.

We have extended the surtax. Now let us extend the helping hand of Government to small investors by upping the interest rate on these bonds, thus draining into savings money that might otherwise be pumped into an already overheated economy.

The Treasury recently paid 7.82-percent interest to big investors for Treasury notes. Is it not time that we do something for the wage-earning Americans who are paying the bulk of taxes to support our Government?

I urge my colleagues on the Ways and Means Committee to give this legislation priority consideration when we return from our summer recess.

SECOND LISTING OF OPERATING FEDERAL ASSISTANCE PROGRAM COMPILED DURING ROTH STUDY

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 452) on the concurrent resolution (H. Con. Res. 309) second listing of operating Federal assistance program compiled during Roth study, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 309

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document a catalog of Federal assistance programs entitled "Second Listing of Operating Federal Assistance Programs During the Roth Study", and that twenty thousand eight hundred and forty additional copies shall be printed of which ten thousand copies shall be for the use of the Committee on House Administration, eight thousand seven hundred and eighty copies shall be for use by the House of Representatives, and two thousand and sixty copies shall be for the use of the Senate.

SEC. 2. Copies of such document shall be prorated to Members of the House of Representatives and the Senate for a period of sixty days, after which the unused balance shall revert to the respective House and Senate document rooms.

With the following committee amendments:

On page 1, lines 3 and 4, strike out "Second" and insert in lieu thereof "1969".

On page 1, line 4, after Programs insert "compiled".

The committee amendments were agreed to.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF ADDITIONAL COPIES OF BASIC REPORT (PART I) ACCOMPANYING TAX REFORM ACT OF 1969

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 453) on the resolution (H. Res. 510) authorizing the printing of additional copies of a basic report (part I) accompanying the Tax Reform Act of 1969, and ask for immediate consideration of the resolution.

The Clerk read the resolution as follows:

H. RES. 510

Resolved, That there be printed for the use of the House Committee on Ways and Means four thousand additional copies of its basic report (part I) accompanying the Tax Reform Act of 1969.

With the following committee amendment:

On page 1, line 2, strike out "four" and insert in lieu thereof "seven"

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF ADDITIONAL COPIES OF SUPPLEMENTARY REPORT (PART II) ACCOMPANYING THE TAX REFORM ACT OF 1969

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 454) on the resolution (H. Res. 511) authorizing the printing of additional copies of a supplementary report (part II) accompanying the Tax Reform Act of 1969, and ask for immediate consideration of the resolution.

The Clerk read the resolution as follows:

H. RES. 511

Resolved, That there be printed for the use of the House Committee on Ways and Means three thousand additional copies of its supplementary report (part II) accompanying the Tax Reform Act of 1969.

With the following committee amendment:

On page 1, line 2, strike out "three" and insert in lieu thereof "five"

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PUBLIC TRANSPORTATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–145)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

To the Congress of the United States:

Public transportation has suffered from years of neglect in America. In the last 30 years urban transportation systems have experienced a cycle of increasing costs, decreasing funds for replacements, cutbacks in service and decrease in passengers.

Transit fares have almost tripled since 1945; the number of passengers has decreased to one third the level of that year. Transit industry profits before taxes have declined from $313 million in 1945 to $25 million in 1967. In recent years 235 bus and subway companies have gone out of business. The remaining transit companies have progressively deteriorated. Today they give their riders fewer runs, older cars, and less service.

Local governments faced with demands for many pressing public services and with an inadequate financial base, have been unable to provide sufficient assistance.

This is not a problem peculiar to our largest cities alone. Indeed, many of our small and medium-sized communities have seen their bus transportation systems simply close down.

When the Nation realized the importance and need for improved highways in the last decade, the Congress responded with the Highway Act of 1956. The result has been a magnificent federally-aided highway system. But highways are only one element in a national transportation policy. About a quarter of our population lack access to a car. For these people—especially the poor, the aged, the very young and the handicapped—adequate public transportation is the only answer.

Moreover, until we make public transportation an attractive alternative to private car use, we will never be able to build highways fast enough to avoid congestion. As we survey the increasing congestion of our roads and strangulation of our central cities today, we can imagine what our plight will be when our urban population adds one hundred million people by the year 2000.

We cannot meet future needs by concentrating development on just one means of transportation. We must have a truly balanced system. Only when automobile transportation is complemented by adequate public transportation can we meet those needs.

THE PUBLIC TRANSPORTATION PROGRAM

I propose that we provide $10 billion out of the general fund over a 12-year period to help in developing and improving public transportation in local communities. To establish this program, I am requesting contract authorization totaling $3.1 billion for the first five years starting with a first year authorization of $300 million and rising to $1 billion annually by 1975. Furthermore, I am asking for a renewal of this contract authorization every two years so that the outstanding contract authorization will never be for a shorter period than three years. Over the 12-year period, $9.5 billion is programmed for capital investments and $500 million for research and development.

The program which I am recommending would help to replace, improve and expand local bus, rail and subway systems. It would help to develop and modernize subway tracks, stations, and terminals; it would help to build and improve rail train tracks and stations, new bus terminals, and garages.

The program would authorize assistance to private as well as public transit systems so that private enterprise can continue to provide public services in urban transportation. It would give State governments an opportunity to comment on project applications in order to improve intergovernmental coordination. It would require local public hearings before any major capital construction is undertaken. And it would permit localities to acquire rights-of-way in advance of system construction in order to reduce future dislocation and costs.

Fares alone cannot ordinarily finance the full cost of public transit systems, including the necessary capital investments. Higher fares usually result in fewer riders, taking much of the "mass" out of mass transit and defeating the social and economic purpose of the system.

One problem with most transit systems operating today is that they rely for revenues on people who *must* use them and make no appeal to those who have a choice of using them or not. Thus we have the self-defeating cycle of fewer riders, higher fares, lower revenues, worse facilities, and still fewer riders.

The way to break that cycle is to make public transit truly attractive and convenient. In this way, more riders will provide more revenues, and fares can be kept down while further efficiencies can be introduced.

In addition to assistance for capital improvements, I am proposing substantial research and technology efforts into new ways of making public transit an attractive choice for owners of private cars. These would include:

—Advanced bus and train design to permit easier boarding and dismounting.

—Improved interiors in bus and trains for increased convenience and security for riders.

—New traffic control systems to expedite the flow of buses over streets and highways.

—Tracked air cushion vehicles and automated transit.

—Flexible bus service based on computer-forecast demands.

—New bus propulsion systems which would reduce noise and air pollution as well as cost.

—Systems such as moving sidewalks and capsules to transport people for short distances within terminals, and other major activity.

In summary, this public transportation program I am recommending would give State and local governments the assurance of Federal commitment necessary both to carry out long-range planning and to raise their share of the costs. It would meet the challenge of providing resources that are adequate in amount and it would assure adequate duration of their availability.

The bus rider, train commuter and subway user would have better service. The car driver would travel on less congested roads. The poor would be better able to get to work, to reach new job opportunities and to use training and rehabilitation centers. The centers of big cities would avoid strangulation and the suburbs would have better access to urban jobs and shops.

Most important, we as a Nation would benefit. The Nation which has sent men to the moon would demonstrate that it can meet the transportation needs of the city as well.

RICHARD NIXON.

THE WHITE HOUSE, *August 7, 1969*.

THE NEED FOR IMPROVED PUBLIC TRANSPORTATION

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, today nearly 80 percent of all Americans live in cities. By the year 2000 it will be 90 percent. In the next 30 years our population will increase by more than 100 million and almost all of it will be in our cities. Imagine, if you will, an urban population twice what it is today.

Urban dwellers depend almost exclusively on the automobile to meet transportation needs. There are now more than 80 million cars in use in the United States. An estimated 160 million will be on the roads in 2000.

As automobile use has grown, public transportation has declined in both quality and availability. This heavy reliance on the automobile for urban transportation has greatly disadvantaged the poor. While nearly all families with incomes in excess of $10,000 have a car—and those who do not, rent one as needed—less than half of those with poverty-level incomes own an automobile.

Most new jobs are opening in suburban or rural industrial areas, locations made feasible in most cases by construction of the federally financed Interstate Highway System. If an unemployed person has no car of his own and cannot work out a car pool arrangement, he cannot get the good job unless there is public transportation. If he is lucky enough to have public transportation, it is usually low quality, increasingly expensive, very often so indirect that a 20-mile ride takes an hour and a half and several transfers.

If urban residents are to have a real choice in how they move about, and whether they move at all, an estimated $20 billion is going to have to be spent on public transportation in the next 12 years.

Our cities, alone, cannot carry this burden. State and local public debt now exceeds $100 billion. Over the next 10 years it may well exceed $250 billion. Federal funding for public transportation must be substantial and available on an assured basis.

Funding must be sufficient to help finance major urban transportation projects and to provide aid for medium and small cities.

The need is great and time works relentlessly against us.

This is ample reason to back the public transportation legislation proposed by President Nixon.

With his message on public transportation, President Nixon has laid down a blueprint for action—action not only by the Federal Government but by the States and local units of government. For the legislation he proposes would not simply improve existing facilities and provide for new facilities and more research. It would also supply urgently needed financial support to the States and local bodies for the advance acquisition of property rights-of-way.

The President's proposals would start the country moving to solve its public transportation problems.

This 12-year program proposed by Mr. Nixon would amount to $10 billion in Federal funds, actually a meager sum when compared with our space effort, our war effort and our highway effort.

The time has passed for us to study and restudy our public transportation problems. It is time to act—now.

I ask that this legislation be given speedy approval. We must back up this program with our votes.

There is hardly a State in the Nation that does not have a complaint about transportation. In fact, you now have to go into remote parts of our country to escape from congestion, smog and the masses of people trying to get from their homes to work and back home again.

Now is the time to show the great mass of Americans that we know and recognize their dilemma and that we are determined to do something about it.

Mr. ARENDS. Mr. Speaker, a public transportation program is needed desperately by our country. The expanding population will require greatly improved facilities designed for expeditious movement of the public. As a matter of fact, our population will have tripled by the turn of the century, compared to the year 1945. This persistent and worsening problem in public transportation dates back for 25 years with a history of deficit traffic and revenue operations.

Although public transportation fares have tripled in the past 20 years, they have been more than offset by declining traffic and increasing costs, local political pressures, regulatory practices, social objectives, and keen competition from the automobile.

The industry has not kept pace with the needs and requirements of the riding public. It is regrettable how old and unattractive the equipment has become during the past 25 years. Replacement and modernization has been minimal; research and innovation has also been negligible.

Early consideration of the public transportation problem is vital and necessary.

Mr. HARVEY. Mr. Speaker, we have before us today a very important legislative proposal. President Nixon has reached to the very heart of one of our major urban ills and come up with a solution.

The "Public Transportation Assistance Act of 1969," as it has been termed, will upgrade the woefully inadequate public transportation systems in our cities through infusion of vitally needed Federal funds.

Urban public transportation is a sick industry and has been for a number of years. It has been declining steadily ever since World War II and deficit operations are typical.

Fares have steadily increased—in some instances tripling in a 20-year period—while traffic has declined, equipment has deteriorated, and operating costs increased.

As a result, we have massive traffic jams, pollution, sprawl, ugliness, business decay, tax losses, and strangulation of our inner cities.

The sheer growth of the numbers of automobiles has already begun to limit our very freedom of movement. The only alternative appears to be in upgrading our public transportation systems.

Good, clean, safe and efficient public transportation can serve a number of purposes. It can rejuvenate our central cities. It can take the poor out of the ghettos to where the jobs are. Good public transportation can provided mobility for the very young, the very old and the handicapped.

I believe that passage of this legislation would put Federal moneys to very good use. I urge my colleagues to give it every consideration.

Mr. CAHILL. Mr. Speaker, for the sports world this has been the year of the retirement. While I have viewed with regret the departure of many fine athletes I would not lament the retirement of what is an urgent national problem. Public transportation has been in trouble for too many years and we must act to save this invaluable national asset. According to one commentator on urban affairs, 194 transit companies went out of business between 1954 and 1963 alone.

A program for saving our public transportation system has been raised to a position of highest importance by President Nixon. Anyone who uses or would like to use public transportation certainly would attach as much significance to an effort to develop swift, efficient, and safe facilities. It is time that we acted quickly and decisively on behalf of such a program. People who do not own cars, the elderly, the infirm, and those too young to drive need public transportation.

Solutions to urban transit difficulties are going to be expensive. Over the next several years we must be prepared to spend in the vicinity of $10 billion. But the benefits to be realized from an investment of this magnitude would be immeasurable. Various cultural and economic opportunities would be made available—indeed expanded—for greater numbers of people from every social and economic level.

Now, this has also been the year of the unretirement for the sports world. Unless we commit the Federal Government to a long-range program for urban mass transit we shall be faced in some near-distant year with an unretired urban transportation crisis.

Our technological skill has demonstrated time and time again that we are capable of accomplishing virtually any task. But without the will to do something we shall accomplish little or nothing. Personal experience and the mere reading of metropolitan newspapers has adequately identified the need for action. What is now required is our determination to apply the resources available to us to resolve the urban mass transit problem.

Mr. ANDERSON of Illinois. Mr. Speaker, there are many colorful and descriptive phrases in use today to describe the country's urban transportation tangle. And I would venture to say most of them undoubtedly are quite capable of buckling the concrete of our roadways.

Anyone who ventures from his home is painfully aware of what one national magazine has appropriately called "the agony of getting anywhere," whether it be a few blocks or several hundred miles.

With nearly 70 percent of all Americans living in or near the cities—seemingly all trying to go to the same place at the same time—we already put severe strains on the urban network. In just 12 years, with little increase in the urban land area in which to make room for them, the network will have to meet the needs of another 70 million people.

The legislative proposal that we have before us today will, in my opinion, go a long way toward alleviating the transportation agony that is rapidly strangling our central cities.

Federal assistance to the States and cities is desperately needed. They simply do not have the fiscal resources needed to meet the needs.

Secretary of Transportation John Volpe has often described urban transportation as his No. 1 problem. President Nixon's administration is only too well aware of the urgency of the situation. And I am sure that the Members of this Congress are also aware of the desperate straits in which our cities find themselves.

Public transportation must be made more attractive, more convenient, more efficient. We must have some means of supplementing the automobile which a distinguished anthropologist has pointed out is "the greatest consumer of personal and public space yet created by man."

I feel that this proposal is soundly conceived and desperately needed. I urge that we give it top priority on the legislative calendar.

Mr. Speaker, our Nation faces a curious and grave paradox today. We have been called the most mobile society on earth, and it is true—not just in the sociological sense of class and status mobility, but in the physical sense of movement from one place to another. We spend more of our waking hours moving than any other nation on earth. We move from home to job, from job to leisure pursuits, to church and civic meetings; we move from job to job and from home to home. The average American may spend up to several hours a day either riding, walking, or otherwise getting from place to place.

And yet, Mr. Speaker, anyone who has spent time in this Capital City, or almost any other of our cities, knows that despite the fact that we are the most mobile society in the world, a large segment of American life is in danger of being brought to a complete standstill. The mass production of the automobile, rising standards of living, urban sprawl and congestion are threatening to bring life in many of our most populated areas to a virtual halt. I need not belabor the point with anyone who has tried to get home in a hurry at rush hour. It cannot be done.

In view of this paradox, I would like to take this opportunity to applaud the initiative of President Nixon and his administration in proposing a public transportation program that will turn attention to the needs we face and begin to meet them in a careful, balanced, farsighted way. This program could not be more timely, and the priority given to it by the President is not misplaced. I am particularly pleased that the President has chosen to act at this time, because as you know, on Monday of this week I was among those Members of the House who joined with the gentleman from Connecticut (Mr. WEICKER) in reintroducing a Federal transportation bill which deals with many of these same problems. I feel this problem is of particular urgency, because if we do not provide now for careful planning and reworking of our public transportation systems, large sections of America will move from crisis to paralysis.

Mr. Speaker, there are several aspects of this proposal that I note with special interest. One is the emphasis given to careful, balanced planning at the local and State level, and the provision made for local public hearings before funds are committed for construction—this I believe will give citizens the opportunity to scrutinize carefully the plans laid before them, and to insure that public transportation planning is integrated with other vital aspects of urban planning.

The second feature I note is the emphasis given to helping those who have no or little access to private transportation. If my memory serves me correctly, the lack of public transportation in the ghetto area of Watts was one of the factors widely blamed for the rioting and destruction which claimed more than 30 lives in the hot summer of 1965. Many of our citizens require public transportation for such simple things as getting to work in the morning and buying food. One way of breaking the grip of the ghetto on the poor is to provide better facilities for transportation in and out, to jobs, to cultural centers, to leisure facilities.

Another important feature of this bill are the provisions for replacing or improving bus and railway and subway systems, with their often crumbling and deteriorating passenger cars and stations. It is a national shame that among the biggest eyesores in many of our cities are railway and local transit stations used by more citizens than almost any other public facilities. It is unnecessary that some of our most persistent backaches should come from riding to and from work on buses and trains that are ancient, uncomfortable, and unfit for public service.

We have waited too long to deal with these problems, and I submit that this bill now provides us with the opportunity to do something concrete and constructive. I hope the House will agree.

GENERAL LEAVE TO EXTEND

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of the President's public transportation message.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

TAX REFORM ACT OF 1969

Mr. MILLS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 13270) to reform the income tax laws.

The SPEAKER. The question is on the motion offered by the gentleman from Arkansas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 13270, with Mr. FLYNT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the gentleman from Arkansas (Mr. MILLS) had 2 hours and 5 minutes remaining, and the gentleman from Wisconsin (Mr. BYRNES) had 1 hour and 49 minutes remaining.

The Chair recognizes the gentleman from Arkansas (Mr. MILLS).

Mr. MILLS. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from Michigan (Mrs. GRIFFITHS), a member of the committee.

Mrs. GRIFFITHS. Mr. Chairman, as one of the chief doubters that this happy day would ever come, I am happy to acknowledge that it has come, and it has come due to the diligence of the chairman and, may I say, the ranking minority member, the distinguished gentleman from Wisconsin (Mr. BYRNES), who was one of the most standup votes in the entire committee. Everyone worked hard. Not at every moment during consideration of the bill would all have agreed that this moment would come. There were some afternoons when even the stouthearted must have questioned that we would really bring this bill to the floor. Nevertheless, it is here, and I personally rejoice.

One of the points that has not been sufficiently emphasized in my judgment is the fact that this bill reverses the trend of taxation for the last 30 years. For 30 years the tax code has moved in the direction of taxing only money wages and salaries. This bill reverses that trend. For some it has not gone far enough, but it has gone far enough to stop the increasing flow of wealth through the loopholes. For others, it has gone too far.

Personally, I would be pleased if the other body passed this bill as it is, and I view with horror some of the things I think they can do to it. But if the other body insists upon amending this bill, I would like to point out an amendment I would be happy to see them make. In this bill two exceptions have been made to the divestiture provision for foundations. These provisions were set up to take care of particular foundations. No one knows how many foundations the provisions will take care of. But under the circumstances, I am opposed to making any exceptions whatsoever, and I am opposed to this in spite of the fact that one of the foundations which is excepted from the divestiture provision is a foundation within my own State. It is a fine foundation. No one has any criticism of it.

But let me point out what will happen in the future. One cannot be a politician in America unless he has a friend, and all friends deserve the same treatment. Therefore, it can be anticipated that if exceptions are written into this bill, the way in which they will be equalized will be by further exceptions being written into the bill.

I am opposed to that justice. The way to have made the bill just was to have no exceptions whatsoever. That was the way the bill should have been written, and I regret that it was not written that way. Therefore, if the other body chooses to do something, let it add that amendment, and then let it send the bill back here, and I am sure all of us on mature consideration will be happy to vote for this bill which seeks to make taxation in this Nation more equitable.

I rejoice that both the chairman and the ranking minority member of this committee have pointed out that in the future the committee will again and again review the top tax returns to determine the ways in which Americans escape taxation. Those who have received most from the bounty of America cannot and certainly do not ever justify the fact they pay no taxes. It is the fault of the committee if there are people who do not pay taxes, and we should see to it that it never occurs again.

Mr. MILLS. Mr. Chairman, I yield 12 minutes to the gentleman from New York (Mr. GILBERT).

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. GILBERT. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, we are confronted with an undesired "either-or" position in voting on the bill before us, H.R. 13270, to reform the income tax laws. A bill having more than 360 pages. A position of either approving the tax reforms contained in this bill or risking the possibility of having no tax reforms whatsoever.

I have stressed the need for tax reform legislation, on a number of occasions, and had hoped that the bill we would be called to act upon would be more comprehensive than the one that is before us. While the bill does deal with many areas of tax avoidance, I believe that many of the "loopholes" are only made smaller rather than closed.

In addition, I find that the continuation of the surtax for the first 6 months of next year to be highly questionable. I have voted against this inequitable tax at every opportunity and would do so again if I had the opportunity.

I know that the members of the Ways and Means Committee have worked diligently in bringing this tax reform bill before the House and for this they are to be commended. I am sure that each of the members of that committee believe this is an equitable way to allot the burden of raising revenue.

It is a broad and complex bill and consequently, it is not difficult to see how problems arise. Of course, I am pleased to see that some tax relief is finally being given to the low- and middle-income wage earners, but at this point I would like to bring to your attention one section of the bill which could have the effect of hurting them.

It is well known that our Nation is witnessing a dangerous decline in home construction and the shortage of housing credit is reaching crisis proportions. At no time in my memory has the home buyer had so much difficulty in obtaining home financing and this is one of the most pressing social and environmental needs of the American people.

Only a small portion of mortgage loans of savings and loan associations are at the current rate and yet they must pay dividends at the current rate—so the difference between their income on mortgage loans and the cost of money makes it most difficult for them to supply the money needed for housing.

Therefore, I was greatly concerned to learn that this tax reform bill would worsen the situation by imposing additional taxes on the Nation's savings and loan associations who are by far the largest providers of home mortgages. Surely it is pennywise and pound foolish to impose additional expenses at this time—on the savings and loan associations who we look to for the bulk of our home loans.

I appreciate the desire to treat all financial institutions in a like manner, but I hope that the tax bill that is eventually enacted will not contain a heavier tax load on the hard pressed thrift and home financing industry so they may continue in the struggle to meet our housing goals. Tax equity is indeed important—provided we do not lose sight of the net effect upon the important national goals established by this Congress.

It is also my fervent hope that the bill finally enacted into law will delete the surtax extension and will be more comprehensive in closing the areas of tax avoidance.

Mr. GILBERT. Mr. Chairman, I rise in support of H.R. 13270, the Tax Reform Act of 1969, which represents a landmark in tax legislation. This bill is a result of steady, determined effort by my colleagues on the Ways and Means Committee, and an outstanding display of legislative skill by our distinguished chairman, the gentleman from Arkansas (Mr. MILLS), and the ranking minority member, the gentleman from Wisconsin (Mr. BYRNES).

H.R. 13270 is a response to the demands of millions of Americans for a more equitable distribution of the Nation's tax burden. It is a direct response by the Congress—without the prodding of the executive branch. It is an imaginative and meaningful reform bill which makes a significant start toward the goal of fairness and equity in our tax laws.

The legislation before the House today falls into three separate categories: tax reform, tax relief, and economic controls.

TAX REFORM

The first category is reform—the effort to close loopholes which have given some wealthy individuals or large corporations the legal method of avoiding their fair share of the tax burden. These are the special interest groups which have carved out their own spheres of influence, their own shelters from taxation. Some of these loopholes have been around for many years. Many thought they had become permanent, that they would never be touched by Congress because of the special interests which called for their preservation.

Perhaps the only reason we have this comprehensive package of tax reform provisions is the outcry from enraged taxpayers who simply have reached the point where Federal, State, and numerous local taxes have created a severe hardship requiring immediate relief. With inflation, with an economy shaken by a seemingly endless war in Vietnam, and a tax surcharge, all hitting the middle and low income taxpayer at once, the time for tax reform is ripe.

In addition to the cry for relief from the cumulative burden of income taxes, property, sales, school and other taxes, the middle income taxpayer suddenly realized he was being treated unfairly. The man earning $5,000 to $25,000 a year was being asked to pay more and more taxes, while 155 Americans earning over $200,000 paid no tax at all.

The Committee on Ways and Means has heard the views of witnesses from across the country and we have felt the pulse of irrate citizens who want to see the tax burden redistributed in a more equitable manner.

The reform provisions of H.R. 13270 have been carefully drafted after weeks of testimony. All loopholes have not been plugged, but many have been partially closed. Of course, all of us cannot agree with every word in this bill; however, as a package, I am proud that we have taken this great step forward on the road to real tax reform.

In the meantime, I urge my colleagues to support H.R. 13270 and its approach to meaningful reform. Some of the most important sections on loophole plugging are these:

Private foundations would pay a 7½-percent tax on net investment income. In addition, tighter restrictions on foundation activities include a ban on political efforts, a prohibition against self-dealing between the donor and the foundation, a ceiling of 20 percent on corporate stock ownership by a foundation and donor; and a variety of new penalties for violations of these controls.

Tax-exempt organizations such as churches and social clubs would be subject to taxation on unrelated business income.

The ceiling on charitable contributions would be increased from 30 to 50 percent of income, but the special unlimited contribution would be phased out by 1975. The deduction of gifts of property would be limited to the original cost unless a tax is paid on the appreciated value.

The capital gains holding period would be increased from 6 months to 1 year and the 25-percent ceiling abolished.

The oil depletion allowance would be reduced from 27½ to 20 percent and other depletion allowances reduced on a pro rata basis.

Accelerated real estate depreciation would be lowered from 200 to 150 percent for new, nonresidential buildings, and to straight line schedules for old, nonresidential buildings acquired after July 24, 1969.

A minimum tax provision would assure that no individual escapes any taxation by combining tax shelters. Under this limitation on tax preferences, a tax is imposed on one-half the amount of tax-free income which exceeds taxable income. Tax-free income, for purposes of the minimum tax, includes interest on State and municipal bonds, the nontaxed half of capital gains, losses from farms not operated for profit, excess of rapid over straight line depreciation, and untaxed appreciation on property donated to charity. The minimum tax does not apply to taxpayers with less than $10,000 in tax-free income.

In addition to the minimum tax, there is a provision which allocates deductions between taxable income and tax-free income.

Other reforms include changes in treatment of farm losses, foreign tax credits, stock options, deferred compensation, income averaging multiple corporations, corporate acquisitions, taxes on financial institutions, and many others.

This is a truly broad list of reforms and I believe we can be proud of the package being presented and debated here today. By approving this reform bill, we will be saying that our Nation's tax policy is equal treatment and a fair distribution of the burden.

TAX RELIEF

With the great expression of concern over the unfairness of our tax laws and the warnings of a potential taxpayers' revolt, there was some confusion between tax reform and tax relief. We have discussed the need for closing tax loopholes which aid the wealthy and discriminate against middle- and low-income taxpayers. But closing loopholes does not reduce the tax burden of the middle- and low-income family.

H.R. 13270 has, however, provided a measure of tax relief, and, at least, we have combined tax relief with tax reform in this legislation. This is what I have advocated all along.

First, the bill provides an allowance for low-income families of up to $1,100, which will remove from the tax rolls families with incomes below the poverty level.

Second, the bill increases the maximum standard deduction from 10 percent or $1,000 to 15 percent or $2,000. This is effective in three steps beginning in 1970. The increase will help a large number of middle-income taxpayers.

Third, I am delighted that an additional $2.4 billion in tax cuts has been added to the bill, which will provide at least a 5-percent tax reduction for middle-income taxpayers.

Fourth, tax rates on incomes of single persons, 35 years of age and over, will be reduced to correspond with "head of household" rates.

While much remains to be done to bring real tax relief to the hard pressed middle-income taxpayers, we have made a significant start in that direction by including these provisions in H.R. 13270.

ECONOMIC CONTROLS

The final category of provisions in H.R. 13270 relate to restraints or controls on inflation and the economy.

First, the bill further extends the surcharge by imposing a 5-percent surtax from January 1 to June 30, 1970. In addition, the 7-percent investment credit is repealed and excise taxes on automobiles and telephone service are continued.

I have opposed the surtax since it was first proposed. My opposition has been based not only on my belief that tax reform should be enacted first, but also because I was not convinced the surcharge would curb inflation.

The provisions on reform and the commitment to tax relief incorporated in H.R. 13270 make this tax package more acceptable. It is my belief that this bill is an important package of amendments which strive for fairness and a realistic measure of relief for the American taxpayers. I am proud to serve on the Ways and Means Committee and to have made some contribution to drafting this measure.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. GILBERT. I am delighted to yield to my colleague from New York.

Mr. McCARTHY. Mr. Chairman, last Sunday in church the Gospel related to the story of the Pharisee and the tax gatherer. The tax gatherer humbly used the words:

> Oh God be merciful to me a sinner.

I am sure that this ancient sentiment is still relevant today, especially in the minds of those who pay the taxes.

For over 2 years now I have campaigned for meaningful reform of our present Federal income tax system. This system today is replete with gross unfairness. It permits, for instance, 155 persons who earned in excess of $200,000 in 1967 to pay no taxes. It permitted 21 persons who earned over $1,000,000 to pay no taxes. It permitted one person who earned $23,000,000 to pay no taxes.

Despite these glaring inequities it was obvious that we who favor tax reform were fighting an uphill battle. But then President Nixon asked for an extension of the 10-percent surcharge. This was our opportunity. We insisted that we would not vote for the surcharge unless it was accompanied by meaningful and comprehensive tax reform. I believe we have just about won this fight.

While the bill before us is not an ideal tax reform measure, it does plug or at least narrow many of the gaping loopholes in the present tax system. For instance, it stops unlimited charitable contributions; requires that civil leagues, social welfare societies and the like institutions pay taxes on income from businesses not related to their work; it removes the 25-percent ceiling on taxes from capital gains and extends the holding period of capital assets to 1 year; it removes double depreciation on industrial and commercial real estate; it requires that presently tax-free foundations be taxed; it cuts the oil depletion allowance from 27 to 20 percent; and it establishes a minimum tax so that everyone, no matter what new loopholes they may discover, will pay taxes on at least 50 percent of their income.

By closing the loopholes and through growth in our economy, we will generate about $7 billion dollars in additional revenue. This amount will be given back to the average taxpayer. So that if one's income is between $3.000 and $5,000, his taxes will be reduced about 27 percent. If his income is between $5,000 and $7,000, his taxes will be cut about 12 percent. If his income is about $7,000, his taxes will be cut about 5 percent. These reductions, in addition to the scheduled removal of the 10-percent surcharge, will represent a significant tax cut for the average middle-income taxpayer in the United States. While I am not completely satisfied, I am the first to recognize that the legislative process requires compromise. I am hopeful that in future years we can continue the tax reform process. And, I do believe that we will help snatch the middle-income taxpayer from the treadmill on which he now rides where inflation and taxes outdistance wage and salary increases.

Having just about completed this measure in the House, I am hopeful that we can turn now to other priority challenges for that is the need to reduce wasteful defense spending and divert more revenue into such critical domestic areas as the war on air and water pollution, the war on crime, and the protection of wildlife and our great natural resources.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. GILBERT. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, the opportunity to vote in favor of H.R. 13270, the Tax Reform Act of 1969, gives me a feeling of satisfaction and accomplishment.

I say this with full knowledge that extension of the surtax which I strongly opposed, has been packaged into this legislation. If I continued to maintain my opposition to the surtax at this time, it would mean that I would have to vote against all other provisions of this legislation which is so beneficial to millions of middle-class Americans.

I consider the surtax an onerous tax which has not accomplished its purpose of curbing inflation. Without accompanying tax relief and tax reform, the surtax alone would have been totally unfair to middle-income wage earners who have traditionally paid more than their fair share of taxes.

But now, without prodding from the executive branch, we have taken important strides toward the goal of tax justice. Even the surtax itself has been modified with a provision calling for a reduction from 10 to 5 percent at the end of the year, and abolishment scheduled for June of next year.

Therefore, we have not thrust an extension of the surtax alone into already inequitable tax laws. Instead, we have demonstrated a vivid sense of fair play by undertaking some measures for meaningful tax reform and tax relief. For that, I must acknowledge the determined efforts and skill of my colleagues on the Ways and Means Committee which has the distinguished Mr. MILLS as its chairman.

I am also understandably pleased to find that some of the provisions for tax reform and tax relief which I have advocated are a part of this important legislation.

In the area of tax relief, I am especially delighted that the following measures were incorporated:

An increase in the maximum standard deduction from 10 percent, or $1,000 to 15 percent, or $2,000. This will help many middle-income taxpayers and becomes effective in three steps beginning in 1970.

An additional $2.4 billion in tax cuts which will provide at least a 5-percent tax reduction for middle-income taxpayers.

An allowance for low-income families of up to $1,100, which will remove from the tax rolls families with incomes below the poverty level.

A reduction in tax rates of single persons, 35 years of age and over, which will correspond with "head of household" rates.

In the area of tax reform, we have begun the process of closing loopholes which have enabled wealthy individuals and large corporations to avoid their fair share of taxes. I have been deeply disturbed by the fact that struggling middle-income wage earners have been paying more and more taxes over the years while wealthy individuals have enjoyed less and less taxation. It is shocking, if not scandalous, to find that 155 Americans who earned more than $200,000 last year, paid no taxes whatsoever.

I believe the following tax reform provisions are most significant because they show clearly that we are moving in the right direction:

A reduction in the oil depletion allowance from 27½ to 20 percent.

A 7½-percent tax on the net investment income of private foundations.

Generally tighter restrictions on foundation activities including a ban on political efforts and self-dealing between the donor and the foundation, a ceiling of 20 percent on corporate stock ownership by a foundation and donor, and a variety of new penalties for violations of these controls.

The phasing out of the special unlimited charitable contributions by 1975, but increasing the ceiling on charitable contributions from 30 to 50 percent.

Increasing the capital gains holding period from 6 months to 1 year, along with abolishment of the 25-percent ceiling.

The lowering of accelerated real estate depreciation from 200 to 150 percent for nonresidential buildings, and the establishment of straight-line schedules for old nonresidential buildings acquired after July 24, 1969.

Safeguards to insure that no individual escapes taxation by combing tax shelters.

New measures for the treatment of farm losses, foreign tax credits, stock options, deferred compensation, corporate acquisitions, income averaging multiple corporations, taxes on financial institutions and many others.

It is most important that we continue to move ahead to relieve the tax burden for middle-income families. Presently, I am satisfied that this legislation represents a sound beginning—that we are, at last, correcting some of the injustices of our tax laws.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. GILBERT. I yield to the gentleman from Rhode Island.

Mr. TIERNAN. Mr. Chairman, H.R. 13270 now before this House is in response to the wishes of the American people that we examine the Federal tax laws of our country, more equitably distribute the tax burden, and give special consideration to those segments in our society most deserving of tax relief. The measure reflects the efforts of both this House and the administration to arrive at a tax reform program which would accomplish these worthwhile objectives. I think this tax reform bill does, and because of this I recommend its passage.

H.R. 13270 is a complex measure because it touches upon so many facets of our tax structure, which is multifaceted and extremely complicated. One facet that especially interests me is one that has not received too much attention, but is worthy of attention for the tax benefit it gives to our college youth and their parents.

Under present law, those whose income is at or near the official poverty income level must pay Federal taxes. The low-income allowance incorporated in this measure was primarily designed to provide these citizens with tax relief. The allowance, fortunately, goes beyond this necessary reform: it provides benefit to another class of taxpayers who are in need of some tax relief. These are our students, upon whom the future of this country depends. Under present law the income students earn in summer or part-time employment is often taxed. This increases the difficulty of students and their parents, who supplement their children's earnings in most cases, to meet the rising costs of higher education.

Here is the relief H.R. 13270 provides these students and parents: the low-income allowance for 1970 excludes from tax $1,700 in income. In addition, by reason of the phaseout provisions, it reduces taxes for adjusted gross income between $1,700 and $3,095. After 1970, when the phaseout provisions are eliminated, the tax reductions by reason of the allowance will apply to adjusted gross incomes between $1,700 and $7,857 in 1971. In 1972 and thereafter it will apply to adjusted gross incomes between $1,700 and $7,333.

There is another complementary benefit here that illuminates this aspect. The standard deduction after adjusted gross income is being increased from 10 to 15 percent over a 3-year period. This will result in a great benefit to those who need special help. Greater overall tax reduction will be realized in 1972 than in 1971 or 1970 because of the increase in standard deductions over this 3-year period.

This is not the only good aspect of the tax reform bill now under consideration. They are too numerous to mention in detail, although I am certain that other Members of the House will wish to draw the attention of all to other essential portions of this vital bill. For my part, I am convinced that H.R. 13270 contains necessary tax reforms that will make our Federal tax structure more representative of what we are constantly striving to achieve in our political democracy—equitable taxation with humanitarian relief to those who are economically disfranchised during temporary periods of their lives. I should hope that the House will act favorably and promptly upon this vitally important bill.

Mr. MILLS. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Chairman, at the very outset I would like to commend the chairman of the Ways and Means Committee, the distinguished and able gentleman from Arkansas, the ranking minority member, the Honorable JOHN BYRNES of Wisconsin, and, indeed, the entire committee for the forward steps taken in closing up some loopholes.

Obviously, there is need for further action in this regard.

Mr. Chairman, as I stated in my testimony before the committee, it would be presumptuous of me to pose as an expert on tax laws and the various proposals for reforming our Revenue Code. I know that this subject is very complicated and technical. Further, I realize my limitations on the interpretation of the complex provisions contained in the bill and in the accompanying report.

Therefore, I take this time to seek clarification of what appears to be a contradiction in the committee's report on page 50 dealing with income for advertising, and so forth, activities.

If indeed there is a contradiction then inadvertently instead of closing an intended loophole the language contained therein could operate to extend that loophole. That is what I believe can happen if one sentence of the report means what I interpret it could mean. That sentence, pertaining to the unrelated business tax on advertising, I refer to is the last sentence of the fourth paragraph on page 50 and I quote:

> Where an organization publishes more than one magazine, periodical, etc., the organization may treat any of these on a consolidated basis in determining its unrelated trade or business income so long as each such periodical, etc., is "carried on for the production of income".

Now in the preceding sentence, the report states that advertising in a nonprofit publication should pay a tax if it makes a profit. And in the fifth or next to last paragraph in this section the report states:

> The Secretary, or his delegate to prescribe regulations respecting the allocation of income and expenses and other deductions which are attributable to the unrelated activity, so as to clearly reflect unrelated business taxable income from such activity, *and to prevent avoidance of unrelated business income tax liability.*

The section of the bill to which the report refers, and on page 93 the bill says:

> For purposes of this section, the term trade or business includes any activity which is carried on for the production of income from the sale of goods or the performance of services. For purposes of the preceding sentence, an activity does not lose identity as a trade or business merely because it is carried on within a larger aggregate of similar activities or within a larger complex of other endeavors which may, or may not, be related to the exempt purposes of the organization.

I certainly hope that paragraph (c), activities included as unrelated trade or business, section 513 on page 93 of the bill, will be so administered that each situation or activity is accounted for separately. Otherwise, I think we may have opened a bigger loophole, however inadvertently, than the committee tried to close.

If this section does not undermine paragraph (c) of section 513 of the bill on page 93 of the bill, would it indeed not negate if not undermine the unrelated tax liability provisions in the present original section? I would appreciate it if the chairman would advise the intent of the particular sentence, Mr. Chairman.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I am delighted to yield to the chairman, the gentleman from Arkansas.

Mr. MILLS. It is the last phrase of the sentence that the gentleman read from the report which makes it certain that there is no negation whatsoever of the language which is in the bill. The language in the bill refers to "any activity which is carried on for the production of income." To me, the language "carried on for the production of income" has a very definite meaning. It does not mean publishing a magazine with no advertising and distributing that magazine for free. That type of magazine is published as a source of public information, not for the production of income. For a publication to be considered an activity carried on for the production of income, it must be contemplated that the revenues from advertising in the publication or the revenues from sales of the publication, or both, will result in income.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MILLS. Mr. Chairman, I yield the gentleman 2 additional minutes.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 2 additional minutes.

Mr. MILLS. Mr. Chairman, if the gentleman will yield further, I believe the very phrase the gentlemen reads in the report—"carried on for the production of income"—accords exactly with the language in the bill. It is this language which obviates any possibility that the intent of the bill to treat advertising income from publications as taxable unrelated business income could be circumvented by the consolidation of various publications, some of which are carried on at a loss and some of which are carried on at a profit.

Mr. ZABLOCKI. The interpretation then of the chairman is that if an organization would place one ad in a publication that they distributed free of charge prior to this act, this would not be interpreted as for the purpose of income?

Mr. MILLS. I could not possibly so interpret it. I doubt that anyone could consider a publication which is distributed for free and which formerly carried no advertising as being turned into a publication carried on for the production of income—merely because one advertisement was placed in the publication.

Mr. ZABLOCKI. Further, the organization could not lump this into any loss or any other activities?

Mr. MILLS. The organization would not be permitted to consolidate the losses of a publication not carried on for profit with the income from other publications which are carried on for the production of income, so as to reduce the unrelated business income arising from those other publications. Consolidation would be permitted only where each publication to be consolidated was carried on for the production of income.

Mr. ZABLOCKI. I am very happy to have the chairman of the Committee on Ways and Means clarify this point, with this explanation I am satisfied that we would not be opening up a new loophole so far as certain nonprofit organizations are concerned.

Again, I thank the gentleman and I want to again commend the gentleman for a job well done.

Mr. BURTON of Utah. Mr. Chairman, would the gentleman yield for the purpose of addressing an inquiry to the chairman of the Committee on Ways and Means?

Mr. ZABLOCKI. I yield to the gentleman from Utah.

Mr. BURTON of Utah. I thank the gentleman for yielding.

Mr. Chairman, so that some Internal Revenue functionary in the future might not be confused about the intent of the bill to which our distinguished colleague has addressed himself, I would like to make this inquiry:

When a taxpayer elects to adopt an accelerated method of depreciation a part of that election applies to all existing property not yet depreciated for tax purposes. This existing undepreciated property would then be depreciated for tax purposes by inclusion in all subsequent returns for the life of the property.

Mr. Chairman, I would like to be sure, and have the assurances of the chairman that it is the intent in this bill that a utility taxpayer, having made this election, applied to the Internal Revenue Service for permission to adopt this method of accounting and having received the consent of the Internal Revenue Service——

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. MILLS. Mr. Chairman, I yield 1 additional minute to the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. I thank the gentleman and I yield further to the gentleman from Utah.

Mr. BURTON of Utah. I thank the gentleman.

Mr. Chairman, to continue, having received the consent of Internal Revenue Service prior to—and I stress the words "prior to"—prior to the July 22, 1969, deadline, that the utility would be permitted to continue the accelerated flowthrough method of depreciation for tax purposes on all undepreciated property both existing and in the future.

Could the chairman advise me as to the intent of this bill?

Mr. MILLS. If the gentleman will yield, the first factor that must be ascertained is the type of depreciation which the company claimed for its various types of property in its latest income tax return filed prior to July 22, 1969. The second factor to be ascertained is the manner in which the company treated the tax deferral from the use of accelerated depreciation. This is determined by reference to the company's regulated books of account as of July 22, 1969. If it is determined in this manner that the company was flowing through to its customers the tax deferral benefits of accelerated depreciation, then the company not only is permitted, but in fact must, continue to use accelerated depreciation and continue to flow through to its customers the tax deferral benefits both on existing property and also on new property of the same kind. There is only one way the company can change and I will talk about that in a moment. But, in answer to the question propounded by the gentleman from Utah, the answer is "Yes"—the company can continue on accelerated depreciation and flow through both on existing property and on new property of the same kind. In fact, as I mentioned, there is only one way that a company in this situation can change from accelerated depreciation and flow through.

The **CHAIRMAN.** The time of the gentleman from Wisconsin has again expired.

Mr. **MILLS.** I yield 1 additional minute to the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. **ZABLOCKI.** I thank the gentleman and I yield further to the chairman.

Mr. **MILLS.** To continue, the only way the company can go off accelerated depreciation and flow through is by securing the permission of the appropriate regulatory agency for a change.

Mr. **ZABLOCKI.** Mr. Chairman I want to commend the chairman for the language on the same page which I think helps clarify the intent of the committee bill; namely, that it is the intention of the committee to prevent avoidance of unrelated income tax liability.

Mr. Chairman again I want to thank the gentleman from Arkansas (Mr. MILLS), the chairman of the committee, for a job well done.

The **CHAIRMAN.** The time of the gentleman from Wisconsin has again expired.

(Mr. **BROYHILL** of Virginia asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. **BROYHILL** of Virginia. Mr. Chairman, I rise in support of H.R. 13270. This legislation proposes the most comprehensive reform of our Federal income tax law since 1954, and possibly since its original enactment in 1913. All of the Members of both sides of the aisle are to be commended for the prodigious effort that they made in producing this monumental piece of legislation. The committee began holding hearings on comprehensive tax reform over 5 months ago—on February 18 of this year. During these hearings, the committee received testimony from 365 witnesses on 17 major areas of tax reform, compiling a hearing record that comprises 15 large volumes.

During the past 3 months, the committee has been faithfully meeting during long hours of executive sessions to produce this bill. Mr. Chairman, a bill this broad could not have been produced without the cooperation of each and every Member. It could not have been produced without the full cooperation and extraordinary effort of the staffs of the Joint Committee on Internal Revenue Taxation, the Committee on Ways and Means, the House Legislative Counsel, and the Treasury Department. It has been a privilege and a responsibility to play a role in developing this historic piece of legislation which I recommend to the House today.

Nearly every major area of our Federal income tax law is amended by this legislation. The bill is over 360 pages long, and the committee report is published in two sections. Among the comprehensive reforms recommended are changes in the tax rates governing exempt organizations, charitable contributions, farm losses, capital gains and losses, corporate mergers, foreign taxation, financial institutions, depreciation, State and local bonds, deferred compensation, restricted stock options, and subchapter S corporations, as well as various other provisions of our corporate tax laws.

The bill also extends the surtax at 5 percent for the last half of fiscal 1970, delays the phaseout of the automobile and communication excise taxes, and terminates the investment credit. It would, therefore, be presumptuous of me to attempt to explain the various provivisions in any detail. The committee report deals with these issues in detail, and the chairman's excellent statement provides the general contours.

However, I do want to discuss the aspects of this legislation that give it a distinctive stamp. While a general rundown of the sweeping provisions of this bill indicate its comprehensive scope, this fails to tell the whole story. Probably the most significant fact about this bill is that it indicates a new philosophy for our tax laws, and reorders the relative priorities. Various provisions that the committee has reviewed—whether they be accelerated depreciation on real estate, taxation of natural resources, tax rules relating to charitable contributions and private philanthropy, capital gains and losses, or some other provision—were added to our tax laws during its one-half century of existence with the initial purpose of providing economic incentives. These economic incentives were important when these provisions were enacted and in many cases continue to be of real importance today.

If the committee was beginning ad initio, with a clean slate, tax reform might have been the simple task that some uninformed individuals depicted. Instead, these incentives are built into our economy and have a significant impact on our economy—from the allocation of capital to the price of important commodities that our consumers buy. They have a history and life of their own, and are interwoven into our social and economic fabric. Alterating the framework of these incentives necessarily involved the danger of inflicting damaging tears in the fabric.

On the other hand, the committee was also confronted with widespread dissatisfaction among American taxpayers with our present tax structure. The knowledge that some wealthy citizens were able to utilize various provisions of our tax law to avoid paying any income tax disturbed the average taxpayer and impaired his confidence in the fairness of our tax system. Our tax system is a self-assessment system. The confidence of the American people in the basic integrity of this system is indispensable if we are to finance our democratic form of government in a manner consistent with our democratic principles.

This paramount need was a pervasive influence during the committee's deliberations on tax reform. The need for this confidence required the committee to balance the need for various incentives in the tax law against the need for tax equity. The committee was therefore confronted with both theoretical and a practical problem. The theoretical problem required the committee to implement the need for tax equity in a manner consistent with preserving maximum incentives for various activities that the executive departments informed us were essential to our national goal—prime examples being the need to build residential housing and to develop our natural resources. In resolving these apparently conflicting goals the committee was confronted with the practical problems represented by the existing tax structure—a hodgepodge of provisions that grew like Topsy added during the last half century and its intricate relationship to our social and economic structure.

The committee resolved this dilemma by using a two-pronged approach. First, it enacted reforms in the specific provisions that have permitted some individuals and corporations to pay taxes at a rate significantly less than others similarly situated. The committee's bill directly amends the tax laws relating to private foundations, charitable contributions, natural resources, accelerated depreciation of real estate, municipal bonds, capital gains, and farm losses. The tax rules governing these provisions were generally made less favorable, but in order to minimize disruption of existing economic relationships, the committee was very careful in reducing these benefits, both as to the manner of the changes and the magnitude of the changes.

Second, the committee utilized two new devices that it developed with the assistance of the Treasury Department and the staff of the Joint Committee on Internal Revenue Taxation. The provisions are the so-called LTP—the limit on tax preferences—and the new requirements for allocating deductible expenses between tax-exempt income and taxable income. These devices limit the benefits an individual can derive from tax preferences—tax-free interest, capital gains, gifts of appreciated property, accelerated depreciation, farm losses, and in the provisions requiring allocation, percentage depletion, and intangible drilling expenses.

The limit on tax preferences simply requires that an individual include in his income preferred income that is in excess of $10,000 and represents more than one-half of his adjusted gross income. This income would then be taxed at his ordinary tax rate.

The requirement for allocating deductions recognizes that business and investment expenses incurred to produce income are generally attributable to both taxable income and tax-exempt income. The committee's bill requires individuals who have tax-preferred income in excess of $10,000 to allocate their deductions between tax-exempt and taxable income.

This two-pronged approach is both comprehensive in scope and carefully integrated to achieve maximum tax reform with minimum disruption to existing economic and social relationships. By subjecting nearly all the tax preferred items to both the limited tax preference and the allocation of deductions, the relative attractiveness of investments in these various activities was subjected to minimal disturbance. Additionally, by using this approach to curtail tax abuses by wealthy individuals, the committee was able to carefully tailor direct amendments of these provisions—both in manner and magnitude—to minimize disruption of existing economic and social relationships.

The manner of these changes reflects the careful and studious consideration of both the committee and its staffs. For example, in the area of farm losses, the committee was confronted with the problem of preserving a cash basis of accounting for farmers in order to simplify their accounting chores. However, it was clear that individuals with large nonfarm incomes were utilizing these cash accounting rules to convert ordinary income, which would have been taxed at high rates, into capital gains.

The approach the committee utilized to resolve this is unique. In general, deductions in excess of $25,000 by individuals with large nonfarm incomes will be entered in an "excess deductions account." If the entries in this account are not reduced in the future by farm income, the sale of farm assets will eventually produce ordinary income to the extent of the balance in the excess deductions account. This unique approach enabled the committee to curtail the conversion of ordinary income into capital gains in a manner that preserved the existing features of the law that are attractive to farmers.

Additionally, the committee included farm losses generated by cash accounting principles in the LTP and allocation of deduction proposal. This enabled the committee to include income exemptions making the excess deductions account inapplicable in cases not lending themselves to serious tax abuse.

From this discussion, it can be seen that the committee's two-pronged approach represents a careful attempt to achieve tax equity consistent with achieving other national goals. While the farm loss provisions provide an illustration of the care the committee exercised in all areas of this bill, I realize that the committee is not infallible and we may have taken action that will require changes at a later date. But this is inherent in any fundamental changes like the ones we are considering today, and one that can be properly handled through legislative oversight.

The reforms that I have described have introduced more equity into our tax law and should instill the confidence of the American people. But a tax law must not only be equitable, it must be understandable, compliance with its provisions must be relatively easy for citizens in a democracy, and the burden imposed must not be excessive. In all of these areas, the committee's bill makes improvements.

Our tax law will be more equitable, as I have outlined above. Additionally, the committee made the law more understandable to the average citizen, greatly simplified his problems of compliance, and reduced his burden. By enacting a new low-income allowance that will be added to the minimum standard deduction contained in existing law, the committee reduced or eliminated the taxes now paid on a total of 12 million returns at or near the poverty level. Under the committee bill, a family of four will pay no taxes up to $3,500. The committee's bill reduces the taxes paid by those with income under $3,000 by 64 percent. Many families in this income tax bracket will have to file no return. Those that do will find compliance a relatively simple matter.

The committee liberalized the present standard deduction, which is limited to the lower of 10 percent of adjusted gross income or $1,000. Over the next 3 years, the committee raised this deduction to the lower of 15 percent of adjusted gross income or $2,000. When the standard deduction was enacted in 1944, 82.2 percent—nearly four out of five—of the returns filed were able to utilize the standard deduction and file the short form.

This simple return became unavailable to a large number of these individuals over the years as the income levels increased dramatically and the percentage and ceiling on the standard deduction remained the same. It is estimated that in 1969, only 58 percent of the returns filed will be able to take the standard deduction.

The action taken by the committee will substantially reduce the gap between the standard deduction and the prevailing levels of income. Nearly 34 million returns will benefit from this provision, with over 8 million individuals now itemizing switching to the standard deduction. The number of taxpayers using the standard deduction will increase from 58 percent to nearly 70 percent. Additionally, the committee's bill includes across-the-board rate reductions that will guarantee that all income taxpayers with adjusted gross income of $100,000 and less will receive a tax deduction of better than 5 percent. Provisions are also included that would limit the maximum tax rate applicable to earned income to 50 percent.

The total tax reductions provided by all of the relief provisions will, when the bill is fully effective, approach nearly $10 billion, substantially reducing the tax burden our citizens would otherwise be required to bear.

The committee has tried to make the law fairer, more comprehensible, and administratively simpler to the average citizen. Given the problems the committee was confronted with, it achieved a remarkable degree of success through hard work and careful consideration. It may be too utopian to expect the American people to regard taxes as a "badge of liberty," as did the great English economist, Adam Smith, but the changes should result in improved taxpayer confidence in the integrity of our tax system which provides the essential revenues to run our democratic form of government function.

Many years ago, Mr. Chairman, Mr. Justice Holmes declared that he liked to pay taxes because they are the price of civilization. The average taxpayer may not be as enthused as Justice Holmes, but he will certainly be more willing to bear his fair share of taxes knowing that civilization places a high priority on a "civilized" tax system. This bill should convince the American citizen that the Ways and Means Committee and the Congress have established this priority, and that we will continue to work toward achieving this difficult goal.

Mr. BROYHILL of Virginia. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, in the limited time available, I have tried to inform myself about the many complicated changes in our tax structure represented in this bill. It is an almost hopeless task. Copies of the bill itself, which runs to 368 pages, and of the committee report, which has 226 pages have only been available to Members since Monday. A supplemental report of 143 pages was made available yesterday. These do not make easy reading. To evaluate the significance of all the proposed changes is even more difficult.

The 6 hours provided for debate on this bill should provide at least some of the answers needed for a reasonable comprehension of these recommendations. Unfortunately, however, the debate thus far has been far from illuminating. Too few questions have been asked and little has been provided regarding the significance of, and the reasons for, the changes, important as they are. A feeling of inevitability is apparent. There is a feeling that this whole business is too complicated to understand, and even if some of the recommendations are unwise that we in the House could do nothing about them anyway. This is most unfortunate, Mr. Chairman, because detailed discussions are needed, and if this bill has weaknesses—and I personally think it has—they should be discussed and changes should be suggested.

Why the rush to dispose of this bill, Mr. Chairman? Would it not be prudent to give Members—and the public, too—reasonable opportunity to digest the recommendations? That there has been unseemly haste in rushing the bill to the House floor is not arguable. If proof were needed that we are being stampeded, we need look no further than the Ways and Means Committee's astounding performance 2 days ago.

Somehow it seems that some 7 million potential beneficiaries had been overlooked by the committee. These taxpayers, even more astonishingly, were in the $7,000 to $12,000 income group. Well, the "misunderstanding" which caused this substantial group to be neglected was soon corrected. In less than an hour a substantial slice of pie had been set aside for them—resulting in an anticipated loss of revenue to the Federal Government of some $2.4 billion.

What I am saying, Mr. Chairman, is that Congress—and the public—needs reasonable time to digest what is being recommended, both in the field of tax relief and tax reform. If the House acts in undue haste this week—and the signs are clear that it will—those affected by the new proposals will have had literally no time to get their views known to us. Yet a vital part of the normal legislative process, especially in matters of consequence such as tax policy, is to hear from those who will be affected. By rushing this bill through we give credence to those who argue that we fear to hear from home, that if we took more time we might lose our enthusiasm for at least some of these far-reaching recommendations.

Speaking about the views of those back home, Mr. Chairman, I received a letter only this week from former Gov. Robert B. Meyner which illustrates dramatically how little is known about this bill, and how vast is the ignorance of citizens who might be expected to be well informed.

Mr. Meyner, currently the Democratic nominee for Governor in my State, believes revision of the Federal tax structure may "determine the success or failure of many vital State and local programs." Tax reform, in his opinion, could provide hundreds of millions of dollars for "a new and imposing" Federal revenue-sharing program with the States; it could replenish the coffers of Federal grant-in-aid programs; implement medicaid programs; expand State and local anticrime programs; and give "new financial thrust" for the problems of the cities.

Mr. Meyner's views, Mr. Chairman, may well represent the excessive expectations of many of our citizens—expectations that they will receive substantial tax relief, and that simultaneously major new sources of revenues will be found to finance, and expand, a vast variety of Federal programs. An examination of this bill does not lead to any such optimistic conclusions.

It has been said repeatedly, primarily by members of the committee, that there have been extensive hearings on tax reform. No one denies that. But the specific recommendations now being made were in many cases never discussed so we have no adequate evaluation of the effects of the changes by those who know the problem.

It has been pointed out that changes can be made in the Senate, if changes are needed. Indeed, this process is already underway. We can only hope that the Senate Finance Committee, and the individual Members of the other body, will make a searching evaluation of the recommendations of this bill. My regret is that there must be such heavy reliance on the other body to provide the only meaningful corrective to the work of the Ways and Means Committee.

As an example of why I have misgivings, Mr. Chairman, I shall refer to the proposals affecting foundations. At the outset let me say that I serve as an officer of a foundation myself. Some might claim that for this reason I have some kind of conflict of interest which should keep me from speaking. Nonetheless, Mr. Chairman, I feel compelled to express my concern at the restrictions imposed.

Why, for example, should we impose a 7½-percent tax on the investment income of a foundation? Why does not the same rationale, whatever it may be, apply to the investment income of churches, colleges, and public charities?

When questioned on these points yesterday, the chairman of the Ways and Means Committee answered that he felt a difference in tax treatment was justified because amounts given to private foundations are usually retained in the foundation, with only the income usually being spent.

This is a remarkable response, Mr. Chairman. Perhaps the facts actually show—and I wonder what the evidence is—that foundations usually retain gifts made to them and dispose only of income. But is retention of assets by a foundation considered undesirable? If it is, why not require a gradual disposition of assets over a period of time? And how does a partial tax on the income of foundations affect in any way what disposition they make of the assets which produce that income?

The gentleman from Arkansas compared this 7½ percent tax on the income of a foundation to the tax which a corporation must pay on dividends which it receives from corporate securities. But what relevance has the method of taxing the income of a corporation to the income of a foundation? And if relevance can be found, could not the same argument be applied to the income received by a church or a hospital?

As a final point, the chairman of the committee attempted to justify the tax as a way "to convince the Committee on Appropriations that the Internal Revenue Service should have sufficient manpower to check the operations of these foundations with regularity to see that they live within the rules." This argument was presented in the committee report—on page 19—where the tax was described as "in part a user fee," presumably to help insure the needed "vigorous and extensive administration."

It is an unusual argument, Mr. Chairman, that taxes must be levied so the taxpayer can be adequately supervised. If more adequate supervision is needed, why should those supervised be singled out to finance the costs? On that theory the level of taxation for various classes of taxpayers should be adjusted according to the difficulty which the Internal Revenue Service has in collecting revenues.

If approved, this 7½ percent tax will represent a basic alteration in relations between private, nonprofit groups and the Government. It would be the first time foundations have been taxed. If they can and should be taxed, could not the same reasoning apply also to colleges, churches, private schools, hospitals, and the like? May not a tax, once imposed, be raised in the future? Indeed, the committee's first suggestion of a 5-percent tax has already been abandoned, and they have upped the ante to 7½ percent.

The real burden of this tax, Mr. Chairman, will be borne by those who are recipients of benefits from foundations. It is in effect a "sales tax" on recipients, whether they be hospitals, churches, schools, colleges, or students. Instead of having $100 to spend for reasons which the Federal Government has determined to be useful there will henceforth be only $92.50. Though described as "minimal," this tax represents a fundamental change in policy, and an encroachment by the Government on the private sector.

Some Members, Mr. Chairman, may not have seen the editorial criticizing the 7½ percent tax on the investment income of foundations in yesterday's New York Times:

Preserving the Foundations

The House Ways and Means Committee's shotgun approach to the tax-free foundations would buy reform at a very high social cost. It proposes a genuine—and wholly desirable—crackdown on the self-dealing manipulations of foundations that are operated as vehicles for tax avoidance. But great harm would come from the new tax and other restrictions the bill would impose upon the bona fide philanthropic foundations which enrich American life with ideas and innovative social programs.

A leading case in point is the 7.5 percent tax that would be levied on the investment income—dividends, interest, rent royalties and capital gains—realized by foundations. The levy is not sufficiently stiff to discourage the tax-dodgers, but it would put a dent in the useful activities of worthier foundations. About two-thirds of their income now goes in the form of gifts to private universities and local charities. Hence, what the Treasury realized in additional revenues—probably not more than $65 million in the first year—would soon be offset by demands for new or expanded Federal programs in the same fields.

Although the foundations tax is described by the committee as a "user fee" to defray the costs of more vigorous policing, no machinery is proposed or funds earmarked for that purpose. A preferable alternative would be a much lower special registration fee for foundations, the proceeds of which would support a special supervisory office in the Treasury Department. With effective supervision of the foundations, dollars destined for philanthropy would actually get where they are supposed to go.

There has been a softening of some of the very harsh restrictions that the committee originally proposed to prevent foundations from engaging in political activities. The Southern Regional Council is specifically cited in the committee report as a foundation that may continue to finance voter registration drives. But a number of ambiguous and potentially restrictive provisions remain in the bill.

The whole title dealing with tax-exempt organizations should be sent back for redrafting. Its passage by Congress would inhibit creative philanthropic activities, an essential ingredient of a pluralistic society.

In today's Wall Street Journal there is also an interesting editorial, which follows:

From Confusion to Chaos

One thing can be said with certainty, anyway, about the new tax bill. It was born in confusion, and if it is passed in its present form it will spice confusion with chaos.

Beyond that, certainly fades even among tax experts in or out of Government. As Edwin S. Cohen, Assistant Secretary of the Treasury, ruefully put it, the House tax "reform" bill might better be known as "the lawyers and accountants relief act of 1969."

If the members of the House Ways and Means Committee didn't quite know what they had put in the bill when they approved it, which they didn't, and if the Treasury Department officials aren't quite sure yet what some of it says, which they aren't, pity the poor taxpayer trying to figure out what has been done him. Or, for that matter, the newspapermen, poor wretches, trying to explain it all to their readers.

What happened, in case you got lost in the news, was that the Ways and Means Committee approved the bill last Friday in a great rush to answer the clamor for "reform," which is of course something that everybody's for.

Since many of its provisions had been announced piecemeal, at least in principle, there was a general understanding that the bill would help the low income taxpayer and soak the wealthy taxpayer; but since many of the provisions had not been put into precise language, and no committee report was available, there was considerable confusion as to what had actually been done. In a tax bill, the exact words are more important than the generalities.

Indeed, even Chairman Mills, one of the oldest hands in the taxing business, had to confess himself confused. On Tuesday he had to reassemble his committee to amend the rate schedules for low income taxpayers because of what Mr. Mills called a "misunderstanding." As it turned out, a $2.4 billion misunderstanding.

So don't expect from us this morning any definitive explanation on what it all means. A summary of the bill was finally made available this week (minus, of course, the changes made on Tuesday) but it takes time to digest 226 pages of tax prose and another 143 pages of "technical explanation" even if you're a Philadelphia lawyer.

But a few observations may not be out of order.

One is that there are a lot of happy things proposed, for the future if not the present. By the end of 1972, if you can dream so far ahead, the general tax rates will be reduced by an average of about 5%. If you're in the lowest tax bracket the exemptions have been increased so that you may not have to pay any taxes at all; about 5.2 million people will be removed from the tax rolls entirely. If you're in the top tax bracket, you can keep 35% of your top earnings instead of just 30% as at present—maybe, if you have the right kind of income.

Moreover, if you earn your own income—as distinguished from those lazy fellows, retired or otherwise, who live off of dividends or savings account interest—your top tax won't take more than half of what you earn.

Another observation is that it is a canard to label this a soak-the-rich tax bill, in spite of its heralded provisions for a minimum tax aimed at the rich. Short of Castro confiscation it's hard to write a tax bill that will be more than an inconvenience to Fords, Rockefellers or Kennedys.

The man who gets dunked is the man in the middle, the corporate executive or the doctor or lawyer who may have no real wealth but high earnings for a brief span of years. That is, the man with mixed income, some from salary, some from savings; the man with some capital gains that he has been counting on for his retirement years.

For all the rules on such things as deferred compensation, stock options, many forms of pension plans and almost everything else on which the retirement plans of such men might be based—all these rules would be changed. Some of these changes would even penalize those already retired who planned in good faith on the rules at the time; almost all of them would penalize younger men planning now for retirement. Hardly anybody can figure out yet precisely how the new rules would affect particular cases, but it is clear enough that the punishment is aimed not at the rich but at the successful.

Yet however all this may affect individuals, happily or otherwise, other changes are sure to have far-reaching effects, though uncertain ones, rippling out through the economy.

No one, for example, can anticipate the effects of the new treatment proposed on heretofore tax exempt bonds of states, municipalities, school boards and the like. The uncertainty is acknowledged in the proposed provision that these local authorities will be eligible for a Federal subsidy to offset the effects—but there is a sociological and political effect, as well as an economic one, in forcing them to go hat in hand to Washington. An unmeasurable effect.

Unmeasurable also are the effects of provisions in the bill which would revamp the tax treatment of charitable contributions, stock dividends, the handling of corporate bonds and debentures, depreciation charges for utility firms, cooperatives, foundations, multiple corporations. Some of these may be worthy reforms, some not. The point, rather, is that no one can anticipate now what unexpected, and perhaps untoward, effects all these things may have on that most complicated of mechanisms, the ecology of a complex economy.

Chairman Mills himself admits as much. He has promised that his committee will "later" analyze the impact of the bill he now proposes.

Somehow "later" seems not quite soon enough.

During the debate yesterday, Mr. Chairman, I also expressed concern about the proposed changes in the tax treatment of charitable contributions. I asked the chairman of the Ways and Means Committee why a capital gains tax should be imposed on any gift of tangible personal property. If appreciated securities can be given to a museum without tax, for example, it strikes me as unreasonable that a work of art given to that same museum should be taxed.

The answer to my question was that paintings and other art objects are very hard to value. Mr. Mills continued:

> As a result, very high values are placed on paintings which cost the person very little.

To begin with I fail to see why high valuations should be placed on paintings because they are hard to value. It could more logically be argued that, where works of art are difficult to value, that particular care would be taken to determine a reasonable value. True, there have been instances publicized of inflated valuations being accepted for gifts of works of art. The remedy in such cases is to correct the abuses, not to discourage the practice of giving.

As a practical matter the Internal Revenue Service over a year ago set up a panel of experts, drawn from museums, reputable art dealers, and others to help in these evaluations. This approach should be encouraged, rather than to use the tax laws to discourage gifts of works of art to appropriate institutions.

In this connection, Mr. Chairman, I should like to read the following telegram which I received this morning from Mr. Thomas P. F. Hoving, director of the Metropolitan Museum of Art in New York. As I said yesterday, I am a trustee of that institution. Mr. Hoving's telegram follows:

Hon. Peter Frelinghuysen,
House of Representatives,
Washington, D.C.

On behalf of the Metropolitan Museum of Art, its Board of Trustees and its 6,000,000 annual visitors, I would most strongly and urgently emphasize that the contemplated action to tax by capital gains the appreciated value of works of art to be donated to art museums would cause broad and irreparable damage. Indeed the basic reason for the great and beneficial growth in the past decades of countless local art museums has been the willingness of private citizens to give great art treasures to the public. The government thus far has smiled upon these actions and encouraged them. Unlike Europe where little or no tax advantage exists for private donors art museums in this country have flourished to the point where they have become among the most needed and sought after cultural institutions in the nation. In Europe private citizens give practically no works of art to museums and great national and regional art treasures leave the country at alarming rates.

We cannot allow that the free entry into our national art museums of works of art of national and regional importance be in any way impaired. If the contemplated provision of capital gains on works of art had been in effect for a generation the Metropolitan would not today be anywhere near the great educational institution that it is to its 6,000,000 visitors per annum. Indeed if this provision had existed for a little more than one generation there is real question whether or not the National Gallery, that great institution formed by a handful of dedicated donors, would even be in existence at all, not to speak of thousands of university museums and local art museums around the country. This measure which singles out works of art over other properties is certain to produce grave national repercussions. The proposed measure is particularly distressing because first, it has been thought out with only one side in mind, namely, the donor, and has no consideration for thousands of publicly supported art museums in this country; second, it wields an extraordinarily powerful broadside weapon against a minor number of abuses which the Internal Revenue Service Tax Panel of art experts have been solving since it came into existence a year and a half ago.

In conclusion, I can only say that this measure on works of art constitutes a cultural overkill.

Respectfully submitted,
Thomas P. F. Hoving,
Director, the Metropolitan Museum of Art.
New York, N.Y.

I have also received a telegram from Dr. Sherman E. Lee, director of the Cleveland Museum of Art. The telegram follows:

August 7, 1969.

Hon. Peter H. B. Frelinghuysen,
House of Representatives,
Washington, D.C.

The effect of the proposed legislation regarding the giving of works of art to publicly supported cultural institutions will be to deprive these institutions and the many millions of citizens they serve of many works of art of national and regional importance which would otherwise be hidden from public view or sold abroad. The unprecedented rise of American art museums to a position of world leadership in the area of public education has been largely achieved by private support without the often massive government subsidies so characteristic of foreign museums.

Today art museums are more and more subject to financial strain; indeed it may constitute financial peril. The effect of the present bill would be to further endanger these cultural institutions which are so indispensable to the intellectual and cultural lives of our society.

Dr. Sherman E. Lee,
Director, the Cleveland Museum of Art, Past President of the Association of Art Museum Directors.

Mr. Mills, in response to my inquiry regarding the reason for taxing the gift of a work of art, asked why there should be a "double benefit." By this he meant, I feel sure, the tax benefit which the donor would receive from making the gift, and the benefit which is also now available of not having to pay a capital gains tax on the appreciation in value of a work of art given to a museum. Mr. MILLS pointed out that the donor may have given up, so far as the cost to him is concerned, only a small fraction of what he has deducted.

My response to this would be that the Government's concern should be whether it wants to encourage such gifts or not. If as a policy it favors encouraging gifts, it should not be primarily concerned with the original cost of the specific item to the donor. The item has a certain value today. That value should be determined as precisely as possible, and overvaluations should be avoided. But we should be careful not to dry up major sources of giving.

In addition to my duties as trustee of the Metropolitan Museum of Art in New York, I serve, Mr. Chairman, as a trustee of the John F. Kennedy Center, a hospital in my hometown, and a conservation foundation. I am a former vestryman of my local church and a former trustee of Princeton University. In these various capacities I have come to realize how vital are the voluntary contributions of thousands of individuals to the strength, financial and moral, of these institutions.

How much thought has been given to the effect on these institutions of the major changes in the tax laws regarding charitable contributions?

I would guess, Mr. Chairman, that this bill, if approved as written, will dry up substantial funds which educational, religious, and cultural institutions have been receiving. The needs of these institutions are great, and inevitably are bound to increase over the years. As an example, it seems likely to me that the increase in the standard deduction will almost surely reduce the incentive of the average taxpayer to give to charity. Likewise those in the upper tax brackets will be considerably more restricted in their charitable giving.

If the result is the drying up of badly needed funds, how will the bills be paid? Will the average citizen have gained—or lost disastrously—if the result of these changes should be adverse?

These are sobering questions, Mr. Chairman. At the very least, or so it seems to me, we should give these institutions, all of which play so vital a part in the strong and vigorous society which we have today, a chance to give us their views. It may be said, I realize, that all these groups have already had their opportunity to be heard. True, there are voluminous reports of the committee's hearings, but these are in large part not directed at the specific proposals now embodied in this bill.

In conclusion, Mr. Chairman, I should like to include in my remarks a most enlightening report on the value of foundations in our society by the able president of the Carnegie Foundation, Mr. Alan Pifer:

FOUNDATIONS AT THE SERVICE OF THE PUBLIC

If there is an evident lesson to be learned from the turbulence of the times in which we live, it is that the nation has no higher requirement today than a flexible capacity for rapid change in its social institutions. So forceful is the impact of pervasive new technologies and of new, energetically-pressed expectations of the American people, especially segments of it formerly voiceless and powerless, that intransigence to change can nowadays turn revered, influential, and proud institutions into noisy battlegrounds, or leave them as decaying edifices where the main road used to run.

The kind of conservatism which regards organizational forms and procedures as ends in themselves rather than as no more than present means for accomplishment of the ever changing purposes of society is increasingly doomed. The dodo (*didus ineptus*), a bird with a large, heavy body and tiny wings, could not adapt to the coming of predatory man to its habitat in Mauritius and perished. Our institutions today need slim bodies and well-developed wings!

In the light of this national imperative, every agency which can serve the common good by facilitating the processes of institutional change toward a more just, healthier, better educated, and more universally prosperous national and world society has a very special value, and perhaps none more so than foundations. Indeed, many observers, while denying the foundation a role as *active leader* of the more militant movements of social change, would say that its chief value to society today lies in its capacity to anticipate the need for institutional transformations and help bring these about by speedy deployment of its funds to critical points of leverage and potential breakthrough. In this view, foundations have a restricted ability to lead change but an unusual capacity to help it along. The two are not the same. The former may be more romantic, but the latter, perhaps, more realistic and productive!

The means available to foundations for facilitating change are varied. They include traditional activities such as the support of research and dissemination of its findings, the financing of experimental projects by established institutions, and the organization and financing of special studies and national commissions of inquiry. But they may also include the encouragement and support of aggressive new community organizations which have sprung up as the result of social dissatisfaction and which the comfortable stratum of American life would consider disturbing and perhaps even dangerous.

The types of social institutions affected may be as specific as a university, a nonprofit organization, or a government bureaucracy, or as broad as an entire profession or a great national program. While in some cases a foundation may find it necessary to take the initiative in establishing a wholly new enterprise, in most cases its effectiveness will depend on the availability within an existing institution of a nucleus of able individuals ready to bring about internal reforms. It is the foundation's role to seek out these men and women and give them the support they need.

The willingness to accept a continuous responsibility for the discernment and furthering of required social change provides an exceedingly tough standard against which foundations may be measured. No foundation, obviously, has the prescience or courage to meet this responsibility all of the time. A few try and do reasonably well at it, but most foundations make the effort seldom or not at all. Should they?

THE OBLIGATIONS OF FREEDOM

Among the vast array of institutions, public and private, profit-making and nonprofit, which comprise the fabric of contemporary American society there is none which possesses greater freedom than the foundation. Unlike a business enterprise, it is not subject to the discipline of the market place nor, like public agencies, of the ballot box. It is not dependent on others for funds. It does not have to be responsive to the claims of a membership or of alumni, students, or faculty. It is not subject to periodic accreditation or licensing or obligatory compliance with a set of traditional professional standards. In short, it enjoys less constraint by the usual forms of accountability to society than does, perhaps, any other type of institution.

As a corollary to this freedom the grant-making foundation possesses uncommitted funds which can, within the limits specified in its charter, be directed by its trustees to whatever philanthropic purposes they think best. These funds are in most cases remarkably free both of stated or implied obligations for their use. No particular cause, group, or institution has a "right" to them. No individual has a special claim on them.

It is these two associated characteristics of the foundation, its freedom and the generally uncommitted nature of its funds—not its size, not its prestige, and not its past reputation—which make it a unique agency in our national life and potentially one of such enormous value. No other has as great liberty, and consequently such an awesome responsibility, to diagnose the need for institutional reforms, however controversial these may be, and to help bring them about. The foundation can put itself above the special interests which restrict the vision of most organizations and the parochial concerns of the professions and consider only what is for the common good—tomorrow and on into the more distant future.

This is a noble vision which, if accepted, leads to the conclusion that a foundation does have a special obligation to try to use its particular strengths to help along those types of social change that will make for a better world. Conversely, a foundation would seem to have a special responsibility not to dispense its funds in such a way that they simply perpetuate sterile institutional forms and procedures left over from the past—comfortable and familiar though many of these are likely to be.

These objectives are, perhaps, obvious, but they are more difficult to achieve than they may seem to be. In some cases, foundations are fettered by overly restrictive charters. In others, the close control exercised by individual donors or corporations prevents them from taking full advantage of the unusual freedom given them by society. The capacity of these foundations to support social innovation is often severely circumscribed by the special interests of their sponsors. Foundations with these limitations serve many useful purposes. But the touchstone of the true foundation, some would say, in the form in which it can have its highest value to society, is absolute, unfettered independence protected by trustees and staff whose sole loyalty is toward the long-run public good.

THE PUBLIC STAKE IN FOUNDATIONS

The foundation is, paradoxically, both private and public in its nature. It is private because it is incorporated as a private, nongovernmental institution, derives its assets from private donors, and is privately controlled by a donor-appointed or self-perpetuating board of trustees.

There is a common misunderstanding that the public character of the foundation, and hence the public stake in it, derives from its tax-exempt status. How frequently has one heard it said that foundations are really spending public money, and therefore should be subject to greater governmental control. Such a view, however, is based on fallacious reasoning and reveals either surprising ignorance or a dangerous disavowal of one of the basic tenets of the American system.

Throughout our history we have believed in pluralism and have practiced it. We have recognized that the nation's public purposes are considerably more extensive in scope than its governmental purposes, and, through the aegis of the state, we have enabled a wide variety of private institutions, including foundations, to be chartered to accomplish certain *public,* though *nongovernmental,* purposes. We have also, through the aegis of the state, given tax exemption to these institutions to facilitate their work and have regarded this as being eminently in the public interest. Therefore, to attribute the public stake in the foundation to its tax-exempt status or to regard this status as a "privilege" is wholly erroneous. It is, in Professor Milton Katz's pithy phrase, "to mistake an effect for a cause."

The true origin of the public aspect of the foundation lies in the nature of its activity. It is public because it devotes its funds to purposes in which the total society has a vital interest, such as education, health, and welfare. Grants in these fields do without question affect the public, and hence the public has a legitimate stake in the foundations which make them.

But there is an even more important sense in which the foundation is public in character. It is public because the public cannot afford to regard with indifference how foundation funds are spent, so precious are they, as we have seen, in the vital process of social change, and so limited are they in amount. The $1.3-billion spent by foundations in 1967 was, for example, less than 0.2 per cent of the Gross National Product, less than 9 per cent of total voluntary giving, and only 3 per cent of the federal government's expenditure for health, education, and welfare.

Foundation funds, in short, offer a case where a technically private asset is of such potential value to the nation that it must, perforce, be regarded as a public asset. The implications of this proposition are far reaching.

THE DILEMMA POSED BY FOUNDATIONS

If, then, the larger society's stake in foundations rests, in its highest form, on the preciousness of their funds for the anticipation and easing of social change, one may well ask how society can be sure these funds are being used as effectively as they might be to that end.

This question probes to the heart of the special dilemma which foundations have always posed to the nation. On the one hand, their principal value derives directly from their unusual freedom. It is to be found in their ability to support controversial causes, to help establish tomorrow's orthodoxy by backing today's heresy, to be bold and of independent mind, even seemingly whimsical or arbitrary. The foundation, as we have seen, cannot in the best sense really be a foundation without freedom.

On the other hand, it is under the generous mantle of freedom with which society has clothed foundations that there can also lurk such anti-social characteristics as mismanagement, short-sighted judgment, complacence, and down-right rascality. With regard to the last of these faults, investigations by the Internal Revenue Service have indicated that the foundation device is unquestionably in a few cases being misused for personal gain. The present rate of establishment of new foundations, nearly 2,000 a year, is in itself enough to make even the casual observer wonder whether foundations are in all instances serving genuinely philanthropic purposes.

It is also apparent that some foundations are ineptly managed. Their funds are not invested in such a way as to provide an adequate balance between annual income and growth of the corpus, their administration is slipshod, or they are unnecessarily secretive in their operations. These are faults which should be put right by their trustees, but sometimes are not. The newly instituted registration of foundations in the State of New York is turning up some uncomfortable evidence along these lines.

Lastly, there is complacence and short-sightedness to be found in some foundations, probably some in all of them. This is not surprising, as these natural human failings are present to some degree in all social institutions.

The dilemma faced by society has, then, always been how to hold foundations accountable without at the same time killing off the very thing that gives them their peculiar value—their freedom. How is their need for independence to be reconciled with society's need that they serve the public interest?

THE LIMITATIONS OF GOVERNMENTAL REGULATION

Committees of Congress have on several occasions, most notably in 1951, 1952, 1954, and currently, investigated foundations and considered the possible need for legislative measures to place them under greater restriction. The Treasury Department, following an intensive study of foundations in 1964, made a number of suggestions for possible legislative measures. From time to time there have been limited modifications of federal tax laws affecting foundations. But, fortunately, Congress has never yet been persuaded that it should pass legislation to bring foundations under substantial federal regulation.

At the state level there has in recent years been a gradual movement to register foundations, and 12 states now require this, including, as we have seen, New York where about 25 per cent of all foundations are located. This appears on the whole to have been a constructive development, although registration can, and does, mean different things in different states and can only be effective if the attorney general or other appropriate state official is provided with adequate authority and sufficient well-trained staff for the job.

What the future may bring in the way of regulation no one can say, but thus far it has seemed to most concerned individuals, inside as well as outside government, that the functions which public authorities, both at the federal and state levels, should perform in the regulation of foundations must be specific and limited. The accepted objectives of regulation include preventing use of the foundation device for personal gain or for control of a profitmaking business, ensuring conformity to charters and deeds of trust, and enforcing regularity in the handling of funds.

If regulation were to extend much beyond these types of controls into the realm of attempting to ensure that all foundations are *effective* in their operations, a number of serious problems would quickly become apparent. In the first place, such regulation would presume that a legislative body had been able to agree on a clear definition of what constitutes foundation effectiveness—obviously a dubious possibility, as each legislator would have a different notion of this based on a particular cause or institution in which he happened to be interested.

Secondly, it would represent a dangerous attack on the basic American belief in pluralism, of trusting private institutions to carry out public purposes with a minimum of interference. True, this attack would, on the face of it, be directed at only one part of the private sector. But, philosophically, on what grounds could regulation of the effectiveness of foundations be justified if other types of private, nonprofit institutions were not similarly subjected to regulation? Furthermore, would not regulation of foundations in effect also constitute a form of regulation of the potential recipients of foundation funds?

Thirdly, it might cause a drying up of private donations to foundations for unrestricted, general purposes, thereby not only throwing a greater burden on government agencies and the public purse but also inhibiting the establishment of new foundations of a type with the greatest potential usefulness.

Lastly, and most importantly, it would destroy the independent character and spirit of foundations, wherein, as we have seen, lies their highest value to society.

And so it would seem that of the four anti-social characteristics exhibited here and there in the foundation field, government has a legitimate role to play only in controlling out-and-out rascality and some aspects of mismanagement. It cannot legislate against myopia and sloth in foundations any more than it can root these shortcomings out of government itself! And even less can government regulate foundations in such a way that the highest test of their effectiveness—their ability to facilitate social change—will be more fully met. This is a responsibility which foundations themselves alone can assume.

DIFFICULTIES IN SELF-REGULATION

The danger which foundations have faced in recent years, and perhaps never more so than today, is that public loss of confidence in them, occasioned by limited, but continuing and well-publicized disclosures of abuses, will become great enough to precipitate Congress into a hasty and clumsy piece of legislation. The suggestion has, for example, been made by Congressman Patman of restricting the life of *all* foundations to 25 years—a remedy tantamount to using a jack hammer to crack a walnut.

It is evident, therefore, that the foundations which are carrying out genuine philanthropic purposes, which are well managed, and are making a strong effort to serve the public interest, must take energetic steps themselves to put the foundation house in better order. They have no grounds for thinking that because they have escaped restriction in the past they will necessarily continue to do so in the future. A field which has grown from less than 200 members 40 years ago to 20,000 today and has an *annual increment* of 2,000 will, of course, come under ever closer scrutiny by public authorities. And the concern of these officials, once aroused, may not stop at regulation which simply prevents wrongdoing or the grosser forms of mismanagement, however inappropriate more extensive government regulation may be.

But for the "good" foundations to take publicly convincing measures to put the foundation house in order is no easy matter and has always proved baffling to those who have contemplated it. The reasons for this are not at all difficult to find.

First, there is the enormous variety of size, purpose, governance, and style of operation among the large and growing number of foundations. No two are exactly alike and most are widely different from each other. Nearly all foundations, some rather strongly, still reflect the strengths, interests—and idiosyncrasies—of their founders and in many cases have an attachment to the founder's domain which makes for a kind of aloofness not only to the public but even to other foundations. The task of building a sense of common identity or community—of common participation in a select activity—which might serve as the basis for collective responsibility and self-imposed standards of conduct, is well-nigh impossible among such a large and heterogeneous group.

The second reason is somewhat akin to the first. Because of their origins, many foundations have a strong orientation toward the realm of personal or corporate private charity. They are essentially simply a useful institutionalization of the giving which a wealthy man or a corporation might otherwise do directly, without the benefit of an intermediary mechanism. Other foundations, however, especially those in being for some length of time, are oriented entirely toward the public and consider themselves to be semi-public institutions, or in transition toward that status. There is, therefore, a basic dichotomy in the field which tends to work against the development of the kind of unifying elan that might provide a basis for the acceptance of a common set of standards. The gulf between these differing orientations is broad and deep.

Lastly, there is a long tradition, not unlike that found in some other fields, which makes it a breach of good manners for one foundation to criticize another. It is a little like telling a member of your club that he could use a good bath and clean shirt. It just isn't done! An unwritten code such as this can be a powerful deterrent.

EXTERNAL FORMS OF FOUNDATION ACCOUNTABILITY

In the popular mind, the term accountability usually has the restricted meaning of answerability for fiscal regularity in the handling of funds over which one has stewardship. In government it has come to have a wider meaning which includes fiscal regularity but also connotes answerability for adherence to budgetary prescriptions and for efficiency in administration. In the professions, for example medicine or law, accountability implies conformity to certain customary and statutory standards, basically of an ethical nature. Accountability can be of a well-defined, direct, or immediate sort, as to a superior within an administrative hierarchy, or it can be indirect, undefined, or even quite vague—something one simply feels as a consequence of his own professional, moral, or ethical standards. Finally, it can apply either to individuals or collectively to organizations. In all cases it implies the obligation to be prepared to give reasons for and explanations of one's conduct to the public.

There are already in existence several forms of public accountability by foundations, some of which are outside foundation control and some of which are within their control. Among the former the most important is the federal requirement that foundations, in consideration of their tax exemption, file a report annually with the Internal Revenue Service. This report, known as Form 990–A, includes information on income, disbursements, administrative expenses, assets and liabilities, as well as other pertinent matters such as whether any funds have been used to influence legislation or participate in a political campaign. Information in this form, with one exception, is made available to the public. The annual submission of Form 990–A to the federal government is important but is, of course, restricted in the purpose it can serve to the relevant provisions of the Internal Revenue Code. With state regulation, which has been discussed above, it constitutes the only form of governmentally imposed public accountability by foundations and is strictly limited in nature.

A second external form of public accountability by foundations is press comment. Theoretically, this could be a powerful instrument for calling foundations to the bar of an informed public opinion. In fact, the press has generally not shown itself to be well informed or sophisticated in its treatment of foundations. Major exceptions can, of course, be found here and there among writers for certain newspapers, news magazines, and journals of opinion. Blame must also be placed on the foundations themselves. Some have actively, even brusquely, discouraged press interest and others have refrained from trying to interest the press in their activities because of an old-fashioned and virtuous, but perhaps optimistic, belief that good works should be done in secret and will in time provide their own advertisement.

INTERNAL FORMS OF ACCOUNTABILITY

Among internal forms of accountability, there is the type provided by organizations which the foundation field has itself created, chiefly the Foundation Library Center and the Council on Foundations. The former, though having other functions, is essentially what its name implies, a library. The latter is a membership organization open to any grant-making foundation. Both are supported by foundation contributions. Through their meetings, counseling services, research, and publications, these two organizations help to raise standards in the field.

The Council, which has a broad membership of all types of foundations—general purpose, community, family and corporate, both American and Canadian—serves as a general forum for the exchange of views among foundation officers and trustees. The Library Center, by means of the current *Foundation Directory* which it prepares, its collection of annual reports and other reference materials, and its willingness to answer enquiries, provides the public with a readily available source of information about foundations. With headquarters in New York City and a branch in Washington, D.C., it maintains depositories in seven locations in other parts of the country.

But neither of these organizations, valuable as they are, is in a position to criticize foundations directly and specifically by name. Their suggestions and exhortations have to be broad and general in nature, and experience shows that the foundations which could profit most from such criticism are least likely to listen to it.

A second internal form of accountability, tenuous and subtle in nature but nonetheless real, is that imposed on foundations by the concern which their staffs are likely to have for their own professional reputations. These concerns are of two quite different kinds: a desire for distinction as a foundation practitioner, wise, skilled, and fair-minded in discerning the public interest, and for professional recognition within a discipline. Of the two the former is probably the more important to the public. The latter, if it assumes too great importance to a foundation officer, can even be antithetical to the public interest because it may diminish the officer's capacity to recognize the general goods and to give this precedence over the special, and sometimes selfish, interests of a particular discipline or profession. This form of accountability is, of course, limited by the failure of many foundations to employ any professional staff at all, a shortcoming which many informed people regard as one of the principal liabilities of the foundation field.

A third and extremely important internal medium for public accountability is provided by foundation boards of trustees, whose principal duty as directors of a philanthropic agency is to serve the public interest and have a sense of obligation for accountability to the public. But, paradoxically, the trustees are also there to carry on the donor's interests, and, as time goes by and conditions change, these may well begin to fall a good deal short of what independent observers would then consider to be of greatest benefit to the public. Nonetheless, the trustees, out of loyalty to the donor, or a sense of obligation to him or his family, may be reluctant to change with the times.

Andrew Carnegie foresaw this difficulty when in his letter of gift establishing Carnegie Corporation he said:

> *"Conditions upon the earth inevitably change; hence, no wise man will bind trustees forever to certain paths, causes or institutions. I disclaim any intention of doing so. On the contrary, I give my trustees full authority to change policy or causes hitherto aided, from time to time, when this, in their opinion, has become necessary or desirable. They shall best conform to my wishes by using their own judgment."*

There is also the problem of broad composition. If trustees have a responsibility to serve the public interest, should they then be so selected as to be representative of the public? Foundations have been equivocal on this question. Some have denied the need for representativeness and have taken the view that trustees can best serve the general interest precisely by not being representative of special interests. Others have taken tentative steps to provide broader representation in their boards but have not admitted the principle in full. It remains an area of confusion and is one that will probably become increasingly troublesome.

Taking the field at large, one would have to question whether there is to be found today in most foundation boards an adequate variety of trustee experience with current problems of the society. A study of board membership would probably reveal that trustees are largely drawn from the same social class, the same age group, the same professions, the same educational background, the same sex, and the same race.

A final internal form of public accountability is provided by the annual reports which some foundations publish voluntarily. These reports usually include a list of trustees and senior staff, a description of the foundation's program interests, a list of its donations for the past year including the purpose, recipient, and amount of each grant, and a complete financial statemeht including a breakdown of administrative expenses. Unfortunately, although the issuing of such a report is a basic canon of good foundation practice, most foundations still fail to comply with it. Of the 249 foundations with assets of over $10 million, less than a third ever issued a report and fewer than a quarter do so regularly each year. Various excuses for not publishing reports have been advanced by foundations over the years, none of them convincing. The record has improved slightly with time but is still reprehensible.

Potentially, there is no more important form of accountability than these published reports, especially were they to include some explanation of how the foundation sees its particular program of grants serving the public interest and specifically the public interest as it relates to social change. This, of course, amounts to asking foundations to expose themselves to the full glare of public scrutiny and possibly of public censure or ridicule as well as approbation. But it is not too much for society to expect, and perhaps even require, in return for the unusual freedom which it gives to foundations.

AN INDEPENDENT APPRAISAL

Various suggestions have been made in recent months as to how the foundation field could provide itself with a continuing means of independent, non-governmental appraisal. These proposals clearly reflect a growing feeling that present forms of public accountability are inadequate to the times and a fear of increased governmental regulation. None of the designs for an appraisal mechanism has been able to answer two hard questions: How can it be adequately financed and yet be—and be seen to be—sufficiently independent of the foundations to win public confidence? And how can sharp enough teeth be put into its work to bring about real reforms in the field?

The need for public accountability by foundations presents a complex set of problems to which there is probably no single solution and certainly no easy one. More likely the answer will be in a variety of steps.

Perhaps, for example, the foundations, large and small, which see themselves as semi-public institutions oriented principally toward the public, should find new ways of coming into closer association with one another to further their common belief in the necessity for public accountability. In so doing they might begin to refer to themselves as the "independent foundations," signifying their difference from other types of foundations and giving themselves a separate identity in the eyes of the public.

Perhaps the functions of the Council on Foundations and Foundation Library Center should be considerably expanded and in the process each organization provided with a set of sharp incisors. For example, the Council might develop a code of good foundation practice as a basis for membership in it and the Library Center might make its studies and publications more pointedly critical of certain foundation practices.

Perhaps all foundations over a certain minimal size should be required by law to publish a comprehensive annual report for distribution to the public.

Perhaps the foundation field itself should set up an independent commission to review the present state of the field and make recommendations as to how foundations might more effectively serve the public interest. The purpose of such an enquiry would not be inquisitorial, although the commission should not shrink from calling attention to wrongdoing where found, but a constructive effort to help foundations attain the highest degree of social value of which they are capable.

These and other ideas should be given serious consideration by all who value foundations. For otherwise —that great social invention which has done so much for American life and, indeed, for mankind over the past half century may find itself first fettered and then destroyed by a society which has lost faith in it. It has happened to social institutions before.

Mr. MILLS. Mr. Chairman, I yield 15 minutes to the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, most everyone on the committee can always breathe a sigh of relief when I get up to speak, because I am the last man on the committee, and I am usually the "tail end Charlie" in the discussion. I hope that happens here today, because I think the House has perhaps heard enough about this particular tax bill and it is ready to vote.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I am glad to yield to the distinguished chairman.

Mr. MILLS. I wish to call my friend's attention to the fact that even though he may be at the end of the row on the Democratic side, I know of very few people who have made more contributions than he has to the working of this committee. In the short time he has been on the committee he has always been active and kept us "on our toes."

Mr. GIBBONS. I thank the chairman. I appreciate his statement.

I do not think there is anything I can add to that at all, except that I appreciate it.

I must say this. I had not known the chairman of the Ways and Means Committee very well before I had the opportunity to serve on that committee, and one of the virtues the gentleman has, in addition to his great knowledge of this matter, is the great patience he has particularly with those of us who have very little knowledge of the subject matter on which we discourse. I hope the gentleman will remember that as we discuss the matter here today and be as patient now as he has been in the past.

Mr. FOREMAN. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from New Mexico.

Mr. FOREMAN. Mr. Chairman, I appreciate the gentleman's helpful remarks in the informal sessions concerning this tax bill. I know the gentleman has been studying the bill closely and he has answers to many of our questions. The question I have is that we hear much about the tax deduction that is given to the people in the middle-income bracket. After looking at yesterday's RECORD, and after hearing yesterday's debate, we heard about several billion dollars decrease in personal taxes to be paid in the future under this legislation. Can the gentleman specifically tell me what the decrease in taxes will be for an individual making $6,000 to $8,000 per year if this legislation is enacted? What will be his benefit in 1970 and 1971 and 1972? Can the gentleman give me some approximation? I have read in the papers it will be a reduction of about $44 per year. Is that approximately correct?

Mr. GIBBONS. I would say it is a little more than $44. It is not a tremendous amount of money. Unfortunately, the tax bracket the gentleman picked out is the tax bracket where Americans are most numerous. In order to get a lot of money to those people, we would have to have a rather massive tax reform. I say this is not massive tax reform.

I made a statement prior to coming on the floor that this is a sort of Robin Hood and motherhood bill. I cannot find many people who are opposed to it at this stage of the discussion. I think it tends to take away from the wealthy people in our society and give to the less wealthy and to the middle-income people. But let us face it, the most numerous people in our Nation are the least wealthy and the middle income, and we could not take away from the very wealthy and give to the least wealthy and the middle income without massive tax reform. So the gentleman's figures may be approximately correct.

I have not figured it out as the gentleman from New Mexico has. The bill does give relief for most taxpayers for the first time in 30 years, because we are moving in a new direction. We have had a great piece of American fiction going about, year after year, about the direction in which the tax laws have been moving. The gentleman and I may have worried about the fellows who got themselves caught in that 70-percent income tax bracket, but if we take the whole income tax system we have been talking about and analyze it, for instance if we take 100,000 tax returns as a sample, we will find the average taxpayer begins paying at around 7 percent of his real economic annual income and when he reaches $200,000 to $300,000, he would be paying taxes at about 30 percent of his total economic income, and when he hit about the $1 million income mark, he would be paying taxes at only about 25 percent of his economic income.

So we have had a great piece of folklore about many people being caught in the upper economic bracket, at the 70-percent rate. So when we try to help the lower-income and the middle-income taxpayers, it cannot be done as dramatically as we all might hope it could be. So there is some relief for the middle-income taxpayer, although there is not as much as I would like to see for him. I think Congress can do more for him, and I hope it will do more for him in the future.

Mr. FOREMAN. Mr. Chairman, if the gentleman would yield just 1 additional minute, I would like to ask the gentleman another question. I am not so concerned myself, as the gentleman indicated, with the burden on the 70-percent bracket individual right now, as I am concerned about the individual in the $6,000 to $7,000 income bracket. I just have the feeling, if what I read is correct, that this taxpayer is going to be terribly disillusioned when he sees this great tax reform and tax relief bill coming forth and it saves him only 10 cents or 12 cents a day. I would like to ask the gentleman from Florida if this is about what the middle-income taxpayer can expect of this legislation.

Mr. GIBBONS. Mr. Chairman, I have not figured it out on just that basis. If we are saving that taxpayer that little bit, it is far more than we ever have saved him in the past, and it is going in the right direction. We may not be going in that direction fast enough, and it is not enough for me, but we are moving in the right direction. As the gentlewoman from Michigan (Mrs. GRIFFITHS) pointed out, the history of this Congress in the last 30 years has been that we put more burden on the middle- and lower-income taxpayer, and at least this bill reverses that trend.

At least we have reversed that trend.

I said in the beginning that I am the lowest ranking member on the committee, the newest member, and I want to frankly admit I do not know all I ought to know about this tax bill. I have a great deal of respect for the integrity and the ability of my colleagues, particularly the ranking minority member and the chairman, for their diligence and the great work they have done in bringing about this type of reform. It took great courage and great strength to do what has been done.

I believe we can do more. I believe we ought to do more. I hope that the committee, the Congress, and the public as a whole will adopt an agenda which will make it possible for us to continue on this reform, because much needs to be done.

I hope that in the future our tax code will never get as out of date as it has gotten. The gentleman from Wisconsin (Mr. BYRNES) pointed out very tellingly in his opening remarks that the tax code is in pretty bad shape because it had been neglected by the administration, and perhaps by the committee.

Some of the problems we have were not publicly known, and were not known by the committee. But let us resolve not to get in that shape again.

I hope the committee will tackle as soon as possible the problems of estate and gift taxes, and do it in this session of the Congress. The chairman has signified his willingness to go ahead. I, for one, certainly back him.

Let us look at the other tax preferences which are still left in the code. The fact that we now are adopting something called a "limit on tax preference"—this LTP—is an admission on our part there are still plenty of preferences in the code. I, for one, would like to take up the preferences and examine them one at a time, to see whether or not these preferences are justified as being in the best interest of this Nation and not perhaps in the best interest of a particular taxpayer involved.

I believe just at this point a review of some of the things that look like preferences should be reexamined.

We still tax at full rates, as ordinary income, a man's labor and a man's skill, although in this bill we do make a step at stopping the tax at 50 percent of the man's labor and the man's skill. But we still allow income on accumulated wealth to be taxed at one-half rates. I believe we ought to examine that.

We need to examine the whole area of local government financing. I am talking about local government bonds. We have made a constructive step in the right direction to encourage local governments to issue taxable bonds and perhaps find new ways of financing local endeavors. I believe we ought to look at that more in the future.

Percentage depletion has perhaps been the fire which motivated tax reform as we have it here today. This is percentage depletion for all minerals, and particularly the energy minerals, and it should be reexamined in light of our national need and in light of the economic impact on our society.

The whole area of accelerated depreciation, of depreciation itself, should be reexamined in an orderly fashion.

Then there are those deductions that all of us look for when we itemize our returns. They could stand a reexamination, as to whether they serve worthwhile purposes in our system.

There still is, of course, a great opportunity for some people in our society to receive at least tax-free and interest-free loans because of tax preferences if they participate in some types of farming because of the difference in accounting rules for farming operations and the operations of other normal types of business. I see here on the floor my colleague from the State of Florida (Mr. HALEY) who has fought such a valiant effort to try to do justice in the area of farming in our own State. I know he has contributed to doing something about taking tax gimmickry out of farming and putting it on a sound economic basis.

These are the kinds of substantive things we need to reexamine. In the little remaining time I have I want to talk a little bit about legislative procedure. I hope when the committee meets again we have specific pieces of legislation before us rather than a broad range of subject matter such as we have had in our very extensive hearings this year, because I believe we can elicit more helpful criticism from interested people about specific pieces of legislation rather than broad subject matter.

I hope more of the deliberations of the committee can also be made public. In fact, I have no fear of a markup session of a committee in public. I know of a committee of the Congress I have served on that now marks up their legislation in public. Frankly, I find this a very salutary thing. It is very comfortable to mark up legislation behind closed doors, but I hope that we can mark up future tax bills out in the open. I am prepared to support a modification of the rules of this House as far as debate is concerned for considering tax legislation.

I have always said our amendment process on the floor as being a little bit too haphazard. What I suggest for the Committee on Ways and Means could well be done for some other committees of the Congress. The most meaningful of all debate comes during the amendment process, and I would like to see it made use of in debate on tax legislation. I would not want a helter-skelter type of amendment, dashing it off on a piece of paper and running up to the Clerk and having it read off and voted on, but I would like to see an orderly procedure such as we have in courts of law and in pretrial conferences which develop the issues and the truth. We can do it here, I believe. I would suggest that amendments that are to be offered by Members ought to be printed in the CONGRESSIONAL RECORD far enough in advance so that the committee and the agencies have a chance to comment on them. Then the committee chairman or the committee itself could sit and decide in which order the amendments would be debated. In that way we could do justice to the ideas that the Members have.

I have stood behind the table and the microphone there and made a motion to cut off debate. It always hurts me to think that we had to cut off conscientious Members of this House who had prepared amendments which ought to be debated in a logical and orderly manner but who were unable to present them. This is the kind of agenda that I hope we as a Congress or as a committee will be able to accomplish. What we have done here I feel has been a good step and a step in the right direction, but there is much more to be done. I hope the energy and the momentum that has been generated here for meaningful tax reform will continue. I hope that Members and the public will not be tranquilized by the pill that we are about to swallow here. I hope that we will continue with tax reform. This great Republic can survive if we have people who, as in the past, have paid their taxes largely voluntary and on an equitable basis, largely because they have a love of their country and want to support it. I want to see a tax system that is never burdensome; but one which is honored largely because people have faith in its equity and justice and its definiteness. These are the kinds of things I hope we will stand for.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. UTT).

Mr. UTT. Mr. Chairman, I take this time to propound a series of questions to the chairman of the Committee on Ways and Means with reference to the treatment of depreciation on the regulated public utilities. The first question directed to the chairman of the committee is on section 451 of the tax reform bill which relates to depreciation allowance on certain regulated industries. Is it not true under this new section a utility taxpayer depreciating existing property on a straight line basis must continue to do the same?

Mr. MILLS. The answer is "Yes."

Mr. UTT. The second question is as follows:

Is it not the further intent of this provision that if a utility is normalizing, it may continue to do so, but cannot flow through?

Mr. MILLS. The answer is "Yes" with respect to its inability to flow through the benefit. It may remain on normalization with reference to future assets, unless the regulatory agency requires those on an acceleration basis to go to the flow through procedure. In this case the company can only use straight line depreciation. What we say is that the utility in the future with reference to future assets will be on a straight line unless the regulatory agency permits accelerated depreciation under the normalization method.

Mr. UTT. The third question is this:

Am I correct in my understanding that if a utility taxpayer is already flowing through, it may continue to do so?

Mr. MILLS. The answer is "Yes."

Mr. UTT. Is it not the fact that these conditions arise from the fact that subsection (1) (B), which is added to section 167 of the Internal Revenue Code, added the requirement of subsection (2) only where subsection (2) "is applicable," that is to say in the case of a utility previously using normalization?

Mr. MILLS. In large degree this is true.

Mr. UTT. Is my understanding correct that under the new subsections (3) (A) and (B) relating to new property, a covered utility using straight-line depreciation must continue to do so unless it shifts to normalization?

Mr. MILLS. The answer is "Yes." Of course it can use normalization only if permitted to do so by the regulatory agency.

Mr. UTT. Is it not also correct that utility taxpayers covered under this section previously flowing through may continue to do so for new property?

Mr. MILLS. The answer is "Yes."

Mr. UTT. Now, the final question, Mr. Chairman:

Is it not the intent of the reference of subsection (3) (B) to "property of the same kind" to encompass all new public utility property subsequently added by a utility taxpayer who previously used flow through with respect to its existing utility property?

Mr. MILLS. This means that the taxpayer, if he has property subject to flow through and acquires other property of the same type and kind, may take flow through on this also.

Mr. UTT. I thank the chairman very much.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I have taken this time while the chairman of the committee is available to call his attention to an inquiry that was made of me and the advice that I gave the individual. I want to see whether the chairman concurs that the advice I gave this individual was correct. This relates to the area, Mr. Chairman, of unrelated business income and its relationship particularly to fraternal societies, orders, and associations. You will notice on page 88 of the bill that we provide that "exempt function income" includes funds which are permanently committed to certain general purposes. These purposes are set forth at lines 1 through 5 on page 89.

The question arises with respect to what is "permanently committed." I have advised these people that if action is taken by the governing body of the organization to insure that the funds are to be used for such purposes that they will be considered permanently committed. In other words, it does not necessary have to be permanently committed under some State law or contract. It seems to me that that is a correct interpretation because we do say further on that in the event the funds are used for other than these purposes——

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 2 additional minutes.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 2 additional minutes.

Mr. BYRNES of Wisconsin. As I was saying, it seems to me that that is a correct interpretation because we do say further on that in the event the funds are used for other than these purposes then they shall become taxable.

The reason this question arises, Mr. Chairman, is because some of these associations do have funds that are generated and accumulated and added to surplus under rather general terms such as "unassigned funds," and yet those funds are dedicated and used exclusively for either the basic charitable and benevolent purposes of the organization or for insurance purposes, but the law does not require them necessarily to maintain such funds.

Mr. MILLS. Mr. Chairman, I would say to the gentleman from Wisconsin I agree completely with his interpretation. Let me add this. Neither does the expression "which is permanently committed" mean that there is a legal binding contract involved.

Mr. BYRNES of Wisconsin. It is intended that some action has been taken by the organization itself which makes it clear that these funds are accumulated for these general purposes.

Mr. MILLS. I agree with the gentleman entirely.

Mr. BYRNES of Wisconsin. Mr. Chairman, I thank the gentleman.

Mr. Chairman, at this time I yield 5 minutes to the gentleman from North Dakota (Mr. KLEPPE).

Mr. KLEPPE. Mr. Chairman, the tax reform-revenue legislation before us today deserves overwhelming approval for two reasons:

First. It shifts a considerable tax burden from low- and middle-income taxpayers to those who are better able to pay, including some wealthy people who have paid little or no income taxes in the past.

Second. It is an act of fiscal responsibility which will assure another budget surplus in fiscal year 1970 and will help to put the brakes on inflation.

Not everyone will find H.R. 13270 completely to his liking. In fact, there is strong opposition to some sections of the bill by many groups and individuals.

I know that some State and municipal government officials are concerned over the section relating to their bond issues. I have been personally assured by Treasury Department officials that such bond issues will not be adversely affected.

I have some reservations concerning the provisions relating to oil depletion, savings and loan institutions, and farmer-owned cooperatives. The House Ways and Means Committee has made its decision, however, and it seems to me that the arguments for approving the total package heavily outweigh those which may be made against it. The choice which confronts this body is to approve or reject the measure as it stands, without amendment of any kind. I shall support the bill.

The so-called hobby farming provision undoubtedly meets a popular demand for reform but livestock producers, including both large and small operators, are losing some of the tax depreciation advantages they previously had.

I would have liked to see the 7-percent investment credit continued for small business and farmers on expenditures up to $20,000.

At the same time, I realize that the House Ways and Means Committee had to resolve a myriad of conflicting views to arrive at a measure which represented genuine tax reform and fiscal responsibility. I commend the chairman and the members of the committee for producing what I believe is the greatest overall tax reform measure in history.

The number of Americans who will benefit from this act far exceeds the number who will be adversely affected. The reduction in the 10-percent surcharge to 5 percent next January 1 and its complete phaseout June 30, 1970, represents a significant tax cut for most individuals and corporations. There will be further tax relief this year for those at the lower end of the income ladder. Those in the middle brackets will receive additional reductions beginning in 1970 and there will be some further cuts beginning in 1971 for most taxpayers.

The proposed legislation eliminates some of the tax inequities affecting single persons and especially widows and widowers with children 19 years of age or under and in college.

When this measure becomes fully effective, the Nation will have a tax structure which is infinitely more fair and equitable than the present one. Because of the uncertainty surrounding tax reform, city and State governments have been seriously handicapped in their attempts to issue bonds at reasonable interest rates. I would hope that Congress will approve the tax reform-revenue bill quickly to rectify this situation and to resolve the present uncertainty concerning future tax liabilities by all taxpayers.

It is my further hope that with the passage of this bill there will be a general reduction in interest rates and a cooling of the inflationary forces at work in our economy.

Mr. Chairman, we have before us the most complex and the greatest tax reform bill in the history of our Nation. Many of us can find many questions to ask and have many areas of concern about many sections of this bill. Very specifically, I would like to dwell on just one section that concerns me a great deal, and that is the section on municipal bond treatment, municipal interest treatment.

Mr. Chairman, I am concerned about this section because a number of years ago I used to be the mayor of Bismarck, N. Dak., and I learned then the problems of financing improvements and services in a municipality. It seems to me that anything we might do now that would make it more difficult for municipalities to finance their operations would be a move in the direction of forcing the cities to come to Washington to get their services paid for or financed.

So, Mr. Chairman, I wonder if the gentleman from Arkansas (Mr. MILLS), the chairman of the Committee on Ways and Means, would give the Committee his comments and his interpretations on the changes in this bill regarding financing municipalities and the interest treatment on the bonds.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. KLEPPE. I will be glad to yield to the gentleman from Arkansas.

Mr. MILLS. I thank the gentleman for yielding. And I would also ask for the attention of my friend, the gentleman from Wisconsin (Mr. BYRNES), so that he may also participate in this discussion.

Mr. Chairman, the gentleman from North Dakota has asked me to make a brief statement about what the bill does on the issue of municipal bond interest.

Let me start off by saying that there is nothing in the bill which is before the House that imposes any direct tax upon the interest on outstanding issues or on future tax-exempt issues. There are about 35 percent of the outstanding bonds of the cities, States, and local governments that are owned by individuals, partnerships, and personal trusts. The rest of them are owned by corporations. There is nothing in the bill, directly or indirectly, that affects the 65 percent of the bonds held by other than individuals.

There are two provisions in the bill that have application to the interest received by individuals.

If a person has more tax preference amounts—including interest from these bonds—than he has taxable income, then he would be affected by the limit on tax preference, the LTP provision.

An example of this would be, if the gentleman would yield further, where a person has $100,000 of taxable income. Assume he also has $150,000 of tax preference amounts, including $100,000 of tax-exempt bond interest.

You add the two together making $250,000 and you divide by two in this instance to get the taxable income. In this way the tax base is increased to $125,000, instead of $100,000, but there is no way of saying what is the origin of the amount added.

Now there are few people in this category and I am sure the gentleman from North Dakota would agree with me. I understand there might be something like 20,000 or 30,000.

Mr. KLEPPE. The gentleman agrees that it is a very small percentage.

Mr. MILLS. It is a very small percentage. Therefore, the only bond ownership that would be affected by this limits on tax preference—which is the outer perimeter against avoiding taxation—is that seeking a preference or a shelter. We will see to it with this provision that no one can use the ownership of tax-exempt bonds or other preference amounts to avoid completely the payment of taxes on sizable incomes.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. KLEPPE. I yield to the gentleman.

Mr. BYRNES of Wisconsin. Mr. Chairman, even to make sure that the impact of this on the outstanding bond was a minimum impact, we said it should be over a 10-year period.

Mr. MILLS. Yes; over 10 years.

Mr. BYRNES of Wisconsin. Over a 10-year period.

So in the first year the individual could only report in his limited tax preference category 10 percent of the interest that he may have received on tax-exempt municipals. So there cannot be any very heavy impact on the market so far as the action taken by this committee is concerned.

Mr. MILLS. Mr. Chairman, will the gentleman yield further?

Mr. KLEPPE. I yield to the gentleman.

Mr. MILLS. The allocation of deductions rule applies only to interest with respect to bonds issued in the future. In that instance, as well as in the case that the gentleman from Wisconsin (Mr. Byrnes) and I talked about, there is again a 10-year period before you get to a full inclusion of new issues of tax-exempt bonds even for the allocation of deductions—10 percent the first year on new bond interest, and so forth. This provision does not apply to issues already outstanding. It only applies to new bonds isued in the future.

To me these two things could have hardly any effect upon the sale of tax-free municipal bonds.

The other thing that we did which caused some people to object, even on the committee, was to offer the mayor, let us say, of Bismarck or Little Rock or any other city, an alternative way to get funds for the purpose of city needs. That is the subsidy route where a city elects or does not elect on its own—as to whether it wants to use this route. There is no obligation to do so unless it wants to. But if it elects, on its own, to issue taxable bonds, then we will pay up to 40 percent of the cost to the city of the interest.

Mr. KLEPPE. I thank the gentleman from Arkansas.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. KLEPPE. I yield to the gentleman.

Mr. MYERS. If this is elected by the city to issue taxable bonds, is the payment by the Federal Government and the percentage of reimbursement of that tax negotiable before the bonds are issued or after?

Mr. MILLS. The city can issue taxable or tax-exempt bonds or issue some of each. It can do anything it wants to do.

Mr. MYERS. Then they could split the issue. For example, if it is a million dollar issue, and then they could issue $500,000 taxable and $500,000 nontaxable?

Mr. MILLS. The city government could do anything it wants to. If they use the subsidy route, it may be used to any extent that they want to.

Mr. BYRNES of Wisconsin. Mr. Chairman, I think there has been a misunderstanding. I cannot conceive of a means whereby we would give more flexibility to a State or locality in providing Federal assistance for financing needed local or State projects. We simply say that if the State or local government elects, the Federal Treasury will subsidize up to 40 percent of the interest cost on its borrowing. All that is required for that subsidy is that bond carry notice that it is a taxable bond and that the municipality does not assert or that the State does not assert its right to have interest on its borrowing tax exempt.

The municipality waives it or the State waives the right to claim exemption and it is a taxable bond. Then we will subsidize a part of the interest. There is no control over whether or not they elect to do so or do not nor is there any discretion on the part of the Secretary of the Treasury or anybody downtown to say, "Oh, no," to Bismarck, "you cannot issue it. We will not do it on this issue. We will do it only on another one."

The determination is made basically by the community or the State itself, and the Federal Government automatically comes into play in terms of subsidizing that interest, and it is funded from the very fact that you collect a tax then on that interest.

Mr. KLEPPE. The gentleman from Wisconsin is then saying that it is going to be no more difficult for municipalities to finance their operation and their services in the future than it has been in the past?

Mr. BYRNES of Wisconsin. Fundamentally, it is our objective to make it easier.

Mr. KLEPPE. That is what I thought the gentleman said. As I understand the gentleman from Arkansas, this is comparable to his thoughts.

Mr. MILLS. That is exactly my thought.

Mr. KLEPPE. I want to express my appreciation to the gentleman from Arkansas and the gentleman from Wisconsin for their explanation of this, because I believe there is some degree of misunderstanding on this, and I do believe that it is a very vital part of this bill. I appreciate the colloquy we have had on it. I wish to compliment the committee. I know the committee has been in a "pressure cooker" for some time on this, the greatest tax reform bill of all. I want to add my compliments and indicate my support for the bill, because I think the good far outweighs the bad, and that is what we have to look at when we look at this legislation.

Mr. ULLMAN. Mr. Chairman, I think it is very important we have in the Record a full explanation of the tax exempt bond situation as it appears in this bill.

STATE AND MUNICIPAL BONDS

There apparently is a misunderstanding in some quarters of the impact of the provision in the bill which offers State and municipal governments an opportunity to issue taxable bonds. I want to clarify for my colleagues what the bill offers, what it does not offer and why it is an important innovation which should substantially help in financing local government capital projects.

First, let me explain how the provision works. Actually the provisions are very simple. State and municipal governments are given the opportunity—it is entirely voluntary on their part—to issue new obligations which will be fully subject to Federal income taxation. In exchange, the State and local government issuing the bonds will receive a subsidy from the Federal Government which will more than compensate it for differences in interest yield between a tax-exempt bond and the taxable bond issued.

A permanent appropriation is provided for these payments of the type available for interest on the public debt. As a result, these payments will not be subject to further congressional consideration. The Secretary of the Treasury will simply be required to make the periodic interest payments to the States or localities as they become due. No action by Congress will be needed to appropriate these funds other than the enactment of this bill. After enactment, as I have said, the interest payments will be made in the same manner that the Treasury pays the interest on the debt of the Federal Government.

The interest yield on all new issues of taxable municipal bonds will be determined by the Secretary four times a year, on a calendar quarter basis. Once the interest subsidy for a State or local bond issue is determined, it will remain the same on that particular issue for its entire life. By requiring the Treasury to specify this calculation quarterly, everyone concerned will know immediately what is the base for the subsidy will know immediately what is the base for the subsidy and, from this, can determine the amount of the subsidy.

As it presently stands, the bill provides for a range within which the Secretary of the Treasury may determine the percentage of the taxable yield that will be paid by the Federal Government. The percentage is to be determined quarterly and announced immediately before the beginning of each calendar quarter. The range will be 30 to 40 percent of the taxable interest yield in the case of bonds issued in the first 5 years, and 25 to 40 percent beginning in 1975.

I would prefer a fixed percentage range for the Federal interest payment and I am pleased now with the decision of the Treasury—that was announced by Chairman Mills before the Rules Committee Tuesday—to recommend to the Senate that the permanent Federal contribution be a flat 40-percent differential.

When there is a balance of demand and supply of money in the credit markets, the interest differential between tax-exempt and taxable bonds tends to be about 25 to 30 percent. A flat 40-percent rate will recognize the need to make funds available to the States and municipalities at reasonable rates of interest.

Fixing the percentage differential at 40 percent will mean that local governments will be able to undertake their large backlog of needed capital projects even when tight money markets prevail. It means that municipal governments will be able to enter the money markets in all phases of the economic cycle and to obtain funds for the needs of schools, sanitation facilities, antipollution facilities, and streets and highways.

One of the most important aspects of this provision is the absence of any possibility under this provision for Federal evaluation of the purpose of the bond issue. There is no review by the Federal Government, any of its agencies, or a newly constituted authority, of the advisability of the local project or of the issuer's ability to repay. This means that the provision preserves the independent decisionmaking authority of the State and local governments that is so fundamental to the Federal concept of government.

This and other characteristics of the provision in this bill have great advantages over the urban development bank bill and its variations. That type of provision calls for an agency that would review the purpose of the bond issue and the issuing government's ability to pay. Under such a provision, the State or local government would lose its independent financial status.

If the considerable benefits I have discussed are conveyed in this section of the bill, why are there so many complaints? Who are they from? To some extent the complaints reflected the general uncertainty about what the Ways and Means Committee would offer on this subject. Many complaints from local and State officials reflected apprehension and misunderstanding about the provisions. But it seems to me that they should be satisfied since they have seen the language of this section. Moreover, the Treasury's announced intention to request a flat 40-percent differential it seems to me should remove all their doubts about this bill.

Municipal bond dealers have voiced opposition to the bill because they believe it will contribute to a highly unstable market. The uncertainty about what Congress will enact unquestionably leads to an unstable market for a brief period. These gentlemen, however, are concerned about another source of instability. Until now, they have enjoyed a monopoly of the municipal bond market. Only a small number of firms have specialized in the tax-exempt bond market. When taxable bonds are issued by State and local governments, they no longer will require underwriting by a small group of specialists, but any firm that handles taxable bonds will be equipped and experienced to handle them.

This brings me to the last point I want to make on this subject. The market for tax-exempt bonds is rather small, consisting primarily of commercial banks and wealthy individuals who find that the benefits of tax exemption outweigh the lower interest yield. Taxable bonds that carry interest yields competitive with all other taxable bonds of comparable quality will be able to compete in a larger, broader market. The great bulk of taxpaying individuals, residents in the jurisdiction issuing the bonds, will find the higher yield an attractive investment even though taxable because they are not in high enough tax brackets to find tax-exempt bonds a good investment. Many institutions whose income is tax exempt—or taxed at very low rates—will find the higher yield on taxable municipals very attractive; these include State and local government retirement systems, pension plans established under collective bargaining, educational institutions, and various private and charitable foundatons.

Commercial banks which are so large a part of the municipal bond market will not abandon it, as has been sc often predicted. The differential—especially when fixed at 40 percent—will more than offset the effective tax rate on bonds that is expected to prevail after enactment of this bill's provisions. And the same will be true, to a lesser extent, of the various forms of savings institutions. Furthermore, many commercial banks are guided by feelings of civic responsibility that will deter their exodus from this market. Many banks are authorized to underwrite local bond issues which places them under some obligation to hold a share of the issue, and since local government funds are deposited with local banks, that is another source of a sense of obligation that will retain commercial banks in the municipal bond market.

In summary, there are well defined advantages to the subsidized and taxable municipal bonds. The issuing governments can choose the tax-exempt or taxable route for each new bond issue; it is entirely a voluntary matter. The provision applies prospectively. The Federal Government's share of the interest cost will be paid from a permanent appropriation, and the Federal Government is not granted any powers to approve or disapprove each issue. In all probability, the taxable bonds will find a broader and thicker market of prospective buyers than the present thin market for tax-exempts.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. KLEPPE. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Speaker, I am pleased to associate myself with the fitting and timely remarks of my colleague from North Dakota, TOM KLEPPE, relating to the tax-exempt position of State and municipal bonds and related matters dealing with this tax-reform and tax-revenue legislation.

The gentleman from North Dakota has provided a great service to many of us in asking a question of the chairman and the ranking member of the Committee on Ways and Means on the matter of the overall effect of local government's ability to accumulate capital for local public facility requirements.

This reassurance which has been provided to the effect that the treatment afforded State and municipal bonds in this tax-reform measure will not jeopardize local government's ability to accumulate these very vital funds, is most gratifying and I thank the gentleman from North Dakota, as well as Chairman MILLS and Mr. BYRNES for their clear interpretation and clarification of this very vital point of local government's concern.

Certainly, many of our State and local government officials are understandably concerned, as I am and many people in my district are, over the section in the bill relating to their bond issues. This assurance, coupled with that which I understand has been afforded by the Treasury Department that these bond issues will not be adversely affected, should come as good news to those who have written expressing their concern in this area.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. I thank the gentleman from Wisconsin for yielding me this time.

Mr. Chairman, if I may have the attention of the chairman, the gentleman from Arkansas (Mr. MILLS), let me say that I realize the figures have been given previously, but I would like to get them into today's RECORD of debate. What is the estimate of the net gain or loss of revenue from this bill?

Mr. MILLS. Is the gentleman referring to the amendment that we will offer or the total of the bill?

Mr. GROSS. I do not know the details of the amendment you are going to offer, but I am talking about the estimated net gain or loss in revenue as a result of this bill.

Mr. MILLS. In calendar year 1970 it is estimated there would be a revenue gain of about $2.4 billion.

In calendar year 1971, there would be a loss, without taking into consideration growth in the economy, based upon the existing situation, of about $1.7 billion.

In 1972 there would be a loss of slightly over $4 billion.

In 1974 there would be a loss of about $3.6 billion.

In 1979 there would be a loss of approximately $2.4 billion—not taking into consideration the $10 to $12 billion of growth in income year after year, which would far more than offset this loss in those years.

Mr. GROSS. All of which means it is vitally important that we have spending reform.

Mr. MILLS. Mr. Chairman, will the gentleman yield on that point?

Mr. GROSS. Yes; I will be glad to yield on that to the gentleman.

Mr. MILLS. Mr. Chairman, this is the first time I have ever recommended anything like this as a member of the committee to the committee or to my colleagues on the floor of the House. I do think, however, that the Congress has as much right with respect to the future to say that some of the increment in taxes from year to year will be returned to the taxpayer, as it has to say that all of that increment will be used in additional and increased spending. So what we are trying to do here is to tell the taxpayer that after we get through this inflationary squeeze we are in now, we are going to return a small proportion of this fiscal growth money to him; that a little of the fiscal growth money is going back to the taxpayer. It is not going to remain in the till for spending.

Mr. GROSS. The gentleman would not care to put a time frame on the end of inflation; would he?

Mr. MILLS. I am not an economist, as my friend, the gentleman from Iowa, knows, but I do think I see signs of improvement in our existing situation and the leveling out of the inflationary pressures that we have been under. So whether it takes another 6 months or another 4 months or another 12 months in time to halt it completely, I do not know, but I think I see the beginning of our objective.

Mr. GROSS. Mr. Chairman, I sincerely hope the gentleman is right, but I do not share his optimism.

Now I would like to put a hypothetical situation to the gentleman.

A husband and wife, each over 35 years of age, now file a joint income tax return. Suppose the husband has a $40,000 income. We will call the husband A and the wife B. Suppose they, taking into account this bill, manage a friendly divorce, and A pays half his earnings to B, or $20,000 for alimony, but they continue to live together. A files on $20,000 as the head of the household, and B, the wife, files on $20,000 as head of the household. Is this income splitting possible under the terms of this bill, if such an arrangement could be worked out?

Mr. MILLS. Yes; if they do this. But if they are in a State where common law marriages are recognized and they continue to live together in the same house, I would think they would be treated as married for tax purposes. Of course, if they live apart they are incurring the expenses of two households.

Mr. GROSS. But if they live together in the same house?

Mr. MILLS. If the agent found out about it in a State recognizing common law marriages I would think they would be treated as married for tax purposes.

Mr. GROSS. Does the gentleman from Arkansas have a provision in this bill for a man in the house?

Mr. MILLS. No; the bill does not have that.

Mr. GROSS. Or a man in the woodshed?

Mr. MILLS. No; we previously discussed that in another bill—in another context.

Mr. GROSS. Or a man under the bed?

Mr. MILLS. We discussed all those factors when we had the matter of welfare payments before us in 1967. This does not involve the welfare program.

Mr. GROSS. It does not involve welfare?

Mr. MILLS. It does not involve welfare programs.

Mr. GROSS. If I could induce my wife to enter into this sort of arrangement, it seems to me it would be real welfare.

Mr. MILLS. The gentleman is a very persuasive man, but knowing his wife as I do, I know he will never persuade her.

Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. BURLISON).

Mr. BURLISON of Missouri. Mr. Chairman, the Ways and Means Committee has reported what will, doubtless, be the landmark legislation of the 91st Congress, the Tax Reform Act of 1969. The sheer enormity of such an undertaking is staggering. The law has not been extensively revised since its inception in 1913 and through pyramiding administrative rulings it has grown to monster proportions, incomprehensible to all but a handful of specialists. Simply to determine what needed to be done, the Committee on Ways and Means held hearings extending over several months. They listened to the testimony of 350 witnesses and the published transcript fills 15 volumes.

Probably no bill in history has had so many conflicting special interest groups compete to protect or improve their status. Many of these special groups are well financed and are capable of exerting terrific pressure. Even though I am not a member of the taxwriting committee, I have been subjected to more pressure than I had thought possible. In view of the subtle and not so subtle coercion that has been directed against Congressmen generally and members of the Ways and Means Committee in particular, H.R. 13270 is a remarkably comprehensive reform, attesting to the integrity and political courage of Chairman WILBUR MILLS and his associates.

In spite of the pressures, I intend to vote for the bill. That is not to say that it is the best of all possible legislation. Many preferences and shelters, more popularly referred to as loopholes, were narrowed without being closed. Nonetheless, one must accept reality and concede that legislation can be approved only through the processes of compromise.

Like all tax bills, this one is being considered under a "closed rule." This means that no amendments other than those offered by members of the Ways and Means Committee may be introduced on the floor of the House of Representatives. The rationale for this policy is that tax legislation is too complex to write on the floor of the House. Since I do not serve on the committee my choice will be either this bill or nothing. Framed in those terms, the decision to vote "yes" is compelling. We have made a dramatic beginning in tax reform. We have done more than virtually anyone thought could be done in view of the manifold influences levied upon the Congress. If this bill passes—and I am confident it will—we will look hopefully to the Senate to do equally as well. Mr. Speaker, my position in the broad area of taxation is, to put it bluntly, complete elimination of all preferences and shelters. This will be my goal throughout my service in the U.S. Congress. It is gratifying to me that the most significant tax reform we have had for 46 years appears to be coming during my first—though hopefully not my last—term of office. To paraphrase a recent quotation:

> We today have the opportunity to take one small step for man; one giant leap for the wage and salary earning American taxpayer.

Mr. MILLS. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. Mr. Chairman, I rise in support of H.R. 13270 because I am in favor of the tax reform it heralds. The people of my Second District of Florida have long cried for meaningful reform, and this bill represents a strong first step in that regard. It cuts tax rates at least 5 percent in the income ranges, taking full effect by 1972. It sets up bolsters on behalf of the public interest against undue tax preferences. For the vast majority of taxpayers, it simplifies the process of filing returns. Finally, it says the people can speak and be heard by their representatives in this great citadel of responsive government. To these ends, therefore, I congratulate Chairman MILLS and the members of the House Ways and Means Committee.

In rising to support this bill, Mr. Chairman, I take this opportunity to express hope that this committee in its further work on tax reform, and indeed on H.R. 13270, take cognizance of the need to insure that no measure of reform herein provided has the undesired consequence of doing inequity to substantial segments of the public interest.

For example, the significant and needed reduction in bad debt allowance for various financial institutions needs careful study to safeguard against any possible adverse effect on homebuilding in our country. Similarly, charitable contribution deductions, being in need of meaningful reform, must be provided so as not to penalize the great service to our society rendered by State and private institutions of higher education and health.

So, Mr. Chairman, it is my foremost desire to help this all-encompassing reform of our national tax system accomplish the goals it pursues, without inadvertently doing inequity to worthy segments of our society. I urge the committee in further consideration to review this possibility.

Mr. MILLS. Mr. Chairman, I yield 10 minutes to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Chairman, it is historically sound to state that some of the greatest crimes that have been perpetrated on mankind have been committed in search of two of the noblest of mankind's goals; that of liberty and that of religion.

In many respects the legislation now before us presents a similar situation.

It is true that the need for tax reform is long overdue, not only in Federal Government activities, but also in State and local government. The reason we have inequities existing in our taxing procedures at the present time at all levels of government is because some individuals or some groups of individuals have sought special favors from the Government primarily to get out from under paying what they consider to be an unjust or discriminatory tax burden. These kinds of situations present problems which should be taken care of so that the burden of taxation is placed equitably in all situations and upon the association of citizens alike.

I do not doubt that this was the purpose of those who wrote the legislation now before us. But, just as those who searched for freedom and those who endeavored to promulgate their own religious beliefs committed offenses against society, so now we have a so-called tax reform bill before us which, regretfully will have the same result.

I understand the difficulty in writing such legislation. I understand also that tax reform by and large means "taking the burden off of me and those associated with me, and placing it on another or those associated with another." This, within itself, is not true tax reform. This only further complicates bad situations already in existence.

In my opinion, this legislation which we have before us today is not as fair as it might be. It does not do the job it is intended to do and, because of my sincere belief in this respect, I, for one, shall vote reluctantly for the legislation with the hope that the other body shall correct the inefficiencies and inequities that I consider are present in this bill. If the other body fails in this matter, I shall be compelled to vote against the conference report.

The welfare of this Nation, socially, intellectually, scientifically, economically, and in every other aspect of everyday living that one can think of, depends primarily upon the welfare of its economy. We cannot have the things that we desire so much, in order to advance us in the fields that apparently mean so much to us unless, under a system such as ours, we see to it that our economic base is sound.

We know, or we should know, that natural resources are absolutely basic and fundamental to our civilized and industrialized way of life. Our entire economy—our entire way of life—is based upon our ability to produce and consume natural resources. The most important of these resources are food, fiber, and minerals. They all come from the soil or in some cases from our lakes or oceans. However, no matter what their origin these three very general and broad categories of natural resources form the indispensable physical base from which all other goods are produced. Each bushel of grain, each board foot of lumber, and each ton of iron, copper, lead, or zinc fixes the economic base upon which other activities—manufacturing, transportation, education, recreation and national defense—rest. The production of these natural resources: food, fiber and minerals, together with the industries based upon them, are the only ones that produce new wealth. All other activities, although essential and important, are engaged in the refining, finishing, shaping, manufacture, or modification of these basic three. Two of these resources—food and fiber—are renewable. What is used can be replaced by the natural growth of crops or trees. The third—minerals—is nonrenewable and once used, cannot be replaced unless recycled back into industry through the use of scrap.

This bill now before us tends to handicap and certainly will retard the development of these natural resources, especially the wise and prudent use of our mineral resources. It will undoubtedly increase the cost of mineral products that the consumer uses. Let us not be misled into thinking that costs will not increase. They must and they will if this bill is enacted. These increases will be passed along to the consumer in a manner that will make up for any decrease in profits due to the proposed cut in depletion allowances.

From the standpoint of conservation and wise use of our mineral resources, the proposed bill will also have a detrimental effect. It will force those engaged in the extraction of our domestic minerals to forgo the exploitation of the lower grade deposits because of the increased costs. This will encourage "high grading" or the utilization of the richest deposits while the lower grade ore bodies—which we must ultimately depend on—will be bypassed and lost forever.

I know that there are many in this country who believe we would be as well off if we imported all of our minerals. I do not share this belief. The experience of two world wars and numerous lesser conflicts certainly should have brought home to this Nation the absolute fallacy of depending on foreign imports in time of war or emergency. If we become unnecessarily dependent on foreign imports, one of two things will happen: the materials will cost us dearly or they will not be available at any price. Either way we will lose. I hope we will never become subservient to a one-world domination philosophy. Rather, I hope we will protect ourselves and our own national security which is so necessary if we expect to see our Nation and civilization benefit from those freedoms and liberties which we feel are so important.

It has been stated that the decrease in the mineral depletion allowance proposed in this bill is an attempt to "strike a better balance than now exists between the objective of encouraging the discovery of new reserves and the level and revenue cost of percentage depletion allowances." I cannot agree that this will be the result. I believe that our domestic extractive industries will be weakened by the imposition of additional tax burdens. These industries are now facing their most severe challenge in the history of our country. This challenge results from a growing gap between our increasing consumption of minerals and our decreasing production. In mineral after mineral we have moved from a net exporter to a net importer. In mineral after mineral where we were once the leading producer we are now rated as second, third, fourth, or even lower, in productive capacity. We can never be entirely self-sufficient in all minerals and no one expects this. But what I would like to see is that we maintain our self-sufficiency in as many minerals as we can. Our national economy, our national security, and our future could very well depend on our ability to maintain a strong and viable domestic mining industry. Unfortunately, this increased tax burden will fall most heavily upon those least able to bear the additional burden—the small and marginal producer. Although apparently designed to increase the tax take from the major oil and gas and mineral producers, and thus appeal to the popular demand for a "hit the rich hardest" tax, its real impact will be just the reverse. It will retard the flow of capital to the small producer—the small independent operator—and will reduce his exploration effort and his expansion at a time when additional exploration and expansion are most needed. The small operator is not in a position to pass on the increased costs of operation, nor does he have the ability or resources to obtain financing from a variety of sources. There is no doubt in my mind that this legislation will go a long way toward eliminating the small operator. I have every confidence that the major producers will somehow survive. I wish I could say the same for the small businessman.

During the course of hearings before the House Interior and Insular Affairs Committee, witness after witness has pointed up the precarious situation facing this Nation with respect to our domestic mineral supply. Representatives of the past and the present administrations, speaking in their official capacities, have issued warnings that time is running out and that we face the grim possibility that the growth in our standard of living will be limited due to mineral constraints.

Notwithstanding these warnings of impending domestic mineral shortages and increased imports, this proposal would do nothing but increase these shortages and increase imports. It will export jobs, weaken our capability for national security and make us more dependent upon the uncertain whims of foreign suppliers.

Only five minerals were so fortunate as to survive the meat-ax approach of this proposal's depletion reduction. These five—gold, silver, copper, iron ore, and oil shale remain at 15 percent rather than being reduced to 11 percent. One might well ask why these five were selected. Why was not the same consideration given to many other minerals that are apparently equally deserving of this consideration. In actual practice only four of the five minerals will receive any benefit. Although the oil which can be produced from shale is similar for all practical purposes to oil pumped from the ground the shale oil has never been entitled to the higher depletion rates accorded liquid petroleum. More discriminatory, however, is the fact that the 15-percent depletion allowance heretofore accorded oil shale is allowed on the value of the crushed shale rock, not the oil. Crushed shale has little or no real market value. Therefore, 15 percent of nothing is still nothing. The committee amendment which will be offered does help in the correction of the present inequity. I am most appreciative of this action by the committee and I hope that the House will sustain this recommendation by the originating committee.

Examples of other minerals that are either in short supply or where production will be seriously curtailed by the additional tax burden are many and I will mention only a very few.

Natural gas is probably an outstanding example. The proposed reduction from 27½ percent to 20 percent in the depletion allowance can only lessen this Nation's capability to obtain adequate supplies. We now face an impending shortage of natural gas from traditional sources of supply. Unless the declining exploration and discovery rate is reversed, substitute fuels will be necessary or rationing of natural gas will be necessary.

A few of the other minerals that are vital to this Nation's defense and economy, but did not receive any favorable consideration are uranium, lead and zinc, mercury, beryllium, vanadium, tungsten, and molybdenum. All of these, except molybdenum, presently receive a 23-percent depletion allowance, but will be reduced to 17 percent. Molybdenum, although long recognized and classified as a strategic mineral, was never accorded the 23 percent depletion allowance given other strategic minerals. It has been eligible only for a 15-percent allowance. This will now be reducted to 11 percent.

These are just a few of the inequities and inconsistencies that I see in this proposed bill.

I cannot accept this proposal as a well-rounded-out tax-reform bill. I think that in the field of mineral production it will do harm to this country's economy and safety.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. MILLS. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. FOREMAN. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman.

Mr. FOREMAN. Mr. Chairman, I wish to commend the distinguished gentleman from Colorado, the chairman of the Committee on Interior and Insular Affairs, for his outstanding statement and explanation of the necessity of preserving the depletion allowance on our extractive industries. I commend the gentleman upon a very fine statement in this respect and share his views and support his views.

I very much disagree with the proposition to consider the tax bill under a closed rule which allows no corrective amendments or changes, just a "yes" or "no," "up" or "down" vote as it is. This will not really permit the House to work its will and correct some of the inequities that exist in the proposed legislation.

Critics attack percentage depletion as one of several tax provisions alleged to be "loopholes." It is not a loophole at all—it is simply a depreciation allowance on a depleting capital asset.

Minerals, such as petroleum, by nature have a dual character. In the earth they are part of their owner's capital assets. When produced and sold, part of the value received represents capital, and part income, making it difficult to establish an equitable taxation basis. In keeping with the basic principle that income, but not capital, should be taxed. Congress adopted the principle of percentage depletion which today applies to over 100 minerals, including oil and gas, as a means of fairly taxing the income derived by extractive industries.

A compelling reason for adoption of percentage depletion was to supply an incentive for owners of capital to accept the great risks involved in the search for, and development of, mineral resources which are so essential to our economy and security. History shows the incentive has worked well in achieving its purpose. It would be risky to discard or weaken a system which has worked well over a long period of years in supplying petroleum and other essential minerals.

Critics maintain that the oil industry does not pay its fair share of taxes. This simply is not true. In addition to income taxes, the petroleum industry pays a number of other direct taxes. One of these, the severance tax, is paid only by industries which extract natural resources. The fact is that in 1966—the latest year for which figures are available—the oil industry paid $2.5 billion in direct taxes, which amounted to 5.1 cents for every dollar of gross revenue. The direct tax burden for all U.S. business corporations was only about 4.5 cents per dollar of gross revenue, or about 10 percent less than petroleum's.

Percentage depletion has benefited the consumer by helping keep petroleum prices low. In fact, the price per gallon of gasoline today, before the taxes levied at the service station pumps, are the same as the price in 1948. This is even more impressive, when you consider the many improvements made to increase the delivery performance of a gallon of today's gasoline as compared to the gasoline of 1948.

That the consumer is the beneficiary is clearly shown by the oil industry's profit record. According to figures compiled by the First National City Bank of New York, from 1925—the first year's taxes to come under percentage depletion—through 1966, petroleum company earnings after taxes averaged 9.9 percent of invested capital. By comparison, the figure for all manufacturing companies was 10.7 percent. In 1966, this comparison was petroleum companies 12.6 percent, and all manufacturing companies 14.1 percent. Of the 25 leading U.S. industrial corporations on the basis of sales, seven are petroleum companies. But not one of these petroleum companies is in the first 75 on the basis of return on invested capital.

Critics charge that because of the percentage depletion provision, petroleum producers recover their costs many times over. The fact is that although the oil industry realizes about $1 billion a year through the operation of this provision, it invests about $5 billion a year in the United States in searching for and developing new petroleum reserves.

Petroleum—oil and gas—supplies 75 percent of our Nation's energy needs. The U.S. Government predicts that demand for petroleum will rise by 50 percent of current levels by 1980 and will more than double between now and the end of the century. Yet, despite the coming requirements, proved domestic reserves of crude oil declined during 1968 for the second year in a row and now stand at the lowest level in 10 years.

Speaking from a more personal point of view, Mr. Speaker, practically every single State in the Union, and a very large percentage of the congressional districts, would be adversely affected economically if we alter these long-proven, time-honored tax principles on the some 100 extractive industries. In my own State of New Mexico, we have substantial production in only seven of these industries—copper, manganese ore, molybdenum, perlite, petroleum, potash, and uranium—but alteration of the percentage depletion allowances will cripple our tax base from which we derive the income for the construction of our roads, the financing of our schools and educational programs, and other important services.

New Mexico is the sixth largest petroleum-producing State with production almost equal to that of Brazil, Chile, and West Germany combined. More than 13,000 New Mexicans are employed in some phase of the petroleum industry. Their payrolls amount to almost $73 million annually, or $73 for every man, woman, and child in the State. The petroleum industry spends almost $274 million annually for production supplies and equipment in New Mexico. Last year, oil and gas operations paid $60,130,000 in direct revenues to the State—not counting local taxes or approximately one-fourth of all New Mexico State tax revenues.

This country needs more capitalists, not fewer. We need to encourage investment, not discourage it. We need to encourage people to create and build and profit; for as they do, the whole country moves ahead, and we have more jobs, and less poverty—more wealth and less Government dependence.

We need to reduce—not increase—the growing, confiscatory taxes on business and industry, so they can expand and grow and develop and create more and better jobs and new ideas and products. Then and only then, will we really be preserving and extending the free enterprise, capitalistic system—the system which has produced the greatest and highest standard of living ever known before in the history of mankind.

Mr. WOLD. Mr. Chairman, will the distinguished gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Wyoming.

Mr. WOLD. Mr. Chairman, I would like to associate myself with the remarks of the distinguished chairman of the House Committee on Interior and Insular Affairs.

Today we are scheduled to vote on what has been called the most substantial tax reform bill since the enactment of the 16th amendment. It is a tribute to the wisdom and judgment of those colleagues who wrote it.

Just as important as the real economic effects of the bill, I think, are the symbolic effects its passage will have. It will come as a sign to the American people that our political system does respond to their needs.

It is to this very symbolism, however, that I would issue a caveat.

The depletion allowance—in particular the 27½ percent oil and gas depletion allowance—has become the symbol for nearly every person who preaches tax reform. Reduction of the depletion allowance is erroneously seen as a panacea for all our tax ills.

The tax preferences that have been enacted for the mineral industries have been called loopholes which permit a few individuals and the oil industry to escape payment of their fair share of the Nation's taxes.

Yet these preferences perform a vital economic function. They provide the incentive to insure that capital will be invested in the high-risk business of looking for minerals. The ever growing population of our Nation coupled with an increasing level of affluency demands that we undertake an active and expanded level of mineral exploration.

But the tax preferential limitations of H.R. 13270, particularly those relating to the petroleum industry, can only cause mischief. Their ultimate effect can only be to cut mineral exploration in the United States. This decline would come at a time when there is a great need to actively increase our exploration for minerals.

Many minerals can be located by surface exploration. There are even a few shallow petroleum deposits that have been discovered from oil seeps or other surface evidence. But the oil deposits being discovered and developed today are found at much greater depths—ranging generally from 3,000 to 20,000 feet—without benefit of surface evidence. As the search has been extended deeper, the industry has had to supplement surface geology with technical and expensive tools, such as the gravity meter, magnetometer, and seismograph. These tools can only locate geologic structures of a type that may contain deposits of oil and gas. The only way to locate oil finally is to drill exploratory wells to test whether such structures actually contain commercial deposits of oil and gas. If production is discovered, the size of the field must be determined by further drilling. The revenue from this production must pay for the costs of geological and other exploration work; for the drilling of wells, both successful and unsuccessful; for the lifting of the oil and gas to the surface—all of these things; plus a rate of return commensurate with the risks.

The great uncertainty of the exploratory effort is attested by the record of relative success. Of the wells drilled in the search for new fields, only one in 11 finds any production at all. Profitable discoveries are even harder to come by. As a part of my remarks I will include a table setting forth data showing the discovery experience of the industry for the years 1953 to 1962.

AVERAGE NUMBER OF WELLS DRILLED FOR EACH DISCOVERY OF A FIELD WITH A GIVEN ULTIMATE RECOVERY OF OIL OR GAS

	Total new field wildcats drilled	Number of fields discovered		Number of new field wildcats drilled per field discovered	
		1,000,000 or more barrels	10,000,000 or more barrels	1,000,000 or more barrels	10,000,000 or more barrels
1953–57	39,166	825	159	47	261
1958–62	35,004	646	121	54	289

Source: Calculated from data published in Bulletin of the American Association of Petroleum Geologists, "Exploratory Drilling in 1967."

During the 5-year period 1953–57, only one well out of 47 found a deposit of a million barrels or more of crude oil or an equivalent amount of energy in the form of natural gas—the amount usually considered necessary for profitable operation—and only one out of 261 found fields with deposits of 10 million barrels or more. Despite many advances in geology and geophysics, the odds against success have grown worse instead of better. During the 5-year period 1958–62, only one out of 54 wells drilled in search of new fields found deposits large enough to be profitable, while only one exploratory well out of 289 found fields with deposits of more than 10 million barrels of oil or the equivalent in natural gas. Over the period 1952–62, only one well in 1,485 found a field as large as 50 million barrels of oil or its equivalent in gas. Our Nation consumes more than 50 million barrels of oil every 4 days. Such statistics reflect the unique nature of the risks in exploration for oil and gas.

When and if a field is discovered, development expenditures begin. Development of a large field requires the expenditure of tremendous amounts of money and the risk of financial loss continues. Since 1950, more than one-fourth of the wells drilled in developing known fields have resulted in dry holes.

Contrast the oil producer's situation with that of other industries. In manufacturing, in transportation, or in any business other than the production of a natural resource, an investor knows that for an expenditure of a given amount, he can create a facility with an economic value reasonably commensurate with his investment. The petroleum prospector has no such assurance. He does not know at the time his expenditures are made what capital values, if any, will result from the money he risks in the search for and development of oil and gas deposits. What he does know is that a very substantial part of the money he risks will never result in any productive asset, and he can only hope that his successful ventures will return to him an amount sufficient to compensate him for losses on unproductive investments.

The capacity of producing wells cannot be kept up by ordinary maintenance expenditures, as in manufacturing. Although production rates vary from well to well, decline is inevitable as exhaustion of the oil deposit occurs. Thus, the producer of crude oil is faced with the necessity of carrying on a constant program of exploration and development merely to replace his production.

To meet the Nation's constantly increasing demand for petroleum, it will be necessary to find in the next 12 years new oil fields with about 63 billion barrels of reserves. This is more than all the oil produced in the United States prior to 1960—a period of 100 years from completion of the first well in 1859. This task will call for the outlay of enormous amounts of risk capital. In recent years the petroleum industry's domestic expenditures for exploration and development have averaged about $4.4 billion annually. Exploration costs alone exceed $2 billion annually.

Risks in the oil industry have always been inherently great, and they are becoming more so. The shallow deposits of yesterday have been largely depleted. Wells must be drilled progressively deeper at higher costs and in less readily accessible areas. Each additional foot of well costs more to drill than the preceding one. In 1966, the average cost of drilling an additional foot was $11.54 in the 2,500 to 3,749 foot range; but at depths below 20,000 feet it cost $189.17 to drill 1 foot deeper.

Two of the major areas remaining for oil exploration and development are the Outer Continental Shelf and the northern part of Alaska. Off the coast of Louisiana alone, the industry has invested about $7 billion. Operating and capital expenditures have reached a level of over $1.5 million a day. But the costs of exploration and development are much greater in the northern part of Alaska. While wells in the Gulf of Mexico may cost $400,000 to $600,000, wells of comparable depth in Alaska have cost $1 to $2 million. One operater in Alaska has estimated that it will have invested more than $400 million before it sells its first barrel of crude oil from Alaska's North Slope in 1972.

As the search for oil is extended to greater depths and to less accessible areas it becomes increasingly evident that the future growth of our oil reserves, and thus the future growth and security of our Nation, depends upon a still larger flow of capital into the search for new deposits. In view of the unique and constantly increasing risks of the oil business, and in view of the fact that the industry reinvests half of its gross receipts from production in the search for new supplies, it seems quite clear that percentage depletion has provided an effective incentive which must be retained.

Without the incentive provided by the preferential treatment, who would take the risk of putting their capital into the search for oil and gas?

I submit that few persons would.

What would this mean? It would mean that the reserve position of the United States would approach zero within a few years at the present rate of petroleum consumption. Such an eventuality would force us to rely on foreign suppliers or do without. The lesson of World War II, Korea, and the experience of Europe after crises in the Middle East shows that reliance upon foreign petroleum is risky.

A decline in exploration would have an immediate and farflung economic impact. It is an economic truism that a constant or declining supply in the face of increased demand will mean higher prices. Without a high level of exploration we can expect to see a declining supply of petroleum. At the same time the demand for petroleum products will be leapfrogging.

Are we willing to have the taxpayer pay additional millions, perhaps billions, of dollars for the additional $500 million in revenue that limitation of these preferences will provide?

There are other economic distortions that would be caused by the proposed limitations.

In my own district in the great State of Wyoming, the petroleum industry provides employment for 10,000 people. It accounts for a direct 8 percent of the total personal income in the State. Indirectly it accounts for over one-fourth of the total personal income in the State.

I am fearful that the adoption of these limitations will mean a significant decline in the petroleum sector of Wyoming's economy. The decline will have a correspondingly deleterious effect on the livelihood of thousands of the Equality State's citizens. Adoption of the proposals will mean higher unemployment; it will mean lower county and State tax revenues with which to provide social goods and services for our citizens; it will mean the flight of many of our citizens to other areas of this Nation.

Wyoming is not the only section of the country where these economic dislocations will occur. They will happen wherever the mineral industry comprises a significant portion of the local economy.

The limitation on preferences will mean losses of jobs for thousands. It will mean loss of income for even more.

Before we enact H.R. 13270, I would ask: Is Congress prepared to accept these consequences? Or will Congress forgo the passions and pressures of the moment to, as George Washington put it, "raise a standard to which the wise and honest can repair"?

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. I want to take this opportunity, Mr. Chairman, to associate myself with and compliment the distinguished chairman of the House Interior and Insular Affairs Committee, the gentleman from Colorado (Mr. Aspinall), for his excellent articulation regarding the depletion allowance on renewable natural resources.

Indeed, I share and repeat the gentleman's warning regarding the possible affects of this legislation in retarding the flow of capital to the small producer and the independent operator at a time when further economic expansion and additional exploration are most needed.

We who serve on the Interior Committee, as the chairman has enunciated so eloquently, have repeatedly heard the warnings expressed in the testimony of witnesses about the fact that time is truly running out—that we do, indeed, face the grim prospect that any future growth in our national standard of living may well be impaired or impeded due to mineral constraints.

America has been built on the principle of putting human and financial resources together, organizationally, to responsibly exploit our renewable natural resources.

In order to attract and hold the necessary capital that small and large businesses require to carry forth long-range planning, sustained yield forestry, mineral exploration, stable enterprise development and proper conservation practices, incentives through depletion allowance and/or fair capital gains treatment are necessary and should be adopted and understood as congressional and executive policy.

The gentleman from Colorado is a very wise man with a lifetime of experience in the resource field. I strongly urge, in fact, plead with my colleagues to listen carefully to what he is saying, heed his warning and, hopefully, follow his leadership.

In conclusion, Mr. Chairman, I share the gentleman's view that many percious minerals, vital to our Nation's economy, were, in my judgment, arbitrarily and indiscriminately omitted from favorable depletion allowance consideration.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. Don H. Clausen).

Mr. DON H. CLAUSEN. Mr. Chairman, I take this time, briefly, to direct a question to the chairman of the Committee on Ways and Means, the gentleman from Arkansas (Mr. Mills), to this effect: There have been comments and the suggestion that this particular bill is inflationary. I would like to have the chairman's comment on this because there has been an editorial written to this effect and I am very much concerned about it. I would like to have the gentleman's response to that question.

Mr. MILLS. It is just to the contrary. The bill is deflationary in that the net effect of the bill in calendar year 1970 is to increase revenue by $2.4 billion. That is deflationary.

If you want to look at calendar year 1971, the charts that I inserted in the Record yesterday in connection with my remarks show the bill resulting in a deficit of $1.7 billion but that does not take into consideration any growth in income that occurs from year to year. Instead for purposes of these tables we assumed a static situation. The deficit for 1972 is $4.1 billion, for 1974 is $3.6 billion, and for 1979, $2.4 billion. These amounts are quite small considering the growth in revenues which can be expected. Moreover, if when the years come if we are then faced with inflationary problems we can then consider what tax rates we should have.

Growth in revenues usually amounts to $10 to $12 billion a year. This might be cut into slightly in 1971 and 1972 and later years but I still think that the Congress has as much right to say that some of the growth in this income can go back to the taxpayer, as it does to have a right to say that all of it has to be used in additional spending.

Mr. DON H. CLAUSEN. Mr. Chairman, I thank the gentleman for his remarks.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. Conable).

Mr. CONABLE. Mr. Chairman and members of the Committee, I do not propose to stand here and belabor the technicalities of this bill because there are many technicalities and I will leave that to people who are more skilled technicians than I. I would like to talk a little about the philosophy of tax reform, the philosophy which has actuated the committee in the very long deliberations we have had. I realize that much of the work of the committee seems to other Members to be shrouded in mystery because we are so secluded in the course of our deliberations. I think it is desirable, therefore, to have members of the committee explain their motivations.

Mr. Chairman, let me say first of all that there is no question that one man's loophole is another man's needed national priority. Through our tax law we do express our sense of national priorities. The things that have been identified as loopholes were not originally put in the law to make the rich richer, but to try to help channel the flow of funds into areas of national need.

There has been an attitude prevalent in the popular press that a loophole identified but not immediately slammed shut is evidence that officials are corrupt or that democracy is hopelessly inefficient. Nothing could be farther from the truth, at least as far as the great bulk of the Members of Congress are concerned.

The closing of loopholes is rarely an open-and-shut case. Normally the tax preference which becomes identified as a loophole is something that can be closed only at a cost to the Nation. We have narrowed a number of these loopholes through this legislation. I am proud of what an even-handed job we have done. Only in a few exceptional cases have we failed to limit the preferences which have heretofore been considered by some people national tax scandals.

I will say that we are going to assess the cost of this bill over the years to come in terms of the alternatives which may be necessary. If we are not able to get enough money invested in the oil industry, for instance, or if we are not able to meet our goals in the housing field hereafter, these are important areas of national need which will have to be dealt with in other ways.

Mr. Chairman, I think if we are going to be mature about tax reform, we have to understand there is a cost involved in the narrowing of loopholes.

It has been the goal of the committee, and the chairman expressed this thought very well at the outset of this debate, that our primary concern was equity as among taxpayers.

We all know that the credibility of Government has been brought into question in more and more ways in recent years. There is no more central institution in the relationship of the people and their Government than the tax system, through which the people are required to support Government. If that tax system is tainted by stories that wealthy people are not paying any taxes; if tax preferences are foremost in the minds of those taxpayers who do not have tax preferences, then inevitably we are going to have a serious problem of tax collection and in the relationship of the people with the Government generally.

So it is against the problem of credibility that the committee has tried to move. In the future I very much doubt that we will be hearing stories about wealthy people who pay no tax at all. There still are areas with some degree of tax preference, because the manner in which the committee has chosen to move has been essentially a process of compromise. We have understood the national priorities involved in the tax structure as it was and we have tried to narrow the abuses that have sprung up around these tax preferences in the interest of insuring that everyone pays a substantial tax if he has a substantial economic income.

There are many things in this bill that individual members of the committee will not agree with. That is part of the process of compromise also. I am sure there are many things the Members of the House will not agree with. I personally think the compromises we have made in bringing this complicated bill to the floor have been in the national interest. They will not tear the fabric of our social and economic structure, but at the same time they will improve the equity and therefore the credibility of the tax structure.

I hope that the Members will support the bill. I think it is only fair to say that we must expect the high water mark of tax reform is being passed with our passage of this bill today in the House, at least as far as this session of the Congress is concerned.

Inevitably, as this bill goes to the other body, it becomes a target. It is a specific measure with specific provisions, and those who are affected by it can be expected to mount a counterattack. The other body, I am sure, will do its best to preserve equity and return the credibility of reform.

I think inevitably the bill, as it comes back, will be watered down to a degree. Perhaps those of you who are most unhappy with this measure at the present time can console yourselves with that near certainty.

I hope that nevertheless this bill will have strong support here in the House, as it stands.

Mr. Chairman, I would like to thank the chairman of the Committee on Ways and Means and the ranking minority member of that committee for the great patience they have shown in the development of this legislation. I think it is a far-reaching piece of legislation. Whether it is revolutionary or not—and I do not believe it revolutionary—it certainly is a credit to the industry and to the skill and patience of the two great leaders of our committee.

Mr. MIZE. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I am happy to yield to the gentleman.

Mr. MIZE. Mr. Chairman, would the gentleman please again give us the rationale relative to the changes in tax of mutual savings banks and savings and loan institutions and commercial banks?

Mr. CONABLE. I will say to the gentleman from Kansas that one of the concerns we have had in the banking field has been the effective rate paid by the banking industry. I do not have those figures at my finger tips, but as I recall the effective tax rate for mutual savings banks has been roughly 6 percent, for the savings and loans 16 percent, and for commercial banks 22 percent.

This has resulted largely from the tax handling of reserves. Banks have had a very favorable reserve for losses which has permitted them to maintain this low effective tax rate.

For most corporations and most businesses in the country, the effective rate is closer to 44 percent.

Through their handling of these bank loss reserves, the committee has made an effort to bring up the effective tax rate for the banking structure generally to a level more in line with that paid by other companies.

There inevitably is a cost involved in this, as I said earlier in my remarks, because the banking industry is in an easy position to pass on the increased costs to the consuming public. We need banks. Banks perform a very valuable public service, and quite obviously they cannot run at a loss. So if we increase their costs, through taxes or otherwise, some of those costs are going to be passed on to the banking public. This is something we have to face up to. Still it seemed to the committee that these low effective rates that I have mentioned did impair the credibility of the tax structure, and that is the reason we moved against them in the manner we did.

Mr. MILLS. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. CORMAN), a member of the committee.

Mr. CORMAN. Mr. Chairman, being an omnibus bill and dealing with a highly complex subject matter, this bill does not precisely please any Member. Each of us, if he had the authority, would write a slightly different law. Even among the 25 of us on the committee, seven separate views were expressed in the report. We had many 13-to-12 votes. Sometimes I was on the losing side and sometimes on the winning side. But I can tell you that this bill is a substantial improvement over existing law. It is a good bill. It is worthy of our vigorous support. I hope we will give it sufficient support so as to convince the Senate that we do not anticipate the undoing of our good work.

Some have said that this may be the last tax bill for 20 years, and that therefore every provision must be precisely right.

I suggest to you that no piece of legislation can last for 20 years. We have legislated in the tax field a number of times in the last decade, and we will have to legislate again.

I wish we were giving slightly more relief to some people and slightly less to others. I am sure we have missed some of the loopholes. We are conscious of one or two. The tax attorneys will figure out others, and as they do, we will have to come back to the House again and close them up.

But let us look specifically at what this bill does. It gives substantial relief to the people of this Nation who work for a living. To take an extreme example, under present law wage earners who take home fewer dollars than they would receive if they were on public assistance still must pay taxes on their wages. This makes no sense. Under the reform bill, such low incomes are very properly not taxable.

But let us look at some less extreme examples: A man who now earns $2,000 a year pays $176 of that amount in taxes. Under the reform bill he would pay $39. A family of four making $6,000 a year—and I expect we all have many such families in our districts—now pays $495. Under this bill the family will pay $345.

Now, some have said that the new rate schedule is too complex. It has been suggested that we should do away with this complexity and simply increase the personal exemption to $700.

I grant it is true that the $700 exemption would involve approximately the same revenue loss as would the reform bill. But of all the relief measures that have been suggested, an exemption increase is the most regressive. It gives the little man a little bit and the man who makes a substantial income much more than a little bit.

A $100 exemption increase gives those in the 50-percent bracket $50 of relief and those in the 14-percent bracket $14 of relief. This seems a strange kind of reform. Our bill is much more progressive. For instance, that single man at $2,000 gets $38 more in tax relief from the reform bill of 1969 than he would receive from an increase in exemptions to $700. A man who supports his wife on $8,000 a year gets $190 more in relief from our bill than he would from the suggested exemption increase.

Or, to look at the issue in aggregate terms, one-half of the relief on a $700 exemption goes to people who make more than $10,000 a year. Under the reform bill, however, one-third of the relief goes to people who make less than $6,000 a year, one-half goes to those who make less than $8,500 a year, and two-thirds goes to those who make under $12,500 a year.

So I suggest that this bill will mean equity and substantial relief to the millions of citizens who must support their families on very modest incomes. The bill's approach may be complicated, but it is also progressive, efficient and fair.

How about the people we have heard so much about who make hundreds of thousands of dollars a year but pay no taxes? Those people, under the new tax bill, will find it nearly impossible to escape taxes. There is one famous case from 1966 where a man with an adjusted gross income of $14,802,000 paid no taxes at all. Well, under the reform bill, he would pay $4,504,000 in taxes. There is another case where a man had a gross income of $1.8 million and paid no taxes. Under this new bill, he would pay well over a quarter of a million dollars.

Perhaps they should pay even more, and perhaps we should have made even greater adjustments than we did, but our bill ensures, for the first time in American history, that almost nobody will be able to avoid contributing to the cost of running this Government. That, I submit, is an accomplishment worthy of your approval.

I said earlier that this bill is not the last tax bill in a generation, as some have suggested. We will be talking about taxes for many years to come, if only because we cannot forecast public needs into the indefinite future. We all hope we will live at peace. We hope we can eventually dismantle our military defenses. But no one sees real hope for that in our time. In addition, our domestic problems will surely make substantial, if unpredictable, demands on our public resources.

So I acknowledge that we may well find, at some point, that we need more in the Federal Treasury than we get with this bill. But we do effect substantial reforms in equity among taxpayers with this bill. We say to those who have escaped their responsibility to contribute toward our national needs: You are now going to be taxed. And we say to the very poor: You will get genuine relief, and you will not have to part with the few dollars needed to keep your families alive, intact and healthy. We also say to almost everyone, across the whole rate schedule below $100,000: You are going to pay at least 5 percent less in taxes than you are now paying. We can say all this because we have said clearly to the economic interests: "You must contribute more than you are now contributing."

Some have complained that this would deprive the Government of badly needed revenues. In fact, the revenue effect is not great. And I ask you to consider the enormous revenue loss that would certainly, if not immediately, follow defeat of this bill: Unless we secure fairness in taxation, and very soon, we may well face a nation unwilling to pay taxes at all.

Mr. TUNNEY. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from California (Mr. TUNNEY).

Mr. TUNNEY. Mr. Chairman, in the press in the last few days we have had the opportunity to read that there is one area of income that is privileged, and that is the oil industry, that it still will be possible to earn a substantial amount of money and not have to pay any tax if the source of the income is oil? Is that correct?

Mr. CORMAN. That is correct. It is the decision of the committee to take income from oil out of the limited tax preference. I hope that decision will be reversed in the Senate.

If I may pose a question to the chairman of the Ways and Means Committee, it is my understanding that H.R. 13270 is intended to accomplish substantially in title II, subsection A, the purposes of H.R. 12135. Is that correct?

Mr. MILLS. Would the gentleman yield? Yes, this does accomplish substantially what was intended by H.R. 12135. It does not automatically provide for the waiving of the penalties where a State attorney general corrects a situation by causing a distribution of the assets of a foundation to a public charity, but it is provided that the Secretary, or his delegate, can delay the imposition of the penalty. He can do this where he has reason to believe the State attorney general's office will correct the situation. After it is corrected by the State attorney general, then of course there is no reason for imposing the penalty. In fact, examples of this type are included in the committee report.

Mr. CORMAN. Mr. Chairman, I often hear it charged that millionaries who pay no taxes are immoral. This is not precisely correct. We cannot easily impugn the integrity of those who maneuver scrupulously, if shrewdly, within the legal boundaries of our tax structure. Still, no one can claim that the end result is moral.

We simply cannot continue to take substantial sums from the paychecks of every worker in the Nation and leave untaxed vast sources of wealth. The immorality does not lie with the taxpayer who takes all that the law will allow. Rather, it lies with us. We have, after all, the authority and the responsibility to change those laws.

This bill does not change them all. Nor does it change any one of them as much as many of us had hoped. Yet, I do not hesitate to call it a sweeping reform. And I do not hesitate to call its effects equitable.

Mr. Chairman, I urge passage of this bill.

(Mr. TUNNEY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. TUNNEY. Mr. Chairman, it took a war—and the surtax it spawned—to awaken us to the deep injustice of our tax system. The surtax issue jolted us with the awareness that the burdens of the Federal income tax fall most heavily on poor- and middle-income taxpayers. We have suddenly recognized that this simply should not be.

The Tax Reform Act of 1969, as a result of some last minute changes, now faces up to the plight of the middle-income taxpayer. Because it does, it should receive our wholehearted support.

Hopefully we have seen the beginning of a trend toward progressively easing the burdens placed upon the most overtaxed segment of our society—the middle-income homeowner.

Over 90 percent of our taxpayers report incomes of less than $15,000 a year. At least 20 million report incomes below the poverty line. Twenty million more report incomes below amounts established as necessary to live in our large cities with the most minimum kind of comfort. Twenty-seven million report incomes from $7,000 to $15,000, but are denied any real affluence by rampant inflation.

Taken together, this 90 percent pays the lion's share of the $70 billion or so that we collect in personal income taxes. The burden of carrying many expensive programs falls on their backs, although they are little able to afford it.

How do they live? Are they the inheritors of the American dream? Or do they see themselves as participants in some kind of American nightmare?

They live by spending over half their incomes on simple necessities of living—food and shelter. They must spend most of their income, and they save or accumulate little. They pay heavy property taxes and mortgage interest to obtain the security of owning their own home. The property taxes go up, and the interest rates soar, and still their schools and other community services do not significantly improve. In the last few years some services have actually deteriorated. On top of that, they pay a bewildering variety of sales and excise taxes which are hidden in the price of things they buy.

These families are saturated with tax. They are being taxed to death. Still they do not receive high quality services, and every year what they earn buys even less. These families—and the young, the retired, the widows and widowers living on limited, fixed incomes—they are the ones who are hardest hit by inflation.

This 90 percent includes families who supply the majority of the troops in Vietnam. They are the ones who are asked to pay for that tragic conflict three times over: once with the sacrifice of their children; twice as their incomes are scattered to the winds by inflation; and again, with a surcharge on the already stiff taxes which they regularly pay.

That is how we honor those who shoulder the major part of the Federal income tax burden.

Our Internal Revenue Code at the same time rewards another group of taxpayers who pay no tax at all. Since they pay no tax, they pay no surtax. They receive windfall profits from inflation, as investments in land and stocks soar. They spend a small part of their economic income for necessities, and consequently a smaller part of their income on State and local taxes.

Included in this favored group are many millionaires who pay no taxes at all, or who pay them at the very low effective rate of 5 percent. The rate on the first $1,000 of income is 14 percent. Consequently we are faced with the nightmarish fact of men with annual incomes of over $1 million—men with incomes a thousand times higher than the taxable income of a family of four earning only $78 a week—who nonetheless end up paying taxes at a fraction of the rate assessed against the poorest wage earner.

The Tax Reform Act of 1969 strikes hard at the inequities which allowed this result. It is an essential step toward restoring fairness and simplicity to the tax system. It recognizes the inordinate burdens which, in the past, we have placed on middle-income taxpayers, and it makes progress in easing those burdens.

Middle-income taxpayers will benefit from reduced tax rates. They will also be able to use an increased standard deduction which should simplify the preparation of tax forms for millions of persons.

When the tax relief becomes fully effective in 1972, middle-income families will receive significant tax reductions. A family of four earning $5,000 will enjoy a 31 percent tax cut of $90. The same family, if it earned $10,000, would receive a tax cut of $174 or 16 percent. At $7,500, the saving would also be 16 percent or $111. Such a family earning between $12,500 and $15,000 would pay from $220 to $226 less in taxes.

Other provisions of the bill will benefit single persons over 35, widows and widowers, and the poor.

These changes are encouraging. Progress has just begun, however. We must remain alert to tax avoidance which violates the community's sense of justice and fairness. We must continue efforts to relieve greater numbers of the poor from Federal tax burdens. If a person finds it a hardship or an impossibility to pay for an adequate diet, or obtain adequate housing—and if he already pays significant indirect taxes on his expenditures—we should review carefully the amount of Federal taxes he is required to pay.

We must continue our efforts to bring inflation under control, and remain sensitive to the needs of the middle-income taxpayer. This bill should not spell the end of tax reform for another generation.

The war—and the surtax—have once and for all shattered our complacency and inspired a comprehensive effort to review our national priorities. This bill, however, responds to only half the problem. We must scrutinize how our Government spends, as well as how it collects its revenues. Even an equitable system of tax collection becomes an outrage, where the revenues are spent inadvisedly or ineffectively, while urgent needs are ignored.

That is the situation today. Urgent domestic needs are not being met. Instead Federal budgetary policies give disproportionate stress to financing foreign operations, and to expanding defense outlays at a steady rate of about 9 percent of our gross national product.

The burden of supplying needed community services has fallen on two unjust taxes levied against property and sales—taxes which are unjust because they are not based on a person's ability to pay. Property and sales taxes account for over two-thirds of the taxes collected by State and local governments. Because middle-income families must spend a higher proportion of their incomes than the wealthy, they pay a higher proportion of property and sales taxes to finance our domestic needs.

Although property and sales taxes are as high as they can go, the cost of meeting domestic needs, particularly in education, have been rising faster than our national income. Property and sales taxes have already been increased in a vain attempt to keep up with costs.

While State and local incomes cannot increase as fast as the GNP, it is estimated that for every 1 percent rise in national product, Federal income rises 1.5 percent.

The Federal Government monopolizes the most lucrative tax base—personal and corporate income—and it must begin to share this rising revenue with the States.

I firmly believe in the necessity for this, and I have introduced legislation to accomplish tax sharing. If adopted, the Federal Government would distribute 2 percent of the aggregate taxable income reported on Federal returns. This year such a program would result in the distribution of about $7 billion to the States on a formula basis. California would receive about $650 million under this approach. This would represent about 10 percent of the State's budget, and would be given in addition to other grants-in-aid. Unlike many grants-in-aid, however, there would be no strings attached to these funds. The State would be left to decide how they could be used most effectively. Such funds could provide a needed margin in resolving such local crises as the one in school financing.

The tax reform bill is half the battle. I urge that it be passed, and that we get on with restoring reason and fairness to the rest of the budgetary process.

Mr. MILLS. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. ROONEY).

Mr. ROONEY of New York. Mr. Chairman, as usual, the distinguished chairman of the great Ways and Means Committee of this House, the gentleman from Arkansas (Mr. MILLS), has performed brilliantly in presenting to the House the pending comprehensive and much-needed tax reform. I urge its passage. It is not as much as I would like, but it has something for every one of my constituents.

I would like, too, Mr. Chairman, to take this opportunity to thank the distinguished gentleman from Arkansas (Mr. MILLS) and all the members of his committee for the action they have taken in connection with certain activities of tax-exempt foundations. I want to again thank the committee, too, for granting me the opportunity of appearing before it to testify with regard to the dangers to our constitutional form of government presented by a foundation dabbling in politics. At page 32 of part 1 of the committee report on H.R. 13270 it is stated that:

> In recent years, private foundations have moved increasingly into political and legislative activities. In several instances called to your committee's attention it was made clear that funds were spent in ways clearly designed to favor certain candidates . . . In some cases contributions were made to organizations that then used the money to publicize the views, personalities, and activities of certain candidates . . .

In my testimony before the Ways and Means Committee on February 19 of this year I spelled out just such a case. Unfortunately, I was speaking from firsthand knowledge since one of my opponents in the 1968 primary election had used just such a gimmick. I am gratified that the committee immediately grasped the danger inherent in the use of the "charitable" foundation political business and the fact that no office holder in this body or anywhere else in the country was safe from this sort of thing unless he had access to extreme wealth or could in fact set up his own charitable foundation to aid in his reelection.

Mr. Chairman, I am extremely pleased that the great House Committee on Ways and Means in its wisdom acted in the manner it did to remove the foundation problem from American politics and I am doubly pleased that I was able to play a small part in bringing this to the attention of the committee and through its action, the American public.

Mr. MILLS. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, with the tax reform package coming up before us under a closed rule, I would like to make my feelings known on several important points in the bill. Before doing so, however, I would reiterate my sentiment that several of these items, in my judgment, are so important that they should be the object of separate votes. Of course I can see that this may not seem practical in a tax package of this size, and I can realize that fact.

One of the major items concerning me is the treatment afforded in the bill to the oil industry. Those of us from oil-producing States know that this topic has become the center of a hot, emotional conflict, and I firmly believe that the attacks being made on the oil depletion are based more on emotion than on fact. Why single out oil and gas? Why do we give an exemption to iron ore, keeping it at the same level, yet make a 25-percent reduction in oil and gas? On the face of it, thinking people must ask themselves why?

I think it is significant that this item, which has been represented as the high mark for the need for reform, is not presented to the House so that it can cast an independent vote and exercise its will. For years, the depletion has been ridiculed as a fantastic giveaway, and yet rational minds have kept it on the books since 1926. If it is now so bad, why should not the majority of the House be given the opportunity to vote on it directly?

I would also note that the Ways and Means Committee was quite formal in its approach on the depletion question. While they were willing to go back to touch up other aspects of the bill, this part of it was never again reopened.

There is one particular aspect of the depletion changes I would like to note to the House, and that is the provision dealing with foreign operations. I would start by saying that any changes in this area are of doubtful advantage to the U.S. Treasury, and it generally is not clear at all that a reduction in overseas depletion allowances will result in a corresponding increase in domestic tax revenues. Still, the package presented to us completely knocks out overseas mineral depletion as to oil and gas operations, but makes only about one-fourth reductions on most other minerals.

I do not think the overseas allowance should be removed on oil and gas. But if that step is taken, then I say we should certainly do the same for other minerals. We should let the other overseas industries feel the same treatment.

This heavy-handed imbalance is not one which would sit well on our conscience, and I am most hopeful that we will see further actions on this aspect of mineral depletion.

Mr. Chairman, another point I wish to comment on concerns the treatment made in the bill for banks and savings and loan associations. As the matter is presented in most of the summaries which appear on the bill, the committee actions merely involve a new series of formulas to recompute bad debt reserves and scale down percentage deductions, all with the result of raising substantially the taxes on savings and loans, mutual savings banks, and commercial banks.

It is important, however, to look into the background of what is being done, and to measure the impact of this action on one of this country's greatest needs—housing.

Savings and loans started out as being totally exempt from taxation, generally on the theory that the institution was merely acting as a clearinghouse for customers to do business among themselves. When tax liability was initially imposed in 1952, and increased in 1962, there were still substantial advantages left in the law for those institutions which had a sufficient portion of their outstanding loans in the home mortgage market. In fact, these additional advantages would flow to an institution only if they had more than 82 percent of their assets invested in residential real estate, liquid reserves, and certain other assets.

Needless to say, this incentive was quite effective, and in light of the relative uncertainties of the home loan market, it does seem this incentive should be maintained.

The actions of the committee are reportedly designed to close the gap in the taxes paid between the savings and loan associations and the commercial banks. Possibly this does need to be done to a certain extent. But I am most concerned that these actions do not go too far. I certainly hope we do not see a slow deterioration of the savings and loan industry, with the corresponding downfall in the home building industry.

This is an area we need to promote, not impair.

Mr. Chairman, the final topic on which I would like to comment concerns the new steps proposed on the cooperatives. First, I would like to say that I am encouraged by the actions of the committee on this item, when compared to the initial announcements they made in earlier press releases.

As many of my colleagues may have heard, the initial Ways and Means action was to increase from 20 to 50 percent the amount of patronage allocations an exempt cooperative had to pay out at the close of each year of operations. Moreover, there was proposed the requirement that the remaining 50 percent be revolved out as patronage payments within the following 5 years.

I think this initial proposal was too harsh. It effectively precluded any cooperative from acquiring capital for needed expansions and improvements, and it could have worked a hardship on many of these co-ops operating in our rural and agricultural areas.

Rather than pursuing this approach, the final committee action keeps the 50-percent current-year dividend requirement, but lengthens the 5-year requirement to a 15-year pay-out requirement phased in over a 10-year period.

Mr. Chairman, I realize that the operations of cooperatives have been subject to extensive commentary as to the propriety of their existence in our free enterprise system. In some types of cooperative operations, this may well be a valid point, particularly in those instances in which a cooperative competes directly with a small, independent farmer and businesses. But on the other hand, there are certainly those activities in which cooperatives can and do provide a valuable service, and I do not think we should lose sight of this in determining tax reform actions on these groups.

We have been given little time to study this huge measure. Everyone wants tax reform. Everyone wants tax relief. Everyone wants to see the tax burden shifted away from those least able to pay.

I know this has been the objective of the committee, and the bill is a result of a lot of work, study, compromise and action. The committee, however, was making changes in the tax tables as late as yesterday, and I believe this is recognition that we do need more time to clarify and correct this bill.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. Lloyd).

Mr. LLOYD. Mr. Chairman, I take this time to ask the chairman of the Ways and Means Committee a question.

Today I have been inundated with communications which charge that the committee did not hold sufficient hearings in order to give those who are interested in the bill sufficient time to appear before the committee with their testimony. I would appreciate it if the chairman would comment on that charge.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. LLOYD. I yield to the gentleman from Arkansas.

Mr. MILLS. I certainly want to comment on that statement, because whoever says that is just not informed about what took place.

We began these hearings February 18. The press release announcing the hearings was released on January 29 so there were 3 weeks of notice before we started. We laid out in our press release every subject matter we have acted upon with one exception. We did not include in our hearing notice any reference to the taxation of cooperatives. We did include in our hearing notice the tax treatment of every other subject matter that is included in this bill.

There were approximately 600 people who appeared before the committee and over another 200 who submitted statements. Their statements appear in these 15 volumes which consist of 5,815 pages.

Now, it is true we did not have a bill before us at the time of the hearings. Our committee develops a bill after the hearings. If they want to charge there was no hearing on this specific bill, I can only say there could not have been, because the bill itself was introduced on August 1, as the gentleman knows.

Mr. LLOYD. As a member I am acquainted with the fact that press releases have been issued periodically. Would the chairman make a comment on the periodic issue of press releases?

Mr. MILLS. Yes. We issued our first, covering what actions we had taken, on May 27. Then we issued another press release on July 11. Then on July 25 we issued another. From that point on, as I recall, we made our releases to the newspapers on a daily basis, because we were moving then quite rapidly.

Mr. LLOYD. Were there any responsible organizations or individuals who were denied the opportunity of presenting testimony to the committee either orally or in writing?

Mr. MILLS. Not that I am aware of. We heard everybody who asked to be heard within the time we fixed for them to file notice. We gave them approximately 3 weeks to do that.

Mr. LLOYD. I thank the gentleman.

Mr. Chairman, the clear and present responsibility of the House of Representatives is to correct inequities which exist in the application of the Federal income tax to the citizens. We must bring tax equity to that forgotten wage earner who bears a full share of the tax burden without sharing in the tax benefits available to wealthy nonwage earners. The revelation yesterday by Chairman Wilbur Mills here on the House floor of the example of a widow who was left tax exempt securities enabling her to receive $2 million tax exempt income per year is only one of myriad examples of tax injustice. This House cannot be blind to these facts, and this vote for tax reform to achieve equity is imperative.

The Ways and Means Committee has performed a massive service. Those of us in this Chamber know the diligence and dedication which the committee has applied to this task since it began public hearings in mid-February. There were many who said it could not be done. But we have here today a product—not a perfect product—but a product conceived by the best minds and the best effort which the combined talents of the membership of that committee can produce.

The bill reduces certain tax incentives and allowances, such as those pertaining to development of our natural resources and others, which raise grave apprehensions in my mind and perhaps in the minds of every Member. It contains 368 pages. There are 435 Members of this House. If we were to open this voluminous bill up for amendments while 435 Members attempt to serve the particular interest we represent through amendments, we would not be finished by Christmas and we would be able to do nothing else. A closed rule provides us the only opportunity for actual progress.

Section 7 of the Constitution provides that all bills for raising revenue shall originate in the House of Representatives, and this House has properly confronted its responsibility. The bill moves from here to the Senate where under a policy of free and unlimited debate, that body can modify any provision where the removal or reduction of a tax incentive or allowance is adverse to the public interest. I will not attempt to enumerate here all those incentives and allowances which I would wish it were within my power to consider individually on the merits. However, in addition to those tax incentives and allowances essential to develop our natural resources, I may mention those pertaining to local bonds, farm cooperatives, certain financial institutions and the degree of encouragement warranted by private foundations. All these and more, the Senate may properly analyze and pass judgment upon.

It is said a journey of a thousand miles begins with the first step. I would hope this will not be a thousand mile journey. But certainly this House cannot avoid its responsibility to take this first step today toward establishing equity and fairness in the application of the Federal income tax. The free, taxpaying citizens of America demand and deserve no less.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may consume, to the gentleman from Indiana (Mr. BRAY).

Mr. BRAY. Mr. Chairman, this tax reform bill is generally good legislation. Writing a tax bill is complicated, and the great extent of this bill makes it especially difficult. The bill itself covers 368 pages.

The committee did not have sufficient time to properly work out every change. There is one provision to which I draw your particular attention: that of changing the Federal tax-exempt status of municipal bonds. I believe it is a great mistake.

Every community in America, every school, our streets and highways, flood control and antipollution projects, airports, and scores of other vital community projects are all dependent upon obtaining the necessary money from bond issues. To sell these bonds under this new tax law, it will be necessary to pay an interest rate so high that it will do great injury to the property owners in the respective taxing districts who are already paying backbreaking taxes.

The committee apparently was aware of this for they have worked out a plan whereby the Federal Government, if the taxing unit desires, certifies on the bond that it is not exempt from Federal taxes will pay a part of the interest to the local bonding unit. How are you going to determine what percentage the Government will pay? That means that every township, every village, every city, every county, every taxing unit, if they choose to use this method of issuing bonds, must go to Washington to negotiate as to what, if any, reimbursements they can receive from the Federal Government on their bond issues. This certainly will open a Pandora's box and will mean utter chaos.

By changing the exemption on municipal bonds we will force local governments at every level to look to Washington to solve their problems.

Since this is a closed rule, no amendments can be offered. I trust that when the Senate considers this bill that they will give careful consideration to this section and eliminate it.

The method provided in taxing mutual funds are complicated and it is difficult to understand exactly how it will work, but to relieve that uncertainty, this section should be removed.

As I have stated, this generally is good legislation, but in the interest of local self-government and in the interest of every community in the United States this section should be removed.

Mr. MILLS. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Chairman, along with other Members of the House I am very deeply interested in this legislation and very concerned that we find the right answers to the problems confronting us.

In the debate of yesterday I made reference to my grave concern over the provisions in the pending measure which I consider highly adverse to the best interests of the oil industry and to the Nation as a whole. I would like to comment further on this most important subject.

It seems more important now than ever before that we have an atmosphere which will encourage exploration and the development of our domestic oil industry. In my appearance before the Committee on Ways and Means on March 20, I stated in part the following:

> National security demands that we have a healthy and growing oil industry. Forty percent of the independent oil producers in my area have gone out of the oil business in the last 10 years. There has been a nationwide decline in exploration, a decline in drilling, this in spite of the fact that there are certain incentives, but these incentives have not been adequate to provide the growth that we should have in the development of oil resources.

Mr. Chairman, I quoted to the Ways and Means Committee an excerpt from a study provided by the Department of the Interior which states that in order to meet rapidly growing demands for petroleum during the next 15 years the industry must find and develop 50 percent more oil than has been found and developed during the past 15 years. I went on to state to the committee:

> For many good reasons we don't want to precipitate a situation that would bring about a further decline in exploration. What we want to do is to generate more interest in the finding of reserves because we have to find about 50 percent more in the next 15 years than we found in the last 15 years.
>
> So, this is one of the problems here involved. The consumer has been, generally speaking, very fortunate. The price of a barrel of oil 10 years ago was about $3.05 and it is about $3.04 now, despite huge increased costs, inflation, labor, and so on, and the drilling of deeper, much deeper wells than was formerly necessary.
>
> In exploration you find that in wildcat wells 8 out of 9 of them are dry holes. This is a hazardous business and it needs to be encouraged from the standpoint of the national interest, national defense, and otherwise.

Mr. Chairman, there are those who apparently assume that those of us who oppose certain damaging provisions relating to oil are taking a narrow view of the pending measure. I do not believe this is a correct assumption. The overall economic well-being and military security of this country is directly related to the availability of an adequate domestic oil supply for the future. We must take a long-range view if we are to safeguard our best interests.

Earlier this year in testimony presented to the Appropriations Committee, Mr. John O'Leary, Director of the Bureau of Mines of the Interior Department in referring to U.S. production and consumption of mineral resources stated :

> Looking at a straight-line extrapolation of the U.S. production and consumption, we find this: Right now we are producing in the range of $25 billion worth of mineral resources and consuming about $31 billion worth. By the end of the century, we will be consuming $90 billion worth annually and producing something in the range of $45 billion worth annually. In other words the present deficit of six or six and a half billion will increase to 45 billion by the end of the century.
>
> Taking this back, in 1950 our deficit was only about 9 percent of our consumption requirements. Our deficit now is in the range of 25 percent of our consumption requirements. By the end of the century, it will be in the range of 50 percent of our consumption requirements.

Mr. Chairman, I realize that this is a projection into the future but the significance of the statement seems obvious. As we all know we already face a critical balance-of-trade problem. The very pertinent question arises, how are we to offset this staggering projected deficit—this huge projected increase in imports to satisfy this anticipated demand.

Of the $25 billion of minerals production Mr. O'Leary refers to, petroleum represents about $10.8 billion; of the $31 billion of consumption, some $13.8 billion is oil. Following this trend down the road to the projected $45 billion deficit in minerals by the end of the century one can clearly see the seriousness of the situation which confronts us.

In 1964 our Nation had in all goods and services a favorable trade balance of over $8 billion. This year we will have little if any surplus. How will we offset the projected increasing deficit in minerals?

We certainly cannot afford to create conditions which stifle domestic exploration. Our immediate and long-range economic welfare just will not permit this.

Mr. Chairman, in the vote on the pending measure today we are confronted not only with the provisions in the bill which relate to oil and minerals but we are also confronted with provisions in the bill which relate to many other areas of tax legislation.

I am concerned, as I know many other Members are, about some of the provisions and implications of the pending measure relating to a number of other tax problems. The 369-page bill is extremely complex and technical and it has not been possible to fully analyze in the brief time since the bill has been available all the various provisions in the measure. Such a far-reaching measure deserves closer study and consideration than we have been able to give it during this brief period.

Mr. MILLS. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Chairman, first I wish to thank the gentleman from Arkansas, the distinguished chairman of the Ways and Means Committee, for his graciousness in yielding me this time.

Mr. Chairman, yesterday the distinguished chairman of the Ways and Means Committee was very kind in responding to an inquiry which I made. I asked him what was the committee's rationale for seeking to impose a 7½-percent tax on the investment income of private foundations such as the Ford Foundation, and not similarly taxing the investment income of churches, colleges, and those foundations which are largely supported by the general public such as the March of Dimes. I hasten to add that I do not believe that any of these organizations ought to be subject to this tax. But, in any event, I wanted to ascertain whether there was any legitimate reason for this distinction. I listened very carefully to the chairman again reread his statement this morning and I must confess that I still can discover no valid reason for the distinction. His answer included the rather dubious proposition that colleges and churches who receive contributions from the public turn right around and spend these moneys leaving no balance to tax. This flies in the face of reality when we all know of the tremendous investment portfolios of these institutions arising from bequests and capital fund raising drives. Such institutions, I submit, are no different than private foundations in seeking to make their money grow by prudent investment so as to have greater wealth for their worthy purposes.

As the result of my conversations with others more conversant than myself on this matter, I have come to the conclusion that there is no rationale other than that there are members of the committee and this Congress who do not agree with some of the programs and philanthropic activities of certain private foundations and wish in some way to indicate their displeasure. Surely if the intent had merely been to raise moneys to finance the closer supervision of the activities of all foundations, private or otherwise, then a very modest 1 or 2 percent might have been imposed. The report of the committee describes the tax as a "user fee" to defray the cost of policing the foundations. However, as the New York Times pointed out in yesterday's editorial, the committee proposes no machinery or funds earmarked for such supervision.

Since no adequate explanation can be given for this discriminatory and punitive tax of private foundations, I hope that serious consideration will be given in the other body to the elimination of this provision.

I intend to vote for the bill because I think it has sections which are very helpful to the low and middle income tax payers, and I hope that those sections of the bill which are, in my judgment, still inequitable will be revised by the other body.

Mr. MILLS. Mr. Chairman, I yield 7 minutes to the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. I would like to say a word about the forgotten man in this debate—the oilman. "Once there was a little girl with a curl in the middle of her forehead. When she was good, she was very, very good. But when she was bad, she was horrid."

Mr. Chairman, there is much good about H.R. 13270. But, by omission, there is much bad about it, too.

Tax reform in general terms has always been good speech material. Politicians have always known they must either be for tax reform or seem to be for it.

Recently, being specific on the subject has even become vogue. So speaking out against unjustifiable tax breaks for certain privileged citizens may have already become, at best, repetitious and, at worst, passé. It is doing something about it that would prove unique now.

Orwell wrote of a society where all were equal, but some more equal than others. It was left to my college professor of political science to explain that: "Government is that means by which the strong will take what they would have taken anyway. And the weak can retire gracefully."

Until now the weak have been the average taxpayers who year in and year out pay the taxes to make up for the tax break subsidies extended to such conspicuously unneedy interests as the petroleum industry; inheritors of tax depreciated and untaxed appreciated property; holders of vastly appreciated, yet untaxed assets used for charitable deductions and holders of certain kinds of bonds.

But the average taxpayers who have suffered this injustice are not so weak anymore. They are not so weak anymore because of the nature of the weakness which victimized them in the first place. That weakness was a lack of knowledge about what is going on and who is getting away with what under the 1954 Federal Income Tax Code.

But now the cat is out of the bag. And these people who have been paying far more than their fair share of the tax burden can no longer be misled by the nebulous sleight of tongue which mumbles something about the need for tax subsidies to the petroleum industry because the country needs oil, and supposedly no red-blooded American oilman will go out and dig it up if he has to pay the same tax on his huge profits as other businessmen. The average taxpaying citizen might well ask, "How much faith does this argument show in the profit motive of the free enterprise system?"

Nor is this average citizen likely to accept the threadbare argument that, with market-oriented production and import controls, there is a shortage of oil which can be reduced by subsidizing those who sell it to the public.

I hear it said that the petroleum industry risks money when it drills for oil. And so, too, does every other businessman who invests in the pursuit of profit. The oil industry is permitted deductions which do not pretend to relate to the actual cost of doing business. Other businessmen and individuals are allowed tax deductions only to the extent that they represent exact amounts expended in the production of income.

Some will tell you that from the oil businessman's point of view, oil is a depleting asset, salable only once. Can this not be said of the goods of any mercantile operation which is allowed to deduct only the actual cost of goods sold?

With modern accounting methods, there is no mystery about the actual figure of the depletion cost to a given oil company. Indeed, the code provides for cost computation of oil depletion as an optional alternative to the 27½-percent depletion allowance. Obviously, those whose cost depletion exceeds 27½ percent will choose the cost approach for taxes. And those whose actual depletion cost is less than 27½ percent will accept the subsidy of the percentage method. Thus, the Government is saying that if an oil company pays a great deal of its gross income to obtain the product sold, there will be no subsidy. But if that cost is a smaller percentage of the gross income, there will be subsidy.

But after everything is said that can be said, the fact would remain that year in and year out the average income tax paid by the petroleum industry has been considerably less than 10 percent of profits computed as other businesses are required in determining their Federal income tax obligation. And that is a wrong to which no citizen should have a right.

The mythical 27½-percent depletion allowance which at present is only used to the extent of about a mythical 23 percent, is changed by this bill to an also mythical 20 percent. The difference between the cost of depletion and the 20 percent equals the giveaway sanctioned in this so-called reform bill. It seems to me that the reform has been run through a refinery on well-oiled rails. Once again big oil seems to be sliding its slippery way through the closed rule of Congress. And people wonder why there is a grassroots taxpayer's revolt.

Does anyone here really think that the outrage of this daylight robbery from our constituents, the vast majority of American taxpayers, can be kept a secret from them?

As is well known by more and more people in this country, mythical depletion allowances represent only one unjustifiable tax break for the petroleum industry. The intangible drilling cost deduction allows for a complete writeoff in 1 year of a large part of the capital expenditure for drilling. Such an arrangement makes the classic concept of rapid writeoff seem like tax confiscation. The practice should be ended. But the bill before us does not end it. The so-called "50 percent of income must be taxed provision" applies to everyone—everyone, that is, except oil people.

When the unspecially privileged citizen pays tax to a State of the United States, he is allowed—not a tax credit for Federal income tax purposes—but the far less beneficial tax deduction. When an oil company pays royalties to a foreign government, that company is allowed a tax credit mostly in the current year. How American is that? This so-called reform bill allows credit where credit is not due. It continues this petroleum privilege. Other areas of unjustifiable tax breaks besides the petroleum industry remain safely ensconced in the protective harbors of the committee inner sanctum and the gag rule under which mere ordinary mortal Congressmen are not allowed even to offer amendments on the floor. For example, the unjustifiable treatment of inherited property with respect to depreciation and appreciation is well known, but not changed.

Suffice it to say that it is difficult for six men to carry a piano, but especially difficult when some of the biggest of them are riding on it.

Except where legitimate need exists, equal protection under law should include equal treatment under the tax law, but under this bill, it does not.

Mr. MILLS. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I rise in support of this legislation.

If my election to the House on April 1 represented anything at all, it was a reflection of the deeply held desire by the people who reside in Wisconsin's Seventh Congressional District for meaningful tax reform.

When I sought the support of the citizens of my district, I pledged that if I were sent to Washington my No. 1 priority would be tax reform. I intend to fulfill that pledge today. I am pleased to be able to do so because there were times when I doubted the chance would ever come.

I am not so pleased, however, about the conditions under which we are forced to debate and vote on this bill. I think it unfortunate that this bill is being debated under a closed rule which thereby prohibits Members from offering even one amendment.

There is much to justify a vote in support of this bill. This bill will provide some long range tax relief for the lower and middle income taxpayer and it will reduce the disgraceful inequities which in the past have allowed 21 millionaires and 134 other persons with incomes of more than $200,000 to pay no Federal income tax at all, while at the same time 2.2 million taxpayers with incomes below the Government-designated poverty level were required to pay $100 million in income taxes.

There are a number of amendments which I would like to have been able to offer in an attempt to make this bill more equitable.

They would have included—just to mention a few:

First, an amendment to eliminate the 6-month surtax extension from the bill. Admittedly, the surtax extension is at a reduced rate of only 5 percent, but I am reluctant to give my approval even to that without assurance that necessary changes in spending priorities will be forthcoming. It cannot reasonably be denied that the Government is spending a significant portion of our tax dollar in the wrong places;

Second, an amendment to ease the provision in this bill dealing with cooperatives. This provision deals in an unnecessarily harsh manner with cooperatives and the entire matter should be studied more carefully before any action is taken;

Third, an amendment to retain the 7-percent investment tax credit for the cost of new machinery and equipment up to, say, $15,000 a year. While I support the overall attempt to repeal the investment credit in order to help reduce inflationary pressures, I believe a sound case can be made for retaining that 7 percent credit for the first $15,000. Certainly, that limited a credit would have a minimal effect on inflation and would be of great assistance to family farmers and small businessmen;

Fourth, an amendment to crack down even further on high-income taxpayers and corporations who use farm losses to offset nonfarm income. The provision on tax-loss farming originally proposed by the Ways and Means Committee is stronger than the one in the final bill, and I would like to see much stronger provisions to stop corporation from milking the Federal Treasury.

These amendments—along with several others—would have made this a better bill and I am convinced that, if we had been given the chance, at least two of them would have been passed.

In spite of my disagreement with several portions of this bill, I am voting for it because on balance it eliminates many of the inequities which, if allowed to continue, could create a crisis of confidence in this country. The American taxpayer has throughout the years compiled a truly remarkable record of responsibility and generosity. He has reached into his pocket to help support not only his own society, but many others as well, all around the globe. And he has done it—largely on a self-assessment basis—despite his knowledge that for years special privilege loopholes in our tax laws have given help to the well-to-do at the expense of the poor.

The American taxpayer does not ask much of his Government. He does not, by and large, seek to avoid hs responsibility as a citizen so long as he knows everyone else is also doing his share. And so, in that sense, the passage of this bill is a tribute to the American taxpayer's compliance with our tax laws, despite enormous frustrations.

I am greatly pleased that one glaring inequity was eliminated from this bill yesterday when the committee very responsibly adjusted the tax rates to provide some tax relief for low- and middle-income wage earners who itemize their deductions. As originally proposed, the tax reform bill, under certain circumstances, would not have given these people any relief at all while it would have given 88 percent of the $1.8 billion resulting from the rate reductions to taxpayers earning over $15,000 a year. Fortunately, that inequity has now been corrected and the tax relief will be spread out much more evenly over all income groups.

Although the public should be aware that the tax rate reductions in this bill will not take full effect until 1972, the changes in this bill will nevertheless eventually provide a rate reduction for the hard-working and deserving middle-income taxpayers in this country. That is one reason why the passage of this tax reform bill is needed and why I intend to vote for it.

I would caution my colleagues, however, not to believe that passage of this bill will end the struggle for tax justice. In that regard we still have a long way to go.

And there is one other danger present here today and that is that this bill is being considered much too hastily. We are dealing with a 368-page bill and a 226-page committee report which has only been available in final form for some 3 days. The material contained in these documents is complex and it is important; and it is difficult if not impossible for Members—especially those not on the Ways and Means Committee—to dig into the details of this legislation. The possibility exists that in our haste we may be overlooking loopholes or even new inequities which are still tucked away in the far reaches of this bill.

This bill has its flaws and I would hope that the Senate would eliminate at least some of them before they give it final passage. But on balance, if we are to keep faith with the American people, the bill before us today requires our support.

Mr. MILLS. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman, I would like to say that I agree that the House Committee on Ways and Means has labored all year to produce what is referred to as a tax reform measure. I would suppose as my predecessor in the well, the gentleman from Indiana (Mr. JACOBS) has said, politicians or people who hold political offices always must be for tax reform, but I cannot help but note it depends on whose foot the shoe is. The gentleman from Indiana (Mr. JACOBS) spoke eloquently about the tax advantages and the need to reduce the depletion of the oil industry, but the gentleman took no cognizance of the fact that the percentage depletion for iron ore in the gentleman's State was left untouched and not reduced. So I would suppose that it depends upon whose ox is being gored, and we all attempt to look after the interests of the people that we represent.

To be sure, I represent a State which is, in fact, the second largest oil and gas producing State in the Nation and which acre for acre is the largest oil and gas producing State in the Nation—thank God—because I am happy to have those resources available for our people.

Mr. Chairman, there was some reference to this as a tax reform measure. It would be a more apt description to refer to this legislation as a revenue-producing measure because in my personal opinion it is exactly that, a revenue-producing measure. There are those who have, maybe not as jokingly as it would appear—referred to this measure as the tax lawyer and accountant's relief act of 1969—because it is a complicated measure.

The committee did work long and hard, but I believe the best interests of the people of this country would have been better served had this House had additional time since the committee reported the bill to give a little more consideration to it. I did, believing that to be necessary, appear before the Committee on Rules and asked that consideration of this legislation be delayed until after our August recess which begins next Wednesday, the 13th of August, but the Democratic process in the Committee on Rules was at work, and the Committee on Rules voted against me, and I abide by their decision.

As you gentlemen know, it was just Monday of this week when we were first handed copies of this bill, 368 pages long. It was accompanied by a 266-page report. Just yesterday, I had my first look at part 2 of the report, an additional 143 pages. This is a total of 777 pages of legislation and report. I do not believe that the House has acted wisely in forcing us to take up and vote on this bill without providing us a decent amount of time to study its provisions and ascertain what its ramifications are. This is the most complex piece of legislation to come before the House in decades, in my opinion.

I, for one, want to know what I am voting for or against. I want to know how this legislation will affect every man, every businessman and every housewife and there is not time for me to find out on my own and no one who can answer the scores of questions many of us have on this bill. I am told to read the digests appearing in the news media, but I am not interested in the snap judgments of some newsman I do not know who has probably had a great deal less contact with this legislation as it was being written than I have had.

I have a number of questions that I would like to get clarified, Mr. Chairman, with regard to this measure. Some of these questions, perhaps most of them, I have handed to the distinguished chairman of the House Committee on Ways and Means—as capable a committee chairman as I have known in my tenure here in the Congress.

Mr. Chairman, I shall proceed with my questions. The first question has to do with section 121 of subtitle B of title I.

Mr. Chairman, do I understand correctly that under the provisions here the investment income which is produced through donations received by fraternal organizations are to be taxed at the same rate as businesses, rather than at the 7½ percent rate accorded to foundations, for instance?

Mr. **MILLS**. Mr. Chairman, if the gentleman will yield, they would be taxed at the corporate rate—but if the gentleman will pardon me, let me make it clear why the 7½ percent was provided for foundations: foundations of the type we are talking about, private foundations, develop most of their income or revenue from dividends. And if a foundation were a corporation, then the corporate dividends received deduction would come into play, under which the corporation deducts 85 percent of total investment income from the tax, and leaves 15 percent subject to tax, which with a tax rate of 50 percent, means a 7½ percent on the whole income.

Mr. WAGGONNER. What would be the effect of this then? Is it the intent of the bill to penalize lodges and national organizations who decide to file a consolidated return for their affiliate chapters by taxing them at a rate which is greater than that applicable to individuals, corporations, and other associations when an information return is not timely filed?

Mr. **MILLS**. I believe what you are referring to relates to the requirements for the filing of information.

Mr. WAGGONNER. Does this apply also to organizations like the Boy Scouts, the Girl Scouts, PTA, garden clubs, symphony societies, and so forth?

Mr. **MILLS**. Yes, that is true. But the Secretary is given the authority to waive these filing requirements and I would anticipate that he would waive the filing on the part of many of those the gentleman pointed out, like the Boy Scouts, Girl Scouts, PTA, and organizations like that.

Mr. WAGGONNER. Mr. Chairman, to move on to another subject—to the subject of hospitals—specifically section 101(j) and section 201(a) of the bill and sections 501 and 170 of the code.

Is the language of the bill adequate to insure their exempt status will not be denied on the basis of the current section 503(c)(3), which I quote and which says: "makes any part of its services available on a preferential basis."

For example, will the denominational hospitals such as hospitals operated by churches or church organizations be penalized or be deprived of their tax-exempt status because they prefer members of their faith over nonmembers?

Mr. **MILLS**. Apparently, whoever brought this matter to the attention of the gentleman from Louisiana was not aware of the full action taken by the committee.

In taking the hospitals completely out of the private foundation category, the language you read, which I believe is part of the self-dealing provision, becomes inapplicable. Even if it were applicable, it would refer to preferential treatment only in the case of substantial contributors, and certain other limited groups.

Mr. WAGGONNER. Is the gentleman saying that the same is true, then, of hospitals operated by lodges and other organizations?

Mr. **MILLS**. Yes.

Mr. WAGGONNER. To go to another subject—farm losses—section 211 of the bill and section 1251 of the code.

Is it the intent of this bill to penalize the small farmer who under present law has sustained farm losses for tax purposes? In other words, assume a farmer dies and his property passes to his children who are scattered to the four corners of the Nation and let us assume also that they desire to sell the property. Would they be subject to the recapture provision for the losses sustained by their father?

Mr. **MILLS**. No, they would not. They are not subject to the recapture provision with respect to the losses of their father when they sell property which passed to them by reason of their father's death.

Mr. WAGGONNER. Let us talk for a moment about the average farmer. Would this bill require the average farmer any extraordinary accounting problems or problems in tracing the character of his income and expenses?

Mr. **MILLS**. No. If I know anything about the expression "average farmer," the provision would have no application whatsoever to him.

Mr. WAGGONNER. I believe the gentleman knows something about that because we both grew up in farm country.

Mr. **MILLS**. Let me say that this provision would have no application to such an individual, because for the provision to apply to a person he must have at least $50,000 of nonfarm income a year and, even then, the provision only applies to his farm losses to the extent they exceed $25,000 a year. I think these requirements would eliminate all "average farmers."

Mr. WAGGONNER. Because investment-wise wealthy persons, to which you direct your attention, have in recent years used the farm to obtain operating losses, is it really prudent to destroy the accounting rules well established and understood by most farmers who derive their sole living from farming operations? In other words, would not it be best to prohibit certain investments from nonfarmers in farming operations?

Mr. **MILLS**. In a way, indirectly, that is what the bill does. It does not destroy the farm accounting rules. It just says that a wealthy nonfarmer cannot receive the special tax benefits of those farm accounting rules. Whether a person is a farmer or a nonfarmer has to be determined by a reasonable and practical standard. The standard adopted in the bill looks to the size of the person's nonfarm income and the size of his farm loss. If the person's nonfarm income is quite large—over $50,000—and his farm loss also is large—over $25,000—the bill in effect classifies him as a nonfarmer.

Mr. WAGGONNER. Mr. Chairman, let me ask another question with regard to farm income which has to do with the subject of capitalization. What would be the situation, for example, say, where we would have a family who buys a piece of land for $100,000. He receives during the lifetime that he owns this land—and it can be for any period of time, but we will say for 20 years—a sum which for example, is $50,000 from the Federal Government in the form of conservation benefits, for seed for his land, for improvements, and that sort of thing, to build watering ponds. At the end of the 20-year period would that farmer be required to capitalize that $50,000 of the nature I described which he received from the Federal Government?

Mr. **MILLS**. He would not be required to.

Mr. WAGGONNER. He would not be required?

Mr. **MILLS**. He would not be.

Mr. WAGGONNER. Let us talk for a moment, Mr. Chairman, about the limitation on deductions of interest. Do I understand the committee bill to mean that if a taxpayer does not receive in a taxable year net investment income from an investment property, his maximum interest deduction is $25,000?

Mr. **MILLS**. No, he can offset the interest deduction against not only his investment income, but also capital gain. Moreover, the limitation does not apply to interest which is incurred in carrying on a trade or business or to personal interest, such as on a home mortgage. It only applies to interest on moneys used to purchase or carry investment properties. I should also say that if the limitation applies so some part of a taxpayer's interest deduction is disallowed, the bill provides a carryover to future years for the unused amount of interest deduction. The general rule, though, places a limit of $25,000 on the amount of investment interest that a taxpayer can deduct from his other income—that is, his income other than capital gains or investment income.

Mr. WAGGONNER. What the gentleman is saying is that there is a limit of $25,000 for which he can claim a deduction if this interest is related to or applied to investment income and investment income alone.

Mr. MILLS. It is applied there first, and then he can deduct an additional $25,000 from his other income. When I spoke yesterday, I pointed out that 72 of the 154 cases analyzed by the Ways and Means Committee where there was an income of $200,000 or more but no tax paid, benefited primarily from the use of an extremely large deduction for interest. In other words, by borrowing large amounts to make low-income producing investments, taxpayers are able to use the interest deduction on the borrowing to shield their other income from tax. It is these types of situations the limitation in the bill is designed to cover.

Mr. WAGGONNER. Mr. Chairman, I am interested in the oil industry, for reasons I have already stated. Will you tell me what you personally believe the net effect on the oil industry will be with regard to ABC transactions and carve-out transactions? Maybe I can simplify it and you can answer the question in this way: Would the application of the proposed tax law, when all properties are sold under the tax treatment provided here, not tend to reduce the value and thereby limit the ability of the oil operator to borrow under the tax treatment provided for in this legislation in the instance of ABC transactions and carve-out transactions?

Mr. MILLS. I doubt that it would significantly affect their borrowing or their opportunity to borrow.

Mr. WAGGONNER. What about the sales, then, Mr. Chairman?

Mr. MILLS. The proposal should not have a significant effect on sales either. The bill does not prevent the creation of mineral production payments or ABC transactions. It just treats production payments—carve-outs or returned payments—as a loan or mortgage transaction, which in reality is what they are, rather than the way the present law treats them. The present treatment results in an annual revenue loss of $200 million. The bill would eliminate this revenue loss which really results from the improper characterization of production payments by present law.

The effect of these provisions is to make it impossible to avoid the 50-percent net income limitation in the case of percentage depletion, the limitation on the carryover of net operating losses, and the limitations on the foreign tax credit, and to prevent the paying off of what amounts to a mortgage with before-tax dollars.

Mr. WAGGONNER. Talking about other interests, following from my last question, the question has been raised and was asked yesterday by the gentleman from Oklahoma (Mr. EDMONDSON) of one of my colleagues, the gentleman from Louisiana (Mr. BOGGS) whether or not the percentage depletion on coal was reduced by this bill, and his answer was that he did not know, to ask the gentleman from Arkansas. The gentleman from Oklahoma (Mr. EDMONDSON) also asked the chairman that question, and the chairman's answer to the gentleman from Oklahoma was "No." Is that still the answer of the gentleman from Arkansas? I ask this because I think many of the people who worked long and hard on this bill have a misunderstanding themselves about what this bill really contains.

Mr. MILLS. If the gentleman will yield further, the depletion allowance on coal under existing law is 10 percent. Under this bill, it will be 7 percent. I doubt, however, if that will have very much effect, if any, on the coal industry since most properties are controlled in that industry by the net income limitation which means that the percentage depletion rate has little effect. If I said that coal was not appreciably disturbed this is what I meant.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, I appreciate the gentleman from Louisiana yielding, but I wanted to ask the chairman of the committee why, when the committee reduced the depletion on foreign production of oil and gas, they made only a limited reduction in other minerals, and they made a total elimination of oil and gas, but they did not do this to the other minerals. Why the decrease, and why single out just two minerals and not the others?

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Arkansas.

Mr. MILLS. Mr. Chairman, it always takes votes to carry a motion in committee, just as it does on the floor of the House. I thought the depletion allowance for oil and gas should be eliminated on overseas operations and that similarly percentage depletion with respect to the overseas operations of all other extractive industries also should be eliminated. I asked unanimous consent in the committee that we do that—because at that point it took unanimous consent—and I heard a flurry of noes.

Mr. PICKLE. Mr. Chairman, I would assume from what the chairman said that if this bill moves along—assuming it does move along—at a later point the committee and at least the chairman as an individual would give consideration to this, that if we do take away all foreign depletion allowance—I hope we do not—but if we do, we will take all away or none?

Mr. MILLS. That is the fair thing to do, or to restore some foreign depletion on oil and gas.

Mr. PICKLE. Mr. Chairman, I thank the gentleman from Arkansas.

Mr. WAGGONNER. Mr. Chairman, With respect to the minimum standard deduction for a family, is that the same as we debated in the limited surtax provision on June 30?

Mr. MILLS. When the provision passed the House on June 30, it contained a phaseout which applied where the family's income was above the poverty level. In other words, the additional deduction was reduced as the family's income rose above this level. This bill contains the same additional deduction—the low-income allowance—but it removes the phaseout after 1970 so the deduction will benefit more people. The bill that passed the House on June 30 took about 5.8 million people off the tax rolls entirely, and the revenue impact was about $625 million, if my recollection is correct. The provision in this bill will take 5.8 million people off the rolls entirely, and will substantially decrease the taxes of persons who have low incomes which, however, are above the poverty levels. The elimination of the phaseout adds a cost of $2 billion to the $625 million, so the total cost of this part of the tax relief provided by the bill comes to $2.625 billion.

In other words, this provision of the bill will provide $2.625 billion of tax relief to relatively low-income taxpayers. I should note that the bill also differs very significantly from the one we passed on June 30 in that it contains other substantial forms of tax relief. This bill also increases the regular standard deduction and cuts the tax rates for all taxpayers.

Mr. WAGGONNER. Then the chairman will offer this as a committee amendment?

Mr. MILLS. No. This is in the bill already. I will discuss what I am offering as a committee amendment in just a minute.

Mr. WAGGONNER. Then in summary, may I say this. This bill and the idea of tax reform which I certainly support, held out the promise of much-needed tax relief for the people, but it has failed to deliver on that promise. Instead, it is a tax-producing measure. It cripples much of the oil and gas industry by punitive taxation. It takes the first giant Socialist step down the road to a guaranteed annual income to everyone whether they work for it or not. The inclusion of the surtax at 5 percent through June of next year takes money out of the taxpayer's pocket now, yet withholds until April 15, 1972, what little, if any, tax relief there is to be had. The measure is clearly flowing in contrary directions.

The argument was made earlier that we had to take money out of the hands of the people to prevent inflation. Now, this week, the argument is advanced that we have to put money into the hands of the people. Which theory are we to believe since they cannot both be correct?

We repeal in this measure the investment tax credit which is another way of penalizing success. But equally as disturbing to me are the failures of this bill, the things that could have been done which have not been done. For instance, there is no provision for providing relief to the taxpayer with children in school and who is faced with spiraling costs of college expenses. This relief should have been provided. No increase has been provided in the personal exemption which would have benefited every taxpayer across the board. As the author of a bill to increase the deduction from $600 to $1,500, I am naturally disappointed.

So much could have been done. But so little has been done.

It is a deception and I cannot support it.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. MILLS. Mr. Chairman, I yield to the gentleman from Montana (Mr. OLSEN) such time as he may consume.

Mr. OLSEN. Mr. Chairman, I am very disappointed that the tax reform legislation is being presented to the House under a closed rule. Nevertheless, I intend to cast my vote for the omnibus bill because of my belief that some reform is better than no reform at all, and I fear it will be a long time before the House gets another crack at increasing the equity of our tax laws.

I hesitate to resign myself to such a pessimistic view, but it is hard to do otherwise in view of the fact that this is only the third time our tax structure has been revised since income taxes were adopted in 1913. As a matter of fact, fewer than 30 Members of the body have ever had an opportunity to vote on a tax structure that is vitally important to every man, woman and child he represents.

Perhaps I am wrong. Perhaps the public outcry that every one of us has received from hundreds of average wage earners will resume when our citizens come to realize the continued inequity that today's closed rule forces us to accept.

Time and again I have heard reference to "the forgotten American" in this Chamber and elsewhere. This is the average American worker, you know, who goes to church on Sunday. He pays his taxes, of course, without grumbling and never questions the equity of tax laws or how his tax money is spent. The forgotten American accepts a surtax with a shrug of the shoulder and sees his children off day after day to substandard educational opportunities as the men he elected to represent him in Government slash billions of dollars from the authorization for educational spending. And how many of our elected officials speak with mock compassion and admiration for the forgotten American hoping that he will stay forgotten and will not rock the boat?

Mr. Chairman, in case the Members of this body have not noticed, the forgotten American has all the more reason today to feel forgotten, and we do not have to go far to find who forgot him.

This is the reason why I regret that we are forced to consider this measure under the closed rule today and this is the reason why I am taking this opportunity to make my views known. I do not believe an unqualified "Yes" vote, though it will mean some improvement in our tax structure, truly represents the people of my district.

If I could, Mr. Chairman, I would ask the House to consider a greater percentage of tax relief and families with income above the poverty level but below $15,000 annually.

If I could, Mr. Chairman, I would ask consideration of additional tax relief so badly needed by our senior citizens and handicapped Americans and an increase of the $600 personal and dependent exemption to a higher figure. Finally, I would ask that loopholes be eliminated completely, not merely lessened.

There is a great deal of support here in the House and in the Nation for such action, and I believe we could approve an equitable tax structure that would increase revenue, fight inflation, and eliminate any necessity to extend the surtax at 5 percent for an additional 6 months.

Although the legislation we are considering today has many shortcomings, I commend the leadership of the House and the Ways and Means Committee for a great deal of hard work and for the long hours of overtime that were required to prepare these tax reforms. On behalf of the people I represent, I thank my colleagues who argued and voted for the open rule. And finally, I am appalled at the lack of leadership, support, initiative and interest on the part of the administration as these matters have been considered in the Congress.

Mr. MILLS. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, yesterday on the floor when we were discussing the rule, or perhaps just after we went into Committee of the Whole one of the new Members on our side of the aisle made the comment that one of the singular experiences about being a Member was to be able to hear the chairman of the Ways and Means Committee explain a tax measure.

We all have confidence in the chairman of the Committee on Ways and Means. I asked for this time to try to receive a few assurances by way of some questions to the chairman. I assure him I will be brief.

Mr. Chairman, I have received a lot of mail concerned with the effect this bill will have on our savings and loan institutions. It is said it will impair their ability to serve the homebuilders. Out in our country we have suffered from some long-term strikes. The homebuilding business does not need any more problems.

Would the gentleman be good enough to say if there is anything in this bill which will impair the basic objective of savings and loan associations to serve the homebuilding industry? I know the reserve exemptions have been lowered. Will the result only affect the profits of these associations and with no other adverse result as has been argued? Would the gentleman address himself to that inquiry?

Mr. MILLS. Mr. Chairman, if the gentleman will yield, actually most of the savings and loan institutions have been using only one of the alternate methods for determining what their reserves would be. They have used the method looking to the income before the bad debt reserve deduction, setting aside 60 percent of it for reserve purposes and being taxed on the remaining 40 percent of their total net income. That is the system they have used in most cases.

Over a period of years the losses incurred by these institutions, as well as other financial institutions, have been very low. Some institutions may have lost, but the average in the country has been very low in the past 20 years. I believe for the mutual savings banks and savings and loan associations the average was less than two-tenths of 1 percent of the loan base.

What we did, over a 10-year period, was to convert the reserve portion of net income from 60 to 30 percent, which leaves 70 percent of the net at the end of 10 years that will be subject to tax. This raises the effective rate on the savings and loan people from about 16.9 percent on the average to about 27 percent on the average. But that is still well below the rate to be paid by commercial banks. As a result there still will be plenty of incentive for savings and loan associations to continue investing in housing. This is true because their tax rate will be lower.

Mr. RANDALL. I thank the gentleman.

I have one question on cooperatives. Is this bill going to adversely affect the operation of the average cooperative? What will happen to the patrons? Will the result be beneficial? Will it affect only the manner of administration or management? What will be the true effect on the patrons; by that I mean, the membership of the cooperatives?

Mr. MILLS. I would think that whatever law assures that a patron of a cooperative will get his patronage dividends from a cooperative redeemed in cash would be beneficial to the patron. There is no requirement in law today that the 80 percent that can be retained by cooperative management of the earnings attributable to that particular cooperative will ever be paid out. I understand in some instances it never is paid out.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. MILLS. Mr. Chairman, I yield the gentleman 2 additional minutes.

In this case we say it has to be paid out over a period of not longer than 15 years. Also we have said that gradually over a 10-year period in the place of a cooperative having to pay only 20 percent of its annual earnings it must pay 50 percent. This additional 30 percent—increasing by 3 percentage points a year until the 30 percent is reached—however, may, if the cooperative so chooses, be used in payment of old patronage obligations that it would in the normal course of events be revolving out.

Mr. RANDALL. Then it is your conclusion that the provisions of this bill would be beneficial to the members?

Mr. MILLS. I take it, it would; yes.

Mr. RANDALL. On the question of change in the tax treatment of municipal bonds, it is said a subsidy may be either 40 percent or only 30 percent. Does the chairman believe the administration would accept 40 percent instead of 30 percent?

Mr. MILLS. I would not be surprised, on the basis of the information I have, if the administration would ask in the Senate that this figure be made a statutory 40 percent with no discretion in the hands of the Secretary to vary it.

Mr. RANDALL. May I present a simple illustration; and ask if this is the way the proposed Federal subsidy would work? Take a district, or city or State which issues bonds, let us say, at 8 percent. With this 40-percent Federal subsidy, is it a fair analysis to say that the school district or city would be paying only 4.8 percent and the Federal Government 3.2 percent? Is that a fair illustration of the way the proposal would operate?

Mr. MILLS. That is the way it would work. If the district had issued a tax-exempt bond it might be paying as much as 6 percent interest and this would be interest it is paying itself. So the municipality in this case will be better off if it issues taxable bonds.

Mr. RANDALL. One final question about the new provision on farm losses. Is this going to affect any bona fide farmers? Will they be hurt by this bill, or will the new provisions apply only to persons who make a profession of farm losses or those nonfarmers who welcome such losses?

Mr. MILLS. We think it applies to that individual who is habitually losing money on his farming operation and charging those losses off against other income. Even then it will not apply unless his nonfarm income is large—over $50,000—and his farm losses are large—over $25,000.

Mr. RANDALL. Then the regular deductions and regular farm operations are not affected in any way by this bill?

Mr. MILLS. No, not at all.

Mr. RANDALL. I thank the gentleman. I very much appreciate his assurances. When I receive such straightforward answers from the one man in this body who should know more than any other single Member about our revenue laws I am not only grateful for these answers but I also have some clarification I have never been able to receive from any other service.

Mr. MILLS. Mr. Chairman, I yield such time as he may use to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, I want to indicate to the committee that I expect to support this bill. It is a major step forward in introducing more equity and fairness into our tax system. Like many others, I would have liked to have seen certain changes made in the bill. I do not think that the committee went as far as it could have with respect to the oil depletion allowance, for example.

I am concerned about the loss of revenue reflected in this bill. In the face of the growing needs of the United States as shown by the growing cost of government at the State and local level, I do not think it is wise for the U.S. Congress to adopt tax legislation which means a net loss in revenue. We must keep in mind that we have responsibilities to help meet the very urgent and pressing needs of our Nation. We must look for ways of increasing rather than cutting revenue.

I am also concerned about the 7½-percent tax imposed on the incomes of private foundations.

By granting tax exemption to privately governed foundations, we have institutionalized a way of encouraging diversity and innovation. We have laid the basis for independent decisions—independent of government—in the educational, cultural and religious life of our society. We have thus escaped having decisions in these areas made by the monolithic fiat of government. In many societies—including most of those in Europe during the past century—government is the principal—if not the only—source of funds—and therefore of decisions—for educational, scientific, charitable, and even religious activities. Whether by accident or design, our experience over the past half century has committed us to the audacious doctrine that decisions in these areas are beyond the province of government, that such decisions should be made by hundreds of individuals and groups representing widely varied points of view.

The financial basis of this system lies in the tax exemption of these nonprofit institutions.

The great value of foundations lies not in the volume of their assets but in the character of their mandate—as creative forces that exert enormous leverage for progress in human affairs.

This does not apply to every foundation in the United States. For we know better today than yesterday that not all private foundations serve these noble goals. As their number has grown—there are now over 20,000—legitimate regulation has proved difficult and many of the laws are unenforced. In numerous cases, foundations have been brazenly manipulated to achieve personal financial gain, to preserve corporate control and insure family domination of business enterprises.

Certainly there is a need for closer scrutiny of foundation activities, more regular enforcement of existing regulations, and additional selective measures to prevent further abuses. But the foundation tax provision in this bill is too broad in its effect. I would hope that this particular provision could be modified when the reform bill is considered by the other body.

Mr. MILLS. Mr. Chairman, I yield such time as he may desire to the gentleman from Montana (Mr. MELCHER).

Mr. MELCHER. Mr. Chairman, weeks ago, I campaigned throughout eastern Montana in favor of tax reform, but I was not speaking of a tax bill which would raise taxes paid by farmers, ranchers, and small business as a result of investment tax credit repeal, nor a bill that gives me $5 benefit for each $1 benefit to a family with $7,500 per year income.

Mr. Chairman, I am sure that every Member of the House finds much of merit in this tax-revision bill, much that is better tax equity, some items that should be amended or deleted, some objectionable points, and some oversights.

I find myself in that situation. There are provisions in the bill which I want to see enacted. But there are also provisions which would seriously affect the economy and development of my State. They are of such a serious nature that I feel I must vote to recommit the measure and against passage if that becomes necessary to indicate the importance I attach to amendments and revisions.

My major objections are:

First. Failure to increase personal exemptions, which are long overdue.

When exemptions were last adjusted in 1948, they were intended to exempt income sufficient for basic cost of living. Since that time, the basic cost of living has dramatically risen—by 52 percent. But the exemptions have not been increased. As a result, people with low- and medium-level incomes are now required to forgo necessities to pay Federal income taxes assessed against them. The exemptions should be raised at least to the same real value in purchasing power they had in 1948.

Second. Failure to provide a $20,000-to-$25,000 exemption from the investment tax credit repealer for the benefit of farmers, ranchers, and small businessmen.

I am in favor of the consideration given the railroads on rolling stock in the form of an accelerated amortization provision. The needs of farmers and ranchers and small businessmen for equipment to keep themselves sufficiently efficient to survive in competition with abundantly financed large-scale farms and ranches, chain distributors, and conglomerate industries is just as urgent as the plight of the railroads, or more so. If the liquidation of rural areas, including small communities, is to be slowed and migration to the cities arrested, small capital investments in rural areas development—to which everyone pays lipservice—needs every sort of encouragement we can give them. Adoption of a $25,000 exemption from the investment tax repealer is an opportunity to "put our money where our mouths are."

Third. Reduction of the oil and mineral depletion allowance, without at least providing alternative incentives for the risk takers who explore, discover, and develop new oil resources.

Reduction in this allowance in the bill is going to set back development of the petroleum industry in my State, now 10th in the Nation in oil production and potentially an even more significant producer if exploration and development is not discouraged. The independent oil exploration companies, the wildcat operator and the high-risk oil enterpriser are the people who hunt for Montana oil. The recent Bell Creek discovery with 369 new wells since the first discovery in

May 1967, has created hundreds of new job opportunities, provided urgently needed school revenues, and tax receipts. Production of oil in Montana in that one discovery area jumped from 350 barrels in June 1968, to 1,707,000 barrels in June 1969, and has stayed over a million barrels every month since. Together with other oil production in the State, it has kept our economy from declining during a period of national economic growth.

There has been some growth in income in Montana in this decade, but it lags seriously behind the national average. To the extent that future oil discoveries are hampered and discouraged by the tax bill before us, it will mean a loss of new Montana job opportunities, a loss of new tax base for schools, counties, and State, and a brake on economic growth where economic growth is most needed.

If the oil depletion allowance is going to be changed, then the bill before us should be recommitted and amended to give those operators who are bona fide explorers, taking real risks to discover and expand our oil resources and industry, tax allowances equal to the present depletion rate. An allowance should be extended also to stripper wells and operators, working less profitable wells, who are thereby conserving the least profitable, but significant portion of this exhaustible resource.

Fourth. The extension of the surtax, which I have twice voted against, and still oppose without true tax reform.

Unquestionably, the Ways and Means Committee has worked long and diligently on this measure. I am disappointed, however, that this is not a tax reform bill but a set of revisions. It is inevitable that in such a large group of revisions there would be both acceptable and unacceptable features in the view of each of us. I regret that there is no opportunity to offer amendments, to improve the bill, and bring greater tax equity.

I am concerned that in terms of actual dollars, rather than the percentage savings in which our official tables are presented, that the benefits of the bill are still disproportionately in favor of higher incomes. The tax savings to a family of four with $7,500 annual income will be $111. My own tax savings are going to run nearly five times that amount in dollars.

The revision of regulations concerning cooperatives is not a revenue measure. There is no claim it will increase revenues to the Treasury, and in any further consideration of the bill, it may be advisable to drop it as extraneous.

It is apparent this bill is going to pass, but I shall vote to recommit and against passage to register my opposition to features which will have serious consequences in my State, and to show that I believe strongly they should be given further consideration, if not in this body, then by the Senate Finance Committee and the Senate.

I very much favor real tax reform. The tax burden today is not equitably distributed. Wealth escapes its fair share and low- and middle-income people and smaller businesses pay a disproportionate share of the cost of the Federal Government. Big business enjoys tax advantages in an already unequal competition with small business. We must continue to perfect this measure, taking the time necessary to hammer out a meaningful reform measure, rather than make some hasty repairs.

Mr. MILLS. Mr. Chairman, I yield to the gentleman from New York (Mr. CAREY).

Mr. CAREY. Mr. Chairman, I thank the chairman of the committee for yielding this time to me in order to commend the very distinguished Committee on Ways and Means for the long, hard, and effective work they have done in bringing this bill to the committee today.

I take this time also to commend the distinguished chairman and all the members of the committee for taking timely action in a field which I think has long demanded action. This is with regard to the female heads of households.

I have sponsored a bill to give to women who are unmarried or divorced or widows and heads of households, for the past 10 years since I came to the Congress, some kind of consideration. The chairman has always been very helpful to me in trying to get to this legislation when the time arrived. The single ladies and those classified as "grass widows" and those carrying the burdens of heads of households will welcome the relief which has been long due them and which is now incorporated in this bill. I commend the chairman and all the members of the committee for giving them a true reflection of their rights.

Mr. MILLS. Mr. Chairman, I yield such time as he may use to the gentleman from New York (Mr. FARBSTEIN).

Mr. FARBSTEIN. Mr. Chairman, I want to thank the gentleman for yielding and compliment him for having undertaken such a herculean task, completed it, and, I hope, for offering a successful amendment.

For the first time in many, many years we have had a revision of the tax laws, and this is primarily due, in my opinion, to the efforts of the chairman of the committee who has an excellent comprehension of the mood of the American taxpayer.

Important changes are recommended in the committee's bill. One notable revision, which provides greater equity in the structure, is the extension of the head-of-household income tax rates to certain single individuals who maintain their own household. The present rigid requirements to qualify for the more preferential rates have created hardships on many single individuals.

While this action is in the right direction, it does not go as far as it should. I have introduced legislation in past Congresses, and have introduced H.R. 2758 during this Congress, to apply the more liberal head-of-household rates to any single individual, regardless of age, who maintains his or her own household. Setting an age limitation as a requirement is purely arbitrary and will discriminate against many deserving single persons who are less than 35 years of age.

Other provisions which reduce or eliminate the tax liabilities of the low-income groups are also a significant step in providing a fairer tax structure. I am referring particularly to the increase in the standard deduction, the new low-income allowance, and the rate reductions. The committee, however, originally excluded many of the low and lower middle income groups from the rate reduction relief. Only after a concerted effort on the part of many liberal Democrats, including myself, did the committee, in their late action, provide for the reduction in the rates for these income groups.

Some provisions of the bill are designed to require high income individuals to bear a fairer share of the tax burden. We have heard many times how so many individuals over a certain level of income have paid little or no income tax. To prevent this inexcusable escaping of taxes, the bill has limited the advantages of the tax preferences which are enjoyed primarily by wealthy individuals. While the committee's intention in this respect is laudable, the effectiveness of the bill will be quite minimal.

The bill falls far short in the extent to which it will eliminate tax advantages that benefit these high income groups. For example, the reduction in the percentage depletion allowance from 27½ percent to 20 percent for oil and gas is totally inadequate. There is little justification for this unwarranted tax advantage to exist. Percentage depletion should be repealed completely.

Furthermore, under the limited tax preferences section of the bill, the excess of percentage depletion over cost depletion is excluded from the definition of tax preference. This is an unfortunate last-minute reversal by the committee of its earlier tentative decision to include this excess as a limited tax preference.

Remedial legislation is urgently needed in several other specific areas of present tax law which are not covered by the committee's bill. There is no provision, for example, dealing with the taxation of appreciated assets transferred at death. Billions of dollars of appreciated assets are bequeathed and no income tax is paid by the estate or the heir on the amount of appreciation. Since the basis of the property for the heir is stepped up to market value at the time of death of the decedent, the appreciation that accrued in the hands of the decedent is neither taxed to the decedent nor the heir. Some corrective action should have been taken to remedy this glaring inequity.

In the case of dividend income, there is no justification to continue to treat this type of income more liberally than earned income. Present law allows a taxpayer to exclude $100 of dividend income—$200 in the case of a married couple. This should have been repealed—it has no rightful place in the tax structure.

In other areas the committee has taken away a tax benefit and then makes concessions which largely nullify its action. For example, the unlimited charitable deduction will be repealed, but the limit on the deduction of contribution is raised from 30 percent to 50 percent. Another inconsistency in the committee's objective of requiring the wealthy to pay their fair share of the tax burden is the modification of certain tax preferences and then reducing the maximum rates from 70 percent to 65 percent, and further limiting the maximum rate on earned income to 50 percent.

In the case of foundations, the proposals to tax these organizations at 7½ percent and to apply severe restrictions on their operations will do irreparable harm to our society. The activities in social welfare and other eleemosynary programs have been shared by philanthropic organizations, such as foundations, and by government. This participation by private and public organizations has been good for our country. Any severe curtailment of the role of foundations, however, will certainly lead to a deterioration in these vitally needed welfare, educational, and social programs.

I wish to note at this time only two additional weaknesses of the tax-reform bill. First, the bill should not be used as a vehicle to extend the surtax beyond this year. The surtax has not been successful in achieving its stated objectives. It has not halted inflation. Therefore, little justification exists for burdening the taxpayer additionally with this tax. Secondly, no consideration was made to reallocate the additional tax burden resulting from the large Federal expenditures required to carry out hostilities in Vietnam. The defense industries—which are the primary beneficiaries of the war—should bear a heavier tax on their excess profits. A fair tax structure requires the imposition of an excess-profits tax on these industries.

Thus, while the objective of the Committee on Ways and Means in writing a tax-reform bill were good, the bill which we are debating falls somewhat short of meeting the objective of providing a fair tax system. Much more has to be done to reallocate the tax burden more fairly among the American taxpayers.

Many of these defects could have been overcome if the full House had had the opportunity to offer and vote on amendments to the pending legislation. Unfortunately, the Rules Committee adopted a closed rule, one prohibiting the 435 Members of Congress from offering amendments to the committee bill.

We are told that this bill could not get an open rule, one permitting amendments, because all the interest in the House would join together in eliminating even these minor improvements and we would end up with nothing. Perhaps. But perhaps it would have been worth the chance to have rollcalls on every loophole and every abuse and perhaps we might have gotten meaningful reforms.

But, since the choice is not between limited reform and comprehensive action but between some and no reform whatsoever, I shall cast my vote in favor of the "reform" package with the determination to see that, before this year is out, the 435 Members of the House will have the opportunity to vote on another, more comprehensive tax-reform bill.

Mr. MILLS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. PODELL).

Mr. PODELL. Mr. Chairman, the tax reform measure we have considered was brought to the floor of the House under a closed rule, which has the deliberately planned effect of stifling open debate and preventing necessary amendments which many Members of the House feel are essential. The entire concept of a closed rule on a major bill of long-term national importance is wrong—it defeats the central concept of participatory democracy. Anything is amendable, particularly this measure.

We are confronted with a bill which, unfortunately, more often than not taps the worst tax evaders in America gently on the wrist and wallet. One glance at how it affects the heaped-up tax privileges of the oil industry provides ample proof of this contention.

Nothing has been done about ending the foreign tax credit this industry enjoys. For every dollar they pay abroad in taxes, they will still continue to receive a domestic tax credit. What of drilling expenses, which allows the oil crowd to write off everything but the family dog as a legitimate operating expense? What of import quotas, which make every American pay twice the going world price for oil products—from gasoline to home heating oil? Untouched by the hot breath of reform. Is this a change for the better? Hardly.

If we are to allow oil companies to take depletion allowances, why not the average head of a household? Is he not depleting himself daily? Should he not have the right to take a personal depletion allowance? When Atlantic Richfield is able to earn $145,000,000 in pure profit and pay no taxes, what can we say to the average lower- and middle-income taxpayer? When Sinclair can earn over $100,000,000 in profit and receive a tax credit of almost $3,000,000, what excuse can be offered these desperately pressed citizens?

I am one of that significant number of Members who has bitterly fought and voted against the surtax. It is an abominable, unfair tax against those who need tax relief most. Now they are being made to swallow a second 6-month surcharge extension at 5 percent. What a penalty to pay for minimal tax reform. Such deplorable methods can only be labeled shabby, backdoor legislation, aimed at accomplishing indirectly what probably could not be done directly. Success in this endeavor will prevent those who need relief most from taking swift advantage of tax relief provisions.

This measure is a delicately balanced compromise which takes a small amount of tax privilege away from most vested interests. It is a bare beginning at best, and reluctantly acceptable. Should one special interest succeed in eliminating reforms affecting its privileges, the entire balance of the measure will be undone.

I consider this bill an opening incision in an extensive operation which will continue to be performed for some time to come. It is not a fully adequate cure. Rather it is a start. In its present form, I shall reluctantly support it because the people of the Nation require it so much.

Yet we have progressed. To this extent, the chairman, the gentleman from Arkansas (Mr. MILLS), and his committee deserve our praise and recognition for the reform which they have pressed home.

Mr. MILLS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. HALEY).

Mr. HALEY. Mr. Chairman, I, too, want to congratulate this committee which has worked so long and which has given so many hours of its time to bring to the floor of the House a bill with as many things contained in it upon which we may not all agree but, nevertheless, under the circumstances it is possibly the best bill that can be brought to the floor at this time and passed.

Mr. Chairman, I hope the distinguished chairman of the Committee on Ways and Means and other members of his committee will continue to explore the possible loopholes in the future so that we will keep more or less up to date on the tax situation as it exists in this Nation.

Mr. MILLS. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR. Mr. Chairman, the complex 368-page tax reform bill approved by the House Ways and Means Committee provides sweeping changes in the Federal income tax structure. While it provides some tax changes which I do not favor and which I hope that the Senate will delete, it does remove many tax shelters which should be removed. It restores a greater degree of equity among taxpayers. It contains some provisions beneficial to all taxpayers. It virtually eliminates income taxes for the very poor and provides some gradual relief for the middle-income taxpayers who bear a heavy burden today. The bulk of the reductions go to taxpayers with annual incomes of less than $15,000.

In the past middle-income taxpayers have borne a heavy tax burden out of a sense of responsibility and loyalty to their country. This year well-informed taxpayers know that many American citizens who are earning more than they are getting by with a lighter tax load, and they are smarting under this obvious injustice.

When voting against a surtax extension recently I stated that meaningful tax reform legislation should be passed before or at the same time that the surtax extension is considered. I have spoken out often during the last year concerning the need for tax reform. Earlier this year I introduced legislation which would reduce the oil depletion allowance to 15 percent, and I believe that this depletion allowance is regarded by most taxpayers as the biggest tax loophole.

The 27½-percent oil depletion allowance was established some 40 years ago as an incentive to encourage the investment of capital in the high-risk search for gas and oil. Today we have large established oil companies whose searching and developing program is just a portion of their total operations. The money that they expend in this manner is tax deductible, just as is the money spent by any other industry in developing a better product or expanding operations.

A recent issue of U.S. News & World Report contained the following statement:

> For big oil companies as a group taxes run at about six or seven percent of profits versus 50% for other industries.

It is my feeling that the oil industries are receiving a break which other industries are not given and that the depletion allowance for oil should be reduced. The 7½-percent reduction in the oil depletion allowance as contained in this bill is needed.

I believe that most people are willing to pay taxes if they are convinced, first, that they are paying only their share; and second, that the money will be used wisely. Now they have doubts on both scores. Many low-income people in western North Carolina have written me and said:

> Everybody knows that wealthy people don't pay taxes.

I tell them that that is not true, that only a limited number of wealthy people are dodging taxes, and send them a copy of the graduated tax rates, but there is just enough truth to it for people to have that impression and that is dangerous for the country.

The backbone of our tax system is the basic honesty of people and their willingness to bear a fair share of the tax load. A tax system that is not fair and just cannot and should not survive.

This legislation is a broad response to a national demand for greater equity in taxation, and I am supporting it.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from Alaska (Mr. POLLOCK).

Mr. POLLOCK. I thank the distinguished gentleman from Wisconsin for yielding to me this time.

Mr. Chairman, I want to talk in favor of America's favorite whipping boy, the oil depletion allowance. There are times when men of good will, normally stable and mature men, are swept up in a furor of emotionalism and make decisions that are unwise. There have been times when even this body has taken actions that are primarily emotional. Today, tax reform has become an emotional issue and it would be well for us to examine carefully and rationally every proposed change in the law to insure that the decisions we make are in the best interests of the Nation. We should guard against any decisions based on misinformation.

This is especially true with regard to percentage depletion for oil and gas. There are a number of myths surrounding this particular tax provision and also the oil industry itself. These should be dispelled so that this matter of percentage depletion can be examined in a realistic and practical way. Some of these myths that I would like to put to rest are:

First. The oil industry is fabulously profitable.

Second. The oil industry does not pay its fair share of taxes.

Third. Percentage depletion, by reducing the taxes of oil producers, has increased the economic burdens of the small- and middle-income taxpayers.

The average person probably thinks of millionaires whenever the oil industry is mentioned. But, as a matter of fact, there are between 10,000 and 15,000 producers of oil and gas in the United States and only very few of them are millionaires. The major companies, including some 25 to 50 companies, are owned by literally millions of ordinary people. These companies do make substantial profits, but they have so much money invested in the oil business that they must make substantial profits in order to realize a reasonable rate return on their investments. In fact, the oil companies generally realize a lower rate of return on their investments—less than 13 percent—than manufacturing companies.

The myth of fabulous profits in the oil business will probably persist until it is generally realized that an oil well does not provide assurance of great wealth. The facts show that the average oil well in the United States produces only 15 barrels of oil a day, which, at an average price of about $3 a barrel, is worth about $45. From this $45, however, the producer must pay the landowner a royalty—which averages about 15 percent—and must pay all operating expenses. What is left is not enough to pay a carpenter, a bricklayer, or an electrician for a day's work. Furthermore, the oil operator must recover his investment in exploration work and the cost of drilling the well before he has a profit. The average well being drilled today costs over $60,000. In Alaska, I can assure you the cost is many times higher.

Percentage depletion does remove a part of the income tax burden from a producer's income. As a result, the income tax paid by an oil producer on each dollar of income is less than the income tax paid by most other businesses. The difference, however, is not as great as we have been led to believe. We have been told that in 1967, 21 of the largest companies in the oil industry paid Federal income taxes equal to only 7.8 percent of profit before taxes. This percentage is improperly determined and is misleading. Since foreign income taxes are imposed of foreign-source income, it is improper to compute an effective U.S. tax rate by relating all income on a worldwide basis to the tax paid on U.S.-source income. When properly related to income from U.S. sources, the income taxes of these companies represented over 19 percent of net income before such taxes. On an overall basis, total direct taxes of the 21 companies amounted to over 64 percent of adjusted income before taxes.

Also, there are a number of other levies, such as severance taxes, which help insure that the industry pays its fair share of total taxes. According to data compiled by the Petroleum Industry Research Foundation, Inc., the oil industry's total taxes are 5.4 percent of gross revenues even if we exclude all motor fuel and excise taxes on petroleum products. This compares with 4.6 percent for all business corporations. If motor fuel and excise taxes are included, the total tax burden as a percentage of gross revenues is almost four times as great as for other businesses.

The Treasury Department told the Committee on Ways and Means that among the returns filed in 1967, they found 154 individuals with incomes over $200,000 who paid no Federal income tax at all. This information led many people to assume that most of these 154 nontaxpayers were oil producers. The records show, however, that less than 1 percent of the income that escaped the Federal income tax in these 154 cases was attributable to percentage depletion.

It is obvious that the depletion provisions have not resulted in excessive earnings for the oil industry. Also, the taxes imposed on the oil industry—other than income taxes—have been substantially higher than those imposed on other industries. As a result, the rate of profits in the oil industry has been lower than in manufacturing companies generally.

Who, then, has benefited from percentage depletion? It has been the average man, the workingman who has benefited. He has had an ample supply of energy at reasonable prices. And it is depletion that has been the effective incentive for developing this adequate supply of energy. It is no mere coincidence that the United States is one of only two industrial nations—the other is Canada—who have developed adequate reserves to supply its own needs.

It is of particular significance that the prices of petroleum products have been low. In 1968, the prices of consumer commodities generally were over twice as high as in 1926. But the price of gasoline—excluding motor fuel taxes—was only about 7 percent more than it had been 42 years earlier. Probably no other essential commodity has such a favorable record. During this same 42-year period, this country has quadrupled its consumption of energy and has led the world in industrial productivity.

The Treasury Department has said that elimination of percentage depletion for oil and gas would serve to increase the Government's tax revenues by $1.3 billion. It has also estimated that reducing the depletion rates for all minerals by 27.3 percent would yield additional tax revenues of $400 million. Let us examine these estimates in the light of other results that might reasonably be expected.

First, if the oil industry is able to increase the prices of gasoline and other petroleum products enough to maintain profits at the same level, it might reasonably be expected that the industry would continue to spend the same amount of money in exploring for new oilfields. In this event, the consumers of petroleum products would be the only ones affected by a reduction in depletion. But who are these consumers? They include almost every person in the country, but a price increase would affect low-income families more seriously than those with relatively high incomes. A recent study[1] indicates that families with incomes of $3,000 to $5,000 a year spend 3.4 percent of their income for gasoline. On the other hand, families with incomes of over $15,000 a year spend only 1.4 percent of their income for gasoline. This indicates that reducing depletion rates would hit the ordinary workingman hardest.

---

[1] "The Impact of the Percentage Depletion on the Oil Industry and Its Gasoline Customers", Petroleum Industry Research Foundation, Inc., July 1969.

Another result would follow if the oil companies are unable to raise their prices enough to compensate for a reduction in depletion. In this event, their profits would be reduced and it would be substantially less attractive to invest money in the search for new oil and gasfields. For even with percentage depletion at the 27½-percent rate, there is some doubt whether the oil industry will be able to attract enough capital to find the reserves that will be needed. The Chase Manhattan Bank has estimated that to meet our constantly increasing needs for petroleum, the industry must spend $116 billion in the next 12 years to find and develop 87 billion barrels of oil. In order to do this, annual expenditures must more than double the present level. It is obvious, of course, that the industry's profits must improve markedly to attract this much money.

If the industry cannot spend enough in exploration and development, our present reserves of 40 billion barrels will dwindle and our productive capacity will decline. This would make us increasingly dependent on foreign oil.

Since foreign oil is presently cheaper than domestic oil, it has been suggested that this is the best solution for the American people. At present, our crude oil reserves in the United States are only 7 percent of the world's discovered reserves. On superficial examination, one might wonder if we should not increase our imports of foreign oil and rely on low-cost crude from the Middle East, where about two-thirds of the world's reserves are located. There are two principal reasons why this should not be done:

First. If crude oil import restrictions are removed, development of domestic reserves would be severely reduced. It has been estimated that exploratory wells drilled in the next 15 years would be reduced by 85 percent. As a result, by 1985, we will have to import over 60 percent of our petroleum requirements. When we become this dependent on foreign oil, the price of foregin oil will undoubtedly be forced upward by the foreign governments and there will be no real price advantage in using foreign oil.

Second. Becoming dependent on foreign oil will put us in a very insecure position in any emergency. Our industrial economy and our military security must not be vulnerable to having our supply of energy abruptly cut off.

Once our petroleum exploration and development operations are demobilized, technical manpower would be lost to other challenging employment. It would not be possible to "moth ball" the domestic oil industry and maintain it on a standby basis. It generally requires 6 to 10 years from first exploration to final development of a typical oil field—consequently, as a practical matter, it would never be possible to reactivate the industry quickly enough to take care of an emergency.

Of more particular interest to me, of course, is the effect upon Alaska of any reduction in the depletion allowance. Alaska has only within recent years become a significant member of the group of oil producing States. Oil industry employment and payroll amount in 1968 were approximately double the employment and payroll amounts for this same industry in Alaska during 1966.

We are all aware of the very large discovery of oil made on the north slope of Alaska in 1968. Although this is a very substantial discovery it is small when compared with the needs of the United States for petroleum resources. I hope this is but one of many fields that may be discovered in Alaska, and if such additional fields are to benefit the State of Alaska and our Nation, much exploratory work remains to be done. We should not at this time remove any of the incentives necessary to encourage further exploration and development.

Much of Alaska is a hostile environment in which to carry out operations in the search for oil and gas. The extremes of temperature, the remote location and the large areas of tundra where ground transportation is impossible in the summer months, make the cost of operations significantly higher than in other parts of our Nation. We recognize the need for an adequate oil and gas producing capability within the borders of the United States, free of the uncertainties as to supply and price which follow dependence on oil from foreign nations. The great distance between my State and the "South 48" increases the cost of materials and reduces the price at the well of our oil and gas when they are extracted. The cost of exploring for, producing, and transporting oil from Alaska is high. The unit cost per barrel will decrease if we will continue the incentives necessary to encourage the large outlays required to increase the available production from Alaska.

During 1968 the oil industry provided approximately 3,500 jobs in Alaska with a payroll of approximately $57.5 million. Taxes, royalties, rentals, bonuses, and other direct payments by the oil industry to the State of Alaska amounted to $37.2 million in 1968.

The depletion allowance has been an integral part of our income taxation law for more than 40 years. Through the course of these years it has been a major incentive to the development of our natural resources and has greatly benefited the entire Nation and those States from which the natural resources are extracted. Alaska is a frontier area and exploration has only commenced, which I hope will lead to enjoyment of the benefits flowing from the development of its natural resources. I ask that the incentive which encouraged the development of natural resources in our other States not be withdrawn at the time when exploration is in its early stages in Alaska. Alaska more than any other State, has been disadvantaged by the elements and by remoteness from its markets and source of supplies. It should not be disadvantaged anew by congressional action which deprives it of maximum exploration and development of its mineral resources.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Chairman, I want to thank the gentleman from Wisconsin for yielding to me at this time.

I support this bill because of the fact that it is a tax reduction bill, and it is a tax reform bill. I have long called for less taxes and also for elimination of tax loopholes.

But, Mr. Chairman, in voting for this bill, let no one think I support all of its provisions. Especially, I oppose the provisions having to do with subsidizing part of the interest on State and local government bonds in order to encourage political subdivisions voluntarily to relinquish the privilege of tax exemption. These partial interest payments must be paid by the Treasury regardless of an appropriation as required by the Constitution. In other words, this is backdoor spending.

In addition, this change in rules on tax exemption on local government bonds will force the subdivisions of government to go to the Federal Government in the future for financing their needs. This is bad and will be very costly and invite central control over local decisions.

There are other objections such as the treatment of gifts in kind which I fear will reduce private contributions to charity and education.

Mr. Chairman, the debate on this legislation to reform the income tax laws is about over. As I said, I will vote for the bill, but I am hopeful that careful study in the Senate will result in some improvement. On the whole, this is desirable and long overdue tax reform. I only wish I could support it 100 percent.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Chairman, while the Tax Reform Act of 1969 does not accomplish all I had hoped for when tax reform was first proposed, it does represent the first significant tax legislation in recent years which provides genuine relief for the middle- and lower-income taxpayer.

Although the legislation is not perfect, it does represent the most comprehensive reform of the tax system since 1954. Most importantly, it grants much-needed relief to millions of Americans who have been paying more than their fair share in Federal taxes.

However, this proposed tax relief, alone, is not enough. The need for reduced Federal spending is more urgent today if the tax gains for the middle-income taxpayer and the poor are not to be wiped out by inflation.

If inflation can be halted, and the tax cuts in this bill go into effect, the average family should have more spendable income. However, all of this depends upon our success in the war on inflation.

There are several areas which the

committee did not cover in their bill. As an example, I had hoped tax relief could be granted to those with dependents attending institutions of high learning and to those students who are supporting themselves while in school by allowing deductions for tuition and expenses.

This package does provide much-needed relief for the elderly, the disadvantaged, and the handicapped as well as millions of middle-income families. We have been waiting too long for significant tax reform legislation. This bill represents a significant move in the right direction and deserves the support of both Houses of Congress.

It does seem a shame to me that the Members of this House received the bill and the report only 4 days before we must vote on it and then only with 6 hours of floor discussion. Through necessity, this bill is quite comprehensive and complex. The Ways and Means Committee spent several months studying these provisions and holding hearings. A bill containing 368 pages and the reports containing two volumes and several hundred pages just take more time than we have had to understand this legislation.

Again, I am supporting this much-needed tax reform, but I regret that we have not had adequate time to fully study all of the provisions.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. BROTZMAN).

Mr. BROTZMAN. Mr. Chairman, I intend to vote in favor of H.R. 13270. I believe that, on the whole, the Ways and Means Committee has done a good job under very trying circumstances in reporting out a bill which has been sorely needed in this Nation for many years—a restructuring of our income tax formulas.

The Wall Street Journal termed the bill "the most sweeping revision of the Federal income tax laws in the Nation's history."

But sweeping though it is, I also believe that further revision of the tax laws will be needed in the near future. I do not believe it is humanly possible to pass landmark legislation in such a complex area as taxation without further complications. The test of time will, I believe, demonstrate that passage of H.R. 13270 will have eliminated many inequities and, at the same time, have created several new ones.

The dynamics of taxation are such that we cannot begin to anticipate which problems will require our immediate attention.

However, I would like to suggest two areas which must be watched very carefully for serious complications should H.R. 13270 be enacted.

First, I think there is a very good chance that H.R. 13270 will put a severe crimp in the home mortgage operations of savings and loan associations. If this occurs, the people who suffer the most will be the very lower- and middle-income families to whom H.R. 13270 addresses itself most directly.

Second, the downward adjustment of the oil depletion allowance may, indeed, produce more dollars for the Treasury initially, but the economics of this industry are such that increases in the price of gasoline and other petroleum products are not only possible but probable. Considering the fact that lower-income families spend a higher percentage of their annual income on gasoline than do high-income families, once again the ultimate burden will fall on the shoulders of the lower- and middle-income families.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. Mr. Chairman, I rise in support of the legislation that we have before us today. We have all been anxiously awating this tax reform bill and I would like to commend the illustrious chairman of this committee and its members for the tremendous job they've done in bringing this bill to the House in such a short period of time.

As a freshman Member of this body, I am glad to see us taking the action to correct the inequities in our tax program, and I would like to comment on just a few of them here today.

One, if this bill is passed there will be no more situations such as the man who makes $200,000 a year paying little or no taxes. Under this bill, he will have to pay income taxes on a minimum of 50 percent of his total income.

This bill will also affect the "hobby" farmer who has been using the farms as a tax writeoff and who has been competing unfairly with our people who depend on farming for a livelihood.

I am also happy to see, Mr. Chairman, that you have not permitted the trust funds and foundations to escape completely from their responsibilities to pay taxes. And, I trust that this legislation will encourage them to make sure that their conributions are going for humane and charitable investments and not for tax-free trips to Europe for the purpose of counting tombstones such as one trust organization got away with last year. That trip, by the way, cost more than $200,000. If they don't refrain from supporting these types of ventures then maybe we should take a new look at what they should pay.

The part of the reform bill that I am most interested in is that which concerns the personal income tax and I am happy to see that those in the low- and middle-income brackets are finally going to get some of that badly needed relief we all have been working so hard for. These are the people in the country who have been carrying the brunt of the tax load; the people who need the relief the most.

I am also glad to see that within the next 3 years the standard deduction will increase from 10 to 15 percent and the maximum standard deduction from $1,000 to $2,000. At the end of the 3-year period, the married taxpayer with two children in the $5,000-a-year bracket will be paying 31 percent less in income taxes than he is now. The single individual under 35 in the same income bracket will be paying 22 percent less. The single individual over 35 or anyone who qualifies as head of the household in the $5,000 bracket will realize a 26-percent decrease during the next 3 years.

For example, Mr. Chairman, in the city of Winston-Salem alone, in 1966 more than 51,000 persons filed income tax returns with incomes of less than $10,000 a year and more than 20,000 of those were in the $3,000 and less bracket. Winston-Salem has the highest per capita income in the Fifth District, so you can readily see that our people are really going to feel the benefits of this tax reform legislation. Not only in my district, but people all across this country will benefit.

I observe, also, in this package those in the $15,000 bracket, the married couple with two children will see an 11-percent decrease in their tax payments over the next 3 years. So, you can see this bill is really going to offer relief for thousands of people in a wide range of income.

These taxpayers will begin to see the change as early as the first of next year and, then when the income tax surcharge is completely phased out by the 31st of the next July, the middle- and low-income groups will really begin to feel a tax relief.

There is some $9 billion relief to the taxpayers, most of it in the middle- and low-income brackets, and this revenue will be made up from the "fat calf" and by closing loopholes so it will just about balance out the revenue.

When we pass this tax reform bill today, we will have a more equitable tax program. Then, it becomes more essential that we take a responsible attitude toward our spending programs so that we can keep our economy on a sound basis.

I think the next step in tax reform should be to increase the amount of deduction per dependent as further relief to our taxpayers.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. SCHADEBERG).

Mr. SCHADEBERG. Mr. Chairman, like all legislation, H.R. 13270, a bill to reform the income tax laws, is a product of compromise. Because it is a compromise between conflicting views about what our tax policy should be, I am not in total agreement with the measure. However, it is because this measure does not contain long lasting actual relief for the low- and middle-income taxpayer, that H.R. 13270 must be only a start and not the end in reaching a national tax basis.

Mr. Chairman, the bill presently before us provides for a 64-percent reduction in those persons who earn less than $3,000 who have to pay taxes. The bill also extends over a period of 3 years a 5-percent increase in the amount of the standard deduction and a $1,000 increase in the maximum level of the standard deduction. These provisions are a start toward reform, but to stop here is to run the risk that the adjustment of existing tax preferences also contained in the bill will shift the burden once again to those we are attempting to provide with relief. If we stop here, those who are to be eliminated from the tax rolls and those who are to have their burden lessened, might well be forced to bear an indefinite extension of the surcharge along with unheard of new taxes.

The cry has gone up for reform. But sufficient relief will not be provided by measures to maintain the same level of revenue by the adjustment of certain tax preferences. Relief can be achieved only by assuring the lower- and middle-income taxpayers, who are being presently helped, that a complete overhaul of taxes will be linked with meaningful efforts to cut spending. It is a simple matter of mathematics that we cannot continue to spend more than we can realistically collect in one or another form of taxation.

If we do not go farther, and if we do not combine total reform with fiscal responsibility, then Congress will show its unwillingness to face the serious matter of continuing tax relief for those who work with their hands and minds to create the wealth out of which this Nation gets its strength. Our efforts will appear to be only politically motivated.

Mr. Chairman, I support this legislation as a beginning for reform. The members of the House Ways and Means Committee are to be commended for their efforts to bring much needed relief to the low-income taxpayers and middle-income taxpayers. I agree with them in that "more remains to be done." Further tax reforms, the elimination of the surcharge, and a general decrease in Federal spending is the way toward a sound economy.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, this bill may very well be the most fundamental and far-reaching measure with which we will be faced during the 91st Congress, and quite possibly it is the most thoroughgoing revision of our tax laws with which we will have to deal for many years.

It is for this reason that I feel very strongly that the average Member ought to have had more than a mere 48 hours in which to study some 700 pages of bill and committee report before being required to enter floor debate and to finally vote on passage. By the same token, our constituents were entitled to more time to inform themselves and to advise us of their views; and there was really no valid reason, to my mind, why a reasonable length of time for these purposes could not have been provided.

These considerations led me to oppose the rule—particularly as the bill came to the floor under a closed rule which prevents amendments, and, in turn, operates to reduce meaningful debate. These same considerations argue in favor of a recommittal of the bill to the Committee on Ways and Means, for further improvements might be made by the committee, and, at all events, Members could study the bill before it was again reported back to the floor.

The bill is the product of much work on the part of the Committee on Ways and Means, under the leadership of a very able chairman and a most capable ranking member, and, on balance, I support its passage.

The great virtues of the bill are that it gives some measure of long desired and strongly demanded tax relief to low- and middle-income taxpayers, and that it does equity by assuring that virtually all citizens of substantial means will pay some Federal income tax and will bear some part of the tax burden.

One of the bill's most attractive and worthwhile features is the 50-percent limitation, or ceiling, which it provides on the taxation of earned income.

There are less desirable features. The provisions regarding treatment of State and municipal bonds are complicated and, in my judgment, highly questionable. The provisions as to charitable donations will probably so operate as to discourage large gifts on single occasions to educational institutions. Probably most questionable of all, in my judgment, is the new treatment of capital gains. By abolishing the so-called alternative method of taxing capital gains and thus raising the tax on such gains from a ceiling of 25 percent to 35 percent—32.5 percent after 1971—the bill tends, in some degree at least, to discourage the accumulation of capital, and we cannot travel too far down that road and still preserve our economic system. There are still other controversial and debatable provisions.

I am hopeful that some of these provisions may be improved in the Senate and in conference so that we may ultimately, and after due deliberation, pass a reform bill which we can be reasonably sure will not unduly discourage private enterprise while still establishing the principle of tax relief and reform.

It is in this spirit and hope that I cast my vote in support of the Tax Reform Act of 1969.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, H.R. 13270 is certainly one of the most complex, far-reaching pieces of legislation with which we have dealt at this session. It is also one of the most significant.

Every one of us who has studied this measure can certainly find features contained therein of which he disapproves, as I find provisions of which I disapprove and which I would like to see changed. But it also contains many features which most of us, in the name of increased fairness, would like to see become part of the law of the land. The question is how we look at the bill, on balance. On balance, in my opinion, the good features of this bill substantially outweigh any reservations which I have against certain features of the bill.

Each of us is, directly or indirectly, in one way or another, going to be affected by the passage of this measure. Some of us have investments in businesses or industries which will be affected directly by such passage. My family and I, for example, have some stock interest in an oil company which, under the provisions of H.R. 13270, will be required to pay additional taxes. In spite of this fact, I believe that fairness in the payment of taxes calls for this change and for the passage of this measure. So also we have some bank and other stock interests. Under the provisions of H.R. 13270 the businesses involved will also be required to pay additional taxes. Again, however, I believe that fariness in the payment of taxes calls for this change and for the passage of this measure.

I feel that the possible impact of this measure on me personally is of such a qualitative if not quantitative nature that I should add to the filing made some months ago of my family's and my stockownership interests under the House of Representatives' financial disclosure law. I shall accordingly do so shortly. The purpose of that law was to make available to the public knowledge of possible conflicts between our duties as Congressmen and any personal financial interests which we might have. If ever any financial interest which my family or I have creates such a conflict of interest, I will either refrain from voting on such measure or pledge myself to vote in the best interests of the Nation and of the people I serve, without regard to such personal financial interest. This is the procedure which I have followed since first beginning my public service in the Oregon State Legislature and continuing into my service in the Congress.

Mr. Chairman, I intend to vote for H.R. 13270 and I urge my colleagues to do likewise.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BUSH), a member of the committee.

Mr. BUSH. Mr. Chairman, if recognized for this purpose, I shall offer a motion to recommit this bill. I have not had many years in this Chamber, but I have never seen a piece of legislation on the floor of this House during the time I have been here where so many Members are saying, "Well, there are some good things about this bill and there are some bad things about it." However, I do feel that certain aspects of it have not been adequately considered.

The relief processes we considered—I think we did it with good intentions but perhaps more study could have been used. We did this in one morning and we made a technical mistake. This was corrected to the tune of $2.5 billion going out to the economy over a period of years. I think that the total reductions came to something like $9 billion, and in my view the way we distributed these deserves more consideration than we gave.

I recognize that coming from Texas that my opposition, if you would put it that way, or my offering this motion to recommit would be considered regional and to a degree I would have to plead guilty for this because I believe in the oil industry and its importance to our Nation. I believe I understand it. I believe taking $600 million out of one industry at this time is inappropriate in the face of the overwhelming evidence that we have had from the Department of the Interior and from the Federal Power Commission that we have a tremendous reserve shortage developing. But my opposition is not regional. My opposition is national and it stems from the fact that to a degree a couple of days from now we are going to have a message come up from the President, a welfare package, and Congress is going to be asked for some $4 billion. I think it is going to be a good program but I would like to know where we are going to get the money for this program.

So, Mr. Chairman, I offer this motion to recommit reluctantly because I serve on this great Committee on Ways and Means and because I support so many of these reforms. I also support, as I think all the Members do, the efforts of the committee. The bill is not black and it is not white; but we have not come to grips in my view, Mr. Chairman, with the overall provisions of this bill as to whether it is inflationary when we are extending the surtax and then we are going to get a big tax cut. We are not coming to grips with how we are going to solve the problems—we have the great city problems—where do we get the revenue for these?

I know that it is difficult to have to be opposing a tax reform bill. It is, of course, bad politics, but I'm not sure it is wrong.

Again I reiterate that I recognize that this recommital motion will not exactly sail through, and if it fails, as I am confident it will, I hope that there can be some considered thought given—and I know the chairman of the Committee on Ways and Means and the ranking minority member and the other members of the committee will give considered thought to the overall balancing of our economy at a time when we have some tremendously serious pressures.

So, Mr. Chairman, again my position is not one of all-out opposition; certainly it is not opposition to tax reform. I support so much of what we have done in reform. I hope I can leave with you the impression that my concern is not regional, but I do think it is appropriate that each Member in his conscience as he votes will look at what this legislation tends to do directly. The President campaigned on tax credit and he campaigned on revenue sharing. He believes in these and in decentralization. Now, where are we going to get the funds necessary to fulfill these programs if we take the money out of the corporate field and out of the business field and we hand it all plus more to the consumers at a time when we are told we should not be inflationary?

We increase purchasing power and we reduce investment; where does this leave this country? This is a question that I hope we can give appropriate consideration to. The motion to recommit would give us some time to give this consideration.

The CHAIRMAN. The time of the gentleman from Texas has expired.

GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Chairman, I ask unanimous consent that all Members desiring to do so may extend their own remarks at this point in the Record on the bill, H.R. 13270.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. GIBBONS. Mr. Chairman, I am concerned that there be no misunderstanding in anyone's mind as to the overall intent of the committee in drafting the provisions of the bill relating to foundations. There seems to be some feeling that the committee was acting in a punitive manner, and that we were somehow trying to penalize the good and the bad foundations indiscriminately.

This was by no means the case. In the course of the hearings, ample testimony was presented to convince us that some foundations have been created as legal devices for escaping taxes and that these organizations have abused the present laws governing all foundation activity.

In this bill we have sought to close these avenues of financial abuse. Certainly it was never my thought, and I do not think it was the committee's intention, to restrict the great work of the bona fide foundations. There is no way to properly estimate the substantial contributions of the private foundations to the life of our Nation. The activities of some of the foundations have enriched the lives of virtually all our people.

Nor was there any thought in our mind that the foundations should be limited to just the historic types of philanthropy. I think the Members of this House may be more aware than anyone else of the great value of the research, analysis and expert advice on public matters that is made available through foundation activity.

We may not like everything the foundations do, but I think the committee recognized that the good, legitimate ones serve a valuable purpose that perhaps no other type of institution can serve as well. Without them, governments at all levels would have to spend more, do more, and become more involved in areas many of us would rather leave to private initiative.

We have tried to insure in this bill that these worthwhile activities of the good foundations can be continued. I hope we have success.

Mr. CHAMBERLAIN. Mr. Chairman, I include material which I had intended to insert following my statement yesterday with reference to the treatment of State and municipal bonds under this bill. I refer particularly to a resolution adopted by the Board of Supervisors of Jackson County, Mich., a resolution adopted by the City Council of the City of Lansing, Mich., and a letter from the city manager of Owosso, Mich., all expressing concern about provisions under H.R. 13270 affecting the tax-exempt status of State and municipal bonds.

The resolution and letter follows:

Resolution by the City Council of the City of Lansing

By Committee of the Whole

Whereas, there is presently under consideration legislation which may affect the tax exempt status of municipal bonds; and

Whereas, any change in the tax exempt status of municipal bonds would seriously jeopardize and curtail future capital expenditure and materially increase the cost of borrowing money, thereby increasing the cost of local taxpayers; now, therefore, be it.

Resolved, that the Lansing City Council supports the efforts and policy statement adopted May 28, 1969 by the Municipal Finance Officers Association at their 63rd Annual Conference in Toronto, Ontario, the policy statement being attached and incorporated by reference; and be it further

Resolved, that the Lansing City Council ask their representative and senators in Washington to support this policy; and be it further

Resolved, that a copy of this resolution be sent to the representative and senators in Washington, also the Michigan Municipal League and the National League of Cities.

Adopted by the following vote:

Unanimously.

Attest.

Theo Fulton.

Owosso City Hall,
Owosso, Mich., May 23, 1969.

Hon. Charles E. Chamberlain,
House Office Building,
Washington, D.C.

Dear Mr. Chamberlain: The City Council is strongly opposed to any attempts to change the tax exempt status of municipal bonds in any way. We would appreciate your doing battle for us.

Sincerely yours,

F. Neil Jackson,
City Manager.

Resolution—Tax Exempt Bonds

Whereas, the United States House Ways and Means Committee has announced its intention of eliminating the tax-exempt status of municipal bonds and securities, and

Whereas, such action will result in greatly increased local governmental costs caused by the higher interest rates these governmental units will have to pay in order to sell their bonds and securities, and

Whereas, this can only result in the payment of higher taxes by the citizens of the community or the reduction or elimination of services rendered by the local governmental units,

Therefore, be it resolved; The Jackson County Board of Supervisors strongly oppose the enactment of such a change, and

Be it further resolved, That a copy of this resolution be forwarded to Congressman Wilbur Mills, Chairman of the House Ways and Means Committee, to Congressman Charles E. Chamberlain, and to Senators Philip A. Hart and Robert P. Griffin.

Certificate of Jackson County Clerk

STATE OF MICHIGAN, COUNTY OF JACKSON

I, Floyd J. Poole, Clerk of the County of Jackson, and of the Circuit Court thereof, the same being a Court of Record, having a seal, do hereby certify that I have compared the attached copy of Resolution adopted May 22, 1969 by Jackson County Board of Supervisors with the original of record in my office, and that the same is a correct transcript therefrom, and of the whole of such original.

In testimony whereof, I have hereunto set my hand and affixed the seal of the Circuit Court for the County of Jackson, at the City of Jackson, this 27th day of May, A.D., 1969.

Floyd J. Poole,
County Clerk.

Mr. EDMONDSON. Mr. Chairman, the tax bill now before the House contains a numer of desirable features, including several for which I have personally worked for a long time.

I am particularly pleased that the Ways and Means Committee recommends a rate reduction that will benefit all taxpayers, that head-of-household recognition has been extended to many citizens long deserving of this benefit, and that the standard deduction has been increased. These are long-needed steps, and I commend the committee for including them in the bill.

Although the bill contains other desirable provisions, I cannot vote for it in its present form, and I sincerely hope it will be improved in the other body of the Congress.

The committee has elected to refuse the tax reform most needed by the average American taxpayer: an increase in personal exemption. The taxpayer with children in school, long due an increase in the exemption allowed for each dependent, will not find that relief in this bill.

As a longtime sponsor of legislation to increase the personal exemption, I share the disappointment of many Members of the House in the bill's failure to provide this measure of equity.

The bill also includes an extension of the surtax, at the rate of 10 percent until December 31, and at the rate of 5 percent until June 30, 1970.

I opposed the surtax when President Johnson first proposed it, and I continue to oppose it. By including it in a bill that reduces rates, the Congress in effect takes back a substantial part of the tax relief which is provided in the rate reduction.

We put money in one pocket for the taxpayer, and take it back from another pocket.

The surtax provision alone makes this bill unacceptable to me.

It is also unacceptable because of its certain impact upon the American mining and minerals industry. I believe the health of that industry is vital to our economy and national security, and I believe this bill does violence to the industry.

The depletion rate reductions provided in this bill are applied to practically all minerals produced in the United States, including such strategic items as vanadium, fluorspar, tungsten, cobalt, nickel, beryllium, mercury, zinc, lead, and uranium.

Oil and gas, long the whipping boy for many critics, are also cut.

I share the view of a majority of members of the Mines and Mining Subcommittee of this House that depletion cuts for such strategic minerals are not in the national interest.

Both the American consumer and our national security will suffer in the long run, unless this decision is modified in the other body.

There are other reasons, Mr. Chairman, for opposing the bill—just as there are other good arguments that can be advanced in its behalf.

In the final analysis, I do not believe it should be necessary to include arsenic in this bottle of medicine, and there is too much arsenic in it for this Member of the House. My vote will be "No."

Mr. ANNUNZIO. Mr. Chairman, the membership of the House will participate today in the greatest improvement in Government of their entire career.

Today we participate in approving the tax program designed by the Ways and Means Committee, with courage, integrity, responsiveness to public needs, and technical skill, fully commensurate with the preeminent power of that committee. Our approval of this tax program, when it has obtained the assent of the other body, will result in great progress toward dividing the price of civilization among the Nation's households and organizations according to their means and their ability to pay, as the Federal income tax originally was intended to do.

The distinctive characteristic of the tax bill reported by the Committee on Ways and Means is not the massive number of changes it makes in the Internal Revenue Code. The tax bill, if it were only evidence that Chairman MILLS, Representative BOGGS, and the other members of the committee and staff, and the public who testified and commented on tax questions, have brought together for thorough review and action all of the problems which have developed in a half century of income taxation, would be an impressive bill to scholars and tax technicians. But it is not the monumental study and diligent rewriting which will make the Federal tax structure become a contributor to the advance of civilization rather than a creator of domestic disturbance. Equitable sharing by all—even the most wealthy and the most cunning in tax avoidance—in the cost of Government, reduction in the price of Government as a proportion of incomes earned, redirection of tax incentives so that they will encourage production and progress and not encourage the proliferation of transactions designed to keep away from contribution to the Federal revenues—these are the characteristics of the tax bill.

The program which this tax bill fits into is clear and sensible: First, maintain the surtax on income tax for the time being, in the interest of fiscal soundness of the Government; then reduce income tax rates throughout the rate structure, in steps over a period of years so that a smaller part of taxable incomes will be contributed to Federal uses; then relieve the hardships which present day living imposes on taxpayers, such as unusual moving expenses required for continuing in employment, and simplified income averaging to take account of unemployment or changes in job or other factors which produce unusual year-to-year fluctuations in income; next, insure the taxpayers against loss of these benefits at the hands of future Congresses, by bringing into the revenues a fair share of the income of many people and organizations who escape such contributions without providing offsetting advantages to the public.

The rate reduction will leave taxpayers with more than $2 billion of their income, above what they would have retained without this tax bill, in the 1971 tax year; in later years, their benefits would rise to more than $4 billion, even if present income levels continued unchanged; the actual benefits in the prosperity which will continue after the present inflation has been stopped, will be greater.

Reliefs other than the rate reduction will leave taxpayers with nearly $5 billion more of their income, than if the Internal Revenue Code were not reformed. These benefits will be available and beneficial to persons at every income level. People with incomes of less than $3,000 per year will be relieved of three-quarters of a billion dollars of taxes by the low income allowance and the special treatment given to single persons. Taxpayers with incomes of more than $100,000 per year will be relieved of three-quarters of a billion dollars by the general rate reductions and special treatment of single persons—but reform provisions will add taxes of more than $1 billion.

Taxpayers in the income brackets between $7,000 and $20,000 per year, where more than half of the Federal income tax revenues originate, will be saved about one and a quarter billion dollars of taxes by the 15 percent standard deduction, replacing the 10-percent standard. The gains in terms of money which can be spent as the taxpayer desires will be valuable, and probably increase in benefit as the taxpayer reduces his debts and other commitments requiring deductible payments. But the gains in terms of relief from recordkeeping, in trying to stretch every deduction, in being free from Internat Revenue harassment about deductions, will be prized more than the monetary gain by many taxpayers.

The tax reliefs are protected by tax reforms. The reforms, counting both those which affect the individual income tax and those which modify the corporation income tax, are expected to produce $1.6 billion added revenue next year, and over $3.5 billion after the period of gradual introduction has been completed, within a decade. The termination of the investment credit will produce more revenue than the reforms, in 1970, and slightly less than the reforms by 1979.

The tax bill protects the reforms which are reliefs from taxes, by a more equitable sharing of the tax load, through removal of or reduction of various tax preferences.

The preferred treatment given some transactions or taxpayers was not the result of some hidden move or conspiracy; the tax law is a complex of special treatments, granted in order to make the law equitable, and to encourage activities such as charitable giving, formation of small business, oil exploration, development of sound financial institutions, investment in risky and potentially profitable capital assets, and so forth. But in some instances, the special inducements which the tax law has offered are no longer necessary; they can be removed, with benefits to the revenues, more equality in competition among business, and no loss of productive activity. The tax law before the House makes a number of such corrections.

The tax bill also proposes to deal with the comparatively small number of astonishing escapes from participation in the financing of government, accomplished by less than 200 very wealthy persons. By combining a number of the features of the income tax law which were intended to make a net income tax equitable, they have totally escaped Federal taxation. That result was never intended by the Congress in any of its efforts to write equitable tax legislation. The present bill cures this problem in part by modification of a number of present relief or special preference provisions; then it assures that all wealthy persons will have an opportunity to contribute to the price of civilization, by requiring a minimum income tax, operated through a limitation on tax preferences.

The tax bill restructures the Federal

income tax to enable persons who are most in need of spending money to be able to use more of their income according to their own wishes; it assures that all who are able to bear the cost of government will participate in doing so; it reduces or terminates special inducements which are needed less than in the past, or not needed now. The reformation of the Federal tax structure is likely to be the most remarkable accomplishment of this Congress.

Mr. ADDABBO. Mr. Chairman, I rise to support H.R. 13270, the Tax Reform Act of 1969.

This legislation is a comprehensive package of measures to close a number of loopholes in the tax law and to make the distribution of the tax burden more equitable. The bill tightens controls over private foundations, reduces the oil depletion allowance from 27½ to 20 percent, and imposes a minimum income tax on those wealthy individuals who now escape all taxes because of large incomes from State and municipal bonds, capital gains, rapid depreciation of real estate, and other tax shelters.

In addition to the loophole-closing provisions, the bill provides some tax relief to middle- and low-income taxpayers. The standard deduction is increased, tax rates for single persons over 35 years of age are reduced, and tax rates are reduced over a 2-year period—1971 and 1972—to give middle-income taxpayers at least a 5-percent tax cut.

As a package, H.R. 13270 represents a meaningful start on tax reform. While I do not support the tax surcharge which is extended for 6 months at a rate of 5 percent, I can support most of the other provisions of this bill.

In voting for H.R. 13270, I hope that we will consider this legislation the beginning of an effort to overhaul our tax system. There is much to be done if we are to really make our Revenue Code work fairly.

Among the measures to which I would assign a high priority in this next session of Congress are simplification of the tax law, relief for parents of children in college through tax credits for tuition, an increase in the personal exemption from $600 to $1,200, a deduction for commuter expenses, and additional allowances for repairs and depreciation for homeowners.

Mr. Chairman, I support H.R. 13270 and will continue to urge additional reforms in the Internal Revenue Code.

Mr. SHIPLEY. Mr. Chairman, I would like to talk about the real bedrock aspects of the current controversy over percentage depletion and related tax provisions of the petroleum industry. Let us take a look at what the proposed cutback from 27½ to 20 percent in the oil and gas depletion rate will mean to every one of our constituents as consumers of petroleum products.

Mr. Chairman, we cannot expect all of our constituents to be experts in the intricacies of petroleum taxation, but we can rest assured that they will understand and react to price increases that must result from a reduction of the incentives to explore for oil and gas. Worse still, can you imagine the reaction of our constituents should they awake some morning and find no gas to cook their breakfast, and no gasoline to fuel their automobile?

Mr. Chairman, this is not just scare talk nor a personal pipedream. It is a very real and present danger that we face. Our country's insatiable appetite for petroleum is such that we can see, right now, impending shortages of domestic supplies of oil and gas unless we substantially increase our efforts to find and develop new supplies. There has been considerable comment in the press about a forthcoming shortage of natural gas as indicated by recent trends in addition to our gas reserves. Our actual consumption of energy has surpassed our most optimistic forecasts, so the danger we face is probably even more serious than most of us realize.

Mr. Chairman, I would point out to my colleagues that domestic reserves of natural gas now represent only a 15-year supply at the present rate of consumption. Only 10 years ago our gas reserves represented a 22-year supply. If we are to maintain a 15-to-1 ratio of reserves to production, discoveries in the next 12 years must be about 50 percent greater than in the past 12 years.

The problems of supplying our needs for crude oil may be even more critical than for gas. Mr. Chairman, 10 years ago, we had a spare producing capacity of 4 million barrels a day. Even if imports had been shut off, we could have supplied all our own needs and still have had enough spare capacity to meet extraordinary demands that might arise from a crisis such as the closing of Suez in 1956.

Let us take a look at our present productive capacity in relation to domestic demand for liquid hydrocarbons. It is now estimated that before the end of 1970, our domestic productive capacity will barely be able to meet our total domestic demand. In other words, our spare producing capacity will have completely disappeared. Even with the large volumes of oil anticipated from the North Slope of Alaska, it is estimated that by 1985 domestic production will be able to supply only 82 percent of domestic demand.

The petroleum industry faces a monumental task in finding new supplies of domestic oil and gas to supply our needs. This is certainly no time to reduce exploration incentives by tampering with our longstanding petroleum tax policy.

Mr. Chairman, some contend that we need not worry about our domestic supplies of petroleum. We can always rely, they say, on imports to supply our needs. Should we ever become largely dependent on foreign oil, I hope those people who advocate such a course of action will step forward to shoulder the blame when one of our foreign suppliers turns off the faucet on shortages and high prices become a hard reality.

The time to recognize this danger is today when we can and must see that it does not happen. The plain truth of the matter is that the petroleum industry needs more incentive, not less. Its sources of exploration capital must be increased if the industry is to invest the $100 billion that is required to find and develop new supplies needed in the next 12 years.

Mr. Chairman, we reduce at great peril the petroleum industry's incentives to explore for oil and gas. We would thereby expose our citizens to shortages of petroleum products, and to prices which would be a serious blow to their family budgets. The consumer has been the greatest beneficiary of our petroleum tax policy in the past. He has an even greater stake in its continuance for the future.

Mr. ADAIR. Mr. Chairman, I rise today to object to section 601 of Tax Reform Act, H.R. 13270, which changes the previous tax-exempt status of State and municipal bonds. In my opinion, this provision is going to impose an additional financial burden on State and local governments and open the way for Federal control of State and municipal bond sales.

Those individuals and institutions who invest in tax-exempt State and local securities are not escaping liability for Federal taxes as alleged by the proponents of this provision. By electing to invest in these securities and, thereby, receive a reduced interest rate, they are indirectly paying Federal taxes and performing a service to local and State governments. The additional revenue which they contribute to local and State governments because of the low yield on their obligations results in lower State and local taxation and avoids the need for additional Federal assistance to these governments.

Section 601 of this act by encouraging the States and their political subdivisions to voluntarily relinquish the privilege of tax exemption for their obligations in exchange for an interest subsidy paid by the United States will markedly shrink the market for such securities. Consequently, State and local taxes will have to be raised. Moreover, the interest rate on these securities will, undoubtedly, be raised and, thereby, make these bonds even less attractive.

The final objection I have to this provision is that the Federal subsidy will not be contributed automatically if requested as has been stated. State and local bond sales will be controlled by the Federal Government because the project giving rise to the debt issue and the ability of the issuer to meet the obligation will be reviewed before the subsidy is granted.

Mr. MINISH. Mr. Chairman, to those of us who have battled for years for tax reform this moment, when the Tax Reform Act of 1969 is offered to the House, must be somewhat akin to the moment Colonel Armstrong stepped on the moon for those who had labored in the space program. This is a moment long anticipated, often despaired of, by those Members who believe with me that comprehensive tax reform and revision is one of the most important issues confronting the Nation. I pledged to myself upon my election to the 88th Congress, in 1963, to champion this cause and, as our esteemed colleagues on the Ways and Means Committee can testify, I have persevered in the struggle since then. If my elation is not so profound and satisfying as that experienced at the space center, that is understandable. The bill before us fails to meet my definition of truly meaningful, comprehensive tax reform. That, too, perhaps is understandable—it is surely less difficult to place men on the moon than it is to eradicate all the inequities and loopholes in the jerry-built tax structure that has grown through the years. This is an area where vested interests too often dominate and where the people's voice has only lately been heard in any volume.

Tax reform is designed to promote four general goals: one, keeping tax burdens in line with the ability to pay taxes; two, equity of tax burdens among similar taxpayers and between dissimilar taxpayers; three, tax simplicity; and four, neutrality of the tax system in economic decisions.

All of us who serve in Congress have learned the wisdom of Lincoln's words:

> There are few things wholly evil or wholly good. Almost everything, especially of Government policy, is an inseparable compound of the two, so that our best judgment of the preponderance between them is continually demanded.

Tax legislation, of course, deals with an extremely sensitive area and the fine art of conciliation and compromise is put to the test in the shaping, considering, and reshaping of these highly complex provisions.

The traditional closed rule barring floor amendments makes it necessary to accept or reject the committee bill as it stands. In my judgment, the good, although diluted in many instances, does compel support of the bill. It is my earnest hope that improvements will be made in the Senate and that a measure more fully responsive to the demand for greater equity in taxation will be enacted into law.

I should like to discuss briefly certain proposals that will directly affect a great number of my constituents.

One provision in the pending bill to which I must take most vigorous exception is the extension of the surtax at 5 percent for the first 6 months of 1970. I deeply regret its inclusion by the committee and the refusal of the Rules Committee to permit a floor amendment to eliminate this most objectionable provision that is, in fact, extraneous to a tax reform bill. I voted against the imposition of this inequitable and ineffective surtax in June 1968; against its 1-year extension that passed the House this June 30; and against its continuation for 6 months as approved by the Senate and agreed to by the House on August 4. The surtax has failed abysmally to halt inflation and hold down interest rates as we were promised a year ago. The inflationary spiral has been soaring ever since; interest rates have been skyrocketing ever since. Its continuation will simply prolong an evil and aggravate living conditions for the average wage earner and pensioner.

The failure of the committee to increase the individual exemption from the present grossly inadequate $600 to $1,000, as provided in my pending bill, is also a keen disappointment. There is absolutely no justification for keeping exemptions at the rate established in 1948 despite inflation and cost-of-living increases over the years. The Nixon administration has argued that to increase exemptions would cost too much money. I cannot accept that argument—my overtaxed constituents are entitled to an exemption that more accurately reflects the actual cost of support. Closing loopholes more decisively—such as the oil depletion allowance on which the Nixon administration made no recommendations or comments—would more than offset any loss in revenue from the higher exemption rate.

Speaking of the favoritism enjoyed through the years by the oil and gas industry, I am disturbed that the committee's decision to cut the oil and gas depletion allowance from 27½ to 20 percent has been coupled with a decision to permit other loopholes benefiting the industry to remain. As one who believes that the rationale for the panoply of credits and deductions first conferred upon the industry in 1926 has long since evaporated, I find the 7½ percent cut most inadequate. It is not even half a loaf—only a quarter, if that, since knowledgeable observers maintain that the net result is that oil has been touched more in appearance than in substance. I submit, Mr. Speaker, that this is indefensible and I shall continue to fight for the elimination of all the notorious loopholes that have made the oil industry a symbol of entrenched privilege.

Turning to the brighter side, I am gratified at the committee's action in insuring that all taxpayers will enjoy a reduction in tax rates. Although I would favor a greater concentration of the benefits of the rate reduction among the middle-income group, nonetheless, I welcome, as they will, the relief provided in the pending bill. For a homeowner with a wife and four children and an income of $10,000 a year, the reduction would be 6.3 percent. I would urge that the Senate scrutinize most closely the rate reduction schedule with the view of offering greater relief to the average citizen who has long been required to shoulder nearly two-thirds of all personal Federal income tax levies.

I also applaud the more equitable treatment for single taxpayers provided in the bill. As a longtime sponsor of legislation to correct the excessively high liability incurred by this group, I am gratified that the committee has extended "head of household" benefits to single individuals who have reached the age of 35 and widows and widowers of any age maintaining a household. Incidentally, I would have preferred the age of 30 for single persons as stipulated in my current measure. We all recognize that by this time of life the expenses of such a person are not too dissimilar from those incurred by a family. Many single individuals, while they cannot technically qualify for "head of household" status, do make substantial contributions toward the support of an aged father or mother or other relatives by the time they reach this age. Also they frequently maintain their own home, with a significant portion of their income having to be spent for housing, for furnishing their home, for taxes, for interest payments, for food, medical bills, and so forth. These costs are almost as much as for a married couple who enjoy the advantage of being permitted to file a joint return. Yet, despite this fact, the single individual continues to be penalized by a much higher rate of taxation.

Latest population statistics published by the Bureau of the Census report that there are over 19 million individuals aged 35 or over who are either single, widowed, or divorced. Of this total, 13 million are women. And I am sure that all of us will agree that it is imperative that these individuals have enough aftertax income to insure that they can afford decent living quarters.

I am also heartily in favor of the low-income allowance which would remove 5.8 million poverty-level taxpayers from the tax rolls. A major problem of the individual income tax has been that tax is imposed on some people whose incomes fall below the poverty line. Imposing an income tax below these levels is harsh and unjustified, and the proposed relief is urgently needed.

Likewise, the increase in the general standard deduction in three steps to 15 percent in 1972 with a $2,000 limit in place of the present $1,000 limit is eminently justified. This higher standard deduction standard will offer relief chiefly to families and individuals in the $5,000 to $20,000 income range.

While my concern has been primarily to secure equity for low- and middle-income groups, I concur in the benefits conferred upon higher income persons in the form of averaging income that fluctuates from year to year and of a tax ceiling of 50 percent on "earned income." We may not always think the boss is worthy of his hire, but the fact remains that income derived from wages and salaries at all levels warrant greater consideration than the "capital gains class." It is only proper and long past due that a distinction in favor of "earned income"—the expenditure of sweat, skills, or talents—be made as opposed to "unearned income."

Another salutary provision would liberalize moving expenses allowances. As a sponsor of legislation on this subject, I am pleased that the committee has allowed up to $2,500 for expenses of house hunting trips prior to a move, temporary living outlays at the new location, and commissions and other charges of house selling and buying. This is a problem that affects a great many workers in our highly mobile society, and it is only fair to minimize the hardships that inevitably accompany a move from one area to another. Of course, no "sweetener" can really ease the blow for those persons who must move from the great State of New Jersey.

Among the matters to which I trust the Senate will give most careful examination is the impact of certain provisions affecting foundations and charitable contributions. Public minded and enlightened citizens and institutions are gravely concerned about various restrictions imposed in these fields. For example, with respect to the prohibition against private foundations providing funds for vote registration drives, Mrs. Robert Klein, president, League of Women Voters of New Jersey, has pointed out that the kind of money needed to provide voter services activities is available only through foundations and tax-exempt funds. Mrs. Klein rightly observes:

> It is of the utmost importance, particularly at this point in our history, that all American citizens recognize the power of the vote and feel encouraged to seek changes and reforms in Government through the use of the ballot. Our work in voters' services convinces us that multitudes of Americans have not experienced the value of exercising their voting privilege, that they do not understand many of the complex issues facing our country, and that they are not convinced that the way to seek change is through the ballot box. It is important that full-scale efforts be made to educate citizens in this matter, to help them become registered voters, to provide as much information as possible about issues and choices, and to encourage them to go the polls.

Many private schools and colleges as well as such organizations as the Young Women's Christian Association fear the proposed restrictions on charitable donations will seriously impair their ability to continue their vital services. To inhibit legitimate incentives to support worthy causes would threaten the existence of institutions that serve the public interest in a very real way. As former Health, Education, and Welfare Secretary John Gardner has stressed:

> Tax exemption is a means of preserving the strength of the private sector and insuring that our cultural and educational life is not wholly subject to the monolithic dictates of government.

Mr. Chairman, as I wrote President Johnson on June 27, 1968, on the need for comprehensive tax reform, the American people have the will and fortitude to assume any sacrifice required of them but they must insist that their sacrifice be no greater proportionately than that incurred by other individuals and corporations. Our tax system must be based upon the democratic principle that those who enjoy the most bountiful share of our tremendous national wealth must pay their proportionate share of preserving the society in which they are so blessed. The legislation now before us does implement that principle in many significant ways. It goes far beyond the only two previous revisions made in the Federal tax structure since its adoption in 1913. Those changes in 1939 and 1954 were characterized by a former Commissioner of Internal Revenue as merely "facelifting." It is my hope that this bill will be strengthened as it goes through the further legislative process. But no matter what its final form, the battle for tax equity must not be regarded as closed. In his 1935 Message on tax reform to the Congress, President Franklin D. Roosevelt stated: "With the enactment of the Income Tax Law of 1913, the Federal Government began to apply effectively the widely accepted principle that taxes should be levied in proportion to ability to pay and in proportion to the benefits received. Income was wisely chosen as the measure of benefits and of ability to pay. This was, and still is, a wholesome guide for national policy. It should be retained as the governing principle of Federal taxation. The use of other forms of taxes is often justifiable, particularly for temporary periods; but taxation according to income is the most effective instrument yet devised to obtain just contribution from those best able to bear it and to avoid placing onerous burdens upon the mass of our people." Now, 34 years later, the Tax Reform Act of 1969 before us has laid a good foundation on which to build a tax structure that is worthy of a democratic society. I pledge my continued wholehearted commitment to this cause which must remain high on our list of national priorities and goals.

Mr. GOODLING. Mr. Chairman, I think it unfortunate that a bill of this magnitude—368 pages—should reach the Members of this body 4 days before we are called upon to vote on it.

It is impossible for any Member to familiarize himself with all its features. Our only recourse is to depend upon the members of the committee for information on the various sections.

I have serious reservations and objections to that section dealing with authority bonds. Here the Federal Government is getting into another phase of local financing, and I consider this a bad precedent.

As a nonlawyer, I also question the legality of this section. Here we have, in effect, a legislative committee making an appropriation which simply means back door spending which is always objectionable.

Mr. SKUBITZ. Mr. Chairman, it is with reservations that I support this measure.

This bill is 368 pages long. The committee report which is supposed to explain its provisions is 369 pages long. Both of them became available to us last Monday and here we are today—3 days later—voting upon it.

I must confess that I have not had time to carefully analyze its provisions or determine all of its ramifications. I get some comfort from the fact in knowing that I am not alone. If I were to hazard a guess, I would say that outside the Ways and Means Committee not a single Member of this body can intelligently discuss every provision of it. I might add that I question whether half of the committee can do it.

Fortunately, the bill, if it passes, will go to the Senate, where that body will work its will. If it survives the Senate—it will go to conference—and then we will be given a second chance.

Certainly everyone wants tax reform. Inequities should be corrected. However, in my opinion, little or nothing has been done to correct the biggest inequity of all—the tax bite placed on the average worker who has been carrying the major part of the tax burden. I am hopeful the Senate will do something about this. Frankly, I think the one thing we should have done and did not do is to raise the dependent allowance. Everyone would benefit from such action.

Mr. SHRIVER. Mr. Chairman, we have before us for consideration today the first comprehensive revision of our tax laws since 1954. It has come to the House for debate only 4 days after it was reported by the Ways and Means Committee.

There has been little time for individual Members to read the 226 pages of the committee's report or to study the 368 pages of the bill, H.R. 13270. I had hoped that we would have an opportunity to examine and evaluate the provisions of this tax reform legislation, and to provide ample time for our constituents to express themselves.

Tax reform certainly is long overdue. The mail I received early in this session indicated that the people wanted loopholes closed. They were irritated by reports that some citizens with enormous incomes pay little or no income taxes.

Now there are many good provisions in this bill; but there also are bad provisions. We are told that further tax reforms are under consideration by the committee.

The traditional "closed rule" under which this legislation is being considered bars amendments or changes of any kind. Thus, in making a decision we have to weigh the good against the bad in the bill.

I wholeheartedly support the tax relief provisions contained in this legislation which will reduce, and in many instances, eliminate tax payments for many middle- and low-income families in our country who have been so hard hit by inflation. I had hoped the committee would have taken steps to increase the present $600 income tax exemption, in accordance with legislation which many Members including myself have introduced.

The committee has wisely included in this bill at least two proposals which I have made in legislative form. This legislation provides tax relief for the large number of so-called forgotten taxpayers—those single persons, 35 years of age or more, and persons whose spouse has died. They are to be given head-of-household treatment or an intermediate tax rate treatment which is halfway between those available to married couples and those previously available to these single persons.

In this Congress, and in previous Congresses, I have sponsored legislation to liberalize income tax deductions for moving expenses. I am pleased by the committee's action which adopts the provisions of my bill.

As we wrestle with this tax reform legislation today, it would be well to remember that the most meaningful type of tax reform we could provide the American people would be tax simplification. Tax simplification can be achieved by a broadening of the base and a reduction of the rates.

The confidence of the American people in the integrity of their Government demands a tax structure that is both understandable and fundamentally fair. The Internal Revenue Service has, along with other Government bureaus, swamped the American taxpayer in a paper jungle that has forced him to either become or hire a "Philadelphia lawyer" and accountant.

Mr. Chairman, I also take this opportunity to cite several provisions in this bill which will adversely affect local governments, educational and philanthropic institutions, and vital industries of this Nation.

There is no simple answer to the problem of tax reform. What may be a loophole to one represents equity for another.

For example, the provisions of the bill which drastically alter the tax treatment of municipal bonds comes at the worst possible time and goes far beyond any proposals that are needed to achieve tax equity.

Local governments and local school boards are faced with growing costs of education, maintenance of public order, health, housing and the welfare needs of our citizens. State governments do not have a source of revenue that grows proportionately.

In the face of these expensive problems, the committee has recommended action that will compound the problems that these State and local governing bodies are having.

In another area, that of charitable contributions, we may be eliminating some tax inequities but in so doing we are forcing private charities and all educational institutions to turn more to the Federal Government.

To many of my colleagues who reside on the eastern coast of these United States, tax reform means "let us get the oil industry." The reduction of depletion to 20 percent is a regrettable and dangerous action. Perhaps the oil industry must do more to improve its image with those who would destroy it.

However, there can be little question of the importance of adequate oil and natural gas supplies and reserves to the economy and national security of our Nation. The action against the industry proposed in this bill will drain some $600 million annually from the funds available for domestic exploration and development.

The real loser may well be the American consumer who could end up paying more for gas and oil.

In Kansas the oil industry consists largely of small, independent producers.

Over 27,000 persons earn their livelihood in one phase or another of this industry, and farmers in 92 of the 105 counties have leased their land for oil and gas exploration and production.

In the 1960's both production and reserves of oil in Kansas diminished at an alarming rate. Oil imports, inflation and other economic conditions have damaged the independent industry in Kansas. Taking $600 million out of an industry at this time is not in the best interest of Kansas or the Nation.

While the rule under which this legislation is being considered prevents the offering of amendments, we can only hope that the other body will make the necessary revisions and improve upon the work started here.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in support of H.R. 13270, the Tax Reform Act of 1969.

We have for too long ignored the needs of middle-income Americans, people working 8 to 10 hours a day and who in the past few years have been forced to take on another job just to make ends meet. For too many years a disproportionate burden of meeting the Government's obligations has fallen on the shoulders of these middle-income taxpayers while a substantial number of the wealthy carry but a small share and a substantial number of millionaires pay nothing.

In recognition of that inequity, I introduced in 1967 and at the beginning of this session, a tax reform bill which would have closed up a number of glaring loopholes. Many of the proposals in my bill were not adopted by the committee as I hoped it would. Nevertheless, I shall support the reported bill which came to the floor of this House under a closed rule even though there are a number of items in this bill with which I am unhappy. I believe the bill does not go far enough in plugging tax loopholes. However, it is a step in the right direction. On the whole the bill is a good one. The worst that can be said for it is that it does not go far enough, that it does not provide a sufficient quantity of relief in certain areas. On the other hand, however, it provides the opportunity for broad relief to middle-income taxpayers who need it most as well as the opportunity to distribute more fairly the burden of taxation on those who can best afford to carry it. Thus, the bill will serve as a strong foundation upon which to build future reform.

I am aware that many of my colleagues are dissatisfied with the reduction of the oil depletion allowance. I am aware that many of my colleagues are dissatisfied with treatment given capital gains and corporate taxes. I am also aware that many of my colleagues are dissatisfied with extent of relief given middle income taxpayers. Having been one of the early supporters of broad tax reform I too, am dissatisfied with parts of the bill.

But I have been fighting for major tax reform for too long to see it fail now because I or someone else is unhappy with one or a few of its provisions.

I am too well aware of the difficulties in drafting a major tax reform bill. I am too well aware of the countervailing pressures which must be satisfied in order to develop equitable relief. For that reason, I offer my congratulations to Chairman MILLS and his committee for drafting a bill which provides a structure for reform. I sincerely believe that it is one which we can all live with, it is one which we can take back to the people as evidence of our good faith and say "we have begun."

The tide that is rising in America today which is demanding tax reform and which is responsible for today's legislation is a strong one. It will persevere long enough to provide the force with which to build a truly equitable tax structure, one in which all citizens will equitably share in the support of their Government. And I am confident that this bill will provide the base upon which that equitable structure can be built.

Mr. CONTE. Mr. Chairman, you may recall that I voted in favor of extending the surtax—but with very serious reservations. My reservations stemmed from the fact that the bill was not part of a comprehensive tax reform package.

I am most pleased to see that today we are considering such a package. I have said many times before, and I repeat now—the time for meaningful and comprehensive tax reform is long overdue.

The bill before us is not perfect—and that is not surprising, in view of its scope. But it is, on the whole, a good piece of legislation. It reflects a great effort on the part of my distinguished colleagues on the Ways and Means Committee to make the tax laws more equitable.

I would like at this time to mention some of the proposals that have special significance for me. I can think of no better place to start than with the oil depletion allowance. I have maintained—time and time again—that this is one of the biggest loopholes in our tax laws.

Earlier this year, I introduced legislation to reduce the allowance to 15 percent in the case of domestic oil and eliminate it in the case of foreign oil. I am pleased that the latter provision has been recommended. I am sorry, however, that the allowance has otherwise only been reduced to 20 percent. But I must concede that even this modest reduction is better than nothing. In my opinion, it does represent a real attempt to make the oil industry pay some of what it should have been paying to the Federal Treasury all along.

One area in which I am very interested is tax-exempt foundations. I testified on this before the Ways and Means Committee. I did not favor then, nor do I now, a blanket tax on the investment income of a foundation. I might note that the term "investment income" is quite broad, and according to the committee report includes interest, dividends, rents, and royalties.

I oppose such a tax because I do not think that is the way to plug up abuses. The way to do it, in my opinion, is through measures directed to specific abuses—and the bill does just this. Therefore, I question whether an overall tax, even assuming one supports the concept itself, is necessary.

One of the best features of this bill is the fact that it helps the little man and at the same time makes the big man pay a more realistic share of the tax burden. The increased standard deduction and the low-income allowance will bring much needed relief to many deserving taxpayers. For example, it is estimated that the low-income allowance alone would remove 5.2 million returns from the Federal tax rolls and result in a tax reduction on another 7 million returns.

The big man, or higher bracket taxpayer, will now have to pay a little more. Under the so-called LTP or limit on tax preferences provision, less income will escape the grasp of the Internal Revenue Code. And under a companion provision, deductions will be allocated between income subject to tax and income not subject to tax.

I think the proposal to liberalize deductions for moving expenses is a very good one. I have introduced legislation to this effect for several years.

The proposal on farm losses should remedy a bad loophole that has hurt many genuine farmers.

I would also note the provision for spreading the cost of pollution control facilities over a 5-year period. I had introduced a somewhat similar bill earlier this year. I think it is a good way to insure investment in antipollution devices.

Mr. Chairman, I have in this short time focused on a few of the provisions. Overall, the bill is quite impressive. It is the kind of comprehensive tax reform we have all been waiting for, and I am very happy to see it here today.

Thank you, Mr. Chairman, for the opportunity to make these brief remarks.

Mr. BURTON of Utah. Mr. Chairman, many statements have been made in Congress and in the press, in regard to the alleged bonanza the big oil companies receive from percentage depletion, that are inaccurate, misleading, or both. I would like to take a few minutes of this body's time to put some of these erroneous statements in proper perspective and clairfy some of the misrepresentations that are being expounded.

First. Depletion is a loophole: The first of the misrepresentations that is being made, Mr. Chairman, is the use of the word "loophole" in referring to percentage depletion. The percentage depletion provision of the statute in no way meets this definition. As I am sure all of my colleagues know, this provision has been operating since 1926 in a manner that Congress intended and serves to accomplish the purpose for which it was intended—an incentive to encourage exploration.

Second. Only big companies get the advantage of depletion: It is often said that percentage depletion benefits the big oil companies which produce most of the oil rather than the small companies which find most of it. This is not true since approximately 90 percent of all the oil produced is produced by the operators who drilled the wells and developed the reserves. Furthermore, small companies often benefit from extensive geological and geophysical work conducted by large companies before mineral properties are subleased to them for development.

The same rules for determining allowable depletion apply to all sizes of companies and even to individual producers. Percentage depletion is computed separately for each property—usually for each lease—and is the lesser of 27½ percent of gross income or 50 percent of net income before depletion. Cost depletion is always allowed and is used when it is more than percentage depletion. No different rules apply to big companies. Of course, the dollar amount of the deduction is more for big companies but so is the deduction for depreciation, taxes, wages, and so forth. Big companies simply have no advantage.

Third. Some taxpayers pay no taxes because of depletion: Of course, depletion serves to reduce Federal income taxes, but percentage depletion cannot, of itself, eliminate such taxes. The statute limits percentage depletion to 50 percent of net income of each separate property, so, obviously, it cannot reduce the tax more than 50 percent of what it would have been without depletion. Those persons who do not understand the application of the depletion provision of the statute often think taxes are eliminated by percentage depletion—but this simply cannot be. If a producer of oil and gas pays no income tax, it is because that producer has plowed all his profits back into exploration and development efforts. This is precisely what the incentives are designed to encourage.

Fourth. Oil companies do not pay their share of taxes: One of the most frequently heard misstatements, Mr. Chairman, is that oil companies do not bear their fair share of taxes. A reliable research organization has made a study of the tax burden of the petroleum industry in comparison with that of other industries for the years 1964–66, the latest years for which comparative data is available. Their report shows that the petroleum industry's domestic tax burden, exclusive of motor fuel and other excise taxes, was 5.4 percent of gross domestic revenues, as compared with 4.6 percent for all business corporations.

The oil industry paid $2.5 billion taxes in 1966, exclusive of $8 billion in motor fuel and excise taxes. Including these latter taxes, the total domestic tax burden on the petroleum industry and its products was about 21 cents on each dollar of gross domestic revenue—about four times that of most other industries.

Fifth. Big companies know exactly how many holes will be dry: It is obvious that a company, big or little, would not drill a hole large enough to produce oil if it was known it would be dry. Based on past experience, some explorers may be better able than others to estimate the percentage of holes that will be dry. Only by actual drilling can it be determined whether a particular well will be dry. A dry hole represents a substantial after-tax net loss to the one who drills it.

The industry spends nearly a billion dollars per year on dry holes. If the large companies could determine in advance which ones would be dry, they would drill no dry holes, and thus eliminate such losses. So far, scientific developments only make it possible to determine a possible producing rock structure and not whether any oil exists in a particular location. As a matter of fact, some companies, by excelling in judgment and use of scientific expertise, do have better results than others. But, even so, using the best technical know-how they drill several times more exploratory dry holes than producing wells in search of new oil and gas deposits. It is still a fact of life that oil companies, large or small, on the average have to drill 11 wildcat wells to find an oil or gas deposit.

Sixth. The public is subsidizing oil companies through the depletion provisions: This statement is based on the idea that the oil industry does not pay a fair share of taxes and, as a result, the general taxpaying public must take up the slack. It is not true because the oil companies do pay a fair share of total taxes, as I have already explained. In fact, the public is actually getting the benefits of depletion through an ample supply of energy at reasonable prices. The fact that the benefits of depletion have been passed on to the public through prices of petroleum products is evident by—

The price of gasoline has increased less than 10 percent since 1926, while the prices generally have increased 100 percent, and

The profits of oil companies have been relatively low, representing a lower rate of return on investment than for manufacturing companies.

Mr. Chairman, the six misleading statements which I have discussed are only a few of the erroneous ideas that have developed on the subject of percentage depletion and its application to the oil and gas industry. An attempt to explain them all would not be feasible. It is hoped, however, that these comments will serve to correct some of the misunderstanding surrounding this subject.

Mr. SCHWENGEL. Mr. Chairman, I would like to take this opportunity to commend my distinguished colleagues on the Ways and Means Committee for their outstanding efforts on behalf of tax reform. In January, it was said that the job could not be done, but you have done it, and done it well.

H.R. 13270 is historic legislation. It is the first major revision of our tax laws in the last half century. It constitutes a real milestone in the history of our system of self-assessed taxation.

Over the years, a number of inequities have worked their way into our tax laws. Some were due to court decisions, some were due to administrative rulings, some were due to changes in economic conditions, and still others were the result of the efforts of powerful special interest groups who secured passage of legislation creating loopholes. These inequities have reached the point where the system is grossly out of balance, especially with respect to middle- and low-income families. The inequities and loopholes, coupled with the current problems of high prices caused by inflation have finally forced an outcry from the taxpayers most severely affected by the loopholes. Fortunately this outcry was loud enough, and the committee strong enough, to overcome the various special interest groups.

The bill incorporates most of the features of my own tax reform program introduced earlier this year. For this reason, I will give the bill my fullest support.

I was disappointed that the committee did not see fit to increase the personal exemption to $1,200. The increase in the standard deduction will be some help, and does give some recognition to the effect of inflation on the cost of raising a family and maintaining a home.

I was also disappointed on the action taken with respect to cooperatives. I am not convinced that the cooperative provisions were really a loophole, and certainly not such as to justify the rather drastic changes contained in the bill. It seems to me that the committee could have dealt much more firmly with what I consider to be a real loophole, the oil depletion allowance. The reform bill should have gone much further in reducing the allowance.

On balance, it seems to me, the bill does give significant tax relief to a majority of the taxpayers, and will thus receive my support.

Mr. JARMAN. Mr. Chairman, the proposal in the Tax Reform Act of 1969 to reduce the oil and gas depletion allowance is based on several rather familiar criticisms. First, some critics have attacked it because that 27½-percent rate for oil and gas is higher than that for most other minerals. As you know, the producer may deduct 27½ percent from the gross annual income of a lease or property. However, producers are prevented from taking the full 27½-percent deduction because this figure may not exceed 50 percent of the net income of the lease and this restriction, in practice, allows the producers an average allowance of only 23 percent and, in many cases, much less than that.

Other familiar arguments against maintaining the depletion allowance at its present level are that the oil and gas producers are not paying their share of taxes, and their rate of return on investment is too high. These arguments simply are not justified as the following comparisons will show. The oil and gas industry annually pays into the Federal treasury $2.5 billion indirect taxes or 5.1 percent of gross revenue from all operations. On the other hand, the direct tax burden for all business corporations in the United States on gross revenue is 20 percent less than that of the petroleum industry. Likewise, the average profit of 99 oil companies in 1968 was equal to an 11.5-percent return on net worth while 2,250 manufacturing companies earned a 12.1-percent return on net worth. Although my purpose is not to defend the depletion allowance by comparing it with other industry standards, I think these comparisons completely answer these criticisms.

Mr. Chairman, as you know, depletion is a tax provision that encourages people to risk their money in the search for new oil and gas fields. It was established at a time when ready reserves were easy to obtain and the Nation's demand for oil and gas was relatively low. However, in the past 110 years since the discovery of petroleum in this country, we have used approximately two-thirds of our readily recoverably supply, and expect to use 2⅓ times as much in the next 30 years. This increased demand for the product and the added difficulty in obtaining it makes it even more important that the present depletion allowance be retained. Each year, our oil and gas companies spend 3½ times as much on the search for new reserves as they receive as a result of the depletion allowance.

Exploration is a high risk venture in which chances of an exploratory well producing any oil or gas are only 1 out of 9. And, the chances of discovering a commercially profitable oil or gas field are 1 in 48. It is obvious that any reduction in the depletion rate would discourage exploration. It would, therefore, become necessary for the producers to be more cautious and selective in their drilling plans in order to eliminate the high risk attached to discovering commercially profitable wells.

The risk in discovering the hard to find but commercially profitable oil and gas deposits would be too great to justify the large capital investment. And, if the companies find it necessary to cut back on exploration, the resulting oil and gas shortages would have a shattering effect on our economy. While this effect might not be felt immediately because of our Nation's reliance on an uncertain foreign oil supply, our economy would be stricken in the event of a crisis that would cut off the availability of this foreign oil.

There is no doubt that a financial weakening of the oil and gas industry will certainly cause economic disturbances in my State of Oklahoma and other major oil and gas producing States. Any reduction in the depletion allowance would have a far-reaching effect that would be harmful to our Nation. The relatively small amount of tax that would be collected would not possibly offset this disturbance.

Mr. Chairman, the only recourse for our continued sound oil and gas economy, on which our Nation so heavily relies, is to maintain the oil and gas depletion allowance at its present 27½-percent level.

Mr. Chairman, since House rules prevent any effort to amend this bill when it is considered in the House of Representatives, I intend to vote against the entire bill as a protest vote to the cut in the oil and gas depletion allowance contained in said bill. If this bill passes the House, my earnest hope is that the Senate will retain the 27½-percent figure and that the House conferees will accept that figure.

Mr. FASCELL. Mr. Chairman, 15 years ago, aware that our tax laws were failing to respond to the needs and conditions of the day, we fashioned what is today one of the world's most comprehensive tax codes. Before and since, the American taxpayer has compiled an unparalleled record of voluntary compliance with the law probably because of an abiding belief that the substance of the law and its administration are impartial.

Recently, that belief has been under severe challenge. Rightfully so, I am convinced. The pressures of inflation, the constant search for new tax sources by State and local governments, and imposition of the surcharge all have had the effect of focusing attention on provisions of our tax laws which enable many citizens to escape their fair share of the cost of Government.

Thus, tax reform is an idea whose time has come. Not merely because the public is incensed about the increasing tax bite, nor because the promise of reform has gone unfulfilled for so long, but simply because the tax structure, as it now stands, fails to meet all objectives of fairness, equity, and simplicity.

The reform bill reported by the Ways and Means Committee constitutes a significant attempt to cure that situation. I applaud the outstanding work of the committee and consider its bill a first big step toward halting erosion of respect for our tax laws.

However, in all candor, it must be said that the cause of simplicity is not served by the committee bill. There is no denying that our tax laws have the dual purpose of raising revenue and advancing social policies. Nevertheless, we should not lose sight of the fact that by reducing the tax burdens of those in need without simplifying the procedures by which to comply we may be neutralizing the beneficial effects. Worse yet, enlargement of substantive benefits without simplification of procedures and forms may result in reluctance by some of our citizens to avail themselves of new tax benefits and a misunderstanding of their consequences. Such a situation now exists among our elderly who are confronted yearly by a hodgepodge of complex forms and formulas.

I am very pleased that the committee has adopted the heart of my tax reform proposals which have the purpose of assuring that all Americans in similar circumstances pay approximately the same amount of tax. It is necessary that we eradicate the injustice by which the effective rate of tax paid by the poor often exceeds that paid by the wealthy.

My proposals to the Ways and Means Committee called for lessening of the tax burdens on the poor, for liberalization of the general standard deduction, for a mandatory graduated minimum income tax and for an optional maximum tax. Their inclusion in the tax package of the Ways and Means Committee and, hopefully, their imminent enactment into law will enhance the promise of tax justice at every income level.

Even with passage of this tax bill the job of reform is far from completion. The disparity in rates and presumptions between estate and gift taxes, the tax treatment accorded to the elderly, and the possibility of greater revenue sharing between Federal and State governments are but three areas which still require scrutiny and possible action by Congress. I am pleased by the announcement that the Ways and Means Committee will soon continue the great reform work it has commenced.

I will vote for enactment of H.R. 13270 because it is a first dramatic step toward the goal of tax justice. I am concerned, however, that the task of the average taxpayer in wending his way through its provisions has not been made simple.

By voting for enactment of this measure I will be reiterating my support of a 1-year extension of the surtax. Equally essential to control of inflation is continuation of cutbacks in nonessential Federal spending and repeal of the 7-percent investment tax credit. It is perfectly clear that use of high interest rates as a brake on spending and consumption has not dampened inflation. The Consumer Price Index showed a rise of six-tenths of 1 percent in June. Other indicators reflect no reversal of the inflationary spiral.

I am convinced that unless we continue applying these fiscal tools to our overheated economy the benefits expected from a reformed tax code may prove to be illusory. As I said on June 24:

> The national economy requires retention of the surtax for a reasonable time and the American taxpayer requires more equal treatment from our tax laws. Both are indispensable goals.

Mr. HANLEY. Mr. Chairman, this is the day many of us have been waiting for for years, the day when we finally say to the special interests of this country: "You're going to start paying your fair share of the national tax liability." But, Mr. Chairman, it is not the sweet day that those of us who have been urging reform had hoped it would be. Indeed, some of the anticipated sweetness has been distinctly soured in the last minute maneuverings of the Ways and Means Committee. There are some hookers in this bill and there are some items that I definitely do not like, but I intend to vote for the bill because, on balance, it is a good one, and, on balance, it is the only one we will get a chance to vote on this year, or perhaps for many years to come.

I, for one, am disturbed over the fact that the Ways and Means Committee issued a 300-plus page report on the bill on Monday and then insisted on bringing the bill to the floor less than 48 hours later. If there are any red eyes in the Chamber today, it is probably because so many Members spent such long hours reading the fine print in the committee report.

Mr. Chairman, I am gratified over many of the reforms we are going to achieve today. In my statement before the Ways and Means Committee several months ago, I outlined a number of areas in the Internal Revenue Code which I felt demanded a restructuring. Specifically, I was concerned over the abuses of self-dealing which have crept into some private foundation operations. These have been covered in the present bill. I was concerned over the activities of nonfarming "farmers" who used these operations as tax losses. Again, this matter has been dealt with in the bill. And I was disturbed over the inequitable oil and mineral depletion allowances which have been on the books for years. These also have been dealt with, although not as stringently as I would have desired.

There are several items of special interest to the average taxpayer in this bill, which I also favor, Mr. Chairman, and among them are the increases in the minimum standard deductions, deductions for moving expenses when changing jobs, and a new head of household treatment rate for single persons. These are long overdue.

But as I said a few moments ago, Mr. Chairman, there are some sour aspects to the bill which I reluctantly accept. Not the least of them is the extension of the surcharge at 5 percent from next January to next June. I have vigorously fought and on two occasions voted against the surcharge this year. And were it not for the fact that we have finally achieved these long-sought other tax reforms, I would vote against the surcharge again. But we all realize that this is a package bill, and that amendments are not permissible. We realize that we cannot pick out the items we want in the bill and reject the ones that are unpalatable. And so my vote for the bill today will be coupled with a plea to the Senate that they amend the bill when it comes before them; that they will eliminate the provision extending the surcharge beyond next January and that they will include a specific provision increasing taxpayer and dependent exemptions.

Mr. EVINS of Tennessee. Mr. Chairman, I want to commend and congratulate the chairman of the Committee on Ways and Means, the gentleman from Arkansas (Mr. MILLS) and other members of this committee for their remarkable achievement in drawing and introducing this landmark legislation, the Tax Reform Act of 1969.

Tax reform has been long delayed and is much needed.

Most taxpayers pay their fair share of Federal income taxes but there are those few who consistently evade their responsibilities—and this bill is aimed at correcting these inequities and closing these loopholes.

Several of the provisions of this bill are similar to those in H.R. 11017, the tax reform measure which I introduced May 7 last.

The provisions in H.R. 11017 which in varied form have been incorporated in H.R. 13270, the Tax Reform Act of 1969, include broad-based relief for taxpayers, repeal of unlimited charitable deductions, sharp curtailment of "hobby farming" as a tax shelter and evasion of regular income and limitations on tax-exempt foundations, among others.

While my bill recommended the raising of the personal exemption from $600 to $1,000, the Committee on Ways and Means in its bill chose a different approach to achieve essentially the same objective.

The Tax Reform Act—the committee bill—seeks to accomplish this same result by raising the amount of the standard deduction from 10 to 15 percent—with a new maximum of $2,000 rather than $1,000 becoming effective over a 3-year period.

In addition, the committee bill provides for reductions in tax rates of at least 5 percent throughout the entire income range with one-half the reduction taking effect in 1971 and the full reduction taking effect in 1972. Another provision will remove from the tax rolls some 6 million persons in the lowest income brackets.

This bill provides a great range of needed corrections in our tax structure. I am advised that if this bill becomes law, no longer will certain individuals be able to escape their taxes and responsibilities through various loopholes. This bill will close the major loopholes. This is a major step forward. The corrections are long overdue. Equity, or more near equity in tax treatment of taxpayers is achieved.

By requiring taxpayers who have resorted to tax avoidance to pay their share, the great majority of the taxpayers who pay their just shares can be given some relief in the form of increased standard deductions, the increase in rates, liberalized moving expenses, assistance to single taxpayers, and low income allowance, among others.

Repeal of the 7-percent investment credit will also increase revenue. In my bill I attempted to retain this credit for small businessmen but the committee in its wisdom did not see fit to concur in this recommendation. Perhaps this relief can yet be achieved in the Senate.

Overall, however, this is a landmark bill—a historic bill—a bill which will go a long way toward creating a fairer, more equitable tax system.

I shall support its passage.

Mr. BURLESON of Texas. Mr. Chairman, the 368-page bill now before us is here under the label of "reform." I do not suppose there are very many things which could not stand some reforms but in this instance I believe the word and its application are overly used.

Assuming that all of us understand the complicated and technical provisions of this legislation, I seriously question whether even the experts in this field can, with any satisfactory degree of certainty, know the long-range effects of its application.

There is no question that there are abuses in a great many areas of our present tax law. There is no question but that, in these areas, there should be a tightening of so-called loopholes. To find ways of paying as little tax as possible is the business of those who specialize in this field. This has always been true and it always will be. As a matter of fact, one of the high officials of the Treasury Department has termed this bill as one for tax lawyers and accountants.

It is impossible to spell out every detail in most any bill presented to this Congress, and especially one as technical as this measure of 368 pages. To attempt to do so would produce volumes the size of a mail-order catalog. This being the case, it becomes necessary that the Secretary of the Treasury "or his delegate," which is the term used and meaning the Internal Revenue Service, may "promulgate such rules and regulations as he deems necessary" for carrying out the many provisions of this measure.

Now, Mr. Chairman, in most all laws, and especially in our tax laws, regulations applied many times appear to be entirely different than what was presumably intended when the law was enacted. Throughout this bill before us appears this provision of wide latitude delegated to these officials.

It is my feeling that the underlying philosophy in these proposals before us is not healthy to continued freedom of our free enterprise system under democratic Government. It seems to me there is an erosion of this concept. There are already under present law limitations on this basic idea but this measure goes considerably beyond what we now have and the application of it gives me a very great concern.

To be more specific, I cite these examples.

The increased taxes on capital gains strike at the very heart of the free enterprise system by discouraging the accumulation of capital for investments. Under our Government's obligations, including our huge national debt, economists estimate we need and must expect an increase in our gross national product of about $12 billion annually. To maintain this level there must be huge capital investments to provide new employment opportunity and to have new taxes.

In the case of municipal bonds, the provisions in this bill are, in my judgment, absolutely needless. According to Treasury officials we cannot expect any Federal revenue gains by what is proposed here. It is proposed that the State and local governments issue taxable bonds which, of course, carry a higher rate than if they continue the present practice of issuing tax-free bonds. By issuing taxable bonds it means the local taxpayer is going to be charged a higher rate of local taxes than now imposed. If the local school district, a municipality, a water district, or whatever it may be, votes and issues bonds, the higher tax will cost every citizen from 2½ to 3½ percent more.

It is provided in this bill that the purchaser of these bonds will then be federally taxed, and the Federal Government returning the difference in the tax-free rate and the taxable rate to the local government. This does not mean a reimbursement to the individual paying a higher tax rate on the bonds. A municipality may continue to issue tax free bonds, but selling them at the lower rate is something else. The local government is offered a subsidy as an incentive for issuing taxable bonds but it does not say how much.

The result of this provision, in my opinion, is to have the Federal Government impose its authority as to when and how much and how many bonds are issued and, more seriously, will force local governments to look more and more to Washington for grants for those purposes which they are now willing to finance by their own bond issues. I see no other result than added cost to every citizen when improvements are made for schools, city buildings, water improvement or whatever it may be.

Our local oil industry is hit hard by the provisions of this bill. The depletion allowance, which has a solid historic reason behind it, is being reduced at a time when the industry is having serious trouble. Our reserves are already alarmingly low and these provisions will further discourage exploration. Natural gas is in short supply and, unless exploration and production are expanded, prices will inevitably increase.

Our defense posture is dependent on oil. A lack of adequate production in this country will cause us to depend more and more on foreign sources.

In this connection, foreign oil production has also been severely treated, by reducing the benefits of applying taxes paid to foreign governments against the overall income of producers abroad.

The oil industry pays approximately 40 percent of the expenses of our State of Texas. If it is discouraged to expand and remain healthy, it means every taxpayer will be required to make up the difference. Right now our State legislature is trying hard to find new sources of revenue.

In the case of charitable contributions, the so-called allocation of deductions will limit gifts to our colleges, churches, hospitals, and other charities.

No one can successfully argue that there have not been numerous abuses by some of the thousands of foundations. Many have been created for the purpose to avoid paying taxes. In this area there is need for limitations. At the same time, many of the foundations have helped build, and continue to support, some of our finest institutions.

The provision in this bill for "self-dealing," which means a foundation owned by an individual or individuals who profit from its operations, would now prohibit such arrangements. This is as it should be. Foundations with tax-free income, in competition with private business, need limitations as provided in this bill. Those which stay strictly within charitable, religious, scientific research, and other worthwhile missions for which they were created, should not be injured or hampered, but it is difficult to measure, at the moment, just how far the provisions of this bill actually go.

The tax relief granted in this bill may turn out to be a myth. It appears that some relief is being given by adjusting tax rates to be effective in 1971, but while relief is supposedly being given with one hand, what amounts to a minimum tax, worked through a limited tax preference concept together with allocation of deductions, is the hand which takes it away.

Another section of this bill deals with the treatment of nonrelated farm income. Here, again, there have doubtless been abuses by the "hobby" farm and the "play" ranch. Losses in these instances are charged against other income to the extent it makes no difference whether a profit is realized off the operation or not. The provisions of this bill place limitations on this sort of practice, but create a very complicated formula to reach it. It is not expected to injure the bona fide rancher or farmer, but it may have the effect of limiting certain conservation practices and the upbreeding of livestock, which would be a disservice to everyone.

This bill has yet to travel through the legislative process. I had hoped there might be more opportunity to study and explore the effects before we reached the point we are today, but such is not the case. Even though the Ways and Means Committee has spent a good part of 6 months in producing this we are called to vote on today, it is surrounded with many question marks. As a matter of fact, there are certain sections of this bill on which there were no public hearings at all, but which were dropped in without proper study. It deserves the most careful study in depth to really know what the effects of it may be. Whatever is done will affect the lives of our people for a long time to come.

These are but a few of the many subjects dealt with in this measure. From the debate that has gone on these 2 days, it is obvious there are considerable differences of opinion as to the meaning and application of the provisions in the several titles and many sections of this bill. As those of you know who appeared before the Rules Committee for a rule to bring this measure to the floor, some consideration was given to permitting separate votes on each title. This, of course, was not done but it would seem to me that if permitted a vote on the many separate issues, but not subject to an amendment, this House of Representatives could better have worked its will. A tax bill, of ccurse, with all the technicalities involved, cannot be written on the floor of this House, but it does impose a burden of judgment to only be able to accept or reject the whole package when the final vote occurs.

I hope the Senate will give long and careful study to this matter and that improvements can be made. It is my hope that what comes out of the conference, which will resolve the differences in what we do here and what may be done in the other body, will result in a measure which I can support.

Mr. FLOWERS. Mr. Chairman, since coming to the Congress in January, I have received more mail, more telephone calls and more personal contacts from my constituents concerning tax reform than any other issue before us. This is a matter of paramount importance to the citizens of the Fifth District of Alabama and to the Nation as a whole.

I believe that their concern is certainly justified and as Representatives of the people it is our duty to respond. The forgotten men and women—middle-income, hard-working, law-abiding, taxpaying majority in our Nation have had about all they can stand, and perhaps more, of an unequal and unfair distribution of the tax burden.

I wish to commend the Ways and Means Committee and its distinguished chairman for their diligent and painstaking efforts in producing the bill which we have before us now. I take nothing away from their work when I say that I do not agree with all of its provisions and when I say that I wish that this body had an opportunity to propose amendments at this time. However, Mr. Speaker, I am convinced that the bill must be passed, even considering some of its imperfections, for it is certainly a vast improvement over present existing laws. Loopholes are being closed—inequities are being removed—and in the process, the taxpayer is receiving a well-deserved break in tax rates. I have long advocated and supported tax reform and, therefore, I urge the passage of H.R. 13270.

Mr. JONES of Tennessee. Mr. Chairman, the Tax Reform Act of 1969 is a monumental piece of legislation. It represents the most extensive revision of the Internal Revenue Code in history, and I wish to commend the Committee on Ways and Means for the sustained and dedicated work that they have done on this bill since the very beginning of this Congress. The committee has been in public hearings or executive sessions almost incessantly since January, and all Members of the House owe the committee a debt of gratitude for its diligent and faithful labors.

This is not to say that I agree with or support each and every provision in the bill. Indeed, there are sections of it that if it were in my power to amend, I would certainly do so. The parliamentary situation and the rules of the House preclude such action at this time, however, and regrettably, I will have no such opportunity today.

On balance, however, it is a good bill with the desirable provisions in it far outweighing those portions with which I do not agree. The bill closes or reduces precipitously the size of a number of notorious tax preferences, which should enhance measurably taxpayer confidence in our self-assessment tax system in this country, which is still by far on the whole the greatest revenue system in the world.

The revenues that will be gained by the removal or reduction of tax preferences are to be wisely used in reducing the tax burdens of our citizens. The lessened tax burdens will take the form of rate reductions all up and down the schedules as well as other specific provisions of the bill, such as the low-income allowance and liberalization of the standard deduction and the other provisions which will have the effect of reducing tax liabilities. I personally had hoped that tax reduction could have been made effective earlier than in 1971 and 1972. I understand, however, that the budgetary and economic situations are such that an earlier effective date would not be prudent under the circumstances, and I am gratified that at least by 1972 the full effect of the rate reductions will be available to the taxpayers of this country.

Mr. HANNA. Mr. Chairman, 2 years ago, when the tax surcharge proposal was first presented to Congress, I stated that no surcharge should be accepted unless it went hand in hand with a sweeping across-the-board reform that would create a more equitable system of taxation. I said then—and I believe these words are just as appropriate today—that it is clear that our citizens are not satisfied with the fairness of the current system. I believe there are meaningful reforms that can be made. I for one want to make it abundantly clear that I will not consider any tax proposal which fails to include in it significant, meaningful proposals for reform.

That was what I said 2 years ago. Then, last year, when I announced my grudging support for the surtax measure, it was under the clear understanding that some genuine movement would be made in the area of tax reform.

However, after the surtax proposal passed, no genuine effort at tax reform was made.

It was with this in mind that I considered the surcharge when it came up for extension this year. I found that still no meaningful reform had been introduced before the House. I reluctantly felt it was necessary to re-state the same theme of a year and a half before.

On April 2, I recommended a number of methods by which the system could be made more equitable—ways in which loopholes could be closed. I should like to briefly repeat some of the proposals I made then:

I called for the establishment of a minimum income tax for everyone above the poverty level—so that a few individuals at the very top income brackets would not be able to escape Federal taxation. I was not the only one making this proposal. Economist Paul A. Samuelson made a similar statement in a national magazine. And, in February of this year, the tax reform study submitted to the Ways and Means Committee emphasized the same point.

In addition, I called for the allocation of deductions between both taxable and nontaxable income, so that an individual would have to charge his personal income tax deductions against both his taxable and nontaxable income.

I proposed that a limitation be placed upon farming expenses that could be deducted from nonfarm income.

I recommended a repeal of the unlimited charitable deduction.

I called for a revision of capital gains and loss taxation laws.

I suggested that new tax laws were needed to deal with multiple corporations. In accordance with this proposal, I asked that multiple surtax exemptions be withdrawn for all related corporate units of a parent company.

I asked for a removal of the tax-exempt status for municipal industrial development bonds.

I proposed a revision in real estate depreciation tax laws.

I declared that the 7-percent investment tax credit for new equipment be repealed, as a means of checking inflation.

I called for tighter controls over transactions between tax-exempt organizations and their donors.

I asked that tax-exempt foundations be required to distribute all their net income to charity.

I proposed the taxation of unrelated business income of tax-exempt foundations.

I declared that a revision should be made in the tax laws concerning a charitable income trust with a noncharitable remainder.

The next proposal was for the placing of restrictions upon the activities of tax-exempt foundations, to guard against their unwise or irresponsible use of their own assets.

I asked, finally, for the placing of a tax on the net investment income of private foundations.

These proposals, of course, were not new. The need for their implementation had been evident for a long time. But no action had been taken upon them.

The Ways and Means Committee has now acted upon all of these 15 proposals I have just mentioned. In addition other measures for reform have been presented by the committee.

In the past, I have withheld my support from a surtax extension. I said on June 30 that I would not accept the extension unless it was accompanied by a basic, across-the-board tax reform proposal.

Such a proposal has been long overdue. President Roosevelt called for it. So did Presidents Truman, Eisenhower, and Kennedy, and each of them, to some extent, did make some headway.

But when President Johnson broke with this tradition, in 1967; when he called for the 10-percent surcharge, without an accompanying tax reform—it was then that we lost sight of our true goal, and we were asked to throw our support behind a tax program which we realized was not equitable.

Therefore, in 1967, and again in 1968, and once again this year, many of us stood up and asked for a return to the tradition of equity. We asked for a realization of the tax reform goals of Franklin Roosevelt, of Harry Truman, and of John Kennedy. Despite our deep respect for both our party's leadership, and the leadership of the Committee on Ways and Means—and they are the most distinguished panel of tax experts ever assembled in the history of Congress—we voted against the surtax. The needed reform had not yet come.

But now, the vehicle for that reform has been placed before us. This is what we have been asking for, and all that we have been asking for, during all these years.

I said, almost 2 years ago:

> If the citizen believes that the share of the tax burden he is being asked to assume is unjust, democratic government is in trouble. Such a view erodes the quality of citizenship by breeding a contempt for the law and distrust for those who enact and enforce it. It invites a mentality which finds it easy to rationalize tax evasion on the basis of the belief that since the tax law is basically unfair there is nothing really wrong with breaking it.

In the 2 years since that speech, American citizens have continued to live with the inequity of these tax laws. At the same time, two consecutive Presidents have failed to come forth with any meaningful proposals for tax reform, and these two Presidents have tried to place an even greater burden upon the shoulders of the middle-income American, through the passage, and then the extension, of the 10-percent surtax.

We all remember how one candidate, in last year's election, talked so ceaselessly about how much he was for the average citizen, of how deeply he felt about the plight of the average American, who did not riot, who did not complain, who paid his taxes, and obeyed the law.

Yet, what happened to this heartfelt concern over the predicament of the "average citizen" during this year's debate on the surtax extension?

Did we hear any proposals emanating from the White House for a meaningful tax reform?

We only heard that the oil depletion allowance should be kept at 27½ percent.

But let us not place all the blame upon one administration. Paul Samuelson tells us how long this struggle for tax reform has been going on, and for how long it has been ignored:

As he put it—

> It is three decades since experts in public finance—people like the late Henry C. Simonds of the conservative University of Chicago, Harold M. Groves of the progressive University of Wisconsin, and Joseph Pechman of the neutral Brookings Institution—have presented a united front in pointing out the glaring inequities in our present laws.

Were they heard? No. Was their message difficult to understand? No. Did the masses of voters in both parties, those in the heavily exploited middle-income ranges, respond mightily to proposals that were overwhelmingly in their best interests? No.

Samuelson was speaking about the way things were in the past. But the situation has changed since then. The citizens in the middle-income ranges have spoken out. They have recognized the inequities. They have asked for a change.

The record will show, that the men who answered them—the men who gave them that change—were not the self-appointed champions of the average American, who have sat downtown for 6 months without coming forth with any meaningful call for tax reform. The men who have answered the citizens' call for change are the men who produced H.R. 13270, the men of the Committee on Ways and Means, who gave such painstaking and thorough consideration to the tax reform proposals.

The names on this bill are Mr. MILLS and Mr. BYRNES—it is their bill, and it is they who, after all these years, have taken the task into their own hands. The tax reform of 1969 is the child of Congress.

Let me now explain how it came about that I voted for the 6-month surtax extension, a few days ago. For the past 2 years, whenever the issue of the surtax has been brought before this body, I have asked that such a measure be coupled with a genuine tax reform.

On June 30, during the debate on the extension, I restated my position. I would not support the extension without an accompanying reform of the tax structure.

Now, the Ways and Means Committee has responded to the call for reform. H.R. 13270 is testimony to that fact.

It was with this in mind that I voted for the 6-month extension. Many of us, who either flatly opposed, or else grudgingly supported, earlier surtax measures, asked only that equity be done—that the surtax be accompanied by a meaningful reform.

With the knowledge of what a reform bill would mean to the middle- and lower-income families of America, with the knowledge of how broad a scope of reform would be established by this bill, I was able to support the 6-month extension.

We have finally been given a measure that will insure a minimum income tax for all those above the poverty level. Never again will we be faced with the inequity of a situation where 155 people all with incomes of over $200,000 a year, escape paying a Federal income tax completely—while a taxpayer supporting two children, and making only $3,500 a year, does have to pay income tax.

We have finally been given a measure that eliminates the possibility of upper-income individuals escaping tax liability by allocating all of their deductions to taxable income.

We have finally been given a measure which establishes more justifiable tax policies toward private foundations—so that such foundations cannot escape from being taxed for their unrelated business income.

We have finally been given a measure that combats inflation by eliminating the 7-percent investment tax credit.

The benefits of this bill will be realized by taxpayers as soon as the first of next year, when withholding tax rates will drop.

The longer range benefits of the provisions of this bill—such as the increase in the standard deduction—will become evident by 1972. By then, under the final step contemplated by this bill, the standard deduction will have been raised to 15 percent. This one measure will, by itself, benefit more than 50 percent of the taxpayers in this country.

These measures are long overdue. That, in part, explains the reluctance of so many of us to support the surtax in the past.

The bill does not provide a final answer to the problem of tax reform. It does not provide for needed reforms of the estate tax structure. It does not broaden the base of foundation management. An argument could be made for raising the 7½-percent investment income tax rate for some private foundations to a higher figure.

However, after all the years in which so many of us have pleaded for reform, after the efforts of a long succession of Presidents to institute needed reforms; and after Congress, in the face of current executive inaction, took the initiative upon itself to institute needed reforms—after all this, there can be no doubt that this bill is at least a step in the right direction.

It is a step in the direction of more equitable allocation of taxes between upper, middle, and lower income families. Perhaps it does not go far enough in offering increased exemptions to those taxpayers who are supporting children. But at least this bill does point in the direction of some tax relief—through the increase in standard deductions, and the low income allowance.

And yet, as strongly as I may feel about the general merit of this bill, there are, in my opinion, three defects which will greatly weaken its overall effect. One of these imperfections will operate to the detriment of the small businessman and the incorporated professional firm. The other two defects will, in the long run, impose additional burdens upon the Federal Government—burdens that will outweigh whatever benefits the two measures involved will bring about. I should like to discuss these defects, one by one.

First, I must place a strong objection to section 541 of this bill. This section takes the partnership rule of present law, limiting the amounts that can be set aside for pensions for a partner, and applies it to subchapter S shareholders.

The committee's rationale for section 541, and I am quoting directly from the committee report, is as follows:

> Your committee believes that if an enterprise wants to incorporate for business purposes but wants to be taxed in a manner similar to a partnership, then it should be subject to the same H.R. 10 limitations as partnerships in the case of tax treatment of pension plans.

It seems to me, that what the committee is saying here is—a dichotomy for purposes of tax treatment of pension plans, has been set up between partnerships and corporations and the committee feels that this dichotomy is unfair to partnerships, and should thus be changed.

And yet, what does the committee replace this dichotomy with? It replaces it with a far more inequitable dichotomy—it separates the small business corporation from the large business corporation; and it places a burden upon the former which is not shared by the latter.

Section 541 unjustly discriminates against the small business, and the professional corporation. Its logic flies directly in the face of the intentions of the 45 States that have statutes allowing professionals to practice in the corporate form.

The new bill thus establishes an inequitable dichotomy, between large companies which can offer attractive retirement benefits, and smaller business enterprises incorporated under the subchapter S provisions. Under section 541, of these latter companies do opt for subchapter S treatment, the benefits of corporation retirement programs are withheld from their shareholder employees.

Why is it that a small businessman, or the incorporated attorney or physician, should not be entitled to the same retirement benefits as an employee of General Motors, or Du Pont, or United States Steel? What does a high official of a large union have that entitles him to a special retirement benefit that is not available to the small merchant, or the member of the small incorporated medical firm? Where is the equity in a system that permits special benefits for big business and big labor, and denies these same benefits to the small businessman, the lawyer, or the doctor?

Thus, I believe that section 541 ought to have been deleted from this bill.

Second, we face a problem with section 442 of the bill. The result of this section will be to seriously deplete the reserves available to savings and loan institutions, and to mutual savings banks.

The repeal of the 3-percent qualifying real property loan method of bad debt reserve accounting, will virtually destroy the accounting method now used by mutual savings banks.

The change in the method by which taxable income can be placed in a bad debt reserve account, by reducing the income available for this account from 60 to 30 percent, will result in a drastic reduction in the amount of funds available from savings and loan institutions to the homebuilding sector of the economy. Such a change shall ultimately affect not only the homebuilder, but contractors, architects, and dealers in building supplies.

How can the committee possibly justify such a change, at a time when the Government is calling for greater efforts to be made in homebuilding? President Johnson, on January 17, described the Housing and Urban Development Act of 1968, as affirming the goal of "a decent home and a suitable living environment for every American family," and he said:

> This goal can be achieved by constructing or rehabilitating 26 million housing units in the next decade, 6 million of which will be for low and moderate income families.

According to the President's report, "the supplies of residential mortgage funds appear to be adequate in terms of expected demands." But this estimate was most likely made operating under the assumption that the 60-percent method would still be available and used by savings and loan institutions, and that the 3-percent method would still be available and used by the mutual savings banks.

The President's report set the Nation's housing needs at 28.2 million new and rehabilitated housing units between July 1, 1967, and June 30, 1977. Under this program, the peak for total private units, unassisted by public funds, will reach 2,600,000 units in 1978. This is only a year before the savings and loan institutions will feel the full impact of the limitations placed upon them by the tax reform bill.

Our current rate of production of publicly unassisted private dwellings, is already far short of the 2,600,000 unit goal set for 1978. And I am talking about our current rate, given the current funds made available to the homebuilding industry by the savings and loans institutions. For 1968, the production figure for privately owned dwellings unassisted by public funding was 1,334,000 units. The estimated figure for 1969 is 1,450,000 units.

Under section 442, this figure will have to be cut down. And thus, the 1978 goal of 2,600,000 units will become even more difficult to reach.

Elimination of the 60-percent and 3-percent reserve accounting methods will tighten the amount of funds flowing from savings and loan institutions to homebuilders. That means the production rate over each of the next 9 years for privately owned dwellings financed without public assistance, will be reduced below the estimates of the President's Housing Report.

The outcome of this is obvious. As private funding becomes more scarce, the difference between the 2.6 million unit goal and the actual production figure, will increase. Only Government will be able to make up for this increase.

Under section 442, then, either one of two things must happen, the Nation's housing goals will have to be cut back drastically—and this will hit hardest at low- and moderate-income families—or else, the Federal Government will have to step in with additional housing project funds.

The former alternative, I would hope, would be unacceptable to the Nation at the present time. The latter alternative is, at the very most, the better of two evils.

Neither alternative then is really acceptable. But we are confronted with choosing between these two alternatives, if we adopt section 442 of this bill.

I am not saying that, taken in and of itself, a change in the bad debt reserve accounting methods of savings and loan institutions is wrong. But I simply do not see any way around the dilemma that we will face if we do, at this time, institute a drastic change in the 60- and 3-percent methods. The housing goals which America has set for itself are, in my opinion, too vital to the interests of this Nation, to allow them to suffer the setback that would inevitably come as the result of section 442.

This leaves one final defect in the bill yet to be discussed. We must face the unhappy fact that funds available to public universities will be reduced as a result of this bill.

At least two provisions of this bill will effectuate such a decrease in university funding: First, the denial of Federal income tax exemption to some forms of State and municipal bond issues; and second, the section of the bill which will place a tax upon the appreciated value of charitable gifts of property.

I realize that we are in the midst of a period in which colleges and universities may not be held in the generally high esteem which they once were. I realize also that the welfare of American universities is quite a distance removed from the area of expertise of the committee which has considered the tax reform bill.

However, when one considers the support to education given by this body only last week, it seems unfortunate that one of the side effects of the tax reform bill will be to weaken the financial base of our State-supported university and college systems.

I join my distinguished colleague from Maryland, and my distinguished colleague from Texas, in their criticism of the committee's attitude toward private university funding. I would like to repeat the warning that Mr. MORTON and Mr. BUSH issued in their supplementary views to the committee's report:

> As we reduce charitable contributions, we again force the recipients to turn to Washington to get the Federal Government to solve our problems in education, health, and charity.
>
> The limitations on gifts of books, papers, and art at appreciated value will hurt our libraries, universities, and art galleries. People won't give as much with the removal of the full incentive.
>
> And so, once again, through charging valid incentives to charitable giving, we are moving toward reliance on Washington.

I agree with these views as expressed by Mr. BUSH and Mr. MORTON.

Although section 101 of the bill excludes private universities from the 7½-percent tax placed on investments of private foundations, other provisions will damage private universities. The one that will particularly hurt is section 201. This provides, among other things, that taxpayers making contributions of appreciated property must either reduce their charitable contribution deduction to the cost basis of the property, or else pay a tax on the appreciated value of the property.

This provision applies to gifts of tangible personal property, no matter who the recipient is.

Many universities presently obtain between 40 and 80 percent of their income from gifts of appreciated property. The effect of section 201 upon taxpayers making charitable contributions of appreciated property, will be to seriously reduce this income base.

An additional result, as Mr. MORTON and Mr. BUSH pointed out, will be fewer gifts of books and art works.

In addition, while section 201(a) raises the charitable contribution deduction ceiling to 50 percent, it stipulates that contributions of appreciated property will be subject to a 30-percent deduction limitation.

The people who will be hurt by section 201 are the ones who normally give a great deal to charity. It is extremely unfair for the Committee on Ways and Means to consider such people as tax evaders, making charitable contributions only to get the benefit of tax loopholes.

Section 201 strikes, and strikes hard, at both public and private institutions of higher learning. I simply cannot approve of this provision.

I will support H.R. 13270. I wish that the three provisions I have just discussed had been left out. But as serious as these defects may be, I believe that they are outweighed in the long run by the many reforms that will be established by this bill.

My only criticisms of the bill, besides the three objections I have just raised, are that it does not go far enough in the area of tax reform, and that it should have been originally presented to us a long time ago.

But it is a beginning, and if it does not go nearly far enough, in the opinion of some Members such as Mr. VANIK, let me remind my distinguished colleague from Ohio of what an old friend of ours said a long time ago, quoting Confucius: "A journey of a thousand miles begins with a single step."

Mr. HALPERN. Mr. Chairman, the power to tax and the fairness of that tax is surely one of Congress' most potent weapons. This power must be handled judiciously and responsibly, for we in Congress represent the will of those who must carry the burden of revenue collection: the taxpaying American public.

Today, for the third time since this Nation adopted the Federal income tax in 1913, we are attempting to revise and adjust any malfunctioning parts of the Internal Revenue Code. That we at long last have this opportunity to plug many of the loopholes and inequities of the existing tax system is indicative of Congress' sensitivity to the demands of the taxpayers.

I like to think of this tax bill before us today as only a first step in truly making our democratic form of taxation the progressive structure it was intended to be. Broader, more comprehensive reforms must emanate from today's bill. And, let me emphasize as I have done time and time again, that genuine tax reform for the average working family can only have meaning if it is tied to a real liberalization of the deduction and exemption provisions, bringing them into line with the realities of our economy.

The gentleman from Arkansas himself, the able and distinguished chairman of the Ways and Means Committee, has made clear that:

> Every 10 years every tax situation needs to be reviewed. . . . we should start from scratch. We should start as if there were no income tax and decide how we would want it. That should be the ultimate goal of what we try to do.

Does the tax package before us really reach out toward this goal of thorough review? And, despite all the commendable first steps toward checking the privileged tax sanctuaries of the rich and the profiteers, how much does this bill really extract from these tax dodgers?

The tax bill is welcome evidence that Government is receptive to the overwhelming public mandate for reform. But after all these years of abuse, is not it time that the average American, forced to shoulder an unfairly large share of the tax burden, be given just consideration?

What is needed now is a complete reevaluation of how we set tax standards on the average working taxpayer. For instance, families with modest incomes spend almost all of their earnings on food, clothing and life's necessities—which are all taxed. Such taxes take 5 percent of the earnings of modest family incomes, yet only 2 percent for families earning over $15,000 annually.

Similarly, social security taxes are also regressive. A third of all families with two or more children pay more social security taxes than they do Federal income taxes, according to the Tax Foundation.

A family taxpayer earning at least $7,800 annually pays 4.8 percent of his income to social security taxes, while a taxpayer earning over $15,000 yearly only pays 2.5 percent.

Property taxes also bite deeply into the average family budget, ultimately affecting a taxpayer's ability to cope with Federal income taxes. Homeowners earning at least $7,000 yearly pay an average 8 percent of their income for property taxes, while those earning $25,000 only pay about 3 percent.

The plight of the average taxpayer is further dramatized by recent studies in New York City which indicate that many of my constituents are fighting a standoff battle against the effects of rising taxes and rising prices on their income.

Federal and State levies combined with social security taxes drained away at least a quarter of salary increases in the last 3 years—and when the impact of inflation is included, many wage increases were either halved or wiped out completely.

Clearly then, Congress must be cognizant of these present day economic and tax realities if tax reform is to include the "forgotten man"—the average taxpayer.

Until and unless the inadequacies of our tax structure are overhauled, Congress will be viewed as irresponsible and insensitive to the fiscal straitjacket that is playing havoc with the lives of American taxpayers.

Mr. Chairman, I commend this bill and compliment the committee on its painstaking work in bringing forth legislation in a most complex field which, even in its limitation form is a long step toward meaningful tax reform. I trust the bill will pass overwhelmingly.

Mr. HUNGATE. Mr. Chairman, the tax reform bill is before us on a "take it or leave it" basis. While I supported an effort to permit an amendment to be offered to the bill, no amendment is possible. Consequently, it contains some features which I would vote to change if we had the opportunity. For example, the extension of the surtax until June 30, 1970, seems to me an unnecessary and unwise extension of a device that has significantly failed to halt inflation while imposing a continued burden on the taxpayer.

Some of the tax reform features may impose new difficulties for certain segments of our economy. In particular, I would prefer to see an increase in the $600 exemption to a more reasonable figure such as $1,000 or $1,200. This would be meaningful relief that the average taxpayer could understand without consulting his lawyer or accountant.

Nonetheless, this bill represents a significant step in the right direction of tax reform in so many areas and in particular its recognition of the fact that those who benefit most from our society should not be the ones who pay the least in taxes. Therefore, I urge its passage.

Mr. DADDARIO. Mr. Chairman, I would like to compliment the distinguished chairman of the committee (Mr. MILLS) for the amount of time and effort that has gone into developing this tax reform legislation. While I am not in agreement with all of the provisions proposed by the committee, I would like to commend the chairman and the committee on one particular provision which was of considerable concern to me and to my Subcommittee on Science, Research, and Development.

As the gentleman will recall, I wrote to the chairman and to the other members of the committee on July 15 expressing my concern regarding certain tentative decisions announced by the committee. These decisions would have had the effect of prohibiting tax exempt scientific and technical organizations from communicating with the Congress or any other governmental body at a time when we need the most knowledgeable and up-to-date science information we can get.

I am pleased, therefore, to see that the committee in section 509 of the bill has defined a private foundation to exclude those organizations which normally receive one-third of their support in each taxable year from gifts, grants, contributions, or membership fees and which normally do not receive more than one-third of their support from gross investment income. Section 509(a)(3) would also include a federation of these organizations.

I made a brief survey of some of these scientific and technical organizations, the other day, and from what I can understand, they generally would fall within these classifications. The situation, therefore, in respect to offering advice to Congress, would remain the same as it has in the past, and I commend the committee.

The letter referred to follows:

JULY 15, 1969.

Hon. WILBUR D. MILLS,
Chairman, Committee on Ways and Means, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I appreciate the action taken by the Committee on Ways and Means in announcing its tentative decisions on tax reform and inviting comment. I believe this is an entirely responsive and responsible method of preparing legislation, and I commend the Committee.

I would like to comment on one provision which is of great concern to me, and which I believe affects our entire research and development effort. This concerns paragraphs 6(a) on page 4 of the report which states that private foundations may not "directly or indirectly engage in any activities intended . . . to influence the decision of any governmental body (whether or not such activity is substantial)."

This is considerably stronger than the present language in the Internal Revenue Code, and it would prohibit scientific and technical societies from communicating not only with Congress, but also the various government agencies, and presumably even including local government bodies. The Congress and the Executive Branch are dealing with increasingly complex scientific and technical issues these days, and in order to legislate properly we must have the latest and most up to date science information. To inadvertently cut off a source of this information would be, I believe, most unfortunate.

When the Subcommittee on Science, Research and Development was formed in 1963, one of the first things we did was to conduct a study to determine how Congress could get the best scientific and technical information necessary to deal effectively with the many research and development programs. Our inquiry sought to determine the type of scientific and technical information required by Congress, and also where this information could be obtained.

One obvious source was the various scientific and technical societies, and we conducted interviews with a number of these organizations. When talking with the representatives of one of these societies, they mentioned their reluctance to take an active role because of their tax exempt status under section 501(c)(3). Subsequently, we went into this issue in some depth, and concluded that tax exempt organizations could take a more active role in formulating science policy.

As you are aware, section 501(c)(3) provides that "no substantial part" of the activities of these organizations may be devoted to "carrying on propaganda or otherwise attempting to influence legislation." The problem was that these organizations, because of their coveted tax position, were taking an extreme position and reading "no substantial part" to be, in effect, "no part".

It was our position that this was neither necessary from the tax standpoint, nor desirable from a national point of view. Since 1963 we have urged the organizations to take a more active role, and there has been a noticeable improvement. We have explained the guidelines to these organizations, and have told them that if they do have any questions concerning their participation to contact the Exempt Organization Branch of the IRS in Washington.

I believe the situation which has developed over the years is a healthy one, and I would recommend that the current language in the Act be retained.

However, to provide additional guidance on what is permitted and what is not, I would suggest that the Committee define more precisely in the report what it means by "substantial". In the case of Seasongood v. Commissioner of Internal Revenue [227 F2d 907 (1955)], the Court found that when an organization devoted less than 5 percent of its time and effort to political activities, that this did not constitute a "substantial part" of its activities. On the other hand, in denying section 501 (c)(3) status to the Sierra Club in 1966, the IRS found that the Sierra Club engaged in political activities in almost every month covered by the ruling, including the placing of full-page newspaper advertisements and the employment of a professional legislative representative in Washington. I think it would be helpful if the Committee would give these organizations some guidance as to the dividing line between the permitted and the unpermitted, preferably in percentage terms of effort, money, time, manpower, or a similar quantitative measurement.

I also would like to stress that I believe it is a mistake to extend this provision from legislative bodies to "any governmental body". These organizations frequently are called upon by the agencies to evaluate programs in certain disciplines such as chemistry or physics because they have the expertise within their organizations, and they perform a valuable function for the agencies in this regard. In addition, the local chapters of these organizations can perform a valuable function at the local government level. Air and water pollution are problems to many localities, and these local chapters have members with the experience and knowledge to help local officials solve some of these problems which they otherwise would be unable to afford.

Finally, Mr. Chairman, I would like to comment upon a provision which may cause some confusion and perhaps inequities. Paragraph (9) on page 5 defines a private foundation as any organization exempt under section 501(c)(3) except "(d) an organization which normally receives a substantial part of its support from a governmental unit or from contributions from the general public."

Besides the inherent difficulties in defining what is "substantial", this provision could provide certain inequities as it applies to scientific and technical organizations which, in their organization and purpose, should be treated the same. In particular, there are certain organizations now exempt under section 501(c)(3) which receive funds from the National Science Foundation to operate the Foundation's discipline oriented science information systems and participate in the up-dating of the National Register of Scientific and Technical Personnel. These funds can average between $1 and $2 million per year, and probably these organizations also receive funds from other government agencies. The question then arises, would these funds be considered "substantial" thereby removing them from the limitation on political activities? I do not believe there is any real reason why these organizations which do frequent business with the government should be treated differently in respect to communicating with Congress than other organizations which do only periodic business.

Similarly, although I understand it is not the intention of the Committee to exempt Sierra Club type activities from the limitation, it could be argued that since such an organization receives contributions from the general public, that this type of organization could qualify under section 501(c)(3) if the contributions were substantial because it would then not be subject to the limitation on political activities. Again, I think this point should be clarified in the Committee report.

In summary, Mr. Chairman, I commend the Committee for the responsible way it has gone about its business, and would appreciate your consideration of my suggestions. If I can be of any help, particularly in regard to some of the points I have raised, or if you need any additional information, please let me know.

Sincerely yours,

EMILIO Q. DADDARIO,
Chairman, Subcommittee on Science, Research and Development.

Mr. DERWINSKI. Mr. Chairman, I wish to briefly but somewhat sharply comment on the bill pending before us.

This so-called tax reform measure has predictably come before us as a huge complex package which, we recognize, reflects the legislative as well as the political facts of life There are balancing sections with enough sweeteners to overcome the uncoordinated opposition to those provisions which are not appreciated by particular segments of our economy.

As a matter of principle I feel that the use of the absolute closed rule by the Ways and Means Committee has become a legislative abuse. However, I did not support the challenge yesterday to the closed rule since it would have been a backward step in processing of the surtax extension. My major concern is the decision to repeal the 7-percent corporate investment tax credit. In my opinion the tax credit is a very practical provision and is not a "loophole." I predict that within 2 years the investment tax credit will be restored. I trust that the Congress and Treasury Department officials will appreciate its value and keep it as a permanent item rather than removing and restoring it in efforts to manipulate the economy.

I feel it is necessary to point out the possible complications affecting the future sale of municipal bonds. Here again this tax reform may have to be corrected if there are adverse results from this section.

May I also remind my colleagues that heaven only knows what the other body will do with the bill. Our dedicated members of the Ways and Means Committee may not even recognize their creation when it comes back for a conference.

It seems to me we could strengthen the President's position and help produce the leadership in tax reform that the Senate has not shown. If we were working on this bill under a limited open rule four or five of the major provisions would be subject to debate and separate vote.

However, since the bill does provide long overdue relief for many taxpayers I support the measure.

Mrs. MINK. Mr. Chairman, I rise in support of H.R. 13270, the Tax Reform Act of 1969.

Adoption of this bill is a necessary "first step" toward the long-overdue reform of our unjust Federal income tax laws. The bill removes many loopholes and inequities which have caused tremendous concern among our average wage earners, who have been shouldering more than their fair share of the tax burden.

By adopting this bill, we will be telling the thousands of taxpayers who have written to us this year, that we are responding to their pleas. We are telling them that we will not allow the tax laws to favor certain groups of people, notably higher income brackets which have been able to take advantage of various tax "shelters" and other benefits. No longer will we allow the complex provisions of the tax code to be used to avoid payment of one's equitable share of the cost of our National Government.

I am delighted that our Committee on Ways and Means has included tax relief provisions in the bill which will benefit virtually every taxpayer. As the principal sponsor, along with the gentleman from Rhode Island (Mr. ST GERMAIN) of recent legislation to provide tax relief, I am particularly pleased with the committee's recommendations.

The committee took up the subject of tax relief shortly after my tax relief legislation was introduced. While the form of relief recommended by the committee was not an increase in the taxpayer's exemption, as sought in my bill, the 100 cosponsors of this timely legislation are entitled to feel that their efforts helped stir the committee's interest in tax relief. I am informed that the dramatic impact of this bill had a strong effect on the committee's subsequent actions and was an important factor in the decision to grant tax relief. Until then, the discussion was limited to reform subjects.

Under the Tax Reform Act, the standard deduction is increased from the present 10 percent with a $1,000 limit to 13 percent and a $1,400 limit for 1970, with further increases in 1971 and 1972. In addition, the low-income allowance feature of the tax legislative passed by the House earlier this year has been expanded to give a minimum standard deduction of $1,100 for all taxpayers.

New income tax rates are also included in the bill. In combination with the low-income allowance and the increase in the minimum standard deduction, they will provide some tax relief to all income levels other than the very highest.

This tax relief will be most welcome by all of those workers struggling to make ends meet during this period of escalating costs. To a large degree, the tax reductions will offset the adverse effects of the extension of the income tax surcharge, which, unfortunately, is also contained in this legislation.

In supporting this Tax Reform Act overall, I wish to make it crystal clear that I continue to be opposed to the surtax. I hope and expect that this undesirable feature will be removed from the bill by the other body, so that the final version of the Tax Reform Act that is enacted into law will not contain a surtax extension.

I am also concerned with some tax reform provisions of this legislation, but under our rules the bill is not open to amendment on the House floor. Thus, we must vote either "yea" or "nay" on the total package. There are misgivings about the impact of certain provisions among various groups and organizations affected by the changes, but I feel that on balance the bill's good features outweigh the bad.

There is a tremendous need for closing up loopholes which have been abused by a few segments of our population. The bill makes a meaningful effort in this direction, and its adoption should go a long way toward restoring the faith of millions of Americans in the impartiality and equity of their tax system.

The tax relief provisions are also a vital benefit to the people of this Nation. Because of these far-reaching accomplishments I am happy to support the Tax Reform Act of 1969 and urge its adoption by my colleagues.

Mr. REID of New York. Mr. Chairman, I rise in support of H.R. 13270, the Tax Reform Act of 1969, in spite of my feeling that the measure before us is less than perfect.

In my judgment, the taxpayers of this country are chiefly interested in seeing three things accomplished with regard to the tax system—tax equity, tax simplification, and tax relief. The bill which we are considering today would implement some long-needed tax reforms, including the imposition of a minimum tax on individuals, some modest reductions in depletion allowances for oil and other minerals, and revision of the rules relating to farm operations. Some tax simplification is provided through the increase in the standard deduction percentage and by raising the minimum standard deduction allowed; the income averaging provision has also been simplified and made more generally available. However, the Internal Revenue Code has not been made any less confusing or complicated in most respects, and I would, therefore, consider this bill deficient with regard to the need for greater tax simplification.

It is certainly unconscionable that, under our present tax code, 154 persons with adjusted gross income in excess of $200,000 paid no taxes in 1966. No American, no matter how great his philanthropy, should completely escape taxation. The minimum tax which would be imposed by this measure would help correct that abuse, and I am pleased that the committee adopted that provision.

The bill which we have under consideration today has other good features. For example, the allowance of moving expense deductions, when changing jobs, for househunting trips, for temporary living expenses prior to locating a new home, and for the expense of selling an old home—subject to a ceiling of $2,500—will be beneficial to many middle-income taxpayers. I am also pleased that charitable contributions will continue to be encouraged under the committee's bill, in spite of changes in some of the regulations governing them. It is particularly gratifying that the committee was responsive to the needs of education and that the rules governing gifts of appreciated property to educational institutions will be unchanged.

Two aspects of the bill we have before us today are, however, disturbing to me, and I would like to discuss them in some detail. My primary concern resides in the fact that this bill does far too little to provide relief for the middle-income family. While the increase in the standard deduction will help some middle-income families, it will provide little relief for the taxpayer with a mortgage on his home and children in college. As several of my colleagues have pointed out in recent days, that taxpayer already itemizes his deductions and thus achieves a 15-percent deduction under the present law. The measure before us, therefore, provides relief only insofar as it simplifies the chore of filling out the tax form.

The slight lowering of tax rates will provide some relief for the middle-income taxpayer, but this still does not meet the problem of thousands of Americans who are caught in the squeeze between inflation—now at a rate of 6 to 8 percent per year—and rising Federal, State, and local taxes which in many instances support programs which do not benefit those who bear the financial burden for them. Middle-income Americans will have to wait until 1972 for the full impact of the rate deduction to take effect. In the meantime they must continue to suffer the added burden of a 10-percent surtax in 1969, and perhaps a 5-percent surtax through half of 1970, although I have opposed extension of the surtax.

It must, therefore, appear to most Americans that they are suffering a tax increase in 1969—for the surtax has effectively risen by 2.5 percent and even symbolic relief is 2 years away, for the first reduction in tax rates will not take place until 1971.

For example, a married taxpayer with two children, an annual income of $7,500, and itemized deductions of $750 would have paid taxes of $687 for 1967—before imposition of the tax surcharge. For 1968, when the effective rate of the surtax was 7.5 percent, such a man would have paid taxes of $738. For 1969, when the surtax will be 10 percent, he will owe his Government $756—an increase of $18 over last year and $69 over 1967. He must wait until 1972 for his taxes to drop to $576.

A married man with two children, with an income of $15,000 per year, would have paid taxes of $2,062 in 1967—before imposition of the tax surcharge. For 1968, when the effective rate of the surtax was 7.5 percent, such a man paid $2,216 in taxes. For 1969, when the surtax will be 10 percent, he will owe his Government approximately $2,268—an increase of $52 over last year and $206 over 1967. He must wait until 1972 for his taxes to drop to $1,846—a decrease of only $216 from his 1967 taxes, and one which comes after 2 years when his taxes were more than $200 higher than normal. It seems to me that the "relief" provided in this bill is too little, too late. There follows a table, taken in part from today's New York Times, which will illustrate this point:

[Table is applicable to a married taxpayer with 2 children and assumes itemized deductions of 10 percent of income]

Income (all from wages or salaries)	Tax under present law (1967)	Present tax plus 10 percent surtax (1969)	Tax under H.R. 13270 (1972)
$3,000	0	0	0
$3,500	$70	$77	0
$4,000	140	154	$65
$5,000	290	319	200
$7,500	687	756	576
$10,000	1, 114	1, 225	958
$12,500	1, 567	1, 724	1, 347
$15,000	2, 062	2, 268	1, 846
$17,500	2, 598	2, 858	2, 393
$20,000	3, 160	3, 476	2, 968
$25,000	4, 412	4, 853	4, 170

The low-income allowance included in this bill, which will remove 5.8 million taxpayers from the tax rolls, is an improvement on the present tax system; but we now need comparable relief for the 11.8 million middle-income taxpayers who are supposedly being helped by the increase in the standard deduction. A first step would be discontinuation of the surtax after December of this year, and perhaps, ultimately, an increase in the dependents' exemption and a further lowering of the tax rate.

It is illusory to think that we can contain inflation simply by continuation of the surtax, without reductions in spending. The fact that the President and the majority of the Congress have seen fit, in their wisdom, to continue the surtax seems to me to give added impetus to the importance—which I have long emphasized—of ending the war, curbing the military-industrial complex, and reducing farm subsidies. It would seem far better to achieve spending reductions of several billion dollars annually through these steps, and thus make additional funds available for relief to the cities and necessary programs in health, education, job training, and housing, than to continue interminably a tax which merely extends the present inequities of the tax system.

Middle-income Americans should not have to wait indefinitely for tax relief, and I hope the other body will take appropriate steps in this direction.

My other concern is with regard to the provisions which relate to the activities of foundations. Although those provisions do, as the committee has pointed out, include many highly desirable steps to regulate self-dealing, tax dodging, and other abuses by foundations and their benefactors, they also include some provisions which would discourage socially beneficial philanthropy and restrict some foundation activities which have been of great value to the innovative thrust in America.

The worst of these is the provision which severely limits foundation supported voter registration activity. It saves only organizations operating in five or more States which are supported by five or more funding sources no one of whom gives more than 25 percent. In practical effect, this means that only the voter education project of the southern regional council and the league of women voters are saved. While it would be wise to discourage foundations from supporting voter registration drives that are clearly directed at electing or unseating a certain individual, the prohibition which we are considering goes too far. It makes it impossible for concerned community groups who wish to organize a continuing concerted regular nonpartisan registration effort to obtain foundation money for that program. Laudable as the goal may be of registering hitherto disenfranchised minority citizens, we have now said that can only be done if it is done in five or more States at once. That does not seem to me to make very much sense. I hope the other body will modify this provision so that bona fide nonpartisan continuing voter registration efforts can receive foundation assistance.

There are other problems with these new foundation regulations as well. One example is the total prohibition on lobbying activity by either foundations or foundation grantees, the slightest misstep from which will cause prohibitive fines to be levied on every individual who had some decisionmaking role in making the guilty grant. This flat ban is unnecessary, and, because it seems also to preclude efforts to bring to the public's attention problems needing legislative action, it may well frighten foundations away from supporting and disseminating the results of wholly legitimate studies on pressing national problems.

Another example is the tax on foundations, which only serves to lower the magnitude of private charitable activity at a time when government is not doing nearly enough to solve America's urgent domestic problems. The rationale that no one should escape tax is simply inapplicable here. The original purpose of sanctioning foundations was to encourage private philanthropy. All that the 7½ percent does is to slow the price of private philanthropic activity by 7½ percent.

Mr. Chairman, I hope the other body will take notice of these deficiencies and will take steps to correct them.

Mr. WILLIAM D. FORD. Mr. Chairman, the public outcry for tax reform has finally been heard loud and clear here in Congress and the Ways and Means Committee has brought forward a bill, H.R. 13270. On Wednesday, August 6, with this bill before the House, I voted against ordering the previous question. I did so in an effort to allow amendments to make changes in the bill that would provide further relief for middle-income taxpayers, the wage earners who are being hit hardest by our present income tax structure.

H.R. 13270 deals with the plight of the middle-income taxpayers and does give them tax relief by increasing the standard deduction and providing a reduction in their tax rate of approximately 5 percent. However, the bill fails to provide relief through increased dependents' allowance—an approach that many of us have been advocating, and will continue to work for.

Our efforts to permit amendments to the bill now before us failed, and we are now faced, on a take-it-or-leave-it basis, with a complex 368-page bill which has been available for study only 2 days.

Mr. Chairman, many of us have been working for several months for a 13-point tax reform package. Some of the much needed reforms in the package were included in H.R. 13270 and I am certainly happy to see them. Major provisions of the bill close loopholes used by many wealthy industrialists to escape payment of income tax. They include:

Phasing out of the unlimited charitable deduction over a 5-year period;

Repeal of the 7-percent investment credit;

Federal payment of between 30 and 40 percent of the interest yield on State and municipal bonds which are issued as taxable obligations; and

Elimination over a 7-year period of multiple surtax exemptions for related corporations.

There are other much needed reforms in this bill which, unfortunately, have been somewhat watered down.

The hobby farm losses provision bars hobby farm losses altogether. I am glad to see this but, unfortunately, the bill only raises a presumption that losses are for a nonbusiness or hobby farm when these losses have exceeded $25,000 for 3 out of 5 consecutive years. It had been proposed that farm losses to be offset against nonfarm income be limited to $15,000 in any one taxable year. This proposal seems to me to be a more effective way to control the abuse.

The oil depletion allowance was only reduced to 20 percent. I have repeatedly heard it argued that exploration and discovery of oil will be hampered if the oil depletion allowance is cut. It is argued that the more adventuresome operators will be deterred from discovering new deposits. What those making this argument fail to realize is that the oil depletion allowance is limited to 50 percent of net profits and it is precisely these high-risk drillers who so often have low net profits. I see no threat to our Nation's oil production in the long overdue reduction in this tax windfall, and I am sure the American taxpayer will have more confidence in his tax system if we can show with this, and the other changes I have mentioned that the burden of the Federal income tax is being distributed more fairly upon those best able to pay.

While the bill eliminated accelerated real estate depreciation for commercial properties, the committee wanted to continue incentives for investment in much-needed low-cost apartments and rehabilitation of older properties. Unfortunately, no way was found to separate the bonus to speculators building luxury apartments from this provision.

It is unfortunate that the bill does not include any of the following reforms which we had proposed:

Elimination of the stock option tax preference;

Elimination of the $100 stock dividend exemption;

Removal of the tax exemption on municipal industrial development bonds;

Establishment of similar rates for gift and estate taxes;

Elimination of payment of estate taxes by redemption of Government bonds at face value; and

Raising the personal income tax exemption.

However, the bill is a start. It cannot be changed here now, so I will vote for it. I do so with the hope that the other body will be able to include some of the needed reforms which are not now in the bill, and that the Ways and Means Committee will continue to consider the additional reforms that I have been urging.

Mr. ROBISON. Mr. Chairman, as with any measure as broad, and as technically complex, as this one—the Tax Reform Act of 1969—it is inevitable that each one of us finds some item or items contained therein to which we object, or to which we have reservations, or which, if the parliamentary situation permitted, we would specifically oppose by way of excising or corrective amendment.

On balance, however, I find this a much better vehicle for true tax reform than I had anticipated—and I intend to vote for it.

Nevertheless, some general observations would not be out of order.

I do deplore the fact that the issue of tax reform became entangled earlier this year with the question of whether or not the surtax should be extended and, if so, for how long. I see no direct relationship between the two matters—much less the "chicken or egg" debate over which matter ought to receive action first.

Instead, I aline myself with those who have said that we clearly need both tax reform and an extension of the surtax. We have needed tax reform for a long, long time; so long, indeed, that I have despaired of the day when we would see a bill such as this before us. Accordingly, in previous Congresses I have sponsored legislation to create a tax-reform commission to do the groundwork necessary to achieve some sort of national consensus about the shape of tax reform because I saw this as the only way to overcome the natural indisposition of Congress to tackle a job as big and as complicated as this.

Though we have heard and read much in recent months about Congress lacking the courage necessary in standing up to the pressures of the vested or special interests; that is, to produce what many have been calling meaningful tax reform, I personally doubt, Mr. Chairman, that our previous inaction can be explained away in any such fashion, and suggest that it can better be understood in terms of simple lethargy toward what everyone appreciates as an uncommonly difficult chore.

At the same time, all who appreciate the difficult nature of this effort ought to also fully understand its technical complexities, and therefore the care and caution with which it ought to be approached.

Unfortunately—as matters have worked out here this year—much of that need for care and caution have been swept away in the fervor for tax reform, and almost any kind of tax reform, that has seemingly gripped this body if not the Nation, as well. As one who has voted for this year's extension of the surtax—because I saw that as a necessary step to take in our continuing effort to bring inflation under control—I can well understand the urgency with which the Ways and Means Committee has sought to bring us a tax reform bill in order to pry that matter out of the other body. Perhaps there was really no other way in which all this could have been brought about except through following the scenario we have—one will never know.

And, as I have suggested, I am not altogether unhappy with the way matters have worked out. But I wish to stress, as strongly as I can, my hope, now that the surtax has been extended for at least that 6-month grace period, that all of us who want to do our part in bringing sound and lasting tax reform to the remarkably patient taxpayers of this Nation can now relax a bit. In other words, I hope that the other body, in manner befitting the serious and, in many ways, uncertain nature of what we are trying to accomplish, will now take the time needed to review all of the countless decisions encompassed in this one, sweeping package, permit public hearings as to the probable effect thereof and, with the administration's help and advice, perfect the work of our Ways and Means Committee upon which we are about to put our stamp of tentative approval.

Nevertheless, Mr. Chairman, I do not wish these words to be considered as being critical of that committee. For, instead, my regard for that committee and its hard-working members has never been higher than it is today. I believe they would have wished for more time, and would have taken more time under other circumstances, and have therefore done the best they could under unusually trying conditions.

And, as I have said, when viewed in the broader perspective I find their work exceedingly good. Not all tax loopholes have, of course, been plugged, but many of the more-celebrated ones have, and certainly the protection heretofore afforded by what Chairman MILLS has been calling tax-shelters has, nearly everywhere, been reduced. As one who has previously sponsored legislation in this connection, I heartily endorse the committee's recommendations for changes in the treatment of the oil and gas depletion allowance procedure, and the decrease in the depletion rate from 27½ percent to 20 percent; similarly, as a sponsor of legislation in another area of concern, I endorse the committee's recommendations for limiting farm losses insofar as the deductibility by persons with substantial nonfarm income—hobby farmers—is concerned.

On the positive side, as one who has submitted bills to liberalize the tax treatment of moving expenses incurred by employees in this increasingly mobile economy of ours, I endorse the committee's recommendations in this respect, and I am especially pleased and happy to see that the principle I have long espoused in granting head-of-household tax treatment to single persons over 35—my bill suggested over 30 years of age—has been adopted by the committee.

As those of us not on the committee watched this bill taking shape, week after week, we were naturally curious as to the eventual committee decision concerning how to dispose of the additional revenues that plugged loopholes and reduced tax shelters would bring into the Treasury. Though a case could have been made for applying a substantial portion thereof against our continuing heavy load of national indebtedness, the committee has decided that it is possible to apply that gain in revenue to tax relief and tax reduction, with particular emphasis being given to the lower-income and middle-income tax brackets. I support this decision. As Chairman MILLS told us on yesterday, by 1979 when all the changes made by this bill have become fully effective, the revenue gain under it will be $6.9 billion—a year—and the revenue loss, by virtue of the tax relief and tax reduction features, $9.3 billion, and I am confident, as is he, that the continued growth of our economy over the intervening years will permit us to easily absorb this $2.4 billion difference.

So there is, with the passage of this measure, hope at last for tax relief to the long-suffering middle-income tax brackets who have especially been caught in a painful squeeze between ever higher State and local taxes on the one hand, and rampant inflation on the other.

If that tax relief is not as substantial as many of us might wish, it is, nevertheless, the best I believe we can do under the circumstances. And if, simply because there are so relatively many of them, the middle-income taxpayers will continue to shoulder by far the largest share of the overall Federal tax burden, once this bill becomes law at least they can do so with the certain knowledge that, by virtue of its other provisions, the higher bracket taxpayers will now be paying a far fairer share of that burden with them.

In this connection—though from a different angle—I understand that tomorrow night President Nixon may be suggesting to Congress and the Nation a tax-sharing plan, on a no-strings basis, whereby some portion of the moneys collected by the efficient Federal tax system will, in future years, be passed back to our financially strapped State, city, town, and county governments. I look forward to the details of this proposal and, although I expect it will have a tough row to hoe in Congress, I hope for its eventual enactment as, otherwise, the need of State and local governments being what they are, the Federal tax relief and reduction offered by this bill will be unhappily short lived as government at such levels moves to gobble up what Uncle Sam is voluntarily relinquishing.

Briefly, now, on other features in the bill, I endorse and welcome the committee decision to give railroad management a 7-year depreciation allowance on purchase of rolling stock—both freight and passenger cars. In effect, this offsets the loss of the 7-percent investment credit device for our hardpressed railroads; and, as one who has recently expressed his deep concern for the future of intercity railroad passenger service, I would hope this would help at least the more enterprising rail systems to endeavor to continue to provide the public with such service.

As others have mentioned, the committee has made sort of an end run around the other body's failure to include any of the other provisions of the surtax-extension bill we passed in June in their separate 6-month extension of the surtax. The other provisions, including the final 6 months of the surtax at 5 percent and the repeal of the investment credit, are again before us. Having voted for them once, I have no objection to voting for them again but, in doing so, I would express the hope that the other body would consider, as we have not, whether or not small business and farmers should have some temporary exemption from the repeal of the investment credit, or at least a phasing out of the same over a period of years insofar as they are concerned.

Similarly, while I am being specific about it, I would also hope the other body will carefully review this bill's provisions with respect to increasing the taxes to be paid by mutual savings banks and savings and loan associations—both of which are a major source of funding that ought not be unduly burdened if our Nation's housing needs are going to be met. In the same manner, while most of the bill's provisions dealing with foundations are constructive and much needed—in view of the self-dealing and abuse that has crept into a portion of this largely tax-exempt field—the other body should also review our work with care to make sure we have not, inadvertently, intruded on the principles of private, social initiative that has become a part of American life.

And, finally, of course—like many others here—I am concerned over whether or not we have too much disturbed the municipal bond market. The perils of local financing are self-evident—and have grown more so as money has become tighter. That money squeeze already has brought a slowdown in State and local spending on public projects—projects that the Federal Government may well have to finance if State and local government cannot. There can be no doubt that, for some affluent Americans, tax-exempt bond interest has been a major tax loophole that needs to be plugged. But with our population expected to expand by an estimated 22 million persons in the next 10 years—and municipal financing needs expected to double in the 1970's—that loophole should only be plugged with extreme care lest we not only add to our Federal fiscal problems but, far worse, impede the progress that must be made to meet the public facility needs of our growing Nation.

So, again, I hope the other body will carefully review our work in this respect.

Mr. Chairman, I could go on—expressing, for instance, my disappointment that the committee did not see fit to include at least a partial tax deduction for tuition paid by parents of college-age children—but it is true that this is probably as much in the way of tax reform the Nation could digest for the moment. Now that the momentum for reform has reached the strength it now has I doubt if we will end here. There are more areas demanding reform yet to be looked at, as the Ways and Means Committee has promised to do—and the other body will undoubtedly spend many weeks in considering the bill before us, as well as several more weeks debating and amending it.

So, suffice it to say again that I believe this to be an effective, meaningful vehicle for tax reform; better, by far, than most of us expected.

I therefore welcome its presence here today—and I shall be most pleased to vote for it.

Mr. DINGELL. Mr. Chairman, earlier this year I introduced a tax reform measure which would raise $9 billion by closing 13 loopholes in the Federal income tax system. The Committee on Ways and Means in the present bill deals with nine of these 13 loopholes, and reserves three for further study and possible action later this year. Only one of my proposals is not dealt with in H.R. 13270.

Naturally I am gratified. The Ways and Means Committee recommendations are less sweeping than mine; I realize they reflect compromises within the committee. But the big thing as I see it is that the committee has acted. It has released these proposals for consideration and action by the whole Congress. We all know that the final product of the legislative process will differ from the bill we are voting on now. But we are moving from discussion to decisionmaking, and I welcome this step forward.

The topics in my earlier bill which the committee has included in H.R. 13270 are: Investment tax credit; oil and mineral depletion allowance; tax exempt bonds; real estate depreciation; hobby farmers' loss claims; unlimited charitable deductions; special treatment of stock options; and creation of multiple corporations.

The committee reserved for further study the problem of taxing capital gains at time of death; the gap in tax rates on gifts and on estates; and the use of certain Federal bonds to pay estate taxes at a considerable savings. The topic not dealt with was the $100 dividend exclusion.

I regard the closing of loopholes which give business and wealth special advantages as essential to continued popular support of income taxation. Americans pay income taxes because by and large they think it is fair to do so. And so to deserve this popular support the tax must continue to be fair.

Earlier this session I introduced a bill increasing personal tax exemptions as a means of lifting some of the burden of income taxation from those least able to pay. The committee has chosen another approach—broadening the standard deductions and cutting tax rates—toward the same goal. Millions of Americans will benefit.

Mr. RODINO. Mr. Chairman, I rise in support of H.R. 13270. Though far from perfect and far from what I had hoped we could achieve in tax reform, it is nevertheless a significant and important step in the effort to develop a system that will equitably and realistically distribute the tax burden upon all Americans.

For years I have sought changes to eliminate the tax loopholes that benefit an affluent minority of citizens and corporations and to relieve the vast majority of taxpayers in low- and middle-income brackets who now carry a disproportionate share of the tax burden. I have explored all avenues of approach to urge action: The Ways and Means Committee, Presidents Johnson and Nixon and the Democratic Platform Committee.

And throughout this long struggle I have made clear my strong conviction that there should be no surcharge unless it is coupled with comprehensive tax reform. Until now we have had no progress toward tax reform and I have therefore consistently opposed the tax surcharge.

Mr. Chairman, I fully recognize that the Ways and Means Committee has labored long and hard to develop the final provisions of the bill before us, and I commend the committee for its efforts.

H.R. 13270 contains many long overdue changes to benefit the majority of individual taxpayers who need relief the most. Its provisions include a low-income allowance that will remove almost 6 million poverty level families from the tax rolls—a genuinely landmark action to eliminate a flagrant inequity. And then the bill, through a three-step increase in the general standard deduction, will aid moderate-income taxpayers who do not itemize deductions. A late, but most welcome and urgently essential action by the committee, was approval of provisions to benefit the initially forgotten people—the great number of taxpayers with $7,500 to $13,000 income who itemize their deductions.

For individual taxpayers the bill also contains long sought objectives such as extension of head of household benefits to single taxpayers and widowed people and the liberalization of tax deduction allowances for moving and house-hunting expenses.

In the tax avoidance area, the bill makes a number of important changes to eliminate loopholes or limit unfair preferences, several of which were proposed in the tax reform bill I introduced. Among these are the reduction of mineral depletion allowances, elimination of the unlimited charitable deduction, repeal of the 7-percent investment credit and limitation on the use of hobby farm losses to offset other income.

In addition, the bill includes a new limit on tax preferences that will result in the payment of some tax—however small—on all kinds of tax-free income. There is also a provision setting a new maximum tax for individuals in high-income brackets.

Mr. Chairman, the undoubtedly progressive steps taken in this bill are welcome and I certainly support them.

But at the same time I must express my great disappointment that the committee bill did not include provisions for action in other areas where changes are urgently needed.

In particular, I would single out the lack of any provision to increase the present unrealistic $600 personal exemption to a proper level. In addition, the bill fails to deal with the acute problem of tax relief for the many citizens who are over 65 and living on inadequate and often pitiful retirement incomes, and those who are deaf or otherwise severely handicapped.

Unfortunately, too, the committee did not touch upon changes relating to capital gains presently untaxed at death, the payment of estate taxes by redemption of government bonds at par, or to establishing the same rate for gift and estate taxes, all of which I have proposed in my bill.

Of the greatest concern to me, however, was inclusion in the bill of provisions to extend the surtax, at a 5-percent rate, for a 6-month period beginning January 1, 1970. As I have stated, I have opposed the surtax in the absence of comprehensive tax reform, and I firmly believe that the two issues should be considered separately. Therefore I urged the Rules Committee to approve a modified rule, and supported the effort during debate on the floor yesterday to achieve the opportunity to have a separate vote on the two issues. Regrettably, we were unsuccessful.

So it is now a question of accepting this objectionable surtax extension, and other questionable provisions of the reform bill which we have not had adequate time and opportunity to thoroughly study, if we are to obtain the tax relief and the initial reforms that H.R. 13270 will provide.

Mr. Chairman, I shall vote for the bill, in the interests of the millions of taxpayers to whom it will render a measure of justice and equity. But I also pledge that I will continue to work for further tax reform so we can ultimately achieve a sound and equitable tax structure based on the traditional principle of taxation in accord with ability to pay.

Mr. WOLFF. Mr. Chairman, my strong, continuing opposition to the Federal income tax surcharge is well known to my colleagues and to my constituents. I have consistently voted against the surcharge and shall exhaust all efforts to prevent the inclusion of the surcharge extension into 1970 in the Tax Reform Act of 1969.

Because of my belief that the surcharge should not be included with desirable tax reforms, I voted against the rule that prohibits amendments to this bill; I would have welcomed an amendment to delete the surcharge extension. Also, I intend to vote to recommit this bill to the committee in the hope that it could be brought back to the floor with the surcharge excluded.

My opposition to the surcharge is not a blind, simplistic approach to lower taxes, although lower taxes when responsibly achieved are always desirable. But I do oppose the surcharge in principle because it has not been, nor will it be, a solution to the very real problem of inflation. Were it the answer to inflation I would have to reexamine my position. But the surcharge is not going to solve the painful inflation that confronts us and I continue to oppose it.

Just as I have exhausted all avenues in my opposition to the surcharge, so have I pursued every means at my disposal to provide totally comprehensive tax relief for the American people. To achieve this goal I have submitted testimony to the Ways and Means Committee and I have introduced several bills for tax relief. In addition I have voted whenever the opportunity arose for the broadest possible tax reform in the sincere belief that everything in our power should be done as promptly as possible to establish the most equitable tax system within our reach.

Thus it is that I regret the absence in the Tax Reform Act of 1969 of certain provisions for tax relief that I recommended to the committee. I shall briefly list these items in the hope that the committee might return to its difficult task and continue modernization of the Federal tax structure.

The $600 individual deduction is perhaps the most glaring anachronism in the Federal tax system. No one would suggest for a moment that $600 is even close to the actual costs incurred for individual maintenance during the course of a year. I would urge the distinguished chairman of the Ways and Means Committee, who has done such an outstanding job in managing the destiny of this bill before us, to consider revision of this out-of-date figure in the near future.

Higher education has become a necessity in our modern, highly complex society. I have introduced legislation to provide deductions for certain of the expenses incurred in higher education so that more of our young people would be able to pursue the necessary education provided in our colleges, vocational schools, and universities. The absence in the bill of tax relief for the soaring costs of higher education is, indeed, a disappointment.

Just today the President has sent us a message on our great national transportation needs. Certain of the problems involved in our web of long and short distance public transportation are directly traceable to the state of our metropolitan mass transportation facilities. I have long favored and asked the committee to consider as part of the Tax Reform Act of 1969 a tax deduction for the costs of commuting to work by mass transportation. This is another area of tax relief that I regret to note the committee has not dealt with at this time.

But, Mr. Chairman, with the exception of the surcharge, the items that trouble me about this bill are not a result of their inclusion, but rather of their exclusion.

The Tax Reform Act of 1969 is, of itself, not an "end all" or "be all" of tax reform. We do not have a panacea, but we do certainly have here a forward step in the direction of tax equity for all Americans. By virtue of the many provisions for tax relief contained in the legislation it might properly be viewed as a landmark bill and I shall vote for the bill.

Countless loopholes will be closed through this bill.

No longer will individuals with extremely high incomes be able to escape all income taxation. The minimum income tax will solve this problem.

No longer will the oil and gas companies have their excessive 27.5-percent depletion allowance. Revision of this sacred cow, though minimal, is a most welcome change and signals the desire for ultimate true depletion allowances. As one who has long opposed the 27.5-percent depletion allowance I am gratified to see the new, lower rate of 20 percent.

No longer will individuals be able to establish private foundations for the express purpose of exploiting the advantage provided to legitimate foundations.

No longer will an estate owner be able to create the illusion of farming to take advantage of tax benefits designed to aid our small family farmers, victims of inflation and sharp seasonal fluctuations in their income.

Beyond the closing of these and other tax loopholes, the most important provisions of the Tax Reform Act of 1969 are in the tax relief provided on a broad scale over a 3-year period for all Americans. By closing the existing loopholes additional billions will be raised and this will, in turn, enable us to lower the tax rates for all Americans.

Those reductions for a married person with two children, taken as an example, would be 13.5 percent if the yearly income is $10,000; 11 percent if the yearly income is $15,000; and 5.5 percent if the yearly income is $25,000.

I have cited here just one example of the sort of tax relief that would be realized for all persons in all income levels. A more detailed analysis has been outlined by previous speakers. This is a comprehensive, welcome revision of our tax structure and the committee, led by the able chairman, is to be thanked for its arduous work.

Mr. Chairman, I vote for the Tax Reform Act of 1969 in the honest belief that there is much here that improves our tax system. It is a first step and deserves our support.

Mr. HELSTOSKI. Mr. Chairman, as we conclude debate upon the Tax Reform Act of 1969, I wish to make clear that I shall vote for this measure, but with reservations.

I have listened very carefully to the debate on this bill and find that there is still much to be desired in a way of a genuine tax reform measure. Only twice, since the income tax was adopted in 1913, was there any revision of the Federal tax structure; once in 1939 and again in 1954. However, these were of a "face-lifting" nature and not as comprehensive as the measures before us today. Even this could have gone farther in all of its aspects.

However deficient it may be, it does represent a step forward to distribute more equally the burden of the taxpayer in accordance with his ability to pay his fair share of the money which is needed to continue the functions of our Government. I am fully aware that there are many Members of this body who share with me the fact that we are hampered by the closed rule procedure under which this bill is being debated. We have hope that the Senate will make some additional changes and revisions in this legislation when it reaches that body, and provide a further extension of relief to the sorely pressed taxpayer.

Mr. Chairman, I have introduced H.R. 6233, the Tax Reform Act of 1969. My bill presented a 13-point program to eliminate loopholes which cost the Government some $9 billion each year in tax income, and at the same time would redistribute the burden of Federal income tax payments which are unfairly placed upon the ordinary wage earner. The bill which I am sponsoring contains the following provisions:

First. Provide for taxation of capital gains upon death, to prevent wealthy persons from passing large amounts of accumulated wealth to their heirs, without payment of capital gains tax. This would increase Federal revenues by an estimated $2.5 billion annually.

Second. Eliminate the unlimited charitable deduction, a little-known device used by millionaires which costs the Federal Government some $60,000,000 a year in tax income.

Third. Eliminate the special tax treatment on stock options, which enables top executives of large corporations to pay taxes on part of their incomes at low capital gains rate, rather than the full income tax rate. This loophole deprives the Government of an estimated $150,000,000 a year.

Fourth. Eliminate the $100 dividend exclusion, by which taxpayers with stock holdings get their first $100 of dividends tax free. This benefit is not available to the average person, whose savings are in bank accounts or savings bonds. Tax loss to the Government through this loophole has been estimated at $150,000,000.

Fifth. Eliminate the multiple-corporation gimmick, which permits large corporations to be split into a number of smaller corporations, for the purpose of evading full taxation. This loophole cost the Treasury $200,000,000 annually.

Sixth. Remove the tax exemption on municipal industrial development bonds, which subsidize plant construction for large corporations that are fully capable of financing the costs themselves. Closing this loophole would bring in at least $50 million a year.

Seventh. Establish a municipal bond guarantee corporation to guarantee State and local bonds against default, and pay an interest subsidy sufficient to reduce interest payments by one-third. This would discourage the issuance of tax-exempt State and municipal bonds, which are purchased primarily by high-income persons as a tax-savings device. Estimated savings—$900 million.

Eighth. Reduce the oil depletion allowance from 27½ percent to 0 percent, and the mineral depletion allowance from 23 percent to 0 percent. These depletion allowances permit big oil corporations to pay Federal income taxes of only 4 and 5 percent, and some oil companies with multi-million-dollar incomes have used this loophole to avoid payment of any Federal income tax. Reduction of the depletion allowances would mean a revenue gain of nearly $2 billion a year.

Ninth. Establish similar rates for gift and estate taxes. The present law sets a gift tax rate 25 percent lower than estate taxes, which permits wealthy persons to give away some of their holdings during their lifetime and thus reduce their estate taxes. This reform would mean $150 million in additional Federal revenues.

Tenth. Eliminate payment of estate taxes by redemption of Government bonds at face value. The treasury loses $50 million a year through this little-known gimmick, which is used only by wealthy families with large estates.

Eleventh. Limit the use of farm losses to offset other income. Wealthy persons use "hobby farms" with no intention of making money from them, and then use their loss to reduce the tax rate on their regular income. This is not only a $400 million annual drain on the Treasury, but it provides unfair competition for genuine farmers who depend on farming for their livelihood.

Twelfth. Eliminate the accelerated depreciation on speculative real estate, a loophole that permits real estate speculators to reduce their income tax payments by surprisingly large amounts. Repeal of this gimmick would bring in an estimated $150 million annually.

Thirteenth. Repeal the 7-percent investment tax credit, which permits business firms to subtract, from their tax bills, 7 percent of the value of certain new equipment installed during the year. Originally intended to stimulate the economy, it is now helping to overheat an already inflated economy, as well as costing some $3 billion annually in tax income.

In comparison to the provisions of my bill, the bill H.R. 13270 which we are presently debating contains provisions which can be summarized as follows:

PRINCIPAL PROVISIONS OF H.R. 13270

I. TAX REFORM PROVISIONS

1. *Private foundations.*—The permissible activities of private foundations desiring to preserve the benefits of tax exemption, as well as the benefits to their contributors, are substantially tightened to prevent self-dealing between the foundations and their substantial contributors, to require the distribution of income for charitable purposes, to limit their holdings of private businesses, to

give assurance that their activities are restricted as provided by the exemption provisions of the tax laws, and to be sure that investments of these organizations are not jeopardized by financial speculation. In addition, these private foundations are called upon to make a small contribution, 7½ percent of their investment income, toward the cost of government.

2. *Tax exempt organizations, generally.*—The activities of exempt organizations generally are limited so that they cannot participate in debt-financed leaseback operations, wherein they, in effect, share their exemption with private business. Second, the unrelated business income tax is extended to virtually all tax-exempt organizations not previously covered by this tax, including churches. Third, the bill extends the regular corporate tax to the investment income of tax-exempt organizations set up primarily for the benefit of their members, such as social clubs, fraternal beneficiary societies, etc.

3. *Charitable contributions.*—Charitable contribution deductions are substantially restructured. The general charitable deduction limitation is increased to 50 percent but the so-called unlimited charitable deduction is phased out over a 5-year period. The extra tax benefits derived from charitable contributions of appreciated property, are restricted in the case of gifts to private foundations, gifts of ordinary income property, gifts of tangible personal property, gifts of future interests, and in the case of so-called bargain sales. Also, the 2-year charitable trust rule is repealed and a number of changes are made limiting charitable contribution deductions where there are gifts of the use of property and in the case of charitable remainder and charitable income trusts.

4. *Farm Losses.*—The deduction of farm losses is restricted in the case of those with farm losses of $25,000 or more and with incomes of over $50,000 from nonfarm sources. Other provisions of the bill, primarily relating to farm operations, provide for the recapture of depreciation upon the sale of livestock, the extension of the holding period for livestock, and a revision of the treatment in the case of hobby losses.

5. *Interest Deductions.*—The deduction of interest on funds borrowed to carry investments is generally limited to investment income plus $25,000.

6. *Moving Expenses.*—Moving expense deductions are allowed when changing jobs for househunting trips, for temporary living expenses prior to locating a new home, and for the expenses of selling an old home or buying a new one.

7. *Limit on Tax Preferences.*—In those cases where tax preferences are not fully subject to tax, provision is made for a minimum tax on individuals having tax preferences in excess of their taxable income. The additional tax in this case is determined by adding to the regular income subject to tax, one-half of the tax preferences but only to the extent they exceed the regular income.

8. *Allocation of Deductions.*—Where taxpayers have substantial tax-free income, provision is made to allocate itemized personal deductions between this tax-free income and the individual's taxable income.

9. *Income Averaging.*—The income averaging provision of present law is substantially simplified and also made more generally available.

10. *Restricted Stock.*—In the case of so-called restricted stock plans, the interest in the property is taxed at the time of receipt, unless there is a substantial risk of forfeiture. In the latter event, the value of the property is taxed when the possibility of forfeiture is removed.

11. *Deferred Executive Compensation.*—Other deferred executive compensation is, in general, subject to tax rates as if taxed when earned, although the tax is not payable until the income is received.

12. *Multiple Trusts.*—In the case of accumulation trusts (including multiple trusts), the beneficiary, generally, is to be taxed on the distributions in substantially the same manner as if he had received these amounts of income when they were earned by the trust (taking into account any taxes paid by the trust on the income).

13. *Corporate Mergers.*—In the case of corporate mergers, a number of changes are made. The principal change establishes tests to be used in determining when amounts cast in the form of "debt" have sufficient characteristics of "equity" to be denied the deduction of interest, where this so-called "debt" is used in the acquisition of other companies. Included among the other provisions is one which limits the availability of the installment method for reporting gains, where the debt can be readily traded on the market, and also where the installment payments are not spread relatively evenly over the period during which part of the debt is outstanding. Other restrictive changes are also made in the case of original issue discount and premiums paid on the repurchase by a corporation of its indebtedness which is convertible into its own stock.

14. *Multiple Corporations.*—Multiple surtax exemptions in the case of related corporations are withdrawn over a 7-year period.

15. *Stock Dividends.*—The rules applicable in determining when stock dividends become taxable are revised generally to provide for taxation where one group of stockholders, directly or indirectly receives a disproportionate distribution in cash while the interests of the other shareholders in the corporation are increased.

16. *Foreign Tax Credit.*—The foreign tax credit is revised in two respects. First, it is provided that where losses of a corporation operating abroad are offset against domestic income (either of the same corporation or as the result of filing a consolidated return), subsequent earnings from the foreign operations to the extent of one-half of these earnings remaining after foreign tax, are to be recaptured until the tax benefit for the domestic operations derived in the case of the initial offset of the foreign losses is recovered. Secondly, a separate limitation under the foreign credit is provided in certain cases with respect to foreign mineral income.

17. *Commercial Banks.*—The tax advantages of commercial banks, relating to special reserves for bad debt losses on loans and to capital gains treatment for bonds held in their banking business are withdrawn.

18. *Mutual Savings Banks and Savings and Loan Institutions.*—The tax treatment of mutual savings banks and savings and loan associations is revised to remove a series of tax advantages presently available to these financial institutions.

19. *Depreciation in Case of Regulated Industries.*—Action is taken generally to limit the depreciation, which may be taken in the case of certain regulated industries to straight line depreciation unless the appropriate regulatory agency permits the company in question to take accelerated depreciation and "normalize" its tax reduction. However, in the case of existing property, no faster depreciation may be taken than is presently taken. Companies already on "flow through" may not change without permission of their regulatory agencies.

20. *Use of Depreciation in Computing Earnings and Profits.*—In computing earnings and profits—which determine whether dividends are taxable or not—corporations are required to make the computation on the basis of straight line depreciation. As a result, this tax benefit cannot be passed on to stockholders.

21. *Capital Gains of Corporations.*—The alternative capital gains tax on corporations is increased from 25 to 30 percent.

22. *Depletion, Etc.*—The percentage depletion rate for gas and oil wells is reduced from 27½ percent to 20 percent. Other depletion rates are comparably reduced (with five minor exceptions). Percentage depletion also is eliminated with respect to foreign oil and gas wells. Additionally, carved out production payments, as well as retained production payments (including ABC transactions) are treated as if they were loans, or the sale of property subject to a mortgage. The effect of this generally is to prevent such payments from artificially increasing the percentage depletion deduction and foreign tax credits or giving rise to income which can offset net operating losses. In addition, this eliminates the possibility of buying mineral property with money which is not treated as the taxable income of the buyer. Finally, recapture rules are applied to certain mining exploration expenditures to which the rules of present law are inapplicable.

23. *Capital Gains.*—Capital gain and loss treatment is revised in several respects. First, the alternative capital gains tax for individuals was repealed, with the result that in the case of those in the top tax brackets, the rates may rise to as much as 35 percent (or 32½ percent under the new rate structure provided by this bill); second, long-term capital losses of individuals are reduced by 50 percent before being available as an offset against ordinary income; third, the offset against ordinary income in the case of husbands and wives filing separate returns is limited to $500 for each or to the same aggregate amount as if they filed a joint return; fourth, the sale of papers by a person whose efforts created them, or by a person for whom they were produced, is to give rise to ordinary income; fifth, the holding period for capital gains is increased from 6 months to 12 months; sixth, employees' contributions to pension plans, when paid out as a part of a lump-sum distribution, is to be taxed as ordinary income; seventh, life interests are not to be accorded a cost basis when sold; eighth, casualty losses and gains are to be consolidated in determining whether they give rise to ordinary loss or to gain which is consolidated with other section 1231 gains or losses; and ninth, transfers and franchises are not to be treated as giving rise to capital gains if the transferor retains significant rights.

24. *Real estate depreciation.*—Real estate depreciation is revised in several respects. The 200-percent declining balance (or sum-of-the-years-digits) method is limited to new housing; other new real estate is limited to 150-percent declining balance depreciation; and all used property is limited to straight line depreciation. However, 5-year amortization is allowed for certain rehabilitation expenditures on low-cost rental housing. Finally, the so-called recapture rules of present law, in the case of real estate, are revised so that they apply to depreciation in excess of straight line depreciation. In other words, upon the sale of property, depreciation in excess of straight line will be recaptured at that time by converting the capital gain to ordinary income to the extent of this excess.

25. *Cooperatives.*—The tax treatment of cooperatives is revised to require patronage dividends and per-unit retains to be revolved out over a period of no more than 15 years. In addition, the required case payout in any year, on either current or prior years' patronage, must at least equal 50 percent of the amount of the current year's patronage (taking into account the 20 percent which under present law must be paid in cash on the current patronage).

26. *Subchapter S corporations.*—In the case of subchapter S corporations (that is, the corporations treated somewhat like partnerships) amounts set aside under qualified pension plans for shareholder-employee beneficiaries may not exceed 10 percent of the compensation paid or $2,500, whichever is smaller.

27. *State and municipal bonds.*—State and local governmental units are given an oppor-

tunity to issue taxable obligations and in turn receive from the Federal Government a payment equal to between 30 and 40 percent of the interest yield of the bond (on issues brought out after 5 years, the payment will be between 25 and 40 percent). Additionally, the interest on so-called arbitrage bonds of State and local governments are denied Federal income-tax exemption.

II. EXTENSION OF SURCHARGE AND EXCISES, TERMINATION OF INVESTMENT CREDIT, AND CERTAIN AMORTIZATION PROVISIONS (CONTAINED IN H.R. 12290 BUT WHICH HAVE NOT YET PASSED THE SENATE, AND WHICH ARE IN H.R. 13270)

1. *Surcharge.*—The income-tax surcharge at a 5-percent rate is extended by this bill from January 1, 1970, through June 30, 1970.

2. *Excises.*—The present excise taxes on communications services and automobiles are extended for one more year and future reductions of these taxes are postponed.

3. *Investment Credit.*—The 7-percent investment credit is repealed.

4. *Pollution Control.*—Five-year amortization is provided for pollution control facilities.

5. *Railroad Rolling Stock.*—Seven-year amortization is provided for railroad rolling stock, other than locomotives.

III. ADJUSTMENTS OF TAX BURDEN FOR INDIVIDUALS

1. *Standard deduction and maximum standard deduction.*—Over a 3-year period the standard deduction is increased from 10 percent to 15 percent and the maximum standard deduction is increased from $1,000 to $2,000. This rate and amount are effective for 1972 and later years. In 1970 the percentage is 13 percent and the maximum, $1,400. In 1971 the percentage is 14 percent and the maximum, $1,700.

2. *Minimum standard deduction and low-income allowance.*—The minimum standard deduction is increased to a level of $1,100, by adding to the present minimum what is called a low-income allowance. This amount is phased out for the income levels above the taxable levels. This phaseout, however, is used for only 1 year. After 1970 the full $1,100 allowance will be available for all taxpayers whose standard deduction without regard to the minimum is not in excess of $1,100.

3. *Top rate on earned income.*—In the case of earned income, a maximum rate of tax of 50 percent is provided. This is a maximum marginal rate, with the result that no earned income will be taxed at a rate in excess of 50 percent.

4. *Tax treatment of single persons.*—Single persons, 35 years of age or more, and persons whose spouse has died, are provided income tax rates which are halfway between those available to married couples and those previously available to these single persons. This intermediate tax rate treatment is the category formerly known as head-of-household treatment. In addition, in the case of widows and widowers with dependent children, age 19 or less attending school or college, full income splitting is to be available.

5. *Rates.*—In 1971 and 1972 tax rate reductions aggregating slightly over $1 billion in each year are provided. The 1972 rates provide slightly over a 5-percent reduction for those whose income levels are above the levels where the low-income allowance and increase in the standard deduction provide substantially greater reductions.

Even with all these reforms we still must consider added reforms which will permit additional earnings for social security beneficiaries, tax deduction for college tuition payments, further reduction of the oil depletion allowance, and others of equal importance.

The legislation presently before the House is a result of long hours of work on the part of the Ways and Means Committee, finally being reported out last Friday and making the two long reports available to us only Monday. Therefore, I feel that we are acting upon some very technical legislation with haste which is uncalled for and without permitting the Members of this House to fully study each provision contained in it. You can readily see the effect that this haste has already produced, when it was pointed out to the chairman of the Ways and Means Committee (Mr. MILLS), that no relief was provided for homeowning families in the $7,000 to $12,000 income bracket. To correct this "omission" a special and hurried meeting of the committee was called and the necessary language was inserted into the bill to readjust the burden on these taxpayers.

Further, Mr. Chairman, I know that many of us are concerned with the manner which this tax bill is being presented tied in with the proposed extension of the surtax at the 5 percent rate from January 1 to June 30, 1970. It was only a few days ago that the House had agreed to having the surtax extended to December 1, 1969. It seems hard to believe that this tax reform bill would be a vehicle to carry this surtax into 1970. The tax surcharge, if it merits any consideration, which I seriously doubt, should be considered as a separate matter.

When the idea of this surtax was first presented to the Congress, I voted against it. When it was again the subject of House consideration for extending it, I again voted against it. The argument in favor of enacting this additional tax was that it would prevent inflation. The results of the past year have shown us, beyond a shadow of a doubt, that this surtax has not helped to halt inflationary trends. I can see no reason why the tax reform provisions of this bill and the surtax should be lumped together. The surtax provision of the bill seems to say, "you will have tax reform, you will pay less in taxes in 1971 and 1972, but you will pay for this reform now with 5 percent added to your present tax bill."

Mr. Chairman, the oil depletion portion of this tax reform bill does not go far enough, and at this point I would like to insert a table of the taxes paid by some of the Nation's largest refining companies during the years 1967 and 1968, which shows the low proportionate share of taxes paid by the oil industry.

TAXES PAID BY A SELECTED GROUP OF THE NATION'S LARGEST REFINING COMPANIES, 1967 AND 1968

[Dollar amounts in thousands]

	Net income before tax	Federal tax	Percent	Foreign, some States' tax	Percent	Profit after tax
Standard Oil (New Jersey):						
1967	$2,098,283	$166,000	7.9	$700,000	33.0	$1,232,283
1968	2,303,587	223,999	9.7	802,907	34.8	1,276,681
Gulf:						
1967	955,968	74,142	7.8	303,539	31.8	578,287
1968	977,321	8,005	.81	342,997	35.1	626,319
Texaco:						
1967	892,986	17,500	1.9	121,100	13.5	754,386
1968	1,019,930	23,800	2.4	160,600	15.8	835,530
Mobil:						
1967	594,593	26,900	4.5	182,300	30.7	385,393
1968	673,739	22,000	3.3	223,500	33.2	428,239
Standard Oil (California):						
1967	513,067	6,000	1.2	85,400	16.6	421,667
1968	569,431	16,700	2.9	100,900	17.	451,831
Standard Oil (Indiana):						
1967	366,847	74,021	20.2	10,576	2.8	282,250
1968	395,064	74,678	18.8	10,892	2.7	309,494
Shell:						
1967	$342,022	$44,940	$13.1	$12,233	3.6	$284,849
1968	387,767	63,378	16.3	12,298	3.2	312,091
Cities Service:						
1967	165,289	32,347	19.6	5,105	3.1	127,837
1968	138,613	12,683	9.2	4,594	3.3	121,336
Union:						
1967	163,820	10,400	6.3	8,457	5.2	144,963
1968	164,232	5,955	3.6	7,045	4.3	151,232
Sun:						
1967	146,946	24,700	16.8	13,670	9.3	108,576
1968	227,790	44,290	19.4	19,070	8.4	164,430
Atlantic-Richfield:						
1967	145,259	....	0	15,254	10.5	130,005
1968	240,272	2,999	1.2	37,713	15.7	199,560
Marathon:						
1967	138,520	3,700	2.7	60,962	44.0	73,858
1968	155,335	4,350	2.8	67,659	43.6	83,326
Sinclair:						
1967	130,017	10,585	8.1	24,060	18.5	95,372
1968	101,265	−2,747	0	27,429	27.0	76,583

Mr. Chairman, I repeat that the bill, in its present state, has a long way to go to achieve adequate tax reform. First, it must face the scrutiny of the other body and then face the deliberations of a conference committee. I hope that by that time we will have a more meaningful bill to send to the President for his signature.

However, this should not be the end of our quest for a proper tax reform. We must continue until all the loopholes and unjustifiable preferences are stricken from the Federal tax laws.

By late afternoon of this day, Mr. Chairman, we will have passed this legislation, but whether we have achieved our objective in tax reform is dependent on what the other body does. I hope that we can improve on this bill and tell our constituents that they have a meaningful tax reform bill which provides a better measure of tax payment by those who at present are enjoying the fruits of the labors of others without paying a just and proportionate share.

Mr. BROWN of California. Mr. Chairman, over the past year, whenever the House acted on the income tax surcharge—through both the original passage and the recent extension of the surtax—I have consistently voted against this additional tax burden. Today, with the utmost reluctance, I find myself forced to approve extension of the surtax as a means of getting this tax reform package.

It has taken 25 years to come up with the tax reforms before us today, and I would not be surprised if it takes another 25 years before another such attempt is made. And because these bills are so rare. I was hoping that the Ways and Means Committee would be able to present us a much stronger version of tax reform than we will vote on today.

Ideally, tax reform should be vaster than just a simple closing of major loopholes combined with down-the-line rate cuts. In a number of areas, the committee has given us a superb piece of legislation, but there are many topics on which the bill does nothing more than chip away at prime problems of tax equity and balance.

Yesterday, I voted for an open rule on this bill, and today, I vote for recommittal. I do this because I believe that the bill must be broken down in two areas:

First, the surtax. Tacking the 6-month extension onto this bill is not a new maneuver in legislative tactics. However, its not being new does not make it less reprehensible. The surtax continues to be nothing more than a means of financing this country's disastrous military adventures at home and abroad, and I have opposed these distortions of national priorities in all past votes.

The surtax should stand or fall on its own singular merits, and I hope that the Senate has the wisdom to ceremoniously dump the 6 months' extension when that body considers this legislation.

Second, the "attempt" at tax relief. No one is unaware that any lowering of tax rates—especially in the middle-income levels at which are found most of this country's taxpayers—means major drops in revenues. And, of course, we all realize that tax equity should apply to upper brackets as well as for lower-and-middle-income groups. Yet, even with the additions granted middle-income taxpayers by Tuesday's committee amendments, I still find it hard to justify 4- to 5-percent cuts for wealthy persons, while only giving 1- to 2-percent comparable decreases for the middle. I would favor sending the tax relief portions of the bill back again to the Ways and Means Committee and instructing the committee to readjust the relief so that the 4- to 5-percent cuts be for the middle and the 1- to 2-percent reductions given the higher brackets.

But, even without these two needed changes, I shall vote for passage of H.R. 13270. And I am happy that many of the reforms brought out by the committee reflect proposals I have made both during the current Congress and in earlier sessions.

Specifically, I find in the areas of moving expenses, hobby farming, charitable deduction, tax-free State and municipal bonds, mineral depletions, investment credit, capital gains, stock option provisions, dividend exclusions, and the multiple surtax exemption this bill includes many provisions from legislation I have sponsored.

Indeed, there are areas which this bill does not touch, and I am not going to run down a long list because it is evident that no action will be taken on these problems. Still, I feel that the bill as such—as a tax reform measure—is more than adequate, and despite my severe reservations linked to the surtax and relief segments, I will cast my vote for this legislation.

Mr. MORSE. Mr. Chairman, I want to applaud the job which the Committee on Ways and Means, under the able leadership of its chairman, the distinguished gentleman from Arkansas (Mr. Mills), has done in developing a comprehensive tax reform bill. On the whole, I think they have accomplished a herculean task and the American people—the average American taxpayer—will be the principal beneficiary.

It is long past time that we took this kind of action to bring greater equity into our tax structure, to equalize the burden among all citizens, and for that reason I support this bill.

I am, however, gravely disturbed about one particular aspects of the committee's proposal and I am compelled to speak out against it. There is no question but that there have been financial malpractices on the part of some charitable foundations. Because such foundations operate as tax-exempt organizations, they have an especially acute responsibility to be open and scrupulously honest in their activities.

Unfortunately, the miscreant activities of a very few foundations have brought punitive action—action which could prove to be disastrous to the many worthwhile and necessary projects to which they contribute—against all foundations.

I refer, of course, to the committee's decision to place a 7½-percent tax on investment income. Several of the other decisions the committee has reached with regard to the tax treatment of foundations are, I believe, wise responses to to the need for some regulations. For example, the prohibition on self-dealing, or sales and purchases, loans and borrowings between the foundation and those who control it, is a proper revision of the law. The requirement that foundations must distribute every year a sum equal to at least 5 percent of their investment assets is also a beneficial change which will redound to the benefit of charity generally, since it will assure that the foundations carry out the functions they are intended to. Another wise change in the law is that which prohibits foundations from holding more than 20 percent of any business corporation's voting stock, unless it can be shown that control of the business is in the hands of someone else. This assures that foundations will not hold controlling interest in business corporations.

But, while these regulations will help to assure that foundations do not abuse their privileges, and do make a contribution to charity, the imposition of a tax on investment income will directly hamper them from carrying forward with the myriad of vitally important projects they are able to fund.

The tax, Mr. Chairman, is effectively placed against the charities—universities, medical schools, scientific and medical research, and so forth—which depend on the foundations for much of their financial support. It will only mean less private money for such worthwhile recipients—and inevitably more public money.

As my distinguished colleagues, Messrs. Morton and Bush, pointed out in their supplementary views to the committee report on H.R. 13270:

> Private philanthropy is more innovative than government. It can move more quickly and it is more imaginative. By imposing this tax we are simply cutting down on the volume of good the private sector can do. We should be moving away from centralization but, alas, by this tax we take one more step toward it.

I agree wholeheartedly with that sentiment. I think perhaps we tend to forget the really massive contributions which have been made by the private sector, and particularly through foundation support, to the growth and development of our society and to the solution of some of its most urgent problems.

Last month we watched, fascinated, on our television sets as two men walked around on the moon. What a fantastic achievement, we all agree, that was for us to make in just 9 short years. But we forget that the pioneering work which took place decades ago and which was carried on by Dr. Robert Goddard, was financed solely, from 1934 to 1941, by a private foundation—the Guggenheim Foundation. The Rockefeller Foundation's support enabled doctors to eradicate hookworm in the South and to conquer malaria and yellow fever. The revolution in medical education was financed from a private foundation.

The list is long. And it is up to date. Today, we all recognize the importance we must attach to the solution of our great urban problems. The cities have become a new focus for our attention. It is largely due to the foresighted activities of the Ford Foundation that we have become so aware.

Government can never do as well all these kinds of activities which are so necessary to the progress and growth of a free society. When we hamper the ability of our great foundations to foster the expansion of knowledge and to contribute to the solution of social problems, we hamper ourselves and those who suffer from societies deficiencies.

Mr. Chairman, I think my colleagues would be interested in an article which appeared in a recent issue of Fortune magazine by Irwin Ross which relates to this question. I include Mr. Ross' article at this point in the Record:

Let's Not Fence In the Foundations

(By Irwin Ross)

The men who run America's foundations are worried. As custodians of great wealth wielding unique influence in the nation's life, they have long been accustomed to criticism. But in recent months the critical chorus has grown louder, and foundations now face the likelihood of legislation that could conceivably limit their freedom and scope of operation.

Two unrelated developments have contributed to the change in atmosphere. On the one hand, foundations have become increasingly involved with the controversial problems of poverty and race relations, provoking charges that they have become "too arrogant, too biased, and too political," as one syndicated columnist put it. Even the usually friendly New York *Times* has urged foundations to adopt "informal rules" to avoid "the role of a shadow government . . . not responsive to the electorate." At the same time, the growing public clamor for tax reform has focused attention on the financial malpractices of some foundations, stirring demands for drastic curbs on the way they do business.

In February, the House Ways and Means Committee, which initiates all tax legislation, began a long-heralded investigation of foundations. During several days of public hearings, committee members heard every criticism, prejudice, and vagrant anxiety currently voiced about foundations: they were blatant tax dodges; they had surreptitiously invaded the political arena; they spent their money frivolously, often rewarding favored friends; they squandered vast sums abroad. Some witnesses proposed reforms or punitive measures. For example, Representative Wright Patman of Texas, who has been conducting a personal crusade against foundations since 1961, called for a 20 percent tax on gross income and capital gains.

Sensing the mood, top Treasury officials in the Nixon Administration presented an elaborate packet of proposals, largely dealing with the financial operations of foundations. With this in hand, Chairman Wilbur Mills took the Ways and Means Committee into closed session at the end of April to write the legislation it will ultimately report out to the House.

Some reform is undoubtedly needed; but the danger is that in its zeal to eliminate abuses of the tax-exemption privilege, Congress could end up crippling a valuable American institution. If the basic philanthropic operations of foundations should be curtailed or hampered, we would all be impoverished. At their best, foundations are a great source of initiative and experiment that enormously enrich the life of nations. In the U.S., they have developed into a powerful force for social change and human betterment—a third force, as it were, independent of business and government.

Even the most reputable foundations are guilty of lapses of judgment, but the broadest possible freedom of action is an essential ingredient of their successes. They have often provided the seed money, the risk capital for enterprises that neither government nor business has the interest or capacity to pursue. Sixty years ago a mere $18,000 grant from the Carnegie Foundation for the Advancement of Teaching launched Abraham Flexner's famous survey of the deplorable state of American medical education, a study that ultimately led to a revolutionary upgrading of standards. In its early years, the Rockefeller Foundation sponsored a public-health program that eliminated the debilitating disease of hookworm from the southern U.S. and from fifty-two foreign countries.

In recent years, sizable financial support from the Ford and Rockefeller foundations has led to the development of new strains of rice and wheat that will soon enormously increase the food supply in all of Asia. Birth-control programs in the populous countries of the underdeveloped world would never have got beyond the pilot stage without foundation support. Here in the U.S., grants from the Taconic, Ford, and Carnegie foundations financed preschool projects for impoverished youngsters that became the inspiration for Head Start, the most popular undertaking of the federal antipoverty program. In the early Sixties, Ford Foundation money backed a new concept in legal aid for the poor—neighborhood law offices in slum areas—which flowered into a large scale program under government auspices a few years later. The examples can be multiplied endlessly.

DOLL LIBRARIES AND STATUS SYMBOLS

Much of the current criticism tends to overlook the fact that foundations come in various shapes and sizes. There are an enormous number of them. According to the Foundation Center, the chief information-gathering agency in the field, some 22,000 foundations were in existence at the end of 1968, and they are proliferating rapidly; in 1950 there were only 1,000, and last year alone 2,000 new ones were created. (The Internal Revenue Service counted more than 30,000 foundations in 1968, but some of the organizations it regards as foundations either lack endowments or do not make grants.)

The best known are the large, general-purpose foundations, which support a wide range of causes. More numerous, and generally much smaller, are the special-purpose foundations (some of which are quite narrow in their interests, like the International Doll Library Foundation of Greenwich, Connecticut). There is a separate category of over 200 community foundations, whose endowments come from a variety of local donors and whose income is distributed almost exclusively to local charities. About 2,000 company foundations constitute still another group; these are sponsored by corporations and serve as conduits for corporate charity. Though they are nominally independent, their trustees are mostly officers of the sponsoring corporation.

Well over half of all the foundations are small family operations, most of which lack a professional staff or even an office; they are usually run by the donor, his children, and perhaps the family lawyer. Indeed, about two-thirds of all foundations are very small, with assets of less than $200,000 or annual grants totaling under $10,000. In many instances they are little more than status symbols for their donors—or tax shelters.

All told, U.S. foundations control $20.5 billion in assets and give out about $1.5 billion a year. Nearly 18 percent of those assets are held by the Ford Foundation, which is by far the biggest, with well over $3 billion in its portfolio. The Rockefeller Foundation comes next with $890 million, then the Duke Endowment with $629 million. Twenty-six foundations have assets of over $100 million each, fifteen of over $200 million. Fewer than 7 percent of the foundations control 90 percent of all assets.

All of which amounts to a vast agglomeration of wealth, pledged to public charity but under the exclusive control of private individuals—a condition that inevitably inspires concern and sometimes controversy about the way foundations spend their money. The concern is natural, but some of the criticism is eccentric, not to say absurd. Thus Patman, testifying before the Ways and Means Committee, decried the vast sums the Rockefeller Foundation spent abroad in 1966: "The Foundation spent $1,693,762 in India, but not a penny in Arkansas. It spent half a million dollars in Uganda, but not a cent in Idaho. It spent more than $1 million in Nigeria, but it could bring itself to spend only $1,000 in Kentucky."

Patman was equally outraged about grants made by the Bollingen Foundation, a Mellon creation, which operates one of the most distinguished cultural programs in the country. He accused Bollingen of specializing in "the development of trivia into nonsense," because it financed such research projects as "the phenomenology of the Iranian religious consciousness" and "the origin and significance of the decorative types of medieval tombstones in Bosnia and Herzegovina." Said Patman: "If the Mellons are more interested in medieval tombstones than in Pittsburgh poverty . . . that is the Mellons' affair. However, there is no obligation upon either the Congress or the American citizenry to give the Mellons tax-free dollars to finance their exotic interests."

EDUCATION OR SEVERANCE PAY

Congressmen had considerably more reason to be disturbed by some recent activities of the Ford Foundation. Notable were the voter-registration drive that Ford financed during the 1967 mayoralty election in Cleveland, and the "travel and study" awards totaling $131,069 that it gave to eight aides of Robert Kennedy after the assassination last year. McGeorge Bundy, president of the foundation, spent four and a half hours before the Ways and Means Committee, in the course of which he defended both actions.

The grants to the Kennedy staff stirred up more of a fuss in Washington than any other single foundation action. Bundy explained that he and his colleagues wanted "to help" the men after the tragedy. The most appropriate method seemed to be to invite several of them to participate in the foundation's long-established "travel and study" award program, a species of advanced adult education "designed to develop the abilities and educational backgrounds of persons . . . in fields in which the foundation works." The generous grants covered both compensation and travel expense. For example, Jerry Bruno, who had been in charge of planning Kennedy's campaign trips, was given $19,450 for a seven-month study of "methods and styles" of national political campaigning in the United States." Bundy stressed that all eight individuals were eminently qualified for the awards, which had previously been given to more than 2,000 people.

He had trouble, however, in persuading the committee that with the Kennedy men the project was truly educational. "It looks to me like severance pay," remarked Representative John W. Byrnes of Wisconsin, the ranking Republican member. Other Washington observers suspected political favoritism—an unwarranted assumption, given the coolness of Bundy's relation with the late Senator—or what *Life* called "intra-Establishment clubbiness." Bundy was clearly vulnerable when he invoked compassionate reasons, rather than resting his case on the personal qualifications of the recipients. The Ford Foundation had not previously been in the business of personal charity.

In the Cleveland episode, the foundation had made a $175,000 grant to the local chapter of CORE. A portion of the money went for a voter-registration drive in three Negro slums—at a time when a Negro candidate, Carl Stokes, was running for mayor. In many quarters, the foundation grant was held to be partly responsible for Stoke's victory. Bundy's congressional inquisitors wanted to know whether this venture was educational or political, and if political was it not inappropriate for a tax-exempt foundation?

Bundy defended voter-registration drives as a proper field for foundation activity, since they extended democratic participation. He insisted that the foundation had never examined the connection between a particular registration campaign and the election of a specific individual; he thought that would be improper. The fact was, however, that in Cleveland the registration drive could only redound to the advantage of one candidate. Once again, Bundy was vulnerable. The foundation would have been beyond criticism had it also financed voter registration drives in three white areas of Cleveland.

The testimony before the committee left a number of Congressmen with the feeling that foundations had too much freedom. "The area of foundations' activities is almost wide open," Representative Byrnes later complained. "Anything that anybody can conceive of can be said to be educational. We must develop some guidelines."

The Internal Revenue Code already lays down some guidelines, but they are quite vague. Oddly, the code does not even define foundations, but lumps them with a variety of other tax-exempt organizations that also receive tax-deductible gifts. (According to the generally accepted definition, a foundation is a private, nonprofit organization with a principal fund and its own board, whose money comes from private sources—not from public appeals—and which makes grants to outside organizations; it may also operate certain programs of its own.) The code specifies that foundations and other philanthropic organizations can have the privilege of tax exemption if they engage in religious, charitable, scientific, literary, or educational activities, as well as "testing for public safety" and "the prevention of cruelty to children or animals." They are prohibited form participating in election campaigns and from devoting a "substantial part" of their activities to lobbying—defined in the code as "carrying on propaganda, or otherwise attempting, to influence legislation." There is no definition of "substantial," however. The Internal Revenue Service makes such a determination on an ad hoc basis, depending on the amount of lobbying and the volume of other activities.

The regulations also define "scientific," "educational," and "charitable" pursuits in broad terms. Educational activity is not necessarily confined to the classroom, and an organization is regarded as educational even if it advocates a particular viewpoint, "so long as it presents a sufficiently full and fair exposition of the pertinent facts." If it merely presents unsupported opinion, its tax exemption can be revoked—as happened to H. L. Hunt's Life Line Foundation, whose principal activity was sponsoring conservative radio commentators. As for "charitable" activities, the Internal Revenue definition comprehends the normal meaning of the term as well as efforts "to lessen neighborhood tensions," to defend human and civil rights, and "to combat community deterioration and juvenile delinquency."

The difficulty about "tightening up" the language of the law, as Byrnes and some others have suggested, is that the exercise can easily become too restrictive; in an effort to eliminate one undesirable type of activity, the prohibition may be drawn too sweepingly. The problem is illustrated by one of the Treasury's recent proposals. Responding to the criticism of the Ford Foundation's voter-registration drive in Cleveland, the Treasury has included in its recent proposals a recommendation that foundations be forbidden to engage in any activity "directly connected" with an election campaign, no matter how educational in purpose. Such a blanket prohibition would encompass *all* voter-registration drives, as well as all educational programs about the issues and panel discussions involving the candidates. In other words, foundations would have to refrain from doing what even radio and television stations are free to do under the "equal time" law.

Once the government starts to regulate the program area of foundations, it is impossible to foresee where the process will end. Congressman Patman would presumably prohibit sending foundation money abroad; he would also, one gathers, like to eliminate "trivia" and "nonsense" from the cultural programs of foundations. How could that be done without setting up some national arbiter to judge the worthiness of a symphony orchestra or an art museum?

One of the great virtues of foundations is the broad charter now permitted them in law. Their freedom is essential to their leavening role in society. They must be free to pioneer, to aid projects that lack majority support, indeed to aid unpopular causes. Without such freedom there would be little point in maintaining private philanthropy.

A ROLE GOVERNMENT CANNOT PERFORM

It can be argued, of course, that there is something undemocratic in the institution of the private, tax-exempt foundation. Here is a vast reservoir of wealth in private hands, answerable to no one but self-perpetuating boards of trustees. It is wealth that was privately created, of course, but inasmuch as estate duties range up to 77 percent, most of it would have gone to the federal Treasury had it not been donated for philanthropy. Even the few foundations, like Carnegie and Rockefeller, that were created before the estate tax was passed in 1916, have benefited from tax exemption on their portfolio earnings. The retention of these enormous funds in private hands can be justified only on the grounds that there is a role for private philanthropy that government cannot perform. That role is to help provide a dispersion of initiative in society, a multiplicity of sources furnishing support for all the winds of doctrine.

In the end the best justification of foundations is their results. Sometimes the results are so evident as to be beyond argument, as with the Rockefeller Foundation's malaria-control program or with the Ford Foundation's generous grants ($180 million to date) that kept educational television alive through many lean years. Even the science of rocketry and space exploration, on which the government has since spent billions, was dependent in its early years on the slender but sturdy reed of foundation support. From 1934 to 1941, the Daniel and Florence Guggenheim Foundation was the sole backer of Dr. Robert H. Goddard, whose pioneering discoveries in rocketry laid the basis for the new technology. During most of Goddard's life, the U.S. Government lacked the vision to finance him.

THEY CAN'T STAY ABOVE THE BATTLE

It often takes years, of course, before the final outcome of foundation efforts becomes apparent. In the interim the test is whether foundations are undertaking worthwhile projects that otherwise might not get done. The relevance and utility of foundation programs are nowhere more apparent than in their current involvement with the problems of poverty, race relations, and urban conflict. In the early 1960's the large foundation spent timidly, if at all, in these areas; civil-rights groups, for example, received their only wholehearted support from such small foundations as Taconic, New World, Field, and the Stern Family Fund. In the last few years, however, the large foundations have devoted an increasing proportion of their resources to urgent domestic problems. As a group, in 1968 American foundations spent an estimated $270 million—more than 18 percent of their total outlays—on programs dealing with poverty and race relations.

The Rockefeller Foundation, for example, now commits about a quarter of its funds to its Equal Opportunity Program, which aids Mexican-Americans and Indians as well as Negroes in combating discrimination and developing more effective leadership. The Ford Foundation, which last year allocated over $62 million to its National Affairs division—about 30 percent of its total programs—is all over the lot, helping to finance the rehabilitation of the Bedford-Stuyvesant slum area in Brooklyn, supporting income-maintenance experiments among the poor, trying to encourage reform in big-city police departments, educating the clergy in urban problems, aiding a church-sponsored effort to combat prejudicial radio and TV broadcasts. Ford also gave sizable assistance to a host of minority-group organizations, including $1,050,000 for the National Urban League's "New Thrust," an effort to develop stable new leadership in Negro slums.

The foundations' increasing involvement in the domestic arena underscores a simple fact that was less apparent in the past: to be effective a foundation must make choices, take sides, support causes. In such matters as population control, civil rights, and school decentralization, a foundation takes sides by merely funding a project. To be above the battle is to be irrelevant; to be relevant is to risk controversy.

Is there any danger or impropriety in such one-sided involvement on the part of organizations spending quasi-public funds? There might be if U.S. foundations were a monolithic force. But in fact, they vary greatly in their interests, preferences, political predilections. Right now, to be sure, some of the biggest and most visible foundations—Ford, Rockefeller, Carnegie, Danforth—are liberal in their orientation. But there are also some large conservative foundations, such as the Pew Memorial Trust in Philadelphia, the Lilly Endowment in Indianapolis, and the Moody Foundation in Galveston. Pew, for example, supports such conservative organizations as the Christian Anti-Communism Crusade, Americans for the Competitive Enterprise System, the Freedoms Foundation at Valley Forge, and Harding College of Searcy, Arkansas. None of the conservative foundations happen to be as activist as the liberal ones, but this condition need not be immutable.

The great strength of American foundations is the availability of an organization for every taste and cause. The Charles Stewart Mott Foundation, whose $413 million assets make it seventh in the national ranking, is almost exclusively devoted to the interests of Flint, Michigan, where the ninety-three-year-old benefactor makes his home. Mott's youngest son, Stewart, runs an entirely different kind of foundation in New York called Spectemur Agendo ("Let us be known by our deeds"). It supports programs that Stewart Mott proudly proclaims to be "unconventional, controversial, and unacceptable to traditional sources of foundation support." Among them: abortion education, and research in extrasensory perception.

The great freedom and discretionary powers of foundations obviously lead to error at times. While further legal restraints on programs would be unwise, foundations might profitably rethink some of their own guidelines to prevent such blunders as those Ford made with the Kennedy staff awards and the Cleveland voter-registration drive. Significantly, help in this task may come from the recently established Commission on Foundations and Private Philanthropy, a panel of distinguished private citizens headed by Peter G. Peterson, chairman of the board of Bell & Howell Co. The commission is planning to study the matter of appropriate guidelines regarding "controversial public policy issues," as well as the whole range of foundation activities, in the hope of warding off ill-considered regulatory action.

WHERE ACTION IS NEEDED

This plea for freedom embraces only the program area of foundations. But when it comes to the financial operations of foundations, there is a compelling case for tighter government regulations. In this area many abuses have occurred, particularly on the part of small foundations. The more blatant abuses can be reached by present law, which requires that a foundation "be operated exclusively" for religious, educational, charitable, or the other permissible purposes. If a foundation is used for the palpable benefit of the people who control it, the Internal Revenue Service can crack down by revoking its tax exemption.

A celebrated example is the Public Health Foundation for Cancer and Blood Pressure Research, which was controlled by the late James H. Rand Jr. of Remington Rand. In 1965 Internal Revenue alleged that Rand sold his Connecticut home to the foundation for over $231,000—for use as a research center—and then continued to live in it. The foundation also paid the household expenses and the salaries of Rand's servants. Nearly $160,000 was spent to construct a research laboratory in Stuart, Florida, to grow vegetables free of toxic insecticides; the vegetables were consumed by Rand and his friends. Three grants totaling $650,000 went to close personal associates of Rand, for use in the "advancement of human welfare"—apparently their own. The I.R.S. claimed a tax deficiency of $11,700,000 plus a $5,900,000 fraud penalty. Rand is dead; the foundation, whose assets don't cover the tax bill, is litigating the matter and prefers not to talk about the entire unpleasantness.

In general, however, the Internal Revenue Code has been too permissive. It does not deal, for example, with the conflict between public and private interest that arises when a foundation is used to preserve control of a corporation. This is commonly done by giving the foundation a controlling block of stock, much of which would otherwise have to be sold off to pay estate taxes. Thus the W. K. Kellogg Foundation controls Kellogg Co., through a trust that owns about 51 percent of the cereal company's shares; the John A. Hartford Foundation exercised effective control of A & P; the Lilly Endowment, which owns 23 percent of Eli Lilly & Co., ensures that the Lilly family is not likely to be dislodged from control.[1]

When a foundation is used in this way, its public obligations do not necessarily get slighted. The Ford Foundation, which originally held 88 percent of the motor company's stock (in nonvoting shares), has over the years given away $3.4 billion, a sum nearly as great as its current assets. The foundation regularly distributes capital gains as well as income and in every one of the last ten years has cut into its principal to finance its programs. And its holding of Ford stock has dwindled to 25.5 percent.

Philanthropy does get shortchanged, however, when the corporate stock that a foundation holds for control purposes produces meager income. For instance, the Lilly Endowment keeps virtually all its assets in low-yielding Eli Lilly stock (whose market value, however, has advanced an average 23 percent in the last five years); last year the endowment's disbursements amounted to only 1.2 percent of its assets. The James Irvine Foundation owns over 53 percent of Irvine Co., which in turn owns a sixth of the land in Orange County, California; it gets only enough income to make charitable contributions of about $1 million a year—though it modestly values its assets at $123 million.

HOW TO MAKE THEM GIVE AWAY MORE

To get at this kind of problem, the Treasury has proposed certain changes in the law. One would make it mandatory for a foundation to distribute every year a sum equal to at least 5 percent of its investment assets. (A two-year transition period would be allowed.) Another would require foundations to divest themselves of controlling interests in businesses within five years of receiving such control. Ownership of 35 percent of the voting shares of a corporation would be regarded as conclusive evidence of control; if the equity was between 20 and 35 percent, Internal Revenue would examine the facts and determine whether effective control existed. The public interest would assuredly be served by both these measures. Many more millions would be available for philanthropy if foundations with low-yield assets were forced to spend principal or to diversify holdings.

REPORTING TO THE PUBLIC

The other main area of foundation abuse is in what is called "self-dealing"—sales and purchases, loans and borrowings between the foundation and the people who control it. Under present law, if a foundation rents property or makes a loan to its donor, it must charge a "reasonable" rent or interest rate, and demand "adequate" security. The regulation, however, is very difficult to police. In a case cited by the Treasury, the William Clay J. Foundation of Fort Worth lent money to a corporation controlled by its donor. The only security for the loan was an oral promise that the corporation would execute a mortgage on its real estate if the foundation so requested. The foundation never made such a request. The I.R.S. challenged the transaction on the grounds that there was no adequate security: if the corporation went bankrupt, its promise to produce a mortgage would be valueless. The court, however, held that the security was adequate. In another case, a donor contributed $65,000 to a foundation; the money was then lent back to the donor's firm. He was thus in the neat position of getting an income-tax deduction for money invested in his own business.

The Treasury advocates abolishing all self-dealing. It also recommends that mandatory civil penalties be imposed on foundation personnel who violate any of the proposed new rules, and that the federal courts be given the authority to ensure that foundation assets are used for charitable purposes. Among other things, the courts could fine or remove trustees, rescind transactions, and divest assets. Up to now, the states alone have had this power, and only a dozen states have enforcement programs.

One significant area is not covered by the Treasury proposals: the obligation of foundations to let the public know what they are doing. Most of the large foundations feel this obligation keenly; they publish detailed annual reports and answer almost any question about their activities. But many foundations are amazingly hostile to public scrutiny. The Pew Memorial Trust, the fifth-largest foundation in the country, publishes no report and will not even receive reporters. In rebuffing FORTUNE's inquiries, Allyn R. Bell Jr., who runs the trust, referred blandly to "our announced desire of remaining anonymous as far as possible."

Of the 22,000 U.S. foundations, only 140 publish annual reports; for the rest, the only publicly available information about their finances and program is to be found in the skimpy data that they file with Internal Revenue. Form 990A lists the recipient of each grant and the money involved, but provides no descriptive data about the purposes for which the funds were expended. The paucity of information from the great majority of the foundations is scandalous, but is unlikely to be rectified until they are legally required to produce annual reports.

The abuses of foundations can readily be eliminated, without prejudicing the integrity of the institution. The institution deserves to be preserved, whatever the loss of revenue to the Treasury from estate taxes. The full record shows that foundations are worth their price.

Mr. OTTINGER. Mr. Chairman, the tax revision measure before the House today represents the first step toward urgently needed reform, but it is only a first step and a very small one at that.

The bill does not go as far as it should and could have. It does nothing to relieve the burden on our elderly. It does not correct the unrealistically low exemptions for dependents.

It does not go as far as it should in closing legal loopholes which cost the U.S. Treasury more than $40 billion annually. For example, it purports to reduce the lush benefits of the oil companies with an insignificant 7-percent reduction in the depletion allowance but fails to do anything about the far more lucrative deduction allowed for intangible drilling assets.

On the other hand, it goes much farther than it should have in extending the unnecessary and ineffectve surtax at 5 percent through June 30, 1970.

In short, Mr. Chairman, there is much about this bill that is not satisfactory. In spite of this, however, I intend to support it because it does make some first hesitant steps toward reform. It includes a measure I proposed in the 89th Congress which provides more equitable tax treatment for single persons, the most inequitably overburdened of all taxpayers. It raises the standard deduction significantly, expands the deduction for moving expenses and brings minor tax relief to the middle-income family.

At the other end of the tax spectrum, the measure makes at least a token effort to close some of the more glaring loopholes. It restricts the use of rapid real estate depreciation by speculators and provides an alternative to unfair and inequitable municipal financing through tax exempt bonds. It also levies a "minimum tax" under which those fortunate millionaires who have been avoiding taxes entirely will now have to assume at least a small portion of the national burden.

Because of these advances I will support the bill, but only on the assumption that we recognize that it does not fulfill our commitment for broad, meaningful tax reform.

On March 16, 1967, when I introduced a package of reform measures, I warned the administration and my colleagues not to dismiss lightly the rising tide of protest against our internal revenue system. I pointed out that this was not an expression of irritation from people who do not want to pay their fair share of the Government cost, but a growing protest by middle-income Americans who are sick and tired of paying more than their share. I want to repeat that warning here today. Let none of us who are voting for this bill think that we have answered that demand. We have made a start, but only a small one, and millions of Americans are waiting now to see whether we will redeem our pledge for real reform.

Mr. QUIE. Mr. Speaker, strong cooperatives are essential to the economic well-being of our Nation's farmers. It was of great importance that the Ways and Means Committee changed their tentative proposal. A 5-year payout would have been disastrous to most co-ops. I think these decisions should be left to each co-op, but the final bill will not be too difficult for most co-ops to abide with.

I submit for the RECORD a letter from the National Milk Producers Federation, which very cogently outlines the adverse effects the bill may have on cooperatives:

---

[1] The Henry Luce Foundation has owned 12.1 percent of the common stock of Time Inc., publishers of Fortune, since the death of Henry R. Luce in 1967. In 1968 the foundation had assets of $87 million and distributed almost $2 million to various projects in public affairs, education, religion, and the Far East.

National Milk
Producers Federation,
Washington, D.C., August 1, 1969.
Hon. Albert H. Quie,
House of Representatives,
Washington, D.C.

Dear Mr. Quie: On behalf of dairy farmers and their cooperatives, I want to express our great appreciation for your well-founded opposition to proposed changes in the tax treatment of cooperatives as recommended by the Ways and Means Committee.

Farmer cooperative associations are the most effective tools the farmer has operating in his behalf in the marketplace. This is especially true in the dairy industry where farmers have made the greatest use of cooperatives. To maintain a healthy American agriculture, therefore, it is extremely important not to discriminate against—or create unnecessary financial problems for—such cooperatives.

Under the committee recommendations, cooperatives would be required to increase cash payments of patrons refunds from 20 to 50 percent over a 10-year period. The proposal would also require patronage refunds not currently paid in cash, but held in revolving funds, to be paid in cash to patrons within 15 years.

The proposed changes—in our judgment—would be extremely damaging to cooperatives for a variety of reasons:

First: It would require far-reaching changes in the financial structure of cooperatives by disrupting their method of financing;

Second: It would weaken the competitive position of cooperatives, since it would require higher deductions from current proceeds to farmer patrons;

Third: Imposing a definite due date on patronage refunds retained in the cooperative as equity capital would convert the capital structure to debts; as such they would jeopardize a cooperative's ability to borrow money and meet financial obligations;

Fourth: Currently, patronage refunds are taxed to patrons on the full value. Increasing the cash portion of the payment, therefore, would not increase tax revenue.

In addition to highly adverse effects on cooperative financing, there are real questions as to whether or not this is really tax reform or just "handicapping" regulations relating to the internal financing methods of cooperatives.

We, as representatives of dairy farmers and their cooperatives, warmly commend you for your leadership in this cause. Moreover, we sincerely hope that you can acquaint other members of Congress with the need for their support. It is our hope that they will join you in opposing the proposed change in the tax treatment of cooperatives.

Sincerely,

Patrick B. Healy,
Secretary.

Mr. STEIGER of Wisconsin. Mr. Chairman, I rise in support of the tax reform act of 1969, H.R. 13270 The issue of tax reform has achieved prominence in the last few months. The mail in my office, for example, finds this issue one most frequently mentioned. In the questionnaire which was sent to households in the sixth district, tax reform ranks second in the opinion of the more than 20,000 constituents who have thus far responded. Each time I am in my district, many people have taken the time to pass on to me their views and opinions regarding the question of taxes and tax reform.

Thus, this legislation represents, in my judgment, an accurate reflection of the views of people in the sixth district and I suspect across the country who have called for meaningful tax reform. In my weekly report to the people of the sixth district which I released on April 2, 1969, I discussed this issue in the following way:

> The federal tax laws have not been intensively reviewed or really revised since 1954. The House Ways and Means Committee is currently in the midst of comprehensive hearings on various aspects of the Internal Revenue code, particularly those which affect personal income taxes.
>
> The American people generally are paying higher taxes at every level of government. Local property taxes, state income and sales taxes, municipal taxes and fees are rising at a rapid rate. Unrest of rising property and school taxes is reflected in the increased number of school bonding referendums that are being defeated by the voters in municipal elections. Taxes and tax reform are the subjects of the greatest number of letters received by my office.
>
> Mounting pressure for tax reform today can be traced to the high taxes people are paying as well as to the apparent inequities in our Internal Revenue code. The recent news, for example, that 155 people who had a personal income of over $200,000, and yet paid no taxes, has resulted in charges of inequality. Not only are the high taxes burdensome in themselves, but they lead to complicated tax laws. High taxes result in pressures for relief for various causes and purposes. These relief provisions are often complex. The law is further complicated by what appear to be "loopholes." A loophole is not an accurate description for those provisions of the law designed to encourage charitable gifts or mineral conservation.
>
> But taxpayers today resent the complicated laws because the advantages derived from them can only be achieved by using highly trained legal talent and such talent is itself expensive (and deductible) and not generally available to middle and lower income taxpayers. Not only do taxpayers appear to resent the complex laws, they resent those who are able to benefit from them.
>
> Taxes are high because the needs and demands for public supported services is great and growing. For this reason, we must make the system of collecting taxes as fair, simple and equitable as possible. Public confidence in the fairness of the tax laws must be maintained or our whole system will become victim to abuse. A review and reform of the tax laws is essential.

The Milwaukee Journal on Monday, August 4, said:

> The tax reform bill that cleared the House Ways and Means Committee Thursday promises a good start toward greater equity in the Nation's tax system . . . generally the package seeks greater fairness by closing or narrowing some of the most glaring loopholes, increasing tax burdens for those best able to absorb them, providing relief for those who need it.

This statement on this legislation by this newspaper outlines quite simply the reasons why I vote for this bill. There are obviously provisions of the bill with which I disagree but on balance H.R. 13270 does provide for a greater degree of equity in our tax system as well as more simplification than exists in our present Internal Revenue Code.

The comprehensive nature of this bill is an indication of the diligence and hard work put in by the members of the Committee on Ways and Means. I want to pay special tribute, Mr. Chairman, to two distinguished and able people in particular, the chairman, the gentleman from Arkansas (Mr. Mills), and my good friend the gentleman from Wisconsin (Mr. Byrnes). To these two gentlemen must go, it is my belief, the major credit for this bill and for the fact that the House is considering this legislation prior to the August recess. Subjects covered in the legislation are many and the bill itself, 368 pages in length is difficult and complex. I have spent the last two days intensively reviewing the committee report and the legislation before deciding to vote in favor of the bill. The subjects covered such as private foundations, other tax exempt organizations, charitable contributions, farm losses, interest on loans, moving expenses, limitation on tax preferences—LTP—allocation of deductions, income averaging, restricted stock plans, deferred compensation, stock dividends, multiple corporations, debt-financed corporate acquisitions, foreign tax credit, financial institutions, depreciation in regulated industries, depreciation allowances, depletion allowances, capital gains, real estate depreciation, the new low-income allowance, standard deduction, maximum alternative tax, rate reduction and changes in the rates for single taxpayers are all subjects which deserve to be a part of a massive tax reform plan. This bill is of the greatest significance and worthy of support.

In all honesty, Mr. Chairman, I must admit that there are certain portions of it with which I have disagreement such as the tax on foundations of 7½ percent. The Milwaukee Journal editorial to which I referred earlier commented on this provision by saying:

> In its zeal the committee threatens some of the very legitimate operations of many of the nation's most spirited foundations.

I have received, as have all Members of the House, numerous letters, telegrams, and phone calls regarding certain of the provisions of this bill. I would hope that the other body would, in fact, review fully such things as the change in the method of taxation on savings and loan associations. Letters I have received from savings and loan associations in the Sixth District all point to the difficulty which these institutions see in maintaining their position in the home financing field should the provisions of this legislation become law.

In addition to that, I must admit I have serious reservations about the effect on local government financing as a result of any change in the tax-exempt status for municipal bonds. While I recognize that the legislation does not per se make the change since it will continue to allow municipalities to issue tax-exempt bonds, nevertheless, alternative B as it exists in the bill to provide for financing by Washington does, it seems to me, make for a greater possibility that local government will have to be more reliant on Washington, D.C. This is not, in my view, the way to move and this whole matter deserves the review of the other body and, will, I hope, be changed.

A telegram I received from the city attorney of the city of Fond du Lac stated this question well when he said that "we do feel that any plans by which municipal borrowing rates are increased will cause a heavy burden on local taxpayers by increasing the cost of construction."

In addition, Mr. Chairman, a number

of cooperatives and individual farmers have wired or called me regarding the possible changes in current cooperative regulations contained in this bill. The point that has been made by those who have talked with me is that this is a subject that was not covered by the hearings before the Committee on Ways and Means, and thus I hope the other body will provide an opportunity for cooperatives to appear to discuss their views on the changes contained in this legislation.

There are two other matters about which I have some concern, Mr. Chairman; namely, the changes in lump-sum distribution for employee benefit plans. Dirk S. Van Pelt, president of the Reuping Leather Co., wrote to me saying:

> If this proposed change is permitted to become law it means that it would seriously affect the many pension retirement benefit plans that have long been established in the many corporations across our land. I believe that it would deplete these funds through taxation which have been accumulated to provide retirement benefits for many millions of employees.

The same thought is contained in a telegram I received from C. F. Hyde, of Oshkosh B'gosh, who went on to ask that a satisfactory review and study be made of present law with a public hearing before a change is made.

The other matter is one which has been referred to by many of my colleagues; namely, the impact on colleges and universities and other charitable institutions in terms of the changes in capital gains. Letters from the Wisconsin State University Foundation, Lakeland College, and Ripon College all express a very grave concern about the impact on their institutions if all of the provisions of this bill were to become law. The committee has wisely looked at this whole question but private philanthropy has been, I believe, of significant help to the development of private institutions in this country. In this I agree with my colleagues, Mr. BUSH and Mr. MORTON, who, in their supplemental views attached to the committee report, correctly point out that in this we are moving toward a greater reliance on Washington which is not appropriate.

Lastly, Mr. Chairman, may I say that there is one feature which is missing. That is the increase in the personal exemption from the present $600 to a higher figure. In my questionnaire to which I referred earlier, when I asked "do you favor an increase in the personal tax exemption from $600 to $1,000?": the answer came back uniformly and resoundingly "Yes." In Calumet County, Sheboygan County, and Winnebago County, 100 percent yes—0 percent no. The district average was 97 percent yes; 3 percent no. Petitions, letters, telegrams, and personal visits from hundreds of people throughout the Sixth District clearly indicate to me the overwhelming support of the people in my district for this change in our present tax code. I am disappointed and distressed that it is not included in this bill and could not let this opportunity pass without referring to it or making clear my own commitment to continuing to push for an increase in the exemption.

The other portions of this bill which do give tax relief to low- and middle-income taxpayers are laudable and steps in the right direction.

This bill is a good bill, Mr. Chairman, and I shall vote for it and am encouraged by the words of the members of the Committee on Ways and Means who have indicated that this is not the last step toward tax reform, but a first step. More can, I know, be done. I look forward to working with the Members of this House in their efforts to achieve fair and equitable taxation.

As President Nixon said in his message to Congress in April of this year:

> We shall never make taxation popular, but we can make taxation fair.

This bill goes a long way toward that goal.

Mr. MONAGAN. Mr. Chairman, I support the Tax Reform Act of 1969. The issue of tax reform is of paramount domestic importance. The strength of our internal revenue structure depends on the voluntary cooperation of all our citizens. Because of widespread shelters from tax liabilities for certain individuals, numerous taxpayers in the middle and lower income brackets have justifiably leveled increasingly critical attacks upon the Federal income tax structure. I have received letter upon letter from constituents who question the justice of a tax system which allows one individual with an income of $23 million to pay no tax at all. Is it just for 21 individuals with incomes of $1 million or more to pay no tax at all? Is it just for 155 individuals with incomes in excess of $200,000 to pay no taxes at all? Is it just for 24,000 individuals with income in excess of $10,000 to pay no taxes at all? These are the questions put to me by my constituents. I answer them all saying, "No, it is not fair and it is not just. I am working and this Congress is working to produce a Federal tax structure which will be more equitable and more efficient."

The bill before us now—the Tax Reform Act of 1969—represents a substantial effort to make income taxes more equitable and more productive. For this reason, I support the bill.

This bill, I am pleased to say, incorporates several of my own tax reform proposals as contained in my bill H.R. 7744 and supported in my testimony before the House Ways and Means Committee earlier this year. I recommended as far back as February the closing down of those "tax shelters" most commonly used by high-income individuals and corporations to avoid paying their fair share of the Federal income tax. I also strongly urged provisions which would require every taxpayer who was able, to pay a minimum tax. The Tax Reform Act of 1969, I am pleased to say, does institute minimum taxes in those areas which I had recommended. These areas most commonly utilized by individuals and corporations to avoid tax liability are:

The unlimited charitable contribution deduction.

The exclusion of interest on tax-exempt State and municipal bonds.

Charitable contributions of appreciated property where the contribution deduction includes gains which have not been taxed to the individual.

Percentage depletion derived from income from the extractive industries.

Large amounts of income taxed at capital gains rates.

Depreciation on real estate making use of the accelerated depreciation rates as opposed to the straight line method of depreciation.

Farm losses which have been offset against nonfarm income by individuals or corporations only peripherally involved in farming.

Credits allowed individuals and corporations for taxes imposed by foreign countries.

I am also grateful that the Tax Reform Act of 1969 makes four other changes in our tax laws which I had recommended as necessary to produce tax equity. These are:

Tax reductions of 5 percent for persons in the middle-income brackets. This reduction for those citizens who earn between $7,000 and $20,000 and who pay the great proportion of our taxes is in addition to the reduction and elimination of the 10-percent tax surcharge and will take effect gradually between 1971 and 1972;

Disallowance of the unlimited deduction for interest paid on certain bonds and debentures issued in exchange for at least two-thirds of another company's stock. This deduction had provided a major but unforeseen tax incentive for conglomerate mergers; its removal will provide a greater degree of stability to the corporate merger field;

Increase of the minimum standard deduction an amount sufficient to raise a family's exempt income to $1,100 plus the number of $600 regular personal exemptions available to the family. The starting level of taxation is thereby raised above the poverty level. The allowance removes 5.2 million returns from the Federal tax rolls and provides a tax reduction on another 7 million returns; and

Repeal of the 7-percent investment credit for business equipment purchases. This measure was enacted in 1962 to stimulate a lagging economy; the economy is now overstimulated and thus the investment credit should be retired.

In conclusion, I support the Tax Reform Act of 1969 as legislation which will make our Federal tax structure more equitable. This is a goal of the highest domestic priority. I urge the passage of this bill.

Mr. BINGHAM. Mr. Chairman, the tax legislation currently before the House is the culmination of long and persistent efforts on the part of many House Members. I introduced the Tax Equity Act, which provided for the closing of a great many of the most gaping loopholes in the tax system, in August 1967. Since that time I have sponsored or cosponsored several additional pieces of legislation calling for other improvements in the tax system in addition to those in my 1967 bill. I persistently urged the Johnson and subsequently the Nixon administration to endorse sweeping tax legislation, and along with many of my colleagues insisted that any action to increase tax revenues in the past 2 years as an anti-inflationary measure be accompanied by action to reform the tax system. In April of this year, I was pleased to be the first congressional witness to testify on behalf of tax reform legislation after the Ways and Means Committee started its hearings last April.

As is likely with any legislation that involves such numerous and complex elements, the legislation reported for House consideration by the Ways and Means Committee is weaker in some respects than proponents of sweeping tax reform have urged, but is quite adequate in other respects. In general, while it extends the surtax at a 5-percent rate for the first 6 months of 1970, it provides significant long-range tax relief for nearly all individual taxpayers who have for so long been staggering under an inequitably heavy tax burden. Furthermore, it represents a victory for those of us who have insisted that any extension of the surtax be accompanied by extensive reform of the tax system. It is unquestionably the strongest and most comprehensive tax reform and relief legislation to come before the Congress in many years. More reform needs to be effected, but the legislation before us now is certainly a major push in the right direction.

The reductions in tax rates contained in this legislation will provide substantial relief for taxpayers in nearly every income bracket—especially for those in the middle and lower income groups. Nearly 6 million very low-income taxpayers will be dropped from the tax rolls entirely. I am particularly pleased that the failure of the version of this legislation originally reported to the House to provide any substantial tax relief for taxpayers in the middle-income range—those with adjusted gross incomes roughly from $7,500 to $13,000—has been remedied. Various Members of the House, particularly the members of the Democratic Study Group, voiced strong disappointment and intense concern over this critical omission the moment it was discovered. The unity and strength of the "liberal" outcry, and our resolve to press for an amendment to the legislation on behalf of middle-income taxpayers, was very substantially responsible for the rapid action of the committee to respond to the needs of this group by adding a middle-income tax relief provision. This middle-income relief is provided by means other than what I feel is most appropriate in view of the current inflationary condition of the economy. I feel this relief should have been provided by shifting relief already in the bill from higher income to middle-income taxpayers, leaving the total amount of relief constant. Instead, it was achieved by adding rate reductions that will greatly increase the cost of the legislation in lost revenues. But I think those of us who voiced these criticisms can take satisfaction in the fact that the legislation now provides middle-income taxpayers an average 11-percent tax saving. In addition, it contains tax relief ranging from 100 percent for individuals with adjusted gross incomes in the neighborhood of $3,500 to about 3.6 percent for individuals with adjusted gross incomes over $25,000.

In the legislation I have introduced over the past several sessions of the Congress, and in my testimony before the Ways and Means Committee last spring, I have cited a great many areas of inequity in our tax system which needed reform. A good many of those are effectively dealt with in this legislation.

I have particularly emphasized the need to readjust the total proportion of the tax burden borne by individual taxpayers in relation to the total borne by corporations and other group taxpayers. This legislation, H.R. 13270, offers a significant readjustment of the current imbalance in individual and corporate taxation in favor of overburdened individual taxpayers. The tax relief and reform provisions of this legislation—including the investment credit repeal—will produce an estimated increase of $1.5 billion in the tax burden borne by corporations in 1970, while there will be no increase at all in projected total tax receipts from individuals. In 1971, receipts from corporations derived from tax measures affected by these provisions will increase by $2.9 billion, while receipts from individuals will actually be reduced by about $2.4 billion. Such a redistribution of relative tax burdens is long overdue, and I am pleased that the overall effects of this legislation include such a great improvement in the balance of individual and corporate tax payments.

Various specific tax changes contained in this legislation are responsible for this most encouraging overall effect. In the Tax Equity Act, I introduced in 1967, I proposed a reduction from 27½ to 15 percent in the scandalous depletion allowance on taxes afforded the oil and mineral industries. This legislation reduces these allowances to 20 percent—less than I feel is desirable, but still a significant cut in this highly questionable tax preference.

Similarly, I have strongly supported the imposition of a minimum income tax to prevent further instances in which very wealthy taxpayers pay little or no taxes. The legislation before the House limits to 50 percent the total proportion of a taxpayer's income that can be excluded from taxation. It also restricts the allocation of deductions to reduce the possibility that a taxpayer with large amounts of tax-free income who also has taxable income might wipe out all or most of his tax liability by careful allocation of his deductions. In combination, these provisions promise to guarantee that all taxpayers, no matter how wealthy they are or how many preferences might apply to their earnings, will pay a significant tax and that no wealthy taxpayers will get off tax free.

Several provisions similar to those I proposed in the Tax Equity Act and other legislation regarding specific loopholes used mostly by wealthy individual taxpayers are included in this bill. New limits on the proportion of an individual's charitable contributions which can be exempted from taxation are included in the bill, along with a provision to limit the favorable treatment accorded to stock options given by corporations to their top executives. In addition, the tax treatment of capital gains are significantly trimmed, and the tax advantages for the wealthy in purchasing farms and speculative real estate on which they often claim losses will be similarly cut back by enactment of this legislation. The stiffer provisions on capital gains include an increase in the rate ceiling—formerly 25 percent—which I have specifically urged for some time.

With regard to taxation on corporate income, demands by me and other Members to end the 7-percent investment tax credit and the multiple corporation tax dodge have been heeded by the committee. In addition, various other corporate tax loopholes will be closed by this legislation.

In my testimony before the House Ways and Means Committee, I stressed the need for a simplification of the tax system as it applies particularly to middle income taxpayers. Here again, this legislation offers substantial improvements. By increasing the standard deduction from 10 percent with a $1,000 ceiling to 15 percent with a $2,000 ceiling by 1972, it will be possible for many more taxpayers to employ this simpler method of computing taxes. Losses of tax advantages that many individual taxpayers might have claimed had it not been for the difficult computations required in itemizing deductions will be prevented. This simplification will be particularly advantageous to taxpayers who reside in apartments and therefore have no home mortgage interest deductions to claim. In all, an estimated 11.8 million taxpayers who now have to itemize deductions will find it advantageous to use the simpler standard deduction.

There are, admittedly, several potential disappointments in this legislation. No substantial revision is provided in the laws governing either gift taxes, or taxes on property—particularly involving capital gains—at death. I have urged that taxes on gifts be increased to the same level as taxes on estates to prevent individuals from avoiding estate taxes by giving assets to his heirs before death. I have also urged that unrealized capital gains be fully taxed at the time of an individual's death. These are very complex matters which the committee has not confronted in this legislation. It has promised, however, to go to work on these aspects of tax reform in the immediate future, and to report legislation for House action soon.

The committee failed to include in this legislation provisions to provide special tax relief for older citizens, such as the proposal I have introduced and supported to exempt pension and annuity income up to $5,000 from taxation. Many of the general tax relief provisions in the bill, however, will provide considerable tax relief to citizens over 65, along with all other taxpayers in similar income brackets. Many older citizens will be among the 38 million taxpayers who will benefit from the low-income allowance included in this bill. Therefore, while I intend to continue to press for further tax relief directed specifically at senior citizens, I feel that this legislation contains such significant initial relief that it deserves the full support of all retired citizens.

Finally, the new tax treatment of foundations proposed by this legislation raise serious questions in my mind. The committee, in my view, has made a sincere and careful effort to curb abuses of their tax status by foundations and to insure that they make a minimum contribution to government—from which they, like all other taxpayers, receive various real benefits—without unduly limiting their operating flexibility or their ability to raise needed funds. With that in mind, I regard the provisions to tax unrelated business incomes of various non-profit organizations, to impose a 7½-percent tax on net investment income of foundations, to require minimal income distribution of nonoperating foundations, and to prohibit self-dealing by foundations as both sound and consistent with the best interests of all taxpayers. I have some doubt, however, about the potential impact of the provisions prohibiting foundations from various political activities, such as those relating to foundation influence on decisions of governmental bodies. As in the case of the other provisions affecting foundations, I do not doubt the sincerity of the committee in trying to achieve an equitable formula balancing the need to curb abuses with the need to preserve the freedom of foundations to perform innovative and relevant work in a society, such as ours, which thrives upon innovation and which has already benefited greatly from the contributions of foundations both large and small. I conclude that the most prudent action to take is to support the provisions in the committee bill and to monitor their effects with an eye toward future revision if they prove to have unintended or unduly limiting effects on either the financial or operating viability of foundations.

In total, it is my judgment that this legislation, despite its limitations, is truly a milestone in our efforts to provide real tax equity. It is by no means the end of the struggle to refine and perfect the tax system. But the revisions it offers include a great many improvements, and it is my feeling that it merits the support of the Congress.

Mr. KOCH. Mr. Chairman, last week on a street corner in my district, I was confronted by an angry constituent who told me:

> Either close those tax loopholes, Mr. KOCH, or tell me how I can use them too.

What is the answer you give to an angry Mr. Jones who pays about the same percentage of his annual income to the Federal Government as the average paid by the millionaires of this country—25 percent.

This week, my answer is to vote for the tax reform bill. Of course the bill has its defects and omissions but it is a darn sight better than the Tax Code we have now. I wholeheartedly agree with Chairman MILLS that we must enact these tax reforms now if we are to avoid a breakdown in our tax system—a tax system which depends on the voluntary compliance of the American taxpayer. Taxpayer morale is not a political or partisan matter.

Mr. Jones does not enjoy paying taxes. No one does. But he pays them nonetheless and he expects everyone else to pay their fair share.

A majority of the tax reform proposals that I have cosponsored are in some form a part of this bill. Those reforms include:

The gradual elimination of the unlimited charitable deduction;

The gradual elimination of multiple surtax exemptions in the case of related corporations;

The reduction of the oil depletion allowance;

The limitation on the use of hobby farm losses to offset other income;

The repeal of the 7-percent investment tax credit;

The limitation on the use of accelerated depreciation on commercial real estate investments;

The imposition of a tax on interest from bonds issued by States and municipalities which elect to receive a Federal subsidy to pay for their higher borrowing costs; and

The imposition of a tax on the amount of preference—loophole—income which exceeds 50 percent of a wealthy taxpayer's total income.

Many of these reforms do not go far enough. By no ways or means will this bill entirely satisfy Mr. Jones' expectation of tax equity. Loopholes have been attacked but not mortally wounded. Still, progress has been made and precedents established for further loophole closing at some future date. I was encouraged by the statement of Chairman MILLS that his committee will do some additional work on the tax code next year, if it appears that some taxpayers are still avoiding the payment of their fair share of taxes.

But tax reform alone does not directly affect Mr. Jones' tax bill. It may improve his morale but that has little to do with the tax burden he now bears; and in my district that tax burden includes a State income tax, a city income tax and a 6-percent State sales tax.

Mr. Jones wants tax relief and this bill makes a start in giving it to him.

Some of the tax relief proposals that I have cosponsored are in some form a part of this bill. That relief includes:

An increase in the standard deduction from 10 to 15 percent and an increase in the maximum standard deduction from $1,000 to $2,000 over a 3-year period;

A provision that gives head-of-household tax rates to single persons 35 years of age or older. I regret that the committee did not see fit to give this relief to all single persons, regardless of age, who maintain their own home;

A provision that gives married-couple tax rates to widows and widowers with dependent children; and

A modest reduction in the tax rates of low- and middle-income taxpayers over a period of 3 years.

The apartment house tenants, like Mr. Jones in my district, living in the cities of this country have at long last been given due consideration in this tax bill. The homeowner has long been considered Mr. Average American. Recognition has now been given to the tenant and his needs. His standard deduction has been raised from 10 to 15 percent because tenants as a rule do not itemize their deductions as do homeowners. In addition, this bill will also give him, along with other taxpayers, a modest reduction in his tax rate.

I regret the bill does not include my proposals to increase personal exemptions from $600 to $1,200; to provide limited deductions for rent paid by apartment house tenants; or to remove the family income limitation for working mothers who seek to deduct child care expenses. I hope such proposals will eventually be given serious consideration.

Finally there is the issue of the surtax. I have opposed the extension of the surtax without meaningful tax reform. After I satisfied myself last weekend that the committee had indeed reported out a meaningful tax reform bill certain of House passage, I voted on Monday for a six month extension of the surtax.

At this time, I oppose any further extension beyond that date and regret that a 1-year extension is included in this bill. However, tax reform must not be delayed and though there are several objectionable provisions in this legislation. I shall nonetheless vote for the bill. The surtax is now due to expire on December 31, 1969. I trust that neither the Nixon administration nor the Congress will find it necessary to extend it beyond that date. And with respect to objectionable provisions which can be found in any omnibus tax bill, it is hoped that the Senate will deal with them without seriously affecting the general scope of tax reform which our constituents now so rightfully demand.

Mr. VANIK. Mr. Chairman, the House today will vote on, and I am sure pass, the most significant tax reform bill to be considered during my 15 years of service in the Congress. My first speech in this Chamber was on one of the most glaring tax abuses and loopholes in the Internal Revenue Code, the oil depletion allowance. I have worked and waited 15 years for this day—the day when some of the most glaring tax loopholes and inequities in our tax laws are to be corrected. It is my belief that in many ways the quality of a society can be measured by the justice of its tax laws. Today's bill takes major steps toward tax justice and equity among all Americans.

This bill is a commendable achievement—imperfect in many respects—the fusion of many minds—too much for some, too little for others. But no one can deny the integrity of the Ways and Means Committee efforts or the sincerity of its purpose.

I must pay special tribute to our distinguished chairman, the Honorable WILBUR MILLS, whose patient, deliberate wisdom guided every action of the committee. The Honorable JOHN BYRNES of Wisconsin was constant in his dedication for a balanced reform program. The Honorable HALE BOGGS of Louisiana displayed special courage in guiding the bill over its most difficult hurdles. Every member of the committee had a vital contribution to make. We have been tried—but we are not torn. This bill is a manifestation of our unity of purpose.

Special tribute should be paid to the staff work done by Dr. Lawrence Woodworth and his associates of the Joint Committee on Internal Revenue and Taxation, and John Martin and his Ways and Means Committee staff. These men and women are among the most competent, diligent, and patient staff members in any legislative body.

Yet there are features of this bill to which I object. I regret that this reform bill has been made the wagoncart for a further extension of the surtax at a rate of 5 percent during the first 6 months of 1970. The extension of this unwanted, unneeded tax simply continues some of the existing inequities of the tax code. Further, there is no immediate relief we can give the hard-pressed taxpayers of this country which would be more effective than the removal of this tax.

Last Tuesday, I appeared before the House Rules Committee to urge a modified rule which would permit the House to vote separately on section 701 of the bill, which would extend the surtax beyond December 31, 1969, at a 5-percent rate between January 1, 1970, and June 30, 1970.

Traditionally, the Rules Committee reports out tax and revenue measures under a closed rule which generally gives the House no right to amendment, no other option but to vote the bill up or down. Since the Senate has no comparable rule, it appears that this policy precludes the membership of the House from exercising a proper legislative judgment.

The Members of the House are certainly as capable as the Members of the other body in approving, disapproving or amending a bill reported out by any committee. Are we to assume that the individual Members of the House are not capable—or sufficiently responsible to urge or support an amendment which can improve this bill. Are the Members of the House lesser men than their counterparts in the other body? The record does not support this.

The Ways and Means Committee is termed the prestigious committee of the Congress. Its status is derived from the extent of its legislative jurisdiction and by the intensity, the integrity of its legislative effort, and by the quality of its product.

If the work of our committee is as good as it is purported to be, it should not have to be sheltered and protected by a rule which makes the judgment of the committee absolute, and immune from any kind of an amendment.

Certainly in a bill of this magnitude which covers the whole spectrum of income taxation, there is room for some opportunity to express a vote on major features of the bill without destroying its primary purpose.

Our judgments are not necessarily perfect—nor have they been tested. After many months of discussion of tax reform, the tax relief features of the tax bill which were developed by staff and Treasury—in secret—were given to the membership of the Ways and Means Committee on last Thursday—for the first time. At that time, I pointed out that tax rates were reduced from 70 to 65 percent for the wealthy—5 percentage points or a 7-percent reduction for the wealthy and a 1-percentage point for the middle-class taxpayers or about 3 percent. This provision builds in more injustice in the burdensome tax rates and should be amended. And this was done to some extent by the Ways and Means amendment of Tuesday.

On Tuesday, the Ways and Means Committee met to modify the injustice of the tax rates which I protested 2 minutes after they were presented to the committee and which I protested in my separate views. Let me make one thing clear; the 5-percent rate in reduction in the tax schedule for all taxpayers is infinitely less relief than the elimination of the 5-percent surtax in 1970.

I am among those Members of the House who favored tax relief by increased exemptions as an alternate approach to the committee-Treasury proposal. Even a two-step increase in the exemptions from $600 to $700 per dependent in the first year and $700 to $800 per dependent in the second year would serve as a more realistic alternative to what the majority of the committee has recommended. It would be understood—it is fiscally practicable—it would be more equitable. Tax justice is affected by how a taxpayer divides his income among dependents.

I simply refuse to believe that the membership of the House has to be force-fed to move toward tax reform. A few votes on some of these pertinent issues would make it possible for individual Members to make a record on those areas where they support tax reform and those which they do not. It may be heresy, but I simply happen to believe that every Member of the House stands in equal right to every other Member. He should have the right to express his position.

There is therefore no reason why Members of the House should not be allowed to vote on at least the major provisions of this tax bill which may remain as the law of the land—not only beyond our tenure—but beyond our life span.

If there is concern over the distorted effects on the bill which may result from unrestricted amendment, perhaps this committee in its judgment could permit the House to vote on any section of the bill, section by section, without changing the language of any section.

The closed rule should be on its way out. Tomorrow, next month, next year—whether it helps or hinders a bill—the closed rule should be abolished. To say an open rule will not work on tax matters is to say that Members of the House are not equal.

I refuse to believe this. Every Member of the House has a contribution to make on all bills and deserves a part of the action which is denied him under a closed rule.

On Wednesday, I endeavored to provide a modified rule which would permit the House to vote on the surtax issue. It was defeated by a vote of 265 to 145.

Although these efforts to remove the surtax extension from the bill have failed, I will vote for the bill in the hope and expectation that the Senate will remove this provision and that the reform bill will be returned to the House in substantially its present form without an extension of the surtax. If the surtax extension is included and if reforms which have been written in by the House are diluted, I may be compelled to oppose the surtax extension. My fear is that the surtax may be extended into 1970 and into 1971. There is danger that it might become a permanent part of the tax code. I want it removed.

Despite some disappointments, I would like to list some of the features of today's bill which are major steps toward tax justice. The bill provides that every taxpayer will have their taxes reduced in some way in 1971 and 1972. By 1972, there will not be a single taxpayer with up to $100,000 in taxable income who will not be able to benefit from tax rate savings of at least 5 percent. There will be some, even in this group, however, who will have total increased taxes due to the elimination of tax privileges and preferences.

This bill largely removes the burden of tax from low-income and poverty-level-income Americans. It has long been an anomaly and absurd feature of our tax laws that we should be collecting money from low-income Americans while spending hundreds of millions of dollars in the struggle against poverty. People in the zero to $3,000 income level will have a savings of 66 percent in the taxload, while those in the $3,000 to $5,000 bracket will have a savings of 31 percent. This is accomplished through increases in the standard deduction. The present standard deduction amounts to 10 percent of adjusted gross income with a ceiling of $1,000. Today's bill increases the standard deduction to 15 percent with a ceiling of $2,000. These new levels will be reached in stages by 1972. It is estimated that nearly 34 million returns—over half the total returns—will benefit from these increases in the standard deduction. The low-income allowance is also raised to remove all Americans below the official poverty level from Federal tax payments. This is done by increasing the minimum standard deduction to $1,100 plus the sum of $600 personal exemptions. While this is a major improvement, and will remove 6 million poverty-level Americans from the tax rolls by 1971, the figures involved reveal once again how dated—how out of date—the Government statistics are on what constitutes poverty.

While these provisions will be particularly helpful to senior citizens on fixed retirement income, college students working part time, and low-income Americans, other provisions of this bill will benefit higher income groups. Tax rates will be cut at least 5 percent throughout the entire tax schedule with half of the reduction taking effect in 1971 and the full reduction taking place in 1972. This will be accomplished by reducing the present rates ranging from 14 to 22 percent by 1 percentage point. This reduction will be on taxable income of a single person between $500 and $6,000 and on taxable income of married couples filing joint returns between $1,000 and $12,000.

Another major reform is tax relief for single persons. Widows, widowers, and single persons age 35 or over will be allowed one-half of the income splitting benefits available to married persons filing joint returns. A surviving spouse will continue to receive the full income splitting benefits allowed married couples filing joint returns during the period in which a dependent child is supported. Below is the table of tax for single persons, 35 and over, as well as the general tax schedule.

TABLE 15.—INDIVIDUAL INCOME TAX RATE SCHEDULE UNDER PRESENT LAW, UNDER H.R. 13270 AS MODIFIED, FOR CALENDAR YEARS 1971 AND 1972

(P. 212 OF THE COMMITTEE REPORT)

Taxable income bracket		Tax rate (percent)		
Single person not eligible for inter. rates (thousands of dollars)	Married (joint) (thousands of dollars)	Present law	Committee bill	
			1971	1972
0 to 0.5	0 to 1	14	[1] 13.5	[1] 13
0.5 to 1	1 to 2	15	[1] 14.5	[1] 14
1 to 1.5	2 to 3	16	[1] 15.5	[1] 15
1.5 to 2	3 to 4	17	[1] 16.5	[1] 16
2 to 4	4 to 8	19	[1] 18.5	[1] 18
4 to 6	8 to 12	22	21.5	21
6 to 8	12 to 16	25	24.0	23
8 to 10	16 to 20	28	27.5	27
10 to 12	20 to 24	32	[1] 30.5	[1] 30
12 to 14	24 to 28	36	[1] 34.5	[1] 34
14 to 16	28 to 32	39	38.0	37
16 to 18	32 to 36	42	41.0	40
18 to 20	36 to 40	45	43.5	42
20 to 22	40 to 44	48	46.0	44
22 to 26	44 to 52	50	48.5	47
26 to 32	52 to 64	53	51.0	49
32 to 38	64 to 76	55	52.5	50
38 to 44	76 to 88	58	55.0	52
44 to 50	88 to 100	60	57.0	54
50 to 60	100 to 120	62	60.0	58
60 to 70	120 to 140	64	62.0	60
70 to 80	140 to 160	66	63.0	60
80 to 90	160 to 180	68	64.5	61
90 to 100	180 to 200	69	65.0	61
100 to 120	200 to 240	70	66.0	62
120 to 150	240 to 300	70	66.5	63
150 to 200	300 to 400	70	67.0	64
200 and over	400 and over	70	67.5	65

[1] Changed in Aug. 5 modification.

TABLE 11.—TAX BURDENS UNDER PRESENT LAW,[1] UNDER H.R. 13270,[2] AND PERCENT TAX CHANGE (ASSUMES NONBUSINESS DEDUCTIONS OF 10 PERCENT OF INCOME)

(P. 18 OF THE COMMITTEE REPORT)

Adjusted gross income (wages and salaries)	Single person, 35 and over (widow or widower at any age)		
	Present tax law	H.R. 13270 tax	Percent tax change
$900	[3] 0	[4] 0	0
$1,700	[3] $115	[4] 0	−100.0
$3,000	[3] 329	[4] $175	−46.8
$4,000	[5] 500	[4] 331	−33.8
$5,000	[5] 671	[4] 501	−25.3
$7,000	[5] 1,168	[6] 957	−18.1
$10,000	[5] $1,742	[6] $1,399	−19.7
$12,500	[7] 2,398	[8] 1,905	−20.5
$15,000	[7] 3,154	[8] 2,532	−19.7
$17,500	[7] 3,999	[8] 3,250	−18.7
$20,000	[7] 4,918	[8] 4,042	−17.8
$25,000	[7] 6,982	[7] 5,643	−19.2

[1] Does not include 10 percent surcharge.
[2] Use provisions effective for tax year 1972.
[3] Uses minimum standard deduction of $300.
[4] Use minimum standard deduction of $1,100.
[5] Uses 10-percent standard deduction.
[6] Uses 15-percent standard deduction.
[7] Itemizes deductible nonbusiness expenses.
[8] Uses $2,000 limit on 15-percent standard deduction.

I will urge the Senate to provide tax relief by increasing personal exemptions for the support of dependents. No taxpayer can support his dependents on a $600 exemption. The alternate form of tax relief provides a Treasury loss equal to the cost of increasing dependency exemptions from $600 to $800 per dependent. This kind of taxpayer relief would have been more understandable and meaningful. In the Ways and Means Committee, I fought to increase exemptions at the rate of $100 per year for four years until they would total $1,000 per dependent. It is my hope that the Senate will more seriously consider this approach.

These tax relief provisions of the bill will be largely financed through revenue gained from the termination of tax shelters and the closing of tax loopholes, as well as a limitation on tax preferences which an individual can claim. This has been accomplished largely by such provisions as measures to limit the amount of tax that individuals can avoid through offsetting "hobby" farm losses, reduction of percentage depletion allowance, and limitations on the extent that accelerated depreciation on real estate can be used to offset other income. Corporate tax preferences which are being limited include the number of virtually dummy corporations or offices a company can set up to take advantage of lower tax rates on initial income—the so-called multiple surtax exemption. Tax advantage in interest treatment which has encouraged the rapid expansion and creation of conglomerates is removed. Other provisions attempt to prevent self-dealing and needless accumulation of funds in tax-exempt foundations, while income from tax-exempt bonds is gradually removed from the category of tax preferences and placed in the category of taxable income for purposes of figuring an individual's minimum tax.

Thus, it is clear that more reforms will be needed. It is clear that the American people have become aware of the abuses and loopholes which the tax year 1966 enabled 154 individuals with incomes over $200,000—including 21 millionaires—to pay no tax. It is clear that this should be only the first of a series of tax reform bills. It is my hope that the next Congress, and the Congress after it, and Congress after that, will pass tax reform bills. As elected officials of this Nation, we cannot stop now. The journey which we begin today must not be interrupted until we achieve complete and equitable treatment for all Americans.

Mr. STOKES. Mr. Chairman, there is an ubiquitous law working in the universe which seems to demand that man swallow some bitters if he wishes to partake in the sweet. Clean up your plate if you want dessert. Sacrifice some freedom if you wish to marry. Give up your law practice to become a Congressman. Vote for the HEW appropriations bill despite the Whitten amendment. Your mother called the acceptance of this law maturity; young revolutionaries call it sell-out; politicians call it compromise.

Never since I first entered this body in January have I been so aware of the workings of this eternal rule than during the past few days as I examined the piece of legislation currently pending before the House. For while I have often spoken out in behalf of tax reform, and remain a stanch supporter thereof, there are several aspects of this bill which I do not at all care for.

I am very upset, for example, that even after the band-aid work done on the bill by the committee on Tuesday, the rate reductions for upper-income taxpayers still exceed those for middle-income payers. In light of the overwhelming amount of evidence which we have all heard about the unmerciful burdens the middle-income citizen is currently being asked to assume for the support of his governments, it seems incredible to me that the proposed relief would be apportioned out in this manner.

Equally disturbing is the provision dealing with the participation of charitable foundations in voting registration drives. Section 501(c)(3) of the present code, especially in view of the strengthened sanctions added by new section 4944, would seem to clearly circumscribe all activities with which 4945 pretends to deal, except for voter registration drives. Thus, 4945 appears to be a poorly disguised device for curtailing such activities. Why would the committee wish to do this? Well, Mr. Chairman, it is no secret who are the prime beneficiaries of voter registration drives. They are the black voters of the South and our cities who for years had been effectively disfranchised by a callous and bigoted white majority. Voter registration drives have done much in the past few years to correct this disparity. For example, the 800,000 Negro voters of the South who have been registered since the passage of the 1965 Voting Rights Act are chiefly products of prolonged registration drives in that area of the country.

Thus, while I realize, and am grateful, that such activities can be continued by certain organizations, it does seem a shame that the provision was written at all. It can only be harmful to the cause of equal rights for all Americans.

Other provisions in the bill are acceptable in part, but just do not go far enough in plugging the particular loophole for which they are intended. First on this list is the minimal deduction proposed for the oil depletion allowance. A decrease from 27½ to 20 percent sounds impressive. Unfortunately, the facts indicate that it is not. Because of the 50 percent of taxable income limitation on the allowance for any well, many do not now qualify for the full deduction. In fact, estimates are that the average rate currently used by the entire industry is 23 percent. Immediately the reduction loses much of its luster. And it is a little difficult to believe that the cut, be it 7½ or 3 percent, will effectively close the loophole when the U.S. Treasury calculates that the companies save roughly 19 times in taxes the cost of drilling an average hole.

Likewise, while the reduction in allowable bad debt reserves for mutual savings institutions is admittedly substantial, one's mind still boggles a bit that 30 percent of taxable income can be set aside for this purpose.

Those are some of the "bitters." I do not like them, and if they were to reach the floor separately, I would vote against each of them. But they have not reached the floor separately, and because they have not, I will vote for them. I do so not out of choice but out of necessity, for to vote against these proposals would be to vote against many excellent provisions which the committee has brought to the floor in this package. So many good provisions, in fact, that I am willing to swallow the bad.

I am delighted, for example, that the committee has decided to greatly restrict "quickie" real estate depreciation deductions, while carefully writing the section to protect the building and rehabilitation of homes.

I have examined the section dealing with the taxation of State and municipal bonds, and believe that it can only aid those governments in raising revenue while limiting one of the present law's largest loopholes.

Likewise, the repeal of the alternative capital gains tax, the reduction of convertible capital losses, and the increase in the required holding period for long-term capital gains treatment, should substantially equalize the tax treatment of security holders without jeopardizing public contribution to the capital market.

The list of positive contributions could go on for some time: other sections at least deserving mention are the elimination of self-dealing in private foundations; the increase in the charitable deduction provision; the elimination of hobby farm writeoffs; the limitation of surcharge exemptions available to multiple corporations; the cutback on foreign tax credits; and the limitation on interest deductions for merging corporations.

And so, Mr. Chairman, I shall support the committee proposal, with some reservation but with even more enthusiasm. This bill is worth voting for. That universal law has worked its course. We can now only hope that the other body which must consider this proposal will at least preserve the gains which I have discussed. If it does not, I fear many of us who back this measure will be forced to reassess our positions. We will not vote for a sham.

Mr. RYAN. Mr. Chairman, the action of the House in adopting House Resolution 513 precludes a separate vote on section 701 which extends the surtax through June 30, 1970. Since 205 Members of the House voted against a 12-month extension on June 30 of this year, it seemed only fair that a vote on the surtax independent from the tax reform sections of the bill should be permitted, especially since the two issues are conceptually separate. However, the adoption of a closed rule on the entire package means that we must now consider whether or not the tax reforms afforded by this bill are sufficiently substantive to warrant support for the entire package even with the inclusion of the extension of the surtax at the rate of 5 percent from December 31, 1969 through June 30, 1970.

Because H.R. 13270 is a very complicated and lengthy piece of legislation, I will not examine each of the proposals made by the Committee on Ways and Means. Rather, I will discuss only those specific aspects of the bill which I believe do offer substantive tax relief for low and middle income individuals now burdened with an excessively high and disproportionate share of the national tax load, and those areas of the bill which, to my disappointment, fail to close off lucrative tax loopholes or will create new problems in areas of vital public interest.

Let me first turn to those areas of the bill which do offer significant and substantive relief for low and middle income taxpayers.

RATE REDUCTION

The original schedule of income tax reductions recommended by the Committee on Ways and Means would have applied almost entirely to upper income taxpayers, specifically, to taxpayers with incomes of $15,000 or above. The fact that those who itemize deductions include many homeowners in the $7,500 to $13,000 bracket—a group in obvious need of tax relief—underscores the inadequacy of the original schedule of rate reductions.

The committee amendment which revises the original rate schedule will provide $2.4 billion in additional tax relief for individuals in the middle-income categories by 1972.

According to the Ways and Means Committee, these rate reductions, which were approved as a committee amendment on August 5, are intended to insure that all taxpayers receive rate reductions of at least 5 percent in 1972.

INCREASE IN GENERAL STANDARD DEDUCTION

The committee's recommendation that the present 10-percent deduction, with a $1,000 limit, be increased in three steps to 15 percent, with a $2,000 limit by 1972, will offer additional tax relief approximating $870 million during the current fiscal year. While this increase will not benefit those individuals who itemize deductions, it will give relief to those who do not keep detailed accounts and itemize their returns, a group which includes many low-income taxpayers.

The inadequacy of the present standard deduction level is testified to by the fact that while 82 percent of all taxpayers utilized the general standard deduction rather than itemizing in 1944, when the general standard deduction was first introduced, only 59 percent of all taxpayers utilized this method in 1965 and, while exact figures are not available, estimates indicate that even fewer used the general standard deduction this year. Among the reasons for declining use of the general standard deduction are increased deductions for State and local taxes and homeownership interest and the continued practice of permitting a taxpayer to take a general standard deduction only on the first $10,000 of income.

The increase in the level of general standard deduction will benefit those with less than 10 percent in allowable deductions as well as many low-income taxpayers who do not itemize their returns.

LOW-INCOME ALLOWANCE

With more than 2 million families and individuals now paying Federal taxes despite the fact that their incomes are below the federally defined poverty level, and many others with low incomes paying substantial taxes, it is clear that tax reform in this area is urgently needed. The low-income allowance would provide a variable amount which, when added to the minimum standard deduction, totals $1,100. When this amount is added to the $600 exemption per person, it would bring the maximum amount of deduction to almost exactly that of the federally defined poverty level.

The relief which this low income allowance would bring to low income citizens is acutely needed, particularly by families in inner city areas, where the cost of living is rising constantly. Other steps must be taken by Congress to provide greater opportunities for families in these areas to increase their incomes. However, the low income allowance will at least prevent low income people from having to pay Federal income taxes from an income that is barely adequate, even by official Federal standards, to provide for their needs.

These three areas of tax relief—rate reduction, an increase in the general standard deduction, and the kind of relief that would be truly substantial—will at least provide some measure of relief for low- and moderate-income taxpayers. As such, they are at least a partial answer to the demand for reducing taxes which has grown stronger and stronger during the past few years.

Let me turn now to the several parts of H.R. 13270 which do not adequately root out long enjoyed tax privileges and to other provisions which would work to the disadvantage of the public in important areas of public concern.

TAX PREFERENCES

The limitation on tax preferences—LTP—which was proposed by the administration and adopted by the committee, fails to yield the amount of Federal revenue which a truly comprehensive attack on tax privileges would have produced. While $15.3 billion in potentially taxable income falls into tax free categories, only $40 million in additional revenue will result in fiscal year 1970 from the application of the committee's LTP proposal. Even in fiscal year 1971, when the LTP approach is to be fully operable only $85 million—five-tenths of 1 percent of present total tax free income possibilities—will be yielded.

One important reason for this low yield is that the committee did not apply the LTP approach to such significant areas as tax exempt corporate income, nor to the percentage depletion, or intangible drilling costs, the latter two of which are extensively used by the petroleum industry.

Hence, while some revenue will be gained from the tax free income which will be taxed under the LTP approach, the opportunity which exists for getting at the billions of dollars which go untaxed through several loopholes used to avoid paying taxes was missed.

OIL, GAS, AND MINERAL INDUSTRIES

While the basic oil and gas depletion allowance was reduced from 27½ to 20 percent by the committee, it was not reduced to the 15 percent advocated in the Reuss tax reform bill. As a result, only $400 million in additional revenue will be collected as compared with the $600 million which would have been produced if the percentage depletion were lowered to 15 percent.

The basic weakness of the bill with respect to the oil and gas industries, however, is that the tax deduction provided for intangible drilling costs on an oil or gas well was left untouched.

The Committee on Ways and Means also exempted intangible drilling costs or excess percentage depletion from the limitation on tax preference provision of the bill.

The result, while it is difficult to estimate exactly, is that the oil and gas industry will still be able to avoid paying taxes on much of its income by coupling the 20-percent depletion allowance with intangible drilling cost deductions.

Had the committee voted a reduction in the percentage depletion allowance to 15 percent and at least made intangible drilling costs subject to the limitation on tax preference provision in the bill, a substantial step might have been taken toward eliminating the lucrative tax advantages which the oil and gas industry has enjoyed for over four decades.

TAXATION OF FOUNDATIONS AND LIMITATION ON THEIR ACTIVITIES

I believe the 7½-percent tax which the committee recommends be levied on the investment income of foundations—which includes dividends, interest, rent, royalties, and capital gains—will in the end result in greater cost to the Federal Government rather than less.

As an editorial in the August 6 New York Times points out, the tax proposed by the committee is not sufficiently stiff to discourage tax dodgers but it would significantly hamper the activities of those foundations that are intimately engaged in assisting public areas in need of aid. About two-thirds of the income of these foundations is currently given to private universities and charities in the form of gifts. If the investment income of these foundations is to be taxed, then, less money will be available to be spent on areas of public need. The $65 million which the Treasury estimates would be gained through this tax would probably, hence, be more than outweighed by the need for Federal aid in these public areas which will now arise.

I am pleased to note in the committee's report that organizations like the Southern Regional Council have been singled out as organizations which will be able to continue to receive foundation support for voter registration activities. However, I am concerned about the requirements that the organizations be active in at least five States, be supported by at least five foundations, and do not limit their activities to one geographical area.

I believe this is a tremendous step backward, one which will slow the march of our black and brown fellow citizens toward equal participation in our society, and one which will certainly increase the frustration and the dangerous divisions which now separate us one from another. I am particularly anxious that this draconian measure be modified before Congress finishes its work on the pending tax reform legislation. By calling the attention of the other body to our errors, I hope that the other body will correct them.

While I am gratified that the committee's recommendations will not affect the work of the Southern Regional Council, I fail to see the justification for prohibiting private foundations from directly sponsoring voter registration activities. In view of the limited amounts of Federal funds which have been allocated to eliminating those impediments to full and equal political participation by all citizens which still exist, it makes no sense to hamper a private foundation seeking to directly sponsor a vital program such as voter registration.

I am also deeply concerned about the other new categories of "taxable expenditures" by foundations which are created by the legislation. Now, for the first time, any and all legislative effort, however insubstantial, by a foundation or by one of its grantees will subject all concerned to heavy penalties. Indeed, the bill also prohibits foundations from supporting grassroots efforts with regard to specific legislation. While the committee report indicates that this provision should be read narrowly, it will undoubtedly nonetheless discourage foundations from taking any chances and, therefore, might inhibit future efforts like the highly valuable "Hunger, U.S.A." report which was issued in 1968. This would be extremely unfortunate.

The 7½-percent tax which the bill imposes on foundations is simply shortsighted. At a time when Government is doing far too little to deal with our serious problems here in the United States and when President Nixon is encouraging voluntary efforts in the private sector, we come along and say that such efforts are to be cut down by 7½ percent. That, I submit, is not terribly rational. I am hopeful that these mistakes can be corrected before Congress finally sends the overall tax reform legislation to the President.

INCREASE OF THE PERSONAL EXEMPTION

An area of tax relief which would provide additional assistance to low- and middle-income taxpayers—in fact, it would directly increase the low-income allowance proposed by the committee—is raising the personal exemption from the present $600. Several proposals were before the committee to increase the personal exemption, including the proposal of the gentleman from Ohio (Mr. VANIK) which would have increased the personal exemption by $100 per year until it reached $1,100. In this and past Congresses, I have introduced legislation to increase the personal exemption to $1,000—H.R. 4306 in the 91st Congress. It is clear that the $600 now allowed for personal exemptions falls far below the actual costs of maintaining even a small child. In view of the need to increase the personal exemption to a more realistic figure, it is unfortunate that the committee did not deal with this area of tax relief at all.

ELIMINATION OF LIMITATION ON DEDUCTION FOR MEDICAL AND DENTAL EXPENSES

With all the deductions now allowed for such things as business and moving expenses, I can see no reason why an individual should not be able to deduct all of his medical and dental expenses from his income tax. Total tax deduction of medical and dental expenses is particularly important for low-income people who, especially in the inner city areas, suffer a higher incidence of disease than more affluent taxpayers.

In this and past Congresses I have introduced legislation which would allow an individual to deduct all of his medical and dental expenses from his income tax—H.R. 645 of the 91st Congress. In view of the substantial tax relief which this would bring many low-income taxpayers, I am disappointed that the committee's bill fails to deal with this issue.

REGULATED INDUSTRY DEPRECIATION

Section 451 of H.R. 13270 would require regulated industries to depreciate new properties on a "straight line" basis rather than through accelerated depreciation of assets, for which they are now eligible. The basic weakness of this proposal is that, since publically regulated industries recover their costs from the public through rate charges, the increased tax payments this section will produce for the Federal Government will simply be passed on directly to the consumer. By contrast, nonregulated industries will continue to be able to choose accelerated depreciation.

The result in New York City is that rate stability of two of the three largest utilities serving New York City—Consolidated Edison and Brooklyn Union Gas Co.—may be threatened. Both companies utilize accelerated depreciation.

Hence, the committee's proposal to require "straight line" depreciation rather than accelerated depreciation would increase operating expenses for rate purposes.

CONCLUSION

Mr. Chairman, it is unfortunate that the closed rule prevents us from amending sections of the committee's bill which I have already indicated I believe are deficient. The closed rule has traditionally been used to prevent just such action by the House in the apparent belief that Members not on the Ways and Means Committee are not capable of making responsible improvements on tax legislation.

The fact that the closed rule on H.R. 13270 means we will be unable to vote separately on the surtax or on any of the other provisions of this bill demonstrates the coercive effect of the use of the closed rule.

However, we are faced today with the choice of voting for the entire bill, with the surtax, or voting against it. While I strongly object to extending the surtax through fiscal year 1970, I believe the tax relief granted by the committee's bill, particularly that which would aid low- and moderate-income individuals and families, requires that H.R. 13270 be supported.

The surtax is a war tax, and it is regressive in that it extracts the same percent of income from every taxpayer regardless of his income. But even with the extension of the surtax into 1970 contained in this bill, the surtax will expire on July 1, 1970. On the other hand, the reduction in income tax rates, the low income allowance, and the increase in the general standard deduction will become an incorporated part of our tax system. Even with the surtax, the average taxpayer of low and middle income will pay less taxes as a percent of his income this year than he did last year. Thus, to vote against this bill would be in effect to vote against at least partial tax relief for those groups which most urgently require a reduction in taxes.

I would hope that the other body will correct the several weaknesses in H.R. 13270, which I have outlined when they consider this bill, including the elimination of the extension of the surtax into 1970, the unwise restrictions on foundations, and the exclusion from taxation of those sources of tax free income which have been ignored by the Committee on Ways and Means. The rules of the other body are more amenable to amending tax legislation, and I hope the other body will take advantage of the opportunity to improve upon the bill before the House today. For truly substantive tax reform requires that Congress eliminate all tax loopholes which allow individuals to escape their fair share of the tax burden and, concurrently, reduce the disproportionate tax burden now borne by low- and middle-income taxpayers.

Mr. RARICK. Mr. Chairman, the present income tax laws are reported to be an accumulation of tax laws since 1913—or over 56 years.

For this reason, it is unbelievable that we in Congress have been allowed a little over 3 days to analyze its provisions; especially since the bill contains 368 pages of legal terminology in order to determine what changes are to be found in a bill almost as big as the phone directory in the capital city of my State.

The bill has been rushed before us for a vote while denying any Member the opportunity to offer any amendment or alteration. The bill, as offered by the Committee on Ways and Means, must either be accepted as is or rejected entirely. After 56 years of waiting for needed tax reforms, it is absurd that we Members—as the representatives of our people—are only given 6 hours for debate and even then under a closed rule.

One would expect that a meaningful tax reform bill would not only close the various loopholes being used to dodge taxes, but would also provide for a fairer sharing of the tax burden by more of our people. This should then result in the working, productive citizens paying less taxes and enable the industrious citizen to keep a greater portion of his earned income.

The tax bill we are now considering is being sold to the people at home as a long promised tax reform measure—a part of the program to equalize the tax burden and correct many of the inequities brought about principally by inflation.

But the truth of the matter is that everybody here in Washington has received the message from the people at home—and we have all heard the same demand—a demand for relief from the load of the highest taxes ever borne by the American people.

Honest relief from high taxes—and the reversal of inflation as well—can only be brought about by curtailment of runaway Federal spending. This body and this administration have already demonstrated that they are unwilling to control Federal spending or even reduce the budget. We have created a monstrous Federal apparatus and we must now fund it to continue revolutionary programs and experimental ideas. If we were not throwing the money away, we would not have to seek devious ways to raise funds.

Since the majority of the Congress and the administration will not attack the money problem at its source, they now face the decision of either fighting the people or fooling them. This so-called tax reform bill is designed to fool the people—to take the pressure off.

Anyone expecting a notable increase in the amount of his take-home pay as an outcome of the tax bill before us will probably be disappointed. There is no change whatsoever in the $600 exemption or dependency deduction—which would have been the most honest and direct way to grant tax relief to the individual. And the tax rate itself does not even change until 1971—2 years from now.

The withholding tax used to figure taxes withheld from paychecks will not alter moneys withheld enough to notice until 1971.

Likewise to those who estimate their taxes, there will be no significant change in the quarterly payments.

Consider what the bill before us does provide for the individual tax-paying citizen:

First. Over a 3-year period, the optional standard deduction will be inceased fom 10 to 15 pecent up to a maximum of $2,000 if the taxpayer does not itemize his deductions. For example, if the taxpayer is paying taxes of $1,000 per year and does not itemize his deductions, by 1972 his tax deduction would be about $5 per week maximum.

Second. Another item in the bill is a complicated low-income allowance which in reasonable explanation means that if the individual had not been paying taxes under the old law, he will not have to under the new law.

Third. In the case of earned income the maximum rate of tax is 50 percent. This means if the individual is married and earning over $44,000 per year the Government will not take more than one-half of his earnings. On the other hand, if his earnings are less than $44,000 the reform does not apply to him.

Fourth. If the individual is single, age 35 or older—or a widow or widower—he would then be entitled to an intermediate tax rate in the category formerly known as head of household. In this category he would benefit by a very small reduction in taxes.

Fifth. By 1972—3 years from now—this bill would provide for about a 5-percent tax rate reduction on the average. This means that if the taxpayer is paying $1,000 a year in taxes, by 1972 his taxes would be reduced about $1 per week.

The total of all these deductions—so highly publicized as tax reform—do not add up to as much as the actual dollars witheld from earnings under the surtax which was just extended.

Just another sleight-of-hand—an old operation under a new name.

Most of the proposals have to do with technical changes which affect computations involving large commercial businesses and other specialized organizations. But these changes will not be reflected, for the most part, in any savings to the people.

On tax-free foundations, a field wide open and demanding tax reform, few or no control provisions are contained in the bill to protect against abuses by the tax-free foundations and organizations.

Any reasonable evaluation in such a short period of time on the overall effects of H.R. 13270 leaves serious doubt as to whether this is a tax reform bill or just another tax bill.

I plan to cast my people's vote against this bill and to continue to work for a meaningful tax reform measure which will offer my people honest, across-the-board relief from their tax burden.

Mr. BRADEMAS. Mr. Chairman, I wish to discuss one aspect on the subject of the Tax Reform Act of 1969—its effect on the hundreds of millions of people who visit museums in America every year. Although I strongly support reform of our Federal tax system and I shall vote for this bill, I must note that certain portions of the bill pose a serious threat to museums and their ability to obtain private contributions in order to keep their doors open to the public.

This bill is very complex, and few of us can be considered expert on all its contents. However, as chairman of the Select Subcommittee on Education, which has jurisdiction in the House over legislation on arts, culture, and education, I should like to make the following points.

First, museums in America are largely dependent upon private support for their existence. Last year, it was estimated by the American Association of Museums that over 560 million visits were made to museums in the United States, while less than 1 percent of the total income of museums came from the Federal Government. According to a study recently completed by the Brookings Institution at the request of the Associated Councils of the Arts, endowments provide 34 percent of museums' budget income. Endowments constitute the largest single source of museum income in this country, and this fact, I must note, indicates the necessity of continuing our national philosophy of encouraging private support for museums.

At present, 90 percent of America's museums do not have enough funds to cover their operating expenses. Our museums cannot begin to acquire objects of art, history, and science in the future unless these objects are donated to them. Federal tax provisions to date have provided some encouragement for such gifts, but the inclusion of "tangible personal property" under contributions of appreciated property (2) (B), page 123 of H.R. 13270, will force a taxpayer to elect either the fair market value of his donated property gift or its adjusted basis, usually cost, when he attempts to deduct the value of his gift for tax purposes. This provision is based on the assumption that every donated work of art, history, or science has appreciated in value. This is not the case. Many donated properties have decreased. And regardless of the increase or decrease, the Internal Revenue Service has the expert help of its Art Advisory Panel, Department of the Treasury, to check the fair market valuations listed on Federal tax returns.

It seems to me, Mr. Chairman, that (2) (B) of the section on contributions of appreciated property should be eliminated or at the very least amended to exclude gifts of objects to museums which are nonprofit, essentially educational or esthetic in purpose, operated with a professional staff, owns or utilizes tangible objects and cares for them, and most importantly of all, exhibits them to the public on some regular schedule.

Second, H.R. 13270 does not correct a longstanding discrimination in the tax treatment of museums. Churches, colleges and universities, hospitals, and governmental units presently enjoy benefits under section 170(b) of the 1954 code as amended. Because museums have also long served the cultural and educational needs of Americans, the Federal Government should recognize this service by equal tax treatment. I note, however, that a contribution under the special rule of section 201 of H.R. 13270, page 109, permitting a deduction up to 30 percent of a taxpayer's contribution base, allows contributions to these other institutions, but not to museums unless they receive local or Federal Government support on a regular, operating basis, or unless they can fit within the complex definition of publicly supported charity.

Mr. Chairman, I think it is time that the Federal Government recognize that museums also play an important educational role in our society, working with schools, colleges, and universities. Qualified museums should, therefore, be treated equally on this important matter of taxes.

It is for this reason, Mr. Chairman, that on page 112 of H.R. 13270, I would add another subdivision (vii) for this special rule as to charitable contributions and individual deductions. This new subdivision would insert museums as defined above.

Third, Mr. Chairman, in the committee's haste to close the loopholes which permit use of certain types of private foundations for sheltering individual income, the committee included in the definition of private foundations those qualified museums that do not meet the complex formula required for the special rule mentioned above. I am confident this is an oversight and not an intentional effort to impose a 7½-percent tax on those qualified museums which are already struggling to make ends meet on operating costs alone, to say nothing of having to postpone programs of acquisition to update exhibitions and begin to meet the ever-increasing demands from the public for more and better exhibits and educational programs.

Therefore, Mr. Chairman, on page 16 of H.R. 13270, I would hope there could be added a fifth provision under the exceptions to the definition of a private foundation. Museums simply cannot afford to be taxed on their endowment income. This income constitutes the prime source of museums' operating funds, as I have already noted. According to America's Museums: The Belmont report, published this year by the American Association of Museums,

> Inflation has seriously reduced the spending power of endowments [museum] which when made seemed ample for all time to come.

Mr. Chairman, the test for equitable tax treatment of America's museums by the Federal Government should not rest on the source of funds so much as on the museum's service to the public. By treating museums for tax purposes like private foundations, this bill will add further to the burdens of museums located in cities which are not able to afford financial assistance for museum operations. So I ask the questions, Mr. Chairman: Is the museum a qualified, nonprofit institution, professionally staffed, making its exhibits available to the public on a regular schedule? If so, then it should be treated as a public charitable institution and specifically included in the appropriate provisions of H.R. 13270.

Mr. Chairman, I regret that the rule under which this bill is being considered does not permit these amendments. I hope very much that the Senate will take notice of these deficiencies and will correct them, and that the corrections will be accepted when the bill again comes before the House of Representatives.

Mr. RANDALL. Mr. Chairman, as the House nears the end of debate on H.R. 13270, described as the "Tax Reform Act of 1969," it is with a mixture of approval and disapproval that I intend to vote for this bill.

Several years ago, one of our colleagues announced after the conclusion of long debate on a certain bill, that he was 51 percent for it and 49 percent against it. At this point I cannot assign any such fixed percentages, but I am convinced that there is more good in the bill than the bad contained in those portions which are distasteful.

On Wednesday, I was one of 145 Members who voted against the previous question in order that the closed or gag rule might be defeated and the full membership of the House be given an opportunity to work its will according to the privilege of the other body of the Congress and with the privilege of amendment which the House enjoys on such equally important matters as appropriations bills.

But once again, we are faced with the oft repeated legislative package, its mixture of bitters and sweeteners somewhat like the collection of famous relishes of the Pennsylvania Dutch country known as the seven sweets and seven sours.

The most distasteful provision of all is the extension of the 5-percent surcharge from the 1st of January 1970 through June 30 of 1970. Some of us at the very last had hoped we might have an indication that an opponent of the bill might offer a motion to recommit with instructions that section 701 continuing the extension of the surtax be stricken. But, if we are confronted with only a general motion to recommit without instructions then an affirmative vote on such a general motion could be construed as being against, or trying to kill those portions of the bill which provide the long-needed tax breaks for our middle-income groups.

Time or space will not permit comment on each of the 27 principal tax reform provisions. Comment at length is even hazardous because we are considering a bill 360 pages in length and a report in two sections 370 pages in length. Bear in mind the bill and the first section of the report were not available until 3 days ago and the second section of the report only 2 days ago. Even if a Member who had not served on the Ways and Means Committee were able to abandon all of his other duties and responsibilities and devote his full concentration to the study of all of this material, I am not sure in this short time he could become completely and accurately informed of all that is in the bill. It is for this reason that a Member must realize and take heed of the admonition suggested to a witness who is about to testify that anything he may say may be used against him.

We are all grateful for the summary list and brief description of the provisions contained in the bill as furnished by the Ways and Means Committee. It has enabled some of us to digest most of the important provisions of the measure.

As the starting point of this whole discussion of tax reform we have to turn back to the revelations in January of 1969 by a former Secretary of the Treasury. I refer to my good friend and former colleague, Joe Barr, who was with us in the 86th Congress and who served as Secretary of the Treasury from December 27 to January 20. It was most significant that Joe, as a former Member with privileges of the floor, sat with us on Wednesday to listen to the able presentation of Chairman MILLS. It is most appropriate that Secretary Barr was present because it was his revelation about all of the millionaires who pay no tax that produced and gave impetus to what has been called the taxpayers revolt. In my opinion it was his revelations that were responsible for the demand by the public for tax reform.

The most readily acceptable portions of the bill are those adjustments which provide for the easing of the tax burdens on individuals. The standard deduction is increased from 10 to 15 percent over a 3-year period, and the maximum standard deduction is increased from $1,000 to $3,000. The minimum standard deduction is increased to $1,100. The top rate unearned income is fixed at the maximum rate of tax of 50 percent with the result that no earned income will be taxed at the rate in excess of 50 percent. For the first time single persons and persons whose spouse has died are provided income tax rates midway between those of married couples and previous rates applicable to single persons. This new treatment will be known as head-of-household treatment. For widows and widowers with dependent children under 19, or even over that age attending school, will have available full income splitting.

Because of the substantial reduction in rates, the Tax Reform Act of 1969 could most appropriately be described as the "Tax Reduction Act of 1969." For 1971 and 1972 the rates are reduced by at least the amount of 5 percent throughout the entire range of income, with one-half of the reduction taking effect in 1971 and the full benefits available in 1972.

Then on Tuesday, August 5, Chairman MILLS called his committee into an unusual special session which quickly approved an amendment that would reduce the rates now paid by taxpayers in five income brackets left out of the original bill. Critics of the bill refer to this action as a "patch-up job," and they charge the last minute action was erratic. But the facts are that the committee gave some needed relief to the long forgotten middle-class or middle-income taxpayer, meaning those homeowners or married couples with incomes ranging from $7,300 to about $13,000 who have not benefited from increases in the present standard deduction or would even benefit in the increased standard deduction because their itemized deductions all exceed the higher standard deduction proposed in the bill.

When object appraisers look back upon this measure after all the debate is finished and the vote has been taken, I am sure it will be these last added provisions which will earn the bill the plaudits, because it has finally provided the long needed and much deserved tax break for "John Doe" or as cartoonists so frequently depict the long suffering middle-income taxpayer, as "John Q. Public." With the last-minute amendment provided by the authors and with the additional benefits for the middle-income Americans, who were accidentally left out of the original bill, no one can deny that this last improvement was better than anyone ever expected to see made.

It will be almost impossible to comment upon each of the 27 sections of the reform provisions. In an earlier colloquy today, when the chairman of the Ways and Means Committee was good enough to answer some of our questions, I feel that I received some answers on the so-called reform provisions which were most helpful. One such concern was the provisions for a new tax treatment for our savings and loan associations. Another concern was about our cooperatives and finally about the new treatment for State and municipal bonds, as well as new provisions for farm losses.

It must be recognized, if one intends to be realistic and practical, that tax reform is something that cannot be accomplished suddenly. Even if all of the inequities could be attacked at one time, consideration must be given to the effects of such reforms on revenues. It is not simple; indeed, it is most complex to make reforms and reductions in rates and yet find a way to offset these by a closing of the tax loopholes and thus providing for corresponding increases which will add up to or total out to, enough revenue to provide for the essential expenditures of government.

As nearly as I can conclude, those tax reforms which could be regarded as plugging loopholes will increase revenues about $1,650 million, and when the $2.5 billion provided by the repeal of the investment tax credit are added together, this should yield a revenue increase of $4.1 billion. Offset against this will be the reduction in rates in the various areas of tax relief which will reduce revenues by $1.7 billion and leave a figure in the black of a nearly $2.5 billion increase in revenues for 1970.

On the desirable or beneficial side of the ledger are the new provisions concerning charitable contributions which are substantially restructured. The original unlimited charitable contribution deduction goes back to the case of the Philadelphia nun who, as one of the Drexel heirs in 1927, was sworn to poverty. Her case was responsible for legislation which was the beginning of rule allowing unlimited charitable deductions. This loophole has grown to the point where thousands of others have utilized this provision and received credit for their contributions, not at the cost of those contributions but at their present day market value. The unbelievable extent to which thousands of persons have taken advantage of this loophole will no longer be available. In our opinion, this privilege has been quite rightly removed. We do not impugn the good intentions of contributors but at the same time this worst of all loopholes should be eliminated because of the privilege to give away at the appreciated value rather than its original or low cost basis and then utilize this as an unlimited deduction against other income, all under the shelter of giving to charitable causes.

Although there has been some criticism I believe there is merit in section 521 which brings under control the growing practices of dealing in tax losses produced by depreciable property and substantially reduces the opportunity to avoid taxes as a result of accelerated depreciation for real estate. These practices have for a long time discouraged long-range stewardship and adequate maintenance of property. These provisions have discouraged private construction of low- and middle-income housing where there are currently the greatest shortages. The new present tax treatment of tax in real estate should stimulate activity in the remodeling and general upgrading of existing housing.

Our office has received quite a large volume of mail against the reduction of the depletion rate for gas and oil from 27½ to 20 percent. There may be some justification in the argument that the loss of part of this tax shelter may be reflected in increased gas prices. I do not know. I do know of the astounding and almost unbelievable fact that for one recent year, Atlantic-Richfield Oil Co. had profits of $145 million and yet paid no tax at all at a time when a blue collar worker or even a low-salaried white collar worker was paying a substantial income tax because he had no such tax shelter. That type of inequity should not continue.

I am strongly in favor of an incentive to continue exploration for oil and gas in this country, but I salute the committee for their closing of loopholes or eliminating the depletion for foreign oil and gas wells or, put differently, to take advantage of the depletion allowance and then charge this off against foreign operations in areas where oil is so plentiful that the risk of dry holes is almost negligible. I am convinced that there is a need to continue to explore for alternative sources of energy in this country, particularly for production of oil from shale deposits and the reduced percentage should not prove to be a barrier to such exploration.

There are some aspects of this mammoth bill to which I strongly object. The approach taken by the repeal of the 7-percent investment tax credit is, in my opinion, far too rigid. Putting this repeal in the law may be a painful body blow to the hours of work and study by some of us to improve life in the small towns and rural areas of America. At the last session and again this year, I introduced a bill called the Rural Revitalization Act, which provided incentives to private industry to locate in rural areas which had been adversely affected by the out-migration of rural businesses from the farms to the cities.

We had all hoped that this 7-percent tax credit could have an additional 7-percent credit added to those industries that would move into rural sections and thus rekindle hope and restore the productiveness of these people. I stoutly maintain it will cost far less to rebuild a declining small town in our rural areas by encouraging light industry to locate there and, in the process, to provide employment to those who might return to such areas than it would cost to rebuild the slums of our cities.

Another great disappointment of H.R. 13270 is the 7½-percent tax imposed on the investment income of foundations with only a slight narrowing of other activities by foundations. How can we expect such a provision to prevent the activities of the Ford Foundation, as recently described in the Washington Post article? Remember the "Indoor Forest" in the foundation building headquarters in New York recently, the $60 silver thermal flasks for employee coffee breaks. You have read of the steer hide tops on Honduran mahogany desks, costing $700, in a building where square foot cost was $65 compared to the $10 to $12 cost of buildings occupied by less well-heeled businesses. The article said the cost of housing comes to $30,000 for each worker. But I can find nothing in this bill to stop that kind of expenditure of tax free money.

The bill does impose taxes at the corporate rate on an unrelated business income of tax income organizations. This is probably good, except for the small churches located in downtown areas whose membership has moved to the suburbs and who cannot survive if they have to pay taxes on some rental income from their parking lots used on Sundays by those members who come back, but during the week as a commercial enterprise.

I cannot be convinced that sections 601 and 602, concerning the repeal of tax of exempt features of municipal bonds, will be without its problems and, in the long run, create far more problems than they will cure. I hoped until the last that we would have the opportunity to vote on this proposal on its merits, rather than having to accept it in order to get the benefits contained in other sections of H.R. 13270.

For the record, let me repeat once again that I have recorded my objections to the surtax first on June 30 and on July 30 of this year. On rollcall votes, each time I have voted against the 10-percent surtax extension.

Although the rate will drop to 5 percent under this bill from its present 10 percent, I am just as strongly opposed to the continuation of this tax after December 31 as I was to the other extensions.

In all fairness, however, those who support this bill are not voting for a tax increase, because even though it contains the 5-percent surtax, remember a surtax is only a tax upon a tax and not a 5-percent increase in the basic tax rate. Offset against this surtax provision and clearly on the constructive side and certainly in the interest of equity to the low-income and middle-income taxpayers is the provision for a reduction in tax rates. I suppose it would be most difficult, if not nearly impossible, to reach a figure which would average out or bring into one point of perspective the various rates of tax reduction contained in this bill. But I would hazard that the tax break for John Doe, our well-known John Q. Public, is in the approximation of a 6.5-percent tax break and that is the most unexpected and most welcome provision which we have recently had the chance to salute and embrace. In any final appraisal, while a 5-percent surtax extension is distasteful, it is overshadowed by comparison with the permanent tax break of about 6.5 percent to those taxpayers who need this reduction the most.

As we come to the end of this debate we find ourselves either compelled to vote against the good features in order to defeat provisions that are too obnoxious for us to take or to vote "yea" and reluctantly accept those provisions that we either oppose with vigor or agree to with great reservation. It is that latter course that I find I have to take as I vote for passage of this bill. With repeal of the investment credit, we trade this and the benefits to be derived from this credit to our rural areas for the tax reforms and the tax relief granted in the bill. We find that we have to trade tax relief for individual taxpayers but yet lose the more selective kind of tax break under the present system of investment tax credits.

Mr. Chairman, we all hope that if this bill passes the other body without great violence done from that side of the Capitol, it will have the beneficial, wholesome, advantageous and salutory effects, that the highly respected chairman of our Ways and Means Committee predicts will result.

As I vote for this bill, I do so because it is the only tax reform bill in sight and the only vehicle we can hope for this year or next to give the little taxpayer and the middle-income taxpayers the break they deserve.

Mr. BENNETT. Mr. Chairman, I am pleased to support the tax reform legislation before the House of Representatives today. It was on October 20, 1951, in the first session of the 82d Congress, that I introduced H.R. 5856, a tax reform bill pointed to assisting lower and middle income families and reducing the oil-depletion allowance. In this session of the 91st Congress, I again have a tax reform bill, H.R. 11353, which I testified for in the Rules Committee, and which is similar to the bill before the House today.

The tax reform bill we are debating today is the most far reaching and important tax measure to come before the Congress in my 21 years in the House. It brings greater equity into the tax picture, especially in the lower and middle income groups. It makes our tax law fairer to the vast majority of taxpayers. One good effect of this bill will be to boost contributions from the wealthy to educational institutions. The foundation tax break for contributions will be closed and these gifts will probably go to schools.

The chairman of the House Ways and Means Committee, WILBUR MILLS, of Arkansas, and the members of the committee deserve great credit and gratitude from the House and all American citizens for the work they have done. We have a good bill, perhaps the most significant bill to come before us this Congress, and I urge its adoption.

Mr. GAYDOS. Mr. Chairman, the tax reform bill before us today is the culmination of years of unrelenting efforts by many Members of this body to correct many basic inequities in our tax structure. While not the ultimate solution to admitted tax injustice, it certainly is a most important and significant step toward achieving eventual tax equity.

It is unfortunate, however, that this important legislation is brought before the House encumbered by a closed rule. I am among those Members of the House who have opposed continuance of the surtax and I feel that Members should be afforded the opportunity to vote separately on the surtax issue. It is also regrettable that this bill does not include an increase in the personal exemption allowance. Over 200 Members of the House have sponsored legislation providing an increase in the personal exemption in response to the wishes of their districts. The message came through from my district unmistakably clear. I have received thousands of letters and tens of thousands of signatures on petitions urging an increase in the personal exemption from $600 to $1,200. Although this proposal is not included in the bill, it is gratifying to know that the average taxpayer's cry for tax relief was not completely ignored. The increase of the standard deduction from the present 10 percent of adjusted gross income with a ceiling of $1,000 to 15 percent with a $2,000 ceiling by 1972 will ease the tax burden for millions of Americans. This is particularly helpful for senior citizens on fixed incomes and for people in the low income and poverty level group. In addition, the middle-income taxpayer was granted a 5-percent reduction in the tax rate.

Despite the imperfections of this bill and my strong opposition to extension of the surtax, the need for some tax reform is so urgent, I will cast my vote for passage of this limited bill. I would hope that the other body will strengthen and refine this bill and return to the House a more meaningful, substantive, tax reform bill.

Mr. MILLS. Mr. Chairman, I have no further requests for time.

Mr. BYRNES of Wisconsin. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, general debate is considered as having expired.

Under the rule, the bill will be considered as having been read for amendment.

No amendments to the bill are in order except amendments offered by direction of the Committee on Ways and Means.

Are there any committee amendments?

COMMITTEE AMENDMENTS

Mr. MILLS. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MILLS: On page 358, strike out line 13 and all that follows down to (but not including) line 1 on page 364, and insert in lieu thereof the following:

"(3) TAXABLE YEARS BEGINNING IN 1971.—In the case of a taxable year beginning after December 31, 1970, and before January 1, 1972, there is hereby imposed on the taxable income of every individual (other than an intermediate tax rate individual to whom subsection (b) applies) a tax determined in accordance with the following table:

"If the taxable income is:	The tax is:
Not over $500	13.5% of the taxable income
Over $500 but not over $1,000	$67.50 plus 14.5% of excess over $500
Over $1,000 but not over $1,500	$140 plus 15.5% of excess over $1,000
Over $1,500 but not over $2,000	$217.50 plus 16.5% of excess over $1,500
Over $2,000 but not over $4,000	$300 plus 18.5% of excess over $2,000
Over $4,000 but not over $6,000	$670 plus 21.5% of excess over $4,000
Over $6,000 but not over $8,000	$1,100 plus 24% of excess over $6,000
Over $8,000 but not over $10,000	$1,580 plus 27.5% of excess over $8,000
Over $10,000 but not over $12,000	$2,130 plus 31% of excess over $10,000
Over $12,000 but not over $14,000	$2,750 plus 35% of excess over $12,000
Over $14,000 but not over $16,000	$3,450 plus 38% of excess over $14,000
Over $16,000 but not over $18,000	$4,210 plus 41% of excess over $16,000
Over $18,000 but not over $20,000	$5,030 plus 43.5% of excess over $18,000
Over $20,000 but not over $22,000	$5,900 plus 46% of excess over $20,000
Over $22,000 but not over $26,000	$6,820 plus 48.5% of excess over $22,000
Over $26,000 but not over $32,000	$8,760 plus 51% of excess over $26,000
Over $32,000 but not over $38,000	$11,820 plus 52.5% of excess over $32,000
Over $38,000 but not over $44,000	$14,970 plus 55% of excess over $38,000
Over $44,000 but not over $50,000	$18,270 plus 57% of excess over $44,000
Over $50,000 but not over $60,000	$21,690 plus 60% of excess over $50,000
Over $60,000 but not over $70,000	$27,690 plus 62% of excess over $60,000
Over $70,000 but not over $80,000	$33,890 plus 63% of excess over $70,000
Over $80,000 but not over $90,000	$40,190 plus 64.5% of excess over $80,000
Over $90,000 but not over $100,000	$46,640 plus 65% of excess over $90,000
Over $100,000 but not over $120,000	$53,140 plus 66% of excess over $100,000
Over $120,000 but not over $150,000	$66,340 plus 66.5% of excess over $120,000
Over $150,000 but not over $200,000	$86,290 plus 67% of excess over $150,000
Over $200,000	$119,790 plus 67.5% of excess over $200,000

"(4) TAXABLE YEARS BEGINNING AFTER 1971.—In the case of a taxable year beginning after December 31, 1971, there is hereby imposed on the taxable income of every individual (other than an intermediate tax rate individual to whom subsection (b) applies) a tax determined in accordance with the following table:

"If the taxable income is:	The tax is:
Not over $500	13% of the taxable income.
Over $500 but not over $1, 000	$65 plus 14% of excess over $500
Over $1, 000 but not over $1, 500	$135 plus 15% of excess over $1, 000
Over $1, 500 but not over $2, 000	$210 plus 16% of excess over $1, 500
Over $2, 000 but not over $4, 000	$290 plus 18% of excess over $2, 000
Over $4, 000 but not over $6, 000	$650 plus 21% of excess over $4, 000
Over $6,000 but not over $8,000	$1,070 plus 23% of excess over $6,000
Over $8,000 but not over $10,000	$1,530 plus 27% of excess over $8,000
Over $10,000 but not over $12,000	$2,070 plus 30% of excess over $10,000
Over $12,000 but not over $14,000	$2,670 plus 34% of excess over $12,000
Over $14,000 but not over $16,000	$3,350 plus 37% of excess over $14,000
Over $16,000 but not over $18,000	$4,090 plus 40% of excess over $16,000
Over $18,000 but not over $20,000	$4,890 plus 42% of excess over $18,000
Over $20,000 but not over $22,000	$5,730 plus 44% of excess over $20,000
Over $22,000 but not over $26,000	$6,610 plus 47% of excess over $22,000
Over $26,000 but not over $32,000	$8,490 plus 49% of excess over $26,000
Over $32,000 but not over $38,000	$11,430 plus 50% of excess over $32,000
Over $38,000 but not over $44,000	$14,430 plus 52% of excess over $38,000
Over $44,000 but not over $50,000	$17,550 plus 54% of excess over $44,000
Over $50,000 but not over $60,000	$20,790 plus 58% of excess over $50,000
Over $60,000 but not over $80,000	$26,590 plus 60% of excess over $60,000
Over $80,000 but not over $100,000	$38,590 plus 61% of excess over $80,000
Over $100,000 but not over $120,000	$50,790 plus 62% of excess over $100,000
Over $120,000 but not over $150,000	$63,190 plus 63% of excess over $120,000
Over $150,000 but not over $200,000	$82,090 plus 64% of excess over $150,000
Over $200,000	$114,090 plus 65% of excess over $200,000"

(b) INTERMEDIATE TAX RATES.—Section 1 (b)(1) is amended by inserting "and before January 1, 1971," after "December 31, 1964," each place it appears and by adding at the end thereof the following new subparagraphs:

"(C) TAXABLE YEARS BEGINNING IN 1971.—In the case of a taxable year beginning after December 31, 1970, and before January 1, 1972, there is hereby imposed on the taxable income of every individual who is an intermediate tax rate individual a tax determined in accordance with the following table:

"If the taxable income is:	The tax is:
Not over $1,000	13.5% of the taxable income.
Over $1,000 but not over $2,000	$135 plus 15.5% of excess over $1,000
Over $2,000 but not over $4,000	$290 plus 17.5% of excess over $2,000
Over $4,000 but not over $6,000	$640 plus 19.5% of excess over $4,000
Over $6,000 but not over $8,000	$1,030 plus 21.5% of excess over $6,000
Over $8,000 but not over $10,000	$1,460 plus 24.5% of excess over $8,000
Over $10,000 but not over $12,000	$1,950 plus 26.5% of excess over $10,000
Over $12,000 but not over $14,000	$2,480 plus 29.5% of excess over $12,000
Over $14,000 but not over $16,000	$3,070 plus 31% of excess over $14,000
Over $16,000 but not over $18,000	$3,690 plus 34% of excess over $16,000
Over $18,000 but not over $20,000	$4,370 plus 35.5% of excess over $18,000
Over $20,000 but not over $22,000	$5,080 plus 38.5% of excess over $20,000
Over $22,000 but not over $24,000	$5,850 plus 40% of excess over $22,000
Over $24,000 but not over $26,000	$6,650 plus 42% of excess over $24,000
Over $26,000 but not over $28,000	$7,490 plus 43% of excess over $26,000
Over $28,000 but not over $32,000	$8,350 plus 44% of excess over $28,000
Over $32,000 but not over $36,000	$10,110 plus 46.5% of excess over $32,000
Over $36,000 but not over $38,000	$11,970 plus 48% of excess over $36,000
Over $38,000 but not over $40,000	$12,930 plus 49.5% of excess over $38,000
Over $40,000 but not over $44,000	$13,920 plus 50.5% of excess over $40,000
Over $44,000 but not over $50,000	$15,940 plus 52.5% of excess over $44,000
Over $50,000 but not over $52,000	$19,090 plus 54.5% of excess over $50,000
Over $52,000 but not over $60,000	$20,180 plus 55.5% of excess over $52,000
Over $60,000 but not over $64,000	$24,620 plus 56.5% of excess over $60,000
Over $64,000 but not over $76,000	$26,880 plus 57.5% of excess over $64,000
Over $76,000 but not over $80,000	$33,780 plus 59% of excess over $76,000
Over $80,000 but not over $88,000	$36,140 plus 60% of excess over $80,000
Over $88,000 but not over $100,000	$40,940 plus 61% of excess over $88,000
Over $100,000 but not over $120,000	$48,260 plus 63% of excess over $100,000
Over $120,000 but not over $140,000	$60,860 plus 64% of excess over $120,000
Over $140,000 but not over $160,000	$73,660 plus 65% of excess over $140,000
Over $160,000 but not over $200,000	$86,660 plus 66% of excess over $160,000
Over $200,000 but not over $240,000	$113,060 plus 66.5% of excess over $200,000
Over $240,000 but not over $300,000	$139,660 plus 67% of excess over $240,000
Over $300,000	$179,860 plus 67.5% of excess over $300,000

"(D) TAXABLE YEARS BEGINNING AFTER 1971.—In the case of a taxable year beginning after December 31, 1971, there is hereby imposed on the taxable income of every individual who is an intermediate tax rate individual a tax determined in accordance with the following table:

"If the taxable income is:	The tax is:
Not over $1,000	13% of the taxable income.
Over $1,000 but not over $2,000	$130 plus 15% of excess over $1,000
Over $2,000 but not over $4,000	$280 plus 17% of excess over $2,000
Over $4,000 but not over $6,000	$620 plus 19% of excess over $4,000
Over $6,000 but not over $8,000	$1,000 plus 21% of excess over $6,000
Over $8,000 but not over $10,000	$1,420 plus 24% of excess over $8,000
Over $10,000 but not over $12,000	$1,900 plus 26% of excess over $10,000
Over $12,000 but not over $14,000	$2,420 plus 28% of excess over $12,000
Over $14,000 but not over $16,000	$2,980 plus 30% of excess over $14,000
Over $16,000 but not over $18,000	$3,580 plus 33% of excess over $16,000
Over $18,000 but not over $20,000	$4,240 plus 35% of excess over $18,000
Over $20,000 but not over $22,000	$4,940 plus 37% of excess over $20,000
Over $22,000 but not over $24,000	$5,680 plus 39% of excess over $22,000
Over $24,000 but not over $26,000	$6,460 plus 40% of excess over $24,000
Over $26,000 but not over $28,000	$7,260 plus 41% of excess over $26,000
Over $28,000 but not over $32,000	$8,080 plus 43% of excess over $28,000
Over $32,000 but not over $36,000	$9,800 plus 45% of excess over $32,000
Over $36,000 but not over $38,000	$11,600 plus 46% of excess over $36,000
Over $38,000 but not over $40,000	$12,520 plus 47% of excess over $38,000
Over $40,000 but not over $44,000	$13,460 plus 48% of excess over $40,000
Over $44,000 but not over $50,000	$15,380 plus 51% of excess over $44,000
Over $50,000 but not over $60,000	$18,440 plus 53% of excess over $50,000
Over $60,000 but not over $80,000	$23,740 plus 55% of excess over $60,000
Over $80,000 but not over $100,000	$34,740 plus 57% of excess over $80,000
Over $100,000 but not over $120,000	$46,140 plus 60% of excess over $100,000
Over $120,000 but not over $160,000	$58,140 plus 62% of excess over $120,000
Over $160,000 but not over $200,000	$82,940 plus 63% of excess over $160,000
Over $200,000 but not over $300,000	$108,140 plus 64% of excess over $200,000
Over $300,000	$172,140 plus 65% of excess over $300,000."

Mr. MILLS. Mr. Chairman, this is the amendment agreed to in committee when it was realized that the reported bill did not provide a tax reduction for all of those in the income level of say $7,000 to $18,000 in those cases where they would continue to claim itemized deductions.

This conforms the bill to the general understanding when the bill was reported—namely, that every taxpayer under this bill would get at least a 5-percent tax rate reduction, spread out over the years of 1971 and 1972. This amendment does that.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. MILLS. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MILLS. On page 281, immediately before line 4, insert the following:

"(e) TREATMENT PROCESSES IN THE CASE OF OIL SHALE.—Section 613(c)(4) (relating to treatment processes considered as mining) is amended by striking out 'and' at the end of subparagraph (G), by redesignating subparagraph (H) as subparagraph (I), and by inserting after subparagraph (G) the following new subparagraph:

"'(H) in the case of oil shale—extraction from the ground, crushing, loading into the retort, and retorting, but not hydrogenation, refining, or any other process subsequent to retorting; and'."

Mr. MILLS. Mr. Chairman, this amendment has to do with the cutoff point for the 15-percent depletion allowance in the case of oil shale.

At the present time the depletion allowance is applicable to the value of the rock itself—which has very little if any value. As a result the industry will never develop unless we change the cutoff point, as we are doing in this bill, so oil taken from oil shale will get more nearly the same percentage depletion allowance as oil produced from a well. As a result, this bill extends the point at which percentage depletion is computed in the case of oil shale to after extraction from the ground, through crushing, loading into the retort, and retorting, but not to hydrogenation, or any refining process or any other process subsequent to retorting.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Are there any further committee amendments?

Mr. MILLS. Mr. Chairman, there are no further committee amendments.

The CHAIRMAN. There being no further committee amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FLYNT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 13270), to reform the income tax laws, pursuant to House Resolution 513, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BUSH

Mr. BUSH. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BUSH. I am in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. BUSH moves to recommit the bill H.R. 13270 to the Committee on Ways and Means.

Mr. MILLS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. PICKLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 78, nays 345, not voting 9, as follows:

[Roll No. 148]

YEAS—78

Abernethy
Ashbrook
Belcher
Bray
Brown, Calif.
Brown, Mich.
Bush
Cabell
Caffery
Camp
Casey
Cederberg
Chappell
Clancy
Clawson, Del
Collins
Colmer
de la Garza
Dennis
Derwinski
Devine
Dickinson
Dowdy
Edmondson
Edwards, La.
Eshleman
Fisher
Foreman
Gettys
Goldwater
Gonzalez
Harsha
Hébert
Hosmer
Hunt
Hutchinson
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Kazen
King
Landgrebe
Long, La.
McKneally
McMillan
Melcher
Miller, Ohio
Minshall
Montgomery
Passman
Pettis
Pickle
Poage
Pollock
Price, Tex.
Purcell
Rarick
Reid, Ill.
Rhodes
Roberts
Rogers, Colo.
Roudebush
Ruth
Saylor
Scherle
Smith, Calif.
Teague, Tex.
Utt
Waggonner
Watson
Whalley
White
Wilson, Bob
Wolff
Wright
Wydler
Wyman

NAYS—345

Abbitt
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Button
Byrne, Pa.
Byrnes, Wis.
Cahill
Carey
Carter
Celler
Chamberlain
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Cohelan
Collier
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Cramer
Culver
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Dawson
Delaney
Dellenback
Denney
Dent
Diggs
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gilbert
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Howard
Hungate
Ichord
Jacobs
Joelson
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kee
Keith
Kleppe
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, Md.
Lowenstein
Lujan
Lukens
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Meskill
Mikva
Miller, Calif.
Mills
Minish
Mink
Mize
Mizell
Mollohan
Monagan
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pike
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rees
Reid, N.Y.
Reifel
Reuss
Riegle
Robison
Rodino
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ruppe
Ryan
St Germain
St. Onge
Sandman
Satterfield
Schadeberg
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Watkins
Watts
Weicker
Whalen
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wold
Wyatt
Wylie
Yates
Yatron
Young
Zablocki
Zion
Zwach

NOT VOTING—9

Daddario
Edwards, Calif.
Hull
Kirwan
Lipscomb
Michel
Powell
Rivers
Taft

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Daddario with Mr. Taft.
Mr. Hull with Mr. Lipscomb.
Mr. Kirwan with Mr. Michel.
Mr. Rivers with Mr. Edwards of California.

Mrs. DWYER and Messrs. ERLENBORN and ESCH changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

Mr. MILLS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 395, nays 30, not voting 7, as follows:

[Roll No. 149]

YEAS—395

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas

Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Colmer
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Cramer
Culver
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Joelson
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kee
Keith
King
Kleppe
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, Md.
Lowenstein
Lujan
Lukens
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Meskill
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Rivers
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Roybal
Ruppe
Ruth
Ryan
St Germain
St. Onge
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalen
Whalley
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—30

Ashbrook
Belcher
Burleson, Tex.
Bush
Caffery
Camp
Collins
Dowdy
Edmondson
Edwards, La.
Fisher
Gonzalez
Hébert
Jarman
Jonas
Kazen
Landgrebe
Long, La.
Mahon
Melcher
Passman
Purcell
Rarick
Roberts
Smith, Calif.
Teague, Tex.
Utt
Waggonner
White
Wilson, Bob

NOT VOTING—7

Daddario
Edwards, Calif.
Hull
Kirwan
Lipscomb
Powell
Taft

So the bill was passed.

The Clerk announced the following pairs:

Mr. Daddario with Mr. Lipscomb.
Mr. Hull with Mr. Taft.
Mr. Edwards of California with Mr. Powell.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 3 legislative days in which to extend their remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

PERMISSION FOR THE COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

INTEREST EQUALIZATION TAX EXTENSION ACT OF 1969

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 12829) to provide an extension of the interest equalization tax, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. UTT. Mr. Speaker, reserving the right to object——

The SPEAKER. The gentleman from California reserves the right to object.

Mr. UTT. Mr. Speaker, I do so for the purpose of asking the chairman of the Committee on Ways and Means to give the Members an explanation of the bill which the gentleman proposes for immediate consideration.

Mr. MILLS. Mr. Speaker, we are again confronted with the necessity of extending the interest equalization tax to protect our balance of payments. Although our balance of payments has improved since the tax was first enacted, it is still in a precarious position. Moreover, the situation is made more precarious by the fact that we no longer have a large favorable balance of trade to backstop our capital transactions with the rest of the world. If the tax is not extended, we can anticipate an outflow of capital which—taken together with our balance-of-trade situation—would mean a substantial deficit in our balance of payments.

The interest equalization tax still is intended as a temporary measure and as a transitional device to help in the period before we attain a long-run solution to our balance-of-payments problems. A solution to these is largely dependent on obtaining better control of the inflationary pressures here at home so our prices can become more competitive in the world markets. I believe that when we passed the 6-month extension of the surcharge, last Monday, and when we passed the additional 6-month extension of the surcharge, at a 5-percent rate, and the repeal of the investment credit a few moments ago, we took important steps to bring our inflation under control. This should improve our export position and hence our balance of payments. When this occurs, we will be in a better position to let the interest equalization tax expire. However, we are not yet in that position.

The purpose of the interest equalization tax is to aid in the protection of our balance of payments during the interval while we are correcting the more fundamental problems underlying the imbalances. The purpose of the tax during that interval is to discourage foreigners from obtaining capital in the United States, and, in that manner, limit the amount of capital flowing abroad. The tax accomplishes this result by increasing the cost to foreigners of funds obtained in the United States. The tax presently is imposed at rates which are equivalent to a three-fourths of 1 percent increase in the rate of interest foreigners must pay to obtain funds in the United States. This increase in the interest cost to foreigners discourages their borrowing in the United States by narrowing the differential between foreign interest rates and the somewhat lower rates in the United States.

The bill before us today, H.R. 12829, has two major provisions.

First, it extends the interest equalization tax for 20 months from its originally scheduled expiration date of July 31, 1969, to March 31, 1971. The Members will recall that in the latter part of July we extended the tax, in H.R. 13079, to August 31 so as to allow Congress additional time to complete its action on this bill.

Second, the bill modifies the President's discretionary authority to vary the rate of tax by permitting him to lower the rate of tax on new issues without lowering it for outstanding issues. This modification, in fact, is intended—if conditions permit—as a step toward the eventual elimination of the tax. The reason for this is that a lower rate of tax for new issues may be possible at some time in the near future. However, the present tax rate on outstanding securities is likely to be necessary in order to prevent the flooding of our capital markets with the large backed-up volume of already outstanding foreign securities.

EFFECTIVENESS OF THE TAX

One of the questions most frequently asked is, "Does this tax really help in our balance-of-payments problems?"

I believe the evidence is clear that the interest equalization tax has strengthened our balance of payments by decreasing the foreign demand for U.S. capital. This can be seen by comparing U.S. purchases of foreign securities before and after the tax went into effect in the middle of 1963.

Before the middle of 1963 long-term private capital outflows from the United States had increased from the $2.9 billion level of 1962 to a $4.6 billion annual rate in the first 6 months of 1963, an increase of 60 percent. Increased purchases of new foreign securities accounted for a substantial part of this increase. In the first half of 1963, these purchases rose from the $1 billion level of 1962, to a $2 billion annual rate. Since 1963, purchases of new foreign securities from countries subject to the interest equalization tax have declined to practically zero. The tax clearly has been the primary factor responsible for this decrease.

An additional source of evidence of the effectiveness of the tax, and an indication of what might have occurred in its absence, is the increase in purchases by U.S. citizens of new securities from countries not subject to the interest equalization tax. These purchases have more than doubled since the first half of 1963, increasing from an annual level of $1,312 million to $1,656 million in 1968. If there had been no tax and had purchases from countries where the tax was, in fact, imposed, increased at the same rate as in the case of the exempt countries, these purchases would have amounted to $865 million in 1968. In other words, our balance-of-payments position would have been almost a billion dollars worse than it was in 1968 in the absence of this tax.

The interest equalization tax also has caused a decrease in purchases by U.S. citizens of outstanding foreign securities. In the first half of 1963, net purchases were at an annual rate of $300 million. The tax reversed this and up until 1966 U.S. citizens were net sellers of foreign securities. In 1967 and 1968, however, U.S. citizens became net purchasers again—about $110 million on the average—which is still some $200 million less than before the tax, and probably is much more than that below the level which would have existed without the tax.

Commercial bank loans to foreigners also have been restrained by the interest equalization tax. Originally bank loans were not subject to the tax, but the law granted the President discretionary authority to apply the tax to them if it became clear that bank loans were being substituted for the sale of foreign securities in the United States. In late 1964 it became apparent that this substitution, in fact, was occurring and on February 10, 1965, the President applied the tax to loans with maturities of 1 year or more. The effect of the tax, the voluntary program to limit loans to foreigners, and tight money, has been to reduce the amount of long-term bank loans extended to foreigners and to substantially cut back the increase in short-term loans, as the comparison of the 1962 and 1968 levels shows. In 1962, long-term bank loans increased by $126 million; in 1968 they decreased by $358 million. Short-term bank loans increased by $324 million in 1962, and by 1968 the increase was down to $89 million, although data for the first quarter of 1969 indicates the 1969 level will be somewhat higher.

To summarize the case as I see it: without the interest equalization tax our balance-of-payments position in 1968 might have been close to $2 billion worse than it was.

EXTENSION OF THE TAX IS NECESSARY

Even though we have made progress toward eliminating the deficit in our balance of payments, we cannot be complacent while a substantial deficit still exists. Furthermore, much of the improvement that has been made would be eliminated if the interest equalization tax were permitted to expire, at the present time. We must be particularly careful to avoid the large increase in capital outflows, which would result if the tax were allowed to expire, because, as I said earlier, we no longer have the trade surplus of former years to offset capital outflows. Any sharp increase in capital outflows would, therefore, add directly to an otherwise already precarious balance-of-payments situation.

Some have argued that since our interest rates are already so high we need no longer fear foreigners borrowing here to get cheaper money. Unfortunately, we cannot look for any relief on this ground. Although our interest rates certainly are at a high level, interest rates abroad are at a still higher level. For example, the average interest rate for U.S. domestic corporate bond issues in June was 7.21 percent, while the rate abroad was about 7.63 percent, still a significant differential. Moreover, this differential has been increasing since the early part of 1969.

In addition, we are likely to be faced with still another transitional problem. When our inflation is brought under control, we can reasonably expect our interest rates to decrease. However, we have no basis for expecting a corresponding decrease in foreign interest rates. As a result, for a period of time there is likely to be a further widening of the differential and a further increase in the attractiveness of the U.S. capital markets.

Even with the present differential, there would be substantial borrowing by foreigners in the absence of the tax. One only has to look at the large amount of borrowing from countries which are not subject to the tax to be convinced of this. The fact is that our securities markets are still attractive to foreigners because they are more effectively organized than capital markets abroad, even though the markets abroad have grown because the interest equalization tax has compelled foreigners to place increased reliance on them as a source of funds.

In addition, it must be pointed out that, in the absence of the tax, it can be expected that there would be substantial purchases from foreigners by Americans of securities which American companies have issued abroad to finance foreign direct investments. In 1968 alone, these issues by American companies totaled $2.1 billion. Any significant amount of purchases by Americans of these securities would have a substantial adverse balance-of-payments effect.

The extension of the tax also is necessary to support the program of voluntary cooperation to reduce capital outflows that was begun in 1965. The voluntary program is designed to reduce the amount of credit supplied to foreigners by banks and other financial institutions. Without the interest equalization tax, those participating in the voluntary program would feel that they were shouldering an inequitable share of the burden of reducing our capital outflow.

Finally, I think it is important to emphasize the significance of this tax to foreign holders of dollars. The willingness of foreigners to hold dollars, and their view of the dollar's stability as a reserve currency, are dependent in large measure on how they regard our attitudes and intentions toward our balance-of-payments deficit. Failure on our part to extend the interest equalization tax would be regarded by them as evidence that we are not concerned about the balance-of-payments deficit and do not intend to control it. This reaction by itself would endanger our chances of successfully carrying out our programs to improve the international monetary and trade system, such as the special drawing rights under the International Monetary Fund designed to provide an expansion of international monetary reserves and, thus, facilitate the growth in world trade.

PRESIDENTIAL AUTHORITY TO REDUCE THE TAX RATE ON NEW ISSUES

As I have already indicated, this bill also modifies the President's existing authority to vary the rates of tax by permitting him to apply a lower rate to new issues of foreign securities than to outstanding issues. Under present law, the President has the authority to vary the rate of tax between zero and the equivalent of a 1½-percent increase in the annual interest rate which must be paid to obtain funds in the United States, but the rate must be the same for both new and outstanding securities.

The Treasury Department indicated that it was requesting this modification so it could be used to reduce our reliance on the interest equalization tax. Reducing the rate of tax on new issues is a step in reducing our reliance on the entire tax. It would be most unwise, however, to decrease the rate of tax for outstanding securities, when there is such a large volume of them and when U.S. citizens are still net purchasers even at the present rate of tax. Such an action, no doubt, would result in a large increase in purchases by Americans of outstanding foreign issues. On the other hand, purchases of new foreign securities, however, have been nearly nonexistent. Therefore, it seems appropriate to permit the rate of tax on new issues to be reduced to a lower level than the rate for outstanding securities.

The remaining provisions of the bill involve minor amendments which are technical in nature. Generally, these amendments are designed to make the provisions of the interest equalization tax more workable and to aid in the enforcement of the tax. I will summarize these minor amendments in the Record later in my remarks.

The adverse effect on our balance of payments of not extending the interest equalization tax as provided in this bill would be substantial. We just cannot allow that substantial adverse effect on our balance of payments to occur.

I urge that the bill be adopted.

SUMMARY OF OTHER PROVISIONS OF H.R. 12829

First. Under present law the tax applies where an American transfers money to a foreign trust which then acquires otherwise taxable foreign stock or debt obligations. The bill strengthens this provision by presuming that upon a transfer of funds to a foreign trust, the trust made a taxable acquisition of foreign stock or debt obligations unless, and to the extent, the transferor proves to the Treasury that such an acquisition has not occurred.

Second. An exclusion is presently provided for loans by a U.S. person to a foreigner for the purpose of constructing a foreign mineral facility, where a substantial portion—35 percent—of the minerals or ores processed in the facility are extracted outside the United States by the U.S. person or by an affiliated company. The bill modifies this rule to provide that the exclusion will be applicable where the U.S. person's loan covers only part of the cost of constructing the facility, if more than 50 percent of the minerals processed in the proportionate part of the facility represented by the U.S. person's loan in relation to the total cost of the facility are extracted by him or an affiliated company.

Third. Under present law, an exclusion is provided for acquisitions of debt obligations arising in specified export credit transactions. The exclusion is lost, however, if the debt obligations are subsequently transferred other than to specified persons or in specified ways. The bill adds an affiliated company to the permitted transferees.

Fourth. U.S. dealers in foreign stock or debt obligations presently may acquire these securities without payment of tax—through a credit or refund—if they resell them to foreign persons within a prescribed time. A similar rule applies in the case of U.S. underwriters who resell to foreign persons. The bill provides that certain foreign branches—engaged in the commercial banking business—of U.S. corporations which, in effect, are treated to a limited extent as foreign persons for purposes of the tax—they may acquire foreign stock or debt obligations free of the tax up to a specified amount—also are to be treated to the same extent as foreign persons for purposes of the dealer and underwriter resale exclusions.

Fifth. Present law provides that a domestic company engaged in the business of financing sales of products manufactured by affiliated companies in the United States or abroad may elect to be exempt from the tax on the foreign debt obligations it acquires as the result of its financing activities. The bill modifies or eliminates certain restrictions in this provision which have made it unworkable, but retains the basic framework of the provision including the concept that the financing company must obtain the funds it uses in its business from foreign sources.

Sixth. Under present law, a transaction tax return must be filed prior to the sale of foreign stock or debt obligation which was subject to the tax when acquired, if the sale occurs prior to the time for filing the regular quarterly interest equalization tax return. The bill clarifies the application of the requirement to U.S. dealers or underwriters by providing that they need not file a transaction tax return with respect to sales of foreign securities under the dealer or underwriter resale exemptions.

Seventh. The bill conforms the reporting and recordkeeping requirements for "nonparticipating firms" to the procedures established by the Interest Equalization Tax Extension Act of 1967 in connection with the exemption for prior American ownership and compliance. This amendment generally conforms the requirements imposed on these firms to those imposed on "participating firms" insofar as specified types of sales or acquisitions of foreign stock or debt obligations are concerned, and confirms that nonparticipating firms must continue to file quarterly information returns.

Eighth. The bill prescribes a $1,000 penalty for each failure to file—or inadequate filing—by a nonparticipating firm pursuant to the requirements imposed under the conforming amendment discussed above.

Mr. GROSS. Mr. Speaker, will the gentleman from California (Mr. Utt) yield so that I may ask the gentleman from Arkansas (Mr. Mills), chairman of the Committee on Ways and Means, a question.

Mr. UTT. I yield to the gentleman from Iowa.

Mr. GROSS. Does this bill in any way aid or abet the circulation of "paper gold" which is now being run through the printing presses and coming out in the form of paper?

Mr. MILLS. No; it does not directly relate to that problem. What the bill does is reduce the demand that otherwise would increase for the conversion of our dollars abroad into gold and withdrawing the gold from Fort Knox. It enables us to hold on to our gold.

Mr. GROSS. We do not have very much of that left, do we?

Mr. MILLS. No, and we need to hold on to it.

Mr. GROSS. If I may ask the gentleman another question: What is the situation with respect to our balance of payments? Can the gentleman give us a brief and approximate idea of that situation?

Mr. MILLS. The latest information available is that for the first quarter of this year the deficit was $1.7 billion, an annual rate of nearly $7 billion on the liquidity basis.

Mr. UTT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas (Mr. Mills)?

There was no objection.

The Clerk read the bill, as follows:

H.R. 12829

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Interest Equalization Tax Extension Act of 1969".

(b) AMENDMENT OF 1954 CODE.—Whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference is to a section or other provision of the Internal Revenue Code of 1954.

SEC. 2. EXTENSION OF INTEREST EQUALIZATION TAX.

Section 4911(d) is amended by striking out "July 31, 1969" and inserting in lieu thereof "March 31, 1971".

SEC. 3. MODIFICATION OF TAX RATES BY EXECUTIVE ORDER.

(a) MODIFICATION PROVIDING LOWER RATES FOR ORIGINAL OR NEW ISSUES.—Section 4911 (b)(2)(A) is amended to read as follows:

"(A) IN GENERAL.—If the President of the United States determines that the rates of tax imposed by paragraph (1), or provided in any prior Executive order issued pursuant to this paragraph, are lower or higher than the rates of tax necessary to limit the total acquisitions by United States persons of stock of foreign issuers and debt obligations of foreign obligors within a range consistent with the balance-of-payments objectives of the United States (including achieving a minimum reliance on the tax), he may by Executive order (effective as provided in subparagraph (C)(ii)) increase or decrease such rates of tax. To the extent specified in such Executive order, the rates applicable to acquisitions of stock or debt obligations which are part of an original or new issue may be lower than the rates applicable to acquisitions of stock or debt obligations which are not part of an original or new issue. An Executive order which has the effect of establishing lower rates for original or new issues may be applicable to all original or new issues or to any aggregate amount or classification thereof and to acquisitions occurring during such period of time as may be stated therein, and may provide for other limitations and implementing procedures. In determining whether stock or a debt obligation shall be treated as part of an 'original or new issue' for purposes of this subparagraph, the provisions of section 4917(c) shall apply."

(b) TECHNICAL AMENDMENT.—Section 4911

(b)(2)(C)(i) is amended by striking out "Each increase" and inserting in lieu thereof "Subject to the authorization to establish lower rates with respect to acquisitions of stock or debt obligations which are part of an original or new issue, each increase".

Sec. 4. Other Amendments.

(a) Transfers to Foreign Trusts.—

(1) Section 4912(b)(1) is amended to read as follows:

"(1) Certain transfers to foreign trusts.—

"(A) Extent of tax liability. Any transfer (other than in a sale or exchange for full and adequate consideration) of money or other property to a foreign trust shall, if such trust acquires stock or debt obligations (of one or more foreign issuers or obligors) the direct acquisition of which by the transferor would be subject to the tax imposed by section 4911, be deemed an acquisition by the transferor (as of the time of such transfer) of stock of a foreign issuer in an amount equal to the actual value of the money or property transferred or, if less, the actual value of the stock or debt obligations so acquired by such trust. Contributions made by an employer to a foreign pension or profit-sharing trust established by such employer for the exclusive benefit of employees (who are not owner-employees as defined in section 401(c)(3)) who perform personal services for such employer on a full-time basis in a foreign country, and contributions to a foreign pension or profit-sharing trust established by an employer, made by an employee who performs personal services for such employer on a full-time basis in a foreign country (and is not an owner-employee as defined in section 401(c)(3)), shall not be considered under the preceding sentence as transfers which may be deemed acquisitions of stock of a foreign issuer.

"(B) Presumption of acquisition of foreign securities.—Whenever money or other property is transferred to a foreign trust in the manner described in the first sentence of subparagraph (A), it shall be presumed, with respect to the calendar quarter in which the transfer took place and each succeeding calendar quarter beginning prior to the termination date specified in section 4911(d), that such trust subsequently acquired stock or debt obligations the direct acquisition of which by the transferor would be subject to the tax imposed by section 4911, in an amount equal to the actual value of the money or other property transferred. The transferor may rebut this presumption with respect to each such calendar quarter by submitting, on or before the 30th day following the close of such quarter, documents or other proof which will establish to the satisfaction of the Secretary or his delegate that, during such quarter, liability for such tax has not been incurred or any liability which has been incurred has been paid."

(2) The amendment made by paragraph (1) of this subsection shall apply with respect to transfers made after June 9, 1969.

(b) Foreign Mineral Facilities.—

(1) Section 4914(c)(5)(B) is amended by adding at the end thereof the following new sentence: "If the proceeds of the loan by such United States person constitute only a part of the cost of the installation, maintenance, or improvement of such facilities, the substantial portion requirement in the preceding sentence shall be satisfied if the percentage of the total capacity of such facilities which will be used in connection with ores or minerals (or derivatives thereof) extracted or obtained in the specified manner is more than one-half of the percentage of the cost of such facilities represented by the amount of such loan and in no event is less than 10 percent of such total capacity."

(2) The amendment made by paragraph (1) of this subsection shall apply with respect to acquisitions made after the date of the enactment of this Act.

(3) Transfers of Export Credit Paper.—

(1) Section 4914(j)(1)(A) is amended by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively, and by inserting after clause (ii) the following new clause:

"(iii) to an includible corporation in an affiliated group (as defined in section 48(c)(3)(C)) of which such person is a member;".

(2) Section 4914(c)(7) is amended by striking out "(j)(1)(A)(iii)" and inserting in lieu thereof "(j)(1)(A)(iv)".

(3) The amendments made by this subsection shall apply with respect to subsequent transfers (within the meaning of section 4914(j)(1)(A) of the Internal Revenue Code of 1954) occurring after the date of the enactment of this Act.

(d) Dealer Resale Exemption.—

(1) Section 4919(c) is amended by striking out "and" at the end of paragraph (1), by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraph:

"(3) the term 'persons other than United States persons' includes any foreign branch whose acquisition of stock or a debt obligation of a foreign issuer or obligor from an underwriter or dealer is excluded from the tax imposed by section 4911 by reason of the last sentence of section 4914(b)(2)(B), but only with respect to the acquisition of stock or debt obligations to which such exclusion applies."

(2) The amendments made by paragraph (1) of this subsection shall apply with respect to acquisitions made by foreign branches after the date of the enactment of this Act.

(e) Certain Financing Companies.—

(1) Section 4920(a)(3B) is amended to read as follows:

"(3B) Certain domestic financing companies.—The terms 'foreign issuer,' 'foreign obligor', and 'foreign issuer or obligor' also mean a domestic corporation to the extent provided in subsection (d)."

(2) Section 4920 is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new section:

"(d) Certain Domestic Financing Companies.—For purposes of this chapter, the terms 'foreign issuer,' 'foreign obligor', and 'foreign issuer or obligor' include a domestic corporation if—

"(1) such corporation is exclusively engaged in the trade or business of—

"(A) acquiring, servicing, or acquiring and servicing—

"(i) debt obligations arising out of the sale of tangible personal property produced, manufactured, assembled, or extracted by one or more includible corporations in an affiliated group (as defined in section 48(c)(3)(C)) of which such corporation is a member,

"(ii) debt obligations arising out of the sale of tangible personal property received as part or all of the consideration in sales of property described in clause (i).

"(iii) debt obligations arising out of the sale of tangible personal property received as part or all of the consideration in sales of property described in clause (ii),

"(iv) debt obligations arising out of the sale of tangible personal property or the performance of services (or both), if not less than 85 percent of the purchase price is attributable to the sale of property manufactured, produced, grown, or extracted in the United States or the performance of services by any United States person (or both),

"(v) debt obligations arising out of loans to dealers or distributors primarily engaged in the business of selling property described in clauses (i), (ii), and (iii), the proceeds of which are used by such dealers or distributors in such business,

"(vi) debt obligations arising out of loans to an includible corporation in an affiliated group (as defined in section 48(c)(3)(C)) of which such corporation is a member, if such obligations are secured by debt obligations described in clauses (i) through (v), or

"(vii) any combination of the foregoing,

"(B) acquiring, servicing, or acquiring and servicing debt obligations otherwise arising out of sales of tangible personal property,

"(C) carrying on other incidental activities in connection with its sales finance business, or

"(D) any combination of the foregoing,

"(2) except for debt obligations arising out of deposits in commercial banks having at the time of the deposit a period remaining to maturity of less than one year, and debt obligations of one or more includible corporations in an affiliated group (as defined in section 48(c)(3)(C)) of which such corporation is a member acquired as payment for stock, or as a contribution to the capital, of such corporation—

"(A) at least 90 percent of the face value of the debt obligations owned by such corporation at all times during the taxable year consists of debt obligations described in paragraph (1)(A), and

"(B) all debt obligations owned by such corporation at all times during the taxable year are debt obligations described in paragraph (1)(A) or (1)(B), or both,

"(3) all debt obligations acquired by such corporation (whether or not described in paragraph (1)) are acquired solely out of—

"(A) the proceeds of the sale (including a sale in a transaction described in section 4919(a)(1)) by such corporation (or by a domestic corporation described in section 4912(b)(3) which owns all of the stock of such corporation) of debt obligations of such corporation (or such other domestic corporation) to persons other than—

"(i) a United States person (not including a foreign branch of a domestic corporation or of a domestic partnership, if such branch is engaged in the commercial banking business and acquires such debt obligations in the ordinary course of such commercial banking business),

"(ii) a foreign partnership in which such corporation (or one or more includible corporations in an affiliated group, as defined in section 1504, of which such corporation is a member) owns directly or indirectly (within the meaning of section 4915(a)(1)) 10 percent or more of the profits interest, or

"(iii) a foreign corporation, if such corporation (or one or more includible corporations in an affiliated group, as defined in section 1504, of which such corporation is a member) owns directly or indirectly (within the meaning of section 4915(a)(1)) 10 percent or more of the total combined voting power of all classes of stock of such foreign corporation, except to the extent such foreign corporation has, after having given advance notice to the Secretary or his delegate, sold its debt obligations to persons other than persons described in clauses (i) and (ii) and this clause and is using the proceeds of the sale of such debt obligations to acquire the debt obligations of such corporation),

"(B) the proceeds of payment for stock, or a contribution to the capital of such corporation, if the payment or contribution was derived from the sale of debt obligations by one or more includible corporations in an affiliated group (as defined in section 48(c)(3)(C)) of which such corporation is a member to persons other than persons described in clauses (i), (ii), and (iii) of subparagraph (A) and such debt obligations, if acquired by United States persons, would be subject to the tax imposed by section 4911, "(C) retained earnings and reserves of such corporation, or

"(D) trade accounts and accrued liabilities which are payable by such corporation within 1 year from the date they were incurred or accrued, and which arise in the ordinary course of the trade or business of the corporation otherwise than from borrowing,

"(4) such corporation does not acquire any stock of foreign issuers or of domestic corporations or domestic partnerships other than stock of one or more includible corporations in an affiliated group (as defined in section 48(c)(3)(C)) of which such corporation is a member acquired as payment for stock, or as a contribution to capital, of such corporation,

"(5) such corporation, in a manner satisfactory to the Secretary or his delegate, identifies the certificates representing its stock and debt obligations, and maintains such records and accounts and submits such reports and other documents as may be necessary to establish that the requirements of the foregoing paragraphs have been met, and

"(6) such corporation elects to be treated as a foreign issuer or obligor for purposes of this chapter. The election under paragraph (6) shall be made, under regulations prescribed by the Secretary or his delegate, on or before the 60th day after the organization of the corporation or the 60th day after the date of the enactment of the Interest Equalization Tax Extension Act of 1969, whichever day is the later. Any such election shall be effective as of the date thereof and shall remain in effect until revoked. If, at any time, the corporation ceases to meet any requirement of paragraph (1), (2), (3), (4), or (5), the election shall thereupon be deemed revoked. When an election is revoked, no further election may be made. If an election is revoked, the corporation shall incur liability at the time of such revocation for the tax imposed by section 4911 with respect to all stock or debt obligations which were acquired by it during the period for which the election was in effect and which are held by it at the time of such revocation; and the amount of such tax shall be equal to the amount of tax for which the corporation would be liable under such section if it had acquired such stock or debt obligations immediately after such revocation. For purposes of sections 4912 and 4915, a corporation which has made an election under paragraph (6) shall, during the period for which such election is in effect, be treated with respect to acquisitions from such corporation as a foreign corporation which is not formed or availed of for the principal purpose described in section 4915(c)(1)."

(3) Section 4915(c)(3) is amended to read as follows:

"(3) Foreign financing company.—A foreign corporation—

"(A) 50 percent or more of the voting power of all classes of stock of which is owned directly or indirectly (within the meaning of subsection (a)) by a domestic corporation (or by one or more includible corporations in an affiliated group, as defined in section 48(c)(3)(C), of which such domestic corporation is a member),

"(B) which, if it were a domestic corporation, would be eligible to make an election under section 4920(d), and

"(C) gives notice to the Secretary or his delegate within the period for making an election under such section,

shall, during the period after the date of such notice during which it would, if it were a domestic corporation, meet the requirements of paragraphs (1), (2), (3), (4), and (5) of section 4920(d), be treated as not formed or availed of for the principal purpose described in paragraph (1) of this subsection. If such corporation ceases to meet such requirements, such corporation shall be treated as having been availed of for the principal purpose described in paragraph (1) of this subsection at the time of such cessation."

(4) The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(f) Transaction Tax Returns.—Section 6011(d)(1)(B) is amended by inserting after "subparagraph (A)" the following: "(unless such disposition is made under circumstances which entitle such person to a credit under the provisions of section 4919)".

(g) Reporting Requirements of Nonparticipating Firms.—Section 6011(d)(3) is amended to read as follows:

"(3) Reporting requirements for certain members of exchanges and associations.—Every member or member organization of a national securities exchange or of a national securities association registered with the Securities and Exchange Commission, which is not subject to the provisions of section 4918(c), shall keep such records and file such information as the Secretary or his delegate may by forms or regulations prescribe in connection with acquisitions and sales effected by such member or member organization, as a broker or for his own account, of stock of a foreign issuer or debt obligations of a foreign obligor—

"(A) with respect to which a validation certificate described in section 4918(b)(1)(A) has been received by such member or member organization; or

"(B) with respect to which an acquiring United States person is subject to the tax imposed by section 4911."

(h) Failure of Nonparticipating Firms To File Certain Information Returns.—

(1) Section 6680 is amended to read as follows:

"Sec. 6680. Failure To File Interest Equalization Tax Returns.

"In addition to the penalty imposed by section 7203 (relating to willful failure to file return, supply information, or pay tax)—

"(1) Return required under section 6011(d)(1).—Any person who is required under section 6011 (d)(1) (relating to interest equalization tax returns) to file a return for any period in respect of which, by reason of the provisions of section 4918, he incurs no liability for payment of the tax imposed by section 4911 and who fails to file such return within the time prescribed by section 6076, shall pay a penalty of $10 or 5 percent of the amount of tax for which he would incur liability for payment under section 4911 but for the provisions of section 4918, whichever is the greater, for each such failure unless it is shown that the failure is due to reasonable cause. The penalty imposed by this paragraph shall not exceed $1,000 for each failure to file a return.

"(2) Return required under section 6011(d)(3).—Any person required to file a return under section 6011(d)(3) who fails to file such return at the time prescribed by the Secretary or his delegate, or who files a return which does not show the information required, shall pay a penalty of $1,000, unless it is shown that such failure is due to reasonable cause."

(2) The amendment made by paragraph (1) of this subsection shall apply with respect to returns required to be filed after the date of the enactment of this Act.

COMMITTEE AMENDMENT

Mr. MILLS. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. Mills: On page 2, line 2, strike out "July 31" and insert in lieu thereof "August 31".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

House Resolution 499 was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Speaker, I ask unanimouse consent that all Members desiring to do so may extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate insists upon its amendments to the bill (H.R. 10595) entitled "An act to amend the act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Eastland, Mr. Holland, Mr. Jordan of North Carolina, Mr. Aiken, and Mr. Cook to be the conferees on the part of the Senate.

LEGISLATIVE PROGRAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I have asked for this time in order to ask the majority leader if he will announce the legislative program for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished gentleman from Illinois, the Republican whip, we have finished the legislative business scheduled for this week.

The program for next week is as follows:

Monday is District Day. There is one bill—H.R. 12982, to provide additional revenue for the District of Columbia.

Also, H.R. 10420, to permit certain real property in the State of Maryland to be used for public purposes generally. It will be called up by unanimous consent.

For Tuesday and the balance of the week:

H.R. 4813, extension of U.S. Fishing Fleet Improvement Act, under an open rule with 1 hour of debate;

House Resolution 269, supplemental investigative authority, Committee on Post Office and Civil Service; and

House Resolution 495, amending rule XXXV of the Rules of the House of Representatives to increase fees of witnesses before the House or its committees.

Then, of course, as previously announced, we will expect to adjourn over at the close of business on August 13 until noon, Wednesday, September 3.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time, and that any further program may be announced later.

I would like to take this time to advise Members that we will need Members here to finish the business next week. It is important that Members be on hand to finish the business.

I wish also to advise the Members that we will expect to commence business immediately at the end of the recess on Wednesday, September 3.

Mr. ARENDS. I thank the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, will the gentleman yield further?

Mr. ARENDS. I yield to the gentleman from Oklahoma.

Mr. ALBERT. I have just been advised that the gentleman from West Virginia (Mr. Staggers) will call up a conference report at this time. That will be the balance of the business. I was not aware of that when I made the announcement.

ADJOURNMENT TO MONDAY, AUGUST 11, 1969

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourns to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ACQUISITION OF AIR CARRIERS

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (S. 1373) to amend the Federal Aviation Act of 1958, as amended, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of August 5, 1969.)

(Mr. STAGGERS asked and was given permission to extend his remarks at this point in the Record.)

Mr. STAGGERS. Mr. Speaker, I bring up for consideration the conference report on S. 1373. Conferees met on August 5 and for the most part the legislation is reported back in conformity with the House version of the bill. I believe that the most substantial difference was one in which the Senate would have changed existing law and vested the Civil Aeronautics Board with exemption powers as to acquisitions of control between air carriers. The Senate receded and the CAB must continue to hold evidentiary hearings with respect to acquisitions involving certificated air carriers, common carriers, or those engaged in a phase of aeronautics.

The managers on the part of the House receded on a provision specifically calling for notice of acquisitions to the Attorney General and giving him the right to a hearing on any acquisition. We have been assured that the Civil Aeronautics Board has traditionally kept contact with the Attorney General on acquisitions and some of the conferees were concerned that mentioning the Attorney General would affect antitrust laws which was not the intent of either body.

The House managers receded on the difference defining presumption of control and would adopt the Senate version which is beneficial ownership of 10 percent or more of the voting securities or capital of any air carrier, rather than 10 percent or more of any class of the capital stock or capital.

Finally, the Senate conferees receded on the retroactive effective date of March 7, and it was agreed that the effective date would be the date of the conference August 5, 1969.

I am satisfied that the action taken is consistent with the intent of the House and recommend that the conference report be accepted.

(Mr. SPRINGER asked and was given permission to extend his remarks at this point in the Record.)

Mr. SPRINGER. Mr. Speaker, the conference between the Houses on the bills relating to acquisition of control of air carriers considered five differences between them and resolved them in such a way that the House should be satisfied with the resulting legislation.

The first, and in the opinion of your conferees the most important, issue involved authority for the CAB to make exceptions and exempt certain transactions from a requirement for hearing. As the law now stands, it is mandatory that a hearing be held in any case wherein an air carrier, or anyone else in the air business, proposes to take over an air carrier. To accept the language from the other body would be to change to a more liberal practice in this regard than we have insisted upon previously. The House version made it possible for the CAB to exempt transactions which do not involve certificated carriers, thus limiting the authority to air taxis and other small carriers. At the insistence of your conferees, the House version was accepted.

The second difference which dwelt with expedited procedures was directly linked to the first issue and was resolved in the same manner.

The House version of the bill required the CAB to notify the Attorney General of any pending actions on acquisitions. That is standard practice now, and since it is not the intention of either bill to make any change in the antitrust aspects of acquisitions, it is probably best not to confuse the issue by language in this legislation. The House conferees agreed to remove that provision.

At the time this legislation was considered by the House it was thought that ownership of a substantial portion of any class of the stock of an air carrier could be detrimental to its operation and possibly result in serious disruption if not outright control. Since the section did not declare such ownership to constitute control but merely to raise a presumption that control was possible, it was put into our version of the bill. After that time the Securities and Exchange Commission and the Civil Aeronautics Board indicated that only voting interests made any significant difference to control of a carrier. At the same time it appeared that the presumption raised by ownership of 10 percent of any class of stock could, in many instances, pose problems in airline financing. The bill passed by the other body had limited the presumption to ownership of voting securities or capital, and this was accepted by your conferees as reasonable and workable. It is still possible for the CAB to look into a situation wherein control may result from acquisition of other kinds of stock or lesser amounts than 10 percent, but the presumption will not operate to require a full-scale investigation and proceeding leading to a formal approval of such transactions.

When first the suggestion to curb acquisitions of air carriers was presented, it seemed that time was of the essence. The situations then at issue were resolved. The House removed any reference to an effective date from the legislation. The other version still retained a date of March 7, 1969. It was pointed out that present market conditions and other factors might make some air carriers tempting targets within the next few weeks. While Congress is in recess a takeover could occur to the detriment of the air industry. To avoid any such possibility, the conference inserted an effective date of August 5, the date the conference was held. That should keep everything on an even keel without resorting to retroactive legislation.

The bill as it now comes to the House for approval should accomplish the objectives for which it was designed and be a good and effective piece of legislation. I recommend that the conference report be adopted.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON FOREIGN AFFAIRS TO FILE REPORT ON H.R. 11039, TO AMEND PEACE CORPS ACT

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs may have until midnight tonight to file a report on the bill H.R. 11039, to further amend the Peace Corps Act, as amended.

Mr. SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REFUSAL OF UNRESTRICTED VISA FOR SOUTH AFRICA

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLFF. Mr. Speaker, while I appreciate the willingness of the South African Government to provide me with an unrestricted visa, I could not in good conscience visit a country that has denied freedom of travel to two of my colleagues, Representatives Diggs and Reid. Therefore, in protest, I have refused the offer of an unrestricted visa for South Africa and have withdrawn my application for that visa.

There is nothing purposeful that could be gained by my visiting a country in which freedom is a meaningless term and in which Members of the U.S. Congress cannot travel.

NEWS REPORTS ON PRESIDENTIAL COMMISSION ON MORTGAGE INTEREST RATES

(Mr. PATMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, unfortunately there have been published reports distorting the views of some members of the Presidential Commission on Mortgage Interest Rates.

Mr. Speaker, this morning I issued a news release in an attempt to clarify my position on mortgage interest rates. Contrary to the published reports, I do not support a permanent abolition of the interest rate ceiling on Government-backed mortgages.

Mr. Speaker, I place in the Record a copy of the news release:

Washington, D.C., August 7.—Chairman Wright Patman of the House Banking and Currency Committee charged today that false versions of a Presidential Commission report were being leaked in support of an industry campaign for permanent abolition of interest rate ceilings on Government-backed home mortgages.

Mr. Patman said he was convinced that the false versions were being leaked by key aides in the Nixon Administration who are anxious to please the mortgage lending industry. Mr. Patman's comments came after publication of news stories quoting an unnamed source about the contents of a report to be issued by the Presidential Commission on Mortgage Interest Rates. Mr. Patman is a member of that Commission.

Mr. Patman branded as "totally false" a published report that he was in agreement with the key proposal of the Commission for abolition of the ceilings on FHA and VA insured mortgages.

"This is the most blatant propaganda, without one shred of evidence to support it," Mr. Patman charged. "As every member of that Commission knows, I opposed this proposal from the first to the last meeting of the Commission."

Mr. Patman said that he and Representative Leonor Sullivan of Missouri have prepared lengthy dissenting views to the Commission majority which will be published as part of the report.

"These dissenting views will spell out alternatives to the majority's belief in higher interest rates on Government-backed mortgages," he said.

In addition, Mr. Patman called attention to the fact that the majority report contains specific footnotes plainly spelling out the opposition to a permanent abolition of the interest rate ceiling. The footnotes are entered on behalf of Mr. Patman and Mrs. Sullivan.

STOP, LOOK, AND THINK

(Mr. WHITTEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WHITTEN. Mr. Speaker, having responsibility of handling appropriations for the U.S. Department of Agriculture, as chairman of the Appropriations Subcommittee, I have recognized for years the absolute dependence of all our people on pesticides, insecticides, and herbicides for our food supply; and having sponsored an investigation by the staff of the Appropriations Committee several years ago on the "Effects, Uses, Control and Research of Agricultural Pesticides," which later I used to support my book, "That We May Live," D. Van Nostrand Co., Inc., Princeton, N.J., I am well aware of the absolute necessity we have for chemical pesticides in the protection of human health.

With this background I am especially disturbed at today's climate of fear and anxiety concerning all chemical pesticides in general, and DDT in particular.

We have a tendency to overlook the reasons why these materials were developed and used in the first place. Some of the most vocal antagonists of DDT seem to have lost perspective in viewing with alarm and fail to evaluate the contributions to the health and well-being of mankind that this remarkable chemical has provided during the past 30 years.

The July 1969 issue of Farm Chemicals magazine includes an article by R. G. Van Buskirk entitled "Requiem for an Old Friend." This article outlines some of the reasons why we should be grateful for the benefits of DDT. In the interest of reviewing all the facts on both sides of the question before we take precipitous action to deprive man of its benefits, I should like at this point to insert in the Record "Requiem for an Old Friend." The article follows:

Requiem for an Old Friend

(By R. G. Van Buskirk)

It's unusual, old friend, to write a requiem for you before you are dead. But, maybe you'd like to know what some of us think about you before you depart. Right now, you stand where Davy Crockett stood during the closing hours at the Alamo. The mob has you surrounded, you're all but deserted by your allies, and the end is in view.

Michigan has dealt you a telling blow, and Wisconsin is slashing at you. Arizona and California are unloosening their slings and arrows. Many others, some large and some very small, are shooting their verbal barbs at you. It's over—all over.

Let's review your life. You are a Nobel prize winner and you deserve a review. You gestated for a long time before you were born. You were synthesized in Germany in 1874. But you were really born in 1939 when Dr. Paul Müller discovered your amazing powers as an insecticide. You were named DDT. By 1948 you had become an outstanding success and you, through Dr. Müller, were awarded a Nobel prize.

Mankind had been waiting for you for eons. It's easy to picture prehistoric man slapping mosquitos and tsetse flies, squashing ticks, and eating vermin-laden food. Later, as his stooped body became wracked with pain and as it burned with fever, he probably thrashed and rolled around, and struck out with his long arms while trying to fight this unseen enemy which was destroying him. But his unschooled, primitive brain never reasoned that it was a bug which had felled him.

Primitive man needed you.

However, conjecture on prehistoric man isn't necessary. Recorded history tells us about the hazards of insects and viruses. The Bible speaks of locusts causing ruined fields and lost harvests. History records how the black plague spread across the land during the Middle Ages. For centuries, typhus, plague, malaria, yellow fever, sleeping sickness, and other dread diseases retarded civilization.

Through numerous centuries man stood and fought *hostile* nature with inept weapons. They used beating sticks, flails, and fans—and later resorted to bug-picking machines!

HISTORIC MAN NEEDED YOU

Historic man could have used you.

When you arrived, contemporary man was waiting and in need of your help. In the U.S., as recently as 1920, there were 200,000 cases of malaria each year. There were still over 60,000 cases annually in 1945. Then *you* went to work on the problem! By 1950 the number of cases dropped to 2000 per year. You are primarily responsible for this wonderful record.

In Greece, and Turkey, in the early 1940s, the number of cases of malaria exceeded ½ million. Deaths from malaria numbered in the thousands each year. By 1951, deaths were reduced to just seven for the year!

Your great work in combating malaria was one of the reasons you won the Nobel prize.

Man needed more help from you. In the U.S., in 1945, there were over 5000 cases of Murine Typhus. By 1952, principally because of your assistance, cases had dropped to about 400. All together, you have been used in the control of 28 dangerous diseases. Currently you are credited with having prevented 500 million illnesses and saving 25 million lives.

But fighting disease has only been a part of your history. While man struggles to control disease, another phenomenon is present. From the earliest beginning of man, the world population has been growing. Growth was slow at first. It took many centuries for man to become the dominant creature on earth, and he gained his dominance tortuously. According to the best possible estimates, based upon archeological and historical evidence, it took hundreds of thousands of years for the world population to reach about 250 million by the time of Christ. It took another 1600 years for this population to again double to 500 million.

As man learned how to survive, he began to get a stronger foothold on this planet. By 1900 there were 1¾ billion people in the world. By 1960, this total had jumped to 3 billion. It is estimated that there will be over 6 billion people on earth by the year 2000.

Population control is undoubtedly a subject which must be decided upon. *Meanwhile, food production, in quantity, is vital if these teaming billions are to be fed.* And this, too, is why contemporary man called upon you for help.

Insects have voracious appetites, arable land is finite, and our population increases in geometric proportions. Each minute seven people die of hunger and malnutrition. This is 10,000 per day who die for lack of food.

Even you can't solve this problem. But you tried, and you've helped stem the tide. During the '60s you have been recommended for the control of over 100 insects which ravish vegetable, berry, fruit, flower and ornamental, tobacco, and livestock crops.

You have helped man control such pests as army worms, blister beetles, caterpillars, cutworms, corn borers, flea beetles, lice, cankerworms, alfalfa weevils, and about 90 other damaging insects. By doing this you gave man clean, healthy fruits, vegetables, berries, and other foods for his table.

Without your good work, and the assistance of other chemicals, it is estimated that in five years the cost of a *very inferior* food would double. In 10 to 15 years the people of this nation would be short of essential foods.

ALWAYS HAD ENEMIES

But you've always had enemies. The hard core of your opposition is a cult which believes that nature is always friendly. These people have been around for many years. They opposed pasteurization, chemical fertilizers, insecticides, and fluoridation. They formed clubs for organic gardeners, and anti-fluoride leagues. They are worshippers of "natural" foods. Their spokesmen are usually pseudo-scientists and fadists.

They began their attack on you almost as soon as you appeared. Through speeches, articles and books, they threw out numerous scare reports concerning your threat to man's health. They alleged that you contributed to a virus disease, a psychoneurotic syndrome, poliomyelitis, hepatitis, cardiovascular disease, and cancer.

You've always had friends. Some of them were *true scientists*. They began to check up on you very thoroughly. They found that it was impossible to confirm *any* of these allegations made by your enemies.

Your scientific friends went further. They called for human volunteers. These volunteers were fed DDT in oil at doses of 0, 3.5 mg., and 35 mg. per man, per day. These doses were 1, 20, and 200 times the ordinary dietary level intake. Along with four controls, 10 men ate the DDT daily for a year. The experiment was repeated later with dosage continuing for 21 months. Close observation was made for 27 months.

It was found that DDT storage in fatty tissues reached a point of equilibrium at about one year. *No chemical effect associated with the various dosages was detected.* Not by the men themselves. Not by careful physical examination and laboratory testing by the scientists and technicians involved in the study. In short, you caused no damage *even when eaten at 200 times the normal dietary intake.*

THE WEAPONS

But your enemies shrugged aside these findings and stepped up their attacks through newspapers and magazine articles, books, and television. They used effective weapons: Innuendo, guilt by association, and sophistry.

You *are* vulnerable to these weapons. You *are* a poison. You *must* be used properly. We can say the same for iodine, aspirin, table salt, and hundreds of other products.

You have killed birds—but the bird population is increasing. You have killed fish—but fish abound.

In short, studies indicate that wildlife population all over the nation are bigger and healthier than ever. One study maintains that this is not in spite of pesticides, but in many cases because of them!

Nevertheless, your enemies have found a method of attack. They pictured a fluttering robin, apparently dying because of you. Millions viewed the picture.

Your enemies uncovered a few Peregrine Falcon eggs, and demonstrated that the shells were not of standard thickness. They blamed this on you. The eggs must be durable because various newspaper article writers have picked this up over a period of years. A careful reading of the articles indicates these are the same few eggs originally reported. You have been charged with causing the decline in the Bald Eagle population. Again, studies show that 99% of the wildlife habitat of eagles has never been touched by pesticides.

Your enemies charged you with guilt through association. Dead woodcocks have yielded traces of DDT in their bodies. Therefore, they imply, woodcocks were killed by you. No measurement of tolerances were used, no quantities of DDT taken from the bodies were stated. Yet, every living thing has *some* tolerance for any chemical.

One critic of this guilt-through-association attack has said that, "Blaming the death of a bird on chemicals is analogous to conducting an autopsy on a human who died after breakfast and then blaming the demise on the presence of bacon and eggs!"

Your friends came to your defense on these various and numerous charges. But your enemies renewed their attack on the point where you are most vulnerable. You are persistent. You endure, and you spread. Again, you are guilty by association.

"If you are where you're not supposed to be," your enemies say, "you must be doing some damage."

They demand negative proof. They ask that scientists say that no dosages, however great, will cause harm. This can't be done. It's doubtful it can be stated that anything, if taken in huge dosages, will not, ultimately, cause damage.

The enemy, the hard-core cultists, have picked up an army of supporters. Many people respond to a good scare story—and your enemies write some good ones! If a threat *seems to* involve them directly, they act. If the threat is indirect, or doesn't appear to involve them at all, they are often apathetic.

One thing the cultists' army understands is that specific biologicals would be a very good thing. All of us agree. Considering all that's been said for and against you, the following is a tip-off to what you are up against: There is a new viral insecticide ready for the market. This is a biological. It's name is VHZ, and it is specific to the cotton bollworm. It may prove to be an effective weapon. We hope so.

Recently a prominent business weekly stated that human experiments with VHZ were conducted in 1965 on nine men and one woman. The subjects, volunteers at USDA, ate the virus. No adverse effects were noted during the *five-day project*.

Compare this five-day test with the one concerning you. Scientists ran one test for one year, and another test for 21 months, with observations carried on for a great length of time. But such are the times that the five-day test will be believed, the multi-year test discounted.

The next stage is here. The politician, acutely aware of his constituents' feelings, is moving into the scene. He knows most of the facts. He has the scientific reports on file. One of them was titled "Effects, Uses, Control and Research of Agricultural Pesticides." The report was issued by a subcommittee of the House of Representatives. It was a comprehensive, objective report. Some of its findings were:

1. Only a few pesticidal chemicals reach man's body, and then only in minute traces, except by accident, suicide, and murder.

2. The effects of a chemical are proportional to the dose and, for the most toxic chemicals known, no detectable toxic effects occur below a certain dose level.

3. The American Medical Association advises that there is no evidence to date that humans are appreciably affected by long-term ingestion of the minute traces of pesticide present in raw and processed foods.

But all this is of no consequence now. The climate is wrong. Espousing your cause loses votes and loses jobs.

WE FAILED YOU

Could we have helped you? Could we have been better defenders of your good name? Perhaps. *And we must try now to do justice to the work of those chemicals which have followed you. If we don't, the cult will attack them one by one as soon as you have disappeared.*

During the '60's we tried to help, but we went about it the wrong way. We wrote articles to each other. We told each other what we already knew. *It's the public who must know the true facts.* It's the public your enemy has gone to, most effectively.

Our task is harder. We must take facts and write about them imaginatively and dramatically. We've a wealth of background in the history and projections of hunger, famine, pestilence, and the world population explosion.

But our task *is* more difficult. Your enemy doesn't need to use facts. He works with a facile pen, a fertile imagination, conjecture, and half truths. Sophistry is his way of doing combat.

INDUSTRY MUST SPONSOR NAME WRITERS

Our industry needs *to sponsor name writers*. We must get these men and women acquainted with the facts. Then enlist their aid. They'll need not only facts, but a great gift for colorful word pictures. They will have to be better than the enemy. But I'm convinced that many writers exist today who *are* better writers than *any* of your enemies were.

This approach has been used before by Paul DeKruif in the '30s. He wrote of the Hunger Fighters and the Microbe Hunters. He dramatized the benefits of science and medicine while writing in terms the laymen understood. His books were very successful.

Our writers must write books which become candidates for the best-seller list. They must write articles for mass distribution. They must sway those who are swayed by radio reports of the Martian invasion (the 1930s).

They must excite those who believe California is going to slide into the ocean (the 1960s). They must win over those people who don't scare, don't believe in Martians—and do think that California will be around for awhile—but these people do feel that, somehow, pesticides are not helpful to mankind.

Our professional writers must be even better than Paul DeKruif was.

And if we don't succeed, at least we can be able to say: "We tried."

So, good-bye, old friend. Know this: You've been a man saver, not a man killer.

Rest in peace.

RIGHTS OF CONSUMERS MUST BE CONSIDERED ON PERCENTAGE DEPLETION

(Mr. MIZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MIZE. Mr. Speaker, the fundamental purpose of the present drive for tax reform is to protect the interests of the average citizen—the consumer. Specifically, we are shaping legislation to insure that our constituents with moderate or low incomes are not forced to carry an unjust share of the tax load.

This is an urgent and necessary goal; precisely because of its importance, we must be extremely careful how we set out to achieve it. It would be a travesty, indeed, if we unwittingly placed a heavier burden on the American consumer than he already bears.

That, I am certain, is exactly what may happen by the elimination or reduction of the percentage depletion allowance.

The depletion provision is widely known, and roundly criticized, as a technique that has helped a handful of oil wildcatters become extremely wealthy. Unfortunately, it is less well known for what it does best.

It is seldom thought of as an economic device that has helped 210 million people enjoy history's highest standard of living. It is seldom mentioned as the major guarantee of our ample supplies of bargain-rate petroleum energy. It is seldom praised for helping make the United States become the most secure and powerful nation in the world. Yet, in the 43 years since depletion was enacted, these consumer benefits have been its most important contributions.

Some of the most striking evidence that depletion has been good for the American people can be found in the price of petroleum and the products made from it. A few poorly informed critics have recently suggested that oil prices gouge the consumer, but the facts simply do not bear this out. Instead, incentives such as depletion have helped keep oil prices remarkably stable for more than 10 years; in fact, oil products today cost little more than they did when percentage depletion became law.

For example, the barrel of crude oil that cost an average of $3.09 in 1957 brings only $3.10 in today's market. This represents a slight increase in an inflationary period. At the consumer level, price stability has been even more dramatic. If we exclude sales and excise taxes, the average price our constituents paid for a gallon of gasoline 10 years ago was 21½ cents; today, excluding taxes, gasoline averages out to about 23 cents a gallon, just 7 percent more than it was in 1958. During this same period, the cost of most other necessities skyrocketed, and the consumer price index leaped more than 20 percent.

The price of gasoline is now about the same as it was in 1922, exclusive of taxes, and only about 2 cents higher than the price in 1926. This is especially remarkable in view of the fact that today's superior motor fuel is about 75 percent more efficient. During this period prices of other commodities have doubled.

I am sure no other essential product can match this record of low price and high quality; and I am equally sure the oil industry could not have held these price levels without the stimulus of percentage depletion.

It inevitably follows that any cutback in depletion will result in higher prices at the gas pump and elsewhere. The price of all petroleum products will be forced up, as will the costs of all industries that depend on petroleum energy.

If percentage depletion is reduced, the oil industry must cope with a major new expense. There are only three possible ways of recovering this cost:

First, dip into net earnings; second, stop searching for new oil reserves; and third, increase product prices.

Now, if it were true that the oil industry is piling up excessive profits, we could reasonably expect it to take the first of these courses. But, if we look at the record, we find that the oil industry's return on investment for 20 years has been consistently lower than the average of all manufacturing. As a percentage of capital invested, petroleum profits are modest, and could not absorb the additional tax expense.

The second alternative—curtailing exploration and development—would be suicidal for the industry, with tragic results for the Nation and the consumer. What we desperately need now is more, not less, oil—at least 63 billion barrels more by the year 1980. Our present discovery rate is simply not satisfactory, and must be increased if tomorrow's demand is to be met. In 1957, we had a 13-year supply in the ground; today, this has shrunk to 10 years; at present levels of discovery and consumption we will have a slim 5-year margin by 1980. Obviously, this is no time to hold back on exploration.

But with incentives the discovery task is by no means hopeless. The Department of the Interior believes that perhaps 2,000 billion barrels of liquid hydrocarbon reserves are in place in the United States, the producible fraction of which will depend on economics. Only about 40 percent of that figure has been found. Hence, we still have opportunities for exploration; and, I am confident that—with continued economic opportunities—the industry will respond to the increasing demand with a vigorous exploration program and with redoubled efforts to raise the recoverable percentage of existing reserves.

A depletion cut, therefore, would leave the oil business no real options. The only way it could continue to serve both its markets and its stockholders would be by increasing oil prices. And the consumer—the constituent whose lot we are trying to improve—once again would be presented with the bill.

He would not only pay more for gasoline, he would pay more to heat his home, to buy vegetables shipped by truck, to send parcels by rail or air, or to purchase almost any manufactured goods. He would probably eventually pay more for the plastic pocket comb he carries, for his wife's lipstick, his children's medicine, and the carpeting on his patio.

Because petroleum is so basic to our way of life, so versatile, and so plentiful, we tend to take it for granted. Yet, before considering such a serious move as a reduction in depletion, we should recognize how truly omnipresent petroleum is in our daily existence. It literally is the energy to make thousands of products, and is the raw material for thousands more. Because of this, an increase in the price of oil and gas would reverberate throughout the economy.

I am convinced that the people I represent would be the losers if the depletion provision were taken away. At the very least, they would lose a great deal of purchasing power.

At the worst, they could lose much, much more. Fiddling with this necessary tax incentive could ultimately wreck the domestic oil industry, forcing U.S. reliance on overseas petroleum sources. The consumer then stands to lose the ample supplies of convenient, low-cost energy that have created our amazing standard of living.

In fact, it is difficult to see what anyone—industry, government, or the public—would gain by such action. The loss of depletion would hobble the oil industry, and make it impossible to attract enough fresh capital to do the mammoth exploration job that lies ahead. It would in effect impose a new and heavy tax on the consumer.

Finally, the expected increase in Federal revenues would be immediately offset by a host of new deductions in other industries—deductions caused by the increase in the price of vital petroleum energy and raw materials.

Over the years the question of oil depletion has unfortunately become an issue charged with great and conflicting emotions. It has seldom been scrutinized in a cold, objective fashion. Many of both its critics and its champions have been guilty of tunnel vision—viewing it as an unforgivable "loophole," others seeing it as a sacred right of the mineral industries, and still others as a regional matter that is a boon to oil producing States.

I suggest that it is none of these things. Instead, it is a tested and effective part of our natural resource policy created to serve the citizen in his role as consumer.

By providing this country with more energy than any other nation has ever used—and doing so at reasonably low prices—it has served him well.

I cannot imagine that our constituents want higher-priced gasoline, more inflation, or a generally increased cost of living, and I, therefore, urge you all to consider very seriously the consumers' rights in the matter of percentage depletion.

INTERGOVERNMENTAL REVENUE ACT OF 1969

(Mr. ROTH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROTH. Mr. Speaker, the Intergovernmental Revenue Act, H.R. 13353, which I introduced yesterday, represents a creative new approach to the fiscal problems our cities and States face today. In brief, the legislation will couple revenue sharing with a program of tax relief.

I have long been concerned with finding a way out of the mass of redtape that surrounds the Federal bureaucracy, and I firmly believe that revenue sharing is a step in the right direction. When the Federal Government returns a substantial amount of money to the States, we bypass all the administrative and overhead expenses that are so costly in Washington.

I made this comment in the CONGRESSIONAL RECORD, volume 114, part 16, page 21489—and I would like to repeat it now—I believe revenue sharing and broad block grants are the way of the future because they would return decisionmaking to the local communities. They would enable systematic planning, both short and long range, and permit better meshing of Federal, State, and local resources. They would place responsibility with those in the best position to know and understand local needs.

The other major provision of the act would permit a taxpayer to deduct 40 percent of his State income tax bill from his Federal income tax payment, in lieu of the itemized State tax deduction. This would offer considerable relief to the middle-class taxpayer, who now bears the brunt of the total income tax payments. In addition, however, the revenue-sharing and tax credit plans work hand in hand: the bill mandates that Federal money will be returned to the States according to the total of State income and estate taxes collected. State and local governments will thus be encouraged to strengthen their own tax systems, and will in turn receive more funds from Washington. As we here are working to achieve some measure of fiscal responsibility, this would encourage States to work toward a sound fiscal footing of their own.

This piece of legislation was introduced earlier in the session as S. 2483 by the distinguished junior Senator from New York, Mr. GOODELL, and the distinguished junior Senator from Maine, Mr. MUSKIE. I have been working on this concept with Senator GOODELL for some time now, and we both agree that this measure will go a long way toward easing the fiscal crisis at home.

Mr. Speaker, the Intergovernmental Revenue Act is a significant and complex piece of legislation that will require careful study and thorough hearings to make certain that the basic objectives are achieved. To help my distinguished colleagues understand the full ramifications of the bill, I would like to insert at this point in the RECORD the text of the bill, a title by title analysis, a summary of the bill's major provisions, and tables of money figures prepared by the Advisory Commission on Intergovernmental Relations:

H.R. 13353

A bill to establish a system of general support grants to State and local governments; to allow partial Federal income tax credit for State and local income tax payments; to authorize Federal collection of State income taxes; to enlarge the Federal estate tax credit for State death tax payments; and to permit States or local taxing authorities to tax property located in Federal areas

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intergovernmental Revenue Act."

DECLARATION OF POLICY

SEC. 2. (a) The Congress affirms that the governments of the United States and of the several States and their political subdivisions bear jointly and severally the duty and responsibility to safeguard the quality of American life; that the States and local communities have and must retain control over and primary responsibility for the provision of most domestic public services and facilities for the population of the Nation; and that to fulfill these commitments the States and their political subdivisions must have access to an equitable share of the Nation's fiscal resources which the Congress now commands and influences through the tax system of the Federal Government.

(b) Therefore, the Congress hereby declares it to be the policy of the United States to federalize the Federal income tax; to reduce impediments to the use of personal income taxes by the several States; to facilitate the exercise of adequate powers of taxation by the several States and their political subdivisions; and to provide general support payments to help States, cities, and counties to finance their own programs and set their own priorities to help solve their unique and most crucial problems.

TITLE I—GENERAL SUPPORT PAYMENTS TO STATES AND THEIR POLITICAL SUBDIVISIONS

DEFINITIONS

SEC. 101. For purposes of this Act—

(1) "Secretary" means the Secretary of the Treasury;

(2) "State" means the several States and the District of Columbia;

(3) "trust fund" means the General Support Trust Fund established by this Act;

(4) "taxable income" means taxable income as defined in section 63 of the Internal Revenue Code of 1954 as shown by returns made by individuals of the tax imposed by chapter 1 of such Code;

(5) "total personal income" means the aggregate personal income for residents of a State as reported in the official reports of the Department of Commerce;

(6) "local revenue ratio" of a city or county means the ratio, for the most recent annual period for which usable data are available, between—

(A) the total receipts from all taxes imposed by such city or county; and

(B) the total receipts from all taxes imposed by the State and all its political subdivisions;

(7) "population ratio" of a city or county having a population between fifty thousand and one hundred thousand shall be the percentage by which the population of the city or county exceeds fifty thousand; and

(8) "local school tax ratio" means the ratio between—

(A) the total receipts from all taxes imposed by public school systems which are administratively and fiscally independent of any other government and are classified for Census Bureau reporting of governmental data as independent school district governments; and

(B) the total receipts from all taxes imposed by such independent school districts and the State government.

GENERAL SUPPORT TRUST FUND

SEC. 102. (a) There is hereby established in the Treasury of the United States a trust fund to be known as the General Support Trust Fund. The trust fund shall consist of such amounts as may be appropriated to such fund as provided in this section.

(b) There is hereby appropriated to the trust fund, out of any money in the Treasury not otherwise appropriated, for the fiscal year beginning July 1, 1969, and for each fiscal year thereafter, an amount, as determined by the Secretary equal to the amount obtained by adding (A) 1 percent of aggregate taxable income reported on Federal individual income tax returns filed during the preceding fiscal year, and (B) 25 percent of State personal income tax collection for the preceding fiscal year and dividing the sum by two. In no event shall the amount so appropriated for any fiscal year be less than any amount appropriated for the preceding fiscal year.

(c) Beginning with the first quarter of the fiscal year beginning July 1, 1969, the Secretary shall, not less than once each quarter, transfer from the general fund of the Treasury to the trust fund the amounts appropriated by subsection (b). Such transfers may, to the extent necessary, be made on the basis of estimates by the Secretary of the amounts referred to in subsection (b). Proper adjustments shall be made in the amounts subsequently transferred to the extent that prior estimates were in excess of or less than the amounts required to be transferred. Computations by the Secretary under this section shall be final and conclusive.

(d) In each of the first three years following the enactment of this Act, the Secretary shall deduct an amount not to exceed 1 percent of the amount appropriated to the trust fund for the purpose of enabling the Secretary to carry out his duties and responsibilities, including the provision of any requisite statistical or data gathering activities required under this Act. The Secretary is hereby authorized to spend the amount so deducted for such purposes as in his discretion will facilitate the equitable distribution of the General Support Trust Fund established by this Act.

BASIC PAYMENTS

SEC. 103. (a) Subject to the provisions and qualifications of this Act, the Secretary shall, during the fiscal year beginning July 1, 1969, and during each fiscal year thereafter, pay to each State from amounts appropriated to the trust fund for the fiscal year in which payments are made, a total amount equal to the entitlement of the State under section 104. Such payments shall be made in installments periodically during any fiscal year but not less often than once each quarter. Proper adjustments shall be made in the amount of payment to each State to the extent that payments previously made were in excess of or less than the amounts required to be paid. Adjustments in payments by the Secretary under this section shall be final and conclusive.

STATE ENTITLEMENT

SEC. 104. (a) The Secretary shall determine the basic entitlement of each State to an amount of the trust fund during the fiscal year beginning July 1, 1969, and during each fiscal year thereafter as provided in this section.

(b) The total entitlement for each State for each fiscal year shall be the amount equal to the amount appropriated to the trust fund multiplied by the ratio of the product obtained by multiplying the total resident population of each State by the tax effort factor for the fiscal year and the tax effort ratio factor of each State and then dividing such product by the sum of such products for all States.

(c) For purposes of subsection (b), a State's tax effort factor for any fiscal year is the result obtained by dividing (1) the annual total of taxes plus the net profits from the operation of State-owned liquor stores collected by the State and its political subdivisions by (2) the total personal income of individuals residing in the State for a closely related annual period.

(d) For purposes of subsection (b), a State's tax effort ratio factor for any fiscal year is the ratio of the State's tax effort factor as defined in subsection (c) for the latest fiscal year to the State's tax effort factor for the immediately preceding fiscal year.

QUALIFYING AGREEMENTS WITH THE SECRETARY

SEC. 105. (a) In order to be qualified to receive the payments provided for by this Act, the Governor of a State, with the approval of the legislature, shall enter into an agreement with the Secretary to undertake—

(1) to adhere to the same methods of public scrutiny and debate over the use of funds and the same budgetary process, laws, and responsibility with respect to the fiscal control and accountability for all payments received under this Act as it does with respect to State funds derived from its own

taxing powers and to report annually to the Secretary at such time as he may prescribe, on the disposition of such payments. This report shall include a five-year projection of State government expenditures. The Secretary shall have no power either to approve or disapprove State expenditures of payments received under this Act;

(2) to impose no restrictions on the use of funds distributed to political subdivisions which are not applicable to the use of funds which its political subdivisions derive from their own taxing powers other than to prohibit a political subdivision from spending any portion of the funds distributed to it for purposes which are in conflict with any State plan enacted into law dealing with the utilization and development of the State's human and physical resources or particular aspects thereof;

(3) to confirm by annual reports filed with the Secretary following each of the first three years after the effective date of this Act, that the State distributed to each city and county government for which an allocable share is specified in this Act, a total amount not less than the sum of the annual amount allocable to that government under this Act plus all amounts it received from the State during the State fiscal year that ended in calendar 1969 or to demonstrate to the satisfaction of the Secretary that any failure to meet this requirement is entirely offset by the intervening transfer from the local government to the State of financial responsibility for direct support of particular services or facilities;

(4) to adhere to all applicable Federal laws in connection with any activity, program, or service provided solely or in part from any funds received by a State or its political subdivisions under this Act;

(5) to make reports to the Secretary, the Congress, and the Comptroller General in such form and containing such information as they may reasonably require to carry out their functions under this Act; and

(6) to make the distributions out of the payments of the State entitlement received by it to certain cities and counties as provided under subsection (b) and to school districts as provided under subsection (e).

(b) Each State shall distribute in each fiscal year out of payments of the State entitlement—

(1) to each city and county having within its boundaries a population of one hundred thousand or more an amount not less than the product obtained by multiplying (A) the general support entitlement for the State under section 104 by (B) twice the local revenue ratio of the city or county; and

(2) to each city and county having within its boundaries a population between fifty thousand and ninety-nine thousand nine hundred and ninety-nine an amount not less than the product obtained by multiplying (A) the general support entitlement for the State area under section 104 by (B) a fraction representing the product of (i) twice the local revenue ratio of the city or county, and (ii) the population ratio of the city or county.

(c) To encourage States to take the initiative in strengthening the fiscal position of major cities and counties and to maximize flexibility in the use of the authorized general support payments for meeting the particular needs of differing State-local fiscal systems, the Secretary shall accept an alternative plan for the use of general support funds made available to major cities and counties under this section provided the plan is enacted by the State legislature and conforms to at least one of the following conditions:

(1) Each major city and county receives a total amount under the State alternative plan equal to or greater than the general support payment it would otherwise have allocated to it under the provisions of this section.

(2) The city and county councils or governing bodies, representing at least half of the cities and counties entitled to receive at least 50 percent of general support payments otherwise required to be distributed, concur by formal resolution, that the State's alternative plan will result in the use of general support funds that accords better with the requirements of the State and its cities and counties than could be achieved by distributing the funds to cities and counties in accordance with the formula set forth in this Act.

(d) The proposed State alternative plan as authorized in subsection (c) shall be submitted to the Secretary with such supporting information as he may require annually not later than ninety days preceding the fiscal year to which the plan pertains. In the event of the acceptance of such an alternative plan, its provisions shall govern the use of funds otherwise allocated by this Act to cities and counties.

(e) Each State shall distribute to school districts in each fiscal year out of the State entitlement an amount not less than the product obtained by multiplying the local school tax ratio by the amount of the State entitlement remaining after the distribution to cities and counties under subsection (b).

(f) Determination under this section of this Act shall be made by the Secretary on the basis of the most recent acceptable data available from the Department of Commerce.

POWERS OF THE SECRETARY

SEC. 106. (a) The Secretary is authorized to obtain from other Federal agencies statistical data, reports, and other materials which he deems necessary to discharge his responsibilities under this section, and Federal agencies shall carry out their statistical functions in such manner as will, to the maximum extent permitted by other applicable law, assist the Secretary in carrying out his duties and responsibilities under this section. For the first three fiscal years following the enactment of this Act, the Secretary shall reimburse, with funds provided to him in section 102(d), Federal agencies for the cost of providing any data which in his discretion are necessary for the proper administration of this Act. For subsequent fiscal years there are authorized to be appropriated sums sufficient to enable Federal agencies to provide information required by the Secretary for the administration of this Act.

(b) Whenever the Secretary finds, after reasonable notice and opportunity for hearing to the Governor of a State, that there is a failure by such State to comply substantially with any undertaking required by section 105, the Secretary shall notify the Governor that further payments under this Act will be withheld until the Secretary is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied, the Secretary shall make no further payments to such State under this Act.

JUDICIAL REVIEW

SEC. 107. (a) Any State which receives notice under section 106 that payments to it will be withheld may, within sixty days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State is located a petition for review of the Secretary's action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

(b) In accordance with the provisions of this subsection, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive. However, if any finding is this consistent with preceding sentence and is not supported by substantial evidence, the court may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

REPORT BY SECRETARY

SEC. 108. The Secretary shall report to the Congress not later than the first day of March of each year on the operation of the trust fund during the preceding fiscal year and on its expected operation during the current fiscal year. Each such report shall include a statement of the appropriations to, and the disbursements made from, the trust fund during the preceding fiscal year; an estimate of the expected appropriation to, and disbursements to be made from, the trust fund during the current fiscal year; and any changes recommended by the Secretary concerning the operation of the trust fund.

CONGRESSIONAL STUDY

SEC. 109. (a) The Appropriations Committee and the Finance Committee of the Senate and the Appropriations Committee and the Ways and Means Committee of the House of Representatives shall conduct full and complete studies at least once during each Congress, with respect to the operation of the trust fund and its relation to the financing of State and local governments and report findings to each House, respectively, together with recommedations for each House, respectively, together with recommendations for such legislation as they deem advisable.

(b) This section is enacted by the Congress as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

TITLE II—PARTIAL FEDERAL INCOME TAX CREDIT FOR STATE AND LOCAL INCOME TAX PAYMENTS

STATE AND LOCAL TAX CREDIT

SEC. 201. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended (1) by renumbering section 40 as 41; and (2) by inserting after section 39 the following new section:

"SEC. 40. STATE AND LOCAL INCOME TAXES.

"(a) ALLOWANCE OF CREDIT.—If an individual chooses to have the benefits of this section, there shall be allowed to such individual as credit against the tax imposed by this chapter for the taxable year, an amount equal to 40 percent of the State and local income taxes paid or accrued for such taxable year.

"(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) STATE AND LOCAL INCOME TAXES.—The term 'State and local income tax' means only—

"(A) a tax imposed upon the income of the taxpayer, after the deduction of an amount for personal exemptions and dependents allowances or the subtraction of a tax credit or credits equivalent in amount to the amount allowed for this purpose under part V of subchapter B of chapter 1 (relating to deductions for personal exemptions);

"(B) the taxpayer's distributive share of a tax imposed upon the income of a partnership of which the taxpayer is a member; and

"(C) the taxpayer's pro rata share of a tax imposed upon the income of an electing small business corporation (as defined in section 1371(b)) of which the taxpayer is a shareholder, by a State or any political subdivision thereof or by the District of Columbia. In the case of a separate return by a married individual, the amount of State and local income taxes imposed upon the income of such individual shall be determined under regulations prescribed by the Secretary or his delegate.

"(2) Change of election.—The choice as to whether an individual shall elect to have the benefits of this section may be made or changed at any time before the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by this chapter for the taxable year with respect to which such State or local income tax was paid or accrued.

"(3) Adjustments on payment of accrued taxes.—If accrued taxes when paid differ from the amounts used by an individual as the basis for claiming a credit under this section, or if any tax paid is refunded, in whole or in part, such individual shall notify the Secretary or his delegate, who shall redetermine the amount of the tax for the year or years affected. The amount of tax due on such redetermination, if any, shall be paid by such individual on notice and demand by the Secretary or his delegate, and the amount of tax overpaid, if any, shall be credited or refunded to the individual in accordance with subchapter B of chapter 66 (section 6511 and following). In the case of a State or local income tax accrued but not paid, but used as the basis for claiming a credit under this section, the Secretary or his delegate, as a condition precedent to the allowance of such credit may require such individual to give a bond, with sureties satisfactory to and to be approved by the Secretary or his delegate, in such sum as the Secretary or his delegate may require, conditioned on the payment by the individual of any amount of tax found due on any such redetermination; and the bond herein prescribed shall contain such further conditions as the Secretary or his delegate may require. In such redetermination by the Secretary or his delegate of the amount of tax due from such individual for the year or years affected by a refund, the amount of the taxes refunded with respect to which credit has been allowed under this section shall be reduced by the amount of any State or local income tax imposed with respect to such refund; but no credit under this section, and no deduction under section 164 (relating to deduction for taxes), shall be allowed for any taxable year with respect to such State or local income tax imposed on the refund. No interest shall be assessed or collected on any amount of tax due on any redetermination by the Secretary or his delegate, resulting from a refund to the individual, for any period before the receipt of such refund, except to the extent interest was paid on such refund by the State or local government for such period.

"(c) Cross References.—

"(1) for deductions of State and local income taxes, see sections 164 and 275.

"(2) for right of each partner to make election under this section, see section 703 (b)."

(b) Disallowance of Deduction.—Section 275(a) of such Code (relating to certain taxes not deductible) is amended by adding at the end thereof the following new paragraph:

"(6) State and local income taxes, if the individual chooses to take to any extent the benefits of section 40 (relating to State and local income taxes)."

TECHNICAL AMENDMENTS

Sec. 202. (a) The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 is amended by striking out the item relating to section 40 and inserting in lieu thereof the following:

"Sec. 40. State and local income taxes.
"Sec. 41. Overpayments of tax."

(b) Section 37(a) of such Code (relating to retirement income) is amended by striking out "and section 35 (relating to partially tax-exempt interest)" and inserting in lieu thereof "section 35 (relating to partially tax-exempt interest), and section 40 (relating to State and local income taxes)".

(c) Section 46(a)(3) of such Code (relating to amount of credit) is amended—

(1) by striking out "and" in subparagraph (B);

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding after subparagraph (C) the following new subparagraph:

"(D) section 40 (relating to State and local income taxes)."

(d) Section 703 of such Code (relating to partnership computations) is amended—

(1) by relettering subparagraphs (D), (E), and (F) of subsection (a)(2) as subparagraphs (E), (F), and (G);

(2) by inserting after subparagraph (C) of paragraph (2) the following new subparagraph:

"(D) the deduction for taxes provided in section 164(a) with respect to State and local income taxes;" and

(3) by amending subsection (b) to read as follows:

"(b) Elections of the Partnership.—Any election affecting the computation of taxable income derived from a partnership shall be made by the partnership, except that the election under sections 40 (relating to State and local income taxes) and 901 (relating to taxes of foreign countries and of possessions of the United States), and any election under section 615 (relating to exploration expenditures) or under section 617 (relating to additional exploration in the case of domestic mining), shall be made by each partner separately."

EFFECTIVE DATE

Sec. 203. The amendments made by this title shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE III—FEDERAL COLLECTION OF STATE INCOME TAXES

FEDERAL COLLECTION

Sec. 301. (a) Chapter 77 of the Internal Revenue Code of 1954 (relating to miscellaneous provisions) is amended by adding at the end thereof the following new section:

"Sec. 7517. Federal Collection of State Income Taxes.

"(a) General.—Where the law of any State or possession of the United States imposes an income tax, on the request of the proper officials of such State or possession authorized to make such request pursuant to State law the Secretary or his delegate is authorized in his discretion to enter into an agreement with such State or possession, under which, to the extent provided therein, the Secretary or his delegate will administer and enforce such income tax in behalf of such State or possession.

"(b) Costs.—As a part of any agreement entered into pursuant to subsection (a), the Secretary or his delegate shall require that such State or possession pay to the Treasury Department the cost of the work or services performed (including material supplied) in administration and enforcement of such tax."

(b) The table of sections for chapter 77 of such Code is amended by adding after the item relating to section 7516 the following new item:

"Sec. 7517. Federal collection of State income taxes."

(c) Subsection (c) of section 7809 of such code (relating to deposit of collections) is amended—

(1) by striking out "and" in paragraph (2);

(2) by renumbering paragraph (3) as paragraph (4); and

(3) by inserting a new paragraph (3) immediately following paragraph (2) as follows:

"(3) Work or services performed (including material supplied) pursuant to section 7517 (relating to Federal collection of State income taxes); and"

TITLE IV—LARGER FEDERAL CREDIT FOR STATE DEATH TAX PAYMENTS

ALTERNATIVE CREDIT

Sec. 401. Section 2011 of the Internal Revenue Code of 1954 (relating to credit for State death taxes) is amended by adding at the end thereof the following new subsection:

"(f) Alternative Credit.—

"(1) Allowance of credit.—In lieu of the credit authorized by subsection (a) for estate, inheritance, legacy, or succession taxes, the tax imposed by section 2001 may be credited with the amount of any estate tax actually paid to any State in respect of any property included in the gross estate (not including any such tax paid with respect to the estate of a person other than the decedent) of a decedent dying after December 31, 1971.

"(2) Maximum amount of credit.—The credit allowed by this subsection shall not exceed the appropriate amount stated in the following table:

"If the taxable estate is—	The maximum credit shall be—
Not over $5,000	2.4% of the taxable estate.
Over $5,000 but not over $10,000.	$120 plus 5.6% of the excess over $5,000.
Over $10,000 but not over $30,000.	$400 plus 10% of the excess over $10,000.
Over $30,000 but not over $50,000.	$2,400 plus 16% of the excess over $30,000.
Over $50,000 but not over $100,000.	$5,600 plus 22% of the excess over $50,000.
Over $100,000 but not over $150,000.	$16,600 plus 24% of the excess over $100,000.
Over $150,000 but not over $500,000.	$28,600 plus 6% of the excess over $150,000.
Over $500,000 but not over $1,000,000.	$49,600 plus 7% of the excess over $500,000.
Over $1,000,000 but not over $2,500,000.	$84,600 plus 9% of the excess over $1,000,000.
Over $2,500,000 but not over $5,000,000.	$219,600 plus 12% of the excess over $2,500,000.
Over $5,000,000 but not over $8,000,000.	$519,600 plus 14% of the excess over $5,000,000.
Over $8,000,000 but not over $12,000,000.	$939,600 plus 15% of the excess over $8,000,000.
Over $12,000,000	$1,539,600 plus 16% of the excess over $12,000,000.

"(3) Requirement of state certification.—The provisions of this subsection shall apply in the case of the estate of a decedent dying before January 1, 1972, only if his death occurs after the Governor of the State imposing the tax for which the credit is claimed certifies to the Secretary or his delegate—

"(A) that the estimated annual revenue level of the death taxes of such State has been increased by an amount which is not less than the amount which the Secretary or his delegate shall have certified to the Governor as the amount by which (i) the estimated aggregate credits determined under this subsection on the basis of Federal estate tax returns filed during the calendar year 1968 from his State exceed (ii) the aggregate credits claimed under subsection (a) on such returns, and

"(B) that under the applicable provisions of law such increase in death taxes is effective with respect to estates of decedents dying before January 1, 1972.

"(4) DEFINITION.—As used in this subsection with respect to the District of Columbia, the term 'Governor' means the Commissioner of the District of Columbia."

TECHNICAL AMENDMENTS

SEC. 402. (a) Section 2011(b) of the Internal Revenue Code of 1954 (relating to amount of credit for State death taxes) is amended by striking out "the credit allowed by this section" and inserting in lieu thereof "the credit allowed by subsection (a)".

(b) Section 2011(e) of such code (relating to limitation in cases involving deduction under section 2053(d)) is amended—

(1) by striking out "subsection (a)" each place it appears in paragraphs (1) and (2)(B) and inserting in lieu thereof "subsection (a) or (f)(1)";

(2) by striking out "subsection (b)" in paragraphs (2)(A) and (2)(B) and inserting in lieu thereof "subsection (b) or (f)(2)"; and

(3) by inserting "in any case where the credit is determined under subsection (a)" after "subparagraph (A) of that paragraph" in paragraph (3).

TITLE V—TO PERMIT STATE AND LOCAL TAXING AUTHORITIES TO TAX PROPERTY LOCATED IN FEDERAL AREAS

SEC. 501. Title 4, United States Code, is amended by inserting after section 105 the following new section:

"§ 105A. Same; property tax

"(a) Subject to the provisions of subsection (b), no person shall be relieved from liability for payment of any otherwise applicable property tax levied by any State, or by any duly constituted taxing authority therein, having jurisdiction to levy such a tax, on the ground that all or part of the property taxed is located in a Federal area. Such State or taxing authority shall have full jurisdiction and power to levy and collect any such tax in any Federal area within such State to the same extent and with the same effect as though such area were not a Federal area.

"(b)(1) Before a State or taxing authority may levy and collect a tax as provided in subsection (a), an agency designated for that purpose by the President must have certified that persons owning property subject to taxation under this section or living or working in areas under the exclusive Federal legislative jurisdiction within the State are afforded substantially the same rights, privileges, and tax-supported services, as if the area were not under exclusive Federal jurisdiction. In no case shall such certification be given unless those persons permanently residing within such areas are afforded the same rights to vote and to hold public office as those available to persons permanently residing in such State outside of such areas.

"(2) The designated agency shall have the authority to revoke certification upon its determination that the State no longer adheres to the requirements of paragraph (1) of this subsection.

"(c) For the purpose of this section, a property tax means any Tax imposed directly on, or measured by the value of, real or personal property or any interest in real or personal property.

"(d) Nothing in this section shall affect—

"(1) any of the rights, privileges, and protections afforded by section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 574); or

"(2) the provisions of section 408 of the Housing Amendments of 1955 with respect to the taxation of an interest of a lessee from the Federal Government in or with respect to any property covered by a mortgage insured under the provisions of title VIII of the National Housing Act in effect prior to August 11, 1965.

"(e) The provisions of this section shall apply only to taxes levied on or after January 1, 1971."

SEC. 502. The analysis of chapter 4 of such title, immediately preceding section 101, is amended by inserting between items 105 and 106 the following new item:

"105A. Same; property tax."

SEC. 503. (a) Section 107(a) of title 4, United States Code, is amended by inserting immediately after "105" a comma and "105A,".

(b) Section 108 of such title is amended by striking out "sections 105–110" and inserting in lieu thereof "sections 105, 105A, 106, 107, 108, 109, 110".

(c) Section 109 of such title is amended by inserting immediately after "sections 105" a comma and "105A,".

SEC. 504. Section 1343 of title 28, United States Code, is amended—

(1) by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon; and

(2) by adding after paragraph (4) the following new paragraph:

"(5) To secure equitable or other relief to prevent the collection of taxes contrary to the provisions of section 105A of title 4 or other provisions of law."

SECTION-BY-SECTION ANALYSIS OF THE INTERGOVERNMENTAL REVENUE ACT OF 1969

Section 1 provides that this legislation may be cited as the "Intergovernmental Revenue Act of 1969."

Declaration of policy

Section 2 affirms the "federal" character of the governmental system of the United States and contains the declaration of Congressional policy to federalize the Federal personal income tax, reduce Federal tax impediments to more intensive use of State personal income taxes, facilitate the exercise of adequate powers of taxation by States and localities and establish a system of general support (revenue-sharing) payments to the States and major units of local government.

Confronted with the diversity of objectives in fashioning a program into aid State and local governments, this legislation proposes that a variety of techniques including revenue sharing and income and death tax credits be combined into a remedial measure that will:

Redress the unequal distribution of taxable resources and thereby help create a fiscal environment that will enable States and localities to exercise wider latitude in determining their budgetary priorities.

Strengthen the financial base of State and local governments with revenue sources that grow as the national economy expands.

Reward States and major local units that go the extra mile on tax effort to respond to their own expenditure requirements.

Arm States with the revenue source that enables them to enlarge their fiscal flexibility, diversify their tax systems, and adjust the distribution of tax burdens for family size as well as other equity considerations.

Reduce State vulnerability to and political leaders concern with tax competition from other States based solely on their making intensive use of the personal income tax.

TITLE I—GENERAL SUPPORT PAYMENTS TO STATES AND THEIR POLITICAL SUBDIVISIONS

Section 101 defines several terms used in this title of the Act.

General support trust fund

Section 102 establishes the General Support Trust Fund in the Treasury of the United States and provides for annual appropriations to the trust fund. The section directs the Secretary of the Treasury to determine the annual appropriation to the trust fund as an amount equal to either (a) the result obtained by adding (i) [1] percent of Federal individual taxable income and (ii) [25] percent of State personal income tax collections and dividing the sum by 2 or (b) the amount appropriated to the trust fund for the preceding year, whichever is greater. This proviso protects States and localities from a cutback resulting from a recession. The section also requires the Secretary to transfer amounts from the general fund to the trust fund quarterly on the basis of estimates and subsequently adjust the trust fund transfers to reflect the precise formula determination.

In fiscal 1970 the appropriations to the trust fund under this act would approximate $2.8 billion determined as follows:

[In billions]

A. 1% of Federal individual taxable income	$3.8
B. 25% of State Personal Income Tax Collections	1.8
Sum of A and B	5.6
Result of dividing sum by Z	2.8

Initially, growth in the State income tax collections factor will outrun growth in the Federal individual taxable income factor because of State tax rate increases and new State income tax enactments. Thus, in the near term, the general support fund will rise faster than the growth of the Federal individual income tax base. The trust fund appropriation will continue to grow at a fairly rapid pace even after all the States have entered the personal income tax fold because of the responsiveness of this tax to growth in the national economy.

This section further provides a percentage set aside, for the first three years following enactment, to be used by the Secretary of the Treasury to fulfill his administrative and data gathering responsibilities under this title.

Basic payments

Section 103 requires the Secretary of the Treasury to make quarterly payments from the trust fund to the qualifying States and adjust subsequent payments to reflect any previous over or under payments.

State area entitlement

Section 104 directs the Secretary of the Treasury to determine by formula, the amount of the entitlement to the trust fund for each "State area." A State area is defined as the State government and all political subdivisions of the State. The formula specified in this section allocates to each State area an amount that depends on the population and relative tax effort in each State area. This approach assumes that State and local governments comprise a system in each State area. It recognizes that responsibilities are divided in different ways as between State and local governments in each State area. Each State area thus shares in the fund in proportion to its population and State-local-tax effort—the respective indicators of a State area's revenue needs and the response made to these needs.

The Secretary would obtain for each State area its:

(A) resident population;

(B) tax effort, i.e., the result of dividing the annual total of State and local taxes plus profits of State-owned liquor stores by the total personal income of individuals in the State area; and

(C) tax effort ratio, i.e., the result of dividing the current tax effort (B) by the tax effort for the previous period.

After multiplying each of the factors (A, B, and C) for each State, the products are added to determine the sum for the 50 States and the District of Columbia. This total becomes the denominator for calculating a ratio between each State's population-tax effort product and the total population-tax effort product for all States. The amount of the trust fund multiplied by this ratio for any State yields the amount of that State area's entitlement.

The use of two tax effort factors in the formula provides a bonus to States which maintain and increase thier tax effort. The factors also protect the National Government against attempts by States to replace State-local tax efforts with funds from revenue sharing.

Distribtuion of State area entitlement

Section 105 requires Governors to pay over to cities and counties of 50,000 population a portion of the State area entitlement in accordance with a formula that varies the payment to each city and county on the basis of its local revenue ratio, i.e., the ratio between its tax receipts and the total tax receipts of the State and its localities plus State liquor store profits.

The amount of local tax receipts is assumed to implicitly reflect variations in local tax effort.

Specifically, the pass-through requirement in this act provides that (a) cities and counties of 100,000-plus population receive an amount equal to the product of multiplying the State area entitlement by two times the local revenue ratio, and (b) cities and counties of 50,000-plus population receive an amount equal to the product of multiplying the State area entitlement by two times the local revenue ratio multiplied further by the percentage by which the city or county population exceeds 50,000. This population modification for the cities and counties in the 50,000 to 100,000 size class avoids the possibility of drastically different treatment for cities and counties just below and just above the minimum population of 50,000.

The 50,000 population cutoff figure is designed to reconcile the competing demands of "federalism" and "urbanism." By drawing the line at 50,000, Congress still leaves each State with considerable discretion in the allocation of revenue sharing payments to its units of local government, a policy that accords with the tenets of federalism.

By specifying payments to the 872 counties and cities above the 50,000 mark which account for approximately 75 percent of the nation's population, Congress includes virtually all of the local jurisdictions experiencing the most severe fiscal tensions. The use of the multiplier of two times the local revenue ratio is designed to reflect the national urgency of the urban fiscal crisis.

It is estimated that on a nationwide basis. This formula allocates 22 percent of the trust fund to cities and 13 percent to counties.

To encourage States to take the initiative in strengthening the fiscal position of cities and counties and to maximize flexibility in the use of general support payments for meeting the particular needs of differing State-local fiscal systems, this section requires the Secretary to accept an alternative State plan that meets either of two conditions:

(1) Each city and county will receive more under the State alternative plan than it is entitled to under the statutory formula; or

(2) An alternative State plan is accepted by formal resolution of the city and county legislative bodies representing, at one and the same time, half of those entitled to receive payments under the statutory formula, and those entitled to receive at least 50% of the amount designated by the statutory formula for cities and counties.

Under the second of these conditions, a State with the concurrence of cities and counties, may carry out a plan that would shift financial responsibility for a major function such as support for public schools or public assistance from the local governments to the State.

In recognition of the contribution that locally imposed school taxes make to aggregate State and local tax effort, this section further designates part of the State area entitlement for support of local schools. The amount spent for this purpose is determined by multiplying the payment to the State (after subtracting the amount allocated to cities and counties) by the ratio of separate school taxes to State and separate school taxes. It is estimated that on a nationwide basis this requirement allocates 16 percent of the trust fund to school support.

Qualifying agreements with the Secretary

Section 106 requires the Governor of a State with the approval of the State legislature to enter an agreement with the Secretary in order to qualify to receive revenue sharing payments. States would pledge to adhere to seven conditions:

(1) Financial control and accountability over payments to the State of the same type the State gives to State funds;

(2) Preparation and submission to the Secretary of a five-year projection of State government expenditures along with a report on the disposition of revenue sharing payments in order to subject the spending of the funds to the usual budgetary processes. The Secretary has no power either to approve or disapprove the plan or the expenditures.

(3) Maintenance of the unrestricted character of the funds distributed to cities and counties, except that a State could prohibit cities and counties from spending the money for a purpose that conflicts in whole or in part with a State's plan dealing with the utilization and development of its human or physical resources;

(4) Confirmation by report to the Secretary that in each of the first three years after the effective date of the act that the State did not reduce its grants out of its own funds to eligible cities and counties because of the Federal aid assured to these governments under this act. It is thus the intent of the act that the States not reduce their grants out of their own funds to eligible cities and counties.

(5) Adherence to all Federal laws in connection with any activity or program supported by funds provided in this Act so that these funds do not perpetuate practices that conflict with national policy.

(6) Submission of reports as necessary to the Secretary, the Congress, and the Comptroller General to help them carry out their responsibilities under this act:

(7) Distribution of the funds within the State required under Section 105.

Powers of the Secretary

Section 107 directs the Secretary to obtain the requisite statistical data, reports and other materials he needs to discharge his responsibilities under this title and requires Federal agencies to carry out their statistical functions in a manner that will assist the Secretary in administering this title. This section also gives the Secretary authority to reimburse Federal agencies for the cost of providing any data necessary to the administration of this act from the funds allocated for the Secretary by a percentage set aside in the first three years following the enactment of the act. It further authorizes appropriations after the first three years to support the continuing information requirements of the Secretary under this act.

This section also empowers the Secretary after giving notice and conducting a hearing, to stop payments to a State that fails to comply with the agreements required under the act until such time as corrective action is taken.

Judicial review

Section 108 permits a State to file a petition for review of the Secretary's action in the appropriate United States Court of Appeals. The scope of the judicial review authority is spelled out and includes final appeal to the Supreme Court.

Report by the Secretary

Section 109 requires the Secretary to report to the Congress on the operation of the trust fund for the preceding and current fiscal years. He must file a statement of the actual and estimated appropriations and disbursements from the trust fund and may recommend changes in its operation.

Congressional study

Section 110 charges the respective Appropriations and Legislative committees of both the House and the Senate to conduct a full and complete study with respect to the operation of the trust fund at least once during each session of Congress. This section explicitly provides that the Congress retains the same rule-making authority with respect to these rules as it does with other rules.

TITLE II—PARTIAL FEDERAL INCOME TAX CREDIT FOR STATE AND LOCAL INCOME TAX PAYMENTS

Section 201 amends the Internal Revenue Code by renumbering Section 40 as 41 and inserting a new Section 40 that permits individuals to elect, in lieu of deductions, to take full credit against their Federal income tax liability an amount equal to [40] percent of their State and local income tax payments. The section defines State and local income taxes so as to include only those that apply to net income (after personal exemptions and dependent allowances). It pins down the period in which the taxpayer changes his election of the Section 40 credit or deductions. It spells out the methods to be used in accounting for adjustments on payments of accrued taxes claimed as Section 40 credits. It also incorporates cross references and the necessary technical and conforming amendments to other sections of the Internal Revenue Code.

The effect of the partial Federal tax credit on State use of the income tax cannot be predicted with certainty. Nonetheless, the thrust of the credit will be to encourage greater State use of this revenue source. Assuming the credit stimulates State income tax effort to a moderate degree, the Federal revenue foregone during the second year of the operation of the credit may be more than offset by the increasing State income tax receipts. Once State income tax receipts pass this threshold, State gains should overshadow Federal revenue loss because the States will be collecting one dollar for each forty cents of Federal credit.

Section 202 makes the amendments to the Internal Revenue Code contained in this title effective with taxable years beginning after the date of the enactment of this act.

TITLE III—FEDERAL COLLECTION OF STATE INCOME TAXES

Section 301 adds a new section to Chapter 77 of the Internal Revenue Code to allow the proper officials of any State and the Secretary of the Treasury to enter into an agreement for Federal administration and enforcement of that State's income tax. It requires that the State pay to the Treasury Department the cost of any work or services performed as a result of the agreement.

If the States, on their part, evidence a willingness to enter into the agreements authorized under this section, the day may come when taxpayers of a State can discharge both Federal and State tax liabilities with a single set of tax officials. States have tended increasingly to conform their income tax laws to the Federal Internal Revenue Code. The prospects of working out a mutually accepted agreement have thereby been enhanced. Currently, several States are considering the enactment of a personal income tax for the first time. If the Secretary of the Treasury had this authority one or more of these States might immediately take steps to enter into an agreement in order to avoid the cost of establishing its own income tax administrative machinery.

TITLE IV—LARGER FEDERAL CREDIT FOR STATE DEATH TAX PAYMENTS

Section 401 amends the Internal Revenue Code by adding a new subsection at the end of section 2011 to restructure and liberalize the Federal credit for State death tax payments in return for State enactment of: (a) an estate tax in States now using an inheritance tax in order to ease taxpayer compliance and tax administration burdens; and (b) revised estate tax rates to pick up the increases in the Federal credits so that their effect is to raise State revenue rather than to reduce State taxes.

Taxpayers compliance and tax administration are frequently difficult under the present system of Federal estate and gift taxes and State estate, inheritance, and gift taxes. Jurisdictional conflicts frequently arise. State revenue from death taxes fluctuates from year to year. This section replaces the present Federal estate tax credit for State death tax payments with a two-bracket credit. This two-step credit gives the States a larger part of the revenue produced by the lower tax brackets—taxable estates up to $50,000—and reserves for the Federal government the portion of the revenue produced by the larger estates. This section would make the liberalized credit applicable to decedents dying after December 31, 1972 to give States time to make appropriate adjustments in their tax laws to obtain the revenues involved. The budgetary impact of this section would build up gradually after the first few years.

TITLE V—PROPERTY TAXES IN FEDERAL ENCLAVES

Section 501 adds a new section 105A to Title 4 of the United States Code. This new section permits the imposition and collection of property taxes on privately owned real and personal property within Federal areas, such congressional consent to take effect (or terminate) State-by-State upon certification (made or withdrawn) by an agency designated by the President that persons living and working in areas under the exclusive Federal legislative jurisdiction within the State are afforded substantially the same rights and privileges and tax supported services as those available to other residents of the State.

Under the provisions of Title V the National Government would permit States and their localities to tax the personal property of private individuals located in areas under exclusive Federal jurisdiction. This privilege would be accorded only if the State could demonstrate to the satisfaction of the Department of Justice that all persons residing in such Federal enclaves enjoy the same rights and privileges accorded to residents of the State. Adoption of this provision would not result in a direct revenue loss to the National Government—it would, however, result in some personal property tax gain to those local governments that have Federal enclaves located within their jurisdictions.

In view of recent economic trends, the rise in local tax rates and an estimate that States and localities in 1961 would have gained about $10 million a year, it seems reasonable to estimate the current revenue gain would be on the order of $20 million annually.

SUMMARY OF H.R. 13353, THE INTERGOVERNMENTAL REVENUE ACT

TITLE I—GENERAL SUPPORT PAYMENTS TO STATES AND THEIR POLITICAL SUBDIVISIONS

This Title establishes a General Support Trust Fund to receive each year an amount equal to half the sum of 1% of Federal individual taxable income plus 25% of State personal income tax. This sum would be distributed to qualifying State governments quarterly, and to protect them, subsequent payments would not be lower than for previous years. Estimates indicate the fund would distribute $2.8 billion in FY 1970, $3.35 billion in FY 1971, and $3.9 billion in FY 1972.

This total fund would be allocated among the various States using a formula based primarily on population. This formula, however, would be weighted upward for poorer States and for those States with a higher relative local tax effort.

For a State to qualify for such aid it would have to meet legal standards designed to maintain proper control of the funds. The State would also have to continue efforts to help local governments.

The funds a particular State receives are to be allocated to the State, counties, cities, and school boards, based roughly on their relative tax efforts, but weighted to favor urban concentrations. To maintain the role of the State, all money is funnelled through it, but to protect and help large cities and counties, a mandatory pass-through assures them of a share of the funds. To maintain flexibility, alternative allocations within the States are possible if those State and local governments involved agree.

TITLE II—PARTIAL FEDERAL INCOME TAX CREDIT FOR STATE AND LOCAL INCOME TAX PAYMENTS

This Title permits individuals to take, in lieu of the itemized tax deduction, in full credit against their Federal income tax liability an amount equal to 40% of their State and local income tax payments. In effect, certain funds will not be collected by the Federal government, if the States collect these themselves. This would support local and State governments, cutting out Federal red tape and overhead.

TITLE III—FEDERAL COLLECTION OF STATE INCOME TAXES

This Title allows a State and the Secretary of the Treasury to enter an agreement to have State income taxes collected by the Federal government. For those States who base their local tax on the Federal income tax, this provision would be of great help and would simplify local tax administration.

TITLE IV—LARGER FEDERAL CREDIT FOR STATE DEATH TAX PAYMENTS

This Title permits the restructuring and liberalizing of the Federal credit for State death tax payments. As a result, the State receives a larger share of the total estate tax levied, while the net burden on the individual's estate does not change.

TITLE V—PROPERTY TAXES IN FEDERAL ENCLAVES

This Title permits the collection of property taxes from privately owned property within Federal enclaves, if persons living and working in areas under exclusive Federal legislative jurisdiction are given substantially the same rights and privileges and tax-supported services as those available to other residents of the State.

INTERGOVERNMENTAL REVENUE ACT OF 1969

EXHIBIT A.—ESTIMATED FEDERAL TRUST FUND APPROPRIATION FOR FISCAL YEARS 1970, 1971, AND 1972 UNDER THE PROPOSED FORMULA FOR GIVING EQUAL WEIGHT TO 2 FACTORS—1 PERCENT OF FEDERAL TAXABLE INCOME AND 25 PERCENT OF STATE PERSONAL INCOME TAX COLLECTIONS

[Amounts in billions]

	1 percent of Federal taxable income (estimate)	25 percent of State income tax collections [1]	Trust fund cols. 1+2÷2
Fiscal year:			
1970	$3.8	$1.8	$2.8
1971	4.1	2.6	3.35
1972	4.4	3.5	3.9

[1] Assumes adoption of Federal tax credit proposal in 1969 and that its acceleration effect on State personal income tax collections is moderately strong as shown in exhibit E for 1970 and 1971 and that collections for 1969 are $7,200,000.

Source: ACIR staff estimates.

EXHIBIT B.—SUMMARY OF STATE-AREA ENTITLEMENTS WITH $3,000,000,000 OF SHARED REVENUE

State	Population, 1967		State-area entitlement				Percent effect of relative-effort provisions		Per capita personal income, 1967	
	Number (thousands) (1)	Percent of United States (2)	Amount (thousands) (3)	Percent of United States (4)	Per capita (5)	Per $100 S-L taxes (6)	As applied (7)	Current effort only (8)	Amount (9)	Percent of U.S. average (10)
United States	197,863	100.000	$3,000,000	100.000	$15.16	$4.88			$3,159	100
Alabama	3,540	1.789	47,490	1.583	13.42	6.93	−12	−10	2,163	68
Alaska	272	.137	3,750	.125	13.79	4.48	−9	−11	3,738	118
Arizona	1,634	.826	30,150	1.005	18.45	5.80	+22	+21	2,720	86
Arkansas	1,968	.995	27,720	.924	14.09	7.08	−7	−6	2,099	66
California	19,153	9.680	333,000	11.100	17.39	4.19	+15	+16	3,665	116
Colorado	1,975	.998	33,090	1.103	16.75	4.83	+11	+14	3,135	99
Connecticut	2,925	1.478	37,710	1.257	12.89	3.88	−15	−13	3,969	126
Delaware	523	.264	7,560	.252	14.46	4.27	−5	−7	3,642	115
District of Columbia	809	.409	10,410	.347	12.87	3.78	−15	−18	4,123	131
Florida	5,995	3.030	93,660	3.122	15.62	5.69	+3	+1	2,853	90
Georgia	4,509	2.279	62,100	2.060	13.77	6.13	−9	−9	2,541	80
Hawaii	739	.373	15,090	.503	20.42	5.02	+35	+28	3,331	105
Idaho	699	.353	12,570	.419	17.98	6.00	+19	+17	2,565	92
Illinois	10,893	5.505	126,600	4.220	11.62	3.90	−23	−19	3,750	119
Indiana	5,000	2.527	73,920	2.464	14.78	4.80	−2	−4	3,196	101
Iowa	2,753	1.391	41,220	1.374	14.97	4.49	−1	+5	3,109	98
Kansas	2,275	1.150	34,800	1.160	15.30	4.86	+1	+4	3,060	97
Kentucky	3,189	1.612	44,280	1.476	13.89	6.52	−8	−10	2,426	77
Louisiana	3,662	1.851	59,670	1.989	16.29	6.25	+7	+10	2,456	78
Maine	973	.492	14,910	.497	15.32	5.60	+1	+4	2,657	84
Maryland	3,682	1.861	58,320	1.944	15.84	4.87	+4	−2	3,421	108

EXHIBIT B.—SUMMARY OF STATE-AREA ENTITLEMENTS WITH $3,000,000,000 OF SHARED REVENUE—Continued

State	Population, 1967		State-area entitlement				Percent effect of relative-effort provisions		Per capita personal income, 1967	
	Number (thousands) (1)	Percent of United States (2)	Amount (thousands) (3)	Percent of United States (4)	Per capita (5)	Per $100 S-L taxes (6)	As applied (7)	Current effort only (8)	Amount (9)	Percent of U.S. average (10)
Massachusetts	5,421	2.740	$91,230	3.041	$16.83	$4.56	+11	+7	$3,541	112
Michigan	8,584	4.338	122,430	4.081	14.26	4.35	−6	−3	3,396	108
Minnesota	3,582	1.810	63,300	2.110	17.67	4.95	+17	+17	3,116	99
Mississippi	2,348	1.187	36,930	1.231	15.73	7.92	+4	+6	1,896	60
Missouri	4,603	2.326	62,880	2.096	13.66	5.25	−10	−12	2,993	95
Montana	701	.354	11,340	.378	16.18	5.29	+7	+10	2,765	88
Nebraska	1,435	.725	19,290	.643	13.44	4.95	−11	−11	3,081	98
Nevada	444	.224	7,470	.249	16.82	4.43	+11	+7	3,583	113
New Hampshire	686	.347	9,690	.323	14.13	5.15	−7	−6	3,053	97
New Jersey	7,003	3.539	96,960	3.232	13.85	4.40	−9	−12	3,668	116
New Mexico	1,003	.507	16,230	.541	16.18	5.86	+7	+10	2,477	78
New York	18,336	9.267	367,380	12.246	20.04	4.38	+32	+25	3,759	119
North Carolina	5,029	2.542	70,200	2.340	13.96	6.24	−8	−6	2,439	77
North Dakota	639	.323	10,110	.337	15.82	5.93	+4	+5	2,487	79
Ohio	10,458	5.285	121,470	4.049	11.62	4.57	−23	−20	3,213	102
Oklahoma	2,495	1.261	38,460	1.282	15.41	5.97	+2	0	2,643	84
Oregon	1,999	1.010	33,060	1.102	16.54	5.07	+9	+8	3,063	97
Pennsylvania	11,629	5.877	161,790	5.393	13.91	4.89	−8	−9	3,187	101
Rhode Island	900	.455	12,060	.402	13.40	4.54	−12	−7	3,328	112
South Carolina	2,599	1.314	35,370	1.179	13.61	6.91	−10	−9	2,213	70
South Dakota	674	.341	11,010	.367	16.34	5.68	+8	+12	2,590	82
Tennessee	3,892	1.967	53,550	1.785	13.76	6.50	−9	−9	2,394	76
Texas	10,869	5.493	137,490	4.583	12.65	5.53	−17	−14	2,744	87
Utah	1,024	.518	17,340	.578	16.93	5.76	+12	+14	2,604	82
Vermont	417	.211	6,840	.228	16.40	5.28	+8	+15	2,825	89
Virginia	4,536	2.292	65,160	2.172	14.37	5.91	−5	−10	2,804	89
Washington	3,087	1.560	49,980	1.666	16.19	4.45	+7	+9	3,521	112
West Virginia	1,798	.909	27,360	.912	15.22	6.65	0	−1	2,334	74
Wisconsin	4,189	2.117	69,180	2,306	16.51	4.66	+9	+14	3,156	100
Wyoming	315	.159	6,450	.215	20.48	5.59	+35	+26	3,002	95

EXHIBIT C.—SHARED REVENUE ALLOCATIONS BY TYPE OF GOVERNMENT (WITH $3,000,000,000 TOTAL)

State	Amounts (thousands)					Percent				Exhibits State taxes as percent of S-L taxes (10)
	Total (1)	State governments (2)	Major cities (3)	Major counties (4)	School districts (5)	State governments (6)	Major cities (7)	Major counties (8)	School districts (9)	
United States	$3,000,000	$1,476,443	$666,292	$374,532	$482,765	49.22	22.12	12.48	16.09	52.4
Alabama	47,490	33,248	5,917	5,324	3,001	70.10	12.46	11.21	6.32	71.3
Alaska	3,750	2,977	----------	772	1	79.39	----------	20.60	.02	68.5
Arizona	30,150	15,273	4,661	3,935	6,281	50.66	15.46	13.05	20.83	57.3
Arkansas	27,720	21,138	704	529	5,348	76.26	2.54	1.91	19.29	72.5
California	333,000	121,689	54,679	90,443	66,190	36.54	16.42	27.16	19.88	43.8
Colorado	33,090	15,553	5,526	3,805	8,206	47.00	16.70	11.50	24.80	49.0
Connecticut	37,710	26,660	11,034	----------	16	70.70	29.26	----------	.04	48.1
Delaware	7,560	5,446	921	637	557	72.04	12.18	8.42	7.37	78.8
District of Columbia	10,410	----------	10,410	----------	----------	----------	100.00	----------	----------	----------
Florida	93,660	49,201	11,014	16,559	16,885	52.53	11.76	17.68	18.03	53.2
Georgia	62,100	40,031	5,850	7,862	8,357	64.46	9.42	12.66	13.46	65.8
Hawaii	15,090	8,153	6,815	122	----------	54.03	45.16	.81	----------	73.2
Idaho	12,570	9,576	----------	334	2,660	76.18	----------	2.66	21.16	63.4
Illinois	126,600	54,794	26,662	10,229	34,915	43.28	21.06	8.08	27.58	44.6
Indiana	73,920	38,010	7,362	8,870	19,677	51.42	9.96	12.00	26.62	50.0
Iowa	41,220	22,151	2,786	2,993	13,290	53.74	6.76	7.26	32.24	50.9
Kansas	34,800	20,078	2,436	3,619	8,667	57.70	7.00	10.40	24.91	49.6
Kentucky	44,280	30,581	4,145	2,506	7,048	69.06	9.36	5.66	15.92	68.5
Louisiana	59,670	40,408	8,807	4,219	6,236	67.72	14.76	7.07	10.45	72.3
Maine	14,910	13,849	656	227	178	92.88	4.40	1.52	1.19	53.1
Maryland	58,320	16,983	17,344	23,993	----------	29.12	29.74	41.14	----------	53.6
Massachusetts	91,230	55,176	32,952	3,102	----------	60.48	36.12	3.40	----------	47.7
Michigan	122,430	64,050	20,176	12,182	26,022	52.32	16.48	9.95	21.25	56.0
Minnesota	63,300	34,145	6,634	7,818	14,704	53.94	10.48	12.35	23.23	51.6
Mississippi	36,930	27,827	1,928	1,488	5,687	75.35	5.22	4.03	15.40	67.0
Missouri	62,880	29,740	14,198	4,188	14,754	47.30	22.58	6.66	23.46	51.3
Montana	11,340	7,619	43	663	3,015	67.19	.38	5.85	26.59	45.2
Nebraska	19,290	7,630	2,677	1,431	7,551	39.55	13.88	7.42	39.14	34.9
Nevada	7,470	4,029	196	1,829	1,417	53.94	2.62	24.48	18.97	51.5
New Hampshire	9,690	4,821	1,041	303	3,525	49.75	10.75	3.13	36.38	41.5
New Jersey	96,960	36,890	19,159	19,770	21,141	38.05	19.76	20.39	21.80	37.7
New Mexico	16,230	12,419	1,860	524	1,526	76.52	11.46	2.62	9.40	74.5
New York	367,380	81,040	232,405	37,326	16,610	22.06	63.26	10.16	4.52	48.3
North Carolina	70,200	52,861	5,012	12,327	----------	75.30	7.14	17.56	----------	74.6
North Dakota	10,110	7,005	----------	133	2,972	69.29	----------	1.32	29.40	50.8
Ohio	121,470	50,310	20,626	12,487	38,047	41.42	16.98	10.28	31.32	45.6
Oklahoma	38,460	25,462	3,600	1,546	7,852	66.20	9.36	4.02	20.42	62.2
Oregon	33,060	16,724	3,055	3,104	10,177	50.59	9.24	9.39	30.78	53.3
Pennsylvania	161,790	81,190	33,685	13,073	33,843	50.18	20.82	8.08	20.92	55.1
Rhode Island	12,060	8,040	3,999	----------	21	66.67	33.16	----------	.17	53.7
South Carolina	35,370	28,813	828	1,556	4,173	81.46	2.34	4.40	11.80	77.2
South Dakota	11,010	6,348	130	269	4,263	57.66	1.18	2.44	38.72	43.1
Tennessee	53,550	28,334	14,405	10,780	31	52.91	26.90	20.13	.06	62.4
Texas	137,490	70,985	26,123	11,934	28,448	51.63	19.00	8.68	20.69	53.6
Utah	17,340	9,687	1,516	2,330	3,807	55.87	8.74	13.44	21.96	60.4
Vermont	6,840	4,920	----------	25	1,895	71.93	----------	.36	27.70	61.5
Virginia	65,160	34,740	18,128	12,563	----------	52.90	27.82	19.28	----------	59.2
Washington	49,980	33,856	4,528	4,813	6,783	67.74	9.06	9.63	13.57	71.3
West Virginia	27,360	20,268	804	1,042	5,245	74.08	2.94	3.81	19.17	70.8
Wisconsin	69,180	41,891	8,885	9,007	9,427	60.55	12.80	13.02	13.63	62.0
Wyoming	5,450	4,094	----------	40	2,316	63.47	----------	.62	35.91	48.3

EXHIBIT D.—NUMBER AND POPULATION OF AIDED MAJOR CITY AND COUNTY GOVERNMENTS

State	Net total population, aided cities and counties, 1960		Aided cities				Aided counties			
			Number		Population		Number		Population	
	Number (thousands) (1)	Percent of State total (2)	Total (3)	With 1960 population of 100,000 or more (4)	Number (thousands) (5)	Percent of all city population (6)	Total (7)	With 1960 population of 100,000 or more (8)	Number (thousands) (9)	Percent of all county population (10)
United States	133,303	74.3	314	130	64,045	54.6	558	276	114,738	72.5
Alabama	1,887	57.8	6	3	872	46.5	13	5	1,887	57.8
Alaska	83	36.7					1		83	50.0
Arizona	1,047	80.4	2	2	652	68.1	4	2	1,047	80.4
Arkansas	517	28.9	3	1	219	23.2	5	1	517	28.9
California	15,275	97.2	41	14	7,548	65.8	32	22	14,535	97.0
Colorado	1,368	78.0	3	1	655	53.5	9	5	874	69.4
Connecticut	873	34.4	8	4	873	67.6				
Delaware	446	100.0	1		96	54.1	3	1	446	100.0
District of Columbia	764	100.0	1	1	764	100.0				
Florida	4,235	85.5	10	4	1,364	47.8	21	11	4,235	85.5
Georgia	1,696	43.0	6	3	950	44.9	9	7	1,696	43.0
Hawaii	561	88.6	1	1	500	100.0	1		61	46.2
Idaho	151	22.6					2		151	22.6
Illinois	8,379	83.1	15	3	4,584	55.1	23	14	8,379	83.1
Indiana	2,937	63.0	9	6	1,401	47.0	18	9	2,937	63.0
Iowa	1,024	37.1	7	1	663	34.8	9	5	1,024	37.1
Kansas	928	42.6	3	3	496	32.1	6	4	928	42.6
Kentucky	1,375	45.3	3	1	514	37.4	11	3	1,375	45.3
Louisiana	2,100	64.5	5	3	1,138	57.1	12	5	1,242	51.8
Maine	690	71.2	1		73	20.2	6	3	690	71.2
Maryland	2,713	87.5	1	1	939	67.2	9	4	1,774	82.1
Massachusetts	5,143	99.9	19	5	2,323	82.2	11	9	4,348	99.9
Michigan	6,525	83.4	19	5	3,232	59.9	22	16	6,525	83.4
Minnesota	1,859	54.5	4	3	954	37.6	8	3	1,859	54.5
Mississippi	674	30.9	1	1	144	15.1	8	2	674	30.9
Missouri	2,634	61.0	6	2	1,515	50.0	9	3	1,884	52.8
Montana	152	22.5	2		108	27.1	2		152	22.5
Nebraska	499	35.4	2	2	430	44.4	2	2	499	35.4
Nevada	212	74.4	2		116	58.5	2	1	212	74.4
New Hampshire	405	66.7	1		88	28.7	4	1	405	66.7
New Jersey	5,969	98.4	14	6	1,675	39.4	19	16	5,969	98.4
New Mexico	537	56.5	1	1	201	32.8	6	1	537	56.5
New York	16,016	95.4	15	8	9,853	79.0	35	18	8,234	91.5
North Carolina	2,901	63.7	7	3	727	37.9	30	8	2,901	63.7
North Dakota	67	10.6					1		67	10.6
Ohio	8,323	85.8	18	8	3,664	52.5	40	16	8,323	85.8
Oklahoma	1,042	44.8	3	2	648	38.6	6	2	1,042	44.8
Oregon	1,268	71.7	2	1	424	43.8	9	4	1,268	71.7
Pennsylvania	10,630	93.9	14	5	3,584	50.5	41	27	8,627	92.6
Rhode Island	424	49.4	4	1	424	73.1				
South Carolina	1,451	60.9	3		230	25.8	13	4	1,451	60.9
South Dakota	145	21.3	1		66	16.4	2		145	21.7
Tennessee	1,981	55.5	4	4	1,139	58.6	10	4	1,581	49.9
Texas	6,340	66.2	21	11	4,375	58.3	27	16	6,340	66.2
Utah	666	74.7	2	1	260	39.7	4	3	666	74.7
Vermont	74	19.0					1		74	19.0
Virginia	2,041	51.4	10	4	1,244	65.4	7	3	797	33.6
Washington	2,381	83.5	3	3	887	51.2	13	5	2,381	83.5
West Virginia	1,046	56.2	3		223	26.9	12	2	1,406	56.2
Wisconsin	2,789	70.6	7	2	1,213	43.3	19	9	2,789	70.6
Wyoming	60	18.2					1		60	18.2

EXHIBIT E.—ESTIMATED STATE INCOME TAX COLLECTIONS AND FEDERAL REVENUE FOREGONE FOR THE FISCAL YEARS 1970, 1971, AND 1972 UNDER 4 HYPOTHETICAL CONDITIONS

[Amounts in billions]

Hypothetical conditions	1st year, 1970		2d year, 1971		3d year, 1972	
	State income tax collections	Federal revenue foregone	State income tax collections	Federal revenue foregone	State income tax collections	Federal revenue foregone
I. No change in present law that permits deduction of State tax payments when computing Federal tax	$8.5	[1] $1.9	$10.0	[1] $2.2	$12.0	[1] $2.6
II. Congress adopts ACIR-type tax credit proposal and the acceleration effect on State income tax collections is relatively weak [2]	9.4	[1] 3.9	12.0	[1] 5.0	15.6	[1] 6.6
III. Congress adopts ACIR-type tax credit proposal and the acceleration effect on State income tax collections is moderately strong [3]	10.6	[1] 4.5	14.0	[1] 5.9	19.2	[1] 8.1
IV. Congress adopts ACIR-type tax credit proposal and its acceleration effect on State income tax collections is strong [4]	11.9	[1] 5.0	16.5	[1] 6.9	22.8	[1] 9.6

[1] Assumes an average State income tax write-off against Federal tax of 22 percent under present law and 42 percent under ACIR-type credit.

[2] Assumes that it will take 3 years before the increase in State income tax collections will offset the additional amount of Federal income tax foregone. Specific acceleration assumptions: 10 percent 1st year, 20 percent 2d year, and 30 percent 3d year, and no further State income tax collection acceleration after the 3d year attributable to the tax credit.

[3] Assumes that the break-even point will be reached in the 2d year. Specific acceleration assumptions: 25 percent 1st year, 40 percent 2d year, 60 percent 3d year, and no further acceleration in State income tax collections after the 3d year attributable to the Federal tax credit.

[4] Assumes that even in the 1st year the increase in State income tax collection attributable to the tax credit will more than offset the reduction in Federal revenue. Specific acceleration assumptions: 40 percent 1st year, 65 percent 2d year, 90 percent 3d year, and no further acceleration in collections after the 3d year attributable to the Federal tax credit.

Source: ACIR staff estimates.

EXHIBIT F.—ESTIMATES OF FEDERAL REVENUE FOREGONE AND STATE-LOCAL REVENUE GAIN IN THE FIRST 3 YEARS AFTER THE ENACTMENT OF THE PROPOSED INTERGOVERNMENTAL REVENUE ACT OF 1969

[Amounts in billions]

Titles	1970	1971	1972
FEDERAL REVENUE FOREGONE[1]			
Title I (revenue sharing)	$2.8	$3.4	$3.9
Title II (State income tax credits)	2.6	3.7	5.5
Title III[1]	0	0	0
Title IV (State death tax credits)			.7
Title V[2]	0	0	0
Total Federal revenue foregone	5.4	7.1	10.1
STATE-LOCAL REVENUE GAIN			
Title I	2.8	3.4	3.9
Title II	2.1	4.0	7.2
Title III			
Title IV			.7
Title V			
State-local revenue gain	4.9	7.4	11.8

[1] Federal collection of State income taxes.

[2] Authorizing State-local property taxes in Federal enclaves.

Source: ACIR staff estimates.

OVERREACTION IN GUISE OF SAFETY THREATENING THE WELFARE OF NATION'S COAL MINERS

(Mr. ERLENBORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ERLENBORN. Mr. Speaker, coal mine health and safety is currently a subject of intense public interest and one of the major areas of congressional legislative concern, and rightfully so.

Unfortunately, the interchange of ideas and information surrounding safety in the Nation's coal mines has been so steeped in emotion that congressional hearings and news media reports have tended to generate a great deal of heat without producing a commensurate degree of light.

Coal mine safety issues and the answers thereto are by no means simple or easy to resolve; rather, they constitute and reflect complex problems. The controversy cannot be expressed solely, as many proponents of the more extreme so-called safety provisions are contending, in terms of human versus economic considerations. Nor can it be relegated to the simplicity of the "gassy" versus "nongassy" mine distinction, permissible—spark proof—versus nonpermissible types of equipment, or many of the other often repeated and over-simplified arguments.

If the issues were reducible to a simple question it might best be expressed as whether the imposition of mandatory requirements for utilization of only nonsparking types of equipment in underground coal mines offers any realistic potential for saving the life and limb of a single coal miner. In my opinion, the slightest chance of an affirmative answer to this question would find the Congress overwhelmingly opting for a complete and unequivocal banning of so-called non-spark-proof equipment from underground coal mines whether they be deep mines or drift mines, of gassy or nongassy definition.

Regardless of the degree of complexity of this problem, I believe that the basic issues are capable of being articulated into clear, factual language which is understandable to all who are interested and concerned. The problem probably can best be fully observed through the posing of several pertinent questions:

WHAT IS PROPOSED?

The major revision and primary point of controversy in the safety portion of the proposed Federal Coal Mine Health and Safety Act is the mandatory requirement for the utilization of costly permissible—spark proof—type equipment in all underground coal mines. In the past such permissible type equipment has been required only in those underground coal mines which were determined by the U.S. Bureau of Mines to be "gassy," and thus subjected those who labored within to a high degree of danger from explosion through gas ignition.

WHO IS INVOLVED?

The individuals most directly affected by the extension of this requirement are the operators and 40,000 employees of the Nation's approximately 4,000 small coal mines, 95 percent of which are nongassy. The small, nongassy mines fall into two groups, the deep—slope or shaft—mines and the drift mines; however, the great majority are in the drift mine category most of which are located in Kentucky, Tennessee, Virginia, and West Virginia.

Drift mines are generally defined as coal mines driven in a substantially horizontal direction into the side of a hill or mountain to work in a seam of coal which runs on substantially the same lateral plane. Because such a mine is normally above the watertable the various gases associated with underground coal mining usually have seeped out through cracks and crevices in the earth's surface. The physical structure and location of drift mines also provide for excellent ventilation, thus eliminating the possible danger of explosion from sudden accumulations of gas from mining operations. Consequently, drift mines rarely contain sufficient gas content to sustain an ignition or explosion.

These drift mines generally are nonunion operations and are based on the purchase or lease from local landholders or larger coal companies of small deposits of coal located in remote areas and ranging from 10 to 15 acres in size. The typical small operator employs from eight to 10 men—usually the owner plus his close relatives and friends—who work with second-hand equipment purchased from the larger mines or equipment built by local machine shops. Average production at such mines is about 200 tons of coal per day which nets the owner about 30 cents profit per ton and about $12,000 per year in income. The typical miner receives about $28 per day and averages about $7,000 in annual income.

Quite obviously, the operators of these mines are not uncaring absentee landlords or 19th century vintage robber barons bent on exploting the downtrodden and oppressed. Rather, they are "blue-collar businessmen" attempting to carve out not only an entrepreneurship of their own but also to provide a living wage for themselves and members of their community. Thus, these small operators have a far greater and more personal interest than do the large operators in assuring safe working conditions, because the lives and limbs that hang in the balance are often their own as well as those of relatives and friends.

WHAT HAS BEEN THE SAFETY RECORD OF SMALL MINES?

Overall the safety record of these small nongassy mines has been outstanding in comparison to the large gassy mine operations. According to U.S. Bureau of Mines data, there are nearly five times as many of these mines as of the large gassy mines, yet they have had 14 times fewer fatalities and seven times fewer ignitions.

In the past 16 years the large gassy mines have had 387 explosions resulting in 376 fatalities and 427 serious injuries while the far more numerous small mines, deep and drift included, have had only 52 ignitions with 27 fatalities. It should be noted that all but nine of the 52 ignitions in the small mines were caused by individual miners violating safety regulations by smoking, using matches and cigarette lighters, or exposing other open flames in the mine atmosphere. The other nine ignitions were caused by failure to use sparkproof coal drills which are relatively inexpensive to purchase and a mandatory requirement for which small mine operators are not opposing.

Although this small mine safety record is significant in itself, even more important to the record is the fact that, while Bureau of Mines records are inadequate to furnish a complete historical picture of drift-mine safety, available evidence provides no indication that any of these 52 gas ignitions occurred in the small, nongassy drift-mine operations.

The mandatory requirement for the use of permissible type equipment in small drift-mine operations, therefore, would have no significant effect on safety in such mines, as such equipment is designed to forestall gas ignition rather than to prevent accidents resulting from human, mechanical, or geological failures and errors.

The real need in coal mine safety is amply indicated by the mining accident statistics for 1968 which show that of the 267 men killed in the Nation's coal mines, nearly 170 men died from roof falls and human and mechanical failures. Of the 98 deaths occurring from gas ignition, 78 resulted from the massive and unusual disaster at Farmington, W. Va. Furthermore, the rate of fatalities per million man-hours rose in 1968 to 0.66 from a low 0.62 in 1967. These data clearly demonstrate that the medicine being prescribed by overzealous safety enthusiasts is for a disease not present in the patient being treated.

Even if the safety statistics did not clearly indicate the absence of any real need for or potential value in the imposition of a mandatory requirement for permissible equipment in the small drift mine operations, the economic data pertaining to these mines should cause even the most ardent advocate of Federal coal mine oriented legislation to take pause and recognize that the ultimate consequences of such an imposition would be to close the great majority of these comparatively safe small nongassy mines.

WHO STANDS TO LOSE IF THE MANDATORY REQUIREMENT FOR PERMISSIBLE EQUIPMENT IS IMPOSED UPON THE NONGASSY DRIFT MINES?

The simple answer to this question is everyone; not only the small operators, their employees, and the local business community but also the Nation's consumers.

Coal supplies 53 percent of the Nation's energy and the small drift mines supply 40 percent of the Nation's coal. The coal industry has no excess production capacity at the present time and several years would be required to make up the production lost by the closure of the small drift mines. Moreover, the Nation lacks adequate substitute fuels to replace coal. Because coal is basic to the production of such materials as steel and synthetic fabrics, the effect of this lost production upon the Nation's economy would be substantial.

Some estimates indicate that the cost for drift mines to convert to all spark proof permissible type equipment would average $200,000 per operator or $1 per ton of annual production; but the current average price of coal per ton is only $3.50. It seems fairly obvious that only the operator with strong financial backing and/or a large number of guaranteed coal leases could afford to stay in business.

Even assuming that a substantial number of these small drift mine operators could obtain the financial backing and adequate coal leases required to take on the task of retooling their mines, there is some question as to whether the coal equipment construction industry would have the capacity to maintain an adequate inventory of permissible equipment to keep the small mines in production.

Moreover, several drift mine operators who have stated an intention to remain in business have also indicated that to remain economically competitive with the large mines, they would reequip with the new high-speed mining equipment. The installation of such equipment in these small mines is an event that the instant mine safety experts apparently did not anticipate because the high-speed mining equipment would introduce two new dangers to drift mine operations: First, a high coal-dust content produced by high-speed operations which would create not only a possible explosive mine atmosphere but also increase the health hazard of pneumoconiosis; and second, the possible liberation of isolated pockets of methane gas with such rapidity that normally adequate ventilation systems would not be able to prevent the accumulation of a methane gas content sufficient to sustain ignition.

Consequently, it is not only possible but quite probable that the very equipment required in the supposed interests of safety would ironically contribute to both an unsafe and unhealthy mine environment.

A further contradiction in the situation is that the lost production of the drift mine operations would eventually be taken up by the large gassy mines which not only have a poorer safety record than the drift mines, but also utilize the very type of high-speed equipment which is a major contributor to unsafe and unhealthy mine working conditions.

Up to this point, we have only dealt with the potential loss to the economy of the Nation as a whole and the inherent threat to the safety and health of the Nation's miners by the permissible equipment advocates. However, the probable disaster in the making for the residents of Appalachia is even more serious. Not only would the jobs of nearly 40,000 miners be placed in jeopardy, but also the jobs of an additional 200,000 persons in those manufacturing, retail and service industries which are based on the Appalachian coal mining economy and produce annual payrolls of $1 billion. Overall a total of nearly 500,000 persons will be vitally affected by the type of equipment requirements which will finally be imposed on drift mines.

WHO STANDS TO GAIN FROM THE IMPOSITION OF THE MANDATORY PERMISSIBLE EQUIPMENT REQUIREMENT?

One would hope that proposed legislation having such a highly probable adverse socioeconomic effect upon a people who are already so harried economically would not have a highly favorable outcome for their competitors.

However, two groups do stand to gain as a result of the potential disaster which may be visited upon the people of Appalachia. There is no evidence to indicate that either of these two groups are fully aware of the adverse socioeconomic consequences of the situation or have actively supported the misdirected effort to impose unrealistic, unneeded, and potentially hazardous equipment requirements upon the small drift mines.

The first group which stands to gain, would be the large gassy mine operators who would ultimately absorb that 40 percent of the national coal supply normally produced by the small nongassy drift mines. The eventual gain to these corporate operators would be a greater monopoly hold on the coal industry as well as the larger profits to be gained from increased production and decreased competition.

The other group which would benefit from Appalachia's loss would be the leaders of the United Mine Workers Union. Virtually none of the 40,000 miners employed in the small drift mines belong to the UMWA. Because of this fact the UMWA welfare fund has lost the royalty of 40 cents per ton that is paid by operators of union shop mines. The annual 150 million tons of coal production by drift mines would, when assumed by the unionized operators, bring an extra $6 million annually to the union's coffers. The additional men employed by the unionized mines would also increase the power of the UMWA through the new members' dues contributions as well as their numbers.

SEPARATING FACT FROM FICTION

Perhaps the strangest and most incongruous note about the whole situation is that a legitimate concern for the safety of our Nation's coal miners, unfortunately, has been based more upon the emotional fervor generated by the completely unnecessary deaths of the "Farmington 78," rather than upon reason, rationality and actual facts. The result may well be that new regulations being proposed in the guise of safety will actually lead to creation of additional safety, health, and socioeconomic hazards to those who labor underground. Yet, the interesting contradiction is that many of those who are the strongest backers of the sections of the Federal Coal Mine Safety Act which poses a potential economic disaster for Appalachia are also among those who have proclaimed the greatest concern over the present economic plight of Appalachia.

As can be clearly seen from the foregoing, the issues are indeed complicated and encompass a broad range of considerations and problems. Equally clear, however, is the fact that "safety versus costs" or "human lives versus economic factors" are fictional rather than true issues.

The real issue is whether a so-called safety requirement which will neither provide nor offer any actual potential for safety will be imposed upon the Nation's nongassy drift mines. Emotional fervor resulting from a tragedy such as the Farmington, W. Va., disaster is not an adequate substitute for action based upon reason, rationality, and fact. The fiction of calling a proposed law a safety measure does not make it one. Federal legislation enacted without regard to need or the potential impact will contribute nothing to coal mine safety.

STATEMENT ABOUT THE PRESIDENT'S MESSAGE ON OCCUPATIONAL SAFETY AND HEALTH: MORE THAN AN OUNCE OF PREVENTION

(Mr. BELL of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BELL of California. Mr. Speaker, it was the Roman philosopher Seneca who said that he who does not prevent a crime encourages it. The same thing can be said, I believe, about those who fail to prevent accidents or those who fail to prevent disease when there are ready means of doing so. The man who fails to take appropriate, available actions to stop accidents and illnesses before they happen is guilty of encouraging them.

I hope the Congress will give close attention and careful consideration to the proposal of the President concerning occupational safety and health. For here the President offers us a fair and efficient method for saving life, saving injury, and saving great distress by improving the workplaces of America. He offers, in short, a means to prevent suffering. If the Congress fails to take appropriate action on this matter, then we actually will encourage what the President wants to prevent.

The old equation which tells us that an ounce of prevention is worth a pound of cure weighs prevention too heavily and cure too lightly in this particular problem area. A fraction of a gram of prevention in this instance can truly save tons in cure. The President's proposal is very inexpensive; it relies heavily on existing standard-setting mechanisms and gives great encouragement to voluntary compliance and State administration. On the other hand, the costs of work-related accidents and disease are very high and can never be completely cured. Some 14,000 Americans die every year because of work-related accidents or illnesses. Millions of man-hours of labor are lost because injured or sick workers must leave their jobs.

Let us now practice some preventive medicine—as the President suggests. Let us recognize that new technological developments—new processes, new products, new techniques—can create new hazards for the men who work closely with them. Let us be sure that our protective efforts remain up to date so that what the President calls the "byproducts" or the "side effects" of progress can be properly controlled. The President's Occupational Safety and Health Act provides a sound method for achieving that control, and I commend him for presenting this proposal to the Congress.

IS BLOUNT RUNNING A SHARP OPERATION?

(Mr. HALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HALL. Mr. Speaker, anyone who has studied the history of this great country must certainly be aware of the magnificent experiment conducted in the year 1860. I refer to the Pony Express, the first attempt, by a hardy group of men, at the cross-country delivery of mail.

I am especially interested in this bit of history since its originating point was the city of St. Joseph, located in the northwest part of my home State of Missouri.

In case you have forgotten, let me remind you that the Pony Express delivered the mail from St. Joseph, Mo., to Sacramento, Calif., which is a considerable distance, in a period of 8 or 9 days. The variance in time attributed to the weather, or the prevailing mood of the Indians, or both.

The tremendous test of man and mount involved 80 riders, 400 horses, 190 stations, and 400 stationkeepers. The service they performed to this Nation under all types of duress, is without parallel.

My discourse on the Pony Express today is not meant to merely brag about this great moment of America's past, but mainly to compare it with the speed and service forthcoming from the Postmaster General, the displaced contractor from Alabama, Winton Blount, to the communications from this Member of Congress.

To be perfectly blunt, his inability to negotiate the distance between his office and mine, by mail, telephone, messenger, wire, semaphore, or smoke signal has left me wishing for the return of the Pony Express in the hope that the Postmaster General would find some means of conveyance that would move him to engage in a simple reply, to a simple inquiry, in a more than leisurely pace. Maybe he should try the United Parcel Service.

Let me illustrate what I mean:

On May 26, 1969, I wrote the Postmaster General, Winton Blount, asking that the names be supplied me of those appointed to his vaunted plan and announced formation of the Regional Post Office Selection and Placement Committee for Iowa, Missouri, and Arkansas, located in St. Louis, Mo.

In about a week I had a phone call from an Assistant Postmaster General, Mr. James E. Josendale, telling me names would be forthcoming.

On June 2, 1969, the Postmaster General, in a letter, said that the members of this commitee had "not yet been made public." Mr. Speaker, at this time I had the list on my desk, obviously from other sources, and what had once been considered a "cause celeb" had now become a point of issue.

After much delay and stalling, including telephone calls from the Post Office Department, I sent a telegram to the Postmaster General on June 24, 1969, again requesting the names of the Regional Selection and Placement Board in the St. Louis regional office.

This was followed, 4 days later, by a telephone call from Mr. Henry Albert, Deputy Executive Assistant in the Post Office Department. Mr. Albert informed me that the "Board" had not yet been selected. He further told me that the list would be forthcoming. I told him the facts of life including a statement that his call and information was unsatisfactory to me as an answer, and furthermore—and I fear bluntly—to have the Postmaster General, Mr. Blount, or Mr. Josendale to contact me, and preferably answer my letter.

On July 7, 1969, I received a letter over Mr. Albert's signature stating:

> The data you require relative to the Regional Selection Board will be hand-carried to you in a few days.

A few days—1 month—passed, and no post office messenger's shadow darkened the entrance to my office.

Finally, on July 16, 1969, I again wrote the Postmaster General, reiterating my very reasonable request. No reply has been forthcoming. The entire Department has been strangly quiet. Nearly 3 months have passed since I made my first request for information. That is almost the length of time it takes to receive an airmail letter from Arlandia, Va.

Has my reply been lost? Has Jesse James been reincarnated? Am I being boycotted by "Winton's winners?" Where is the spirit of the recently passed Freedom of Information Act? What happened to the mail service we used to know? I imagine that the great bronze statue of the Pony Express rider in St. Joseph is quivering with indignation. And what about those stalwarts of the Post Office Department who live by the creed, "Neither rain, nor sleet, nor snow, nor dark of night, shall stay these couriers from the swift completion of their appointed rounds?"

If the Postmaster General of the United States cannot take the time to deal with the Members of Congress, what then can the rest of the country expect? Wherein is the public's right to know? What has happened to the Freedom of Information Act of 1968?

Thank goodness for the regular help, because the mail must, and fortunately does still go through.

My correspondence in this matter follows:

CONGRESS OF THE UNITED STATES, HOUSE OF REPRESENTATIVES,
Washington, D.C. May 26, 1969.

Hon. WINTON M. BLOUNT,
Postmaster General, Post Office Department,
Washington, D.C.

MY DEAR GENERAL BLOUNT: This letter is typical and indicative of those I am receiving from the State of Missouri. Realizing I'm the only elected Republican on the National scene, I wish that you would digest it personally, and give me the basis for reply. Obviously Mrs. Myrrl R. Runley knows the situation of those whom you have appointed to the Regional Post Office Selection Committee in St. Louis, and their Democrat backgrounds, as well as I do. You will recall that Congressman H. R. Cross (of the same region) recently confronted you with same, and you were not in that particular meeting to discuss politics.

You may not be here for this purpose, but you cannot longer avoid it.

I should like an immediate and personal reply, or a direct visit with you or your responsible designee, in order to discuss this loathsome and deteriorating situation.

Very sincerely,
DURWOOD G. HALL,
Member of Congress.

P.S.—Please return enclosure with basis for reply.

D. G. H.

THE POSTMASTER GENERAL,
Washington, D.C., June 2, 1966.

Hon. DURWARD G. HALL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: I have your letter of May 26, 1969, together with the letter from Mrs. Myrrl Runley concerning the persons appointed to the Regional Post Office Selection Committee in the St. Louis Region.

As you know, the appointment of the Regional Selection Committee members has not yet been made public. I am particularly pleased to learn of your concern, and that of Mrs. Runley, that the proposed Regional Committee may not reflect a nonpartisan approach in the appointment of postmasters.

I have asked Mr. James Josendale, Director of Regional Administration, to visit with you concerning this problem. He will call your office for an appointment at your convenience.

Please be assured that we will fully investigate this complaint and will try to achieve a satisfactory solution.

Sincerely.
WINTON M. BLOUNT.

JUNE 24, 1969.

POST OFFICE DEPARTMENT,
Washington, D.C., July 7, 1969.

Hon. DURWARD G. HALL,
House of Representatives,
Washington, D.C.

DEAR DR. HALL: This is in further response to your telegram addressed to the Postmaster General and our telephone conversation regarding the Regional Postmaster Selection Board for the St. Louis Region.

The data that you require relative to the Regional Postmaster Selection Board will be hand carried to you in a few days.

Since our telephone conversation, I have learned that the St. Louis Regional Board did meet. It was their first meeting, and unfortunately, some procedural matters were not carried out. This omission nullified their action. Steps have been taken to rectify the situation, and we do not contemplate a reoccurance.

Your active interest in postal matters is appreciated.

Sincerely yours,

HENRY R. ALBERT,
Deputy Executive Assistant.

Hon. WINTON M. BLOUNT,
Postmaster General, Office of the Postmaster General, Washington, D.C.:

Have yet to receive your final reply to my letter of June 3, 1969, requesting the names of the Regional Management Selection Board for Missouri, Iowa, and Arkansas. As the only elected Republican from Missouri on the Federal level it is imperative that I be advised of the composition of this board.

DURWARD G. HALL,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 16, 1969.

Hon. WINTON M. BLOUNT,
Postmaster General,
Washington, D.C.

MY DEAR GENERAL BLOUNT: Please refer again to my letter of 26 May 1969 addressed to you personally and subsequent correspondence asking that I be given the names and backgrounds of the Iowa-Missouri-Arkansas Regional Post Office Selection and Placement Committee in St. Louis, Missouri. Since that time you acknowledged on 2 June 1969, stating that they had not yet been made public. You further added that Mr. Josendale, the Director of Regional Administration, would be in touch with me concerning this. He has been.

I sent a follow-up telegram on 24 June 1969 asking that you comply with my request. I had a completely and adequate telephone call from Mr. Henry R. Albert, Deputy Executive Assistant, and told him at the time to have you or Mr. Josendale contact me directly thereafter.

Today, I have a letter dated 7 July '69 signed by Mr. Henry R. Albert which admits that his telephone call was inadequate and in error. It again says, as did some of the telephone calls, that the data I requested concerning the Regional Postmaster Selection Board would be "hand carried to you in a few days."

Mr. Postmaster General, it is now over six weeks since my original request and nothing has happened except "stalling tactics", inane delays, telephone conversations, and inadequacy. Statements that "steps have been taken to rectify the situation", etc., do not satisfy me and I repeat my request for the names, sources, qualifications of the election Board for the St. Louis Region for the tristate area. This cannot be considered a matter of executive privilege, and I would put you on notice that this travesty on the Executive-Legislative function which denegates surveillance and oversight of the elected representatives of the people will be carried to the Floor of the Congress if it is not repaired forthwith.

Very truly yours,

DURWARD G. HALL,
Member of Congress.

THE VICTORY OF PROPONENTS OF THE SAFEGUARD ANTI-BALLISTIC-MISSILE SYSTEM

(Mr. POLLOCK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLLOCK. Mr. Speaker, the victory yesterday for the proponents of the Safeguard anti-ballistic-missile system had profound implications. It tells the world that the United States intends to negotiate on nuclear arms controls from a position of strength.

The victory tells the world that the United States intends to defend itself from those who, in a moment of madness, might seek to destroy it.

And the victory tells the world that when it comes to national security men of both parties will unite for common cause.

Mr. Speaker, those honorable men and women who lost the battle in the other body yesterday had a right to their honest opinions and an obligation to vote their conscientious convictions.

But, today, I sincerely hope they will rally around the President and show to the world that despite our differences, we stand solidly behind him in the quest for peace and stability in the world.

INCREASE SOCIAL SECURITY BENEFITS

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, today the House is going to pass the best tax reform bill ever written in the history of our country. This is good reason for rejoicing, and I would like to congratulate the members of the Ways and Means Committee for their excellent work. There is, however, one other major piece of legislation demanding their attention. I refer specifically to the need for greatly increased social security benefits.

In the years since I have served in Congress there have been several increases in social security benefits; there has also been the enactment of medicare. In the course of a congressional hearing in 1968, William Bechill, former Commissioner on Aging, told us that:

> Today, some 6.7 million people age 65 and over are kept out of poverty by their monthly social security cash benefits.

That is a proud record, but the fact is that the battle is not yet over. Mollie Orshansky of the Social Security Administration wrote an article about poverty in 1968 in which she summarized:

> But despite spectacular improvement aided in large measure by increases in the number drawing OASDI benefits, and in the size of the checks, persons aged 65 or older remained the most poverty-stricken age group in the Nation.

And Mary Switzer, Administrator of the Social and Rehabilitation Services, recently testified before the Select Subcommittee on Education that:

> The poor and near-poor total 40% of older Americans.

In the tax bill before us today there is a low-income allowance which will remove from the tax rolls those whose income is below the officially defined poverty income level. I think this is right and proper. It simply made no sense at all to take money from people for whom we then devised a billion-dollar program because they had so little money. So I am pleased that this step was taken. But I would also like to point out that many elderly people live on far less than the $1,735 per year defined as the poverty-level income for a single person. The average social security payment is $99.42 per month, or $1,193.04 per year—a figure considerably below $1,735. And, in my view, even the $1,735 figure is unrealistic. I really cannot imagine any individual living on that amount in nonpoverty in any major city in America. But about 5 million aged people are trying to manage on that or less. Miss Orshansky states that 55 percent of the aged living alone—the majority—live in poverty.

I think most people feel compassion for the very poor of any age group, but for the young and middle aged there is at least the prospect of a better future. The aged, in contrast, are for the most part helpless to initiate any action which would improve their lot. They are—besides often sick and lonely—entirely dependent on the decency of those around them. Their best hope—I might say almost their only hope—for some relief from the tyranny of privation is for substantial increases in social security payments. We have, as a society, for so long been primarily preoccupied with the problems and wants of the young. We are, in fact, a youth-oriented society and, in so being, we have neglected, I believe, the neediest of all—the aged. The tragedy of their plight has seldom been more poignantly described than in a series of articles which recently appeared in the Oregon Journal and which I would like to insert at this point in the RECORD. The author of these articles, Wallie Schneider, has vividly described the hours and days of loneliness, the absence of medical attention, the monotonous meals—too often lacking basic nutritional requirements.

The elderly do not demonstrate; they do not march on city hall or the Congress of the United States; they do not present nonnegotiable demands.

But a compassionate and concerned nation ought to give them at least as much attention and help as those with the youth and the physical energy to shout their demands and at the same time complain of the older generation which has not done enough. I only wish that each member of that older generation had enjoyed the opportunities so available to the young of today.

The articles follow:

[From The Oregon Journal, July 28, 1969]

LONG, LONELY YEARS FACE U.S. ELDERLY—NOT DEAD, JUST FORGOTTEN

(By Walli Schneider)

You'll pass them on the street or spot them on a bus and barely notice.

Just a montage of gray hair, baggy brown hose, wrinkled trousers, plaid flannel shirts, watery eyes, frowsy shopping bags.

Nothing to spark your interest—just a saletable remnant of a tattered generation that survived four wars and a Depression to blink into the sunlight of the '60s and find a decade devoted almost sacreligiously to its youth.

"It hurts," one 70-year-old Portland widow said blankly. "It can't help but hurt you when you know people have forgotten. I'll grant you I don't do much to contribute to society any more. Not like the young people. But I'm not dead, either. Days come I feel like I should be. I can't get out of this house very good. And why don't you sit here with me and see. Nobody comes here any more."

The needs of a large percentage of Multnomah County's 72,000 persons over age 65—the ones without ample finances and sympathetic families—are rudimentary, one finds.

But, unmet.

"I suppose we're asking for just about the same thing any human being would," mused one oldster.

"Sombody to talk to. Some place to live, Some place to go. Some way to get there. Some job to keep busy."

In the far less personal columns of statistics kept during 10 months of 1968 and 6 months of 1969 by the City-County Council on Aging Information and Referral Center, 320 SW Stark St., Portland and Multnomah County's senior citizens expressed their needs as:

Health information—267 inquiries.
Adequate housing—538.
Employment—889.
Education, leisure opportunities—96.
Personal or protective service—177.
Transportation—65.
Volunteer help—48.
Companion-housekeepers—419.
Financial assistance—74.

And even at the office trained to handle the press of problems of the aging, each statistic is a person, a face, a voice.

"It is so frustrating—so heartbreaking," said petite and pretty Pat (Mrs. Paul) Zilka, the young social worker whose shoulders admittedly sag at the end of a day that includes 20 to 30 telephone inquiries and five or six personal interviews with this area's aging residents.

"People so desperately need help in certain areas and nothing is being done," she said. "I just had a woman who called me crying because she's so frighteningly lonely. She can have her own groceries delivered. She can cook her own meals. But she has no relatives. Her friends are gone. She doesn't see another soul."

By category Pat Zilka list the specific areas where Portland's senior citizens most seriously require aid:

Homemaker: Companions: Requested at least five times a day, five days a week at the Council on Aging office, these vital persons could make life livable for the hospital outpatient, just-widowed, new widower or chronically ill who have come home to chores they cannot manage and hunger for meals they can no longer cook.

"So many, many call for help of this kind," Mrs. Zilka related. "If only we could initiate some kind of training program for homemaker-companions. There are old people who simply can't cook for themselves, or clean, or drive, or ride a bus. You might say they can go to a retirement home. Believe me, that's the last step they want to take.

"Our office would be delighted to hear from any person who would like this type of job. The pay is generally quite small, with board and room free."

Isolation: Call the aged lonely, for they are. Although not bedridden, many can no longer maneuver a car or hop as agilely onto a bus to go visiting or shopping. And whom to go to see when you've outlived your friends or have no family?

"These people don't need physical help," Mrs. Zilka reminded. "They need another body to sit down and talk to. All we can hope for are volunteers . . ."

Employment. "Don't imply old people are bored and want jobs," social-worker experts say. "Admit the truth—even when you're over 65, you have to have enough money to live on. And a fixed income just doesn't do it."

"We have one woman whose total diet is cottage cheese, fruit cocktail, crackers and milk and she treats herself to two small glasses of beer a night," Mrs. Zilka reports. "She's poor and she can't cook any more."

Housing. Discovered most dramatically during Portland's snowy winter was the now-critical need for housing for senior citizens of middle income—those who don't qualify for public housing, but who can't pay rents for houses or apartments that meet even minimal standards of decency.

Many were found living in older sections of the city and county in housing in poor repair, unheated or unheatable, dirty, and without adequate furnishings, light or ventilation.

Transportation: Perhaps the most prevalent plight, and the most pressing, among the city's aged is a way to get to and from a destination—be it the grocery store, the bank, the doctor's office or the home of a friend.

Faced with rising bus costs and freeways of increasing complexity, the majority decide just to stay at home and try to live within walking distance of their needs.

"On my budget you think twice before you spend 70 cents for bus fare," one outspoken widow told us. "I work four hours a day so I was taking the bus back and forth. It's 70 cents round trip—$3.50 a week. So I've just been cutting the cost in half. I walk 3½ miles to work."

But at the end of the day, the speaker admitted, she's "too tired to walk home again." It still costs her 35 cents for the return.

Recreation: Noting that Oregon has one of the largest numbers of Golden Age Clubs or similar recreational organizations for the over-65 set, oldsters still ask that more attention be called to them and more centers be established in neighborhoods where they live.

"They may be there," one said, "but not everybody who needs them knows about them.

"We older people back in our younger days didn't have any time for fun. Everything was problems, stretching pennies, working, raising a family. We didn't even have time for real romance.

"Today we have to get out and teach ourselves—and others—how to have a good time. When we do, there's a whole new purpose to life. We put on dresses and suits that haven't been out of the closet in years. Heaven knows, some of us even fall in love and get married—at 80 years of age."

[From the Oregon Journal, July 30, 1969]

ELDERLY CRY OUT FOR "ANOTHER VOICE" IN LONELY HOMES

(By Walli Schneider)

A mug of stale coffee and a mound of orange peels sit on the dusty bedside table beside an empty cornflakes box, a clutter of patent medicines and one bottle of cheap perfume.

The bed covers are rumpled, gray, soaked with urine.

The curtains are sagging plastic barriers against the outside sun.

The floor is strewn with the debris from yesterday and the day before and the day before that.

"Nobody has been here to help me. Excuse the mess. I don't suppose it's so pretty to look at," says the 78-year-old occupant, wearing a food-spattered slip and spotted red sweater. "I'm so sorry I can't get up to do things myself and make this place all nice again. It was nice once. And I used to have lots of company.

"Now I can't even get up to get myself some food. Oh, a friend brought me this orange and a cup of coffee this morning, so I'll be all right. And I have a little neighbor I pay to get me hamburgers at night. But you know . . . I'm a little tired of hamburgers."

"A lady used to come half a day to clean up for me, but she's been sick I guess and I can't call her because she has no telephone."

Unable to move from the lumpy double bed that has held her prisoner for the past six months, the aging Portlander is a stroke victim—one of the unheard-of hundreds of incapacitated senior citizens in Portland begging for another person to move into their homes and care for them for the small sum they are able to pay.

Geriatrics experts call such helpers "homemaker-companions."

The City-County Council on Aging has 419 unfilled requests for such persons to date.

To Mrs. X and the others like her who have survived a stroke, a heart attack or lie crippled with arthritis, the title of their helper wouldn't matter much.

"It would be somebody to help me live," the 78-year-old says, "I so badly need a bath. I'd so dearly like to get out of this bed and into a wheelchair. I'd like to see the sunshine."

It would be someone to wash the stack of molding dishes in the sink.

It would be someone to empty the overflowing waste baskets that have become a health hazard.

It would be a cook who could provide something more substantial than a cup of coffee and an orange.

"It would be another voice," says the 78-year-old solemnly. "I watch this television set here morning and night. But it isn't like somebody around to talk to or laugh with. I'm getting awfully lonely."

Widowed many years ago, the bedridden senior citizen has advertised for someone to help her.

Like others, she has been bilked by the "nice-appearing lady who came to help me and stole some of my things and never came back."

Like others, she can offer only the smallest recompense for that cheerful, efficient ever-elusive homemaker-companion—$50 a month, plus board and room. (In many cases, the ante goes up from $80-$100 plus board and room.)

"But she could make her home here, go to bed when she pleased, sleep in late if she wants, watch television. I'd make her real welcome," Mrs. X says. "We could be friends. I'd like to offer more, but I can't."

There's living testimony to the fact that Mrs. X's wish is not a pitiful pipe dream.

Meet Mrs. Charles W. (Elmina) Bergstrom, aged 85, still interested in mini-skirts, jigsaw puzzles, television programs and the newspaper headlines.

Unable to walk, cook, clean or even comb her own hair the frail octagenarian credits her "good, happy life" to Myrtle Phillips, her 60-year-old homemaker companion.

Thanks to her, Mrs. Bergstrom is out of bed every morning, bathed, dressed in the crispest, prettiest housecoats, has her nails done, her hair curled and dines on "just plain good home cooking" in a spic-and-span apartment.

"It's a wonderful life for both of us," Mrs. Phillips says returning the compliment. "The job is far easier on me than any other I could have. We don't get up early. I don't do extra-heavy work. It's easy to lift Mrs. Bergstrom if you know how. And we've always been good friends—hit it off from the minute we first met in 1966."

Yet, notes the good-natured Mrs. Phillips, the job of a homemaker companion also demands dedication.

"Your patient has to come before all other things," she said. "I'm on 24-hour-a-day call and if she needs me, I'm here. I take off one afternoon a week and 10 hours on Sunday, but if I can't find someone competent to stay with her, I just stay myself. But I never feel tied down or unhappy. I can't imagine doing any other kind of job that would be so rewarding."

Listing patience, good humor, conscientiousness, honesty and efficiency as the trademarks of a top homemaker-companion, Mrs. Phillips urged other interested women to apply immediately to the City-County Council on Aging Information and Referral Center, 320 SW Stark St., Portland.

"It's a chance to do so much good for another person," Mrs. Phillips urged. "And don't forget what it will do for you."

[From the Oregon Journal, July 31, 1969]

CITY PRESENTS OBSTACLE COURSE TO IMMOBILE ELDERLY

(By Walli Schneider)

Portland?

To the young and mobile, it's a city beribboned with beautiful rivers, garlanded with world-famous roses, criss-crossed with convenient freeways.

To the old, it's a king-sized obstacle course—dotted with water hazards and hurdles, roads that can't be driven, buses that can't be boarded, bridges that can't be crossed.

Meet John.

He is 83 years old, living alone, the victim of a recent near-fatal heart attack.

His house near the outskirts of Lake Oswego is old. So, he says, are his legs.

John is a hitchhiker.

"There's just no other way to get to town to get my medicine," he explained, climbing into the car that had slowed down disbelievingly. "Without my medicine, Doc says I wouldn't make it.

"I'm old. Poor, too, I guess. I used to get into town on the Blue Bus and then switch over to the transit to get to this place where they give me my medicine and my check-ups for almost free.

"Pretty soon, it got so I couldn't afford to do that. It's $1.60 round trip. That's not much, you know. It is to me. I just can't pay it and live.

"Don't worry, though. I almost always get a ride along here. Folks are awful nice."

Hitching a ride is also John's way of visiting his only nearby relative—his wife.

"She's in a rest home," he explained sadly. "She fell and broke her hip a year ago and I just couldn't take care of her good enough. I go see her as often as I can. It isn't much any more. There's no way. But she's still my sweetheart—after all these years."

According to Mrs. Nelda Oeser, East County expert on the pressing transportation problems of the Portland-area aged, John is the rule—not the exception.

"It's so rough for these people that you wouldn't believe what we see. We've got them in wheelchairs, in walkers, getting around with canes. They're just too infirm to ride the buses. And those who can stand the ride, either can't afford to pay the fare or the bus stop just isn't close enough for them to get to."

Working with the East Multnomah County Council on Aging under sponsorship of the City-County Council on Aging, Mrs. Oeser puts her only immediate hope in a campaign for volunteer automobile drivers.

They are men, women, teen-agers, more agile fellow senior citizens who would deliver the aged to a hospital, a doctor's office, a drugstore, grocery store, or the rest home for a visit with their spouses—providing the car and gas money themselves and receiving no recompense.

"We have 76 drivers now," Mrs. Oeser said. "But they're never enough. We literally get begged for transportation for these old people. We're trying to cover a 50-square mile territory with 150,000 people in it and an awfully heavy concentration of the elderly."

Case histories like John's, she finds, are "almost commonplace."

There was the 77-year-old woman in an East County boarding house who desperately needed a way to her doctor's office.

"When we found her," Mrs. Oeser related, "there was an awful lot more than a doctor's visit needed. Where she was living just was not suitable. She hadn't been able to get out in ages. For instance, she hadn't had a new pair of shoes in six years."

After a speech to a local service club suggesting contributions, Mrs. Oeser came up with the money for the shoes.

"The day we took her shopping was a great day—but a rainy one," she recalled.

The elderly woman refused to wear her new shoes home. She didn't want to get any rain on them.

Or consider the woman the Council on Aging discovered in a door-to-door suburban survey.

"Her husband was in a rest home 7 miles from where she lived," Mrs. Oeser related. "That doesn't seem like far to us. To her it might as well have been another state."

The senior citizen hadn't visited her husband in a year.

When the elderly can board buses, be they suburban or city, experts relate, it's a long process to figure out the bus schedule, a tough wait along the roadside or at the bus stop, and a costly transportation most can't afford.

Traveling from any distance into Portland and return amounts to four bus fares, totaling approximately $1.50. Traveling downtown and back within the city is 70 cents round trip.

One spunky oldster living on Social Security announced she was walking 3½ miles from her home to a meager-paying job each day to save the 35 cents bus fare. "To me, it's a loaf of bread," she said.

She admitted she couldn't save 70 cents a day with a simple: "My legs just get too darned tired to walk back."

The City-County Council on Aging joins East Multnomah County workers in a plea for volunteer drivers who could provide transportation to those "so desperately in need. They'll give up without us."

Downtown-area volunteers may call 226-6007; those in East County, 252-0278 for Mrs. Oeser.

[From the Oregon Journal, August 2, 1969]

"MIRACLE WORKERS" NEEDED

(By Walli Schneider)

What can you do?

Faced with the frustrating fact that at least 1,000 Portlanders over age 60 are out of work, out of money and almost out of hope; that an old man in this modern city can spend a full day switching buses and eating from candy bar machines to visit a doctor; that almost all the city's elderly need the one thing that cannot be bought—companionship—how can you help?

"We'll have no trouble whatsoever directing you," says a smiling Mrs. Paul Zilka, graduate social worker and service director of the City-County Council on Aging.

"There are so many needs . . . and so little help.

"With just a few good volunteers, with just a few more businessmen who would hire older people, with a little more public understanding, we can work miracles."

The Council on Aging's Information and Referral Center is in Room 202, 320 SW Stark St, with a receptionist on duty. The telephone number is 226-6007. The jobs you could do to help perform those "miracles" are:

—If you can spare one-half to one hour regularly in the morning or early evening, would you visit one person from the Council on Aging's growing list of lonely persons? They are the newly widowed, the new widowers, the bedridden, the childless, the very old who have outlived their own families and friends?

—If you have the same amount of free time on a regular basis but don't dote on "visiting," could you spare those hours to plump an old person's pillows, sweep a floor, tidy a bedside table, fix a simple sandwich for lunch?

—If you have no time to spare away from own household or job, but could volunteer a few minutes, don't underestimate the simple telephone call or greeting card. Would you call or drop a greeting regularly to someone whose mail deliveries consist of "Occupant" handouts and whose telephone rings mostly to solicit magazine subscriptions?

The Council on Aging urges that one precaution be taken by enthusiastic potential volunteers: "It would be far worse to begin visiting an elderly person and then drop them than never to visit them at all. Don't raise a person's hopes just to smash them."

On the other hand, if you do strike up a relationship with an older person, "it can be one of the best, most worthwhile friendships you'll ever make."

If you're looking for minimal-income employment with maximum personal satisfaction, it might be caring for an incapacitated elderly person in his or her own home. The work ranges from part-time to full-time, live-in or out, with light cooking, cleaning and companionship the main objectives. Council on Aging officials say pay for a live-in companion-homemaker generally is from $80 to $100 a month in addition to free board and room. Some senior citizens, living on closely restricted budgets, need the help far more, but can pay even less—some only $50 monthly.

If you can teach a hobby, organize a dance, lead a song-fest, instruct in a craft, show home movies or set up a public address system, you're needed in the area's senior-citizen drop-in centers and Golden Age Club meetings. If you're short on talent and long on enthusiasm, how about just being the "younger cheerier" face at one of their meetings?

If you're a Portland businessman with large payroll or small office with only yourself and a Girl Friday, the Council on Aging urges you to consider hiring older employes. Billed as "more conscientious, steady and uncomplaining," the elderly job-seekers so far meet with frustration more often than fruition.

If you can do no more than raise a voice, you can do so in urging city and civic officials to take immediate action to provide low cost bus transportation for this city's aged. Faced with increasingly complex freeways, increasingly less money, the oldsters cannot now easily shop for groceries, cash a pension check, see a doctor, visit a friend or take in a movie. They face complete isolation.

Better yet, if you can provide a car and gasoline money, would you be a volunteer driver to transport the elderly to life-saving appointments within the city?

As the National Council on Aging simplistically reminded members at its recent biennial conference: "Nothing is more certain than that all of us—all of us that survive—will someday be old. If there is something you can do, do it now—for your own sake."

GOVERNORS' REACTION TO REVISION IN NATION'S WELFARE PROGRAMS

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. PUCINSKI) is recognized for 30 minutes.

Mr. PUCINSKI. Mr. Speaker, on April 17 this year I introduced H.R.

10250—the Supplemental Family Allowance Act—a bill which would—

First, establish national welfare standards;

Second, provide supplemental family allowances to permit welfare recipients to retain up to 50 percent of their earnings above their welfare allotment, and

Third, authorize the Federal Government to assume the entire cost of a national welfare system.

I am placing in the RECORD today the reaction from the Nation's Governors to proposals to restructure our welfare programs.

My bill is designed to cut through the waste, duplication, and assorted inefficiencies which have been compounded over the years in an effort to distribute public assistance equitably.

My research into this tangled field revealed overwhelming evidence that the cost of supporting separate and distinct public welfare systems in each of our 50 States is consuming an ever-greater share of annual State budgets. This cost simply cannot be borne forever, nor can the old haphazard system continue.

To review our welfare system briefly:

There are approximately 8.5 million people receiving welfare in America today. In fiscal 1967, the total welfare cost was $6,981,511,000. In fiscal 1968, it was $8,866,220,000, with the Federal Government paying $4.7 billion, the States $3 billion, and local governments $1.1 billion.

Where are these sums going? What results have they produced?

Between 1959 and 1968, the increase in welfare caseloads nationally was 74.9 percent.

Caseloads in the 10 States with the highest welfare benefits increased 148.7 percent. In stark contrast, however, caseloads in the nine States and Puerto Rico with the lowest benefits increased by only 11.1 percent.

The 10 States which paid the highest benefits increased their share of the welfare dollar from 21.2 percent to 30.1 percent between 1959 and 1968. But the nine States and Puerto Rico who paid the least in benefits decreased their share from 30.3 percent to 19.2 percent.

As has been said so often, the welfare system is supposed to provide an ultimate guarantee against poverty and deprivation. Instead, it merely breeds more poverty and continuing dependency. Some areas of our Nation are paying welfare benefits to a third generation of welfare dependents. This is blatant evidence that the system is not functioning as it was meant to function.

In the last 19 years welfare has changed dramatically.

In 1950, the country spent $2.3 billion on welfare, 95 percent of which was in direct cash payments to recipients and 5 percent for administration and training.

By 1963, the program had more than doubled to $4.6 billion, with 72 percent in direct payment to recipients, 20 percent for medical care, and 8 percent for administration, services, and training.

The projection for this year is $10.4 billion, with 50 percent in direct payments, 40 percent for medical care, 8 percent for administration, services and training, and 2 percent for new work-incentive programs.

With the passage of the Social Security Act in 1935, welfare was established as a right for needy citizens. The act provided for a Federal-State partnership with the States administering the programs and the Federal Government sharing the cost.

Five categories of eligibility were set up under the act—aid to families with dependent children, medicaid, old-age assistance, aid to the permanently and totally disabled, and aid to the blind. There were no other categories of need. A recipient had to fit one of these categories or remain ineligible for assistance.

There are more than 8 million Americans living on public assistance at this time, but conservative estimates suggest that an additional 22 to 30 million Americans live at or below the poverty level.

I believe we can, and must, do more in this field than we have been doing.

There are at present 4,408,000 children receiving public assistance. Surely the Congress and the administration can devise some method to insure that these children need not remain dependent on the public dole as they grow into adulthood.

There is substantial reason to believe that at least one-third or more of the 1.3 million mothers of these children can be trained to support their children and help support themselves.

Title I of my bill provides for national welfare standards. The necessity for a system of national welfare standards is amply demonstrated when we examine the great inequities in the present hodgepodge of regulations under which one State pays $40 per month to a family of four persons, while a neighboring State pays $280 per month to a family of equal size.

No Federal funds have ever been available in this country for those who are in need, but who are neither aged, severely handicapped, or parents of minor children.

A uniform set of standards will make an individual's need for assistance the single most important criterion in determining his eligibility for public aid. National welfare standards will help people where they need to be helped—in their own communities and neighborhoods.

National welfare standards will, among other things, eliminate the necessity of a family moving hundreds, perhaps thousands of miles, to a city or State with more humane benefits.

Title II of my bill provides a supplemental family allowance to assist people, first of all to earn their way out of public assistance and, second, requires that the Government shall continue to contribute some share to their personal needs until such time as they earn enough to raise them above the poverty level.

Title II provides a flat rate of $50 per month for the head of a needy family, plus $40 a month for each dependent. If a recipient finds a job that permits him to earn more than the maximum provided in this bill, he would be permitted to keep his salary, as well as up to 50 percent of his welfare allotment until he has earned his way out of the poverty cycle and is able to support himself and his family without assistance.

Title III of my bill provides that the Federal Government will assume the full cost of public assistance programs in all 50 States.

There is general agreement among reliable forecasters that the entire cost to the Government for assuming full financial responsibility for public assistance programs, including the supplemental family allowance, would be about $10 billion annually.

After introducing this legislation last April, I sent a copy of the bill and a brief summary of its provisions to each of the Governors of the 50 States. In most instances, their response has been enthusiastic. In all instances, they have expressed a desire to work with the agencies of the Federal Government to bring some order to the present chaotic public assistance system in the Nation.

As a Member of Congress who has devoted considerable time in the past 11 years to writing legislation that will reach those Americans most in need of constructive assistance, I look forward with interest and anticipation to President Nixon's address to the Nation on this subject tomorrow night.

In order that the President and his staff may share the comments I have received thus far from the Governors regarding the apparent need for a major restructuring of our present welfare system, I am including their letters in the CONGRESSIONAL RECORD today, as well as the full text of my bill, H.R. 10250, the Supplemental Family Allowance Act:

STATE OF ILLINOIS,
Springfield, June 9, 1969.

Hon. ROMAN C. PUCINSKI,
House of Representatives,
Washington, D.C.

DEAR ROMAN: Thanks very much for your recent note and for the enclosed legislation which you introduced regarding our State-Federal welfare programs.

I appreciate very much your introducing such legislation to provide for national welfare standards and full Federal financing of our welfare system. Recent Court decisions and the regulatory maze of HEW make necessary full Federal funding as you so appropriately recognize in your proposed HR 10250.

I have asked our departments to forward to me copies of their comments on this proposed legislation, and as soon as our current Legislative Session concludes on July 1, I hope to personally have for you a written statement regarding your excellent proposed legislation.

Sincerely,

RICHARD B. OGILVIE,
Governor.

STATE OF MAINE,
Augusta, Maine, May 19, 1969.

Hon. ROMAN C. PUCINSKI,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PUCINSKI: Thank you for your letter of May 8 informing me of the legislation which you have introduced to reform our public assistance programs.

Your characterization of the crisis which now confronts our states and cities because of soaring welfare costs is most apt. You are also accurate in suggesting that the great disparity in welfare payments from state to state creates severe inequities for our poor people and for the states themselves. Moreover, again as you suggest our present welfare programs do little to break the destructive cycles of poverty.

I agree that the federal government must increase its participation in welfare programs. Indeed, it may well be that the only just solution will require the complete assumption of welfare programs by the federal government, and the establishment of a national welfare system. I also agree that we must introduce changes in our welfare systems that will encourage initiative, and which will lead to increased self-reliance. Thus, I feel that your proposal for supplemental family allowance to permit welfare recipients to retain up to 50% of their earnings above their welfare allotment merits serious consideration.

As one of those Governors who has spent "sleepless nights trying to figure out how to meet this great problem," I congratulate you on your initiative in attempting to achieve needed reforms in our welfare programs. Thank you very much for informing me of your proposals.

Sincerely,

KENNETH M. CURTIS,
Governor.

STATE OF NEW YORK,
Albany, May 20, 1969.

Hon. ROMAN C. PUCINSKI,
House of Representatives,
Washington, D.C.

DEAR MR. PUCINSKI: Thank you for your letter of May sixth which I have found extremely interesting. Thank you also for sending me the legislation which you have introduced in the House of Representatives to improve public assistance programs. I have requested my staff to review your legislation.

As you may know, legislation has been introduced at my request in both the Senate and the House of Representatives regarding welfare. This legislation would provide for the establishment of welfare standards with increased federal financial participation; and, on a phased basis, assumption by the federal government of all costs of welfare programs.

Sincerely,

NELSON A. ROCKEFELLER.

OFFICE OF THE GOVERNOR,
Des Moines, Iowa, May 22, 1969.

Hon. ROMAN C. PUCINSKI,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE PUCINSKI: In response to your letter of May 6, we would consider any resonable plan to establish minimum nation-wide public assistance standards an improvement on the present system which allows as many different standards as there are states. We are fully aware that differences in living costs and other factors may require the standards be adjusted, but with that thought in mind, we support the concept of nation-wide standards.

We agree that the present public welfare system is failing to meet the needs of disadvantaged people, and that new approaches should be tried. Although it is difficult to evaluate a complex program with only the assistance of the printed word, we are impressed with the supplemental approach of HR 10250. We do not at this time, however, understand all the mechanics of what would be involved in the administration of the program.

We further agree with the proposal that the total cost of public assistance programs be assumed by the federal government. If no state or county funds were involved in welfare programs, two advantages in addition to the obvious fiscal relief would result for the administration of such programs in Iowa. One advantage would be the concentration of administration on the state level with a related decrease in county administrative authority and control. It is practically impossible to administer uniform standards when a state has 99 separate county policy-making boards.

A second large advantage would be the separation of welfare program costs and financing from the already complex county, county-state, state-federal financing system. Elimination of the present maze of matching ratios and matching arrangements would release staff time for more productive activities.

Please understand these remarks are made in relative haste, as our present staff responsibilities do not allow for an exhaustive evaluation of the bill. I do, however, hope these remarks are helpful.

Sincerely,

ROBERT D. RAY,

STATE OF OKLAHOMA,
Oklahoma City, June 6, 1969.

Hon. ROMAN C. PUCINSKI,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PUCINSKI: This is to acknowledge your recent letter referring excerpts from the Congressional Record regarding your bill, H.R. 10250.

I have discussed this matter with our own State Welfare Department, who note that many of the provisions of your bill are in agreement with recommnedations they have previously made in regard to Federal financing of the money payments and uniform national welfare standards.

We do not feel qualified to comment on the amounts set out in your letter for such payments, as we feel that our experience would be somewhat limited to only one area and there should perhaps be some variation among areas of the nation in ratio to the cost of living in the specified area.

I do agree that there will need to be some standardization in regard to welfare payments, particularly since the Supreme Court has ruled that residence can no longer be a requirement for public assistance. We are particularly concerned in Oklahoma over this matter since our payments on the average are higher than the payments in adjoining states and it is anticipated that many of the residents of other states will move into Oklahoma for the purpose of securing higher welfare payments and state funds are not sufficient to provide expansion of the welfare programs and the anticipated increase in recipients.

We appreciate your forwarding this to us for our coments.

Sincerely,

DEWEY BARTLETT,
Governor.

EXECUTIVE OFFICE,
Jefferson City, Mo., May 21, 1969.

Hon. ROMAN C. PUCINSKI,
House Office Building,
Washington, D.C.

DEAR MR. PUCINSKI: I have read with interest your bill, H.R. 10250, which you forwarded to me recently, requesting my comments.

The establishment of proposed national standards, eligibility requirements and full Federal financing of the public welfare program and Medicaid is in complete accord with the recommendations which I have made in recent years. I suggest that your bill should also include General Relief payments by the Federal Government.

With respect to the payment of supplemental family allowance benefits, Title II, which is purely a Federal project, this is a matter for determination by the Congress. Whether this proposal for stimulating employment of the indigent is the best that can be devised, is a question on which I do not have a considered opinion at this time.

Sincerely yours,

WARREN E. HEARNES.

THE STATE OF COLORADO,
Denver, May 9, 1969.

Hon. ROMAN C. PUCINSKI,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE PUCINSKI: Thank you for sending me the text of H.R. 10250, and your remarks on the floor when it was introduced.

As you know, welfare costs, necessary as they are, are a serious drain on the treasury of any state, and the recent Supreme Court decision was almost a mandate for national standards. Consequently, your action is particularly appreciated.

Sincerely,

JOHN A. LOVE.

OFFICE OF THE GOVERNOR,
Salem, Oreg., May 9, 1969.

Hon. ROMAN C. PUCINSKI,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN PUCINSKI: Thank you for the material on H.R. 10250. You will be pleased to know that I have been serving on a small governors' committee headed by Governor Nelson Rockefeller of New York, which has evolved greatly similar legislation. It has been sent to members of our Congressional delegation along with analyses by the Oregon State Public Welfare Commission staff and the Oregon State Attorney General's Office.

By inference, then, your proposal, as set forth in your letter of May 6th, has my support.

Sincerely,

TOM MCCALL,
Governor.

STATE OF ALASKA,
Juneau, June 10, 1969.

Hon. ROMAN C. PUCINSKI,
House of Representatives,
Washington, D.C.

DEAR MR. PUCINSKI: This is in answer to your letter of May 6 requesting comments on your proposed legislation, House Resolution 10250.

I agree with the overall intent of your bill to set national welfare standards, supplement family allowances to permit welfare recipients to retain a portion of their earnings, and assumption by the Federal Government of the entire cost of the national welfare system.

Prior to giving my support to your bill, I would like to see a change made to eliminate the monthly payment ceiling and to require the Federal Government to meet full need as established by a particular state. As you point out in your testimony, very few welfare recipients are able to work. Since we do not have an Aid to Families with Dependent Children—Unemployed Parent Program in Alaska, we have no able-bodied men under AFDC. Ninety-nine percent of Alaskan recipients fall in other categories of those not able to work. We have the Work Incentive Program to train any AFDC mothers capable of being trained, and, as you know, the WIN program has a built-in incentive payment similar to your bill. Although our welfare assistance payments meet approximately 44 percent of need, Alaska currently pays a family of four $185 of the total $419 required. Your bill would reduce payments to the same family to only $170. Thus, under your bill the Federal Government's share to Alaska would be less than it is now. If your bill were modified to require the Federal Government to pay 100 percent of full need as determined by a particular state and approved by the Federal Government, the effect would provide for a cost-of-living differential as computed state by state, or county by county, and would be much more equitable. For example, while a family of four could probably manage on $170 per month in Alabama, $170 would not pay for the rent and fuel in Alaska.

I could not approve a plan that ties Alaska to a national average because even now Alaska receives an inequitable share of Federal funding due to our mandatory requirement here to allow higher grants because of the higher cost-of-living factor. Further, because of our higher salaries to compensate for the higher cost of living here, Alaskans pay a higher percentage of Federal income tax based on the tax system which does not take into account living costs. Alaskans again are penalized by having to provide the additional amount needed over and above the Federal allocation to maintain our welfare recipients in a high cost-of-living area.

I am sending copies of this letter to our Congressional delegates. I am sure any of them would be happy to discuss Alaska's unusually extenuating circumstances, some of which I have outlined above.

Best personal regards,

Sincerely yours,

Keith H. Miller,
Governor.

State of Michigan,
Lansing, June 11, 1969.

Hon. Roman C. Pucinski,
House Office Building,
Washington, D.C.

Dear Representative Pucinski: Thank you very much for sending me a copy of your legislation regarding changes in public assistance programs. I fully agree that these programs must have a greater national uniformity, and there is a great need for the establishment of national standards and levels of assistance payments. Although migration to Michigan because of higher assistance payments is not a significant problem, this program would have a desirable effect on reducing existing inequities.

The income disregard aspect of your bill is the next logical step of the present provisions which will take effect in Michigan on July 1. When we have had some experience with the income disregard program, we will be in a much better position in evaluating your bill, or similar bills, on this matter.

I have enclosed a copy of a letter which I sent to Senators Griffin and Hart and to our entire Congressional delegation, which delineates some of the specific problems we are having with federal welfare programs and regulations. I thought this would be of interest to you.

Best regards,

Sincerely,

William G. Milliken,
Governor.

Letter to Michigan Congressional Delegation

April 29, 1969.

Dear ———: In writing this letter, I am aware of your very deep concern about the AFDC "freeze" enacted as a part of the 1967 Social Security Amendments, and want you to know the urgency that I place on a change in that legislation.

As a result of this harsh and unrealistic limitation on the number of children with absent parents that may be aided with federal funds, all states are faced with an impossible decision: to bear the financial burden of any resulting increased costs, or to spread the available funds over a greater number of children in order to keep the caseload within the prescribed limits. The costs and consequences of these alternatives are obvious.

Based on current estimates, the freeze will increase Michigan's costs (and thereby reduce federal costs) by 9.3 million dollars for the 1969–70 fiscal year. Under the freeze, federal financial participation will not be available for an estimated 35,196 children receiving AFDC in Michigan. Although the total cost of assistance for these children will be borne by the state, the state will, nonetheless, be bound by federal regulations in the provision of that assistance.

I should also like to point out that the Federal Government has required an updating of welfare standards. This, in effect, means a cost of living increase in all welfare categories. I, personally, fully support a cost of living increase for welfare recipients, but it is my understanding that the Federal Government plans to update all standards and place the entire financial burden on the states. In Michigan, this presents another increase in the state welfare budget of approximately $8 million to $10 million.

Moreover, HEW will initiate a ruling on October 1, 1969, which requires that during an appeal process, the state cannot terminate a welfare grant as long as the appeal continues. In addition, the state is under the obligation to supply legal services to the recipient. I strongly favor the opportunity to appeal and the need for the recipient to be represented by legal counsel; but again, the states will have to pick up 100% of the cost involved. In Michigan, this will add approximately one-half million dollars to the welfare budget.

The point of this letter is clear. At a time when the Federal Government is requiring the states to expend more amounts in their welfare budgets—in addition to the normal caseload increases—the Federal Government itself is setting needed objectives, but is not supplying any part of the money necessary to accomplish these objectives.

Again, I am in full agreement with these policies, but I feel very strongly that if the Federal Government promulgates such a ruling, they should support this ruling with the necessary matching funds.

The AFDC freeze is simply another example of the Federal Government enforcing a policy that will require the states to assume a greater burden of welfare costs. I strongly recommend that the AFDC freeze is repealed and I also recommend that the Federal Government supply the necessary matching funds to update welfare standards and to improve the welfare appeal process.

Sincerely,

——— ———,
Governor.

State of Rhode Island and Providence Plantations,
Providence, July 2, 1969.

Hon. Roman C. Pucinski,
House of Representatives,
Washington, D.C.

Dear Congressman: I wish to thank you for your letter of May 6, 1969 concerning your bill, H.R. 10250, pertaining to revisions in the laws governing public assistance. I fully agree that national uniform minimum standards for public assistance are called for and that the federal government should assume most, if not all, of the entire costs of the national welfare system.

The Rhode Island Department of Social Welfare has already implemented policy allowing welfare recipients to retain a substantial percentage of their earnings above their welfare allotment. Our current policy in that area is outlined in the enclosed attachment.

Your proposed legislation and accompanying material have been referred to the State Department of Social Welfare for further review. As you know, there have been a number of proposals relative to the major revision of America's public aid programs this year, and we are awaiting proposals of the Nixon administration. Our Department of Social Welfare is in the process of carefully reviewing all such proposals, and presently plans call for the development of a specific statement of position in relation to the entire problems as soon as the various proposals have been reviewed. When this statement is prepared and approved by me, a copy will be forwarded to you.

Sincerely,

Frank Licht,
Governor.

Rhode Island Public Assistance Service Manual

CHAPTER II—DETERMINATION OF NEED

I. Definition and Consideration of Income as a Resource

Income is defined as the receipt of money or the receipt of goods or services to meet a specific requirement. To be considered as a resource in determining need, income must be available and computable. To be available it must be known that the income must be of such a nature that it is known that it (1) will be received and be under the control of the recipient during the period for which need is being determined, or (2) can be available if action is taken by the applicant or recipient to obtain it. To be computable, income must be of such a nature that it can be stated in a specific money amount or applied to a particular requirement.

II. Use of income in determining need

In determining the amount of need of an individual or family, all income must be taken into consideration. However, modifications of the amount of actual income are made under specific conditions in determining the amount of income which will be applied to the assistance plan.

III. Sources of income

A recipient of Public Assistance can receive income from any number of different sources. For Agency purposes, income can be defined according to the following:

A. Earned Income

1. Definition of Earned Income:

a. Earned income is income in cash or in kind earned by an individual through the receipt of wages, salary, commissions (including MDTA), or profit from activities in which he is engaged as a self-employed individual or as an employee. Such earned income may be derived from his own employment, such as business enterprises, or farming, or be derived from wages or salary received as an employee. It includes earnings over a period of time for which settlement is made at one given time, as in the instance of sale of farm crops, livestock, or poultry.

b. "Earned Income" does not include:

(1) Returns from capital investments with respect to which the individual is not himself actively engaged, such as dividends, rentals and interest, or

(2) Benefits (not in the nature of wages, salary, or profit) accruing as compensation, or reward for services, or as compensation for lack of employment, such as industrial pensions, OASDI, ESB, TDI, or Veteran's benefits.

2. Earned Income from Wages:

When earned income is from wages, the worker must verify the gross amount (before deductions) received and the amount of each payroll deduction identified by source. Verification is made by examining current check stubs or pay envelopes which the employed person has. If wages fluctuate, an average should be made of five (5) consecutive pays if possible. If check stubs or pay envelopes are not available, the person should obtain a statement from the employer showing the gross amount and identifying the source and amount of each deduction for 5 pay periods. If the client does not furnish this information as required, it is obtained by a PA–50.

3. Earned Income from Self-Employment:

There are many kinds of self-employment in which a client may be engaged. These include merchandising, service shops, manufacturing industries, or operating a farm. If it is found that the business is operating at a loss, the client should be helped to evaluate the future potential of the business and the advisability of continuing with it. There should be an understanding that PA cannot consider any expenses of the business as requirements in determining the extent of need.

a. Determination of Profit:

Profit from self-employment is the difference between the gross receipts and the actual cost of operating the business *on a yearly basis.*

Gross receipts is the total amount of money received from the sale of goods or the rendering of a service. This is determined by a review of income tax reports, or a review of books showing amounts received. In farm operation, gross receipts is based on products sold. No monetary value is placed on garden or dairy products used by the family.

Cost of operating the business is the total cost of expenses related to the business; i.e., rent, utilities, equipment, stock replacements, etc., plus non-personal work expenses (201.2, p. 4) as obtained by a review of income tax reports or the review of receipts, bills, or books. When a business is carried on at home, no part of the overhead expense is considered a business expense.

b. Application to the Assistance Plan:

Income considered from self-employment is the difference between the amount of *profit* and the amount of personal expenses of producing the income (item 4 below).

In initial determination of need, either the documented income for the prior year or the estimated income for the current year, based on at least 3 months' operation, may be used as appropriate. If the current year estimate is used, verification and computation of the actual amount to be considered as income must be completed in January of the following year.

4. Consideration of Expenses Incurred in Earning Income:

This section deals with those expenses that are attributable to earning an income. These expenses *will be applied to applicants and recipients* of Public Assistance in determination of eligibility.

The balance of the income after consideration is given to these expenses is the amount to which the disregard policy is applied.

a. Non-Personal Work-Related Expenses:

These will include the cost of: any required licenses, tools and materials, the purchase of special equipment such as uniforms, telephone, if needed on the job, etc., transportation, if needed *on the job*, if not reimbursed by the employer.

b. Personal Work-Related Expenses:

These will include the cost of the following:

(1) Mandatory Payroll Deductions: These are amounts deducted by the employer as required by law or by company regulations for all employees. They are usually in the form of deductions for—

(a) Income Tax, Social Security, Retirement Funds and Union Dues.

(b) Group Insurance—*when membership in the plan is mandatory.*

(c) Legal attachment on wages—Under Title 9, Chapter 26, Section 4, Subsection 12b and c of the General Laws of 195C, the first $50.00 of any pay due at the time is exempt from attachment and no attachment can be placed on the wage of a former PA recipient for one year (amount amended eff. 9-1-66), following termination of Public Assistance.

(2) Increased Personal Needs: [1]

The following allowance is deducted from the wage for increased personal needs for food and clothing:

$1.00 per day for each day worked regardless of the number of hours up to a maximum of $20.00 per month. Persons working full time would be eligible for the $20.00 allowance as a work expense.

(3) Amounts as Paid where Necessary for: [2]

(a) Purchase of service for care of children in the client's own home or for the care of other dependents in order to enable the person to be employed.

(b) Purchase of child care in family day-care homes that are, or are in the process of being, licensed (see Sec. 203, p. 5 for cost guidelines).

(Child care service provided by Agency family day-care homes or group day-care centers will be paid directly by PA through a vendor system).[3] See Section 205—Day Care Services Program.

(c) Union dues, if not deducted by employer or dues to employee groups or similar assessments.

(d) Special safety devices needed for handicapped people when not furnished by the employer.[4]

(e) Special safety or protective clothing items or uniforms.[4]

(f) Transportation to and from work.[4]

B. Other income

Income may be derived from many sources. The worker must know the sources of actual or potential income which are indicated by the individual facts in each situation, and be able to determine the amount and availability of all actual income and the availability of any potential income.

Policy and procedure for the verification of actual income and/or the identification of potential income is set forth for the following sources: Federal and State Insurance, Employment Pensions, Benefits for Veterans, Armed Services Allotments, Workmen's Compensation, Boarders and Lodgers, Property, Insurance, Other Agencies, Income in Kind, Relatives.

IV. Treatment of income in AFDC and in GPA for families with children

A. The following income is disregarded in computing the needs of a family with dependent children receiving AFDC or GPA. However, this disregard is not applied when the application is caused by a strike or work stoppage.

1. All the earnings of any child receiving assistance if the child is a full-time student or a part-time student who is not a full-time employee. This may include full-time summer employment of children who plan to return to school in the fall.

Definitions: A student is one who is attending a school, college or university or a course of vocational or technical training designed to fit him for gainful employment. A full-time student must have a school schedule that is equal to at least one-half of a full-time curriculum.

2. After expenses incurred in the earning of wages have been taken into consideration, the first $30.00 of the balanced of earned income of the appropriate family members (students omitted) plus one-third (⅓) of the remainder is disregarded. This income disregard *does not apply*, however, in the following situations:

a. At intake, (1) if an applicant has left employment or reduced his earnings for the sole purpose of applying for assistance, and later he returns to work to take advantage of this disregard provision, or (2) persons who are employed at time of application either full-time or part-time except those who reapply for assistance within a five-month period after being closed to a job which does not work out.

b. *Active Cases:* For 30 days after a recipient either left work without good cause, or refused to accept a job in which he was able to engage.

B. Use of Income for Special Needs of Children:

In AFDC and GPA families where there is income from any source, earned or other, consideration is given to special needs of the children, individually determined and in an amount *not exceeding the amount of the income.* Special needs of children are included as a requirement in the assistance plan under "Other". This includes current school expenses as identified, including participation in school activities, e.g., orchestra, special courses of training (shop, clothing, construction, etc.), athletic or class activities, etc., and participation in community activities such as Scouts, Y's, CYO, Boys' Club, 4-H, etc.

C. Conservation of Income for Educational Needs of Children:

In addition to consideration of expenses attributable to the earning of income and to the use of any income, earned or other, to meet the special needs of children as above, part or all of the remaining income, earned or other, may be conserved by the family for the future identifiable needs of a child which will make possible for the accomplishment of a specified plan for his future education, special training and employment designed to realize the child's maximum potential as an independent and useful citizen. The amount of income which may be conserved must be reasonable in amount as related to the purpose for which it is being held, and in individual cases in which income is conserved for this purpose, there must be a review of the plan on a regular basis to determine the continuing appropriateness of the plan.

The final decision on the conservation of income and the amount to be put aside is made by the Casework Supervisor. The worker, however, has the responsibility to apply the following criteria in the referral of a case for approval and to have reached a tentative decision, through an evaluation of the situation, that conservation of income is indicated and to have an estimate of the cost of the specified plan for the education and/or training of the child.

The child must be 14 years of age or over and, as a result of the social study of the child pertaining to education and preparation for employment (Sec. 100.2, pp. 7-8), the case plan includes working toward the accomplishment of a specific plan for the child's future education beyond high school *or* of training in a specific occupation such as hairdressing, radio repair work, etc. These children will be those who are already attending a school beyond high school or a training facility for a specific occupation, or

have finalized (accepted by the school or training facility) a plan for attendance at a school beyond high school or a training facility for a specific occupation, or

have initiated or wish to initiate a plan for future education providing that the plan is considered suitable by the school in accordance with the child's capacity in achieving such a goal.

Once a plan for conservation of income is made, the worker must review at each DOCE the progress being made to insure that the family and the child continue to work toward the specific goal or are carrying out the plan as evidenced by the child's attendance at the school or training facility.

V. Disregard of earned income for AABD

A. Recipients of AABD Over 65 or Disabled: For recipients whose eligibility is based on age or disability, and who are employed, the disregarded amounts are: $20.00 of the first $80.00 of *earned income* plus one-half (½) of the remaining $60.00.

---

[1] Omit for M.A. Program.

[2] For AABD, GPA, & MA Only.

[3] For AFDC Only.

[4] Omit for M.A. Program.

B. Recipients of AABD who are Blind: For recipients who are blind, the disregarded amounts of earned income are: The first $85.00 per month plus one-half (½) of the excess. In adidtion, for recipients who are blind, a further disregard of the balance of earned income and any other income is provided to meet the cost of a rehabilitation plan to achieve self-support in an amount required for a period not in excess of 36 months. Such a rehabilitation plan must be approved by the Division for Services to the Blind.

VI. Method of applying disregard provision

The method of disregarding income is the same for all forms of assistance.

From a client's gross earnings, deduct nonpersonal and personal work-related expenses (see Sec. III-4-a-b of this Sec. 201.2).

From the remaining amount of income, apply the appropriate disregard formula.

VII. Recipients of AABD who are resident nonprofessional

Recipients of AABD who are resident nonprofessionals in a Community Action Program or a Title I–D program will continue with present disregards *until July 1, 1969*. These disregards will expire at that time according to Federal law. They are no longer applicable to AFDC recipients.

This Federal provision allows the agency to disregard the first $85.00 per month plus one-half (½) of the excess up to $150.00 for a period of 12 cumulative months. Therefore, any recipient of AABD can receive a special disregard to a maximum of $117.50 if they are a resident nonprofessional in a Community Action Program or in Title I–D program for a period of 12 months on a cumulative basis. This disregard is applied instead of the usual disregard policy as outlined above.

State of Connecticut,
Hartford, May 8, 1969.

Hon. Roman C. Pucinski,
House of Representatives,
Washington, D.C.

Dear Representative Pucinski: Thank you for your letter of May 6 regarding legislation relative to federal welfare programs which you have introduced in the Congress.

I have already voiced to Secretary Finch my feeling that the federal government must act now to establish national welfare standards and move toward assumption of the full welfare burden.

The need for major revisions in the present welfare system is evident to most state leaders and I am sure the Congress will look most carefully into this need.

Sincerely,

John Dempsey,
Governor.

Wyoming Executive Department,
Cheyenne, May 13, 1969.

Hon. Roman C. Pucinski,
House of Representatives,
Washington, D.C.

Dear Congressman Pucinski: Thank you for your recent letter and enclosures regarding your bill, H.R. 10250, for improvements in our present public assistance programs.

The recent Supreme Court decision with respect to welfare residency requirements will certainly place additional burdens upon the states. However, I am not yet ready to say that the federal government should assume the entire cost of the national welfare system. I have learned that controls most surely follow the national dollar, and if all local control of welfare is preempted by the federal government I fear that Congress may be running into more troubles than it bargains for.

I would certainly agree that our present system needs improvement. Federal financial participation should be increased and local flexibility in management should also be increased.

Wth all good wishes, I am,

Sincerely yours,

Stan Hathaway.

State of New Jersey,
Trenton, May 28, 1969.

Hon. Roman C. Pucinski,
House Office Building,
Washington, D.C.

Dear Congressman: I have seen your letter and your statement on the floor of the House of Representatives regarding H.R. 10250. You may be assured that I support warmly the provisions of this bill.

The cost of providing welfare payments to needy persons in the State of New Jersey has doubled in the last three years. New Jersey is the third most generous State in the levels set for payment under the federally supported welfare categories. It is perfectly clear that this burden is becoming too great for the State, counties and municipalities to bear.

Last year the New Jersey Legislature approved, at my request, a measure increasing the State's share to seventy-five per cent of the non-federal matching required by federal legislation. In addition, New Jersey is now participating in the work incentive program (WIN) to provide welfare recipients with the services they need to become employed.

The superior taxing position of the federal government should be used to finance completely this national purpose.

I appreciate your thoughtfulness in bringing this measure to my attention. You may be assured of my continuing support for H.R. 10250.

Sincerely yours,

Richard J. Hughes,
Governor.

State of Montana,
Helena, May 16, 1969.

Hon. Roman C. Pucinski,
House Office Building,
Washington, D.C.

Dear Congressman Pucinski: I appreciated receiving your letter of May 6, concerning your bill, H.R. 10250, to raise national welfare standards.

I agree that changes are needed in the Social Security Act relating to public assistance programs and Mr. Theodore Carkulis, State Administrator for the Montana Department of Public Welfare concurs.

Your proposals are laudable and the impact on the financing of public welfare in Montana would be of major significance, although national welfare standards would not have as much impact on Montana, as it would on those states where assistance grants are comparatively low.

Both Mr. Carkulis and myself are not convinced that complete "Federalization" of the money payment for all categories would completely solve the problem. The old-age assistance category would be the most susceptible to this approach; but, even here many of the problems relating to institutional care, such as boarding home and nursing home care, of these persons would still remain. Because of its effect on Montana, I would strongly recommend that Federal matching continue to be based on some variable grant system, so that the lower per capita income states would receive a greater proportion of Federal funds.

I trust that my comments will be of some assistance to you. If I can be of any further assistance, please do not hesitate to contact me.

Sincerely yours,

Forrest H. Anderson,
Governor.

State of Nebraska,
Lincoln, May 15, 1969.

Hon. Roman C. Pucinski,
House of Representatives,
Washington, D.C.

Dear Congressman: This will acknowledge receipt of your letter and a copy of H.R. 10250 regarding public assistance programs.

Your proposed legislation does more to attack and correct the problems of welfare than any proposals that we have recently read. While I may not be in complete agreement with all aspects of the proposed legislation, nevertheless, it most certainly is a step in the right direction and I commend you on your fine leadership.

Very truly yours,

Norbert T. Tiemann,
Governor.

State of Vermont,
Montpelier, May 16, 1969.

Hon. Roman C. Pucinski,
Congress of the United States, House of Representatives, Washington, D.C.

Dear Representative Pucinski: This is in response to your request for my comments on H.R. 10250.

Speaking for myself, you were correct in your reference to Governors who spend sleepless nights over the increasing costs of our welfare system.

In this regard I have appointed a committee to intensively review Vermont's welfare system. It would be premature of me to take a position until the results of this study are known.

I will, however, say that your proposed national standards would not necessarily benefit Vermont where our average payment per recipient is already above the national average in every category.

Secondly, your supplemental family allowance plan does not solve what appears to be one of the major problems with the present system; that is, welfare recipients receiving more income than the family man between the ages of 21 and 65 who earns less than what his family could receive if he deserted them and went on welfare. Your supplemental family allowance appears to widen the financial disparity between these two groups.

Until my own investigation is completed, I must withhold my support for H.R. 10250.

Sincerely yours,

Deane C. Davis,
Governor of Vermont.

State of Alabama,
Montgomery, May 23, 1969.

Hon. Roman C. Pucinski,
Member of Congress,
House Office Building,
Washington, D.C.

Dear Mr. Pucinski: Thank you for your letter of May 6, 1969, enclosing excerpts from the Congressional Record containing your bill, H.R. 10250, together with your explanation thereof. I have requested the State Department of Pensions and Security to review this pending legislation, and would like to make the following comments.

As we understand it, there are a number of bills which have been introduced in Congress proposing in one way or another, the provision for Federal financing of the public assistance program. Just recently I was asked to comment on a bill which was introduced through the efforts of the Council of State Governments and Governor Rockefeller in particular. As we indicated to the Council of State Governments, we believe that total financing of public assistance programs is rapidly becoming almost a necessity. This is due not only to the inequity of payments state by state, but more particularly to a recent Supreme Court decision abolishing residency requirements and pending suits on some other state welfare provisions.

We believe your proposal provides adequate maintenance for those unable to work, and incentives for able-bodied persons to secure employment even if wages are set below the maintenance level. It appears to us that your bill might be more expensive than the present public assistance program although it would relieve states of their portion of the costs of public assistance. At the same time, it provides a more humane approach to public assistance than the present program. The reduction of the family allowance maximum by ten percent, however, for any maintenance in which the value of home produce consumed equals this amount is administratively unsound. It does not provide the present incentive for people to help themselves through raising of home produce.

We are pleased that your bill does not have a transitional period for the Federal government to take over the cost of the program. We understand that some of the other proposals have this transitional period.

It is difficult to determine whether the public assistance program under your bill would be administered by the states or by the Federal government, and whether administration of services would be included. This is an important matter in the consideration of any legislation, and we believe there should be some clarification.

As we understand your bill, recipients of aid to the blind and aid to the permanently and totally disabled are not eligible for the family allowance incentive. They may either continue assistance or receive the supplemental family allowance benefits. We believe that this is treating blind and permanently and totally disabled persons inequitably.

We wonder if your thinking involves taking the Federal government out of other aspects of the public welfare program than public assistance. We, also, assume that your supplemental family allowance virtually provides a general assistance program.

We agree with you that if your bill were enacted it would have a tendency to reduce the migration of public assistance recipients to high payment states.

Again, thank you for giving me an opportunity to comment on your bill.

Sincerely yours,

ALBERT P. BREWER,
Governor.

STATE OF ARKANSAS, DEPARTMENT
OF PUBLIC WELFARE,
Little Rock, June 24, 1969.

Hon. ROMAN C. PUCINSKI,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PUCINSKI: Reference is made to your letter to Governor Winthrop Rockefeller of May 6, 1969, which he referred to me for review and reply. I have reviewed your bill, H.R. 10250, and offer the following:

1. This Agency is in favor of National welfare standards. We feel that in addition to bettering the lot of welfare clients, at least in Arkansas, that National standards would discourage individuals and families from moving to higher welfare payment level states;

2. We definitely believe that the supplemental family allowance plan, permitting wage earners to retain up to 50% of their earnings, would encourage low income workers to continue to work on a part-time or even full-time basis, rather than to fall back entirely on grant payments;

3. We wholeheartedly believe that the Federal Government should assume the entire cost of the welfare program. This would enable states to use administrative money to provide special services for the under-privileged and would enable them to use the grant matching state dollars to expand such programs as Medicaid.

The passage of your proposed legislation would not only be most beneficial to our Nation's poor and needy people, but would also be very helpful, financially, to state governments.

If this Department can be of further assistance to you, or provide further information, please do not hesitate to let me know.

Very truly yours,

LEN E. BLAYLOCK,
Commissioner.

EXECUTIVE DEPARTMENT,
Atlanta, May 26, 1969.

Re H.R. 10250.

Hon. ROMAN C. PUCINSKI,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN PUCINSKI: This is in response to your letter of May 6 requesting my comments on the above-captioned bill which you have introduced in the Congress of the United States.

With respect to the first section of your bill regarding national welfare standards, I generally favor a minimum financial floor under the categorical assistance programs under which no state should be permitted to go. However, and this goes to the third section of your bill, I am opposed to the Federal Government assuming the entire cost of public welfare. As a strong advocate of State's Rights, I am also a strong advocate of State's Responsibilities. I believe that the states have a responsibility to their indigent citizens and that this responsibility should not be abandoned or delegated to the Federal Government. This does not mean, of course, that the states should bear the major portion of the financial burden, but should be willing to bear a sufficient portion of the costs to enable them to maintain some degree of control over the programs. I hold a contrary opinion to that which you expressed on the floor of the House to the effect that the amount of the allowance be the same in all regions of the country. I believe it to be essential that differences in cost of living in the various regions or states be considered. The allowance you propose would, in some rural areas of this state, be more than that which is considered as middle-class income for the area.

With respect to the second section of your bill authorizing supplemental family allowances to permit welfare recipients to retain up to 50% of their earnings above their welfare allotment, this would in my opinion be an improvement over the system which has in the past imposed a 100% tax on the earnings of welfare recipients. I am sure you are aware, however, that recent amendments to the Social Security Act will provide some relief in this area as a result of new earned income disregard provision.

In conclusion, I agree totally with your belief that every able-bodied American should contribute something to his existence by entering the labor force and becoming a part of the mainstream of society. For able-bodied recipients of welfare to do this we must be able to provide more and better job training programs for the uneducated and unskilled and more jobs for them once they are trained. The dole, in whatever form, is not the answer.

Sincerely,

LESTER MADDOX,
Governor.

COMMONWEALTH OF PENNSYLVANIA,
GOVERNOR'S OFFICE,
Harrisburg, May 26, 1969.

Hon. ROMAN C. PUCINSKI,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN PUCINSKI: Governor Shafer is in South America for a Pennsylvania Trade Mission and before leaving asked me to respond to your letter about H.R. 10250.

The Governor is generally in agreement with the aim of your legislation. He believes that the federal government should set national welfare standards and assume the entire cost of the national welfare system.

A review of your specific legislation is now being conducted by the departments and we hope to have a more specific response in support of H.R. 10250 very shortly.

Sincerely,

HUGH E. FLAHERTY.

COMMONWEALTH OF VIRGINIA,
GOVERNOR'S OFFICE,
Richmond, May 9, 1969.

Hon. ROMAN C. PUCINSKI,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. PUCINSKI: Governor Godwin has asked me to acknowledge and thank you for your letter and the copy of proposed legislation H.R. 10250 you have introduced.

We are sending a copy of this material to Mr. Otis L. Brown, Director, Department of Welfare and Institutions, asking him to review it and forward to you any comments he may have regarding this legislation.

Sincerely,

BRUCE C. MILLER,
Executive Assistant.

STATE OF LOUISIANA, EXECUTIVE
DEPARTMENT,
Baton Rouge, May 13, 1969.

Hon. ROMAN C. PUCINSKI,
Member of Congress,
Washington, D.C.

DEAR CONGRESSMAN PUCINSKI: In reply to your recent letter referring to legislation you propose in connection with public assistance programs, I have asked those in this state who administer the program to submit comments in order that I may be equipped to intelligently respond to your request for comments.

With kind regards, I am

Very truly yours,

JOHN J. MCKEITHEN,
Governor of Louisiana.

STATE OF SOUTH CAROLINA, OFFICE
OF THE GOVERNOR,
Columbia, May 14, 1969.

Hon. ROMAN C. PUCINSKI,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN PUCINSKI: Governor McNair handed me your letter concerning your recent legislation on welfare programs and asked that I get the comments of our State Director of the Department of Public Welfare. I am forwarding a copy of your letter to the Director today and will be in touch with you very soon.

Sincerely,

ROBERT L. ALEXANDER.

STATE OF WEST VIRGINIA, OFFICE
OF THE GOVERNOR,
Charleston, May 28, 1969.

Hon. ROMAN C. PUCINSKI,
Congress of the United States,
Washington, D.C.

DEAR CONGRESSMAN PUCINSKI: This is to acknowledge receipt of your letter of May 6, 1969, with which you enclosed copy of your bill, H.R. 10250, regarding the public assistance program.

I appreciate your sending this to me, and am forwarding a copy to Mr. Edwin F. Flowers, Commissioner, Department of Welfare, for his review and comment.

As soon as I have received a report from Mr. Flowers, I shall be in touch with you.

Sincerely yours,

ARCH A. MOORE, Jr.

OFFICE OF THE GOVERNOR,
Phoenix, Ariz., May 9, 1969.
Hon. ROMAN C. PUCINSKI,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PUCINSKI: This is to acknowledge and thank you for your letter of May 6 relative to H.R. 10250 concerning National Welfare Standards which you have proposed recently to the members of Congress.

I am referring your letter to Dr. Wm. Henry, Chairman of our Department of Public Welfare for his comments.

A reply should be forthcoming shortly.

Sincerely,

JACK WILLIAMS.

STATE OF CALIFORNIA,
GOVERNOR'S OFFICE,
Sacramento, June 23, 1969.
Hon. ROMAN C. PUCINSKI,
House of Representatives,
Washington, D.C.

MY DEAR CONGRESSMAN: I am pleased to be in a position to reply more fully to your letter bringing to our attention legislation you have introduced in Congress on public assistance programs.

Very recently Mr. Spencer Williams, my Secretary for Human Relations, and Mr. John C. Montgomery, Director of Social Welfare, made presentations on behalf of my Administration on this subject before the President's Commission on Income Maintenance Programs. In the course of that testimony, they made a number of points which are included in the attached summary.

Again, I would like to express my appreciation for your letter and for the opportunity you have given us to comment on this important national problem.

Sincerely,

RONALD REAGAN,
Governor.

STATE OF MINNESOTA,
OFFICE OF THE GOVERNOR,
St. Paul, May 12, 1969.
Hon. ROMAN C. PUCINSKI,
House of Representatives,
Washington, D.C.

DEAR SIR: Thank you for furnishing this material on welfare legislation to Governor LeVander. He advised it will be carefully considered along with other proposals to cover our welfare dilemma.

Sincerely,

WALLACE R. HOAGLUND,
Administrative Assistant.

SUMMARY OF TESTIMONY BEFORE THE PRESIDENT'S COMMISSION ON INCOME MAINTENANCE PROGRAMS

(By Spencer Williams and John C. Montgomery)

1. Reform and reconstruction of our present outmoded public assistance system is long overdue. With respect to this problem, the country is at the crossroads, where we must make some critical decisions about how we are going to deal with the burgeoning costs of these programs, and the basic directions they should take.

2. Today the states and local governments throughout the country are facing a financial crisis as a direct result of the combination of some of the provisions of the social security amendments of 1967 (Public Law 90–248) and the Supreme Court decision on durational residence. The fiscal impact of the permanent elimination of durational residence requirements coming as it does on top of the additional fiscal burden placed on the states by the Congress in 1967 and by certain changes in federal regulations, may well prove to be the proverbial "last straw." It is just not possible for the states and counties to accommodate this cumulative massive impact on their already overburdened fiscal resources and at the same time maintain, let alone increase, the level of programs and benefits which are so sorely needed by the people.

3. Some immediate steps to reform the system are needed to help alleviate this fiscal crisis. Some of the most important are these:

a. Repeal the AFDC "freeze."

b. Provide full federal reimbursement to the states of the cost attributable to the elimination of the durational residence, as provided in the bill introduced by Senator Murphy of California.

c. Restore to the states the power to determine eligibility requirements for AFDC–U, thus removing the onerous and inequitable restrictions on federal reimbursement of the costs of this program.

d. Eliminate the completely open-ended nature of the earned income provisions of the AFDC program especially with respect to the total amount of the family income subject to it. There should be a gradual reduction in the proportion of earnings exempted as earning capacity increases, and the family's income situation approaches a level of adequacy in relation to its size which could be established as the cut off point for exempting any earned income.

We are completely committed to the principle that assistance policies must provide the incentive of monetary gain if we are to expect people to seek and accept employment as an alternative to remaining on aid. However, we believe that in Public Law 90–248 the Congress went too far in moving to correct what had been one of the basic flaws in the public assistance system.

4. In addition to steps directed specifically to help alleviate the fiscal crisis facing states and local government, these additional reform measures are needed:

a. Remove the current limitations on fedal aid to children in foster care. This would require a public policy based on the recognition that a needy child who has been deprived of the care and support of *both* parents has as much call upon the national resources as does the child who has been deprived of only *one* parent.

b. Make the AFDC program for the unemployed a requirement for all states in order to remove inequities between the states which will become especially acute with the elimination of durational residence.

c. Delegate authority to the states to eliminate inequities resulting from the provision which denies federal reimbursement for AFDC–U payments made to fathers employed more than 35 hours per week regardless of earnings.

d. Automate support for the aged. In California we are currently inquiring into the feasibility of a graded system of standard allowances for the aged based upon housing arrangements, living arrangements and on what the individual can do for himself. Income would be deducted from these allowances. One time and emergency needs would be paid from a different source and would not be part of the periodic support payments.

In our preliminary exploration of this idea, we are attempting to find out, among other things, whether an amount not too different from current grant levels can be established so as to remain unchanged for at least 12 months. With such a program, if it can be formulated, the increases could be automated to a very great extent. Therefore, we call this possibility automated support for the aged. We believe that the results of our efforts which are just beginning, can eventually be applied to the blind and the disabled, and will be useful to the national administration and the Congress.

5. At the same time that the most pressing problems in the public assistance system are being dealt with through immediate measures of reform, longer range plans for a basic reconstruction of the total system must be developed and carried out. Whatever the precise nature of these plans, they:

a. Must reject reliance on any single panacea.

b. Must be consistent with the work ethic of this country by assuring that the incentive to work will be maintained. It has yet to be established that any of the guaranteed income schemes now under discussion will meet this test without the costs being astronomical. Any such plan must satisfy four goals which are conflicting in many ways. It must: provide adequate income subsidy to those in need; maintain incentive to engage in productive employment; minimize payments to those who are not in need of them; keep the total cost within practicable and possible fiscal limits. To our knowledge, no satisfactory way of reconciling these goals has yet been proposed.

c. Must deal effectively with what is probably the most difficult public policy questions of all: How to assure equity between those helped and those not helped; how to maintain the necessary public support for welfare programs in the face of a growing antagonism on the part of those not being helped despite the fact that many of them too are in relatively marginal circumstances.

6. Rather than any single panacea, any such plans must encompass a balanced program all elements of which are designed to exert influence in the same desired direction. This would provide the advantage of the cumulative effect of the interaction of the results achieved through the various elements. These might include:

a. A system of national minimum standards of public assistance payments with greatly increased federal sharing of costs. With the elimination of durational residence requirements, serious consideration could well be given to this approach so as to slow down the flight to the cities and the higher grant states which will now become even more acute. Any such approach must allow for regional differences and for assurance that states like California and Illinois will receive federal reimbursement sufficient to maintain their standards without added costs to state or local government.

b. Improvement of the social security system, especially for the aged, so as to eliminate the current situation where in California, for instance, over 70 percent of aged recipients are on aid because of inadequate social security benefits.

c. Improvement of the unemployment insurance system so as to make it more of a national program and so as to encourage employers to provide jobs to increased number of individuals.

7. Whatever immediate steps are taken to reform the present system or whatever long-range plans are developed for its basic reconstruction, these steps must be accompanied by a national commitment to effective programs for preventing dependency which concentrate attention on steps designed to help children grow into responsible productive adults properly equipped to enter the world of work. These programs of prevention must be pervasive and must rest on a much broader base than the public assistance system itself.

The basic goals for these preventive programs must be life preparation for children. For this to be realized, their parents must have the opportunities for jobs and income required for the family's security and stability essential to healthy child development. One approach to this might be through some form of subsidized employment through tax incentives or inducements to private employers. This could be so arranged to assure that the basic public purposes involved were being carried out, and to provide that the amount needed to supplement the man's going wage in order to enable him to meet his family obligations was paid to him through his employer rather than directly by the welfare system.

STATE OF INDIANA,
Indianapolis, May 15, 1969.
Hon. ROMAN C. PUCINSKI,
House of Representatives,
Washington, D.C.

DEAR SIR: As requested in your letter of May 6th, I have reviewed your bill, H.R. 10250, and wish to offer the following comments:

1. It is felt that a change in the welfare programs is desirable; however, in all probability a more gradual change, based on the results of the demonstration programs currently being conducted, would be more advantageous than the drastic changes proposed in your bill.

2. With the greatly improved grants, the exemption of an increased amount of earned income, the extending of eligibility to a large additional group of needy and low-income persons, and the issuance of revised national standards it would seem that the probable cost of such a program could greatly exceed the $4,000,000 estimated in your proposal.

3. The receipt of the increased welfare benefits is not the only reason for migration from southern states to urban centers; therefore, higher welfare benefits in the states from which most people are moving would not be the only factor to induce them to stay in their present homes. There would need to be more job opportunities through improved industrial developments, etc.

4. While it is desirable to help relieve local and state burdens in relation to welfare, it is questionable whether we can continue to look upon the federal government to collect and disburse our tax monies in even greater amounts.

In conclusion I might add that I am heartily in favor of incentives to encourage people to work and some measures along this line are in the process of development in Indiana.

Sincerely,
EDGAR D. WHITCOMB,
Governor.

THE STATE OF WISCONSIN,
Madison, May 15, 1969.
Hon. ROMAN C. PUCINSKI,
House of Representatives,
Washington, D.C.

DEAR MR. PUCINSKI: We are in receipt of your letter of May 6, 1969 explaining what Bill H.R. 10250, which you introduced, would provide. You asked for our comments on the bill.

We feel that a bill such as H.R. 10250 is almost a necessity following the recent decision of the United States Supreme Court. Administrators of the social security aid programs have informed me that the difference in the amount of grants vary so from state to state that there is some temptation on the part of persons to move to a state with more liberal welfare programs. While they recognize that the ordinary person moves to better himself economically by way of better employment, there is the undercurrent of protection by welfare aid until such employment can be obtained.

1. We, therefore, feel that the national welfare standards are a necessity at this time.

2. Certainly, an incentive to obtain employment is a requirement. Without such incentive, a person is not likely to work unless he can earn considerably more than he can receive through the welfare program. Therefore, the right of recipients to retain a percentage of their earnings is again considered a necessity in the welfare program. There seems to be considerable feeling, however, that some maximum to the amount of the "earned income exemption" should be adopted.

3. With the decision of the Supreme Court prohibiting the use of a durational residence requirement for eligibility for social security aids, the recipient group no longer has any attachment to a state or area. The mobility of these people creates a national problem. The sequel to decision appears to be national financing to meet this problem.

Sincerely,
WARREN P. KNOWLES, *Governor.*

THE STATE OF NEVADA,
Carson City, June 27, 1969.
Hon. ROMAN C. PUCINSKI,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PUCINSKI: This is in reply to your letter of May 6, 1969 concerning H.R. 10250, the legislation you introduced to overhaul our present public assistance programs.

Through misunderstanding here, a response has been delayed. I am sorry about this.

A thorough review of your proposed legislation and consideration by our State welfare agency results in consensus that this is, indeed, a fresh approach to our national welfare system.

However, I question the changes under Title II, Section 202, regarding amounts of earned income to be disregarded under public assistance needs tests. Without a limit or ceiling on the amount to be disregarded, this tends to keep or "lock-in" people on welfare.

In addition, this may allow virtually most middle-income groups, who otherwise meet the eligibility requirements for a program, to be eligible for public assistance.

For instance, the current federal provisions to become mandatory effective July 1, 1969, which allows a disregard of earned income of $30 plus one-third of the remainder, permits a family of four in Nevada to have earnings up to $1,000 per month, depending on their needs, and still be eligible for assistance. I urge you to include in your provisions a ceiling on earnings to be disregarded.

Your plan, otherwise, merits serious consideration.

Sincerely,
PAUL LAXALT,
Governor.

STATE OF NEW MEXICO,
Santa Fe, June 2, 1969.
Hon. ROMAN C. PUCINSKI,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE PUCINSKI: Thank you very much for your letter and the attached introduced bill that would make a substantial revision of public welfare laws.

New Mexico has had in recent years tremendous problems in financing the state's share of welfare programs because of its limited economic base and inability of the state to provide an increase in economic development and opportunity that keeps pace with the demand for human services to the disadvantaged. I have suggested from time to time that the only truly long range solution to New Mexico's problems would be for the federal government to assume the entire financial burden of financial assistance, food assistance and medical assistance. However, merely shifting the present allocation of financial responsibility for the programs would not in itself be a solution to the problems. There is also a recognized need for a total shift in emphasis in the welfare system.

Although there have been numerous changes since 1962 in the Social Security Act, these piecemeal attempts to enable a truly rehabilitative focus to welfare programs have not succeeded. It is my view that one reason they have not succeeded is due to the still existing underlying philosophy that welfare is essentially a punitive gesture by society to provide very minimal assistance and services to those citizens who "deserve" this largesse.

As stated above I do believe that your proposal would go a long way towards solving the state's financial problems (with the recognition that the revenues to pay for the program would still come from the taxpayers). The solution to the problems of the people who are recipients and potential recipients still await aggressive and innovative actions by the states and this would be a necessary corollary to any income maintenance program.

Thank you for giving me the opportunity to comment on your proposed revisions.

Sincerely,
DAVID F. CARGO,
Governor.

EXECUTIVE CHAMBERS,
Honolulu, May 27, 1969.
Hon. ROMAN C. PUCINSKI,
House of Representatives,
Washington, D.C.

DEAR MR. PUCINSKI: Thank you for giving me the opportunity to comment on your proposed legislation, H.R. 10250.

I join others in supporting the principles and objectives enumerated in your proposal and believe that ultimately such a legislation you propose would be inevitable in redirecting the nation's effort to deal with the problems of poverty and its disadvantaged people.

The establishment of national welfare standards for public assistance would assure every needy American that he would be protected in his essential right to basic necessities of life. The disparate welfare requirements among states, the differences among the states as to their economic capacity to finance the public welfare programs resulting in the wide variation in public assistance benefits in the fifty states require no further elaboration. Indeed, public welfare is a national problem and it is timely that it be approached from a national perspective and with total federal financing to correct the inequities and variations.

In a program dealing with poverty, I concur that there needs to be a system for incentives which would effectively end the cycle of poverty. The supplemental family allowance concept designed to exempt a portion of earnings to raise income above the poverty level could be a constructive force, one with broader end goals.

Warmest personal regards. May the Almighty be with you and yours always.

Sincerely,
JOHN A. BURNS.

H.R. 10250

A bill to provide for nationally uniform minimum standards and eligibility requirements for public assistance, to provide for a supplemental family allowance program and to provide that the cost of public assistance under the Social Security Act shall be fully borne by the Federal Government

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Supplemental Family Allowance Act".

TITLE I—NATIONALLY UNIFORM MINIMUM STANDARDS FOR PUBLIC ASSISTANCE

SEC. 101. REQUIREMENT OF COMPLIANCE WITH MINIMUM STANDARDS.

(a) OLD-AGE ASSISTANCE AND MEDICAL ASSISTANCE FOR THE AGED.—Section 2(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of pargaraph (12);

(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (13) the following new paragraph:

"(14) provide, with respect to all individuals seeking or receiving assistance under the plan at any given time, for the application of the minimum standards and acceptance requirements promulgated and in effect at such time under section 1122."

(b) Aid to Families With Dependent Children.—Section 402(a) of such Act is amended—

(1) by striking out "and" at the end of clause (22), and

(2) by striking out the period at the end of clause (23) and inserting in lieu thereof "; and (24) provide, with respect to all individuals seeking or receiving aid under the plan at any given time, for the application of the minimum standards and acceptance requirements promulgated and in effect at such time under section 1122."

(c) Aid to the Blind.—Section 1002(a) of such Act is amended—

(1) by striking out "and" at the end of clause (12), and

(2) by striking out the period at the end of clause (13) and inserting in lieu thereof "; and (14) provide, with respect to all individuals seeking or receiving aid under the plan at any given time, for the application of the minimum standards and acceptance requirements promulgated and in effect at such time under section 1122."

(d) Aid to the Permanently and Totally Disabled.—Section 1402(a) of such Act is amended—

(1) by striking out "and" at the end of clause (11), and

(2) by striking out the period at the end of clause (12) and inserting in lieu thereof "; and (13) provide, with respect to all individuals seeking or receiving aid under the plan at any given time, for the application of the minimum standards and acceptance requirements promulgated and in effect at such time under section 1122."

(e) Aid to the Aged, Blind, or Disabled and Medical Assistance for the Aged.—Section 1602(a) of such Act is amended—

(1) by striking out "and" at the end of paragraph (16),

(2) by striking out the period at the end of paragraph (17) and inserting in lieu thereof "; and", and

(3) by inserting after paragraph (17) the following new paragraph:

"(18) provide, with respect to all individuals seeking or receiving aid or assistance under the plan at any given time, for the application of the minimum standards and acceptance requirements promulgated and in effect at such time under section 1122."

(f) Effective Date.—The amendments made by this section shall be effective with respect to calendar quarters beginning after December 31, 1969.

Sec. 102. Establishment of Minimum Standards and Uniform Acceptance Requirements

Title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"NATIONAL MINIMUM STANDARDS AND UNIFORM ACCEPTANCE REQUIREMENTS

"Sec. 1122. (a) The Secretary shall from time to time (as provided in subsection (c)) determine and promulgate—

"(1) the minimum amount of aid or assistance which (with appropriate adjustments based on other income and resources as required by the relevant provisions of this Act) would have to be paid to eligible recipients under titles I, X, XIV, and XVI, and part A of title IV, and

"(2) the manner in which other income and resources should be taken into account in determining need for aid or assistance under such titles and the other conditions which it might be appropriate to impose in determining eligibility for such aid or assistance,

in order to assure that the purposes of such titles are being carried out effectively and without discrimination between applicants and recipients in different States. The minimum standards determined and promulgated under paragraph (1), and the acceptance requirements determined and promulgated under paragraph (2), shall (subject to subsection (b)) apply uniformly and equally throughout the United States with respect to aid and assistance provided under State plans approved under such titles.

"(b) The minimum standards and acceptance requirements determined and promulgated under subsection (a), which shall take into account the full need of all recipients, may vary as between the several programs of aid or assistance involved to the extent necessary to take into account the different requirements of the classes of individuals to whom such programs respectively apply, and may vary as between individuals in different geographic areas to the extent necessary to take into account any differences between cost levels in such areas; but any such variation shall be designed only to prevent aid or assistance under the programs involved from being of greater net benefit to one individual or class of individuals than to another.

"(c) The minimum standards and acceptance requirements described in subsection (a) shall be promulgated by the Secretary between January 1 and March 31 of each year, beginning with the year 1970, and such promulgation shall be conclusive for each of the four calendar quarters in the period beginning with the July 1 next succeeding such promulgation; except that the Secretary shall initially promulgate such standards and requirements as soon as possible after the enactment of this section and such initial promulgation shall be conclusive for the two calendar quarters in the period beginning January 1, 1970, and ending June 30. 1970."

TITLE II—SUPPLEMENTAL FAMILY ALLOWANCES

Sec. 201. Amendments to Internal Revenue Code of 1954.

(a) Supplemental Family Allowance Program.—Subtitle A of the Internal Revenue Code of 1954 (relating to income taxes) is amended by adding at the end thereof the following new chapter:

"CHAPTER 7—SUPPLEMENTAL FAMILY ALLOWANCE BENEFITS

"Subchapter A—Entitlement to benefits.
"Subchapter B—Administration.

"Subchapter A—Entitlement to Benefits

"Sec. 1601. Definitions.
"Sec. 1602. Supplemental family allowance benefits.
"Sec. 1603. Maximum benefit.
"Sec. 1604. Reduction on account of income.
"Sec. 1605. Imposition of tax on excess annual income.
"Sec. 1606. Ineligibility of individuals receiving public assistance on account of blindness or disability.

"Sec. 1601. Definitions.

"For purposes of this chapter:

"(1) Eligible individual.—An individual is an eligible individual for a calendar month if, at the close of such month—

"(A) he is neither a spouse of an ineligible beneficiary nor an eligible dependent of any other individual; and

"(B) he has attained the age of 18 or is married; and

"(C) he resides in the United States.

"(2) Eligible dependent.—

"(A) General rule.—An individual is an eligible dependent of another individual for a calendar month if at the close of such month—

"(i) he is a dependent of such individual, and

"(ii) he resides in the United States.

"(B) Determination of dependency.—Section 152 (relating to definition of dependent) shall apply in determining whether an individual is a dependent under paragraph (2) (A), but any reference in such section 152 to 'calendar year', 'taxable year', or 'calendar year in which the taxable year of the taxpayer begins' shall be considered to be a reference to 'calendar month'.

"(3) Spouse of an ineligible beneficiary.—An individual is a spouse of an ineligible beneficiary for a calendar month if at the close of such month—

"(A) he is married to a spouse who is not entitled to receive benefits under this chapter for such month, and

"(B) he has as his principal place of abode the home of his spouse.

"Sec. 1602. Supplemental Family Allowance Benefits.

"Except as provided in section 1606, each eligible individual who makes application for a benefit for a calendar month under section 1612 shall be entitled to a supplemental family allowance benefit payable with respect to such month in an amount equal to the maximum benefit under section 1603 less any reduction on account of income under section 1604.

"Sec. 1603. Maximum Benefit.

"(a) General Rule.—

"(1) Computation of benefit.—Except as provided in subsection (b), the maximum benefit for a month shall be equal to the sum of—

"(A) $50, plus

"(B) $40 multiplied by the number of additional allowances to which the eligible individual is entitled under paragraph (3) for such month,

except that such benefit may not exceed $290 for a month in the case of an eligible individual other than an eligible spouse, or $145 for a month in the case of an eligible spouse.

"(2) Eligible spouse.—An eligible individual is an eligible spouse for a calendar month if at the close of such month—

"(A) he is married and has as his principal place of abode the home of his spouse, and

"(B) both he and his spouse are entitled to receive benefits under this chapter for such month.

"(3) Additional allowances.—An eligible individual shall be entitled to an additional allowance for each eligible dependent.

"(b) Special Rule for Residents of Rural Areas.—In the case of an eligible individual who resides in a rural area (as defined by section 520 of the Housing Act of 1949), the maximum benefit shall be equal to 90 percent of the amount determined under subsection (a), unless such individual's application for such benefit contains a statement by such individual that during such month he did not consume home-grown produce equal in value to 10 percent of the maximum benefit under subsection (a).

"Sec. 1604. Reduction on Account of Income.

"(a) General Rule.—Except as provided in subsection (b), the reduction on account of income of an eligible individual's maximum benefit for a month shall be equal to 50 percent of income received by such individual and any eligible dependent of such individual during each month.

"(b) Special Rules for Persons Eligible for Certain Public Assistance.—

"(1) Persons receiving certain public assistance.—If an eligible individual receives public assistance for a month, no reduction on account of income shall be made for such month in such individual's maximum benefit under this chapter.

"(2) Persons eligible for but not receiving public assistance.—If an eligible individual who has filed application for public assistance does not receive such assistance for a month solely because of his income and resources under section 2(a)(10)(A), 402(a)(7), or 1602(a)(14)(C) of the Social Security Act, his reduction on account of income for that month under this chapter shall be an amount equal to the lesser of—

"(A) the reduction under subsection (a), or

"(B) two-thirds of the amount by which for that month (i) his income (for purposes of this chapter, including any income of an eligible dependent of such individual) exceeds (ii) the portion of his income and resources (for public assistance purposes) which was taken into account in applying the applicable section of the Social Security Act.

"(3) Public assistance defined.—For purposes of this subsection, the term 'public assistance' means only aid or assistance received under a State plan approved under title I of the Social Security Act or part A of title IV of such Act (or under title XVI of such Act in the case of an individual age 65 or over who is neither blind nor permanently or totally disabled).

"(c) Definition of Income.—For purposes of this chapter, the term 'income' means gross income (excluding supplemental family allowance benefits paid under this chapter and overtime pay) plus—

"(1) any item excluded from gross income by reason of—

"(A) section 101 (relating to certain death benefits),

"(B) section 103 (relating to interest on government obligations),

"(C) sections 104(a)(1) and 104(a)(4) (relating to workmen's compensation and certain disability compensation),

"(D) section 105(d) (relating to amounts received under wage continuation plans),

"(E) section 112 (relating to certain combat pay),

"(F) section 113 (relating to Armed Forces mustering out pay),

"(G) section 116 (relating to partial exclusion of dividends), or

"(H) section 117 (relating to partial exclusion of scholarships and fellowship grants);

"(2) the value of property acquired by gift, bequest, or devise, to the extent excluded from gross income,

"(3) any item not included in gross income which—

"(A) constitutes an unemployment compensation benefit provided under an unemployment compensation program of the United States or a State,

"(B) is a benefit paid under title 28, United States Code, which is excluded from gross income,

"(C) is a benefit paid under title II of the Social Security Act, or

"(D) is a benefit under the Railroad Retirement Act of 1937.

"Sec. 1605. Imposition of Tax on Excess Annual Income.

"(a) Excess Annual Income Defined.—For purposes of this section, the term 'excess annual income' means (1) the income of an individual during the taxable year plus the income for each calendar month which ends in such taxable year of any other individual who is an eligible dependent of such eligible individual for such calendar month, less (2) 150 percent of the sum of the minimum standard deduction (whether or not such individual computes his tax under chapter 1 on the basis of such deduction) plus any personal exemptions to which such individual is entitled under section 151.

"(b) Imposition of Tax.—If for any calendar month ending in the taxable year an individual receives a supplemental family allowance benefit (and such individual has excess annual income, then in addition to any tax imposed on such individual under section 1 for such taxable year, there is imposed on such individual a tax equal to the lesser of—

"(1) one-half of the excess annual income of such individual for such taxable year, or

"(2) the aggregate amount of supplemental family allowance benefits paid to such individual during such taxable year.

"Sec. 1606. Ineligibility of Individuals Receiving Public Assistance on Account of Blindness or Disability.

"An individual may not receive a supplemental family allowance benefit under section 1602 for a calendar month if for such month (1) he receives assistance under a State plan approved under title X or XIV of the Social Security Act, or (2) he receives assistance under a State plan approved under title XVI of such Act and he is blind or is not blind but is permanently and totally disabled. An eligible individual may elect, at such time and in such manner as the Secretary may prescribe, to receive a supplemental family allowance benefit for a calendar month in lieu of receiving assistance referred to in paragraph (1) or (2) of the preceding sentence.

"Subchapter B—Administration

"Sec. 1611. Regulations.
"Sec. 1612. Application for benefits.
"Sec. 1613. Payment of benefits.
"Sec. 1614. Procedure and enforcement.

"Sec. 1611. Regulations.

"The Secretary may prescribe such regulations as may be necessary to carry out the purposes of this chapter.

"Sec. 1612. Application for Benefits.

"An eligible individual may apply for a supplemental family allowance benefit under section 1602 for a month at such time and in such manner as the Secretary or his delegate shall prescribe by regulation. Such regulations may provide that an eligible individual may apply for benefits for more than one month in a single application. Two or more eligible individuals may apply jointly for benefits to which each is entitled.

"Sec. 1613. Payment of Benefits.

"At such time as may be prescribed by regulations, but not later than 180 days after the close of each month, the Secretary or his delegate shall pay a supplemental family allowance benefit to each eligible individual entitled to receive such a benefit under section 1602 for such month, except that in the case of a benefit to which a minor or an incompetent person is entitled, such benefit shall be paid to such person as the Secretary or his delegate shall prescribe by regulation.

"Sec. 1614. Procedure and Enforcement.

"(a) Hearings.—Upon request in writing (within such period as the Secretary or his delegate may prescribe), opportunity for hearing with respect to any action of the Secretary or his delegate denying or withholding any portion of a supplemental family allowance benefit shall be afforded to any individual aggrieved by such action. If a hearing is held pursuant to this subsection, the Secretary or his delegate shall make findings of fact and a decision based upon the evidence adduced at such hearing and shall take such action as may be required by such findings and decision.

"(b) Judicial Review.—Decisions of the Secretary or his delegate under subsection (a) shall be reviewable by commencing a civil action in a United States district court. The district courts shall have jurisdiction of such actions without regard to the amount in controversy.

"(c) Collection of Overpayments.—If an individual receives any payment under this chapter to which he is not entitled or which is in excess of the amount to which he is entitled under section 1602, the Secretary or his delegate may recover such payment or the amount of such excess only by withholding it from subsequent supplemental family allowance benefits to which such individual is entitled under this chapter.

"(d) Enforcement.—The Secretary or his delegate may not conduct investigations (other than routine examinations of applications and investigations in connection with hearings or civil actions under this section) of applicants for or recipients of supplemental family allowance benefits with respect to more than 10 percent of the persons who apply for such benefits in any fiscal year. Such applicant or recipient may be investigated only on the basis of random selection from all applicants and recipients, except where the Secretary or his delegate finds that there is probable cause to believe such applicant or recipient is not entitled to receive the benefit for which he applied or which he received."

(2) Clerical amendment.—The table of chapters for subtitle A of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following:

"Chapter 7. Supplemental family allowance benefits."

(b) Inclusion of Supplemental Family Allowance Benefits in Gross Income.—

(1) Inclusion of benefits.—Part II of subchapter B of chapter 1 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new section:

"Sec. 82. Supplemental Family Allowance Benefits.

"Gross income includes supplemental family allowance benefits to which the taxpayer is entitled under section 1602 with respect to calendar months ending in the taxable year, but only to the extent such benefits exceed the tax imposed for such taxable year under section 1605."

(2) Clerical amendment.—The table of sections for such part is amended by adding at the end thereof the following:

"Sec. 82. Supplemental family allowance benefits."

(c) Requirement of Return.—Section 6012(a) of the Internal Revenue Code of 1954 (relating to requirement of return) is amended (1) by striking out "and" at the end of paragraph (4), (2) by inserting "and" at the end of paragraph (5), and (3) by inserting after paragraph (5) the following new paragraph:

"(6) Every individual subject to taxation under section 1605,".

(d) Effective Dates.—The amendments made by section 101(a) of this Act shall apply with respect to entitlement for benefits with respect to calendar months beginning after June 30, 1970. The amendments made by section 101 (b) and (c) of this Act shall apply with respect to taxable years ending after June 30, 1970.

Sec. 202. Changes in Amounts of Income To Be Disregarded Under Public Assistance Needs Tests.

(a) Old-Age Assistance.—Section 2(a)(10)(A) of the Social Security Act is amended by striking out "except that" and all that follows and inserting in lieu thereof the following: "except that, in making such determination, the State agency shall disregard the first $30 of earned income for any month plus one-third of the remaining earned income for such month;".

(b) Aid to Families With Dependent Children.—

(1) Income to be disregarded.—Section 402(a)(8) of such Act is amended by striking out everything through the end of subparagraph (B) and inserting in lieu thereof the following: "(8) provide that, in making the determination under clause (7) the State agency—

"(A) shall with respect to any month disregard, in the case of earned income of a dependent child, a relative receiving aid under the plan, and any other individual (living in the same home as such relative and child) whose needs are taken into account in making such determination, the first $30 of the total of such earned income for the month plus one-third of the remainder of such income for the month (except that the provisions of this subparagraph shall not apply to earned income derived from participation on a project maintained under the programs established by section 432(b) (2) and (3)), and

"(B) may, subject to limitations prescribed by the Secretary, permit all or any portion of the earned or other income to be set aside for future identifiable needs of a dependent child;".

(2) CONFORMING AMENDMENTS.—Subparagraphs (C) and (D) of section 402(a)(8) of such Act are each amended by striking out "clause (ii) of".

(c) AID TO THE AGED, BLIND, OR DISABLED.—Section 1602(a)(14) of such Act is amended by striking out subparagraphs (C) and (D) and inserting in lieu thereof the following:

"(C) if such individual has attained age 65 and is neither blind nor permanently and totally disabled, the State agency shall disregard the first $30 of earned income for any month plus one-third of the remaining earned income for any month plus-one-third of the remaining earned income for such month, and

"(D) the State agency may, before disregarding the amounts referred to above in this paragraph (14) in the case of an individual described in subparagraph (A) or (B), disregard not more than $7.50 of any income;".

(d) EFFECTIVE DATE.—The amendments made by this section, insofar as they affect aid or assistance under a State plan approved under title I, part A of title IV, or title XVI of the Social Security Act, shall apply with respect to payments of such aid or assistance for months after June 30, 1970.

SEC. 203. BUREAU OF SUPPLEMENTAL FAMILY ALLOWANCES.

(a) ESTABLISHMENT OF BUREAU.—There is established in the Department of the Treasury a bureau to be known as the Bureau of Supplemental Family Allowances.

(b) DELEGATION.—The Secretary of the Treasury may delegate his functions under chapter 7 of the Internal Revenue Code of 1954 only to the head of the Bureau of Supplemental Family Allowances. The head of such Bureau may make such redelegations of these functions as he deems necessary.

TITLE III—FULL FEDERAL PAYMENT FOR PUBLIC ASSISTANCE EXPENDITURES

SEC. 301. ELIMINATION OF STATE AND LOCAL SHARE OF EXPENDITURES.

(a) OLD-AGE ASSISTANCE AND MEDICAL ASSISTANCE FOR THE AGED.—

(1) Section 2(a) of the Social Security Act is amended by striking out paragraph (2).

(2) Section 2(a)(12)(C) of such Act is amended by striking out "referred to in section 3(a)(4)(A) (i) and (ii)".

(3) Section 3(a) of such Act is amended to read as follows:

"(a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has a plan approved under this title, for each quarter, an amount equal to—

"(1) the total amount expended during such quarter as old-age assistance, and medical assistance for the aged, under the plan, and

"(2) the total amount expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the plan."

(4) Clause (A) of section 3(b)(1) of such Act is amended by striking out "and stating" and all that follows.

(5) Section 3(c) of such Act is repealed.

(6) Section 6(c) of such Act is repealed.

(b) AID TO FAMILIES WITH DEPENDENT CHILDREN.—

(1) Section 402(a) of such Act is amended by striking out clause (2).

(2) Section 403(a) of such Act is amended to read as follows:

"(a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for aid and services to needy families with children, for each quarter, an amount equal to—

"(1) the total amount expended during such quarter as aid to families with dependent children under the plan, and

"(2) the total amount expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the plan."

(3) Clause (A) of section 403(b)(1) of such Act is amended by striking out "and stating" and all that follows.

(c) AID TO THE BLIND.—

(1) Section 1002(a) of such Act is amended by striking out clause (2).

(2) Section 1003(a) of such Act is amended to read as follows:

"(a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for aid to the blind, for each quarter, an amount equal to—

"(1) the total amount expended during such quarter as aid to the blind under the plan, and

"(2) the total amount expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the plan."

(3) Clause (A) of section 1003(b)(1) of such Act is amended by striking out "and stating" and all that follows.

(4) Section 1003(c) of such is repealed.

(d) AID TO THE PERMANENTLY AND TOTALLY DISABLED.—

(1) Section 1402(a) of such Act is amended by striking out clause (2).

(2) Section 1403(a) of such Act is amended to read as follows:

"(a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for aid to the permanently and totally disabled, for each quarter, an amount equal to—

"(1) the total amount expended during such quarter as aid to the permanently and totally disabled under the plan, and

"(2) the total amount expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the plan."

(3) Clause (A) of section 1403(b)(1) of such Act is amended by striking out "and stating" and all that follows:

(4) Section 1403(c) of such Act is repealed.

(e) AID TO THE AGED, BLIND, OR DISABLED, AND MEDICAL ASSISTANCE FOR THE AGED.—

(1) Section 1602(a) of such Act is amended by striking out paragraph (2).

(2) Section 1602(a)(16)(C) of such Act is amended by striking out "referred to in section 1603(a)(4)(A)(i) and (ii)".

(3) Section 1603(a) of such Act is amended to read as follows:

"(a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has a plan approved under this title, for each quarter, an amount equal to—

"(1) the total amount expended during such quarter as aid to the aged, blind, or disabled, and medical assistance for the aged, under the plan, and

"(2) the total amount expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the plan."

(4) Clause (A) of section 1603(b)(1) of such Act is amended by striking out "and stating" and all that follows.

(5) Section 1603(c) of such Act is repealed.

(f) MEDICAL ASSISTANCE.—

(1) Section 1902(a) of such Act is amended by striking out paragraph (2).

(2) Section 1902(a)(20)(C) of such Act is amended by striking out "referred to in section 3(a)(4)(A) (i) and (ii) or section 1603(a)(4)(A) (i) and (ii)".

(3) Section 1903(a) of such Act is amended to read as follows:

"(a) From the sums appropriated therefor, the Secretary shall pay to each State which has a plan approved under this title, for each quarter, an amount equal to—

"(1) the total amount expended during such quarter as medical assistance under the plan, and

"(2) the total amount expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the plan."

(4) Section 1903(c) of such Act is repealed.

(5) Clause (A) of section 1903(d)(1) of such Act is amended by striking out "and stating" and all that follows.

(6) Section 1905(b) of such Act is repealed.

(g) CONFORMING AMENDMENTS.—

(1) Section 1101(a)(8) of such Act is repealed.

(2) Section 1108 of such Act is amended by striking out subsections (a), (b), and (c).

(3) Section 1118 of such Act is repealed.

(4) Section 1121(c) of such Act is amended by striking out ", except that" and all that follows and inserting in lieu thereof a period.

SEC. 302. EFFECTIVE DATE.

The amendments made by section 301 shall be effective with respect to calendar quarters beginning after the date of the enactment of this Act.

THE TREATMENT OF PRISONERS OF WAR BY NORTH VIETNAM

The SPEAKER. Under a previous order of the House, the gentleman from Alaska (Mr. POLLOCK), is recognized for 5 minutes.

Mr. POLLOCK. Mr. Speaker, that war is a generally deplorable situation has long been accepted. With this premise, honorable men set about long ago to curb some of the atrocities of war. One of their more notable accomplishments has been the Geneva Convention of 1949. In seeking to make the business of war a more humane thing, the convention has dealt with nearly all aspects of organized conflict, one of the most important of which is the proper treatment of prisoners of war by belligerents.

Gentlemen, I will be brief. It was 5 years ago August 5 that the first American plane was shot down over North Vietnam. As of this week, there are confirmed reports of 348 Americans held captive by Hanoi, and indications are that they hold another 450 men. This raises the total to approximately 800 Americans incarcerated by the Ho Chi Minh regime.

It might seem natural to assume that the North would treat these prisoners according to the provisions of the Geneva Convention, but such is not the case. The Hanoi regime has consistently refused to comply with even the most fundamental of these requests such as release of the sick and wounded, neutral inspection of their POW camps, and the free flow of mail to and from these men. In fact, North Vietnam has steadfastly refused to even publish the names of those Americans held prisoner.

Gentlemen, this behavior is inexcusable and can be tolerated no longer. We ask only that these Americans be granted their basic human rights, but so far the North has ignored these pleas.

Now is the time for definitive action. We, the Congress of the United States of America, must follow whatever course is necessary in order to force North Vietnam to comply with the civilized standards of treatment for prisoners of war. We dare not fail to act, to add our voice to the protest, for to do so would be not only to abandon 800 of our fellow Americans, but also the wives and families who depend on them.

STEEL PRICE RISE SHOWS NEED FOR WAGE-PRICE GUIDEPOSTS

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 20 minutes.

Mr. REUSS. Mr. Speaker, in an excellent column in yesterday's Washington Post, Marquis Childs points out that the recently announced 5-percent steel price increase by United States Steel will inevitably lead to price increases of 10 to 15 percent on automobiles, containers, and other steel products. Equally as important, he notes, the steel price rise will fuel demands for still higher wages when the big trade union contracts expire next year.

This upward spiral of prices and wages must be slowed, but the Nixon administration has already rejected one of the most effective anti-inflation tools—wage-price guideposts.

To fill this gap in anti-inflation policy, I introduced last week H.R. 13278, which directs the Council of Economic Advisers to prepare wage-price guideposts "after full consultation with representatives of business and organized labor." A three-man price wage stabilization board is then "to study actual or imminent price and wage behavior inconsistent with the guideposts, to hold public hearings on their justification, and to report to the Government and the public whenever such price or wage behavior threatens economic stability, together with its recommendations for action."

I include Marquis Childs' column in the RECORD at this point:

UNITED STATES STEEL DEALS NIXON A BLOW AT CRITICAL ANTI-INFLATION POINT

(By Marquis Childs)

The news that counted last week did not come out of Asia or Europe, not from any of the capitals on the Nixon grand tour. It came out of the board room of the corporation with more power than any other to set the pace of the economy.

The United States Steel Corp. announced a price increase of nearly 5 per cent on rolled steel, the product that goes into cars, refrigerators, all the hard goods in the affluent living standard. The timing of the announcement was almost as remarkable as what it said.

Here was the President in foreign parts, moving in triumphal procession through capital after capital, plunging into crowds in Djakarta and Lahore as though his political future hung on the voters there. He had left home with a solemn exhortation to pass the surtax as a checkrein on the inflationary spiral.

This was the moment the executives of big steel chose to initiate a price increase certain to be followed by every other producer.

These are the President's friends. They helped to put him in office, giving generously of their money to swell the swollen coffers of the Nixon campaign fund. Yet at a critical point in the struggle against inflation, with a touch-and-go chance of restraining the price spiral, they delivered this blow.

There can be no illusions about its consequences. The price increase will be passed along on autos, ash cans, roller skates, containers, every conceivable product. It will not be 5 per cent but 10 and 12 and 15.

The steel corporation gave rising costs, particularly labor costs, as the reason for the jump. But this will fuel the demand for still higher wages when the big trade union contracts expire next year. Advance reports indicate the unions in basic industries will not settle for less than 10 or 12 per cent.

Between the Nixon team and the world of industry and finance a curious love-hate relationship is developing. The love goes back to the origins of Republicanism, the half-suppressed hate to the difficulties of trying to control an economy threatened with runaway inflation. A recent episode dramatically illustrates that ambivalence of the Nixon Washington to the power center in New York.

The President was bound to ask William McChesney Martin Jr. to stay on as chairman of the Board of Governors of the Federal Reserve System. For the financial community, Martin is the symbol of stability and conservative fiscal-monetary management. He would stay in place in the first year of the new administration as assurance that all would be well in that department.

But at an off-the-record meeting with the top bankers in New York just before the stock market started down the big slide, Martin reversed his role: he excoriated the bankers. He accused them of lending money for speculation in the stock market and for financing conglomerates and setting up their own holding companies to operate businesses with no connection with banking. And the record 8½ per cent prime interest rate came in for his stern censure.

You are inviting a panic and you may get one, said Martin in his role of scourge of the money changers. The bankers listened in stunned silence. As one of them put it later, "You could imagine that you were hearing not Bill Martin but his enemy and our enemy, Wright Patman (chairman of the House Banking and Currency Committee, who has repeatedly tangled with Martin).

In the end, however, a younger bank president, head of one of the smaller banks, rose with a confession of general guilt. Why, he is reported to have said, should we lie to our friend? We have done these things and now we are being called upon to answer for them.

Martin was not, of course, speaking for the Nixon administration. But he was expressing, more frankly than anyone on the Nixon team has done thus far, the concern widely felt in Washington over dubious and inflationary practices on the part of the financial community.

At his last session in the Treasury with the bankers, Secretary David Kennedy was more gentle in his exhortation. He pleaded with them not to let the prime rate go any higher than the record 8½ per cent. Don't worry, he said at his closed meeting, about our firmness. We will take unemployment as a means of curing inflation.

As prices continued to rise and unemployment, notable in the ghettos, inches up, the grim prospect is for both inflation and a jobless rate of 4 to 4½ per cent. Without continuance of the 10 per cent surtax on which the Nixon team put such heavy emphasis, inflation would conceivably be worse. But as a cure that unhappy analogy, a bandaid on a cancer, has a familiar ring.

THE ECONOMY—A PARTISAN VIEW

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, there is much argument about high interest rates, about inflation, and about the economy in general. It is a subject that brings strong disagreement about, and I believe that my colleagues will read with interest the strong and pointed remarks of Edward Swayduck, president of Local No. 1, Amalgamated Lithographers of America, delivered this week. His remarks are well worth reading:

BEWARE OF SOCIALISTS WEARING VESTS

(By Edward Swayduck)

Establishment bankers aren't all bad. They just have problems ordinary people don't have. The English language doesn't make much sense to them, and they don't understand the mathematics of our society at all.

For instance, the Republican bankers and their friends around the Treasury and the White House have put together an equation that goes like this: "When unions negotiate wage increases, they bring on inflation. But when banks raise interest rates—which raises the price of everything—that *corrects* inflation."

Does this make sense? Not to me it doesn't, but that may be because I learned my math under Franklin Delano Roosevelt.

If I understand Treasury Secretary David Kennedy correctly (he's a commercial banker, you know; the first to hold the Treasury secretaryship since that great man of the people, Andrew Mellon, who left the Secretary of the Treasury job one step ahead of impeachment), if I understand him, he's telling us that when you and I make more money and spend more money, we somehow put a hex on the dollar. In our smudged middle-class hands, the dollar loses value. It becomes inflationary. But when big business and big industry and big banks get their hands on the dollar and stuff it away for their own use, it is a "sounder" dollar and the economy is stronger.

If that isn't either a double standard or double talk, then I suspect it may be both.

The banks today—with the approval of the Republican Administration and the cooperation of their partners, the corporate giants of business—are charging 49 percent more interest than they were charging a year ago. This is a tremendous burden on the small businessman, the homeowner, the wage-earner who must borrow for emergencies; it is no burden at all to the big industrialist because he doesn't borrow from banks. He finances his expansion out of excess profits. Thereby killing competitive companies. The banks are charging 450 percent more interest—at a minimum—than they were charging in 1950 (the prime rate in 1950 was 2% versus 8½% today). One is compelled to think that the hard-hearted banker of the old time melodrama has come back—except that this time he is not merely foreclosing the mortgage on Little Nell, he is, with hydrophobic rage, putting the bite on all of us.

Now, it's painful enough to be gouged like that. But it's downright excruciating to be gouged for a phony reason, and the banks have the phoniest.

They say they are charging these rates to save the country from inflation.

They explain that if they succeed in putting such a high cost on money that you and I can't afford to borrow any, then we won't squander it on food and clothing and house payments and college education and hospital care. The banks thereby will have saved us from a life of over-indulgence.

And since money will be scarce, it will be more valuable to those who have it—which won't be you and me. And thus the bankers will have restored to America the virtues of thrift, and the laboring man will be more humble and more willing to do twice as much work for half as much money.

Higher and higher interest rates are the Republican key to the "sound dollar," and since interest rates are now the highest in our history, they must see economic perfection just around the corner.

HONEST, IT'S ONLY PATRIOTISM

Now, let's put this pious explanation of theirs in perspective. Let's imagine that all the trade unionists in America were to call a press conference today and announce that we were demanding a 31 percent wage increase out of a sincere desire to save the country's economy. We would point out that in the first quarter of 1969 corporate profits *after* taxes hit $53 billion compared to $49.1 billion a year ago. And we would explain that our 31 percent wage hike would keep money out of the hands of the employers, who otherwise would bring on an inflationary spiral by blowing their big profits on new fleets of Rolls Royces, winter homes on the Riviera, and matching sets of His and Her yachts. We would be careful to make it understood that we were raising wages to the highest point in history as a public service. Not for our benefit, mind you. Strictly as an act of patriotism.

You know what the reception to that announcement would be. By showing great restraint, the Republican Administration might stop short of calling out the Marines. The Republican press would denounce us as crackpots and bandits. Anti-labor speeches would fill the Congressional Record. New laws would be proposed to crush unions.

To tinker with the economy on such a grand scale for personal gain would be highly irresponsible, but it would be no more irresponsible than what the banks are doing today.

THE LITTLE MATTER OF $15 BILLION

We can easily make another comparison. If all the unions in America—all of them, industrial as well as trade unions—got together and forced a pay raise of 49% making it a total of 450% more as the banks did, without an iota of increased productivity to our society, the United States Attorney's office would take instant action to prosecute labor leaders for anti-trust conspiracy. Yet this is axactly what the bankers who are behind the present administration have gotten away with.

But on June 9, 1969, the banking community of this country—the *entire* banking community, not just a few scattered collaborators—raised interest rates by a full percentage point overnight; this was the first time in a generation that such a big increase had been made at one time—and Washington's sympathetic bureaucrats did not even threaten them, much less punish them for this anti-trust conspiracy. One percentage point may not sound like enough to get excited about, but that percentage point costs the average borrower an extra 10 percent in interest; and since borrowing of all kinds now totals about $1.5 trillion a year, the percentage point increase puts $15 *billion* more into the pockets of the bankers. When Wright Patman asked Treasury Secretary David Kennedy did he "ask the bankers to roll it back" his answer was: "Why should I."

William McChesney Martin, chairman of the Federal Reserve Board, also pleaded indifference, saying that "it is not up to the Federal Reserve Board to pronounce judgment of either approval or disaproval" of the higher rates. Such things, he said, should be determined by the money market.

Martin's position is fraudulent. The interest rates have not been determined by the money market for nearly 40 years. The interest rates have been rigged throughout our history by the major banks, and since the early 1930s there has even been a "minimum price" for money—a minimum price which is set by the banks themselves. That is what the prime interest is—a minimum price. Or, to put it more bluntly, the prime rate is a price-fixing device.

The bankers work hand in glove—or perhaps we should say hand in till—with the Federal Reserve Board, that antiquated but awesomely powerful group under the baton of McChesney Martin.

Even some members of the banking industry admit that the prime rate fixing is a raw deal for the American public. Three years ago, in an industry publication that received no attention from the mass media, Federal Reserve Board Governor George Mitchell told how the establishment of a nationwide prime rate was first set up in the 1930s to do away with competition, and he admitted that "This kind of price fixing inherent in the prime rate contravenes some of the key virtues that we associate with competitive market enterprise."

Obviously nothing—nothing—could be more inflationary than the bankers' cure for inflation. And yet the bankers get by with calling high interests anti-inflationary.

THE TWO FACES OF INFLATION

And this brings me to a point that union leaders and union members had better get firmly in mind: We are bucking one of the most powerful propaganda campaigns since the 1920s.

Inflation is a rising price of something that you use. The rising price of steel is more inflationary than the rising price of bananas because steel enters into more products. But nothing enters into more products than money, and therefore when the price of money goes up (that is, when interest rates go up) the price of *everything*—food, housing, utilities, clothing, everything—goes up.

The greatest contribution we can make to the economy of our country is to exert a counter-balance to the bankers' propaganda by convincing our neighbors of the truth: that the word "inflation" is meaningless unless you say what kind of inflation you're talking about.

Like most other powerful forces, inflation has two faces. Strychnine is a potent poison; but it also can be used to keep heart patients alive. Atomic energy is a horror if used in bombs; it's highly beneficial if harnessed to create electricity. You spell dynamite only one way, but it can be used to rob safes or build highways.

Likewise, there are two faces of inflation, two kinds of inflation—contrary to what the bankers have told the American people for so many years.

One kind produces growth. It is a controlled inflation and except in periods of depression or sharp recession it is normal to our economy; controlled inflation comes from the investment of federal money in better education, better health, better highways and homes. This kind of inflation supplies money for cleaning up ghettoes, for improving sharecroppers' farms, for building roads through the mountains of Appalachia so that the poverty striken mountaineers can come down to the flatlands where the jobs are.

SOME SOCIALISTIS WEAR VESTS

Controlled inflation is investment in America. Bankers know that money invested in improving a piece of property will increase its value many-fold. When we use a controlled inflation to obtain money to correct social problems, we are going to gain in the same way by making this particular piece of real estate—these 50 states—a better place to live.

The money we lay out to rescue a man from the slums and turn him into a wage-earner instead of a welfare dependent is an investment and it may not be an inexpensive project; but for the rest of his life he will be paying us back by spending what he earns in the American marketplace. What we spend to clean up a river is a costly investment; but for many years thereafter we will be getting back profit from the river in commercial fishing, sports fishing, recreation industries, and in a clean water supply for the cities served by it. It is interesting to note here that as late as 1840 the Hudson River contained so much sturgeon, that we exported caviar to Russia. There were oyster beds in New York Harbor and schools of salmon swimming up the Hudson River. We all know what goes up the Hudson River now. The money we spend to purify the air over our soot-clogged cities is a heavy one-time investment, but it will profit us for years to come in more productive lives and fewer hospital bills.

Republican bankers would probably call this socialism; they call anything socialism that helps the average person. And this is very funny indeed, because the most vigorous socialists in America are the bankers themselves. The federal government literally puts the banks in business by *giving* them the credit and the money they sell. Every day of the year the banks have on hand between $5 billion and $6 billion of federal money, for which they pay no interest and which they lend to you and me at 9 percent to 10 percent interest. The federal government lets the banks use our income tax payments; they lend us back our own taxes. Through the generosity of the federal government, the banks don't have to pay a penny on the $150 billion we have in our checking accounts. The Federal Reserve Board can, and does *give* money at no cost to banks which, in turn, lend it to you at usurious rates. For example, when the Federal Reserve rules that the banks can lend six times as much as they have in reserve, this literally gives the banks $6 for every one dollar in reserve. The banks take no risks, they are insured by the federal government. In short, the banks claim to be the most capitalistic enterprise in the world and they are the most socialistic. They are put in business by the government and they are kept in business by the government, and the merchandise they sell is government-issue (money). And you can't get more socialistic than that.

TIME TO CHANGE DEFINITIONS

The difference between socialism and what I have been calling controlled inflation is the difference between a parasite and a taxpayer. But perhaps to avoid any confusion, this controlled investment inflation should have another name. After all, we don't say that when a child passes through his juvenile years and into manhood that he has become "inflated." He has simply matured; he has become stronger; he has grown up. When our government pumps money wisely into the development of the people and the land, there may be an insignificant devaluation of the dollar but there is a tremendously significant improvement in the distribution of wealth, and the over-all result is not inflation so much as it is growth.

The other face of our inflation is the one that the bankers who are running this Administration like to see. To them it's beautiful. It is the kind of inflation that raises all prices simultaneously—not by raising the purchasing power of the wage-earners and not by creating more wage-earners but by raising the price of money itself, the profit from which goes directly into the bankers' pockets.

I call this "Bankers Inflation" because that's what it is. Among the many disasters that it creates is a much higher price tag on the national debt. The highest cost in the federal budget—next to national defense—is the interest we are paying directly to the bankers on ths debt, which of course drains away tax money critically needed elsewhere. Bankers Inflation raises the cost of education so high that many young men and women are dropping out of college this year; they can't pay the interest required on a student loan. Because of the Bankers Inflation, the average young newly-married couple will work one year of their lives to pay the interest added to the cost of their home just during the past year.

Thanks to the Federal Reserve Board and its emphasis on higher interest rates, the taxpayer is now paying $8 billion a year in extra interest on the federal deficit that he would not be paying if the rates had been held to their 1952 level. In other words, thanks to the Federal Reserve Board, the highest cost in the budget—next to national defense—is the interest we are paying to the banks on the national debt. The public debt, as a percentage of the gross national product, is only half as large today as it was twenty years ago. The public debt isn't killing us; it's the interest we pay on the national debt that is killing us. How can Chairman Martin on the one hand say the most inflationary thing in the world is the federal deficit, and then deliberately—through rising interest rates—increase the burden upon the federal government by $8 billion in annual interest rates? It may be illogical, but that's the way Martin operates.

When the interest on the federal debt goes up, it pushes up all interest levels. During the 1952–68 period, the American taxpayer and the American buyer paid out about $120 billion in extra interest costs on both public and private debts—or, in other words, the extra interests rates piled on us by Chairman Martin and his banker friends cost us enough to pay *all* costs of running the federal government for one full year, not counting defense. We have given the bankers one full year out of the nation's productive life since 1952, in extra interest rates alone.

By playing irresponsibly with the interest rates and with the money supply, Chairman Martin seeks to "fine-tune" the economy. But as the much more rational economist, John Kenneth Galbraith, has said, " 'Fine-tuning' the American economy is like fine-tuning a football crowd with a speech by Everett Dirksen."

The fact is, the Federal Reserve Board does not know much about the real economy of living, breathing Americans. It knows only about bank profits. And by trying to impose one upon the other, and by trying to make Americans shape their lives to the welfare of the banking industry, it pulls some incredibly stupid tricks and periodically creates fiscal chaos.

In 1966, for example, it pushed the banks into a favored position over savings and loan institutions so that the housing market was nearly ruined; many savings and loan institutions were on the verge of bankruptcy; many small businesses and small farmers were wiped out that year. And, although it is not generally known except to the readers of the financial page, the country was—in the words of Seymour E. Harris, Harvard's distinguished economist emeritus, "The country was close to a financial panic in the summer of 1966."

All caused by the Federal Reserve Board. Then the Federal Reserve swung back too frantically to the other direction, pumping too much money into the economic bloodstream too fast, with the result that last fall an unnatural outburst of inflation hit us.

RETOUCHING THE X-RAY

Bankers Inflation is the kind you get when you tie a rope around a man's arm and cut off the blood supply. The arm becomes puffy. It is a sick, unnatural swelling. The rope of high interests is choking our economy like that right now.

But the Republican economists tell us to have patience. If commodities can be priced out of the reach of the average man, they say, then prices will be stabilized and all will be well. It just shows, they never change. The most stable price level this nation has ever seen—except for falling farm prices—was between 1922 and 1929, when the wholesale price index were virtually stationary—and *still* we ended up in the biggest crash we have ever had.

Why? Because while the price level was stable, wages were rising much slower than productivity. People couldn't buy what they were manufacturing. We were getting a terrible distribution of wealth. Republican economists didn't do anything about it.

When Republicans say as they do now that by raising the price of money they will curb inflation, it is as if a patient shown evidence of cancer in his X-ray were to say: "I don't need surgery, just remove the cancer from the X-ray." The Republicans refuse to recognize that the malady was lack of purchasing power. They would rather tinker with the X-ray for their own benefit than treat with the cause for the benefit of the country.

FORGETTING HISTORY'S HARD LESSONS

It took a man like Franklin Roosevelt to come in and read the X-ray honestly and go to work on the ailment. He spent federal funds on vast social programs that sophisticated Republican economists sneered at. He built back our purchasing power and let the nation begin a healthy growth once more. He consciously created a controlled inflation, which is the kind I believe we have no reason to fear.

But did the Republican bankers learn their lesson from that period—a period in which the bankers drove themselves into bankruptcy and were jumping out their corporate windows like sparrows? Absolutely not. They have taken an X-ray of our economy today, and as usual, they have diagnosed everything backwards. In a way which benefits them not the welfare of the country.

TESTING THEIR SINCERITY

So I propose a test. If the bankers want to prove that they are raising interest rates for patriotic and not for selfish reasons, let them recommend to the Congress that an excess profits tax be levied on all interest rates above 6%. After all, if hiking the interest rates is for disciplinary reasons to control inflation, how dare they put that money in their pockets. This is equivalent to a magistrate who levels fines against people for doing things against the best interests of our society. We would regard it as bizarre if he pocketed this money on behalf of good government.

Let them give that money back to the government to spend on cleaning up slums, rivers and air; on creating jobs and raising the social security payments of those who, on fixed income, are hardest hit by rising costs. When we speak of big banks, we also mean big business and big industry, for through interlocking directorates they are the same. So we can say the establishment bankers, along with their partners, the corporate giants of business, have destroyed the oxygen in the air through the pollution from their smokestacks. They have destroyed the oxygen in the water by dumping chemical waste that kills fish and plant life in the rivers and lakes. Now they are cutting off the oxygen in our economy—money—and are killing the borrower with high interest rates. If they want to show that they have done this out of the goodness of their hearts, then let them return their excess profits to the U.S. Treasury so that we can undo the mischief they have done.

INFLATION AND UNEMPLOYMENT

But instead of a constructive solution, we hear the President and his economic advisors talk without embarrassment of increasing the jobless rate, apparently on the theory that it is safer to have 10 percent unemployed in the ghetto than to offend the military-industrial complex. Republican money men do not try to hide the fact that they favor another recession "to strengthen the dollar." William McChesney Martin, Eisenhower's gift to the Federal Reserve Board, not too long ago remarked, "A four percent level of unemployment is a very good figure, though five percent might be better." Around the Budget Bureau these days economists are saying that next year there will be a "correction" of the economy—which is their fancy pants way of saying a recession is in the works.

THE CATALYST FOR LABOR STRIFE

Well, if they mean to spoil lives to protect their money, organized labor cannot take it quietly. It is time for us to let this Administration know one of our own economic theories; that controlled inflation is productive and is something quite different from Bankers Inflation. Sooner or later the Republican bankers and the politicians they own, are going to have to learn that 18,000,000 union men will not hold still and submit their welfare to the antique theories of Republican economists. Don't they know that what they've done will be the catalyst for hard bargaining, crippling strikes, higher wages—without the need to justify higher productivity—which is in itself inflationary. But they must do it to regain what they have lost through the bankers high handed, unilateral wiping out of the advances they have made in recent years. And when this hits the fan, you can be sure that these irresponsible bankers will pretend that they are as innocent as altar boys. Out of necessity unions will keep pushing for a fair share of the wealth to increase purchasing power to buy the necessities for their families.

Albert Rees, professor of economics and public affairs of Princeton University says in his book "The Economics of Trade Union": "Direct union effects on wage costs, on what seems a generous estimate, account for less than one-fifth of the rise in final prices . . . unions have played only a small part in recent price rises." But the urge to sink the unions is so strong I wonder whether there aren't some people among us who would not mind overturning the boat to give us a wetting.

THIS UNEMPLOYMENT IS OK BY ME

As for their theory that unemployment is a good way to strengthen the economy, I think it is fair to say that I would agree with that so long as we begin and end with the unemployment of Secretary of the Treasury David Kennedy, Mr. Everett McKinley Dirksen, Mr. William McChesney Martin, Mr. Richard Milhous Nixon and his team. Once they are unemployed, I think the dollar, the stock market and prosperity will snap back with amazing speed.

PANAMA: LAND OF ENDEMIC REVOLUTION REQUIRES OBJECTIVE EVALUATION

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, in various addresses in and out of the Congress, I have repeatedly described the Isthmus of Panama as a land of endemic revolution and endless political turmoil. In contrast, the constitutionally acquired domain of the United States known as the Canal Zone has been an "island" of stability and security. To that territory, on many occasions, Panamanian leaders have fled for a haven of refuge to escape assassination.

The latest example of such use by Panamanian leaders was on October 11, 1968, when the duly elected President of Panama, Dr. Arnulfo Arias, with high officials of his government, after having served only 11 days, was overthrown in a military coup d'etat and sought a sanctuary in the zone territory.

Some years prior to this, and following a series of incidents, which included invasions of the Canal Zone by Panamanian mobs that required the use of U.S. Armed Forces to protect the lives of our citizens and to prevent injury to the Panama Canal, the basis was laid for surrender to Panama by the United States of its ownership and control of what is the jugular vein of the Americas.

This development, aided and abetted by elements in the Department of State for more than a decade of its Panama Canal policy control, culminated in the announcement on June 26, 1967, by the Presidents of the United States and Panama of completion of negotiations for three proposed new canal treaties. Fortunately for the United States and all countries that use the Panama Canal, through the journalistic initiative of the Chicago Tribune, the texts of these treaties were obtained at Panama and published in the United States. They produced strong opposition in our country, Panama and important maritime nations that use the canal, and were never signed.

Briefly stated, these proposed treaties provided for first, ceding to Panama of sovereignty over the Canal Zone and making that country a partner in canal management; second, sharing the defense of the canal with Panama; and, third, authorizing the United States to construct a new canal in Panama. These treaty proposals would ultimately give to that country not only the existing canal, but also any new canal in Panama that the United States might construct to replace it. Moreover, the negotiators of these treaties ignored article IV, section 3, clause 2 of the U.S. Constitution, which specifically vests the power to dispose of territory and other property of the United States in the Congress and not in the treaty-making agency of our Government consisting of the President and the Senate. This action by the treaty negotiators was in line with my repeated predictions that elements in the Department of State would attempt to accomplish by treaty what could never be put over by statute.

As a consequence of the preparation of these treaties, some 150 Members of the House introduced or cosponsored resolutions opposing any cession of U.S. authority over the Canal Zone or Panama Canal, and the House Committee on Foreign Affairs held extensive hearings. Unfortunately, these hearings were never published and they certainly should be.

In recent weeks, the Spanish language press of Panama has reported with increasing frequency that the present Government of Panama hopes to reopen negotiations for new canal treaties. This information, coupled with reports of consideration of an official of our Foreign Service, associated with the formulation of the discredited 1967 canal treaties, for appointment as U.S. Ambassador to Panama, represents an ominous situation to which the Congress should be alert. We certainly should not appoint as Ambassador to Panama any participant in the abortive 1967 giveaway treaties, but someone who will defend the indispensable sovereign rights, power and authority of the United States.

The location of the Panama Canal at the crossroads of the Americas is a perilous one. As the canal has been a prime target of Soviet policy since 1917 in the struggle for world domination, the people of our country do not realize the danger involved. Because of that, I shall elaborate.

The record of political upheavals and sanguinary strife on the Isthmus of Panama antedates the Panama Revolution of 1903 by many years. When the United States, under the dynamic leadership of President Theodore Roosevelt, undertook the great task of constructing an Isthmian Canal at Panama, they studied the subject in all its essential features. They well knew that unless complete and absolute stability in political and governmental conditions was permanently maintained in the Canal Zone, it would be useless for the United States to assume its 1901 treaty obligation with Great Britain—Hay-Pauncefote Treaty—to construct and operate the proposed interoceanic waterway. This fact, Mr. Speaker, was also clearly understood by Panamanian leaders of the 1903 movement for secession from Colombia and by officials of the Panama Government following independence.

Because of their knowledge of isthmian history and appreciation of the necessity for maintaining free and uninterrupted transit, the treaty making authorities of both the United States and Panama undertook to provide in the basic canal treaty of November 18, 1903, clearcut and unconditional provisions granting complete and exclusive sovereignty over the Canal Zone to the United States in perpetuity. The United States could not afford to undertake the great enterprise except under the conditions of such control, and Panama itself could not afford to do less than grant full control of both the zone territory and the canal itself to the United States.

With such stability thus guaranteed, the United States undertook the execution of the canal project and its subsequent maintenance, operation, sanitation, and protection. The net investment of the American taxpayers in it from 1904 to June 30, 1968, including defense, totals more than $5 billion.

Striking evidence of the recognition by President Theodore Roosevelt as to the transcendent importance for political stability in the Canal Zone is to be noted in his December 7, 1903, annual message to the Congress, a short time after Panamanian independence.

Commenting on the Panama Revolution of 1903 and the conduct of the United States in connection therewith, President Roosevelt supplied the Congress with valuable information, which I insert at this point:

> When these events happened, 57 years had elapsed since the United States had entered into its treaty with New Granada. During that time the Governments of New Granada and of its successor, Colombia, have been in a constant state of flux. The following is a partial list of the disturbances on the Isthmus of Panama during the period in question as reported to us by our consuls. It is not possible to give a complete list, and some of the reports that speak of revolutions must mean unsuccessful revolutions:
>
> May 22, 1850: Outbreak; two Americans killed; war vessel demanded to quell outbreak.
>
> October 1850: Revolutionary plot to bring about independence of the isthmus.
>
> July 22, 1851: Revolution in four southern provinces.
>
> November 14, 1851: Outbreak at Chagres. Man-of-war requested for Chagres.
>
> June 2, 1853: Insurrection at Bogotá, and consequent disturbance on isthmus. War vessel demanded.
>
> May 23, 1854: Political disturbances; war vessel requested.
>
> June 28, 1854: Attempted revolution.
>
> October 24, 1854: Independence of isthmus demanded by provincial legislature.
>
> April 1856: Riot, and massacre of Americans.
>
> May 4, 1856: Riot.
>
> May 18, 1856: Riot.
>
> October 2, 1856: Conflict between two native parties. United States forces landed.
>
> December 18, 1858: Attempted secession of Panama.
>
> April 1859: Riots.
>
> September 1860: Outbreak.
>
> October 4, 1860: Landing of United States forces in consequence.
>
> May 23, 1861: Intervention of the United States forces required by Intendente.
>
> October 2, 1861: Insurrection and civil war.
>
> April 4, 1862: Measures to prevent rebels crossing isthmus.
>
> June 13, 1862: Mosquera's troops refused admittance to Panama.
>
> March 1865: Revolution and United States troops landed.
>
> August 1865: Riots; unsuccessful attempt to invade Panama.
>
> March 1866: Unsuccessful revolution.
>
> April 1867: Attempt to overthrow the government.
>
> August 1867: Attempt at revolution.
>
> July 5, 1868—Revolution; provisional government inaugurated.
>
> August 29, 1868: Revolution; provisional government overthrown.
>
> April 1871: Revolution; followed apparently by counterrevolution.
>
> April 1873: Revolution and civil war which lasted to October 1875.
>
> August 1876: Civil war which lasted until April 1877.
>
> July 1878: Rebellion.
>
> December 1878: Revolt.
>
> April 1879: Revolution.
>
> June 1879: Revolution.
>
> March 1883: Riot.
>
> May 1883: Riot.
>
> June 1884: Revolutionary attempt.
>
> December 1884: Revolutionary attempt.
>
> January 1885: Revolutionary disturbances.
>
> March 1885: Revolution.
>
> April 1887: Disturbances on Panama Railroad.
>
> November 1887: Disturbance on line of canal.
>
> January 1889: Riot.
>
> January 1895: Revolution which lasted until April.
>
> March 1895: Incendiary attempt.
>
> October 1899: Revolution.
>
> February to July 1900: Revolution.
>
> January 1901: Revolution.
>
> July 1901: Revolutionary disturbances.
>
> September 1901: City of Colon taken by rebels.
>
> March 1902: Revolutionary disturbances.
>
> July 1902: Revolution.
>
> The above is only a partial list of the revolutions, rebellions, insurrections, riots, and other outbreaks that have occurred during the period in question; yet they number 53 for the 57 years. It will be noted that 1 of them lasted for nearly 3 years before it

was quelled; another for nearly a year. In short, the experience of over half a century has shown Colombia to be utterly incapable of keeping order on the isthmus. Only the active interference of the United States has enabled her to preserve so much as a semblance of sovereignty. Had it not been for the exercise by the United States of the police power in her interest, her connection with the isthmus would have been sundered long ago. In 1856, in 1860, in 1873, in 1885, in 1901, and again in 1902, sailors and marines from United States warships were forced to land in order to patrol the isthmus, to protect life and property and to see that the transit across the isthmus was kept open. In 1861, in 1862, in 1885, and in 1900 the Colombian Government asked that the United States Government would land troops to protect its interests and maintain order on the isthmus.

Mr. Speaker, at the time of the 1903 Panama Revolution, President Roosevelt acted under the authority of the treaty of 1846 between the United States and New Granada—now Colombia—guaranteeing the neutrality of the isthmus to the end that free transit would not be interrupted or embarrassed. The result of his denial of transit over the Panama Railroad by either Panamanian revolutionists or the Colombian Army was that the 1903 revolution was bloodless and the provisions of the 1846 treaty were upheld.

What has been the record of civil strife and political turmoil in the Republic of Panama since the establishment of Panamanian independence and U.S. occupation in 1904 of the Canal Zone? The following highlights, gleaned from authoritative sources, though not complete, are most revealing:

November 14, 1904: Seditious and mutinous conduct of the army of Panama (now National Police), with discovery of a plot to arrest President Amador, which was averted by diplomatic representations of the United States to preserve constitutional order as provided by treaty and the constitution of Panama.

October 11, 1925: Riot in Panama City with 1 person killed and 11 wounded, requiring assistance by United States Army to quell.

January 2, 1931: Revolution in Panama, requiring intervention of the United States Minister to save lives of Panamanian officials and the President, who were held prisoners, and resulting in the enforced resignation of the President.

November 22, 1940: National Assembly adopted new constitution proposed by President Arnulfo Arias.

October 9, 1941: Bloodless revolution ousted President Arias and installed Ricardo Adolfo de la Guardia as Provisional President.

Late 1944: Suspension of constitution caused 14 Panamanian Assemblymen (Congressmen) to flee to the Canal Zone.

June 15, 1945: Constituent Assembly met, received resignation under duress of de la Guardia as Provisional President, and elected Enrique A. Jiminez as his successor.

December 1, 1945: Armed revolt, for which former President Arnulfo Arias was thrown into prison charged with participation, but was acquitted on July 29, 1946.

March 1, 1946: Constituent Assembly approved new constitution replacing the totalitarian instrument of former President Arnulfo Arias.

December 22, 1947: In the midst of disorder, National Assembly unanimously rejected a defense base treaty with the United States.

February 1948: United States announced withdrawal of all troops from military bases in the Republic, as a consequence of the indicated rejection, and at considerable financial loss.

July 28, 1949: First Vice President Daniel Chanis, Jr., succeeded ailing President Domingo Diaz Arosemena, on latter's resignation.

November 18, 1949: President Chanis accused Col. Jose Remon, Chief of Police, of operating illegal monopolies, and dismissed him.

November 20, 1949: President Chanis was forced to resign under pressure of national police headed by Colonel Remon, and Vice President Roberto F. Chiari was sworn in as President.

November 22, 1949: National Assembly voted for reinstatement of Chanis as President.

November 24, 1949: Supreme Court upheld the claim of Chanis but, with support of National Police, former President Arnulfo Arias again became President on the contention of his sponsors that at the preceding election he had in fact defeated his opponent, Diaz, whose election had been officially declared, followed by his assumption of the Presidency.

November 25, 1949: United States suspended relations with Panama because of overthrow of "constituted authorities."

November 26, 1949: Chanis and two other former Presidents fled to the Canal Zone to escape arrest.

December 14, 1949: United States recognized the Arnulfo Arias regime.

May 7, 1951: President Arnulfo Arias decreed suspension of the constitution and dissolution of the National Assembly.

May 10, 1951: After bitter street fighting President Arias surrendered to Colonel Remon, Chief of National Police. Impeachment by the National Assembly of President Arias and naming of First Vice President Alcibiades Arosemena as constitutional President resulted, and was upheld by the Supreme Court.

October 1, 1951: Jose Remon inaugurated as President.

January 2, 1955: President Remon assassinated.

January 3, 1955: First Vice President Jose Ramon Guizado sworn in as President.

January 15, 1955: President Ramon Guizado removed from office and placed under arrest, charged with being implicated in the President Remon assassination, impeached, found guilty, and sentenced by the National Assembly to 10 years' imprisonment, of which sentence he served a portion but was later released.

May 2, 1958: Panamanian University students planted 72 Panamanian flags at various locations in Canal Zone, including one in front of the Canal administration building, without any authority therefor.

May 5, 1958: University students marched on presidential palace in Panama City, demanding immediate steps in behalf of Panamanian sovereignty over Canal Zone.

May 20, 1958: Six days of street fighting and bloodshed in Panama City and Colon, requiring use of the Panamanian National Guard to restore order.

December 18, 1958: Panamanian enactment declaring the extension of Panama's territorial waters from the three mile limit to a twelve mile limit, encircling the Canal Zone, which led to a U.S. protest.

January 13, 1959: Panama National Assembly, after receipt of U.S. protest, voted not to reconsider its action.

November 3, 1959: Panamanian mobs invaded the Canal Zone, overwhelming civilian police, requiring the use of the U.S. Army to protect the lives of our citizens and the Canal.

November 28, 1959: Panamanian mobs attempted to invade the Zone but were repelled by the U.S. Army until it was relieved by the Panamanian National Guard, which latter force restored order.

September 17, 1960: President Eisenhower, in a mistaken gesture of friendship, authorized the display of one Panamanian flag in the Canal Zone at Shaler's Triangle as evidence of Panama's so-called "titular sovereignty" over the Zone Territory.

October 12, 1962: Ceremonies for the dedication of the Thatcher Ferry Bridge disrupted by Panamanian demonstrators.

October 29, 1962: Panamanian flag officially raised at the Canal Zone Administration Building on authorization of President Kennedy, as part of a program for displaying it at other locations in the Zone.

March, 1963: President Chiari of Panama at the San José Conference with President Kennedy raised the threat of "radical action".

January 9–12, 1964: Panamanian mobs attacked the Canal Zone requiring the use of the U.S. Army to protect the lives of our citizens and to prevent injury to the Canal during which attack the Panamanian National Guard, on orders of the President of Panama, remained in their barracks and did nothing whatsoever to quell the mob, which, unrestrained, also looted and burned American owned property in the City of Panama. Several U.S. soldiers were killed.

October 11, 1968: Military coup d'etat overthrowing the legally elected government and establishing a revolutionary provisional government of Panama.

Mr. Speaker, at this point it is well to stress that the 1903 treaty granted to the United States the right and authority to enforce sanitary measures of preventive or curative character in the cities of Panama and Colon; also the same right and authority to maintain public order in the event of the inability of Panama to perform this duty.

In the 1936 treaty, the authority of the United States to maintain order in the terminal cities was abrogated. In the 1955 treaty, the right of the United States to enforce sanitary ordinances in the terminal cities was likewise revoked as was also the power of eminent domain in the Republic of Panama for canal purposes, all these at the insistence of Panama. Together, those actions definitely weakened the United States in meeting its responsibilities for the maintenance, operation, sanitation, and protection of the Panama Canal. Their effect was the withdrawal of U.S. activities to the limits of the Canal Zone Territory.

When the above enumerated records of violence on the isthmus are viewed, with the perspective now possible, it is obvious that conditions on the isthmus have changed since 1904, but they have changed for the worse. Instead of the United States permitting its rights, power, and authority to be eroded further they should be strengthened in the direction of the original grants of the 1903 treaty with extension of the Canal Zone to include the entire watershed of the Chagres River.

In summation, Mr. Speaker, I would stress the following:

First. Panama is still a land of endemic revolution and political turmoil.

Second. U.S. surrender of its full sovereign powers is not realistic, but fraught with the gravest peril for the security of the Americas.

Third. We should have at Panama as our Ambassador one who will defend the rights, powers, and authority of the United States and not one who would acquiesce in their surrender or subversion.

Fourth. We should remove the Department of State from control of U.S. Panama Canal policy.

Mr. Speaker, nothing that I have ever said in my discussions on the Panama Canal was intended to be evidence of any unkindness toward Panama and its people, but only an objective and realistic presentation of facts. Unfortunately, Panama has been, and is, a most fruitful soil of bloody riots and revolutions and such conditions cannot be ignored or swept under the rug in any evaluation of the Panama Canal enterprise. Demagogic intentions have no place in the equation. The questions involved must be dealt with on the highest and most realistic plane of statesmanship. Theodore Roosevelt, in his message to the Congress previously quoted, had no motive of malice whatsoever and was simply stating facts of history that had to be considered by our Government in the formulation of our canal policy. In this connection, I would urge that the formulation of current canal policy should be taken away from the Department of State unless that department is completely revolutionized and realistic, capable officials are substituted for the weak, and vascillating un-Americans supplanted.

Another vital point in these discussions which must be taken into account is the manifest policy of Soviet power to take over all the strategic waterways of the world and thus obtain the strangleholds on the world. Not only has Soviet policy been addressed toward the liquidation of U.S. authority over the Panama Canal but every move under that policy has been made for the purpose of capturing all such strategic maritime routes to enlarge Soviet power. Thus the Suez Canal has come under Soviet domination and is now indefinitely closed to traffic, a situation that is far more serious to the free world than to Soviet nations.

Finally, in common with all of our citizens, I hope to see the people of Panama ruled by officials chosen by them in free and fair elections and the maintenance of a stable government under which the country can develop its large potential and become an outstanding example of domestic tranquillity and progress. As evidence of my interest in Panama, I have introduced a bill for the major modernization of the Panama Canal—H.R. 3792. This measure, which was quoted in a statement in the Congress by me on February 19, 1969, not only provides for the best solution of the interoceanic canal problem, but also protects the economic well-being of the people of Panama.

DOMESTIC FINANCE SUBCOMMITTEE TO CONDUCT BANK LOBBY INVESTIGATION

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the Domestic Finance Subcommittee of the Banking and Currency Committee is opening an investigation into bank lobbying activities.

Mr. Speaker, this investigation will get underway immediately with preliminary staff work. The subcommittee itself will meet as soon as possible after the August recess on this issue.

Today, I sent a memorandum to members of the Banking and Currency Committee outlining the scope and the need for this investigation. Mr. Speaker, I place a copy of this memorandum in the Record:

Memo to: All members of the Banking and Currency Committee.
From: Wright Patman, chairman.
Subject: Lobbying investigation.

During an appearance before the National Press Club last week, I announced plans for a full-scale investigation of the banking lobby. To facilitate this investigation, I am assigning it to the 14-man Domestic Finance Subcommittee.

With this memorandum, I am instructing the Banking and Currency Committee staff to begin preliminary work on this investigation. The staff will be instructed to draw up a tentative outline for the investigation, to determine what witnesses and material would be available for the initial phases of the inquiry. The staff will be instructed to have this material available for a meeting of the Subcommittee in early September.

As I mentioned in the Press Club Speech, I am calling for this investigation after much deliberation. All of us, I am sure, are well aware of the difficult and delicate nature of such an inquiry, but it is something which I feel this Committee can no longer ignore. The editorial writers, the political cartoonists, and the general newspaper reporters are having a field day with reports of real or potential banking influence on this Committee.

It is casting doubt and suspicion on everything the Committee does and I am convinced it is time that the air must be cleared once and for all. If the banking lobby is as benign as some feel, then such an investigation will so reveal. If there have been questionable or unethical practices by this lobby, then these facts must be revealed and remedial action taken.

This investigation will be conducted as fairly as possible and every group or individual involved will be given the fullest opportunity to be heard and to explain and answer any allegations raised. It will not be a witch hunt in any sense of the phrase; but an attempt to discover specific facts about how this lobby operates.

Frankly, I do not feel that we have any great choice in undertaking this investigation. We can undertake this investigation voluntarily and in a calm atmosphere or we can wait and have it forced on us by an angry public opinion which is rapidly losing patience with some of the revelations about this lobby. I don't think there is any question which course most Members of our Committee would prefer to pursue.

Just as soon as we can find a satisfactory date, I will call a meeting of the Domestic Finance Subcommittee to formally launch this investigation.

CONGRESSMAN JOHN BRADEMAS AWARDED COLUMBIA TEACHERS COLLEGE MEDAL FOR DISTINGUISHED SERVICE

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, our colleague, Congressman John Brademas, the able chairman of the Select Education Subcommittee of the House Education and Labor Committee, in recent ceremonies during commencement exercises at Teachers College, Columbia University, was awarded the Teachers College Medal for Distinguished Service.

John Brademas has been a dedicated member of the Education and Labor Committee now for over 10 years. During that time he has sponsored or cosponsored virtually every education measure enacted during this decade, an outpouring of education legislation unprecedented in our Nation's history. The Teachers College Medal for Distinguished Service is recognition of Congressman Brademas' outstanding contributions to this record.

Mr. Speaker, the citation, presented by President John Fischer of Teachers College follows:

To John Brademas,

Creative initiator of social policy, dedicated spokesman for education, and patriotic public servant whose unflagging efforts have placed education high among our national priorities.

To honor your illustrious service to the nation and the world in the expansions and enrichment of education opportunities, Teachers College is honored to confer upon you its Medal for Distinguished Service.

TEXTILE IMPORT PROBLEMS, INCLUDING THE PROBLEM OF FOREIGN CORDAGE IMPORTS

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the Record.)

Mr. STRATTON. Mr. Speaker, I regret that due to other necessary business it was not possible for me to be on the floor the other day when the very able and distinguished gentleman from Arkansas (Mr. Mills) discussed at some length the mounting problem of foreign textile imports and the grave threat they are posing to a key and very important American industry. Mr. Mills said at that time that he hoped a voluntary quota agreement could be worked out with Japan as well as other importing countries before this fall, but if no such voluntary agreement is worked out, he said, then he expected Congress would pass unilateral legislation on this subject. And when the gentleman from Arkansas expresses support for legislation of that kind, over which the great Committee on Ways and Means, of which he is chairman, has jurisdiction, we all know he is not speaking idly.

Let me offer my congratulations to Mr. Mills and express my firm and wholehearted support, as one who has joined in cosponsoring the textile import legislation to which he referred, for his effort to get effective voluntary limits on these quotas or failing that to get a law enacted to hold these imports within reasonable limits and thus preserve America's industry and American jobs.

I fully share the concern of the gentleman from Arkansas and those other Members who spoke immediately after him in regard to the devastating impact of foreign imports on our own American wool and cotton industries. The situation in these markets is most serious and must be resolved quickly, either by the establishment of voluntary quotas by the countries now exporting to the United States, or, if those countries refuse to cooperate, by strict legislative action by the Congress, as Chairman MILLS indicated.

One additional item which was not specifically spelled out in Mr. MILL's remarks or in the ensuing discussion, however, but which I am sure he had in mind and is specifically included in the legislation which he and I and other Members have cosponsored, is cordage—also an integral part of the great American textile industry. By the cordage industry I mean the industry which manufactures rope, lines, and twine from both natural and manmade fibers.

Representatives of the American cordage industry and the Columbian Rope Co. of Auburn, N.Y., in my congressional district, have told me that they find it more difficult from day to day to sell their products on the domestic market because of the rising influx of imported cordage.

For example, the U.S. cordage industry's share of the domestic market in agricultural twine dropped from over 20 percent in 1964 to 13 percent in 1968. In 1968, the domestic industry was able to sell only 11 percent of the American purchases of commercial twines made from natural fibers, whereas in 1964 their share of the market was 32 percent.

In this same period of time our manufacturers' sales of sisal and henequen rope dropped by about one-third, from 61 percent of the domestic market to 42 percent. These are all devastating drops, as is perfectly obvious.

A special situation exists in the case of manila rope made from abaca. Although provisions of the Laurel-Langley agreement between the United States and the Philippines place an absolute quota on the shipments of manufactured manila rope from the Philippines to this country, and in spite of an overall decline in the market during the last 5 years, our cordage manufacturers lost 4 percent of the domestic market to foreign imports between the end of 1963 and the beginning of 1969.

The Laurel-Langley agreement expires in 1974 and is now the subject of renegotiations between the two countries. The Cordage Institute fears that these negotiations may lead to the extinction of American manufacture of manila rope. They have already advised the Department of Commerce of this possibility, saying:

> Should the absolute quota be removed and the Philippines be allowed to ship unlimited quantities into America, subject only to existing tariffs and duties, we feel that there would be *no significant manufacture of Manila rope left in the United States.*

The importation of natural fiber cordage, as these statistics show, threatens American manufacturers, but the field of cordage made from manmade fibers, that is, synthetic cordage, is by far the most significant for the future of the American cordage industry.

Until recently imports of synthetic cordage have been insignificant; but with the recent cuts in duties that resulted from the Kennedy round negotiations, the domestic cordage industry became extremely vulnerable and can be expected to become increasingly so in the years ahead.

Imports of synthetic cordage still do not represent a sizable part of the U.S. market, but percentagewise, these imports have increased alarmingly in the last 5 years. There is good reason to believe that maintenance of a strong position in the synthetic field will be the major factor in determining whether there will be an American cordage industry of consequence in the future.

Our vigilance and attention in the textile and cordage field cannot be focused exclusively on imported natural fibers but, in full consideration of the future of the industry, must encompass the importation of synthetic cordage as well.

Mr. Speaker, I would hope that when the Secretary of Commerce discusses all these textile import problems with the countries exporting textiles to the United States, as has been referred to, he will also address himself diligently to the special problems of the American cordage industry. And I would hope further that the governments of those nations involved in these increased imports will wisely agree to the establishment of voluntary quotas on cordage exports to the United States, as well as on imports of other textile products.

Should the Secretary not be successful and should the importing nations go merrily on their way exporting unlimited amounts of cordage and other textile products to America, then Congress must indeed take action to hold those exports down to reasonable limits and prevent further serious erosion of our small cordage industry and the other elements of our textile industry here in the United States.

When and if that time comes I am sure Members of this body will recall that the American cordage industry is an integral part of the American textile industry and its employees and their jobs are entitled to exactly the same protection and relief as is proposed for all other aspects of that great textile industry.

A BILL TO AMEND THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, at the present time the Longshoremen's and Harbor Workers' Compensation Act provides workmen's compensation protection to an estimated 1 million workers and their families, including longshoremen, ship repairmen, ship servicemen, harbor workers and other offshore workers, workers at U.S. defense bases outside the United States, and private industry in the District of Columbia.

The proposed amendments to this act would, if enacted, substantially improve the workmen's compensation protection provided to these workers and their families. The proposed amendments are long overdue. In 1966 at the time the President signed the amendments to the Federal Employees' Compensation Act, he urged all jurisdictions to take action that would assure injured workers proper compensation in the event of work injury. The Congress has not amended the Longshoremen's and Harbor Workers' Compensation Act since 1961. As a result, the protection provided by the act has fallen behind that afforded under many State laws.

WEEKLY BENEFITS

The Longshore Act currently provides that an injured worker shall receive a weekly benefit of 66⅔ percent of his wage when disabled. However, the current maximum amount specified in the law—$70 per week—denies any worker earning in excess of $105 weekly a benefit equal to 66⅔ percent of his wage loss.

In nine jurisdictions which have amended their laws to reflect current wage levels, the maximum benefit is above, and in a number far above, that provided in the Longshore Act: Alaska, $113; Arizona, $150; California, $87.50; Connecticut, $76; Hawaii, $112.50; New Jersey, $83; New York, $85; Wisconsin, $73, and the Federal Employees' Compensation Act, $370.

Many workers covered by this act are engaged in high-wage occupations and industries. The amendments would increase the maximum and minimum benefit levels to reflect wage changes that have taken place since 1961 in covered employment. The maximun benefit would be increased from $70 to $132 weekly and the minimum benefit from $18 to $36 weekly.

Of course, even with the maximum benefit at $132, not every injured worker would receive as much as 66⅔ percent of his wage. However, workers earning weekly wages up to $198 under the proposed maximum benefit would receive a benefit equal to 66⅔ percent of their average weekly wage.

BENEFIT CEILING

The amendments would remedy a serious deficiency in the law by removing the present statutory amount payable—$24,000—for temporary total or permanent partial disability.

Eleven State laws, including Alaska, Connecticut, Delaware, Idaho, Michigan, New York, North Dakota, Oregon, Rhode Island, Washington, Wisconsin, and the Federal Employees' Compensation Act provide for the payment of benefits for the duration of the disability. Injured workers should receive compensation during the entire period of their disability. A dollar amount ceiling has undoubtedly, in serious cases, led to extreme hardship for injured workers and their families.

RETROACTIVE PAYMENT FOR WAITING PERIOD

The present act provides that compensation shall be allowed after a waiting period of 3 days after disability occurs. However, if the disability continues for 28 days the first 3 days will be compensated for retroactively. The amendments would reduce the waiting period from 28 to 14 days. In 24 States, the retroactive period has been reduced to 14 days or less.

EDUCATION BENEFITS

The existing provisions in the act terminate benefits for a surviving child when he reaches age 18. This is the age when most children are finishing high school, but an increasing number enter college or other educational institutions. A recent report by the Department of Health, Education, and Welfare shows a 27-percent decline in the high school dropout rate between 1963 and 1968. The report also estimates that total enrollments in programs of higher education will increase from 5.9 million students in 1966 to 10.1 million students by 1976. The children of fatally injured workers should not be denied an opportunity to acquire the educational background and technical skills they will need to meet the demands of a growing society.

Under the proposed amendments, benefits for a surviving dependent child would be continued after age 18 until age 23 if he was pursuing a full-time course of study at an approved educational institution.

COMPENSATION FOR DISFIGUREMENTS

The amendments would enlarge the definition of disfigurement. Present language restricts disfigurement to face or head. The amendment would revise this to include face, head, neck, or other normally exposed areas of the body.

CONTINUING WAGE-LOSS PAYMENTS

The Longshore Act contains a schedule specifying the number of weeks compensation is payable for a permanent loss or loss of the use of certain parts of the body—fingers, toes, and so forth—or functions of the body—hearing, sight, and so forth. However, wage loss thereafter is not provided for. As a practical matter an injured worker's earning capacity may be significantly reduced by the permanent effects of an injury compensable under the schedule. The proposed amendments would correct the present inequity which results from compensation cutoff despite reduced earning power. The amendments would require an injured worker to be paid at the end of his scheduled award for the degree of wage loss he may have suffered in the same or other employment.

SECOND INJURIES

The Longshore Act presently provides that an employer in second injury cases—those in which a worker with an existing impairment is injured one or more additional times—shall provide compensation only for the disability caused by the second injury. To provide greater certainty as to an employer's liability in these cases and to encourage employment of handicapped workers, the amendments limit employer liability in the event of second injury.

The employer's liability is limited to the payment of compensation for 104 weeks or for the number of weeks under the schedule for permanent partial disability whichever is greater.

When second injury results in total disability or death the amendments provide that continuing benefits shall be paid from a special fund after the expiration of compensation paid by the employer.

SPECIAL FUND FINANCING

The special revenue needed to pay compensation in second injury cases is provided by a $5,000 compensation payment, by the employer or insurance carrier, to the special fund in death cases where the deputy commissioner determines that there is no surviving dependent entitled to compensation for such death.

DEATH AND FUNERAL BENEFITS

The amendments would increase the maximum and minimum wage levels used for computing surviving dependent death benefits. These changes would simply reflect the revisions that have been made in industry wage levels.

The funeral benefit would also be increased from $400 to $800 to assist bereaved families in meeting increased burial costs. Only four State workmen's compensation laws—Arizona, Mississippi, Oklahoma, and Virginia—provide a lower funeral benefit than the Longshore Act.

BENEFIT ADJUSTMENT

The amendments also provide for annual benefit adjustments based on industry wage changes. This benefit adjustment is designed to apply only to injuries incurred after enactment of this legislation, and benefit amounts will still be subject to the maximum and minimum levels established by Congress.

ATTORNEY FEES

The Longshore Act, at present, requires an injured worker whose claim is contested to bear attorney and court costs, if such are incurred, in efforts to establish his just claim.

The amendments would shift these costs to the employer or carrier if an award is made or increased after being contested.

TIME FOR FILING NOTICE AND CLAIM

The time for filing notice of injury or disease and a claim for compensation would be extended by the proposed amendments. The changes would simply permit a worker to notify his employer of injury and file a claim within a reasonable time after he became aware of the relationship between his work and his injury or disease.

REEXAMINATION COSTS

This amendment would allow the deputy commissioner to charge the cost of medical reeaxminations to the employer or carrier whenever in his opinion a reexamination was necessary. At present he can only charge the employer or carrier if the reexamination shows prior medical reports were not impartial.

PRESIDENT NIXON'S PUBLIC TRANSPORTATION PROPOSAL IS INADEQUATE AND UNACCEPTABLE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the public transportation proposal that is being submitted by the President today fails the daily commuter in this country. After having spent $25 billion to take two men to the moon with plans for sending a few more men to Mars in the next decade at a cost of another $40 billion, President Richard Nixon now proposes that we spend only $3.1 billion in the next 5 years for public transportation to take care of the needs of our country's 200 million people. Furthermore, even this $3.1 billion is not a sure thing.

In short, the President has relegated mass transit to a back seat. And so, while we speed to the outer reaches of the solar system in the next decade, millions of people will continue to travel slowly in hot, crowded, and inadequate subways and in cars along our city streets stymied by heavy traffic.

One bright spot is that President Nixon recognized the need for mass transit, but unfortunately, his advisers have failed to appreciate the magnitude of the task and the expense in improving and creating mass transit. His proposal forecasts an expenditure of only $300 million in fiscal year 1971 to be followed by $400 million in fiscal year 1972, $600 million in fiscal year 1973, $800 million in fiscal year 1974, and $1 billion in fiscal year 1975. Very simply put, these funding levels are inadequate.

In addition, the President has failed to support a trust fund for mass transit. A trust fund is essential because without it the municipalities of our country cannot be assured that even the $800 million promised will be available in fiscal year 1974 or the $1 billion in fiscal year 1975. The President speaks of a statement of intent by the Congress to spend $10 billion over the next 12 years. But, we all know, and he must know, having been a Member of this House, that this is meaningless and in essence every authorization bill is a statement of intent on the part of the Congress. Unfortunately the appropriations always fall far short of the intended goal. We need only look at what has happened to the first year of our 10-year housing program; the House cut the appropriations from $4½ billion to $1.7 billion.

Without a trust fund, even the President's limited program of expenditures dependent on the appropriations route is little more than wishful thinking. No mayor, voter or municipal bond buyer will trust this statement of intent.

The failure of the President to include a trust fund in his message is a setback for Secretary John A. Volpe Several months ago, Secretary Volpe announced that mass transportation was being given top priority in his Department and that he favored the mass transportation trust fund concept. Secretary Volpe, best informed in the administration about the Nation's mass transit needs, recommended the trust fund to the President. But, there were forces in the White House opposed to the trust fund and so now they submit this 5-year contract funding program which is unacceptable.

In February, I introduced a bill to establish a mass transportation trust fund and to provide for a $10 billion commitment over the next 4 years; the trust fund would be financed by the continuation of the 7-percent automobile manufacturer's excise tax. This bill and a few variants have a total of 104 sponsors. To substantiate the need for this level of funding, I have gathered information from across the country on plans for mass transit now ready for execution.

In Atlanta, Ga., the Metropolitan Atlanta Rapid Transit Authority was organized in 1965 and has spent over $1½ million on planning. The plans for mass transit capital improvements and expansion call for a total of $751 million over the next 9 years—$235 million in the next 5 years—but, just recently the execution of these plans was thwarted by the public's defeat of a $500 million bond issue. According to Mr. W. P. Maynard, president of the Atlanta Transit System:

> The bond issue referendum was defeated by a vote of 57% to 43%, primarily because there was no substantial long range federal help in view.

Mr. Maynard continued:

> Even though the urgent need for a rapid transit system was recognized by voters, there was a strong feeling that this was such a large financial undertaking that the total financing could not be borne locally.

In New York City with which I am most conversant, the Metropolitan Transportation Authority estimates that the metropolitan regional needs for the next 7 years will be in the order of magnitude of some $2.1 billion. Dr. William Ronan, chairman of that authority, stated in a letter to me:

> The missing ingredient is federal funds in sufficient amount and timely enough to help bring this whole program into realization. Time is of the essence as construction costs mount daily, making all such programs increasingly expensive.

The Chicago Transit Authority has plans for a capital program of $1.5 billion dollars in the next 5 years as part of its $2.4 billion, 10-year program, and in Washington, D.C., execution of the regional rapid rail transit plan and program will require an expenditure of at least $2.5 billion.

These are just a few examples, but they reflect the scale of expenditures planned by our metropolitan areas. In addition there are many towns and counties which need help in modernizing and expanding their bus systems.

In the course of the past several months, I have also been in touch with the mayors of our cities who perhaps know best both the political and economic difficulties in getting mass transit financed. As an example of the response I have received may I quote from a letter Mayor Richard J. Daley of Chicago wrote to me:

> We are convinced that the creation of a Federal Public Transportation Trust Fund is essential if Chicago is to meet its future commitments, which will require long term federal grant aid commitments extending over several years.

From my own city, Mayor John V. Lindsay wrote:

> Legislation to equalize the amount of money spent by the federal government on urban mass transportation with that spent on highway construction is long overdue.
>
> The $10 billion your bill would provide over the next five years is urgently needed in our cities to increase the availability, speed and comfort of public transportation. We can no longer rely on local governments to meet all of the mass transportation needs of metropolitan America.

From Dallas, Mayor Erik Jonsson wrote:

> You have the strong support of the City of Dallas for legislation now pending in Congress for the establishment of an urban mass transportation trust fund. We feel that the urgent necessity for mobilizing national resources on an extensive scale to deal with the pressing needs for mass transit and the nation's major cities requires the significant action of the Congress at this time.

Mayor Alfonso J. Cervantes, of St. Louis, said:

> We who are aware of the critical need for public transit service must certainly support a bill of this nature. Transit is an essential element in the balanced, efficient, and orderly development of our metropolitan areas.

And, Mayor Sam Yorty, of Los Angeles, assured me that:

> The City of Los Angeles and the surrounding communities have an urgent need to expand and improve their mass transit facilities. You may be assured that I wholeheartedly support the principle of establishing a federal trust fund for improving the urban mass transit.

Another glaring example of mass transit's apparent second place in the stacking of transportation priorities is the President's retention of the current two-thirds Federal share—one-third local share in his proposal as opposed to the highway trust fund's 90-percent Federal share. My bill provides for an increase of the Federal contribution so as to put mass transit on a par with highways. This is important for three reasons. First, 10-percent local financing means that mass transit can become a reality for localities that cannot support the greater buden of a one-third local share because of the many competing demands for the limited local revenues available. Second, it removes the advantage highways now have over mass transit when a locality comes to choosing one or the other. And third, a trust fund promotes long-range planning by promising Federal participation several years ahead which the appropriation route never can do.

Right now, highway money is all too easy to obtain. Just look at what was spent on highways in fiscal year 1969: $4.5 billion as compared to $175 million for mass transit. For a city strapped by other financial pressures it is often easier to build a highway, which does not begin to satisfy the transportation requirements of its people, with 90-percent funding from the Federal Government than to find local money for mass transit.

President Nixon is concerned about the wise expenditure of the country's money. I am too, and I would submit that in this instance he is pinching pennies while being pound foolish. Twenty lanes of highways have to be built to carry the same number of people transported by one set of commuter tracks.

If the President is not able to adequately meet the transportation needs of this country, the Congress must take the lead in doing so. We have made an excellent beginning by virtue of the number of Congressmen who now have introduced a bill containing the trust fund.

The American public will not accept much longer the philosophy that we have enough money to send men to the moon, but not enough money to send the taxpayer across town in comfortable and efficient conveyances.

PHYSICIAN AUGMENTATION PROGRAM

(Mr. PREYER of North Carolina asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PREYER of North Carolina. Mr. Speaker, Secretary Finch recently announced the initiation of a new physician augmentation program designed to expand the output of physicians as rapidly as possible. The program would seek the addition of 1,000 first-year students placed in schools of medicine and osteopathy.

I commend Secretary Finch for this program. The shortage of practicing physicians is a key problem to be overcome if all Americans are to have improved access to adequate health care.

The addition of more doctors, however, will not solve all of our medical problems. We not only need more doctors; we also need to distribute them more widely.

Let me tell you of a letter I recently received from a friend in a part of my State outside my district. He wrote:

> Today I have just returned from the funeral of the last doctor in ——— county. I don't know what will happen to the people there.

In my State, many counties have no physician or have only one physician, often an aged one. Furthermore, many of these counties have no hospital or medical clinic, so that there is no system for delivering medical care to the people. Our State—and I believe this is typical of most other States—is divided into have and have-not areas as far as medical care goes. In some areas, medical care is excellent; in other areas, it is almost nonexistent. I hope that Secretary Finch will give serious consideration to ways of encouraging more physicians to locate their practices in the have-not areas.

I am placing in the RECORD an article from the Greensboro Daily News which deals with such a have-not area in my district—Caswell County. The citizens of this county have done everything possible—including building a modern clinic—but have been unable to attract a doctor to their county.

It is a statistical fact that more rural people and more black people die at home, rather than in the hospital, than other categories of people. This will continue to be the case until our system of delivering medical care is modified.

This is also an important consideration in the extension of the Hill-Burton Act. Emphasis in the new act has been placed on improving existing urban hospitals, and properly so in view of our shifting population patterns. But the act also wisely provides for the continuation of funds for new hospital construction. While there is no question that our large urban hospitals need to be improved and upgraded, it is also clear that there are many counties like Caswell, which have no hospital at all. Without a hospital, it is almost impossible to get doctors or nurses to move to the county. In short, while medical care in some of the urban centers may be inadequate, in many rural areas it simply does not exist at all. It would seem that higher priority should be given to providing medical services where none exist in any form than providing the best medical service in areas where it already exists.

The article follows:

Nobody Mans Town's Clinic

(By Kelso Gillenwater)

Prospect Hill.—The Warren Memorial Clinic, a small but handsome medical facility at this North Carolina crossroads, has been here long enough to need a fresh coat of paint.

Yet, it has never had a doctor.

The clinic, built in memory of the only doctor this town ever had, was the project of citizens of the community who, without outside help, raised the funds for its construction.

That was eight years ago. It stands today, still unused, at the intersection of N.C. 86 and 49.

Prospect Hill is a very small town. It has a store that doubles as post office, a service station, a small business and several farms. It doesn't have very many citizens and a reliable figure is hard to come by. It all depends on where you start counting, one resident said.

It is in the southwestern corner of Caswell County—a short distance from Orange County to the south and Alamance County on the west. It is what small country towns are traditionally expected to be: quiet, familiar, open, peaceful.

It's a nice town until someone gets sick. At that point Prospect Hill can become a death trap.

The nearest doctor is in Yanceyville, the county seat. His name is Thomas Gwynn. He's the only doctor in the entire county, which has a population of more than 19,000.

If Dr. Gwynn is too busy, or if he is on another call, the sick of Prospect Hill can journey to Mebane, Burlington, Durham, Roxboro, Hillsborough, Chapel Hill or Danville, Va. And every day, that's what they do.

A Sears-Roebuck Foundation survey last year in the Prospect Hill area revealed a staggering 10,997 separate illnesses that required 14,644 individual visits to the doctor. More than half went to Mebane, with the rest going to other towns.

During a 12-month period, the foundation study showed, 13 percent of the Prospect Hill population was hospitalized. Forty-five percent of them went to Durham, 21 to Burlington, 17 to Roxboro, 19 to Chapel Hill, and 4 percent to Mebane, Danville and other cities.

The closest of these hospitals is in Roxboro, 20 miles away.

Causes of hospitalization were listed as 57 percent medical, 29 percent surgical, and 14 percent obstetrical.

To visit doctors, Prospect Hill patients travel collectively, each year, more than half a million miles. This amounts, says the foundation, to a daily round-trip average of about 1,692 miles, or about the distance from Prospect Hill to Denver, Colo.

In most instances, the distance to adequate facilities have not posed life-and-death problems. In some cases, however, life has hung in the balance. These few cases, said Mrs. Geneva Warren, are too many.

It was only a few weeks ago that Frank J. Malone, one of Prospect Hill's leading farmers, died. He was a victim of lung cancer and his health had been declining for several weeks.

One afternoon he began hemorrhaging and Mrs. Malone tried to get an ambulance. There is no ambulance service is Caswell County, so she tried services in Orange and Alamance counties. No luck.

Finally she called Mrs. Warren. On a stretcher borrowed from a Mebane funeral home they carried Malone to Chapel Hill in Mrs. Warren's station wagon. He died a short time later.

Prospect Hill's medical needs are more urgent today than they were 15 years ago, when Dr. R. F. Warren was still alive. Dr. Warren served the town and the surrounding area for more than 48 years. He traveled on horseback during the early days, according to a feature story about him in the May, 15, 1957, edition of the county newspaper, the Caswell Messenger.

When his patients could come to him, they came to his house. He didn't have an office.

Dr. Warren died in 1959, two years after he helped organize a group whose goal was to build a clinic in Prospect Hill. Warren wanted to build the clinic in memory of his wife, the late Mary Foster Warren. A short time after his death, the clinic was built. His friends named it after both of them.

Only one of the four men who originally spearheaded the movement is alive today. Zeb C. Burton of Cedar Grove and Joseph Warren of Prospect Hill have died. James E. Winslow of Hurdle Mills in Person County still lives.

The reins have fallen to Lacy Satterfield and Mrs. Warren, chairman and secretary-treasurer respectively for the Warren Memorial Clinic Corp., a non-profit group.

Under their guidance the clinic has twice been saved, though at times they wondered what it was being saved for.

Construction began in 1961 on borrowed funds, before enough money had been raised. When the note came due, there was not enough money and the banking institution very nearly foreclosed.

Several Prospect Hill residents stepped in with large donations and bought the note, with the reservation that if the clinic was not occupied and serving the community within a specified period of time, they could dispose of it and get their investment back—plus interest.

"It's past time now," said Mrs. Warren, widow of J. H. Warren. "They could have sold the clinic if they wanted to.

"But now we've got some hope. I can say almost definitely that there will be a medical program at the Warren Memorial Clinic. And it will be soon."

Mrs. Warren said the program would get under way "within 45 weeks," It is likely to be, she said, a training extension of the UNC Medical School at Chapel Hill.

It will be several weeks before the Warren Clinic group will receive definite word on what type program its facility will host, who will administer it and from where the funds will come.

THE NEED FOR RAPID RAIL TRANSIT

(Mr. BROYHILL of Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, with each passing day we see the cost of a much-needed and long-overdue rapid rail transit system for the Nation's Capital escalating at the rate of approximately one-quarter of a million dollars—or between $90 and $100 million a year.

These figures are not new. They have been cited repeatedly over the past several months, during which time the District of Columbia City Council has stubbornly refused to honor provisions of the Federal Aid Highway Act of 1968 calling for construction of the Three Sisters Bridge across the Potomac and further study of the North Central Freeway.

What is new, Mr. Speaker, is the fact that the people of the District of Columbia have pointedly repudiated this inaction by the District of Columbia City Council—and in not one but two separate polls, one of them paid for by the Chairman of the Council, Mr. Gilbert Hahn.

In the last of five questions in the Hahn survey, respondents were asked whether they would support a compromise on building "the Three Sisters Bridge and/or the North Central Freeway in order to secure release of the subway money" which the Congress has withheld pending affirmative action by the City Council.

Eliminating the respondents who were undecided, the Hahn poll showed more than 58 percent in favor of the compromise, less than 42 percent opposed.

These figures were almost identical to the results of another poll, released a day earlier and sponsored by the Joint Committee on Transportation, composed of the Federal City Council and five other business groups. This survey showed a 59-to-41 percent vote in support of a highway program that would include both the North Central Freeway and the Three Sisters Bridge.

What additional proof is necessary to convince the District of Columbia City Council that it is flouting not only the will of Congress but the will of the people of the area it is supposed to represent?

So far a small but highly organized and vocal band has succeeded in intimidating the Council into a state of paralysis. Within the past month, published reports indicated that the Council had met privately and decided to comply with the highway law. But the next day, when the Council was scheduled to act publicly, this militant element showed itself again—and again coerced the Council into putting off a vote.

During the past 22 years, more than $20 million has been spent on studies of the transportation mess in Washington, to tell us that a balanced transportation system, including both freeways and rapid rail, is the last, best hope of preventing further deterioration of the center city and the spreading of this blight to the suburbs.

During the past two decades, less than 10 miles of the freeway system have been constructed and placed in operation. None of the rapid rail transit system has been built, despite the investment of some $45 million to develop plans for a comprehensive 97.7-mile Metro network serving the District of Columbia and nearby Maryland and Virginia suburbs.

The consequences of further delay are more serious than most people realize, Mr. Speaker. Not only are we faced with the constantly rising cost of a quarter of a million dollars, daily, due to inflation,

but we also have the specter that local jurisdictions, which have pledged to pay over half-a-billion dollars toward the cost of this $2½ billion system, will be forced to withdraw from their contractual agreements. Only last week, the city of Alexandria balked at committing itself to pay its agreed-to share of the system, on the grounds that inaction by the District of Columbia City Council had rendered moot the question of commitments to Metro.

I submit then, Mr. Speaker, that the time is long past due when the District of Columbia City Council must recognize its responsibility to Congress and to the people of the District.

The District has long opted for home rule. But unless and until the City Council can demonstrate its responsibility to be responsive to the real wishes of the people, I see no hope that this status ever will be granted.

U.S. CONGRESSIONAL MISSION REBUFFED BY SOUTH AFRICA

(Mr. DIGGS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DIGGS. Mr. Speaker, on August 5, 1969, at a Cabinet meeting presided over by the Prime Minister, the Government of South Africa finally and unalterably affirmed its intention to bar from South Africa an official delegation of the House Foreign Affairs Subcommittee on Africa unless its members would agree to submit to severe restrictions upon their basic freedoms.

After the meeting, the South African Government restated to the State Department its earlier position that I and any other member of the subcommittee would be admitted to South Africa only on the condition that we do nothing, by word or deed, which might constitute interference in South African affairs, and that we abstain absolutely from addressing any public meeting.

At the same time, the Cabinet decided to grant unconditional visas to Congressmen Burke of Florida and Wolff of New York, also members of the delegation. This difference in treatment has been explained to our embassy as resulting from the fact that neither Mr. Burke nor Mr. Wolff is a member of the Subcommittee on Africa, and thus there is no presumption that their individual visits would constitute interference in the Republic's domestic affairs.

Of course, both Messrs. Burke and Wolff are members of the full Foreign Affairs Committee, and the South African differentiation on these grounds would seem to be trivial at best, and clearly made with a full awareness that it would in no way affect the Republic's ability to deter the entire delegation from visiting South Africa.

In addition, the singling out of members of the subcommittee for special treatment is an entirely unprecedented tactic, for only last year Mr. O'Hara, my predecessor in the subcommittee chair, included South Africa in a study mission. He was received by the South African Government, and no restrictions were placed upon his visit. He traveled freely, spoke at a number of press conferences, and even addressed the South African foundation on such matters as South Africa's apartheid policies.

South Africa's differential treatment of my visa request naturally raises the question of ethnic considerations, and indeed it may be that South Africa's leaders feel that the visit of a racially mixed group of American legislators would de facto prove so embarrassing to them that they are willing to risk the good will of the United States to avoid it.

The South African Government has denied any such racial bias in this matter, and Radio South Africa, in an effort to justify its Government's action, recently launched a scurrilous attack against the character and intentions of both myself and Congressman Reid of New York, who had sought a visa to accept a speaking engagement to the National Union of South African Students. The Government, of course, has not officially expressed such thoughtless accusations, for the intentions and importance of this study mission have repeatedly been made clear to it through diplomatic channels.

But regardless of the reason behind it, South Africa's attempt to impose prohibitive restrictions on the head of an official congressional mission has disturbing implications: for this action is wholly unprecedented in the history of American-South African relations. The United States has always encouraged parliamentarians from other countries to visit the United States without such restriction. Indeed, a group of South African Members of Parliament conducted a tour of the United States just last December in which they appeared before public gatherings, the press, and on television.

Since the creation in 1959 of the House Subcommittee on Africa, four extensive study missions have been conducted by members of that group under the leadership of both myself and Chairman O'Hara. These missions have visited some 20 African nations at least once and have issued reports of their findings which have been informative to the Congress, to the executive branch, and to the public, and useful in our consideration of foreign policy toward Africa.

In all cases these visits have been conducted mainly for the information of the Congress, pursuant to the real and legitimate concerns of that body, through firsthand experience and through meaningful discussions with the host country governments on the problems which we all share, as world citizens and neighbors.

In light of the continuing concern which has been expressed both in Africa, in the United States, and around the world over developments in the southern portion of Africa; in light of our own considerable investment in South Africa and its relationship to the free world; in light of our desire to help understand and resolve, insofar as we are able, the colonial and racial problems which plague southern Africa; and in light of the current review of U.S. policy toward the region which has been ordered by the National Security Council for the new administration, we have planned this study mission during the upcoming congressional recess.

The trip is scheduled to include the Portuguese territories of Angola and Mozambique as well as the independent countries of Zambia, Tanzania, Malawi, Botswana, Lesotho, and Swaziland. It had been hoped that South Africa might also be included for a visit during which the members of the mission might broaden their understanding to encompass the full range of opinions and policies relating to the southern African area.

The mission will be conducted in the responsible and open-minded manner befitting Members of the Congress of the United States. These facts were made known to the South African Government, and I think it deplorable that officials at the highest level of that government should limit our freedom on the unfounded belief that the mission's intent is to interfere in the internal affairs of their country.

Such conditions as the South African Government has stipulated are unreasonable and contrary to the normal practices of enlightened governments. They are comprehensible to me only in the context of a society accustomed to severe and widespread restrictions on the fundamental freedoms of its own people—an impression which I have unfortunately been denied the opportunity of possibly modifying.

An unfortunate result of the limitations imposed upon my visa could be the imposition of reciprocal restrictions upon the future visits of South African parliamentarians or members of the Foreign Affairs Committee of the South African Nationalist Party. For my part, I cannot accept these restrictions, and I regret that the mission will thus be unable to visit the Republic of South Africa.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. Hansen of Washington, for August 11, 1969, through August 13, 1969, on account of official business in district.

Mr. Hogan (at the request of Mr. Gerald R. Ford), for the week of August 11, on account of study tour of Far East.

Mr. Hastings (at the request of Mr. Gerald R. Ford), for the week of August 11, on account of study tour of Far East.

Mr. Frey (at the request of Mr. Gerald R. Ford), for the week of August 11, on account of study tour of Far East.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Patman, for 30 minutes, on Monday, August 11, to revise and extend his remarks and include extraneous matter.

Mr. Pucinski, for 30 minutes, today, to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Foreman) and to revise and extend their remarks and include extraneous matter:)

Mr. Halpern, for 5 minutes, today.

Mr. Robison, for 5 minutes, today.

Mr. Pollock, for 5 minutes, today.

(The following Members (at the request of Mr. Stokes), to revise and extend their remarks and include extraneous matter:)

Mr. Reuss, for 20 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Flood, for 15 minutes, today.

Mr. Culver, for 10 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Stratton, on Monday, July 28, following special order on textiles by Mr. Mills.

Mr. Frelinghuysen and to include extraneous material in his remarks today during debate in Committee of the Whole.

Mr. Boggs (at the request of Mr. Mills), to extend his remarks in the Record on H.R. 13270, and to include extraneous material, immediately following the remarks of Mr. Byrnes of Wisconsin on Wednesday, August 6.

Mr. Ryan to extend remarks appearing on page H7014 to be printed preceding vote on House Resolution 513.

Mr. Zablocki in two instances.

Mr. Ullman to follow the remarks of Mr. Kleppe in the Committee of the Whole.

Mr. Mills to revise and extend his remarks made during general debate today on the Tax Reform Act of 1969 and to include extraneous material.

(The following Members (at the request of Mr. Foreman) and to include extraneous matter:)

Mr. Wydler in two instances.

Mr. Hosmer.

Mr. Wyman in two instances.

Mr. Arends.

Mr. Utt.

Mr. Wold.

Mr. Hogan.

Mr. Hastings.

Mr. Button.

Mr. Ashbrook.

Mr. Goldwater.

Mr. Keith.

Mrs. Dwyer in three instances.

Mr. Conable.

Mr. Shriver.

Mr. Dickinson.

Mr. Cowger.

Mr. Pirnie.

Mrs. Reid of Illinois.

Mr. Foreman.

(The following Members (at the request of Mr. Stokes) and to include extraneous matter:)

Mr. Long of Maryland.

Mr. Jones of Alabama.

Mr. Fraser in two instances.

Mr. William D. Ford.

Mr. O'Neill of Massachusetts in two instances.

Mr. Fisher in four instances.

Mr. Corman.

Mr. Dingell in two instances.

Mr. Gonzalez in two instances.

Mr. Rarick in three instances.

Mr. Marsh in two instances.

Mr. Leggett in two instances.

Mr. Fuqua.

Mr. Galifianakis in two instances.

Mr. Charles H. Wilson in two instances.

Mr. St. Onge in two instances.

Mr. Hungate in three instances.

Mr. Evins of Tennessee in three instances.

Mr. Burke of Massachusetts.

Mrs. Chisholm.

Mr. Brown of Michigan in two instances.

Mr. Jacobs.

Mr. Ryan in three instances.

Mr. Scheuer in three instances.

Mr. Helstoski.

Mr. Gaydos in three instances.

Mr. Hanna in five instances.

Mr. Pickle.

Mr. Stokes in two instances.

Mr. Mahon in two instances.

ADJOURNMENT TO MONDAY, AUGUST 11, 1969

Mr. STOKES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until Monday, August 11, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1037. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administration of the legal services program under title II of the Economic Opportunity Act of 1964, as amended, Office of Economic Opportunity; to the Committee on Education and Labor.

1038. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting a report on equal employment opportunity for minority group members in State and local government, pursuant to the provisions of Public Law 85–315; to the Committee on the Judiciary.

1039. A letter from the Acting Administrator of General Services, transmitting copies of a prospectus for alterations at the post office and courthouse, Miami, Fla., pursuant to the provisions of the Public Buildings Act of 1959; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DENT: Committee on House Administration. House Concurrent Resolution 309. Concurrent resolution, second listing of operating Federal assistance programs compiled during the Roth study; with amendment (Rept. No. 91–452). Ordered to be printed.

Mr. DENT: Committee on House Administration. House Resolution 510. Resolution authorizing the printing of additional copies of a basic report (pt. I) accompanying the Tax Reform Act of 1969; with amendment (Rept. No. 91–453). Ordered to be printed.

Mr. DENT: Committee on House Administration. House Resolution 511. Resolution authorizing the printing of additional copies of a supplementary report (pt. II) accompanying the Tax Reform Act of 1969; with amendment (Rept. No. 91–454). Ordered to be printed.

Mr. PERKINS: Committee on Education and Labor. H.R. 13194. A bill to amend the Higher Education Act of 1965 to authorize Federal incentive payments to lenders with respect to insured student loans when necessary, in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education; with amendment (Rept. No. 91–455). Referred to the Committee of the Whole House on the State of the Union.

Mr. MORGAN: Committee on Foreign Affairs. H.R. 11039. A bill to amend further the Peace Corps Act (75 Stat. 612), as amended (Rept. No. 91–456). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 495. Resolution amending rule XXXV of the Rules of the House of Representatives to increase fees of witnesses before the House or its committees (Rept. No. 91–457). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 269. Resolution authorizing the Committee on Post Office and Civil Service to conduct studies and investigations within its jurisdiction (Rept. No. 91–458). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 515. Resolution for consideration of H.R. 4813. A bill to extend the provisions of the U.S. Fishing Fleet Improvement Act, as amended, and for other purposes (Rept. No. 91–459). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 516. Resolution for consideration of H.R. 7621. A bill to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other purposes (Rept. No. 91–460). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 517. Resolution for consideration of H.R. 10105. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal years 1970 and 1971, and for other purposes (Rept. No. 91–461). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 518. Resolution for consideration of H.R. 12085. A bill to amend the Clean Air Act to extend the program of research relating to fuel and vehicles (Rept. No. 91–462). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BELL of California:

H.R. 13387. A bill to require the installation of seatbelts for use by drivers of motorbuses, to require the use thereof, to authorize research and development in connection with seats, seatbelts, and restraining systems for bus passengers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN of Michigan (for himself and Mr. Vander Jagt):

H.R. 13388. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. DANIELS of New Jersey (for himself, Mr. Perkins, Mrs. Green of Oregon, Mr. Dent, Mr. Carey, Mr. Hawkins, Mrs. Mink, Mr. Scheuer, Mr. Meeds, Mr. Burton of California, Mr. Gaydos, Mr. Stokes, Mr. Clay, and Mr. Powell):

H.R. 13389. A bill to amend the Longshoremen's and Harbor Workers' Compensation Act, and for other purposes; to the Committee on Education and Labor.

By Mr. HALPERN:

H.R. 13390. A bill to assist in the protection of the consumer by requiring full disclosure of the terms and conditions of guarantees; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON:

H.R. 13391. A bill to amend title 39, United States Code, to provide extra compensation for officially ordered or approved time worked by postal field service employees, on any day designated by executive order as a national day of mourning; to the Committee on Post Office and Civil Service.

H.R. 13392. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. NELSEN:

H.R. 13393. A bill to require the Secretaries of the military departments to provide for the military air transport of both parents of a serviceman hospitalized overseas if the presence of a parent is required for his recovery; to the Committee on Armed Services.

By Mr. TIERNAN:

H.R. 13394. A bill to provide more efficient and convenient passport services to citizens of the United States of America; to the Committee on Foreign Affairs.

By Mr. BOB WILSON:

H.R. 13395. A bill to amend title 5, United States Code, to provide for the reduction of the periods of certain overlapping work shifts of employees whose pay is fixed in accordance with prevailing rates by a wage board or similar authority, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 13396. A bill to amend title 38, United States Code, to make certain veterans' survivors eligible for dependency and indemnity compensation even though premiums on certain Government life insurance policies were waived; to the Committee on Veterans' Affairs.

By Mr. WYMAN:

H.R. 13397. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. DON H. CLAUSEN:

H.R. 13398. A bill to permit expenditures in connection with certain sewer separation and street widening projects in the city of Napa, Calif., to be counted as local grants-in-aid to federally assisted urban renewal projects and neighborhood development programs in the city of Napa, Calif.; to the Committee on Banking and Currency.

By Mr. CORDOVA:

H.R. 13399. A bill to provide that the social security benefits provided by the Tax Adjustment Act of 1966 for certain uninsured individuals at age 72 shall apply in the case of residents of the Commonwealth of Puerto Rico, the Virgin Island, and Guam; to the Committee on Ways and Means.

By Mr. ERLENBORN (for himself, Mr. Perkins, Mr. Quie, Mrs. Green of Oregon, Mr. Bell of California, Mr. Thompson of New Jersey. Mr. Reid of New York, Mr. Dent, Mr. Dellenback, Mr. Pucinski, Mr. Esch, Mr. Brademas, Mr. Eshleman, Mr. Hawkins, Mr. Steiger of Wisconsin, Mr. Scheuer, Mr. Landgrebe, Mr. Meeds, Mr. Hansen of Idaho, Mr. Burton of California, Mr. Clay, Mrs. Heckler of Massachusetts, and Mr. MacGregor):

H.R. 13400. A bill to amend the Higher Education Act of 1965 to authorize Federal mortgage adjustment payments to lenders with respect to insured student loans when necessary, in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education; to the Committee on Education and Labor.

By Mr. FULTON of Tennessee (for himself and Mr. Blanton):

H.R. 13401. A bill to provide for orderly trade in bicycles; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 13402. A bill to amend title 38 of the United States Code so as to entitle veterans of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively; to the Committee on Veterans' Affairs.

H.R. 13403. A bill to amend chapter 3 of title 38, United States Code, in order to provide for a veterans outreach services program in the Veterans' Administration to assist eligible veterans, especially those recently separated, in applying for and obtaining benefits and services to which they are entitled, and education, training, and employment, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LONG of Maryland:

H.R. 13404. A bill to amend section 1331(c) of title 10, United States Code, to authorize the granting of retired pay to persons otherwise qualified who were reserves before August 16, 1945, and who served on active duty during the so-called Berlin crisis; to the Committee on Armed Services.

By Mr. MATSUNAGA:

H.R. 13405. A bill to amend the National Foundation on the Arts and the the Humanities Act of 1965 to provide for the office of poet laureate of the United States; to the Committee on Education and Labor.

By Mr. O'KONSKI:

H.R. 13406. A bill to assist small business and persons engaged in small business by allowing a deduction, for Federal income tax purposes, for additional investment in depreciable assets, inventory, and accounts receivable; to the Committee on Ways and Means.

By Mr. PELLY (for himself, Mr. Wyatt, Mrs. Hansen of Washington, and Mr. Pollock):

H.R. 13407. A bill to consent to the amendment of the Pacific marine fisheries compact; to the Committee on Merchant Marine and Fisheries.

By Mr. QUILLEN:

H.R. 13408. A bill to repeal the Gun Control Act of 1968; to the Committee on the Judiciary.

H.R. 13409. A bill to change the definition of ammunition for purposes of chapter 44 of title 18 of the United States Code; to the Committee on the Judiciary

By Mrs. REID of Illinois:

H.R. 13410. A bill to authorize appropriations to be used for the elimination of certain rail-highway grade crossings in the State of Illinois; to the Committee on Public Works.

By Mr. REID of New York:

H.R. 13411. A bill to improve education in the United States; to the Committee on Education and Labor.

H.R. 13412. A bill to expedite delivery of special delivery mail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SCHEUER:

H.R. 13413. A bill to repeal certain provisions of the Immigration and Nationality Act relating to the entry, exclusion, and deportation of certain aliens because of their advocacy of certain doctrines or their membership in certain organizations; to the Committee on the Judiciary.

By Mr. SHRIVER:

H.R. 13414. A bill to authorize the Secretary of Commerce to conduct research and development programs to increase knowledge of tornadoes, squall lines, and other severe local storms, to develop methods for detecting storms for prediction and advance warning, and to provide for the establishment of a National Severe Storms Service; to the Committee on Interstate and Foreign Commerce.

By Mr. WIGGINS (for himself, Mr. Camp, and Mr. Lujan):

H.R. 13415. A bill to authorize the establishment of fees for entrance to, and use of, certain Federal areas; to the Committee on Interior and Insular Affairs.

By Mr. BELCHER:

H.J. Res. 867. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. BROTZMAN (for himself, Mr. Helstoski, Mr. Burton of California, Mr. Mathias, Mr. Giaimo, Mr. Widnall, and Mr. Pollock):

H.J. Res. 868. Joint resolution providing for the display in the Capitol Building of a portion of the moon; to the Committee on House Administration.

By Mr. DULSKI:

H.J. Res. 869. Joint resolution requesting the President of the United States to issue a proclamation calling for a "Day of Bread" and "Harvest Festival"; to the Committee on the Judiciary.

By Mr. LEGGETT:

H.J. Res. 870. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. MIZE:

H.J. Res. 871. Joint resolution providing for the establishment of an annual "Day of Bread" and "Harvest Festival" week in the United States; to the Committee on the Judiciary.

By Mr. BIAGGI (for himself, Mr. Andrews of Alabama, Mr. Annunzio, Mr. Bingham, Mr. Button, Mr. Clay, Mr. Cowger, Mr. Mann, Mr. Rarick, Mr. Powell, Mr. Scherle, Mr. St Germain, Mr. Talcott, Mr. Yatron, Mr. Blanton, Mr. Buchanan, Mr. Cunningham, Mr. Gaydos, and Mr. Lowenstein):

H. Res. 514. Resolution creating a select committee to conduct an investigation and study of all aspects of crime and disorder on U.S. military installations; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By. Mr. CÓRDOVA:

H.R. 13416. A bill for the relief of Dr. Alberto Cura Marbes; to the Committee on the Judiciary.

H.R. 13417. A bill for the relief of Maria del

Carmen Marcano-Soltero; to the Committee on the Judiciary.

By Mr. HANLEY:

H.R. 13418. A bill for the relief of Louis Cohen; to the Committee on the Judiciary.

By Mr. TIERNAN:

H.R. 13419. A bill for the relief of Robert C. Olsen; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

207. By the SPEAKER: Petition of Allan Feinblum, New York, N.Y., relative to nationalization of war industries; to the Committee on Foreign Affairs.

208. Also, petition of the Board of Supervisors, Westchester County, N.Y., relative to taxation of State and local government securities; to the Committee on Ways and Means.

SENATE—*Thursday, August 7, 1969*

(Legislative day of Tuesday, August 5, 1969)

The Senate met at 10:30 o'clock a.m., on the expiration of the recess, and was called to order by the Vice President.

Rabbi Chaim U. Lipschitz, D.D., managing editor, the Jewish Press, Brooklyn, N.Y., offered the following prayer:

Our G-d and the G-d of our fathers, be Thou with the mouths of the deputies of this worthy Senate of the United States of America who stand in Thy presence.

Teach them what they shall say. Instruct them what they shall speak. Grant their petitions and cause them to know how to glorify Thee. May they walk in the light of Thy countenance. May they bend their knees unto Thee, and with their mouths bless Thy people. Bless them altogether with the blessings of Thy mouth. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, August 6, 1969, be approved.

The VICE PRESIDENT. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated.

The LEGISLATIVE CLERK. A bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. McINTYRE. Mr. President, I ask unanimous consent that, during the consideration of the pending question, which I believe to be my amendment, the privilege of the floor may be granted to my administrative assistant, Larry K. Smith, and to my legislative assistant, Alan Novins.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER OF BUSINESS

The VICE PRESIDENT. Under the previous order, the Chair recognizes the Senator from Indiana for a period of 30 minutes.

SENATE JOINT RESOLUTION 145—APOLLO SUCCESS ILLUMINATES EARTHY FAILURES—INTRODUCTION OF A JOINT RESOLUTION

Mr. HARTKE. Mr. President, the successful flight of Apollo 11 ranks among the greatest technological achievements of all time. We are grateful to Almighty God that the astronauts have returned safely to us. The spirit of their dazzling adventure has touched all of us, reviving our own spirit, and restoring our own capacity for adventure. Adding to our sense of amazement and wonder is the almost equally spectacular achievement of our Mars probe—Mariner 6—with its closer-than-ever television pictures of that legendary planet.

In the exhilaration of this moment, Mr. President, it is instructive to remember that the Apollo project has not always been a cause for cheer and acclaim. Eight years have passed since a trip to the Moon in this decade became our national goal. We must never forget that those 8 years are marked with failure and tragedy as well as with success and reward. When President John F. Kennedy made the Apollo program a national priority in April 1961, few were prepared to look beyond the remote promise of his words—few were prepared to test themselves against the task at hand.

But vigorous leadership in Government helped to convince the American people that the goal could and should be met. The organization of NASA, the development of new, more powerful rocket boosters, the training of men and building of machines, the development of sophisticated computers, the millions of man-hours, the three lives lost, and the billions of dollars spent—none of this would have been possible without a profound sense of national dedication. Only the tireless efforts of business, labor, education, science, and technology could have made a trip to the moon possible. And only leadership in Government—provided by three successive administrations with the support and encouragement of the Congress—could have guided and coordinated these efforts with the efficiency needed to reach our goal on schedule.

But the Moon shot is behind us, and our euphoria has already been interrupted by the urgent need to establish a new set of national goals. In our thoughts about the future, however, we will do well to learn from the success of our space program—that program was a success because the goal had been set with care. Some goals are better than others, and we must make our choice with strict standards in mind.

The best kind of national goal is something like a valuable prize dangling in front of us from the end of a stick. If the stick is too short, we will not have to move forward to reach the prize, and we will make no progress. If the stick is too long, we will not be able to see the prize, and we will make no effort to reach it. Only when the stick is just the right length will we move forward. Psychologists have an expression for the proper length of the stick—they call it "optimal stress." If the goals we set for ourselves place an optimal stress on our capabilities, we will make progress as a nation at the fastest rate possible. In 1961, the Moon was far enough away to inspire our imagination, but close enough to keep our spirit alive.

In addition to being just the right length, of course, the stick has to point us in the proper direction. Some national goals inspire dedication for the wrong purposes. The pyramids of Egypt, the Colosseum in Rome, the palace at Versailles—all mark the ruin of great nations which wasted vast resources on vanity and self-indulgence.

I do not believe that the space program represents such a waste. Contrary to what some appear to believe, the resources expended in the Apollo program could not have been simply transferred to other worthy endeavors. Like any goal that points us in the right direction, the Apollo program generated its own resources—the inspiration and the dedication that grew out of the Apollo program were not "taken" from any other project; they were unique to the goal they served so well.

But this is not to say that other goals cannot inspire similar dedication. Just as space exploration held a deserved priority in the 1960's, so should human needs on Earth be given special attention in the 1970's.

This need on Earth has been dramatized by our exploits in space. While the astronauts walked on the Moon, men on Earth felt unsafe walking on city streets. While the astronauts took special precautions to protect themselves in the vacuum of space, men on Earth sought better protection from a dangerously polluted atmosphere. While the astronauts looked for signs of water on the Moon, men on Earth were discovering that their own clean water supply was jeopardized by contamination and careless disposal of industrial waste. As millions of dollars were being spent to develop and supply the astronauts with a perfect "space diet," men on Earth continued to suffer needlessly from malnutrition.

Clearly, the time has come to turn our attention to these human needs in some systematic fashion.

In his column of July 18, 1969, the distinguished journalist, James Reston, observed:

> The American mind and the American political system seem to need great challenges and clear goals to work at their best.

Mr. Reston went on to suggest that an attempt to achieve "certain definite social and economic objectives" by the year 1976—the bicentennial of the Declaration of Independence—could provide just the kind of challenge that moves us as a people to our noblest and most creative efforts.

Reston did not try to elaborate the details of those objectives, but I think that any of us here could compose a list that would win general approval throughout the Nation. Taken together, it would depict an America in which at least these things would be possible:

Every man, woman, and child would have an adequate diet, decent housing, and essential health care;

Every young person would receive all the education and job training he can usefully absorb;

All of us could walk the streets of our cities, day or night, without fear;

The appalling pollution of our air and waters would be eliminated;

Economically gainful, socially useful employment would be available to all who want to work;

Dependable, high-speed public transportation would move people to their jobs and then home again in comfort and safety;

The ugly stain of racism would be well on its way to the status of an uncomfortable memory;

Our older citizens would be able to retire with the dignity and security to which they are entitled.

Our youth would once again see in America "the last, best hope of mankind," and see themselves as participants in their Nation's dreams, not commentators on a nation's failures.

Mr. President, this is one list of objectives we might set for ourselves to achieve within the next 7 years. It is neither definitive nor exhaustive. Others may wish to add to it or to arrange its items in some order or priority. But its most important features are obvious to all: it deals with human needs, it is specific, and it is attainable. In other words, the stick is just the right length, and it points us in the right direction.

Five years ago—perhaps even 5 months ago—such an ambitious program may have seemed visionary. But the flight of Apollo 11 has transformed us into a nation of visionaries—hardheaded, practical visionaries of the kind our Founding Fathers must surely have been, when, to quote James Reston again,

> The whole idea of America was to create a society nobody had ever created before.

The flight of Apollo 11 has shown us that the gift of vision is not simply appropriate in setting and meeting national goals—it is absolutely necessary. We have been shown how men can transform vision into reality through a combination of resources uniquely abundant in this uniquely blessed land—technology, wealth, and skilled labor.

Add to these the less tangible, but equally necessary, resources of imagination and will and you have the sum total of the ingredients needed to accomplish the objectives I have outlined here today.

Surely no one doubts that we have the imagination. But imagination by itself is not enough. Shall our children be forced to stand before the bar of history and confess that we, their forebears, lacked the will—only the will—to transform the dreams of 1776 into the reality of 1976?

Rhetoric can set goals, but only concentrated, purposeful action can achieve them. The rhetoric of President John F. Kennedy set the goal of landing men on the moon and bringing them home safely by 1970. The concentrated, purposeful action of tens of thousands of Americans—scientists, engineers, businessmen and workingmen, the incomparably gallant astronauts themselves, and, yes, even Members of Congress and of the Executive—the actions of these tens of thousands of men and women made that extraordinary conquest of space a reality.

Mr. President, I should like now to urge the Congress to undertake one essential first step toward fulfilling the dreams of 1776 within the next 7 years. I introduce today a Senate joint resolution establishing a joint committee of the Congress to define specific national goals and to recommend means to implement them by not later than 1976. The Joint Committee on National Goals, as I suggest it be called, would be composed of 10 Members from the Senate and 10 from the House, appointed by the Presiding Officers of the two Chambers. It would be directed to prepare an interim report for submission to Congress not later than March 1, 1970, and to have its final report ready for preparation to the 92d Congress not later than January 15, 1971. That final report would include a statement of realistic, attainable national goals and recommendations as to the legislative and administrative means for achieving them by 1976.

The problems that American society faces are immense, but they can be solved. That is the greatest lesson we can learn from the saga of Apollo 11. Not only can we solve difficult problems; we can do so in a limited period of time. It is appropriate that future national goals be set by the guiding, beckoning star of our Nation's 200th birthday.

I say again, Mr. President, we possess every material and intellectual resource we need to set and to achieve our national goals. Absent only is a clear and realistic definition of those goals, and the will to dedicate ourselves to their realization.

Let us here, today, in the Congress of the United States, show that we do indeed have the determination and the will to rededicate ourselves, through action, to the ancient, eternally youthful promise of America.

I ask unanimous consent, Mr. President, that the text of the joint resolution be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER (Mr. PACKWOOD in the chair). The joint resolution will be received and appropriately referred, and, without objection, the joint resolution will be printed in the RECORD in accordance with the Senator's request.

The joint resolution (S.J. Res. 145) to establish a joint congressional committee to define national goals and to recommend means to implement such goals not later than the bicentennial of the United States in 1976, introduced by Mr. HARTKE, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S.J. RES. 145

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in recognition of the approaching bicentennial of the founding of this Nation and the challenge to translate the vision of our founding fathers into specific national goals to be achieved by 1976, there is established a joint congressional committee to be known as the Joint Committee on National Goals (hereafter referred to as the "Committee"). The Commmittee shall be composed of ten Members of the Senate appointed by the President of the Senate, six of whom shall be members of the majority party and four of whom shall be members of the minority party, and ten Members of the House of Representatives appointed by the Speaker of the House of Representatives, six of whom shall be members of the majority party and four of whom shall be members of the minority party. No chairman of a joint, standing, special, or select committee of either House, or ranking minority member of any such committee, may serve on the Committee established by this joint resolution.

(b) The Committee shall select a chairman and vice chairman from among its members.

SEC. 2 (a) It shall be the duty of the Committee to make a complete study and determination of specific national goals for the United States and the means to achieve such goals by 1976.

(b) The Committee shall make an interim report to the Senate and House of Representatives not later than March 1, 1970.

(c) Not later than January 15, 1971, the Committee shall make its final report to the Senate and House of Representatives. The report shall include a statement of national goals and such recommendations, including proposed legislation and administrative measures, as the Committee considers appropriate in order to achieve such goals by 1976.

(d) The Committee shall cease to exist February 15, 1971.

Sec. 3. (a) In carrying out its duties under this joint resolution, the Committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings; to sit and act within or outside the United States at such times and places; to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents; to administer such oaths; to take such testimony; to procure such printing and binding; and to make such expenditures as it deems advisable. The Committee may make such rules respecting its organization and procedure as it deems necessary.

(b) Subpenas may be issued over the signature of the chairman of the Committee or by any member designated by him or the Committee, and may be served by such person as may be designated by such chairman or member. The chairman of the Committee or any member thereof may administer oaths to witnesses.

Sec. 4. (a) The Committee is authorized to appoint and fix the compensation of such experts, consultants, technicians, and staff employees as it deems necessary and advisable.

(b) Members of the Committee, and its employees and consultants, while traveling on official business for the Committee within or outside the United States, may receive either the per diem allowance authorized to be paid to Members of the Congress or its employees, or their actual and necessary expenses provided an itemized statement of such expenses is attached to the voucher.

Sec. 5. The expenses of the Committee shall be paid from the contingent fund of the Senate from funds appropriated for the Committee, upon vouchers signed by the chairman of the Committee or by any member of the Committee duly authorized by the chairman.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills and joint resolution in which it requested the concurrence of the Senate:

H.R. 3165. An act for the relief of Martin H. Loeffler;

H.R. 13018. An act to authorize certain construction at military installations, and for other purposes; and

H.J. Res. 864. A joint resolution to provide for a temporary extension to October 31, 1969, of the authority conferred by the Export Control Act of 1949.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 714. An act to designate the Ventana Wilderness, Los Padres National Forest, in the State of California;

H.R. 1632. An act for the relief of Romeo de la Torre Sanano and his sister, Julieta de la Torre Sanano; and

H.R. 2336. An act for the relief of Adela Kaczmarski.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred, as indicated:

H.R. 3165. An act for the relief of Martin H. Loeffler; to the Committee on the Judiciary.

H.R. 13018. An act to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. MANSFIELD. Mr. President, will the Senator yield without losing his right to the floor?

Mr. McINTYRE. Mr. President, I yield.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I am about to propose a unanimous-consent request on the pending McIntyre amendment. However, before I do so, I wish to announce to the Senate that following the approval of that request, which I anticipate hopefully, it will be my intention to suggest the absence of a quorum and that will be a live quorum.

Mr. TOWER. And the time consumed by the live quorum will be charged to neither side.

Mr. MANSFIELD. The Senator is correct.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. STENNIS. Mr. President, I shall not object, but the agreement would not preclude the yielding back of time by either side that wished to do so?

Mr. MANSFIELD. The Senator is correct. That is understood.

Mr. STENNIS. I thank the Senator.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the live quorum call, there be a time limitation of 2 hours on the pending McIntyre amendment, the time to be equally divided between the distinguished Senator from New Hampshire (Mr. McIntyre) and the distinguished Senator from Mississippi (Mr. Stennis), the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and I request the attachés to make sure that all committees as well as individual offices are notified.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 67 Leg.]

Aiken
Baker
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Cotton
Ellender
Goodell
Gurney
Long
Mansfield
McCarthy
McClellan
McIntyre
Montoya
Muskie
Packwood
Pearson
Randolph
Ribicoff
Saxbe
Smith
Stennis
Symington
Tower
Williams, Del.
Young, Ohio

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. Gore) is necessarily absent.

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay the following Senators entered the Chamber and answered to their names:

Allen
Allott
Anderson
Bayh
Bellmon
Bennett
Bible
Burdick
Cannon
Case
Church
Cook
Cooper
Cranston
Curtis
Dirksen
Dodd
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Goldwater
Gravel
Griffin
Hansen
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mathias
McGee
McGovern
Metcalf
Miller
Mondale
Moss
Mundt
Murphy
Nelson
Pastore
Pell
Percy
Prouty
Proxmire
Russell
Schweiker
Scott
Sparkman
Spong
Stevens
Talmadge
Thurmond
Tydings
Williams, N.J.
Yarborough
Young, N. Dak.

The PRESIDING OFFICER. A quorum is present.

ORDER OF BUSINESS

Mr. McINTYRE. Mr. President, on the pending amendment I yield myself such time as I may require.

Mr. McCARTHY. Mr. President, will the Senator yield to me first.

Mr. McINTYRE. I yield 4 minutes of my time to the Senator from Minnesota.

Mr. McCARTHY. I thank the Senator. I shall not need that much time.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

S. 2794—INTRODUCTION OF A BILL TO AMEND INTERNAL REVENUE CODE TO EXTEND TO UNMARRIED PERSONS TAX BENEFITS OF INCOME-SPLITTING

Mr. McCARTHY. Mr. President, I introduce, for appropriate reference, a bill to extend to unmarried persons the tax benefits of income-splitting now enjoyed by married persons filing joint returns.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2794) to extend to unmarried individuals the tax benefits of income-splitting now enjoyed by married individuals filing joint returns, introduced by Mr. McCarthy, was received, read twice by its title, and referred to the Committee on Finance.

Mr. McCARTHY. Mr. President, this is a matter which has been before the Senate for a number of years in a somewhat different form under what was known as the head-of-household provision. The House Ways and Means Committee decided to include substantially that provision in one of the bills we expect to come before the Senate. My bill would go further and would allow single persons the income-splitting provisions of the law. In my opinion, this would remove a serious discrimination which has been in the tax code without serious examination for 20 years.

The income-splitting provisions of the present law, adopted in 1948, have resulted in discrimination against single persons. Of course, these provisions were not added to the code because it was thought that the tax burdens of married couples were too heavy relative to single persons. Rather, they were adopted because there was a practical problem of married persons in community property States being treated more favorably than single persons. One-half the income of a person in a community property State is attributed to the other. There was pressure to extend the more favorable tax rate on married couples in community property States to married couples in common law States. Apparently to meet the problem it was thought necessary to follow the principle of State law in adjusting the Federal income tax law, and the Congress granted—through the income splitting provision—the income tax benefits of community property law States to married couples in common law States.

This solved the problem very well for married couples, but it greatly increased the tax burden of single persons relative to married couples. It is difficult to see why the tax rates applicable to a single person with any given amount of income should be higher than that of a married couple filing a joint return. Tax equity would better be served by treating all family units the same.

In my opinion the higher rates imposed on single taxpayers raises a constitutional question—whether the classification of single persons and married couples filing joint returns is arbitrary and unreasonable. This issue has been raised and the challenge against the rates being imposed on single persons is in the process of being carried on by Miss Vivien Kellems and a number of other people. In any case the Congress has a responsibility to make the rates as equitable as possible.

The income tax law can reflect differences in conditions and responsibilities by allowing reasonable deductions. But once the taxable income is determined the same rate of taxation should apply to all who have the same income, regardless of whether they are single or married.

The eligibility of a married couple to file a joint return is not based on special problems or conditions or circumstances. It does not make any difference whether the income is earned by one of the couple or whether both contribute equally or in some proportion to earnings. It does not take into consideration whether the married couple has children or not, or the number of children or their age, or whether the children are dependent or self-supporting. The classification does not even take into account whether the couple maintain their own household or whether they live with others.

I ask unanimous consent to include at this point in the Record a table showing the contrast in the amount and the rate of taxation of single taxpayers and married couples filing joint returns and having the same level of taxable income.

There being no objection, the table was ordered to be printed in the Record, as follows:

TAX LIABILITY OF MARRIED PERSONS FILING JOINT RETURNS AND OF SINGLE PERSONS—SELECTED LEVELS OF TAXABLE INCOME, WITHOUT TAX SURCHARGE

	Single person returns, tax liability		Joint returns, tax liability	
Taxable income	Amount	Percent of taxable income	Amount	Percent of taxable income
$7,000	$1,380	19.7	$1,190	17.0
$14,000	3,550	25.4	2,760	19.7
$24,000	8,030	33.5	5,660	23.6
$50,000	22,590	45.2	17,060	34.1

Mr. McCARTHY. Mr. President, the difference in dollars of tax liability and the difference in rates between single and married taxpayers is small at the lower levels of income, but it increases substantially as income progresses to higher levels. For example the rate of taxation at the $14,000 income level is 25.4 percent for single persons compared to 19.7 percent for married couples filing joint returns. The tax liability in dollars on $14,000 incomes is $3,550 for single persons and $2,760 for married couples, or $790 more for single persons. The difference between the two categories in the rate of taxation each must pay for the next $1,000 of income beyond their $14,000 income is 25 percent for married couples filing joint return and 39 percent for single taxpayers.

At the $24,000 level of taxable income the single person pays a tax of $8,030, or a rate of 33.5 percent while a married couple pays $5,560 or a rate of only 23.6 percent a dollar difference in tax liability of $2,370. On the next $1,000 of income at the $24,000 level, the single taxpayer must pay at the rate of 50 percent, whereas a married couple filing a joint return pays at a rate of 36 percent.

In this and in previous Congresses I have introduced a bill which would at least reduce the inequity for some single taxpayers. That bill, S. 35, would extend the "Head of Household" tax rate schedule to single persons who are 35 years of age or more and who maintain their own household. There has been increasing interest in legislation to meet the inequity imposed on single persons and several Senators have joined me in sponsoring S. 35 in the 91st Congress.

However, we are preparing to make major reforms in the Internal Revenue Code in this Congress, and I believe the time has come to consider the tax discrimination against single taxpayers directly and fully.

It would be unrealistic to require married couples to give up income splitting. The practice is too deeply embedded in the system. Instead, I think it is appropriate to extend income-splitting tax rates to single persons and thus equalize the tax rate for all taxpayers.

The bill I am introducing today provides this. It makes income splitting available for unmarried taxpayers. Married couples filing joint returns would continue under this bill, as under present law, to enjoy the benefits of income splitting. Married persons filing separate returns, again as under present law, would not be eligible for income splitting, nor would estates and trusts.

Provision is made in the bill for the Secretary of the Treasury to publish new optional tables, new surcharge tables, and new withholding tables, taking into account the fact that under this bill income splitting is to be made available to single persons.

This bill would reduce the tax liability of several million single taxpayers. The reduction in tax liability from equalizing rates as provided in this bill is estimated at $1.9 billion at 1969 levels of income, without the surcharge. The important effect in my opinion is that adoption of this bill would remove a serious discrimination against single persons which has existed in the code for 20 years and will equalize the rate of taxation to which all taxpayers are subject on comparable amounts of taxable income. I urge, as we consider tax reforms in this session of Congress, that high priority be given to removing the inequity against single persons.

Mr. President, I ask unanimous consent that a table I asked the Joint Committee to prepare, to show the estimated number of taxpayers who will be affected and the amount of revenue, be printed in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

ESTIMATED REDUCTION IN TAX LIABILITY FROM APPLICATION OF PRESENT LAW JOINT RETURN TAX SCHEDULE TO SINGLE PERSON AND HEAD OF HOUSEHOLD RETURNS—WITHOUT TAX SURCHARGE, AT 1969 LEVELS OF INCOME

Adjusted gross income class (thousands)	Single persons		Head of household		Total	
	Number of returns (thousands)	Reduction in tax liability (millions)	Number of returns (thousands)	Reduction in tax liability (millions)	Number of returns (thousands)	Reduction in tax liability (millions)
0 to $3	4,827	$38.7	69	$0.3	4,896	$39.0
$3 to $5	5,086	203.7	462	7.0	5,548	210.7
$5 to $7	3,211	260.4	555	20.9	3,766	281.3
$7 to $10	2,258	344.5	402	22.8	2,660	367.3
$10 to $15	696	246.5	166	22.3	862	268.8
$15 to $20	183	146.5	37	11.5	220	158.0
$20 to $50	148	334.8	25	32.2	173	367.0
$50 to $100	18	94.6	7	17.0	25	111.6
$100 and over	8	71.9	1	6.6	9	78.5
Total	16,435	1,741.6	1,724	140.6	18,159	1,882.2

Mr. McCARTHY. Mr. President, I ask unanimous consent that there also be printed in the RECORD a brief review and evaluation of the income-splitting provision in U.S. income tax law, by Joseph Pechman of the Brookings Institution. The excerpts are taken from his book, "Federal Tax Policy," published in 1966 by the Brookings Institution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL TAX POLICY

During most of the history of the income tax, differentiation for family responsibilities was made among taxpayers through the personal exemptions. More recently, there has been a trend toward different tax rates to provide additional differentiation, particularly in the middle and higher tax brackets. In the United States and West Germany this has been accomplished by adoption of the principle of "income splitting" between husband and wife. In France, income splitting is permitted among all family members. Other countries achieve a similar objective by providing separate rate schedules for families of different size.

The adoption of income splitting in the United States arose out of the historical accident that eight states had community property laws which treated income as if divided equally between husband and wife. By virtue of several Supreme Court decisions, married couples residing in these eight states had been splitting their incomes and filing separate federal returns. Shortly after World War II, a number of other states enacted community property laws for the express purpose of obtaining the same advantage for their residents, and other states were threatening to follow suit. In an effort to restore geographic tax equality and to prevent wholesale disruption of local property laws and procedures, the Congress universalized income splitting in 1948.

The effect of income splitting is to reduce progression for married couples. The tax rates nominally begin at 14, 15, 16, and 17 percent on the first four $500 segments of taxable incomes and rise to 70 percent on the portion of taxable incomes above $100,000. A married couple with taxable income of $2,000 splits this income and applies the first two rates to each half; without income splitting, the first four rates would apply to this income. Thus, whereas the nominal rate brackets cover taxable incomes up to $100,000, the actual rates for married couples extend to $200,000. The tax advantage rises from $5 for married couples with taxable income of $1,000 to $14,510 for couples with taxable incomes of $200,000 or more. In percentage terms, the tax advantage reaches a maximum of almost 30 percent at the $24,000 level.

The classic argument in favor of income splitting is that husbands and wives usually share their combined income equally. The largest portion of the family budget goes for consumption, and savings are ordinarily set aside for the children or for the enjoyment of all members of the family. Two conclusions follow from this view. First, married couples with the same combined income should pay the same tax irrespective of the legal division of income between them; second, the tax liabilities of married couples should be computed as if they were two single persons with their total income divided equally between them. The first conclusion is now firmly rooted in our tax law and seems to be almost universally accepted. It is the second conclusion on which opinions still differ.

The case for the sharing argument is most applicable to the economic circumstances of taxpayers in the lower income classes, where incomes are used almost entirely for the consumption of the family unit. At the top of the income scale, the major rationale of income taxation is to cut down on the economic power of the family unit, and the use made of income in these levels for family purposes is irrelevant for this purpose. Obviously, these objectives cannot be reconciled if income splitting is extended to all income brackets.

The practical effect of income splitting is to produce large differences in the tax burdens of single persons and married couples, differences which depend on the *rate of graduation* and not on the level of rates. Such differences are difficult to rationalize on any theoretical grounds. Moreover, it is difficult to justify treating single persons with families more harshly than married persons in similar circumstances. As a remedy, widows and widowers are permitted to continue to split their incomes for two years after the death of the spouse, and half the advantage of income splitting is given (through a separate rate schedule) to single persons who maintain a household for children or other dependents or who maintain a separate household for their parents. This is, of course, a makeshift arrangement which hardly deals with the problem satisfactorily. For example, a single taxpayer who supports an aunt in a different household receives no income splitting benefit; if he supports an aged mother he receives these benefits. There are growing pressures on the Congress to treat single persons more liberally—by liberalizing the head of household provision, increasing their exemptions, and other devices.

One of the major reasons for acceptance of the consequences of income splitting may well be the fact that personal exemptions do not provide enough differentiation among taxpayers in the middle and top brackets. Single persons, it is felt, should be taxed more heavily than married couples because they do not bear the costs and responsibilities of raising children. But income splitting for husband and wife clearly does not differentiate among taxpayers in this respect since the benefit is the same whether or not there are children.

The source of the difficulty in the income splitting approach is that differentiation of family size is made through the rate structure rather than through the personal exemptions. It would be possible to differentiate among taxpayer units by varying the personal exemptions with the size of income as well as the number of persons in the unit, with both a minimum and maximum. This procedure could be used to achieve almost any desired degree of differentiation among families, while avoiding most of the problems and anomalies produced by income splitting.

Excerpts taken from Chapter 4, The Individual Income Tax Structural Problems, The Family—pages 81–84.

Mr. McCARTHY. Mr. President, I am certain the Committee on Finance will give careful consideration to this measure and I hope, in view of commitments made in the past in connection with the "Head of household" provision, will be prepared to support this most important modification of the present income tax code.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, I wish to commend the distinguished Senator from Minnesota for taking up the fight in behalf of one of my constituents, Miss Vivien Kellems. The Senator from Minnesota has been in the forefront of this fight for many, many years. He has been a lone voice, receiving very little support from anyone else in the executive branch or in the legislative branch.

I will certainly be pleased, as a member of the Committee on Finance, to support the Senator's efforts to bring justice in this important field.

Mr. McCARTHY. I thank the Senator. I might note that Mr. Cohen, Assistant Secretary of the Treasury for fiscal policy showed interest in—not the bill I am introducing today—but in the other provisions we talked about relative to the tax burden on single persons. I hope he will support this measure. The Ways and Means Committee responded and I hope the Committee on Finance will respond.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. McINTYRE. Mr. President, the rejection of the Cooper-Hart amendment to the military authorization bill is a hollow victory, indeed, for the administration.

The closeness of the vote reflects a widespread disenchantment, not only with the Safeguard ABM system itself, but also with the unwillingness of the administration to move to a common ground that could accommodate a great many more Members of this body.

I, too, pride myself on being a team player, and there is much to be said for supporting your own President when he needs that support.

But, my colleagues from across the aisle, your President, our President, should have received much more support than he got here yesterday.

And he would have had the support, if this body had not been forced to choose between two extremes in this highly controversial issue.

For more than 2 months now, I have urged the administration and the separate factions in this body to move to a middle ground, a middle ground that would not ask the comprising of principle, a middle ground that would meet the basic concerns of both sides.

I have not had much success. Indeed, I have not had much encouragement at all.

But I am still determined to try to bring about some degree of unanimity, as opposed to the 51-to-49 division vote yesterday. I should like to see more unanimity in this body on this subject.

Accordingly, I am proposing my own amendment for consideration at this time.

My amendment, like the Cooper-Hart amendment, withholds authority to deploy interceptor missiles and limits work to research, development, testing, and evaluation.

My amendment also precludes expenditure of the $600,000 earmarked for long-lead-time items for operational missiles, that is actually for the guidance system, holds back expenditure of some $15 million already appropriated for ABM missile silo and launch construction, and freezes money already authorized for land acquisition and construction under the Sentinel ABM proposal and previous authorization acts.

Mr. President, I want to emphasize the point that my amendment would specifically say to the Pentagon, "You shall not dig any hole. You shall not pour any concrete in those silos." Congress says, "You shall not." That $15 million is hiding in the pipeline from a previous authorization act.

On these points, then, there should be little disagreement on the part of proponents of the Cooper-Hart amendment, who obviously feel that any move toward actual deployment of interceptor missiles could escalate the arms race, jeopardize strategic arms limitation talks, and commit us to massive expenditures for an untried system of questionable feasibility.

My amendment sharply differs from the Cooper-Hart amendment in one crucial aspect, and that crucial aspect is where the research and development is to take place.

The Cooper-Hart amendment specifically prohibits research and development "at any proposed anti-ballistic-missile site."

My amendment, on the other hand, calls for research and development of radar and computer prototypes at the first two designated anti-ballistic-missile system sites—Grand Forks, N. Dak., and Malmstrom, Mont.

Furthermore, my amendment's call for R. & D. on site takes into consideration two other important factors in this issue—timelag in possible deployment, and ultimate cost.

By doing the research and development in place, we minimize loss of time in deployment of the system—if and when that deployment ever becomes necessary.

I have been assured by Defense Department spokesmen that my proposal for R. & D. in place would cost us no more than 5 months, and perhaps as little as 3 months, in deployment lagtime, whereas the Cooper-Hart amendment would cost from 12 to 18 months.

This feature of my amendment, it seems to me, should offer real assurance to those Senators who fear that the longer the deployment timelag the greater the danger to our national security.

This feature, I might point out, should not be considered as either hawkish or dovish. I would hope that it is considered simply prudent.

It has other practical aspects.

My proposal promises additional savings by precluding future duplication.

If research and development are to be conducted elsewhere than at designated ABM missile sites, it follows that should deployment at some time become necessary, much of the work already done would have to be duplicated on site.

By doing R. & D. in place, we automatically avoid duplication in time, in effort, and in money.

Moreover, R. & D. on site offers the military an opportunity to gain experience in handling the radar and computer equipment under field conditions, again saving time, effort and money.

Everything considered, Mr. President, I still feel as I did July 28 when I stood here and expressed my belief that the McIntyre amendment provided the common ground we needed to close the national chasm over the Safeguard anti-ballistic-missile system.

Let me repeat what I said then:

> I am not asking either faction to compromise principles on this issue. I am merely asking them to seek areas of agreement, and I sincerely believe there is a common ground which satisfies the basic concerns of both sides . . .
>
> On the one hand, my amendment makes it absolutely clear that Congress is withholding authority to deploy the system, and it therefore prohibits construction of any operational ABM missiles or parts thereof. And it freezes money and authority which the Pentagon now has to build missile sites and to acquire land other than the two locations needed to conduct research and development in place.
>
> And on the other hand, it authorizes research and development in place at Grand Forks, N. Dak., and Malmstrom, Mont. By so doing, it retains the option of deploying the system with minimal delay and at minimal cost should Congress later decide to deploy on the strength of new evidence of a clear threat to our deterrent.

Mr. President, one of the principal reasons why I have been sold on this point is that I do not believe, from the evidence submitted to me as a member of the Armed Services Committee, that the deterrent which Secretary Laird and those who are for the system say is threatened, is really anywhere near in as much danger as they make it out to be.

And so, Mr. President, again I say, there is common ground waiting for those who seek practical resolution—for those who want to avoid a direct rebuff to the President—for those who want unity instead of division—the division we saw here yesterday on the floor of the Senate. That common ground is to be found in my amendment. I ask my colleagues to support it.

Now, Mr. President, there may be those who say, in view of the defeat of all amendments offered yesterday, why bother? Why try yet another amendment?

I have already pointed out why I believe that the President, who is about to embark on talks with the Soviet Union on arms limitations needs more than a two-vote margin of support in the Senate. This morning's Washington Post carries a lead editorial entitled "The ABM: Winners and Losers." I ask unanimous consent that the editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE ABM: WINNERS AND LOSERS

Yesterday's series of votes in the Senate on the authorization for the Safeguard ABM had something for everyone, but not nearly enough. For each side made its point in a way so limited as to render it useless. The President "won" with a show of weakness (a two-vote margin); his opponents "lost" with a show of strength—but nonetheless they lost. Despite all the last minute drama and legislative high-jinks, it had been evident for a couple of weeks now that the crucial vote on the Hart-Cooper amendment (permitting Safeguard research and development, but forbidding deployment in the current fiscal year) would be inconclusive. That is not only because yesterday's action was just the first in a series of votes yet to come. Should the President get to the end of the line in the Senate with such "victories" as this all the way, the result would still be inconclusive. For he will not have won what he wants or even what he needs.

That this would be so was foreseen by Senator Aiken a few weeks back, when he announced that he was opposed to the Safeguard authorization in its present form (though not yet committeed to the Hart-Cooper approach) and when he offered to be the agent of some reasonable compromise. His vote projection may have missed the mark slightly, but his argument was sound:

"May I point out that if the United States enters into a conference with Russia looking to the control of armament and aimed at developing a less tense relationship between the two countries, that even though the legislation as written could be approved by as many as 51 or 52 votes in this Senate, which I doubt, we would be in an extremely weak bargaining position. I believe it is absolutely necessary for President Nixon to have a much larger vote of this Senate supporting him when we enter into such a conference."

Although we considered the provisions of the Hart-Cooper amendment—to which Senator Aiken finally repaired—too sweeping in their restriction, we believed he was right in urging an accommodation. We still do. There was plenty of room in the alternative language put forth by Sen. Thomas McIntyre for an accommodation to have been worked out—one that would not deprive the President of his option to proceed with the ABM (which was what he originally asked for) and yet which also would not have incorporated so firm and hard-to-reverse a commitment to the deployment of the system for the future. At that time, it was estimated on the Hill that Mr. Nixon might pick up between a dozen and twenty votes in this fashion, while relinquishing little that was of genuine importance. But the efforts of Senator Aiken, Senator Brooke and other ABM opponents to help bring about this result were rebuffed. The Administration determined to go for a close, rough victory in the Senate.

It could do worse than to ponder the small benefits it has gained. Even with a considerably larger favorable vote in the House, the Administration will not have achieved its principal aims. A sharply and closely split Senate vote on a question that has been made—as this one has been—a test of support of the President on a national security matter, can hardly be of much value in the international bargaining arena; it is not a lot to take to the arms talks. And its practical benefits are as limited as its diplomatic value. Mr. Nixon will continue to have the opposition of a huge portion of the Senate to this weapons system, and those legislators can be counted on to fight the Safeguard every step of the way via appropriations and other measures. So it is still by no means clear that his prevailing in the Senate on these early votes guarantees him the deployment option he so emphatically wants.

Now Senator McIntyre's measure is before the Senate. It is likely to enjoy the support of some Senators who voted for the Hart-Cooper amendment and who now are prepared to take this next step up toward the President's position. If Mr. Nixon could at this late date bring himself to endorse some version of this modified language and encourage his supporters to follow suit he could conceivably transform his narrow squeak into something more like a victory. Such a step could provide him the degree of Senate support he so evidently needs to move with confidence in the field of arms control—not to mention the field of national security and defense.

Mr. McINTYRE. Mr. President, there is yet another reason why I believe this effort to amend the bill before us should be made, and to those who yesterday supported the Cooper-Hart amendment, it is an important reason. It deals with the responsibilities of the Senate, and the Congress, under the Constitution.

Mr. President, section 8 of article 1 of the Constitution of the United States clearly and explicitly states where in the Government of the United States the responsibility is laid for raising and supporting armies, providing and maintaining navies, and making rules for the Government and regulation of the land and naval forces.

Section 8 places these responsibilities exclusively in the Congress.

One of the issues which has been raised in the consideration of the authorization for an anti-ballistic-missile system is how the constitutional responsibilities of section 8 should best be carried out.

Some Members of the Senate, with whom I respectfully disagree, believe that the Congress can meet its responsibilities under the Constitution by holding committee hearings, arriving at understandings covering broad, general areas with the Department of Defense, and enacting authorization bills under broad headings which are specific only in the dollar amounts involved.

It is my opinion that this procedure, while possibly appropriate in wholly noncontroversial areas, falls far short of the minimum constitutional requirements in those areas where controversy in the Senate would seem to require that congressional action be precise and specific.

Clearly, the voting which has taken place so far indicates that there is widespread disagreement in the Senate over the policy to be pursued by the military regarding any anti-ballistic-missile system. The Congress must exercise its control over this proposal.

I do not wish to get into a semantics argument about control. Certainly there is a measure of congressional control over the activities of the executive branch of the Federal Government in the setting of limits on the amount of money they spend, through guidelines contained in committee reports, and from legislative history as the legislation progresses through the Congress.

However, is this really control in the strictest meaning of the word? The Congress gives a great deal of latitude in what the various departments and agencies can do. The Congress allows, in most cases, the transfer of funds within the various departments and agencies at the discretion of the secretaries, administrators, and other agency heads. Of course, in most such cases, the transfers require either notification to or approval from the appropriate congressional committees. But even in such cases, the Congress as an institution is not required to make a decision.

Mr. President, the pending legislation in the Senate, the authorization bill for procurement and research and development for the Defense Department, contains authorizations amounting to more than $20 billion. The bill is four pages in length.

At the same time, a typical housing authorization contains authorization for about $4 billion, yet runs 65 pages in length. It spells out in great detail what can and cannot be done on housing.

So we in the Congress are quite familiar with the idea of exercising our constitutional controls through detailed legislation.

Mr. President, what I propose is that, particularly in this area where so much controversy exists, the Senate be more precise about its authorization than we are in the bill before us. I propose that we spell out, so that all of the American people can know, just what we are and are not permitting the Department of Defense to do.

The close vote by which the Cooper-Hart amendment was disposed of has implications in this regard which should be carefully noted. The fact is that the Senate is in great disagreement among itself about precisely what our policy should be. In such a case we have a greater responsibility than usual to spell out in detail just precisely what it is that we are approving.

Certainly the legislative history of this proposal is now unclear. Officials of the Department of Defense have stated that they are asking for little more than an intensified research and development program. The Secretary, I believe, has said that approval of this bill means the decision has been made to proceed with the full Safeguard program. And various views in between have been stated.

What my amendment intends to do and what I propose is that the Congress tell the Department of Defense, in the explicit language of legislation, just what our decision is.

My proposal for congressional decision is to permit the research and development of the Safeguard system's radars and computers in place in the first two designated ABM sites, and at the same time, clearly and explicitly prohibit the Department of Defense from taking any steps to deploy an ABM system.

In short, I propose that we exercise our constitutional responsibility of control fully, and not exercise it in the typical manner—year after year I have seen it—of handling military authorizations, where all of the basic decisions are left to the military departments.

I reserve so much time as I may have left.

Mr. STENNIS. Mr. President, I ask the attention of all Senators here. I am going to make a brief outline of what I think is the issue. First, however, I want to say that the Senator from New Hampshire has rendered a truly wonderful service on this bill as a whole. He has been to the very heart of the research and development program, which is the largest item in one category in the entire bill, and has done an outstanding job, as reflected by the report and by the bill, and as will be shown in further arguments and debates on items in the bill. I not only compliment him, but I thank him for that.

Mr. President, this matter is relatively simple. One word, though, about what the Senator said about the form of the bill, the few pages in it. There is a long legislative pattern behind that. With reference to the military construction bill—and that is the bill in the House the Senator referred to—they spell out and we spell out what we call line items; even a runway being extended a few hundred feet would appear as a line item, with a definite authorization for that purpose. That is all right. That is the way they keep up with it.

Over here our system is nonetheless complete and nonetheless specific. The same rule applies in the House; and in the Senate, with reference to these procurement items, which are so numerous, and the research items, which are so numerous; we have the bill with a lump sum for each category before us now, and the appropriation bill carries on in the same way. Many of the items in this bill will still be in the abbreviated bill. This is important, Mr. President. Back in the hearings, the testimony, the exhibits, the files, there is a minute history and a specification of all these dollars, item by item.

That is brought forward in summary in the report, and it is just as definite, as specific as it can be made. That is true of the House bills on authorizations and appropriations, and I have never known of an instance where the Defense

Department, under any Secretary, has violated that reported record, the legislative history, the reports, in any way.

So Congress is being just as specific under one system as it is under the other. There is no doubt about it now; we know exactly what is authorized here in phase I. The Department of Defense cannot be misled. They cannot be in error. They cannot avoid knowing, and we know it; your committees know it, and we keep a surveillance over these things. That is more or less the law of necessity that we follow here, in having the bill abbreviated; but the record is totally complete.

The Senator from New Hampshire, as I have stated, has done fine work on this measure. He mentioned the fact that in his mind, the threat has not been proven to be so great, and that he did not have as strong a conviction on that as some of us do, and therefore did not feel this urgency for the deterrent which is believed necessary by some Senators. That is a clear-cut statement, and I commend him for bringing out exactly how he feels. But I think that explains why he wants to put these limitations on this program.

If I may have the attention of Senators, I have a key point here: Just a few hours ago, 51 Senators put their stamp of approval on phase I. That was the effect of the vote. Phase I is what is in the bill with reference to the ABM.

All the way through, my position and my belief has been—and it is shared by a majority of the committee—that we will stand on phase I, that that is what is needed. That is why there was no committee amendment to the House bill, and why no amendment by the committee was offered from the floor. We have stood on phase I; and that is the very thing that was approved yesterday in writing by the recorded vote of the Senate.

Phase I is limited, just as low as it can be limited if we are going to move at all beyond pure research and development. The McIntyre amendment comes along, though, and goes back behind what was done yesterday, and cuts some pieces out of phase I. That is a quick summary of what it does. It goes back into the matter and takes out a part. The main thing is no silos, under the McIntyre amendment, even for the two missile sites in phase I.

No silos for missiles in phase I; that is the major point involved in this amendment, as I see it. We had a very fine debate on this issue, with everyone stating his sincere convictions, and amendments in varying degrees proposed; and then the vote was taken, and the decision was made. My point is, let us not go back into the phase I. I stand on phase I and on phase I alone. That has been my position.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. STENNIS. Yes; I yield to the Senator.

Mr. FULBRIGHT. Just to clarify for my information a little bit more the distinction, what is the difference between what the Senator calls phase I and what is allowed by the McIntyre amendment, or, to put it another way, how does the McIntyre amendment restrict or alter phase I? Is it only as to the silos, did I understand the Senator to say?

Mr. STENNIS. Well, there may be other restrictions.

Mr. FULBRIGHT. I am very much interested as to what the distinction is.

Mr. STENNIS. I said that was the major one. According to my notes, the McIntyre amendment leaves in all the money except $2 million. That $345.5 million, it cuts down $2 million, in round figures, but it leaves in $343.5 million, which, by the way, the Cooper-Hart amendment would have taken out.

As to how that $2 million would be spent, that is the $600,000 that we have referred to here in the base about the long leadtime items with reference to the missile itself, which is a very small item, and the $1.4 million to make up the remainder of that $2 million was for the launch facilities. So that is the difference with reference to the money: the launch facilities and the $600,000 item.

Leaving out the silos for the missiles for phase I, it seems to me that that is the most important item that could be affected.

Mr. FULBRIGHT. This is what confused me; perhaps I do not understand it: the missiles the Senator means are additional silos for Minuteman?

Mr. STENNIS. No, no.

Mr. FULBRIGHT. What are the silos for, that the Senator says will be prohibited?

Mr. STENNIS. These silos are for the Spartan missiles.

Mr. FULBRIGHT. Oh.

Mr. STENNIS. The Spartan missiles themselves. If I used the word "Minuteman," that was in error. I do not think I did.

Mr. FULBRIGHT. It is Spartan missiles?

Mr. STENNIS. It is Spartan missiles, yes. I said silos, but it is for the Spartan missiles.

Mr. FULBRIGHT. Then the restriction that the Senator objects to in the McIntyre amendment is no provision for silos for Sprint missiles or Spartan missiles, or both?

Mr. STENNIS. Yes, both of them.

Mr. FULBRIGHT. Both?

Mr. STENNIS. Some of both of them, yes.

Mr. FULBRIGHT. Otherwise, you get everything else phase I provides for?

Mr. STENNIS. It is the money I have talked about.

Mr. FULBRIGHT. Is that money to buy land, sites, and so on, build roads, and all that?

Mr. STENNIS. No, this money that I refer to is not to buy land or anything like that.

Mr. FULBRIGHT. Is there any money to buy land in the bill?

Mr. STENNIS. No, there is not any money in this bill to buy land. Not any.

Mr. FULBRIGHT. Well, then, I do not see any great difference between the McIntyre proposal and phase I of the administration's bill.

Mr. STENNIS. Well, there is a great big difference here with reference to these silos for the Spartan and Sprint missiles.

Mr. FULBRIGHT. The Senator thinks it is a very substantial difference?

Mr. STENNIS. Yes, I do. I think it is a tremendous difference.

Mr. FULBRIGHT. If it is that big a difference, I might be inclined to vote for the McIntyre amendment. I was not sure there was any difference. I was under the impression that it was about the same as what is in the bill. That is what I wanted to tie down.

Mr. STENNIS. I think there is an appreciable difference.

Mr. FULBRIGHT. I see. A big difference?

Mr. STENNIS. And I think the matter has really been passed on by the vote yesterday.

Mr. FULBRIGHT. It was hard for me to see what the difference is, but if it is a real restriction, I think I shall be inclined to vote for it.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from North Carolina.

Mr. ERVIN. Mr. President, the McIntyre amendment, as I understand it, would allow us to proceed with the development and testing of the ABM and would allow us to acquire sites for the ABM. However, it says, "You cannot install them so they can be used."

It is like the old story of the colloquy between the mother and the daughter.

The daughter said, "Mother, may I go swimming?"

The mother said, "Yes, my darling daughter. Hang your clothes on the hickory limb, but do not go near the water."

That is what the McIntyre amendment proposes.

Mr. STENNIS. Mr. President, I think that the matter has been fully covered and that the items are very clear in the report and the analysis of the Senator's amendment.

I think the whole matter is before the Senate. If anyone wants some time, I will be glad to yield to him at this time.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 5 minutes.

Mr. THURMOND. Mr. President, I have great respect for the distinguished Senator from New Hampshire. However, I think it would be a great mistake if the Senate were to adopt his amendment.

The approach adopted in the proposed amendment is such that it will cast a cloud of ambiguity over the entire Safeguard developmental effort. The body of the authorization bill authorizes certain expenditures for the Safeguard system in general terms; the proposed amendment purports to redefine and limit this authority by an enumeration of activities for which funds may be used. By implication, therefore, expenditure for anything that does not appear on the list of enumerated activities is unauthorized. The list contained, and the language used, in the amendment appears, on examination, to be so incomplete and ambiguous as to raise serious difficulties with implementation and to cast doubt on the authority to conduct certain necessary developmental and preproduction activities.

The following are examples of the practical problems of interpretation and ambiguity that would arise under the amendment:

First. S. 2546 in its title states that the authorization of test facilities at Kwajalein is a specific purpose of the bill and this is implemented by section 203. Yet the absence of language in subsection (a) of the amendment specifically authorizing funds to be spent for such facilities and R.D.T. & E. effort on radar and missiles at Kwajalein, coupled with the further limitation in subsection (b) forbidding the installation of "equipment described" in subsection (a) (1)—that is, radars, computers and related electronic equipment—at "any proposed anti-ballistic-missile site" other than Grand Forks and Malmstrom, could lead to the conclusion that construction and installation of facilities at Kwajalein is unauthorized. These additional facilities at Kwajalein are required for essential system tests with radars and missiles.

Second. Likewise, the provision in subsection (b) limiting the installation of "equipment described" to two specified sites may preclude the establishment of essential modifications to training facilities; it may also prohibit the modification of existing command and control facilities and the production and installation of the tactical software control site at Whippany, N.J., which is essential to the developmental testing program.

Third. Subsection (a) (2) raises even more serious ambiguities. This is the only portion of the amendment dealing with what is permitted in the way of preproduction and production type activity. It permits "preproduction expenses"—an ambiguous term—but only for missiles. Considering that subsection (a) (1) permits funds to be used only for research, development, testing, and evaluation of system components such as radars, computers, and related electronic equipment, but not for production of these items, it is unclear how funds, particularly PEMA—procurement equipment missiles, Army—funds, can be used to procure these items for the Grand Forks and Malmstrom tactical sites. The amendment is silent with respect to production engineering and preparation for manufacture of nonmissile items such as radars and computer. Absence of such authority would have a serious impact on timely future deployability of the system.

Fourth. There is no specific authorization for funds to be used for development or procurement of necessary and ancillary supporting facilities that are not "related electronic equipment."

Fifth. This amendment could be interpreted as preventing the accomplishment in fiscal year 1970 of survey, advanced engineering and site selection for phase II sites. If this site selection activity is not carried out in fiscal year 1970 on several of the phase II sites, there will be several months of delay in proceeding with these sites if their later deployment is approved.

Mr. President, I am convinced that there should be no further delay. As I have stated heretofore in debate in the Senate, we have delayed now for longer than we should have.

The Soviets are at least 5 years ahead of us. They have an ABM system already built, developed, tested, evaluated, and deployed. Their system is in operation now.

Mr. President, again I repeat that this is a purely defensive weapon. If we build the ABM weapon and the enemy never sends a missile over here, we shall not have to use it. This would be well and good. We shall have protected our people. However, if we build the ABM missile and the enemy does send missiles here to destroy our people and our country, we shall then be most thankful and the people of America will be most grateful, that the United States had the foresight to build an ABM system.

Mr. President, I hope that the Senate will not delay longer moving forward to deploy this important weapon which will mean so much to the national security of our Nation.

Mr. McINTYRE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 5 minutes.

Mr. McINTYRE. Mr. President, first I thank the distinguished chairman of the committee, the Senator from Mississippi (Mr. STENNIS) for the kind remarks he has made concerning my efforts on this particular authorization bill.

It is no news to Members of the Senate that working with the Senator from Mississippi is an experience that helps any man become a better Senator. And it is an experience in which one always finds himself being handled fairly and squarely.

I find it a great honor to serve on his committee.

With reference to the remarks of the distinguished Senator from South Carolina, I feel that he has made a rather tortured criticism of the amendment as offered.

On page 2 of the amendment where we talk about restricting the use of anti-ballistic-missile sites, we are talking about the fact that the overall ABM proposal has many proposed antiballistic missile sites.

The amendment restricts the use of these sites specifically. And it says so clearly and unequivocally on page 2 that the equipment described in the first subsection—the radars and the computers—that eventually will be moved in there are restricted to only two proposed antiballistic missile sites at which they may be installed—one at Grand Forks Air Force Base, N. Dak., and the other at the Malmstrom Air Force Base, Mont. There are no restrictions on the use of sites such as Kwajalein for research and development, sites which are not intended to be part of a deployed system.

In his remarks, the distinguished Senator from North Carolina referred to a young lady who wanted to go swimming, and her mother advised her that she could hang her clothes on a hickory limb, but that she should not go near the water.

I suppose his criticism is that my amendment is restraining, that my amendment is trying to control. But the experience we have had in the last 3 or 4 years indicates that once the Pentagon has hold of such a mammoth project as this anything can happen—as our distinguished chairman knows, we face overruns in the C-5A of over $2 billion.

If Secretary Laird meant what he said when he said that a vote for the bill is a commitment to build this system, goodness, gracious, what may be the overrun on the ABM system.

So I am surely like the mother who says to her daughter:

> Hang your clothes on a hickory limb.

My amendment is intended to be restrictive, by specifically mentioning in the amendment what can and cannot be done.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. McINTYRE. I yield.

Mr. FULBRIGHT. The Senator has raised a very critical point. From one point of view, as the Senator from Mississippi and the Senator from New Hampshire have said, it is restrictive. From the other point of view, it authorizes two bases. I came to the Chamber expecting to vote against it, on the ground that I do not wish to be responsible for authorizing, specifically and affirmatively, two bases which are intended to be operative bases, evidently; otherwise, they would not be at these particular points. So I did not want to be responsible for someone saying to me next year, "Look, you voted for this silly system that is obsolete, and you wasted $10 billion." Insofar as I can, I do not want to have to say, "Yes, I did." I have made enough mistakes without knowing it. Here is one that I know is a mistake—to throw $6, $10, or $20 billion on two, five, or 10 bases. This is the point at issue.

If I could be convinced that the amendment truly is restrictive in a meaningful way, and I could justify that in the future, as I have said to the Senator from Mississippi, I would be inclined to support the Senator, because that is what I want to do. I tried that yesterday. We tried to restrict this whole system. Now the Senator has fallen back into a fallback position, and the Senator says he really restricts.

I wish the Senator would elaborate on that. What could I say 5 years from now, when this thing perhaps will have been proved to be a wholly ineffectual system and a waste of money? How could I then defend myself against the charge that I voted for the deployment in two bases and wasted $5 billion?

Mr. McINTYRE. Let me respond to the Senator from Arkansas by saying that the amendment is in the nature of a compromise. It tries to give to those who feel as deeply as the Senator from Arkansas some of the restrictions they would like to see applied on this system, what we might consider the future mammoth sophisticated defensive weapon. At the same time, it turns to the proponents and says: "We recognize that you may be right about a threat we may have to meet in 1975. So"—if I may speak metaphorically—"while we, Congress, take the reins on this ABM—we give you a little leadtime now. Go ahead and install"—I prefer the word "install" rather than "deploy"—"at two sites"—and I prefer "sites" rather than "bases."

The PRESIDING OFFICER (Mr. Cotton in the chair). The time of the Senator has expired.

Mr. McINTYRE. I yield myself 5 additional minutes.

We say: "All right, go ahead. You say you have the technological base; you know what you are going to do to the MSR and R. & D. Start to put your footings in and start to plan, but keep it completely at computers and radars. Do not talk about any missilery or any weapons."

This resolves two things that bothered me with respect to this issue. The first is that I could not quite accept the severity of the threat. It gives me another year to examine the hard facts of what those SS-9's are all about. The second is that it gives us a chance to see if, somehow, the Soviet Union can sit down at Geneva with us and we can begin to talk sense about missile limitation.

So in the bill, in this amendment, we have tried to say—and I think we say it succinctly and explicitly—what the Pentagon can do.

As the Senator from Mississippi pointed out, there is a substantial difference so far as the proponents are concerned, because they do not like this control, and there is this $15.6 million—it is a small saving in this day.

Mr. FULBRIGHT. It is very small in this bill.

Mr. McINTYRE. But if we examine the practical effects of this amendment in view of our experience this year, what do we see? If we examine where the opponents of the ABM were 2 or 3 months ago, with 20 or 30 votes, and where they crested yesterday at 49 or 50, my amendment gives those who oppose this mammoth system the opportunity to reaffirm, 1 year from today, when the same authorization bill is before the Senate again, that, No. 1, they have broken the precedent. We no longer have four pages with big numbers. We have in here specific language prohibiting deployment. It gives the opponents an opportunity to say: "Let us look again at the picture. Our intelligence says that the threat is no longer so obvious. The SALT talks are going well."

Why should not this area of the compromise be attractive to those who want to restrict, who want to hold back on this ABM system? I think it is illogical for those who do not want to see the ABM deployed, to turn around and vote "nay" on this amendment, when such a vote would in effect, approve of deployment, and give the Pentagon its usual ability to run the show.

Mr. FULBRIGHT. On the question of reevaluation next year, is there any way we can get an evaluation by anyone other than people who are directly interested in this deployment?

The Senator from New Hampshire will recall the suggestion made by Dr. Killian in one of our hearings, that there should be an independent, non-Pentagon board of scientists and qualified people to evaluate the effectiveness of this kind of system. Does the Senator recall that?

Mr. McINTYRE. Yes; I recall.

Mr. FULBRIGHT. Is there anything in the bill, or would it be inconsistent with the Senator's amendment, that, after this year, somebody other than Dr. Foster, for example—who is intimately concerned and committed to this—could evaluate whether or not this business is practicable?

Mr. McINTYRE. The Senator has in mind a forward-looking commission. I could not agree that we stop everything now and have a commission decide what we should do on this bill.

Mr. FULBRIGHT. The Senator is saying then that we should hold up nothing except what he specifies for a year, and take another look a year from now?

Mr. McINTYRE. That is what I propose.

Mr. FULBRIGHT. Will the same people be looking at it this time as have been looking for the past 25 years and have spent over a thousand billion dollars, or will it be some independent board of qualified people, such as Dr. Killian and his associates, people who are not in the employ of the Joint Chiefs of Staff? That kind of review would reassure me that we would at least have some kind of objective judgment upon this kind of system.

Mr. McINTYRE. I have no opposition to the use of a board of experts—perhaps a blue ribbon board—that could be an adjunct to our Defense Department.

I do not have the misgivings about our Joint Chiefs of Staff that the Senator does. I have found them, over the years, to be extremely able and capable. But that is really irrelevant to the amendment.

Mr. FULBRIGHT. I do not want to be misunderstood. In their performance of their functions, the Joint Chiefs of Staff are very able. I make no criticism whatever of the Joint Chiefs of Staff.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. I was directing my remarks to the judgment on this missile system, which I do not think is the primary baby of the Joint Chiefs of Staff. It is primarily the baby of certain scientists, led by Dr. Foster, and they are people who are inordinately interested in research of all kinds. There are 12 different kinds of missiles in this bill aside from the ABM—perhaps more, but at least 12. Perhaps there are 24. There are four pages dealing with it. These are gimmicks in which they are interested.

It is similar to when I first flew a kite. An extremely interesting concept of aerodynamics is involved in what makes a kite fly.

I never did understand it. Maybe I do not understand it yet, but it was interesting.

Dr. Teller expressed it best of all in connection with the nuclear test ban treaty when he said that nothing should stand in the way of research and the pursuit of knowledge, not even 100 or 200 million Americans or anybody else. He was against any kind of restraint upon research and the pursuit of knowledge, and this is understandable.

I am not criticizing them for that. We should recognize that is their attitude; that they are not responsible for the solvency of the United States or they are not responsible for judging this activity or the other. They have their responsibility and do it. I am not criticizing them. Our responsibility is different. The Senate should exercise its responsibility and make this kind of policy judgment.

If the Senator's amendment is a substantial restriction upon the deployment of a system which is very dubious, I am inclined to support it.

Mr. McINTYRE. The Senator should support it because, as the Senator from Mississippi said, there is a difference.

Mr. FULBRIGHT. This is where I came in. I thought the Senator was affirming this program and I was going to vote against the amendment. Now I am puzzled.

Mr. McINTYRE. This amendment moves in the direction the Senator is talking about, in the direction of restrictions; giving time for a blue ribbon committee or board to overlook the matter and give us advice.

Mr. FULBRIGHT. I wish that were possible.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McINTYRE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 29 minutes remaining.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. McINTYRE. I am happy to yield to the distinguished Senator from North Carolina.

Mr. ERVIN. Mr. President, I would like to ask the distinguished Senator from New Hampshire if the American people, acting under their Constitution, do not elect Members of the Senate and the House of Representatives to make decisions of the kind the Senator from Arkansas mentioned—not Dr. Killian or blue-ribbon commissions?

Mr. McINTYRE. I think that is an interesting question although, of course, the Constitution does so provide. However, I have to admit regarding questions which involve technology and scientific work, such as the ABM, that I need all the technical help and advice I can get. I have heard that same thought echoed in the discussions in this Chamber by others.

Mr. ERVIN. Cannot congressional committees obtain the testimony of Dr. Killian and others?

Mr. McINTYRE. That has been suggested.

Mr. ERVIN. I understood the Senator from Arkansas to suggest that the Senator from New Hampshire should amend his amendment to create a commission to safeguard the people of the United States against the Pentagon.

Mr. McINTYRE. If that is what the Senator from Arkansas meant I would have to disagree. I thought he was talking about a blue-ribbon committee that would be scientifically trained, which could objectively appraise this matter and report. I did not mean and I do not think the Senator from Arkansas meant to toss the decisionmaking process over to this blue-ribbon committee.

Mr. FULBRIGHT. The Senator is correct. During the hearings, Dr. Killian, who was an adviser in the Eisenhower administration, suggested this matter is dubious and questionable—and he took not nearly as strong a position as others. He said that certain aspects of this proposal, particularly the computers and radars, are not completed or designed and that before a decision is made it should be subjected to at least a year's study by qualified scientists as to feasibility, practicability, and operability.

This appealed to me as a very sound thing to do, but it has not been followed. The Senator will remember that last year I asked the chairman of the committee if his committee had hearings with any outside scientists before the committee. The only people brought before the committee last year were scientists on the payroll of the Pentagon, either direct or indirect. I say they cannot have an objective judgment. We were all looking for objectivity as to workability.

Mr. McINTYRE. I do want to say that this year in committee hearings, both public sessions and executive sessions, I really appreciated the appearance of the various experts in this field who testified pro and con. It was helpful to me in trying to decide this difficult question.

Mr. FULBRIGHT. I understand. The chairman of the committee said last year he was going to do it. I think this is a great step forward and it is much better to have a variety of opinion and not just opinions of employees of any organization, whether it be the Pentagon or any other organization.

Mr. CASE. Mr. President, will the Senator yield?

Mr. McINTYRE. I yield 2 minutes to the Senator from New Jersey.

Mr. CASE. I thank the Senator. I wish to approach the matter from a slightly different angle. I am impressed with the distinguished Senator from New Hampshire, and, to some extent, I think he has been joined by the Senator from Massachusetts in trying to work out something that more closely meets the feelings on all sides on this important matter.

But when the Senator put the emphasis on the radars and computers, and excluded the deployment of the missiles in this coming fiscal year, many of us got a uniformly adverse reaction on the ground that putting these computers and radars in place at a very great cost would be a deterrent to the kind of research for the design of a system which would be likely to work better than the Safeguard for the purpose of defending missile sites. The Senator from New Jersey has found that argument a very persuasive one, and up to now at least is disposed to vote against the amendment of the Senator.

I would be glad to have the Senator respond.

Mr. McINTYRE. Mr. President, I yield myself 2 minutes to respond.

I think the Senator has put his finger on a key point as far as my amendment is concerned. I recognize the difficulty many Senators had with what I would call the credibility of the radars, MSR and PAR. But I had to weigh in my mind the threat, the possibility of facing something in the mid-1970's which America would have to react to, something the Soviets could do. I said to myself—and the Senator knows how much time is consumed on these projects—let them install the radars. It can't be completed this year. There will only be footings in there nine months from now. But give them authority to install radars and in the meantime carry on the research. I am trying to accommodate the possibility of a threat along with trying to restrict the unleashing of another gigantic weapon.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. McINTYRE. I yield 1 minute to the Senator from Arkansas.

Mr. FULBRIGHT. The best authority, even the one recommended by the Under Secretary of Defense, Dr. Panovsky, said that the present radar, the radar as now designed, was designed for the old Sentinel and is utterly useless for the Safeguard. I think I am not overstating what he said. He said that it would be foolish to install the present MSR. He thought this was to be purely an experimental installation to see if a workable MSR could be designed, and that it was not intended to install one until it was developed.

Mr. McINTYRE. Actually, the one being developed is subject to change day by day as improvements are made. MSR's or radars are going to do this job. One is under test in Kwajalein.

Mr. FULBRIGHT. They were for the Sentinel. They were not designed for Safeguard. Is not that correct?

Mr. McINTYRE. The Senator is saying that there should not be any installation.

Mr. FULBRIGHT. It is purely a redesigning proposition. They should not be installed until they are redesigned.

Mr. McINTYRE. I understand. But this amendment is in the nature of a compromise. It tries to reach a common ground and tries to impose some of the restrictions the Senator would like to have.

Mr. President, does the Senator from Massachusetts desire to have me yield time to him?

Mr. BROOKE. Yes.

Mr. McINTYRE. I am happy to yield to the distinguished Senator from Massachusetts.

Mr. President, how much time remains to me?

The PRESIDING OFFICER. The Senator from New Hampshire has 19 minutes remaining.

Mr. McINTYRE. I yield 10 minutes to the distinguished Senator from Massachusetts.

Mr. BROOKE. Mr. President, we have now reached the near-deadlock on the ABM issue which many have foreseen for weeks. So far as this issue itself is concerned, yesterday's decisions may well prove to be a pyrrhic victory for the proponents and a futile effort for the opponents of ABM. But however one describes the outcome, no one can feel satisfied that so grave a question, of such immense implications to this Nation and the world, has become the focus of such serious division in our ranks.

From the days of the Founding Fathers on, a cardinal rule of American politics has stressed the importance of a strong domestic consensus on issues affecting the national security and foreign policy of the United States. The need to develop such a consensus has been well understood by virtually every generation of Americans. We all have known that the capacity of representative government to deal with other governments, particularly totalitarian regimes, may be badly impaired by internal dissension. We now have laid bare the full extent of disagreement within the Senate over the proposed deployment of the Safeguard system.

But, as I argued in yesterday's debate, there is neither necessity nor wisdom in leaving the issue where it now stands. The narrow verdict rendered yesterday should not be allowed to stand. It serves neither the administration's nor the Nation's interest to leave the issue at the point of maximum tension. Such an outcome can only damage the administration's authority and capacity to pursue a vigorous diplomacy in this realm. It is likely to portend repeated conflict and disagreement on successive issues related to the ABM. It has already been made clear that the struggle will continue through the appropriations process.

The lean majority that held sway in this body yesterday faces a dismal and draining prospect indeed: it will always have to have its troops at the ready for any later vote bearing on the ABM, for there is always the prospect that, if illness or absenteeism strikes their ranks, the balance will shift abruptly and decisively against the ABM. I ask the Members of the Senate who prevailed yesterday if that is really their preferred course.

If the present decision on the ABM is left intact and becomes the sole measure of Senate sentiment on this question, the entire tenor of legislative-executive relations may be adversely affected. A bloody, protracted, and maiming battle on the ABM cannot serve the goal of healing the domestic divisions which have so impaired our ability to meet our responsibilities at home and abroad.

In short, as Senator AIKEN and others have tried to make clear, there is a compelling need to seek a new basis on which the Senate can work its will by a substantial majority. To do this will require that the question before the Senate be altered. It will have to take account of the deep concern of those of us who urge restraint in order to explore further the possibility of meaningful strategic arms limitations, and the equally deep-seated concern of those of us who feel that a beginning on ABM deployment should be made now, either as a presumed spur to the negotiations or as a hedge against their failure.

Viewed in these terms, the question would become: How can we keep open the option of timely deployment of an ABM system without a premature commitment to deployment and without stimulating the arms race? That is the question that would chart the path to consensus; it is that question which outlines the potential accommodation which so many diligent Members of this body have sought for months. There can be no accommodation unless both sides display the flexibility essential to democratic decisionmaking.

That is the question which the distinguished Senator from New Hampshire is putting to the Senate. For many weeks, beginning in the Armed Services Subcommittee on Research and Development, Senator McIntyre and I have explored the possibilities of devising a reasonable middle ground. My staff and I, as well as Senator McIntyre and his staff, have conducted innumerable conversations with responsible authorities in the administration as well as Members of the Senate. The McIntyre formula is the only proposal yet advanced that meets the fundamental requirements of both sides to this intense dispute.

For the opponents of ABM it would explicitly reserve a decision on authorizing actual deployment of ABM weapons and would delay a decision on acquiring all the sites for the proposed Safeguard system. Thus, this formula would provide by statute that Congress is committing the Nation only to a test and evaluation of the radars, computers, and associated electronics. It would lay the groundwork for resolving or confirming many of the technological questions which have been raised against the system. At the same time it would go far toward meeting the political objectives of those who are worried that a start on Safeguard at this time could jeopardize or complicate the SALT talks on which many of us have placed so much hope. With this language in the bill the Soviet Union would have a clear signal that the United States is exercising restraint, that it prefers to await developments in the arms negotiations before proceeding beyond a test program for the ABM, and that Congress is definitely retaining its authority for subsequent decisions in this matter.

For the proponents of the Safeguard system, this proposal provides ample authority to take every necessary step the President has proposed for fiscal 1970. It would not disrupt the schedule he has proposed. Secretary Packard acknowledged after one Armed Services Committee meeting that the program could tolerate a delay in acquiring additional sites. Further conversations with Dr. John Foster have made clear that, so far as those other sites are concerned, the only authority required for fiscal 1970 is to do advance surveys.

The only argument for actually acquiring those additional sites is one of economy; it may be cheaper and more convenient to do so now rather than later, if need be. But if those sites are purchased in fiscal 1970, it significantly undermines the President's strong assurances that he contemplates a phased program, with a review every year in light of technological, political, and strategic developments. We should not erode the President's important political standards for this program by allowing relatively trivial economic considerations to cast doubt on the phased plan for the program.

It is also clear, as Dr. Foster has confirmed, that there is no necessity to decide now whether an actual deployment of missiles should be undertaken.

Thus this proposal would meet every central concern on both sides of this great dividing line. It would make clear that Congress would decide later whether actually to deploy the weapons for the first phase of Safeguard.

But by leaving intact the President's authority to begin a full-scale test and evaluation of the radars, computers, and associated electronics at the first two proposed sites, it would keep open the option of having the Safeguard system deployed, if it proves necessary, on precisely the schedule proposed by the administration. Mr. Packard, Dr. Foster, and every knowledgeable proponent of the system will acknowledge that what they are in fact seeking is the right to test and evaluate the main elements of this system. If they do not prove out, the President would presumably not proceed further with it.

Surely it should be clear to both sides that this redefinition of the decision we are taking is a commonsense resolution of the great dispute we have seen develop on this issue. It would help remove for the coming months a point of the most severe contention in the Senate and the Nation. It would lubricate the relations between Congress and the administration. It would come closest to the maximum feasible consensus presently achievable in this body and would provide the basis for an active diplomacy in the impending arms negotiations.

Let us not blindly reject the resolution of our differences which Senator McIntyre's recommendation offers us. Let us recognize the wisdom of his healing suggestion. Let us all—yesterday's losers and winners—move on to a greater victory for the Senate and the country by forging a consensus on this promising middle ground.

Mr. McINTYRE. Mr. President, I thank and commend the distinguished Senator from Massachusetts for his remarks. I may say that the Senator from Massachusetts and I have served on an ad hoc subcommittee named by our distinguished chairman to look into the research and development portions of the authorization bill. I believe that as a good share of our efforts and time were spent on this question, we came to think in terms of finding a compromise that might somehow heal what we felt to be a sharp division in the Senate. I have found the Senator from Massachusetts to be a great help and adviser and a mountain of strength as we tried, quietly, in our own way, to bring the two sides together.

I now yield 3 or 4 minutes to the distinguished Senator from South Dakota (Mr. McGovern).

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 4 minutes.

Mr. McGOVERN. Mr. President, I intend to vote in favor of the amendment offered by the Senator from New Hampshire (Mr. McIntyre).

The vote yesterday cannot be construed as a convincing decision on this important issue. The Congress and the country remain deeply divided over the wisdom of moving ahead now with deployment of an anti-ballistic-missile system. There has been no resolution of the very serious questions raised during this debate over Safeguard's technical effectiveness, its vulnerability to any serious effort the Soviets might mount to neutralize our Minuteman force, and its potential for mischief in connection with the arms race and the forthcoming strategic arms limitation talks. For these reasons those who have supported deployment will, if they are prudent, support this modest congressional limitation suggested by Senator McIntyre.

Those of us who supported the Hart-Cooper amendment should certainly support the Senator from New Hampshire who voted with us yesterday.

None of us has altered his views. I still regard the Safeguard system as a major national blunder, and I intend to continue fighting it at every opportunity. But if we cannot eliminate the authority to begin deployment of phase I, the next best step is to narrow that authority.

The McIntyre amendment is in line with this purpose. It is carefully drawn to allow only preparation of sites and deployment of long lead-time items, including missile site radars and perimeter acquisition radars. It specifically prohibits construction of any operational ABM missiles and it freezes existing authority to build missile sites and to acquire land other than at the two locations in North Dakota and Montana.

I regard that as significant. In the context of the arms talks, it assures the Soviet Union that this country will not have an operational anti-ballistic-missile system of any kind until the Congress authorizes it. We retain, during the critical period when discussions will be getting underway, the right to exercise our judgment again. It should convince both the Soviet Union and the Nixon administration that we are serious about turning another corner on the dangerous, and enormously expensive arms race of the past 25 years.

In addition it provides additional time for the technical problems to become apparent and for the case against deployment to be made again. I am fully confident that the growth in opposition to the ABM which has occurred during the past year will continue. The vote yesterday does not mean that Safeguard will be deployed; it means that more months must pass while we continue our critical examination.

I urge my colleagues on both sides of this issue to join in supporting Senator McIntyre's amendment.

Mr. McINTYRE. I thank the the distinguished Senator from South Dakota. I know how deeply he has felt about the ABM and its possible deployment, and I am especially pleased that he can see his way clear to vote for what I consider to be a sound compromise on this important issue.

Mr. President, I am informed that the distinguished Senator from Mississippi is about ready to yield back his time. I believe I have about 3 or 4 minutes left. Is that correct?

The PRESIDING OFFICER. The Senator has 3½ minutes left.

Mr. McINTYRE. I would like to reserve those 3½ minutes at this time, and suggest the absence of a quorum, reserving those 3½ minutes for a final summation.

The PRESIDING OFFICER. From whose time would the time for the quorum call come?

Mr. McINTYRE. Mr. President, I ask unanimous consent that the time for the quorum call not be charged to either side.

The PRESIDING OFFICER. Is there objection?

Mr. TOWER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STENNIS. Mr. President, I do not understand the purpose of a call for a quorum.

Mr. McINTYRE. A call for a quorum just before the vote. I have about 3 minutes left. I am about ready to yield my time back after a brief summary, just as the Senator from Mississippi is.

The PRESIDING OFFICER. The Chair is informed that, under the precedents of the Senate, the Senator has not time enough left to have a quorum call on his time.

Mr. McINTYRE. What about time on the bill?

Mr. STENNIS. Mr. President, frankly, I think it is in order to have a quorum call before the vote.

The PRESIDING OFFICER. After all time is yielded back, there will be a quorum call.

Mr. STENNIS. I am ready, then——

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MANSFIELD. I think the Senator from New Hampshire was under a misunderstanding, perhaps due to what I told him, but if the Senator will be kind enough to allow a 2-minute quorum call, it would clear the situation and give a few Senators an opportunity to get here and the Senator can complete his remarks.

Mr. McINTYRE. Is that agreeable?

Mr. STENNIS. Yes. Does the Senator want to use a little more time?

Mr. McINTYRE. Yes. I would like to address a few more Senators than we have present.

Mr. STENNIS. Yes; I agree to take a few minutes for a quorum call.

The PRESIDING OFFICER. Just so the Chair may understand, the Senator from Mississippi is yielding 2 minutes out of his time in order that there may be a quorum call?

Mr. STENNIS. The Chair is correct. I yield 2 minutes for the purpose of a quorum call the beginning of a quorum call—so the Senator from New Hampshire may have the advantage of it in using the rest of his time.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McINTYRE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 3 minutes.

Mr. McINTYRE. Mr. President, is my understanding correct that the Senator from Mississippi is about ready to yield back the remainder of his time, after a short closing summation?

Mr. STENNIS. Mr. President, I would not yield back my time as long as the Senator from New Hampshire is using his remaining time. If he wants to yield back his remaining time now, I will yield mine back now.

Mr. McINTYRE. Mr. President, I have presented this amendment for the consideration of the Senate primarily, and from the very beginning, in order that both sides on this sharply divided issue might have a chance to come together and give the President of the United States the sort of backing and authority that he needs in these critical times.

My amendment does restrict the Department of Defense in what they can do as they undertake to put together this highly sophisticated ABM system. It restricts them in such a fashion that those who tried so mightily yesterday to keep the matter entirely in research and development should find it possible to vote for my amendment.

However, my amendment also and very importantly recognizes the possible threat of the mid-1970's, and permits, under a restrained hand, the beginning of installation of the radars and computers at the two sites, Grand Forks and Malmstrom.

This amendment should meet the requirements of common ground on both sides, and do it without violating any of the principles that are in the minds of those who fought so valiantly yesterday.

Mr. President, a "no" vote on this amendment is a vote for deployment. It is a negative vote for deployment. It is giving up the fight. In its essence, a "no" vote is for taking away strict congressional supervision and control of this gigantic new weapon, and leaving it in the hands of the Pentagon.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has used all of his time.

Mr. McINTYRE. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. MONTOYA. Mr. President, most observers have been stating that today marks the end of a historic unprecedented debate on American defense policy. It is my opinion that this marks only the beginning of the debate. Whatever the outcome of the vote on ABM yesterday and today, and all subsequent votes on defense programs, what we are deliberating is whether or not we take the historic step as the first nuclear power to have the wisdom and courage—to deescalate the nuclear arms race.

What intelligent person would advocate an escalation of the arms race, further provoking the proliferation of nuclear weapons throughout the world? I know in my heart there is no one Senator who advocates this.

Secretary McNamara said the cornerstone of our strategic policy is assured destruction. Is there any doubt in anyone's mind we have that assured destruction capability? Could the Soviet Union attack us and be assured we would not inflict a devastating retaliatory blow to their country? The answer is an unequivocal "No." Our immense offensive power, which is capable of retaliation despite a nuclear surprise attack, is the factor that has prevented a nuclear war from occurring. This power has not diminished and it promises to increase within the next few years.

In the next few years the intensity of debate will increase, not diminish. Gone are the days when defense programs received a carte blanche OK from Congress. Now we must work toward a positive world peace policy of conciliation and negotiation.

Mr. STENNIS. Mr. President, I think the issues are drawn on this amendment and that its substance and what it would do are well understood. I believe that to adopt this amendment would be contrary to the clear-cut vote that was taken yesterday, and would be in derogation of the position that the Senate took a few hours ago. I believe those matters are clear.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment offered by the Senator from New Hampshire. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FULBRIGHT (when his name was called). On this vote I have a pair with the senior Senator from Tennessee (Mr. GORE). If he were present, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. GORE), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

The result was announced—yeas 27, nays 70, as follows:

[No. 68 Leg.]

YEAS—27

Aiken
Bayh
Brooke
Church
Cranston
Goodell
Gravel
Harris
Hartke
Hughes
Inouye
Javits
McCarthy
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Pell
Proxmire
Ribicoff
Schweiker
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—70

Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cook
Cooper
Cotton
Curtis
Dirksen
Dodd
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hart
Hatfield
Holland
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McGee
Miller
Mundt
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Prouty
Randolph
Russell
Saxbe
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR

Fulbright, against.

NOT VOTING—2

Gore	Long

So Mr. McIntyre's amendment was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DIRKSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROGRAM

Mr. DIRKSEN. Mr. President, I should like to ask the distinguished majority leader about the program for the remainder of the day and perhaps tomorrow, and also on Saturday, inasmuch as it was said that there could be a session on Saturday.

AUTHORIZATION FOR COMMITTEE TO MEET

Mr. MANSFIELD. Mr. President, in reply to my distinguished colleague, the minority leader, may I first ask unanimous consent that the Committee on Interior and Insular Affairs be allowed to meet during the session of the Senate today. I do that because I understand that the Governor of Alaska and many Alaskans are in Washington, and it is a pretty expensive proposition for them. In view of that circumstance, I hope it will be allowed.

The PRESIDING OFFICER (Mr. Cook in the chair). Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW, FRIDAY, UNTIL MONDAY, AUGUST 11, 1969

Mr. MANSFIELD. Mr. President, it is my understanding that there is a certain amount of opposition—legitimate opposition, may I say—to a Saturday session; and on that basis, I think it should be announced, with the concurrence of the minority leader, that, unfortunately—from our point of view, in an effort to speed up consideration of the pending bill—there will not be a Saturday session.

Mr. President, I ask unanimous consent that when the Senate completes its business on Friday, it adjourn until 10:30 on Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. There are difficulties which preclude our meeting on Saturday, and those difficulties are not the fault of the majority leader or the minority leader.

ORDER FOR RECOGNITION OF SENATOR PEARSON ON MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the prayer on Monday morning next, the distinguished Senator from Kansas (Mr. Pearson) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. MANSFIELD. Mr. President, it is my understanding that 15, 18, or 20 amendments are yet to be considered. I would hope for the continued cooperation of the Senators on both sides, to the end that, if at all possible, we might be able to complete action on this bill no later than Wednesday next, or sooner.

Mr. MAGNUSON. If we meet on Saturday, we can do it sooner.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. STENNIS. Mr. President, the ABM is just one item of many major items that are in the pending bill, as is well known. Some major items in the bill have not been spoken about on the floor since January. Some of these amendments—I respect them all—go to the very vitals of our national defense program and cannot be discussed briefly. They go into fundamental policies over a period of years.

All members of the committee are willing to agree as early as we can to some reasonable limitation of time with reference to the disposition of these amendments. But at this time we could not make agreements on all of them. As soon as we can, we will make an agreement on all those that have been filed, when we know what they contain.

There will be considerable debate on these matters, and it is highly important that all Senators be present. We are prepared, and I am sure the proponents are, as are many members of the committee, to discuss the subject matter.

Mr. President, I certainly hope that we will work out a plan to pass this bill before the August recess. Many things depend upon the final version of this authorization bill. It is a detriment to the Defense Department and to Secretary Laird to string the matter out so long into the calendar year. Of course, the appropriations cannot move on these matters.

I hope, and I believe, we will have the cooperation of all to drive through and finish this bill before the August recess.

Mr. GOLDWATER. Mr. President, I should like to back up what the distinguished chairman has said and to appeal, once again, for a Saturday session.

Seven amendments aimed at major portions of this bill already have been announced. All of them involve two or three times the amount of money about which we have debated 5 weeks. It will take time on the floor to answer the questions that will arise about the detail in highly technical military equipment. Frankly, I do not see a chance of completing action on this bill by next Wednesday, when we are supposed to start a vacation, unless we do work on next Saturday.

I like Saturdays off as well as anyone else. It gives me a chance to get home. But I think that disposing of this bill by the time we take a recess is more important than a day off on Saturday.

Some of these items, such as AMSA, are expensive and will require a great deal of explanation. When we get into the matter of the tank, that will take a great deal of explanation. Also to be contested is the F-14 of the Navy, a very expensive two-place interceptor, which will take a great deal of explanation before we hope we can convince Members of the Senate that it is worthwhile. We have the whole field of academic spending on research and development, in which the Senator from Arkansas (Mr. Fulbright) and I are in complete agreement. It involves a vast amount of money, a field in which we can save hundreds of millions of dollars, but it cannot be done overnight nor in a half-hour's time.

With all due respect to what some of the Members may have to do on Saturday, I think we could better spend the time here, so that we make sure we will get the recess about which we have spoken.

Mr. PROXMIRE. Mr. President, I agree with the Senator from Mississippi and the Senator from Arizona that this bill will take a long, long time. The Senator from Arizona has just given us some of the reasons, and there are many other reasons that will delay us.

I think we all agree that this bill deserves debate and should get debate in detail. I cannot see any possibility of our finishing by Wednesday. Perhaps there is, but I cannot see it, even if we come in Saturday and Sunday, because we have so much to discuss. The C-5A has not been mentioned, nor has the aircraft carrier. All these things are extraordinarily complicated and require real discussion and debate. Many questions will require detailed answers. Some of them have not been answered satisfactorily in the hearings.

Under these circumstances, Mr. President, although I would agree with the Senator from Mississippi that it is important that we get the bill through as quickly as possible, we have a responsibility to discuss the bill in detail. This is only a 5-page bill covering $20 billion.

Many of these matters cover complex matters which are not clear in the bill. We would not really know what is in the bill if we were to discuss it for 3 or 4 days. Although none of us would like it, I feel strongly we will have to be working on this bill in September.

Mr. DIRKSEN. Mr. President, let me say first of all, out of experience—and the majority leader has had the same experience—keeping Members in the Chamber on Saturdays invites many quorum calls, including live quorum calls, and there is a lot of time lost. I would much rather respectfully suggest to the distinguished majority leader that we run late tonight and tomorrow night, because we will do better that way than if we were to come in on Saturday.

Mr. MANSFIELD. Mr. President, I appreciate what the distinguished minority leader said. I believe the distinguished Senator from Illinois has the answer to the question as to a Saturday session. So it is with reluctance that I emphasize there will be no Saturday session. This is not my personal wish, but we will be in late tonight and we will be in late tomorrow. I hope it will be possible to get a continued degree of cooperation among Senators as amendments are called up.

I understand the Senator from Pennsylvania (Mr. Schweiker) is quite receptive to the possibility of a time limitation which would be in the best interests of all concerned. The Senator from Pennsylvania will shortly offer an amendment, and I would like to ask, with his approval—that there be a time limitation of 1 hour on the amendment of the distinguished Senator from Pennsylvania, the time to be equally divided between the author of the amendment (Mr. Schweiker) and the manager of the bill, the Senator from Mississippi (Mr. Stennis).

Mr. CASE. Mr. President, reserving the right to object, I wish to ask the majority leader if we could have a gentlemen's agreement that as far as a time limitation on other amendments is concerned, there would not be a request made, at least without some notice, except on the basis of successive amendments, and an agreement relating an individual amendment.

Mr. MANSFIELD. Yes, of course; I thought it was perfectly proper to ask at this time, because of the attendance.

Mr. CASE. Yes.

Mr. MANSFIELD. The amendment requires a new Department of Defense reporting system for major contractors and increases GAO responsibility as the watchdog.

Mr. FULBRIGHT. Mr. President, reserving the right to object—and I shall not object—first, I agree with what the majority leader said about running late at night. This has proved to be very effective in the past. I also wish to agree with the Senator from Wisconsin. If I understand some of the major items the Senator from Mississippi is talking about, I do not think we would be warranted to pass on items without understanding them.

The Senator from Missouri is not here at this moment, but he had much to say about an aircraft carrier He pointed out on numerous occasions the fact that we have 15 and no other country has them. And he raised a fundamental question of policy as to whether there should be one. This is so important that it should not be voted upon under a time limitation of 1 hour or whatever it is. We should have an opportunity to understand this matter, because it amounts to so much money.

I think the Senator from Wisconsin is probably correct, although I rather welcome the idea of running late tonight and tomorrow night, as long as we give Senators notice. We object to coming up to 6 o'clock in the evening and then being told. I welcome the idea of running late.

Mr. STENNIS. Mr. President, will the Senator yield?

The **PRESIDING OFFICER.** Is there objection to the unanimous-consent request?

Mr. MANSFIELD. Mr. President, I withdraw the request.

The **PRESIDING OFFICER.** The unanimous-consent request is withdrawn.

Mr. MANSFIELD. There will be no time limitation.

Mr. STENNIS. Mr. President, with respect to the amendment which is coming up, I do not think it will take long for debate. That amendment came up in committee and was explained by the author. Then, he did not ask for a vote on the amendment. I have not really gotten into it much since then. So I would have to get some material here and look into it. Then, I would be amenable to a limitation.

Mr. President, I wish to make a further observation. I want the bill to move along and I will make any reasonable agreement as far as the time is concerned. However, on these far-reaching policy matters that are complicated, it would be unreasonable to go into a time limitation. For instance, I refer to the matter mentioned by the Senator from Arknasas. Then, there is the matter dealing with biological warfare. We must get into that.

I would like to suggest informally that those who have amendments on biological and chemical warfare get together and agree on something among themselves, and then have an understanding with the Senator from New Hampshire who dealt with this in great detail in the hearings. It might be we could get together. It might be it would not take a long debate; otherwise, it would take a long debate.

Mr. President, that is all I have to say at this time.

Mr. MANSFIELD. Mr. President, I have withdrawn the unanimous-consent request.

The **PRESIDING OFFICER.** The unanimous-consent request has been withdrawn.

Mr. MANSFIELD. Mr. President, I do not know when it will be offered again or whether it will be offered again. It was made in an attempt to expedite consideration of the proposed legislation. I thought that was the desire of the chairman of the Committee on Armed Services.

Mr. STENNIS. Mr. President, I wish to say that that is a matter covered by the amendment not in the bill. There have been no hearings on it. There has been some discussion by the committee. For that reason, I could not agree now.

Mr. MANSFIELD. That is all right.

Mr. President, I would appreciate it if the Senator from Wisconsin (Mr. Nelson), the Senator from Texas (Mr. Yarborough), the Senator from Indiana (Mr. Hartke), and the Senator from Rhode Island (Mr. Pell) would meet with the distinguished chairman of the Subcommittee on Scientific Research (Mr. McIntyre), and if possible, the manager of the bill, to discuss a number of amendments covering the same subject to see if some sort of agreement could not be reached as to what could or could not be done with respect to consolidation or coordination. If we could meet in the rear of the Chamber so that we might discuss the matter, I would appreciate it.

AMENDMENT NO. 85

The **PRESIDING OFFICER.** The Chair recognizes the Senator from Pennsylvania.

The amendment offered by the Senator from Pennsylvania will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered, and the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

At the end of the bill, insert the following new title:

"TITLE V—QUARTERLY CONTRACT REPORTING AND GAO AUDITS

"Sec. 501. (a) The Secretary of Defense, in cooperation with the Comptroller General, shall develop a reporting system for major contracts entered into by the Department of Defense, any department or agency thereof, or any armed service of the United States, for the development or procurement of any weapons system or other need of the United States.

"(b) The Secretary of Defense shall cause a review to be made of each major contract as specified in subsection (a) during each period of three calendar months and shall make a finding with respect to each such contract as to—

"(1) the estimates at the time the contract was entered into of the contractor and the procuring agency as to the cost of the contract, with separate estimates for (a) research, development, testing, and engineering, and for (b) production;

"(2) the contractor's and agency's subsequent estimates of cost for completion of the contract up to the time of the review;

"(3) the reasons for any significant rise or decline from prior cost estimates;

"(4) the options available for additional procurement, whether the agency intends to exercise such options, and the expected cost of exercising such options;

"(5) the estimates of the contractor and the procuring agency, at the time the contract was entered into, of the time for completion of the contract, any subsequent estimates of both as to the time for completion, and the reasons for any significant increases therein;

"(6) the estimates of the contractor and procuring agency as to performance capabilities of the subject matter of the contract, and the reasons for any significant actual or estimated shortcomings therein compared to the performance capabilities called for under the original contract or subsequent estimates; and

"(7) such other information as the Secretary of Defense shall determine to be pertinent in the evaluation of costs incurred and expected to be incurred and the effectiveness of performance achieved and anticipated under the contract.

"(c) The Secretary of Defense after consultation with the Comptroller General and with the chairman of the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives shall prescribe criteria for the determination of major contracts under subsection (a).

"(d) The Secretary of Defense shall transmit quarterly to the Congress and to the Committees on Armed Services and to the Committees on Appropriations of the Senate and the House of Representatives reports made pursuant to subsection (b), which shall include a full and complete statement of the findings made as a result of each contract review.

"(e) The Comptroller General shall, through test checks, and other means, make an independent audit of the reporting system developed by the Secretary of Defense and shall furnish to the Congress and to the Committees on Armed Services and the Committees on Appropriations not less than once each year a report as to the adequacy of the reporting system, and any recommended improvements.

"(f) The Comptroller General shall make independent audits of major contracts where in his opinion the costs incurred and to be incurred, the delivery schedules, and the effectiveness of performance achieved and anticipated are such as to warrant such audits and he shall report his findings to the Congress and to the Committees on Armed Services and the Committees on Appropriation of the Senate and of the House of Representatives.

"(g) Procuring agencies and contractors holding contracts selected by the Comptroller General for audit under subsection (f) shall file with the General Accounting Office such data, in such form and detail as may be prescribed by the Comptroller General, as the Comptroller General deems necessary or appropriate to assist him in carrying out his audits. The Comptroller General and any authorized representative of the General Accounting Office is entitled, until three years after final payment under the contract or subcontract as the case may be, by subpena, inspection, authorization, or otherwise, to audit, obtain such information from, make such inspection and copies of, the books, records, and other writings of the procuring agency, the contractor, and subcontractors, and to take the sworn statement of any contractor or subcontractor or officer or employee of any contractor or subcontractor, as may be necessary or appropriate in the discretion of the Comptroller General, relating to contracts selected for audit.

"(h) The United States district court for any district in which the contractor or subcontractor or his officer or employee is found or resides or in which the contractor or subcontractor transacts business shall have jurisdiction to issue an order requiring such contractor, subcontractor, officer, or employee to furnish such information, or to permit the inspection and copying of such records, as may be requested by the Comptroller General under this section. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(i) There are hereby authorized to be appropriated such sums as may be required to carry this section into effect."

Mr. SCHWEIKER. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that the names of the Senator from Missouri (Mr. EAGLETON) and the Senator from Utah (Mr. Moss) be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Chamber?

Mr. President, I ask that the Chair clear the Chamber of all unauthorized persons.

The PRESIDING OFFICER. The Sergeant at Arms is instructed to clear the Chamber, as requested.

Mr. SCHWEIKER. Mr. President, in rising to call up this amendment today, I do so in the firm belief that we have a wonderful opportunity to strike a blow for the American taxpayer. There have, in my judgment, been far too many instances during recent months of cost overruns reported in the public media.

It seems to me that every taxpayer in this country, upon seeing these headlines, is entitled to ask "why?" It seems to me that that is a very legitimate question. It seems to me that Congress has not yet provided an adequate answer to that question. I believe we have a responsibility to do just that.

We have made a start. Early this year, the chairman of the Armed Services Committee obtained personnel from the General Accounting Office to help the Preparedness Subcommittee review approximately 30 of our major defense contracts. Reports have already been provided by the Defense Department on a number of these contracts. I know that the chairman and other members of the committee are as concerned with this problem as I am.

I feel strongly that we must do more. Congress has just approved the President's request for extension of the 10-percent surcharge for the next 6 months. The Defense budget continues to rise. The cost of living keeps going up. It seems to me that, for these and other interrelated reasons, the very least this body should do is to take steps, and I would hope the other body would agree, to put the Defense Department and its major contractors on notice that Congress is going to be looking over their shoulder much more closeely than they have in the past, and is going to insist on real efficiency and best possible management of public money for our defense needs.

Mr. President, as I said when I introduced this amendment some days ago, in referring to some of the cost overruns which have been so highly publicized:

> The tragic fact of these excessive cost revelations was that the Congress was informed of them long after the fact, when there was nothing we could do about them. Instead of learning about them in an orderly fashion, when detailed analysis and recommendations could be made in time to correct them, we heard about them under the glare of television lights in publicized hearings, when no amount of talk could return the waste of money.

The purpose of this amendment is to attempt to avoid such situations. It will put into statutory reform a requirement that the Defense Department make quarterly reports to Congress on all major weapons systems. It will also require the Comptroller General to audit this reporting system and provide an annual report to Congress including recommendations for improving the system. The Comptroller General may also conduct an audit, on his initiative, on any individual contract he feels warranted, and he will be given the authority to acquire such additional information as he feels he needs in order to make the audit.

It seems to me that the primary advantage of this sort of system is that Congress would receive accurate and current information before and not after the fact. We would know, as the public expects us to know, how the taxpayers' money is being spent, and if it is not being spent prudently, to do something about it.

I wish to make absolutely clear, Mr. President, that this amendment has been proposed in the firm belief that we have a problem which needs to be corrected. It is not an attempt to hamstring any one of the military services or the Defense Department as a whole. It is not directed at any defense contractor or any defense industry in general.

It is an attempt to deal with a very real problem and to let the taxpayers know that we are really on their side. Waste is inherent in any large spending program, and probably will continue to be so. But I believe that the Congress must take these steps in order to let those concerned know that it intends to exercise its full responsibilities in this area.

One of the problems that Congress faces in taking on the enormous job of reviewing defense procurement is that we simply do not have adequate resources. Capable as the Armed Services Committee and its staff are, we cannot do more than begin to review defense contracts in depth. Even Bureau of the Budget officials have admitted that with 50 personnel assigned to review of the defense budget, they have not been able to control defense procurement excesses. The Pentagon has not had a uniform accounting system, which the Comptroller General admitted to me in our conversations on this bill. I was astounded to find out that the Comptroller General could not even go to one place in the Pentagon to get the answers to what the costs were on the major contracts. He had to go to a dozen different departments to find out where the expenditures were being controlled or supervised. There was no one person, one office, or one central system available, even in the Defense Department, to find out where the costs were. Information and responsibility on major contracts are spread throughout dozens of offices. Better access to contract information is vitally important.

My amendment will begin to remedy this situation by putting into statutory form a requirement that the Defense Department make quarterly reports to Congress on all major weapons systems, including but not limited to several important factors. For example, the estimates at the time the contract was entered into, both the contractor and the procurement agency—both estimates.

Even on the C-5A situation, the contractor and the Defense Department were miles apart on their estimates. If we had looked into the trouble initially, or had known about it, we could, possibly, have averted the tragic cost overruns with which we are now presented as a fait accompli.

The fact that they could not agree, the contractor and the Defense Department, should have been a red flag to us, but we did not know about it until it was too late.

This system would make clear what the contractors' estimates are and what the Department of Defense estimates are, where the differences are, and if there is a difference, why the difference, and also why we might be in trouble. I read from the amendment:

> (1) the estimates at the time the contract was entered into of the contractor and the procuring agency as to the cost of the contract, with separate estimates for (a) research, development, testing, and engineering, and for (b) production;
>
> (2) the contractor's and agency's subsequent estimates of cost for completion of the contract up to the time of the review;
>
> (3) the reasons for any significant rise or decline from prior cost estimates;
>
> (4) the options available for additional procurement, whether the agency intends to exercise such options, and the expected cost of exercising such options;
>
> (5) the estimates of the contractor and the procuring agency, at the time the contract was entered into, of the time for completion of the contract, any subsequent estimates of both as to the time for completion, and the reasons for any significant increases therein;
>
> (6) the estimates of the contractor and procuring agency as to performance capabilities of the subject matter of the contract, and the reasons for any significant actual or estimated shortcomings therein compared to the performance capabilities called for under the original contract or subsequent estimates; and
>
> (7) such other information as the Secretary of Defense shall determine to be pertinent in the evaluaton of costs incurred and expected to be incurred and the effectiveness of performance achieved and anticipated under the contract.

Mr. President, I think it is significant to point out that with this kind of information, we who are in a position of responsibility on the Armed Services Committee, the Appropriations Committee, and the respective committees in the other body, will then have some accurate, certified, accountable basis on which to make intelligent decisions with that kind of information.

The wasted money on the few projects which have been investigated recently is staggering. But I fear that it is just the tip of the iceberg which would be revealed if every major defense contract received this scrutiny. If my system is instituted immediately, maybe some of these unknown overruns can be avoided.

With our economy under such a severe expenditure strain, and with questions of tax reform, surtax, and spending priorities so important, it is imperative that we institute statutory reporting and auditing requirements, and not merely rely on informal data supplied by the Pentagon without anyone auditing the system.

Under my proposal, the Comptroller General would cooperate with the Department of Defense in setting up an understandable, accurate, up-to-date and current accounting system, and then the Comptroller General further would be responsible, under my amendment, for recommending any changes, improvements in the system on an annual basis. It can be refined as we go along. And further, the Comptroller General would have responsibility and authority to go in and actually audit any major contract whose costs were getting out of line.

Mr. President for the Record I would like to indicate again the names of those of my colleagues who have cosponsored this amendment with me. They are Senators Case, Cook, Eagleton, Hart, Hatfield, Mathias, Mansfield, Mondale, Moss, Nelson, Packwood, Proxmire, Saxbe, Scott, Stevens, Yarborough, and Young of Ohio. I am pleased that so many of my colleagues, on both sides of the aisle agree with me that this will be a useful step. I hope that others of my colleagues will be persuaded likewise.

Congress must face up to its responsibilities. We must put into statutory language methods by which we can receive accurate and detailed information on a regular basis so that our review of defense contracts can be in an orderly fashion, and so that mistakes and inefficiencies can be spotted in time to correct them before costs have already skyrocketed.

In short, congressional review, with GAO assistance and audits, should be a matter of law. This will serve the end of providing continual up-to-date status reports to the Congress and the respective committees working on these problems. It will give the agencies and private contractors involved clear notice of exactly what information will be received by the Congress, and should serve as an incentive to efficiency.

The seriousness of this issue goes far beyond the fact that money is being wasted under current procedures. We are living in a time of serious inflation. The taxpayers have every right to expect that elected and appointed officials of their Government are exercising the utmost care in allocating and spending the vast sums necessary to maintain our country's defense capabilities.

They also have the right to know, within the bounds of national security, the details of how this money is being spent, and what problems are being experienced with respect to the administration of these contracts.

Enactment of this amendment will be a significant step in bringing about these goals.

I yield 4 minutes to the Senator from Texas (Mr. Yarborough).

The PRESIDING OFFICER. The Senator from Texas is recognized for 4 minutes.

Mr. YARBOROUGH. Mr. President, I am a cosponsor of the amendment. I shall not repeat the statement so ably made by the distinguished Senator from Pennsylvania. Instead, I shall talk about the collateral matter of budgeting for the Defense Department, which shows an utter recklessness.

This year, for the first time, I became chairman of the subcommittee of the Appropriations Committee which has jurisdiction over the Bureau of the Budget. I asked the officials about the budget procedures. I had heard about them. Some people had resigned in disgust, frankly, and came and told me about it.

There are 178 budget examiners. They are the ones who examine the whole budget of the United States for the President and make up the budget for the Government. Of those 178 examiners for the whole Bureau of the Budget, only 42 examine into the $80 billion defense budget, 136 of them work at cutting down programs for health, education, agriculture, manpower training, poverty, medicaid, medicare. Everything that helps the American people internally, they chop to pieces, and they cut out whole programs.

They have cut out every penny for school libraries for elementary and secondary schools, and for books. The Under Secretary of HEW says this administration does not believe that books and libraries have a high priority. They practically would abolish reading. They cut out money for libraries for the towns and villages of America.

Further, with respect to the procedure, when officials for HEW, Agriculture, Commerce, Labor, or any other department disagree with the Bureau of the Budget, they have to go to the Bureau of the Budget and plead to restore the cuts. But if the Defense Department disagrees with the Bureau of the Budget, the only way the Bureau of the Budget can do anything about it is to appeal to the President. So I said to them: "You are just an adjunct of the Defense Department." They told me they did not have enough money. The recommendation was made that they have 30 or 40 more examiners. They assured me that if they had, they would look into the defense budget more carefully.

I have a letter from Mr. Mayo, Director of the Budget, dated July 7, in which he expresses appreciation for the fact that we are trying to get them more personnel. He says that if Congress approves the 1970 budget, as our committee has recommended, "several" of the new positions will be assigned to reviewing the defense budget. If 40 more examiners are allowed, "several" might mean 2, or 4, or 5 out of the extra 30 or 40. Thus, the defense budget would not receive adequate review. The Bureau of the Budget might as well be nonexistent or abolished as far as the Defense Department is concerned.

Fiscally, it is a tragic situation for our Government. Fiscally, it is indefensible. They comb every other program with a fine tooth comb, but this vast budget, which is costing this country so much, is not adequately examined. The Defense Department comes in with a request for the defense budget of $80 billion, or $85 billion, or $82 billion, or $79 billion. Small wonder there is all this waste in defense. Nobody has a restraining hand on that budget. It has gotten to be bigger than the Government of the United States. No longer does the civilian government control the Defense Department.

I am honored to cosponsor the amendment offered by the distinguished Senator from Pennsylvania, which is cosponsored by many other Senators. It is a measure designed to get some fiscal responsibility in our Defense Department.

Mr. President, I am not a pacifist. I am for a strong defense. This Nation will not survive without a strong defense. But we will not keep a strong defense without fiscal responsibility. The people in the Department of Defense throw away money as if it were going out of style. They spend it by the billions of dollars. They have to know that the money comes from the taxpayers; that every time we vote another billion dollars for defense, we cut down on funds for schools and hospitals. The Hill-Burton funds for this year have been cut 60 percent.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCHWEIKER. I yield 1 additional minute to the Senator from Texas.

Mr. YARBOROUGH. They have cut to $100 million the $250 million request for hospitals in this country, when hospitals, because of the medicare and medicaid programs, are so crowded that people cannot get into them.

That to me is irresponsible; yet whenever somebody in the Department of Defense wants more money, the Bureau of the Budget accepts that request without question.

Recently, after protests, President Nixon announced he is going to bring the Defense Department back under genuine control of the Bureau. But, he cannot secure that control when only 42 examiners out of 178 examiners are used to look at the defense budget, and when the Defense Department asks for half of all the money in the budget.

Similarly, as the Senator from Pennsylvania pointed out, when we get over to accounting for the money, we find the money goes out like water through a drain. Even in the irrigation country we have gates on our irrigation canals, to save some of the water. We cannot afford to irrigate all the time. But the Defense Department keeps its valves open all the time, 24 hours a day. It does not even have a gage on to measure the output. This amendment puts that gage on.

I am hopeful the managers of the bill will accept the amendment, if they think we should have fiscal responsibility in the Department of Defense as we have in the rest of the Government. I hope the Senator from Mississippi will accept the amendment of the Senator from Pennsylvania.

Mr. STENNIS. Mr. President, if the Senator will yield?

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SCHWEIKER. Mr. President, I am pleased to yield to the distinguished chairman.

Mr. STENNIS. I thank the Senator. If the Senator from Texas will just remain and hear what is involved as I see it, I shall be flattered. I hope he will.

Mr. YARBOROUGH. I thank the Senator for inviting me. I must testify before the Appropriations Committee also. I will stay until the last possible minute.

Mr. SCHWEIKER. Mr. President, may I inquire of the Senator from Mississippi how much time he would like at this point?

Mr. STENNIS. Mr. President, are we under controlled time now?

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). We are not under controlled time.

Mr. SCHWEIKER. I have completed my opening remarks; so, if the Senator would like to have the floor at this point, I am happy to yield it to him.

Mr. STENNIS. Mr. President, may we have a brief quorum call. I have a matter I must attend to.

Mr. SCHWEIKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, does the Senator from Pennsylvania wish to speak?

Mr. SCHWEIKER. No, Mr. President; I yield to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I call to the attention of Senators that the problem here is to get before the Senate what this amendment really means, and how it would operate. There have been no hearings on the subject matter. The Senator from Pennsylvania and I conferred about it to some extent, and discussed the substance of it, and I encouraged him to continue his work in this field. The hearings were going on; and as I recall it was the day before we closed the hearings, or the day before we finished the markup, one or the other, when he suggested that I ought to have Mr. Staats or some other major witness appear on the matter.

Of course, it was too late then. I appreciate very much the Senator's purposes, his intentions, and his work on the subject, but that is not enough to make one agree to a far-reaching measure such as this.

By way of background as to what is being done generally, before discussing the amendment itself, the Senate Armed Services Committee, in early January, instituted a program of surveillance over contracts by its own staff members, and obtained the services of men highly qualified in this field—some of the top men from the General Accounting Office—on a reimbursable basis, temporarily. The plan is ultimately to have a highly competent man in the field—more than just an auditor or a bookkeeper—with some assistants, to keep a continuing surveillance over these major contracts for the committee.

That is not just a little routine matter. We are now receiving quarterly reports on a number of major contracts, which represent, I think, about 75 percent of the amount in dollars involved in defense appropriations; and I am pledged—it is a part of my philosophy of life anyway—to follow those dollars. As to anything we authorize and then appropriate, I think it is the duty of this committee to do what it can to follow the dollars.

I have enlisted, earlier this year, the full cooperation of the General Accounting Office. The Comptroller General, Mr. Staats, is an unusually well-qualified man, and totally insistent on the idea of cooperating with the committee. He is subject to call, and makes a valiant effort to serve our needs and our purposes whenever called upon.

In addition, the Secretary of Defense, Mr. Laird, has put in motion his own surveillance plan. He is a very capable man, as we know, and is really going after this matter, and making reports on a quarterly basis. He has the assistance of men of very high competence.

Moreover, the President of the United States has appointed a special panel.

I hope that the Senator from Texas is in a position to give him his attention.

The President, at the instigation of the Secretary of Defense, has appointed a blue ribbon committee—it might be described as a commission, but I believe committee is more accurate—headed by one of the most prominent and capable industrialists in the Nation, with an outstanding group of members, which is to make a report within a year as to what most needs to be done.

Those things have some meaning, but there has not been time to find out just what the fruits of their effort will be, and where else the need may lie.

Then comes the Senator's amendment, which, as I say in great deference to my friend from Pennsylvania, has not had any hearings and has not been submitted to our committee, except that it was explained by the author. I told him I could not support it in that form, and he did not call for a vote by the committee. I especially invited him—and I am not complaining; I just want to bring out the facts pertinent to the hearing—and he said he did not care for a vote. As I recall, he asked if I was opposed to his amendment, and I said, "Forget that. Call for a vote if you desire." However, he did not do it. And I am not complaining. I emphasize that.

So we went on to mark up the bill. That was the last day for markup. Then here comes the proposal in the form of an amendment on the Senate floor with not one scintilla of evidence to support it—not one bit. The Senator's statement is in the record of the hearings, of course.

It is a highly important subject matter, as I indicated to the Senator when I encouraged him to go into the matter.

The first major point we considered in our talk was to get the Comptroller General into the matter of the estimates for the big weapons such as a submarine or a new plane. We found out that he did not have the machinery and did not have the staff to go in and check on those estimates. We found that it would take a large number of economists and a large number of other men versed in various fields.

Somewhere they got into the amendment this provision for the Comptroller General to have subpena power to go into the records of all of the contractors that might be doing business with the Department of Defense just by applying to a district court, and so forth.

I read from the bottom of page 4:

> The Comptroller General and any authorized representative of the General Accounting Office is entitled, until three years after the final payment under the contract or subcontract as the case may be, by subpoena, inspection, authorization, . . .

I put emphasis on the word "subpena." That is the very power that the committee has now, and that is where the responsibility ought to remain.

I do not favor voting here in any form for such far-reaching powers, powers as wide as the English language can make them, to authorize the General Accounting Office to go into every book and file of any business in the land merely by getting a subpena. I do not approve of that form of government.

There are two reasons why I do not approve of it. It would totally change the concept and prerogatives and responsibilities of the entire General Accounting Office. It just is not right on its face. We have that responsibility. It is our obligation, and we must follow up on it.

That is part of my ticket, as I have already said. However, there is another reason. It just is not American to have a so-called bureaucrat—and I use that term in its best concept—with such unlimited power. More particularly, it may be necessary at some time. We may have to do this very thing, but only after the most minute, careful, and exhaustive hearings to determine where the deficiency is and what avenues it is necessary to take to give this power, how it will be exercised, and what restrictions will be placed on it. We should have all of that spelled out in very definite words, followed up by a carefully drawn report of the committee. The matter should then be brought to the Senate floor and passed on in accordance with the judgment of the Senate.

I warn the Senate now that we do not have much before us. We do not have anything before us except a piece of paper and the honest and high-minded statement of the Senator from Pennsylvania.

There is another reason why this should not be passed on in this way. I have had many conferences with Mr. Staats, the Comptroller General this year and before, but this year especially. He came in the other day and we had a conference, at his request. He talked with great earnestness about the bill and how it would change his whole office and the whole concept of his office. He was not happy with it at all. I did not call for him. He called for me.

I have talked with him some about the matter before. He just does not want to have the bald statement of that subpena power. He does not want it under the circumstances of the amendment. So, I think it would be a dreadful mistake, and I told the Senator from Pennsylvania in the committee meeting that I would never agree to the granting of this subpena power and the changing of the nature of the office without a hearing so that we would know exactly what we were doing.

I believe that if we go ahead and agree to the amendment with that power contained in it, as soon as the business fraternity—and I have no affiliation with them and I am not trying to protect them—realize what is contained in the bill, they would be up here turning things upside down for a chance for a hearing and a definition of the terms and the formulation of something specific and definite in that field.

I warn the Senate to go slow on the matter. High motives and purposes are not enough. I hope that the Senate will give our committee more of a chance than it has had to pass on such a far-reaching matter as this amendment which so materially affects the Department of Defense, or any other department involved.

I am not just trying to plead for the Department of Defense.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I should like to ask a question that I think is basic to the matter. I think we all must admit that, especially in view of the revelations this year by the Proxmire committee and the Armed Services Committee, we would all be inclined to want legislation to tighten up and control spending.

Am I not correct in thinking that, because the pending amendment would affect the General Accounting Office, the amendment should be heard not by our committee, but by the Committee on Government Operations?

Mr. STENNIS. Undoubtedly. It ought to be referred to the Committee on Government Operations. And then perhaps it ought to come to our committee later, if the matter just pertained to the Department of Defense. However, the pending amendment goes to the whole basic fundamentals of the General Accounting Office. And we certainly need the opinion of that committee. As it is, we do not have the opinion of the Armed Services Committee.

Mr. GOLDWATER. Mr. President, will the Senator yield further?

Mr. STENNIS. I yield.

Mr. GOLDWATER. Mr. President, if the idea is good as applied to the general area of military spending, would it not also be good to apply it to all areas of spending? We are not doing that in this case.

Mr. STENNIS. The Senator is correct. I want to catch up with waste, if there is any waste. I am anxious to do so. However, the concept of the amendment would not apply to other agencies. The Senator is correct. The provision ought to apply to many of these agencies, I will not say to all of them.

Mr. GOLDWATER. The idea is a very intriguing one. It is sort of being against mother love and wide roads and free beer, if one wants to put it that way. It does sound good.

There was a time when I was inclined to support it. However, when I realized that this requires subpena action and takes away the prerogative of the General Accounting Office without first having consulted them, I, too, joined my chairman in hoping that the amendment would be rejected.

The idea, however, should be kept alive and sent to the Government Operations Committee for hearings. There is no question that we have to have a closer observation of spending in the military and all through our Government.

But I do not like this approach, and I do not like taking such a great step without first having any hearings on it. I have been as critical of the financial reporting from the Pentagon as anyone. I have been opposed very violently to the idea that Mr. McNamara started doing his own auditing and finally acquiring an auditing department bigger than the General Accounting Office. I do not think that is right. Now that he is gone, perhaps we can get into some intelligent operation of that department, and I think we are. The idea is good. The suggestions in it, on the whole, with the exception of the power of subpena, are good. But I have to agree with the chairman that this is not the place to decide such an important measure, and I hope it will be rejected.

Mr. STENNIS. I thank the Senator very much.

Mr. COOK. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. COOK. Mr. President, one of the things that bothers me, which the chairman of the committee and the Senator from Arizona have stated, is that they dislike in this amendment the power of subpena.

Sell it to everybody in the country that somebody who has a defense contract does not have to be subjected to the power of subpena, but that I do, because I filed my income tax return, and that every individual in America who files his income tax return is subject to the power of subpena by the Department of Internal Revenue, to take his books, to ask for him to appear, to ask anybody else to appear, to go in and get his books; but that, somehow or other, if he has a defense contract, he does not have to do so.

I might suggest to the Senator from Mississippi and the Senator from Arizona that the power of subpena, the power to secure records, has been given by law to the Civil Aeronautics Board, the Federal Communications Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Securities and Exchange Commission, the Small Business Administration, the Department of Defense, the Department of Agriculture, the Department of Labor, the Federal Deposit Insurance Corporation, the National Labor Relations Board, and the Internal Revenue Service—to go in and look at any individual taxpayer's tax return, books, and records. But, somehow or other, a few contractors in the United States do not like this amendment because they have Federal contracts, they have defense contracts, and they do not want to give this body the privilege to extend the power of subpena.

Is it not true that in this bill, on which we will vote either next week or next month, there is a figure in the vicinity of $1½ billion of the overruns on defense contracts? Did Senators not read in the newspapers, not too long ago, that the Department of the Navy decided that it would give a contract for several more million dollars to a company that was under Federal indictment for the contracts that it previously had?

Then we say that we object to the power of subpena. Yet, everybody in this Nation who files a tax return must subject himself to the same power of subpena by the Internal Revenue Department. And we are saying here today that we object to sustaining the power of subpena against a contractor in the United States who has a defense contract, if the General Accounting Office wants to look into that contract to see whether the taxpayers of this Nation or their Government got a fair deal.

Mr. STENNIS. Mr. President, will the Senator yield to me in order that I may respond on that point?

Mr. COOK. I yield.

Mr. STENNIS. As to the general charge about the contractors being against it, I do not know whether or not they are against it. I have not heard from any of them.

The present situation is that any time the General Accounting Office wants the power of subpena or to use it, under arrangements with them on defense contracts, they can get it from the same committee, this committee, the Committee on Armed Services. We have that power, and we can let them use it, under our general supervision.

Second, I emphasize that it is not just the granting of the power of subpena alone in this language. It is doing it without any hearing, without any measuring of the need or the guidelines and all that goes with it. It has been granted to some of the other agencies from time to time. Some of that is in a limited field of operation only. But I would think that was done after a microscopic examination.

I just cannot see the idea of jumping in here and granting this power, with no hearings, no recommendations of a committee, nothing—just somebody speaking on the floor.

Mr. COOK. Mr. President, I want the RECORD to show that the agencies that I enumerated have the power of subpena authorized by law, not authorized by a committee that may want to give it to the agency or not give it to the agency, but authorized by this body, as a part of the statutory law of this Nation, to operate its will and perfect its wisdom, as it sees it, through the power of subpena, in regard to books, records, and witnesses.

In essence, what we are saying today is that all these agencies have that right, including—I emphasize again—the Department of Internal Revenue, as to every individual and corporate taxpayer in this Nation. But, somehow or other, we do not want to give the same authorization to the General Accounting Office in regard to a defense contractor.

Mr. STENNIS. Mr. President, I do not care to continue to hold the floor, if another Senator wants the floor in connection with this matter.

Mrs. SMITH. Mr. President, I want to take this opportunity to commend the distinguished junior Senator from Pennsylvania—he is an active and informed Member and colleague of mine on the Senate Armed Services Committee—for his effort in attempting to find a more efficient accounting system for the Defense Department. The Senator has made a very thorough study of this subject. His is a fine objective.

Mr. President, this is a very broad subject, as already has been said; and while I feel there is a need for a change, I have to agree with the able chairman of the Committee on Armed Services (Mr. STENNIS) that extensive hearings should be held. We should get testimony from the Defense Department, from the Comptroller General, and from others who would be involved in this undertaking.

This amendment merits a great deal of time, much more time than we are able to give it on the floor without the hearings to which I have referred. The many facets that must be explored would require extensive hearings.

I think it could have far-reaching consequences. The new bureaucracies in each of the services, the Defense Department, the General Accounting Office, and Congress would mushroom out of proportion.

Mr. President, again I applaud the distinguished Senator for his efforts toward better fiscal management. As our distinguished chairman already has stated, much of this work is now being carried out under the supervision of the Armed Services Committee. The committee is now getting quarterly reports on the costs, schedules, and performance characteristics of 31 major weapons systems. Already, reports on 26 have been received and are being examined. This closely parallels what the amendment seeks to accomplish.

I would be most reluctant to agree to the subpena powers as provided in the amendment until the thorough hearings that I am asking for are reported on.

Mr. President, again I wish to commend the distinguished Senator for a job well done. It has brought this matter to our attention. I hope the chairman will find time to have some hearings.

Mr. STENNIS. Mr. President, I think the Senator from Maine has made a splendid suggestion. I would be delighted to set the matter up for hearings and have representatives from the General Accounting Office and the Department of Defense come in.

I really think that the committee which has jurisdiction over the General Accounting Office should have some consideration in this matter to hold hearings from their viewpoint and get estimates as to the cost of carrying out this program, and how many employees would be required. I know under the present situation the General Accounting Office is overlooked and that they do not have enough employees now.

There should be some kind of idea as to what we are authorizing in the way of manpower and additional cost.

For example, I will read the language which appears on page 5:

> There are hereby authorized to be appropriated such sums as may be required to carry this section into effect.

That is just a blanket authorization, and not for 1 year but for years to come. I have no idea how many additional employees would be required. It may be a good investment but we are walking around in the dark.

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MONTOYA. Mr. President, during the last few weeks I have been conducting hearings with respect to the manpower requirements of the General Accounting Office. It has become crystal clear to us that the General Accounting Office really does not have enough manpower to perform surveillance under the law as an agent of Congress over expenditures in the Department of Defense and other agencies of the Government.

I am inclined to agree with the principle of the amendment and the objectives. However, I think it is of the utmost importance that hearings be conducted so that representatives of the General Accounting Office can come in and tell the Committee on Armed Services as well as the Legislative Appropriation Subcommittee what its manpower requirements might be in order to carry out the directives of this amendment. Until that is done I think the amendment would be premature, and I am inclined to agree with the Senator from Maine and the Senator from Mississippi that this amendment should go before the Committee on Armed Services for a thorough hearing.

Mr. STENNIS. I thank the Senator.

I wish to inquire of the Senator from Pennsylvania, if he is willing to answer, as to his estimate of how many additional employees would be required in the annual cost of carrying out the effect of the amendment.

Mr. SCHWEIKER. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Pennsylvania.

Mr. SCHWEIKER. Mr. President, I went into quite a bit of discussion with the Comptroller General on this issue. So my colleagues will understand some of the legislative history of the amendment, I went to the Comptroller General with a suggestion on how to perform an audit and have an accounting for it. I suggested originally that the Comptroller General come in on some quarterly basis to look at these programs.

The Comptroller General said that this was not a practical way to proceed and that if I really liked this idea he would revise the language of the amendment, through his general counsel, in a way that they could live with it, to be compatible with the requirements of his office, and to meet their policies and procedures.

The Comptroller General and his attorney did exactly that. They, frankly, have suggested the language of this amendment. It was they who asked for the subpena power because they believe if there is to be the responsibility there must also be the authority. They asked for the subpena authority. If they are going to be held accountable they would like to have the authority.

As far as cost is concerned, they said, on the original suggestion I had, that it might involve a couple hundred employees; but then when we reversed the procedure so that they would only act as overseer and DOD would do the work and they would only come in and audit the system, if they saw fit to do so, they said it would be less than several hundred employees. However, they could not fix the number of employees. Who can foretell a matter such as the C–5A, or the submarine matter, or some iceberg revelation?

Therefore, they simply say it would be a couple hundred employees and they could not give an accurate estimate. I suggest it will cost only 10 percent of what we spend compared with the $1.5 extra billion involved in the C–5A going down the drain before anything happened.

I thank the Senator.

Mr. **STENNIS.** I thank the Senator for his statement. The Senator has worked on this matter in a very splendid fashion, but there is illustrated the need for hearings. This matter must be pinned down. What are the facts? What are the effects of the provision and what will be the cost?

Mr. President, I have before me a letter dated August 1, 1969, from Elmer B. Staats. For the benefit of those who have just entered the Chamber, I wish to say that I have had a great deal of contact with him since January 1. I am interested in the subject matter of this amendment and the whole scheme of following these dollars. That is part of my philosophy of life. I pledge to the committee and to the Senate that we will have a program to that end.

In the course of all these discussions I asked him to review these matters. The Senator from Pennsylvania conferred with him and I know that members of his staff conferred with him. I wish to read portions of the letter of August 1, 1969, addressed to me as chairman of the committee. I shall not read all the letter but I shall put it in the RECORD in its entirety later. If anyone requests, I shall read all of it. The letter consists of three pages:

> As you know from our recent discussions, the General Accounting Office is planning to give increased attention to Defense procurement, with particular reference to the procurement of major weapon systems. This area has long been an important one for the General Accounting Office, but I believe that it deserves increased attention in view of the fact that more than one-third of the Defense budget is devoted to procurement.

Passing on some of the more controlling parts, the letter continues:

> Preliminary plans of the GAO contemplate that its reports on major weapon systems will include the following:
>
> 1. Currently estimated costs compared with the prior estimates separately for (a) research, development, and engineering, and (b) production.
>
> 2. The reasons for any significant increase or decrease from cost estimates at the time of the original authorization and the original contract.
>
> 3. Options available under the contract for additional procurement and whether the agency intends to exercise any options, and the projected cost of exercising options.
>
> 4. Changes in the performance specifications or estimates made by the contractor or by the agency and the reasons for any major change in actual or estimated differences from that called for under the original contract specifications.
>
> 5. Significant slippages in time schedules and the reasons therefor.
>
> We are aware that several legislative proposals have been advanced to provide for differing types of reports and reviews by the General Accounting Office relating to the Defense procurement, with particular reference to weapon systems.
>
> Before legislation of this type is enacted, it would be our recommendation that the most careful consideration be given to it by the Congress. The type of reviews made by this Office and the needs of the interested committees of the Congress need further development and exploration.

Mr. President, I have not read from this letter until this time because it did not come to my personal attention because of other matters concerning the bill. But that is the very thing, I say, we are getting into. The President has ordered the Budget to get into it more. We will and we can bring a complete picture here. If the Senator introduces his bill, we will hold hearings on it to bring in a picture of it. But we do not have that today.

Continuing reading from the letter:

> For these reasons we believe that legislation prescribing a particular form of reporting at this time would be unwise.

I repeat, "would be unwise."

That is not the committee talking, or its chairman. That is Mr. Staats, the Comptroller General of the United States.

Continuing reading from the letter:

> In general, we believe that the basic authority of the General Accounting Office is adequate to carry out the program which we have outlined.
>
> I am sending a similar letter to the Chairman of the House Armed Services Committee.
>
> I have previously advised in testimony before the House and Senate Appropriations Committees of our general plans to increase our effort in the Defense procurement area.

Mr. President, I ask unanimous consent to have the entire letter from Mr. Staats printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 1, 1969.

Hon. JOHN C. STENNIS,
Chairman, Committee on Armed Services, U.S. Senate.

DEAR MR. CHAIRMAN: As you know from our recent discussions, the General Accounting Office is planning to give increased attention to Defense procurement, with particular reference to the procurement of major weapon systems. This area has long been an important one for the General Accounting Office, but I believe that it deserves increased attention in view of the fact that more than one-third of the Defense budget is devoted to procurement.

Assuming the Congress acts favorably upon the 1970 budget request for the General Accounting Office, we anticipate increasing the staff devoted to Defense procurement from an average of 250 to 425 employees. This increase will be allocated principally to the acquisition of major weapon systems by the Department of Defense where we will give particular attention to the following:

1. Possible improvements in cost estimates at the time the authorization request is presented to the Congress.

2. Providing greater assistance to the Armed Services and Appropriations Committees in the timeliness and completeness of information on the status of major weapon systems.

3. Reviewing and presenting to the Congress on a selective basis major problems identified which may be of assistance to the Congress in acting on future appropriations and authorizations for major weapon systems.

As you know, the Department of Defense is improving its information reporting on major weapon systems through its Selected Acquisition Reporting System. We understand this information will contribute to and supplement the action of the Senate Armed Services Committee, already underway, to develop a reporting system to keep the Committee advised on the status of weapon system acquisitions. The GAO proposes to work with the Armed Services Committees, the Appropriations Committees, and the Department of Defense in developing a system which will assist in meeting the needs of the Congress. Subsequently, the GAO proposes to review from time to time the operation of the reporting system from the standpoint of improvements which may be needed to assure its timeliness, accuracy, and adequacy.

Tentatively, the GAO proposes to submit to the Congress at the beginning of the congressional session and at such later points in time as might be useful during the period when authorizations and appropriations are under consideration, status reports on major weapon systems, excluding those systems which are substantially completed. To the extent practicable, the GAO hopes to come into agreement with the Department of Defense on cost definitions. The General Accounting Office will advise the Department of Defense of the weapon systems to be included in the report for this purpose at an early date. It will also be necessary to reach agreement between the Department of Defense and the General Accounting Office on access to records. In addition, there should be discussions on the classification of data and the handling of such data in GAO reports which is classified in nature.

Detailed reviews of the problems involved in acquisition of weapon systems will give first priority to the requests of authorizing and appropriating committees. For example, the GAO has been requested by the Senate Armed Services Committee to provide information for the Committee with respect to the Cheyenne Helicopter, the Condor, and the SRAM. The GAO will advise the Department of Defense of future similar requests when received or of additional reviews initiated within the discretion of the GAO.

Preliminary plans of the GAO contemplate that its reports on major weapon systems will include the following:

1. Currently estimated costs compared with the prior estimates separately for (a) research, development, and engineering, and (b) production.

2. The reasons for any significant increase or decrease from cost estimates at the time of the original authorization and the original contract.

3. Options available under the contract for additional procurement and whether the agency intends to exercise any options, and the projected cost of exercising options.

4. Changes in the performance specifications or estimates made by the contractor or by the agency and the reasons for any ma-

jor change in actual or estimated differences from that called for under the original contract specifications.

5. Significant slippages in time schedules and the reasons therefor.

We are aware that several legislative proposals have been advanced to provide for differing types of reports and reviews by the General Accounting Office relating to the Defense procurement, with particular reference to weapon systems. Before legislation of this type is enacted, it would be our recommendation that the most careful consideration be given to it by the Congress. The type of reviews made by this Office and the needs of the interested committees of the Congress need further development and exploration. For these reasons, we believe that legislation prescribing a particular form of reporting at this time would be unwise. In general, we believe that the basic authority of the General Accounting Office is adequate to carry out the program which we have outlined.

I am sending a similar letter to the Chairman of the House Armed Services Committee.

I have previously advised in testimony before the House and Senate Appropriations Committees of our general plans to increase our effort in the Defense procurement area.

Best wishes.

Sincerely,

ELMER B. STAATS.

Mr. SYMINGTON. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. SYMINGTON. I congratulate the able Senator from Pennsylvania for what he is aiming to do; namely, obtain more efficient management of our gigantic purchases in the military field.

May I say to him, with great respect, that I do not believe we should depart in broad and different fashion, without hearings. Hearings where the GAO people, including the Comptroller General himself, could be examined with respect to this matter.

Many years ago, as some of us will remember, there was an effort made to, in effect, cut the GAO into the procurement procedures. At that time, many of the problems I believed might come up under this kind of legislation, did come up.

The GAO in effect is the watchdog of Congress. It is the one agency totally independent of the executive branch. The Comptroller General is appointed for 15 years and cannot be dismissed from office, to the best of my knowledge, except through malfeasance.

If we utilize the GAO abnormally, then, in effect, we cut them into the functions of the executive branch.

I would hope this one agency would stay in a position where it could constantly check all operations and costing, because as soon as we give them authority, we automatically give them responsibility.

If I may say so, for the first time since I became a member of the committee, the distinguished chairman, the Senator from Mississippi (Mr. STENNIS) has made additional arrangements whereby he could further utilize the GAO in checking contracts.

The Comptroller General has told me personally that he is pleased with this present arrangement and looks forward to cooperating with the Armed Services Committee.

Mr. President, I could go on for some time on this subject, but based on experience in private business, in the executive branch, and as a member of the committee for some years, I would earnestly hope that the Senate would not pass this legislation today. The idea was presented to the committee, but not approved and to date there have been no hearings. As I understand the distinguished chairman, he is entirely willing to hold hearings; is that not correct?

Mr. STENNIS. Oh, yes; absolutely.

Mr. SYMINGTON. Under those circumstances, I believe it would be a mistake to cut the GAO to this extent into the responsibility of the executive branch.

Mr. STENNIS. I thank the Senator from Missouri very much for his fine remarks.

Mr. President, let me say as a general proposition that I have not had a chance to get into this matter before. I say that for the benefit of the Senator from Pennsylvania.

Mr. PERCY. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. PERCY. Mr. President, I have two questions, one pertaining strictly to military contracts. Would it not be logical to have it referred to the Armed Services Committee for hearings, but, as it involves the Comptroller General, would it not also be logical to refer it to the Committee on Government Operations for their investigation?

Mr. STENNIS. I agree heartily with the Senator. He is correct. I believe this could well be referred to each committee. Perhaps the one that has jurisdiction over the GAO, because otherwise it would change the whole concept of the GAO. If they were courteous enough to do so, if they referred it to us, we could hold additional hearings and look into it from the viewpoint of doing our duty.

Mr. PERCY. The workload in the Government Operations Committee is not so heavy as in the Armed Services Committee.

We might be able to take an objective view, and I think we could probably have early hearings. What would be the opinion of the distinguished chairman of the Committee on Armed Services as to how soon, if we had hearings, this arrangement might become law, if a committee aproved it and the Senate approved it? Would enactment be possible this year?

Mr. STENNIS. It would be entirely possible. Probably it would not be possible to attach it to this bill, but I have no doubt that with all the probings and pushings that are going on during this calendar year, something will come of it.

I think the experience from those probings and from what we have learned in this debate and in other matters will make it possible to report a much better bill to the Senate, if it is decided to report one.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. GOLDWATER. I have asked the Senator from Mississippi to yield so that I might ask a question of the distinguished Senator from Pennsylvania, in order to clear up a question that was raised, in part, by his prior statement, when he referred to the Department of Defense system of reporting, or something like that.

Section 501(a) reads:

> The Secretary of Defense, in cooperation with the Comptroller General, shall develop a reporting system for major contracts entered into by the Department of Defense, any department or agency thereof, or any armed service of the United States, for the development or procurement of any weapons system or other need of the United States.

Throughout that section there is reference to Department of Defense reporting. I invite attention to the top of page 4 of the amendment, paragraph (e):

> (e) The Comptroller General shall, through test checks, and other means, make an independent audit of the reporting system developed by the Secretary of Defense and shall furnish to the Congress and to the Committees on Armed Services and the Committees on Appropriations not less than once each year a report as to the adequacy of the reporting system, and any recommended improvements.

The question that comes to my mind is raised because, if my understanding is correct, this is pretty much the system under which the Department of Defense has been operating for the last several years; namely, an auditing system of its own, which is occasionally audited by the General Accounting Office. Would the Senator's amendment call for a separate auditing besides the auditings that have been done by the Department of Defense?

Mr. SCHWEIKER. First of all, Mr. President, they do not have a central auditing system now. That is one thing I mentioned a moment ago. The Comptroller General was shocked that, in order to get the figures on the larger contracts, he could not even go to one central office or one central person who was responsible. It was diversified through many branches of the Pentagon and many offices. There is no central office in the Pentagon where those figures are available. So this amendment would force such an office to be established.

Mr. GOLDWATER. In a way, I am glad to see that system done away with, which was partially due to the huge overruns on the C–5A, which was first reported as happening as early as December 1967. I was wondering whether it would not be a better idea to have the GAO itself directly responsible for setting up the system of audits in the Defense Department—in other words, not create a creature over there that could again be manipulated or controlled by someone who did not want the true figures coming out.

Mr. SCHWEIKER. That was my original suggestion, and the Comptroller General said it was not practical; that it would cost too much and demand too much of their energies; that he could accomplish the same thing—and that is why I accepted his wording on the amendment—if they would let the Department of Defense be basically responsible for setting up the system, but they would oversee it. It was as a matter of economy and not trying to throw their operations out of gear that I accepted his suggestion.

Mr. GOLDWATER. Did the Senator confer with the Department of Defense as to what their feelings might be to his suggestion?

Mr. SCHWEIKER. Frankly, I did not feel the Department of Defense would be very responsive to having any auditing in their system, so I did not. It would be something like asking the fox to watch the henhouse.

Mr. GOLDWATER. I could understand that had the Senator been faced with the prior administration in the Pentagon. I think this administration is very, very heavily in favor of its being done. That is why I thought the Senator might have asked them if they had any idea or had reached any idea from the committee appointed under Mr. Packard to study this whole program. If he has not, I can certainly understand why. I would hope, however, that, if the amendment is defeated and he desires to introduce it as a separate piece of legislation, officials of the Defense Department would come before us. I am sure, just as much as he does and just as much as the Senator from Arizona does, they would like to see a better watchdog setup over this whole matter. I thank the Senator from Pennsylvania for his indulgence.

Mr. YARBOROUGH. Mr. President, in recent months, it has become clear to me and I am certain to other Senators, that the present provisions for supervising contracts between the Department of Defense and private industry are not adequate to insure that the public interest and the public purse will be protected. I refer specifically to the shocking increase in the cost of the C–5A transport aircraft. On July 29, 1969, there appeared in the Washington Post, an article entitled, "AF Lists Cost Rise of C–5A." This article carefully explains the circumstances under which the cost of this plane has risen by nearly $2 billion. I ask unanimous consent that this article entitled, "AF Lists Cost Rise of C–5A" be printed at this point in the Record.

Mr. President, Senator Schweiker's amendment would empower the General Accounting Office, an arm of the Congress, to audit contracts entered into by the Department of Defense. I believe that this will be a major step toward preventing this type of waste that has been going on in the past. I support Senator Schweiker's proposal.

There being no objection, the article was ordered to be printed in the Record, as follows:

AF Lists Cost Rise of C–5A

(By James G. Phillips)

An Air Force study ordered by Defense Secretary Melvin R. Laird reported yesterday that costs of the giant C–5A transport aircraft have increased by $1.7 billion and may go up even more.

The Pentagon added that some of the cost increases reflected its decision to modify the aircraft (increase its size) and add additional spare parts that had not been contemplated in the original purchase.

The expected final cost for the 120 planes built by Lockheed has been the subject of continuing controversy over the last few months. Critics of the C–5A have estimated the price tag at $5.3 billion, an overrun of $1.9 billion.

The Pentagon report, prepared by a task force under Assistant Air Force Secretary Philip N. Whittaker, revealed that the total cost of the program had increased from $3,369,000,000 at the time of the contract award in 1965 to a current total of $5,125,000,000. This represents an overrun of more than $1.7 billion.

In a Pentagon press conference unveiling the report, Air Force Secretary Robert C. Seamans Jr. criticized "ambiguities and deficiencies" in the original contract for the plane and hinted that the remaining 39 aircraft in the original 120-plane package may not be purchased unless contract revisions are made.

Asked whether the threat of curtailing the purchase amounted to a negotiating weapon, Seamans replied: "It certainly is."

But Seamans added that the Air Force was satisfied with the plane's performance and hopes it can follow through on the full original purchase.

The main feature of the contract that Seamans criticized was the plane's repricing formula—the so-called "golden handshake" under which Lockheed can make up its losses on the first order of 58 planes by charging a higher price on the second purchase of 62.

He said the Air Force would open immediate negotiations with Lockheed to revise this formula and other provisions of the contract involving the amount the company can charge for spare parts and the amount the Government can penalize the company for deficiencies or late delivery.

The report, prepared by 11 different Air Force committees and a four-man outside civilians review group, was ordered by Laird on April 30. It covered the entire eight-year history of the program, from the beginning of its planning in 1961.

In his letter submitting the report to Seamans, Whittaker said his aim had been "neither to conduct a witch hunt nor to perform a whitewash."

Despite its criticisms of the original contract, the panel emphasized that it "by no means represents a windfall" of profits for Lockheed. In comparison to other aircraft programs, the report said, it was questionable whether Lockheed would reap even normal profits, "let alone excessive" ones.

Nonetheless, the report said, the repricing formula was a "reverse incentive" that should be dropped from the contract.

If this and other controversial provisions weren't revised, the report added, there was a "distinct possibility" that the plane's cost overrun could increase.

The report noted that the $5.1 billion estimate for the total program was a 52 per cent increase over the original target costs. It said this was mostly attributable to inflation and the addition of $295 million for spare parts and aircraft modifications not included in the original cost projection.

While the report cleared Lockheed of any charges of profiteering on the aircraft, it was sharply critical of the company's procedures in estimating original costs.

It said the company had been "overly ambitious" in underbidding its two competitors, Boeing and McDonnell Douglas, and had erred in assuming that the project was just a scaled-up C–141—another large cargo plane produced by Lockheed.

But in response to reporters' questions, Seamans and Whittaker denied that the company had deliberately "bought into" the program with low initial cost estimates in order to get "bailed out" later with a higher price for the second production run.

Whittaker said the company's thinking had been marked by too high a degree of technical optimism, too low a projection of inflation, and a desire to keep its plant fully operating after the final production run of C–141s.

"What the various interplay of those factors was is anybody's guess," he concluded.

UNANIMOUS-CONSENT AGREEMENT

Mr. STENNIS. Mr. President, I have conferred with the Senator from Pennsylvania. It is agreeable with us, if it is agreeable with the Senate, to have just 5 minutes to each side for debate now, and then proceed to a vote. I make that request.

The **PRESIDING OFFICER.** Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

Who yields time?

Mr. SCHWEIKER. Mr. President, for the life of me I cannot understand why it is that the largest operation that the Government has going, namely, the Department of Defense, would not subject itself to some kind of certified public accounting or some kind of auditing system or some kind of statutory authority that insures the figures will be accurate and honest. I had the privilege in the other body of serving for 6 years on its Committee on Armed Services, and for a short time I have served on the same committee in this body.

Frankly, our decisionmaking process is totally related to the accuracies of details and fiscal figures and accounting presentations. After the inquiries into the C–5A and other matters in this body and the other body, it is obvious to me that we have been making many false assumptions and making many decisions based on erroneous facts.

What is so objectionable to having an auditor check into these matters? What is so objectionable to having the General Accounting Office have subpena power, as the Senator from Kentucky pointed out, to call in contractors? We do it with respect to some other programs, but when 40 percent of our national budget goes to defense, why do we not have a fiscal watchdog in this area?

As far as costs are concerned, the cost of an $80 billion operation is one half of one one-hundredth percent. That is what the cost would be, even if everything went wrong with the system, according to their estimates. I would like to repeat that. The cost of the proposal at the outside would be something like $4 million for 200 people—about one-half of one one-hundredth percent.

If we look at the C–5A for a second, we see where we would have saved thousands more than that. What is wrong with investing a little of the taxpayers' money to get a dividend that would return into their pockets perhaps a million times the investment, or perhaps be devoted to other activities of the Federal Government?

The chairman of the committee has been most cooperative. I wrote the committee and the chairman and advised them on June 18 that I was preparing this amendment for the consideration of the committee. We had 2 weeks in which to have hearings or in which to suggest hearings. On the floor today was the first time I ever even heard the word "hearing" mentioned. I think it is important to point out that we have had plenty of time to hold hearings. I canvassed the senior members of the committee. It was obvious they were against the amendment. So I did not press it to a vote. I thought, in good conscience, there was not much point in pushing it to a vote when the chairman expressed complete opposition to my amendment. But I think it is important to note that we did not have hearings, that I was not offered an opportunity for hearings. I think this is the first time I have heard the word "hearing" discussed.

Mr. DOLE. Mr. President, will the Senator yield for a question?

Mr. SCHWEIKER. I yield.

Mr. DOLE. First, I commend the Senator from Pennsylvania, with whom I had the pleasure of serving in the House of Representatives for 8 years. There are those of us on both sides who see a great deal of merit in the amendment, but, unlike the Senator from Pennsylvania, we have not had an opportunity to give it serious study or consideration. I would hope there would be hearings on the proposal. I heard the chairman state that he is willing to have hearings at the earliest possible time.

I would not want to prejudge the amendment, but I believe we would be in a better position if we had hearings and the opportunity to hear testimony not only from the Defense Department but from contractors and the GAO.

While many of us are sympathetic with the general idea of what the Senator would hope to accomplish, I trust the Senator agrees that the proper way to proceed would be to first have hearings, if the amendment is defeated, and then see what should be done.

Mr. SCHWEIKER. I thank my distinguished colleague. I appreciate his comments. I think we had ample opportunity to hold hearings, but I was not given that opportunity, and we did not hold hearings.

I think the amendment is pretty much self-explanatory. It is a question of whether we want to accept the basic principle of having a fiscal watchdog over the Defense Department. In view of what we read in the news media today, I do not know how anyone could suggest anything other than that we should have a watchdog when we consider what is happening in the Defense Department.

I think the issue is clear. The distinguished Senator from Mississippi says he does not want to give them subpena power. How in the world can we ask somebody to be accountable for something, and then not provide the authority to back it up? How can we ask them to be auditors, and then say, "we do not give you the responsibility or the authority to see that the facts are available"?

I think it is important also that this concept was evolved and devolved by the Comptroller General himself. I was surprised to hear of his letter to the Senator from Mississippi, because when I talked to the Comptroller General some 6 or 8 weeks ago and asked him the same question, he told me that this was a matter of basic policy for Congress and the Senate itself to decide, that this was our issue.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. STENNIS. Mr. President, if the Senator needs more time, I will give him a minute.

Mr. SCHWEIKER. No. I am through.

Mr. STENNIS. In reply to the statement that the Senator has just made, I shall review the matter briefly.

This proposed amendment, with no hearings and no report on it, with no committee having passed on it, and recommended by no committee, would change the whole structure of the concept and mission of our General Accounting Office. I have said we should have hearings, and I meant every word of it, of course. I believe the other committee that has jurisdiction over the General Accounting Office should have hearings before making such a far-reaching change as this amendment would effect. That can be handled.

There is no definition of terms, and no estimate on the number of people who would be required as new employees, nor of the cost of the operation.

The head of the General Accounting Office, Mr. Staats—and I think he is an exceptionally fine and capable man, and a real administrator, doing splendid work—has looked into all of this and come to his own conclusions. I did not try to influence him. I shall quote briefly from a letter which, after we had talked about the matter a few days ago, I asked him to write. I simply said to him, "Well, if you don't mind, just put that down in the form of a letter." I read briefly, for those who were not here before:

> Before legislation of this type is enacted, it would be our recommendation that the most careful consideration be given to it by the Congress. The type of reviews made by this office and the needs of the interested committees of Congress need further development and exploration.

That is exactly what I had said about it before I read his letter.

The letter continues:

> For these reasons, we believe that legislation prescribing a particular form of reporting at this time would be unwise. In general, we believe the basic authority of the General Accounting Office is adequate to carry out the program which we outlined.

He had outlined a proposed program in the first two pages of his letter.

Mr. President, in view of the fact that we have readily agreed, and wanted to agree, to have hearings on the whole concept of this matter, hearings which it was just not possible to hold at the late date it was mentioned to me, and in view of the fact that I, as chairman of the committee, have pledged myself to institute such hearings and consider the matter on its merits; in view of the fact that this subpena power will have to be measured and carefully drawn; and since I believe everyone has had all the time he needs to consider the matter here, I believe, if we are going to take further action, it would be better just to move now to table the amendment, and have a vote on that motion.

May I have the attention of the Senator from Pennsylvania? I just stated that, in view of the fact that we have agreed on the need for hearings and a continuation of this matter, I believe it would be better just to have a motion to table, and vote on that; and, if that does not dispose of the matter, we could have another vote, but if it did dispose of it, then we would agree to go on with the hearings.

Mr. SCHWEIKER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. SCHWEIKER. First, there was some indecision in the Senator's mind as to which committee the matter should come before; so there is not much sense in holding hearings in our committee before that matter is settled.

Mr. STENNIS. That will all be taken up. I think it ought to be voted upon, but we could use that as a start.

Mr. GRIFFIN. Mr. President, I believe the concept embodied in the amendment offered by the Senator from Pennsylvania is excellent. I am strongly inclined to support what he is trying to do.

On the other hand, a responsible legislator cannot help but be impressed by the complexity of the issues raised and by the need for committee hearings on such a legislative proposal.

In view of the assurances given by the Chairman of the Armed Services Committee that hearings on this proposal will be conducted and that it will be carefully considered, I believe it would be best at this time to afford the committee that opportunity.

At the same time, I wish to commend the Senator from Pennsylvania for presenting the amendment and for the outstanding leadership he is providing. He is moving in the right direction, and I hope we will soon be in a position to vote approval of such an amendment.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has only seconds.

Mr. STENNIS. I have concluded my remarks; and in the spirit of the premises, I move to lay on the table the amendment proposed by the Senator from Pennsylvania.

Mr. SCHWEIKER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion by the Senator from Mississippi (Mr. STENNIS) to lay on the table the proposed amendment of the Senator from Pennsylvania (Mr. SCHWEIKER). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Tennessee (Mr. GORE), the Senator from Maine (Mr. MUSKIE), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

Mr. SCOTT. I announce that the Senator from Nebraska (Mr. CURTIS) is detained on official business, and if present and voting would vote "yea."

The result was announced—yeas 44, nays 51, as follows:

[No. 69 Leg.]

YEAS—44

Allen
Allott
Anderson
Baker
Bennett
Bible
Boggs
Byrd, W. Va.
Cannon
Cotton
Cranston
Dirksen
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Holland
Hollings
Hruska
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
McClellan
McGee
Miller
Montoya
Russell
Smith
Stennis
Symington
Talmadge
Thurmond
Tower
Young, N. Dak.

I thought it was a far-reaching proposal that certainly deserves a lot more consideration than it will get in this discussion.

I heard it pointed out earlier today that this should go to the Government Operations Committee for hearings and then subsequently to the Appropriations Committee, or to the Armed Services Committee—either one.

The Government Operations Committee is the oversight standing committee in the Senate. It is the oversight standing committee also in the House of Representatives. If we want to note how much authority and jurisdiction it has, all we have to do is look in the rule book and see where it spells out the jurisdiction of every one of the standing committees of the Senate.

That is the oversight committee.

What this is, in essence, is an oversight operation on major Federal contracts as provided in section 1 of the bill. It goes awfully far and perhaps there has to be modification of the language if we are going to do exactly this.

To what extent it modifies our concept of the General Accounting Office and the Comptroller General is not too readily apparent until the matter is given far more study than it has had up to this point.

Thus, I share with the chairman of the committee the belief that this should not be put in this bill until it has had further consideration.

For that reason, I think that the amendment should be voted down because there will always be an opportunity to go before the Government Operations Committee and see what should be done.

I served on that committee years ago and I know what its jurisdiction is. I know the latitude of its power. The sky is almost the limit, so far as that committee is concerned. That is the proper place for an amendment of this kind. It only adds to my conviction that it should be rejected at this point and given much more consideration than it has had up to this good hour.

Mr. STENNIS. Mr. President, I yield myself the remaining 2 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 2 minutes.

Mr. STENNIS. Mr. President, I have already read the letter from the Comptroller General, Mr. Staats.

When the pilot of an airplane says that he had better not fly the plane today because of adverse weather conditions, and so forth, we take his advice. On that same basis, I read from Mr. Staats' letter again:

> For these reasons, we believe that legislation prescribing a particular form of reporting at this time would be unwise.

Mr. President, this is an important matter. I have no personal concern about it except my obligation to the Senate. But I say right now that we had better stop this matter here, and get it before the Government Operations Committee which is the parent committee of the GAO of which the Senator from Arkansas is chairman. I have learned that the Senator from Connecticut is chairman of one of the outstanding subcommittees in that group. Let them analyze and make recommendations. If the Senator from Pennsylvania wants it to come over, we would like to have it come over to the Armed Services Committee, too, and let us analyze and perhaps make recommendations—whatever we want to. But I say that we are dealing with deadly stuff here, dealing in shotgun methods when no one knows, as the Senator from Illinois pointed out, what the phrases mean, and no one knows how far it will go to change the nature of the GAO, about which the Senator from Missouri has advised us.

No one knows what a major contract is. What is a major contract? That is what the amendment says. It goes to major contracts. Can anyone say what is a major contract—with no proof, with no record, with no hearings, with no report from the committee, and no kind of recommendations.

Let us not go off the deep end here on one of the most important matters we have, on something we all are trying to do something about.

The PRESIDING OFFICER. The Senator from Pennsylvania has 4 minutes remaining.

Mr. YARBOROUGH. Mr. President, will the Senator yield 1 minute to me?

Mr. SCHWEIKER. I yield 1 minute to the Senator from Texas.

Mr. YARBOROUGH. In answer to what the Senator from Mississippi has just said, in subsection (c) on page 3 of the amendment, beginning on line 14, the language reads:

> The Secretary of Defense after consultation with the Comptroller General and with the chairman of the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives shall prescribe criteria for the determination of major contracts under subsection (a).

So the chairman of the committee will be a part of those determining what a major contract is. This agency of the Government, which has these big war contracts, owes some responsibility to the people of the United States, such as in the case of the C–5A, which rode in with a bill $700 million more than it was supposed to cost the people of the country. It is about time that the Congress exercised the power of the purse strings. This Department should be accountable, like all the rest, to the people of the country. This Department has a special largesse. They go scot-free. It is about time that the people in that Department were made responsible for it.

Mr. SCOTT. Mr. President, will the Senator yield briefly?

Mr. SCHWEIKER. I yield to my colleague from Pennsylvania.

Mr. SCOTT. Mr. President, the phrase "scot free" was used. I want to make it clear that, as far as I am concerned, the Pentagon is not to be freed of me or my ideas. I think the junior Senator from Pennsylvania is quite right that there ought to be a willingness to account, a willingness to avoid overruns, a willingness to operate the Defense Department for the primary concern of the taxpayers, and we should give the Congress and the Comptroller General the right to have something to say about it. Therefore, I support the amendment offered by my colleague from Pennsylvania.

Mr. SCHWEIKER. Mr. President, the point has been brought out about the Comptroller General's expressing a certain view in a letter. I would like to point out that, 6 weeks prior to that letter, the Comptroller General was in my office. When I asked him exactly the same question, he said it was a matter of policy for the Senate to decide whether we should place the auditing function in the Comptroller General. I am delighted to see that letter, but 6 weeks ago, verbally, he gave me that very answer.

We talk about whether this amendment should go to the Armed Services Committee or should go to the Government Operations Committee or should go to other committees. All I can say is that I, as a member of the Armed Services Committee, am asked to vote for a $20 billion bill. How on earth can I meet my responsibility if I do not even know the figures are honest? How can I meet my responsibility if I do not know whether that $20 billion figure has any meaning in terms of being audited, or going through the process of certified public accounting, or having some kind of relation to giving us the basic tools of the trade that we have lacked so long to enable us to ride herd on the Pentagon?

Mr. President, I ask unanimous consent to have 2 additional minutes.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has not expired. He has 2 minutes.

Mr. SCHWEIKER. It is suggested that this proposal should go to this committee for hearings or to that committee for a report or to that committee for study. All I say is that we have had no hearings, we have had no report, and we have had no study. I suggest that if we go the course suggested, we will have no bill as well.

The issue is very simple. Are we going to take some fiscal responsibility for supervising these huge amounts of money, as is done for other departments? Are we going to decide priorities for spending the money as we do in our domestic programs?

I may add that this amendment has been on the desk since the 18th of July. Every Member has had an opportunity to see it or study it. It is not a matter of a new amendment or a quick amendment. I think this amendment was on the desk of each Senator for a longer time than most amendments are. It is clear. It is simple. The issue is whether we are going to supervise fiscally an $80 billion budget and exercise our responsibility.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania, offered for himself and other Senators. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. EAGLETON (after having voted in the affirmative). On this vote, I have a pair with the Senator from Nebraska (Mr. CURTIS). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Cannon), and the Senator from Tennessee (Mr. Gore) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. Cannon) would vote "nay."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Nebraska (Mr. Curtis), and the Senator from Alaska (Mr. Stevens) are detained on official business.

If present and voting, the Senator from Tennessee (Mr. Baker) and the Senator from Nebraska (Mr. Curtis) would each vote "nay."

The result was announced—yeas 47, nays 46, as follows:

[No. 70 Leg.]

YEAS—47

Aiken
Bellmon
Brooke
Burdick
Byrd, Va.
Case
Church
Cook
Cooper
Fulbright
Goodell
Gravel
Harris
Hart
Hartke
Hatfield
Hughes
Javits
Kennedy
Mansfield
Mathias
McCarthy
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Saxbe
Schweiker
Scott
Spong
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

NAYS—46

Allen
Allott
Anderson
Bennett
Bible
Boggs
Byrd, W. Va.
Cotton
Cranston
Dirksen
Dodd
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Holland
Hollings
Hruska
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
McClellan
McGee
Miller
Mundt
Murphy
Ribicoff
Russell
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Young, N. Dak.

PRESENT AND ANNOUNCING A LIVE PAIR AS PREVIOUSLY RECORDED—1

Eagleton, for.

NOT VOTING—6

Baker
Bayh
Cannon
Curtis
Gore
Stevens

So Mr. Schweiker's amendment (No. 85) was agreed to.

Mr. SCHWEIKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIRKSEN. I move to lay that motion on the table.

Several Senators asked for the yeas and nays.

The PRESIDING OFFICER (Mr. Saxbe in the chair). The yeas and nays have been requested. Is there a sufficient second?

The Chair is in doubt as to whether there is a sufficient second. The Senate will be in order, and the clerk will count.

The Chair is satisfied that there is a sufficient second. The clerk will call the roll. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The assistant legislative clerk proceeded to call the roll, and Mr. Aiken answered in the affirmative.

Mr. GOLDWATER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. AIKEN. Mr. President, I had already voted "no."

Mr. FULBRIGHT. Mr. President, a point of order. The Senator from Vermont had already voted.

The PRESIDING OFFICER. The Chair is of the opinion that the rollcall had started. The rollcall will continue.

The assistant legislative clerk resumed the call of the roll, and Mr. Allen answered in the negative.

Mr. GOODELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GOODELL. Mr. President, may we have the question stated again?

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider. An affirmative vote will lay the motion on the table. A negative vote will not.

The assistant legislative clerk resumed the call of the roll.

Mr. METCALF (when his name was called). On this vote I have a pair with the Senator from Tennessee (Mr. Baker). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. EAGLETON (when his name was called). On this vote I have a pair with the Senator from Nebraska (Mr. Curtis). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Cannon), and the Senator from Tennessee (Mr. Gore) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. Cannon) would vote "nay."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Nebraska (Mr. Curtis) and the Senator from Alaska (Mr. Stevens) are detained on official business.

The Senator from Maryland (Mr. Mathias) is absent on official business.

The respective pairs of the Senator from Tennessee (Mr. Baker) and that of the Senator from Nebraska (Mr. Curtis) have been previously announced.

The yeas and nays resulted—yeas 46, nays 45, as follows:

[No. 71 Leg.]

YEAS—46

Aiken
Bellmon
Brooke
Burdick
Byrd, Va.
Case
Church
Cook
Cooper
Ellender
Fulbright
Goodell
Gravel
Harris
Hart
Hartke
Hatfield
Hughes
Javits
Kennedy
Mansfield
McCarthy
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Saxbe
Schweiker
Scott
Spong
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

NAYS—45

Allen
Allott
Anderson
Bennett
Bible
Boggs
Byrd, W. Va.
Cotton
Cranston
Dirksen
Dodd
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Holland
Hollings
Hruska
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
McClellan
McGee
Miller
Mundt
Murphy
Ribicoff
Russell
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY REPORTED—2

Metcalf, for.
Eagleton, for.

NOT VOTING—7

Baker
Bayh
Cannon
Curtis
Gore
Mathias
Stevens

So the motion to lay on the table was agreed to.

The PRESIDING OFFICER. Is there further amendment?

Mr. MANSFIELD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, are there any amendments at the desk?

The PRESIDING OFFICER. There are a number that have been submitted and printed. They have no parliamentary standing. They have not been called up.

Mr. MANSFIELD. Does any Senator desire to call up an amendment now? If we are going to stay late and get through with this bill, hopefully by August 13, now is the time for all good men on both sides of the aisle to come to the aid of their party. [Laughter.]

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PROXMIRE. Some eight amendments on chemical and biological warfare are pending. We are trying to work out now with Senator McIntyre an agreement on these amendments, and some of us who have amendments feel that these amendments should go first.

Mr. MANSFIELD. I see.

Mr. PROXMIRE. For that reason, I would appreciate it if we could have a little hiatus.

Mr. LONG. Then, may I put something in the Record at this time?

Mr. MANSFIELD. Yes.

TAX REFORM

Mr. LONG. Mr. President, the lead editorial of the Wall Street Journal today deals with the tax reform package. It is a very thoughtful editorial and deserves the attention of every Member of the Senate. It is entitled "From Confusion to Chaos," and describes the bill in its present form, as voted on by the House of Representatives, in the nature of a tax reform measure.

I ask unanimous consent to have the editorial printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

From Confusion to Chaos

One thing can be said with certainty, anyway, about the new tax bill. It was born in confusion, and if it is passed in its present form, it will spice confusion with chaos.

Beyond that, certainty fades even among tax experts in or out of Government. As Edwin S. Cohen, Assistant Secretary of the Treasury, ruefully put it, the House tax "reform" bill might better be known as "the lawyers and accountants relief act of 1969."

If the members of the House Ways and Means Committee didn't quite know what they had put in the bill when they approved it, which they didn't, and if the Treasury Department officials aren't quite sure yet what some of it says, which they aren't, pity the poor taxpayer trying to figure out what has been done to him. Or, for that matter, the newspapermen, poor wretches, trying to explain it all to their readers.

What happened, in case you got lost in the news, was that the Ways and Means Committee approved the bill last Friday in a great rush to answer the clamor for "reform," which is of course something that everybody's for.

Since many of its provisions had been announced piecemeal, at least in principle, there was a general understanding that the bill would help the low income taxpayer and soak the wealthy taxpayer; but since many of the provisions had not been put into precise language, and no committee report was available, there was considerable confusion as to what had actually been done. In a tax bill, the exact words are more important than the generalities.

Indeed, even Chairman Mills, one of the oldest hands in the taxing business, had to confess himself confused. On Tuesday he had to reassemble his committee to amend the rate schedules for low income taxpayers because of what Mr. Mills called a "misunderstanding." As it turned out, a $2.4 billion misunderstanding.

So don't expect from us this morning any definite explanation on what it all means. A summary of the bill was finally made available this week (minus, of course, the changes made on Tuesday) but it takes time to digest 226 pages of tax prose and another 143 pages of "technical explanation" even if you're a Philadelphia lawyer.

But a few observations may not be out of order.

One is that there are a lot of happy things proposed, for the future if not the present. By the end of 1972, if you can dream so far ahead, the general tax rates will be reduced by an average of about 5%. If you're in the lowest tax bracket the exemptions have been increased so that you may not have to pay any taxes at all; about 5.2 million people will be removed from the tax rolls entirely. If you're in the top tax bracket, you can keep 35% of your top earnings instead of just 30% as at present—maybe, if you have the right kind of income.

Moreover, if you earn your own income—as distinguished from those lazy fellows, retired or otherwise, who live off of dividends of savings account interest—your top tax won't take more than half of what you earn.

Another observation is that it is a canard to label this a soak-the-rich tax bill, in spite of its heralded provisions for a minimum tax aimed at the rich. Short of Castro confiscation it's hard to write a tax bill that will be more than an inconvenience to Fords, Rockefellers or Kennedys.

The man who gets dunked is the man in the middle, the corporate executive or the doctor or lawyer who may have no real wealth but high earnings for a brief span of years. That is, the man with mixed income, some from salary, some from savings; the man with some capital gains that he has been counting on for his retirement years.

For all the rules on such things as deferred compensation, stock options, many forms of pension plans and almost everything else on which the retirement plans of such men might be based—all these rules would be changed. Some of these changes would even penalize those already retired who planned in good faith on the rules at the time; almost all of them would penalize younger men planning now for retirement. Hardly anybody can figure out yet precisely how the new rules would affect particular cases, but it is clear enough that the punishment is aimed not at the rich but at the successful.

Yet however all this may affect individuals, happily or otherwise, other changes are sure to have far-reaching effects, though uncertain ones, rippling out through the economy.

No one, for example, can anticipate the effects of the new treatment proposed on heretofore tax exempt bonds of states, municipalities, school boards and the like. The uncertainty is acknowledged in the proposed provision that these local authorities will be eligible for a Federal subsidy to offset the effects—but there is a sociological and political effect, as well as an economic one, in forcing them to go hat in hand to Washington. An unmeasurable effect.

Unmeasurable also are the effects of provisions in the bill which would revamp the tax treatment of charitable contributions, stock dividends, the handling of corporate bonds and debentures, depreciation charges for utility firms, cooperatives, foundations, multiple corporations. Some of these may be worthy reforms, some not. The point, rather, is that no one can anticipate now what unexpected, and perhaps untoward, effects all these things may have on that most complicated of mechanisms, the ecology of a complex economy.

Chairman Mills himself admits as much. He has promised that his committee will "later" analyze the impact of the bill he now proposes.

Somehow "later" seems not quite soon enough.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes.

Mr. MANSFIELD. Mr. President, there may well be votes.

Mr. MAGNUSON. If there is no amendment, is the bill not automatically up for third reading?

Mr. MANSFIELD. No, Mr. President. In that case, I ask——

Mr. MAGNUSON. I just asked the question. The Chair has not answered the question. When there are no amendments to be offered, does the bill automatically go to third reading?

Mr. MANSFIELD. Mr. President, I have the floor.

I ask unanimous consent that the pending business be laid aside temporarily, and that the Senate proceed to the consideration of Calendar No. 214, H.R. 7206, an act to adjust the salaries of the Vice President of the United States and certain officers of Congress. There will be votes.

Mr. STENNIS. Mr. President, reserving the right to object, I want to inquire what the situation will be now. If we are going to have any other amendments this afternoon, it seems to me that we should take them up now.

It is correct, as the Senator has said, that a number of amendments, at my suggestion, are in conference with one of the subcommittee chairmen. But there are many other amendments that can be taken up, and we certainly will not get through before the August recess unless we keep working on this bill. Simply because it is inconvenient for someone to call up this amendment, I do not think is sufficient reason. I am speaking now in the interest of keeping the bill moving.

The PRESIDING OFFICER. In answer to the question, there is a pending request of the Senator from Montana. As to the bill (S. 2546), the Chair will bring the bill to a third reading, if no one, after a hiatus, seeks recognition to speak or to bring up an amendment.

Mr. MANSFIELD. Mr. President, if I have to do it myself, I will offer an amendment in order to prevent third reading. I have no amendments, but I hope this matter is not pushed, because the right of every Senator must and will be protected.

Mr. President, I renew my request.

Mr. STENNIS. Mr. President, reserving the right to object, I did not suggest third reading.

Mr. MANSFIELD. I know the Senator did not.

Mr. STENNIS. I just wanted it understood——

Mr. MAGNUSON. I did not suggest it, either. I just asked what the rule was. And I got the right answer. [Laughter.]

Mr. STENNIS. One more question: Does the Senator from Montana expect extended debate on the salary bill?

Mr. MANSFIELD. No. I understand that the distinguished Senator from Delaware will offer an amendment relative to the pay raise commission. The yeas and nays will be requested. I do not know whether there will be any, but I would hope that we could dispose of this bill within an hour, and that, if there is any argument, we could have rollcall votes as soon as possible, so that we can all be on record.

Mr. HOLLAND. Mr. President, the Senator from Florida was not able to make his opinion heard on the last amendment, and he wishes to speak 4 or 5 minutes on it, because he thinks this will be a matter in conference which should require the expression of opinions of Senators who have strong opinions on it. After he has made that statement, he would be very happy to agree to the request of the majority leader.

Mr. MANSFIELD. Mr. President, I withdraw my request. I thought this had been cleared. The Senate was given notice on this. A decision has been made on the previous motion, and I had hoped, in the interest of comity with the other side and with the Committee on Post Office and Civil Service, which had agreed unanimously to something or other, that we could tend to this and give the chairman of the committee a chance to eat. He has not had a bite since breakfast. I had hoped we could get on with this bill and have the other comments later. But, on the basis of the request made, I reluctantly withdraw the request.

The PRESIDING OFFICER. The Chair has heard no objection to the request of the Senator from Montana.

Mr. HOLLAND. I shall object unless I am allowed to speak 4 or 5 minutes on the subject I mentioned.

Mr. MANSFIELD. The Senator can get the time on this bill if he wants it, but if he wants it separate, I will withdraw the request.

The PRESIDING OFFICER. Objection is heard.

The question recurs.

Mr. HOLLAND. Mr. President, the decision just made by the Senate, by a cliff-hanger vote, is a decision on a matter which I think should be fully discussed in the RECORD, because surely it will be in conference and surely all reasonable arguments should be heard on it.

The Senator from Florida had asked for time to be heard, and the amount of time available was not sufficient, so he was not allowed to make his statement.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HOLLAND. Mr. President, I can speak a good deal longer than 4 or 5 minutes, if it is necessary, but I would prefer to confine my remarks to the shortest possible time.

Mr. President, I had asked the Presiding Officer to recognize me as soon as the result of the vote was announced. I did not realize that I had to go further than that in order to exercise my rights in this matter.

Mr. President, I think the Senator from Mississippi, the chairman of the Armed Services Committee, and the Senator from Missouri, one of the ranking members of the committee, and others who spoke were exactly within their rights and exactly stated the facts that the so-called Schweiker amendment materially changes the functions of the General Accounting Office.

It was for that reason that I thoroughly agreed that the matter required and was intended to have full study by the Committee on Armed Services and also by the Committee on Government Operations before it should be seriously considered by the Senate.

The Senator from Florida would like to see an act passed under which the General Accounting Office was more fully availed of in connection with checking on defense contracts. He wants that to be made clear but he is not willing to take that action in the overriding of the two fine committees that the Senator from Florida has mentioned; nor is he willing to take it in this action which has been taken which materially changes the function of the General Accounting Office.

Mr. President, I ask unanimous consent to have printed in the RECORD the list of the members of the Committee on Armed Services, which is so ably headed by the Senator from Mississippi as chairman of the committee and by the Senator from Maine (Mrs. SMITH) as the ranking minority member.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

ARMED SERVICES

John Stennis, of Mississippi, *chairman*.
Richard B. Russell, of Georgia.
Stuart Symington, of Missouri.
Henry M. Jackson, of Washington.
Sam J. Ervin, Jr., of North Carolina.
Howard W. Cannon, of Nevada.
Stephen M. Young, of Ohio.
Daniel K. Inouye, of Hawaii.
Thomas J. McIntyre, of New Hampshire.
Harry F. Byrd, Jr., of Virginia.
Margaret Chase Smith, of Maine.
Strom Thurmond, of South Carolina.
John G. Tower, of Texas.
Peter H. Dominick, of Colorado.
George Murphy, of California.
Edward W. Brooke, of Massachusetts.
Barry Goldwater, of Arizona.
Richard S. Schweiker, of Pennsylvania.

Mr. HOLLAND. Mr. President, I next ask unanimous consent to have printed in the RECORD the list of members of the Committee on Government Operations which is so ably headed by the senior Senator from Arkansas (Mr. MCCLELLAN) and by the senior Senator from South Dakota (Mr. MUNDT) as the ranking minority member.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

GOVERNMENT OPERATIONS

John L. McClellan, of Arkansas, *chairman*.
Henry M. Jackson, of Washington.
Sam J. Ervin, Jr., of North Carolina.
Edmund S. Muskie, of Maine.
Abraham A. Ribicoff, of Connecticut.
Fred R. Harris, of Oklahoma.
Lee Metcalf, of Montana.
Eugene J. McCarthy, of Minnesota.
James B. Allen, of Alabama.
Karl E. Mundt, of South Dakota.
Jacob K. Javits, of New York.
Charles H. Percy, of Illinois.
Robert P. Griffin, of Michigan.
Ted Stevens, of Alaska.
Edward J. Gurney, of Florida.

Mr. HOLLAND. Mr. President, in the first place I do not believe the Senate realizes what it has done has been to render a vote of no confidence. The vote of the Senate is a vote of no confidence in these two fine committees and their members.

The Senator from Florida has the fullest confidence in the membership of both of these committees. Incidentally, the distinguished Senator from Pennsylvania, who offered the amendment, is a member of the Committee on Armed Services, and the Senator from Florida has confidence in him. I would like to see this subject matter seriously considered by the appropriate committees before the Senate is required to act upon it.

In the second place, I wish to call attention to the language in the amendment, which has just been agreed to by a majority of one vote of the Senate, which I think completely changes the nature of the General Accounting Office. I will read, therefore, from page 4 of the amendment of the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) beginning at line 8 under subsection (f):

> **(f) The Comptroller General shall make independent audits of major contracts where in his opinion the costs incurred and to be incurred, the delivery schedules, and the effectiveness of performance achieved and anticipated are such as to warrant such audits and he shall report his findings to the Congress and to the Committee on Armed Services and the Committee on Appropriations of the Senate and of the House of Representatives.**

Mr. President, the Senator from Florida has used the General Accounting Office a good many times. I see present in the Chamber the distinguished senior Senator from Nebraska (Mr. HRUSKA) who is the ranking minority member of the committee of which I am chairman. The Senator from Nebraska will well recall that our subcommittee has on various occasions used the General Accounting Office to investigate matters which we thought required investigation. It has done so ably, and its opinions have been very fine opinions, and they have been very helpful to the members of the committee and Congress.

I have been here for 23 years and never has it been even remotely suggested that the Comptroller General shall be the moving party, shall be the policymaker, shall be the decisionmaker on the question of where he goes with his investigation. Yet the wording which I have read from the amendment just agreed to makes it clear that, "the Comptroller General shall make independent audits of major contracts where in his opinion the costs incurred and to be incurred, the delivery schedules, and the effectiveness of performance achieved and anticipated are such as to warrant such audits . . .".

I know of no such provision in any other act ever passed in Congress, at least in these 23 years, or any action ever taken by Congress or any committee of Congress in these 23 years, which even approaches this degree of giving complete discretion, complete judgment, complete decision, complete power to the General Accounting Office, and the means to the Comptroller General, as to where he shall go in a vast agency of Government which spends something like $80 billion.

I thoroughly agree with the letter of the Comptroller General to the distinguished chairman of the Committee on Armed Services which made it very clear that he thought that such matter was a serious matter, would represent a serious departure, did require long hearings, did require decision on how many additional employees might be required, did require decision as to just what would be the function of Congress and what the function of the Comptroller General in this vast field of expenditures of the Department of Defense would be, which every one of us agrees should be carefully supervised by Congress.

But, Mr President, note carefully the independent decision and independent judgment this amendment just passed gives to the Comptroller General, no matter how fine a man he is, because the whole concept of the setting up of the General Accounting Office was to set up an office which would be an arm of Congress, not the head, not the guide, not the leader, not the one determining policy, but the arm of the Congress to investigate where Congress felt investigation should be made. The General Accounting Office has uniformly been so used in all of the cases in which I have had any information at all as to their various activities, which have been many.

Therefore, the Senator from Florida simply wants the RECORD to show he completely agrees on the two major points with the position taken by the distinguished chairman of the committee: First, that hearings are absolutely necessary, that this is a vital, very important, and serious matter; and, second, as agreed to, the amendment means a very great change in the functioning of the General Accounting Office and makes of it instead of an arm of Congress the leader and guide of Congress in various major fields of expenditure.

The Senator from Florida would have no objection at all to the granting of subpena powers in proper cases, and he has voted on many occasions to give subpena powers to various investigating committees and various regulatory agencies and the like. That is not a part of the objection of the Senator from Florida, but he does object to this kind of handling of such an important matter and particularly when this matter marks a complete change of the character of the General Accounting Office. It is an important arm of the legislative department, and not of the executive department. It is an arm to which we can refer matters which Congress thinks should be investigated and reported upon.

To turn the Comptroller General loose without any guidance except the language here relating to—in his opinion—which is the wording, he can move as he pleases in any area looking for matters he thinks important.

Mr. President, I wanted this statement to appear in the RECORD because I have very strong feelings in the matter, and because I think I have as strong a desire as any in this Chamber to have properly reviewed and properly supervised the expenditures of vast amounts of money which we entrust to the Defense Department for expenditures. But I am not willing on this floor, without a committee report, without committee hearings, particularly when it is clear the amendment was offered to the committee and then withdrawn without the committee's being given a chance to pass upon it. I am not willing to vote for such a far-reaching amendment which, in effect, is a vote of no confidence as to the Armed Services Committee and the Government Operations Committee and is, in effect, a vote which would change completely the nature of the GAO which is one of the very important agencies belonging to the legislative branch and which we may regard as our investigating arm. That is what it is.

I thank the Senator from Mississippi for yielding to me.

Mr. STENNIS. I thank the Senator for his fine remarks. I am sorry he did not have an opportunity to speak before this time.

Mr. HOLLAND. I thank the Senator. I realize the difficulties under which he is operating. I have no feeling about the matter at all. I simply wanted to have in the RECORD a clear statement of my opinion on this matter because, may I respectfully say, I differ with the majority of Senators who have voted for this amendment without hearings, as far-reaching as it is, that it should be adopted and written into law.

GREAT PLAINS CONSERVATION PROGRAM

Mr. ELLENDER. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 10595.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 10595) to amend the Act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ELLENDER. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. EASTLAND, Mr. HOLLAND, Mr. JORDAN of North Carolina, Mr. AIKEN, and Mr. COOK conferees on the part of the Senate.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

PUBLIC TRANSPORTATION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91–145)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Commerce:

To the Congress of the United States:

Public transportation has suffered from years of neglect in America. In the last 30 years urban transportation systems have experienced a cycle of increasing costs, decreasing funds for replacements, cutbacks in service and decrease in passengers.

Transit fares have almost tripled since 1945; the number of passengers has decreased to one third the level of that year. Transit industry profits before taxes have declined from $313 million in 1945 to $25 million in 1967. In recent years 235 bus and subway companies have gone out of business. The remaining transit companies have progressively deteriorated. Today they give their riders fewer runs, older cars, and less service.

Local governments, faced with demands for many pressing public services and with an inadequate financial base, have been unable to provide sufficient assistance.

This is not a problem peculiar to our largest cities alone. Indeed, many of our small and medium-sized communities have seen their bus transportation systems simply close down.

When the Nation realized the importance and need for improved highways in the last decade, the Congress responded with the Highway Act of 1956. The result has been a magnificent federally-aided highway system. But highways are only one element in a national transportation policy. About a quarter of our population lack access to a car. For these people—especially the poor, the aged, the very young and the handicapped—adequate public transportation is the only answer.

Moreover, until we make public transportation an attractive alternative to private car use, we will never be able to build highways fast enough to avoid congestion. As we survey the increasing congestion of our roads and strangulation of our central cities today, we can imagine what our plight will be when our urban population adds one hundred million people by the year 2000.

We can not meet future needs by concentrating development on just one means of transportation. We must have a truly balanced system. Only when automobile transportation is complemented by adequate public transportation can we meet those needs.

THE PUBLIC TRANSPORTATION PROGRAM

I propose that we provide $10 billion out of the general fund over a 12-year period to help in developing and improving public transportation in local communities. To establish this program, I am requesting contract authorization totaling $3.1 billion for the first five years starting with a first year authorization of $300 million and rising to $1 billion annually by 1975. Furthermore, I am asking for a renewal of this contract authorization every two years so that the outstanding contract authorization will never be for a shorter period than three years. Over the 12-year period, $9.5 billion is programmed for capital investments and $500 million for research and development.

The program which I am recommending would help to replace, improve and expand local bus, rail and subway systems. It would help to develop and modernize subway tracks, stations, and terminals; it would help to build and improve rail train tracks and stations, new bus terminals, and garages.

The program would authorize assistance to private as well as public transit systems so that private enterprise can continue to provide public services in urban transportation. It would give State governments an opportunity to comment on project applications in order to improve intergovernmental coordination. It would require local public hearings before any major capital construction is undertaken. And it would permit localities to acquire rights-of-way in advance of system construction in order to reduce future dislocation and costs.

Fares alone cannot ordinarily finance the full cost of public transit systems, including the necessary capital investments. Higher fares usually result in fewer riders, taking much of the "mass" out of mass transit and defeating the social and economic purpose of the system.

One problem with most transit systems operating today is that they rely for revenues on people who *must* use them and make no appeal to those who have a choice of using them or not. Thus we have the self-defeating cycle of fewer riders, higher fares, lower revenues, worse facilities, and still fewer riders.

The way to break that cycle is to make public transit truly attractive and convenient. In this way, more riders will provide more revenues, and fares can be kept down while further efficiencies can be introduced.

In addition to assistance for capital improvements, I am proposing substantial research and technology efforts into new ways of making public transit an attractive choice for owners of private cars. These would include:

—Advanced bus and train design to permit easier boarding and dismounting.

—Improved interiors in bus and trains for increased convenience and security for riders.

—New traffic control systems to expedite the flow of buses over streets and highways.

—Tracked air cushioned vehicles and automated transit.

—Flexible bus service based on computer-forecast demands.

—New bus propulsion systems which would reduce noise and air pollution as well as cost.

—Systems such as moving sidewalks and capsules to transport people for short distances within terminals, and other major activity.

In summary, this public transportation program I am recommending would give State and local governments the assurance of Federal commitment necessary both to carry out long-range planning and to raise their share of the costs. It would meet the challenge of providing resources that are adequate in amount and it would assure adequate duration of their availability.

The bus rider, train commuter and subway user would have better service. The car driver would travel on less congested roads. The poor would be better able to get to work, to reach new job opportunities and to use training and rehabilitation centers. The centers of big cities would avoid strangulation and the suburbs would have better access to urban jobs and shops.

Most important, we as a Nation would benefit. The Nation which has sent men to the moon would demonstrate that it can meet the transportation needs of the city as well.

RICHARD NIXON.

THE WHITE HOUSE, *August 7, 1969.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting the nomination of Louis R. Bruce, of New York, to be Commissioner of Indian Affairs, and withdrawing the nomination of George E. Woods, Jr., of Michigan, to be U.S. attorney for the eastern district of Michigan, which nominating message was referred to the Committee on Interior and Insular Affairs.

TEMPORARY EXTENSION TO OCTOBER 31, 1969, OF AUTHORITY CONFERRED BY THE EXPORT CONTROL ACT OF 1949

Mr. MUSKIE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Joint Resolution 864.

The PRESIDING OFFICER laid before the Senate the joint resolution (H.J. Res. 864), to provide for a temporary extension to October 31, 1969, of the authority conferred by the Export Control Act of 1949, which was read twice by its title.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MUSKIE. Mr. President, what is involved here is the authority of the Commerce Department to regulate exports from the United States. The Senate has before it on the calendar a bill which has been considered by the Committee on Banking and Currency and reported to the Senate which deals with the expansion and regulation of exports. However, in order to give that bill proper consideration, we need temporary extension for the second time of the present law.

This joint resolution would have that effect. The House has approved it. We have cleared it with both sides of the aisle.

I therefore ask that the Senate approve this resolution at this time.

Mr. BYRD of Virginia. Mr. President, will the Senator from Maine yield?

Mr. MUSKIE. I yield.

Mr. BYRD of Virginia. What is the length of time for the extension?

Mr. MUSKIE. It is a 60-day extension from August 31. The first temporary extension expires then. This joint resolution extends it to October 31, in order to allow consideration of the principal legislation which is on the calendar.

Mr. BYRD of Virginia. I thank the Senator from Maine.

The resolution (H.J. Res. 864) was read the third time and agreed to.

SUBCOMMITTEE MEETING DURING SENATE SESSION

Mr. JAVITS. Mr. President, with the consent of both sides, I ask unanimous consent that the Subcommittee on Education of the Committee on Labor and Public Welfare may meet for 15 minutes to report a bill to the full committee at this particular time.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SALARY ADJUSTMENTS

Mr. MANSFIELD. Mr. President. I ask unanimous consent that the pending business be laid aside temporarily and that the Senate proceed to the consideration of Calendar No. 214, H.R. 7206.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. H.R. 7206, to adjust the salaries of the Vice President of the United States and certain officers of the Congress.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 39

Mr. WILLIAMS of Delaware. Mr President, I send to the desk my amendment No. 39 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. At the appropriate place insert a new section:

That (a) section 225 of the Federal Salary Act of 1967 is hereby repealed.

(b) Section 216 of such Act is amended by striking out "and subject to the operation of section 225 of this title,".

Mr. WILLIAMS of Delaware. Mr. President, on April 29 this amendment was approved by a rollcall vote, and the vote was 49 to 36. I see no reason to debate the issue again. Surely there will be an equally favorable vote again. It is being offered on behalf of the Senator from Virginia (Mr. BYRD), the Senator from Colorado (Mr. DOMINICK), and myself.

It merely repeals the President's commission under which congressional salaries are fixed every 4 years. I am ready to vote.

Mr. President, I call for a division.

The PRESIDING OFFICER. A division is called for.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG of Ohio. Mr. President, I ask for recognition.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, the pending bill, which was passed in the other body and was reported by the Post Office and Civil Service Committee, proposes to increase the salary of the Vice President from $43,000 a year to $62,500 a year.

Earlier in this session the Congress increased the salary of the President of the United States by 100 percent, from $100,000 per annum to $200,000 per annum.

I recall that an amendment was offered to increase the salary of the President by only $50,000 per annum. I supported that 50-percent increase. However, that vote was a voice vote, and mine was a very weak voice indeed, because mine was a minority voice.

Also, Congress increased the salaries of a great many appointed officials of our Government, and the salaries of Members of Congress to the extent of some 42 percent.

When that matter was before the Senate, and I realized that the superintendent of schools of the city where I live in Ohio received a larger salary than the then salary of Members of the Senate and the House of Representatives, I voted in favor of the 42.5 percent increase.

Today, I wish the RECORD to state, right at the outset, that I favor increasing the salary of the Vice President of the United States from $43,000 to $62,500 a year. I approve of that, and I shall vote in favor of that part of the bill.

However, I desire to speak on other aspects of the bill. Having served for 8 years in the other body and more than 10 years in the Senate, I know something of the history of the Congress. I am aware of its great traditions and history. I know it is the American way that every Member of the Senate and every Member of the House of Representatives is regarded as an equal. We are all equal, whether we are in the other body or this body. However, this bill proposes to increase the salary of the Speaker of the House of Representatives from $43,000 to $62,500 a year, and to increase the salaries of the President pro tempore of the Senate and the majority and minority leaders of the Senate and the House of Representatives from $42,500 to $55,000 a year.

Mr. President, the Members of the minority party in the Senate have selected the minority leader and assistant minority leader. Those of us in the majority party have selected our majority leader, assistant majority leader, and Secretary of the Senate Democratic Conference. But we are all equals here. That is the way our Government works. We honor one of our Members by selecting him as our majority leader. Another Member is honored by being elected minority leader. Others are honored by being elected as assistant majority and minority leaders. Nevertheless, they are all Members of the Senate, the same as any other Senator here.

May I say in passing that I hold the majority leader of my party in the Senate in the highest admiration. He is truly a great American, one of the great Americans of our time. I am glad that the distinguished senior Senator from Massachusetts is our assistant majority leader. I am happy that the distinguished junior Senator from West Virginia is the Secretary of the Democratic Conference in the Senate. I am glad that I supported those colleagues and friends of mine.

I admire the minority leader of this body. I served with him years ago in the other body, and we have been longtime friends. The distinguished assistant minority leader and I were first elected to the Senate in the same year, and we have been close personal friends.

Mr. President, I say again that I, of course, have great affection and admiration for the majority and minority leaders. Frankly, I do not believe that they desire the increase in salary that is embodied in the pending bill. The fact is that it does not cost the Speaker of the House of Representatives or the President pro tempore of the Senate or the majority leaders or the minority leaders of the Senate and the House of Representatives any more to live in Washington and this area than it costs other Senators and Representatives.

They are already provided with additional staffs, facilities, and transportation necessary to enable them to carry out expeditiously the responsibilities and duties of the high offices to which they have been elected by their colleagues. We have honored our colleagues and friends by placing them in these positions.

Of course, if they are required, as I am quite certain they are on some occasions, to do some official entertaining, they should be provided with adequate expense accounts to meet any expenses in connection with entertaining foreign officials who come to this country and to the Capital of our country.

However, when it comes to increasing salaries, where are we going to stop? Are we soon going to say that the Secretary of the Senate and other officials of the Senate and House of Representatives should also have their salaries increased?

The Speaker of the House of Representatives, the President pro tempore of the Senate, and the majority and minority leaders of both the Senate and House, after all, are Members of the Congress and were honored by their colleagues who elected them to their high positions.

I think the bill sets a precedent which, if followed to its logical conclusion, will mean increased salaries for the assistant majority and minority leaders of the House and Senate, for those elected to leadership positions in caucuses of both parties, and perhaps even for others who may be honored by a caucus of the Democratic Party or the conference of the Republican Party.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. I yield to the Senator from Georgia.

Mr. TALMADGE. Mr. President, I compliment my friend on the speech he is making. We have just been asked to increase taxes, and we have had a multiplicity of salary raises recently, including one of almost 50 percent for the Members of Congress.

I think if there is one thing the people of this country are fed up with, it is salary raises for officials of the Government who are already drawing, by their standards, extremely high salaries. I compliment the Senator from Ohio. I heartily share his views.

Mr. YOUNG of Ohio. I thank very much the distinguished Senator from Georgia, the former Governor of that great State. Of course, what he says is the absolute factual situation.

Over a year ago, there was imposed a 10-percent surtax—a tax on a tax—an atrocious, obnoxious burden on the already overburdened taxpayers of this country. We were told it would stop inflation; and during the year it has been in effect, we have had more inflation than before.

It is true that the heavily taxed citizens of our country have a right to resent these continuing increases in salaries. I feel that only the part of this bill that applies to the Vice President of the United States should be approved. That is fair to the Vice President and to his office.

I repeat that in my view we must confine any salary increases simply to the Vice President. I wish to say again that I believe that all Members of the House of Representatives and all Senators are equals, and should be treated as equals.

Mr. McGEE. Mr. President, I wish to state, very clearly and quickly and to the point, what the pending legislation is all about. We have been working on it, working with the House of Representatives, working with all groups in this body, to try to arrive at something that it might be possible to agree upon. We have come a long way in our basis for agreement.

This bill would increase the salary of the Vice President and that of the Speaker of the House of Representatives to $62,500.

One of the points of some difference has been what to do as to the minority and majority leadership in the two Houses. That point has been of interest to the Senator from Colorado, who has offered amendments on it. We have worked out a compromise that is acceptable on both sides—namely, that would limit the increase for the leadership to $49,500, rather than the $55,000 that is provided in the bill. This proposal likewise has been received with acceptance by the House of Representatives.

The one issue on which there is still contention is that which has been raised by my distinguished colleague, the Senator from Delaware, which has to do with attaching a proposal to abandon or abolish the commission that was earlier set up, and about which there has been a great deal of discussion in this body, that would fix upon proposals for executive and legislative salary adjustments, with the one reservation that Congress would have the right, if it initiated a proposal, to reject it or veto it.

I think I have put that fairly, but in any case, it is my personal judgment that the only way that we can resolve this question satisfactorily, and with the agreement of all who are involved and feel strongly about it, is that we have the amendment of the Senator from Delaware put before us, and that we would likely have a rollcall vote on it, I would suspect, and thus vote the amendment up or down.

My own judgment would be that this may get us into deep complications once again, but our goal and target here is to try to move out the Vice President's pending salary increase. I respect the comments of the Senator from Ohio, who did single out the Vice President alone. I have reason to believe that if we were to do that, we would lose the House support for the move, or a considerable portion of it; that the time already spent in trying to find some middle ground that we could all stand upon has been very considerable, and we are close to that kind of an agreement.

Therefore, I would urge this body to move with whatever dispatch we can now muster to proceed to the consideration of this measure, and hopefully to act favorably upon it. I think the Vice President is long overdue, and I think the Members of the House of Representatives feel that the Speaker is long overdue. We have arrived at the compromise by which we have yielded some ground in exchange for some other ground with respect to the increases for the leadership. It would be my hope that we might dispose of this measure this afternoon.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, the Senator from Wyoming suggests that he believes it would be well to debate first whether we do or do not support an increase in the salary of the Vice President.

That issue is not involved in this particular amendment. This amendment proposes to repeal the Commission which was established in 1967 for the purpose of raising congressional salaries as was set up under Public Law 90–206 and approved on December 16, 1967, as a rider on an appropriation bill.

The Senator from Wyoming in describing the Commission stated that the President makes these recommendations to Congress each 4 years, which is correct, but that Congress could veto his proposals. He is wrong on that point; that is the joker.

It is possible that neither House of Congress would even have an opportunity to vote on the question of whether congressional salaries would or would not go into effect. I cite as proof of that the manner in which this was handled last year. The President sent to Congress his recommendation for proposed salary increases for Members of Congress, judges, and top executive officials.

Under the parliamentary situation in the House of Representatives, notwithstanding the fact that many Members tried, they were unable to get the matter to a vote. Here in the Senate I offered a resolution of disagreement with the President's recommendations. As has been the custom with respect to the reorganization acts that resolution was referred to the Senate Post Office and Civil Service Committee, of which the Senator from Wyoming is chairman.

But what happened? It was bottled up. There was no action taken by his committee on that resolution. They refused to report to the Senate either affirmatively or negatively, and the Senate was almost caught in a box where we would not get a vote at all. The only manner in which the Senate did get a rollcall vote on those proposed salary increases was that we were able through parliamentary maneuvers in the Senate to force it before the Senate over the objections of the committee.

That is not good legislation. When this measure was originally passed it was explained to Congress on the premise that if there were a disagreement or if anyone wanted to call the roll in the Senate on a vote of disagreement it would be possible. But that is not the way it worked. It is possible to escalate these salaries every 4 years without ever having a rollcall vote taken in either the House of Representatives or the Senate, and every Member of Congress would then be in a position of having his salary increased and being able to go home to his constituents and say, "That gang would not give me a chance to vote. I was against it." There should be no place in the Senate for such hypocrisy.

Conceivably we could have 100 Senators telling their constituents they are against the salary increases, yet there would never be a rollcall vote to prove they were wrong. That is not the way to legislate. We should act on our own salaries on a rollcall vote as has always been done heretofore.

The Senate decided this question on April 29, as it appears on page 10731 of the Congressional Record, Legislative No. 25. This same amendment which proposes to repeal this Commission was approved by the Senate on a rollcall vote, 49 Senators voting for the amendment and 36 Senators voting against it.

Mr. President, I ask unanimous consent that the rollcall vote taken on that date, April 20, 1969, on an identical amendment be printed in the Record at this point.

There being no objection, the rollcall vote was ordered to be printed in the Record, as follows:

The result was announced—yeas 49, nays 36, as follows:

[No. 25 Leg.]

YEAS—49

Aiken, Allen, Allott, Bellmon, Bennett, Bible, Boggs, Burdick, Byrd, Va., Byrd, W. Va., Cannon, Church, Cook, Cooper, Cotton, Curtis, Dole.

Dominick, Ellender, Ervin, Fulbright, Gore, Gurney, Hartke, Hatfield, Holland, Hollings, Hruska, Jordan, N.C., Jordan, Idaho, Mansfield, McClellan, Miller, Mundt.

Murphy, Packwood, Pastore, Pearson, Proxmire, Smith, Sparkman, Spong, Stennis, Symington, Talmadge, Tower, Williams, Del., Young, N. Dak., Young, Ohio.

NAYS—36

Anderson, Baker, Bayh, Brooke, Case, Cranston, Dirksen, Dodd, Eagleton, Eastland, Fong, Goodell.

Gravel, Griffin, Hart, Hughes, Inouye, Jackson, Javits, Kennedy, Long, Magnuson, McGee, McGovern.

McIntyre, Mondale, Montoya, Moss, Pell, Ribicoff, Saxbe, Schweiker, Scott, Stevens, Williams, N.J., Yarborough.

NOT VOTING—15

Fannin, Goldwater, Hansen, Harris, Mathias, McCarthy, Metcalf, Muskie, Nelson, Percy, Prouty, Randolph, Russell, Thurmond, Tydings.

So the amendment of Mr. Williams of Delaware was agreed to.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. DOMINICK. Mr. President, I am happy to cosponsor the amendment of the Senator from Delaware. I have felt for a long time that the responsibilities for the salary levels of Members of Congress should be in the hands of the Congress and not in a commission.

I was happy to sponsor the amendment before and to support it. I intend to do so again.

It strikes me that if we can get this authority back into our own control, perhaps we could work out salary rates for the future, if any change seems desirable, at any time because of the financial structure of the country. We should not raise our own salaries while we hold office.

I am happy to support the amendment of the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator from Colorado for his support.

Mr. President, as I pointed out before, as that law was interpreted by both the House and the Senate it is conceivable that the Members of the Senate can be denied a vote on future salary increases if a majority of the members of the Post Office and Civil Service Committees of the two Houses desire to do so. They can bottle it up in committee and take no action at all, as happened earlier this year.

It was only because we were fortunate enough to maneuver the Senate into a parliamentary situation where the Members had to stand up and face a rollcall on that issue that we prevailed, but this vote was taken in spite of and not as the result of any cooperation from the Senate committee. I do not think that is a proper type of law and it should be repealed.

Mr. President, I shall make one other point, and then I shall yield to my friend, the Senator from Virginia (Mr. Byrd), who cosponsors this amendment.

I think it is a dangerous precedent for Congress to establish when we confer upon any President of the United States, with all due respect to the Presidents, the power to fix salaries of Members of Congress. Certainly we want to keep the three branches of the Government entirely separate, and we should not give to the President the right to say at any time, "If you are good boys and approve my programs I will raise your salaries. If not, I will recommend that they be lowered."

I think that as Members of Congress we have a responsibility to fix our own salary schedule, as is provided under the Constitution and as has been done for the past 175 years.

I hope that Congress will reaffirm its earlier decision and accept the amendment, repealing the law.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. GURNEY. Mr. President, I subscribe to the argument presented by the Senator from Delaware.

I was a Member of the House of Representatives at the time the measure was considered by the House.

I can only reiterate the arguments that the Senator has made. However, essentially, what I feel most strongly about is that the salaries should not be set by the President and a commission acting under him.

I think that Members of Congress should stand up and be counted and should vote on a pay raise. In fact, I was delighted when the Senator from Delaware used his parliamentary maneuver to place the matter before the Senate earlier in the year. I will certainly support the amendment.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator from Florida.

Mr. President, I yield to the Senator from Virginia.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield so that I might ask for the yeas and nays?

Mr. BYRD of Virginia. Mr. President, I yield to the Senator from West Virginia for that purpose.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. BYRD of Virginia. Mr. President, I concur fully in the remarks just made by the distinguished senior Senator from Delaware.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BYRD of Virginia. Mr. President, I concur fully in the remarks just made by the distinguished senior Senator from Delaware. I am pleased to join with him and with the Senator from Colorado (Mr. DOMINICK) as a cosponsor of the amendment.

Mr. President, the Senate on April 29 voted on this issue and expressed itself in a rollcall vote.

An amendment identical to the one now being offered by the Senator from Delaware was approved by a vote of 49 to 36. It was after that was done that the chairman of the Committee on Post Office and Civil Service asked that the bill be returned to his committee.

I wish to express disappointment in the fact that the Committee on Post Office and Civil Service gave no consideration to the action of the Senate itself in adopting that amendment by a vote of 49 to 36. Despite that vote, the committee has again reported the bill to the Senate without the amendment deleting the commission which gives to the President the power to set the salaries of the members of a coequal branch of the Government.

This is one of the worst pieces of legislation that Congress has been asked to enact in recent years. It turns over to the President the right to set the salaries of Members of Congress and of the Justices of the Supreme Court and other Federal judges. This gives the President additional power over both the Congress and the courts.

I realize that in recent years more and more Senators and more and more Members of the House of Representatives feel that the way to get along is to turn over more and more power to the executive branch.

I do not know why a person would want to serve in the Senate or the House if he were not willing to fulfill his own responsibilities and make his own determinations. It seems that every time a tough issue comes along, it is said, "Let us give that responsibility to the President. Let us give away our power." And Congress has given away its power.

I have the feeling that the 200 million people of the United States are becoming a little fed up with the determination of Congress, year after year, to turn over more and more of its constitutional responsibilities to the Chief Executive.

We are supposed to have three coequal branches of government. But the people of our Nation know that the Supreme Court has usurped power to which it is not entitled; the people of the United States know, I believe, that the President of the United States has usurped power which rightly belongs to Congress; and I believe the people of the United States are beginning to figure out, too, that it is not all the President's fault, because Congress, itself, has voluntarily given away to the President the power and responsibility which rightly rests with the elected representatives of the people.

On April 29, the Senate faced this issue clearly, and by a recorded vote of 49 to 36, after a long debate, said that the Commission should be abolished—a Commission which was established several years ago. This was the first time in history that any such commission had been established. The Senate voted to abolish that Commission. Yet, the Committee on Post Office and Civil Service sends back this bill, without any regard to how the Senate voted on April 29.

As a result of legislation establishing this Commission, the fires of inflation have been fed; and I do believe that the tremendous increases in salaries which have been given to the top officials of our Government have added much to the inflationary fires of the last 6 months.

The President's salary has been doubled.

The congressional salaries have been increased by 41 percent.

The judicial salaries have been increased from 60 to 70 percent.

How can inflation be brought under control unless there is example at the top? I say that the example at the top by Congress, in this year of 1969, has not been conducive to bringing inflation under control.

Just last week, this body of 100 voted to continue a surtax of 10 percent—10 percent on top of all the other taxes—on all the people of the United States. If we are going to ask the people of the United States to make that sacrifice, it seems to me that we should show greater restraint among ourselves.

But the money itself is not the important part, in my view. The most important part is whether or not the Senate will adopt the amendment just offered by the senior Senator from Delaware, on behalf of himself, the Senator from Colorado, and the Senator from Virginia.

If that amendment is adopted—identical in language and identical in purpose to what the Senate voted on April 29 by a vote of 49 to 36—then that would return to the House of Representatives and to the Senate a power and a responsibility which the House and the Senate previously turned over to the President. So I support the amendment of the Senator from Delaware.

I should not think that it would even be necessary to take the Senate's time again to have this amendment presented. I have great regard for all the committees of this body, but I do believe that the Committee on Post Office and Civil Service should have given greater consideration—some consideration, at least—to the views of the large majority of the Senate who voted, by a vote of 49 to 36, just a few months ago, to add to the pending measure the proposal now being offered by the distinguished senior Senator from Delaware.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. McGEE. Because of the allusions of the distinguished Senator from Virginia to the activities of the Committee on Post Office and Civil Service, I think the RECORD should show that the committee has weighed very carefully all of the ramifications of the points he makes so well in regard to the pending measure. But the committee also felt that it had a responsibility, as a committee, to try to find some common denominator by which they could adjust the Vice President's salary, which most agree was only inadvertently not included; and we have conscientiously striven to arrive at that agreement. We have met repeatedly with our colleagues on the other side of the Hill; we have met constantly among all of us in this body to find that common denominator.

I can say to my friend, the Senator from Virginia, that the issue this afternoon is not the issue posed by the amendment of the senior Senator from Delaware. The issue is, how can we move out the pending equities for the Vice President? It is my honest judgment that we are the closest to making that possible. If this amendment were to be added, I fear that we would be out of business in getting that job done.

So I would not want the members of our committee to be called into the kind of question that has been raised about some dereliction of duty. Believe me, we have tried the other approach. We met long hours, taking the vote we had on April 29, and sat down to discuss how far we might get and how many votes would result. Would it be enough in order to get this job done? Failing at that, we have had to take the next step and then the next and the next again. I can only say that I think we are about where, alone, we can expect a chance to move in behalf of the Vice President.

Mr. BYRD of Virginia. May I comment briefly on that? Let us analyze the situation.

The Senator from Wyoming said he had to make accommodations in order to get the Vice President's salary increased.

I doubt that there is very much opposition to increasing the salary of the Vice President. I have heard no opposition. Some Senators may vote against it but I have heard no real opposition expressed in the Senate because it is generally recognized that the salaries of Senators have been increased, the salaries of Representatives have been increased, the salary of the President has been increased, but the salary of the Vice

President has not been increased. So I do not think that is any great point.

Let us see where this bill differs from the bill which the Senate had on the floor and sent back to committee on April 29. The Senator from Wyoming will correct me, if he will, when and if I make an error.

The salary in this bill for the Vice President is precisely the same salary as was in the other bill. Am I correct on that statement?

Mr. McGEE. The Senator is correct.

Mr. BYRD of Virginia. A fundamental difference is that the amendment agreed to dealing with the salary commission is taken off. That is no longer in the bill. Am I correct in that statement?

Mr. McGEE. The Senator is correct.

Mr. BYRD of Virginia. Just where did the accommodation come about, other than taking off this amendment?

Mr. McGEE. The first amendment came in connection with the amendment proposed by the Senator from Colorado affecting the salaries of the minority leader and the majority leader in both Houses. The bill would set those salaries at $55,000. The compromise among all the group involved would set that salary, instead, at $49,500 in the belief that this was giving or yielding a concession on the House bill, which is the vehicle we are considering here.

Mr. BYRD of Virginia. Then, there is no difference in what was done in regard to the Vice President's salary. There is the difference between $55,000 and $49,500 in what was done for the other salaries.

Mr. McGEE. The Senator is correct. The Vice President's salary and the Speaker's salary remained unchanged.

Mr. BYRD of Virginia. Yes. The other difference was taking off the Williams amendment.

Mr. McGEE. Yes. The abandonment finally after losing on this in terms of finding a place where we could move and to get enough votes to pass the bill required a yielding.

Mr. BYRD of Virginia. The Senator mentions losing. That amendment carried in the Senate by a 49 to 36 vote.

Mr. McGEE. I am talking about getting it passed into law.

Mr. BYRD of Virginia. We are talking about what we are going to do in the Senate.

Mr. McGEE. Yes. We are talking about trying to get the Vice President's salary increased. I am satisfied that if this amendment were to continue on the bill, and if backed by committee action on that, the bill would be dead and, therefore, we would have failed to advance this cause. That is why I repeat what I think is the main focus, the main issue. The issue is trying to make these limited adjustments on salaries that have been pending some time and arguing that the rider on the bill does not assist us to arrive at that goal. It may have great merit in its own right but it does not move us along toward this goal.

Mr. BYRD of Virginia. Mr. President, the Senator from Wyoming must attach very great importance to this amendment, and I do. What the Senator from Wyoming just said makes me all the firmer in my conviction that this amendment should be agreed to.

He believes the only way he can get the Vice President's salary increased is to agree we will not abolish this Commission. So there must be tremendous interest in keeping this Commission.

The information given me by the Senator from Wyoming, which I appreciate, increases my belief that this amendment should be approved.

I say again that I think there is little opposition to permitting the Vice President and the Speaker of the House to have increases in salaries which have been granted to all the other high officials of Government, so I do not follow the Senator's argument. He attempts to guess what the House will do.

His is just a guess, none of us will know until the roll is called what the House will do. The Senator substantiates my view that it was a very important amendment and should be agreed to.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, this is the same amendment, as I understand, that the Senate agreed to heretofore repealing the present Commission on salaries. Is that correct?

Mr. BYRD of Virginia. The Senator is correct.

Mr. STENNIS. I commend the Senator from Virginia highly for being interested in this matter and for his continued interest in it.

We complain on the floor of the Senate a great deal, at least most of us have complained, about the executive branch of Government usurping power and going too far. We call attention to the department bureaucrats writing their own rules and regulations, more or less. We complain at times about the court going beyond its proper power and responsibility.

But if there is anything in our Constitution which is clearer than that we have the responsibility of setting our own salaries, I do not know what it is. I think if we abdicate that power, and I think we have largely, when we do abdicate that power we take out from under our foundations with the people of this country a certain amount of their confidence in being willing to meet their problems. We are not willing to meet our own problems, and it is a problem to set our own salaries that way. It is not easy at all. However, if we are not willing to meet that responsibility, I believe it will gradually get into the minds of the public that we are not ready to meet their needs. That will be an unhappy day for the country.

I congratulate the Senator for his fine work and I support him in this field.

Mr. BYRD of Virginia. I thank the Senator from Mississippi, who is one of the ablest constitutional lawyers in the Congress. His assertions of a few moments ago add so very much weight, it seems to me, to the argument that the Congress is and has been voluntarily giving away a great deal of its responsibility and power and thereby weakening the elected representative branch of Government.

Mr. President, I ask unanimous consent to have printed in the RECORD some of the more detailed statements I made in the debate on July 19, 1968, when the matter of funding presidential commissions was before the Senate. I shall not take the time of the Senate to go into those arguments now, but I would like to have them printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1969

The Senate resumed the consideration of the bill (H.R. 17023) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1969, and for other purposes.

Mr. BYRD of Virginia. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD of Virginia. Yesterday, the Senator from Virginia submitted an amendment striking lines 8 through 14 on page 8. My inquiry is this: In lieu of calling up that amendment, if the motion is put to reject the committee amendment, does that have the same effect?

The PRESIDING OFFICER. If the motion were put positively, the rejection would accomplish the same result. That is the way the questions are put.

Mr. BYRD of Virginia. Mr. President, another parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD of Virginia. In accordance with the procedure under which we have been operating, the motion has been put to approve the committee amendment, in which case a negative vote, if that vote prevailed, would strike out the following committee amendment on page 8. Is that correct?

"COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

"Salaries and expenses

"For necessary expenses of the Commission on Executive, Legislative, and Judicial Salaries, authorized by section 225 of the Postal Revenue and Federal Salary Act of 1967 (81 Stat. 642–645), $100,000."

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of Virginia. I thank the Chair.

Mr. President, this committee amendment would provide $100,000 for the expenses of the Commission on Executive, Legislative, and Judicial Salaries, which Commission was authorized by the Postal Revenue and Federal Salary Act of 1967.

It is significant, I think, that when this bill was before the House of Representatives, neither the House committee nor the House of Representatives included this provision. This provision was inserted by the Senate committee.

I shall undertake to indicate why I feel this is a very undesirable proposal and why I feel that the appropriation should be stricken from the bill.

The Commission would be appointed as follows: Three members would be appointed by the President, two members would be appointed by the President of the Senate, two members would be appointed by the Speaker of the House of Representatives, and two members would be appointed by the Chief Justice of the United States.

The purpose of the Commission is to study the salaries of the Members of Congress, members of the Cabinet, and members of the judiciary.

Then, the Commission will bring in a report and submit that report to the President. The President may adopt the recommendations of the Commission or he may go beyond the recommendations of the Commission.

The legislation which this $100,000 would fund, provides that the President shall include in the budget next submitted by him to the Congress his recommendations with respect to the exact rates of pay which he deems advisable for the Members of Congress, the judiciary, and Cabinet officers.

Mr. President, a public hearing has been going on for about two weeks, considering the qualifications of a Presidential appointee to the Supreme Court. Yesterday and the day before Senators raised questions as to the propriety of the President consulting with a member of the Supreme Court.

I happen not to share the view that there is a great impropriety in this matter, provided as the court nominee asserted, no matters pertaining to the court were discussed by the President or by the Justice. But, Mr. President, if there is any impropriety in a President consulting with a member of the Supreme Court, how much more impropriety is there when the President, under the legislation which this proposal would fund, is given the power and the authority, in effect, to set the salaries of the Supreme Court Justices, and set the salaries of Members of Congress.

It is correct that the President's recommendations will not take effect if the Congress specifically overrides him. I will read the exact language at this point.

The President's recommendations in regard to salaries for Supreme Court Justices and in regard to salaries for Senators and Members of the House of Representatives shall become law if:

First, there has not been enacted into law a statute which establishes rates of pay other than those proposed by all or part of such recommendations.

Second, neither House of the Congress has enacted legislation which specifically disapproves all or part of such recommendations, or

Third, both.

Mr. President, to put the matter another way, if the $100,000 to fund the new Commission is left in the bill the President will submit his recommendations as to what the salaries shall be of Members of the Senate, Members of the House of Representatives, and the Supreme Court Justices. It seems to me that when so many Senators have spoken out so clearly and loudly on the floor of the Senate that we are giving too much power to the President, this proposal tends to give him more power, as a practical matter.

I think we all agree, as a practical matter, what we are doing is giving the President the right and power to set the salaries of a coordinate branch of Government. It seems to me that is not a desirable thing to do. The President already has too much power; Congress already has given him too much power; he already has taken too much power.

I would hope that this proposal to fund the Commission would be stricken from the bill.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I am glad to yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I support the position of the Senator from Virginia, I think the Senator is correct. Congress heretofore has always regulated the salaries of the executive branch, the legislative branch, and the judicial branch. It should be done by the Congress.

As I have said, I believe the Senator from Virginia is correct. We should not delegate this responsibility or power to the President because certainly, to some extent, a man who can regulate salaries of the executive, the legislative, and the judicial branches, has some control.

As I understand the manner in which this provision would work, the President could appoint the Commission, the Commission could make recommendations to the President in a range, but he would make the final recommendation and submit it to Congress. Unless Congress rejects it, it would automatically become law, as the Hoover Commission report did heretofore. Negative action would be required to reject the President's recommendation.

I opposed the proposal at the time it was suggested in the salary increase bill last year. I still feel the same way, and I join the Senator from Virginia in expressing the hope this proposal can be stricken. If we delete the financing for the Commission we would kill the Commission.

Mr. BYRD of Virginia. I thank the Senator from Delaware.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. ALLOTT. Mr. President, I would like to provide a little background for the Senator from Virginia on this matter. Like the Senator from Delaware, I opposed this particular measure when it was passed. The subcommittee did not include any money for the financing of this Presidential Commission. When it came before the full committee, the full committee did decide to finance it, by either a voice vote or a show of hands, I am not sure which. However, the full committee did decide to include it.

I do not agree in any degree with the law which the Senator has just read. The Senator has the reference to the law before him.

I believe that if the members of the judiciary and the Members of the House and Senate need a salary raise—and Heaven knows, there is plenty of indication they do—then I believe it is our responsibility here, and in the other body, to stand up on this floor and either vote for or against that raise.

The worst part of this piece of legislation, which has already become law, is that it is not just for this time but endlessly in the future that the salaries would be adjusted through the backdoor method which the Senator has described. To my mind, that is the bad part of it. However, it is law. Congress made a law of it. For myself, I shall have to vote with the Senator from Virginia on his motion, because I did in committee.

The reason for my saying anything at this time is that the only solution to the problem is a bill to repeal that law; because, otherwise, it will go on endlessly in the future and we will have the salaries of the judiciary and House and Senate, as well as the officers of the Senate, the Secretary, Sergeant at Arms, and so forth, and the House officers, set in this manner.

Personally, I am not in accord with it. When the time comes, we can consider it directly on its face. I should like to vote either for a salary increase or to vote against one, as my conscience will dictate at that time. But I am certainly in accord with him that this is a bad piece of legislation. But it is a piece of legislation hastily considered and passed by Congress, so that I cannot say in any respect that those who in the full committee voted to put in the $100,000 were doing anything different than Congress has already told them to do. Whether we put in the $100,000 or not in the bill to finance the Commission, it is my opinion, unless the Senator can correct me from some citation in the bill, that the Commission will be financed and that the report will come up next spring and the President will make his recommendation.

Mr. BYRD of Virginia. Mr. President, this financing of the Commission, as I understand it, is the proposal we are considering today, and the method by which it will be financed unless there is some backdoor method to finance it.

Mr. MAGNUSON. I did not hear all of the Senator's remarks because I had to leave the Chamber for an important telephone call, but let me say to the Senator that there is no backdoor proposal here. We passed a law.

Mr. BYRD of Virginia. What I am getting at is that the——

Mr. MAGNUSON. The backdoor method would be that since we passed a law, if we do not give it any money to function, as a practical matter, we would repeal that law.

Mr. PASTORE. Mr. President, will the Senator from Washington yield?

Mr. BYRD of Virginia. I have the floor.

Mr. PASTORE. Will the Senator from Virginia yield to me?

Mr. BYRD of Virginia. I am happy to yield to the Senator from Rhode Island.

Mr. PASTORE. That is precisely the argument that was made in committee that if we knock out the $100,000, that would knock out the Commission and that would be the end of it. In other words, the argument is made that we legislate by strangulation to the law by taking out the $100,000. Now, let it be clear that this is the law that was passed by Congress, and these individuals have been commissioned to carry out their responsibilities under that law, so whatever the expense is, it should be met. There should be no subterfuge. It should not be done with any contingency fund. Let the Commission function. Then, if we do not like the findings of the report, and one feels that he is not worth the money they may recommend, let him stand up and vote against it. That is the way I feel about it.

Mr. MAGNUSON. The backdoor deal is what we are proposing to do by defeating the committee amendment.

Mr. BYRD of Virginia. Mr. President, let us get this in perspective for a moment. The Senator from Colorado expressed the view that this was the way the Commission would be funded. I also think that is the way it would be funded. I do not think it would be funded in any other way.

Mr. MAGNUSON. That is right.

Mr. BYRD of Virginia. So, if we knock out this provision, as the Senator from Rhode Island just stated, that, in effect, would knock out the Commission because it would not have money on which to operate.

Thus, those of us who oppose the bill, as the Senator from Colorado does, and many other Senators do—the way to knock out the Commission is to kill this amendment, which will knock out funding of the Commission.

Mr. MAGNUSON. Then why did everyone in the Senate vote for it?

Mr. BYRD of Virginia. Everyone in the Senate did not vote for it. It passed just the same. I did not vote for it.

Mr. ALLOTT. I think my friend from Rhode Island disagrees with this point of view, and probably some do——

Mr. MAGNUSON. No. I do not disagree with the amendment. I am merely pointing out——

Mr. ALLOTT. Probably some agree with the point of view that if we knock out the $100,000, then we knock out the law. However, I think that this could be financed from the President's contingency fund, could it not?

Mr. PASTORE. Will someone tell me how? Where is the authority? The President of the United States cannot begin to allocate money not lawfully appropriated by Congress. He has no right to do that.

Mr. ALLOTT. But he has funds to do it with.

Mr. PASTORE. He cannot do that if we now vote to knock it out, because our action would be a mandate to the President not to do it. Anyway, why should he be worried, if we are not? I do not know where the courage of the Senate is, the courage to decide our own value. If anyone feels that he is not worth it, then let him stand up and face it, when the report comes in.

Let me say that many Senators have to depend upon their Senate salary to live. They have to maintain two homes. They cannot practice law, if they are lawyers, because that would subject them to conflict of interest.

We can go around making speeches and lectures. That gives us a little money. Or we can get tied up with a law firm where we would not do any work, but just have our names on the door, and receive some form of compensation. Those who are lawyers but do not choose to do this have a right to stand up and say, "This is what I think we are worth," when that report comes in. If we feel we are not worth it, then we should stand up and say we are not worth it.

But, so far as the Senator from Rhode Island is concerned, he is willing to assume the responsibility at the proper time and say "I am" or "I am not."

The idea seems to be prevalent that we have got to make big money in order to stay in the Senate with all its demands, unless we happen to come in here as wealthy men, unless we happen to have oil wells, or own a television station, or a radio station, or a law practice which is only a facade. If we are going to make this an institution of the rich, then let the rich stand up and say, "I do not want it because I am not worth it." Many Senators do not even need the $30,000 salary they now get.

There are many Senators here whose Senate salary is their only means of livelihood. The Senator from Rhode Island happens to be one of them, and he is willing to stand up in this Chamber and say so.

I have had to put three children through college at one and the same time. A father has to go out and really try hard to make both ends meet to do that, as well as to maintain a home in Washington and one in Rhode Island. There are some in the Senate who have a voting residence in their home States but do not have a home in that State. In my State of Rhode Island, a Senator is required to have a home in his State.

All I am arguing here is: Let the men on the commission do their job. Let them come back with the report and then if we do not like it, stand up and vote against it. But the back-door method of killing it off, I say, is just trying to catch a headline or trying to play Captain Courageous on a false premise.

Mr. BYRD of Virginia. Mr. President, I should like to comment on the remarks just made by the Senator from Rhode Island.

I am not in disagreement with him in any respect in regard to salaries for Members of Congress. I think that the American people want their Senators and Representatives, Supreme Court Justices, as well as Cabinet officers, to have adequate salaries. I believe that that is what the American people want. But I think that under our form of government, the way to do it is for the legislative branch to do what the Senator from Rhode Island has said, we should stand up and be counted by recorded vote.

That is our responsibility. What I object to in this proposal is that we are not assuming our responsibility.

We are delegating our responsibility to somebody else.

We are delegating it to a presumably coequal branch of Government.

We are delegating it to a President, whoever he may be, when the Presidency already has been delegated too much.

So while I am not in disagreement with anything the Senator from Rhode Island has had to say—as a matter of fact, I think he hit the nail on the head when he said he thought we should vote one way or the other on Senators' salaries—the Senator from Washington mentioned how this bill passed the Senate. I am taking this from my memory, and if my memory is inaccurate, I will have the RECORD corrected; but as I recall the day this came about, the legislation was handled by the senior Senator from Oklahoma (Mr. MONRONEY).

I presented an amendment to knock out the provision we are talking about. My recollection is that it was knocked out by the Senator from Oklahoma [Mr. MONRONEY] and his committee. When the bill passed the Senate, this proposal, as I recall, was not in the bill. The bill went to conference. This item had been in the House proposal. The bill came back from conference with the item in it. The Senate had to vote upon the conference report, and the conference report contained the entire postal program with the increase in postal rates and increase in postal employees pay.

That is the recollection of the Senator from Virginia. If that is inaccurate, as I say, I will correct the record; but it seems to me there is a matter of policy involved here.

It is a matter of great policy when the executive branch can, in effect, determine the salaries of Members of Congress, recommend the salaries which shall go into effect unless affirmative action is otherwise taken by the legislature.

It would apply to the salaries of Members of the National Legislature, but the recommendations would also apply to members of the Supreme Court. The President appoints the Supreme Court Justices, and they are appointed for life.

So it seems to me we wind up with a problem far bigger than just the $100,000 involved, and far bigger even than the matter of salaries for Members of the House and Senators.

I express the hope that the Senate would give consideration to knocking out this committee amendment, because, by knocking it out, the Senate would be saying that we disapprove of this way of raising salaries of Members of the House, Members of the Senate, and members of the Supreme Court.

I do not pass judgment on whether those salaries should or should not be greater, or what the figures should be.

All I am saying is that it is a legislative function, and not a function that we should turn over to the President of the United States. We have already turned over too much power to him.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I shall support the amendment of the Senator from Virginia. I want to be direct and frank in my view that this method of increasing the wages of Members of the Senate, the House of Representatives, and the Judiciary is an indirect method, taking the place of the responsibility of the Congress to deal directly with the granting of increased salaries to the categories of officials I have just mentioned.

We are constantly being belabored to increase the salaries of Federal employees. Every 2 years since I have been here we have granted increases. It is proposed that we grant increases to ourselves in the indirect manner provided for in the procedures of the bill. I point out that the bill was paseed on December 16, 1967. The postal rate measure was used to include in it the subject of salaries for Members of Congress and members of the judiciary.

I frankly say that today is the first time that I learned of the fact that this bill was passed. I have spoken to my colleague, and he states that this is the first time he has heard of its passage. I suppose there are other Members on the floor who find themselves in a similar position.

Reading the transcript of the testimony on this item, I note that the Senator from Louisiana [Mr. ELLENDER], in questioning Mr. Macy, asked the question:

> Was that created in the last pay bill we passed?

I infer from that that he did not know when we adopted this indirect method of raising our salaries. The reference to that testimony is on page 1344 of the hearings on the bill.

I have sent for the CONGRESSIONAL RECORD of December 16. I take the word of the Senator from Virginia that this item came back in a conference report, in which the conferees of the Senate accepted the position taken by the House on that subject.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. BYRD of Virginia. I want to emphasize that I am taking it from memory. I did not look it up today. I am taking it from memory.

Mr. WILLIAMS of Delaware. Mr. President, if the Senator will yield, for the information of the Senate that is correct. This amendment was in the House bill. It was stricken in the Senate Civil Service and Post Office Committee based on the amendment of the Senator from Virginia. It was not offered on the floor of the Senate. It was adopted in agreeing to the conference report, along with salary increases and all the rest.

Mr. BYRD of Virginia. I thank the Senator for setting the record straight and confirming my memory.

Mr. LAUSCHE. Mr. President, the conference report came back to the Senate on December 16, 1967, toward the end of the session. I do not know what the record will show concerning the number of Senators who were here at that time or whether this item was specifically discussed on the floor of the Senate on the day it was passed; but I appeal to my colleagues that if the argument is sound that we ought to directly approach our responsibility of fixing our salaries, then we ought not to assign that responsibility to a commission, with that Commission fixing the salaries but giving Congress the right to veto it.

I note from the testimony in the hearings, on page 1344, that a nine-member commission will make the study and the recommendations. Of the nine members of the Commission, three members will be appointed by the President. They are as of now, Mr. Frederick R. Kappel, who has been designated as Chairman and would have been present at the time the testimony was taken if he had been able to; Mr. George Meany; Mr. John J. Corson. The President of the Senate has named two members to the Commission. The Speaker of the House has named two members. The Chief Justice of the Supreme Court has named three members.

We, the beneficiaries of the increase, designate the Commission members. They will be our assignees. They will make the recommendation as to what should be done. They make their study and their recommendation as our appointees and our assignees, send it back to us, and say, "Now, approve it or veto it."

Mr. President, that is not a direct approach to our responsibilities. It is an indirect approach. It indicates a fear on our part to face the problem directly.

If we keep increasing our salaries, how can we ever deny the demands of other groups of Federal employees when they ask for increases? I believe, Mr. President, that if we are to obtain the increases which have been suggested, we should do it directly.

I say respectfully that I have no law office. I concur with what the Senator from Rhode Island has said about individuals maintaining law offices with their names on the door as a fiction, doing no work and drawing down salaries.

This is a bad method of providing for ourselves the increases that might be justified, and for that reason, Mr. President, I support the Senator from Virginia in the motion which he has made.

Moreover, when the Senate approached this problem, it knocked out the provision for fixing salaries in this manner. Then in conference, they put it back in, and in the closing days of the session, it was approved, at a time when the probability is that practically no Senators were present in the Chamber, and I venture to say there was not a rollcall vote when the conference report was agreed to. I will check that point for the record later.

I thank the Senator for permitting me to speak on this subject.

Mr. BYRD of Virginia. Mr. President, I might say in that connection that even if there had been a rollcall vote, it involves a very complicated major piece of legislation; and I do not know whether the Senate would have been justified in knocking down that whole piece of legislation to strike at this one item.

So, as a practical matter, today is the first time the Senate has had an opportunity to pass judgment directly on the wisdom or lack of wisdom of creating such a commission.

I might note also, Mr. President, that last year or the year before, I cannot remember which, the Senate agreed to an amendment to the Reorganization Act—that, too, being presented and handled on the floor by the senior Senator from Oklahoma—saying exactly what the Senator from Rhode Island mentioned a moment ago, that increases in congressional salaries should be enacted only after a record vote in the Senate or in the House of Representatives. I think what the Senate did applied only to the Senate, with the recommendation that the House of Representatives take the same action.

So this proposal runs directly counter to what the Senate has already voted to do a year and a half or so ago. I repeat, Mr. President, this is the first time that Members of the Senate individually have had the opportunity to go on record as favoring or opposing this roundabout method of bringing about salary increases for positions in the Cabinet, in Congress, and in the judiciary.

I should like to read at this point testimony by Mr. John W. Macy, Jr., from the U.S. Civil Service Commission, when testifying before the Independent Offices Appropriations Subcommittee. He says, speaking of the proposal we are now discussing:

"This establishes a study on a statutory basis so that every 4 years this is done in order to make sure that there is a regular review of these salaries."

So, as the Senator from Colorado so ably pointed out a little while ago, if the Senate goes on record today as approving this type of procedure and approving this Commission by funding it, the effect will be that it will become a permanent Commission, and every 4 years the President of the United States will submit what salary he thinks Members of Congress and Supreme Court Justices should receive.

Of course, I emphasize again that Congress, by an affirmative vote, can turn down his recommendations, but Senators will find it is very complicated to do that. I shall read into the RECORD exactly what would have to be done; but before doing that, I wish to return to a point made by the Senator from Ohio.

This Commission would submit its recommendations to the President, but the President could completely disregard them and say, in effect, "Look, you fellows in the Senate and in the House of Representatives, be good to me and I will not follow this Commission report and give you $40,000. I will give you $50,000."

I do not suggest that the present President would do any such thing as that; as a matter of fact, I am sure he would not. But we do not know who will be President 5 years from now, 4 years from now, or even next year.

I believe that, as a practical matter, the President would be setting the salaries, because here is what the Senate and the House of Representatives would have to do if they did not wish to follow his recommendations. Public Law 90–206, dated December 16, 1967, provides as follows:

"(i) Effective date of Recommendations of the President: (1) Except as provided in paragraph (2) of this subsection, all or part (as the case may be) of the recommendations of the President transmitted to the Congress in the budget under subsection (h) of this section shall become effective at the beginning of the first pay period which begins after the thirtieth day following the transmittal of such recommendations to the Budget."

So, in the first place, there would be only 30 days for both Houses of Congress to act, and only to the extent that, between the date of transmittal of such recommendations and the beginning of such first pay period: First, there has not been enacted into law a statute which establishes rates of pay other than those proposed in the recommendation; second, neither House of Congress has enacted legislation which specifically disapproves; or third, both.

I wish to say again, Mr. President, that I feel that Members of Congress, members of the courts, and members of the Cabinet should be adequately compensated.

I do not know of any other group of men who work as hard for the salaries they receive as do the men in this Chamber.

I am looking at the Senator from West Virginia (Mr. BYRD), who is the deputy majority leader; I think he has been present on the floor of the Senate every day, and perhaps every hour, that this Congress has been in session.

I believe that Members of Congress deserve adequate and proper compensation. What I object to is establishing a commission to make a recommendation to the President, and the President then, whether he takes the advice of the Commission or goes beyond that advice, putting into effect what really becomes a salary for the members of the legislative and judicial branches of the Government. I cannot help but believe that that is a very unwise procedure to follow over any extended period of time.

Mr. MAGNUSON. Mr. President, I do not think there is any Senator who would find himself in substantial disagreement with the Senator from Virginia.

I opposed this amendment in the committee. The subcommittee opposed it and did not include it in its report. But after we discussed the matter further in full committee, we found that this Commission has been appointed.

A great number of able Americans are on the Commission.

Mr. BYRD of Virginia. Will the Senator yield?

Mr. MAGNUSON. I will finish first and then yield.

We are not a legislative committee. We were faced only with one proposition: Shall we provide funds for a lawful Commission to operate, a Commission which has been appointed?

The full committee decided the matter, but not with my vote. All of the statements about who have offices and who do not is beside the point as far as the Appropriations Committee is concerned. This is an active, ongoing, permanent Commission. We were just submitted an item from the budget to finance the Commission, to make the study and the report.

I think what we should do here is to have someone introduce a bill pronto and abolish the Commission.

The law is still on the books, and these people are able to work for nothing. The law would still apply. They do not have to have this money particularly. If the Senator saw the list of eminent people on the Commission, he would realize they could work for nothing. We do not need to give them any money with which to operate. What we should do is to repeal the law.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. MAGNUSON. In a moment. We are not a legislative committee. We are an Appropriation Committee. The subcommittee voted to strike this. I voted to strike it. The full committee after some discussion decided that as long as they are there, we should give them a small, modest amount to operate with. They do not need it. They could still function without the funds. I do not know whether they would or not, but they might.

I took a look at the membership list again. I know two or three of them by reputation. I imagine that they could very well work for nothing.

I now that we talk a lot about the fact that Members of Congress could recommend anything. They could recommend an expense account. The Members would not have to touch the salaries. They could recommend all kinds of things. They could even recommend—I do not think it would happen—a decrease. Maybe we are not worth what we get. Then the President would have to act. Congress could not touch it under the law that we passed until the President sends up a recommendation.

We were faced with that issue, and the subcommittee finally decided it would give them a modest amount to operate with as long as the Commission was set up.

I agree with the basic tenets espoused by the Senator from Virginia. However, this is an Appropriation Committee. It is not a legislative committee.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. BYRD of Virginia. Mr. President, I point out that the House Appropriations Committee did not appropriate a single dollar. The House of Representatives did not appropriate a single dollar.

Mr. MAGNUSON. The matter was never submitted to the House. It was only considered by the Senate.

Mr. BYRD of Virginia. The date of enactment was December 16, 1967, 8 months ago.

Mr. MAGNUSON. The appropriation was never considered by the House. It was never submitted by the Bureau of the Budget to the House. It came to us as a Presidential communication after the House had passed this bill. It is in Senate Document 80 for the record. The House never considered this at all.

Mr. BYRD of Virginia. That is what I am pointing out.

Mr. MAGNUSON. One of the arguments made by those who wanted the $100,000 put back in is that as long as the House did not consider it and it was small, we might do this and take it to conference and see what they might want to do with it. However, this Commission could get to work tomorrow if they wanted to, and the law still exists. If we do not do something about their recommendations and the President sends up something, it would be the law.

I suggest that we introduce a bill to repeal the law.

Mr. BYRD of Virginia. Mr. President, will the Senator yield further?

Mr. MAGNUSON. I yield.

Mr. BYRD of Virginia. Mr. President, I think that the outcome of this vote today will determine whether the Members of the Senate are interested in repealing this law. This is a policy vote. This is a matter that goes far beyond the $100,000.

Mr. MAGNUSON. I understand that. What I am trying to talk about is the responsibility of the Appropriations Committee. We are not a legislative committee. I would vote to repeal the law tomorrow.

Mr. BYRD of Virginia. This is a good way to get the matter settled.

Mr. MAGNUSON. If we should do this, then we could pass all of the laws we wanted to pass here and just not give them any money but repudiate them after the laws have been passed. We could just refuse to give them the wherewithal with which to operate.

Mr. Byrd of Virginia. With relation to some laws, it would be a very good thing, and particularly this one.

Mr. Magnuson. Then we should abolish some things by giving them no funds. There are a lot of things that we appropriate money for that I voted against in the legislative proposal. However, when the measure becomes law, I have a responsibility to see that it functions.

Mr. Byrd of Virginia. It did not come to a vote.

Mr. Magnuson. Mr. President, I ask for the yeas and nays now.

The yeas and nays were ordered.

Mr. Magnuson. Mr. President, I think the Record should be clear that the Appropriations Committee is not a legislative committee, and if Congress establishes a Commission, we surely have the responsibility to take a look at it and see how much money we should give them with which to function once they are established.

In this case the subcommittee said, "No. We do not need to do it now." However, they have been appointed. It is not a question of our determining the policy or the wisdom of Congress in passing a law.

The vote of the full committee, for the benefit of the Record, was 14 to 8.

Mr. Byrd of Virginia. This will be the first time that the Senate, as a Senate, will have had a chance to vote on the matter.

Mr. Magnuson. To make a clear-cut decision on it. The Senator is correct.

Mr. Byrd of Virginia. It will be the first time the Senate has had a direct vote on the issue. When the postal pay bill of 1967 came to the Senate, the Senate committee took out this provision that the House had inserted. So, when it came to the Senate for a vote, it did not contain this provision. It was put in in conference with the House.

Mr. Lausche. Mr. President, will the Senator yield?

Mr. Magnuson. I will yield in a moment. That is our legislative process, whether we like it or not.

Mr. Byrd of Virginia. The Senator is correct. However, it is also correct that this is the first time we will have had a direct vote on the issue.

Mr. Magnuson. I believe that would be true. But it is not on the policy issue. It concerns the money to run a legally authorized Commission.

Mr. Lausche. Mr. President, I have found in the Record of December 12, 1967, on page 36102, exactly what happened with respect to this item.

Mr. Monroney, who was in charge of the postal rate increase bill, stated:

"May I say that from the first day until the last day, and almost every hour on the hour, the conferees on the House side tried to keep the junk mail rate at the lower rate. The House provided 3.6 cents. They also insisted on the House passed version of the Presidential Commission. We were just as adamant. In fact, as those matters were taken up and as we saw the quarreling and the snarls, I was reminded of the old law of physics that the Senator and I learned in our universities—that when an irrestible force meets an immovable object, something has to give."

The fact is that it was in conference; the House conferees insisted upon the Presidential Commission. Senator Monroney said, "I had to give in."

Mr. Byrd of Virginia. The Senate conferees were unanimous in opposition to it.

Mr. Lausche. They had to give in in order to get any type of bill, and that is why they gave in.

Mr. Magnuson. The yeas and nays have been ordered.

The Presiding Officer. The question is on agreeing to the amendment. The yeas and nays have been ordered.

Mr. Byrd of Virginia. Mr. President, a parliamentary inquiry.

The Presiding Officer. The Senator will state it.

Mr. Byrd of Virginia. For the clarification of the Members of the Senate, the motion is being made by the subcommittee chairman according to customary procedure to adopt the committee amendment. Is that it?

The Presiding Officer. The question is actually on the adoption of the committee amendment.

Mr. Magnuson. It would be to knock out the $100,000.

Mr. Byrd of Virginia. Those who favor knocking out the $100,000 would vote "nay."

The Presiding Officer. The Senator is correct.

Mr. Allott. Mr. President, a parliamentary inquiry.

The Presiding Officer. The Senator will state it.

Mr. Allott. The Byrd amendment is not pending, then?

The Presiding Officer. No.

Mr. Allott. So if a Senator desired to vote to strike out the $100,000, he would vote "nay."

The Presiding Officer. The Senator is correct.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. Byrd of West Virginia. I announce that the Senator from Hawaii (Mr. Inouye) is absent on official business.

I also announce that the Senator from Alaska (Mr. Bartlett), the Senator from Indiana (Mr. Bayh), the Senator from Pennsylvania (Mr. Clark), the Senator from Arkansas (Mr. Fulbright), the Senator from Massachusetts (Mr. Kennedy), the Senator from Missouri (Mr. Long), the Senator from Minnesota, (Mr. McCarthy), and the Senator from Minnesota (Mr. Mondale) are necessarily absent.

On this vote, the Senator from Pennsylvania (Mr. Clark) is paired with the Senator from Alaska (Mr. Bartlett). If present and voting, the Senator from Pennsylvania would vote "yea," and the Senator from Alaska would vote "nay."

Mr. Kuchel. I announce that the Senator from Illinois (Mr. Percy) and the Senator from Vermont (Mr. Prouty) are necessarily absent.

The Senator from Michigan (Mr. Griffin) is detained on official business.

If present and voting, the Senator from Illinois (Mr. Percy) would vote "yea."

The result was announced—yeas 46, nays 41, as follows:

"[No. 217 Leg.]

"YEAS—46

"Anderson, Baker, Brewster, Brooke, Burdick, Cannon, Case, Church, Dirksen, Dodd, Fong, Gore, Harris, Hart, Hartke, Hatfield.

"Hayden, Hollings, Jackson, Javits, Kuchel, Long, La., McGee, McGovern, McIntyre, Metcalf, Miller, Monroney, Montoya, Morse, Morton, Moss.

"Muskie, Nelson, Pastore, Pearson, Pell, Proxmire, Scott, Smathers, Smith, Sparkman, Tydings, Williams, N.J., Yarborough, Young, N. Dak.

"NAYS—41

"Aiken, Allott, Bennett, Bible, Boggs, Byrd, Va., Byrd, W. Va., Carlson, Cooper, Cotton, Curtis, Dominick, Eastland, Ellender.

"Ervin, Fannin, Gruening, Hansen, Hickenlooper, Hill, Holland, Hruska, Jordan, N.C., Jordan, Idaho, Lausche, Magnuson, Mansfield, McClellan.

"Mundt, Murphy, Randolph, Ribicoff, Russell, Spong, Stennis, Symington, Talmadge, Thurmond, Tower, Williams, Del., Young, Ohio.

"NOT VOTING—12

"Bartlett, Bayh, Clark, Fulbright, Griffin, Inouye, Kennedy, Long, Mo., McCarthy, Mondale, Percy, Prouty."

So the committee amendment was agreed to.

Mr. COTTON addressed the Chair.

The PRESIDING OFFICER (Mr. Allen in the chair). The Chair recognizes the Senator from New Hampshire.

Mr. COTTON. Mr. President, first I want to say I agree wholeheartedly with every word the distinguished Senator from Virginia (Mr. Byrd) has said.

Last year, or whenever it was, I voted for the amendment of the distinguished Senator from Delaware to abolish this Commission. I have always felt that the Congress should have the intestinal fortitude to stand up to questions propounded to it and vote frankly, freely, and fearlessly for such salaries as Congress felt were appropriate and justified.

Mr. President, I am troubled today, however, and I do not wish to be presumptuous. Nothing is further from my mind. I do not wish to try to put any Member of the Senate, much less the chairman of one of the committees, on the spot.

I wonder whether I could ask the distinguished Senator from Wyoming, chairman of the committee, a question. It is my understanding that there is pending in the committee a separate bill, offered by the distinguished Senator from Delaware, doing this very thing; that is, abolishing the commission; is that correct?

Mr. McGEE. That is correct.

Mr. COTTON. Would the chairman be willing to indicate whether he thinks it likely, or that we could expect the committee would report that bill either favorably or without recommendation, so that the Senate would have an opportunity to work its will on that particular question at a separate time before this session is over?

Mr. McGEE. I would say that any measure that comes in like that, including the pending one, will receive the careful, considered judgment of members of the committee. The chairman could not commit himself alone on that because the committee, as a group, would have to arrive at a decision. But I would say, from the chairman's point of view, that I would be glad to proceed on that and to try to agree upon a schedule of hearings, so that we could get the thing thrashed out, and then proceed on it through committee channels.

I am sure that the Senator from New Hampshire appreciates that would be as far as I would dare to make a commitment. It is procedural.

Mr. COTTON. I did not expect that the distinguished chairman would attempt to pledge his committee to anything. I can understand that. Perhaps all I can expect would be an indication that the bill would receive various kinds of attention. There is the careful attention that a warden in a penitentiary bestows upon his charges. There is also the kind of attention given to many bills which come before committees.

The thing that troubles me is this: It may be just scuttlebutt, but it is my understanding that the trouble is, if the present bill, aimed at justice for the Vice President of the United States and for the high office he occupies, went to the House with the Williams amendment, it is expected that the House would turn it down. Is that the cold fact of the case?

Mr. McGEE. The feeling is, to put it as bluntly as my colleague has, that the House does not believe this should be made relevant to the basic issue on which they have already acted and that, therefore, an attempt to force them on this issue, with a rider to the bill, would be regarded unfavorably as a proper issue on this particular piece of legislation.

Mr. COTTON. I have even heard it said that Members of the House have indicated they would not even go to conference on the bill if it contained the Williams amendment.

Mr. McGEE. The members of the House committee would have to affirm that. I think the indications are very strong that that kind of affirmation would be forthcoming, but I would pledge to the Senator from New Hampshire that the committee and all its members would give the attention to this that its importance merits and requires, and that it would not be dilatory. We have not been able to do that in the last few weeks, for the simple reason that we have in front of us some rather pressing things being urged upon us by the administration with regard to reorganization, but consistent with doing a careful and conscientious job on it, that would be the intent of the chairman of the committee, at least, and would be subject to the collective judgment of all committee members.

Mr. COTTON. I thank the chairman for his courtesy. It has been the experience of this Senator over many years in this body and the other body that almost every time I have voted against something I believe in, in the hope that I would have a chance by and by to vote for it, that that chance never came. In saying that, I am not impugning the sincerity of my good friend from Wyoming. He knows that I would not do that. He knows the confidence I have in him. But I am always a little leery of casting a vote against something I believe in with the expectation that by and by I will have a chance to vote for it.

On the other hand, I find myself—and I think many other Senators do also—very much in doubt about this particular vote. The Senator from Delaware knows that I have supported him in this, and I believe in his position, as I do in the position of the Senator from Virginia. But it is most unfortunate that the Vice President, whose office requires more compensation—I think everyone agrees on that—than he has been receiving, should be caught in this situation and be the victim of a renewal of the fight over this commission and, of course, possible disagreement with the House and loss of the bill.

So that I almost feel I have not entirely made up my mind. I almost feel that I cannot vote with my good friend from Delaware this time, because I hate to see the Vice President caught in the squeeze and this injustice done to him—which may well be done. On the other hand, my colloquy with the distinguished chairman of the committee leads me to be a little skeptical whether I will have a chance to vote on this proposition.

Mr. WILLIAMS of Delaware. I can assure the Senator that this is the chance to vote on the bill. It is about the only chance he will get. Let us face it. The question of whether the Vice President will or will not get a salary increase is not being debated here at all. I do not know of any objection to that part of this bill. I certainly will support it. I did oppose the exhorbitant salary increases that were approved for Congress earlier this year, and I am opposed to the other salary increases in this bill before us here today.

However, when this bill was before Congress on April 29, 1969, that is several months back, by a rollcall vote of 49 to 36 the same amendment repealing this Commission was approved. The bill could have passed then and could have gone to the House of Representatives. What happened? The Senate committee said, "Oh, no, we do not want to repeal this Commission which gives us the salary increases without having to go on record." So they sent the bill back to committee. What did they do? They deleted this one amendment, so that we now know what the position of the majority members of the committee is. They are opposed to repealing this Commission. Let us face it. If the Senate wants to repeal the law establishing this Commission we can do it tonight. Why be afraid to approve the amendment and send it over to the House? Are Senators afraid they will accept it?

As I said earlier, one big objection to the Commission is that it is possible that salary increases for Members of Congress and the executive branch can go into effect without a single Member of Congress ever answering a rollcall vote on the question. It almost did that last year. House Members did not get a chance to vote on it because the committee would not report a resolution in disagreement.

In the Senate I introduced a resolution in disagreement with the President's plan this year. What happened? The Senate Post Office and Civil Service Committee pigeonholed it. It took no action whatsoever, either affirmatively or negatively. It was only as a result of maneuvering on the floor of the Senate that we did get a rollcall vote.

I say that is not good legislation. Certainly by any line of reasoning Members of Congress should be permitted to vote on resolutions in disagreement. The committee could approve it or disapprove it, but at least it should report the resolution back to the Senate with its recommendation. This would give to the Senate an affirmative or negative recommendation. The Senate is entitled to a vote, but under the law, as it has been interpreted, such a vote is not possible.

I likewise express the opinion, with all due respect to those who feel differently, that if the Senate wants to vote on this measure to repeal this Commission this afternoon is their chance.

Mr. COTTON. I appreciate that.

Mr. WILLIAMS of Delaware. And the Vice President's salary increase is not affected by any action we take on this amendment.

Mr. COTTON. I appreciate the expressions of the Senator from Delaware, but, in order that the record may be clear—because this is a matter of importance to the Vice President and to all of us who want to see that office dealt with justly and properly—the Senator from Delaware does have a bill pending before the Committee on Post Office and Civil Service that would abolish the Commission. Is that correct?

Mr. WILLIAMS of Delaware. That is correct. It has been before the committee for 6 months.

Mr. COTTON. Has the Senator requested hearings?

Mr. WILLIAMS of Delaware. Yes. I told the committee I would be glad to testify. At the time of the President's recommendations earlier this year for a 41-percent increase in congressional salaries I introduced both a resolution of disagreement with the Commission's recommendation as forwarded to us by the President and also a bill repealing the act. I told the committee I would be glad to appear at that time on behalf of either or both. To date I have not heard from the committee.

The committee is on record in favor of this method of raising congressional salaries; therefore they are not interested in repealing this law.

Mr. COTTON. I am appreciative of the Senator's zealous efforts. This might affect my vote. Has the Senator from Delaware been refused a hearing on his bill by the Committee on Post Office and Civil Service?

Mr. WILLIAMS of Delaware. No; I would not say refused; they just ignored the request. There just have not been any hearings. The chairman of the committee has indicated clearly—and I respect his position—that he is opposed to repeal. I respect his position. For that reason I suppose he has not gotten around to calling hearings or to reporting the bill. This matter has been before the committee for several months. It took no action except to delete a Senate-approved amendment from the bill and reported it back. I think that is an answer to the question. At least, give the Members of the House a chance.

Mr. COTTON. I thank the Senator.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. DOMINICK. Just one point in connection with what the Senator from Delaware said. I have been in touch with two of the Members of the House—I do not care to name them at this time—but when I was discussing what differential there should be between Members of Congress and the distinguished leaders, they indicated at that time they thought part of the package deal was going to be acceptance of the abolition of the Commission. I certainly received no indication that the House was unanimously opposed to that, by any means.

Mr. COTTON. I appreciate the Senator's statement. Mr. President, I yield the floor.

Mr. RANDOLPH. Mr. President, I am in general agreement with the philosophy which has been expressed by several Senators, the Senator from Virginia (Mr. BYRD), the Senator from New Hampshire (Mr. COTTON), the Senator from Delaware (Mr. WILLIAMS), and perhaps other Senators, in reference to the membership of the Senate of the United States taking the final responsibility for increasing the salaries of Members of this body. I have so indicated, as a member of the Committee on Post Office and Civil Service, when we have had the matter of the Commission under consideration.

I have not been reluctant in meeting that individual responsibility in reference to my own obligation. I do feel, however, that the Senator from New Hampshire raises a very critical point. It is one of realism insofar as we face a conference with the House.

The Senator from New Hampshire requested the distinguished chairman of the Post Office and Civil Service Committee (Mr. MCGEE) to respond to his interest in having, within our committee, early consideration of the specific legislation on the Salary Commission. I am only, of course, speaking for myself as one member of the committee. But, I would pledge my individual efforts, in a very earnest and energetic way, to bring such consideration and hearings into being on the subject matter. It is not my purpose to suggest to the chairman what any other member may do, but it is my belief we should meet our responsibility and give attention to legislation such as that introduced by the Senator from Delaware.

In other words, I strongly feel that Senators should meet their responsibilities on the issue of salaries. I cannot speak for Members of the House. They make that decision for themselves. But I have indicated in the Post Office and Civil Service Committee again and again that on the matter of salary increases we should make the final decision through the consideration of legislation which comes from the committee to the Senate and on which the Members of the Senate may express their judgment here on the floor.

So I desire to do more than pledge my support to the consideration of legislation which goes specifically to the point of the Senator from Delaware. I desire to nail it down to a time insofar as possible.

I ask the very able chairman of the Committee on Post Office and Civil Service if we could consider this matter—not next year—but in September, so that Members, like the able Senator from New Hampshire, who are concerned with this question, could feel that a time framework has been established.

I want to return to what I said at the outset. I am just as strongly in favor, as the Senator from Virginia, the Senator from New Hampshire, and the Senator from Delaware, of having Members of this body take individual responsibility for whatever increases are made in their salaries. However, the realism of legislation and of the situation in the other body makes it desirable to deal with this issue at a later time.

Other members of the committee are present. Perhaps they would share their thinking in regard to the question I ask the chairman. If they are not in agreement with me, they may yet want to hear the thinking of the chairman of the committee in regard to consideration of this issue.

Mr. McGEE. Mr. President, I will respond to my colleague from West Virginia by saying that I have learned the hard way in the last few months, as a relatively new chairman of the committee, not to be quite so positive in my thinking; that we are a kind of prisoner of many other people's schedules and much other business that comes before this body. I have had enough of those predictions of mine thrown back in my face, because it became physically impossible to live up to those predictions, not to want to speak about a September date. I would only pledge to my colleague that we would make every effort to move to this proposal on its substance.

I assume that my colleagues on the committee who are present here share that view with me. I am only being cautious, because I do not happen to be warden of the penitentiary, and I do not think we are dealing with any prisoners today. I cannot command a time certain that we can agree on an attempt to move on the substance of the measure proposed by the Senator from Delaware.

Mr. RANDOLPH. It is my feeling, however, that we should assure the able Senator from Delaware that there will be prompt hearings on his substantive legislation.

Mr. McGEE. As the Senator knows, we have been asked likewise by the administration to be sure we run out a full string of hearings on the postal reorganization bill. We have been holding extensive hearings on the proposal to take the postmasters out of politics. We have been holding constant hearings on the dimensions of the new retirement legislation, and it is not quite as simple as simply saying "immediately." I would join in saying, as another Senator has stated, "as expeditiously as our schedule will permit." I do not want to be guilty of saying September 15, or October 1, and not being able to live up to it.

Mr. RANDOLPH. I fully appreciate what our able chairman has said. The scheduling of committee activities presents difficult problems. For several days, I have been attempting to have a conference with the House of Representatives on the Appalachian and regional commissions bill. We feel it is very important; but we just cannot get to an acceptable time for that conference. It has been set and reset. It now seems that the conference will have to come after the recess. This is important legislation. So I understand the chairman's problems, because we share as do other chairmen the same difficulty.

I do not criticize the Members of the House of Representatives in any wise, but in this instance, Senate conferees, both Democratic and Republican, have been ready. They have tried to adjust their schedules. Yet we now find that we are unable to bring the conferees of the House of Representatives together with us. So what can I do? In a sense, I am frustrated, and other Senators are frustrated. Our legislation, very frankly, should be sent to the White House prior to the recess.

I wish to underscore again, my belief that it is the responsibility of the Members of the Senate of the United States to set their own salaries by rollcall votes in this body. I cannot speak for the Members of the House of Representatives. That is for their own determination. The salary commission which was brought into being by legislation from the Post Office and Civil Service Committee does have a valuable and worthwhile program of study, investigation, and recommendations which could apply to executive positions within the structure of our Government. Its work can be meaningful and helpful for Members of Congress. But we must make that final decision on our salaries. If a Member is worthy—and I say this in good conscience—to sit in this body, he should be prepared to exercise the responsibility of establishing by his rollcall vote, the salary that he is to receive. The Senator from New Hampshire rightly raises the point of the legislative difficulty in which we find ourselves. We desire to deal justly with the Vice President and yet not deal unfairly with those who believe very strongly in the principles so well set forth by the Senator from Virginia.

I am very grateful for the time given to me. It is important, once again, to emphasize that members of the Post Office and Civil Service Committee who have attempted to clear this issue—and do it properly, in the open, with the hope that Senators might understand—are not desirous of doing anything other than securing passage of this bill, while affording Senators in a timely manner the opportunity to consider the general issue of setting salaries.

Mr. FONG. Mr. President, as the ranking minority member of the Post Office and Civil Service Committee, I join the distinguished Senator from New Hampshire and the distinguished Senator from West Virginia in seeking a speedy hearing of the bill which the Senator from Delaware introduced on this question and which is now before the Senate Post Office and Civil Service Committee.

I wish the chairman would agree to seek an expeditious time when we can discuss that matter. I do feel that the Commission is worthwhile, and I do think there are many amendments we should make to the law governing as to how to set the salaries of Members of Congress.

Mr. President, today we are faced with the problem of whether we are going to raise the salary of the Vice President from $43,000, which is only $500 more than the salary of each of us here, to the sum of $62,500. Only recently, we have increased the salary of the President of the United States to $100,000.

The Senate has listened to the colloquy between the distinguished Senator from New Hampshire and the distinguished chairman of the Post Office and Civil Service Committee relative to the feeling of the House of Representatives if the amendment of the distinguished Senator from Delaware is attached to this bill. If the amendment is adopted, we will not have a bill, we will leave the salary of the Vice President at the sum of $43,000, and we will not be able to give him any increase in salary.

All of us realize that the Vice President of the United States is worth at least $62,500. Certainly he is worth more than $43,000, and all of us want to give him this increase. The only way we can give him the increase is not to adopt the rider which the distinguished Senator from Delaware is trying to attach to the pending bill.

In today's discussion no reason has been given to this body as to why Congress enacted the legislation providing for the salary commission. I have been a member of the Post Office and Civil Service Committee for approximately 10 years; and from time to time we have been called upon to raise the salaries of our Government employees—3 million of them. We have not been able to give to the 3 million civil servants of our Government the compensation they deserve. We wrote into the salary law of 1962 the principle of comparability—that is, that everyone working for the Government should have comparable pay with employees with similar responsibilities in private industry. Because the salary of Members of Congress was held at $30,000 prior to our last increase, we were not able to raise adequately the salaries of the civil servants, especially those in the grades of GS–10 and above. We have had a lot of compression of the salaries of those employees between the grades of GS–10 and 11 and GS–16, 17, and 18, so that those civil servants have not been given comparable salaries to their counterparts in industry. We have steadfastly refused to raise employees even if they are deserving, to salaries equal or above that received by the Members of Congress. Consequently, there has been a compression of salaries from the top down—especially down to GS–10.

Because of this problem of compression caused by our reluctance to raise our own salaries, the members of the Senate Civil Service Committee finally agreed to the proposal of the Members of the House of Representatives to go along with the idea of this Salary Commission.

Mr. President, we are not just talking about the pay of 435 Members of the House of Representatives and 100 Members of the Senate, or the 535 Members who are elected to Congress. We are talking, Mr. President, about the salaries, the just compensation, of 3 million civil servants, and another 3 million men who serve in our Armed Forces, for, when you consider that the pay of our military personnel is tied to the pay of our civil servants—because the military will not receive an increase if we do not give the civil servants an increase—it is obvious that we are talking, here, about the pay of 6 million people.

Year after year the Members of Congress have been very reluctant to raise their salaries. Facts have been presented which show that for a period of as long as 20 years Congress has refused to raise its salary because it felt that its action would be criticized by its constituents. And because of the reluctance of the Members of Congress to raise their own salaries, we have held down the salaries of 6 million people who are working for the Federal Government.

Two of the members of this Commission are appointed by the President of the Senate, two are appointed by the Speaker of the House, two are appointed by the Chief Justice, and three are appointed by the President. Their duty is to find out what the comparable pay in business is.

This Commission did valuable service for the Congress. It found out that at a time when the Members of Congress were receiving $30,000 a year, approximately 3,000 people on the payrolls of State and local governments were receiving more than $30,000 a year. Yet, the Members of Congress were reluctant to raise their own salaries.

Faced with the fact that more than 3,000 people working in State and local governments were receiving more pay than the Members of Congress, the Commission recommended to the President that the salaries of the Members of Congress be raised to $50,000.

The President met with Members of Congress on this matter. It was felt that $50,000 was too much of an increase. It was decided that the salary should be $42,500.

Mr. President, because we were able to raise the salary of the Members of Congress to $42,500, we have been able for the first time to give comparability to 6 million people who are now serving in our Government.

I realize that there are many weaknesses in the Salary Commission setup. I think we should overhaul it. I think we should give to Congress the right to say "yes" or "no" by positive votes whether the recommendation of the President should be adopted. I think that the committee should sit down and discuss the matter very thoroughly.

But we should not tie this rider to this bill, because if we do, we are not going to give the Vice President the salary that we know he deserves.

If we desire to keep the salary of the Vice President at $43,000, then we should vote for the amendment proposed by the distinguished Senator from Delaware. However, if we really want to give the Vice President a raise in salary, let us reject the amendment.

Then, with the pledges that have been made by the distinguished chairman of the committee and by the distinguished Senator from West Virginia and by me, as the ranking minority member of the committee, we will discuss the bill and bring it to the floor one way or the other.

Mr. WILLIAMS of Delaware. Mr. President, I shall be very brief, since the Senate wants to vote.

I point out that the adoption of this amendment does not in any way affect any of the 3 million civil service employees. Nor does it affect those in the military service. This amendment has nothing whatever to do with either.

Long before we ever heard of the Commission, Congress was raising or lowering the salaries as they saw fit, and we can continue to do so.

As to the pledges of the members of the committee at this late hour that they would consider reporting out a separate bill repealing this law, let us remember the pledges come from the same committee that has bottled up the measure for the past several months and did not want to give the Senate the right to vote on whether it should or should not raise congressional salaries this year. It is the same committee which refused to report the bill I introduced early this year.

The argument was made that if we do not have such a Commission the Members of Congress will never get a salary increase. Maybe we are not worth it if we do not have enough nerve to stand up and let our constituents know how we vote.

It has been said that for the past 20 years there have been no salary increases for Congress because we did not have such a Commision prior to 1967. I came to Congress in 1947. The year before I came the salaries of the Members of Congress were raised 50 percent. In 1946, the salary was $10,000, and it was raised to $15,000 effective in 1947, the year I came to Congress.

In 1954, Congress raised its salaries by 50 percent, to $22,500.

Around 1965 Congress again raised its salaries by 33⅓ percent, to $30,000 a year. Then, earlier this year, congressional salaries were raised another 40 percent, to $42,500. This increase was at a time when we were telling everyone else that they should hold the line on prices and wages and combat inflation. Congress did not have the nerve to vote on this last increase but rammed it through through this backdoor method of a Commission.

Let us not be confused—the question of raising the salary of the Vice President at this time is not involved here.

How do we know that the House would not accept the measure if the Senate approves this amendment? All I say is that if Senators are for the abolishment of the Commission they should vote for it here today. If they are not, they should vote against the amendment. However, let us decide now.

Mr. DIRKSEN. Mr. President, I had not contemplated speaking on the bill, but it seems to me that the emphasis is in the wrong place. We are making a mountain out of a mole hill with respect to the Commission. I know something about these commissions. I introduced the first resolution for the Commission under which the Senator from Delaware (Mr. WILLIAMS) got that increase in 1947. That, frankly, is the only way to get this job done, because we are up against a basic proposition.

This book, the Senate Manual, contains the Constitution, which says that all legislative power shall be vested in a Congress. Congress is the exclusive lawmaking body; there is no other. When we look at article I, section 6, we read:

> The Senators and Representatives shall receive a compensation for their services, to be ascertained by law.

This is the only department, this is the only agency in Government, that is designated in the Constitution to fix its own pay. There are no others. We fix the President's pay. We fix the Cabinet's pay. We fix the pay of all executive agencies. We fix the pay of the judiciary. Then we come along, under the language of the Constitution, and are required to fix our own salaries. That is the vexing point that is involved here.

I have been through this agony at the other end of the Capitol, when Members came and fairly begged: "I want the money, but do not ask for a rollcall."

In my case, I did not care. I was ready to go on record. But it was only 18 months from election to the next primary, and they were afraid the people would remember, and they did not want to be on the record.

That, then, is the problem. How are we going to cure it? By statute? Certainly not. So far as the Commission is concerned, it is greatly overrated. It will go by the by long before we get through. In my judgment, the only satisfactory, durable way in which the whole salary problem as it affects Congress can finally be disposed of is by a constitutional amendment. I do not propose to say how much shall be done at the moment without a good deal of further study. But if we are going to get away from the problem once and for all, let us find a vehicle. Then let us see about amending the Constitution and getting out from under the frightfully vexing problem of going home and having someone say, "Well, I see you voted to increase your own pay."

We live in a political ambit here. Nobody needs to deny the fact. I recall, when it happened in the House, Members coming to me and saying, "Come to my district and help to defend me against this pay charge, because somebody is going to run against me and this is an issue." Well, it is a good issue in rather tumultuous and feverish times. But I still say that, sooner or later, this has got to be done. Madison and Hamilton, in the Federalist, talked about this very weakness; and it has continued from that day to this.

I voted against my distinguished friend the Senator from Delaware in April when this matter came up and was carried by a vote of 49 to 36. The only reason why this is an issue is that over at the other end of the Capitol they foresee some problems under their rules. There are various ways to take it up: Take it up off the Speaker's desk; send it to the Rules Committee; send it to conference; or get a direct vote on it, if you can. But there is some disagreement over there. That is the only reason why the chairman of the Senate committee is in some difficulty. He has conferred with the House leaders and they said, "Well, do not send that repealer over here, because we are going to have trouble." Otherwise, there would not be any point in making the case.

So far as I am concerned, I could have voted either way in April on the Williams amendment, because I had no great enthusiasm one way or the other, simply because I felt that the real remedy lay in a constitutional amendment and that sooner or later that has to be done.

So today I am going to vote with the committee and I am going to vote against the Williams amendment, as I did in April. I do not think there is anything else I can very well do.

That is all I have to say on the subject, and I am ready to vote.

Several Senators: Vote! Vote!

The PRESIDING OFFICER (Mr. Hughes in the chair). The question is on agreeing to the amendment. The yeas and nays have been ordered.

Mr. McGEE. Mr. President, I will take just 60 seconds. Because of the number of Senators who have just arrived in the Chamber, I think the general substance of our dialog should be put before the membership.

For 2½ weeks now, we have worked with great diligence on an attempt to increase the Vice President's salary, and we have arrived at a compromise that will make possible that achievement. It will give him a salary of $62,500, and that of the Speaker will be at the same figure.

We are about to agree upon a compromise with the impending amendment of the Senator from Colorado on the salaries of the majority and minority leadership in the two Houses. Instead of a figure of $55,000, we have worked out an agreement that it would be $49,500.

We have further reasoned—and I say this in all sincerity—that if the pending amendment becomes a part of this bill, it will be impossible to move it through conference and out. Only in the interest of expediting this bill, we have to work out some kind of arrangement on it. The members of the Committee on Post Office and Civil Service have made it clear this afternoon—and as only one member of that committee, I agree—that we should proceed to move toward the measure of the substance of the amendment on the abolition of the Salary Commission, as proposed by the Senator from Delaware, and that this would go through regular channels and it would become the reflection of whatever the will of this body and the members of the committee may be.

So, with that brief summation, I would hope that the Members of the Senate would, on that basis, agree to reject the pending amendment of the Senator from Delaware at this time.

Mr. WILLIAMS of Delaware. Mr. President, I agree that the Senator from Illinois has stated this issue very clear. He is in favor of the Commission; he is going to vote against my amendment. I respect that position. All those who are against the repeal of this Commission should join the Senator from Illinois and vote against my amendment. Those who feel that the Commission should be repealed and that the vote of April 29, as taken by the Senate, 49 to 36, should be sustained should vote for the amendment.

In my opinion this is the only chance we will get to repeal the Commission. Let us vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware (Mr. Williams). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY: I announce that the Senator from Georgia (Mr. Russell) is necessarily absent.

Mr. SCOTT. I announce that the Senator from Arizona (Mr. Fannin) is detained on official business.

The Senator from Maryland (Mr. Mathias) is absent on official business.

The result was announced—yeas 47, nays 50, as follows:

[No. 72 Leg.]

YEAS—47

Aiken
Allen
Allott
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Church
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Ellender
Ervin
Fulbright
Gore
Gurney
Hansen
Hartke
Hatfield
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Mansfield
McClellan
Miller
Montoya
Mundt
Murphy
Packwood
Pastore
Pearson
Prouty
Smith
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—50

Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Brooke
Case
Cranston
Dirksen
Dodd
Eagleton
Eastland
Fong
Goldwater
Goodell
Gravel
Griffin
Harris
Hart
Holland
Hughes
Inouye
Jackson
Javits
Kennedy
Long
Magnuson
McCarthy
McGee
McGovern
McIntyre
Metcalf
Mondale
Moss
Muskie
Nelson
Pell
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Sparkman
Stevens
Tydings
Williams, N.J.
Yarborough

NOT VOTING—3

Fannin
Mathias
Russell

So the amendment of Mr. Williams of Delaware was rejected.

Mr. LONG. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. McGEE. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. DOMINICK. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The Legislative Clerk. The Senator from Colorado proposes an amendment on page 2, line 13, strike out "$55,000" and insert in lieu thereof "$49,500."

Mr. PASTORE. Mr. President, may we have order in the Senate? We can expedite our business if we can maintain order in the Senate.

The PRESIDING OFFICER. The Senate will please be in order.

The Senator from Colorado may proceed.

Mr. DOMINICK. Mr. President, when the bill first came up, the Senator from Delaware added his amendment, which was then adopted by the Senate. I supported it. Then, in conjunction with the Senator from Rhode Island (Mr. Pastore), I offered an amendment which would have stricken pay raises for the Speaker of the House and the congressional leadership. My amendment would have authorized a pay raise only for the

Vice President. Subsequent to that time, the bill was recommitted and there never was a vote on that amendment.

I have discussed this with my legislative assistants. We have done some analysis on it. Since at least 1907, and even before, the Speaker of the House of Representatives and the Vice President have received the same salary. As a result of this historic precedent, my amendment leaves the Speaker of the House at the same level as the Vice President, that is, $62,500.

Until 1965, there was no differential between leaders of the respective Houses and Members of Congress.

In 1965, however, we gave the majority and minority leaders of both Houses a $5,000 differential. I do not know whether this does much good in view of the tax situation most of them are in; but, nevertheless, it was in recognition of the responsibilities which they carried.

I then got in touch with Members of the House to see whether the $5,000 differential would be acceptable to them. Some Senate leaders have indicated they were somewhat embarrassed about the whole thing and wished it would not be brought up. So I thought I would take it up with the House side. The House side told me that $5,000 was satisfactory to them in conjunction with repeal of the Commission.

I want to make it clear that that is what they told me, and that is what I have just finished saying to the Senator from New Hampshire when I discussed it with him.

I then offered to go ahead on the basis that the amendment of the Senator from Delaware would be accepted. However, the Senator from Wyoming did not bring the bill up, under those circumstances, and the House Members came back and said to me that a $7,000 differential would be preferable.

In the interest of trying to get this matter resolved and obtain the necessary raise for the Vice President, I said I would go along with the $7,000 differential. That is what is in the amendment at the present time. It would mean that the House majority and minority leaders, the Senate majority and minority leaders, and the President pro tempore would all get a $7,000 raise over what Members of Congress now receive.

The Speaker of the House and the Vice President would both get $62,500.

I personally feel that the Senate has made a bad mistake in rejecting the Williams amendment. I personally feel it was part of a package deal we had worked out. But in order to keep faith with the chairman of the committee, I am offering the amendment. I have no doubt that there is a good possibility that either an amendment or a substitute may be offered to it before we are through, in view of what has happened on the last vote.

I want to make my position crystal clear. I shall support the amendment, but I am deeply disappointed that, with respect to the repeal of the Commission, on which I thought there was an agreement, it turned out not to be that way.

Mr. McGEE. Mr. President, the only agreement between the Senator from Colorado and the Senator from Wyoming was an attempt to try to find a common ground on the thrust of the original amendment. I spent a great deal of time, at all levels of the House, to try to ascertain what they and what the Senator from Colorado would be willing to accept. It is my understanding that we have a firm agreement on the $7,000 figure, placing their salaries at $49,500.

If it is agreeable with the Senator from Colorado, I am willing to accept his amendment and proceed to whatever the will of this body is with regard to the passage of the pending legislation.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado.

Mr. WILLIAMS of Delaware. Mr. President, as the Senator from Colorado pointed out, it was our understanding that the Senate would repeal the law creating this Commission. However, the Senate has decided—and I respect that decision—to reverse its earlier decision and keep the Commission intact. Here this afternoon all the debate has been on the basis that it was the desire to raise the salary of the Vice President, the one officer of our Government whose salary heretofore had not been affected. The Speaker of the House of Representatives has already had one large increase in salary this year. The majority and minority leaders and the other officers affected under this pending bill have had increases this year. Why raise them again? Are the taxpayers not being punished enough? In order to carry out what apparently is the will of the Senate today I send to the desk an amendment and ask the clerk to state it. This amendment would strike from the bill all proposed salary increases except that section dealing with the Vice President's salary.

The PRESIDING OFFICER. The amendment is not in order until the Senate acts on the amendment of the Senator from Colorado.

Mr. WILLIAMS of Delaware. I thought that the amendment of the Senator from Colorado had been acted on.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado.

The amendment was agreed to.

The PRESIDING OFFICER. The amendment offered by the Senator from Delaware will now be stated.

The Legislative Clerk. It is proposed, on page 2, beginning on line 1, to strike all down to and including line 17.

The language sought to be stricken is as follows:

Sec. 2. (a) The second sentence of section 601(a) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 31), relating to the compensation of the Speaker of the House of Representatives, is amended by striking out "$43,000" and inserting in lieu thereof "$62,500".

(b) The third sentence of section 601(a) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 31), relating to the compensation of the Majority Leader and the Minority Leader of the Senate and the Majority Leader and the Minority Leader of the House of Representatives is amended—

(1) by striking out "$35,000" and inserting in lieu thereof "$49,500";

(2) by inserting "the President pro tempore of the Senate," immediately following "compensation of"; and

(3) by inserting a comma immediately following "Minority Leader of the Senate".

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, this amendment strikes from the bill all of the salary increases except that of the Vice President. It would still carry out exactly what the committee is recommending for the Vice President. Every Senator who has spoken on the bill here today has said that the Vice President was being left out and that his salary should be taken care of. My amendment leaves in the bill the salary increase for the Vice President as carried in the bill. Those Members of Congress, the leaders of the House and the Senate have already had one sizable salary increase earlier this year. How can we justify another salary increase at this time?

I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

Mr. DIRKSEN. Mr. President, the only arrangement I know anything about was that I was quite agreeable to a rollcall vote on the Williams amendment to strike the so-called Pay Commission.

There could not be any agreement as to how it would come out. No one could tell what the Senate was going to do about it. So, Mr. President, in view of the fact that the amendment strikes out all salary increases except that for the Vice President, what an affront it is to the Speaker of the House of Representaives. I would not want to put myself in that position.

I move to table the amendment. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois to lay on the table the amendment of the Senator from Delaware. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. MANSFIELD (when his name was called). Present.

Mr. KENNEDY. I announce that the Senator from Mississippi, (Mr. Eastland), the Senator from Louisiana (Mr. Ellender), the Senator from Minnesota (Mr. McCarthy), the Senator from Georgia (Mr. Russell), and the Senator from Missouri (Mr. Symington) are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana (Mr. Ellender) would vote "nay."

Mr. SCOTT. I announce that the Senator from Maryland (Mr. Mathias) is absent on official business.

The result was announced—yeas 68, nays 25, as follows:

[No. 73 Leg.]

YEAS—68

Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Case
Church
Cook
Cotton
Cranston
Dirksen
Dodd
Dole
Eagleton
Fannin
Fong
Goldwater
Goodell
Gravel
Griffin
Gurney
Hansen

Harris
Hart
Hartke
Holland
Hollings
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Murphy
Muskie
Nelson
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith
Sparkman
Stennis
Stevens
Tower
Tydings
Williams, N.J.
Yarborough
Young, N. Dak.

NAYS—25

Aiken
Allen
Byrd, Va.
Byrd, W. Va.
Cannon
Cooper
Curtis
Dominick
Ervin
Fulbright
Gore
Hatfield
Hruska
Jordan, Idaho
McClellan
Miller
Mundt
Packwood
Pastore
Saxbe
Spong
Talmadge
Thurmond
Williams, Del.
Young, Ohio

PRESENT

Mansfield

NOT VOTING—6

Eastland
Ellender
Mathias
McCarthy
Russell
Symington

So the motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

WITHDRAWAL OF TROOPS FROM VIETNAM

Mr. GORE. Mr. President, I have read that a decision may be pending soon for the withdrawal of additional troops from Vietnam. I inquired of the Pentagon today about the number of U.S. troops in Vietnam. I have been supplied by the Department of Defense with the following figures, which Senators may find interesting.

On January 18, 2 days before President Nixon's inauguration, 532,500 U.S. troops were in Vietnam. On July 17 there were 535,200. On July 26 there were 536,000. On August 2, the last reporting date for the Department of Defense, there were 537,000.

So we have 4,500 more troops in Vietnam than when President Nixon was inaugurated. If an additional 25,000 are to be withdrawn, I hope we will find quicker results than we have from the previous 25,000 which reportedly have been withdrawn.

I also call attention to the fact that since January 18, there have been 55,462 casualties of U.S. troops in Vietnam.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1373) to amend the Federal Aviation Act of 1958, as amended, and for other purposes.

The message also announced that the House had passed a bill (H.R. 12829) to provide an extension of the interest equalization tax, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 12829) to provide an extension of the interest equalization tax, and for other purposes, was read twice by its title and referred to the Committee on Finance.

WHY DOES THE TROOP LEVEL IN VIETNAM CONTINUE TO INCREASE?

Mr. FULBRIGHT. Mr. President, I shall not detain the Senate very long, but I wish to address an interrogatory to the distinguished chairman of the Committee on Armed Services about a matter which I am asked about on numerous occasions, and I hope that he might throw some light upon it.

By way of background, I have the official figures of the casualties in Vietnam from January 18 to June 7. The official total is 55,462.

Of those, 25,273 have been wounded, nonhospitalized, and 22,455 were wounded seriously enough to be hospitalized. There were 7,734 killed, of which 6,607 were in hostile action, 1,127 nonhostile action.

My interrogatory is this: Approximately 6 weeks or 2 months ago, I think it was, I believe at the Midway Conference, or one of the conferences, the President announced that he was proceeding to order the withdrawal of 25,000 American troops from Vietnam. As of January 18, there were 532,500 American troops in Vietnam.

As of July 17, there were 535,200 in Vietnam.

As of July 26, there were 536,000.

As of August 2, the latest available date, there were 537,000 troops in Vietnam.

What puzzles me, and what I am asked about, is why it is, in view of the announced withdrawal of troops, and the many headlines, including one this morning, I believe, that they are contemplating further withdrawals, that we have more troops in Vietnam today—that is, as of August 2—than we did on July 17 or on January 18? I wonder if the Chairman of the Committee on Armed Services can throw some light upon this withdrawal question, and just how it operates.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I would prefer to yield to the chairman, who is responsible. Then I shall be happy to yield to the Senator from Wyoming.

Mr. STENNIS. Mr. President, I can say to the Senator very quickly that we have these weekly reports, and have a file on them, but I have not made any recent study of these matters.

I am assuming that the 25,000 reduction will be carried out. Some are logistic troops, and some are men who have been in action. We deal with various units, and I think it is just the shifting around, and the time that it takes; but I certainly would not think there is anything deceptive about this figure of 25,000. I think the total is going to be reduced that much; but it does call for an explanation.

Mr. FULBRIGHT. I think it does. There are more, as the Senator can see, since July 26.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. STENNIS. I think anyone can obtain that explanation.

Mr. FULBRIGHT. These are official figures from the Pentagon, I might say.

Mr. STENNIS. That is right. I do not have an explanation ready. I would like to have one myself, frankly, and I will follow that up, or any Senator can.

Mr. GOLDWATER. Well, I believe the Senator from Mississippi is in the best position to do that.

Mr. STENNIS. I have some responsibility. I will get something on it for the Senator right away.

Mr. FULBRIGHT. I yield now to the Senator from Wyoming.

Mr. GOLDWATER. Wyoming?

Mr. FULBRIGHT. Oh, I beg the Senator's pardon. The Senator from Arizona.

Mr. GOLDWATER. I am glad that the Senator from Texas would yield to me. [Laughter.]

Mr. TOWER. Not I. [Laughter.]

Mr. FULBRIGHT. I assure the Senator that my statement was inadvertent. I was looking at the Senator from Wyoming here, and he is such a fine looking man that the confusion was natural.

Mr. GOLDWATER. I thank the Senator from Arkansas for even remotely confusing me with the handsome Senator from Wyoming.

The senior Senator from Tennessee, earlier in the day, introduced substantially these same figures. I do not know what the inference is supposed to be. I have a suspicion that it might be that President Nixon has increased the number of troops. If that is it, let me remind my friend from Arkansas that troop movements are planned at least 6 months in advance.

I have a suspicion—in fact, I am relatively sure—that the movement of these men had been planned last fall, and that we are possibly beginning to see a reduction now.

If the Senator is not aware of the formula President Nixon is operating under, I will explain it the way I understand it. As the South Vietnamese divisions come up to line readiness, we will release a similar number of our troops.

The division strength of the South Vietnamese is different from ours. I cannot give the exact figures. However, I can say that 25,000 men make about two South Vietnamese divisions. They have 18 divisions, as I understand it, two of which were up to frontline capacity. So, 25,000 Americans were ordered to leave, but not necessarily to come back to the United States, because the Marines, I believe, went to Okinawa and others went to other places. As other divisions come into frontline readiness, similar numbers of Americans will be released.

This does not mean in my opinion that we can look for a large return of men now, because of the 500,000 other men who are over there, probably something in the nature of 150,000 at one time are engaged in ground combat operations. The remainder are supporting troops, particularly in the Air Force where we have to have such a high percentage of men in the background to support our pilots.

The Air Force troops will not be brought home—unless the war ends, of course, and we hope that it does end—probably until 1972.

The South Vietnamese Air Force has, only in June of this year, begun to fly its own missions.

It is the ground forces, the naval people, the Marines, and the infantry that will be the ones that will come home.

I think that under that formula we can expect to see a continuing number return.

I am sure that any study will show that the increase results from the ordered transportation of troops probably prior to January.

Mr. GORE. Mr. President, will the Senator yield?

Mr. TOWER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, the troops we will withdraw from Vietnam will be combat support troops. Even though the South Vietnamese Army might get up, say, to combat readiness which will allow them to take over the job that most of our combat troops are doing, they still will not be structured to do the logistical job necessary to support their own troops in the field.

It is anticipated that we will have considerable support operations there. We will be providing their backup, their rear echelons.

As the Senator from Arizona pointed out, a lot of this troop movement is already in the pipeline. We have only withdrawn a few of the 25,000 that we intend to withdraw.

It is what is in the pipeline that brought the figure up above what it was 2 or 3 months ago. I have not seen the figures the Senator has referred to. However, I am sure that we will see a peakout as they withdraw the troops.

I should like to ask the Senator from Arkansas this question: Did the Senator put this question to the Department of Defense?

Mr. FULBRIGHT. I did not. I just got the figures. I was so surprised that it never occurred to me, being innocent of the ways of the Defense Department. I had assumed from the stories in the press and the statement of the President some 6 weeks or 2 months ago that the troops would be withdrawn. I interpreted that to mean that there would be a decline in the number of American soldiers in Vietnam. However, apparently I misinterpreted its meaning. There will be an increase in the number of American soldiers in Vietnam.

I was asking for an explanation in view of what the President has said.

Mr. TOWER. Mr. President, I would suggest that an inquiry of the President might clear up the matter.

Mr. FULBRIGHT. The Senator is a member of the Armed Services Committee. In my innocence, I thought he would know. If he does not know, I do not criticize the Senator from Texas.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. If the Senator from Texas is through, I will yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I assure the Senator that I think he has raised a very good question. The Senator is certainly entitled to a full answer.

I cannot give it now, but I can get it in the morning. In the meantime, we can hold over the bill.

Mr. FULBRIGHT. I can understand that. Let me say one thing about the inquiry of the Senator from Texas.

I have written three times and talked personally twice and on one occasion in public session with the Secretary of State about getting a copy of the agreement between our Government and the Government of Thailand.

I will say to the Senator from Texas that it is not easy to get an answer. They have flatly refused to give me a copy to this date. And without the proper cooperation—and I think I will have it—of the chairman of the Armed Services Committee, I do not suppose I will get it. It is not so easy to ask the Pentagon for information, because so much of their information is classified. They, of course, do the classifying, and they give you only what they want to give you.

I would not be a bit surprised if they were to tell me that this is classified and that I am not entitled to know whether they are going up when they say they are going down.

Mr. GORE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. GORE. Mr. President, the distinguished junior Senator from Arizona said he did not know what inferences I intended to make by putting the statistics in the RECORD.

I wish to state to the Senator from Arizona that I did not wish to make any inferences at all. I did not make any. I did not intend to make any.

I merely read official statistics into the RECORD for the information of the Senator. I might go one step farther and say that a couple of weeks ago a friend of mine in the Pentagon passed word along to me that things were not exactly as they might seem with respect to the movement of troops in Vietnam.

So I made an inquiry. It is just as simple as that. And I got the information a week ago that I put into the RECORD to the effect that there were 3,500 more troops in Vietnam than there were January 18.

Today, I got the information that it has increased 1,000 since last week.

In the meantime we see pictures of wives and sweethearts hugging and kissing the boys who are returning. But apparently no bands are playing when more men are going. That is what I mean.

There are no inferences, I will say to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. GOLDWATER. Mr. President, I may say to the Senator that if the Senator from Tennessee thinks for one moment that I would believe he would do anything of a political nature, his assumption is incorrect.

Mr. FULBRIGHT. Mr. President, I missed that.

Mr. GOLDWATER. The Senator can read it tomorrow morning.

I submit that if the Senator did put in the information——

Mr. PASTORE. Mr. President, may we have order so that we may hear?

The PRESIDING OFFICER. The Senate will be in order.

Mr. GOLDWATER. Mr. President, I suggest that we do not know the source of the information. I assure the Senator that tomorrow morning, as soon as the Office of the Secretary of Defense opens, I personally will inquire as to the number of troops that have been in the pipeline in all of the branches since, let us say, a year ago.

It takes a long time to move a lot of people overseas. The actual movement from the United States to Southeast Asia may only entail 18 hours. But to get them there and get them ready to go and get the equipment ready, the equipment that we have been so short of up until this administration—and that is no insinuation at all—complicates the problem.

I think we can clear up the matter without any trouble and answer the intelligent question of the Senator as to why there has not been a decrease. I think the answer is going to be that it is a long way to Tipperary, and it is hard to get them there fast.

Mr. GORE. Mr. President, the source of the information is the U.S. Department of Defense. It is a long way to Tipperary, and apparently it is a long way in the wrong direction.

Mr. FULBRIGHT. Mr. President, I will be content, and to say the least, interested in the report of the chairman of the committee and of the Senator from Arizona.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MURPHY. Mr. President, I think perhaps this is a reflection of some of the problems that many of us have complained about over the last several years. It is my hope—and I am certain I am correct—that the distinguished Senator from Arizona will have a logical explanation for these figures.

Having had some experience, I believe that the explanation he has given would be the correct one. But it is, I think, an indication of the tremendously complex, serious problems that have been inherited by the new Secretary, and I think that he is probably trying to do just as much work as the Senator and I are to get them unraveled. I do know that the President of the United States wants to bring the troops home at long last.

Mr. FULBRIGHT. I say to the Senator that I appreciate his comments.

I had hoped that this would take place, and I urge him to do that. I want to sympathize with the Senator. I have said on many occasions that these problems have been inherited by this President. My fervent hope, expressed to him personally 3 or 4 months ago, was that he would disavow some of his heritage and take a new policy, and I thought he was going to do it. The greatest disappointment is that he seems to have clasped to his breast his inherited policies, and he is continuing it beyond what I thought was reasonable. I agree that he inherited these problems, and I have been urging him to take a new policy and not accept. That is what I thought he was doing when he said he was withdrawing these troops.

I certainly hope that in the next 25,000, it is more effective than in the present 25,000.

Mr. FONG. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. FONG. Mr. President, I know how frustrating it is to deal with the Pentagon. Following the *Pueblo* incident, the Reserves and the National Guard were called to active military duty. Of the number called up in the National Guard and the Reserve, 17 percent were called up from the State of Hawaii. Based on population, Hawaii's quota should have been one-half percent, not 17 percent.

I have repeatedly talked to the Pentagon and have written many letters to Secretary of the Army Stanley Resor, as to why the Pentagon called so many from the State of Hawaii and urge the deactivation of these men. With less than one-half percent of the total population of the United States, the Pentagon recalled 17 percent of the 24,500 Army reservists and National Guardsmen called up at that time, from the State of Hawaii. Hawaii's fair share should have been only 8.9. At that time the Pentagon told me that 4,070 men of the 29th Brigade of Hawaii were recalled because the 29th Brigade was an efficient brigade, and they wanted it, which had trained together as a unit. The men would be kept together as a unit. When they took them to Schofield Barracks, what did they do? The Pentagon went back on its words, and broke the brigade up piecemeal and sent a few men at a time to Vietnam.

I do hope that the Pentagon, in returning these men from Vietnam, will remember that they called up 17 percent from a State that has less than one-half percent of the total population of the United States. I do hope the Pentagon will remember that it did place on the State of Hawaii, a burden 45 times larger than her just share.

Seventeen percent from my State, Mr. President is most unjust and inequitable.

Mr. President, Hawaii has contributed magnificently in defense of our country and freedom throughout the world, as the outstanding war record of her sons testify. The casualties and deaths Hawaii suffered in with the Korean and Vietnam wars are unmatched on a per capita basis throughout our country. This makes the disproportionately high levy of Reservists and National Guardsmen recalled to active duty from Hawaii even more unjust.

My colleague Senator INOUYE, a member of the Committee on Armed Services, finally asked one of the men from the Pentagon, "Why did you call up so many boys from Hawaii, when Hawaii has less than one-half percent of the total population of the United States?"

The answer was, "Because we did not expect them to riot when we called them up." They were worried that the callup would bring on riots in other States.

Mr. FULBRIGHT. What?

Mr. FONG. They did not expect to find the people in Hawaii rioting in the streets. They did it because they felt Hawaii was a docile State, because it was a law-abiding State, that was why they picked on my State. [Laughter.]

Mr. FULBRIGHT. That is a great compliment. The Senator should feel very flattered.

Mr. FONG. The Senator can see how ridiculous and assinine at times the Pentagon acts. [Laughter.]

I do hope that in the withdrawal, the Pentagon will consider that they took 17 percent of the total 24,500 men recalled nationally from my State. A State which has less than one-half of 1 percent of the population of the United States, and that the Pentagon will favorably consider my urgent appeal to deactivate the 29th Brigade and all of the men recalled to this unit in May, 1968.

Mr. FULBRIGHT. If they withdraw any more soldiers from Vietnam, Hawaii will have 25 percent of them over there.

Mr. FONG. If this happens, the Pentagon will certainly hear from me.

Mr. TOWER. Mr. President, the President of the United States said that the troop withdrawal would be down to 550,000 by the end of August. We have just had some conversation with the administration, and it appears that they intend that by the end of August it will be down to 550,000. There is a natural cyclical high of troops in the summertime due not only to the pipeline situation but also the rotational situation. That accounts for the figure the Senator mentioned.

Does the Senator have a breakdown of what kind of troops are represented—Infantry, Air Force, Navy? What is it?

Mr. FULBRIGHT. The total number of troop strength in Vietnam.

Mr. TOWER. That is the numbers game.

Mr. MANSFIELD. Mr. President, may I be recognized?

I think assurances have been given by the distinguished chairman of the committee and the distinguished Senator from Arizona that tomorrow morning answers to the questions raised by the distinguished chairman of the Committee on Foreign Relations will be here available for all.

LEGISLATIVE SALARY ADJUSTMENTS

The Senate resumed the consideration of the bill (H.R. 7206) to adjust the salaries of the Vice President of the United States and certain officers of the Congress.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. What is the pending business?

The PRESIDING OFFICER. The bill is open to amendment.

Mr. McGEE. Mr. President, I ask for third reading.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read for a third time.

The bill was read the third time.

Mr. BYRD of Virginia. Mr. President, I shall vote against this proposal.

I voted against doubling the President's salary; I voted against increasing congressional salaries by 41 percent; I voted against increasing the judicial salaries by 50 to 70 percent; and I shall vote against the increases provided in this measure.

I would have been willing to support reasonable increases, but the timing of this legislation, like the timing of the legislation we considered in January, could not have been worse.

If we are going to get inflation under control—and I submit we have got to get it under control if the average citizen of this country is to maintain the standard of living he now has—there must be example at the top. What sort of example have we in Washington set during this year 1969?

I shall vote against the pending legislation which not only substantially increases the salary of the Vice President but six other Members of the Congress as well, all of whom already have had their salaries substantially increased.

The PRESIDING OFFICER. The bill having been read the third time, the question is, "Shall it pass?"

The bill (H.R. 7206) was passed.

Mr. MANSFIELD. Mr. President, I would like to be recorded as "present."

Mr. PASTORE. Mr. President, I desire the record to show that I voted in the negative.

Mr. FULBRIGHT. Mr. President, I desire the record to show that I voted in the negative.

Mr. SPONG. Mr. President, I desire the RECORD to show that I voted in the negative.

Mr. YOUNG of Ohio. Mr. President, I desire the RECORD to show that I voted in the negative.

The PRESIDING OFFICER. The Senate is not in order.

Mr. McGEE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CANNON. Mr. President, I ask unanimous consent that the RECORD show that I voted "No" on the last vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I desire the RECORD to show that I voted "No" on H.R. 7206.

The PRESIDING OFFICER. The Senate is not in order.

Mr. THURMOND. Mr. President, I ask that the RECORD show that I voted "No" on the last vote.

Mr. HARTKE. Mr. President, I ask unanimous consent that I be recorded in the negative on the last vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TYDINGS. Mr. President, I desire that the RECORD show that I voted in the negative on the last vote.

Mr. PROXMIRE. Mr. President, I ask that the RECORD indicate that I voted in the negative on the last vote.

Mr. BYRD of West Virginia subsequently said: Mr. President, I voted against the bill to increase the salary of the President of the United States when that bill was before the Senate. I voted against the bill to increase the salaries of Members of Congress, judges, and Cabinet members when that bill was before the Senate. I want the RECORD to show that I voted today against H.R. 7206, the bill making legislative salary adjustments.

PROVISION OF A NATIONAL CENTER ON EDUCATIONAL MEDIA AND MATERIALS FOR THE HANDICAPPED

Mr. PELL. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1611.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1611) to amend Public Law 85–905 to provide for a National Center on Educational Media and Materials for the Handicapped, and for other purposes which was, on page 1, lines 8 and 9, strike out "located in the National Capital area."

Mr. PELL. Mr. President, this bill is identical to the bill which we passed on May 23, 1969, except for the fact that the Senate-passed measure indicated that the institution of higher education which will establish the national media center, be "located in the National Capital area," while the House bill did not. It is my understanding that the House deleted this language in order to give institutions from all areas of the country an opportunity to compete for this center.

As author of the bill and chairman of the Subcommittee on Education, I would recommend that the Senate accept the action of the House. However, I would also take the position that the National Capital area is the logical site. The federally funded high school for the deaf is located here in Washington, as is the Bureau of Education and Training for the Handicapped in the Office of Education, the Federal agency most concerned with the problems of handicapped children.

Ultimately, the Bureau for the Education and Training of the Handicapped, which has the responsibility of choosing the institution, will approve the best application. The deletion of the language concerning the National Capital area should not be construed to prejudice the selection of a Washington area institution. With this understanding, I again recommend that the Senate accept the present language rather than appoint conferees.

Mr. JAVITS. Mr. President, I am pleased to support S. 1611 to provide a National Center on Educational Media and Materials for the Handicapped as amended by the House. This measure, of which I am a cosponsor, will, as described in the Senate report, "provide a comprehensive program of activities and services designed to develop, evaluate, coordinate, and facilitate the use of existing and new educational technology, instructional materials and teaching methods in education programs for handicapped persons." The hearings revealed general agreement that this is a desirable program; the measure was approved by the Senate on May 23 without dissent.

The House amendment strikes out the words "located in the National Capital area." The House report indicates that the House committee "did not intend to indicate that the National Media Center should not be located in the National Capital area" but rather that the selection of the site should be left to the Health, Education, and Welfare Secretary acting upon the advice of the Bureau for the Education of the Handicapped which, under the bill should have operational control of the Media Center.

In testifying before the Education Subcommittee, the Bureau indicated that a site in the Washington area was both preferable and desirable. Thus, the conclusion is impelled that the Secretary will be so advised on the merits by the Bureau but that he retains a flexibility in making a final decision that the mandate language of the Senate version would not have given to him. Given, then, this likelihood of a location in this area, I am happy to support S. 1611 as amended by the House so that it might be sent to the President for signature into law without further delay.

Mr. PROUTY. Mr. President, on May 23, prior to Senate passage of S. 1611, a bill to provide for a National Center on Educational Media and Materials for the Handicapped and other purposes, I noted the commendable language in the measure, which required that the facility be "located in the National Capital area."

From the inception of this measure I assumed that the National Capital was the ideal location for the proposed Center. During hearings on the measure the testimony of experts in the handicapped field reinforced my assumption. Of particular weight was the testimony of Dr. James Gallagher, then Associate Commissioner of Education, Bureau of Education for the Handicapped, Department of Health, Education, and Welfare. Dr. Gallagher referred to language in the bill which states that the proposed Center should be one "which can serve the educational technology needs of the Model High School for the Deaf—established under Public Law 89–694."

Dr. Gallagher noted:

> The Center would be particularly useful in the National Capital area close to the Model High School for the Deaf and to the media service programs of the Bureau of Education for the Handicapped.

Later, in the hearings on S. 1611, Dr. Gallagher and others spelled out further advantages to locating the Center in the National Capital area.

Witnesses from the Department of Health, Education, and Welfare appearing before the House Committee on Education and Labor re-emphasized the advantages of locating the Center in the National Capital area.

However, the bill as passed by this body was amended in the House Committee to delete the language "located in the National Capital area" from section (c)(1) of the bill. The bill, with this amendment, passed the House and is now before the Senate. I urge my colleagues to accept the bill as amended by the House, not because I approve of the deletion of the language "located in the National Capital area," but because I consider this amendment meaningless in view of the language of the report of the House Committee on Education and Labor on S. 1611.

The report states:

> In deleting the words "located in the National Capital area" from section (c)(1) of the bill, the committee did not intend to indicate that the National Media Center should not be located in the National Capital area. The committee amendment was based on the belief that, as a matter of principle, the selection of an institute of higher education should be left to the discretion of the Secretary of Health, Education, and Welfare acting on the advice of the Bureau for the Education of the Handicapped which would have operational control of the Media Center.

As it emphasized in Senate hearings and hearings in the House, the Bureau of Education for the Handicapped believes that the interests of the handicapped can best be served by locating the Center in the National Capital area. I think there can be no doubt that the House report language leaves the Center's location up to the Secretary of Health, Education, and Welfare acting upon the advice of the Bureau, and such advice is already clearly stated in testimony before committees of both bodies. Therefore, in my judgment, the House amendment is meaningless.

I urge Senators to accept the measure now before us as amended by the other body.

Mr. YARBOROUGH. Mr. President, I want to indicate my wholehearted support for the National Center on Educational Media and Materials for the Handicapped, and I compliment the principal author, the distinguished Senator from Rhode Island, Senator CLAIBORNE PELL, for the diligence and ability and dedication with which he has pushed this bill to passage.

I hope the Senate will act quickly so that this bill may go to the President for signature and so that it may be possible for the Congress to appropriate funds this year for this project. It is a privilege to be a coauthor of this bill. I note that the only amendment by the House of Representatives was to delete the language "located in the National Capital area". However, the committee report, in explaining this amendment, stated that it was merely an effort to grant greater discretion to the Secretary of Health, Education, and Welfare in determining where the Center would be located. The House report also stated that they would expect the Secretary of Health, Education, and Welfare to act on the advice of the Bureau for the Education of the Handicapped in locating this National Media Center.

I am willing to accept the House amendment in view of the fact that Dr. Gallagher, Associate Commissioner of Education for the Bureau of Education for the Handicapped, testified:

> The center . . . would be particularly useful in the National Capital area close to the Model High School for the Deaf and to the media service programs of the Bureau of Education for the Handicapped.
>
> * * * * *
>
> It would be nice from the standpoint of the Bureau of Education for the Handicapped to have this close relationship between the center and our staff in the captioned films area. We do have Project Life that we are supporting that is being operated at the NEA and is a major curriculum development program in which we could take the materials from that program and put it into a production or distribution status through this center.

Mr. President, this is another step for the handicapped. When we have discharged our full care and educational duty to them, they will walk as easily and successfully in our competitive economy as those not suffering a handicap. This bill is one more landmark for the millions who need it.

Mr. PELL. Mr. President, I move that the Senate concur in the amendment of the House of Representatives and that the bill do pass.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island.

The motion was agreed to.

ESTABLISHMENT OF THE FLORISSANT FOSSIL BEDS NATIONAL MONUMENT, COLO.

Mr. BIBLE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 912.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 912) to provide for the establishment of the Florissant Fossil Beds National Monument in the State of Colorado, which was to strike out all after the enacting clause, and insert:

> That, in order to preserve and interpret for the benefit and enjoyment of present and future generations the excellently preserved insect and leaf fossils and related geologic sites and objects at the Florissant lakebeds, the Secretary of the Interior may acquire by donation, purchase with donated or appropriated funds, or exchange such land and interests in land in Teller County, Colorado, as he may designate from the lands shown on the map entitled "Proposed Florissant Fossil Beds National Monument," numbered NM–FFB–7100, and dated March 1967, and more particularly described by metes and bounds in an attachment to that map, not exceeding, however, six thousand acres thereof, for the purpose of establishing the Florissant Fossil Beds National Monument.
>
> Sec. 2. The Secretary of the Interior shall administer the property acquired pursuant to section 1 of this Act as the Florissant Fossil Beds National Monument in accordance with the Act entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented.
>
> Sec. 3. There are authorized to be appropriated such sums, but not more than $3,727,000, as may be necessary for the acquisition of lands and interests in land for the Florissant Fossil Beds National Monument and for necessary development expenses in connection therewith.

Mr. BIBLE. Mr. President, I think I should make a brief explanation of this bill.

It is a bill for the establishment of the Florissant Fossil Beds National Monument in the State of Colorado. It is a matter on which the two distinguished Senators from Colorado have long expressed their interest. The amendments suggested by the House of Representatives are completely agreeable to me. They are completely agreeable to the two Senators who sponsored the bill.

The most significant change made by the House, and one that I think should be commented on, so that the record may be abundantly clear, is the change made in the bill by the House of Representatives, which specifically struck from the Senate-passed bill a provision for condemnation of lands.

In handling park and recreation bills over the years, we always felt that was a necessary tool to acquire land in areas of the United States. The House said that was not necessary in its judgment because it came within the general law or authority to acquire lands with appropriate funds. Since the bill before the Senate contains that authority, it carries with it the power of condemnation.

Mr. President, I ask unanimous consent that an official memorandum and decision of the office of the Solicitor of the Department of the Interior dated August 4, 1969, addressed to the minority counsel of the Committee on Interior and Insular Affairs be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Department of the Interior,
Office of the Solicitor,
Washington, D.C., August 4, 1969.

Charles F. Cook, Esq.,
Minority Counsel, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

Dear Mr. Cook: You have informally requested our views on the question whether the specific authority in a statute to acquire land by purchase would include the authority to acquire by condemnation. It is my opinion that it does.

The pertinent portion of the act of August 1, 1888, 25 Stat. 357, 40 U.S.C. § 257, provides as follows:

"In every case in which the Secretary of the Treasury or any other officer of the Government has been, or hereafter shall be, authorized to procure real estate for the erection of a public building or for other public uses, he may acquire the same for the United States by condemnation, under judicial process, whenever in his opinion it is necessary or advantageous to the Government to do so * * *."

It has been held that this provision provides the authority to condemn where the authority to acquire property by purchase has been conferred by the Congress. *United States ex rel. TVA* v. *Welch*, 327 U.S. 546, 554; *United States* v. *Kennedy*, 278 F(2) 121, 122; *Swan Lake Hunting Club* v. *United States*, 381 F(2) 238.

In both the *Hanson Co.* case and the *Swan Lake Hunting Club* case, the Congress conferred the authority to purchase, and in both cases the court upheld the authority of the Federal agency involved to acquire by condemnation. In the *Swan Lake Hunting Club* case, which dealt with the Migratory Bird Conservation Act, 16 U.S.C. § 715 *et seq.*, the court said, about the application of the 1888 statute quoted above as follows:

"This statute consistently has been interpreted to authorize acquisition by condemnation where specific authority to purchase has been conferred. 381 F(2) at 240."

We hope this information will serve to satisfy your request.

Sincerely yours,
Raymond C. Coulter,
Deputy Solicitor.

Mr. BIBLE. Mr. President, I wish to make it abundantly clear that there is no question in my mind that the bill passed by the Senate and that will be sent to the White House for final action does contain in the general grant of authority the power of condemnation. We must have this power if we are to deal with some acquisition attempts being made by subdividers. I have complete confidence in the decision of the Solicitor of the Department of the Interior. So that no one will misunderstand, I want to make it clear that there is the right of eminent domain and condemnation.

Mr. President, I yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, on June 20, 1969, the Senate passed S. 912, a bill to establish the Florissant Fossil Beds National Monument, in Colorado.

On July 31, 1969, the House Committee on Interior and Insular Affairs took executive action on the bill and made certain amendments to the language of my bill. The explanation of these amendments are found on page 4 of House Report 91–411.

Mr. President, I ask unanimous consent that the section of the House report on page 4, entitled "Committee Amendments" be printed in the Record at this point.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

COMMITTEE AMENDMENT

The committee amendment to S. 912 strikes everything after the enacting clause and inserts the provisions of H.R. 6223, as amended by the committee. In substance, the bills are essentially the same. A comparison, however, indicates the following differences between S. 912, as approved by the other body, and S. 912, as reported by the committee:

First, the two bills are different in form at the outset, but the objectives are the same, viz to protect and preserve the fossil resources by adequately controlling their collection in the interest of science and to present them to the public in a manner that will enable the laymen to understand their significance.

Second, the Senate-approved bill explicitly provides for "condemnation" of lands. Since the power of eminent domain is included by general law in the authority to acquire lands with donated or appropriated funds, its reiteration adds no new authority and is not necessary for the purposes of this legislation. The express reference to condemnation has therefore been eliminated by the committee.

Third, a typographical error is corrected in the reference to the title of the map.

Fourth, paragraph 2 of section 1 is deleted in the bill as recommended by the committee, because it is unnecessary in light of the legislation enacted during the 90th Congress (82 Stat. 354), which grants the Secretary general authority to make exchanges.

Mr. ALLOTT. Mr. President, the only amendment of interest is the one discussed in the paragraph enumerated "second." The other amendments are purely technical and are completely acceptable to me and the chairman of the full committee the Senator from Washington (Mr. JACKSON) and the chairman of the subcommittee, the Senator from Nevada (Mr. BIBLE).

The amendment of interest deletes the word "condemnation" from the text of the bill. The word "condemnation" was inserted in the bill by the Senate committee for the purpose of making it "abundantly clear to all concerned, that the power of condemnation is granted to the Department of Interior and the Park Service and can be employed swiftly, in the event it should become necessary to preserve the integrity of the monument."

The House points out in its report that—

> The power of eminent domain is included by general law in the authority to acquire lands with donated or appropriated funds, its reiteration adds no new authority and is not necessary for the purposes of this legislation.

With this understanding, that is the Department of Interior has the power of eminent domain under general law and can employ that power with respect to the acquisition of lands for the Florissant Fossil Beds National Monument, I find this amendment acceptable to me, and I understand it is acceptable to the chairman of the full committee and the chairman of the subcommittee on that same basis. The intent of the Senate has not been changed, and the legislative history will show that the Secretary of the Interior has the power to condemn land under this bill.

Mr. President, I felt that it would be helpful to ascertain the position of the Department of the Interior with regard to the power of eminent domain under general law, I, therefore, instructed Mr. Charles Cook, minority counsel of the Senate Interior Committee, to obtain in writing the Department's position. In a letter dated August 4, 1969, and addressed to Mr. Cook, Deputy Solicitor Raymond Coulter sets forth the position of the Department that the authority to purchase lands includes the authority to acquire lands by condemnation. This authority is based upon general authority granted in the act of August 1, 1888, 25 statute 357, 40 United States Code, section 257, and subsequent judicial interpretation of that statute.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SOLICITOR,
Washington, D.C. August 4, 1969.

CHARLES F. COOK, Esq.,
Minority Counsel, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. COOK: You have informally requested our views on the question whether the specific authority in a statute to acquire land by purchase would include the authority to acquire by condemnation. It is my opinion that it does.

The pertinent portion of the act of August 1, 1888, 25 Stat. 357, 40 U.S.C. § 257, provides as follows:

"In every case in which the Secretary of the Treasury or any other officer of the Government has been, or hereafter shall be, authorized to procure real estate for the erection of a public building or for other public uses, he may acquire the same for the United States by condemnation, under judicial process, whenever in his opinion it is necessary or advantageous to the Government to do so * * *."

It has been held that this provision provides the authority to condemn where the authority to acquire property by purchase has been confered by the Congress. *United States ex rel. TVA* v. *Welch*, 327 U.S. 546, 554; *United States* v. *Kennedy*, 278 F(2) 121, 122; *Swan Lake Hunting Club* v. *United States*, 381 F(2) 238.

In both the *Hanson Co.* case and the *Swan Lake Hunting Club* case, the Congress conferred the authority to purchase, and in both cases the court upheld the authority of the Federal agency involved to acquire by condemnaton. In the *Swan Lake Hunting Club* case, which dealt with the Migratory Bird Conservation Act, 16 U.S.C. § 715 *et seq.*, the court said, about the application of the 1888 statute quoted above as follows:

"This statute consistently has been interpreted to authorize acquisition by condemnation where specific authority to purchase has been conferred. 381 F(2) at 240."

We hope this information will serve to satisfy your request.

Sincerely yours,
RAYMOND C. COULTER,
Deputy Solicitor.

Mr. ALLOTT. Mr. President, with this legislative history and supporting materials, I believe that the question of condemnation is settled with regard to the acquisition of lands for the Florissant Fossil Beds National Monument.

Mr. President, I urge the Senate to concur in the House amendments in order that this measure may be sent to the White House at the earliest possible moment. There is urgency with regard to this measure as there is an imminent threat of commercial encroachment, and I believe it is in the national interest that this measure be signed into law at the earliest practicable date.

Mr. President, I wish to express my thanks to the distinguished Senator from Nevada whose basic interests, I am sure, do not lie in scientific research any more than mine do, but he has expressed great interest in this matter and has gone to great pains to hold hearings and to investigate.

The Senator from Nevada has become convinced, as I have, that this is one of the great paleontological points of interest in the United States. I wish to express my deep appreciation to the Senator from Nevada at this time for his interest and support in the passage of the bill.

The amendments proposed by the House of Representatives are entirely satisfactory, particularly when compared with the opinion of the Deputy Solicitor and the House report.

Mr. BIBLE. I thank the Senator.

Mr. President, I yield to the distinguished junior Senator from Colorado, who is a cosponsor of the bill and who has been very active and very effective in connection with passage.

Mr. DOMINICK. Mr. President, I thank my friend, the Senator from Nevada, who has been such a help in this matter, as well as the senior Senator from Colorado (Mr. ALLOTT).

I was happy to cosponsor the bill and to participate in the hearings, and to do whatever I could to expedite the matter. I wish to say to both of them that this measure exemplifies the fact that when we have something which is really important, which could be threatened by some development which would injure the cause of the national monument, Congress can move rapidly and efficiently. I think we have acted in this manner in connection to prevent what otherwise would have ruined this national monument.

Mr. ALLOTT. I thank the Senator.

Mr. BIBLE. I thank the Senator.

Mr. President, I move that the Senate concur in the amendments of the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 86

Mr. EAGLETON. Mr. President, my amendment No. 86 to S. 2546 has been printed. I ask that the amendment be laid before the Senate and made the pending business.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Missouri (Mr. EAGLETON) proposes for himself and the Senator from Oregon (Mr. HATFIELD) an amendment, as follows:

On page 2, lines 18 and 19, strike out "$276,900,000;" and insert in lieu thereof "252,400,000;".

On page 2, line 26, strike out "$1,638,600,000" and insert in lieu thereof "$1,608,600,000".

At the end of the bill add a new section as follows:

"SEC. 402. None of the funds authorized to be appropriated by this or any other Act may be expended in connection with the design, development, testing, production, or procurement of the main battle tank designated as the MBT–70; and no funds may be appropriated for any such purpose until after the Comptroller General of the United States has completed and submitted to the Congress a comprehensive study and investigation of the past and projected costs of such tank and a thorough review of the considerations which went into the decision to produce such tank. In carrying out such study and investigation the Comptroller General of the United States shall, among other things, consider—

"(1) why research and development cost estimates have had to be revised steadily upward since 1965;

"(2) whether the MBT–70, considering its revised estimated production costs, will be the most effective weapon to meet the contingency for which it was originally planned;

"(3) whether the strategic projections made in 1963 with regard to the use of the MBT–70 will still be valid when it finally becomes available for use; that is, will it be obsolete as the result of advanced technology and new strategy; and

"(4) whether there are more feasible and less expensive alternatives to the development of the MBT–70.

The Comptroller General of the United States shall submit the results of his study and investigation, together with such recommendations as he deems appropriate, to the Congress not more than six months after the date of the enactment of this Act."

Mr. MANSFIELD. Mr. President, I have discussed this matter with the Senator from Missouri (Mr. EAGLETON) and he has told me that it is not his intention to debate this amendment tonight but to have it as the pending business, so that it will be before the Senate and debate commenced thereon at the conclusion of the brief morning hour which we will have tomorrow.

Mr. EAGLETON. I thank the Senator.

ORDER FOR ADJOURNMENT FROM FRIDAY UNTIL 10 A.M. ON MONDAY, AUGUST 11, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow it stand in adjournment until 10 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR RANDOLPH ON MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer and disposition of the Journal on Monday next, the distinguished Senator from West Virginia (Mr. RANDOLPH) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, under the previous order the Senator from West Virginia will be followed for a period of not to exceed 30 minutes by the Senator from Kansas (Mr. PEARSON).

The PRESIDING OFFICER. The Senator is correct.

SUBSTITUTION OF CONFEREE ON H.R. 6508

Mr. MANSFIELD. Mr. President, I ask unanimous consent to substitute the Senator from Virginia (Mr. SPONG) for the Senator from Alaska (Mr. GRAVEL), as a conferee on the part of the Senate on H.R. 6508, the California Disaster Relief Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDEFINITE POSTPONEMENT AND WITHDRAWAL FROM THE CALENDAR OF H.R. 13080

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 332, H.R. 13080, an act to continue for an additional 15 days the existing rates of income tax withheld at the source, be withdrawn from the calendar and postponed indefinitely.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business with statements made therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

PROPOSED ALCOHOL BEVERAGE CONTROL AMENDMENTS ACT OF 1969

A letter from the Assistant to the Commissioner, Government of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Alcohol Beverage Control Act (with accompanying papers); to the Committee on the District of Columbia.

PROPOSED ZONING LEGISLATION IN THE DISTRICT OF COLUMBIA

A letter from the assistant to the Commissioner, government of the District of Columbia, transmitting a draft of proposed legislation to amend "An act providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes," approved June 20, 1938, as amended (with accompanying papers); to the Committee on the District of Columbia.

PROPOSED DISTRICT OF COLUMBIA HOUSING REVOLVING FUND ACT AND PROPOSED DISTRICT OF COLUMBIA UNCLAIMED PROPERTY ACT

A letter from the assistant to the Commissioner, government of the District of Columbia, transmitting a draft of proposed legislation to establish a revolving fund for the development of housing for low and moderate income persons and families in the District of Columbia, to provide for the disposition of unclaimed property in the District of Columbia, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the cessation of unauthorized payments of proficiency pay and variable reenlistment bonuses to candidates in officer training programs, Department of Defense; dated August 6, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administration of the Legal Services program under title II of the Economic Opportunity Act of 1964, Office of Economic Opportunity, dated August 7, 1969 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A resolution adopted by the general meeting of the taxpayers of El Paso County, Inc., Colorado Springs, Colo., praying for the curbing of expenditures; to the Committee on Appropriations.

A resolution adopted by the general meeting of the taxpayers of El Paso County, Inc., Colorado Springs, Colo., requesting that the Congress let the surtax expire; to the Committee on Finance.

A resolution adopted by the general meeting of the taxpayers of El Paso County, Inc., Colorado Springs, Colo., remonstrating against the proposed guaranteed annual income; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

S. 1108. A bill to waive the acreage limitations of section 1(b) of the Act of June 14, 1926, as amended, with respect to conveyance of lands to the State of Nevada for inclusion in the Valley of Fire State Park (Rept. No. 91–348).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with an amendment:

S. 2564. A bill to amend the Act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to authorize an additional amount for the acquisition of certain lands for such park (Rept. No. 91–347).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 203. A bill to amend the Act of June 13, 1962 (76 Stat. 96), with respect to the Navajo Indian irrigation project (Rept. No. 91–363).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with an amendment:

S. Res. 216. Resolution authorizing the printing of additional copies of part 19 of Senate hearings on Riots, Civil and Criminal Disorders (Rept. No. 91–349); and

S. Res. 217. Resolution authorizing the printing of additional copies of part 20 of

Senate hearings on Riots, Civil and Criminal Disorders (Rept. No. 91–350).

By Mr. MUSKIE, from the Committee on Public Works, with amendments:

S. 7. A bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes (Rept. No. 91–351).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 1934. A bill for the relief of Michel M. Goutmann (Rept. No. 91–353);

H.R. 1462. An act for the relief fo Mrs. Vita Cusumano (Rept. No. 91–354);

H.R. 1707. An act for the relief of Miss Jalileh Farah Salameh El Ahwal (Rept. No. 91–356); and

H.R. 5107. An act for the relief of Miss Maria Mosio (Rept. No. 91–357).

By Mr. DIRKSEN, from the Committee on the Judiciary, without amendment:

H.R. 3213. An act conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Solomon S. Levadi (Rept. No. 91–362).

By Mr. BURDICK, from the Committee on the Judiciary, without amendment:

H.R. 1808. An act for the relief of Capt. John W. Booth III (Rept. No. 91–352);

H.R. 2037. An act for the relief of Robert W. Barrie and Marguerite J. Barrie (Rept. No. 91–358);

H.R. 6581. An act for the relief of Bernard A. Hegemann (Rept. No. 91–359);

H.R. 8136. An act for the relief of Anthony Smilko (Rept. No. 91–360); and

H.R. 9088. An act for the relief of Clifford L. Petty (Rept. No. 91–361).

By Mr. BURDICK, from the Committee on the Judiciary, with an amendment:

H.R. 4658. An act for the relief of Bernard L. Coulter (Rept. No. 91–355).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency:

Mary Brooks, of Idaho, to be Director of the Mint.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Hewson A. Ryan, of Massachusetts, and William H. Weathersby, of California, Foreign Service information officers, for promotion from class 1 to the class of career minister for information;

Walworth Barbour, of Massachusetts, Winthrop G. Brown, of the District of Columbia, C. Burke Elbrick, of Kentucky, and Edwin M. Martin, of Ohio, Foreign Service officers, for promotion from the class of career minister to the class of career ambassador;

Philip J. Farley, of Virginia, to be Deputy Director of the U.S. Arms Control and Disarmament Agency; and

W. Tapley Bennett, Jr., of Georgia, and sundry other Foreign Service officers, for promotion from class 1 to the class of career minister.

Mr. FULBRIGHT. Mr. President I also report favorably sundry nominations in the Diplomatic and Foreign Service. Since these names have previously appeared in the Congressional Record, in order to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

William B. Kelly, of Ohio, and sundry other persons, for appointment and promotion in the Diplomatic and Foreign Service.

By Mr. EASTLAND, from the Committee on the Judiciary:

Frank H. McFadden, of Alabama, to be U.S. district judge for the northern district of Alabama;

David A. Brock, of New Hampshire, to be U.S. attorney for the district of New Hampshire;

C. Nelson Day, of Utah, to be U.S. attorney for the district of Utah;

Nathan G. Graham, of Oklahoma, to be U.S. attorney for the northern district of Oklahoma;

H. Kenneth Schroeder, Jr., of New York, to be U.S. attorney for the western district of New York;

William H. Stafford, Jr., of Florida, to be U.S. attorney for the northern district of Florida;

Harry D. Berglund, of Minnesota, to be U.S. marshal for the district of Minnesota;

Floyd Eugene Carrier, of Oklahoma, to be U.S. marshal for the western district of Oklahoma; and

Donald M. Horn, of Ohio, to be U.S. marshal for the southern district of Ohio.

By Mr. BURDICK, from the Committee on the Judiciary:

Almeric L. Christian, of the Virgin Islands, to be judge of the District Court of the Virgin Islands.

By Mr. McGEE, from the Committee on Post Office and Civil Service:

George Hay Brown, of Michigan, to be Director of the Census.

By Mr. PASTORE, from the Joint Committee on Atomic Energy:

Clarence E. Larson, of Tennessee, to be a member of the Atomic Energy Commission.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. SCOTT (for himself, Mr. Allen, Mr. Boggs, Mr. Cannon, Mr. Case, Mr. Cooper, Mr. Curtis, Mr. Dirksen, Mr. Dodd, Mr. Fong, Mr. Goodell, Mr. Goldwater, Mr. Griffin, Mr. Hart, Mr. Hartke, Mr. Hruska, Mr. Javits, Mr. Mathias, Mr. Nelson, Mr. Saxbe, Mrs. Smith, Mr. Stevens, Mr. Thurmond, and Mr. Young of Ohio):

S. 2790. A bill to incorporate the Catholic War Veterans of the United States of America; and

S. 2791. A bill to incorporate the Jewish War Veterans of the United States of America; to the Committee on the Judiciary.

(The remarks of Mr. Scott when he introduced the bills appear later in the Record under the appropriate heading.)

By Mr. DODD:

S. 2792. A bill for the relief of Blanca Gloria Vargas; to the Committee on the Judiciary.

By Mr. JAVITS:

S. 2793. A bill for the relief of Siu-Kei-Fong; to the Committee on the Judiciary.

By Mr. McCARTHY:

S. 2794. A bill to extend to unmarried individuals the tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Finance.

(The remarks of Mr. McCarthy when he introduced the bill appear earlier in the Record.)

By Mr. JORDAN of North Carolina:

S. 2795. A bill to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes; to the Committee on Public Works.

(The remarks of Mr. Jordan of North Carolina, when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. FANNIN:

S. 2796. A bill to provide a deduction from gross income for transportation expenses incurred by a disabled individual in traveling to and from work; and to provide an additional personal exemption for a taxpayer or his spouse who is disabled; to the Committee on Finance.

(The remarks of Mr. Fannin when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. RANDOLPH:

S. 2797. A bill for the relief of Dr. Marcelo R. Santiago, Jr.; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota:

S. 2798. A bill for the relief of Gerald A. MacKenzie; to the Committee on the Judiciary.

By Mr. FONG:

S. 2799. A bill for the relief of Shina Kotani; to the Committee on the Judiciary.

By Mr. HARTKE:

S.J. Res. 145. A joint resolution to establish a joint congressional committee to define national goals and to recommend means to implement such goals not later than the bicentennial of the United States in 1976; to the Committee on Government Operations.

(The remarks of Mr. Hartke when he introduced the joint resolution appear earlier in the Record under the appropriate heading.)

S. 2790—INTRODUCTION OF A BILL INCORPORATING THE CATHOLIC WAR VETERANS OF THE UNITED STATES OF AMERICA

Mr. SCOTT. Mr. President, I introduce, for appropriate reference, a bill to incorporate the Catholic War Veterans of the United States of America.

I welcome as cosponsors of my bill today Senators Allen, Boggs, Cannon, Case, Cooper, Curtis, Dirksen, Dodd, Fong, Goodell, Goldwater, Griffin, Hart, Hartke, Hruska, Javits, Mathias, Nelson, Saxbe, Smith, Stevens, Thurmond, and Young of Ohio.

Organized in 1935, the Catholic War Veterans and its auxiliary are now composed of 125,000 men and women of the Roman Catholic faith dedicated to a program of united action to promote the welfare of all veterans and their widows and children.

The Catholic War Veterans have been instrumental in accomplishing a number of goals, one of which was the establishment of nondenominational chapel facilities in our military installations. It has endeavored to cooperate with other veterans' groups in obtaining assistance for veterans, regardless of religion or race.

The Catholic War Veterans has served this Nation well and is entitled to reap the benefits which it so heartily deserves. I urge the Congress to act favorably on this proposal to incorporate the Catholic War Veterans.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2790) to incorporate the Catholic War Veterans of the United States of America, introduced by Mr.

SCOTT, for himself and other senators, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 2791—INTRODUCTION OF A BILL INCORPORATING THE JEWISH WAR VETERANS OF THE UNITED STATES OF AMERICA

Mr. SCOTT. Mr. President, I introduce, for appropriate reference, a bill to incorporate the Jewish War Veterans of the United States.

I welcome as cosponsors of my bill today Senators ALLEN, BOGGS, CANNON, CASE, COOPER, CURTIS, DIRKSEN, DODD, FONG, GOODELL, GOLDWATER, GRIFFIN, HART, HARTKE, HRUSKA, JAVITS, MATHIAS, NELSON, SAXBE, SMITH, STEVENS, THURMOND, and YOUNG of Ohio.

The Jewish War Veterans is composed of American men and women of the Jewish faith who have served our Nation in time of war. Organized by Civil War veterans, its members have served our Nation for more than a century.

Jewish War Veterans have been active in promoting patriotism and active community involvement in educational and charitable programs. As a strong supporter of national security, JWV has always called for individual sacrifice as a crucial element in maintaining the role of the United States as the beacon of freedom.

The Jewish War Veterans of the United States of America is dedicated to individual freedom in a pluralistic society. It has encouraged its members to participate actively in intergroup, interfaith, and interracial endeavors to strengthen national unity. It has spoken forthrightly on behalf of equality of opportunity.

JWV service officers provide assistance to any veteran without regard to race, religion, or national origin.

The Jewish War Veterans' long experience and accomplishments exceed all criteria for Federal incorporation. The present national commander, Charles Feuereisen, a combat paratrooper in World War II, exemplifies JWV's dedication to service in the cause of country and mankind.

I am hopeful that the Congress will act favorably on this proposal to incorporate the Jewish War Veterans.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2791) to incorporate the Jewish War Veterans of the United States of America, introduced by Mr. SCOTT, for himself and other Senators, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 2796—INTRODUCTION OF A BILL TO AID CERTAIN DISABLED PERSONS WITH RELATION TO TAXES

Mr. FANNIN. Mr. President, I introduce, for appropriate reference, a bill to provide a deduction for income tax purposes in the case of a disabled individual for expenses for transportation to and from work, and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is disabled.

At this time, when tax reform is very much at issue and when equalization and liberalization of the personal income tax structure are being considered, I would like to call attention to the urgent need for tax reform with respect to the handicapped. As Governor of Arizona, I established the Governor's Committee on Handicapped. I also worked with other agencies in coordinating efforts in this field and attended many conferences both on the State and National levels. The Federal, State, and local governments, industry, and the public as a whole have become increasingly aware of this minority and its special problems and needs.

During the last Congress, we enacted legislation to remove the architectural barriers from public buildings. As a matter of Federal policy, the President has established the Advisory Committee on Hiring the Handicapped. Each State has its vocational rehabilitation program and the Federal Government provides matching funds to the States, not only for these programs but for research programs aimed at learning more about their problems and what can be done to make these individuals productive and self-sustaining. The Social Security Administration has a trust fund set aside for the rehabilitation of disabled individuals, and is willing to spend as high as $10,000 if necessary to rehabilitate one of these people if that person can be removed from its rolls. So you can see that vast amounts of money and time are being expended to assist these people in their adjustment to their disability.

In addition, the Federal Government recognizes the problem of disability with respect to service-connected disabled veterans. These handicapped veterans are automatically awarded at least $150 per month for aid and attendance, and lesser amounts to non-service-connected disabled, which continues as long as the individual lives outside a hospital. This has nothing to do with living expenses but is merely to enable the veteran to remain independent of the hospital facility.

Further, employers who hire the handicapped are given tax benefits to permit them better "second injury" clauses, that is, the State pays the difference in cases of higher premiums on employee insurance.

Unfortunately, however, in our efforts to enable these individuals to seek remunerative employment, we have overlooked the practical objection to such employment. For the largest percentage of these individuals, it costs so much to work, not to live, but to work, that they simply cannot afford the luxury of a job.

Mr. President, when you consider that it costs the Federal Government approximately $15,000 per year to maintain one veteran in a veteran's domiciliary, when you consider that social security pays in the neighborhood of $40,000 during the lifetime of one disabled individual, it becomes obvious that we are pursuing a false economy by denying these individuals a deduction for transportation expenses and an exemption to provide their own aid and attendance, and we are depriving them the opportunity to be gainfully employed as well.

Mr. President, if the Federal Government is concerned with the state of our economy, then it should consider the savings which would be realized in the area of financial assistance to many of these severely handicapped and offer every inducement to those who are willing, eager, and capable through rehabilitation to be economically independent of the Federal Government.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2796) to provide a deduction from gross income for transportation expenses incurred by a disabled individual in traveling to and from work; and to provide an additional personal exemption for a taxpayer or his spouse who is disabled, introduced by Mr. FANNIN, was received, read twice by its title, and referred to the Committee on Finance.

ADDITIONAL COSPONSORS OF BILLS

S. 1

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Pennsylvania (Mr. SCHWEIKER) be added as a cosponsor of S. 1, the Uniform Relocation Assistance and Land Acquisition Policies Act of 1969.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 740

Mr. MONTOYA. Mr. President, I ask unanimous consent that at the next printing the name of the Senator from Colorado (Mr. DOMINICK) be added as a cosponsor of the bill, S. 740, to permanently establish the Inter-Agency Committee on Mexican American Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2168

Mr. BENNETT. Mr. President, I ask unanimous consent that, at the next printing, the names of the distinguished Senators from Connecticut (Mr. DODD and Mr. RIBICOFF) be added as cosponsors of S. 2168, to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2582

Mr. DOMINICK. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Delaware (Mr. BOGGS), and the Senator from Illinois (Mr. DIRKSEN) be added as cosponsors of S. 2582, to authorize the minting of clad silver dollars bearing the likeness of the late Dwight David Eisenhower.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2583

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from North Carolina (Mr. ERVIN), I ask unanimous consent that, at the next printing, the names of the Senator from Vermont (Mr. AIKEN), the Senator from South Carolina (Mr. THURMOND), and the Senator from Montana (Mr. MANSFIELD) be added as cosponsors of S. 2593, to exclude officers and employees of Western Hemisphere businesses from being charged against the Western Hemisphere immigration quota.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2718

Mr. BENNETT. Mr. President, I ask unanimous consent, that at the next printing, the names of the distinguished Senator from Tennessee (Mr. Gore), the distinguished Senator from Nevada (Mr. Bible), the distinguished Senator from Washington (Mr. Jackson), and the distinguished Senator from New Mexico (Mr Montoya) be added as cosponsors of S. 2718, to modify ammunition recordkeeping requirements.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2721

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Illinois (Mr. Percy) and the Senator from Alaska (Mr. Stevens), be added as cosponsors of S. 2721, the Insured Student Loan Emergency Amendments of 1969.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2758

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Minnesota (Mr. Mondale), I ask unanimous consent that, at the next printing, the name of the senior Senator from New York (Mr. Javits), be added as a cosponsor of S. 2758, to amend section 312 of the Housing Act of 1964 to eliminate the provision which presently limits eligibility for residential rehabilitation loans thereunder to persons whose income is within the limits prescribed for below-market-interest-rate mortgages insured under section 221(d)(3) of the National Housing Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, August 7, 1969, he presented to the President of the United States the enrolled bill (S. 714) to designate the Ventana Wilderness, Los Padres National Forest, in the State of California.

THE 1970 NASA AUTHORIZATION BILL—AMENDMENTS

AMENDMENT NO. 128

Mr. YARBOROUGH. Mr. President, I submit an amendment intended to be proposed by me, to the Senate Aeronautical and Space Sciences Committee amendment to the bill H.R. 11271, the 1970 NASA authorization bill.

Scarcely 2 weeks ago this country launched three men to the moon. After a perfect trip into a lunar orbit, the Eagle and Columbia separated to attempt the first manned lunar landing. The entire world heard the words of Comdr. Neil Armstrong declare that man had landed on the moon. Then the miracle of television brought us live the first human footsteps on the moon and the first exploration by men of an extraterrestrial body. The subsequent liftoff, rendezvous, and docking, return to earth, reentry, and splashdown completed the historic flight of Apollo 11.

This flight, and our entire space program, have demonstrated beyond any doubt the extraordinary power and sophistication of our space technology. It is difficult to comprehend that most of this technology did not exist 10 years ago. With the trail-blazing cooperation of Government, private industry, labor and education, we fulfilled the most challenging goal of the 1960's—the placing of men on the moon and their safe return.

The amendment which I submit today looks to the 1970's as years of vast potential for mankind—not only in the now human realm of space, but in every field of human endeavor. The first ten years of the space program have produced not only the headlines of accomplishment in space, but also thousands of products and techniques useful to all Americans. Teflon, space communication satellites, miniaturization, computer technology, photography and sensors of body functions are several of the most famous of these. Each person who views a television news report knows of the instant news available via satellite. Without the space program, it is doubtful that we would have as many and as varied innovative products and techniques as we have today. Especially in the field of computer technology and communications, it may be said with justification that the advancements made with the direct assistance of space research have provided industry, education, health and Government with tools to begin to handle the tempo of the 1970's.

As we prepare to enter the 1970's, we have chosen to continue exploring space and developing the earthly benefits from such exploration. The question before us is how rapidly shall we proceed? Many who urge cutback think of the money spent on space exploration as benefitting us only to the extent that we acquire additional knowledge of space. If this were true, then our large expenditures on space might be valid subjects for criticism. But for each dollar we invest in NASA, we in America and around the world receive uncounted additional dollar benefits in spin-off technological developments, in addition to the intangible benefits to our world stature and the increased respect for our American system of government.

Only yesterday Dr. Thomas Paine and Dr. George E. Mueller, top NASA officials, urged this country to set a national goal of going to Mars in the 1980's. They realize that the technology we have rapidly developed in the last 10 years should continue to be used productively. Congress and the administration will certainly give these recommendations thorough study. But while this study is continuing, we must not make reductions in the NASA budget which would impair NASA's ability to undertake new and challenging projects.

As chairman of the Senate Committee on Labor and Public Welfare, Chairman of the Subcommittee on Health, and member of the Subcommittee on Education, I am daily involved with the extremely pressing needs of poverty, health, education—the entire waterfront of our domestic needs. These needs must be met. However, the money for the solution of our domestic problems should not come from the valuable, productive, peace-directed program of NASA. Let us rather look to the huge cost overruns of the Defense Budget, the overwhelming and unwise expense of the Vietnam war, and now the unproven and costly ABM proposal. At this crucial time in this Nation's history, we should commit ourselves to an all-out, crash effort to secure peace and to solve our domestic problems. But cutting the NASA authorization is not the way to pursue these goals.

In the 1970's, we will need to develop our maximum potential in technology if we are to keep pace with the knowledge explosion and to make significant inroads into our domestic problems. The NASA authorization bill, to be considered by us shortly, commits us to a more limited program than we should follow.

My amendment increases the NASA authorization as reported by the Senate Aeronautics and Space Sciences Committee. The increases my amendment suggests in the research and development of Apollo, space flight operations, bioscience, space application, lunar vehicle procurement, space vehicle systems, electronics systems, human factor systems, basic research, space power and electric propulsion systems, chemical propulsion, aeronautical vehicles and tracking and data acquisition simply raise the authorization for those items to the amount passed by the House; and these increases constitute a total accretion of $256,500,000 in research and development and $6,350,000 in research and program management.

I would like to see the Senate authorize more funds than this. In the fall of 1968 NASA stated to the Bureau of the Budget that $4.2 billion was needed for fiscal year 1970 for a minimum space program and $4.7 billion if we wanted to consolidate a position of world leadership. My amendment authorizes the bare minimum that we, as a nation, should commit to space. Its adoption is vital to the proper balance in our national priorities; it is vital to the future of our exciting and promising space program; and it is vital, in my opinion, to the interests and well-being of our country.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH—AMENDMENT

AMENDMENT NO. 129

Mr. FULBRIGHT. Mr. President, in conformity with an understanding with the chairman of the Armed Services Committee, I submit an amendment, intended to be proposed by me, to the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes, and ask that it be printed and lie on the table, and which, I will, of course, call up at a later date.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 130

Mr. McGOVERN (for himself, Mr. Goodell, Mr. Hatfield, and Mr. Proxmire) submitted an amendment, intended to be proposed by them, jointly, to Senate bill 2546, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. McGovern when he submitted the amendment appear earlier in the Record under the appropriate heading.)

ADDITIONAL COSPONSORS OF AMENDMENT

AMENDMENT NO. 85

Mr. SCHWEIKER. Mr. President, on July 18, I submitted amendment No. 85 to S. 2546, the military procurement authorization bill. At this time, I ask unanimous consent that, at the next printing, the names of the Senator from Missouri (Mr. Eagleton) and the Senator from Utah (Mr. Moss) be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARING ON NOMINATION OF COMMISSIONER OF INDIAN AFFAIRS

Mr. JACKSON. Mr. President, for the information of the Members of the Senate and other interested persons, I announce that the Committee on Interior and Insular Affairs will hold an open hearing on the nomination by President Nixon of Louis R. Bruce, of New York, a fullblooded Indian, to be Commissioner of Indian Affairs, Department of the Interior. Mr. Bruce's father was a Mohawk chief and his mother an Oglala Sioux. The hearing will be held at 10 o'clock on Monday, August 11, in the committee room, 3110 New Senate Office Building.

As one who long has been deeply concerned wtih the advancement of Indians, I note with heartfelt approval that President Nixon is following the precedent establishd by President Johnson in appointing an Indian to head the Bureau of Indian Affairs, the agency of the executive branch with direct responsibility for the economic and political development of our American Indians. Mr. Bruce will succeed Robert L. Bennett, an Oneida Indian, as Commissioner. Mr. Bennett served from April 1966, until this year.

Mr. President, I ask unanimous consent that a biographical sketch of Mr. Bruce setting forth his experience, education, and background be printed in the Record at this point.

There being no objection, the biographical sketch was ordered to be printed in the Record, as follows:

Résumé of Louis R. Bruce

Home address: 44 West 10th St., New York, N.Y. 10011 (212) 477-0011.

Farm: RD #1, West Lake Road, Richfield Springs, N.Y. 13439, Tel: (315) 858-0292.

Office address: Executive Director and Chairman of the Board of Trustees, Zeta Psi Educational Foundation & Fraternity, Columbia University Club, 4 West 43rd Street, New York City, N.Y. 10036, Tel: (212) 736-0992.

Background information: Born December 30, 1906, on the Onondaga Indian Reservation and raised on the St. Regis Reservation. (Mohawks). My father, Dr. Louis Bruce, a Mohawk Indian, whose father was Chief of the Mohawks, was a former dentist, major league baseball player, was also missionary to his people. During his whole life he fought for a better life for Indians. He was active in all Indian organizations until he died in 1968. He campaigned for the Indian Citizenship Bill of 1924. He was always a staunch Republican and campaigned for his party and urged Indians to vote.

Mother was an Oglala Sioux, born and raised on Pine Ridge Reservation until she was sent to Lincoln School in Philadelphia, Pa. Her mother was a full blood who never spoke English. She was married twice, first to a full blood and second to Joseph Rooks who was part English. There were 18 children. Today I have *many* relatives in South Dakota, some Pine Ridge and some Rosebud.

My sister and I both are enrolled members of Oglala Sioux, each with 160 acres of allotted land. At Mother's death we inherited 320 acres of her allotment. I had the pleasure of living on Pine Ridge for 4 years as a child.

Education: After attending reservation schools I was sent to Cazenovia Seminary, a Methodist Prep., where I participated in sports and school activities. I was elected President of the Junior and Senior Classes and as a Senior was Captain of Football, Baseball, Track and Basketball. I was Interscholastic Pole Vault Champion and as a result won a Scholarship to Syracuse University. I majored in Psychology and Business Administration. I worked my way through college tending furnaces, waiting on tables and my fraternity Zeta Psi, helped me at every turn for which I shall forever be grateful. I spent 4 years 1926-1930 at Syracuse. Later on, I took special non-credit courses in Public Speaking, Marketing, Community Organization, Public Relations and Personnel Administration at Columbia, Penn State and Cornell. 1950-51 American Management Association, New York, N.Y.

Family: Married to Anna Jennings Wikoff; three children and five grandchildren. Oldest son Reserve Captain Air Force, PHD in Nuclear Physics, teaching at New Mexico State University.

1932 to the present I have always owned and operated a 600 acre dairy farm in Richfield Springs, N.Y. Part of the time operated by farm managers and at present operated by my youngest son. We are also in the horse breeding business. This is our permanent home.

1966-1969 to present—Executive Director and Chairman of Board of Trustees, Zeta Psi Educational Foundation and Fraternity. Plan, direct and supervise seminars, workshops and conferences for college students who are members on 40 different campuses in Canada, and United States. Work with Deans and faculty advisors and assist each chapter with budgeting and general operation of 40 properties. Issue and interview students for grants and loans. Work with 21 adult members of the Board who serve as regional directors. Assist with placement of graduates on jobs or graduate schools. Also serve as consultant on Housing, including college housing, marketing and fund raising.

1966-1964 Public Relations and Promotions Director, MidEastern Cooperatives, a chain of cooperatives (23) Super Markets. Worked with Boards, trained employees edited magazine, supervised food testing programs.

1964-1961 community relations consultant, Executive Department, New York State Housing Division. Promotion and explanations of various types of housing to civic groups. Arranged and conducted Volunteer Leadership Seminars, assisted in organizing Boards, committees and conducted sessions for management personnel. Prepared and wrote management guides. Surveyed community needs, organized youth groups in ghetto areas and in Public Housing developments.

1961-1959 Special Assistant Commissioner for Cooperative Housing, FHA, Washington, D.C. Supervised, analyzed and expedited policy procedures for all Cooperative Housing developments in the territories of U.S. with full authority to present the policies of the commissioner. Served on national, state and local committees on housing. Worked with congressional leaders on legislation and participated in hearings. Spoke before Housing groups and civic organizations.

Was instrumental in changing the regulations of FHA for benefit of Indians. Promoted and organized the First National American Indian Conference in Washington, D.C. on Housing. (Copies of memos attached)

1959-1955 vice president, Compton Advertising Agency, New York.

Supervised and directed advertising campaigns in the food field and in the dairy and dairy product area. Supervised marketing studies in cities and assisted with American Dairy Association programs.

1955-1946 Member of Board of Directors, Dairymen's League Cooperative Association, New York.

Served as Education and Youth Director, conducting membership and employees meetings on the marketing of milk and products. Conducted Leadership Institutes for youth and adults. Testified at hearings. Represented the League on state and national committees.

1946-1942 Operated farm with training programs for war benefit. Active in community with youth groups. Initiated the Youth Council Programs.

1942-1935 New York State Director for Indian Projects, National Youth Administration.

WRITING AND HONORS

Winner of Freedoms Award for "Outstanding Contribution in promoting American way of Life," as result of article written—"What America Means to me."

Award was presented at Valley Forge by President Eisenhower.

1953—Winner of American Indian Achievement Award.

1950—Readers Digest—"Indian Trail to Success."

Editor—Highlights & Briefs—MidEastern Dairymen's League News (Youth section). The Circle of Zeta Psi.

1961—Received Distinguished Service Award at Zeta Psi International Convention.

1964—National Boy Scout Awards.

1967—Outstanding Service.

1958—National Rural Youth Special Achievement Award.

Served as judge of publications and film contests for organizations, such as Farm Film Foundation, National Milk Producers Federation, Farm Bureau, National Interfraternity Council.

MEMBERSHIP IN ORGANIZATIONS

Board Member, Yale Broadcasting Company, Ivy League Network.

Board Member, Arrow, Inc.

Association of American Indian Affairs, Indian Council Fire, Chicago, National Congress of American Indians.

Rotarian.

Mason.

National Republican Party.

Columbia University Club.

Trustee and Lay Leader Methodist Church.

New York Board Syracuse University Alumni Association.

Farm Bureau Federation.

National State and Local Grange.

Boy Scouts of America.

College Editors Association.

College Fraternity Secretaries Association.

Dairymen's League Cooperative Association.

New York Extension Service.

MidEastern Cooperatives.

New York State Indian Village Associations.

New York Advertising Club.

American Fund Raising Council.

Syracuse University, Sigma Delta Chi Journalistic Cooperative Institute Association.

Chairman of Board of Trustees, Zeta Psi Educational Foundation.

FORMER AFFILIATIONS

Former Chairman, Youth Committee, National Milk Producers Federation. Presently, Chairman, American Indian Committee, National Boy Scout Council.

Organized Indian Scout Leadership Conference 1969 (11th year). Chairman, New York State Council of Rural Youth Organization. Chairman, Business Committee; Legislative and Executive Committee of National Congress of American Indians.

1950 Executive Secretary, National Congress American Indians. New York State Director Indian Youth Projects. Board Member, State Council of Churches, Country Council of Churches, Rural Church Institute, National Fellowship of Indian Workers. President, Six Nation Indian Association.

Chairman, Secretary of Interior Krug's Advisory Committee on Indian Affairs.

Member of Governor Dewey's Committee on Indian Affairs. Member of Governor's Committee on Mid-Century White House Conference on children and youth—1960.

Assisted with organizing National American Indian Youth Conference—1961.

Chairman, National Indian Housing Conference in Washington, D.C.

Former President, Vice President, Treasurer, Regional Director and Expansion Chairman of Zeta Psi Fraternity of North America.

Former Participant North American Indian Seminar, University of Toronto—1938.

Board Member—Mid-Eastern Cooperatives.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Frederick B. Lacey, of New Jersey, to be U.S. attorney for the district of New Jersey for the term of 4 years, vice David M. Satz, Jr., resigning.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, August 12, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

COMPLIMENT TO OFFICE OF INSPECTOR GENERAL OF FOREIGN ASSISTANCE

Mr. JACKSON. Mr. President, it gives me a good deal of pleasure to call attention to an article on the Office of the Inspector General of Foreign Assistance written by Mr. Bill Andronicos in this week's Federal Times.

The article reports on the activities of Mr. J. Kenneth Mansfield, the Inspector General, and Mr. Howard Haugerud, the Deputy Inspector General, and their highly competent staff. I am particularly pleased to see this office receive this kind of recognition as I have had a very close personal as well as professional association with these two men over a period of many years. Both Mr. Mansfield and Mr. Haugerud served with great distinction on my Subcommittee on National Policy Machinery beginning in 1958. Mr. Haugerud remained on my subcommittee staff until 1961 when he was appointed Deputy Under Secretary of the Army for International Affairs. Mr. Mansfield served until 1962 when he was appointed the Inspector General of Foreign Assistance.

Congress and the taxpayers can be grateful that we have two such dedicated and talented men keeping an eye on our far-flung foreign assistance programs.

Mr. President, I ask unanimous consent to have the Federal Times article inserted in the CONGRESSIONAL RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WATCHDOG FOR FOREIGN ASSISTANCE

(By Bill Andronicos)

WASHINGTON.—Probably one of the most unsung group of people in the federal government is the staff of the State Department's office of inspector general of foreign assistance (IGA)—the scourge of bureaucratic incompetents abroad.

Hidden away on the 6th floor of the State Department building, IGA quietly has gone about its auditing and investigative business of uncovering waste in foreign assistance programs without too much fanfare.

Actually, IGA first made the headlines in 1966 when then Secretary of State Dean Rusk gave the Senate Foreign Relations Committee the first comprehensive report ever made by the inspector general's office, which had been founded in May, 1962.

It was that well-documented report that took the wraps off the little-known investigative agency. Until then, there were not many people—not even in Washington—who knew just what IGA did.

At the helm of the IGA office are two men who came to the State Department with outstanding experience in international affairs. They are J. Kenneth Mansfield, the inspector general, and Howard E. Haugerud, the deputy inspector general. Each holds the title of assistant secretary of state, which carries with it a salary of $38,000.

Mansfield, who is 47 years old, first came to Washington in 1950 to serve as staff director of the military applications subcommittee of the Joint Congressional Committee on Atomic Energy.

After a three-year stint with Combustion Engineering, Inc., in Connecticut, Mansfield returned to Washington in 1959 to serve as staff director of the Jackson Committee in the Senate which conducted a study of the staffing and organization of the federal government in the area of national security. Mansfield originally hailed from Chicago.

Haugerud, 44 years old, had served as deputy under secretary of the Army for international affairs before joining the IGA office in July, 1963. A native of Minnesota, Haugerud came to Washington in 1956 to join the staff of the then Sen. Hubert Humphrey.

In an interview, both men indicated they enjoy their work, uncovering abuses and waste in foreign assistance programs. And while Mansfield and Haugerud both log about 185,000 air miles annually, they prefer to praise the work of their staff rather than talk about their own experiences.

Mansfield boasted that IGA has "the most professional and competent staff in government." Haugerud promptly added that "the credit for our work must go to our staff."

Among the IGA staff of 38 employees are 23 inspectors who travel around the world to examine the outflow of money and goods for military assistance, the Agency for International Development, the Peace Corps, the Food for Peace program and the like.

Most of the IGA inspectors are drawn from the ranks of the Federal Bureau of Investigation, the Foreign Service, the General Accounting Office, the legal profession and the armed services. Those with experience in the military investigate the military assistance programs.

Since May, 1962, when Mansfield began organizing the IGA staff following his appointment, his personnel have flown more than 5 million miles—always in tourist class.

With a travel schedule of such magnitude, there have to be risks. Nevertheless, only two inspectors have been lost to date—Oscar C. Holder and Sidney B. Jacques were aboard a Nepalese plane that struck a Himalayan mountain peak at the height of a violent storm.

In carrying out its investigative activities, IGA also has been highly instrumental in prodding military and civilian officials to crack down on abuses in Vietnam, where there has been black marketing in post exchange supplies, currency manipulation, profiteering by Vietnamese merchants and theft or other diversion of U.S. goods shipped to that Asian nation.

Actually, the IGA has authority to "suspend all or any part of any project or operation" under foreign aid, military aid and the like, after conducting an investigation, provided the inspector general has given written notice to the Secretary of State. This authority was granted IGA by the Foreign Assistance Act of 1961.

The suspension remains in force until either the IGA or the Secretary of State orders resumption of a particular project or program.

While they have found instances of foreign assistance waste, both Mansfield and Haugerud are also proud of the work by American federal employes abroad, particularly those in Vietnam who often carry out their duties at the risk of injury or death.

Mansfield said that during his overseas inspection tours, he had been "tremendously impressed by the quality of people working in foreign assistance programs."

"They are a dedicated lot," Haugerud said. "Most of them try to do a good job under pretty adverse conditions."

But what of the actual work of IGA? How does the office uncover foreign aid troubles? It does so, Mansfield and Haugerud explain, by careful scrutiny of all reports from various assistance agencies and by extensive footwork.

For example, inspectors—including Mansfield and Haugerud—often walk the docks to see if the foreign assistance material has even been shipped out of the U.S. One summer, Haugerud spent two days along New York's docks and found undelivered cartons of powdered milk and machine tools.

On another occasion, an inspector's footwork led to the discovery of many crates of surplus foods spoiling in a Dahomey warehouse.

In any event, IGA—which spends only about one third of its budget each year—has earned an impressive record. It has uncovered foreign aid abuses in some 85 countries.

Moreover, IGA has succeeded in accomplishing the difficult feat of drawing congressional plaudits for its work.

During Senate foreign relations hearings, for example, Sen. John McClellan, D-Ark., and chairman of the Senate Government Operations Committee, commented:

"This agency, the smallest in government, with a staff of only 38 employes, has saved the federal government hundreds of millions of dollars by uncovering mismanagement, waste and corruption in our foreign assistance programs. All of Congress and indeed the country, can and should be proud of these men for their dedication and untiring efforts."

Sen. John Williams, R-Del., one of the more outspoken critics of federal government waste, complimented the IGA for having "rendered a great service," as well as for its cooperation with Congress in uncovering foreign assistance shortcomings.

Sen. J. William Fulbright, D-Ark., said: "I think the inspector general has done a very good job."

Whatever the case, the IGA staff has played a key role in dozens of investigations—ranging from the sloppy bookkeeping to the disappearance of 24,000,000 bushels of wheat.

Here are some samples of IGA discoveries made since 1967:

Two IGA inspectors walking through a Buenos Aires warehouse in May, 1967, found large crates of tool kits the Defense Department had shipped to Paraguay's ministry of national defense more than nine years before.

In February, 1968, Mansfield informed the Senate Foreign Relations Committee of misuse of an estimated total of $250,000 for Dominican Republic-bound commodities considered ineligible for financing by the Agency for International Development.

The luxury imports involved wineglasses that slipped through the surveillance of the AID office at Santo Domingo. These items, according to a letter from then AID head William S. Gaud, were sufficient to stock "the biggest cocktail party ever given anywhere by anybody." In addition to the wineglasses, the IGA found Virginia hams; smoked chicken, turkey and duck; cocktail napkins, assorted nuts and various whisky glasses.

In fiscal 1969, IGA reported the following:

There was no economic justification for the construction of an AID-financed railroad spur between Chaman in Pakistan and Spin Baldak in Afghanistan. Hence, IGA recommended that the project be terminated and that $650,000 set aside for it be de-obligated.

In Colombia, 141 U.S. military assistance-financed radio-vehicle installation units costing a total of $14,000 were declared excess to Colombia's needs by IGA and made available for use elsewhere.

After visiting several AID financed projects in Eastern India, IGA recommended early discontinuance of four loans. Subsequently, some $2.5 million was de-obligated.

In Tunisia, about $56,000 worth of AID-financed equipment had been supplied to agricultural machinery repair shops. An IGA team found four of the shops were not open and the others were underemployed.

IGA then recommended that the AID mission make a high-level approach to the Tunisian government, aimed at bringing about effective use of these shops. Marked improvements reportedly resulted.

In Vietnam, information developed by IGA furnished the starting point for an AID and congressional investigation of transactions involving an American supplier for the commodity import program. The supplier ultimately was indicted for filing false certificates to obtain AID funds, pleaded no contest to the indictment and now is awaiting sentence.

Also in Vietnam, IGA discovered large amounts of costly AID-financed goods had been airlifted to that country, only to go unused for long periods of time after their arrival. IGA recommended a general tightening up of procedures governing air shipments. The recommendation reportedly has been put into effect.

In Guinea, because of staff reductions, the AID mission had excess furniture and vehicles at a time when the Peace Corps was resuming a program in that country. IGA alerted the Peace Corps to the existence of these surplus goods and the Corps had begun making use of them.

At a Calcutta port, an IGA team found 20 cases of AID-financed heavy equipment, which was to have been used for a special project, had been in storage for about six months. IGA complaints led to the equipment being cleared from the port.

IGA pointed out that the U.S. military mission in Iran had received 1,175 official visitors from the United States during the course of the year. This number of visits appeared to IGA to be excessive—in terms of both drain on mission time and costs per diem and transportation money.

The per diem rate in Tehran is $20 per day and a round-trip ticket from Washington to Tehran costs $979. IGA's observations stimulated a worldwide Defense Department review aimed at cutting down unnecessary visits to overseas military missions.

IGA took exception to the prices being charged for pasting AID and Alliance for Progress labels on AID-financed taxis sent to various countries.

In one instance, a supplier was receiving $7.50 for affixing two gummed paper labels on each car. The labels cost less than two cents apiece and they can be pasted on a car in a matter of seconds.

Consequently, one supplier agreed to refund more than $6,000 to AID for past labeling charges and to make no further charges in the future. Another supplier agreed to stop additional charges and to make a partial refund of past charges.

AID now is following an IGA recommendation that it make a comprehensive review of all labeling costs for AID-financed equipment.

SPAIN: THE VITAL YEARS

Mr. **MONTOYA**. Mr. President, in view of the defense agreements between the United States of America and Spain, it may interest Senators to note two book reviews, featured in the spring issue of the Fordham University Quarterly, "Thought," written by my friend, the Rev. Dr. Joseph F. Thorning, the U.S. Honorary Fellow of the Historical and Geographic Institute of Brazil.

The peoples of the Iberian Peninsula, one may agree, understand their role in the cause of global security and peace. From the start, Portugal has been a valuable and highly valued partner in the North Atlantic Treaty Organization. Portugal, loyally, has fulfilled all its responsibilities in this group, not only through its air bases in the Azores, but also by reason of facilities on the European mainland and in other provinces of Portugal overseas.

Recently, Hon. Robert C. Hill, U.S. Ambassador to Spain, addressing the Club in Madrid, declared that the United States of America favors the entry of Spain into the North Atlantic Treaty Organization. In his speech, Ambassador Hill expressed the hope that "neighboring countries, which received both before and since the war so much help, will one day get the idea."

In this connection, it may be emphasized that critics of the recently concluded defense agreements were at a loss to point out what suitable naval base could be preferred to the superb U.S. naval installations at Rota.

Certainly, the volumes discussed by Father Thorning, a longtime student of Hispanic American history, are worthy of consideration by policymakers on both sides of the Atlantic.

I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SPAIN: THE VITAL YEARS

(By Luís Bolín)

This is a report by an eyewitness. The author, Luís Antonio Bolín, in July 1936, was by profession a newspaper man in London. Thanks to his British mother, Señor Bolín, although relating news of The Commonwealth for his Spanish public, spoke and wrote English with ease and elegance. With contacts on many levels of society in the United Kingdom Don Luís was selected by Iberian leaders, disenchanted by a series of crimes under the Spanish Republic, to secure in England the airplane that carried the present Spanish Chief of State, then a youthful Major General, from the Canary Islands to Tetuán, North Africa. This was the first move in the Nationalist rebellion. The first chapters in this book indicate how complicated, difficult and dangerous the adventure was. Bolín mastery of languages, skill in negotiations and self-assurance when, momentarily, on the edge of failure, were all factors in the victorious advance of Spanish Legionnaires from Morocco to Algeciras; to Seville; and to the gates of Madrid.

For the balance of the civil war Luis Bolín served as a diplomat, planner and specialist on public relations for leaders of the Nationalist cause. He was one of the first promoters of "tourism," now chief dollar, or *valuta*, earner throughout the Iberian Peninsula. Moreover, until a few years ago, Bolín was Information Counselor for the Spanish Embassy, Washington. To this extent, he maintained his interest in, and devotion to, his original vocation, journalism.

Naturally enough, the author of *Spain: The Vital Years* relates his personal role in the Nationalist movement to other contemporaneous personalities and to the major policies of his colleagues. He is also a serious and severe critic of what he calls "progapanda" on the Republican, or "Loyalist" side. His recital of what he calls the facts about Guernica is a case in point. Impartial investigators of this episode are not inclined to dismiss the destruction wrought by German bombing planes as "a myth." What they accept is that Left-wing forces, retreating from a town in the Basque Countries, that was unquestionably a military objective, did at least one-half of the damage by dynamite on the ground.

In other words, it would be true to history to emphasize that Guernica, like Badajoz (the latter near a source of liaison and supplies near the frontier with Portugal), marked a turning of the tide in favor of the Nationalists. Newspaper headlines in the Anglo-Saxon world featured, not Nationalist progress, but "Fascist" ruthlessness.

To be sure, there were gruesome crimes committed on both sides, but to equate the thousands murdered in Madrid without the semblance of a trial with the hundreds executed by the Nationalists, almost always as a result of due process of law, may be characterized as a simple case of hasty, self-serving generalization. This reviewer, who as a war correspondent studied the evidence at Guernica and Badajoz, has the impression that Bolín, a good reporter, wanted in this volume to offer some corrective to "history by headlines."

JOSEPH F. THORNING.

Franco, With Maps and Illustrations

(By Brian Crozier)

In this biography of Generalissimo Francisco Franco y Bahamonde, the present Spanish Chief of State, the historical context provides an indispensable framework for a wealth of details which depict a personality. The story, in broad outline, is simple: a Spaniard, born and bred in the profession of arms, became a leader of the Nationalist cause and, in the midst of a savage civil war, found himself responsible for decisions in the political and socio-economic order. Despite recurring tides of abuse in some quarters abroad and no little student and labor unrest at home, a military leader who regards himself as a man of destiny continues to direct the domestic and foreign policies of his country.

What may astonish many readers of this book by an Australian newspaper man is that a Chief of State, who has not yet relinquished his role as Chief of Government, relies constantly upon the advice of the able Cabinet Ministers who, within their separate jurisdictions, enjoy considerable autonomy and develop a variety of programs to cope with a bewildering array of national problems. Spain is a nation where, as Benjamin Welles pointed out in his book, *The Gentle Anarchy*, technicians have come into their own. Low-cost housing, improved public health measures and a fuller utilization of power resources are among their achievements. Farm, industrial and mine workers, however, as the author reports, are underpaid and, often enough, undernourished. Religious leaders and organizations have called attention in emphatic terms to such deficiencies. Brian Crozier, who lived and traveled in Spain in order to write this book, is outspoken on these aspects of life in the Iberian Peninsula. Mr. Crozier, who worked for *Reuters* and *The Economist* (London), is a good reporter. His biography, although generally favorable to the regime, is sober and objective in evaluation of persons and policy results.

A major feature of the whole study is the author's success in tracing the progress of Spain's foreign policy. Both Alberto Martín Artajo and Fernando Castiella y Maíz in the Foreign Ministry proved themselves masters of diplomatic negotiation. Like the head of state, the latter, the present Minister of Foreign Affairs, commands world-wide respect for integrity of character, fair dealing and candor in private and public utterance.

JOSEPH F. THORNING.

THE SOJOURNERS

Mr. GOLDWATER. Mr. President, Masonry is an old and highly respected fraternity and there are many Members of Congress and people who work in the Government who are loyal and proud members of this group. Masons have historically refrained from using the fraternity for political reasons, and this is one of the reasons why so little is ever said about the body or its suborganizations on the floor of the Senate or the floor of the House.

One of the organizations which comes under Masonry is the Sojourners. This group is made up of men who have served, or are serving, in the Armed Forces of the United States, and its purpose is to afford men who are in active service a chance to meet in the Masonic way, and it also affords an opportunity for those who have retired from military service to continue the friendships made during that period in a Masonic way. Each year at the annual convention, and the 49th annual convention was held in June of 1969 at Cocoa Beach, Fla., famous Americans who have contributed great service to their country and who have been Masons during their lives are added to a list of national heroes.

In order to better acquaint both the Masonic and non-Masonic Members of Congress with the type of men that I am talking about, I ask unanimous consent that the list compiled so far be inserted at this point in the RECORD.

To further acquaint both the Masonic and non-Masonic Members of the Congress with the nature of the Sojourners, I would ask that resolutions passed at the 49th annual convention be placed in the RECORD at this point in my remarks.

From time to time, but not too often, when items of interest develop in the Sojourners, I will present them for insertion in the RECORD so that Masonic brethren can be kept abreast of what is going on in this part of their body.

There being no objection, the list and resolution were ordered to be printed in the RECORD, as follows:

National Sojourners Roll of Honor

George Washington, John Jacob Astor, Stephen F. Austin, Joel Barlow, William Beaumont, Thomas Hart Benton, Irving Berlin, Edward T. Booth, Gutzon Borglum, William Jennings Bryan, James Buchanan, Luther Burbank, Richard E. Byrd.

Kit Carson, Lewis Cass, Rufus Choate, George Rogers Clark, William Clark, Henry Clay, Moses Cleaveland, De Witt Clinton, Samuel Colt, Joseph Hamilton Daviess, Stephen Decatur, Stephen A. Douglas.

William Ellery, Oliver Ellsworth, David Farragut, John Fitch, Henry Ford, Sr., Benjamin Franklin, James A. Garfield, Mordecai Gist, John Glover, Samuel Gompers, John Hancock, Winfield S. Hancock.

Warren G. Harding, Nicholas Herkimer, Joseph Hewes, James J. Hill, William Hooper, Sam Houston, Andrew Jackson, James Jackson, Andrew Johnson, John Paul Jones, Elisha Kent Kane, Henry Knox, LaFayette.

Robert La Follette, Benjamin H. Latrobe, James Lawrence, Meriwether Lewis, Benjamin Lincoln, Robert R. Livingston, John A. Logan, Douglas MacArthur, Thomas Macdonough, William McKinley, John Marshall, Hugh Mercer, Richard Montgomery.

John P. G. Muhlenberg, James Otis, Robert Treat Paine, Charles W. Peale, Robert E. Peary, Matthew G. Perry, John J. Pershing, Albert Pike, James K. Polk, Israel Putnam, Rufus Putnam, Paul Revere.

Will Rogers, Franklin D. Roosevelt, Theodore Roosevelt, Arthur St. Clair, Winfield S. Schley, Winfield Scott, John Sevier, John Philip Sousa, Leland Stanford, John Stark, Frederick Von Steuben, Richard Stockton, John Sullivan.

William Howard Taft, George H. Thomas, Isaiah Thomas, Mark Twain, Lew Wallace, George Walton, Seth Warner, Joseph Warren, Thomas Smith Webb, Gideon Welles, William Whipple, David Wooster.

Appropriate Respect to Deity

Whereas our great nation was founded on a belief in God, to wit:

The Mayflower Compact, dated November 21, 1620, written by one William Bradford, second governor of the Colony of Plymouth, with 31 signatures appended thereto, this document being one of the earliest produced during the American quest for freedom which culminated in the United States of America 150 years later, and which states:

"In the name of God, Amen. We whose names are underwritten, having undertaken for the glory of God, and advancement of the Christian faith, a voyage to plant the first colony in the northern parts of Virginia, do by these presents solemnly and mutually in the presence of God, and one of another, . . . "

and

The Declaration of Independence, dated July 4, 1776. This most eloquent statement of the American creed, drafted by Thomas Jefferson and signed by 56 signatories, states:

"When, in the Course of human events, it becomes necessary for one People . . . to assume among the Powers of the earth, the separate and equal Station to which the Laws of Nature and of Nature's God entitle them . . ."

and

Whereas it is meet and right that this legacy should pass in perpetuity from generation to generation, in keeping with the Preamble to the Constitution of the United States, which admonished us to secure—for the general welfare—the blessings of such beliefs to ourselves and our posterity.

and

Whereas Article I of the Amendments to the Constitution of the United States of America states specifically that, "Congress shall make no law respecting an establishment of religion, or *prohibiting the free exercise thereof* . . ."

and

Whereas the great majority of American people who recognize and believe in the existence of a Supreme Being have been caused to lose a right and a liberty by a majority of one (1) via the Supreme Court of the United States, said majority of one being a person by the name of Mrs. Madelyn Murray O'Hair who is opposed both to a belief in God and to religion and who is, at this very time, establishing a center for the study of atheism in Austin, Texas,

and

Whereas we, as Masons and National Sojourners, maintain and uphold a steadfast belief in GOD . . . that GOD must motivate man if present day problems are to be solved . . . . and that GOD is the Supreme Architect of the Universe,

Let it therefore be resolved that National Sojourners, Inc., at its 49th Convention adopt as one of its programs for the ensuing year, the petitioning of the Congress of the United States of America to:

(1) Put God back into our schools, and

(2) Continue appropriate glorification of the wondrous works of the Supreme Architect from the far reaches of outer space by our astronauts, and

(3) Asking the blessings of deity in all such public and private facilities where deemed appropriate to the accomplishment of all reasonable and worthy undertakings so that we shall henceforth recognize that GOD

is part of our daily lives and activities and not merely the object of Sunday worship alone.

Be it further resolved that as this project has been duly adopted by Cape Canaveral Chapter No. 366 as part of its Americanism program for 1969, the same having the cognizance and wholehearted support of our National President Elect, Brother John D. Billingsley (BG, USARet).

To Establish the Position of the National Sojourners in Relation to the Repeated Violations by Some Persons and Groups of Persons of the Sacredness of the Anthem and Colors of Our Nation

Whereas the Purpose of National Sojourners, among other fundamental items, includes the following:

". . . for supporting all patriotic aims and activities in Masonry, for developing true patriotism and Americanism throughout the Nation . . . to further the military needs of national defense and for opposing any influence whatsoever calculated to weaken the national security."; and

Whereas our National Anthem, "The Star Spangled Banner," and our National Colors, "The Stars and Stripes," are emblematic of the history, traditions and personality of our great Nation, the United States of America; and

Whereas organized minorities within our country, inspired and guided by enemies from other nations, have concocted groups which, under the protection of our democratic ways of life, have united subversively for the sole purpose of undermining our democratic system of government, and of insulting and desecrating, in the most disrespectful manner, those glorious emblems of our great nation, namely, our National Anthem and our National Flag; and

Whereas the members of Puerto Rico Chapter No. 146, National Sojourners, as a group of true, loyal American citizens of both Spanish and American ancestry, are greatly concerned about the anti-American activities of these enemies of our country, both at home and abroad; and

Whereas under our present lax laws and law enforcement there is continued disrespect and desecration of our National Emblems, without any real and effective punitive action being taken;

Therefore be it resolved: that Puerto Rico Chapter No. 146, National Sojourners, recommends:

1. The revision of present laws, both State and Federal, and their stricter enforcement, and the enactment of new laws where advisable, for the protection of our National Emblems, under all circumstances, against any person or group of persons, single or collectively, who in any manner insults, desecrates or uses disrespectful action against these Emblems of our Nation.

2. The inclusion, in such laws, of punitive action sufficiently severe to serve as a warning to those who might be planning to engage in any of these desecrating acts.

Be it further resolved: That a copy of this Resolution be sent to the National Headquarters of National Sojourners, Inc. to be submitted for consideration at our National Convention in Cocoa Beach, Florida, in June 1969, with the recommendation that same be adopted as a statement of the sentiment of all National Sojourners throughout the world, and that upon final adoption by the convention, a committee shall be appointed to convey the purposes of this Resolution to the appropriate authorities in our State and Federal Governments.

Against the Enactment of Laws Which Infringe Upon the Constitutional Rights of Citizens To Own Arms

Whereas the Constitution guarantees to law-abiding citizens the right to own and enjoy property; and

Whereas thousands of such citizens derive pleasure from collecting weapons as a hobby or using them for target practice, and some choose to possess them merely for protection against housebreakers; and

Whereas the publicity following certain assassinations and other violent crimes has dramatically brought to the forefront the lesson that weapons, like personal valuables and money generally, are not immune from being illegally obtained through robbery; and

Whereas progress reports indicate that neither the crime rate nor unlawful use of firearms has decreased in those jurisdictions which have adopted so-called gun registration laws; and

Whereas current proposals for national, state, and local laws that would further require the ownership of weapons to be officially recorded, and to compel payment of license fees in connection therewith, would impose additional, discriminatory taxation upon the persons affected; therefore be it

Resolved that National Sojourners proclaim that laws should be repealed that infringe upon the right of any responsible citizen to own firearms.

Support of ROTC

Whereas great and injurious harm is being done to our beloved United States of America by the forces of evil, the instruments of which are undermining the minds, morals and personal integrity and patriotism of the nation's youth; and

Whereas the said forces of evil are being abetted in their evil plans by the red, pink and socialistic leaders in the colleges in which are included many, many members of the faculties and the establishment, and

Whereas the attempts by the taxpayers of the nation to teach, train, and inculcate the traits of loyalty, integrity, and honesty in the colleges and universities as well as the secondary schools through the medium of the Reserve Officers Training Corps, as required by law, are constantly being denigrated by unpatriotic faculty members and administrators,

Now therefore be it resolved by the National Sojourners in annual convention,

1. A four-year ROTC program be a required item of the curriculum of each and every State and Federal supported university, with credit given for the courses. Failure to meet this requirement resulting in the withdrawal of all Federal aid to that institution.

2. The present Junior ROTC program in the high schools be continued and failure to do so by any school would require that all Federal funds be withdrawn from that institution.

3. That the National Sojourners, Inc. actively and vigorously insist that all Federal aid, including land grant privileges, where applicable, be withdrawn from those institutions where ROTC and/or NROTC or AFROTC units are deleted by the above mentioned forces of evil.

Resolution No. 31 as listed here was sent in the form of a telegram to The American Legion; a similar telegram was sent to DeMolay on their Golden Anniversary.

Greetings to the *American Legion* on the occasion of its 50th Anniversary, from National Sojourners, Inc., which is also observing its 50th Anniversary, and whose purposes are similar in numerous respects, with many of its members also Legionnaires.

National Holidays

Whereas, proposals for National Holidays are from time to time made in the name of distinguished American citizens, and

Whereas, apparently no specific statutory regulation now controls the designation of such Holidays, and

Whereas, it appears proper to allow the test of time to evaluate and prove the lives of distinguished Americans worthy of such recognition.

Now therefore be it resolve: That National Sojourners, Inc. in Convention assembled on this 28th day of June 1969 do hereby urge the Congress of the United States to consider the enactment of legislation requiring the passage of a period of at least 25 years after the death of a distinguished American before the declaration of a National Holiday in his name and honor.

A PICTURE OF CHAOS

Mr. EASTLAND. Mr. President, the schools of Mississippi open their doors a month from now on a dismal picture of utter chaos and compounded confusion. When classes resume, students, teachers, and parents alike face the greatest educational crisis in the history of the public schools of my State.

In this picture of chaos, confusion, and crisis, there exists a clear and present danger that the educational system as we have known it will be detroyed.

The most heartbreaking view of this picture, however, is the children of Mississippi—the students who must attend schools in a public educational system which finds itself in an upheaval unequaled in our time. The little children of Mississippi must suffer from this chaos—but, in the end, it will be the State and the Nation which will reap the ill winds of this dark and dismal picture.

I have pointed out that utter confusion exists. The schools of Mississippi are today laboring to meet the impossible and impractical orders of the Federal judiciary and the bureaucratic edicts of the Department of Health, Education, and Welfare. Our school officials face an insurmountable task in their efforts—and, when the schools open, no one is quite sure what the end result will be.

Many schools are under the orders of the court, others face the regulations of HEW, and still others are told to meet with HEW and present a joint plan acceptable to the court. Some are facing plans of testing, others are required to present zoning maps, while still others are seeking to establish pairing.

This utter confusion is graphically illustrated in one Mississippi county in which the courts have ordered the schools to integrate under all three plans. This is in Bolivar County, in the delta region of north Mississippi, where five school districts have been placed under varying orders calling for zoning, testing, and pairing. Whatever the plan, whatever the means—the results have been chaotic.

The zoning plan has caused people of both races to hastily move in advance of the opening of the fall term in an effort to place their children in a school where they will not be in a minority. With the opening of school upon them, parents and their children find themselves uprooted from their homes and headed toward strange schools under the cloud of an uncertain future.

Turning to the problem of testing, we again find confusion reigns. In this same county, the first court-ordered testing of students was held last week. In the previously all-white Shelby School, some 75 percent of the students took the tests—but, in the previously all-Negro Broad Street Elementary School, only 40 percent appeared to be tested. Since school assignment will be based on the percentage of all students who will attend school, parents and students still do not know which school they will attend—with the first classes less than a month away.

The problems caused by pairing are just as massive. Many school districts have been forced to close some schools in order to accomplish the court-ordered pairing of all students in certain grades. We now face the dilemma of expensive school buildings sitting vacant—in order to accomplish integration.

This has prompted one newspaper editor to write—half in despair, partly in jest, but, certainly, most tragically:

> Two bits . . . four bits . . . six bits a dollar—which plan do you have to swallow?

Mr. President, with this picture of chaos and confusion reigning in my State, I have taken the liberty to look through the community newspapers of Mississippi in an effort to see what the people of our State are thinking in these final days before the opening of school. These editors have their fingers on the pulse of the people, and the story I find on the pages of their newspapers is not one to my liking.

The editor of the Bolivar Commercial, Clifton Langford, is writing in Cleveland, a community in north Mississippi. He paints a picture of confusion existing among citizens of all races in the face of a court-ordered zoning plan which required a definite percentage of the minority race to be enrolled in each school. He writes:

> How long will it be before the federal judges forbid a parent to move from one district into another? This will be the day when we will be living under the same rule as the people of Soviet Russia?

In Yazoo City, the picture is much the same. Here in the central area of my State, editor Norman A. Mott, Jr., says:

> It will be Tuesday . . . before our local school officials will hear from the advisors of the Department of Health, Education, and Welfare. Meanwhile, most parents are in a quandary and are experiencing concern and anxiety. For hundreds of families, white and colored, the prospect of an integrated student body with percentages divided nearly equal between the races poses many misgivings. Nevertheless, this is the near certain hard fact that is facing the vast majority. When September comes, it will be a challenging time for everyone.

Turning to Waynesboro, in south Mississippi, Editor W. Harvey Hurt writes:

> The Department of Health, Education, and Welfare is playing literal hell with the public school systems of this Nation, and particularly those of the South. All around Wayne County the HEW is destroying what used to be very fine school systems. Slowly but surely, the children are being relegated to play the parts of pawns in this massive upheaval of the school system. We sincerely hope that sometime, somewhere we may have an explanation as to how freedom of choice is unconstitutional and infringes upon the civil rights of others. We believe deeply in the Constitution . . . and we want all the children of this great nation . . . to have the best education the people can provide. Any legislation or court decision that supersedes these basic principles has only one purpose: "The public be damned."

Mr. President, I firmly agree that the public—the parents, these schoolchildren—has been disregarded in the scheming of the Federal bureaucracy.

We face an uncertain future. We stand on this brink of confusion, chaos, and crisis—more uncertain now than ever as to what tomorrow will bring.

THE HUMAN INVESTMENT ACT OF 1969

Mr. TOWER. Mr. President, one of the most potentially beneficial proposals to come before the Senate in recent years has been the Human Investment Act introduced by the distinguished Senator from Vermont (Mr. PROUTY). I am honored to again associate myself with the Senator as a cosponsor of this legislation. Senator PROUTY has worked long and hard on this proposal and I commend him for his efforts in this regard.

Inadequate job training in this fast-moving society is at the root of many of our most pressing social problems, and an efficient job-training program would contribute greatly toward an eventual solution. The Human Investment Act of 1969 provides a two-tier tax credit allowable for certain training expenses incurred by private firms. I find this to be a very reasonable and logical approach to the problem. Underlying the Human Investment Act is the premise that business and labor are, by experience, best suited for efficient job training, and that incentives in the form of tax credits would be most effective in utilizing this skill for the solution of job training problems.

I feel that there is a very critical need for this legislation, and I am hopeful that the Senate will have a chance to consider it very soon.

SAVE THE BIG THICKET

Mr. YARBOROUGH. Mr. President, conservationists are slowly but surely losing their struggle to preserve their natural resources. Jeanette Hunt, in her review of the book "America the Raped," written by Gene Morine, which appears in the July issue of Texas Parks & Wildlife, points out that this defeat "comes not from one huge bomb but through the taking of little chunks of our wildlands."

In October 1966, I first introduced a bill to create a Big Thicket National Park in southeast Texas. I have introduced a similar bill in each Congress since then. In my current bill, S. 4, I ask that at least 100,000 acres be set aside as a Big Thicket National Park. The Big Thicket has already been reduced from its original size of 3.5 million acres to about 300,000 acres. It is continuing to disappear at a rate of more than 50 acres per day.

While we must have our highways, our airports, our levees, and our dams, we must also have our parks, our wilderness, and our wild rivers. We must act soon if we are to save the Big Thicket.

Mr. President, I ask unanimous consent that Jean Hunt's review of the book "America the Raped" be printed in the RECORD.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

REVIEW OF "AMERICA THE RAPED"

(By Jeanette Hunt)

("America the Raped" by Gene Marine, Simon and Schuster, New York, N.Y., 1969; 312 pages, $5.95.)

Some newspaper journalists have a reputation for being notoriously bad writers. But, veteran reporter Gene Marine has taken full advantage of his news experience to produce a poignant and well-documented volume on the ecological framework of our country and its destruction.

Marine is not shy about naming would-be destroyers of the American outdoors, but he also takes evident pains to verify his information (as all good reporters do).

The general object of his contempt are the Engineers of this world—spelled with a capital E. "They build bridges and dams and highways and causeways and flood-control projects. They *manage* things," he says. "They commit rape with bulldozers."

The author seems to well-understand what he calls the "engineering mentality"—which, incidentally, does not necessarily apply to Engineers. He gives a convincing argument as to why interested Americans are losing the conservation struggle. The defeat comes not from one huge bomb but through the taking of little chunks of our wildlands. And after all, he asks, "Of what value is the salt marsh?"

Almost too soon for anyone else to answer, "The Engineers know: build a dam, build a levee, build a wall, dredge, fill, *change*. The marsh grass will die, the phytoplankton will die, the algae will die—and thus the shrimp and the bass will die, but the Engineers don't care. What good is a salt marsh? Who needs a swamp?" The thing that the Engineers forget, as do even conservationists the author insists, is that nothing can be taken separately. All of ecology is interrelated; the end of a tiny organism can mean the destruction of another animal species or the ruin of a river.

Giving a well-rounded overview of the many places where conservationist tactics and anti-Engineering tactics are needed, the author delves into the subjects of water pollution, air pollution, land preservation, sea pollution, and the subject of national parks and wildlife sanctuaries.

Being neither a wilderness fanatic who would leave the parks completely wild and close them to children, old people, and anyone else who cannot stand up on a 50-mile hike, nor a cream-puff city tourist who would enclose the parks and air-condition them, he has a refreshing viewpoint. It seems both of these views are often exaggerated. It is possible to leave natural places wild, scenic, and safe for wildlife, while still making other places enjoyable for those who prefer to do their nature exploring within 50 feet of their car.

America the Raped contains too much to be related in a single review. For the reader, it is amusing, informative, and sometimes maddening. It is, however, a definite slap to those who would "improve" on our continent until there is nothing left but concrete.

THE PRAYER BREAKFAST FOR CHIEF JUSTICE BURGER

Mr. JORDAN of North Carolina. Mr. President, last Tuesday morning a group of Cabinet officers, U.S. Supreme Court Justices, and other judges, diplomats, Senators and House Members met in the Vandenberg Room for a special Prayer Breakfast arranged by the International Christian Leadership.

Their purpose was to honor and ask divine guidance for incoming Chief Justice Warren Burger who assumes office this fall.

One of the day's speakers was former Associate Justice Tom Clark, who had taken part in similar prayer sessions twice before over a span of nearly 25 years—first for Chief Justice Vinson and more recently for Chief Justice Warren.

I do not know what he said on the first two occasions, but I found his remarks Tuesday so inspirational and moving that I wanted to share them with Members of Congress who were not present, and to make them available for others to read and ponder.

I find it significant and heartening that Chief Justice Burger, as he faces his new duties, would want to join in such a recognition of the part a Supreme Being plays in our lives, and I hope it is an example the country will note and follow.

To commemorate that special occasion, I ask unanimous consent that Justice Clark's remarks delivered to the Prayer Breakfast be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF MR. JUSTICE CLARK AT PRAYER BREAKFAST

It is fitting that we—representatives of the Executive Department, the Congress and the Courts—meet here once again at conference and prayer. Religion has been closely associated with our history and our Government. Let me, therefore, welcome each one of you here—and especially Chief Justice Burger who is the honoree this morning.

It has been my good fortune to attend these prayer breakfasts—*off* and on—for a quarter of a century. Indeed, in 1946 I was here in this same historic Vandenberg Room to honor Chief Justice Vinson and in 1953 again to pray with Chief Justice Warren. And now I have the distinct privilege of coming the third time to join an incoming Chief Justice, The Honorable Warren Burger.

Man—in history—has always been linked inseparably with God. In fact, since the beginnings of history millions of people have believed as did Alfred Tennyson that "more things are wrought by prayer than this world dreams of." Americans are basically a religious people; our institutions presuppose a Supreme Being. The writings of the Founding Fathers from the Mayflower Compact, to the Declaration of Independence and on to the Bill of Rights of our Constitution, clearly reveal that they devoutly believed that there is a God and that man's unalienable rights are rooted in Him. In our public life today there is much evidence that this background continues to be uppermost in our being. In our oaths of office from Constable to President we carry the final supplication "So help me God" and in our legislative halls we have Chaplains who open each session with prayer.

As James Madison so well expressed it almost two centuries ago, "our national life reflects a religious people who are earnestly praying, as in duty bound, that the Supreme Law Giver of the Universe guide them in every measure which may be worthy of His blessing."

These are perilous times in which we live. But no more so than during Abraham Lincoln's days. Listen to what he told his fellow Americans over a century ago as war broke out among themselves: "Intelligence, patriotism, Christianity and a firm reliance on Him who has never forsaken this favored land are still competent to adjust in the best way all our present difficulty." And, he added, "I know there is a God . . . If He has a place and work for me, and I think He has, I believe I am ready. I am *nothing* but *truth* is everything. I know I am right because I know that liberty is right for Christ teaches it and Christ is God." In those dark days God gave us great leaders and He has given us great leaders today. You are, Mr. Chief Justice, such a leader—the head of our judiciary, the Third Branch of our Government. You recognize as did the first Chief Justice of the United States, John Jay, that "God governs the world and we have only to do our duty wisely and leave the issue to Him."

And so, this morning, Mr. Chief Justice, we pay you our high respects and deserved tribute. Though your responsibilities are grave, we know that you will fulfill them with distinction and honor. May God bless you in the understaking; our prayers will be with you always.

UNIQUE LAW OFFICE ESTABLISHED IN BALTIMORE

Mr. TYDINGS. Mr. President, too often in our history the poor have been unable to find and finance legal talent to press for redress of their legitimate grievances. This inability has denied legal recourse to those most in need of it. As the president of the American Bar Association, William T. Gossett, told the District of Columbia Bar Association last February:

> It is time for us as a people to recognize the sad fact that our whole system of law could be fairer and more equitable for the millions of Americans who have in fact been denied the most basic constitutional protections. For if we do not understand not only the deprivation of the dispossessed but the way in which the law affects them in their daily lives, we will never understand the roots of the disrespect for law and order that now threatens us; and if we do not understand it, we will not master it. * * * I believe deeply that it is far better to press a grievance through the courts than through the streets.

Fortunately, in recent years legal services have become more available to the poor. The lawyers providing these services make a vital contribution to the well-being of this country, for they provide a legitimate means through which the grievances of the poor may receive proper consideration.

To date, the expansion in such services has been largely a product of Government initiative, principally the OEO legal services program. Although these programs have had a great deal of success, they have been inadequate to meet the vast needs. Much more could be done if the practicing bar were to become more involved in providing the poor with legal assistance. I am very proud to say that a Maryland law firm, Piper and Marbury, has taken the lead in providing such assistance.

Next fall, Piper and Marbury, a large, prestigious law firm, having a long roster of corporate clients, will open a branch office in the inner city of Baltimore that will make available a wide range of legal services to persons and community groups now unable to afford even minimal legal assistance. The branch office will have a full time staff consisting initially of Peter S. Smith, Esquire, an attorney with significant experience in neighborhood legal services, and a recent law school graduate, Edwin Villmoare. In addition, it will draw upon the 43 partners and associates of the main office for assistance in the numerous specialties of the law in which they have become expert.

The Piper and Marbury branch office is the first of its kind. It represents a unique commitment to the ideal of equal justice under law. One of the firm's partners has quite correctly stated that the legal profession has an "ethical obligation" to provide legal services to those unable to afford a lawyer's aid. I agree, and hope that others will follow their lead.

The Piper and Marbury program received wide commentary in the press. I ask that those articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Mar. 22, 1969]

POOR TO GET LEGAL HELP—LAW FIRM PLANS INNER-CITY OFFICE, FREE SERVICE

One of Maryland's largest law firms is planning to open a branch office in the inner city next fall to provide free legal services for the poor.

The firm, Piper & Marbury, hopes its tradition-breaking move will encourage other large law firms to involve themselves in urban problems, although the project could draw fire from conservative members of the Baltimore Bar Association.

Partners at Piper & Marbury expect the inner-city branch to offer a wide range of legal services to persons and community groups too poor to afford them.

TYPES OF SERVICES

The services could include, for example, aid to a church group wanting to set up a non-profit housing corporation or a good co-operative, handling welfare and tenant lawsuits, aid to ghetto residents interested in setting up their own businesses and personal legal services.

The office is also expected to emphasize test-case lawsuits, when possible, to seek precedent-setting solutions to widespread problems.

The firm has hired a senior lawyer with the Neighborhood Legal Services Project in Washington and a law school student who will graduate this spring to staff the office. The costs—informally estimated at $50,000 or $60,000 a year by other Baltimore lawyers—will be borne by Piper & Marbury.

SPECIALIZED ASSISTANCE

The office will also draw upon the 43 partners and associates of the main Piper & Marbury office for specialized assistance, according to E. Clinton Bamberger, a partner who helped work out the program.

"We believe that we have to get down out of the top of a bank building and into the city," Mr. Bamberger said. "Ethically, we should be concerned about providing, assuring legal services to all the people."

For two years, 1965–1966, Mr. Bamberger directed federally financed anti-poverty projects providing free legal services in non-criminal cases.

DEVELOPED FROM A SPEECH

He said the Piper & Marbury project grew out of a speech last year by Justice William J. Brennan, Jr., of the Supreme Court, and has been under serious discussion since August.

Added impetus for the project was understood to have come from young lawyers within the firm who are interested in urban problems.

Traditionally, lawyers have represented the indigent in criminal cases when ordered to do so and paid by the courts. Many lawyers have volunteered their services to the poor in non-criminal cases through church and welfare agencies.

A NEW DEPARTURE

But the Piper & Marbury project departs sharply in that its inner-city office will be a full-fledged, although specialized, office of the firm. The clients there will be regarded as regular clients.

In New York and Philadelphia, several law firms have joined together to operate a separate office providing legal services for the poor, but Piper & Marbury is believed to be the first firm to involve itself alone in such a project.

No location for the office has been selected yet, although it could be set up outside the East and West Baltimore neighborhoods now served by the Legal Aid Bureau, which is financed by United Fund and anti-poverty grants.

[From the Washington Star, Mar. 30, 1969]

Smith To Head Law Firm's Ghetto Aid

Peter S. Smith, a Neighborhood Legal Services program attorney, has been hired by a prestigious Baltimore law firm for a pioneer effort in private legal aid for the poor.

He will head a branch that the firm, Piper and Marbury, is setting up in a Baltimore ghetto, where two attorneys will work full-time on cases of poor clients.

Smith has been in the law reform unit of the government-funded Neighborhood Legal Services program and has been particularly active in welfare reform.

Frank T. Gray, a partner in Piper and Marbury, said the law firm—Baltimore's largest—has moved into the poverty aid field because of "an obligation" to the legal profession.

"The profession as a whole has this obligation and when our practice is so arranged that our normal specialties cut us off from an area where many people in the community are, we have an obligation to see that the vacuum is filled," he said.

The firm is keeping open the question of whether to charge a fee, Gray said. It might be appropriate in some cases, he said, if the client could afford it, but he added, the object is to provide legal service for poor people who can't afford to pay under present circumstances.

Test cases are anticipated.

E. Clinton Bamberger, first director of the Legal Services Program in the Office of Economic Opportunity, the federal antipoverty agency, is a partner in Piper and Marbury and helped create the project. Bamberger has just been named dean of the Catholic University Law School.

[From the Washington (D.C.) Post, Mar. 20, 1969]

Pioneer Venture in Legal Practices: Elite Law Firm Opens Free Office in Ghetto

(By Thomas W. Lippman)

A prestigious Baltimore law firm, embarking on a pioneering venture in legal practice, will open a branch office in the Baltimore ghetto and staff it with full-time lawyers who will provide free legal service to the poor.

The firm is Piper & Marbury, one of the largest in Maryland, with a roster of influential clients.

All expenses of the program, including the salaries of the lawyers and the costs of litigation, will be borne by the firm.

Piper & Marbury's move represents a sharp departure from the traditions of law firm practice in this country. In general, large firms cater to commercial clients and affluent individuals, work only for those who can afford to pay them, and take indigent cases only when ordered to by the courts.

Legal services in non-criminal matters have been made increasingly available to the poor in recent years, but only in government-financed programs that can be shut off by Congress at any time. The first national director of those government programs, E. Clinton Bamberger, now is a partner in Piper & Marbury where he helped create the new project.

Frank T. Gray, another partner, said yesterday that the firm's decision was motivated by "concern about the responsibility of our profession to take some kind of affirmative action in poverty areas. Our profession has an ethical obligation to provide its services on an across-the-board basis, and we haven't been doing that."

Some private attorneys take non-paying cases in their spare time, he said, but Piper & Marbury has found that its 42 attorneys have enough to do in their regular business.

So the partners decided, he said, to hire at least two additional lawyers, assign them to the branch office, and leave them free of work brought to the firm by its paying clients.

The offices, he said, "won't be cut off from each other," and the full resources of the firm will be as much available to the branch office as they are to other staff members. Lawyers in the branch office, he said, will probably not take criminal cases because legal council for criminal defendants is already widely available.

Peter S. Smith, an attorney with the Neighborhood Legal Services Project in Washington, has been hired to direct the new program. No site for the branch office has been selected, Gray said, but it is expected to be open by September.

[From the Time Magazine]

Lawyers: Ardent Courtships

As a Rhodes scholar, a graduate of Yale Law School ('68) and a Negro, Attorney Stanley Sanders is a prime target for recruiters from the nation's most eminent law firms. No fewer than four of them have been courting him for months, and none more assiduously than Wyman-Kuchel, the California firm of former Republican Senator Thomas Kuchel. Last week Senior Partner Eugene Wyman himself squired Sanders to lunch at The Bistro, a modish Beverly Hills restaurant. They had hardly looked at the menu when some of Wyman-Kuchel's more or less celebrated clients just happened to stop by the table for a drink. Before finishing a main course of broiled breaded crab legs, Sanders had a chance to chat with Comedian Milton Berle, as well as Actresses Jill St. John and Janet Leigh.

Wyman's firm, which needs 15 new lawyers this year, is finding men of Sanders' caliber increasingly difficult to hire. So are many other large, well-established firms. Money is not the problem. Like many of his contemporaries, Sanders is more interested in *pro bono publico* service; in his case, that means working full-time for a Ford Foundation project that brings lawyers' services to the poor in the Watts ghetto.

Generous Offers. Firms in New York are paying their new attorneys as much as $15,000 to start, and the rate in other cities is not far below. But growing numbers of the nation's brightest law students are ignoring such generous offers and instead are choosing to teach, clerk for a judge, take a fellowship for further study, or work in a poverty program. Some are drawn to such work because it offers a better chance of escaping the draft. But many are motivated by a genuine desire to help others. The fact that increasing numbers of senior partners are inclined to look on a year-long clerkship or work in a poverty program as excellent training is further encouragement to men who want to wait a while before deciding where to settle down.

None of the nine graduating officers of the *Michigan Law Review*, who are among the top students in their class, plan to plunge directly into practice next year. Only three of the 34 senior members of the *Harvard Law Review* are starting work with law firms. Of the rest, 19 have accepted clerkships, which are easier to find this year because each federal judge is now allowed two clerks instead of one. At Yale, six of the 36 graduating members of the *Law Journal* hope to get a Ford Foundation grant to study a wide-open field: the legal problems of environmental pollution.

To those law firms accustomed to having their pick of the graduating elite the shortage of new recruits is a very serious concern, to say nothing of a blow to their pride. A large firm in Manhattan reports that only one-third of the students to whom it offered jobs in the past two years ultimately accepted them (*v.* about one-half in previous years). Wyman-Kuchel has found that many A students do not even bother to show up for campus interviews any more. Says Wyman: "Sometimes our recruiters come back and say, 'We didn't even see the top men because they weren't interested.' "

Raising Hell. To revive interest, some firms have been forced to provide more outlets for the idealism of the young. Davis, Polk & Wardwell, as well as other well-established Manhattan firms, cooperate in programs whereby their junior staff members work one night a week at Legal Aid Society offices in ghetto neighborhods. The young lawyers are allowed to take the firm's time during the day to handle the cases of the poor who seek their services at night. Going one step farther, a Baltimore firm—Piper & Marbury—plans to open its own office in the city's ghetto next autumn.

Ghetto projects are not universally popular with senior partners. "A few of the lawyers fritter their time away on something that makes no sense," complains Hammond Chaffetz, a partner in a big Chicago firm. "They get into some hair-raising projects, some way-out kind of thing, just to raise hell." As long as the best students continue to go elsewhere in their first years out of school, however, firms like Chaffetz's will have to offer opportunities for rewarding social service. For just that reason, Wyman-Kuchel not only treated Stan Sanders to some Hollywood glamour and an expensive meal last week but also offered to open an office in Watts that would enable him to provide free legal services to the poor. The pitch proved persuasive. A little more than an hour after leaving The Bistro, Sanders gave in and agreed to go to work for the firm.

[From the News American, May 1, 1969]

Big Law Firm Opens Office in Ghetto

Attorney Peter S. Smith, a Bowdoin College graduate, today is assuming his new duties as director of a branch office being established in the Baltimore ghetto by the prestigious law firm of Piper & Marbury as a pioneering project in private legal aid for the poor.

The law firm is the largest in Baltimore, with more than 40 attorneys and a long roster of influential clients, Its current move has been described as a sharp departure from traditions of law practice, in which large firms usually cater to commercial clients and affluent individuals and take cases of the poor only when asked by courts.

Frank T. Gray, a partner in the firm, said it is moving into the poverty aid field because of "an ethical obligation" of the legal profession.

'When our practice is so arranged that our normal specialties cut us off from an area where many people of the community are, we have an obligation to see that the vacuum is filled," Mr. Gray said.

[From the Bar Journal, July 1969]

PIPER AND MARBURY BRANCH OFFICE

Earlier this year the Baltimore law firm of Piper & Marbury made a decision to expand its practice into an area now virtually untouched by private law firms. Within the next several months the firm will open a branch office in a low-income neighborhood in Baltimore in order to provide legal services to the poor. Although many details have to be worked out during the summer months, Piper & Marbury has decided to make the work of this office an integral and permanent part of the work of the firm. Thus the resources of the firm will be as much available to attorneys handling work in the branch office as they are available to all other members of the firm.

"OUR ETHICAL OBLIGATION"

In making this decision, members of the firm were motivated primarily by concern about the responsibility of the legal profession to take a much more active interest in the legal problems of the poor. According to Frank T. Gray, one of the firm's partners, "our profession has an ethical obligation to provide its services on an across-the-board basis, and we haven't been doing that."

The branch office will initially be staffed by two attorneys, both of whom will be regular associates of Piper & Marbury. It is contemplated that, after a period of service in the branch office, these attorneys will move to other departments within the firm and other associates will assume primary responsibility for the poverty work. In addition, members of the firm not in the branch office will give assistance, particularly in their areas of specialty, on a part-time basis.

BELIEVED TO BE UNIQUE

The branch office will be staffed in its initial years by two attorneys, Peter Smith and Edwin Villmoare. Mr. Smith was an attorney in the United States Department of Justice for three years and, for the past two years, has been employed by the Neighborhood Legal Services Program in the District of Columbia. Mr. Villmoare is a 1969 graduate of the University of Virginia Law School.

Although there have been isolated instances of law firms loaning their associates for short or irregular periods of time to legal aid agencies, the Piper & Marbury proposal is believed to be the first substantial, direct and permanent effort by a law firm to make the services available to the poor.

SHORTSIGHTED SKIMPING ON SCHOOLS; THE WASHINGTON POST STATES THE CASE

Mr. YARBOROUGH. Mr. President, it may well be in this session of Congress that we will find out how America is going to cope with its future.

Our education system today is confronted by an increasing school-age population, by a rapid upsurge in information and knowledge in all branches of learning, by social unrest most often described as a "generation gap," by declining reflection of wealth in the property tax, by inner cities, and rural communities with insufficient tax base to support high quality education.

Go into any community today and point to the changes in teaching techniques and technology and then tell the local parents how much would be needed through a bond issue or an increase in property taxes or sales taxes or income taxes to pay the cost of better facilities, equipment, and teachers. The response has been evident in the rejection of tax increases and school bond issues across the country. This is not due to a lack of support for the principle of better education. It is due to the limited financial resources that State and local Governments can use to support education.

So the task falls to the Federal Government to supply the additional money needed for education at all levels. Congress has measured the need for Federal support through a series of laws. In total, they call for a Federal expenditure in fiscal year 1970 of nearly $9 billion for support of education.

That is our measure of the national need.

Yet the budget now before us proposes that we actually spend only $3.2 billion. It proposes that we meet only 35 percent of the need.

It is upon the assumption of a well educated citizenry that rest our national hopes of scientific leadership and military security, and our personal hopes of economic comfort, personal opportunity, and achievement. We will not realize either our national or our personal hopes with the token Federal outlay for education carried in the budget now before Congress.

The Washington Post of Tuesday, July 29, 1969, editorializes on the same subject. The editorial is entitled "Skimping on Schools." It expresses a view with which I am in complete accord in calling for significant increases in the appropriation for education beyond that requested by the administraton.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SKIMPING ON SCHOOLS

There is a gap of approximately $5 billion—actually a little more than that—between authorizations and appropriations for Federal aid to education. This means, to put it in simple, realistic terms, that the United States has promised its children and youth about $5 billion in help on which the Nixon Administration now proposes to welsh. And people still wonder why there is a generation gap.

An effort will be made today and tomorrow in the House of Representatives to make good on a fraction of this promise. A coalition of Congressmen who recognize the desperate need to bolster the public schools and colleges of the country have joined hands in support of a package program which would add nearly $900 million to the budget for school and college aid. The Office of Education appropriation bill approved by the House Appropriations Committee calls for $123 million more than the Nixon Administration requested in this area; but this meager largess, while heartening as an earnest of congressional awareness of educational needs, would still mean an arbitrary elimination of a number of vital programs and a crippling curtailment of many others.

Behind the coalition in Congress is the backing of almost every major educational oganization in the United States. There are special interest groups of a peculiarly beneficent charcter, genuinely seeking to promote not their own economic interests but the general welfare. It is a misfortune, in our judgment, that the lion's share of the $900 million increase they seek would be devoted to the impacted area program—a now outmoded form of special help for school districts overcrowded as a consequence of Federal installations and enterprises. But help in this form is far better than no help at all; and the coalition is wisely committed to this as part of its package, since impacted area aid has broad support in Congress.

The package would provide funds, in addition, for school libraries, for equipment, for guidance and counseling programs of the utmost importance in these uneasy times, for vocational education needed to prepare young people for jobs in a highly industrialized economy, for construction grants to colleges and for National Defense Education Act student loans. In the light of soaring interest rates, more funds for direct government loans are essential to enable students to obtain financing for their higher education costs.

Every economical American ought to hope that Congress will approve these proposed increases in aid to education. There is nothing in the least spendthrift about them. They would do no more than meet the fundamental obligation of a civilized society to its younger generation. "When I look at American education," President Nixon said when he was campaigning for the Presidency, "I do not see schools, but children, and young men and women—young Americans who deserve the chance to make a life for themselves and ensure the progress of their country. If we fail in this, no success we have is worth the keeping." We are on the brink of failure as the price of parsimony. Generosity affords the only hope for redemption.

ROBERT G. McCLOSKEY

Mr. ERVIN. Mr. President, I have learned with sadness of the death Monday of Robert G. McCloskey of Arlington, Mass. Dr. McCloskey was a professor of history at Harvard University and a leading authority on the Supreme Court and the history of American constitutional law. He authored a number of perceptive books on the Supreme Court and on American political thought. His contributions enriched our knowledge of American Government and he deserves particular recognition and tribute.

I first met Professor McCloskey when he accepted a position as consultant to the Subcommittee on Separation of Powers a few years ago. He brought to the subcommittee's work, and especially to its inquiries into the modern role of the Supreme Court, an insight and a wisdom which added immeasurably to the subcommittee's studies. He had a breadth of perspective toward constitutional law which we lawyers all too often lack.

While in the short time he served the subcommittee I was not able to know him well as a person, it was obvious that Professor McCloskey was a warm, gentle, and good person. His premature death is a deep loss, I know, to his family, friends, and associates. It is also a loss to those of us who never had the opportunity to know him as well as we should.

On behalf of the subcommittee members and its staff, I express our condolences to Mrs. McCloskey and to the rest of his family.

CALIFORNIA COMMISSION ON AGING

Mr. MURPHY. Mr. President, we in California believe we have the outstanding commission on aging that exists in the Nation. The success of the program is in no small part due to the dynamic voluntary leadership of its chairman, Mrs. A. M. G. "Bonny" Russell who, incidentally, has served three different State administrations, Republican and Democrat alike.

Because she is a strong advocate for programs to make the years of our senior citizens more productive and fulfilling, her leadership and stature in the field of aging have been well recognized not only by the professionals working in this area but more importantly by the many senior citizens who benefit from her untiring efforts.

Only recently, I wrote President Nixon and Secretary Finch urging that she be renamed to the Administration on Aging Advisory Commission.

In addition to her professional competence, Mr. President, she is one of the most personable and pleasant persons whom I have met and I certainly look forward to working with her.

Mr. President, I ask unanimous consent that a recent press release issued by the State of California Commission on Aging, in which Governor Reagan properly calls "Bonny" Russell the "No. 1 volunteer for aging in the Nation" be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

GOVERNOR PRAISES SENIOR LEADER

Credit to Mrs. A. M. G. Russell of Atherton for the success of California's program for its Senior population was expressed today by Governor Ronald Reagan, who called her the number one volunteer for the aging in the nation.

Mrs. Russell is Chairman of the State of California Commission on Aging, a board of eight volunteers and four legislators appointed by Governor Reagan and representing medicine, social work, recreation, business, and community leadership.

She has served under three administrations, Republican Goodwin Knight, Democrat Edmund Brown, and Republican Ronald Reagan.

Governor Reagan said that Mrs. Russell's enthusiasm affects all whom she meets, and has made her nationally-known for her work in the field of aging.

Governor Reagan said the program set up during the past two years by the volunteer Commission members and administered under supervision of Executive Director Charles W. Skoien, Jr., has had heavy emphasis on stimulating localized efforts and reflects Mrs. Russell's sincere interest in promoting person-to-person relationships with the elderly.

"Health and welfare of the State's senior population certainly has been the hallmark of her service", commented Spencer Williams, who as Secretary of the State's Human Relations Agency had closely noted her accomplishments. "I hope her friendly, helpful spirit continues to all levels of those dealing with that broad family we call 'Senior Californians'."

The Governor commented:

"From almost the day she stepped out of Stanford University about 30 years ago, she has been working behind the scenes, or in the full glare of the spotlight if necessary; selling, always selling, the idea that the elderly Mother and Father of the nation should have a pleasurable retirement.

"She believes in making opportunities available to Seniors. If the community does its part by setting up the facilities, the Senior will do the rest.

"Edna Bonn Russell is by nature a dignified, reserved woman, but in her enthusiastic, sincere campaign for the elderly she has been thrust into the limelight. Her maiden name gives rise to the name, which is also a very apt descriptive term for her, 'Bonny' Russell.

"Mrs. Russell is always on the go, aspiring for the day when every county, every city, and every neighborhood in the State of California has a committee to serve the local elderly on a local basis.

"She started this campaign back in 1947 when she was a founding member of Peninsula Volunteers, Inc., a group of far-thinking San Francisco Peninsula women whose efforts led to the establishment of 'Little House' which is one of the nation's leading centers for seniors in physical facilities, programs, and counselling-and-referral services.

"Her dedicated committee work took her to the Presidency of Peninsula Volunteers. And the trail has continued upward . . . if you counted on both hands twice, you'd still not be able to list all the organizations serving Seniors of which she has been a leading member.

"Mrs. Russell was designee for California at the White House Conference on Aging in 1961; Co-chairman of the White House Regional Conference on Aging in San Francisco; President of the Western Gerontological Society; Founding President of the National Association of State Units on Aging; and delegate to the International Conferences on Gerontology at Copenhagen and Vienna.

"Yet, withal, she is a typical American housewife. Her husband is Albert M. G. Russell, banker, and they raised one daughter and two sons.

"She has an elderly mother and mother-in-law, and this helps account of her repeated counsel to social workers: The elderly are not 'cases', they are our Fathers and Mothers, and deserving of all the thought, care, and kindness possible.

"This goes back to her college days and student experience with the elderly in institutions. She has seen what a kindly word, a thoughtful deed, will do.

"There was once a woman who had lost her will to live. But, a few cheery words and Mrs. Russell's continued interest in helping her come back, saw her begin the fight that brought her out of bed and into an active life that she enjoyed for many more years.

"Mrs. Russell's volunteer services have ranged the normal gamut of an average American leader, Parent-Teachers Association, Scouts, Community Chest, and all the other groups that serve their communities.

"Yet, her first and continuing love is the elderly. She has counselled and helped the 'lost' in hospitals. She has worked with national and international leaders, and the sentiments of all towards Bonny Russell can best be expressed by the saying:

"Search and you will find that at the base and birth of every great organization was an enthusiast, consumed with earnestness of purpose, with confidence in entrusted powers, and with faith in the worthwhileness of the endeavor."

U.N. CHARTER PERMITS UNITED STATES TO RATIFY HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, one of the arguments that the American Bar Association has raised against ratifying the Human Rights Convention on Political Rights of Women is that this is a strictly domestic issue, and therefore outside the domain of the United Nations. These opponents cite article 2(7) of the United Nations Charter which states:

> Nothing in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state, or shall require the Members to submit such matters to settlement under the present Charter . . .

Mr. President, this argument misses the point completely. Nothing whatsoever in the Convention on the Political Rights of Women authorizes the United Nations to intervene in any way.

John Carey, spokesman for the Bar Association of the City of New York, flatly contradicted the position of the parent ABA:

> Some have cited Article 2(7) of the U.N. Charter, which restricts U.N. activity . . . as if a limit on the U.N.'s powers could somehow limit U.S. treatymaking powers . . . it is important to have clearly in mind that Article 2(7) is not relevant to the legality of these three Conventions under U.S. law.

Mr. Carey's statement is clearly the right position. Article 2(7) of the U.N. Charter is designed to prevent the use of U.N. police power or economic sanctions in a matter involving a member nation's domestic affairs. Nothing of that nature is involved here. In fact, the Convention on Political Rights of Women, explicitly states that any dispute between signatories over women's rights will be resolved between the parties themselves by negotiations. If the matter cannot be settled by negotiations, the parties may agree to submit the dispute to the International Court of Justice.

Article 9 of the convention reads as follows:

> Any dispute which may arise between any 2 or more Contracting States concerning the interpretation, or application of this Convention which is not settled by negotiation, shall at the request of any one of the Parties to the dispute be referred to the International Court of Justice for decision, unless they agree to another mode of settlement.

Mr. President, there is nothing in the U.N. Charter which can bar the United States from ratifying this treaty. Article 2(7) does not and cannot prohibit our Nation from joining the 63 other ratifying nations in proclaiming our belief in the basic tenet of universal political rights for women. I urge the Senate to take the necessary steps to ratify the Convention on Political Rights of Women.

PROPOSED INTERNATIONAL DRUG COMMISSION

Mr. MURPHY. Mr. President, on July 28, 1969, I introduced Senate Joint Resolution 142, which would establish an international drug commission between the United States, Mexico, and Canada.

I have just received a letter from Mr. James S. Mize advising me that the Board of Supervisors of the County of Los Angeles has endorsed the legislation.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BOARD OF SUPERVISORS,
COUNTY OF LOS ANGELES,
July 31, 1969.

Senator GEORGE MURPHY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MURPHY: At its meeting held July 29, 1969, on motion of Supervisor Warren M. Dorn, the Board of Supervisors endorsed legislation, introduced in the Senate by you, which would establish an international commission to supervise the common boundaries of the United States and Canada and Mexico in an effort to help control the illegal flow of drugs across these boundaries.

The Board further evidenced its support by instructing several County departments to take actions supporting the aims of this vital legislation.

Yours very truly,

JAMES S. MIZE.

INTERGOVERNMENTAL POWER COORDINATION AND ENVIRONMENTAL PROTECTION ACT

Mr. MUSKIE. Mr. President, on July 31, 1969, I introduced S. 2752, the Intergovernmental Power Coordination and Environmental Protection Act. The text of the bill, called for in exhibit 12, was inadvertently omitted from the RECORD on that date.

I ask unanimous consent that the text be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2752

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Intergovernmental Coordination of Power Development and Environmental Protection Act".

SEC. 2. (a) The Congress hereby finds and declares that—

(1) lack of coordination and consultation and effective procedures among the Governors of the States and Federal, regional, and State agencies discourages joint planning for the supply of electric energy and impedes efforts to promote the welfare and safety of the people of the United States;

(2) in the siting and construction of bulk power facilities, proper protection and consideration must be provided for the public interest in the prevention and the control of air and water pollution;

(3) comprehensive, multipurpose use of land and other natural resources, in accordance with public planning and with due regard for scenic, historic, and recreation values, should be required in the siting and construction of bulk power facilities;

(4) availability of an abundant and reliable supply of low-cost electricity is essential to national security, economic growth, and individual well-being;

(5) a major expansion of bulk power facilities is required to meet projected demands for electricity in the United States;

(6) large savings and enhanced reliability of service are possible through regional coordination in the use of new technology in the production and transmission of electricity;

(7) all electric utilities must have direct access to the potential benefits of such coordination on just and reasonable terms to prevent undue concentration of control of the industry to the detriment of consumers; and

(8) electric utilities are public utilities, and the interstate character of the electric utility industry, the effects on interstate commere of such industry's facilities, the vital nature of the service it provides, and the impact of such industry on national environmental assets demand Federal leadership and financial assistance through inter-governmental cooperation with appropriate regional, State, and local agencies to protect the public interest in bulk power supply.

(b) It is, therefore, the purpose of this Act to—

(1) insure maximum intergovernmental consultation, cooperation, and coordination among the States, regional organizations, and the Federal Government for the safety, health, and welfare of the people of the several States;

(2) preserve and enhance the environment by insuring that the siting and construction of bulk power facilities is consistent with local, State, regional, and national programs for the control of air and water pollution, multipurpose use of land, and conservation of other natural resources; and

(3) create procedures for more effective regional coordination of the siting and construction of bulk power facilities so as to take advantage of advanced technical developments in the production and transmission of electricity for the economic and esthetic benefit of all power users.

DEFINITIONS

SEC. 3. For the purposes of this Act, the term—

(1) "bulk power facility" means any site or facility for the generation of electric energy capable of supporting operation at a capacity (all units combined) of four hundred megawatts or more, and any right-of-way and other facility for the transmission of electric power which is capable of being operated at a nominal voltage higher than two hundred kilovolts between phase conductors for alternating current or between poles for direct current (hereafter referred to as "EHV transmission"); and

(2) "agency" means the agency of the Federal Government designated by the President to carry out the purposes of this Act.

REGIONAL DISTRICTS AND BOARDS

SEC. 4. (a) Within ninety days after designation of the agency by the President to carry out the purposes of this Act, the agency shall establish regional districts embracing areas which, in the judgment of the agency, are compatible with long-range planning for the siting and construction of bulk power facilities and which can be economically and reliably served by interconnected and coordinated bulk power supply facilities. In establishing such regional districts, the agency shall recognize and evaluate existing regional classifications under section 202 of the Federal Power Act, as well as those regional classifications established for the purposes of air pollution control, water pollution control, water and related land resources planning and development, economic development, Federal power marketing programs, urban and rural planning programs, interstate compacts and agreements where appropriate and other regional programs which, in the judgment of the agency, must be recognized and evaluated for the purposes of establishing regional districts. Before establishing any such regional district and fixing or modifying the boundaries thereof the Commission shall give notice to the Governor of each State situated wholly or in part within such district, and shall afford each such Governor reasonable opportunity to present his views and recommendations, and shall receive and evaluate such views and recommendations.

(b) (1) For the purposes of this Act, there shall be established in any district designated pursuant to subsection (a) of this section a regional board composed of a representative of the Governor of each State within such district. Within ninety days after notification by the agency of designation of any regional district of the Governor of any State which is a part of such district shall designate a representative to serve at the pleasure of said Governor. The chairman of such board shall be elected by the members.

(2) No such representative shall be appointed who shall be an officer, employee, director, or stockholder of any public, private, or cooperative electric utility. During his term of office no representative shall engage in any business transaction with any electric utility which shall benefit or otherwise profit such representative other than such benefits as may be normally available to a retail consumer of electric service.

(3) For the purposes of carrying out the functions authorized by this Act, each regional board shall employ such staff as may be necessary and prepare a budget for operations which budget shall be transmitted to the agency for review and approval. Any funds required by the agency for the activities of regional boards shall be submitted to the Congress as a part of the agency appropriation request.

(c) Each regional board shall appoint an intergovernmental advisory council for its region composed of representatives of the regional organizations, States, local governmental bodies, affected international agencies, the public, and all segments of the electric industry, including representatives of public, private, and cooperative electric utilities. Regional boards shall consult with regional advisory councils in carrying out the purposes of this Act. Regional advisory councils may make such studies or conduct such investigations as requested by the regional boards. Any studies, reports, or other information provided to the regional board by such advisory councils shall be made available to the public, and any meeting of such advisory council shall be open to the public with reasonable opportunity for presentation of views by any person interested in the purposes of this Act. The regional councils shall seek to stimulate maximum participation and presentation of views by persons having an interest in or affected by planning for the construction or modification of bulk power supply facilities, and shall forward these views to the regional board. Members of such advisory councils (except Government employees) may be compensated at rates fixed by the agency, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of employment, all members (including Government employees) may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code. Funds necessary for the operation of regional advisory councils shall be budgeted by the regional boards in accordance with section 4(b)(3) of this Act.

CRITERIA AND PROCEDURES

SEC. 5. (a) Within twelve months after the enactment of this Act, the agency shall promulgate, and distribute to the regional boards after consultation with other interested governmental agencies and utility regulatory commissions, criteria for the development of procedures for the siting and construction of bulk power facilities to assure compliance with—

(1) air and water quality standards established pursuant to applicable State or Federal law;

(2) health, welfare, and safety standards and requirements established pursuant to applicable State or Federal law, including but not limited to the Atomic Energy Act;

(3) State public utility codes;

(4) standards of adequacy and reliability of power supply as developed pursuant to section 6 of this Act;

(5) applicable regional, State, metropolitan area, and, where appropriate, local economic and land use plans, including plans for optimum and multipurpose use of rights-of-way;

(6) Federal, State, and local plans and programs for the preservation and development of recreation areas, historic and other important sites, and esthetic values;

(7) applicable Federal antitrust statutes; and

(8) such other Federal, State, and local requirements as the agency determines are necessary to carry out the purposes of this Act.

In the formulation of such criteria, the agency shall take into account the separate and coordinate roles of Federal, State, and local governmental agencies in the siting of such facilities.

(b) Within twelve months after promulgation of the criteria pursuant to subsection (a) of this section, each regional board shall prescribe, after public notice and opportunity for written and oral comment and in consultation with the advisory council for such region appointed pursuant to section 4(c), (1) procedures for the application of such criteria within the region of such board; and (2) procedures for applying for and issuing licenses pursuant to section 7(b). Such procedures shall be reviewed by the agency and if found to be consistent with the criteria, shall become the approved procedures for the region.

(c) Criteria and procedures established pursuant to this section may be modified when necessary for the purposes of this Act in the same manner in which such criteria or procedures were initially established.

RELIABILITY AND ADEQUACY STANDARDS

Sec. 6. (a) Within twelve months after notice from the regional board, the electric utilities within a designated regional district established pursuant to section 4(a) shall propose reliability and adequacy standards of regional and interregional applicability, including standards setting forth the nominal voltage ratings and other measures of the capacities of the regional or interregional EHV transmission networks. Upon receipt of such proposed reliability and adequacy standards, the regional board shall forward such standards and any dissenting views to the agency, which such agency shall cause notice of such proposed standards, and any material changes which the regional board shall propose thereto, to be promptly published in the Federal Register. The agency shall allow interested persons a reasonable time to submit to the agency written comments or objections regarding the proposed standards. In its review of the proposed standards the agency shall consider relevant the comments submitted pursuant to this section. After appropriate consultation with the State commissions and electric utilities in the region, the agency shall then determine the reasonable standards which it finds are necessary and appropriate in the interests of reliability and adequacy of regional and interregional bulk power supply. The agency shall then promulgate regulations setting forth such reasonable reliability and adequacy standards under which all bulk power suppliers within the regional district shall plan, construct, and operate bulk power supply facilities.

(b) The standards prescribed by the agency pursuant to subsection (a) of this section shall be considered as minimum standards. State agencies, as authorized by law, may prescribe more stringent standards, except that the standards prescribed for capacity ratings of the regional or interregional EHV transmission networks shall be conclusive upon all such State agencies.

FAILURE TO ACT

Sec. 7. (a) In any case in which the Governor of a State fails to appoint a representative to a regional board, the President or his designee shall appoint a representative which representative shall be a resident of that State. Such representative shall serve until a qualified successor is appointed by the Governor.

(b) In any case in which a regional board fails, within the period prescribed by subsection (b) of section 5 to promulgate procedures or propose standards required by such subsection, or wherever the agency finds that such procedures are not consistent with the criteria established under section 5(a), the agency shall notify the regional board of its findings. If the regional board fails to take such action as may be required by the agency within thirty days following such notification, the agency shall promulgate standards or procedures for the region which standards or procedures shall apply for the purposes of this Act.

APPLICATION OF CRITERIA AND STANDARDS

Sec. 8. (a) As soon as practicable, but not less than one hundred and twenty days after the agency has approved standards and procedures under section 5(b), or has promulgated regional standards and procedures under section 7(b), such standards or procedures shall be effective in such region. On and after the date on which such standards or procedures take effect, no person shall undertake to construct or modify any bulk power facility in such region without notice from such regional board to the agency that such person has obtained a certification of compliance with such standards and procedures from such regional board.

(b) Upon notification from a regional board that the construction or modification of any bulk power facility has been certified in compliance with such standards and procedures the agency shall issue a license for such construction or modification unless the agency, upon advice from other affected Federal agencies, finds that such construction or modification has not complied with approved procedures and standards, the purposes of this Act, or other Federal statutes or regulations. In any case in which the agency shall refuse, after opportunity for hearing, to issue a license no person shall undertake to construct or modify such bulk power facility until such conditions as may be required by the agency shall have been met and a license shall have been issued.

EMINENT DOMAIN

Sec. 9. Whenever an electric utility, having obtained a license pursuant to this Act, is unable to agree with the owner of property as to compensation paid for the necessary right-of-way or other property to construct, operate, and maintain extra-high-voltage facilities or a steamplant, it may acquire the same by the exercise of the power of eminent domain in the United States district court for the district in which such property may be located. In any such eminent domain proceeding the plaintiff may file with the complaint or at any time before judgement a declaration of taking in the manner and with the consequences provided by sections 258a, 258b, and 258d of title 40, United States Code, and the plaintiff shall be subject to all of the provisions of said sections which are applicable to the United States when it files a declaration of taking thereunder.

WHAT CAN AN AMERICAN SAY?

Mr. HARTKE. Mr. President, I would like to enter in the Congressional Record a disturbing article by Norman Cousins. This article in its description of opportunities for peace lost, misplaced, and abandoned by the U.S. Government brings into question the seriousness of our desire for peace.

What can an American say about such a record? Perhaps the best response is to state a series of questions suggested by this article.

First. Who made the decision to bomb Hanoi despite statements by the United States that it had no intention of bombing the cities?

Second. Did the President order and desire such a drastic escalation after having instructed Ambassador Lodge to persuade Hanoi to come to the peace table?

Third. Are the American military able to make field decisions carrying the most profound consequences for U.S. foreign policy without the explicit authority from or knowledge of the President?

Fourth. Why was President Johnson uninformed in the fall of 1964 that an opportunity for peace talks had been arranged by U Thant?

Fifth. To what extent do political factors and factions inside South Vietnam exercise a profound gravitational pull on American policy?

I ask unanimous consent to insert in the Record Norman Cousins' article which appeared in the July 26 issue of the Saturday Review.

There being no objection, the article was ordered to be printed in the Record, as follows:

VIETNAM: THE SPURNED PEACE

(By Norman Cousins)

On October 7, 1966, President Lyndon Baines Johnson emerged from a meeting at the United Nations with Secretary General U Thant. Waiting newsmen were handed a statement saying that the President had expressed his strong appreciation and gratitude to U Thant for his efforts toward improving the world's chances of peace. The President said that U Thant's services were needed "in this hour of trial."

The full story of that meeting, however, was not covered by the communiqué.

The President's visit had come at a critical time. U Thant, discouraged by his inability to bring about negotiations to end the war in Vietnam, had serious doubts about his continued usefulness as Secretary General. He had made known his intention to retire from the U.N. within a matter of months.

The President, quite literally, had gone out of his way to reassure U Thant. Accompanied by Secretary of State Dean Rusk and U.N. Ambassador Arthur Goldberg, the President called on U Thant in his office on the thirty-eighth floor. Ralph J. Bunche, U.N. Under Secretary for Special Political Affairs, joined the group at U Thant's request.

The five men sat around the large oak table in the Secretary General's conference room. The President spoke in general terms about U Thant's invaluable service to the world community and emphasized the importance of the personal role U Thant could play in helping to get the negotiations started that could help bring the war in Vietnam to an end.

U Thant asked the President why the United States had not accepted the opportunity for negotiations he had helped to bring about two years earlier. The President said he was puzzled by this response, and asked U Thant to explain.

U Thant described in detail the initiatives he had taken in the fall of 1964 to stop the fighting. He reminded the President of his visit to the White House early in August 1964. He had come away persuaded that the President's main purpose in Vietnam was to bring about a non-military end to this war under conditions of continuing stability. He had recognized that the President was looking beyond the end of the war to widespread reconstruction for the benefit of all the Vietnamese and to the development of the resources of the area, particularly in the Mekong Delta.

It was against this background that U Thant said he had sent a handwritten letter to President Ho Chi Minh of North Vietnam. The letter supported President Johnson's desire to begin meaningful negotiations as quickly as possible. It said that the only alternative to fast-mounting destruction was peace talks, that such talks would have to come sooner or later, and that the sooner they came the better it would be for all concerned. In particular, U Thant proposed immediate secret talks between Hanoi and Washington as a prelude to more formal negotiations.

Three weeks later, U Thant received a reply from Ho Chi Minh accepting the proposal to enter into secret talks.

U Thant said he had notified Adlai Stevenson, then U.S. Ambassador to the U.N. Stevenson went immediately to Washington to convey the good news to Secretary Rusk. A few weeks later, U Thant sought out Stevenson and said he was eagerly awaiting the reply from Washington to communicate to Hanoi. After all, the original impetus for the meeting had come from the President himself. Stevenson said he was certain Washington would respond before very long.

For more than four months, U Thant waited for Washington's reply. Finally, toward the end of January 1965, U Thant told Ambassador Stevenson that it was not reasonable to expect that the offer could be kept open much longer. His letter to Ho Chi Minh had been written in good faith, following his talk with Mr. Johnson. Why should there be any hesitation to proceed on a course that the President had said was essential? Stevenson went to Washington again; on his return, he reported to U Thant that the State Department was reluctant to enter into negotiations at that time because it feared the talks might result in a collapse of the South Vietnamese government.

U Thant told Ambassador Stevenson that the State Department might or might not be correct. After all, six governments had already collapsed in Saigon. No one could say whether there might not be a seventh—with or without respect to negotiations. But if the best way of ending the war was at the peace table, then it would seem axiomatic that this need should come first.

Ambassador Stevenson could only repeat that he had conveyed the position of his government as he understood it.

Several days later, the United States began systematic bombing of North Vietnam. The rationale for the bombing was that it was necessary to increase pressure on Hanoi to persuade it to come to the peace table. This concluded U Thant's recital for the President of the 1964–65 opportunity to get into talks.

President Johnson listened with visibly increasing concern to U Thant's account of the failure of the United States to take advantage of the kind of initiative he was now in 1966 strongly urging upon the Secretary General. The President said this episode was a new book to him, and that he was hearing about it for the first time.

The President turned to Dean Rusk and asked whether he had knowledge of the matter.

Secretary Rusk replied that Ambassador Stevenson had not been authorized to reject the negotiations. He did not say, however, whether Ambassador Stevenson had been authorized to accept them. Nor did he say why the State Department had not acted promptly and affirmatively when Stevenson first reported in September 1964 Hanoi's willingness to have exploratory talks.

Some time later, Secretary Rusk asserted in a separate conversation with U Thant that the United States had received word in the fall of 1964 from the Canadian representative on the International Control Commission in Vietnam to the effect that Hanoi had no interest in secret talks with the United States. This statement, however, was unsupported by the Canadians.

The terrifying question, of course, that emerges from this episode is why the President of the U.S. would not be informed by his own State Department of a development of such obvious significance for the whole of U.S. foreign policy. The bombing of North Vietnam was one of the most crucial decisions in the history of American foreign policy. That decision, the American people were given to understand, was the direct result of North Vietnamese intransigency in the matter of a non-military settlement. Many observers in this country—and throughout the world—feel the decision to start the air bombing resulted in the expansion and prolongation of the war, costing many thousands of lives—American and Vietnamese. Why had the President not been informed of an event that might have averted this terrible consequence?

What makes the matter all the more ominous is that this occasion was only one of several in which chances for peace were passed over or mismanaged. I have firsthand knowledge of two of these occasions. I shall try to describe both, mindful of the fact that my accounts may not be complete or precise in every respect, and that there may be honest differences about the relative weight or importance attached to some of the details; but I believe these accounts to be correct in their general pattern and import.

I begin with a minor episode. It was one in which I was personally involved.

On December 1, 1965, I was in Washington in connection with the White House Conference on International Cooperation Year. The President had appointed me to the chairmanship of the Committee on Culture and Intellectual Exchange. During the conference, I received a telephone call from Jack Valenti, President Johnson's assistant, asking me to come to the White House.

When I arrived, Jack asked whether I would be willing to submit some ideas for the State of the Union Message. I replied that I would be honored to do so.

Valenti then gave me a briefing on the President's ideas on major questions of domestic and foreign policy, with special reference to Vietnam. I was impressed by Valenti's careful and detailed recital of the President's position on Vietnam, which ruled out the pursuit of military victory through overwhelming force because of the increased risk of world nuclear war. He believed in the need for a negotiated peace that would provide for the future security and stability of the area. He also believed that Hanoi would be extremely reluctant to get into negotiations if it thought the United States would quit Vietnam out of sheer fatigue or indifference.

Basically, he said, President Johnson's policy in Vietnam was to fight a limited war, and to get to the negotiating table as soon as possible.

I agreed to work on a draft and to submit a text within a fortnight.

On December 13, something happened that enabled me to put to good use the information Jack Valenti had given me. Bohdan Lewandowski, Polish Ambassador to the United Nations, had dinner with me in New York. I had first met Lewandowski in connection with *Saturday Review's* project in 1958 to help thirty-five Polish women whose bodies had been mangled by Nazi medical experiments during the Second World War. *SR* brought the women to the United States for medical and surgical treatment and for hospital care. A certain degree of rapport with officials of the Polish government was established as a result of the project. Ambassador Lewandowski was one of these officials. He was a young man in his thirties who had won wide respect at the United Nations for his intelligent and diplomatic approach to complex world issues.

At dinner, Lewandowski said his government was eager to be useful in bringing about talks in Vietnam, but that some questions had been raised as to whether the United States actually wanted a negotiated peace or intended to press for a military solution.

Without identifying the source of my information, I drew heavily upon Valenti's briefing to provide substantial evidence of U.S. sincerity in seeking a negotiated peace. I emphasized that I was speaking as a private citizen.

The Ambassador said he found my recital convincing, and then added that he was sorry that the government leaders in Hanoi could not have heard it, too.

I told the Ambassador I would be most happy to go anywhere, including Hanoi, for the purpose of repeating what I had just told him if he felt it would have even the most remote usefulness.

The Ambassador replied that such an undertaking might indeed be desirable—all the more so in view of my private status. Ever since the end of the Second World War, in fact, both the United States and the Soviet Union had relied on unofficial missions to clear the way for more formal or traditional approaches.

The next day I spoke with William P. Bundy, Assistant Secretary of State for East Asian and Pacific Affairs, and told him of my conversation with Ambassador Lewandowski. He said that my description of the American position in Vietnam to Lewandowski was correct, and he encouraged me to take advantage of other similar openings to put across the idea that the United States was pursuing a policy of limited warfare in Vietnam and was genuinely eager to end the war through a political rather than a military settlement.

I feel a great temptation, from this vantage point in time, to say I was as severely critical of our government's policy on Vietnam in December 1965 as I am now. But I must be careful not to give myself the benefit of hindsight. In 1965, as now, I felt that we had become involved in Vietnam as the result of terrible and costly miscalculations, but I did not then question the genuineness of the Administration's proclaimed intention to seek a non-military solution to the war. Nor was I aware, at that time, of the extent to which the President's own policy was being bypassed or flouted by other branches of the government. But events in which I was shortly to become involved gave me a different and certainly more disturbing comprehension of the inner split in our policy on Vietnam.

On December 22, 1965, I was called out of lunch in New York to take a telephone call from the White House. Both Jack Valenti and Bill Moyers were on separate extensions. Valenti said the President wanted me to go to the Far East with Vice President Hubert Humphrey. My specific assignment would be to represent President Johnson at the presidential inauguration of Ferdinand E. Marcos of the Philippines. I would also accompany the Vice President on his trip to Japan, Korea, and Taiwan. Valenti would be part of the official party.

Then Bill Moyers said the White House wanted to encourage me to take private soundings on the trip, and to find out what I could about the readiness of Hanoi to start talks. I said I was happy to accept.

We left for the Far East on December 27. The newspapers tended to emphasize the view that the Humphrey mission was part of a sizable "peace offensive" during the Christmas holiday bombing pause.

Not much eventuated during the trip to justify my unannounced assignment. There was, however, one episode of uncertain significance. In Tokyo, I saw a member of the House of Councillors of Japan, Kanichi Nishimura, a Christian minister, who had recently returned from Cambodia and North Vietnam. In Cambodia, he had had an audience with Prince Sihanouk, who had said the only solution for the Vietnam war was a policy of complete neutrality for Cambodia, Laos, and South Vietnam, in the spirit of the Geneva Agreements of 1954.

In Hanoi, the Reverend Nishimura had seen President Ho Chi Minh and brought up his conversation with Prince Sihanouk. Ho Chi Minh then indicated that he didn't think the Prince went far enough; he believed that North Vietnam should be included in the neutralization. Mr. Nishimura asked whether this meant that the United States would be expected to withdraw all its forces from South Vietnam. Ho Chi Minh didn't seem to think this was necessary right away so long as the fixed purpose of the United States was to support the neutrality of all Vietnam, North and South.

(The Reverend Nishimura's account tallied with a conversation I had had several weeks earlier in New York with Sudhir Ghosh, a member of the Indian Parliament. Ghosh had been in Belgrade, where he had spoken to members of the Yugoslav foreign ministry who had told him substantially what I had just heard from Nishimura.)

On January 3, we returned to Washington and reported to President Johnson.

The President began by saying he hoped the Vice President had good news. The President sat upright in his rocking chair and listened carefully as the Vice President gave a sequential account of his mission. Much of the report was concerned with the reactions of Asian leaders to what the Vice President had told them about the policy and purposes of the United States in Vietnam. He had taken with him a report of 190 meetings Secretary Rusk had had with diplomats from all over the world in an effort to advance the prospects of a non-military solution to the war in Vietnam. The Vice President said he had also stressed the commitment of the United States to improving the prospects for a better life for the peoples of Asian nations.

The President said he was especially pleased that the Vice President had emphasized this point. Everyone knows about the Vietnam war, the President said; very few seem to know about the Asian Development Bank and its potentialities for rebuilding and developing large parts of Asia. Even our allies sometimes fail to appreciate the importance of the Asian Bank; when the President had spoken to Prime Minister Harold Wilson and Chancellor Ludwig Erhard a short time earlier, the first point he made was that he expected them to increase their contributions to the Asian Bank.

The Vice President reported in careful detail his own conversations with Asian leaders on the subject of the Asian Bank. He also spoke of the emphasis he gave to the importance placed by President Johnson on nonmilitary approaches to Asian problems, not just in Vietnam, but everywhere.

The President said we had to continue stressing the need for such nonmilitary approaches. He felt that these ideas had to be gotten across—especially in Vietnam.

Then the President said reports were coming from other sectors on the results of his attempt to use the bombing pause to persuade Hanoi to start peace talks. One of the difficulties we frankly had to face was that Ho Chi Minh still didn't believe we were sincere when we said we wanted to talk. North Vietnam was terribly suspicious and didn't want to commit itself until it was sure. Everything possible, said the President, should be done to convince them we meant business.

When the President asked for my impressions of the trip, I divided my report into two parts—the symbolic and the political. On the symbolic level, I said the Vice President had given considerable attention in his private and public statements to the historic importance of the emergence of the new and independent nations. This emphasis spoke to the deepest feeling of the people.

On the political level, I said, even though direct contact had not been established with representatives of North Vietnam, the fact that the Vice President was directly involved in this effort to bring about negotiations seemed to have considerable impact. I also reported on my meeting with the Reverend Nishimura.

The President then said that we should continue to do everything we could to get across the idea to Hanoi that the United States was ready to explore every opening that gave promise of a non-military end to the war.

A week later, I met with Ambassador Lewandowski who asked whether anything had happened on my trip to change my view that the United States was genuinely interested in getting to the peace table. I told him my conviction had been strengthened, if anything, as the result of the trip and the meeting with the President. The Ambassador said that this was fortuitous because he had come with good news: he had just received word that Hanoi would be happy to have me meet with a representative of the North Vietnam government for the purpose of having me, as a private citizen, bear witness to the good faith of the President in seeking negotiations. He said he was not in a position, at that moment, to specify the date and place for the meeting. This would be made known to me before too long. The Ambassador would be leaving for Warsaw shortly; his deputy would be in touch with me with further information.

After the Ambassador left, I telephoned Jack Valenti and reported this conversation; Valenti asked that I come to Washington the next day.

At the White House, Jack brought me directly to the office of McGeorge Bundy, Special Assistant to the President for National Security. Mac had been tagged in some liberal circles as a hawk on Vietnam. It didn't take me very long to recognize that the designation was inaccurate. Bundy was perhaps the leading government proponent of the "limited" approach to the war; he was the principal opponent in the White House to the view often pressed upon the President that the United States should use maximum force in Vietnam.

It quickly became apparent from Bundy's questioning that he wanted to arrive at a precise calibration of the events that led up to Hanoi's willingness to see me. Was this the result of my own initiative or of Lewandowski's? Actually, I said, it was the product of an interaction of ideas addressed to a simple question: How serious was Washington about negotiations?

Bundy said the White House would give me all the information that might be useful on my trip and asked that I notify him as soon as I had specific word from the Poles about the date and place of the meeting.

On January 27, I received a telephone call at my office from Eugene Wyzner, deputy to Ambassador Lewandowski. He asked if he could see me immediately. We met within an hour. Wyzner said that the Ambassador was now in Warsaw and had just cabled him that Hanoi was now ready to have its representative meet with me at my earliest convenience. It was left to me to select a place for the meeting from among any of the diplomatic stations that North Vietnam maintained throughout the world.

Wyzner indicated, in response to my questions, that the Polish government would be happy to facilitate arrangements if the site selected were Warsaw. I asked whether he considered the message from Hanoi as a sign that North Vietnam was ready to move toward negotiations. He said his own view was that Hanoi would not wish to see me unless there was a strong probability it was also prepared to move to more formal approaches.

When I telephoned this information to Jack Valenti, he said he would call me back shortly. Fifteen minutes later he asked that I come to Washington immediately and that I pack my bag for a trip to Warsaw.

When I arrived at the White House the next morning, I met with Valenti alone for the better part of an hour. He told me of several other recent probes indicating that Hanoi might be ready to start talking. Unfortunately, he said, as soon as Washington pursued these indications, they tended to dissolve. The result was that the White House was now very careful to avoid giving Hanoi the impression that it could vibrate the President or reduce his options. The bombing pause had now been in effect for more than a month, and it was important that Hanoi should not think it could get the United States to extend the bombing halt indefinitely just by teasing us with negotiation come-ons.

Obviously, I said, this was a matter for the government to decide. But the President himself had stressed, at the time of the Vice President's return from the Far East, the need to convince Hanoi of the genuineness of our intention to get into negotiations. Since Hanoi's willingness to see a private American seemed to be consistent with this purpose, I thought it might be useful at least to pursue the matter.

At this point Mac Bundy entered the room. He said he feared that Hanoi's response on the matter of my visit might be too little and too late. Frankly, he said, there was a strong feeling inside the government that "the string had run out," and that Hanoi should not be encouraged to believe that the United States could be manipulated into extending the bombing halt indefinitely.

Bundy was then called out of the room to see the President.

I told Valenti that it seemed apparent from this conversation that a decision had been made by Washington to resume the bombing. I also said that the President had publicly announced that he was looking for some sign, however vague or slight, that Hanoi wanted to get into negotiations. Could we say for sure that we did not now have such a sign? Admittedly, Hanoi's willingness to send a representative to listen to a private citizen was not the same as a flat declaration, through diplomatic channels, of a desire to begin negotiations. But the history of dealing with the communist nations showed that unorthodox and private approaches not infrequently opened the way to more consequential exchanges. Besides, it was difficult to ignore the Poles, who believed we now had the sign we were waiting for.

Valenti said that we had to take into account the fact that the President had just been through an episode originating in India, resulting in a prolongation of the bombing halt, only to discover that Hanoi was somewhat less ready to talk than had been indicated. The President should not be exposed to another such false start.

McGeorge Bundy returned to the room and said he wondered whether there was some way of getting me in and out of Warsaw during the next forty-eight hours.

That sounded very much as though the decision to resume the bombing by Monday had already been made, I said.

Bundy replied he was unable to give me any definite word on that, but it was a serious error to suppose the bombing halt would be continued indefinitely without respect to other major factors bearing on the course of the war. He then repeated his earlier statement that the string had just about run out. He recognized, however, that there might be some value in getting through to Hanoi the view that a resumption of bombing, if it did occur, certainly did not mean that essential U.S. policy about limited war had changed, or that we were not still interested in having serious negotiations.

I said I wasn't sure I could be very persuasive under those circumstances. How could I get Hanoi to believe that the purpose of the bombing halt was to probe for peace if the bombing were resumed just after it indicated a desire to undertake preliminary conversations?

Bundy was called out of the room again.

I again turned to Valenti and said I thought it was tragic that the President should be deprived of what might well be the success of his policy. He had ordered a pause in the bombing, hoping for a response from Hanoi. He didn't say it had to take any particular form. It could be very slight—just so long as it was a response. We now had a response. It was indirect, but how could it be spurned? How could anyone take the responsibility for saying the President's strategy had not been successful until every possibility had been checked out?

Valenti said he agreed that no opening should be ignored. Then he asked me to follow him; he took me to the conference room next to the President's office and asked me to wait for a few minutes.

I walked around the room, looking at the collection of Remington paintings depicting the opening of the West. The men in the paintings were a hard-riding, hard-fighting, hard-nosed breed; one wondered whether, during the opening of the West, they were ever torn by doubt or soul-searching. Then came the melancholy thought: Was there anything in the style or thought of a man of reason that made him incapable of the toughness required to open up a continent or save it?

My musings along these lines were interrupted by Valenti's return. He said simply that I should telephone Wyzner immediately and tell him I would be leaving that night for Warsaw, and that I would be prepared to meet with the representative from Hanoi some time tomorrow afternoon or early evening.

Then he said it was possible I might need to have a session with Secretary Rusk before I left, and that I ought to stay close to the White House until we knew whether such a meeting could be arranged.

I called my office in New York to make the airline bookings. Within a few minutes I had confirmation of my reservations to Warsaw, with a brief stopover in London. I then telephoned Mr. Wyzner and told him of my plans.

Some thirty minutes later, I was called back to Jack Valenti's office. He said that I would be meeting with Ambassador Goldberg instead of Secretary Rusk. The President had assigned Arthur Goldberg a central role in the Vietnam situation. The Ambassador was on his way to the White House and would be meeting with me shortly in the conference room.

Once again, I waited among the crisply painted Remingtons, with their dauntless riders carrying their muskets high.

I didn't have to wait long. Ambassador Goldberg arrived within perhaps fifteen minutes and asked for a full recital of the events to date. He then told me of all the other missions during the bombing pause, including his own in Europe. He said he agreed that no sign should go unexplored, but that the feeling was now very strong that it was necessary to have something far more definite than a statement of willingness to meet with a private American citizen if the halt were to be extended. Supporting that feeling, he said, was the fact that if Hanoi had been really serious about getting into talks it would have found some way of getting word to one of the President's representatives on their various missions.

It was possible, I told Ambassador Goldberg, that Hanoi was skittish about going through official channels and that what was now needed—as the President himself had recognized in his conversations with the Vice President upon our return from the Far East—was an intermediate or private effort to convince Hanoi that it was justified in taking further steps. Perhaps that was why the North Vietnamese were willing to send a representative to Warsaw to listen to an American citizen who had no reason not to report the truth as he knew it.

I admired the Ambassador's candor and forthrightness. He said he saw the merit of my argument, and that I was, of course, free to go to Warsaw, but that he did not think the exercise would be propitious or fruitful. He, personally, would hate to see me placed in an awkward and untenable situation.

This confirmed my fear that a hard decision to resume the bombing had already been made. I asked Goldberg whether he felt anything could be done to forestall resumption.

At this late date, he said, he believed that only specific word direct from Hanoi unmistakably indicating a desire to get into talks could change the present course.

There was no point in pressing the matter. I told Ambassador Goldberg that I would communicate with Wyzner immediately in order to cancel the arrangements for my meeting in Warsaw.

Wyzner was not at his office. I left an urgent message asking him to meet me on my return to New York that afternoon; I would be leaving Washington on the first available flight.

Two-and-a-half hours later, I saw Wyzner in New York. I tried to be as diplomatic as possible in telling him of Washington's feeling that in view of the fact that the bombing pause had already been extended several times, a more direct and substantial indication of Hanoi's willingness to enter into or explore negotiations was now in order.

Wyzner said he was upset and saddened by this development. Everyone knew, he said, that Hanoi felt it had been tricked before, and that it feared Washington had declared the bombing pause only because of the rising clamor of world public opinion, and that the United States was more concerned about propaganda strategy than a genuine strategy of peace.

If this was the way Hanoi felt, I said, then Poland was in a far better position than I to offer evidence to the contrary.

He said he could not speak for the Polish government; as an individual, however, he could only say that he felt Washington had underestimated the significance of the step Hanoi was taking in being willing to see me. Only someone who had firsthand knowledge of Hanoi's view of the world could appreciate how essential it was to have preliminary measures that could clear the way for larger ones.

I told Wyzner that I had the fullest awareness of the point he was making, but that we had to deal with the situation as we found it. That situation now called for a substantive indication by Hanoi of a desire to move on the official level. Whatever our private estimates or desires, it was necessary to do what we could to meet this defined need. Under the circumstances, all governments with direct access to Hanoi might be encouraged to persuade Hanoi that the bombing pause was not indefinite, and that a clear sign of a desire to talk was required.

Wyzner said he would do what he could but was still saddened and apprehensive.

Several hours later, in response to a phone call, I saw Wyzner again. He had notified Warsaw of the change in my plans and also of the present situation as he understood it. He now had word that Ho Chi Minh had drafted a letter to be sent immediately to Prime Minister Lal Bahadur Shastri of India, with copies to concerned heads of state throughout the world. This letter, if read correctly, was directly responsive to the questions I had raised earlier in the day. In fact, it was intended to respond to points made by Ambassador at Large Averell Harriman during his visit to Warsaw two weeks earlier.

Wyzner said that Adam Rapacki, the Polish Foreign Minister, would be grateful if I could convey to Washington the following message, which he asked me to take down word for word:

"Foreign Minister Adam Rapacki wishes to call attention to the letter from Ho Chi Minh appearing this morning [January 29, 1966] in *The New York Times*. He understands there may be a disposition by Washington to interpret the letter as containing nothing essentially new since it repeats a position stated previously. However, the same paragraph asking for acceptance of Hanoi's four points also contains a major phrase, which, properly read, provides the key to something essentially new in Hanoi's position. In particular, this paragraph says: 'If the U.S. government really wants a peaceful settlement, it must accept the four-point stand of the democratic Republic government of Vietnam and prove this by actual deeds.' The key words in this sentence are not the reference to the four points, but the reference to 'actual deeds.'

"What is means by 'actual deeds'? The next paragraph in the letter is vital, for it refers to the need to end the bombing. This means that a resumption of the bombing would destroy the possibility of talks, while a continuation of the suspension of the bombing will lead to talks. Herein lies the key to Ho Chi Minh's letter.

"This paragraph should be regarded as the implicit and specific indication of Hanoi's intention to begin talks. It meets the request of Ambassador Harriman in his Warsaw discussions for a genuine sign from Hanoi on the basis of which negotiations can be carried out; that is, if we understand Ambassador Harriman's request correctly. Again, most of Ho Chi Minh's letters is a repetition of Hanoi's previously stated position, but this particular passage can be interpreted as the signal from Hanoi that it wishes to begin talks.

"In our opinion, this particular paragraph offers immediate opportunities for a tangible exchange of views between the United States and North Vietnam leading to greater clarity and precision of positions. All openings should be seized at this time for such contacts, including the contact with you [N.C.]. Poland is ready to do anything that may be useful. We do not have to add that the resumption of the bombing would mean destruction of the present great opportunities, and would create a new and dangerous situation with incalculable consequences on a wide international scale.

"Today, Mr. Albert Scherer, Jr., U.S. Consul General, met with Foreign Minister Rapacki, in the absence of U.S. Ambassador Gronouski, and was presented with the Polish interpretation of Ho Chi Minh's letter."

I told Wyzner I would, of course, communicate this message to Washington exactly as it had been given to me, although I was certain the message given to Mr. Scherer had already been relayed.

I said I could speak only as a private individual, but I was deeply concerned by the use of the term "must accept" in Ho Chi Minh's letter. This could very easily be interpreted as an ultimatum. After all, the United States was not demanding that Hanoi *accept in advance* our own position. The purpose of negotiations was to arrive at agreements, not to endorse fixed positions.

Still speaking as an individual, I said it seemed reasonable to me to believe, on the basis of the message just given me, that the propitious moment had arrived for the Vietnamese representative in Warsaw to communicate directly with the American Ambassador.

Wyzner reiterated that he personally believed his own government did not feel that Hanoi wished to meet with anyone from the United States on the official level right then. He said the reasons were obvious. The visibility risk was too high. The way must be prepared for official contact. Confidence had to be established. That was why the private mission now was so urgent.

As soon as Wyzner left, I telephoned Ambassador Goldberg at his apartment in New York. He was out at the time, and I left a request that he call me. Then I telephoned Jack Valenti in Washington, who took the message down word for word and said he would bring it over immediately to the State Department. Valenti, too, reacted sharply when he came to the words "must accept."

If Hanoi holds to this position, he said, it is difficult to see how negotiations can be possible. The United States cannot be dictated to. It is prepared to examine any position, but it will not be told what it must or must not accept.

An hour later, Valenti was on the telephone again. The message from Scherer had just been received and it was identical in every respect. Our government was studying the matter, but there were serious problems, as he had anticipated in our earlier conversation.

I took this to be a reference to the use of the term "must accept."

Shortly after Valenti rang off, Wyzner was on the phone again. He said that his message calling off my meeting in Warsaw had been received, but that the North Vietnamese representative was on hand and had requested that the meeting be rescheduled.

I conveyed this message to Valenti and was told, as I anticipated, that the North Vietnamese representative should communicate directly with U.S. Ambassador John A. Gronouski.

I suggested to Valenti that I believed I should remove myself from the discussions at this point. I told him I would like to tell the Poles that it was unnecessary for me to be involved in further discussions and that the regular diplomatic channels ought to be used. I didn't want to be in a position where any failure of mine to convey precise shadows of meaning might lead to an erroneous impression. Valenti told me not to remove myself at this point, but to continue on the same basis so long as the Poles or others wished to maintain this contact.

Early the next afternoon (Sunday, January 30), Wyzner telephoned to say he had an urgent message to deliver. I suggested he come to my apartment immediately.

The message concerned the use of the words "must accept" in the letter by Ho Chi Minh to Prime Minister Shastri. Apparently, there was considerable concern in various capitals, including Warsaw, about the implications of the phrase. Clarification had now come from North Vietnam.

Wyzner said Ho Chi Minh's letter had been translated from the French. In the original, the term *doit reconnaitre* had been used. Both *doit* and *reconnaitre* have several meanings. *Doit* could mean "must." It could also mean "should" or "ought." *Reconnaitre* could mean "accept." It could also mean "recognize" or "consider."

Unfortunately, the meaning farthest removed from the original intention appeared in translation. Ho Chi Minh had intended his letter to say that the United States *ought to consider* certain positions as a basis for negotiations. There was no intention of issuing an ultimatum. It was expected that Washington would also state a position that it wished the other side to consider.

It was easy for me to see why the Poles attached so much importance to the need to correct the error. In the original translation, there were clear implications of an ultimatum; this was plainly unacceptable. In the corrected translation, there were equally clear implications of a desire to remove genuine obstacles to peaceful settlement. The fact that the correction was being called to our attention was significant in itself.

It was Sunday afternoon. Jack Valenti was out. So was McGeorge Bundy. So was Ambassador Goldberg. So was Ambassador Harriman. I left messages for all four. Late in the afternoon, I was able to reach Vice President Humphrey in West Virginia. He said he would telephone the White House to urge reconsideration.

By this time, enough had happened to indicate that the resumption of the bombing might be imminent.

Early that evening, Valenti and Bundy returned the call. I told them about the corrected translation and the importance attached to it by the Poles. They said the information would be passed along. I asked whether there was any answer I could give Wyzner. At first, I was told to say simply that I had relayed his message just as I had received it. Then I was told that Ambassador Goldberg would call me if there were any reply to give Wyzner.

The call from Ambassador Goldberg came close to midnight. He said he didn't think the additional information about the correct meaning in Ho Chi Minh's letter had changed Washington's decision to resume the bombing.

When would the bombing start, I asked.

He said the order had already gone out and that it would recommence by morning (Monday).

It was shattering news. The President had originally ordered a pause in the bombing in order to increase the chances for negotiations; he was looking for some sign, however slight, from Hanoi that it would be responsive. The President had also recognized that special measures had to be taken to convince Hanoi of our good faith. I told Goldberg I could understand the government's feeling that my own meeting with a North Vietnamese representative would not be sufficiently substantive, but the letter from Ho Chi Minh could not be regarded as lacking in weight. Late though it was, it did represent a definite sign. Moreover, of even greater significance than the original letter was the special effort to meet our entirely legitimate objection to the implications of the "must accept" terminology.

I told Ambassador Goldberg I realized I was being presumptuous, but I hoped he would communicate with the President personally in an effort to rescind the bombing order. Once the bombing started, no one knew how long it would take or how many lives would be lost before we worked our way back to the point we were at now—a point at which explorations might lead to talks.

Goldberg asked me to believe he had done everything he could do personally, but that the decision was made and was only a few hours away from being put into effect.

The next morning at 7, I turned on my radio and heard the news that the bombing had been resumed. Later in the morning, the statement was made in Washington that we had hoped for some sign or indication from Hanoi of a positive response to the halt in the bombing, but that none had been received.

Almost one year to the day later, I learned about another abortive effort to get negotiations started.

On November 14, 1966, Ambassador Henry Cabot Lodge met in Saigon with Janusz Lewandowski, no relative of Ambassador Bohdan Lewandowski. Janusz Lewandowski was the Polish representative on the International Control Commission, set up to superintend the terms of the Geneva Agreements of 1954.

Ambassador Lodge told Ambassador Lewandowski that the United States was eager to find some way of getting into negotiations and hoped that Poland might use its good offices to help persuade Ho Chi Minh of our good faith in this respect.

Later that afternoon, Lewandowski communicated with Ambassador Lodge, saying he had notified his foreign office in Warsaw of the American request and had been instructed to say that Poland would be glad to proceed, but only if the request were being made on the authority of the President of the United States.

Lodge provided that assurance.

The next afternoon, November 15, both men met at the home of the Italian Ambassador in Saigon. Ambassador Lodge presented an account of the general American position with respect to negotiations, for it was probable that Lewandowski would be asked what it was that the Americans wished to discuss.

In all, there were ten points covering the American position. The Polish Ambassador reviewed them fully, and said he was prepared to put them before Hanoi.

Lewandowski then flew to Hanoi on the ICC plane and had a series of meetings with North Vietnamese leaders who said they would entertain no suggestions with respect to talks unless the United States unconditionally stopped the bombing.

Lewandowski pointed out that the United States had offered to stop the bombing if it had any assurance that the cessation would lead to some reciprocal measure or would open the way to peace talks.

The Polish Ambassador added that he was convinced that once Ho Chi Minh agreed to hold negotiations or even exploratory talks, the United States would demonstrate its good faith by stopping the bombing.

Finally, Ho Chi Minh agreed to withdraw his demand for an unconditional halt to the bombing. He would send emissaries to meet secretly with the Americans. The need for total secrecy was stressed. Warsaw was acceptable as a site. *The United States would not be committed to halt the bombing while arrangements for the meeting were being pursued.* On the other hand, North Vietnam was given to understand that, at an appropriate point, the bombing would be discontinued.

On November 29, 1966, Lewandowski returned to Saigon and gave Ambassador Lodge the good news that his mission had been successful. Lodge thanked Lewandowski for the Polish government's intercession.

A few days later, the outskirts of Hanoi were bombed for the first time. Ho Chi Minh informed Poland that the projected talks were canceled.

Lewandowski called on Lodge and relayed the distressed feelings of the Polish government at having been witness to our good faith and at having persuaded Hanoi to withdraw its demand for an unconditional halt to the bombing, only to have the United States extend the bombing to the cities, something we had said we had no intention of doing.

Lodge expressed his understanding of the Polish position, but begged Ambassador Lewandowski to believe that the bombing of Hanoi was an error. What had happened was that the authorization for extending the bombing had been given some ten days earlier, but no one had thought to cancel the authorization in the light of the new developments. Lodge said it would be most unfortunate if such an error were allowed to destroy the opportunity to end the war through a negotiated settlement.

The message about the error was communicated to Hanoi. The talks were rescheduled for December 15. On December 13 and 14, the city of Hanoi was bombed again.

At first, the United States denied that the bombing had taken place, then attributed it to pilot error. President Johnson attempted to get the talks back on the track by declaring a 10-mile immunity zone outside the city. Ambassador Goldberg was asked by the President to persuade Poland to intercede on our behalf again. It was no use. Hanoi had made up its mind that any interest it might show in peace talks would result in an extension of the destruction.

This ended the opportunity, such as it was, to get into negotiations in November-December 1966.

Who made the decision to bomb Hanoi—despite statements by the United States that it had no intention of bombing the cities? It seems inconceivable that the President, having instructed Ambassador Lodge to work with the Poles in persuading Hanoi to come to the peace table, would have ordered a drastic escalation of the war at that particular time. The explanation offered by Ambassador Lodge would appear to be correct. Washington was not in complete control. The American military was able to make a field decision carrying the most profound consequences for U.S. foreign policy.

How did such a misuse of authority come about? The question is not too different from the question about the failure to inform President Johnson in the fall of 1964 that an opportunity for peace talks had been arranged by U Thant. Nor is it different from the numberless other questions that might be asked about the deep division inside the government on the Vietnam war and how to end it. To what extent do military decisions in the field force the hand of the President? To what extent do political factors and factions inside South Vietnam exercise a profound gravitational pull on American policy? Why was it necessary for President Johnson to feel he had to retire from the Presidency in order to create an environment for negotiations?

Ambassador Harriman has disclosed that the Paris peace talks were retarded for many weeks because of the decision of the American military to undertake action despite our assurances in Paris to the contrary. This resulted in a vast step-up of North Vietnam military activity with a consequent increase in casualties.

These facts take on a razor's edge with the publication of the article by Clark Clifford, former Secretary of Defense, in the July 1969 issue of *Foreign Affairs*. Mr. Clifford gave a stark picture of seriously misleading information and advice coming from the military. What was most disturbing was that the misinformation served as a basis for Pentagon action in the field—sometimes without benefit of White House authorization.

The inescapable question emerging from Mr. Clifford's article, of course, is what can be done to restore Constitutional controls in the formation and implementation of U.S. foreign policy?

Until the answers to this and other key questions about the Vietnam war become clear, the American people will be increasingly torn by Vietnam. These questions call for discussion and debate. More than ever, therefore, it is vital that the American people be fully informed of all factors bearing on the possible prolongation of the war.

Where to fix the responsibility? It is difficult to avoid the conclusion that groups inside the government and in South Vietnam not infrequently pressed their authority to its outermost limits, or exceeded it, in a way that forced the President's hand. Indeed, the extent to which the Presidency of the United States has become the focal point of overwhelming and often unmanageable pressures, especially in military matters, is a major problem the American people can no longer minimize or ignore.

It is difficult to see how the terrible and terrifying ordeal of Vietnam can be brought to an end unless the American people themselves are given straight answers by their government about the war—and unless the government itself is united in the determination to seek peace through negotiations.

It may be asked why I have waited until now to put down all these notes. Actually, I have referred to various parts of this account from time to time in my editorials or talks but I haven't put the story down in full and sequential form for a simple reason: I feared that the effect of anything I might write on the subject would weaken even further the chances for peace talks by reinforcing Hanoi's view that the United States did not have a consistent and unswerving policy for ending the war through a non-military settlement.

But a new Administration is now in office, with new options, new opportunities, new responsibilities. The President has the advantage of a dominant public opinion in favor of extrication. These advantages, however, can fade quickly if U.S. policy and action come off separate spools.

The strength of the foreign policy of the United States depends—as the great leaders in the nation's history have always recognized—not on force alone but on the genuineness of our purposes, on the Constitutional primacy of civilian authority over the military, on an outlook unsmudged by cynicism or callousness, on our ability to be understood and believed throughout the world, and on the pursuit of goals that have something to do with a better and safer life for the people on this earth.

HUMAN TOILETS

Mr. HARTKE. Mr. President, yesterday I introduced the Drug Abuse Education Act of 1969. This bill is a supplement to necessary medical and law-enforcement efforts to control drug abuse. It recognizes, however, that punishment by itself will never eliminate the menace of drug abuse. There is a willfulness of youth that punishment only encourages.

My bill would provide necessary educational information and techniques to teachers, parents, and law-enforcement officials to handle this problem intelligently. Education will do much to dispel the clouds of ignorance leading to drug use.

Today's Washington Post contains a story by Kirk Scharfenberg describing the sorry plight of a young man with a drug problem. As he said, "I took LSD because I was curious." In his curiosity, he has taken LSD, marihuana, hashish, amphetamines, and barbiturates. Too many of our young people are using their bodies as human toilets, destroying their minds and their bodies in ignorance. Mr. President, I ask unanimous consent that this article be inserted in the Congressional Record at this time.

There being no objection, the article was ordered to be printed in the Record, as follows:

Heir Tells of Drugs, Alienation

(By Kirk Scharfenberg)

"Right now I really don't understand my parents—the way they fight back and forth over things," a 15-year-old Montgomery County youth told a juvenile court judge yesterday. "And I don't understand other things, like myself, right now."

The blond-haired youth, heir to a Washington fortune, admitted to Judge Douglas H. Moore Jr. that since last fall he had tried LSD, marijuana, hashish, amphetamines and barbiturates.

The youth, who appeared in court, wearing a neatly tailored brown suit, was arrested in the men's room of a Bethesda gas station May 16 with one and one-half capsules of LSD.

"I took LSD," he said, "because I was curious. It was for kicks at the beginning. I hallucinated. I never had a bad trip. I sort of floated in a state of euphoria." He admitted using LSD once and marijuana twice since his arrest.

He said he began what the judge called "his serious involvement with the drug scene" after flunking out of Landon School in Bethesda and entering a county junior high school.

"I did well until the seventh grade," the boy said of Landon. "It seemed too staid to me—all boys and too competitive. My social life was pretty nil. I didn't get along well with the masters and the students. I was sort of a loner.

"I feel that from what the doctors said I should be out of the area away from my parents and friends," the boy, who has seen two psychiatrists, said. "I would like to go a private coed school." He suggested two in New England to the judge.

His mother agreed. "I firmly believe this," she told the judge. "I believe he no longer needs a boys school. I think he gets terribly depressed over the whole situation. It would be better if he wasn't in a position where—as he says—he's so uptight. A place where he feels he's in a position where he has to escape."

His father, a Kenwood resident who is divorced from the boy's mother, disagreed and argued, that his son should go to a military academy in New Jersey where he has been accepted.

"I believe in the use of the uniform," the man said. "This kid needs a firm hand put over him. I've tried but he has not had it. It may be my upbringing. I think he needs to go to a strict school, get away from this coddling. He needs to have a thumb put down on him and be responsible to discipline."

"I'm keeping my mind open though," the father added. "I'm not stubborn. It's for the betterment of the kid."

Judge Moore found the youth delinquent and placed him on probation. The judge said he had no authority to select which private school the boy should attend but agreed to make a recommendation based on an investigation by the court staff.

The youth's father said he would reserve a place in next fall's ninth grade classes at both the New Jersey military academy and a more liberal coeducational private school in Western Massachusetts.

In the meantime, the boy will join his father at a family lodge on a lake in upstate New York.

THE PESTICIDE PERIL—XL

Mr. NELSON. Mr. President, although the agricultural industry provides the largest market for pesticides, use of these dangerous pest killers is by no means confined to our farms. The home gardener, dependent on the products offered him, routinely selects from the many hazardous garden chemicals on the store shelves in order to obtain a beautiful display of flowers, shrubs, trees, and plants in his own yard.

The home gardener is confronted with an endless number of products to help him achieve the garden he wants—plant foods, multipurpose and all-purpose and special-purpose sprays, dusts, and powders, insecticides and fungicides—and he is generally at a loss to determine from the labels just what chemical compound is not just effective in killing its intended victim, but just as importantly safe to the birds and animals, including man, in the surrounding area.

In a Sunday column in the Washington Post, Irston R. Barnes said:

> Few buyers . . . appreciate the dangers to man and his environment which are inherent in the use of many pesticides. I seriously doubt that many buyers would accept DDT, other chlorinated hydrocarbons and other even more highly toxic pesticides for home and garden use, or tolerate their use commercially, if they understood (these dangers) . . .

The author cites the spread of pesticides throughout the environment, their persistence which kills fish and wildlife years after their initial application, and their inability to distingush harmful pests for beneficial creatures.

I ask unanimous consent that Mr. Barnes' article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SEARCH FOR A PESTICIDE

(By Irston R. Barnes)

Nursery, garden and seed catalogues have a year-round fascination for me, if they come from a company in which I have confidence. So when I recently received the usual summer and fall catalogues, I began considering what could still be done in neglected areas of spring planting.

My pleasure in illustrations of colorful gardens, early flowering bulbs for fall planting and perennials hardy to 20 degrees below was quickly terminated as I turned the page and found myself in the midst of pesticides. What an insidious strategy to display beautiful flowers and luscious fruits and tie their attainment to an arsenal of deadly garden chemicals!

It was a deadly array, for the environment more than for the target insects. Pesticides combined with plant foods. Multi-purpose and all purpose sprays. Rose sprays and fruit and vegetable sprays. Dusts and wettable powders. Insecticides and fungicides. Two concentrations of DDT and two of chlordane, and these ingredients and half a dozen more in various combinations.

All this recalled my own bewilderment as I have ranged through the offerings of garden centers, hardware shops and supermarkets, reading labels and searching for a safe pesticide.

Then we asked ourselves—why not Truth in Pesticides? We have truth in Packaging and Truth in Lending. Proprietary drugs must be not only safe but efficacious.

Few buyers, even with college courses in chemistry, biology and ecology, appreciate the dangers to man and his environment which are inherent in the use of many pesticides.

I seriously doubt that many buyers would accept DDT, other chlorinated hydrocarbons and other even more highly toxic pesticides for home and garden use, or tolerate their use commercially, if they understood:

That these chemicals and their derivatives spread throughout the environment, carried by wind and water, to jeopardize life around the world, even in ocean environments.

That many of these chemicals and their derivatives are persistent in the environment, killing birds and other wildlife years after use.

That the chemicals that control this season's crabgrass, when ingested by earthworms, mean death to robins and other birds.

That these pesticides are not selective, killing only target insects, but eliminate the many beneficial insects as well, causing even more serious problems as the balance of nature is upset.

That wholesale destruction of soil insects, for example, can so change soil textures that grass will not keep out invading weeds.

In more cases than not, the decision to use one of the highly toxic and persistent chemical pesticides is a decision against the larger best interests of the user.

The highly toxic and persistent chemical pesticides should certainly be banned from sale and use. No one, whatever his economic interests, should be able to contaminate the environment.

Other pesticides for home, garden or commercial use, should have, in addition to the ingredients and the usual warnings against swallowing and contact with the skin, these minimum warnings on the package and in advertising:

The necessary safeguards against the product or its derivatives getting into man's food or into wildlife food-chains.

A disclosure of the nontarget insects that may be killed, with an indication of the economic benefits of such insects.

A disclosure of environmental effects—the breakdown products and the effects on domestic and wild animals, including fish and amphibians.

And in the sale of fresh, frozen and canned fruits and vegetables and animal products, the levels of pesticides residues present for all pesticides which have not yet been clinically proven to be wholly safe for human ingestion.

FACING UP TO AMERICA'S HUNGER PROBLEM

Mr. YARBOROUGH. Mr. President, we have in this country established beyond a peradventure of doubt that hunger and malnutrition in America are realities. We have even been able to locate and target fairly well the areas and places in which hunger and malnutrition most critically thrive. Thus, having acknowledged the existence of hunger and having located it to some extent, we have been absorbed in the last few months in the perplexing task of trying to eliminate it. The Select Committee on Nutrition and Human Needs, under the leadership of the distinguished Senator from South Dakota (Mr. MCGOVERN), a committee on which I have the honor of serving, has been conducting detailed hearings on this matter. Bills have been introduced and efforts made to expand and increase the food-stamp program, efforts which I have strongly supported. Through the war on poverty, Office of Economic Opportunity, and other peripheral programs, we have tried to get to the root causes of poverty and hunger. But still the problem of hunger is there to solve.

Means of immediately eliminating hunger and malnutrition have been discussed by Ruth Logue, a Washington economist. Although I have some reservations about the approach she suggests, her comments merit consideration by us all.

Mr. President, I ask unanimous consent her article entitled "A Free Basic Diet for Every American," published in the Washington Post of July 27, 1969, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A FREE BASIC DIET FOR EVERY AMERICAN

(By Ruth Logue)

This spring, Agnes E. Meyer advocated tackling the problem of hunger and malnutrition in America directly by providing all children (not just poor ones) with a free basic diet through the school systems. Mrs. Meyer is concerned primarily to eradicate the physical and mental retardation that results from malnutrition at an early age, but she wants it done democratically—without making class distinctions.

In order to reach all children, Mrs. Meyer advocated expanding the Federal free lunch program in elementary schools downward to take in younger children in day care centers, Head Start classes and the like and upward to include children in secondary schools. I think Mrs. Meyer is on the right track in advocating distribution of food rather than money. But as she admits, institutional feeding is part of a piecemeal approach to a large and complex problem.

We have plenty of food in America; our trouble lies in failure to distribute it adequately. The existing Federal programs do not reach enough of the people who are hungry and ill-nourished. A Department of Agriculture report has estimated that, because of eligibility rules and other obstacles, the two major Federal programs to feed the hungry reach only one in five poor people.

I therefore put forward the following "free food program" for feeding the hungry as a supplement to the free school lunch and other institutional feeding programs, but as a *substitute* for the existing Federal food stamp and surplus food distribution programs. I propose that the Federal Government distribute a small number of staple foods free of charge to everyone, through grocery stores and similar retail outlets.

An essential aspect of the free food program is that the free foods be what the economist calls "inferior goods."

There is nothing intrinsically inferior about an inferior good; the term merely means something that people consume less of as their incomes rise. The classic example of an inferior good is the potato, but Prof. Donald S. Watson of George Washington University has pointed out that a Cadillac is an inferior good to a movie actor who trades up to a Rolls Royce.

In order to keep down consumption of the free foods and thus limit the cost of the program, as well as to limit competition with commercial products, the free foods must be inferior in this economic sense. Furthermore, every effort should be made to make the free foods appear as inferior as possible. The packages might be olive drab and labeled with black stenciling that says, for example, "U.S. Government Free Food—Lard."

The commodities that I propose for free distribution are bulgur wheat, nonfat dry milk, dry beans and lard.

Bulgur wheat qualifies as an "inferior" food because it is unfamiliar to most Americans. Wheat that has been parboiled, dried, husked and cracked, it has been a staple food of the Middle East for thousands of years. Only about a million pounds of bulgur are consumed annually in the United States, but in the year that ended last June 30, the U.S. Government shipped 554 million pounds of it abroad as foreign aid.

Most people prefer fresh whole milk to skim milk made from dry milk powder, and it is expected that most of those people who are not poor will continue to do so even if dry milk is free.

Beans and lard are already part of the staple diet of the poor and are generally at the bottom of the preference scale of those who are not poor.

The free foods need not be the ones suggested here. Others should be substituted for the foods on my list and not added to it, however, with the possible exception of a product rich in vitamin C. The number of free foods needs to be restricted partly to keep the cost down and simplify administration but also, and more importantly, to avoid taking up too much retail shelf space.

A RATION OF PILLS

Bulgur wheat, nonfat dry milk, dry beans and lard were chosen for my list of free foods not only because they are inferior in the economist's sense. They also are high in nutritional values, are cheap, require little home preparation, are easily shipped and stored and are already being distributed to low-income families in the United States under the Department of Agriculture's surplus food program.

These foods can provide a fairly adequate basic diet. Daily consumption of 8 ounces of dry bulgur wheat, 4 ounces of dry skim milk, 4 ounces of dry beans and 1 ounce of lard, while providing only 66 percent of the calories recommended for a young man, provides over 100 percent of the protein and well over 100 percent of several important vitamins and minerals.

The caloric insufficiency of this diet could be made up by eating more of the free foods. The nonfat dry milk or the lard could be fortified with vitamin A, but the vitamin C deficiency poses a more intractable problem. I tried, but failed, to dream up an "inferior" ascorbic acid drink that would not be likely to compete successfully with commercial products already on the market.

An alternative solution, free ascorbic acid pills, would probably prove too expensive and too wasteful because the human capacity for taking pills is much less limited physiologically than the capacity for eating food. A possible solution would be to hand or mail out packets of vitamin C tablets with welfare checks.

It is not envisioned, however, that the free foods would provide the sole diet of poor people except in emergency situations. The free food program, like the food stamp program, is predicated upon the idea that most of the poor have some income to spend on food. To the extent that the free food program provides the poor with basic staples that they would otherwise have had to buy, the free food program would enable the poor to purchase a greater variety of foods.

DISTRIBUTION CENTERS

Like the food stamp program, the free food program would not involve setting up a separate Government-operated distribution system, such as is now used for direct distribution of surplus foods.

That system is quite inconvenient for many of the needy. The distribution depots are often open only a few hours a day, and during working hours, and in some places they are open as infrequently as once or twice a month. Few in number, the depots are consequently located far from home for many recipients, who then have difficulty bringing home the quantity of bulky foods to which they are entitled.

Distribution of the free foods through retail stores would be an improvement because retail stores, partly by virtue of their greater numbers, are more conveniently located.

The basic staples that I propose for free distribution are wholesome and nutritious, a fact that gives the free food program an advantage over the food stamp program and financial grants in general. As Mrs. Meyer pointed out, the trouble with stamps and grants is that "they are lacking in any educational content, and malnutrition is largely a result of ignorance, of bad eating habits." Many users of food stamps have poor dietary habits and use the stamps for products that are nutritionally useless. I have stood in a supermarket checkout line behind a young woman who used food stamps to buy, among other things, 18 cans of Coca-Cola and a large bag of candy for her baby.

MONOTONY IS NO BAR

It may be objected that the poor will not eat the "inferior" foods that I propose for free distribution. That might well be true so long as a family has any money, but when the money runs out before payday or the next welfare check, the free foods will be consumed because they are better than nothing.

Nor are the free foods likely to be rejected by the poor because the diet is monotonous. Most people do not really object to monotony in their diet. Many Americans eat the same breakfast every day for years; Orientals eat rice every day, and it is almost impossible to get most American teen-agers to eat anything but hot dogs, hamburgers and french fries. Within limits, you like what you become accustomed to, and the proposed free foods are not half bad.

Both dry beans and bulgur wheat are quite palatable when cooked in water with a little salt and lard. The Marquesa de Merry del Val, wife of the Spanish Ambassador, has been quoted as saying that she prefers beans to caviar, and bulgur wheat is sold in the gourmet departments of local supermarkets as "wheat pilaf." People on diets get to like skim milk. Lard is not only good for use in cooking, but northern Europeans eat it plain on bread.

The proposed free food program shares with the present surplus commodity distribution program the advantage that it would be available to those with no income at all. A major drawback of the present food stamp program is that the poorest families cannot afford to buy the stamps.

ABSENCE OF STIGMA

The greatest advantage of the free food program, however, is that it would not require a means test—the food would be free to all.

A means test inevitably involves red tape. It often takes two months or longer for poor families to get the documents entitling them to buy food stamps or receive surplus commodities. The process of being certified as sufficiently and deservingly poor usually involves long periods of waiting in offices. Some people feel humiliated by being stigmatized as welfare recipients when they have to use food stamps in stores or line up at a surplus food distribution center.

A means test also has a built-in incentive to conceal increases in income or to fail to strive to raise one's income.

The free foods, on the other hand, would generally be available without waiting, every day except Sunday. Since everyone would be entitled to the foods, somewhat like Social Security, and since they would be wholesome basic staples that everyone would use on some occasion, no stigma should attach to picking them up at the store. Moreover, no one has to or would want to stay poor in order to remain entitled to the free foods.

In place of a means test to limit the cost to the community of its charity, the free food program substitutes the distribution of so-called "inferior" goods on the theory that consumption of such goods, particularly when they are foods, is self-limiting. As people become less poor, they will eat more of other things. Both their desire and their capacity to consume the free foods will diminish.

What would the free food program cost? More research would be required to estimate with a fair degree of accuracy what the program would actually cost, but in practice, some notion of the probable upper limits of the cost can be obtained in a number of ways.

Based on recent prices for each of the four commodities, the wholesale cost can be estimated at $46 per person per year and the retail cost at $91.25 per person per year. In the highly unlikely event that 10 million people (the number that former Secretary of Agriculture Orville Freeman proposed to include in an expanded food stamp program) consumed the hypothetical free food diet for 365 days a year, the wholesale cost would then be about $460 million and the retail cost about $913 million.

It is unlikely, therefore, that feeding the very poor with free food could cost any more than a billion dollars a year, and probably it would cost very much less.

How much of the free foods would the remaining 190 million people in the United States consume? One way of making such an estimate would be to base it on current retail sales of those foods. Unfortunately, the available data on U.S. domestic civilian consumption of nonfat dry milk, dry beans and lard really refer to "disappearance" into food uses and therefore include consumption in restaurants and food processing: dry beans used to make canned "pork and beans," nonfat dry milk used to make cake mixes, lard used by commercial bakeries.

But the statistics can provide an outside limit for current retail sales. Taking the Department of Agriculture estimate of the per capita domestic disappearance of these foods into food uses in 1966 (the latest published figures), deducting domestic donations, applying those figures to a population of 190 million and costing at February, 1969, wholesale prices results in the following projection of the wholesale value of commercial domestic disappearance in 1969: dry beans, $125 million; lard, $153 million, and nonfat dry milk, $240 million, for a total of $518 million.

As a wild guess, half of the dry nonfat milk, a third of the dry beans and a fourth of the lard estimated to "disappear" into food uses in 1969 would go into commercial channels and not be sold through retail stores. If the 190 million who are not poor increased their consumption of dry milk, beans and lard through retail stores by 50 per cent as a result of their becoming free goods, the estimated wholesale cost would then be about $477 million.

The Department of Agriculture does not estimate the domestic disappearance of bulgur wheat, but according to Bulgur Associates, Inc., only about a million pounds are consumed in this country annually. At a wholesale cost of 6 cents a pound, the value of domestic bulgur consumption would be about $60,000. The capacity of the U.S. milling industry to produce bulgur wheat is much greater than this, however, as attested to by the 544 million pounds shipped as foreign aid in fiscal 1968. Again guessing wildly, I estimate that domestic consumption of bulgur wheat by those who are not poor would rise to 383 million pounds annually, bringing the estimated wholesale cost of the free foods they might consume to about $500 million.

On the other hand, it is very unlikely that all of the 10 million poor would consume the hypothetical free food diet every day for 365 days a year. If consumption of bulgur wheat and dry beans is reduced by half on the assumption that most of the poor have some income to spend on food and will prefer to substitute other foods for those two commdities first, the estimated wholesale cost of the free foods going to the very poor is reduced to $367 million.

What about the cost of distributing the free foods? The most optimistic assumption is that stores could be induced to stock the free foods (and absorb the cost of retail distribution) in order to bring people into the stores, where they could be expected to buy things as well as pick up the free foods.

Desire for good will on the part of the stores and pressure from local community organizations should provide further incentives for the stores to carry the free foods. If the voluntary response was insufficient, the Government could reimburse the stores by a flat fee based on annual turnover.

I believe that the cost estimates given here err on the side of generosity and that the total retail cost of the free food program work not exceed $1 billion.

Measures to prevent diversion of the free foods into commercial channels would have to be devised, but such measures do not seem to be beyond normal human ingenuity. Diversion would be against the law, of course, and suitable penalties would be attached. Only one or two pounds of each food should be allowed each person per day. Such a provision could not be enforced literally, but it would ensure that only one package of each free food was checked out for any one person at any one time, and it would cut down on flagrant repeaters. The small packages should deter diversion to commercial uses, and the dry milk and lard could be colored a faint yellow to aid in detecting diversion.

Moreover, such an operation should lend itself, with the help of computers, to monitoring by means of statistics. If the free food program were adopted in place of the food stamp and surplus commodity distribution programs, the Department of Agriculture, which now absorbs part of the administrative cost of the programs, could easily absorb the administrative cost of the free food program.

A TRIVIAL WASTE

No doubt it seems wasteful to give away food to those who can afford to buy it, but this waste is trivial compared with the enormous waste of human resources caused by people, particularly children, being ill-nourished or going hungry.

Because the free foods would be distributed by local stores and because no means test and no money would be required, the free food program should come closer to reaching all the truly hungry than existing welfare programs and the food stamp and surplus commodity distribution programs.

The free food program would help those most helpless of all people in our society—those who cannot cope with Government forms, regulations, schedules, requirements and other varieties of red tape.

No doubt people will waste the free foods because they are free, but the possibilities for this kind of waste seem slight when compared with the waste of time, energy and money that now go into getting and giving the certification of deserving poverty required by the two Federal food programs that the free food program would replace.

The free food program is essentially a method of distribution. It would not give the poor a varied and well-balanced diet, but it would provide palatable, nourishing food that would enable the hungry to survive without serious malnutrition.

Most important, the free food program would reach almost all of the poor and hungry, which is more than can be said for the existing programs.

The ideal solution to the problems of hunger and malnutrition in America would be to enable the poor to earn adequate incomes and to educate people to spend their money on food more wisely—goals whose means are not in sight. Education is a slow, difficult and uncertain process, and exposure to good food is probably more effective in building proper dietary habits than any amount of telling people what to eat.

The free food program would make some contribution to educating people in better eating habits, because exposure develops tastes and the free foods are nutritious. But like the mass institutional feeding program advocated by Mrs. Meyer, the free food program is a second-best solution intended to bridge the gap while we work out permanent solutions to our grievous social problems of poverty and ignorance.

HOW IT FILLS A YOUNG MAN

[Selected nutrients in a hypothetical diet of free foods compared with recommended dietary allowances set forth by the National Academy of Sciences National Research Council]

Nutrient and unit	Bulgur wheat 8 ounces	Dry milk 4 ounces	Dry beans 4 ounces	Lard 1 ounce	Total	Recommended allowance for a man aged 22 to 35
Calories	802	407	386	256	1,851	2,800
Protein (gr.)	10	41	25	0	76	65
Calcium (mg.)	66	1,466	163	0	1,695	800
Phosphorus (mg.)	767	1,140	482	0	2,389	800
Iron (mg.)	8.4	.7	8.9	0	18	10
Vitamin A (I.U.)	0	33	0	0	33	5,000
Thiamin (mg.)	.63	.40	.74	0	1.77	1.40
Riboflavin (mg.)	.32	2.02	.26	0	2.60	1.70
Niacin (mg.)	10.2	1	2.7	0	13.9	18
Ascorbic acid (mg.)	0	8	0	0	8	60

HEALTH MANPOWER PROGRAMS

Mr. MUSKIE. Mr. President, on July 11, 1969, President Nixon warned the Nation of a "major crisis in health care unless something is done about it immediately."

In view of the President's statement, supported by Secretary of Health, Education, and Welfare Robert Finch and Dr. Roger O. Egeberg, the newly appointed Assistant Secretary for Health and Scientific Affairs, I am deeply concerned over the administration's proposals for funding the Health Manpower Act of 1968.

The financial condition of our medical schools and teaching hospitals is becoming more and more precarious. Greater demands are being placed on them in the face of rapidly mounting operating costs and less adequate financial resources for the maintenance of programs and the construction and renovation of facilities. It is imperative that we in the Congress concern ourselves with maintaining the present position of American medical education and our contributions to the medical sciences while simultaneously moving forward to meet the mounting demands for health services.

I shall discuss with the Senate a few of the items in the Public Health Service budget which are of utmost concern to me. I point out that there is a considerable gap between the administration's rhetoric and its proposals. This gap is especially apparent in the following table:

HEALTH MANPOWER ACT

[In millions]

	Authorized	Budget request	Difference
Operating grants	$117	$101.4	−$15.6
Construction	170	118.0	−52.0
Loans	35	16.0	−19.0
Total	322	235.4	−86.6

The central source of Federal support of the national effort to increase the existing supply of professional health manpower is the Health Manpower Act of 1968, the successor to the Health Professions Educational Assistance Acts of 1963 and 1965. Three sections of the Health Manpower Act authorize: First, matching grants for construction or rehabilitation of medical, dental, and other health profession schools; second, direct operating grants to these schools; and third, loans to the students enrolled in the schools. If we are substantially to increase the number of professional health personnel, a better balance must be struck between short-term savings and long-term need than the proposals put forth in the budget by the Nixon administration.

All health professions schools need additional financial resources. Many are in serious financial difficulty, and many are threatened with loss of full accreditation because of lack of sufficient funds to maintain the basic quality of their educational programs. Concurrent with these problems are demands on the schools to substantially increase enrollments and to become more involved in health activities of the community. Grants under the program of institution grants have assisted the health professions schools in offsetting a financial crisis of unprecedented severity. Yet President Nixon has requested only $101,400,000 for this program—a reduction of $15,600,000 from the amount authorized.

In 1964 the Congress authorized financial assistance to diploma schools of nursing. This program was designed to offset a portion of the increasing costs to diploma schools because of the enrollment of federally sponsored students. It was administered on a formula grant basis to schools applying for such assistance. Under the Health Manpower Act of 1968, the formula grant payment was terminated, but the institutional grant program was broadened to include diploma, associate and collegiate schools of nursing to assist them in meeting the costs of strengthening and expanding their training programs.

Thirty-five million dollars is authorized for this program for fiscal year 1970. However, funding for special projects grants for the improvement of nurse training and institutional grants are lumped together. The Health Manpower Act specifies that no institutional grant funds can be made available until $15 million is obligated for special project grants. Since the President's budget requests only $7 million for these two programs, funding for the institutional grants program is completely eliminated and the special projects grants are seriously curtailed.

Schools of public health prepare the majority of the graduate public health specialists for service throughout the country. They are a fundamental resource for public health consultation and research to all State and local health agencies as well as Federal agencies. Seven million dollars in institutional grants to schools of public health was authorized for fiscal year 1970. The administration has requested $4,554,000.

Mr. President, enrollments in schools of public health over the past 5 years have risen by more than 50 percent, from 1,682 to 2,637 in 1967–68, and the number of graduates has increased from 851 to more than 1,200 during the same period.

Project grants for graduate public

health training are awarded in recognition of the national need for special institutional assistance to schools of public health, nursing, engineering, medicine, dentistry, hospital administration, and others, to initiate, strengthen, and expand specialized public health courses at the graduate level. These trained individuals are essential in the development of new academic programs so essential in meeting changing social and health needs, in relating to new health technologies, and to improve utilization of scarce health manpower. The Health Manpower Act carries authorization for 1970 of $8,500,000 for special project grants. The administration has requested $4,917,000 to carry on this important program.

I point out to Senators that institutional grants to the allied health professions have been reduced by President Nixon from an authorization of $20 million to $9,750,000.

Constantly changing social needs, changing technology in the health sciences, concurrent changes in staffing requirements for the delivery of health services require continuing study of the education and training of health specialists. The Health Manpower Act provides for project developments grants in these areas and authorizes $4,500,000 in 1970. President Nixon is recommending only $1,238,000 for the program.

Mr. President, the key ingredient in delivering health services to those who need medical care is health manpower. We are all well aware that the Nation faces a severe shortage of trained personnel in the health manpower field. For instance, the dentist-to-population ratio was 1 to 1,730 in 1943; today it is 1 to 2,100. In January 1968, the physician-to-population ratio was 1.5 to 1,000.

In view of these facts, it is incomprehensible to me, and I am sure to many of my colleagues, that President Nixon proposes to reduce the nursing student loan program from an authorization of $20 million to $9,610,000. He proposes to reduce the health professions student loans from an authorization of $35 million to only $15 million.

I ask unanimous consent to have printed at this point in my remarks a table which illustrates the striking differences in Federal awards for dental student loans and scholarships from the 1969 appropriation and the 1970 budget requests.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FEDERAL AWARDS FOR DENTAL STUDENT LOANS AND SCHOLARSHIPS (FISCAL 1969-70)

Dental school	Fiscal 1969 (actual)	Fiscal 1970 (budget requested)	Difference
University of Alabama:			
Loans	$101,377	$45,024	−$56,353
Scholarships	29,500	40,000	+10,500
Total	130,877	85,024	−45,853
Loma Linda University:			
Loans	113,275	56,281	−56,994
Scholarships	31,000	40,000	+9,000
Total	144,275	96,281	−47,994
University of the Pacific:			
Loans	144,689	73,165	−71,524
Scholarships	42,000	67,600	+25,600
Total	186,689	140,765	−45,924
University of California at Los Angeles:			
Loans	143,260	78,577	−64,683
Scholarships	54,400	72,600	+18,200
Total	197,660	151,177	−46,483
University of California, San Francisco:			
Loans	138,025	64,506	−73,519
Scholarships	43,400	59,600	+16,200
Total	181,425	124,106	−57,319
University of Southern California:			
Loans	211,322	100,441	−110,881
Scholarships	67,600	88,000	+20,400
Total	278,922	188,441	−90,481
University of Connecticut:			
Loans	8,566	7,141	−1,425
Scholarships	3,600	6,600	+3,000
Total	12,166	13,741	+1,575
Georgetown University:			
Loans	192,760	90,266	−102,494
Scholarships	63,600	83,400	+19,800
Total	256,360	173,666	−82,694
Howard University:			
Loans	151,352	72,948	−78,404
Scholarships	50,000	67,400	+17,400
Total	201,352	140,348	−61,004
Emory University:			
Loans	152,305	70,351	−81,954
Scholarships	48,600	65,000	+16,400
Total	200,905	135,351	−65,554
Medical College of Georgia:			
Loans		5,194	
Scholarships		4,800	
Total		9,994	+9,994
Loyola University:			
Loans	193,236	94,812	−98,424
Scholarships	64,000	87,600	+23,600
Total	257,236	182,412	−74,824
Northwestern University:			
Loans	$148,020	$70,784	−$77,236
Scholarships	48,200	65,400	+17,200
Total	196,220	136,184	−60,036
University of Illinois:			
Loans	171,342	81,824	−89,518
Scholarships	40,000	72,150	+32,150
Total	211,342	153,974	−57,368
Indiana University:			
Loans	183,717	85,505	−98,212
Scholarships	58,200	79,000	+20,800
Total	241,917	164,505	−77,412
University of Iowa:			
Loans	110,420	49,786	−60,634
Scholarships	35,600	46,000	+10,400
Total	146,020	95,786	−50,234
University of Kentucky:			
Loans	89,001	43,508	−45,493
Scholarships	30,600	40,200	+9,600
Total	119,601	83,708	−35,893
University of Louisville:			
Loans	108,992	51,302	−57,690
Scholarships	36,000	46,050	+10,050
Total	144,992	97,352	−47,640
Louisiana State University:			
Loans	14,276	12,987	−1,289
Scholarships	6,000	12,000	+6,000
Total	20,276	24,987	+4,717
Loyola University:			
Loans	81,388	25,110	−56,278
Scholarships	22,400	23,200	+800
Total	103,788	48,310	−55,478
University of Maryland:			
Loans	188,000	91,781	−96,219
Scholarships	60,800	84,000	+23,200
Total	248,800	175,781	−73,019
Harvard University:			
Loans	27,128	13,419	−13,709
Scholarships	8,600	12,400	+3,800
Total	35,728	25,819	−9,909
Tufts University:			
Loans	195,616	91,998	−103,618
Scholarships	62,800	85,000	+22,200
Total	258,416	176,998	−81,418

FEDERAL AWARDS FOR DENTAL STUDENT LOANS AND SCHOLARSHIPS (FISCAL 1969-70)—Continued

Dental school	Fiscal 1969 (actual)	Fiscal 1970 (budget requested)	Difference
University of Detroit:			
Loans	$147,544	$71,434	$—76,110
Scholarships	48,000	64,000	+16,000
Total	195,544	135,434	—60,110
University of Michigan:			
Loans	177,529	87,668	—89,861
Scholarships	56,800	81,000	+24,200
Total	234,329	168,668	—65,661
University of Minnesota:			
Loans	201,600	92,214	—109,386
Scholarships	65,200	85,200	+20,000
Total	266,800	177,414	—89,386
St. Louis University:			
Loans	84,243	14,719	−69,524
Scholarships	25,200	13,600	−11,600
Total	109,443	28,319	−81,124
University of Missouri:			
Loans	226,077	109,749	−116,328
Scholarships	72,000	101,400	+29,400
Total	298,077	211,149	−86,928
Washington University:			
Loans	98,045	46,540	−51,505
Scholarships	29,545	39,945	+10,400
Total	127,590	86,485	−41,105
Creighton University:			
Loans	83,025	43,076	−39,949
Scholarships	29,800	39,800	+10,000
Total	112,825	82,876	−29,949
University of Nebraska:			
Loans	53,100	48,488	−4,612
Scholarships	30,000	44,000	+14,000
Total	83,100	92,488	+9,388
Fairleigh Dickinson University:			
Loans	84,500	46,323	−38,177
Scholarships	29,800	42,800	+13,000
Total	114,300	89,123	−25,177
New Jersey College:			
Loans	86,623	41,561	−45,062
Scholarships	29,200	38,400	+9,200
Total	115,823	79,961	−35,862
Columbia University:			
Loans	69,487	35,283	−34,204
Scholarships	24,600	32,600	+8,000
Total	94,087	67,883	−26,204
New York University:			
Loans	325,553	149,147	−176,406
Scholarships	104,000	137,800	+33,800
Total	429,553	286,947	−142,606
State University of New York:			
Loans	136,120	63,207	−72,913
Scholarships	43,600	58,000	+14,400
Total	179,720	121,207	−58,513
University of North Carolina:			
Loans	97,569	46,756	−50,813
Scholarships	30,000	42,000	+12,000
Total	127,569	88,756	−38,813
Ohio State University:			
Loans	270,000	128,797	−141,203
Scholarships	91,000	119,000	+28,000
Total	361,000	247,797	−113,203
Western Reserve University:			
Loans	123,270	62,126	61,144
Scholarships	39,000	57,400	+18,400
Total	162,270	119,526	−42,744
University of Oregon:			
Loans	$151,828	$69,918	$−81,910
Scholarships	49,400	64,000	+14,600
Total	201,228	133,918	−67,310
Temple University:			
Loans	239,403	113,644	−125,759
Scholarships	79,600	100,400	+20,800
Total	319,003	214,044	−104,959
University of Pennsylvania:			
Loans	264,629	123,386	−141,243
Scholarships	86,000	114,000	+28,000
Total	350,629	237,386	−113,243
University of Pittsburgh:			
Loans	205,134	92,647	−112,487
Scholarships	60,000	85,600	+25,600
Total	265,134	178,247	−86,887
Medical College of South Carolina:			
Loans	12,150	14,935	+2,785
Scholarships	9,400	13,800	+4,400
Total	21,550	28,735	+7,185
Meharry Medical College:			
Loans	58,994	32,469	−26,525
Scholarships	21,600	30,000	+8,400
Total	80,594	62,469	−18,125
University of Tennessee:			
Loans	4,782		−4,782
Scholarships	61,800	82,600	+20,800
Total	66,582	82,600	+16,018
Baylor University:			
Loans	159,300	86,586	−72,714
Scholarships	60,000	80,000	+20,000
Total	219,300	166,586	−52,714
University of Texas:			
Loans	36,000	45,000	+9,000
Scholarships	58,000	77,000	+19,000
Total	94,000	122,000	+28,000
Medical College of Virginia:			
Loans	144,689	69,486	−75,203
Scholarships	42,000	43,000	+1,000
Total	186,689	112,486	−74,203
University of Washington:			
Loans		68,836	+68,836
Scholarships	48,000	63,600	+15,600
Total	48,000	132,436	+84,436
West Virginia University:			
Loans	81,000	47,189	−33,811
Scholarships	32,800	43,600	+10,800
Total	113,800	90,789	−23,011
Marquette University:			
Loans	224,173	101,522	−122,651
Scholarships	70,400	93,400	+23,000
Total	294,573	194,922	−99,651
University of Puerto Rico:			
Loans	63,300	31,386	−31,914
Scholarships	20,600	29,000	+8,400
Total	83,900	60,386	−23,514
Grand total:			
Loans	6,777,734	3,360,802	−3,416,932
Scholarships	2,354,245	3,164,945	+810,700
Total	9,131,979	6,535,747	−2,606,232

Mr. MUSKIE. Mr. President, it is all too likely that many students who have received loans from this program in the past will be unable to continue receiving them, as there will be no available funds. This is a critical situation for students who, in their second, third, or fourth year, find themselves unable to continue because of lack of financial support. I do not believe the claim that the decrease in loan funds will be offset by increases in the number of health professions students receiving Office of Education guaranteed student loans. But the fact is that current demands on this program are much larger than it can handle. Further, we all know that with the prime interest rate at a high 8.5 percent, students will find it exceedingly difficult, and often impossible, to secure these commercial loans at the authorized Government guaranteed interest payment of 7 percent.

Mr. President, the manpower pool in the field of mental health represents a major resource for dealing with many of the critical social problems of the day. This group of specialized personnel not only deals with the crucial problems of mental illness in the traditional sense, but they are becoming increasingly involved in such social problems as the treatment of alcoholism, the control of drug abuse, and the understanding and amelioration of many of the problems of urban living. Psychiatrists, psychologists, psychiatric social workers, and psychiatric nurses are the core personnel now serving in the many community mental health centers developing throughout the country. These centers have broadened our horizon regarding the potential scope and effectiveness of treatment and social intervention.

There have been impressive increases in mental health manpower to meet these needs. At the same time, however, there has also been an increasing pressure to train additional personnel to meet the rising demand for mental health services and to deal with the exacerbation of social problems. This added pressure, for example, is represented by our national commitment to develop a full network of community mental health centers throughout the country. Each of these community mental health centers will use approximately 30 new core professional personnel. Thus, the 50 to 70 new centers started each year will immediately create a need for additional 1,000 to 1,500 professional staff, who, through these facilities, will serve an additional 8 to 12 million Americans.

At this critical point when new service resources are being created, the current budgetary constraints imposed by the Nixon administration are severely curtailing the manpower production vital for their development. For example, the budgetary increase necessary for fiscal year 1970 to maintain the adequate additional production of mental health manpower would require $15 million over the $109,046,000 appropriated for fiscal year 1969. The incremental amount actually proposed by the administration in the hearings before a subcommittee of the House Committee of Appropriations in March of this year was only $3.5 million. This increase is more than offset by a $5,997,000 increase in expenditures necessary simply to maintain the continuation of existing programs.

In view of the long-standing and continuing shortage of mental health manpower, it is essential to sustain the goal of 4,000 to 5,000 additional mental health personnel obtainable with the $15 million increase. Instead of providing this necessary support for additional personnel, there will actually be a level of support which at best will produce 250 fewer professional persons in training next year than the 12,000 supported in 1969.

At a time when we have developed an increasing capability for the effective professional services by mental health personnel and a capacity for organizing more adequate methods of mental health service delivery, it would be especially tragic if any delay in providing additional mental health resources were created by a major curtailment of the modest, but necessary, budgetary growth required to insure adequate development of such personnel.

Mr. President, I am dismayed to discover that President Nixon has entirely eliminated the allied health training centers construction program, the health research facilities construction program, and the medical library construction program. In addition to this, he has reduced by $10,781,034 the amount appropriated in 1969 for nursing school construction. Federal support for the construction and renovation of educational facilities is essential if we are to meet the health manpower needs of this country. Funds are required to replace facilities which are obsolete or unsuited to programs under development. Established schools will require new space to accommodate increased enrollments and revision in their educational programs to make them more relevant to changing health needs.

I echo President Nixon's statement that we do indeed face a major crisis in health care, a crisis for which his administration will be largely responsible due to neglect of the needs of the health manpower field.

I recommend to Senators an article entitled "Health Field's Money Famine," published in the June 27, 1969, issue of Medical World News. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Health Field's Money Famine

A medical student living in a Chicago slum walk-up says he will have to drop out of school next fall because he can't get a loan to continue his education. Another would-be physician in California reports that tight money will either force him to suspend his medical schooling or put off his sister's start in college. A multispecialty group of 36 physicians at the Oklahoma City Clinic, unable to postpone construction of a $3-million new clinic, may have to raise fees to pay interest charges almost sure to be 7½% for a mortgage loan. A Catholic hospital in Illinois, saddled with a new 8% building mortgage, isn't sure that it can pay its bills in the months and years ahead.

All these people and institutions are victims of an inflationary crisis that became dramatically worse this month when major banks in the U.S. raised the prime interest rate by a full percentage point, from 7½% to a 20th-century record of 8½%. Individual physicians also can expect the money squeeze to hit their practices soon, if it hasn't already. Patients who owe doctor and other bills will have to pay almost prohibitive interest charges, ranging from an effective annual rate of 13% to as high as 19%, to get debt consolidation loans. And because average personal income in the U.S. has not kept up with inflation in the past ten months, physicians' collections are likely to get slower and more difficult from patients without medical insurance. "Pediatricians," says one expert, "will probably be the hardest hit."

The hardest hit in the health-care field as a whole, though, will be students or young professionals who must borrow to complete their training, and any hospital, group practice, nursing home or other facility that needs to build and has to borrow to do it. Medical students may suffer the most from the tight-money, high-interest crunch. The problem for them isn't so much paying the interest as it is finding banks willing to lend money. The two biggest guarantors of medical student loans, the AMA Educational and Research Foundation and the federal government, both operate with a 7% ceiling on the interest a student must pay. In the case of the AMA-ERF, this ceiling is generally set by state usury laws, while under the U.S. Higher Education Assistance Act of 1965, which empowers the government to insure tuition loans, Congress has specified that no higher than 7% can be charged.

Now that major banks are charging their best business customers 8½% on short-term loans, bankers are either refusing or are extremely choosy about extending credit to students for seven to ten years at 7% under the AMA and U.S. guarantee programs. The nation's biggest bank, the Bank of America in San Francisco, says that despite the prime-rate increase, it is, for the moment at least, continuing to renew 7% student loans, both under the AMA-ERF plan and under the federal guarantee program.

But the big New York banks simply won't make new loans of this kind. "Because of the complicated paper work involved in getting the college's and the government's approval," explains Chase Manhattan Bank vice president Philip Smith, "we feel that it costs us 12% the first year to process a student loan." First National City Bank vice president Cedric Lane says that his institution, the second largest in the nation, will make loans to students only on the regular consumer installment loan basis, which requires the borrower to begin paying back monthly, starting the month after the loan is made and at an effective annual interest rate of 13.3%. A medical student, intern, or resident would be unlikely, he says, to qualify except in the final year before entering practice.

An exception is the Continental Illinois Bank and Trust Co. of Chicago, which has done the lion's share of lending under the AMA-ERF plan. "In the past several years we have had over 2,000 AMA-ERF loans maturing each year, and when you consider that about 8,000 medical students are graduated annually, you can see how many we have been helping," says Continental Bank second vice president James A. Matthews. "But with the Illinois usury-law ceiling of 7% interest and the prime rate now at 8.5%, the spread is so big that we have told the AMA that we will have to limit our commitment. In fact, I don't know how long we can remain in this program."

William Simmons, chief of the Insured Loan Branch of the U.S. Office of Education, says most of the $1.3 billion in federally guaranteed loans now outstanding to 1.5 million students in college and graduate school will be renewed while the borrowers are in school, and the government will continue to pay the interest for students whose families' incomes are less than $15,000 a year. But new loans will be hard to find because "the banks are in a real bind. The program is in big trouble unless it can be made financially more attractive to the banks."

Comments Charles Hewitt, executive director of the Student American Medical Association (SAMA). "The bank rate increase has made a difficult situation in the student loan field almost impossible." The medical students, says Hewitt, are being hit from two directions at once. Not only are sponsored commercial loans becoming almost impossible to get, but the U.S. is threatening to cut in half its low-cost direct loan program, which was designed to aid the most needy students in the medical, dental, and allied health fields. Under the Health Professions Educational Assistance Act of 1963, the government has loaned students up to $2,500 each per year, with ten years to pay back at an interest charge substantially below going rates. Ironically, Congress voted last year to reduce the interest from a fluctuating, Treasury-set figure of between 4% and 5% the last two years, to a ceiling of 3% effective next month. But the Nixon Administration currently is proposing to spend only $6.9 million on the program in fiscal 1970, as against $14 million proposed by the Johnson Administration. Hundreds of medical students are now being told by their schools that the low-cost loans will no longer be available.

When combined with the great difficulty of getting even a 7% bank loan, the cut in the low-cost loan program may spell curtains for an undetermined number of medical students for now, at least. And the supreme irony, notes Dr. Joseph J. Ceithaml, dean of students at the University of Chicago Pritzker School of Medicine, is that the less affluent student will be the hardest hit, because of his lack of credit standing. "We have been making efforts to recruit economically disadvantaged students," says the dean. "Now we have no idea where we are going to get the money to keep them in school."

To solve the dilemma, either state legislatures must raise usury law ceilings or Congress must relax the limit on federally insured student loans. As for hospitals, there is no rate ceiling. Such was their loan squeeze that even the cream of the crop—nonprofit operations that have ample net income to service debt—were finding it tough to borrow. The nation's largest bond underwriter in the hospital loan business, B. C. Ziegler & Co. of West Bend, Wis., carries about half a billion in mortgages on about 250 financially first-rate hospitals. President Thomas J. Kenney says his firm "is making no bond offerings until the dust settles—and we have commitments with 100 hospitals over the next two years, running into another $200 million."

This could mean that dozens of high-quality hospitals dealing with Ziegler will find their building programs delayed. If and when they do issue bonds, they will find their carrying charges higher. Kenney says that the effective cost of the ten-year hospital bond offerings that Ziegler had been arranging was 7% to 7½%. To that must be added Ziegler's commission, and trustee and appraisal charges.

Northwest Mutual Insurance Co. of Milwaukee, the country's largest hospital mortgagor, carries at least 100 hospitals on the books for about $150 million and claims its effective interest rate recently had been about 8½%. Vice president Robert B. Barrows says that when the next hospital borrows from Northwest Mutual, it may be payng 9½%, and adds, "The situation is getting insupportable for hospitals that are undertaking major capital improvement programs."

Not all hospitals need to borrow, of course. Many institutions, particularly in the South and East, raise all the money they need through fund drives and Hill-Burton grants. A bill just passed by the House would partly replace grants with $300 million worth of guaranteed loans. "But who would make them now, and how would the government subsidize 3% of the interest?" asks Northwest Mutual's Meyer.

One institution, St. Anthony's Hospital of Rock Island, Ill., is the first to qualify under the Federal Housing Administration's new guaranteed loan program for hospitals. St. Anthony's has received a $15.5-million loan to build a 350-bed annex to its present 240-bed hospital. The interest rate: a fat 8%. "Our first notes fall due January 1," says the administrator, Sister Mary Rose, somewhat shakily. "We certainly hope we can meet them."

Hospitals that borrow working capital are also in for a cost boost, to 8¼% interest or higher. Massachusetts General Hospital's controller, Lawrence Martin, says he started heavy borrowing for working capital 18 months ago because of lags in third-party payments. The hospital now owes $3.5 million, and the prime rate jump means an extra $35,000 a year in interest payments. Medical schools, too, says Dean William F. Maloney of Tufts, often borrow bank funds on the strength of pending research grants, and their interest costs will go up appreciably.

Most physicians who take out professional loans will similarly face an 8½% rate or higher while the prime rate stays where it is. And even good credit risks such as doctors who want to build homes, says Saul B. Klaman, chief economist for the National Association of Mutual Savings Banks, will usually find that they must put up 25% to 33% in cash to get a conventional mortgage.

Klaman says that "the evidence is that the economy is slowing down, and by the end of the year, some interest rates will be lower. But there will be a backlog in demand for mortgage money persisting into next year at least."

A LEADER WITH A NEW LOOK

Mr. HARTKE. Mr. President, I ask unanimous consent to have printed in the RECORD an interesting article entitled "MANSFIELD: A Leader With a New Look," published in U.S. News & World Report of August 11, 1969.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MANSFIELD: A LEADER WITH A NEW LOOK

It was Mike Mansfield, Majority Leader of the U.S. Senate, who once said of himself: "I am what I am, and no title, political face lifter, or image maker can alter it."

Many who know Mr. Mansfield declare this to be as true today as it ever was.

If he suddenly seems more of the lion, less of the lamb, they say, it is because the situation, the issues, the faces have changed—not the Senator from Montana.

More and more Senator Mansfield is forcefully speaking out on various issues. And more and more he is taking firmer stands as Majority Leader—the post he has held since 1961.

TROUBLE FOR REPUBLICANS

Whatever the reason, Democrat Mansfield has caused some headaches for President Nixon's Republican Administration.

Not only did Mr. Mansfield oppose the Administration's attitude on extension of the income surtax, but he has been fighting the Safeguard anti-ballistic-missile system proposed by Mr. Nixon. And the Majority Leader has criticized the Administration's policy on the Vietnam war—just as he often differed with that of the Johnson Administration.

On the surtax, Mr. Mansfield took the position that a year's extension should be accompanied by a broad overhaul of tax law. The Administration wanted to accept a House-passed bill—including some tax changes—and undertake far-reaching reforms later.

Some observers noted that the Senator—not given to threats—was being typically himself when he offered a compromise and said, "This is an accommodation, not an ultimatum."

A six-month extension of the surtax was passed by the Senate July 31.

WORST MISTAKE

About Vietnam, the Senator feels that getting into the war "was the worst mistake we ever made." And, on July 18, he said the U.S. should get out of South Vietnam and Thailand "lock, stock and barrel."

Often in the past, Senator Mansfield was called a weak Majority Leader under whom the Senate was a "rudderless ship." Some associates say there is little of the politician about him and that he is so shy it is a "marvel" he has come as far in politics as he has. As shown by his own words, he has advanced even further than he himself expected. For he once said: "I achieved the height of my political ambitions when I was elected Senator from Montana."

Even those who discount theories that Mr. Mansfielid has become a stronger Majority Leader concede that he has somewhat changed his way of operating.

Many believe that one of the main reasons for this is the fact that Lyndon Johnson is no longer around.

Their reasoning is that, when Mr. Johnson was President, the policy shots were being called by the White House, not by the Majority Leader. Now, of course, there is a Republican in the White House, and, it is argued, Mr. Mansfield is more "his own man."

When Mr. Johnson held the post now in the hands of Mr. Mansfield, the Texan was considered a strong Majority Leader. Invariably, Mr. Mansfield has been judged in comparison with his predecessor. The Montanan's defenders say this is unfair, that the two are very different.

They insist Mr. Mansfield simply believes in the independence of Senators, that he feels committees are the best judges of when to report bills, and that he thinks the Majority Leader should not interfere until committees act.

Senator Mansfield is not regarded as being close to President Nixon. He sees the President once a month or oftener. Said one Capitol Hill observer:

"The Majority Leader's relations with President Nixon are correct and businesslike, each respecting the other's official position. They are unlikely ever to be warmer."

On the other hand, Senator Mansfield has had a close working relationship over the years with Everett M. Dirksen, the Senate Republican Leader.

Those who know Mr. Mansfield say he is not one to indulge in idle chatter, and is sometimes considered aloof.

Generally, the rounding up of party votes has been left to Senator Edward Kennedy, who—as Democratic whip—is the No. 2 party leader in the Senate.

Even before the recent tragedy on Martha's Vineyard in which Mr. Kennedy was involved, Senator Mansfield had said he did not think Senator Kennedy would seek the Presidency in 1972. But one source noted that Mr. Mansfield was "quite shaken" by the incident. This was not surprising, however, to those who had considered Mr. Kennedy somewhat of a protégé of Mr. Mansfield's.

VARIED CAREER

Though Mike Mansfield, now 66, may not in his own view have changed his philosophy very much, he certainly has altered the course of his own life from time to time.

Not only did he serve in the Army, but in the Navy and Marine Corps as well. Once a miner, he became a professor. Then he developed an interest in politics, going first to the House and then to the Senate. Before becoming Majority Leader, he was Democratic whip.

While he was teaching, he became an expert on Southeast Asia. And his abiding interest during his public career has been foreign relations.

A report he made in January, 1966, after a trip abroad has been termed by some "prophetic" about Vietnam. The report first used the term "open-ended war," and predicted that escalation would lead only to counter-escalation.

CAUTIOUS REPLIES

Most newsmen consider Mr. Mansfield straightforward and to the point. In sessions with reporters before each meeting of the Senate, he is often called "Mike" as questions are asked. His answers are generally low-keyed and cautious, sometimes simply "Yep," "Nope," or "Maybe."

Not everybody agrees with the way Mike Mansfield does things, but respect for him among his colleagues runs high.

Says one person who knows him well:

"He has a very balanced sense of what is important and what is not. He is one of the few men in the Senate not needing food for their egos. He is willing to say he was wrong."

A BRIEF HISTORY OF THE BASQUES

Mr. CANNON. Mr. President, the Washington Post for Sunday, August 3, 1969, published two articles written by Paul A. Dickson, portraying the courage, industry, and independence of the Basques.

These proud people are famed for their skill as shepherds, sailors, fishermen and explorers. Above all, they have demonstrated a fierce desire for freedom, one of the many qualities they have brought to the United States where they have settled in large numbers in my State of Nevada.

I consider this brief history of the Basques as a high tribute to their strength and durability and integrity.

I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

FRANCO FACES BASQUE POWER

(By Paul A. Dickson)

Part of the legacy that Generalissimo Francisco Franco of Spain will pass on to his announced heir, Prince Juan Carlos de Borbon y Borbon, is the "Basque problem."

Franco first faced the Basques during the Spanish Civil War, when the Basque provinces of Vizcaya and Guipuzcoa existed as the Republic of Euzkadi. The weak republic was easily conquered in a few months, but in his 30 years in power Franco has been unable to kill the Basque's independent spirit and separatist aspirations.

Events of recent months—strikes, renewed separatist activity, demonstrations by the clergy, acts of terrorism, university uprisings and the like—may portend even tougher days ahead for Franco or his successor.

"The Basque problem" has existed for those who have ruled the Iberian peninsula since the days before Spain was a nation. Often described as the oldest homogeneous racial group in Europe, the Basques are closely knit and have resisted amalgamation since the first Roman legions descended upon them. They waited until the 11th century to embrace the "foreign" influence of Christianity, but when they did, they produced such illustrious Christians as St. Francis Xavier and St. Ignatius of Loyola.

By reputation—often self-proclaimed—they are a proud, industrious and strong people. By profession, they are famed as sailors, shepherds and smugglers. They have excelled in each area.

Basques claim that their fishermen were fishing off the Grand Banks of Newfoundland before Columbus set sail. Another claim has it that when the Genoan stopped in the Azores, Basque fishermen assured him that there was land toward the setting sun. In addition, there is a Basque claim, though never given wide publicity, that Basques landed in Newfoundland before 1492.

These claims aside, their position in the age of discovery is well established. Elcano, a Basque, was Magellan's navigator and took command when his master died in the Philippines. Chachu, another Basque, served as Columbus's boatswain on the Santa Maria. Basque fishermen are to this day considered the most daring in Spain and brave the North Atlantic in small boats to bring back cod and other fish from the Grand Banks.

As for their reputation as smugglers, it is not as sinister as it might sound. There are about 600,000 Basques living in the Spanish provinces of Vizcaya and Guipuzcoa and about 200,000 in the French Basque provinces of Labourd, Basse Navarre and Soule. The feeling among the Basques of both nations is that all Basques should live with the best that both countries can manufacture: hence the traffic through the Pyrenees. Part of the Basque rationalization of smuggling points out that Basques are not greedy smugglers (which may also account for their success).

LANGUAGE OF PARADISE

The Basque language is called Euskara. It has no clearly recognizable roots in any other language, although tenuous links have been made between its pronouns and Hebrew pronouns, its verbs and Aztec and Dakota Indian verbs and other elements of the language and tongues as diverse as Arabic and Japanese. One Spanish linguist early in this century went as far as to propose that Euskara is the basis of all language and was spoken by Adam and Eve.

The Basque hills are rugged and rocky and the Basque aptitude for shepherding is legendary. Many of the estimated two million Basques in the Western Hemisphere are shepherds and special immigration rules in the United States permit Basque shepherds to enter the country on a preferred basis.

The language does not lend itself to abstraction and has never lent itself to literary use. It is spoken in several dialects. There was a moment in 1937 when the Franco government tried to outlaw Euskara in an attempt to curb Basque nationalism, but the edict was written in Spanish and, in many small towns, few people understood any Spanish.

The unique flavor of the language, which is peppered with Xs, Ks and Zs, can be sampled in a few words. The numbers one through five are, *bat, bi, iru, lau,* and *bost*. The sun is *eguzki* and the moon is *illargi*. The sea is *itxaso* and river is *ur*. Man is *gizon* and woman is *emazteki*. Many Basque words are onomatopoeic: *gili-gili* is the verb to tickle and *bimbi-bimbaki* is the pealing of bells. The word for god is *jaungoika*—literally "the lord of the manor most high."

Basque folklore is concerned with objects and settings foreign to the Spain of the hot sun and sprawling bullranch. Witches, she-goats, night visitors, demons of all types, devils and ancient woodsmen cavort in caves, dark forests, inert swamps and rocky crevices.

The Basques' earliest history is mostly a matter of conjecture and is as elusive as their language. Such tags as Cro-Magnon, Berber, Lapp, Celt, Finn and Magyar have been used to explain their origins, and the idea that they were the basis of the original Iberian tribe has been advanced regularly. From time to time, it is suggested that the Basques are the human remnants of the lost continent of Atlantis.

A WILD BAND

When the Basques were found by the Romans, blood sacrifice was common among them, their staple was acorn bread and their many gods lived in mountains and among the rocks of the Basque shores. Basque customs and cults were upheld during the Roman period.

In the 6th century, they were invaded by the Visigoths, who were soon driven out. The Moors, after taking most of the rest of Spain, were content to leave them alone, calling them "a band of wild asses." Basque mountaineers trapped and defeated part of Charlemagne's army under Roland in 778. They resisted the centralizing grasp of both the Bonapartes and Bourbons.

From the early 14th century to 1839, they lived in confederation with Spain, recognizing the King of Spain as the Lord of the Basques with the understanding that he would affirm the established liberties or *fueros* of the Basques.

In the aftermath of a civil war, which ended in 1876, the Basques were fully incorporated into the Spanish state and lost their final special privileges of exemption from military service, financial autonomy and local administration. From this time forward, the Basques always have had a substantial cadre of separatists in their provinces.

The Spanish monarchy fell in 1931, and the Spanish Republic was established. The Basques immediately petitioned for independence. In 1933, the Republic authorized a plebiscite among the Basques and an overwhelming 88 per cent voted for a separate state, which was finally authorized as the Spanish Civil War broke out in 1936.

If the existence of the Basque Republic of Euzkadi was short, it was not without worldwide implication. The attack on Guernica by German planes on Franco's side clearly established the Nazi proclivity for brutality.

In a war of intense cruelty and vindictiveness, it was the Basques alone who were reported by the correspondents as incapable of atrocity. As the front moved closer, the Basques attempted to evacuate their children. (The United States made a decision during this period that struck some as particularly pathetic: to turn down a cargo of 500 Basque children who had been evacuated from Bilbao before it was attacked. Though many nations that were neutral during the Spanish war accepted children, the United States decided that such an action would be taking sides).

IGNORED BUT ALIVE

The history of the Basque national movement in Spain has been for the most part unchronicled since 1937.

None of the world's major newspapers or press services have correspondents in the area, and the Spanish press does little to report events that reflect antagonism to the government. Most of the old voices of Euzkadi are gone.

But in the more than 30 years since the fall of Euzkadi, Basque nationalism has stayed very much alive. In the last two years have occurred some of the strongest separatist demonstrations since the early 30s. It is almost impossible to know exactly how many have been arrested for nationalistic activities, but the number is sizable.

Except for major eruptions, Basque nationalism traditionally has provided those one-inch fillers in the back of major newspapers: like "15 Basques on Trial" and "25 Successionists Arrested." In the period from 1950 to 1967, The New York Times reported a total of more than 300 arrests. In the last two years, more than twice that number of arrests have been reported.

Basque priests have been consistently outspoken in their dealings with the Franco regime. The priests have been almost constantly at odds with their Franco-appointed bishops, provincial governors and the regime itself.

By making decisions that pertain directly to religion, the governors have kept dissatisfaction alive. Euskara has been banned for use on tombstones and outlawed as the language in sermons.

In 1960, 342 Basque priests signed a letter to Franco protesting the "lack of freedom" and "oppression of the Basques" by his regime. In 1963, a Basque statement was forwarded to the Ecumenical Council in Rome denouncing a "violation of basic human rights" by the government in Madrid.

Recently, the action has been more direct. Priests have refused to allow the Spanish flag in their churches, refused to bless Franco-sanctioned public works or buildings, staged vigils (sit-ins) in the offices of higher authority (in one case, 47 stayed in the bishop's palace in Bilbao for six days) and bluntly advocated separatism.

Several monasteries have become active centers for nationalism and one went as far as to edit and publish a pro-Basque newspaper that reached a circulation of 40,000 before being stopped by the regime. Last summer, the problem became so severe that Pope Paul ordered Basque priests to stay out of politics and, at the same time, asked the Franco government to release eight priests arrested for alleged collusion in the Basque movement.

ACTS OF TERRORISM

While much of the leadership—or at least those with a platform from which to be vocal—is in the clergy, the move to nationalism is strong among the rest of the population. It ranges from the Basque who is simply in favor of regaining old freedoms to the members of the small terrorist organization known as ETA or Euzkadi ta Askatasuna (Basque Land and Liberty). In the middle is the Basque Nationalist Party, a loosely organized group that has peacefully lobbied for separatism for almost 100 years.

For 30 years, Basque nationalists have been a tolerable nuisance to the Spanish government. Manifestations of the nationalist spirit were for the most part confined to nonviolent but illegal acts such as clandestine meetings, painting slogans on walls, circulating pamphlets and the like. In the last two years, however, matters have become much more serious.

Acts of terrorism have occurred, including the killing of two Spanish policemen. Massive demonstrations have taken place in San Sebastian and Bilbao, resulting in numerous arrests and other forms of retribution. Twice, rights guaranteed under Spanish law have been suspended in the Basque area. Rights regarding arrest, house search and freedom of movement have been suspended on occasion.

Day-to-day expressions of Basque nationalism come in many forms. Speaking Basque in the presence of outsiders is one. Calling Pio Baroja and Miguel de Unamuno Basque—not Spanish—writers and pointing out that Simon Bolivar and Maurice Ravel were Basques are others. The green, white and red colors of Euzkadi are illegal on a flag but are worn discretely on jacket lapels at festival time. Basque Christian names are also illegal, but there is no way of stopping a mother from calling her son, christened Jose, by the equivalent Basque name Joseba.

EVERY MAN A NOBLE

Basque Liberty is not a vague concept but a specific tradition that has been maintained, at least in men's minds, for centuries.

The Basque *fueros*, or rights, were for the most part formulated in the *Batzar*, or parliament, in Guernica. Nobody is exactly sure when the *batzar* first convened, but it produced a body of laws that were egalitarian and often unique.

A fuero written in 1526 declared that every Basque was a nobleman. The law not only prevented nobility from dominating the Basque lands but also gave Basques traveling in other lands the privileges of title.

Other fueros prohibited torture as a means of punishment, allowed for free trade with other lands and guaranteed a trial by a jury of peers.

A fuero of the 16th century stated that freedom and liberty were established by law and that any order from the king in contradiction with the fueros would be "respected but not carried out." No law or decree issued by the king went into effect until ratified by the batzar.

No taxes (stipulated as free and voluntary gifts) could be paid to the crown until all petitions were heard and wrongs redressed.

Although Basques have a reputation for being extremely religious and concerned with law, their fueros prohibited clergy or lawyers from sitting as deputies at Guernica.

Contemporary Basques claim that their 16th century forebears had more personal freedom than they do.

The Basques, who hold tenacity and strength to be great virtues, have been around for a long time and know that the irritations of a dictatorship cannot last forever. Their ideals, manners and customs have had the strength of centuries.

When John Adams wrote "A Defense of the Constitution of Government of the United States," he spoke of the Basques:

"While their neighbors have long since resigned all their pretensions into the hands of kings and priests, this extraordinary people have preserved their ancient languages, genius, laws, government and manners without innovation, longer than any other nation in Europe."

The Basque ethic and ideal may be the sanest on the whole Iberian peninsula, but it will probably be a while before they dominate in their native provinces again. Until that time, resilience will have to do.

The Basques' President

(By Paul A. Dickson)

The North of Spain was falling and the leaders had retreated as far as the city of Santander. Jose Antonio de Aguirre was convinced by his ministers that he must escape immediately. Under heavy aerial bombardment, he managed to board the only airplane his tiny government still owned, an old Curtiss pursuit plane that had onc belonged to Haile Selassie. An hour later he was in France.

Aguirre was the elected president of Euzkadi, the Basque Republic, which had come into existence in October, 1936. Now, with Aguirre's exile, it had fallen in less than a year. As the Nationalist armies of Francisco Franco moved through Vizcaya and Guipuzcoa, the two separated provinces once again became part of Spain.

As the errant provinces were again being put under Spanish rule, Aguirre had to plot and execute his escape from Europe. He stayed in France for a while, but was soon on the run again.

Aguirre had been an outspoken antifascist who rallied worldwide sympathy for the Basques when he cried out against the bombings of the undefended Basque towns of Guernica and Durango by the Nazi Condor Legion, then in the service of Gen. Franco.

The Nazis and their collaborators actively pursued Aguirre in occupied Europe. If caught, he would presumably have shared the same fate as Luis Companys, president of the similarly separatist Catalan Republic, who was captured in France by the Vichy regime, turned over to Spain and shot.

Aguirre moved from hiding place to hiding place. Just as he felt he was about to be captured in occupied Belgium, he decided upon a bold course of action: he would escape through Berlin. As he later explained in his book, "Escape Via Berlin," "While the rest of the world ran away from their clutches, I would run between their legs."

He was crafty and calm, and it seems, driven by the same sense of bravado usually attributed to spies in Hollywood movies. Posing as a Panamanian traveler, bolstered only by a false passport and a new mustache. Aguirre attended the funeral of the Spanish King Alfonso XIII in Berlin and sat in the same section of the church as Spaniards who would have had him shot had they recognized him. He dined with a Spanish diplomat and impishly brought up the subject of "that criminal" Aguirre. In occupied Belgium, he played in a well-attended tennis match with his brother—who was being watched to see if he would make contact with the escaped president.

With the help of several sympathetic Latin American diplomats, Aguirre escaped with his family to neutral Sweden, then Brazil and finally New York, where he established headquarters for his exile government. When World War II ended, the government-in-exile moved to Paris (where it still exists) and Aguirre continued as an active propagandist for the rights and separatism of the Spanish Basques.

Aguirre died in 1960. The world's press gave him the type of deferential obituary reserved for men who have had their one moment of significance. To the world he was a colorful, quixotic anachronism crying for separatism at a time when alliances, treaties and blocs were the order of the day.

Throughout history there have been many exiled leaders: men who perish in foreign lands claiming to the last that they have been slighted and their people deprived of their birthright. The Spanish Civil War alone provided a handful of such men. Often the claims of deposed leaders add up to nothing more than bids for publicity by desperate despots. To the end, Aguirre claimed that he represented a courageous, idealistic and democratic people with a long felt desire for nationhood. Seen in the context of the Spanish Basques and their history, customs and traditions, Aguirre's claim appears valid.

—Paul A. Dickson.

COMMENT ON THE ABM DEBATE

Mr. MURPHY. Mr. President, during the course of the debate on the Safeguard anti-ballistic-missile system, many Senators have given the impression that the people of the United States favor other programs or, at least, do not wish to see this defensive system built. The distinguished Senator from Pennsylvania (Mr. Scott) has already revealed a comprehensive nationwide poll which shows that the majority of those persons interviewed do believe that such a defensive system is essential to our future defense.

Such is also the case with much of the Nation's press. I recently read in the Los Angeles Times an article, published at the request of the Times editors, written by Prof. Albert Wohlstetter as a comment on the ABM debate. Additionally, the San Diego Union has published another editorial, entitled "Need for ABM Is Overwhelming."

I ask unanimous consent that these important articles be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Los Angeles Times, Aug. 4, 1969]

Safeguard Critics Contradict Selves

(By Albert Wohlstetter)

Will the Safeguard ABM system work? The critics say that the answer is no.

When a critic says Safeguard won't work, it sounds as though he were claiming that when a switch is thrown, there will be a fizzing sound and then merely some smoke coming out of the computers. A closer look at his argument, however, will reveal that he means Safeguard will not work because in an actual war the adversary won't let it work; the adversary will think of all sorts of effective countermeasures.

If the trouble lies in what an enemy can do to counter Safeguard or its alternatives, however, complexity is not the issue at all. Many very simple things won't work when a modern adversary won't let it: slingshots, catapults and moderately hardened silos among them.

The cost of the defense and the cost of offensive countermeasures are at the heart of the matter, and it is here that the critics have been weakest.

The components of Safeguard and their interactions have undergone and will undergo very extensive testing. Sometimes the argument is made that this is not enough, that the only realistic test would be an actual nuclear war. This is one test we all want to forgo.

TWO-WAY LIMITATION

However, the critics appear unaware that absence of realistic testing is a limitation affecting our certainty as to the performance of our offense also.

Another question is relevant to the ABM debate: If deterrence fails is it worth attempting even a limited population defense—one that works at least against irrational small attacks?

The critics of defense in general hold that there is no need to worry about reducing the damage that would be done in case deterrence fails, because, they say, it is extremely unlikely that it will fail. But they are really of two quite different minds.

When they want to forgo any attempt to reduce the catastrophe, they are extremely reassuring about the low probability of nuclear war. They say deterrence is stable now and will be in the face of technological change. When they are urging drastic early steps towards disarmament and perhaps risky ones, they say the very opposite. Far from being stable, it seems that deterrence is certain to fail. The apocalypse may be soon.

UTTERED OPPOSING VIEW

Take Prof. Wiesner. Against the Chinese as against the Russians, he says, ". . . we must rely on the offensive deterrent . . . on our known ability to retaliate devastatingly in case of a nuclear attack. Ten percent of our SAC bomber force could kill 200 million Chinese." This is evidently all right for he also says, "The fantastic power of nuclear weapons provides a high degree of stability. Consequently a few bombs, certain to be delivered, will constitute a powerful deterrent."

On the other hand, in his apocalyptic mood Dr. Wiesner has said, "There is an ever-increasing likelihood of war so disastrous that civilization, if not man himself, will be eradicated." He has stated recently, "the odds are in favor of a major war within the next two decades."

Similarly, Sen. Fulbright expressed astonishment at recent hearings that the Department of Defense has sponsored a system for protection against the Chinese, since a Chinese attack would be irrational, suicidal.

On the other hand, in an article entitled, "Now Is the Time to Take Great Risks," in which he urges drastic and evidently chancy steps towards disarmament, he explains, "Sooner or later the law of averages will turn against us; an extremist or incompetent will come to power in one major country or another, or a misjudgment will be made by some perfectly competent official, or things will just get out of hand without anyone being precisely responsible as happened in 1914."

My own view is that the probability of nuclear war, if we are careful, can be kept small. But this requires continuing attention to the protection of strategic forces in the face of technical change. And even then there is always a significant possibility of breakdown and therefore the need for some insurance in the form of defense.

Critics of ABM are strikingly inconsistent in their treatment of the Russians and the Chinese. In saying we don't need to defend Minuteman against Russian attack in the mid or late 1970s, they presume that, 20 years after Sputnik, Russian missiles would not be able to achieve accuracies and other performance characteristics of the Minuteman III and Poseidon missiles that we are now in the process of deploying. But in opposing an area defense of population against Chinese attack, they assume that the Chinese in their first generation ICBMs will be able to deploy penetration aids that took us billions of dollars, many trials and failures, and a dozen years to develop.

At a modest extra cost over and above that of defending our offense force, we can manage a very effective defense of our population against the Chinese. And moreover, given the general technological levels in the two societies, we can stay ahead of them for the foreseeable future.

Those who reject even a thin shield for population manage simultaneously to hold that (1) the shield would have no substantial effect even against small first generation Chinese attack, but (2) it would be so effective against the Russian massive sophisticated force that the latter could not inflict enough damage on us to deter us, even though (3) it takes only the prospect of a few bombs delivered to deter the Russians. These and other absurdities stem, I believe, from an extreme strategic dogma whose origins go back many years to the French General Staff and to operational research staffs like the Weapons System Evaluation Group of the Joint Chiefs of Staff.

I refer to a doctrine known as "Minimum Deterrence" that holds that any attempt to protect our civilians will make nuclear war more likely, that we must depend exclusively on a threat to bomb enemy civilians. Not an obviously humane or liberal doctrine!

I would not myself have thought a few years ago that one could organize widespread popular indignation among church groups and mothers on the basis of so extreme and far-fetched a dogma: one that suggests that it is all right to threaten to launch missiles at enemy civilians, but peculiarly heinous to prepare to knock a missile down on its way to destroy millions of our civilians.

When men and women of "good will" take it as so obviously right to depend solely on a threat to launch nuclear weapons against cities we've come a long way from the position taken throughout most of the 1950s by the scientists who now refer to any use of defense as "Maginot Line psychology."

It is interesting to recall how the final report of the Lincoln Summer Study in which Drs. Wiesner, Killian, Kaysen and others were prominent replied to the offense enthusiasts of that time. Putting "all our eggs in one basket" they said is the essence of "Maginot psychology" and it is exemplified by the "great emphasis placed in recent years on the development of an effective 'retaliatory force.' "

Indeed liberals forget that many scientists who oppose the ABM have turned 180 degrees at least twice since Hiroshima in their slogans about defense.

Immediately after the war the American Federation of Scientists printed its "Creed" with the second point in bold face There Is No Defense. It was they said One World or None. But after the Russians turned down the Baruch plan for international control of atomic energy and it soon became clear that we were not about to have one world a majority of the articulate scientists looked a bit more closely at whether the alternative really was no world at all.

Then it was announced (e.g. by Ralph Lapp) that the scientists were "rebelling against the *military* dictum that there is no defense." The rebels lobbied for civil defense and continental air defense; opposed the H-bomb on the grounds that it was infeasible; or if feasible undeliverable; and in any case usable only against cities rather than legitimate military targets; and finally clashed bitterly with a minority that favored going ahead with the H-bomb.

The next 180 degree turn at the end of the 1950s saw the majority faction turn once more and adopt almost the caricature of the position it had been most recently opposing. It now calls for a nearly exclusive reliance on offense and the total rejection of defense of population against ballistic missiles. Cities, it seems, are now the only "legitimate" targets and defending cities is a provocation.

SOME DEFENSE BACKED

But even minimum deterrers who oppose defending population normally believe that we should protect our retaliatory force by concealment, shelter or active defense. The Safeguard ABM which aims to protect bombers and missiles is precisely the kind of thing that minimum deterrers would normally support. And in fact, many of them did, at least through March 6 of this year in testimony before the Senate. Hans Bethe, for example, said unequivocally that while he was opposed to the Sentinel defense of cities, there was another kind of ballistic missile defense, namely the defense of retaliatory hard points, and that was different; he favored that.

Then on March 14 the President announced the Safeguard program which was primarily directed at the defense of missiles, bombers and the national command authority.

This apparently posed something of a dilemma. A tremendous effort had gone into lobbying against ABM when it had been intended mainly to provide a shield for population against light ballistic missile attack. Hundreds of scientists had signed indignant petitions; public interest groups had been mobilized; speeches had been written for now indignant senators; ABM had become a Symbol.

At any rate, a good many of these scientists now said that, even with the change, they were still against it; and some offered extremely hasty calculations to suggest that the missiles and bombers really required no protection, that Sprints and MSRs wouldn't do it anyway, that it would be better simply to multiply offense forces, or launch them on warning or do almost anything other than defend them.

This sequence of events suggests the folly of transforming a complex substantive issue into a symbol in black and white. I would not turn the simple picture upside down, with the good guys supporting ABM and the bad guys in opposition. I do not represent the Safeguard issue as one that divides the forces of light from those of dark. And neither do temperate opponents of starting deployment this year, such as Sen. Brooke.

Simply for the symbolism of taking Safeguard out of the country, some senators propose to build on distant Pacific atolls PAR and MSR radars that had been planned to protect Minuteman sites in Montana and Dakota. This would waste billions of dollars just to defeat the bad guys in the Administration. It is such bitter symbolic struggle with shadows that makes reflective choice hard to manage and delays the sober and rigorous examination required both for our defense and domestic needs.

[From the San Diego Union, Aug. 2, 1969]

World Awaiting U.S. Decision—Need for ABM Is Overwhelming

The United States of America has been surfeited with pro and con arguments since March 14 when President Nixon recommended that we arm ourselves against the threat of enemy ballistic missiles.

Some scientists have said an Anti-Ballistic Missile (ABM) system will not work. Others have said it will.

Some have said it is too expensive, that the money could better be spent on other programs. Others have said that no price can be put on the minimum defenses essential to our security.

On the whole, we believe, the technologic, economic and self-preservation arguments overwhelmingly favor the creation of an ABM system.

More scientists by far support the ABM than oppose it. The President, with all the technology at his command, believes it will work well. Most important, and based on the tremendous intelligence resources available to him, he is convinced that ABM development and deployment are a minimum investment in the security of our society.

So the evidence stands strongly on the side of creating an ABM system—and as soon as possible. But beyond that there is another issue—the status and the symbolism that our ABM problem has now acquired around the world.

There can be no doubt that the confidence of the United States of America in its defensive system and the credibility of the United States in its foreign commitments are on center stage as we approach an ABM decision. Friends and enemies alike are following the discussion in the Senate with the greatest absorption.

The effect of the decision on the non-Communist world will be great either way; either in terms of the encouragement and stabilizing effect of a strong decision or the stultifying effect of a decision which tells the world that the United States does not have the will to protect its major deterrent strength—our land based missiles, our bombers and our command structure.

In this case, and faced with the possible reduction of protection from the United States, the free world nations will have nowhere to turn except toward coexistence with communism.

The decision also will have important connotations in the Communist world, in terms of the oft repeated historical lesson that Communists recoil from strength, just as they move aggressively ahead when they encounter weakness. There is no doubt, for example, that a weak decision would encourage Red China to intensify its development of missiles to carry its nuclear warhead to all parts of the world.

And the ABM issue faces grave hazards in the Soviet Union which has consistently misread the American political scene, interpreting debate even less intensive than the ABM discussion as an irreconcilable division in our nation.

Now the Soviet Union is experiencing a resurgence of old, hard-line Communist leaders in the Kremlin. If we show a lack of resolve for even what appears to be a lack of resolve to defend ourselves, it undoubtedly will be misread in Moscow.

The result could well be another international crisis somewhere in the world to probe our remaining firmness and to exploit any internal sentiment against adequate security for the United States.

The United States Senate, therefore, will be considering more than just a defensive missile system when the ABM issue reaches the floor for a vote Wednesday.

In a greater sense it will be taking a position as to whether the United States intends to fulfill its destiny as a world leader, or, in an unconscionable concession to fear and expediency, accept the role of a second-class power.

CHEMICAL AND BIOLOGICAL WARFARE

Mr. RIBICOFF. Mr. President, the issue of testing and stockpiling of chemical and biological warfare weapons is one that concerns me deeply.

Not only have we developed destructive nuclear weapons, we have now created devastating chemical and biological warfare capabilities.

Though their destructive potential is often hidden under claims that they merely incapacitate, chemical and biological warfare agents are as dangerous as nuclear weapons—perhaps more so.

For while nuclear weapons are in the hands of only a few nations with advanced technology, chemical and particularly biological agents can be manufactured by the smallest and most unsophisticated nations.

Already, within our own shores, we have had some terrible experiences. Some 6,400 sheep were poisoned recently in Dugway, Utah, 47 miles from a Department of Defense nerve gas testing center.

More importantly, it was disclosed recently that last year 100 children became ill while swimming near the U.S. base at Okinawa, where gas is stored.

The deaths of the sheep in Utah apparently served as no lesson to the Department of Defense over open air testing of gases. The U.S. Army continued with such testing, not in the middle of a western desert, but in Edgewood, Md., only 15 miles from the city of Baltimore.

The Okinawa incident apparently served as no lesson to the Department of Defense. The Army intended to dump 27,000 tons of "surplus" nerve gas into the Atlantic Ocean until congressional protests forced a change of military minds.

Further protests have forced the Pentagon to agree to temporary suspension of open-air testing at Edgewood and at Fort McClellan, Ala.

Nonetheless, the Pentagon is still pursuing an inexcusable course.

Defense Secretary Laird said on July 28 that the United States must continue to develop offensive chemical and biological weapons as a deterrent.

The result has been the rhetorical escalation of CBW weapons into the arms race. Other nations could not have missed noticing our new emphasis on these weapons.

For a weapon to be a real deterrent, the other side must know just what a particular weapons system can do.

In this light, CBW could not have been a deterrent until very recently since the Pentagon has been very secretive over its CBW capabilities.

In fact, the Pentagon has been so secretive about CBW, that President Nixon and Secretary of State Rogers have not been aware of the extent of testing and stockpiling.

The Pentagon remains secretive. It has not yet given to Congress a full and complete report on funds used for chemical and biological weapons production.

Notwithstanding this secrecy, another disturbing aspect of chemical and biological warfare has appeared. It is the supposed distinction between offensive CBW weapons research and defensive research.

Defensive research involves developing masks and treatment for chemical exposure and vaccines and other treatment for biological exposure.

But this defensive research could very well be offensive.

For the scientists who are developing vaccines against disease may inadvertently encourage the use of bacteriological agents. If American servicemen can be protected against these agents, what is to prevent the distribution of infectious disease agents on a battlefield where immunized Americans are fighting?

Consider also the potential offensive use of information on newly discovered diseases. Each time the medical research community isolates a virus, it becomes a potential weapon in our CBW arsenal.

I think we should begin to question the casual manner in which the words "defensive" and "offense" are bandied about.

Furthermore, I think we should begin to question the involvement of some of our Nation's colleges and universities in chemical and biological warfare research.

Educational institutions from coast to coast are involved in this kind of research. There has apparently been so much information uncovered that the University of Pennsylvania received a grant from the U.S. Army simply to compile all the data on incapacitating biological agents.

The danger of further CBW production lies in its complete uncontrollability. Chemical and biological agents cannot be limited, nor confined to targets.

A recent United Nations report shows that CBW is as dangerous as nuclear weapons. The report states:

> Because certain chemical and bacteriological agents are potentially unconfined in their effects, both in space and time, . . . their large-scale use could conceivably have deleterious and irreversible effects on the balance of nature.

Birds, insects and winds may be carriers of chemical and biological agents. There is no way to limit the spread of contamination. There is no radar system available to warn against attack. There are no vaccines against drug resistant biological strains.

Continued production of CBW weapons will only serve to escalate the arms race. Worldwide proliferation is also a real possibility.

Although CBW has a destructive potential equal to that of nuclear weapons, it is far less costly, and much easier to produce. Nations not having the technological capability to produce nuclear arms can easily produce chemical and biological weapons, thereby lowering the threshold for keeping chemical and biological weapons off the battlefield.

There are already some grim precedents: Poison gas was used in World War I by Germany against France and Britain; by Italy against Ethiopia, and, as late as 1967, by Egypt against Yemen.

Incidents such as these must never happen again. To assure this, we should examine closely the policies of our own Government. These policies, past and present, have exposed the difference between what we say and what we do.

The United States, in word, has supported the Geneva Protocol banning the first use of chemical and biological warfare. However, the United States has not moved to commit itself formally to the British Resolution being considered at the present Geneva Disarmament Conference to further the control of CBW agents.

Moreover, we have not yet ratified the 1925 Geneva Protocol, though the United States initiated and signed the Protocol.

On March 15, President Nixon directed the U.S. delegation to the Disarmament Conference to join with other "delegations in exploring any proposal to prevent the use of and eliminate stockpiles of chemical and biological weapons."

In June, the President directed the executive branch to undertake a comprehensive review of all aspects of CBW. However, recent reports from the summer session of the Geneva Conference cast doubt on the sincerity of our commitments.

International skepticism over the U.S. position stems from an important sentence in a statement of the President submitted to the Conference. The sentence in question states:

> The specter of chemical and biological warfare arouses horror and repulsion throughout the world.

Indicative of the vacillation of the United States on CBW, the sentence was originally included in the statement, was then deleted, and was finally restored to the text when it was printed.

Furthermore, international skepticism over America's CBW position was deepened because of events in Vietnam.

The United States is using defoliants and anti-crop agents in Vietnam. These gases have been justified on the basis that they isolate victims from unwarranted suffering.

However, Dr. Jean Mayer of Harvard University, now a Presidential consultant, and Dr. Victor Sidel, his colleague on this report, have disclosed:

> It is not that innocent bystanders will be hurt by such measures, but that *only* innocent bystanders will be hurt.

In the case of defoliants which destroy food, it is the women and children, the sick and the elderly, not the soldiers, who first succumb to starvation.

To begin to harness this potentially destructive force, to halt the proliferation of CBW weapons to small countries, and reestablish our international credibility, we must act with all speed.

We must impose control on the further production of chemical and biological warfare.

We must ratify the 1925 Geneva Protocol.

We must act to impose a ban on open air testing.

We must require the Pentagon to disclose its total CBW expenditures to Congress.

The time for secrecy and decision-making independent of Congress must come to an end. Congress must reassert its control and its authority. We must not be led into an apocalypse resulting from disease started because of policies we could not control. The dangers from inaction are too great for the people of the world, for the citizens of America, and for our children.

This is a glorious moment in the history of mankind. We have recently set foot upon the moon.

We took every precaution to prevent the contamination of the moon. We must now take every precaution to prevent the uncontrollable contamination of the earth.

THE ABM DEBATE EXTREMELY USEFUL

Mr. SCOTT. Mr. President, I believe the spirited debate on the ABM issue has created the false public impression that the U.S. Senate is now irrevocably split along partisan lines. No one can deny that the arguments were heated. But they were also extremely useful. They have united the Senate in its resolve to give the most scrupulous consideration to the proper balance between the needs of national security and our duty to promote just and progressive domestic programs. Now that the vote has been taken, let us all move "forward together" to the many urgent tasks still at hand.

I ask unanimous consent that a statement which I issued yesterday following the voting on amendments to President Nixon's Safeguard proposal be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR SCOTT

The defeat of the Hart-Cooper amendment indicates that the President's Safeguard System will be approved finally by Congress. I do not believe the division in the Senate on this issue is as sharp as some might think. This is not a black-white issue, although the public debate hastened to portray it as such.

The contending opinions are actually not so far apart. Everyone agrees that the President must provide for our Nation's defense. The question on ABM was whether we should have continued research and development only, or limited deployment of a prototype system at two sites only.

I opposed the Sentinel System proposed by the previous Administration because I believed it would magnetize our cities. President Nixon's proposal is a responsible and flexible approach. He has the option to scale down the program if the Soviet Union cooperates in disarmament talks, and it gives him the necessary lead time to develop responses to future Soviet threats in the 70's should they materialize. It is a modest program and, in my opinion, it is the very least we can give our President at this time.

I believe this debate has been useful to everyone involved. Certainly it has alerted the Administration and the Pentagon that defense proposals are due, and will receive, the same scrutiny by Congress that all other programs receive.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 20 minutes p.m.) the Senate adjourned until tomorrow, August 8, 1969, at 11 o'clock a.m.

NOMINATION

Executive nomination received by the Senate August 7 (legislative day of August 5), 1969:

COMMISSIONER OF INDIAN AFFAIRS

Louis R. Bruce, of New York, to be Commissioner of Indian Affairs, vice Robert La-Follette Bennett, resigned.

WITHDRAWAL

Executive nomination withdrawn from the Senate August 7 (legislative day of August 5), 1969:

U.S. ATTORNEY

George E. Woods, Jr., of Michigan to be U.S. attorney for the eastern district of Michigan, vice Lawrence Gubow, resigned, sent to the Senate May 16, 1969.

EXTENSIONS OF REMARKS

DUNES TORPEDO FIZZLES

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. BRADEMAS. Mr. Speaker, under unanimous consent I insert in the Extensions of Remarks of the RECORD the following editorial dated July 26, 1969, from the South Bend, Ind., Tribune entitled "Dunes Torpedo Fizzles":

DUNES TORPEDO FIZZLES

The attempt by Rep. Earl F. Landgrebe, R-Valparaiso, to torpedo the development of the Indiana Dunes National Lakeshore along the lines approved by Congress two years ago apparently has been blocked.

The Landgrebe torpedo was in the form of an amendment to an appropriation bill carrying $10 million in funds and contract authority for land acquisition. In effect, it would have whittled the size of the lakeshore recreation area by approximately 6,000 acres.

Fortunately, the amendment went down to defeat in a voice vote in the House this week. Moreover, there are indications that another Landgrebe bill aimed at curtailing the dimensions of the park will never get out of committee.

Had Mr. Landgrebe succeeded in destroying the compromise under which both the Burns Harbor and park projects were authorized, it most certainly would have returned the issue to the hot coals of controversy.

Controversy over the park proposal and port-industrial development raged for years before the sensible compromise was reached to permit both.

Rep. John Brademas, D-South Bend, fought the Landgrebe attack on the park plans. After the appropriation bill amendment was beaten, he hailed the action as "clear evidence that Congress won't stand for any further land-grab assaults on the Indiana dunes." We hope he is correct.

More than 500 acres already have been acquired by the federal government for expansion of the park to an envisioned 8,300 acres. Mr. Landgrebe might better apply his energies in seeing that none of the federal money is wasted, rather than seeking to rip up the plans.

TVA PAYMENT EXCEEDS APPROPRIATIONS REQUEST

HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. JONES of Alabama. Mr. Speaker, this week marks the 10th anniversary of the enactment of the present arrangement for financing the electric power program of the Tennessee Valley Authority.

It is interesting to note that during the current fiscal year the TVA will pay into the U.S. Treasury almost half again as much as has been requested for appropriations.

The power program will pay into the Treasury more than $72 million this year. The TVA's appropriation request for the current year is less than $50 million.

There is, of course, no direct relationship between the TVA payments and the request for appropriations. The payments are related exclusively to the electric power operation of the TVA, which is now self-financing, while the appropriation request provides for the other activities for which the TVA was chartered by the Congress.

These other activities include navigation, flood control, other water resources developments, and fertilizer and munitions development—all of which have already returned to the people of the United States far more in benefits than the total investment.

Additional information about the TVA payments to the Treasury are provided in the weekly newsletter of the agency. So that my colleagues will know of this program, I submit for inclusion the newsletter in the RECORD as a part of my remarks at this point:

WEEKLY NEWSLETTER

More than $72 million will be paid to the U.S. Treasury out of Tennessee Valley Authority power revenues during the fiscal year that began July 1, TVA said today. This is $4½ million more than payments in the year just ended, continuing the upward trend of recent years.

TVA payments into the Treasury have been rising sharply, while appropriations from the Treasury for TVA regional development programs have been falling because of the overall effort to limit Federal budgets. As a result, the $72 million TVA will pay the Treasury this year is about half again as much as the agency's appropriation request now before Congress, which totals just under $50 million.

The new year's total payments will include a $15 million repayment of Federal appropriations previously invested in TVA power facilities, and record dividends of over $57 million on the remaining appropriation investment in the TVA power system.

The rate of return paid to the Treasury by TVA is based by law on the interest cost of the U.S. Government marketable debt as of the start of the fiscal year. That rate was 5.232 percent on July 1 this year, compared to 4.757 percent a year ago.

Rising interest rates on Treasury securities have boosted the dividends paid by TVA by $21 million a year since 1962, even though the Federal investment on which they are paid was whittled down by repayments of $100 million during that time. This appropriation investment in TVA power facilities now stands at about $1,102 million.

Construction of TVA power generating and transmission facilities is now financed from power revenues and borrowings, rather than from appropriations.

The Federal legislation that established the present TVA power financing program was enacted ten years ago this week. The interest cost on the U.S. Government marketable debt, established in that legislation as the basis for the rate of return paid by TVA, was then less than 3 percent, compared to the 5.2 percent rate this year.

The amount of the annual repayment by TVA, also established by law, will increase from $15 million to $20 million starting in 1971.

SOVIET FLEET IN CARIBBEAN

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, August 7, 1969

Mr. THURMOND. Mr. President, David Lawrence has recently warned that the presence of a Soviet naval fleet in the Gulf of Mexico has dampened the cause of peace. Mr. Lawrence points out that the course of this fleet, just a few miles from the territory of the United States—a fleet that has the capability of firing missiles—is a provocative act.

He contrasts this with the recent voyage by American destroyers to the Black Sea. The destroyers sent to the Black Sea carried no missiles. They cruised in collaboration with the ships of Turkey. Turkey is a member of NATO, and the exercises were a part of our NATO obligation.

Mr. Lawrence points out that the Soviet presence is a violation of the Monroe Doctrine and that the Soviets have no right to their present stronghold in Cuba. By contrast, the Soviet occupation of Eastern Europe is in defiance of the World War II settlements.

Mr. Lawrence says:

> The time has come to make clear to the government in Moscow that it must detach itself not only from Cuba but from any other country in this hemisphere. For the principles behind the Monroe Doctrine are still valid as a means of protecting the peoples of the Western Hemisphere against military conquest by any European or Asian power.

I ask unanimous consent that the column entitled "Soviet Naval Moves Dampen Peace," written by David Lawrence, be printed in the Extensions of Remarks.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Evening Star, Washington (D.C.), July 15, 1969]

SOVIET NAVAL MOVES DAMPEN PEACE

(By David Lawrence)

The cause of world peace is not helped by the presence of a Soviet naval fleet in the Gulf of Mexico just a few miles from the territory of the United States. The task force is capable of firing missiles. It consists of eight ships—a guided-missile cruiser, two guided-missile destroyers, a submarine tender, two diesel submarines and two oilers. Some reports say that the Moscow government has sent the ships to this area because a few American destroyers have been patrolling the Black Sea.

Whatever the reasons for the Soviet maneuver, it certainly has created uneasiness here and accentuates the importance of the proposed talks with the Soviets on arms limitation.

Every country has a right to send its war vessels into any ocean as long as they remain beyond the three-mile or twelve-mile limit prescribed. Thus far, the Soviet fleet has stayed at least 75 miles west of Key West, Fla., and is planning to go to Havana, presumably to attend the celebration of Cuba's National Day on July 26.

So far as is known, the destroyers sent into the Black Sea by the United States carried no missiles. They have been crusing in collaboration with ships of Turkey, which also borders on the Black Sea and is a member of the North Atlantic Treaty Organization. The exercises are part of the obligation of NATO to prepare for the defense of that country against potential aggression.

President Monroe, 146 years ago, proclaimed the doctrine that the United States would not tolerate the establishment of a foothold in this hemisphere by any European country. The Monroe Doctrine, as it is called, was respected for many decades. But within recent years, the Soviet government has defied it by establishing a foothold in Cuba.

The Russians may argue that they have a right to keep any country from establishing bases in Europe and that, in effect, if the United States is to have a free hand in keeping other nations from setting up bases in this hemisphere, then America ought to be prohibited from doing the same thing in Europe.

But the truth is that the Soviet government maintains armies of occupation in the Communist-bloc countries of Eastern Europe in defiance of the settlements reached at the end of World War II. The United States would be glad indeed to abolish NATO and pull its troops and naval fleets back home if the Soviets withdrew their armies and released from bondage the peoples of East Germany, Poland, Hungary, Romania, and Czechoslovakia.

In the crisis that arose in 1962, President Kennedy insisted that Soviet missile sites in Cuba be dismantled. Reports have recurred since then that secret bases have nevertheless been maintained. A close relationship between the Cuban government of Fidel Castro and the Moscow government has continued. A few days ago a London dispatch attributed to diplomatic sources a statement that as much as $2 billion had been advanced to the Castro government by the Soviets in the last few years.

Intrigue has been carried on by the Communists in several of the Central American and South American countries. There is evidence of Communist plotting and collusion with some of the rebel movements in Latin America. Except in Cuba, however no military installations have been set up by the Russians.

The time has come to make clear to the government in Moscow that it must detach

itself not only from Cuba but from any other country in this hemisphere. For the principles behind the Monroe Doctrine are still valid as a means of protecting the peoples of the Western Hemisphere against military conquest by any European or Asian power.

There can be little trust in Soviet pledges about maintaining peace while funds and military equipment are being shipped to Cuba, and a Soviet fleet cruises in waters off our shores with vessels capable of firing missiles which could easily destroy American lives and property. Still, there are people in Congress who keep saying that the Communist threat is just a "myth" and that the deployment of anti-ballistic missiles inside the United States as a deterrent to enemy attack is really unnecessary.

HOWARD A. COLEMAN, JR., IS PRESENTED CITATION

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. BURKE of Massachusetts. Mr. Speaker, at this period of time in our country when young persons are facing many challenges and difficult decisions, it is gratifying to learn of a young man who met a tremendous challenge and responded unselfishly.

Learning of his action was an unusually pleasant one for me, in that the young person referred to is both an acquaintance and constituent of mine. I am sure that my fellow Members of Congress will join me in giving recognition to Howard A. Coleman, Jr., of Brockton, Mass.

Mr. Coleman, who is 21 years old and an employee of the Whiting Milk Co., Inc., in Massachusetts, was employed last summer as a special delivery driver while between semesters of college. While en route to his employer's branch at Duxbury one afternoon last summer, Mr. Coleman's attention was directed to an automobile which had gone off the road, partially up a steep hill and lodged between two large trees.

Without concern for his own safety, Mr. Coleman ran to the vehicle, which by that time had caught fire and was ablaze. Because the trees prevented the car door from opening, Mr. Coleman broke a window to get to the occupants. Inside the smoke-filled car, he found a mother and two children, ages 7 and 6. He extricated the two children from the car, then went back to remove the mother who was injured and unable to move.

He believed that was all of the occupants. However, while Mr. Coleman was carrying the mother from the vehicle, she pleaded with him to save a third child, a 10-month-old infant, still in the car. By this time the car was filled with smoke and the flames were extensive. Unable to see the child, Mr. Coleman felt on the seat and the floor of the car, found the child, and took him to safety. The car exploded within seconds.

A happy conclusion to this incident is that all four persons in the car recovered.

For his heroic efforts, Mr. Coleman was awarded the 1969 Pasteur Medal by the Milk Industry Foundation, national trade association of milk processing companies. The foundation has presented this award annually for the past 35 years. It is for heroism by a milk company employee while on the job.

It was my great honor yesterday to personally present the medal to this fine young man. On behalf of the citizens of Brockton and the dairy industry, which sponsors this award, I wish to add my congratulations and best wishes to Mr. Coleman for his courage in performing this act of heroism.

I would like to take this time to call to the attention of the membership of the House, various newspaper articles commending Mr. Coleman's heroic act, an official report of the incident, as filed by Officer Francis Guilderson, Duxbury Police Department, and a letter from Mrs. Consolinó.

SAVES FOUR FROM FLAMING AUTO

DUXBURY.—Prompt action by a Brockton man saved a Pembroke woman and her three children from death when they were trapped in their burning car after an accident on Elm St., Tuesday afternoon. Howard Coleman, Jr., 20, of 77 Pondview Circle, a driver for Whiting Milk Co., rescued the four, getting the baby out of the car seconds before it exploded.

Mrs. Kunie Consolino, 76 Wampatuck St., is in "fair" condition at the Jordan Hospital in Plymouth, while her children, Catherine, 7; Marie, 6, and Joseph, Jr., 10 months, were discharged after treatment.

Coleman was returning from making a special delivery in Duxbury when he saw a woman standing by the side of the road, waving her arms. He stopped the truck and she pointed to the wrecked car a short distance away, which was on fire. Coleman ran to the car and got the two older children out of the rear seat without difficulty.

Coleman was unable to open the front door, however, and had to smash the glass and pull the woman out through the window. He carried her a short distance away. He stated that she was mumbling something and he finally caught the word "baby."

Coleman then ran back to the car and reached in through the window as far as he could. He could see nothing in the heavy smoke but groped around until his hands finally encountered the baby on the floor of the car. He pulled the infant to safety and had taken only a few steps when the car exploded.

Duxbury firefighters and police then arrived on the scene and took the mother and children to the hospital. Police reported that Mrs. Consolino told them that the accelerator of her car stuck, causing it to go out of control and crash off the road.

SOCIETY HONORS THREE AREA MEN FOR RESCUE WORK

BOSTON.—Three area men have been honored by the Humane Society of the Commonwealth of Massachusetts rescue operations performed during the past year.

Bronze medals were awarded to Howard A. Coleman Jr. of 77 Pondview Circle, Brockton, and Alfred DeTulio of 27 Hamilton Place, Needham. Mr. Coleman pulled a mother and her three small children from a burning car in Duxbury, July 23. Mr. DeTulio rescued Michael A. Cavanaugh of Newton, April 16.

Robert A. Cushman of 32 Gifford St., Brockton, was awarded a certificate, for rescuing Theodore A. Hancock, who fell through thin ice in Brockton, February 19.

[From the Brockton (Mass.) Daily Evening Enterprise, Feb. 18, 1969]

EAGLES CIVIC SERVICE AWARD RECEIVED BY RESCUER OF FOUR

Presentation of the annual Civic Service Award of the Brockton Aerie of Eagles 617 to Howard Coleman, Jr., of 70 Pondview Circle highlighted the 65th annual banquet of the aerie Saturday night at the unit's quarters, 46 Green St.

The occasion also produced a surprise as, in addition to the award from the Eagles, Coleman was presented a letter of commendation from Gov. Francis Sargent by State Sen. James F. Burke.

Coleman was honored for his courageous action in saving Mrs. Kunie Consolino of Pembroke and her three children after their car crashed and caught fire in Duxbury on July 23 last year.

Past Pres. George E. DeMulis, master of ceremonies, pointed out that a committee selects possible recipients for the awards and the final three names are voted upon by the entire membership.

DeMulis read a letter from Whiting Milk Co., for whom Coleman was working at the time of the incident, commending his action and also stating that he was being recommended by the company for the Louis Pasteur Award, an annual national award for heroism by a milkman. DeMulis also pointed out that Coleman, 20, was the youngest recipient of the award by the local aerie.

Sen. Burke stated that he was delighted, honored and privileged to have a part in the program. He pointed out that at a time in our society when unrest and riots were in the news, it was fine to see a young man honored for a deed of heroism. He congratulated the Eagles for making the award.

Sen. Burke then made the surprise announcement that he had been directed by Gov. Sargent to present a letter of commendation from the commonwealth. In the letter, signed by the governor, he commended Coleman for his "swift, courageous and selfless action" as an example of the real concern for all people.

Sen. Burke also presented the Eagles Civic Service Award which cited Coleman as one of the individuals who made his home town a better place in which to live.

Thomas Brennan, representing Whiting Milk Co., read letters from the Duxbury chief of police and from the officer investigating the accident, as well as from Mrs. Consolino. The letters pointed out that the car was 64 feet up a banking and wedged by trees so the doors could not be opened.

They added that Coleman was stopped by two women and informed of the accident, went to the car, pulled the two older children, Catherine 7, and Marie 6, from the rear seat; broke a window to pull Mrs. Consolino, who had an injured back, to safety and then, when informed her baby was still in the car, reached in and groped around the front seat in the smoke until he found Joseph, Jr., 10 months, and pulled him out. The car exploded when he was only a few feet away after rescuing the baby.

Brennan congratulated Coleman on his achievement and also congratulated his parents, Mr. and Mrs. Howard Coleman, Sr.

Greetings of the city were brought by Councilor James J. Adams, representing Council President Arthur M. Crowe. He congratulated the Eagles on their work and on their choice of the young man to be honored. He expressed the personal greetings of the Mayor and Council.

President J. Edward Donovan greeted all present and welcomed them to the 65th anniversary program. Vice President Richard Wheeler, chairman of the banquet committee, also extended his thanks. President Gertrude Johnson of the Eagles Auxiliary thanked the committee for her invitation and wished the aerie many more years of continued progress. She also pointed out that Mr. and Mrs. Coleman "must be very proud of their son."

State Vice President George Marcotte brought the greetings of the State Aerie. He applauded their choice of a recipient for the Civic Service award, pointing out that good deeds and work by young people frequently goes without mention.

Marcotte said he was greatly impressed by many of the actions of young people. He spoke briefly of coming Eagle activities, including a conference at Boston March 8, the State Ball on March 22 at Rockland and banquets at Hyde Park and Middleboro next Saturday night.

Atty. Basil W. Flynn, a friend of the family, spoke briefly on the excellent job done by young Coleman. He pointed out that the youth, who attends Bryant and Stratton College, had been honored by the VFW and the Mass. Humane Society for his heroism. He praised the action as a real act of heroism and congratulated his parents.

Coleman spoke briefly to thank the Aerie for his selection and to thank all who attended.

Head table guests introduced were: Howard Coleman, Jr., Mr. and Mrs. Howard Coleman, Sr., Sen. and Mrs. Burke, Councilor Adams, Pres. Donovan, Vice Pres. and Mrs. Wheeler, Toastmaster and Mrs. DeMulis, Aux. Pres. Johnson, State Vice Pres. Marcotte and Atty. Flynn.

[From the Brockton (Mass.) Daily Enterprise, Nov. 25, 1968]

HOWARD COLEMAN, JR., IS PRESENTED CITATION

Howard Coleman, Jr., 22, of 77 Pondview Circle, was presented gifts and a savings bond by the Brockton Post 1046, VFW, as a feature of the recent State Commander's Banquet of the VFW at the Hall in the Fargo Building, Boston.

Coleman was honored for his heroic rescue of a mother and her children who were trapped in a flaming car after an accident last summer. Cmdr. Fred Smith and PC Paul R. Maliska related the reasons for the award to the audience, quoting from an Enterprise story and letters from Whiting Milk Co. officials, young Coleman's employers.

Present for the ceremonies were the youth's parents, Howard, Sr., and Mary Colman and officials of the milk company, along with a large delegation of members of Brockton Post, 1046, Plymouth District 12 and other posts. The affair was attended by more than 15,000 persons, who gave the youth a long ovation. The banquet honored State Commander James A. Peoples. The Brockton youth was unaware of his part in the program until the presentation.

TOWN OF DUXBURY, MASS.,
POLICE HEAQUARTERS,
January 24, 1969.

Re Pasteur Medal Awards—1968.
Att. Miss Geraldine Walsh.
MILK INDUSTRY FOUNDATION,
Washington, D.C.

GENTLEMEN: On July 13, 1968 Officer Francis X. Guilderson responded to the call for police assistance at scene of accident on Elm Street, Duxbury, Massachusetts.

In this accident were a Mrs. Kunie Consolino and her three small children.

Enclosed please find Officer Guilderson's copy of his Officer's report submitted to this Department.

Yours very truly,
HENRY P. MCNEIL,
Chief of Police.

DUXBURY POLICE DEPARTMENT OFFICER'S REPORT

Subject—Rescue of 4 Persons from a Burning Vehicle.

Date—September 9, 1968 **Time** 5:00 p.m.

On July 23, 1968, at about 3:33 p.m., I was called to cover an accident on Elm Street, Duxbury, Mass. Upon arriving at the scene I found a car totally engulfed by flames. Several persons at the scene pointed to a young man as the one who pulled out 3 children, and the female operator from the burning car. After handling the traffic, I spoke to this man and learned his name: Howard A. Coleman, a milkman from Whitings Milk Company, Duxbury, who was returning to the Plant when stopped by 2 women who pointed out the burning car, off the road, 64 feet up the banking. He ran to their assistance, broke a window to open the door to get out 2 children and their mother. While carrying the mother away she cried "Get my baby, it's still in the car!" Coleman ran back to the burning car and felt with both hands (he could not see because of smoke and flames) on front seat and on floor of car and found the small, 10 mos. old baby and brought the child to the injured mother. Also, I talked with a Daniel Anderson, 3rd of Marshfield, who verified Coleman's actions. Mr. Coleman almost apologized for breaking the car window.

FRANCIS X. GUILDERSON.

JANUARY 31, 1969.

ROBERT H. NORTH, *Executive V.P.*
Milk Industry Foundation,
Washington, D.C.

DEAR SIR: I'm writing this letter, so that you and the judges for the Pasteur Awards program may become fully aware of the heroic action of Howard Coleman an employee of the Whiting Milk Company.

My children and I were out shopping on July 23, 1968 when I lost control of my auto and it crashed into a tree off the road and up on a hill. The auto caught fire and because of it's position (being wedged between trees) we were unable to open the doors. Mr. Coleman came over and helped my 2 children Catherine 7 and Marie 6 to get out. Then he dragged me from the car. (My back was broken as I found out later.) I kept asking for my baby Joseph Jr. 10 months old and Mr. Coleman went back to the auto which by this time was full of smoke and pulled Joseph out. I believe Mr. Coleman's life was in extreme danger all during the rescue, because the car could have exploded at any moment. I was told later that the fuel pump had broken when the car crashed and the gasoline got on the hot engine and this is how the fire started. It was an extremely hot fire and the car was totally destroyed. If Mr. Coleman didn't come along and help us out of the car, I'm sure we wouldn't be alive today.

Sincerely,
MRS. KUNIE CONSOLINO.

A LA CARTE

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Thursday, August 7, 1969

Mr. BOGGS. Mr. President, the Nation's No. 1 baseball fan recently held a reception attended by about 450 of the most prominent men in baseball.

President Nixon, according to newspaper reports of the reception at the White House, displayed an able knowledge of the game of baseball and thoroughly enjoyed himself in the company of the sports figures. They, in turn, enjoyed the hospitality of the White House, according to the reports.

One of those present on this occasion was Al Cartwright, sports editor of the News-Journal newspapers in Wilmington, Del. Mr. Cartwright, I believe, captured the spirit of the occasion in his column in the Morning News of July 23. I ask unanimous consent that Mr. Cartwright's column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

SKINNER GETS ADVICE: YOU SEE, RICHIE? EVEN NIXON CARES!

(By Al Cartwright)

WASHINGTON, D.C.—The President of the United States said to the manager of the Philadelphia Phillies, "Now let me tell you about Richie Allen . . ."

Bob Skinner leaned against the bar in the Green Room of the White House and relayed the conversation. "He really did—honest. My first thought was 'Oh, no, not here, too.' But I kept it to myself and Mr. Nixon went on and he was most interesting and you could tell he had a genuine interest in baseball and sports.

"What he said was that he thought it was a mistake for athletes like Richie Allen and Joe Namath to think about going into the restaurant business or acting or anything else full-time before they had gotten total fulfillment from their sports careers. He said he thought they owed it to themselves to play in the big leagues as long as possible."

Skinner had just gone through the reception line in the east room. His was one of 450 hands that President Nixon shook as he entertained the All-Star Game players, the Hall of Famers, all-timers, club officials and some members of the press in a remarkable session that, even for the All-Stars, has to overshadow the big game that was to be washed out until today.

As Mr. Nixon squeezed hand after hand and chatted with each visitor with great warmth and unflagging patience, rain was beating on the White House. The reception was scheduled for 4 to 5 p.m. but it was close to 6:30 when the last stragglers left.

We wound up in the reception line in back of Earl Weaver, the manager of the Orioles, and Gabby Hartnett, just elected the all-time catcher of the Chicago Cubs.

A white-uniformed military aide took your name. He had a microphone strapped around his neck. This was so a tape-recorder could list the sequence of guests, to correlate with pictures that were being taken. You gave him your name and he announced it to Bowie Kuhn, the baseball commissioner, who completed the double play by passing the name to Mr. Nixon.

"Ever hear of it?" we asked the attache after identifying our town as Wilmington, Del.

"Yes, sir," came the smiling reply. "Twin bridges there."

We were about at the 250-person mark in the line, but Mr. Nixon was as gracious as though he were facing the leadoff man.

How often do you get a chance to say hello to a President? We decided to milk the issue, and bayonet us if you must, Secret Service.

"Did you agree with the election of Babe Ruth as the all-time all-timer?" we asked.

Mr. Nixon led off with his copyrighted sentence. "I would have to say yes." And he

took the time to explain his thinking: "This is because Ruth was a great pitcher as well as a great hitter, and he was an adequate fielder, too. He was sort of a double threat to make the all-time team. Yes, I would have voted for Babe Ruth."

Another set of white uniforms directed you to any one of several rooms—it seems the group had the run of the first floor and the lower floor. Several bars were going, with the hard stuff. Somehow, we had expected punch and cookies, but Mr. Nixon apparently knows his receptions.

Taxpayers savored their memorable introductions to the President.

Gene Mauch looked for a place to stash a cigaret butt. "I don't want to make a mistake and disgrace baseball. The President told me to hang in there, that all Montreal needed was a little pitching. He said he didn't think it would take me as long to win as it did in Philadelphia."

Mike Burke, the president of the Yankees, divorced himself from a conversation with Billy Graham and Bob Carpenter.

"I told Mr. Nixon we missed him at Yankee Stadium," said Burke, one of the hits of last winter's sportswriters banquet in Wilmington. "The last few years, when he was back in the law business in New York, he came to quite a few of the games. I would always put him and Mrs. Nixon in my private box upstairs, but after a few innings he would get fidgety and go down and sit near our dugout.

"Then he would feel guilty and rejoin his wife. I remember one time he came back upstairs and somebody hit a long, high fly that hugged the foul line and he stood and grabbed a pipe and leaned over the front of the stand, following the flight of the ball. We almost lost a president right there."

When Frank Cashen, vice president of the Orioles, was introduced by Kuhn, the President said: "You have nothing to worry about not with that lead."

"I asked him please not to say anything like that," smiled Cashen. The Oriole veeps visit was not all pleasure. He noted that the beer of the day was Miller's. His boss, Jerry Hoffberger also owns National Brewing.

"But I'm still having a good time," Cashen insisted.

As White House receptions go—we guess—it was a gas. Toots Shor, the rather hard-to-take New York celebrity pursuer, went through the reception line twice, looking rather the worse for wear. You could hear Mr. Nixon say to Joe Di Maggio, "how are you, Joe?" and this conversation went on for several minutes.

As Harry Walker, the gabby manager of the Houston Astros neared the platform, Tim McCarver of the Cardinals called out just loud enough "Hey, Harry, don't tell him how to hit, or we'll be here all day."

It was generally agreed that Mrs. Jim Lonborg, miniskirted, beautifully equipped all around, was the nicest thing to hit the White House since Dolly Madison. Lefty Grove's wheels gave out and he sat on a blue satin chair with an eagle woven into it, right under a portrait of Harry Truman. Grove flashed white socks in the red room. Lloyd Waner parked beneath a painting of Marquis de Lafayette.

Bob Carpenter, Skinner and John Quinn represented the Phillies. Cashen, Weaver and personnel director Harry Dalton were there for the Orioles. You would have thought it was the lobby of a World Series hotel.

Things were that loose, that baseball-ish. The Marine Corps Band played pop music. Even the leader, Capt. Dale Harpham, got with the relaxed atmosphere.

"You spell the name like harp played by a ham," he told us, "I've been in the corps 34 years and with the band 20 years. If I like it this year, I'm going to seriously consider it for a career.

The President's bash for baseball was informally beautiful, the greatest thing that has happened to the game since Ruth, Eisenhower and golf—Nixon and baseball.

THE FOREST INDUSTRY TODAY AND TOMORROW

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. WOLD. Mr. Speaker, "The Forest Industry Today and Tomorrow," was the subject of a speech some time ago by the then-president of U.S. Plywood-Champion Papers, Gene C. Brewer. I believe that all concerned with the timber supply and conservation questions should know the positions taken, and that the speech be included in the RECORD:

THE FOREST INDUSTRY: TODAY AND TOMORROW

(Remarks by Gene C. Brewer, president, U.S. Plywood-Champion Papers, New York City, before the Rocky Mountain Forest Industries Conference, Laramie, Wyo., March 28, 1969)

Governor Hathaway, distinguished guests, ladies and gentlemen. Good afternoon.

May I express my warmest personal greetings to all here, and extend my sincere thanks for being invited to address this vital conference.

It is heartening to be among people who have a positive interest in the timber industry *today*, and who are concerned that the timber industry will have a *tomorrow*. Indeed, our industry may be likened to the college president depicted in a recent cartoon in the New Yorker Magazine. It showed his secretary reciting his schedule for the day in this fashion:

"You have a confrontation with the trustees scheduled for ten o'clock. At eleven, you have a confrontation with the student council, and at twelve you have a confrontation with the faculty."

It is very easy for anyone in the timber industry to substitute other nouns for trustees, student council and faculty, and to sympathize with that embattled educator.

We as an industry are having our share of confrontations. They have as much emotional fervor as those of our youthful protesters on college campuses throughout the nation. And ours are growing in numbers and in diversity too.

The sort of confrontations the forest industry are embroiled in may have a precedent in the Greek mythology, which describes an historic confrontation of another sort involving Hercules and a giant named Antaeus. This giant derived his strength from the earth, and in his wrestling match with Hercules, Antaeus would repeatedly be hurled to the ground. But each time he touched the earth he would spring up revitalized, ready to renew the battle.

Finally, Hercules had to hold him aloft and choke him to death.

We, too, like Antaeus, derive our sustenance and our strength from the earth. We too face strangulation, unless we can revitalize ourselves through the proper use of the land.

For years we have argued that the nation cannot withdraw acre after acre of woodland from the timber supply and curtail cutting on the remainder while continuing to enjoy an ever-rising degree of wood product use.

Unfortunately, our message seemed to fall on deaf ears.

Since the establishment of the national forest in 1897, under a law which stated as its purpose, and I quote, ". . . To furnish a continuous supply of timber for the use and necessities of citizens of the United States," some 16 million acres of producing timberlands have been closed to harvesting.

Since 1964, in the 12 Western States alone, one million, nine hundred and nine thousand acres, representing almost 21 billion board feet of timber, have been lost to harvest.

Over the next five years in those same Western States, it is contemplated that another nine million, seven hundred thousand acres will be taken out of production, not including scenic trails and wild rivers which were the subject of special legislation last year. This will represent a loss, over the next five years, of almost 31 billion board feet.

This has taken place while the demand for wood and paper products continued to soar. As far as the forest products industry was concerned, our American timber base, which we tended to regard as a fixed and immutable asset was actually shrinking instead. Last week news from Washington made it appear that finally our message was getting through.

On March 19, President Nixon ordered an increase in the sale of timber on publicly owned lands. The Federal Forest Managers were told to allow the harvest of publicly owned timber to rise by more than one billion board feet over the next 15 months.

The President acted primarily in response to a short supply of lumber, and plywood and attendant higher prices which quite clearly relate to a timber supply problem. And he recognized too that it is indeed possible to boost timber production on Federal lands without doing the land or the forest the slightest harm.

Mr. Nixon acted well within the boundaries of Federal precedent.

Last January 6th, the president's committee on price stability had recommended that the executive branch "assist in assuring the availability of essential materials at a reasonable price, particularly lumber, of which the Federal Government, through its national forests, is a major supplier."

Indeed, along these lines, let it be stated that the Chief of the Forest Service, our mutual friend, Mr. Edward P. Cliff, is aware that the federal forests are not being utilized to their fullest.

On November 26, at a hearing of the Small Business Subcommittee of the House of Representatives, Mr. Cliff testified in these words:

"On National Forest Lands, in the Douglas Fir Region, for example, preliminary results of a study now under way indicate that the annual allowable cut could be substantially increased gradually over the years. This might be done through an annual program of investing funds to intensify management practices such as commercial thinning, prelogging, salvage, reforestation and timber stand improvement. Much of this would depend on an access road system to do the work where and at the time it is needed."

Later on in his same testimony, Mr. Cliff added, and again I quote:

"In addition to the Douglas Fir supply study still under way, other studies have been made of investment opportunities on national forests throughout the country. They show that allowable cuts could—in time—be increased about two-thirds by intensifying timber culture on the more productive portions of national forest commercial timberlands."

So we see that Mr. Nixon, in his laudable actions, merely acted to avert a short-term crisis, and that much remains to be done over the long term. Meanwhile, our confrontations are still with us in various forms.

The New York Times recently devoted about a column to the conservationist cause. The story cited the fact that howling wolves still roamed near Winnipeg, while they have been nearly exterminated in the United States.

Its conclusion was that the Canadian situation was the desired one; that America had failed to achieve appreciation of the value of maintaining nature's pristine order.

That, ladies and gentlemen, is one point of view, perhaps an extreme one. And it leads back to the question of how we reconcile use of the land we all need for our revitalization without throwing any single interest to the wolves. After all, the rational use of our nation's forest resources is fundamental to the forest industry: today and tomorrow, and thus to the welfare of our society.

The simplest and clearest articulation of this problem was made by Raphael J. Moses in an article in your most excellent publication, the University of Wyoming Land and Water Law Review. Mr. Moses defined it this way:

"Regardless of the technique employed, it seems apparent that something should be done to restore some measure of balance to the public clamor now heard on every side. Multiple use proponents have a valid case to present and it appears they are overcome by the popular appeal of the preservationist. The nine hundred and ninety nine who really desire multiple purpose use of natural resources need to find spokesmen as eloquent as the spokesmen who speak for the single preservationist."

We try. The forest products industry, and the forest service, have advanced the concept of multiple use as the only way in which this nation, with its fixed land base, can enjoy the forest and obtain at the same time from it the products our society needs. The multiple use concept has been enacted into law and declared to be public policy by the Congress.

But we are handicapped in attempting to reach the public with the multiple use concept, because our statements seem to be self serving. We are at a disadvantage too because we are talking to a passing parade and not a fixed audience. Simply because forests take so long to grow, it is difficult to show people the concrete results of modern forest management.

Those of us in the business can remember when reforestation was a new concept, back in the '40's. We know of forests once harvested, where the second growth is now yielding a very satisfactory crop. Unfortunately, the general public does not see this. We must somehow manage to dramatize that this slow process is a real one nevertheless; we must accelerate our attempt to reach this passing parade, to get our message across.

And we must include as part of our message the fact that if the withdrawals of land continue this can ultimately work only to the disadvantage of our civilization and will erode our high standard of living. We must remember that, like Antaeus, our fountainhead is the land. That simple factor is not widely recognized at all. It should be. Let us take a moment to look at the role that the tree plays in our everyday lives—in the everyday lives of our 200 million fellow citizens. This is well known to us in the industry but bears reporting.

There are more than five thousand products in everyday use in which wood plays a major role. Some of these products are easily visible—lumber and plywood for homes, offices, schools, churches and commercial buildings.

But there are an equally great number of applications of wood that are not visible. For example, enormous quantities of wood are used in steel making, in coal mining, and by the transportation industry. Without woodbase products, operations in these and many other industries would be more costly, or made more difficult, or slowed in some manner.

Every magazine or book you read, every piece of paper you handle in your business, stems from the tree. We are the world's largest paper consuming country—and its most advanced, and paper use is growing. Office copying machines alone now use 1.2 million tons a year, up from nearly zero a decade ago.

Curiously enough there is a correlation between paper use and a nation's development. The United States, for instance, has a per capita paper consumption of 540 pounds per year. For other advanced countries, such as Sweden and Canada, the figure is also high—over 300 pounds per capita.

But paper consumption in the Soviet Union is only 42 pounds per person annually. And in China, where paper making began, the average consumption is estimated at only 6 pounds per capita.

The timber industry, in a sense, is a steward of these many interests. We have an obligation to make certain that our forest resources tomorrow will be adequate to supply our nation's needs.

Incidentally, when we timbermen speak about our obligation to the future, we are already hard at work on it. It takes 25 to 40 years for the seed of 1969 to become a harvestable tree depending on end use. Right now, when our industry looks to its tomorrow, it is looking beyond the year 2000, by the very nature of the business. The hard economics of plant payout demand long range planning of the highest order.

This obligation we have to the future is the chief reason why the recent actions taken by President Nixon which I already have mentioned, while highly to be commended, are merely a stopgap solution for a pressing crisis. They do not get at the roots of the problem. Just as we have long-range plans for growing trees on 30, 40, or 60 year cycles, we must also have a long-range plan which will assure a future wood supply. Actually, this becomes a question of practicing what already exists, namely multiple use of the land. We have all been frustrated on this score by a lack of public understanding of what multiple use means. We must teach the public by example; by practicing multiple use right out in the open. The need has never been greater. Let us look for a moment at what is involved.

Some arithmetic is sobering. In 1901 there were 11 acres of growing trees to supply the per capita needs of a population of 77.5 million. At present there are three acres of growing trees to supply the per capita needs of 200 million citizens. In the year 2000—that is only 31 years away, less time than it takes a tree to grow—it is estimated that there will be only 1.5 acres of growing trees to supply the per capita needs of more than 300 million people.

Stated differently, the situation can be summed up like this: As population increases, the available supply shrinks, but needs expand.

To meet the future's needs is a rigorous challenge for the timber industry. We are expected to provide the basic commodities—lumber, plywood, furniture, pulp and paper products, cellulose, chemicals, naval stores, you name it, essential for the welfare of all our people. This is the role we have assumed in the free enterprise system, and the people expect us to fulfill that role.

The government expects us to fulfill that role, too. Because we are the outlet for the commercial timber resources of our nation in public ownership: some 142 million acres and 297 billion cubic feet of growing stock. In essence, private industry converts public timber, owned by all the people, into useful products needed by all the people.

Further, we are told that one of our critical social needs is to overcome the housing deficit in the United States, to replace the slums with adequate housing, to withstand the pressures of population growth by initiating new housing starts and by providing jobs for the people who will form the families who will buy those new houses.

We are told as well that our nation must rally its economic and sociological genius to reverse the outflow of rural population to the urban centers, that we must create new towns which will provide new jobs in rural areas, and that we must strengthen job opportunities in every hamlet and village to keep the rural population there.

The figures are startling. In what the New York Times calls "a social movement ranking in American history with the wave of immigration from Europe between 1890 and 1930 which brought 22.3 million aliens to our shores," it reports that rural population had dropped from 30.5 million in 1940 to 10 million today. Most of these 20 million people who disappeared from the land migrated to urban areas. And while this migration may be nearing its end, its effects will be with us from now on.

We are told also that some of the most pressing needs of the nation are outdoor recreation: Scenic easements for highways, hiking trails, canoe areas and overlooks, and many others. With all of these needs, I agree.

But we are chastized for suggesting that maybe if park areas already owned by the Federal Government were developed for recreation, there would be no need to withdraw more land from private ownership. Moreover we are attacked for urging moderation in removing commercial timber land from national forest multiple-use administration to establish wilderness areas and remote parks.

In brief, we are assigned the task of meeting the material needs of our society on the one hand and damned for doing it on the other.

Our highly urbanized society wants all the comforts and conveniences that the tree provides. And, at the same time, it appears to support those who oppose harvesting trees.

Seemingly, we cannot have it both ways.

But, in fact, we can. We *can* because we *must*.

The answer is land use planning of a highly sophisticated order to achieve the optimum returns from our forest resources for the maximum number of people.

This requires that the desires of a single group must not be permitted to take precedence over the total public interest.

As I envision the forest of tomorrow—and it is already deeply rooted in the actions we are taking today—I see what would really be a living "factory". I see this living "factory" as constantly renewing itself, under man's prudent management, and yielding its line of "products"—wood, water, wildlife and recreation. These "products," under careful stewardship, will never run out, never suffer a shortage of materials or market glut or any of the other plagues which hamper most man-made factories.

That's because these living "factories", after all, were made by the Supreme Creator. As Bruce Barton once reminded us, "if the tree were invented today, it would be considered the miracle of the ages." That is altogether fitting, because the inventor of the tree is indeed the Creator of all miracles.

Following that premise I believe that God, in His infinite wisdom, created the land, as well as the tree, for use by all. I can't believe the Lord and Nature gave us the tree with its unique and unmatched characteristics, without intending that its benefits be available to all the people.

That, gentlemen, is multiple use. It has a precedent stretching back to the beginning of man. It would be foolhardy to try to repeal it now.

Multiple use has no greater friend than the forest products industry. This is a matter of well established record.

As an industry, we welcome the camper, the hiker, the hunter, the fisherman, the beauty seekers, the botanist, the bird watcher, and even the sun bather. We make them all welcome, even though we know there are hazards involved. We are, whether we like it or not, in the recreation business, too.

These objectives are also a part of the land management practices of both the Forest Service and the Bureau of Land Management. They make sense. They afford the means to enable the land, the natural resource, to yield the most benefit to the maximum number of people.

Still, this is not widely understood. What must be done then to gain the understanding the timber industry needs for its tomorrow?

First, we need a much wider public understanding and appreciation that the forest is a renewable natural resource, that trees grow and that they respond to culture, that trees can be harvested and reseeded or replanted without damaging the on-going continuity of the forest.

This fact cannot be overstated. Coal, oil, iron ore, copper, natural gas—these and all our other minerals—are resources which, once depleted are gone. But the forest responds to cultivation. Moreover, the practice of forestry restores beauty to the land. No other natural resource provides beauty at the same time it provides for the general welfare. Second, we must stress that trees, as living things, are subject to natural enemies. You know far better than I, the problem of loss of timber to beetle infestation and other disease. It is particularly acute here in the Rocky Mountain States.

For example, a recent letter from the acting superintendent of Yellowstone Park indicates that on the basis of aerial surveys, there are about 111,280 acres of bark beetle infestation affecting one billion—700 million board feet of timber. He estimates that of this infestation, approximately 100 million board feet will probably suffer extensive damage.

I cite this, not to open the highly controversial subject of whether or not harvesting operations should be allowed in national parks. Rather, my point is that here in Wyoming "preserved" for all the public to see is a great object lesson in what happens to a forest resource when you do not practice forestry.

Earlier I mentioned land use planning. The timber industry, under the auspices of the National Forest Products Association, took the lead last fall in sponsoring a seminar on land and the American people. It was attended by representatives of nearly 50 land-based industries, educators, land authorities, government officials and individuals.

Out of these discussions came the recommendation that a national land use institute be established as a means toward better public understanding of the U.S. land base and its relationship to the public interest. I support it personally, and I commend it to everyone here.

It is a difficult job to create that understanding. Some seventy per cent of our population now lives on two per cent of the land. As families have moved away from the land, they have lost sight of the fact that land productivity is basic to the functioning of our economic system. Somehow we must reestablish that understanding.

At the same time we strive for that understanding, we must stress that we as an industry have willingly shouldered our obligations.

We realize that we must make the best possible use of every acre. We realize that to meet the obligation of the future we must spend large sums on research, to make drastic improvements in the growth per acre of wood.

We are doing this, through the development of better seed, and fertilization. We are choosing our growth sites as scientifically as we can, with the view of waiting not 40 years for the harvest but possibly 30 or even less. In short—while nature has given us a "miracle" of Bruce Barton's—we must continue to improve on it.

Furthermore, we recognize that to fulfill our function we must use every tree to its fullest potential—we must determine its highest end use and process accordingly.

We also recognize that we have additional obligations—to our employees, our customers, our shareholders as well as to the society to which we all belong. As part of this obligation, we must use the latest in market and product research techniques, to make sure that we are serving our markets as they wish to be served.

Where research is concerned, I am already on record as favoring a system whereby a portion of the receipts from sales of national forest timber would be set aside for this purpose. Such a proposal has aroused some industry opposition, but I still favor it.

In summary then in my view the posture for tomorrow's timber industry runs like this: The knowledge that we as a nation are irrevocably linked to the land; the knowledge that the land must be put to its highest use for the benefit of the majority of the population; the knowledge that just as government has obligations to the private sector, so does our industry have obligations to society as a whole, and to itself as well. Together with government we are the stewards for tomorrow's forests providing wildlife, water and recreation, the products of nature's living factory.

Finally, we cannot lock up our natural resources and treat them as dusty museum pieces. To do so is to doom our civilization to strangulation, just as surely as Hercules lifted Antaeus from the land, and thereby destroyed him. We can and we must manage that priceless heritage, the land and its forests in such a way that the needs of all our people are served. We must maintain contact with all users of our forests and reconcile our viewpoint. A tall order—you bet it is—let's get on with it. It is our responsibility to do just that.

THE LANDING ON THE MOON

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, August 7, 1969

Mr. THURMOND. Mr. President, the landing on the moon by two U.S. astronauts has given new hope to the peoples of the world for decisive American leadership. The general acclaim which this feat met in nearly all corners of the world is evidence that men everywhere appreciate a forceful and forward-looking policy under American leadership. Typical of these responses is an article published in Germany by the editor of the Czech newspaper Ceske Listy, George Brada. Dr. Brada is a commentator who is extremely well versed in American affairs and is a great friend of the United States and all that we stand for.

In his article, Dr. Brada makes observations which would be too immodest for an American to state. Nevertheless, it is highly gratifying to see a citizen of West Germany appraise our policies so highly.

Mr. President, I ask unanimous consent that the article by George Brada, entitled "The Policy of Superiority and Humanity," be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE "POLICY OF SUPERIORITY AND HUMANITY"

(By George Brada)

A NEW ERA

The American landing on the moon has started a new era for the world; and it has initiated necessarily a new policy for the United States and the Free World.

The new policy's name is obviously the "policy of superiority."

The American conquest of the moon means that the United States has reached visibly a superiority in science. And under President Richard Nixon, America has reached also a superiority in the political field. This superiority in science and in politics has its counterparts in America's technological, economic, military, moral, and spiritual superiority.

The new "policy of superiority and humanity" will be applied necessarily also towards the Communist countries. It is going to displace the former policies of "bridge-building," "detente," "peaceful coexistence," "peaceful competition" "confrontation", "containment", "cold war", and even the original "policy of liberation"—or, better said, it is going to modify and combine them from the standpoint of a superior thinking and reason, a superior political and humane morale.

The "policy of superiority and humanity" means that, at the end, Communism will be dissolved and abolished without war.

THE "POLICY OF COMMUNISM"

In a 100% opposition to the "policy of superiority and humanity" stands the "policy of communism," preached in and outside the U.S.A.

The "policy of communism" demands that the United States share its scientific and economic wealth with the other nations, including the Communist States while neglecting its own strong position which had made that wealth possible; that the United States finance all poor people whose numbers are rapidly increasing, while neglecting the pursuance of the progress of its science and its own security; that the United States soft-pedal its scientific progress inside and outside the military field and make agreements to restrain its scientific talents to the level of the Communist States or even under this level; that the United States work to the aim of leveling and mixing of all people, nations and races in one common, communist America and world.

At present, the three or four practical proposals which we hear most often from the adherents of the "policy of communism" are:

America should not promote so much its space exploration but rather help the poor; America should not try to defeat the Communists in Vietman and America should not build any ABM system but rather develop a welfare program for the poor; America should undertake future space exploration and other scientific projects in common work with Communist Russia.

In the meantime, however, the Soviet Union is arming and promoting its science, while completely and absolutely neglecting the poor—the whole nation of the USSR—in order to conquer and to subjugate all mankind. The Soviet Union wants to tie American hands by various treaties but itself violates any treaty when it suits its interest.

Yes, the Communists also have and profess a superiority: the superiority in intrigues, espionage, false propaganda, a superiority in inhumanity. Their main domain within the free countries is—logically—propaganda in newspapers and on television, and schemes in political and economic life.

THE "POLICY OF SUPERIORITY AND HUMANITY"

Let us return to the new "policy of superiority and humanity" which has been started in the United States under Richard Nixon.

This policy means that America—applauded by all freedom-loving men and nations—is going to make a great progress in the scientific and technological field (while excluding also all espionage and other sharing of scientific know-how with the Communists).

America will give assistance to others—but exactly from its position of strength and unbridled superiority. Only this makes such a help possible in the long run. And Americans will encourage, not only in the United States itself but also in all other free nations, the spirit of initiative, enterprise, self-help, independence, freedom, superiority and humanity.

The "policy of superiority and humanity" will use East-West trade, cultural and other exchanges, travels and visits so that it will serve the interests of the Free World.

The scientific progress demanded by the "policy of superiority and humanity" is not identical with huge armaments. On the contrary. The policies of President Richard M. Nixon are the classic example: He wants to test new scientific devices on small projects like the "Safeguard", and not build big armaments which can get obsolete.

And one day, there will be a great breakthrough in science (even outside the military field) which will enable America to exhort the Communist countries to give freedom to their subjects and to end the armament race. Only this will be a real disarmament. There is no other kind of disarmament possible.

Because we must be clear on one point:

It is World Communism, it is the military might of the otherwise poor Soviet Union which presently forces the mankind to divert huge amounts of material resources into armaments. The existence of Communism is thus the biggest obstacle preventing us from helping the poor.

NO DOUBT WHO WILL WIN

Thus the fight goes on presently—inside and outside the United States—between the "policy of superiority and humanity" and the "policy of communism".

There is no doubt about the outcome of this fight.

The progress of the American pioneer human spirit, the progress of the superiority of the human spirit and of humanity cannot be halted by the Communists.

This development cannot be halted. And as it goes on, the Communists will lose more and more their false faith; and the freedom-loving people will win more and more self-confidence, firmness, courage and the feeling of superiority of their spirit and morale. Thus Communism will fade away spiritually before it will die materialy.

The American superiority, representing the spiritual superiority of the Free World—the superiority in science, technology, economy, politics, in the military field, in morale, justice and humanity itself—will finally bring about the dissolution of Communism without war, the correct arrangement of relations between nations and races, and the help to those who need it.

The American success is a success of the whole mankind. The step to the moon is also a step to the preservation of freedom of the free nations, and a step to the liberation of Czechoslovakia and all other subjugated nations.

And the nations of the world, those free and those enslaved by Communism, know it.

EMERGENCY DETENTION CAMPS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. BROWN of California. Mr. Speaker, last month the California convention of the B'nai B'rith Women took a strong stand against the detention camp provisions of the 1950 Internal Security Act—the McCarran Act. I would like to insert in the RECORD that thoughtful resolution at this point for the benefit of all my colleagues:

RESOLUTION ON DETENTION CAMP PROVISIONS OF THE INTERNAL SECURITY ACT

Whereas, Title II of the Internal Security Act of 1950 authorizes the creation of emergency detention camps and empowers the Attorney General, without due process, to detain therein American citizens suspected of rebellion or insurrection in "aid of a foreign enemy"; and

Whereas, the National Jewish Community Relations Advisory Council, of which B'nai B'rith and the Anti-Defamation League are members, opposed and continued to oppose said Internal Security Act as undesirable legislation which is repugnant to constitutional guarantees and the philosophy of a free society; and whereas, our experiences as Americans and as Jews with such concentration camps and the concepts of presumed guilt because of ethnic or racial relationships impel us to be unalterably opposed to such provision for detention even in emergency situations; and

Whereas, there are pending in the Congress of the United States bills to repeal Title II of the Internal Security Act of 1950;

Now, therefore, be it resolved, that B'nai B'rith Women, District Four, in Convention assembled, wholeheartedly supports legislation to repeal Title II of the Internal Security Act of 1950 as violative of the constitutional guarantees and judicial traditions that are basic to our democratic way of life, and specifically supports S. 4270, and H. 4497-4500, which would repeal said Title II; and

Be it further resolved, that each B'nai B'rith member in the states in this District be urged to write her Senator and Congressman to oppose this type of legislation; and

Be it finally resolved, that copies of this resolution be sent to each United States Senator and Congressman of the States composing District Four.

Adopted this 2nd day of July, 1969, Beverly Hills, California.

Already this session I have sponsored legislation—H.R. 11373—to repeal title II of the act. The section authorizes detention during a presidentially declared internal security emergency of any person, based only on "reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in acts of espionage or of sabotage."

This act, written at a time when the American people were caught up with fear and hatred of the unfamiliar, reflects that irrational mood. It is totalitarian, denying principles of freedom upon which our Nation was founded. No provision in the act guarantees a citizen's basic right to due process of law. A detainee under title II receives no trial; he cannot question his accusers. Burden of proof is upon the accused rather than the Government, and the Attorney General is not even required to produce evidence used to hold the detainee.

It is in no way consistent with the American democratic tradition to allow such a law to remain on the books at a time when rational examination is possible. Until now it has never been necessary to enforce the McCarran Act, and there has been no chance to prove it unconstitutional. Must we wait until even one American has suffered a loss of his rights under this law before we abolish it as a threat to the freedom and security of all Americans?

LEGISLATION TO PROVIDE FOR NEEDED RESEARCH INTO NATURE OF SEVERE WEATHER

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. SHRIVER. Mr. Speaker, violent weather has been with us from the beginning of time. In Kansas, during the late spring and early summer months, it is not uncommon to have a tornado watch every night for a week at a time. Like others who face the threat of hurricanes and tropical storms, Kansans have learned to live with the reality of severe weather.

Simply learning to live with the problem is not enough; therefore, I am introducing legislation that would increase our knowledge of the nature of severe weather, develop methods of detection and early warning, and establish a national severe storms service as a part of the Weather Bureau.

In the 4-year period 1964 to 1967, tornados and related severe weather resulted in the loss of 789 lives and more than $2 billion worth of property damage. Tornados have ripped through all 50 States and interrupted countless lives. Severe weather is indeed a national problem.

Last night at least eight tornados raked the lake-dotted resort country of northern Minnesota leaving an estimated 16 dead and at least 100 injured. One of the twisters ripped through a church camp killing at least four.

Our knowledge about the nature of tornados and hurricanes is very limited. Our method for detecting severe weather are imprecise. And the system we use to warn citizens of impending severe weather is only partially effective.

Until the day comes when we can control our weather, prediction and detection of violent weather, coupled with an advanced warning system, is the best means we have to limit the disruption caused by severe weather. Lives can be saved if the warning is sounded early. The importance of developing new and improved means of storm detection warning systems cannot be over-emphasized. The value can be measured in lives saved.

I urge prompt consideration and early passage of this legislation which would fund needed research into the nature of severe weather. A national severe storms service with a division for tornado detection and warning would help upgrade existing weather forecasting facilities. It is time that we turned our attention to this critical national concern and face the problem head on. I feel that such a research effort would be warranted and could result in the saving of lives and property.

The "twister" that carried Dorothy to the Land of Oz was a harmless element of a famous fairy tale. The tornados and storms, such as the ones in Minnesota last night, are anything but harmless and very, very real.

The time has come for application of space-age technology to the down-to-earth problem of severe weather.

COWGER VOTES TAX CUT

HON. WILLIAM O. COWGER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. COWGER. Mr. Speaker, today I voted with the majority to pass the most comprehensive tax reform measure enacted in almost 60 years. I wish to commend the House Ways and Means Committee for its diligent work during these past 6 months in providing us with a bill that will give tax relief to the low- and middle-income taxpayer. Substantial aid is given to those at and near the poverty level with relief to the middle-income group by increasing the standard deduction percentage. The 368-page reform package also abolishes some tax privileges enjoyed by special groups. The repeal of the 7-percent investment credit should help to slow down the inflationary spiral. Certainly a cut in the oil depletion allowance and restrictions on accelerated depreciation of real estate were much needed reforms. As the former mayor of one of our largest cities, I am against the curb put on tax exempt municipal bonds. This could, in my opinion, stifle the capital growth of many of our cities. However, I feel that I must vote for and support the full package.

Mr. Speaker, yesterday I voted against the closed rule which was passed 265–145. I felt that it was unfair to tack on the surtax extension to this reform bill. I voted against the 10-percent income surtax last year and again this year. It is unwise to try to control inflation through taxation when excessive spending continues abated.

I am proud to be a Member of Congress and to have had a part in passing tax relief legislation for the average taxpaying citizen. After 6 hours of debate and 6 months of preparation, I think that this bill is a good one that should be concurred in by the Senate. It is the House's constitutional prerogative to initiate tax legislation and I would hope that the Senate will accept the work of this body.

Tax justice has been long in coming to those who provide the bulk of the Federal budget. Now, I would hope that we will substantially cut the remaining appropriation bills that come to us for approval. The recent announcement that we are enjoying a $3 billion surplus should motivate the Congress to find more ways to trim expenditures. So far this year I have voted for every recommittal motion to send appropriation bills back to committee for cuts. Inflation feeds on overspending, and not undertaxation. Mr. Speaker, we must establish priorities in all of our programs, both foreign and domestic.

SUBWAY PLANS COULD ONLY BE SAD MEMORY

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. FUQUA. Mr. Speaker, I am convinced that for the Nation's Capital to function properly, it is absolutely necessary that the city have adequate access for employees who work here, for visitors who stop here, for residents who live here, and for travelers who make their way through the area.

As a Member of Congress having legislative responsibility for the Nation as a whole and as a local resident of this metropolitan area for the major part of the year, I am doubly concerned over the present critical freeway impasse.

As a legislator, I am very disturbed by the fact that a loud minority resorting to threats has caused the City Council to blatantly ignore the unequivocal voice of Congress, which has directed the city to build the Three Sisters Bridge. The Council's Monday morning quarterbacks are now floundering. The resulting loss of time and the taxpayers' money will have its worst effect ultimately on all the residents and businesses of the District of Columbia, who would otherwise stand to be the greatest beneficiaries of rapid rail transit construction and better road accessibility.

I readily come to one obvious conclusion: If traffic continues to build up at the rate it has in the past 4 or 5 years, even an elaborate rapid transit system such as Metro cannot be expected to cope with travel needs to and from the District in the latter 1970's and in the 1980's without additional river crossings. Bridge construction is unavoidable. Delay in bridge construction now could doom the present attempt to build a subway. Suburban jobs for District residents would then become hopelessly remote in tomorrow's tighter and tighter traffic jams. And the region would never benefit from thousands of jobs directly attributable to subway construction and those generated by the development which is certain to follow the subway's construction.

Metro is ready to become a reality if the Three Sisters Bridge is started; it could become a sad and costly memory if the Council's endless second-guessing continues.

TAX REFORMS FEARED INFLATIONARY

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. UTT. Mr. Speaker, I wish to include the editorial by Columnist David Lawrence, which appeared in the Washington Evening Star of August 6, in the CONGRESSIONAL RECORD.

Mr. Lawrence presents an analysis of the inflationary effects of the tax reform measure, which should be widely read by the people. He clearly sets forth the impact on the national economy which this hurriedly written bill will have unless it is amended by the Senate.

Mr. Lawrence's column follows:

TAX REFORMS FEARED INFLATIONARY

(By David Lawrence)

Instead of curbing inflation, the new tax bill prepared by the House Ways and Means Committee may prove a stimulus for added inflation.

The purpose of the "tax reform" was supposed to be to equalize the burden as between the very rich and the middle-income brackets and to give tax relief to the low-income group. But the net result will be to boost the amounts that millions of citizens will have available for spending.

The tax increases that have been recommended will affect mostly individuals with large incomes, businesses and institutions which normally provide the savings that flow into capital investments. The new tax bill cuts personal taxes by $9.2 billion.

The bulk of the reduction—more than 50 percent—goes to taxpayers with incomes below $15,000. Thus, more money will be put into the pockets of millions of individuals with low or moderate incomes who typically spend the greater part of their income. This means that more goods will be purchased, and demand will be substantially increased. When this happens, prices invariably go up, too.

Reforms in personal taxes will increase the rates to be paid by individuals with incomes above $15,000, and this will furnish the U.S. Treasury with $1.4 billion more than it collected before.

Other tax reforms, together with repeal of the 7 percent investment credit, will impose on institutions and businesses taxes amounting to $5.4 billion.

The whole measure means a net loss of revenue to the U.S. Treasury of about $2.4 billion.

But the figure on which to focus attention is the $9.2 billion in tax benefits to be given to persons in the low and middle income brackets.

There is, of course, a possibility that the Senate will make some changes in the new tax bill and will try to balance the losses against the gains. The important factor is the way in which the tax reductions are distributed, and how the rates are revised so as to permit more and more spending by a larger number of citizens.

Unfortunately, the tax reform bill was written in a hurry, and its provisions were based largely upon political considerations. It is not often that Congress has a chance in the year before any election to vote benefits to the taxpayers. But this kind of politics will be far less beneficial next year if America is still in the midst of an inflationary cycle that puts a squeeze on the pocketbook because prices will have advanced faster than incomes.

On its face, the House bill is inflationary, but there is no way to know what the full effect will be until early in 1970. Meanwhile, it may be wondered whether the Senate, which often shows itself to be more conservative in its judgment than the House, will reexamine the House measure and take a look at the problem of income distribution.

As an anti-inflation measure, Congress increased taxes in 1968 by the enactment of the 10 percent surcharge, which is to be continued through this year. After that, in 1970, it appears that Congress not only will end the surcharge but will give additional tax cuts. Then the only remaining force restraining inflation will be "tight money," based upon raising the interest rates so as to discourage many forms of production, particularly in the construction field. But it may be that mortgage money for new homes, even though more expensive, will be sought just the same by many citizens of middle and low income who are benefiting from tax reduction.

What is surprising is that no scientific study of the impact of tax changes on the national economy seems to have been made before Congress delved into the whole subject. The rates of all classes have been tampered with to a large extent without regard to relationships to the problem of inflation. The House bill, designed by Democrats, is devoted primarily to what would appear on the surface, at least, to be good politics. But the new tax bill may turn out to be just the opposite—bad politics—because the inflationary pressures on wages and prices now will be stimulated rather than restrained.

CONCERNING OCCUPATIONAL SAFETY AND HEALTH

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. CONABLE. Mr. Speaker, the comprehensive safety and health plan which the President has presented to the Congress should receive our careful consideration. American workers today are exposed to new hazards about which little is known—and yet thousands are still suffering from age-old scourges of occupational disease whose danger, and prevention have been understood for years.

Silicosis must have afflicted even the Egyptians who quarried stones for the pyramids. In the middle ages, it was recognized as the special disease of grinders. And yet, over 3,000 silicosis cases were reported last year, from exposure to free silica, the major ingredient of all rocks, soils, sands, and clay. Every year, millions of dollars are paid in compensation for this single occupational ailment.

Mercury is a well-known industrial poison which 30 years ago commonly caused disease among felt hat makers. Today, mercury compounds are no longer used in hatmaking, but new uses and new combinations of the chemical, and a failure to apply known protective measures, offer hazards in other occupations.

It is startling that we have not eliminated such long-recognized and entirely preventable, occupational illness, at the same time that we are faced with a changing industrial situation that daily presents new problems of worker health and safety.

My State of New York has an excellent occupational health and safety program and the occupational safety and health plan proposed by the President would be coordinated with outstanding efforts such as these. Where adequate efforts are not being carried out at present, however, improvements are needed to reduce the occupational hazards for American workers. This is the goal of the President's recommendations.

VIETNAM PROBLEM REMAINS AFTER PRESIDENT'S TRIP

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. EVINS of Tennessee. Mr. Speaker, President Nixon has just concluded an Asian trip and concluded with a visit to Communist Rumania.

The President had a number of conferences, issued several statements on the trip and received a favorable reception in many areas.

However, as he returned to the White House, his major problem remains. The Vietnam war continues and the North Vietnamese in Paris remain adamant in their refusal to enter into meaningful negotiations.

In this connection and because of the interest of my colleagues and the American people in this most important subject, I place herewith in the RECORD an editorial from the Nashville Tennessean of August 5, 1969.

The editorial follows:

VIETNAM DILEMMA LINGERS AFTER PRESIDENT'S TRIP

President Nixon has ended his around-the-world trip, leaving in his wake some nagging questions and confusion about Asian policy and only faint glimmers of hope for improved relations with the Communist bloc.

The President's friendly reception abroad was, to a great extent, the product of the successful landing of men on the moon. It was proof that the epic space voyage has increased American prestige in the world's eye, and the President's desire to use the leverage in foreign policy is understandable.

Such prestige, however, can quickly be overshadowed by events on the earth, and the President left no clear impression about how he intends to cope with those events.

In his now-famous nonquotable press conference on Guam, the President outlined a policy of self-help for Asian nations, stressing U.S. reluctance to become involved in another Vietnam unless nuclear powers were involved.

But almost immediately, he was in Thailand with what seemed like a pledge to support the Thais against internal, as well as external, aggression. With some 40,000 American troops in Thailand—double the initial U.S. commitment in Vietnam—this seemed to have ominous overtones.

From there it was only a short trip to Saigon, where President Nixon lent moral support to the badly-stained regime of President Thieu. And Americans at home were amazed to hear that the Vietnam debacle is their finest hour after being told days before that there would be no more Vietnams.

The ambiguity of Vietnam policy was further emphasized at home by figures which show that there are more American troops there now than when President Nixon took office, despite the much-publicized withdrawals.

While Americans were preoccupied with Vietnam, the President emphasized in his visits in India and Indonesia his willingness for neutral powers to pursue their own course without outside interference. To nations which remembered the previous Republican administration's hostility toward neutralism, this could have only been welcome encouragement.

The Rumanian visit seemed to be a calculated diplomatic gamble. While it ruffled the Soviet Union, it was a signal to the increasingly independent Communist nations that the United States is ready and willing to promote good relations between the East and West.

The visit may result in the future in the relaxation of trade barriers and other efforts at cooperation, not only by Rumania but other Eastern European Communist nations. It was, at any rate, a signal that an American President with a reputation for hardline anti-communism is using a more moderate approach.

The Russian response to this is still to be seen in the coming talks on disarmament and the possibility of easing East-West tensions. The Soviet Union has been sounding more friendly, but in their view they have seen President Nixon trafficking with a satellite nation and, at home, pushing for a new weapons system in the arms race.

The circle of the globe may, in the coming months, bring results and new directions in foreign policy. For the moment, however, it produced no answer for the President's most overriding problem, the dilemma of Vietnam.

FROM THE WRIGHT BROTHERS TO THE MOON—A SALUTE TO NORTH CAROLINA'S CONTRIBUTION TO AVIATION AND SPACE EXPLORATION

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. GALIFIANAKIS. Mr. Speaker, throughout aviation's brief but glorious history, North Carolina has made many contributions, and I take special pride in noting today that the relationship between the Tar Heel State and the age of aeronautics in this era of space exploration is as close and harmonious and fruitful as ever.

Just as North Carolinians for six decades have had a hand in the development of aviation, North Carolinians are doing their share in the space effort, and certainly few would question that "Tar Heel" tracks lead directly to the moon.

North Carolina's flight partnership goes back to that December day in 1903 when Wilbur and Orville Wright used a Carolina sand dune to launch the aeronautical age. Twenty years later, from a landing field in the same county, Brig. Gen. Billy Mitchell demonstrated the effectiveness of airpower by bombing battleships off the North Carolina coast.

In two world wars, North Carolinians proved the value of airpower, and pioneered in its development.

Young Kiffin Y. Rockwell, a Tar Heel pilot who died in combat less than 13 years after the Wright brothers soared into history, was the first member of the famed Escadrille Lafayette to shoot down an enemy plane.

And in World War II, Col. George V. Holloman made significant breakthroughs in developing automatic devices for airplane control, while his fellow Carolinian, Maj. Gen. William C. Lee, organized the Army's airborne units.

As North Carolinians have advanced the cause of aviation, so have they advanced the course of interplanetary exploration.

Batteries manufactured in Raleigh by the Exide Missile & Electronics Division of ESB, Inc., supplied the packaged power in the command and service modules of the Apollo moon vehicles and their Saturn V boosters. Other ESB batteries were aboard the Mariner 6 and 7 space probes which sent back the amazingly detailed photographs of Mars. Today, technicians among ESB's 400 Raleigh employees are engaged in research and development of batteries to power even more spectacular missions in the solar system.

At least 20 North Carolina-based industries are making notable contributions to the space program. Among them are:

A-B Emblem Corp. of Weavervill, which produced the insignia worn by the Apollo 11 crew.

Riegel Paper Co.'s Industrial Products Division of Matthews, which produced a stainless steel and plastic laminate for heat resistance aboard the Apollo capsule.

Other industries have produced space needs ranging from electronic parts to textile and fiber materials.

North Carolinians have taught the astronauts, including Neil Armstrong, celestial navigation at the University of North Carolina's Morehead Planetarium in Chapel Hill. NASA receives appreciable aid in the form of research projects at North Carolina State University and Duke University.

On a mountaintop in isolated Transylvania County, more than 450 miles across Tarheelia from the birthplace of powered flight, data from space satellites is gathered by NASA from its mammoth tracking station.

Apart from the products and services which bear a distinct "made in North Carolina label," the State has made notable contributions in space leadership. NASA laid claim to two who have taken prominent positions in the space program—Oxford's James Webb and Charlotte's Julian Scheer.

Mr. Speaker, "We the People of North Carolina," the official publication of the North Carolina Citizens Association, lists eight industries in my district alone which currently produce products for the space effort. In addition to ESB, these are Payne & Associates of Raleigh, IBM of the Research Triangle Park, Sperry-Rand Electro-Components of Durham, Burlington Industries, Cornell-Dubilier of Fuquay, Wilmore Electronics of Durham, and Corning Glass of Raleigh.

I am sure that my colleagues join me in saluting these Tar Heel contributors to our space program, and I am certain my colleagues will understand why I am filled with more than lyric pride whenever I point to a full and radiant "Carolina Moon."

BREAK DOWN OUR IRON CURTAIN

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. SCHEUER. Mr. Speaker, last February, this country was once again embarrassed by the State Department's refusal, on security grounds, to allow Mr. Carlos Fuentes, a leading Mexican novelist long identified with leftist causes, to enter this country. In this particular incident, Mr. Fuentes was traveling by passenger ship from Barcelona, Spain to Veracruz, Mexico. The ship docked at San Juan, P.R., and Mr. Fuentes, on preparing to leave, was met by immigration officials who tore up his transit card and, Mr. Fuentes reported, treated him "like a common criminal." The Justice Department later said that the author had been denied entry because he is an "undesirable alien," and declined to explain further. Mr. Fuentes has been refused a visitor's visa in the past on the grounds that he was a possible Communist.

This latest incident has been met with outrage in literary, academic, and international circles. In a highly critical editorial, the New York Times commented:

> One sure way to tarnish the United States is for some bureaucrat to decide that a writer, painter or other artist is an "undesirable alien" because of his works or beliefs. Politicizing literature is a common practice for authoritarian governments; it should not become one for this country.

Mr. William D. Rogers, former head of the Alliance for Progress and now president of the Center for Inter-American Relations, wrote to Secretary of State William P. Rogers that, and I quote:

> The notion that Fuentes's presence among us could in any sense damage our national interest is unworthy of serious discussion. To the contrary, it is his rejection which will cause us immense harm. It will be interpreted by the youth and intellectual community in Latin America as meaning that our commitment to free expression is superficial and will confirm the impression to some that we are timid and fearful of criticism of Latin-American writers.

Farrar, Straus and Giroux, Mr. Fuentes' U.S. publishers, called the act "absolutely outrageous." Columbia University officials, who have invited Mr. Fuentes to lecture there next year, protested to Attorney General Mitchell. Telegrams and letters to high Government officials are reported to have been sent by a number of literary organizations, including a resolution signed at the National Book Award ceremonies by more than 200 authors, publishers and critics declared the United States was, and I quote, "secure enough in its democratic values," and urging abolition of immigration restrictions against foreigners on the basis of dissenting political views.

Mr. Speaker, I am introducing today a bill to amend the Immigration and Nationality Act by repealing section 212 (a)(28) and section 241(a)(6). These two subsections provide, respectively, for prevention of entry and deportation on the grounds of a person's past or present membership in certain organizations, or, more nebulously, their past or present allegiance to certain beliefs. This includes members of the Communist Party and affiliated or front organizations, members and associates of any other totalitarian government, and anarchists.

The inappropriateness of such a restriction is emphasized by our exchange agreements regarding visitors from Eastern European countries. The combined effect of these agreements and section 212(a)(28) is to make it easier for Soviet and satellite nationals to visit our country than it is for citizens of unorthodox political views from free world countries. In 1967, just 2,000 of the approximately 3,000 "28" cases, as they are known in the State Department, who received waivers allowing them to come here were from the Soviet Union, Poland, Czechoslovakia, Hungary, Rumania, and Bulgaria.

The Immigration and Nationality Act provides ample protection against undesirable aliens, without the subsections which my bill would repeal. Elimination of these subsections would in no way endanger the security of this country. This is not my opinion alone. Let me quote briefly from a letter written in September 1967 by the then Under Secretary of State Nicholas deB. Katzenbach to Senator WILLIAM FULBRIGHT, chairman of the Senate Foreign Relations Committee:

> We do not believe that section 212(a)(28) makes any substantial contribution to the internal security of the United States. To be sure, selectivity may be exercised under section 212(a)(28) in determining which of the aliens falling within the categories enumerated therein are to be admitted under waivers and which are to be excluded. Section 212(a)(27) and 212(a)(29), however, are more directly aimed at preventing the entry of individuals who present any substantial threat to the national security. Subsection (27) prohibits the issuance of a visa to any alien who the consular officer or Attorney General has reason to believe is entering "solely, principally, or incidentally to engage in activities which would be prejudicial to the public interest, or endanger the welfare, safety, or security of the United States." Subsection (29) bars entry to all aliens who the consular officer or Attorney General has reason to believe would engage in activity "subversive to the national security" or who would "participate in the activities" of any subversive organization. These specific provisions, which impose an ineligibility that may not be waived, appear to provide ample protection for the national security without affecting, as section 212(a)(28) does, the travel of a host of individuals whose purpose is entirely innocent

and whom we would welcome to this country as tourists or businessmen.

To prevent people from entering this country on the basis of what they believe, or have believed in the past, is to implicitly endorse thought control, and to confess that we are afraid of other people's ideas. Far from protecting our national security, section 212(a)(28) has repeatedly embarrassed this country, making us appear both ridiculous and repressive. Mr. Katzenbach wrote in the letter I just quoted from that—

> Section 212(a)(28) has the unfortunate effect of presenting a damaging picture of this country as one fearful of opposing views. We have nothing to fear in this regard and much to gain by offering citizens of other countries a look at the free institutions of the United States.

The New York Times aptly noted in its editorial on the Fuentes incident that—

> The basic problem is that the immigration law on exclusion is a vestige of the restrictive era of the nineteen fifties.

Section 212(a)(28) is an ignominious reminder of the times which produced it—1952 and the McCarran-Walter Act, a bill which Congress enacted over President Truman's veto and of the McCarthy era then just beginning.

In 1965 we abolished the highly discriminatory national origins quota system which for decades had formed the basis of our immigration policy, and which the 1952 act reinforced. It is surely time to repeal this provision of our immigration legislation which prohibits entry on the basis of a person's beliefs.

The national security of this country would be no more endangered by a visit from a celebrated leftist Mexican novelist than it was by the visit in 1961 of Khrushchev's son-in-law and the then editor of Izvestia, Aleksey Adzhubi and Khrushchev's press secretary, Mikhail Kharlamov. They debated Harrison Salisbury of the Times and Pierre Salinger, then President Kennedy's press secretary, on NBC–TV's "Face the Nation" on the subject, "Free Press in an Open Society." During the next year, in April 1962, Mr. Fuentes applied for a temporary visa in order to participate in an NBC–TV debate on "How Progress Can Best Be Achieved in Latin America," with Richard Goodwin, then Deputy Assistant Secretary for Inter-American Affairs. The State Department refused to grant Mr. Fuentes a visa on the grounds that he might be a Communist. Mr. Fuentes' visit certainly posed no more of a threat to this country than did that of the two well-known Communists the preceding year. Further, Mr. Fuentes himself posed no more of a threat to the security of this country in 1962 or 1969 than he did in 1961, 1964, and 1966, years when the State Department saw fit to issue him a visa. This irrationality in the State Department's treatment of Mr. Fuentes underlines the arbitrariness with which this provision is enforced.

I urge that we pass legislation as soon as possible to repeal it and save the country from future embarrassing incidents which, at best, make us look foolish and, at worst, seriously damage U.S. foreign relations.

TVA RATE INCREASE REGRETTABLE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. EVINS of Tennessee. Mr. Speaker, the Tennessee Valley Authority has just announced its second increase within 2 years in its charges to customers for "low cost" electric power.

This decision and this announcement are indeed to be regretted. It is unfortunate that TVA which was created to supply residential, commercial, and industrial users in the Tennessee Valley with economical electric power, has found it necessary to establish this rising trend of rates.

This is especially true in view of the fact that TVA has also announced previously that sales and revenues from its power system reached new highs in fiscal 1969. Sales to 160 municipal, cooperative, and private distribution systems rose 10 percent over the corresponding period for the previous year and sales to large industries increased 5 percent.

TVA has also announced that a record 618 new industries and plant expansions occurred in the Tennessee Valley region in 1968.

With this expansion in TVA power requirements and with TVA's volume of power considered, it is difficult to understand why TVA cannot make some internal adjustment to avoid the latest rate increase. TVA's operations are self-sustaining, self-operating, and self-liquidating.

TVA in its announcement insists that the rate increase is necessary because of higher fuel costs for its steam plants and increases in interest costs on money it has borrowed to finance additions to its system to meet demands for additional power. TVA also points out that the cost of power for residential use in the Tennessee Valley region will remain less than half the national average.

However, there is some question as to what the rate increases mean in terms of industrial expansion. The Tennessee Valley Industrial Council, which is composed of 23 major companies in the Tennessee Valley, has insisted that rate increases are pricing TVA out of the competitive power market. Some leaders in public power challenge this statement, but nevertheless the fact is that TVA is changing its image from one of economical power to one of escalating power costs.

As a longtime friend and supporter of TVA, this development disturbs me. I want TVA to maintain its image as the yardstick for economic public power.

TVA would do well to review this entire matter and its decision to increase rates and, if at all possible, reduce rates rather than increase them.

POINT REYES—A NATIONAL PARK OR A SUBDIVISION?

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. LEGGETT. Mr. Speaker, it is with a growing sense of alarm that I rise today to remind my colleagues of the dangers which currently threaten the Point Reyes National Seashore in California.

This haven of nature, aptly described as "the gem of the peninsula—a biological jewel," has thus far escaped man's apparent desire to make his environment unlivable but the day when bulldozers will shatter the irreplaceable tranquillity of Point Reyes rapidly approaches. Unless Congress appropriates immediately the funds necessary to claim lands originally conceived to be a part of the national seashore when it was created in 1962, this invaluable and probably irretrievable land will be subdivided by real estate interests.

In my opinion, it would be an unpardonable sin for a nation that can apparently afford to spend $24 billion to put a man on the moon and $80 billion for defense to allow one of nature's most precious handiworks to be destroyed by failing to spend the $37 million needed to assure its protection.

Mr. Speaker, this matter is of nationwide concern. I insert into the RECORD at this point an article from the August 5, 1969, issue of the New York Times relating to Point Reyes:

POINT REYES IN CALIFORNIA A PATCHWORK PARK IN TROUBLE

(By Gladwin Hill)

POINT REYES, CALIF.—This dramatic promontory just north of San Francisco is at once a monument to natural beauty, to man's aspirations and to governmental confusion.

Its future as one of the nation's choicest preserves hangs in the balance at this moment, clouded by the financial and administrative problems that beset, if less acutely, many other segments of the national recreation system.

President Kennedy, on Sept. 13, 1962, signed a bill creating the "Point Reyes National Seashore," the third such preserve in the national park system.

The name is misleading on two counts. Far more than a beach, Point Reyes is a 100-square-mile peninsula encompassing an unusual array of fascinating and beautiful terrain, flora and fauna.

CATTLE, FIRS, DUNES, CANYONS

Pastoral countryside dotted with dairy herds merges magically into a "Black Forest" of towering Douglas firs. The forest gives way to moors, dunes, estuaries, granite headlands and plunging canyons. California poppies and lupine, wild roses and lilac carpet the slopes. Between the tidelands and ridges are creatures ranging from oysters and elephant seals to mountain lions, cormorants and egrets.

But the name "Point Reyes National Seashore" is deceptive also in its connotation of a unified preserve. Its statutory boundary embraces nearly all of the peninsula. But in reality the Federal reservation is still only a patchwork of 10 scattered parcels of land, comprising less than half the peninsula.

The rest, contemplated as part of the park, is still in private holdings, the choicest of which are in imminent danger of falling under subdividers' bulldozers.

Under Secretary of the Interior Russell Train conceded recently that the existing reservation was too "fragmented and scattered to be regarded as efficiently administrable" and noted that its existence had not yet been formally pronounced in the Federal Register.

$20 MILLION SPENT SO FAR

The nation's taxpayers have put nearly $20-million into Point Reyes. Some 575,000 persons visited the preserve last year, touring its roads, hiking its 50 miles of woodland trails and enjoying its beaches. But the nation still does not have an officially acknowledgeable park at Point Reyes.

Why not?

The answer is a tortuous saga of bungling—not so much by any individuals as by the system under which the Federal Government is struggling to catch up in recreation facilities with the explosive growth of population and urbanization.

It was more than 30 years ago that Conrad Wirth, then director of the National Park Service, said that Point Reyes should be a national park.

The peninsula has been described as "an island in time," geographically sociologically and ecologically. Its mainland edge follows precisely the great San Andreas fault. (When San Francisco was rocked by an earthquake in 1906, the whole peninsula moved northward 30 feet.) The peninsula's most spacious bay is believed by many to be the place where Sir Francis Drake refitted the Golden Hind in 1579.

ESCAPED URBANIZATION

In recent years, because it consisted of only a few large landholdings, the point managed to rideout urbanization although it is only 30 miles north of San Francisco. It retained most of the pristine charm of the era when its original Indian inhabitants greeted early explorers from Europe.

The 1962 act, excluding from the park boundaries only a few peninsula fringe communities and a state park, envisioned the Government's acquiring about half of the 53,000 acres by purchase, condemnation or exchange, leaving the rest with agrarian owners.

A total of $14-million was appropriated as supposedly adequate. But speculators swarmed in and land prices soared, just as has happened on many Federal reservation projects.

The most critical land exchange, to obtain the strategically situated 2,500-acre Lake Ranch, described by naturalists as "a jewel," fell through when Gov. Mark Hatfield of Oregon made a political issue out of the use of Federal timberland there in the trade.

In 1966, $5-million more was appropriated. With the aggregate $19-million, the Government has acquired 22,000 of the 53,000 acres—in the "unadministrable" patchwork. It is impossible to traverse all the segments without crossing private land.

"People are always trespassing," a rancher said, "letting our cattle loose, wanting to use the bathroom. They don't know what's park and what isn't."

Mounting land prices and taxes have shattered the original idea that some 26,000 acres could be left in its pastoral state, under private ownership, to complement the Federal preserve.

The problem is illustrated by the Lake Ranch, which is owned by William A. Sweet, a pleasant, soft-spoken Coos Bay, Oreg., lumberman.

"It's a shame," he says. "It should be in Government ownership. We've been trying to sell or swap the ranch with the Government for 10 years. But we just can't afford to wait any longer. We paid about $22,000 in taxes last year and took in about $2,400 in leases. We just don't have the assets to continue."

So surveyors and road builders have been tromping over the Lake Ranch, laying it out in 40-acre tracts, which will go on the market to subdividers any day.

Owners of another 2,500-acre ranch covering the whole northern end of the peninsula say they are faced with the same exigency.

EIGHT BILLS INTRODUCED

The best estimates are that it will take $38-million more for the land purchases necessary to round out the Point Reyes National Seashore. The $57-million total will be four times the original contemplated cost. There are eight bipartisan bills before Congress to appropriate the additional money. But the prospects of getting it are problematical.

The House of Representatives has just voted appropriations totaling only $17-million for land acquisition for the entire national park system for fiscal year 1970, which opened last July 1. The figure is less than 12 cents for each person in the country, and less than half what is needed for Point Reyes alone. The money was earmarked for eight units in the 44-unit park system, with none for Point Reyes.

The main reason the amount was not bigger was that such acquisition money has to come out of the Land and Water Conservation Fund, which annually is divided among the states and several Federal agencies. The fund, which Congress in 1968 said should be $200-million a year, was cut back by the Nixon Administration to only $124-million for fiscal year 1970.

The Point Reyes predicament was agonized over by the House Interior Subcommittee on National Parks and Recreation at a hearing May 13.

The director of the National Park Service, George B. Hartzog Jr., propounded to the subcommittee a "controlled development" plan, under which some 16,440 of the 53,000 acres would be kept in private farm operation under a special arrangement with the Government, and 9,200 acres would be sold off for residential use under restrictions "compatible" with the park.

Part of the land in each category is now in Federal hands and part would be obtained by condemnation, netting the Government a profit of some $10-million.

The residential-use idea was rejected by key committee members both on esthetic grounds and in the belief that turning a quick profit through condemnation and resale would be unfair if not illegal.

Aside from that, hearing participants concur, the only solution seems to be "legislative taking." Under this procedure Congress simply declares an entire area a national preserve, in being, as it did with the National Redwood Park.

Compensation to private owners is pegged at the land valuation of that moment, eliminating the price escalation during the actual takeover period. The disadvantage for the Government is that this forces appropriations to be made quickly, since interest fees to landowners start running at the time "taking" is declared.

"I think 'legislative taking' is the only way you can be assured that you're going to wrap up the Point Reyes project within the figures we have given you," Mr. Hartzog told the committee.

"But," he added, "if Mr. Sweet subdivides his property, then I think all bets are off insofar as our estimates are concerned. We will have opened up a Pandora's box again."

Ironically, the Point Reyes crisis peaked just as Secretary of the Interior Walter J. Hickel was ordering the National Park Service to give top priority to development of parks near big urban centers.

"Time is of the essence in formulating an action program," he said. "Opportunities are being lost daily to acquire such lands. Once lost, these opportunities can seldom be retrieved."

WORSHIP SERVICES IN THE WHITE HOUSE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. HUNGATE. Mr. Speaker, the Reverend Dr. Reinhold Niebuhr, who came from my district, Wright City, Warren County, Mo., has recently written an article which should attract general interest, whether or not it attracts general agreement. Since the full text of yesterday's Associated Press dispatch describing his article did not appear in either the New York Times or the Washington Post, I enclose the AP dispatch in full in the interest of freedom of information:

NEW YORK.—President Nixon's worship services Sundays in the White House defy church-state separation and amount to installing a "tamed religion" uncritical of his policies, says a prominent Americal theologian.

Writing in the interdenominational journal "Christianity and Crisis," the Reverend Dr. Reinhold Niebuhr states that "President Nixon has turned the East Room into a kind of sanctuary and, by a curious combination of innocence and guile, has circumvented the Bill of Rights' first article."

Dr. Niebuhr found fault with both Nixon and Billy Graham, the evangelist and close friend of the President. He said that through semiofficial invitations to ministers of various religions, "of whose moral criticism we were naturally so proud Nixon has established a conforming religion.

"Some bizarre aspects have developed from this new form of conformity in these weekly services," said the 77-year-old political philosopher and retired Union Theological Seminary professor.

"Most of this tamed religion seems even more extravagantly appreciative of official policy than any historic establishment feared by our founding fathers.

"It is wonderful what a simple White House invitation will do to dull the critical faculties," Dr. Niebuhr added. He said the apprehension of millions of persons about the antiballistic missile issue is evaded and Vietnam policy is bypassed.

The services bring to mind a key figure in them, he wrote, "Our great evangelist Billy Graham, a domesticated and tailored leftover from the wild and woolly frontier evangelistic campaigns."

Dr. Niebuhr, who was founding editor of the influential liberal biweekly magazine, noted that Nixon had told the press he started the Sunday services to further the cause of religion, especially in the eyes of the Nation's youth.

"He did not specify," commented Dr. Niebuhr, "that there would have to be a particular quality in that religion if it were to help them. For they are disenchanted with a culture that neglects human problems while priding itself on its two achievements of technical efficiency and affluence."

The theologian said the "Nixon-Graham doctrine" has two defects:

It sees all religion as "virtuous" in guaranteeing public justice, without any distinction between radical religious protest and a conventional religion which "throws the aura of sanctity on contemporary public policy whether morally inferior or outrageously unjust."

It assumes that "a religious change of heart, such as occurs in an individual conversion, would cure men of all sin."

SIGNIFICANT STUDIES OF THE PUBLIC LAND LAW REVIEW COMMISSION

HON. CHARLOTTE T. REID

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mrs. REID of Illinois. Mr. Speaker, during the 88th Congress, I was pleased to serve on the Committee on Interior and Insular Affairs. One of the most important pieces of legislation reported from that committee in that Congress and subsequently enacted into law was a bill establishing the Public Law Land Review Commission, charged with the responsibility of reviewing all of the public land laws of the United States and the rules, regulations, policies, practices, and procedures involved in their administration.

The act creating the Commission requires that a report be submitted to the Congress and the President recommending such modifications, if any, that may be necessary in existing policy in order to assure that—

> The public lands of the United States shall be (a) retained and managed or (b) disposed of, all in a manner to provide the maximum benefit for the general public.

The Commission's report must be filed no later than June 30, 1970.

When the Commission organized it chose the chairman of the House Interior and Insular Affairs Committee to also be the Chairman of the Public Land Law Review Commission. Under the leadership of our colleague, the gentleman from Colorado, WAYNE N. ASPINALL, the Commission and its staff have been engaged in the tasks assigned to it.

The manner in which the Commission is going about its work, the scope of its study program, and the potential significance of the Commission's recommendations are contained in an article that has come to my attention, prepared by its Director, Milton A. Pearl, and appearing in the current issue of "The Guarantor," which is published by the Chicago Title & Trust Co. I commend the article to my colleagues.

LAND FOR GROWTH

(By Milton A. Pearl)

Today, as it has throughout the history of the United States, the public domain land represents the greatest opportunity for fulfillment of the American dream whatever it might be at a particular moment in our history.

When we sought new trading areas, it was onto the public domain; when we sought new territories, it was onto the public domain; when we sought new states, it was onto the public domain. No matter the expansion, the land base was the public domain.

The public domain represents that land owned by the United States that has never been in private ownership. Although more than one billion acres out of our total land mass of 1.8 billion acres that were once in the public domain now have passed to non-Federal ownership, we have 765 million acres of land still in Federal ownership, of which 711 million acres are in the public domain. Covering more than one-third of the land area of the Nation, even though one-half of it is in Alaska and 91% of the other half is in the 11 western states, this acreage will be significant in fulfilling the future land needs for an ever-increasing population that requires recreational areas, forests, parks, new towns, forage for wildlife and domestic livestock, and increased mineral production.

We are told by respected demographers that by the year 2000 our population will exceed 300 million persons, or increase approximately 50 percent above the present total. Personal income will rise correspondingly, resulting in a growth that will impose an increasingly heavy burden on all of our natural resources, including those producible on or from the public lands.

While we recognize that today the livestock industry dependent on the Federal public range contributes less than 3 percent of the meat requirements of the United States, we know that, even if the proportion remains the same, there must be increased production to meet the demands of an expanded population at the beginning of the next century, just 31 years away. Estimates for overall future requirements for forage range from 104 percent to over 140 percent above that we now have. And the need for increased production is not confined to food products; the demand for iron ore, for example, is predicted to increase somewhere in the neighborhood of 390 percent for domestic use.

As intimated above, let us not forget also that more people mean more visits to recreational areas on Federal lands. Actually, the combination of an expanded population with increased leisure time tends to propel the recreation demands to ever greater heights. Projections indicate that the total recreation use of national parks, national recreation areas, national forests, and wildlife refuges will in the year 2000 be five times as great as it is today.

The public lands must also contribute to other uses. Wilderness, preserved in its pristine state for scientific research and for those who seek its solitude, can only be carved out of the public lands. Other public lands must be capable of producing timber in increasing volume to meet the need for more homes and other buildings. Then, one asks: Where will all these buildings go? How many new urban centers or suburban dwelling areas must the public lands accommodate?

To develop the facts and seek the answers to these and many other questions, Congress has established the Public Land Law Review Commission. In response to a broad charge to review the public land laws and the rules, regulations, policies, and procedures involved in the administration of the laws, the Commission has undertaken a comprehensive review. All the public lands are being studied, along with their resources, to provide data on which the Commission can make recommendations for policy guidelines to assure "that the public lands of the United States shall be (a) retained and managed, or (b) disposed of, all in a manner to provide the maximum benefit for the general public."[1] The Commission's report is to be submitted to the Congress and the President by June 30, 1970.

The Commission is composed of 19 members: 6 appointed by the President of the Senate; 6 by the Speaker of the House of Representatives; 6 appointed by the President of the United States; and a Chairman elected by the 18 appointed members.[2]

Assisting the Commission is an Advisory Council composed of 25 representatives of interested land users and 8 representatives of Federal departments and agencies having responsibility for the management and disposition of public lands. Also, the Governor of each of the 50 states has appointed a representative to work with the Commission.

In addition, to assure that we have the views of all concerned with the public lands, the Commission has held meetings in every region of the country. Testimony has been received from more than 900 witnesses, some of whom represented large organizations or groups.

Information received from the Commission's official family and from public witnesses has contributed significantly to the development of our comprehensive study program. In response to a requirement from the Commission that we prepare or have prepared all material that the Commission will need to formulate its decisions and recommendations, we have identified 34 subjects[3] on which manuscripts will be written. Most of these cover conventional subjects and are being accomplished under contract; others are being accomplished in-house. In each case, the studies will include an examination to provide an understanding of the existing law.

Many of the subjects identified for study will have significance to the real estate community. As we see it, however, two will be of particular significance and interest because of their potential impact. These are studies of regional and local land use planning and of use and occupancy of the public lands.

Our planning study is designed to put the spotlight on the extent to which Federal departments and agencies coordinate land use planning with each other and with state and local governments. We will not only look at the laws and regulations, but we will make an intensive field examination of actual practices in four separate regions of the country involving 156 counties and 14 states.

We are aware of how Federal policy concerning the use of Federal lands might influence activities of state and local governments. Police protection, access roads, sanitary facilities, and similar services may be required to service the Federal or nearby privately owned lands that become more desirable because of their location. Our planning study will be the primary source of information on which the Commission will determine whether it should recommend new and improved procedures for coordination among the various levels of government, as well as within the Federal establishment.

The study of "use and occupancy of public lands" is devoted to an examination of the need for additional areas for residential, commercial, and industrial use, as well as for various types of rights-of-way and other miscellaneous uses that do not fall in specific categories such as recreation and timber production.

We know that some Western communities cannot expand unless public lands are made available for them. Likewise, we are all familiar with the problems of the metropolitan areas where over 75 percent of our population lives. Suggestions have been made to the Commission that the public lands be made available to once again lure great numbers of our populace to the wide open spaces. Recognizing the desire of people in this era to live in urban-type communities, the suggestions have taken aim in that direction.

---

[1] *Act of Sept. 19, 1964 (43 U.S.C.A. § 1391). § 1391).*

[2] *At its organizational meeting July 14, 1965, the Commission elected Representative Wayne N. Aspinall (D-Colo.) Chairman; a Presidential appointee, H. Byron Mock of Salt Lake City, Utah, Vice Chairman; and the author as Director.*

[3] *A listing of the subjects appears at the end of this article.*

Under one recommendation, the United States is urged to open land for settlement under an urban homestead procedure comparable to the Agricultural Homestead Settlement Act of the last century. A homestead land grant would be given to those who build on selected sites in accordance with prescribed architectural and landscape standards.

Another suggestion would provide grants for establishment of new towns that would be self-sufficient or self-contained.

The Act creating the Public Land Law Review Commission cites the fact that our present land laws are not fully correlated with each other. We have no evidence that there was any planning in framing the fabric of the various settlement and sales laws. The current effort is built on the concept that all aspects of public land management and use must be considered at one time by one group so that there may be a cohesive, logical pattern established concerning the future retention and management or disposition of the public lands.

While we cannot hazard a guess as to the Commission's ultimate recommendations, we do know that the Public Land Law Review Commission does not plan to recommend that all the Federal Government's public land be sold or that all of those lands be retained and managed under Federal ownership. So, many of the Commission's recommendations can be expected to be devoted to policy guidelines to govern determinations for selection of lands to be retained and lands to be disposed of to non-Federal owners.

We have built our study program in an effort to provide the Commission with the tools it needs, with the data required to understand fully the various public land possibilities. Guidelines for management under Federal ownership or for disposition should incorporate the best techniques of land use planning, and it is for this reason that we welcome suggestions from all who may have them.

AMVETS—25 YEARS OF SERVICE

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. HELSTOSKI. Mr. Speaker, 25 years ago a new national organization was formed which took on the name of "American Veterans of World War II," better known to all of us as AMVETS.

I congratulate the present leaders of this organization, as well as those who in the past have lent their hand and gave of their time to bring into being an organization of comradeship and service.

As a member of the Veterans' Affairs Committee, I have had the opportunity to meet with many of the AMVET delegations who came before our committee to discuss their programs. In all these discussions, I have found that what the AMVETS had programed for the betterment of their membership was something worthy of our support. The AMVETS have become known as one of the most devoted organizations in furtherance of our national security, domestic programs, and in our foreign relations.

The New Jersey department commander of the AMVETS is a constituent of mine and a longtime friend. I wish to congratulate Mr. Frank Ruggiero upon his leadership at the time when the AMVET organization is celebrating its silver anniversary.

Mr. Speaker, at this point I include, as part of my remarks, an article which appeared in the August 7, 1969, edition of "The Stars and Stripes," a national publication representing the voice of the veterans of the United States.

The article follows:

AMVETS CREATION CAME AT CRUCIAL TIME IN WAR

August was a high point month in World War II. On this date—August 7—German generals on Hitler's stubborn command launched a counter attack against the Americans who had just broken out of Normandy. They succeeded in penetrating the American lines, but the salient they created built a trap for themselves. Encircling U.S. troops aided by British and Canadians closed a vise around two German field armies. Thousands were killed. Fifty thousand were taken prisoners.

Half way around the world, U.S. air, land and sea forces were smashing at the Japanese, by this date 25 years ago, the Philippine Sea and the air above it along with Saipan, Tinian and Guam were under American control. The Japanese defense perimeter was irretrievably broken. The Tojo government was out of power. The end was no longer over the horizon. It was in sight.

Such was the status of the greatest war in all history when AMVETS was about to be born 25 years ago.

When the hundreds of delegates gather in Detroit next week for the annual convention of AMVETS, one can bank on spirited reunions of comrades of World War II as they relive some of their experiences of 1941–45. In their ranks will be a substantial number of men who fought later in Korea, and still more recently in Viet Nam, for the organization some years back opened its membership to these men of later combat.

Like other veterans' organizations before it, AMVETS' history is dramatic reading.

On July 15 of this year, Representative Glenn M. Anderson of California inserted in the Congressional Record a historical background of AMVETS. Anderson is a member of Culver City, Cal., post No. 2.

Excerpts from Representative Anderson's statement follow:

Two independent veterans clubs in Washing, D.C.—one formed on the campus of George Washington University, the other among veterans employed by the government—joined together to sponsor a servicemen's party. By September 1944 others such veterans clubs organized throughout America—in California, Florida, Louisiana, New York, Oklahoma, Rhode Island, Tennessee, and Texas. On November 11, 1944, Veterans Day, an article entitled "12,000,000 in Search of a Leader" appeared in Collier's Magazine. This story, written by Walter Davenport, introduced the clubs and outlined their mutual aims—1. To promote world peace, 2. To preserve the American Way of Life, and 3. To help the veteran help himself. In December, 18 leaders, representing these nine groups, met in Kansas City, Missouri. There a national organization was formed, and it was on December 9, 1944 the name "American Veterans of World War II" was chosen. The word AMVETS, coined by a newspaper reporter, soon became the official name. The "White Clover," a flower which thrives in freedom throughout the world, is symbolic of the struggle during World War II and is the adopted flower of AMVETS.

In October 1945, two months after the end of World War II, the first national convention was called in Chicago. In 1946 AMVETS petitioned Congress for a federal charter. On July 23, 1947, President Harry S. Truman signed AMVETS charter. The words of the Senate Judiciary committee echoed throughout the land: "the veterans of World War II are entitled to their own organization" and AMVETS being "organized along sound lines and for worthy purposes . . . having demonstrated its strength and stability, is entitled to the standing and dignity which a national charter will afford." President Truman also commented, "Were I a veteran of this war, I would prefer to have a veteran of World War II looking after my affairs than a veteran of some other war." To this day no other World War II veterans group has been so honored.

KOREAN VETS ADDED

When war broke out in Korea in 1950 and again during the Viet Nam crisis in 1966, AMVETS requested Congress to amend the charter so that those serving in the Armed Forces would be eligible for membership. On September 14, 1966, President Lyndon B. Johnson signed the bill redefining the eligibility dates for AMVET membership—"Any person who served in the Armed Forces of the United States of America or any American citizen who served in the armed forces of an allied nation of the United States on or after September 16, 1940 and on or before the date of cessation of hostilities as determined by the government of the United States is eligible for regular membership in AMVETS provided such service when terminated by discharge or release from active duty be by honorable discharge or separation."

The first National Headquarters for AMVETS was rented quarters at 724—Ninth Street, N.W., Washington, D.C. Then on April 18, 1952 President Truman dedicated the first AMVETS-owned National Headquarters. This building, a five-story townhouse, was located at 1710 Rhode Island Avenue, N.W. For fifteen years this building served Headquarters and the National Service Foundation. In 1965 AMVETS moved to a temporary location, and the historic townhouse was torn down. On the same site appeared a modern three-story structure of marble and glass. On the 19th anniversary of the signing of the Congressional Charter, July 23, 1966, President Lyndon B. Johnson dedicated the new building. During the program a beautiful life-like bronze bust of the President was unveiled by Mrs. Johnson. All AMVETS take pride in the Headquarters for the executive offices and conference rooms are most attractive and functional.

Hourly from Headquarters a Carillon, donated by Shulmerich Carillons, Inc., chimes and then at specific times musical classics resound through the area. These bells are significant of the other AMVET Carillons throughout the United States. The Memorial Carillon at Arlington National Cemetery to honor the memory of those who died in the service of their country was the first installation. This console is in the Arlington amphitheatre overlooking the Tombs of the Unknowns. It was on December 21, 1949 that AMVETS presented the Carillon to the nation with the message: "While these bells ring, safely rest, freedom lives." AMVET Carillons also are now located aboard the USS Arizona Memorial at Pearl Harbor, at the Garden of Patriots at Cape Coral, Florida, Truman Library in Missouri, Jefferson Barracks in Missouri, State Capitol in Salt Lake City, Utah, the Golden Gate National Cemetery in California.

OTHER ENDEAVORS

The "Green Hats" of AMVETS have served the hospitalized veteran, the retarded child, the shoeless orphan, and the lonely serviceman. However, the granting of scholarships has been a major endeavor of AMVETS. Each year many scholarships are awarded deserving students. This program, originated in 1952 and has awarded $250,000 in study grants.

In 1954 the first AMVET Silver Helmet Award—a replica of the G.I. helmets of World War II—was presented to General George Marshall for his "enormous contributions to the United States in war and in peace." Subsequently Silver Helmets have been presented to other great Americans. Recipients include Presidents Hoover, Truman, Eisenhower, Johnson, Kennedy, Nixon, Comedian Bob Hope, Eleanor Roosevelt, and Dr. Ralph Bunche.

A network of trained National Service Officers across the country provide free expert advice to veterans and veterans' dependents.

WATCHFUL EYE

AMVETS keep a watchful eye and take an active part in the legislation on "The Hill". Action on pending Congressional bills is based on the assumption that the "veterans will ultimately benefit from any measure that benefits the nation and, conversely, any program not good for the country as a whole cannot be good for the veteran." AMVETS are especially proud of their roles in the enactment of the "Korean G.I. Bill of Rights" and the "Cold War Bill of Rights." Domestic issues, national defense, and foreign relations are issues of importance and grave concern to AMVETS.

AMVETS offers to its members many personal services. Life insurance, hospital coverage, discount drugs, and travel tours are such programs; however, the associations and friendships of fellow-AMVETS is without doubt the most valued benefit of AMVET membership. AMVETS is truly a family organization. Wives, mothers, sisters and daughters of AMVETS are eligible for membership in AMVETS Auxiliary, while sons and daughters between 7 and 17 years of age may join Jr. AMVETS. The Fun and Honor Group of AMVETS is known as the Sad Sacks, while its counterpart in the Auxiliary is the Sacketts.

Time marches on, and AMVETS continue to work to attain world peace so that every man can live fearlessly under free skies, to make the United States an ever-better land of "freedom for all", and to help the veteran, his widow and orphan live happily as contributing members of society.

RALLY BEHIND THE PRESIDENT ON SAFEGUARD

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. DICKINSON. Mr. Speaker, the victory the President won yesterday on the Safeguard vote has a significance that affects not only the world today but also may decide the shape of the world for future generations.

That there were honest and legitimate differences about the merits and the costs of Safeguard was shown by the closeness of the vote. But, Mr. Speaker, where the safety of this Nation may be at stake and where the President believes something is necessary to that safety, it seems to me there can be valid reasons to question but little excuse to deny the President what he seeks.

How do you measure cost, even $10 billion, against lives?

How do you equate money with peace or a chance for successful disarmament talks.

There is no way.

Mr. Speaker, the time has come to quit talking about Safeguard in political terms, on monitary terms, in terms of victory or defeat. The time has come, instead, to rally behind this President, as we have rallied all others, when the fate of our Nation and of the world were the issues.

INCOME DISCLOSURE FOR PUBLIC OFFICIALS URGED

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. HASTINGS. Mr. Speaker, I have joined in the cosponsorship of a bill introduced by my colleague, Representative Glenn M. Anderson, Democrat of California, aimed at making it mandatory for all of us in Government service who share in these gravest of times the responsibility for shaping the laws of our land to make full disclosure of their financial standing.

For some time now I have been deeply disturbed by the growing disillusionment felt by the people of the Nation over their leaders here in Washington. Public confidence in public officials has been severely jolted time and time again by such episodes as the recent one involving Abe Fortas. Because of these incidents, the image of Government has been badly tarnished, sometimes unjustifiably so because all the facts were not made known.

This bill would require full income disclosure by all Congressmen, Senators, Federal judges, including those on the Supreme Court as well as the President and the Vice President. Also coming under its provisions would be candidates for President and Vice President, Cabinet officers, and employees of the House and Senate as well as the executive branch making $18,000 a year or more.

Those of us in positions of legislative and judicial trust have a deep obligation to do everything we can to restore public belief in the objectivity of their representatives, elected or otherwise, especially in cases where individual integrity arising from possible conflicts of interest is in question. I would be less than honest with myself, my constituents, and my colleagues here in the House if I did not demonstrate by deeds how strongly I feel that such a course of action is vital now. Therefore, I ask that the following notarized statement of my financial standing be made a part of the Record:

August 7, 1969.

I, James F. Hastings, Congressman representing the 38th Congressional District of New York State, do solemnly swear that the following is a true and accurate statement of my financial standing as of this date.

I have no ties with firms doing business with the government and own no capital stock or bonds. As of the end of July 1969, I severed connection with the real estate and insurance firm of Hastings & Jewell, Inc., 63 West Main Street, Allegany, New York, of which I had been a partner. I had been contemplating this move for some time because of the pressure of Congressional duties but the necessary legal work could not be completed until last month. I still retain ownership of the building but expect to sell it before the end of August 1969. I value the building at $11,000. It has a mortgage of $7,500.

I consider my major asset my home at 124 Second Street, Allegany. I figure its worth at $28,000. It has a mortgage of $2,900. I have not purchased a second home in Washington, D.C. I live instead in a two-room, $230 a month apartment two blocks from my office in the Longworth Building.

I have an $8,000 equity in the Wellsville Land Company which owns property for home building but the Company holds a $4,900 note from me. I have no savings account. My checking account has a current balance of $3,800.

Additional debts are a $6,500 bank loan; a $4,500 loan from the New York State Retirement Fund and personal bills amounting to $1,800.

My insurance has a loan value of $5,000 and I own one-twelfth of a share of a summer lodge in Allegany. The value of the share I put at $1,500.

James F. Hastings,
Congressman, 18th District, New York.

INCOME TREATMENT OF NON-PROFIT FOUNDATIONS

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. COHELAN. Mr. Speaker, I have recently received a letter from Miss Sylvia Helen Forman, a constituent of mine from Berkeley, Calif., detailing her views on proposals to amend the income treatment of nonprofit foundations. This letter raises several very interesting points and it is deserving of wider attention.

Accordingly, I include Miss Forman's letter in the Record at this point:

University of California,
Berkeley, Calif., July 28, 1969.

Hon. Jeffery Cohelan,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Congressman Cohelan: I write you with regard to the recent tentative recommendations of the House Committee on Ways and Means that treat control of the activities of foundations.

The curbs on foundations proposed by the Ways and Means Committee have been the subject of much anxious discussion among the students and faculty members of my acquaintance. I myself am quite concerned about these proposals, in part because I am presently supported in my graduate studies by a Graduate Fellowship from the Danforth Foundation (of St. Louis, Missouri)

I understand, and deplore, the actions of some foundations that operate for private rather than public good. However, it seems completely obvious to me that the wholesale application, to all foundations, of the recommendations of the Ways and Means Committee would have a detrimental effect on the public good by unnecessarily and arbitrarily restricting the beneficial works of those foundations (the majority, I would think) which do not ever engage in underhanded activities.

The proposals of the Committee do not differentiate "good" foundations from "bad" ones and thus, if enacted into law, would amount to "throwing the baby out with the bath water." This criticism does not apply, of course, to the proposed prohibition against self-dealing between a donor and a foundation, or to the proposed requirements for prompt use of income, and for an annual public report of activity. But I note, for example, that the Danforth Foundation not only publishes such a report, but even sends it to the Fellowship holders!

The recommendation that foundations be taxed strikes me as being very poor, for two reasons. One, it simply reduces the sum of money available to a foundation for expending to the public good. Two, it threatens the whole idea that non-profit organizations of a public nature can be tax-exempt, thus creating the possibility that many highly beneficial institutions would be restricted in their operations and, perhaps, restricted in their incomes, through loss of the "tax-deductible" incentive to donations.

Yet, the potentially most damaging recommendations of the Ways and Means Committee is the one that proposes to prohibit any activity, however minor, on the part of any foundation to influence, either directly or indirectly, the decisionmaking of any governmental institution. This concept is qualitatively different from forbidding foundations to "lobby" or to try to influence elections. Almost any study that might be undertaken with financial support for research expenses from a foundation could, and, in so far as it is a high quality and factual piece of research, *should* influence governmental policy decisions. The ideas of this recommendation would not have to be pushed very far in order to amount to total repression of studies of any social, economic or political phenomena. In essence, it says that actions aimed at influencing national policy are permissible on the part of profit-making, vested-interest organizations, but not on the part of non-profit, public-interest organizations. Do those men who are responsible for making this recommendation actually adhere to the dogma that "what's good for GM is good for the country?" Is the American Cancer Society less qualified to support research into causes of lung-cancer than the tobacco interests, or to report such research in a manner that will receive both public and governmental attention? Are anthropologists, such as myself, whose work is often supported by grants from foundations, not to be allowed to make public reports on such items as conditions on American Indian reservations for fear that they might influence the decisions of the Bureau of Indian Affairs?

I should hope that the Ways and Means Committee, and the men I have helped elect to their positions in the Congress, would be able to write legislation that would curb and control abuses by foundations of their protected positions without threatening or damaging the capabilities of foundations to continue in their service to the nation through their support of disinterested and objective investigations of any and all problems that interest, challenge or trouble us. The present proposals would not fulfill this goal.

Yours very truly,
Miss Sylvia Helen Forman.

THE ABM

HON. ALEXANDER PIRNIE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. PIRNIE. Mr. Speaker, yesterday's victory for the proponents of the ABM, was, despite its narrowness, victory of substantial proportions because the implications are so vast.

Certainly it was no partisan victory and no partisan loss.

Though the President led the fight, men of both parties rallied to his banner; rallied, if you will, in the cause of peace.

ABM is more than just another weapon in our defensive nuclear arsenal. Its existence is not only a deterrent to the rash but also truly a safeguard against attack by the irrational.

ABM is in fact a trump card for the hand of the President in his quest for peace.

With approval of the ABM, the President can negotiate from a standpoint of strength.

Mr. Speaker, I believe the United States should always be in a position to negotiate from strength.

Our thanks go to those who have made this possible.

MORE SUPPORT—COMPUTERS FOR CONGRESS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. MOORHEAD. Mr. Speaker, both the need for and the advantages of having computer capability for the Congress has been pretty well documented by those of us who hope for early legislative action to "bring us up to date."

I was delighted to see that the State of Massachusetts, acting on the recommendations of its own legislative data processing committee, has joined Pennsylvania and other States in entering the computer age.

An article from the State Legislative Leader of July 1969, describing the action of the Massachusetts Legislature is included herewith for the thoughtful attention of my colleagues:

Massachusetts Legislation Shares a Computer

(By Stephen C. Davenport)

As a result of a study and recommendations by its own Legislative Data Processing Committee the Massachusetts Legislature is sharing the State Comptroller's new third generation computer (RCA Spectra 70) in the present session. Current plans call for development of a bill status system, utilization of statutory retrieval and provision of some budgetary information.

The decision to share a computer was made by a special committee of five Senators and seven Representatives who had been researching data processing for over a year. The committee had the benefit of consulting advice from a national accounting firm and onsite observation of what had been accomplished in the Florida, New York and Pennsylvania Legislatures. The committee was also aware of the utilization of data processing by other states through the testimony of major manufacturers.

It was the unanimous decision of the committee, strongly supported by the legislative leadership, to begin to utilize data processing. The committee was well aware that persuasive arguments can be made that the cost of utilizing data processing as a legislative tool is not justified by results attainable at its present state of development. However, it was thought that methods of input and output have sufficiently improved, so that experience with the systems presently available is almost a prerequisite for moving ahead as refinements become available.

The major reasons that the committee's decision to share a computer was unanimous were:

(1) The possibility that improvements might be slow in developing.

(2) The cost factors involved.

Actually the decision to share the State Comptroller's computer (which had not been selected at that time) was simple, because it was the only equipment which would be available with the capacity to be shared. In addition, it also provided the possibility of sharing certain budgetary information which would be constantly available beginning with the new fiscal year starting in July of 1969. The budgetary information on video data terminals available to the financial committees of the House of Representatives and the Senate will have limitations in its initial stages, but the potential is unlimited.

The statutory retrieval application is scheduled to be available in our state by the end of the summer. A few years ago, a study commission in Massachusetts purchased the Massachusetts Statutes and Constitution tapes from the University of Pittsburgh, Health Law Center. These tapes have been updated through 1968 and the Aspen Systems Corporation, successor to the University's Health Law Center has agreed to provide the program so that these searches can be conducted here in Massachusetts. Preliminary searches produced by Aspen have indicated that this can be an extremely useful tool for study commissions, Legislative Counsel and for drafting complicated legislation. However, at the present time, our experience with the system is limited.

A bill status system has been showing the history of more than 6,700 separate documents processed so far in the current session. Ten separate video data terminals rapidly display this information in locations that are continually under review based on usage. Five of these terminals have teletype printers attached, and they have proved to be extremely useful as an aid to legislators in answering their mail. Printed copies of the entire bill history are distributed to other areas in the legislature at the beginning of each week to further disseminate the history of bills.

Our bill status system is an integral part of the House and Senate Clerks' offices. Information is fed into the computer by employees of these offices. The integrity of the information on the terminals and the consistency of the operation of the terminals has been excellent, but it is a continuing process to improve the system. It is estimated that about two years operation are needed to develop fully a bill status system adapted to the procedure of our state with close cooperation of the Clerks in both branches. An important part of the bill status system is a Bill Index generated by the computer and available in printed form at the terminals.

To coordinate the data processing function the Massachusetts Legislature employs a Director, who works closely with the manufacturer's representatives, and a programmer assigned by the Comptroller's Office to implement the data processing applications presently planned. They also work closely with the Special Legislative Committee on future enhancements of the legislative systems.

In order to give data processing a fair chance the Massachusetts Legislature has concentrated on keeping the cost of its applications at a minimum, and this can be a difficult task when dealing with people possessing the enthusiasm and optimism of data processing personnel. However, legislators are realists when it comes to weighing cost factors and this same realism would admit, I believe, that computers are a permanent part of the legislative process.

A HUGE GAP IN OUR NARCOTICS LAWS

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. GALLAGHER. Mr. Speaker, I rise to report a most serious situation.

We are all aware of the mammoth narcotics problem in this country. The rising tide of drug addiction, especially among the young, now threatens to engulf our society.

Law enforcement officials from all parts of the Nation report an alarming increase in the availability of addictive drugs to young people. Narcotic drugs are pouring into the States at an unprecedented rate.

Acting on these highly disturbing reports, I have made a detailed examination of our penal structure as it relates to the control of narcotics trafficking and to the incarceration of dope peddlers. This examination has yielded a shocking result.

I have learned that there is currently no Federal law which makes it illegal to transport narcotic drugs across State lines. Even worse, there is no Federal law which makes it illegal to employ juveniles in an illegal drug transaction.

These frightening facts indicate a huge gap in our criminal law which must immediately be filled.

Our city and suburban sidewalks literally bulge with Devil's tradesmen who deal in death and destruction. Yet, we have allowed a situation to develop in which our criminal machinery seems impotent before these merchants of menace.

The drug addicts are not the root of our problem. When we take note of the rise in drug abuse, we must keep in mind that the dope peddlers are the true villains of the peace. These are the malicious individuals who rape our neighborhoods and defile our society. The addict is usually the helpless victim of the pusher's evil.

The perversity of dope peddling requires no sermon. But it boggles the mind to realize that now our schoolyards have become centers for the distribution of narcotic drugs. It is not a pleasant thought that our children walk to the waiting arms of a dope pusher when they walk to school.

But, the demon they meet at school is not a leering adult pusher; the adult dope peddler is too smart to appear in person. Rather, narcotics seep into the schools usually through the hands of youngsters themselves who are corrupted and exploited by the adult pusher. If and when these youngsters are apprehended, literally nothing can be done to get at the true criminal, for it is the youngsters who are found with the illegal product and who are caught in the illegal act. That is why we need legislation which would enable law enforcement officials to knock out the adult who employs or enlists the employment of juveniles in illegal drug transactions. The States have a definite responsibility in this area as well; yet, at the present time, only six States—Colorado, Illinois, Massachusetts, New York, Pennsylvania, Texas—have laws forbidding the employment of juveniles in illegal drug transactions.

The problem of interstate transportation of narcotic drugs is another area where legislation is required. Local law enforcement agents are already overburdened by local crime problems. We need a means of bringing Federal agents into the picture. The situation demands not a usurpation of State jurisdiction, but an addition to the criminal machinery. Federal agents, carrying with them the threat of stringent Federal penalties, can make a significant contribution in the war against dope peddlers. State officers have made great progress in this battle, but their jurisdiction as well as their number is limited.

Mr. Speaker, in view of these considerations, I am introducing legislation which will attach a maximum sentence of life imprisonment, and a minimum term of 10 years in a Federal penitentiary, to those who, while nonaddicted themselves, transport narcotics across State lines. My legislation will impose the same penalties on those adults who employ or seek to employ juveniles in illegal drug transactions.

The situation cries out for remedy. We must aim our heaviest artillery at the nonaddicted junkies. The hooked pusher is, in a sense, caught up in the same vicious cycle as the addict; he is under some compulsion to pursue his wayward course, and is in need of help and therapy. But, the nonaddicted dope peddler is a different sort of creature. He is a predatory beast who willfully plans his vile activities with full cognizance of the consequences. It is this monster that the law must cage.

It is this twisted animal that rests at the root of our crime problem. Most of our crime in the streets can be traced directly back to the trafficking in illegal drugs. Prostitution, muggings, larcenies—these are all linkable to the dope trade. The addict in need of a fix is the addict who will do almost anything to get that fix. And to whom does the addict owe his misfortune and his tribute? The poison peddler who dines at the table filled with the products of human misery.

When dealing with this type of beast, we must have every available means within the law of destroying his activities. That is why we must take action now, before the beast destroys us all.

The administration has publicly stated that it is up to this Congress to seize the initiative in the war on narcotics. We dare not shrink from the challenge or the responsibility. Let us decide to junk the junkies for once and for all.

The gauntlet has been tossed, Mr. Speaker, and I am certain that this Congress will take up the standard. We must move now, before the flow of deadly narcotic drugs becomes a deluge.

I call upon this House to take quick, positive action on the legislation I have discussed today.

MONSANTO LEADS THE WAY

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. DORN. Mr. Speaker, Congress and the American people are greatly concerned about the future of our country unless water pollution and air pollution are brought under control. This morning, I joined 118 of my colleagues in the House in urging an appropriation of $1 billion for the fiscal year 1970 for the construction grant program of the Clean Water Restoration Act. I urge Congress at this session to appropriate these funds as every single day counts in the fight for pure water and pure air.

Mr. Speaker, Monsanto Co. is setting a splendid example in promoting clean air and pure water. I commend to the attention of my colleagues and our people everywhere the following excellent article which appeared in Time magazine on August 8:

THE AIR: FROM POLLUTION TO PROFIT

Dirty air decays buildings, cracks rubber tires, ruins nylon stockings and worsens all sorts of human ailments. According to one Government study, air pollution costs Americans an average $65 a year; the figure may hit $200 in particularly filthy cities like New York and St. Louis. Even so, most citizens have a lot to learn about pollution. When a sampling of St. Louis residents were polled on how much they would pay in higher taxes to clean up the air, they reckoned that the effort might be worth 50¢ a year, at most $1. Ignoring their own auto-exhaust fumes, they also insisted that dirty air is primarily industry's problem.

Not quite—but in St. Louis that view is understandable. One reason: the National Lead Co.'s titanium pigment plant routinely emits a sulphuric acid stench that is downright sickening. The city is also a booming center of the chemical industry, prolific source of exotic effluents like phthalic anhydride and chlorinated phenolic compounds, which make the eyes water and smell like the medicines children swallow while holding their noses. All too often St. Louis stinks, as one resident says, "like an old-fashioned drugstore on fire."

Quick sniffers. Now one of the key villains is trying hard to turn hero. Until two years ago, Monsanto, the nation's third largest chemical company, paid little attention to the effects of the more than 300 products it makes at its headquarters plants around St. Louis. Then the city enacted some of the toughest air pollution ordinances in the U.S. Monsanto not only obeyed the laws—it set out to become a model antipolluter.

Monsanto has studied every vent in its four huge plants in the area, evaluating every chemical process, and monitoring the effectiveness of "scrubbers," "eliminators" and other controls. "What the company is doing is very complex and very expensive," says Charles Copley, Commissioner of the St. Louis air pollution control board.

Though its workers become indifferent to chemical odors, Monsanto itself goes to the opposite extreme. As soon as any employee smells something bad, he is asked to dial A-I-R on the factory phone. If the problem is serious, expert "sniffers" hurry to the scene, ready to bottle the air, analyze it and repair the leak. Elaborate ductwork in one factory connects the points where noisome phenols might be emitted and whisks them to a scrubber system that removes the odor with absorbent filters. Since 1967, Monsanto has spent almost $3,000,000 to curb pollution in St. Louis, plus another $12 million at its other plants across the nation.

Booming Business. As it turns out, the spending has produced profits as well as civic status for Monsanto. The company's industrial efficiency has been increased by the constant monitoring of all its processes. In addition, it is now recapturing some valuable chemicals that previously went up the stacks, while selling a new line of pollution-abatement equipment to other industries. Thus Monsanto has moved into a growing market that it estimates may soon reach $6 billion a year. "By 1975, we hope to be doing $200 million a year in such business," says Leo Weaver, general manager of Monsanto's new department, Environmental Control Enterprises.

As Weaver sees it, the antipollution business is almost limitless—provided Congress increases tax incentives for installing pollution control devices and municipalities enact and rigidly enforce firm minimum standards. With a glint in his businessman's eye, Weaver also notes: "There is no such thing as a perfectly clean environment." Even while technology tames current pollution, the U.S. is likely to produce more and more new kinds of garbage, such as plastic containers. When such substances are incinerated, the "smoke" is odorless and almost invisible. Is it harmful? No one is yet sure; but if it is, Monsanto and other pioneers are determined to devise more ways to clean up both air and money.

CONGRESS AND COMPUTERS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. BRADEMAS. Mr. Speaker, many of us on both sides of the aisle believe that if Congress is to play its full and proper role when making public policy and overseeing its administration, we must have adequate access to up-to-date, accurate information.

By comparison with the executive branch of the Government, Congress is today at an enormous disadvantage in this respect.

For example, this year the executive branch of the Federal Government will be using over 4,600 computers at an annual cost of $2 billion while Congress has only three computers: One in the House for payroll and accounting purposes, one in the Senate for speeding internal mail delivery, and one at the Library of Congress to keep track of the status of legislation.

It is for these reasons that many Members of the House, both Democrats and Republicans, have urged that steps be taken to move Congress to modernize its operations and bring the legislative branch of Government into the 20th century.

It is for the same reason that I prepared a resolution, which was adopted on February 19, 1969, at the regular monthly caucus of Democratic Members of the House of Representatives, which resolution urged Democratic Members of the House to give full support to the House Committee on Administration in efforts to improve the efficiency of operations of Members of the House, including the use of computers and a centralized mail processing system.

I hope very much that we shall see further progress made along these lines.

Recently, Mr. Speaker, I read a most interesting article by one of the most widely respected writers in this field, Prof. John S. Saloma III, an associate professor of political science at the Massachusetts Institute of Technology, discussing the relationship between Congress and computers.

This article, published in the June 1969 issue of the Ripon Forum, was adapted from a forthcoming book by Mr. Saloma entitled, "Congress and the New Politics."

Under unanimous consent, I include the text of the article from the Ripon Forum entitled, "Congress and Computers," at this point in the Record:

Congress and Computers: Coming Soon: "Systems Politics"

(Note.—Despite all the talk about the electronic age, the computer era is not really upon us yet. Its arrival awaits reductions in the net costs of acquiring, processing, storing, retrieving, and using information. As the next five or ten years witness the beginnings of this process, government as well as the rest of society will begin to feel the results of this new technology which will make possible an advance in human intellectual capacity comparable to the invention of language, arabic numerals and calculus.

(The consequences of computerization for the American system of checks and balances will of course be fundamental. With systems analysis will come "systems politics." John S. Saloma III, former president of the Ripon Society and associate professor of political science at M.I.T., working under a grant from the Carnegie Corporation to the American Political Science Association, has been studying the likely impact of a computer technology on the governmental decision-making process. His fascinating discussion of the potential changes in the balance of power among the Congress, the President, and the bureaucracies that computers may spur is adapted from his book *Congress and the New Politics* published by Little, Brown and Company this month.)

(By John S. Saloma III)

Is the demonstrated success of the computer and the new information technology in business, industry and private institutions transferable to the arena of public policy? If Congress embraces the computer, the really significant result will be improved techniques of decision-making—operations research, mathematical analysis, systems modeling and simpulation—used in conjunction with computers and a more adequate data base.

No matter how conservatively one views the future, computers, by virtue of their ability to store and process enormous amounts of data, to calculate at lightning speeds, and to simulate human and organizational decision-behavior, provide man with an intellectual tool of almost inconceivable power. Almost certainly the application of the computer will introduce a new era for both the social and political systems. There will be cumulative improvement in information processing and computer-assisted techniques for analysis. Together, these advances will dramatically alter the decision-making context. Looking at the massive information problems in government today suggests the potential.

Information provides the premises for decision or action. By one definition, decision-making is simply "the process of converting information into action." Yet in a political system where information is a form of power, there are many limitations on acquiring the right information. The political decision maker needs, broadly speaking, two types of information: *technical* information defining the content of a policy issue and *political* information concerning the relative strength of competing claims and the consequences of alternative decisions.

CONGRESSIONAL DATA WOES

The Congress suffers from several specific information problems. It is dependent on the Executive bureaucracy, and that bureaucracy often cites Executive privilege as a justification for withholding information. In addition the widespread secret classification of material under the mantle of "national security" raises another powerful barrier to Congressional access to needed information.

Also, the individual member of Congress groans under a glut of paper and strains to acquire specific, reliable information as anyone familiar with "the Hill" will testify. Not surprisingly, a variety of simplifying devices are substituted for individual decisions: following party leadership, deferring to the judgment of the responsible committee, voting with state delegation, consulting members who are expert on the subject under consideration, etc.

The point is clear. Most of the limiting conditions that act to constrain decision-makers in a world of imperfect information are abundantly present in the contemporary Congress. Congressmen and Senators muddle through as best they can.

The question of interest to us is what difference will the new information technology make for the decision-making process in government. First we shall examine a range of technically feasible change; then, some of the political factors that will condition such change in the American political system.

One of the most obvious advances that will be made possible by the new information technology is increased quality of information (including factors such as relevance, precision, completeness, and timeliness) and quality of information processing (accuracy, speed, ability to handle complex relationships, inflexibility, and potential for codification in standard rules).

But, with the computer the problem of information overload will be more subject to the control of the individual decision-maker. He will have the potential to get "on top" of his work. The computer can be programmed to provide top decision-makers with "exception" information demanding attention or action.

Decision-makers may specify in advance what types of information they wish to receive on given subjects of interest as new information becomes available. Central libraries or document centers can then service the individual decision-maker according to his "interest profile" through a technique of "selective dissemination of information."

Instead of being a largely passive recipient of information, the decision-maker will be able to interact with the data system using it as an active search mechanism.

IMPORTANT CONTROLS INTRODUCED

Congressmen may continue to tap a variety of information sources on a random basis to obtain political information, but improved selective processing of relevant technical information (and even political information on their constituency) should significantly change the problem of information overload. The individual legislator will have an important degree of control over the amount and nature of information he receives.

The legislator will be provided with the capacity for systems thinking and systems analysis—that is, the dynamic behavior of complicated systems and the analysis of multiple variables. Such simulations will permit the preparation of major contingency plans. A lengthened time perspective, and a greater opportunity for strategic planning will replace the "remedial" orientation of incremental policy-making with orientation toward the future. He will be able to think ahead more, instead of exhausting himself just trying to keep abreast.

The incrementalist's view that "public policy problems are too complex to be well understood, too complex to be mastered" and that decision-makers develop "a strategy to cope with problems, not to solve them" will be replaced with a more optimistic perspective. The decision-maker will be "on top" of information. He will have analytical techniques and information processing capabilties that will give him new understanding of governmental and social systems and with this a sense that he can manipulate and control them. Where the incrementalists have rejected the impossible prescription to be comprehensive in favor of a more manageable strategy of "outright neglect." The new information technology will enable the decision-maker to develop a *more rational* and *aggressive* strategy of problem-solving.

But perhaps the greatest long-run contribution of the computer to man's problem-solving capacity will be its ability to facilitate two types of breakthrough in collaborative research. The first of these gains is the cumulative storage and preservation of solutions—a kind of division of intellectual labor. Since a computer never forgets, all gains or improvements in computation or analysis, no matter how incremental, are preserved until better techniques are perfected and may be retrieved, used and refined by contemporary and future generations of decision-makers.

One does not have to be a technological radical to appreciate the cumulative potential of computer programming. If most human decisions have an underlying structure, as disjointed, incremental, restricted in scope as that structure may be, in time computer programmers and analysts will discover and program the implicit decision techniques, rules, and coefficients. Already computer programs based on the analysis of past managerial behavior have proved more efficient than continued management practices (*i.e.*, rules of thumb) based on experience. Most computer experts do not expect the computer to replace the human decision-maker but rather to extend his planning and decisional capacities through the continued refinement of man-machine interaction. The computer will thus absorb the incrementalists in its inexorable accumulation of intellectual power.

ON-LINE COMMUNITY

Even more significant than the steady development of computer programs is the advent in prototype form of "the on-line intellectual community" based on man-computer interaction and computer-facilitated cooperation among men in a university setting. Carl F. J. Overhage and R. Joyce Harman describe the potential breakthrough based on the experience of Project MAC (research and development of Machine-Aided Cognition and Multiple-Access Computer systems) at M.I.T.:

"Because communication among men is fallible, and because heretofore men did not have effective ways of expressing complex ideas unambiguously—and recalling them, testing them, transferring them, and converting them from a static record into observable, dynamic behavior—the accumulation of correlatable contributions was opposed by continual erosion; and the melding of contributions was hampered by divergencies of convention and format that kept one man's ideas from meshing with another's. The prospect is that, when several or many people work together within the context of an on-line, interactive, community computer network, the superior facilities of that network for expressing ideas, preserving facts, modeling processes, and information and the same behavior—those superior facilities will so foster the growth and integration of knowledge that the incidence of major achievement will be markedly increased."

Comparable networks will in time be available in business and government and among sectors of each of these communities with overlapping research interests. The potential of man-machine-man interaction for pure and applied research is one of the scarcely realized but most staggering potentials of the new information technology.

Before examining the overall significance of these factors on decision-making in government, it would be wise to examine some reservations about the revolutionary impact of information technology.

DILEMMAS PERSIST

Lessening the information constraints on and increasing the potency of the analytical tools available to decision-makers will not remove the dilemmas of decision-making. There are limitations that go well beyond information *per se*. As the information constraints on decision-makers are eased, other limiting factors and decisions will come into play:

1. The problem of values. If we define politics as a struggle for control stemming from conflict over the direction of social life and public policy, it is clear that the central problem of politics is one of values, not information. Decision-making involves values at all stages. Choice activity especially requires value criteria for decision. For instance, budgeting is a political activity and the problem of choice or allocation ultimately remains one of values.

2. The political use and abuse of information. Information systems in government may be used to serve the political purposes of the political actors who have the resources to control them. How then can one prevent the President or program-oriented bureau chief from consciously or unconsciously biasing an information system that Congress must use?

3. Cost factors. Government (and the taxpayer) must pay the bill for the computers, their programming and the personnel to man them. Balanced against this cost is the problem of final payoffs: how much tangible difference will all this new equipment make?

Acknowledging these reservations, however, we still believe that the combined and cumulative impact of the new information technology will bring some radical changes in the environment of governmental decision-making.

Mid-1970 is only six years away—it is impossible that improvements in the legislative process from wide use of advanced data systems will actually be achieved by 1975? Studies by Rand Corporation experts suggest that by the early 1970's computers will be small, plentiful, and inexpensive. Computing power will be available to anyone who needs it, or wants it, or can use it either by means of a personal console connected to some large central facility, or by a small personal machine. Additional projections foresee, by 1975, a computer that will make possible automatic libraries able to look up and reproduce copy; by 1978, automated looking up of legal information, and the widespread use of automatic decision-making at the management level for industrial and national planning. By the mid-1980's, the computer will begin to realize its potential as a research tool through modeling and experimentation, as an integral part of the educational system, and in areas such as medicine and biological sciences.

Assuming that the projected technology is largely realized within the Executive branch by the mid 1970's, we shall examine some of its consequences within the Executive and then go on to examine the potential impact on Congress.

NEW BUREAUCRATIC CLASS

First, there will result a centralization of effective decision-making authority at the Presidential and departmental levels. As the compartmentalized information resources of individual agencies are integrated into comprehensive information systems, political executives will have greater leverage over the bureaucracy. At the same time fewer people will be involved in policy decisions. The likely long-term trend in the Federal government is toward the development of highly trained professional "analyst" staffs within the Budget Bureau and at the departmental secretary level. The power of the analyst within the Executive branch will pose new problems for Congressional watchdogs. Congress must define new points of access and review in the decision-making process if the historical concept of balance is to be maintained.

Secondly, there will develop a more explicit, candid style of politics which may complicate the problem of achieving political consensus. The above point to important secondary consequences for Congress.

THE IMPACT ON CONGRESS

In January, 1968, the Legislative branch acquired its first Analysis and Data Processing (ADP) installation directly involved in aiding the legislative process. The new on-line terminal system, installed in the American Law Division of the Legislative Reference Service, now enables LRS to record and store on magnetic tape descriptions of all bills and resolutions introduced in the 90th Congress. The system will compile by computer the "Digest of Public Bills" and eventually allow random recall of bills by number, title, and word descriptions, at the request of a Congressional office or committee. (Upwards of 26,000 bills and resolutions were introduced in the 89th Congress—an indication of the scale of the project.)

Congressman Robert McClory (R-Ill.) who in the 89th Congress introduced the first bill in either House directly applying ADP techniques to the work of Congress, has been the most articulate spokesman for Congressional action. Congressman McClory, concerned by the growing "information gap" between the President and Congress, proposed to equip the Congress with "an identified capability, based on automatic data processing devices and procedures, to retrieve selected information that is of priority value to the Members and committees."

After viewing the new system, Congressman McClory anticipated that some of the next ADP applications might be:

(1) Daily printouts summarizing the previous day's Congressional action;

(2) An automated index of congressional documents and legal periodicals;

(3) Up-to-the-minute information on legislative issues scheduled for debate;

(4) Vote summaries on bills already passed;

(5) The status of legislation pending in committee;

(6) Description of information stored on computer files in the Executive departments.

THE WIND IS SHIFTING

A quiet revolution in thinking appears to be taking place on Capitol Hill. Members privately express the desire to be aware of coming problems so they can "gear up" for them. A few Senators and Congressmen already sense that information technology is the "coming thing" and are investing their own time as well as that of their committee staff and/or their office staff in developing a greater familiarity with information systems.

A wide range of Congressional committees have been studying a variety of related problems (and educating their members in the process): the implementation of (PPBS) the Planning-Programming Budgeting System pioneered by former Secretary of Defense Robert S. McNamara; the development of social indicators and a system of social accounts; copyright legislation relating to information retrieval; the application of the systems approach to urban problems and environmental pollution; and, the consequences of computer technology for individual privacy. The committee publications of the Congress—hearings, staff reports and memoranda selected documents—already constitute one of the most comprehensive and relevant sheafs of facts on the social and political implications of the new information technology.

While most Congressmen and their staffs

have had only a brief introduction to information technology and its potential, a start has at least been made. The real change in Congressional attitude and skills will probably not be felt, however, until a new wave of political talent with practical experience with computers—through universities and the private sector—is elected to Congress. Some of the IBM experts have already turned up in the halls of Congress. One of them; formerly employed by the International Business Machines Corporation and a candidate for the Doctorate in Business/Government Relations from the Harvard Business School (then) freshman Congressman Donald W. Riegle, Jr. (R–Mich.), caused somewhat of a stir in Washington in the fall of 1967 by sending then Secretary of Defense Robert McNamara a request for a matrix of 85 specific data items for which he (Riegle) had written a computer program. Another freshman Senator with a combined engineering and law background, Senator Howard H. Baker, Jr. (R–Tenn.), lectured the Association for Computing Machinery about the impending nuclear power breakthrough in breeder reactors that could produce power at almost zero fuel cost and the need for a much broader Congressional overview and plan for the technological and social revolution that this implied. Senator Baker has been an articulate spokesman for a new Senate Select Committee for Technology and the Human Environment.

Impressive as these individual examples may be, Congress as an institution has yet to experience the potential of information technology. Widespread Congressional interest suggests a greater receptivity toward computers and information systems than might at first inspection have been anticipated. It is still likely, however, that Congress will lag behind the Executive in fully accepting the new technology.

HOW LONG WILL IT TAKE

How great a lag will exist by our projected date of 1975—assuming that Congress permits the Executive to implement the new technology without hinderances? We may posit three points on a continuum from (I) *Congressional resistance* to computer technology, notably the failure to fund any central computational facility for use by the Congress, the failure to budget any allowance for Congressmen to utilize other facilities, and the failure to provide analyst staff for the use of the committees and/or members; through (II) *limited Congressional acceptance* of computer facilities and analyst staff with access tightly controlled by the individual committees and/or party leaderships; to (III) *open Congressional acceptance*, with all members enjoying "free" use of computer facilities and full access to staff and data resources. According to our projection, Congress could have moved all the way to Situation III by the mid-1970's. A more realistic estimate would place it somewhere between Situations II and III. Ultimately, in our estimate, Congress will operate in Situation III although the exact institutional *form* in which it organizes and applies these new resources remains to be determined.

Accelerating the acceptance of innovation are the built-in tensions between authorizing and appropriations committees both eager to control program decision; the publicity incentive for committee and subcommittee chairmen generally to identify themselves with innovations and the perennial Congressional fear that Congress is yielding initiative and authority to the President; party competition; and, the generational divide between "activists" and high seniority Congressmen.

Indeed, once he had access to the new data processing and systems analysis tools, the contributions of the individual legislator would be considerably enlarged. We have noted the contribution of individual legislators to Congressional initiative in legislation and investigation. Although only a minority of Congressmen will choose to play the role of legislative inventor or watchdog, the effectiveness of such members will be enormously increased by computer-assisted techniques of search and analysis. Members will be free to "browse" through the data archives in developing and assessing legislative alternatives. Some legislators will hire professional analysts on their office staffs or acquire analytical skills themselves. While such legislative diligence will still be the exception, one can readily foresee a Congressman sitting at a console in his office poring over a computer print-out into the late evening hours and cutting through the paper arguments and justifications of Executive programs with penetrating lines of questions.

In addition, *ad hoc* congressional study and work groups would freely form and disperse as new challenging tasks arose at the interstices of committee power. The work of such study groups would be "collateral" to that of the standing committees but would introduce a needed flexibility into the Congressional organization.

CAN DEMOCRATIZE COMMITTEES

While information systems afford new possibilities for specialization and increased committee power—especially in the area of legislative oversight or control of the Executive bureaucracy, they should also afford possibilities to "democratize" committee power. Where limited information previously conferred important advantages on those few individuals who had the legislative seniority and central committee positions to accumulate such information, now generalized availability of information and program analyses would enable junior committee members and interested Congressmen not on the committee to gain a better understanding of the issues involved. The majority would have greater opportunity to influence committee action and to prevail against the committee on the floor when its action was not representative of the views of the entire membership.

Generalized information systems should enable Congress to satisfy both the necessity for specialization and the goal of comprehensive policy reviews. Where information on Executive agency activities has been compartmentalized within the Executive budget and the Congressional committee system, it would now be available to any curious Congressman. The "special analyses" of the federal budget already being developed by the Bureau of the Budget are a prototype of the kind of comprehensive information that Congressional committees will be able to tap. Individual Congressional committees, no longer limited to information within their agency jurisdiction, could become important loci for government-wide program review and coordination. Where the President alone has had the information to develop a measure of agency coordination, Congressional committees would now share that information, *and* the authority to use it, subject to the majority support of Congress.

NEW BALANCE OF POWER

While the application of information technology in government will have its greatest immediate political impact *within* the Executive (with important secondary consequences, as we have observed for the Congress), the longer term consequences of better information in government raise fundamental questions about the American system of separated powers. Congress and legislative bodies generally need *not* lose power to the Executive. The potential advance in information technology is theoretically equally accessible to *both* the President and Congress, with Congress standing to enhance its powers versus the Executive considerably. The thorny question of how power should be organized in the American political system will be faced once again.

Beginning roughly with the Budget and Accounting Act of 1921 and including the establishment of the modern Executive bureaucracy, the Executive staffs to the President, and the Legislative Reorganization Act of 1946, there arose a specialization of roles—Executive leadership and Congressional review or oversight. The model of "Executive-centered" government while tending to enhance the power of the President and reduce the autonomy of Congress, was based on a rationale that differentiated roles for President and Congress.

Simply stated, the President set the agenda for legislation; the Congress reviewed, amended, and passed legislation; the President supervised the execution of the laws by the federal bureaucracy; and the Congress reviewed administrative performance. Executive-centered government, however, conferred important relative information advantages on the President. The President was closer to the day-to-day operations of the Executive bureaucracy. He had access to the detailed information generated by the budgetary cycle and the numerous intelligence activities of the general bureaucracy. Moreover, the budgetary process and supporting central staff gave him a continuing framework for decision.

BLURRING DISTINCTIONS

A second major rationalization of authority has begun with the new emphasis on program budgeting and information systems in government. As this rationalization proceeds many of the assumptions underlying specialized roles for the President and Congress will have to be re-examined. The distinction between Executive decision-making and broad policy oversight will become increasingly blurred as the time perspective of governmental decision-makers is lengthened. As improved information systems yield better indicators of performance, reduce the time of the management information cycle, and permit real-time monitoring of governmental activities, the Congressional role of "oversight" (review after the fact) will be supplemented by new possibilities for "control" (legislative decision or activity prior to the relevant administrative action). The policy or control functions of the President and Congress will become less distinguishable as both develop the capacity to ask program questions and undertake analyses of data from the same generalized information systems or specially developed systems for their own use.

One restraint on a fully developed Congressional policy role in the past has been the unwillingness of Congress to build a parallel legislative staff bureaucracy. As a result, Congress has often had to "second guess" the Executive without the information to back its hunches. Now, as technology generalizes the availability of information, Congress can tap into Executive-based information systems, establish quality controls, and develop more limited information systems for its own specific requirements. Congress will review, evaluate, analyze and make its own determination of priorities. The process of making choices and analyses more explicit enables Congress to participate much more intelligently and vigorously, with a *limited* staff, in the decision-making process. In fact, there may even be a danger of too vigorous participation.

The new definition of the separation of powers that will evolve is a matter for speculation. If we assume the trends that we projected earlier, distinctive Presidential and Congressional biases may soon develop in the decision-making process. We might expect the Executive to overemphasize the benefits of rationalization in program formulation and administration, to overvalue economic and technical criteria of performance. If the new information technology leads to an increasing separation between operating missions, life styles, and social roles for those institutions and individuals involved in rationalized activities compared to those involved in nonrationalized ones, Congress, representative of a society embracing both lifestyles, would inherit the difficult task of mediating the impact of the former on the latter and restraining the tendency toward irrational and frustrated response. Congress would add elements of "political rationality," considerations of human costs and benefits to the decision-making process.

SYSTEMIC DISSONANCE

In this context, one rationale for the separation of powers—"systemic dissonance"—takes on new significance. We have suggested through this discussion that the revolution in information technology represents an almost immeasurable potential increase in man's knowledge—especially in his understanding of and ability to control his environment. The intelligent use of that knowledge and the power it confers is an awesome responsibility. In the United States it involves the democratic consideration of emerging technological possibility and consequences. The multiple perspective of the American system, the numerous points for developing, testing, and advancing ideas may ultimately prove to be one of the greatest assets of American democracy in the future.

OBJECTIONS TO THE PARALLEL CHESAPEAKE BAY BRIDGE

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. LONG of Maryland. Mr. Speaker, an article recently appeared in the Baltimore Sun which I should like to share with my colleagues in the Congress. Mr. William T. Snyder, a Baltimore resident, has offered one of the most comprehensive and persuasive arguments against the construction of a parallel Chesapeake Bay bridge which I have ever read.

The material follows:

OBJECTIONS TO THE PARALLEL BRIDGE

SIR: I hope it's still not too late to issue a last gasp plea for rationalism, and some concern about the needs of motorists related to spanning the Chesapeake Bay.

True, much work has been done, and contracts have been let—work has even begun on our new twin bridge from Sandy Point to Kent Island. But, my question is, "Why there?"

So far this year I have made more than 50 crossings of the existing Governor Preston Lane Bridge—most of them on weekends. Perhaps my luck will not continue to hold, but for the present I want to congratulate bridge officials on their excellent handling of traffic. At no time have I been held up more than five minutes at either bridge approach. On several occasions we have been traveling on the bridge at 35 m.p.h. or faster while an announcer on the car radio was describing "long delays at the Bay Bridge."

Unfortunately, I cannot boast of similar good fortune on the approaches to the bridge. Many times it has taken us well over an hour to get from the intersection of Routes 50 and 2 to central Baltimore; and on at least six occasions we have been delayed from 5 to 20 minutes by the opening of the drawbridge over Kent Narrows.

If we continue to build a twin bridge, capable of meeting maximum anticipated needs, how will motorists be served, if the system on the Western Shore continues to be tightly bottled up; and access or egress on the Eastern Shore can be completely stopped by a drawbridge which is operated without any schedule, and at the convenience of boat owners?

Even if the maximum load of 30,000 vehicles—attained only one day this year—should become the average, income from tolls at present rates would require about 10 years to pay published costs of the bridge. This figure does not include the new high interest rates on bonds, salaries, maintenance or other certain new costs. At the average toll income for the first half of this year more than 40 years will be required to meet the cumulative costs of this additional span at a location where access is already overloaded.

Further, if high speed roadways are actually part of our nation's defense system, isn't it logical to assume that a single area of twin bridges will offer a far easier target for a potential enemy's attack than several individual bridges?

I wonder if any real thought has been given to the interests or convenience of the bridge users. The only time the public was permitted to register an opinion that could be accurately measured, a referendum clearly showed that voting Marylanders did not want a new bridge parallel to the existing one.

Charts and studies have conclusively proved that residents of Southern Maryland and the national capital metropolitan area would save time and mileage if the bay were spanned between Calvert and Dorchester counties. All other parts of the Western Shore would be more conveniently served by a span from Baltimore county to Kent county. Residents of Delmarva would be greatly aided by having alternate routes to use.

Even considering the present investment, can we eliminate additional waste and use some rational attitude for total economy and service, convenience to motorists, and a great chance of continued transportation if our nation should ever be attacked from the air?

WILLIAM T. SNYDER.

BALTIMORE.

SEVENTIETH ANNIVERSARY OF THE VETERANS OF FOREIGN WARS

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. COLLIER. Mr. Speaker, the Veterans of Foreign Wars will celebrate its 70th anniversary this month. Although its existence under the present name dates from 1914, its predecessor organizations came into being in 1899. These groups were State organizations in Colorado, Ohio, and Pennsylvania that united 15 years later as the Veterans of Foreign Wars of the United States.

Under the charter granted by Congress on May 26, 1936—Public Law 74–630—the Veterans of Foreign Wars declared that:

> The purpose of this corporation shall be fraternal, patriotic, historical, and educational; to preserve and strengthen comradeship among its members; to assist worthy comrades; to perpetuate the memory and history of our dead, and to assist their widows and orphans; to maintain true allegiance to the government of the United States of America, and fidelity to its Constitution and laws; to foster true patriotism; to maintain and extend the institutions of American Freedom; and to preserve and defend the United States from all her enemies, whomsoever.

Membership in the organization is limited to officers and enlisted men who are either on active duty in the armed services or have been honorably discharged, and who have fought in a foreign military campaign of the United States. Included in the membership are veterans of the Spanish-American War, both World Wars, the Korean war, the war in Vietnam, the Boxer Rebellion, the Philippine Insurrection, campaigns on the Mexican border, and Nicaraguan expeditions.

The total membership today is 1,800,000. Millions of fighting men have been members during the seven decades that have elapsed since 1899. Present and former members include President Richard M. Nixon and former Presidents Lyndon B. Johnson, John F. Kennedy, Dwight D. Eisenhower, and Harry S. Truman. A majority of the Members of this great body, as well as a majority of the Members of the other body, belong to the Veterans of Foreign Wars.

Since its beginnings in 1899 and continuing through 70 years of war and peace and of prosperity and depression, this great nonpartisan, nonsectarian, and nonprofit organization has written an impressive record. While working in the interests of those who belong to it, the Veterans of Foreign Wars has also labored mightily for the Nation and its thousands of local communities. It is truly a grass roots body in which policy is formulated through the democratic process and not dictated from the top.

The VFW sponsors oratorical competitions for scholarships, as well as scouting and athletic activities and rifle tournaments. It promotes responsible patriotism to counteract treason and subversion through its Loyalty Day parades, dinners, and speeches, thus offering a constructive alternative to the Communist observance of May Day. It maintains a national home for the children of deceased veterans at Eaton Rapids, Mich. The VFW has performed magnificently in carrying out Abraham Lincoln's injunction "to care for him who shall have borne the battle, and for his widow, and his orphan."

As the Veterans of Foreign Wars observes the 70th anniversary of its birth, I have every confidence that its members will continue their fine work on behalf of their fellow-veterans, as well as for their communities, their States, and the great Nation for which they have fought.

DRUG LAW OVERHAUL URGED

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, yesterday, the distinguished Senator from Iowa, Mr. HUGHES, spoke out at a hearing of his Special Committee on Alcoholism and Narcotics to urge an overhaul of existing drug legislation. I am including in the RECORD today an article that appeared in this morning's issue of the Washington Post reporting on Senator HUGHES' subcommittee activities dealing with this most pressing problem.

Significantly, Senator HUGHES pointed out that since a White House conference held 6 years ago, four major national groups have made recommendations for drug law reform. "Why" he asked his committee to discover, has "so little been done to implement those recommendations?" I ask the same question, and pose to my colleagues an additional one: How long do you think we have before the problem becomes insoluable?

Gentlemen, time is of the essence. We must act now for every day of delay condemns not only socially deviant members of our society, but also many young people throughout this land. I, therefore, request the Congress most rapid enactment of the Comprehensive Narcotic Addiction and Drug Abuse Care and Control Act of 1969 introduced by me and 24 cosponsors in the House and by Senator Yarborough and 15 cosponsors in the Senate. Our bills provide for not only educational programs and research, but also for construction of treatment facilities, training of personnel, and revision of existing laws to more accurately reflect the realities of the problem. Our approach, as pointed out recently in the Washington Post, does not vent anger; rather it offers help.

The article follows:

SENATOR HUGHES URGES DRUG LAW OVERHAUL

Senator Harold E. Hughes (D-Iowa) yesterday condemned the "unbelievable mishandling of the drug problem" in America and called for a sweeping overhaul of drug-control laws.

Marijuana is the starting point for a fresh look at drug laws, said Hughes, chairman of the Special Subcommittee on Alcoholism and Narcotics.

Since a White House conference six years ago, Hughes said, four major national groups have made recommendations for drug law reform. He asked the panel to discover "why so little has been done to implement those recommendations."

"Why, instead of following sane and professional recommendations, do we continue a system that busts up kids' lives, makes treatment of addiction impossible, and overpunishes the nameless, wretched addict or pusher, while channeling easy profits into the hands of the underworld?"

There has been growing support recently for legalizing marijuana, or at least removing it from the list of "hard" narcotics and reducing penalties for its sale or possession.

The latter course was endorsed yesterday by Larry Alan Bear, commissioner of the Addictions Services Agency of New York City's Human Resources Administration.

He opposed legalization of marijuana. Society has a right to express its value judgments through the law, Bear argued, and therefore prohibitions should be continued. But he said the severity of present penalties was unrealistic.

Use of marijuana, he testified, "does not lead inevitably to heroin addiction or crime." But on the other hand, he added, "I can truly say that in all my experience with drug abusers, I have never seen a single case where marijuana use has been responsible for producing a more mature, well balanced, productive or even happier human being."

Although marijuana is not physiologically addictive, Bear explained, some persons become physically dependent upon it. "The marijuana user is in serious trouble when he reaches that point where he is utilizing a chemical to escape from the necessity of dealing with his anxiety," Bear told the committee.

In answer to a question from Sen. Jacob Javits (R-N.Y.), Bear agreed that similar arguments could be made about alcohol. "I personally think there should be more control" of alcohol, he said.

The committee received an illustrated lecture on marijuana and narcotics by Dr. Sidney Cohen, director of the Division of Narcotics Addiction and Drug Abuse of the National Institute of Mental Health.

Cohen showed samples of marijuana leaves, "downer" (depressant) pills, narcotics in powder form, airplane glue ("the effects, I can assure you, are not benign"), LSD, "Speed," and equipment used by addicts to take drugs.

THE OCEANS: OUR LAST FRONTIER

HON. WILLIAM L. ST. ONGE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. ST. ONGE. Mr. Speaker, under leave to extend my remarks, I wish to insert into the Record an editorial from the Hartford, Conn., Times of August 4, 1969, entitled "Earth's Last Frontier Awaits Exploitation."

The House Merchant Marine and Fisheries Subcommittee on Oceanography, under the very able chairmanship of the Honorable Alton Lennon of North Carolina, has been holding hearings on the report of the Marine Science Commission issued recently under the title "Our Nation and the Sea." The Commission has recommended that the United States undertake research and exploitation of the oceans and their resources, which I gladly support.

The editorial I am inserting into the Record similarly supports this proposal and generally discusses the problem in a knowledgeable way. I take issue, however, with one suggestion in the editorial; namely, that "the ocean should be controlled and protected by the United Nations." It would be practically impossible to obtain international agreement for control of the oceans by the United Nations, at least in the foreseeable future, as the editorial itself acknowledges.

We cannot afford to stand still, however, and let the last great frontier on earth remain in its present dormant state. We must move forward in the conquest of this frontier. We must undertake the exploration and exploitation of the oceans for the benefit of mankind. I feel certain that we shall find such explorations very rewarding in the form of food, minerals, medicines, and energy. This we should do without delay.

I commend the editorial to my colleagues. It reads as follows:

EARTH'S LAST FRONTIER AWAITS EXPLOITATION

Hearings were scheduled to be resumed in Washington today on national involvement in an effort that is potentially more rewarding than space science: the exploration and exploitation of the ocean.

The Subcommittee on Oceanography of the House Merchant Marine and Fisheries Committee has been holding hearings off and on since April 29 on a report by the Commission on Marine Science, Engineering and Resources. The commission was created by Congress for the purpose of making this report and the studies preliminary to it.

The commission urged that the United States make a major investment in understanding, exploiting and preserving the ocean through research, conservation, development and the participation of industry.

As Dr. Paul M. Fye, president of Woods Hole Oceanographic Institution, pointed out in testimony at an earlier hearing, the report calls for a national, not merely a federal, effort. To achieve what the commission calls for would involve the states, the academic community, private enterprise and the federal government.

There are two chief considerations. One is that the report calls for an independent agency with responsibility for the study and use of the oceans, reporting directly to the President. The other is that of all the 22 bureaus in nine federal agencies now involved with the ocean, not one is ready to give up its limited sovereignty for the sake of a united effort toward a most important goal.

A California congressman, Bob Wilson, testified that only the firm support of President Nixon could bring about the formation of the agency. (It already has a suggested name the National Oceanic and Atmospheric Agency.)

Unfortunately, unless Mr. Nixon can be convinced of the importance and perhaps the expediency of involving himself, that is not likely to happen. Vice President Agnew, speaking before the Marine Technology Society in June, hinted that the President had other priorities in mind and was not going to get into the fight to exploit the ocean.

The ocean is the last frontier on the Earth. It is a storehouse of wealth beyond imagining. As a source of food, it is used in a primitive, wasteful and damaging way. (In the use of ocean food, man has not yet progressed from hunter to farmer.) It contains medicines, minerals, and energy. It is the great reservoir of water.

But we use it chiefly as a highway to haul heavy bulk cargoes from one place to another; as a hunting ground, and as the dead end of the world's sewers. That last use—a place to dump garbage and poisons that are awkward to handle—will surely cost us heavily if we don't stop.

It has long been The Times' policy that the ocean should be controlled and protected by the United Nations.

The National Oceanographic Association disagrees, holding that the United States should go ahead with great projects in the ocean.

Perhaps it would take too long and be too hard to get international agreement on how best to study and use the ocean, but it would be worth a try in order to avoid the inevitable conflicts among nations in the waters beyond their land frontiers.

Whether we press for international control or not, the United States should surely begin its own national involvement in the ocean. Mr. Nixon could, if he chose, make his name glorious to posterity by sponsoring the involvement as President Kennedy did with his commitment to reach the moon in this decade.

CONGRESSMAN RYAN'S HOUSING LEGISLATION

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. RYAN. Mr. Speaker, in 1949, Congress passed a housing act which set as its goal "a decent home and a suitable living environment for every American family." But this goal was not reached.

In 1968, Congress passed the Housing and Urban Development Act which set as its goal the construction or rehabilitation of 6 million low- and moderate-income housing units in a 10-year period. There should be no question that we can do in the next 10 years what we have been unable to do in the past.

We can and we must. We have shown that the United States can go to the moon and back. If we can accomplish such a tremendous feat in such a short period of time, we should be able to adequately house our fellow countrymen.

We must commit ourselves to the task of ridding our Nation of inadequate housing with the same fervor with which we dedicated ourselves to the moon flight.

I include in the Record my statement of July 29, 1969, before the Subcommittee on Housing of the House Banking and Currency Committee. It summarizes some 24 bills I have introduced in the 91st Congress, which I feel will help alleviate the housing crisis facing this Nation:

Statement of Congressman William F. Ryan Before the Subcommittee on Housing of the House Committee on Banking and Currency, July 29, 1969

The Congress, in passing the Housing and Urban Development Act of 1968, set as a ten year goal the construction or rehabilitation of 6 million low and moderate income dwelling units. That number of Federally assisted units must be built if every American family is to live in an affordable, decent and safe home. The Housing Act of 1949, some twenty years ago, also set a goal which was, you will recall, "the realization as soon as feasible of . . . a decent home and a suitable living environment for every American family. Unfortunately, the last twenty years did not prove to be a feasible time period, since that goal has not been attained. The passage of the 1968 HUD Act was a reaffirmation of Congress' intent, and a rededication of our efforts in the field of housing. It is of utmost importance that the goal for the next ten years be achieved. Much has been promised to our low-income population in their attempts to obtain decent, safe and sanitary standard housing; but little has been delivered.

In 1969 there are still some 7.8 million American families who cannot afford to pay for standard housing which would cost no more than 20% of their incomes. The President's Commission on Urban Housing in its recently issued report states:

"We concluded that new and foreseeable technological breakthroughs in housing production will not by themselves bring decent shelter within economic reach of the millions of house-poor families in the predictable future. To bridge the gap between the market place costs for standard housing and the price that lower-income families can afford to pay, appropriations of Federal subsidies are essential and must be substantially increased."

The task before us is clear. We must effectively and adequately meet the needs of our population for adequate housing for all income levels. We must insure that no family, no person, no child lives in squalor, and filth—without ventilation, plumbing or heating. This country is too wealthy to allow almost 3 million families to live in substandard and unsanitary dwelling units.

In each session of Congress since my first election I have introduced bills to attain the goals first set forth in the Housing Act of 1949. Today I want to discuss my package of housing proposals which I feel will serve to improve the legislation already passed by Congress and will help to insure that the goal of 6 million low and moderate income housing units in the next ten years becomes a reality.

The basic housing tools which we have entrusted to the Department of Housing and Urban Development lies in two areas: 1.) low and moderate income rental housing, low income public housing, rent supplements, and Section 236; interest subsidies; 2.) low and moderate income ownership—Section 235 interest subsidies and rehabilitation. My package of housing proposals represents an attempt to tackle each of these areas bearing in mind the needs and gaps in existing programs.

The Administration has come up with a housing package. The package may be nicely wrapped, but inside there is only a small can of paint which, we are told, will make the 1968 Act a little prettier. While the structure needs additional beams, supports, and buttresses, all we find is paint. Admittedly, the paint will be useful, but there is so much more to be done.

Many sections of the Administration bill are welcome, as far as they go. Increasing the aggregate amount of contracts which may be entered into under the Section 235 homeownership and Section 236 rental housing assistance programs is a good, albeit short step. Much the same may be said for the increased authorizations for model cities. But, in examining the sections regarding public housing, the weakness of this bill is clear.

I have been particularly concerned with the public housing program. This program has promised much to our low-income families, but in terms of actual production its record has been poor. By 1969 only 755,545 units were under management across the country; while the Housing Act of 1949 proposed the construction of 810,000 units in 6 years. The public housing program has never been very popular. It has been termed institutional in nature, unsafe and a poor environment for children. To some extent, these criticisms are justified. In large measure, however, many of these criticisms are the direct result of Congressional actions and restrictive limitations on the program. Congressional pressure has resulted in high-rise, high-density, minimum amenities projects. Tenants are stigmatized, and Congress has seemed to lack an understanding that adequate housing means more than four walls, a roof, and a door.

Public housing is only an example. All our housing programs must be viewed in terms of the primary purpose of meeting the housing needs of today's urban poor.

Many of the nation's middle-income residents oppose the public housing or rent supplement programs because they consider them as unwarranted subsidy for the poor. At the same time these middle income citizens ignore the fact that they benefit from Federal housing subsidies as well as income tax deductions on their mortgage payments.

As the Kaiser Committee report states:

"On balance, this country supplies much greater housing subsidies for middle-income people than for the poor, but in ways that seldom strike the public consciousness."

Furthermore, just the continued existence of slums does impose certain costs on our entire society—including the middle-income section which could be avoided if the slums were eliminated.

It is becoming increasingly clear that inadequate solutions to housing problems are intensifying other urban problems and for that reason, if for no other, we must give greater attention to the far reaching effects of the urban housing crisis. Housing means more than just the provision of an adequate, decent, and sanitary standard dwelling unit; it means the chance for all persons—black or white—to have access to good schools, adequate public services, and job opportunities, and to choose where he wishes to live, and what amenities he wishes to obtain from his environment.

However, black people and Spanish speaking people too often must choose between crowded, unventilated or unheated units that contain faulty wiring and lighting. For too long, our country has attempted to improve housing in isolation from other factors. The public housing program was originally put forth as the salvation to the slums; it was felt that if only the low-income dweller moved into decent, safe, and sanitary housing, all his problems would disappear. History has shown this to be untrue. While studies have shown that improved housing reduces the incidence of illness and death, housing without the necessary community development factors such as parks, recreational, and commercial facilities, will not have a significant impact on the lives of people now living in inadequate housing.

Those living in poverty must devote a substantial amount of their incomes to housing. This has long been acknowledged. The Congress over the last 20 years has given generalized expressions of noble intentions without actually committing itself to a specific goal or a specific point in time. The result has been overlooked, forgotten, and unfulfilled housing goals as shown by the Declaration of Policy in the Housing Act of 1949 for a "decent, safe, and sanitary home for every American family." The 1968 Housing and Urban Development Act once more reaffirmed this goal but the traditional attitude towards housing for low and moderate income housing held way as shown by what happened to the 1968 Act in the appropriations process.

We do not acknowledge that housing interacts with other elements of the social and physical environment in influencing patterns of human behavior; we do not even acknowledge that the existence of slum housing imposes large social costs on our society. Yet we decry crime in the streets, soaring welfare costs, and the physical decay of our major urban centers. It is time for this nation and this Congress to attack on a broad and multifaceted scale the problems of inadequate and unfit housing and the related social and economic costs. Unless we undertake such an attack, there is a growing likelihood that the poor will be further isolated from the rest of society, physically, socially, and culturally.

The Civil Rights Act of 1968 and its fair housing provisions would contribute immeasurably to improved living conditions for blacks as well as countering the patterns of segregation that the practices of the Federal Housing Administration have generated over the last twenty years. But Congress gave HUD only $2 million to enforce this program during the 1969 Fiscal Year. Effective enforcement of fair housing will enable minority groups to move freely throughout urban areas, and enable them to take full advantage of vacancies where they exist in order to meet their pressing housing needs.

President Johnson's January 16 Economic Report to Congress stated:

"With the Housing and Urban Development Act of 1968 we set the goal of eliminating all substandard housing in the next decade. We must back that commitment with the needed resources—financial, technical, and human. First priority must be given to the needs of the poorest of the poor through the Model Cities Program, rent supplements, homeownership, and public housing."

If we compare for the fiscal years 1962 through 1967 the amount of expenditures for various Federal programs we find that while $356.3 billion was spent for national defense, $33.2 billion for stabilizing farm prices and income and $24.2 billion for space exploration, only $8.1 billion was spent for Federal housing subsidies. Clearly, this nation has failed to devote a proper share of its national resources to the problems of housing and the cities. However, it has not been reluctant to grant huge sums of money for the military, space exploration and farm subsidies.

PUBLIC HOUSING

Public housing remains a sluggish instrument of national housing policy. While in many cases this has been due to Congressional limitations and restrictions on program operations, the Housing Assistance Administration of the Department of Housing and Urban Development has been somewhat unreceptive to changing or increasing the program's operation.

Unlike other housing programs, the public housing program is operated on the basis of contract authorization provided by the Congress. Through Fiscal Year 1969 the contract authority available to HUD to enter into annual contributions contracts stood at $754.26 million; by Fiscal Year 1970, it will stand at $804.5 million. Yet in terms of actual payments made—which is after public housing projects are completed—the comparable figures were $350 million (plus a supplemental request of $16 million) for Fiscal Year 1969 and a budget request for appropriations for Fiscal Year 1970 of $473.5 million. The large discrepancies between authorizations and appropriations in the public housing program results in the inadequacy and slowness of the program's operation.

And this lack of speed is not only characteristic of the present. In 1966 and 1967 new starts for public housing stood at 23,000 and 40,000 respectively, while 60,000 units could have been started under the authorization figures for those two years. The President's National Commission on Urban Problems has concluded:

"Any blame for the late slowdown therefore cannot properly be charged to Congress."

The Commission also gave this criticism of public housing operations:

"An excessive and at times a disgraceful delay in the planning, approval, and construction of projects."

It has been estimated that the average total time for completion of a conventional public housing project is three to four years.

It is tragic that HUD cannot, or will not, increase production of public housing units when the need is so great. In November 1967, there were 193,000 applicants for public housing across the country—an average ratio of 28 applicants to every vacancy. In New York City alone there were 117 vacancies and 80,000 requests for admission—a ratio of 752 applicants to every vacancy. Today there are 135,000 New York City residents on the waiting list.

The Public housing program has also tended to be unresponsive to the need for housing large low-income families. Rather HUD has increasingly used the public housing program to serve the needs of our elderly population which is most important. From January 1960 through June 1968, 110,000 public housing units for the elderly were under construction which amounted to 43% of the total of 256,000 units being built during this time period. Since 1965 public housing starts for the elderly were running at the rate of 57% of the total units being built. Another way to put it is that in 1960 the elderly occupied only 14% of all public housing; by 1965, 29%, and by 1967, 33%.

The Housing and Urban Development Act of 1968 made clear the need for this country to provide additional housing units for low-income families. At the same time the Douglas Commission states:

"The actual situation is, in fact, worse than the figures indicate, for more than half of the total units built in recent years were specifically for the elderly. Moreover, a large portion of the remaining number intended for families were built in the smaller cities, which either had a comparatively small Negro population or had very few previous units of public housng. Thus the great need of the large central cities for housing for poor families was largely unmet."

This Congress must insist that HUD use the public housing program to serve the needs of large, low-income families. The Department of Housing and Urban Development must also increase the production of public housing units at least to the level authorized by Congress.

I have introduced a number of bills to insure that the public housing program is reflective of the needs and demands for the program.

The key to meeting these needs is by increasing the amount of Federal subsidies which the Department of Housing and Urban Development is authorized to allocate to local public housing agencies.

Operating expenses to the federally-aided public housing program in New York City have increased to such an extent that tenants are facing increased rentals beyond their means. Given the limited financial resources of most cities, this problem can only be alleviated by increasing the amount of Federal subsidies which the Department of Housing and Urban Development is authorized to allocate to local public housing agencies. So that you will have a better understanding of the need for a new subsidy formula, and not just clarifications of existing authority, let me discuss this situation in relation to New York City.

According to the New York City Housing Authority, routine operating expenses to the federally-aided public housing program in New York City have increased 123% since 1932. Rents paid by tenants, related to their incomes have increased 72%. The deficits to the public housing program which have resulted have grown so acute during the past few years that it has been necessary for the Housing Authority to withdraw funds from its reserves. Under established procedures, the accumulated reserve funds for the New York City Housing Authority should currently amount to somewhat more than $30 million. But the present balance, as of March 1969, is only about $12 million. Chairman Albert Walsh of the New York City Housing Authority has indicated that he expects complete exhaustion of reserve funds before the close of 1970, unless rents of tenants are substantially increased without regard to their ability to pay.

The alternative for New York, then, is total exhaustion of reserve funds in 19 months or an increase in rents that most tenants simply will not be able to meet.

At the present time, the Department of Housing and Urban Development contracts to pay annually to the New York City Public Housing Authority only the sum actually required for debt service on bonds issued for the capital cost of each public housing project. Although it is my interpretation, and the interpretation of New York City Housing Authority Chairman Albert Walsh, that HUD presently has authority, under section 10(c) and (d) of the United States Housing Act of 1937, to pay the debt service plus two percent of the operational cost of a public housing project, HUD apparently takes the position that the basic statute needs to be clarified. Accordingly, HUD has recommended the clarifying language which is contained in Section 5 of S. 527 and Section 204 of S. 2620. HUD seems to believe that in order to pay the two percent specified in section 10(c) and (d) of the United States Housing Act of 1937, it is necessary to have language which specifies that the annual contribution under any contract is not limited to debt service requirements.

In other words, the amendment requested by the Administration would merely state that HUD has the authority to do what I believe it already has authority to do under the existing statute. This is clear from the testimony of Secretary Romney on July 15 before this subcommittee in which he said: "The amendment (Section 284 of S. 2620) would not, however permit the annual contributions to exceed the statutory maximum now established by the United States Housing Act of 1937."

I have previously called upon Secretary Romney to increase the subsidy for public housing in New York City to the statutory maximum through administrative action. Instead of asking for an increase in the statutory maximum, which is essential, the Administration is proposing "clarifying" legislation in order to do what it has the power to do administratively.

In light of the increasing operating costs which many public housing agencies are experiencing, I believe that more clarifying language is an insufficient remedy for the problem. What is required is an increase in the present statutory limit.

In order to achieve that end, I have introduced H.R. 10194, which changes the present subsidy formula so that the formula would specifically include debt service plus one percent and an additional amount "to the extent required to permit low-rent housing to continue to fulfill its goal of providing housing at rents which families of low income can afford to pay, taking into account such routine operating costs of the projects involved (including the cost of providing adequate security for tenant) as may be necessary or appropriate for the purpose."

In effect, H.R. 10194 would make it possible for the Secretary to determine the subsidy formula required to maintain rents at a level which low-income families can afford, taking into account normal operating expenses and particularly the cost of police protection for tenants, which, in most large cities is urgently needed. Rising crime rates in public housing projects in New York City are alarming—so much so that tenants feel compelled to organize volunteer groups to protect themselves.

Section 2 of H.R. 10194 would permit the Secretary to increase the cost limitations to the extent necessary to reflect increases in construction costs for a particular geographic area. In New York City, where construction costs are skyrocketing, this flexibility is essential if the demand for public housing is to be met.

Section 3 of my bill makes it clear that the new subsidy formula set forth in the bill would apply to existing projects as well as projects completed after the enactment of this legislation.

In view of the escalating costs of public housing agencies. I believe it is imperative that this body adopt a formula such as the one embodied in H.R. 10194. To accept only a "clarification" in language which I believe already gives clear authority to the Department of Housing and Urban Development to pay debt service requirements plus two per cent of operating costs falls far short of what is required.

By permitting the Secretary to increase cost limitations to reflect increases in construction costs in a particular geographic area, H.R. 10194 would serve to counter the rising costs of housing construction which will otherwise virtually eliminate the possibility of building adequate and attractive public housing. Since 1946 the residential construction index has gone up by more than 90%. Section 205 of the Administration's bill will only allow a 45% increase instead of the present $750 increase. If we fail to raise realistically the cost limitation on public housing, we will be forever plagued by the argument that they are unattractive, institutional structures.

I would also recommend that HUD change its administrative limit of $20,000 per unit, including land acquisition and development and acquisition costs. Per unit costs which have been established by HUD mean that in high cost areas such as New York City, the only way projects can be built within the overall per-unit limitation is by restricting the number of rooms. This means that public housing fails to adequately provide for the needs of large families in such areas. And it is such families who most desperately need public housing. Congress must make clear its intent to HUD that a sizeable proportion of low-rent public housing units should be constructed to accommodate large families. The Douglas Commission points out:

"If public housing is to serve the people who need it most, a far larger proportion of the apartment units should have three and four bedrooms, with some five and six to effect this, the Administration ceiling on the cost per apartment should be withdrawn and forgotten."

The President's Committee on Urban Housing has also recommended that HUD cost limitations on design and amenities be changed.

H.R. 601 would amend the United States Housing Act of 1937 to remove the existing 15 per centum limit on the amount of assistance which may be provided thereunder for low-rent public housing in any one state. Public housing should be built where the need is greatest and not on the basis of an artificial quota system. The Douglas Commission report concluded that the smaller nonrural places were getting a disproportionate share of public housing units.

H.R. 602 would remove the existing dollar limit on the amount of annual contributions which may be contracted for by the Department of Housing and Urban Development. This bill would also serve to insure that the program is based on the demand and need for the program rather than a statutory contract authority limitation. With so many of our low income people living in substandard housing and with inadequate funding by the Congress of the complementary rent supplement program, it is essential that the public housing program be utilized in relation to the need and demand for low income housing.

H.R. 604 would amend the United States Housing Act of 1937 to provide that a tenant in a low-rent public housing project may not be evicted without a public hearing. Present legislative and administrative regulations for the program do not require that a tenant be given the opportunity to due process of law and the opportunity to formally present his case. H.R. 604 is consistent with the American ideals of justice and asks only that a public hearing be given a tenant regarding his proposed eviction, that the decision of the local public housing agency be based on the record of the hearing, and that such decision be subject to judicial review in the courts. It is hardly necessary to state that it is only fair that public housing tenants be accorded the same standards of justice that exist for those more fortunate.

The Urban Coalition has also proposed that local housing authorities be required to give reasons for evicting tenants and the establishment of a Board of Tenant Affairs in public housing programs.

H.R. 607 would broaden the opportunities under the Housing Act of 1937 for occupants of dwelling units in low rent housing projects to purchase such units. The Housing and Urban Development Act of 1968, Section 205 states that tenants can purchase public housing units only if "the property to be acquired is sufficiently separable from other property retained by the public housing agency to make it suitable." My bill would also permit purchase as well for "the disposition of all or part of the project to (and the operation and management by) a nonprofit cooperative housing corporation or trust formed by occupants of the project." Thus H.R. 607 would make it possible for all or part of a public housing project to be converted to a nonprofit cooperative housing corporation or trust fund formed by occupants of the project.

The President's National Commission on Urban Problems has recommended in its report to the President:

"The Commission recommends not only that residents of public housing projects be permitted to purchase their units in single-family semi-detached and other 'suitable' structures, but that they be encouraged to enter into cooperative ownership in multi-family structures as an alternative to eviction when income rises above eligibility limits."

Why should low income persons not be allowed to purchase units on the same basis as middle-income groups do through condominium or cooperative arrangements?

RENT SUPPLEMENT PROGRAM

Since the Rent Supplement Program was first authorized in the Housing and Urban Development Act of 1968 this program has been starved for funds, and each year its supporters have had to fight valiantly to help keep it alive. As of January 1 of this year only 4,500 units in 146 projects had been completed and occupied while 28,000 units were ready for, or under construction; and another 27,000 units were under program reservation. Yet during the Fiscal Year 1969 this program began to pick up momentum as witnessed by the fact that by March, 1969, it used up its contract authorization. This is an encouraging development for it will mean that many more units will soon become available to low-income families.

But this program also is difficult to undertake in our larger metropolitan areas such as New York where the maximum income limits for eligibility for rent supplement payments is $6,100. Many needy low-income families are not eligible to participate in this program because HUD has determined administratively that the maximum income limit is $6,100. Thus, in New York City the highest income of any rent supplement tenant now is $5,450 with a family of seven.

I have introduced a bill, H.R. 608, to amend Section 101 of the 1965 HUD Act to provide increased rent supplement payments in the case of tenants with larger families. The bill causes the annual payments which a tenant makes on his house to reflect the size of his family by providing that the portion of his income which is taken into account in determining his rent supplement is reduced by $200 for each member of his family (other than himself and his spouse) who has no income. This bill is consistent with the recent recommendations in the report of the National Commission on Urban Problems which called for additional subsidies for the abject poor and the large poor family based on annual income and size of family. My bill would help to alleviate the situation under which the rent supplement program presently operates, which does not adequately take into consideration large income families, especially in our larger metropolitan areas.

Another problem facing the rent supplement program is the fact that most projects are 90% or more rent supplement units. The rent supplement program, when originally introduced, had as a goal economically integrated projects. However, due to Congressional regulations on the limits for maximum fair market rentals and specific dollar limits on construction costs, builders are somewhat reluctant to build projects which will attract a broad economic spectrum of clientele. The result, in some cases, has been that rent supplement projects offer few amenities and do not meet the goal of integrated projects. Congress should remove these limits on maximum rents and on construction costs.

URBAN RENEWAL

A persistent misunderstanding which I have encountered repeatedly—from both practitioners and academicians—is that the urban renewal program is not related to housing. However, the recently released report of the National Commission on Urban Problems (the Douglas Commission) stated:

"That misunderstanding is that urban renewal is not essentially a housing-oriented or a housing-related program. Put another way, it is said that in Title III (Low-Rent Housing) of the Housing Act of 1949, Congress improved and strengthened the public housing program set up by the Act of 1937. In Title I it then undertook, as a separate and only indirectly and distantly related program, to encourage rebuilding slums and blighted areas in non-housing and upper-income housing uses."

That Commission went on to point out that the Housing Act of 1949 gave three purposes for urban renewal: clearance, *providing low-income housing through acquisition and preparation of land sites*, and private enterprise participation in re-development of cities.

We know from 20 years experience that most of the land that has been utilized for the urban renewal program was originally occupied by low- and moderate-income housing. We also know from 20 years experience that the urban renewal program has been essentially irrelevant to the needs for housing of the poor and near-poor. We know that the 810,000 units of public housing proposed in the 1949 Act have still not been completed by 1969. We know that very little in the way of housing re-use for urban renewal sites has been undertaken except for some luxury housing. That is why the program has popularly been called by some of our inner city dwellers as "Negro removal."

The Douglas Commission undertook a survey of 1,555 renewal projects across the country. Of the total surveyed 67% were predominately residential before renewal was initiated. After urban renewal, only 43% were predominately residential. And what happened to the original residents? The Commission states:

"The rents for most of the new housing units created on the urban renewal sites were so high that the vast majority of the original occupants could not afford to return. They were priced out of their old quarters. The majority of those displaced were poor and most of the remainder were either in the "near poor" class or in the lower middle class."

According to the Department of Housing and Urban Development figures, 400,000 dwelling units have been demolished in urban renewal areas, of which a majority were for low and moderate income families. However, of the 195,999 dwelling units being planned for these same sites, only 18,766 or less than 10% will be public housing. On the other hand, 62.3% of the planned units will be for the relatively well-to-do. As can be seen, the original intent of the Housing Act of 1949—to provide low and moderate income sites—has been distorted in practice. Why has this been so? The President's Commission on Urban Problems concludes:

"The principal reason for the failure of this program, over its first eighteen years, to fulfill the clear intentions of the Housing Act of 1949 is that too many local and Federal officials in it and too many of their allies and supporters either did not understand its major purposes or did not take them seriously. Instead of a grand assault on slums and blight as an integral part of a campaign for 'a decent home and a suitable living environment' for every American family, renewal was and is too often looked upon as a Federally-financed gimmick to provide relatively cheap land for a miscellany of profitable or prestigious enterprises."

The urban renewal program has neglected the housing needs of poor people not only in action but also in the planning and administration of the program. It has miserably failed those persons most in need of housing and most likely to be hardest hit by renewal—the poor. To quote the Douglas Commission, "But urban renewal has in the past gone on its way relatively oblivious to the housing needs of the poor."

To insure that the urban renewal program does not continue to operate oblivious to the housing needs and gaps facing this country, I have introduced H.R. 597, to amend Title I of the Housing Act of 1949 to prohibit the construction of luxury housing in the redevelopment of urban renewal areas. My bill would go beyond the requirements set forth in the Housing and Urban Development Act of 1968 which requires that a majority of housing units in renewal projects within a community be for low and moderate income families and that at least 20% be low income.

H.R. 597 would insure that all the housing built on renewal sites be low- and moderate-income in nature. This Congress and this country are being self-contradictory if on the one hand they state (as they did in the 1969 HUD Act) that we must achieve the goal of six million units of low- and moderate-income housing in the next decade, and then on the other hand, allow the renewal program to be utilized for the construction of luxury housing which can be provided through the private marketplace and which furthermore, is not a critical need at this point in our history.

I urge the Congress to pass this vitally needed piece of legislation if we are to achieve the goals of the Housing Act of 1969 for the elimination of slums and the provision of adequate, decent shelter for every American family.

H.R. 606, which I have introduced, would amend the Housing Act of 1949 to remove the 12.5 percentage limit on the amount of grant assistance which may be provided under urban renewal for any one state. I have introduced a similar bill, H.R. 601, to remove the state limitation on grant assistance for public housing. The need for urban renewal is found to be most crucial in the heavily industrialized and crowded cities and urbanized states; and this program should reflect the need, not on an artifical, geographic basis, but on the basis of the actual urban crisis.

RELOCATION

One of the most often critized aspects of the urban renewal program has been its relocation procedures. Seven bills, H.R. 597, H.R. 598, 599, 600, 609, 10266, and 10651, which I have introduced would substantially improve these procedures and insure that relocation is carried out in the future on a fair, just and humane basis. Too often in the past renewal administrators have allowed the poor and displaced to bear an unnecessary and unwarranted share of the costs—both human and financial.

My bills are consistent with the recent recommendation contained in the report of the President's Commission on Urban Problems which stated:

"The Commission suggests further, however, that the time has come to reassess relocation policy and practices in broader terms. For it seems hard to escape the conclusion that the primary purpose of relocation practices, if not of announced policy, has changed but little. In the earliest stages of renewal it might be summarized: get the site occupants out of the way of project construction with as little delay and outright hardship as possible. More recently a clause might be added to the preceding sentence—and with as much improvement in their housing as market conditions allow and with some respect for their dignity as human beings."

H.R. 598 would amend Title I of the Housing Act of 1949 to require the establishment of more effective procedures for the relocation of individuals, families and business concerns from the area of urban renewal projects. The major provisions of this bill would: 1.) insure that no property on an urban renewal site was disposed of until relocation and replacement sites of standard housing had been completed; 2.) relocation would be carried out by the local public housing agency without contracting their relocation to private agencies, institutions, organizations.

In far too many cases, a local public agency does not have adequate standard housing available for displacees but will move such persons out regardless. The tendency has been for public agencies to view relocation as a "ground-cleaning operation" rather than as an essential and important part of the total renewal operation—that is, to both renew and to provide adequate housing. Local agencies have for too long failed to realize that relocation is a component in the national housing policy for adequate housing for every American family. H.R. 598 also would require local public agencies to undertake relocation rather than some less responsive or detached private organization undertaking such a contract for profit.

H.R. 599 would amend Title I of the Housing Act of 1969 to provide that individuals, families, and business concerns shall have a priority of opportunity to relocate in the renewal project area after its redevelopment. Generally, renewal has meant the displacement of the poor and near-poor by upper-middle and upper-income groups. As I stated earlier, a basic intent of the Housing Act of 1949 was the provision of low- and moderate-income housing through the redevelopment of land sites. The 1968 HUD Act reaffirmed our efforts to provide decent and safe housing for these income groups. H.R. 599 would insure that those displaced by renewal have priority of opportunity to return and relocate in the renewal area after redevelopment. This is a companion bill to H.R. 597 which would require only moderate and low income housing on renewal sites. These two bills together would insure that we make steady progress toward the national housing goal of 6 million new or rehabilitated low and moderate income housing units over the next ten years.

H.R. 600 would amend Title I of the Housing Act of 1949 to provide more adequate relocation payments for individuals, families, and business concerns displaced from urban renewal areas. The important provisions of H.R. 600 is that the provision of losses and expenses to tenants and business concerns be equal to actual losses rather than a statutory payment limitation as exists now. Tenants should be paid an amount equal to the difference for one year between original rent and rent paid for accommodations at the replacement site. Small business concerns could include an amount equal to their loss of profit for the first year after relocation; also, they could, after reasonable efforts to obtain a suitable replacement site failed, include an amount equal to the fair and reasonable market value of their trade or business unless they are offered a priority of opportunity to purchase or lease substitute facilities to be constructed or provided in connection with the development project.

The present method of relocation payments unjustly penalizes the poor and small businessman who find that inadequate payments drive them into either overcrowded and substandard housing or bankruptcy and foreclosure. The primary policy objective of relocation should be to make it possible for a family or a business to move into decent homes and business sites with a minimum of sacrifice on their part.

H.R. 600 would insure that such a policy objective could be achieved. It would also effectively implement the proposal of the President's Commission on Urban Problems, that: A large and steadily increasing proportion of those displaced, including those of low-income should be able to go directly into a decent home and a suitable living environment regardless of who or what displaced them.

H.R. 609 is also related to relocation, but to relocation as it is applied to all Federal and Federally aided programs. This bill would amend Title I of the Housing Act of 1949 to provide more adequate relocation payments, to extend the requirement of such payments to persons displaced under all Federal and Federally aided programs and to establish in the Department of Housing and Urban Development a central relocation agency which will actually make relocation payments and provide assistance to displaced persons in obtaining them.

H.R. 609 would include the provisions contained in H.R. 600 for payments to individuals and businesses. H.R. 609 is similar in nature to the recommendations contained in the report of the President's National Commission on Urban Problems.

The Commission recommends the following features:

Federal legislation to provide for uniform relocation policies for all Federal and Federally-aided programs: (ii) allowance of compensation beyond fair market value for owner-occupants so they can purchase a similar home elsewhere without capital loss; (iii) provision of relocation adjustment payment paid either as a lump sum over time for tenants who must pay higher rents because of relocation or who must move more than once; (iv) the requirement that adequate quality housing be available for those displaced by any demolition before the demolition takes place and at prices they can reasonably afford . . .

These seven bills dealing with relocation would insure fair, just, and humane relocation procedures. It would strengthen the capacities of local agencies to deal with relocation problems and it would provide those displaced with the resources to improve their homes and living environment.

FEDERAL HOUSING ADMINISTRATION AND RELATED HOUSING PROGRAMS

I have been concerned about the attitude of the Federal Housing Administration (FHA) toward the new programs authorized in the 1968 HUD Act. For example, mid-way in the fiscal year only $499,000 of a total appropriation of $25 million had been spent by FHA for the Section 235 homeownership program. My fears have also been buttressed by a reading of the recently issued report of the President's National Commission on Urban Problems. I believe that their comments are most important, and should be given greater public attention.

The comments of the Douglas Commission are made in the context of the previous record of FHA, but these comments are important as they apply to FHA's administration of low- and moderate-income housing programs contained in the 1968 HUD Act.

The Douglas Commission report states:

"The main weakness of FHA from a social point of view has not been in what it has done, but what it has failed to do—in its relative neglect of the inner cities and of the poor, and especially the Negro poor. Believing firmly that the poor were bad credit risks and that the presence of Negroes tended to lower real estate values, FHA has generally regarded loans to such groups as "economically unsound" until recently. Therefore, FHA benefits have been confined almost exclusively to the middle class, and primarily only to the middle section of the middle class. The poor and those on the fringes of poverty have been almost completely excluded. These and the lower middle class, together constituting the 40% of the population whose housing needs are greatest, received only 11% of the FHA mortgages."

While it is true that Congress has in the past served to give support to this conservative insuring policy of FHA, it must also be related to the fact that FHA itself has been somewhat lethargic and, at times, reactionary force in the solution of urban housing problems.

The FHA, as the Douglas Commission points out in its report time after time, is hesitant about new programs and any programs involving the poor. The rent supplement program is an example. Congress has criticized the slow production schedule of the program as well as the program itself. Opponents of this program until recently had little to worry about because the rent supplement program is mainly carried out at the local and regional levels—where FHA inaction and resistance have been strong. The Douglas Commission has expressed concern about this problem.

With a new Administration in power, fears were expressed about the future of the new FHA programs of housing for low- and moderate-income families. While it is true that Sections 101, 105 and 106 of the Administration's bill promise to maintain the insurance and contract authority of these programs, our fears are not assuaged or diminished. Increased contract authority is fine, but stands in sharp contrast to the actions of Secretary Romney who, less than one week after taking office, announced a hike on FHA mortgage interest rates from 6.75% to 7.5%. This has a drastic effect on government subsidy programs such as rent supplement and Section 236. Each percentage point increase costs the middle-income home buyer $10 per month more on a $15,000, 30-year mortgage. But for the government-subsidized housing programs the costs are far greater—for it will mean an increase in governmental outlays for subsidy payments and fewer units which can be covered under existing appropriations for decent housing for our poor population. The middle-income dweller will have to pay more per month; the low-income person will remain in squalor and filth, without decent heating or lighting along with overcrowded and unbearable living conditions.

It is unfortunate that the Administration did not give some thought to the recommendations of the Douglas Commission:

"The Commission recommends that machinery be devised in the Executive Branch of the government to insure that when basic economic decisions are made, their effects on housing construction and housing construction goals be clearly and deliberately considered. The Commission further recommends that the President and his Economic Advisers, the Federal Reserve Board, the Treasury Department, and other departments and major agencies of the Government, be required to state what effect any major change in economic policy (e.g., interest rate changes, tax reductions or increases, balance-of-payment proposals) would have on the successful building of the number of housing units set by the President in his annual housing construction goals message."

Secretary Romney, in the raising of FHA mortgage interest rates, made no statement on the specific effects of his action on the Sections 235 and 236 programs and the rent supplement programs. It would appear that the action of the Secretary, which will please many in FHA, was made without adequate consideration of low-income people or the needs facing this country for low-income housing.

I concur wholeheartedly with the statement of the President's National Commission on Urban Problems:

"Nothing could do more to stimulate housing, reduce the cost of subsidies, and achieve the goal of a decent home and a suitable living environment for every American family, than a reduction in the general level of interest rates. We are aware of the nation's balance of payments difficulties and of inflationary pressures at home. But we urge the solution of these problems by means other than a major reliance on monetary policy and rising interest rates, which have had such a negative effect on housing production for the most needy families in the country."

COOPERATIVE HOUSING

A cooperative is a consumer enterprise owned and operated by its members on a non-profit basis. It offers a rather unique form of homeownership that could not only benefit middle-income groups but also lower-income as well. The Douglas Commission found that cooperative housing could be constructed at some of the most economical costs for comparable facilities encountered by them. Cooperative housing in the United States first began in New York City more than forty years ago. Today there are cooperative units throughout the country.

Cooperative housing offers many benefits including income tax deductions for tenants' share of local taxes and interest on mortgage, building up equity, little or no losses from vacancies and collection difficulties, cheaper maintenance costs that cannot be done under conventional rental housing.

I have introduced two bills, H.R. 51—the Cooperative Rehabilitation Housing Act—and H.R. 596, to deal with cooperative housing. The Cooperation Rehabilitation Housing Act would provide Federal assistance to enable tenants of multi-family housing in low- and moderate-income urban areas, organized as cooperatives to acquire and rehabilitate such housing. This Act would further the opportunities for homeownership similar to the provision for Section 235 homeownership for lower-income families programs authorized in the 1968 HUD Act.

This Act would enable local groups to rid the slums of absentee landlords who have failed to keep up their properties while at the same time charging exorbitant rentals. As the Act states, "It is the purpose of this Act, by providing Federal financial and other assistance, to enable the occupants of multi-family housing in low- and moderate-income urban areas to acquire and rehabilitate the structures in which they live." The bill provides a low-interest, revolving fund for acquisition and rehabilitation. It enables tenants to negotiate a sale directly with a private owner or to acquire the dwelling from a municipality. There are also incentives for municipalities to acquire, through condemnation or otherwise, dwellings, which are in repeated violation of local building codes or health codes, for the purpose of eventually transferring them to resident cooperatives.

H.R. 51 also has a provision for a technical assistance service in HUD to facilitate the organization and management of such cooperatives. Presently, tenants are unable under existing Federal programs to form cooperatives and receive Federal assistance for rehabilitation. Given the present economics of slum housing it is unlikely that the absentee owner will take advantage of Federal assistance for rehabilitation under Section 312.

Rehabilitated public housing forms the greatest single category of successful rehabilitation efforts. Approximately 20,000 rehabilitated public housing units are currently under contract. The average development cost was $12,822 per unit in Fiscal Year 1966, substantially less than comparable new housing construction. As successful as the experience in rehabilitated public housing may have been, it has none of the advantages associated with ownership. The familiar effects of pride of ownership improve maintenance and reduce costs. The Parchester Cooperative in Southeast Washington is a good example.

H.R. 51 is also important because it proposes a direct loan fund. I have long held the belief that direct loans are insufficiently utilized in Federal housing programs. The success of New York's Mitchell-Lame law demonstrates that direct loan programs are able to meet the needs of low- and moderate-income housing.

H.R. 596 would amend Title II of the National Housing Act to provide Federal Housing Administration mortgage insurance for individuals purchasing dwelling units in cooperative housing projects in the same way that such insurance is provided for individuals purchasing other single-family residences. This bill would heighten the probability of low-income public housing occupants and middle-income persons becoming homeowners. Through long-term, low-interest loans insured by FHA, cooperative apartments could be made available, thus promoting the concept of homeownership.

LEAD-BASED PAINT POISONING

Lead poisoning is a major disease affecting thousands of young children presently living in the slums of substandard housing in our urban areas. Curing this disease, which the New York Scientists' Committee for Public Education has labeled a "silent epidemic," does not need to wait for any miraculous scientific breakthrough. The disease is not caused by some obscure virus. It is most often caused in small children when they eat bits of paint and plaster that peel and fall from the walls and ceilings in dilapidated housing. Although the more recent coats of paint in such apartments are usually lead-free—in New York City lead-based apartment paint has been outlawed for some time—the lead content from paint applied in past years frequently comes to the surface when outer coats of paint peel off interior surfaces.

To deal with this problem, I have introduced three bills, which would accomplish the following:

H.R. 9191 establishes a fund in the Department of Health, Education and Welfare from which the Secretary may make grants to local governments to develop a program to identify and treat individuals afflicted by lead poisoning. $7.5 million would be authorized for this purpose annually for three years.

H.R. 9192 is directed at the problem of slum housing itself and the need to eliminate the cause of lead poisoning—the peeling of lead-based paint from interior surfaces of dilapidated housing. This legislation authorizes the Secretary of HUD to make grants to local governments to develop programs for the detection of the presence of lead-based paints and to require that owners and landlords remove it from interior surfaces. $13.5 million would be authorized for this purpose annually for three years.

I have also introduced H.R. 11699 which would require the local governments submit and have approved by the Secretary of HUD an effective plan for eliminating the causes of lead-based paint poisoning as a prerequisite to receiving federal funds for housing rehabilitation or for code enforcement. This would generate pressure on local governments to develop effective programs for removing the lead-based paints which cause lead poisoning from the interior surfaces of dilapidated housing.

The elimination of lead-based paint poisoning, and the tragic effects it has for so many children requires that Congress approve a national program for identifying and treating existing cases of lead poisoning and, more basically, to eliminate the lead-based paints which cause the disease from inner city housing. The approach proposed in H.R. 9191, H.R. 9192, and H.R. 11699 would, I believe, achieve these goals.

OTHER HOUSING PROPOSALS

Adequate maintenance of low-income rental property

H.R. 605 would amend the Internal Revenue Code of 1954 to require the owner of an apartment building or other multi-family structure to establish and utilize a repair, replacement, and maintenance reserve as a condition of the allowance of a depreciation deduction with respect to such a structure. This bill is designed to take the profit out of the slums. As it exists now, slumlords can fail adequately to maintain their properties while still receiving a depreciation allowance for that property. The owner wins on both ends: the tenants pay exorbitant rents for unsuitable structures and the government gives him an allowance. H.R. 605 would also require demonstration by the taxpayer that the reserve fund is being used for the intended purpose. In this way, landlords will be discouraged from making a profit by permitting the deterioration of homes in which low-income people must live.

Federal interest subsidies for State and municipally aided housing

Section 236 interest subsidy and rent supplement programs of the HUD Act of 1968 included amendments which I introduced which make interest subsidy and rent supplements available to State and locally financed middle-income housing approved for such programs prior to construction or rehabilitation. However, housing projects in existence prior to the 1968 Act are not covered and are not eligible to receive the assistance they need in order to keep rents, carrying charges, and interest rates within reach of middle-income residents. Therefore, I have introduced H.R. 49 and H.R. 4308, with cosponsors, which extend the section 236 interest subsidy and rent supplement programs by making them available to *existing* State or locally financed middle-income housing projects even though construction of these projects was completed prior to the 1968 Housing and Urban Development Act.

The purpose of these bills is to provide relief to States and local programs which have been severely undercut by spiralling interest rates. High interest rates have resulted in increased mortgage interest rates, increased carrying charges, and increased rents for publically assisted middle-income housing programs. The consequences for middle-income families have been alarming.

Seven states—New York, Connecticut, Illinois, Massachusetts, Michigan, New Jersey, and Pennsylvania—have programs which would be affected and which would benefit from this legislation. In each of these states, rents in state assisted middle-income housing are becoming so high as to exclude the very families with moderate incomes that the projects were designed to aid.

Under the Mitchell-Lama program New York State floats bonds, the proceeds of which may be lent to sponsors of middle-income housing at current rates. In order to borrow funds under the program, a sponsor must agree to limit his rate of return on the housing facility. The abatement of real estate taxes also helps to keep the costs down.

New York City has a similar program for which average costs have risen steadily from $26 per room in 1961, to $38 per room in 1968. The costs are constantly rising, and I might mention that the middle-income tenants of these projects are not standing still for these increases.

H.R. 49 makes limited-profit state and locally financed programs eligible for the interest rate reductions now authorized by section 236. For those projects approved for Federal assistance, it would help to keep carrying charges and rents at levels commensurate with the incomes of the tenants.

An important advantage of this proposal is that in terms of the expense involved to the Federal Government, it would cost less to subsidize the interest rates on Mitchell-Lama type housing down to one percent than it would cost to subsidize a privately financed project down to an interest rate of one percent. This is because interest rates for the Mitchell-Lama program are already lower than those on the regular market rate.

If relief is not promptly provided to housing programs currently threatened by skyrocketing interest rates, thousands of families may be forced to vacate their apartments. It is essential to the vitality of our Nation's cities that they retain middle-income population. If middle-income families are to continue to live in our large urban centers, such as New York, the cost of housing must remain within their financial ability.

The availability of space for construction in our crowded cities lessens daily. H.R. 12462, which I co-sponsored, would ease the scarcity of space by making possible the construction of low- and moderate-income housing, of the type covered by a mortgage insured under Section 221(d)(3) of the National Housing Act, or low-rent housing assisted under the U.S. Housing Act of 1937 in the air space over any public building of the Federal Government. The Administrator of General Services is authorized to transfer such airspace without consideration whenever he determines that it is not needed to carry out a governmental function. Thus, the air space over Post Offices, which often are structures with few stores, could be utilized to provide much needed housing.

In the President's first Annual Report on National Housing Goals, which was referred to this Committee on January 23, the use of air space above public construction sites is recommended, and suggested, as a "feasible" plan.

BONDING FOR CONTRACTORS

H.R. 649 deals with the problem of minority group contractors who are unable to obtain bonding. It would authorize the Small Business Administration to indemnify corporate sureties on bonds covering contracts of sound small business concerns. H.R. 649 would help minority contractors to satisfy certain legal requirements in order to participate in the construction of moderate and low income housing—thus providing job opportunities and minority entrepreneurship in the housing area.

Housing programs should be used to encourage the development of minority group entrepreneurs to promote both neighborhood stability and provide jobs for area residents. Negroes, for example, account for 11 percent of the National population but only 3.2 percent of self-employed persons. Housing programs contained in the 1968 HUD Act would be especially useful in developing entrepreneurial opportunities for contractors and subcontractors. Presently minority group entrepreneurs are not accepted for bidding on large scale jobs and may not have the necessary experience in contract estimation, manpower scheduling, and job supervision. Many have problems in posting surety and performance bonds. H.R. 649, would help alleviate this situation.

SUMMARY AND CONCLUSION

This country has built generously for the more prosperous half of the nation while in the process destroying more housing for the poor than has been built. This Congress must make every effort to insure that we provide enough decent housing for those—the poor and near poor—who have in the past been left out of our national housing policy.

Today, about a third of the families in this country cannot buy or rent decent housing at market rates by paying a reasonable proportion of their income for shelter. In the major cities the problem is particularly serious due to acute shortages of both low- and moderate income housing and the necessary facilities and amenities to support viable communities. In our large urban centers there is a continual overcrowding in the use of mass transit and other public facilities, high land prices, and a sense of estrangement and isolation from the mainstream of American life. Our national commitment must be to provide decent housing for all Americans.

President Johnson in his message to Congress on the Fiscal Year 1970 budget stated:

"The massive housing needs for our growing nation can only be met through a major commitment by governments at all levels working with private industry and labor to provide suitable housing for all Americans—and to eliminate the rat-infested city slum and the dilapidated shacks which dot the countryside. We have not made such a commitment."

The bills I have introduced will help to insure that the goals of the 1968 Act become a reality. The experience of the past is not encouraging. Yet survey after survey of the poor themselves shows that housing is placed near the top of the list of the worst problems facing the poor.

The 10 year housing goal is nearly a 40 percent increase in the current housing stock, and better than 10 percent more than the total housing production for the 20 years from 1940 to 1960. It is 70 percent more than the total production for the decade of the 1950's. It will require not only a commitment to build but the actual carrying out of a worthwhile and important endeavor by all levels of government and industry.

In speaking of commitment and reality, we would be perpetuating the cruelest lie if we pretended that perfecting the existing programs and designing new ones are the only hurdles to be overcome in the housing crisis. The plain fact is that all of our plans are castles in the sand if the Congress fails to appropriate the money that is needed to make a dent in our housing shortage.

The goals are worthwhile and essential. The programs are promising, creative and constructive. But they are starved. The people of this Nation who live in inadequate, unsafe, and unsanitary housing have thus far been given no more than promises—promises which provide no shelter. The budget for fiscal year 1970 exemplifies this sad fact.

The hopes of millions for a decent home are inflated by the goals we pronounce as essential and by the programs we propose to meet these goals. But year after year these hopes are dashed by the cutting edge of minimal appropriations. This endless cycle of promise and disillusionment can only result in the most bitter frustration. How long can we ask anyone to retain faith in a pledge if time and again the pledge is proven to be hollow? The people who occupy our Nation's slums did not require Congress to inform them that their housing is inadequate. When the Congress showed signs of recognizing this reality, the expectations arose throughout the country that something would be done to solve the problem. With appropriations such as those recently approved by the House, who would not be made cynical?

There are several other areas of concern to me in the housing field, and I shall suggest several proposals that this body should further investigate.

First, legislative authority for housing programs should be sufficient to provide continuity of action and money. In order that we can meet the national housing goal, Congress should authorize the Department of Housing and Urban Development to enter into contracts and obligations for at least three years into the future without further authority from the Appropriations Committee.

Second, if after fiscal year 1970 it is found that state and local action is failing to make substantial progress toward meeting the needs for 6 million low- and moderate income housing units in the next decade, Congress should authorize the Secretary of Housing and Urban Development to become the builder of last resort. Congress should also authorize as the President's Committee on Urban Housing has suggested, the Secretary of HUD to plan and construct low-income housing if local public authorities so request.

Third, Congress should enact legislation that would provide that all financial assistance programs (including grants, loans and loan guarantees) administered by the Department of Housing and Urban Development be conditioned upon the existence within the local government of an enforceable open occupancy ordinance or enforceable state legislation for open occupancy. If we are to insure that fair and open housing is to become a reality, steps must be taken to insure that local communities also understand this national commitment. An essential component of low-and-moderate income housing is the freedom to choose where to live. Programs administered by the Department of Housing and Urban Development must be consistent with these goals.

Fourth, the President's Committee on Urban Housing had recommended that the Department of Health, Education, and Welfare, and the Department of Housing and Urban Development undertake a joint study on patterns of family expenses, to determine the percentage of income the poor should be expected to allocate for housing. The study should determine how housing expenses are affected by such variables as age and size of families and the household's location in metropolitan or rural areas. I endorse this recommendation. In major metropolitan areas such as New York City the existing income limitations and rent charges for low- and moderate-income housing have tended to be unreflective of existing local conditions.

Fifth, Congress should enact legislation to provide for direct grants for the provision of social services in FHA-financed low- and moderate-income housing. Section 106 of the 1968 HUD Act makes provisions for loans for seed money and also empowers the Secretary to provide advice and technical assistance for activities such as social services, but no direct grants for social services are allowable costs in FHA-financed programs. It is important that counseling, services, and other self-help activities be provided to those moving into such projects so that they eventually become economically self-sufficient and full contributors to the community.

Sixth, Congress should amend the 1968 HUD Act to permit through the Comprehensive Planning or Urban Information and Technical Assistance programs, as eligible applicants, non-profit metropolitan area housing information centers to aid families in finding decent housing. Such centers would list available housing, assist low-income families in moving to areas with which they are unfamiliar, provide inspection services, and educate the community to the need for more low-income housing. The Urban Coalition in its report, "Agenda for Positive Action" has endorsed this idea.

The bills and suggestions that I have stated here are essential elements to this country's attainment of the goal stated in the Housing Act of 1949, "the realization as soon as feasible of the goal of a decent home and suitable living environment for every American family," I urge this Committee to give serious attention to the problem of low- and moderate-income housing and to make every effort to insure that this country at long last can realistically say that no one lives in squalor and sub-standard housing.

AMA-AAMC BACK STUDENT LOAN FUND

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. ROSENTHAL. Mr. Speaker, the House recently approved the appropriations bill for the Department of Health, Education, and Welfare, including funds for the health professions student loan fund.

My colleague from New York, Mr. Reid, and I, offered a floor amendment to that bill to increase this loan fund to allow loans to be given in the coming school year at the 1968–69 level. To our great distress, that amendment failed.

There was an unfortunate and perhaps, inadvertant, suggestion in the report of the Appropriations Committee on that bill that the American Medical Association and the Association of American Medical Colleges support the reduced loan fund. Exactly the opposite is true.

In a joint statement issued by AMA-AAMC on July 18, 1969, these groups present their positions on financial support of medical schools by the Federal Government. The section on student loans said:

> Student loans should be increased in accord with identified need, keeping particularly in view the efforts of schools to accept students from disadvantaged backgrounds. Even the maintenance of existing student enrollments will be difficult, and much more so their expansion, if student aid is not forthcoming in amounts related to need.

So far this aid is not forthcoming. HEW has already advised the medical schools that their allotments of loan funds for next year will be reduced by an average of 50 percent. This reduction will have serious, even drastic, effects on both the lives of individual students and on physician production. Neither consequence should we accept with resignation or equanimity.

The Senate will soon consider the Labor, HEW appropriations bill. The new Assistant Secretary of Health, Education, and Welfare for Health, Dr. Roger O. Egeberg, is expected to testify at the Senate hearings on this bill. I hope that Dr. Egeberg, who has a long and intimate understanding of medical education, will see in that appearance the appropriate, if belated, hour, to speak about the medical students loan fund and its prospects for 1969–70.

DR. FARRELL THOMAS GALLAGHER RETIRES AFTER 50-YEAR CAREER

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. FEIGHAN. Mr. Speaker, Cleveland is recognized as one of our Nation's foremost medical centers. One of the most outstanding surgeons who has served the Greater Cleveland area is about to retire after one-half century of service. Mr. Bob Seltzer, feature writer for the Cleveland Press, described some of the highlights of Dr. Gallagher's distinguished career in the following article:

Surgeon Ends 50-Year Career

Dr. Farrell Thomas Gallagher, a surgeon of international eminence, will retire this fall after nearly 50 years of coping with human problems, unrelenting pressures, and life-or-death decisions.

"I will withdraw in November, after the golf season ends, do some traveling, and be available as a consultant," said Dr. Gallagher, 74, born on Main Ave. in the periphery of "the Angle," and now dean of West Side surgeons.

Dr. Gallagher, ramrod straight at 6-feet-1 and 175 pounds, was director of surgery at St. John Hospital from 1951 to 1955 and visiting surgeon for 44 years. He also was a member of Lakewood Hospital's surgical staff from 1941 until he reached 65 in 1960.

The ruddy, freckled Dr. Gallagher, a general surgeon, urbane and witty, has practiced for 40 years at 14805 Detroit Ave., Lakewood. (I am personally indebted to him for saving the life of my twin daughter.)

"People are living longer, and, naturally, we are finding more diseases common to old age," Dr. Gallagher said. "We operate on people in their 80's and 90's. We get people in the optimum stage for any type of surgery. Each succeeding generation of surgeons feels it has gone through the golden age of surgery.

"Medicine will go to the moon when it solves all the organ transplant problems. Radical procedures in surgery have become more extensive, and there is no limit on surgery."

Dr. Gallagher is a past president of the Academy of Medicine, a member of the American College of Surgeons and a diplomate of the American Board of Surgery. He has been a trustee of the Catholic Charities Corp. for 10 years, and is a past president of the Cleveland Surgical Society and past trustee of the Cleveland Hospital Council.

The veteran surgeon received his premedical training at John Carroll University, his medical degree from Western Reserve University, and took postgraduate work in fractures at Harvard University. He served his internship at Lakeside and St. Vincent Charity Hospitals. During World War I, he was a member of the Medical Officers Reserve Corps.

Dr. Gallagher's inspiration to study medicine came from two surgeon cousins—Drs. J. V. and Frank Gallagher. His brother, Msgr. Daniel T., retired in April as pastor of St. James Parish, after 54 years in the priesthood.

Dr. Gallagher's wife, Martha, is active in the Cleveland Mental Health Assn. She was president of the women's board of St. John Hospital 14 years, and is past president of the women's auxiliaries of the Academy of Medicine and the Ohio State Medical Assn. His secretary, Mrs. Clarence J. Oviatt, joined him during college vacation in 1937 and has stayed 32 years.

A golfing buff, Dr. Gallagher shoots in the low 80's at Westwood Country Club. In 1964, he made a hole in one, and in 1934 he was the southpaw golf champion of the district. The Gallaghers are parents of Mrs. Garcon Weiss, Mrs. William E. Kaiser, Mrs. James Ware of Scarsdale, N.Y., and Farrell T. Jr., a Lakewood dentist. The Gallaghers live at 22157 Hilliard Rd., Rocky River.

CHICAGO OBSERVES CAPTIVE NATIONS WEEK

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. PUCINSKI. Mr. Speaker, recently we observed Captive Nations Week throughout the United States. Thanks to the efforts of Mayor Daley, one of the most impressive observances was held in Chicago by the Chicago Captive Nations Committee, whose chairman is Mr. Viktors Viksnins.

It was one of the most moving demonstrations and I should like to place in the Record today the resolution adopted at the luncheon which followed the parade and the copies of the proclamation issued by Mayor Daley and Governor Ogilvie.

The documents follow:

Resolution

Whereas, the Senate and the House of Representatives have authorized the President of the United States of America to proclaim a Captive Nations Week, and whereas the Russian and Chinese communism continues to build up its vast colonial empire and threatens the peace, security, and independence of the Free World, carrying out subversive conspiracies in Latin America, Africa, and even in our own country, conducting open, aggressive warfare in South Viet-Nam, neighboring countries of Laos, Cambodia, and Thailand, having made deep inroads into the Arab countries, and building up its threatening military power in the area of the Mediterranean;

Now, on the occasion of the 10th anniversary of the Proclamation of Captive Nations Week, we feel a particular urgency and a sacred obligation to speak on behalf of the millions of human beings under the tyranny of the communist colonial empire,

Therefore, be it resolved by the Chicago Captive Nations Week Committee, to urge the United States to assume the role of leadership by taking a course motivated by the most sacred human obligations; the horrible fact that one-third of mankind is already enslaved by the communist imperialism necessitates a new policy which would encourage the aspirations and movements for national self-determination of all enslaved peoples by an expressed and unequivocal commitment of the United States of America to support, by all means possible, such aspirations for national freedom;

Be it further resolved, that in view of the indivisibility of freedom and peace, the restoration of the sacred rights of all the nations based on principles of democracy, self-determination and sovereignty within their respective ethnic boundaries, is of paramount importance to establish freedom, security, and stability of the entire world. Consequently this policy is in the best interest of our country for the present and in years to come,

Be it further resolved, that we at this very critical and perhaps fatal moment for the entire free world support unreservedly the United States' resistance to Communist aggression in South Viet-Nam and the building up of forces of freedom in that part of the front of the free world; in this spirit we salute the members of the United States and Allied Armed Forces,

Be it further resolved, that following the anniversary year of the Proclamation of Human Rights and in view of the flagrant violations of these same rights by the Soviet Union through the suppression and occupation of Czechoslovakia during that very year, the United States Ambassador to the United Nations place on the agenda of the United Nations the following demands:

1. the abolishment of slave labor, mass deportations, all concentration camps, and all forms of genocide,
2. to guarantee a free return to their countries all the deported and exiled who survived the communist ordeal,
3. free elections for all enslaved nations under the supervision of the United Nations Organizations,

Be it further resolved, that we oppose the admission of the Chinese Communist regime to the United Nations Organization;

Be it further resolved, that we oppose "One-way Bridges" and the opening of a Russian Consulate in Chicago;

Be it further resolved, that since every nation has the right for self-determination this right belongs also to the Biafras; in the name of humanity we most urgently appeal to the United States government to help the suffering and starving human beings being murdered in masses by the Nigerian aggressors, armed by the Russian barbarians and the British labor government,

Be it further resolved, that special efforts must be made by the United States towards an awakening and strengthening of all moral forces, particularly at a time when we are warned by the burning martyrs in the interest of freedom; it is frightening that at this time we are faced by an unparalleled loss of ethical concern and incredible callousness towards the enslaved, abandoned to their ordeal,

Be it further resolved, that the United States government stop building up the communist empire, particularly the Soviet military power by selling it important military equipment,

Be it further resolved, that the United States government stop trading with the communist countries because in so doing, it helps them to tighten their grip on the enslaved; whatever is gained at great risk by the desperate, enslaved men and women through sabotaging Soviet economy is completely destroyed through trading,

Be it further resolved, to appeal to the United States authorities to undertake utmost efforts in the interest of the sacred values in cultural, social, and educational institutions so vital for the preservation of freedom. It is appalling to see how free men let themselves be used in the portrayal of anarchism, nihilism, defeatism, amoralism, pacifism, and atheism in the service of the blood-stained Red Empire,

Be it further resolved, that this Committee reiterates its support for the establishment of the permanent Captive Nations Committee (House Resolution 211) and Freedom Academy; there is a desperate need for a forum in which the freed world would have confidence; the U.N. has failed to be such a forum to handle the issues of injustice and crimes against humanity; the recent appeal of 54 citizens of the USSR which has been ignored up to this day speaks for itself; the Unesco's decision to commemorate the centenary of Lenin by peddling this criminal as a humanist is an insult to the civilized world community and reveals the real interests of this organization; by the establishment of a trustworthy forum, the United States will prove to the entire world that it will not cease in its efforts until all the Captive Nations are able to enjoy their God-given rights in their sovereign states.

VICTORS VIKSNINS,
General Chairman.
ULANA CELEWYCH,
Secretary.

OFFICE OF THE MAYOR,
CITY OF CHICAGO.

PROCLAMATION

Whereas, the imperialistic policies of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czecho-Slovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, Slovakia, North Vietnam, Cuba, and others; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 36–90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe such week with appropriate prayers, ceremonies and activities expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence; and

Whereas, the City of Chicago is linked to these captive nations through the bonds of family, since numbered among the people of Chicago are hundreds of thousands of our citizens who through nativity or ancestry treasure the heritage which endowed them with the culture and industry which are theirs; and

Whereas, these nations have been made captive by the imperialistic, aggressive and heartless policies of communism; and

Whereas, the peoples of these communist-dominated nations have been deprived of their national independence and their individual liberties; and

Whereas, it is appropriate and proper to demonstrate to the peoples of the captive nations the support of the people of the City of Chicago for their just aspirations for freedom and national independence; and

Whereas, the people of Chicago, as do all the people of the United States, want for the peoples of the world the same freedom and justice which is theirs:

Now, therefore, I, Richard J. Daley, Mayor of the City of Chicago, do hereby designate the week beginning July 13, 1969 as Captive Nations Week.

I urge the people of Chicago to join in the programs arranged for observance of the occasion, and I urge all of our churches, our educational institutions and all media of communication to observe the plight of the communist-dominated nations and to join in support of the just aspirations of the people of the captive nations.

I especially encourage everyone to concretely demonstrate his or her interest in the people imprisoned in the captive nations by their attendance at or participation in the parade to be held on State Street on Saturday afternoon, July 19 at 12:00 P.M.

Dated this 26th day of June, A.D., 1969.

RICHARD J. DALEY,
Mayor.

PROCLAMATION

The imperialistic policies of Russian Communists have led to the enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czecho-Slovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijam, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba and others, and

The desire for liberty and independence by the overwhelming majority of peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communistic leaders to initiate a major war, and

The freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about their freedom and independence, and

The Congress of the United States has by unanimous vote declared the third week in July each year as Captive Nations Week so that the people of the United States may express their sympathy with, and support for the just aspirations of captive peoples for freedom and independence,

Now, therefore, I, Richard B. Ogilvie, Governor of the State of Illinois, do hereby proclaim the week commencing July 13, 1969 to be observed as Captive Nations Week in Illinois, and I call upon our citizens to observe this occasion in a manner fitting and proper.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Illinois to be affixed.

Done at the Capitol, in the City of Springfield, this twenty-fourth day of June, in the Year of Our Lord one thousand nine hundred and sixty-nine, and of the State of Illinois the one hundred and fifty-first.

RICHARD V. OGILVIE,
Governor.

THE DEPARTMENT OF STATE'S DIPLOMACY IS SLIPPING A TRIFLE

HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. PIKE. Mr. Speaker, I invite the Members' particular attention to the second paragraph of the following release:

MEMORANDUM FOR ALL MEMBERS OF THE HOUSE OF REPRESENTATIVES

NOTICE—CHANGE OF SCHEDULE

DEPARTMENT OF STATE,
OFFICE OF CONGRESSIONAL RELATIONS,
August 5, 1969.

Our normal Wednesday morning briefing this week will necessarily have to be rescheduled for 8:30 a.m. to 9:30 a.m. on the following day, Thursday, August 7 in Room 2200 Rayburn Building.

At that rescheduled time, Acting Secretary

Elliot Richardson will discuss the *President's trip and other current foreign policy problems.*

The reason for the change in schedule is that on Wednesday, August 6 at our normal briefing time, Acting Secretary Richardson has been asked to attend a Cabinet meeting at Camp David, and on Thursday our normal 9 to 10 a.m. scheduling conflicts with the arrival ceremonies which the Acting Secretary must attend for German Prime Minister Kiesinger.

We very much regret the inconvenience to Members resulting from this change.

William B. Macomber, Jr.,
Assistant Secretary.

CRIMINAL JUSTICE IN OUR COURT SYSTEM

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. STOKES. Mr. Speaker, I am sure that many of my colleagues are concerned about the administration of criminal justice in our court system. When the Supreme Court of the United States pronounced the landmark decision on Gideon against Wainwright, attention centered anew on the indigent defendant charged with crime and his entitlement to legal assistance under the sixth amendment to the Constitution.

Following Gideon, other Supreme Court decisions heralded a new era of justice in our court system by insuring to any person charged with the commission of crime, not only representation by counsel, but also able and competent counsel, in the area of criminal law. This high degree of responsibility imposed upon the legal profession caused grave concern amongst many jurists in our Nation. A concomitant responsibility was imposed upon the courts to see that all defendants were given a fair trial. Inadequacy of counsel in many cases resulted in determinations by appellate courts that the defendant was denied a fair trial.

This concern of jurists throughout our Nation to respect the dictates of our Constitution as interpreted by the Supreme Court, has been accepted by a Cleveland jurist in a manner which I would like to bring to the attention of my colleagues.

Judge Bernard Friedman, presiding judge of the criminal branch of common pleas court, Cuyahoga County, Ohio, has initiated an innovative and exciting program to fulfill this responsibility in his jurisdiction.

Judge Friedman brought to criminal court the experience acquired over a long and distinguished judicial career, and just last year was the trial judge whose decision was sustained by the Supreme Court in the landmark "stop and frisk" case, *Terry* v. *Ohio*, 392 U.S. 1 (1968).

From his extended experience on the bench, Judge Friedman had found that there was no dearth of requests from young attorneys to handle criminal cases. The problem was that few, if any, of these volunteers had the necessary and requisite training for competent criminal defense work. Consequently, representation was not of a high quality, many applications for new trials arose, and an inordinate number of cases resulted in guilty pleas or convictions.

As a result, Judge Friedman, with the assistance of several prominent lawyers in the field, undertook to set up through the court, a series of three 3½-hour criminal law seminars covering all aspects of legal procedure in the courtroom. The lawyer's role in everything from preliminary investigation to indigent appeals was thoroughly discussed. The response to the program was overwhelming. No less than 120 young lawyers attended each seminar—a great majority of whom had little or no experience in criminal cases.

In addition to the seminars, Judge Friedman took it upon himself to contact several of the larger downtown law firms and to request that they assign several of their brightest young men to participate in this program. This proposal was met with equal enthusiasm, and the dedication of these young men, after the assignments were made, was total.

Additionally, many distinguished members of the bar who were experienced practitioners at criminal law are to be commended for their participation in this program as lecturers and panelists. The program outline is included here for the benefit of my colleagues and the jurists in their districts who may wish to avail themselves of a similar program:

DEFENSE OF THE POOR

An outline for a Seminar to be given on three successive Saturday mornings at Criminal Court.

FIRST MEETING: HON. BERNARD FRIEDMAN, PRESIDING

9:00–9:40 Professional Responsibility to the Client: Where it begins, where it ends—Gerald Messerman.

9:40–10:20 Introduction to the problems of defending the indigent—Elmer A. Guiliani.

10:30–10:50 Investigation: The Key—S. J. Young.

10:50–11:30 The decision to plead—A. B. Fink.

11:30–12:00 Probation: Role of the Court, Role of the Attorney—Charles Fleming.

SECOND MEETING

9:00–9:30 The decision to charge—Clarence Rogers.

9:30–10:00 Bail and Bail Reduction, Personal Bond—Herman S. Pressman.

10:10–10:50 Search and Seizure: Posing the Problem—Bernard Berkman.

10:50–11:30 Admissions, Statements, Confessions—J. Carroll.

11:30–12:00 Discovery, Depositions—F. Mandel.

12:00–12:30 Line-up Procedure—James R. Willis.

THIRD MEETING

9:00–9:30 Post-Conviction Remedies, Extradition and Probation Revocation—Carol Emerling.

9:30–10:20 Plea Bargaining, Pre-trial Procedure—Prosecutor to be named.

10:30–11:00 Plea Bargaining, Defense—Seymour Terrell.

11:00–11:30 The Indigent Appeal—Edward R. Brown.

11:30–12:00 The Trial, An Overview—John Butler.

DINERS CLUB CREDIT CARD

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. JACOBS. Mr. Speaker, by unanimous consent, I include the following two letters of correspondence between the Diners Club of America and the Honorable Anthony O. Friedman in the Record at this point:

February 4, 1969.

Mr. Anthony O. Friedman,
Washington, D.C.

Dear Mr. Friedman: Thank you for applying for membership in Diners Club.

Your application indicates that you have considerable potential and almost all the credit references needed to qualify for the Diners Club. But at this stage of your career we feel you need additional experience to build the calibre of credit history we require for our worldwide unlimited credit card.

However, we have a recommendation for promising individuals like yourself to speed up the qualifying process and enable you to receive our membership card almost immediately. It is through the Executive Society of America.

With membership in the Executive Society of America as a reference, you will be entitled to prompt issuance of a Diners Club credit card.

The Executive Society of America is an organization which was created to assist young career people like yourself through teaching "what it means to establish a good credit name in today's business world, and the huge financial rewards possible to those who maintain a perfect credit record." We at Diners Club heartily endorse these objectives and have taken the liberty of enclosing a copy of the Society's literature for you. Fill in the application blank and send it in today.

Very truly yours,

Frank P. Ritchie,
Director, New Accounts.

February 19, 1969.

Frank P. Ritchie,
Director, New Accounts,
Diners Club,
New York, N.Y.

Dear Mr. Ritchie: I am pleased and honored that you find me "almost" qualified for a Diners Club credit card. Thank you for informing me of my heretofore unrealized lack of "additional experience". I find it most difficult to believe, however, that a fifteen dollar membership in an unknown organization immediately grants me the innate shrewdness necessary for proper and responsible handling of the Diners Club card.

I am frankly disappointed in your organization, for which I previously had enough respect to use for my credit business.

In the course of a days work an enormous quantity of "junk mail" crosses my desk, and I accept this as part of my job; in some cases even admitting to a grudging respect for the slick handling of worthless promotions with high sounding names. But when such as this blatant sham has the approval and endorsement of the Diners Club, I am disappointed.

I have long desired a Diners Club card for the convenience it offered in the world I was striving to enter. And after all the years of schools, dead end jobs and veterans checks carefully husbanded to achieve that end, you say fifteen dollars paid by me to your friends is a better index into my character. From starting at the bottom with local charge plates, no-name oil companies and junky unsolicited cards, to raise my income and credit rating until worthy of the *BIG ONE*, and have Diners Club insult my intelligence, my contemporaries and my career with this outlandish trash is a bitter blow.

The entire "Executive Society of America" has as much value as a used envelope and all the exclusiveness of a laundromat. I am going to demonstrate, Mr. Ritchie, that I have the experience to build the calibre of my credit history you require by returning this garbage to you and refusing to lay fifteen good dollars on the line as an outright bribe. Thanks but no thanks, Mr. Ritchie . . . I'll take my business to American Express.

For the tender expression of your "Executive Society . . ." friends' need for fifteen dollars,

Anthony O. Friedman.

CAPT. WILLIAM HIXON, USA

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. ASHBROOK. Mr. Speaker, I take this opportunity to extend a hearty "well done" and a sincere "welcome home" to U.S. Army Capt. William Hixon, recently returned from combat duty in Vietnam.

A recent article in his hometown newspaper, the Mansfield, Ohio, News Journal, pointed with understandable pride to the achievements and leadership of Captain Hixon, who, while in Vietnam was awarded the Silver Star, four Bronze Stars, an Air Medal, Army Commendation for meritorious service and the Purple Heart. He is also among the select group to receive the Vietnamese Cross of Gallantry and Staff Honor Medal.

It is revealing of this man's nature and leadership that, as the article indicates, he was interested in discussing the outstanding service of the men under his command rather than his own awards and medals. He seems even more proud of these troops than the people of the Mansfield area are of him. It is especially gratifying for me to see this man gain such success since he was one of the first young men nominated by me to the Military Academy when I came to Congress.

I hope no one escapes the realization that Captain Hixon and the men of his command, as well as all the fine servicemen of our Nation, are part of the vast reservoir of young Americans who lead today and will continue to lead in the future.

Mr. Speaker, I submit the article for insertion in the Record at this point:

In Vietnam: Captain Calls Young Troops "Unbelievably Courageous"

A Mansfielder fresh from combat in Vietnam's Mekong Delta doesn't try to conceal his pride when he tells of the courage shown by the young infantrymen he led in battle.

But Capt. William Hixon, 26, a 1961 graduate of Ontario High School and a 1966 graduate of West Point Military Academy, is not as ready to talk about the array of American and Vietnamese medals he has been awarded.

In talking about his men, he said, "These 18, 19 and 20-year-old soldiers are courageous—unbelievably courageous. They may complain back at base camp when they are relaxing but they never question when it is time to advance against the enemy.

"I've seen these men—with enemy fire coming from all directions—disregard their own safety to rush right out to jump on top of a Viet Cong bunker.

"They want to capture prisoners. The prisoners can tell you so much. A captured man—especially one who has been wounded, evacuated, fed and treated humanely often is willing to provide valuable information.

"What depresses our men most is news of the senseless things going on at home—like demonstrations and riots regardless of their cause," he said.

"I've had occasion to recommend entire squads of men—instead of individual soldiers—for awards for their brave actions."

Capt. Hixon has been awarded the Silver Star, the third highest award given by the United States government; four Bronze Stars (two for valor, one for service and one for achievement); an Air Medal with an oakleaf cluster; an Army Commendation for meritorious service and a Purple Heart. He was wounded in the forearm, chest, shoulder and back last October near Dong Ton.

He is one of a select group to have received two Vietnamese awards—the Cross of Gallantry with palm, the highest honor the Vietnamese government can bestow and a Vietnam staff honor medal.

The officer, now the guest of his parents, Mr. and Mrs. Arthur Tobertge, 115 Clare Rd., also served a year in Korea followed by four months as a basic training instructor in Ft. Knox, Ky. He will report to Brooklyn, N.Y. Aug. 12 to be an ROTC instructor at Pratt Institute.

Capt. Hixon supports national policy concerning the withdrawal of American soldiers from Vietnam.

"I agree wholeheartedly with the gradual pullout of troops now that we essentially have won the ground war in Vietnam. The Vietnamese are making great strides at taking over. They are doing a fine job.

"I believe our men are being taken out of the right areas," he said.

Capt. Hixon described the Viet Cong as small, well disciplined people, lacking in fear and with uncanny aptitude for hiding in reeds or mud of the country.

"You can walk right on them without seeing them."

He told of the valuable role of rehabilitated former VC's called Tiger Scouts.

"They know the lies their political bosses have told them. They know the customs of their people. They know where they might hide themselves, their ammunitions, food and medical supplies. They speak the language fluently.

"We use Tiger Scouts, or an interpreter, to read surrender appeals over a bull horn when we get within 100 meters of the enemy," he said.

He showed a card printed in Vietnamese and with English translation of the appeal his company read calling for surrender. The appeal began by greeting the enemy officers and their men as "friends". It called for them to save their lives by holding weapons above their heads with both hands and advancing in the direction of the Allied Forces. It concluded with the poignant plea "Your men want to see their families again. Give them that chance."

THE GALS TAKE OVER CHICAGO'S CITY NEWS BUREAU

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. PUCINSKI. Mr. Speaker, the very popular Chicago Tribune columnist, Robert Wiedrich, has called our attention in his column, the "Tower Ticker," that women have taken over that staid and historical citadel of masculinity—Chicago's City News Bureau.

Mr. Wiedrich points out that for the first time women have taken over several key spots at the Chicago News Bureau.

Mr. Wiedrich's column follows:

Tower Ticker

(By Robert Wiedrich)

It's almost a woman's world: Surviving members of the 10,000-strong City News Bureau of Chicago alumni might like to know that for the first time since the World War II male shortage, feminine news hawks have taken over a number of key spots here.

Liza Smith, previously an assistant city editor, is now reported on the important City Hall beat, an all-time first for women. And Pamela Zekman is making the rounds at the federal courthouse while Sandy Dabovich serves as radio-TV editor and Sharon Illoway burns the midnight oil on the city desk.

In addition, several other lovelies are regarded as "heavies" on the day and night rewrite desks at City News, a place we personally regard as the world's best journalism trade school.

Guess things sure have changed since over two decades ago when we labored there at 25 bucks a week, lived on bologna sandwiches, and never dreamed of seeing a pretty face around the place, much less one atop a miniskirt!

DOMESTIC COMMUNIST COALITION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. RARICK. Mr. Speaker, daily our people read and hear of violence and acts of destruction about us; however, because they do not hear explanations that these episodes are sabotage—premeditated and interconnected—the average citizen is not aware of the overall increasing threat against our country.

The American people are being constantly subjected to fourth-dimensional warfare—a psychological offensive to delude them to tolerate anything done in the name of peace or social progress as being justified to bring about some emotional goal of a created reform.

Few Americans have been alerted to what can be anticipated when these armed terrorists aline themselves with the fund raisers and the cannon fodder in a united front controlled and disciplined by the international Communist movement in its unwavering objective—to overthrow constitutional government and our free enterprise economic system.

Mr. Speaker, I insert Mr. Frank Cappel's Herald of Freedom for August 8, 1969, containing an interesting report on "The American Liberation Front" as a portion of my remarks:

The American Liberation Front

Because the "Black Revolution" evidently cannot succeed without the help of the white "brothers and sisters" (formerly known as "comrades") a united front is now in the process of formation. The start was made by the Black Panthers who were co-sponsors of a Revolutionary Conference for a United Front Against Fascism in America. The other sponsor, according to the Communist newspaper, Daily World, was the International Liberation School and the conference was organized by the National Committees to Combat Fascism. This national revolutionary conference took place July 18–21, 1969 in Oakland, California. The Daily World states that more than 40 organizations sent representatives, including the Communist Party, Students for a Democratic Society, Youth Against War and Fascism and Veterans and Reservists To End the War in Vietnam. Attendance (70% Whites, mostly students) was estimated at 3,500 to 4,000, and pro-Peking, pro-Moscow assorted "New Left" and Trotskyite Communists began their move toward unity.

According to the Communist paper, local chapters to "combat fascism" are to be built across the country and then, at a conference in late October or early November, these activities will be coordinated into a full mobilization. "Panther spokesmen expect 'workers participation' in that meeting." The word "fascism" has long been a Communist epithet applied to anything which is anti-communist. Anyone who has actively opposed Communism and comes face to face with one of the "comrades" has probably heard the word "Fascist!" hissed at him in glaring fervor.

The current meaning for "fascism" would seem to be "law and order" with the police and their supporters as chief fascists. Therefore a companion project of the conference to fight fascism is to secure "community control" of the police. For this purpose petitions are to be circulated, each one hand tailored for the locality in which it is to be used. The brochure and application for registration at the UFAF conference states:

"Petition statement for community control of police—Summary of Police Control Amendment That Must be Established in the Cities and Communities of America to End Fascism:

"This amendment to a city charter would give control of the police to community elected neighborhood councils so that those whom the police should serve will be able to set police policy and standards of conduct.

"The amendment provides for community control of the police by establishing police departments for the major communities of any city: the black community, the predominantly white area, the Mexican American communities, etc., etc. The departments would be separate and autonomous. They can, by mutual agreement, use common facilities. Each department will be administered by full time police commissions. (Not single police chiefs.) The commissioners are selected by a neighborhood police control council composed of fifteen members from the community elected by those who live there. Each department shall have five community council divisions within it. (Or number of departments ratioed to population.)

"The councils shall have the power to discipline officers for breaches of department policy or violations of law. (Against the people.) They may direct their police commissioner to make changes in department-wide police policy by majority vote of the said department commissioners. The council can recall the commissioner appointed by it at any time it finds that he is no longer responsive to the community. The community can recall the council members when they are not responsive to it.

"All police officers must live in the department they work in, and will be hired accordingly."

It is obvious that such police departments would be of no use in enforcing the law since their only job would seem to be to please the particular segment of the population they were selected to "serve." Police harassment by unfavorable propaganda and publicity ("Police Brutality") and by the establishment of Civilian Review Boards is to be replaced with police control by "the people," most of whom know nothing and many of whom care nothing about the law. This would mean the collapse of our last line of defense—the local police.

The Black Panthers consider themselves the vanguard of the revolution and have now abandoned their "racial insularity" in favor of a coalition of negro and white militant and radical organizations. Their "historic" conference received greetings from Moscow, sent by William L. Patterson, member of the national committee of the Communist Party, USA and of the Communist Party's "black liberation committee." Patterson, who was visiting the Soviet Union, regretted that he could not be present at the conference although he was one of the sponsors and stated:

"I am sending greetings from afar to all who have gathered to establish a united front of action to beat back the monstrous forces with which reaction is seeking to create a police state and usher in an American brand of facism.

"Especially do I greet the Black Panther Party's initiator of that historic conference. The conference call issued by the BPP is consistent with the needs and demands of this momentous hour, when police terror is rampant and assassination of progressives has become a way of life.

"The call is unique. What a magnificent step your party has taken!

"For the first time in the history of our country an organization led by black citizenry has moved to the forefront of American progressives and launched a call to labor, youth, the church, all minorities, and peace forces, regardless of creed, color or political persuasion, to close ranks against the growing menace of reaction.

"The murderous course projected by those who have made of law and order a mandate for terror is proof of the timeliness of your call. You have lifted the fight against racism to its highest level. You have revealed the black liberation movement's vast potentialities as a driving force in the life and death conflict to save our country by putting an end to the fascist drive of monopoly and to the mounting dangers of a Third World War.

"The conference can sound the death knell of racism, for all fascist trends feed racism and are fed by it.

"May your conference sow the seed for a monumental anti-fascist united front of the American people in September. Your conference cannot help but strengthen the national morality. May you launch a new battle song of freedom. March on!

"The eyes of the progressive world are focused on the conference. It will watch what you do to follow through and will render every possible aid.

"The evil forces of fascism in the U.S. can be beaten by a unified people locked together in a monumental anti-fascist united front of struggle. Salute."

Speaking at the conference was Herbert Aptheker, top Communist historian and theoretician. While the public meetings were being held, important private meetings were going on. In closed meetings lawyers were developing plans to enlist "a thousand lawyers to fight this fight against racism," according to Charles R. Garry, a lawyer who defends Black Panthers and other radicals. Plans were made to prepare lawyers across the country to handle cases of various types of radicals involved in the "revolutionary movement" who run afoul of the law. During the next sixty days special lectures are to be set up across the country by the National Lawyers Guild to train lawyers to handle these types of cases. The National Lawyers Guild has been cited as subversive and the legal arm of the Communist Party.

Helping to develop seminars to train lawyers for these cases will be William M. Kunstler of New York who also specializes in helping radicals. He recently received a favorable write-up in Life magazine which pictured him as the "soul brother to radicals of many colors," who trust him because of his ten years of involvement with "civil rights from Martin Luther King and the Freedom Riders in the South to Malcolm X and Rap Brown." The article states that Kunstler, whose middle name is Moses, receives no fees from most of his clients "but is financed by a number of private, anonymous donors."

It was suggested by a Panther backer that they will probably change their name as they bring together a "united front" and will become the "American Liberation Front." This was announced before the conference by Prof. Donald Freed, founder of the organization known as "Friends of the Panthers." He expected that the name would be formally announced at the conference, stating: "This is a revolutionary conference which will be the beginning of the American liberation movement." He stated that Panther organizers have been working from Harlem to the Mississippi Delta, as well as in Appalachia, where poor southern whites are being organized around local issues. The organizers are also working with Puerto Ricans, American Indians, the Yippies, college students and urban gangs, all to be drawn into the ALF.

The Communist Party gave the directives to the comrades for cooperation and involvement through the words of Carl Bloice in the People's World of June 14:

"Two remarkably similar soundings were made during the last week of May.

"In the Bay Area, the Black Panther party issued a call for a 'Revolutionary Conference for a United Front Against Fascism.'

"In Edwards, Miss., about the same time, the board of the Southern Conference Educational Fund (SCEF) observed, 'A repressive fascist-like society and police state is an ominous, threatening possibility.'

"The SCEF statement continued: 'Let us all who advocate social change reject factionalism and infighting and unite instead against the common foe of reaction and repression in all its guises.'

"It is for these reasons that the Panthers and the SCEF leaders are to be highly commended for their call for unity in the face of reaction. All people of good will, sanity and good intention should respond immediately and favorably. (These are Communist Party orders—Ed.)

"It is both refreshing and relieving to hear militant forces call for the kind of united mass action designed to draw in greater numbers of working people and their organizations. It would be truly wonderful if these forces—which have proved they do not shrink before terror—speak loudly enough and persistently enough to minimize the advocates of adventurist acts by a handful of 'theorists'—separated from working people—in the face of the power of the state.

"Of greatest importance and urgency at the moment is action to halt and turn back the reactionary offensive. . . . . Every militant must be defended with a massive show of force and power—regardless of his or her political position.

"These things will not be accomplished by insisting on ideological purity on the part of those in struggle, but rather on commitment to do these things and to work with others dedicated to these tasks.

"Dimitroff wrote, 'Whoever does not fight the reactionary measures of the bourgeoise and the growth of fascism at these preparatory stages is not in a position to prevent the victory of fascism, but, on the contrary, facilitates that victory.' "

The Black Panther, organ of the party of the same name, also quotes Georgi Dimitroff in the center fold of its June 7, 1969, issue:

"Incipient American fascism is endeavoring to direct the disillusionment and discontent of these masses into reactionary fascist channels. It is a peculiarity of the development of American fascism that at the present state it appears principally in the guise of an opposition to fascism, which it accuses of being an 'un-American' tendency imported from abroad. In contradistinction to German fascism, which acts under anti-constitutional slogans, American fascism tries to portray itself as the custodian and 'American democracy'. . . .

"And what would the success of fascism in the United States entail? For the toiling masses it would, of course, entail the unrestrained strengthening of the regime of exploitation and the destruction of the working class movement. . .

"It is perfectly obvious that the interests of the American proletariat demand that all its forces dissociate themselves from the capitalist parties without delay. It must at the proper time find ways and suitable forms of preventing fascism from winning over the broad discontented masses of the toilers. And here it must be said that under American conditions the creation of a mass party of toilers, a 'Workers' and Farmers' Party,' might serve as such a suitable form. . . . . Such a party, of course, will be neither Socialist nor Communist. But it MUST be an anti-fascist party and must NOT be an anti-Communist party. . . . .

"It goes without saying that such a party will fight for the election of its own candidates to local offices, to the state legislatures, to the House of Representatives and the Senate. . . . The question of forming a "Workers' and Farmers' Party," and its program, should be discussed at mass meetings of the people. We should develop the most widespread movement for the creation of such a party, and take the lead in it. In no case must the initiative of organizing the party to be allowed to pass to elements desirous of utilizing the discontent of the masses which have become disillusioned to both the Bourgeois parties, Democratic and Republican, in order to create a "third party" in the United States, as an anti-Communist party, a party directed against the revolutionary movement. (Excerpt from speech delivered at the seventh world congress of the Communist International July 24th, August 20th, 1935, by Georgi Dimitroff)"

Always in the last stages of revolution, the Communists plan, promote and organize a united front or people's front of all left groups. Under these circumstances, and in these final stages they no longer quarrel among themselves and are willing to overlook differences. This was manifest in the attempted take-over of the Dominican Republic a few years back when Castroites, orthodox Communists, Maoists and Trotskyites all worked together under a single leadership. The Panthers are being used as the catalyst to unite these dissident radial forces here in the United States. Tom Hayden, conference leader and SDS founder, admits the new "United Front" is patterned after the Communist United Front of the 1930's.

In an interview with "six young black men" who came into the New York office of the Communist paper, the Daily World, Margit Pittmen learned their plans and wrote:

"All six are leading members of the Black Panther Party, who devote their full time to 'the revolution.'

"In recent months, a period of stepped-up police attacks, the Panthers have increasingly felt the need for alliances with other groups. 'We hope that the conference will unite all radical and liberal elements,' said Ray 'Masai' Hewitt. . .

" 'We want to embrace all progressive elements,' I was told, 'all national group minorities. We appeal to every liberal and progressive.'. . .

"The Panthers hope that the July conference will result in another, larger gathering later this year so that, in the words of one of our visitors, it can unite all forces that are anti-fascist but not anti-communist."

The Panthers' Minister of Information, Eldridge Cleaver, was not present at their July conference as he has fled the country to escape prosecution. He was in Algiers at the time of the conference where he and his wife were the guests of the Algerian government. They were there to attend an African Cultural Festival and were joined by two other officials of the Black Panther Party, Emory Douglas (Minister of Culture) and David Hilliard (Chief of Staff) they were also joined by Robert Scheer, editor in chief of Ramparts magazine who said that Cleaver was the magazine's foreign editor. Cleaver was quoted as predicting that violence in the United States would increase stating: "We have a war going on in the United States and the casualty rate is rising," and adding that the capitalist system in the United States "must be dismantled over the dead bodies of its supporters."

Cleaver has previously been quoted as stating: "We are revolutionaries, and as revolutionaries our goal is the transformation of the American social order. In order to transform the American social order, we have to destroy the present structure of power in the United States, we have to overthrow the government. . . . Revolutionaries must have their minds centered on destruction. We're out to destroy the present machinery of the ruling class, that is our task and that's what we must be about. And we say that we will do this by any means necessary. . . . The only means possible is the violent overthrow of the machinery of the oppressive ruling class. . . . We must destroy their institutions from which they derive their power. . . . We must not get into a bag of thinking that we're involved in a game. A revolution is not a game; it's war. We're involved in a war—a people's war against those who oppress the people, and this is the war in the clearest sense of the word."

The slogan of the National Conference for a United Front Against Fascism was Power to the People—Panther Power to the Vanguard. At the opening of the conference they shouted it, at the closing of the conference they shouted it. " 'Power to the people,' they shouted. 'Power to the people.' They made it a chant and they used it again and again. When they did, their arms shot into the air with their fists clenched." . . . N.Y. Times 7/20/69.

The first meeting was held in the Oakland Auditorium with Black Panther guards on duty. All persons were searched before being permitted to enter thus delaying the start of the meeting for over an hour. Starting the next day public meetings were held in Bobby Hutton Park, named for a 17-year-old Black Panther killed in a shoot-out with the Oakland Police. According to "observers," the choice of this site was interpreted as a move to bring whites and blacks together in a common cause. There seems to be a psychological reason for everything the Communist-led radicals do. The Black Panthers "breakfast for children" program is "socialism in action." The Berkeley park struggle caused people to see themselves attacking private property. These things condition the unwary to things they would not otherwise accept. The proposed "North American Brigade to Cut Cane in the 1960 Sugar Harvest in Cuba" will condition them even further. Their experience in Cuba is expected to help them "develop ways of combatting anti-communism." They are expected to "gain a practical understanding of the creative application of communist principles on a day-to-day basis." Nothing is left to chance with the Communist—everything is scientifically planned.

What it's all about can most clearly be seen from the Statement of Revolutionary Youth Movement (SDS):

"(1) Oppose white supremacy. Full support to the National Liberation struggles of the oppressed peoples against U.S. imperialism. . . . We recognize and support the struggle of the Vietnamese people, under the leadership of Ho Chi Minh and the NLF as the spearhead of all anti-imperialist struggles in the world today.

"As revolutionaries within the oppressor nation, we unhesitatingly assume our responsibility to carry the struggle against U.S. imperialism through to the end by linking our fight to the international struggles of the oppressed peoples by consistently opposing white supremacy . . . and by giving concrete support to the struggles of Black, Latin and other oppressed peoples within the U.S. for democratic rights. . . .

"As revolutionaries in the oppressor nation, we recognize our responsibility, in the name of proletarian internationalism, to support and learn from the proletarian forces within the national liberation movements of the oppressed peoples.

"(2) Oppose male supremacy. . . . We support the struggle of women for control over their bodies, and demand the removal of all legal and financial restrictions on abortions, and the providing of free birth control for those women who desire it. . . . We demand complete legal equality for women, and oppose existing marriage and divorce laws, prostitution laws and other reinforcements of the subjugation of women. . . .

"(3) Support for armed struggle. Recognizing that U.S. imperialism is the most voracious beast that ever stalked the earth, that it is engaged in crimes of blood against humankind, and it can only be destroyed by the people of the world picking up the sword and fighting it, we affirm the right of all revolutionary peoples and classes to wage armed struggles for liberation, we commit ourselves to give concrete aid to these struggles where they arise, and we undertake to educate the U.S. people and prepare them and ourselves to wage a determined struggle with arms in hand to destroy U.S. imperialism in its lair.

"(4) Exclude anti-communism. Recognizing that anti-communism is a main weapon of the ruling class to weaken the ranks of the people, we absolutely reject it, exclude it from our movement, and defend the right of people to organize themselves into disciplined collectives based on Marxist-Leninist principles, and to advocate and fight for the dictatorship of the proletariat.

"(5) Fight for socialism. Recognizing that only through socialism, the public ownership of the means of producing wealth, can the people be freed from misery, we declare ourselves a socialist movement, and undertake to conduct propaganda among the people to win them to the need to establish socialism."

This is pure Communism in action. The beasts are joining hands with the planners. The Black Panthers and affiliated Negro groups will use the guns and supply the terror; the S.D.S., DuBois Clubs, etc. will raise the funds and involve the students; the "New Left" (750,000) like sheep will follow the leaders; and behind the scenes the International Communist Conspiracy will plan and direct the action. The open revolution is close at hand.

MITCHELL BLOCKED FINCH'S MOVE ON ANTI-INTEGRATION PROPOSAL

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. STOKES. Mr. Speaker, if the thesis of the article by columnists Rowland

Evans and Robert Novak in Wednesday's Washington Post is accurate, further serious questions about the intentions of the Nixon administration—particularly Attorney General Mitchell—on civil rights matters is raised. These columnists report that the decision of the administration to refrain from taking a position on the anticivil rights provisions written into the House-passed Labor-HEW appropriations bill was the work of the Attorney General.

Assuming the article's accuracy, we have once again witnessed a capitulation by this administration to the forces of segregation and reaction. If the administration must give away Federal equal-opportunity programs as a political payoff to the South for votes in last November's election, it at least should not publicly compromise its integrity by saying one thing on civil rights while doing the opposite.

The evidence is mounting, Mr. Speaker. The Nixon administration is compiling an anticivil rights record which threatens to wipe out many of the hard-won gains of the past decade. One might have expected more from a President elected under the banner of the party of Lincoln.

Mr. Speaker, as I said on national television last Sunday, I am terribly disappointed by the decision of the administration not to take a public position on the Whitten amendment. There is no question that the provisions of that measure are intended to cripple the school desegregation program carried out under title IV of the Civil Rights Act of 1964. Adoption of the provision would perpetuate unequal educational opportunity and continue the shortchanging of black children—especially in the South. I would hope, therefore, that the administration will realize the folly and immorality inherent in this decision, reconsider the matter, and publicly oppose the Whitten amendment while the bill is being considered in the Senate and later during the conference committee sessions.

Mr. Speaker, I include as a part of my remarks, the Evans and Novak column to which I have referred:

MITCHELL BLOCKED FINCH'S MOVE ON ANTI-INTEGRATION PROPOSAL

(By Rowland Evans and Robert Novak)

The reason why the Nixon administration tolerated house passage last week of an amendment designed to cripple school desegregation was the undercover intervention of Atty. Gen. John Mitchell, the strong man of the Cabinet.

Mitchell blocked a move by Robert Finch, Secretary of Health, Education and Welfare (HEW), to put the Nixon administration on record against the anti-integration proposal of Mississippi's Rep. Jamie Whitten. In fact, Mitchell made a special, highly secret visit to Capitol Hill to make sure that Republican leaders did not turn against the Whitten amendment. Because of this, the Whitten amendment narrowly carried.

The upshot transcends just one more victory for John Mitchell and one more defeat for Bob Finch inside the administration. Rather, this is a necessary triumph for Mitchellism—the attorney general's grand design of combining the 1968 Nixon and Wallace votes into a national Republican majority. Vital to Mitchellism is a civil rights policy that placates the South but does not offend northern whites.

Whitten's rider to the educational appropriations bill fulfills that requirement. While ostensibly aimed against busing school children (which arouses equal outrage in North and South), it would hamstring the Federal Government in forcing southern desegregation through withholding of federal money.

In preparation for last week's battle, pro-civil rights Republicans in the House some two weeks ago requested help from Finch's HEW. They were assured aid would be forthcoming—a public statement to be issued by Finch. Indeed, White House lobbyists expected to be working against the Whitten amendment.

A statement by Finch opposing the amendment was drafted at HEW on Friday, July 25, and—because the Justice Department shares responsibility for school desegregation policy with HEW—sent to Justice for Mitchell's co-signature. There it stopped cold. On Monday, July 28, Mitchell not only refused to sign the statement but prevented it from seeing the light of day.

That put the administration into a position of benevolent neutrality toward the Whitten amendment. Paying an unusual visit to a secret meeting of the House Republican leadership on Tuesday morning, July 29, in the minority whip office just hours before the appropriations bill came up on the House floor, Mitchell explicitly pronounced this position: the administration would not interfere with the Whitten amendment.

That doomed any hope of defeating Whitten. When liberal Republican congressmen asked what had happened to the promised statement from Finch, they were told lamely that Finch was in California (true enough) and unreachable (highly implausible). One such congressman pleading for help against the Whitten amendment was told by Minority Leader Gerald Ford of Michigan: "If it goes to a roll call, it's going to embarrass a lot of guys."

Thus attempts to reject the Whitten amendment were beaten on Thursday, 158 to 141, on a teller vote where no record is kept—thereby avoiding a roll call. Had the administration and Republican leadership taken a position, Whitten unquestionably would have been beaten.

This has left a wretched taste not only with the splinter of Republican liberals but such moderate conservatives as William McCulloch of Ohio, Albert Quie of Minnesota, Tom Railsback of Illinois, Edward Biester of Pennsylvania, and one member of the party leadership caucus, chairman John Anderson, Illinois (who spoke eloquently on the House floor against the Whitten amendment.)

Such Republican discontent plus the absence of Finch in California and President Nixon in Asia when Mitchell was laying down policy provides a little hope for civil rights forces at HEW. At any rate, Finch now intends to fight the Whitten amendment in the Senate.

But even if the Whitten amendment does not make it all the way through Congress, Mitchell's benevolent neutrality toward it is in itself of great significance. "I believe a fundamental decision has been made," says Congressman Anderson. That decision: the courts, not the executive branch will be given the job of enforcing school desegreation—a concept fully compatible with the Whitten amendment.

This historic shift means not only that the pace of school desegreation will slow dramatically (the Nixon administration's Georgia court suit will take years to settle) but that the federal judges, not President Nixon, will be blamed when it finally comes. These results could help satisfy the crucial but vulnerable requirement of Mitchellism that the Nixon administration pleases 1968 Wallace voters enough to enlist them in a new majority.

MERCHANT MARINE PROBLEMS

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. O'NEILL of Massachusetts. Mr. Speaker, on July 31, I had the great privilege and pleasure to address a meeting of the Seafarers International Union gathered here in Washington for a week-long annual convention. Because I believe a strong, expanded merchant marine is vital to the economy and growth of our Nation, I would like to share with my colleagues a portion of the remarks I made before that convention last Thursday. I want to bring these remarks and the facts therein to the attention of my colleagues, because I believe the decline of the merchant marine is a national tragedy and the problems of the merchant marine are the problems of the Nation.

The statement follows:

STATEMENT OF HON. THOMAS P. O'NEILL, JR.

I am very happy to be here with my friends of the Seafarers International Union. I feel at home with the Seafarers because I come from a seafaring district in a seafaring State. The economy of Massachusetts was originally based on sea trade and the most exciting history of the colonies in the early days of the Union stemmed from shipping and sea trade. I am particularly happy to see here Paul Hall, your great President, the leader of the Seafarers, a man who knows the problems and potential of the Merchant Marine. I am also very happy to be here with my good friend, Phil Carlip. Phil, I think, is probably the greatest advocate that the Seafarers and all the maritime trade unions could possible ever have. He knows about everything connected with the Merchant Marine. He persuades, argues, defends and when necessary, attacks. He is a valued friend because he is a loyal friend, and he is a valuable source of information because the facts are always with him, always dependable and always documented. Phil Carlip is to the maritime trade what Martin Luther King was to civil rights. The Speaker and I, and all those concerned with the problems of the Merchant Marine, consult him often and look to him for sound advice.

It seems to me, when I am talking to my colleagues or to the public, that I should not have to go into long, detailed discussions about the needs of the Merchant Marine—the situation is clear, the problems are obvious. And yet there must be a great deal more talking done because we have been unable to change the great decline of the Merchant Marine. There is no doubt about it—the Merchant Marine *must* have a new program, *must* have funds and *must* have more defenders.

Today the Merchant Marine is less than one fifth the size it was twenty years ago. Today, almost 95% of all our foreign commerce is carried by ships flying foreign flags. Today four-fifths of American merchant ships came out of shipyards during World War II—that means they are *at least* twenty-five years old, and today the American shipbuilding industry is 14th in the world ranking. That is where we are. And there may be those that think it matters little, but I think the Merchant Marine is of great importance to the Nation. I have always considered it to be the fourth branch of our defense effort. We know from prior and almost bitter experience that these ships can fill defense needs and are easily converted to serve in time of war. With the current "balance of terror," strength will not be measured in more and more nuclear weapons, but in a strong, healthy population and a strong, healthy economy. A large, expanded, active and powerful Merchant Marine is the *one* factor that is missing from our economy. Without such a Merchant Marine, we will lose more and more of the world trade and our balance of payment problems will be aggravated.

We must act now. Shipyards are closing. Those that were thriving twenty years ago have been closed down. We are losing men with vital skills to other jobs and to other fields. It is reasonable to expect that if there is no work for them, they will leave. And if we wait too much longer, we won't have people around to teach a new generation of workers these vital skills. Men can't afford to stay in the maritime trades because they love the sea and their jobs, they still must feed their families. They will go wherever the work is. We will lose these men. When we need them, we won't be able to call on them.

If we don't act now, we will have a technological gap. Shipyards of other Nations are using and will utilize modern technology; the competition will get fiercer and fiercer. If we don't move now, if we don't start using this modern technology, we will be farther and farther behind.

So, my friends, I say the problems are obvious and the need for a solution is obvious. So what must we do? First, of all, I believe we need an independent maritime administration with a maritime policy. The maritime administration must not continue to be the step-child of Departments that consider its needs last. It must have independent status, and it must have a program—a full both short and long-term program to rebuild the Merchant Marine and bring it back up to where it ought to be. We must develop maritime technology. There should be research in the development of small atomic reactors for merchant ships. We must modernize the naval yards. We must investigate, research, improve and use modern means of shipbuilding. We must provide new merchant ships to the unsubsidized fleet as well as to the subsidized. That way we will liven the industry with competition. We have looked at and know we must change the cargo preference laws. We want the industry to grow, we want more ships and we don't want to give all the cargo to just a few of these. For if we carry out all these programs, there will be plenty of cargo to go around for a fleet five times that of today.

This is what has to be done. What have we done so far? Last year we debated, persuaded, argued, fought, and finally succeeded in passing a bill to create an independent maritime administration. We passed it overwhelmingly, and we lost it to a pocket veto. We will try again. President Nixon appears not to have any maritime policy—although the Republican Platform promised us the world. But we will try again. We had a strong merchant marine program in the Democratic Platform, too, and the Democrats in the House of Representatives intend to see that the promises in that Platform are honored.

One hundred and forty Members of the 91st Congress have sponsored legislation to create an independent maritime administration. The Omnibus Maritime legislation introduced last year has been reintroduced and will hopefully be enacted in this Congress. There has been a great deal of varied legislation to stimulate growth and competition in the shipping industry. I am happy to tell you that in the Military Construction Appropriations of 1970, which was just before me in the Rules Committee, we are providing the first funds for shipyard modernization. Not enough funds, I contend, but a commitment at least, a start. Much more needs to be done, and I call on you to help see that it is done.

Keep the pressure on, keep information coming in. Remind your Representatives that other world powers, especially Russia, are building Merchant Marines as if it were the only mode of transportation left to the world. We should do the same. Hold the parties to their campaign platform. Don't let up. Don't give up. Together I hope and believe, we can bring new life to the Merchant Marine. Not life in some distant future, but here and now.

VIOLENCE AND EDUCATION

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. GOLDWATER. Mr. Speaker, during these days of chaos and crime in our streets, it is refreshing and interesting to hear strong but sensible words from our Nation's foremost law-enforcement officer. A recent speech by Los Angeles County District Attorney Evelle J. Younger should be carefully listened to by every American.

Mr. Younger was elected as district attorney in November of 1964 and was reelected in June of 1968.

He has served as both a practicing attorney and a law instructor. He has additionally authored numerous articles and has been active in many community volunteer fields.

It is with a great amount of pleasure that I present the remarks of District Attorney Evelle Younger:

VIOLENCE AND EDUCATION

(By Evelle J. Younger, district attorney of Los Angeles County, at the Law Day exercises, Glendale Civic Auditorium, May 1, 1969)

Ten years ago, violence was one subject, education was another. Today, unfortunately, this is no longer true. We all must be shocked, amazed and discouraged at the present state of affairs. How did it come to pass? In my opinion these are the ingredients that produce violence and destruction on campus at all levels of the educational establishment from grade school through graduate school.

First, we live in a permissive society. Many Americans have apparently believed that the best way to preserve our ideals and institutions is to constantly attack them. I believe, in recent years, we have been unduly tolerant toward those in our midst who perpetrated illegal and often violent acts. There has been a tendency on the part of many an individual to act as though he was his own Supreme Court. Many persons have adopted the attitude that they will obey such laws they like and ignore those they don't. Assaultive behavior has been permitted on many a campus that would not have been tolerated on skid row. The college newspaper at one of our great universities editorially urged students to smoke marijuana in defiance of a law making such an act a felony. Prominent professors, ministers, and professional men have repeatedly urged young people to disobey laws they consider to be immoral. Is it any wonder that many young people are convinced they can make their own rules?

And the irony of it—a professor in our community has for several years advocated that violence was justified if the end that was being sought was a noble one. During a recent incident at one of our local colleges in Los Angeles County, he took shelter in his locked office as rampaging students took over the building. He was among the first of the faculty to phone and demand police protection. He is brilliant in some respects but too confused to appreciate the possible connection between his earlier pronouncements and present student misconduct.

Secondly, we must face the fact that some of our schools are substandard. Our educational system isn't perfect. Education isn't always relevant, if I may borrow a word used with monotonous regularity by the militant often without knowing what it means. Many times when students protest and demonstrate, they have a legitimate beef. Unfortunately, our worst schools are often in areas where they need the best facilities and teachers. In Los Angeles County in some of our low income areas, attended mostly by children of minority groups, the dropout rate is extremely high. Rarely does a student go on to college. Apart from considerations of humanity and justice, we cannot afford to allow this to continue. Ninety-five per cent of the inmates of prisons throughout this land are high school dropouts. A dropout with no salable talent is most likely to end up on relief or in trouble with the law. Enlightened self-interest should compel us to take whatever steps are necessary to insure that every youngster in our nation gets a good enough education to allow him to get and keep a job.

In that connection, it is not possible; but, it would be logical if we could move say, Beverly Hills High School, to East Los Angeles and one of the schools in the eastside to Beverly Hills. With the superior facilities and personnel, we might raise the educational level on the eastside without doing major damage to Beverly Hills youngsters. Beverly Hills youngsters generally come from successful families where there is no language problem. When those students start to school, they have pride and ambition; and relatively speaking, they will do well in any educational institution. A child from a depressed area, from a family with limited education and an unstable employment history at best (often, parents on relief or in penal institutions, at worst), starts school with little chance, hope or even desire of getting that high school diploma. If you add a language problem, the child's chances are nil.

Thirdly, administrators, from the college president on down to the junior high school principal, are, generally, untrained and completely unqualified to cope with the problems they are facing today. As one high school principal stated the other day, if he wanted to fight, he could join the army. In virtually every major university in the country today, armed guards are on duty at the entrance to the president's office. This is disturbing and not at all in keeping with the traditions of scholarly life. Historically, one going into the teaching profession had reason to expect a relatively tranquil existence. The teaching profession has never paid a lot of money and professors don't expect to get rich. But they generally have, in the past, found happiness and gratification in, what was a relatively calm and peaceful existence providing opportunity to serve and enrich our nation by imparting knowledge. That is all changed. Teachers now are frequently the victims of assaultive behavior—often the subject of violent obscene behavior and criticism from those they serve. Even if a teacher could physically cope with some of the problems, his or her right to do so has been eroded in recent years.

By the same token, we haven't trained many principals or college presidents in such subjects as mob psychology, guerrilla tactics and such things as they may necessarily have to know now if they are now to be effective. Being untrained in this regard it is natural that many sometimes exercise poor judg-

Evans and Robert Novak in Wednesday's Washington Post is accurate, further serious questions about the intentions of the Nixon administration—particularly Attorney General Mitchell—on civil rights matters is raised. These columnists report that the decision of the administration to refrain from taking a position on the anticivil rights provisions written into the House-passed Labor-HEW appropriations bill was the work of the Attorney General.

Assuming the article's accuracy, we have once again witnessed a capitulation by this administration to the forces of segregation and reaction. If the administration must give away Federal equal-opportunity programs as a political payoff to the South for votes in last November's election, it at least should not publicly compromise its integrity by saying one thing on civil rights while doing the opposite.

The evidence is mounting, Mr. Speaker. The Nixon administration is compiling an anticivil rights record which threatens to wipe out many of the hard-won gains of the past decade. One might have expected more from a President elected under the banner of the party of Lincoln.

Mr. Speaker, as I said on national television last Sunday, I am terribly disappointed by the decision of the administration not to take a public position on the Whitten amendment. There is no question that the provisions of that measure are intended to cripple the school desegregation program carried out under title IV of the Civil Rights Act of 1964. Adoption of the provision would perpetuate unequal educational opportunity and continue the shortchanging of black children—especially in the South. I would hope, therefore, that the administration will realize the folly and immorality inherent in this decision, reconsider the matter, and publicly oppose the Whitten amendment while the bill is being considered in the Senate and later during the conference committee sessions.

Mr. Speaker, I include as a part of my remarks, the Evans and Novak column to which I have referred:

MITCHELL BLOCKED FINCH'S MOVE ON ANTI-INTEGRATION PROPOSAL

(By Rowland Evans and Robert Novak)

The reason why the Nixon administration tolerated house passage last week of an amendment designed to cripple school desegregation was the undercover intervention of Atty. Gen. John Mitchell, the strong man of the Cabinet.

Mitchell blocked a move by Robert Finch, Secretary of Health, Education and Welfare (HEW), to put the Nixon administration on record against the anti-integration proposal of Mississippi's Rep. Jamie Whitten. In fact, Mitchell made a special, highly secret visit to Capitol Hill to make sure that Republican leaders did not turn against the Whitten amendment. Because of this, the Whitten amendment narrowly carried.

The upshot transcends just one more victory for John Mitchell and one more defeat for Bob Finch inside the administration. Rather, this is a necessary triumph for Mitchellism—the attorney general's grand design of combining the 1968 Nixon and Wallace votes into a national Republican majority. Vital to Mitchellism is a civil rights policy that placates the South but does not offend northern whites.

Whitten's rider to the educational appropriations bill fulfills that requirement. While ostensibly aimed against busing school children (which arouses equal outrage in North and South), it would hamstring the Federal Government in forcing southern desegregation through withholding of federal money.

In preparation for last week's battle, pro-civil rights Republicans in the House some two weeks ago requested help from Finch's HEW. They were assured aid would be forthcoming—a public statement to be issued by Finch. Indeed, White House lobbyists expected to be working against the Whitten amendment.

A statement by Finch opposing the amendment was drafted at HEW on Friday, July 25, and—because the Justice Department shares responsibility for school desegregation policy with HEW—sent to Justice for Mitchell's co-signature. There it stopped cold. On Monday, July 28, Mitchell not only refused to sign the statement but prevented it from seeing the light of day.

That put the administration into a position of benevolent neutrality toward the Whitten amendment. Paying an unusual visit to a secret meeting of the House Republican leadership on Tuesday morning, July 29, in the minority whip office just hours before the appropriations bill came up on the House floor, Mitchell explicitly pronounced this position: the administration would not interfere with the Whitten amendment.

That doomed any hope of defeating Whitten. When liberal Republican congressmen asked what had happened to the promised statement from Finch, they were told lamely that Finch was in California (true enough) and unreachable (highly implausible). One such congressman pleading for help against the Whitten amendment was told by Minority Leader Gerald Ford of Michigan: "If it goes to a roll call, it's going to embarrass a lot of guys."

Thus attempts to reject the Whitten amendment were beaten on Thursday, 158 to 141, on a teller vote where no record is kept—thereby avoiding a roll call. Had the administration and Republican leadership taken a position, Whitten unquestionably would have been beaten.

This has left a wretched taste not only with the splinter of Republican liberals but such moderate conservatives as William McCulloch of Ohio, Albert Quie of Minnesota, Tom Railsback of Illinois, Edward Biester of Pennsylvania, and one member of the party leadership caucus, chairman John Anderson, Illinois (who spoke eloquently on the House floor against the Whitten amendment.)

Such Republican discontent plus the absence of Finch in California and President Nixon in Asia when Mitchell was laying down policy provides a little hope for civil rights forces at HEW. At any rate, Finch now intends to fight the Whitten amendment in the Senate.

But even if the Whitten amendment does not make it all the way through Congress, Mitchell's benevolent neutrality toward it is in itself of great significance. "I believe a fundamental decision has been made," says Congressman Anderson. That decision: the courts, not the executive branch will be given the job of enforcing school desegreation—a concept fully compatible with the Whitten amendment.

This historic shift means not only that the pace of school desegreation will slow dramatically (the Nixon administration's Georgia court suit will take years to settle) but that the federal judges, not President Nixon, will be blamed when it finally comes. These results could help satisfy the crucial but vulnerable requirement of Mitchellism that the Nixon administration pleases 1968 Wallace voters enough to enlist them in a new majority.

MERCHANT MARINE PROBLEMS

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. O'NEILL of Massachusetts. Mr. Speaker, on July 31, I had the great privilege and pleasure to address a meeting of the Seafarers International Union gathered here in Washington for a week-long annual convention. Because I believe a strong, expanded merchant marine is vital to the economy and growth of our Nation, I would like to share with my colleagues a portion of the remarks I made before that convention last Thursday. I want to bring these remarks and the facts therein to the attention of my colleagues, because I believe the decline of the merchant marine is a national tragedy and the problems of the merchant marine are the problems of the Nation.

The statement follows:

STATEMENT OF HON. THOMAS P. O'NEILL, JR.

I am very happy to be here with my friends of the Seafarers International Union. I feel at home with the Seafarers because I come from a seafaring district in a seafaring State. The economy of Massachusetts was originally based on sea trade and the most exciting history of the colonies in the early days of the Union stemmed from shipping and sea trade. I am particularly happy to see here Paul Hall, your great President, the leader of the Seafarers, a man who knows the problems and potential of the Merchant Marine. I am also very happy to be here with my good friend, Phil Carlip. Phil, I think, is probably the greatest advocate that the Searfarers and all the maritime trade unions could possible ever have. He knows about everything connected with the Merchant Marine. He persuades, argues, defends and when necessary, attacks. He is a valued friend because he is a loyal friend, and he is a valuable source of information because the facts are always with him, always dependable and always documented. Phil Carlip is to the maritime trade what Martin Luther King was to civil rights. The Speaker and I, and all those concerned with the problems of the Merchant Marine, consult him often and look to him for sound advice.

It seems to me, when I am talking to my colleagues or to the public, that I should not have to go into long, detailed discussions about the needs of the Merchant Marine—the situation is clear, the problems are obvious. And yet there must be a great deal more talking done because we have been unable to change the great decline of the Merchant Marine. There is no doubt about it—the Merchant Marine *must* have a new program, *must* have funds and *must* have more defenders.

Today the Merchant Marine is less than one fifth the size it was twenty years ago. Today, almost 95% of all our foreign commerce is carried by ships flying foreign flags. Today four-fifths of American merchant ships came out of shipyards during World War II—that means they are *at least* twenty-five years old, and today the American shipbuilding industry is 14th in the world ranking. That is where we are. And there may be those that think it matters little, but I think the Merchant Marine is of great importance to the Nation. I have always considered it to be the fourth branch of our defense effort. We know from prior and almost bitter experience that these ships can fill defense needs and are easily converted to serve in time of war. With the current "balance of terror," strength will not be measured in more and more nuclear weapons, but in a strong, healthy population and a strong, healthy economy. A large, expanded, active and powerful Merchant Marine is the *one* factor that is missing from our economy. Without such a Merchant Marine, we will lose more and more of the world trade and our balance of payment problems will be aggravated.

We must act now. Shipyards are closing. Those that were thriving twenty years ago have been closed down. We are losing men with vital skills to other jobs and to other fields. It is reasonable to expect that if there is no work for them, they will leave. And if we wait too much longer, we won't have people around to teach a new generation of workers these vital skills. Men can't afford to stay in the maritime trades because they love the sea and their jobs, they still must feed their families. They will go wherever the work is. We will lose these men. When we need them, we won't be able to call on them.

If we don't act now, we will have a technological gap. Shipyards of other Nations are using and will utilize modern technology; the competition will get fiercer and fiercer. If we don't move now, if we don't start using this modern technology, we will be farther and farther behind.

So, my friends, I say the problems are obvious and the need for a solution is obvious. So what must we do? First, of all, I believe we need an independent maritime administration with a maritime policy. The maritime administration must not continue to be the step-child of Departments that consider its needs last. It must have independent status, and it must have a program—a full both short and long-term program to rebuild the Merchant Marine and bring it back up to where it ought to be. We must develop maritime technology. There should be research in the development of small atomic reactors for merchant ships. We must modernize the naval yards. We must investigate, research, improve and use modern means of shipbuilding. We must provide new merchant ships to the unsubsidized fleet as well as to the subsidized. That way we will liven the industry with competition. We have looked at and know we must change the cargo preference laws. We want the industry to grow, we want more ships and we don't want to give all the cargo to just a few of these. For if we carry out all these programs, there will be plenty of cargo to go around for a fleet five times that of today.

This is what has to be done. What have we done so far? Last year we debated, persuaded, argued, fought, and finally succeeded in passing a bill to create an independent maritime administration. We passed it overwhelmingly, and we lost it to a pocket veto. We will try again. President Nixon appears not to have any maritime policy—although the Republican Platform promised us the world. But we will try again. We had a strong merchant marine program in the Democratic Platform, too, and the Democrats in the House of Representatives intend to see that the promises in that Platform are honored.

One hundred and forty Members of the 91st Congress have sponsored legislation to create an independent maritime administration. The Omnibus Maritime legislation introduced last year has been reintroduced and will hopefully be enacted in this Congress. There has been a great deal of varied legislation to stimulate growth and competition in the shipping industry. I am happy to tell you that in the Military Construction Appropriations of 1970, which was just before me in the Rules Committee, we are providing the first funds for shipyard modernization. Not enough funds, I contend, but a commitment at least, a start. Much more needs to be done, and I call on you to help see that it is done.

Keep the pressure on, keep information coming in. Remind your Representatives that other world powers, especially Russia, are building Merchant Marines as if it were the only mode of transportation left to the world. We should do the same. Hold the parties to their campaign platform. Don't let up. Don't give up. Together I hope and believe, we can bring new life to the Merchant Marine. Not life in some distant future, but here and now.

VIOLENCE AND EDUCATION

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. GOLDWATER. Mr. Speaker, during these days of chaos and crime in our streets, it is refreshing and interesting to hear strong but sensible words from our Nation's foremost law-enforcement officer. A recent speech by Los Angeles County District Attorney Evelle J. Younger should be carefully listened to by every American.

Mr. Younger was elected as district attorney in November of 1964 and was reelected in June of 1968.

He has served as both a practicing attorney and a law instructor. He has additionally authored numerous articles and has been active in many community volunteer fields.

It is with a great amount of pleasure that I present the remarks of District Attorney Evelle Younger:

VIOLENCE AND EDUCATION

(By Evelle J. Younger, district attorney of Los Angeles County, at the Law Day exercises, Glendale Civic Auditorium, May 1, 1969)

Ten years ago, violence was one subject, education was another. Today, unfortunately, this is no longer true. We all must be shocked, amazed and discouraged at the present state of affairs. How did it come to pass? In my opinion these are the ingredients that produce violence and destruction on campus at all levels of the educational establishment from grade school through graduate school.

First, we live in a permissive society. Many Americans have apparently believed that the best way to preserve our ideals and institutions is to constantly attack them. I believe, in recent years, we have been unduly tolerant toward those in our midst who perpetrated illegal and often violent acts. There has been a tendency on the part of many an individual to act as though he was his own Supreme Court. Many persons have adopted the attitude that they will obey such laws they like and ignore those they don't. Assaultive behavior has been permitted on many a campus that would not have been tolerated on skid row. The college newspaper at one of our great universities editorially urged students to smoke marijuana in defiance of a law making such an act a felony. Prominent professors, ministers, and professional men have repeatedly urged young people to disobey laws they consider to be immoral. Is it any wonder that many young people are convinced they can make their own rules?

And the irony of it—a professor in our community has for several years advocated that violence was justified if the end that was being sought was a noble one. During a recent incident at one of our local colleges in Los Angeles County, he took shelter in his locked office as rampaging students took over the building. He was among the first of the faculty to phone and demand police protection. He is brilliant in some respects but too confused to appreciate the possible connection between his earlier pronouncements and present student misconduct.

Secondly, we must face the fact that some of our schools are substandard. Our educational system isn't perfect. Education isn't always relevant, if I may borrow a word used with monotonous regularity by the militant often without knowing what it means. Many times when students protest and demonstrate, they have a legitimate beef. Unfortunately, our worst schools are often in areas where they need the best facilities and teachers. In Los Angeles County in some of our low income areas, attended mostly by children of minority groups, the dropout rate is extremely high. Rarely does a student go on to college. Apart from considerations of humanity and justice, we cannot afford to allow this to continue. Ninety-five per cent of the inmates of prisons throughout this land are high school dropouts. A dropout with no salable talent is most likely to end up on relief or in trouble with the law. Enlightened self-interest should compel us to take whatever steps are necessary to insure that every youngster in our nation gets a good enough education to allow him to get and keep a job.

In that connection, it is not possible; but, it would be logical if we could move say, Beverly Hills High School, to East Los Angeles and one of the schools in the eastside to Beverly Hills. With the superior facilities and personnel, we might raise the educational level on the eastside without doing major damage to Beverly Hills youngsters. Beverly Hills youngsters generally come from successful families where there is no language problem. When those students start to school, they have pride and ambition; and relatively speaking, they will do well in any educational institution. A child from a depressed area, from a family with limited education and an unstable employment history at best (often, parents on relief or in penal institutions, at worst), starts school with little chance, hope or even desire of getting that high school diploma. If you add a language problem, the child's chances are nil.

Thirdly, administrators, from the college president on down to the junior high school principal, are, generally, untrained and completely unqualified to cope with the problems they are facing today. As one high school principal stated the other day, if he wanted to fight, he could join the army. In virtually every major university in the country today, armed guards are on duty at the entrance to the president's office. This is disturbing and not at all in keeping with the traditions of scholarly life. Historically, one going into the teaching profession had reason to expect a relatively tranquil existence. The teaching profession has never paid a lot of money and professors don't expect to get rich. But they generally have, in the past, found happiness and gratification in, what was a relatively calm and peaceful existence providing opportunity to serve and enrich our nation by imparting knowledge. That is all changed. Teachers now are frequently the victims of assaultive behavior—often the subject of violent obscene behavior and criticism from those they serve. Even if a teacher could physically cope with some of the problems, his or her right to do so has been eroded in recent years.

By the same token, we haven't trained many principals or college presidents in such subjects as mob psychology, guerrilla tactics and such things as they may necessarily have to know now if they are now to be effective. Being untrained in this regard it is natural that many sometimes exercise poor judgment. For example, there is a general tendency to underreact to violence and threats of violence. Too often a college administrator will hesitate to call for police assistance in the early stages of a potentially violent situation when violence might be prevented. Too often, professors or students advise, "Don't call the police, you will just antagonize a great many students and make the situation worse." Well, I recall the first time that approach was used. The then Chief of Police, William Parker, Head of the Los Angeles Police Department, was told, just prior to the Watts Riots by a number of ministers and others who considered themselves community leaders, that they would keep the situation calm and reduce tensions if only the Chief would not move his forces into the area. The Chief certainly and understandably wishing to avoid violence if possible and believing that the community leaders might have some influence on the situation (which as it developed, they didn't), accepted the advice and kept the police forces out. That decision may well have been the major cause of the Watts Riots. Looking back now, all law enforcement in our community is in general agreement that it was a mistake not to apply massive but restrained force—police force—to the area immediately. Let me add, I am not criticizing Chief Parker. After all, he had no experience handling a major riot. Neither had any other chief of police in the nation at that time. We learn by our mistakes in the past. Hopefully and presumably, our police forces would not underreact if a similar situation arose again.

Presumably, after learning the hard way, a high school or college administrator would call in police forces at an appropriate time without waiting for the situation to get out of hand. In that connection, academicians, who generally and properly abhor violence and shun the physical as opposed to verbal approach, seem to be learning that there is no such thing as an insignificant crime. There is no such thing as a harmless violation of the law. If you permit students to lock a college president in his office without punishment, where do you draw the line? Do you allow a student to physically attack a teacher if he only breaks a nose and causes no permanent injury? Will he be permitted to set fire to the administration building so long as he does damage to only one or two offices? How many buildings must the students occupy before action is taken? College presidents and academicians generally would answer these questions a lot differently today than they would have ten years ago. I believe that most people have come to realize that while dissidents have a right to be heard, they do not have a right to accomplish by force what they fail to accomplish by persuasion. I believe the tragic death of Senator Kennedy may have persuaded many who were not previously convinced that violence cannot be tolerated. It is frighteningly obvious that a political assassination is a logical extension of blocking doorways, destroying property, or setting fire to school buildings. The only difference between hitting a teacher in the nose and killing a United States Senator is one of degree.

As a matter of fact, it is apparent that many persons, with responsibilities in connection with their educational institutions in this country, would like to have a chance to do some things over that they did some time ago. The Regents, for example, at the University of California, would certainly vote differently today than they did vote five to ten years ago on certain major issues. A member of the L.A. City Board of Education, who shall remain nameless, made a confession to me the other day. Some months ago, when we indicted certain individuals, including one school teacher, for what we charged is a criminal conspiracy in connection with the eastside school blowouts, the teacher was suspended from teaching duties which was the procedure up to that time. There were a number of demonstrations and sit-ins and the Board was subject to a good deal of pressure by a militant minority of students and adults from the eastside. As a result, the Board voted to reinstate the teacher. This was clearly a victory for the militants. This Board member told me that he now realizes that he made a mistake and would like to have a chance to vote over on the issue.

The fourth ingredient that goes to make up the total picture are the teenagers. Today's teenager is different than any of his predecessors. Teenagers today are firmly convinced that they know more than their parents or adults generally about the problems that confront us. You say, "So what's new, I thought the same thing when I was a teenager." Well, the thing that makes the difference is the fact that today's teenager may be right. The knowledge gap between today's teenager and the adult population is narrower than it has ever been before. To put it another way, we have produced the best educated teenage generation in this or any other country since the beginning of time. And, of course, as might be anticipated, while they are generally willing to admit their brilliance and high level of education, they give no credit or see no causal connection between that happy state and the much maligned educational system which produced them; and they certainly give no credit to that much maligned group, their elders, who financed it. In any event, while they are highly educated, their judgment probably is no better than my judgment or your judgment was when we were teenagers. So you start with that and add to it the time factor. Today's teenager not only has the educational background, but he has the opportunity and time required to critically examine all of the adult institutions and activities. We certainly give them plenty to criticize because we have made many mistakes. There is much wrong with our society. We have had over fifty wars of varying sizes and shapes throughout the world since World War II ended and we are now engaged in a very difficult and unpopular war in Vietnam.

Today's teenager has lived constantly with the knowledge that if World War III breaks out, our nation, the most powerful in the history of the world, might see 50 million of our countrymen killed. The draft and an 80–100 billion annual military budget seem to be permanent fixtures. We have social problems throughout our nation, problems in big cities that seem insurmountable. There is no question but that we have done less than a perfect job in solving the problems that beset us. I don't think we have done any worse job, of course, than our fathers or our grandfathers or our great-grandfathers did in problem solving; but, as I say, we didn't have as much time, when we were teenagers as does the present teenage generation, to critically examine the mistakes that were made by the adult establishments.

You must understand that I am not one of those who believes that a student ought to be forced to walk six miles to school through high snow drifts in order to become a worthwhile individual. I, for example, grew up in Hastings, Nebraska, and I delivered the Omaha World Herald at five o'clock in the morning, winter and summer, sometimes when the temperature was ten or fifteen degrees below zero, and I don't think it did a darn thing for my character. I think I would have been better off home in bed. I would have made better grades and learned more in school. The fact is that I had to work my way through school as did most of you. Today's teenager, today's college student, is usually either receiving a generous allowance from home or is on a full tuition scholarship with his education being financed by the Federal government, state government or some private foundation. In any event, he has time to study; he has time to contemplate; and he has had time to develop the art of criticism as it has never been developed before.

So, you have the highly-educated teenager with time on his hands and a high degree of social consciousness and impatience with what appears to be too slow progress in solving people problems, and you have a group of teenagers that are easy prey to the professional troublemakers.

That is the next ingredient, the professional troublemakers. You find them on every campus either as students or as persons from off campus who have just come to help the students resolve some of their problems. You will find them involved in every act of violence, every campus disturbance. If, for example, you have five hundred students in a belligerent mood, marching toward the administration building, you will find these professional troublemakers in front of the five hundred. Who are they? Well, a very few will be professional, dedicated Communists who know exactly what they are doing. They are highly trained, motivated and are carrying out preconceived plans to disrupt the campus and all parts of the educational and governmental machine. There are not many of them and they couldn't carry off a violent demonstration by themselves unless they were backed up by a great many young people whose hearts are pure, whose motives are of the highest, whose judgment is faulty and who have somehow become involved in violent and criminal conduct without knowing really quite how it happened. Alongside the Communists, you will have a few professional revolutionaries—a few hate-filled, dedicated extremists—who couldn't care less about communism. But, they are headed in the same direction as the Communists. They want to destroy our governmental and educational systems. They regard our society as a racist society and they argue that it can't be changed, that it can only be destroyed.

The Communists and the revolutionaries alone can't do much damage. Out of a group of five hundred, there will probably be a very small percentage that will fit into those categories. The vast majority, probably 475, are young people, mostly students, who, if they survive these dangerous days and these traumatic experiences without any serious injury or prosecution, will become responsible, productive adults, productive in the sense of contributing to society. I am not talking in terms of money. Most of them will eventually get married and settle down and start thinking in terms of buying their own home and raising a family and putting a little aside so that the kids can go to college. This is part of the traditional American dream. Man has been thinking along those lines since he first moved out of the trees into caves. But, meantime, these are trying times for the youngsters as well as the adults. They are impatient, they are frustrated, they are discouraged, they are anxious to contribute, and, as I say, they too often fall easy prey to professional troublemakers.

To all of this we add one other ingredient and it is the fact that if teenagers are different today, so are teachers. Traditionally, a teacher was completely devoted and dedicated to the profession. It was regarded as a high calling. No amount of deprivation or discomfort was unbearable to a dedicated school teacher. Salary was of little consequence. If adequate physical facilities were not available, the teacher suffered but didn't quit, didn't protest unduly. Those days are gone forever. Now, teachers are demanding, and I think properly so, that they be paid a decent wage and be given reasonable working conditions. They, too, ought to be able to own a home and send their kids to college. And like nurses and members of other professions that traditionally have never organized on the basis of self-interest, they are now doing so; and in certain cases, where it is necessary, some of them are even going on strike. The problem is often that you will have a teacher's strike and a student demonstration going on at the same time and the situation is that much more dangerous and explosive.

You put these all together and they spell trouble, big trouble; trouble that is not going to be ended soon. I think I have described the problem accurately. I have raised the questions. I wish I could describe the solution as well as I can describe the problem. There is no simple, easy solution. I do, however, suggest one thing. We must adopt an attitude without which there can be no permanent solution. I suggest that this attitude will have to reflect the firm convictions of all the responsible citizens. Maybe commitment is a better word than attitude but we must be completely and utterly devoted to the proposition that we are going to achieve needed social reform and, at the same time, insist upon obedience to the rule of law. There is no question but that social progress has been slow and must be speeded up. There is no question that there has been prejudice and discrimination in many areas, including the educational field, which must be eliminated, completely and quickly. We must admit our mistakes and our shortcomings and pour the necessary money, talent and dedication into a massive effort to effect necessary changes. But, we must, at the same time, recognize that there can be no social progress except in an environment where law and order prevails. It is equally true, of course, that without social progress we cannot maintain permanent peace and tranquility in our nation. We cannot hire enough policemen to provide security unless we take steps to eliminate the basic causes of much of the dissatisfaction felt by the young people and other citizens today. While admitting our shortcomings, and acknowledging the necessity for improvement, we are going to get rid of our inferiority complex and stop apologizing to students and everyone else when we call for an application of police power to maintain law and order.

The law enforcement profession is the second oldest profession. As soon as man started to move around and meet other men from other tribes, he found himself vulnerable. There was always somebody with a bigger club or with a stronger arm to take his wife or cave away from him. So people hired policemen to do for them what they could not do for themselves. Police are still performing the same function today. They are protecting lives and property. Were it not for the police, a man with the toughest gang or the most guns could take our lives or our homes or our property. The police prevent it. The police preserve and protect lives and property and their obligation doesn't end at the edge of the campus. Lives and property on campus are just as precious as off campus. Furthermore, we must get rid of our inferiority complex and our guilt feeling about something that happened many years ago. We must insist that everyone, whatever their color, whatever their religion, no matter that they may have been the victim of prejudice or discrimination, notwithstanding the fact that our great-great-great-great-grandparents may have been cruel to their great-great-great-great-grandparents, obey the law. We must say, "We are sorry and we are going to try to solve some of our problems. But while we do, everyone—man, woman and child, black, brown, yellow or white—is going to follow the rules. And where there is a violation, we will move promptly and vigorously to apprehend and prosecute the persons who commit the violation." In other words, we are making a total commitment to social progress within the framework of law and order.

And our citizens, particularly our young citizens, will face a brighter future because of our insistence upon obedience to the law. The world they take over will be a better world. It certainly is an imperfect world now; our government is not a perfect government—it is just the best ever devised by the mind of man. And our educational system isn't perfect; it is just the best in the world. We educate more people and educate them better than in any other place in the world. We recognize shortcomings and will try to improve them. But we are absolutely committed to the proposition that improvement will take place within the framework of law and order. No one ever improved an educational institution by burning down the buildings on campus. No youngster ever got an education carrying a sign on the sidewalk in front of his school.

THOMAS E. McNETT—VICTIM OF BURBANK TRAGEDY

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. CORMAN. Mr. Speaker, a shocking, tragic occurrence on July 30 in Burbank, Calif., took the life of Thomas E. McNett, president of district 727 of the AFL–CIO International Association of Machinists and Aerospace Workers Union.

In the space of a half hour in a senseless and brutal act, Tom McNett and two workers at the Lockheed-California plant were shot by Isaac Jernigan, Jr., a templatemaker at Lockheed and a member of district 727 union. Jernigan descended on his Lockheed supervisor, Howard Domonoske, at the plant; shot and killed him. Eluding police units who were searching for him, he made his way on foot to union headquarters where Tom McNett and Leonard Nolan were sharing after-meeting refreshments with about 75 members of the district's retirement club. Jernigan shot McNett three times. He lived but a few moments. Nolan died instantly while attempting to halt the killer.

Jernigan had been charged with repeated safety violations by his supervisor, Domonoske. The union had intervened in his behalf with Lockheed. On the morning of the tragedy he had been reprimanded for still another safety violation. Apparently, his grievances against these charges triggered his deranged mind and led him to commit these murders. He is being held by the local authorities.

I had no personal acquaintanceship with Nolan and Domonoske, but I knew Tom McNett well. I am pained at their deaths and terribly distressed over the way they had to die. Mr. Speaker, it is fearful to contemplate the ease with which an unbalanced person can find the means to commit such a horrible deed. One can only hope that preventive action can be taken in some way to keep guns out of the hands of unstable people.

Tom McNett was a wonderful person. For 35 years he labored in the service of the International Association of Machinists. Just a few days before his death he had received word of his appointment to the grand lodge staff of General Vice President Robert Simpson. He was to assume his new duties on August 15. In the years that he served district 727, real progress that substantially benefited the membership was made under his leadership.

In commenting on the tragedy, the officers of Lockheed, in a special bulletin, said that they "have always had the highest regard for Tom McNett, considering him an outstanding union leader—that his loss will be felt personally by many members of the organization." Other messages of condolence and respect poured in from union members, and Government and community leaders throughout the Los Angeles area.

Tom McNett's death is a sadly tragic, untimely, and unnecessary loss to his family, friends, and associates. He will be sorely missed in the community. His devoted and effective efforts in behalf of the union membership will always be remembered. The remarkable leadership qualities which he possessed and his outstanding capabilities made it possible for the union and the management of the aerospace industry to work in harmony and in the best interests of all concerned.

My heartfelt sympathy is extended to his family, with the hope that time will lift their sorrow, and that the memories of an exceptional person will bring solace to them.

ENVIRONMENTAL NOISE POLLUTION: A NEW THREAT TO SANITY

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. COHELAN. Mr. Speaker, as we focus attention on the traditional values of clean air, pure water, and beautiful scenery, and as we determine to protect and to improve these aspects of our environment, there is one element we may neglect—that of quiet.

Dr. Donald F. Anthrop, an active conservationist and distinguished chemist, has been analyzing the stresses of noise on persons and on property and investigating means of noise abatement.

In the May 1969 bulletin of the Atomic Scientists, Dr. Anthrop reminds us how insidiously noise has invaded our homes, our cities, our highways, and the space above us. He cautions especially about the noise hazards of the supersonic transport plane and the offense our military authorities perpetrate in refusing to follow civilian efforts to lessen aircraft noise levels.

Mr. Speaker, I insert Dr. Anthrop's article at this point of the RECORD, and hope that it will receive my colleagues' careful attention:

ENVIRONMENTAL NOISE POLLUTION A NEW THREAT TO SANITY

(By Donald F. Anthrop)

(NOTE.—Standards developed by the U.S. Air Force (the largest employer in the country with a very noisy environment) have led to a recommendation that ear "defenders" be worn if the noise levels exceed 85 decibels. What is not generally recognized is that the level of "ordinary" noise in a community frequently exceeds the 85 decibel level—which has been found injurious in industry. And the end is not even in sight. Just over aviation's horizon is the supersonic transport airplane and its sonic boom. Dr. Anthrop is a research chemist at Lawrence Radiation Laboratory, Berkeley, California. He is a conservationist, and is doing research in noise abatement.)

The sources of noise today seem almost limitless. From the kitchen in the modern home comes a cacophony that would require ear defenders in industry to prevent hearing loss. In a series of measurements made in one kitchen, a dishwasher raised the noise level in the center of the kitchen from 56 to 85 decibels, while the garbage disposal raised it to more than 90 decibels. A food blender produces about 93 decibels. Power lawn mowers and leaf rakers, outside air conditioners, and power tools such as saw contribute to the noise in the home. But for most Americans, construction and transportation sources, particularly trucks, motorcycles, sports cars, private airplanes and helicopters as well as commercial jets and military aircraft, are the most serious offenders.

CONSTRUCTION NOISE

Particularly in large cities, construction noise is a very substantial and seemingly continuous nuisance. This noise can be substantially reduced with existing technology and without great cost. In December 1967, Citizens for a Quieter City in New York demonstrated a muffled air compressor developed in Great Britain and used there for the past five years which reduced the noise level from 86 to 79 decibels at a distance of 25 feet. The compressor is enclosed in a plastic housing lined with foam plastic. This organization also demonstrated a muffled jack hammer which produced significantly fewer decibels. Tests at the British Building Research Station have shown that jack hammer noise can be muffled considerably without any great impairment of performance. Many European cities are already using muffled jack hammers and air compressors equipped with sound attenuating devices. Some of the techniques that can be employed were illustrated by the Diesel Construction Company in the construction of a 52-story office building in lower Manhattan. Foundation blasting was muffled with special steel wire mesh blankets, demolition was done during late hours and weekends when few people were in the area, and steel beams were welded rather than riveted together.

MOTOR VEHICLE NOISE

Transportation constitutes the principal source of noise in most American cities. There are now 81 million privately-owned passenger cars in the United States compared with 25.5 million at the end of World War II. Each year seven million of these wear out or are junked, but in the past few years an average of 10 million new ones have been produced or imported each year. Thus, the number of automobiles is increasing at the rate of nearly four per cent a year. As if 81 million automobiles didn't create enough congestion and noise, there are also 2.4 million motorcycles and 16.5 million trucks.

Motor vehicle noise has been primarily an urban problem. In a recent study of noise in Boston schools, a mean reading of 78 decibels was recorded in a school playground in downtown Boston. In Wellesley, a suburb of Boston, the noise level in the school playground was only 58. Thus, children in the city school were exposed to a noise intensity 100 times greater than the suburban Wellesley children. But the rapid increase in the number of motor vehicles, the production of larger noisier trucks, the construction of the interstate highway system, and the exodus of people from city to suburb has increasingly brought noise pollution to suburban areas and the countryside.

One of the most comprehensive noise surveys ever made was the London survey in 1961. Noise measurements were made at 540 locations in central London, and 1,400 residents at those locations were interviewed. At 84 per cent of the points traffic noise predominated. About one-third of the people specifically mentioned motor vehicle noise as a major irritant. Furthermore, traffic noise appeared to be as important an annoyance as all other noises together.

A number of surveys have established beyond doubt that the noise problem near high-speed highways arises principally from trucks, motorcycles and sports cars. In 1964 the California Highway Patrol conducted a series of tests along California highways in which noise levels of 25,351 passenger cars, 4,656 gasoline trucks, and 5,838 diesel trucks were measured. Noise levels of the passenger cars, measured 50 feet from the road, varied between 65 and 86 decibels with the average falling at about 76. On the other hand, noise levels for diesel trucks ranged from 68 to 99 decibels with the average at about 87.

ANTINOISE LAWS

The results of these various surveys demonstrate quite clearly that in order to achieve quieter living conditions, cities must reduce motor vehicle noise. Yet governments at all levels have thus far failed to achieve any meaningful reductions In 1965 the State of New York enacted a law limiting the noise a motor vehicle can produce at a distance of 50 feet to 88 decibels while traveling 35 miles per hour. In 1967 California enacted legislation which sets a limit of 92 decibels for motorcycles and trucks of three tons gross or more, traveling at speeds above 35 miles per hour. All other motor vehicles are limited to 86 decibels. That these limits are much too high is suggested by the fact that in 1961 California hired an acoustical consulting firm to make a survey of motor vehicle noise and to recommend limits consistent with existing technology and currently available noise measuring techniques. The firm recommended maximum limits of 87 decibels for trucks and motorcycles and 77 for other motor vehicles.

Even these lower limits were deemed to be easily attainable with existing technology. Furthermore, no valid argument has been advanced to justify higher noise limits for motorcycles than for passenger cars. There is no reason why a 50-horsepower motorcycle should be allowed to make as much noise as four 300-horsepower Cadillacs. Yet the new California noise law permits precisely this situation. Worse yet, the law is not being enforced, particularly with respect to motorcycles, which have become a real threat to sanity in city and back-county alike.

A substantial fraction of the motorcycles being operated in California today have altered mufflers or no mufflers at all, and many bear no registration plates. All such motorcycles are being operated in violation of the state motor vehicle code irrespective of any noise laws. The unwillingness of some local governments to use the tools already at their disposal to achieve quieter communities is a hindrance to the enactment of more effective noise control legislation.

The future of our cities depends in no small measure on how successful we are in reducing traffic noise and congestion. Three approaches are open to us: (1) reduce the noise of the source; (2) eliminate the source through the use of quiet, underground mass transit systems; (3) reduce the noise near freeways by depressing the roadway or constructing a sound barrier along the right-of-way.

While highway design features can greatly reduce the noise nuisance in communities near freeways, motor vehicle noise in our existing cities can only be reduced by quieting or eliminating the source. The origins of noise in motor vehicles are primarily direct radiation from the exhaust, inlet, engine, transmission and tires, and complex vibrations of the outer surfaces of the vehicle. The exhaust is the predominant source of noise in an unsilenced internal combustion engine. It has been demonstrated that complete silencing of the exhaust of a 10-ton diesel truck by means of a series of large mufflers reduces the noise 10 to 15 decibels in the low frequency range. Silencing of the engine inlet produces a smaller noise reduction but over a wider frequency range.

Control of noise produced by the engine structure is somewhat more difficult. One approach has been to build an acoustically-lined enclosure around the engine. In any case, the noise level of nearly all motor vehicles could be reduced by 10 to 15 decibels in the near future at small cost.

Finally, substitution of electrically or steam-powered vehicles for the internal combustion engine would not only result in a major reduction of urban air pollution, but would enormously reduce traffic noise. The brightest hope for the future clearly lies in such vehicles coupled with underground systems for the movement of goods.

AIRCRAFT NOISE

Since there are now nearly 1,200 jet airliners, about an equal number of piston aircraft, and more than 100,000 private airplanes in service in the United States, the aircraft noise problem has become very widespread. Today millions of Americans are affected by this aural assault: Congressmen Benjamin Rosenthal and Herbert Tenzer whose Long Island communities lie under the flight paths for La Guardia and Kennedy have warned that the mood of their constituents has become one of desperation, not just unhappiness.

The courts have held that insofar as the operation of aircraft is concerned, the federal government has preempted the field. A 1963 ordinance of Hempstead, Long Island which regulated the altitude and flight path of aircraft while over the city was ruled invalid in a 1967 court suit. Ordinances such as the recent one passed by the city of Santa Barbara banning supersonic flights over the city also would probably be declared invalid in a court test.

Noise levels in some communities near our major airports have become so intolerable that many residents cannot continue to live in those communities. Lawsuits totalling $200 million are pending in the courts. A few people have been awarded damages where it was shown that property values had declined or where some directly measurable economic penalty had been incurred. But generally, the private citizen has been able to get little compensation for the abuse he has suffered. Recently the airport operators, who consider the reduction of aircraft noise to be primarily the responsibility of the manufacturers, charged the airlines and manufacturers with smokescreen tactics on the noise abatement problem and withdrew from the industry-wide National Aircraft Noise Abatement Council.

One does not have to be directly under the flight path of a large jet on take-off in order to receive an ear-splitting roar. When a 707-320B jet is four miles from the point of brake release at the end of the runway it has attained an altitude of about 800 feet and the noise level on the ground one-half mile on either side of the flight path is approximately 85 decibels.

FEDERAL EFFORTS

Federal officials should not be surprised by the magnitude of the present problem. In 1952 President Truman received a report, "The Airport and Its Neighbors," from his Airport Commission. The Commission said greater consideration should have been given residents living in an area when airports were first built and that civil and military officials should make much greater efforts to reduce take-off noise over residential areas.

But federal officials are just now beginning to do something about the problem. In

August 1968, President Johnson signed into law a measure requiring the Federal Aviation Administration to undertake control and abatement of aircraft noise. The FAA was not particularly eager to have this responsibility, for the law appears to make the FAA liable for damage suits arising from aircraft noise.

The FAA has initiated noise control procedures at some airports, but until quieter engines are built, there is not a great deal it can do with regard to jet transport noise. The noise control procedures that have been implemented are directed almost solely at reducing the noise level in communities lying directly under the flight path while the plane is at low altitude. While reductions have been achieved in such communities, the result has often been to spread the noise around to other communities. This is precisely what has occurred at the Washington, D.C. National Airport where the FAA requires departing aircraft to climb as quickly as possible to 1,500 feet and then cut back the power and follow the Potomac River northward. Flights over the White House, the Capitol, the Washington Monument, and the U.S. Naval Observatory are prohibited. But since Washington National Airport is just across the Potomac River from the Lincoln Memorial, central Washington is still bombarded by the constant roar of jets, and communities such as Georgetown are now directly under the flight path. Why should residents of Georgetown be subjected to the noise while congressmen on Capitol Hill are protected from the din? If the congressional office buildings rather than residential communities were under the flight path, Congress would long ago have taken steps to end the nuisance.

The solution to the aircraft noise problem in the District of Columbia is to close Washington National Airport. Few people presently use Dulles because it is so far from the city, but it would be much more attractive if a rapid transit system connected the airport with downtown Washington. Furthermore, a substantial percentage of the traffic at Washington National Airport consists of Washington-New York and Washington-Boston commuter service. If high-speed rail service were available between these points, this traffic could be almost eliminated.

GETTING AT THE SOURCE

While flight procedures can bring relief to some communities, the only solution to the aircraft noise problem lies in quieting or eliminating the source. NASA is financing research and development to develop a new "quiet engine." Preliminary tests indicate the new quiet engine will reduce take-off noise by 15 decibels. In static tests with a Pratt and Whitney J-57 engine, Boeing claims to have obtained a noise reduction of nearly 40 decibels by use of acoustical linings in the engine. There are reports that the proposed European airbus will use advanced engines which will produce a 75 decibel noise level on take-off. For comparison, the Boeing 707-320B in normal operation (that is, in the absence of FAA noise control procedures) produces about 107 decibels on take-off. Clearly, then, the manufacturers can build quieter aircraft if they are forced to do so. When can we expect some relief? Manufacturers say the giant Boeing 747, scheduled for late 1969, is already in production and cannot be fitted with new engines even if they were available. The 747 is expected to produce a 100 decibel noise level on take-off. The airlines argue that to retro-fit existing turbojets with the new quiet engine would cost $6 million per plane and that they cannot afford it. Thus, if the present trend continues, we cannot expect any relief before the late 1970s. But by that time any noise reduction will be partly offset by the doubling of air traffic expected between now and 1975. The fact is that the present exasperating noise problem exists because the aircraft manufacturers and the airlines have operated on the basis of their own short-range economic interests and have failed to devote the efforts and resources needed to solve it.

If the already grave situation is not to become worse, some bold steps will have to be taken:

1. The federal government should provide a greatly increased funding level for quiet engine research so that take-off noise will be reduced by 40, not 20 decibels.

2. Whenever a substantially quieter engine is developed, the FAA should require existing aircraft to be retro-fitted with the new engine. If the airlines cannot afford the cost without increasing fares, then fares should be increased. The small percentage of the population that uses the airlines should be required to assume part of the burden for providing a livable environment for the millions of people who suffer from the noise but derive no economic benefit from it.

3. Particularly in densely populated areas such as the Northeast Corridor, the Chicago-Pittsburgh region, and the San Diego-San Francisco corridor, high-speed rail transportation could substantially reduce air traffic.

4. Future airports should be planned according to the principles used at Dulles International Airport and the new one now being planned for Dallas where 18,000 acres are being purchased to prevent encroachment of residential dwellings.

5. New airports should be located 20 or 30 miles from the metropolitan area, as Dulles International Airport is, and serviced by high-speed surface transportation.

FAA AUTHORITY

When Congress passed the Aircraft Noise Abatement Act, the FAA was clearly given authority to regulate noise from private planes. Yet the FAA has so far done nothing about this growing menace and has indicated little interest in doing anything. The light planes of today are more powerful and far noisier than they were a decade ago. Worse, there are a lot more of them. One can reasonably ask why a single businessman in an executive plane should be allowed to create a noise nuisance that irritates literally thousands of people in the communities along his flight path? Furthermore, noise from private planes is becoming a frequent intruder into the solitude of national parks and wilderness areas.

The present noise levels produced by light aircraft are quite unnecessary. The FAA should prohibit private planes from flying below 8,000 feet over populated areas and should require that all private planes be equipped with mufflers and acoustical materials to reduce engine noise.

While a feeble first step has been taken to reduce the noise produced by civilian aircraft, the deafening roar of military planes continues unabated, for the FAA does not have jurisdiction over military planes or flight operations. The Department of Defense has made no effort to develop quieter jet aircraft claiming that it cannot afford the weight penalty that quieter engines would impose. Instead of making a serious effort to reduce noise levels in communities near military installations, Defense has embarked upon a public relations campaign to convince the American public that they should not only tolerate but welcome this assault on their eardrums because the military establishment is defending them. This country's military brass seems quite willing to destroy our environment in the name of defending it.

A case in point is the Alameda Naval Air Station which lies adjacent to the city of Oakland, California in the very heart of a metropolitan area. Over 1.75 million people live within 12 miles of the runway. Berkeley and Oakland residents frequently find themselves rudely awakened early Sunday morning by jets streaking over the East Bay hills with afterburners blazing. If an aroused public demands the closure of some of these poorly situated installations, perhaps the Defense Department will be motivated to develop quieter aircraft.

SONIC BOOM AND THE SST

The worst is yet to come when—and if—Boeing's supersonic transport (SST), built with federal financing, goes into service in the 1970s. Whenever a plane flies faster than the speed of sound (about 344 meters per second) it generates shock waves which trail out behind the plane on both sides of its path. When these shock waves intercept the earth, they produce the thunderclap we call "sonic boom." Typically the boom is felt along a belt that extends 40 miles on each side of the plane's flight path. The severity of the boom depends on the plane's size and altitude, but there is no known way to eliminate the boom itself. There exists a common misconception that this sonic boom is produced only once when the plane first exceeds the speed of sound. In fact, it is produced continuously along the plane's path while it is in supersonic flight.

The whole SST program places in serious question the commitment of the FAA, the Department of Transportation and Congress to noise reduction. Thus far, Congress has appropriated $653 million for SST. Worse yet, on July 11, 1968 the Senate defeated an amendment to the Aircraft Noise Abatement Act which would have prohibited the SST from flying at supersonic speeds across continental America. The proponents of SST in Congress argued that prohibition of overland flights was unnecessary because the FAA probably would not permit such flights anyway. But the very fact that Congress was unwilling to legislate against sonic boom indicates overland flights by the SST are anticipated. And since the FAA is the agency responsible for the direction and funding of the entire SST development program, asking it to regulate sonic boom is like putting the fox in the chicken coop. The attitude of the Department of Transportation on the sonic boom issue is illustrated in a statement made by Major General Jewell C. Maxwell, the chief of the SST program: "We believe that people in time will come to accept the sonic boom as they have the rather unpleasant side effects which have accompanied other advances in transportation."

This is a myth which so far has survived scientific evidence to the contrary. Aircraft noise studies have shown that people become more intolerant of jet aircraft as the number of fly-overs or the duration of each fly-over is increased.

In order to assess public acceptance of sonic boom, the FAA conducted tests in Oklahoma City in 1964. During a six month period, 1,253 supersonic flights were made over the city. Oklahoma City was one of the most favorable locations the FAA could have chosen to get public acceptance of sonic boom since nearly one-third of the city's residents depend on the aviation industry for their living. Furthermore, no sonic booms were made at night—the really critical test. Yet 27 per cent of the people said they could never learn to live with the sonic boom and over 4,900 residents filed damage claims against the FAA. Most people found the booms more irritating at the end of the tests than at the beginning.

Operation of the SST over continental United States would not only shatter the solitude of nearly every park and wilderness area in the country, but could do extensive damage to some of these places as well. Between August 11 and December 22, 1966 some 83 sonic booms, several of which caused extensive damage, were recorded in Canyon de Chelly National Monument, Arizona. One of these booms loosened an estimated 80 tons of rock which fell on ancient Indian cliff dwellings and caused irreparable damage. Damage has also been reported in Bryce Canyon National Park, Utah.

Canada has already banned the operation of supersonic aircraft over its provinces. Both Switzerland and West Germany have indicated they will prohibit supersonic flights within their borders if their citizens complain.

BOONDOGGLE PROGRAM

The whole SST program is an economic boondoggle, the prime beneficiary of which is the aircraft manufacturing industry. The FAA has committed $1.3 billion or about 83 per cent of the estimated development cost and Congress has already appropriated half this amount. But low cost estimates and delays in the program now indicate the cost to the federal government will be at least $3.5 billion before the first plane is sold. The FAA talks glowingly of estimated sales between $20 and $48 billion, but not long ago the Institute of Defense Analysis issued a report which indicated that if supersonic travel were restricted to overwater flights, there would be a market for only 279 planes and the whole project would become an economic disaster.

Even if the SST is initially operated at supersonic speeds only on overwater flights, mounting economic pressures to expand the market for the plane will almost certainly result in overland routes across the United States. Former Transportation Secretary Alan Boyd has said: "I think it will be entirely possible to operate a route over the Plains area and possibly across the Canadian border without discomfort or inconvenience to people on the ground.

The operation of such a route would reduce the flying time between Chicago and San Francisco only about 30 minutes. If supersonic flight on overland routes is not restricted, 150 SSTs may be in domestic operation by 1990. Must 50 million people be subjected to perhaps 30 booms a day so that a few can reduce their travel time by 30 minutes?

While the abatement of much of the noise that presently plagues our society is in part a technical problem, both the impetus and the money for solving it must come from the political arena, and the sonic boom problem is entirely political. A quieter society will only be achieved when a concerned public demands a new system of priorities from the politicians.

COMMUNICATION WITH THE HANDICAPPED

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. DORN. Mr. Speaker, the Honorable Harold Russell, Chairman of the President's Committee on Employment of the Handicapped, delivered an outstanding address at Aiken, S.C. in my congressional district on July 22. I commend to the attention of my colleagues and to the American people the splendid and timely address of Mr. Russell:

ADDRESS OF HAROLD RUSSELL

It's a real pleasure for me to be here in Aiken, for at least half a dozen reasons.

First, I just like it here. I like your hospitality. I like your gracious ways. I hope I'll have many occasions to come back.

And second, I'm proud of South Carolina. Your State has the honor of being the first State in the Union to pass a law eliminating architectural barriers against the handicapped from all buildings constructed with State funds.

You started the bandwagon, and so far more than forty other States have jumped aboard with similar laws. And last year the Congress of the United States enacted a law calling for the elimination of architectural barriers in all buildings erected with Federal money.

And third, I've always been impressed with South Carolina's vocational rehabilitation program; with its innovations; and with its leadership, under Dill Beckman.

The fourth reason I'm glad to be here has to do with the Governor's Committee itself. Under the leadership of Chairman Dill Beckman of the Department of Vocational Rehabilitation and Executive Secretary Kathryn Lewis of the State Employment Service, this Committee has made a great impact on your State. It has built a favorable climate for the handicapped. It has stirred up interest. It has led the way to more jobs for the handicapped.

The fifth reason is your own Rehabilitation Workshop in Aiken, and all the fine things it has been doing to help the handicapped gain independence.

And the sixth reason—a very important one—is the part this workshop plays in the community. It is not isolated. It is not off by itself, apart from the mainstream. It is very much a part of Aiken's mainstream. The evidence is today's meeting—a "mix" of businessmen and professionals, of community leaders and workshop leaders. This is a "mix" that can only take place when a workshop has earned the support of the community.

This kind of a "mix" holds out much hope, not only for the handicapped of Aiken, but for all the handicapped of this country. Let me explain.

For some time now, I have been worried about a slow-down in our communications with one another—with a growing series of short circuits in our lines of communications.

Very often, government agencies seem to have trouble communicating with voluntary agencies, even those performing similar services. Sometimes this profession doesn't seem to be able to communicate with that profession. Sometimes labor can't communicate with management. Sometimes management can't communicate with labor. Sometimes professionals can't communicate with the community. Sometimes the community can't communicate with the professionals.

And sometimes none of us seem to be able to communicate with the handicapped themselves—to let them know about available services, to give them courage.

As a result of this Tower of Babel, sometimes the handicapped get hurt. They don't know where to turn. They find people tugging at them in all different directions. They find that very often nobody tugs at them at all; they end up as the Forgotten Men and Forgotten Women in a community filled with non-communicators, filled with the hot air of thousands of words signifying nothing.

I realize that some speakers have a tendency to "view with alarm," to paint black and forboding pictures. I am not one of them. This slow-down in communication is really having an effect on the handicapped. If you want evidence, let me cite an attitude survey of America, conducted by the well-known research firm of Roper Associates. They took a cross-section of a thousand American families and probed their attitudes about the mentally retarded, the blind and the crippled. Listen to the results:

Eighty-four percent of the families thought that the retarded belonged in institutions or at best in sheltered workshops—but certainly not in the regular labor force along with other workers.

Fifty-six percent thought the blind belonged in institutions or workshops, but not in the labor force.

Sixty-four percent thought the crippled should be in institutions or workshops, but not in the regular labor force.

Eighty-four percent, fifty-six percent, sixty-four percent.

Do you know what these people are really saying, when you look beneath the surface of their responses? They are saying: "We reject the handicapped. We don't want them around us. We want them away somewhere, anywhere—but away."

And do you know why this attitude of rejection is so prevalent in America? It ties in with the short-circuits in our communications systems.

When we stop communicating with one another, when we stop exchanging ideas with one another, when we board ourselves up in our own ivory towers—that's when we stop understanding one another. And when we stop understanding one another, we also stop accepting one another. The result: rejection. The result: the kind of disturbing findings the Roper survey found.

What's the cause of all this?

I think the cause is tied in with the times we live in. Ours is an age of specialization. Ours is an age of a knowledge explosion we haven't learned to deal with.

Knowledge keeps piling up on knowledge to the point where we need computers just to catalogue it. This growing mountain of knowledge has forced us to become specialists. We find we're spending all our time just keeping up with our own specialties, no matter what they might be. We find we don't have the time to lift our heads to see the rest of the world.

This age of specialization has led to an age of fragmentation. Very often we stop seeing whole people. We see parts of people, relating to our own specialties. We tend to de-humanize our fellow human beings.

Take the field of medicine. There are brain specialists and eye specialists and nose specialists and throat specialists and heart specialists. You name it; there's a specialist for it.

Or take the field of the handicapped. There are employment specialists who are concerned only with the nine-to-five jobs of the handicapped. And recreation specialists who are concerned with after-five-o'clock recreational needs of the handicapped. And prosthetic specialists more concerned with a man's limbs than with his heart.

When we tend to fragment people in this way, we tend to stop seeing them as whole people. Instead, we see them as creatures bearing the tags of "retarded" or "blind" or "crippled." It's easy to reject these tags. But it is not easy to reject those we get to know as total and complete human beings.

And so, for the sake of human understanding and human acceptance, somehow we've got to break out of our straitjacket of specialization. Somehow we've got to make a complete turn-about, to begin seeing people as they really are. We've got to do it for the sake of the handicapped—and for our own sakes.

But how . . .?

We can do it by leaving our own sheltered backyards and visiting other neighborhoods, other worlds. We can do it by making a conscious effort to communicate with one another—labor with management; professional with volunteer; young with old; all of us with the handicapped.

Communicate. Break out of our bonds. Lift up our heads. Cross over the lines that separate us. Forget our specialties. Forget the tags of disability we attach to people and, instead, see the people themselves, the living people.

That brings us to this Rehabilitation Workshop in Aiken—and to the entire sheltered workshop movement in America.

We've all heard plenty of words spoken about the role of sheltered workshops in this country—as a means of preparing the handicapped for outside employment; as a means of providing jobs for the handicapped who cannot hope to compete in the outside world; as a means of evaluating the work potential of the handicapped; as a means of providing rehabilitation and work conditioning and training, and all the rest.

But I see another role for workshops—a role that is admirably being filled by this Rehabilitation Workshop in Aiken.

It is the role of the "Common Meeting Ground." It is the role of a place where diverse interests, diverse forces, diverse people, can meet. It is the place where businessmen can rub shoulders with rehabilitation people; where volunteers can rub shoulders with professionals; where all sorts of groups can come to escape their specializations, and mix with others.

Most important, it is the place where all segments of the community can come to see handicapped fellow-citizens as they really are—men and women, with human hopes and human aspirations and human abilities. It is the place where the handicapped can shed the "tags" that set them apart, and reveal themselves as our brothers and our sisters.

Workshops can serve as great forces for human understanding in this country. And this Rehabilitation Workshop, with its emphasis on reaching deep into the community, can point the way.

And the results . . .?

The results will be a new day dawning for the handicapped—a day when they will be accorded the treatment they really want.

You see, the handicapped don't want to be treated as "different." They don't want to be shunted to the sidelines because of "difference." Neither do they want special privileges because of "difference."

They want to be treated as people—purely and simply as people. They want the chance to rise or fall on their own merits. They want the chance to prove themselves—a chance that should be a birthright of all Americans. They want the chance to be looked upon not as "retardates," not as "the blind," not as "crippled"—but as people. What a beautiful word: *people*.

This is our goal, here in Aiken, and in cities and towns all over America. It is our goal, not only for the handicapped but for all human beings. It is the goal of the equality of all mankind—the goal expressed so well in a certain document in the Archives Building in Washington, which says that all men are entitled to certain unalienable rights, among these being the right to life, liberty and the pursuit of happiness.

All men. The handicapped, too.

CAPTIVE NATIONS RESOLUTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. RARICK. Mr. Speaker, during Captive Nations Week, the Chicago Captive Nations Committee adopted a resolution, which I feel should be of profound interest to our colleagues.

Mr. Speaker, I insert the resolution of the Chicago Captive Nations Committee in the CONGRESSIONAL RECORD—the official proceedings of the U.S. Congress—at this point:

RESOLUTION, JULY 19, 1969

Whereas, the Senate and the House of Representatives have authorized the President of the United States of America to proclaim a Captive Nations Week, and whereas the Russian and Chinese communism continues to build up its vast colonial empire and threatens the peace, security, and independence of the Free World, carrying out subversive conspiracies in Latin America, Africa, and even in our own country, conducting open, aggressive warfare in South Viet-Nam, neighboring countries of Laos, Cambodia, and Thailand, having made deep inroads into the Arab countries, and building up its threatening military power in the area of the Mediterranean;

Now, on the occasion of the 10th anniversary of the Proclamation of Captive Nations Week, we feel a particular urgency and a sacred obligation to speak on behalf of the millions of human beings under the tyranny of the communist colonial empire.

Therefore, be it resolved by the Chicago Captive Nations Week Committee, to urge the United States to assume the role of leadership by taking a course motivated by the most sacred human obligations; the horrible fact that one-third of mankind is already enslaved by the communist imperialism necessitates a new policy which would encourage the aspirations and movements for national self-determination of all enslaved peoples by an expressed and unequivocal commitment of the United States of America to support, by all means possible, such aspirations for national freedom;

Be it further resolved, that in view of the indivisibility of freedom and peace, the restoration of the sacred rights of all the nations based on principles of democracy, self-determination and sovereignty within their respective ethnic boundaries, is of paramount importance to establish freedom, security, and stability of the entire world. Consequently this policy is in the best interest of our country for the present and in years to come,

Be it further resolved, that we at this very critical and perhaps fatal moment for the entire free world support unreservedly the United States' resistance to Communist aggression in South Viet-Nam and the building up of forces of freedom in that part of the front of the free world; in this spirit we salute the members of the United States and Allied Armed Forces.

Be it further resolved, that following the anniversary year of the Proclamation of Human Rights and in view of the flagrant violations of these same rights by the Soviet Union through the suppression and occupation of Czechoslovakia during that very year, the United States Ambassador to the United Nations place on the agenda of the United Nations the following demands:

1. the abolishment of slave labor, mass deportations, all concentration camps, and all forms of genocide,

2. to guarantee a free return to their countries all the deported and exiled who survived the communist ordeal,

3. free elections for all enslaved nations under the supervision of the United Nations Organization,

Be it further resolved, that we oppose the admission of the Chinese Communist regime to the United Nations Organization;

Be it further resolved, that we oppose "One-way Bridges" and the opening of a Russian Consulate in Chicago;

Be it further resolved, that since every nation has the right for self-determination this right belongs also to the Biafras; in the name of humanity we most urgently appeal to the United States government to help the suffering and starving human beings being murdered in masses by the Nigerian aggressors, armed by the Russian barbarians and the British labor government.

Be it further resolved, that special efforts must be made by the United States towards an awakening and strengthening of all moral forces, particularly at a time when we are warned by the burning martyrs in the interest of freedom; it is frightening that at this time we are faced by an unparalleled loss of ethical concern and incredible callousness towards the enslaved, abandoned to their ordeal,

Be it further resolved, that the United States government stop building up the communist empire, particularly the Soviet military power by selling it important military equipment,

Be it further resolved, that the United States government stop trading with the communist countries because in so doing, it helps them to tighten their grip on the enslaved; whatever is gained at great risk by the desperate, enslaved men and women through sabotaging Soviet economy is completely destroyed through trading,

Be it further resolved, to appeal to the United States authorities to undertake utmost efforts in the interest of the sacred values in cultural, social, and educational institutions so vital for the preservation of freedom. It is appalling to see how free men let themselves be used in the portrayal of anarchism, nihilism, defeatism, amoralism, pacifism, and atheism in the service of the blood-stained Red Empire,

Be it further resolved, that this Committee reiterates its support for the establishment of the permanent Captive Nations Committee (House Resolution 211) and Freedom Academy; there is a desperate need for a forum in which the free world would have confidence; the U.N. has failed to be such a forum to handle the issues of injustice and crimes against humanity; the recent appeal of 54 citizens of the USSR which has been ignored up to this day speaks for itself; the Unesco's decision to commemorate the centenary of Lenin by peddling this criminal as a humanist is an insult to the civilized world community and reveals the real interests of this organization; by the establishment of a trustworthy forum, the United States will prove to the entire world that it will not cease in its efforts until all the Captive Nations are able to enjoy their God-given rights in their sovereign states.

WITH BARE HANDS?

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. GAYDOS. Mr. Speaker, the recommendation of the President's Violence Commission to remove more than 90 percent of the 24 million handguns from private citizens has generated a new wave of concern across the country.

In a recent editorial from the McKeesport Daily News, John Orr raises some very pointed and thought-provoking questions on this issue.

I invite the attention of my colleagues to the editorial and submit it for the RECORD at this time.

The editorial follows:

WITH BARE HANDS?

Should the American be deprived of the means of defending his home and family?

This is the big question raised by Chairman Milton Eisenhower and the National Commission on the Causes and Prevention of Violence in the report made public this week.

The commission claims a "domestic arms race" has turned many homes into arsenals and created a situation so dangerous that governmental action is necessary. It estimates that 24 million pistols now are in private hands.

In order to meet this problem, the commission would have the government make possession of such weapons illegal and spend a half billion dollars in claiming them. The states ought to be prodded to act, the commission says and, if they fail to do so, then Uncle Sam should step in.

But are pistols in the homes of law-abiding citizens the real problem concerning violence? Or is the problem in the lawlessness that has made many people afraid even in their own households and induced them to arm themselves? The Eisenhower commission would better have served the nation if it had concentrated its attention on what has made so many citizens want guns.

The commissioners should know that any law restricting the possession of firearms operates against the decent, well-behaved person and in favor of the lawbreaker. The criminal will not obey a gun law anymore than he obeys other laws and, therefore, he will end up armed with his law-abiding and thus gunless victim placed more at his mercy.

Violence in our country is not the result of the good citizen having a handgun in his home. It is the result, instead, of a combination of governmental faults ranging from official paralysis in the presence of rioting to the coddling court decisions which have hampered the police.

The Eisenhower probers should have gotten at the heart of the matter instead of subscribing to that questionable proposal of the extreme leftwingers that the people should be disarmed, an idea that is being pushed at every opportunity here as it was pushed in Nazi Germany and Communist Russia when the dictators took over. Why do millions of Americans now believe they need a gun in their homes? What has scared them? The Eisenhower report evades these questions in order to come down hard on the side of the gun controllers.

We quote one part of the report:

"At least in major metropolitan areas, the federal system should not consider normal household self-protection a sufficient showing of need to have a handgun."

What, indeed, would constitute a greater "showing of need" than the safety of a person's household? Would Mr. Eisenhower and his colleagues have an American stand helpless at his doorstep? Would they have him sacrifice rather than defend his family in case of danger? Or would they expect him to meet with bare hands an attack by armed intruders? Their report makes you wonder.

THE COLLEGE LOAN CRISIS

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mrs. CHISHOLM. Mr. Speaker, I read the following article in the August 4, 1969, edition of the Washington Evening Star. I think it is of extreme importance to all of us who are interested in higher education and in the crisis on the college campuses today. I insert it in the RECORD at this point:

COLLEGE LOAN CRISIS AT HAND, ACTION LAGS

(By Barry Kalb)

The impending crisis in the higher education loan situation contains all the elements for magnificent congressional debate, but there is no time for it.

At present, there is almost as much talk on Capitol Hill about getting students into college—by enabling them to secure guaranteed loans—as about kicking some of them, the disrupters, out.

But only nine days remain before Congress adjourns for its summer recess, and when the lawmakers reconvene Sept. 3 it will be too late to provide much help for student loan applicants.

By that time, college registration will have begun, and tens of thousands of marginally affluent college hopefuls will find their educational experience limited to a lesson in the politics of economics.

The situation in the Washington area is indicative of the overall problem. The District government has a record amount available for guaranteed loans this year, but fears the ever-increasing number of college students will overwhelm the fund. Maryland is barely holding its head above water. It must make special payments to banks for each student loan. Virginia students are having a particularly rough time obtaining loans.

The crisis was triggered by the rise in the prime interest rate, the interest banks charge their best customers.

Every state, and the District, has a system for guaranteeing loans to students. In some cases the state guarantees the loan, in others the federal government insures the loans, and in still others, a private organization called the United Student Aid Fund makes the guarantee under contract with the state.

Lending institutions contend that they make less money with their money if they lend it to students, because of high handling costs. But because the guarantee system assures them of getting their money back, even if the student defaults or dies, the institutions are willing, in their words, to "perform this public service."

They do insist on breaking even, however, and this is a major factor in the crisis. The amended federal Higher Education Act of 1965 cannot guarantee a loan over 7 percent interest, and the prime rate is currently at 8½ percent.

The result: Lending institutions are claiming they cannot afford to lend money at 7 percent, guaranteed or not, and young applicants are receiving rejection notices instead of money.

Congress is debating remedies to the situation. But observers are afraid that all manner of outside factors—student unrest, fiscal economy, spending priorities, federal subsidies to banks and the like—will be brought into the argument, and nobody sees much chance of legislative relief before the recess.

It is difficult at present to measure the full impact of the crisis, since many students are still in the process of applying for loans. But things are already beginning to look bleak.

The National Council of Higher Education Loan Programs estimates that between 150,000 and 200,000 students will be unable to obtain loans if the government does not act promptly.

This is not necessarily an accurate measure of how many will be denied college, since many of these students can be expected to obtain aid elsewhere or squeeze through on a reduced budget.

Nonetheless, things are at a critical point. Allen Vanderstaay, assistant director of the division of student finance for the Department of Health, Education and Welfare, says banks all around the country are tightening their loan policies.

This is taking two major forms, he says: Some banks are not granting loans to new borrowers, which means incoming freshmen are bearing the brunt of the loan cutdown. And some banks are granting loans only to students whose parents have had longstanding accounts.

Some banks are applying both of these measures, he says, and some have cut off even those students who have borrowed from them in the past.

Washington-area schools have already begun to receive letters from desperate students, although none is willing yet to predict just how bad things will become.

A Georgetown University law student has been unable to obtain a loan from a Maryland bank which has lent him money for the past two years; a George Washington University senior from Costa Mesa, Calif., has been getting the runaround from a bank he has borrowed from for three years and his father has dealt with for 25; a Casper, Wyo., man accepted by GW law school was told the state was unable to guarantee his loan.

Col. Tom W. Sills, director of student aid at American University, says the situation is the worst he's seen in his seven years at AU. William Patterson, Sills' counterpart at GW, says simply, "Things are real tough."

The universities say the general loan situation in the District, Maryland and Virginia is "fair to poor," although the loan directors of the three jurisdictions minimize the difficulties.

Robert A. McCormick, director of the District Loan Insurance Program, says a record $2.4 million is available this year for guaranteed loans, but he still fears demand may exceed supply.

The District program was begun during the 1967–68 school year, and 1550 loans for a total of $1.7 million have been made since. These 1550 students represent 99 percent of eligible applicants, he says.

The District is unique in having a pool of money, contributed by local banks and disbursed directly by the loan office. In effect, each bank holds a piece of each loan.

Originally, 12 of the city's 14 banks participated, but two have recently dropped out. To make matters worse, McCormick complains, none of the city's savings and loan companies will participate in the pool, even though all are authorized by law to do so.

Maryland, according to James Leamer, executive director of the Maryland Higher Education Loan Corp., has been able to hang on because of a special provision, enacted the first of last month, which allows the state to pay a $25 "incentive" fee to banks that agree to make loans.

"This is the only reason we're holding our heads above water," Leamer says. "We're still going to see what crunch develops about the middle of this month."

Virginia is another story. GW's Patterson labels the state "simply terrible." Charles Hill, director of the Virginia State Educational Assistance Authority, is a little less harsh, but not much.

"Our lenders are being selective, no doubt about it," Hill says. "There's continued (bank) activity, but not at the level we'd like."

Hill says all Virginia banks for the last two years have restricted loans to students whose families are already customers. In addition, the state's banks grant loans only to students attending school in Virginia.

The scramble for guaranteed loans has been increased by a shortage of money available for National Defense Education Assistance loans. NDEA money, which is aimed at low-income students, is allotted to individual colleges after state finance experts determine how much each college in their state needs.

Statistics tell the NDEA story. During the 1968–69 school year, the states requested a total of $247 million in NDEA money. The government appropriated $190 million.

For the coming year, the states have requested $273 million. The outgoing Johnson Administration budgeted far less than this, and the Nixon Administration reduced Johnson's figure even more—to $155 million. The House on Wednesday raised this figure by $40.8 million, but this still leaves only $5.8 million more than last year, and Senate action on this budget before the Aug. 13 recess appears slim.

This throws an increased burden on the guaranteed loan program, and any help here must come from the federal government. The only method seriously considered at this time is for the government to give banks a 3 percent "incentive payment" on each loan, over and above the regular 7 percent interest rate.

U.S. Commissioner of Education James E. Allen, in testimony before the House Special Subcommittee on Education, said the administration favors this method over simply raising the interest ceiling for several reasons.

For one thing, the government would assume any payment over 7 percent, thus relieving the student of additional financial burden. If the interest ceiling were simply raised, the student would be saddled with the entire amount.

Allen also pointed out that the incentive payment rate "may be adjusted accordingly. This avoids locking in both the government and the student to what may be artificially high interest rates."

In addition, he said, this plan is "the least expensive method of the alternatives we have examined."

But some congressmen are unlikely to be impressed. If the administration bill ever gets to the House floor, it may well be blocked by such men as Rep. Wright Patman, D-Tex., a longtime foe of federal subsidies to banks.

Patman testified against raising the interest ceiling from 6 to 7 percent last year to meet a similar prime rate rise (it was done anyway). "The banks are so heavily subsidized anyway," said a member of Patman's office, "he feels 7 percent is plenty."

The bill may encounter the same kind of opposition in the Senate. If the bill makes its way through the Senate Education subcommittee to the full Labor and Public Welfare Committee, chairman Ralph Yarborough of Texas, who agrees largely with Patman on the issue of bank subsidies, may block it.

"The idea of subsidies to the bank instead of the student doesn't especially appeal to us," a Yarborough staff member says.

Harry Hogan, counsel to the House special education subcommittee chaired by Rep. Edith Green of Orgeon, notes another potential stumbling block to passage of the bill. Some liberal congressmen, faced with a further amendment to the Higher Education Act, may try to enact changes throughout, such as raising the $1,500 limit on a single guaranteed loan, he says. Debate on such measures could slow things down.

But the bill may never progress even that far. Sen. Claiborne Pell, D-R.I., chairman of the Senate Education subcommittee, is reportedly not particularly enthused about the bill, and may take his time in sending it along to the full committee.

A first step towards alleviating the crisis took place today when the Green subcommittee reported out an amended version of the administration's bill, to the full Education and Labor Committee.

The major change, written in by Rep. John Erlenborn, R-Ill., would be to adjust the incentive rate every three months, instead of every six months as recommended by the administration.

The full committee is scheduled to meet Wednesday morning.

The subcommittee sent a recommendation along with the bill that the committee take steps to rush the bill to the floor.

Banks are repeating their policy of last year and making loan commitments in anticipation of federal action, Vanderstaay says.

"The banks (last year) had every expectation that something was going to be done and went ahead and made the commitments. But they didn't make disbursements (before action was taken). So we're not sure how many of these present commitments will become disbursements," he said.

Is the situation as bad as it looks? Vanderstaay thinks so. "I'm hard put to prove it today," he says, "and I'm afraid we won't be able to prove it until it's a bit too late."

INDIAN EDUCATION AND SENATOR MONDALE AT ROUGH ROCK

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. FRASER. Mr. Speaker, the July issue of the Twin Citian magazine contains a fascinating account of Senator WALTER MONDALE's visit earlier this year to Indian schools in the Southwest.

As a member of the Special Subcommittee on Indian Education, Senator MONDALE has been particularly concerned about the need for greater control by the Indian people over the schools that are intended to educate their children.

The article is written by Gerald Vizenor, an American Indian and one of Minnesota's most talented journalists.

Because of this article's significance, I am taking this opportunity to have it reprinted in the RECORD:

INDIAN EDUCATION AND SENATOR MONDALE AT ROUGH ROCK

(By Gerald Vizenor)

("You damage a child still more when you destroy his first stone of identity, when you tell him his language is no good, when you tell him that his color is not right or imply it by surrounding him with people of a different color, habits, and status. You tell him that what his parents have taught him is no good, that he should not do so and so, or be what he is."—Karl Menninger, psychiatrist and chairman of the board, Menninger Foundation, in testimony before the Senate subcommittee on Indian Education.)

"These children aren't as unhappy as people say they are . . . they're only lonely for about a month." The principal of the Tuba City, Arizona, Bureau of Indian Affairs boarding school was speaking, first brushing the ubiquitous Arizona dust off his desk.

"Senator, look out here," he said, next brushing the dust from his hands, "do you see any lonesome, poorly kept children?"

Outside, a neat column of Navajo children moved past the window. The March wind tossed their hair. Nothing else seemed spontaneous.

One thousand Navajo children attend the Tuba City boarding school. Less than half speak English when they arrive, but their native language soon becomes secondary . . . something less than English. The Indian parents have no voice in the way their children are efficiently centralized, processed and alienated in a white school environment. Happiness and education are systematically measured by career bureaucrats, many of whom have no sensitivity or training in education. Cultural brutalization begins.

Minnesota's Senator Walter F. Mondale, a member of the special Sub-committee on Indian Education of the Committee on Labor and Public Welfare, had been told that the Tuba City school was one of the worst in the federal system. He went to Arizona specifically to compare federal schools to the Rough Rock Navajo Demonstration School which is entirely run by the people—that is, the Indians themselves.

The Tuba City principal, leading Mondale on a tour of the classrooms, pointed with pride to a plywood hogan built in the corner of one room. The *token* hogan, you might say. "You know," the principal ventured pleasantly, "it sure is interesting how the children first use the modern kitchen play things and then inevitably return to the hogan."

Later in the day Mondale flew over Black Mountain to meet with the all Navajo elected school board at Rough Rock. He was accompanied by a member of his staff, a reporter, and Dr. Robert L. Bergman, Public psychiatrist on the Navajo reservation.

Four of the five Navajo school board members at Rough Rock do not speak English and have never been to a formal school. Through an interpreter, Mondale learned about the people's school.

"When I travel here I see the mountains," said school board member John Dick, "and I cannot see what goes on in Washington . . . They have been operating schools for over one hundred years. We have never been part. The school here is open to everyone . . . you'll see the difference.

"We have four kinds of schools—long coats schools, Washington schools, white schools, and the people's schools . . . In our school here we talk about the identity, the Indian identity. Children knowing who they are, that's what's important. They will be better off in the world . . . This is good for the people."

Through the interpreter Mondale told John Dick that his description was the best he had heard. "Until parents feel it is *their* school we will not reach anyone. You have done us a favor showing America the truth about education. Your school is a symbol of quality in Indian education."

Mondale asked the school board members if they would trust the Bureau of Indian Affairs if the Bureau admitted it had been wrong about education and said it would change. The laughter needed no interpretation.

During the five hours the board and Mondale met, more than fifty parents and teachers gathered to listen. John Dick invited Mondale to continue the late hour discussion in a traditional sweat house. "We could both use it," Mondale said, slapping his stomach. But there wasn't room for an interpreter in the sweat house. Next day Mondale attended a sand painting ceremony at the hogan of John Dick held in honor of a child who had laughed for the first time.

Rough Rock was originally built by the Bureau of Indian Affairs but, before it opened, it was turned over to the Navajo in 1966. It had been operated by the people on an experimental basis for two years. Funds are provided by the Bureau, the Office of Economic Opportunity, and private foundations.

The curriculum is based on the people's language and heritage. The comforts of education are identity. Students are encouraged rather than punished for speaking their native language. The more than four hundred students at Rough Rock receive instruction in both Navajo and English, since in Arizona it is unlawful to teach in a foreign language unless it is a second language. The principal at the Bureau school at Rock Point, the third institution Mondale visited, said the Bureau attitude is that it does "not intend to be an ambulance for a dying language." Contrary to Bureau tradition, the principal *has* made an effort to teach Navajo in his school.

Medicine man and board member Ashie Tsosie said: "We like the older folks to teach our children philosophy." Medicine men can train students at the Rough Rock school. In every classroom there is a Navajo mother at a loom. While the women weave and tell the legends of the people, the children listen and learn in the Navajo tradition by watching.

At the Tuba City boarding school there are only two Navajo teachers. The Agency Superintendent, who is not an educator, said they have a problem getting qualified Navajo teachers "because they get the bright lights in their eyes and stay in the cities." At Rough Rock more than half of the teachers are qualified Navajos.

Board member Yazzie Begay told Mondale that the Navajo teachers came to Rough

Rock because "they don't have traditional things in other schools."

About half of the employees in the Bureau of Indian Affairs are of Indian descent. Only sixteen percent of the teachers are Indian. Less than five percent of those teachers are assigned to teach in their own tribal groups. Federal civil service requires efficient random placement of teachers.

At Rough Rock the parents take an active part in the school and work in the dormitories. The principal at Tuba City said some parents visit. "We have an open door policy, but they don't often stay over night because they want to get back to the sheep. . ."

When Mondale left, the Tuba City boarding school classes were over for the day. The recreation room was closed and the playground was empty. The only children in sight on a warm Spring day were those doing exercises in front of a dormitory.

Two weeks later, during a session of the sub-committee on Indian Education. Mondale told the Commissioner of Indian Affairs what he saw and felt at Tuba City and Rough Rock.

"It was the difference between a semi-military setting and a setting which was the kind that one would want to educate his own children in," Mondale told Commissioner Robert L. Bennett.

"In the Bureau of Indian Affairs system I found only two Navajo teachers . . . In the smaller Rough Rock school, I found ten Navajo teachers . . . in the dormitories in Tuba City, I found cold, really humaneless structures for these children . . . at Rough Rock . . . they used the mothers and parents of the community to live with the children so that they had a friend, a supporter, counsellor and adult, just like every child needs at that age.

"They have a permissive environment . . . the parents were encouraged to sleep over night with the kids. Wherever you went, Navajos were moving freely in and out of the classrooms. I didn't see any of that at the Tuba City school.

"I saw an exciting bi-lingual program at Rough Rock . . . Navajo textbooks developed by Navajo illustrators and under the supervision of Navajo leadership. I saw the creative use of local Navajo talents, so that side by side with the white teacher or with the Navajo teacher there was a mother teaching arts and crafts and telling the traditional stories of Navajo lore.

"I saw exciting adult education systems at Rough Rock, not at Tuba City.

"I saw a system at Rough Rock where they hired and fired the teacher, where the school board determined the policy, what I hear at the Tuba City school was all to the contrary.

"More than all of that and in an indefinable way, I saw a spirit and pride and excitement of people, who realized for the first time they had something to say about their own lives.

"I think the difference was the difference between night and day. I am not an expert in the field, but I think I know how to assess human feeling. I came away from Rough Rock committed to doing the best I could to tell the American people what I saw."

Commissioner Bennett quickly agreed with Mondale, but in the same sentence he defended the Bureau and testified that the sub-committee should also look at public schools where Indian children are educated and supply the Bureau with more money to do the job right.

"I don't have any argument at all . . . because this is the same goal to which we are working as far as the Bureau of Indian Affairs schools are concerned," Bennett testified.

The Bureau of Indian Affairs, which operates through Division of Land Management under the Department of the Interior, has been laying the quoins of an inflexible bureaucracy for more than a century. Indians expect to see the day when there will be more Bureau employees than Indians. Indians frequently contend that if all the Indians left the United States it would take the Bureau a century to phase itself out of existence.

The total annual budget of the Bureau next year will be $265 million. To operate 72 boarding schools, 18 boarding dormitories and 175 day schools on or near reservations, the Bureau will spend $110 million of the total budget. The total budget does not reflect building funds. The tradition of the Bureau has been to build large efficient schools and ship children thousands of miles from their homes for a centralized education.

Bennett said he graduated from a federal boarding school and has worked for the Bureau for thirty-six years. He is of Indian descent. In a speech in Minneapolis three years ago, shortly after he became Commissioner, he was not critical of the Indian policies of the past because, he said then, he thought the "policies of the past were well intentioned."

"The motivation was good and so were *all* the people. There is no question that the decisions which were made many years ago were the best that could be made at that point in history."

The Commissioner probably did not intentionally mean to include the autonomous authority of Indian agents on the reservation, inhuman tribal relocations, exploitation of Indian land, suppression of Indian language and religion, and cultural genocide.

Now that the dominant society seems bored with suppressing Indians and making them white, the Bureau stands between the people and their ambition to run their own lives. The burdens of the people are many, but Rough Rock is a symbol that Indians are alive and breathing on at least one reservation.

Testifying before the sub-committee last March, Bennett said he believed "there had been" an attitude of paternalism by the Bureau, but he stated that "this was one of the attitudes which had to be eliminated . . . and for three years I have worked on it. . . ."

"We are performing to the maximum of our ability with the resources that are available," he testified, adding that he believes the Bureau can manage the problems of Indian people.

Before the sub-committee Bennett took credit for creating a full division of education within the Bureau; he was agreeable to criticism of the Bureau from members of the sub-committee, but blamed everything on the "various winds" and unthinking critics.

"Indian needs are so many and varied one scarcely knows where to begin . . . we get swept around by the various winds and currents of the national policy," he told the sub-committee.

Bennett himself is symbolically the best measure of the Bureau (as Rough Rock is of what Indians can do) and its relationship to Indians. He side steps criticism, speaks like a bureaucrat carrying out policy directives on the one hand, and pretends that Indians are planning and making the decisions for the Bureau on the other. He is not unkind, but defensive, confused, inconsistent and difficult to follow. Indians educated by and working for the Bureau strongly support him, others want to believe him because he is an Indian, but Bennett is unclear. His language shows his own identity problem.

He refers to the "profoundness" of the Indian in his testimony, but it would take more than a profound Indian to unravel the policies and guidelines of the Bureau.

Bennett does not question the intentions of his administrators and seems to believe that the Bureau has never made mistakes. He testified that "The current critics in Indian affairs tend to blame the education programs of the Bureau of Indian Affairs for all the social, economic and political ills of Indian people that, in actuality, are the cumulative results of a century of neglect, misunderstanding, prejudice and paternalism."

"I am not very profound in Indian affairs," the Commissioner of Indian Affairs told the subcommittee, "because I have been associated with *them* too long and that during this period of association I have developed a great respect for their profoundness."

But Bennett has not demonstrated his respect for the "profoundness" by allowing the people to run their own schools. He testified that it is the policy of the Bureau to move toward local control only if the tribe requests it.

Mondale, pointing out that last year President Johnson directed the Secretary of the Interior to establish Indian school boards for federal Indian schools, asked Bennett how many school boards have been established.

Bennett: "So far, there have been two established because of the guidelines necessary to implement the President's message. . . ."

Mondale: "One of them is at Rough Rock. Where is the other one?"

Bennett: "Blackwater on the Pima Reservation."

Mondale: "At the present rate of establishing the school boards. . . . How long will it be before the President's directive is fully carried out?"

Bennett: ". . . *we leave this up to the Indian people.* We don't believe that we should go out and force them into school boards."

Mondale: "Are the Indians resisting local control?"

Bennett: "There are a variety of reactions . . . *our policy* is not to force this upon them. *They have the guidelines* and the appropriate requirements for applying for the administration of their schools. . . ."

Mondale: "Is it the intention of the Bureau of Indian Affairs that the so-called advisory boards come within the meaning of the President's directive?"

Bennett: "No sir; it is not. These are strictly people *selected* at large from the Indian community that advise us in the development of *our* educational policies and also *our* school operations. . . ."

Mondale: "I was very impressed by the pride and the involvement of the board of education at Rough Rock and the parents in the community. If there is anything I heard from everyone I talked to, it was their pride and delight for the first time in their history of having something to say about the quality and direction and sensitivity in the education of their own children, *something which every other American has had for generations.*

"What is it about Indians that makes them any less desirous of local control and having something to say about the education of their children than anyone else in this country?"

Bennett: "I don't think there is any difference. I think *they* have wanted to do this for a long time. This is why *we* have the present policy."

Mondale: "Why has a century gone by and yet there are only two systems in the country where that is true?"

Bennett: "It might be because of the fact for many years *American Indians did not accept an education program of any kind."*

Mondale: "Is it your testimony that the Indians didn't want their children educated?"

Bennett: "My testimony is they evidently weren't satisfied with the education they were getting because *they* weren't sending *them* to school."

Mondale: "I think that is right. I agree with that. . . ."

Bennett testified that when the Bureau tried to bring Indian heritage and bi-lingual education into the educational system "there was an uproar in education circles about the fact that *we* were trying to teach Indians to be Indians . . . we get swept around by the various winds. . . ."

Mondale: "Right. As long as it is federally controlled, it will continue to be, won't it? In other words, if the Indian children of this country are going to be educated pursuant to the *notions of the current white power structure that controls Washington*, you are going to have winds of change for the next century. . . .

"No other parents have that problem. If you told the school district where I was educated that we had to have a handy-dandy new national policy which was going to be controlled from Washington, complete in every detail—hiring, firing, curriculum and the rest—and that the budget bureau in Washington was going to determine through some unknown bureaucrat the nature of our education, you would have a *revolution, you would have a war, and I think it would be a justified one*. Yet, this has been going on for a century in Indian education."

A CANCER SURVIVOR'S WARNING

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. WYDLER. Mr. Speaker, the Congress is now faced with important decisions regarding its responsibility to the American public in the area of protection from the dangers of cigarette smoking. Only the most naive still argue that cigarette smoking can be indulged in without serious danger to the human body.

If the danger is recognized, then the Congress should act to protect the public interest. First, by bringing an end to Government subsidization of tobacco crops which encourage the production of this harmful material. Second, by seeing that Federal agencies and the State governments are given the means and the freedom to take all steps necessary to adequately warn the public of the dangers. Both these proposals have my complete and unswerving support.

The best and most remarkable statement in support of this position that I have ever read was written by State Senator Edward J. Speno, of New York. He is a man who was given up for dead by his doctors because he was afflicted by what they thought was an incurable cancer. He survived, and has become a true champion in the struggle against the dread disease of cancer.

He speaks as one who has come from the valley of the shadow of death, with an earnest message for his fellow Americans. An important part of that message is to avoid the horrible danger of smoking, and a call to his fellow legislators to protect the American people.

His story should be read by all, and it follows:

A CANCER SURVIVOR'S WARNING

(By Edward J. Speno)

Ten years ago doctors at the Mayo Clinic advised me to put my personal and business affairs in order because I would be dead of cancer within a few weeks.

I make my living using words—written words when I prepare a brief at my law firm, spoken words when I address my colleagues on the New York Senate floor. But in a personal crisis words may be inadequate for communicating special thoughts and special feelings, as when I tried to impart to my wife and four children during those remaining few days all the things I should have said to them before, but didn't and all the things I would have said to them in the future, but now couldn't.

My weight dropped 60 pounds from 198 to 138. It was decided to try daily maximum-dosage radiation treatment but it was essentially a token effort because neither the doctors nor I held out much hope. But the weeks mysteriously stretched into months and then, quite unexpectedly—some said miraculously—the radiation therapy seemed to show results. And then, complete recovery—which still baffles the specialists who had all but written me off. Although my cancer was abdominal and probably had no cause-and-effect relationship with the pack or more of cigarets I had been smoking every day, I promptly gave them up, for I had now seen firsthand the pathetic effects of tobacco on the human body.

The first reaction most people have to being told they are going to die of cancer is usually "Why me?" And if the patient dies, the question, unanswered, is buried with him. If he recovers, the rhetorical question gradually fades away. But in my case, the question persisted. "Why me?" And to it was added another: "Why was I allowed to recover?" I am not ashamed to admit that I sincerely feel I was stricken and then spared for a reason. And so I have dedicated my life to waging a legislative battle against cancer, especially cancer caused by smoking and other critical health problems.

As one of the very few who went to cancer country and returned to tell about it, almost daily I think about needless deaths caused by smoking. Recently I thought about cancer caused by smoking as I watched my son wash his car. He began with a brand-new, beige colored sponge and as it got dirtier he would rinse it out again and again until the dirt became so deeply imbedded in the sacs of the sponge that he gave up trying to rinse it out, threw it away and got a new one. I understand the human lung is a beige, sponge-like mass about the size of that plastic sponge. It occurred to me that when it gets clogged with dirt, we can't rinse it out, we can't casually throw it away—and we cannot get a new one!

This year 300,000 Americans will die painfully and prematurely because they smoke. The Public Health Service has reported that cigaret smoking is the main cause of 50,000 lung cancer deaths annually plus 25,000 deaths from respiratory diseases. They further state that a third of all deaths of men between 35 and 60 are related to smoking. And so this "invited killer," the cigaret, continues its campaign of mass murder. Seventy million Americans now smoke. Suicide-on-the-installment-plan continues unabated and as the years go by, the number of people who sign on the dotted line increases and the age of those who sign up gets lower and lower. In one study of 11-year-olds, 50 per cent of the little boys and 25 per cent of the little girls smoked regularly. Literally nothing else kills so many Americans—and that includes war and automobiles—as do cigarets. About 1,000,000 productive young people now in our schools will die of lung cancer alone before they reach 65—to say nothing of emphysema, heart attacks, etc.—unless we do something about the cigaret menace.

When we think about the smoking problem, we see that three groups are involved: the smokers, the manufacturers (including advertisers and sellers) and the legislators who make laws governing the sale and distribution of cigarets.

THE SMOKERS

Regarding the smokers, there are none so deaf as those who will not hear. A mountain of statistical evidence based upon 13,000 scientific studies in 20 years of investigation in nations all around the world cites the causal relationship between smoking and cancer and other diseases. But proof, like beauty, is often in the eye of the beholder.

So, when we recognize the smoker's refusal to acknowledge the facts about smoking, we must consider fresh ways to effect his rehabilitation. Coupled with this effort must be a program of prevention for those who are about to begin smoking.

Where do we begin with rehabilitation? Of the 200,000,000 Americans now alive, 70,000,000 smoke regularly; some are heavy smokers, others light smokers. But I think the numbers are so formidable that for the time being, at least, we will almost have to write off the heavy smokers. When I was in a cancer ward I saw men whose mouth, cheeks, tongue, larynx and esophagus had been cut away surgically because of cancer caused by smoking. A few were still smoking, holding the cigaret to the hole that led into their windpipe!

But with the light smoker there could still be hope. By the logical route, we must continue to barrage him with statistical evidence that smoking causes cancer and other illness until he recognizes the inevitability of the proof. By the emotional route we must find appropriate psychological means of tapping those human drives, wants and insecurities which prompt many to smoke, not to smoke or at least not to smoke too much. We must seek ways to make the ashtray as obsolete—and its use so aesthetically repulsive—as we have the spittoon!

It is in the area of prevention through education that we can most profitably expend our energies. I look to our educational leaders to develop effective school instruction in the health sciences by teachers who can communicate with our youngsters and who are professionally prepared in the health area. It is my personal belief that antismoking education should start early in the elementary grades before the child is confronted with the decision of whether to smoke.

But our educational efforts should not be confined to school programs. In two years, half of the American population will be under 25 years of age. We must seek to touch the right psychological nerve in the teenager of the "now generation." Maybe our anti-smoking TV commercials are too bland. Maybe detailed descriptions of the grim experiences of stars who finally "made it" but then died of lung cancer—stars such as Nat King Cole, Dick Powell, William Tallman, Edward R. Murrow, Franchot Tone, Judy Holliday, etc.—might impress them; or of those who are still alive but live in the shadow of recurring lung cancer, like Arthur Godfrey or John Wayne. Or maybe it takes more to frighten them. Maybe such commercials should include an "on location" TV spot showing a cancer ward like the one I was in where noses, cheeks, jaws, tongues, larynxes, throats were cut away because of cancer caused by cigarets.

Maybe fear is no longer a motivating force for young people. Maybe the "now generation," which presumably trusts no one over 30, no one of the "establishment," can be reached by pointing out that cigaret manufacturers and advertisers are part of the "establishment," a part that is duping them into believing it is "cool," it is "in," to smoke. Maybe the social need to smoke, which so many adults feel, might be one of the "adult" values the teenagers choose to reject. Maybe they can be made to feel proud about being the "unhooked" generation.

THE SELLERS

There are none so blind as those who will not see. Thus far, the manufacturers, advertisers and sellers of cigarets have chosen not to see that they literally are engaged in an industry that deals in death, an industry no less morbid or morally suspect than munitions making. At least the munitions makers can take some refuge in the notion that their products are also used for defense. But profit is all the cigaret manufacturers can point to. They must be made to see that they are dealing in a kind of genocide whose victims are well on their way to equal in number those of the Nazi holocaust. Maybe someday there will be tobacco trials similar to the Nuremberg trials or the thalidomide trials to establish moral and legal guilt and to fix penalties. The tobacco industry must be made to see that were cigarets a food or a drug they would be banned from production and sale without a moment's hesitation. And the fact is they are both; smoke is swallowed and it is absorbed into the body tissues like some drugs.

Considering the increasing frequency and severity of the charges being leveled against the tobacco industry, it has been conspicuously silent. The nearest it has come to refutation has been to make three points: first, by indirect means, that smoking is not harmful; second, in contradiction, that smoking may be harmful but that our economy could not afford to eliminate the tobacco industry; third, that the attitude of regarding smoking as a pleasurable, positive activity is so deeply ingrained in Americans that all attempts to change this attitude are futile.

But the research effort to test the harmfulness to health of cigaret smoking has been objective, exhaustive and conclusive. In virtually every test, smoking has been indicted as a cause of cancer and other debilitating diseases. The closest the industry has come to offsetting this finding has to do with the famous—or infamous—True magazine episode. The January, 1968, issue of True magazine (with a circulation of 2,000,000) contained an article entitled, "To Smoke or Not To Smoke—That Is the Question." Despite the fact that the article was shot through with fallacies, misleading innuendos and misstatements, the Tobacco Institute's public relations agency ordered 600,000 reprints and mailed them to doctors, lawyers, teachers and other professional people. The Tobacco Institute did so anonymously, and the implication was that True had made the mailing. Five cigaret manufacturers individually bought and mailed 450,000 reprints. Other tobacco companies bought newspaper ads promoting the article, again making no mention of tobacco industry involvement.

In March, another pro-smoking article entitled "Cigarette Cancer Link Is Bunk," this time in the New York Enquirer with a circulation of 1,000,000. Investigation revealed that both articles were written by the same man in the employ of the Tobacco Institute's public relations agencies. Thus, more than 4,000,000 Americans, many of them pathetically addicted to smoking and looking for any excuse not to stop smoking, were subjected to two articles which attempted to minimize and debunk the dangers of smoking. Sen. Warren G. Magnuson (D–Wash.) exposed the Tobacco Institute complicity in the sordid affair on the floor of the U.S. Senate.

Regarding the second assertion, that the tobacco industry is too important to our economy, the rationale is even more immoral than the first. I am not impressed by the fact that the tobacco industry is a $7-billion-a-year industry employing 17,000,000 people. The war in Vietnam is much more of an "industry," employing many more millions of people. Yet we are trying to stop the war for humanitarian reasons and are not overly concerned about any adverse effect on the economy that peace might bring. And the casualty rate of the Vietnam war is much lower than in the war against cancer and other smoking illnesses.

The third assertion, that society's positive attitudes toward smoking are too firmly set to be changed, bears closer scrutiny. We live in an age of changing attitudes. Just note the drastic changes in attitudes toward sex, toward religion, toward race relations or alcoholism or mental and physical handicap—why not toward smoking? Maybe our pessimism about the possibility of changing our society's attitude toward smoking is one of those self-fulfilling prophecies.

The tobacco industry must be made to see not only that it is engaged in mass murder but that there are a number of alternatives to oblivion. Let's suggest a few.

The industry can diversify and switch to constructive rather than lethal products. Already some manufacturers have decided they would rather switch than fight, by merging with other companies or diversifying their line of products.

Or they can take some of the $300,000,000 they now spend every year on radio and TV advertising alone and invest it in scientific research to isolate the harmful ingredients in cigaret smoke, to discover new methods of tobacco growing that would eliminate them from the smoke that enters the body. It seems to me the burden of proof should be on them to prove to society that their product is not harmful, not the other way around. If technological ingenuity can put a man on the moon, can unlock the secrets of the atom, can break the genetic code of DNA, why can't it cope with cigaret smoke? A non-fattening beer was developed when it became economically advantageous—why not a non-lethal cigaret?

The industry should realize that some of the sting can be taken out of growing public resentment against it and its product if the tobacco interests would immediately stop their truly heinous advertising efforts to corrupt the young, or recruit fresh victims. About 4,000 American children begin smoking every day, nearly 1,500,000 a year, and many of them are simply responding to the misleading, immoral invitations to slaughter that comprise the radio and TV commercials.

THE LEGISLATORS

But this article is directed at lawmakers, not smokers or sellers of cigarets. Why? Because I think that by default, by not bringing up the big guns in our legislative battles against those whose products maim and kill, we thereby become accomplices to the crime. And until and unless smokers can be made to *hear* the warning that smoking murders, and until and unless the cigaret industry is made to *see* the severity of its crimes against humanity, legislators must *speak*.

With regard to legislators, there are none so mute as those who will not speak. Which brings us full circle in the hear-no-evil, see-no-evil, speak-no-evil syndrome. The cigaret industry makes monkeys of us all.

To break this cycle I urge that bold legislation be put into effect *now!* And if it seems to some that I am being overly sanguine, perhaps it might be because they have never heard a doctor say, "You are dying of cancer."

Most of our legislative activity against cancer has been akin to the activity of the picadors in the bullring. It has infuriated the industry but has weakened the beast only slightly. I have introduced a package of five bills—aimed at decreasing the number of cigaret users in the state—in the Legislature. The first requires the posting of U.S. government tests of tar and nicotine content of all cigarets at the retail establishments where they are sold. A second bill mandates the same information on each package of cigarets. A third in the series prevents the distribution of free samples designed to promote the sale of cigarets to young people under 18 years of age while the fourth outlaws cigaret machines in public hospitals. The final bill in the package changes the printed warning on cigaret packs from: "Caution: Cigaret Smoking May Be Hazardous to Your Health" to "Warning: Cigarette Smoking Is Dangerous to Health and May Cause Death From Cancer and Other Diseases."

But I believe that the moment of truth has now arrived. It is time for a decisive resolute *coup de grace* to be inflicted. And so I charge my fellow lawmakers—local, state, and federal—to join me, lest by default we become further implicated in the crime against humanity. Specifically, I urge that we take two bold legislative steps right now.

First, all cigaret advertising on radio and television should be banned. From a moral and philosophical point of view, to allow such advertising is not unlike allowing manufacturers of opium to contaminate the public water supply with opium and then, when there is widespread addiction, especially among the young, to sell opium on the strength of the argument that it is not harmful, or that even if it is harmful it is big business which is good for the economy, or that the public attitude is favorable to using it. The airwaves belong to the public no less than does the water supply. As legislators, we are entrusted with seeing to it that neither is contaminated with poison.

(Two days ago, broadcasters ratified a plan to eliminate cigaret advertising on radio and TV over a four-year period. The move, which would apply to the major networks and the bulk of independent stations, was designed to head off a mandatory ban embodied in a pending Federal Communications Commission rule.)

Second, we should end the schizophrenic government practice of citing the dangers to health of cigarets in government reports and then doing right ahead and giving little-publicized government subsidies to the tobacco crop.

Why now? What makes me optimistic that anything so decisive can be done legislatively now, when so relatively little has been possible to date? Because the time is right. The Rev. Martin Luther King Jr. said, "When an idea has reached its moment, nothing can hold it back!" This is that moment.

OEO ATTACK ON LAW AND ORDER

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. RARICK. Mr. Speaker, the city police in my State's capital are under harassment from a lawsuit filed by attorneys salaried and subsidized by Federal tax funds funneled through the Office of Economic Opportunity and one of its fronts, the Legal Aid Society of Baton Rouge.

The criminals killed were already under felony convictions. One, Lonnie Hughes, had pleaded guilty to burglary in late 1967, and had never been sentenced because he had skipped bond and was a fugitive from justice at the time he was killed.

Another, James Oliney, was on probation, also under a felony conviction when killed, as was the third, Melvin Palmer.

These men were killed in the act of committing another felony crime by law officers defending themselves.

It is unthinkable that this House would continue to authorize the tax dollars of hard-working Americans for the OEO to finance intimidation suits which could well deprive decent law-abiding citizens of the protection of a competent law enforcement agency.

Even if any one police officer exceeded his lawful authority he would be responsible as an individual. It is absurd to demoralize and intimidate an entire municipal operation, from the mayor, the chief of police on down.

I most strenuously object to any further such outrageous use of Federal funds by OEO to erode law and order and to undermine public confidence and respect for law-enforcement agencies in my district.

So that our colleagues might have some understanding of how the OEO is misusing the taxpayers' money to inflame racial tensions and undermine law and order, I include a newspaper clipping on an antipolice suit in my district.

DISCRIMINATION CHARGED BR POLICE IN FED'L SUIT

Next of kin of three young Negroes killed by police during the past two years filed suit in U.S. District Court late Monday, seeking to enjoin the conduct of police officers in Baton Rouge and "to provide availability of police protection and treatment by police in a manner which does not discriminate on the basis of race and color."

U.S. Dist. Judge E. Gordon West has not set a date for hearing of the suit against the City of Baton Rouge, Mayor-President Dumas and the individual members of the City-Parish Council; Police Chief Eddie O. Bauer and Sheriff Bryan Clemmons.

The class action was filed by Mrs. Ellen Johnson and Harry Johnson, grandparents of Lonnie Hughes, 24, who was shot some three weeks ago; James Oliney, father of 17-year-old James Oliney, who was buried Thursday after his fatal wounding a week earlier, and by Mrs. Bessie Palmer, mother of Melvin Palmer, 15, who was killed about 3 a.m. on June 17, 1967.

In all three shootings, police claimed self-defense in pursuit of burglary suspects. All of the youths were convicted of felonies and were on probation at the time of their deaths.

The plaintiffs are suing for themselves and in behalf of their families, their minor children and in behalf of all others similarly situated. All allege they are indigent adult and minor black citizens and taxpayers who are aggrieved by the defendants' conduct, which is termed "a serious and flagrant abuse of the power of the police."

Specifically, the suit seeks an injunction to prohibit the following acts which are alleged in the petition:

Unlawful police raids on black communities, gestapo fashion, in search of youthful offenders without regard to the safety and welfare of black citizens, wherein citizens are treated discourteously and are intimidated by threats of beating, incarceration and other acts of violence.

Orders of the chief of police and other administrative officials to pursue and execute black offenders based on conclusions of guilt and trumped-up charges of aggression.

Acts of solicitation and exposure of genital parts to young black females within black communities.

Racist acts, demeanor, attitude and temperament of white law enforcement officials toward black citizens during investigation of misdemeanor violations, or any other confrontation with law enforcement officials.

Acts leading to the unlawful killing, wounding, abuse and beating of black citizens during investigation of misdemeanor violations or any other confrontation with law enforcement officials.

Acts of unlawful chase, harassment, search, and beatings of offenders, including juveniles, during investigation, interrogation and incarceration.

Acts of cruel and inhuman treatment of black offenders during investigation, interrogation and incarceration wherein 20 or more persons are placed in the same cell, starvation imposed and heat applied as a means of torture, to name a few.

Acts of general mistreatment of black citizens whenever they are found by police officers investigating violations of all kinds and during any confrontation with law enforcement officials.

Acts of condonement and support of the above unlawful acts by the mayor, chief of city police, sheriff or east Baton Rouge Parish and the City-Parish Council.

The suit was filed for the plaintiffs by the Legal Aid Society of Baton Rouge.

ADDRESS BY CONGRESSMAN JOHN BRADEMAS, DEMOCRAT, OF INDIANA, 30TH ANNUAL CONVENTION, NATIONAL AUDIO-VISUAL ASSOCIATION, JULY 19, 1969, CHICAGO, ILL.

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. BRADEMAS. Mr. Speaker, I am delighted to have been invited to kick off the 30th annual convention of the National Audio-Visual Association.

And, by the way, I think this is the first time that I have addressed an association of this kind when both the microphones and the lights were working.

My speech follows:

ADDRESS BY MR. BRADEMAS

I am very glad to be with you for a number of reasons but most important of all is the enterprise that brings us together—our common concern to strengthen the fabric of American education.

We meet at a time when our eyes are on Apollo and the stars and we marvel at what the mind and spirit of man can achieve. My thesis today is, therefore, clear, and I trust it will be understood by everyone of you in this room, and it is this: Now that we have harnessed our technology to reach the moon, we must harness our technology to teach our children.

EDUCATIONAL TECHNOLOGY: THE PAST

You and I know how, during recent years, the Federal Government has moved on a wide variety of fronts to increase the national investment in education, and of particular concern to all of us here this morning, how the Federal Government has supported the use and application of modern technology to the teaching of America's young people. I here recite only part of the litany of historic legislation:

The National Defense Education Act Title III program of equipment and materials, at first for the teaching of science, mathematics, and modern foreign languages and now of many other subjects as well.

The Elementary and Secondary Education Act of 1965, with its title II programs for school library resources, including audio-visual aids.

The ESEA Title III program for supplementary centers and services, including a variety of programs involving technology.

The ESEA Title IV Cooperative Research Act program for the investigation and evaluation essential to the future effectiveness of your efforts and those of others.

The Public Broadcasting Act of 1967, which not only supports facilities for educational broadcasting but authorized the Commission on Instructional Technology to inquire into the potential of technology for American education.

The Education Professions Development Act of 1967, which provides for the training of teachers in the use of educational media.

And the Higher Education Act of 1968, which provides the Networks for Knowledge Program to encourage colleges and universities to share with one another their technological and other facilities, such as computer networks and broadcasting equipment.

Moreover, the Select Education Subcommittee, of which I have the honor to be Chairman, has only recently unanimously reported out another measure which I am confident that Congress will pass this year that will be of interest to all of you—a bill to establish a national center on educational media and materials for the handicapped. One could go on.

As I say, I cite only a partial listing of the record of Congress over the past decade. This CONGRESSIONAL RECORD in authorizing programs for education has been impressive. As a member of the committee which wrote most of these measures and as a cosponsor of nearly all of them and of others I have not listed, I am very proud to have had a hand in compiling this record. As you know, however—and if you do not know, that indefatigable and tireless worker not only for the audio-visual industry but for all of American education, your extremely able Washington representative, Don White, by now has surely advised you—there is a world of difference between an authorization bill and an appropriation bill.

We have, therefore, a long way to go to make good on the commitment to the American people represented by the extraordinary spectrum of legislation written into being during the years of Presidents Dwight D. Eisenhower, John F. Kennedy, and Lyndon B. Johnson. I shall then now turn to a discussion of two related subjects—money and Mr. Nixon.

THE PRESENT: RHETORIC AND REALITY

I invite you to turn your minds back to 1968 to the last Presidential campaign and to listen to these words and I here quote: "When we talk about the expense of Government—either Federal, State, or local—the one area we cannot shortchange is education at all levels, seeing to it that young Americans are the best educated in the world, that education is available to all our people that those who don't have an equal chance at the starting line will achieve equal opportunity. This must be our fundamental objective and our path to the realization of the American dream."

The scene shifts from the election year of 1968 to April of 1969. The author of those genuinely eloquent words has by then become the President of the United States, and has just submitted his budget to Congress—the budget which of course reflects the judgment of the President of the United States, on the nation's needs and priorities.

Here then based not on the rhetoric of a Presidential campaign but uopn the hard decisions represented in a Presidential budget proposal to the Congress of the United States, is what Mr. Nixon thinks of the role of education in American life. I quote the respected economic writer, Sylvia Porter, in last night's newspaper: "The Nixon Administration bill," she writes, "for the nation's education budget during the 12 months ending July, 1970 would 'startlingly downgrade education to a very low place on the list of national priorities.'

"Mr. Nixon's budget would in fact" she writes, "erase several education advances achieved under the three previous administrations of Eisenhower, Kennedy, and Johnson. Specifically, the Nixon Administration would slash the total U.S. Office of Education Budget from 4.1 billion dollars in fiscal '68 to 3.2 billion dollars in fiscal '70, an incredible reduction "of 25% at a time when more and better education is a must."

"The Nixon budget would," notes Sylvia Porter, "reduce to zero funds for school library materials under the Elementary and Secondary Education Act, reduce to zero matching funds for materials and equipment for elementary and secondary schools under the National Defense Education Act, reduce to zero funds for guidance and counseling services also under the NDEA, cut in half funds for college library materials under the Higher Education Act of 1965, cut in half matching funds for public library programs and materials under the Library Services and Construction Act.

"In summary," she says, "President Nixon wants to eliminate entirely three education library programs and emasculate another two and shrink to less than 1½% of our Federal budget the total we spend for education libraries."

You can, I am sure, see that the Nixon education budget will have an especially severe impact upon programs with a high content of what we think of as educational technology. In addition to the proposed cuts I have already listed, the Administration is pressing for reductions of 56 million dollars below President Johnson's fiscal 1970 recommendations for Elementary and Secondary Education Act Title III programs, another area in which the advances of technology have been most significant.

I must tell you all, therefore, that education is in deep trouble in Washington, D.C., and unlike Apollo, the Goddess of Wisdom, Athena, may never get off the launching pad in the Nation's Capitol. President Nixon's education budget for 1970 is nearly 40-million dollars less than President Johnson proposed for the same fiscal year when he left office, and President Johnson's budget proposal for education was much too low.

We have our troubles in Congress, too, for on the 24th of July, the Labor-Health, Education, and Welfare Appropriations Bill comes before the full House Committee on Appropriations and rumors are of more bad news there for American education. On Monday, July 28th, the House of Representatives is scheduled to begin floor debate on the Labor-HEW Appropriations Bill. I am very glad to tell you that the prospects are bright for a bi-partisan coalition of Democrats and Republicans to lead a fight for a package amendment to restore some of the funds for these and other education programs from what we anticipate will be a committee bill far below meeting the soaring needs of American education.

Working with the Emergency Committee on Full Funding all of you, I hope, will get busy now to let your own Representative in Congress know how you feel about this crucial matter. I hope that you will speak up not only for the programs that most directly affect you in the audio-visual industry but for funds so desperately needed across the entire spectrum of American education.

EDUCATIONAL TECHNOLOGY: THE FUTURE

Now I have been speaking to you of the past, of the record of Congress in passing legislation to support an expanding role for technology in our system of education.

I have spoken of the present, of the current struggle to win the funds to make real the promise of these laws.

I turn now to the future and would offer some more, if you will, philosophical observations about the significance of the phrase, "Educational Technology," to speak of several of the problems those two words conjure up and to make comment on the potential of that phrase.

Let me therefore review with you several of the matters, which it seems to me, all of us concerned with the place of technology in American education must consider if we are effectively to meet our several responsibilities.

First, let me tell you that I am looking forward with interest, as I am sure all of you are, to seeing the report of the Commission on Instructional Technology headed by the former United States Commissioner of Education, Sterling McMurrin, now Dean of Education at the University of Utah. Sometime after we have seen the McMurrin Commission Report, I plan as Chairman of the House Select Education Subcommittee to schedule hearings on the Educational Technology Act of 1969 which has been introduced in the Senate by Senator Ralph Yarborough, the distinguished Chairman of the Senate Labor and Public Welfare Committee, and in the House of Representatives by the distinguished Chairman of my own Committee, Congressman Carl D. Perkins of Kentucky and by myself.

As you know, the Educational Technology Bill authorizes a program of Federal grants for the improvement of pre-school education, elementary and secondary school education, and higher education. The bill is focused on utilizing the resources of technology to do a far more effective job of teaching and learning at all of these levels of American education. I hope very much that spokesmen for the National Audio-Visual Association will give us the benefit of their views on this important mission.

THE "PROCESS" OF INSTRUCTIONAL TECHNOLOGY

But I hope, too, that hearings on the Educational Technology Bill will afford the education community, the education industry, and the American people generally an opportunity to explore in some depth several concerns which I want now briefly to discuss with you.

Here, in my judgment, are some of the problems in applying technology to education to which we must give far more attention than we have so far been doing.

First, I believe we must stop thinking of technology in this country solely as hardware or equipment. In a most persuasive paper prepared last year for the McMurrin Commission, Robert W. Locke and David Engler of the McGraw-Hill Book Company wrote of what they called the "Process of Instructional Technology" and the purpose of that process, mainly, to produce teaching strategies that are relevant to the learning abilities of individual students.

Earlier this year, Dr. Leon Lessinger, the Associate Commissioner of the United States Office of Education, made much the same point when he testified before a House Appropriations Subcommittee. He said: "What we need in education and what we are bebeginning to develop is a technology of instruction, a notion of technique. This is a notion of different kinds of practices, some of which use equipment that results in validated learning systems.

As an example, if you want to teach reading by using certain methods and equipment such as pacers, we can achieve or demonstrate the results in the sense of showing that youngsters, in fact, do learn. They move one grade level in a given amount of time and so on. This need for a technology, the need for strategies on how you accomplish learning is paramount. "We have had a lot of investment in equipment" said Dr. Lessinger, "and we need lots of equipment . . . with the proposals for demonstration projects and experimental schools, and so forth, we will develop an institutional technology. We will use equipment not as gadgets but as a vital part of an instructional system, something that relates process to results. This is what educators want. They want to get techniques that have a high probability of paying off in pupil achievement."

LEARNING HOW PEOPLE LEARN

If then we can come up with a clearer definition of educational technology as involving more than hardware, we can come to realize that different children learn differently with different media. We come to realize that we do not yet know enough in this country, or indeed I dare say in any country, about how people learn. For not all children live in the same circumstances; not all children have the same background; not all children seek to learn the same thing in the same way.

What I am saying here is that all of us concerned to strengthen the role of technology in education have a deep stake in seeing much more research into the learning process, into what the educators call "basic education." For with more understanding of the different ways in which children learn will come much deeper awareness of the many different applications of educational technology.

We will, therefore, want more rather than fewer experiments and demonstrations of various ways of instruction. We will surely insist upon hardheaded evaluation of the results of the different ways of applying different technology to teach different children in different circumstances.

In particular, we should stress the importance of applying technology to lift the level of learning of the poor, the black, the minority child, the handicapped child—the child who lives in Center City. My point is that if we can learn more about the applications of the processes of technology to education, we will see better payoffs in terms of what children learn—which is, after all, what education is ultimately all about.

It seems to me clear, then, that you in the audio-visual and related industries have a very great stake in the realization that educational technology goes far beyond equipment to embrace the shaping of the most effective strategies of instruction of the nation's millions of children. If we can begin to move more aggressively in the ways I have been suggesting—more effort on developing different ways of teaching, using different media for different children, more research into the way children learn, more demonstration, experimentation, and evaluation of results—if we can move ahead effectively in all these ways, we will build greater public confidence in the effectiveness of technology in education and, coincidentally, greatly expand the market for your products and your processes. You will understand then why I was greatly encouraged by yesterday's announcement by the distinguished Assistant Secretary of Health, Education, and Welfare and United States Commissioner of Education Dr. James Allen that he was reorganizing his office to give far more emphasis to research and to spreading new methods of teaching.

Twice in recent speeches Dr. Allen has observed that we need more Federal money for education, not less. Indeed, he has predicted that within a very few years, within a decade, we shall be seeing an expenditure of 100 billion dollars annually by all levels of Government on education, approximately twice what is now being spent. The Federal Government, said Dr. Allen, will have to bear a very large burden of this increased expenditure on education, particularly in the elementary and secondary field, by raising the present Federal share of approximately 8% to from 25% to 30%.

Yet the task of changing outmoded and unproductive patterns in American education should not, in my opinion, be the task of the Federal Government alone. Because you in private business and industry are serving the needs of a crucial public activity—education. For this reason you in the audio-visual and related industries have a unique responsibility to give leadership in all of the several areas of which I have been speaking. You in the audio-visual industry will, in my view, best serve your own as well as the public interest by working hard to assure that the processes of educational technology; indeed, help teachers teach and children learn.

COMMUNICATIONS WORKERS OF AMERICA CONVENTION

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. PUCINSKI. Mr. Speaker, recently, the Communications Workers of America held their 31st annual convention and passed a series of resolutions which I believe are of interest to all of us.

This outstanding union's president, Joseph A. Beirne, has provided leadership in social legislation for many years and it should come as no surprise that the recent convention reflected his deep compassion for human dignity in America.

The resolution follows:

RESOLUTION 31A-69-14—MINIMUM WAGE

Over 22 million Americans subsist on incomes below what the government terms the "poverty" level, $3,500 per year.

Many programs have been discussed and some have been enacted to remove this blight from our land, but the obvious starting point is full employment coupled with adequate minimum wage legislation. Without this foundation, all other programs, no matter how necessary, are but castles built on sand.

The amendments to the Fair Labor Standard Act, adopted in 1961 and 1966, represent great steps forward. However, the present minimum wage of $1.60 an hour is wholly inadequate, since $64 a week or $3,328 a year is still below the "poverty" level—and far below the $9,000 a year researchers say a family of four needs for a "moderate" standard of living at today's prices.

Still, even that limited protection is denied to 11½ million people employed by private business and another 4 million employed by state and local governments, since they are excluded from coverage under the present law. Still others, including many agricultural workers covered by the Act for the first time in 1966, didn't reach $1.30 an hour until Feb. 1 of this year and won't reach $1.60 until 1971.

Such is the legacy of a nation which for so long has put its machines ahead of its men, granting a 7 per cent tax investment credit for new machines, yet allowing human beings to be bought for $1.30 an hour, while ignoring the the rest of a lifetime that goes with that hour's work.

Such a system could not be maintained without the help of some popular mythology. Unfortunately, the propaganda has been used so expertly that the myths persist, and are used expertly in blocking meaningful improvement in the Fair Labor Standards Act.

Myth No. 1 is that those below the $3,500 poverty level are a shiftless lot who won't work anyway. The truth is that three out of five of those 22 million are employed. They are the working poor, doomed to jobs which pay below the poverty level. When you add the 8.8 million children among those 22 million, plus the fatherless homes, the aged and the disabled, the "won't work anyway" myth evaporates.

Myth No. 2 is that expanded minimum wage legislation would put some small companies out of business. The truth is that in 1967, the year after the minimum wage increase, the U.S. Department of Labor made a concerted effort to gather reports of adverse effects. Yet in surveying 700,000 newly-covered businesses, only three closings could be found—and those three had employed 33 people.

Myth No. 3 is that an increase in the minium wage would be inflationary, or otherwise "bad" for the economy. Yet in evaluating the 1966 amendments, the Secretary of Labor reported: "Employment in the areas affected by the extensions of coverages has increased, and there is no evidence of any restraining effect on the broader coverage of employment opportunity. The increased minimum levels set in 1966 have not contributed to the current inflationary spiral to an extent which permits reasonable questioning of their net value in strengthening both the position of low-paid workers in particular and the economy in general."

Myth No. 4 says that farm workers are "exceptional" and should be excluded from minimum wage coverage. The truth is that farm labor on newly covered farms increased 36 percent from May 1967 to May 1968 while on farms with no wage minimums, employment declined 9 percent: Obviously, the newly-covered farms prospered, with no ill effects from the minimum wage law.

Myth No. 5—perhaps the most vicious—is an appeal to racial animosities which says minimum wage is a plot that would benefit only minority groups. The truth is that three-fourths of the 22 million Americans under the poverty level are white.

If they were associated with a less tragic subject, it would be laughable to see such myths carefully perpetrated in a nation which in the last 8 years has seen after-tax profits increase 91 per cent and dividend payments increase 84 per cent. Over the same period, wages are up 31 per cent and, in terms of buying power, only 11 per cent.

While minimum wage is the platform upon which all programs to eradicate poverty must be built, it would effectively replace some programs. Full employment coupled with adequate fair labor standards would constitute a guaranteed annual income and would remove many of the ills a negative income tax is designed to cure.

Since 90 per cent of the Americans who work are wage earners, the combination goal of full employment and adequate minimum wage is the only program that makes sense. Such a program would remove the necessity for many of the tax schemes and benefit far more people than any attempt to set up minority group members as proprietors of enterprises whose futures are limited at best. Therefore, be it

Resolved: That the 31st Annual Convention of the Communications Workers of America calls on the 91st Congress to:

1—Increase the minimum wage under the Fair Labor Standards Act to at least $2 an hour immediately;

2—Broaden the coverage and eliminate the exemptions under the Act so as to extend coverage to 13 million workers now excluded; and

3—Require the payment of overtime after 8 hours in a day and 40 hours in a week to all workers.

RESOLUTION 31A-69-8—FARM LABOR

Almost four years ago American farm laborers began an intensive effort to achieve what most American workers won more than 30 years ago—the right to bargain collectively.

The focal points of that effort now are the grape vineyards of Central California, the produce counters in America's stores, and the Congress.

The effort began as a strike by the Agricultural Workers Organizing Committee against the rich grape growers in the San Joaquin Valley, near Delano, Calif. A week after the strike started, a community-oriented group of grape workers headed by Cesar Chavez, and called the National Farm Workers Association, joined in.

The two striking units merged within a year, and were chartered as the United Farm Workers Organizing Committee AFL–CIO.

From those first days to today, the struggle of these farm workers has generated great admiration and support from organized labor, because the farm workers, are, in effect, evidence of what it would be like to have to work under pre-collective bargaining conditions, and a reminder of the great battles labor fought in the past.

A generation after Congress established organizing and collective bargaining as national labor policy, which is indispensable for industrial peace and economic progress, farm workers are still denied that policy's coverage.

They face the unchecked hostility of the most wealthy and powerful elements of the agricultural community but without legal protections available to organized workers.

They face questionable government immigration policies, and lax enforcement of immigration regulations, which give the growers a steady stream of alien strikebreakers.

They face the combined and organized forces of reaction lined up against them—the John Birch Society, the National Right to Work Committee, the American Farm Bureau, and the rest of the far-right coalition that always chimes in with the union-hating chorus.

They face propaganda produced by one of the biggest public relations firms in America—disseminated through phony fronts, so-called loyal worker unions, paper consumer groups—all designated to deecive the public.

They are fighting this with two weapons—the truth and the boycott.

In cities and towns all over the country, representatives of the farm workers have spoken, most often to labor groups, spreading the word about their strike, urging support of the boycott, and requesting aid.

CWA has long been on record in support of the farm workers.

Locals have contributed to the UFWOC effort, have supported and publicized the boycott, and after the UFWOC ran into difficulties concerning telephone service in Delano an international officer of CWA informed the company that poor service to UFWOC would be considered a personal affront to CWA.

The UFWOC has achieved some successes.

It has won some contracts.

It has convinced many members of Congress that legislation must be written to give farm workers the rights won by labor a generation ago.

But the Administration's version of what that legislation should contain is far from what is actually needed.

The Department of Labor has devised a plan which in principle advocates union rights for farm workers, but, in fact, organizing and collective bargaining by farm workers remains difficult. It does this through a list of "special rules and procedures."

The administration of the rules and procedures would be by a Farm Labor Relations Board weighed in favor of large growers.

Growers could invoke compulsory arbitration to prevent strikes, and the roster of arbitrators would be furnished by the Secretary of Agriculture.

This legislation must be rewritten to give farm workers the same organizing rights and collective bargaining rights that others enjoy.

But meanwhile the fight continues, in the grape fields, at the produce counters, and in Congress. Therefore, be it

Resolved: That this 31st Annual Convention of CWA requests that every CWA Local make a contribution to the UFWOC Defense Fund at Box 130, Delano, Calif. 93215, and that every Local inform union families of the fight the farm workers are in and of the need to support them both by boycotting grapes and by informing store operators of their participation in the boycott, and be it further

Resolved: That CWA inform appropriate members of Congress and the Administration of our support for legislation giving farm workers the full organizing and collective bargaining rights of American workers.

SENATE—*Friday, August 8, 1969*

The Senate met at 11 o'clock a.m. and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father—

"May Thy spirit which is eternal be
within us to refresh us,
Above us to bless us,
Around us to protect us,
Before us to lead us on,
Beneath us to hold us up."

In the Redeemer's name, we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, August 7, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 13270) to reform the income tax laws, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 309) second listing of operating Federal assistance programs compiled during the Roth study, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 13270) to reform the income tax laws, was read twice by its title and referred to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 309) second listing of operating Federal assistance programs compiled during the Roth study, was referred to the Committee on Rules and Administration.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

DIRECTOR OF THE MINT

The assistant legislative clerk read the nomination of Mary Brooks, of Idaho, to be Director of the Mint.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

DISTRICT COURT OF THE VIRGIN ISLANDS

The assistant legislative clerk read the nomination of Almeric L. Christian, of the Virgin Islands, to be judge of the district court of the Virgin Islands.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

U.S. DISTRICT JUDGE

The assistant legislative clerk read the nomination of Frank H. McFadden, of Alabama, to be U.S. district judge for the northern district of Alabama.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

DEPARTMENT OF JUSTICE

The assistant legislative clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore Without objection, the nominations are confirmed en bloc.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

The assistant legislative clerk read the nomination of Philip J. Farley, of Virginia, to be Deputy Director of the U.S. Arms Control and Disarmament Agency.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

DIPLOMATIC AND FOREIGN SERVICE

The assistant legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are confirmed en bloc.

DIRECTOR OF THE CENSUS

The assistant legislative clerk read the nomination of George Hay Brown, of Michigan, to be Director of the Census.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

ATOMIC ENERGY COMMISSION

The assistant legislative clerk read the nomination of Clarence E. Larson, of Tennessee, to be a member of the Atomic Energy Commission.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—DIPLOMATIC AND FOREIGN SERVICE

The assistant legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service which had been placed on the Secretary's desk.

The PRESIDENT pro tempore. Without objection, the nominations are confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, the call for the quorum is rescinded.

EVERGLADES NATIONAL PARK, FLA.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 342, S. 2564, which I understand has been cleared on the other side; and if it is not this action will be rescinded.

The PRESIDENT pro tempore. The bill will be stated by title.

The Assistant Legislative Clerk. A bill (S. 2564) to amend the act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to authorize an additional amount for the acquisition of certain lands for such park.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, line 3, after the word "of" strike out "$1,000,000," and insert "$800,000,"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Act entitled "An Act to fix the boundary of Everglades National Park, Florida, to authorize the Secretary of the Interior to acquire land therein and to provide for the transfer of certain land not included within said boundary, and for other purposes", is amended by inserting "(a)" after "Sec. 8.", and by inserting at the end of such section a new subsection as follows:

"(b) In addition to the amount authorized in subsection (a) of this section there is authorized to be appropriated such amount, not in excess of $800,000, as is necessary for the acquisition, in accordance with the provisions of this Act, of the following described privately owned lands:

"Sections 3, 4, and 5; section 6, less the west half of the northwest quarter; sections 7, 8, 9, and 10; north half of section 15; and sections 17 and 18, all in township 59 south range 37 east, Tallahassee meridian."

Mr. MANSFIELD. Mr. President, it is my understanding that there is a very precise time limitation on this particular matter. It is almost mandatory that the bill be brought up today. This is a bill in which the distinguished senior Senator from Florida (Mr. Holland) and, I am sure, his colleague, the junior Senator from Florida (Mr. Gurney), are vitally interested.

The bill authorizes $800,000 to exercise an option for 6,640 acres of land by the Park Service to add to the Everglades National Park. The price is considered good, and the option runs until November 16, 1969; unless it is exercised, it is feared the price will go up.

The reason for wishing to bring this matter up now is that time is needed, taking into account the recess, to complete necessary authorizing action and to get the money reprogramed from land acquisition funds in time to pay off the option.

To the best of my knowledge, the bill has been cleared on all sides.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HOLLAND. Mr. President, I thank the distinguished majority leader.

The majority leader has correctly stated the situation. The option price is a bargain, in the opinion of the Park Service. The owner declined to renew the option so that it is highly necessary that this purchase of land in a very vital place be accomplished under the option.

Again, I thank the distinguished majority leader and the Senate for taking up this bill in emergency fashion.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATION

The PRESIDENT pro tempore laid before the Senate the following letter, which was referred as indicated:

Report of Export-Import Bank

A letter from the Secretray of the Export-Import Bank of the United States, reporting, pursuant to law, the amount of Bank insurance and guarantees issued in June 1969 in connection with U.S. exports to Yugoslavia; to the Committee on Banking and Currency.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the County of Westchester Board of Supervisors, White Plains, N.Y., remonstrating against the enactment of legislation relating to the present tax exemption of interest on State, county, and municipal bonds; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 2000. A bill to establish the Lyndon B. Johnson National Historic Site (Rept. No. 91–364); and

S.J. Res. 26. A joint resolution to provide for the development of the Eisenhower National Historic Site at Gettysburg, Pennsylvania, and for other purposes (Rept. No. 91–365).

By Mr. ERVIN, from the Committee on the Judiciary, with amendments:

S. 2593. A bill to exclude officers and employees of Western Hemisphere businesses from being charged against the Western Hemisphere immigration quota (Rept. No. 91–366).

By Mr. McCLELLAN, from the Committee on the Judiciary, without amendment:

S. Res. 97. Resolution to refer S. 1003 to Court of Claims (Rept. No. 91–367).

By Mr. PELL, from the Committee on Labor and Public Welfare, with amendments:

S. 2721. A bill to amend the Higher Education Act of 1965 to authorize Federal incentive payments to lenders with respect to insured student loans when necessary, in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education (Rept. No. 91–368).

EXECUTIVE REPORTS OF A COMMITTEE

Mr. YARBOROUGH. Mr. President, as in executive session, I report favorably sundry nominations in the Public Health Service. Since these names have previously appeared in the Congressional Record, in order to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

John H. Ackerman, and sundry other candidates, for personnel action in the regular corps of the Public Health Service.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. SCOTT:

S. 2800. A bill to amend title 38 of the United States Code to provide a paraplegia rehabilitation allowance of $100 per month for veterans of World War I, World War II, or the Korean conflict; to the Committee on Finance.

(The remarks of Mr. Scott when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. PEARSON:

S. 2801. A bill for the relief of Jing-Jizy Huang; to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself and Mr. Hart):

S. 2802. A bill to assist the States in establishing coastal zone management programs; to the Committee on Commerce.

(The remarks of Mr. Magnuson when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. BYRD of West Virginia:

S. 2803. A bill to encourage institutions of higher education to adopt rules and regulations to govern the conduct of students and faculty, to assure the right to free expression, to assist such institutions in their efforts to prevent and control campus disorders, and to amend the Higher Education Act of 1965; to the Committee on Labor and Public Welfare.

By Mr. MAGNUSON (for himself, Mr. Burdick, Mr. Jackson, Mr. Dole, Mr. Anderson, and Mr. Bennett):

S. 2804. A bill to permit a compact between the several States relating to taxation of multistate taxpayers; to provide a formula for taxing multistate taxpayers for States not entering into this compact; to require certain sellers to collect sales and use taxes; and for other related purposes; to the Committee on Finance.

By Mr. HART:

S. 2805. A bill to reform the Federal income tax laws; to the Committee on Finance.

(The remarks of Mr. Hart when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. PROUTY (for himself, Mr. Scott, Mr. Griffin, Mr. Bellmon, and Mr. Schweiker):

S. 2806. A bill to further promote equal employment opportunities for American workers; to the Committee on the Judiciary.

(The remarks of Mr. Prouty when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. ALLOTT (for himself and Mr. Dominick):

S. 2807. A bill for the relief of the Southwest Metropolitan Water and Sanitation District, Colorado; to the Committee on the Judiciary.

By Mr. BURDICK (for himself and Mr. Young of North Dakota):

S. 2808. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Minot Extension of the Garrison Diversion Unit of the Missouri River Basin Project in North Dakota, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. YARBOROUGH (for himself, Mr. Brooke, Mr. Cranston, Mr. Dodd, Mr. Eagleton, Mr. Ervin, Mr. Harris, Mr. Hart, Mr. Hughes, Mr. Inouye, Mr. Kennedy, Mr. McCarthy, Mr. Mondale, Mr. Nelson, Mr. Pell, Mr. Randolph, Mr. Scott, Mr. Tydings and Mr. Williams of New Jersey):

S. 2809. A bill to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Yarborough when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. COOPER:

S. 2810. A bill for the relief of Major Willis R. Hodges, U.S. Air Force; and

S. 2811. A bill to waive the 2-year foreign residence requirement of section 212(e) of the Immigration and Nationality Act for medical doctors who are willing to serve in a poverty area for 5 years; to the Committee on the Judiciary.

(The remarks of Mr. Cooper when he introduced the bill, S. 2811, appear later in the Record under the appropriate heading.)

By Mr. GOODELL:

S. 2812. A bill to extend the period of eligibility of local noncash credits for certain neighborhood development projects; to the Committee on Banking and Currency.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH—AMENDMENT

AMENDMENT NO. 131

Mr. McINTYRE (for himself, Mr. Nelson, Mr. Goodell, Mr. Hughes, Mr. Proxmire, Mr. Yarborough, Mr. Pell, Mr. Hartke, Mr. Mondale, and Mr. Stevens) proposed an amendment to the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, which was ordered to be printed.

(The remarks of Mr. McIntyre when he proposed the amendment appear later in the Record under the appropriate heading.)

AMENDMENT OF FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED—AMENDMENTS

AMENDMENT NO. 132

AMENDMENT TO PROHIBIT POLLUTION OF INTERSTATE WATERS BY PESTICIDES

Mr. NELSON. Mr. President, today I am submitting an amendment to S. 7, the water pollution control bill, to require that maximum limits be set on pesticides as part of the interstate water quality standard program initiated in the 89th Congress.

I think it is clear that we can no longer tolerate the massive accumulation in our environment of these toxic compounds.

Twenty years ago, DDT and other emerging pesticides were acclaimed as the victors over diseases threatening man.

Their uses spread quickly to agricultural operations and later for the control of pests bothersome but not hazardous to man.

Their fame spread as did their use. Billions upon billions of pests have fallen victim to their dust, spray or powder.

But new strains of pests developed with increased resistance to DDT and other common pesticides.

Too often, instead of seeking more effective, more selective means of pest control, the reaction of most users has been to apply more, perhaps twice as much, to overcome the pest's newly attained resistance.

Pesticides have become a panacea to gardeners, farmers, entomologists and public officials as the easy way of solving a difficult problem of ecological balance. The highly publicized, but little understood, qualities of pesticides have encouraged many to use them in great quantities regardless of the potential and too-often-ignored danger to the environment.

The result in too many cases has been new generations of harder-to-kill pests and massive pollution of our soil, water and air of toxic, persistent pesticides.

Today, more than 600 million pounds of pesticides, including insecticides, herbicides, fungicides, rodenticides, and fumigrants, are used annually in the United States, about 3 pounds for every man, woman, and child in the United States. Last year, the sales of pesticides increased some 10 percent over the previous year and, by 1985, it is estimated that they will increase another sixfold.

Reports indicate that about 1 acre of every 10 in America is treated with an average of nearly 4 pounds of pesticides every year.

Alarming danger signals are clearly visible, warning of an environmental disaster if the use of persistent pesticides is not curbed.

As Rachel Carson dramatically described in her book, "Silent Spring," most pesticides cannot distinguish between man's friends and man's enemies. They can be as lethal to beneficial creatures as they are to destructive pests. This has been the curse of pesticides as they have drifted through the air, washed through the water and seeped through the soil to contaminate the environment on a worldwide basis.

Pesticide residues have been found in reindeer in Alaska, in penguins in the Antarctic, and in the dust over the Indian Ocean.

They are seriously threatening the existence of widespread species of fish and wildlife, including the American bald eagle, the blue shell crab, osprey, pereguine falcon, and bermuda petrel.

The threat of pesticides to man is currently under intensive study by the U.S. Public Health Service and the Food and Drug Administration. Potential links to cancer and liver and stomach ailments have already been established for certain pesticides.

As public support grows for improved regulation of pesticide use, the agricultural community and others warn of crop disasters and skyrocketing food prices without pesticides.

But it is not an all or nothing situation. Effective, economical, alternative means of pest control have been developed to make many currently used persistent pesticides obsolete.

For example, the U.S. Department of Agriculture suggests an effective alternative for DDT on virtually every crop on which this most persistent, most expendable pesticide is presently used. In addition, a host of nonchemical means of pest control have been applied with great success in many parts of the country, including the development of crop varieties that resist insect attack, the introduction of natural enemies into the pest's environment, insect sterilization, and integrated procedures which combine chemical and biological control measures.

More than 6 years ago, the President's Science Advisory Commission on Pesticides cited the grave dangers of pesticides to the environment and human health and said the Nation's goal must be "eliminating" the use of persistent, toxic pesticides.

If there has been any real progress at the national level since then, I have yet to see it. In fact, use of persistent pesticides last year was at a level as high as ever before. Average annual use of the chlorinated hydrocarbon insecticides, not counting their most popular member, DDT, was 82 million pounds for the 5-year period ending in 1967, an increase of 73 percent over a similar period ending in 1957. And in addition, the use of even more toxic pesticides, such as parathion and malathion, has increased markedly in recent years.

It is clear that the Federal Government has utterly failed to take effective action either to clean its own house, or to carry out its responsibilities for others to put theirs in order. Just last month, it was revealed that the Department of Agriculture, with major responsibilities for pesticide regulation, has been sponsoring with the Air Force a program which has been distributing highly toxic dieldrin at Air Force bases throughout the country. Scientists across the country have pointed out that this was a senseless and dangerous pesticide misuse.

Through the Federal Committee on Pest Control, this program had twice been reviewed and approved by the other key departments with pesticide responsibilities: The Department of Health, Education, and Welfare, and the Department of the Interior.

The fact is that on pesticides, the Federal Government has been perpetrating, rather than solving, this grave environmental and health problem.

It is an outrageous situation, and it must be stopped. It is time we seized opportunities to achieve rational pesticide use, rather than continuing to ignore them.

It is time the Department of Agriculture used its existing authority to place effective limitations on the use of all pesticides, including a cancellation of the registrations for the uses of those hard pesticides especially hazardous to the environment. But it has not taken these steps, and to date, has given only the most vague indications of plans for action.

It is necessary that the Department of Health, Education, and Welfare set effective tolerance levels for pesticides in fish, to protect human health, and that it determine the other specific threats pesticides pose to man and act accordingly. Steps taken by the Department in recent months, such as creation by the Secretary of a Commission on Pesticides and Their Relationship to Environmental Health to make recommendations within 6 months, could bring results, if they are followed through.

And finally, it is the responsibility of the Department of the Interior to move vigorously in dealing with pesticides as a water pollutant.

It is to this last point that my amendment is directed. The evidence is irrefutable that pesticides have concentrated to dangerous levels in our rivers and lakes, and perhaps even in our oceans, upsetting the delicate balance of ecological systems, inhibiting or killing fish and wildlife, posing threats to the health of man.

A 2-year national pesticide study recently completed by the U.S. Bureau of Sport Fisheries and Wildlife found DDT in 584 of 590 samples of fish taken from 45 rivers and lakes across the United States.

The study results showed DDT ranging up to 45 parts per million in the whole fish, a count more than nine times higher than the current FDA guideline level for DDT residues in fish.

Residues of DDT reached levels higher than the FDA's temporary limit of 5 parts per million in 12 of the rivers and lakes, including the Hudson in New York, the Delaware, the Cooper in South Carolina, St. Lucio Canal and the Apalachicola in Florida, the Tombigbee in Alabama, the Rio Grande in Texas, Lake Ontario, Lake Michigan, the Arkansas and the White in Arkansas, and the Sacramento in California.

Residues of dieldrin, a pesticide even more toxic to humans than DDT, were found in excess of the 0.3 part-per-million FDA limit in 15 rivers and lakes including the Connecticut, the Hudson, the Delaware, the Savannah in Georgia, the Apalachicola, the Tombigbee, the Rio Grande, Lake Ontario, Lake Huron, the Illinois in Illinois, the Arkansas and the White, the Red River in Minnesota, the San Joaquin in California, and the Rogue in Oregon.

In summary, the comprehensive survey found DDT in almost 100 percent of the fish samples, dieldrin in 75 percent, heptachlor and/or heptachlor epoxide in 32 percent, and chlordane in 22 percent.

These shocking results substantiate the fears of concerned environmentalists who have warned of the widespread poisoning of our air and water by pesticides.

Over the 4-year period, ending in 1968, more than 1,640,000 fish were killed by pesticide pollution in the Nation's waters, the result of pesticide spills or runoff and concentration in our waters. Millions more fish no doubt went unborn due to reproductive failures caused by pesticides.

Laboratory research has proven that pesticide levels in water, of even the low parts per billion, can be toxic to adult fish. Levels in low parts per trillion have been found to affect reproduction.

Already, the pesticide levels in Lake Michigan, the most pesticide polluted of the Great Lakes, are in the low parts per trillion range.

At last year's Lake Michigan Water Pollution Conference, a spokesman for the U.S. Bureau of Commercial Fisheries testified that the concentration of pesticides in Lake Michigan could reach a level lethal to both man and aquatic life if the use of pesticides was continued at such a heavy rate in the Lake Michigan watershed.

W. F. Carbine, Great Lakes Regional Director for the Bureau of Commercial Fisheries, stated that:

> Lake Michigan has the highest concentration of pesticides of any of the Great Lakes, which now are only slightly below levels that are known to be injurious to man or aquatic life. . . . A continuation at high levels or an upsurge in pesticide application anywhere in the Lake Michigan basin could increase the pesticide concentration prevailing in the open lake from the present on-lethal level to a lethal value.

This testimony was certainly substantiated last spring when the Food and Drug Administration seized 28,000 pounds of pesticide-contaminated Lake Michigan coho salmon.

According to the FDA, the concentration of DDT in the salmon was found to be up to 19 parts per million while the accumulation of dieldrin was about 0.3 of a part per million, both levels considered hazardous by both the FDA and the World Health Organization.

Not only does the FDA's action prove the increasing pesticide pollution of Lake Michigan but also demonstrates the tremendous persistence of these pesticides. To ultimately reach the salmon, the DDT and dieldrin probably traveled hundreds of miles through the air, water, and soil and were consumed through the normal food chain of up to half a dozen different organisms.

With the Water Quality Act of 1965, Congress gave the Department of the Interior a mandate to deal with exactly this kind of problem. It required standards of quality to be set which took into consideration such factors as use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses.

In implementing the act, a National Technical Advisory Committee on Water Quality Criteria was established. The recommendations of the committee to the Secretary of the Interior were to provide the technical basis for the Secretary to review and approve standards submitted by the States. Interstate water quality standards submitted by all 50 States have now been reviewed and approved, in whole or in part, by the Secretary, and those are now in effect.

On pesticides, the Technical Avisory Committee specifically recommended that—

> Since any addition of persistent chlorinated hydrocarbon insecticides is likely to result in permanent damage to aquatic populations, their use should be avoided.

The hydrocarbons include DDT and other especially persistent pesticides.

The committee also recommended application limits on the other pesticides to insure that their concentrations in our waters would not exceed safe levels for a number of important fish and other species.

Unfortunately, most of the States had prepared their proposed water quality standards before the committee's recommendations were made, and to date, specific limits on pesticides have been set in only three States as part of their interstate water quality standards.

And with interstate water quality standards already submitted by all 50 States, it will be necessary for the vast majority of them to be revised in order for proper pesticide limits to be established. It is clear from the Technical Advisory Committee's recommendations that even now we have the technical knowledge on which to base at least initial standards establishing more effective guidelines to avoid more pesticide pollution.

I believe it is urgent that all the States set comprehensive limits on pesticides in our rivers and lakes as soon as is reasonable possible. Clearly, these toxic compounds are one of the major pollution sources in this country.

It is evident, from my discussion with experts in this field, that with adequate research, meaningful criteria could be developed within 2 years as the basic for setting effective standards for pesticides in interstate waters in order to protect the environment, fish and wildlife and man.

A great deal is already known about this, as shown by the Technical Advisory Committee's recommendations, but more work is needed to complete the picture for the wide range of fish and other life which must be considered.

The standards should be such as to result in the appropriate regulation of pesticide use so that concentration in our waters would not rise above safe levels.

The amendment which I am submitting today would require the Secretary of the Interior to develop water quality criteria for pesticides, which the States would use as the basis for the adoption of State-by-State standards to effectively control pesticide pollution in lakes and rivers.

The criteria would be developed and provided to the States within 2 years after the enactment of S. 7. The States would then be in a position to incorporate specific limits on pesticides as part of their existing water quality standards. The States, of course, may establish standards more stringent than outlined in the criteria issued by the Secretary.

In addition, the amendment requires the Secretary to report to the Congress on an investigation regarding methods to control the release of pesticides into the environment and an examination of the persistency of pesticides in the water environment. This research should include the determination of the manner by which pesticides degrade, decompose, or persist in the environment; the discovery of means and methods by which pesticides may be caused to degrade more rapidly after their introduction into the environment; the ascertainment of the toxic or lethal concentrations of pesticides; the ascertainment of the synergistic and accumulative effects of pesticides on man, on fish and wildlife, and on the environment; and the development of rapidly degradable pesticides.

In the development of both the criteria and his report, the Secretary is expected to consult with the appropriate local, State, and Federal agencies, public and private organizations and interested individuals.

In the 2-year interim before the optimum pesticide standards would be prescribed under this amendment, it should be feasible for the States to adopt initial standards similar to those recommended by the Technical Advisory Committee and begin to deal with this problem. The Secretary of the Interior should take immediate steps to work with the States to accomplish this. As I have pointed out earlier in this statement, the Technical Advisory Committee standards are based on sound research, and are adequate for an immediate beginning.

I believe my amendment is a reasonable and practical approach to the very grave and increasing problem of pesticide misuse in our environment. It takes account of the need to develop the rest of the information necessary for the setting of optimum pesticide standards; yet it also recognizes that action can and must be taken within a reasonable time and that a deadline must be set to put these limits into effect so we can control pesticide concentrations in our Nation's waters and in the chain of life.

Before the Senate considers S. 7, I will contact all Senators to ask their support for this amendment, and my staff and I are available to provide any further information we can to those who may be interested in this important matter.

I ask unanimous consent that the text of my amendment be printed in the RECORD at this point.

The PRESIDENT pro tempore. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 132) is as follows:

On page 69, line 7, in lieu of "(k)" insert "(l)". On page 72, between lines 8 and 9, insert the following: "(j)(1) The Secretary shall, after consultation with appropriate local, state, and Federal agencies, public and private organizations, and interested individuals, as soon as practicable but not later than two years after the effective date of this subsection, develop and issue to the States for the purpose of adopting standards pursuant to section 10(c) criteria reflecting the latest scientific knowledge useful in indicating the kind and extent of effects on health and welfare which may be expected from the presence of pesticides in the water in varying quantities. He shall revise and add to such criteria whenever necessary to reflect developing scientific knowledge.

"(2) For the purpose of assuring effective implementation of standards adopted pursuant to paragraph (1) the Secretary shall, in consultation with appropriate local, state, and Federal agencies, public and private organizations and interested individuals, conduct a study and investigation of methods to control the release of pesticides into the environment, which study shall include examination of the persistency of pesticides in the water environment and alternatives thereto. The Secretary shall submit a report on such investigation to Congress together with his recommendations for any necessary legislation within two years after the effective date of this subsection."

One page 72, line 9, in lieu of "(j)" insert "(k)".

S. 2800—INTRODUCTION OF A BILL RELATING TO A REHABILITATION ALLOWANCE FOR CERTAIN VETERANS

Mr. SCOTT. Mr. President, I introduce, for appropriate reference, a bill to provide for a paraplegic rehabilitation allowance of $100 per month for veterans of World War I, World War II, or the Korean conflict. This legislation would aid those pre-Vietnam war veterans who have suffered a spinal cord injury resulting in paralysis, but who, with proper financial assistance, could now leave the hospital.

I was privileged to be chairman of the Republican platform subcommittee on human needs, which dealt with veterans' affairs, at the GOP National Convention last year in Miami Beach. At that time I heard testimony from Mr. Gerald Doyle and Mr. William Dick, representing the Paralyzed Veterans of America, in support of this legislation. They discussed some of the inadequacies of the Veterans' Administration's medical services, pointing out that such inadequacies have "become more glaringly evident with the influx of the many seriously wounded Vietnam veterans." Messrs. Doyle and Dick suggested:

> One method to free more beds in the acute medical wards would be the creation of a paraplegic rehabilitation allowance. This will permit the spinal cord injured, nonservice-connected veteran the financial means to live outside the hospital environment.

With such a rehabilitation allowance provided for other veterans, those who were seriously wounded in Vietnam could receive more intensive care during their hospital stay.

The essence of the problem facing these paraplegics is how to afford living outside the confines of a hospital or other institution. It is difficult for the paraplegic who still has the use of his upper extremities, but it is just about impossible for the quadriplegic who has either no use, or severely limited use of his upper extremities.

Adequate housing is a problem common to both. It must be adaptable to the wheelchair and usable by the individual. This requires homes or apartments with no steps and with elevators to upper floors. These always cost more rent. In some cases, these apartments require alterations in order to accommodate the wheelchair.

A telephone is essential to both in case of emergency and for delivery of food, medicines, and other essentials. Air conditioning is a vital necessity for the quadriplegic. He could not live without it—literally—because he cannot perspire.

In many instances these individuals can drive, in spite of their severe disabilities, if they can afford the price and maintenance costs of a car. If not, they must use expensive taxis because public transportation such as buses is totally inaccessible. The severely limited quadriplegic needs an attendant. Many are living with their parents or another relative to service their needs. But the parents of World War II veterans are in their seventies and eighties. At the present time, the Veterans' Administration provides an aid and attendance allowance of $100 per month. That sum is far from enough to hire an attendant even if two quadriplegics were to live together.

I believe that additional financial help is essential to the discharge of the spinal-cord-injured from the VA hospitals. My bill would grant an additional $100 per month to the paraplegic or quadriplegic when not hospitalized at Government expense. Based on VA statistics, it has been estimated that less than 5,000 non-service-connected veterans would be eligible for this award. Far fewer may perhaps take advantage of it. But the $1,200 it affords is far less costly than retaining these disabled in a VA hospital. At the conclusion of my remarks, I ask unanimous consent to have printed in the RECORD a survey of non-service-connected veterans completed by the Paralyzed Veterans of America.

Mr. President, I am proud to have played a part in writing the 1968 Republican platform statement dealing with human needs. With specific reference to veterans, we pledged "a rehabilitation allowance for paraplegics to afford them the means to live outside a hospital environment." My bill will make this pledge a reality, and I urge its prompt enactment.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the survey will be printed in the RECORD.

The bill (S. 2800) to amend title 38 of the United States Code to provide a paraplegia rehabilitation allowance of $100 per month for veterans of World War I, World War II, or the Korean conflict, introduced by Mr. SCOTT, was received, read twice by its title, and referred to the Committee on Finance.

The survey, presented by Mr. SCOTT, is as follows:

SURVEY ON NON-SERVICE-CONNECTED VETERANS

In February of 1967, a survey was completed by the Paralyzed Veterans of America on Non-Service Connected Veterans' Benefits. It was the purpose of this survey to secure statistics on the income and expenditures of the non-service connected veterans and their dependents, as well as getting an over-all picture of the conditions in which these veterans are living. For purposes of this survey, those receiving benefits were broken down into the following categories:

Quadriplegia: Paralysis in all 4 extremities.
Paraplegia: Paralysis in lower half of body.
Triplegia: Paralysis in 3 extremities.

The number of questionnaires returned in response to this survey produced the following total figures:

Quadriplegia	265
Paraplegia	446
Triplegia	28
Total	739

In the first category Source of injury, the majority of paraplegics had sustained their injury in an automobile accident. While automobile accidents were also the leading cause of injury for quadriplegics, almost as many quadriplegics were injured while swimming.

1. SOURCE OF INJURY

	Quadriplegia	Paraplegia	Triplegia
Automobile	89	195	4
Swimming	79	3	
Gunshot	5	34	1
Industrial	3	19	
Multiple sclerosis	5	17	6
Polio	20	22	11
Other	53	150	6
Not noted	11	6	
Total	265	446	28

In all categories, the largest percentage of those returning questionnaires were World War II veterans, who were married and had at least two children.

2. TIME OF SERVICE

	Quadriplegia	Paraplegia	Triplegia
World War I	2	19	2
World War II	173	312	22
Korea	87	100	5
Peacetime	26	32	1
Total [1]	288	463	30

[1] Service in more than 1 category.

3. MARITAL STATUS

	Quadriplegia	Paraplegia	Triplegia
Married	141	268	19
Widowed	3	15	
Divorced	46	55	6
Separated	4	18	
Single	71	90	3
Total	265	446	28

4. CHILDREN

	Quadriplegia	Paraplegia	Triplegia
Number with children	142	262	22
Average number of children	2.6	2.3	1.9

Hospitalization is required annually by more than half of the responding paraplegics and quadriplegics. The majority of these require hospitalization of one month or longer each year. Many of those hospitalized for a month or less are admitted for check-ups only, while those hospitalized for longer periods of time are generally treated for pressure sores or genito-urinary infections. Remembering that the total number of quadriplegics responding in this survey is 265, it is important to note that 53 of these require year 'round hospitalization because they cannot afford adequate care outside the hospital.

5. HOSPITALIZATION

	Quadriplegia	Paraplegia	Triplegia
Currently hospitalized	78	47	3
Hospitalized year around	53	17	1
Hospitalized 6 months to 1 year	21	35	2
Hospitalized 1 month to 6 months	58	132	3
Hospitalized less than 1 month	46	66	2
Total (including year around)	178	250	8

Most veterans live in houses, and a large percentage of these own or are buying their homes. They have at least two dependents. Very few are able to live alone or with someone other than relatives or family.

6. RESIDENCE

	Quadriplegia	Paraplegia	Triplegia
Living in house	199	342	19
Living in apartment	23	66	7
Living in trailer	4	7	
Other	39	31	2
	265	446	28
Own or buying home	103	216	14
Live alone	10	26	2
Live with wife	141	268	19
Live with relatives	55	69	4
Share cost with someone	6	21	1
Not noted	53	62	2
Total	265	446	28

7. DEPENDENTS

	Quadriplegia	Paraplegia	Triplegia
Number with dependents	181	304	21
Average number of dependents	2.5	2.3	2.3

A major portion of those surveyed receive a pension and, of those, most are under the new pension law. Those who still retain coverage under the old law do so for a variety of reasons, the dominant ones being the fact of frequent hospitalization which would result in pension reduction under the new law and the fact that they are single.

8. PENSION

	Quadriplegia	Paraplegia	Triplegia
Under old law	60	95	4
Under new law	150	226	15
Total receiving pension	210	321	19

Those under Old Law will not change because:

	Quadriplegia	Paraplegia	Triplegia
Single	26	17	1
Hospitalization	36	22	
Estate	4	5	
Wife's income	8	20	2
Other	1	7	1
Total [1]	75	71	4

[1] Inaccuracy due to listing of more than one reason or no reason given at all by some.

Although almost all the veterans were working before their injury, only a very small portion have been able to secure and maintain a job since that time.

9. EMPLOYMENT

	Quadriplegia	Paraplegia	Triplegia
Working before injury	227	375	23
Attending school/not noted	38	71	5
Total	265	446	28
Average income per week	$106.86	$116.07	$199.28
Currently employed	29	76	11
Reported income	25	69	11
Average income per week	$110.59	$124.19	$98.44

A comparison of average monthly expenses and income shows that in no instance is the income sufficient to offset the expenses. Even those who are able to be employed have a hard time meeting expenses. The quadriplegic has a particularly difficult time due to the excessive cost of required medical care. The need for constant additional assistance is another factor contributory to the financial difficulties of the quadriplegic.

10. EXPENSES (AVERAGE PER MONTH)

	Quadriplegia	Paraplegia	Triplegia
Rent of house payments	$96.40 (207)	$81,61 (372)	$129.36 (22)
Furniture and maintenance	$42.09 (166)	$33.56 (309)	$29.75 (20)
Food	$102.66 (216)	$97.38 (385)	$143.54 (25)
Clothing	$26.59 (222)	$28.36 (369)	$27.13 (24)
Miscellaneous	$48.02 (203)	$42.24 (324)	$75.71 (24)
Medical care	$69.52 (160)	$21.05 (274)	$29.6 (20)
Medicine and drugs	$14.38 (160)	$16.99 (295)	$14.16 (22)

10. EXPENSES (AVERAGE PER MONTH)—Continued

	Quadriplegia	Paraplegia	Triplegia
Prosthetics	$11.92 (90)	$13.55 (212)	$10.50 (4)
Prosthetic repair	$8.19 (83)	$9.64 (193)	$9.30 (10)
Car maintenance	$74.57 (168)	$78.55 (316)	$83.67 (22)
Other transporation (Do not own car)	$28.85 (39)	$25.31 (56)	$45.00 (3)
Average monthly expenses	$524.04	$422.93	$552.80

Note: Numbers in parentheses indicate the number giving estimate.

11. INCOME

Quadriplegics	Number receiving	Average income	Overspent each month
Employed	29	$442.36	$81.68
Income only	7	178.89	345.15
Social security only	2	168.17	355.87
Pension only	34	169.12	354.97
Income/pension	50	348.01	176.03
Income/social security	60	347.06	176.98
Social security/pension	45	337.29	186.75
Social security/pension/income	38	516.18	7.86
Average monthly expenses			524.04

PARAPLEGICS

	Number receiving	Average income	Overspent each month
Employed	76	$496.76	
Income only	12	257.44	$165.49
Social security only	21	160.34	262.59
Pension only	31	187.07	235.86
Income/pension	41	272.20	170.73
Income/social security	22	356.21	66.72
Social security/pension	184	305.86	117.07
Social security/pension/income	59	417.05	5.88
Average monthly expenses		422.93	

TRIPLEGICS

	Number receiving	Average income	Overspent each month
Employed	11	$393.76	$159.04
Income only	1	250.00	302.80
Social security only			
Pension only			
Income/pension	3	361.50	191.30
Income/social security			
Social security/pension	5	338.33	214.47
Social security/pension/income	8	418.25	134.55
Average monthy expenses		552.80	

When queried as to which part of the pension laws hurt them the most, an overwhelming majority said that the low income limitation of the pension law was most detrimental to them. The inclusion of social security as annual income was the second greatest factor. The following tables indicate the preference of those responding.

12. PREFERENCE QUESTION

Quadriplegia

1. Low income limitation overall.
2. Inclusion of Social Security as annual income.
3. No out-patient care in VA hospital.
4. Reduction of pension; loss of aid and attendance when hospitalized.

Paraplegia

1. Low income limitation overall.
2. Inclusion of Social Security as annual income.
3. Inclusion of wife's income as annual income.
4. Refusal of VA to issue prosthetics and other rehabilitation devices.

Triplegia

1. Inclusion of Social Security as annual income.
2. Inclusion of wife's income as annual income.
3. Low income limitation overall.
4. Reduction of pension when hospitalized more than sixty days.

Overall

1. Low income limitation overall.
2. Inclusion of Social Security as annual income.
3. Inclusion of wife's income as annual income.
4. Reduction of pension when hospitalized more than sixty days; no out-patient care in VA hospital.

ADDENDUM

The statistics that have been compiled are necessarily only the average. Unfortunately, this does not reflect the number of veterans (and their families) who are forced to live in considerably below-average conditions. Nor does it show those that live comfortably above this average because of their wife's wages, their own employment, or income from investments. The following excerpts from the questionnaires are presented in order to focus on some of the specific problems of the totally disabled, non-service connected veteran.

"My wife sold a fur coat to raise funds for a Christmas tree, decorations, doll, toy tea set, and clothing to enable the child to observe the holiday season."

"The only reason that we can keep going is because the members of the congregation give us things like meat, vegetables, etc."

"I live in New York City where the cost of living is the highest in the country. As can be seen, my expenses are the same as my income. It is very difficult to make ends meet. My family and I are deprived of many things the average family can get with little or no trouble. Due to my income and expenses being the same, I am unable to carry Blue Cross-Blue Shield. My oldest boy needs an eye operation and I am unable to pay for this."

"I live at home with my mother and father and two children, and am divorced from my wife. My parents have now reached the age where they can no longer care for me, so I must look for a nursing home to accept me; and, yet, I still have two children to support. . . ."

"My wife smokes—helps her relax and relieve her tensions. Sometimes I wonder how she has kept from 'cracking up.' I can hear her answer now, 'I haven't got time.' "

"My father is supporting me. I live with my father in his house . . . He is 77 years old. . . ."

"For a man like myself, totally unable to care for myself, it is impossible on $135.45 a month to leave the hospital. The best I can do at present is to remain in the hospital and on occasion hire a person to drive my car for a day or two-day excursion into town."

"At the present time, with my wife and I working, our income is just livable. Nothing extra to buy or money to save. We are dependent upon each other to get by. If either one of us were unable to work, I hate to think what I would do."

"Due to the poor pension laws, I lost my family and home. I had to put my three children up for adoption because I couldn't support them."

"We are in great need of a two-bedroom apartment because our 11-year-old daughter needs a bedroom of her own."

"I have been fortunate in that, in spite of my situation, my needs for medical supplies and prosthetics are minimal, and I have a wife, who along with working full time and tending to all of my care, can still smile."

In conclusion, reproduced in its entirety is a letter from a 15-year-old boy, living in Mexico with his father:

"To Whom It May Concern:

"I am the son of this veteran. I am fifteen years old and I am separated from my mother, brother, sister, the rest of my family, and friends for the simple reason that my father does not receive enough benefits to live in the United States.

"I am totally disappointed in a country that can spend billions of dollars of foreign aid to countries that openly displayed their hostility towards the United States, but then can forget the men that made it possible. My father won at least ten battle stars, and two presidential citations, but yet he is exiled from the same country that he fought for. Not just was he exiled from his country, but his family and friends too."

S. 2802—INTRODUCTION OF COASTAL ZONE MANAGEMENT ACT

Mr. MAGNUSON. Mr. President, I introduce, on behalf of myself and the senior Senator from Michigan (Mr. HART) a bill which would provide for the comprehensive and coordinated long-range planning and management of our Nation's coastal zone so that these areas will be developed in a manner which will provide the maximum benefit to society.

The coastland of the United States is, as we all realize, one of the Nation's most important and valuable geographic features. Our Atlantic, Pacific, and Arctic coastlines total 88,633 miles and there are an additional 10,980 miles of shoreline bordering the Great Lakes, the world's largest body of fresh water. The 30 States bordering our coast, including the Great Lakes, contain 75 percent of the Nation's population. Understandably, most of the Nation's industrial and commercial activities are also concentrated within this densely populated area.

To emphasize the importance of this coastal area to our society, let me cite just a few additional statistics. Ninety percent of our foreign trade of $56 billion a year moves by water. Seventy percent of the Nation's commercial fishing takes place in coastal waters, and the estuarine waters and marshlands provide the nutrients for many different species of sports and commercial fish. Seven of the 10 most valuable species in American coastal fisheries spend all or important periods of their lives in these estuarine areas. According to a 1966 report prepared by the Battle Memorial Institute, 8.2 million Americans participated in marine sports fishing and an estimated 16 million will engage in this recreational activity by 1975. That same report indicated that 33 million persons swam in coastal and offshore areas in 1964, and it predicts that that number will increase to 40 million by 1975. In addition, 9.6 million Americans enjoyed using the coastal waters for pleasure boating in the survey year, and an estimated 14 million will engage in this activity by 1975. Clearly, the coastal zone is one of the Nation's major commercial and recreational assets.

And the importance of the coastal waters as a source of mineral wealth is also increasing dramatically. Products from sea water—magnesium metal compounds salt and bromide—were valued at $145.4 million in 1967; sand and gravel, feldspar, cement rock and limestone from the beaches and seafloors were valued at $55.9 million; and petroleum, natural gas, and sulfur on the ocean subfloors have a value of $1,404.8 million in 1967. The value of products derived from sea water has more than doubled since 1960, those obtained from beaches and seafloor have increased by 20 percent, and those from the ocean subfloors have more than tripled. The value of all minerals produced from Federal and State offshore waters in the past decade exceeds $7.5 billion. Petroleum production has accounted for $6 billion of this total.

The very wealth of our Nation's coastal zone and the diversity of beneficial uses for which it can be employed, have created massive problems in the orderly planning and development of this area, however. Dr. Edward Wenk, Jr., executive secretary of the Marine Science Council, has given a good indication of the scope of this problem in an address entitled "Productive Use of the Coastal Zone." To quote Dr. Wenk:

> They (the States) decide how mineral resources beneath coastal lands and waters are to be exploited, and how coastal fisheries are to be harvested. They decide how coastal land and waters may be altered and which uses should receive preference in tradeoffs.
>
> Nevertheless, present state authority over coastal zone activities frequently does not seem to have the institutional muscle compatible with the problems. Some examples:
>
> In most States, there is no single focus for guiding rational development, because conservation, economic promotion, pollution control, tourism, highways and community planning are considered separately.
>
> Funds for land acquisition are hard to come by.
>
> Legal control over land use is complex and ineffectual.
>
> Ambitious and overlapping jurisdiction between local, State and Federal government create serious problems because the marine environment is a continuum.
>
> The answer to these problems, in my view, is not to turn to increased Federal regulation, except as a last resort. Rather, it is necessary to buttress the State role and strengthen coordination so as to protect the public interest.

The bill which I am introducing today will help to deal with these very important problems. Under the bill, the National Council on Marine Resources and Engineering Development will be authorized to grant up to 50 percent of the cost of establishing or maintaining a State coastal zone management program. In order to be eligible for these funds, however, a State must establish a program which provides for both the planning and the development of the coastal zone.

Under the bill, the planning and development program established by a coastal authority must consist of three basic components. First, it will require the formulation of a master plan for the coastal zone. This master plan will be designed to promote the balanced development of natural, commercial, industrial, recreational, and esthetic resources and to accommodate a wide variety of beneficial uses. In preparing this master plan, the coastal authority is instructed to consult with the various governmental bodies whose jurisdiction extends over land located within the coastal zone, as well as with various Federal agencies and other interested parties. It is further directed to project the future growth of the coastal zone and the need for various types of uses, so that the master plan may serve to direct the course of future development in a manner which promotes economic efficiency and the general welfare.

The second component of the State coastal management program will be to provide for the development of the coastal zone in accordance with the master plan. This development authority must specifically include the power to draw up land-use and zoning regulations to control public and private development of the coastal zone; to acquire land within the coastal zone; to develop land and facilities; and to operate such public facilities as beaches, marinas, and other waterfront developments which may be necessary to carry out the State's plan for the coastal zone.

Finally, as the third component of the coastal management program, the State coastal authority must have the authority to review all development projects in the coastal zone which are submitted by any State or local authorities or private developers, and it must have the power to reject any proposed development plan which is inconsistent with the principles and standards set forth in the master plan.

Federal agencies are specifically instructed to make their research and other activities consistent with the programs of the appropriate coastal authorities. All Federal development programs in the coastal zone are to be reviewed by the State coastal authorities, but if they are rejected as inconsistent with the master plan, the Council, after receiving detailed comments from both the Federal agency and the coastal authority, may reverse that determination if it finds that the project is, on balance, consistent with the general objectives of the bill. Conversely, if the coastal authority approves a Federal development project as consistent with its master plan, the Council, upon petition of at least six of its members, may nevertheless review the development project and reject it, if it finds that the project is, on balance, inconsistent with the general objectives of the bill.

To fund this program, the bill would establish a special Marine Resources Fund of $75 million which will be derived from revenues obtained under the Outer Continental Shelf Lands Act. This fund shall be used to carry out the purposes of both the coastal zone management program and the sea grant college program which was established by the 89th Congress.

Section 3 of the bill would amend the Marine Resources and Engineering Development Act of 1966 to specifically include the Secretary of the Army as a member of the Council on Marine Resources. This change has been made because of the large and important role played by the Army Corps of Engineers in the Nation's coastal zone. For example, the corps, which has already estimated that 50,000 miles of shoreline are vulnerable to erosion and require attention, was authorized by the 90th Congress to conduct a national study of shoreline erosion. It is also making a study of offshore deposits of material which might be suitable for beach restoration and fill, since it has already had considerable success in restoring beaches in several States.

Together with the Panel on Multiple Use of the Coastal Zone of the Council of Marine Resources the corps is undertaking factfinding studies of port modernization. This is being done, in cooperation with State and local authorities and with other Federal agencies, because many of the Nation's ports are approaching obsolescence. Only about 10 percent of the Nation's ports, we are advised, have channel depths greather than 40 feet, yet some of the mammoth new tankers have drafts of up to 70 feet.

The corps also conducts a broad program of surveys in the Great Lakes, which include investigations of applied hydraulics and hydrology, river discharge measurements, and provision for consulting services to various international boards and committees.

In addition Corps of Engineers grants permits for structures over and in navigable waters, establishes regulations for use, including dumping grounds, restricted areas, and danger zones of these waters, and establishes harbor lines.

"The Corps of Engineers has perhaps the greatest impact on the coastal zone of any Federal agency," states the report of the Commission on Marine Science, Engineering and Resources, and for this reason, this bill would give them full representation on the Council on Marine Resources.

The final two sections of the bill would extend the life of the Council on Marine Resources and Engineering Development for an additional 5 years to June 30, 1975, and it would increase the annual authorization for this Council to $3 million. I would like to emphasize, however, that although the Council is the body entrusted with the administration of the coastal zones management program under this bill, this in no way represents a position on the recent proposal that we create a new National Oceanic and Atmospheric Agency. At the present time, the Council is the only agency in existence which has the capability of coordinating the oceanographic programs of the various Federal agencies. Should a new oceanic agency be subsequently created, I would expect that the functions assigned to the Council under this bill would be transferred to that new organization.

Proposals for a strong Federal coastal zone management program have received enthusiastic endorsement by many sources. Both the National Council on Marine Resources and Engineering Development and the Commission on Marine Science, Engineering, and Resources are in agreement on the need for creation of coastal authorities in which the several States will have a key role in dealing with the many problems of the coastal zones.

Both the Council and Commission had special panels make extensive studies of these needs and problems.

The Commission Panel on Management and Development of the Coastal Zone was headed by Dr. John A. Knauss, provost for marine science at the University of Rhode Island. Included in the Panel were Robert M. White, Administrator of the Environmental Science Services Administration; Frank C. Di Luzio, Assistant Secretary of the Interior for Water Pollution Control in the previous administration, and Mr. Leon Jaworski, prominent attorney of Houston, Tex., who had also served on other Government commissions.

A major recommendation of this Panel and subsequently of the full Commission was:

> That a Coastal Management Act be enacted that will provide policy objectives for the coastal zone and authorize Federal grants-in-aid to facilitate the establishment of State coastal zone authorities empowered to manage the coastal waters and adjacent land.

The Marine Science Council, concerned since its inception with the orderly development of the coastal zone, early established an Interagency Committee on Multiple Use of the Coastal Zone. This Committee is the largest of five interagency committees or groups and it has representatives from 19 Federal agencies.

James T. McBroom, Assistant Director for Cooperative Services of the Bureau of Sport Fisheries and Wildlife, was Executive Secretary of this Committee. In November of last year it held an important seminar at Williamsburg, Va., on Multiple Use of the Coastal Zone, attended by more than 80 delegates representing industry, consulting firms, academic leaders, and State, county, municipal and Federal officials. I am happy to note that there were attendees from every State on the Pacific Ocean, and from most, if not all, of the States bordering the Atlantic Ocean, Gulf of Mexico, and Great Lakes.

Prominent at this seminar was Dr. David A. Adams, a member of the Commission on Marine Science, Engineering and Resources, a former commissioner of fisheries for North Carolina, and presently senior staff member of the Marine Science Council.

Dr. Adams' report on "Proposals for Improved Coastal Zone Management Systems" was a highlight of the seminar, and has provided valuable guidelines to preparation of the legislation introduced today.

Among other observations, Dr. Adams said:

> Many, if not most, of the problems of the coastal zone could be solved at the State or regional level. The States are large enough to have—or to develop—the needed breadth of view and expertise, yet close enough to the problems to see them realistically. State governmental organizations are diverse and flexible enough to adapt to rapidly changing situations in the coastal zone.
>
> Comprehensive planning for coastal development is greatly influenced, if not actually conducted, at the State level. The fish and wildlife resources of the coastal zone are held in trust by the States. Lands beneath navigable waters are in most cases owned by the States. Funds for coastal engineering of many kinds comes from State treasuries, and most of the impetus for industrial development in the coastal zone emanates from State governmental agencies.

Supplementing the work of the Interagency Committee has been a task force on identification of problems, opportunities and needs, headed by Capt. William A. Jenkins, Deputy Chief, Office of Operations, U.S. Coast Guard, Department of Transportation. This group included representatives of the Department of Health, Education, and Welfare, Bureau of Commercial Fisheries, Geological Survey, National Science Foundation, and Smithsonian Institution, which reported to the Marine Science Council in April of this year.

In their detailed report, this task force recommended defining the national policy and goals for the coastal zone, and establisment of a permanent, coordinating mechanism for the programs of Federal, State, and local governments, as well as private industry, which affect the planning, development, and management of the coastal zone.

Finally, I might add that the State Oceanographic Commission of Washington has reviewed the recommendations of the Commission on Marine Science, Engineering and Resources. Capt. Griffith C. Evans, Jr., U.S. Navy, retired, Executive Director of the Commission, has written me a letter enthusiastically endorsing the Marine Science Commission's recommendation for the creation of coastal zone authorities.

Mr. President, I believe the bill I am introducing would implement all of these recommendations. Most importantly, it will help to secure for future generations the maximum benefit which can be derived from one of our most valuable geographic assets—our coastal lands and water.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD at the conclusion of these remarks.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2802) to assist the States in establishing coastal zone management programs, introduced by Mr. MAGNUSON (for himself and Mr. HART), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 2802

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for a comprehensive, long-range, and coordinated national program in marine science, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering and Resources, and for other purposes", approved October 15, 1966, as amended (16 U.S.C. 1121 et seq.), is amended by adding at the end thereof the following new titles:

"TITLE III—MULTIPLE USE OF THE COASTAL ZONE

"SHORT TITLE

"SEC. 301. This title may be cited as the 'Coastal Zone Management Act of 1969'.

"STATEMENT OF POLICY

"SEC. 302. The Congress finds and declares that the coastal zone of the United States is rich in a variety of natural, commercial, industrial, recreational, and esthetic resources of immediate and potential value to the present and future development of our Nation; that unplanned or poorly planned development of these resources has destroyed or has the potential of destroying, the basic natural environment of such areas and has restricted the most efficient and beneficial utilization of such areas; that it is the policy of Congress to preserve, protect, develop, and where possible to restore, the resources of the Nation's coastal zone for this and succeeding generations through comprehensive and coordinated long-range planning and management designed to produce the maximum benefit for society from such coastal areas.

"DEFINITIONS

"SEC. 303. For the purposes of this title—

"(a) The term 'coastal zone' means lands, bays, estuaries, and waters within the territorial sea or the seaward boundary, whichever is the farther offshore, of the various coastal States and States bordering the Great Lakes and extending inland to the landward extent of maritime influences.

"(b) The term 'territorial sea' means a belt of sea adjacent to the coast of the United States and extending three geographic miles offshore from the baseline and within which the United States exercises sovereign rights, subject to the right of innocent passage.

"(c) The term 'baseline' means the reference line from which the outer limit of the territorial sea and other offshore zones are measured by the United States Government.

"(d) The term 'seaward boundary of the various coastal States' means a line drawn three geographic miles offshore the baseline or nine geographic miles offshore the baseline in the cases of Texas and Florida in the Gulf of Mexico, or such other seaward boundaries as may be recognized by the United States Government.

"(e) The term 'coastal State' means any State bordering on the Atlantic, Pacific, or Gulf Coast or the Great Lakes, and includes Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"(f) The term 'landward extent of the maritime influences' means such amount of land running back from the high water mark which in contemplation of human and natural ecology may be considered to come under the direct and immediate influence of the adjacent sea or lake.

"(g) The term 'Council' means the National Council on Marine Resources and Engineering Development.

"(h) The term 'coastal authority' means a commission, council, center, agency or other governmental entity, broadly representative of coastal needs, problems, and uses, designated by the Governor of a coastal State through legislative or other processes. Coastal States may jointly designate an interstate agency of which they are a member, including a river basin commission, to serve as a coastal authority, in which case such an authority shall be subject to the same provisions as a State agency for the purposes of this title, and shall be entitled to funding equivalent to the sum of the allotments of its member States.

"APPROVAL OF STATE PROGRAMS

"SEC. 304. (a) In recognition of the need for increased participation by the States in the comprehensive planning and development of the coastal zone, the Council shall review any planning and development program submitted by a coastal authority and may, in accordance with the provisions of this title, make grants to such authorities in order to assist them in developing a long-range master plan for the coastal zone and implementing a development program based upon such master plan.

"(b) The Council shall approve any planning and development program for the coastal zone which is submitted by a coastal authority, if such program—

"(1) provides for the formulation of a master plan for the coastal zone over which such authority has jurisdiction as follows:

"(A) such master plan shall include general planning principles and provide a statement of desired goals and standards to help shape and direct future development of the coastal zone, and such standards shall be based on a study of current population and development trends and existing or potential problems within the coastal zone, and be designed to promote the balanced development of natural, commercial, industrial, recreational, and esthetic resources and to accommodate a wide variety of beneficial uses;

"(B) in preparing such master plan, the coastal authority shall examine the land use regulations and plans of the various governmental bodies whose jurisdiction extends over territory located in the coastal zone; shall consult with interested parties, including local governmental bodies, regional development agencies, port authorities, and other intrastate agencies, the various Federal agencies affected by the development of the coastal zone, adjacent coastal States or authorities, and private groups concerned with the commercial, industrial, recreational and esthetic development of the coastal zone; shall examine to the extent possible land use plans and regulations of any adjacent foreign countries; and shall conduct or support such research, studies, surveys, and interviews as are necessary to assist it in making informed decisions on the most beneficial allocation of uses of coastal waters and lands;

"(C) such master plan shall include studies, conclusions, and explanatory diagrams with respect to (i) the estimated future population growth within and adjacent to the coastal zone, including an indication of those areas which may anticipate the greatest future growth; (ii) a description of the location and characteristics of water currents and tidal movements in the coastal zone, and an analysis, including diagrams, of the probable effect of such currents and tides on the interrelationship of various types of uses; (iii) an estimate of the future need for use of the coastal zone for commercial, industrial, residential, recreational, conservation, and esthetic purposes, including diagrams for the most efficient, beneficial, and liveable interrelationship of these various uses, so that the plan may serve to direct the course of future development in a manner which promotes economic efficiency and the general welfare; and (iv) such additional information as the Council deems necessary to promote the orderly and beneficial development of the coastal zone;

"(D) in formulating such master plan, the coastal authority shall hold public hearings on the proposed master plan or on various alternative master plans in order to obtain all points of view in the final preparation of the master plan;

"(E) the coastal authority shall be authorized to amend such master plan at any time that it determines that conditions which existed or were foreseen at the time of the formulation of such master plan have changed to such a degree as to justify modification of such plan, and authority for such modification shall provide for adoption of amendments only after a full opportunity for comment, including hearings, have been afforded to interested parties; and

"(F) at the discretion of the coastal authority and with the approval of the Council, a master plan may be developed and adopted in segments so that concerted and early attention may be devoted to those areas of the coastal zone which most urgently need comprehensive planning and development: *Provided,* That each such segment does not exclude any portion of the coastal zone which is substantially interrelated economically, socially, or by peculiar geographic configuration or movement of ocean tides or currents with the area which is included within such planning segment: *And provided further,* That the coastal authority adequately allows for the ultimate coordination of the various segments of the master plan into a single unified plan and that the coastal authority satisfies the Council that such unified plan will be completed as soon as is reasonably practicable;

"(2) provides authority for the development of the coastal zone in accordance with such master plan, and such authority shall include power—

"(A) to draw up land use and zoning regulations which shall control public and private development of the coastal zone in order to assure compliance with the master plan and to resolve conflicts among competing uses;

"(B) to acquire lands within the coastal zone through condemnation or other means when necessary to achieve conformance with the master plan;

"(C) to develop land and facilities and to operate such public facilities as beaches, marinas, and other waterfront developments, as may be required to carry out such master plan;

"(D) to borrow money and issue bonds for the purpose of land acquisition or land and water development and restoration projects; and

"(E) to exercise such other functions as the Council determines are necessary to enable the orderly development of the coastal zone in accordance with such master plan; and

"(3) provides authority for the coastal authority to review all development projects or regulations proposed by any State or local authority or private developer to determine whether such project or regulation is consistent with the principles and standards set forth in the master plan and to reject a development plan which fails to comply with such principles and standards: *Provided,* That such determination shall be made only after there has been a full opportunity for hearings: *And provided further,* That such determination shall be subject to judicial review.

"ALLOTMENTS

"SEC. 305. (a) In making the grants pursuant to section 304, the Council may make available to a coastal authority up to 50 per centum of the costs of developing a long-range master plan and implementing a development program pursuant to such section. The actual amount of the allotment to each coastal authority shall be determined, in accordance with the Council's regulations, on the basis of (1) the population of the State, (2) the area of public water within the State's coastal zone, and (3) the need for comprehensive planning and development of such coastal zone.

"(b) In addition to grants in aid, the Council is authorized, under such terms and conditions as the Council may prescribe, to enter into agreements with coastal authorities to underwrite by guaranty thereof bond issues or loans for the purpose of land acquisition or land and water development and restoration projects.

"PAYMENTS

"SEC. 306. The method of computing and paying amounts pursuant to this title shall be as follows:

"(1) The Council shall, prior to the beginning of each calendar quarter or other period prescribed by it, estimate the amount to be paid to each coastal authority under the provisions of this title for such period, such estimate to be based on such records of the coastal authority and information furnished by it, and such other investigation, as the Council may find necessary.

"(2) The Council shall pay to the coastal authority from the allotment available therefor, the amount so estimated by it for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which it finds that its estimate of the amount to be paid such coastal authority for any prior period under this title was greater or less than the amount which should have been paid to such coastal authority for such prior period under this title. Such payments shall be made through the disbursing facilities of the Treasury Department, at such times and in such installments as the Council may determine.

"REVIEW

"SEC. 307. Whenever the Council after reasonable notice and opportunity for hearing to a coastal authority finds that—

"(a) the program submitted by such coastal authority and approved under section 304 has been so changed that it no longer complies with a requirement of such section; or

"(b) in the administration of the program there is a failure to comply substantially with such a requirement, the Council shall notify such coastal authority that no further payments will be made under this title until it is satisfied that there will no longer be any such failure. Until the Council is so satisfied, it shall make no further payments to such coastal authority under this title.

"RECORDS

"SEC. 308. (a) Each recipient of a grant under this Act shall keep such records as the Chairman of the Council shall prescribe, including records which fully disclose the amount and disposition of the funds received under the grant, and the total cost of the project or undertaking in connection with which the grant was made and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Chairman of the Council and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of the grant that are pertinent to the determination that funds granted are used in accordance with this title.

"FEDERAL PROJECTS

"SEC. 309. (a) All Federal agencies conducting or supporting research or other activities in a coastal zone shall seek to make such activities support and be consistent with the program of the appropriate coastal authority.

"(b) Federal agencies shall not undertake any development projects in a coastal zone which, in the opinion of the appropriate coastal authority, are inconsistent with the master plan of such coastal authority unless the Council, after receiving detailed comments from both the Federal agency and the coastal authority and investigating the proposed development project, finds that such project is, on balance, consistent with the general objectives of this title.

"(c) When the appropriate coastal authority approves a development project of any Federal agency in the coastal zone as consistent with its master plan, the Council may, upon petition of at least six of its members, review such development project, and after receiving detailed comments from both the Federal agency and the coastal authority and investigating the proposed development project, reject such development project if it finds that such project is, on balance, inconsistent with the general objectives of this title.

"(d) All Federal agencies shall include in any request for authorization or funding of Federal projects in a coastal zone a statement of their relevance to the plan of the appropriate coastal authority.

"REGULATIONS

"SEC. 310. In carrying out the provisions of this title, the Council may issue such regulations as may be appropriate.

"VOTING

"SEC. 311. All Council actions taken under this title shall be by majority vote of its members. In the event of a tie vote, the Chairman is authorized to cast an additional vote.

"ANNUAL REPORT

"SEC. 312. (a) The Council shall prepare and submit to the President for transmittal to the Congress not later than January 1 of each year a comprehensive report on the administration of this title for the preceding calendar year. Such report shall include but not be restricted to (1) an identification of the State programs approved pursuant to this title during the preceding calendar year and a description of these programs; (2) a listing of the States participating in the provisions of this title and a description of the status of each State's program and its accomplishments during the preceding calendar year; (3) an itemization of the allotment of funds to the various coastal authorities and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any State programs which have been reviewed and disapproved or with respect to which grants have been terminated under this title, and a statement of the reasons for such action; (5) a listing of the Federal development projects which the Council has reviewed under section 308 of this title and a summary of the final action taken by the Council with respect to each such project; (6) a summary of the regulations issued by the Council or in effect during the preceding calendar year; and (7) a summary of outstanding problems arising in the administration of this title in order of priority.

"(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Council deems necessary to achieve the objectives of this title and enhance its effective operation.

"TITLE IV—MISCELLANEOUS

"MARINE RESOURCES FUND

"SEC. 401. The sum of $75,000,000 of all revenues received in each fiscal year beginning after June 30, 1969, to the extent such revenues otherwise would be deposited in miscellaneous receipts of the United States Treasury, under the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. 1337 et seq.), including the funds held in escrow under the interim agreement of October 12, 1966, between the United States and Louisiana, to the extent the United States is determined to be entitled to such escrow fund, shall be placed in a special fund in the Treasury to be known as the 'Marine Resources Fund'. Money in such fund shall be used only for the purposes of (1) assistance to States qualifying under the provisions of title III of this Act, and (2) funding of programs authorized under title II of this Act, and are hereby authorized for such use to the extent made available in appropriation Acts."

SEC. 3. Section 3(a) of the Marine Resources and Engineering Development Act of 1966 (33 U.S.C. 1102 (a)) is amended by adding at the end thereof the following:

"(10) The Secretary of the Army."

SEC. 4. Section 3(f) of the Marine Resources and Engineering Development Act of 1966 (33 U.S.C. 1102(f)) is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1975".

SEC. 5. Section 9 of the Marine Resources and Engineering Development Act of 1966 (33 U.S.C. 1108) is amended by striking out "$1,200,000" and inserting in lieu thereof "$3,000,000".

S. 2805—INTRODUCTION OF THE TAX REFORM ACT OF 1969

Mr. HART. Mr. President, I introduce the Tax Redistribution Act of 1969.

This bill is for all intents and purposes the same as the amendment I submitted to H.R. 12290 on July 18.

However, as I explained when I submitted the amendment, H.R. 12290 had been unexpectedly voted out by the Senate Finance Committee and my amendment would not be referred to committee.

So that the bill can be considered by the Senate Finance Committee, I reintroduce the amendment as an individual bill.

There is no need to spell out again the provisions of the Tax Redistribution Act of 1969.

In brief, the bill generates about $17 billion in new tax revenues by closing tax loopholes which, with no justification favor the wealthy, and grants about $6.7 billion in tax relief, most of which goes to persons earning less than $20,000 a year.

The net gain of about $10 billion in new revenues would permit Congress to appropriate additional funds to domestic programs and to eliminate the surtax completely.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2805) to reform the Federal income tax laws, introduced by Mr. HART, was received, read twice by its title, and referred to the Committee on Finance.

S. 2809—INTRODUCTION OF BILL TO AMEND THE PUBLIC HEALTH SERVICE ACT FOR AN EXTENSION OF THE AUTHORITY TO MAKE FORMULA GRANTS TO SCHOOLS OF PUBLIC HEALTH

Mr. YARBOROUGH. Mr. President, during the debate in 1958 on Public Law 85-544, which originally provided formula grants to schools of public health, it was pointed out that the schools of public health were, in effect, the public health equivalent of West Point, Annapolis, and the Air Force Academy in providing professional health training and leadership for the Nation. Most graduates of these schools go into the public service in staffing essential public health positions in municipal, county, State, and Federal Government levels.

Over the years, the Nation's schools of public health have fulfilled their commitment to the Congress and the American people to help provide expanded and higher quality services to people by training of health personnel. The formula grants allocated to the schools have been the key factor in training the vitally needed cadre of health specialists that are in such short supply in Federal, State, and local health agencies

These schools, with the assistance of the Federal formula grant program funds, have been able to fulfill their mission in serving the complex, changing health needs of our modern society, in meeting new challenges to our health environment, and in seeking innovative approaches to the age-old problems of disease, chronic illnesses, and the protection and promotion of our national health and well-being.

In so doing, the schools play essential roles in many diverse fields that are important to the national welfare.

Teaching: The teaching role of the schools prepares physicians, dentists, engineers, nurses, and other professional public health personnel to organize and administer programs and to perform research and teaching functions aimed at controlling and preventing disease and other health hazards. It is also directed toward the promotion of sound health practices among population groups at the local, State, and Federal levels.

Public Service: A survey of graduates of public health schools shows that more than 90 percent enter professional employment in public agencies at the State, local, or Federal health levels. Many faculty members of the schools also serve as expert consultants to public and private health agencies concerned with public health matters. The increasing concern with such health problems as air and water pollution, aging, chronic diseases, radiation, accident prevention, mental health, and nutrition has caused a corresponding increase in demands for new curriculums and training of professional public health personnel in these and other fields to fill existing vacancies in public agencies.

Research: The schools' research role is oriented primarily to the search for the causes and for the means of controlling and preventing disease, accidents, and other health hazards on a mass basis, rather than to the clinical aspects of healing sick persons—the primary concern of research in medical schools and hospitals. Other public health research develops basic knowledge of the social, cultural, and economic factors involved in effective application of proven health measures among various population groups.

This remarkable record of accomplishment could not have been made without the financial assistance provided during the administrations of four Presidents and the bipartisan support of the 85th through the 90th Congresses. Nor could such progress in public health training and progress have been made without formula grant funds, which provide the flexibility required in the schools' teaching and administrative structure.

Schools of public health, unlike other institutions, cannot rely on alumni contributions for financial support, since virtually all graduates are engaged in public-service activities. Thus, they must depend more heavily on grant programs than many of the other professional schools.

Since the enactment of the Federal formula grant program in 1958, Congress has authorized $41 million in assistance to the schools of public health. Of this amount, only $26 million has been subsequently appropriated by the Congress and expended by the schools to carry out the purposes of this program.

For the 1969–70 school year—fiscal year 1970—the schools of public health have estimated their financial needs at $8.8 million in formula grant funds. This amount is required just to keep pace with increased student enrollment, the need for new courses, and rising operating costs. This compares with a current authorization ceiling of $7 million for fiscal 1970 and the President's budget request of only $4,554,000—the same amount as appropriated by Congress last year.

The serious financial crisis facing schools of public health during the next several years poses a growing threat for the 1970's in their ability to supply the increasing demands by health agencies for trained professional health manpower. Vacancies already exist in key health positions at all levels of Government despite the tremendous increase in the numbers of skilled health personnel being trained each year by the schools of public health.

It is clear that since the schools of public health are the only source to train these vitally needed health professionals, our national needs can only be met by increasing the appropriations level in the 91st Congress to more realistic levels. Only then can our Nation be assured of meeting our National, State, and local health manpower requirements.

Therefore, I am introducing today a bill to extend this program for an additional 5 years, with authorized funds of $9 million for the fiscal year ending June 30, 1971, $12 million for the fiscal year ending June 30, 1972, $15 million for the fiscal year ending June 30, 1973, $18 million for the fiscal year ending June 30, 1974, and $20 million for the fiscal year ending June 30, 1975.

Mr. President, the future progress in the pubilc health field in America depends, in large part, on the continuing and expanding support of the schools of public health through formula grant funds. I call on the Congress to give these schools its assistance, encouragement, and support through the enactment of this bill.

I also want to report that the newest school of public health is located at the University of Texas in Houston. I am very proud that the school received accreditation in June of this year. For this achievement, I congratulate Dean Reuel Stallones and his dedicated staff.

At this point, I ask unanimous consent that a copy of the text of the bill be printed in the Record.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2809) to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health, introduced by Mr. Yarborough, for himself and other Senators, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S. 2809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 309(c) of the Public Health Service Act is amended by striking out "$5,000,000 for the fiscal year ending June 30, 1968, $6,000,000 for the fiscal year ending June 30, 1969, and $7,000,000 for the fiscal year ending June 30, 1970" and inserting in lieu thereof: "$7,000,000 for the fiscal year ending June 30, 1970, $9,000,000 for the fiscal year ending June 30, 1971, $11,000,000 for the fiscal year ending June 30, 1972, $15,000,000 for the fiscal year ending June 30, 1973, $18,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975".

S. 2811—INTRODUCTION OF A BILL TO WAIVE THE FOREIGN RESIDENCE REQUIREMENT FOR CERTAIN MEDICAL DOCTORS UNDER THE IMMIGRATION AND NATIONALITY ACT

Mr. COOPER. Mr. President, I am introducing for appropriate reference a bill to amend the Immigration and Nationality Act to waive the 2-year foreign residence requirement of section 212(e), for medical doctors who are willing to serve in a poverty area for 5 years.

In my State of Kentucky, as well as in other States, there are areas which have been classified as "poverty areas" where it is virtually impossible for the area to obtain qualified doctors.

This bill would allow the Attorney General, on request of a medical doctor admitted under section 101(a)(15)(J), to waive the 2-year foreign residence requirement, if the doctor enters into an agreement, in writing, that he will serve in a poverty area of the United States for a period of 5 years.

In my State, there is a community consisting of three counties, approximately 20,000 people, whose one hospital is without physicians. Two doctors, man and wife, in this country under section 101 (a)(15)(J), a surgeon and pediatrician, wanted to serve this community, but the petitions filed in their behalf were denied by HEW. This community is still without medical assistance.

It is my opinion that this measure, if passed, will be of great benefit to such communities, not only in my State, but in other States where there are similar conditions.

I would like to add, that if, for any reason, the doctor failed to honor his agreement, he shall, upon the order of the Attorney General, be deported.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2811) to waive the 2-year foreign residence requirement of section 212(e) of the Immigration and Nationality Act for medical doctors who are willing to serve in a poverty area for 5 years, introduced by Mr. Cooper, was received, read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF BILLS

S. 2422

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Indiana (Mr. Bayh) I ask unanimous consent that, at the next printing, the names of the Senator from New Jersey (Mr. Case), the Senator from Oklahoma (Mr. Harris), the Senator from South Carolina (Mr. Hollings), the Senator from Maine (Mr. Muskie), the Senator from Utah (Mr. Moss), be added as cosponsors of S. 2422, to amend the Higher Education Act of 1965 to provide that the Secretary of Health, Education, and Welfare shall prescribe the maximum rate of interest for the students insured loan program.

The PRESIDENT pro tempore. Without objection, it is so ordered.

S. 2593

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from North Carolina (Mr. Ervin), I ask unanimous consent that, at the next printing, the names of the Senator from Idaho (Mr. Church) and the Senator from Michigan (Mr. Griffin) be added as cosponsors of S. 2593, to exclude officers and employees of Western Hemisphere businesses from being charged against the Western Hemisphere immigration quota.

The PRESIDENT pro tempore. Without objection, it is so ordered.

S. 2721

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New Mexico (Mr. Montoya) be added as a consponsor of S. 2721, the Insured Student Loan Emergency Amendments of 1969.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE RESOLUTION 239—RESOLUTION RELATING TO REFERENCE OF SENATE BILL 2807 TO THE U.S. COURT OF CLAIMS

Mr. ALLOTT (for himself and Mr. Dominick) submitted the following resolution (S. Res. 239); which was referred to the Committee on the Judiciary:

S. Res. 239

Resolved, That the bill (S. 2807), entitled "A bill for the relief of the Southwest Metropolitan Water and Sanitation District, Colorado", now pending in the Senate, together with all the accompanying papers, is hereby referred to the Chief Commissioner of the United States Court of Claims; and the Chief Commissioner of the United States Court of Claims shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code, and report to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States, or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

FEDERAL REVENUE SHARING FOR STATE AND LOCAL GOVERNMENTS

Mr. KENNEDY. Mr. President, in the past few months a number of useful legislative proposals have been put forward to provide increased revenues to help State and local governments meet their growing fiscal needs. Most recently, the House Ways and Means Committee has included, as part of its Tax Reform Act of 1969, an imaginative proposal for a Federal interest subsidy to encourage State and local governments to issue taxable bonds, and thereby forgo their longstanding privilege of issuing tax-free bonds.

As I have often stated in the past, I believe that one of our most urgent domestic priorities is to find more effective and efficient ways to help State and local governments finance their expanding social programs, and I look forward to the coming Senate debate on tax reform as a method of clarifying the issues in this crucial area.

Another group of proposals that has received wide support in this area involves the concept of Federal revenue sharing with State and local governments. The report last December of the Commission headed by Senator Paul Douglas—the National Commission on Urban Problems—identified many of the most significant issues in the proposals for revenue sharing, including the amount of Federal funds that should be made available; the formula and procedure for allocating funds to the States; the need for special incentives to encourage consolidation of governmental units and increase their reliance on State and local income taxes; the need for so-called pass-through provisions to provide direct assistance to cities and urban counties, with or without a population cutoff; the degree of control to be exercised by the Federal Government over the use of the revenues to be made available; and the effect of the proposal on other Federal grant priorities.

According to press reports, President Nixon will discuss the concept of revenue sharing as part of his address to the Nation this evening, and I am hopeful that the discussion will help to carry us forward along this important path.

Recently, in his column in the Washington Evening Star, Michael Harrington wrote perceptively of the difficult problems involved in tailoring revenue sharing to meet the challenge of the seventies. In his article, Mr. Harrington makes the central point that many of our current domestic problems—especially education, employment, housing, and pollution—transcend State and local boundaries, and must be attacked on a coordinated regional basis if they are to be successfully resolved.

Mr. President, because of the importance of Mr. Harrington's article and its provocative contribution to the developing debate over revenue sharing, I ask unanimous consent that it be printed in the RECORD. I do also ask unanimous consent that a preliminary discussion of the administration's intended proposal, which appeared in yesterday's Wall Street Journal, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Evening Star, Aug. 5, 1969]

(By Michael Harrington)

REVENUE SHARING TESTS STATE LINES

The state and city lines of America are among our most beloved historical accidents. For some time these quaint boundaries have been serving reactionary purposes and there is now a very real danger that the Nixon administration will institutionalize this evil.

Revenue sharing is the reason why our inherited political geography has become so important. For it is most likely that President Nixon will shortly propose a scheme whereby Washington returns a portion of its income tax receipts to local governments. There is already a fight between the state houses and the city halls for control of these funds.

But there is another issue in revenue sharing which has not been so widely debated. Are the political units which, in some cases, were set up to deal with colonial America adequately designed to cope with the technology of the 21st Century? George the First of England gave Maryland to Lord Baltimore but must we go on obeying that royal writ?

In fact, America has been answering these questions affirmatively and using its archaic structures to confront futuristic changes. The result has been anti-social and if this approach is incorporated in the revenue-sharing plan it would amount to a giant step backwards.

The suburbs are the most obvious case in point of what is involved. For some time now prosperous white areas have used their municipal boundaries and zoning power to keep out "undesirables," i.e. the poor and particularly the black poor. Often the people living in these affluent Shangri-las—built with federally subsidized, tax deductible interest and served by billions of dollars worth of Federal highways—still work in the big cities. At the end of the day they take their taxes home and leave their social responsibilities behind.

The states have used their sovereignty in similar ways. Some of them have passed "Right to Work" laws in order to create a cheap, unorganized supply of labor and thus provide business with an anti-social inducement to build in their area. And some states (usually the same ones with "Right to Work" laws) have kept welfare benefits scandalously low precisely in order to export their poor to big cities where they are unprepared, because of their lack of education and skill, to live.

But even beyond these instances of the reactionary uses of state and city rights, there is another trend which demands that we rethink our borders. For it is increasingly clear that problems like education, employment, housing and pollution of all kinds spread out over entire metropolitan areas and multi-state regions. And they simply will not be solved if Washington invests billions of shared revenues to make the ancient borders even more rigid.

Once, in the Tennessee Valley Authority, the nation understood this point and the result was one of the most imaginative and comprehensive social programs in our history. And a few years back, when it seemed that the Appalachian program was going to be a new point of departure and not just a road-building effort, the Congress officially endorsed a regional approach to a problem which just didn't confine itself within the old state lines.

But now revenue sharing provides a tremendous opportunity for making more meaningful political units in America. The funds should not simply be earmarked for broad categories of social expenditure, although that is basic. Beyond that the law should provide that no state or city could qualify for its money unless it had presented plans for regional and metropolitan action in the critical areas which were up for subsidy.

Another idea, put forward by Paul Douglas' National Commission on Urban Problems, would help enormously in making political life in this country more democratic. Revenue sharing, the Commission said, should sytematically favor larger and consolidated units. The basic point here is that many of the more than 80,000 local governments in this country are costly gimmicks for evading social responsibility and creating public problems rather than centers of grass roots creativity. And many of them are so small that they do not have the resources to provide decent public services for their citizens. If revenue sharing could help to simply this labyrinth and make political power more rational and transparent, that would be a major step toward involving the people in governing themselves.

So revenue sharing can be an excellent reform—or it can be a menace. In the debate over the seemingly technical details of the bill, there will be a fateful confrontation and social future of this nation. In short, read the fine print carefully.

[From the Wall Street Journal, Aug. 7, 1969]

NURTURING THE GROSS RATE: NIXON TO UNVEIL PLAN TO SHARE TAX REVENUE WITH STATES, CITIES IN TV TALK TOMORROW

(By Alan L. Otten)

WASHINGTON.—For years, both Democratic and Republican Administrations have talked long and eloquently about the need to strengthen state and local governments. And back from the state capitols and city halls always has come the pointed message: "Skip the sweet talk. Just send money."

Tomorrow night, President Nixon is to unveil to a national television audience his plan for doing just that: Sharing about $500 million of Federal tax revenue, no strings attached, with financially strapped states, cities, towns and counties in the fiscal year starting next July 1. Faced with the hard, political reality that a united front is needed if revenue-sharing was to have any chance of becoming law, the Governors, mayors and county executives appear to have gone a long way toward compromising differences among themselves and agreeing with White House officials on the broad outlines of a plan.

This is indeed a major breakthrough in the long, uphill struggle to enact revenue-sharing, yet the hurdles ahead still loom ominously high. Some mayors may back away and oppose the plan as inadequate once details are known. Powerful Congressmen, including the House Ways and Means Committee chairman, Rep. Mills (D., Ark.) and ranking committee Republican Byrnes of Wisconsin, oppose the idea. Potent lobbies, such as the AFL–CIO, prefer new, or expanded, grant programs in which Congress specifies the projects for which the money is to be spent; probably they will fight revenue-sharing.

ODDS AGAINST US

"The Governors will be for it, most mayors will be for it, the county executives will be for it," says a White House man; "the question is whether all these people will still be enough." Declares a state official active in the fight for revenue-sharing: "The odds are still against us."

The approach Mr. Nixon will put before the nation was worked out by a task force headed by Assistant Treasury Secretary Murray Weidenbaum. It has been refined in White House huddles masterminded by Presidential counselor Arthur Burns. It would earmark and automatically turn back each year to state and local governments, to use however they see fit, a small percentage of the individual income-tax base—the total taxable income reported by all individuals.

For the calendar year starting Jan. 1, 1971, the amount probably would be 0.25% of the individual income-tax base. Because that base could be as high as $400 billion, the revenue-sharing kitty would be close to $1 billion for the calendar year; the figure would be only $500 million for the fiscal year ending June 30, 1971, because the sharing would be in effect for only half of that year. The earmarked percentage gradually would increase over the next two-to-three years until it reached 1% of the base, at which time it probably would be turning back almost $5 billion a year to state and local governments.

Governors, mayors and county executives wanted a larger turn-back right away but the Administration, trying to hold down total Federal budget spending, argues it's better to start small, get the precedent established, and increase the amounts later. The initial revenue-sharing fund would be larger only if Mr. Burns wins a last-minute victory in another area and succeeds in cutting down the cost of a proposed welfare-reform plan. Then, some of the money "saved" there might go into a larger initial revenue-sharing fund—perhaps starting with 0.50% or closer to $2 billion.

TWO ADJUSTMENTS OUTLINED

The shared money would be distributed to the states basically in proportion to their population, but with two adjustments. One would lift payments above this base for state and local governments already making an above-average effort (as determined by a series of complicated mathematical formulas) to pay for broad public services with their own tax revenues; it would lower payments to those making a below-average effort. The other, an "equalization" adjustment, would fatten somewhat the share of lower-income states and slim down the share of wealthier ones.

Each state would keep part of its Federal payment, but would be required to relay automatically, or "pass through," the rest as an allotment to cities, counties and towns. Though the pass-through portion would vary widely from state to state, depending on the relationship between state and local-tax efforts, nationally it would work out, quite coincidentally, so that the local units get just about half the total Federal revenue-sharing pot.

"We are pretty firm on the broad principles," a Nixon lieutenant asserts, "but very flexible on details. There's really no right or wrong in this area." The White House is sending its plan to Congress now for study and discussion; even the most optimistic Nixon men don't expect any action until well into the 1970 session.

The rationale for revenue-sharing is simple. The Federal Government's progressive income tax has proven a highly efficient tool for raising more and more revenue from an expanding economy, while state and local governments have been hard-pressed to find money to cover outlays swelling almost 10% a year. So Uncle Sam should turn back some of his fast-multiplying dollars, but without tying any strings at all to the largesse—unlike grant programs that will continue to provide Federal funds specifically to build highways, or hospitals, or help pay welfare or school costs. The no-strings funds would not only help state and local governments out of their financial hole, but would also tend to decentralize decision-making by reducing the Federal role in local affairs and encouraging state and local initiatives in developing new approaches and programs.

States long have been enthusiastic about revenue-sharing, provided that all the money would go to them; cities and counties have been similarly enthusiastic, provided that half the pot, or more, would go to them without the states getting their hands on it. The Nixon Administration has leaned toward the state side—partly because more governors are Republicans and more mayors Democratic, partly because the President and his aides honestly believe in the need to shore up the Federal system by giving the states a larger role.

VITAL COMPROMISE MADE

A surprising degree of consensus was reached at a White House meeting last month; the automatic pass-through arrangement was the vital compromise, and the Administration has been working out details ever since.

White House officials met with representatives of the governors Tuesday, and will meet with a group of mayors today, and preliminary signals suggest trouble ahead. Governors of wealthier states may feel they are being cheated, and fight the plan in Congress openly or quietly. Some mayors may balk at the small size of the total pot, or at the states' half of it, and decide they can use their political muscle better by fighting for income maintenance, or other specific grant programs. Larger cities may decide too much would go to smaller cities. Many local leaders may conclude all the funds are too "iffy" to warrant much of a lobbying effort.

Declares John Gunther, executive director of the U.S. Conference of Mayors: "Our members' first reaction is going to be, 'Hell, we can do better some other way' Now if there's really a pass-through, if the governor simply takes one check from David Kennedy and sends out a batch of smaller checks to the cities and counties, maybe they'll buy it. But if it looks like it has any catches or gimmicks, they'll oppose it. Some may oppose it, anyhow."

Among the Senators and Representatives who must vote to impose the Federal taxes, there's some reluctance to let governors and mayors grab the glory for spending the resulting money. "And this is going to be underlined by all the recent agony over extending the surtax," a Democratic Senator predicts.

REP. MILLS IS OPPOSED

Two key lawmakers already have indicated strong opposition. Ways and Means Chairman Mills proclaims himself "unalterably opposed" to revenue-sharing. "I've told the states I'll make a deal with them," he snorts. "We'll share our revenue if they'll share our deficit. But they say they've got all the deficits they need." Republican colleague Byrnes doubts the Administration could dream up any plan that would satisfy him. As do many conservatives, he argues that, if the Federal Government has any extra tax dollars, it should reduce its income-tax rates—and then the states and cities can increase their taxes. (The Administration is exploring the possibility of routing its proposal to some other committee, to bypass Mr. Mills and Mr. Byrnes.)

Many special-interest groups, and quite possibly some Federal bureaucrats, would prefer to see any loose Federal dollars spent to expand specific grant programs with which they're concerned. The Administration promises that existing grant programs won't be trimmed as a result of revenue-sharing—but doubters envision these programs growing at a slower pace in the future if revenue-sharing is on the books.

"The budget is going to be tight for many years," a cities lobbyist argues. "Now just suppose there's a White House meeting on a new hospital program or school program, and it's going to cost $500 million. Won't Burns, or some other economizer, argue, 'Well, they have all that money from revenue sharing; why not just make this $250 million instead?' " Admits a White House man: "If revenue-sharing works, it certainly becomes an attractive alternative to new grant programs."

The Administration counts on the mayors to line up labor support for revenue-sharing but, even if the mayors do go along, chances are the AFL–CIO won't. Labor leaders like having Washington specify the projects for which Federal funds are to be spent; few state legislatures, even after considerable reapportionment, share labor's preoccupation with urban problems.

Yet pressures slowly may build for the Administration proposal, or some variant of it. Mr. Nixon will push hard for enactment; "He sees it," an aide says, "as a domestic program uniquely his own—not a continuation of something started by Roosevelt, Truman, Kennedy or Johnson." It also could be advanced as a concrete token of his urban concern.

More than 100 members of Congress have sponsored revenue-sharing bills, providing a sizable nucleus of support. As time goes by, state and local officials may find appealing even a small amount of extra Federal funds. "As a practical political consideration," one urban leader remarks, "it isn't going to be easy to argue that we don't want $1 billion because we really think we're entitled to $2 billion." Once the principle is established, too, the share funds would grow, and that envisioned $5 billion would be a very substantial addition to existing state and local tax revenues, which reached $76 billion in the 12 months ended March 31.

Here are further details on the plan the Administration probably will propose:

Division of the total revenue-sharing pot among the 50 states would be based on population and would be recomputed each year, with each state's basic share augmented, to reflect the special-effort and income-equalization formulas.

A low-income state making a high tax effort, such as Mississippi, would benefit from both formulas and find its per-capita allotment substantially higher than the base. A rich state making a low tax effort, such as Ohio, might be penalized by both formulas and find its per-capita allotment substantially below the base. A low-income state making a low tax effort, such as Alabama, or a rich state making high tax effort, such as New York, might find the two factors just about offsetting.

Each allotment would be split between the state and its local governmental units in the proportion at which the state, on one hand, and all the localities, on the other, contribute to total state-local-tax revenue. The state-local division could vary widely from the national norm of about 50–50. In New Jersey, for example, where the state has been accounting for only about 38% of total state-local tax revenue, the state government would have to pass the other 62% of the Federal allotment along to cities, towns and counties. In contrast, Hawaii, which has been raising about two-thirds of the state-local tax total, would have to pass along only about one-third.

Each city, town or county would share in the passed-through funds in the proportion at which its tax revenue contributes to the total of tax revenues from all the localities in the state. If New York City, for example, raised half of all tax revenue raised by cities, counties and towns in New York State, it would receive half the funds New York State would be passing on to local governments.

In the latest Administration version, any city, county, town or other "general purpose" government, excluding "special purpose" units such as school or water district, would share in the plan, no matter how small. Earlier versions had proposed population cut-offs at 1,000, 2,500 or 50,000, to reduce the number of units sharing in the kitty.

MISSOURI ADDRESS BY SENATOR MUSKIE

Mr. SYMINGTON. Mr. President, on behalf of my colleague, Senator Eagleton and myself, and in the belief that its thoughtful and constructive contents would be of interest to the Members of the Senate, I ask unanimous consent that an address made by the distinguished Senator from Maine (Mr. Muskie) in Jefferson City, Mo., at a dinner on July 26 in honor of Governor and Mrs. Warren Hearnes, be inserted at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks by Senator Edmund S. Muskie at Party Honoring Governor and Mrs. Hearnes, Jefferson City, Mo., July 26, 1969

State Chairman Del Houtchens, Warren and Betty Hearnes, my colleagues Stu Symington, Tom Eagleton, and Dick Ichord and my distinguished friends of the great State of Missouri: I am delighted, as always to be here in Missouri, and most grateful for that overly generous introduction which Stu has given me.

It is never easy to listen to an overly fulsome introduction of one's self. I think one of the best descriptions of my political career that I have heard was given by Gene McCarthy years ago. I met Gene for the first time in 1959, when we were first inducted into the Senate of the United States. We had both been elected that fall, and Gene and I became the closest of friends of the fifteen new Democratic Senators that year. I say that in order to put what I am about to say in the proper perspective.

Gene said, "You know, Ed, we have watched your career out in the Midwest. When you were first elected governor in September of 1954, you heartened us in our part of the country so much that we went on in November of that year to elect Democrats. Again in 1956," he said, "when you were re-elected to the governorship in September of that year you gave us a shot in the arm for November of that year in our State. And again in 1958," he said, "you impressed us, but now that I've met you I think all you've proven is that anybody could get elected from Maine!"

That's not a bad perspective for all of us to have when we are in public life. A little touch of humility is pretty good, but not on one's birthday. And I'm especially delighted to be here to join you in this happy birthday greeting to the Governor and his lady, a man whom I consider one of the outstanding leaders of our country, not only as a Democrat but as a governor.

I was first impressed with him not when I heard of his first election as governor, but when Stu brought him to Washington for a dinner one evening. In the course of a very pleasant and stimulating evening, Warren had the nerve to disagree with me. I've been impressed with him ever since. And I know that I'm going to be increasingly impressed with him in the months and years ahead. I wish him well. And I know that in wishing him well, I am wishing your great State well. In his hands you will have a brighter future.

Now I'm not going to forget to say something about Tom Eagleton. Tom is on the Committee on Public Works of which I am a member. We have had recently some long, dreary, and sometimes controversial discussions over the newest water pollution bill. Seventeen mark-up sessions took place over a period of two months before we could finally hammer out a bill. We could have used a little of that humor of yours, Tom. Where was it? I'm already developing plans about where to use you.

As you have all noticed, the light touch has been missing in Washington since January 20.

I understand that this is the fifth annual dinner of this kind. I'm not surprised that it had small beginnings. We had similar experiences in my State. But these dinners do grow when you have a governor in office, but they grow at the expense of the same people.

You know, a young lawyer in my State, and I'm sure it's also true here, finds himself engaged in all kinds of civic activities that he undertakes to make his name known so he can attract business, clients, and eventually an income so he can support his family. One of the civic activities I found myself engaged in many, many times was fundraising of one kind or another for one worthy cause after another. After the first three or four, I became a little embarassed about going to the same people, to touch them for another contribution. But at that point I was reassured by an old-time fund-raiser who was born on the farm. He said, "Ed, long ago I learned as a boy on the farm that if you want to keep a cow fresh, you've got to milk her regularly and often." So if you've been milked, count it a blessing.

This is supposed to be a political speech. As I think of political speeches of the old style, I think of a friend of mine who was just recently Democratic National Committeeman from Maine. He was a neighbor of mine when I was still a happy young lawyer. We lived one street removed from each other. He was Godfather to one of my daughters. We had elected him mayor over a Republican incumbent.

We enjoyed going fishing together, but he was one of those fishermen that you could never believe, and I could never outdo him. It was like golfing with Stuart Symington. No matter how big a fish I caught, he always outdid me, but I could never figure out why—until one night a neighbor and mutual friend of ours living next door gave birth prematurely to a child at two o'clock in the morning. The child was born at home. Adequate preparations hadn't been made, but the doctor still managed to get there and bring the child into the world.

He needed some scales to weigh the child for his records, but the only scales available were my lawyer friend's fishing scales. And believe it or not that baby weighed 42 pounds!

Well, that's in the nature of the old style political speech—exaggeration, maybe humor. The new approach to political speeches is typified more by a down-to-earth, laconic Maine story.

It's the story of an out-of-stater who crossed the New Hampshire border into Maine at Kittery. Within a few hundred yards, he came to an intersection of two roads both pointing north. Each of them had a sign pointing to Portland, Maine. The man was puzzled by the two signs, so he stopped and asked the natives, "Does it make any difference which road I take to get to Portland?" They said, "Not to me, it don't."

"Well, the story is told, of course, to characterize my Maine, and to a certain extent, it is accurate. But actually, of course, Maine people are not indifferent to what happens to our guests. And more than that they have learned, as have people all over this country, that it does make a difference to each of us what happens to the rest of us. And I think there is a growing awareness of that fact which is changing political parties and the relationships of people with each other in this country, and which is contributing to the reluctance of growing numbers of people, especially the young, to accept the old assumptions, old ideas, and old politics which bear upon these questions.

I suppose that the perspectives which the Apollo missions have given us of the earth have intensified that awareness. Through their eyes we recognize as never before that we do occupy a small planet, a tiny planet. Small and vulnerable in the vastness of space. And as they give us that perspective, I think we recognize increasingly that we are vulnerable not so much to assaults from outer space as to our own divisions and weaknesses here on this planet.

The Apollo flights, of course, have been inspiring things to see. They've been a demonstration of the capacity of man to grow, to enlarge his understanding and capability to set goals and to reach towards them and to meet them.

Whatever the unprecedented nature of the exertion, whatever the unprecedented nature of the problems, whatever new capabilities and technology must be developed, it is an awesome thing which man has done in the 1960's. To have seen it, to have heard their voices from the surface of the moon, has endowed each of us with the memory which is not only personal to us in our lifetime but which is one of the precious memories of the species.

Man has achieved greatness momentarily on another body in space. And this feeling is shared by all mankind. Here at home the poor and affluent, the white and the black, the young and old, and around the earth people who never know a full meal, people whose lives hold nothing but hope, as well as citizens of the great industrial nations who may be inclined to envy our achievement—all human beings who know of this event and who witnessed it know that something great has happened.

Our challenge now is to understand the nature of this greatness. Was it the technology of this space craft—all of the backup equipment and machinery? Was it technology of the electronics equipment which beams the pictures and the voices back to us on earth? Was it the fact indeed that it was accomplished by Americans?

We are all awed that human beings like all of the rest of us on earth were able to put this together.

What is inspiring about it all is that it showed in a traumatic, memorable way that man is capable of doing whatever great things he sets his mind, heart and spirit to do. Our challenge is not whether we can do these things—whatever they may be. Our challenge is to decide what the great things are, what they are to be.

We know that if we identify the right ones and if we pursue them diligently with determination and wisely, we can enhance the lives of countless millions of human beings—not only those alive on this planet today but through the ages which lie ahead.

What an exciting time in which to live! Is it any coincidence that the very time that man has reached the moon the injustices of past ages should be erupting here in our own country and around the globe? Is it coincidence—I don't think it is—that the nation which has put this effort together is also equipped as no nation has ever been with resources, understanding, accumulated knowledge, and an appreciation of what freedom can do in unleashing the creative energies of human beings? Is it any coincidence all of this has been assembled within the borders of the United States at this point in history? I don't think it is, or if it is—it is a blessed coincidence. Shouldn't it be clear to all of us what must be done to make life a thing of promise for all human beings when we have demonstrated man's capacity to do such a thing?

I know Americans are troubled—young Americans especially are troubled, and older Americans are troubled about young Americans—because we find ourselves plunged into a time of ferment and unrest and discontent which threatens to divide us irrevocably.

I'm troubled too—not because we're in ferment, but lest we fail to do what the causes of that ferment suggest that we do.

Times like these are the creative times in the history of any society. Over so much of my lifetime—and it isn't that long—parents have been exhorting young people to become involved in the world about us. To think of serious things, to begin to think about their responsibilities of the lives which stretched ahead of them.

When we finally get a generation of young people who are doing just that, why should we be disturbed? Is it a bad thing that the young of the species should be pointing out where we've gone wrong? Is it so bad that the young of the species have consciences sensitized by the injustices of man's lot here on earth? Is it a bad thing that they'd like to make things better for others?

Are these values that we don't recognize? Are these values that we think are no longer relevant?

Apollo 11 demonstrated a lot of things and it symbolized some fundamental things. Insofar as space is concerned, Apollo 11 told us that man's role in the universe will never again be the same and that what lies on the other side of the threshold is awesome, unimaginable and a tremendous opportunity for the greater growth of human beings.

But it also symbolized the fact that here on earth—not only because of Apollo 11—but for more fundamental reasons—life will never again be as it was. No human being on this planet has a stake in the status quo that has any meaning at all in the future of mankind.

If we want to build something for ourselves individually we've got to begin not as of some point in the past but as of this moment to build lives of fulfillment for all men. We must dwell upon the objectives of creation, innovation, and invention. We must focus as we never have before on the idea that the only thing worthwhile for the future is the worth of individual human beings. Only when individual human beings—whoever they are, wherever the are—believe that worth is all that counts in the society of which they are a part, will we have a place where people are not alienated from each other but instead are working together to build something together.

You know, Apollo 11 was something like victory on election night—the most exciting thing about a political career. You can have the rest of it. The rest of it after that is hard work, tough decisions, unhappy constituents, problems that can't be solved and won't go away, decisions to be made, and priorities to be set.

A politician learns very soon that politics is not only the opportunity to say yes, it is also the responsibility to say no. This has been the lot of the politician and the political leader for all of our history. From now on it's going to be the lot of the individual citizen. If the individual citizen isn't up to it, this nation isn't going to work.

I know it's trite to say that, because when we began this experiment the founders understood that this was the basis of it all. But instead of developing a society which rested increasingly upon the capacity of the individual citizen to make wise decisions, we built a society which—because of the tremendous growth in its problems and its institutions—is based less and less upon the capacity of the individual citizen to become a leader.

So what is our challenge? Our challenge first of all is an organizational one to reform our institutions so that they do rest upon such a base. Secondly, our challenge is to challenge our citizens to rise to that kind of responsibility. It isn't easy.

A French writer I read recently said that one of the difficulties of society is that leaders do their work upon the assumption that their followers are incompetent—incompetent to make the judgments and incompetent to make the tough decisions. There's some truth to that. It's implicit in a lot of the things that are said on the floors of the Congress and the State Legislatures, the places where leaders congregate. It is there notwithstanding the fact that this is a free democratic society based upon the notion that it's the individual who counts.

There is an underlying feeling that perhaps we haven't yet reached the point where citizens are actually competent to make the tough decisions.

The point that this French writer made—and I think he's right—is that the assumption of incompetence breeds incompetence. When people aren't given responsibilities, they are tempted by irresponsibility. It is only when people are given the tough decisions with the realization that what they decide will be done, that they develop a capacity to make good decisions.

This is why we're troubled by the young. Think of it. Isn't it true that we think they're incompetent to make the decisions that are involved in running a university? That we think they're incompetent to make the decisions which a voter must make? And they often respond to those assumptions of incompetence with evidence of incompetence and irresponsibility.

You see it in your own children. We're so reluctant to give them the chance to make the decisions as to how late they should stay out, when they shall come back, or who they should fraternize with. Of course up to a point we must be reluctant but don't we carry the assumption of incompetence too far?

We've reached the point not only here in the United States but in France and in freedom-loving countries around the globe that we have no choice but to abandon that assumption of incompetence and to bring our people into the act. And unless we do, the momentum which we have built up over a hundred and eighty years will continue—ever greater institutions, ever more impersonal, ever farther removed from the sensitivities of our people, ever less responsive to the desires and the wishes and the judgments of our people. And I speak not only of governmental institutions—I speak of industrial institutions, the military-industrial complex included among them. I speak of the giant educational institutions which are developing.

We've got to find a way to democratize this democracy. We've got to find a way to give it a popular base and then we've got to find a way to trust the people. And if we do that, they can respond to the greatness which lives within every human being in greater or less degrees.

If we can't prove this in the United States of America we haven't proven anything in 180 years, because this is where we began. This is the assumption upon which we've been building and now as we face our greatest challenges we face the question of whether we continue or whether we call a halt here.

It's no mysterious thing that we've got to do. It's very simple. We've got to be able to trust every other American, whoever he is, whatever the state of his education and his experience, whatever his native intelligence. We've got to trust the prospects of human beings no matter how different. I think we can do it. I think Apollo 11 has told us we can do it. And I'm convinced out of last year's campaign and the exposure it gave me to this great people of ours that they're capable of the job which Apollo 11 has set before each of us—to make this country and this earth livable for all God's children.

When we've done that we cannot only match Apollo 11, we can look forward to going into the farthest reaches of outer space to encounter all of the challenging, exciting, stimulating unknowns that lie out there. I don't think there's a human being in this room who doesn't feel excited at the prospects of what may or may not lie out there. There isn't a human being in this room who wouldn't like to live to know more about what is there. We all have the feeling that what is out there is somehow related to the beginnings of man on this planet and we want to know what those beginnings were.

I think that when we get out there, we will learn that what is out there is what we have already here on earth—that is a capacity for greatness, if God's children can only find a way of breaking down the barriers which exist between each other.

Mr. EAGLETON. Mr. President, I wish to join with my distinguished colleague, the senior Senator from Missouri (Mr. SYMINGTON) in expressing my admiration for the speech which Senator MUSKIE delivered in Jefferson City on July 26, 1969. I was privileged to be present and to hear this speech and I wish to assure all that it was a tremendously moving occasion.

ADDRESS BY JOHN E. HORNE AT ALABAMA SAVINGS AND LOAN LEAGUE CONFERENCE

Mr. SPARKMAN. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a speech given July 24, 1969, at the Alabama State Savings and Loan League convention by my former administrative assistant, and the most recent past Chairman of the Federal Home Loan Bank Board, John E. Horne. I am pleased that the Alabama league invited John to be on its program and also honored him for his many contributions to the savings and loan industry and to a better-housed America generally.

The speech John gave is an excellent discussion of the future of the savings and loan industry, based in part on the monumental and noteworthy legislative and administrative improvements that took place under his chairmanship.

As chairman of both the Housing Subcommittee and the Senate Banking and Currency Committee which handle legislation having to do with housing and the financing of it, I perhaps know better than most the real contributions made by John in these areas. Perhaps his greatest contribution as Chairman of the Federal Home Loan Bank Board was to build a firm foundation on which the savings and loan industry can safely move forward, and at a time when apparently we shall have to rely even more heavily on thrift institutions to carry the burden of home financing.

John resigned as Chairman of the Board following last November's election. However, as president of Investors Mortgage Insurance Co., a private insurer of conventional home mortgages, he continues to give a hand in advising about industry legislation and assisting in home financing. I know his many friends in Congress and the industry wish him success in building his new company. He has earned our good wishes and support.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SPEECH DELIVERED BY JOHN E. HORNE, PRESIDENT, INVESTORS MORTGAGE INSURANCE CO., BOSTON, MASS., AT THE ALABAMA SAVINGS AND LOAN LEAGUE CONFERENCE, POINT CLEAR, ALA., JULY 24, 1969

At the outset I want to thank you all for the privilege of participating in your Convention. It is wonderful to be back home, and especially to be with savings and loan people. Understandably I take great pride when the League from my home state—the people who know me best—invites me to be on its program.

From your own experience you know that if you live with something long enough it becomes part of you. This has happened to me. Since becoming Senator Sparkman's Administrative Assistant in 1947, I have tried to be helpful to the housing industry generally and especially to the savings and loan industry.

The first home I owned and the one I now own in Alexandria, Virginia, were financed by savings and loan associations. One reason I chose my present job is that it enables me to work with the industry, to keep abreast of developments that relate to it, and to continue to be helpful as opportunities arise. Already on several occasions I have been able to be of service. Even these few points should make clear my abiding interest in this industry.

It was suggested that I discuss with you the future of your industry. Let me say that the future is unlimited. If we exploit wisely even one-half of the potential, your record in the future will shine even more brightly than during the past.

The topic does remind me, though, that not long after becoming a member of the Federal Home Loan Bank Board in 1963 I had the honor of discussing the same subject at your Convention, also held in Point Clear. You will recall that at that time the industry faced some serious problems.

I said then that working together—the Board and other Executive agencies, the Congress and the industry—we could cope with the conditions that produced those problems. And today in talking about the future of this industry I think it appropriate to mention some of the corrective actions taken and to relate them to what is happening now in the industry and to what lies ahead.

As I recall our successes, there are too many industry and congressional leaders to whom credit is due to name at this time. This being an Alabama audience, though, I'm sure it won't be considered an act of immodesty to single out the Alabama League; former Congressman, Albert Rains; Frank Yeilding, whose previous position as President of the United States League proved to be a tremendous asset; former Senate Banking and Currency Staff Director, Lewis Odom; New York Bank President, Bryce Curry; and Senator John Sparkman for special praise. There were others, of course, including practically the entire leadership of the United States League and some members of the National League, but the steady support of these fellow Alabamians was absolutely invaluable.

And what resulted from the joint efforts of industry, Congressional and Executive Branch leaders!

1. Up-to-date examination and supervisory authority which enabled the Board to move toward case-by-case treatment of associations. In its efforts just prior to the mid-1960's to cope with the problems, and in the absence of a modernized legislative structure, the Board was compelled to issue a great raft of new rules and regulations which necessarily had to encompass the entire industry rather than the relatively few associations at which they were aimed. Fortunately, as a result of the 1966 Fniancial Institution Supervisory Act, it is no longer necessary to resort to so many detailed and rigid regulations.

There can now be less regulation and quicker reacting supervision. Management can be given more latitude, because the few who may perform in an unsound manner can now be reigned in.

These were among the Board's objectives in seeking legislation, and the Board immediately chose such a course following passage of the Act.

The 1966 Act not only makes possible extensive use of case-by-case supervision, but also facilitates the Board's efforts to cope with problem associations. As a result of what has been done, I can tell you today that by one method or another problem associations have been removed as a serious threat to the well-being of the industry. Fortunately for the future, the Board now has the tools to prevent a repetition of the situation that existed in the mid-60's.

2. A Savings and Loan Holding Company Act that is proving beneficial to both the holding company and non-holding company segments of the industry.

Thus an unnecessary negative image of the industry was corrected to the advantage of all parties concerned.

3. A Receivership Act which enables the Insurance Corporation, if it so chooses, to take over the assets of an association for which it has paid off the insured accounts. The Act also authorizes the Corporation to make early payment to savers of a closed insured association. These and other provisions of the Act provide much stronger protection to the premium funds which, of course, are contributed by insured members.

4. A Dividend Control Law in September 1966 that:

(a) put an end to the huge outflow of savings from your associations to commercial banks;

(b) resulted in the establishment of a close liaison among the supervisory authorities of financial institutions;

(c) granted a significant rate differential in your favor as compared to that permitted to commercial banks;

(d) made possible the 90-day notice passbook account and the elimination of the 5% "averaging" requirement.

These decisions have been and, if not rescinded, can continue to be of inestimable value to you. Higher interest rate to savers is at least one advantage you enjoy over banks.

5. A new liquidity law which enables the industry to invest its liquidity in government agencies and several other instruments, and not be restricted only to government bonds. This will increase your earnings and your ability to roll in or out of the mortgage market as the Board lowers or raises liquidity requirements.

6. Laws authorizing many new lending powers which make for a more viable industry. Thus there is now available such investment authorities as regular and vocational education loans; lending, including equity investments, in city rehabilitation areas; college housing, including fraternities and sororities; mobile homes (see the excellent study just released by the Federal Home Loan Bank Board); various consumer items; commercial bank certificates of deposits; repurchase agreements; municipal bonds; and a host of others. A greater number of investment powers was granted the industry during 1963–1968 than the years 1934–1963.

Mention here should be made of the Service Corporation. It can be and in a number of instances is already proving to be a very important tool to provide new services and investment opportunities, and greater earnings to associations. Among numerous possibilities is that of using the Service Corporation as a vehicle to purchase land and to develop projects.

There will be more permissive investments, both through law and service corporations, in the years ahead. It is my prediction that eventually the investment opportunities of this industry will be at least as broad as that of the most liberal provisions of mutual savings banks, either through a revival of the Federal Chartering Bill or amendments to existing statutes. Associations can then further improve their asset holdings by having some short-term loans to offset long mortgage loans.

7. Perhaps the legislative accomplishments of greatest current interest and also one included in the 1968 Housing Act, is that authorizing you under Board regulations to adopt deposit and interest terminology; to use an unlimited variety of savings instruments, including fixed rates for fixed terms, and different rates for long- and short-term deposits; to issue debentures, notes and bonds; and other tools to enable you to be more competitive for funds.

Frankly, one regret I felt over leaving the Board following last November's election was not being able to implement all these "goodies".

Already the industry is much sounder as a result of these measures, but it takes little imagination to envision the improved future that complete and intelligent implementation of them hold for you.

The same can be said of administrative improvements. I am making reference to the new rules concerning insurance of accounts negotiated with the Federal Deposit Insurance Corporation and which made clear for the first time that as regards insurance of accounts your industry has parity with commercial banks. This is of major significance.

A complete overhaul of communication was effected between the Board and the Bank Presidents, and among the Office Directors of the Board. More thorough exchange of views between the Board and the industry was established. Among new means utilized to do this are the annual composite meetings of the Board of Directors of the District Banks; meetings with industry representatives on special problems; and the publication of the Journal of the Federal Home Loan Bank Board.

Examination and supervisory procedures were also overhauled. Examiners were encouraged to look for major points rather than inconsequential details. One example of what the Board was seeking is illustrated by an association that in 1963 had $131,000,000 in assets and 8 branches and paid $14,000 for its annual examination. In 1968 the same association had $300,000,000 in assets, 12 branches, and paid only $6,000—even though the daily charge for an examiner had increased from $63 to $78.

Appraisal techniques were improved, and for the first time specific guidelines were established for merger, branch, insurance of accounts and charter applications. These guidelines, in which considerable assistance was given by the industry, have saved the Board and the industry countless hours of time and dollars of cost. Experience will of course produce refinements in these guidelines.

The underlying purpose of all these legislative and administrative measures was to lay a sound foundation to enable this industry to grow even stronger and more capable of serving the nation in the years ahead.

Because of them and despite the tight money situation, the industry is better equipped today to manage present and future problems than it has ever been. It can and will pass safely through the current storm of money squeeze and with less strain than in 1966. Moreover, as you know, the earnings posture improved considerably during 1968. There should be further improvement in 1969.

The industry will continue to enjoy significant growth. As far as one can safely predict the future, it will also remain the dominant single source for residential financing. But I confess pessimism about even the new savings instruments regaining for the industry the relative advantage it once enjoyed over other sources in competing for savings.

Where, then, do you get the money to fill the housing needs? These needs are stupendous. Nearly everyone agrees that a minimum of 26 million new homes should be built over the next ten years. Demand for new residential units will nearly double by the end of the 1970's. We have the resources, and somehow they must be marshaled in a manner that all our people can have access to adequate housing, the low-income families as well as the others. This plus jobs plus education and training will solve nearly all, if not all, our ills.

And what a great opportunity for the savings and loan industry, both in profits and service to the nation, if funds can be found.

A partial answer to obtaining the funds could be the new saving instruments already mentioned, and more innovation by associations. The Bank System can also be used to meet a greater part of the need. Perhaps I should point out, though, that at no time since the 1966 credit crunch has a member association in good standing and operating within its legal lending area been unable to borrow expansion funds from his central bank or roll over funds already borrowed. The $1½ to $2 billion liquidity built within and maintained by the System since 1967 assured this stability. This System liquidity also made possible the heavy advance of funds to associations for commitment purposes during the first half of this year.

The problem for the System is to raise the money and lend it at rates advantageous to the borrowers but also in a manner not unfair to those System's stockholders who borrow little or nothing. There are ways it can be done.

Perhaps other sources of funds in the long run would be more liberalized rules for insurance of pension funds and of public funds if the increased flexibility authorized by the past Board does not prove to be adequate.

Hopefully it is now understood and accepted that there will be times when the Federal Home Loan Bank System will need to supply its members with housing funds, even though the policies of the Federal Reserve Board and of other government agencies are aimed at slowing down economic growth. In fact under its statute, the Home Loan Bank Board is charged with smoothing the ebb and tide of housing money flows and thus preventing, insofar as it can, an undue burden on the home building and home financing industries during times of money stringency.

Also the Bank System can and I believe will be more broadly utilized to offer an additional variety of services to its members. Such services have been expanded within recent years, and when I resigned from the Board it was exploring other steps. One such possibility—and possible under existing authority—is for the Banks through their trust powers to pool association funds for investment purposes, and to distribute the earnings on a pro-rata basis. Literally the law establishing the System is quite liberal as to what can be done on behalf of members.

Another challenge is to complete a task well underway of fulfilling all the home buying and home serving needs of a family. This includes the authority to offer investment advice as regards Keogh funds and mutual funds. A necessary first step toward the latter would be provided in a bill of Senator Sparkman's which passed the Senate a few weeks ago. Its fate in the House is uncertain.

Eventually such additional authorities will be granted you.

Your future would be brightened if an acceptable way could be found to cope with the dilemma of higher rates paid savers but with little or no flexibility built into rates charged on mortgage loans outstanding. A handful of associations have used successfully the variable interest rate. The new savings instruments can be helpful. This dilemma is one worthy of more study.

Still another development that is certain in the years ahead is increased use of private insurance of conventional home mortgages. This tool can make a real contribution, particularly toward helping the fastest growing segment of the population, those between 25 to 45, to buy homes.

Let me only make mention of three or four other areas in which there exists both a great challenge and a potentially improved future for your industry.

One is the opportunity to take a major part in rebuilding our cities. Better tools are available now than ever before, thanks again to the 1968 Housing Act, but Congress will need to fund the supporting legislation. Through service corporations or other combined efforts, or even acting along, associations can now participate in the program with minimum risk.

Those that are in financial position to take the risk may safely and with just cause choose to do so outside a Government program. But I have always considered the inner city problem to be primarily a national problem and that the investments made by private sources should for the most part, but not necessarily always, be underwritten by National resources.

Another consideration as we look ahead—the well-being of the entire thrift industry will be augmented if all segments of it can improve and maintain cooperation with one another. While you all compete in many ways, you also are endeavoring to accomplish the same ends. Moreover, you are opposed by the same groups; and if you fail to cooperate with one another, you, not the opposition, will be the losers.

Let me urge also that there be increasing efforts to build and maintain adequate management. This is always difficult for any great industry, but is essential to cope with the demands that lie ahead. In this respect, the American Savings and Loan Institute is performing a greatly needed service, but much can be done in-house at each association.

It is elementary that a good public image for the industry is of major importance. I believe that on the whole we have such an image, but like anything else, the maintenance of it requires constant attention. Nationally the Savings and Loan Foundation is performing superbly. Local emphasis is also necessary, and can be accomplished in a variety of ways. In connection with your image or good will, let's keep in mind a famous statement by Amos Parrish:

"The most precious thing anyone . . . man or store . . . anybody or anything can have is the good will of others. It is something as fragile as an orchid. . . and as beautiful . . . as precious as a gold nugget . . . and as hard to find . . . as powerful as a great turbine . . . and as hard to build . . . as wonderful as youth . . . and as hard to keep."

In closing I repeat what I said earlier: There are no bounds to the future of this industry. It is limited only by the degree to which our vision, creativity and ability are put to use to capitalize on the unlimited opportunity in our grasp.

To summarize, this is so because:

1. A new foundation has been laid which enables the Board and the industry, working together, to pursue with greater safety and vigor the steps necessary for you to remain the dominant force in home financing.

2. The demand for housing will continue to grow—in fact, will nearly double within the next decade.

3. There is solid and increasing commitment among all sectors—the builders, the unions, the suppliers of equipment, the lenders, and all levels of Government—that the need can and has to be met, but that we all have to pull together to do it. The changes that will take place within the next ten years in building techniques, building codes, financing plans, improved use of land, et cetera, will challenge and excite us all.

4. The commitment for a better housed America assures that new legislation will be enacted as required—at both the state and federal levels—to grant you the necessary tools to continue your prominent role as the largest single source of home financing.

This is evidenced both by what has been done in the past and by two bills introduced a few days ago—one by Senator Sparkman, by request, and one by Senator Proxmire. An innovation in the Proxmire bill would enable the Federal Home Loan Bank Board to borrow up to $1 billion from the Treasury at then current yield costs to be used for housing. The bill introduced by Senator Sparkman includes such provisions as an appreciable rise in the existing $40,000 loan limit, removal of the 15% limitation on apartment lending; unlimited consumer loan authority, an investment of 5% of assets instead of 1% in Service Corporations, state-wide lending, and so on.

Eventually, some of the provisions in these two bills, or modifications of them, will be authorized.

One possibility that I recommend Congress explore is that of utilizing taxing authority in both the corporate and the savings accounts areas to distribute more equitably the restrictions imposed by tight money. Taxes could vary percentage-wise and within prescribed limitations on the earnings of the lending institutions in accordance with the Nation's need and the institutions' support for housing. The same tax principle could apply to dividends paid to savers on savings accounts held at such institutions. In all honesty, I don't think this possibility holds much hope for the moment, but it is an approach which properly used could increase greatly the availability of housing funds.

There are precedents for such tax treatments to encourage housing in many European countries and in Puerto Rico. There are precedents in this country in several areas other than housing.

According to testimony given earlier this year, the housing sector accounted for approximately 70% of the drop in expenditures dictated by the 1966 tight money policy. The Chairman of the Committee said: "When an industry comprising only 3% of the Gross National Product must take 70% of the cutback, something is wrong with the way monetary policy works."

I agree with the Chairman, and I also think it is clear that there must be something more meaningful than has been undertaken in the past if in situations like 1966 and today those who make up the housing industry are not to suffer a similar fate.

For the foregoing reasons, you can and must be a major force in what will be an exciting, challenging, and at times frustrating undertaking during the decade of the 1970's and the years that follow.

PRESIDENT NIXON'S STATEMENTS IN SAIGON AND BANGKOK

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "Mr. Nixon Talks His Way Into Another One," published in the Arkansas Gazette and following that, an article entitled "President Mystifies by Hailing Thieu as One of the World's Best Politicians," which was written by Frank Mankiewicz and Tom Braden, and published in the Washington Post.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the Arkansas Gazette, Aug. 1, 1969]

MR. NIXON TALKS HIS WAY INTO ANOTHER ONE

Richard Nixon in Saigon was as intemperate in his public utterances as Richard Nixon in Bangkok had been 24 hours before, but our instinct now, as then, is to wait and see what the words come to in terms of action.

It is true that we are all accountable for our words and are frequently imprisoned by them, and the words spoken by Mr. Nixon in Saigon, if anything, may prove more imprisoning than those spoken in Bangkok.

What the President said at Saigon is that we already had walked the last mile in the Paris truce negotiations, which, if the words are to be accepted on their face, would mean that our negotiators at Paris might as well pack up and come home, unless—and it is a big unless—Mr. Nixon knows something that we do not know.

Nor did he leave it at that. In his remarks to the troops, he had to indulge simultaneously his gifts for plagiarism, exaggeration and outright falsification to say that "out here in this dreary, difficult war, I think history will record that this may have been one of America's finest hours, because we took a difficult task and we succeeded."

We have, first of all, not "succeeded", and, so far from Vietnam's being one of our finest hours, history may well regard that it was our most ignoble.

When Winston Churchill, under the Blitz, spoke of that being the nation's finest hour, he spoke truly. As much cannot be said for us in Vietnam. In Vietnam, we have been the side with the supposedly overwhelming force. We have done the bombing, while the other side has had to make do with the anti-aircraft defenses, all the while holding on and enduring, enduring.

The truth of course is that Richard Nixon has a kind of personal hang-up on Vietnam. In every sense but the kind that would hold up in court Vietnam is really "Richard Nixon's War." If he had had his way, we would have intervened there a full decade earlier, and we by now would have purged ourselves of the madness. But if we had, Dwight Eisenhower probably would not have died with the reputation that he had, and Richard Nixon almost certainly would never have been president.

It is one of the ironies of history—which is treating us to rather too much ironies these days—that Richard Nixon whose borrowed sense of strategic thinking has been enshrined (and buried) there should be propelled by a failed Vietnam intervention into the presidency with a mandate to cut our losses there and cut out.

Mr. Nixon's symbolic act of tying the impossible Thieu yet more firmly around our collective necks, albatross or Chiang Kaishek fashion, has only made his own task more difficult.

[From the Washington (D.C.) Post]

President Mystifies by Hailing Thieu as One of World's Best Politicians

(By Frank Mankiewicz and Tom Braden)

Commenting on a subject where his opinions are entitled to great respect, President Nixon said the other day that President Thieu of South Vietnam is "one of the four or five best politicians in the world." True to form, none of the White House correspondents present at the time asked him the names of the others. On Thieu's record, one wonders: Ian Smith? Fidel Castro? Francisco Franco? Mao Tse-tung?

These are good politicians in the sense that—like Thieu—they appear to have stable governments. But if that is Mr. Nixon's measurement, we should look more closely at Thieu's accomplishments:

On his return from the Midway conference, Thieu announced that anyone in his country even talking about the possibility of a coalition government—the subject of his meeting with Mr. Nixon—would be jailed.

The next day a Saigon newspaper was closed down. It was the 37th paper to be closed by the government since the declaration of freedom of the press 15 months before.

His leading opponent in the last free election in South Vietnam, Truong Dinh Dzu, is still in jail, presumably for the offense of getting too many votes. His trial lasted less than three hours.

Thieu's election itself was a real accomplishment—even for "one of the world's four or five best politicians."

The two candidates with a chance of beating "Old Nguyen," as his clubhouse admirers must call him, were wisely ordered off the ballot. A large number of nondescript and relatively unknown opponents were recruited; the voting lists were carefully culled of suspected dissidents; military assistance in money and travel went only to the Thieu-Ky ticket; the secret police watched the polls. There was no runoff. He even had a blue-ribbon commission appointed by LBJ to certify the results.

With all that going for him, "one of the world's four or five best politicians" couldn't do better than 34 per cent of the vote. With that kind of help, Adam Clayton Powell could be elected governor of South Carolina.

But the identity of the other great politicians of the world is not the only question the President has to answer now that he has returned.

For instance, people will want to know how Mr. Nixon reconciles what he said about Asia in Guam and the Philippines with what he said in Thailand. As the trip began, the President seemed to forecast a sharp departure from the Johnson policy, or even from that of Hubert Humphrey, who once saw in our Vietnam pacification program the beginnings of a Great Society for all of Asia.

Mr. Nixon spoke of U.S. disinvolvement. He emphasized the need for Asian nations to help themselves—even to put their own houses in order so as to minimize the chance of civil war. There were leaked stories that our future policy would be oriented toward real countries like Japan, India and Indonesia.

That was before Thailand. In Bangkok, where the government in power floats on a sea of American military aid while revolt seethes in the neglected Northeast, the President had another policy in mind. "We will defend Thailand," he said "against external aggression or internal subversion."

Since what now exists in Thailand can be described by anyone who wants a war as "internal subversion," this is a large commitment indeed. In fact, it goes far beyond anything we are pledged to do by the SEATO treaty—though perhaps not beyond an agreement with Thailand which the State Department has so far kept secret from the Senate.

But the most mystifying of Mr. Nixon's foreign pronouncements came in his speech to U.S. troops in Vietnam.

He said he thought the war might be called "our finest hour." Later the same day he pointed out that this was the first war we have ever fought "without the support of the people." How, one may reasonably ask, can the first American war fought without the support of the people be our finest hour?

PROBLEMS OF THE NEEDY

Mr. DOLE. Mr. President, tonight President Nixon will outline to the people of the United States a new approach to the problems of the needy.

He has not yet publicly disclosed just what that approach is, but surely it has to be better than the unworkable mishmash now in effect.

But despite the fact that the President has not disclosed his plan we are already hearing the outraged cries of the so-called leaders of the poor, those self-proclaimed welfare rights leaders. And they are angry because they fear the President is going to do away with AFDC—aid to dependent children.

Mr. President, perhaps this program that by its very rules and regulations perpetuates dependency on the Government, breaks up families and destroys dignity should be sharply revised or abolished.

Welfare as we know it today is a colossal failure; it does not work. The aim of welfare should be to make the able bodied and able minded self-sufficient, it was never intended to be a lifetime free ride.

Mr. President, Republicans think too much of the worth and the dignity of the individual to allow this kind of an approach to continue. It is good news that the President intends to change it.

Mr. President, there have been complaints from the uninformed and the politically motivated that the Nixon administration is not interested in domestic affairs and has done nothing about them.

Of course this is not true. Much legislation has been sent from the White House to the Hill. Unfortunately many administration legislative rose is left to blush unseen because a Democrat-controlled Congress has not seen fit to act.

Let me enumerate some of the areas into which the President has moved.

He has taken solid steps to end inflation. He has promised and is getting meaningful tax reform. He is putting more money and more effort into the fight on crime and into enforcement of civil rights laws. He has proposed fundamental reforms in the unemployment insurance act.

He has begun a joint effort by industry, labor, and Government to meet the housing crisis.

He has proposed reorganization of Federal food programs to assure every American family access to the nutritious diet;

An Urban Affairs Council has been established for the purpose of developing a national urban policy;

An Office of Minority Business Enterprise has been established;

An Office of Child Development has been established.

A Cabinet-level environmental quality council has been setup.

Action has been taken in the fields of mine safety, pollution, and many others.

Only this week the President sent messages to the Congress on urban transportation and on occupational safety and health.

Tonight the President will discuss not only welfare, but also reorganization of the Office of Economic Opportunity, a new revenue-sharing plan with the States and a comprehensive manpower training proposal.

Mr. President, our Nation has made vast strides in many directions in recent years. The Nixon administration and the Congress, working together, can truly make America a better place for all of us to live in the next 8.

WHO IS NEXT? A BRIEF LESSON IN ECOLOGY

Mr. MUSKIE. Mr. President, public concerns frequently become cliches, losing their impact through repetition. One such concern is environmental contamination which we frequently describe as ecological disaster. We say the words, but the meaning is lost when we do not relate them to our own experience.

Fortunately, from time to time an imaginative and perceptive writer puts the problem in focus and gives it life, as

Stewart Alsop did in his column, "Small Thoughts," in the July 21, 1969, issue of Newsweek magazine. I ask unanimous consent that the article be printed in the Record and commend it to my colleagues.

There being no objection, the article was ordered to be printed in the Record, as follows:

Small Thoughts

(By Stewart Alsop)

Washington.—Sometimes it is a relief for a political writer to take a mental vacation—to stop trying to think large thoughts about international and domestic affairs, and to think small thoughts about small matters. Here are a couple of small thoughts.

A few weeks ago, I took a plane from Washington to Boston, and spent the night in a huge motel near the airport. It was a horrible night.

The room was the usual impersonal biege box, a people-coop. On the desk there was a folding cardboard sign: WHO CARES? Opened, the sign read: WE DO. There followed one of those guest questionnaires: *Were your accommodations kept spotlessly clean? Was the telephone service prompt, courteous?* And so on.

The accommodations were clean enough. The trouble was that they stank. They stank mostly of stale cigar smoke, but there was also a strange amalgam of human odors. The reason for the stink was that there was no fresh air in the room, and there had been none for a long time.

I have a thing about air, perhaps because as a boy I had asthma, and there were times when I couldn't get enough air into my lungs. Soon after the bellboy took his tip and closed the door, I began to feel that faintly frantic, throat-clutching sensation all ex-asthmatics remember. It was a warm spring day, and the room was very hot, as well as smelly. I looked anxiously for some opening. The window was hermetically sealed. I switched a switch, but no breath of air came through the ceiling vents. When I opened the door, there was no draft, and besides I couldn't sleep all night with the door open.

VOICE WITH A SMILE

I telephoned the front desk. The telephone was answered promptly, and the voice of the lady who answered was courteous—it was a "voice with a smile." Could I have the window opened? Sorry, sir, the windows had to be kept closed "for correct temperature and maximum comfort of the guests." Then could I have some sort of air conditioning in the room?

"I am sorry, sir, but it is not warm enough to justify the activation of the air conditioning."

"But my God, woman, I'm dying of heat and there's no air in this room and it stinks."

"I am sorry, sir, but the air conditioning cannot be activated until June 10." The smile was gone from the voice now.

"Then, can I at least have a fan to stir the air up a bit?"

"I am sorry, sir, but there are no fans in the building. There is no requirement for fans."

THE FRONTIERS OF PANIC

The telephone clicked. Verging now on panic, scuttling about the small room like a laboratory rat whose accustomed exists have been blocked, I found beneath the window a small aperture, about 9 inches by 6, with a glass plate held in place by screws. The screws yielded easily to a pen knife. For some time I sat crouched by the little hole, breathing God's air, oblivious to the screech of the jets that helped contaminate it, feeling like a survivor of the Black Hole of Calcutta.

During the night, sleepless by reason of the screeching jets, I found myself wondering whether that motel might not be what the young, so mysteriously to the middle-aged, were making such a fuss about. When the middle-aged were young, hotel rooms (or cabins, as motel rooms were called in the early days) were by no means always spotlessly clean. But at least you could open the window, and the manager (who was also, usually, the proprietor) would supply you with a fan, or an extra blanket if it was cold. Above all, there was some give-and-take, some genuine human contact, between the guest and the man who ran the place.

The young lady with the smiling voice was as powerless as I was to do anything about my situation—more so, for I had my pen knife. The motel was one of a chain, and the chain in turn was doubtless held in fief by some vast conglomerate. Somewhere, far up the line of command, far from the screech of jets and the stench of stale cigar smoke, somebody had fed a lot of "input" about mean average temperatures and occupancy turnover and profit and loss into a computer. The machine had spewed out the answer—no air conditioning before June 10. It would cost the young lady her job to challenge this *deus ex machina*.

More and more, in the United States, there is a feeling of being trapped by a machine you can't talk back to, a machine with a logic of its own, unrelated to human feelings and human needs. If this machine is what the young revolutionaries are revolting against, I trust there is room for one aging journalist at the barricades.

Perhaps they are also revolting against the chemical murder of the human environment, and that is another revolution worth joining. Because of my thing about air, I like to be outdoors as much as possible. In the summer, in the evening, I like to read on the porch. The reading light, of course, attracts bugs. The other evening, when the bugs became really bothersome, I found a spray-can bug-killer in the house. I attacked the bugs with the bug-killer, and went on reading.

DUSTY DEATH

I had put the light on a glass table top, and soon it presented the spectacle of a most terrible carnage. The smaller insects—the aphids, the tiny moths, and the like—died quickly and quietly, so that soon the table top was dusty with death. The larger bugs—the June bugs, the things that look like flying cockroaches, the bees from a nearby bee tree—were slower and noisier about dying. The bees buzzed angrily round and round on the table top for long minutes before they died.

Beneath the glass table top, a spider had woven his net, and he had reaped a rich harvest. The insects, attracted by the light and poisoned by the spray, lurched drunkenly into the spider's net. With a macabrely graceful upward flinging motion of a long leg, the spider methodically entwined the still-fluttering bodies of his dying victims.

When I returned from the kitchen with my third beer, there was nothing left alive in the small world created by the circle of light, except the spider and myself. Then the spider too began to act strangely, hanging tipsily on his tiny ropes like a drunken sailor in the strands of a swaying ship, waving his long darning-leg like a distress signal. As I up-ended my beer for the last mouthful, the spider gave a long, convulsive shudder, and then, together with his rich collection of victims, he too was dead.

Suddenly, I felt lonely in the small circular world of light on the porch. Perhaps it was that third beer, but I heard my own voice, asking loudly of the surrounding darkness: "Who's next?"

THE 100TH BIRTHDAY ANNIVERSARY OF MRS. W. T. LOWREY

Mr. SPARKMAN. Mr. President, on Sunday, August 10, a grand lady who lives now in South Carolina, will celebrate her 100th birthday. I refer to Mrs. W. T. Lowrey, 23 West Hillcrest Drive, Greenville, S.C.

Her husband was president of Blue Mountain College in Mississippi, a pioneer woman's college, and also president of Mississippi College. Her children include Coast Guard Capt. Searcy Lowrey, retired; Miss Sara Lowrey of Greenville, with whom she lives, who is retired as head of speech at Furman University at Greenville; Mrs. John H. Buchanan, the wife of an outstanding minister of Birmingham, Ala.; and a son, W. T. Lowrey, Jr., of New Albany, Miss., in whose home the birthday celebration will be held.

Mrs. Lowrey still votes in every election and still maintains a lively interest in politics and world affairs. She has retained her fine sense of humor. She is a Democrat—a very active Democrat.

Mrs. Lowrey has a number of grandchildren and great grandchildren. One grandson, William Tyndale Lowrey III, was killed in action in Korea. Her other grandson, John Buchanan, is a distinguished Congressman from Alabama.

Mr. President, as Mrs. Lowrey's 100th birthday approaches, I am glad to take this opportunity to call attention to it. I salute her, I congratulate her, and I wish for her many more happy birthdays.

DEDUCTION OF CLAIM SETTLEMENT PAYMENTS FROM GROSS TAXABLE INCOME

Mr. HART. Mr. President, as this body turns to possible tax reforms which will bring more justice to our system, I would like to call an excellent article to the attention of all.

"The Golden Ox of Antitrust," by Morton Mintz from the April 14, 1969, issue of the Nation deals with questionable ruling of the Internal Revenue Service that treble damages awarded in antitrust cases are deductible.

The senior Senator from Louisiana (Mr. Long) and I each have bills in to overturn this ruling. The article, I think, points out clearly why if we seek justice in our tax laws this IRS ruling must be overturned.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Golden Ox of Antitrust

(By Morton Mintz)

(Note.—Mr. Mintz is a reporter for The Washington Post and author of "By Prescription Only." For his reporting in 1962 on thalidomide he won the Heywood Brown, Raymond Clapper and George Polk Memorial Awards.)

Washington.—Amidst all the talk by the Administration and on Capitol Hill about tax reform, a large golden ox, which could be gored without complaint from the great mass of taxpayers, small and large, is standing almost unnoticed outside the corral. The ox in question belongs to those corporations which have been judged to have violated the antitrust laws. Under one of these laws, the Clayton Act, the courts are directed to enter judgments of treble the amount of the damages actually proved. The matter of concern to taxpayers is whether payments to settle claims for such damages should or should not be deducted from gross taxable income.

The issue acquired immediacy with the recent announcement of agreements looking toward a $120 million settlement of treble-damage suits that were brought by states, cities and other litigants against five suppliers of tetracycline and two other antibotics which are effective against a broad span of infectious diseases. This case is of special interest, not only because the settlement would be the largest ever to be wrapped into a single package but because of certain unusual circumstances.

In the 1950s, Chas. Pfizer had a patent monopoly on oxytetracycline (Terramycin) and American Cyanamid on chlortetracycline (Aureomycin). Each firm charged pharmacists $30.60 for 100 capsules in the most common dosage. This price, which ranged from two and a half to almost twenty times the cost of production, was threatened by the advent of tetracycline, which many physicians regarded as generally superior to the chemically related products. If a patent on tetracycline was not secured, then anyone could make it; and if anyone could make it, there would be drastic price competition and drastic reductions in profits, which were as high as 85.7 per cent before taxes.

Pfizer claimed—and Cyanamid came to agree—that it had been the first company to reach the Patent Office with a practical application. The trouble was, Pfizer's process for producing tetracycline required the use of Cyanamid's patented chlortetracycline. In other words, Pfizer could not exploit a patent unless it had Cyanamid's cooperation. And so an agreement was reached under which Cyanamid would be Pfizer's exclusive licensee for tetracycline. At the Patent Office, however, there was especial concern about one point. Was tetracycline a naturally occurring by-product of the manufacture of chlortetracycline? If this was the case, no patent could be issued. Pfizer and Cyanamid provided tests and studies to assure the Patent Office that tetracycline was *not* such a by-product, and Pfizer got the patent.

Another hitch developed when Bristol-Myers, which had tried in vain to establish a place in the tetracycline market, learned that a private detective retained by Pfizer for $60,000 had been tapping its phones. The ultimate result was that Bristol, along with the Olin Mathieson Chemical Corp., and the Upjohn Co., were, in restricted capacities, dealt in. (Olin was then the parent company of E. R. Squibb which since has become Squibb-Beech-Nut.)

But the Federal Trade Commission upset things when it concluded that Pfizer, aided by Cynanamid, had misled the Patent Office and obtained the crucial patent by fraud—a finding that the Court of Appeals in Cincinnati affirmed last year. Pfizer then went to the Supreme Court, which on March 24 refused to review the case. Then, in 1961, a federal grand jury indicted Pfizer, Cyanamid and Bristol for conspiring to fix prices, conspiring to monopolize and achieving the desired monopoly—and named Olin Mathieson and Upjohn as co-conspirators. On December 29, 1967, a jury in New York City convicted the three firms on all three counts. Appeals are pending.

The issue, then, is whether companies which obtained a patent by fraud, which were convicted of criminal antitrust violations, and which were shown to have charged exorbitant prices for vital medicines should be allowed, by tax relief, to pass more than half the cost of the $120 million expected settlement to the public which had been the victim in the first place.

As a matter of law, whether the companies should be taxed is entwined with a problem of what Congress intended by imposing triple damages. Did it intend the provision to be remedial, in which event deductibility would logically be allowed? Or did it intend triple damages to be punitive, in which case deductibility would be improper? Down through the years, there have been conflicting interpretations of what Congress meant. Until 1961, the Internal Revenue Service allowed deductions for treble damages. Then, in a letter to the Joint Committee on Internal Revenue Taxation, it quietly changed its mind.

However, the agency decided to develop a public policy after the conviction, in 1961, of General Electric, Westinghouse and twenty-seven other manufacturers on criminal antitrust charges involving electrical equipment. Sometime in 1963, then Commissioner Mortimer M. Caplin discussed the matter with staff members. Their recommendations are in dispute. In any case, on July 31, Caplin and aides, including his successor, Commissioner Sheldon S. Cohen, and the Justice Department met with the accounting and law firms which represented the equipment makers.

In September 1963 Assistant Atty. Gen. William H. Orrick, Jr., in a memo to Caplin, said that when damages are paid following litigation, "no deduction should be permitted," and that to permit deduction would be to "encourage disrespect" for the antitrust laws and to reduce "their effectiveness and deterent effect." In addition, the Department said it was "prepared to defend in court a rule of complete nondeductibility." Nonetheless, on July 24, 1964, the IRS announced a ruling under which payments to satisfy treble-damage claims—specifically including those following criminal convictions—"are deductible as ordinary and necessary business expenses."

The ruling produced a show of outrage from the chairman of the Congressional antitrust subcommittees, Sen. Philip A. Hart (D., Mich.) and Rep. Emanuel Celler (D., N.Y.), but enabled the electrical equipment conspirators to write off about half a billion dollars in settlements. GE alone saved about $90 million.

In July 1966, two years after the ruling was made, Hart held three days of hearings—ignored by most news media—on a bill to reverse it. He said that in only two years the ruling already had assured tax savings of "more than a billion dollars as cases now in process, involving price-fixing in the sale of salt, aluminum cable and other products, are concluded."

Caplin and Cohen defended the ruling as one that had to be made under the kind of even-handed administration of the tax laws which for most of the public is the foundation of what the IRS calls the system of voluntary compliance. That is, they said, they could be no less and no more considerate of General Electric and Westinghouse than of an individual taxpayer who, say, was hovering near the poverty line. Caplain and Cohen never did dispel all of the questions about how this resolute egalitarianism squared with having held a meeting at the highest level of IRS with accountants and lawyers for the equipment makers—a privilege not often accorded ordinary taxpayers.

Neither did Caplin and Cohen persuasively rebut the testimony of Prof. L. Hart Wright of the University of Michigan, an adviser to the IRS, who is a leading tax consultant. Appearing before Senator Hart, Wright said that in situations involving a somewhat doubtful tax-avoidance device, the Commissioner "does and should" act as "an advocate who is willing to litigate an important matter even though he may tend to believe the odds . . . are somewhat against him." Hart was left incredulous that IRS failed to act as an advocate by ruling against the electrical manufacturers, leaving it to them to challenge the ruling in the courts—especially because there was considerable reason to believe that in the Supreme Court the IRS would have won, and saved the taxpayers more than $1 billion.

Caplin acknowledged that a factor in his decision was congestion of court dockets. This raised another question about even-hnadedness, the congestion having been caused by the filing of about 1,500 treble-damage suits which grew out of the electrical cases. In other words, as Hart put it, the larger the antitrust conspiracy, the greater the clogging of the docket—and the less likely a fight by the IRS.

Hart's bill got nowhere. Neither did another sponsored by Sen. Russell B. Long (D., La.). While the antibiotics firms were on trial in December 1967, Hart, calling the IRS ruling "indefensible," tried again with a bill which would make payments in excess of actual damages neither taxable income for a plaintiff nor deductible expense for a defendant. Again, nothing happened.

Hart, who says the issue is whether "the American taxpayer is entitled to equal treatment in the administration of our tax laws," will make another attempt this year. So will Long and Celler. It remains to be seen how much help they get from the Nixon Administration and from Rep. Wilbur Mills, chairman of the Ways and Means Committee.

ADDRESS BY SENATOR MOSS AT THE CONFERENCE OF STATE AND FEDERAL WATER OFFICIALS

Mr. GRAVEL. Mr. President, recently the Nation's most important Federal and State water officials met in Salt Lake City in annual conference, and it is wholly appropriate that Utah's Senator Frank E. Moss, whose name is inseparably linked with plans for the full development of our water resources, was asked to make a principal address.

Truly a man of vision where water is concerned, Senator Moss suggested three practical steps we should take now whether or not water is ultimately distributed on a continental basis.

Since continentwide distribution would deeply involve my own State of Alaska, I read Senator Moss' speech with special interest, and I commend it to my colleagues. I ask unanimous consent that the speech delivered on June 24, 1969, entitled, "How Long Do We Want To Live Here?" be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

How Long Do We Want To Live Here?

This is an appropriate year for the nation's most significant national group of water officials to come to Utah. Last month we celebrated the 100th anniversary of the completion of the transcontinental railroad. When the Golden Spike was driven into the cross tie at Promontory, Utah, in 1869, it was a mark in time as well as in track. It marked the opening of a century of unprecedented human activity and accomplishment, the development and growth of the West.

I would like to think that this meeting here in Salt Lake City will help mark the opening of a new century of progress in the life of the West. I would like to think that we are launching here tonight a century of natural resource care and development. I am impressed by the solid evidence of its beginning and encouraged by its promise.

You have had two main subjects on your agenda, one, the report of the Marine Sciences Commission; the other, the Water Resources Council Task Force Report on Procedures for Evaluation of Water and Related Land Use Projects. I want to talk about the latter.

If you have brought state and federal interests together in a way which really nails down the procedure for evaluating water resource investment proposals, you have undoubtedly driven the Golden Spike which will mark the opening of a new and comparably great century for the West.

We have already taken two important beginning steps toward fulfillment of this century's goal. One was the water resource policy developed in the report of the Senate Select Committee in 1961, the Kerr Committee report. Second, and resting on that foundation, was the Water Resources Planning Act of 1965, which created the Water Resources Council and gave us the machinery to do a better job in water and related use care and development than we have ever done before.

I have had the honor to serve on both the Kerr Committee and on the Senate Interior and Insular Affairs Committee. The latter drafted and obtained passage in the Senate of the 1965 Act, under the able leadership of Senator Henry M. "Scoop" Jackson of Washington.

That law may be one of the few most significant pieces of legislation in our nation's history. If the century that began for the West after the Civil War was the railroad century, we are now entering the water century. History may see it as starting with the Water Resources Planning Act of 1965.

Let me cite one example of why we may well call this the water century for the West. Senator Jackson in a recent speech in Washington decried the nation's bland acceptance of the trend toward megalopolis, the concentration of population in urban strips along water, the east coast from Portland to Portsmouth, the Great Lakes from Montreal to Milwaukee, the West Coast from San Francisco to San Diego, the Gulf Coast from Brownsville to Bradenton.

Industrial activity along the Ohio River dwarfs the world famous Ruhr Valley and the growth and development from Chicago to New Orleans makes the Mississippi Valley the spine of America in more ways than one. Water, in these cases navigable water, is the common denominator.

Senator Jackson called for a new dimension in planning if America is to solve both population and resource problems.

"There is no reason," Senator Jackson said, "that we have to perpetuate past mistakes; we can establish new policies and goals. The America of the year 2000 does not of necessity have to consist of strips of cities or urban desolation stretching for hundreds of miles." He said we seem to be losing our capacity to dream of a better America and a better world.

Here my friends, is the challenge to the nation. Here is the opportunity for the West. Here is the work of the water resource planners.

You have met here to work on a procedure for evaluating water resource development projects. You work in the shadow of a population trend that means we must find living space for another hundred million Americans. Where can the nation find space that can still be occupied without crowding the functions of nature, without destroying the productive capability of the water harvest fields? I'll tell you where. In the West. In the great semi-arid spaces where urbanization can be planned and living room preserved—if we have water.

Let's do some dreaming. Let's dream of a better America, plan for it, and commit ourselves to the investment it will take to realize those dreams.

I dare to use such phrases in front of this hard-headed bunch of people on the firing line of public business because evidence of your own dreams is beginning to show. Exhibit A is the document you have been studying.

The news summary of the Council's Task Force on Evaluation Procedures is most encouraging. I think we are on the right track. Not having read the full report, I cannot comment on specifics, but it seems we must still credit Eugene Weber, one of our true water statesmen, for his work on Senate Document 97. That treatise turns out to have durability and applicability akin to the Constitution itself. The Task Force confirms what a lot of people have been saying for years—we haven't been using it right.

We've had the principles before us all the time, but the Task Force, for the first time, calls for consideration of all of the benefits of water resource development. I particularly like the definition of the "environmental" objective I want to quote it:

"The environmental objective includes the preservation of natural and cultural areas, creation of restoration of scenic areas, enhancement or protection to achieve or maintain the quality of the environment, and protection and rehabilitation of related land resources to insure availability for their best use when needed."

That last phrase, "protection and rehabilitation . . . to insure availability when needed," is critical.

This is really the starting point for all water and related land use planning. The thing I don't like about the Task Force report is that word "projects." It is too confining. The protection and rehabilitation of water resources, and this means their supporting land, the water producing areas, must be a continuing and overriding objective in everything we do. It is not a project. It must be a philosophy, a national policy, and an individual commitment. Protection and rehabilitation of water resources must be a continuing process, not a project. It is essential to our life as a nation.

The National Water Commission is a key part of our national response to this requirement. It can restore our dream. I am sorry I was not here at lunch to hear the Commission's Vice Chairman, Sam Baxter. He has dealt successfully for years with city water problems. One of the world's most respected men in the municipal water field, he is now in a position to help write a national water policy which can give new impetus to national planning for the environmental objective, the objectives of preservation and rehabilitation to assure availability when needed.

That "when needed," is a long time. I cannot quarrel with the Water Resource Council's planning base of 50 years, nor with its dependence upon projections of what we have, which Senator Jackson warns us against, but I want to ask "Where do we do the planning for the America of 500 years from now?"

I say that unless we start taking better care of the natural endowments of this continent—and I mean continent—most of us will be condemned to a grovelling struggle for a poor living out of abused land in a poverty-oriented existence. I don't want to put any limit on the lifetime of my country. The key question in all natural resource planning is "How long do we want to live here?" Every resource development project must be measured against the standards of whether it contributes to nature's ability to support us, and to continue to support us in the numbers of hundreds of millions at which our population might stabilize. This is what I call productive conservation. It is a far higher standard and a tougher test than the goal of preservation of the wilderness as nature left it.

As Jay Bingham told you, I have just returned from a six day trip called "Survey '69," promoted by the Wenatchee, Washington, Daily World, to western Canada and Alaska. It was not my first visit to Alaska. But what a land! It is beautiful, it is rich, its vastness is beyond description. And it is still undefiled. Its rivers are still whole. And what rivers! Alaska, I was told, has 40 percent of all the fresh water under the American flag. I have a prayer for the Alaskans and their land heritage. It is that they will profit from the experience of their elders among the states—the "lower 48" as they say—and start now to take full care of their life-giving soil and water resources. They are making a good start, I believe, and I pray that success shall attend their efforts. It is important to all of us that they plan well and follow through.

The start of their long range planning has the stamp of the Water Resources Council. A voluntary committee of representatives of both state and federal agencies is already at work under the general guidance of the Council. They want to start as soon as possible on an inventory of their water resources.

I have been told that the indicated total annual run-off of those Alaskan Rivers is 800 million acre feet. It will take at least three years to complete the inventory, after it is funded. The results of that inventory may be of historic significance. Upon it may rest not just the new century for the West, but a millennium of constructive peace and growth for the whole continent.

Alaska has its water problems, as we learned from the Council's first assessment of the nation's water resources, but they are all subject to prompt solution. More importantly, the basic solution to such problems as flood control, redistribution, and electric power generation, would also permit collection of some of the surplus in such a way that it could be exported. Many Alaskans realize this, and want to see the possibilities checked out. I can tell them where they can get customers. The way to check the possibilities is to make the inventory and develop a comprehensive water plan as envisioned in the Basin Commission provisions of the Planning Act.

Five years ago, The Ralph M. Parsons Company of Los Angeles published a report of work its engineers had done indicating the economic and technical feasibility of continental water redistribution. It was, as you all know, called the NAWAPA concept. It would move unneeded surplus in the uncrowded North to the crowded water-short areas of Canada, the U.S., and Mexico. It represented the kind of dream Senator Jackson must have had in mind.

Like many dreams, the NAWAPA concept carried the burden of prematurity. It was denounced in parts of Canada, primarily, I believe, because people misunderstood. But now people are beginning to study the idea of intercontinental water transfer, and a number of new plans have been suggested, some of them American, and some Canadian. We don't have the data yet to evaluate them.

In about five years, giving the Alaskans time to survey and appraise their resources and determine their own ultimate needs, we should be in a position to evaluate—in accordance with the procedures you are discussing—the possibilities of massive continent-wide water transfers. Alaska is, of course, the key because her input of water collected at high elevations makes the system workable.

We could do three things with this water. It may be possible to move Alaskan water to the "lower 48" directly, or we could make exchanges with the Canadians giving them Alaskan water which they would replace by sending some water south, or we could do as the original NAWAPA report suggested, combine Alaskan and Canadian water, in a continental system, redistributing it in Canada throughout the prairie provinces and into the Great Lakes, and also bring millions of acre feet into our coterminous states and to Mexico.

I do not need to describe to this group the benefits to the West, nor to all of the United States. Similar benefits can be shared by all of the people on the continent.

Now, what do we do? Do we just argue the pros and cons of massive transfers, and spend our time in academic discussion of the desirability of continental planning? I say we've done enough of that. There is a clear path toward rational and intelligent answers to some of the questions involved in such a momentous undertaking. The Chinese are credited with the observation that a journey of 1,000 miles starts with a single step. I have three steps to propose now. We can take them with assurances because there are direction-finding techniques in the provisions of the Water Resources Planning Act of 1965. I can see 10 years of work ahead of us, if we proceed with diligence. We are late in starting.

Phil Glick, one of the old water hands in the government who, I am told, has just left Henry's staff at the Resources Council for Ted Schad's staff at the National Water Commission, told the Great Lakes Basin Commission last winter that one reason for the Basin Commission approach taken in the Planning Act is that our people have sensed "that each of our three levels of government has a unique power that neither of the other two possesses." That is why two of the steps I am urging tonight deal with the establishment of two new basin commissions.

Since I believe that the beneficiaries should start first, I propose that the initial step toward continental water planning be taken by the states of the Colorado-South Pacific Region, the four drainage areas of the Upper and Lower Colorado, the Great Basin, and California. These states should immediately form a Basin Commission under the provisions of the Water Resources Planning Act and begin now the homework that I believe has to be done before we can justify transferring water from Alaska.

The second step is to establish in Alaska a Basin Commission or its equivalent, as a formal, permanent coordinating and planning body to enable the work there to be funded promptly and efficiently; to further the cooperation among state and federal agencies, and with Canada; and to provide full administrative and technical backup for the tremendous job that has to be done and for which Alaska deserves all the help the federal government can give her.

The third step, and the order is not important, is to get funds to the temporary study group in Alaska to start that inventory. I put the recommendation for a Basin Commission for Utah and her six sister states first because I want to demonstrate the urgency of our needs and our appreciation of the benefits. The funding of the Alaska studies is surely the simplest step if there is awareness of its importance in the right places.

There is another important step which can come now or later. At some point, we should sit down with the Canadians and discuss openly all of these possibilities. I said to the Royal Society of Canada at the University of Sherbrooke three years ago that both Canada and the U.S. have a lot of homework to do before we can make any decisions on continental planning. The Canadians probably need from five to ten years of study to determine whether they have a surplus which could be profitably exported in a continental system. We have our own homework to do while the Canadians are doing theirs, but just plain good manners seems to indicate we should explain our interest in the subject.

By the end of the year, or by next spring, the Water Resources Council should have new policies and procedures for evaluating water resource projects. But this is not enough. We as a nation must be ready to make the investment implied in preservation and rehabilitation—to make our land more useful for those who live here now, and to assure it will still be useful for generations to come. This will determine whether our nation lasts a long time, or goes down the drain of history with all the people who could not, would not, or did not take care of their basic soil and water resources. The competition for the public funds, cities and foreign commitments included, cannot be permitted to govern the care of our land, this wonderful endowed segment of earth which is North America. With each dollar we appropriate for defense, we must consider our husbanding of what we have to defend.

Our work is cut out for us. Our planning must take on a new dimension. Your new evaluation proecdure will help in the selection of projects, but it is a guide, not a goal. Let's get on with forming the Commissions, in the Southwest, in the Plains, in the center of the country, in Alaska. Let's get on with the Alaska inventory. Let us ask ourselves at every step, at every point of decision, as we weigh the disposition of every tax dollar collected and appropriated, the very critical "preservation and rehabilitation" question: "How long do we want to live here?"

REVIEW OF GRAZING FEE SCHEDULES

Mr. CHURCH. Mr. President, the Members of the Senate will recall that on January 14 of this year the Department of the Interior announced new grazing fee schedules for graziers using the public lands of the United States. These new schedules provided a sharp increase in the fees that must be paid by permittees who, for the most part, are relatively small, independent operators.

A number of these operators communicated with members of the Interior Committee and other western Senators, protesting that such increases threatened to put them out of business. In response, the Interior Committee held open hearings in February on the new schedules. These hearings brought out many highly pertinent facts concerning the state of the livestock industry and the administration of the Taylor Grazing Act.

I commend them to the study of the Members of the Senate and to all persons interested in livestock and the use of our public lands.

As an outgrowth of these hearings, the Senate Interior Committee has unanimously adopted a resolution calling on the new Secretary of the Interior to review the fee schedules and the criteria by which they were set. Included in the review would be consideration of whether the public interest and equity, as well as the purpose and intent of Congress, are reflected in the criteria and methods used in establishing the new schedules.

The committee requested that such a review be completed by December 1, 1969, prior to the going into effect of still higher fees for 1970.

Mr. President, I ask unanimous consent that the text of the Interior Committee's resolution be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. SENATE

Whereas, the Department of the Interior did on January 14, 1969 under the authority of the Taylor Grazing Act (Act of June 28, 1934; 43 U.S.C. 315 et seq.) promulgate a schedule raising grazing fees substantially for the grazing year beginning March 1, 1969 and providing for further accelerated, progressive increases in such fees for each of the next 10 years (F.R. Doc. 69–527);

Whereas, the Committee on Interior and Insular Affairs, by its Subcommittee on Public Lands, did on February 27, and 28, 1969 hold open public hearings on the announced schedule of increases, and at these hearings representatives of graziers and persons directly affected by the fee increases, as well as spokesmen for the administrative branch of the Federal Government, and other interested citizens, did make oral and written presentations to the Committee;

Whereas, testimony presented to the Committee raised questions as to whether the January 14, 1969 fee schedules do conform with the criteria established by Congress in the Taylor Grazing Act and in Title V of Public Law 137, 82nd Congress (65 Stat. 268, 290);

Whereas, there are pending before the Interior Committee of the Senate two bills, S. 716 by Senators McGee and Moss, and S. 1063 by Senator Montoya, both of which would have direct effect upon the January 14, 1969 grazing fee schedule;

Now therefore, be it resolved That the Committee on Interior and Insular Affairs of the Senate of the United States requests and calls upon the Secretary of the Interior and the Secretary of Agriculture with other officials of the Executive Branch of the government, to undertake and complete not later than December 1, 1969 a comprehensive review of the grazing fee schedules imposed by the order of January 14, 1969. Said review shall include consideration of whether the public interest and equity, as well as the purpose and intent of the Congress as expressed in the Acts cited above, are reflected in the criteria and methods which were used in the setting of said fee schedule.

HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs.

Approved this 7th day of August 1969.

Attest:

JERRY VERKLER,
Chief Clerk.

EULOGY FOR TOM MBOYA BY THE KENYA AMBASSADOR

Mr. KENNEDY. Mr. President, on Saturday, July 5, Tom Mboya, one of the most widely known and respected political leaders of Africa, was shot and killed on a crowded shopping street in Nairobi, Kenya, the nation he loved and whose independence he helped to found. Citizens in all walks of life in the United States mourn his death as the loss of a brilliant, articulate, and capable leader of Kenya, a man well known to Americans, a man who had already demonstrated his ability to rise above the tribal strife of his emerging nation and bring harmony to all political factions.

On July 15 at the Holy Family Church in New York City, the Ambassador from Kenya to the United States, His Excellency Mr. Leonard Oliver Kibinge, delivered a moving eulogy for Tom Mboya. The Ambassador spoke eloquently of Mboya's humble background, his extraordinary rise to a position of great influence in his nation, and his immense contributions to the unity and development of the nation he loved and for which he gave his life. His remarkable career will stand as an inspiration and symbol of hope for people of all nations.

Mr. President, I ask unanimous consent that Ambassador Kibinge's eulogy be printed in the Record. I also ask unanimous consent that an article and editorial on Mboya from the Washington Post, as well as an article from the London Times, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Eulogy for the Late Tom Mboya

It was just a little over a year ago in this church that a mass was offered for another man who was taken from his family, his people, and his country by the act of an assassin. Today we are here because, like Senator Robert Kennedy, Tom Mboya was senselessly and suddenly shot down and he, too, taken from his loved ones, Kenya, Africa and the World.

It is difficult for me to express what a great tragedy the death of Tom Mboya is to Kenya and to Africa. Tom, who gave himself completely to his country, was described by our President, Mzee Jomo Kenyatta in the statement that Mzee made upon learning of Tom's death:

"Mr. Mboya was adamantly, ceaselessly and courageously reinforcing the efforts of those who had started the struggle for the emancipation of his people in Kenya as well as our brothers throughout the continent of Africa. Had it not been for his efforts and personal sacrifice, Kenya's independence could have been hampered or seriously compromised. Mr. Mboya was an undiluted African nationalist who always viewed issues on their national as well as international repercussions. The part he played in welding the Kenya nation is invaluable and will remain an inspiration to all of us. Rarely in my life have I come across a man who was prepared to devote so much of his time and energy to the service of his nation and to the welfare of mankind."

Tom Mboya was a Kenyan.

He belonged to *no one group.*

He represented *all of us.* His continued efforts to serve and promote national unity was but one of his constant goals and one that he himself personally achieved through his success in elections. His was a constituency that represented more than 60% of Kenya citizens whose origin was different from that of his own tribe.

He felt quite strongly about this particular issue, namely the unity of the nation. He spoke out, and I quote: "That we are born of different tribes we cannot change, but I refuse to believe that because our tribes have different backgrounds and customs and cultures we cannot create an African community or a nation."

It was with this profound belief that he personified our concept of one nation.

Tom's devotion and dedication to Kenyan unity and development was a mark of his courage to address himself to the most complex of national and African problems. He, as Minister of Economic Planning and Development and Secretary-General of the Kenya African National Union, always grappled without hesitation with issues that some men, if possible, would have avoided or preferred not to recognize; but his gifts, talents and self-assuredness made him speak out when necessary, act when called upon, and not hesitate when fundamental questions were raised about the advancement of human dignity and freedom.

When one thinks about Tom Mboya, we think about the Tom of the present: the articulate, intelligent, courageous, able politician and statesman. But we have also to understand that the Tom we knew came from a simple family whose parents were illiterate, whose father worked as an ordinary laborer on a sisal estate, who was the first born of five brothers and three sisters and who, out of his father's small earnings, was able to begin his elementary education. As he grew, (he showed early promise as a student;) at the end of 1947 he could have continued his education for his Cambridge School Certificate, but he was unable to, Why? because his family could not afford it.

This was an important development in his life. He then trained as a sanitary inspector and joined the Nairobi City Council and was elected secretary of the African Staff Association. At this time he began to interest himself in active politics and became a full-time trade union organizer, converting the African Staff Association of which he was president, into the Kenya Local Government Workers Union and he soon emerged as the Secretary General of the Kenya Federation of Labor. It is from this position that he emerged as the voice of the Kenyan people in the absence of any other African organization to speak for them. Tom, *the worker,* the *trade unionist,* never lost his sense of social justice.

Tom Mboya's concern about Kenyan nationalism and Kenyan independence was highlighted in a speech that he gave in New York on the occasion of African Freedom Day in April, 1961: "Let me speak for a while about the father of my own country, Kenya, the man who perhaps more than any other represents the African personality, Jomo Kenyatta. . . . the denial of freedom to Jomo Kenyatta and other detained peoples of Kenya is a mockery of justice. . . . the present crisis in Kenya cannot be resolved until Jomo Kenyatta is given his unconditional freedom. Our people love him and are determined to make this undisputed leader of the African people the head of our first independent government. Our people respect him not only for himself but for his character, his integrity and judgment and iron will".

Tom's statement about Mzee was coupled with his actions in refusing to join an interim government in 1961 until Mzee was given the freedom to return to Kenya. But his acknowledged nationalism and pan-Africanism goes back to 1958 when he was elected chairman of the All-African People's Conference meeting in Accra, a distinction that he acknowledged as "the proudest moment of my life". His role on the African freedom movement as chairman of the All-African People's Conference . . . His stimulation of the pan-African freedom movement of East and Central Africa; . . . His dedication and strong support of the Organization for African Unity and the Economic Commission for Africa were all important aspects of his commitment to Africa.

He spoke to the 8th Session of the United Nations Economic Commission for Africa in 1967. "African development is at stake. Nothing less than a major effort both within Africa, and by our friends overseas can produce the progress we seek and make our continent a material contributor to the World economy.

"The initiative and decision to cooperate must come from Africa itself." His concern with the economic development of his country and his continent was but one more example of his preoccupation with the needs of his people.

Approximately 10 years ago Tom showed another of his many qualities—his great respect for the education and training of Kenyans and other Africans. His desire to see young people of Kenya educated took the form of his pushing forward what we now know as the airlift of African students from Kenya and other African countries to the United States. From having about 60 students in the U.S. in 1956 by January, 1963, Kenya had over 1,000. In the development of the Kenyan airlift to educate Africans Tom justified what took place as "the need for educated people is so great that I often marvel at those persons who suggest expansion will produce too many educated people and there will be nothing for them to do and so a worse problem will have been created. My view is that no field in Africa today is saturated and to try to slow down the African desire for education or for specialization in various fields would mean strong resentment."

He also dealt with local education problems in a vocational secondary school, Starehe, in Nairobi to train ghetto children in Nairobi.

He himself well utilized his formal academic training at Ruskin College; but it was only one year of his life toward all that he gave in different ways to the education and training of others.

Tom Mboya was well-known in the United States. It was just 9 years ago that Tom appeared on an American national television network show called "Meet the Press". His brilliance coupled with his youth astounded Americans. His relationships with this country from the pre-independence period through the Kenya student airlift along with his visits made him conscious of a need for an informed American awareness about African development and real independence. He had an understanding of the assets and weaknesses of the United States towards Africa. In an article as far back as 1957, Tom stated "In the field of foreign policy, America's position in the eyes of Africa is rather disappointingly hazy. She had not lived up to their expectations, and internally the segregation problems have affected American prestige and moral standing. Her people are however, still regarded with friendship and expectancy, although it has become generally recognized that there exists a great deficiency of informed opinion on Africa."

The advent of independent African states and his own visits have contributed to the greater education and understanding between Africa and the United States. Kenya owes her very favourable image in the United States to Tom. The relations between our two countries could not be better.

Tom, however, never wanted to be known other than as a Kenyan involved in world affairs and as he ended his book "Freedom and After" he said, "Through our international policy of preserving positive neutralism, to the conclusion of friendship with all nations, we will be showing the rest of the world what freedom really means."

In the lives of all public men, it is often the close, warm family relationships that suffer. The dedication to national issues, public demands and international forums take the man of leadership away from his family. But most of all, in thinking about Tom, one has to think about his love for his wife, Pamela, and his three children. He and Pamela married in January, 1962 and with their three children attempted to keep together the little time they had among themselves. When time and work permitted they would go to Rusinga Island and he would give to his family the full but few hours that he carefully put aside.

It is Pamla Mboya and her three children who above all miss Tom the most, and it is to her and the children we can only say that their loss is greater than that of all other Kenyans. In this difficult hour, we offer Pamela and the children our heartfelt condolences and pray that God will give them strength and courage to face the future.

Tom's death cannot be meaningful no matter how one wants to interpret it. But, *if out* of this comes a renewed commitment on the part of all Kenyans to achieve what he wanted to uphold, and if we can but reflect in our commitments his dedication and efforts to the unity and the development of our country; to the contribution of Kenya in the evolution of a greater East Africa; to the strengthening of ties within Africa; and to the emphasized role of Africa in the World Community in its efforts towards peace and development, then we will have contributed in our own way toward an everlasting memorial to a great Kenyan, African and world leader, Thomas Joseph Mboya.

[From the Washington Post, July 9, 1969]

MBOYA'S DEATH UPSETS ASSUMPTIONS

(By Stanley Meisler)

NAIROBI, July 8.—The murder of Tom Mboya destroyed the touchstone of Kenya politics. For years, African politicians had one main issue to set them apart: They either sided with Mboya or ganged up against him.

Mboya, who was killed by an unknown gunman Saturday, never did take full power in Kenya. He did not even establish himself as the unchallenged heir to President Jomo Kenyatta. But politics in Kenya was all about Mboya.

Mboya talked about his enemies and his problems in a private and unusually frank conversation with me in 1962. Now that he is dead, his words can be put on the record as a historical footnote shedding light on the early African politics of Kenya.

Mboya was Minister for Labor then in the African government that had a measure of power in the year before Kenya became independent. All politicians knew that Jomo Kenyatta would rule as Kenya's first Prime Minister. But African politicians already had started jostling each other to be in the right spot to take over once "the Old Man" died or retired.

The young Kikuyu politicians, members of the same tribe as Kenyatta, sided very quickly against Mboya, a Luo, even though he was in Kenyatta's party. Many were jealous of Mboya, for he had won reknown in the Mau Mau years when the British had banned all political activity by the Kikuyus.

"There is no doubt that the young Kikuyu intellectuals are against me," Mboya said. "I am aware of this. It is nothing new. The problem is that there is no second man to Kenyatta whom they see as a leader of the Kikuyus. I represent a threat to them.

"I am faced with a dilemma," Mboya said. "I know what must be done. I know the organization that is needed. But I cannot do anything. I am committed to Kenyatta. I have given my word to follow him as leader. If I try to do what is needed, everyone will say that I am usurping his role."

Mboya may have come very close to power in 1961. This theory has been advanced by Professor Carl G. Rosberg Jr., the chairman of the political science department of the University of California at Berkeley.

During the 1961 election Kenyatta was in detention in Lodwar in Northern Kenya as the leader of the Mau Mau uprising.

He became a symbol of the African struggle for independence. Throughout the campaign, African politicians demanded that the British release Kenyatta.

Mboya was then running for office in a Nairobi district that was 60 per cent Kikuyu. His main opponent was a Kikuyu and the Kikuyu politicians tried to portray Mboya as disloyal to Kenyatta, intending to take power before the release of Kenyatta. On the defensive, Mboya signed a pledge of loyalty to Kenyatta, promising he would not take part in the Kenya government until Kenyatta was released to become the chief minister.

In the election, Mboya won more than 90 per cent of the vote. The Kikuyu of Nairobi had refused to vote along tribal lines.

Rosberg believes that Mboya and some other members of his victorious party might have agreed to form a government if the British had compromised by promising to release Kenyatta at some future date. But the British refused.

This rigidity and the attacks by other politicians forced Mboya to refuse a place in the government. No meaningful African government arose in Kenya until the British finally released Kenyatta.

In many ways, the scenario was replayed again and again after Kenya's independence. At the time of his death, the same Kikuyu politicians had an alliance with Vice President Daniel Arap Moi (of the Kalenji tribe) against Mboya.

With Mboya dead, a new politics will have to develop in Kenya.

The murder has crumpled all the old assumptions about politics in Kenya.

[From the Washington Post, July 9, 1969]

TOM MBOYA

No country is so well endowed with leadership talent that it can afford to lose men of the caliber of Kenya's Tom Mboya, dead at 38 of an assassin's bullet on a busy street in Nairobi. Mission educated, he was first employed as a colonial health inspector—at a fifth the pay of his white counterpart. British sanctions diverted him into trade unionism, where he sharpened his political and managerial skills and made the crucial "modern" leap from tribal to national affairs. That he was a Luo in a country dominated by Kikuyu, and that he lacked the nationalist martyr's credentials of Jomo Kenyatta, had kept him from becoming Prime Minister. But upon Kenya's independence in 1963, he became Minister of Justice and he ended in the key modernizing post of Minister of Economic Planning and Development. Those who know Africa well regarded him as one of its ablest men.

His own people, of course, are the principal losers by his death, but he had a special meaning to whites outside Kenya. More than any man, he personified the possibilities of African progress. Handsome and articulate, he traveled often in Europe and the United States, as though to exhibit his own competence to skeptics along the way. His poised performance on *Meet the Press*, at age 29, was for many Americans the first occasion they began to take Africa seriously. It was only natural that he should run the ministry (Planning) set up to tap the West's money and technology and to fuse them with Kenya's own resources. Similarly, he could convey to the West an impression of faith in democracy and yet operate effectively in his country's own peculiar ways. Where many of his fellow Africans were hobbled by rage or fear in dealing with the West, Mr. Mboya could treat directly and pragmatically. It cost him politically but it helped his country. Africa needed Tom Mboya and Africa's friends needed him too.

[From the London (England) Times, July 7, 1969]

MR. TOM MBOYA, A PROMINENT FOUNDER OF THE KENYA NATION

Mr. Tom Mboya, who was assassinated while shopping in Nairobi on Saturday, will leave a huge gap in Kenya's political life, and he is assured of a prominent place among the founding fathers of the Kenya nation—still in its birth throes. But he was not at the time of his death, as he was once considered to be, a serious contender for the presidency after Mzee Jomo Kenyatta. He would have been politically important in the new regime, and whatever part he might have played, his expertise and experience of foreign affairs will be sorely missed. As Minister of Economic Planning, he repeatedly went abroad with other ministerial colleagues to carry through negotiations, especially, but not exclusively, on economic matters. He was, for example, a prominent alternate to the Finance Minister, Mr. James Gichuru, in representing President Kenyatta at the Commonwealth Prime Ministers' meeting in London this January.

A member of the Luo tribe, he was virtually de-tribalized, and acquired to a greater degree than most African politicians a "western" outlook. This made him a formidable administrator and departmental minister, but it was not without its disadvantages for Mboya personally, who lacked the popular following enjoyed by his fellow Luo and great rival, Mr. Oginga Odinga. A touch of arrogance, born of his own self-confidence and knowledge of his intellectual distinction, made him unpopular with many of his less gifted colleagues also. In the ups and downs of Kenya politics, Mboya sometimes appeared to be on the way out, but in the last analysis his sheer ability kept him at the centre of events.

Born on August 15, 1930, the son of a sisal worker, Thomas Joseph Mboya was educated at the Holy Ghost College in Manju and then at the Royal Sanitary Institute's Medical Training School. He qualified as a sanitary inspector and worked in that capacity for a short time for the Nairobi City Council from 1951 to 1952.

He was quickly involved in politics and trade union affairs and in 1952 became a member of the Kenya African Union (the pre-Mau Mau nationalist party) and also national general secretary of the Kenya Local Government Workers' Union. A year later he was general secretary of the Kenya Federation of Labour, a post which he retained until 1962 (when he became a Minister) and which was in his hands a position of great power and influence. In 1960 he became general secretary of the Kenya African National Union, the ruling party of Kenya, and in this capacity performed invaluable services to his leader, Mr. Kenyatta, and to the party as a whole. He was above all a good organizer and himself well organized. Kenyatta's reemergence doomed Mboya's hopes of winning the leadership of independent Kenya at the outset, but he probably never abandoned hope of the eventual fulfilment of that ambition. It was Mboya who, as an ardent pan-Africanist, produced the anti-white slogan "Scram out of Africa."

If Mboya had had the opportunity early enough—before he had become involved so deeply in politics—to attend a university, there is little doubt that he would have had a brilliant academic career. As it was, he managed with the aid of a British Workers' Travel Association scholarship to spend a year at Ruskin College, Oxford. Writing about this experience in his book *Freedom and After* (1963) Mboya declared: "The year at Oxford gave me more confidence in myself, it gave me the time to read more, it taught me to look to books as a source of knowledge." Dame Margery Perham, who knew Tom Mboya in his Oxford days and after, wrote in 1965: "He had no time to work for his degree but, knowing him then and since, I would say that no African leader has an abler brain or a stronger will."

To see Mboya in the middle of a complicated constitutional conference, or to watch him presenting his Government's policy to the British Government before independence, was to understand the truth of this assessment. He knew exactly what his long-term aim was, and he knew exactly the tactical manoeuvres that would be necessary, and effective, in approaching it. He was a master of political tactics, flexible, always ready to seize an opportunity, never permitting himself to be side-tracked. He wrote interestingly about his theories of political strategy and tactics in his book, stressing above all that in dealing with the colonial regime results could best be obtained by a policy of toughness, though he did not believe in obduracy when once the end had been achieved. To use his own phrase, the policy was: "Growl now, smile later." His skill in manoeuvring the white Kenya settlers out of power was ruefully acknowledged even by themselves. He was not, however, in essence antiwhite, though he could sound it—and anti-Asian also. In his work on the important sessional white paper on African Socialism he resolutely took a cautious line which annoyed the left wingers of all racial compositions. In 1962 Mboya married Miss Pamela Odede, daughter of one of the leading Luo of the older generation, and herself a woman of considerable personality and ability.

TRIBUTE TO GEORGE J. BURGER, SR.

Mr. PROUTY. Mr. President, just recently an article from the American Independent Baker came to my attention, and it is an article which I am sure will be of interest to all of our colleagues.

The subject is a good friend to most of us, George J. Burger, Sr., who has for so many years worked tirelessly among the Senators for the good of the small business community of this Nation.

Mr. President, I commend the article to the Senate and all those who might read the CONGRESSIONAL RECORD.

I ask that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION OF INDEPENDENT BUSINESS, INC.

Perhaps the most indefatigable worker on Capitol Hill for civil rights is George Burger, Sr. who is seeking to give civil rights for the nation's more than 5,000,000 independent business firms.

For the senior vice president of the National Federation of Independent Business, and champion of small business in Washington for more than three decades, believes that the independent entrepreneur deserves more consideration than the operation of the beauty shop maintained on the Hill for the convenience of Congresswomen. His position is supported by a heavy majority of the nation's independent businessmen voting in balloting conducted by the Federation.

In the makeup of Congress there are two types of committees. Many of those known as standing committees can study problems, propose legislation for their solution, and bring it to the floor for a vote. Those known as select committees can only study the problems, propose legislation, but cannot bring the bills to a vote, and must depend on the good graces of some other committee to do that chore for them.

In the House, all 23 committees are standing committees with the exception of the House Small Business Committee and the Select Committee on the House Beauty Shop.

As to be expected, the House Beauty Shop committee is composed of three lady Salons, as apparently even in this day of pancake makeup for TV appearances, beauty shops are considered a feminine province.

The House Small Business Committee, on the other hand, is composed of fifteen of the most able Congressmen and while its chairman, Congressman Joe Evins of Tennessee has sought to have legislative authority conferred on the committee, such proposals somehow always end bottled up in a committee.

On the Senate side the Small Business Committee has a little more company among Select Committees and it is in this area that Burger is concentrating his efforts. Senator Winston Prouty of Vermont has for several sessions had before that body a resolution known as Senate Resolution 30 which would change the Senate Small Business from Select Committee status to that of a Standing Committee with legislative authority.

Currently, Burger has obtained pledges to support this resolution from over 20 senators, and is daily carrying on his crusade for civil rights for small business on the Hill.

In the Johnson administration he secured promises of support from more than half the senators which would have assured passage if it had reached the floor. But by a maneuver, said to have been ordered from the White House, the resolution was bottled up in special committee chairmaned by the retiring Senator Carl Hayden of Arizona where it remained until the Congressional session ended.

While the Senate does not have a Select Committee for the Senate Beauty Shop, presumably because of the paucity of lady senators, out of its 22 committees only six are select committees. These are the Democratic and Republican Policy Committees, the Select Committee on Standards and Conduct, the Special Committee on Aging, and the Special Committee on the Organization of the Congress, plus the Small Business Committee.

Like its counterpart on the opposite wing of the Capitol, it, too, is composed of some of the nation's ablest senators. Both of the Small Business Committees over the years have engaged in extensive investigative work in depth, and have written legislation that would have solved many, if not all, of the problems now confronting the free enterprise sector of the economy.

But too many of these carefully researched reforms have been deprived of their right to vote by all the members of the Congress by being pigeonholed by some committee with the authority to ask for a vote, never seeing the light of day.

While there is no box score showing the respective batting averages of the Small Business Committees and the Select Committee on the House Beauty Shop is successfully getting proposed legislation to the floor for a vote, the odds are that the Beauty Shop Committee would show the higher score for, after all, Congressmen are known for their gallantry.

SCHOOL DESEGREGATION

Mr. HART. Mr. President, those who strived to assure that equal opportunity for all citizens would soon be reality were disappointed and disturbed when the administration announced that it was lifting the deadline for complying with the Supreme Court's school desegregation decision. We can only imagine the sense of futility and frustration that members of minority groups must be experiencing as a result of this action.

A Michigan resident who describes herself as "a member of the white middle-class society" asked me in a recent letter how we can expect "legitimate and peaceful black organizations to maintain status and influence within their own ranks" when our Government backslides on such a basic issue.

Mr. President, I cannot answer this question. There seems to me to be no explanation, no justification, no defense. What are we to say to black citizens who feel that the Government is toying with their civil rights?

I ask that the letter I received from Geraldine Markel, of Detroit, be printed in the RECORD at this point. Perhaps there is someone at the White House or the Department of Health, Education, and Welfare who will answer her questions.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ANN ARBOR, MICH.,
July 9, 1969.

Hon. PHILIP A. HART,
U.S. Senate,
Washingon, D.C.

SIR: It has been said that large segments of the youth and the Black are suspicious and hostile toward the establishment and the government. The person who is mystified and/or incensed by such views need only look at the Nixon school desegration decree as an example of the source of such frustration and aggression.

I am a member of the white middle class society. I am very well educated and financially secure but very distraught by this pronouncement. How can a minority group with so much at stake feel? Is it possible for the traditionally legitimate and peaceful Black organizations to maintain status and influence within their own ranks?

It has been 15 years since the Supreme Court school desegregation, yet a minority of states have still not enforced this decision. Why should any realistic person believe that the schools will ever be desegrated or that the government will ever be just and impartial?

The administration campaigned on a slogan of "Law and Order", but the message is more similar to that of many parents, businessmen, educators and/or religious officials—"Do what I say, *Not* what I do."

This political maneuver is potentially disastrous since the government serves as a behavioral model and the legal and financial tools were available to meet the stated goals. The strategy of appeasement can neither succeed nor is it justifiable.

I use legal options to influence, including: letter writing, voting, contributing to projects and campaigns and working on a social and professional individual level. So what? In one government message, my accomplishments are truly undermined. How many others seriously doubt their potential to contribute successfully in changing our society's inequities. Hopefully, advancement continues to plod alone. However, one step forward and two steps back is not enough. I dread the inevitable confrontation, yet feel progressively less powerful in influencing the course of events.

Very truly yours,
GERALDINE MARKEL.

WITHDRAWAL OF NOMINATION OF JOHN HURD TO BE AN AMBASSADOR

Mr. CHURCH. Mr. President, the President acted wisely in withdrawing the nomination of Mr. Hurd. Sending an oil protectionist to Caracas as American Ambassasdor would have been regarded as an affront to oil-exporting Venezuela; it would have proved an awkward impediment to good relations with a good neighbor.

THE PESTICIDE PERIL—XLI

Mr. NELSON. Mr. President, evidence confirming the concern that the use of persistent, toxic pesticides is endangering fish and wildlife is clear, factual, and alarming. Incident after incident—weakened egg shells and even shelless membranes produced by near extinct birds such as the American bald eagle, the pereguine falcon, and the California condor; decline in the reproduction rate of the Bermuda petrel, a bird which never comes into contact with man; the death of some 500 migratory songbirds in one weekend in an area near Grand

Forks, N. Dak., sprayed for mosquito control—point out the destruction we are causing to our environment by the continued use of these dangerous pesticides.

Moreover, there is also considerable evidence indicating a serious threat to human health exists from pesticides used in the environment. Although unlike the threat to fish and wildlife, the consequences are still largely unknown.

A recent article appearing in the St. Paul Pioneer Press, by Robert Goligoski, describes some of the already known effects on man. The author cites a 5-year study by the National Cancer Institute which discovered 11 pesticides in common usage today causing cancerous tumors in mice; a finding by the University of Miami School of Medicine that persons who died from liver cancer, leukemia, and high blood pressure had two to three times more residues of DDT and related pesticides stored in their body tissues than did persons who died accidental deaths; the discovery by a University of Wisconsin chemical researcher that a specific part of the body, the synapse, is attacked by DDT, incapacitating an organism's nervous system; and a report by Soviet scientists that workers occupationally exposed to large quantities of DDT show malfunctions of the stomach and liver.

I ask unanimous consent that the article by Mr. Goligoski be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FACTS MOUNT AGAINST USE OF PESTICIDES

(By Robert Goligoski)

The simmering controversy over the uses of pesticides is boiling into its 25th year and reports from scientists and conservationists documenting the dangers of these persistent poisons continue to stack up in the offices of legislators and government agencies.

Villain number one is still DDT, an effective long-lasting pesticide that has been found in the flora and fauna of all countries, even in remote Antarctica where pesticides are not used.

There is irrefutable evidence that pesticides have increased crop production, helped conserve forests and massacred millions of malaria mosquitoes.

But research also has shown how pesticides have adversely affected birds and wildlife. DDT has been found inside the eggs of eagles, osprey's falcons and other birds which are declining in population because the eggs are hatching prematurely, before the birds are born.

The dangers of pesticides to man still are unknown. But testing has been going on in animals for several years with some of the following results:

After five years of study, using 26,000 mice, the National Cancer Institute has issued an interim study report which indicates that 11 pesticides in common usage today cause "significant numbers" of cancerous tumors when administered orally to mice in the maximum doses tolerable.

The University of Miami School of Medicine has found that persons who had liver cancer, leukemia, high blood pressure and carcinoma (an early form of cancer) at the time of death had two to three times more residues of DDT and related pesticides stored in their body tissues than did persons who died accidental deaths.

Fumio Matsumura, a University of Wisconsin chemical researcher, has pinpointed an area in the body, the synapse, where DDT attacks and incapacitates an organism's nervous system.

Soviet scientists reported recently that workers who are occupationally exposed to large quantities of DDT and accumulate considerably more of the pesticide than the average person show disturbances of stomach and liver functions after 10 years of contact.

Two years ago, a U.S. Public Health Service study showed that the average American has gathered 12 parts per million of DDT into his human fatty tissue, as well as .15 of a part per million of dieldrin.

But many foes of DDT, such as Ralph A. MacMullan, director of the Michigan Department of Conservation, admit that "no one knows, frankly, what 12 parts per million in human fatty tissue means.

"But we know its going to stay there and that DDT in far smaller concentrations has awesome consequences for many small or simple forms of animal life."

The American chemical industry, which maintains that no harmful effects related to DDT have been found in industrial workers, cites a United States Public Health Service study of 35 employes of the Montrose Corp. who had been industrially exposed to DDT for 11 to 19 years.

The men, whose fatty stores of DDT ranged from 38 to 647 parts per million, were found to have no ill effects attributed to DDT exposure.

Although the production of synthetic pesticide chemicals is about a billion pounds a year and has increased by approximately 25 percent annually from 1965 through 1967, the Food and Drug Administration maintains that there has been no significant change in recent years in the dietary intake of pesticides.

Reo E. Duggan, FDA's deputy associate commissioner for compliance, concludes that "in general terms, the incidence and levels of pesticide residues in the nation's food supply are not approaching dangerous or even alarming levels."

Sen. Gaylord Nelson, D-Wis., the prime advocate of anti-DDT legislation in Congress, doesn't buy the reassuring platitudes of FDA and the U.S. Agriculture Department (USDA) about the safety of food.

He points out "that because of pesticide contamination, thousands of pounds of milk have been barred from commercial markets. Over the past four years, farmers in 28 states have been reimbursed with a total of nearly a million dollars for milk contaminated by pesticides recommended by USDA."

The Wisconsin lawmaker cites other examples of pesticides dangerously infiltrating food supplies.

"Why just this February," he noted, "the Michigan State Department of Agriculture detained 146 cases of canned salmon in a western Michigan cannery, alleging that they contained harmful concentrations of DDT and dieldrin."

Nelson contends that the FDA and the USDA, the two federal agencies assigned to protect the public from pesticides, "are not doing the job. They have been totally incompetent and lax in the regulation of pesticides.

"The agencies don't have the expertise available to correctly regulate pesticides. When a decision is being made on whether to register a pesticide, the public is not represented; the scientific community is not represented; only the chemical industry presents information."

The General Accounting Office (GAO) recently chastised USDA for failing to adequately trace the whereabouts of potentially dangerous pesticides. Nelson added that since "this deficiency was uncovered, USDA has improved its monitoring procedures to eliminate this problem.

The GAO also has criticized USDA for registering the pesticide lindane after two government health agencies and the American Medical Association warned that the use of lindane vaporizing pellets, used generally in food storage buildings and restaurants, might be injurious.

After the public prodding and disclosures, USDR announced last week it is banning the use of lindane in many vaporizing devices because of a "serious threat to human health."

The use of DDT is on trial in Nelson's home state where a bill has been introduced to ban the pesticide.

A bill to ban the sale and use of DDT in Minnesota was killed last month by the House Agriculture Committee. The committee is mostly comprised of farmers and legislators representing rural areas.

Gov. Harold LeVander announced last week he plans to sign a bill already passed by the Senate and House that would give the state commissioner of agriculture "broad jurisdiction" over the use of DDT in the state.

Arizona has put a one-year ban on the use of DDT in commercial agriculture, and the Michigan Agricultural Commission has stopped indefinitely the sale of DDT in Michigan. Three weeks ago, Sweden became the first nation to declare a moratorium on the use of DDT.

Sen. Nelson has reintroduced his bill calling for a nationwide halt of the use of DDT. A similar bill died in the Senate Agriculture Committee two years ago.

Rep. Joseph Karth, D-Minn., and at least two other legislators have introduced bills to restrict the use of pesticides.

Although the production of DDT has declined about 20 per cent since 1960, the five American manufacturers of DDT produced more than 125 million pounds valued at more than $20 million. The drop is due, in part, to the development of alternative pesticides which persist for a shorter period of time in the environment than the 10-year plus life enjoyed by DDT.

Federal and state agencies in Minnesota used DDT prior to 1962 to control damaging forest insects but since that time have switched to spraying with malathion and less persistent chemicals.

A report released last month by the Minnesota Conservation Department indicated that DDT still is used by resorts and private cabin owners to control insects such as mosquitoes and black flies.

A larvacide called "Abate", less persistent and dangerous than DDT, has been marketed and is given credit for solving mosquito problems.

A LAMENT FOR BRAZIL

Mr. CHURCH. Mr. President, Brazil continues to attract the attention of the international press. This is just as well, because the Brazilian press is effectively prevented from reporting, let alone commenting on, developments in that unhappy country. I ask unanimous consent that three recent reports on Brazil be printed in the RECORD at the conclusion of these remarks—an article entitled "News You Won't Find in Brazil's Newspapers" in the New Republic of August 2, 1969; an article entitled "Brazil Under Domination of Military Dictatorship" in the Manchester Guardian Weekly of July 24, 1969; and a news story headed "Brazilian Budget Decreed by Costa" in the New York Times of August 2, 1969.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CHURCH. Mr. President, with slightly different points of emphasis, all three of these articles present essentially the same picture—that of a country in the unyielding control of a group of humorless military technocrats who are convinced that they alone have been given the wisdom to lead Brazil into the 20th century.

This is no ordinary Latin American military junta. The military officers who are today running Brazil clearly intend to stay in power indefinitely and to impose their own kind of discipline on the country. They may very well, as the Times story indicates, proclaim a new constitution and permit Congress—which they suspended last December—to reconvene. But there is little reason to suppose that they will allow Congress, or anybody else for that matter, to exercise effective power.

The Brazilian military, as the New Republic article says, are "tough nationalists, intent on modernizing Brazil." It must be admitted that in some economic respects they have made progress. The rate of inflation has been reduced from 85 percent in 1964 to 15 or 20 percent. The gross national product grew by 6 percent in 1968.

This no doubt explains why the American business community in Sao Paulo and their Brazilian counterparts are so pleased with the Costa e Silva government. But these businessmen are, if I may say so, living in a fool's paradise. One is reminded of the unthinking plaudits Mussolini received for making the trains run on time. Again in the words of the New Republic, "the Brazilian military can no longer be described as the bulwark of the oligarchy."

The military is said to sense the need for reform and change. But Brazilians outside the military who really want to bring about change are harassed and driven from public life, if indeed they are not jailed and tortured. The result, as the Manchester Guardian article points out, is that "the integration into modern society of the great mass of the Brazilian population has been indefinitely postponed."

This is the regime, Mr. President, to which the Agency for International Development proposes to furnish $187 million in foreign assistance in the 1970 fiscal year. This is 31 percent of all the AID assistance proposed under the Alliance for Progress and almost twice as much as the next largest Latin American recipient.

Here we have one of the big difficulties of the bilateral aid program; namely, that when we furnish aid on a bilateral basis, we are inevitably closely identified with the government in power. We have not only furnished substantial economic assistance to the Costa e Silva government—and apparently intend to furnish even more—but worse, we have also supplied military training to its armed forces which are used in suppressing opposition to the regime.

Military assistance to a government of this kind not only turns the opponents of that government against the United States; it also alienates many of our own people, especially youth. It raises the question of what the United States really stands for. Do we really mean it when we talk about encouraging representative government, or is that just so much empty rhetoric?

It is said we have to face facts and get along with the Brazilian Government. But, Mr. President, we have to get along with ourselves first. And there are increasing numbers of Americans who find it simply unacceptable for the United States to help subsidize and sustain governments such as that of Brazil.

I am one of these Americans, and this is one of the reasons I have been led to a reluctant reappraisal of my own position with respect to the foreign aid program.

I am not suggesting that the United States cut itself off entirely from Brazil. The country is too big, too important, and its future—once the current oppression has passed—is too promising, for that. I am suggesting that, for the sake of this future, the United States should avoid identification as the political friend and economic prop of the present Brazilian regime.

Happily, recent history points to a way out of this apparent dilemma. During the Goulart regime in Brazil in 1963, the United States disassociated itself from the central government, but nonetheless found ways to channel aid into desirable projects through dealing with State or local governments or with private entities. We should adopt the same posture now, and treat the current right-wing government the same way we treated its left-wing predecessor.

I recognize that capital is needed for economic growth, and indeed for social development, in Brazil and in other Latin American countries, many of which have governments similar to the dictatorship in Brazil. We must find ways other than bilateral government-to-government programs to make such capital available. One such way, which we have not explored to the degree we should have, is through multilateral organizations and various kinds of international consortia. These mechanisms would enable us to extricate ourselves from the unwanted embrace of authoritarian governments and would also quite possibly provide a means of bringing more pressure, in a politically more acceptable form, on such governments. A loan from the World Bank or the Inter-American Bank, or an IMF standby agreement, does not really identify anybody with a particular regime.

And at the very least, of course, we should stop military assistance and withdraw our military missions.

EXHIBIT 1

[From the New York Times, Aug. 2, 1969]

BRAZILIAN BUDGET DECREED BY COSTA; PUBLIC TOLD OF FISCAL PLANS AS THEY GO INTO EFFECT

(By Joseph Novitski)

RIO DE JANEIRO.—Brazilian taxpayers were told of their country's 1970 budget for the first time today as it went into effect by Presidential decree.

Congress was recessed by decree on Dec. 13, and the total extent of public airing of the budget of 19.7 billion new cruzeiros, or almost $5-billion, was a two-hour news conference here yesterday by the Planning Minister, Helio Beltro Naren, for 15 Brazilian reporters.

The budget went into effect on the date fixed by the Brazilian Constitution as the deadline for its delivery to Congress.

The same contrast between government by decree and a concern for legal form has marked political life in this country for several months, while the upper levels of the military-dominated Government have debated in official secrecy how and when Brazil should return to a form of representative democracy.

REFORM BEING DRAFTED

President Arthur da Costa e Silva has been working in the inland capital of Brasilia this week on the final version of a reform of the authoritarian Brazilian constitution of 1967. He has been advised by a commission of jurists and Cabinet ministers, as well as justices of the Supreme Court. The best estimate of Brazilian observers, however, is that the proposed reform will also be promulgated by decree and not submitted to Congress for approval.

The task of those reshaping the constitution has been to reconcile the military, impatient for rapid reform and disdainful of most civilian politicians, with a general policy goal of rebuilding Brazil's political structures with an elected Congress to balance a strong executive branch.

Since Dec. 13, when President Costa e Silva, a retired army marshal, started ruling by decree, the military reformers and their civilian allies have appeared to hold the upper hand. However, the reorganization of the country's political parties last month prompted hopes for a return of Congress to receive the budget today.

Speculation by Brazilian political columnists today mentioned Aug. 18 as the earliest, and sometime in September as the latest, time for reconvening Congress.

[From the New Republic, Aug. 2, 1969]

PRICES DOWN, ARRESTS UP: NEWS YOU WON'T FIND IN BRAZIL'S NEWSPAPERS

RIO DE JANEIRO.—One of the first subjects Brazil's President Costa e Silva raised with his recent guest, Nelson Rockefeller, was the treatment of his government by the US press: it lies when it says there is no freedom; it is unfair when it says Brazil has a military regime.

Well, Costa e Silva has no such complaints about his own papers. On June 7, his Justice Minister notified all Brazilian papers they were to print nothing that might "provoke disharmony among the armed forces or between them and the public"; nothing about workers' movements, strikes, or any other acts that could cause "subversion of the public order," including any headlines about subversive movements in foreign countries"; nothing about recent arbitrary government actions against a number of political figures; nothing about any of the banned student unions; nothing about political statements by such personalities as Brazil's Archbishop Dom Helder Camara, an outspoken critic of the government; nothing that might tend to undermine the morality of the Brazilian family, including commentaries on films, plays, or night club acts considered to be in bad taste. And nothing about any hostile acts against Rockefeller, nor any mention of cancellations of his visits to other countries.

That took care of the press. The legislators had been put in their place earlier. On December 13, 1968, Costa e Silva ordered Congress closed after it refused to allow the government to try one of their members for speaking out against the military. It has remained closed ever since. The government administers by decree. The same Institutional Act that enabled the President to shut down the Congress gave him the right to intervene in any states or municipalities. He can suspend the political rights of citizens for ten years and withdraw the mandates of elected officials, without review by judicial authorities. The guarantee of habeas corpus is also suspended in cases of political crimes. Since last December, 294 citizens have lost their political rights, including 67 members of the opposition MDP party. Hundreds of others have been forced out of government posts. This includes 68 university professors, leaders in the fight to reform Brazil's archaic educational system.

Some 250 university students have been expelled under another decree, which stipulates that any student participating in anti-government protests shall be thrown out of school for three years. About one hundred teachers mixed up in protests have lost their posts for five years. There are probably more than 700 political prisoners in Brazil; but no one can be sure of the number since the government releases little information, and papers can't print anything on the subject. Governor Rockefeller didn't meet some of the people he had intended to see for the simple reason that the police had them. Gilberto Gil, one of Brazil's best folk singers, is reportedly under house arrest. Another, Gerald Vandre, who won second prize in Rio's annual song festival, fled to Chile after the military took exception to his lyrics and banned all sales and broadcasts of his recording.

Police in Rio recently raided a home, looking for the president of the outlawed National Student Union. He was not there; so they picked up another student leader for questioning, took him in a boat on Guanabara bay, cut his thumb down three sides peeled it back like a banana; stuffed sand in his mouth and nose, taped them up, tied his hands together, and dumped him into the bay—in a shallow spot. The student, under an assumed name, lay recovering in a Rio hospital while Rockefeller was in town.

A few weeks earlier, one of Dom Helder Camara's top aides, a priest, was murdered in the northeastern state of Pernambuco. The leader of the student union of Pernambuco was machine-gunned. Both murders were carried out by a vigilante group known as the Command of Communist Hunters. Most observers believe it has strong ties with local military authorities.

The military have been running things since 1964; 630 people—including three former presidents—have lost their political rights, thousands of others have been peremptorily dismissed from office. Under Costa Silva's predecessor, Castella Branco, few Brazilians were afraid to discuss politics openly. Today many are.

Just before Governor Rockefeller's press conference in Rio, a Brazilian journalist approached me with a kind of request unheard of two years ago. "You foreign reporters are going to be leaving Brazil," he said, "but we have to stay. So would you ask Rockefeller what he thinks about the press censorship here. We're afraid of retaliation if we ask him." (When I did ask, the governor carefully maneuvered his way around any direct answer: "I've come here to meet with people and listen and report what I hear back to President Nixon.")

US businessmen in the country are quite pleased, however, with the way things are going. The government is dealing with subversives, keeping anti-American demonstrators off the streets, and finally putting its financial affairs into shape.

The rate of inflation has been reduced from 85 percent a year in 1964 to a more respectable 15–20 percent a year. Industrial growth has surged ahead in São Paulo and gained a foothold in the impoverished northeast. The gross national product increased a healthy six percent last year, and may do as well or better in 1969. There has been a severe crackdown on tax evasion and smuggling. (Social climbing Brazilians who used to put Brazilian cigarettes into US packages to impress their friends, now carry their contraband US cigarettes in Brazilian packages to escape detection.) Exports are being officially encouraged. The balance of payments is in better shape than it has been for a long time. But although the GNP has gone up, the distribution of income is more lopsided now that it was in 1964.

The Brazilian military can no longer be described as the bulwark of the oligarchy. A new generation is coming up through the ranks—tough nationalists, intent on modernizing Brazil. They have high respect for technocrats and little regard for civilian politicians. Receiving paltry salaries themselves, the young officers show a blatant contempt for businessmen, politicians and bureaucrats who have reaped large profits in questionable enterprises.

These officers cannot be neatly stamped as "Nasserites." They would not be adverse to state-run enterprises or the nationalization of foreign holdings—if that were necessary. Their ideas vary, their ideology is largely inchoate. They sense the need for reform. On the other hand, they have been instilled with the notion that without order, discipline and heirarchy, the very existence of the armed forces would be jeopardized.

Thus, the many paradoxes of this government. For example, for the first time there is strict enforcement of income tax collections; yet the tax rates themselves are highly regressive. A progressive land-reform law was decreed earlier this year, but few believe the law will be widely enforced. An important school-construction program is underway, but the educational system is as archaic as ever.

The military *coup* of 1964 was openly embraced by the United States, and on the insistance of the then Ambassador Lincoln Gordon, Washington recognized the new regime within 24 hours, though the new government's policies were largely unknown. But this past May, Mr. Gordon, now president of Johns Hopkins University, was one of 78 US Latin American specialists who cabled Costa e Silva protesting purges in Brazilian universities. There was no such public criticism by Gordon or the US when similar purges were carried out following the '64 *coup*.

Under Ambassador John Tuthill, who succeeded Gordon in 1967, US support for the military regime was less blatant. And when the Institutional Act was decreed last December, Washington suspended aid and the State Department announced it was "studying" the situation. Tuthill reportedly wanted more—a stiff protest condemning the anti-democratic measures. He won approval all the way up the bureaucratic ladder to the Under Secretary of State. The question of a strong note was then put to Dean Rusk. As one good source has it, Rusk asked two questions: Had the Costa e Silva regime murdered many people? Was there any danger to US investment? The answer to both queries was no, and that settled the matter. No note.

Early this year, a group of "young Turks" in the Rio Embassy felt that the US should take a tough line: no assistance, plus a note condemning military takeovers in Latin America. The US AID director in Brazil, Bill Ellis, hearing about the group, called them to his office. After some debate, they voted 19 to 4 in favor of cutting aid. Their suggestion was passed on to Washington. As one of them put it: "Paving a four lane highway is not social revolution. Nor is feeding 500,000 kids in northeast. Lets do something to change things. Not just build dams."

No strong note was ever issued by Washington. But aid was suspended for a few months, irritating local US businessmen and bringing consternation to a number of foreign banks and lending institutions. Slowly, Washington has quietly begun to ease its aid restrictions. In April a long-pending $50-million loan was released after the Brazilians promised not to play up the loan as representing American support for the regime. Additional loans have since been granted. Congress may be permitted to reopen in August, but it will be at the will of the military. There will likely be a series of political crises and intermittent periods of repression. When it comes time for Congress to elect another president of Brazil in 1971, there are few who doubt he will be a military man.

[From the Manchester Guardian Weekly, July 24, 1969]

BRAZIL UNDER DOMINATION OF MILITARY DICTATORSHIP

Watching the thousands of bodies—bronzed, coffee, and black—happily sporting themselves on the Copacabana beach at Rio, it is difficult to appreciate that Brazil is in the grip of a singularly unpleasant military dictatorship.

But the fact is that for the bulk of the population life goes on the same, irrespective of the nature of the Government. Those who have always spent their free moments on the beach continue to do so. Those who live in the hovels that bespeckle the hillsides of Rio remain as detached from the scenes on the beaches below as they have always been. In Sao Paulo business continues to boom, and in the impoverished north-east those that starve continue to starve. The faces change but the phenomenon remains essentially the same.

Brazil, like the rest of Latin America, is a society run by a tiny elite. And it is, of course, only segments of this elite that directly suffer from military rule—first imposed in 1964 and intensified since last December. Those who have lost their political rights under this regime, or who have been unceremoniously bundled into exile, probably do not number more than five hundred.

But a country ruled by only a small section of the community can ill afford to lose the services of a group that constitutes, in effect, all that is best in Brazilian life. The very men that Brazil needs most are today subject to censorship, harassment, persecution, and political emasculation. Organised repression of a country's intellectual elite in the short term only hurts the elite. But in the long term it harms the development of the country itself. Brazil as a whole is today unaffected by the military dictatorship. But what is at stake is the country's future development. With the military in command, the integration into modern society of the great mass of the Brazilian population has been indefinitely postponed.

Few things in Latin America present a more dismal aspect than the once indispensable Brazilian press—formerly the best in the continent. Newspapers, radio, and television are all affected in varying degrees by the military censorship. There is virtually no political news, just reports of the activities of generals—speeches by generals, conferences by generals and pictures of generals giving medals to other generals in an orgy of self-adulation.

Since December, when President Costa e Silva closed Congress and imposed censorship, many journalists have found themselves under-employed. One political journalist friend of mine is taking English lessons; another is writing a novel.

Foreign journalists operate under comparable difficulties. Many who cover Latin America have made Rio their home, yet they now cannot write all they know for fear of being summarily expelled. One correspondent has police charges against him that could be invoked at any moment. His newspaper cannot understand why he is so reluctant to send stories. Recently a Russian ballet company was banned from appearing in Brazil after it had given a performance in Belem where the audience apparently rose to its feet and sang "Nights of Moscow" and the International. Few correspondents dared send the story abroad for fear of reprisals.

The difficulty is that there is now no formal censorship. The military censors who sat in the newspaper offices have been removed. What remains is the threat that a newspaper which prints a revealing piece of news will be closed. A correspondent who steps out of line will find his livelihood removed. If Brazilian he may be imprisoned; if foreign he runs the risk of expulsion.

No one knows how many political prisoners there are in Brazil. There is no way of telling. But most radical student leaders have been locked away in an attempt to avoid further trouble in the universities. Recently thirty-five former students were arrested for things they had allegedly done some years ago when still at the university. They have been hauled out of their present jobs to face trial. As in Peru and Argentina, politics on campus are forbidden. The rectors of the various universities can sack students and professors at any moment if they believe them to be hostile to the regime. Hundreds have in fact been ousted.

Politicans are no better off. All the principal leaders of the single opposition party have been under house arrest since December. Others are in exile. Those confined to their homes never know whether they are likely to be picked on for worse punishment or not. Exiles who feel they should return cannot tell for certain what will happen to them when they alight on Brazilian soil. Some survive; others, like Darcy Ribeiro, one of ex-President Goulart's Ministers and a distinguished anthropologist, are clapped into gaol.

Rarely in the history of Brazil has the central government given itself such strong powers. The state governors have had their authority whittled away, and if they put a foot wrong the local army commands are always ready to move out of their barracks. The military have in fact already infiltrated into the administration at all levels. In addition, informers are everywhere: in the universities, in what remains of the Congress, and in the various ministries. As though to emphasize the strengthening of centralism. President Costa e Silva now calls himself "President of Brazil," rather than President of the Federal Republic of Brazil. (The title "the United States of Brazil" has also now been dropped.)

One looks around for the army's weak spots, but these are are few. Though hardly popular, the government/army has no visible rivals. The politicians are mostly exiled or discredited. Disaster would strike only if the army became divided against itself. But this at present is improbable. Undoubtedly there do exist some "Nasserists," at captain or colonel level—officers with a strong sense of nationalism hostile to the maintenance of the status quo.

But there are not enough of them for their influence to be felt. They are kept from rebellion by the moderate nationalism pursued by the President, who though not as wild as President Velasco of Peru, has steered Brazil away from the total dependence on the United States which was the hallmark of the period between 1964 and 1966, when President Castelo Branco (now dead) and his planning minister, Roberto Campos, tried to pull Brazil out of its economic mess by making life ridiculously easy for the United States investor.

Costa e Silva is tougher on foreign companies and also on national ones as well. For the first time middle class Brazilians have found themselves paying income tax. Surprisingly, there is little opposition. Taxation is, after all, a small price to pay for the avoidance of revolution. And this is what many Brazilians believe the army is saving them from.

But revolution, as elsewhere in the continent, continues to look remarkably remote. The army is here to stay. The only bright spark on the horizon for those who seek the seeds of revolutionary change are the remarkable series of bank robberies which occur with great frequency. Few people doubt that they are organised by a left-wing group and that the money robbed goes to buying guns.

OIL IMPORT PROGRAM

Mr. HART. Mr. President, with the ending of this third session of hearings on Government intervention in the oil industry, the Subcommittee on Antitrust and Monopoly has, in just 4 months, heard from more than 60 informed witnesses, listened to every point of view, examined a wealth of evidence and amassed a record which thus far numbers three volumes of hearings, or about 1,000 printed pages. The inquiry, it should be emphasized, is continuing and further hearings will be held.

At this point let me indicate some of my own impressions. After 10 years of experience the oil quota program fairly can be criticized on these grounds:

It has destroyed competition.

It has brought about much higher prices than would prevail under free competition.

It has failed in its stated purpose of stimulating discovery and enlarging our domestic reserves.

And it has worked serious economic hardships on important geographic areas of the country.

At a time when vast additions to oil reserves are being made throughout the world, the import quota has created artificial shortages at home. Because of their inability to obtain adequate supplies, independent enterprises have been crippled in their efforts to compete against the major oil companies in terminal operations, fuel oil distribution, and gasoline marketing. Because of high prices for domestic feedstocks, our large petrochemical companies will be unable to compete in world markets, and may well be forced to locate their future capacity abroad. And those independent oil companies which have made important discoveries abroad since the imposition of the quota are effectively barred from competing in U.S. markets.

As is generally the case when competition is throttled, prices are substantially higher than they need to be. In terms of crude oil, the excessive charge to American buyers amounts to several billion dollars a year. In terms which are more meaningful to the average citizen, the elimination of the quota should bring about a price reduction of close to a nickel a gallon for gasoline and 3 to 4 cents a gallon for home heating oil.

The American people would, I am sure, be far more willing to bear these excessive costs if the import control program were accomplishing its stated objectives. But the evidence reveals that it has been a failure. From the standpoint of national security, alone, the question fairly can be raised as to whether the country can tolerate continuance of the quota. Instead of enlarging our reserves by stimulating exploration and discovery at home, the evidence reveals that almost coincidental with the imposition of the quota, such indicia of domestic activity as new oil found, number of wells started, and the number of years' supply began to turn downward. Reflecting the dismaying deterioration in our domestic supply situation, there was general agreement among the witnesses, even those from the oil industry, that we cannot meet an expected demand of 18 million barrels a day by 1980 without a substantial increase in imports. If imports are not increased, the only hope of averting a possible disaster is Alaska. But here judgment must be withheld until it can be seen whether the formidable difficulties in production and transportation can be overcome. Even if they can, it is likely that, as compared to other sources of supply, Alaska oil delivered to the east coast will be high-cost oil.

Not the least of the quota's harmful effects has been its adverse impact on important geographic areas, notably New England, the Middle Atlantic region, the Southern Coastal States, the Great Lakes area, and Hawaii. Since the quotas went into effect, not a single oil refinery or petrochemical plant has been built on the Atlantic seaboard. Indeed, despite the great increase in demand, there are fewer refineries today on the east coast than 10 years ago. New England consumers pay 3 cents more per gallon for home heating oil than do consumers in Montreal, even though the oil is unloaded in Portland, Maine, and must be transported, under bond, several hundred miles by pipeline to Montreal. Served by both the St. Lawrence Seaway and the Mississippi River, the vast economic potential of the Great Lakes area for petrochemical and related industries has remained largely untapped. Indeed, because of the high price of feedstock, Dow Chemical has discontinued the production in Michigan of an important plastic material, polyethylene, of which it was the pioneer producer. Consumers in Hawaii pay higher prices than do consumers in west coast cities for petroleum products manufactured in a Hawaii refinery. These and similar anomalies are the inevitable consequence of the imposition, by Government, of a straightjacket on normal regional growth and development.

Anything approaching an adequate solution must rectify each of these harmful effects. It must promote competition, bring about lower prices, stimulate domestic discovery and eliminate geographic discrimination. These, it seems to me, are the essential guidelines which should govern the efforts of this subcommittee and the Cabinet task force in seeking to develop workable solutions.

The simplest approach would be simply to abolish the quota. Unquestionably, competition would be stimulated, prices would fall, and orderly geographic development could resume. But there is at least a question in my mind as to whether this approach would, by itself, provide sufficient stimulus for domestic wildcatting and exploration, as well as the development of our shale oil resources. To provide such incentives, the ending of the quota would probably have to be accompanied by some form of direct rewards to those who actually add to our domestic reserves.

It can be argued that, at least in theory, a solution can be devised within the framework of the quota system. I am willing to be shown. At the very least, however, such a solution would maintain and perhaps reinforce the direct intervention by Government in economic matters—matters which should be the prerogative of private enterprise.

I question, however, whether what should be the objectives of reform can be achieved by simply granting an exemption or so. A cardinal principle of our society is equal treatment under the law. It is not equal treatment to discriminate in favor of this oil product and not others, in favor of this group of oil users and not others, in favor of this community, State, or region and not others similarly situated, and in favor of a particular industry and not the consuming public. Discrimination is an evil which we should seek to avoid not only in our quest for racial justice but in the conduct of our economic affairs as well.

THE BRAVE SPIRIT OF THE BASQUES AND THE TYRANNY OF THEIR PERSECUTORS

Mr. CHURCH. Mr. President, while recent news stories from Spain have focused on the matter of Franco's successor—on the prospect of a change in personalities—there is no change in the policy of the present regime.

In our democracy, we recognize the right of protest and the vital role that it has in a free society. But the Franco government cannot tolerate such principles; it has shown this by continuing to persecute the Basque people relentlessly.

After a secret trial, five Basque priests were recently sentenced to long prison terms for protesting about police torture of their Basque countrymen. A London Times editorial on this deplorable action was reprinted on July 9 in the Christian Science Monitor. I must agree with the Times' editors when they say:

> The disputes that arise more and more frequently in the Basque provinces, where more than a hundred people await trial on charges similar to those for which the priests have just been sentenced, have more than regional significance. Outside Spain they are seen as symptomatic of the whole nature of Spanish government.

A fine story about the bravery of the Basques and their centuries-old devotion to freedom, written by a reporter who lived among them, Paul A. Dickson, appeared in the August 3 issue of the Washington Post. Mr. Dickson observes:

> In the period from 1950 to 1967, the New York Times reported a total of more than 300 arrests. In the last two years, more than twice that number of arrests have been reported.

And he concludes:

> The Basques, who hold tenacity and strength to be great virtues, have been around for a long time and know that the irritations of a dictatorship cannot last forever. Their ideals, manners and customs have had the strength of centuries.

Mr. President, I ask unanimous consent that both the London Times editorial and the fine piece by Mr. Dickson be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OPPRESSION IN SPAIN

The secret trial in Spain which has just led to long terms of imprisonment for five Basque priests will not silence Basque fears. It is an act of repression which could well rebound on the Spanish administration. The priests had protested against police torture on Basques. Allegations of torture have come up frequently in the past few years and seem well founded. What the people in the Basque provinces have been looking for is a clear sign that the police would mend their ways. Instead they have evidence that the situation will worsen.

The position of the priests is particularly important. During the regime of General Franco the Church in Spain has usually been a conservative element, helping to prop up the civil power under a pact of noninterference between it and the Church. The rule that made the trial of the priests a secret hearing was established in Spain's concordat with the Vatican. But the Church in Spain has been showing growing divisions. Young priests have been identifying themselves with workers' movements and some clergy are strongly influenced by Catalan and Basque nationalism.

The Basque claims for linguistic and cultural freedom within Spain are long-standing. It would probably be politically and practically impossible for General Franco to accede to the broadest demands, but there should be a middle course. This would mean allowing the Basques to promote their cultural identity and encouraging more open political discussion. Instead, the present policy of heavy repression is more calculated to simulate resentment. The disputes that arise more and more frequently in the Basque provinces, where more than a hundred people await trial on charges similar to those for which the priests have just been sentenced, have more than regional significance. Outside Spain they are seen as symptomatic of the whole nature of Spanish government.

Spain would like the world to believe that she can offer the people of Gibraltar freedoms comparable to those they have enjoyed under British tutelage. In the face of what is happening now to the Basque people it is easy to understand the skepticism of the Gibralterians. Most Spaniards recognize that their principal problem is how to develop, without chaos or violence, more liberal institutions after a generation of dictatorship. Savage sentences for what, under liberal institutions, would be no crime at all, are depressing signs that the regime is moving backwards, not forwards. If there is any sign of political change in Spain it seems to be for the worse.

FRANCO FACES BASQUE POWER

(By Paul A. Dickson)

Part of the legacy that Generalissimo Francisco Franco of Spain will pass on to his announced heir, Prince Juan Carlos de Borbon y Borbon, is the "Basque problem."

Franco first faced the Basques during the Spanish Civil War, when the Basque provinces of Vizcaya and Guipuzcoa existed as the Republic of Euzkadi. The weak republic was easily conquered in a few months, but in his 30 years in power Franco has been unable to kill the Basques' independent spirit and separatist aspirations.

Events of recent months—strikes, renewed separatist activity, demonstrations by the clergy, acts of terrorism, university uprisings and the like—may portend even tougher days ahead for Franco or his successor.

"The Basque problem" has existed for those who have ruled the Iberian peninsula since the days before Spain was a nation. Often described as the oldest homogeneous racial group in Europe, the Basques are closely knit and have resisted amalgamation since the first Roman legions descended upon them. They waited until the 11th century to embrace the "foreign" influence of Christianity, but when they did, they produced such illustrious Christians as St. Francis Xavier and St. Ignatius of Loyola.

By reputation—often self-proclaimed—they are a proud, industrious and strong people. By profession, they are famed as sailors, shepherds and smugglers. They have excelled in each area.

Basques claim that their fishermen were fishing off the Grand Banks of Newfoundland before Columbus set sail. Another claim has it that when the Genoan stopped in the Azores, Basque fishermen assured him that there was land toward the setting sun. In addition, there is a Basque claim, though never given wide publicity, that Basques landed in Newfoundland before 1492.

These claims aside, their position in the age of discovery is well established. Elcano, a Basque, was Magellan's navigator and took command when his master died in the Philippines. Chachu, another Basque, served as Columbus's boatswain on the Santa Maria. Basque fishermen are to this day considered the most daring in Spain and brave the North Atlantic in small boats to bring back cod and other fish from the Grand Banks.

As for their reputation as smugglers, it is not as sinister as it might sound. There are about 600,000 Basques living in the Spanish provinces of Vizcaya and Guipuzoca and about 200,000 in the French Basque provinces of Labourd, Basse Navarre and Soule. The feeling among the Basques of both nations is that all Basques should live with the best that both countries can manufacture: hence the traffic through the Pyrenees. Part of the Basque rationalization of smuggling points out that Basques are not greedy smugglers (which may also acount for their success).

LANGUAGE OF PARADISE

The Basque language is called Euskara. It has no clearly recognizable roots in any other language, although tenuous links have been made between its pronouns and Hebrew pronouns, its verbs and Aztec and Dakota Indian verbs and other elements of the language and tongues as diverse as Arabic and Japanese. One Spanish linguist early in this century went as far as to propose that Euskara is the basis of all language and was spoken by Adam and Eve.

The Basque hills are rugged and rocky and the Basque aptitude for shepherding is legendary. Many of the estimated two million Basques in the Western Hemisphere are shepherds and special immigration rules in the United States permit Basque shepherds to enter the country on a preferred basis.

The language does not lend itself to abstraction and has never lent itself to literary use. It is spoken in several dialects. There was a moment in 1937 when the Franco government tried to outlaw Euskara in an attempt to curb Basque nationalism, but the edict was written in Spanish and in many small towns, few people understood any Spanish.

The unique flavor of the language, which is peppered with Xs, Ks and Zs, can be sampled in a few words. The numbers one through five are, *bat*, *bi*, *iru*, *lau*, and *bost*. The sun is *eguzki* and the moon is *illargi*. The sea is *itxaso* and river is *ur*. Man is *gizon* and woman is *emazteki*. Many Basque words are onomatopoeic: *gilirgili* is the verb to tickle and *bambi-bimbaki* is the pealing of bells. The word for god is *jaungoika*—literally "the lord of the manor most high."

Basque folklore is concerned with objects and settings foreign to the Spain of the hot sun and sprawling bullranch. Witches, she-goats, night visitors, demons of all types, devils and ancient woodsmen cavort in caves, dark forests, inert swamps and rocky crevices.

The Basques' earliest history is mostly a matter of conjecture and is as elusive as their language. Such tags as Cro-Magnon, Berber, Lapp, Celt, Finn and Magyar have been used to explain their origins, and the idea that they were the basis of the original Iberian tribe has been advanced regularly. From time to time, it is suggested that the Basques are the human remnants of the lost continent of Atlantis.

A WILD BAND

When the Basques were found by the Romans, blood sacrifice was common among them, their staple was acorn bread and their many gods lived in the mountains and among the rocks of the Basque shores. Basque customs and cults were upheld during the Roman period.

In the 6th century, they were invaded by the Visigoths, who were soon driven out. The Moors, after taking most of the rest of Spain, were content to leave them alone, calling them "a band of wild asses." Basque mountaineers trapped and defeated part of Charlemagne's army under Roland in 778. They resisted the centralizing grasp of both the Bonapartes and Bourbons.

From the early 14th century to 1839, they lived in confederation with Spain, recognizing the King of Spain as the Lord of the Basques with the understanding that he would affirm the established liberties or *fueros* of the Basques.

In the aftermath of a civil war, which ended in 1876, the Basques were fully incorporated into the Spanish state and lost their final special privileges of exemption from military service, financial autonomy and local administration. From this time forward, the Basques always have had a substantial cadre of separatists in their provinces.

The Spanish monarchy fell in 1931, and the Spanish Republic was established. The Basques immediately petitioned for independence. In 1933, the Republic authorized a plebiscite among the Basques and an overwhelming 88 per cent voted for a separate state, which was finally authorized as the Spanish Civil War broke out in 1936.

If the existence of the Basque Republic of Euzkadi was short, it was not without worldwide implication. The attack on Guernica by German planes on Franco's side clearly established the Nazi proclivity for brutality.

In a war of intense cruelty and vindictiveness, it was the Basques alone who were reported by the correspondents as incapable of atrocity. As the front moved closer, the Basques attempted to evacuate their children. (The United States made a decision during this period that struck some as particularly pathetic: to turn down a cargo of 500 Basque children who had been evacuated from Bilbao before it was attacked. Though many nations that were neutral during the Spanish war accepted children, the United States decided that such an action would be taking sides).

IGNORED BUT ALIVE

The history of the Basque national movement in Spain has been for the most part unchronicled since 1937.

None of the world's major newspapers or press services have correspondents in the area, and the Spanish press does little to report events that reflect antagonism to the government. Most of the old voices of Euzkadi are gone.

But in the more than 30 years since the fall of Euzkadi, Basque nationalism has stayed very much alive. In the last two years have occurred some of the strongest separatist demonstrations since the early 30s. It is almost impossible to know exactly how many have been arrested for nationalistic activities, but the number is sizable.

Except for major eruptions, Basque nationalism traditionally has provided those one-inch fillers in the back of major newspapers: like "15 Basques on Trial" and "25 Successionists Arrested." In the period from 1950 to 1967, The New York Times reported a total of more than 300 arrests. In the last two years, more than twice that number of arrests have been reported.

Basque priests have been consistently outspoken in their dealings with the Franco regime. The priests have been almost constantly at odds with their Franco-appointed bishops, provincial governors and the regime itself.

By making decisions that pertain directly to religion, the governors have kept dissatisfaction alive. Euskara has been banned for use on tombstones and outlawed as the language in sermons.

In 1960, 342 Basque priests signed a letter to Franco protesting the "lack of freedom" and "oppression of the Basques" by his regime. In 1963, a Basque statement was forwarded to the Ecumenical Council in Rome denouncing a "violation of basic human rights" by the government in Madrid.

Recently, the action has been more direct. Priests have refused to allow the Spanish flag in their churches, refused to bless Franco-sanctioned public works or buildings, staged vigils (sitins) in the offices of higher authority (in one case, 47 stayed in the bishop's palace in Bilbao for six days) and bluntly advocated separatism.

Several monasteries have become active centers for nationalism and one went as far as to edit and publish a pro-Basque newspaper that reached a circulation of 40,000 before being stopped by the regime. Last summer, the problem became so severe that Pope Paul ordered Basque priests to stay out of politics and, at the same time, asked the Franco government to release eight priests arrested for alleged collusion in the Basque movement.

ACTS OF TERRORISM

While much of the leadership—or at least those with a platform from which to be vocal—is in the clergy, the move to nationalism is strong among the rest of the population. It ranges from the Basque who is simply in favor of regaining old freedoms to the members of the small terrorist organization known as ETA or Euzkadi ta Askatasuna (Basque Land and Liberty). In the middle is the Basque Nationalist Party, a loosely organized group that has peacefully lobbied for separatism for almost 100 years.

For 30 years, Basque nationalists have been a tolerable nuisance to the Spanish government. Manifestations of the nationalist spirit were for the most part confined to nonviolent but illegal acts such as clandestine meetings, painting slogans on walls, circulating pamphlets and the like. In the last two years, however, matters have become much more serious.

Acts of terrorism have occurred, including the killing of two Spanish policemen. Massive demonstrations have taken place in San Sebastian and Bilbao, resulting in numerous arrests and other forms of retribution. Twice, rights guaranteed under Spanish law have been suspended in the Basque area. Rights regarding arrest, house search and freedom of movement have been suspended on occasion.

Day-to-day expressions of Basque nationalism come in many forms. Speaking Basque in the presence of outsiders is one. Calling Pio Baroja and Miguel de Unamuno Basque—not Spanish—writers and pointing out that Simon Bolivar and Maurice Ravel were Basques are others. The green, white and red colors of Euzkadi are illegal on a flag but are worn discretely on jacket lapels at festival time. Basque Christian names are also illegal, but there is no way of stopping a mother from calling her son, christened Jose, by the equivalent Basque name Joseba.

EVERY MAN A NOBLE

Basque liberty is not a vague concept but a specific tradition that has been maintained, at least in men's minds, for centuries.

The Basque *fueros*, or rights, were for the most part formulated in the *batzar*, or parliament, in Guernica. Nobody is exactly sure when the *batzar* first convened, but it produced a body of laws that were egalitarian and often unique.

A fuero written in 1526 declared that every Basque was a nobleman. The law not only prevented nobility from dominating the Basque lands but also gave Basques traveling in other lands the privileges of title.

Other fueros prohibited torture as a means of punishment, allowed for free trade with other lands and guaranteed a trial by a jury of peers.

A fuero of the 16th century stated that freedom and liberty were established by law and that any order from the king in contradiction with the fueros would be "respected but not carried out." No law or decree issued by the king went into effect until ratified by the batzar.

No taxes (stipulated as free and voluntary gifts) could be paid to the crown until all petitions were heard and wrongs redressed.

Although Basques have a reputation for being extremely religious and concerned with law, their fueros prohibited clergy or lawyers from sitting as deputies at Guernica.

Contemporary Basques claim that their 16th century forebears had more personal freedom than they do.

The Basques, who hold tenacity and strength to be great virtues, have been around for a long time and know that the irritations of a dictatorship cannot last forever. Their ideals, manners and customs have had the strength of centuries.

When John Adams wrote "A Defense of the Constitution of Government of the United States," he spoke of the Basques.

"While their neighbors have long since resigned all their pretensions into the hands of kings and priests, this extraordinary people have preserved their ancient languages, genius, laws, government and manners without innovation, longer than any other nation in Europe."

The Basque ethic and ideal may be the sanest on the whole Iberian peninsula, but it will probably be a while before they dominate in their native provinces again. Until that time, resilience will have to do.

THE URBAN TRANSIT BILL

Mr. **ALLOTT**. Mr. President, the Federal Government first became involved in urban transportation 5 years ago, and since that time many of us have been urging the administration to develop a long range and comprehensive program for public transit.

Since 1964, we have limped along year by year with little direction, and a small amount of money. Even at that, the rather meager funds available for public transportation were unwisely spent in many instances, in my judgment.

Now there are indications that this situation is about to be reversed. I am proud to say that President Nixon, Secretary Volpe, and a Republican administration have been the first to propose and send to the Congress a long-range and meaningful public transit program.

In addition, Urban Mass Transportation Administrator Carlos Villarreal appears to be taking those steps necessary to put an end to wasteful and misdirected spending of transit moneys. I am most encouraged by his forthrightness and executive ability in this regard.

If the Congress goes along with the administration's transit plans, and I for one urge Congress to do so, this Nation will, for the first time, be on its way toward the adoption of a reasonable workable urban transportation policy.

One further point should be made regarding the financing of the President's transit program. I was among those who counseled against the use of a trust fund for public transit purposes.

I am well aware of the pressures for a trust fund. Some representatives in industry expressed strong views to me about this point. Some mayors and other public officials voiced their opinions on the subject. A number of Members of Congress had proposed this approach.

All who spoke on the subject, I am sure, are sincerely interested in solving our long range problems, and more importantly in starting to solve them now.

This is why I am sure that when the various groups who have worked so strongly for a trust fund have the opportunity to carefully examine President Nixon's bill, they will come to the realization that this is really the most feasible and workable proposal at this time.

There are many reasons why a trust fund would have been unwise, in my view. First of all, with respect to urban transit there can be no user tax because most transit systems do not even pay operating expenses from the fare box, let alone capital improvements. If transit riders alone could not be taxed in some way, then a method of taxing other select groups for transit purposes was next to infeasible.

Second, in this period of transition, and in view of the past record of the Urban Mass Transportation Administration, many of us could not see removing, for all practical purposes, the UMTA from direct scrutiny of the Congress.

Most importantly, however, the trust fund would have been extremely unwise in the economic situation in which we find ourselves.

Sheltered funds, not subject to the direct control of Congress or to changing national priorities, can scarcely be justified in this period of high inflation. In fact, as a general policy, earmarked funds amount to an unsatisfactory method of financing, and I might add, my view applies to all levels of government.

So, I applaud the President's good judgment in sending to Congress a bill which will be financed from the general fund. While as a member of the Appropriations Committee, I have never leaned strongly in favor of contracting authority, I believe that it is justified in this case, at least as an interim step.

I might add that I believe the President was most prudent in sending the Congress what amounts to a 5-year program, projected out to a 12-year period. I said last April that I believed any urban transit program should be no longer than 5 years duration at any one point, and I am delighted that the Nixon administration has taken this approach.

In summary, I believe the President has presented the Congress with a long range, reasonable and workable public transportation program. I will work for its passage, and I hope the Congress will support this approach.

DIRECT VOTE FOR PRESIDENT OFFERS VAST DIVIDENDS FOR THOSE WHO WOULD CORRUPT OUR ELECTIONS

Mr. MUNDT. Mr. President, both Congress and the country, generally, is deeply involved and rightfully interested in providing meaningful and effective reform in our electoral college procedures. In the House, a committee has reported out a proposal to substitute the direct election of Presidents for our present system while in the Senate, a subcommittee has expressed its overwhelming support of the so-called District Plan which reforms and corrects out electoral college procedures without eliminating the electoral college itself.

An interesting editorial on proposed approaches to the reform of our electoral college was recently printed in the Indianapolis Star, of Indianapolis, Ind. It highlights an analysis showing that the direct popular election of Presidents should be rejected by Congress and by the people since it places such a vast emphasis on the importance of crooked elections in any given American city or election district.

The study disclosed in the Indianapolis Star editorial is based on what actually happened in the presidential election of 1960. It should be carefully studied by every citizen desiring to improve the procedure by which our American Presidents are elected rather than to impose on this country an unfair, unworkable, and easily corruptible substitute system for electing our Presidents.

Mr. President, for the information of the Congress and the country, I ask that this editorial from the Indianapolis Star on the subject of "Stolen Votes" with its specific supporting evidence from the 1960 election be printed at this point in the RECORD.

Changing the time-tested formula by which we have elected our American Presidents is important business. Let us be sure we are not moving from the frying pan into the fire in this area of our responsibilities.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ON STOLEN VOTES

It could have happened anytime, but it did in the election of 1968.

It has long been known that party machines in the largest cities have been involved in vote thefts.

Now it has been proven that those vote thefts are on such a scale that those machines could control—dishonestly—the result of a close contest if we should have direct popular election of our President.

The proof came, oddly enough, from the findings of a project set up to guard against vote theft in the 1968 presidential election.

The story is told in the July issue of the Reader's Digest by Louis B. Nichols, who headed "Operation Integrity" for the Nixon forces in last year's election. Nichols was for 23 years an agent of the Federal Bureau of Investigation, and for 16 of those years was assistant director under J. Edgar Hoover.

"Operation Integrity" was manned by 100,000 volunteers, large numbers of them Democrats who joined in the interest of honest elections. Its goal was to maintain a watch on a limited number of precincts, in various parts of the country, where the worst vote fraud historically has occurred.

In Philadelphia, 10 days before the election, inspectors found 1,083 "ghost" votes already recorded on 42 voting machines in the warehouse. That's an average of a little more than 25 on each machine. Of the 3,500 machines in the warehouse, 2,344 lacked tamper-proof seals. An average of 25 on each of those unsealed machines would have yielded 58,600 stolen votes.

In St. Louis, pre-election check of a sample of 6,500 registered voters turned up 14 per cent of them who could not be found at the address from which they were registered. Running in ghost votes amounting to 14 per cent of the total vote cast in that city last fall would have yielded more than 30,000 stolen votes.

In Chicago, Nichols reports, a common method of vote stealing, besides ghost voting and vote buying, is "long counts designed to permit brazen tally-sheet falsification." A check of registration lists disclosed 409 "voters" registered from the address of a flophouse. Investigators saw drifters from skid-row flophouses and bars rounded up in wholesale lots to be registered for $1 each. Researchers for a local bipartisan anti-fraud effort called "Operation Eagle Eye" estimated that 170,000 of Chicago's 1,800,000 registered voters were ghosts.

Numerous other examples of vote stealing and munipulation were described by Nichols. The point is that such things do happen and happen regularly in boss-controlled areas, which commonly predominate in the largest cities.

In an analysis of the 1968 election made recently by Dr. George Comfort, professor of political science at Butler University, he found that 54.6 per cent of all the votes were cast in nine states embracing the 12 largest cities.

Richard M. Nixon's popular vote plurality over Hubert H. Humphrey was 310,638 votes. In a direct popular election, with the result determined by the national plurality of votes, the theft of an average of 25 votes in each of a few more than 1,000 precincts, on the average, in each of the 12 largest cities could have wiped out that margin and stolen the election.

Because such a thing *can* happen in boss-controlled cities, direct popular election would throw the presidency open to the very real possibility of dishonest selection by boss-controlled vote fraud.

The current drive for a popular election amendment to the Constitution is being pressed chiefly by liberals, whose future presidential candidate appears to be Senator Edward M. Kennedy (D-Mass.). We are reminded of the vehement opposition to direct popular election voiced by his brother, John F. Kennedy. While in the Senate, later to become President, JFK said that such a proposal, "while purporting to be more democratic, would increase the power of and encourage splinter parties, and I believe it would break down the federal system under which most states entered the Union, which provides a system of checks and balances to insure that no one area or one group shall obtain too much power."

The Electoral College system limits the influence of big-city vote fraud by restricting its effects to the states in which it occurs. Direct popular election would permit such fraud in the biggest cities to effect directly the national result.

Direct popular election should be rejected, to help protect the presidency against the vicious effects of stolen votes.

WASHINGTON WORKSHOPS

Mr. ALLOTT. Mr. President, I would like to take this opportunity to advise my colleagues and friends of a most interesting and worthwhile program for high school students which is being conducted here in Washington, D.C. I am referring to the Washington Workshops, a summer seminar program which offers secondary school students a unique opportunity to study and participate in the American legislative process.

The participants spend nearly 2 weeks here in the Nation's Capital. Their time is devoted to classes in government affairs, conducted by graduate student instructors, and visits to Capitol Hill to hear various Senators, Congressmen, and staff personnel. These daily congressional dialogs range from the mechanics of the legislative process to personal political insights into issues of domestic and international concern. The remainder of the time is divided between group discussion sessions, embassy receptions, and other special events.

The Washington Workshops Congressional Seminar is offered in cooperation with Mount Vernon Junior College in Washington, D.C., where many of the classes are held and where the student participants live throughout the program.

This summer 60 of last year's students returned to Washington to participate in an advanced congressional seminar. The seminar format included 2 weeks of intensive legislative process study followed by 2 weeks of work in a congressional office, enabling the students to gain a firsthand exposure to the congressional process.

Close to 1,000 young Americans are in this summer's program, and they come from small towns and large cities across the country. In some cases local school districts have used title I, Elementary and Secondary Education Act funds to send deprived children to take part in the workshops. Concerned corporations, such as Fieldcrest Mills and the Western Electric Co., also are underwriting the complete cost of participation for disadvantaged youngsters.

I heartily commend Washington Workshops, its founder and director, Leo S. Tonkin, and its competent staff who have worked long and hard to make this splendid program available to a growing number of alert and sensitive young Americans. Programs such as this do a marvelous job in showing first-hand to our teenagers the intricacies and the workability of our great system of American Government.

MR. GALLO PLAZA AND THE OAS DESERVE THE HIGHEST COMMENDATION

Mr. CHURCH. Mr. President, our troubled world has many pretend peacemakers but few actual ones. With the gratifying success of recent efforts to settle the war between El Salvador and Honduras, the Organization of American States, and especially the head of this group, Secretary General Galo Plaza, are to be commended as determined peacemakers. Under extremely difficult circumstances, they have been true to all of the hopes which the Americas have lodged in the organization. I commend them. As one diplomat said at the OAS gathering:

> If collective security and international peace-making machinery failed on this one, where else could it be expected to work?

The account of this accomplishment by the OAS is a heartening success story. A report of its success which appeared in the New York Times on August 3 was properly labeled "A Victory for Peacemaking."

I ask unanimous consent, Mr. President, that the entire article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LATIN AMERICA: A VICTORY FOR PEACEMAKING

(By Peter Grose)

WASHINGTON.—"If collective security and international peace-making machinery failed on this one, where else could it be expected to work?" The question was posed by a thoughtful United States diplomat last week as Foreign Ministers of the Organization of American States gathered to try to stop the war between Honduras and El Salvador, and it seemed to express the underlying issue in the crisis.

The Central American confrontation stood as a near-perfect test case of the potential for collective peacemaking, free of external complications. There was no big-power involvement that would have tended to bend fragile international machinery toward one side or the other.

Finally, the two countries themselves were painfully aware of the grievances that led to the war, but equally of the distress—in economics and in human lives—which they had suffered and would continue to suffer.

By week's end, diplomats in and out of the O.A.S. agreed that the 21-year-old hemisphere organization passed the test for the benefit of collective peacemaking machinery everywhere. Long-term problems of reconciliation remain, but under the watchful eye of O.A.S. observers the Salvadoran occupation army was withdrawing peacefully from Honduras this weekend.

The now-famous soccer game in San Salvador on June 15, which El Salvador won, set off a wave of national resentment between the two neighbors, with each accusing the other of brutalities. Tensions had been mounting for over a year, stirred by the fact that large numbers of Salvadorans—about 300,000—had left their overpopulated homeland to seek land and business opportunities in less-developed Honduras.

"If it hadn't been a soccer game, it would have been something else," said one senior Latin diplomat. "The fuse had run out."

Neutral observers, including O.A.S. Secretary General Galo Plaza, are convinced that when Salvadoran troops invaded Honduras on July 14, the Government in San Salvador firmly believed that atrocity stories, although exaggerated, indeed amounted to "genocide" and were justification for punitive military action. Honduran forces, caught unprepared, were powerless before the Salvadoran advance.

Within hours the O.A.S. rushed a team of diplomats to the scene to try mediating.

A shaky cease-fire was arranged after five days of combat, but the political problem remained of securing, on the one hand, the withdrawal of Salvadoran troops and, on the other, some form of effective guarantees for the lives and property of Salvadoran residents in Honduras.

Last weekend, the O.A.S. permanent representatives summoned their Foreign Ministers to tackle the problem at the highest diplomatic level.

SHOUTING MATCHES

Then followed four days and nights of tense diplomatic maneuvering, erupting into angry corridor confrontations and one post-midnight session that broke down into shouting matches just short of fistfights among foreign ministers. Mr. Plaza, a 63-year-old Ecuadorian who once played football for the University of Maryland, seemed to be everywhere, alternating between friendly persuasion and less subtle devices. Just before the crucial break on Tuesday the Secretary-General locked the entire Salvadoran delegation in his office for nearly two hours to prevent them from backsliding away from the withdrawal agreement they had just reached.

Simultaneously with the withdrawal, by the terms of the settlement, the O.A.S. has already dispatched 14 civilian observer teams to Honduras.

Mr. Plaza is now confident that the organization can effect the smooth troop withdrawal.

His plan now is to use the structure of the Central American Common Market—the eight-year-old economic bloc which stands as the long-term victim of the war between two of its five members—as the principal instrument of refugee rehabilitation. This role might even turn the market into a stronger force for economic development.

The State Department, which had carefully kept its voice in the lowest possible register during the Latins' deliberations, stated after the diplomatic settlement "the inter-American system, in which we proudly participate, has met a major challenge."

ON VIETNAM—A DISTORTION BY LIBERALS

Mr. MUNDT. Mr. President, a recent editorial from the Tulsa World of Tulsa, Okla., has reached my desk and since it deals with the important problem of how best to secure an equitable and enduring peace in Vietnam, I want to share it with my colleagues in the Senate and the House.

I ask unanimous consent, therefore, that this editorial from this important Oklahoma newspaper be printed at this point in the RECORD.

Mr. President, until and unless we convince the master of Hanoi that we have made our final offer and that by prolonging the war they will gain nothing further in the nature of concessions from Saigon and Washington, the prospects of meaningful negotiations in Paris remain understandably dim. Let us as a nation and as a people unite in demonstrating to Hanoi, Moscow, and Peking that the United States of America is not going to "cut and run" and that we are not going to betray our friends and associates in Southeast Asia.

On the basic fact that this great country is not going to accept a humiliating and war-producing defeat in Vietnam, this Republic should stand united. I especially call attention to the last two paragraphs of the editorial from the Tulsa World.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DISTORTION BY LIBERALS

Sen. Karl Mundt of South Dakota suggests the United States issue a formal proclamation, backed by Congress, notifying North Vietnam that we are "not going to cut and run" in South Vietnam.

Mundt says the action is needed to offset widespread domestic and global confusion as to U.S. intentions.

Recent orders by the Nixon Administration beginning a gradual withdrawal of American forces from the fighting zone have prompted precipitous conclusions that we are giving up the fight.

Nothing was further from the mind of President Richard Nixon in issuing the withdrawal orders. Rather, it is anticipated U.S. forces will be withdrawn gradually as and when South Vietnamese forces are equipped and trained to take hold on the more treacherous fighting fronts.

But Mr. Nixon's intentions have been distorted by liberals and doves who, having long since gotten us into the fighting in a major way, have wearied of the scene and are seeking new worlds to conquer. Liberal thinking now is directed at the domestic scene, where they visualize the use of Vietnam war funds for social and other spending projects.

This compassion for betterment is laudable. But it is evident that the One Worlders have lost stomach. Their naive visions of global togetherness have given way to the isolationism they so loudly condemned in the days when the venerable Sen. Robert Taft cautioned against falling victim to the Utopian dream of the world living happily together for all time.

Two wars and many disillusionments later the muddle-heads are ready to throw in the towel. It's not that easy. Sen. Mundt recognizes the facts of life on a troubled globe. Moreover, he knows what is certain to follow any showing of weakness or uncertainty.

What the Doves sorely need to do is think practical thoughts and cease dreaming of perfection in the world of imperfections.

ANOTHER BLOW TO CIVIL RIGHTS—COURTESY OF THE NIXON ADMINISTRATION

Mr. MONDALE. Mr. President, last week in the House of Representatives saw the writing of another miserable chapter in the Nixon administration's deplorable civil rights record. The administration stood by and watched—almost as disinterested observers—while the House voted down attempts to strike anticivil rights language from the 1970 Labor-HEW appropriations bill.

Thus, we in the Senate will once again be faced with the so-called Whitten amendments, sponsored in the other body by Representative Whitten, of Mississippi. Last year, as my colleagues will recall, we were successful in the Senate in nullifying the most damaging effects of the provisions, and I am sure a majority of my colleagues will support similar action again this year. But the fact of the matter—the sad fact—is that the administration could easily have stopped the 1969 version of the Whitten provisions last week in the House. Instead, it chose to remain silent in yet another display of its insensitivity on civil rights issues.

I wish to commend our colleagues in the other body who supported the efforts of Representatives Cohelan, Conte, and O'Hara to delete or modify the anti-civil rights Whitten amendments. I am sure I speak for many of my colleagues, on both sides of the aisle, when I pledge that we will continue this fight in the Senate—with or without the administration's support.

Mr. President, the Washington Post on Sunday carried an article and an editorial about the House action of last week on the Whitten provisions and the administration's inaction. I ask unanimous consent that the article and editorial be printed as part of my remarks at this point in the Record. In addition, I ask unanimous consent that the Evans and Novak column entitled "Mitchell Blocked Finch's Move on Anti-Integration Proposal," which appeared in this Wednesday's Washington Post, appear at this point in my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

HEW Didn't Fight Guidelines Curb

(By Richard L. Lyons)

Despite ample warning that it was coming, the administration apparently didn't lift a finger to stop anti-school desegregation provisions written into the HEW appropriation bill by the House Thursday.

The language designed to legitimize freedom-of-choice plans and to prevent cutoff of federal aid from non-complying school districts was approved in identical form by the House a year ago. It was later modified and made meaningless by the Senate through ambiguous language.

Wilbur J. Cohen, then secretary of Health, Education and Welfare, said last year the initial House-passed language "threatens to stop or perhaps reverse this nation's drive for equal opportunity for all children."

Nearly two weeks ago, 10 days before the House voted on the issue, its Appropriations Committee again approved the language authored by Rep. Jamie L. Whitten (D-Miss.), who had announced his intention months in advance.

NO DENUNCIATION

Rep. Silvio O. Conte (R-Mass.), a leader in the drive to strip the language from the bill, asked for a statement from HEW Secretary Robert H. Finch denouncing it. Conte thought a message was coming, but it never did.

Except for Rep. John B. Anderson (R-Ill.), House Republican Conference chairman, no Republican leader spoke on the issue. A switch of nine votes would have killed it, but Democratic absenteeism was equally noticeable.

Even after the House vote, HEW civil rights officials said they couldn't discuss the matter and didn't know what the administration would ask the Senate to do. They had stuck their necks out before on school guidelines only to have them chopped off by equivocation at the top—the lesson was not lost.

STRATEGY DISCUSSED

Civil rights leaders, on the other hand, met Thursday evening after the House vote to discuss strategy. Clarence Mitchell of the NAACP, top civil rights lobbyist, said they tentatively decided the best course would be to ask the Senate to kill the language in hope of reaching an acceptable compromise in the House-Senate conference that will settle differences between the two houses.

"The vote proves," said Mitchell, "that there is a White Panther contingent in the Republican party led by Gerald Ford (House minority leader) with the complete approval of the White House." Mitchell said the White House made a "deliberate decision" to stay out of the fight.

The language forbids HEW to force busing of students, closing of schools or forcing a child to attend a school against the choice of his parents. It also states that these actions cannot be ordered as a condition to receiving federal air.

DEFANGED LAST YEAR

Last year, the Senate defanged the language by adding at the end of each of the two sentences the phrase "in order to overcome racial imbalance." HEW said it could live with this because its job was not to achieve racial balance but to end illegal segregation. This is the way the bill was passed, but only after a final cliffhanging House vote where the compromise was nearly lost.

Now that they face a repeat of the long 1968 fight, civil rights forces have one advantage over last year but have lost two key allies.

Sen. Warren G. Magnuson (D-Wash.), a civil rights supporter, is in charge of the bill in the Senate this year in place of the retired Lister Hill of Alabama. When he concentrates on an issue, Magnuson is one of the most effective operators in the Senate. He probably would be outvoted in his subcommittee, but it was the full committee that voted the compromise language last year.

But Sen. Jacob K. Javits (R-N.Y.), a tough civil rights fighter who carried much of the load last year, has left the Senate Appropriations Committee.

And a key operator in the final House fight, Melvin R. Laird, has left to become Secretary of Defense. It was Laird last fall, after Strom Thurmond had delivered the South for Richard M. Nixon at the Republican National convention, who decided Mr. Nixon couldn't stand the appearance of being tied to the South. Laird switched several conservative Republicans and finally beat Whitten.

And a Low Blow

By extremely small margins the House on Thursday rejected the efforts led by Reps. Conte of Massachusetts and Cohelan of California to excise from the Labor-HEW appropriations bill language that would severely undermine the Civil Rights Act of 1964 and the progress—such as it has been—of school desegregation in the South. The language in question was developed by Rep. Jamie Whitten of Mississippi, and although it purports to deal with "forced busing" of students, its principal effect would be to establish the validity of so-called "freedom of choice" plans and to inhibit HEW from using its enforcement powers to bring schools (such as those in Mr. Whitten's district) into compliance with the law.

Mr. Cohelan observed in passing that he and Mr. Whitten had been around this track before. Last year the House also appended the Whitten language to the Labor-HEW appropriations bill; the Senate rejected it; the House-Senate conferees could come to no agreement; and in the consequent record vote on the measure held in the House, Mr. Whitten took a close defeat. It was a real cliffhanger. We bring up this bit of legislative history because the administration apparently has something like that scenario in mind for disposing of Mr. Whitten's measure again this year—if, indeed, it plans to help dispose of it at all. For despite the stern words of Secretary Finch and Attorney General Mitchell in their revised guidelines statement on the subject of "freedom of choice" plans, the administration refused to pass the word privately or publicly against the Whitten measure before the vote last week. The best construction anyone has been able to put on this reluctance is that the administration is looking to have Mr. Whitten defeated on the Senate side.

As best constructions go, it is pretty rickety. For one thing, the very closeness of the votes in the House makes abundantly clear that the administration could have turned it around with a little effort and/or will. And there was plenty of opportunity (and pressure) to do so. Mr. Whitten's Republican and Democratic opponents in the House implored HEW to express a view for the administration and thus to help them out. Once again there was a great deal of backstairs to-ing and fro-ing, promises to reach a decision followed by further delays and further promises, leading—ultimately—to silence. Two things make this passing odd. One is that, as a candidate, Mr. Nixon last fall let it be known that he opposed the identical Whitten measure. The other is that, whatever action the Senate subsequently takes, the House action of Thursday can only encourage those school districts in the South that already believe they read Mr. Nixon loud and clear and which are currently fighting his representatives at HEW. As the time grows shorter until the fall of 1969 and the administration's resolve becomes, if anything, less clear regarding the fulfillment of that desegregation deadline, episodes such as this one become increasingly important. In fact, the signals the administration has been transmitting on this question by now have probably made the whole subject of the 1969 deadlines academic. Its refusal to take a stand on Mr. Whitten's destructive maneuver ranks high among these signals, coming as it does at this time. That is just one more depressing observation for those who took the Attorney General at his word when he asked that we watch what the administration would do on this question—as distinct from putting our hopes on rhetoric.

Mitchell Blocked Finch's Move on Anti-Integration Proposal

The reason why the Nixon administration tolerated house passage last week of an amendment designed to cripple school desegregation was the undercover intervention of Atty. Gen. John Mitchell, the strong man of the Cabinet.

Mitchell blocked a move by Robert Finch, Secretary of Health, Education and Welfare (HEW), to put the Nixon administration on record against the anti-integration proposal of Mississippi's Rep. Jamie Whitten. In fact, Mitchell made a special, highly secret visit to Capitol Hill to make sure the Republican leaders did not turn against the Whitten amendment. Because of this, the Whitten amendment narrowly carried.

The upshot transcends just one more victory for John Mitchell and one more defeat for Bob Finch inside the administration. Rather, this is a necessary triumph for Mitchellism—the attorney general's grand design of combining the 1968 Nixon and Wallace votes into a national Republican majority. Vital to Mitchellism is a civil rights policy that placates the South but does not offend northern whites.

Whitten's rider to the educational appropriations bill fulfills that requirement. While ostensibly aimed against busing school children (which arouses equal outrage in North and South), it would hamstring the Federal Government in forcing southern desegregation through withholding of federal money.

In preparation for last week's battle, pro-civil rights Republicans in the House some two weeks ago requested help from Finch's HEW. They were assured aid would be forthcoming—a public statement to be issued by Finch. Indeed, White House lobbyists expected to be working against the Whitten amendment.

A statement by Finch opposing the amendment was drafted at HEW on Friday, July 25, and—because the Justice Department shares responsibility for school desegregation policy with HEW—sent to Justice for Mitchell's co-signature. There it stopped cold. On Monday, July 28, Mitchell not only refused to sign the statement but prevented it from seeing the light of day.

They put the administration into a position of benevolent neutrality toward the Whitten amendment. Paying an unusual visit to a secret meeting of the House Republican leadership on Tuesday morning, July 29, in the minority whip office just hours before the appropriations bill came up on the House floor, Mitchell explicitly pronounced this position: the administration would not interfere with the Whitten amendment.

That doomed any hope of defeating Whitten. When liberal Republican congressmen asked what had happened to the promised statement from Finch, they were told lamely that Finch was in California (true enough) and unreachable (highly implausible). One such congressman pleading for help against the Whitten amendment was told by Minority Leader Gerald Ford of Michigan: "If it goes to a roll call, it's going to embarrass a lot of guys."

Thus, attempts to reject the Whitten amendment were beaten on Thursday, 158 to 141, on a teller vote where no record is kept—thereby avoiding a roll call. Had the administration and Republican leadership taken a position, Whitten unquestionably would have been beaten.

This has left a retched taste not only with the splinter of Republican liberals but such moderate conservatives as William McCulloch of Ohio, Albert Quie of Minnesota, Tom Railsback of Illinois, Edward Biester of Pennsylvania, and one member of the party leadership: caucus chairman John Anderson of Illinois who spoke eloquently on the House floor against the Whitten amendment.

Such Republican discontent plus the absence of Finch in California and President Nixon in Asia when Mitchell was laying down policy provides a little hope for civil rights forces at HEW. At any rate, Finch now intends to fight the Whitten amendment in the Senate.

But even if the Whitten amendment does not make it all the way through Congress, Mitchell's benevolent neutrality toward it is in itself of great significance. "I believe a fundamental decision has been made," says Congressman Anderson. That decision: the courts, not the executive branch, will be given the job of enforcing school desegregation—a concept fully compatible with the Whitten amendment.

This historic shift means not only that the pace of school desegregation will slow dramatically (the Nixon administration's Georgia court suit will take years to settle) but that the federal judges, not President Nixon, will be blamed when it finally comes. These results could help satisfy the crucial but vulnerable requirement of Mitchellism that the Nixon administration pleases 1968 Wallace voters enough to enlist them in a new majority.

THE STATE LEGISLATURE AND THE PROSPECTS OF STATE GOVERNMENTS IN THE FEDERAL SYSTEM

Mr. MUNDT. Mr. President, there has been a healthy awakening lately to the fact that if we are going to make some real impact on our critical domestic problems, we will need better performance at all levels of our federal system. The growing emphasis on revitalization and strengthening the State legislatures to enable State government—a pivotal level of our federal system—to pull its weight is particularly noteworthy.

For example, the Citizens Conference on State Legislatures, formed in 1965, now has active citizens' groups working for improvement of legislatures in more than 13 States. In 31 States reports by citizen or official bodies on various aspects of legislative upgrading have been published in the past year and a half. And the Advisory Commission on Intergovernmental Relations, of which I am a member, recommended in its 1967 report on fiscal balance that State legislatures be strengthened as an essential step toward more vigorous State participation in the federal system.

I wish to call the attention of this body to a speech by North Dakota State Senator Edwin C. Becker, chairman of the governing board of the Council of State Governments, delivered on June 16, 1969, at the Woodrow Wilson School on Public and International Affairs at Princeton.

Senator Becker recites the familiar litany of criticism of the Federal Government for its proliferation of grant-in-aid programs and the crisis in management it has brought about in carrying out these Federal-State-local cooperative programs. But he does not stop there; he places a full share of the responsibility on the States for the fact that "our whole system of government in this country is perilously close to crumbling under the weight of the demands for action to solve the staggering domestic problems that plague major segments of the citizenry." He says:

> Let us zero in on the area of government that we have the responsibility to reorganize, to revitalize, to cause to be alert and immediately responsive to the needs of the people we serve . . . We will never have really productive and meaningful federal-state or intergovernmental relations until we have prepared ourselves to accept the responsibilities such a partnership places upon us. Though we are preparing ourselves for such a partnership, we are far from the total preparation which is absolutely essential.

He goes on to propose in great detail what he feels State legislatures need to do and should do to make them "the sparkplug and the cornerstone of vigorous and responsive State and local government."

Mr. President, Senator Becker and the Council of State Governments which he leads, deserve the commendation of the American people for statesmanlike acknowledgment of the present shortcomings of our State legislatures, but more, for these forthright proposals for strengthening legislatures so that they can help State government play its rightful central role in our federal system.

I ask unanimous consent to have printed in the RECORD the text of the address by Senator Becker.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

The Future Prospects of State Governments in the Federal System

(By North Dakota State Senator Edwin C. Becker, chairman of the governing board of the Council of State Governments to the conference-type course on intergovernmental relations conducted by the Woodrow Wilson School on Public and International Affairs, Princeton, N.J., June 16, 1969)

Our whole system of government in this country is perilously close to crumbling under the weight of the demands for action, immediate action to solve the staggering domestic problems that plague major segments of the citizenry.

Witness the uncontrolled disorder which is rampant in every section of this nation. Adults and youth alike have joined the ranks of those who are tired of waiting for promises to be realized. Their impatience with government at all levels is threatening the very existence of that government. Their often savage outcries are not ringing through the countryside without notice.

Demands which call for sweeping changes, even the abolishment of our form of government, are being echoed more boldly than ever by a growing number of activists. In this army of impatient Americans, there are, as well as destructionists, those well-meaning citizens who are seemingly more aware than we are, that government at all levels must be reorganized.

We who are commissioned with this awesome responsibility just simply can no longer hide in the ranks of those who point an accusing finger and label as hippies, yippies, communist agitators, etc., those who cry for change.

At no time in recent American history has the challenge for intelligent, courageous, dedicated men and women to heed the call for government reorganization, government revitalization been more critical. If this challenge for comprehensive government reorganization is not met head on and realized without immediate results, we will have served as the architects and supplied the tools which will have destroyed this once magnificient edifice—the Democratic Republic of the United States of America.

Let's take a quick look at the creeping paralysis threatening the government at the national level. I quote from the article written by Kenneth O. Gilmore, published in the February issue of The Reader's Digest, entitled, "The Great Challenge—Making Our Government Work." He says, "Our government has literally proliferated itself out of control. We are confronted by an apparatus so large, disjointed and self-perpetuating that it has defied all those who have attempted to make it manageable. More disturbing, the system now puts a premium on securing funds rather than on spending them according to the real needs of people.

How have we reached this sad point? The answer lies in an examination of the grant-in-aid system whereby tax dollars are brought into Washington, then funneled back to states, localities, institutions and individuals under a multitude of matching formulas. Throughout the 1960s, a blizzard of bills has swept through the Congress in a frantic, unplanned effort to solve social ills. Within the last five years alone, 240 new or significantly expanded grant-in-aid authorizations have been passed, including 17 new programs for education, 15 for economic development, 12 to meet city problems and 21 for natural resources. As former HEW boss Wilbur Cohen said, "There is some kind of a grant that deals with almost every aspect of human life."

Predictably, federal-aid costs have skyrocketed, climbing to $20.3 billion this year, more than triple the amount of a decade ago. But another price tag has to be reckoned with: colossal confusion. An organizational chart of today's criss-crossing bureaucratic lines would resemble a giant stack of spaghetti. At the top, in Washington, are 21 federal departments and agencies with 150 bureaus and thousands of subdivisions. Below is a wilderness of 400 haphazardly scattered regional offices. At the bottom—the receiving end of grants—are 90,000 units of local government, not to mention tens of thousands of institutions and individuals. Every 24 hours, $55,616,438 pours through this labyrinth from over 500 Congressional authorizations split into more than 1,000 programs. How many millions are uselessly spent when 13 agencies operate 101 educational and cultural programs? Or when nine different empires manage 192 installations supervising 1,000 federal pollution projects? Or when there are at least 57 tax-fed job-training programs spread among five federal departments? Or when there are 35 different federal programs for housing and even five for driver training?

Former Secretary of Health, Education and Welfare, John W. Gardner, says, "We need a far reaching reorganization of government that will correct intolerable duplications of mission and provide for improved coordination." United States Senator Edmund Muskie says, "Society will no longer tolerate the gap between the promises of democracy and our performance." United States Senator Abraham Ribicoff says, "The net result of our massive federal effort in recent years seems to be a policy that is unplanned, unmanaged and, if the trend continues, unworkable."

I agree with Mr. Gilmore when in his article he urges Congress to "revamp its own outdated machinery." A longstanding bill to reform the creaking committee system and create more effective Congressional staffs should be adopted. Today, Congress is pathetically unequipped to examine—and control—the multitude of proposals thrust upon it by an ambitious bureaucracy. It must therefore take part of the blame for the federal layer cake.

He also urges that a "searching study must be given to a number of proposals shifting decision-making power back to local government." Outstanding liberals and conservatives alike agree that remote control from Washington depletes and demoralizes responsible local leadership.

Two of the most common proposals are: "block grants," whereby Washington would provide financial assistance in broad functional areas, with wide discretion given to state and local governments; and "revenue sharing," which would return a percentage of federal income taxes for state and local use. The goal of both proposals—to decentralize and give cities and states more power to set their own priorities—makes eminent sense.

The Omnibus Crime Control and Safe Streets Act of 1968 presents the states with their first major opportunity to implement a block grant program. The future of this form of cooperative intergovernmental funding may rest on the success of the States in implementing the program.

Though there is little that we can do to directly effect the needed government reorganization at the federal level, we have the responsibility to demand that important changes be made.

Let us zero in on the area of government that we have the responsibility to reorganize, to revitalize, to cause to be alert and immediately responsive to the needs of the people we serve.

Our area of concern is the State Legislature. We will never have really productive and meaningful federal-state or intergovernmental relations until we have prepared ourselves to accept the responsibilities such a partnership places upon us. Though we are preparing ourselves for such a partnership, we are far from the total preparation which is absolutely essential.

The Legislature, as the policy-making branch of State government, and the branch on which all State and local government depends for the basic direction and authority to act, must be the spark plug and the cornerstone of vigorous and responsive State and local government. It is not an exaggeration to say that as goes the Legislative Assembly, so goes State and local government.

Thomas Jefferson in 1791 advised that the only barrier against encroachment by the national power lay in a strong and wise government in the State. He said, "A weak State government will lose ground in every contest." Eli Root said in 1906, "It is useless for the advocates of the States' rights to inveigh against the supremacy of the constitutional laws of the United States or against the extension of national authority in fields of necessary control where the States themselves fail in the performance of their duty. The instinct for self-government among the people of the United States is too strong to permit them long to respect anyone's right to exercise a power which he fails to exercise."

We are all well aware of the growth in importance and prestige of the Federal Government, and of the diminished prestige and importance of State and local government.

The history of the United States has revealed far too many instances where the growth in power and prestige of the National Government was simply a result of the failure of the States to use the powers that they did enjoy and, particularly, the inability on the part of the Legislative Assembly to act effectively and decisively in the solution of new problems. Why have the Legislative Assemblies in too great a measure failed to act effectively? It is primarily because of self-imposed restrictions. Some of these restrictions, such as archaic time limitations, are constitutional in nature; others are a result of statutes and the rules of the Legislative Assembly; still others relate to inflexible structure and organization, to lack of an adequate professional staff, to the crowded and completely inadequate quarters they occupy, and to the almost lack of financial remuneration of legislators. In short, the Legislature has failed or refused to provide itself with adequate tools to do its job. These self-imposed restrictions and inadequacies have too often so shackled the Legislative Assemblies as to make them incapable of exercising the powers reserved to them, and in so doing, have effectively throttled vital decisions affecting the entire State and local government.

Let's review the status of the average Legislature, if there is such a thing as an average Legislative Assembly. Most Legislatures today are not too radically different from the Legislative Assembly of ten years ago, or even twenty years ago. Some States have taken decisive steps in one or two, or a few even in three areas of needed improvement. Others have attempted to slightly modify inadequate structures, processes, and tools with the hope of keeping their heads above water a little longer. But, these improvements and modifications by almost any measurement have not kept pace with the need.

Let's use the matter of "volume" or workload as a measurement of the need for legislative improvement. I suspect that most States are not too different from North Dakota in the change in the workload of the Legislative Assembly. By 1969, the sheer volume of printed pages of bills processed had more than quadrupled within the last 18 years and more than doubled within the last ten. Yet, we have basically the same legislative structure, no more legislative days, and only slightly more staff and facilities to attempt to handle this radically increased responsibility. In fact, we have no more time than we had when we became a State in 1889. By the measurement of volume, the workload has become so overwhelming that it is impossible to begin to give the consideration that these measures deserve and to develop a deliberative, intelligent, decision-making process. By the measurement of increased complexity of the problems, our progress in the legislative branch has failed to keep pace. Entirely new fields have resulted from new technology, population growth, population sparsity, economic trends, and social problems. They have sharply increased public demand for services in major areas of State and local governmental responsibility and have made decision-making infinitely more difficult.

Our efforts in the legislative branch, with short sessions, inadequate tools, and sporadic interim activity, are much like rain drops on a dirty window pane, too often making it possible for the average legislator or legislative committee to view only fragments of the scope and depth of the program or problem for which they have responsibility.

Those who check the public pulse have been indicating with greater frequency lately that this pulse is beating much less excitedly for new and more governmental expenditures than it has in the past. Yet, without an effective legislature to express this public concern for economy and to ensure that the citizens are getting a dollar's worth of value for each dollar of public spending, frustration seems to be the only result. Unless we make the necessary improvements in the legislative branch of government to permit our citizens to have effective control over their own governmental affairs, we are denying them their best and possibly their only opportunity of having the majority will transferred into governmental policy.

The legislative body exists in a democracy only for the purpose of the redress of grievances, translating the people's will into governmental policy, and to control their own government. Legislative improvements are needed simply to help the citizens govern themselves; or, perhaps, we have approached the point where these improvements must be made if we are to permit the citizens to govern themselves.

A third test of the adequacy of the present Legislative Assemblies is, of course, the public image. We are greatly concerned with the lack of sympathetic understanding on the part of the public, the other branches of government, and sometimes on the part of the press. We who are in or associated with the legislature often say that we cannot change or we cannot improve because it will not be understood by the people, or that a few additional dollars spent within the legislative branch would bring a public outcry because of the poor legislative image.

How do we obtain more sympathy and understanding from the press and from the citizens in general? My best suggestion is that we earn their respect. To do this, leadership is necessary. Legislators are elected by the people to represent them. They are expected to have knowledge, ideas, and decision-making capabilities. He is expected to be a doctor who will recognize symptoms of a disease and prescribe the preventive medicine and timely treatment—not to be a mortician with the responsibility of burying the problem after the time for corrective action is past. Benjamin Franklin once said, "Nothing worthwhile was ever accomplished if it was first necessary to wait until everyone is in agreement." I believe the legislators themselves must exercise creative leadership in improvements within their own branch, even though everyone is not in full accord with the need for a change or the type of improvement. If he waits too long in providing the necessary cures, he is simply embalming his own branch of government to preserve it as a curiosity for future generations and historians.

Now, let's look at the Legislature of tomorrow. We can base our predictions of tomorrow's Legislature upon one of two presumptions. The first would be a continuation of the rate of legislative change and improvement that we have seen over the past ten to twenty years and an equivalent increase in the workload complexities and controversies that have faced the Legislature during that same period. Dr. Einstein was once asked to describe the weapons that would be used to fight a third world war. He replied, "I don't know what weapons will be used in the third world war, but I do know which weapons will be used in the fourth—sticks and stones." Predicting the status of the legislature ten years from now with little major change or improvement may be similar to predicting the weapons of a third world war. The prediction of the legislature 20 to 30 years from now may be a little easier and similar to Einstein's prediction of the weapons of the fourth world war. Imagine having the legislative workload again doubled within the next ten years with the same limited sessions. Assume that the number of citizens who find it desirable to visit the legislature for interest or educational purposes, or for appearances in regard to bills or to visit with their legislators, continues to increase at the same pace that it has in the past ten years. Presume that federal programs with which a legislature must deal continue to proliferate or increase in size and complexity at the same rate they have in recent times. Cut the time in half that each bill is allotted in a public hearing. Cut in half the number of bills that even reach the stage of public hearing where interested proponents or opponents may have their day in court.

Double the number of interested citizens who are trying to cram into inadequate committee rooms. Even double the density of the blue smoke in the hot, stuffy, non-air conditioned rooms in which legislators serve. You can't double the hours of work, for many would find themselves running into the next day. Consider the frantic pace of legislative employees and professional staff in trying to do twice as much work, and the downward plunge in the quality of the work they are able to perform as they spread themselves thinner and thinner over more subjects and more and more areas. Imagine the veteran legislators and the new energetic and capable young freshmen who leave the body in disgust as they become completely frustrated in their desire to perform a public service and serve the will of the citizens. Imagine the presently limited numbers of competent staff finally reaching the point where they feel they can no longer even approach meeting the demands that are made upon them and leaving for other fields.

Assume the increase in income of the citizens in general and then compare the even greater sacrifice that legislators must make in their desire to serve. Imagine a legislator's concern and worries as he is forced to make decisions essentially knowing only half as much about each bill as he does today. Consider the results in government and the effect upon individual citizens of all the mistakes and poor decisions that will be made. If we are dissatisfied with the public image of the Legislative Assembly today, consider what the opinion of the citizens will be when the legislature attempts to perform under these circumstances.

Let's move ahead another period, to about 20 or 30 years from now, and continue to assume no major improvements in the legislative process. Let's assume the complete legislative crisis we described as occurring ten years from now as being at least ten years behind us. I think we can then view the development of a new type of legislative body. It will be one that has learned to live within the limitations of its capacities, because the people will have insisted that it do so. Their insistence will have been in the form of removing problems and decision-making from them and taking it to higher levels of government or very occasionally, on a home rule approach, to local levels of government. This legislature will deal with inconsequential things. It will act as a funneling device for channeling federal funds and federal policies to the political subdivisions. There will be an increase in pomp and circumstance as the body attempts to make up for its lack of importance through public flourish and display. The energetic, capable, and dedicated legislator will be gone. There will be no challenge to attract him to the body. Without this challenge and expectation of doing something for his state and fellow men, he certainly will not serve only for the miserable pay involved.

Who will serve in the legislature? It will be filled with several types. Certainly, there will be many of the pompous but generally incapable Colonel Blimp type persons who serve for what little hollow prestige they delude themselves into believing remains. There will be a few who are attracted by even the miserable remuneration, largely because they have nothing else to do, or, sometimes because there is little else they are capable of doing. Occasionally, some person might serve for selfish reasons of self-advancement or private interest with the misguided thought that he might use some remaining shred or legislative power or prestige to help him further his personal goals. This Legislative Assembly may continue on the scene for a good number of years because of the rigor mortis of the State Constitution, but though the body may be preserved, make no mistake about it, it's dead. The states will be of interest primarily only as boundaries to Rand MacNally, the map makers, and to the Postal Department to indicate an area of the country to which a letter might be addressed. We will have largely adopted the system of the French Republic, and our states will be essentially provinces of an all-encompassing and powerful central government. Local government, while exercising a greater degree of independence in trivial matters, will largely become small, stereotyped, uniform governmental units which require a change in the national policy to meet local and regional needs and desires.

But, with a positive view, let's take the other presumption. Let's assume that strong leadership prevails in the Legislative Assemblies of this country. Let's predict that the initiative and courage exists to make substantial and decisive decisions that prescribe the cures that are needed for our legislative ailments. Let's project the results of these major improvements and look at the legislature of ten years from now. Here we may find that in the larger, more populous states, legislative sessions are on an annual basis of unlimited duration. In these large states, the point of view of Speaker Jesse Unruh of California, one of our most vigorous campaigners for legislative reform, may prevail and we may see something approaching a professional legislature. Speaker Unruh has said, "Many legislators regard their lack of professionalism as a positive virtue. While amateur standing may be a virtue for the Olympics, or for marriage, we have long since passed the time when that was useful in state government." This may well be a valid concept for some of our larger states. In our medium-sized and smaller states, we can anticipate a different concept. Adequate time to perform the job will be provided. It may be that more of these states will turn to annual sessions, and others will turn to a type of recessed annual or biennial session. In the smaller states it may involve a relatively short organizational session immediately after the election at which the great majority of the bills will be required to be introduced.

Thereafter, it may well recess, with the standing committees holding monthly joint hearings during the subsequent year upon the legislation that has been introduced, evaluating the bills, preparing their amendments, and developing their committee reports for presentation to the parent body when it comes back into full session at the beginning of the following year. These same standing committees will probably carry on the research and fact-finding functions that are now delegated to interim committees. However, by whatever method or structure derived, adequate time will permit the legislature to do the necessary research, obtain the facts, hold hearings to give all citizens their reasonable day in court, and to make intelligent, informed decisions upon the major and complex questions before them.

The legislature will have an adequate professional staff. In the larger states, each standing committee may well have a specialized staff who are truly experts within the field of their committee's responsibilities to do their research for them, to assist in analysis of the problems, and to aid in determining the alternatives that are available for consideration. In some states, there will be both majority and minority staff members to work upon and assist in presenting the policies of the two political parties in the field of their committee's responsibility. In some of the smaller states, this professional staff service will probably come from a central staffing agency not too dissimilar to the central staff of our present Legislative Research Committees and Legislative Councils. Here, staff specialists will also be developed who will be assigned to work in major areas of state governmental responsibility and to assist the standing committees as a semipermanent assignment. This would be a nonpartisan-type staff since they would be required to serve the members of both parties and the committee's interest as a whole. In these smaller states, as a substitute for majority and minority staffs, we'll see the caucuses of each House assigned staff members to help develop the legislative programs of the majority and the minority.

We will see a major development in the field of data processing through the application of computer techniques to the legislative process.

Adequate-size committee rooms will be available for all committees so that decisions no longer have to be made in a hot, stuffy, smoke-filled room. Those wishing to appear before committees can do so in a setting of dignity suitable for the highest legislative body of the state. In the larger states, all legislators will have offices where constituents can find them and where they can hold conferences, keep their materials, and carry on study and research. In the smaller states, at least the officers of the body and the major committee chairmen will have offices, and other rooms for study and conferences will be available on a shared basis for the less senior members. Adequate press facilities and staff quarters will be provided. The entire legislative facilities and the legislative process will give an appearance of dignity and decorum and will do much to improve the legislative image. The compensation for legislators will be raised to a level where even greater numbers of able and interested people can afford to serve in the legislature. The challenge of being where the action is will attract a competent staff. This Legislative Assembly will have little need to worry about its public image. It will have demonstrated by its performance its capabilities to meet the problems as they arise, and its ability to make intelligent and deliberative decisions in a decisive fashion. These decisions can give clear-cut issues to the electorate upon which they can gauge party performance. No longer will the legislature be used as the "whipping boy" for other areas of government and by major private sectors of our society. Disagreement with the final actions of the legislature by the citizenry or any major group of citizens will at least no longer be synonymous with disrespect. With this new respect for the legislature and its ability to be responsive to the will of the majority, will come new respect for government in general and even for the statutes it passes to govern the citizens. Redress for legitimate grievances will be much more available and, consequently, public sympathy for those who flaunt the legislatively established rules of organized society should materially decline. In short, we may have made a material stride in making democracy work.

There will be those who say that the legislature cannot be trusted with this type of capability. But, what they are really saying is that the people of our country cannot be trusted to govern themselves. I think there is little doubt that placing greater capability and responsibility in the Legislative Assembly will in itself create greater public interest in it, resulting in a stronger challenge to even greater numbers of strong, capable men to seek public office. With our responsive political process, an educated, intelligent electorate and an alert and vigorous press using the printed and electronic media, we need not insist upon a weak and impotent Legislative Assembly to save us from tyrants. Informed public opinion and public action at the polls will temper any excesses that appear upon the legislative scene. There are those who will say that some of these things will cost money and the answer is yes, some money would be *invested*. But, it would be returned many times over in the greater efficiencies of government resulting from detailed surveillance from the legislative branch and the informed decisions that are forthcoming from the legislature.

There are those who will say that at times the legislature may make mistakes. It could be answered that there are times when everyone and every institution can make mistakes, but, the right of the people to govern themselves includes their right to make mistakes. However, no person or institution holds any respect or will be long continued if it fails because it has not even tried.

This is not a challenge for the next generation, but it's a challenge for us now. Any procrastination means that the states have that much less responsibility remaining upon which improvements can reflect a creditable performance. It is essentially within the power of the Legislative Assemblies to make these changes. The legislature can change its internal structure; it can change its rules substantially; it can provide the quarters necessary to carry on its work efficiently and with dignity and decorum; it can provide the staff it needs whenever it decides to do so; it *must* initiate the constitutional amendments that are necessary to permit it to make the other necessary improvements. By its performance resulting from improvements it will improve its image sufficiently to gain the public support necessary to make the constitutional changes. In short, within each Legislative Assembly we have the power and the capacity to initiate the improvements, the reform, and the modernization that is needed, if only we will.

A few in the legislature or government may say that this type of proposal is not playing the game. Some may say that politics, and party or personal politics in the narrow sense, is the name of the game. Others may say the name of the game is to win, or the name of the game is to survive. A very few may say the name of the game is to do what you can for yourself. And yet, I submit that the name of the game is probably the American system of government. It's not even a game in the normal sense; and if it is, it's really a game for keeps. The legislature, through taxation, takes your income—for keeps. It condemns or in other ways takes your property—for keeps. It affects your health through institutional or health programs—for keeps. Through its police power it protects or permits your property to be damaged or your life to be taken on your streets—or in your homes—for keeps.

In my opinion, the success or failure of our state Legislative Assemblies will determine the success or failure of our American state-federal system—for keeps.

SOCIAL SECURITY

Mr. PERCY. Mr. President, as Social Security Commissioner Robert M. Ball so well stated before the Senate Special Committee on Aging on April 29, 1969:

> Social Security is our major anti-poverty program. If [it were] not for the system they'd be 10 million more persons in poverty than now.

Social security has paid out $180 billion to beneficiaries since its inception in 1935. Every month more than 15 million social security benefit checks are issued; 90 to 95 percent of all those reaching retirement age are now eligible for benefits.

I have always supported the social security system, because, as Mr. Ball explained:

> Social Security is generally accepted and consistent with other features of our society. It benefits older people at all income levels and from all walks of life.

However, I am also deeply concerned about the fact that we in Congress do not always provide individuals who depend upon social security with an adequate share in the economic growth or the improved quality of life these citizens helped to build.

As we all realize, social security benefits, which are pitifully small, have lagged even further behind the rising cost of living. There has been no increase in benefits since February 1968. Since that time, the cost of living has increased by almost 5 percent. Wages have gone up, profits have increased, and prices have risen, but our older citizens have had no share of this prosperity. In fact, they have become poorer. Surely it is time that we in the Congress assure these people—and future beneficiaries—that social security will be responsive to cost of living increases. I am concerned to hear that the House may not take up social security legislation this year.

The 1968 Republican platform read:

> Elderly Americans desire and deserve independence, dignity, and the opportunity for continued useful participation. We will strengthen the Social Security system and provide automatic cost of living adjustments under Social Security . . .

The 1968 Democratic platform read:

> A lifetime of work and effort deserves a secure and satisfying retirement. In addition to improving Social Security, we must develop in each community a wide variety of activities to enrich the lives of our older citizens, to enable them to continue to contribute to our society, and to permit them to live in dignity.

Why is the Congress not taking action on this important matter? Are party platforms once again to be designed for campaign oratory and to be forgotten after the elections are over?

President Nixon has recently proposed a boost in social security pensions. His plan would increase benefits by 7 percent and also would increase the present earnings limitation. I commend the administration's efforts to fulfill the goals outlined in the Republican platform, and I ask unanimous consent that the following chart from U.S. News & World Report explaining the President's proposal be inserted at this point in my remarks.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

SOCIAL SECURITY PENSIONS THAT NIXON WANTS

White House plan: Increase monthly benefits by 7 percent across the board to compensate for rises in living costs

Average monthly earnings	For retired worker after 65		For retired couple after 65	
	Present pension	Proposed pension	Present pension	Proposed pension
Below $75	$55.00	$59.00	$82.50	$88.50
$100	71.50	76.60	107.30	114.90
$150	88.40	94.60	132.60	141.90
$200	101.60	108.80	152.40	163.20
$250	115.00	123.10	172.50	184.70
$300	127.10	136.00	190.70	204.00
$350	140.40	150.30	210.60	225.50
$400	153.60	164.40	230.40	246.60
$500	177.50	190.00	266.30	285.00
$600	204.00	218.30	306.00	323.30
$650	218.00	233.30	323.00	338.30

Note: People now retired are not eligible for maximum pensions shown here. It was not until Jan. 1, 1968, that workers started paying social security taxes on as much as $650 a month, or $7,800 a year. Only after paying these taxes on the $7,800 of annual earnings for a number of years can a worker qualify for the maximum pension.

Mr. PERCY. Mr. President, we have made many promises to citizens depending upon social security, but far too often these promises have proven to be shallow ones. My interest is in seeing that the strongest, most effective social security system possible is obtained. Congressional consideration should begin immediately. Our older citizens need and deserve an increase now, not when Congress gets around to it. We must correct the glaring inequities in our present social security system and respond to the needs of millions of American citizens who depend upon that system. To fail to do so is to fail to face up to our responsibilities as Members of Congress.

ELECTORAL REFORM

Mr. GRIFFIN. Mr. President, hopefully, the House of Representatives will soon move toward consideration of House Joint Resolution 681, which calls for election of the President by direct popular vote, and national interest in the subject of electoral reform will be revived. A Senate resolution, Senate Joint Resolution 12, providing for a district plan, has been reported without recommendation by a subcommittee and awaits consideration by the full Committee on the Judiciary.

The need for action on this front is imperative. As a longtime advocate of electoral reform, I am deeply concerned that a constitutional amendment may not be ratified and will not become operable in time for the 1972 presidential election.

If approximately a year is required after ratification for implementation of such an amendment, as indicated in House Joint Resolution 681, then the ratification process should be completed no later than the early part of 1971. It is obvious that such a timetable leaves less than a year and a half for a constitutional amendment to win approval by two-thirds of each House of Congress and by three-fourths of the States.

While I was inclined to favor the direct election proposal as a theoretical proposition, I have been reluctant in the past to advocate its adoption in Congress in preference to other reform proposals because of an intuitive concern that it could not be ratified by three-fourth of the States. Frankly, I was doubtful that the legislatures of smaller, less populous States would ratify a proposed constitutional amendment that would seem to reduce their proportional influence in the electoral process.

At the same time, I have been aware that a large majority of the people throughout the Nation favor the direct election proposal as opposed to the several alternatives pending in Congress. Public approval for the direct election plan rose sharply after the 1968 elections when a Gallup survey indicated 81-percent support and the Harris poll measured 78-percent support.

In the face of an apparent dilemma, I determined several months ago that it would be useful to me, and perhaps to other Members of Congress, if I were to communicate directly with members of the legislatures in the States most likely to reject the confirmation of a direct election amendment. I decided to conduct my own survey of State legislators in an effort to gage whether ratification of such a proposal by three-fourths of the States would be possible or likely.

Accordingly, we wrote a letter and sent a questionnaire to 3,943 legislators in 27 States, including States having less than five electoral votes, as well as other States which stand to lose relative voting power if a direct-election proposal should be adopted. The following States were surveyed: Alabama, Alaska, Arkansas, Delaware, Georgia, Hawaii, Idaho, Louisiana, Maine, Maryland, Mississippi, Montana, New Hampshire, New Mexico, Nevada, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, and Wyoming. The text of my letter and the questionnaire will be found at the conclusion of my remarks.

We invited each State legislator to respond to four questions. First, we asked whether he would vote to ratify a constitutional amendment providing for the direct election of the President. Next, we asked for his opinion as to whether a majority of both houses in his State legislature would ratify such a proposal.

This double-barreled inquiry was designed to determine whether the actual positions of individual legislators might differ significantly from widely held assumptions concerning the extent of support within a given State legislature.

Some of the impetus for this inquiry came from comparing results of a poll of State legislators by Senator QUENTIN N. BURDICK, Democrat, of North Dakota, in 1966 indicating 58.8-percent support for the direct election proposals, with a recent poll of State legislative leaders conducted by the UPI indicating that only 12 States definitely leaned toward the direct-election proposal.

The other two inquiries included in our questionnaire were designed to measure support among State legislators for two alternate reform proposals: the proportional electoral vote plan and the district proposal recently reported by a subcommittee of the Senate Judiciary Committee.

We were very much pleased by the response to our survey. Approximately 44 percent of the State legislators contacted took the time and trouble to provide answers, reflecting a strong interest at the State level in the important subject of electoral reform.

The results of our poll, set out in a table printed at the end of my statement, demonstrate that there is also strong support among individual State legislators for the proposal to elect the President by direct popular vote. In fact, our survey indicates that only two States, Idaho and North Dakota, would definitely oppose the proposition.

On the other hand, it is interesting to note, on the basis of our survey, that a majority of legislators responding in each of seven States—Georgia, Idaho, North Carolina, North Dakota, Oklahoma, Virginia and Wyoming—hold the view that their respective legislatures would not ratify a popular vote amendment. This apparent discrepancy between what legislators would do as individuals and what they believe the members of their legislature would do collectively is very significant.

The recent UPI poll of legislative leaders indicated that Alabama, Arkansas, Georgia, and Utah were among 10 States which opposed or were inclined to oppose the direct vote proposal. On the other hand, my survey reveals that a majority of the individual legislators in these four States would vote to ratify such an amendment.

My survey strongly suggests that there is more support for the direct vote amendment among State legislators—even in the smaller States—than is generally believed to exist.

In the past, I have felt that the proposal to apportion the electoral votes of each State on the basis of its popular vote would be most likely to win the needed approval of three-fourths of the States. Although not an ideal solution, I was of the opinion that it might be better to support the proportional plan as a significant step toward electoral reform rather than to advocate action in Congress which would be only an exercise in futility.

As a result of my survey, I have come to the conclusion that I should work for approval by Congress of the direct popular vote amendment. Not only does it appear that there is a good chance for ratification by three-fourths of the States, but I have been impressed by the indication that it stands a better chance than either of the other two major reform proposals.

The response received from State legislators to my survey indicated that 64 percent of those responding to the first question would vote in favor of a direct popular election. As an alternative to a direct election, if the latter should fail to pass Congress, only 43 percent of the legislators would definitely favor the district plan, and in six States—Alaska, Nevada, Wyoming, New Mexico, Rhode Island, and Utah—a majority of legislators responding were opposed to the plan. The proportional plan was also less favorable, with 55 percent of the legislators supporting the plan, while one State, Alaska, registered a majority against this proposal.

Despite my survey and other polls that may follow, I suspect that doubts will continue to linger in the minds of many Senators as to whether a direct election amendment can become part of the Constitution. However, even though doubts may linger, I have been convinced on one point: among the several alternatives now available to Congress, I believe the direct election proposal has the best chance of adoption.

Accordingly, I have concluded that the wisest course for those interested in electoral reform lies in the direction of working toward perfection and adoption of an amendment which will assure that the President is elected by a majority vote of the people.

I ask unanimous consent that the table, letter, and questionnaire be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESULTS OF ELECTION REFORM QUESTIONNAIRE

[In percent

State	Legislators responding	Direct election				If direct election fails, legislators would favor					
		Individual support[1]		Predicts legislative approval[1]		Proportional plan			District plan		
		Yes	No	Yes	No	Yes	No	Undecided	Yes	No	Undecided
Alabama	32	60	40	49	45	62	27	11	33	31	36
Alaska	43	69	31	57	23	35	50	15	30	55	15
Arkansas	52	75	23	59	34	61	12	27	50	23	27
Delaware	41	63	37	50	42	66	17	17	25	12	63
Georgia	44	56	39	41	50	49	29	22	54	24	22
Hawaii	34	92	8	92	8	69	12	19	38	19	43
Idaho	50	47	53	27	70	38	30	32	66	21	13
Louisiana	25	79	15	67	22	56	16	28	62	8	30
Maine	43	63	37	52	42	43	29	28	54	26	20
Maryland	48	70	30	51	35	62	24	14	36	34	30
Mississippi	53	59	40	47	47	55	35	10	38	30	32
Montana	63	65	34	57	32	53	36	11	42	28	30
New Hampshire	41	69	31	48	41	62	20	18	37	27	36
New Mexico	42	70	30	67	31	50	26	24	39	43	18
Nevada	50	73	27	67	30	83	7	10	14	43	43
North Carolina	36	58	42	30	60	53	27	20	65	28	7
North Dakota	51	37	60	20	72	44	31	25	46	29	25
Oklahoma	29	53	47	35	47	47	24	29	50	21	29
Oregon	52	66	32	54	36	42	37	21	52	29	19
Rhode Island	37	81	19	78	13	71	16	13	33	38	29
South Carolina	47	62	35	51	43	58	28	14	43	34	23
South Dakota	55	66	34	50	45	42	30	28	52	20	28
Texas	43	60	38	53	40	63	23	14	44	25	31
Utah	40	69	29	64	31	67	20	13	28	33	39
Vermont	52	77	23	62	30	59	25	16	34	34	32
Virginia	54	55	43	39	50	61	32	7	44	35	21
Wyoming	54	55	43	37	55	53	32	15	27	47	26
Total	44	64	34	50	41	55	26	19	43	29	28

[1] Where total of those responding to direct election questions does not equal 100 percent, the difference represents those legislators who were undecided.

U.S. SENATE,
July 9, 1969.

DEAR LEGISLATOR: Recently the Judiciary Committee of the U.S. House of Representatives approved H.J. Res. 681 which proposes a Constitutional amendment abolishing the electoral college and the electoral vote, and provides for election of the President by direct popular nationwide vote.

To those of us in Congress who soon will vote on this measure, it is important to determine, if possible, whether such a proposal stands a chance of being ratified by the legislatures of ¾ of the states. Obviously, if the direct popular vote amendment cannot win ratification by a sufficient number of states, Congress should focus its attention on one of the other electoral reform proposals.

It would be very helpful to me and my colleagues if you would take a moment to answer the few questions on the attached sheet and return it in the enclosed stamped, addressed envelope. As long as we know your state, it is not necessary for our survey purposes to have your name.

Your cooperation in making this survey as complete and accurate as possible is very much appreciated.

Sincerely,

ROBERT P. GRIFFIN,
U.S. Senator.

SAMPLE COPY ELECTORAL REFORM QUESTIONNAIRE

Member of Legislature, State of—:

1. Would you, as a state legislator, vote to ratify a proposed Constitutional amendment abolishing the electoral vote and providing for election of the President by direct popular nationwide vote? ☐ Yes, ☐ No.

2. Do you believe your state legislature would approve such a proposal? ☐ Yes, ☐ No.

3. If the direct popular election proposal should fail, would you favor an alternative which would abolish the electoral college but retain the electoral vote of each state, and which would:

(a) apportion the state's electoral vote on the basis of the popular vote within the state? ☐Yes, ☐ No. or

(b) award 1 vote for each congressional district on the basis of the popular vote within that district, with 2 additional electoral votes awarded according to the statewide popular vote? ☐ Yes, ☐ No.

IMPROVING THE CIVIL SERVICE RETIREMENT PROGRAM

Mr. YARBOROUGH. Mr. President, last week S. 2754 was reported to the Senate by a unanimous vote of the Senate Post Office and Civil Service Committee. This is the amended Senate version of the civil service retirement bill. Except for the important Senate amendments, S. 2754 is almost identical to the recently House-passed H.R. 9825. First, I congratulate the able chairman of this committee, Senator GALE MCGEE, for his able and diligent work that has brought this bill to the floor with great improvement over the House bill.

As with H.R. 9825, S. 2754 would revise the method of financing to put the civil service retirement fund on sounder footing. It would also begin use of a high-3-year average formula to compute annuities, add 1 percent to each cost-of-living annuity increase, increase Government and employee contributions from 6.5 to 7 percent, and establish the principle of adding unused sick leave to length of service when figuring the annuity.

The financing of the civil service retirement program has been an obvious and continuing problem for a number of years. For years the reports of the actuary have been grim forecasts of impending financial disaster, each succeeding report being more pessimistic than the preceding. For example, in 1958 the unfunded liability of the program was estimated to be about $18.1 billion and over the years the estimates have risen so that it is now about $57.7 billion. Current forecasts are that the civil service retirement fund will have a zero balance in about 18 years if no changes are made in the benefits provided or the financing.

The financial reforms these two measures, H.R. 9825 and S. 2754, would make are urgently needed. Further delay will only increase the system's financial problems. Last year when the House committee was considering the matter it was estimated that without additional financing the retirement fund would be exhausted by 1988. When it was considered this year, the estimate had been revised so that the fund would be exhausted 1 year earlier. In addition, the estimate of the appropriations needed at the turn of the century, in addition to employee and agency contributions, to pay the benefits provided has risen from about $4½ billion a year to about $5 billion. If enactment of a measure such as S. 2754 is put off for another year there will be additional and similar increases in these figures.

Of course, it cannot be said that the bill is without controversial features. It is a matter of record that the administration is in general agreement with the financing provisions but objects to the benefit improvements which would be provided.

For my part, I believe that the extensive study that has gone into the preparation of the bill indicates that it would provide adequate income to pay for all presently scheduled benefits and an orderly method of financing future benefits.

The bill strikes a fair balance between the dangers of overfinancing and underfinancing. Under S. 2754, interest payments to the fund would be required—it is the loss of interest on the unfunded liability that is the chief cause of the worsening of the financial position of the program with the passage of time. If interest payments are made, sound financing does not call for payment of the principal amount. On the other hand, unfunded liabilities created by future benefit liberalizations would be fully funded over a period of 30 years after the creation of the liability.

The benefit liberalizations which would be made by S. 2754—like the financing improvements—are badly needed. I believe that an adequate retirement program should provide benefits bearing some reasonable relationship to preretirement wages and that they should be increased from time to time as prices rise. These objectives are met under the present law by relating annuities to the average of the high-5 year salary and by increasing benefits as the cost of living rises after retirement. S. 2754 would improve these basic ideas. The period over which salary is averaged would be reduced from 5 to 3 years. Because of a person's highest salary tends to be his final salary, this change would result in making retirement annuities more closely related to final salary than is now the case.

In recognition of the lag that occurs between the time the Consumer Price Index goes up and the time the cost-of-living increase reaches the retiree, the bill would provide that future cost-of-living increases would be 1 percent higher than the percentage rise in the cost of living.

Finally, both H.R. 9825 and S. 2754 provide a formula for the addition of unused sick leave to actual length of service in computing annuities. This provision is not as extensive as my own unused sick leave bill, S. 1276, but it is a big step in the right direction. I have fought for this principle for some 6 years now since I introduced my first bill on the subject in 1963, and I am very pleased that we were able to include this principle in this legislation. Frankly, with this incentive now provided to our Government's employees, I would anticipate this provision's actually saving the Government money through a reduction in lost time, hasty employee substitution, and inefficient contracting-out.

Senator McGee and the full Post Office and Civil Service Committee have added three amendments that are the basic difference between the House and Senate bills. I strongly urge the retention of these amendments in the final bill.

One of these amendments would create a vested survivor right after 18 months' service rather than the 5 years now required. Another would exempt up to $3,000 of an annuity from Federal taxation. In effect, both these amendments merely extend to Federal employees rights now enjoyed by social security recipients.

The third McGee amendment would require an annual payment to the retirement fund to cover the costs of extending credit for military service in figuring the final annuity. The military service credit was the idea of the Congress and the cost should not be charged to the fund as a whole. This amendment would rectify this previous oversight.

Finally, an additional amendment was added to the bill by Senator Fong which would increase retirement contributions for Members of Congress from 7.5 to 8 percent. I support this amendment, as it would assist in maintaining the solvency of the fund.

Mr. President, the case for the passage of S. 2754 is a strong one. I would hope that the U.S. Senate would give this measure the vote of confidence its Committee on Post Office and Civil Service gave it last week when it was reported unanimously. I feel certain that such support would not only assure passage, but final approval by the administration as well.

MINORITY ENTERPRISE IN NEWARK, N.J.

Mr. CASE. Mr. President, the Graduate School of Business at Rutgers University is seeking to encourage minority enterprise in the greater Newark, N.J. area.

Reports of the success this program has had should be of interest to all Members of the Senate, Mr. President, so I ask unanimous consent that articles appearing in the Newark News and the Newark Star-Ledger about the program be printed in the Record at this point.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Newark Sunday News, July 20, 1969]

Black-Owned Businesses No Longer Just a Dream

(By Chester L. Coleman)

To be black and own a business in the Greater Newark area is no longer just a dream. Such a vision has become a reality for nine aspiring minority group entrepreneurs.

The potential of black capitalism is at hand and its growth is, in some cases, due to the foresight of the Rutgers Graduate Business School.

Rutgers hopes to establish a minimum of 25 minority group businesses each year for the next three years, at an annual cost of $50,000, according to Dr. Horace J. DePodwin, dean.

Last week the school was awarded a $65,400 grant from the Ford Foundation to expand its program of aiding black and other minority group members to go into business. E. I. duPont deNemours and Co., recently gave a $5,000 grant to support the same program.

The original program was developed by De Podwin and Prof. Louis T. German two years ago in conjunction with the Interracial Council for Business Opportunity and the Small Business Administration.

SEMINARS HELD

The program is the outgrowth of work started after the Newark riots in 1967, German started a series of seminars for minority groups where the rudiments of operating a small business and accounting were discussed.

Among those who have already established businesses, some in areas where the rioting occurred, is Willie Pool, 40, and Wilbur Richardson, 31, partners of the Sky-View Radio and TV Co., 708 Springfield Ave., Newark.

Pool said he was inspired to go into business 12 years ago when he could not get a "break" while employed at a factory in Lancaster, Pa. "I was limited," says Pool, "but in my own business I can push myself and if I fail it's my own fault."

Pool and Richardson, who is married and the father of two children, repair television and raido sets and electrical appliances. They also buy sets in need of repair, recondition them and offer the sets for sale as used equipment.

HELPED WITH LOAN

The two men attended the Rutgers seminar on small business and worked with German in September, 1968. The next month the school helped them obtain a bank loan for $2,500. Together, they applied for a $20,000 Small Business Administration loan and now gross $45,000 a year, after being in business 20 months.

In another case, a man who had a persevering, though unsuccessful record operating small window washing and porter service, was drawing unemployment insurance, but also had his eye on a grocery business.

The man, William O. Wright, an Air Force veteran, attended the Graduate Business School's seminar, and in October of last year he became the proprietor of a grocery-delicatessen at 537 South Orange Ave., Newark.

"I just couldn't get ahead," Wright said, "and I never had money to save for those rainy days."

German estimates that in the first year Wright's income will be approximately $10,000. Wright, 31, said that the food stamp program recently started in Newark, is a "great asset" to his business.

Benjamin Joseph, a 32-year-old Newark fireman, said he had dreamed of owning a small business for years so he decided to attend the lectures.

Joseph was able to purchase a laundromat at 139 Belmont Ave., Newark, for $20,000 in July of last year entirely on borrowed money.

"I just walked up to the owner one day and made him an offer for the business . . . I didn't have a dime in my pocket at the time," Joseph explained.

SUCCESSFUL LAUNDROMAT

Today he estimates that his business will produce a net income of $25,000 in its second year. The coin-operated enterprise is described as the largest in the city, with 46 washers and 15 dryers. The firefighter supervises the operation, when he is off duty. He employs one other person.

A highly-motivated entrepreneur had started several small businesses, but saw them go up in smoke in the Newark riots of 1967.

This serious-minded person is John Mitchell, 32, of South Orange.

However, following German's counselling, Mitchell was granted a loan and started a cleaning business at 120 W. South Orange Ave., South Orange. He now has two other stores, one in Newark and another in Westfield.

Mitchell said that by attending the lectures he was taught how to make money and how to spend it wisely. "I was given the strength to help myself and others too," explained Mitchell.

He employs 10 persons and operates the only black-owned business in the South Orange shopping center.

LeRoy Brickus, a trained mortician, had once been a factory worker. He now operates his own funeral chapel at 183 Littleton Ave., Newark.

Brickus, 40, said that by attending German's course, he obtained knowledge that was the "key" to his success. "It had been but a dream so long," Brickus admitted, "but I had the desire to have something of my own."

He received his training at the American Academy in New York and has been in business since April, 1968. His wife, Marie, who is active in civic and social organizations, said, "It's hard work, but the benefits are rewarding."

Another Newark resident who has established his own business under the Rutgers program, is Freeman Thomas, a skilled refrigerator and appliance repairman who obtained a loan to expand his operation at 504 Springfield Ave., Newark.

He received bank financing that helped him provide storage facilities for some 3,000 refrigerators, air conditioners, stoves and washing machines.

WASN'T MAKING IT

Norris Knott, a Montclair fish merchant, had been in business for a little over a year but "wasn't making it."

He was ready to close his shop at 154 Bloomfield Ave., and seek employment, but instead Knott decided to attend the Rutgers course and he gained advice on better management and purchasing policies.

Knott had purchased the business in November, 1967, and his volume was approximately $200 a week. German said his prices were too high and his volume too small because he purchased fish from a wholesaler who would make deliveries and carry the accounts receivable week-to-week.

Knott needed a truck, but he did not have the cash. It would have enabled him to go to New York to buy fish more cheaply.

German assisted Knott in getting a small business loan for $8,000 and with this money he purchased a truck. The professor said it is estimated that Knott's income will now be approximately $10,000 per year.

John Cheatam, father of 10, was referred to Rutgers by Knott. Cheatam is an assistant shop steward with a stevedoring company and had been doing upholstering work from his home, 579 Orange St., Newark, on a part-time basis.

He received a $1,000 loan from a Newark bank with the assistance of the school and has opened a small upholstery store in Newark.

German said that a program to offer classes for minority group persons who are interested in learning "how they can help themselves" is now under way in Paterson, Camden, New Brunswick and Newark.

Associate Dean David W. Blakeslee said, "We want them to learn how they can help themselves in the approach to government agencies and banks, and ways and methods to improve their businesses."

Benjamin Zwerling, a consultant to the Rutgers business school, said: "This is a program whereby black people with no assets except their initiative and drive, can build a business and eventually hire workers of their own race."

[From the Sunday Star-Ledger, Newark (N.J.) July 13,1969]

BLACK CAPITALISTS FIND IT REWARDING IN NEW PROGRAM

(By William Harvey)

Black capitalism is beginning to take root in Newark, largely due to the foresight and imagination of a Rutgers University business professor and a desire by black citizens to improve their lot in life.

Within the past two years, Professor Louis German has helped to establish 11 black-owned business concerns in the greater Newark area, and six more applications for loans are on file with the Small Business Administration.

This year, with the aid of a $65,400 grant from the Ford Foundation, to the Rutgers Graduate Business School in Newark, Prof. German plans to initiate an expanded program to assist 25 minority group members in opening their own businesses.

The program is the outgrowth of work started after the Newark riots in 1967 by Prof. German and Dr. Horace J. De Podwin, dean of the graduate business school. They worked closely with the Interracial Council for Business Opportunity and the SBA.

SEMINARS SERIES

Prof. German gave a series of 10 seminars to minority group people to give them a grounding in the rudiments of profitable small business operations and accounting. To encourage participation, a certificate of attendance was offered to those persons who were present at eight of the ten meetings.

In addition, he helped some promising students to get special training, assistance and financing to start or expand businesses. None of the applicants had adequate financial resources and some of them were flat broke.

Nevertheless, local banks and the SBA made loans available on little more than the borrower's display of ambition to go into business and some indications of ability to make a go of it.

GOOD RESULTS

With the help of Prof. German, and a financial base of support, the new businessmen began their operations. "Not everyone was an overnight sensation, but the high degree of success is extremely gratifying," said Prof. German.

"We give the guys a chance if they have the incentive and a little gumption to do something on their own," he added. "More than that, we give them encouragement and show them there is a void they can fill."

Prof. German views black-owned shops and markets as "the way to get real progress in the inner city."

Among some of the successful graduates of Prof. German's lecture series are a factory worker who, trained as a mortician converted the first floor of his house into a funeral chapel; an upholsterer who formerly worked as a stevedore, and a drycleaner who was burned out during the 1967 riots, but now has three stores.

After their first year of graduate school, Rutgers business students are permitted to work with black entrepreneurs through the school's minority group business program to get first-hand experience concerning the problems of a black or Puerto Rican businessman.

"The students see if they can help the business to increase sales by putting into operation certain business techniques they have learned," Prof. German said.

"We want the student to benefit himself and the merchant he is working with, and we also want them to see how poor people live and how things are in the real world."

"With the Ford Foundation grant," he continued, "we can make some studies and improve our operations. Also we can ask some of our former students to come back and join our board of directors where they can make suggestions and contribute their ideas."

In addition to the Ford Foundation grant, a $5,000 grant has come from E. I. duPont deNemours & Company to support the same program. Additional aid from industry is in prospect, Dean De Podwin said.

"These grants will permit Rutgers University to work more effectively toward the solution of the most critical problem facing the nation—helping minority group members break out of an economic cycle which generates so much misery and despair," concluded Dean De Podwin.

WATER POLLUTION

Mr. SAXBE. Mr. President, we often hear instances where some of our major industries, through industrial waste, contribute to the pollution of America's great streams, rivers, and lakes. On the other hand, we do not seem to hear often enough about contributions made by industry aimed at cleaning up our natural resources. Such an effort is underway by a firm headquartered in my State, Goodyear Tire and Rubber Co. of Akron. Goodyear officials recently announced the start of a joint project to attack water pollution by trapping waste materials in huge, collapsible rubber containers. Goodyear contracted with a Washington, D.C. firm called Underwater Storage Inc. in this venture—a venture that has my interest and best wishes for success.

Mr. President, the Akron Beacon Journal of July 31, 1969, ran a news story on the Goodyear project. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SYSTEM UTILIZES RUBBER TANKS: GOODYEAR JOINS FIGHT ON WATER POLLUTION

Goodyear and a Washington, D.C., firm announced today they had signed an agreement to jointly develop plans for underwater sewage storage systems by utilizing Goodyear-made collapsible rubber containers.

The two firms will work together to locate situations where the underwater storage of sewage can significantly reduce or eliminate pollution problems, according to Richard A. Jay, Goodyear vice president.

Currently Goodyear and Underwater Storage Inc. have two systems, financed by Federal funds, undergoing tests in the Anacostia River in Washington, D.C. Both use pillow tanks submerged in the river to accept wastes that normally would be discharged into the river.

One system uses two 100,000-gallon tanks to temporarily store sewer overflow caused by heavy rains until sewage treatment plants can accept it for processing. The other uses a single 3,000-gallon tank near a marina to hold waste normally discharged into the river from boats.

Jay noted the technique, developed by the Washington company, is suitable for use by cities of all sizes since storage capacity can be adjusted easily by changing the number of tanks in the system.

Under terms of the agreement, Goodyear's industrial products division will produce the systems based on concepts and patented techniques developed by Dr. Harold G. Quase, president of Underwater Storage.

This method of storing excess sewage is the only feasible way for large cities to deal with the problem of storm sewer overflow, which often mixes raw sewage with water, Jay said, since the cost of enlarging existing sewer systems to meet current needs is prohibitive.

HUMAN RIGHTS CONVENTION ON POLITICAL RIGHTS OF WOMEN—NO EXCUSE FOR SENATE'S FAILURE TO RATIFY

Mr. PROXMIRE. Mr. President, the Human Rights Convention on the Political Rights of Women was adopted by the General Assembly of the United Nations in December of 1952.

It was opened for signature on March of 1953, 16 years ago. As has been the case before, the Senate has failed to ratify the Convention on Political Rights of Women. President Kennedy sent this convention to the Senate 7 full years ago. Result: No action by this body.

Why? Certainly the 19th amendment to our Constitution clearly defines and protects the political rights of women in the United States. All that this convention establishes and guarantees are the rights of women: First, to vote; second, to be candidates for office; and, third, to hold office.

There is no conflict with our Constitution and no conflict with our State laws. Yet the Senate has refused to ratify.

The National Council of Women of the United States strongly supports Senate ratification. While recognizing that it is less than a half century since women in the United States have gained full political equality, the council has pointed out that its affiliate organizations in 60 countries face a far different situation. The council urges Senate ratification so that women, the world over, may point proudly to the United States as they wage their own fight for political equality.

Of the 60 affiliates of the International Council of Women, 18 are in nations less than 25 years old. How can the young governments of Burma, Cameroon, Syria, and Gambia—to name a few—be expected to change centuries old traditions without encouragement and prodding?

Any nation which denies full political equality to women denies itself the benefit of a full one-half of its human resources. It took the United States almost a century and a half to recognize this fact. Let us help the younger countries to a quicker awareness of this truth by ratifying the Human Rights Convention on Political Rights of Women.

COMMUNICATIONS WORKERS OF AMERICA ENDORSES DIRECT POPULAR ELECTION OF THE PRESIDENT

Mr. BAYH. Mr. President, in recent days this assembly has had occasion to debate and vote on issues of the greatest national importance. But amid the heat of political turmoil, the necessity to reform an inherently inequitable election system that does not permit the people of this country to vote directly for their chief magistrate still remains. If we are to rid ourselves of the dangers contained in this system, the participation of all public spirited organizations which support direct popular election of the President is mandatory.

No better example of this spirit can be found than the recent adoption of a resolution by the Communications Workers of America, which advocates a plan identical to that proposed by Senate Joint Resolution 1, a constitutional amendment which I introduced and which now is sponsored also by 42 other Senators. I particularly wish to commend Mr. Joseph Bierne, the capable president of that distinguished organization, for his efforts in behalf of direct election. I hope that this example of public support for direct election of the President will serve as a model for other business and labor organizations throughout the country. The adoption of this resolution by the CWA further supports my belief that the American people are not only ready but would prefer to participate directly in the election of their Chief Executive. Mr. President, I ask unanimous consent that a copy of Resolution 31A-69-9 on electoral reform, passed by the Communications Workers of America Convention of 1969, be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution 31A-69-9—Electoral Reform

Abolishing the electoral college system and establishing a direct popular vote for the President and Vice President of the United States has long been needed.

Under the electoral system, it is possible for a candidate to run second in popular votes but first in electoral votes and thus become President. This is counter to the overwhelming sentiment of the American people on how their political officials should be elected.

Sen. Birch Bayh of Indiana has sponsored a constitutional amendment establishing the popular vote system, and it is supported by many other senators and representatives.

In principle, the Bayh Amendment provides that the candidate receiving the most popular votes is elected President. If no candidate receives 40 per cent or more of the popular vote, then the top two candidates have a run off for the Presidency.

A similar proposal has already been approved by the House Judiciary Committee.

Abolition of the archaic electoral college has the overwhelming support of the people, and should be accomplished by the Congress. Therefore, be it

Resolved, That this 31st Annual Convention of CWA endorses the abolition of the electoral college in favor of direct popular election of the President and Vice President of the United States, and that our views be presented to the appropriate legislative bodies.

THE VOTING RIGHTS ACT

Mr. SCHWEIKER. Mr. President, in the July 1969 issue of the Ripon Forum, a significant political journal published by the Ripon Society, my distinguished senior colleague from Pennsylvania (Mr. Scott) has written an outstanding editorial, "Keep the Voting Rights Act."

He has taken the position that while extension of the provisions of the Voting Rights Act of 1965 to cover every State would be worthwhile, such a proposal could provoke prolonged debate which might extend beyond the act's expiration date, and jeopardize the existing worthwhile laws. He has therefore called for an immediate extension of the 1965 Voting Rights Act, and has offered to lead the fight for this extension.

I support Mr. Scott's position completely, and applaud this excellent position statement. His leadership was instrumental in passage of civil rights legislation in 1964, in 1965, and in 1967, and I look forward to his leadership in the current session.

He has handled his added responsibilities in the current session as assistant minority leader in an outstanding fashion, and his firm commitment to civil rights, well known to all who have worked with him in the last decade, encourages all of us who share the hope of achieving equal opportunity for all.

Mr. President, I ask unanimous consent that Mr. Scott's editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Keep the Voting Rights Act

The Senate Whip for the President's Party has an opportunity for service which I have found distinctly rewarding. The job, however, is not without its difficult moments. One such moment arose recently when the Attorney General and I took different positions on the issue of voting rights legislation.

The 1965 Voting Rights Act expires next year. I have urged its simple extension. When the Attorney General offered a different proposal, which I opposed, some people asked me why I disagreed with the country's chief legal officer, a member of my own party.

I have the highest personal regard for the Attorney General and I consider him one of the ablest men in public life. He and I are lawyers who disagree on the timeliness and certain provisions of proposed legislation. It is not unusual for lawyers to disagree.

I co-sponsored and fought for passage of the Voting Rights Act in 1965. I believed this landmark legislation was the least we could do to prevent the exclusion of Negroes from the voting rolls in the South. The Act was specifically designed to pinpoint conspiracies that serve to maintain "whites-only" registration. Literacy tests, for example, are prohibited when they are used for the purpose of discriminating. If the effect of the law has been regional, that is only because the pattern of discrimination has been regional.

The Attorney General, however, has proposed new legislation which, among other provisions, would abolish literacy tests in all states and do away with state residency bans. I approve of those features and will vote for them if they are considered as separate legislation *after* the Voting Rights Act is extended. My present opposition to these provisions is a matter of timing.

There is a danger that the present Voting Rights Act could expire by default. Twenty states now have literacy tests—many of them for nondiscriminatory reasons. Only in the deep South have they been used to exclude Negroes. But any attempt to change the laws of all twenty states would provoke extended debate in Congress and it might prove impossible to get the new law passed before the Voting Rights Act expires. All the progress we have made would go down the drain, as non-complying areas would hasten to exploit the expiration of the Act.

However, there are also other parts of the proposed new law which I would have to oppose, no matter what the timing.

Under the 1965 Voting Rights Act county officials in the South can no longer resort to the kind of tricks which used to keep Negroes from voting. Some areas, for example, had laws which required would-be voters to "interpret the Constitution." Of course, such tests seldom kept whites out of the voting booth. The present Act suspends such devices until the offending counties can *prove* that they have not been used to discriminate for five full years. We put "teeth" into the law so that no state could get around the Fifteenth Amendment's mandate that the right to vote shall not be denied because of "race, color, or previous condition of servitude."

Unfortunately, the proposed new law would scrap the system under which states now affected must clear with Washington changes in state and local election laws. This would take the heat off states which discriminate by giving the Federal Government a much heavier burden of proof. The Justice Department might have to rush lawyers into every suspect county just before election day trying to protect black voters' rights.

Besides the obvious waste of tax dollars, this procedure would allow county officials to stall the Government with legal maneuvers until the elections were over. That is a step backward. I do not want to endanger what Lord Coke called the "knowne certaintie of the law" when that law has worked extremely well. Therefore, I expect to do whatever is necessary to lead the fight, if I am asked to do it, for the extension of the 1965 Voting Rights Act.

My position is influenced heavily by a deep personal commitment which has been consistent throughout my years in Congress. The extension of the 1965 Voting Rights Act is

quite simply a matter of human rights. That guarantees my strongest efforts on the floor of the United States Senate.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDENT pro tempore. The junior Senator from Missouri (Mr. EAGLETON) is recognized.

THE MBT-70—MAIN BATTLE TANK

Mr. EAGLETON. Mr. President, Senator HATFIELD and I, joined by Senators MCGOVERN, MONDALE, MOSS, PROXMIRE, and YARBOROUGH, have introduced an amendment to S. 2546 which would temporarily delay the further development of the Main Battle Tank until the Comptroller General has an opportunity to report to the Congress on the practicability and cost-effectiveness of this highly complex defense system.

This is a modest amendment in terms of the dollars it would strike out of the bill—$30 million for research and development and $24.5 million for production base support.

I do not pretend to have the technical competence to judge the ultimate effectiveness of the MBT-70. Nor do I question in any way the sincerity and competence of those military officers and contractors who have brought the system to its present state.

But when the research and development costs of a military system conceived in 1963 have risen 528 percent in just 6 years, when the tank's projected operation date has slipped back from 1969, which was its originally estimated operational date, to 1974 or 1975; and when the strategic assumptions of a land war in Europe have necessarily changed during the extended period this tank has been on the drawing board; when we consider all these things, and others, I feel that Congress is obliged to know precisely what it is buying before it votes further funds for this project.

Mr. President, the MBT-70 project is a joint undertaking by the United States and the Federal Republic of Germany.

It began as a quest for a dream tank, rather than as a weapon designed to fulfill a specific mission or a specific threat.

Indeed, the Army had no clear idea of what the configuration of the MBT-70 would be until research, development, testing and evaluation was well underway.

Mr. President, General Burba, who formerly was in charge of this project, was interviewed in September of 1967, and in that interview appearing in the Armed Forces magazine he said this:

> For the first time in the history of modern tank design, the designers of the MBT were given carte blanche to optimize basic design configurations into which they put the best scientific engineering know-how.

I might add that the designers, as referred to by General Burba, according to the Defense Department, are the contractors on both sides plus the joint engineering agency. As the quotation reflects, they were given carte blanche to come up with almost anything they could conjure.

General Betts, Army Director of Research and Development, explained the spectacular rise in R. & D. costs in these terms:

> For the first estimate we did not have a design. We did not have any really detailed idea of what would go into the tanks so the early estimates were very summary in nature.

The most summary kind of cost estimates have become the hallmark of the MBT-70.

The initial 1963 estimate for joint research and development, training, and evaluation was somewhere between $80 million and $86 million. In 1965, the ante was raised to $138 milion. Now it is $303 million.

Those are the estimates for research, development, training, and evaluation originally brought in at $80 million to $86 million. That has now skyrocketed, with its first stop at $138 million, and now the current estimate is $303 million.

Mr. President, I have had prepared a chart which is on the easel in the rear of the Chamber. I must confess that my original inclination to make up a chart stemmed from the fact that in discussing military matters, it seems indispensable to have some kind of chart, whether secret or nonsecret, whether classified or nonclassified.

I assure you, Mr. President, that this is the most nonclassified chart in existence.

Having had it prepared, I believe its illustrative purpose will bear out in graphic terms that which I have just verbalized; namely, as to the continued escalation of the estimated costs of research, development, training, and evaluation with the program as it began in 1963.

The difference between the red and green lines on the chart is that when the program was originally conceived in 1963, there was a partnership agreement between the United States and the Federal Republic of Germany, a 50-50 partnership at that time, with $80 million being the total estimated cost, one-half to be borne by the United States and the other half to be borne—$40 million—by the Federal Republic of Germany.

That continued in 1965. As to 1966, 1967, and 1968, the costs had risen so much by that time, to $138 million, but it was still a 50-50 arrangement, one-half German, one-half American, in terms of cost.

It was in 1968 when the greatest escalation in costs took place and the 50-50 partnership arrangement just completely evaporated and it became pretty close to a 75 percent American endeavor—close to $230 million, and about $70 million on the German side.

Mr. LONG. Mr. President, will the Senator from Missouri yield?

The PRESIDING OFFICER (Mr. ALLEN in the chair). Does the Senator from Missouri yield to the Senator from Louisiana?

Mr. EAGLETON. I yield.

Mr. LONG. Would the Senator tell me whether those who negotiated that agreement ever heard of the balance-of-payments problems? The fact that the Germans had a good surplus and we had a big deficit, did we know about that in negotiating the agreement?

Mr. EAGLETON. Frankly, in answer to the Senator from Louisiana, I just do not know as to whether the balance-of-payments question was considered or taken into the equation at the time the determination was made. The main thrust of my argument, Senator, is, and I do not wish to becloud the issue or to avoid answering the Senator's question, but the escalation of the costs, the ancillary or subsidiary questions as to the divergence away from the previous 50-50 agreement to what it is now, is loosely a 75-to-25 arrangement.

Mr. LONG. The point is that the chart shows it is "heavying" up on the costs and departing from the 50-50 arrangement where we now do about 75 percent of it, I would assume.

Mr. EAGLETON. That is right.

Mr. LONG. During this same period we were negotiating a treaty that the Germans pay for more of their own expenses of doing business because we could not carry them any longer, with this Nation carrying the cost of this development. Here is an agreement that was apparently negotiated, diametrically opposite, by apparently some enthusiast over in the Pentagon who thought his program was so great that we ought to depart from the 50-to-50 ratio and go to an 80-to-20 ratio, perhaps, at the very time this Government was pressing the German Government to carry more of the burden.

Mr. EAGLETON. I think the Senator is eminently correct. I take it that today, near the latter part of 1969, it is still the pious hope—and I emphasize the word "pious"—that the German Federal Republic and other governments that constitute our NATO partners will carry a greater burden of defense costs. I emphasize the words "pious hope" because there has been no manifestation, whether it be in the way of troops or anything else, that gives substance to that pious hope. Here in 1968 was an agreement which went into the very teeth of our desire to get out of the dilemma with respect to the twofold problem—for them to carry a greater burden of the defense costs and to some extent relieve our balance-of-payments problem.

Mr. LONG. Here is someone who did not want to be forced by pressure or circumstances; who was being required to dress in a Santa Claus costume and put on a pair of overhauls and go to work; and here is an agreement which was negotiated apparently completely against the current, swimming upstream, while the whole trend was to go in favor of helping us balance our payments. Here was a situation where there was an 80–20 arrangement, when we could not pay and the other fellow could pay, which would require us to move away from the 80–20 arrangement to a 50–50 arrangement, and yet we were moving away from the 50–50 arrangement toward an 80–20 arrangement.

Mr. EAGLETON. I agree with the Senator. If there was any merit, from the international monetary point of view or the balance of payments point of view, in deviating from the original concept of that agreement—to wit, 50–50—the meritorious argument would be for the Federal Republic of Germany to take up 80 percent of the burden and leave us, for a change, on the short end of the stick, and assume 20 percent of the burden. The logical result would have been that result rather than the end result reflected in that chart.

Mr. LONG. If we look at the conditions between 1965 and 1968 and the pressures on our monetary situation, of course, it will be seen that we should have been moving toward a 50–50 arrangement rather than in the other direction.

Mr. EAGLETON. That is right. I thank the Senator from Louisiana.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr EAGLETON. I am glad to yield to the senior Senator from Missouri.

Mr. SYMINGTON. I congratulate my colleague on a typically thorough development of a group of pertinent facts, and was most interested in the comments made by the distinguished chairman of the Finance Committee, who knows, as do we all, of the increasing problems incident to our continuing unfavorable balance of payments. I believe the last quarter was the worst we have had in our history.

I would ask the able Senator where this research and development work was done?

Mr. EAGLETON. The physical site or the physical location?

Mr. SYMINGTON. Both.

Mr. EAGLETON. In both countries it was in terms of the engine, which is still being worked on and not agreed to. Research was being done in the Federal Republic of Germany, and in the United States, by the General Motors Corp., and the Lycoming Corp. in the State of Connecticut is doing some work in terms of researching a turbine engine that may conceivably some day go into the MBT–70.

Mr. SYMINGTON. When the increased cost developed, as this illuminating chart shows, was the increased cost on work done primarily in this country? How was that divided? In other words, was there any additional direct negative effect on our balance of payments?

Mr. EAGLETON. The backup figures on some of this material are not publicly available, as I am sure the Senator must know, based on his long experience on the Armed Services Committee. The amount of work being done, though, will be reflected at the present time in terms of the amounts here and in the Republic of Germany. It is close to 80–20; 80 American, 20 German.

Mr. SYMINGTON. Has any adequate explanation been given the Senator as to why there was such a sudden sharp increase in the money expended by the United States as against the money expended by Germany?

Mr. EAGLETON. I am sure that perhaps later on the Senator from Mississippi can clarify any erroneous misconception I may have, but the original contract in 1963 was based on $80 million and a 50–50 coequal partnership, which was estimated on production levels looking down the road. The cost of research went up. The target for production was enhanced and went up. It was assumed that the greatest production would be done in the United States and, hence, the United States should share a greater burden than originally was estimated. That is my impression.

Mr. SYMINGTON. I thank the Senator.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. EAGLETON. I am glad to yield to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator for yielding to me. On these cost figures, Members of the Senate, the figures I have here come directly from the Army. They are the ones charged with the responsibility. They say that the total program cost before production—that is, real production of the tank, ready to roll out and go out in the field—will be, in round numbers, the United States, $173 million; Germany, $130 million.

I will repeat that figure because I think it is important to be heard. Total cost prior to actual production for use, United States $173 million; Germany, $130 million.

That is not exactly 50–50, but it is in the neighborhood of it.

My source for that is the Army, and their source is their books. If that is in error, we certainly need to know now.

Mr. EAGLETON. May I respond?

Mr. STENNIS. Yes. The Senator yielded to me.

Mr. EAGLETON. It ill behooves the junior Senator from Missouri to dispute the Senator from Mississippi on any military figures.

Mr. STENNIS. These are not my figures; they are the Army's figures.

Mr. EAGLETON. Here are the figures that were given to us by the Department of Defense on the development concept, as projected: The R. & D. cost to the United States alone was projected at $227 million, which is an increase of $184 million, which, as I said in my talk, was 528 percent over the original estimate for our part of the cost, our part originally being $40 million.

The gentleman who supplied us with this information, if the Senator would like to have his name, was Colonel Petrenko.

Mr. STENNIS. I thank the Senator. I am inclined to believe that the figures I have here are approximately correct, but I will call on them for further verification.

I notice the Senator said projected cost. That was conceived when? Projection means over into the years. When was that cost conceived?

Mr. EAGLETON. There have been different conceptions, as it were, the original one being in 1963, $80 million; and that was apparently an adequate estimate of projection for the first 2 years of the program. Then it went up to $138 million. Now, according to my chart, it is $303 million, to be precise.

Mr. SYMINGTON. Mr. President, will the Senator yield to me for a comment?

Mr. EAGLETON. I yield.

Mr. SYMINGTON. Respecting the colloquy between the distinguished chairman and the Senator from Missouri, it is a bit comparable to what was going on on the floor yesterday with respect to the number of troops in Vietnam. I know the chairman's figures are given with complete sincerity, and I know my colleague's figures are given with complete sincerity. Therefore, I would hope that this matter can be checked for the record, and that whatever the facts are, the record will then so show.

We are having problems of this character in other fields. It is possible that one person in the Pentagon gave a certain set of figures, and another person, in all good faith, gave a different set of figures.

Mr. EAGLETON. If I may comment on the remarks of my senior colleague, I think that is a very apt and adequate summary of the situation. I would be the first to desire to have the accurate figures, and I know the Senator from Mississippi desires the same thing.

Mr. STENNIS. Oh, yes. If the Senator will yield further on that point, the whole answer is just to run back, for verification, our figures. I was stating figures here from a factsheet supplied to me by the Army.

I thank the Senator for yielding. Let me make one further point about the year 1963, that seems so pertinent here.

Mr. EAGLETON. Yes.

Mr. STENNIS. In the year 1963, this tank we are talking about today was merely an idea that Mr. McNamara finally approved—a joint undertaking for a supertank for the 1970's, looking forward into the 1970's, and, frankly, primarily looking to Western Europe as a possible use for a part of that arsenal.

That required the cooperation of the two governments; it involved the State Department at diplomatic levels, and everything else; and it was 2 years before they really got moving. In 1963, they did not even have a full concept of what the tank would be. They had to get a green light to really go to thinking and putting things down on paper, and drawing lines and rubbing them out.

This time looked long to me, too; but when I got into it, and saw where those 2 years went, it was a little different.

I thank the Senator for yielding.

Mr. FULBRIGHT. Mr. President, will the Senator yield to me?

Mr. EAGLETON. I am glad to yield to the Senator from Arkansas.

Mr. FULBRIGHT. With regard to the point made by the Senator from Missouri, it reminds me of the difficulty I have had on an amendment I have proposed with regard to research projects. I have had one of the best men we have on the staff working as closely as he could with Mr. Foster and his staff in the Pentagon, trying to ascertain the cost of each project—not the overall cost—and they finally just came back and said they could not identify those costs. I shall not present my amendment on those projects until Monday; but I can state now that they just are unable to give me the cost of individual projects carried in their programs. The Department will give us the name of a project, describe what it is about, and where it is done, and so on, but they are unwilling or unable—they said they could not—give me what they called a realistic estimate or price on many individual projects.

So I can well imagine—these are projects many of which run from $50,000 to $500,000—that on a project like a tank, they have a very difficult time. They have become accustomed to loose practices. This only emphasizes how very important it was to adopt the Schweiker amendment yesterday. If the Defense people cannot do this kind of job. GAO has got to go in and help them develop a way to keep better track of their accounting methods and estimates on costs.

Mr. President, I wanted to ask a question. I had a committee meeting this morning, and did not hear the first part of the presentation of the Senator from Missouri. Did he discuss the origin of this project? It was 6 years ago, was it not?

Mr. EAGLETON. That is correct.

Mr. FULBRIGHT. There have been changes and developments in the field of missilery and antitank weapons, since the project began which suggests to me that ideas which had great validity then may not be valid today. It may be questionable whether the concept of the supertank is really valid now, in view of the great developments, for example in antitank weapons. In this bill itself, I think, there are some 14 or 18 different kinds of missiles, many of which are missiles of a nature that could be used against tanks; is that not correct?

Mr. EAGLETON. That is absolutely correct. In answering the Senator's question, I should like to put it this way: I shall discuss this matter later in my remarks, but I am pleased that the Senator brought it up now, because I think it is currently germane.

Drawing on the very words of the Senator from Mississippi, when this program was conceived in 1963, as the Senator from Mississippi said, it was just an idea, apparently, kicking around the Pentagon, that it would be good to have a dream tank; just as there are a lot of other dream ideas that kick around. There are a lot of dreams that Americans have in the domestic sector of life, and as far as our cities are concerned, as well; we are a dreamy country. But be that as it may, this was a loose, amorphous dream idea that somebody had, that we ought to build a better tank, a better mousetrap, a super deluxe model, and they started off on this 50–50 basis.

I think the Senator is eminently correct in his assessment of the change from what may have been the conditions in the world at that time. As the Senator from Mississippi points out, this was conceived as a tank primarily needed in Western Europe. Certainly the conditions that existed in 1945, at the end of the war, or in 1950, or in the latter part of the 1950's, and conceivably even up until 1963, are not necessarily the same as the conditions of the world, or the nature of possible warfare, or the nature of the threat we face, or the severity of it, in 1969.

This is the dream, or the idea, or the concept of 1963. Perhaps, without admitting that it was relevant at that time, it may be—and, indeed, in my judgment is—irrelevant in the latter part of 1969, so quick and swift are the changes in the nature of the threat we face and the changes in the nature of warfare.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SYMINGTON. I notice the Senator says the cost is 2½ to 3½ times as much as that of our most advanced present tank, the M60A1. We had some hearings in the Committee on Armed Services, I think last year, which revealed that at that time there were—6,000 is the figure that rests in my mind—American tanks for sale in Europe—tanks that were obsolescent to the point of being obsolete.

Mr. FULBRIGHT. For sale by whom?

Mr. SYMINGTON. That is a good question, and I would ask the Senator not to press it. There were 6,000 American tanks available, let us put it that way, available in Europe because they did not meet the standards of European potential warfare, although apparently they did meet the standards of potential warfare in other places.

With that premise, if the modern new tank is a good tank, and we have another better one close to production, what is the reason we need this third even more expensive and even newer tank?

Mr. EAGLETON. If I may answer the Senator, I think his question goes to the very heart of this issue. His premise, which I know is not his own personal belief, but is offered to get at this issue. Our present tank force, with our principal and most modern tank being the M60A1, is far from obsolescent; indeed, according to the Stratton subcommittee of the House Armed Services Committee—which just completed a few weeks ago the most exhaustive analysis of tanks, including the Sheridan, and what has happened to them, why they work and why they do not work—the M60A1, currently deployed in Western Europe, is equal to, or, in their judgment, superior to any tank that the Soviet Union has deployed under the Warsaw Pact or otherwise.

Let me quote, if I may, just briefly, that part of the report.

Mr. SYMINGTON. Does that have to do with the M60A1?

Mr. EAGLETON. Yes. It reads as follows:

> Since 1959 the M60A1 main battle tank has been the mainstay of the Army armored units in Europe and the Army currently considers this tank equal to or superior to Soviet-designed tanks . . .

The Stratton committee goes on to point out the dilemma we currently face:

> Not only did the Army fail to maintain an adequate production rate of M60A1's during the 1960's, but they slowed down the production line and even closed it in 1967 to produce the M60A1E2, which still cannot be deployed because of deficiencies.
>
> U.S. armored capability was further degraded by the sale of M60A1's to countries other than NATO allies between fiscal year 1964 and fiscal year 1969.

Mr. SYMINGTON. Mr. President, at one point fairly recently a decision was agreed to between our Government and the Government of West Germany, not to pay for the location of our several hundred thousand troops in Europe through the purchase of military equipment, rather to do so as the result of an agreement between the two Governments for the German Government to purchase bonds of the United States.

Could it be that the difference in the amount of research and engineering work done on this particular military development, the cost increase was because of that particular change of policy?

Mr. EAGLETON. I am ready to confess the Senator is getting into a rather sophisticated industrial-military-monetary field that is a bit over my head. However, I surmise that it could be quite possible.

Mr. SYMINGTON. The Senator sees my point?

Mr. EAGLETON. Yes, I do.

Mr. SYMINGTON. It might be that that would have something to do with it. Otherwise, it would seem hard to understand. But in any case, again my congratulations to the Senator for this detailed clear and thoughtful presentation.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. FULBRIGHT. Mr. President, concerning the great changes being realized in other areas, we were reminded the other day during the ABM debate of the great accomplishment of our astronauts and scientists in getting to the moon.

I think there might be comparable changes in areas of weapons development.

I am under the impression, for example, that the whole concept of the tank may be incorrect. Tanks may be usable to El Salvador or Peru. However, for the kind of conflict in which this country is likely to become involved, I raise the question of whether the idea of the tank is really appropriate considering the sophistication of the military in other types of weapons.

I am reminded of what the distinguished senior Senator from Missouri has stated on other occasions about the aircraft carrier. He has said that it is very hard to understand why we are the only country that seems still to be bemused with building aircraft carriers. No other country seems to think they are important enough to have even a small one under construction. We have 15 major aircraft carriers. Another one is proposed.

The aircraft carriers are very vulnerable, as I have heard the distinguished senior Senator from Missouri say, to modern weapons and various kinds of missiles including air-to-ground missiles. A ship armed with the missiles can stand quite a way off from an aircraft carrier and hit it. An aircraft carrier is rather big and a relatively easy target. It is possible to sink one $500 million ship with a missile that costs $500,000.

The trouble seems to me to be the great lagtime between the technological dream the Senator spoke about and the actual technological advances that come about daily in fields such as missiles.

I looked at the very great number of missiles described briefly in the report on the pending bill. They involve an enormous amount of money. I ask just how seriously and how much in depth we have considered the appropriateness of the tank under modern conditions. In what depth has that question been examined and by whom?

This is one of the weaknesses of these programs as I see it. Once they get started, they develop a momentum and a kind of constituency of their own. Everyone forgets about what the real original purpose was. No one asks whether the program is still appropriate and whether it will serve a very useful purpose when completed.

I wonder what the Senator thinks about that aspect of the matter.

Mr. EAGLETON. Mr. President, I have given the very question that has been so articulately stated by the Senator from Arkansas a great deal of thought. And it seems to me that while dreams continue to be dreamt by those who would design new weapons systems, sometimes the dreaming continues but is unrelated to changes in facts and conditions and situations that go on on earth and not in the ethereal clouds. As the Senator points out, not that it is in the pending amendment, but presumably it will be in some other measure later, with respect to the concept of the aircraft carrier, the Senator pointed out that we had 15 aircraft carriers. Back in the days of President Harding, when they had the 5-5-3 conference between the United States and Japan, they agreed on some kind of a ratio, feeling that with the 5-5-3 concept they would have 15. They had them then, they have them now. Presumably they will have them 30 years from now.

I am informed that the Soviet Union has not built one aircraft carrier. We have 15, and some people think we ought to have more.

Mr. FULBRIGHT. There is provision for another carrier in the pending bill, and at a great cost.

Mr. EAGLETON. The Senator is correct.

Getting back to the specific issue with respect to tanks, I perhaps would not have questioned even this dream in 1945 at the conclusion of the war. Perhaps I would not have questioned the dream or idea in 1950. I think I would have been a little concerned with the matter in 1963.

Obviously, I am questioning it here today because the very nature, as the Senator points out, of tank warfare might have changed.

I call to the attention of the Senator the 6-day Arab-Israeli war in 1967, in which there were some tank engagements. However, there was also air superiority on the side of the Israelis.

I am sure that the memory of the Senator is filled with pictures published in the periodicals at the time of burnt-out Egyptian or Arab tanks, dozens and maybe hundreds of them.

It points out how vulnerable the tanks are when air superiority exists.

I am told we have air superiority in western Europe, and I hope that we do. What are we dreaming about at this time in 1969?

Mr. FULBRIGHT. That is my point. Unless this has to do with possible future engagements of this country—unless it gets into what Secretary McNamara, Secretary Clifford and, I think to a smaller or lesser extent, Secretary Laird, have called posture statements—unless we intend to intervene and try to control by force smaller countries around the world, it is hard for me to believe that there is any use at all for this type of weapon.

If we were to have a war with Russia, which is the danger that concerns us, what would we do with the tanks? Would we ship tanks overseas for a war with Russia? The Senator knows such a war would be a nuclear war and that tanks would be utterly useless.

Mr. EAGLETON. That happens to be my assumption.

Mr. FULBRIGHT. Unless we continue to follow the policy of the last administration by intervening in places like the Dominican Republic and Vietnam. However, our President has said that there will be no more Vietnams, as I interpret his statement made on his recent trip. He said he had no intention of having any more Vietnams, if he had a choice and could avoid it, in small places like Vietnam. He said that we would be of help to them but would not intervene. Perhaps a case could be made that if it was going to help them, we ought to make tanks for use in Cambodia and other countries.

If that is true, it may be that a very much less sophisticated tank would be more appropriate. I do not know whether they could operate a dream tank. It would take a super-duper graduate of MIT to operate a tank as complicated as this.

Mr. EAGLETON. This is the epitome of tanks. It would be meritorious in the Indianapolis speed race and would require a sophisticated wheelman.

Mr. FULBRIGHT. I raise the question, and it has been raised before—I think the distinguished Senator from Arizona raised it—that one missing link in this whole program—and Congress is partly at fault—is a real reevaluation of what we call the mission of the Defense Department. They have had missions, as described, I believe, by Secretary McNamara, of a war in Asia, a war in Europe—full fledged, I presume—and a semi-war in Latin America, all at the same time. If we are going to agree that their mission is that broad then we are called upon to make available almost every conceivable kind of weapon.

What the Senator is doing, and what I am trying to do, is to raise the question whether we should not reevaluate what the mission is, especially in view of these requests, which are now so enormous.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. GOLDWATER. We were discussing on the floor one day what I believe must be done before we can intelligently talk about force structure or whether we are going to have to be prepared for the two-and-a-half-war theory—that is, what we are going to do relative to our responsibility, say, with the NATO Treaty. Every one of these treaties—I think there are 15 or 17—specifically calls for us to go to war. If we decide that we are not going to pay any attention to those treaties, we can forget all about most of our major weaponry. But if we are going to do as we have always done and respect our treaties, then we are going to need, for an interim period at least, weapons like tanks.

The Russians are not downgrading tanks. They have two with which they are proceeding. I do not know how they compare with this one. I have to say that this tank has not had a happy history. The development of it has not been as rapid or successful as we would like to have it.

But I add another thought that I think will help the Senator in his thinking in foreign relations. The Army had to drop the new helicopter, the Cheyenne. The tank people in the Army tell me that when they get the Cheyenne, they can forget all about tanks. It is going to be the antitank weapon. Knowing what I do about it, I can assure the Senators that it will be the most effective antitank weapon we have ever developed and will serve the purpose of the tank.

As bad a record as this one has had, and as expensive as it has been, it is all we have.

I return to my opening remarks: If we are going to respect our treaties—and the major ones are on the continent of Europe—I do not think the technology of war has developed yet to the point that we can fight a land war there without tanks. I do not think they are worth a darn in Vietnam, for example. On hard ground over there they can operate.

I am glad of the opportunity once again to urge upon the Senator from Arkansas that his committee really take a look into this matter.

Before I leave, I have the figures that I told the Senator I would supply him with; and as soon as I return, I will give them to him.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. STENNIS. I think the Senator should have a reasonable chance to finish his statement, if he wishes.

On the question of mission, our present obligation is along the lines of NATO, of course. But a tank is a basic, fundamental weapon—NATO or no NATO. So this would not just be thrown to the wind if we should terminate NATO. This is a doughboy's weapon. It is out there where the man is fighting, in the grime and in the mud. Our other tanks are not faring too well. Some are old, and there are other complicated matters.

I do not think we can just charge this off by saying we ought to change the mission. Our present mission, anyway, until changed, is along these lines; and we are not going to run out of the use of a tank now, although tanks of any kind are not used much in Vietnam.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. FULBRIGHT. I do not think this is inconsistent. I raised this question, and the Senator from Arizona has somewhat confirmed it by saying that if the Cheyenne can be made effective, it will make the tanks obsolete.

What made the battleship obsolete? We have many battleships, with a lot of money in them, and they are considered obsolete. They used to be the very backbone of the Navy, not too long ago. That is all I am trying to say.

I raise this question: When it takes 6 years to develop a weapon, and in the meantime technological changes are so rapid, the original concept may well be obsolete.

I was impressed by the arguments made about Minuteman. It had not occurred to me that the advance being made in the accuracy of strategic missiles is so great that it may be that a static, in-the-ground, missile is becoming obsolete and it will have to be made mobile. It may be that a mobile one is much better than continuing to protect one that is in the ground, if they do make accurate weapons. It is just a matter of technological advance. That is all I am saying.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. EAGLETON. First, I should like to comment briefly on some of the observations made by the Senator from Arizona and the Senator from Mississippi and to join, basically, in the sentiments of the Senator from Arkansas.

I am not recommending—and I do not think any other Member of the Senate recommends—that we abdicate or abrogate our NATO commitments. Also, I do not believe that the continuation of the MBT–70 is the sole basis of survival of NATO, any more than I think NATO would crumble when the Pentagon unilaterally—and I praise them for it—dropped the Cheyenne, unilaterally dropped other weapons systems—the MOL and others—and has disallowed certain other dream concepts that have not even been submitted to Congress but have been vetoed in the Pentagon. NATO did not crumble. It is not a question of NATO going down the drain if we do not have an MBT–70.

I recall and repeat what the Stratton subcommittee of the House Armed Services Committee said, and these are not people who are either unknowledgeable of or immune to the sensitivity of modern warfare. Their report on the tank situation was that the M60A1, employed in the NATO area, was superior to or equal to any Russian tank under the Warsaw Pact.

So this is not saying that we are going to keep doughboys from having a helmet or a gun or a hand grenade or even a tank. We have plenty M60–A1's. The problem is that if there was a mistake in the efficacy of tank warfare, which, I agree with the Senator from Arkansas, is highly dubious, to say the least, in the year of 1969—if there is a problem about the efficacy and viability of tank warfare, it relates back to the decision made earlier in the sixties when we had an M60A1, when it was known to be a good tank and an efficient tank and, with respect to cost and production, to be a proper utilization of public moneys. We purposely slowed down on it and even discontinued the production of it in 1967 for awhile, in a fantastic effort, a frenetic effort, to try to develop a new tank. Then the M60–A1–E2—I am not trying to dazzle anybody by a recitation of numbers and statistics—was to be the dream tank of that era.

Where is that? Perhaps the Senator from Arkansas would be interested to know. There are 300 chassis of M–60A2 tanks, like the chassis of cars, stripped down somewhere on a parking lot in Detroit, Mich. It is a boo-boo, it does not work, and there it is. I have a lingering doubt and certain expectation that maybe 5 years from now, or 8 years from now, if this bill is passed as it is, there will be 800 chassis of the MBT–70. Perhaps it will not be Detroit but maybe Pittsburgh or Cleveland.

Mr. STENNIS. Mr. President, will the Senator yield on that point?

Mr. EAGLETON. I yield to the Senator from Mississippi.

Mr. STENNIS. Does the Senator know the reason for the defect in those tanks?

Mr. EAGLETON. The Shillelagh system is part of it, according to the Stratton report.

Mr. STENNIS. But overall they tried to move that vehicle too fast.

Mr. EAGLETON. The Senator is correct.

Mr. STENNIS. But now the Senator complains about this one because it is moving too slowly. I think it is one of the points in favor of the tank that they did not run the red lights; they are perfecting this thing as they go. If it is ever completed, it will be the best tank that we or anyone else ever had.

I thank the Senator for yielding.

Mr. EAGLETON. Mr. President, with all due respect, my quarrel is not that the MBT is moving slow. I want it to move even slower; in fact, I want to put the brakes on it; not wipe it out and not completely do away with what has been done so ineptly and put it away and forget about it. All I am asking is that a sober, reflective, dispassionate second look be taken now in 1969 relating to a decision made in 1963, bearing in mind the enormous headaches developed in this system and the enormous escalation of costs that ensued in that period.

All this amendment asks is that the GAO, the agency which the Senate voted yesterday to assist it, make a determination of workability of the defense systems and its analysis thereof, and that the GAO be given a chance for 6 months to look into this matter. If it is given the green light and they share the optimism of others—and they are legitimate in their optimism; I do not fault them for it—they could go ahead.

Mr. HATFIELD. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). Does the Senator yield?

Mr. EAGLETON. I yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I would like to inquire as to the preference of the Senator from Missouri as to whether he would like to discuss these points as we come to them in his fine presentation or whether he would wish to complete his presentation at this time before becoming involved in further colloquy.

Mr. EAGLETON. I have enjoyed so much this exchange I had forgotten my prepared speech.

Mr. HATFIELD. The Senator is only on page 1.

Mr. EAGLETON. I would be glad to yield to the Senator if the Senator wishes.

Mr. HATFIELD. I would rather hear the Senator finish his fine speech, which I have had a chance to read, and then ask the Senator a number of questions, all of which bear on the information the Senator has in his presentation. After the Senator has completed his presentation we could then engage in colloquy.

Mr. EAGLETON. I thank the Senator.

Mr. President, I believe that in my prepared text I was at the point where I began an analysis of the chart which is still in the rear of the Chamber, and I pointed out the escalated costs in terms of research, development, and engineering. That is when the Senator from Mississippi and I had our brief exchange as to the figures. I presume we will have a way to verify them later.

I shall now continue with my prepared text.

Nor do these figures include enormous expenditures for many of the MBT–70's subsystems.

The figures on the board thus far relate solely to the MBT–70 itself, but it has elaborate, complicated, and sophisticated subsystems, including the Shillelagh 152-millimeter gun system begun under a 1959 authorization; over $30 million to Lycoming Corp. for research and development on a turbine engine not yet close to production; and additional expenditures for the acquisition of a scavenger system needed to blow burning residue left by combustible ammunition from the weapons system.

In addition to R.D.T. & E., approximately $200 million is programed for production engineering.

Mr. President, what this all boils down to is that the unit cost of the tank is now expected to be between $520,000 and $750,000—2½ to 3½ times as much as our most advanced present tank, the M–60A–1. I believe these escalating cost figures alone justify the study we propose.

Next, Mr. President, there is the question of the tank's strategic rationale. This is generally a part of the area discussed in the exchange with the Senator from Arkansas, the chairman of the Committee on Foreign Relations.

The MBT–70 was approved on the basis of expenditure projections far below those which have occurred, and time schedules far better than those met. Once approved, the project gained momentum. It achieved a sort of self-perpetuating justification as the Army deemphasized alternative systems, thus creating a greater need and urgency for a new system than would otherwise have existed.

The Army now justifies the MBT–70 because of the quantitative superiority of tank forces in the Warsaw Pact as compared with NATO. And yet this year's House Armed Services subcommittee's report briefly referred to in the Stratton report, indicates that the M–60A–1 tank, which is recognized to be equal or superior to the Soviet tank, is not being produced in quantity. That is, our best current tank deployed, the M–60A–1 which is equal or superior to anything Warsaw Pact countries have. We are not producing it anywhere near close to its potential. In fact, at the opposite end of the spectrum, it is currently being produced at a very minimal level. The result is fewer tanks at a higher cost—about $222,000 per unit.

The report states in part:

> Since 1959 the M–60A–1 main battle tank has been the mainstay of the Army armored units in Europe and the Army currently considers this tank equal to or superior to Soviet-designed tanks.
>
> Not only did the Army fail to maintain an adequate production rate of M–60A–1's during the 1960's, but they slowed down the production line and even closed it in 1967 to produce the M–60A1–E2, which still cannot be deployed because of deficiencies.
>
> U.S. armored capability was further degraded by the sale of M–60A–1's to countries other than NATO allies—

Made reference to somewhat briefly in the exchange between the Senator from Arkansas (Mr. FULBRIGHT) and the Senator from Missouri (Mr. SYMINGTON)—

> between fiscal year 1964 and fiscal year 1969.

I should like at this point to quote another portion of the Stratton report which will put in precise words that which I summarized in my answer, I think it was, to the Senator from Arizona (Mr. GOLDWATER):

> In its rush to develop the Sheridan and the M60A1E2—

That is the one with all the unused chassis in Detroit—

> equipped with a Shillelagh guided missile, the Army ordered mass production of these weapons and their related equipment before there was adequate assurance that the designs were suitable and, in some cases, even before production of fund requests had been officially approved. The fear of loss of program funds appears to be the principal reason why the Army top management level urged this mass production against the advice of qualified users and testing agencies and personnel who had persistently attempted to portray the true facts of their sadly lagging development effort.

The Senator from Mississippi pointed this out, and I am not suggesting or criticizing past development of the Shillelagh or the M–60A1–E2 tank because it was too fast. But, yes, I do join the findings of the Stratton committee. But I am not saying now that we must go headlong, full speed ahead, and emulate by repetition that which has already been proved to be so tremendously expensive, if not a financially catastrophic blunder, which constituted the genesis of the Stratton report.

Thus, the caution I am advocating in this amendment is not to throw the whole thing out, to abandon it, to ignore it or to forget it. The caution I am recommending is for a 6-month analysis by the GAO, which the Senator from Missouri (Mr. SYMINGTON) pointed out on yesterday is the watchdog for Congress, that the GAO be given 6 months to take a look at this item which has proved to be so burdensome and difficult to cope with since 1963.

Similarly, antitank weapons, which are presumably an important part of our response to the Soviet tank threat, have apparently been given low priority. This from the Department of Defense itself. The MBT–70 is pushed, advocated, urged, and given high priority, but the antitank weapons, for reasons, frankly, I am unable to understand, are given low priority. Yet in the fiscal year 1969 Defense appropriations hearing, General Miley, Assistant Deputy Chief of Staff for Logistics, Programs and Budget, stated:

> The Secretary of the Army postponed the fiscal year 1968 procurement of TOW antitank weapon for higher priority items. The $11 million for fiscal year 1968 provided a minimum engineering service effort to insure the availability of a production capability for TOW in fiscal year 1969.

The sum of $11 million for fiscal 1968, providing for a minimum engineering service effort to insure the availability of TOW, thus testified General Miley.

There is another antitank concept, worked upon and researched, called the Dragon. According to testimony before the Defense Appropriations Committee in the 90th Congress, it was stated that there are no funds in that bill for the development of Dragon. The main part of the funds for the research and development, training and evaluation—that was $14½ million, in that instance—came over from the fiscal 1968 appropriations the year prior. Originally the appropriation was $20 million but $5.5 million was reprogramed to "higher priority items."

Mr. President, as a layman, and a nonsophisticate in the art of warfare but, hopefully, endowed with a modicum of commonsense, I find it difficult to understand how it is that a vague idea of a dream tank with highly complicated and terribly sophisticated weaponry, with ventilation systems, special superstructures, and the like, became such a high priority item; and yet the antitank weapons, those which can be mass-produced in larger quantities, with greater deployability in terms of the man in the field, or as he was referred to by the Senator from Mississippi as the "doughboy," why those weapons that could be given to the doughboy were given low priority. It just seems to me it defies commonsense. Perhaps there is a military explanation for it.

So while the Army failed to produce enough M–60A–1's, it also failed to push for antitank weapons—a curious pattern of priorities which could lead one to question the seriousness of the Soviet tank threat.

After all, what this debate thus far has been about, as the Senator from Arizona (Mr. GOLDWATER) points out, has been that we have our NATO commitments, and we have to keep those commitments. The Russians have tanks; we have to have tanks. The Russians possess a serious-threat tank; we will respond by building a bigger and better tank. If we are concerned about Russian tanks in the Russian pact, why is it that we put a low priority on these weapons systems, the TOW and the Dragon, the antitank weapons system that could be deployed in the greatest abundance for the men in the field. They would be a combatant and retaliatory response to the Soviet tank threat, if the Soviet tank threat indeed be that enormous.

In any case, it is entirely pertinent to ask whether the MBT–70, as it is now conceived, is truly a necessary and effective means of countering the tank threat in Europe—the point I think well made by the chairman of the Committee on Foreign Relations (Mr. FULBRIGHT). This brings me, perhaps, to the core of my argument—cost and effectiveness. That is what the study we propose would help both Congress and the Pentagon to determine.

If we had unlimited resources, I guess we could take a gamble on the MBT–70, even if the stakes kept going up. But, as every Senator knows—and it is driven home more and more every day as the session grinds on—we do not have unlimited resources. We have lots of things we would like to do but cannot do because our funds are limited.

We have a projected yearly price rise rate of 6.4 percent, the highest in 18 years. We know that inflation has driven prime interest rates to a high of 8½ percent. Therefore, we must exercise prudence in Government spending of public moneys, especially the least economically productive type—military spending.

Is the MBT–70 cost-effective? Mr. Charles L. Poor, Acting Assistant Secretary of the Army for Research and Development, testified before the Senate Committee on Armed Services that it is cost-effective. I will read what Mr. Poor said:

> There have been a large number of studies conducted by the Army to determine the cost effectiveness of the MBT–70, and I think I can say without hesitation that all of these studies indicate that the MBT–70 is a more cost effective solution to the large number of Warsaw Pact tanks facing us than any other tank design that we have been able to consider.

That is what Mr. Poor says on behalf of his case. Let me say this about it in response. The most recent computer study of antitank warfare came to the same conclusion. But the cost-effectiveness calculation for the MBT–70, compared with the proven M–60A–1 and other weapons, was based on an extremely low and now out-of-date estimate of the MBT–70's cost. The M–60A–1, by contrast, was priced at a high figure, apparently based on the limited production policy now being pursued. The fewer M–60A–1's produced, the higher the cost per unit, the lower the cost-effectiveness, and therefore the less effective they are. So if we translate the cost of the M–60A–1 per unit, we will have a higher cost; but it is a poor comparison in contrasting it with the MBT–70.

It is my understanding that a very small increment in the price of the MBT–70 would make it no longer cost-effective. It would become less economical to produce and use than other systems. I am awaiting a report of the exact cost figure at which the MBT–70 goes over that line.

In this cost-effectiveness business, there is a sort of magical line beyond which an item becomes, costwise, ineffective and inefficient. It is my understanding that the MBT–70 is close to that line. A small increment in its cost and it would be over. I have asked for a report on that and have not received it yet. With the increased costs, delays, and problems, perhaps it already has gone over the line.

We can surely build a better tank. I do not dispute that, with our scientific, technological, and generally creative genius, given the money in unlimited abundance, we could build a better tank. I guess, when you get right down to it, Apollo 11 proves that, under the most optimum of circumstances, without the intervention of other countries, or without trying to thwart or stop it or resist it or fool with it or foul it, the United States has adequate—indeed, abundant—creative potential to come up with almost anything scientific, except a cure for the common cold.

But the point is we do not have unlimited funds, and for what purpose are we going to build the MBT–70? For what purpose will it be utilitarian in 1974 or 1975 or 1976, whenever it is produced? We keep moving the date back. Originally it was supposed to be in production in 1969. Now it is the mid-1970's. And at what price?

The truth in answer to these questions is that the Senate does not know the purpose or the need or the price.

Mr. President, our proposal is not entirely original. The many problems and doubts regarding the MBT–70 led the Special Investigating Subcommittee of the House Armed Services Committee—that is the Stratton committee—to recommend recently:

> The MBT–70 program should be reappraised and a report of finding made to Congress prior to any further steps in committing funds to the production of these tanks.

Representative MENDEL RIVERS' office—and Representative RIVERS is chairman of the House Armed Services Committee—issued this release on July 10, 1969, in connection with the Stratton Army tank report. Here is what Representative RIVERS' office said in releasing this report:

> It is also recommended that no additional Sheridans be sent to Vietnam until after all major defects have been eliminated and that the Main Battle Tank (the MBT–70) program be reappraised before further funds are committed.

That is the summary statement issued by the office of the chairman of the House Armed Services Committee, a man intimately knowledgeable of military matters, who says the main battle tank, the MBT–70, program should be reappraised before further funds are committed.

Secretary Laird himself listed the MBT among the problems inherited in the Pentagon on January 20, 1969. Secretary Laird said:

> Many problems, large and small, have already been identified. They range from obvious ones such as those connected with the Pueblo, the TFX, and the Main Battle Tank, to less visible ones such as—

Then he went on to recite some less visible ones. Here is the Secretary of Defense, again one who came into this position not unsophisticated in terms of the operations of the Department, considered to be one of the most knowledgeable Members of Congress in Defense and Defense appropriation matters, and he said three of the biggest problems he inherited when he became Secretary of Defense were the *Pueblo*, the TFX, and the MBT.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. EAGLETON. I yield.

Mr. STENNIS. The Senator remembers, does he not, that the same Secretary he is talking about asked for $44.9 million in the last budget to continue this research and development? That is the same man the Senator is talking about.

Mr. EAGLETON. The Senator is eminently correct. The Secretary asked for more than the Senate Armed Services Committee recommended and the item was reduced by $15 million.

Mr. STENNIS. We reduced it $15 million.

Mr. EAGLETON. How do I explain it?

Mr. STENNIS. Yes.

Mr. EAGLETON. I have difficulty explaining—without using it in the sense of derogation—what I classify as the political schizophrenia that is inherent in the Secretary's making a recommendation that we expend another $45 million for R. & D., $24.5 million for production, and so forth.

In his explanation that we ought to do that—or his request that Congress do that—he says that three of the greatest headaches—problems—I do not want to misquote him—he inherited were the *Pueblo*, the TFX, and the MBT.

Mr. CASE. Mr. President, will the Senator yield?

Mr. EAGLETON. In a moment, after concluding my response to the present question.

I cannot understand it. I would like to have the opportunity but it is not mine—and I am not quarreling about that—to specifically question the Secretary as how he can justify these three incidents. The *Pueblo* certainly was not our shining hour. The TFX was considered to be the calamity of this era, the millstone around McNamara's neck; and then he includes, gratuitously or not, the main battle tank. How he then can recommend we go ahead with it, without any second look, I cannot understand. Perhaps someone can explain it to me.

I yield to the Senator from New Jersey.

Mr. CASE. Mr. President, I do not know that I have an answer, but it does seem to me there is something of a parallel between the circumstances that the Senator from Mississippi has raised with the Senator from Missouri with regard to Secretary Laird's position and the time in, I think September or October of 1967, when, after a magnificent speech pointing out how ineffective an anti-ballistic-missile system would be, and giving all the arguments against it, former Secretary McNamara came up with a recommendation for a so-called thin ABM system—a nonsequitur, it seems to me, comparable in many ways with the nonsequitur which has been posed to the Senator from Missouri here.

Perhaps the same explanations are applicable broadly to each. They may include political pressure, and perhaps pressure from perfectly well-intentioned industrial interests or professional interests within the Pentagon; but in any event, I do not think the Senator needs to be, and I am not myself, embarrassed by this inconsistency, because we have seen it before.

Mr. EAGLETON. I thank the Senator from New Jersey for that very appropriate and apt observation.

I would not speculate; it serves no purpose to speculate whether conceivably, in my judgment, there could be pressure from a contractor or political pressure. Perhaps it could be this—and this may well happen: We have many systems and weapons; the Army wants Nos. 1 through 200, the Navy wants Nos. 201 through 400, and the Air Force wants Nos. 401 through 600. They each want 200 items. So they have this give-and-take process: "Well, I will give in to you on this one, and let you go ahead with this one, but I am going to put the brakes on the Cheyenne. I will let you go ahead with the C–5A, but I have to call a halt on the MOL. Thus, by this process if you give me a little and I will give you a little, we will work out a package, and perhaps we can put on a harmonious, smiling face and a unanimous front in terms of making a considered presentation to Congress."

There is give and take, I readily admit to the Senator from New Jersey, in all of life, and it is not being critical of the military when I say that this kind of horse trading or log rolling is perhaps part of their existence. It is part of ours, as it is a part of every human being.

Mr. CASE. There is no question about it, and there is no bitterness or any attack on motives or anything else involved in the Senator's position or mine, or any Senator's position, in regard to the military. They are great people, doing an unimaginably difficult job, and we want to be helpful in terms of protecting them from their own inner stresses and excesses.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. EAGLETON. I am happy to yield to the Senator from California.

Mr. MURPHY. Unfortunately, because of an executive meeting, I have not had the chance to hear the entire presentation of the distinguished Senator, but as to the part I have heard, I might point out, as a member of the Armed Services Committee, that we did not approach our duties on that committee, or at least I did not see any evidence of it, on the basis of any political considerations whatsoever.

We were sent a list of weapons and equipment that, in the judgment of the military experts, was needed for the best balanced defense of the United States, and for the protection of its security.

There were many items that we questioned as to whether they were necessary. We went into it very carefully, and there were long discussions, for instance, as to some of the different missiles. The experts were there to point out the reasons for the difference. We would ask, "Why would not this missile do the same job that the other one would do?" We spent long hours going over such matters very carefully.

There are certain items that certainly I, for one, was not completely happy with. I was one of the earliest critics of the TFX, which the Senator mentioned. But unfortunately, through a series of circumstances over the years, we have not had too many new weapons models. We have had lots of research and development, but not very much building, and we had to take what was in existence. It was not always, in my judgment, the finest choice; it was, you might say, the only game in town. That was what there was; this was the choice, and you had to develop it further, improve it, and hopefully finally get it around to doing the operational jobs that the military felt was important.

So this is the circumstance. I have the greatest sympathy for the Secretary of Defense, in dealing with some of the conditions and some of the complexities that he found. Certainly he was knowledgeable; he had served on the committee of the House of Representatives, but he was not in charge, and when he assumed the job, along with the new administration, he had to accept what was there, just as our committee, when we sat down to go over the requests and to look at this bill, which is the authorization for military procurement, had to accept the conditions that existed, and there are many areas where there could have been criticism.

But there are always two ways to make an approach, negative or positive. We could find fault forever; but I hope my distinguished colleague—who does not seem to be extremely interested in what I am saying; I hope I am not conducting an exercise in futility here, trying to make an explanation.

Mr. EAGLETON. Oh, no.

Mr. MURPHY. As a member of the committee, having spent many hours, I feel that there was not any political consideration. I have been in and around the military, directly or indirectly, for many years; and I think sometimes unfortunately they are given the blame for things that are not their fault. I should like to make the point that I am in complete sympathy with the Secretary of Defense in the tremendous job that he inherited, with the conditions that he inherited, and I say, in the best judgment of this committee, nonpolitically, with full consideration of the absolute necessity for the protection of this country, this is the way, as far as I was able to ascertain, the committee as well as the military experts that appeared before us honestly felt. I did not see any evidence of a fellow saying, "Well, I have a factory in my State which is going to make some roller skates; therefore we ought to buy them for the Navy." I did not find any of that. I have found a lot of it suggested. I have found a lot of it suggested by innuendo, from time to time. As with so many things in these complex times in which we live, the impulse is to dissent rather than try to put together, and to put the emphasis in the wrong place.

That was my purpose in rising. I thank my distinguished colleague for his courtesy in yielding.

Mr. EAGLETON. Mr. President, I certainly thank the senior Senator from California. I hope that by nothing I said, either by spoken word or by inference or innuendo connected therewith, did I imply that there was any politics played in Senate Armed Services Committee.

The Senator from New Jersey commented on how the Secretary of Defense could on one occasion identify the main battle tank in the ignominious triumvirate of the *Pueblo*, the TFX, and the MBT–70.

Mr. MURPHY. I think the *Pueblo* is no longer relevant. I think that through the judgment of the Secretary of the Navy that was finalized.

I think there was a problem under the new Secretary of the Air Force. I hope that some of the things referred to when talking about the main battle tank have been very drastically changed and that many of these elements that constituted a problem 2 or 3 or 4 years ago are no longer a problem. There has been a passage of time and what he said on a certain day may no longer apply.

Mr. EAGLETON. I thank the Senator from California. What the Secretary of Defense may have said a few months earlier in 1969 may admittedly no longer apply, so fluctuating are the justifications for programs, whether it be the quick justification that we debated for 3 months as between the Sentinel thin shield defense of the big cities as against the mad Chinese to a couple of weeks later—that was January 20—to March 14 when the President made his speech on the thin protection of the land-based ICBM's as against an attack by the not so mad Russians.

Justifications change very quickly. I think the point the Senator makes is an important one. Justifications can change. Conditions can change. Events can change. However, the dream never does. The dream is still the 1963 dream.

It was a dream they had lurking around the Pentagon where someone had said, "We want to have a better tank. Maybe somehow, somewhere, we might want one of those good old tanks.

So, in 1963 they were dreaming. And they are still dreaming and dreaming an evermore expensive dream—$303 million now. God knows what it will be a year from now.

They are still dreaming. As the Senator from California said, times change, and what Secretary Laird meant when he said that the three greatest headaches were the *Pueblo*, the TFX, and the main battle tanks may have changed.

How would the Senator like to be in that company? As little as I think of the MBT–70, nothing I have said before or will say in these remarks would disparage it as much as the Secretary of Defense himself did by associating it with the *Pueblo* and the TFX.

The Senator from California now says that things have changed and that what the Secretary said about the *Pueblo* is no longer in effect. The bumper stickers are off the cars. The TFX is all straightened out, and the MBT–70 is all straightened out. That is a pious hope which, in my judgment, will never be realized.

I revert to my text.

In an exclusive interview with George Wilson, of the Washington Post, the Secretary expressed dismay at the amount of gadgetry which has resulted in expensive breakdowns and repairs on the MBT–70. This was an interview with Mr. Wilson. It was later than the one previously quoted. I am sorry that the Senator from California had to leave the Chamber.

He may think that the MBT–70 is hunky-dory today. However, he did not think it was good when he put it with the *Pueblo* and the TFX, and when he was talking with Mr. Wilson of the Washington Post. He wondered if we need all these extravagant MBT–70 devices when the Russians get along well with simpler equipment.

That is not the Senator from Missouri talking or the Senator from Oregon or anyone else who is advocating the pending amendment. This is an interview with the Secretary of Defense who, as has been pointed out by the Senator from Mississippi, recommends going ahead with the MBT–70 despite the fact that he associates it with the *Pueblo* and the TFX.

In July 1969, issue of Government Executive, General Betts, the man in charge of this from a programing point of view, stated:

> The most important problem is that we have given it a great deal of capability and that means a very expensive vehicle. The problem is whether we have put more in this vehicle than we require. The toughest question is whether we really need everything that's in this tank.

This is not the proponent of the amendment talking, but the general in charge of the program. He wondered, as I wonder, whether we need everything that is in it. Is it programed properly? Do we need it at all? I ask.

General Betts went on to say:

> While we continue to test it, we will also continue to analyze whether to give up some of the things that are in it. It doesn't have to have a combination of several weapons systems as it does now. It doesn't have to have all of the integrated computer-controlled fire control that it does now.

Of course, we cannot have our cake and eat it, too, as someone once said. We cannot justify the MBT–70 by dreaming about it and saying we will have all of this sophisticated gadgetry, this dual fire system, the Shillelagh, the 152 mm., and the fire control where, if there is a nuclear explosion, the hatch can be closed and we will live in isolation, somewhat analogous to the astronauts, but not quite so roomy.

We cannot have all that gadgetry and find out it is too expensive, and then ask a rhetorical question, as the general does, and say we have to strip some of this out. We will be back to where we started with the M60A1.

We cannot propose this tank as the ultimate, as the desired objective with its great sophistication and its great complexity and then strip it of that which makes it different and makes it presumably utilitarian and then go forward with it. When you leave it, it will be little better than the existing tank except that the costs productionwise are infinitely more expensive.

The Battelle Memorial Institute is making a study for the Defense Department of MBT–70 components in an attempt to make the system more cost effective. There may well be some changes in components and design, depending on the findings and DOD's willingness to adopt them.

I want to make this clear. I am getting close to the end of my remarks and to the end of my voice.

The amendment we offer today would not in any way prejudge the fate of the MBT–70. It would strike out $30 million under research and development and $24.5 million under production-based support which would be used for manufacture of prototypes. That is my understanding of what the item basically consists. It would prohibit further authorization until after a full investigation by the auditing arm of Congress, the Government Accounting Office.

These are our auditors. As the senior Senator from Missouri pointed out, this is the one agency of Government that is sort of ours. We cannot be suspicious of them or fear them or be resistent to them. They are our creatures. They are not under the control of the President.

The Comptroller General is appointed for a term of 15 years. He is immune except for malfeasance or nonfeasance. He is immune from the pressure of the Executive. All we ask in the amendment is that our auditors, our watchdogs, be given a chance to examine this item afresh, to examine it from a point of view to which perhaps it has never been subjected since its inception in 1963.

Let me add at this point that to do this would not be turning this system over to a bunch of nonknowing, philosophical eggheads. The GAO already has worked in analyzing this system. Their efforts and their endeavors were instrumental to the Stratton subcommittee, which, as has been quoted so often, went into the basic question of tanks, more specifically, the Sheridan, the Shillelagh, and what-have-you, with passing reference to the MBT–70. But the GAO is a well-trained and experienced professional and competent group which has systems analysts who not only would do this study objectively, but also, based on the past performance they rendered to the Stratton subcommittee, are, by actual fact and by case example, equipped to do the job.

So we ask in this amendment to have four questions answered by the Comptroller General. We ask for 6 months in which to have the questions answered.

First, why research and development costs estimates have had to be revised steadily upward since 1965—again referring to the chart in the rear of the Chamber.

Second, whether the MBT–70, considering its revised estimated production costs, will be the most effective weapon to meet the contingency for which it was originally planned.

Third, whether the strategic projections made in 1963 with regard to the use of the MBT will still be valid when it finally becomes available for use. That is, will it be obsolete as the result of advanced technology and new strategy? Again, this has reference to the questions and the comments of the Senator from Arkansas (Mr. FULBRIGHT).

Fourth, whether there are more feasible and less expensive alternatives to the development of the MBT–70.

The amendment requires the Comptroller General of the United States to submit the results of his study and investigation, together with such recommendations as he deems appropriate, to Congress not more than 6 months after the date of the enactment of this act.

Mr. President, we do not ask that the MBT–70 be completely and summarily canceled. This we do not ask. In 1963, when it was conceived, the production date was geared to be 1969. We are in 1969. The production date is now estimated to be some time in the mid-seventies, 5 years or more away. We ask only that, in view of this 5-year delay in production, in view of the increase in the research and development costs, in view of the extremely high projected per unit cost, in view of the improvement in mobile, cheap, and effective antitank weapons, and in view of the changing role of the tank in modern warfare—in view of all these things, which, to me at least, are legitimate questions, but in the aggregate make an abundant case—that the Comptroller General make a complete and thorough 6-month study to see whether a course that was charted in 1963, under dreams and ideas perhaps appropriate at that time, is justifiable, either scientifically, technologically, militarily, or economically, in 1969.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. EAGLETON. I am pleased to yield to the junior Senator from California.

Mr. CRANSTON. I thank my fellow junior Senator, the Senator from Missouri, for initiating a probing examination of one aspect of the military authorization measure before the Senate. This sort of careful study is essential to the well-being of this country, to insure that we have the defense apparatus we need and that we do not spend money on a defense apparatus we may not need.

Frankly, I have not made up my mind as to this amendment and the value of this tank. Some cynical citizens think that nothing is ever determined by fact and logic in the course of a debate in the Senate. I bear witness to the fact that it is, because my vote will be determined by what I learn, in the course of the debate in the Senate, from those who support this amendment and from those who do not.

I am concerned about the inflationary aspects of the defense budget. We are being asked to support an extension of the surtax not only for the remainder of this year but also for a further period of time to deal with inflation. One way to deal with inflation is to have the tightest possible defense budget; and I am not convinced at the present time that all items, including this one, in the defense budget are necessary. I should like to ask the Senator a few questions that relate in part to this aspect.

First, are we contributing at present one-half of the cost of maintaining the NATO defenses in Europe?

Mr. EAGLETON. I wish I had at my fingertips, or based on immediate research, all the answers to the legitimate and probing questions of the Senator from California.

I do not know, in terms of dollars expended, whether we are maintaining half the cost of NATO. It would be my guess that we are, but I do not want to attest to it.

Mr. CRANSTON. At any rate, it is a very high percentage.

Mr. EAGLETON. It is a very high percentage, I think we are safe in saying.

Mr. CRANSTON. One fact I do know is that the cost of U.S. troops in Germany is running, for us, to the tune of $850 million a year. There is that much drain on the balance of payments in this period of inflation.

This leads me to question whether we should build tanks for a type of war that is unlikely ever to occur. I want to hear the case for this tank and the threat of that kind of war from the chairman of the committee when he responds to the Senator's amendment.

I wonder whether the Senator has any comment on the validity of the threat that we might find ourselves involved in a conventional or a tactical nuclear war in Europe, whether that threat is so grave that we need this sort of tank?

Mr. EAGLETON. I consider that to be, again, a very wholesome question. I am aware that the Senator from California was away from the Chamber, attending a hearing of the Committee on Labor and Public Welfare on an educational bill that is of vital importance to the Nation. While he was at the committee meeting, an exchange took place between the chairman of the Committee on Foreign Relations (Mr. Fulbright), the Senator from Arizona (Mr. Goldwater), and myself, and, in part, also the Senator from Mississippi (Mr. Stennis)—and perhaps other Senators—on this point, on this fundamental question.

I asked, at the end of my speech, Whither goest the tank? The Senator from Arkansas (Mr. Fulbright) pointed out that tanks may well be the bellweather of success in El Salvador and Honduras; they may be indispensably necessary in Haiti, where Dr. Duvalier may well need them, to stay in power. They may well be needed in other areas, too.

But, at best, I can only pose the question. It is one of the questions that I, as a freshman Senator—just as fresh as the junior Senator from California—want the General Accounting Office to answer.

I do not pretend to be endowed with all the innate wisdom and experience that are necessary to make a highly sophisticated answer to the question; but I think the question is legitimate. When one who is as experienced as the Chairman of the Committee on Foreign Relations, who has been a Member of the Senate for many years and has seen different wars come and go and different threats come and evaporate—when he, based on that experience, wonders whether the tank is a viable force of modern weaponry in Western Europe under conditions that obtain in the year 1969, at least I have to wonder, at least I have to ask the question and search for the answer. I need the assistance of the Senator from Mississippi (Mr. Stennis), I need the assistance of the senior Senator from Missouri (Mr. Symington), men who have devoted their lives to the effort of providing an adequate, proper defense.

I need the assistance of the General Accounting Office and of the Battelle Institute, which have made studies. These are questions that ought to be asked. That is all I am asking in my amendment. I can only ask the question. It is easy to ask questions. It is the easiest thing in the world to cross-question oneself. But when an item has been imbued with delay; is perhaps not of timely essence; is not a make-or-break proposition, that we have to have tomorrow, I should like to have an answer to the question.

I was against the ABM and opposed to those who said we could not wait because it was important that we have it in connection with forthcoming talks on limitations of armaments. That may be so. But no one can say that this item is of immediate essence. It has been delayed 5 years now. It was supposed to be produced in 1969, but it will not be produced until 1974 or 1975. I hope that will not be the case.

These are the questions we ask. We ask that we be given 6 months to permit our investigators, our accountants, in the General Accounting Office, an arm of Congress, to take a look at this proposal.

Give us 6 months. I ask that of the Senator from California who is not committed on this vote, and who approaches the matter, as much as any other Senator, on a factual basis without a knee-jerk reaction. Because of his experience as a comptroller, he has an analytical and precise approach. That is the nature of his thinking. He served in California, and it was part of his job to analyze the pros and cons of proposals, although, of course, not weapons systems in a State organization. He did deal with other systems and methodology, and he was able to make a dispassionate, informed, unemotional judgment based on known facts, worthy assumptions, and the like. All I am asking of the Senator from California and other Senators is that the entirety of Congress, all 100 Senators and 435 Representatives, be given the benefit of the kind of dispassionate analysis that the Senator from California would give a system. I ask the Senator from California to make the kind of judgment that he would make back in California or the kind of judgment of this system he would now like to have given by the Comptroller General, Mr. Staats, and his staff.

If we were saying in this amendment, "Knock out all the money—period," I would not support it. I could not have enough knowledge, as a lawyer from the State of Missouri, to know if this is the right thing to do. I am frank to admit I am not that knowledgeable on this subject. But I do ask that we not spend any more for a moment on this painstaking and tortoise-like tank. All I ask is 6 months. I ask that the Senator from California join with me; nothing more.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, the Senator has been very generous in yielding. I understood the Senator to say that he would not favor knocking out all the money for this item from the bill.

Mr. EAGLETON. No. I said if the bill contained lines 1, 2, 3, and 4, the money items, and did not contain the rest of the items that call for study by the GAO, I would not support the bill.

Mr. STENNIS. The amendment of the Senator does take the money, all of it out of the bill, for this tank.

Mr. EAGLETON. The Senator is correct, and for this limited purpose, for this limited period of time.

Mr. STENNIS. For 6 months. Is that correct?

Mr. EAGLETON. That would be the length of the study.

Mr. STENNIS. The Senator knows he would be taking the money out until there is another authorization bill and appropriation bill, which is ordinarily 1 year.

Mr. EAGLETON. The Senator is correct.

Mr. STENNIS. That is correct.

Mr. EAGLETON. But there are exceptions, I understand, to the appropriation process, whereby a supplemental appropriation could come in.

Mr. STENNIS. That is not ordinarily done, and there could not be money transferred for this purpose, because when the appropriation is cut out, the artery is cut that gives it life.

Does the Senator know that this operation would close down and stop by September 30, and that the people who are there would no longer be employed, certainly not in that project? To start it up is not like lighting a fire. You would have to get men who are qualified and get them back on the job and get it fired up in that way.

I am told by people who have experience that taking this money out, as provided in the Senator's amendment, would cost about 2 years' time. So, when the Senator said he would not be for it if we just took the money out, I wanted to question him on that point because it does take the money out and there is no life left in it until there is a recommendation or congressional action, signed by the President.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. EAGLETON. I shall yield, but first I wish to respond to the Senator from Missisippi because I think his point is an interesting one and goes to the heart of this matter. The amendment would strike from the bill $30 million and another $24.5 million. The Senator is correct that during that period there would be a discontinuation of expenditures on these projects.

The Senator is correct when he states—I take his word for it, and it makes commonsense to me—that by September 30 the money would run out from previous appropriations and many persons would be reassigned and some would lose their jobs. It is quite possible.

The GAO study would take 6 months, if it were the kind of green light the Senator from Mississippi would want to see. I know he has some lingering misgivings about this program, and he so stated. I think on the day he made his initial presentation on this measure, the manager of the bill said, "I have about lost patience with this situation." That is what he said in referring to the MBT-70. So I know he has some misgivings and would like to see a greater certainty in this situation.

Perhaps it would be less than 6 months because perhaps someone either at GAO or elsewhere with previous experience with tanks such as the Sheridan or the MBT-70 or with the Shillelagh weapon system could do it sooner. I would be glad to make it 3 months or 2 months. If they come back and give the green light, I would then join with the Senator form Mississippi and say I would support a new authorization and new appropriation.

I am not a perfectionist, nor do I belong to that group which is experienced in the craftsmanship of legislation. Perhaps it might be wise to leave some money in, putting the brakes on it, until the GAO study comes in and perhaps gives it a green light and opens it up to let the money flow. I am not that good at drafting legislation. Maybe there is a way to draft it based on the experience of others.

I guess it was curious happenstance that this amendment came on the heels of the amendment agreed to yesterday, which had been introduced by the Senator from Pennsylvania (Mr. SCHWEIKER).

Mr. CRANSTON. Mr. President, will the Senator from Missouri yield?

Mr. EAGLETON. I have a great train of thought going and I do not want to get off it for the moment.

It was perhaps a curious happenstance that the sequence of events occurred that way, but to me this could be a magnificent sort of test case as to whether the amendment adopted yesterday was prudent. I know that the Senator from Mississippi had serious misgivings about it. My senior colleague, for whom I have the highest personal respect and who perhaps knows more about military matters than any man I have been privileged to know, also had serious misgivings about the Schweiker amendment. To me, this could be an important and impressive test case as to whether what was done yesterday by the Senate in agreeing to the Schweiker amendment calling upon the GAO to give Congress assistance, analysis, and recommendations, will work.

Perhaps the Senate made a mistake yesterday. I was paired in support of the Schweiker amendment because it made sense to me, although to Senators like Mr. STENNIS and Mr. SYMINGTON, and others—the amendment was adopted by a margin of only one vote—it did not make sense.

Let us test it out. Here is the best way I know to test it out. This is a case in point. This is a nonvital case in point. Time is not of the essence. Time is with us. This is one weapons system where 3 months, if the GAO can do it that quickly, or up to 6 months, it will not make us, break us, or defeat us.

I am now happy to yield to the Senator from California.

Mr. CRANSTON. I thank the Senator from Missouri for yielding to me. He referred to the amendment adopted yesterday relating to the GAO and I wanted to ask one or two questions in relation to it. Part of my concern about that amendment was its relationship to the need for the GAO to be independent and objective in evaluating the programs. I was convinced that the GAO might become too deeply involved in these programs and I wondered how objective its reports would be, and whether we would be able to rely upon them for the advice and counsel and the expertise that we want in relation to costs.

This leads me to wonder about another aspect of the Senator's amendment. He spoke in a very kindly way about my own background as a State comptroller. My background as a State comptroller, and that of most State comptrollers, I am sure, deals with costs, with analyses of those costs, but not necessarily with the value of specific programs. Such judgments are left at least in California and elsewhere, I am sure, usually, to executive experts in those fields, where there is a legislative body, to the experts among the general membership in that legislative body. In relationship to the four things the Senator asks the GAO to do in his amendment, and specifically to item 1, "Why research and development cost estimates have had to be revised steadily upward since 1965." Am I correct in assuming that this relates specifically to the cost estimates relating to tanks?

Mr. EAGLETON. Relating not just to tanks, let me say to the Senator from California, but specifically, I mean, to the MBT-70—that particular and specific program.

Mr. CRANSTON. This tank?

Mr. EAGLETON. Yes.

Mr. CRANSTON. It seems to me that is obviously an appropriate task for the GAO to perform. I want to ask why, in the second, third, and fourth items, which the Senator wants the GAO to perform in his proposed amendment, why the GAO would be particularly qualified to report to us on the effectiveness of any particular weapon and on relating this to strategic projections and new strategies and to alternatives not in terms of cost but in terms of performance of the MBT-70?

Mr. EAGLETON. Again, to me, that is a very profound question. Perhaps it could only emanate from one who has had the experience of the Senator from California serving as a State comptroller. I think in his definition of duties and responsibilities in California he of course relates the facts as they apply to his office, and I dare say the vast majority of State comptrollers would as well. But I think he too narrowly assume or identifies his prior experience and the nature of the duties of his office precisely with that of the Comptroller General of the United States. He circumscribes the capability and performance potential of the Comptroller General.

The office of the Comptroller General, as I would understand it, is not one made up of personnel who are adroit only at figures and can balance a ledger, can tally a sheet with assets and liabilities and see whether something is in the black or in the red. That takes talent. That is not the limit of their talents, however. The best proof I can give to the Senator from California as to the capability of the GAO to work in this area, and specifically to work on tanks, and even more specifically to work on the MBT-70, is that they have already been doing that work. They did it for the Stratton Committee. They were a major portion of the investigative arm that supplied the Stratton Committee with its most persuasive and compelling findings of the $1 billion in waste in connection with the operation and deployment of the Sheridan and Shillelagh systems. Proof of the pudding is that they have done it. If it is unwise for them to do it—yet this they did, and it was not done yesterday, it was passed on with authorization of the Senate, they have done this before—it would be the subject of new remedial legislation to circumscribe and prohibit the Comptroller General of the United States. I for one, would not support that. I think the Comptroller General can render to us and should render unto us that which the Bureau of the Budget renders unto the President of the United States and the executive branch.

Mr. Mayo is not just a bookkeeper. He is not there just with pencil and paper with lines on it and columns, adding up figures. He and his analysts go to the Pentagon—not enough, in my opinion, and in the opinion of the Senator from Ohio—to try to examine the efficacy and the legitimacy needed for weapons systems. They do that. The Budget Bureau does that for the executive. The Comptroller General has been doing that for the legislative branch—to wit, the Stratton report; and, in my judgment, should continue to do it. I know they are equipped to do it on the MBT-70 because they have already done part of the work on it.

Mr. CRANSTON. Did the Senator consult with or get the views of the GAO in regard to its ability to perform these particular functions?

Mr. EAGLETON. I will turn that question over to the Senator from Wisconsin to answer. That is in his specific area of expertise.

Mr. PROXMIRE. The Senator from California has asked the Senator from Missouri whether the GAO indicated its position on whether it could make this investigation?

Mr. CRANSTON. Yes, whether these particular duties, particularly 2, 3, and 4, in the amendment, are duties which the GAO is equipped to perform and is prepared to perform.

Mr. PROXMIRE. I will certainly find out the answer to that. I have staff or the Joint Economic Committee looking into that. They have not told me specifically whether the GAO feels it is qualified to do this, but I would be surprised, if they were not able to provide data on which Congress could decide. I think the record of the GAO indicates that they can do this kind of thing and that they have done this before.

Mr. CRANSTON. I thank the Senator from Wisconsin. I have two more questions I should like to ask the Senator from Missouri. Was one of the reasons for trying to alleviate the friction between the United States and Germany the balance of payments problem we face, due to our troops being in Germany and the desire to develop a cooperative project relating to NATO that could possibly contribute toward alleviation of those frictions?

Mr. EAGLETON. That would be rather speculative on my part. I do not know that the origin of the agreement back in 1963—the $80 million, 50-50 agreement—has ever been pinned down precisely. I did ask, in an unclassified hearing, about this matter. I do not want to put words in the mouth of any particular officer. There were three or four officers present, a general, a colonel, a major, and a civilian. One of the men in uniform put it this way: Back in 1963, the Federal Republic of Germany had shown technological expertise. They are talented people. It was a two-heads-are-better-than-one approach. This was a novel idea. As one man put it—and I have nothing better to say on in—let Germany, with its scientists and contractors and its people, go full steam ahead on the engine work, especially, and otherwise, and let our people go full steam ahead. Two heads are better than one and perhaps we will come up with something better than if we did it all by ourselves or Germany did it all by herself. That is what I recall being said to me in that unclassified portion of the briefing.

Mr. CRANSTON. If this tank is something that some experts believe is needed to defend Western Europe, would it not be the better course for the Europeans to build it and pay for it?

Mr. EAGLETON. Earlier this day the Senator from Louisiana, chairman of the Senate Finance Committee (Mr. Long), and I had a brief exchange on the agreement with respect to the Federal Republic of Germany, and he was at least on the border of answering the question asked by the Senator from California.

If it can be shown that it is an effective tank, the details of who will build it and the question of the importance of our balance of payments, have to be decided by other people. But we have to get over the hurdle of whether it is needed.

I know I for one, and I know the Senator from Louisiana, would be tremendously happy if West Germany or Belgium, or any of our other NATO allies would show greater interest in developing and beefing up and expanding their weaponry, whether it be land, sea, or air, and could take a greater burden of their own defense and thereby relieve us of the expenditures and the balance of payment problems that are caused by the maintaining of over 200,000 of our troops in Western Europe. I for one would applaud that. I would love to see it. I would like to see our troops brought home, and to let our allies take care of themselves. We would continue to pledge our aid to the NATO countries. When, as, and if needed, we would send help, under our NATO obligations.

Mr. CRANSTON. I thank the Senator from Missouri for his detailed and helpful and careful work on this matter.

Mr. PROXMIRE. Mr. President, will the Senator yield on the point the Senator from California has raised with the Senator from Missouri?

Mr. EAGLETON. I yield.

Mr. PROXMIRE. I first want to say that we recognize that the General Accounting Office has over 2,000 professional auditors and accountants and staff people who have devoted their lives to inquiring into Government agency practices. Second, 42 percent of them, according to Mr. Staats, have been working on defense analysis.

So these are the experts, these are the qualified professionals, in the best position to give us the kinds of answers the Senator from Missouri's amendment calls for.

As far as conclusions are concerned, however, we have to make them, and we should. I do not think it would be proper, I do not think the GAO would presume, to tell us whether the MBT-70 is the most effective weapon to meet the contingency for which it was planned. That is not their job. Again and again they have been reluctant to do that. But they will give us facts and information and cost effectiveness, and we make up our own minds, as the Senator knows.

In all these questions there may be value judgments or strategic judgments of this kind. They cannot make up our minds for us, any more than the military men can make up our minds for us. The military men can give their recommendations in this area, but nobody pretends that they should make the final decision.

The distinguished Senator from California is a former comptroller of the State of California. He knows all an auditor or accountant can do is give us the facts and the data and the information; but that is not available now, and the Senator's amendment would make it so.

Mr. CRANSTON. I thank the Senator.

Mr. EAGLETON. Before yielding to other Senators, I wish to make this point to the Senator from California. I shall be brief. I know he must leave. I have some data, dated July 9, from the Comptroller General of the United States, addressed to "Dear Senator Eagleton." It is a report prepared by the U.S. General Accounting Office, the statement of Harold H. Rubin, Associate Director, Defense Division, and so forth. And there is a brief report that that agency has already made what is admittedly a sketchy report on the MBT–70, the main battle tank.

I ask unanimous consent to have printed in the Record the last 2 pages, labeled B–1, and B–2 from the report of the Comptroller General of the United States.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Main Battle Tank (MBT–70)

The Main Battle Tank (MBT–70), currently being developed under a Cooperative Tank Development Program between the United States and the Federal Republic of Germany, is designed to utilize the Shillelagh missile and the 152mm combustible cartridge case ammunition. Development of the MBT–70 was initiated under this program by an Executive Agreement signed between the governments on August 1, 1963. This agreement provides that the total costs of the program will be shared equally. In view of the development status of the MBT–70, and the considerable degree of slippage it has experienced, we considered it prudent to concentrate our efforts on the Sheridan and the M60A1E2 tank, deployment of which was more imminent.

RESPONSIBILITIES

The Office of the U.S. Program Manager and Project Manager, US/FRG Main Battle Tank, was established by Army Material Command General Order No. 52, effective August 15, 1963. As Project Manager, he reports to the Commanding General, AMC. As U.S. Program Manager, he is the U.S. member of the international US/FRG Main Battle Tank Program Management Board, and as such, reports to the Chief of Staff, United States Army, and is governed by policy and program guidance issued by Headquarters, Department of the Army.

MBT–70 OBJECTIVES

The MBT–70, which is intended to replace the M60 and the M48 as the standard main battle tank, will be employed against armored formations and all other types of land warfare targets including infantry elements of a modern army. It is intended to provide a night firing capability with improved reliability and durability, reduced maintenance requirements, improved weapons, and a significant increase in ballistic protection.

MBT–70 COMMONALITY

The MBT–70 is designed to be armed with the Shillelagh missile and the 152mm combustible cartridge case ammunition common to the Sheridan and M60A1E2 tank, and is intended to use an automatic loading device which is the key to a three-man crew concept. However, the automatic loader is dependent upon the acceptability of the ammunition combustible cartridge case which will be discussed in detail subsequently.

CONCLUSION

Unless deficiencies in the combustible cartridge case ammunition are corrected, it is reasonable to assume that the MBT–70 will experience difficulties similar to those of the Sheridan and M60A1E2 tank.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. STENNIS. I appreciate the Senator's yielding to me. I want to make a very brief statement on this subject. I think the Senator is making a fine presentation. My remarks are not directed at him at all.

Mr. President, the question arises here about keeping the bill moving. I am a great believer in the proponent of a bill or of an amendment having a full chance to present his case. I want to go on record every day as being among those who want this bill to move along. I know tremendous amounts are contained in it. The bill involves our men in Vietnam and our future military program. It is highly important that this bill move beyond the Senate as soon as possible. The House will have to pass a bill. It will have to go to conference. All those matters take time. It has to come back here before the Appropriations Committee can move on it.

So I am ready to agree to a time limitation on this matter. Let us let other Senators who want to speak come in and say what they want to say and, if possible, get a vote on the amendment this afternoon. I hear a rumor going around that there is not going to be a vote this afternoon. This is an important matter, but, still, it is just one matter in the bill, and if we cannot get to a vote on it in a day, I think it is just tragic. I imagine the Senator would be willing to agree to something along that line.

Just one other thing. I appreciate the Senator's yielding to me. He yielded largely for questions. We just cannot go on and on letting any Senator who wants to walk in and make a speech on the matter by getting the Senator who has the floor to yield to him. The rules of the Senate provide that the Senator can yield only for a question. This is not directed to the Senator from Missouri. So, to make the bill move, the day may come when I shall have to object to yielding except for real emergencies or for questions.

I thank the Senator for yielding to me. When he has finished, I will propose an agreement.

Mr. EAGLETON. In response to the distinguished Senator from Mississippi, may I say I am not prepared at this time—and I am not trying to foot-drag—to agree to any time limit. In addition to myself, there are cosponsors, the Senator from Oregon (Mr. HATFIELD), and five other cosponsors, who are mentioned on the amendment, including Senator McGOVERN, Senator Moss, and Senator YARBOROUGH. I do not want to unilaterally, on my own, foreclose them from the fullness of any participation they would like.

Mr. STENNIS. The Senator should not, and I would not quickly agree, either. I shall have to consult with other Senators.

Mr. YOUNG of Ohio. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield to the Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, first, I desire to congratulate the distinguished junior Senator from Missouri on his excellent speech in support of the amendment he has offered, cosponsored by other Senators.

In answer to the question from the distinguished junior Senator from California, the Senator from Missouri adverted to the NATO Alliance and to our troops in Western Europe. Is it not a fact that of all the NATO powers, the United States is the only one which has entirely fulfilled its NATO commitments?

Mr. EAGELTON. I thank the Senator from Ohio. He has never been accused of being prone to understatements, but I must say with all deference that that is an understatement. We have not only fulfilled all our commitments, we have overfulfilled them. NATO is U.S.A.-NATO.

Mr. YOUNG of Ohio. That is correct. Now, regarding the MBT–70, that is supposedly a joint United States-West German project for a heavy tank, designed to operate sometime in the 1970's, in the event of a tactical nuclear war in Europe.

Supposedly, there is built-in protection for the crew against the contaminants of nuclear war. However, testimony has revealed that beyond limited protection against the hazards of nuclear radiation, the design is certainly not acceptable for operations in any nuclear war. We are in agreement on that, I am sure.

Mr. EAGLETON. I concur fully with the Senator from Ohio.

Mr. YOUNG of Ohio. The Armed Services Committee, as I recall, wisely recommended a reduction of $14.9 million on that item, and I voted for that reduction in the committee, as I am certain did the distinguished senior Senator from Missouri, the colleague of the Senator who now has the floor.

Mr. EAGLETON. May I respond to the Senator's statement at that point?

Mr. YOUNG of Ohio. Yes.

Mr. EAGLETON. The Committee on Armed Services cut out that $14.9 million with this comment, as the Senator will recall, referring to the MBT–70. It said:

> This program has been experiencing difficulty for some years, and the committee now believes that a reorientation of the program is in order.

Mr. YOUNG of Ohio. Yes.

Mr. EAGLETON. What I am trying to do is to help with that reorientation, to get our expert advisers in the GAO to help us with that reorientation.

Mr. YOUNG of Ohio. I am certain that the senior Senator from Missouri, the Senator's colleague, who is one of the senior members of the Committee on Armed Services and one of the most highly respected and most knowledgeable members of that committee, concurred in that reduction, and I know the junior Senator from Missouri is voicing the views of his distinguished senior colleague on that subject.

We did not feel, in the committee, that the results of early research and development justified the Pentagon's budget request. Nevertheless, more than $54 million remains in the bill we are now considering for research and development, and for production base support, for this Main battle tank.

The fact is that the engine, the transmission, the suspension, and auxiliary equipment are being manufactured by West German companies. That is a fact, is it not?

Mr. EAGLETON. Significant numbers of the components, especially with respect to the engine, and I presume other components as well.

Mr. YOUNG of Ohio. This is almost a quarter of a century following the end of World War II, and still at this time, 300,000 men of our Army, Navy, Air Force, and Marines are stationed in Europe, and along with them are 255,000 dependents. Of course, as the Senator knows, those officers there, at least field grade officers and general officers, never had it as good as they have it now, with their dependents, their servants, their automobiles, and their travel throughout Europe. That is all a great expense to our taxpayers, and we are trying to curtail it.

Since April 1963, I have spoken out here in this Chamber urging withdrawal of most of our troops from Western Europe. If there is any real danger of aggression from the Soviet Union in Western Europe, it would be far better for our taxpayers if we would have our young draftees, say on a 13-month tour of duty, in Western Europe, instead of all those divisions made up mostly of professional soldiers stationed in Europe, living like squaw men with their families. Would it not be far better if those divisions were brought home, or sent on to the Pacific? If we have to be involved in a civil war in Vietnam, why should they not be sent there instead of draftees with only 4 months of training?

I am sure the Senator agrees with me that the threat of military aggression by the Communists against Western Europe is not as it was in the time of Stalin, and has in fact all but vanished. The present rulers of the Soviet Union are no longer rattling their missiles toward West Germany. The Soviet Union is no longer a have-not nation; its leaders now appear principally dedicated to the objective of raising the standard of living of their own people.

It is the nuclear umbrella of the United States that provides the real protection for Western Europe and West Germany, and not our ground troops there, certainly. Does not the Senator agree with me that it is not the large number of our ground troops in Western Europe, or the MBT–70s, that are protecting Western Europe?

Mr. EAGLETON. I think that is correct.

Mr. YOUNG of Ohio. Of course, we have the capability of airlifting, as the Senator knows, a combat-ready division from the United States and having them in the field in Western Europe within 24 to 48 hours ready for action. We know that.

Mr. EAGLETON. Absolutely; and that would save vast amounts of money; and, as the Senator well knows, many learned observers on the military scene, both professional and civilian, seriously question our massive military presence in Western Europe—by massive I mean in terms of the enormity of the number of troops with, as the Senator says, their dependents, et cetera, and the great financial drain. They question, first, whether militarily it is needed; and economically, we know the drain it imposes upon us, not only taxwise but balance-of-payments wise.

Mr. YOUNG of Ohio. And does not the Senator from Missouri agree with me that having them there is nothing more than foreign aid to West Germany in disguise?

Mr. EAGLETON. It is foreign aid through the back door.

Mr. YOUNG of Ohio. Yes. And the West German Government and the West German people do not need that foreign aid from us, because they are prosperous now as never before; is not that a fact also?

Mr. EAGLETON. One of the most prosperous nations on earth, with the most solvent economy and the strongest monetary system.

Mr. YOUNG of Ohio. Is not the continued production in West Germany of the MBT–70 simply another form of foreign aid in disguise from the taxpayers of America?

Mr. EAGLETON. I perhaps would not adopt the full phraseology of the Senator; but it is certainly an economic shot in the arm to West Germany that they can do some work on this tank. The Daimler-Benz people and the others are certainly not going to be losing any money on it, and it is certainly highly questionable whether this country will get anything out of it that will be useful or needed.

Mr. YOUNG of Ohio. And it is only maintaining and building up their military-industrial complex?

Mr. EAGLETON. It is certainly helping their industrial complex.

Mr. YOUNG of Ohio. Should we not delay the further development of the main battle tank until the Comptroller General of the United States has an opportunity to report to Congress on the practicability and cost effectiveness of this mighty complex system?

Mr. EAGLETON. I could not have put it better myself. Those are words from Heaven.

Mr. YOUNG of Ohio. Well, I sort of stuttered on that "cost effectiveness" and "practicability"; but we are in agreement, are we not?

Mr. EAGLETON. Completely, on that point.

Mr. YOUNG of Ohio. Mr. President, I have a final question to ask of the distinguished Senator from Missouri. I ask whether the Senator agrees with me that there is only the most remote possibility that there would ever be a limited nuclear war long enough in duration, or any nuclear war long enough in duration, for these main battle tanks to be of any use whatever?

Mr. EAGLETON. It is highly questionable. If there were a limited nuclear war, I think the tanks would be among the first to go, and then next would be the aircraft carriers. I do not know how limited "limited" is in a nuclear war. I think it would be a matter of a few seconds, minutes, or hours. It would be a terribly short period of time with a limited nuclear exchange, if the Senator is talking about an exchange between the United States and the Soviet Union. The very essence of the situation escalates and is something horrendously gigantic.

Mr. YOUNG of Ohio. It would be a matter of moments.

Mr. EAGLETON. The Senator is correct.

Mr. YOUNG of Ohio. Mr. President, I again compliment the distinguished Senator from Missouri.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. EAGLETON. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Arizona for a few moments without losing my right to the floor.

Mr. COTTON. Mr. President, reserving the right to object, and I certainly shall not object, the custom of having someone hold the floor and farm it out for speeches when other Senators are waiting to get the floor has gone about far enough. I am certainly not going to object at this time.

I want to serve notice that I shall be objecting and very sharply to any of these arrangements, and I shall call for the regular order. However, I would like to say while I am on my feet that some of us expected we were going to work last night and today. It was even intimated that we would work Saturday.

The people back home are not going to view with very much enthusiasm the Senate's recessing for 3 weeks in the middle of this crucial defense bill.

We were going to work. Nothing happened. Nothing will happen today. Quite obviously, we are not going to work Saturday. Everyone knows that on Wednesday half of the Senators will be going to Los Angeles to welcome the astronauts. When is the Senate going to work?

Mr. President, I do not object.

Mr. EAGLETON. Mr. President, I yield 5 minutes to the distinguished Senator from Arizona without losing my right to the floor.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). The Senator from Arizona is recognized.

Mr. GOLDWATER. Mr. President, yesterday evening figures were inserted in the RECORD by the distinguished Senator from Tennessee (Mr. GORE) and the distinguished Senator from Arkansas (Mr. FULBRIGHT) which I questioned and for which I promised I would have an answer today. I am sorry that neither gentleman is here. It is difficult to know when one can get the floor. So, one cannot make dates.

Mr. President, efforts are being made in some quarters to convince the American people that President Nixon is not living up to his commitment to bring 25,000 American fighting men home from Vietnam by August 31.

In doing so, those involved in this attack are deliberately mixing apples and oranges.

They are comparing current figures of manpower totals in Vietnam to those of last January, even though the President did not commit himself to troop reduction until June 8 at Midway. Let me read just what the President said on Midway regarding the withdrawal of American troops:

> As a consequence of the recommendation by the President—

President Thieu, that is—

> and the assessment of our own Commander in the field, I have decided to order the immediate redeployment from Vietnam of a division, equivalent of approximately 25,000 men.
>
> This troop replacement will begin within the next 30 days and will be completed by the end of August.

Mr. President, my colleagues should note that the President was talking about about 25,000 men, not exactly 25,000.

I made some inquiries into that figure because I recognized it as being substantially more in number than the average American division.

So that my colleagues might have a better understanding, I point out that a figure of approximately 16,000 is generally used for an infantry division in Vietnam. However, a division force, which is a division plus supporting forces, is approximately 40,000. So, the 25,000 figure is more than a division, but less than a division force.

Mr. President, President Nixon was talking not about early August but about end of August. These are the facts.

But supposing the President were talking about troop figures of last January, there is still a valid explanation that applies.

The Pentagon uses two figures on troop strength in Vietnam. Actual strength and programed strength. Both are valid.

Programed strength is an absolute. It is the number of men the services can put into Vietnam. Actual strength is the number of men actually there. This varies as troops are rotated.

By the end of August the Defense Department expects to have a programed strength in Vietnam of 524,500 compared with the previous programed strength of 549,500. This is a reduction of 25,000 in programed troop strength.

Of course, actual troop numbers will fluctuate under this reduction in programed strength just as it has before. But the approximate number will be around 515,000 by the end of August, compared to an average strength during fiscal 1969 of 540,500, again this is a decline of about 25,000 just as President Nixon promised.

Mr. President, in their eagerness to make hay out of any possible mistakes, or variances or changes, too many persons who should know better, are shooting from the hip.

I suggest that they at least wait until the end of August before they begin blasting away at those who are trying so desperately to rectify the costly errors of the last 8 years.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. PEARSON. Mr. President, I voted against the anti-ballistic-missile system. I did so because of the questions of the reliability costs, and the arms race, together with the question of necessity.

The question I put to my distinguished colleague and neighbor from Missouri today is whether he is convinced—I might say that I am—of the necessity for the construction and deployment of the main battle tanks, the necessity of the system, the necessity of a tank as part of the overall symmetry of power we need, measured together with the nuclear umbrella and the conventional forces and our guerrilla trainees.

Mr. EAGLETON. I have lingering, gnawing agonies and general doubt as to the need or necessity of tanks in general.

I do not have much doubt personally as to the need for the MBT–70. I do not think we need it.

I would say to the Senator from Kansas that if tanks are needed, if there is a massive threat of being outtanked by the Warsaw Pact, we have and are producing at a painfully slow pace, at a very minimal rate, the M60A1.

As I stated earlier in the debate, according to the Stratton subcommittee of the House Armed Services Committee, it is equal to or superior to any Russian tank that is part of the Warsaw group. So I have a general doubt, and I know the Senator from Arkansas does, as others do, about tanks in general. However, quite frankly I have not had the experience the Senator from Kansas has had in military matters. But I have very little doubt about the MBT–70. It is an Edsel.

Mr. PEARSON. I should like to respond to the Senator in this manner. I am not sure that I have any competency to make a judgment or a statement as to the necessity of this particular tank, but I have a conviction as to the necessity of tanks themselves.

This is a fairly sad and sorry story in relation to this particular tank system. The Senator seeks to correct it and seeks to attack it. We have a multiplicity of illustrations we can bring out from the Senator's mention of today in his very excellent presentation.

I doubt the wisdom, I might say to the Senator, of picking out system by system by system and seeking to correct it. I think perhaps the approach of the distinguished Senator from Pennsylvania yesterday was a better way to get at this problem.

Mr. EAGLETON. I agree somewhat with what the Senator says. By my amendment and that of the Senator from Oregon (Mr. HATFIELD) we are not trying to superimpose our judgment, our expertise, because I think both of us would candidly say that we are not as scientifically or militarily trained on that as are the Pentagon or Members of the Senate who have made their life the study of these matters, such as the distinguished Senator from Mississippi.

The very thing we are asking for in this amendment is what the Senator pointed out. We are asking for the first test case of the Schweiker amendment. What better way can we prove whether what was done here yesterday, by a narrow vote, over the strong objection of some very able people—including my own senior colleague, Senator SYMINGTON—was a wise move, than by saying to the GAO, "We give you 6 months." I am willing to cut that, if I can find out from the GAO that they can do it quicker—2 or 3 months. "Take a look at this thing, as you already have done in part for the Stratton committee, when you looked at the Sheridan and the Shillelagh, and you gave a look on the side at the MBT–70. Take a look at this thing and report back to us."

I think it was happy coincidence that the Eagleton-Hatfield amendment came in the wake of the Schweiker amendment, because this gives us a wonderful opportunity to test out the wisdom of that which was done yesterday.

We may find in a 2- or 3-month period, based on what the GAO does—if they do it sloppily or ineptly—that what was done here yesterday was a mistake—a mistake that is rectifiable either on the House side or in conference. Forty-six Senators yesterday thought it was a mistake; 47 did not. Perhaps the 46 were right. We have a perfect way to find out—a laboratory case. I keep hearkening back, because I think it is vital, to this one weapons system whose history proves that time is not of the essence. It is 5 years overdue now, and another 2 or 3 months, unlike the arguments advanced in the ABM debate, are not vital or potentially catastrophic.

Mr. PEARSON. I thank the Senator.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. PROXMIRE. I have some questions for the Senator, but first I should like to commend him on a remarkably fine speech. I especially commend him on his responses to the questions that have been asked him. He has been asked questions that have tested him from every angle, and I think his responses have been most convincing.

I think the Senate and the country are fortunate that in the last 2 days we have had a vision of the future. Yesterday, the distinguished, young, new Senator from Pennsylvania did a marvelous job on his amendment, under difficult circumstances, with strong opposition, as we all know. Today, we have a followup by another new, young Senator. In the first case it was a Republican Senator and in this case a new, young, Democratic Senator who is also indicating his remarkable ability. The common thread here, of course, is that they are both aiming at the same thing, and that is to make the military accountable, to make it possible for us, as Senators, to know when we vote on the military budget what we are voting on.

I ask the distinguished Senator from Missouri if it is true that costs since 1963 on this tank have risen over 500 percent.

Mr. EAGLETON. According to the figures we have, that is the case—500-plus percent.

I must say that prior to the Senator from Wisconsin coming into the Chamber, the chairman of the Committee on Armed Services, the Senator from Mississippi, had figures supplied to him by the Defense Department that might be different. We are trying to verify it. My figures came from the Defense Department through a colonel whose name I supplied. We are trying to reconcile it. According to the figures in the chart, the Senator is correct.

Mr. PROXMIRE. The chart shows the increase in cost, which began at $40 million, a total of $80 million—$40 million for the United States and $40 million for Germany. Now they have gone to about $230 million for the United States.

Mr. EAGLETON. It is $227 million for the United States and $80 million for Germany, or thereabouts.

Mr. PROXMIRE. Is it true that the purposes for which this tank was originally designed, originally conceived, have changed

Mr. EAGLETON. They have changed immeasurably.

The chairman of the Committee on Armed Services, the Senator from Mississippi, pointed out that the purpose of the tank was unidentifiable almost at the beginning. It was an idea in 1963. I call it a dream. He calls it sort of an idea, a vague idea that was kicking around the Pentagon. So I do not know that in 1963 it had any purpose except to build a dream tank.

Mr. PROXMIRE. When the Senator says "a dream," does he mean the idea was to build a faster, stronger tank, with a lower silhouette, a tank that would be technologically superior to the tanks now but with no new strategic mission?

Mr. EAGLETON. If the Senator will bear with me, I should like to get a precise quotation from my speech. Either General Betts or General Burba, or somebody who had something to do with this tank in its growing stage and inception stage, said—I have it here. It was General Betts, the Army Director of Research and Development. He said:

> For the first estimate we did not have a design. We did not have any really detailed idea of what would go into the tanks so the early estimates were very summary in nature.

That is what he said, and I take him at his word.

Let me add to that, on the same line and consistent therewith, Maj. Gen. Edward J. Burba, who was formerly the head of the MBT–70, said in 1967 in the Armed Forces Management magazine:

> For the first time in the history of modern tank design, the designers of the MBT were given carte blanche to optimize basic design configurations into which they put the best scientific engineering know-how.

They were given carte blanche to "go out boys and build us something, something dreamy." That is about the way I understand it.

Mr. PROXMIRE. What has been the expressed need for this tank? What has been the expressed purpose for it? What is it supposed to do?

Mr. EAGLETON. It is supposed to offset the growing tank threat of the Soviet Union and the Warsaw powers in Western Europe. That is the alleged purpose of it.

Mr. PROXMIRE. It is to be used in what kind of warfare?

Mr. EAGLETON. In a limited warfare.

Mr. PROXMIRE. Nonnuclear?

Mr. EAGLETON. Nonnuclear warfare. It presumably can be used in nuclear warfare. It might lend itself to that type of warfare. It is much faster, much more maneuverable. That is, if it would work, it would be all these things. But, basically, it would be used in a limited warfare; and if we got into a limited nuclear war—which is a concept with which I have always had difficulty. I do not feel that it would remain limited very long—I am talking about a matter of hours.

Mr. PROXMIRE. What evidence does the Senator have that tanks may becoming less useful and perhaps obsolete because they can be hit? What is the cost difference between an offense and defense on tanks? In other words, what would be the cost to develop weapons that could knock out tanks?

Mr. EAGLETON. The cost effectiveness of this particular MBT–70 is priced between $520,000 and $750,000 per tank. That is not the cost for the entire group of them, but for one tank. The range depends on how many are produced. If more are produced, of course, the cost goes down.

The cost effectiveness of this particular item, I understand, is very close to the breaking point, and perhaps going over that point, where it will not be cost effective because of the development of other weaponry, including antitank weapons.

Here is a quotation from General Miley, talking about the Tow, which is an antitank weapon:

> This is our new Tow antitank weapon. You can see the wires that guide it coming out the tubes and they will kill any known tank in the enemy inventory.

Mr. PROXMIRE. Does the Senator have the cost of that weapon?

Mr. EAGLETON. I do not have it, and I believe it has not been publicly disclosed. I shall try to get the information.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. GOLDWATER. It runs in the nature of $7,000 to $9,000.

Mr. EAGLETON. The Tow. The Senator from Arizona has said that the cost is $7,000 to $9,000 per weapon. I thank the Senator.

Mr. PROXMIRE. The Senator from Arizona is very helpful.

This means that a $7,000 to $9,000 weapon could knock out this one-half million dollar tank. Is that correct?

Mr. EAGLETON. That is my understanding.

Mr. PROXMIRE. I would like to ask the Senator another question.

Mr. EAGLETON. I wish to add there is another weapon called the Dragon. It is designed to fill the Army need for a certain type weapon. It is launched from a tube without recoil. This is a system which can be operated by one foot soldier. That system is not operable.

Mr. PROXMIRE. Is it not true there has been an investigation of this tank by a special investigating subcommittee of the House of Representatives; that the study recommended the MBT–70 program should be reappraised and a report finding made to Congress prior to any future steps being taken? Was not this recommendation made by the subcommittee of the Committee on Armed Services in the other body? Is this not what the amendment of the Senator would accomplish?

Mr. EAGLETON. Absolutely. And that is precisely a quotation from the report. I quoted earlier from the statement of Representative Mendel Rivers, of the House Armed Services Committee, in which he pointed out it was his recommendation that we stop on this thing now and take a long hard look at it. This comes from a man who obviously has enormous experience in weaponry.

Mr. PROXMIRE. A man who certainly has not been soft on providing adequate armed forces.

Mr. EAGLETON. Precisely.

Mr. PROXMIRE. Is it not true that Secretary of Defense Laird has raised some very serious questions about this particular tank and has classified it along with the *Pueblo* and the TFX as an area in which we may have dismally failed?

Mr. EAGLETON. The Secretary, to my knowledge, on two occasions publicly, and maybe on other occasions, has so classified the MBT–70. In one case he compared it with the *Pueblo* and the TFX as being an inherent millstone.

Later on, in an interview with the Washington Post, he expressed the opinion that delay in gadgetry would result in delay of the MBT–70. He wondered if we need all the MBT–70 devices when the Russians get along with simpler weapons.

I shall quote at this time from Representative Rivers' office when he released the Stratton report.

> It also recommended that no additional Sheridans be sent to Vietnam until all major defects had been eliminated and that the Main Battle Tank 70 program be reappraised before further funds are committed.

That statement comes from the chairman of the House Armed Services Committee. That is a pretty impressive sign to stop, look, and listen; not to discontinue or throw away or scrap but to take a look for a limited period of time with the GAO doing the looking and listening for us. They are people we can trust. They are ours. If we cannot trust the GAO to do the kind of job we want we are in terrible shape. They are beholden to no one but us. I would not be afraid to let them help make this decision. We hurt ourselves when we deny ourselves that opinion.

Mr. PROXMIRE. This impressed me more than any other quotation. General Betts is the head of Army Research and Development. Is that correct?

Mr. EAGLETON. The Senator is correct.

Mr. PROXMIRE. Is it true that General Betts said the problem is whether we put more into this vehicle than we require? The toughest question is whether we need everything that went into this tank.

Is it not true that this argument made by the most expert man we have in the Department of Defense in this area would suggest an investigation, a 6-month investigation by the General Accounting Office would be extremely helpful to us in resolving whether we should go ahead?

We have the Secretary of Defense, the people from the House Armed Services Committee, we have General Betts, all of whom raise very serious questions about this tank. Under these circumstances it seems to me logical that the amendment of the Senator from Missouri is sound, sensible, and necessary if we are going to really insist we know what we are doing when we authorize these large sums.

Mr. EAGLETON. We have not only General Betts, who is not certain what gadgetry should go into this, but we also have these other opinions. The GAO report would not only help us to decide but it might help General Betts. It would give him an analysis and help him decide as to the cost-effectiveness for some of these things, such as whether there is ventilation and whether they can close the lid on the Shillelagh, and all of these gadgetry items.

Not only do we have Representative Rivers expressing misgivings, and the report linking it with the *Pueblo* and the TFX—and I am not trying to embarrass the distinguished Senator from Mississippi—but I go back to his statement, for when he presented this bill he said, "I have about lost patience with this situation," referring to the MBT–70.

We all know the Senator from Mississippi to be a patient man. Maybe he would like to have the report of the General Accounting Office to determine whether his patience has been warranted and justified or whether the continuing faith he has had in this program has been overextended.

Mr. PROXMIRE. Mr. President, will the Senator yield for one further point?

Mr. EAGLETON. I yield.

Mr. PROXMIRE. Mr. President, I would like to say to the Senator from New Hampshire (Mr. Cotton) and the Senator from Mississippi (Mr. Stennis) that I agree wholeheartedly with them that we should move this bill along as fast as we can. At the same time I feel very strongly it is imperative that we discuss this question in detail. I think Senators must agree that this debate has been a completely germane discussion. I have been around here a long time and I have heard a great deal of irrelevant, nongermane debate on many issues. In colloquy with the Senator from Missouri and other Senators, they have not been talking about irrelevant matters, even though it would be easy to tie other things in with this problem on tanks but, by and large, during the entire discussion, when other Senators were interrogating the Senator from Missouri, the subject has been germane and pertinent.

Mr. COTTON. Mr. President, in view of the fact that the Senator referred to the Senator from New Hampshire, will he yield to me?

The PRESIDING OFFICER (Mr. Spong in the chair). Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. EAGLETON. I am pleased to yield to the Senator from New Hampshire.

Mr. COTTON. I wish to agree emphatically with the distinguished Senator from Wisconsin that the discussion to which we have been listening has been not only germane but also most enlightening and most helpful.

I wish to compliment the distinguished Senator from Missouri (Mr. Eagleton) for the very able presentation he has made on an important subject, a subject on which he is well informed and about which he feels most deeply. I agree wholeheartedly that any point in this bill upon which the defense of this country depends should be explored and should be handled with care.

But, Mr. President, at some time, on my own time, I shall have a few observations to make and I would like to make them on my own time. They could not possibly take more than 8 minutes. I should like to inquire—and this is not in the way of being sarcastic—whether the distinguished Senator from Missouri could give us a general idea as to when the floor will again be open for Senators to address the Chair to seek recognition. Will it be 4 o'clock, 5 o'clock, 6 o'clock, or will it be on Monday? Or when?

Mr. EAGLETON. Relating to the pending amendment?

Mr. COTTON. I mean relating to the bill—again, this is not any reflection upon anyone.

Mr. EAGLETON. I understand.

Mr. COTTON. I am talking about the control of the floor by the Senator from Missouri. Does the Senator from Missouri have a general idea when he will be prepared to surrender the floor so that another Senator can seek recognition?

Mr. EAGLETON. I do not have a precise idea as to my time limitation. The Senator did indeed ask for a general idea of my limitation, but based on the fact that I have not yet given an opportunity today to yield to the distinguished cosponsor of the amendment, the Senator from Oregon (Mr. Hatfield) who, I am sure, has some observations to make on this matter I cannot give him a precise idea. There are five other cosponsors, and I do not know whether any or all of them wish to speak. Besides, other Senators may wish to address themselves to the question and address me on the matter.

Mr. COTTON. May I say that under the rule—we all want to hear from every one of these Senators—but under the rule, they have no special privilege to address the Chair. Any Senator, when the floor is open, can address the Chair and if he is the first to address the Chair, he will be recognized and has a right to be heard.

The mere fact is, under the rule as I understand it, we cannot toss the ball from one cosponsor to another cosponsor, to another cosponsor and onto another cosponsor, and close the floor to Senators who have something to say.

The Senator from New Hampshire does have something to say and he would like to say it on his own time. I do not care whether it is 6 o'clock or 8 o'clock tonight, or whether it is Monday at 11 o'clock.

For the past 8 weeks, we have been talking about the ABM. Everything that could possibly be said about the ABM, pro and con, has been said not once, not twice, but 10 or even 15 times by every Senator on this floor.

If the Senator from Missouri will be patient for one moment longer, we have a tax bill coming up from the House. We are now in the month of August and talking about a recess next week. I do not expect that those who control the votes in the Senate are particularly solicitous about the present administration; but if Congress does not begin to get down to brass tacks—and I think the pending bill should be thoroughly explored—but if we do not get down to brass tacks, we will find ourselves here at Christmastime; and I feel great apprehension about that, because I do not believe that we can continue the first session of Congress simultaneously with the second session of Congress and draw double pay.

Personally, the Senator from New Hampshire wants to say right now that he does not believe the Senate has a right to recess at this time. I think that these matters that the Senator from Missouri and others are discussing, and other questions coming up on the pending bill, are of paramount importance. I do not want to see that discussion throttled. I also do not want to see it go into another marathon.

I want to say right here and now that if the Senate pursues its announced course of going home, or going somewhere else, next Wednesday night, or next Thursday, with this bill still in the midst of being considered and discussed, with the tax bill still to come, with appropriations bills way behind, and with the President going on the air tonight to talk about his major domestic program, I think that the people of this country are not going to feel that the Senate is doing its duty.

Mr. President, this is the speech I was going to make. The Senator from Missouri has been very kind. I have made my speech. Now the Senator can have the floor, so far as I am concerned, and I thank him very much for his courtesy.

Mr. EAGLETON. I thank the Senator from New Hampshire, with whom I am pleased to share a hall on the fourth floor. I am glad that the Senator from New Hampshire did have the opportunity to make his 8-minute talk, so he has not been delayed.

Let me say this: As he well pointed out, the subject of the ABM was before the Senate for 8 weeks. I quit counting a long time ago. However, I have been in this Chamber today for 3 hours and 15 minutes, which is infinitely less than the 8 weeks we discussed the ABM. I admit that this matter is of less moment than the ABM. I am not here to say that it is of the same significance as the ABM. However, it is a $55 million item, which I suppose is petty cash to the Pentagon. But, conceptually, in terms of future warfare—and we are planning for future warfare—I think it is very important, as it relates to the Schweiker amendment which the Senate adopted yesterday, for the GAO to help us. I strongly believe that it should. This will be a perfect test case for them.

So I, for one, if the Senate took 8 weeks to get to this hour, am not prepared in 3 hours and 15 minutes to stop consideration of the pending amendment. I do not know what the time price tag will be. I think it will be more than 3 hours.

Mr. COTTON. The Senator from New Hampshire was not reproaching the distinguished Senator from Missouri. The Senator from New Hampshire was not even insinuating that the Senator from Missouri was taking more time than he should. I was simply seeking to try to find out when I might be in the Chamber and have an opportunity to address the Chair to seek recognition. I think the 2 or 3 minutes that I used just now perhaps takes care of the situation, because I wanted to get my statement in, that I think we should stay here until this bill is disposed of, and not go home until it is disposed of.

Outside of that, I compliment the distinguished Senator from Missouri on his presentation, and that 8 weeks he referred to.

Mr. EAGLETON. I may well be subject to correction. It was an estimate. I think it was longer than that. I know it was a terribly long period of time, so long that I lost track.

I thank the Senator from New Hampshire.

Mr. STENNIS. Mr. President, will the Senator from Missouri yield?

Mr. EAGLETON. I yield to the Senator from Mississippi.

Mr. STENNIS. Let me make it clear that my remarks are not addressed to the Senator from Missouri except to compliment him again on his very fine presentation here on the floor of the Senate. He is fulfilling an obligation to his sense of duty when he makes these explanations.

But I say to all Members of the Senate now, we all know this is an important bill. We want everything to be discussed freely and fully, but we all know it is a bill that must pass. It is not a question of having a bill or not having a bill. This bill must pass with something in it. I think we all want it to move along reasonably fast and with proper dispatch.

If there is going to be a disposition here for one Senator to just get the floor—the Senator from Missouri is entitled to all the time he has taken, and some more—or if there is going to be a disposition just to delay matters and not get to a vote, the Senator from Mississippi feels he has a duty to other Members of the Senate. I believe all Senators stand here on an even level. The floor is even here, as far as I am concerned, but, in legislative parlance and practice, the Senator who is handling the bill, as we use that term, has some obligation to other Members here to do what he can to push it along.

I do not ordinarily make a request when the leaders are absent—I am sure neither one would disagree, as far as I know; perhaps we could have a quorum call—but I would want them to propose or I will propose that on this amendment we have controlled time. We could have, say, 1 hour and a half to the side, or 2 hours to the side; and if that is not enough, 2½ hours to the side; and if that is not enough, 3 hours to the side. Then we will have some certainty, and then things will move along.

I think if we are just going to kill time, we ought to just come out and say so and let the public understand and let the membership understand so they can make other plans. But I do not want any Senator to agree to what he honestly thinks is too short a time.

I wish those in this Chamber will ask the majority and minority leaders to come to the Chamber, so we can get their advice and counsel after the Senator from Missouri has finished.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. STENNIS. May I just finish? I am not trying to grab the floor. I told the Senator from Oregon this morning that if he wanted to follow the Senator from Missouri, I would not ask for the floor. But certainly the membership is entitled to some kind of statement from the committee that has passed on this measure. The membership is entitled to some kind of statement from us as to how it looks to those who had the responsibility of going into this subject and filing a report.

So I hope somewhere along the line I will have the chance in my own right, when I may have the floor, sometime this afternoon.

Mr. COTTON. Mr. President, will the Senator from Missouri yield so that I can ask the Senator from Mississippi a question?

Mr. EAGLETON. I am pleased to yield.

Mr. COTTON. I would like to ask the Senator from Mississippi—I know that he does not wish to assume the prerogatives of the leadership——

Mr. STENNIS. That is correct.

Mr. COTTON. But I would like to ask the Senator from Mississippi if he does not feel very strongly that the Senate ought to stay here until this bill is disposed of before we recess.

Mr. STENNIS. Mr. President, if the Senator will yield to me to respond——

Mr. EAGLETON. I yield to the Senator from Mississippi.

Mr. STENNIS. I think we ought to drive hard to finish this bill, working day and night and Saturday, before there is any recess. I know many Senators have made plans for the recess, involving their families and their children, and I would bow to those plans; but if we are not going to try to finsh, I think we forfeit those considerations.

Mr. COTTON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. COTTON. Mr. President, will the Senator yield to me for one more question?

Mr. EAGLETON. Mr. President, I yield for the limited purpose of this interrogation, without giving up my right to the floor.

The PRESIDING OFFICER. The Chair wishes to inform the Senator from Missouri that he has a right to do that. The Chair made the observation he did for the benefit of other Senators who seem to be seeking the floor from the Senator from Mississippi.

The Senator from Missouri.

Mr. COTTON. Mr. President, I distinctly asked the Senator from Missouri to yield to me.

Mr. EAGLETON. I nodded and yielded. I was chatting with another Senator. It is my fault.

Mr. COTTON. The Senator from New Hampshire understands that many of us have plans. The Senator from New Hampshire has plans. It would be most unfortunate if those plans, which have been mentioned for many months now, should be frustrated. On the other hand, the Senator from Mississippi has been here a considerable length of time, and so has the Senator from New Hampshire, and human nature being what it is, if the Senator resolved to say to the people of the United States, "Here is a bill that must be taken care of for the defense of this country and we are going to stay here until we do it," I think it would be amazing how succinct and to the point the debate would suddenly become, and I think we would have adequate debate and we could dispose of this bill.

Mr. STENNIS. I thank the Senator for his suggestion. I am certainly willing to stay.

I thank the Senator for yielding.

Mr. EAGLETON. Mr. President, I may say to the Senator from Mississippi that perhaps within this hour I shall be in a position, after conferring with Senators who are interested parties in this amendment, to discuss some potential agreement. It is not my desire, nor certainly that of the Senator from Oregon (Mr. Hatfield) or other Senators, to engage in foot-dragging, slow-down tactics.

Mr. STENNIS. If the procedure is going to continue on the pattern of yielding 5 or 10 or 15 minutes to various Senators, I am going to request to come in on that pattern for 12 or 15 minutes, for the committee.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. EAGLETON. Mr. President, I have had a request from the Senator from Vermont. I am going to make a unanimous-consent request that I may yield 2 minutes to the Senator from Vermont (Mr. Prouty) without giving up my right to the floor, on a matter apparently extraneous to that under debate.

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object in this one instance—I believe that hereafter, unless the Senator from Missouri yields only for the limited purpose of a question, I shall be inclined to object. I have plans, as do other Senators, and I would like to get to a vote as soon as possible. I shall not object.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Missouri? The Chair hears none, and the Senator from Vermont is recognized.

S. 2806—INTRODUCTION OF A BILL TO PROMOTE EQUAL EMPLOYMENT OPPORTUNITIES FOR AMERICAN WORKERS

Mr. PROUTY. Mr. President, on behalf of myself, the distinguished senior Senator from Pennsylvania (Mr. Scott), the distinguished junior Senator from Michigan (Mr. Griffin), the distinguished junior Senator from Oklahoma (Mr. Bellmon), and the distinguished senior Senator from Pennsylvania (Mr. Schweiker), I send to the desk a bill entitled the Equal Employment Opportunity Act of 1969 and ask that it be appropriately referred.

Mr. President, I ask unanimous consent that the bill be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

Mr. PROUTY. Mr. President, this is the administration's bill proposed by the President to amend title VII of the Civil Rights Act of 1964 pertaining to discrimination in employment by employers, labor organizations, and employment agencies.

Five years ago title VII of the Civil Rights Act of 1964 ordained a national commitment to eliminate discrimination in all aspects of employment. Unfortunately, as a result of compromises necessitated by political considerations, Congress did not see fit to provide realistic enforcement procedures to support title VII's guarantees.

This bill corrects that deficiency, and does so in a way that breaks new ground in the continuing development of American law. Under the President's proposal, the Equal Employment Opportunity Commission will continue to seek voluntary compliance with title VII but if conciliatory efforts prove unsuccessful, it may bring lawsuits against recalcitrant violators.

The main thrust of this bill, Mr. President, is to provide for the trial of cases in the U.S. district courts where the Equal Opportunity Commission has found reasonable cause to believe that a violation has occurred.

Traditionally, advocates of fair employment legislation have sought enforcement by regulatory agencies through administrative processes. This proposal preserves the most attractive features of that approach—expertise and independence from shifting political winds—while contemplating a vigorous policy of enforcement in the courts, where speedy redress can be obtained through due process. In addition, it has the advantage of being capable of easy accommodation within EEOC's existing structure.

Proceedings under this measure will be able to be commenced shortly after enactment. On the other hand, if we should instead enact legislation providing the EEOC with decisionmaking and enforcement authority through administrative processes, it will require 2 to 3 years of gearing up before results can begin to be realized, a further delay difficult to accept.

Under the administration's bill, Mr. President, charges of unlawful or discriminatory employment practices will continue to be filed with the EEOC. This agency will conduct investigations of these charges and, where the evidence establishes reasonable cause to believe a violation has occurred, the EEOC will attempt to conciliate the dispute as it does at present.

Should conciliation attempts fail, however, the EEOC will have complete freedom to file a complaint in an appropriate Federal district court, which will be the trial tribunal to hear the case on the merits.

Similarly, where the Commission dismisses a charge after investigation, the aggrieved person shall have the right to commence an action in Federal district court as he does under present law.

Decisions of the Federal district courts are appealable to the appropriate U.S. court of appeals and the U.S. Supreme Court in the usual manner, with one modification. This involves the situation where the EEOC loses a case in whole or in part in Federal district court litigation. In such circumstances, the Civil Rights Divison of the Justce Department, after receiving recommendations from the Commission, will decide which cases to appeal to the court of appeals.

The alternative proposal to the procedures in the administration's bill, Mr. President, is to provide for administrative litigation in the first instance before a Federal trial examiner subject to the provisions of the Administrative Procedures Act. The trial examiner's findings and recommended order would then be subject to review by the Commission with ultimate judicial review in the U.S. court of appeals either as the result of an enforcement proceeding brought by the EEOC or by a petition for review filed by any party to the proceeding.

I have previously taken the position that the Commission should have the same decisionmaking authorityt and authority to enforce its orders in the courts of appeals as do other independent Federal agencies such as the Federal Trade Commission and the National Labor Relations Board.

I have taken this position in the past, however, in the context of either granting the EEOC decisionmaking and enforcement powers or leaving the law in its present posture. This latter alternative is completely unacceptable, as both the law and the Commission need to be strengthened and given additional tools with which to accomplish the objectives set by Congress.

The bill which I introduce today, Mr. President, does contain the teeth of enforcement which are so badly needed. Enforcement comes much more quickly here, from the Federal district court initially, than it would under an administrative hearing type of bill.

In this regard, the entire proceeding will probably be substantially shortened by direct appeal to the court of appeals from the trial in Federal district court, rather than following the more circuitous route of administrative hearing before a trial examiner whose findings and order are appealable to the Commission before access to the courts of appeals may be obtained.

Furthermore, as I review this bill, I find no way in which it will hinder or tie the hands of the EEOC in performing its duties.

Thus, the Commission is free upon its own determination to litigate any or all cases it desires to in Federal district court with no person or agency being given the right to veto or reverse such EEOC action.

Moreover, in the exercise of its own expertise in this particular area, the Commission may urge upon the courts any proposed remedies which it might have ordered in its own right if it retained decisionmaking authority.

The propriety in granting, modifying, or denying such remedies will finally be determined by the court of appeals, and possibly the Supreme Court, under this bill in the same manner as would be the case if the Commission were granted the authority to issue its own orders subject to court review.

There is also the question of whether this bill will result in a backlog of cases awaiting trial in Federal district courts. This is a matter we must study closely, but my present feeling is that it will not approach the backlog which would be faced by the Commission if it were required to review every litigated case in the country before enforcement in the courts of appeals could be sought.

Moreover, as Federal court precedents are established under this bill, I envision a substantial number of respondents complying with court decisions or entering into meaningful conciliation agreements with the Commission, rather than appealing, after they lose cases in Federal district court. Not to mention the increase in pretrial conciliations by respondents who would take their chances in drawn out administrative proceedings before a Federal trial examiner and the Commission, but who would hesitate to go to trial directly in Federal district court when the precedents are clear.

I want to note, however, that I reserve the right to offer amendments in our committee which in my judgment can make this piece of legislation stronger and even more effective in removing the blot of discrimination in hiring and employment practices and to insure true equality of opportunity for all qualified persons in seeking, obtaining and retaining employment in both the public and private sectors of our economy.

Mr. President, laws protecting human rights are as deserving of adequate implementation as any other declaration of national policy, and indeed, deserve priority. Congress has declared that certain discriminatory acts are unlawful and it is overdue in adding substance to its words. We must act now, to finally demonstrate that the law—all laws—apply to everyone equally, and that the comfortable as well as the disadvantaged are subject to its rule.

The bill (S. 2806) to further promote equal employment opportunities for American workers, introduced by Mr. PROUTY, for himself and other Senators, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 2806

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Equal Employment Opportunity Act of 1969."

SEC. 2. Subsections (g) and (h) of Section 705 of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e–4) are amended to read as follows:

"(g) The Commission shall have power . . . (6) to refer matters to the Attorney General with recommendations for intervention in a civil action brought by an aggrieved party under Section 706, or for the institution of a civil action by the Attorney General under Section 707, and to recommend institution of appellate proceedings in accordance with subsection (h) of this section, when in the opinion of the Commission such proceedings would be in the public interest, and to advise, consult, and assist the Attorney General in such matters."

"(h) Attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court, provided that the Attorney General shall conduct all litigation to which the Commission is a party in the Supreme Court or in the Courts of Appeals of the United States pursuant to this Title. All other litigation affecting the Commission, or to which it is a party, shall be conducted by the Commission."

SEC. 3. (a) Subsection (e) of Section 706 of the Civil Rights Act of 1964 (78 Stat. 259; 42 U.S.C. 2000e–5) is amended to read as follows:

"(e) If within thirty days after a charge is filed with the Commission or within thirty days after expiration of any period of reference under subsection (c), the Commission has been unable to obtain voluntary compliance with this Act, the Commission may bring a civil action against the respondent named in the charge: *Provided*, that if the Commission fails to obtain voluntary compliance and fails or refuses to institute a civil action against the respondent named in the charge within one hundred and eighty days from the date of the filing of the charge, a civil action may be brought after such failure or refusal within ninety days against the respondent named in the charge (1) by the person claiming to be aggrieved, or (2) if such charge was filed by a member of the Commission, by any person whom the charge alleges was aggrieved by the alleged unlawful employment practice. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon timely application, the court may, in its discretion, permit the Attorney General to intervene in such civil action if he certifies that the case is of general public importance. Upon request, the court may, in its discretion, stay further proceedings for not more than sixty days pending the termination of State or local proceedings described in subsection (b) or further efforts of the Commission to obtain voluntary compliance."

(b) Subsections (f) through (k) of Section 706 of the Civil Rights Act of 1964 (78 Stat. 259; 42 U.S.C. 2000e–5) are redesignated as subsections (g) through (l) respectively, and the following new subsection is added:

"(f) Whenever a charge is filed with the Commission and the Commission concludes on the basis of a preliminary investigation that prompt judicial action is necessary to carry out the purposes of this Act, the Commission may bring an action for appropriate temporary or preliminary relief pending final disposition of such charge. It shall be the duty of a court having jurisdiction over proceedings under this section to assign cases for hearing at the earliest practicable date and to cause such cases to be in every way expedited."

(c) Subsection (h) of Section 706 of the Civil Rights Act of 1964 (78 Stat. 259; 42 U.S.C. 2000e–5), as redesignated by this section is amended to read as follows:

"(h) If the court finds that the respondent has engaged in or is engaging in an unlawful employment practice, the court may enjoin the respondent from engaging in such unlawful employment practice, and order affirmative action as may be appropriate, which may include, but is not limited to, reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice), or any other equitable relief as the court deems appropriate. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. No order of the court shall require the admission or reinstatement of an individual as a member of a union or the hiring, reinstatement, or promotion of an individual as an employee, or the payment to him of any back pay, if such individual was refused admission, suspended, or expelled or was refused employment or advancement or was suspended or discharged for any reason other than discrimination on account of race, color, religion, sex or national origin or in violation of Section 704(a)."

Mr. SCOTT. Mr. President, I am pleased to join with the Senator from Vermont (Mr. PROUTY) as a sponsor of this bill entitled the Equal Employment Opportunity Act of 1969.

I believe that the introduction of this legislation and the ensuing consideration given to it will greatly strengthen title VII of the Civil Rights Act of 1964 pertaining to discrimination in employment by employers.

While I personally favor the cease-and-desist approach, this well-reasoned alternative is worthy of consideration.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. EAGLETON. Mr. President, I yield to the distinguished Senator from Montana.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, and with the permission of the distinguished Senator from Missouri, who has the floor, and without him losing his right to the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SPONG in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I yield for interrogation to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, I have some questions to ask of the Senator from Missouri. First, however, I would like to make one or two brief comments.

Mr. GRIFFIN. Regular order.

The PRESIDING OFFICER. The regular order is that the Senator from Missouri has the floor and has yielded to the Senator from Oregon for the purpose of asking questions.

Mr. HATFIELD. Mr. President, we were talking awhile ago about the questions that have been raised by various people as to the dependability of the research and the experiments we have had thus far on the tank.

I ask the Senator from Missouri if he has information which would support the reports we have read in the press about the growing concern of the Germans.

Mr. EAGLETON. Mr. President, may we have order? I am having difficulty hearing the Senator.

The PRESIDING OFFICER. The Senate will be in order.

Mr. HATFIELD. The questions relate to the attitudes of our partners, the Germans. According to the chart, we started out with the idea that we would share the cost 50-50 of research and development. That now has shifted to about an 80 to 20 percent differential. We support 80 percent and the Germans support 20 percent.

I have some information here that was reported in the New York Times of October 9 and 10, 1967, to the effect that there has been growing concern on the part of our partner about the tank, and dates back to October 1967.

It says:

> Some military experts here—

Meaning in the German capital of Bonn—

> have raised some very serious questions about the continuation of the joint program.

So, as I restate the question, does the Senator have information concerning the attitude and the thinking on the part of our so-called partner?

Mr. EAGLETON. Mr. President, I have no really precise or quotable information. I have rumors and speculation. I have been casting about for some accurate information as to the posture of the Federal Republic of Germany as to their desire to continue even at the advantageous 80-20 formula that is now the rule rather than the original 50-50 formula that obtained at the inception.

Mr. HATFIELD. Mr. President, why was the formula shifted from 50-50 down to 20 percent for the German contribution and up to 80 percent for the American contribution?

Mr. EAGLETON. This gets into the realm of the imprecise, but the original production estimates for the MBT-70 were such that in 1963 and in 1968 the Germans were willing to go along on the 50-50 basis. However, when the production estimates accelerated and more tanks were to be produced, apparently they did not want to sink so much of their public treasury into the production of more tanks than they had anticipated. So they wanted to hold it to a certain limit.

I call to the attention of the Senator from Oregon a report with which I know he is very familiar since he was the chairman of the committee that prepared the report on military spending, dated July 2, 1969.

The report had a chapter, so to speak, on the main battle tank. It had chapters, I might add, on many other items which will be the subject of other amendments that will be before the Senate. It refers to bacteriological warfare, CBW, and also to a study made on the manned orbital laboratory. However, the Pentagon beat them to the punch and withdrew it before Congress could get to it.

Be that as it may, it had a chapter on the main battle tank, and I will read this small portion thereof, which relates directly to the question of the Senator from Oregon:

> Under the latest agreement—

Meaning the agreement between the United States and the Federal Republic of Germany—

> the United States and Germany split evenly the first $138 million—

That takes us to about 1968 on that chart—

> with the cost above that to be prorated on the quantity of tanks purchased by each country.

Returning to what I said earlier, the Federal Republic of Germany apparently does not want to buy too many tanks, looking down the road. It is dubious as to why they want to buy any, based on what is now known about this item.

Mr. HATFIELD. I should like to ask a further question, also concerning the fundamental point of cost effectiveness and the involvements of our country along with Germany in the development of this tank.

When we talk about the cost effectiveness of a weapon which is developed by the Pentagon, supposedly the cost effectiveness is a criterion upon which we are to make judgment on whether we should move ahead or accept the proposals for such development. Can the Senator tell us what some of the components of that criterion might be? In other words, what is the definition of cost effectiveness as it relates to the MBT or any other weaponry, but particularly as it relates to the MBT. This knowledge would help us decide where we escalate, or where we move ahead, or where we cut off work on such a proposal?

Mr. EAGLETON. It is a very fine question, completely appropriate, and does not lend itself to a precise, computerized answer. There is no magical computer, totally self-sufficient, into which various indicia can be pumped and a "yea" or "nay" answer come out.

There is an element of subjectiveness in this cost-effectiveness business. As I gather it—and others who are more learned in this can certainly clarify any misconception I have—it goes something like this. No weapon system exists in a vacuum. No man is an island. Each weapon system or weapon interrelates with other systems and human beings who operate. But as costs escalate—in this instance, the enormous 500-plus percent on R. & D. alone, and now the per unit cost of the MBT-70 is between $520,000 and $750,000—you get to a breaking point, a point of no return, meaning that it is an imprudent and wasteful expenditure of public money to go ahead with it, because some other item, albeit another tank, an antitank weapon, aircraft, or what have you, can do the same job more cheaply. It is our information that, so far as the MBT-70 is concerned, it has just about reached the point of inefficiency, the point of no return, at which if it escalates much further, it is no longer cost effective; and other items, including the M60A1—anyway, the tank that we have now functioning and operational in Western Europe—and other configurations and other antitank weapons, including the Tow, the Dragon, and so forth, would better be able to do the job per dollar expended than would going ahead with the then expensive MBT-70, once it crosses that line.

Mr. HATFIELD. Would the cost effectiveness, then, be analogous to what we have as a cost-benefit ratio formula for the development of water and other such reclamation programs?

For example, we have in such programs the requirement to develop a cost-benefit ratio which often includes recreation benefits, flood control benefits, power benefits, wildlife, fisheries, conservation, and so forth. In the computation of these various components, a certain cost-benefit ratio develops to justify the building of the project. Would the cost-effectiveness ratio be analogous to this cost-benefit ratio, not only in terms of having the components that are cranked into this cost-effectiveness program in order to justify the building of such a tank in the original instance, but also that at times along the way, it could be reviewed and recomputed?

Mr. EAGLETON. Emphasizing the word "analogy," I think the analogy is indeed an apt one.

As the Senator knows, we have that in terms of some of our public works projects, perhaps all of them. The distinguished chairman of the Committee on Public Works is in the Chamber, and it is my pleasure to serve with him on that committee.

The Corps of Engineers, for example, studies a particular flood control project, from the standpoint of its conservation, water, power, and other criteria, and determines what the benefit-cost ratio is. If it meets the accepted criteria in terms of benefit-cost ratio, it can well meet with the approval of the Corps of Engineers and subsequently the Committee on Public Works and the entire Congress. If it falls short of that—despite the fact that it would be a desirable thing to have, despite the fact that people of a given area might like to have the dam and might like to have more water, despite the fact that the people might like to have more recreational facilities—if it does not reach this benefit-cost ratio, it is considered to be an imprudent and unwise expenditure of public money.

Thus, I think the analogy in the instant situation is apt. I do not fault, nor do I believe the Senator from Oregon faults, the right of people, whether they be in the Pentagon, on the floor of Congress, or in the ghetto, to dream. It is perfectly ethical, and it is a process of our orientation that we dream. We dream great dreams. Part of our trouble as human beings is that so often we leave those dreams unfulfilled and unmet.

So I quarrel not with the privilege of the Defense Department to dream up this tank when they dreamt it back in 1963.

In the words of the Senator from Mississippi, they dream an idea. They say, "We are going to build a tank," and they call in the contractors and say, "Go to it, boys. Build the greatest tank you fellows can guess might be made available." So then they dream and dream and dream and dream. Unfortunately, the dream gets more expensive. First it was an $80 million dream; then $183 million, then $303 million. Up and away. Then the point of the benefit-cost ratio is reached, such as in public works projects. In military projects, it is the cost-effectiveness. The luxury of dreaming is one that this country can ill afford at the very time there are those with unmet dreams, those whom the Senator from South Dakota (Mr. McGOVERN) has referred to as individuals who dream of a decent meal, those who are left behind in the war on poverty. We talk about jobs, we talk about schools, we talk about neighborhood corps, we talk about neighborhood centers, but we leave out a pretty important dream, the dream of being able to eat.

So if we let the Pentagon keep dreaming the eternal dream, in this manner, of preserving the MBT–70, there will be some people in Portland, in St. Louis, in New York, and in Chicago who are still going to have their dream unfulfilled.

We cannot do it all. Yes, there was a time—I said this earlier—when, with our enormous wealth, the urgencies and exigencies of the age were not nearly so heavily upon us, and we could afford the luxury of this kind of project. We could let the Pentagon fool around with it, change it. They could put the Shillelagh in or take the Shillelagh out. They could put the environmental control unit in the tank, or take it out. They could install dual firepower or not. We could afford that kind of dream in a bygone day. For better or for worse, but realistically, that day has gone, and the dreams of the military and the dreams of Congress have to be realistic, attainable, predictable, and fulfillable dreams, or we will not be doing what we must do in terms of the desires of other Senators with respect to our economy. They will be shortchanged.

It is not the $54 million for the prototype that will feed all the hungry people. The $54 million will not balance the budget, a budget which has long been out of balance. But it is symbolic. We cannot continue to condone a continuously haphazard, ill-performing weapons system that year after year is brought back to Congress. The Pentagon says, "Last year was a good year for us. We admit that, Members of Congress. The Shillelagh was not going too good. The Scavenger system is a little too goofy. We have not quite mastered the environmental control unit. We have 300 unused chassis sitting on a lot in Michigan and do not know what to do with them. Give us another year."

It has been that way since the beginning—1963—and has continued through 1964, 1965, and on until 1969. Not only patience, but human endurance is being exhausted. Still the gentlemen say, "One more year." It is like a broken record. We have had enough.

Although $54 million will not make us or break us, it is important in terms of what it symbolizes. We say at this time—when the needs are so heavy upon us—we are not going to fritter away another $54 million or 54 cents if we can help it.

Mr. HATFIELD. Are we to assume that each time we have seen an increment in the cost of this tank there has been a new cost-effectiveness study, or for that matter, as to the overall tank itself?

Mr. EAGLETON. Frankly, I must say to the Senator that I do not have the precise date when the last cost-effectiveness study was made by the Pentagon. I am not trying to play the old game of, "I know something you do not know." I have had a couple of classified briefings on this matter and I do not want to transgress because I am not as familiar in this area as many other Senators who have dealt with armed services-type matters for a long time. In order that I may stay on the side of conservatism, I will not directly answer the Senator's question. However, I will say what I have said again and again. It is my understanding that cost effectively, the MBT–70 is pretty close—and I shall leave it at that—to the point of no return in the sense of being imprudently cost effective.

I wish to add to and amplify the continued optimism of the Army in its presentation of this program year by year. Here is what General Burba stated in March of 1968, and that is about a year and a half ago. He was then in charge of the program. I believe General Betts is now in charge of the program. In March 1968 he said about this tank:

> Skeptics and advocates alike have been impressed with the smoothness which has characterizd the program's progress since its inception.

I do not know him. I know he is a fine career man. I think he has a bad ghost writer because as of March 1968 this project was floundering and it had been floundering from its first halting start. It is a dream, and it has floundered and stumbled since its inception.

I do not know how he could say in March 1968 that "smoothness which has characterized the program's progress since its inception". And then, when he takes over the Department of Defense, tells us the three millstones he inherited were the *Pueblo*, the TFX, and the BMT–70, the main battle tank. Is that not a delightful association? Here is a Secretary of Defense in 1969, after General Burba had said all is well, who said that his three millstones were the *Pueblo*, the TFX, and the MBT–70.

Mr. HATFIELD. Mr. President, will the Senator yield for a further question?

Mr. EAGLETON. I yield.

Mr. HATFIELD. What kind of judgment would we be making, if we could not base it on some sort of cost effectiveness? In other words, do we have enough data on cost effectiveness, or are we merely being asked to continue this project on the basis of these generalized remarks on the part of the gentlemen the Senator has quoted.

Mr. EAGLETON. To me it is entirely, and I will say exclusively, the latter. We are asked to buy another year in a long stream of years, with all these bugaboos and unworkable components. "Maybe we will make them better next time. Let it go a little longer, and so forth. It is a broken record upon which time has expired.

Mr. HATFIELD. Mr. President, will the Senator yield further?

Mr. EAGLETON. I yield.

Mr. HATFIELD. We have the report before us. I am talking about the report No. 91–290 of the Armed Services Committee, in which the only reference I can find to this tank is a statement which is rather general. It appears on page 53:

> The committee also recommends a reduction of $14.9 million in the joint US/FRG main battle tank program. This program has been experiencing difficulty for some years and the committee now believes that a reorientation of the program is in order.

I would like to ask the distinguished Senator from Missouri if he knows what the Armed Services Committee means or what they have in mind when they talk about a "reorientation" of the program. Does not the committee action in itself confirm what the Senator has been saying today on the floor of the Senate about the questionability and the unreliability of the program thus far? Is not the Senator merely asking for a postponement on this tank project until the GAO can make some sort of evaluation? It is not to vote the tank up or down. It asks Members of Congress to take a hard look at a project that has cost millions of dollars and which the Senator eloquently has stated has created doubt in the minds of generals in the Pentagon, the Secretary of Defense, our German partners who have been involved in this project, members of the Committee on Armed Services of the Senate, and the House Armed Services Committee. The Senator has quoted many sources that indicate grave doubt.

Is it not true that all this amendment asks is that we continue to look into this matter through another set of eyes, through a study by the GAO, and then make a determination on the future of this tank following that kind of report? We ask this rather than going pellmell down this pathway which has brought little in the way of results with the expenditure of millions of dollars.

Is that not what the Senator is asking us today?

Mr. EAGLETON. In summary, that is what I am asking through the medium of this amendment. I am not sure what the word "reorientation" means. I know not if it is a word of art in the military field, or whether it means other than it means in the nonmilitary area. But when the Armed Services Committee says, as I have quoted, that the committee now believes the reorientation program is in order, to me, as a nonmember of that committee, it means: Let us take a look at it. Knowing that those who have a greater knowledge of the history of this subject, as I say, still stumble and bumble along, and knowing that they want to take a look at it, bear in mind that the original request to the Pentagon for research and development on this item was $45 million. To be precise, it was $44.9 million. The Armed Services Committee cut it $14.9 million. So that means that the Armed Services Committee was about two-thirds as sold on it as was the Pentagon. The Pentagon wanted $45 million and the Armed Services Committee said, "We will give you $30 million."

Thus, in that frame of reference, in percentages, they are about two-thirds as happy with it as the Pentagon.

As to the Pentagon, I do not know who is happiest with it over there. I know that General Burba surely is. He says it is the smoothest thing since raw silk. He is happy with it. Secretary of Defense Laird is not happy with it. He said it was comparable to the *Pueblo* and the TFX.

Thus, I am asking for a reorientation. The Senator is correct on that, if I interpret that word correctly. I want someone to look at the program. The someone I want to look at it is the someone that the Senate yesterday declared by its vote on the Schweiker amendment should help us look into various armed services programs; namely, the General Accounting Office.

By a curious coincidence, today, I want to implement that amendment with my amendment. I want to implement it under a microscope, so to speak, and make it a laboratory case, as to whether what the Senate did yesterday on the Schweiker amendment was right and proper.

In my amendment, we ask the GAO to get us the report in 6 months. Knowing what I know, and what the GAO knows about tanks, since it has been working on them for the Stratton committee, if they can get that report to us much quicker, it will serve two purposes and will be well worth the time.

Purpose No. 1 will tell us something about the tank. It will tell us a lot more than we know now.

Purpose No. 2 will serve the commendable objective of proving whether the Schweiker amendment was prudent. Forty-seven Senators thought it was prudent, and 46, including some of the most knowledgeable members of the Armed Services Committee, disagreed. We will know in 2 months whether, by this laboratory case, if we can get the GAO to give us a report in substance, in efficient form, with expertise, with thoroughness, whether what the Senate did yesterday was correct.

Maybe it was wrong, because the Schweiker amendment was adopted by a razor-thin majority. If it was wrong, then perhaps someone will want to undo it. It can be undone in the House, in conference, or what have you.

Thus, what we are asking for in the amendment are two commendable purposes, at a time when time itself is not of the essence. The MBT-70 cannot be shrouded in the argument that engulfed the ABM system, and apparently successfully so, that we cannot wait, that the survival of America is on the line if we do not deploy the ABM and perhaps it will be too late if we do not do so, and we will lose 2 years. I am not going to repeat the 8 weeks' argument. The die has been cast. The votes have been counted. The ABM will be deployed in Montana and South Dakota. But, time is not of the essence in this case. No one has ever said it was. It began in 1963 as a vague idea. The Senator from Mississippi said himself that they took their time trying to put some facts into the idea and narrow it down—I am paraphrasing here, and if I go beyond what the Senator from Mississippi intended, he can correct me—but it was a vague, amorphous idea, indeed, but that it would get less and less vague, and more identifiable and become a more precise idea. So that time was never of the essence in this program. It could not be.

At the outset, they said they would have the tank with us, manned and running around, by 1969, I think it was. Here it is 1969, and there is no tank. It is anyone's guess whether it will be in the mid-1970's, or 1974, 1975, 1976 perhaps, when it will be produced.

Thus, I say to the Senator from Oregon that this has the dual, double-faceted, commendable purpose of being illustrative of the Schweiker amendment, and at the same time giving us illuminating information that we all so desperately need on this particular project.

Mr. HATFIELD. I have only one more question in sequence. Is the Senator from Missouri aware of what criteria the Armed Services Committee used in reducing the Pentagon's request by $14.9 million?

Mr. EAGLETON. I freely confess ignorance as to the precise rationale that the committee employed in making that reduction.

Mr. HATFIELD. So far as the phraseology is concerned of asking for a "reorientation" of the program, the Senator has no further data as to what they meant, or has the Senator discussed that with the Armed Services Committee members?

Mr. EAGLETON. No, sir; I have not.

Mr. GOLDWATER. Mr. President, will the Senator from Missouri yield for a question?

Mr. EAGLETON. I am pleased to yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I want to ask the distinguished Senator from Missouri some questions relative to the language in his amendment that refers to the Comptroller General of the United States.

First, the Senator has referred very often to the amendment adopted yesterday by the Senate, as introduced by the distinguished junior Senator from Pennsylvania (Mr. SCHWEIKER). As I read that amendment, I see in it a charge that is in keeping with the general purpose of the GAO and the Comptroller General of the United States; namely, they are to report on contract items, the time they were entered into, subsequent estimates of cost completion, and the reason for any significant rise or decline in prior cost estimates. I do not see how that amendment compares with the language in the Senator's amendment which is now pending—if the Senator will give me his attention——

Mr. EAGLETON. I beg the Senator's pardon.

Mr. GOLDWATER. For example, on page 2 of the amendment, the Senator charges the Comptroller General of the United States, among other things to consider, first, why research and development cost estimates have had to be revised steadily upward since 1965. I will agree that that is a proper charge to give to the Comptroller General, but does not the Senator believe it is within the prerogative of the GAO to answer a question, for example, as in paragraph (2) whether the MBT-70, considering its revised estimated production costs will be the most effective weapon to meet the contingency for which was originally planned. Does the Senator feel that that would come under the proper function of the GAO?

Mr. EAGLETON. I think that the Senator from Arizona makes a valid point. I have today discussed it with the Senator from Wisconsin (Mr. PROXMIRE), who is not now in the Chamber, but who, in my judgment, is one of the Members of this body most knowledgeable on the GAO—not the only one, but he has had a great deal of contact with that agency, as a result of his chairmanship of the Joint Economic Committee. Although he is cosponsor of my amendment, I think he is a bit inclined to think that I have stretched paragraph (2) as to the general capability of the GAO.

He told me this much—if I am at liberty to quote him on a hearsay basis—he said, "They will fight like hell not to try to give you a precise answer under No. 2; that they do not like doing this kind of evaluation." I will concede, perhaps, to the Senator, that I may have overdrawn a bit on subparagraph (2).

Mr. GOLDWATER. I am not trying to be picayunish about this.

Mr. EAGLETON. No. It is an important point.

Mr. GOLDWATER. Because I think we need more information about contracts, and so on; but I do not think the GAO is competent to tell whether it is the most effective weapon; or, going to paragraph (3), to answer whether the strategic projections made in 1963 with regard to the use of the MBT–70 will still be valid when it finally becomes available for use; that is, will it be obsolete as a result of advanced technology and new strategy.

Does the Senator feel that that comes within the proper purview of the GAO?

Mr. EAGLETON. That is getting a little closer to what the Senator from Wisconsin (Mr. PROXMIRE) says may be a shade overdrawn.

If I may interrupt—it is right on the point—I have in my hand a letter from the Comptroller General of the United States to me, dated July 9, 1969. The letter itself is not greatly revealing, but it is a cover letter transmitting to me a report from the GAO, two pages of which I already put in the RECORD earlier on this day. It is on the main battle tank. I do not pretend, nor does the GAO, that the two pages are an exhaustive analysis. It is a very brief summary of a very complex subject.

Let me read a part of page 2. The report starts by discussing the Sheridan and the M60A1E2. Then it goes to, "MBT–70 objectives." I found, and the Senator from Arizona especially will find, that it is not terribly sophisticated; it is cursory. It continues:

> The MBT–70, which is intended to replace the M60 and the M48 as the standard main battle tank, will be employed against armored formations and all other types of land warfare targets including infantry elements of a modern army.

Skipping to—

> MBT–70 commonality. The MBT–70 is designed to be armed with the Shillelagh missile and the 152mm combustible cartridge case ammunition common to the Sheridan and M60A1E2 tank—

Skipping the recitation of certain facts—

> However, the automatic loader is dependent upon the acceptability of the ammunition combustible cartridge case which will be discussed in detail subsequently.

I now come to the conclusion:

> Conclusion. Unless deficiencies in the combustible cartridge case ammunition are corrected, it is reasonable to assume that the MBT–70 will experience difficulties similar to those of the Sheridan and M60A1E2 tank.

That is not a terribly profound conclusion. The point I am trying to make is that the GAO is more than just a bookkeeper's office. It is more than an office where people take a bunch of figures, add up the assets, add up the liabilities, and strike a balance. It is composed of talented people who are analysts, who have the expertise and talents to go beyond the printed word, beyond the diagrams, beyond the schedules, beyond the figures, and to get into what we may call the area of substance and the area of theory.

What I am trying to do by my amendment is ask for the services which Mr. Mayo renders now for some of the same agencies, military as well as nonmilitary. I am willing to cut the period to 6 months. I am asking that office to give us the benefit of their talent, which I know they have, because of the magnificent work they did in assisting Representative STRATTON in his report. The GAO is mentioned particularly in that Stratton report, specifically page 11, which I may put in the RECORD later. But we have these talented people there, we have this questionable program, and I do not see where it hurts a soul or a cause or in any way jeopardizes us to use our people in that way.

Mr. GOLDWATER. The point I am trying to make in these questions is that the General Accounting Officer is not charged in any way with making strategic projections. They do not sit in the meetings when they are made. They have no way of knowing whether a weapon will become obsolete, because of projections, within 6 months or any time. In fact, the conclusion the Senator just read is the conclusion written by the Army on the weapon.

We do not say this is a perfect weapon. We recognize that there are problems. But what I am trying to get at is the General Accounting Office would want to duck from something like that; that they would want to stay with their purpose of accounting, looking into contracts, and so forth.

For example, going to paragraph (4) of the amendment, the GAO would have to answer the question of whether there are more feasible and less expensive alternatives to the development of the MBT–70. If the Senate adopts the amendment, we will be getting into the area of having another agency do the job that the Defense Department, the strategic planners, are charged with doing. Even though I know the GAO is a very competent group, and I have great respect for their judgments, I do not believe anyone in that group is equipped to make the kind of judgment the Senator asks that office to make, outside of what is contained in paragraph (1) on cost.

I am afraid there might be a constitutional question here, although I am not an expert enough to put my finger on it, of mixing up the duties charged to the executive branch and the legislative branch. I think there is a grave question there. Others better equipped than I can discuss it.

I do not think it is wise to let the GAO consider the question of effectiveness of weapons or whether they are obsolete in the strategic projections. I do not think the GAO is equipped to do it any more than the Joint Chiefs of Staff would be equipped to go in and run an audit on the Department of Health, Education, and Welfare.

The amendment is in no way comparable to the Schweiper amendment, which confined itself to money matters, contracts and so forth.

Mr. EAGLETON. I thank the Senator from Arizona. As I said in answer to the previous question, I think at least in terms of subparagraph (2), based on the wise advice of the Senator from Wisconsin (Mr. PROXMIRE), some of that language may be a bit overdrawn. It is quite possible that there could be some bit of redrafting of the latter part of it.

We had an exchange earlier today with the Senator from California, who is a former Comptroller of his State. I do not want to so narrowly circumscribe that which I am requiring the GAO to do that we would merely make them bookkeepers, insofar as what I would ask them to look into with reference to the MBT–70.

I am not here to expound upon the Schweiker amendment one way or the other. It has had its day in the court of the Senate. I am here to expound on the MBT–70 and how we can get the ultimate information, advice, counsel, consultation, and expertise that we have not had as of now in trying to make the "nitty-gritty" decision on a program that has stumbled along, as I have said, for 6 years.

So far as the MBT–70 is concerned, knowing the GAO has systems analysts, knowing they have some personnel who did the enormously successful work for the Stratton committee, which went way beyond bookkeeping and went into the question of effectiveness, comparing it with the Shillelagh——

Mr. GOLDWATER. If the Senator will yield, he will find that this information is available from the Army. Our committee knows of all these aspects The GAO or the Secretary of Transportation, if they want to, can call the Army and get a detailed description of everything that is wrong with the tank and the development of it. The Army has never said, to my knowledge, that it was a perfect and a perfected weapon.

The problem is that by this amendment we are setting up another agency to do precisely what is being done by the Joint Chiefs of Staff, strategic planning, and by the Senate Armed Services Committee and by the House Armed Services Committee.

I wish to recognize that the House of Representatives has made an exhaustive study of this question. The Senate committee has made a cursory study of the matter. But all of the material is available now from the Army. So I think we are getting into another situation where we are going to have too many cooks in the kitchen, and we are not going to get out of that kitchen what we would like to get, which is cost effectiveness, if that word still has any meaning, contract effectiveness, and so forth.

I think if the Senator would confine his charges to the GAO to those fields, he would be on very legitimate, safe grounds. But if I were the GAO myself, I would have to try to duck anything like this, because I would not be equipped to do it.

Mr. EAGLETON. Well, as I have stated previously, the Senator from Wisconsin (Mr. PROXMIRE), who is an expert on the GAO function, doubts whether the GAO would be overly anxious to assume at least subparagraph (2), and perhaps it will have to be redrafted. I am ready to admit that.

The Senator from Arizona points out that maybe this would be a situation of too many cooks in the kitchen, therefore just making a muddle of the thing, and making a still greater muddle out of that which has been muddled pretty far already.

My answer to that, however inadequate, is that I do not know how anybody could make a greater muddle out of this MBT-70 program than has already been made. It has been badly confused thus far, and I think one further look at it will not muddle it up or confuse it any further.

I yield to the Senator from West Virginia.

Mr. RANDOLPH. During the colloquy this afternoon, the Senator from Missouri has referred to a dream—the dream of this tank. Would it be improper to imply that perhaps that dream might have become a nightmare?

Mr. EAGLETON. That is a very apt observation. I may say to the Senator from West Virginia that in some instances, dreams turn out advantageously, and bear fruit; but others turn 180 degrees into a nightmare, and this is of the latter type.

Mr. RANDOLPH. And a dream can destroy as well as build?

Mr. EAGLETON. Yes. And a dream can not only destroy, a dream can divert our attention and our interest from other more profitable pursuits, even in tanks. That is, the development of the M60A1 accelerated the development of the antitank weapons, the Hawk, the Dragon, and the Tow, which have been downgraded in priority, and the like.

Mr. RANDOLPH. I thank the Senator from Missouri. While listening this afternoon, I have made an assessment of the efficacy of the amendment proposed by my colleague. I have followed the questions and answers and I am inclined to support the amendment of the Senator who has now very kindly yielded to me.

Mr. EAGLETON. I am very grateful for the flattering comments of the Senator from West Virginia.

Mr. MANSFIELD. Mr. President, will the Senator yield the floor to me for about 10 minutes, with the advice that within that time, or at the end of it, he will get it back?

Mr. EAGLETON. With that proviso, I am happy to yield to the majority leader.

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the Senator from West Virginia.

THE FUNDING OF MASS TRANSPORTATION

Mr. RANDOLPH. Mr. President, the President of the United States has forwarded to Congress an important message on public transportation. The message quite appropriately focuses attention on the real problems facing the people and affecting the economy of our Nation. We must carefully consider the needs of our people for mobility and provide the transportation facilities which they require.

I have long realized, and have so stated, that highways alone cannot provide the transportation needs of the American people. This is true for the metropolitan centers, with their great populations, and to a lesser degree for the smaller cities and communities of the United States as well.

It was, I think, necessary that the President forward such a message because it does lay down, as it were, a platform on which this Congress can constructively legislate. I do not think, however, that the recommendation of the President will provide the tools to meet the transportation needs of the next generation.

Mr. President, in my 25 years in the House of Representatives and in the Senate, I have come to believe that we cannot expect that the Congress will appropriate out of general funds sufficient amounts of money with which to continue to strengthen the highway system of the United States, or the airport and airways systems. Funds for airways facilities have not been forthcoming and we are in an air safety crisis.

I am delighted that Senator WARREN MAGNUSON, the very knowledgeable chairman of the Senate Committee on Commerce is present on the floor at this time. I commend him and the members of his committee who have joined together in exploring in detail the possibility of a trust fund for airports and airways, such as we have had for highway transportation in this country. The highway trust fund has enabled us to develop our system of highways to serve the needs of interstate commerce and defense. As our road system has progressed we realize that, in part, we are meeting the transportation needs of the Nation.

The message of the President of the United States directs our attention to a third major form of transport in this country, mass transit. This third element must definitely be given attention.

While I am delighted the President has spoken out on the need for action, I do not believe that general funds financing will provide sufficient moneys to do the job. The uncertainties attached to such funding prevents them from being a proper source of money for either highway development, airport-airways development, or now, as proposed, for mass transit development. Experience has shown that there will never be funds appropriated in sufficient sums from general revenues to do the job which must be done, not so much for this generation as for the next generation.

Mr. President, of course, the members of the Banking and Currency Committee and the members of other committees are more familiar, than I, as to the level of the authorization which should be provided, it is my impression, however, that the amount suggested by the President of the United States and the administration to finance the public transportation program is inadequate.

I close by saying, Mr. President, that I join the mayors of the cities of the United States who have expressed themselves on this matter, and I join with the able Secretary of the Department of Transportation, John Volpe, in believing that a trust fund is the proper way to approach mass transit. I believe it is the proper way to approach the airport-airways problem, and has been proven to be the proper way to finance the building of 42,500 miles of interstate highways in this country.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield to my distinguished friend from Georgia.

Mr. RUSSELL. Mr. President, I am tremendously interested in what the Senator is saying, because I have been subjected to some agitation to have a trust fund for the purposes he has enumerated. It so happens that urban transportation, mass transit, is one of the few programs advanced by the Great Society that I supported, because to me it is inevitable that we have got to do something to help the cities. Since all these people have been brought into several communities of the Nation, steps must be taken to help them carry on a normal existence there.

I just wonder where the Senator proposes to get the money for the trust fund.

Mr. RANDOLPH. Mr. President, this is a pointed question, and I will make what, at least from my standpoint, is an adequate answer. We poured money into the highway trust fund from user taxes.

Mr. RUSSELL. Absolutely, and that is different. The trust funds for the highways are derived from the people who use the highways.

Mr. RANDOLPH. And they are committed to a specific form of transportation.

Mr. RUSSELL. The Senator is correct. How does the Senator propose to get the trust funds for the mass transit problem?

Mr. RANDOLPH. From user charges, as we are going to get it from the users of the airlines, from the airline tickets and the charges that come from those who ship or travel.

I do not say that we will get the full amount. It will need to be supplemented. However, we will get a basic amount based on user charges. This amount will come from the people using mass transportation—those persons who benefit. In Iowa, Kansas, and many other States, there will be no need for mass transit financing. Funding should be derived from user charges, basically in the metropolitan areas of the country where the facilities will be located and used.

Mr. RUSSELL. What will be the nature of the user charges? For example, to improve the facilities for transportation within a city, would we levy a tax on the vehicles operating within that city, or just how would we raise the funds? Where would we levy it?

Mr. RANDOLPH. We would levy it

upon the shipper to a degree. Of course, the shipper in some areas would not be greatly affected. Shippers in the metropolitan areas would be subjected to user charges.

Mr. RUSSELL. I can understand how we can set up a trust fund for the highways and for the airways. However, that would be a specific use fund in the nature of a tax that would go into a sequestered fund, a trust fund for that purpose.

Mr. RANDOLPH. And it would be committed to a specific facility.

Mr. RUSSELL. I would be very happy to support such a move, but I have not yet been able, in my own mind, to generate an idea for getting funds to the extent of the large amount of money needed for mass transit into a trust fund.

I do not know how to do it other than to get the people to come to Congress for it and it seems that the people who advance the fund object to coming to Congress for the money.

Mr. RANDOLPH. I do not believe that Congress will provide funds sufficient to do the job, just as they have not done it for the airways or for the highway program. However, I think there can be en equitable and workable user charge in different categories, generating a considerable amount of the necessary funding, supplemented with appropriations from the different political subdivisions involved.

For example, in Boston, with the mass transit program, there would be perhaps a relationship of its value with the Boston environs.

Richard Buck of the Massachusetts Bay Transportation Authority is cognizant of the problems existing there. He believes that the trust fund concept would provide the necessary financing for this important project, supplemented perhaps, initially from Federal, State or/and local revenue sources.

Mr. RUSSELL. Mr. President, I appreciate the fact that the Senator has made his statement, because any interest that is generated in the matter that causes a lot of discussion will be profitable in arriving at some solution.

I will await with interest the modus operandi of raising a trust fund in the amount of anything like the billions upon billions that the proponents of the program desire from the user tax. I think it will get very onerous on someone, and someone will have to come to Congress in the end.

Mr. RANDOLPH. Mr. President, I will make a quick response and not discuss the matter further.

The distinguished Senator from Georgia, the President pro tempore of the Senate, brings to the discussion very valid statements. This concerns me. Do not misunderstand. I do not blithly lay it aside. However, I feel that basically a fund must be established through user charges—supplemented by other revenue sources—as I say, coming from the different political subdivisions, within the great metropolitan areas.

Mr. RUSSELL. Mr. President, I am glad it will not be the responsibility of the Senator from Georgia to originate the user charges and raise money in the sums that have been mentioned.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. MAGNUSON. Mr. President, the whole theory of Federal support for mass transit is actually to aid the cities in supplementing the money they would collect from fares charged on their transit systems.

Mr. RANDOLPH. The Senator is correct.

Mr. MAGNUSON. And we had a provision—the Senator from Georgia knows this well—for many years that the cities could not raise subsidized fares by using Federal grants.

The trust fund in this case would be established from a portion of the fares that people pay to ride a subway or a good mass transit system.

Mr. RANDOLPH. That is why I mentioned the user tax.

Mr. MAGNUSON. The Senator is correct. I think the President did point out, as did Secretary Volpe, that we can raise fares sufficiently to provide the initial revenue for a trust fund. This would be in a supplemental way, of course. What would be raised would be a trust fund of sorts, in effect an authorization of Congress that x number of dollars each year would go for mass transit planning and development.

The problem of mass transit funding from Federal sources is that 1 year is a feast, and the next year is a famine. The money we are talking about is for planning, as well as for system development. The great bulk of this money will come from fares.

I agree with the Senator from West Virginia. We find that where good service is furnished, people do not complain about the fares. It is where the service has been bad, where planning has not been adequate, where the equipment is unreliable or unpleasant, that mass transit systems are not doing the job and are losing money.

This planning and development has to be done in every city, and when proper planning has made the systems efficient, the fares will be acceptable. However, as the Senator pointed out in the beginning, it is bound to be a combination of both Federal and local financing that succeeds, and a bond issue by cities for their transportation systems will be helpful, where this is possible.

In most cities today, the fares collected in mass transit just about pay for the operating expenses of obsolete systems. Once we modernize these systems, which will take billions of dollars, I think we will find that fares will meet more of the costs, and that we will be able to meet the financial needs of mass transit systems more or less completely with the user charges.

Mr. RANDOLPH. Mr. President, I felt so. However, certainly the Senator raises a good point.

Mr. RUSSELL. Mr. President, I foresee one of the most complicated problems ever presented in the Senate.

The Senator from Washington talked about the fares going into the fund. But what does the Senator propose to do in the areas in which the transit system is privately owned; and we have that situation in many cities.

Mr. RANDOLPH. That is not true in too many cities now.

Mr. RUSSELL. I do not mean in the case of the subways. Of course, the private owners have all given up the ghost long since, and the cities have had to subsidize them for years. However, other cities are just as interested in mass transit. They have bus systems and things of that kind.

In Washington, we have a problem of transportation and we have a privately owned transportation system at the present time. The same situation exists in Atlanta. I am greatly interested in that situation.

I have not read the President's message. He may answer a great many of the questions that are in my mind.

Mr. MAGNUSON. The President does not answer anything. He says, "we are going to do something about mass transit, and it is going to cost this amount of money."

Mr. RUSSELL. But when it gets down to writing the bill, there will be a million and one questions that will arise with regard to the matter.

Mr. MAGNUSON. The Senator is certainly correct on that.

Mr. RANDOLPH. Mr. President, I thank the able Senator from Georgia and the able Senator from Washington for discussing the very real problems involved in this important matter.

AMENDMENT OF FEDERAL AVIATION ACT OF 1958—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1373) to amend the Federal Aviation Act of 1958, as amended, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of August 5, 1969, pp. 22241–22242, Congressional Record.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the conference report of the House, which acted first, be printed at this point in the Record for the benefit of the Senate.

There being no objection, the conference report was ordered to be printed in the Record, as follows:

Conference Report (H. Rept. No. 91–426)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1373) to amend the Federal Aviation Act of 1958, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That the Federal Aviation Act of 1958, as amended, is further amended as follows:

"(1) Section 407(b) (49 U.S.C. 1377(b)) is amended by adding the following additional sentence: 'Any person owning, beneficially or as trustee, more than 5 per centum of any class of the capital stock or capital, as the case may be, of an air carrier shall submit annually, and at such other times as the Board may require, a description of the shares of stock or other interest owned by such person, and the amount thereof.'

"(2) Section 408 (49 U.S.C. 1378) is amended by striking subsection 408(a)(5) in its entirety, and inserting in lieu thereof the following:

"'(5) For any air carrier or person controlling an air carrier, any other common carrier, any person engaged in any other phase of aeronautics, or any other person to acquire control of any air carrier in any manner whatsoever: *Provided*, That the Board may by order exempt any such acquisition of a noncertificated air carrier from this requirement to the extent and for such periods as may be in the public interest;'.

"(3)(A) Section 408 is further amended by adding the following new subsection 408(f):

"'PRESUMPTION OF CONTROL

"'(f) For the purposes of this section, any person owning beneficially 10 per centum or more of the voting securities or capital, as the case may be, of an air carrier shall be presumed to be in control of such air carrier unless the Board finds otherwise. As used herein, beneficial ownership of 10 per centum of the voting securities of a carrier means ownership of such amount of its outstanding voting securities as entitles the holder thereof to cast 10 per centum of the aggregate votes which the holders of all the outstanding voting securities of such carrier are entitled to cast.'

"(B) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading 'Sec. 408. Consolidation, merger, and acquisition of control.' is amended by adding at the end thereof the following: '(f) Presumption of control.'

"SEC. 2. The amendments made by this Act shall take effect as of August 5, 1969."

And the House agree to the same.

HARLEY O. STAGGERS,
SAMUEL N. FRIEDEL,
JOHN D. DINGELL,
J. J. PICKLE,
WILLIAM L. SPRINGER,
SAMUEL L. DEVINE,
GLENN CUNNINGHAM,
Managers on the Part of the House.
WARREN G. MAGNUSON,
HOWARD W. CANNON,
PHILIP A. HART,
NORRIS COTTON,
WINSTON L. PROUTY,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1373) to amend the Federal Aviation Act of 1958, as amended, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text, and the Senate disagreed to the House amendment.

The committee of conference recommends that the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment which is a substitute for both the text of the Senate bill and the House amendment.

The differences between the House amendment and the substitute agreed to in conference are noted below, except for technical, clerical, and conforming changes made necessary by reason of the agreement reached by the conferees.

References to provisions of existing law refer to the provisions of the Federal Aviation Act of 1958.

CIVIL AERONAUTICS BOARD EXEMPTION AUTHORITY AND BOARD PROCEDURES

The Senate bill contained two related provisions. One amended section 408(a)(5) of existing law to provide that the Civil Aeronautics Board could, by order, exempt any acquisition from the requirement of prior Board approval to the extent and for such periods as may be in the public interest. The other amended section 408(b) of existing law to permit the Board to establish such expedited procedures (other than evidentiary hearings) as it deemed appropriate in those cases where Board approval was required only by reason of section 408(a)(5) of existing law.

The House amendment limited the authority of the Board to exempt acquisitions from prior Board approval to acquisitions of noncertificated air carriers (such as air taxis and airfreight forwarders). The House amendment did not authorize the Board to prescribe expedited procedures and dispense with an evidentiary hearing in any case of an acquisition where prior Board approval would be required.

The substitute agreed to in conference follows the House version. The committee of conference felt that the exemption authority of the Board with respect to noncertificated carriers eliminated the possibility that the Board would be overburdened with hearings on acquisitions of control. In the case of certificated carriers, particularly the smaller supplementals, the committee of conference expects the Board to process any acquisition proceedings with all due speed.

ATTORNEY GENERAL

The House amendment amended section 408(b) of existing law to require the Board to notify the Attorney General of the time and place of a public hearing on approval of acquisitions and other transactions already within the purview of section 408(a), and also to require the Board to determine that the Attorney General was not requesting a hearing before it could approve certain acquisitions without a public hearing. The Senate bill contained no comparable provisions.

The substitute agreed to in conference omits the House provisions relating to the Attorney General. The committee of conference was informed that, under existing practice, there is no lack of communication between the Board and the Attorney General as to Board action on proposed transactions affecting control of air carriers. The committee of conference expects routine and prompt contact between the Board and the Attorney General to continue. Moreover, the Attorney General would no doubt be included, as to notice, under existing law as in the group of "other persons known to have a substantial interest in the proceeding." Therefore, the conferees agreed that, in view of the statements in both the House and Senate reports on this legislation that there was no intent to add to or detract from the Attorney General's authority under the antitrust laws, it would be better to omit the House provisions.

PRESUMPTION OF CONTROL

The Senate bill created a presumption of control on the part of any person owning beneficially 10 percent or more of the voting securities or capital of any air carrier, and defined beneficial ownership of 10 percent of the voting securities to mean ownership of such amount of the carrier's outstanding voting securities as entitles the holder to cast 10 percent of the total number of votes which the holders of all outstanding voting securities are entitled to cast.

The House amendment created a presumption of control on the part of any person owning beneficially 10 percent or more of any class of the capital stock or capital of an air carrier.

The substitute agreed to in conference follows the Senate version. The managers on the part of the House agreed to the Senate language which had been worked out in conjunction with the Securities and Exchange Commission and the Civil Aeronautics Board.

EFFECTIVE DATE

The Senate bill had a retroactive effective date of March 7, 1969, but provided that no criminal penalties shall be applicable to anyone who acquired control of an air carrier between that date and the date of enactment of the Senate bill.

The House amendment provided that it take effect on the date of its enactment.

The substitute agreed to in conference provides that the amendments to existing law will take effect as of August 5, 1969, the date of the conference agreement. The language relating to retroactive criminal penalties was omitted as unnecessary.

HARLEY O. STAGGERS,
SAMUEL N. FRIEDEL,
JOHN D. DINGELL,
J. J. PICKLE,
WILLIAM L. SPRINGER,
SAMUEL L. DEVINE,
GLENN CUNNINGHAM,
Managers on the Pcrt of the House.

The PRESIDING OFFICER. The question is on the adoption of the conference report.

The conference report was agreed to.

THE McNAMARA LEGACY

Mr. GOLDWATER. Mr. President, it is my purpose today to discuss in a general way many of the subjects that have been raised about this Nation's Defense Establishment and military preparedness during the prolonged debate on this Military Procurement Authorization.

Now that the issue of the ABM is temporarily out of the way, I believe it is time to place into a little better perspective many of the complaints about improvident military expenditures as well as the overall charges of gross waste and inefficiency in the Defense Department.

I believe it is well known in this body that I am a retired major general in the U.S. Air Force Reserve, that I am now, and have been in previous sessions, a member of the Senate Armed Services Committee, and that I have a great pride in and an admiration for the men and the record of our military services.

It is not my intention to here claim that because of this pride and admiration I am ready to blanket the entire Defense Establishment of this Government with a covering of total competence and efficiency. Because of my interest over a long period of years, I believe I am perhaps better able than many Members of Congress to understand the tremendous complexities as well as the frailties and deficiencies of our military system and especially that part of it which is charged with the procurement of new weapons systems and items of military hardware.

Waste and inefficiency? Yes. Without a doubt there is an enormous amount of waste and inefficiency, not only in the Department of Defense with its multibillion-dollar budget, but throughout the entire Federal Government with its hundreds of departments, bureaus, commissions, boards, and agencies. Because of the enormous size and the incredibly complex nature of today's sophisticated weaponry, it is only natural that the largest percentage of waste and overlapping should be found in the Pentagon.

In this connection I have repeatedly expressed my appreciation for the thoroughgoing and exhaustive job of investigation performed by my colleague, the Senator from Wisconsin (Mr. PROXMIRE), and his Joint Subcommittee on Government Economy. I can find it in my heart, however, to fault the Senator from Wisconsin on a couple of grounds, the most important of which has to do with the fact that this very needful task was not undertaken years earlier.

I could possibly object also to the selectivity of the subcommittee's operations in that they seem to be concentrated solely on one department of our sprawling National Government. However, I shall forgo this objection in the earnest hope that Senator PROXMIRE and his subcommittee will next turn their attention to the waste and inefficiency which runs rampant through some of the nondefense departments of our Government. I would hope that he would look with particular emphasis into the multibillion-dollar expenditures of the Department of Health, Education, and Welfare.

As I stated earlier, my main complaint, as an interested Member of the Senate who has been away for 4 years, is that this inquiry into abuses in the Defense Department was so late in coming. I say that because long before I left this body to become the Republican nominee for President, the fact was well established that some things were radically and expensively wrong in the Department of Defense and especially in the Department's procurement procedures—procedures, for example, which enabled a former Secretary of Defense to overrule his Department's evaluation boards and military experts to award a multibillion-dollar contract for the TFX fighter-bomber plane to the highest bidder. As I have pointed out previously, that flasco alone should have brought about a thorough-going examination of the Defense Department's handling of billions of dollars of the taxpayers' hard-earned money.

Had a proper investigation, such as Senator PROXMIRE has recently been engaged in, been undertaken at the time of the TFX controversy, I believe we could have saved the taxpayers many billions of dollars before such items as the ABM were even proposed.

I note that in Senator PROXMIRE's remarks on the Senate floor on July 29 that he does acknowledge the point I have just raised. He said:

> The unhappy fact is, however, that while inefficiency and military policies are being questioned today, they have been allowed to develop in the past without serious challenge from those outside the military establishment.
>
> A number of factors have enabled the military planners and the military spenders to claim their inordinate share of the public purse.

Thus, while the good Senator from Wisconsin acknowledges in one paragraph that the policies of waste and inefficiency which he is today exposing were allowed to develop in the past, in the next paragraph he leaves the impression—and I believe unintentionally—that these policies were the work of military men rather than civilians. But they were not. The fact is that the military planners and the military spenders, for 8 long, expensive years were former Secretary McNamara and his cadre of computer "whiz kids."

Mr. President, I do not wish to unnecessarily dwell on the tremendous multibillion-dollar debt of waste and inefficiency in defense procurement which we owe to former Secretary McNamara. But so long as some critics are indulging in an orgy of protest against any and all things related to the defense of this Nation and the defense of the free world, I, for one, would like to have it known and made crystal clear in the RECORD that the major architect of the things about which the liberals in this country are now ranting was one of their very own.

What I am stating here is that the man who caused all this money to be spent was a political liberal by his own definition and by his own announcements. What is more, I think it is important to recall that the badge of membership in the elite corps of the New Frontier's liberal disarmament advocates was pinned on former Secretary McNamara by none other than Harvard's own Arthur M. Schlesinger, Jr.

Let me explain what I mean. As will be recalled, Mr. Schlesinger was a braintruster and speech writer for the late President John F. Kennedy who wrote in great detail about his experiences at the White House and in the Kennedy administration in a book entitled "A Thousand Days," which was published in 1965. In his book, Mr. Schlesinger gives this first-hand observation of the former Secretary of Defense:

> Next to the President, McNamara . . . probably did more than anyone else to sustain the disarmament drive. With his sense of the horror of nuclear conflict, his understanding of the adequacy of existing stockpiles, his fear of nuclear proliferation, his analytic command of the weapons problem and his managerial instinct to do something about an irrational situation, he forever sought new ways of controlling the arms race.

Mr. President, I find it nothing short of fascinating that we have here a situation whereby an assault on the Defense Establishment is being fueled by the excesses of a former Secretary of Defense who is described by his own friend as a man dedicated to disarmament as a policy. I find it interesting, too, that Mr. McNamara now—after all the damage has been done, after the hundreds of millions of dollars for the TFX, F-111 have gone down the drain, after one weapon system after another has been abolished, after we have been left with an inadequate nuclear powered Navy and an Air Force which has no carry-on manned bomber—that after all this, Mr. McNamara explained the waste and inefficiency which took place under his regime as the fault of the U.S. Congress.

Mr. McNamara could not find the time to testify before the Proxmire subcommittee because of his busy schedule in his present post as President of the World Bank. However, he was not too busy to grant an interview to a newspaper reporter from Boston. As a result of the interview, former Secretary McNamara is quoted as having said that he spent much of his time as Secretary of Defense in—and I use his exact words—"fighting a Congress that wanted to spend too much on useless military projects."

Mr. McNamara, at another point in the interview, was quoted as saying "any number of times I was ordered to begin work on a project which was totally wasteful."

Mr. President, when these remarks appeared in the newspapers, I wrote to Subcommittee Chairman PROXMIRE calling the quotes to his attention and suggesting that it had become even more imperative that Mr. McNamara be asked to testify in the defense spending investigation and to explain precisely what he was forced to do by the Members of this body and our colleagues in the House.

Of course, things may have been different during the 4 years I was away; however, I do not recall any instances of the Congress twisting Secretary McNamara's arm and forcing him to spend money on useless projects. As it turned out, I am sure we all can agree that the TFX probably heads any and all lists that might be compiled on useless projects in the Department of Defense. But the arm twisting in this instance was all done by Mr. McNamara. It will be recalled that the TFX had its very beginning in the highly vaunted concept of "commonality" which was one of Mr. McNamara's prize innovations. From that point on, all the major decisions having to do with the TFX were apparently the work of Secretary McNamara and his immediate assistants in the Defense Department.

These points have not been contradicted or denied by the present critics of defense spending, such as Senator PROXMIRE. For example, in his July 29 remarks Senator PROXMIRE made reference to trouble encountered by the Joint Economic Committee in attempting to obtain an analysis of the defense budget and added "and frankly, this does apply to the previous administration."

This, Mr. President, is one of the few places where I have been able to find acknowledgment of the fact that the things which are being complained about in connection with the military procurement authorization did not occur in the present administration under the leadership of Secretary Laird.

As I say, the critics of military spending have not denied the responsibility which is owned by former Secretary

McNamara. But by the same token, it is not a matter that they very often make clear. Consequently, it has been my intention here today to clear up some of the confusion and set the record straight.

Thousands of words have been printed in the Record and many thousands more have been printed in newspapers and magazines throughout the country since the beginning of the year—and all of them related directly to the high cost of waste and inefficiency and favoritism and cost-overruns in the Department of Defense. I merely want the record to show that these words are a sad and dangerous monument to previous national administrations and especially to the liberal hero, Robert S. McNamara.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. PROXMIRE. Mr. President, unfortunately, I was not in the Chamber when the Senator was making his address. I have just returned. I understood the Senator from Arizona to say we had not invited former Secretary McNamara to appear before our committee. Is that correct?

Mr. GOLDWATER. No; I did not say the Senator did not invite him. I called attention to the fact that he could not appear. I gave the Senator full credit for the good job he is doing. I said I hope he would equally and as thoroughly go into HEW and some domestic problems, which I know he intends to do.

I know that on reading the Record the Senator will find that this Republican Senator has been very kind.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. MANSFIELD. Mr. President, if I may have the attention of the distinguished Senator from Missouri (Mr. Eagleton), the distinguished Senator from Oregon (Mr. Hatfield), and the distinguished chairman of the committee, the Senator from Mississippi (Mr. Stennis), who is the manager of the bill, I would like most respectfully to suggest to my colleagues, the Senators from Missouri and Oregon, to consider the possibility of withdrawing the amendment now pending, with the proviso that if the action contemplated does not take place before the third reading of the bill they would be in a position to again reoffer the pending amendment.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. MANSFIELD. I yield. The Senator may have the floor.

Mr. STENNIS. Mr. President, and Members of the Senate, the sponsors of the amendment have urged greatly their need for an additional study covering certain points I will hereafter outline. We have had an around-the-table gentleman's understanding that the committee will ask the General Accounting Office for a study on these two points that I shall enumerate. If that study is made available before this bill leaves the floor of the Senate on final passage, then the committee will pass on the contents of the study. It is to be a study and not just a recommendation. It is to be a study on the points that I shall enumerate.

If the Committee on Armed Services still recommends that the funds be included in the bill as they are now, then this amendment will be withdrawn altogether and the funds will remain in the bill.

I am speaking to the sponsors of the amendment, the junior Senator from Missouri (Mr. Eagleton) and the senior Senator from Oregon (Mr. Hatfield). Do the Senators have others with them on this matter? I wish to ask the Senator from Missouri whether these two Senators, the Senator from Missouri and the Senator from Oregon, feel they represent others that have a special interest in this matter.

Mr. EAGLETON. The Senator is correct. There are five other cosponsors of the amendment, but I am permitted to represent them along with the Senator from Oregon (Mr. Hatfield).

Mr. STENNIS. I wish to ask the Senator from Oregon (Mr. Hatfield), if he feels that way, that he can speak for them under this arrangement, which is temporary.

Mr. HATFIELD. I think I can speak for the others.

Mr. STENNIS. I thank the Senator.

Mr. President, continuing with the next point, if this study for any reason is not available when the bill reaches final passage or near thereto, then the sponsors will be free, under this agreement, to recall their amendment or reassert the amendment and push for its adoption. That is all, except those two main points in the letter to the General Accounting Office.

Mr. President, and Members of the Senate, this report would be available for Members of the Senate and not just the Committee on Armed Services, but our committee would pass on it.

The first point this study would cover is why research and development cost estimates have had to be revised steadily upward since 1965; and, second, what other feasible alternatives to the development of the MBT–70 there are, if any, and the cost feasibility of each.

I judge that the last item is a kind of guideline the Senators mentioned want the opinion on.

This is a legislative matter now and continues to be a legislative matter and the Committee on Armed Services could, of course, confer with the Secretary of Defense or anyone else that it saw fit in considering this matter.

I hope I have stated the matter correctly.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MANSFIELD. Mr. President, I wish to say that I thoroughly approve what the distinguished Senator has advocated and stated. I think it fits in with the spirit of the amendment which is now pending, and I would hope that this matter could be adjudicated and settled on this basis.

Mr. STENNIS. I have just one word more. I have conferred with as many members of the Committee on Armed Services as I could, under the circumstances. I think we are all in substantial agreement on this proposal. Other proposals were respectfully declined.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. DIRKSEN. As I understand, this arrangement is pursuant to the colloquy we had in the Marble Room earlier this afternoon, and the Senator has outlined it pretty much in the same fashion.

Mr. STENNIS. Yes. It does not go as far as our discussion went, but the basis is the same, and no harmful precedent has been set, as I see it.

Mr. DIRKSEN. I am content to concur if the amendment is withdrawn.

Mr. STENNIS. I think Senators should have a chance to express themselves. I yield now to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I should like to reiterate, as one of the sponsors of the amendment, what the distinguished Senator from Montana and the distinguished Senator from Mississippi have outlined as the agreement.

It ought to be pointed out that in the amendment as we presented it, we were asking for the elimination of approximately $54 million from both the item of research and development and the item of prototype production. In withdrawing the amendment at this time, we then agreed to the specific proposal for a letter requesting a study which is embodied, basically, in subsection (1) on page 2, an additional subsection, which has been agreed to, and alternatives to the tank and other weapons, and that upon the receipt of that particular report, provided it is received before the final passage, the committee will make an evaluation of the report, and that Senators who are not members of the committee will also have access to the same report. If the report is not received before the final passage of the bill, we will then have the privilege of reasserting our amendment without prejudice.

I believe, further, so far as our discussion is concerned, that if the report is not decisive—let us say it is a report that can be interpreted pro- or antitank—Senators of like mind with the Senator from Missouri (Mr. Eagleton) and myself will not be foreclosed from proposing an amendment to the appropriation bill which will come later; but that that bridge will not be crossed until we come to it.

Of course, I am only indicating this as a part of the background of our discussion. It is our hope that the report will be decisive, so that we can all agree to it; and if it is negative, we hope that we will then be able to reach some agreement as to what our next action should be; but it would not prejudice any of the sponsors of the amendment from taking future action on the appropriation bill. But it will not prejudice any of the sponsors of the amendment from taking future action as it relates to the appropriation bill; is that not correct?

Mr. STENNIS. Yes. The Senator is correct in all his statements, as I understand him. We will not undertake to bind—and should not—the Appropriations Committee. It is clear, though, that whatever the study reveals, or whatever the report is, so far as the bill now pending is concerned, the decision of the Armed Services Committee on it will be final, so far as the sponsors of the amendment are concerned. Is that correct?

Mr. HATFIELD. That is correct. Actually, that is all the amendment proposes to do, to ask for and receive a report. It did not attempt to precommit any Senators as to what that action would be following the report. I would accept the agreement as outlined, and I thank the Senator from Mississippi and the Senator from Montana for their assistance in this agreement.

Mrs. SMITH. Mr. President——

Mr. STENNIS. Let me say this. I have mentioned the two sponsors. I conferred with the Senator from Maine and I yield to her.

Mrs. SMITH. Mr. President, I did not hear all that the chairman of the Armed Services Committee said with respect to the agreement that was made. While I sat in on the discussions, does the plan agreed upon set the pattern for all other amendments or any other amendments to the bill?

Mr. STENNIS. Not at all, I say to the Senator from Maine. This I read from was the conference that we had in the Marble Room, with the Senator from Maine, the Senator from California, and the Senator from Wisconsin. This is the exact language that I used, otherwise I would have come to the Senator from Maine again. This does not set a precedent of any kind in that field. It is not agreeing to anything in the bill itself. This is a mere procedural matter.

Mrs. SMITH. Would other sponsors of amendments expect to call for the same review by the GAO on other amendments?

Mr. STENNIS. They might make that request, but I do not think we could agree. This is a peculiar case, in that this has gone on for several years and we are right down to the last mile, one might say, on research and development. I do not consider this to be a precedent. I believe it fully carries out the suggestion as made by the Senator from Maine. That is certainly my intention.

Mrs. SMITH. I thank the Senator from Mississippi very much.

Mr. THURMOND. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. THURMOND. Mr. President, as I understand the arrangement, it does not provide for any suspension of the program.

Mr. STENNIS. That is correct.

Mr. THURMOND. There are 2,000 personnel working on this project. There are more than 1,000 civilian Government employees working on the project.

Mr. STENNIS. Yes.

Mr. THURMOND. The Army is deeply concerned about it. The Army says that a year's deferral in funding could delay first production for as much as 3 to 4 years.

Mr. STENNIS. Yes.

Mr. THURMOND. I just want the RECORD to be clear and show that there is no delay, no deferral, and no suspension of this project.

Mr. STENNIS. That is right.

Mr. THURMOND. This is merely consideration being shown the sponsors of the amendment, to give the GAO an opportunity to make its study and then the Armed Services Committee, from that study, will determine whether funds should be appropriated.

Mr. STENNIS. That is right.

Mr. THURMOND. And that action by the Armed Services Committee will be final.

Mr. STENNIS. Yes. The Senator is entirely correct. I am certainly glad that the Senator brought up that point to be covered now. We have gone into that and it will not disturb the assembly line or the production line or the work going on now. This agreement will not interrupt it in any way. Things will proceed as usual. There is an agreement, too, in connection with the tank, with the Republic of Germany. What is happening here now will not disturb that in any way.

Mr. THURMOND. Mr. President, the recent Warsaw Pact occupation of Czechoslovakia displayed to the world that Communist military ground forces can serve as effective instruments in the attainment of Soviet political goals. Few of us here in the Congress, and certainly no one in Europe, will forget for many years to come the photographs of Russian tanks rolling into that country and thereby suppressing a Communist regime which was becoming too liberal for its masters in Moscow.

With this suppression of the Czech people still fresh in mind it is surprising to me that the distinguished junior Senator from Missouri (Mr. EAGLETON) has introduced an amendment which would halt the joint development program of Germany and the United States to build a main battle tank.

The Czech crisis showed indisputedly that the Russians have not abandoned their traditional reliance on large quantities of main battle tanks. In fact, our intelligence indicates the Soviets have already begun issuing to their armored units the T–62, a newer and much better tank than in use by their armies in the early 1960's. This move is contrasted by the fact that the United States has not developed a really new tank since the Korean war when we first issued the Mark 48 tank. Since that time we have relied upon production improvements of the M–48, the latest improvement known as the M–60A1. The tank under discussion today is not merely an increment improvement of the old M–48, but rather a totally new tank which is revolutionary in nature and should serve our fighting men well in the next few decades.

The MBT–70 amendment offered by the Senator from Missouri, according to his press statement of July 18, 1969, is a followthrough to a study on the Main Battle Tank done by himself and included in the recently released report by the Committee on Military Spending of the Members of Congress for Peace through Law. This, of course, is not a committee of the Congress, but a group formed by members of both House and Senate to promote their ideas on defense matters. The chairman of this committee is the distinguished Senator from Oregon (Mr. HATFIELD) who serves as a cosponsor of the amendment by Senator EAGLETON.

Now, there are other parts of these reports which I wish to challenge. First of all, it should be clear the initial development cost agreed upon by the United States and German Governments was $80 million. Further, it should be stated right here that a reading of the agreement indicates clearly neither Government expected this $80 million to be sufficient to develop this tank but considered it merely the amount necessary to begin a reasonable development. Both Governments recognized the amount would be more and the agreement provided for these additional costs. It would be next to impossible to accurately estimate the development cost of a revolutionary vehicle such as these two countries hoped to build. Hardly any part of this tank compares with vehicles built in the past. Innovations have been undertaken which involve entire new concepts in tank warfare. Thankfully, the work is about done and we apparently have a weapon system which will serve our soldiers well for many, many years.

Therefore, it seems rather unfair to figure cost overruns based on this $80 million figure when both countries established it not as a target development cost but rather as a beginning point in the development costs of this important weapons system program.

Now, there is also this contention in these two reports issued by my distinguished colleagues that the MBT–70 has a nuclear capability as a part of its firepower. This is simply not so. The MBT–70 was not intended to have, does not have, and will not have nuclear firepower capability.

Perhaps my colleagues meant to say the MBT–70 is designed to operate on a nuclear battlefield. Now that is accurate, but later in the same paragraph of the Peace Committee report it is stated the MBT–70 does not provide any more protection on a nuclear battlefield than the M–60A1. This is an error. The M–60A1 tank design did not include particular features to overcome the hazards of a nuclear battlefield. On the other hand, the MBT–70 does possess specific features to reduce the hazards expected to occur in a nuclear war. The

MBT-70 thus has a valuable increment of advantage on such a battlefield as compared to the M-60A1.

Let me proceed further to clarify another claim made by these reports, that this tank was to roll off production lines in December 1969, but has been extended 4 years beyond that target date.

This misstates the actual facts of the agreement between the United States and Germany. The agreement called for a tank, and I quote: "ready for production in 1970." This does not mean tanks rolling out complete from a factory. What this does mean, is that all required development and a technical data package has been completed and ready for publication to industry. The industry must bid on it, a contract be negotiated, and finally a plant tooled up for production of the initial tank by about mid-1972 or later. Thus the target production date has not been extended for over 4 years. The present extension actually covers about 2 years.

Mr. President, sometimes it is puzzling to me just what technique the military should follow in trying to meet the objections of some Members of the Congress in providing weapons development at the lowest cost. Just recently the Defense Establishment was being sharply criticized because they had built weapons we needed and then had to abandon them in brief periods since they had served their usefulness and had been replaced by more advanced technology. Here we have a situation where a revolutionary new tank is being developed, one with a new turret, new suspension system, new gun, and it appears the criticism is based on a stretched out development program. As badly as we need a new tank today, is it not wise to spend a little extra money and take a little extra time in order to develop the best possible machine, one which will do the job in the next two decades as the M-48 has done in the past two decades?

Frankly, this development program has been going slow. We need this tank in 1970 not 1974 or 1975, but we will never get it if this amendment is approved and another delay takes place. We should not lose sight of the fact this tank, while designed to fight in various environments is mainly NATO oriented. Thus, it is to support our men in Europe who are eyeball to eyeball with the enemy. We must give our men there the best tank we are capable of building, and whenever we leave Europe it will be comforting to me to know the Germans have that same tank facing that same enemy.

Returning to the reports of my colleagues, through the Peace Committee and individually, it is stated the Army test and evaluations systems authorities admit a problem with the 152-millimeter ammunition. Such a problem did exist, but the same report in which this comment is made claims the ammunition and its gun operate suitably. Further, we have now passed through a period of testing of this ammunition and gun in Vietnam and hundreds of rounds have been fired with excellent results. In fact, the soldiers there have requested greater numbers of these weapons be sent there for their use.

Mr. President, the MBT-70 will not be merely an incremental improvement over a design first produced almost 20 years ago. In almost every feature, this tank will have revolutionary major increase in its capability. This will be true in its engine, its suspension system, its protection system, its battlefield silhouette, its secondary armor, and its main armament. The main armament alone is unique in the world. It will be a combination guided missile launcher, and a conventional gun capable of firing a new and improved variety of projectiles. The present stage of development has already shown these revolutionary features to have an excellent prospect of meeting their intended design characteristics. The total design of the tank has a most favorable prognosis of being a successful revolutionary design when it appears and much more than, as the Hatfield report would say, temporarily superior to Soviet tanks. It should be superior for a good long time.

The Hatfield-Eagleton description would have us believe that the technological rationale for which this tank is designed may be obsolete by the nuclear battlefields if they occur in the mid-1970's, saying it will be a victim of technology or a new strategy. They say this is the central issue. This reasoning is incomplete.

If this is a central issue, then the question is raised whether we should have any tank at all. If the most modern tank we can make, including revolutionary features, is thought to be obsolete and not useful, then certainly the present tank, product improvements of a 1950 design, will be even more obsolete and less useful. Those who kill off the MBT-70 because of this issue should also be proposing that we kill off all tanks for use on any possible nuclear battlefield.

If the Hatfield-Eagleton statements are intended to question whether there can ever be a nuclear tactical war, then they clearly cannot be at the same time arguing that a great improvement over our present tanks would not be useful to our forces, in Europe or anywhere else. As I previously pointed out, if a non-nuclear war should suddenly become nuclear than the MBT-70 with specific features designed for nuclear war will obviously be of greater usefulness to our troops in such combat.

The Hatfield-Eagleton statements raise the question of whether the strategic projections made in 1963 will be valid in 1974. If they intend to convey the idea that they have conjured up a better projection of the 1963 strategic considerations than those which prevail now, they should make them known. It is already apparent that the tactical projections on which the design of the tank is actually based were quite valid.

The Army stated then that they would need a much better tank if they were to contend with the probable tank which they might find on the battlefield of the future. The Soviets have proved them correct. They have begun issuing to their units the T-62, a much newer and better tank than their units had in 1963.

In other words, the best answer to the question which is asked by Senators Hatfield and Eagleton is provided by the Russians. They are now reequipping their armored and mechanized units—of which they have far more than we do—with a tank of much later design than our present M-60A1. The Soviets clearly expect to have a use for tanks on any future battlefield, nuclear or not.

The Hatfield-Eagleton discussion makes much of the length of time involved in developing the tank and getting it ready for production, and of what they described as the spiraling cost of development.

These statements ignore the available information pertaining to the sequence in development of this tank. In 1963, when the German-American agreement was signed, there was not then in existence any agreed concept as to what the tank would be, or what its specific features would be like. The hard, difficult discussions between the two countries' tank commanders over these details was not resolved until September 1965. These details of actual construction became the basis for the increase from the original $80 million estimate of initial joint development cost, to the later estimate of $138 million development cost. These estimates were in-house projections. Later actual bids by potential contractors for the various components intended to be in the tank indicated that this in-house estimate was too low and the development time previously forecast was too short.

The first prototypes, including in some cases alternative design features, commenced delivery with the first one in July 1967. Since then the development has proceeded in an orderly fashion, resolving the operational features of each of several revolutionary designs of mechanisms never before put together. This orderly, sequential, and severe testing of each of the components follows the general scheme of development which the General Accounting Office has recommended in such cases.

The statements of my colleagues are said to be based upon a study of the MBT-70 tank. The Armed Services Committee has recommended that the development of the MBT-70 be continued. This recommendation is based upon considerable study on the part of its staff which began shortly after the first prototype was issued for testing in July 1967. Its study has included numerous conferences with development officials of the Army, visits by members of the staff to observe the tank components in operation, including visits to Aberdeen Proving Ground, to test and production facilities of the contractors, to the Army Armored Center at Fort Knox, discussions with the Armored Board and Armored Agency of the Combat Development Command and the responsible experienced armor officers in the Armored School at Fort Knox. The considerations given here have been neither hasty nor perfunctory. The committee did believe that the orderly development procedure being followed would not be harmed if the requested funds for fiscal year 1970 were reduced from $44.9 million to $30 million in its overall consideration of reducing current expenditures. It likewise believes that there is every possibility that if there are no impediments thrown in the works, that the United States will succeed with putting in the field, for use by its fighting men, a tank that is far superior to any tank ever seen before. It further believes that nothing can be gained by throwing away the money already spent in this orderly development procedure, and condemning our troops to the continued use of a tank much older in design than that possessed by the Soviets. Further, the arbitrary interruption of a joint development in which our partners, the Germans, are faithfully fulfilling their part of the bargain, is to place the United States in the position of a defaulter on a contract.

To stop this development and begin another is hardly likely to be any less costly than the one on which we have already spent considerable money in getting close to the intended outcome. The most sensible thing, the most honorable thing to do in our agreement with the Germans, and the most economical thing to do, is to continue the main tank program as the Armed Services Committee has recommended.

Mr. ALLOTT. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. ALLOTT. I wish to ask about the second point the Senator read from on his list, which is closely allied with some of the points in the amendment, particularly the second, third, and fourth. As I understand the agreement, the decision of the Armed Services Committee will be binding as to what is done in this matter. But I should like to say, as a member of the Defense Subcommittee on Appropriations, that I believe, in these areas, in asking the GAO to make determinations, that we are going outside their function. Frankly, I think those are decisions which should be made by committees of the Senate and by the Senate itself rather than by the GAO. They may or may not have the expertise to make such judgments. I doubt that they do, not having ready availability and constant availability to intelligence reports, strategic services, and things of that nature. But I did not want this to go by, being in the Chamber, as in any way placing my stamp of approval with respect to that second point because I think it is a matter of determination in which the GAO should not be involved.

Mr. STENNIS. If I may respond to that quite briefly, I think the Senator is entirely correct. I do not think they have the capability, but we will soon find out.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from North Dakota, a member of our committee.

Mr. YOUNG of North Dakota. Mr. President, I want to associate myself with the views expressed by the Senator from Colorado. The General Accounting Office is a very efficient Office when it comes to accounting, but in the past I have found that whenever it delves into policy, it can be terribly wrong. Certainly I would not want to accept their views on military matters and policy decisions.

Mr. MANSFIELD. Mr. President, if the Senator will yield, that is not anticipated.

Mr. STENNIS. Mr. President, Members of the Senate, there has been a very good debate on this matter. It all came from the opposition to the tank. I hope we can conclude this colloquy soon and that someone on the committee who is versed in this matter—I am not referring to myself—will have an opportunity to say a few words. Meanwhile, it would be better to have quiet.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from California.

Mr. CRANSTON. I just wanted very briefly to comment on the point the Senator from Arizona (Mr. Goldwater) raised earlier and that the Senator from Colorado (Mr. Allott) and other Senators have raised. I referred to it earlier today. It referred to some questions I had about the pending amendment.

I think the proposal now made clears the point, but I would like briefly to express my concern about expecting the General Accounting Office to render value judgments about whether a program is good or bad. I think to get them to express such judgments is offensive to experts in that field, the specific field involved—military for example. In the same way, I would question their right to judge the wisdom or lack of wisdom of the war on poverty and other such programs.

It should confine itself to the question of cost effectiveness and leave decisions on the wisdom and value of any program to the House, the Senate, and the administration.

I was comptroller of the State of California for 8 years. Hence, I have some feelings on what is the proper field to assign to the Comptroller.

During this debate, I asked my staff to call the General Accounting Office and get their feelings on the four points, in the pending amendment, providing actions by GAO. Very briefly, the feeling on the four points referring to the GAO is as follows:

As to point 1, which is now covered by the agreement, subsection 1 is within the scope of the GAO investigatory responsibility.

As to point 2 under that subsection, conversations with GAO indicate that the Comptroller General could not make any determination as to the most effective weapons. The most they could do is present the pros and cons as developed by the Department of Defense, and GAO has no capability to conduct technical studies of technical capability.

As to subsection 3, the GAO would be limited to presenting the information developed by the Department of Defense or other agency engaged in technological or strategic study. It could perform no function before setting forth the considerations which originally influence the decision with respect to the MBT–70.

Finally, under section 4, the GAO inquiry would be limited to an analysis of the decisions by which the Department of Defense decided to develop the MBT–70.

I think the compromise proposal now offered is a wise one. I think it has narrowed the scope of whatever the GAO would report.

Mr. MANSFIELD. Mr. President, I would like to emphasize that sections 2 and 3 have been obliterated and section 4 has been changed, so I think what will be done by the GAO is what it is capable of doing, and it is not capable of going into the military field or policy.

Mr. CRANSTON. Exactly.

Mr. STENNIS. Mr. President, I think it would be a fair test of the GAO's position. I think it will give them a chance to express themselves, too, about their capability.

Mr. EAGLETON. Mr. President, will the Senator yield?

Mr. STENNIS. Yes; I am glad to yield to the Senator from Missouri.

Mr. EAGLETON. Mr. President, first, I thank the Senator from Mississippi. He has been remarkably patient and indulgent throughout what to me has been a very long and tiring debate, and he has many days such as this to endure. I want to compliment him and thank him for his patience with me and with the Senator from Oregon on the subject.

Second, let me affirm in brevity the thought which the Senator from Oregon has suggested. The understanding spelled out by the Senator from Mississippi through the exchange with the Senator from Oregon is precisely my understanding.

Finally, let me say that, however inarticulately our amendment was drawn, as the Senator from Wisconsin (Mr. Proxmire) pointed out, especially in subclause 2, the main thrust of what we were trying to achieve was a study and a report from GAO; and I hope we will have such a report. I think the whole Senate and the Armed Services Committee will benefit thereby.

Mrs. SMITH. Mr. President, during our hearings on the proposed defense budget authorization, I seriously considered recommending to the committee that which the proposed amendment seeks to accomplish. I repeatedly expressed my concern on the Army's efforts in tank development and anyone who doubts my concern can turn to page 364 and page 405 elsewhere in part 1 of the printed hearings.

But, Mr. President, after considerable reflection I, along with my colleagues on the committee, faced up to the stark realities of our NATO commitment. I have always believed and I shall continue to believe that if we are to dispatch our men in uniform anywhere outside the continental limits to carry out our national policies, the very least we can do is provide them the best and most modern weapons possible.

Yes, I, too, have expressed my disappointment in the numerous delays and high costs associated with modernizing our ground combat vehicles but let me point out the effects of amendment No. 76.

First of all, the whole concept of logistical support cooperation between the United States and the Federal Republic of Germany will be placed in serious jeopardy. The main battle tank development represents a binding contract between the two governments in which Germany has invested considerable funds. It is a joint project that they alone cannot complete and one which the U.S. Government initiated. The proposed amendment, if adopted, represents a unilateral withdrawal from an international agreement without prior consultation with one of our most dependable allies. I remind my colleagues that this is one of our few allies that not only believes in but does actually participate on a cost-sharing basis.

Second, the monthly cost for the next 6 months is approximately $3 million to maintain the main battle tank program as a going program without procurement of significant hardware. Current funds in this program will permit it to continue at most until September 30, 1969. Thus, the effect of the amendment is to close down the program for an undetermined time. Development work will be suspended and termination costs will approximate $9 million.

Third, should the amendment be adopted the Federal Republic of Germany may see fit to take a unilateral action and cancel another contract with the United States to purchase 88 F-4 aircraft.

Our forces in Korea today and those in Europe are now equipped with tanks which embody the technology of the 1950's and I can assure you that these will be obsolete by the mid-1970's.

Mr. President, if the U.S. Senate decides to adopt the proposed amendment which would have the effect of unilateral withdrawal from a contract, I wonder if we should entertain another amendment to withdraw from the North Atlantic Treaty Organization (NATO).

That treaty will have been in effect for 20 years in August 1969—this month. The treaty provides that after 20 years any member nation which desires to withdraw may do so by giving the other member nations 1 year's notice.

Mr. President, the principal weapon systems contained in this bill are directly associated with our foreign military commitments. I strongly urge that before we deprive our own forces of their weapons, we should first withdraw from our treaty military commitments.

Mr. STENNIS. Mr. President, I highly commend the speech of the Senator from Maine. It is realistic. I think it contains some highly practical suggestions, and this is a matter that has to be met by something other than just talk, Mr. President.

We have had a lot of arguments here on the floor of the Senate as to what our foreign policy should be and what it should not be as expressed in the military bill.

This bill represents the Armed Services Committee's judgment of what is necessary to back up our foreign policy as announced, and also directly protects us. I do not know of any other foreign policy there is. I do not think we have formulated anything else. We talk about these matters, but this is the real thing: to protect ourselves directly first, and then to be in some kind of position to carry out at least our share of these commitments. I hope that we can get on into the meat of this bill now, and consider this matter in that light.

I, too, would like to dwell in make-believe land, or wish-it-was land, but we are up against the realities with this amendment today. This is the first time we have got into the real hardware of the bill, outside the matter of the defensive ABM and I think most of the other amendments, at least the sizable ones, will continue to deal with the necessary hardware to implement our present policy.

Let us not fool ourselves, now, in talking about whether or not we need a tank that will survive a nuclear war. I do not think we can make such a tank. We are talking about a ground war now, by conventional methods, and with reference to the tank, we are talking about the weapon in which Soviet Russia has been superior for a long time. The great preponderance of the evidence is that they still are superior.

So, if we do have this ground war—which God forbid we do not have—we could not plan a better way to be deficient than not to have plenty of good, effective tanks that would at least have a chance to cope with those on the other side.

I do not travel much, but last fall I did spend a little time in Western Europe, went right on over to the border of Czechoslovakia, went out in that mud and muck, and went up and over inside one of these tanks. I talked with those boys. I do not know anything about tanks, but that one did not look very much up to date to me.

I will tell you where that word "dream tank" came from. This is some of the roughest, toughest soldering that one can find anywhere, and the crew is a victim. I shall not emphasize this too much, but the crew, in a large way, is a victim of the position it is in, and the inaction or failure of that tank carries dire consequences for them.

This is planned to be a tank that will do so many things so effectively and efficiently that it gives the crew a much better chance. That is one reason they call it a dream tank.

If we mean business, now, about being over there, and if there is any kind of a threat, let this be the last weapon we neglect, for fighting a ground war, rather than the first. This is a doughboy weapon.

Mr. THURMOND. Mr. President, I wish to commend the distinguished Senator from Maine (Mrs. SMITH) for the excellent remarks she has made concerning the importance of the main battle tank. The Senator from Maine has quite properly stressed that a break in this joint development program with West Germany would be a unilateral action which could only have the most serious repercussions. My able colleague has also pointed out the critical need of our Army for a new tank since we have only had production improvements for the past 20 years. The remarks of the Senator from Maine should be heeded by all of us in this Chamber and I wish to associate myself with them.

Mr. McINTYRE. Mr. President, the amendment offered by the distinguished Senator from Missouri would have the effect of withholding all R. & D. funds for fiscal year 1970 on the main battle tank and, in addition, would withhold the funds for the procurement of 6 preproduction prototypes which were planned as the test vehicles to bring the tank to the point where full production could be initiated. Although the amendment calls for an investigation and study by the Comptroller General to be completed in 6 months, the result of the amendment would be a complete cessation of U.S. participation in the joint project.

In my judgment, this would so completely disrupt the contractual development efforts being carried on, both in the United States and Germany, as to force either termination of the Main Battle Tank development completely or a further delay which would probably amount to several years.

Mr. President, this is a result which, in my judgment, should not be taken lightly. The main battle tank is not intended just as a nice thing to have, but as an essential weapon system which must be put in the hands of our troops if they are to successfully cope with the threat which they will face in the 1970's. Our intelligence tells us that at the present time the Russians have tanks in the hands of their troops which are superior in some aspects to the tanks the U.S. Army has. It is estimated that the tanks which the Soviet forces are operating today reflect a technology which is approximately 10 years ahead of U.S. technology. In addition, the best Russian tanks outnumber the best U.S. tanks by more than 3 to 1. With a tank force that is currently inferior, both in quality and numbers, we should not take lightly any action to disrupt the efforts to upgrade our tank force. And, Mr. President, there can be no question that this amendment, if it becomes law, will seriously—perhaps irreparably—disrupt the main battle tank program.

The main battle tank program has been criticized because the initial research and development cost estimates have been revised upward a number of times. Mr. President, I am as concerned as any Member of this body about the rising cost of research and development and about the consistent record of the Defense Department in underestimating the ultimate cost of weapon system development. I recognize the difficulty of making precise estimates when a weapon system is in the conceptual stage. It is clearly too early to make any kind of reliable estimate for an international program before the two countries even agree on the specific tank configuration, and this was the case in 1963 when a preliminary estimate of $80 million was made by United States and German technical people. The 1965 estimates were somewhat more realistic but even these have grown—indeed, have doubled. I do not condone this growth any more than I condone the cost growth in the C-5 or other Defense programs, but in fairness I think we should recognize that the causes of this growth in development costs have, in large part, reasonable explanations. They do not necessarily reflect weaknesses in the program itself. For example, the estimates now include development of a joint heavy equipment transporter, a joint advanced component development program, and a gas turbine engine program which were not contemplated in the 1965 development estimate. In addition, technical difficulties have contributed to the increased costs. Many developments are simply product improvements in which existing designs are improved component by component, resulting in evolutionary changes that do not represent major breakthroughs. However, the main battle tank is a revolutionary development in which higher development risks are accepted to produce an all new tank which capitalizes on advanced engineering techniques and results in a major increase in capability.

Again, I feel that the Defense Department has been guilty of over-optimistic planning in not allowing for additional costs and time to solve these difficult technical problems which are associated with the revolutionary design. But it is this revolutionary design which will insure that the MBT–70 not only will not be obsolete when it is introduced but will be superior to any tank then existing on either side of the iron curtain.

Congress has repeatedly criticized the Defense Department for rushing weapons systems into production before the development difficulties are completely resolved thereby incurring expensive retrofit after the production run has started. The Army has sought to minimize this kind of expense by applying conservative controls to place the development of the main battle tank, and this has contributed to both the delays in the development and to the increase in cost.

Mr. President, I think that although the program has had problems, technical difficulties, growth in development cost beyond the original estimates, those problems are not the vital question now. What is vital is that our troops are equipped with inferior armor, in inferior numbers.

This is a dangerous condition which decreases the deterrent value of our NATO forces in Europe and increases the possibility of a military adventure by the Communists which could have disastrous effects. The important thing at this point, Mr. President, is that we need a new tank. We need a new tank in numbers, and we need it as soon as it can become available. I think that the effect of this amendment would be to deny us the capability to produce an advanced tank before the late 1970's. In my judgment, this is an unacceptable risk which we must not take.

Mr. PROXMIRE. Mr. President, on June 13, 1969, Elmer Staats testified to the Subcommittee on Economy in Government about the scope of GAO's involvement in the defense area. Mr. Staats stated that of the GAO's total operating budget for fiscal year 1969, of $59.6 million, over $30.1 million, or 50.5 percent is related to defense programs and activities. He said that the allocation of GAO's resources in the accounting, auditing, legal and other related functions in connection with defense spending amounts to 43 percent. The proposed GAO budget for fiscal year 1970 provides for a total professional audit staff of 2,585. Mr. Staats said:

> We continue to place heavy emphasis upon the major functional areas of defense activities, including procurement, supply management, manpower, research and development, facilities and construction, support services, and management control systems.

It is also well to remember that the Congress created the GAO to be its investigative arm. The annual report of the Comptroller General states:

> The Congress established the General Accounting Office in the Legislative Branch to serve as an independent, nonpolitical and reliable source of assistance in carrying out its constitutional power over the public purse.

The GAO periodically makes reports to Congress on its audits, investigations and evaluation requested by individual Members or committees. It annually issues literally hundreds of reports dealing with expenditures by the executive branch. These reports are designed to aid the Congress with information helpful in reviewing the annual budget requests.

It should, therefore, be clear that the General Accounting Office was created to perform the kind of functions outlined in this amendment, that it is eminently equipped to do so with a large professional staff, and that it has the experience in the area of defense analysis that is called for.

The GAO is the appropriate agency to undertake the study required by the amendment rather than the Bureau of the Budget or the Defense Department. I would note the following:

First. GAO is independent and responsible to Congress.

Second. GAO is building a systems analytic capability and currently has at least as much of this capability as BOB.

Third. Neither BOB nor DOD could be expected to develop a report which would offend the President or the Secretary of Defense.

The main battle tank, MBT–70, was conceived in 1963. It is being developed jointly by the United States and West Germany. Its purpose is to operate in the environment of a tactical nuclear war in Western Europe. The development of the tank had been scheduled for production by 1969, but it has now been deferred until 1974. The R. & D. costs of this weapon have risen from $86 million to over $300 million since 1963. In the current military authorization bill, there is a total of $55 million recommended by the Senate Armed Services Committee. This included $30 million for R. & D. and $24.5 million for production engineering. The Senate Armed Services Committee cut the R. & D. budget request of the Pentagon from $43.3 million.

The Army intends to replace all of the M–60–A1 tanks which we now have deployed in Europe with the MBT–70. Currently, there are well over 1,000 of these tanks in Western Europe. At the current estimated cost of producing the MBT–70 of between $600,000 and $700,000, per unit, it is estimated that the total cost of this program over the decade of the 1970's would be in the neighborhood of $1.5 billion.

The following points enumerate some of the circumstances surrounding the MBT–70 which are pertinent to a Congressional decision to continue the R. & D. on this weapon.

Developments in antitank warfare have far outdistanced tank warfare developments. It is now possible for an infantryman to knock out a tank with a guided missile which he carries with him in bazooka style.

The MBT–70 is designed to be equipped with a Shillelagh missile. In this system, both the missile and 152-mm. cartridges are fired through the same tube mounted on the tank. This Shillelagh firing system is enormously complicated and has not yet been made to work. The Shillelagh was supposed to be installed on the Sheridan tank, but, because of inherent design defects, it could not be properly mounted. Even though it was produced and sent to Vietnam, where it became embroiled in a scandal because of serious firing failures in battle. The same Shillelagh missile was supposed to be attached to the M–60 tank, but again mounting problems as well as severe misfiring troubles occurred. Currently there are hundreds of M–60 tanks waiting in Detroit for the Shillelagh missile which, according to the Stratton report, "still cannot be deployed because of deficiencies."

Costs of the MBT–70 are now projected to be about $600,000 to $700,000 for each vehicle. This is two and a half to three times as much as the M–60 tank, which we now possess, and whose performance is only marginally below that of the MBT–70.

The Army intends to replace all of the M–60's which are now deployed in Western Europe with MBT–70's in the decade of the 1970's. It is known that there are currently well over 1,000 of the M–60 tanks now in Western Europe. If these are replaced by MBT–70's during the next decade, we are confronting a total budget cost of $65 billion or more. If the Army receives the appropriation on the tank this year, the Congress will be very close to approving the production and deployment of this weapon.

The M–60–A1 tank now in Western Europe is at least equal to any tank now possessed by the Russians or in development by the Soviet Government. A number of people with whom I have spoken state that the M–60–A1 is superior to anything which the Soviets now have in development.

While the Army has argued that there is a potential tank threat from the Soviets in the Western European theater, it should be noted that in 1958, a decade ago, their principal rationale for developing a guided-missile capability on tanks was the alleged "possible superiority" of the Communist-bloc countries. In the recent report by the Stratton subcommittee of the House, it was noted that that Soviet capability never developed and now, some 10 years later, the M–60–A without the guided missile is "equal to or superior to Soviet-designed tanks."

The Army insists that we are outnumbered in tank forces in Western Europe. The Stratton Subcommittee noted that the reason we are outnumbered is because the Army failed to maintain an adequate production rate of M-60's during the 1960's and indeed, "they slowed down the production line and even closed it in 1967 to produce the M-60 with Shillelagh missile, which still cannot be deployed because of deficiencies."

The MBT-70 is designed to fight a war in Western Europe similar to World War II, only with tactical nuclear weapons instead of conventional weapons. Many strategists believe that such a contingency is no more than a remote possibility. Moreover, the Congress to date has not fully considered the implications of tactical nuclear war on the European Continent.

The characteristic of the tank which stands out in the minds of most of the people, both in the Pentagon and out, who are knowledgeable about this program, is the highly sophisticated technology which is being built into it. I understand that there is built into every tank a computer for leveling and automatic loading and firing. Among these people, there is substantial skepticism concerning the ability of existing technology to produce a workable vehicle. In fact, there is some well-based expectation now that the Secretary of Defense judges the weapon to be an ultimately infeasible end and may well cancel it himself, if the Congress does not cancel it.

Many people knowledgeable in the details of this weapon have informed me that a major share of the high cost of this weapon is accounted for by the use of a special steel which is neutron absorbing. In point of fact, if this is true, the Nation is spending a substantial amount of money—into the billions—to provide covering for a limited number of personnel who will be engaged in some prospective tactical nuclear war in Germany, France, the Netherlands, and so on.

That there have been difficulties in designing the sophisticated equipment in this tank is evidenced by the cost growth in R. & D. In 1963, it was estimated that R. & D. would cost $86 million and that the tank would roll off the production line in 1969. Now the R. & D. cost has escalated to well over $300 million, and production target is now 1974.

So far, the U.S. Government has spent over $30 million on the development of the 1500 horsepower turbine engine which, in the judgment of a number of people, may well not be technically feasible.

While the MBT-70 might have been analyzed to be cost effective prior to 1965, it is now doubtful, given the escalated R. & D. costs, and given the doubts about technical feasibility, that it would still be cost effective. It is essential that this question be studied.

Finally, I would make a number of other points which are pertinent to a decision on the MBT-70.

If this weapon is produced and deployed in Western Europe under a joint agreement with West Germany, we will be in the process of supplying tactical nuclear weapons to Germany. I do not believe that this fact is widely recognized for, if it were, the same kind of opposition to it would develop as did develop a few years ago on a similar issue.

By providing a tactical nuclear weapon to NATO countries, it seems to me that the United States is directly undermining its claims concerning the effectiveness of its nuclear deterrence. If we are spending $10 billion to fight a tactical nuclear war, it is difficult to convince our NATO allies that our nuclear deterrence is sufficiently potent to forestall any potential Soviet attack.

I would emphasize a point that I made earlier: namely, that Congress should not vote approval of a program such as MBT-70 without knowing the full budgetary implications of the system. This year, the Army requested $70 million of funds. This was cut to about $55 million by the Armed Services Committee. If this $55 million comes close to committing the Nation to a $15 billion expenditure, it should be known by all participants to the decision prior to final decision.

Mr. MAGNUSON. Mr. President, I have been listening to 2 days of debate here. I do not think it has been mentioned that at the other end of the spectrum is the Renegotiation Board, which has been operating for a long time. Of course, that Board passes on smaller amounts, but it passes on whether someone has made an excess profit on a military contract. The Senator from Colorado (Mr. Allott) and I have handled the small appropriations for that office for years. That Board is collecting many millions of dollars, and it has responsibility over all military procurement contracts over, I think, $25,000, or whatever the figure is.

So despite the procedure we have been talking about, at the other end of the spectrum there is the Renegotiation Board, which acts in a very nonpartisan manner. The Board has done a very good job.

Does the Senator from Colorado agree?

Mr. ALLOTT. I certainly do.

Mr. STENNIS. I thank the Senator for his comments.

Mr. EAGLETON. Mr. President, I withdraw my amendment, without prejudice.

STUDENT LOANS

Mr. JAVITS. Mr. President, certainly, sooner or later, the majority leader will make a statement on the program for today and next week. I would like to call attention to the fact that the Committee on Labor and Public Welfare has just reported a bill which deals with the ability of 200,000 college students to get student loans, and if we do not deal with that measure before we have a recess, very likely a large number of them may be denied the opportunity to spend the next year in college. I know the exigencies we are all under, and I only state it to submit it to the majority and minority leaders. I would hope they might find some way of accommodating the serious situation. Thirty members of the Senate are cosponsors of that bill. I may add that the measure takes no money, because the money has been appropriated. It is just a matter of using it for this particular purpose.

Mr. MANSFIELD. Mr. President, may I say that the joint leadership will do what it can. It certainly will not consider laying aside the present business unless we have the concurrence of the Senator from Mississippi (Mr. Stennis) and the ranking Republican member, the senior Senator from Maine (Mrs. Smith); but if something could be worked out on the basis of a time limitation, we would be glad to give it our consideration. But if it is going to be a "dog fight," as it could well develop into, I think we would have to consider that. But we will do what we can, without being too definite.

Mr. PELL. Mr. President, I would like to associate myself with the views expressed by the Senator from New York.

Mr. MANSFIELD. Probably it would help get the Senator from New York and the Senator from Rhode Island off my back if we could agree to it.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. NELSON. Mr. President, I call attention to the absence of a quorum.

Mr. MANSFIELD. A quorum call is agreeable, provided that the Senator does not lose his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McINTYRE. Mr. President, will the Senator from Wisconsin yield?

Mr. NELSON. I yield.

AMENDMENT NO. 131

Mr. McINTYRE. Mr. President, at this time I offer an amendment to S. 2546. The amendment concerns chemical and biological warfare.

Senators Nelson, Goodell, Hughes, Proxmire, Yarborough, Pell, Hartke, Mondale, Stevens, and I are listed as cosponsors of the amendment.

Mr. President, the amendment represents an effort to deal with amendments previously offered by these Senators. Those amendments are numbered 114, 116, 117, 118, 120, and 121.

Mr. President, these amendments offered by the Senators for the most part are concerned with various rules and regulations that they would like to see incorporated into the law to serve as effective guidelines and controls over the storage, transportation, disposal, and maintenance of chemical and biological agents—and includes also the Senator from Wisconsin's and the Senator from New York's amendment concerning open-air testing of lethal agents.

The staff of my Subcommittee on Research and Development of the Committee on Armed Services, together with the staffs of the various Senators involved, have worked to try to incorporate into the amendment I have just presented the essentials of the various amendments offered. I believe that has been done with satisfaction. In substance, a great deal of the ideas and the thrust of the amendments offered have been taken.

The PRESIDING OFFICER. Will the Senator send his amendment to the desk, so that it may be read?

Mr. McINTYRE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT addressed the chair.

Mr. NELSON. I yield to the Senator from Colorado.

Mr. ALLOTT. I wish to reserve the right to object to unanimous consent concerning dispensing with the reading.

Does the Senator plan to read it at a later time? I think the Senate should be informed of the contents of the amendment.

Mr. McINTYRE. I think the point the Senator from Colorado raises is a good one. The usual procedure, as the Senator knows, is to dispense with the reading, in the interest of time.

Mr. ALLOTT. All I am doing is inquiring whether the Senator intends to read it or to make it available to us later. If he does, I shall not object.

Mr. McINTYRE. I had not intended to read it because of the lateness of the hour, but I think the point is well taken. I do not want to give the appearance of rushing too fast on this important amendment. We have been in consultation with the chairman of the Committee on Armed Services and the ranking Republican member.

Mr. ALLOTT. If a copy is available to us, I will not object.

The PRESIDING OFFICER (Mr. Cranston in the chair). Without objection, reading of the amendment is dispensed with; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

At the end of the bill add a new section as follows:

"CHEMICAL AND BIOLOGICAL WARFARE

"Sec. 402. (a) The Secretary of Defense shall submit semiannual reports to the Congress on or before January 31 and on or before July 31 of each year setting forth the purposes of and the amounts spent during the preceding six-month period for research, development, test, evaluation, and procurement of lethal and nonlethal chemical and biological agents. The Secretary shall include in such reports an explanation of such expenditures including the necessity therefor.

"(b) None of the funds authorized to be appropriated by this or any other Act may be used for the procurement of delivery systems specifically designed to disseminate lethal chemical agents, disease-producing biological micro-organisms, or biological toxins, or for the procurement of any part or component of such delivery system.

"(c) None of the funds authorized to be appropriated by this or any other Act may be used for future deployment and storage of any lethal chemical agent or any disease-producing biological microorganism or any biological toxin at any place outside the United States, or for the deployment at any place outside the United States of delivery systems designed to disseminate any such agent or microorganism or toxin unless the country exercising jurisdiction over such place has prior notice of such action. In the case of any place outside the United States which is under the jurisdiction or control of the Government of the United States, no such action may be taken unless prior notice of such action has been given to the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations and, when appropriate, the Committee on Interior and Insular Affairs of the Senate, and the Committee on Armed Services, the Committee on Foreign Affairs, the Committeee on Appropriations and, when appropriate, the Committee on Interior and Insular Affairs of the House of Representatives. As used in this section the term 'United States' means the several States and the District of Columbia.

"(d)(1) None of the funds authorized to be appropriated by this Act or any other Act shall be used for the transportation of any lethal chemical or biological agents to or from any military installation in the United States, its territories or possessions unless the Surgeon General of the Public Health Service has determined that such transportation will not present a hazard to the public health.

"(d)(2) The Secretary of Defense, except during a war declared by Congress or during a national emergency declared by Congress or the President after the enactment of this legislation, shall provide written notification to the Congress, to the Secretary of Transportation, to the Secretary of Health, Education, and Welfare and to the Interstate Commerce Commission at least thirty days in advance of any operation involving the transportation of lethal chemical or biological agents to or from any military installation in the United States, its territories, or possessions. The Secretary of Defense shall provide appropriate notification to the Governor of any State through which such agents be transported.

"(d)(3) The Department of Defense shall detoxify all lethal chemical or biological agents before their transportation for disposal as provided for in subsection (e)(1) and (e)(2) of this section whenever it is practical to do so.

"(e) None of the funds authorized by this or any other Act shall be used for the testing, development, transportation, storage, or disposal of any chemical or biological weapon outside of the continental limits of the United States unless the Secretary of State determines that such testing, development, transportation, storage, or disposal will not violate international law and reports such determination to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, and to the appropriate international organizations, or organs thereof, whenever required by treaty or other international agreement.

"(f) None of the funds authorized to be appropriated by this or any other Act shall be used for the open air testing of lethal chemical agents, disease-producing biological microorganisms, or biological toxins except upon a determination by the Secretary of Defense, under guidelines provided by the President of the United States, that an open air test is necessary for the national security, and then only after a separate determination by the Surgeon General, within thirty days of the determination of the President, that the test proposed will not present a hazard to the public health. The Secretary of Defense shall report his determination and that of the Surgeon General, to the Committee on Armed Services, the Committee on Labor and Public Welfare, and the Committee on Appropriations of the Senate and to the Committee on Armed Services, the Committee on Interstate and Foreign Commerce and the Committee on Appropriations of the House of Representatives at least 30 days prior to any actual test. The Secretary of Defense shall set forth in his report the name of the agents, microorganisms, or toxins to be tested, the time and place of any test, and the reasons therefor."

Mr. NELSON. Mr. President, as the Senator from New Hampshire has stated, this amendment consolidates several amendments introduced by several Senators and was worked out with the staff of Senator McIntyre's subcommittee and the staffs of Senators who are authors of the various amendments.

The consolidated amendment, as I have stated, contains several amendments by other Senators. I would be happy to explain the three amendments that were introduced by the Senator from New York (Mr. Goodell) and myself.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. ALLOTT. I assume the Senator is speaking to me—at least he is looking at me.

Mr. NELSON. No, Senator Goodell cosponsored three amendments that are now incorporated.

Mr. ALLOTT. I just want to say that I now have a copy of the amendment.

Mr. NELSON. Then, instead of reading the amendment, I might just summarize the three for which the Senator from New York and I were responsible. I assume that the other authors of the various parts of this consolidated amendment will in their remarks explain that aspect of the consolidated amendment which was introduced by them.

The first of the amendments jointly sponsored by the Senator from New York (Mr. Goodell) and myself simply provides that none of the funds in this bill shall be used for the procurement of delivery systems to disseminate lethal chemical agents or disease-producing biological microorganisms.

The other amendment we jointly sponsored which is part of the consolidated amendment provides that none of the funds appropriated by this Act may be used for deployment or storage of any lethal chemical agent outside the United States—I am trying to consolidate this; I will not read all of it—without prior notice to the country involved where it is stored, and unless prior notice is given to the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Interior and Insular Affairs, and the Committee on Armed Services.

The third amendment sponsored by Senator Goodell and myself, as part of the consolidated amendment, provides that none of the funds appropriated by this act shall be used for the open-air testing of lethal chemical agents, disease producing biological micro-organisms, or biological toxins except on determination by the Secretary of Defense, under guidelines provided by the President of the United States, that an open-air test is necessary for the national security; and then only after a separate determination by the Surgeon General, within 30 days of the determination of the President, that the test proposed will not present hazards to the public health. The Secretary of Defense shall report this determination and that of the Surgeon General to the Committee on Armed Services, the Committee on Labor and Public Welfare, and the Committee on Appropriations of the Senate, and to the Committee on Armed Services, the Committee on Interstate and Foreign Commerce, and the Committee on Appropriations of the House of Representatives at least 30 days prior to any actual test. The Secretary of Defense, pursuant to this amendment, shall set forth in his report the name of the agents, micro-organisms, or toxins to be tested, the time and place of any test, and the reasons therefor.

Mr. MANSFIELD. Mr. President, is the Senator through with his explanation?

Mr. NELSON. Of the three amendments I have.

Mr. MANSFIELD. Mr. President, will the Senator yield to me briefly, before the other cosponsors of these amendments speak?

Mr. NELSON. I yield.

Mr. MANSFIELD. Mr. President, the joint leadership has discussed the question of a vote tonight on the amendment which was offered by the distinguished Senator from New Hampshire, the chairman of the subcommittee dealing with this matter in the Committee on Armed Services, and one of the authors of the proposal now before the Senate. We think we have reached agreement. We will find out shortly.

I ask unanimous consent that the vote on the pending amendment take place at 12 o'clock noon on Monday next.

Mr. FULBRIGHT. Reserving the right to object, what time is the Senate to meet on Monday?

Mr. MANSFIELD. Ten a.m.

Mr. FULBRIGHT. Has permission been granted for a meeting of the committee? I ask that for this reason: We would like very much the opportunity to act upon particularly the Peace Corps matter which is pending. There was an amendment to it, and we could not act. We did not have a quorum. All I want is to have an opportunity to act if I can get a quorum. Is that permissible?

Mr. MANSFIELD. Yes.

Mr. STENNIS. Mr. President, will the Senator speak a little louder?

Mr. MANSFIELD. The Senator from Arkansas wanted to know about committees meeting on Monday morning. That will be all right.

Mr. FULBRIGHT. If we can get a quorum, we would like to act on a matter.

Mr. MANSFIELD. The joint leadership will have no objection.

The PRESIDING OFFICER. How is the time to be divided?

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. First, I ask unanimous consent that the vote on the pending amendment take place at 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask unanimous consent that the time be equally divided between the minority and majority leaders or whomever they may designate.

The PRESIDENT OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, there will be a rollcall vote at 12 o'clock noon on Monday, if I did not state it.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

Ordered, That the Senate proceed to vote at 12 noon Monday, August 11, 1969, on the amendment offered by Senator McIntyre and others, relative to chemical and biological warfare (No. 131).

Provided further, That debate on the amendment, beginning at 11 o'clock be equally divided and controlled by the majority and minority leaders, or someone designated by them.

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. McINTYRE. Mr. President, I ask unanimous consent that various amendments, as originally introduced by the Senators I have referred to in my remarks, be placed in the Record at this time so there will be a comparison between these amendments and the amendment I introduced on behalf of all of them.

There being no objection, the amendments were ordered to be printed in the Record, as follows:

Amendment 114

At the end of the bill add a new section as follows:

"Sec. 402. None of the funds authorized to be appropriated by this or any other Act may be used for open air tests of lethal chemical agents or pathogenic biological micro-organisms or biological toxins."

Amendment 115

At the end of the bill add a new section as follows:

"Sec. 402. None of the funds authorized to be appropriated by this or any other Act may be used for the procurement of delivery systems designed to disseminate lethal chemical agents, pathogenic biological micro-organisms, or biological toxins, or for the procurement of any part or component of such delivery systems."

Amendment 116

At the end of the bill add a new section as follows:

"Sec. 402. None of the funds authorized to be appropriated by this or any other Act may be used for the storage or deployment of any lethal chemical agent or any pathogenic biological micro-organism or any biological toxin at any place outside the United States, or for the deployment at any place outside the United States of delivery systems designed to disseminate any such agent or micro-organism or toxin unless the country exercising jurisdiction over such place has prior notice of such action. In the case of any place outside the United States which is under the jurisdiction or control of the Government of the United States, no such action may be taken unless prior notice of such action has been given to the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Interior and Insular Affairs, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Interior and Insular Affairs, and the Committee on Appropriations of the House of Representatives. As used in this section the term 'United States' means the several States, and the District of Columbia."

Amendment 117

At the end of the bill add a new section as follows:

"Sec. 402. None of the funds authorized by this or any other Act shall be used for the testing, development, transportation, or disposal of any chemical or biological weapon unless the Surgeon General of the Public Health Service determines that such testing, development, transportation, or disposal will not present a hazard to the public health."

Amendment 118

At the end of the bill add a new section as follows:

"Sec. 402. The Secretary of Defense shall submit semiannual reports to the Congress on or before January 31 and on or before July 31 of each year setting forth the amounts expended during the preceding six-month period for research, development, test, evaluation, and procurement of lethal chemical agents and for lethal biological agents, and amounts expended for such purposes during such six-month period on other major categories of chemical and biological agents of a nonlethal nature. The Secretary shall include in such reports an explanation of such expenditures including the necessity therefor."

Amendment 120

At the end of the bill add a new section as follows:

"Sec. 402. (a) The Secretary of Defense shall provide written notification to the Congress, to the Secretary of Transportation, to the Secretary of Health, Education, and Welfare, and to the Chairman of the Interstate Commerce Commission at least thirty days in advance of any operation involving the transportation of any lethal chemical or biological agent to or from any military installation.

"(b) The Secretary of Defense shall give all due consideration to the public health and safety in operations involving the transportation of any lethal chemical or biological agent to or from any military installation, shall maintain strict adherence to all Federal safety regulations in every case, and shall detoxify lethal chemical and biological agents before transportation for disposal when practicable to do so."

Amendment 121

At the end of the bill add the following new section:

"Sec. 402. None of the funds authorized by this or any other Act shall be used for the testing, development, transportation, storage, or disposal of any chemical or biological weapon outside of the continental limits of the United States unless the Secretary of State determines that such testing, development, transportation, storage, or disposal will not violate international law and reports such determination to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, and to the appropriate international organizations, or organs thereof, whenever required by treaty or other international agreement."

Mr. NELSON. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

ORDER OF BUSINESS

Mr. DIRKSEN. Mr. President, I wish to query the distinguished majority leader for a moment about the business of the Senate before the midsummer recess, and that means Monday, Tuesday, and Wednesday, because I believe we agreed that the recess starts at the end of business on Wednesday, August 13. Therefore, we have until that time.

The question is whether Senators will be on hand. There are invitations outstanding, such as invitations for the dinner for the astronauts in Los Angeles, and other affairs which could possibly take Senators away. I believe the leadership has to know. I would want to prevail on Senators to remain here under those circumstances if we are going to work right up to the end of that day. I would like to know if it is likely there will be rollcall votes.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, it is true that a number of Senators have received invitations to attend the state dinner for the astronauts in Los Angeles on the evening of Wednesday, August 13.

There will be votes on Monday, Tuesday, and very likely Wednesday. I would hope, though, that those who intend to go to Los Angeles or those who have accepted the invitation would not enter their declinations yet, but that they would, if at all possible, be prepared to go to honor these men and their achievements.

The joint leadership will do its best to try to enable an early departure. I suppose the last plane would leave about 2 o'clock, 3 o'clock, or 4 o'clock. We will come in early on Wednesday to get as much business as possible out of the way.

It does not appear at this moment, however, that we would be able to finish the bill by Wednesday. We will make every effort to do so, but in view of statements which have been made and comments which I have heard as to the length of time to be spent on some of these amendments—and I know of 10 amendments at the moment and there may be more—it seems to be only a very long shot that we could finish by Wednesday.

Therefore, the best advice I can give is that those who are going to Los Angeles go at the last minute, and if events indicate we could finish at the last minute they might have to change their minds.

It is not very good advice but it is the best we have. My present guess is that this measure will be the pending business when we return on September 3, after going into recess at the conclusion of business on August 13.

Mr. DIRKSEN. Mr. President, will the Senator from Wisconsin yield further?

Mr. NELSON. I yield.

Mr. DIRKSEN. Mr. President, I would like to ask the distinguished majority leader one more question, and I assure him it is asked in the utmost of good faith and it is done only as a precaution that I think I always have to exercise in matters of this kind.

Is there, in the judgment of the majority leader, a likelihood that an amendment in the nature of the Cooper-Hart proposal, or a similar proposal, is likely to be offered, and would such a proposal be offered on Wednesday if we just let Members go to this astronaut dinner and they would not be here to vote?

Mr. MANSFIELD. There is no such proposal that I know of and I note that the distinguished Senator from Kentucky (Mr. COOPER) and the distinguished Senator from Michigan (Mr. HART) are nodding in agreement with me.

If anyone tried to do something like that on Wednesday, with Members not present, I would object most strenuously.

Mr. DIRKSEN. I am quite satisfied with the assurances of the majority leader on that point because if it were done it would complicate the vote, and there would have to be a rollcall vote, and we would have to let it go until we returned.

Mr. MANSFIELD. If it did happen, the Senator from Montana would be prepared to start reading the Bible from the beginning.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. COTTON. Mr. President, in view of the fact that the Senator from New Hampshire made some remarks on the floor of the Senate this afternoon in the absence of both the majority leader and the minority leader, I feel that in fairness I should repeat those remarks.

I think my record after 15 years in the Senate bears out the statement that I have never presumed to tell the leadership of the Senate what to do or to offer them unsolicited advice. But I did say in the absence of both the majority leader and the minority leader, and, therefore, I feel in honor I should repeat it while they are present, that I am compelled to say that I feel it is a distinct mistake on the part of the Senate to start the recess until this bill is disposed of.

We all know that when a matter is put over until we come back, the arguments and the contests start all over again ad infinitum. We all know, I think, that full expression and discussion of these very vital questions, are not necessarily promoted by extending them over days and days, because we have all seen lengthy arguments with only five Senators in this Chamber, go on hour after hour for 2 or 3 days. I do not know how many Senators faithfully read all those arguments, but I have grave doubts that they do. Actually, full consideration of a vital matter is more likely to take place if it is condensed to 2 or 3 hours than if it continues over 2 or 3 days, because that means there is going to be a vote, and Senators are present to hear the arguments on both sides.

I am one who has made plans and I do want to get away, but I think the Senate or the leadership should determine that this very important bill, which is so vital to the defense of the United States, should be disposed of and should be disposed of even if we have to return on Thursday or Friday. I think everyone would be pleasantly surprised and amazed at how succinct and to the point arguments would become, and that this bill could be and would be disposed of before midnight on Wednesday.

I know it is presumptuous to make this suggestion, but I feel that I must register this sentiment, because I am convinced that the people of this country are not happy to see us go into recess with so much coming along, such as the tax bill and all the rest, without disposing of this matter.

Because I said all this earlier, I felt that I should say it now.

Mr. MANSFIELD. Mr. President, I appreciate the candor of the distinguished Senator from New Hampshire. As always, he is frank and straightforward. But a promise has been made to the membership and that promise will be kept.

Fortunately, there is not a great deal on the calendar at the present time. The Senate is reasonably current with its work. When we convene in September, I anticipate that the NASA authorization bill will be considered at the conclusion of the pending business.

At that time also, the appropriation bill on the Interior Department will be reported; and other measures will be passing out of committees. All committees, I might add, are working assiduously.

It is therefore my belief that this break will be a good thing for the Senate. It is my impression that the business of the Senate has become a 12-month operation. Unlike the judges of the Federal courts, including the Supreme Court, Senators do not have 3 or 4 months off. We have to go home to visit our constituents and take time off only when chance occurs. Especially it is the younger Members of the Senate who would like to spend a little time with their growing families during the year. Accordingly, I have no compunction at all—none at all—in stating that the promise made will be kept.

At the same time, I recognize the frankness and the feeling on the part of the distinguished Senator from New Hampshire. It would be my hope, and I think it would be a sound one, that practically all the amendments which will be offered to this bill are now at the desk, or will be submitted in the next day or so. So by the time we come back in September, this matter will have been pretty thoroughly discussed. The country will have a good idea of what the Senate has done. And I am not at all sure that the people will be unappreciative of what has been done in this body, even if it has taken weeks where formerly it took only days.

Mr. DIRKSEN. Mr. President, to amplify and fortify what the distinguished majority leader has just said, he and I got together the last week in January and we agreed on the recess period. They were announced. Cards were printed and delivered to every Member. Accordingly, Members made their plans months and months ago as to what they would do during this 3-week period.

It would therefore be something of a breach of faith if we undertook now to undo those plans in the interest of the pending legislation.

Lacking the gift of prophecy, and not having the divine power of piercing the veil of the future, we could not tell last January what was going to happen in the course of the legislative session, or know that at this time we would be working on a matter for a period of 5 weeks.

I believe that the majority leader is so eminently correct, that we should go through with our plans in the interest of our families.

I speak particularly of the younger Members of the Senate, who have substantial families of school age, who are taken out in June and taken home, and will be brought back here in September. What an awkward situation for a Senator that he cannot have some time to go home and be with his children before they have to go back to school.

Thus, that is the whole story. That is the reason behind it. It is the fruit of nearly 4 or 5 years of constant effort in this field before it was consummated.

Mr. COTTON. Mr. President, I hope I do not need to say that the remarks of the Senator from New Hampshire are in no way in disrespect to the majority and minority leaders. No Senator in this body has a higher regard for, or has enjoyed more kindness from them than the Senator from New Hampshire. I accept their verdict. I certainly want to be obedient and a good soldier.

I will say, however, that my opinion is unchanged.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes.

CHEMICAL AND BIOLOGICAL WARFARE

Mr. NELSON. Mr. President, in 1926, just 8 years after World War I, General of the Armies John J. Pershing sent a letter to the Senate Foreign Relations Committee to warn of the dangers of chemical warfare. Just 8 years before, he had led American troops in the first world war—the first war where deadly gases were extensively used. The effects of those gases so horrified him that the famous general was moved to warn the Senate:

> Chemical warfare should be abolished among nations as abhorrent to civilization. It is a cruel, unfair, and improper use of science. It is fraught with the gravest danger to noncombatants and demoralizes the better instincts of mankind.
>
> Scientific research may discover a gas so deadly that it will produce instant death—

I might say, as an aside, that that has been accomplished—

> To sanction the use of gas in any form would be to open the way for the use of the most deadly gases and the possible poisoning of whole populations of noncombatant men, women, and children. The contemplation of such a result is shocking to the senses.

And then to add emphasis, the general, who was the first and only general of the armies, who had seen years of combat and who was known for his toughness and valor, argued:

> It is unthinkable that civilization would deliberately embark upon such a course.

Pershing's letter came nearly a year after the nations of the world gathered to draw up the "1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous, or Other Gases and of Bacteriological Methods of War."

The Geneva Conference had been called because there was worldwide revulsion over the use of poisonous gases during the First World War, during which gases, that caused 1.3 million casualties including 91,000 deaths on both sides, were used. At that Conference, the United States stood in the forefront in moving to outlaw such gases. Although the United States signed the treaty, the Senate refused to ratify it. Eventually 42 nations ratified the agreement. The United States was not among them and is still not among them.

By the 1930's it became known that Russia, Japan, and Germany were actively researching and testing chemical and biological warfare devices. Even though there were accusations among the major powers that chemical warfare was being conducted, it was apparent that none of these agents was ever authorized for combat use during World War II.

In the closing days of the war, Hitler made a frightening decision to begin sending the newly developed nerve gases to his losing armies in the field as another in the line of last-ditch attempts to stop the Allied momentum.

In relating what happened after Hitler made that decision, Albert Speer, Hitler's Minister of Production, told a Nuremberg court in 1947 that rumors of the possible use of the gases reached the factories where the chemicals were being produced.

Speer testified:

> When rumors reached us that gas might be used, I stopped its production in November 1944. All sensible army people turned gas warfare down as being utterly insane, since, in view of (America's) superiority in the air, it would not be long before it would bring the most terrible catastrophe upon German cities.

In the previous year, 1943, President Franklin D. Roosevelt had come forward with a major decision as the Commander in Chief concerning chemical-biological warfare. In unequivocal words he had made a pledge that has carried to this day and has been described as making the United States de facto adherents of the Geneva Protocol. Roosevelt said:

> I have been loath to believe that any nation, even our present enemies, could or would be willing to loose upon mankind such terrible and inhumane weapons . . . Use of such weapons has been outlawed by the general opinion of civilized mankind. This country has not used them, and I hope we never will be compelled to use them.

And then as if further emphasis was needed, he added:

> I state categorically that we shall under no circumstances resort to the use of such weapons unless they are first used by our enemies.

But the mere threat of other nations using chemical or biological agents on American troops or American cities pushed the United States to escalate its CBW activities so that by the end of World War II the United States was ahead of the Nazis in the development of germ warfare. From that time on, this country was on its way—escalating and experimenting with more and more horrible and more and more efficient chemicals and biologicals. All of this was hidden away in the most extreme secrecy from the American people and the Congress who approved the billions of dollars that went for the research, development and stockpiling over the years.

During all these years while Congress was routinely approving with little or no question military budget after military budget, the arsenals of chemical-biological weapons was growing into huge stockpiles and business, industry and many major educational institutions were doing research and taking their share of the budgeted monies.

To give some indication of billions that the United States has spent on chemical-biological programs, it might be well to give examples of the last 7 years. Figures supplied by the General Accounting Office, the Comptroller General of the United States, show a total of $1,719,600,000 over the years 1963 through 1969. These figures, however, do not reflect the huge cost involved in operating and maintaining our vast CBW research, development, testing, evaluation, and storage centers scattered throughout the Nation and the world.

I ask unanimous consent that the breakdown of CBW program costs be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

then we have only begun to penetrate the highly secret world of the deadly weapons of chemical-biological warfare.

Few, if any, Members of this Congress can say they know what this country is doing in the experimentation, development, stockpiling, and disposal of these weapons or even thought of the magnitude of the threat these unreliable agents pose to the people of this Nation and the world.

Our attention was directed to the secret world of CBW which we so routinely financed with each military budget only when word began to get out about the fact that CBW accidents were occurring. In Dugway, Utah, some 6,400 sheep died when the wind carried nerve gas away from the test range. It is frightening to imagine what would have happened if the wind had blown the deadly gas toward Salt Lake City or any other nearby community. Farmers can be reimbursed for sheep, but you cannot reimburse a human life. Just recently an accident occurred at our military base on Okinawa and 24 persons were hospitalized.

Seymour Hersh also reported in his book that nearby Fort Detrick, the Army Biological Warfare Research Center in Maryland, some 3,300 accidents have been recorded between 1954 and 1962, half of these in laboratories involving the infection of more than 500 men including three deaths from anthrax. There was even one case of a worker who caught plague.

Not only is human and animal life exposed to unnecessary dangers, but irreparable damage has been done to our environment. In the desert proving grounds at Dugway, there is a plot of land that has been permanently contaminated by anthrax spores. It makes one pause to wonder what kind of memorial that leaves for future generations.

Congress must now discuss a chemical-biological warfare. Certainly we must not allow the development of these lethal agents to escape our scrutiny for another 50 years.

Senators GOODELL, YARBOROUGH, HARTKE, and PELL, along with the chairman of the Armed Services Research and Development Subcommittee, Senator THOMAS MCINTYRE, and I come before the Senate today with very modest and limited amendments. They are, nevertheless, important and meaningful steps—steps that must be taken by the Congress and resolved for the Nation.

These amendments only require the Defense Department to let us know what they are doing. For too long the Defense Department has developed, tested, transported, and disposed of these deadly agents without consulting the Congress or the other executive departments of the Government. Our proposals would now require them to do so—before they develop, test, transport, or dispose of CBW agents.

We want to know what the Defense Department is doing in this area.

These modest and very limited amendments do not reach the much more important issue as to whether we should be developing such a weapons system at all. There are grave practical, political, and moral questions that must be debated and resolved by the Congress and the people of this country. It is my own view that we are developing a chemical and biological monster that cannot be controlled. It will ultimately proliferate into the armaments race of all nations large and small and we will have made it possible because of our own research and development. Chemical and biological weapons are cheap to develop, and if they are allowed to proliferate it is not beyond the possibility that a small nation could use such weapons against another small nation and if the weapons are biological, the entire world could be endangered.

The questions we raise today cannot be left for settlement in the military arena; it is in the public forum where such issues must be weighed and resolved.

On the moral question—I cannot believe that the people of this Nation would ever sanction the use of deadly disease germs and lethal gases on defenseless civilian populations.

Certainly nothing could be more perverse than the consideration that this Nation would ever resort to using deadly germs and gases on any other nation, no matter what the provocation. That kind of warfare can only be judged as being demented, because it is the most hideous and debasing form of warfare.

Before closing, a statement was made in my office today by Dr. Joshua Lederberg, Nobel Prize winner and noted geneticist at Stanford University who, when asked if there was such a thing as a minor release of toxic materials into the atmosphere, said:

> We have experienced many examples of minor release of toxic materials into the atmosphere despite the most careful precautions in nuclear test experiments. The Skull Valley incident was an emphatic warning about serious accidents in field tests of chemical warfare agents. It showed how the security blanket prevents critical forethought about unexpected hazards to the public; it also illustrated how far a security-bound activity must go in covering up its mistakes after they happen, again hindering the full use of informed professional judgment in protecting the public.
>
> When we consider biological warfare agents we must remember that no release is a minor one. The characteristic of these agents is that they propogate so that a single particle unknowingly inhaled by a single person hundreds of miles from the point of release could start a devastating epidemic whose original source might never be provable. These agents can also infect wild animals with a long chain of infection in them and in their parasites before man is involved. As dormant spores, these agents can persist for years, perhaps even centuries, before being unwittingly revived and infecting man. Every open field test of a human pathogen is a global experiment; those who would conduct such experiments must answer to mankind for the consequences.

An eloquent statement, I think, by Dr. Joshua Lederberg on the question of testing lethal chemical and biological elements in the environment.

That concludes my remarks on the amendment that was submitted jointly by several Senators and which is pending before us.

Mr. GOODELL. Mr. President, I am glad that the Nelson amendment will be voted on, with the other amendments on chemical and biological warfare, on Monday next at 12 noon.

I shall withhold my comments at this point. I am not particularly happy with the compromise, but it is a compromise, and I will discuss that on Monday next, prior to the vote.

A REASONED APPROACH TO THE LIMITATION OF THE USE OF CBW AGENTS

Mr. YARBOROUGH. Mr. President, as I indicated on the floor of the Senate on Tuesday, August 5, 1969, I have long been gravely concerned about the indiscriminate testing, transportation, and development of chemical and biological weapons, commonly referred to as CBW agents. Recent events such as the accidental killing of a large number of sheep in Utah, the injury of several people on Okinawa, and revelation of open-air testing of CBW agents in the immediate vicinity of the Nation's Capital, have given rise to the gravest doubts on my part about the safety of developing, transporting, and testing CBW agents.

The amendment, Mr. President, that I have introduced, is a measure which would require the application of safety restrictions and precautions to the transportation, testing, and development of CBW agents adequate to protect our domestic population. My amendment would require the Surgeon General of the Public Health Service to certify that testing, developing, or transportation of any chemical or biological weapon would not present a hazard to the public health.

This amendment would require the Department of Defense to assure the safety of the domestic population before transporting, testing, and developing CBW agents. But I feel that this is one instance in which the public safety is the most important consideration, in the words of the ancient Roman maxim, "Salus Populi, Suprema Lex," the public safety is the highest law.

We cannot permit activities which present so clear a threat to the public safety, Mr. President, and no one can deny that the history of testing, transportation, and development of CBW agents has been riddled with examples of vast dangers to the public safety. In my statement of August 5, 1969, I mentioned several examples of slipshod application of the most elementary safety precautions. In the interest of saving time, I shall not reread this statement, but I ask unanimous consent that my statement and insertions of August 5 appear in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY MR. YARBOROUGH

Mr. President, the chemical and biological warfare program of the United States raises vital questions in the area of public health and safety. I believe I have a special responsibility to bring these questions to the attention of the Senate because I am chairman of the Labor and Public Welfare Committee and its Health Subcommittee.

The chemical and biological warfare program of the United States costs approximately $1 million per day. Yet to date, Congress has not devoted sufficient time to analyzing this weapons system and what it means to the domestic health and safety of the country.

The chemical and biological warfare program has already caused great concern throughout the Nation because of the hazards to the public health and safety of our people and their environment, caused by the field testing and transport of CBW agents. In addition, we are concerned with its effect on our relations with other countries. Most recently, we have had to deal with the severe repercussions which resulted from the accidental release of nerve gas on Okinawa.

Pursuant to a request last year by the Special Subcommittee on Science—now the Special Subcommittee on the National Science Foundation—of the Committee on Labor and Public Welfare, the Legislative Reference Service of the Library of Congress prepared a background report on chemical and biological weapons. This background report is the source of much of the discussion which follows.

The U.S. Army defines chemical warfare as the tactics and techniques of conducting warfare by use of toxic chemical agents. Chemical weapons can be designed to cause, first, either death or disability in a man; second, destruction or damage to food, animals and crops; and third, depression or removal of other living things in accordance with a specific military tactic.

Types and effects of the principal chemical agents are as follows:

Nerve gases are the most lethal—or deadly—chemical weapons. Generally odorless and colorless, they cause asphyxiation by paralyzing the human nervous system. As little as one-fiftieth of a drop can kill a man.

Incapacitating agents can produce temporary paralysis, blindness, or deafness.

Harassing agents include mustard gas, which caused many casualties in World War I. Mustard gas causes severe burns to eyes and lungs and blisters the skin. Large amounts can kill.

Defoliants and herbicides are used against vegetation rather than humans; can be sprayed on forests and jungles to expose enemy hiding places, also effective in killing crops in enemy-held territory; may cause eye irritation, stomach upsets, or arsenic poisoning in humans.

Biological warfare is the deliberate introduction of disease-producing organisms into populations of people, animals or plants. The organisms are the same as those found in nature, but can be selected and cultured to be more virulent and resistant than those in nature. Some organisms, and especially bacteria, can be grown so as to be resistant to drugs and antibiotics.

It might also be possible to develop a kind of "super germ" or new strains of germs for which the body has not evolved antibodies and for which vaccines have not been developed. The Hong Kong flu is an example of a virus—evolved by nature—to which we had no seriological resistance and for which a vaccine could not be developed until the disease was discovered and the organism isolated.

There are diseases such as influenza which are basically incapacitating there are others which cripple or kill. Hundreds of pathogenic organisms are available in nature from which the scientist and military strategist can select those which will serve the planned effect. Among the most effective and most feared BW diseases are the following:

Anthrax is a bacterial disease usually found in animals. Symptoms include high fever, hard breathing, and physical collapse. It can cause death within 24 hours if it affects the lungs.

Brucellosis is a bacterial disease usually found in cattle, goats, and pigs. Also known as undulant fever. Not usually fatal to humans although can cause high fever and chills which may last for months.

Plague is a bacterial disease sometimes carried by rats. Usually fatal within a week. Pneumonic plague affects the lungs, may be transmitted by coughing.

Q-fever is a highly infectious disease usually carried by ticks. Rarely fatal, can cause fever lasting 3 months.

Because biologic agents are invisible, odorless, and tasteless, and usually produce no immediate physiologic damage, their early recognition is often impossible. Another reason for the delay in recognition of a biologic agent lies in the fact that physical detection from samples of air, food, and water might take days and even longer, especially if the organism were foreign to the affected population.

Protection against biologic agents is extremely difficult. For example, the "Emergency Manual Guide on Biological Warfare—1959" states:

"Decontamination of extensive areas is not considered practical. Rather, natural decay, assisted by sunlight, temperature and air movement must be relied on."

The population is better protected if it has been immunized actively or passively before biologic attack. Thus far it has been impossible to have available a multitude of vaccines capable of being dispersed and administered to a large population. Also, there are as yet no effective vaccines against certain diseases. It is likely that the young, the elderly and the infirm will be particularly susceptible victims.

Biological weapons systems have potential as a device for mass destruction. This is especially true of the combination of virulent agents and susceptible population, along with other conditions, are suitable to epidemic results. It is a self-replicating weapon—it proliferates itself, not only in the affected individuals, but also in the entire population.

Not all diseases are equally contagious, but in one way or another they may spread from those who receive the direct inoculum to those who do not.

Crops are vulnerable to biological attack. Some biological agents are persistent; that is, they have spore forms which resist destruction and may remain in the environment, especially the soil, for tens or even hundreds of years.

Increasing attention is being given by the media to recent accidents and potential for accidents in the testing, development, transportation, and disposal of chemical and biological weapons. The July 25 edition of Medical World News contains an article on this subject, entitled "Biological Warfare: Off Limits to Doctors." Most of the following information is from that excellent article, including this quote:

"Congressman's Question: What amount of VX nerve gas currently being tested in the open air over Dugway Proving Ground in Utah can kill a man?

"Physician's Answer: I don't know.

"Congressman's Question: Were you aware that the Army's own maps show a permanent biocontaminated area about 17 miles outside Dugway?

"Physician's Answer: Not until I read about it in yesterday's papers.

"The dotcor who was thus forced to admit ignorance at a recent congressional hearing was the Surgeon General of the United States Public Health Service, William H. Stewart, who becomes chancellor of the Louisiana State University Medical Center next month. 'I have primary responsibility within the federal government for the protection of public health,' Dr. Stewart noted. To make the paradox more bitter, Dr. Stewart had served as chairman of the blue-ribbon committee set up to determine whether Dugway's testing programs, which killed some 6,000 sheep last year, have safety precautions adequate to protect humans, plants, and animals outside or inside the proving ground.

"Much of the information about current U.S. biological warfare programs was apparently off limits to Dr. Stewart, as it is to nearly all other physicians, and to just about everybody else as well. The government, university, and drug industry scientists actively involved in these programs apparently include relatively few physicians. The Army's major bio-war center at Fort Detrick, Maryland, for example, has only 14 MDs on its staff, compared with 120 PhDs. And despite the claim that the U.S. programs are purely defensive, physicians who have tried to find out about possible medical defense measures have had little luck with the Army. In the information that has been made available, there is no evidence of any substantial work on ways of protecting the civilian population against a biological attack, or against an air crash train wreck, lab explosion or earthquake involving U.S. research or storage facilities."

I believe it is imperative that the Surgeon General be allowed to exercise primary responsibility within the Federal Government for the protection of public health of the citizens of the United States. Thus, I am offering an amendment to the military procurement authorization bill, S. 2546, so that the Surgeon General may be allowed to exercise his responsibility.

The amendment simply states that the Surgeon General of the Public Health Service must determine that any testing, development, transportation, or disposal of chemical and biological weapons will not present a hazard to the public health before any funds can be used for these purposes.

We must not have other incidents such as occurred at the Dugway Proving Ground in Utah. The wind that carried the poison gas which killed 6,000 sheep blew 35 miles to the northeast. But if it had gone 35 miles east to Tooele, or 35 miles north to Highway 40, Dr. Gubler, chief of staff of Tooele Hospital, believes the victims might have been humans as well as sheep.

A witness at committee hearings called by Congressman Reuss, Dr. D. A. Osguthorpe, a Salt Lake City veterinarian, who had been one of the people instrumental in tracking down the cause of the sheep deaths, hinted that there may have been another accident at Dugway. Asked by Congressman Vander Jagt:

"Have you ever run into diseases that you have been unable to account for?"

Dr. Osguthorpe replied:

"I have run into a disease in newborn calves in the area. No antibiotic or drug so far has proved to have any therapeutic value. My theory is that this is a toxin, a biological agent."

Congressman Richard McCarthy has pointed out:

"Fort Detrick, the Army Biological Warfare Research Center, has one of the poorest records among major biological institutions for infections. There was 3,300 accidents at Detrick between 1954 and 1962. Half of these occurred in a laboratory, involving broken test tubes and accidental scratches from needles. About 400 men were infected as a result."

Infections among workers at secret installations pose a threat to the entire neighboring community, McCarthy states. He has cited the instance of a worker who caught plague at Fort Detrick some years ago:

"He also happened to be a lifeguard at a swimming pool and had been in contact with many people. Local residents who might have come into contact with Detrick personnel were not warned of the danger."

Fort Detrick, of course, is only minutes from Washington, D.C.

Recently, there was a furor over the proposed cross-country shipment of some 800 carloads of poison gas stockpiled from World War II. The gas was to be dumped in the Atlantic Ocean.

Congressional hearings unleashed a horde of disturbing questions about hazards of the proposed dumping. Among them: Might a medical disaster be inflicted on the civilian population of our large cities if an architect befell these trains on the roadbeds of our old, rough railways? As a result of the furor, some of the poison gas will probably be burned or chemically decomposed somewhere near the present storage sites, but the problem still has not been solved to everyone's satisfaction.

I think the time is right for the Senate to take action. It is my earnest hope that the Senate will pass my amendment. This amendment is not designed to prevent the testing and development of such agents if it can be done with safety to the civilian population. It is designed to protect the civilian population, not to hamper the Army and scientists. It is not meant to cripple our defenses; rather, it is meant to protect our people.

I ask unanimous consent to have printed at this point in the Record the article published in Medical World News of July 25, 1969, entitled: "Biological Warfare: Off Limits to Doctors," and the text of the amendment.

The Presiding Officer. Without objection, it is so ordered.

The amendment will be received and printed, and will lie on the table.

[From Medical World News, July 25, 1969]

Biological Warfare: Off Limits to Doctors

Congressman's question: What amount of VX nerve gas currently being tested in the open air over Dugway Proving Ground in Utah can kill a man?

Physician's answer: I don't know.

Congressman's question: Were you aware that the Army's own maps show a "permanent biocontaminated area" about 17 miles outside Dugway?

Physician's answer: Not until I read about it in yesterday's papers.

The doctor who was thus forced to admit ignorance at a recent congressional hearing was the Surgeon General of the U.S. Public Health Service, William H. Stewart, who becomes chancellor of the Louisiana State University Medical Center next month. "I have primary responsibility within the federal government for the protection of public health," Dr. Stewart noted. To make the paradox more bitter, Dr. Stewart had served as chairman of the blue-ribbon committee set up to determine whether Dugway's testing programs, which killed some 6,000 sheep last year, have safety precautions adequate to protect humans, plants, and animals outside or inside the proving ground.

Much of the information about current U.S. biological warfare programs was apparently off limits to Dr. Stewart, as it is to nearly all other physicians, and to just about everybody else as well. The government, university, and drug industry scientists actively involved in these programs apparently include relatively few physicians. The Army's major biowar center at Fort Detrick, Md., for example, has only 14 MDs on its staff, compared with 120 PhDs. And despite the claim that the U.S. programs are purely defensive, physicians who have tried to find out about possible medical defense measures have had little luck with the Army. In the information that has been made available, there is no evidence of any substantial work on ways of protecting the civilian population against a biological attack, or against any epidemic that might be set loose by an air crash, train wreck, lab explosion, or earthquake involving U.S. research or storage facilities.

Until recently, the Army's secrecy has kept biological weapons from arousing widespread alarm among physicians and the public at large. This year, however, the biowar program, along with many other Pentagon projects, has lost much of its former immunity. Its congressional opposition, sparked by Rep. Richard McCarthy, a Democratic from Buffalo, N.Y., has now expanded to include the usually hawkish Senate Armed Services Committee. President Nixon has ordered a sweeping review of U.S. policies on chemical and biological warfare. A UN committee with representatives from all 13 countries believed to have biowar programs has called for unconditional effective biological and chemical disarmament. And physicians who see biological warfare as off limits ethnically to anyone who has taken the Hippocratic oath, and who believes that the medical profession should take the lead in pressing all governments to rid themselves of these weapons, are getting a hearing in an increasing variety of medical organizations.

Only about 15% of biowar research is ever published in the open scientific literature. As a result, some significant data reach the light of day via such publications as the *Congressional Record* rather than the more traditional scientific journals.

If Dr. Stewart had looked in the *Record* a few days before his testimony, he would have found a statement by Dr. Matthew S. Meselson, professor of biology at Harvard, about nerve agent VX, "A tiny droplet on the skin will cause death," Dr. Meselson said, citing Swedish research.

Dr. Meselson lists some of the reasons why a sizable group of scientists and physicians is disturbed: "Important military personnel can be equipped and trained to use protective devices far more easily than civilians can. Civilians are the most natural and most vulnerable targets for chemical and biological attack. Field testing of live biological weapons and especially the outbreak of actual biological warfare would be a menace to the entire human species."

Much the same prediction is made in a UN report on chemical and bacteriological weapons completed by consultant experts from 14 countries and just released by Secretary General U Thant. The experts came from Canada, Czechoslovakia, Ethiopia, France, Great Britain, Hungary, India, Japan, Mexico, the Netherlands, Poland, and Sweden as well as the U.S. and USSR. Of these countries only Ethiopia is believed to have abstained so far from biowar research.

The UN report says the idea of biological weapons being used to spread disease "generates a sense of horror."

"And anyone who reads the report—as I urge all physicians to do—will see that there is a technical basis for this value judgment," says this country's consultant expert to the UN group, Dr. Ivan L. Bennett, New York University's vice president for medical affairs.

The UN report discusses various biological agents. From its appetizing menu an attacker could pick his weapon on the basis of precisely what he hoped to accomplish. For high mortality, anthrax, glanders, melioidosis, and plague (pneumonic) would be the disease of choice, especially if reinforced by artificial drug resistance as shown on page 23. For fast transmission to areas and individuals who missed out on the first dose, cholera, smallpox, and pneumonic plague would be the best bet. To incapacitate large numbers of people for several weeks or more, one might choose Chikungunya fever, tularemia, typhus, brucellosis, glanders, coccidioidomycosis, Rocky Mountain spotted fever, or an aerosol version of tick-borne encephalitis. And there is no guarantee that an aggressor would use one weapon at a time. Airborne anthrax, for example, would fell far more victims if it were combined with influenza. Both the U.S. and USSR are believed to be working on all, or nearly all, of the agents discussed in the UN report, and to have large stockpiles of the ones their biowar scientists consider the most useful.

Perhaps the most frightening characteristic of these weapons is their unpredictability. Bullets and bombs can be aimed; viruses and bacteria cannot. Bullets and bombs, once used, do not reproduce themselves in ever-increasing numbers; specially bred viruses and bacteria may. As the UN committee's experts point out: "Were these weapons ever to be used in a large-scale war, no one could predict how enduring the effect could be, and how they would affect the structure of the society in which we live. This overriding danger would apply as much to the country which had initiated the use of these weapons as to the one which had been attacked, regardless of what protective measures it might have taken."

Another danger comes from the low cost of these weapons. Just about any country that can find enough funds and know-how to operate a small vaccine laboratory or even a large brewery can initiate biowar research. Poor countries can pollute the world almost as easily as rich ones.

The weapons themselves may be cheap, but a lot of money can be spent on delivery systems. These systems include planes with spraying devices and missiles with various type of warheads. In this country, the Army alone spends at least $330 million per year for chemical and biological warfare activities. This official figure, given by Dr. K. C. Emerson, acting Deputy Assistant Secretary of the Army for Research and Development, has been challenged by congressmen as being too low. Some informed observers place the spending by the Army at roughly double that figure.

Delivery systems need not be elaborate, however. For most biological weapons the preferred form of dispersal is an aerosol. In one field trial cited by the UN report, 200 kg of zinc cadmium sulfide, a harmless powder, was distributed from a ship sailing 160 miles along a coastline while staying ten miles offshore. The resulting aerosol traveled more than 450 miles inland and covered an area of nearly 30,000 square miles.

Because biowar research is closest to medical research, it represents the most intense perversion of the humane aims of science, says Dr. Joshua Lederberg, 1958 recipient of the Nobel Prize in Medicine and now professor of genetics at Stanford.

Dr. Lederberg and his fellow critics argue that apart from enforceable treaties there can be no protection against a biological attack or accident. A less scholarly New York City internist puts the point tersely: "If the Public Health Service can't protect the nation against a flu epidemic with six months' advance warning, how in the hell could they ever protect us against an unknown organism that we have no vaccines against?"

One physician in a good position to speak to this question is Col. Dan Crozier, commanding officer of the U.S. Army Medical Unit at Fort Detrick. To Dr. Crozier, the most important aspect of medical defense is quick etiologic diagonosis. "Times considered acceptable in general medical practice would be totally unacceptable and possibly disastrous," he said in *JAMA* (Vol. 175, No. 1). His suggestion: a maximum elapsed time of six hours in the lab.

Despite the limited information available to doctors, biowar defense "is primarily a medical problem and is a responsibility of the medical community," Dr. Crozier said. "The civilian medical profession will bear the brunt of the load. It will not matter that one opposes war or is against the use of microbiological agents as weapons, the problem will be one that must be met. At the present time, definite answers do not exist to many of the problems that would be created by such an attack."

Last year at the American Public Health Association meeting in Detroit, Dr. Crozier added another dimension: "It is no secret that the military forces of the U.S. are interested in biological warfare from the offensive as well as the defensive standpoint." In his current book, *Chemical and Biological Warfare*, Seymour Hersh cites Pentagon papers and Army field manuals in documenting a shift, under the Eisenhower Administration, away from the Roosevelt no-first-use policy.

The Committee for Environmental Information, a group originating at Washington University in St. Louis, is concerned with hazards of uncontrolled testing and careless handling. Official secrecy "is a deadly serious matter," pathology instructor Gustave L. Davis says. "If Congress and the people are to make the vital decisions about the manufacture, testing, and use of these agents, they must have the facts. These decisions may determine the life or death of hundreds of thousands of our people."

This is precisely the point emphasized by a "Speaker's Kit" issued by the Federal Civil Defense Administration in the early 1950s. It lists some "Quotable Quotes on Biological Warfare." Among them is this one, attributed to Millard F. Caldwell, who was then Civil Defense Administrator: "One of our toughest problems is what we could call, for the want of a better term, the panic element. Panics can be most costly; they can cost us more than atomic bomb damage would. The only way to avoid panic is for the people to know the facts, and to have, in advance, the means of protecting themselves through knowledge of what to do."

A small taste of this panic element burst into the news during the recent furor over proposed cross-country shipment of some 800 carloads of poison gas stockpiled from World War II. The gas was to be dumped into the Atlantic Ocean. Congressional hearings unleashed a horde of disturbing questions about hazards of the proposed dumping. Among them: Might a medical disaster be inflicted on the civilian population of our large cities if an accident befell these trains on the roadbeds of our old, rough railways? As a result of the furor, some of the poison gas will probably be burned or chemically decomposed somewhere near the present storage sites, but the problem still has not been solved to everyone's satisfaction.

Some of the other unanswered questions first came to Representative McCarthy from his slim, blonde, pony-tailed wife, who had watched an NBC–TV program dealing with chemical and biological warfare. Constituents in Buffalo also found the program disturbing.

Attempting to answer his wife and his electorate, Representative McCarthy found himself knocking on closed doors. Some of his questions: Why does this country need a biological and chemical warfare capability? What sort of capability do we have now? Under what circumstances would our government use these weapons? Assuming we don't intend to use them first, could biological weapons ever be a militarily useful response to a biological attack? How much do these activities cost us each year? What safety precautions are taken to protect the public against accident? Are our academic and private institutions being improperly involved in this type of research?

BIOLOGICAL WEAPONS AND POSSIBLE MEDICAL DEFENSES

Disease	Mortality	Infectivity	Antibiotic therapy	Vaccination
Bacteria:				
Anthrax (pulmonary)	Almost invariably fatal	Moderately high	Effective if given very early.	Available.
Brucellosis	Low (less than 5 percent)	High	Moderately effective	Under development.
Cholera	Usually high (up to 80 percent).	Low	do	Available.
Glanders	Almost invariably fatal	High	Little effect	None.
Melioidosis	Almost 100 percent fatal	do	Moderately effective	Do.
Plague (pneumonic)	do	do	Moderately effective if given early.	Available.
Typhoid fever	Moderately high	Moderately high	Moderately effective	Do.
Viruses:				
Chikungunya fever	Very low	Probably high	None	None.
Dengue fever	do	High	do	Do.
Tick-borne encephalitis.	Up to 30 percent	do	do	Under development.
Venezuelan equine encephalitis.	Low	do	do	Do.
Smallpox	Usually high	do	do	Available.
Yellow fever	High	do	do	Do.
Rickettsiae:				
Epidemic typhus	Usually high (up to 70 percent).	do	Effective	Do.
Psittacosis	Moderately high	do	do	None.
Q-fever	Low	do	do	Under development.
Rocky Mountain spotted fever.	Usually high (up to 80 percent).	do	do	Do.

Source: U.N. report, July 1969.

McCarthy got some of the brush-offs given to physicians and ordinary citizens. But as a congressman, he had some resources not available to others, and he used them. He asked the Army for a congressional briefing on the subject. The Army complied, but declared that the briefing was classified.

Since the congressman could hardly answer his constituents' questions with classified material, he tried another way to leap over the high wall of bureaucratic secrecy. He submitted some of his policy questions to the Secretary of Defense.

The Defense Department replied—five weeks later. Signing the reply was Dr. John S. Foster, Jr., a physicist. As director of defense research and engineering, Dr. Foster is the Pentagon's top scientist.

One paragraph of Dr. Foster's reply is of particular interest to physicians:

"The U.S. does not maintain large stockpiles of medical supplies such as antibiotics and vaccines against the possibility of biological attack. There is no specific antibiotic therapy available for most biological warfare agents. As for vaccines, there are more than 100 possible biological warfare agents and production and administration of 100 vaccines to the U.S. population is not practical. There is medical reason to believe that such a program would be generally injurious to health in addition to requiring prohibitive expenditures."

If there is no defense against an attack, what about the defense against accidental infection of our own population? Dr. Foster's letter stated that strict safety practices are enforced at laboratories conducting research on biological and chemical agents: "Elaborate systems of airtight hoods, air filtration, and waste decontamination are employed. These precautions and procedures are reviewed by the U.S. Public Health Service as well as by Department of Defense safety experts. The equipment and building designs developed at the U.S. Army Biological Laboratories, for example, have been generally accepted throughout the world as the ultimate in safety for the investigation of infectious diseases."

In making the reply public, Congressman McCarthy in effect called its author a liar—an experience which Pentagon officials are finding increasingly common on Capitol Hill this year. McCarthy particularly attacked the over-all biological safety record during the past two decades: "Fort Detrick, the Army's biological warfare research center, has one of the poorest records among major biological institutions for infections. There were 3,300 accidents at Detrick between 1954 and 1962. Half of these occurred in the laboratory involving broken test tubes and accidental scratches from needles. About 400 men were infected as a result."

Infections among workers at secret installations pose a threat to the entire neighboring community, McCarthy charged. He cited the instance of a worker who caught plague at Fort Detrick some years ago: "He also happened to be a lifeguard at a swimming pool and had been in contact with many people. Local residents who might have come into contact with Detrick personnel were not warned of the danger."

Soon other congressmen began to question the Army's veracity in dealing with one spectacular recent chemical warfare accident—the killing of 6,000 Utah sheep by Dugway's poison gas. The Conservation and Natural Resources Subcommittee began hearings on the dangers of open-air testing of persistent lethal chemicals.

Their unrelenting questioning of three Army officials, under oath, established these facts: The Army had first denied testing nerve gas on March 13, 1968, when in fact it had. Even after correcting this, the Army still denied—for 14 solid months—that the gas had anything to do with killing the sheep, even though it paid their owners $500,000 in reparations. This misstatement, too, was corrected, but only after the committee spent one entire morning of relentlessly pursuing evasions, hesitations, and disavowals by three Army representatives, including Dr. Mortimer A. Rothenberg, a biochemist who is Dugway's top scientist.

Last year, in reporting the Army's fib about the neurotoxin VX not causing the March sheep kill, MWN was the first to catch the brass in a second and more blatant lie—that Army precautions eliminated all peril to humans and indeed were so good that there had never been a single human casualty due to storage or testing of war chemicals at Dugway Proving Ground. Dr. Kelly Gubler, chief of staff at Tooele Hospital in the town of that name 35 miles east of the test site, said he had previously treated Dugway workers for anticholinesterase poisoning such as VX would produce. The wind March 13 blew to the northeast, but if it had gone east to Tooele or north to Highway 40—also 35 miles away—Dr. Gubler believed the victims might have been humans as well as sheep.

MWN's story (April 12, '68), read into the record by the same committee that later grilled Dr. Rothenberg, also trapped the Army in still a third lie—that its tests had gone according to plan on March 13. As Surgeon General Stewart got the Army to admit months later, an airplane had accidentally spewed out VX high above the desert where the winds could take it anywhere, after making a pass at a ground target to test dispersal techniques. The Army eventually promised Dr. Stewart that, in the future, airborne chemicals won't be released above 300 feet and won't cross heavily traveled Highway 40 for at least three hours.

At the hearing, Dr. Rothenberg said he feels secure about the new safety measures. Then Congressman Guy Vander Jagt, Republican of Michigan, asked in a mild voice, "If the Army was wrong about the danger to the sheep, could the Army be wrong about the danger to human beings?"

Vander Jagt did not press for an answer to his question, but committee chairman Henry S. Reuss, Democrat of Wisconsin, did insist on an answer to this one: "Is there Venezuelan equine encephalomyelitis virus in the Dugway storehouse?"

Dr. Rothenberg answered, "That is security information."

"Clear the hearing room," said the congressman, "and we will take your testimony in private."

Few scientists know precisely what is in the Dugway storehouse, but antibodies against VEE virus have been found in cattle in Utah. The only other states in which these antibodies have been found are Florida and Louisiana, where they would be more expected. This virus has been cited as being particularly suitable for biological warfare, because it is so easily spread to humans by inhalation, and because there is little immunity to it in temperate zone nations.

Another witness at the Reuss committee hearings, Dr. D. A. Osguthorpe, a Salt Lake City veterinarian who had been one of the people instrumental in tracking down the cause of the sheep deaths, hinted that there may have been another accident at Dugway.

Asked by Vander Jagt, "Have you ever run into diseases that you have been unable to account for?" Dr. Osguthorpe replied: "I have run into a disease in newborn calves in this area. No antibiotic or drug so far has proved to have any therapeutic value. My theory is that this is a toxin, a biological agent."

All indications are that the debate on biowarfare will continue gathering heat in the months to come. Surveying the situation on both sides of the Atlantic, an editorial in *Nature* (Vol. 218, No. 6) comments wryly: "The point is rapidly arriving when it is as hazardous for a person to carry out research on some aspect of chemical or biological warfare as it is to be a president on a campus torn apart by student power."

There will probably be a substantial rumble at the next meeting of the American Society for Microbiology. "The ASM has long been tied to the biological warfare effort and to the official secrecy shrouding it," says Dr. Richard Novick, a physician who is research assistant professor of microbiology at New York University. "More ASM members are employed at Fort Detrick than at any other institution. Their secrecy is evidently due to a desire to avoid arousing public opinion."

Dr. Novick helped found the microbiologists' Committee on Chemical and Biological Warfare, which seeks U.S. ratification of the Geneva Protocol of 1925, outlawing the use of poison gas and biological agents. They also hope to enlist the aid of microbiologists in other countries—particularly the Soviet Union, England, and France—in outlawing biowarfare.

The American Public Health Association includes a growing list of members opposed to biological weapons. After Fort Detrick's Dr. Crozier reported on biological warfare at last year's APHA meeting, he was challenged to a debate by Dr. Steven Jonas, a physician from Brooklyn. "The session was hastily adjourned when Dr. Crozier indicated he was not prepared to discuss morality," says Dr. Jonas.

The Brooklyn physician then helped organize the Caucus for Peace and Human Rights, which circulated a petition opposing continued development of chemical and biological weapons. "About 200 members signed it, and we mailed it off to the chairman of the APHA executive board. Hopefully, we would like the entire APHA to endorse our position."

For at least two decades, the AMA has virtually ignored the issue. But during the past few months, there have been some stirrings. In *Chemical and Biological Warfare,* Seymour Hersh charges that *JAMA* in recent years has refused to print letters critical of the views presented in *JAMA* by Colonel Crozier and others. Dr. John H. Talbott, *JAMA* editor, says Hersh's charge is easy to make but difficult to prove. Dr. Talbott also says he does not recall rejecting a "thoughtful" letter on the subject, and that he gets a lot of crackpot mail.

As for the ethics of biological warfare, an AMA spokesman says the question has never come up before the Judicial Council. Of the physicians who believe participation is unethical, one of the most articulate is Victor W. Sidel, formerly chief of the community medicine unit at Massachusetts General Hospital and now professor of community health at the Albert Einstein College of Medicine in New York.

To stay ethical, Dr. Sidel says, a military physician must do nothing to contribute to the net increase in disease, disability, or untimely death. "He must also be free to make judgments about his own medical ethics. If the physician becomes a combatant, or unable to make his own ethical judgments, he has stopped functioning as a physician. He may be a good soldier, but he is an unethical doctor."

A civilian physician, Dr. Sidel says, has an "ethical imperative," stemming directly from the ethical traditions of medicine and from the concept of complicity developed at the Nuremberg Tribunal. "If the physician knows of any unethical activities of other physicians—for example, developing chemical-biological weapons or using medicine for psychological warfare—even if those activities are being performed under the aegis of his government, it is not only his right but his clear duty to make these activities as widely known as he can and to protest against them. In the long run, everyone will gain from this—his profession, his nation, and his species—even though in the short run, the physician himself may suffer from his protests."

Can biological warfare be made off limits to governments—our own and everybody else's—as well as to doctors and other private citizen's? A year ago it would have seemed unlikely, but perhaps times have changed.

At the disarmament talks in Geneva, Britain has just proposed a new treaty that would ban production and possession of biological weapons as well as their use. Nixon and Kosygin have voiced interest. And even without any Russian reciprocity, the Senate Armed Services Committee has voted to eliminate all funds for lethal and incapacitating chemical and biological weapons from the U.S. military budget. But cash outlay is one indication of national priorities, and the billions already spent on biological weapons are hardly outweighed by the investment in biological disarmament—which so far consists mainly of Ivan Bennett's plane fare to Geneva.

As a social institution, war is not yet quite ready to follow slavery and human sacrifice onto the list of discarded behavior patterns that no one can any longer regard as part of some unchanging "human nature." But physicians like Drs. Sidel, Novick, Jonas, and Bennett hope that this particular kind of war can be ruled out before it is tried. One Swedish suggestion: Internationalize the entire microbiological profession into an intelligence network with universal diplomatic immunity.

Says Dr. Bennett: "I think things will begin to move. The time is ripe to do something. The problem is to get biological weapons banned by all nations, not by just the U.S. But I do think we are one step further along the way to what we are all after—general disarmament in biological weapons."

AMENDMENT No. 117

At the end of the bill add a new section as follows:

"Sec. 402. None of the funds authorized by this or any other Act shall be used for the testing, development, transportation, or disposal of any chemical or biological weapon unless the Surgeon General of the Public Health Service determines that such testing, development, transportation, or disposal will not present a hazard to the public health."

Mr. YARBOROUGH. Mr. President, this is one matter on which we should act now, this is one amendment to this bill which should be passed at the earliest possible opportunity. This is certainly one matter which concerns and frightens our people and this is one practice which should be stopped.

Mr. President, I have received a number of communications from my constituents on this subject and I should like to share some of them with the Senate.

In conclusion, let me reiterate, I support this amendment and urge its adoption by the Senate.

Mr. PELL. Mr. President, in connection with the amendment submitted by the Senator from Texas (Mr. YARBOROUGH), of which I am a cosponsor, I find myself most concerned about the public health danger presented by chemical and biological facilities located near such population centers as Baltimore, Denver, and Washington.

We all know the disaster which would have befallen this country had the winds that blew the nerve gas in Utah over nearby grazing grounds, moved in the direction of a major population center.

I am afraid to imagine what would happen if some of the deadly biological germs being experimented with in Fort Detrick, Md., were carried into Washington, D.C., by any unknowing employee of that facility.

Therefore, I believe it is of the utmost importance that the Surgeon General of the United States assure us that such CBW facilities, as I mentioned, do not present a danger to the public health.

Mr. President, first, I should like to comment on how courteous and fair I believe the Senator from Mississippi has been in the way he has handled the amendments those of us have had in connection with chemical and biological warfare. I believe it reflects the fine and generous spirit that is his.

Mr. President, one section of the combined amendment which we have before us is based upon an amendment which I have submitted earlier this week for the purpose of insuring proper consultation within the executive branch regarding our international obligations.

As I stated here last Tuesday, there have been a number of international incidents in which it appears the United States may have violated provisions of international agreements to which the United States has subscribed. The final act of the Nine Power Conference held in London, September 28 through October 3, 1954, requires the United States to notify NATO when it furnishes military aid to any of the continental members of the Western European Union. The Department of Defense has admitted that it did not notify NATO of its shipments of nerve gas to West Germany.

Article 25 of the Geneva Convention on the High Seas requires us to consult with the appropriate international organizations before we dump pollutants into the seas. The Defense Department has admitted in a hearing before the House Subcommittee on International Organizations and Movements that it did not follow the provisions of that treaty when it undertook 12 dumpings of chemicals and other pollutants into the ocean.

Those dumpings were not only apparent violations of the Geneva Convention on the High Seas but they represented contradictions of a motion adopted by the U.N. General Assembly and cosponsored by the United States stating that "in the use of the deep ocean floor States shall adopt appropriate safeguards so as to minimize pollution of the seas and disturbance of the existing biological, chemical and physical process and balances" and shall provide timely announcement of any marine activity that could harmfully interfere with the activities of any other State in the exploration and use of the deep ocean floor.

The Department of State has been delegated responsibility for interpreting our international agreements. Unfortunately, as was revealed in the hearings in the House of Representatives, the Department of State was not advised of the 12 previous dumpings and the 13th planned dumping in the Atlantic Ocean until 2 days before the House hearing was to take place.

My amendment is designed to insure that situations such as I have described, resulting from inadequate consideration of U.S. international obligations, do not occur. It would simply require the Department of Defense to consult with the Department of State before any chemical and biological weapons are moved outside of the United States.

Mr. President, it does not require the Secretary of State to adjudicate as to a potential violation by the United States of international law. The Secretary of State, as the Cabinet member responsible for U.S. international legal obligations, would only give a legal opinion regarding international law which would be binding upon other elements of the executive branch.

My amendment would further insure that there is a proper policy coordination within the executive branch with regard to chemical and biological weapons. There must be one CBW policy within the executive branch based upon existing international agreements and canons of international law.

My amendment would require that the Secretary of State's determinations be reported to the Committee on Foreign Relations in order that that committee would be assured that the United States is fulfilling its international obligations regarding chemical and biological weapons. I would also like to say regarding this point that I believe it would be more desirable for the Foreign Relations Committee to be receiving that information on a confidential basis from the executive branch than it would be if the committee was receiving such information as it has in the past as a result of exposés by the communication media.

My amendment would also require the Secretary of State to notify the appropriate international organizations regarding disposals and provisions of nerve gas to other countries only as present U.S. agreements require such notification.

This would not involve any release of national security information. In the case of West Germany, it would simply require the United States to notify the North Atlantic Treaty Organization. In the case of the ocean dumpings, notification would have to be furnished to such international organs as the U.N. Inter-Governmental Maritime Consultative Organization and the U.N. Oceanographic Commission.

I believe it is time that the Department of State and the Department of Defense assume and fulfill their appropriate and separate responsibilities. I believe the passage of the moderate amendment I propose is necessary if there is to be proper consideration of our international responsibilities within the executive branch.

REMOVING THE MYSTERIES FROM CHEMICAL AND BIOLOGICAL WARFARE

Mr. HARTKE. Mr. President, today the Senate will consider a composite amendment containing several of the concerns of various Senators about our chemical and biological warfare activities. I will discuss my contributions only briefly, as they are simple in concept and easy to understand. I wish, however, to thank Senators PELL, GOODELL, NELSON, and YARBOROUGH for their fine work and leadership in this area, and the members of the Armed Services Committee for their thoughtful consideration of our suggestions.

The mysteries which surround our chemical and biological warfare program have served to compound and to amplify public doubts and fears about CBW. In the belief that better public information will prevent chemical and biological warfare from developing into a dangerous emotional issue, I introduced three amendments designed to provide a more complete disclosure of the scope and purposes of our CBW program.

My first amendment would require the Secretary of Defense to submit semiannual reports setting forth the purposes of amounts spent for research, development, testing, evaluation, and procurement of lethal and nonlethal chemical and biological agents. This amendment is similar to one that was offered by Senator Joseph Clark and was accepted by the Senate last year. Unfortunately, the amendment was deleted in conference. Such an amendment was recommended in a May 1969 Labor and Public Welfare Committee report. The committee viewed it as one way of reducing the threat and danger of chemical and biological warfare. The Labor and Public Welfare report states:

> What used to be largely a picture of research has turned to development, and development has turned to manufacturing, and stockpiling. The subject is shrouded in secrecy and it is the secrecy which seems to provide the nonstop momentum to realize the full potential of these types of weapons.

I believe that the Senate should support the amendment again.

Unnecessary secrecy is probably the biggest single problem in achieving a responsible approach to chemical and biological warfare. Secrecy adds to undefined fears and in no way enhances our national security. A July 25, 1969, Medical World News article states that not even the Surgeon General of the United States was aware of the dangers of the nerve gas tests that were going on at Dugway Proving Ground in Utah, where more than 6,000 sheep were killed in an accident last year. Without better information, the Congress cannot be expected to take a responsible attitude toward chemical and biological warfare.

I have a second amendment which is not being considered at this time but which I wish to discuss. This amendment will explicitly prohibit back-door spending. Informed private estimates point to an expenditure of funds for chemical and biological warfare far in excess of official statements from the Defense Department. Mr. Seymour M. Hersh, author of a well-documented book on chemical and biological warfare, estimates that the total yearly cost of the program is more than $600 million, nearly double the official figures. Official figures for chemical and biological warfare expenditures are suspiciously low. For example, we are told that the Army has spent only $5 million for herbicides in fiscal year 1969, although the previous yearly expenditures were in the $70 to $100 million range.

Also, a McGraw-Hill investment newsletter states that the fiscal year 1969 budget for Edgewood Arsenal, just one of our many chemical and biological warfare installations, was approximately $41 million. This figure alone exceeds the total program figure of $350 million that we received from the Pentagon.

We are all too familiar with the technique of hiding unpopular program expenditures in the unnoticed budgets of unsuspected agencies—a $1.2 billion authorization request for ABM warhead development was hidden in the AEC budget for a while this spring. Similar practices may characterize our chemical and biological program as well. The Public Health Service, ironically enough, has a record of close cooperation with the Army's chemical warfare program. The Surgeon General may not be well informed about CBW tests, but in 1960, the Public Health Service received more than $380,000 in Army funds to bolster ongoing projects in fields in which it has an independent interest. According to a Public Health spokesman, the annual transfer of funds measures only a fraction of the real cooperation between the two agencies. A special relationship also appears to have existed between chemical and biological warfare and the Department of Agriculture. An Agriculture Department official admitted in 1963 that a certain variety of wheat rust was being tested at Rocky Mountain Arsenal, one of the Army's major chemical and biological warfare installations. We do not want their questionable association to involve a transfer of funds in the opposite direction. This second amendment would insure that the total scope of our chemical and biological warfare program is reflected in a single agency authorization, and it would allow us to evaluate that program with greater confidence.

My third amendment was drafted in response to growing public fears about rail shipment of lethal chemical and biological weapons. As chairman of the Surface Transportation Subcommittee of the Commerce Committee, I have become acutely aware of the need to provide maximum safety precautions in the shipment of hazardous materials. My amendment will give the Congress and the civilian agencies advance notice of such shipments, will require strict adherence to established safety standards, and will require detoxification of lethal chemical and biological agents prior to shipment for disposal whenever practicable. The need for advance notice and publicity of these shipments is indicated in the testimony of Mr. Al Chesser, chairman of the Committee on Safety of the Railway Labor Executive Association. Mr. Chesser states that not even the railroad workers accompanying the nerve gas shipments were aware that the train was to carry deadly nerve and mustard gas. In addition to the need for more adequate disclosures with regard to chemical and biological warfare, this amendment deals with the substantive problems of safety.

Since January 1969, nine major rail accidents involving hazardous materials have occurred.

They include: Gary, Ind., January 5; Battelle, Ala., January 15; Springville, Ala., January 16; Crete, Nebr., February 18; Pringle, Tex., March 4; Allentown, Wis., April 15; East Germantown, Ind., April 25; Livingston, Ill., May 1; and Noel, Mo., August 3.

John H. Reed, Chairman of the National Transportation Safety Board, has recognized this growing danger and has said:

> It is obvious that in railroad transportation, we are facing a new dimension in accident exposure. Before the advent of the many new hazardous materials now being transported in large quantities, derailments, even within the geographic limits of a town, did not create a holocaust of fire and explosion; or release suffocating chemical fumes over large areas; or cause the mass evacuation of a town. We must begin now to develop ways and means to prevent such attacks on our environment and on our very lives.

It is not clear that the Army is doing all that it can to assure safety. Earlier this year, a reporter for KBT–TV/KBTR in Denver found that gondola cars carrying large tanks of nerve gas had no sand under them, were on a siding in the center of Denver for most of the night, and no guard was in sight. In addition, the Defense Department has admitted that the special precautions planned in the most recent nerve gas disposal plan were not taken during three earlier rail shipments. Special speed limits had never been imposed, supposedly because these earlier shipments managed to escape publicity. Whenever possible, lethal gas should be detoxified before shipment.

The Army has professed that safety, not efficiency, is uppermost in its mind.

The Army has stated that "within our realm of capability, we are attempting to do as much as we can to insure the optimum safety.

"But if we can come up with something that will allow us to improve things with regard to safety, we would be delighted to do something about it."

If safety is indeed uppermost in the Army's mind, it might heed the recommendations of the National Academy of Sciences report of June 25, which it had commissioned itself.

The NAS concludes from extensive study, that "whenever possible the gases should be detoxified."

Even the Chief Engineer at Edgewood Arsenal, Louis Garono, has said that nerve gas can be removed from bombs and detoxified "relatively easily" at storage points.

Mr. President, I believe that the evidence is clear, the need is great, and the time is right for closer congressional supervision of our chemical and biological warfare program, and for a restatement of the need for safety in the handling of chemical and biological agents. My three amendments deal primarily with information—they are modest in appearance. But at a time when misinformation about chemical and biological warfare has become a serious problem, these amendments can be far reaching in their consequences.

FOREIGN POLICY—PRIVILEGES AND PREROGATIVES OF THE SENATE

Mr. FULBRIGHT. Mr. President, I wanted the attention, if I might have it, of the Senator from Vermont (Mr. Aiken), the Senator from Missouri (Mr. Symington), and the Senator from Kentucky (Mr. Cooper) in making a brief statement about a matter which I think is of considerable importance to the Senate.

Mr. President, I desire to call the attention of the Senate to a very serious matter which involves the privileges and prerogatives of the Senate and which goes to the root of the Senate's ability to perform its constitutional functions.

I refer to the continued refusal of the Departments of State and Defense to make available to the Senate, through the Committee on Foreign Relations, documents which are essential if the Senate is to arrive at an independent judgment on far-reaching questions of foreign policy.

The Foreign Relations Committee has several times asked the Secretary of State, and in his absence the Acting Secretary, for a copy of the agreement between the United States and Thailand providing for the action to be taken in certain circumstances of aggression, or threatened aggression, against Thailand. This agreement is designated a "contingency plan" by the executive. The plan is formally known as COMUSTAF Plan 1/64. I ask unanimous consent that my most recent exchange of correspondence with Acting Secretary Richardson may be inserted in the Record at this point.

There being no objection, the correspondence was ordered to be printed in the Record, as follows:

Department of State,
Washington, August 4, 1969.

Hon. J. William Fulbright,
Chairman,
Senate Foreign Relations Committee.

Dear Mr. Chairman: I have discussed with Secretary Laird the letter you handed me on July 29, 1969, regarding military contingency plans for Thailand, developed in connection with the SEATO Treaty.

In this case—as in the case of any contingency plan—the Department of Defense is extremely reluctant to allow the full text to get out of its own hands. Secretary Laird would, however, be happy to provide the Committee with an extensive briefing on these plans by officers from the Joint Staff at whatever time is convenient to the Committee. He has stressed to me that this is the same arrangement worked out with Senator Stennis and the Armed Services Committee.

I hope that this arrangement will be satisfactory to you and your colleagues on the Foreign Relations Committee.

With warm regards.

Sincerely,

Elliot L. Richardson,
Acting Secretary.

July 29, 1969.

Hon. Elliot L. Richardson,
Acting Secretary,
Department of State,
Washington, D.C.

Dear Mr. Secretary: During an executive session of the Committee on Foreign Relations this morning, discussion turned to the nature of America's commitments to Thailand, and it was recalled that on July 14, 1969, Secretary Rogers told the Committee that he would make available to it the agreement of 1964–65 relating to plans for U.S.-Thai cooperation in the event of aggression.

This subject was discussed in Secretary Rogers' letter to me of July 21, 1969, but the agreement under reference was not included in that letter.

Upon motion, the Committee unanimously instructed me to renew in writing the request that the agreement identified as COMUSTAF Plan 1/64 be delivered to it for its examination.

Sincerely yours,

J. W. Fulbright,
Chairman.

Mr. FULBRIGHT. Mr. President, it will be noted that in his letter to me of August 4, Acting Secretary Richardson relays an offer by the Secretary of Defense "to provide the committee with an extensive briefing on these plans by officers from the Joint Staff."

This is not acceptable.

A briefing is no substitute for supplying the document in question. Every lawyer knows that a description or a summary of a document does not suffice as evidence in place of the document itself. It is not a question of trusting or distrusting the briefing officers. It is a question of sound procedure.

Not without some effort, the Foreign Relations Committee has already been able to learn a good deal of the provisions of the so-called contingency plan. It was signed on behalf of Thailand by the Prime Minister of that country in his capacity as a commander in chief of the Thai armed forces. It was signed on behalf of the United States by the commander of the U.S. Military Assistance Advisory Group and was subsequently approved by the Joint Chiefs of Staff. Out of respect for its top secret classification, I shall not go further, at this time, into its main provisions except to say that it provides, in certan circumstances, for the commitment of substantial numbers of American troops to Thailand.

The Secretary of State argues that this plan does not represent any commitment to Thailand beyond that contained in the SEATO treaty. From what I have been able to learn of the plan, I believe it does go beyond the SEATO commitment. But the best evidence on this issue would be the plan itself, if we could examine it in its totality. That is why the Foreign Relations Committee asked for it.

On July 14, the Secretary of State, in open session and in unequivocal terms, told the committee he would make the plan available. Now he has apparently been overruled by the Department of Defense—another example of the trend toward Defense Department domination of foreign policy. Indeed, I have some reason to believe that the Department of State itself is not allowed to have a copy of the plan, despite the fact that the plan could very well involve us in another Vietnam-type war.

Nor is this so-called United States-Thai contingency plan the first example of executive branch refusal to furnish to the Senate documents bearing on very serious and far-reaching U.S. commitments to foreign nations. The Foreign Relations Committee has repeatedly asked, without success, for a copy of the letter from our Ambassador to Korea to the Korean Government detailing U.S. commitments to Korea in return for the furnishing of Korean troops in South Vietnam.

We have repeatedly asked, without success, for a copy of a study by the Institute of Defense Analysis of the functioning of command and control procedures during the Gulf of Tonkin incident.

These refusals are clearly contemptuous of the Senate, in a substantive, if not in a strictly legal sense. They can only be based on the assumption that the Senate is not to be trusted with questions which may involve war or peace or that these questions are none of the Senate's business—a very curious assumption indeed in view of the plain provisions of the Constitution.

I raise this matter at this time, Mr. President, so that the Senate and the country at large may be put on notice of a fundamental constitutional issue. Indeed, with a new administration—one not responsible for any of the documents the committee seeks—the issues can be judged on its constitutional merits. It is not too late for the executive branch to reconsider its position. I hope very much that it will do so. If it does not, the Foreign Relations Committee and the Senate as a whole will have to give further consideration to the matter.

Mr. President, in connection therewith I ask unanimous consent to have printed in the RECORD an editorial in today's Washington News expressing its view on this same subject.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHY ALL THE SECRECY?

Why can't Sen. J. W. Fulbright (D., Ark.), see the text of that "non-secret" military agreement the United States made with Thailand?

The State and Defense Departments say the 1965 paper is not secret but only a "military contingency plan" which simply sets forth what the United States would do to help defend Thailand against invasion. The United States has "many" such contingency plans with countries around the globe, the two departments say.

They insist the Thailand plan does not extend the United States commitment to Thailand's defense beyond what is committed already in the 1954 Southeast Asia Treaty (SEATO).

Well, then, if everything is as they say, and all is above-board and out in the open, what's wrong with letting Sen. Fulbright see it?

The Senator suspects the document does in fact go beyond the SEATO commitment, and as chairman of the Senate Foreign Relations Committee—which traditionally advises the Administration on foreign policy—he asked to see a copy.

State ducked the request, passing the buck to Defense Secretary Melvin R. Laird. Mr. Laird said he wouldn't let Sen. Fulbright see the plan but would send somebody to tell the Senator and the committee what's in it.

That kind of shiftiness leaves the impression there really might be something to hide.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. AIKEN. Mr. President, the chairman of the Foreign Relations Committee has called to our attention a very important matter, which ought to be resolved without further delay, since resolution of this matter will be vital to our form of government.

The most immediate issue which he has raised concerns an agreement of some sort entered into between the Prime Minister of Thailand and a general of the U.S. Armed Forces. We ought to know what authority the general had or who gave him permission or direction to enter into such an agreement with the Prime Minister of a foreign country.

The provisions of this agreement, or treaty, or whatever it is, are not known to members of our Foreign Relations Committee because we have not been permitted to see it. We do not know whether it involves the sending of our troops to Thailand, but we do know that there is such a document, and it very likely will be of concern to the Senate and particularly to the Foreign Relations Committee.

I will say that I think the Government of Thailand is probably in the clear. Thailand is one of the stronger countries in Asia because it is one of the most powerful military countries in Asia, and I believe is a nation friendly to the United States.

Nevertheless, whether or not we should help Thailand is not the question before us. The question is whether the Defense Department can enter into and conclude agreements, which are like treaties in character, if not by name. The agreements commit the use of military personnel of the United States, without approval of the Senate. I think it is high time we found out about this situation, and I might point out that the ABM controversy which has taken place on the Senate floor for the last 30 days is primarily due to questions like this. Until now we have never questioned a request, at least in recent years, of the Defense Department.

We should get this information without delay, in the interest of good government in the United States. If we are becoming a military government, and the military is superseding the State Department, or even Congress, then it is high time we found out about it.

Mr. FULBRIGHT. I thank the Senator from Vermont. Of course, what he says is eminently wise and correct, and I hope that the administration will take due heed of what he has said.

Mr. AIKEN. May I add, I do not know whether the reports we have heard about this agreement are true. They may not be. It may be a perfectly good agreement, in our own interest. But as long as we are not permitted to know what is in that agreement, and never permitted to see it, it is only natural that the worst is feared.

Mr. FULBRIGHT. The Senator is correct. I am not saying that I know that this agreement should not have been made. I think, however, I am safe in saying that it should not have been made in this manner.

Mr. AIKEN. That is right.

Mr. FULBRIGHT. And it should be available to the Senate.

Mr. AIKEN. It is entirely possible that our committee would unanimously approve the agreement, if we knew what it was.

Mr. FULBRIGHT. That is quite possible. But it is pretty difficult if, as the Acting Secretary of State says, this agreement is in the custody of the Department of Defense and they are reluctant to make it available. That leaves the impression that even the State Department does not have a copy.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SYMINGTON. I am interested in this colloquy between the distinguished chairman of the Committee on Foreign Relations and the ranking member of that committee. Recently, as I was leaving the Foreign Relations Committee to go to a meeting of the Armed Services Committee, the chairman of the former committee said he hoped I would stay for something coming up. I mentioned that the Chairman of the Joint Chiefs was going to report in executive session to the Armed Services Committee with respect to his recent trip to Vietnam.

The chairman of the Committee on Foreign Relations then asked if I, in turn, would ask General Wheeler to expedite this Thai agreement. I delivered that message.

At that time one of the members of the Armed Services Committee on the other side of the aisle said he thought the Armed Services Committee should also see the document, and suggested that committee also request it; I concurred.

It is my understanding, therefore, that the Armed Services Committee is also requesting said document. I think, inasmuch as it was reportedly signed, by a general in the U.S. Army, it would be entirely proper for the Armed Services Committee to look at the agreement.

But especially in that we are not at war with our Thai friends, and because it is an agreement between the Thai Government and representatives of this Government I agree with the distinguished chairman that it is a document which should be made known to the Foreign Relations Committee. I cannot understand, based on the constitutional position of the Senate with respect to agreements and treaties, how anyone could deny the presentation of said agreement in executive session.

The very fact there seems to be some hesitation about a document understood to have been signed years ago, and one, therefore, for which this administration has no responsibility makes one wonder what it really does contain.

I thank the Senator.

Mr. FULBRIGHT. I thank the Senator from Missouri.

Mr. PELL. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Rhode Island.

Mr. PELL. I rise to strongly endorse the remarks of the chairman of the Committee on Foreign Relations, and to state that the necessity for our seeing this document is made doubly strong, in my view, by the fact that when President Nixon was in Bangkok, he said:

> The United States will stand proudly with Thailand against those who might threaten it from abroad or from within.

In making that remark, he raised a question in my mind as to whether we have any secret commitment to Thailand. I have been told by the executive branch that there is no secret obligation here. But I do think that, because this remark was made in such a public forum, and by our President, it is all the more reason why the executive branch of our Government should be willing, not to just brief us, but to show us this famous document.

Mr. FULBRIGHT. I thank the Senator from Rhode Island.

Mr. President, I think obviously the members of the Foreign Relations Committee feel that this is a very important matter, and we cannot accept as final this decision that we are not to see the document. Therefore, I hope the administration will reconsider the position taken in the letter which I have placed in the RECORD.

Now, Mr. President, I wish to address a very brief observation to the distinguished chairman of the Committee on Armed Services, the Senator from Mississippi.

Earlier today, the Senator very kindly gave me a very brief message which he had received by telephone in response to my inquiry of yesterday afternoon about the number of U.S. troops in Vietnam.

In order to set the record straight today—because a number of people have asked, "What reply have you gotten?"—I hope the Senator from Mississippi will correct me if I do not state it correctly. I understand that by telephone today the Senator was told that, as of July 1, there were 539,000 American troops in Vietnam, and that they hoped—it is written here "by 9–30"; does that mean September 30?

Mr. STENNIS. By September 30.

Mr. FULBRIGHT. By September 30 it will be reduced to 515,000?

Mr. STENNIS. That is correct.

Mr. FULBRIGHT. Now, subsequent to my being given this note by the Senator from Mississippi, the Senator from Arizona (Mr. GOLDWATER) approached me just a short time ago. I had hoped to be able to raise this question before he left, but that colloquy with regard to adjournment intervened, and I was unable to obtain the floor.

I understood the Senator from Arizona to say that he had been assured today by telephone that the administration intended to reduce the number to 515,000 by the end of August. I am quite sure he told me that.

Mr. STENNIS. Yes.

Mr. FULBRIGHT. The Senator stated that he hoped to get a more precise, formal statement at a later date.

Mr. STENNIS. Yes; they have not gotten that yet.

Mr. FULBRIGHT. That would be proper, and I do not complain at all about that. I appreciate very much the cooperative attitude of the Senator from Mississippi.

Mr. STENNIS. Yes.

Mr. FULBRIGHT. I wish to say also, if I may be permitted, that the attitude of the Senator from Missouri toward other amendments to the pending bill, I think, has been most constructive, and I think he is, from my point of view, doing a great service to the Senate in cooperating with those of us who have felt that we have not done our duty in the past with regard to authorizations for the Department of Defense.

The Senator from Mississippi is showing a fine attitude toward the way Senators have been displaying their interest in the measure pending before the Senate.

Mr. STENNIS. I thank the Senator from Arkansas. Of course, we will raise the point when we have to make decisions, and I may require a lot of voting. I hope we can get on with it, make decisions, and get the bill moving.

Just one more word about the troops the Senator has mentioned. According to the oral information, the Department said that on September 30 there would be 515,000, as the Senator said, left over there, and in round numbers that is near the 25,000 reduction.

But, as I understand, new men will have moved by the end of August. But there was very little overriding into September, and the Department could not calculate the number accurately. So they just said it would be September 30. I have not received a formal response.

Here is another part of the picture showing why the numbers can vary so much in the meantime. At the present rate, 40,000 men are on the way to Vietnam, and 40,000 men are on the way back each month. They are somewhere in the pipeline in the 30-day period. In other words, new men are going out all the time, and those who have been there are coming back. In the course of 30 days, 40,000 troops move each way. So it is hard to say just when they are moving and what the number is. A certain number are there, and a certain number are not there.

Mr. FULBRIGHT. If the same number are going out as are coming back, how is the reduction of 25,000 reached? That is the point.

Mr. STENNIS. No; that is the normal course of replacements.

Mr. FULBRIGHT. That has been the normal course. But what did the President mean when he said the number would be reduced by 25,000? It seems to me that fewer ought to be going out to Vietnam.

Mr. STENNIS. I think the President meant exactly what he said. I suppose that was the rate. These are round numbers, too. This was the rate at the time the reductions started. They show the fluctuation.

Mr. FULBRIGHT. I understand; but when the Senator from Mississippi says that 40,000 are going out and 40,000 are coming back, that does not seem to me to be any reduction at all. Surely there must be some variation from that schedule.

Mr. STENNIS. That was the first figure. The other figure is the second one. In spite of the egress and ingress, there is this reduction. That is the report.

As I recall, the Senator from Arizona made a formal statement on this subject. It will be in the RECORD tomorrow morning. He made a formal statement.

Mr. FULBRIGHT. He came to me. I did not happen to be in the Chamber, if he read it, but he told me verbally what I have told the Senator from Mississippi. He said he has been asured that 515,000 would be in Vietnam at the end of August; and he also said something to the effect that if a reduction was not made, "I am going to be just as put out about it as you are." That is about what he said.

Mr. STENNIS. Yes.

Mr. FULBRIGHT. I appreciate what the Senator from Mississippi has said. I certainly do not criticize him. He did not make the statement about reductions. But so much has been said in the newspapers about reductions, and said so often, that it has aroused hopes in the minds of the people who have relatives and friends in Vietnam.

With my responsibility as chairman of the Committee on Foreign Relations, this is significant, because of its relation to our future policy in Vietnam. If that policy is not going to result in a reduction in troops, we shall have to reevaluate our own attitude toward the situation.

Mr. HART. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. HART. I was present yesterday afternoon when the Senator from Arkansas raised the question. I followed the exchange he had with the Senator from Texas and the Senator from Arizona. He was joined by the Senator from Tennessee (Mr. GORE). I shared the same views, at the end of that exchange, that the Senator from Arkansas indicates again tonight, and which he labors under.

We are agreed, are we not, that the understanding developed by the people of the country, when the President says that 25,000 men will be withdrawn from Vietnam, is that thereafter 25,000 fewer Americans will be in uniform in Vietnam than before he went on the air to tell us that?

Mr. FULBRIGHT. The Senator is correct.

Mr. HART. No arithmetic that has yet been developed in the RECORD reflects 25,000 fewer Americans in uniform tonight than when the President went on the air to tell us that.

Mr. FULBRIGHT. That is correct.

Mr. HART. That certainly is not the impression that was developed by the people of the country nor, so far as I am concerned, the impression that was intended to be developed in the country. The impression was that 25,000 fewer American boys would be in uniform in Vietnam.

Mr. FULBRIGHT. The Senator is correct. Let me remind him also that in the first press conference in which this subject was discussed by the President, on television, I think it was, he had been asked about the article by former Secretary of Defense Clark Clifford. Mr. Clifford had recommended that 100,000 men be withdrawn this year, and all of them by the end of next year, which would mean that more than 400,000 would be withdrawn by next year.

The President at that time said he hoped to do better than that, which to me means that he hopes to bring all of them back before the end of next year. I would also assume that he meant that would be more than 100,000 this year.

So he left with me, and I think with the American people, the impression that he was going to move quickly or rapidly to bring home all those troops. His statement also had, it seems to me, the necessary implication that he was going to move to settle the war, to get, I hope, a ceasefire, and to stop the killing of our men in Vietnam, and to stop the terrible drain upon our country. That seemed to me to be a part and parcel of what he said at that press conference. That is why it is of great importance to the Committee on Foreign Relations.

Mr. HART. I should like to add one point that occurred to me as I listened to the exchange of yesterday.

Some Senator—it may have been the Senator from Texas (Mr. TOWER)—was explaining that as we de-Americanize the war, which, as I understand it, means substituting a South Vietnamese soldier on the line in contact, in combat, for an American soldier, we have to increase our logistical presence. If I am incorrect in that understanding, I should like to be corrected. I got the strong impression that one of the reasons advanced for the increase rather than the decrease of American personnel in Vietnam was that we were in the process of sending Vietnamese troops into combat areas and were withdrawing American troops from combat areas, but that when we did that we would have to expect an increase of American support troops. The thought occurred to me that the more we de-Americanize, the more American troops we will have to have in Vietnam. Certainly that is not what we want to understand.

Mr. FULBRIGHT. That was not my conclusion from the President's remarks, but it was difficult, particularly with regard to the comments of the Senator from Texas (Mr. TOWER), to say whether the Senator's conclusion could not have been fairly drawn.

Mr. HART. I appreciate the persistence of the Senator from Arkansas in this matter. In my book, there is no concern greater across the country than the anticipation that soon we will have these men out of there, and the numbers ought to be given consistently.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. STENNIS. Perhaps I did not make clear enough what is meant by the 40,000 men moving each way. I think that was the average flow every month before an adjustment started. But that does not mean a proportionate number each day. Perhaps at the first of the month 30,000 would be moving, and 10,000 in the last part of the month. The next month it might be reversed. It is the shifting of the regiments, the battalions, and assignments over there. It is irregular.

Mr. FULBRIGHT. They move by air from here.

Mr. STENNIS. Yes, largely by air from here. But moving them around over there, too—after they leave, it varies, and the assignments vary. I think that is what is meant. That is why the figures vary, and cannot be exact from day to day. As to the supply troops, as I understand, there would be a greater percentage of the troops we have over there in supply or logistic assignments, because they would be stepped up, assigned for supply to the South Vietnamese troops. But it does not mean that there must be more troops of ours—just a greater percentage engaged in supply.

Mr. FULBRIGHT. May I ask the Senator another question?

I think I saw in a newspaper the other day, after one of the meetings, the Senator quoted as saying something to the effect that he thought it would be—I do not want to put words in his mouth—a number of years or quite a long time before our troops came out of there. Is it correct to say that he does not believe that the President can withdraw all the troops by the end of next year?

Mr. STENNIS. Well, we would not debate that here.

Mr. FULBRIGHT. I thought he was quoted as saying that.

Mr. STENNIS. I said that it would take years, plural—showing that I did not say "year."

But I think that if Hanoi keeps up its present pressure— and I do not take the lull as being an average pressure—if it keeps up the present pressure over all, it will take at least 2 years and perhaps more to train those South Vietnamese, supply them, and get them to where they could hold the line. If Hanoi lessens the pressure, of course, that would work out better. But I do not expect any quick remedy in that way, frankly.

Mr. FULBRIGHT. Do I correctly take this to mean that until we are quite assured that South Vietnam can hold the line, so to speak, until that day is reached, there is no prospect of our being able to withdraw? Is that a final——

Mr. STENNIS. I do not know what policy will finally evolve there. I was just giving a gratuitous military estimate of the strength there as I see it.

Mr. FULBRIGHT. I wonder whether the Senator has better knowledge of what the administration's policy is than I have.

Mr. STENNIS. No.

Mr. FULBRIGHT. Is that his own view, not the administrations policy?

Mr. STENNIS. I was passing on the situation that is generally known, as I see it. I am not as rosy about getting them built up as some might be, frankly.

Mr. FULBRIGHT. I had not known, and I do not know yet, whether it is the policy of this administration to have the conviction, without any question, about the capacity of the South Vietnamese army to hold firm before we would ever bring our troops home. If that is so, it may be—I would agree with the Senator—quite a long time.

I did not understand, and do not yet understand, one way or the other. I mean, I am uncertain as to what the President's policy is on that point. This is one of the things that some of the comments recently made in Vietnam did not clarify. It still left me uncertain, and I am extremely concerned about it.

I agree with the Senator from Michigan. I think that, because of the intervention of the Apollo moon shot and the ABM debate and a few other things, the attention of the Senate and certainly the country has been distracted and we seem to have forgotten about the war in Vietnam. Yet, it goes on. The killing continues, and the casualties—I put them in the RECORD yesterday—are enormous. The casualties since this administration took office are over 50,000. There are over 7,000 deaths among those, and there are more than 20,000 seriously wounded, seriously enough to be hospitalized, and the remainder wounded, but not so seriously. This is a very tragic war.

I wish to take this occasion, once again, to urge this administration—I do not quite know how to put it—to be more aggressive in finding a way to settle this war and not to put all its eggs in the basket represented by the Thieu-Ky government.

I cannot quite bring myself to say that I think Mr. Thieu is one of the greatest political leaders about whom I am informed. What I have read about him does not lead me to that opinion—particularly General Ky. They are both generals, and I have nothing against generals. But they are not noted in history as being the greatest political leaders.

I think this matter is so important to the United States that I feel compelled to complain about the delay in bringing this war to a close. It strikes me that we have such a stake in this war. It is standing in the way of many other things this country should be doing domestically as well as in the foreign area. However much we desire it and however much we feel obligated or the President feels obligated, if he does, to the present government in Vietnam, we should not allow that to stand in the way of a settlement in Paris, or privately, or anywhere else he can get a settlement. This is a matter which has been under long consideration and I, for one, am becoming very impatient about the delay; because I think it is causing dissatisfaction, it is causing the great tragedy of the loss of lives and casualties, and it is causing a disruption in our domestic affairs. I think it is the principal contributing factor to inflation and to the economic distress that is developing in this country.

So I take this occasion again to urge the President, as strongly as I can, not to forget the war and not to become so bemused by the Apollo moon shot or other things as to forget that the settlement of the war in Vietnam, in my view, is the No. 1 priority of this Government.

Mr. HART. Mr. President, the Senator from Arkansas has been voicing this concern for several years. Some of us remained silent—perhaps too long. It was no fault of his that the Senate in the eyes of history may be found to have been remiss. The degree to which he now finds support for the opinions just expressed is a measure of his own courage and persistence. I welcome an opportunity to thank him for it.

Mr. FULBRIGHT. I thank the Senator for his comments.

Mr. PELL. Mr. President, I rise, also, to again associate myself with the views of the Senator from Arkansas. We all saw the light at different times. He was one of those who saw it earliest, and we have seen the very telling way in which the country has changed its thinking within the last couple of years. I think a great deal of credit for the change in American viewpoint goes to the courageous and sensible words and actions of the Senator from Arkansas and the hearings which he conducted.

THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of bills and resolutions on the general orders calendar, beginning with Calendar No. 341, and continuing through Calendar Nos. 343, 344, 345, 347, 348, 352, 353, 354, and 356.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the measures on the calendar, beginning with Calendar No. 341.

AMENDMENT OF THE FEDERAL SEED ACT

The Senate proceeded to consider the bill (S. 1836) to amend the Federal Seed Act (53 Stat. 1275), as amended, which had been reported from the Committee on Agriculture and Forestry with amendments, on page 1, line 6, after the word "State," strike out "territory" and insert "Territory"; at the beginning of line 9, insert "(after due notice, hearings, and full consideration of the views of farmer users of certified seed and other interested parties)"; on page 2, in line 9, after the word "is" strike out "a class of"; in the same line, after the word "seed" insert "or any class thereof"; and at the beginning of line 16, strike out "stating that the seed is a class of certified seed" and insert "certifying that the seed is of a specified class and a specified kind or variety"; so as to make the bill read:

S. 1836

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(a)(25) of the Federal Seed Act is amended to read as follows:

"(25) The term 'seed certifying agency' means (A) an agency authorized under the laws of a State, Territory, or possession, to officially certify seed and which has standards and procedures approved by the Secretary (after due notice, hearings, and full consideration of the views of farmer users of certified seed and other interested parties) to assure the genetic purity and identity of the seed certified, or (B) an agency of a foreign country determined by the Secretary of Agriculture to adhere to procedures and standards for seed certification comparable to those adhered to generally by seed certifying agencies under (A)."

SEC. 2. Section 102 of such Act is amended to read as follows:

"SEC. 102. Any labeling, advertisement, or other representation subject to this Act which represents that any seed is certified seed or any class thereof shall be deemed to be false in this respect unless (a) it has been determined by a seed certifying agency that such seed conformed to standards of genetic purity and identity as to kind or variety, and is in compliance with the rules and regulations of such agency pertaining to such seed; and (b) the seed bears an official label issued for such seed by a seed certifying agency certifying that the seed is of a specified class and a specified kind or variety."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VALLEY OF FIRE STATE PARK

The bill (S. 1108) to waive the acreage limitations of section 1(b) of the act of June 14, 1926, as amended, with respect to conveyance of lands to the State of Nevada for inclusion in the Valley of Fire State Park was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the acreage limitations on conveyances in any one calendar year set forth in section 1(b) of the Act of June 14, 1926, as amended (43 U.S.C. 869(b)) shall not apply to or be affected by any conveyances of lands for inclusion in the Valley of Fire State Park made under that Act to the State of Nevada.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–348), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The purpose of S. 1108, introduced by Senator Bible for himself and Senator Cannon, is to permit the State of Nevada to purchase under the provisions of the Recreation and Public Purposes Act, 26,160 acres of public domain lands necessary to complete the Valley of Fire State Park in Clark County, Nev.

Section 1(b) of the Recreation and Public Purposes Act, as amended, restricts conveyance of public lands to States for recreational purposes to not more than 6,400 acres in any one calendar year. It permits the States to acquire additional acreages needed for small roadside parks and rest sites of not more than 10 acres each. S. 1108 would remove the 6,400-acre restriction in that act with respect to public lands conveyed to the State of Nevada for inclusion in the Valley of Fire State Park. It would then permit the State to acquire at one time the 26,160 acres of public lands it wishes to add to the park.

The Valley of Fire is Nevada's third most active State park. It is outranked in visitor use only by two parks on Lake Tahoe which are readily accessible and more attractive to summer users. Valley of Fire State Park receives most of its use during the cooler months. The main attraction of the park is the spectacular scenery which includes brilliant red and white sandstone formations, evidence of prehistoric Indian habitation—pictographs and petroglyphs—water eroded, conglomerate rock formations, and sand dune areas. Prehistoric campsites, pictographs, and petroglyphs are quite common within the proposed and existing park boundaries. The rock writings are often well preserved.

The State park system has been acquiring land and developing the park for about 11 years. About eight separate sites have been developed with facilities for camping, picnicking, historic and geologic interpretation, parking, water and sanitation. The State has acquired over 26,000 acres of land (mostly Federal) for this park. Applications for an additional 1,440 acres have been filed with the Bureau of Land Management and are awaiting resolution of conflicts (there are some silica claims in the area). State plans call for a park of approximately 52,500 acres. Most of the lands sought are public domain. The total area sought includes the most spectacular areas, together with overlook areas which will be developed for the public, and areas where access routes can be developed.

Plans for the Valley of Fire State Park have existed since the 1930's. The total area desired for the State park appears to make a logical, efficient unit. The State appears to be thoroughly committed to an adequate program for the lands. It seems logical to us for the State to assume full jurisdiction over the area now.

The committee recommends the bill be enacted.

SENATE HEARINGS ON RIOTS, CIVIL AND CRIMINAL DISORDERS, PART 19

The Senate proceeded to consider the resolution (S. Res. 216) authorizing the printing of additional copies of part 19 of Senate hearings on "Riots, Civil and Criminal Disorders" which had been reported from the Committee on Rules and Administration with an amendment in line 2, after the word "Operations" strike out "two thousand" and insert "one thousand one hundred", so as to make the resolution read:

Resolved, That there be printed for the use of the Committee on Government Operations one thousand one hundred additional copies of part 19 of the hearings before its Permanent Subcommittee on Investigations during the Ninety-first Congress, first session, entitled "Riots, Civil and Criminal Disorders".

The amendment was agreed to.

The resolution, as amended, was agreed to.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–349), explaining the purposes of the resolution.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Resolution 216 as referred would authorize the printing for the use of the Committee on Government Operations of 2,000 additional copies of part 19 of the hearings before its Permanent Subcommittee on Investigations during the 91st Congress, first session, entitled "Riots, Civil and Criminal Disorders."

The Committee on Rules and Administration has amended Senate Resolution 216 by reducing the quantity of additional copies to be printed from 2,000 to 1,100. This action was required to bring the cost of the proposal within the statutory $1,200 limitation for simple resolutions.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

1,100 additional copies______________	$1, 197

SENATE HEARINGS ON RIOTS, CIVIL AND CRIMINAL DISORDERS, PART 20

The Senate proceeded to consider the resolution (S. Res. 217) authorizing the printing of additional copies of part 20 of Senate hearings on "Riots, Civil and Criminal Disorders" which had been reported from the Committee on Rules and Administration, with an amendment in line 2, after the word "Operations" strike out "two thousand" and insert "one thousand eight hundred"; so as to make the resolution read:

S. Res. 217

Resolved, That there be printed for the use of the Committee on Government Operations one thousand eight hundred additional copies of part 20 of the hearings before its Permanent Subcommittee on Investigations during the Ninety-first Congress, first session, entitled "Riots, Civil and Criminal Disorders."

The amendment was agreed to.

The resolution, as amended, was agreed to.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–350), explaining the purposes of the resolution.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Resolution 217 as referred would authorize the printing for the use of the Committee on Government Operations of 2,000 additional copies of part 20 of the hearings before its Permanent Subcommittee on Investigations during the 91st Congress, first session, entitled "Riots, Civil and Criminal Disorders."

The Committee on Rules and Administration has amended Senate Resolution 217 by reducing the quantity of additional copies to be printed from 2,000 to 1,800. This action was required to bring the cost of the proposal within the statutory $1,200 limitation for simple resolutions.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

1,800 additional copies______________	$1, 200

MICHEL M. GOUTMANN

The bill (S. 1934) for the relief of Michel M. Goutmann was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1934

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Michel M. Goutmann shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 7, 1956.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–353) explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

MRS. VITA CUSUMANO

The bill (H.R. 1462) for the relief of Mrs. Vita Cusumano was considered, ordered to a third reading, read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–354), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to preserve for Mrs. Vita Cusumano, a fifth-preference registrant on the quota waiting list, the priority date of August 25, 1954, which she enjoyed prior to the death of her U.S. citizen father.

CAPT. JOHN W. BOOTH III

The bill (H.R. 1808) for the relief of Capt. John W. Booth III was considered, ordered to a third reading, read the third time, and passed.

ROBERT W. BARRIE AND MARGUERITE J. BARRIE

The bill (H.R. 2037) for the relief of Robert W. Barrie and Marguerite J. Barrie was considered, ordered to a third reading, read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–358), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Robert W. Barrie of San Diego, Calif., of liability in the amount of $973.01, and to relieve Marguerite J. Barrie of San Diego, Calif., of liability in the amount of $748.80, each amount representing expenses incurred in the shipment of household goods after each of them retired from active duty in the U.S. Navy.

STATEMENT

The proposed legislation passed the House of Represenatives June 17, 1969. The facts of the case as stated in the accompanying House Report No. 91–293 are as follows:

Mr. Barrie was detached from active duty at the Naval Air Station, North Island, San Diego, Calif., on June 30, 1963, and was subsequently transferred to the retired list. An endorsement on Mr. Barrie's orders indicates that he intended to delay decision in selecting a permanent place of residence at the time of his retirement. A second endorsement reflects that Mr. Barrie was advised that he had a period of 1 year to select permanent residence and to have his household goods and personal effects moved to that location at Government expense.

Mr. Barrie in June of 1964 shipped 4,680 pounds of household goods from Chula Vista, Calif., to Hartford, Conn. In making application for this shipment, Mr. Barrie executed a certificate on June 18, 1964, in which he certified that Hartford, Conn., was the place selected by him as his retirement address and that he received a travel allowance to Hartford, Conn. Mr. Barrie on September 17, 1964, requested additional temporary storage for his household effects at Hartford stating that illness in the family had delayed the selling of his home in Chula Vista, Calif.

Lt. Cmdr. Marguerite J. Barrie (NC), U.S. Navy, wife of Mr. Barrie, transferred to the retired list on July 1, 1964. An endorsement to Mrs. Barrie's orders shows that she likewise chose to delay in selecting a permanent residence upon retirement at which time she received the same advice as had her husband with respect to the 1-year time period. Mrs. Barrie on September 17, 1964, filed an application for the shipment of 4,870 pounds of household goods to be shipped from Chula Vista, Calif., to storage in San Diego on October 1, 1964, and to be delivered March 1, 1965, to 1667 Los Altos, San Diego, Calif. The household goods were stored and delivered as requested.

Subsequently, Mrs. Barrie had shipped, in connection with her retirement orders, from Hartford, Conn., to California the household goods which her husband had previously shipped to Connecticut pursuant to his retirement orders. Shipment on the household goods from Hartford, Conn., was made on February 1, 1965. In the application for the shipment from Hartford, Conn., to San Diego, Mrs. Barrie stated that Mr. Barrie was unable to remain on active duty until her retirement and was unable to obtain an extension beyond the 1-year limit for shipping household goods after his retirement, at which time it was decided to ship the 4,680 pounds of effects to Hartford, Conn. She further stated that after her retirement and a trip to the New England States she and her husband then decided to locate in San Diego.

By letter dated September 21, 1966, from the Navy Finance Center, Mrs. Barrie was informed that she was not entitled to the shipment of the household goods at Government expense from Hartford, Conn., to San Diego, Calif., under her retirement orders since these good had previously been shipped to Hartford, Conn., under Mr. Barrie's retirement orders.

The report of the Comptroller General on this bill refers to the applicable statutes and regulations governing the rights of service members to travel and transportation allowances at the time of retirement. That report further points out that under the particular circumstances of this case the result is that both Mr. and Mrs. Barrie were barred of payment—in Mr. Barrie's case for moving the household effects to Hartford, Conn., and then from having them sent from Hartford, Conn., to San Diego. The problem was that in the year that elapsed between the husband's retirement and the wife's retirement, the couple decided to make San Diego their retirement home. Since Lt. Comdr. Robert W. Barrie did not ultimately make the move to Connecticut, he could not be paid for moving, and since Lt. Comdr. Marguerite J. Barrie selected San Diego, her last duty station, as her place of retirement, moving allowances were only permitted for the move within that city. Obviously the circumstances under which the effects had actually been sent in accordance with prior plans did not square with the interpretation of the law as explained by the Comptroller General.

Both the report of the Department of the Navy and the Comptroller General refer to the fact that the Barries were given erroneous advice by Government personnel in this situation. Both reports, of course, note that as a matter of law the amounts stated in the bill are owed to the United States. Clearly this is why the Barries have appealed to Congress for relief. However, the committee agrees that there are equitable considerations which justify relief in this instance. The Navy noted that the Barries acted upon the advice they received in good faith and they had no reason to anticipate the ultimate disallowance which forms the basis of the indebtedness stated in the bill. In this connection the Navy stated:

"While it appears that the Barries, as a matter of law, were indebted to the U.S. Government, it also appears from records of the Navy Finance Center, Washington, D.C., that the Barries sought and obtained technical advice from appropriate sources at the Naval Supply Center in San Diego, that they acted upon that advice in good faith and in the belief that the shipments as made were proper and that they had no reason to question the soundness of the advice received or to anticipate the unfortunate consequences of their acting upon that advice. For the foregoing reasons, the Department of Navy interposes no objection to H.R. 19179."

In view of the recommendation of the Department of the Navy and the unusual circumstances of the case, it is recommended that the bill, amended to include the language suggested by the Comptroller General, be considered favorably.

BERNARD A. HEGEMANN

The bill (H.R. 6581) for the relief of Bernard A. Hegemann was considered, ordered to a third reading, read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–359), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to direct the Secretary of the Treasury to pay the legal guardian of Bernard A. Hegemann the amount certified by the Administrator of Veterans' Affairs as the amount that would have been paid in the period prior to September 11, 1967, if a timely application had been filed within 1 year of May 19, 1965.

STATEMENT

The proposed legislation was passed by the House of Representatives on May 20, 1969. The facts of the case as stated in the accompanying House Report 91–202 are as follows:

As has been noted, this bill would authorize payment of an amount to the legal guardian of an individual based on his established rights to benefits under the veterans' laws. The problem is that a timely application was not filed for a retroactive payment from the first day of the month in which the individual's father, a veteran, died. The beneficiary named in the bill is the incompetent son of a deceased veteran, Bernard Anthony Hegemann, Sr.

The veteran, who served honorably in World War I, died on May 19, 1965, in Omaha, Nebr., of a non-service-connected cause. His nephew, John A. Edney, made the necessary funeral arrangements, and on May 26, 1965, he was informed of the funeral benefits, payable and furnished a form to be used by the undertaker. Subsequently, the allowable benefit was paid to the undertaker.

Nothing further was heard from Mr. Edney until September 11, 1967, when he filed a application for death benefits as guardian of Bernard A. Hegemann, Jr., incompetent. Letters of guardianship were received on the same day showing he had been appointed guardian of the veteran's child on May 24, 1967.

An award of non-service-connected death pension in the amount of $38 monthly as made to the guardian, in behalf of the veteran's son, effective from September 11, 1967, the date of application was received. The monthly payments were increased to $40, effective October 1, 1967, by reason of enactment of Public Law 90–77, and are continuing in that amount.

The Veterans' Administration report noted that there is no limitation on the time in which application may be made for death pension. The law provides a limitation, however, regarding payment of the benefit for a period prior to the date of application. Retroactive payment is authorized, from the first day of the month in which the veteran died, if application is made within 1 year from the date of death. Otherwise, the benefit is payable only from the date of receipt of the application (38 U.S.C. 3010 (a) and (d)).

The problem in this case is that since the application in this case was not filed within a year after the veteran's death, the guardian's request for retroactive payment of death pension in behalf of the veteran's child was necessarily denied by the Veterans' Administration. The committee recognizes that the incompetent son had to rely on others to take steps to protect his rights. The delay in the appointment of a guardian and the application for benefits has prejudiced the very individual the laws were intended to benefit. As is recognized in the Veterans' Administration report, this is clearly a situation which merits legislative relief.

The Veterans' Administration in its report noted that the bill is intended to authorize payment of death pension from the date an award would have been effective under controlling law if the application in this case had been filed within 1 year after the veteran's death. The effective date would have been May 1, 1965. In the 90th Congress the Veterans' Administration noted that the bill then pending before the committee required amendment to bring out the intent of the bill. The language suggested by the Veterans' Administration is now included in H.R. 6581. The son is to be paid the amount which would have been paid "for said son of the veteran as death pension for the period prior to September 11, 1967, if application therefor had been filed within 1 year from May 19, 1965." Enactment of the bill would cost $1,076.66, at the rate of $38 per month from May 1, 1965, to September 11, 1967.

The Veterans' Administration, in its report, recommended favorable consideration of the amended bill and stated:

"The current law is such that the responsible Veterans' Administration employees had no choice but doing what they did in assigning the effective date of the death pension award. We feel that the law is too rigid in cases such as this. We plan to study the desirability of legislation that would allow more equitable determinations under these and similar circumstances. I accordingly recommend favorable consideration of the bill with the suggested clarifying amendment."

In view of the particular circumstances of this case, it is felt that this is a proper subject for legislative relief. It is clear from the facts outlined above that the incompetent son of the deceased veteran was dependent upon other persons to assert his rights and it is also obvious that he was prejudiced by not having a timely application filed in his behalf. The Veterans' Administration has specifically noted the unfairness of this situation and the inflexibility of applicable laws in such circumstances.

CLIFFORD L. PETTY

The bill (H.R. 9088) for the relief of Clifford L. Petty was considered, ordered to a third reading, read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–361), explaining the purpose of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The proposed legislation would relieve Clifford L. Petty, of Seattle, Wash., a former member of the U.S. Navy, of liability in the amount of $588.50 paid him as extra-hazardous-diving pay at the rate of $5.50 per hour for 1969 as the member of a Navy underwater demolition team for a series of special dives near Wake Island.

STATEMENT

The proposed legislation passed the House of Representatives on May 20, 1969. The facts of the case as stated in the accompanying House Report 91–205 are as follows:

The bill, H.R. 9088, was introduced in accordance with the recommendations of the Comptroller General of the United States in a report made to the Congress under the meritorious-claims provisions of section 236 of title 31 of the United States Code. In his report to the Congress, the Comptroller General stated that by orders dated July 13, 1959, Underwater Demolition Team 11, U.S. Naval Amphibious Base, Coronado, Calif., Mr. Petty and others were ordered on temporary duty to Wake Island for duty involving diving and demolition of explosives in connection with MilsPac project. Mr. Petty was paid a total of $588.50 as special diving pay for dives performed during August, September, and October 1959. The special diving pay was paid to him and other members of the crew pursuant to the provisions of section 205(b) of the Career Compensation Act of 1949, as amended, 37 U.S.C. 236(b) (1958 edition), in effect during the period involved.

Section 205(b) provided that members of the uniformed services entitled to receive basic pay and employed as divers in actual salvage or repair operations in depths of over 90 feet, on in depths of less than 90 feet when the officer in charge of the salvage or repair operation shall find, in accordance with regulations prescribed by the Secretary concerned, that extraordinary hazardous conditions exist, shall, in addition to basic pay, be entitled to receive the sum of $5.50 per hour for each hour or fraction thereof while so employed.

The information transmitted by the Comptroller General shows that the question as to pay in this case was not based on the fact that the dives failed to satisfy the requirements of the law concerning hazardous diving, rather the determination by the Navy that that payments were erroneous were based on the fact that the dives were performed in connection with a construction project rather than in connection with salvage or repair operations. The statute was found to authorize payment only in connection with the latter operation.

The Comptroller General has determined that Mr. Petty was in no way at fault and accepted the payments of the special diving pay in good faith. The Comptroller General noted as a consequence of the fact that the statute did not authorize a payment under these particular circumstances he must be regarded as having been overpaid and was legally liable for the indebtedness. It was further pointed out that there is no present legal authority which would make it possible for the General Accounting Office to relieve him of his indebtedness or to refund the amounts he has repaid to the Government in reduction of that amount.

The communication of the Comptroller General directed the attention of the Congress to the fact that relief has been extended to an individual in a parallel case by private law. Private Law 88-263, approved on August 1, 1964, relieved another member of the same underwater demolition team of liability for repayment of special diving pay in the amount of $649 earned in the same series of dives. Further, all other members of the diving duty crew continued their enlistments in the Navy and they were relieved of their indebtedness by administrative action by the Navy. The problem here is that the relevant provisions of section 6161 of title 10, United States Code, only apply to Navy personnel prior to discharge.

The Comptroller General stated that the General Accounting Office has concluded that Mr. Petty should be given equal treatment to the other members of the underwater demolition team who have been relieved and further stated that his claim contains such elements of equity as to justify reporting it as a meritorious claim with a recommendation that the indebtedness be canceled. It is further recommended that the authorization include a provision that Mr. Petty be paid an amount equal to the aggregate of the amounts he has paid in reduction of the indebtedness.

In agreement with the Comptroller General of the United States and the House of Representatives, the committee recommends that the bill be considered favorably.

ADJOURNMENT UNTIL MONDAY, AUGUST 11, 1969, AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. on Monday next.

The motion was agreed to; and (at 6 o'clock and 17 minutes p.m.), the Senate adjourned until Monday, August 11, 1969, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate, August 8, 1969:

IN THE NAVY

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant commander in the Medical Corps, subject to qualification therefor as provided by law:

Robertson, Nathaniel R.
O'Sullivan, Michael J., Jr.

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Cook, Charles A., Jr.
Deaton, James P.
DuBois, Michael L.
Dur, Philip A.
Hart, Robert H.
Kinlaw, Howard M.
Lansford, Martin C.
Lee, Jimmy M.
Motes, David R.
Perkins, Allen D.
Stout, Richard G.
Wilkins, Hubert C.

SUPPLY CORPS

Mayes, Robert D.
Sweazey, George E., Jr.

NURSE CORPS

Spring, Pollyann.

The following-named officers of the U.S. Navy for permanent promotion to the grade of lieutenant (junior grade) in the line, subject to qualification therefor as provided by law:

Deaton, James P.
Fellows, Richard H.
Nygard, Howard T.

Lt. Melville C. Murray, Supply Corps, U.S. Navy, for temporary promotion to the grade of lieutenant commander in the Supply Corps, subject to qualification therefor as provided by law.

The following-named officers of the U.S. Navy for permanent promotion to the grade of chief warrant officer, W-2, subject to qualification therefor as provided by law:

Adams, James L.
Allbert, Eugene L.
Babington, David C.
Bailey, Robert C.
Baity, "A" Thomas
Baker, Clyde E.
Banks, John W.
Barber, James W.
Beabout, Robert F.
Black, Roy W.
Bland, Richard D.
Blank, Vincent E.
Bliss, Albert M.
Board, George R.
Boorom, Robert F.
Booth, Robert W.
Bramblett, Jack
Bryden, Kenneth C.
Carlson, Robert S.
Cartwright, William F.
Chavez, Angelo
Chernegie, Michael A.
Cunningham, Lawrence M.
Daggett, Linwood A.
Davis, Edward L.
Dennis, Jackie L.
Devries, James F.
Dexter, Donald N.
Dix, Richard J.
Duchesneau, Robert E.
Duke, Clinton H., Jr.
Englebretson, Ronald E.
Ensminger, Gerald D.
Escajeda, Ruben
Fawcett, Peter F.
Frank, Bernard C.
Garrett, Charles E.
Gelsominto, Michael J.
Gillespie, Lindsay M.
Goodman, Sheldon
Greenberger, David
Greer, James N.
Grinnell, Raymond J., Jr.
Haaf, Joseph B.
Hagenbruch, Robert H.
Hamilton, Jerry A.
Hardin, Larry K.
Harper, James E.
Harville, Robert A.
Henderson, Robert D.
Hodges, George L., Jr.
Hogan, Richard H., Jr.
Hogg, Royal T., Jr.
Holden, Hugh F., Jr.
Horton, William G.
Hubert, David L.
Hudson, Carl E.
Jantz, Michael W.
Johnston, Richard E.
Joines, James J.
Jones, Richard L.
Jorgenson, Richard C.
Kanneglesea, Andrew A.
Keaton, William G.
Keith, Donald R.
Krawchuk, Peter
Kressel, Herbert J.
Lafleur, Jean R.
Larock, Francis J.
Lawron, Richard W.
Lenz, Jack C.
Linsley, William F.
Lipinski, John B.
Lowe, Michael B.
Madden, John E.
Maiden, Jesse J.
Malmborg, Charles L.
Marenbach, Harry A.
Martin, Howard E., III
Mathis, Larry T.
Maupin, William E., Jr.
McCarthy, John J., Jr.
McCarthy, Joseph E.
McCowan, Kenneth E.
McGee, Carl E.
McGee, James M.
McMaster, Timothy R.
McNutt, Jerry W.
Mehrtens, Frank J.
Meuchel, Frank T.
Middlebrooks, Robert D.
Miller, Kenneth R.
Miller, Robert D.
Miller, Ronald L.
Miller, Walter E.
Mingo, Louis E.
Moore, Owen E.
Mora, Jimmy A.
Morris, Phillip G.
Mueller, William J.
Mulligan, Robert D.
Mundy, William E.
Neal, Paul G.
Northrop, Robert S.
Nyman, Keith O.
Nunley, Jack B.
O'Brian, Alfred R. W.
Ohm, Robert L.
O'Neal, Floyd W.
Overman, William R.
Owen, Harold
Owens, James C., Jr.
Owens, Richard L.
Parkhurst, Lyman E.
Perkins, Earl E., Jr.
Pinkerton, Everett D.
Polk, Deward W.
Porter, Joel
Powers, Richard G.
Proffitt, Bobby W.
Shields, Joseph C.
Shumpert, Harold C.
Sickler, Burton H.
Skipworth, William H.
Smith, Floyd H.
Smitheman, James C.
Speed, William H., Jr.
Spencer, Sidney T.
Sprey, Douglas
Stone, Frederick C.
Stosel, Stanley L.
Sullivan, Joseph E.
Tellman, Donald F.
Tinnon, Lloyd D.
Tourigny, Leonard R.
Velsor, Herbert F.
Warren, William L.
Watson, Tannis R.
Wells, Eugene A.
Welsh, Edward L.
Wilson, Robert T.
Wiltzius, Lawrence N.
Wisdom, Hayden R.
Wray, Donald M.

The following-named officers of the U.S. Navy for permanent promotion to the grade of chief warrant officer, W-3, subject to qualification therefor as provided by law:

Aldrich, Marvin M.
Allen, Raymond S.
Bishop, John F.
Booth, Thomas G.
Briody, John H.
Brown, Albert L., Jr.
Bull, Charles H.
Butler, Kelly, Jr.
Cady, Howard P.
Carl, Charles L., Jr.
Carr, Robert G.
Casey, Henry F., Jr.
Chandler, Neil B.
Chastain, Edward C.
Durland, Ray M.
Edwards, Charles R.
Ellis, John W., Jr.
Epoch, Paul
Ferguson, John R.
Fickett, Lawrence E.
Ganey, Walter F.
Glaab, George W.
Haldeman, Leonard D.
Hathcock, Milton T.
Hill, Francis E.
Hyatt, Gerald C.
Isebrands, Arthur B.
Jacobs, Meredith D.
Jensen, Dana C.
Johnson, Roland L.
Katterer, Frank R.
Kremsner, Carl J.
Lamb, Gerald M.
Melvin, Van
Meyer, Harry W.
Murphy, William J.
Neely, Benjamin C.
Neil, Richard C.
Nelson, Warren H.
Nelson, Warren K.
Oates, Bob, Jr.
Orr, Charles P.
Parris, Eddie R.
Peters, Randolph
Player, Charles E.
Proctor, Marlow
Soler, Carlos R.
Steadman, Joseph D.
Stowers, Bernard L.
Tarkington, Dewey A.
Turetz, Richard
Turner, Jack D.
Wagner, Charles P., Jr.
Wilkes, Roy W.
Yarbrough, Lawrence B.
Youngdahl, Robert J.

The following-named officers of the U.S. Navy for permanent promotion to the grade of chief warrant officer, W-4, subject to qualification therefor as provided by law:

Baldasari, Nilo J.
Bowman, Glenn P.
Bridenstine, Harold L.
Campbell, William H.
Canfield, Glenn R.
Chadwick, William R.
Crawford, Warren H.
Daniels, William J.
Dignon, Donald H.
Doss, Edward H.
Faini, Orlando R.
Gay, William C.
Hutchison, Frank
Mitchell, Leonard T.
Shrum, Wayne A.
White, Charles R.
Whitt, William F.

The following-named Naval Reserve Officers Training Corps candidates to be permanent ensigns in the Line of Staff Corps of the Navy, subject to the qualifications therefor as provided by law:

Robert M. Baxter
Gary J. Caswell
John H. Smith

William M. Phillips (Naval Reserve officer) to be a permanent lieutenant commander and a temporary commander in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law.

David L. Jackson (civilian college graduate) to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law:

Robert E. Carson
Lawrence M. Cibula
Nicholas J. Colosi
Robert P. B. Hayes
Stephen Heisler
Richard A. Nelson
Jeffrey H. Scavron
Larry V. Staker
Loys E. Williams

Richard P. Whitlock (civilian college graduate) to be a permanent lieutenant and a temporary lieutenant commander in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law.

Richard S. Wood (civilian college graduate) to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law.

William H. Anderson
John W. Bailey
Charles B. Horton
Donald L. Mitchell
Joseph P. Nowak
Harold E. Stone
William W. Sullivan
Harvard J. VanBelois

John C. Marshall, U.S. Navy, retired, to be reappointed from the temporary disability retired list as lieutenant in the Line of the Navy, subject to the qualifications therefor as provided by law.

William J. Wagner (Naval Reserve officer) to be a permanent commander in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law.

The following-named chief warrant officers to be ensigns in the Navy, limited duty only, for temporary service in the classification indicated and as permanent warrants and/or permanent and temporary warrants subject to the qualifications therefor as provided by law.

PHOTOGRAPHY

Robert Nolin

AVIATION MAINTENANCE

Donald J. Northrup

ENGINEERING

James J. Carrabba

MEDICAL CORPS

The following-named (Naval Reserve Officers) to be permanent Lieutenants and temporary Lieutenant Commanders in the Medical Corps of the Navy subject to the qualifications therefor as provided by law:

Ralph D. D'Amore
Donald F. Hagen

The following-named (Naval Reserve Officers) to be permanent Lieutenants (junior grade) and temporary Lieutenants in the Medical Corps of the Navy subject to the qualifications therefor as provided by law:

Regg V. Antle
Harry A. Bigley, Jr.
John W. Carlisle, Jr.
Gary R. Donshik
William J. Gallagher
James O. Houghton
Robert S. Knapp
William C. Seal
George A. Ulch

CONFIRMATIONS

Executive nominations confirmed by the Senate August 8, 1969:

DIRECTOR OF THE MINT

Mary Brooks, of Idaho, to be Director of the Mint for a term of 5 years.

DISTRICT COURT OF THE VIRGIN ISLANDS

Almeric L. Christian, of the Virgin Islands, to be judge of the District Court of the Virgin Islands for a term of 8 years.

U.S. DISTRICT JUDGE

Frank H. McFadden, of Alabama, to be U.S. district judge for the northern district of Alabama.

U.S. ATTORNEYS

William H. Stafford, Jr., of Florida, to be U.S. attorney for the northern district of Florida for the term of 4 years.

H. Kenneth Schroeder, Jr., of New York, to be U.S. attorney for the western district of New York for the term of 4 years.

Nathan G. Graham, of Oklahoma, to be U.S. attorney for the northern district of Oklahoma for the term of 4 years.

C. Nelson Day, of Utah, to be U.S. attorney for the district of Utah for the term of 4 years.

David A. Brock, of New Hampshire, to be U.S. attorney for the district of New Hampshire for the term of 4 years.

U.S. MARSHALS

Harry D. Berglund, of Minnesota, to be U.S. marshal for the district of Minnesota for the term of 4 years.

Floyd Eugene Carrier, of Oklahoma, to be U.S. marshal for the western district of Oklahoma for the term of 4 years.

Donald M. Horn, of Ohio, to be U.S. marshal for the southern district of Ohio for the term of 4 years.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Philip J. Farley, of Virginia, to be Deputy Director of the U.S. Arms Control and Disarmament Agency.

DIRECTOR OF THE CENSUS

George Hay Brown, of Michigan, to be Director of the Census.

DIPLOMATIC AND FOREIGN SERVICE

The following-named Foreign Service officers for promotion from the class of career minister to the class of career ambassador:

Walworth Barbour, of Massachusetts.
Winthrop G. Brown, of the District of Columbia.
C. Burke Elbrick, of Kentucky.
Edwin M. Martin, of Ohio.

The following-named Foreign Service officers for promotion from class 1 to the class of career minister:

W. Tapley Bennett, Jr., of Georgia.
Clarence A. Boonstra, of Michigan.
William C. Burdett, of Georgia.
William I. Cargo, of Florida.
John Hugh Crimmins, of Maryland.
Roger P. Davies, of California.
William O. Hall, of Oregon.
Robinson McIlvaine, of Pennsylvania.
C. Robert Moore, of Washington.
David D. Newsom, of California.
David H. Popper, of New York.
Stuart W. Rockwell, of Pennsylvania.
Claude G. Ross, of California.
Miss Margaret Joy Tibbetts, of Maine.
Horace G. Torbert, Jr., of Massachusetts.

The following-named Foreign Service information officers for promotion from class 1 to the class of career minister for information:

Hewson A. Ryan, of Massachusetts.
William H. Weathersby, of California.

The nominations beginning William B. Kelly, to be a consular officer of the United States of America, and ending Walter A. Weber, to be a consular officer of the United States of America, which nominations were received by the Senate and appeared in the Congressional Record on July 10, 1969.

ATOMIC ENERGY COMMISSION

Clarence E. Larson, of Tennessee, to be a member of the Atomic Energy Commission for a term of 5 years expiring June 30, 1974.

EXTENSIONS OF REMARKS

PROF. RAYMOND MOLEY'S SERIES OF SYNDICATED COLUMNS ON SEAPOWER

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Friday, August 8, 1969

Mr. THURMOND. Mr. President, I wish to bring to the attention of the Senate of the United States a warning sounded by Prof. Raymond Moley in the last of his syndicated columns, which he released July 12, 1969, after 36 years as an active journalist. Professor Moley's warning is of such seriousness for this Nation that we ignore it at our peril. For this very reason, before I pass Mr. Moley's warning on to you, I would like to pause for a moment to consider the nature and stature of the man who uttered it.

Raymond Moley surely needs no introduction in Washington, D.C. In his own lifetime, and while still a widely read columnist, he has become a legend. Nevertheless, the span of his experience is great; and a brief review is in order as a reminder:

Moley was born in Berea, Ohio, September 27, 1886. He earned a Ph. B., a Ph. D., and an LL.D., as well as a number of honorary degrees. He taught school and in 1923–28 he was professor of government at Columbia University; 1928–54, professor of public law. He is the author of some 17 books including "Lessons in American Citizenship," published in 1917—10 editions; "Lessons in Democracy," 1919; "After Seven Years," 1939; "How To Keep Our Liberty," 1952; "The Republican Opportunity," 1962, 1964; and "The First New Deal," 1966.

There is little doubt that posterity will remember Moley principally as the creator and head of President Roosevelt's famous "brain trust." Indeed, during the first 100 days, Moley's influence was so great, and he was so sought after, that the word went around: "If you want to get to Moley, see Roosevelt." In addition to his White House duties, he was appointed by Roosevelt as Assistant Secretary of State; however, he felt that the President was gathering too much power into Federal hands and resigned from the Roosevelt administration to become editor of a new weekly magazine Today. Today became Newsweek and Moley devoted himself to journalism—the top-spot column in Newsweek, and three syndicated newspaper columns a week—ever thereafter.

Mr. President, Professor Moley in a very real sense answered his own rhetorical question when in four pieces immediately preceding his last, he stressed the Soviet Union's challenge at sea. The cost of building up our sea power—an invincible navy, and a strong modern merchant marine—would be far less than the ultimate cost of our delusions: the loss of our liberty, perhaps even our lives. I salute Raymond Moley for his many contributions to his and our country.

Mr. President, I ask unanimous consent for Mr. Moley's farewell column and his four columns on sea power to be printed in the Extensions of Remarks.

There being no objection, the columns were ordered to be printed in the RECORD, as follows:

[From the Los Angeles (Calif.) Times, July 12, 1969]

THE RAYMOND MOLEY COLUMN

(NOTE.—Following is an extract of Mr. Moley's last column after 36 years as a journalist.)

"With the filing of this piece I terminate my years as a journalist . . .

"I have been at liberty to comment on the events of a momentous period, and no publisher or editor has ever told me what to write, what not to write, nor criticized my choice of opinions . . .

"These brief chronicles of the times have concerned themselves with a change in our national life and public policies greater than in any period since colonial days. And perhaps my reflections on that change deserve note in this final piece.

"In a similar summing up, Arthur Krock at the end of his *Memoirs* says this about what he calls 'the great change': 'From these consequences I have contracted a visceral fear. It is that the tenure of the United States as the first power in the world may be one of the shortest in history.'

"I cannot claim a parity with Arthur Krock as a writer nor in capacity for observation. But there are parallels. He and I were born in the same year in the Midwest and we spent our earlier years there. We have witnessed the same national scene, commented upon the same national trends and have known most of the same national figures who have shaped national policy. We were both brought up in the old-style Democratic Party and both have noted the transformation of that party by F. D. R. around 1936. There began 'the great change.'

"I agree with the many specifics which prompted Arthur Krock's somber conclusion. Foremost among them are the transformation of a federal union into a mass democracy; a republic which has become a paternal welfare state which, as De Tocqueville prophesied 134 years ago, 'takes upon itself alone the power to secure (for its subjects) their gratifications and to watch over their fate,' and to pay for this monstrous paternalism the acceptance of a ruinous fiscal policy.

"These I believe are but the symptoms of a deeper infection. A state of apathetic permissiveness induced by twin delusions: that great national might is ours in perpetuity and that what is called a free society is indestructible.

"Perhaps these delusions are induced by confusing freedom with liberty. Santayana has reminded us that semantically freedom is Teutonic in origin and liberty is Latin. The 'blessings of liberty' as written by the makers of our Constitution imply laws and authority which protect those who enjoy them. Freedom provides no blessings. It creates no environment but chaos.

"Thus we have permitted the 1941-1969 Supreme Court to distort our society into a tyranny of majorities, even minorities. For at all times public opinion, through Congress and the states, have had constitutional power to curb the court.

"Our conceits about indestructible national power and liberty have blinded us to our responsibilities abroad as the world's foremost power. This might have been possible in a world of like-minded nations. But the Communist challenge denies those assumptions and is bent on destroying our might and on obliterating personal liberty everywhere. In this real world there can be no isolation and no fortress America.

"My question is whether we can afford our delusions."

[From the Los Angeles (Calif.) Times, May 31, 1969]

THE RELEVANCE OF ADMIRAL MAHAN

History has a way of reciting the fortunes of nations in terms of great commanders and statesmen who, from time to time, have dominated the forces that determined the ebb and flow of world affairs. But more often than not, there were students removed from the vicissitudes of action who saw deeply into the meaning of political and military power and who, in their findings and prophecies, provided guidance for nations and their leaders. Such a Nestor was Alfred Thayer Mahan whose great books in the 1890s on sea power have profoundly influenced strategy of Britain, Germany, Japan, United States and, more recently, Soviet Russia.

Mahan was born at West Point in 1840 and he was raised among books and amid the fine thinking and the discussion of men whose profession concerned military strategy and world affairs. His father was professor of military engineering. When Mahan was 12, Robert E. Lee came to the academy as superintendent, George B. McClellan was a junior engineer officer and Ulysses S. Grant was a student. Despite this Army background, the boy's interest turned to the sea, apparently influenced by the stories of Marryat and of naval historians. He attended Columbia College and in 1856 was made a midshipman at Annapolis. He was rated there as a brilliant student.

After Annapolis, he served at sea as an officer on various naval vessels, but after 1870 he seemed to have considerable time for study and in 1885 was assigned to the new Naval War College.

The college was short of money, talent and books. But Mahan supplied the need for a text by writing his great seminal work, "The Influence of Sea Power Upon History, 1660–1783." Seven years later he had added two more books on the subject "The Influence of Sea Power Upon the French Revolution and Empire" and "The Life of Nelson." This trilogy constitutes his contribution to an understanding of the influence of sea power upon the rise and fall of nations.

Sea power, as Mahan defined it, is the total influence on the high seas of a nation and the ancillary means of supporting its vessels. This includes its navy, its merchant fleet, including its fishing and exploratory ships, plus its far-flung bases for repairs and refitting. The navy is its potential to keep sea lanes open in war and in peace.

In elaborating his theme, Mahan traced his subject back to the Punic Wars when Rome by its superiority on the Mediterranean frustrated Hannibal's almost successful invasion by land. And his books ended with the defeat of Napoleon by the British despite French victories on the Continent.

Thus Mahan proved that there had always been the reality of sea over land. But no one had so comprehensively explained this essential factor in world affairs.

The British were the first to recognize the immense importance of Mahan's writings and he was acclaimed without restraint over there. One of the first to grasp his meaning in the United States was Theodore Roosevelt, whose actions in the Navy Department and as President were guided through his close association with Mahan. These books, especially the first one, were translated worldwide. In Japan, Adm. Togo, whose fleet shattered the Russians in 1905, freely acknowledged his debt to Mahan and made his works required texts in Japan's military and naval colleges. In 1894 the German Kaiser told an American friend that he had "devoured" Mahan's book and placed it on all of his naval ships and from then on built the great navy which was designed to challenge British superiority on the sea.

The British government, spurred by the Geman threat, greatly strengthened its own fleet in the years before World War I. In the United States, as we all know, T.R. was the first President to dedicate himself to naval construction. He said, "In the vitally important task of convincing (the American people) of naval needs, Mahan stood alone. There is no one else in his class or anywhere near it."

In short, Mahan touched off a revolutionary age of naval construction. In the years that followed 1890 and until 1914, the yearly expenditures of eight foremost nations increased 440%.

Since 1950 Soviet Russia's merchant marine, plus formidable naval construction, has moved up to open competition with the United States. In the crisis that now faces the United States in the Pacific and Indian oceans, the relevance of Mahan is quite clear. Our confrontation with the Soviets seems inevitable, not necessarily in hot war but in potential control of the great sea routes.

[From the Los Angeles (Calif.) Times, June 14, 1969]

A NORTHWEST PASSAGE—AT LONG LAST

The proposal of the Humble Oil and Refining Co. and associated companies to spend millions to create a sea route from the Alaskan and Canadian oil fields to the Atlantic Ocean should ignite the interest of every observer of foreign affairs. For this plan, if successfully carried out, will be of incalculable advantage to the Western world. An incidental result will be to teach landlocked and isolationist Americans the vital importance of trade routes by sea in the shaping of this nation's foreign policy.

As every schoolboy knows, Columbus' purpose was to find a route westward to the Orient. While his voyages opened a new continent, they did not achieve their earlier purpose. Five years after 1492 another Italian, John Cabot, who had removed to England, received authority and means from King Henry VII to seek a sea route north of the American continent to "India and Cathay." His efforts and those of his son Sebastian ended in icy frustration.

In the next century Sir Martin Frobisher renewed the quest, but he had to settle for claiming certain icy lands in the name of Queen Elizabeth and by bringing back to England certain ore which proved to be worthless.

In the years that followed there were many explorations, until in 1846 Sir John Franklin, a veteran of Trafalgar and of several land explorations, set out with two ships to find the Northwest Passage. His expedition vanished and it was 14 years later that the remains were found. All hands had perished.

In this century a great deal has been added to information about the geography of the region, and new technology has added to the means of exploration and communication. In 1906 Roald Amundsen announced that he had made a passage with a small ship and six companions. The voyage consumed three years.

Subsequently, exploration of water passages through the icy north of the Canadian mainland continued. Smaller Canadian vessels made a number of passages prior to 1956. But there still remained the task of finding a route for larger ship transportation. The American Navy was interested because of its need for supply routes for our Distant Early Warning System.

In 1956 Canadian Captain Pullen and a crew of 240 on the Canadian ship Labrador made a passage in which a key channel was the Bellot Strait, rescuing an American icebreaker in the course of the voyage.

Meanwhile, a great deal has been learned about the depth and width of channels by by nuclear submarines operating under the ice.

All this knowledge will be known to the effort announced this month by the Humble president, Charles F. Jones. The first effort will be a trip from New York in July by the big tanker Manhattan, which has been reconstructed for ice-breaking. But once such a route becomes practical for tankers, his company will build six 250,000-pound icebreaking tankers at a cost of $300 million. And other companies, he says, with oil properties in Alaska and northern Canada will probably build 25 or 30 tankers for their purposes.

For the oil potential in that field is estimated to be equal to or more than that of the entire Middle East.

At one point in this new trade route there is a spot equidistant from New York, Tokyo and London. Thus it will affect all trade routes and calculations as far distant as the Indian Ocean and the Persian Gulf.

[From the Los Angeles (Calif.) Times, June 21, 1969]

THE PERSIAN GULF, THE WESTERN WORLD AND THE SOVIET

It is somewhat early to calculate the effect upon the economies of the Western nations and Japan of the immense oil discoveries in northern Alaska and Canada and the projected sea routes from those sources to the East and West. That was the subject of my piece a week ago. But meanwhile those countries, except the United States, are heavily dependent upon oil from the Persian Gulf area.

According to a recent report by the Georgetown Center for Strategic and International Studies, half of Western Europe's oil supplies and 80% of Japan's come from that gulf area. Britain and France one-half, West Germany one-third, Italy 75%. And our operations in Southeast Asia are largely dependent upon oil from the gulf.

This oil must in major part be transported by more or less clearly defined sea routes. The Georgetown report says that "any situation which would put a major power hostile to the West astride these oil supplies would be intolerable." And, there might be added, any sea routes leading from those supplies must not be threatened by Communist powers.

Those routes, as well as the stability of the gulf region, have recently been profoundly affected by two developments: One is the planned withdrawal of the British from the Indian Ocean, from its stabilizing influence among the Arab states and from the channels from the gulf to the Pacific and the Atlantic. The other is the growing sea power of Soviet Russia, its naval and commercial presence in the Indian Ocean and, because of the closing of the Suez Canal, its use of the sea route from its huge base at Vladivostok around Southeast Asia.

Traditionally, the relative importance of nations, their relations to each other and the rivalries among them are importantly affected by changing sea routes. At this time the two developments described above are of profound importance not only to the countries directly concerned but to the United States, whose naval power is still predominant. Our commitments are not only to Western Europe but to the countries on the great Asiatic perimeter from Japan and Korea, South Vietnam, Thailand to Australia and India.

The American role involves its commitment to its insistence upon freedom of the seas and the sea passages for our friends and also our potential rivals. This involves a considerable burden which, while decried by our land-locked isolationists at home, is imposed upon us by our great sea power and in the Western Pacific by our victory in World War II and the subsequent disarmament of Japan. Soviet Russia has no such commitment to freedom of the seas.

Japan's growth as an industrial nation (accentuated by the disarmament imposed by us) has rendered it heavily dependent upon oil and iron ore available only by sea. In large part these components are supplied by the Persian Gulf, the United States, Australia and India. These supplies must come by two sea routes: the Strait of Malacca and through the Indonesian islands. These routes, unless we choose to turn Japan toward communism, we must protect.

For reasons quite unlike those of Japan, Soviet Russia uses the Strait of Malacca (now that Suez is closed) for access into the Indian Ocean and the Persian Gulf. The Soviet government has built an immense base at Vladivostok out of which there emerges all of the components of sea power: navy units, merchant ships, its fishing and oceanographic research fleet. Its route passes friendly North Vietnam where it finds facilities for refueling and refitting. And its behavior indicates every intention to move into the gap created by British withdrawal. The Georgetown report says that "the minimum Soviet goal is to end the Western power monopoly in the Persian Gulf by its presence there while its maximum goal is to dominate the oil sources there and exclude it to the Western nations and Japan."

The Georgetown report suggests that the British withdrawal be somewhat delayed and that the United States with a limited naval presence contribute to the stabilization of the area and also to the neutralization of Soviet influence.

[From the Los Angeles (Calif.) Times, June 29, 1969]

THE SOVIET CHALLENGE AT SEA

At the moment, our nuclear and, more specifically, our missile capability absorb the attention of the President, the Congress and the press. This is quite understandable because the prospect of attack and response through the great air spaces suggests a disaster from which neither the United States nor the Soviet Union could emerge as a major world power.

But in another and seemingly more remote area, the Soviet challenge is just as real. That is in the realm of sea power. But since so many of us, and our representatives in Congress live in what we conceive to be land-locked security, sea power is conceived to be of interest only to admirals, shipping tycoons and long-range strategic experts. Moreover, the development of our well-advertised nuclear-propelled and missile-armed submarine fleet has induced many to believe that our Navy is now invulnerable.

Adm. Hyman Rickover, who developed the nuclear submarine, and Sen. Henry Jackson, who might have been secretary of defense, have recently warned that in perhaps five years the Russians will have neutralized that weapon with their own submarine fleet. Their advantage there is 375 to 143. But more important, their nuclear submarines now number 65 compared with our 85. And their building capacity is 20 a year. And only last summer one of our carriers in the Pacific discovered that the speed of a Soviet nuclear submarine considerably exceeds that of our own.

These comparisions, like the debate over the Safeguard ABM system, concern only the possibility of armed conflict. But sea power also involves comparisons between fleets engaged in the pursuits of peace. Economic growth largely involves commerce over the seas in merchant ships. And in this area Soviet power may already be equal to ours. And its rate of growth is much greater.

The latest and most informative report on Soviet sea power is a small book issued this month by the Georgetown University Center for Strategic and International Studies. Composed by a panel of qualified experts, this book shows that the growth of the Soviet merchant fleet since Khrushchev took power has been sensational.

This fleet, relatively new and modern in construction and adaptability for all purposes, plies all the seas and sea routes of the world. It consists of dry cargo vessels, tankers, passenger ships, a fishing fleet (the largest in the world), icebreakers, oceanographic research explorers and so on.

In support of this immense enterprise is the new Russian navy. In addition to the submarine fleet, there is a large variety of surface ships excepting carriers. These were ostentatiously displayed in the Mediterranean in 1967 and since then in the Indian Ocean, where the Soviets plan to move in as the British move out. Many of these surface ships carry missiles for all purposes.

There is an unpublished article by Adm. John D. Hayes, a distinguished student of sea power, which has some most significant comments upon the U.S. Navy. He points out that much of our Navy is of World War II vintage. We seem to have written off the construction of such modern surface ships as those of the Russians, except carriers and the usual complement of ships to support the carriers.

He says: "The U.S. Navy has paid little attention to the war-time protection of trade. It is a Navy largely dominated by aviation officers with little experience with ships other than carriers. A major portion of its naval capital is invested in nuclear deterrence." And as Adm. Rickover shows, so far as submarines are concerned, we may soon find this nuclear-deterrence advantage neutralized.

These comparisons and contrasts, so far as sea power is concerned, are largely dependent upon relative capacities for new construction. The Soviet system operates in a closed society and has two advantages. It need not concern itself with labor union power in construction and operation, especially in its merchant fleet. And the money necessary is gotten by squeezing domestic-affairs funds to a minimum. Thus, the very nature of the two societies is a determining factor in this as in so many other aspects of national policy.

PLAY IT SAFE—MAINTAIN OUR NATIONAL DEFENSE

HON. KARL E. MUNDT

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Friday, August 8, 1969

Mr. MUNDT. Mr. President, now that the Senate has voted to continue developing our ABM system as proposed by President Nixon in his so-called Safeguard plan, we who represent the people and upon whom the responsibilities for maintaining a peace-preserving national defense system, must not rest on our oars and assume that all is well. We must anticipate—and reject—other proposals which would in effect weaken our capacity to defend America while at the same time giving encouragement and false hope to those who would destroy our way of life.

An editorial in the Los Angeles, Calif., Herald-Examiner of July 23, 1969, summarizes its position in support of a strong America in a succinct concluding sentence which reads, "It is better to be safe than sorry," when arriving at decisions related to our national defense.

Mr. President, I ask unanimous consent that this editorial entitled "Play It Safe" be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PLAY IT SAFE

While we bask in the radiance of one of man's epic achievements, we should not forget even momentarily the telling points emphasized by Sen. Karl E. Mundt (R-S.D.) in a speech to the U.S. Senate yesterday.

Mundt spoke in behalf of President Nixon's request to proceed without delay on the Safeguard ABM System. The system would protect this nation against ballistic missile attack of a massive type. Among points made by Sen. Mundt in the program's support are:

1—The United States never must allow itself to lag behind the military strength of potential enemies, if our lives are to remain secure. The Safeguard is vitally important to a "totally adequate and sufficient defense system."

2—The one and only sure way to determine that the ABM will do its job as a defensive shield is through research, development, design and deployment.

3—Denying the Administration the ability to move ahead with the ABM system would be sending our negotiators with the USSR to the conference table devoid of any "trading stock" in this area of discussion. Our position would be about as tenable as if we proposed that the Soviets tear down and demolish their ABM installations in exchange for the tearing up of U.S. blueprints.

4—An effective defense against any enemy's offensive striking power—such as the ABM is designed to provide—serves as a strong deterrent against attack as well as protection against the possibility of an all-out nuclear devastation caused by accident.

It is "better to be safe than sorry."

DESEGREGATION DEFINITION

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. COLLINS. Mr. Speaker, on the subject of desegregation, the New York Times presented a sound interpretation of the latest House education bill. It is interesting that an official of the Justice Department's civil rights section recently remarked that it would take a hundred agents to effect a desegregation program in New York City.

We wonder when the New York Times will actively work out this program in New York City, as it could be a model for the Nation.

Below is an interpretive editorial written in the Dallas Morning News written on August 4:

THE SPLIT DEFINITION

According to the New York Times News Service, the House voted Thursday "to sharply curb federal efforts to desegregate public schools."

The writer's use of a split infinitive does not cause any confusion there, but his use of the split definition does. The trouble is that in this context there is a traditional definition of "desegregate" and a newer one used by progressives, some HEW officials and, apparently, the New York Times.

By the traditional definition, desegregation of public schools is the removal of racially discriminatory enrollment policies. The purpose of the process, by this definition, is to prevent tax-supported schools from either accepting or turning away youngsters on the basis of their race.

The newer definition of desegregation is different in both meaning and purpose. Under its terms, desegregation is the process of enforcing in all schools an enrollment policy that will maintain a racial balance that HEW has determined to be the proper one. The purpose of desegregation, by this use of the word, is to ensure that no school has less than 50 per cent white students.

The first process was aimed at making schools color-blind; the second requires that they become acutely color-conscious. In order to establish and maintain the racial proportions demanded on pain of deprival of federal funds, the schools must regard their students as race units. They must, to ensure that they have so many of this color—but not too many—and so many of that—but not too few.

This is the type of HEW-style "desegregation" that the House voted to curb. And there are several good reasons for doing so. One is the fact that in several previous laws Congress had made it clear that its definition of desegregation does not mean setting up a national pattern for the ideal racial mix in every school.

The 1964 Civil Rights Law, which gave HEW the school desegregation job, expressly forbade it or any other federal agency or ccurt to bus students to achieve a pattern of racial balance. A 1966 amendment to the education act repeated this, and the fiscal 1969 appropriation bill prohibited the withholding of funds to force the schools to balance their racial proportions.

These prohibitions seem to have little effect on the actions of HEW. Now the House has repeated itself once again by barring the withholding of federal funds to force bussing or the closing of schools to achieve racial balance.

The Congress is still striving for desegregation, but the desegregation that will eliminate racial bars and allow public schools to get on with their most important job: Giving children the best education that they can.

Unfortunately HEW, using its own definition of what constitutes desegregation, continues to strive to use Congress' authority to make every school conform to the racial proportions that the department thinks best.

The House is not trying to bring back Jim Crow. It is merely trying to clip the wings of the HEW officials who are set on flying in the wrong direction.

REGIONAL PLANNING AND DEVELOPMENT

HON. CHARLES E. GOODELL

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Friday, August 8, 1969

Mr. GOODELL. Mr. President, the time is long since past when full attention should be given to the growth and development problems facing communities across the country; we can no longer afford to allow the largely unplanned and uncoordinated development policies characteristic of the past to haphazardly affect the social, physical, and economic development of our communities.

The Genesee-Finger Lakes Regional Planning Board is a fine example of an organization which has recognized not only the importance of balanced and coordinated development policies, but also the opportunities provided by the physical, economic, and social environment of western New York.

I would like to call the attention of my colleagues to a recent speech delivered by Dr. Stuart Denslow, executive director of the Genesee-Finger Lakes Regional Planning Board, and ask unanimous consent that this speech be printed in the Extensions of Remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

WESTERN NEW YORK STATE

(An address before the Kiwanis Club, Rochester, N.Y., June 19)

INTRODUCTION

The historic pattern of American Economic Development Planning may be amply called spontaneous. Much of the success as well as failures to date is a result of millions of individual decisions by business organizations, governments and just plain people. In recent years, it must be granted that government has participated in economic affairs through fiscal policies, grants and aids, subsidies, regulations, research or resources management. This family of endeavors are the legal and administrative manifestations of the principal issues of public policy designed to guide economic development trends in certain directions, but not necessarily thoroughly planned direction. The ambivalence resulting from these stimuli and restraints has prevented a major economic disaster (depression) but appears to have accomplished little in directing the overall patterns of physical and social development, particularly in urban regions. The omnipresent crisis of the day in most urban centers and regions of the country point irrefutably to the fact that past development policies apparently have not accomplished what everyone seems to desire, "a balanced economic social and physical environment".

(The 1964 Development Policy for New York State entitled "Change—Challenge and Response" introduced a new approach to the coordination of physical development designed to overcome the apparent deficiencies of public development policies from preceding decades.) This new approach to development coordination introduced regional planning as the key. As I approach my subject today, I do so somewhat ambivalently. It occurs to me that in addition to telling what we are doing in the area of regional planning, I should spend at least as much time, or perhaps more, telling you what we are not doing, at least not yet doing. The awesomeness of the problems we face as a society and as a region, make it extremely difficult at best to know where to begin in describing the planned and unplanned considerations of continued economic growth. From a regional perspective, we must ask ourselves—what do we want and how do we achieve it?—for in point of fact, this simple question may, in its answer, present some clue as to the future expectations for our total environment.

PLANNING AND DEVELOPMENT

Before the turn of the century Ambrose Bierce wrote a noteworthy, not to say notorious book, called "The Devil's Dictionary". In his book, Mr. Bierce defines planning as "bothering about the best method of accomplishing an accidental result". As interesting as that definition may be, it has a certain factual connotation when we examine all of the relationships which play into the matrix of continued economic growth.

I am reminded many times of the reference a real estate broker friend of mine uses on frequent occasions, * * * the three principles of real estate, location, location, location. * * * Location as one of the characteristics of total environment consideration with respect to continued economic development is important only when it is in appropriate balance with other factors in the equation. These other factors are natural resources, transportation systems, population, public services and technology. Let us examine briefly this array of factors as it applies to the formula for continued economic growth in Western New York State.

Location

At the outset our location here has significance in relationship to the great industrial core of North Eastern United States. This industrial core with which I have reference is the industrial belt reaching from Chicago on the west to Boston on the east and is referred to in numerous economic geography references as the "Industrial North East". (Within this area is encompassed a mere 7% of the area of the United States. However, the Region holds 43% of the population of the nation, produces 52% of the total income and contains 70% of the industry.) Any unique relationship that we may have with this core, is the result of the combination of resources, an early start, the type of original settlement, and perhaps the most important factor—the self perpetuating momentum resulting from the pyramiding of complementary activities that produced the notable external economies of scale. Or simply stated, the spin-off concept. The spin-off concept merely acknowledges that the economic regions base of self perpetuating industries may grow through the pyramiding effect of creating new demands or needs for new and related industries. Although the idea is simple in concept, one pitfall of this illusion is the assumption that all trends will continue in the same direction, meaning upward. When in fact, one examines the textile industry in New England not too many years ago, we can show that growth does not necessarily always continue in a positive direction at any one location.

Natural resources

Let us examine the other factors in this resource equation which relate to and with the location consideration. The Genesee/Finger Lakes Region of Western New York State contains the eight prime counties of Monroe, Orleans, Genesee, Livingston, Wayne, Ontario, Yates and Seneca. This grouping of counties with the population base of approximately 1.1 million people stands astride the industrial coreland of the entire country. Associated with its locational uniqueness, are other factors of equal, if not greater importance—natural resources. This region of 5,000 square miles is uniquely endowed with topography and climate which has historically been the basis of a successful agricultural industry. Associated with these natural physical amenities has been adequate ground and surface waters with the valuable Finger Lakes Region and the Genesee River Basin, which combine to connect a great water and recreation resource with a necessary and efficient natural drainage system. By far and away the greatest significance perhaps is the more than 100 miles of shoreline which this region enjoys on Lake Ontario. Lake Ontario has a physical connection with the St. Lawrence Seaway and is available for ships of international fleets as a source of transportation and recreation.

Transportation

An equally significant factor in economic growth to that of the natural resource base is of course a transportation system. This Region has historically been a path of transportation requirements in both east-west and north-south directions since the days of the pioneers. (The accumulation of physical installations to provide transportation services is present throughout the landscape in the form of expressway systems, the barge canal, harbors on Lake Ontario, airports and many other services.) The significance of each of these transportation modes has its bearing in the industries which that system was originally designed to serve. The Region at this moment has a well developed east-west roadway network. Although a north-south network is in the making it will be greatly improved with the completion of the Genesee Expressway which will become a major north-south corridor connecting the Rochester urban region with counties and states to our south. Rail services have historically crossed this area as part of the industrial core network, but the deterioration in service and equipment in most recent years has rubbed the lustre from what had once been the diamond of the transportation industry.

From the standpoint of air service, the Genesee Region has in fact been fortunate to have the services of the Rochester-Monroe County Airport as well as the other general aviation airports that have been developed within the Region. Although the system does in fact exist, there is no question that if we are to meet the competitive needs of the present and immediate future, great improvements in the air transportation mode must be accomplished.

(All things considered, transportation will continue to be one of the more significant elements of economic growth.) It seems realistic to assume that substantial sums of both public and private funds will have to be invested in the several elements of the transportation system, if we are to continue to maintain a competitive position in the transfer of both material and people.

Population

The human resources of the Region provide one of the keys to the success of the continuing economic growth pattern, for it is indeed the quality of the population, not the quantity which holds the key to regional productivity in industry, commerce and agriculture. The 1.1 million people which now reside in the eight county Region will expand to 1.6 million by 1985 to 1990. One factor of great significance is the uneven distribution of the population now resident here. Fully 83% are urban oriented, 70% of whom reside within the County of Monroe, with the remaining 30% unevenly distributed in various towns and villages throughout the Region. One of the follies of the 20th Century has been the assumption that continued population growth was an essential ingredient for economic growth. One needs only examine the difficulties of China, India, for that matter all of Latin America, to have more than sufficient evidence to show that when population growth exceeds economic growth, the overall well being of society will in fact decrease rather than increase, for it is the individual productivity of the people and their economic system which determines the standard of living.

Public Services

People demand services, and services for the most part are those things that become the day to day operational requirement for living, for building, and for general economic productivity. Public services include the provision of public utilities such as sewer, water, electricity, gas, telephone, education, and certainly general government—for the maintenance of roads, the provision of parks, hospitals, and the many other needed public services that are so a part of our living environment. We are indeed fortunate to have educational facilities and systems which enjoy an excellent reputation. (We must however, constantly improve the quality and quantity of these facilities if we are to maintain the training capabilities of the population to be served.) Of the entire public utility and services sector, those demanding the greatest amount of treatment are of course the water and sewer systems. Although we are fortunate in having the administrative vehicles for the provision of such services, to date, as a society we have not elected to invest the kinds of sums that are required to bring the sewer and water services to all the residents of the Regional Community. This will have to become one of our top priority considerations in future years if we are to stem the tide of increasing environmental pollution that seems to be the pattern of the day. (The structure of general government in the many services which it renders reflect for the most part the desires of the puplation, for after all, government is by and for the people and is designed to serve their needs and whims.) One question that always seems to perplex is, why must public services always follow a need?—would it not be appropriate to develop our governmental enterprises to anticipate needs! Perhaps this scheme is an appropriate objective for the future.

Technology

In this day of nuclear power and trips to the moon, one does not need to go far in explaining the importance of technology to a continuing economic growth pattern. Most new techniques are an out-growth of alert introspect of the existing operations network in business, industry, science and government. (Techniques must be combined with the acceptability of new ideas so that the two, in tandem, can be applied to the everyday requirements of our production system.) Our Region is fortunate indeed to have a quality population and one which is receptive to new ideas and changes in the technological sphere. The combination of the two can and will provide us with the kind of productive forces so essential as ingredients to the economic growth formula.

Summary

What does this Region have that makes up the elements so essential to continued economic growth? Let us review them for a moment.

(a) It has an excellent natural resource base in soils, topography, climate and water.

(b) It has a limited but dependable transportation system basic to the needs of the day, but needing substantial inputs of public and private capital to improve its capability to expand service for the growing future.

(c) It has a growing population which can mean expanding markets, or conversely, growing needs for a public services base that can be further developed in the best interests of the citizens of the Region.

(d) And most certainly technology. It has a receptive climate for new ideas as a seed bed for economic growth.

We have examined the important elements as essential inputs to an economic growth pattern. As was mentioned in the introductory remarks, the historic pattern of economic development in this country may be amply called spontaneous. Spontaneity may have been appropriate during the first 300 years of our national existence. However, with the speed with which changes occur in modern society it would appear that the greatest need of the day is a development strategy for tomorrow. A development strategy can insure that people are properly located, that transportation, resources and public services are adequate for their needs, and that the people, resources and other functional elements of our environment are combined in proper balance to insure a framework for continued economic growth. (The Genesee/Finger Lakes Regional Planning Board has taken upon itself the responsibility to provide that development strategy.)

ROBERT "BOB" POPE

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. MARSH. Mr. Speaker, the Department of Virginia American Legion elected a very distinguished Legionnaire and outstanding citizen to the post of department commander. Robert "Bob" Pope, a citizen of Front Royal, Va., in the Seventh Congressional District, had a distinguished record in World War II, having served overseas for 26 months and participated in six major campaigns, including the invasion of Southern France. It should be noted that of his four brothers, all have served in the Armed Forces of their country. One brother was captured at Corregidor, and was able to survive both the death march and the Japanese prison camp. His brother, Joe, was killed in action while serving with Patton's 3d Army.

Bob Pope knows from his own family experience the anguish of a family whose son is a prisoner of war and the heartache of a Gold Star Mother. A former State trooper, he is now an adjuster for the State Farm Insurance Co. He has been active in a broad field of civic affairs.

The fact that he was unopposed for office of department commander indicates how other Legionnaires feel about him. It was my pleasure to place his name in nomination for this important post, and I insert in the Record his acceptance speech, which points out the challenges we face in our world and Nation today:

Speech by Mr. Pope

Mr. Commander, distinguished guests, my fellow legionnaires, in all sincerity and with a great deal of pride, I thank you for the honor you have bestowed me. I accept the challenge you have presented me by electing me to the high office of Your Department Commander. I know full well the responsibilities of this office and I assure you it will not be taken lightly, and I will work untiringly to do my very best to merit the vote of confidence given me here today.

These are changing times and we must change with them. The theme selected by our National organization for the next year is, "Decision now". The decisions you and your Post make this year are going to determine the future of your Post and our Department.

We must take positive and decisive action to insure that the America we all know, love and serve, will remain a bulwark against those treacherous forces both within and without these United States, who try to undermine the Integrity of our Country, which include those principles of justice, freedom and democracy.

I am aware that fifty years ago, in this hotel, at our first Department Convention the first Commander of Virginia was elected . . . to be followed by a long line of outstanding and dedicated Legionnaires, each of whose vision and foresight made their contributions toward making this the largest Veterans organization ever known to man.

To meet the challenges of this next year, I will need the help of each and every one of you, as you all know we can name Chairmen of Committees, but if they do not function, and follow through, the particular program "Falls flat on its face." Put your shoulder to the wheel and add that extra push to make the next Legion year go down in history as one never to be forgotten.

It is my earnest desire that there will never be any individual Legionnaire, Post or District of the Department of Va., who will hesitate to call on me at any time, that I can be of service to you.

The time is now when we must drive home to Americans in every community of our great Commonwealth the message of the dangers confronting our National existance. We must awaken in all good citizens the need for them to fully participate in the affairs of their community, state and nation. We must also work harder to get the younger Veterans into the American Legion to carry on, as we are growing older and they are and will be the lifeblood of this organization.

It shall be my purpose during the year ahead not to permit others to forget that many men have died and many die today to uphold the causes in which we believe. We owe this to them.

I personally pledge myself to exert all the time and energy I can in order to fulfill my obligations as your Commander and as a Legionnaire—Won't you join with me to make the "Decision Now" a reality for God and Country and all of the programs of the American Legion!

Thank you very much.

THE BIG QUESTION: TO GO OR NOT TO GO TO MARS IN MANNED FLIGHTS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. EVINS of Tennessee. Mr. Speaker, with the success of the lunar landing having been achieved, there is much discussion over the ultimate goals and objectives of the space program—and how these goals and objectives are to be achieved.

In this connection, the Nashville Banner has concluded editorially that the needs on earth must take precedent and that the exploration of Mars should be by instrumentation rather than the more expensive manned route.

Because of the interest of my colleagues and the American people in this important subject, I place in the Record herewith the editorial from the Nashville Banner of August 5, 1969.

The editorial follows:

Mars Does Not Justify a Manned Excursion

Within bounds of practical usefulness, it can be reasoned that space exploration is worth what it costs. The fact occasions little rebuttal—and, certainly, the opinion prevails with regard to the epochal achievement of America's moon landing. The knowledge therewith gained is the dividend for which this investment was made. National pride attends it.

Serious questions are raised, however, and by scientists themselves, about the necessity—or even the advisability—of embarking on a similar manned expedition to Mars. Judgment admonishes for caution toward such an undertaking; and did, even before in the feverish jubilation of the lunar achievement, excited voices declared that "Mars is next."

Deeper in space than the moon, by millions of miles, Mars does not exactly INVITE. Set up to recommend space mission priorities for the 1968–1975 period, a task force of the National Academy of Scientists last year referred to a 700-day mission of instruments (not men) to that distant planet, and concluded "We were unable to identify a need in planetary exploration, in the foreseeable future, for the unique abilities of man."

If that was a shade ambiguous, logical conclusion is not. There is no necessity of either practical worth or national scientific prestige—warranting attempted excursion to Mars; a journey years long if it succeeded, and which at the going climbing rates could cost a half trillion dollars.

Again it should be noted that the analysis in no sense discounts tremendous accomplishments of record of which the U.S. Flag on the moon is a gratitifying symbol. In more than theory it can be argued that in the intangibles satisfying ambition—or in terms of information acquired—achievements to date have been worth the billions spent. None would dispute the honors won. But a halt must be called somewhere, and it would seem to relate to that point where the expenditure of resources—actually non-existant in terms of reality—run beyond all possibility of returns.

There are, indeed, essentials on Planet Earth—and, by validly narrower definition, AT HOME—that have priority. There are problems to solve and programs to execute, within the domain of U.S. responsibility; and these demand the resources in question before assigning them disproportionately to projects merely of spatial wanderlust. *For another thing, there are budgetary considerations, such as balance to guard against multi-billion-dollar gambles on non-essentials.*

Instrumented orbiting is one thing—already going on, with Mariners 6 and 7 on photographic assignment. And these can continue, as practical determination verifies their worth. An attempted manned-landing on that planet, years distant from the Earth, is something else. There are no resources either of men, materials, or money, to spend on that. Judgment says "no."

EX-POSTMASTER GENERAL DAY DISCUSSES MAILING LISTS AND PORNOGRAPHY

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. DULSKI. Mr. Speaker, the Postal Operations Subcommittee of our committee began hearings this past week on several new proposals aimed at legislatively dealing with the increasing flow of smut mail.

My own bill is aimed at what I consider the most important area to be attacked as soon as possible:

Halting the flow of smut mail into homes where a minor resides.

In drafting my bill, I have put into legal language a very specific explanation of what is considered to be obscene so the courts will have no doubt what we mean in our legislation.

The 2 days of hearings this past week were very productive and Subcommittee Chairman Nix is planning to resume the hearings after the recess with the intent of coming up with meaningful legislation this year.

On this matter of obscene material being sent through the mails, a former Postmaster General, J. Edward Day, wrote a very comprehensive article for the December 1966, issue of the American Bar Association Journal. I have his permission to reprint the text for the benefit of all Members.

Mr. Day, who recently gave the full Post Office Committee very helpful testimony on postal reform, is a member of the Illinois and District of Columbia bars. His article follows:

Mailing List and Pornography

(By J. Edward Day, Ex-Postmaster General)

The telephone rings in your home. Your fourteen-year-old daughter answers.

A stranger's voice says: "Would you like to become a subscriber to a new magazine which handles the subject of love and sex with complete candor? For example, one article in this magazine discusses cases of insatiable sexual passion. Another article gives a guided tour of the quarters of sin where nude women publicly made love to men and/or beasts. A leading newspaper has described it as 'Dirty' and a magazine has called this new publication: 'a disgrace to the whole field of magazine publication'. Our company guarantees full refund of the price if the periodical fails to reach you because of United States Post Office censorship interference."

This telephone call is hypothetical. But the language used in it is taken from an advertisement, widely mailed in 1962 at the third-class bulk rate, for *EROS*, one of the three publications involved in *Ginzburg* v. *United States*, 383 U.S. 463 (1966).

There may be a few who would defend such a telephone call—but very few. No doubt it would be defended by the ordained minister who testified in the Ginzburg trial that *The Housewife's Handbook on Selective Promiscuity* "should be in every home and available for teen-agers".[1]

There is a close parallel between a campaign of indiscriminate telephone calls to residences touting sex publications and mass mailings of provocative advertisements for sex publications to hundreds of thousands of names, including those of children. In this article I shall discuss only that part of the obscenity problem involving use of the mails, and particularly the promotion of sex publications through use of mailing lists.

On April 26, 1966, the following from a lady in Bethesda, Maryland, appeared in the *Washington Post:*

"Evidently those who weep over [Ginzburg's] fate did not have a 12-year-old son bombarded by the most provocative brochures I have ever seen. And these brochures, with their suggestive pictures and texts, were sent through the mails, to my son over a period of a year. It was no reading for a 12- or 13-year old. It was on this basis that I complained to the Post Office Department."

This letter is typical of the complaints we received at the Post Office Department during the period, beginning in the spring of 1962 when Ginzburg's blizzard of mail advertising was in progress. There were over 35,000 complaints in writing. Many people telephoned me with their complaints or told me in person of their shock and anger. Some individuals said they had received as many as ten different mailings of the same material. Many reported that the offensive advertisements had come addressed to their children. There was an unprecedented volume of mail from members of Congress forwarding complaints and demanding that the department take action.

It soon became apparent that there was one person who seemed to be even more eager that the department take action than were these members of Congress and the public.

That person was Ralph Ginzburg himself.

There were repeated indications that he was conducting a studiously contrived nose-thumbing campaign in an effort to needle the Post Office Department into taking action. He attempted to obtain mailing privileges from the postmasters of Intercourse, Pennsylvania, and of Blue Ball, Pennsylvania, so that the envelopes containing his ads would carry a mailing permit imprint with the name of one or the other of those little villages. When he was denied mass mailing privileges from the two Pennsylvania locations, he mailed millions of his promotional pieces from Middlesex, New Jersey. Inserted in each advertisement for one of his items was a slip labeled "Guarantee" and reading "Documentary Books, Inc. unconditionally guarantees full refund of the price of The Housewife's Handbook of Selective Promiscuity if the book fails to reach you because of U.S. Post Office censorship interference". Similar slips appeared in the advertising for his other offerings, the magazine *EROS* and the "newsletter" *Liaison*. One of the advertisements for *EROS*, mailed at the third-class bulk rate, quoted a comment on the first issue of the magazine: "It's a wonder that they allow it through the mails."

"Taking action", as Ginzburg no doubt contemplated it, would be administrative action by the Post Office Department to bar his publications from moving through the mails.

Prior to 1961, this type of administrative stop order had been used many times. However, it had often proved relatively easy for the mailer to get a court to issue a temporary restraining order suspending the ban. Then the mailings would go on during an extended period of court proceedings. In the meantime, the publicity about the attempted ban provided priceless advertising for the questionable publication. If the court eventually sustained the ban it was then no trick for the offender to start business again under a new corporate name or with slightly revised merchandise. The stop-order procedure involved no penalty.

After I was designated for appointment as Postmaster General, and even before I was sworn in, I saw that Post Office responsibilities in the pornography area were something to which I would have to give prompt personal attention. Very early in my administration I decided to make three major changes.

1. LESS PRESS AGENTRY

For my predecessor as Postmaster General, the war on smut had become the favorite speech-making topic. Three highly paid consultants were retained by the department for full-time duty making speeches about the smut problem all over the country—but particularly, prior to the 1960 election, in certain key Congressional districts. Incredible as it seems, my predecessor set up, in a large conference room across from his office, a "museum" with samples of pornography divided among various perversions. Members of the press, of Congress and of the public, both men and women, were given guided tours through this room, which came to be known as the Chamber of Horrors. The worst items were behind a black curtain equipped with a draw string for display as the climax of the tour. When I took over, this place was cleaned out and the contents destroyed or returned to the case files where they belonged.

I also put a stop to the speechmaking and press releases about the smut problem. I ordered discontinuance of a department-distributed postmark die bearing the words "Report Obscene Mail to Your Postmaster". Many members of the public had found this highly offensive, especially when the cancellation appeared on their Christmas cards or on their children's mail.

My feeling was that there was no point in advertising and ballyhooing pornography. Some "decent literature" and "antismut" organizations became irked at me because I wouldn't supply such groups with "samples" of dirty books and pictures for them to use in their crusades to tell people how bad the problem was. I felt people didn't have to sample narcotics to know there was a dope problem, and they didn't have to sample smut to know there was a pornography problem.

In a policy statement on obscenity in the mails, issued May 3, 1961, I said:

"Following sound law enforcement practice, we are going to enforce the antiobscenity laws without press agentry. We do not want to jeopardize successful prosecutions in pending cases by seeking headlines. We are not going to stimulate young minds to look for pornography by continually talking about it."

2. CRIMINAL PROSECUTION RATHER THAN ADMINISTRATIVE ACTION

I concluded that grand juries and petit juries—representing community standards—are more appropriate bodies for deciding whether or not mail is obscene than are administrative officials at the Post Office. In addition, as I have already mentioned, there are serious practical weaknesses in the administrative stop-order procedure. In early 1961 when we dropped the administrative stop-order approach, we announced a crackdown on obscenity in the mails.

3. DISCONTINUATION OF CRITICISM OF COURTS

The Post Office Department's previous press agentry and speechmaking on the obscenity problem had included criticism of the courts for supposedly over-lenient interpretations of the obscenity law. Shortly after I took office a federal judge complained to me about this past carping at courts and insisted that it was unjustifiable. In any event, I did not consider it appropriate for a Cabinet-level department to be conducting a cold war with the courts. All criticism of the courts was discontinued by the Post Office.

POST OFFICE INVOLVEMENT BASED ON STATUTE

It should be recognized that those who do not think the Post Office should have any responsibilities in the obscenity area should take their views to Congress. Congress put the "Comstock Act" (18 U.S.C.A. § 1461) on the books and I have never heard of a bill being introduced to repeal or even tone down that law. It is settled that the federal obscenity statute punishing the use of the mails for obscene material is a proper exercise of the postal power delegated to Congress by the Constitution. In *Public Clearing House* v. *Coyne*, 194 U.S. 497, 506–508, the Supreme Court said:

"The constitutional principles underlying the administration of the Post Office Department were discussed in the opinion of the court in *Ex parte Jackson*, 96 U.S. 727, in which we held that the power vested in Congress to establish post offices and post roads embraced the regulation of the entire postal system of the country; that Congress might designate what might be carried in the mails and what excluded. . . . It may . . . refuse to include in its mails such printed matter or merchandise as may seem objectionable to it upon the ground of public policy. . . . For more than thirty years not only has the transmission of obscene matter been prohibited, but it has been made a crime, punishable by fine or imprisonment, for a person to deposit such matter in the mails."

Bills are introduced at every Congress to attempt to tighten up and toughen the law on postal obscenity. In 1955 Congress amended the statute "to enlarge section 1461 of Title 18, United States Code, so as to include within the prohibition of said section all matter of obscene nature, whether or not said matter had fallen within the more restricted definition contained in the statute".[2]

In 1958 Congress amended the statute to permit prosecution at the place of address or delivery as well as the place of mailing.[3] The strength of Congressional feeling on the postal obscenity problem is indicated by the willingness of Congress thus to override the important policy considerations behind Rule 21(b) of the Federal Rules of Criminal Procedure, which was enacted to alleviate the undue hardships defendants sometimes suffer when forced to defend themselves in places far distant from their homes.[4]

Twenty obscenity laws have been enacted by Congress, starting in 1842; fifty nations have joined in the international "Agreement for the Suppression of the Circulation of Obscene Publications"; and every one of the states has an obscenity law.[5]

I see no chance whatever that in the foreseeable future Congress will repeal or substantially liberalize the postal obscenity statute. An argument can be made that the law should not attempt to penalize those who sell even sickening and depraved obscene material to adults who come seeking it out, just as an argument can be and is being made by some that homosexual acts between consenting adults should not be illegal. But even if such an argument were to be accepted it does not dispose of an important aspect—in my opinion, *the* most important aspect—of the postal obscenity laws. That is the "right of privacy" of postal patrons—the right to be protected from receiving, unsolicited, through the mails, offers of material

---

Footnotes at end of article.

that is described or promoted as obscene. That right and that protection, long recognized in the federal statute, is to me so basic that it should continue to be enforced with severe measures.

A person who sells a sex publication to one who comes looking for it is one thing. But the indiscriminate mailing to addresses taken from mailing lists of advertisements touting sensationalized sex publications is quite another. The wrong, serious enough in itself, is compounded when there is deliberate use of mailing lists containing names of children, women and others who have never shown the slightest interest in purchasing sex publications, spicy items or anything close thereto.

The *Washington Post* in a Sunday feature article entitled "Warren Finally Puts Arm on the Dirty Little Men," April 10, 1966, says "an American taking the middle road . . . is worried that profitminded pitchmen are willing to assault the sensibilities of nice people to expand their markets. . . . Millions of Americans who are easy-going about sex nevertheless resent a pornographer's promotion. They can be shocked and they can become fearful for the morals of others, including the very young, who supposedly have still weaker defenses. Legitimate or not, the fears are real, and obscenity laws exist not so much to protect people who enjoy pornography's 'prurient appeal' as those who are offended by it."

LEGISLATION TO STOP REPEATED MAILINGS

In recent years members of Congress have shown intense concern with the problem of use of mailing lists to promote morally offensive material. In their attempts to grapple with the problem they have proposed legislation which has been opposed as "unnecessary" by the Post Office Department and as unconstitutional by the Department of Justice.

In 1963 five days of hearings were held by the House Committee on Post Office and Civil Service on bills designed to stop repeated mailings of materials which was, in the opinion of the recipient, "morally offensive." The recipient in such a case would request the Postmaster General to notify the sender not to send him any further unsolicited mail. If the sender then violated the notice he could, under some of the bills, have all his mailing permits cancelled. An amended version of this legislation provided for a court order commanding compliance with the notice and for punishment for contempt of court for failure to obey the order. A bill (H.R. 319) in the amended form passed the House in 1964 by 325 to 19.[6]

In 1965 H.R. 980, similar to H.R. 319, was passed by the House. The changes from the first bill are described in the 1965 House report as follows:

"The differences are that H.R. 980 characterizes the mail matter as 'obscene, lewd, lascivious, indecent, filthy, or vile' rather than 'morally offensive.' Second, H.R. 980 makes provision for barring subsequent mailings of 'additional such mail' to the objecting recipient rather than barring all mail. Third, H.R. 980 affords an opportunity to a sender to have an 'appropriate hearing' before request is made of the Attorney General to apply for a court order directing compliance with the Postmaster General's notice directing the sender to refrain from sending mail to the complainant."

The House report gave the following explanation of the policy behind the bill:

"The policy embodied in H.R. 980 is preventive, rather than remedial. The bill is designed to stop repeated mailings of obscene matter before they start, not to punish such mailings after they have occurred. It rests upon the principle that 'nothing is law that is not reason.' Any proposition that the U.S. mails ever were intended for use to subject a postal patron to forced receipt of indecencies mailed by another certainly is beyond reason, and is an unconscionable distortion of legislative and constitutional purpose.

"More specifically, this bill reaffirms the fundamental right of the individual to privacy and refuge in his home. Over 400 years ago an eminent English purist wrote: 'The house of everyone is to him as his castle and fortress, as well for his defense against injury and violence as for his repose' and that is still sound law today. Our Constitution bars search and seizure without a warrant and guarantees each citizen the right to restrain and deny unauthorized persons from entering his home. The exercise of this basic human right to prevent the entry of harmful materials as well as persons is certainly implicit, if not explicit, in the Constitution.

"Nevertheless, the committee is convinced after an objective evaluation of all pertinent factors that but one conclusion is possible: The right of an individual to protect his home and his children from damaging moral influences must prevail, both in reason and in law, over the right of another to send morally offensive mail into that home or to those children."

The opponents of the bill argued that the sanctity and right of privacy of the home is not "invaded by the delivery of mail which can be rejected and discarded, even left unopened".[7] To me that is similar to saying that obscene or threatening telephone calls should not be unlawful because it is not necessary to pay attention to the call or even to answer the telephone.

H.R. 980 and similar proposals are unacceptable as solutions to the problem of abuse of mailing lists because they leave the decision as to whether the material is "morally offensive" or "obscene" in the hands of the individual recipient. Private persons under these bills would be empowered to set in motion a series of governmental actions that could seriously impede the dissemination of material to the general public despite the fact the material itself was not objectionable by objective standards.

The *Ginzburg* decision gets to the heart of the problem at which H.R. 980 and similar bills are directed. For it is not the isolated, limited case of distributing or promoting questionable material by mail that is the proper subject of public concern. The real problem is wholesale, deliberate, indiscriminate exploitation of the mailing list device, such as by Ginzburg's mailing of over five million advertising pieces to promote items the advertisements themselves boasted a leading newspaper had called "dirty."

IT'S A CRIME TO ADVERTISE OBSCENE MATERIAL BY MAIL

For decades the postal obscenity statute has made it a crime to mail advertisements for obscene material. In the same district and circuit in which Ginzburg was tried and convicted, it was held in 1956 that it was a crime to mail advertisements for obscene material even though the material actually sent in response to orders resulting from the advertisement was not obscene. In *United States* v. *Hornick*, 229 F. 2d 120 (1956), affirming 131 F. Supp. 603 (E.D. Pa.), the Court of Appeals for the Third Circuit said:

"It is to be noted that the counts on which the trial judge found the defendants guilty are not those charging the mailing of obscene matter but for mailing advertisements and a notice giving information where and how obscene matter could be obtained. This is one of the matters included in section 1461 above cited.

"That section declares certain matter nonmailable and provides punishment for one who knowingly deposits for mailing matter declared by the section to be nonmailable. The fourth paragraph of the section declares nonmailable "[e]very written or printed card . . . advertisement, or notice of any kind giving information, directly or indirectly, where, or how, or from whom, or by what means any of such mentioned matters, articles, or things may be obtained . . .".

"It will be seen that advertising or giving information about any of these nonmailable things, if done by mail, is made a crime in the same fashion as the use of the mails to send any of the prohibited articles.

Did the defendants use the mails for such advertising? The court has made findings of fact which are not disputed. They show the nature of the advertisements which the defendants made.

"We have no doubt that the whole tone of both of these advertisements gives the leer that promises the customer some obscene pictures. Indeed, it has been held that under this section the announcement itself is not required on its face to promise obscene material if that is its purpose. But here the represented nature of what the customer is to receive is, we think, too clear for argument.

"When the case was presented to the court a great deal of the discussion by counsel on each side had to do with whether the specimens of nude or nearly nude "art" fell within the description of obscenity. We do not think that matters. As the Seventh Circuit said in *De Gignac* v. *United States*, 1902, 113 F. 197, 201, certiorari denied 1902, 186 U.S. 482, 22 S. Ct. 941, 46 L. Ed. 1266: "The offense here denounced is the giving of information by mail where obscene matter may be obtained. Any communication by mail which does this is actionable. The gist of the offense is the giving of the information by mail. It is not necessary to aver ownership or possession of the obscene matter."

"As we have already said, information as to where such obscene matter can be obtained shouts loudly from the words used by the advertising of the defendants. We do not think it is necessary that representations made in these advertisements be true. The statute says "advertisement . . . giving information." The statute does not say that the advertisement must be true or that the information must be accurate. What is forbidden is advertising this kind of stuff by means of the United States mails. *We think that the offense of using the mails to give information for obtaining obscene matter is committed even though what is sent in response to the advertisement to the gullible purchasers is as innocent as a Currier and Ives print or a Turner landscape.* [Emphasis is added.]

"It is not, therefore, necessary for us to determine whether these pictures were obscene. The defendants did purport to give information as to where obscene matter could be obtained. That is enough to make them guilty under the statute."

In *United States* v. *Perkins*, 236 F. 2d 150 (1961), the Sixth Circuit followed this same rule, saying:

"Upon the trial, and over defendant's objection, the 'catalogues' obtained from the defendant at the time of his arrest were admitted in evidence. The defendant claims that the admission of this material into evidence was reversible error in that the material was not proof of the fact that obscene material would, in fact, have been sent to a person ordering it from one of the concerns on defendant's list. He contends that the admission of this evidence allowed hearsay evidence to be used to prove that the materials which would have been sent would have been obscene. However, it was not necessary that the Government establish that material which would have been supplied in response to orders solicited by the defendant's advertising circulars would, in fact, have been obscene. *United States* v. *Hornick*, 3 Cir., 1956, 229 F. 2d 120, 122."

There has been favorable comment on the *Hornick* holding.[8] Others have been critical of the *Hornick* decision.[9] The Post Office Department has given public notice of its support of the *Hornick* rule.[10]

Footnotes at end of article.

Serious enterprises in the direct mail business have long been on the alert to try to police abuses of mailing list advertising by smut peddlers. When Ginzburg got under way with his advertising campaign, the Direct Mail Advertising Association of America, of which Ginzburg was a member, complained to the Post Office Department, the District Attorney of New York County and the Attorney General of New York. The D.M.A.A. requested the assistant publisher of Ginzburg's magazine, *Eros*, to appear before its board of governors. Thereupon Ginzburg resigned his D.M.A.A. membership. This was all before the criminal prosecution against him had begun.[11]

HORNICK RULE PROVIDED AMPLE WARNING

I strongly favor the *Hornick* rule as providing the protection I feel the statute attempts to give and the public is entitled to have against receipt in the mail of advertisements for material held out as being obscene. But regardless of whether one agrees with the holding in *Hornick*, it was still very much on the books in the Third Circuit in 1962. Anyone who in that year made a brazen decision to go to the limit of the law in making mass mailings of dubious advertisements should certainly have had *Hornick* and *Perkins* very much in mind. Since these cases were in the reports, giving their warning in the clearest language, it will hardly do to say that one who ignored these decisions—blatantly, brazenly, on a wholesale scale—had no way of knowing that when he did so, in a postal obscenity case, the circumstances of promotion and advertising of the material would be considered a pertinent item.

This is particularly true when the exact pattern of signaling in the advertisement that smut was forthcoming was followed as that in *Hornick*. In that case the advertisements said: "These cards cannot be sent through the mail—so this should give you an idea of their nature and of what we are talking about." In other words, the material is such that the Post Office would consider it unmailable. In the *Ginzburg* case the advertising promised a refund if the material failed to arrive "because of United States Post Office censorship interference".

The Supreme Court in *Ginzburg* actually took a milder view than the *Hornick* rule. Under *Hornick* a conviction could be upheld without either the advertisement or the material advertised being in fact obscene—provided the advertising indicated the material being advertised was obscene. In *Ginzburg* the Court's majority held that the convictions on the counts for mailing the advertising could be sustained only if the material advertised was obscene—*but* that the circumstances of advertising and promotion was a pertinent factor in determining whether the material advertised was obscene.

Thus, in *Ginzburg* the Court, by putting emphasis on the pandering of the material, adopted the commendable result of *Hornick* and came around to the view expressed by Chief Justice Warren in 1957 in his concurring opinion in *Roth* v. *United States*, 354 U.S. 476, 494. There the Chief Justice said:

"It is not the book that is on trial; it is a person. The conduct of the defendant is the central issue, not the obscenity of a book or picture. The nature of the materials is, of course, relevant as an attribute of the defendant's conduct, but the materials are thus placed in context from which they draw color and character. A wholly different result might be reached in a different setting.

"The defendants in both these cases were engaged in the business of purveying textual or graphic matter openly advertised to appeal to the erotic interest of their customers."

Prior to *Ginzburg*, other decisions had provided ample warning that the question of pandering was relevant to the obscenity issue.[12]

In *United States* v. *Rebhuhn*, 109 F. 2d 512, 514–515 (2d Cir. 1940), Judge Learned Hand said:

"[T]he works themselves had a place, though a limited one, in anthropology and in psychotherapy. They might also have been lawfully sold to laymen who wished seriously to study the sexual practices of savage or barbarous peoples, or sexual aberrations; in other words most of them were not obscene per se. In several decisions we have held that the statute does not in all circumstances forbid the dissemination of such publications. . . . However, in the case at bar, the prosecution succeeded . . . when it showed that the defendants had indiscriminately flooded the mails with advertisements, plainly designed merely to catch the prurient, though under the guise of distributing works of scientific or literary merit. We do not mean that the distributor of such works is charged with a duty to insure that they shall reach only proper hands, nor need we say what care he must use, for these defendants exceeded any possible limits; the circulars were not more than appeals to the salaciously disposed, and no [fact finder] could have failed to pierce the fragile screen, set up to cover that purpose."

In *Kahm* v. *United States*, 300 F. 2d 78 (5th Cir. 1962), an extract from *Peyton Place*, merchandized with comparable extracts from other books, was held obscene, although "[h]ad the appellant undertaken to send through the mail the book *Peyton Place* a different problem would be presented. . . ."[13] In the same opinion the court said at pages 86–87: "The circumstances surrounding the establishment and the conduct of appellant's mail order business was [*sic*] sufficient to show not only that he knew the contents of the mailed material but he knew that he was engaged in the business of pandering to a taste for obscenity."

OTHER CASES

Grove Press v. *Christenberry*, 175 F. Supp. 488 (S.D. N.Y. 1959), affirmed, 276 F. 2d 433 (2d Cir. 1960), involved an action to restrain enforcement of a decision of the Post Office Department that the unexpurgated edition of *Lady Chatterley's Lover* and circulars announcing its availability were nonmailable under the statue barring obscene matter from the mails.

In an advertisement for *EROS* widely mailed in January, 1962, the following appeared:

"EROS has been born as a result of the recent series of court decisions that have realistically interpreted America's obscenity laws. . . . We refer to the decisions which have enabled the publication of such heretofore suppressed literary masterworks as Lady Chatterley's Lover."

The *Grove Press* case, however, far from providing license for indiscriminate mailing list promotion of sex publications, made clear that the methods of promotion and distribution were a key factor in determining the obscenity issue in a post office case. The opinion by Judge Frederick van Pelt Bryan in the district court included the following at 175 F. Supp. 496–497:

"No one is naive enough to think that Grove Press did not expect to profit from the book. Nevertheless the format and composition of the volume, the advertising and promotional material and the whole approach to publication, treat the book as a serious work of literature. The book is distributed through leading bookstores throughout the country. There has been no attempt by the publisher to appeal to prurience or the prurient minded.

"The Grove edition has a preface by Archibald MacLeish, former Librarian of Congress, Pulitzer Prize winner, and one of this country's most distinguished poets and literary figures, giving his appraisal of the novel. There follows an introduction by Mark Schorer, Professor of English Literature at the University of California, a leading scholar of D. H. Lawrence and his work. The introduction is a critique of the novel against the background of Lawrence's life, work and philosophy. At the end of the novel there is a bibliographical note as to the circumstances under which it was written and first published. Thus, the novel is placed in a setting which emphasizes its literary qualities and its place as a significant work of a major English novelist.

"Readers' Subscription has handled the book in the same vein. The relatively small number of Readers' Subscription subscribers is composed largely of people in academic, literary and scholarly fields. Its list of books includes works of high literary merit, including books by and about D. H. Lawrence.

"There is nothing of 'the leer of the sensualist' in the promotion or methods of distribution of this book. There is no suggestion of any attempt to pander to the lewd and lascivious minded for profit. The facts are all to the contrary." [Emphasis added.]

The Court of Appeals for the Third Circuit in *Ginzburg*, 338 F. 2d at 14–15, highlighted the distinction between that case and *Grove Press* as follows:

"We are not dealing with a novel by a well known novelist, written as and for a work of fiction with a firm base of opposition to well defined then existing social conditions, which was held mailable because its . . . predominant appeal . . . [was] demonstrably not to 'prurient interest'". *Grove Press* v. *Christenberry*, 276 F. 2d 433, 437 (2d Cir. 1960).

"What confronts us is a sui generis operation on the part of experts in the shoddy business of pandering to and exploiting for money one of the great weaknesses of human being. Appellants' fundamental objective obviously was and is to, more or less openly, force their invitations to obscenity upon the American public through the United States mails. They did this in reliance on their own ill conceived theory that all barriers to obscenity have in effect been removed. They were not concerned with trying to circulate authentic artistic efforts that may incidentally have four letter words or nudity or sex as an integral part of a work, whatever art form it may be. Eros was declared as avowedly concerned with one thing, what in the prospectus is described as 'erotica' and *which, it is stated, has been enabled to be published 'by recent court decisions.'*" [Emphasis supplied.]

It is worthy of note that in *Grove Press* the district court pointed out (175 F. Supp. at 502) that there had been unanimous acceptance of *Lady Chatterley's Lover* by the press. The court said:

"The record . . . indicates general acceptance of the book throughout the country and nothing was shown to the contrary. The critics were unanimous. Editorial comment by leading journals of opinion welcomed the publication and decried any attempts to ban it.

"It is true that the editorial comment was excluded by the Judicial Officer at the hearing. But it seems to me that this was error. These expressions were relevant and material on the question of whether the book exceeded the limits of freedom of expression in matters involving sex and sex relations tolerated by the community at large in these times.

"The contemporary standards of the community and the limits of its tolerance cannot be measured or ascertained accurately. There is no poll available to determine such questions. Surely expressions by leading newspapers with circulations of millions, are some evidence at least as to what the limits of tolerance by present day community

---

Footnotes at end of article.

standards are, if we must embark upon a journey of exploration into such uncharted territory."

However, in *Ginzburg* there was not only much violently critical press comment, but the mailed advertising for the book pointedly quoted this press comment, thereby exploiting these third-party testimonials that the publications were highly questionable. These quotations, in addition to those already given, included the following (along with some quotations from favorable press comments):

"Lurid—blatant—brazen. It's real motive is to titillate sex curiosity.

"We feel sick over *EROS*—It is noxious—[It] deserves strong public protest.—[It is] a disgrace to the whole field of magazine publication.

"Another flood is upon us, a flood of pornography from *EROS*.—We do not need hydrogen bombs to destroy us. [*EROS*] will do the job."

It has long been settled that it is not necessary for a conviction under the postal obscenity statute that the defendant must have had a specific intent to mail what he knew and believed to be obscene material.[14]

POST OFFICE CAN LIVE WITH PANDERING TEST

The pandering test is a practical substitute for the *Hornick* rule in enabling the Post Office, in fulfilling its thankless responsibilities under Section 1461, to concentrate on cases where the access of the mails into the privacy of the household is being abused for indiscriminate promotion of what is or is held out to be smut. Such a continued and wholesale assault on the general public through use of mailing lists to advertise smut is an offense the public is entitled to be protected against. It is an offense that can only be effectively dealt with by criminal prosecution and not by the discarded "advance censorship" method of Post Office administrative action or by the "private person determination" method contemplated by H.R. 980 and similar bills.

FOOTNOTES

[1] 224 F. Supp. 129 at 136.

[2] S. Rep. No. 113 to accompany S. 600, 84th Cong. 1st Sess. (1955); 1955 U.S. Code Cong. & Ad. News 221C.

[3] S. Rep. No. 1839, 85th Cong., 2d Sess. (1958) and Conf. Rep. No. 2624, 85th Cong., 2d Sess. to accompany H.R. 6239 (1958).

[4] See *United States* v. *Luros*, 243 F. Supp. 160, 176 (N.D. Iowa, 1965).

[5] See *Roth* v. *United States*, 354 U.S. 476 at 485 (1957).

[6] H. Rep. No. 1506, 88th Cong., 2d Sess. to accompany H.R. 319 (1964); H. Rep. 219, 89th Cong., 1st Sess. to accompany H.R. 980 (1965).

[7] H. Rep. No. 219, 89th Cong. 1st Sess. 26 (1965).

[8] *United States* v. *Frew*, 187 F. Supp. 500 (E.D. Mich. 1960).

[9] *Poss* v. *Christenberry*, 179 F. Supp. 411 (S.D. N.Y. 1959); opinion of Justices Harlan and Stewart in *Manual Enterprises* v. *Day*, 370 U.S. 478 (1962).

[10] *Cf.* 1962 ANNUAL REPORT OF THE POSTMASTER GENERAL 110.

[11] Reporter of Direct Mail Advertising, May, 1966, page 68; *Hearings Before the House Committee on Post Office and Civil Service on H.R. 142, H.R. 319 and Similar Bills*, 88th Cong., 1st Sess. 148 1963).

[12] In addition to the cases discussed following in the text, see *United States* v. *One Book Entitled "Ulysses"*, 5 F. Supp. 182 (S.D. N.Y. 1933), *aff'd* 72 F. 2d 705 (2d Cir. 1934); *Hanson* v. *United States*, 157 Fed. 749 (7th Cir. 1907).

[13] *Cf. Halsey* v. *New York Society for Suppression of Vice*, 234 N.Y. 1, 136 N.E. 219 (1922).

Footnotes at end of article.

[14] *Rosen* v. *United States*, 161 U.S. 29 (1896); *Kahm* v. *United States*, 300 F. 2d 78 (1962).

BROOKLYN-BORN LASER REFLECTOR

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. ROONEY of New York. Mr. Speaker, one of the experiments carried out by our astronauts while on the moon entailed the planting of a reflector off which laser beams transmitted from earth were to be bounced. The objective of this experiment was to correctly measure the distance between earth and the moon and to discover variations in the earth's axis and continent shifting, if any. Mr. Joseph H. Schmalacker of the Brooklyn Borough president's office called to my attention the fact that this was a beam reflector that grew in Brooklyn.

Under the permission heretofore unanimously granted, and by request, I include with these remarks two articles describing the experiment and the equipment made for it in Brooklyn:

[From the Washington Star, Aug. 2, 1969]

Bulls-Eye on Moon: Laser Beams Hit Reflector

San Jose, Calif. (AP).—Laser light beams are being bounced off the reflector left on the moon by the Apollo 11 astronauts as scientists sharpen their fix on it for what they hope will be 10 years of experiments in lunar physics.

After 12 days of failure, scientists at Lick Observatory bounced a light beam from their 120-inch telescope to the reflector and back yesterday.

About 500 pulses of red light 100,000 times brighter than the sun's rays were subsequently fired at 30-second intervals to confirm sighting of the reflector.

The rays bounced back to the 4,000-foot mountaintop observatory in 2.5 seconds each.

Several more days are expected to be devoted to homing in precisely on the 18-inch-square reflector before the start of experiments that may last a decade.

Scientists at several observatories hope to use laser beams reflected by the device to measure the distance from the earth to the moon within six inches of accuracy, observe the slight wobble of the earth on its axis, and determining whether the earth's continents are shifting and, if so, in what direction.

The principal task for the Lick telescope, second largest in the world, was to locate the 60-pound reflector.

Continued observation will be the responsibility of McDonald Observatory in west Texas, where scientists using a 107-inch telescope also had been attempting to locate the reflector.

[From the New York Sunday News, June 29, 1969]

Firm Corners Mart With Its Moonbeam

(By Sylvia Carter)

When Apollo Astronauts step on the moon next month, they'll be carrying a bundle from Brookyln.

But it will be corny.

The bundle is one of three instrument packages the moon explorers will leave behind. In one of the packages—the Brooklyn bundle—will be corner cubes—special prisms used to track the earth's wobble on its axis.

In case you're cornered by the meaning of corner cubes they're a kind of prism.

These 100 "Brooklyn-made" objects make up one of the three instrument packages astronauts will deposit on the moon.

The corner cubes—special prisms made by the Boxton-Beel Co., 87-95 Richardson St. in the Greenpoint section—are one of three instrument packages that moon-explorers will leave behind on their visit.

Boxton-Beel has supplied 100 of the gadgets, to be used for the Laser Ranging Metro-Reflector experiment.

The test will determine the extent of the earth's wobble on its axis. In addition, the corner cubes will reflect laser beams to earth about the shape and orbit of the moon and earth, and reveal secrets about gravity.

The Laser Ranging Metro-Reflector experiment will tell earth beings about the shape and orbit of the moon and the earth, expose some secrets about gravity, determine the earth's wobble on its axis, test the principles of Einstein's theory of relativity, and may determine if the continents are drifting apart.

ACCURACY

Laser beams will be reflected by the little prism with incredible accuracy.

This is the basis for the scientific experiments.

But it all started when researchers in the Boxton-Beel plant started experimenting.

SMALL TOWN

The plant—which is beginning an expansion of physical space and from a staff of 150 to about 600—is surrounded by quiet streets, low buildings. It is a flat, red brick building. The nearby stores are small town enough to be on the streets of a Midwestern town.

But walk inside Boxton-Beel, inside the small and unpretentious workroom of Wolf Jacobi, a German-born Long Islander who is the engineer for the Apollo project.

There, in miniature, Jacobi can show you how the laser—the "straightest line that men have been able to make"—works.

The corner cube seems to be just a piece of glass with three mirrors at 90 degree angles, mounted together in a special arrangement.

STRAIGHT BACK

When it catches the laser beam of light, it throws it back with super speed and efficiency. In the experiments the beam will be picked up by radar, Jacobi explains, between calm puffs on his pipe.

Though experiment centers will be set up in other countries, the lasers will at first be reflected back to Hawaii, Washington, D.C., and California.

What comes back will be fed into computers for measurement and evaluation.

And, Jacobi points out, the laser beams will be used as "a navigational guideline for the next moon shots."

GUIDELINES

The work that Boxton-Beel is doing could turn out to be a sort of navigational guideline for Brooklyn, too, greatly increasing its importance as a scientific community.

Though only about a third of the company's present employes are from the immediate area, Brooklyn was chosen as the company site because it is an ideal "brain" community, President Robert B. Been says.

There are about 30 trainees from the community now, says Been, and more prospects are being sought. The main requirement: dexterity.

This industry, "built on brains," could create the kind of scientific community found in Waltham, Mass., and Palo Alto, Calif., another company spokesman says.

The company also makes prisms for 95% of the color televisions cameras in operation, and has been involved in satellite projects for about five years.

SUCCESS OR FAILURE—NEIGHBORHOOD DEVELOPMENT PROGRAMS: PART II

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. BUTTON. Mr. Speaker, last Friday I introduced H.R. 13271, which is intended to protect substantial Federal noncash credits to be used toward a pending neighborhood development program—NDP—application submitted by the city of Schenectady, N.Y. I have spent considerable time before and since the introduction of this bill in closely studying the multitude of problems related to possible loss of these noncash credits by Schenectady and at least 44 other cities across the country. These cities, Mr. Speaker, are represented by Democratic and Republican Members; they reflect all manner of economic, social, and political life, and they range geographically from Schenectady to Napa, Calif. from Minneapolis to Fort Walton Beach, Fla. However, Mr. Speaker, all these cities have many things in common; slum or deteriorating housing and lack of job opportunities, for instance, on the one hand, and on the other, citizens who seek a better way of life, better jobs, more opportunity, and a clean and decent place to live. These cities also want to do something about their problems, as evidenced by their processing of NDP applications. They also all face loss of generated noncash credits, not because their applications are necessarily amiss, as I indicated Friday, August 1, when introducing H.R. 13271, but because a freeze has been placed on all NDP final approvals since April 30, of this year by the Department of Housing and Urban Development. This would be a severe loss, not only a dollar loss, but a loss in faith, a loss in faith by millions of Americans, residents of target areas covered by these applications, in the credibility and, indeed, the willingness of the executive branch and the Congress to meet their obligations "to improve the quality of life for all Americans."

We have committed ourselves to that proposition, Mr. Speaker, yet here today, in the summer of 1969, after experiencing unrest and turmoil in our cities over the past several years, we have 45 communities in this country, and possibly more, that are not sure where they stand with HUD in the processing of their NDP applications. I am greatly disturbed by this situation, Mr. Speaker, and I believe such a situation can only counteract the numerous positive and productive facets of our total urban society. Because of this, I feel a need to comment on the roots of turmoil in our cities.

There is such evidence of ferment, such evidence of frustration, and such an overwhelming surge of unproductive energy in our cities, that those of us who can, must make the effort to understand these roots of disruption and therein find the way to rectify the city's ill.

People have piled into cities in this transient age. Rather than easing their way into new homes, new jobs, and new lives, they have pressed onward with a sense of urgency. We saw what happened to the uprooted poor of Appalachia attempting to find new lives in Chicago. We saw what happened to the black man in Watts when the living situation to him became oppressive and consequently unbearable. How much longer must we see inadequate housing and poor living conditions subtract from the total of a man's livelihood and his desire to produce?

As I recently thought about the things that trouble man in Schenectady and residents of the other 44 NDP applicant cities across the country, I remembered a most interesting and intuitive commentary made not so long ago by the opinion research firm of John F. Kraft, Inc., As I am sure many of my colleagues are aware, John Kraft is chiefly a private and confidential poll taker and opinion analyst.

But, many of you may not know that for a number of years Mr. Kraft has simultaneously conducted public opinion surveys seeking to find out why people stick or do not stick with jobs, why people participate or do not participate in organizations or activities, and what people think about their communities and their Government—in such areas as Watts, Baltimore, and Chicago. In this realm, he conducted a particularly pertinent and innovative study on life in Harlem. Mr. Kraft's report, entitled "A Survey of Attitudes of Harlem Residents Toward Housing, Rehabilitation, and Urban Renewal," is significant not only for its findings, but for the way in which it was conducted. It worked from the inside out, using specially trained Harlem residents to interview other Harlem residents. Through utilization of this technique and others, the Kraft report discovered what Harlem people want in their own terms, not in terms of what we think they want or need or what we might want them to need in terms of our own values.

As I reread the Kraft report when confronted with the NDP situation in Schenectady, I found renewed significance in its findings. I considered the relation between the situation described in the Harlem report to other New York areas and to other cities throughout the Nation.

Citation after citation in the Kraft report indicated domestic unrest stemming from a No. 1 problem of proper—or in most cases, improper—housing. For example, more than one-fourth of the people interviewed in Harlem could not think of one reason why they liked living where they did. It is also interesting that the Harlem residents saw problems such as dope addiction, crime, alcoholism, and the rest, as byproducts of the basic overriding problems of housing.

Mr. Speaker, the Kraft report stated that while some Harlem residents seem to appreciate the convenience of their neighborhood, an appreciable number of people can not think of any asset. Most people say they would welcome the idea of the "city moving in" and improving upon their current living situation. Most people, ideally, believe that they should be moved to a "decent place" and without undue expense. There is little desire by the residents to stay in Harlem as long as it is what it is.

I request, Mr. Speaker, that the Kraft survey of Harlem residents be inserted in the RECORD for thoughtful consideration by my colleagues for application to the continuing problems in our American cities.

The Kraft approach of going to the people in the communities and using a scientific process that does not inhibit response, seems to me to be the most genuine way to discover the roots of our problems. We so often seem to conduct studies from the outside looking in, based on our own judgments. From these we produce the answers which may work for us, but not always for the people to be affected. And, then we wonder why we have failed—since we conducted study after study.

I submit this report because it is not only applicable to the housing situation in one city, but applicable to the approaches we could and should be taking in all phases of city planning—in learning more about jobs, the Jobs Corps, the model cities program, the VISTA volunteer program, and many other related activities.

It is only through an understanding of the roots of the problems—from the persons the problems most affect—that we can begin to combat what mismanagement there may be in the cities and learn whether we are misdirecting our energies. Thus, we can pave the proper and preventative path so that cities will not add to the turmoil of our times, but enhance the composite structure of this Nation.

I also request, Mr. Speaker, that the listing of cities referred to earlier having NDP applications pending before HUD with noncash local grants-in-aid credit items, which have expired or will expire by September 15, be inserted in the RECORD for special consideration by my colleagues who serve as members of the Banking and Currency Committee so when they next meet they might develop remedial legislation designed to correct the administrative problem resulting from those cities changing over from renewal to neighborhood development programs.

The material follows:

SURVEY OF ATTITUDE OF HARLEM RESIDENTS TOWARDS HOUSING, REHABILITATION, AND URBAN RENEWAL

FOREWORD

This is the summary report of a study which was undertaken with a representative cross-section of residents of Harlem.

The purpose of the research

The over-all purpose of the research was to determine the attitudes of Negro and Puerto Rican residents of Harlem and East Harlem toward housing, housing rehabilitation, and urban renewal.

To serve this purpose, but also to answer some quite specific questions, it was decided that it would be necessary to question people in such subject areas as these:

What are the major problems they feel face themselves and their neighbors, in terms of the City, Harlem itself, and the block on which they live?

How do they feel about where they live,

as far as its being a decent place to live is concerned? Do they like the apartment, the building, and the block—and why?

If housing is inadequate or bad, whose fault is it, and who should do something, if anything, about it?

How do they feel about Harlem as a place to live. Would they wish to be elsewhere, or are roots pretty deep?

How would they react to renewal or rehabilitation, and the possible consequence of having to move?

And what are they like? In other words, what is their economic and occupation status, how large are the families, how mobile have they been in the past?

The list of question-areas is intended only to suggest some of the kinds of questions which were asked. The actual questionnaire schedule appears in the Appendix of the report.

The approach

The survey methodology is described in detail in the Appendix of the report, however it is important to establish at the outset that the interviewing procedure was of special significance. Normal survey procedure of research firms automatically involve reliance on professional interviewers—people who work at their occupation full-time and year round.

A different procedure was followed in the conducting of this survey. First, of course, it would have been a problem to locate enough trained professional interviewers who were either Negro or Puerto Rican.

On subjects of a more bland nature ("what cigarette do you smoke?") it is entirely sensible to have whites interview Negroes, or Puerto Ricans interview whites, or whatever. But the subject matter of this survey was certainly more delicate and more complex. An interviewer with something less than exactly the "right" appearance could be from "the Welfare", from some other City Department, from some other doubtful source.

For reasons like these, it was decided to locate, hire, and train residents of the area to do the interviewing in the belief that a respondent living at 119th Street and Lenox Avenue, for example, would "unload" more freely to an interviewer from 121st and Madison; and, in turn, the interviewer might more readily understand and communicate with a respondent from his or her own neighborhood, or near-neighborhood.

It should be pointed out that this was not by any means an untested approach. In the broadest sense, it is what any research firm accomplishes when it hires an Elmira interviewer to conduct interviews in that city. But more specifically, the peer-group approach was thoroughly tested in a survey which was conducted shortly after the Watts riots of a year ago, and found to work and most effectively.

INTRODUCTION TO THE ANALYSIS

The analysis which follows will fall into these several sections:

A picture or "profile" of the residents of Harlem who were interviewed.

A presentation of some of the actual language used by the people who were interviewed as they expressed themselves on the several topics which were discussed.

A discussion of respondents' attitudes regarding the problems they see facing New York, Harlem, and their own block.

A more focused analysis of attitudes toward rehabilitation, renewal, and moving.

A summing up.

And the Appendix of tabulations and methodology.

However, in anticipation of this analysis, these summing-up statements should be borne in mind:

Harlem residents are new to the city—less than one out of six were born in the city; and they are very transient—only half have lived where they are now living for as long as five years.

They came, probably, with high expectations, and they've got a lot of frustrations. One of them is on unemployment.

But the two biggest problems are "housing" and such crimes or near-crimes as dope addiction and juvenile delinquency.

The residents like their block, to a degree, and their neighborhood to a greater degree for reasons of convenience, shopping, and education opportunities.

But they'd be willing to move, and they welcome the idea of the City (or someone) doing something about housing, and other pressing problems, like, for example, getting more protection from the police.

But there is some fear that the "government" will move suddenly and unkindly. That is, order people out precipitously, not taking into consideration the costs of moving, not making provision for moving back, or failing to help a person relocate comfortably.

All in all, if a lot of fears can be put to rest, a lot of understanding and even enthusiasm can be built up for rehabilitation and renewal.

A PROFILE OF HARLEM

It has been said that about one out of five people move, for one reason or another, every couple of years. This is probably true, and there are certainly great variations from one section of the country to another, or from one group of people to another. Certainly Harlem residents help raise the over-all percentages, for nearly half of the people living in Harlem right now haven't been in their present homes for as long as five years. Puerto Ricans appear to be a little more of a "transient" group, but then the influx was not really underway until five or ten years ago.

This suggestion is borne out by the discovery that only 19% of the Negroes and 10% of the Puerto Ricans said they were born in New York.

In any case, there is an impressive degree of "impermanence," and this would lead one to infer that for many people roots might not be very deep.

There are other considerations. On the surface it might appear that Harlem residents have some degree of comfort, at least in terms of numbers of rooms.

Forty-three percent of the respondents live in five or more rooms and seventy-three percent are in four rooms or more. However, this may suggest an overly rosy picture, since almost one-third of the housing in question was classified as "dilapidated."

On the other hand, one-quarter of all the residents of Harlem reported paying $80 a month or more for housing, and twenty-two percent of those in dilapidated buildings pay $80 or more. Such rentals, and apartment sizes, can present particular problems to people with larger families and forty-two percent of the families had four members or more.

But the whole problem can become more complicated when the ages of the residents are considered—whether there are children, or "Senior Citizens" present.

Residents of both "new" housing (8 percent) and "dilapidated" housing (32 percent) have larger households than those who live in buildings that fall somewhere in between. But those who live in "dilapidated" housing are significantly less-well-off than those in newer housing. Thirty percent of those living in "dilapidated" housing are unemployed, as against 23 percent of those who live in newer housing. In addition fifty percent of those living in "dilapidated" housing have a household income of less than $75 per week.

And, unless one is conditioned to such figures, it is appalling to learn that one-fifth of the people now living in "dilapidated" housing never got beyond the third grade.

The emphasis of this report is on housing, but housing should not be considered in a vacuum. As has been pointed out above, the problems of housing do not exist alone but alongside such other problems as low education levels, low income levels, and high unemployment rates. And each problem contributes to and complicates the other.

Again, however, the purpose of this section of the report is to provide a rough picture of the Harlem which is being discussed. To this point, it seems to add up to this kind of definition:

A transient people

People new to the area

Who while they seem to have a lot of space (rooms)

Also pay pretty good rents

Which is a problem complicated by the number of children and older folks in the homes

But *most* complicated by the high level of unemployment, and the low weekly income.

It's been assumed that many residents of Harlem don't like their present situation, and that they might be prepared to consider a change. But before getting to specific measures of their attitude regarding housing, and other problems, it's useful to get something of a flavor of the language and the way they talk.

VOICES OF HARLEM

The preceding section of this report served to present a rough profile of the kinds of people who were the subjects of this survey. Before turning to the hard statistics which the research has produced, it will be useful to adopt a kind of *"Vox Populi"* approach, in which an attempt is made to show how people put their thoughts together, whether they are talking about "City" problems or "block" problems, or problems of education, or anything else.

To be specific, these interviews with Harlem residents, by their peers, for the most part resulted in dialogues in which respondents not only offered a simple "yes" or a "no", but also went into the business of developing reasons for judgments and opinions.

For example, here are some comments of a 66-year-old Negro woman who works in a laundry. She objected to:

"Hoodums in the Street and the people breaking into your apartment. I just bought a new radio in November, and they stole that. I am not a young lady, to go out and buy more. But the biggest problem is to go out for a walk. You don't know when your apartment is going to be robbed.

"And the dope addicts. And the wine heads. They sit down all over the stoop. If you want to go out, you have to squeeze out. If you want to come in, you have to squeeze in.

"And the wine bottles all over the street! It's noisy, too. On the roof, they jump up and down. The ceiling is coming down.

"And that old current. They need to put in a new current because it just doesn't work.

"But just give me a room somewhere. Anywhere but here."

The lady has a long list of complaints, and mostly she seems concerned with safety. She doesn't like winos or "wine heads", but it seems to be because she doesn't like the inconvenience they present, or the threat to her safety, rather than to her sensibilities.

In terms of years, and perhaps perspective, the attitudes of a young, new resident of Harlem might be expected to provide a contrast:

"The problem? Housing and too many slums. I just moved here from Monro, Louisiana. You can't talk or say much here. Like the police are going to be with the people who pay them graft, right?

"The dope addicts. The wines. People sleeping in hallways and on roofs. And people getting robbed in hallways and on roofs. And people being nosey, minding everyone else's business but their own.

"Talk about population. Talk about overcrowded. Too damn many people.

"I like the roof because you can see all over the City. You don't get too much steam. You just touch those walls and think about maybe they'll fall down.

"But when it rains? You have to put buckets to catch water, and it's just too many roaches and rats. You know, sometimes we have to put cardboard up in the window."

And then he summed it all up, in his own terms, this way:

"I'm tired of seeing the same faces. I want to see new people. In Louisiana, I used to."

This young man also has a long list of complaints. To him, expectations don't seem to have lived up to reality, perhaps. But his biggest complaint seems to have to do with poor housing. Talking in some of the same terms, and using some of the same language was a 46-year-old Negro woman with:

"Rent, and too much rent. This kind of rent hurts the poor people who can't afford it. And there's that crime. Scared to walk the street. Dope addicts. Scared to walk through the apartment at night.

"I'd like any city project. More decent, and the doors locked, at night. It's more safer. Drinkers!

"They influence the kids for the bad. They do a lot of cursing, and the small kids pick up these curse words. But lower the rent, and see how fast the problems are fixed. Give me a nice place to stay."

To her, rents are high, they hurt young people, and the whole idea of drinking seems to be associated, in her mind, with poor housing. A thirty-year-old woman talked this way:

"Problem? Poor housing. People live in rat holes. These houses aren't safe, and they need guards. We're not protected. We can't find the Police Department when we need them. Need more protection.

"Never can find the police in a crisis. Drug addicts! Winos! The terrific concentration influences the kids. They lay on the stoops and stairs. Them, and rats and roaches, Just corroded with them. Landlord don't fix things, ceilings fall in.

"No sir, no mice, but real big rats. Can't put in decent furniture.

"Do what? Tear this down. I live here, and I say tear it down. All these old buildings—destroy them. They're all so dilapidated they're not fit to live in."

To this woman there seems to be at least two major problems. One is the fact that there is inadequate police protection. The other is that her rat's nest could be improved upon by moving to another residence.

A loquacious, and perhaps somewhat long-winded 65-year-old woman had these things to say:

"These damn niggers getting too much for their needs. They just ain't ready. Too many of our black children going to Vietnam. They ought to let them Chinese come on over here and ravish this country. They worry about getting rid of all of these half-wit niggers, off welfare, these people are tough. Everything is wrong up here. These niggers is crazy. Them damn dope addicts and muggers snatching your pocketbook. I see the teenagers selling dope on the street.

"I would like to move to 163rd Street and Amsterdam Avenue. Cause I'm an out-patient at Medical Center. And my Aunt takes the 8th Avenue "A" train and it's very convenient for both of us. Hell no! I don't like the project. I put in for the project and they told me I have to get rid of my big dog and two cats. So, the hell with them. Crawling over dope addicts trying to get in and out of your house! Them dope addicts has just took over. The wino is just as bad. Teen-age pushers in the block. Investigate them police! They are never in this block. We need one here. Wen you call them, they tell you they can't come across the street. The worst things in this block is these addicts and teen-age pushers and winos. Them welfare people lay around and look pitiful for the next two weeks. The people down under me here in that apartment that raises hell all night. The man upstairs coming down to your window and peeping in my window. The landlord won't paint or fix anything. The landlord, but he's money-hungry. He's cut up two apartments in here already and put people on the welfare in them little two rooms and charge $90 a month. Them mothers need to do something. They ought to cut out the welfare altogether. They ought to make him pay back some of that money. What the hell. We need help!"

In the tabulations which follow it will be shown that there is much concern about crime, dope addiction and so on. But the usefulness of verbatim quotations like the above, and those which follow, lies in presenting a rounded picture of attitudes in the sense that complaints about dope addicts are often a by-product of poor housing, as are complaints about burglary often a by-product of the same basic problem.

This 22-year-old Puerto Rican woman, who lives in a project, touched on many of these aspects of the same problem:

"Housing is the biggest problem in Harlem because there are plenty of people living in slum areas and they don't have the room for their capacity. If something happened to this project, I wouldn't want to live in the city. Because the Taft Houses are new, they're kept clean, the surrounding area is nice. There's no problems as far as play areas go because the whole block is projects, and it supplies the playgrounds. There are no problems as far as I can see concerning this block. If anything happens to the plumbing, we just call the emergency system and they come up right away. The housing is fire-proof. The tenements are not. They're old. Usually in project housing, around the housing projects, stores are placed so that the tenants in the projects can use them. If you lived in a tenement you would have to walk to get to the store."

And a 25-year-old Negro woman echoed the same feelings, but in the context of living in a dilapidated building:

"Problem? The conditions of the building and this apartment. It's not safe, in general. Certain areas it's dark, and there's strange people in hallways, loitering. You have to carry something in your pocket when you go out into the street to protect yourself. I've been trying to get into projects for a long time. You don't have to be bothered with roaches and rats. The environment is safe, the kids have more places to play and they're close to home. Here it's dirty in the backyard. People throw garbage out there. You can't raise your windows when it's hot because the flies come in. I've had a lot of trouble with water leaks in the bathroom. The pipes are rotten. In the winter we don't have enough heat."

Another woman, a 52-year-old Puerto Rican, expressed the same desire to get out of her present apartment and into a project:

"Everytime they open up the pump, no water doesnt come. And when they close it up dirty water comes. No one wants to make an effort to correct the addicts. They give hold-ups and break into stores, like the bakery down stairs. I'd want to move into a project because decent people live in the projects. Office police live there so they can have order. There is hot water and steam. The house is kept clean. The walls are clean. Give good service. More private buildings. Find a place for me."

She said, to repeat, "Find a place for me". The "place" would be one without rats, with protection against burglary and molesting. Another person who wants to "find a place for me" is a 54-year-old Negro man who says:

"I'd like to live down around 103rd Street because it's quiet down there—and they've built some projects down there. I've got some friends who live in the projects, and they never complain. It's also convenient for the bus and subway. In my own place, I don't like the way the apartments are situated. You don't get no air in the summer. The buildings are built too close. Dope addicts hang around here. It's not safe to go out and come in here at night. You can't go out on your roof at night to cool off because dope addicts go on the roof."

And what this man thinks might well be some of the benefits of living in a project are borne out by the comments of a 55-year-old Puerto Rican man who says:

"Projects are the best place to live for poor people. We have been living here about 14 years. Course people who drink around here are looking for something to steal. This is a very good place to live. Transportation, school, hospital and the house—very good. Friends living here. We have no problem about this building. The housing department should tear down some of the buildings and apartments in Harlem because they will help the people to change their way of life. There is a lot of trouble in those old houses. In a lot of old houses they have too much freedom to do anything. To put them to live in a project or better place, that may teach them to live better."

He talks not only about the immediate pressing problem of housing comfort and safety, but touches on the kind of impact new and better places to live might have on "teaching people to live better."

This idea was repeated by an unemployed Negro, aged 32, who described himself as a "student". He said,

"There's not enough living space. Fires are a problem because of fire hazards and because people aren't careful. A lot of buildings don't have good wires. There is too much noise. Fire engines blowing horns going and *coming* from fires; trucks running up and down the avenue (Lenox). The people contribute their share. The structure of the buildings is bad. After 30 or 40 years of no repair most of the buildings here need to be torn down. Relocating people would be good for some of the people."

He talks about several facets of living in a dilapidated building, such as the threat of fire hazards to life, rather than, perhaps, the threats of dope addicts and winos to safety and comfort. But he feels that relocation would help. So does this 27-year-old man, who is employed by a wrecking firm:

"There is nothing I like about this house. I like the projects because I would be safe from fire. Here the children do as they damn please. They scream, swear, steal, and all this without parental or police correction. The building needs to be torn down. It's rotten, and inconvenient for hot water usage. Or the city ought to take over the building and make it into a show place for the working men and not for welfare dependents."

For another, but closely related point of view, the remarks of a 49-year-old Negro woman should be added to the preceding ones:

"Industrial business is coming in this area pushing the people out, which I think is very bad. You can't even get to your own door for the trucks. We have supers that sweep their trash into the gutter. I think it would be a good idea to tear down these old houses. It would give the people a little initiative to know what it means to live nice, wholesome and fresh. It would get rid of the roaches and pests. Those that are socially below standard should be put into project houses, and those that are not should be relocated."

Verbatim comments of a dozen or so people who were interviewed in Harlem as a part of this survey should not and cannot be assumed to represent the complete results of a survey. But they can and should be used as a background for the analysis and the tabulations which follow.

For example, a statistic will show that the "big problem" in Harlem is the worry about "winos" or "dope addicts" or "dirt". But the preceding quotations should serve to point up relationships like these:

A wino is not necessarily a "bad person" except when he clutters up a front stoop. A situation which might not occur in a project.

A dope addict is probably a "bad person", but he is a real threat to personal safety when there are no locks on doors to prevent robbery or assault.

A dilapidated building might be passable as a place in which to eat and sleep, but it becomes intolerable when it fronts on a street where there is no place for children to play.

That same dilapidated building might be passable in still other respects, but street noises and noises on the roof, jar sleep and peace of mind.

And while there may be no complaints about rats or burglary, people are still complaining about the housing when they talk about "no room to breathe" or seem to plead, "Find a place for us," which is an interesting twist, to say the least, of the song from "West Side Story."

The purpose of this section of the report, once again, is to set a stage or context for proper evaluation of the analysis which follows.

PROBLEMS IN THE CITY

There is much repetition in the preceding quotations, but they serve to underscore several basic themes. The overriding idea is that people who talk about "housing aren't necessarily much different than those who may be talking about "dope addicts" or "crime".

Each person who was interviewed as part of this survey was asked this specific question—"What is the biggest problem worrying people like yourself here in New York City right now?"

These were the responses:

Problems in New York

[In percent]

HOUSING PROBLEMS	
Dilapidated housing	36
Poor sanitation in buildings	11
More projects needed	11
Rents too high	9
Too crowded, noisy	6
Stricter housing inspection needed	4
Can't move into white areas	3
OTHER MAJOR PROBLEMS	
Living conditions	29
Crime in streets	28
Dope addiction	20
Unemployment	14
Prejudice	14
Better schools	8
All other problems	52

NOTE.—Percentages add to more than 100% because most people mentioned more than one problem.

The complete tabulation, and cross-breaks, for this question appear in the Appendix.

Clearly the number one "problem" has to do with housing complaints. On top of that are the complaints about dope addiction, crime, and general living conditions, each of which is something of a re-emphasis of the complaints about housing. So that in one way or another, residents of Harlem seem convinced that the overwhelming problem facing the entire City is that of finding "a decent place to live".

An effort was made to get Harlem residents to sharpen their focus by asking them "what would you say is the biggest problem that people right here in Harlem have to worry about?"

Biggest problem facing people in Harlem

[In percent]

HOUSING PROBLEMS	
Dilapidated	26
Rents too high	7
Poor sanitation	8
Stricter inspection	--
Too crowded, noisy	--
More projects needed	--
Can not move into white areas	--
Other housing problems	16
OTHER MAJOR PROBLEMS	
Dope addiction	28
Crime	25
General living conditions	10
Unemployment	16
Prejudice	8
Better schools	5
All other problems	49

When people shift their attention from the City to Harlem, and considering the fact that they've already said much of what they could say about housing, then some more "local" problems get stronger attention; such as problems of dope addiction and other problems related to crime.

Another question was asked which was designed to narrow the focus still further, and to get people to think about their own immediate neighborhood, and their block. The question: "We have talked about New York City, and about Harlem. Tell me, what would you say is the biggest problem people in this block have to worry about?"

Hardly surprisingly, the concerns about improving housing, building new projects, and the like, diminish in importance because they are considered to be City-wide or Harlem-wide problems, but not necessarily "what I worry about on this block". Some of the major categories of complaint were as follows:

32 percent cited dope addiction.

20 percent said bad kids, J.D., crime.

11 percent talked about dilapidated housing.

10 percent said they were not safe in buildings.

8 percent complained of winos, drunks in streets.

6 percent mentioned poor sanitation in building.

5 percent said there was too much noise.

5 percent pointed to dirty streets.

This listing represents no more than the beginning of the table which appears in the Appendix. But it serves to confirm what has been suggested: as people think more and more about their immediate surroundings, they talk more and more in terms of what bothers them from hour to hour, rather than from day to day, or even month to month. To explain, they seem to be saying that it's up to the City or some responsible Harlem-wide authority to do something about housing and better living conditions. But that on a purely local level, the big worries have to do with drug addiction and winos and uncontrollable kids.

There are somethings people like about the block and the neighborhood:

37 percent liked the convenience to stores, churches, or subways.

21 percent liked their neighbors.

And there were other things they mentioned. But better than one-fourth of the people couldn't think of, or drum up any reason why they liked living on "this block."

On the other hand everyone could think of something they *didn't* like about living on "this block":

24 percent said not enough trees and grass.

15 percent mentioned not enough policemen.

13 percent said bad services in building.

9 percent felt the need for more projects, tearing down slums.

7 percent worried about tough kids.

7 percent objected to people fighting.

6 percent said their building was unsafe.

50 percent mentioned scattered other complaints.

To repeat, about three-quarters of the people on any given block can think of things they like about living there, and they center on "convenience" and "friends." But everyone can think of a complaint to make about that same block.

The preceding tabulations, and the accompanying discussion, are not intended to represent a complete picture of what is bothering people who live in Harlem. But whatever way the problems are examined, housing keeps coming up as "number one", and by wide margins. But as a double-check on those volunteered comments, respondents were shown a list of possible problems and asked to name the worst, next-worst, and third-worst. These three were added together and this was what people said:

49 percent dope addiction.
48 percent better housing.
35 percent crime and juvenile delinquency.
22 percent high prices.
21 percent better family life.
20 percent jobs for men.
18 percent too many people on welfare.
18 percent low pay.
15 percent race prejudice.
14 percent better neighborhood schools.
12 percent jobs for teenagers.
12 percent high school drop-outs.
8 percent school integration.

This question followed those about the problems of the City, of Harlem, and of the block. In other words, a context was established before the specific question was asked.

And three major problems led the lists: housing, dope addiction, and crime.

However, as the previous figures have shown, and as the earlier verbatim quotations suggested, the worries about crime, winos, dope addicts, and the rest, are all, in one way or another, part of the over-all wish to get into better living quarters.

In other words, these people know what their problems are, and they seem to know what they want to do about it all. Mainly, it seems getting out of where they live now.

WHAT CAN BE DONE

Residents of Harlem were given every opportunity to talk about problems such as high prices, taxes, increased subway fares, and a lot of other city problems which are normally brought up in similar surveys.

Yet they chose to talk about inadequate housing, and the problems which are offsprings of that major problem, such as crime, dope addiction, winos, and inadequate police protection. In that connection it's important to observe that when people talked about "problems of Harlem" or even "problems in my block," the mention of integrated schools, bussing, police brutality, or some other problems which are usually considered to be of significance just don't get much attention or mention.

So it's "housing" which is the issue.

This automatically raises the question of what do these people want to do about it.

And the answer is just this blunt: "Find me a better place to live, whether it's here, or in any of the other boroughs, or outside of the City, and I'll grab it. But help me finance the move."

This is a conclusion which is based on a great many tabulations of responses to this survey.

For example, how would people feel about moving into a housing project?

Nearly half of the people interviewed would like the idea of moving to a project. Another 23 percent seem well-prepared to accept the idea, if some of these basic objections can be overcome:

Too many rules in a project; seems militaristic.

Too crowded.

Neighbors probably not nice.

Not enough protection (still).

If concerns like these could be overcome, then resistance would diminish considerably.

But one of the points which is made is that there doesn't seem to be any very great resistance to the idea of projects. As a matter of fact, nearly three out of five Harlem residents would like to see the City do something about housing problems.

A more specific question was asked: "Suppose the City decided to do something about housing in Harlem. They might tear down some of the buildings to put up new ones. Do you think this is a good idea or not such a good idea?" The endorsement of the "tear down" idea was pretty solid; for 84 percent thought it was a good idea, and only eight percent were against. The rest didn't know how they felt.

The people who are most likely to be affected by "tearing down" and "building up" are those in dilapidated housing. And they are just the ones who most strongly favor the tearing down of old housing.

That's because they want to get into buildings which provide better over-all facilities, which are free of rats, and which are safer than what they have to live with right now.

It is often assumed that people who are up-rooted from their present homes will support improvement and renewal, but balk at moving into a new neighborhood. But this survey suggests, and very strongly, that an assumption like that would be wide of the mark. For example, when Harlem residents were asked where they'd like to live, if they had to move:

Just 17 percent said "in Harlem".

None volunteered that they'd like to see their children live in Harlem when they grew up and on top of these measures of lack of deep identification with Harlem, as a place to live, are a few other facts: half of the residents of Harlem have lived where they live now for less than five years, 21 percent of the residents of Harlem are unemployed, only 9 percent got past the tenth grade, in one-quarter of the homes there is a person over 60, in 39 percent of the homes there is a youth between 6 and 18, in 33 percent of the homes there is a child under six, and the average home consists of about four people.

In brief fashion, the preceding commentary should serve to provide a somewhat truncated picture of the Harlem resident. It seems to add up to an individual who is anxious to find some solutions to present living conditions.

SOME CONCLUSIONS

The preceding text is intended to be no more than a commentary anticipating the tabulations which are shown in the Appendix.

But these points do come through:

There is one overriding problem in Harlem, and it's housing. Most other problems, such as dope addiction, crime, winos, and the rest, seem to be by-products of the basic problem.

While there are those who appreciate the convenience of their neighborhood or building to shopping and transit, an appreciable number of people can't think of any asset.

Most people would welcome the idea of the City moving in. Or someone. As long as they would tear down and build up. 84 percent of those interviewed strongly endorse a building program.

In return, they'd like to be moved to a decent place to live, without any undue expense.

There's little desire to stay in Harlem, as long as it is what it is.

In short, a massive rebuilding program would be a welcome thing, would be met with resistance by no more than a small minority.

NDP APPLICATIONS PENDING IN HUD OR EXPECTED TO BE SUBMITTED WITH NONCASH LOCAL GRANT-IN-AID CREDIT ITEMS EXPIRING BY SEPT. 15, 1969

City and State	Noncash credit — Amount	Noncash credit — Expiration date	Description of item
REGION I			
Glens Falls, N.Y	$348,114	July 25, 1969	Elm St. parking lot.
Schenectady, N.Y	[1] 3,014,000	Aug. 1, 1969	Martin Luther King Elementary School. McKinley School addition (Steinmetz). Washington Irving School playground. Mumford St. playground.
Syracuse, N.Y	38,500	Aug. 31, 1969	Sec. 112 credits.
Troy, N.Y	17,500	Sept. 15, 1969	River wall construction.
REGION II			
Baltimore, Md	322,800	June 23, 1969	School.
Montgomery County, Md	129,306	June 20, 1969	Street, curbs, sidewalks.
Lebanon, Pa.:			
(a)	27,000	Sept. 10, 1969	Street improvements.
(b)	3,386	June 10, 1969	Resurfacing of streets.
REGION III			
Daytona Beach, Fla	12,794	Sept. 1969 [2]	Street and sewer work
Fort "alton Beach, Fla	7,748	Aug. 25, 1969	Street lighting.
Tallapoosa ,Ga	23,208	Aug. 19 1969	Street paving.
Tampa, Fla.:			
(a)	1,242	Aug. 31, 1969	Water mains.
(b)	637,500	Sept. 15, 1969	Right-of-way.
REGION IV			
Bismarck, N. Dak	244,756	May 20, 1969	Sewer treatment plant.
Cedar Rapids, Iowa	2,450,000	July 20, 1969	Do.
Evansville, Ind	3,500,000	June 1, 1969	City/county building.
Jeffersonville, Ind	1,978,142	Mar. 8, 1969	School.
Minneapolis, Minn	1,504,416	([3])	
Mishawaka, Ind.:			
(a)	246,829	May 12, 1969	Storm sewer.
(b)	388,831	June 29, 1969	Do.
Muskegon, Mich	300,000	Sept. 1, 1969	School.
Bay City, Mich	2,657	May 23, 1969	
REGION V			
Albuquerque, N. Mex.:			
(a)	2,198	June 21, 1969	Water improvements.
(b)	1,285	June 28, 1969	Do.
(c)	42,610	June 29, 1969	Street improvements.
(d)	3,618	Aug. 4, 1969	Water improvements.
(e)	15,429	Aug. 16, 1969	Do.
(f)	1,950	Aug. 19, 1969	Do.
(g)	2,486	Aug. 31, 1969	Do.
Artesia, N. Mex	1,262,775	July 1, 1969	School.
Blytheville, Ark	94,875	Aug. 16, 1969	Off-street parking.
Crossett, Ark	9,520	June 19, 1969 [2]	Elementary school.
REGION V—Continued			
Garden City, Kans.:			
(a)	$127,543	June 24, 1969	Water improvements.
(b)	31,094	July 1, 1969	Parking lot.
Grand Prairie, Tex	31,378	Apr. 8, 1969	Street paving.
Hope, Ark.:			
(a)	658	Sept. 6, 1969	Electrical improvement.
(b)	628	Sept. 7, 1969	Do.
(c)	1,462	Sept. 13, 1969	Do.
(d)	88	Sept. 15, 1969	Do.
Hot Sulphur Springs, Colo.:			
(a)	3,592	Aug. 2, 1969	Sanitary sewer.
(b)	9,327	July 18, 1969	Do.
(c)	2,188	Aug. 11, 1969	Do.
Kansas City, Kans.:			
(a)	1,497,818	do	Sewer interceptor.
(b)	247,855	Aug. 15, 1969	Fire station.
La Junta. Colo	3,000	Sept. 21, 1969	Junior college.
Little Rock. Ark	1,319,279	Sept. 7, 1969	Sewer interceptor.
Manhattan, Kans	76,786	June 26. 1970	Street paving.
Miami, Okla	194,575	Aug. 14, 1969	Street and bridge.
North Little. Ark.:			
(a)	425,418	June 20, 1969	School.
(b)	84,942	July 11, 1969	Do.
Pueblo, Colo	10,000	Aug. 1, 1969	Traffic signal light.
Sand Springs, Okla	97,429	Aug. 25, 1969	Expressway ramps.
Santa Fe, N. Mex	68,805	Sept. 12, 1969	School.
Springfield, Mo :			
(a)	35,000	July 15, 1969	Sec 112 credits, hospital.
(b)	15,000	July 17, 1969	Do.
(c)	75,000	July 31, 1969	Do.
(d)	9,000	Aug. 3, 1969	Do.
(e)	20,000	Aug. 24, 1969	Do.
(f)	29,000	Aug. 30, 1969	Do.
(g)	8,500	Aug. 31, 1969	Do.
(h)	25,000	Sept. 11, 1969	Do.
Tulsa, Okla	54,747	Sept. 9, 1969	Street resurfacing.
Wellington, Colo	8,548	Aug. 29, 1969	School.
West Memphis, Ark	163,838	Mar. 16, 1969	High school.
Wichita, Kans.:			
(a)	59,404	May 1, 1969	Street improvements.
(b)	19,424	May 9, 1969	Sewer improvements.
(c)	81,563	July 1, 1969	Street improvements.
(d)	36,949	July 1, 1969	Bridge improvements.
(e)	153,310	Aug. 1, 1969	Street improvements.
(f)	5,851	Aug. 3, 1969	Sewer improvements.
(g)	73,463	Sept. 1, 1969	Street improvements.
(h)	118,635	Sept. 9. 1969	Sewer improvements.
REGION VI			
Coos Bay, Oreg	385,400	Aug. 8, 1969	Parking lot.
Coachella, Calif.:			
(a)	40,430	May 23, 1969	School.
(b)	12,024	July 1, 1969	Do.
Napa, Calif.:			
(a)	65,361	July 12, 1969	Sanitary sewers.
(b)	13,515	do	Storm drains.
(c)	314,511	Aug. 15, 1969	Streets.
Ogden, Utah	268,882	Aug. 8, 1969	Library.
Vancouver, Wash	9,281	Sept. 1969 [2]	Street improvements.

---

[1] In the NDP application, a potential loss of credit of $3,014,000 for 2 schools is indicated. Only $1,146,490 of this was claimed for the 1st action areas. The balance of credit is related to areas being planned in the 1st action year.

[2] Specific date not readily available.

[3] Variety of items expiring totaling $1,504,416 with expiration dates beginning in April 1969.

CHUNG-MING WONG BECOMES NEW DIRECTOR OF OFFICE OF SALINE WATER

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1969

Mr. HOSMER. Mr. Speaker, a very able and well-qualified American has been appointed to the directorship of the Office of Saline Water. He is Dr. Chung-ming Wong of Los Angeles. Water Desalination Report for July 31, 1959, contained the following interesting article on Dr. Wong:

CHINESE-AMERICAN WONG INSTALLED AS NEW OSW DIRECTOR

If technical qualifications are the measure, OSW's new Director, Chung-ming Wong, 49, will do well. His string of technical-management degrees is an arm long, topped off by a Ph. D. in physics earned at Columbia University. Wong, several weeks after it was learned he would become the Nixon desalting chief, the 6th Director in OSW's short history, finally arrived last week to take his seat in official Washington. His high academic-technical qualifications, accomplishments in the astronautics-space field (he contributed valuably to the Apollo moon landing by solving fundamental space vehicle re-entry problems), first time a Chinese-American has captained a major government program, all, constitute a symphony about which the new Interior Department team, from Interior Secretary Walter J. Hickel on down, wouldst sing.

And sing the department's news announcement does on its new Chinese bird for the OSW job. The department press release on Assistant Secretary Carl L. Klein, the man who selected Wong, was only three paragraphs. Wong's is several times longer. It touches on exploits running from his days as a 1st Lieutenant in the Nationalist Chinese Air Force to a teaching career at U.S. colleges (he taught "18 different" engineering subjects, was Best Professor according to students at the University of Bridgeport for "4 consecutive years") to "responsible" scientific and technical positions with the aerospace companies of Avco, Republic Aviation, Lockheed, United Aircraft, TRW Systems, Northrop and his last employer, McDonnell Douglas.

POLITICAL CAMPAIGNER

References to Wong's being the Chinese American getting the highest job from the Nixon Administration didn't say it, but Wong also has great poiltical credentials. As chairman of the Professional Citizens for Nixon/Agnew, Wong can claim to have delivered 10,000 votes in the last presidential election.

But apart from the dept.'s press agentry, Wong in an interview with Water Desalination Report showed he probably competently will direct OSW's engineering development and research activities. He said none of his experience includes work on desalting or distillation processes per se. But he pointed out distillation itself is "nothing but the basic item of using heat energy and heat transfer efficiently." These are subjects familiar to Wong, who has taught thermodynamics and heat transfer courses and whose experience extends to power plants and their heat transfer and power balances.

He has had a busy time of it since reporting last week. In briefings from the staff on all aspects of OSW activities, trying to learn and stress the programs, he said he hadn't left his office, hadn't even gone to Capitol Hill to see anybody, except Rep. Alphonzo Bell (R-Calif.) who represents Wong's home town of Bel-Air.

O'MEARA DEPUTY

Wong said he wasn't bringing anybody with him as an addition to the OSW staff. Rather, he said he was grateful for the capable OSW existing staff and the cooperation he was getting. He said he anticipated no personnel changes nor organizational shake-ups. Asked about the naming of J. W. "Pat" O'Meara, OSW information chief, as Deputy OSW Director, Wong shied off answering and neither confirmed nor denied. Reportedly, O'Meara's appointment to the deputy slot is now being processed by the Civil Service Commission.

In staff talks, Wong said his policy would be "open-minded" and that he would take a "fair look at things without contamination. Fairness is the key word." Also he asked the staff for loyalty and integrity and cautioned that OSW should speak with "one voice" to all outside sources, and indicated that voice would be his.

On the harder questions like OSW's future relations with industry and Wong's personal feelings about sharing technology from OSW programs with overseas nations, Wong begged off answering, saying it too early to express himself. But on foreign involvements he said he knew enough about it to realize OSW wasn't the only one involved, that Congress and State Dept. also have their interests. "If it's a policy matter bigger than my office, then I'll take my boss's instructions . . . I know I have to report to Capitol Hill on these matters and I will seek their cooperation and also that of the State Dept." Wong will probably get the chance to express his views to Congress soon enough. Senate Interior Committee sources have indicated hearings would be held to sound out Wong on OSW's foreign commitments and a no. of other policy questions.

Wong is actually a fourth-generation American. His great grandfather came over to work on the railroads when they were building routes to the west. His grandfather lived in Calif., but his father, Tong Wong, returned to China where he rose to be vice-pres. under Sun Yat-sen's Republic of China Govt. The father had to give up his U.S. citizenship. Wong, born in Hong Kong, returned to this country and became a naturalized citizen in 1959.

He told a story pointing to error in the commonly accepted belief that Chinese love to gamble. He said Chinese men at home in China aren't gamblers, that it's the Chinese who come to the U.S. or emigrate elsewhere who gamble. He says most of the Chinese are men when they come to this country, alone, usually live where they work, without their women and their loneliness sometimes becomes unbearable. Needing emotional outlets, hence, they turn to gambling.

THE WAGER

He himself doesn't gamble, nor smoke, nor drink. He studies for his outlet. But in his take over and future direction of OSW, there is a gamble. For Wong and several others, the stakes, the future water supply of much of the world, are quite high.

HOUSE OF REPRESENTATIVES—*Monday, August 11, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

We take courage and say "the Lord is my helper, I will not fear what man shall do unto me."—Hebrews 13: 6

Our Heavenly Father, we thank Thee for this new day fresh from Thy hand and pray Thou wilt help us to live it well. Cleanse our hearts and clear our minds that we may walk the upward way with Thee and with our fellow men.

Grant that we may always be on the side of justice and peace and good will. In so doing may we seek to make this earth a finer planet in which men can dwell together safely and securely.

We pray for our country, gratefully for the heritage of faith and freedom which is ours, humbly that we may prove ourselves worthy of this heritage, and positively that we may be given wisdom, understanding, and a concern to lead our Nation in right paths with true faith for the good of all.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, August 7, 1969, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 1462. An act for the relief of Mrs. Vita Cusumano;

H.R. 1808. An act for the relief of Capt. John W. Booth III;

H.R. 2037. An act for the relief of Robert W. Barrie and Marguerite J. Barrie;

H.R. 6581. An act for the relief of Bernard A. Hegemann;

H.R. 9088. An act for the relief of Clifford L. Petty; and

H.J. Res. 864. Joint resolution to provide for a temporary extension of the authority conferred by the Export Control Act of 1949.

The message also announced that the Senate had passed with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 7206. An act to adjust the salaries of the Vice President of the United States and certain officers of the Congress.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 912. An act to provide for the establishment of the Florissant Fossil Beds National Monument in the State of Colorado; and

S. 1611. An act to amend Public Law 85–905 to provide for a National Center on Educational Media and Materials for the Handicapped, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1373) entitled "An act to amend the Federal Aviation Act of 1958, as amended, and for other purposes."

The message also announced that Mr.

SPONG was appointed a conferee on the bill (H.R. 6508) entitled "An act to provide assistance to the State of California for the reconstruction of areas damaged by recent storms, floods, and high waters" in lieu of Mr. GRAVEL, excused.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1108. An act to waive the acreage limitations of section 1(b) of the act of June 14, 1926, as amended, with respect to conveyance of lands to the State of Nevada for inclusion in the Valley of Fire State Park;

S. 1836. An act to amend the Federal Seed Act (53 Stat. 1275), as amended;

S. 1934. An act for the relief of Michel M. Goutmann; and

S. 2564. An act to amend the act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to authorize an additional amount for the acquisition of certain lands for such park.

PERSONAL EXPLANATION OF STAND ON TAX REFORM

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, because of an apparent misunderstanding on the debate of Thursday last with respect to so-called tax reform, I should make clear the position of the gentleman from Indiana on his opposition to percentage depletion allowances for any mineral, including the petroleum industry. The gentleman from Indiana favors actual cost depletion and not percentage depletion allowance for all minerals under the Federal income tax.

STUDENT GUARANTEE LOAN PROGRAM

(Mr. PERKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PERKINS. Mr. Speaker, in a few minutes I will make a unanimous-consent request that it be in order at the close of business today for the House to consider under suspension of the rules the bill H.R. 13194 as reported by the Committee on Education and Labor.

I will make this request because it is essential that we act promptly to put the guaranteed loan program in the position to serve students who need loan assistance in attending school this year.

In accordance with my request, the Speaker has by letter to me, agreed that if action is not taken on H.R. 13194 before September 15, it will be scheduled under suspension on that day.

Last week, in colloquies with my colleagues, we discussed the necessity for prompt enactment of this legislation. Action in the other body late last week makes it all the more imperative that we secure passage of the committee-reported bill. The comparable bill in the other body, in addition to amending the guaranteed student loan program along lines similar to H.R. 13194, also proposes a total added authorization of $295 million for the college-based student assistance programs of NDEA student loans, educational opportunity grants, and work-study. While I personally feel that such increases are desirable I fully appreciate that many of my colleagues would be unable to accept these additions without a time-consuming conference. I am convinced that if we act today, at the latest tomorrow, the other body will go along with our bill.

Time is of the essence. Any delay will only result in possible denials of assistance to needy college students. I am most hopeful that there will be no objection to my unanimous-consent request. If there is any reason for objection to taking the bill up today, then I shall ask unanimous consent that the bill be considered tomorrow under suspension of the rules.

PRESIDENT NIXON'S WELFARE PROPOSAL

(Mr. TAYLOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAYLOR. Mr. Speaker, President Nixon's new welfare plan embodies two basic changes. First, liberalizing eligibility requirements so as to make 13 million more citizens eligible for relief—a sudden increase of 125 percent in the size of what he called the welfare monster.

Second, a program to encourage work and training for welfare recipients. I am concerned about the first change, but favor the second. I favor the application of work training programs to those now receiving welfare so as to move as many as possible from welfare rolls to payrolls. I supported legislation approved by Congress in 1967 to accomplish that objective, but the Department of Health, Education, and Welfare, and the State welfare departments showed no enthusiasm for enforcing it.

I would favor guaranteed employment opportunities, but not a guaranteed income, and this, in my opinion, is part of the President's proposal. If America embarked on this guaranteed income road, it would have no end. The demands for more and more would increase with each session of Congress. More spending means more taxing.

The emphasis should be on education and job training and job opportunities and not more Government dependency.

I believe in charity for the unfortunate, the helpless, the handicapped, and the aged, but an able-bodied man cannot be encouraged to improve himself and his family by paying him for doing nothing. Such destroys his self-respect and initiative and the tendency of welfare rolls is to go up, up—never down. To obtain true economic independence, the initiative and pride of the poor must not be stifled.

Changing the name of a program does not change the fact that it is unwise to encourage our citizens to depend on the Government for support of their families.

Let us apply the work training provisions to those now on welfare and see how successful it is before adding additional millions to welfare rolls.

LARGER INTEREST PAYMENTS UNDER THE GUARANTEED COLLEGE LOAN PROGRAM

(Mr. SCHERLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHERLE. Mr. Speaker, almost 220,000 students may be denied the opportunity to attend college this year unless the present law is changed to permit larger interest payments under the guaranteed college loan program. To deprive these students from obtaining a college education would seriously weaken the future of our country.

Therefore, I call upon the gentleman from Kentucky (Mr. PERKINS), as chairman of the Education and Labor Committee, to take that short walk over to the House Rules Committee and obtain an open rule. This action will allow the House to work its will. I am sure that the distinguished chairman of one of the most important committees in Congress would not want to hold the future of almost a quarter of a million deserving college students as a pawn in the attempt of some to thwart the House in expressing the will of the people.

The American public made it clear that they do not want to subsidize student radicals. Recently the House Internal Security Committee, of which I am a member, received testimony that student radicals intend to drastically increase the level of violent activity on the Nation's campuses this fall. The time to make plans and implement preventive tools in order for all students to be guaranteed their right to an education is now.

Last Thursday over 100 Members of the House sent a letter to the gentleman from Kentucky (Mr. PERKINS) requesting an open rule in order to obtain timely passage. The answer, which I received last Saturday, indicates the gentleman will not seek an open rule because of fear that the House may adopt an amendment which could help curb student disorders this fall.

This arbitrary decision on the part of the gentleman is deeply regretted and I call upon him, in the interest of all of us who are stanch supporters of higher education, to allow the House to consider this bill. My strong support for higher education is a matter of record.

The House would welcome an opportunity to consider and pass a meaningful student disorder amendment so that it would not be necessary in the future to approach this problem on a vehicle-by-vehicle basis.

If the college administrators do not exercise more backbone this fall than they did last year not only will the taxpayers be forced to finance illegal activities but many deserving students will lose their right to attend classes and complete their education.

It is difficult to realize why anyone would fear legislation which would penalize campus radicals who forcibly deny other students an education. Why fear any reasonable punishment which would only be invoked if there is a crime?

I say to the gentleman from Kentucky (Mr. PERKINS) the decision is his, he has the key.

Mr. PERKINS. Mr. Speaker, will the gentleman yield to me?

Mr. SCHERLE. I now yield to the gentleman from Kentucky.

Mr. PERKINS. Let me first state that I would like to see this legislation considered immediately, but I realize that the only way we can obtain passage is to consider it under suspension of the rules because of the possibility of student unrest amendments which would certainly delay final enactment. I am sure the gentleman recognizes the great urgency for immediate consideration. In my opinion if we must go to conference with the other body on this bill with student unrest provisions attached, we would be unable to agree for an inordinate period of time. It is my sincere hope that we will be able to obtain unanimous consent to consider the bill today and if not today, by all means tomorrow. In my judgment the other body will accept H.R. 13194 as reported if we act today or tomorrow.

TO PROVIDE FUNDS FOR STUDENTS

(Mr. RUTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUTH. Mr. Speaker, Chairman PERKINS has indicated that he is going to seek unanimous consent to suspend the rules and take up H.R. 13194, which is a measure to give proper opportunity to students who need to borrow money to further their education.

Mr. Speaker, I urge that the Members go along with the request of the chairman, the gentleman from Kentucky (Mr. PERKINS), on this unanimous-consent request, so that we can permit these students to borrow the money which they need to either begin their education or to further their education in September.

GUARANTEED STUDENT LOANS

(Mr. QUIE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. QUIE. Mr. Speaker, I join with my colleague, the gentleman from North Carolina, in urging that we move expeditiously now with unanimous consent for considering the bill H.R. 13194 affecting guaranteed student loans.

I agree with the gentleman from Iowa that there is no reason why the chairman of our committee could not go to the Committee on Rules. He should have gone to the Committee on Rules last week. But we only have 3 days ahead of us and he has indicated it is his intention that he is going to go for a suspension of the rules on September 15. If that is the case, all the students would have to wait until the 15th of September to secure their loans, unless we act this week.

That being the case, I would hope that we could move expeditiously now because this program has to be worked. It is certainly a lot better to pass our bill than to accept the bill from the other body where they are hanging everything on it like a Christmas tree.

I believe this is the best course we could take and I would hope that no objection will be made to the request of the gentleman from Kentucky (Mr. PERKINS) to bring the bill, H.R. 13194, up under suspension of the rules this week.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. HALL. Does the gentleman believe that we ought to go above the highest prime interest rate in this bill by waiving the individual right of all Members by handling this under suspension of the rules of the House resulting in no right of amendment; or, instead of 7½ percent to 10 percent, or maybe in lieu thereof write 7½ percent to 8½ percent?

Mr. QUIE. It is my understanding that they will probably make the interest 8½ percent, but they usually run a half percent at least over the prime interest rate even when they were able to make them at the statutory limit.

The question now is whether we are going to permit the banks to make these loans to students in question this fall for their education. I do not like the guaranteed student loan program the way it works since I do not like to subsidize the rates of interest. But the majority of this body and the other body decided that and now the program is not working since many banks can lend money at a higher rate of interest than 7 percent, which is the statutory limit.

Mr. HALL. Would not the gentleman agree with me that, without the right of amendment under the suspension of the rules, we are very liable to let the floor become the ceiling? This would be testamentary to and result from debate without amendment process on the part of Congress, yet work out, by acting this way, so that we have an increase in the prime interest rate. This is one of the dangers hidden herein when the House cannot work its will.

Mr. QUIE. The gentleman is correct. But the students are going to have to face the existing limit until the 15th of September. The most important factor before us during the next month is some students need for money to attend college this fall.

ROGERS SAYS HEARINGS ON FDA REPORT TO HELP CONGRESS

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROGERS of Florida. Mr. Speaker, I am pleased that the House Interstate and Foreign Commerce Subcommittee on Public Health will hold hearings Tuesday and Wednesday into a report submitted by a study group on Food and Drug Administration consumer protection objectives and programs.

I have read this report and find that the 45 recommendations made are quite revealing.

The Food and Drug Administration's legislative mandate to protect the American consumer from harmful, misleading or useless drugs and foods has apparently been severely compromised by a lack of funds and personnel.

As one might expect, it is the American consumer who is paying the price for this. And the public is paying through injury, illness and even death.

Such a report paints the FDA as almost impotent in many areas of surveillance and inspection. It points to a long list of inadequacies including expertise, facilities, statistics, authority and enforcement power to the degree which might even undermine our confidence in the entire agency.

I am grateful that Commissioner Ley has ordered such a report, for only through a thorough study of FDA can we determine what must be done to correct its shortcomings and failures.

And I would like to commend Commerce Committee Chairman STAGGERS and Public Health Subcommittee Chairman JARMAN for moving quickly to hold hearings into this very important area of consumer protection.

REQUEST TO PERMIT CONSIDERATION OF H.R. 13194, AMENDING HIGHER EDUCATION ACT OF 1965, UNDER SUSPENSION OF RULES PROCEDURE

Mr. PERKINS. Mr. Speaker, today after all legislative business pending and before all special orders heretofore granted, I ask unanimous consent that it may be in order to call up, under suspension of the rules, the bill (H.R. 13194) to amend the Higher Education Act of 1965 to authorize Federal incentive payments to lenders with respect to insured student loans when necessary, in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. GROSS. Mr. Speaker, reserving the right to object, this legislation provides for a 10-percent ceiling on interest rates on student loans. I know of no one in this Chamber who is opposed to student loans and certainly I am not opposed to these loans. But I am opposed to the procedure of calling a bill up under suspension of the rules by which Members are precluded from offering amendments.

I think there ought to be an amendment reducing the interest rate ceiling. I do not think the House has any business establishing by legislative fiat, or any other way, a 10-percent interest rate. Moreover, I think the Members ought to have an opportunity to offer an antidemonstration amendment to this bill as they have to other legislation, if they wish to do so. This they would be precluded from doing if unanimous consent is granted to suspend the rules.

Mr. Speaker, I know of effort by the gentleman from Kentucky (Mr. PERKINS), the chairman of the Committee on Education and Labor, to obtain from the Rules Committee a rule for the consideration of this bill. We will be back here on September 3. There will be a meeting of the Rules Committee, I am sure, shortly after September 3, certainly before September 15, and the gentleman can very well apply to the Rules Committee for an open rule so the House can work its will upon this legislation.

Mr. Speaker, I care not how thick or thin the argument is sliced—the House Committee on Education and Labor was on notice weeks ago that legislation on this subject would be necessary. It dillydallied. Now the chairman wants to ram a bill through the House under the brutal procedure of suspension of the rules which severely limits debate and blocks a single amendment. The chairman could have gone to the Rules Committee and obtained an open rule many days ago. He could have done so last week and we could have worked our will on this bill today or tomorrow. The committee must bear the responsibility for failure of the House to act and no amount of talk about "factions" will serve to clear the skirts of the Labor and Education Committee or shift the responsibility.

Mr. Speaker, I object to the request.

The SPEAKER. Objection is heard.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that it be in order tomorrow, after all pending legislative business, to call up H.R. 13194 under suspension of the rules.

Mr. GROSS. Mr. Speaker, for the same reason as previously stated, I object.

The SPEAKER. Objection is heard.

STUDENT LOAN PROGRAM

(Mr. ERLENBORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ERLENBORN. Mr. Speaker, the gentleman from Iowa (Mr. GROSS), in objecting to the unanimous-consent request, and the gentleman from Missouri (Mr. HALL), both referred to the bill, H.R. 13194, as a bill that would increase the student loan interest rate to 10 percent.

Mr. Speaker, I would like to set the record straight. The bill would not do that. The Committee on Education and Labor and the Subcommittee on Higher Education did not want to increase the maximum statutory limitation. What this bill would do, would be to allow periodic market adjustment allowances over the 7-percent statutory limit to make the return to the bank fairer considering current market conditions. The additional allowance could be as much as 3 percent, if determined by the Office of Education, which combined with the statutory rate of 7 percent could total 10 percent, but the bill does not establish a statutory rate of 10 percent, as the gentleman indicated.

I think it is unfortunate that we have one group on the Committee on Education and Labor who will do everything they can through the procedures of the House to stop this House from considering a measure relating to campus disorders. This group has made it impossible to bring this bill out under the usual procedures of granting a rule.

I think it is also unfortunate that there is another group that will not let any legislation be considered on the floor of this House unless it is subject to amendments so they can put on an amendment relating to student disorders.

These two groups are blocking what I think is an honest attempt on the part of the majority of the House to see that the student loan program can be put back in working order in time for students to have the benefit of it this fall. I think the test of power between these two groups is a disservice to the students of this country.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, the bill does provide for a 3-percent increase, from 7 percent to 10 percent.

Mr. ERLENBORN. That is not true. I repeat to the gentleman it provides an allowance up to 3 percent. It could be raised 1 percent, or one-half of 1 percent, or a maximum of 3 percent, but the bill does not increase the rate to 10 percent, and it does not grant a 3-percent increase. It allows a variable increase to be determined each quarter by the Office of Education.

Mr. GROSS. What would the gentleman call it then, a bonus that permits the interest rate to go to 10 percent?

Mr. ERLENBORN. Mr. Speaker, I believe now is not the time to debate the merits of the bill. I think it unfortunate the contest of wills between these two groups is making it impossible for this legislation to be available to help needy college students this fall.

PERMITTING CERTAIN REAL PROPERTY IN THE STATE OF MARYLAND TO BE USED FOR HIGHWAY PURPOSES

Mr. RIVERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 10420) to permit certain real property in the State of Maryland to be used for public purposes generally.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. GROSS. Mr. Speaker, reserving the right to object, I have one or perhaps two questions on this bill.

As I understand the bill, it would permit the transfer of 8 acres for the purpose of road or tunnel building; is that correct.

Mr. RIVERS. That is correct.

Mr. GROSS. Will a toll be charged for the use of this road or tunnel?

Mr. RIVERS. I believe it will be.

Mr. GROSS. Is it not public land? Although the city of Baltimore presently controls it, this is public land designated as a park with a reversionary clause, that it revert to the Government if not used for park or recreational purposes.

Mr. RIVERS. Let me answer the gentleman.

Originally this land was deeded to the mayor and city council of Baltimore for a park, with a reversionary clause should it cease to be used for park purposes. The gentleman from Maryland (Mr. FALLON) introduced a bill which would have removed the reversionary clause on the whole 45-acre tract. The GSA objected because the reversionary clause provided the land had to be used for park purposes or it would revert to the Government.

They got together with the GSA, and they agreed to transfer only 8 acres to the State of Maryland for the purpose of constructing this tunnel. Whatever the price to be paid, the money is to be used for park purposes. They will get the 8 acres in fee simple.

The answer to the question is they can use it for highway purposes only.

Mr. GROSS. Will a precedent be established here by virtue of the fact that a toll is charged?

Mr. RIVERS. No.

Mr. GROSS. Will there be any precedent established by this legislation?

Mr. RIVERS. Absolutely not. The land will be used for highway purposes. It will be used by the State highway department to serve the public interest. It is needed over there and needed very badly.

Mr. GROSS. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

H.R. 10420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the requirements of the proviso in section 3 of the Act of March 4, 1923 (42 Stat. 1450), the real property consisting of approximately forty-five and five-tenths acres conveyed under authority of such Act to the mayor and City Council of Baltimore, Maryland, by deed dated February 23, 1927, is subject to reversion to the United States only if such property ceases to be used for public purposes. The Administrator of General Services shall issue such deeds, documents, or other instruments as may be necessary to carry out this Act.

With the following committee amendment:

Strike all after the enacting clause and substitute in lieu thereof the following:

"That notwithstanding the requirements of the proviso in section 3 of the Act of March 4, 1923 (42 Stat. 1450), the Mayor and City Council of Baltimore, Maryland, are authorized to convey approximately eight acres, of the approximately forty-five and five-tenths acres conveyed under authority of such Act, to the State of Maryland, provided, however, that the conveyance of such real property to the State of Maryland shall be upon the condition and limitation that such property shall be limited to use for highway purposes and upon cessation of such use shall revert to the Mayor and City Council of Baltimore and again become subject to the conditions and restrictions of the conveyance by the United States under authority of such Act and the proviso of section 3 of such Act. Any consideration received from the State of Maryland for such conveyance shall be used for the development of the remaining real property for park purposes."

Mr. RIVERS. Mr. Speaker, H.R. 10420 is a bill to authorize the mayor and city council of Baltimore to convey 8 acres of land to the State of Maryland. The reason this special legislation is necessary is due to the following circumstances:

In February 1927 a deed was executed by the Secretary of War, on behalf of the United States, conveying to the mayor and city council of Baltimore 45.5 acres of land which was then a part of Fort Armistead. This deed was executed pursuant to an act of Congress dated March 4, 1923—42 Stat. 1450. Section 3 of that act restricted the use of the property to public park purposes and provides that the property will revert to the United States upon cessation of that use. The city of Baltimore has been using the property for public park purposes.

The State of Maryland now needs approximately 8 acres of this property in connection with the construction and operation of the Baltimore Harbor outer tunnel project.

The bill, as introduced, removed the entire reversionary interest and the General Services Administration objected to the bill and so testified. The bill, as amended, corrects the feature objected to by the General Services Administration. It allows the mayor and city council of Baltimore to convey just the 8 acres requested by the State and still retain the reversionary clause on the balance of the land.

The bill also provides that the consideration received by the mayor and city council from the State of Maryland for such conveyance is to be used for the development of the remaining real property for park purposes.

The Department of the Army, on behalf of the Department of Defense, interposed no objection to H.R. 10420.

(Mr. RIVERS asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. FALLON. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Maryland.

Mr. FALLON. Mr. Speaker, H.R. 10420 is a bill that I had the privilege of introducing. It has been reported to the House by a unanimous vote of the Committee on Armed Services.

May I take this opportunity to thank all the members of the Armed Services Committee for their speedy consideration of this bill. My special thanks to my friend and colleague, the gentleman from South Carolina, Chairman RIVERS, for the personal interest he has taken in this matter and the expeditious manner in which he has moved it forward for consideration by the House today.

H.R. 10420 would turn over to the Maryland State Roads Commission approximately 8 acres of some 45.5 acres now held by the mayor and city council of Baltimore. The property is located within the State of Maryland at Fort Armistead, Hawkins Point, Anne Arundel County. The property in question was conveyed to the mayor and City Council of the city of Baltimore by the Department of the Army by deed dated February 23, 1927, for public park use. The deed contained a condition that the property would revert to the United States of America if it ceased to be used for public park purposes.

The property at the present time has not been developed. The bill before us does the following. One, it would authorize the conveyance by the mayor and the city of Baltimore of approximately 8 acres of the approximately 45.5 acres originally conveyed to the mayor and the city council to the Maryland State Roads Commission to be used as a needed and necessary link in the construction of the Baltimore outer tunnel project. Two, the remainder of the property retained by the mayor and the City Council of Baltimore would be held for public park purposes.

Three, the bill further provides that the consideration received by the mayor and city of Baltimore for conveyance of 8 acres of the property in question to the Maryland State Roads Commission is to be used for the development of the remainder of the property for public park purposes.

In one stroke the bill accomplishes two very necessary things for the city of Baltimore and the State of Maryland. It provides an integral link which is needed to develop an important part of the transportation plan for the city and county of Baltimore—the outer tunnel project, and it provides funding which will be used to develop a presently undeveloped piece of property into a public park, which will be to the benefit of all the residents of Maryland.

This is meaningful legislation. This is legislation which benefits the general public. This is legislation that helps the city of Baltimore and the State of Maryland. I urge its speedy passage.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to permit certain real property in the State of Maryland to be used for highway purposes."

A motion to reconsider was laid on the table.

ADJOURNMENT FROM WEDNESDAY, AUGUST 13, 1969, TO WEDNESDAY, SEPTEMBER 3, 1969

Mr. ALBERT. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 315) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 315

Resolved by the House of Representatives (the Senate concurring), That the two Houses shall adjourn on Wednesday, August 13, 1969, and that when they adjourn on said day they stand adjourned until 12 o'clock noon on Wednesday, September 3, 1969.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO RECEIVE MESSAGES FROM THE SENATE AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS NOTWITHSTANDING ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Wednesday, September 3, 1969, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON SEPTEMBER 3, 1969

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule on September 3, 1969, may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AUTHORITY FOR SPEAKER TO DECLARE RECESS FOR PURPOSE OF RECEIVING APOLLO 11 ASTRONAUTS IN JOINT MEETING ON SEPTEMBER 10, 1969

Mr. ALBERT. Mr. Speaker I ask unanimous consent that it may be in order that any time on Wednesday, September 10, 1969, for the Speaker to declare a recess for the purpose of receiving in joint meeting the Apollo 11 astronauts, Mr. Neil A. Armstrong, Apollo 11 commander; Lt. Col. Michael Collins, U.S. Air Force, command module pilot; and Col. Edwin E. Aldrin, Jr., U.S. Air Force, lunar module pilot.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON FISHERIES AND WILDLIFE, COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Fisheries and Wildlife of the Committee on Merchant Marine and Fisheries may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I shall not object, does the distinguished majority leader anticipate business on the floor of the House Wednesday?

Mr. ALBERT. As of now I do. Yes.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker. I move a call of the House.

A call of the House was ordered, and the following Members failed to answer to their names:

[Roll No. 150]

Abbitt
Anderson, Tenn.
Barrett
Beall, Md.
Berry
Blackburn
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Caffery
Cahill
Carey
Celler
Clancy
Clay
Collier
Colmer
Corbett
Cowger
Cunningham
Davis, Ga.
de la Garza
Delaney
Diggs
Donohue
Downing
Edmondson
Esch
Evins, Tenn.
Fish
Flowers
Flynt
Ford, William D.
Frey
Fulton, Tenn.
Gallagher
Garmatz
Gettys
Goldwater
Griffiths
Halpern
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hawkins
Hays
Hogan
Howard
Hull
Jarman
Jones, Tenn.
Kirwan
Landrum
Latta
Lipscomb
Lloyd
McCarthy
Madden
Mann
Martin
Mathias
Meskill
Mills
Moorhead
O'Neal, Ga.
Ottinger
Philbin
Poage
Pollock
Powell
Preyer, N.C.
Price, Tex.
Pucinski
Quillen
Rarick
Reifel
Reuss
Roudebush
St. Onge
Satterfield
Scheuer
Shipley
Sikes
Slack
Snyder
Springer
Staggers
Steed
Stubblefield
Sullivan
Tiernan
Utt
Watkins
Weicker
Wolff
Wright
Wyman
Young

The SPEAKER. On this rollcall 333 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERSONAL ANNOUNCEMENT

Mr. PEPPER. Mr. Speaker, on the voice vote and the teller vote for the Joelson amendment to the Department of Health, Education, and Welfare appropriation for fiscal year 1970, I was present and voted favorably.

My duties as chairman of the House Select Committee on Crime required that I leave the floor before rollcall vote No. 131 on the Joelson amendment on July 31. Since I strongly supported this amendment, had I been present I would have voted "yea" and also would have voted "yea" on the final passage of the bill, of which this amendment was a part.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia day. The Chair recognizes the gentleman from South Carolina (Mr. McMillan), chairman of the Committee on the District of Columbia.

DISTRICT OF COLUMBIA REVENUE ACT OF 1969

Mr. McMILLAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12982) to provide additional revenue for the District of Columbia, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to 1 hour, the time to be equally divided and controlled by the gentleman from Minnesota (Mr. Nelsen) and myself.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 12982, with Mr. Giaimo in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from South Carolina (Mr. McMillan) will be recognized for one-half hour, and the gentleman from Minnesota (Mr. Nelsen) will be recognized for one-half hour.

The Chair now recognizes the gentleman from South Carolina.

Mr. McMILLAN. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, the bill, H.R. 12982, which is presented to the House today is a District of Columbia revenue bill. The District government has presented to the Congress a budget request totaling $712.2 million. This is an increase of $160.2 million above the request for the past year. The estimated deficit is $64 million. The pending bill is estimated to provide an additional $39.7 million in revenues for the District of Columbia government.

For many years, Congress expected, and the District government presented a balanced budget request to the House and Senate Appropriation Committees. The District government abandoned such budgets several years ago. This is the 4th year out of the last 6 years that the District Committee has been forced to present tax legislation. The District government has informed the committee that it intends to increase expenditures for the coming fiscal year by more than $100 million. This will mean another revenue bill next year.

Before presenting the details of this bill, I want to make one thing clear to the House—despite public statements, press stories and editorials, and some of the charges that will be made from the floor today, the District Committee and the District Subcommittee on Appropriations have been most generous, maybe too generous, to the District of Columbia government.

On the basis of the cost per pupil and the investment in new school facilities, the public schools of the District of Columbia should be the finest or at least equal to the best in the Nation. In law enforcement, no city in the Nation even approaches the District in the number of police per capita. Compared to other cities, the District has substantially more employees per capita.

As might be expected in view of the foregoing, the District has one of the fastest growing budgets in the Nation. The total appropriations for 1965 were less than $300 million. The budget for the current year is more than double that figure. If Federal grants are added, the proposed expenditures of the District exceed $1.2 billion.

Some of the demands and requests of the District of Columbia government approach reckless irresponsibility. There are requests for added personnel as high as 100 percent or more in some agencies. To illustrate, there is projected a 25-percent increase or more than 2,500 new jobs for the public schools, although there will be an estimated increase of only 151 students in the school system this fall. The skyrocketing expenditures in the District mean increased tax costs to every constituent of every Member in this House. There are some who say that the District crime rate goes up as the appropriations increase; that the more money spent on the schools, the worse the schools get; that jobs are being invented to provide employment, not public service.

I do not accept these charges. However, I believe that the House has reached the point where its Members should insist on stopping the process long enough to take a solid look at the programs and financing in the District government. This bill is designed to meet generously the basic needs in the District of Columbia without subjecting the taxpayers of the District and the Nation to excessive and unwarranted taxes.

Wasteful bureaucracy is never curbed unless the legislature interrupts the empire building process. During the last 3 years the number of jobs in the District government has increased in a progressive ratio of about 1, 2, 3, and for this fiscal year it is estimated at practically 8—an increase of nearly 8,000 employees or 20 percent in 1 year.

To halt this, the bill provides for the use of the formula contained in the Revenue and Expenditures Control Act of 1968, which curtailed Federal hiring and provided for job reductions. The District government has operated during 1969 and thus far in fiscal 1970 under a continuing resolution with the highest number of employees in its history up 2,700 above 1968. The bill would reduce the number of employees by one job out of four vacancies. Under normal circumstances this would involve about 1,000 jobs and result in a reduction of about 250 jobs or 10 percent of the jobs added in 1968.

The limitation and reduction formula does not apply to the essential services of the police and fire departments nor to the public schools. While some persons will insist that these provisions of the bill will bring the District government to a grinding halt, it is obvious that 250 employees will not result in the loss of essential or necessary services to the people of the District.

The bill also abolishes the Office of Director of Public Safety. Committee hearings relating to this office showed substantial expenditures with no improvement to the protection of the public. The confusions produced from the operation of that office and the substantial thousands of dollars necessary for its operation would be eliminated.

The bill as reported is designed to produce about $40 million in funds for the District government. The largest single item is the increase from $90 million to $105 million, adding $15 million to the Federal payment. The use of these funds however is conditioned on progress on the District of Columbia highway program approved during the 90th Congress.

New taxes on admissions and increases in sales and use taxes would provide $8.85 million. Sales taxes on groceries would be increased from 1 percent to 2 percent. Taxes on restaurant meals and drinks would be increased from 4 percent to 5 percent. Drugs which can be purchased without prescription would be subject to 2 percent sales tax. Services for miscellaneous purposes such as duplicating, addressing, services for publication, and repairing of personal property would be taxed at the rate of 2 percent.

Excise taxes and fees for the purchase and operation of motor vehicles will bring in excess of $7 million in additional revenue. Excise taxes are increased from 3 percent to 4 percent. Registration fees on automobiles are substantially increased and the weight applicable to certain fees is changed to bring in revenues of $3.3 million. The balance of the changes in these fees relate to drivers licenses, title fees, registration transfers, and similar items.

Alcoholic beverage taxes are increased on beer and spirits to raise $1.65 million. A temporary windfall to the District government will be provided by requiring corporations to file estimated income taxes which will accelerate tax payments by 1 year. The additional tax will be spread over a period of 3 years and will produce approximately $1.6 million in revenues in each of the 3 years.

The bill provides that the Congress repeal its delegation of authority to the District of Columbia to establish the tax rates on taxable real and personal property in the District of Columbia. The bill also provides that tax rates during the tax year be $3.10 per hundred on real property and $2.40 per hundred on taxable personal property. These increased rates will produce an additional $4.3 million in revenues.

It should be mentioned that the committee in many instances treated the taxpayers better than did the District government in its recommendations. District government tax recommendations which were reduced by the committee were: 4 percent admissions tax reduced to 2 percent; 4 percent tax on service charges for repair of personal property reduced to 2 percent; 2 percent tax on commercial advertising struck from the bill; fee for duplicate auto registration certificate from $5 down to $3; special use auto certificates from $5 down to $3; drivers licenses from $4 per year down to $3; issuance of a duplicate driver's permit from $5 down to $2.

Some of the tax proposals made by the District were dropped from the bill. Among these was the so-called gross expenditures tax on nonprofit, noncommercial groups, and associations such as the American Legion, the NAACP, political parties, labor unions, and the Daughters of the American Revolution. The bigger the expenditures, including deficits, the higher the payment required under this tax.

Another tax dropped from the bill was the so-called commuters tax. This is a disguised earnings or income tax on nonresidents of the District but not subject to reciprocity treatment with the state of residence of the taxpayer.

The commitee did add some taxes not recommended in the District government proposal. Sales taxes on food were increased from 1 percent to 2 percent which is the lowest rate among 30 States using that tax. A similar tax was placed on drug store medicines except those requiring a prescription.

Mr. NELSEN. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Chairman, I am pleased to endorse the bill H.R. 12982, a bill to provide additional revenues to the District of Columbia, and to recommend it for favorable action by this body.

This bill, as reported, represents many hours of diligent work and deliberation by the Committee on the District of Columbia. While all its provisions do not meet with the approval of all the members of the committee, the measure is a fair compromise of such viewpoints, and in my opinion is both generous and practical in its provisions.

The Commissioner of the District of Columbia asked for considerably more funds for the fiscal year 1970 than will be provided in H.R. 12982. This difference is presented as follows:

[In millions]

	General fund increase	Highway fund increase	Total increase
Requested by District of Columbia Commissioner	$62.3	$6.107	$68.4
Provided in H.R. 12982	34.15	5.548	39.7

While the difference between the additional revenues requested and those provided in H.R. 12982 as reported is considerable, the latter amount is both sound and adequate for the proper and prudent operation of the District of Columbia government for the present fiscal year.

In support of this view, I wish to call attention to certain facts which point up the unrealistic nature of the Commissioner's request for funds, and the need for some sort of curbs on present and future spending on the part of the District government. The truth, as these facts will clearly show, is that the District of Columbia government under the new Commissioner-Council setup, is proving to be unrealistic in its financial policies to the point of fiscal irresponsibility.

First, let us examine the total budget appropriated for the District, and the number of city government employees, for the last 3 years of administration under the former Board of Commissioners, as compared with the first 3 years of operation under the Commissioner-Council form:

Fiscal year	Total appropriation (budget)	Increase 3-year period (percent)	Number of employees	Increase over 3-year period (percent)
1965	353.7		29,342	
1966	368.7		30,161	
1967	423.2	19.6	31,944	8.2
1968	520.4		34,790	
1969	554.7		38,175	
1970	727.2	39.8	45,657	31.2

With reference to the number of employees in the District government, which the above chart shows to be ballooning beyond all reason, I wish to observe further that the vast majority of these new employees are in the high-salaried category, with very few in the lower grades.

I wish also to point to the fact that whereas the executive office of the former District of Columbia Board of Commissioners operated in fiscal year 1968 with 50 employees, the office of the present District of Columbia Commissioner, together with that of the District of Columbia Council, found it necessary to engage 227 employees in fiscal year 1969, and are proposing to increase this number to 526 for fiscal year 1970. When it is considered that these 526 employees will be engaged in the same field of administrative responsibility which was handled by 50 persons only 3 years ago, I submit that this policy is just plain indefensible.

Another instance of this same alarming trend is revealed by the figures which show an increase in the number of public school employees in the District. There were 9,898 such employees in fiscal year 1968, and the Commissioner and the Council propose to increase this number to 12,918 for the coming school year, for an increase of 30.5 percent over a period when the school population in the District of Columbia has remained nearly static.

Let us turn now to the matter of the trend in the present Commissioner-Council government to escalate its spending programs, in terms of the total expenditures per year. For this purpose, I call attention to the following figures pertaining to fiscal years 1969 and 1970 as proposed by the District of Columbia government.

Fiscal year	Total District of Columbia appropriation (budget)	Loans from U.S. Treasury	Other Federal funds[1]	Total available funds
1969	$554.7	$104.8	$351.4	$1,010.9
1970	727.2	114.8	450.2	1,292.2

[1] These include direct Federal grants-in-aid to the District of Columbia government, and to agencies having significant benefit only to the District of Columbia.

From these figures, it is seen that the total annual expenditure of taxpayers' money in the District of Columbia has soared above the billion-dollar mark, while the population of the city has not increased materially for some years. This means a total expenditure of public funds of more than $1,000 per year per capita. I submit that this figure is unequaled anywhere else in the United States. And furthermore, the present government plans to increase these expenditures substantially in the coming years. For example, at the recent hearings conducted by our committee on this subject, the Commissioner of the District of Columbia testified that he plans to seek some $100 million of additional funds for fiscal year 1971, over the sum sought for 1970.

Mr. Chairman, these facts and figures speak eloquently for themselves. It is obvious that the present government in the District of Columbia is dedicated to a fiscal policy which will lead inevitably to financial disaster for the city. I and many of my colleagues are deeply concerned about this situation, and the time has come when firm and positive steps must be taken to curb this ruinous trend, which otherwise will result very soon in the city's expenditures exceeding the ability of the taxpayers to support.

For this reason, I strongly endorse the provisions in this bill which will impose a "ceiling" on the number of District of Columbia government employees, with the exception of the Police Department, the Fire Department, and the Board of Education. This limit is established as the number of employees on the payroll as of June 30, 1969; and there is a further stipulation that the city may fill not more than three of every four vacancies occurring in the District agencies subsequent to that date. In view of the facts and figures I have cited above, I am convinced that these limitations are vitally essential to the continued financial well-being of the District of Columbia.

During my tenure in the Congress and as a member of the Committee on the District of Columbia, I have consistently been a leading advocate of legislation designed to enhance the stature and the welfare of the District of Columbia government employees. I have sponsored or cosponsored every bill during this time to raise the salaries of the city's policemen, firemen, and teachers, as a result of which these salaries are now virtually the highest of those in any city in the United States. I am proud of this accomplishment, for I earnestly believe that our Nation's Capital should offer top salaries for top-grade employees in these vitally important fields. At the same time, I realize that these salary increases cost money, and that it is incumbent on the Congress to supply adequate means of meeting these and all other necessary expenses for maintaining the city of Washington as a place all Americans can point to with pride, as their Capital City. It is with a full realization of this responsibility that I endorse the bill H.R. 12982, and the additional revenues which it will afford to the city in the amount of some $40 million annually. I feel just as strongly, however, that this is all the additional money which the city can spend wisely in the coming fiscal year, and that the Commissioner's request for nearly $30 million more is completely untenable, and nothing more nor less than a symptom of the disregard for the financial facts of life which has typified this Commissioner-Council government since its inception.

It is my understanding that certain members of the District of Columbia Committee will propose an amendment to H.R. 12982 on the floor of the House, which will delete the provisions of the bill which will curb the powers of the District government with respect to hiring of personnel—a power which my figures show has been roundly abused, and which must be restricted if the city is to survive financially. This amendment will also seek to impose an authorization for the annual Federal payment to the District, at a fixed percentage of the city's revenues to the general fund. I wish to point out that this proposal has been considered and defeated by the House District of Columbia Committee consistently each year for the past several years, simply because there is no sound argument to justify such a system. The proponents will say that the formula will enable the city government to forecast more accurately what they may rely upon for a Federal payment for the next ensuing fiscal year, and that this system also will stabilize the authorization at a fixed point. However, since the authorization for this Federal payment is just exactly that—an authorization, within which maximum limit the Congress appropriates the actual payment—this will afford no more accurate basis for predicting the payment than will the present fixed-dollar limitation. As for the second point, there will be no stabilization as a result of such a formula, because whenever the amount resulting from the formula will not be sufficiently high to suit the District government's purposes, they will simply ask for the percentage figure to be increased.

I can see no reason whatever for altering the present system of the Congress fixing a dollar limitation on this annual Federal payment. It has resulted over a long period of years in a fair and generous payment by the Federal Government in lieu of taxes on the land which is Government-occupied in the city. Furthermore, I feel that the Congress should maintain its policy of complete control over this authorization, as a part of the exercise of its financial responsibility for the Nation's Capital.

A history of the authorization and appropriation of this Federal payment over the past 10 years follows:

Fiscal year	Federal payment authorized	Federal payment appropriated
1960	$32	$25
1961	32	25
1962	32	30
1963	32	30
1964	50	37.5
1965	50	37.5
1966	50	44.25
1967	60	58
1968	70	70
1969	90	89.4
1970	[1] 105	

[1] Proposed in H.R. 12982.

I submit that this payment historically has been both generous and adequate, and call attention to the fact that in the past 5 years, the authorization has more than doubled.

I wish at this point to call attention to section 903 of this proposed legislation, which "freezes" the appropriation of any part of this Federal payment until the Congress is assured that the District of Columbia government has committed itself, beyond recall, to fulfilling the requirements placed upon it by section 23 (b) of the Federal-Aid Highway Act of 1968. This is the Federal law calling for the construction of four elements of the District's freeway system, including the long-delayed Three Sisters Bridge and Potomac River Freeway, and a "serious" study of another. These freeways are essential to the completion of the Federal Interstate Highway System through the Washington metropolitan area—and also are now essential to the beginning of construction on the rapid rail transit system planned for the area.

I am the author of this provision in the bill, and submit that there is no provision more vitally important to the citizens not only of the District of Columbia, but of the entire metropolitan region. All studies show that the area must have both a complete freeway system and a far-reaching subway system within the next few years, to cope with the flow of traffic which is bound to develop. All the suburban jurisdictions have held referendums, and the citizens in those communities have voted overwhelmingly to authorize the expenditure of their share of the cost of the Metro project, the planning of which is complete and ready for the construction phase to begin. Further, the President has expressed strong support for this project. And yet the matter stands on dead center because the District of Columbia Council, in deference to the clamor of a small, selfish segment of the city's population, thus far has shown no inclination whatever to comply with the 1968 Highway Act, in which the Congress directed the District explicitly to proceed with this work, 90 percent of the cost of which is to be borne by the Federal Government.

I wish to stress the simple fact that the U.S. Constitution places upon the Congress the duty of legislating for the District of Columbia. The District of Columbia Council, representing only a part of the administrative entity which was heretofore comprised of a three-member Board of Commissioners, is thereby subordinate to the legislative will of the Congress. For this reason, I find the defiant attitude of the Council in this matter incomprehensible; and I and my colleagues on the District of Columbia Committee do not propose to permit this galling situation to continue. Hence, we have used this method for bringing about the compliance with Federal law which was the duty of the District of Columbia Council from the date of its enactment.

I wish to comment briefly upon a remark by the Vice Chairman of the Council, quoted in last week's newspaper, in which he called this action on the part of our committee "unmitigated arrogance." Mr. Chairman, I submit that this individual is confused—for what greater arrogance can be imagined than the action of the District of Columbia Council in defying the edict of the Congress in this matter?

Mr. Chairman, I submit that this bill, in its present form, is eminently fair and reasonable. It provides more than adequate financing for the prudent conduct of the District of Columbia government for the coming year, and at the same time it contains some restrictions which are long overdue, on the irresponsible fiscal policies of the present city government, without which only financial chaos can ensue. I urge support for this measure, without further amendment, on the part of my colleagues in the House.

Mr. McMILLAN. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. Mr. Chairman, I want during this short time to indicate what the position of the minority on the committee will be—and it is a bipartisan minority and it has nothing to do with partisanship.

I want to hand at this time to the chairman, so it will be available to him and to others, copies of the substitute which we will offer. I have delivered copies of this to both sides so that they are available.

Mr. Chairman, the substitute amendment will not change basically the bill so far as the compromises on taxes were concerned. We did have to compromise on many of the taxes—tax on food and on beverages and on many other things. We have done that.

Many of us do not like them, but we will not try to change them in the substitute. That part of the bill is a compromise, because taxes are always difficult.

There are two parts of the bill basically which we will offer to change, and which I urge all of you to join with us and particularly I urge my friends on this side of the aisle to look carefully at what we are proposing and to join with us, because our substitute first is a substitute which says that we believe in local government and we should not move backward.

We are moving in the substitute to remove restrictions on local government. For example, the local government, in Washington, D.C., has levied real and personal property taxes since 1922. But the bill suggested by the committee removes that power and brings it into the Congress, so that we each year, working to have a change in property taxes, would have to pass on it in Congress.

Now we cannot get out the appropriation bills to run the Federal Government each year on time, which is July 1, and look what would happen in the District of Columbia. If you do not pass the revenue bill before August 1, you cannot levy real property taxes with the increase for the whole ensuing year. You lose a year's taxes. And yet when have we passed revenue bills in Congress? In 1963, August 27; 1965, September 30; 1967, November 3; 1968, August 2—which would have meant, for example, and would mean this year we would lose $4 million worth of revenue.

Let us not move backward. We are not even asking in the substitute that we move forward. All we are saying is, let us not move in on this government and cut it. Let us try not to hurt it.

Consider the Public Safety Director. This Congress has required that the District of Columbia do something about crime. We have passed a Law-Enforcement Assistance Act. President Nixon has come here with a great reform act. Yet the positions which would be necessary to carry this out are done away with in the committee bill. In the substitute we are saying, just leave that alone. Give them a chance to put the personnel in the courts, and give them a chance to put the personnel on that are necessary to do this.

We talk about the amount of money involved—most of the increases that are involved in what we are asking for in this bill in an increase of the Federal formula are for salaries of people that we, the Congress, have demanded be put on. We cannot expand the court system and reform it here when you are rolling back personnel—not just freezing it as of June 30, but this bill takes 25 percent of the new positions away. The Washington Technical Institute will not be able to expand from 900 to 1,400 students, and yet that is vocational education, which everybody, including the President of the United States, is saying that we have to have right now. We want work-fare rather than welfare, and yet we are going to cut out the institution that will give the work-fare.

The Federal City College—instead of the Federal City College being able to expand and to give people here a chance so they can learn new work, they will not be able to expand because the positions will be removed.

We talk about voluntary programs for schools—and this will be offered by the gentleman from Virginia, but it is part of our substitute too. For the first time we are trying to make some arrangements between the districts of Maryland and Virginia to voluntarily have exchange programs for schoolchildren. The committee bill of last year prohibited this. We are just saying, "Give it a chance."

I will close my remarks in general debate in this way: We will offer a substitute that will do nothing more than try to provide the money for the jobs we have asked the District to do and to remove the restrictions. All the rest of the bill is identical to the committee bill. We have not backed up on any part of it.

The issue is not partisan. The issue is not one of liberalism versus conservatism. The issue is whether we recognize what has happened in our cities. The people have been moved in. We have to do what we can about it, to make it operate in the best possible fashion. That is all the substitute is. We hope for support from both sides of the aisle. We believe the proposal which we are making in the substitute is very moderate.

Mr. NELSEN. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Chairman, I rise in support of the substitute amendment which will be presented at a later point. I want to speak especially about the committee bill and particularly the fact that it is presented in a poor manner. We are not furnishing the House a bill which is in balance. According to the chart which appears in the minority views, this bill is out of balance by approximately $33 million. I think it is very inappropriate for the District Committee to present a bill which is not going to provide adequate finances to pay the expenses of the District government.

I want to speak in terms of the Federal payment. The substitute amendment will provide for a formula approach. President Nixon in his message to the Congress on April 28, 1969, made this statement with regard to the Federal payment, and I want particularly to call the attention of Members on the Republican side to the President's comments on the Federal payment formula. Mr. Nixon said in his message:

> The District of Columbia cannot achieve strong and efficient government unless it has ample and dependable sources of financing. Sound financing can be achieved only if the Federal Government pays its appropriate share.
>
> I therefore recommend that the Congress authorize a Federal payment formula, fixing the Federal contribution at 30 percent of local tax and other general fund revenues.
>
> This formula would equitably reflect the Federal interest in the District of Columbia at this time with respect to:
>
> —the 217,000 Federal employees who work in the District, about one-third of the local work force.
>
> —the more than 10 million Americans who visit their Nation's Capital each year.
>
> —the embassies and nationals of the foreign governments.
>
> —the land and buildings owned by the Federal Government which cannot be taxed but comprise more than 40 percent of the District's land value.
>
> Enactment of a formula approach would be a significant step toward effective government in the District. It would tie the level of Federal aid to the burden of local taxes on the District's citizens. It would also provide the District with a predictable estimate for use in the annual budget process, thus allowing it to plan its expenditures more accurately and imaginatively for the growing needs of its population. A similar formula, dealing with District borrowing authorization, was enacted by the Congress more than a year ago—and has already proven its worth in improved budgetary planning.
>
> The proposed Federal payment formula would not involve an automatic expenditure of Federal funds. The Federal payment would still have to be appropriated by Congress.
>
> By authorizing the Federal payment at 30 percent of all District general fund revenues, the Congress would allow a payment of $120 million in fiscal 1970, an increase of $30 million above the present fixed authorization. This payment is incorporated in the District's 1970 budget request.

I think it is very important for us to remember that President Nixon and President Johnson have each approached the solutions to the revenue of the District of Columbia with a Federal payment formula. The substitute does provide this formula in lieu of the lump sum payment which is in the committee bill.

I also want to refer to the fact that the President in his message of April 28—from which I was just reading—also pointed out it was necessary to strengthen the City Council and the Mayor. In other words, he was making a very strong point for local self-government.

Mr. Chairman, in this area of demonstrated human need in our Nation's cities, and in this era of rising hopes that self-government may someday become a reality in the Nation's Capital city, I am ashamed to have to say that the committee's bill is a punitive, backward piece of legislation. Instead of providing the authorization for a practical and predictable financial relationship between the District government and the Federal Government, it continues the spoon-fed lump-sum payment approach—and in a wholly inadequate amount. Instead of building confidence in the reorganized District government, which many of us, including our President, have viewed as a stepping stone to home rule, the committee has seen fit to punish the local government by diminishing its already miniscule powers to deal with the problems of a sprawling urban area.

At a time when the Congress and the country are so concerned with the problem of crime, the committee bill denies to the Mayor, the right to organize the public safety functions of his government under a capable Director of Public Safety. At a time when our own President has risen to the need for more concentration on human needs and social needs, the committee bill slashes the revenue-raising powers of the District government, and scrimps on its financial payment from the Federal Government. It is nothing less than punitive and regressive.

This bill removes from the local government the ability to tax both real and personal property. This authority has been left with the District of Columbia since 1922. I see no justification for this Congress to remove that authority from the District of Columbia government.

In addition to this, we place a number of restrictions on the ability of the District of Columbia to employ people to do the job of government.

The gentleman from Washington just a moment ago was making the point with regard to some of the functions of the District of Columbia government which are going to be severely affected by this.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. McMILLAN. Mr. Chairman, I yield 5 minutes at this time to the former mayor of Dallas, the Honorable Earle Cabell.

Mr. CABELL. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise to urge overwhelming support for the bill as reported out by the committee, and rejection of the substitute which will be offered. I submit to the Members that there is nothing sacrosanct about the revenue proposals of the District government, either this year or the next year.

I also submit that there should not be left in the hands of the District Government the right, the power, year after year, to increase the property taxes on the people of the District. The District Committee can well—and therefore the Congress should well—regain that control.

The District Committee had long hearings on these various proposals and I am one of those who attended practically full time.

I am quite frank in saying that the District of Columbia officials did not satisfy me that they needed to jump their 1970 budget to $712.2 million—the highest in the city's history, and an increase of $160.2 million over the record-breaking $552 million appropriated in the current year. Neither did they satisfy a majority of the other members of the District Committee as to this point. And apparently they have not satisfied a majority of the District of Columbia Appropriations Subcommittee who have been considering this monster of a budget.

The District Committee—or a majority of the committee who sat through these hearings—feel that the bill as reported adequately provides for the District's "needs"—I emphasize "needs" as opposed to "desires"—this year, as submitted in the District budget.

Some of those signing the minority report would have Members believe that unless the Congress approves in toto the District's asking budget of $712.2 million, and unless the Congress provides $64 million through increase in taxes and a 30-percent increase in the Federal contribution to the city's revenue resources—the city will be bankrupt.

They claim all this is needed in larger part because of pay increases in the last Congress.

Let us take a look at that.

The facts are that last year we did increase the pay of police—and I supported it—by 10.1 percent, with $8,000 as a starting salary, at an annual total cost for this increase of $5.1 million.

Then we increased the teachers' pay—which I supported—by 19.2 percent with starting salary of $7,000 for 10 months' work, at a total cost of $13 million.

We then passed a revenue bill providing $46.4 million new revenues for the District—a $20 million increase in Federal payment, from $70 million to $90 million, and $26.4 from various tax increases—more than sufficient to meet the pay increases that have been referred to.

In the first session of last Congress, we earlier provided $110 million more as resources to the District government—$10 million increase in Federal payment and $100 million increase over three years in borrowing authority.

So the District has been well supplied with funds to meet current needs. Of course, if it continues to jump District of Columbia personnel as it proposes this year to 45,000-plus—a 50-percent increase over 3 years ago—then, I submit Mr. Chairman, the Congress can never keep apace the District's annual revenue demands.

Mr. NELSEN. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. Gude).

Mr. GUDE. Mr. Chairman, I would like to reiterate the point which was so well made by my colleague from New York (Mr. Horton), that in essence the substitute proposal which my colleague from Washington is offering contains the principle of home rule, which is close to Republican philosophy. Before going into this I would like to reiterate what the gentleman from New York (Mr. Horton) said; namely, that the President in his message to the Congress recommended that the Congress authorize a Federal payment formula fixing the Federal contribution at 30 percent. That is exactly what we have in this amendment. This is what the President felt was necessary for the District of Columbia; this represented the Federal interest in the District of Columbia; and this is what President Nixon felt that the District of Columbia should have in order to achieve strong and efficient government. So I hope on my side of the aisle we will think about this very carefully.

Also, Mr. Chairman, I have a particular interest in the part of the substitute amendment which pertains to the Bannockburn-Meyer program of voluntarily taking a small number of school students from the District of Columbia and having them receive their schooling in Montgomery County. This open school project involves a total of approximately 25 students who under a voluntary arrangement between the District of Columbia school system, the Montgomery County schools, and the parents and teachers of the two schools involved are seeking to have their children attend school together. This program is small in scope but large in significance. It is completely voluntary in terms of participation but compels the minds and spirits of those of us who hope for reduced tension and greater understanding between the cities and suburbs. Its overall costs are inconsequential, but the promsied gain could never be measured in financial terms.

I certainly hope that my colleagues in the House will take a good look at this aspect of the substitute amendment. I would like to have you look at it in terms of a situation in your own district where two school boards wanted voluntarily to provide for a student exchange program with the provision that those students who participated could do it on a voluntary basis only. Would you want Congress to say "No" and let the heavy hand of the Federal Government come out and reach into the school districts in your own congressional district and direct the manner in which they wanted to conduct their own affairs?

I urge the support of the substitute proposal of my colleague from Washington (Mr. Adams).

Mr. McMILLAN. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. Fraser).

Mr. FRASER. Mr. Chairman, I rise in some sadness with reference to this bill that is now pending before the House.

I had hoped that through the years in working on the District of Columbia Committee we might find some way of arriving at balanced programs and proposals that would generally command the support of the House of Representatives. We seem to have failed in that effort. But I am sorry that we failed, because the District of Columbia is burdened with so many problems that when our committee is unable to address itself in a manner which would lead to a reasoned, balanced, and careful approach to these problems in an effort to help the

District of Columbia, then we are all the losers.

Mr. Chairman, there are two main problems with this bill. First it impairs legitimate local government authority which the District of Columbia has exercised for many years.

Second, it falls short in providing the minimum necessary revenue in order to keep the District moving.

The invasion of the District's authority occurs in four specific instances. First, the bill tells the District that no matter what its judgment may be on the matter, it may not have a Public Safety Commissioner. There has been a Public Safety Commissioner for the past several years. That Commissioner oversees the responsibilities of the Fire Department, the Police Department, the Civil Defense Agency. That Commissioner helps to make sure that Federal acts such as the Safe Streets Act and Crime Control Act are implemented. That Commissioner seeks to coordinate the various agencies concerned with crime, corrections, the juvenile program section, as well as the courts, and so on.

Why should we tell the District that it cannot have that type of position? What superior knowledge do we have which indicates that we know they have no use for a Public Safety Commissioner? They want it and they have it. Now, however, we are going to take it away.

Mr. Chairman, this question was not discussed in the hearings. One can go through all of the pages of the hearings and find not one word to the effect that the committee was going to consider such a proposal. To be frank with the members of this committee, in the mark-up of the bill itself there were 3 or 4 minutes devoted to this issue. It seems as though someone had already made up their mind.

Mr. Chairman, the second impairment of local government authority comes when the Congress strips away from the District the right to set local, personal, and real estate taxes, a right that it has exercised since 1922 or for a period of some 47 years.

Perhaps, one could argue that it does not make any difference if we take away this essentially local government prerogative, because the Congress has to approve the budget anyway. However, the practical problem is that if we do not act by August 1, there is not going to be any property tax increase because the certification has to occur that early each year for there to be a change in the tax rates.

What this means, as a practical matter, is that if we want, or somebody wanted, to defeat an increase they would not have to be against it, they can simply delay it. I think this will be very good protection to the big property owners, to those who want to resist any increase in local and State property taxes, but I do not believe it serves the interests of the people of the District at all. Certainly there is no justification advanced for this extraordinary withdrawal of a 47-year-old right.

Third, this bill puts a personnel freeze on the employment in the District. They say there are certain exceptions like firemen, policemen, and the schools——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FRASER. Mr. Chairman, may I have 1 additional minute?

Mr. McMILLAN. I yield 1 additional minute to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, I thank the gentleman for the additional time.

Mr. Chairman, this is not only an employment freeze on the rest of the agencies, it is a rollback, because only three vacancies out of every four may be filled. So this means that the proposed enrollment at the Federal City College next year may not happen, cannot happen, because the additional personnel which they seek would be denied by this freeze.

The same is true of the Technical Institute. The same is true in the correctional institutions, the same is true of the General Hospital. The same is true for vocational rehabilitation.

This is one of these blunt kind of acts which cuts indiscriminately across all of the agencies.

I am sorry that this bill invades in this unfortunate way the authority of the District of Columbia to run its own affairs. I doubt that anyone's interests would be served by the passage of this kind of bill, and I urge that we support the substitute which will be offered by the gentleman from Washington.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. McMILLAN. Mr. Chairman, I yield the gentleman from Minnesota 1 additional minute.

Mr. FRASER. Mr. Chairman, I thank the gentleman for the additional time.

Mr. DOWDY. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I am happy to yield to the gentlemen from Texas.

Mr. DOWDY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the gentleman recognizes, of course, that the bill as it is reported by the committee here will permit about 3,800 new employees in the District of Columbia for the current fiscal year over what it was last year?

The provision limiting the employment to three out of four vacancies would only mean about a 10-percent reduction in the number of employees that were put on in the fiscal year that has just lapsed.

Mr. FRASER. Mr. Chairman, would the gentleman from Texas tell me whether he intends that the 2,000 applicants for the Federal City College who had planned to enter this fall should be denied admission because they cannot hire the additional faculty? Is that the intention of the gentleman?

Mr. DOWDY. I would state to the gentleman from Minnesota that we had no showing in the committee hearings, as I recall it, that any of this would reduce the enrollment by 2,000. To the contrary, there is no reduction provided, and the enrollment this fall would be at least equal to last year.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. NELSEN. Mr. Chairman, I yield 1 additional minute to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, I thank the gentleman for the additional time.

Mr. Chairman, in response to the gentleman from Texas, if you will look at the last three pages of the hearings, you find a list of new employees which are asked for by the Federal City College, by the Technical Institute, for the transfer of employees under vocational rehabilitation, for the juvenile section, for the court system, and so on. Now, the effect of this reduction of all these new employees for the Federal City College is that the students who would hope to enroll in Federal City College or the Technical Institute will be out in the cold. I am sorry that the gentleman did not recognize this before he voted for the bill in its present form.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. NELSEN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, first may I pay my respects to my colleague, the gentleman from Minnesota (Mr. FRASER)? The gentleman and I worked together on the last revenue bill that was passed, and I appreciate his concern, and his deep study of everything the gentleman undertakes.

And I wish to compliment my colleague, the gentleman from Washington (Mr. ADAMS), who called me out in Minnesota, for his courtesy in telling me what the minority was doing on the bill. I advised the gentleman that my intelligence department had already advised me, so the gentleman could have saved the expense of the call.

Next may I pay my compliments to Mayor Washington. It has been my endeavor, as a member of this committee, to on all occasions work closely with the Mayor. I think the Mayor has done a conscientious job, and that he is a dedicated person, highly motivated. Therefore it has been my endeavor in every respect to work with the city government as closely and cooperatively as possible.

I wish to review a little of the background of laboring on the District of Columbia Committee. You know, out on the farm in the spring of the year we used to order our baby chicks, and it says "ROT" which means "record of performance."

Membership on the Committee on the District of Columbia, I can say, is a thankless job. It is politically unrewarding to be on the committee because there is little that you can do on the committee that adds any political mileage at home. But I felt being a member of the committee required that I accept the responsibility that goes with membership.

To look back for a moment, the subway system, which is having its difficulties, I offered on the Republican side. The Federal City College—which has had its difficulties—but that will shake out and after a while it will be doing the job the way it ought to be done—you have to learn to walk before you fly; and the vocational school—which is one of the greatest contributions to this city so far as the youth of this city are concerned—were both sponsored by me. I was the lone author. There was nobody else—

nobody else in this body—who joined in the authorship of those bills. The Children's Hospital and the land-grant college provisions—which gives this city a chance to use some of the money as all other cities all over the country are given—are other products of my labor on the committee.

So I am rather proud of the record of my performance on the District of Columbia Committee.

Now in this bill that is before us, the revenue bill, as was pointed out, many of the new authorities for taxation that are contained in the bill are a little controversial, but the bill is a product of committee compromises.

I must say I know of no time when there was a better atmosphere of working together in that committee, and believe me we have had some stormy sessions, than when we worked on the taxing authority granted to the District of Columbia.

Then came the final action on the bill. I am frank to say that there were areas where I disagreed with the final decision of the committee; but I am also frank to say I am of the opinion, when we go to conference, those controversial items will be ironed out to the satisfaction of everyone concerned.

The Federal payment formula has become a great rallying point for some. Had we adopted the formula in the 1968 District of Columbia Revenue Act, the city would have had less money than we give them by direct appropriation. I think the formula is perhaps a convenience, and it might be very fine and all that, but I do not think that is all important to the revenue bill.

Then getting down to some of the other things referred to in the bill, including the dollar figure, I might point out that in many cases on these estimated dollar figures that the District government provided to the House, some appear substantially overstated, some are not. For instance, I might refer to the Federal City College budget that has estimated need of $7,398,000 based on an enrollment that the District government assumes they will have.

I think it must be said that one of the greatest mistakes we could make for the Federal City College is to expand it beyond its ability to govern its own destiny. They are having problems administering the college at this time which, when resolved, and I am sure they will be, will permit further growth.

As to the vocational schools, we have youngsters up there, everyone of whom when they finish will have a job, and I have no desire to put restrictions on them. But I must say, actually, going over these figures that I come up with $40 million of budget funds affected by prior congressional enactments rather than the $54 million claimed by the District government.

I am of the opinion when we get through with consideration of the revenue bill that we are going to have a good bill. I am hopeful we might proceed on the floor here without getting into a wide variety of arguments that can be resolved in conference. As noted earlier, I have had the feeling that the restriction on the District of Columbia government's power to tax should not have been in the bill, but should have been in the committee report.

There are other things that I would have approached differently than the manner in which this bill is drafted, but when you are on a committee—you must compromise to achieve good legislation.

Finally, when the bill comes on the floor, I, as a member of the committee, intend to support the bill the committee has reported out after extensive hearings.

So here we are at this time with this bill and I hope that on this floor there will be give and take and we will not proceed in a manner which is going to destroy the passage of a bill—the immediate passage of the bill—because every day we wait, the city government stands to lose revenue because the effective date of the bill will have been postponed and the tax revenue lost forever.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Washington.

Mr. ADAMS. I would ask the gentleman if it is not true that on all of the proposals that we worked on the first day that the committee had long discussions on we arrived at a compromise, and that none of those are questioned; the only items being questioned are the Federal formula, which we assume would have bipartisan support—we were surprised it did not pass; it was only narrowly defeated—and, second, a series of items of restrictions which were not discussed when we were talking about revenue matters but came up later?

Mr. NELSEN. That is exactly correct. But I might add this: The position that is taken by the minority here is not exactly a consistent one, for the reason that the so-called balanced transportation amendment is in the Adams-Fraser-Gude-Horton bill, which is a restriction on the city government, and I agree with it. I agree with it. I think it should be there. But there is a little inconsistency in that respect in that they oppose virtually all other restrictions.

I think we must also go back and review a little of the problems dealing with the Public Safety Director. You will recall that when Mr. Murphy was appointed Director, the City Police Department found itself supervised by Mr. Murphy. The history involved in the appointment of a Public Safety Director must be considered. I talked with the Mayor's Office about it, and he indicated that he had now appointed an attorney in this position rather than a policeman because he did not want to give the appearance of any interference with the Police Department.

It may well be that his position as evidenced by his appointment needs to be given attention. I certainly would not want to move in any direction that would tie the hands of the Mayor to get better law enforcement in the District of Columbia. The chairman of the committee, the gentleman from South Carolina (Mr. McMillan), has indicated that the top priority item is law enforcement here in the District of Columbia. So my plea today is that we work things out in a manner that is going to produce good end results, and remember that we always go to conference. Remember that there are areas that you must yield back and forth on a bit, and I am sure we can finally work out a bill to the satisfaction of everyone concerned including the District of Columbia government.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER resumed the chair.

The SPEAKER. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On August 7, 1969:

H.R. 9951. An act to provide for the collection of the Federal unemployment tax in quarterly installments during each taxable year; to make status of employer depend on employment during preceding as well as current taxable year; to exclude from the computation of the excess the balance in the employment security administration account as of the close of fiscal years 1970 through 1972; to raise the limitation on the amount authorized to be made available for expenditure out of the employment security administration account by the amounts so excluded; and for other purposes.

On August 9, 1969:

H.R. 10946. An act to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects.

DISTRICT OF COLUMBIA REVENUE ACT OF 1969

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from South Carolina is recognized.

Mr. McMILLAN. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. Hungate).

Mr. HUNGATE. Mr. Chairman, this is a revenue bill and a tax measure, one could say. I understand it is traditional in the House that such bills come to the floor of the House under a closed rule. I only regret that this one did not. The District of Columbia Committee is one of those committees on which apparently no one wishes to serve but everyone knows how the District should be run.

Before discussing the issues in the bill, I, too, wish to join in commending the work and efforts of the chairman and the ranking minority members on both sides of the aisle and all the members of the committee for the diligence they brought to this task. This is not a perfect bill, as most bills we bring in from other committees are not, either. As I understand the revenue-producing functions here, $90 million was the amount that was produced last time as the Federal share and $105 million is contained in this bill.

If the Members want to know what is

happening, that is the amount of the increase in Federal participation. As I say, there are many things that are not in the bill that I would like to see in the bill, but there are many things in that I would like to have in.

We do not have a commuter tax. Some of my friends, among the more progressive in many measures, do not want the commuter tax. It seems to me the real thing we need in the District of Columbia is the real thing they have in cities like St. Louis and New York and other parts of the country, to provide that when the sun goes down, the people who leave the city then must still pay for the things that go on there in the daytime. Of course, that is not in the bill and it has no prospects of being in the bill.

Personal property tax—we are taking away from the District the right to levy personal property tax. If I recall the hearings correctly, the personal property tax on such things as automobiles and furniture is not now levied in the District. I was surprised to find this out. In the Judiciary Subcommittee on Claims, we find occasions where a two-bedroom apartment burned down and they have suffered $18,000 worth of loss in furniture and possessions. One wonders how this could be true. But we find here many foreign service and military personnel who have traveled around the world and have many small or personal property items of much value, and this is true.

In my home State, the city might have a provision for a city license tax on personal cars, we do not have that here.

Somehow taking this power away from the District is somewhat like cutting off part of a lamb's tail. He is not using it for any useful purpose in any event.

We would like to see a great deal of improvement made in the schools of the District of Columbia. I suspect there are needs of this kind in all of our districts. If I recall correctly the Bannockburn plan involves transporting—busing—21 out of 150,000 students at a cost of $17,000. Then they ask the Federal Government to come in with that much money. Try proposing for one of your school districts the busing of that small a percentage—.00014—of the students for $17,000, in Federal money. See how far you get. Maybe they should, but I do not believe they will.

On the issue of employees and their needs, if the staff figures are correct and include the same level of personnel in all cities—such as school people, firemen, policemen, and all the city employees—the proportion of the city employees to population is in the neighborhood of—for a city of 750,000, give or take 20,000, so we are talking about the same size cities and not talking about cities of 300,000—or 2 million—the District of Columbia has two times as many employees as San Francisco, and the District has three times as many employees as the city of St. Louis, and the District has four times as many employees as Milwaukee. All being cities of about 750,000 population. I do not think a freeze on that would be the worst thing that could happen.

Mr. DOWDY. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Texas.

Mr. DOWDY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I have a chart here showing how many employees are in the District of Columbia government. The population of thet District of Columbia is 809,000. In the fiscal year just lapsed, they had 38,175 employees in the District of Columbia government. That is one person, out of every 21 men, women and children in the District of Columbia working for the District government. The proposal here in the substitute is to increase that number of positions of employees to 45,657, which would be one out of every 17 inhabitants of the District of Columbia, men, women, and children, who will be employees of the government. I think a limitation is timely.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. NELSEN. Mr. Chairman, I yield the gentleman from Missouri 1 additional minute.

Mr. HUNGATE. Mr. Chairman, basically I have about concluded what I wanted to say. I think there are many things that should be in this bill that are not in, and some are in—such as sales taxes on food and drugs—but I think that overall the committee has done its work very well and has worked very hard. There are many changes and improvements that could be made. I believe they have done a reasonable job. I urge Members to support this bill. In the absence of supporting this bill, I do not think the work of the city council can best be done by 435 people, and I would recommend sending it back to the committee for more work, if we cannot support the bill as it is.

Mr. NELSEN. Mr. Chairman, I yield to the chairman of the committee, the gentleman from South Carolina, my remaining time.

Mr. McMILLAN. Mr. Chairman, I would like to provide some information on one or two statements that have been made.

As far as my position on safety director is concerned, my main concern, and that the majority of members of the committee, is that we have two chiefs of police, as long as we have a safety director.

We know what happened last year when there was this so-called riot. The safety director gave orders for no policeman to touch any looter or anyone. From that time on it seemed the safety director was running the city of Washington including the Police Department.

On this tax proposal, I feel Congress should have all the taxing authority or none. We get confused every time we try to write a tax bill, when half the taxing authority is downtown and half is here in the Congress. Either all of the tax authority should be given to the city, or it should be given back to the Congress.

The only means we have of holding down spending is to place a limitation on the jobs in the District of Columbia. I do not know of any other means of taking care of the spiral of spending people's money here in the Nation's Capital. If we do not do something, from now on your taxpayers and my taxpayers will pay for this, because we have gone as far as we can in taxing the people who live in the District of Columbia, if we expect to allow them to stay in business here.

Mr. CABELL. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. I yield to the gentleman from Texas.

Mr. CABELL. I thank the gentleman.

With reference to the director of public safety, that suprapolice chief, will the chairman of the committee not agree with me that the post of Chief of Police is sufficiently important that he should report directly to the chief executive officer and not have to go through a tenuous chain of command in order to properly discharge the duties of that important office?

Mr. McMILLAN. I certainly agree with the gentleman from Texas. I believe he should report directly to the Mayor of the city.

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BARRETT. Mr. Chairman, I rise in support of the amendments to H.R. 12982, the District of Columbia revenue bill. The bill as reported falls far short of meeting the funding needs of the District and contains a number of restrictive provisions impairing the powers of the local government.

It is indeed unfortunate that the Congress must continue to exercise the functions of a city council for the District of Columbia. Yet so long as this condition prevails it is incumbent that we exercise that responsibility realistically and responsibly.

There is a definite need for an adequate Federal contribution to the local budget and a pronounced policy for a number of years for this item. Only by such action on our part can the local government properly budget and finance its operations. Further the freeze on additional employees as provided in the bill will impede the District government's activities in a number of vital fields.

I urge my colleagues to support the amendments to the bill so as to rectify its shortcomings.

Mr. EDWARDS of California. Mr. Chairman, a little less than 200 years ago our forefathers revolted against its duly constituted government because of, among other reasons, "taxation without representation." Today we are considering a tax bill without those being taxed represented.

We also are considering an area, Washington, D.C., where we work, even if all of us do not live in it, without representation of the people whose lives we are directing. I am ashamed of the recent misuse of congressional power in this District, I am ashamed of the use of blackmail, withdrawal of funds, and threats used to blackjack the City Council of Washington, D.C., into accepting a freeway plan and the Three Sisters Bridge.

I wonder if this House of Representatives might consider allowing the citizens of Washington to have their views represented in our deliberations. In particular I would suggest the Congress allow the people of Washington to vote on the freeway and on the bridge—a referendum as has already been proposed—and that Congress abide by the wishes of the people of Washington. We are, or at least we are supposed to be, a Republic and we do, or at least we are supposed to, represent the wishes of the people.

For those who decry civil disorder, and I am one of them, I would remind them of the duties of government. In December 16, 1773, the people of Boston made known their feelings about taxation without representation. I do not recommend such a party to the people of Washington, D.C., but I do hope they will be allowed to make their wishes known to this Congress and that this Congress will respond to them.

The Washington Post this morning in an excellent editorial pointed out the needs of this district. I include it in this RECORD.

There are 800,000 people living in this district. I urge that we franchise these American citizens.

THE DISTRICT REVENUE BILL

The Capital is fortunate in its friends. A bipartisan group of them in the House of Representatives—Congressmen Adams, Diggs, Fraser, Gude, Horton and Jacobs—will make an effort on the floor today to make available to this community the funds it imperatively needs to meet its essential responsibilities. They are sponsoring a realistic and rational substitute for the District Revenue bill approved by the House District Committee.

The House District Committee, controlled by solons from such metropoli as Florence, South Carolina, Okolona, Mississippi, and Athens, Texas, has commanded, like the Pharaoh of *Exodus:* "Ye shall no more give the people straw to make brick, as heretofore: let them go and gather straw for themselves." Worse, indeed, the Committee has told the people of the District to make brick without straw at all; it has so cramped and confined the resources of this community as to leave it without the means of doing what it has to do.

The substitute proposal to be presented today by the District's friends would add to the committee-approved revenue measure in some important ways. First, and perhaps foremost, it would adopt the 30 per cent federal payment formula as the fair contribution of the United States in lieu of taxes. That the Congress of the United States should want the country to deal unjustly and ungenerously with its Capital is incomprehensible. Under the substitute bill, the federal payment would be raised by about ten million dollars, in part by enabling the District to raise more revenue from its own residents, in part by an enlargement of the federal percentage.

The substitute bill would also unshackle the District in some other important ways. It would remove a foolish and despotic provision approved by the District Committee forbidding the Mayor to have a public Safety Director, an aide he very sorely needs. The substitute would additionally lift a burdensomely restrictive hiring freeze in the District Committee bill forbidding the city government to employ additional personnel for such vital functions as its Welfare and Health Departments, the Mayor's administrative staff and the faculty of the Federal City College. Another extremely irksome restraint would be removed by the substitute bill—the mean and mischievous prohibition adopted by the District Committee against the Bannockburn-Meyer Open School Project.

Like every other major city, Washington has pressing and troublesome urban ills. But it is not lacking in energy and imagination to deal with those ills. It can overcome them—if it is accorded the freedom and the means to do so. The solution of urban problems requires money, just as the making of bricks in ancient days required straw. Congress, which has insisted upon retaining in its hands complete control of the District's affairs, has a clear responsibility to enable it to function effectively.

The CHAIRMAN. All time has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Revenue Act of 1969".

Mr. NATCHER. Mr. Chairman, I move to strike the last word.

(By unanimous consent, Mr. NATCHER was allowed to proceed for 5 additional minutes.)

The CHAIRMAN. The gentleman from Kentucky is recognized for 10 minutes.

Mr. NATCHER. Mr. Chairman, I want the Members of the House to know that I appreciate the cooperation that our Committee on Appropriations has always received from the District of Columbia Committee. The District of Columbia Committee not only understands the problems of our Capital City, but all down through the years, has done something about them. The chairman of the District of Columbia Committee, the gentleman from South Carolina (Mr. MCMILLAN), and the ranking minority member, the gentleman from Minnesota (Mr. NELSEN), are to be commended for their service on this committee.

I know that our Capital City has benefited as the result of the services of all of the members of this committee.

I have served as a member of the Committee on Appropriations for over 14 years and one of the subcommittees that I have served on during this period of time is the District of Columbia Budget Subcommittee. As chairman of this subcommittee, I have attempted at all times to work with the members of the legislative committee on the District of Columbia.

In 1955, which was the first year that I served as a member of the Subcommittee on the District of Columbia Budget, the amount of the Federal payment was $20 million, and for fiscal year 1969 the amount of the Federal payment is $89,365,000. The total budget for the District of Columbia in the year 1955 was $171,936,114. In the fiscal year 1969 the total budget for the District of Columbia was $583,595,388 and this, added to the Federal grants to the District of Columbia of $186,857,674, make a total of $770,453,062 for the District of Columbia. No city in this country, comparable in size, has a larger budget.

For fiscal year 1970 the request is for $732,788,000. The Federal grants for fiscal year 1970 will total $133,226,000. This will make a total of $866,014,000.

The difference between the budget for fiscal year 1969 and the budget for fiscal year 1970 is $149,192,612. This is quite an increase and almost the size of the budget for fiscal year 1955.

The District of Columbia Committee has always all down through the years brought to this House the necessary authorization bills to keep our Capital City moving along.

The members of our Subcommittee on the District of Columbia Budget and the full Committee on Appropriations believe that there is a place for both a freeway system and a rapid rail transit system in our Capital City. We know that in order to meet the tremendous day-by-day growth of traffic, the highway program must be carried out along with the presently authorized rapid rail transit system.

The bill before the House today contains the following provision:

SEC. 903. No funds may be appropriated for any fiscal year under article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, secs. 47-2501a—47-2501b) until the President of the United States has reported to the Congress that (1) the District of Columbia government has begun work on each of the projects listed in section 23(b) of the Federal-Aid Highway Act of 1968, and has committed itself to complete such projects, or (2) the District of Columbia has not begun work on each of those projects or made or carried out that commitment solely because of a court injunction issued in response to a petition filed by a person other than the District of Columbia or any agency, department, or instrumentality of the United States.

Mr. Chairman, I will recommend to the House that all of the construction money authorized and requested of our Appropriations Committee for rapid rail transit be approved immediately, and that the rapid rail transit system go under construction when the President of the United States has reported to the Congress that the District of Columbia has begun work on each of the projects listed in section 23(b) of the Federal Aid Highway Act of 1968, and has committed itself to complete such projects.

If the President reports that work actually has begun and is continuing on each of these projects we will recommend that the $18,737,000 deleted from the supplemental appropriations bill together with the $21,586,000 in the regular appropriations bill for the District of Columbia for fiscal year 1970 be appropriated along with any other money authorized and approved for rapid rail transit construction. Our subcommittee will be called into session just as soon as this revenue legislation is enacted and we will have the official of the Washington Metropolitan Area Transit Authority before our committee. At this time we will complete our hearings on the District of Columbia budget for fiscal year 1970.

If the President does not report to Congress that work actually has begun and is continuing on the projects listed in section 23(b) of the Federal Aid Highway Act of 1968 and suits have been filed to stop the projects listed in section 23 (b), then just as soon as such litigation is succesfully concluded with all order, decrees and judgments complied with in full by District officials, we will recommend all construction money for rapid rail transit.

If no suits are filed and the District officials proceed immediately, along with the officials of the Federal Government who must approve any and all freeway projects, to place the projects underway beyond recall as provided under the

Highway Act of 1968, then, Mr. Chairman, we will recommend all of the money authorized and requested of our Appropriations Committee for rapid rail transit construction be appropriated immediately.

If we join hands and stop all unnecessary delays and procrastinations there is no reason why rapid rail transit money should not be included in the District of Columbia appropriations bill for fiscal year 1970. This is the goal that we should hope to achieve and I pledge that we will do everything within our power to see that it is accomplished.

Mr. Chairman, I have no right as chairman of the District of Columbia Budget Subcommittee to recommend to the full Committee on Appropriations or to the House, that the Federal-Aid Highway Act of 1968 be ignored or bypassed. I do not intend to make any recommendations which will repudiate the Public Works Committee or the law passed by Congress designated as the Federal Aid Highway Act of 1968. This is the law and it must be enforced.

If lawsuits are filed certainly Congress has the right to expect the Corporation Counsel's Office to immediately proceed to vigorously defend the District of Columbia and to see that any and all suits are brought to a final conclusion as speedily as possible. The type of suit filed and the urgency of the matter involved should mean a speedy decision by the court. Not months or years but a few weeks. Certainly not the procedure that we were confronted with in the year 1966 when we had a suit that dragged on until February 1968.

There is every reason to believe that President Nixon will continue his efforts to see that this impasse is solved and will instruct the Attorney General to assign able members of his staff to assist the Corporation Counsel's Office in successfully defending any and all litigation which may result from the action of the District officials.

Mr. Chairman, the Washington Metropolitan Area Transit Authority, under the chairmanship of Mr. Babson, and under the managership of Gen. Jackson Graham, has made every effort to be of assistance in bringing about a solution to the impasse between freeways and rapid transit. The Directors and all of the employees and members of the Authority certainly have been patient during the time that we have attempted to solve this problem. At no time, Mr. Chairman, has there been any evidence presented to us which indicates that the Washington Metropolitan Area Transit Authority has made any move to stop the freeway system. Unequivocally and at all times, the Authority has publicly stated that a balanced transportation system is necessary for our Capital City.

In 1958, after a 5-year study, the freeway program was set up for the District of Columbia. Beginning in that year we started appropriating money for this system and today we have in Federal and District funds over $200 million that is available and ready to use immediately.

In the year 1962 we started having trouble over the freeway system. Each year from 1962 and up to 1966 every effort was made to destroy the freeway system. In 1966 our subcommittee on the District of Columbia budget appeared before the full committee and later before the House and recommended that the rapid transit money be deleted because the freeway system had been stopped. We stated to the Members of the House that when the freeway system started and reached the point of no recall then we would return to the House and recommend the rapid transit money. After the bill passed the House and while it was before the other body, the National Capital Planning Commission on a 6-to-5 vote approved the freeway system.

The other body included the rapid rail transit money in their bill, and in conference our committee receded and approved the rapid rail transit money. We returned to the House with the conference report and asked for approval, which was granted. After approving the conference report and shortly after the District of Columbia appropriations bill was signed by the President, the National Capital Planning Commission was called back into session and by changing one vote the freeway system was brought to an abrupt halt. Our committee and Congress understood at that time that we had been misled and that deceit of the greatest magnitude had taken place. Shortly after the National Capital Planning Commission stopped the freeway system, a suit was filed and this, Mr. Chairman, was in the year 1966. A final decision was not obtained on this suit until February of 1968. The suit was not vigorously prosecuted, and every effort was made to kill the freeway program.

Our committee made every effort to start the freeway system during the fiscal years 1968 and 1969. Notwithstanding the fact that the cost was increasing daily on each of the freeway projects, those in charge refused to settle the impasse which had developed over freeways and rapid transit, thereby increasing the cost of all of the freeway projects. For instance, in 1961 when the East Leg of the freeway system was presented to our committee, it was explained that the cost would amount to $26,100,000. Today the estimated cost is $78 million. This gives you a good understanding of what this impasse has done in regard to the freeway system here in the District of Columbia.

The suit filed in 1966 was still before the Court in February of 1968, and in August of 1968 the Public Works Committee in the House decided that it was time to solve the impasse which had developed between freeways and rapid transit and in the Highway Act of 1968 we find the following:

> DISTRICT OF COLUMBIA
>
> SEC. 23. (a) Notwithstanding any other provision of law, or any court decision or administrative action to the contrary, the Secretary of Transportation and the government of the District of Columbia shall, in addition to those routes already under construction, construct all routes on the Interstate System within the District of Columbia as set forth in the document entitled "1968 estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia" submitted to Congress by the Secretary of Transportation with, and as a part of "The 1968 Interstate System Cost Estimate" printed as House Document Number 199, Ninetieth Congress. Such construction shall be undertaken as soon as possible after the date of enactment of this Act, except as otherwise provided in this section, and shall be carried out in accordance with all applicable provisions of title 23 of the United States Code.
>
> (b) Not later than 30 days after the date of enactment of this section the government of the District of Columbia shall commence work on the following projects:
>
> (1) Three Sisters Bridge, I–266 (section B1 to B2).
>
> (2) Potomac River Freeway, I–266 (Section B2 to B4).
>
> (3) Center Leg of the Inner Loop, I–95 (section A6 to C4), terminating at New York Avenue.
>
> (4) East Leg of the Inner Loop, I–295 (Section C1 to C4), terminating at Bladensburg Road.

This act was passed by the House and the Senate and it is the law today. This is Public Law 90–495. The District Building ignored this law and refused to comply with same.

President Nixon in his message on April 28, 1969, to the Congress on the District of Columbia stated in part as follows:

> Mass transit must be part of a balanced transportation network. A subway will not relieve local governments of the duty to modernize and improve their highway systems and other forms of transportation, so that all citizens have an adequate choice as to how they travel. Clearly, the impasse that has arisen between proponents of road and rail transportation in the Washington Metropolitan area has contributed little to the progress of either. There are, however, hopeful signs that a fair and effective settlement of these issues will be reached in the near future. It is in the interest of all those involved—central city dwellers, suburbanites, shoppers, employees, and visitors alike—that this be done.

Mr. Chairman, I agree with every word of that part of the President's message that I have just read.

In the supplemental appropriations bill for the fiscal year ending June 30, 1969, which was H.R. 11400, the sum of $18,737,000 was requested to start construction on the rapid transit system.

No action was taken by the Subcommittee on the District of Columbia on this request. The other body included this amount in the supplemental bill and in conference the Senate conferees receded. No money was included in the supplemental bill for construction of the rapid rail transit system. In the regular bill for Fiscal Year 1970 for the District of Columbia, we have the sum of $21,586,000 requested as the District's share for construction of the authorized rapid rail transit system.

The 25-mile rapid rail transit system, which is to cost $431 million, was approved by Congress in the year 1965. The Washington Metropolitan Area Transit Authority was authorized in the year 1966 to proceed to construct a rapid rail transit system in our Nation's Capital. The system now proposed contains 97 miles and will cost $2½ billion. There is now pending before the District of Columbia Committee legislation providing for Federal grants of $1,047,000,-

000 for a regional rapid transit system. In addition to the $1,047,000,000 in Federal grants, the $100 million authorized in Federal grants in 1965 will be added to the overall amount. This would mean, Mr. Chairman, that under the bill H.R. 11193 introduced on May 13, 1969, the Federal Government's share would be $1,147,044,000. The District of Columbia, under this legislation, is authorized to borrow from the Treasury the sum of $216,500,000 including the $50 million authorized for the District of Columbia's share in 1965. The suburban jurisdictions would pay about $357 million and the balance required to construct the 97-mile system of $835 million would be raised through revenue bonds issued by the Washington Metropolitan Area Transit Authority. Certainly this House would not approve over $1 billion in additional Federal grants unless the impasse that has existed for nearly 5 years is solved.

Mr. Chairman, again I want to commend the District of Columbia Committee for the position it has taken all down through the years concerning a balanced transportation system in our Capital City.

The gentleman from Virginia (Mr. Broyhill), the gentleman from Maryland (Mr. Gude), and the gentleman from Washington (Mr. Adams), are to be commended for their services in bringing about a balanced system of transportation in our city.

The gentleman from Virginia (Mr. Broyhill) started with us in 1958 and has had the nerve and fortitude to stand up and be counted all down through the years.

The gentleman from Maryland (Mr. Gude) understands the importance of having a balanced system for the people in Maryland as well as in the District of Columbia and certainly has been diligent and fair in all of his actions concerning a balanced system for our Capital City.

Under no circumstances do we intend to make any effort to stop the authorized rapid rail transit system from going under construction. We want this to take place immediately and we want full compliance with the 1968 Federal Highway Act immediately.

Mr. Chairman, we will solve the freeway-rapid rail transit impasse and when we do it will not be cited as a victory for any Member of Congress or for the Public Works Committee, but will be recorded in history as a victory for our Capital City.

Mr. FALLON. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I gladly yield to the gentleman from Maryland (Mr. Fallon).

Mr. FALLON. Mr. Chairman, I thank the gentleman, and I congratulate the gentleman on the study he has made, and the work that the gentleman has done in the case for a balanced transportation system, not only for the District of Columbia, but to help the State of Virginia and the State of Maryland, and the flow of traffic that comes through the corridor from north to south and from south to north.

However, Mr. Chairman, I would like to ask the gentleman one or two questions:

In the first place, in the statement made by the gentleman, did the gentleman include——

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. Fuqua, and by unanimous consent, Mr. Natcher was allowed to proceed for 5 additional minutes.)

Mr. FALLON. Mr. Chairman, would the gentleman yield further?

Mr. NATCHER. I yield further to the gentleman from Maryland.

Mr. FALLON. Mr. Chairman, as I started to say, did the gentleman from Kentucky include in his statement the continuation of the study under section 23(c) of the 1968 act.

Mr. NATCHER. The gentleman from Maryland is correct, Mr. Chairman. I called attention of the Members of the House to section 23(b). As the gentleman well knows, in his bill in 1968 we had sections 23(a), 23(b), and 23(c). Mr. Chairman, the gentleman is exactly correct that section 23(c) should be included in the statement that I have just made to the House.

Mr. FALLON. That is the study of the North Central Freeway?

Mr. NATCHER. That is correct.

Mr. FALLON. I thank the gentleman, and again congratulate the gentleman on his fine statement.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I now yield to the gentleman from Virginia (Mr. Broyhill).

Mr. BROYHILL of Virginia. Mr. Chairman, I should like to commend the gentleman from Kentucky on an excellent statement, and to express my appreciation to the gentleman again for his assistance in helping us to obtain a balanced transportation system here in the Washington metropolitan area.

Mr. Chairman, many of us have been very much concerned about the delay in commencing construction of this much-needed mass rail transit system, but we also realize that unless we have commencement of the other vitally needed facilities, if we do anything to cause delay in the construction of freeways, highways, and bridges, we could very well wind up by being penny wise and pound foolish, because it could mean more years of delay in acquiring these much-needed facilities.

Mr. Chairman, the gentleman made a very clear statement as to his position in this matter, but in order to make certain that we do thoroughly understand his position, I wonder if the gentleman would tell the House in what way his statement differs, if any, from the language in section 903 of the legislation before us, which makes reference to the fact that the Federal payment will be held up until the President of the United States has reported to the Congress that the District of Columbia government has begun the work on these various projects as outlined in the act of 1968.

As I understood the gentleman in his statement, he pretty much gave assurance to that effect. Now, is there any difference in the position of the gentleman and that expressed in the language of this bill?

Mr. NATCHER. Mr. Chairman, there is a difference.

Let me say to the gentleman from Virginia (Mr. Broyhill), that under section 903, the first portion of part No. 1, we find the following:

> The District of Columbia government has begun work on each of the projects listed in Section 23(b) of the Federal-Aid Highway Act of 1968, and has committed itself to complete such projects. That is Part No. 1.

Mr. Chairman, as I have just explained to the House, as Chairman of the Committee on the District of Columbia budget, I will recommend to our subcommittee and to the full committee, and then to the House, that all the construction money authorized and requested of the Committee on Appropriations for rapid rail transit be approved, and that rapid rail transit system go under construction when the President of the United States has reported to the Congress that the District of Columbia has begun work on each of the projects listed in section 23(b)—and as the distinguished gentleman from Maryland pointed out, section 23(c) of the Federal-Aid Highway Act of 1968, and has committed itself to complete such projects.

Part No. 2 of section 903, as the gentleman knows, provides as follows: the District of Columbia has not begun work on each of those projects, or made or carried out that commitment, solely because of a court injunction issued in response to a petition filed by a person other than the District of Columbia or any agency, department, or instrumentality of the United States.

Now, as to that portion of the question the gentleman will recall, I stated, there is a distinction. We can solve this problem and then we can move on.

As I stated, if the President does not report to the Congress that work has actually begun and is continuing on the projects listed in section 23(b) of the Federal Aid to Highway Act of 1968, and suits have been filed to stop projects listed in section 23(b), then just as soon as such litigation is successfully concluded with any and all orders, decrees and judgments complied with in full by the District officials, we will recommend all construction money for rapid rail transit. This is the distinction.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. Natcher) has expired.

(Mr. NATCHER, at the request of Mr. Broyhill of Virginia, was granted permission to proceed for 5 additional minutes.)

Mr. BROYHILL of Virginia. Mr. Chairman, this is a very important subject and I think it is necessary for the gentleman to have this time so that we may fully understand the situation.

Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to the gentleman.

Mr. BROYHILL of Virginia. Mr. Chairman, it is my understanding that the gentleman from Kentucky was very much concerned about releasing these funds for construction of the subway after approval was once given by the D.C. City Council, after which some effort was made through the back door to file a lawsuit that would hold it up, and thus the buck was passed on to the court.

Mr. NATCHER. The gentleman is exactly correct. You will remember what happened to us in 1966. We brought a bill before the House and we said to the House that we do not recommend the rapid transit money and, as soon as the freeway system starts, we will come back to this House and recommend it.

When the bill went to the other body and the National Capital Planning Commission was called back into session, they then approved of it and the other body inserted it in the bill. We came back with the conference report as the gentleman remembers and we recommended approval of rapid transit money and the conference report, after adoption of the conference report the National Capital Planning Commission was called back into session and one vote was changed. A suit followed and the impasse was on. We certainly do not want this to happen again. This suit dragged on from 1966 to February 1968.

Mr. BROYHILL of Virginia. That was not the intent of this amendment.

I see the gentleman from Washington on his feet, and I believe he was a cosponsor on this section of the bill; but this actually has reference to the control by the President of the United States and the position of the City Council.

The act of 1968 itself does provide for the construction of these projects, notwithstanding any other provision of the law or any court decision.

Mr. NATCHER. The gentleman is right as to the provision of the Highway Act of 1968.

Mr. BROYHILL of Virginia. Actually, as I understand that act and this language in the bill, there would be no requirement in existing law that would convey a right to anyone to demand a public hearing prior to the construction of these highway facilities.

So I think it is pretty much of a moot question. Yet, it would be somewhat unfair to adopt this language with reference to the President and the City Council in good faith, and then to have a harassment suit filed by someone representing a minority group, and perhaps have some court issue a temporary injunction until the matter was properly adjudicated and thus delay the appropriation and construction of a vitally needed transportation facility where an agreement has been worked out by people in responsible positions.

I would hope that the gentleman would not be too stringent insofar as forbidding some citizen from filing a suit, even though the language is in his favor.

Mr. NATCHER. I would like to say to the gentleman, certainly, I would not want to be in that position.

I agree with the gentleman from Virginia that so far as the Highway Act of 1968 is concerned, any question in court now should be a moot question and that is the reason I said not years—not months—but as a matter of a few weeks. The court should refuse to grant any injunction or any relief which would stop the freeway system from going underway. I hope we will not have any difficulty. But just as a matter of protection, if there is any change downtown, and I hope not—and when I say downtown I do not mean the White House—but if there is any change downtown, then as a matter of protection to the Congress and the law we passed in 1968, let us see that that law is complied with. I hope we will not have any trouble.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to the gentleman.

Mr. JONES of Alabama. I would like to say in answer to the inquiries made by the gentleman from Virginia about the continuation of the hearings and the justification of projects on the highway departments that they have already been concluded.

The dissent that has risen since the hearing is what the gentleman is discussing. Those matters have already been heard. They are presently before the Bureau of Public Roads, the highway department, with respect to the States involved in the highway system so consequently that is not a matter of importance to this discussion.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to my distinguished friend from the State of Washington.

Mr. ADAMS. I appreciate very much the remarks of the gentleman, but I want to be certain, as the gentleman from Virginia does, because we have all worked very hard on this. The city government, the President of the United States, the Department of Transportation—none of these people can control the actions of an independent group of citizens, and I want to state in this colloquy that I have been personally assured, and I think the gentleman from Kentucky has, and I know the gentleman from Virginia has, that the city government will fight these suits in good faith, and that the Department of Justice, as is required, will come in to do it also. But I am worried about the position we will take if the gentleman says that we in the Congress are going to wait on a court action to be determined because it will probably be filed——

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

(On request of Mr. ADAMS, and by unanimous consent, Mr. NATCHER was allowed to proceed for 5 additional minutes.)

Mr. ADAMS. Because we have passed the Highway Act, which I think we all agree is valid, so the city government cannot control the language that was in that act. Neither can they control the filing of a lawsuit.

Therefore, what I am pleading with the gentleman about is that we have done certain things. The city has now complied. The city government has now voted on it. I have had assurances, as the gentleman from Alabama has had, that this is on its way up the hierarchy, so it is going to be done. They are going to be authorized. But I would plead with the gentleman that if somebody files a suit—and I am not talking about any kind of friendly suit or phony suit by the city government—but if an independent group files it, and if the President says, as does these people, that all has been authorized, and that the only reason they have not started it is that a suit has been filed, that the genleman recommend a release of the money and we would rely on the courts and the statute that has been drawn by the Public Works Committee and the actions of this Congress to be upheld, and therefore we do not put the onus on the city to do something they cannot control.

Mr. NATCHER. Mr. ADAMS, as I have just explained to Mr. BROYHILL, we had the same experience in 1966. We waited patiently from the middle of 1966 until February of 1968. Why? Just because downtown in the District Building they did not intend to defend that suit as it should have been defended. They just dragged their feet during 1966 and into 1968.

Now, let me say this to the gentleman. I hope we do not have any trouble with any suit. I agree with the gentleman that the Highway Act of 1968 is the law. If a suit is filed at 3 o'clock this afternoon, it probably will be an injunctive relief suit. I do not think any court in the District of Columbia would grant an injunction. I think we are going to move. If a suit is filed and the Corporation Counsel sits on his hands and he says, "A suit is filed; we cannot move on with the freeway system"—we are sorry, Mr. ADAMS, to be very frank and in order that there will be no misunderstanding, I will never come into this House and ask that the Public Works Committee be repudiated and that we void the law of 1968. I do not intend to do it.

Mr. ADAMS. I agree with the gentleman——

Mr. NATCHER. If a suit is filed, I will join with the gentleman from Washington—and I see my good friend GLENN DAVIS sitting over there, the ranking minority member of the subcommittee on the District of Columbia budget and one of the able men in this House—I am going to ask my friend GLENN DAVIS to go with me to the White House to see the President and ask the President to have the Attorney General assign able lawyers to assist with any suit. I will recommend to our Subcommittee on the District of Columbia Budget that the budget for the fiscal year of 1970 be held up until the suit is determined and finally decided.

I will recommend to our Subcommittee on the District of Columbia Budget that the budget for fiscal year 1970 be held up until the suit is determined and finally decided. I will say to the gentleman from Washington (Mr. ADAMS) in order that there be understanding if a lawsuit is filed and probably urged on by one or two in the District Building, we are going to sit with them. I say that frankly.

Mr. ADAMS. Mr. Chairman, I would support the gentleman from Kentucky in his position. What I am asking is the other side of the coin. What if the law suit is filed and if the President of the United States assures us—I ask this so that we not be placed in the position of hanging on some judge—if the suit is legitimately fought and the President legitimately assures this Congress that it has been—all I am asking is at that point that the Congress say we will release these funds, because we will not wait on the judiciary to tell us how to legislate.

I would plead with the gentleman from Kentucky that he leave that position, so that if the President assures the gentleman—so that the second part of this act can take effect and we not automatically assume the situation of 1966 is going to be repeated, because I do not think it will be.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

(By unanimous consent, Mr. NATCHER was allowed to proceed for 2 additional minutes.)

Mr. NATCHER. Mr. Chairman, let me say this to my friend. If a suit is filed, I know the President of the United States will help us. I believe that with the assistance of my good friend sitting on my right, he will have the Attorney General cooperate with the Corporation Counsel's office, and we will move a suit along. I agree with the gentleman, it would be a moot question. The Highway Act of 1968 is the law, and I hope that no court would permit such a suit.

Until such a suit is moved along, I will not come to the House and ask that the Public Works Committee be repudiated and that we ignore the Highway Act of 1968. I am going to join the gentleman from Washington (Mr. ADAMS), and the gentleman from Virginia (Mr. BROYHILL), and all the others in moving any suit along, but we had our experience in 1966, and I say to the gentleman from Washington (Mr. ADAMS) let us not have it again. I will do everything I can to aid the gentleman from Washington (Mr. ADAMS) and all the members of his committee to see that we have a quick decision.

Mr. ADAMS. Can the gentleman from Kentucky accept our position earlier than a final decision on it? Can the gentleman accept a good faith position prior to some final order being ordered?

Mr. NATCHER. I will say this to the gentleman from Washington at this time in answer to his question. We will do all we can to help if any suit is filed but our experience of 1966 was enough. My original statement still stands, Mr. Chairman, as any or all suits and the position of our subcommittee.

We want to recommend the rapid transit money and we should all join hands and see that any suits are quickly decided.

Mr. Chairman, I will help the gentleman. I say that frankly.

Mr. McMILLAN. Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point. I intend to offer an amendment.

Mr. ADAMS. Mr. Chairman, a parliamentary inquiry. I did not hear whether or not the chairman had a substitute for the bill or whether this was on the bill itself, but I wanted to be certain that the Chair was aware we have a substitute we want to offer at the appropriate time.

The CHAIRMAN. The Chairman is aware there will be a substitute amendment offered. We have not reached that point yet. If the request is granted, it will merely open the bill to amendment.

Is there objection to the request of the gentleman from South Carolina?

Mr. BROYHILL of Virginia. Mr. Chairman, reserving the right to object, and I shall not object, a further parliamentary inquiry. Am I correct in my understanding that the bill is open to amendment at any point, or is the committee amendment pending?

The CHAIRMAN. If the request is granted, the bill will be open to amendment at any point.

Mr. BROYHILL of Virginia. The request is made in order for the committee amendment to be offered at this point?

The CHAIRMAN. The gentleman is correct.

Mr. BOGGS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BOGGS. It is my understanding that the gentleman from Washington (Mr. ADAMS) plans to offer a substitute for the bill under consideration. Is that correct?

The CHAIRMAN. The gentleman from Washington, the Chair understands, intends to offer a substitute amendment for the committee amendment which is printed in the bill.

Mr. BOGGS. Exactly. It is the present parliamentary situation that the committee is about to offer a substitute amendment?

The CHAIRMAN. First there must be consent to dispense with the reading of the bill. Then the Chair would hope that would ensue.

Mr. BOGGS. Very well. Let us proceed in that order.

Is there objection to the request of the gentleman from South Carolina.

There was no objection.

The bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Revenue Act of 1969".

TITLE I AMENDMENTS TO THE DISTRICT OF COLUMBIA SALES AND USE TAX ACTS

SEC. 101. Subsection (a) of section 114 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47 2601, par. 14(a)) is amended as follows:

(1) The first proviso in paragraph (6) of that subsection is amended to read as follows: *Provided, however,* That the gross proceeds from the rental of films, records, or any type of sound transcribing to theaters and radio and television broadcasting stations, other than for advertising purposes, shall not be considered a retail sale:".

(2) That subsection is amended by adding at the end thereof the following new paragraphs:

"(8) The sale of or charges for admission to theaters and public events, including, but not limited to, movies, operas, exhibitions, concerts, carnivals, circuses, athletic or other contests, games, boxing and wrestling matches, and shows or performances of any type or nature, except that any casual or isolated sale or charge for admission made by a semipublic institution not regularly engaged in making sales or charges for admissions shall not be considered a retail sale or sale at retail.

"(9) The sale of or charges for the service of repairing, altering, mending, or fitting tangible personal property, or applying or installing personal property as a repair or replacement part of other tangible personal property, whether or not such service is performed by means of coin operated equipment or by any other means, and whether or not any tangible personal property is transferred in conjunction with such service.

"(10) The sale of or charges for copying, photocopying, reproducing, duplicating, addressing, and mailing services and for public stenographic services.

"(11) The sale or charges made by any person for the service of preparing, providing, or supplying photographs, comic strips, special feature articles, feature articles, news items, or any other similar material intended for use in newspapers, magazines, periodicals, circulars, radio, television, or any other means of publication.

"(12) The sale of or charges for the service of preparing, supplying, or providing advertising, and the sale of or charges for the service of advertising by means of television, radio, periodicals, circulars, billboards, magazines, films, motion pictures, directories, shoppers guides, and newspapers, or by any other means."

SEC. 102. Subsection (b) of section 114 is amended—

(1) by striking out paragraph (1),

(2) by redesignating paragraph (2) as paragraph (1) and by striking out the period at the end of subparagraph (A) of that paragraph and inserting in lieu thereof ", except as otherwise provided in subsection (a) of this section.",

(3) by redesignating paragraph (3) as paragraph (2) and by striking out the period at the end of that paragraph and inserting in lieu thereof ", except as otherwise provided in subsection (a) of this section.", and

(4) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively,

SEC. 103. Subsection (b)(3) of section 116 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2601, par. 16(b)(3)) is amended to read as follows:

"(3) The amount separately charged for labor or services rendered in installing or applying the property sold, except as provided in section 114(a) of this title."

SEC. 104. Section 125 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2602) is amended to read as follows:

"SEC. 125. A tax is imposed upon all vendors for the privilege of selling at retail certain tangible personal property and for the privilege of selling certain selected services (defined as 'retail sale' and 'sale at retail' in this title). The rate of such tax shall be 4 per centum of the gross receipts from sales of such tangible personal property and services, except that—

"(1) the rate of tax shall be 2 per centum of the gross receipts from (A) sales of food for human consumption off the premises where such food is sold, (B) sales of or charges for admission to theaters and public events, (C) sales of or charges for the services described in paragraphs (9), (10), (11), and (12) of section 114(a) of this title, and (D) sales of medicines, pharmaceuticals, and drugs; and

"(2) the rate of tax shall be 5 per centum of the gross receipts from sales of or charges for any room or rooms, lodgings, or accommodations, furnished to transients by any hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients"

SEC. 105. Paragraph (b) of section 127 of District of Columbia Sales Tax Act (D.C. Code, sec. 47–2604(b)) is amended (1) by striking out "1 cent" each place it appears and inserting in lieu thereof in each such place "2 cents", and (2) by striking out "2 cents" and inserting in lieu thereof "4 cents".

Sec. 106. Paragraph (o) of section 128 of District of Columbia Sales Tax Act (D.C. Code, sec. 47-2605(o)) is amended by striking out "whether or not".

Sec. 107. (a) Subsection (a) of section 147 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47-2624 (a)) is amended to read as follows:

"Sec. 147. (a) Any person who fails to file a return, who files a false or incorrect return, or who fails to pay the tax to the District within the time required by this title shall be subject to a penalty of 5 per centum of the amount of tax due, if the failure is for not more than one month, with an additional 5 per centum for each additional month, or fraction thereof, during which such failure continues, not to exceed 25 per centum in the aggregate; plus interest at the rate of 1 per centum of such tax for each month, or fraction thereof, during which such failure continues, but the Commissioner may, if satisfied that the delay was excusable, waive all or any part of the penalty. Unpaid penalties and interest may be collected in the same manner as the tax imposed by this title. The penalty and interest provided for in this section shall be applicable to any tax determined as a deficiency."

(b) Subsection (b) of such section is amended by striking out "The certificate of the Collector or Assessor, as the case may be," and inserting in lieu thereof "The certificate of the Commissioner".

Sec. 108. Subsection (a) of section 201 of the District of Columbia Use Tax Act (D.C. Code, sec. 47-2701(a)) is amended as follows:

(1) The first proviso in paragraph (4) of that subsection is amended to read as follows: "*Provided, however,* That the gross proceeds from the rental of films, records, or any type of sound transcribing to theaters and radio and television broadcasting stations, other than for advertising purposes, shall not be considered a retail sale:".

(2) That subsection is amended by adding at the end thereof the following new paragraphs:

"(6) The sale of or charges for admission to theaters and public events, including but not limited to movies, operas, exhibitions, concerts, carnivals, circuses, athletic or other contests, games, boxing and wrestling matches, and shows or performances of any type or nature, except that any casual or isolated sale or charge for admission made by a semipublic institution not regularly engaged in making sales or charges for admissions shall not be considered a retail sale or sale at retail.

"(7) The sale of or charges for the service of repairing, altering, mending, or fitting tangible personal property, or applying or installing tangible personal property as a repair or replacement part of other tangible personal property, whether or not such service is performed by means of coin-operated equipment or by any other means, and whether or not any tangible personal property is transferred in conjunction with such service.

"(8) The sale of or charges for copying, photocopying, reproducing, duplicating, addressing, and mailing services and for public stenographic services.

"(9) The sale or charges made by any person for the service of preparing, providing, or supplying photographs, comic strips, special feature articles, feature articles, news items, or any other similar material intended for use in newspapers, magazines, periodicals, circulars, radio, television, or any other means of publication.

"(10) The sale of or charges for the service of preparing, supplying, or providing advertising and the sale or charges for the service or advertising by means of television, radio, periodicals, circulars, billboards, magazines, films, motion pictures, directories, shoppers guides, and newspapers, or by any other means."

Sec. 109. Subsection (b) of section 201 of the District of Columbia Use Tax Act (D.C. Code, sec. 47-2701(b)) is amended—

(1) by striking out paragraph (1),

(2) by redesignating paragraph (2) as paragraph (1) and by striking out the period at the end of that paragraph and inserting in lieu thereof ", except as otherwise provided in subsection (a) of this section.",

(3) by redesignating paragraph (3) as paragraph (2) and by striking out the period at the end of that paragraph and inserting in lieu thereon ", except as otherwise provided in subsection (a) of this section.", and

(4) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

Sec. 110. Section 212 of the District of Columbia Use Tax Act (D.C. Code, see sec. 47-2702) is amended by striking out the last sentence and inserting in lieu thereof the following: "The rate of tax imposed by this section shall be 4 per centum of the sales price of the tangible personal property or services rendered or sold except that—

"(1) the rate of tax shall be 2 per centum of the sales price of (A) sales of food for human consumption off the premises where such food is sold, (B) sales of admission to theaters and public events, (C) sales of the services described in paragraphs (7), (8), (9), and (10) of section 201(a) of this title, and (D) sales of medicines, pharmaceuticals, and drugs; and

"(2) the rate of tax shall be 5 per centum of the sales price of sales of any room or rooms, lodgings, or accommodations, furnished to transients by any hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients."

Sec. 111. The amendments made by this title shall take effect on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

TITLE II—MOTOR VEHICLE EXCISE TAX

Sec. 201. Subsection (j) of section 6 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40-604(j)) is amended by striking out "3 per centum" and inserting in lieu thereof "4 per centum".

Sec. 202. The amendment made by this title shall take effect on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

TITLE III—AMENDMENTS TO DISTRICT OF COLUMBIA CIGARETTE TAX ACT

Sec. 301. Subsection (a) of section 603 of the District of Columbia Cigarette Tax Act (D.C. Code, sec. 47-2802(a)) is amended by striking out "3 cents" and inserting in lieu thereof "4 cents".

Sec. 302. (a) Except as otherwise provided, the amendment made by section 301 shall apply with respect to cigarette tax stamps purchased on and after the effective date of this title which shall be the first day of the first month which begins on or after the thirtieth day after the date of the enactment of this Act.

(b) In the case of cigarette tax stamps which have been purchased prior to the effective date of this title and which on such date are held (affixed to a cigarette package or otherwise) by a wholesaler, retailer, or vending machine operator, licensed under the District of Columbia Cigarette Tax Act, such licensee shall pay to the Commissioner (in accordance with subsection (c)) an amount equal to the difference between the amount of tax represented by such tax stamps on the date of their purchase and the amount of tax which an equal number of cigarette tax stamps would represent if purchased on the effective date of this title.

(c) Within twenty days after the effective date of this title, each such licensee shall (1) file with the Commissioner a sworn statement (on a form to be prescribed by the Commissioner) showing the number of such cigarette tax stamps held by him as of the beginning of the day on which this title becomes effective or, if such day is a Sunday, as of the beginning of the following day, and (2) pay to the Commissioner the amount specified in subsection (b).

(d) Each such licensee shall keep and preserve for the period of twelve months immediately following the effective date of this title the inventories and other records made which form the basis for the information furnished to the Commissioner on the sworn statement required to be filed under this section.

(e) For purposes of this section, a tax stamp shall be considered as held by a wholesaler, retailer, or vending machine operator if title thereto has passed to such wholesaler, retailer, or operator (whether or not delivery to him has been made) and if title to such stamp has not at any time been transferred to any person other than such wholesaler, retailer, or operator.

(f) A violation of the provisions of subsection (b), (c), or (d) of this section shall be punishable as provided in section 611 of the District of Columbia Cigarettte Tax Act (D.C. Code, sec. 47-2810).

TITLE IV—FEES FOR MOTOR VEHICLE REGISTRATION AND INSPECTION AND FOR MOTOR VEHICLE OPERATORS' PERMITS

Sec. 401. Section 2 of title IV of the District of Columbia Revenue Act of 1937 (D.C. Code, sec. 40-102) is amended (1) by striking out "$1" and "50 cents" in paragraph (3) of subsection (b) and inserting in lieu thereof "$2" and "$1", respectively; (2) by striking out "$1" in paragraph (4) of subsection (b) and inserting in lieu thereof "$3"; (3) by striking out "ten days" in such paragraph (4) and inserting in lieu thereof "twenty days"; (4) by inserting immediately after "Commissioners" in such paragraph (4) the following: ", except that in the event such certificate and tags are necessary for use in complying with vehicle inspection regulations made pursuant to the authority contained in section 7 of the Act approved February 18, 1938 (D.C. Code, sec. 40-207) prior to completion of the registration of such vehicle or trailer, the fee shall be $2"; and (5) by striking out "$1" each place it appears in subsection (d) and inserting in lieu thereof in each such place "$2".

Sec. 402. Section 3 of title IV at such Act (D.C. Code, sec. 40-103) is amended (1) by inserting immediately before the period at the end of subsection (a) the following: ", and in the event the markings on any such tag are specially ordered by the person to whom the tag is to be issued and such markings are other than those in a regular series, a reservation fee of $25 and an annual fee of $10, in addition to all other fees which may be required, shall be charged for such specially ordered tag"; (2) by striking out "five hundred" in the paragraph designated "Class A" of subsection (b) each time it appears and inserting in lieu thereof in each such place "four hundred", and by striking out "$22" and "$32" and inserting in lieu thereof "$30" and "$50", respectively; (3) by striking out, in the paragraph designated "Class B" of subsection (b), "$40", "$44", "$52", "$60", "$68", "$74", "$84", "$96", "$122", "$142", "$172", and "$202", and inserting in lieu thereof "$53", "$59", "$69", "$80", "$91", "$99", "$112", "$128", "$163", "$191", "$229", and "$269", respectively; (4) by striking out, in the paragraph designated "Class C" of subsection (b), "$8", "$12", "$20", "$32", "$46", "$60", "$74", "$92", "$122", "$152", and "$182", and inserting in lieu thereof "$11", "$16", "$27", "$43", "$61",

"$80", "$99", "$123", "$163", "$203", and "243", respectively; and (5) by striking out in subsection (d) "sixty four" and "seventy-four" and inserting in lieu thereof "forty-two" and "forty-seven", respectively.

Sec. 403. The first section of the Act entitled "An Act to provide for the annual inspection of all motor vehicles in the District of Columbia", approved February 18, 1938 (D.C. Code, sec. 40–201), is amended by striking out "$1" and inserting in lieu thereof "$3".

Sec. 404. Section 6 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40–603) is amended by striking out "$5" in subsection (a) and inserting in lieu thereof "$10", and by striking out "$1" in subsection (d) and inserting in lieu thereof "$5".

Sec. 405. Subsection (a) of section 7 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40–301(a)) is amended (1) by striking out "$3" in paragraph (1) and inserting in lieu thereof "$12", and by striking out in such paragraph "three years" and inserting in lieu thereof "four years"; and (2) by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) In the event an operator's permit or a learner's permit issued under the authority of this section is lost or destroyed, or requires replacement for any reason other than through error or other act of the Commissioners not caused by the person to whom such permit was issued, such person may obtain a duplicate or replacement permit upon payment of a fee of $2."

Sec. 406. Section 3 of the Motor Vehicle Safety Responsibility Act of the District of Columbia (D.C. Code, sec. 40–419) is amended by inserting immediately before the period at the end of subsection (a) the following: ", including rules and regulations assessing reasonable fees to reimburse the District of Columbia for the cost of reinstating licenses and registrations suspended under the authority of this Act, such fees not to exceed the amount of $10 for the reinstatement of a license or registration, or both a license and registration".

Sec. 407. The amendments made by this title shall take effect on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

TITLE V—TAXES ON PERSONAL AND REAL PROPERTY

Sec. 501. (a) The first paragraph of the Act entitled "An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes", approved June 29, 2922 (D.C. Code, secs. 47–501, 47–502, 47–509) is amended—

(1) by striking out "and that in order that the District of Columbia may be annually" and all that follows in that paragraph down to and including "during the year for which the rate is fixed; and that the" and inserting in lieu thereof the following: "That there is levied for each fiscal year on real property subject to taxation by the District of Columbia a tax at the rate of 3.1 per centum on the assessed value of such property. There is levied for each fiscal year on tangible personal property subject to taxation by the District of Columbia a tax at the rate of 2.4 per centum on the assessed value of such property. The"; and

(2) by striking out ", in the discretion of the commissioners, either for the purpose of" and all that follows down through and including "and that after June 22, 1922, the agencies" and inserting in lieu thereof the following: "for the purpose of meeting the expenses chargeable to the District of Columbia. The agencies".

(b) Title XV of the District of Columbia Public Works Act of 1954 (D.C. Code, sec. 47–501a) is repealed.

Sec. 502. The amendments made by this title shall take effect July 1, 1969.

TITLE VI—GENERAL PROVISIONS

Sec. 601. No funds appropriated for the government of the District of Columbia and no grant or loan by any department or agency of the United States Government to the government of the District of Columbia may be used to establish the Neighborhood Services Centers Program or any similar program under which the District of Columbia decentralizes the provision of government services through the establishment of neighborhood centers.

Sec. 602. The office of Director of Public Safety in the Executive Office of the Commissioner of the District of Columbia (created by Organization Order Numbered 8, dated April 18, 1968) is abolished. No funds appropriated for the government of the District of Columbia and no grant or loan by any department or agency of the United States Government to the government of the District of Columbia may be used to establish any similar office in the government of the District of Columbia to carry out any of the functions delegated to the Director of Public Safety by such order.

Sec. 603. (a) (1) No person shall be appointed as a full-time civilian employee to a permanent position in any department or agency of the government of the District of Columbia during any month in which the number of such employees in such department or agency is greater than the number of such employees on June 30, 1969.

(2) The number of temporary and part time employees in any department or agency of the government of the District of Columbia during any month shall not be greater than the number of such employees in such department or agency during the month of June 1969.

(b) Effective July 1, 1969, the head of any department or agency of the government of the District of Columbia may appoint a number of persons as full time civilian employees in permanent positions in such department or agency equal to 75 per centum of the number of vacancies in such positions which have occurred on or after such date by reason of resignation, retirement, removal, or death.

(c) For purposes of this section, the term "department or agency" does not include the Metropolitan Police force, the Fire Department of the District of Columbia, or the Board of Education of the District of Columbia.

Sec. 604. Except as otherwise provided in this title nothing in this Act, or any amendments made by this Act, shall be construed so as to affect the authority vested in the Commissioner of the District of Columbia or the authority vested in the District of Columbia Council by Reorganization Plan Numbered 3 of 1967. The performance of any function vested by this Act in the Commissioner of the District of Columbia or in any office or agency under his jurisdiction and control, or in the District of Columbia Council, may be delegated by the Commissioner or by the council, as the case may be, in accordance with the provisions of such Plan.

Sec. 605. (a) The repeal or amendment by this Act shall not affect any other provision of law, or any act done or any right accrued or accruing under such law, or any suit or proceeding had or commenced in any civil cause before repeal or amendment of such law, but all rights and liabilities under such law shall continue, and may be enforced in the same manner and to the same extent, as if such repeal or amendment had not been made.

(b) All offenses committed, and all penalties incurred, under any provision of law hereby repealed or amended, may be prosecuted and punished in the same manner and with the same effect as if this Act had not been enacted.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: strike out all after the enacting clause and insert:

"That this Act may be cited as the 'District of Columbia Revenue Act of 1969'.

"TITLE I—AMENDMENTS TO THE DISTRICT OF COLUMBIA SALES AND USE TAX ACTS

"Sec. 101. Subsection (a) of section 114 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2601, par. 14(a)) is amended by adding at the end thereof the following new paragraphs:

" '(8) The sale of or charges for admission to public events, including movies, musical performances, exhibitions, circuses, sporting events, and other shows or performances of any type or nature, except that any casual or isolated sale of or charge for admission made by a semipublic institution not regularly engaged in making such sales or charges shall not be considered a retail sale or sale at retail.

" '(9) The sale of or charges for the service of repairing, altering, mending, or fitting tangible personal property, or applying or installing tangible personal property as a repair or replacement part of other tangible personal property, whether or not such service is performed by means of coin-operated equipment or by any other means, and whether or not any tangible personal property is transferred in conjunction with such service.

" '(10) The sale of or charges for copying, photocopying, reproducing, duplicating, addressing, and mailing services and for public stenographic services.

" '(11) The sale of or charges for the service of preparing, providing, or supplying photographs, comic strips, special feature articles, feature articles, news items, or any other similar material intended for use in newspapers, magazines, periodicals, circulars, radio, television, or any other means of publication.'

"Sec. 102. Subsection (b) of section 114 is amended—

"(1) by striking out paragraph (1),

"(2) by redesignating paragraph (2) as paragraph (1) and by inserting before the period at the end of subparagraph (A) of that paragraph a comma and the following: 'except as otherwise provided in subsection (a) of this section',

"(3) by redesignating paragraph (3) as paragraph (2) and by inserting before the period at the end of that paragraph a comma and the following: 'except as otherwise provided in subsection (a) of this section', and

"(4) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

"Sec. 103. Subsection (b) (3) of section 116 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2601, par. 16(b) (3)) is amended to read as follows:

" '(3) The amount separately charged for labor or services rendered in installing or applying the property sold, except as provided in section 114(a) of this title.'

"Sec. 104. Section 125 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2602) is amended to read as follows:

" 'Sec. 125. A tax is imposed upon all vendors for the privilege of selling at retail certain tangible personal property and for the privilege of selling certain selected services (defined as "retail sale" and "sale at retail" in this title). The rate of such tax shall be 4 per centum of the gross receipts from sales of or charges for such tangible property and services, except that—

" '(1) the rate of tax shall be 2 per centum of the gross receipts from (A) sales of food for human consumption off the premises where such food is sold, (B) sales of or charges for admission to public events, (C) sales of or charges for the services described in paragraphs (9), (10), and (11) of section 114(a) of this title, and (D) sales of medicines, pharmaceuticals, and drugs not made on prescriptions of duly licensed physicians, surgeons, or other general or special practitioners of the healing art;

" '(2) the rate of tax shall be 5 per centum of the gross receipts from sales of or charges for any room or rooms, lodging, or accommodations, furnished to transients by any hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodging, or accommodations are regularly furnished to transients; and

" '(3) the rate of tax shall be 5 per centum of the gross receipts from sales of (A) spiritous or malt liquors, beer, and wines, and (B) food for human consumption other than off the premises where such food is sold.'

"Sec. 105. Paragraph (b) of section 127 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47-2604(b)) is amended to read as follows:

" '(b) On each sale of food for human consumption off the premises where such food is sold where the sales price is from 13 cents to 62 cents, both inclusive, 1 cent; on each such sale where the sales price is from 63 cents to $1.12, both inclusive, 2 cents; and on each 50 cents of the sales price or fraction thereof of such sale in excess of $1.12, 1 cent.'

"Sec. 106. Paragraph (o) of section 128 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47-2605(o)) is amended by striking out 'whether or not'.

"Sec. 107. (a) Subsection (a) of section 147 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47-2624 (a)) is amended to read as follows:

" 'Sec. 147. (a) Any person who fails to file a return, who files a false or incorrect return, or who fails to pay the tax to the District within the time required by this title shall be subject to a penalty of 5 per centum of the amount of tax due if the failure is for not more than one month, with an additional 5 per centum for each additional month or fraction thereof during which such failure continues, not to exceed 25 per centum in the aggregate; plus interest at the rate of 1 per centum of such tax for each month or fraction thereof during which such failure continues; but the Commissioner may, if he is satisfied that the delay was excusable, waive all or any part of the penalty. Unpaid penalties and interest may be collected in the same manner as the tax imposed by this title. The penalty and interest provided for in this section shall be applicable to any tax determined as a deficiency.'

"(b) Subsection (b) of such section is amended by striking out 'The certificate of the Collector or Assessor, as the case may be,' and inserting in lieu thereof 'The certificate of the Commissioner'.

"Sec. 108. Subsection (a) of section 201 of the District of Columbia Use Tax Act (D.C. Code, sec. 47-2701(a)) is amended by adding at the end thereof the following new paragraphs:

" '(6) The sale of or charges for admission to public events, including movies, musical performances, exhibitions, circuses, sporting events, and other shows or performances of any type or nature, except that any casual or isolated sale of or charge for admission made by a semipublic institution not regularly engaged in making such sales or charges shall not be considered a retail sale or sale at retail.

" '(7) The sale of or charges for the service of repairing, altering, mending, or fitting tangible personal property, or applying or installing tangible personal property as a repair or replacement part of such tangible personal property, whether or not such service is performed by means of coin-operated equipment or by any other means, and whether or not any tangible personal property is transferred in conjunction with such service.

" '(8) The sale of or charges for copying, photocopying, reproducing, duplicating, addressing, and mailing services and for public stenographic services.

" '(9) The sale of or charges for the service of preparing, providing, or supplying photographs, comic strips, special feature articles, feature articles, news items, or any other similar material intended for use in newspapers, magazines, periodicals, circulars, radio, television, or any other means of publication.'

"Sec. 109. Subsection (b) of section 201 of the District of Columbia Use Tax Act (D.C. Code, sec. 47-2701(b)) is amended—

"(1) by striking out paragraph (1),

"(2) by redesignating paragraph (2) as paragraph (1) and by inserting before the period at the end of that paragraph a comma and the following: 'except as otherwise provided in subsection (a) of this section',

"(3) by redesignating paragraph (3) as paragraph (2) and by inserting before the period at the end of that paragraph a comma and the following: 'except as otherwise provided in subsection (a) of this section', and

"(4) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

"Sec. 110. Section 212 of the District of Columbia Use Tax Act (D.C. Code, sec. 47-2702) is amended by striking out the last sentence and inserting in lieu thereof the following: 'The rate of tax imposed by this section shall be 4 per centum of the sales price of such tangible personal property or service, except that—

" '(1) the rate of tax shall be 2 per centum of the sales price of (A) sales of food for human consumption off the premises where such food is sold, (B) sales of admission to public events, (C) sales of the services described in paragraphs (7), (8), and (9) of section 201(a) of this title, and (D) sales of medicines, pharmaceuticals, and drugs not made on prescriptions of duly licensed physicians, surgeons, or other general or special practitioners of the healing art;

" '(2) the rate of tax shall be 5 per centum of the sales price of sales of any room or rooms, lodging, or accommodations, furnished to transients by any hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodging, or accommodations are regularly furnished to transients; and

" '(3) the rate of tax shall be 5 per centum of the sales price of sales of (A) spiritous or malt liquors, beer, and wines, and (B) food for human consumption other than off the premises where such food is sold.'

"Sec. 111. The amendments made by this title shall take effect on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

"TITLE II—MOTOR VEHICLE EXCISE TAX

"Sec. 201. Subsection (j) of section 6 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40-603(j)), is amended by striking out '3 per centum' and inserting in lieu thereof '4 per centum.'

"Sec. 202. The amendment made by this title shall take effect on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

"TITLE III—AMENDMENTS TO DISTRICT OF COLUMBIA CIGARETTE TAX ACT

"Sec. 301. Subsection (a) of section 603 of the District of Columbia Cigarette Tax Act (D.C. Code, sec 47-2802 (a)) is amended by striking out '3 cents' and inserting in lieu thereof '4 cents'.

"Sec. 302. (a) Except as otherwise provided, the amendment made by section 301 shall apply with respect to cigarette tax stamps purchased on or after the effective date of this title, which shall be the first day of the first month which begins on or after the thirtieth day after the date of the enactment of this Act.

"(b) In the case of cigarette tax stamps which have been purchased prior to the effective date of this title and which on such date are held (affixed to a cigarette package or otherwise) by a wholesaler, retailer, or vending machine operator, licensed under the District of Columbia Cigarette Tax Act, such licensee shall pay to the Commissioner (in accordance with subsection (c)) an amount equal to the difference between the amount of tax represented by such tax stamps on the date of their purchase and the amount of tax which an equal number of cigarette tax stamps would represent if purchased on the effective date of this title.

"(c) Within twenty days after the effective date of this title, each such licensee (1) shall file with the Commissioner a sworn statement (on a form to be prescribed by the Commissioner) showing the number of such cigarette tax stamps held by him as of the beginning of the day on which this title becomes effective or, if such day is a Sunday, as of the beginning of the following day, and (2) shall pay to the Commissioner the amount specified in subsection (b).

"(d) Each such licensee shall keep and preserve for the twelve-month period immediately following the effective date of this title the inventories and other records made which form the basis for the information furnished to the Commissioner on the sworn statement required to be filed under this section.

"(e) For purposes of this section, a tax stamp shall be considered as held by a wholesaler, retailer, or vending machine operator if title thereto has passed to such wholesaler, retailer, or operator (whether or not delivery to him has been made) and if title to such stamp has not at any time been transferred to any person other than such wholesaler, retailer, or operator.

"(f) A violation of the provisions of subsection (b), (c), or (d) of this section shall be punishable as provided in section 611 of the District of Columbia Cigarette Tax Act (D.C. Code, sec. 47-2810).

"TITLE IV—FEES FOR MOTOR VEHICLE REGISTRATION AND INSPECTION AND FOR MOTOR VEHICLE OPERATORS' PERMITS

"Sec. 401. Section 2 of title IV of the District of Columbia Revenue Act of 1937 (D.C. Code, sec. 40-102) is amended—

"(1) by striking out '$1' and '50 cents' in paragraph (3) of subsection (b) (relating to fees for duplicate registration certificates and identification tags) and inserting in lieu thereof '$2' and '$1', respectively;

"(2) by striking out '$1' in paragraph (4) of subsection (b) (relating to fees for special use certificates and identification tags) and inserting in lieu thereof '$3';

"(3) by striking out 'ten days' in such paragraph (4) and inserting in lieu thereof 'twenty days';

"(4) by inserting immediately after 'Commissioners' in such paragraph (4) the following: ', except that in the event such certificate and tags are necessary for use in complying with vehicle inspection regulations made pursuant to the authority contained in section 7 of the Act approved February 18, 1938 (D.C. Code, sec. 40-207), prior to completion of the registration of such vehicle or trailer, the fee shall be $2'; and

"(5) by striking out '$1' each place it appears in subsection (d) (relating to fee for transfer of registration) and inserting in lieu thereof in each such place '$2'.

"Sec. 402. Section 3 of title IV of such Act (D.C. Code, sec. 40-103) is amended—

"(1) by inserting immediately before the period at the end of subsection (a) (relating to registration fees) the following: ', and in the event of markings on any such tag are specially ordered by the person to whom the tag is to be issued and such markings are other than those in a regular series, a reservation fee of $25 and an annual fee of $10, in addition to all other fees which may be required, shall be charged for such specially ordered tag';

"(2) by striking out 'three thousand five hundred' in the paragraph designated 'Class A' of subsection (b) (relating to registration fees for passenger motor vehicles) each place it appears and inserting in lieu thereof in each such place 'three thousand four hundred', and by striking out '$22' and '$32' and inserting in lieu thereof '$30' and '$50', respectively;

"(3) by striking out, in the paragraph designated 'Class B' of subsection (b) (relating to registration fees for trucks, tractors, and certain commercial automobiles), '$40', '$44', '$52,' '$60', '$68', '$74', '$96', '$122', '$142', '$172', and '$202', and inserting in lieu thereof '$53', '$59', '$69', '$80', '$91', '$99', '$112', '$128', '$163', '$191', '$229', and '$269', respectively;

"(4) by striking out, in the paragraph designated 'Class C' of subsection (b) (relating to registration fees for trailers), '$8', '$12', '$20', '$32', '$46', '$60', '$74', '$92', '$122', '$152', and '$182', and inserting in lieu thereof '$11', '$16', '$27', '$43', '$61', '$80', '$99', '$123', '$163', '$203', and $'243', respectively; and

"(5) by striking out in subsection (d) (relating to division of registration fees between Highway Fund and General Fund) 'sixty-four' and 'seventy-four' and inserting in lieu thereof 'forty-two' and 'forty-seven', respectively.

"Sec. 403. The first section of the Act entitled 'An Act to provide for the annual inspection of all motor vehicles in the District of Columbia', approved February 18, 1938 (D.C. Code, sec. 40–201), is amended by striking out '$1', and inserting in lieu thereof '$3'.

"Sec. 404. Section 6 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40–603), is amended (1) by striking out '$5' in subsection (a) (relating to fee for restoration of suspended or revoked permits and privileges) and inserting in lieu thereof '$10', and (2) by striking out '$1' in subsection (4) (relating to fees for titling and retitling) and inserting in lieu thereof '$5'.

"Sec. 405. Subsection (a) of section 7 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40–301(a)), is amended (1) by striking out '$3' in paragraph (1) (relating to fee for operator's permit) and inserting in lieu thereof '$12', and by striking out in such paragraph 'three years' and inserting in lieu thereof 'four years'; and (2) by striking out paragraph (4) and inserting in lieu thereof the following:

"'(4) In the event an operator's permit or a learner's permit issued under the authority of this section is lost or destroyed, or requires replacement for any reason other than through error or other act of the Commissioners not caused by the person to whom such permit was issued, such person may obtain a duplicate or replacement permit upon payment of a fee of $2'.

"Sec. 406. Section 3 of the Motor Vehicle Safety Responsibility Act of the District of Columbia (D.C. Code, sec. 40–419) is amended by inserting immediately before the period at the end of subsection (a) the following: ', including rules and regulations assessing reasonable fees to reimburse the District of Columbia for the cost of reinstating licenses and registrations suspended under the authority of this Act, such fees not to exceed the amount of $10 for the reinstatement of a license or registration, or both a license and registration'.

"Sec. 407. The amendments made by this title shall take effect on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

"TITLE V—AMENDMENTS TO THE DISTRICT OF COLUMBIA ALCOHOLIC BEVERAGE CONTROL ACT

"Sec. 501. (a) Clauses (4) and (5) of section 23(a) of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25–124(a)) are each amended by striking out '$1.75' and inserting in lieu thereof '$2.00'.

"(b) Section 40(a) of such Act (D.C. Code, sec. 25–138(a)) is amended by striking out '$2.00' and inserting in lieu thereof '$2.25'.

"Sec. 502. (a) Except as otherwise provided in this title, the amendments made by section 501 shall apply with respect to—

"(1) alcohol and spirits imported or brought into the District of Columbia or manufactured, and

"(2) beer sold or purchased for resale,

on and after the effective date of this title, which shall be the first day of the first month which begins on or after the thirtieth day after the date of the enactment of this Act.

"(b) In the case of alcohol, spirits, and beer which have been purchased prior to the effective date of this title and which on such date are held by a holder of a retailer's license, issued under the District of Columbia Alcoholic Beverage Control Act, such licensee shall pay to the Commissioner (in accordance with subsection (c)) an amount equal to the difference between the amount of tax imposed by such Act immediately prior to the effective date of this title on the amount of alcohol, spirits, and beer so held by him, and the amount of tax which would be imposed by the District of Columbia Alcoholic Beverage Control Act on such effective date on an equivalent amount of alcohol, spirits, and beer.

"(c) Within twenty days after the effective date of this title, each such license (1) shall file with the Commissioner a sworn statement (on a form to be prescribed by the Commissioner) showing the quantity of alcohol, spirits, and beer held by him as of the beginning of the day on which this title becomes effective or, if such day is a Sunday, as of the beginning of the following day, and (2) shall pay to the Commissioner the amount specified in subsection (b).

"(d) Each such licensee shall keep and preserve for the twelve-month period immediately following the effective date of this title the inventories and other records made which form the basis for the information furnished to the Commissioner on the sworn statement required to be filed under this section.

(e) For purposes of this section, alcohol, spirits, and beer shall be considered as held by a holder of a retailer's license if title thereto has passed to such holder (whether or not delivery to him has been made) and if title has not at any time been transferred to any person other than such holder.

"(f) A violation of the provisions of subsection (b), (c), or (d) of this section shall be punishable as provided in section 33 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25–132).

"TITLE VI—TAXES ON PERSONAL AND REAL PROPERTY

"Sec. 601. (a) The first paragraph of the Act entitled 'An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes', approved June 29, 1922 (D.C. Code, secs. 47–501, 47–502, 47–503) is amended—

"(1) by striking out 'and that in order that the District of Columbia may be annually' and all that follows in that paragraph down to and including 'to the credit of the District for the purposes herein set out' and inserting in lieu thereof the following: 'That there is levied for each fiscal year on real property subject to taxation by the District of Columbia a tax at the rate of 3.1 per centum on the assessed value of such property. There is levied for each fiscal year on tangible personal property subject to taxation by the District of Columbia a tax at the rate of 2.4 per centum on the assessed value of such property. The Commissioner of the District shall cause all such taxes to be promptly collected and, when collected, to be daily deposited in the Treasury to the credit of the District of Columbia'; and

"(2) by striking out ', in the discretion of the commissioners, either for the purpose of' and all that follows down through and including 'and that after June 22, 1922, the agencies' and inserting in lieu thereof the following: 'for the purpose of meeting the expenses chargeable to the District of Columbia. The agencies'.

"(b) Title XV of the District of Columbia Public Works Act of 1954 (D.C. Code sec. 47–501a) is repealed.

"Sec. 602. The amendments made by this title shall take effect July 1, 1969.

"TITLE VII—AMENDMENTS TO THE DISTRICT OF COLUMBIA INCOME AND FRANCHISE TAX ACT OF 1947

"Sec. 701. (a) Title XII of article I of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, secs. 47–1586—47–1586n) is amended (1) by redesignating sections 14 and 15 as sections 15 and 16, respectively, and (2) by inserting after section 13 the following new section:

"'Sec. 14. Declarations of Estimated Income Tax by Corporations and Unincorporated Businesses.—(a) Declaration of Estimated Tax.—Every corporation and unincorporated business required to make and file an income tax return under this article shall make and file a declaration of estimated tax at such time or times and under such conditions, and shall make payments of such tax during its taxable year in such amounts and under such conditions, as the District of Columbia Council shall by regulation prescribe. In the case of taxable years beginning in 1970 and in 1971, such regulations may not require payment before the last day on which a return for a taxable year is required to be filed under section 3(a) of title V of this article of an aggregate amount of estimated tax for such year in excess of—

"'(1) one-third of the estimated tax in the case of a taxable year beginning in 1970, and

"'(2) two-thirds of the estimated tax, in the case of a taxable year beginning in 1971.

"'(b) Failure by Corporation or Unincorporated Business To Pay Estimated Income Tax.—(1) Addition to the Tax.—In case of any underpayment of estimated tax by a corporation or an unincorporated business, there shall be added to the tax for the taxable year an amount determined at the rate of 6 per centum per annum upon the amount of the underpayment (determined under paragraph (2) for the the period of the underpayment (determined under paragraph (3))).

"'(2) Amount of Underpayment.—For purposes of paragraph (1), the amount of the underpayment shall be the excess of—

"'(A) the amount of the installment which would be required to be paid if the estimated tax were equal to 80 per centum of the tax shown on the return for the taxable year or, if no return was filed, 80 per centum of the tax for such year, over

"'(B) the amount, if any, of the installment paid on or before the last date prescribed for payment.

"'(3) Period of Underpayment.—The period of the underpayment shall run from the date the installment was required to be paid to whichever of the following dates is the earlier—

"'(A) the 15th day of the fourth month following the close of the taxable year; or

"'(B) with respect to any portion of the underpayment, the date on which such portion is paid.

For purposes of this paragraph, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under paragraph (2)(A) for such installment date.

"'(c) Overpayment; Credit of Tax.—Overpayment resulting from the payment of estimated tax for a taxable year in excess of the amount determined to be due upon the filing of an income tax return for such taxable year may be credited against the amount of estimated tax determined to be due on any declaration filed for the next succeeding taxable year or for any deficiency or nonpayment of tax for any previous taxable year. No refund shall be made of any estimated tax paid unless a complete return is filed.'

"(b) That part of the table of contents of such article relating to title XII is amended—

"(1) by inserting after the item relating to section 13 the following:

"'Sec. 14. Declarations of estimated income tax by corporations and unincorporated businesses.

"'(a) Declaration of estimated tax.

"'(b) Failure by corporation or unincorporated business to pay estimated income tax.

"'(1) Addition to the tax.

"'(2) Amount of underpayment.

"'(3) Period of underpayment.

"'(c) Overpayment; credit of tax.';

"(2) by striking out 'Sec. 14' and inserting in lieu thereof 'Sec. 15'; and

"(3) by striking out 'Sec. 15' and inserting in lieu thereof 'Sec. 16'.

"Sec. 702. The amendments made by this title shall apply with respect to taxable years beginning after December 31, 1969.

"TITLE VIII—FEDERAL PAYMENT AUTHORIZATION

"Sec. 801. Section 1 of article VI of the District of Columbia Revenue Act of 1947 is amended (1) by striking out 'June 30, 1969' and inserting in lieu thereof 'June 30, 1970,' and (2) by striking out 'the sum of $90,000,000' and inserting in lieu thereof 'not to exceed $105,000,000'.

"TITLE IX—GENERAL PROVISIONS

"Sec. 901. The office of Director of Public Safety in the Executive Office of the Commissioner of the District of Columbia (created by Organization Order Numbered 8, dated April 18, 1968) is abolished. No funds appropriated for the government of the District of Columbia and no grant or loan by any department or agency of the United States Government to the government of the District of Columbia may be used to establish any similar office in the government of the District of Columbia to carry out any of the functions delegated to the Director of Public Safety by such order.

"Sec. 902. (a)(1) No person shall be appointed as a full-time civilian employee to a permanent position in any department or agency of the government of the District of Columbia during any month in which the number of such employees in such department or agency is greater than the number of such employees on June 30, 1969.

"(2) The number of temporary and part-time employees in any department or agency of the government of the District of Columbia during any month shall not be greater than the number of such employees in such department or agency during the month of June 1969.

"(b) Effective July 1, 1969, the head of any department or agency of the government of the District of Columbia may appoint a number of persons as full-time civilian employees in permanent positions in such department or agency equal to 75 per centum of the number of vacancies in such positions which have occurred on or after such date by reason of resignation, retirement, removal, or death.

"(c) For purposes of this section, the term 'department or agency' does not include the Metropolitan Police force, the Fire Department of the District of Columbia, or the Board of Education of the District of Columbia.

"Sec. 903. No funds may be appropriated for any fiscal year under article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, secs. 47–2501a—47–2501b) until the President of the United States has reported to the Congress that (1) the District of Columbia government has begun work on each of the projects listed in section 23(b) of the Federal-Aid Highway Act of 1968 and has committed itself to complete those projects, or (2) the District of Columbia government has not begun work on each of those projects, or made or carried out that commitment, solely because of a court injunction issued in response to a petition filed by a person other than the District of Columbia or any agency, department, or instrumentality of the United States.

"Sec. 904. Except as otherwise provided in this title, nothing in this Act, or any amendments made by this Act, shall be construed to affect the authority vested in the Commissioner of the District of Columbia or the authority vested in the District of Columbia Council by Reorganization Plan Numbered 3 of 1967. The performance of any function vested by this Act in the Commissioner of the District of Columbia or in any office or agency under his jurisdiction and control, or in the District of Columbia Council, may be delegated by the Commissioner or by the Council, as the case may be, in accordance with the provisions of such Plan.

Sec. 905. (a) The repeal or amendment by this Act of any provision of law shall not affect any other provision of law, or any act done or any right accrued or accruing under such repealed or amended law, or any suit or proceeding had or commenced in any civil cause before repeal or amendment of such law; but all rights and liabilities under such repealed or amended law shall continue, and may be enforced in the same manner and to the same extent, as if such repeal or amendment had not been made.

"(b) All offenses committed, and all penalties incurred, under any provision of law repealed or amended by this Act, may be prosecuted and punished in the same manner and with the same effect as if this Act had not been enacted."

Mr. McMILLAN (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. ADAMS. Mr. Chairman, is my understanding correct that the chairman did offer the committee amendment as a substitute?

The CHAIRMAN. The committee substitute amendment is now pending.

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. M'MILLAN

Mr. McMILLAN. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment to the Committee Amendment offered by Mr. McMillan: Page 43, line 10, strike out "or", and at the end of line 11 on that page strike out the period and insert in lieu thereof a comma and the following: "the District of Columbia Court of Appeals, or the District of Columbia Court of General Sessions (including its Domestic Relations Branch and Small Claims and Conciliation Branch)."

Mr. McMILLAN. Mr. Chairman, I hope the committee will accept this amendment. The committee was not aware that the courts were not included in the original amendment.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. I yield to the gentleman from Minnesota.

Mr. FRASER. I did not catch what the amendment would do to the committee amendment.

Mr. McMILLAN. It would exempt the court employees.

Mr. FRASER. This is an effort to exempt the employees in the court system from the personnel freeze?

Mr. McMILLAN. That is correct.

Mr. FRASER. If the gentleman will yield further, I do not remember that the committee made a decision to exempt the court personnel from the personnel freeze, so I assume this is being offered by the chairman on his own behalf?

Mr. McMILLAN. That is correct.

Mr. FRASER. Does the gentleman also propose to exempt some of the other agencies, such as the Federal City College and the Technical Institute?

Mr. McMILLAN. No. All I expect to exempt are under this amendment.

Mr. FRASER. So that there will remain the freeze on the Federal City College and on the Technical Institute and on the Correction System?

Mr. McMILLAN. The courts are all that are included in this amendment. The police are already exempted.

Mr. FRASER. I thank the gentleman. I will only say, if the gentleman will yield further, the fact that he is carrying out a further exception I believe is a good indication of the damage being done by this indiscriminate personnel freeze, because there are many other agencies which are caught by this freeze and ought also to be exempted if there is to be a reasonable provision in any respect. I certainly will not object to trying to make the amendment better.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. I yield to the gentleman from Maryland.

Mr. GUDE. I should like to ask the gentleman: Will this amendment cover the employees in the Drug Addiction Treatment Center here in the District? This is closely tied to the crime problem, and the city is trying to cope with the problem. If we are to succeed in the crime field we must have adequate personnel to deal with the drug addicts and to rehabilitate them.

Would you release the freeze on them?

Mr. McMILLAN. I presume they would be under the Police Department.

Mr. GUDE. No. I believe these employees are not under the Police Department but are under the Department of Health of the city. These are people in the drug addict centers.

Mr. McMILLAN. I understand they have a level of employment that would take care of this situation.

Mr. GUDE. But they would still have a ceiling on the number of employees they can have. Is that correct?

Mr. McMILLAN. That is correct.

Mr. GUDE. In other words, we could

not get additional employees for this important part of the crime picture.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina to the committee amendment.

The amendment to the committee amendment was agreed to.

Mr. ADAMS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ADAMS. Is the substitute which was passed by the committee, for the entire bill, presently pending before the House?

The CHAIRMAN. The substitute amendment is presently pending before the House, and that substitute has been subsequently amended by the gentleman from South Carolina in one area.

The Chair now recognizes the gentleman from Washington.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ADAMS FOR THE COMMITTEE AMENDMENT

Mr. ADAMS. Mr. Chairman, I offer an amendment in the nature of a substitute for the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. Adams as a substitute for the committee amendment:

In lieu of the matter proposed to be inserted by the committee amendment insert the following:

"That this Act may be cited as the 'District of Columbia Revenue Act of 1969.'

"TITLE I—AMENDMENTS TO THE DISTRICT OF COLUMBIA SALES AND USE TAX ACTS

"Sec. 101. Subsection (a) of section 114 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2601, par. 14(a)) is amended by adding at the end thereof the following new paragraphs:

" '(8) The sale of or charges for admission to public events, including movies, musical performances, exhibitions, circuses, sporting events, and other shows or performances of any type or nature, except that any casual or isolated sale of or charge for admission made by a semipublic institution not regularly engaged in making such sales or charges shall not be considered a retail sale or sale at retail.

" '(9) The sale of or charges for the service of repairing, altering, mending, or fitting tangible personal property, or applying or installing tangible personal property as a repair or replacement part of other tangible personal property, whether or not such service is performed by means of coin-operated equipment or by any other means, and whether or not any tangible personal propety is transferred in conjunction with such service.

" '(10) The sale of or charges for copying, photocopying, reproducing, duplicating, addressing, and mailing services and for public stenographic services.

" '(11) The sale of or charges for the service of preparing, providing, or supplying photographs, comic strips, special feature articles, feature articles, news items, or any other similar material intended for use in newspapers, magazines, periodicals, circulars, radio, television, or any other means of publication.'

"Sec. 102. Subsection (b) of section 114 is amended—

"(1) by striking out paragraph (1),

"(2) by redesignating paragraph (2) as paragraph (1) and by inserting before the period at the end of subparagraph (A) of that paragraph a comma and the following: 'except as otherwise provided in subsection (a) of this section',

"(3) by redesignating paragraph (3) as paragraph (2) and by inserting before the period at the end of that paragraph a comma and the following: 'except as otherwise provided in subsection (a) of this section', and

"(4) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

"Sec. 103. Subsection (b) (3) of section 116 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2601, par. 16(b) (3)) is amended to read as follows:

" '(3) The amount separately charged for labor or services rendered in installing or applying the property sold, except as provided in section 114(a) of this title.'

"Sec. 104. Section 125 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2602) is amended to read as follows:

" 'Sec. 105. A tax is imposed upon all vendors for the privilege of selling at retail certain tangible personal property and for the privilege of selling certain selected services (defined as "retail sale" and "sale at retail" in this title. The rate of such tax shall be 4 per centum of the gross receipts from sales of or charges for such tangible personal property and services, except that—

" '(1) the rate of tax shall be 2 per centum of the gross receipts from (A) sales of food for human consumption off the premises where such food is sold, (B) sales of or charges for admission to public events, (C) sales of or charges for the services described in paragraphs (9), (10), and (11) of section 114(a) of this title, and (D) sales of medicines, pharmaceuticals, and drugs not made on prescriptions of duly licensed physicians, surgeons, or other general or special practitioners of the healing art;

" '(2) the rate of tax shall be 5 per centum of the gross receipts from sales of or charges for any room or rooms, lodging, or accommodations, furnished to transients by any hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodging, or accommodations are regularly furnished to transients; and

" '(3) the rate of tax shall be 5 per centum of the gross receipts from sales of (A) spiritous or malt liquors, beer, and wines, and (B) food for human consumption other than off the premises where such food is sold.'

"Sec. 105. Paragraph (b) of section 127 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2604(b)) is amended to read as follows:

" '(b) On each sale of food for human consumption off the premises where such food is sold where the sales price is from 13 cents to 62 cents, both inclusive, 1 cent; on each such sale where the sales price is from 63 cents to $1.12, both inclusive, 2 cents; and on each 50 cents of the sales price or fraction thereof of such sale in excess of $1.12, 1 cent.'

"Sec. 106. Paragraph (o) of section 128 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2605(o)) is amended by striking out 'whether or not'.

"Sec. 107. (a) Subsection (a) of section 147 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2624(a)) is amended to read as follows:

" 'Sec. 147. (a) Any person who fails to file a return, who files a false or incorrect return, or who fails to pay the tax to the District within the time required by this title shall be subject to a penalty of 5 percentum of the amount of tax due if the failure is for not more than one month, with an additional 5 per centum for each additional month or fraction thereof during which such failure continues, not to exceed 20 per centum in the aggregate; plus interest at the rate of 1 per centum of such tax for each month or fraction thereof during which such failure continues; but the Commissioner may, if he is satisfied that the delay was excusable, waive all or any part of the penalty. Unpaid penalties and interest may be collected in the same manner as the tax imposed by this title. The penalty and interest provided for in this section shall be applicable to any tax determined as a deficiency.'

"(b) Subsection (b) of such section is amended by striking out 'The certificate of the Collector or Assessor, as the case may be,' and inserting in lieu thereof 'The certificate of the Commissioner'.

"Sec. 108. Subsection (a) of section 201 of the District of Columbia Use Tax Act (D.C. Code, sec. 47–2701(a)) is amended by adding at the end thereof the following new paragraphs:

" '(6) The sale of or charges for admission to public events, including movies, musical performances, exhibitions, circuses, sporting events, and other shows or performances of any type or nature, except that any casual or isolated sale of or charge for admission made by a semipublic institution not regularly engaged in making such sales or charges shall not be considered a retail sale or sale at retail.

" '(7) The sale of or charges for the service of repairing, altering, mending, or fitting tangible personal property, or applying or installing tangible personal property as a repair or replacement part of other tangible personal property, whether or not such service is performed by means of coin-operated equipment or by any other means, and whether or not any tangible personal property is transferred in conjunction with such service.

" '(8) The sale of or charges for copying, photocopying, reproducing, duplicating, addressing, and mailing services and for public stenographic services.

" '(9) The sale of or charges for the service of preparing, providing, or supplying photographs, comic strips, special feature articles, feature articles, news items, or any other similar material intended for use in newspapers, magazines, periodicals, circulars, radio, television, or any other means of publication."

"Sec. 109. Subsection (b) of section 201 of the District of Columbia Use Tax Act (D.C. Code, sec. 47–2701(b)) is amended—

"(1) by striking out paragraph (1),

"(2) by redesignating paragraph (2) as paragraph (1) and by inserting before the period at the end of that paragraph a comma and the following: 'except as otherwise provided in subsection (a) of this section',

"(3) by redesignating paragraph (3) as paragraph (2) and by inserting before the period at the end of that paragraph a comma and the following: 'except as otherwise provided in subsection (a) of this section', and

"(4) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

"Sec. 110. Section 212 of the District of Columbia Use Tax Act (D.C. Code, sec. 47–2702) is amended by striking out the last sentence and inserting in lieu thereof the following: 'The rate of tax imposed by this section shall be 4 per centum of the sales price of tangible personal property or services, except that—

" '(1) the rate of tax shall be 2 per centum of the sales price of (A) sales of food for human consumption off the premises where such food is sold, (B) sales of admission to public events, (C) sales of the services described in paragraphs (7), (8), and (9) of section 201(a) of this title, and (D) sales of medicines, pharmaceuticals, and drugs not made on prescriptions of duly licensed physicians, surgeons, or other general or special practitioners of the healing art;

" '(2) the rate of tax shall be 5 per centum of the sales price of sales of any room or rooms, lodging, or accommodations, furnished to transients by any hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodging, or accommodations are regularly furnished to transients; and

" '(3) the rate of tax shall be 5 per centum of the sales price of sales of (A) spiritous or malt liquors, beer, and wines, and (B) food for human consumption other than off the premises where such food is sold."

"Sec. 111. The amendments made by this title shall take effect on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

"TITLE II—MOTOR VEHICLE EXCISE TAX

"Sec. 201. Subsection (j) of section 6 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40-603(j)), is amended by striking out '3 per centum' and inserting in lieu thereof '4 per centum'.

"Sec. 202. The amendment made by this title shall take effect on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

TITLE III—AMENDMENTS TO DISTRICT OF COLUMBIA CIGARETTE TAX ACT

"Sec. 301. Subsection (a) of section 603 of the District of Columbia Cigarette Tax Act (D.C. Code, sec. 47–2802(a)) is amended by striking out '3 cents' and inserting in lieu thereof '4 cents'.

"Sec. 302. (a) Except as otherwise provided, the amendment made by section 301 shall apply with respect to cigarette tax stamps purchased on or after the effective date of this title, which shall be the first day of the first month which begins on or after the thirtieth day after the date of the enactment of this Act.

"(b) In the case of cigarette tax stamp which have been purchased prior to the effective date of this title and which on such date are held (affixed to a cigarette package or otherwise) by a wholesaler, retailer, or vending machine operator, licensed under the District of Columbia Cigarette Tax Act, such licensee shall pay to the Commissioner (in accordance with subsection (c)) an amount equal to the difference between the amount of tax represented by such tax stamps on the date of their purchase and the amount of tax which an equal number of cigarette tax stamps would represent if purchased on the effective date of this title.

"(c) Within twenty days after the effective date of this title, each such licensee (1) shall file with the Commissioner a sworn statement (on a form to be prescribed by the Commissioner) showing the number of such cigarette tax stamps held by him as of the beginning of the day on which this title becomes effective or, if such day is a Sunday, as of the beginning of the following day, and (2) shall pay to the Commissioner the amount specified in subsection (b).

"(d) Each such licensee shall keep and preserve for the twelve-month period immediately following the effective date of this title the inventories and other records made which form the basis for the information furnished to the Commissioner on the sworn statement required to be filed under this section.

"(e) For purposes of this section, a tax stamp shall be considered as held by a wholesaler, retailer, or vending machine operator if title thereto has passed to such wholesaler, retailer, or operator (whether or not delivery to him has been made) and if title to such stamp has not at any time been transferred to any person other than such wholesaler, retailer, or operator.

"(f) A violation of the provisions of subsection (b), (c), or (d) of this section shall be punishable as provided in section 611 of the District of Columbia Cigarette Tax Act (D.C. Code, sec. 47–2810).

"TITLE IV—FEES FOR MOTOR VEHICLE REGISTRATION AND INSPECTION AND FOR MOTOR VEHICLE OPERATORS' PERMITS

"Sec. 401. Section 2 of title IV of the District of Columbia Revenue Act of 1937 (D.C. Code, sec. 40–102) is amended—

"(1) by striking out '$1' and '50 cents' in paragraph (3) of subsection (b) (relating to fees for duplicate registration certificates and identification tags) and inserting in lieu thereof '$2' and '$1', respectively;

"(2) by striking out '$1' in paragraph (4) of subsection (b) (relating to fees for special use certificates and identification tags) and inserting in lieu thereof '$3';

"(3) by striking out 'ten days' in such paragraph (4) and inserting in lieu thereof 'twenty days';

"(4) by inserting immediately after 'Commissioners' in such paragraph (4) the following: ', except that in the event such certificate and tags are necessary for use in complying with vehicle inspection regulations made pursuant to the authority contained in section 7 of the Act approved February 18, 1938 (D.C. Code, sec. 40–207), prior to completion of the registration of such vehicle or trailer, the fee shall be $2'; and

"(5) by striking out '$1' each place it appears in subsection (d) (relating to fee for transfer of registration) and inserting in lieu thereof in each such place '$2'.

"Sec. 402. Section 3 of title IV of such Act (D.C. Code, sec. 40–103) is amended—

"(1) by inserting immediately before the period at the end of subsection (a) (relating to registration fees) the following: ', and in the event the markings on any such tag are specially ordered by the person to whom the tag is to be issued and such markings are other than those in a regular series, a reservation fee of $25 and an annual fee of $10, in addition to all other fees which may be required, shall be charged for such specially ordered tag';

"(2) by striking out 'three thousand five hundred' in the paragraph designated 'Class A' of subsection (b) (relating to registration fees for passenger motor vehicles) each place it appears and inserting in lieu thereof in each such place 'three thousand four hundred', and by striking out '$22' and '$32' and inserting in lieu thereof '$30' and '$50', respectively;

"(3) by striking out, in the paragraph designated 'Class B' of subsection (b) (relating to registration fees for trucks, tractors, and certain commercial automobiles), '$40', $44', '$52', '$60', '$68', '$74', '$84', '$96', '$122', '$142', '$172', and '$202', and inserting in lieu thereof '$53', '$59', '$69', '$80', '$91', '$99', '$112', '$128', '$163', '$191', '$229', and '$269', respectively;

"(4) by striking out, in the paragraph designated 'Class C' of subsection (b) (relating to registration fees for trailers), '$8', '$12', '$20', '$32', '$46', '$60', '$74', '$92', '$122', '$152', and '$182', and inserting in lieu thereof '$11', '$16', '$27', '$43', '$61', '$80', '$99', '$123', '$163', '$203', and '$243', respectively; and

"(5) by striking out in subsection (d) (relating to division of registration fees between Highway Fund and General Fund) 'sixty-four' and 'seventy-four' and inserting in lieu thereof 'forty-two' and 'forty-seven', respectively.

"Sec. 403. The first section of the Act entitled 'An Act to provide for the annual inspection of all motor vehicles in the District of Columbia', approved February 18, 1938 (D.C. Code, sec. 40–201), is amended by striking out '$1' and inserting in lieu thereof '$3'.

"Sec. 404. Section 6 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40–603), is amended (1) by striking out '$5' in subsection (a) (relating to fee for restoration of suspended or revoked permits and privileges) and inserting in lieu thereof '$10', and (2) by striking out '$1' in subsection (d) (relating to fees for titling and retitling) and inserting in lieu thereof '$5'.

"Sec. 405. Subsection (a) of section 7 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40–301(a)), is amended (1) by striking out '$3' in paragraph (1) (relating to fee for operator's permit) and inserting in lieu thereof '$12', and by striking out in such paragraph 'three years' and inserting in lieu thereof 'four years'; and (2) by striking out paragraph (4) and inserting in lieu thereof the following:

" '(4) In the event an operator's permit or a learner's permit issued under the authority of this section is lost or destroyed, or requires replacement for any reason other than through error or other act of the Commissioners not caused by the person to whom such permit was issued, such person may obtain a duplicate or replacement permit upon payment of a fee of $2.'

"Sec. 406. Section 3 of the Motor Vehicle Safety Responsibility Act of the District of Columbia (D.C. Code, sec. 40–419) is amended by inserting immediately before the period at the end of subsection (a) the following: ', including rules and regulations assessing reasonable fees to reimburse the District of Columbia for the cost of reinstating licenses and registrations suspended under the authority of this Act, such fees not to exceed the amount of $10 for the reinstatement of a license or registration, or both a license and registration'.

"Sec. 407. The amendments made by this title shall take effect on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

"TITLE V—AMENDMENTS TO THE DISTRICT OF COLUMBIA ALCOHOLIC BEVERAGE CONTROL ACT

"Sec. 501. (a) Clauses (4) and (5) of section 23(a) of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25–124(a)) are each amended by striking out '$1.75' and inserting in lieu thereof '$2.00'.

"(b) Section 40(a) of such Act (D.C. Code, sec. 25–138(a)) is amended by striking out '$2.00' and inserting in lieu thereof '$2.25'.

"Sec. 502. (a) Except as otherwise provided in this title, the amendments made by section 501 shall apply with respect to—

"(1) alcohol and spirits imported or brought into the District of Columbia or manufactured, and

"(2) beer sold or purchased for resale,

on and after the effective date of this title which shall be the first day of the first month which begins on or after the thirtieth day after the date of the enactment of this Act.

"(b) In the case of alcohol, spirits, and beer which have been purchased prior to the effective date of this title and which on such date are held by a holder of a retailer's license, issued under the District of Columbia Alcoholic Beverage Control Act, such licensee shall pay to the Commissioner (in accordance with subsection (c)) an amount equal to the difference between the amount of tax imposed by such Act immediately prior to the effective date of this title on the amount of alcohol, spirits, and beer so held by him, and the amount of tax which would be imposed by the District of Columbia Alcoholic Beverage Control Act on such effective date on an equivalent amount of alcohol, spirits, and beer.

"(c) Within twenty days after the effective date of this title, each such licensee (1) shall file with the Commissioner a sworn statement (on a form to be prescribed by the Commissioner) showing the quantity of alcohol, spirits, and beer held by him as of the beginning of the day on which this title becomes effective or, if such day is a Sunday, as of the beginning of the following day, and (2) shall pay to the Comisisoner the amount specified in subsection (b).

"(d) Each such licensee shall keep and preserve for the twelve-month period immediately following the effective date of this title the inventories and other records made which form the basis for the information furnished to the Commissioner on the sworn statement required to be filed under this section.

"(e) For purposes of this section, alcohol, spirits, and beer shall be considered as held by a holder of a retailer's license if title thereto has passed to such holder (whether or not delivery to him has been made) and if title has not at any time been transferred to any person other than such holder.

"(f) A violation of the provisions of subsection (b), (c), or (d) of this section shall be punishable as provided in section 33 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25–132).

"TITLE VI—AMENDMENTS TO THE DISTRICT OF COLUMBIA INCOME AND FRANCHISE TAX ACT OF 1947

"Sec. 601. (a) Title XII of article I of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, secs. 47–1586—47–1586n) is amended (1) by redesignating sections 14 and 15 as sections 15 and 16, respectively, and (2) by inserting after section 13 the following new section:

"'Sec. 14. Declarations of Estimated Income Tax by Corporations and Unincorporated Businesses.—(a) Declaration of Estimated Tax.—Every corporation and unincorporated business required to make and file an income tax return under this article shall make and file a declaration of estimated tax at such time or times and under such conditions, and shall make payments of such tax during its taxable year in such amounts and under such conditions, as the District of Columbia Council shall by regulation prescribe. In the case of taxable years beginning in 1970 and in 1971, such regulations may not require payment before the last day on which a return for a taxable year is required to be filed under section 3(a) of title V of this article of an aggregate amount of estimated tax for such year in excess of—

"'(1) one-third of the estimated tax in the case of a taxable year beginning in 1970, and

"'(2) two-thirds of the estimated tax, in the case of a taxable year beginning in 1971.

"'(b) Failure by Corporation or Unincorporated Business to Pay Estimated Income Tax.—(1) Addition to the Tax.—In case of any underpayment of estimated tax by a corporation or an incorporated business, there shall be added to the tax for the taxable year an amount determined at the rate of 6 per centum per annum upon the amount of the underpayment (determined under paragraph (2) for the period of the underpayment (determined under paragraph (3))).

"'(2) Amount of Underpayment.—For purposes of paragraph (1), the amount of the underpayment shall be the excess of—

"'(A) the amount of the installment which would be required to be paid if the estimated tax were equal to 80 per centum of the tax shown on the return for the taxable year or, if no return was filed, 80 per centum of the tax for such year, over

"'(B) the amount, if any, of the installment paid on or before the last date prescribed for payment.

"'(3) Period of Underpayment.—The period of the underpayment shall run from the date the installment was required to be paid to whichever of the following dates is the earlier—

"'(A) the 15th day of the fourth month following the close of the taxable year; or

"'(B) with respect to any portion of the underpayment the date on which such portion is paid.

For purposes of this paragraph, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under paragraph (2)(A) for such installment date.

"'(c) Overpayment; Credit of Tax.—Overpayment resulting from the payment of estimated tax for a taxable year in excess of the amount determined to be due upon the filing of an income tax return for such taxable year may be credited against the amount of estimated tax determined to be due on any declaration filed for the next succeeding taxable year or for any deficiency or nonpayment of tax for any previous taxable year. No refund shall be made of any estimated tax paid unless a complete return is filed.'

"(b) That part of the table of contents of such article relating to title XII is amended—

"(1) by inserting after the item relating to section 13 the following:

"'Sec. 14. Declarations of estimated income tax by corporations and unincorporated businesses.

"'(a) Declaration of estimated tax.

"'(b) Failure by corporation or unincorporated business to pay estimated income tax.

"'(1) Addition to the tax.

"'(2) Amount of underpayment.

"'(3) Period of underpayment.

"'(c) Overpayment; credit of tax.';

"(2) by striking out 'Sec. 14' and inserting in lieu thereof 'Sec. 15'; and

"(3) by striking out 'Sec. 15' and inserting in lieu thereof 'Sec. 16.'

"Sec. 602. The amendments made by this title shall apply with respect to taxable years beginning after December 31, 1969.

"TITLE VII—FEDERAL PAYMENT AUTHORIZATION

"Sec. 701. Article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, secs. 47–2501a and 47–2501b) is amended to read as follows:

"'ARTICLE VI—FEDERAL PAYMENT

"'Sec. 1. A regular annual payment (hereafter in this article referred to as the "Federal payment") is authorized to be appropriated from revenues of the United States to cover the proper Federal share of the expenses of the government of the District of Columbia. The Federal payment, when appropriated, shall be paid into the general fund. Subject to any adjustments required under section 3 for overpayments or underpayments, the Federal payment authorized by this article for each of the five fiscal years ending June 30, 1970, June 30, 1971, June 30, 1972, June 30, 1973, and June 30, 1974, shall be an amount equal to 30 per centum of the amount of District of Columbia fees, miscellaneous receipts, and tax revenues which the Commissioner estimates will be credited to the general fund during such fiscal year and which is approved under section 2. Subject to any adjustments required under section 3 for overpayments or underpayments, the Federal payment authorized by this article for the fiscal year ending June 30, 1975, and each fiscal year thereafter shall be an amount equal to 30 per centum of the amount of District of Columbia fees, miscellaneous receipts, and tax revenues credited to the general fund during the fiscal year ending June 30, 1974.

"'Sec. 2. For each of the five fiscal years ending June 30, 1970, June 30, 1971, June 30, 1972, June 30, 1973, and June 30, 1974, the Commissioner shall estimate the amount of District of Columbia fees, miscellaneous receipts, and tax revenues that will be credited to the general fund during such fiscal year. He shall submit such amount to the Bureau of the Budget with the regular budget of the District of Columbia for such fiscal years. The amount of such revenues and fees which is approved by the Director of the Bureau of the Budget shall be submitted to the Congress.

"'Sec. 3. If the amount of the Federal payment appropriated in any of the five fiscal years ending June 30, 1970, June 30, 1971, June 30, 1972, June 30, 1973, or June 30, 1974, does not equal 30 per centum of the amount of District of Columbia fees, miscellaneous receipts, and tax revenues credited to the general fund during such fiscal year, increased or decreased as may be necessary to reflect the amount of the adjustment made under this section to the Federal payment authorization for such fiscal year, the amount of the Federal payment authorization for the second fiscal year beginning after such fiscal year shall—

"'(1) if such Federal payment appropriation exceeded 30 per centum of such fees, miscellaneous receipts, and tax revenues (so increased or decreased), be reduced by the amount of such excess; or

"'(2) if such Federal payment appropriation was less than 30 per centum of such fees, miscellaneous receipts, and tax revenues (so increased or decreased), be increased by the amount of which such appropriation was lower.

"Sec. 4. For purposes of this article—

"'(1) The term "Commissioner" means the Commissioner of the District of Columbia.

"'(2) The term "General Fund" means the General Fund of the District of Columbia in the Treasury of the United States.

"'(3) The term "miscellaneous receipts" does not include any amounts derived from grants or loans from the Federal Government to the District of Columbia.'

"Sec. 702. This title may be cited as the 'District of Columbia Federal Payment Authorization Act of 1969.'

"TITLE VIII—GENERAL PROVISIONS

"Sec. 702. This title may be cited as the for any fiscal year under article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, secs. 47–2501a—47–2501b) until the President of the United States has reported to the Congress that (1) the District of Columbia government has begun work on each of the projects listed in section 23(b) of the Federal-Aid Highway Act of 1968 and has committed itself to complete those projects, or (2) the District of Columbia government has not begun work on each of those projects, or made or carried out that commitment, solely because of a court injunction issued in response to a petition filed by a person other than the District of Columbia or any agency, department, or instrumentality of the United States.

"Sec. 802. Section 401(2) of the District of Columbia Revenue Act of 1968 (D.C. Code, sec. 31–1118) is amended (1) by striking out 'and (B)' and inserting in lieu thereof ', (B)', and (2) by striking out the period at the end thereof and inserting in lieu thereof of a comma and the following: 'and (C) any individual who, as part of a program approved by an educational agency having jurisdiction over an elementary or secondary school located outside the District of Columbia, is voluntarily enrolled in such school.'

"Sec. 803. Nothing in this Act, or any amendments made by this Act, shall be construed to affect the authority vested in the Commissioner of the District of Columbia or the authority vested in the District of Columbia Council by Reorganization Plan Numbered 3 of 1967. The performance of any function vested by this Act in the Commissioner of the District of Columbia or in any office or agency under his jurisdiction and control, or in the District of Columbia Council, may be delegated by the Commissioner or by the Council, as the case may be, in accordance with the provisions of such Plan.

"Sec. 804. (a) The repeal or amendment by this Act of any provision of law shall not affect any other provision of law, or any act done or any right accrued or accruing under such repealed or amended law, or any suit or proceeding had or commenced in any civil cause before repeal or amendment of such law; but all rights and liabilities under such repealed or amended law shall continue, and may be enforced in the same manner and to the same extent, as if such repeal or amendment had not been made.

"(b) All offenses committed, and all penalties incurred, under any provision of law repealed or amended by this Act, may be

prosecuted and punished in the same manner and with the same effect as if this Act had not been enacted."

Mr. ADAMS (during the reading). Mr. Chairman, I ask unanimous consent that the substitute be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Mr. DOWDY. Mr. Chairman, I make a point of order against the substitute being offered to this bill.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DOWDY. This is to provide additional revenue for the District of Columbia. In the substitute offered there is a provision seeking to amend title 31 of the District of Columbia Code, which concerns education, and thus would not be germane to the bill pending before the House.

Mr. FRASER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Ninety-seven Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 151]

Ashley
Berry
Blackburn
Byrne, Pa.
Byrnes, Wis.
Caffery
Cahill
Carey
Celler
Clancy
Clark
Clawson, Del
Collier
Colmer
Corbett
Cowger
Cunningham
Davis, Ga.
Delaney
Diggs
Donohue
Edmondson
Esch
Evins, Tenn.
Flowers
Flynt
Ford, William D.
Fountain
Frey
Fulton, Tenn.
Gallagher
Garmatz
Gettys
Goldwater
Griffiths
Halpern
Hansen, Idaho
Hansen, Wash.
Harsha
Hastings
Hawkins
Hays
Hogan
Holifield
Howard
Hull
Johnson, Pa.
Jones, Tenn.
Kirwan
Landrum
Latta
Lipscomb
Lloyd
McCarthy
Mann
Martin
Mathias
Meskill
Miller, Calif.
Mills
Moorhead
Nichols
O'Neal, Ga.
Philbin
Poage
Pollock
Powell
Preyer, N.C.
Pucinski
Quillen
Railsback
Rarick
Reid, N.Y.
Reifel
Reuss
Roudebush
St. Onge
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Snyder
Stokes
Stubblefield
Sullivan
Talcott
Teague, Tex.
Tiernan
Utt
Watkins
Widnall
Wilson, Bob
Wolff
Wright
Wyman
Young

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Giaimo, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 12982, and finding itself without a quorum, he had directed the roll to be called, when 335 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. At the time the point of order that a quorum was not present was made, the gentleman from Washington (Mr. Adams) had asked unanimous consent that the substitute amendment for the committee amendment be considered as read and printed in the Record.

Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. DOWDY. Mr. Chairman, I have a point of order pending.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DOWDY. The bill is a bill to provide additional revenue for the District of Columbia. The substitute amendment offered contains provisions which would amend title XXXI of the District of Columbia Code, which concerns education and cultural institutions; therefore, it is not germane to the bill pending before the House.

The CHAIRMAN. Does the gentleman from Washington care to be heard on the point of order?

Mr. ADAMS. Yes, Mr. Chairman.

I would point out that this particular proposal was placed in the law governing the District of Columbia by the revenue bill of last year. So it would certainly be germane to the subject in that it was put in in this fashion and so it can be taken out in the same fashion.

I would also point out that there is in the committee amendment a personnel freeze dealing with the Board of Education which provides that the personnel freeze will not apply to it. The subject has been raised in the bill.

Further, I point out that this revenue bill abolishes an office in the District of Columbia and freezes certain employees and does away with certain powers of the District Government, so that it covers matters other than revenue.

I can assure the gentleman who raised the point of order that if it were to be sustained, points of order would, of course, be raised to the original committee bill on all of the things that we are proposing to remove by this amendment.

Mr. DOWDY. Mr. Chairman, may I be heard further?

The CHAIRMAN. The gentleman from Texas.

Mr. DOWDY. Mr. Chairman, I might say this: If there are provisions in the committee bill to which a point of order could have been raised, this point of order would still lie against the proposed substitute. The fact that this provision was put into title 31 of the District Code in a revenue bill last year has nothing to do with whether it is germane to a revenue bill this year. I remember that there was no point of order raised to it last year, but that does not void the point of order at this time, in this bill.

The CHAIRMAN. The Chair is ready to rule.

The Chair has had an opportunity to study the question during the quorum call and the Chair would say to the gentleman from Texas the fact that there might be other items in the bill which might be subject to a point of order, as was just stated, indicates that the committee amendment has in it items which are other than revenue matters and therefore opens the bill up to other related amendments. The fact is that the legislation before us is basically a revenue matter, but it does apply to many other sections of the District of Columbia Code. Among other things not having to do with revenue, it eliminates the office of the Director of Public Safety; it provides for a freeze on the number of personnel and employees who may be hired by the District of Columbia government. These provisions also involve the Federal-Aid Highway Act of 1968. The language involving education here involves a part of existing law. It seems to the Chair it is germane to the bill in toto. Therefore the Chair feels that the point of order must be overruled.

Mr. DOWDY. Mr. Chairman, of course I will not argue with the Chair, but I would like to say this further: The fact that there might be other provisions in the bill to which a point of order could have been raised and were not, seemingly, should not apply here.

The CHAIRMAN. The fact that the gentleman of the committee says that there are other items in the committee amendment further strengthens the argument that the bill can be opened up to additional amendments.

The Chair recognizes the gentleman from Washington for 5 minutes on his amendment.

Mr. ADAMS. Mr. Chairman, I shall be very brief in my remarks because I know the day is growing long and we hope to have as many Members as possible present for the brief debate and for the vote on the substitute. The substitute amendment which is presently pending and on which we ask for an early vote is neither a partisan amendment nor does it involve issues of liberalism or conservatism.

The basic issue involved here is whether or not the local government here shall function.

The first point is that they should have enough money with which to carry out the programs that we in the Congress have asked them to do. In other words, to fight crime, to improve the area, to do things about the highways and so forth. To do these things you have got to give them the money with which to do it. That is the first thing the substitute will do. It adopts a formula which, in effect, says that the Federal Government will pay 30 percent of what the local people pay in taxes. The reason we say 30 percent is that the President of the United States, Mr. Nixon has said that he believes the 30-percent formula is correct. President Johnson while serving as President of the United States said that we should have a 30-percent formula for the District of Columbia.

Now, Mr. Chairman, it seems to me that those recommendations when they are brought here indicate that this is not a partisan argument. They indicate as reasonable position as the executive branch can produce as the amount of money which the Federal Government should pay as compared to what the local citizens should pay for the facilities which we share in this city.

Mr. Chairman, if there is any argument as to the amount of percentage, many of us would agree that this House should have the committee study the allocation between Federal and city functions. But at the present time the best evidence we have is the recommendation of two Presidents, the present District government and no question, incidentally raised at the time as to whether or not 30 percent was wrong, but just simply the statement that they asked for a different percentage one time before.

Mr. Chairman, I would point out the fact that this is a limiting factor as well as a giving factor. It places this city on the same basis as every other city that exists in each Member's district. You will have now known sources of revenue and any additional moneys that come to them beyond that will have to come from Federal grants or in the usual manner in which other cities are supported.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Illinois.

Mr. SPRINGER. Just on that one point, may I say to the distinguished gentleman from Washington that back when I first went on the committee we talked about 15 percent in 1958. Then we talked about 20 percent. Then I remember President Kennedy and his administration talked about 25 percent. It is my understanding that based upon the request of last year they asked for 25 percent; is that right or wrong?

Mr. ADAMS. I am sorry, but I did not hear the latter part of the question.

Mr. SPRINGER. That last year the city asked for 25 percent?

Mr. ADAMS. They requested a 25-percent formula.

Mr. SPRINGER. And, Mr. Chairman, if the gentleman will yield further, the committee gave them 25 percent and then a supplemental came in under which we gave them more than 25 percent.

Mr. ADAMS. Actually, we gave them more than 25 percent on a formula basis. The reason we are at 30 percent this year is that the general amount that has been appropriated has been running 26 percent, 28 percent and so on during the last 4 or 5 years and 30 percent was felt as being a reasonable figure for the future and we put this at that rate for a period of 5 years.

Mr. SPRINGER. Mr. Chairman, if the gentleman will yield further, I am glad to hear the gentleman from Washington say that because all through the years the newspapers have been wanting some formula set. Personally, I agree with them. Eleven years ago there should have been a formula, but one by which we should stick. We use that kind of formula let me say in the State of Illinois in some of our operations but it has remained relatively stable. However, this thing of asking one time for 20 percent, another time at 25 percent and another time for a different percentage I do not feel is fair. Somewhere along the line we ought to determine what our fair share is and we ought to stop at that figure.

Mr. ADAMS. I would say to the gentleman from Illinois that we stop at the 30 percent and we say to them, in effect, these are your revenues with which you have to operate. It is like any other city. You have got to live within your revenue.

Mr. SPRINGER. Mr. Chairman, if the gentleman will yield further, is there any reason why we should give them 30 percent over the 25 percent that they requested last year?

Mr. ADAMS. The only reason is that the Executive and those who prepared it, the Federal Government, have been for 30 percent and have, in effect, said, "This, gentlemen, is it" to the gentlemen who have proposed this and took that recommendation.

The CHAIRMAN. The time of the gentleman from Washington has expired.

(By unanimous consent, Mr. ADAMS was allowed to proceed for 2 additional minutes.)

Mr. ADAMS. Mr. Chairman, the final part of the substitute will be to simply remove what we believe represent backward steps insofar as the government of the city of Washington, D.C., is concerned.

It would do this, it would allow the city to continue to assess real estate taxes which this city has done since 1922. It would allow the city to determine whether or not it needed a public safety director. It would allow this city to hire the necessary people to carry out the Federal programs which we have—and by "we," I mean the Congress—have directed that they carry out, and not put an arbitrary personnel freeze on them.

Finally, it would allow the Board of Education of the District of Columbia and the boards of education in surrounding Maryland to work out voluntary plans for making things better for the children in this area.

The CHAIRMAN. The time of the gentleman from Washington has again expired.

(On request of Mr. HORTON, and by unanimous consent, Mr. ADAMS was allowed to proceed for 5 additional minutes.)

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I thank the gentleman for yielding, and I wanted to indicate to the gentleman from Washington and to the Members of the House that this is a bipartisan minority view, and included in that minority is the gentleman from Maryland, Mr. GUDE, and myself, and we have worked very closely with Mr. ADAMS and others on the other side of the aisle in putting together this substitute amendment. It is not by any stretch of the imagination the sole product of the gentleman from Washington; it is a substitute amendment of all Members in opposition, including the Members from this side of the aisle.

Mr. Chairman, I also want to indicate to the House that the President of the United States on April 28, 1969, in his message to the Congress, went into some detail on this matter of the Federal payment. I am sure that the gentleman from Washington will agree with me that it was one of my principal objects in the meetings preceding the minority views that we have this Federal formula, and I wish that the gentleman from Washington would acknowledge it.

Mr. ADAMS. Mr. Chairman, I would so state that. May I say that this substitute proposal was worked out by the gentleman from New York, the gentleman from Maryland, and a number on this side and a number of the other side of the aisle, to try to make a package that we felt was reasonable and fair.

I think the gentleman from New York will agree that prior to this point we had worked out all of the sales taxes and the other items to try to make that a reasonable package, and we have stayed with that.

Mr. HORTON. Mr. Chairman, if the gentleman will yield further, I want to also point out that the President in his message in April of 1969 made a very specific recommendation with regard to the Federal payment. The formula which is in this substitute is the same formula that the President recommended, and I would like to read President Nixon's words. He said in his message:

> I therefore recommend that the Congress authorize a federal payment formula fixing the federal contribution at 30 percent of the local tax, and other general fund revenue.

He also continued:

> Naturally, a formula approach would be a significant step toward effective government in the District of Columbia. It would tie the revenue and federal aid to the pertinent local taxes of the District citizens. It would also provide in the District I think a predictable estimate for use in the annual budget process, thus allowing them to plan expenditures more accurately and imaginatively for the growing needs of its population.

Then he continued:

> The proposed federal payment formula would not involve automatic expenditure of federal funds. The particular payment would still have to be appropriated by Congress.

He continued:

> By authorizing the federal payment at 30 percent of all District general fund revenues, the Congress would allow payment of $120 million in fiscal year 1970, an increase of $30 million over the past authorization.

The present authorization is $90 million. The bill proposes $105 million. It is short some $15 million. The formula approach that we are including in the substitute would provide the full amount as suggested by President Nixon; namely, of $30 million, which would bring this authorization in balance.

Will the gentleman from Washington agree with that?

Mr. ADAMS. I agree with that.

Mr. Chairman, I would like to close by saying this, that the issue here is in trying to handle the problems of a metropolitan city—and even worse than that—the situation in this city where you have an overlay of the Federal Government operating in this metropolitan city so that you have 340,000 people coming in and out of the city every day to work. If you are going to handle this kind of problem, you have to have the revenues to do so.

Many of us backed off from our proposals of a commuter tax or a tax on companies doing business here with the Government that are tax exempt on the basis that the Federal Government would pay for it.

If the Federal Government is going to

pay for it, instead of putting in a commuter tax, this type of service tax, then there has to be enough money. That is the compromise that we proposed and that is why many of us feel that our proposal is the compromise that the committee should have come out with.

I would point out that it was a very narrow vote by which the committee did not come out with this compromise, and the votes from both sides of the aisle were involved in support of the compromise substitute.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman.

Mr. GUDE. I would just like to ask the gentleman, Mr. Chairman, what he would feel as to the connection as to the administration and the city as to crime control, prevention of crime in the city and the recommendation of the Executive. We have this formula and adequate funds to do a job really of fighting crime and related matters.

Mr. ADAMS. There were propositions submitted. There were reform organization programs in the narcotics area, for example, proposing things that need to be done as to professional services. In jail alone, many Members here supported mandatory sentences—supported the proposition that we keep dangerous people off the street prior to trial and the jail population has gone from 2,500 to 3,000 in the last year.

You have to have money to pay for that and this money has to be provided someplace. We are suggesting it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOGGS. Mr. Chairman, I move to strike out the last word and rise in support of the substitute amendment.

Mr. ADAMS. Mr. Chairman, I ask unanimous consent that the gentleman from Louisiana (Mr. Boggs) may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Mr. HALL. Mr. Chairman, reserving the right to object, I suggest that the request be made at the end of the first 5 minutes.

Mr. BOGGS. I wish the gentleman would withhold that please because I do need 10 minutes, and I will have to make the request.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Mr. HALL. Mr. Chairman, I would be constrained to object unless the request is made after the first 5 minutes.

Mr. BOGGS. All right, I thank the gentleman very much.

The CHAIRMAN. The gentleman from Louisiana is recognized.

Mr. BOGGS. Mr. Chairman, I am very happy to support the substitute amendment.

So far as the matter of money is concerned, it amounts to about $10 million more than the District of Columbia is now receiving.

Mr. ABERNETHY. Mr. Chairman, if the gentleman will yield, the gentleman is just $15 million off.

Mr. BOGGS. All right, let us say $25 million.

Mr. McMILLAN. It is supposed to be $30 million.

Mr. BOGGS. All right, $30 million or whatever the correct figure is.

I would like to ask the gentleman from South Carolina (Mr. McMillan), chairman of the committee, several questions. Does the committee bill take away the Public Safety Commissioner?

Mr. McMILLAN. I hope so.

Mr. BOGGS. The gentleman has answered my question—It does.

I have another question to ask the gentleman. Does it take away the power of the local Council to levy taxes?

Mr. McMILLAN. In my opinion, there either the Congress should——

Mr. BOGGS. Would the gentleman please answer the question "yes" or "no."

Mr. McMILLAN. Yes; yes, sir.

Mr. BOGGS. It does. The answer is "Yes."

Now, does it put an arbitrary personnel freeze across the board on personnel?

Mr. McMILLAN. It would amount to about 10 percent of any new employees.

Mr. BOGGS. The chairman of the District Committee has answered my questions. The committee bill places an arbitrary freeze across the board on personnel needed to staff many of the departments of the District of Columbia.

But it does put an arbitrary freeze on the number, does it not?

Mr. McMILLAN. Not across the board; no.

Mr. BOGGS. You exempted the Executive Office.

Mr. McMILLAN. No, we exempted the Metropolitan Police Force, the Fire Department, employees of the Board of Education, and the courts of the District of Columbia.

Mr. BOGGS. I know about that, but otherwise you did not exempt anybody, did you?

Mr. McMILLAN. Not across the board we did not.

Mr. BOGGS. Fine. I have all the answers I need. I understand the gentleman's bill.

Mr. Chairman, I would like to tell you about a wonderful experience I had. I went fishing with Speaker Sam Rayburn in the last days of his life. I went down to Tennessee with the late Representative of that State, Howard Baker, the father of the present Senator from Tennessee, and there we dedicated a dam named for Sam Rayburn in the county in Tennessee where he was born. His family left the mountains of Tennessee, where the land was poor—there was no TVA then—and went to Bonham, Tex., where the land was richer.

At that time—Speaker Rayburn, who helped rear me from the time that I first came here at the age of 26—was dying of cancer. This had been his last fishing trip. I sat with him in one of those beautiful TVA lakes and saw the pain on his face—but he never complained. Later I knew when Congress adjourned that year that I would never lay eyes on Sam Rayburn again alive. And I did not. The next time I saw his body in a coffin at his funeral attended by former President Truman and others. But let us get back to our return from Tennessee in July 1962.

As we were landing back in Washington later that day, Mr. Rayburn said to me, "Look at Washington. There is the Capital of our great country. Look at that Capitol Building. I have been here 50 years and there has never been a time that I have not looked at that dome of that Capitol that I have not said, 'I am proud to be an American.'"

But he also said, "We have neglected the Capital of our Nation—Washington, D.C. We treat her penuriously. We act like it is not the Capital of our country but some place outside our country. Look down the Potomac River, that beautiful river that flows from the Blue Ridge Mountains and comes down through our Capital City. It is polluted. One can't swim it. One can't eat the fish caught in it. One can't enjoy it. When will the time come," said Mr. Rayburn as he was dying, "when the people of America will make their Capital the first and most beautiful city on earth—the Capital of the greatest Nation in the history of mankind?"

I remember those words.

Now, only about 10 days ago, I had an invitation from Mayor Washington to come down and have breakfast with him. It was 8 o'clock in the morning. I had quite a job on my hands that day because I was trying to help our country pass a bipartisan tax bill. And if I may be permitted to digress for a minute, I would like to say a few words about that tax bill, because our Nation and particularly Washington, D.C., will greatly benefit from it.

May I say, "Thank God for John McCormack, Gerry Ford, Les Arends, Carl Albert, Wilbur Mills, the rest of you in this House, and President Nixon and former President Johnson"—because they supported it and now we will see the heat go out of the inflation that was about to consume our Nation, and we will return to a healthy growth of about 4 percent of the GNP.

It might interest you to know that President Nixon, the other night was able to make that first fine speech about reforming our welfare system and sent his message today about abolishing and reforming our welfare system, because he was shown where the money would come from and where he could anticipate a balanced budget, both in the administrative and unified budgets, throughout his administration.

He learned this from three able men, whom I sent to see Arthur Burns, his chief economic adviser.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

(On request of Mr. McCormack and by unanimous consent, Mr. Boggs was allowed to proceed for 5 additional minutes.)

Mr. BOGGS. I had heard there was serious opposition in the President's own Cabinet to his recommendation about abolishing the welfare program, which is eating us alive. Now it is better to be on welfare than it is to work for a living. I have pointed out in speeches I have made here on the floor that a man who makes $23 a week pays $42 a year in Federal income tax. And under the present law, another man can make $10 million a year and pay not one penny to help his Government, which gives him the opportunity to make the money and also permits him to live in the freest society that mankind has ever known.

That is why I worked for months, night and day, for the surcharge bill which I managed and the reform which passed the House last week by a vote of 394 to 30.

But, I spelled out to those three people I mentioned earlier, Edwin S. Cohen, Assistant Secretary of the Treasury, Dr. Laurence Woodworth, and a young economist named Mike Bird, who were with us in the Committee on Ways and Means, how the President's welfare program was fiscally sound, as are programs for education, airport construction, a modern merchant marine, for model cities, for air and water pollution control, and so on.

Taxes have what is called a multiplier effect. As I pointed out a moment ago, we can now anticipate, assuming Senate passage on the reform bill, surpluses in both the unified budget and in the administrative budget for the next 5 years. Incidentally, if Members will take the trouble to read my remarks in the Congressional Record of last Thursday, beginning on page 22587 and continuing through page 22600, under the title "Tax Reform Act of 1969," it is all spelled out here.

After my three friends, Secretary Cohen, Dr. Woodworth, and Mr. Mike Bird, conferred with Dr. Arthur Burns, who talked to President Nixon, the President made his speech and sent his messages on the welfare system.

I announced publicly on Friday night after the President's speech that I supported the President's program to abolish the present welfare system.

In that system we have an army of welfare people going around to check on welfare recipients every minute, and it is more profitable to be on welfare than to earn a living. Think of a woman with seven or eight dependent children being paid approximately $2,000, but if she earns $3,000 a year at this time, under the present tax law she would have had to pay taxes on the $3,000. But if she stayed on welfare for which all the taxpayers in the United States pay, she pays no taxes at all. Even worse, if she gets a job, her welfare payments are cut so there is no incentive to work.

But, until Secretary Cohen and Dr. Woodworth and the young economist, Mike Bird, spoke to Dr. Burns, President Nixon did not think he could do it. Well, he can do it, and much more and still have funds for debt retirement.

But, let me get back to Mayor Washington's breakfast. I sat there and listened to that good man—and he is a good man, and he is a black man. I decided that he needs help. Now, every man and woman in this body knows I have no prejudices.

I come from the Deep South, and I love the South, and the rest of the Nation has recently learned some of the difficulties that we have experienced in the South for many years. But this, thank God, is one country.

Thanks to a man named Abraham Lincoln who said, "The Union must be preserved." My ancestors all fought on the other side for the South, one was on the staff of Gen. Robert E. Lee.

It was a dreadful bloody war—when it was over, the South was impoverished and the Nation exhausted.

But the Union had been preserved.

Speaker Rayburn and I frequently talked about that war. He said had it not been for a dozen or two "hot heads" on both sides, it would have never happened.

But it did.

I voted for voting rights and for open housing, and I make no apologies for it.

I love the Washington, D.C., area. I have lived here for 30 years. My children have been reared here. My son lives here, and he has three children. I own property in the District of Columbia, and it is profitable property.

I want the slums cleaned up. In the bill which we passed last week, Members will find the most preferential treatment of all given to people who build houses and build apartments and build office buildings. The reason for that is Secretary Romney spoke to me and said that if we take the recommendations of the Treasury Department—the administration's Treasury Department—we could not fulfill what Congress committed the Nation to in the 1968 Housing Act, and we would have to increase Federal appropriations way beyond what the House had already approved, which was a cut of about $200 million below what President Nixon requested.

Secretary Romney said if we did it the other way, that is made it profitable for private investors and builders to build houses for the lower and middle income families, to tear down the ghettos, and to rebuild the central cities, we would not only be able to implement the 1968 acts but we would be able to carry out the Federal functions set forth in that act much more expeditiously.

So in the executive sessions of the Ways and Means Committee on the reform tax bill, I was adamantly in favor of Secretary Romney's plan. I put his letter to me in the record of the committee and it is also in the Congressional Record. The Treasury Department accepted most of what Secretary Romney recommended but let it be noted that it was this administration Treasury Department which prevented the acceptance of the whole Romney package. I hope that the Senate Finance Committee will take the whole Romney package.

Now, I want to get back to my conversation with Mayor Washington and why I was so sympathetic to him. I voted for the voting rights bill, the Federal aid to education, for the poverty program, for open housing, and I had the job—a very difficult one—of serving as chairman of the Democratic platform committee in Chicago last August.

This assured me of about the roughest campaign of any Democrat in our country. My wife and I and my friends campaigned continuously for 5 weeks. I won by a majority of 1.2 percent.

Following that campaign, Mrs. Boggs and I wanted to rest but we got a good opportunity and we took it. We went to Europe at no cost to the Government, incidentally, to see the new towns in Europe, all over Europe, to study the replanned and rebuilt old towns all over the continent, including cities and towns behind the Iron Curtain.

The man who, among others, helped organize that trip was Mayor Floyd Hyde, who had been extremely active in urban America and in the urban coalition.

Governor Romney upon assuming the position of Secretary of Housing and Urban Development appointed Floyd Hyde, the former mayor of Fresno, as the director of model cities program in that Department.

Floyd Hyde, while serving as mayor of Fresno, replanned and rebuilt the central city of Fresno. Today, he informs me that the merchants in the center city are doing 14 percent more business than they did prior to the replanning. Mayors from all over the United States go to Fresno to see what's happened there.

Mr. Hyde is a man of great vision. Now the Congress—when the Senate passes the tax reform bill—can appropriate the funds that he must have to make model cities an actuality rather than a slogan.

Mr. YATES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Louisiana.

Mr. BOGGS. I thank the gentleman.

Mr. Chairman, I shall not, I hope, consume the additional 5 minutes.

This is the first time I have ever made a speech about the District of Columbia. But as the majority whip of the Democratic Party, I feel that I have the right. I have spoken today, however, because I love this city. It is the Capital of my country, and I love my country. When I left that breakfast with that good man, Mayor Washington, I said to myself: "The problems this man has are overwhelming. I will help him. And I will. Not only today, but as long as I serve in this body."

The mayor of every city in America today has problems. My heart goes out to John Lindsay in New York. The mayor of Detroit said, "I cannot take it anymore." Mayor Cavanaugh quit. I do not blame him.

I look about and I see the inner city here fighting the outer city, and Washington, D.C., fighting the suburbs, and Montgomery County in one position and Prince Georges County in another position, and Arlington County over here—all fighting about bridges and subways and taxes, and so forth.

We had the same situation in my city of New Orleans. We had a dispute which was eating away almost like a cancer. Its origin was the placing in the Interstate System by a former Director of the Bureau of Public Roads of an expressway which would have paralleled the Mississippi River and passed in front of the historic Jackson Square in our wonderful renowned French quarter. From then on, this proposed expressway became a cause to live in New Orleans. The central businessmen on Canal Street said that it was essential to help the French quarter and to help the central city. Both sides were in complete good faith. They believed that their cause was right.

But, like in all disputes, it soon became a bitter struggle. And it was known all over the country. Many articles were written in newspapers outside of New Orleans, the Christian Science Monitor and Washington Post, to mention two. The national preservationists fought the proposal and the President's Commission on Historic Sites disapproved the plan as submitted by the State highway commission.

Shortly after assuming office, Secretary of Transportation John Volpe, after sending his Assistant Secretary to New Orleans to hear all sides, and after his Assistant Secretary Bramen returned and reported to Secretary Volpe, said that the conflict was irreconcilable and that there was no way to build the French quarter expressway in the foreseeable future because of threatening law suits and other dilatory tactics.

Thereupon, Secretary Volpe, acting under the authority granted him by the Howard Act, canceled the French Quarter Expressway and transferred the mileage from that section, plus additional mileage, and made it possible for the metropolitan area to obtain a desperately needed outer beltway for the whole metropolitan area. This includes two free bridges across the Mississippi River and the project will cost when completed, and it is now well underway, well over $400 million.

This was an opportunity that I seized upon, Mr. Chairman.

Despite warnings from friends of mine who said, "Don't go into that hornet's nest," I called the warring factions together here in Washington for a series of meetings with Secretary Volpe, Secretary Romney, Model Cities Director Hyde, the Chief of the Army Engineers and his deputies, and the Director of the General Services Administration, Robert Kunzig, and his deputies. This required a whole day on July 22. Incidentally, this was the only day, except for the day of the launching of the moon shot, that I missed working on tax legislation from June 15 through the passage of the reform bill last week.

At the conclusion of the final meeting, on motion from the floor, an ad hoc committee was formed, made up of 100 or more people who attended the meetings, plus any other civic group who might care to become a member of that committee.

I agreed to act as temporary chairman of the ad hoc committee. In the meantime, the Regional Metropolitan Planning Commission has been meeting regularly and by the end of the current recess, I hope to have a meeting in New Orleans of the ad hoc committee, at which time a permanent chairman will be elected. The committee will serve as an advisory committee, a citizens committee, to the National Planning Committee.

I enclose herewith a copy of a letter which is going out to all members of the ad hoc committee. It is self-explanatory:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC WHIP,
Washington, D.C., August 11, 1969.

DEAR ———: I want you to know how very much I appreciate your interest in the series of productive meetings which were held in Washington recently.

The meetings brought many divergent groups together and made it possible for us to speak as one voice for our great metropolitan area—the inner city, the French Quarter, New Orleans East, and the Parishes of Plaquemines, St. Bernard, Jefferson, and St. Charles.

At the end of that busy day, July 22nd, by unanimous agreement, we created an ad hoc committee, of which you are a member. We said that others who desire to be members representing civic and similar organizations would be welcome. At the suggestion of the entire group at the meeting, I agreed to serve as temporary chairman of the ad hoc committee.

I am happy to do this but, as you know, the work that I have here in the Congress is overwhelming and I can only serve until the first meeting. It is my hope that the ad hoc committee will become a permanent committee for the advancement of our entire area, so that we will develop into the finest metropolitan area in our Nation—preserving and adding to our central business district on Canal Street, and at the same time preserving and making more beautiful our magnificent French Quarter, planning with foresight the problems of transportation, both vehicular and mass, for the French Quarter and the central business district area, and planning the thousands of acres of undeveloped land which will soon be available for development in New Orleans East, in St. Bernard, Plaquemines, Jefferson, and St. Charles Parishes.

I would hope that we would find a suitable center where various plans could be shown to all of our citizens so that they will become enthusiastic supporters of whatever is finally agreed upon. Personally, I am committed to no plan and believe we should employ the best talent in the Nation, and I believe I can obtain the necessary funds to do this.

In handling the complex economic problems which have faced our Country during the past six months, I have literally exhausted myself, so that Lindy and I and our oldest grandson, Hale III, are taking a vacation during the Congressional recess, which begins August 13th.

I have been in almost every country on earth, have traveled the length and breadth of our Nation by airplane, but I have never seen the Yellowstone Park, nor have I seen the Redwood Forest, nor have I ever seen the Grand Canyon, and many other places in our Country.

So, Lindy, Hale and I are "going to see the USA."

We also plan to visit Fresno, California, where the former Mayor of Fresno, Floyd Hvde, who now heads the Model Cities Program in HUD, replanned and rebuilt the downtown business district, so that today merchants are doing 14% more business than prior to the replanning.

And, we will have another pleasure. Our daughter, Cokie, and her husband, Steven, who heads the New York Times Bureau in Los Angeles have been there since January, and we have not seen Cokie, Steven, or our grandson, Lee, since the first of the year.

In the meantime, I would hope that you would continue to do whatever is necessary so that when I return you will be prepared to form the permanent organization.

In looking at my schedule, I would like to meet in New Orleans at 2:00 p.m. on Friday, September 12th, at a place to be selected by Senator Michael O'Keefe, the representative of Governor McKeithen. By that time, I will have for you the whole schedule of federal programs available to us. I will also be in a position to make a complete report on the progress that we have made since our meeting on the 22nd of July.

Again, expressing my gratitude and appreciation, and with best wishes for a pleasant Labor Day holiday, I am

Sincerely your friend,

HALE BOGGS,
Member of Congress.

The same thing can happen here in Washington, and it must happen. In truth and in fact, Mr. Chairman, so much has already happened in Washington. I invite my colleagues to take time out and spend an hour or two at L'Enfant Plaza, which includes the Forrestal Building and which, incidentally, was designed by New Orleans architects, Curtis & Davis. See how beautiful it is and how well designed it is, and how functional it is. And while you are at it, cross over the expressway and take a look at Southwest Washington. I remember what it was like 30 years ago—look at it now. Or, go to Georgetown. When I came here, one could buy property for very little in Georgetown. Today it is probably the most valuable property in the metropolitan area—and it was all done with private capital—not government money.

So, in conclusion, Mr. Chairman, I said to Mayor Washington, "Mayor Washington, you have my support and my help," and he does. I am going to vote for this substitute and I do it with all the sincerity that I command. I hope that the majority of the Members of the House will vote for it, too.

I yield back the balance of my time.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. ABERNETHY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Mississippi is recognized for 5 minutes.

Mr. BOGGS. Mr. Chairman, I ask unanimous consent that I may proceed for an additional 2 minutes.

Mr. HALL. Mr. Chairman, I object.

Mr. YATES. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Mississippi has been recognized.

Mr. ABERNETHY. Mr. Chairman, I accede to the gentleman from Louisiana.

The CHAIRMAN. The gentleman from Mississippi yields to the gentleman from Louisiana.

Mr. ABERNETHY. Mr. Chairman, I do not yield, I just withdraw.

Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was pleased to waive my position and to allow my friend from Louisiana to complete his speech. He made a good speech, and I enjoyed it. The gentleman is my friend. Incidentally, he is a native of my State.

Mr. BOGGS. And I am proud of it.

Mr. ABERNETHY. And he is proud of it, and we are proud of him.

There are times, though, when he is mistaken; and this is one of those times.

I served with Sam Rayburn, too, and I loved "Mr. Sam." I never went fishing with him, but I spent a lot of time in his office with him. I never asked for but one favor of him in my life, during my service here, and I have been here 27 years. I will never forget how he looked down at me and he said, "You sure have not." I got what I asked for. I loved him, too, HALE.

But when one is speaking of this Capitol dome, as was referred to by the gentleman from Louisiana (Mr. BOGGS), "Mr. Sam" was not speaking of this revenue bill nor is there anything in this revenue bill that will improve the beauty of the dome or the city of Washington.

There is nothing in the bill that will improve the quality of the water in that wonderful Potomac River. Mr. Boggs, you made a great speech, but you were not speaking to the right thing, the revenue bill before us.

Mr. BOGGS. Will my good friend yield?

Mr. ABERNETHY. I will be happy to yield to you as soon as I have completed my speech.

Mr. BOGGS. You know I would give you——

Mr. ABERNETHY. No. No, let me go on, please.

Mr. BOGGS. Go ahead.

Mr. ABERNETHY. The gentleman never sat in Mr. McMillan's committee room for 1 minute.

Mr. BOGGS. Not a minute. You are right.

Mr. ABERNETHY. Mr. Chairman, will the gentleman please allow me to complete my statement?

Mr. BOGGS. He is right, Mr. Chairman. I will wait.

Mr. ABERNETHY. Now, he asked the gentleman from South Carolina (Mr. McMillan) some questions, and the gentleman from South Carolina (Mr. McMillan) gave straightforward and forthright answers.

He asked if the bill eliminated the Director of Public Safety. It does. And there is a good reason for it. They do not have one now. They have not had one since Mr. Murphy was lifted out of that position a good long time ago or else since he was fired—I do not know which. The position of Director of Public Safety is ostensibly being served by the Corporation Counsel, and he has all he can do to attend to the legal affairs of this city.

The next question is, is it a good thing to have a super chief looking over the shoulder of the Chief of Police. The Chief of Police should either be the Chief of Police or else he should be just a policeman, and they should take away from him the title of Chief of Police. This District has been blessed for a good many years with a fine police force.

There has been absolutely no scandal during all my time here, 27 years. It has been a good, clean, fine, intelligent, aggressive organization, and it made a fine name for itself without the benefit of someone peeping over the shoulder of the chief with the title of Director of Public Safety.

Do you remember a year or so ago they originated the idea of having a Public Safety Director. Do you remember how safe it was under his administration? Did any of you stand in your offices at about 2 o'clock in the afternoon 15 or 16 months ago, more or less, and gaze through the windows across this city of Washington and watch the smoke swirling into the sky, with death and destruction of property following? Who then gave the police orders? Who gave the orders? The Director of Public Safety. Who tied the hands of the Chief of Police? The Director of Public Safety. Now, do you think these men and women who sat in this committee room and gave the gentleman from South Carolina (Mr. McMillan) the authority to bring this bill to the floor of this House did the wise thing in stating that we are going back to the old system which we had year before last and 25, 50, and 100 years before that? Let us put the Chief of Police back in charge.

Then the gentleman from Louisiana (Mr. Boggs) asked if the bill did not put a ceiling on District employees. The gentleman from South Carolina (Mr. McMillan) said "Yes." Have you looked at the report? My friend from down on the Mississippi gulf coast, from New Orleans, Mr. Boggs who addressed you so beautifully, so magnificently, and so eloquently never referred to the report. He just made a good speech. Now let us look at the report.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOGGS. Mr. Chairman, I ask unanimous consent that the gentleman have 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentlemen from Louisiana?

There was no objection.

Mr. BOGGS. And I would request that the gentleman yield to me so that I may question him when he is finished.

Mr. ABERNETHY. I will be happy to.

In 1965 the commission form of government in the District, which was both the executive and legislative, had 41 employees; in 1966 it had 43, in 1967 it had 50, in 1968 it had 56; in fiscal 1969, when the new government came in, they had 227—190 in the Mayor's office. There were 37 in the office of the City Council, for a total of 227.

Now, in fiscal 1970 the Mayor, the delightful fellow he is, wants to move the number in his office from 190 to 474. What service are they going to render?

Now, with reference to the Council, I suppose many of you saw the demonstration put on down at the Council's office the other night. Was not that great? While they were playing like they were having a legislative session down there—their visitors darn near tore up the city hall. It was nothing short of a riot. That is this new government given them in 1968.

Mr. Chairman, this new City Council wants 52 employees, a total of 526 for city hall versus a total of 50 year before last.

Now, I ask you what would make this city so beautiful and so lovely that my friend, the gentleman from Louisiana indicates would come about by just adding so many new employees?

All we are asking you to do is to just tell them to hold the line. That is all. I think this makes good sense. If they cannot operate within this limit then they can come back and make a case for more. But for the time being and with all deference, this type of accelerated employment just does not make sense.

Then, Mr. Chairman, we had another question put to the chairman about the Federal payment, as though this was something new.

Just a few years ago it was only $10 million, then it went to $20 million, then to $30 million, $40 million, $50 million, $60 million, $80 million, and last year it was kicked up again to $90 million. This year it is being kicked up to $105 million. This is in the face of the fact that they have already admitted that they will be back into the committee room next year asking us to kick it up again.

They asked for a formula a few years ago and when they found out that they received more money under the system we now have than they would under the formula, they increased the percentage they were asking for under the formula. They asked for 30 percent of the equivalent of the total revenues going into the treasury of the District instead of 25 percent. They have not only increased the percentage but they have increased the base.

Do you think it is right to once and for all obligate yourselves and the taxpayers of this Nation to make a payment from the Federal Treasury without the Appropriations Committee and yourselves having some voice in the amount that is paid out? That is what the formula will do.

Mr. Chairman, this city belongs to this Nation. This city is favored by this Nation. This city received grants during the past fiscal year equivalent to more than $500 million.

No one is neglected in this town—that is, as far as this Congress is concerned, nor insofar as this Government is concerned.

Now, listen, we have just heard a very beautiful appeal for more free money for the District. Some of those making this appeal never heard one word of the testimony; and with all deference to some of those offering such, they never attended the hearings but for 1 or 2 days.

Now, Mr. Chairman, there is no reward coming to those who serve on this committee. It is not what you call a rewarding type of service. It is not one that makes you any votes at home. If anything, it costs you votes. But some one has to do this job.

We spent some days over there working on the bill working in the committee. We have tried to be fair. I know my chairman has tried to be fair. And with all deference to my good friend from Louisiana, I ask the Members to stand by the gentleman from South Carolina (Mr. McMillan), the chairman of the committee, and by the gentleman from Minnesota (Mr. Nelsen), the ranking minority member, and vote down the substitute, and pass the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOWDY. Mr. Chairman, I ask unanimous consent that the gentleman from Mississippi be permitted to continue for another 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

Mr. BOGGS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ABERNETHY. I did not ask for any more time.

Mr. BROYHILL of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the pending substitute to the committee amendment. Even though I oppose this substitute, however, I should like to commend and congratulate the sponsor of the substitute, and also the cosponsors and those who have spoken in its favor, for their sincerity and their concern for the welfare of our Nation's Capital, because it is our constitutional responsibility to see that this Federal City is properly supervised and properly financed.

And if you will forgive me for a personal note, I should like to state that I shall not yield to anyone in regard to my personal concern for the Nation's Capital and the people living in it. I represent a large portion of the Washington metropolitan area. I know many thousands of people living within the jurisdiction of the District of Columbia. I know them as friends and as business associates, and I am concerned for their hopes and aspirations. Further, I want to do everything possible to make this the best city in which to live.

But, Mr. Chairman, this is not a matter of personalities, or of civil rights, as mentioned by one of the previous speakers; this is a financial matter. The main objective and the main purpose of the pending substitute is to increase the Federal payment by approximately another $15 million. Now we are providing for one $15 million increase in the bill itself, but the sponsors of the substitute feel that we should offer more. Well, I submit, Mr. Chairman, the Congress has always—always—met its fiscal responsibilities to the Nation's Capital by providing adequate financing. In fact, over a period of years, whenever we have found that an increase in the Federal payment was necessary, we have promptly come forth and provided that increase.

In the fiscal year 1955, the Federal payment amounted to $20 million per year. In H.R. 12982, we provide for a Federal payment of $105 million for fiscal year 1970. That is an increase of more than 500 percent, is it not, in approximately 15 years? And within the last 6 years, we have on four occasions come forth in response to the request on the part of the District of Columbia government, by providing increased Federal payments from an amount of $32 million up to $90 million in the current year, and additional borrowing authority from $75 million up to $392 million. Taxes amounting to a single amount of $40 million. This was virtually everything that the District of Columbia government asked for, and even more, sometimes even more than the Committee on Appropriations thought was necessary.

Now we have a substitute pending, and it provides that the Congress or the House Committee on the District of Columbia will no longer have authority over setting the authorized amount for the Federal payment. We are asked to discharge this responsibility, mind you, by providing a simple formula by which Congress will automatically authorize appropriation of a Federal payment in amounts up to 30 percent of the revenues raised from other sources of revenue.

I submit that that is an oversimplification and that we cannot conscientiously discharge our responsibility that easily.

As was pointed out by the gentleman from Mississippi (Mr. ABERNETHY) a few moments ago, when the District Government first came forth asking for a formula, they asked for 25 percent. Then when they found out that that would not provide as much money as we would provide for by a fixed dollar authorization, then they changed the formula to 30 percent. You see, this formula is somewhat of a two-way approach to the problem—if it provides enough revenue, or more than enough—then OK, we will reduce the formula. But if it does not provide enough, then the District government will come back to the committee and say, "Let us take this magic figure of 30 percent and change it up to 35 percent."

So I feel that this is a matter that should be dealt with from time to time, as it needs improvement or liberalization by the duly constituted Committee on the District of Columbia of the House itself.

Now the cost of operating this government, as I pointed out a few moments ago, is high. There is no one in this House who would like to be as benevolent and as liberal with the District of Columbia as the gentleman now occupying the well.

But it does concern me that in the last 2 or 3 years, we find that the cost of operating this government has gone up by 60 percent, and that in the last couple of years the number of city employees has increased by 50 percent. Furthermore, the number of high executive officials in the Mayor's office has increased by over 500 percent.

So the committee felt that it is necessary to require the District government to exercise some restraint. So a ceiling was placed on the number of employees that could be hired in the District government. The pending substitute seeks to have that necessary language knocked out of the bill.

PREFERENTIAL MOTION OFFERD BY MR. BOGGS

Mr. BOGGS. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. BOGGS moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. The gentleman from Louisiana (Mr. BOGGS) is recognized in support of his motion.

Mr. BOGGS. Mr. Chairman, first I want to say something to my good friend, the gentleman from Mississippi (Mr. ABERNETHY) and he is very right—we are the best of friends. As a matter of fact, I have been feeding him vegetables all summer long and it is a pleasure. We have been friends for years. I love him and I love his wife. She is a lovely lady—take my word for it.

The gentleman is right. I was born and reared in Mississippi and I am just as proud of it as I can be. Most of my family lives on the Mississippi gulf coast and they vote for the gentleman from Mississippi (Mr. COLMER). One time, some years ago, he had some opposition, some bad opposition, and they asked me whom they should vote for and I said "BILL COLMER."

My family has had a home on the gulf coast for about 100 years and right now my wife and I are building a lovely home there. I grew up there and in Gretna and in Metairie in Jefferson Parish, La. I have been a permanent citizen of New Orleans since 1931.

Let me say to the gentleman from Mississippi (Mr. ABERNETHY) that since he mentioned that I had not read the report, I have read the report. I have taken a rapid reading course and I can read pretty fast. But, in addition to that, I have also read the official report from the city government of Washington, which sets forth what it would have to do if a personnel freeze were imposed on the District of Columbia. I will make that a part of the RECORD at the end of these remarks.

As for the gentleman from Virginia (Mr. BROYHILL) let me say that I learned long ago to be able to disagree without being disagreeable. And I think everyone knows that that is what I try to practice.

The gentleman from Virginia (Mr. BROYHILL) and I serve on the Ways and Means Committee together, and let me tell you something. There is no more valuable member of that committee than the gentleman from Virginia. Having said that, I respectfully disagree with all that he said a moment ago.

But, let me address myself now to all of you who come from urban centers, whether it be Washington or New Orleans, where I come from, and where we have the worst kind of slums—you talk about slums. You know I had a good Irish friend of mine who lives in what we call the Irish Channel, which I represent, invited to the White House to meet the President of Ireland who was here. My friend, whose name is Dick Burke, the beloved assessor of my own district, rented a tuxedo and went to the White House for dinner with President Johnson and the President of Ireland. At that dinner he and President Johnson met the President of Ireland and he also met Sargent Shriver, then head of the poverty program. When he met him, he said, "Sarge, you want poverty? I got it."

Well, that is true. We have poverty in my community—plenty of it.

And every man who represents a city here, be he Republican or Democrat, knows that the problems of the District of Columbia are not unique to the District of Columbia. You will find them in Chicago. You will find them in New York. You will find them in Baltimore. You will find them in Houston, Tex. You will find them in Los Angeles. Why? Because our population has moved. The American historians write about the migrations from Ireland and Southern Europe during the second half of the 19th century. Those migrations fade into insignificance when compared to what has happened right here in America since World War II.

Do you know why there are fewer Congressmen from Mississippi and Arkansas than there were when I first came here 30 years ago? Because so many Negroes have left those two States, as well as all rural areas. And where did they go? They went to New Orleans, and they went to Chicago—right straight up the Illinois Central Railroad to Chicago. But the migrants were not limited to our Negro Americans. Millions of other white Americans left the farms and moved to the cities, and they, too, lacked the skills needed in modern, urban America.

This has been the most significant migration in the history of our country. Now what we are trying to do is to build cities, tear down ghettos, clean the rivers, clean the air we breathe, and make our land serve the people—a prosperous, happy, contented people—who will not want to riot, to burn, to kill—a society where the polarization between the blacks and the whites, the old and the young, the inner city and the suburbs, no longer plague our land. And that is what the gentleman from Washington State, Mr. ADAMS is trying to do with his motion.

Mr. Chairman, here following is the government of Washington, D.C., report on the effects of the proposed personnel freeze, not including the personnel rollback:

REPORT OF DISTRICT OF COLUMBIA GOVERNMENT

EXECUTIVE OFFICE

Due to the newness of this Office and its just-beginning effort to make governmental services more accessible and relevant to the residents of the city, the freeze would preclude or curtail many proposals to meet this objective and to strengthen the executive management of the District Government. No staffing could be provided for a planning operation, implementation of the administrative procedures act, the neighborhood service centers, a City Hall Complaint Center, Commission on the Arts, or Highway Safety Coordinator. Staff could not be developed for needed strengthening of the Office of Budget and Executive Management.

FINANCE AND REVENUE

No staff could be hired for the increased fiscal and tax workload or for the expansion of audit programs which bring in more revenue and equalize the tax burden.

PUBLIC LIBRARY

The Library's proposed new efforts to provide special services in deprived areas and kindergarten services (seven positions in the 1970 budget) would be precluded. The general staff of 563 would be reduced by about 85 due to high turnover, resulting in drastic curtailment of existing services.

PUBLIC SAFETY

Although the Bill exempts Police and Fire from the personnel restrictions, these provisions would severely impair other equally important components of the criminal justice and public safety system. This is particularly crucial in light of President Nixon's crime package and court reorganization bills.

COURTS

All supportive personnel to the new Judges of the proposed Superior Court (an immediate increase of ten judges) and its operations would be disallowed as would 25 percent of the turnover rate. The Juvenile Court, especially, experiences a higher turnover. Juvenile Court's effort to reduce the very high caseload of their probation officers and establish decentralized units for closer supervision to reduce recidivism would be impaired at a time when juvenile delinquency rates are rising. For all the Courts, the bill would defeat administrative and city efforts to reduce the case backlog with all the negative consequences for criminal justice this entails.

DEPARTMENT OF CORRECTIONS

At a time when institutional population is increasing from a total 2,659 in 1968 to an estimated 3,000 in 1969 and 3,600 in 1970 and there are increasing disturbances and tensions within the institutions, there could be no additional staff for security, let alone vitally important rehabilitation programs.

Many voted for mandatory minimums.

Some have wanted to hold dangerous suspects.

LEGAL AID AGENCY

This relatively new agency is making a significant contribution to speeding and making more equitable criminal justice proceedings and personnel restrictions would present its further development as well as the achievement of the Public Defender role envisioned by the President's recent crime bill. The Offender Rehabilitation Program, a former Office of Economic Opportunity-funded project with great success in reducing recidivism, would be abolished with the loss of 11 positions in 1970.

CORPORATION COUNSEL

As of June 30, 1969, the restrictions would mean two permanent vacancies for an already understaffed legal office responsible for the city's criminal and civil proceedings. The required two attorneys per judge for the ten new judges of the proposed Superior Court would not be allowed. There could be no staff to replace those lawyers involved in the interstate highway problem and previously funded by reimbursements.

OTHER AGENCIES—PUBLIC WELFARE

There could be no staff for the Pre-Delinquency Unit and Diagnostic and Evaluation Unit recommended by the D.C. Crime Commission to work with young people just beginning to get into trouble.

RECREATION

No expansion of the Roving Leader Program could occur which would achieve closer supervision in presently unserviced areas to combat juvenile delinquency.

EDUCATION

Although Public Schools are exempted from the personnel freeze of the Bill, the education program would nonetheless be drastically hurt at Federal City College and Washington Technical Institute, especially as these institutions are in their development stage.

FEDERAL CITY COLLEGE

Two thousand applicants for the college's second year would be denied admission. Because faculty for the coming year program (274 positions) had to be recruited in Spring, 1969, contracts for positions in September would have to be broken for 80 percent of the positions and notice given 12 percent awaiting final contract approval. Due to the decision to focus on instructive versus supportive personnel in the first year, this severe imbalance of personnel could not be corrected. Quality of education would be hurt by the need to make major shifts in course offerings and a lower faculty-student ratio.

WASHINGTON TECHNICAL INSTITUTE

Similar problems would face Washington Technical Institute. Full-time equivalent enrollment would be restricted to 960 as opposed to the planned 1,400. Enrollment would be denied to 540 students who have substantially been advised of acceptance.

HOUSING AND ECONOMIC DEVELOPMENT

Many programs of the newly organized Department of Economic Development would be drastically cut back or disallowed entirely.

RAT CONTROL

There could be no expansion of staff from 13 to 33 in 1970 to participate in the city's "War on Rats" Program.

HOUSING INSPECTIONS

No expansion as planned could occur and the division's high turnover experience would hamper the improvement of housing conditions in the District.

CONSUMER AFFAIRS

No staff could be hired for this new Office.

OFFICE OF ECONOMIC AND BUSINESS DEVELOPMENT

This effort to attract and maintain business in the District, and thereby create a more healthy tax base, would be precluded.

HEALTH AND WELFARE

PUBLIC HEALTH

Termination of Federal grants would mean the end of many programs because the personnel could not be recruited even if the program were authorized to continue including: Maternal Health and Crippled Children Program, Alcoholic and Drug Addiction Division and Residential Treatment Center of the Area C Health Program, health services in the Garfield Terrace Public Housing Unit. The Detoxification Center could not expand nor could a second one open. This program relieves the courts and police of this problem according to new policy defining alcoholism as a public health problem.

Additionally, continuing Federal grants could be endangered by our lack of commitment or personnel; an example is the Children's Bureau's Pediatric and Mental Retardation Grant. The Drug Addiction programs would be highly inadequate without personnel (131 positions in 1970) and funding for the Drug Addiction Treatment and Rehabilitation Center. Due to high turnover, the 75 percent hiring provisions would hit hardest for nurses, and second, medical officers.

PUBLIC WELFARE

The expansion of Day Care to meet continuing needs and requirements of the 1967 Social Security Amendments, could not occur. The decision to expand the Youth Group Homes, an effective rehabilitation program of five residential halfway houses for juvenile offenders and probationers, would not be sustained.

Considerable loss of Federal funds would result due to about one half of welfare's positions being in a Federal match program. Immediate loss would be $311,934; in Continuing Services for Public Assistance Recipients, probable immediate loss would be $840,009.

VOCATIONAL REHABILITATION

The freeze would have serious funding repercussions due to its 80 percent Federal financing. For each District dollar, four Federal dollars are lost. The average cost per case is $422 and per rehabilitated person, $1,687. Program consequences are that for every 20 to 28 employees lost, 2,200 to 2,400 fewer disabled persons are served and 550 to 600 fewer are rehabilitated.

DEPARTMENT OF RECREATION

No staff could be provided for six new recreational centers and four new swimming pools which therefore could not open. A general overall reduction in services would take place and new services such as camping programs, could not begin.

SANITARY ENGINEERING

The program most severely hindered would be sanitation. The staff needed for alley cleaning more frequently than the present four or five week schedule could not be hired. Nor could there be staffing needed to lend essential assistance to an increasing number of citizen volunteer drives to clean up city neighborhoods. Eighteen new positions were requested in 1970 for alley cleaning; nine for services to citizen clean-up drives.

The CHAIRMAN. The gentleman must ask unanimous consent to withdraw his motion.

Mr. BOGGS. Mr. Chairman, I ask unanimous consent that I may withdraw my preferential motion.

Mr. DOWDY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. O'KONSKI. Mr. Chairman, I rise in opposition to the preferential motion.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. O'KONSKI. Mr. Chairman, I, for one, am griped at listening to how this Congress has constantly abused the Nation's Capital. It has been just exactly the opposite. No people on earth and no city in the United States of America has received over the years I have been here—and that is 27—such preferential treatment as has the Nation's Capital and the people of the District of Columbia.

This is the only city in the United States of America that even subsidizes its professional athletes. We talk about cost overruns. We built a stadium that was originally supposed to cost $4 million, and when McCloskey got through constructing the building, it cost $20 million. It was supposed to pay for itself, and it is now costing the taxpayers—in your district and in mine—almost $1 million a year to keep it up.

Even the subsidization of the professional athletes does not seem to help, does not seem to do any good, because the people of Wisconsin even sent the District of Columbia "St. Vincent" and last Saturday, the team went to Buffalo, and a team that won only one game last year beat the Washington team.

I want to tell Members how the city is receiving preferential treatment. Let us talk about the percentage of the population that works for the government. If these figures do not stagger Members, nothing will. In Atlanta, Ga., 1 percent of the population works for the city government; in Cleveland, Ohio, 1 percent; in Milwaukee, Wis., where "St. Vincent" comes from, 1 percent; in St. Louis, Mo., 1 percent; in San Antonio, Tex., 1 percent; in Seattle, Wash.—the district of Congressman Adams—1 percent. But in Washington, D.C., it is 5.29 percent.

If we put that on a Federal level and prorate it accordingly, we will have 13 million Federal employees working for the Federal Government, applying the same ratio as is applied in the District of Columbia for the city government.

If that is not preferential treatment, I would like to know what is.

I want to say something else—they do not do their job. The Federal buildings that we have in Washington, D.C., that we are paying this grant for—they are not protected by Washington, D.C., police. The Nation's Capitol, our Capitol, has its own police force, and that does not cost the District of Columbia anything. Our national parks have their own police force. The White House has its own Secret Service. So they do not even police any of those things we are paying them the money for—and yet they have a ratio of 5.29 percent.

I am puzzled, because I have been here 27 years, and there has not been a city or people anywhere that have received the favored treatment the District of Columbia has received. I have a county in my district where the Federal Government owns 80 percent of the land, and we received not one thin dime from the Federal Government. We have to pay for the police, and we have to pay for the roads, and we get no Federal aid to impacted areas, such as they receive here in the District of Columbia, where the wage rate is the highest per capita anywhere in the world—and again that is preferential treatment.

I, for one, am griped at hearing the constant stories about how we are neglecting the Nation's Capital and how this should be the model city for the world. It is—for the money we are spending. The figures here are only about one-third of the actual money we are spending. If we added up all the grants and everything else that goes with them, the Members would find we are giving three times more money to the District of Columbia than is contained in this bill.

The CHAIRMAN. All time has expired.

The question is on the preferential motion offered by the gentleman from Louisiana (Mr. Boggs).

The question was taken; and on a division (demanded by Mr. Gross) there were—ayes 0, noes 70.

So the preferential motion was rejected.

Mr. NELSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall be very brief, and I hope that soon the previous question will be ordered to a vote.

I want to point out that the committee report, on page 2, shows the City Council's tax recommendations, to yield an additional amount of money. The total there is $39.7 million. Then if we turn to page 60 we find the additional revenue produced by virtue of permitted taxes contained in H.R. 12982, and this will yield in 9 months $28.9 million. For the annual amount, that would be $39.7 million. The shortage of revenue if the committee bill is enacted is thus overstated on page 60. So this is not to be overlooked when we talk about the total dollars involved so far as the Federal payment in the committee bill is concerned.

I also want to make the observation that the formula provision in this package is on a 5-year basis. The original borrowing authority was a formula. It was my amendment, and it expired in 3 years automatically unless reinstated. Here there is a 5-year period on the Federal payment provision as proposed by the minority. Five years is quite a long time.

Frankly, the committee has exceeded every formula we have ever had proposed, in lump sum appropriations, anyway. I believe the argument of the minority for a 5-year Federal payment formula is not the best.

I also want to make reference to the former Speaker, Sam Rayburn. He once admonished the new Members to always have in mind that he knew of no one who was ever defeated by things he did not say. I will say no more.

Thank you very much.

Mr. CABELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, and members of the committee, I hope I will be pardoned for making a personal reference in speaking in opposition to the substitute amendment offered by the gentleman from Washington.

I have sat in on many budget hearings where the administrative branch of a portion of the Government has come to the legislative branch with a budget proposal for the coming year. I have never seen one where the legislative branch gave a blank check without even intelligent hearings for the request of the administration.

We heard testimony that utterly failed to justify the amount of money requested by the local city government.

I think we have an obligation to our taxpayers as well as those of the District of Columbia who are being also hit by this bill to watchdog it for them. I would submit to you, gentlemen, that if we agreed to these unusual requests, these unsubstantiated requests, if we do not retain the power of setting tax rates in the District of Columbia, if we give a specified formula, then it would be the biggest boondoggle that has ever been perpetrated on the taxpayers of the United States. Whenever a group not charged with having to raise all of their own tax moneys or even governing their own city can spend $1 million and get $300,000 discount on it on the day they spend that money, then I say that you have a shaky condition and one that will inevitably lead to waste, and ultimately corruption.

I would also like to say that there has been much said about our taking away from the District government the right to levy taxes. Gentlemen, actually the Congress is only retrieving what in my opinion had been an illegal privilege granted to them, because the Constitution calls for the Federal Government to levy the taxes in the District. The Constitution also requires that the Congress exercise exclusive legislation in all cases whatsoever in the District of Columbia. The Constitution likewise prescribes that all tax legislation originate in the House of Representatives. The Congress can neither exercise exclusive legislation nor can the House perform its constitutional obligation when the power to set taxes in this Federal jurisdiction rests with another body. So we have no recourse but to retain in the Congress the power to levy taxes in the District of Columbia.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Washington?

Mr. CABELL. In order to shut off further debate, Mr. Chairman, the gentleman from Texas declines to yield.

MOTION OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I move that all debate on this amendment and all amendments thereto end in 60 seconds—in 1 minute.

Mr. Chairman, I wanted 5 minutes for myself, but the hour is growing late.

The CHAIRMAN. Will the gentleman restate his motion?

Mr. JACOBS. Mr. Chairman, I move that all debate on this amendment and all amendments thereto end in 5 consecutive minutes.

The CHAIRMAN. By "this amendment" does the gentleman mean the Adams substitute?

Mr. JACOBS. The amendment in the nature of a substitute. That is correct.

Mr. GERALD R. FORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GERALD R. FORD. That is only applicable to the substitute and all amendments thereto? It does not relate to any subsequent amendments that might be offered if the substitute is defeated?

The CHAIRMAN. The Chair understands it applies to the Adams substitute and any amendments thereto.

The question is on the motion offered by the gentleman from Indiana.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. Jacobs).

Mr. JACOBS. Mr. Chairman, I urge the adoption of the substitute, and I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. Dowdy).

Mr. DOWDY. Mr. Chairman, I am opposed to the substitute.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from Missouri.

Mr. HUNGATE. I thank the gentleman for yielding.

Mr. Chairman, I am a little bit embarrassed since I am not from Mississippi, and I do not know Mr. Rayburn, and I may not know a lot about this bill. But it does have $15 million in additional Federal payment and $24 million in additional tax revenue and I believe all in all taking into consideration the days of hearings which the Committee on the District of Columbia held, I think the committee on balance has done a fine job. I urge the defeat of the substitute amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. Joelson).

Mr. JOELSON. Mr. Chairman, I want to refer briefly to the statistical sleight of hand of the gentleman from Wisconsin when he said 1 percent of the people of Milwaukee are working for the city and 5 percent of the people of the District of Columbia are working for the District government. I would like to point out that in the District of Columbia these employees perform the functions of county and State governments, such functions as workmen's compensation administration and unemployment compensation. I cannot list everything in these 30 seconds which have been allotted to me. However, there is no comparison. So cleanse your mind of that statistical mirage.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. Gude).

Mr. GUDE. Mr. Chairman, I would like to again point out the fact that the President in his message to Congress said that "we cannot achieve a strong and efficient government in the District of Columbia unless they have an ample source of financing." In supporting the formula the President stated the "formula would equitably reflect the Federal interest in the District of Columbia."

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. GUDE. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Chairman, I forgot to mention this in my earlier statement but I made reference to the power to set tax rates by the District government. I find on our side considerable concern because of the restriction and as a result of a few conferences, I intend to offer an amendment at the proper time that would remove the restriction.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. Waggonner).

Mr. WAGGONNER. Mr. Chairman, I did not realize that I had been allotted any time, but I would like to concur with those who have taken the position here today that the District of Columbia has received through the years preferential treatment, and if you do not think it is so, I have checked with the Appropriations Committee since this discussion began today and have found that the total budget for the District of Columbia for fiscal 1970 is $866,014,000, of which $133,226,000 is in the form of Federal grants.

Now, if this is not preferential treatment, I do not know what it is.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. Adams).

Mr. ADAMS. Mr. Chairman, I am surprised at some of the gentlemen who indicated they would yield time to me but did not do so and there is only one reason in my mind that they did not, and that is the fact that they are trying to "jimmy" the statistics.

Mr. Chairman, when one considers the functions of this government of the District of Columbia, one has to take into consideration the fact that it acts not only as a city, but as a county, and in many respects as a State. In my own city, the courts, for example, are supported by the counties while the welfare system comes under the jurisdiction of State support.

The unemployment compensation system is with State support, plus the fact that the Federal Government brings into this city every day 340,000 people, and provides services.

Mr. Chairman, I support the substitute, and I hope the Members will do likewise.

The CHAIRMAN. All time having expired under the time limitation, the question is on the amendment offered by the gentleman from Washington (Mr. Adams) as a substitute for the committee amendment, as amended.

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 73, noes 85.

Mr. ADAMS. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Adams and Mr. McMillan.

The Committee again divided, and the tellers reported that there were—ayes 92, noes 106.

So the substitute amendment for the committee amendment was rejected.

AMENDMENT OFFERED BY MR. NELSEN TO THE COMMITTEE AMENDMENT

Mr. NELSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Nelsen to the committee amendment: Strike out title VI beginning with line 14 on page 36 and all that follows down through and including line 23 on page 37, and redesignate the succeeding titles and sections accordingly.

Mr. NELSEN. Mr. Chairman, I indicated in my comments earlier in the debate that I was concerned about the provision that took from the city government the right to set a tax rate, or the power to tax real and personal propery. I indicated I had been hopeful that this provision, if it were to be adopted, would be contained in the committee report rather than the restrictive language contained in the bill as it is presently drawn.

I now find on my side of the aisle considerable concern about this provision. I find that the White House has indicated reservations relative to its restrictive language. I believe that this provision should be taken out of the bill, thus making it more acceptable to some of those who have indicated considerable concern about the bill generally and particularly these restrictive provisions in the bill.

Mr. Chairman, I hope the amendment will be adopted.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman.

Mr. GROSS. What is wrong with that? What is the reason for the amendment?

Mr. NELSEN. The power to set a tax rate has been in the law since 1922. If you are going to have any semblance of responsible government, in the city government, certainly you are going to have to give them some authority to levy taxes.

Mr. GROSS. Is it true that the government of the District of Columbia has refused at times in the past to increase taxes? Is this the reason this provision is in the bill?

Mr. NELSEN. No, that is not true. The District of Columbia has increased their tax rate levy and the language of this bill accommodates the increases adopted by the District government. But the bill restricts the District government from establishing the real estate and personalty rate in the future, as I understand it.

Mr. GROSS. I see. I thank the gentleman.

Mr. McMILLAN. Mr. Chairman, I move to strike out the last word.

The reason the committee considered the amendment was the fact that the majority of the members felt that under the Constitution the House District Committee and the Congress should set the taxes here in the Nation's Capital. However, in committee we had some opposition to the amendment. The time is getting late, and I will accept the amendment on the part of the committee and try to adopt this matter in a separate bill.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the necessary number of words.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. GERALD R. FORD. Mr. Chairman, I wish to compliment the chairman of the Committee on the District of Columbia. I think this is a wise move to restore to the District government a function that they have performed, as I understand it, since 1922. I am convinced that they will act responsibly and equitably, and with the opportunities of more revenue, as this bill reported by the committee will provide, I am hopeful that they will be able to do some of the things that are needed and necessary and which must be done if we are to make the District of Columbia the kind of city that we all want it to be and that we can be proud of.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished majority leader.

Mr. ALBERT. I desire to associate myself with the remarks of the distinguished minority leader in his word of tribute to the distinguished chairman of the committee. This, it seems to me, is a wise move, and I think the power which it carries with it will be wisely used in the interest of this great city that we all love.

Mr. GERALD R. FORD. I thank the gentleman. I yield back the remainder of my time.

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from Minnesota.

The amendment to the committee amendment was agreed to.

AMENDMENT OFFERED BY MR. GUDE TO THE COMMITTEE AMENDMENT

Mr. GUDE. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

> Amendment offered by Mr. GUDE to the committee amendment: On page 44, after line 23, insert the following new section:
>
> "SEC. 906. Section 401(2) of the District of Columbia Revenue Act of 1968 (D.C. Code, sec. 31–1118) is amended (1) by striking out "and (B)" and inserting in lieu thereof ", (B)", and (2) by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and (C) any individual who, as part of a program approved by an educational agency having jurisdiction over an elementary or secondary school located outside the District of Columbia, is voluntarily enrolled in such school." "

Mr. GUDE. Mr. Chairman, the matter of the education of a small number of inner-city children at the Bannockburn School has already been discussed to some degree on the floor. I would like to point out that the cost to the District of this project per child last year was approximately equal to the average of cost educating the average child in the city.

Also I must emphasize that this is a voluntary program. I cannot express too emphatically the volunteerism which lies at the base of it. Those who would dub it a busing program misunderstand its terms and my philosophy in backing it.

Those who suggest that it represented a beginning of what may become mandatory for them later in other districts also fail to understand this program. This is merely an effort of two schools and the parents and students involved to cope with an urban problem in terms they understand and in ways they can best act.

We have in this program a meager handful of 25 children out of the entire school system of the District, going into my own county school system, of about 130,000 students. I certainly implore Members of the House to think of this in terms of how they would like their own school districts to be run; whether they would like to have their school districts run from Washington or run by their own local citizens through their local school boards.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GUDE. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, does this involve the expenditure of any money? If so, where does the money come from? Also, on whom will the money be spent?

Mr. GUDE. Mr. Chairman, it involves funds which the District of Columbia school system would ordinarily use to educate these children in the city. The funds would merely be used instead to educate them in the county. There is also some foundation money and some county money. The cost for the District is about the same as the cost to educate the same group of children in the District.

Mr. FUQUA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is with great reluctance that I rise in opposition to this amendment, but I do so solely because of monetary reasons. We have been pleading here today and much comment has been made about the need for additional revenue for the District of Columbia. The gentleman from Iowa made a very pertinent point: Where is the money coming from to provide for the transportation and tuition cost of these students?

I was very concerned about this problem, because I wanted to support it. I think probably it is a good project. I have no objection. I do not think this House would have any objection to students from the District of Columbia going to Montgomery County schools so long as the country wants to pay the bill, but that is a different question.

This about doubles the total expenditure per pupil for education of these students. The per pupil cost in the District of Columbia is $797, and the per student cost in Montgomery County is $850. The superintendent of the Montgomery schools reported on June 24 of this year that the total cost would be about $33,536 for the 21 children. The tuition would be $17,850; the transportation cost would be $7,876; the teacher aid cost would be $6,000; and the school lunch cost would be $2,000. This amounts to approximately $1,597 per pupil expenditure, which is approximately twice the cost of the school tuition in the District of Columbia.

We have in the District of Columbia the schools, the space, the teachers hired, and the transportation available, as well as all the other things necessary to educate these children.

Montgomery County's generosity—and I am sure this is a fine project—to me just doubles the cost per pupil for this experimental program.

I hope, as it did last year, the House will reject this amendment, so if the county desires to continue with it, they can do it, but with other funds. But we will not be using the tax money to pay twice the amount of money per student than it is costing in the District to transport these children to Montgomery County. I certainly hope the House will join me in defeating the amendment offered by my good friend, the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. FUQUA. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Chairman, the gentleman says we would have to spend money to give these children lunches. Does the gentleman think they would not eat lunch in the District?

Mr. FUQUA. This is an additional cost of approximately $1,500, nearly $1,600.

Mr. GUDE. Without the money that may come from the foundations, the costs may be higher. As far as the District taxpayer is concerned, there is no more cost than they pay for the other children in the District. But I do not know if a child eats twice as much when he gets out into the fresh air of Montgomery County. I do not see how the cost of the lunch per child is doubled.

Mr. FUQUA. We are paying for their share in the District and also in Montgomery County.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. FUQUA. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Chairman, the gentleman from Maryland pointed out that this proposal was entirely voluntary and would involve only 25 pupils and that it was a very simple proposal causing no harm or injury to anyone.

I can assure the Members of the House the people in northern Virginia are concerned with the various plans and proposals and efforts that could result in busing of school children from the inner city to the suburbs and vice versa. With the various court decisions going on all the time, I do not think any of us in northern Virginia want to support any proposal that would have the effect of the camel getting his nose under the tent. The next thing we know it will be 25 more, and then 100.

Instead of being voluntary, it is going to become mandatory.

I have no objection to the people of Maryland being involved in any social administration they wish, but if they want to become involved let the taxpayers of Maryland pay for it rather than the taxpayers of Virginia and of other parts of the country.

We have denied Federal funds in the past to be used for busing students to overcome racial imbalance. Why should we approve this proposal, to do exactly the opposite?

Mr. FUQUA. The gentleman from Virginia is eminently correct. I believe that if Montgomery County or the State of Maryland wants to do this, they should do it with their own funds.

Mr. ADAMS. Mr. Chairman, I rise in support of the amendment. I support the gentleman from Maryland. I am pleased he has offered this amendment.

I am surprised, and I am pleased also, that the gentleman from Florida opposes this only for monetary reasons, because I believe the human values involved in this are far more important, far deeper.

This is the sort of thing I will leave to the judgment of my colleagues in the House, as to whether they want to let families, children, and local school boards get together on voluntary programs to try to improve human values we all live with.

I hope the amendment will be adopted.

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from Maryland (Mr. GUDE).

The question was taken; and on a division (demanded by Mr. GUDE), there were—ayes 74, noes 83.

Mr. GUDE. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment to the committee amendment was rejected.

AMENDMENT OFFERED BY MR. HORTON TO THE COMMITTEE AMENDMENT

Mr. HORTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HORTON to the committee amendment: On page 41, and all that follows down through and including line 2 on page 42 and insert the following:

"SEC. 801. Article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, secs. 47–2501a and 47–2501b) is amended to read as follows:

" 'ARTICLE VI—FEDERAL PAYMENT

" 'SEC. 1. A regular annual payment (hereafter in this article referred to as the "Federal payment") is authorized to be appropriated from revenues of the United States to cover the proper Federal share of the expenses of the government of the District of Columbia. The Federal payment, when appropriated, shall be paid into the general fund. Subject to any adjustments required under section 3 for overpayments or underpayments, the Federal payment authorized by this article for each of the five fiscal years ending June 30, 1970, June 30, 1971, June 30, 1972, June 30, 1973, and June 30, 1974, shall be an amount equal to 30 per centum of the amount of District of Columbia fees, miscellaneous receipts, and tax revenues which the Commissioner estimates will be credited to the general fund during such fiscal year and which is approved under section 2. Subject to any adjustments required under section 3 for overpayments or underpayments, the Federal payment authorized by this article for the fiscal year ending June 30, 1975, and each fiscal year thereafter shall be an amount equal to 30 per centum of the amount of District of Columbia fees, miscellaneous receipts, and tax revenues credited to the general fund during the fiscal year ending June 30, 1974.

" 'SEC. 2. For each of the five fiscal years ending June 30, 1970, June 30, 1971, June 30, 1972, June 30, 1973, and June 30, 1974, the Commissioner shall estimate the amount of District of Columbia fees, miscellaneous receipts, and tax revenues that will be credited to the General Fund during such fiscal year. He shall submit such amount to the Bureau of the Budget with the regular budget of the District of Columbia for such fiscal years. The amount of such revenues and fees which is approved by the Director of the Bureau of the Budget shall be submitted to the Congress.

" 'SEC. 3. If the amount of the Federal payment appropriated in any of the five fiscal years ending June 30, 1970, June 30, 1971, June 30, 1972, June 30, 1973, or June 30, 1974, does not equal 30 per centum of the amount of District of Columbia fees, miscellaneous receipts, and tax revenues credited to the General Fund during such fiscal year, increased or decreased as may be necessary to reflect the amount of the adjustment made under this section to the Federal payment authorization for such fiscal year, the amount of the Federal payment authorization for the second fiscal year beginning after such fiscal year shall—

" '(1) if such Federal payment appropriation exceeded 30 per centum of such fees, miscellaneous receipts, and tax revenues (so increased or decreased), be reduced by the amount of such excess; or

" '(2) if such Federal payment appropriation was less than 30 per centum of such fees, miscellaneous receipts, and tax revenues (so increased or decreased), be increased by the amount by which such appropriation was lower.

" 'SEC 4. For purposes of this article—

" '(1) The term "Commissioner" means the Commissioner of the District of Columbia.

" '(2) The term "General Fund" means the General Fund of the District of Columbia in the Treasury of the United States.

" '(3) The term "miscellaneous receipts" does not include any amounts derived from grants or loans from the Federal Government to the District of Columbia.'

"SEC. 802. This title may be cited as the 'District of Columbia Federal Payment Authorization Act of 1969.' "

Mr. HORTON. Mr. Chairman, this is an amendment which would provide the Federal payment formula at 30 percent. I bring it up at this time because I feel it is important for us to provide adequate revenues for the District to meet its commitments. You have heard a number of members of the committee talk about meetings of the committee in sessions before we reported out this bill. I wish, if you would get a chance, that you take a look at page 60 of the report in which we set out in our minority views an appendix showing the District government's revenue proposals and also the committee's proposals. If you will look down the list of the District of Columbia government proposals, you will find that the District of Columbia government proposed $62.41 million as their means of raising revenue. On the other side, in the other column, you will find the results of the committee meeting. As was said earlier, in the committee we did adjust and compromise the proposals with respect to sales taxes and revenues on such things as beer, whiskey, other spirits, and cigarettes. If you will take a look at it, though, you will find that the District government proposed a 4 percent sales tax in many of these areas. The point I am making is that the District government was willing to provide the wherewithal, but we in the committee did not provide the necessary funds for the District to meet its commitments.

Mr. Chairman, I have read many times here on the floor this afternoon, and I know there are some here who were not here earlier, President Nixon's statement to the Congress with respect to the Federal formula as a means of providing for the District government adequate revenues to meet their commitments. Again I would like just to ask the indulgence of the Members as I read this portion of what the President said to us in making a recommendation for this type of formula.

The formula that I am presenting here today is exactly what President Nixon proposed to this Congress on April 28 of this year when the President said:

> The District of Columbia cannot achieve strong and efficient government unless it has ample and dependable sources of financing. Sound financing can be achieved only if the Federal Government pays its appropriate share.

Then he says:

> I therefore recommend that the Congress authorize a Federal payment formula fixing the Federal contribution at 30 percent of local tax and other general fund revenues.

Then he supports this recommendation with the reasons why and the areas in which there are no Federal payments. Then he said that acceptance of the formula approach would be a significant step toward helping local government in the District. It would tie the level of Federal aid to the burden imposed by local taxes on the District citizens and also provide the District with a predictable estimate for action in the annual budget process. He also pointed out, as is true of this amendment, that the proposed Federal payment formula would not involve an automatic expenditure of Federal funds. This Federal payment would still have to be appropriated by the Congress. This is an authorization bill. We are not providing appropriations. This would be done by the Committee on Appropriations.

Then the President continued, saying that by authorizing the Federal payment of 30 percent of all District general fund revenues the Congress would allow the payment of $120 million in fiscal year 1970. We have in the committee bill before us provided $105 million. We are short by some $15 million to $20 million of what the District government says is absolutely necessary to run its affairs.

In other words, the authorization bill being presented here today is out of balance. It seems to me that it is appropriate for us to have a formula to which the District can look for the next 5 years.

It seems to me that it is important for us to follow President Nixon's recommendation.

Therefore, I hope the members of the committee will support this amendment which will provide a formula under which an additional $15 million will be raised in order to meet the expenditure needs of the District of Columbia.

Mr. DOWDY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment, and I shall not take the full 5 minutes.

I would like to say this: In the testimony before the District of Columbia Committee the District of Columbia government testimony indicated that in 1971 its budget would be increased by over $100 million from what they asked for for this fiscal year. The same testimony indicated to us that they might be back asking for a 35-percent formula next year.

Mr. Chairman, the formula which has been proposed by the gentleman from New York (Mr. Horton) has already been acted upon as a result of the action of the committee on the substitute awhile ago on which the able gentleman from Louisiana spoke in favor of it for about 30 minutes.

The District Committee comes here supporting an increase of $15 million in the lump-sum payment to the District by the Federal Government toward the expenses of the District, in lieu of the proposed Federal payment formula. This but reaffirms the method of payment by the Congress to the District which has been in effect over 90 years.

For at least 6 years the District government has urged that Federal payment be based on a formula, and each year the formula has been rejected by the District Committee and by the Congress.

The proposed formula is but a gimmick, pure and simple, designed solely as a lever to pry from the Congress higher Federal payments to the District.

The formula has been offered and found as the panacea for the financial plight of the District, which when adopted would solve the needs of the District.

That it is at best a misguided proposal is shown by its history. First it was offered over 6 years ago as a 25-percent formula; for example, the Federal Government to pay an amount equal to 25 percent of tax revenues collected by the District (from income and franchise taxes, sales taxes, property taxes, and inheritance and estate taxes), to be paid directly to the District. When that proved unpalatable to the Congress, the proposal was modified to require the District to come to the Appropriations Committees, as they do now, and justify the disbursement of such funds, but the Congress repeatedly rejected it.

In the last Congress, after the District again proposed the 25-percent formula, the April 1968 riots produced such a dropoff in taxes collected by the city that it became quite apparent the formula method would not produce the desired necessary revenues for expenditures the city had projected. So the city quickly and gladly settled for the Federal lump-sum payment, $90 million, as it provided more funds than the $82.9 million the District would have received under the formula.

In this Congress, in the light of that experience, the District increased the formula to a 30-percent formula, and also expanded the base so that the 30 percent would apply not merely to taxes collected but also would apply to all District of Columbia fees and miscellaneous receipts. By such proposal, the District would receive if the entire tax package had been adopted, a Federal lump-sum payment of $120.5 million, as contrasted with presently authorized $90 million increased to $105 million in the reported bill.

And for next year, the District of Columbia government testimony was that its 1971 budget would be increased by over $100 million. Informally it has been reported that the District will ask for a 35-percent formula next year.

So the formula approved does not pretend to place the District on any sound, durable basis, but still necessitates that the District, under its expanding-spending programs, return to the Congress each year with an increased Federal payment requested. Whether lump-sum or formula, the bite is on the Congress—meaning the taxpayers of the whole country—to pick up the tab for a large part of the District's spending.

It is the judgment of a majority of our committee that a closer surveillance and review of the District's financial needs are best met through use of the lump-sum Federal payment to make up any District deficit or requirement when same has been established and justified.

The history of the Federal payment to the District over the past 15 years is shown in the following chart. It will be noted that the authorized amount for this payment, based on the proposed increase in H.R. 12982, has more than doubled in the past 5 years.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA, AUTHORIZED AND APPROPRIATED, FISCAL YEARS 1955–1970

Fiscal year	Authorized Federal payment (in millions)	Actual Federal payment (in millions)
1955	$20	$20
1956	20	18
1957	23	20
1958	23	20
1959	32	25
1960	32	25
1961	32	25
1962	32	30
1963	32	30
1964	50	37.5
1965	50	37.5
1966	50	44.25
1967	60	58
1968	70	70
1969	90	89.4
1970	[1] 105	----------------

[1] Proposed in H.R. 12982.

Mr. Chairman, I think the members of the Committee have heard about enough on this particular subject. Therefore, I urge the defeat of the amendment.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Chairman, I join with the gentleman from Texas in opposing the amendment. As the gentleman knows this matter was disposed of once before here this afternoon when it was embraced in the Adams substitute amendment to the committee amendment. This was the main thrust of the Adams substitute amendment in that it would increase the Federal payment by about $15 million. But in addition to increasing the Federal payment by about $15 million we would not be discharging our responsibilities if we adopted this overly simplified formula. We know that the formula is not going to meet every expenditure contingency. However, if it does not provide sufficient funds they can come back here and ask that the formula be raised. I feel that if we want to make a larger Federal payment, why do we not say so? We have always provided the money. If it is determined that as a result of this formula they have been shortchanged, they should come back and ask for more, and I will support it. However, Mr. Chairman, I support the provisions as contained in this particular bill as recommended by the Committee on the District of Columbia.

Mr. DOWDY. Mr. Chairman, I ask unanimous consent that all debate on this amendment now be closed.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. ADAMS. Mr. Chairman, reserving the right to object, and I shall not object, because I think debate can close on this bill. However, I want to indicate that those of us on this side are going to support the position that President Nixon has taken on the 30-percent formula and we hope that the leadership and that the Republicans will do likewise.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from New York (Mr. Horton).

The question was taken; and on a division (demanded by Mr. Horton) there were—ayes 74, noes 90.

So the amendment to the committee amendment was rejected.

AMENDMENT TO COMMITTEE AMENDMENT OFFERED BY MR. HORTON

Mr. HORTON. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. Horton to the committee amendment:

On page 42, line 2, strike out "$105,000,000" and insert in lieu thereof "$120,000,000".

The CHAIRMAN. The gentleman from New York is recognized in support of his amendment.

Mr. HORTON. Mr. Chairman, this amendment is a very simple amendment. All it does is increase the Federal payment by $15 million, which I think the committee will agree is the amount necessary to balance the authorization. I think it is only appropriate that we do this in this Committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York, (Mr. HORTON), to the committee amendment.

The question was taken; and on a division (demanded by Mr. HORTON) there were—ayes 63, noes 91.

Mr. HORTON. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. HORTON and Mr. McMILLAN.

The Committee again divided, and the tellers reported that there were—ayes 69, noes 109.

So the amendment to the committee amendment was rejected.

AMENDMENT OFFERED BY MR. FRASER TO THE COMMITTEE AMENDMENT

Mr. FRASER. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. FRASER to the committee amendment:

Page 42, strike out lines 4 through 14.

Redesignate the succeeding sections accordingly.

Mr. FRASER. Mr. Chairman, in this bill is a provision which bars the District from having a Public Safety Commissioner. The District has had a Public Safety Commissioner for several years. That Commissioner, according to the Mayor, is helping to coordinate the anticrime programs passed by this Congress, and is coordinating corrections, Police Department, Fire Department, civil defense, juvenile programs, and so on. My amendment would take out this prohibition which the bill places against the continuation of the Public Safety Director of the District of Columbia. I cannot imagine a more clear-cut case of congressional intervention into the affairs of a local government than for this Congress, with all of its majesty, to dictate to that poor little District government that they shall not have a Public Safety Commissioner.

We, as the great Congress, know that a public commissioner is wrong. It is bad, even though he is asked for by the Mayor, who is in turn appointed and asked to continue to serve by the President of the United States. This is such a clear-cut case of intrusion into local responsibility that I thought perhaps we might get agreement in the House to take this provision out. This is not a sound provision. It has no place in this bill.

I would strongly urge the Members not to put handcuffs on the District of Columbia in its efforts to mount an effective anticrime program.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Maryland.

Mr. GUDE. Would this legislation require the Commissioners of the District of Columbia to appoint a Public Safety Commissioner?

Mr. FRASER. The bill before the House prohibits the District from having such a commissioner. If my amendment passes, it will leave the discretion with the Mayor to have one or not to have one, as he feels is wisest.

Mr. GUDE. It would be discretionary?

Mr. FRASER. It would be discretionary if my amendment is agreed to.

Mr. BELL of California. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from California.

Mr. BELL of California. Previously it was stated by another Member that the problem would be that the safety department man would be looking over the shoulder of the Chief of Police. It is my understanding that the mayor of the District of Columbia favors this Public Safety Department; is that correct?

Mr. FRASER. That is correct. The mayor wants a Public Safety Commissioner.

Mr. BELL of California. It was said at an earlier time that the Public Safety Department might be a difficult department organizationally because it would interfere with the operations of the Chief of Police. Obviously that is not the case, if that is what the mayor of the city wants.

Mr. FRASER. I agree with the gentleman. The mayor finds the Public Safety Commissioner of assistance to him in trying to coordinate all the safety and anticrime programs.

Mr. BELL of California. In no way is it duplicatory?

Mr. FRASER. It is not duplicatory at all.

Mr. Chairman, I hope we will use a little commonsense and give the District government some discretion in this matter.

Mr. ABERNETHY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Mississippi is recognized.

Mr. ABERNETHY. Mr. Chairman, this is one of the matters we went over earlier this afternoon. The House voted it down. The facts are that the most troublesome period that this city has ever experienced was at a time when this position was an active position in the District of Columbia. You all remember that. I am not pointing fingers at anyone, nor am I criticizing anyone. When you take away from the chief law-enforcement officer of a city, and particularly this beautiful and lovely city, you tie the hands of his whole department and take away from him the authority to do the things that ought to be done to protect the people and the property of this city. We have been up this hill and we have been down.

I think they are getting along very well now without a permanent safety director. There is no plan on the part of anybody in this Government to fill this position. It has not been filled in a year. If there was any such plan, it would have been filled this year before the tax bill and the appropriation bill was sent to Capitol Hill. I think the amendment ought to be voted down.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, they had this authority. The so-called Mayor of Washington had this authority. He appointed an incompetent who sought to be a dictator. And I am sure that is the reason why the committee is removing this authority now, and properly so. I am opposed to this amendment.

Mr. ABERNETHY. It is not anticipated the same man will be restored to this position. I do not think that is possible. But I do feel very strongly that the chief of police ought to be the chief of police, or else he ought to be just a policeman. The chief of police ought to have full authority to handle and direct the Metropolitan Police and protect the people of this community. Let us not water that authority down. After all, he has been doing a pretty good job for many years, and I hope we will leave this in his hands.

Mr. JACOBS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, we do not have just an Army Chief of Staff. We do not have just a Navy Chief of Staff. Probably we should have a Marine Corps Chief of Staff. But nonetheless, we do not have just a Secretary of the Army, or just a Secretary of Navy. We need a Secretary of the Marine Corps. We have also the Secretary of Defense. Why? We have him to coordinate the various branches and the various efforts to achieve the defense of this country.

The same thing is true about the public safety of any given city. In my own city we have a safety board. In some cities there are public safety commissioners. It all comes down to the same thing: whether we are going to have organization and coordination toward the overall effort to protect the citizens of the community, or whether we are going to have everybody pulling in his own direction and have fire trucks running into police trucks. That is the purpose of the effort, to coordinate the public safety. That is the purpose of the job.

Some people may think one man is incompetent, and some people may think another man is incompetent. As my friend, the gentleman from Mississippi, says, that does not have anything to do with who fills the job. A lot of people think some Members of Congress are incompetent, but they do not want to abolish the Government of the United States.

I think we need the position badly. We ought to have coordination in our city. We have had enough chaos in the cities. Let us not add to it.

Mr. McMILLAN. Mr. Chairman, I ask unanimous consent that the debate on this amendment and all amendments to the bill be closed.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from Minnesota (Mr. FRASER).

The amendment to the committee amendment was rejected.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

Mr. McMILLAN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GIAIMO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 12982) to provide additional revenue for the District of Columbia, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

Mr. McMILLAN. Mr. Speaker, I move the previous question on the bill and the amendment thereto to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. O'KONSKI

Mr. O'KONSKI. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. O'KONSKI. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. O'KONSKI moves to recommit H.R. 12982 to the Committee on the District of Columbia.

Mr. ADAMS. Mr. Speaker, I have an amendment to the motion to recommit.

Mr. McMILLAN. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER. The question is on ordering the previous question on the motion to recommit.

The question was taken; and on a division (demanded by Mr. ADAMS) there were—ayes 104, noes 65.

So the previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that all Members may have 3 days to extend their remarks in the RECORD on the bill H.R. 12982 and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina.

There was no objection.

THE LATE HONORABLE BARRATT O'HARA

Mr. MIKVA. Mr. Speaker, I have a painful duty to inform the House that my illustrious predecessor, Barratt O'Hara, passed away this morning at 11:30 o'clock.

There will be visitation tomorrow evening at Lee's funeral parlor, Fourth Street and Massachusetts Avenue NE., in Washington. Funeral arrangements are being made in Chicago at his home later in the week. The members of the Illinois delegation plan to take a special order in this regard, and at this point, Mr. Speaker, I ask unanimous consent that I be permitted to address the House for 1 hour on September 3, immediately following the congressional recess. I invite other Members of the House to participate in that special order.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

WELFARE REFORM—A MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–146)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

A measure of the greatness of a powerful nation is the character of the life it creates for those who are powerless to make ends meet.

If we do not find the way to become a working nation that properly cares for the dependent, we shall become a Welfare State that undermines the incentive of the working man.

The present welfare system has failed us—it has fostered family breakup, has provided very little help in many States and has even deepened dependency by all-too-often making it more attractive to go on welfare than to go to work.

I propose a new approach that will make it more attractive to go to work than to go on welfare, and will establish a nation-wide minimum payment to dependent families with children.

I propose that the Federal government pay a basic income to those American families who cannot care for themselves in whichever State they live.

I propose that dependent families receiving such income be given good reason to go to work *by making the first sixty dollars a month they earn completely their own, with no deductions from their benefits.*

I propose that we *make available an addition to the incomes of the "working poor,"* to encourage them to go on working and to eliminate the possibility of making more from welfare than from wages.

I propose that these payments be made upon certification of income, with demeaning and costly investigations replaced by simplified reviews and spot checks and with *no eligibility requirement that the household be without a father*. That present requirement in many States has the effect of breaking up families and contributes to delinquency and violence.

I propose that all employable persons who choose to accept these payments be required to register for work or job training and *be required to accept that work or training,* provided suitable jobs are available either locally or if transportation is provided. Adequate and convenient day care would be provided children wherever necessary to enable a parent to train or work. The only exception to this work requirement would be mothers of pre-school children.

I propose *a major expansion of job training and day care facilities,* so that current welfare recipients able to work can be set on the road to self-reliance.

I propose that we also *provide uniform Federal payment minimums for the present three categories of welfare aid to adults*—the aged, the blind and the disabled.

This would be total welfare reform—the transformation of a system frozen in failure and frustration into a system that would work and would encourage people to work.

Accordingly, we have stopped considering human welfare in isolation. The new plan is part of an overall approach which includes a comprehensive new Manpower Training Act, and a plan for a system of revenue sharing with the States to help provide all of them with necessary budget relief. Messages on manpower training and revenue sharing will follow this message tomorrow and the next day, and the three should be considered as parts of a whole approach to what is clearly a national problem.

NEED FOR NEW DEPARTURES

A welfare system is a success when it takes care of people who cannot take care of themselves and when it helps employable people climb toward independence.

A welfare system is a failure when it takes care of those who *can* take care of themselves, when it drastically varies payments in different areas, when it breaks up families, when it perpetuates a vicious cycle of dependency, when it strips human beings of their dignity.

America's welfare system is a failure that grows worse every day.

First, it fails the recipient: In many areas, benefits are so low that we have hardly begun to take care of the dependent. And there has been no light at the end of poverty's tunnel. After 4 years of inflation, the poor have generally become poorer.

Second, it fails the taxpayer: Since 1960, welfare costs have doubled and the number on the rolls has risen from 5.8 million to over 9 million, all in a time when unemployment was low. The taxpayer is entitled to expect government to devise a system that will help people lift themselves out of poverty.

Finally, it fails American society: By breaking up homes, the present welfare system has added to social unrest and robbed millions of children of the joy of childhood; by widely varying payments among regions, it has helped to draw millions into the slums of our cities.

The situation has become intolerable. Let us examine the alternatives available:

—We could permit the welfare momentum to continue to gather speed by our inertia; by 1975 this would result in 4 million more Americans on welfare rolls at a cost of close to 11 billion dollars a year, with both recipients and taxpayers shortchanged.

—We could tinker with the system as it is, adding to the patchwork of modifications and exceptions. That has been the approach of the past, and it has failed.

—We could adopt a "guaranteed minimum income for everyone," which would appear to wipe out poverty overnight. It would also wipe out the basic economic motivation for work, and place an enormous strain on the industrious to pay for the leisure of the lazy.

—Or, we could adopt a totally new approach to welfare, designed to assist those left far behind the national norm, and provide all with the motivation to work and a fair share of the opportunity to train.

This Administration, after a careful analysis of all the alternatives, is committed to a new departure that will find a solution for the welfare problem. The time for denouncing the old is over; the time for devising the new is now.

RECOGNIZING THE PRACTICALITIES

People usually follow their self-interest.

This stark fact is distressing to many social planners who like to look at problems from the top down. Let us abandon the ivory tower and consider the real world in all we do.

In most States, welfare is provided only when there is no father at home to provide support. If a man's children would be better off on welfare than with the low wage he is able to bring home, wouldn't he be tempted to leave home?

If a person spent a great deal of time and effort to get on the welfare rolls, wouldn't he think twice about risking his eligibility by taking a job that might not last long?

In each case, welfare policy was intended to limit the spread of dependency; in practice, however, the effect has been to increase dependency and remove the incentive to work.

We fully expect people to follow their self-interest in their business dealings; why should we be surprised when people follow their self-interest in their welfare dealings? That is why we propose a plan in which it is in the interest of every employable person to do his fair share of work.

THE OPERATION OF THE NEW APPROACH

1. *We would assure an income foundation throughout every section of America for all parents who cannot adequately support themselves and their children.* For a family of four with less than $1,000 income, this payment would be $1,600 a year; for a family of four with $2,000 income, this payment would supplement that income by $960 a year.

Under the present welfare system, each State provides "Aid to Families with Dependent Children," a program we propose to replace. The Federal government shares the cost, but each State establishes key eligibility rules and determines how much income support will be provided to poor families. The result has been an uneven and unequal system. The 1969 benefits average for a family of four is $171 a month across the Nation, but individual State averages range from $263 down to $39 a month.

A new Federal minimum of $1,600 a year cannot claim to provide comfort to a family of four, but the present low of $468 a year cannot claim to provide even the basic necessities.

The new system would do away with the inequity of very low benefit levels in some States, and of State-by-State variations in eligibility tests, by establishing a Federally-financed income floor with a national definition of basic eligibility.

States will continue to carry an important responsibility. In 30 States the Federal basic payment will be less than the present levels of combined Federal and State payments. These States will be required to maintain the current level of benefits, but in no case will a State be required to spend more than 90% of its present welfare cost. The Federal government will not only provide the "floor," but it will assume 10% of the benefits now being paid by the States as their part of welfare costs.

In 20 States, the new payment would exceed the present average benefit payments, in some cases by a wide margin. In these States, where benefits are lowest and poverty often the most severe, the payments will raise benefit levels subtantially. For 5 years, every State will be required to continue to spend at least half of what they are now spending on welfare, to supplement the Federal base.

For the *typical "welfare family"*—a mother with dependent children and no outside income—the new system would provide a basic national minimum payment. A mother with three small children would be assured an annual income of at least $1,600.

For the *family headed by an employed father or working mother,* the same basic benefits would be received, but $60 per month of earnings would be "disregarded" in order to make up the costs of working and provide a strong advantage in holding a job. The wage earner could also keep 50% of his benefits as his earnings rise above that $60 per month. A family of four, in which the father earns $2,000 in a year, would receive payments of $960, for a total income of $2,960.

For the *aged, the blind and the disabled,* the present system varies benefit levels from $40 per month for an aged person in one State to $145 per month for the blind in another. The new system would establish a minimum payment of $65 per month for all three of these adult categories, with the Federal government contributing the first $50 and sharing in payments above that amount. This will raise the share of the financial burden borne by the Federal government for payments to these adults who cannot support themselves, and should pave the way for benefit increases in many States.

For the *single adult* who is not handicapped or aged, or for the *married couple without children,* the new system would not apply. Food stamps would continue to be available up to $300 per year per person, according to the plan I outlined last May in my message to the Congress on the food and nutrition needs of the population in poverty. For dependent families there will be an orderly substitution of food stamps by the new direct monetary payments.

2. *The new approach would end the blatant unfairness of the welfare system.*

In over half the States, families headed by unemployed men do not qualify for public assistance. In no State does a family headed by a father working full-time receive help in the current welfare system, no matter how little he earns. As we have seen, this approach to dependency has itself been a cause of dependency. It results in a policy that tends to force the father out of the house.

The new plan rejects a policy that undermines family life. It would end the substantial financial incentives to desertion. It would extend eligibility to *all* dependent families with children, without regard to whether the family is headed by a man or a woman. The effects of these changes upon human behavior would be an increased will to work, the survival of more marriages, the greater stability of families. We are determined to stop passing the cycle of dependency from generation to generation.

The most glaring inequity in the old welfare system is the exclusion of families who are working to pull themselves out of poverty. Families headed by a non-worker often receive more from welfare than families headed by a husband working full-time at very low wages. This has been rightly resented by the working poor, for the rewards are just the opposite of what they should be.

3. *The new plan would create a much stronger incentive to work.*

For people now on the welfare rolls, the present system discourages the move from welfare to work by cutting benefits too fast and too much as earnings begin. *The new system would encourage work by allowing the new worker to retain the first of $720 of his yearly earnings without any benefit reduction.*

For people already working, but at poverty wages, the present system often encourages nothing but resentment and an incentive to quit and go on relief where that would pay more than work. The new plan, on the contrary, would provide a supplement that will help a low-wage worker—struggling to make ends meet—achieve a higher standard of living.

For an employable person who just

chooses not to work, neither the present system nor the one we propose would support him, though both would continue to support other dependent members in his family.

However, a welfare mother with preschool children should not face benefit reductions if she decides to stay home. It is not our intent that mothers of preschool children must accept work. Those who can work and desire to do so, however, should have the opportunity for jobs and job training and access to day care centers for their children; this will enable them to support themselves after their children are grown.

A family with a member who gets a job would be permitted to retain all of the *first $60 monthly income,* amounting to $720 per year for a regular worker, *with no reduction of Federal payments.* The incentive to work in this provision is obvious. But there is another practical reason: Going to work costs money. Expenses such as clothes, transportation, personal care, Social Security taxes and loss of income from odd jobs amount to substantial costs for the average family. Since a family does not begin to *add* to its net income until it surpasses the cost of working, in fairness this amount should not be subtracted from the new payment.

After the first $720 of income, the *rest* of the earnings will result in a systematic reduction in payments.

I believe the vast majority of poor people in the United States prefer to work rather than have the government support their families. In 1968, 600,000 families left the welfare rolls out of an average caseload of 1,400,000 during the year, showing a considerable turnover, much of it voluntary.

However, there may be some who fail to seek or accept work, even with the strong incentives and training opportunities that will be provided. It would not be fair to those who willingly work, or to all taxpayers, to allow others to choose idleness when opportunity is available. Thus, they must accept training opportunities and jobs when offered, or give up their right to the new payments for themselves. No able-bodied person will have a "free ride" in a nation that provides opportunity for training and work.

4. *The bridge from welfare to work should be buttressed by training and child care programs.* For many, the incentives to work in this plan would be all that is necessary. However, there are other situations where these incentives need to be supported by measures that will overcome other barriers to employment.

I propose that funds be provided for expanded training and job development programs so that an additional 150,000 welfare recipients can become jobworthy during the first year.

Manpower training is a basic bridge to work for poor people, especially people with limited education, low skills and limited job experience. Manpower training programs can provide this bridge for many of our poor. In the new Manpower Training proposal to be sent to the Congress this week, the interrelationship with this new approach to welfare will be apparent.

I am also requesting authority, as a part of the new system, to provide child care for the 450,000 children of the 150,000 current welfare recipients to be trained.

The child care I propose is more than custodial. This Administration is committed to a new emphasis on child development in the first five years of life. The day care that would be part of this plan would be of a quality that will help in the development of the child and provide for its health and safety, and would break the poverty cycle for this new generation.

The expanded child care program would bring new opportunities along several lines: opportunities for the further involvement of private enterprise in providing high quality child care service; opportunities for volunteers; and opportunities for *training and employment in child care centers of many of the welfare mothers themselves.*

I am requesting a total of $600 million additional to fund these expanded training programs and child care centers.

5. *The new system will lessen welfare red tape and provide administrative cost savings.* To cut out the costly investigations so bitterly resented as "welfare snooping," the Federal payment will be based upon a certification of income, with spot checks sufficient to prevent abuses. The program will be administered on an automated basis, using the information and technical experience of the Social Security Administration, but, of course, will be entirely separate from the administration of the Social Security trust fund.

The States would be given the option of having the Federal government handle the payment of the State supplemental benefits on a reimbursable basis, so that they would be spared their present administrative burdens and so a single check could be sent to the recipient. These simplifications will save money and eliminate indignities; at the same time, welfare fraud will be detected and lawbreakers prosecuted.

6. *This new departure would require a substantial initial investment, but will yield future returns to the Nation.* This transformation of the welfare system will set in motion forces that will lessen dependency rather than perpetuate and enlarge it. A more productive population adds to real economic growth without inflation. The initial investment is needed now to stop the momentum of work-to-welfare, and to start a new momentum in the opposite direction.

The costs of welfare benefits for families with dependent children have been rising alarmingly the past several years, increasing from $1 billion in 1960 to an estimated $3.3 billion in 1969, of which $1.8 billion is paid by the Federal government, and $1.5 billion is paid by the States. Based on current population and income data, the proposals I am making today will increase Federal costs during the first year by an estimated $4 billion, which includes $600 million for job training and child care centers.

The "start-up costs" of lifting many people out of dependency will ultimately cost the taxpayer far less than the chronic costs—in dollars and in national values—of creating a permanent underclass in America.

FROM WELFARE TO WORK

Since this administration took office, members of the Urban Affairs Council, including officials of the Department of Health, Education, and Welfare, the Department of Labor, the Office of Economic Opportunity, the Bureau of the Budget, and other key advisers, have been working to develop a coherent, fresh approach to welfare, manpower training and revenue sharing.

I have outlined our conclusions about an important component of this approach in this message; the Secretary of HEW will transmit to the Congress the proposed legislation after the summer recess.

I urge the Congress to begin its study of these proposals promptly so that laws can be enacted and funds authorized to begin the new system as soon as possible. Sound budgetary policy must be maintained in order to put this plan into effect—especially the portion supplementing the wages of the working poor.

With the establishment of the new approach, the Office of Economic Opportunity will concentrate on the important task of finding new ways of opening economic opportunity for those who are able to work. Rather than focusing on income support activities, it must find means of providing opportunities for individuals to contribute to the full extent of their capabilities, and of developing and improving those capabilities.

This would be the effect of the transformation of welfare into "workfare," a new work-rewarding system:

For the first time, all dependent families with children in America, regardless of where they live, would be assured of minimum standard payments based upon uniform and single eligibility standards.

For the first time, the more than two million families who make up the "working poor" would be helped toward self-sufficiency and away from future welfare dependency.

For the first time, training and work opportunity with effective incentives would be given millions of families who would otherwise be locked into a welfare system for generations.

For the first time, the Federal Government would make a strong contribution toward relieving the financial burden of welfare payments from State governments.

For the first time, every dependent family in America would be encouraged to stay together, free from economic pressure to split apart.

These are far-reaching effects. They cannot be purchased cheaply, or by piecemeal efforts. This total reform looks in a new direction; it requires new thinking, a new spirit and a fresh dedication to reverse the downhill course of welfare. In its first year, more than half the families participating in the program will have one member working or training.

We have it in our power to raise the standard of living and the realizable hopes of millions of our fellow citizens. By providing an equal chance at the starting line, we can reinforce the traditional American spirit of self-reliance and self-respect.

RICHARD NIXON.

THE WHITE HOUSE, *August 11, 1969*.

PRESIDENT NIXON'S MESSAGE ON WELFARE REFORM

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to insert my own remarks at this point in the RECORD following the President's message and to include a statement made by me last Friday evening subsequent to the President's address.

The **SPEAKER.** Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I strongly agree with President Nixon that the present welfare system is a complete failure and should be abolished. I further agree with him that it is far better to develop an entirely new system of family assistance than to try to patch up and improve the existing system.

Mr. Speaker, President Nixon's message on family assistance, sent to the Congress today, is a historic document in more than the usual sense. It is a historic declaration because it breaks new ground in the history of American government and our attempts to perfect the American system.

There are several features in the President's new family assistance plan which I believe especially commend it to the American people and to the Congress.

One of these features is the enlargement of opportunities which the President's family assistance plan offers to those now on welfare but able to work and to the working poor who need an assist to enter the economic mainstream of this country.

Another is the emphasis that the President's plan places on keeping families together. The family is the basic building block of our society. The President's family assistance plan furnishes the foundation for economically deprived American families to stay together and thus serves to undergird our society as a whole.

Finally, although the family assistance plan initially would cost more than the present welfare system, the President's new assistance program means greater equity for the taxpayer.

We are telling the taxpayer that those who are able to work must work or take training if they are to receive Government assistance, except in the case of mothers with children under 6.

Mr. Speaker, President Nixon's program is a bridge to full opportunity for the able-bodied welfare recipient and for the working poor and a stride toward equity for the taxpayer.

Looked at in the aggregate, the Family assistance program is designed to break the vicious cycle of welfarism and at the same time provide those who cannot work with a basic economic floor.

Mr. Speaker, I think all Members of Congress recognize that the present welfare system is a colossal failure. I urge that members of both bodies look at the President's family assistance plan as the handle which will enable America to lift itself out of the rut of welfarism and to move ahead to a brighter day.

Following these remarks I am includ- the text of a statement released following the President's speech last Friday:

STATEMENT BY REP. GERALD R. FORD, R-MICH., RELEASED FOLLOWING PRESIDENT NIXON'S SPEECH FRIDAY, AUGUST 8, 1969

I believe all Americans will welcome the bold new initiatives outlined by President Nixon last Friday night as a move to relax the muscle-bound Federal Government's stranglehold on people, programs and money.

What I see in the President's proposals in the areas of welfare, manpower training and sharing of federal revenue with the states and cities is an attempt to make government at all levels work better for all the people of America.

The course the President has charted is a far better way of solving problems in America than the path we have been pursuing.

I would describe the President's welfare plans as Family Assistance Reform, or FAR, because I see his proposals for welfare reform lifting economically handicapped Americans out of the slough of despair and placing them on a road to a better life.

FAR is an effort to give every American able to work the incentive to work, the desire to stand on his own two feet. For the first time, if the President's proposals are enacted, it would always pay an American to work instead of going on welfare. This is the true spirit of America.

The old welfare system born in the depression days of the Thirties perpetuates welfarism and kills decency in man. In addition, it taxes working Americans so that others may live in idleness. Like the tax reform bill just passed by the House, President Nixon's welfare reform program will be a great leap forward for the taxpayer.

I also applaud the President's plans to reorganize Federal manpower training programs to make them perform better and to give the States and localities the opportunity to operate them in a manner geared to local needs.

Establishing innovation as the primary role of the Office of Economic Opportunity in the war against poverty also will serve to promote our national objectives.

I was particularly impressed with the overall theme of the President's message to the people—that of a New Federalism, the placing of more power and responsibility in the hands of the States and the cities.

If the States and cities are to assume more responsibility, they must have more funds. Sharing of Federal revenue with them is the best way to solve the many domestic problems which confront us.

Overall, the proposals outlined by President Nixon tonight represent human investment—an investment *in* people and *for* people—which will redound to the great good of the country.

Mr. AYRES. Mr. Speaker, I should like to express my enthusiasm and support for the President's new welfare system, which in many respects constitutes the farthest-reaching piece of domestic legislation in 35 years. As my colleagues well know, the existing welfare system does more harm than it does good, promotes gross inequities, disrupts families and defeats the very purposes that gave rise to it.

I believe it is accurate to say that the existing welfare system is liked by no one, Republican or Democrat, liberal or conservative, rich or poor. The President has responded to that widespread discontent with a humane new program that promotes family stability and removes many inequities while at the same time reaffirming the importance of work.

This is not a welfare plan designed to subsidize the lazy and the inept. It is intended to make it possible for ablebodied persons to work, while simultaneously providing the elements of a decent life for those who cannot, especially the young and the disabled.

Americans have long agreed that they dislike the existing welfare system. It is my profound hope that they can agree on the merits of the President's proposal. In my own judgment, it is an historic move, one to which its supporters will look back in the coming decades with pride and satisfaction.

It is true that the new program will cost a good deal. But, as the President so prophetically observed:

> If we fail to make this investment in work incentives now, if we merely try to patch up the system here and there, we will only be pouring good money after bad in ever-increasing amounts.

Mr. QUIE. Mr. Speaker, many families which receive public assistance do not include any member who is able to work. Many more do include members who either can work or who could, if training, child care and similar services were available to them. Work and training programs were authorized under the Public Welfare Amendments of 1962, the Economic Opportunity Act and the Public Welfare Amendments of 1967. While these have had some success they have been available on a limited scale and primarily in the form of separate projects for welfare recipients.

The new approach to welfare—family assistance—strongly emphasizes training and work. Instead of setting up separate programs and projects for welfare recipients it would mandate the Secretary of Labor to use all the manpower training programs at his disposal to provide the needed training and placement. Sufficient funding would be authorized to permit the participation of a vastly increased number of welfare recipients in manpower programs which would themselves be strengthened by the proposed Manpower Training Act. The Secretary of Health, Education, and Welfare would be given the responsibility and the appropriation authorizations for the needed supporting services such as day care to make these programs effective. The plan is designed to assure maximum training, placement, employment and upgrading all skills.

As the President indicated, the only way we can end poverty in America is to work our way out. This new plan—"workfare, not welfare"—is designed to start a new movement toward self-support in America, and deserves working support by the American people.

Mr. MACGREGOR. Mr. Speaker, the

proposals President Nixon has made on domestic policy represent an historic breakthrough on at least two fronts: in reforming the way in which Government helps the poor, and in reforming Government itself.

In the short run, his proposal to abolish the present welfare system and substitute the new family assistance plan is more dramatic; in the long run, the beginning he proposed on a "new federalism" may prove even more significant.

The present welfare system is a disaster, and the disaster grows worse all the time; as the President noted, if present trends continue another 4 million people will be added to the welfare rolls by 1975. The worst part, however, is not its size but its futility. The new family assistance plan at last offers a way out of the welfare morass. With its work requirement, its work incentives, its expanded job training and day care centers, it represents a comprehensive effort to start moving people away from dependency and toward self-sufficiency.

With his manpower and revenue sharing proposals, the President gave concrete evidence that he really means to reverse the massive trend toward centralization that marked the middle third of the century; that after about 36 years of chipping away at State and local governments, eroding their power and undercutting their authority, he means to start strengthening them again. This can be the key to saving America from the prospect, which has loomed larger year by year, of governmental paralysis. If America's Government structure is to survive through the 1970's as an effective instrument, President Nixon's "new federalism" will be what gives it life.

Mr. ANDERSON of Illinois. Mr. Speaker, finally, we have an approach to welfare that sets right four great wrongs.

Wrong No. 1 is that a dependent family in one State gets much more in benefits than a family in a poorer State. That wide difference would now be narrowed, which should help slow down the migration into the slums of big cities.

Wrong No. 2 is the requirement that a man be out of the house in order for families to receive payments—this has had the effect of providing an economic incentive to desertion. This would be ended by the new approach to welfare.

Wrong No. 3 is the fact that a family could often get more from welfare than from working; this has been rightly resented by the "working poor," who labor while they see some others loaf when they could be working. Family assistance—"workfare"—ends this unfairness with wage supplements to low-income workers.

Wrong No. 4 is the wrong to the taxpayer, who has had to support ever-growing welfare costs in a period of high employment. Under the new plan, there is a work-or-training requirement for every able-bodied person whose children are beyond the preschool age, when transportation and day care is provided.

This is indeed a new direction for a welfare system that has failed the Nation and failed the poor. The start-up costs are high—but they are necessary to set new standards and new incentives for Americans to get the training they need for jobs that will let them live lives of productivity and dignity.

Mr. RHODES. Mr. Speaker, it was just 20 years ago that Senator Robert Taft made the following comment about opportunity in America. He said:

> I believe that the American people feel that with the high production of which we are now capable, there is enough left over to prevent extreme hardship, to give to all a minimum standard of decent living and to all children a fair opportunity to get a start in life.

"A minimum standard," and a "fair opportunity to get a start in life"; these are cardinal principles in President Nixon's new strategy to help those in need. The package which the President announced does not help people who can help themselves; it helps people to help themselves. It does not provide a bed of roses for anyone, but it does provide a minimum standard for everyone. It does not lead people by the hand through their lives, but it does give every child the chance to get a start in life. And if we can do this much, then the human spark which now, as the President put it, is so often stifled by the heavy burdens of poverty, will be fanned into flame. Then our whole society will be the beneficiary.

The alternative to the President's system is to continue the present system, one which is highly expensive both in financial and in human terms. And while the present system grows bigger and bigger every year, with no promise of a reversal in that trend, the President's program will grow smaller and smaller as the early investment in people begins to pay off.

Under President Nixon's program, it pays for poor people to work. Under the President's program, it will be far easier for poor people to train for new jobs. Under the President's proposal, an entire office of the Federal Government will experiment with new ways to put people back on their feet. And under the President's proposal, the energies of State and local governments will be released to deal with problems in the most effective way, at the grass roots level.

Together, this package of reforms represents a conceptual breakthrough of the sort we have not seen in government in several decades. I believe the President's new policy will be viewed many years from now as a watershed moment in the history of this country, a moment when the prestige and authority of the President was put on the line in support of a bold new approach to government.

Mr. TAFT. Mr. Speaker, President Nixon's introduction of his "responsible federalism" represents an historic turning point. He addressed himself directly to the central crisis confronting America today: the crisis of government, and of confidence in government.

The disastrous failure of the present welfare system is only a symptom of this larger crisis. Appropriately, it was in the context of an approach to the larger crisis that he proposed a replacement of the old welfare system.

For a third of a century, as the President noted, power has been flowing from the States and the people to Washington. The result has been a drastic imbalance. The Federal Government has acquired more functions than it can handle. States and localities, with their power restricted, their authority undermined, their funds drained, have been left without the capacity to govern effectively.

As the demands increase on government at all levels, it becomes vitally important that the functions of government be sorted out, and distributed in such a way that each function gets the attention it requires—which means making more, not less, use of State and local governments to run those activities they can run effectively. At the same time, they have to be given the authority and the funds to do the job.

The President's precedent-shattering proposal to shift administration of the Nation's manpower programs to States and localities shows that decentralization is possible. His proposal for a start on revenue-sharing shows that he is in earnest about giving States and localities the means to govern effectively. The new federalism—breaking up massive problems into manageable pieces, and freeing the Federal Government to concentrate on those activities which only it can manage—is the pattern needed for this final third of the century. The time to begin it is now, and the President should be commended for having the vision to see this and the courage to propose it.

Mr. DELLENBACK. Mr. Speaker, President Nixon, in his Friday night message to the Nation, outlined a broad new approach to dealing with some of our urgent domestic problems. There are many thought provoking and exciting facets to this message and today we have heard some thoughtful comments on some of these proposals.

I am particularly pleased at the President's plan to share a greater measure of responsibility and revenues with State and local governments. I have long been concerned that our States are sending too much tax money to Washington and receiving too little service in return.

The President pointed to the frustrations felt by many when he said:

> A third of a century of centralizing power and responsibility in Washington has produced a bureaucratic monstrosity, cumbersome, unresponsive and ineffective.

Revenue sharing is a sound means of restoring confidence of people in the ability of government to cope with growing social ills. Returning a portion of the Federal tax revenues to our States and cities will help make it possible for them to bring government closer to the people. I am greatly encouraged by the President's desire to attach few strings to these revenues. This will permit local governments, which are best able to identify the needs of their citizens, to use funds to solve their most pressing problems.

As a strong supporter of decentralized government, I commend the President for his bold proposal to share responsibility and revenue with the States and municipalities.

Mr. LANDGREBE. Mr. Speaker, President Nixon's approach to solving the problems of our Nations disadvantaged and underprivileged deserves the enthusiastic interest and support of all Americans. I hope that our citizens can see inside the necessarily complex structure of this program the foundation of human dignity and constructive work that it rests on. It is a thoughtful, far-reaching and sensitive response to the inequities and failures of the existing welfare program of the United States.

The President has called for a basic payment to those American families who are unable to care for themselves. This is not another Federal giveaway program that taxes the hard-working American citizen and gives it to those who, although able to earn a living, refuse to do so. Rather, it requires those able-bodied citizens seeking aid to register for work or job training and to accept suitable jobs when available.

Also, the President's plan will provide significant fiscal relief for sorely burdened State governments. And, most importantly, the President's plan will finally make it possible for families to remain together and for work to be attractive and feasible.

The old system was intended to aid "dependent children." Yet it harmed them more than it helped, for it encouraged fathers to abandon their families, for low income families to move into often hostile new places because of financial inequities in their old abodes, and for the children themselves to suffer a series of indignities and cruelties.

The President's plan will enable families to remain together, and will enable them in large numbers to get off the relief rolls, as the President said, and onto payrolls. At the same time, it will assist that long-neglected but eminently deserving group of citizens known as the "working poor."

I believe the President should be congratulated for proposing a plan that encourages individual initiative and work as a substitute for the endless outright Federal giveaway programs proposed by past administrations.

GENERAL LEAVE

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks concerning the President's address on welfare reform.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PRESIDENT NIXON'S NEW DOMESTIC POLICY PROPOSALS—A REFLECTION OF THE AMERICAN CHARACTER

(Mr. BROCK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROCK. Mr. Speaker, Richard Nixon's new federalism reverses the flow of power in America—away from the center in Washington and back to the people where it belongs.

It sets national standards of fairness and national goals of compassion and dignity, but it places the responsibility and the capability for carrying these out in the hands of State and local authorities, most directly answerable to the people.

The new federalism encourages local participation in training programs and day care centers; it stimulates the ability of local government to be responsive to local needs through the much-talked about but never before accomplished technique of revenue sharing.

It relys on people to be self-reliant—and makes it possible for them to be that way. Under family assistance, the emphasis is on work and training, rather than on generations of handouts. And the working poor for the first time have the chance to pull themselves out of poverty.

The new federalism is a reflection of the true character of the American people: generous and compassionate toward the helpless and the dependent; impatient with the indolent; and concerned that every man has the opportunity to make the most of himself and his family.

PRESIDENT'S PROPOSAL ON THE WELFARE SYSTEM

(Mr. STEIGER of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEIGER of Wisconsin. Mr. Speaker, in his dramatic new approach to domestic problems, President Nixon has offered the most innovative package of proposals that this country has seen in 35 years. We have all known for a long time that the welfare system had to be revised We have known that the disorganized maze of manpower programs needed to be consolidated. We have known that State and local governments were headed toward fiscal disaster. Finally, we have known that the Office of Economic Opportunity was in need of change. Many people thought that accomplishing these tasks alone would take the administration a full 4 years and these same people have been quick to say that nothing has been done. We now see that they were wrong on both counts.

The President has proposed a domestic program that is both coordinated and sensible. The welfare reform is directly tied to a work requirement and job training program. Both the revenue sharing proposal and the welfare reform will provide fiscal relief to States and local communities. Added to this is the new concept of the Office of Economic Opportunity as an incubator for new and daring programs that will risk failure with the hope of gaining even greater success. For the first time we will be able to see how each program relates to the other. For the first time we will have a domestic program in which one part does not counteract another. This alone is a great accomplishment of social policy.

We have before us the opportunity to institute a "job and income strategy" that will break the line of dependency that has been fostered for so long and begin to bring millions of Americans into the economic mainstream of this country. I sincerely hope that we will take this opportunity.

PRESIDENT'S PROPOSALS ON THE WELFARE SYSTEM

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, on August 8 the President addressed the Nation to outline the most dramatic proposals in more than 30 years pertaining to the welfare system of this Nation. He also announced far-reaching major changes in Federal programs of job training, the Office of Economic Opportunity, and Federal tax revenue sharing with State and local governments.

The most significant part of the President's welfare proposals is that millions of Americans will no longer have to rely solely on welfare checks. Our outdated welfare system has discriminated against the working poor and encouraged able men not to work and to desert their families. The system of doles we have called welfare has perpetuated generations of American citizens in a cycle of dependency on government which ruins families and thwarts efforts to either find work or take advantage of job training.

In presenting a program that offers incentives to work rather than remain tied to the welfare umbilical cord, President Nixon has touched a responsive note in all Americans. His proposal gives hope to the recipients, and will eventually reduce the cost to the taxpayers who must pay the bills. How much longer could we have gone on telling Americans willing to work and support their governments that they had an obligation to provide for those unwilling to work?

The President's proposal for revamping the job training programs of the Federal Government is also one of far greater consequences than simply a new approach to an old problem. In it he proposes to reduce some 30 Federal programs spread throughout government in a tangle of bureaucracy to one program, thus ending in this area the trend of ever-bigger and more concentrated government in Washington.

He proposes to turn these programs over to the States and local governments, where the problems are adjacent to the people who understand them, and who know what is needed to solve them. I quote the President's words that "we should trust the American capacity for self-government enough to try." It has been this capacity that has been the strength of our democratic system. Washington has usurped this capacity in too many areas, and has not produced a record of better solutions. Now it is time to reverse the trend.

Finally, Mr. Speaker, perhaps ultimately the most profound proposal is Mr. Nixon's request for Federal revenue sharing with the State and local governments. America has too many complex problems to solve to continue the unworkable system of a single Washington-dictated solution to many unique local problems. Surely the record of the last 10 years demonstrates the need for a plan to send Federal money and power back to local governments rather than the unsuccessful recent history of ever-growing Federal promises and programs and ever-shrinking Federal performance.

Mr. Speaker, I urge the Congress to give these proposals of the President its highest consideration in an effort to bring "practical" solutions to these problems confronting America.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 10107. An act to continue for a temporary period the existing suspension of duty on certain istle.

REPORT OF THE DEMOCRATIC STUDY GROUP TASK FORCE ON CONSUMER AFFAIRS

(Mr. ROSENTHAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROSENTHAL. Mr. Speaker, the Nixon administration has failed to keep pace with the imaginative consumer programs of our past two Presidents. Each day we see new evidence of this administration's indifference to consumer needs. Seven senior FDA scientists recently reported:

> The Federal Government is doing a grossly inadequate job of protecting consumers from dangerous drugs, contaminated food, and other hazardous products.

Recognizing the legal and moral responsibilities of our Government in protecting the consumer, the task force on consumer affairs of the Democratic Study Group offers the Congress and the American public this consumer message.

The text of the DSG consumer report follows:

REPORT OF THE DEMOCRATIC STUDY GROUP TASK FORCE ON CONSUMER AFFAIRS

Representative Benjamin S. Rosenthal, Chairman; Representative Joseph Karth, Vice Chairman; Rep. Shirley Chisholm, Rep. Bob Eckhardt, Rep. Joshua Eilberg, Rep. Michael A. Feighan, Rep. James M. Hanley, Rep. James J. Howard, Rep. Torbert Macdonald, Rep. Abner J. Mikva, Rep. Joseph G. Minish, Rep. Patsy T. Mink, Rep. John E. Moss, Rep. Richard L. Ottinger, Rep. Neal Smith, Rep. Robert O. Tiernan, Rep. Lester Wolff.

I—INTRODUCTION

Since the days of Theodore Roosevelt, the President has assumed the responsibility for presenting Congress with broad and innovative legislative programs. He thus fulfills his constitutional mandate to "recommend to their (congressional) consideration such measures as he shall judge necessary and expedient." This function has been most significantly exemplified in the Presidencies of Woodrow Wilson, Franklin D. Roosevelt, John F. Kennedy, and Lyndon B. Johnson.

One of the newest and most important national commitments so proclaimed by Presidential message pertains to consumer justice. Our last two Presidents have reaffirmed the national commitment to the public welfare by explicit messages devoted exclusively to the protection of the consumer interest.

President Kennedy delivered the first message to Congress devoted exclusively to protecting the consumer interest during his second month in office.

On February 5, 1964, March 21, 1966, February 16, 1967, and February 6, 1968, President Johnson delivered similar messages to the Congress.

More than six months have passed since President Nixon took office. This Congress cannot wait any longer for President Nixon to deliver a consumer message.

In contrast to president Kennedy's recognition of the consumer's dependency on government protection in a complex market economy, President Nixon has stressed self-reliance as a primary solution to consumer injustices. In contrast to President Johnson's activism on behalf of the consumer, President Nixon's indifference has encouraged lethargic enforcement of existing consumer laws.

Apart from a promising beginning by the President's second appointee as his Special Assistant for Consumer Affairs, the signposts from this Administration point to a dead end for the consumer.

The historical imperative for consumer legislative direction now becomes a congressional duty. Accordingly, the Task Force on Consumer Affairs of the Democratic Study Group offers this statement.

II—THE NIXON RECORD IN CONSUMER AFFAIRS: PROGRAM CUTBACKS

This Administration's Fiscal 1970 budget contains significant cutbacks in consumer programs from the Johnson requests for Fiscal 1970. A review of the Nixon budget for 20 of the more than 250 consumer programs reveals not one increase over the Johnson requests, and cuts from the Johnson requests in several programs. The cuts exceed $13 million, plus an additional $25 million in grants to states and communities for highway safety. A few examples of these cuts are:

An 18 percent cut in funds for the President's Committee on Consumer Interests—the very Committee charged with planning and developing legislation to implement the President's consumer policies and objectives;

A 5 percent cut in Meat and Poultry Inspection programs at a time when the Department of Agriculture is not meeting its responsibilities under the Wholesome Meat Act of 1967;

An 18 percent cut in traffic and highway safety funds including grants to states and communities, when there are over 53,000 auto fatalities and 4 million injuries each year;

A 5 percent cut in the Health, Education, and Welfare Department's radiation control program although serious questions are being raised about possible hazards from color television sets and microwave ovens;

A 100 percent cut in the Food and Drug Administration's funds for enforcement of the Fair Packaging and Labeling Act, amounting to $65,000.

III—THE NIXON RECORD IN CONSUMER AFFAIRS: APPOINTMENT AND PROGRAMS

We find a conspicuous failure of the President and his Cabinet to act decisively on behalf of the consumer:

The Office of Consumer Counsel in the Department of Justice remains vacant.

The Director of the National Highway Safety Bureau still has not been appointed.

Although Title 4 of the Consumer Credit Protection Act of 1968 directed the President to establish a National Commission on Consumer Finance and appoint one-third of its members, the President has failed to comply with this provision.

President Nixon appointed as Under Secretary of Agriculture the man who led the National Association of State Departments of Agriculture in a bitter fight against meat inspection legislation.

The President has not sent any consumer legislation to Congress.

Despite the Radiation Control Act's January 1, 1970 deadline, for promulgating safety standards for all electronic products which may produce a radiation hazard, it has taken the Secretary of Health, Education, and Welfare six months to appoint an advisory committee required under the Act.

The Secretary of Transportation has not added to the obviously inadequate staff of two employees of the National Bureau of Highway Safety who are charged with assuring that the million foreign autos sold in the United States each year comply with his Department's safety standards.

The Secretaries of HEW and Commerce have not moved with dispatch to carry out their responsibilities under the 1967 amendments to the Flammable Fabrics Act. The Secretary of HEW has not reported to the President and Congress on the need for new flammability standards, contrary to the requirements of law.

The Secretary of Commerce has failed to halt the numerous industry violations of package size agreements under the Fair Packaging and Labeling Act.

The Department of Transportation has failed to meet its responsibilities under the Natural Gas Pipeline Safety Act of 1968. The interim safety standards which the Department has established are in effect the same standards which industry itself had adopted years ago, and which the Act found to be inadequate.

By not requiring continuous inspections of fish at processing plants in his fish inspection proposal which will be submitted to Congress shortly, President Nixon has retreated form the fish inspection measure supported by the previous Administration and has seriously weakened the impact of such legislation.

IV. THE TASK FORCE CONSUMER PROGRAM

A. We endorse the establishment of a separate Federal Agency devoted exclusively to the consumer.

This agency, whether a full Cabinet-level department or a statutory office, should perform the following vital functions.

1. Establish better coordination and direction over the federal consumer apparatus;
2. Vigorously represent the consumer viewpoint before other federal agencies, federal courts, and regulatory agencies in matters or proceedings affecting substantially the interest of consumers;
3. Serve as a central clearing house for consumer complaints;
4. Develop and disseminate consumer information from governmental and private sources; and
5. Administer those programs that are transferred by Congress to the agency or department.

In the Executive Branch, proliferation of laws, inadequate funding, and a general lack of commitment, dictate the absolute need for a statutory consumer agency.

Despite the existence of the Office of Special Consumer Assistant to the President, the consumer viewpoint cannot begin to compete for attention and acceptance in the nation's capital (or in the state capitals), with those of other special interest groups. The reason: Other groups finance effective lobbyists and are represented by Cabinet-level departments or separate government agencies.

B. We endorse legislation that would:

Product Safety

1. Establish a permanent National Commission on Product Safety.

2. Require safety closures for all drugs and potentially dangerous products.

3. Eliminate dangerous toys from the marketplace.

4. Require tire manufacturers to comply with federal tire safety standards and recall defective products with adequate notice to the purchaser.

Food Safety

5. Require continuous inspection of fish processing and storage facilities.

6. Require continuous inspection of eggs at processing plants.

Medical Safety

7. Require generic labeling of all prescription drugs.

8. Establish a Federal Drug Compendium as a basic source of information on drugs sold in the marketplace.

9. Establish a national center to test the safety and efficacy of drugs, within the Department of HEW.

10. Require pre-market testing of diagnostic medical devices and the setting of standards to insure their safety and efficacy.

Consumer Information Availability

11. Require the listing of the unit price on certain packaged products.

12. Require package labeling on food products to have a content analysis of their nutritional value.

13. Require the release of test data on products from government agencies.

14. Establish a National Consumer Information Foundation to administer an info-tag program.

15. Establish a Consumer Federal Register to provide the public with information on government activity in the consumer field.

Protection against deception and fraud

16. Authorize the issuance by the Federal Trade Commission of temporary injunctions and restraining orders to stop deception in the marketplace.

17. Permit class actions based on violations of state or federal consumer protection laws.

18. Provide for an investigation of unfair methods of competition and unfair or deceptive acts in the home improvement industry.

19. Give consumers the right to cancel any purchase from a door-to-door salesman within five business days after entering the transaction.

20. Require all retail outlets that deal in trading stamps to offer an honest cash redemption for stamps to customers.

21. Insure effective warranty protection by requiring manufacturers to repair or replace faulty merchandise at no cost to the buyer.

Credit

22. Enable consumers to protect themselves against erroneous credit information and establish safeguards to prevent the release of credit information to unauthorized persons.

23. Prohibit the sending of unsolicited credit cards through the mails and require all credit cards that have been solicited to be sent by registered mail.

24. Enact a Federal Consumer Credit Code to deal with the problems of consumer credit.

Consumer representation

25. Establish an Independent Office of Utility Consumers' Counsel to represent utiilty consumers before federal and state agencies and courts and make grants to state and local governments to create and operate their own Utility Consumers' Counsels.

Miscellaneous

26. Provide grants for the establishment and strengthening of state and local consumer protection offices.

27. Establish safety standards for the protection of persons engaged in potentially hazardous occupations.

28. Establish and enforce minimum electric power reliability standards and require interconnections among neighboring utilities.

29. Provide additional protection for the investing public through improved federal and industry regulation of securities transactions and mutual fund sales commissions and management fees.

30. Enable all segments of the populace to have reasonable access to insurance against all types of risk normally covered by insurance underwriters.

V—CONCLUSION

This program is too important and too urgent for further delay. We are in the midst of a consumer revolution which confronts the very integrity of the free enterprise system.

The answer of this Administration has been: let the buyer beware. But self-reliance is no substitute for governmental action. For example, can a housewife protect herself and her family from foul meat and poorly inspected fish—the condition of which can easily be hidden by additives and adulterants? Can the patient pre-test medical devices before he must rely on them? Can even the most careful shopper protect his family against flammable fabrics or choose the best food values when essential information is not readily available?

We reaffirm these basic goals of the consumer revolution—in essence, the same consumer rights enunciated by President Kennedy in 1962.

The consumer's right to honest and relevant information on products he buys; he is unlikely to get it without government encouragement and direction to industry.

The consumer's right to a full and complete choice in the marketplace; vigorous competition, overseen by truly independent regulatory agencies, will make that choice available.

The consumer's right to representation in government—his only recourse to redress the balance against the excesses of an economy heavily influenced by producers.

Finally, the consumer's right to the assurance—before purchase—of safe and effective products, and after purchase of the reliability of product guarantees.

If our system is to prosper, government must provide the counterweight to an uncontrolled profit motive. If the consumer lacks justice in the marketplace, the free enterprise system has failed—no matter which company prospers nor how large our Gross National Product is.

We urge the Congress to take those steps necessary to assure a system of justice for the consumer and equity in the marketplace.

SDS: USE THE LAW TO DESTROY THE SYSTEM

(Mr. ICHORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ICHORD. Mr. Speaker, the attitude of Students for a Democratic Society toward the law is well illustrated by a handbook currently being distributed by New York regional SDS—133 Prince Street, New York City—in conjunction with the High School Student Union and the Movement for a Democratic Society—MDS, characterized by the Radical Education Project as "the off-campus branch of SDS." Titled "The Bust Book," this document provides movement activists with comprehensive advice on how to protect themselves during demonstrations and subsequent arrests. "Bust" is New Left jargon for arrest.

The basic attitude of the handbook's authors toward respect for and observance of the law is reflected in the following passages taken from the introduction:

> The "rights" of the Constitution have little meaning to the cop on the beat, who is engaged in the first step of the legal process, and they also have little meaning in the courts, where the final stages of coercion are legitimized. To rely on "legal rights" is to ignore entirely the fundamental reality of a class society, that when those "rights" have been granted by a ruling elite, those same "rights" can and will be ignored when their use threatens the power of those who granted them. Such has been the history of "fundamental rights" in our country in times of crisis from the Alien and Sedition Acts . . . [to] . . . the McCarthy represson which killed the Rosenbergs and led to the imprisonment of Morton Sobell and many others in the fifties, down to the frame-up murder of members of the Black Panther Party today.
>
> * * * * *
>
> Sometimes we can fight back using the legal rights and procedures which movements before us have won from the system. But we must not be diverted from political organizing by courtroom battles. Our real defense lies in the growing strength of our Movement.

An examination of the table of contents reveals the scope of "The Bust Book." Included under such headings as "Before the Bust," "In captivity," and ""Trial Strategy" is information often in detail, on such subjects as how to avoid arrest for possession of narcotics, self-defense, resistance and escape, and how to turn a trial into a propaganda forum against the so-called establishment. There is even a section with information for those under 21 years of age. The section on so-called self-defense includes the following advice:

> *Self-Defense: The New York Times,* although not useful for any other purpose, makes a very hard object when rolling (sic) up lengthwise and folded in half, and unlike other weapons is inconspicuous and not incriminating.
>
> When the police throw tear gas canisters into the crowd the gas continues to come out after it hits—throw the canisters off somewhere into the blue.

The handbook is illustrated with pictures of Black Panthers and such revolutionaries as Eldridge Cleaver and Che Guevara, and it ends with a quotation from North Vietnamese Communist leader Ho Chi Minh. The usefulness of this book in the revolution is emphasized by a review which appeared in the May 24, 1969, issue of the Communist newsweekly, Guardian. This review, written by Columbia University SDS member Jomo Raskin, states that the "Bust Book" is indispensible to the revolutionary movement because "the law is a tool." Raskin further states:

> The book is as revolutionary as the little red book.

Quotations from Mao Tse-tung is commonly referred to as the "little red book."

The concept of the law as a tool is reflected in the following passages taken from the section entitled "Before the Bust":

> More and more of us are getting busted more and more. But getting arrested should be, as far as possible, a political decision.

> There are good political reasons to get busted—to mobilize a community or a campus (like in the Columbia revolt), to take risks to be in the front lines of a demonstration (like at the Chicago Democratic Convention) or to do violence to the system, really or symbolically (destroying draft files).
>
> * * * * *
>
> The cop is an enemy, but the enemy has to be attacked tactically. If you are alone with a cop there is nothing to gain from talking back to him. All the power is in his hands.

This concept is also applied to the courtroom, as shown by the following extracts from the section on "Trial Strategy":

> Legal technicalities have also been used to delay final judgment on a case until the political situation changed to the defendant's benefit. After the Columbia University busts, the defense lawyers stalled until the new University administration was appointed, which dropped the complaints against five hundred of the students.
>
> * * * * *
>
> One purpose of a political-legal defense is to use the courtroom as a classroom and teach about the role of law and courts in the United States. The defense can be conducted so as to reveal what, in fact, is on trial.
>
> * * * * *
>
> A political-legal defense can also stimulate political activity. The trial of four leaders of the Buffalo movement led to mass rallies on the University of Buffalo campus and raised fists in the courtroom protesting the sentencing of the one defendant found guilty.

The revolutionary intent of the book's anonymous authors is underlined forcefully in the introduction, which states:

> The cop and the judge wear different uniforms, but they both serve the same system we seek to destroy.

This section of the book is replete with expressions of contempt for legal authority as merely another "apparatus for the preservation of the status quo—a society based on race and class exploitation." In the section on "Trial Strategy" this theme is reechoed:

> It's important to bear in mind . . . that courts maintain the existing social order. They are not neutral arbiters of conflict, but part of the coercive apparatus of the people with power. They remove people from action, imprison them or tie them up in defense.

This emphasis is, interestingly quite similar to that in a pamphlet published many years ago by the International Labor Defense, a prominent Communist Party legal defense organization. The pamphlet, "Under Arrest," contained the following passage:

> The worker must also understand that courts are not impartial, any more than any other agency of capitalist government is impartial. Those who drag the worker into court do so because they know that the court will serve the bosses and not the worker.
>
> To summarize the point: the workers must see through the sham and ceremony, and recognize the capitalist court as a class enemy—as a weapon in the bosses' hands, with which to suppress workers' militancy. The worker must train himself to bring the class struggle into the court room into which he was dragged by the bosses' servants.

Another parallel between the two books is to be found in their respective statements of one of the aims to be pursued in a trial situation. The "Bust Book" states:

> It is very important to break down the god-like aura that surrounds the judge and the entire legal system.

Compare that with the following passage taken from the ILD pamphlet:

> Once and for all, it is necessary to destroy the illusions that workers have concerning courts and court procedure generally.
>
> The "dignity" and "sanctity" of the courts are a means of paralyzing the struggle of the workers against capitalist institutions.

In a section devoted to detailed instructions on how to prepare for a demonstration, including preparation for possible violence, there appear recommendations of groups to be contacted in the event medical or legal assistance is needed. The medical group recommended is the Medical Committee for Human Right—MCHR—one of whose leading figures, Dr. Quentin Young, of Chicago, refused to affirm or deny membership in the Communist Party last October during hearings conducted by the House Committee on Un-American Activities on the disruption of the August 1968 Democratic National Convention in Chicago. The legal organizations listed include two officially cited as Communist controlled: the National Lawyers Guild—NLG—and the Emergency Civil Liberties Committee — ECLC — now known as the National Emergency Civil Liberties Committee—NECLC.

Mr. Speaker, it is becoming increasingly evident that the objectives of Students for a Democratic Society are not reforms brought about by legal, constitutional means. This publication reveals the intent to destroy the concept of respect for the law.

QUALITY OF MAIL SERVICE

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, according to the Congressional Record of last Thursday, the distinguished gentleman from Missouri (Mr. Hall) is displeased over the quality of his mail service.

It seems that the distinguished gentleman has experienced difficulty in communicating with and obtaining information from the Postmaster General of the United States, Mr. Winton Blount, as to the identity of the individuals chosen to serve on Mr. Blount's widely trumpeted Regional Selection Board—one of 15 boards designed to end all boards in the Post Office Department. I, too, am interested in the St. Louis Regional Board because it purportedly serves Iowa as well as Missouri, and the Ozarks.

The gentleman from Missouri was properly upset over his inability to obtain the list from the Postmaster General after having tried repeatedly, beginning back on May 26. He even uttered a disparaging remark or two at Mr. Blount's inability to negotiate the distance from 12th and Pennsylvania to the southwest corner of Capital Hill by mail, telephone, messenger, telegraph, semaphore, or smoke signal.

My friend even longed for a return of that noble institution, the Pony Express, which, he said, delivered the mail from St. Joseph, Mo., to Sacramento, Calif., in 8 or 9 days through Indian country—bristling with repeating rifles and tomahawks.

Mr. Speaker, I have no desire to embarrass the gentleman from Missouri, but I believe he has underestimated the Postmaster General. While he has been striving mightily to get that list of five names since May 26, I had been trying to get it since May 21. Beginning almost a full week earlier than the gentleman from Missouri, by numerous means and at numerous times I also attempted to break through the curtain of silence that surrounds the Postmaster General. I employed the facilities of the Chesapeake & Potomac Telephone Co. I turned to Western Union. I even used the U.S. mail.

It did not occur to me that the Reverend Abernathy's mules might still be in the vicinity and that I might have revived the Pony Express.

In conclusion, Mr. Speaker, it should be sufficient to say that from the House floor Thursday the gentleman from Missouri accomplished in minutes what he had been unable to accomplish in more than 2 months—a list of the names he sought. And the gentleman from Iowa was left in the lurch—he got his list 3 minutes later.

OBSCENITY HEARINGS SCHEDULED

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KASTENMEIER. Mr. Speaker, Subcommittee No. 3 of the Committee on the Judiciary announces that public hearings on legislation to curb the dissemination of obscene matter have been scheduled to begin on Thursday, September 25, at 10 a.m., in room 2141 Rayburn House Office Building. The initial days of the subcommittee's hearings will be devoted to receiving the testimony of congressional authors and cosponsors of legislation.

The Members know the wide public interest that has been engendered by the problem of obscenity and its apparent mushroom growth of late. The committee's files reflect an upsurge of anger at what appears to be a growing volume of obscene material moving in commerce and through the mail.

This has reflected itself also in the introduction of legislation and requests for hearings by Members of the House. More than 140 separate bills introduced or cosponsored by more than 175 Members have been referred to this subcommittee. A substantial number of related measures, dealing primarily with the use of the postal service for the dissemination of obscenity, are simultaneously pending in the Committee on Post Office and Civil Service which has also scheduled hearings on the measures before it. By message to Congress, dated May 5, 1969, the President requested three items of antiobscenity legislation. These have been introduced. Two are pending in our subcommittee and will be part of our study, and the third is pending in the Committee on Post Office and Civil Service.

Substantial and important questions of public policy and of constitutional law are involved in the issues raised by the pending legislation. The subcommittee is determined to cope constructively with these questions and to make use of all available relevant data. It is expected that the imminent publication of an interim report by the Commission on Obscenity and Pornography will provide valuable material for the subcommittee's study. The Commission has the duty:

First, with the aid of leading constitutional law authorities, to analyze the laws pertaining to the control of obscenity and pornography; and to evaluate and recommend definitions of obscenity and pornography;

Second, to ascertain the methods employed in the distribution of obscene and pornographic materials and to explore the nature and volume of traffic in such materials;

Third, to study the effect of obscenity and pornography upon the public, and particularly minors, and its relationship to crime and other antisocial behavior; and

Fourth, to recommend such legislative, administrative, or other advisable and appropriate action as the Commission deems necessary to regulate effectively the flow of such traffic, without in any way interfering with constitutional rights.

The Members may be assured of the conscientious attention of the subcommittee to this challenging legislative problem.

UNDERPRIVILEGED HARDEST HIT IN PUBLIC TRANSIT DECLINE

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, a steady decline in public transit has increased difficulties for the poor, the aged, the very young, the handicapped and the socially isolated who cannot afford or readily use private automobile transportation. The hardest hit are actually the underprivileged elements of our society.

The inner city represents the city's greatest and most volatile variable, which affects every segment of our society. One of the most glaring inadequacies of our cities—which plays an important role in aggravating other problems—is in the area of public transportation. Public transportation has declined since the end of World War II for a variety of reasons; this decline has had a number of results, perhaps the most important being the steady increase of the private vehicle for urban transportation.

Although the automobile will continue to play an important role in our everyday lives, more are beginning to recognize that additional miles of freeways between cities is not the answer to solving the urban crisis. This is not to mention the price we must pay in automobile congestion and delay, air pollution, and haphazard land use practices.

The answer is in taking a whole new look at public transportation and finding a new approach to solving this crisis. It is the responsibility of the Federal Government to step in and help private industry, local and State government, do the things that have been left undone for the past 25 years.

This means a Federal program must be designed on a long-term, permanent basis to offer a degree of security for planning and construction purposes.

I believe there is no greater problem facing this Nation than that of public transportation in our cities, both large and small.

Therefore, I am convinced a public transportation bill such as the President has proposed can be an impressive stride toward convenient, comfortable and reasonably priced public transportation service for our ever increasing urbanized population. I am glad he has recognized the need, taken the initiative and pledged the strong support of the administration for finding a balanced, sensible, and thoroughly planned solution.

PROHIBITION OF DEMONSTRATIONS AT THE PENTAGON

(Mr. RIVERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIVERS. Mr. Speaker, when the military construction authorization bill was before the House on Tuesday, it contained a section designed to protect Pentagon officials from harassment by pickets and demonstrators.

Recently, in an editorial, the Washington Post spoke out against this provision calling it constitutionally indefensible. In keeping with its usual indifference to the essential facts, the Washington Post editorial completely overlooks the fact that the original language of this prohibition was not only drafted by the Supreme Court, but was later held by the Supreme Court itself to be constitutional.

After quoting only a part of the section approved by the House, the Washington Post repeats the rather naive charge that a Congressman would be in technical violation of the section if he came to the Pentagon to discuss keeping a military installation in his district. With its usual ability to report only half the truth, the Washington Post fails to say that the section also requires that any attempt to "influence" Pentagon officials must be accompanied by picketing or parading in order to be in violation of the prohibition.

The language of this section, as overwhelmingly endorsed by the House, reads as follows:

> Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice or the conduct of military and defense affairs, or with the intent of influencing any judge, juror, witness, or court officer, or military or civilian employees of the Defense Department, in the discharge of his duty, pickets or parades in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or in the Pentagon building or on Federally owned property appurtenant thereto, or with such intent uses any sound-truck or similar device or resorts to any other demonstration in or near any such building or residence, shall be fined not more than $5,000 or imprisoned not more than one year, or both.
>
> Nothing in this section shall interfere with or prevent the exercise by any court of the United States of its power to punish for contempt. Nothing in this section shall interfere with or prevent the exercise of all other, available, civil and criminal remedies.

A simple reading of this section makes clear that the intent "to obstruct, interfere or influence" must be accompanied by the act of "picketing, parading, or using a sound truck" in order to constitute a violation of the proposed statute.

Thus, the only thing the House action does is to extend to Pentagon officials the same protection from harassment now provided judges, jurors, witnesses, and other court officials. Surely, the heart of our national security system deserves the same level of protection afforded our judicial officials.

If this is treason, 323 Members of the House are guilty.

The Washington Post forgets that the House speaks for all of the people of America—I have often wondered whose "cause" the Washington Post is attempting to espouse, or whose country.

The editorial referred to follows:

LEGISLATIVE HITCHHIKING

> The days just before Congress takes off for a vacation are the golden days for legislative hijacking. Like an airplane bound for Pensacola but diverted at gunpoint to Havana, a bill intended to authorize or finance some vital program may, more pacifically, be subverted by an innocent-looking rider toward an entirely different destination. This is precisely what befell the otherwise admirable federal aid to education appropriation when the destructive Whitten amendment was tacked onto it last week. And on Tuesday it happened to the Military Construction Authorization bill through the attachment of an amendment aimed at kicking Quakers off the steps of the Pentagon for speaking their minds about the war.
>
> The amendment, or rider, provides a year in jail or a $5,000 fine for anyone who, "with the intent of influencing any judge, juror, witness, or court officer, or military or civilian employee of the Defense Department, in the discharge of his duty, pickets or parades in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or in the Pentagon building or on federally owned property appurtenant thereto, or with such intent uses any sound truck or similar device or resorts to any other demonstration in or near such building or residence."
>
> The people who supported this rider—and the vote against Rep. Robert L. Leggett's proposal to strike it was beaten 145 to 43—must have been devoid either of all imagination or of all scruples about the United States Constitution. The sweep of this prohibition is breathtaking. One wonders, as Rep. Otis Pike pointed out, how any Congressman could now dare to try to influence anybody in the Pentagon to keep a military installation in his district. In the Capital of a democracy the essential business of which is influencing government officials, this rider amounts to a barefaced effort to forbid the democratic process.
>
> Picketing, parading, other forms of demonstration are, of course, aspects of the free expression guaranteed by the First Amendment to the Constitution. When they are peaceful and do not interfere with the rights of others or with the orderly operation of the government, they are part of the free-

dom to petition the government which the First Amendment also safeguards. But as the American Civil Liberties Union emphasized, this "ban on any and all picketing, parading, use of sound trucks, or resort to any other demonstration applies without regard to the time, place or manner of the person or persons involved."

The rider is constitutionally indefensible, in addition, of course, on grounds of vagueness. It forbids at the Pentagon what the courts just recently have ruled cannot be forbidden at the White House or at the Capitol. What we have here, patently, is another instance of gross irresponsibility in the House—passage of a preposterous measure as a form of flag-waving on the assumption that the Senate can be counted on to kill it or that the courts will declare it invalid. The House dishonors itself by such irresponsibility.

RATE TREATMENT OF NATURAL GAS PIPELINES

(Mr. **BURLESON** of Texas asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **BURLESON** of Texas. Mr. Speaker, on January 30, 1969, in reintroducing my bill—H.R. 5492—to help rectify the rate treatment of the natural gas pipeline industry by the Federal Power Commission under the Natural Gas Act, I set forth some data indicating the mounting difficulties confronting the industry during recent years. In January, it was feasible to carry this data only through calendar 1967, but it is now feasible and desirable to carry most of this data forward through 1968.

As we all know, the process of general price inflation, as measured by the Consumer Price Index, has increased greatly from 1965 forward. This price advance averaged 2.9 percent from 1965 to 1967, and was 4.2 percent from 1967 to 1968. From December 1968 to June 1969, the Consumer Price Index advanced at an annual rate of about 6.3 percent.

As I indicated in January, this trend poses an unfair and inequitable squeeze upon the natural gas pipeline industry, in that the Federal Power Commission, in its treatment of rates charged by the gas pipeline companies, still refuses to make any allowance for inflation and the declining value of the dollar. In fact, these pipeline rates declined 1.5 percent from 1965 to 1966, 0.6 percent from 1966 to 1967, and 0.3 percent from 1967 to 1968. The average annual decline in these rates during 1960–68 was 0.6 percent, while the average annual increase in the Consumer Price Index was 2.0 percent.

It is true that the foregoing declines in prices received by the gas pipeline industry reflected in some measure FPC ordered reductions in prices received by the gas producers. But putting aside the fact that such price declines at the producer level contributed to the increasing shortage in gas supply, the declines in prices received by gas pipeline companies in consequence of FPC regulation—even after allowance for the reductions in producer prices—were grossly undesirable, particularly in view of the decline in the purchasing power of the dollar during the same years. This regulatory policy explains the adverse trends in growth of gas pipeline sales, investments, and income as I depict these today, bearing so unfavorably upon the capabilities of the gas pipeline companies to render optimum service to the consumer.

This is because the FPC gives no recognition to the decline in the purchasing power of the dollar when fixing rates for pipeline companies. This puts the pipeline industry in the same position of a man who bought a house for $10,000 in 1945. The house is much like the industry's investment in the plant facilities required to supply natural gas to the consumer. The man's house today would probably be valued at $20,000. Suppose he wanted to rent the house. He would charge rent on the basis that the house was worth $20,000, and would figure his rate of return from the rental accordingly. But, what if a Government agency told him he could not because his original investment was only $10,000 and he must base his rent on that figure—less depreciation. He would probably sell the house, invest his money in 7-percent short-term Government bills or 8½-percent pipeline bonds, and so forth, and be ahead financially.

As difficult as that is to imagine, it is nonetheless the actual situation being faced daily by the pipeline industry.

During 1960–68, the net physical volume of gas sales by the industry grew at an average annual rate of only 5.5 percent, compared with an average annual growth rate of 8 percent during 1953–60. This extremely adverse trend set in, despite the fact that the real growth rate of the U.S. economy averaged annually twice as high during the later period as during the earlier period.

These adverse trends within the industry have occurred despite the fact that gas is offered to the consumer at much lower prices than those for competitive fuels. For examples, in 1967—comprehensive 1968 data still not being available—based on the average home being heated with gas in Brooklyn, N.Y., the average fuel cost per season would have been 26 percent higher if heated with fuel oil, 34 percent higher if heated by coal, and 166 percent higher if heated by electricity. On a similar basis, in Detroit, fuel oil would have cost 64 percent more, coal 52 percent more, and electricity 265 percent more. In Washington, D.C., the costs of the same competitive fuels were 23 percent, 44 percent, and 124 percent higher, respectively. In Memphis, they were 135 percent, 49 percent, and 128 percent higher, respectively. In Atlanta, they were 61 percent higher for fuel oil and 250 percent for electricity, with coal not being used. In Seattle, they were 28 percent higher for fuel oil and 43 percent higher for electricity, with coal 9 percent lower than gas.

It is thus clear that the reason why gas sales have experienced such adverse growth trends during the more recent years is not that the price has been too high, but rather that prices and rates of return have been forced too low by the regulatory processes to promote the growth in investment in plant and technology and research which, as we all know, is necessary to optimize sales. The average annual rate of advance in investment in plant and equipment, on the part of the natural gas pipelines, was only 2.7 percent during 1960–68, compared with 9.3 percent during 1953–60. During the later period, the average annual rate of advance was 7.1 percent in total manufacturing, and 7.7 percent in all U.S. industries.

As a causal factor in these adverse trends in gas pipeline investment, the average annual rate of growth in net income after taxes within the gas pipeline industry declined from 11.4 during 1953–60 to 7.9 percent during 1960–68. In the later period, the average annual rate of advance in net income after taxes was 8.2 percent in all U.S. industries—including depressed and retarded industries—and 9.8 percent in total manufacturing.

As the natural gas pipeline industry has an almost uniquely high ratio of debt to total capital, the industry has been hurt more severely than possibly any other industry, by the tremendous upward spiral in interest rates, with only minor interruptions, since 1952. It is estimated that, from 1953 through 1967—1968 not yet available—the cost of rising interest rates has imposed an additional burden of some $610 million upon the industry.

In 1968, the actual operating income of the industry was $722.2 million. Actual operating income is total operating revenue less operating expenses and all taxes. It has been professionally estimated that the industry in that year needed more than $909 million of operating income to optimize investment and service to the consumer. It is further estimated that, by 1977, if current regulatory practices continue without alleviation, the industry will receive only about $1,223 million of operating income, contrasted with the almost $1,700 million that would be needed in that year to optimize investment and service to the consumer, even assuming from 1968 forward that the general price level rises only at an average annual rate of 2 percent a year, which is much less than anticipated by most competent analysts.

For all of these reasons, during 1960–68, the prudent and informed investor has downgraded the relative worth of investment in gas pipeline securities compared with many other securities, resulting in relatively less price appreciation, lower ratings, and increasing difficulty in obtaining adequate debt or equity capital at reasonably competitive costs.

As I earlier pointed out, my bill to adjust the rate base after 1968 to take account of changes in the purchasing power of the dollar would have an almost inconsequential effect upon prices paid by the individual consumer. On the assumption of an average annual increase of 2.0 percent in the Consumer Price Index from the base year 1968 to 1977, the average annual weekly cost to the consumer, spread over a period of 52 weeks, would rise from year to year by only six-tenths of a cent to 1¾ cents, depending upon the city. Thus, in 1977, the average weekly cost would be only 5⅖ cents to 15⅘ cents higher than in

1968. Taking into account the application of the formula—but not rate changes occasioned for other reasons—it would take about 8 years for the prices received by the gas pipeline companies to return to the 1960 level, and, by that time, consumer prices in general would be about 37 percent higher than they were in 1960—with a corresponding decline in the purchasing power of the dollar.

The absence of affirmative FPC action to make allowances for inflation and for the declining value of the dollar in determining prices received by the gas pipeline companies, as such prices bear upon the coverage of rapidly rising imbedded debt costs, and particularly upon return to equity, is illustrated by the following:

In Panhandle Eastern Pipeline Co., opinion No. 543 issued July 19, 1968, particularly mimeo page 14 thereof, the Commission stated:

> The Commission is well aware that the financial market has been undergoing severe strain in the recent months and that this had had an impact on the pipeline industry. This is reflected most obviously, of course, in the rising interest rates, which have already had a substantial impact on Panhandle's imbedded debt costs. Nevertheless, we do not believe it would be appropriate to base any part of an allowance on an assumption that an inflationary spiral will continue *since this would be pure speculation.*

In Panhandle opinion No. 543–A, particularly mimeo page 2, the Commission stated:

> Panhandle contends that we have given no tangible recognition to the loss in purchasing power of the return dollars due to inflation. This contention is another facet of the "fair value" argument disposed of in the *Hope* case. We see no reason to dwell on it further.

In Northern Natural Gas Co., examiner's decision issued April 16, 1969—RP69–1—particularly mimeo page 21, the examiner stated:

> In the Examiner's judgment it is unnecessary to consider further Northern's contentions in regard to the alleged loss of purchasing power of return dollars due to inflation because, as stated in the Opinion and Order denying a rehearing in the *Panhandle case*, "This contention is another facet of the 'fair value' argument disposed of in the *Hope* case. We see no reason to dwell on it further."

In my opinion the Commission is committing a serious error in refusing to recognize inflation in rate cases coming before it, in reliance on the old Hope case, which was decided in 1944, in an era of relative economic stability and, more particularly, since in that case the Court stated—page 203:

> Nor is it important to this case to determine the various permissible ways in which any rate base on which the return is computed might be arrived at.

More than that, the gas pipeline industry is now being burdened with the responsibility to live under an unduly repressive price policy because the rate of general price inflation and the decline in the purchasing power of the dollar have been accelerating so greatly from 1966 to date. Following this proposition to its logical conclusion, the more the general price level goes up and the more the purchasing power of the dollar declines, the further the pipeline companies will be removed from any fair allowance based upon these trends. Never to my knowledge, in rational efforts to combat inflation, which I applaud, has such an unjust proposition been advanced and put into effect. This trend within the FPC is evidenced in the presiding examiner's initial decision of June 17, 1969, in the Algonquin Gas Transmission Co. case, docket No. RP69–14, where, in a cavalier fashion, the examiner dismissed Algonquin's contention that the impact of inflation must be faced or substantial cost or damage would be done to enterprises adversely affected thereby, predicating his action in this regard on the ground that these contentions are infelicitously timed, since the Nixon administration is taking steps to control inflation, increased prices will stimulate inflation, holding prices in line relates to the problem of controlling inflation, and stating as a conclusion:

> There is no reason why utilities like Algonquin should not assume part of the responsibility for curbing inflation.

The most recent FPC rate decision was issued on July 16, 1969, in Florida Gas Transmission Co., and others, opinion No. 561, docket Nos. RP69–2, and others. While the Commission did allow an overall return of 7.25 percent, this allowance is substantially below the current prime rate of 8.5 percent and below the experienced cost of current debt money to some pipeline companies which is in excess of 8.5 percent. Obviously, the Commission's action in Florida does not give appropriate recognition to the fact of inflation. Thus, every dollar invested today at costs higher than the return allowed by the Commission necessarily reduces the amount of dollars remaining for investors to assume the risks of the enterprise.

The failure of the Federal Power Commission, in the foregoing recent rate cases, to allow an adequate return on natural gas pipeline companies' investments demonstrates forcefully that the natural gas pipeline industry cannot expect any assistance from the Federal Power Commission in treating with the realities of our present economic life and makes clear the need for resort to and legislative action by the Congress if this major American industry is not to be seriously hampered in serving the public interest.

As trends through 1968, and on into 1969, have increasingly confronted the natural gas pipeline industry with a situation which is so highly inimical to its capabilities to provide optimum service to the consuming public, and to bring to that public the tremendous costs advantages which gas offers, I urge that H.R. 5492 be scheduled for committee hearings as soon as possible, and that it be acted upon favorably by the committee and by the Congress at the earliest feasible date.

THE AGONY OF CZECHOSLOVAKIA—1 YEAR LATER

(Mr. ADAIR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAIR. Mr. Speaker, nearly a year ago on August 21, 1968, the combined forces of the Soviet Union and several of the Warsaw Pact nations invaded Czechoslovakia to extinguish the forces groping toward freedom there. In a partial reenactment of Munich, Communist German troops crossed the borders of Czechoslovakia in company with units of the Red army, the Polish army, and the Hungarian army. In spite of the fact that the Czechs offered no armed resistance, at least 23 persons were killed and scores injured in the first day of the invasion by nervous Soviet soldiers. Today a Soviet army of occupation still sits in Czech army barracks in order to insure that the Czechs hew to the Moscow line.

What are the lessons to be learned from this tragic event? There are several myths that need to be laid to rest, in my view. First, the myth that the Soviet Union invaded Czechoslovakia in order to prevent the development of a "humane" or more liberal form of socialism in Czechoslovakia. A better case can be made that the Soviets invaded because of the emergence of anticommunism, particularly among the young people of the nation.

As a result of the Soviet invasion, a serious "generation gap" has arisen in Czechoslovakia. The older people are not inclined to challenge the autocratic government; whereas the young cannot envisage a whole life ahead of them under communism.

Second, the rape of Czechoslovakia should also lay to rest the theory that Communist nations become more liberal as their economies improve. Communist Czechoslovakia became restless as their economy dipped to its lowest ebb since World War II. In other words the unbalanced trade they were and are forced to carry on with the Soviet Union and Comecon so impoverished them as to cause discontent which led many Czechs to conclude that Marxian economics are bankrupt.

Third, the theory that the Soviet Union has mellowed and can be now expected to live up to international agreements. This myth should certainly now be seriously questioned. As we prepare again to sit down with the Soviets and seek to negotiate arms limitation agreements possibly involving the ABM, we should look well at the evidence and not be deceived by wishful thinking, or their pious statements.

Last of all, we as a nation should continuously express our outrage over this diminution of freedom in the world. Communism does not change in any basic sense. It will not tolerate dissent of any kind, whether it be irreverent writings by Daniel and Sinyavsky or the longing of the Czech people for freedom and the right to enjoy the fruits of their labors. Having been in Prague last year shortly after the invasion, I can only say that my heart goes out to the Czech people.

APPROVAL OF THREE SISTERS BRIDGE REMOVES DULLES ACCESS BOTTLENECK

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, I am encouraged by the approval of the Three Sisters Bridge and the mass transit project by the City Council. This bridge was the brunt of much criticism which was often undeserved. Much of the controversy centered around the resulting freeway system and the displacement of parks and existing homes.

However, approval of the Three Sisters has removed a rather large bottleneck in the access route to Dulles International Airport. This is a prime objective. I am hopeful that we can now proceed in an orderly fashion to complete Interstate 66 from the beltway through to Three Sisters and Roosevelt Bridges. This project must be on the planning books before the link with the Dulles access road can be completed to Interstate 66 at Falls Church.

This program is vital. Not only will we shave 10 to 15 minutes off the travel time to Dulles, but, by making the trip out more attractive, we can curb the air traffic at National Airport and shift it to Dulles. This will vastly eliminate the air pollution, the traffic congestion and the air safety problems now plaguing the overcrowded facilities at National.

I would ask that all governmental agencies involved—State and Federal—work closely to get this access to Dulles underway as fast as possible.

Mr. GUDE. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. Mr. Speaker, I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Speaker, I commend the gentleman from Texas for his remarks and I congrateulate him. He realizes, along with many Members of this House, that the location of Dulles Airport was predicated on the construction of a river crossing approximately at the position of the proposed Three Sisters Bridge. Because we do not have the Three Sisters Bridge, the additional access to Dulles Airport which would be provided through this highway, the airport has not been utilized to the fullest extent possible. As a result, a facility paid for with the taxpayers' money is not being fully used. To the extent air traffic is not diverted to Dulles from National we shall have jet noise and air pollution from jets along the Potomac Valley.

Mr. PICKLE. Mr. Speaker, may I say in addition to the gentleman, we already have the rights of way available for the link with the Falls Church connection with Interstate 66.

What we need to do now is to get that built, so that it can tie in with the rest of Route 66, that should go into the Three Sisters Bridge. This will mean a great deal to relieve traffic on the ground and in the air throughout this whole area, and we must get started on it immediately.

Mr. GUDE. I thank the gentleman.

SUSIE BAKER FOUNTAIN

(Mr. DON H. CLAUSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DON H. CLAUSEN. Mr. Speaker, I rise today to pay tribute to a great and gracious lady, a dedicated private citizen and a loyal and devoted American; the late Mrs. Susie Baker Fountain of Blue Lake, Calif., and more recently, of Berkeley.

Mrs. Fountain is known on the north coast of California as "Humboldt County's own historian laureate" and, as such, was a lady who was deeply involved with the history of a community and studied and worked many hours to help us learn of the pioneers and the blood, sweat and tears they shed in building this State of California.

Susie Baker arrived in Blue Lake in 1912 from Nebraska and returned there briefly to finish her senior year at the University of Nebraska. She graduated with a bachelor's degree in mathematics and was installed into the honorary scholastic society, Phi Beta Kappa, as the only woman in the class of 1913. In 1914, she entered the newly opened Humboldt Normal School—now Humboldt State College in Arcata, Calif.—and was that institution's first graduate the following year.

She was married in 1915 to the late Eugene Fountain and, except for a short period in San Francisco, they lived in Arcata until moving to Blue Lake in 1931.

Mrs. Fountain began studying Humboldt County history as a hobby in 1947 and became a very dedicated and knowledgeable student. When she and her husband moved to Berkeley in 1966, she donated to HSC Library, books that covered more than 75 feet of shelf space, containing over 400 full, annotated three-ring notebooks, 100 large envelopes of clippings from early county newspapers and eight cartons of old maps and photographs.

Mrs. Fountain did intensive in-depth research into local history. She was president of the Humboldt County Historical Society, vice president of the Clarke Museum Board of Directors, recognized by the Huntington Library and a privileged member of the California Historical Society.

Humboldt County's historian laureate was the foremost authority on that county's heritage and history. In fact, her research was so complete and scholarly that it was never doubted to the extent, that, what she wrote was readily accepted by all.

Mrs. Fountain has lived her life fully and in so doing, has enriched the lives of those who personally knew her and those who will profit and benefit from her wealth of knowledge and research.

While all of us who knew and admired Susie Baker Fountain will miss her greatly, her memory and the contribution she made to her community will live on forever.

THE VOYAGE OF APOLLO 11

The **SPEAKER** pro tempore (Mr. DADDARIO). Under a previous order of the House the gentleman from California (Mr. MILLER) is recognized for 60 minutes.

Mr. MILLER of California. Mr. **Speaker, we are now 22 days into the new era that began when man first set foot upon the Moon.**

With the voyage of Apollo 11, we have **clearly demonstrated that man need not and will not be confined forever to his** home planet, Earth. And that demonstration has been strengthened by the wonderful pictures of Mars returned from Mariner 6 and Mariner 7.

Mankind's great leap forward has been taken with brilliant success. Unbelievable as it still seems, two of our fellow men, two of our fellow countrymen, have walked upon the surface of the Moon.

That splendid photograph of their footprints, beneath the Stars and Stripes, is one of the most eloquent and moving documents of all time. I know that many Members of this House shared with me the joy of great achievement as we watched our astronauts walking—and working—on the Moon.

Much well-deserved praise has already been spoken for the three astronauts who made this journey, and for all who conceived, sponsored, and led this great Apollo program.

Due recognition has been given to the great men of the past, in many lands, who have helped prepare the way. And we have noted with satisfaction that this has been a great team effort on the part of Government, industry, and the universities, made possible by the American system of free enterprise and carried out openly in full view of all the world.

Today, I want to make special reference to the leadership displayed by the House in 1958 in helping to create the National Aeronautics and Space Administration. This was the result of work of the Select Committee on Astronautics and Space Exploration chaired by Speaker JOHN W. MCCORMACK, who, as majority leader, played a principal role in enacting the Space Act into law.

I wish especially to recall the leading role played by this House in urging the Nation and its leaders to undertake the Apollo program and in supporting it faithfully in time of trouble as well as triumph, over so many years.

I wish to refer particularly to the pioneering work done by the House Committee on Science and Astronautics in getting the Nation to set its sights on the Moon in this decade.

The committee labored for months in the first half of 1960 to help sharpen this Nation's definition of our goals in space. On July 5, 1960, it submitted to the house a report entitled "Space, Missiles, and the Nation."

In this report some very important and foreseeing recommendations were made, including two I wish to emphasize today:

First, it recommended that development of the giant F-1 rocket engine be expedited; it was this engine, in a cluster of five, that lifted Apollo 11 off the pad at Cape Kennedy on July 16. Without the kind of power generated by the F-1 engine there would have been no Apollo program and no American leadership in space today.

Second, on July 6, 1960, more than 10 months before President Kennedy's historic message to Congress on space goals, the committee recommended, and I quote:

> **A high priority program should be undertaken to place a manned expedititon on the moon *this decade.***

I wish here to make this important point: great national achievements in space, as elsewhere, require both strong Presidential leadership and strong congressional support. There is no substitute for either.

President Kennedy could not have acted so boldly in 1961 without confidence that he would have the support of Congress.

The committee's recommendations on the lunar landing goal in 1960 were but one of many acts of leadership in the House in the long years of legislative scrutiny and legislative action that went into making Apollo a success.

I should mention particularly the searching examination given to the Apollo program by House and Senate committees after the tragic fire in 1967. Not only were they able to help NASA to improve safety procedures; they were also able to help restore national confidence in the program and get it rolling again, so that the landing could be made on time, in this decade, and ahead of our able and ambititous competitors.

But I do not want to dwell too long on accomplishments of the past, or even on the brilliant successes of the present. Nevertheless, the space program constitutes the leading edge of technological progress in this country.

In addition, countless scientific achievements have been made during this first decade in space. Advancing scientific knowledge and pressing forward the state of the art in technology has more than justified our expenditures to date.

Despite the many contributions of the space effort thus far, I am convinced that the greatest harvest will occur in the future. Therefore, it seems to me essential that the Nation continue to invest in space research, and I predict the space effort will produce many dramatic gains in the quality of life here on Earth.

Today, I want to stress the new leadership responsibilities this House has to help chart our Nation's future course in space.

We have now come to another great divide in our national history, another decision point on our road into space, such as we faced in 1960 and 1961. We face the challenge of setting new goals, of maintaining our hard-won space strength, of using wisely our great new space capabilities acquired in the Apollo program.

In 1960, the Committee on Science and Astronautics acted boldly and wisely when it called for a manned lunar landing in this decade.

I understand very well the enthusiasm of those who draw on the experience of 1961 and propose a manned landing on Mars as our next great national goal. I also understand very well how important the goal and commitment called for by President Kennedy were to the final success of the Apollo program.

But I do not at this time wish to commit ourselves to a specific time period for setting sail for Mars. I believe that there are many tasks that can be accomplished that will ultimately provide that capability, but will be less costly and will be necessary in meeting short-term objectives.

I urge instead that we concentrate first on a well-chosen set of intermediate steps and give the Mars goal a great deal more study before we decide if, how, and when we should take this next great leap forward for mankind.

Do not misunderstand. I am not against going to Mars or elsewhere in the solar system when the time to begin such a great undertaking has come. I think we have the technical ability to undertake such missions without undue strain before the end of the century, and possibly much sooner.

And I am sure that when the time comes we will make the first decisions and firm commitments necessary to carry out such great programs efficiently and successfully. But I urge no such decisions or commitments now.

Today, I urge a course that may be more difficult—because it is less glamorous and less exciting but in many ways no less demanding. I urge that we concentrate on the intermediate steps that must be taken to meet our most pressing national needs in space.

Now that the manned lunar landing mission has been accomplished, our goal for the next decade should be to achieve a balanced program, one that fully exploits the great potential of unmanned spacecraft, while at the same time maintaining a vigorous manned flight program.

There are at least five very important things that must be worked on now, so that we can decide wisely about other long-range goals later on:

First. We must continue exploration of the Moon, and gain the vital experience of operating a base for science and exploration on another heavenly body.

Second, We must carry out the Apollo applications program as now planned, with flights beginning in 1972; and we must move on to the establishment of our first long-range, long-term space station in Earth orbit, supported by a new kind of low-cost space shuttle rocket for bringing up fresh crews and supplies.

Third. I believe greater emphasis must be placed upon the development of applications satellite systems, those which have the greatest potential for economic return in the near term. In addition, a larger portion of the space budget should be designated for unmanned planetary exploration, an area in which the United States may soon be overshadowed by the Soviet Union which has made, and continues to make, a vastly greater effort.

Fourth. We must continue with the development of the Nerva nuclear-powered rocket engine, because this will greatly increase our capabilities for space propulsion, and improved propulsion is a key to space leadership and further advances in space.

Fifth. We must continue to take full advantage of the practical benefits to be had from **Earth-orbiting spacecraft,** with special emphasis on Earth resources survey satellites which promise to yield so much in benefits to agriculture and industry.

Continued activity in all of these fields will enable us to hold together our great space team with challenging and rewarding assignments. We will also be adding significantly to our space capabilities, and, depending on the pace at which we move, we should be able to maintain our space leadership.

The recent spectacular successes in the space program can be traced back to investments made several years ago.

Unfortunately, the space budget has declined each year since 1965 due to other urgent demands on the Nation's resources unrelated to the merits of our space program.

Employment in the space program reached its peak of 450,000 in 1965; today fewer than 200,000 people are working in the space effort.

I would hope that this trend could be reversed and that it will be possible to increase the space budget incrementally during the next few years. In my judgment, the present level of effort is not sufficient to support a viable space program during the 1970's, and our investment in space research and development should be increased.

As Members of the House well know, the President has a task force at work preparing recommendations for the national space program in the post-Apollo period; that is, the years immediately ahead.

This task group is chaired by the Vice President. The Secretary of Defense, the Administrator of NASA, and the President's science adviser are the principal participants. Their recommendations are to be submitted to the President in September.

These recommendations, and the decisions the President makes on them, will, of course, be reflected in the budget submitted to Congress next January. In congressional action on the fiscal year 1971 budget, very important decisions concerning this Nation's future in space will have to be made.

I do not want to anticipate today what the task group will recommend or what the President's decisions on their recommendations will be. I do want to point out that the main outlines of a strong future program, at least for the next several years, have already been given the NASA budget request for fiscal year 1970, which is still before the Congress.

A great deal has been said and written lately about the impending completion of space programs for the sixties and the lack of new goals for the future. But some of these reports have been more pessimistic than conditions warrant.

Important decisions still have to be made about long-range programs for the future; but at the same time NASA does have plans, and authorizations, and funds, for a variety of space activities that will keep many people busy over the next several years. This depends, of course, on favorable final action of the NASA appropriation for fiscal year 1970, which is expected.

Let us look for a moment at the currently approved NASA programs:

We have more Apollo flights to the

Moon planned. The last one will probably be flown in 1972. These flights will give us a chance to visit different areas of the Moon, stay longer, and carry out more experiments.

In the Apollo applications program, NASA now plans to outfit the top stage of the Saturn V rocket as a workshop, equip it with telescopes, and place it in Earth orbit in 1972. A crew of three will go into orbit in a separate launch, then occupy the workshop for up to 28 days, or twice as long as man has ever been in space before.

Later, other crews will revisit the workshop and stay in orbit up to 58 days. Activation of this Saturn V workshop is an important intermediate step before establishing a large space station in Earth orbit; and experience with a large space station is an essential preparation for longer ranged missions.

Studies have been and are presently underway to define a large Earth orbiting space station and a reusable, low-cost Earth orbital shuttle transportation system. Early development and operation of prototypes of a shuttle and a space station should be initiated so that the necessary technology will be in hand.

In 1971 two Mariner spacecraft, Mariner 8 and Mariner 9, will go into orbit around Mars and give us a complete map of its surface. In 1973, NASA plans to send two larger and more complex spacecraft to orbit Mars and to send probes down to the surface in search for life and to give us a much better idea of what the surface conditions are. These new spacecraft are called Viking.

Thus, over the next 4 years, we plan to explore Mars with unmanned spacecraft just as some years ago we explored the Moon with unmanned Ranger, Surveyor, and Lunar Orbiter spacecraft before sending men to land there. By the end of 1973 we should have a much better idea about how feasible it will be and how important it will be to land men on Mars in this century.

In the nuclear rockets program, full-scale development of the NERVA reactor and engine will be started in the current fiscal year. The House has voted to proceed at a pace that will provide a flight-ready engine in late 1976.

The NERVA engine is very important, because for many difficult space missions it will about double the payload capacity of the Saturn V rocket, already the most powerful rocket yet demonstrated anywhere in the world. Also, NERVA will provide a deep space capability not now possible with our existing boosters.

NASA has a strong space applications program underway. This program is to improve the technology available for weather, communications, navigation, and geodetic satellites, and to begin development of a new series of satellites called Earth resources technology satellites.

The House authorized a total of $128.4 million for the space applications program for fiscal year 1970. The House has shown especial interest in the Earth resources technology satellite because of the potential benefits it could yield to agriculture and industry.

If this satellite provides only a small increase in our ability to manage world food production better, utilize available water supplies better, find new minerals, protect our forests, develop the food sources of the ocean, and curb pollution, it would pay for itself many times, and possibly even for the entire space program.

These are some of the highlights of currently approved, ongoing programs. I will not go into further detail, but I can say that this is still a well-balanced, ambitious, and exciting mix of space exploration, space science, and space use for the good of man.

I hope I have said enough to indicate that the pessimism of those who think the space program is grinding to a halt is completely unjustified. Granted, the space program will soon need a new lease on life, but for the next few years it will be going strong.

Actually, it may help Members of this House and the public to think of space planning and space activity as going forward in three different phases.

One phase is currently approved programs, which are now underway. These I have just described. These are the programs the public knows best. These are the programs which have reached the flight stage, or soon will.

Another phase is those programs which are under current study, but which have not yet been given the go-ahead. These are programs we would want to carry out in the immediate future, the next 5 or 10 years.

Here we have a number of possibilities to choose from, and because of unavoidable leadtimes we have to choose wisely, and very soon, or our space program will indeed be grinding to a halt.

It is these new programs for the intermediate future which are now under consideration by the President's post-Apollo task force. I hope we will get firm recommendations for new programs for the intermediate future in the President's budget next January.

Here are some decisions about intermediate programs which will have to be made soon:

Do we want to begin work on a large-scale space station in Earth orbit, more or less permanent in nature, with room for 10 or more men, supplied by a new, cheaper shuttle rocket that can be used over and over and land at designated space ports? I suspect the Soviets already have rather advanced plans along these lines.

Do we want to continue exploration of the Moon after the Apollo flights currently planned? Do we want to set up scientific bases on the Moon in the seventies like those we have in the Antarctic?

Do we want to plan for the so-called grand tour to send unmanned spacecraft out past Jupiter, Saturn, and Uranus, taking advantage of a favorable lineup of these outer planets that will not come again for many decades?

Do we want to continue unmanned exploration of Mars and Venus after currently approved missions end in 1973?

Do we want to proceed in the Nerva program to build the actual rocket stage in addition to the reactor and engine which are the only parts currently authorized?

These are all questions of great interest and significance. They will, no doubt, be widely debated. All of our democratic institutions, including Congress, the public information media, and the various scientific organizations, will be put to severe tests in guiding rational public discussion and decision.

The third phase of our space planning has to do with long-range plans, such as: Building our space station in Earth orbit into a space base; setting up semipermanent bases on the Moon, and undertaking the exploration of our sister planets.

As I have stated earlier, it is too early to make final decisions on such long-range programs now. But it will help, in considering present and intermediate programs, to make sure that they lead us in the general direction of what we may want to be doing, and may need to be doing, in the more distant future.

We must avoid the two extremes. We must avoid the sacrifice of flexibility that would come from premature commitment to distant goals; we must also avoid the indecision and aimless wandering that might result if we had no agreed concept of what, in general, our long-range goals should be.

I think it highly probable that 5, perhaps 10, years from now we may decide that it would be in the national interest to begin a carefully planned program extending over several years to send men to Mars.

In the meanwhile, we have important intermediate steps to take which are justified in their own right and which will give us the necessary base of technology and experience needed to plan the journey.

In planning for our future in space, let us draw wisely on the experience of Apollo. Let us see why the timing was right for a commitment to the Apollo program in 1961.

The timing was right for a national commitment to the Apollo program in 1961 for these principal reasons:

First. The basic technical philosophies for propulsion, reentry, life support, and guidance was generally well in hand, although not yet fully developed.

Second. The primary mission of Apollo in addition to getting to the Moon is also to serve as a focus for the rapid development of American capabilities for manned space flight in Earth orbit and beyond.

Third. The lunar landing in this decade was made a key part of the program because it would probably gain for the United States clear leadership in the Soviet Union, which, of course, it has done.

Fourth. Congress was clearly in the mood to accept the Apollo commitment when President Kennedy proposed it.

Fifth. For a combination of the above reasons, it made sense to begin the Apollo program while certain intermediate steps were still to be carried out. I have in mind such steps as putting our first astronaut in orbit, which came in the Mercury program in 1962; demonstration of the feasibility of rendezvous in space and long-duration flights, which came in the Gemini program in 1965 and 1966; and the soft landing of Surveyor on the Moon in 1966.

The successful achievement of all our goals in the Apollo program, and its great contribution to the national interest, clearly indicate that it was sound to make the commitment to Apollo when we did, and not after all these intermediate steps had been successfully completed.

Now, drawing on this experience in Apollo, let us see why a commitment to a manned Mars mission would be premature at this time:

First. The basic technology for a Mars mission may be fairly well in hand today, but we clearly need more experience in long-duration flights in Earth orbit, and in operating on the Moon before committing ourselves to sending men on such a long and expensive journey.

For example, it made sense to keep the Apollo 11 astronauts on the Moon for only a few hours, but we should not send men all the way to Mars unless we are prepared for them to spend some weeks or months in exploring the surface.

Second. Unlike Apollo, the primary purpose of a manned Mars mission would not be to develop rapidly new capabilities, but to get to Mars and explore there.

Third. It is not clear at this time that we must commit ourselves to a Mars landing to compete effectively with the Soviet Union for space leadership. The next major advance of the Soviets will probably be in operating large space stations in Earth orbit.

Fourth. Because of the above combination of circumstances, it seems prudent to proceed with such intermediate steps as Earth orbital space stations, low-cost shuttle vehicles, and development of a nuclear-powered rocket stage before making a commitment to such a long-range and expensive program as manned exploration of Mars.

Fifth. There is also the hope that manned exploration of Mars may be made a great international undertaking. It is worth waiting a few years to see if this will be possible. If we concentrate now on the intermediate steps, we are much more likely to induce the Soviet Union to cooperate than if we slack off entirely or launch a Mars mission of our own.

In short, there are vast differences between the shining example of Apollo and the Mars mission to come; the time is not yet ripe for a commitment to a manned Mars landing or any such venture far out in the solar system beyond the Moon; but the time when Mars should be our goal will surely come.

As for now, we should give priority attention to the intermediate steps that must first be taken in Earth orbit, at the Moon, and in developing nuclear-powered rockets.

CHARLES REBOZO—YOU HAVE A FRIEND AT SBA

The SPEAKER pro tempore Under a previous order of the House the gentleman from Texas (Mr. Patman) is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, I doubt that there is a single Member of this House who, in recent months, has not received correspondence or telephone calls from small businessmen in his district wanting to know why the Small Business Administration is doing so little to help small business.

While our Nation's small businessmen are fighting for their economic lives, the SBA, our Government's direct contact with small businessmen, has been engaged in some of the most questionable activities imaginable. The actions of this agency have so shaken the confidence of small businessmen in the SBA that it is a serious question as to whether or not the damage can ever be repaired.

My office and the Banking and Currency Committee has received hundreds of letters from small businessmen complaining about the Small Business Administration. A typical comment contained in many of the letters is the question—"Why was I denied an SBA loan when the agency is loaning money to the Mafia?"

AN ASTONISHING RECORD

Quite frankly, these letters are difficult, if not impossible, to answer for the recent record of the Small Business Administration is astonishing. Here is a brief sampling of some of the recent actions of the agency:

First. Made loans either directly or indirectly of $560,000 to a New York City automobile and truck leasing company with ties to organized crime and controlled by individuals with long criminal records. When the background of the individuals was discovered, SBA turned its back on the situation and SBA only took action to recall the loans when public pressure was brought to bear.

Second. The agency loaned $100,000 to a Miami, Fla., apartment developer to repair damage to the project caused by hurricanes. The loan was defaulted and there is little chance of recovery. It is reported that the apartment house was used as a command post for a portion of organized crime in Miami and the developer of the project was indicted in connection with a bank fraud. SBA also paid an attorney in connection with disbursing the loan who was a former officer and incorporator of the apartment house project.

Third. The agency made a loan of $135,000 to a professional baseball player whose annual salary exceeds $80,000. The loan carried a low rate of interest since it was disbursed under a program of loans to "disadvantaged persons." To compound the situation, SBA Administrator Hilary Sandoval first questioned the granting of the loan under the "disadvantaged persons" category and chided the field office for making the loan. Later, Mr. Sandoval relented, however, and stated there was nothing irregular with the loan.

This loan was made after Mr. Sandoval assured the Banking and Currency Committee that he was going to "clean-up" the agency and run a tight ship.

Fourth. Albert Fuentes, appointed as a Special Assistant to the Administrator by Mr. Sandoval, was indicted by a Texas grand jury for allegedly shaking down a Small Business Administration loan applicant. Mr. Fuentes was fired by Mr. Sandoval, not for his actions in the alleged shakedown, but rather for disobeying an order of the Administrator while the indictment was pending.

Mr. Sandoval had promised to make certain information concerning Fuentes available to the Banking and Currency Committee but instead had the information impounded by the Justice Department so that he would not have to comply with his promise to the committee.

Mr. Speaker, these actions on the part of SBA set the stage for another Small Business Administration venture that has caused small businessmen throughout the country to question the soundness of SBA. I refer to the Small Business Administration's activities involving Mr. Charles Rebozo of Miami, Fla. In February, it was reported that the Small Business Administration had provided a guarantee of $2.4 million on rent payments for a shopping center Mr. Rebozo was building in Florida. It was further reported that one of the Small Business Administration officials approving the guarantee was the regional director of the Miami office of the Small Business Administration, Mr. Thomas Butler. The Associated Press, on February 6, stated:

> Butler, also a close friend of Rebozo, is the owner of land on an island Rebozo would like to develop as residential or a resort site, and is a charter stockholder in a bank founded and headed by Rebozo.

REBOZO, A PREFERRED CUSTOMER

When these disclosures were made, I stated that I planned an investigation of the matter to see why an individual with such large financial resources as those possessed by Mr. Rebozo was receiving rent guarantees from the Small Business Administration which, at the same time, was turning down hundreds of small business loan applicants throughout the country.

The shopping center deal was not the first time that SBA had done business with Mr. Rebozo. In fact, from 1962 through the present, Mr. Rebozo has been a "preferred customer" of the Small Business Administration. Time and time again, the Miami millionaire has received special favors from the agency even though SBA staff members strongly questioned the concessions being made to Rebozo.

The following memo, prepared by the staff of the Banking and Currency Committee, clearly outlines the special treatment bestowed upon Rebozo by SBA in connection with an $80,000 loan to the Monroe Abstract and Title Co., which he heads:

STAFF MEMO

> On January 5, 1962, Mr. Rebozo, in the name of Monroe Abstract and Title Company, 245 Southeast First Street, Miami, Florida, applied for a 75% SBA participation in a $100,000 loan. SBA would be cooperating in the loan with the Merchants Bank of Miami, 950 Southwest 57th Avenue, Miami, Florida. At the time of the application for the loan, Rebozo filed a personal financial statement with SBA listing a net worth in excess of $600,000. He also listed his occupation as "investor". In addition to Mr. Rebozo, who personally guaranteed the loan, there was a second guarantor on the loan, a Mr. Arthur H. Olson, who, at the time of the loan, listed a net worth of more than $131,000. Olson was also an officer as was Rebozo, in Monroe Abstract and Title Company. The purpose

of the loan was to acquire the Monroe County assets of Land Title Company, a competitor of the Monroe Abstract and Title Company. On February 9, 1962, SBA declined the loan and prepared a letter to the participating bank which stated that the loan had been declined for the following reasons:

1. Lack of reasonable assurance of ability to repay loan and other obligations from earnings.

2. Disproportion of loan requested and of debts to tangible net worth before and after loan.

3. Lack of satisfactory evidence that the funds required are not obtainable without undue hardship through utilization of personal credit or resource of the shareholders.

Although the letter declining the loan was written on February 9 to Merchants Bank of Miami, it was never sent, nor was Mr. Rebozo officially notified that his loan application had been denied.

Although the files do not indicate how Mr. Rebozo was notified, he did learn that the loan had been declined and on February 13, 1962, Rebozo visited the SBA offices in Washington to discuss the loan. On February 19, 1962, six days after Mr. Rebozo's trip to Washington, SBA approved an $80,000 loan with a six-year maturity for Rebozo. Since the original loan was made for a six-year term, the maturity has been extended twice. On June 16, 1965, the maturity was extended for two years from 1968 to May of 1970. On July 3, 1968, the maturity was again extended, this time to May 1, 1972. This final extension provides the loan with the maximum maturity allowed under the Small Business Act (10 years).

It should be noted at this point that the final extension came during a period when SBA was refusing loan applications from small businessmen all over the country because they were faced with a critical shortage of lendable funds. It should also be pointed out that the average maturity on SBA loans is slightly over six years. This means that the ten year maturity granted Mr. Rebozo is well above the average maturity.

The circumstances surrounding the Rebozo loan can best be described as strange. Nothing in the SBA files justifies the preferential treatment given Mr. Rebozo. On the contrary, the files are filled with a vast majority of reasons why Mr. Rebozo should not have been given the loan in the first place, nor should the maturity or other favors granted by SBA have been extended to Mr. Rebozo after the loan had been made.

On January 29, 1962, a loan processors' report signed by J. W. Gilbert, Loan Examiner, carries the following information concerning the Rebozo loan:

"Primary stockholder, Charles Rebozo, indicates over $500,000 net worth with over $200,000 in real estate unencumbered. It is felt he could liquidate part of these assets for the loan's purpose. It is also not desirable that SBA furnish $100,000 against applicant's $15,000 to purchase this plant. All factors considered, it is concluded by the loan examiner that a rejection is in order."

On February 7, 1962, William B. Dean, an SBA loan officer, in commenting on the Rebozo loan, stated:

"Expansion of business by purchase of assets of competitor who is pulling out of Monroe County. Why is the profitable business selling to the non-profitable one? It would appear that a lot of duplication would exist in abstract records of both. Purchase would evidently be to prevent competition should someone else buy these records. Abstracting assets listed on books of seller at $32,000.

Projection by applicant on basis of actual sales, etc., for the first seven months of 1961, is reasonable and even without proposed increase of 50 cents per item would apparently generate sufficient cash flow for debt payment.

The main problem seems to be debt plus loan to net worth ratio which could be offset by sale of other holdings in injection of cash into company. *I see no reason why we should be asked to put up public money to protect applicant's investments. It is a case of selling investment properties below applicant's valuation to protect his abstract business from possible competition or holding properties for higher return and taking chance on no one buying these abstract records of present competitor."*

Following these statements, loan officer Dean recommended that the loan not be made.

On February 8, 1962, William R. Ward, Acting Chief, Area II, in agreeing with loan officer Dean's recommendation of declining the loan, the following statements were made:

"It is to be noted that C. G. Rebozo, President of applicant, listed his occupation on his personal F/S as "investor". His personal B/S shows various interests in real estate. The claim is that none of these are salable at this time. All appear to be held for future speculative increase in value. The request is for entire purchase price of concern to be purchased. Applicant does not propose to invest a single dollar in his expansion. $15,000 is proposed to be covered by a carry-back mortgage. Considering all the investment and real estate owned by the principal, it is felt that a reasonable investment by them should be made in this expansion."

On the same date, Pierrot. R. Leef, Deputy Director of the agency's office of loan procurement, also concurred in the recommendation that the loan be declined. Mr. Leef listed the following facts for his decision:

"The business being acquired returned a profit of only $1,270 in 1960 on $92,306 income. In addition to the $10,000 owing bank, SBA first year, there will remain $15,000 owing seller shown as a current liability on the proformer."

The following day, Logan Hendricks, Director of the agency's office of loan procurement, also agreed to the recommendation that the loan be declined. Mr. Hendricks states:

"All aspects considered, *I would have to construe this credit as being on the weak or marginal side*. It is difficult to justify an investment by SBA of $100,000 versus $15,000 by owner with even that amount secured on a borrowed basis. Granting that some of the investment assets are already mortgaged and markets nil, plus a willingness to pledge the Key Biscayne property and when (and if) sold apply proceeds I.O.M., the government loan to a considerable extent is still gross substitute for equity funds. This is a first time bank and in addition, the community apparently needs an abstract company. Notwithstanding, I think an adjusted proposal is in order here. I would favorably consider a $60,000 loan for 5 years providing for an additional injection by principals on stock subscription or stand-by basis of $40,000."

Also on February 9, C. L. Lanman, Deputy Administrator of the Small Business Administration, agreed with the recommendations to decline the loan.

It should be noted at this point that in the years immediately preceding the loan to Monroe, the company had consistently lost money and, in fact, did not have a profitable year prior to its application for a loan.

On February 13, Logan Hendricks wrote a memo to the files of SBA concerning the meeting that he had in Washington with Mr. Rebozo discussing the decline of the loan. It is still not clear how Mr. Rebozo was informed that the loan was to be declined since a letter to that effect was never sent out. In part, the Hendricks memo reads:

"I pointed out to Mr. Rebozo that I felt the demand of $100,000 with $15,000 being advanced by him on a note placed the government in a disproportionate position—in other words too much of the purchase price was being sought through a government loan."

Mr. Rebozo emphasized the fact that very little of his property attracts any market whatsoever at this time, nor has he been able to raise any funds thereon by mortgages, though this has been attempted through banks and other sources. One bad development occurred during the conversation in that the Key Biscayne property, which was set up in the draft authorization for a first mortgage pledge back of Mr. Rebozo's guarantee, cannot be pledged since it involved in some agreement he has with individuals who are to start a new bank. They are to acquire sufficient of this property for banking and parking facilities. By inquiry, I learned that he might be able to mortgage half of it and he has stated that if he could mortgage the entire tract, subject to a portion of it being released at time bank stock is issued, he is to accept bank stock in payment, he would be willing to pledge the bank stock back of his guarantee. While I appreciate the need for making loan payments as low as possible, to better assure repayment from earnings, it is difficult for me to justify a 50% balloon payment at the end of 5 years on this type of security. This is another reason I felt a lesser loan was occasioned. *Mr. Rebozo continues to be very optimistic as to the earning potential, believing that a $100,000 loan can be paid in full in 5 years*. He may be right but we must admit that discretion dictates a more conservative attitude. I am reluctant to rule out any balloon on a situation of this kind—neither am I anxious to see a longer maturity than 5 years, but perhaps, some middleground might be in order if an $80,000 potential (mentioned later) comes into being.

I approached the problem in the beginning on the basis of his raising $40,000 cash, making a $60,000 loan feasible. He stated this was wholly impossible, whereas I inquired whether perhaps $20,000 cash could be raised. He said this likewise was out of the question. I then approached the matter of whether Land Title, who owned the Abstract Company he is trying to buy for $90,000 would take say $50,000 in cash and carry back $40,000 on a stand-by basis permitting that amount to be secured by a second mortgage on the pledged assets. Mr. Rebozo stated that he has been negotiating a long time with Land Title and was positive he could not work out any other deal with them say even a $75,000 cash offer with their willingness to carry back $15,000. This appeared to place us in a stalemate position. He then inquired whether an $80,000 loan might be possible provided he was able to work some satisfactory arrangement on smaller amounts of debt (which were to be paid with loan proceeds as originally contemplated) and possibly raise $10,000 or $15,000 W/C through private sources.

I told Mr. Rebozo that I could make him no promises, but that we would certainly take a close look at such amended proposition, if he is able to work it out. He stated that he would immediately pursue the matter and be in touch with the Miami branch.

In his meeting with Mr. Hendricks, Mr. Rebozo stated that $100,000 could be paid in full in 5 years. However, when SBA did grant him a loan for $80,000, he was unable to repay it in a six year period provided in the original agreement and the maturity had to be extended to a full ten years.

Despite all of the adverse comments about the loan, SBA did grant Rebozo an $80,000 loan.

Although the grounds for making the loan to Rebozo are highly suspect, it should also be pointed out that following the granting of the loan, in addition to extending the maturity of the loan on two occasions, the following concessions or favors have been granted to Mr. Rebozo in connection with the loan changing conditions of the loan agreement: (1) release of stock, (2) consent to modification of note reducing payments, (3) release of Key Biscayne collateral securing guarantee, (4) waiver of violation of stand-by agreement, and (5) release of Key West property.

On December 23, 1963, Mr. Howard McGoogan, Chief of the Loan Administration unit, wrote to Merchants Bank of Miami with regard to a request by Rebozo to have property in Key Biscayne pledged by him to secure his guarantee of the SBA loan, released. The letter stated that SBA could not release the property. Despite the letter, SBA did at a later date comply with Rebozo's request. In addition to the concessions granted above, it should be remembered that Mr. Arthur H. Olson, an officer of the Title company was also a guarantor on the loan. Mr. Olson, following the completion of the loan transaction, left the Title company and Rebozo did not notify SBA that one of its guarantors was no longer involved in the transaction.

On January 10, 1964, McGoogan wrote to the bank stating that the decision not to comply with the request to release the property had been reversed and that SBA would no longer object to the release of the property. Two documents in the SBA file perhaps best sum up the preferential treatment that has been given to Mr. Rebozo. The first is a memo dated May 28, 1968, from Glen A. Pareira, loan officer to Thomas A. Butler, Regional Director of the Miami office. Butler is a stockholder in the bank owned by Rebozo and has also participated in other Rebozo ventures. In the memo, Pareira writes:

"Attached is a letter of participating bank on subject loan. It is my opinion after consultation with both Mr. Liedmann and Mr. Barnett that the request is unreasonable and should not be approved. It should be noticed that approval of requests as submitted would extend loan beyond legal maximum maturity date with a balloon at the end of the extension requested of approximately $30,000. We have no power to grant such an action."

On June 8, 1968, Mr. Pareira wrote to Mr. Joseph W. Armaly of the Merchants Bank of Miami as follows:

"With regards to your letter of May 23, 1968, wherein you state Mr. Rebozo has requested a further modification of subject loan to reduce payments for 36 months from $1,855.00 per month plus interest to $500 per month plus interest. While your letter does not indicate the bank's position on this request, which is necessary prior to any determination by this Agency, as to the concurrence or rejection, our reactions are as follows:

1. The request for reduction of payments for 36 months would exceed maturity date of loan. If reduction of payments could be granted to maturity, this would leave a $32,500 balloon balance due and payable on May 1, 1970.

2. The statutory limits of this loan are ten years and no extension of the maturity date can be granted beyond that point without Congressional action. If the loan were extended to the legal maximum (May 1, 1972) there would still be a balloon balance due and payable at that date of $26,500.

3. The records indicate that the tangible collateral has been reduced to nil and for all intent and purposes the loan is an unsecured note guaranteed by Mr. Rebozo. Also, the maturity of the note has been extended once from May 1, 1968, to May 1, 1970.

Under these conditions it seems highly improbable that any recommendations on your part for further concessions on the loan could be concurred in by this Agency . . ."

On January 20, 1968, Mr. Armaly wrote to Mr. Butler, the Branch Manager of the SBA's Miami office, once again requesting that the bank schedule be extended and even though the loan officer for SBA had stated that such request could not be considered, the extended maturity was granted.

The role that Mr. Butler has played in the Rebozo loan appears on the surface to be more than that of a disinterested SBA employee. For instance, on January 2, 1964, Butler wrote a memo to F. E. McKinney, Acting Chief, Loan Services Division, Office of Loan Assistance, supporting the release of certain bank stock pledged by Rebozo for his loan. In discussing Rebozo's financial position, Butler wrote, "It is not a bit unusual in our area for a person to have a good personal financial statement yet be pressed for available cash to meet various commitments." The memo further points out that the bank which participated in the loan with SBA to Rebozo is headed by Mr. Hoke Maroon who Butler stated was an active member of the National Small Business Advisory Committee. Maroon is also a large stockholder in Fisher Island, Inc., a corporation which owned Fisher Island of Miami. The corporation is headed by Rebozo.

When SBA was recently asked about the Rebozo loan, it said that "the loan is adequately collateralized." This disagrees sharply with the June 6, 1968, letter from loan officer Pareira to Merchants Bank of Miami in which Mr. Pareira stated "the records indicate that the tangible collateral has been reduced to nil . . ."

Mr. Speaker, there can be no justification for SBA lending money to an individual under the guise of a small businessman who then turns around and opens a bank. Small businessmen write me complaining that they cannot even get in to see a banker, yet in the Rebozo case, SBA is financing a banker and an investor while shutting out thousands of legitimate small businessmen.

The loan to Mr. Rebozo, it is my understanding, is current. However, in order for SBA to show that it has not foresaken our Nation's small businessmen, the loan should be called immediately. Granted there is not a great deal of money involved but the loan should not have been made in the first place and the unwarranted extensions of the maturities on the loan quite clearly are grounds for collecting payment in full at this time. Mr. Speaker, it is not so much the questionable activities of SBA that have come to light that trouble me, but rather the mistakes that have been kept quiet. Perhaps like the iceberg, most of the agency's mistakes are below the surface.

The Banking and Currency Committee has been assured that things were going to get better at SBA but that promise has not been kept.

I shall continue to pursue my investigation of SBA until I am certain that we can mold SBA into an effective agency of Government dedicated to the sole proposition of helping small businessmen.

No further statements are contemplated by me on this matter until after public hearings are conducted by the Banking and Currency Committee on bills—one inserted herewith—to increase the authorization of money which may be lent either directly or indirectly by the Small Business Administration.

H.R. 4291

A bill to amend the Small Business Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (4) of section 4(c) of the Small Business Act is amended—

(1) by striking out "$1,900,000,000" and inserting in lieu thereof "$2,200,000,000";

(2) by striking out "$300,000,000" and inserting in lieu thereof "$500,000,000"; and

(3) by striking out "$200,000,000" and inserting in lieu thereof "$300,000,000".

REPEAL OF EMERGENCY DETENTION ACT GAINS SUPPORT

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Hawaii is recognized for 10 minutes.

(Mr. MATSUNAGA asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. MATSUNAGA. Mr. Speaker, on June 3 our distinguished colleague, the dean of the House delegation from California (Mr. HOLIFIELD), and I cosponsored a bill (H.R. 11825) to repeal title II of the Internal Security Act of 1950. Title II, popularly known as the "Emergency Detention Act of 1950," has often been referred to as the "concentration camp authorization law."

Fortunately, it has never been formally invoked since its enactment, but for 19 years it has remained the subject of continuing concern to men of justice. Its repeal is long overdue.

Briefly, title II provides that upon the declaration of an "internal security emergency" by the President, the Attorney General may apprehend and detain any person as to "whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage or sabotage." A person may thus be apprehended and detained on the basis of mere suspicion or unfounded speculation. Title II does not require the Government to produce any evidence of an overt act.

A detained person may file an appeal. However, the appeal would be heard not by a court, but by an administrative review board set up by the Attorney General. The board's decision on emergency detention would be final; there is no recourse to our judicial system.

As a lawyer, I find these procedures to be repugnant to our basic constitutional guarantees and accepted legal practices. As a citizen, I see them as an ominous threat to our American way of life. This concern is especially important today when so many legitimate inquiries are being made into the values of present-day society. If these procedures are ever enforced, they would lead inevitably to a repetition of the tragedy which occurred in World War II, when 110,000 persons of Japanese ancestry living on the west coast were forced out of their homes and imprisoned in the only concentration camps ever maintained in our Nation's history. Historians have described this episode as the blackest blot in the tapestry of American democracy. A law that is based on such a sad legacy ought to be deleted from our statute books.

To date CHET HOLIFIELD and I have gained the support of 126 concerned colleagues as cosponsors of our bill. This strong support, I believe, is indicative of the increasing national awareness of the need to purge from our statute books those provisions which are repugnant to the American way of life.

Among many citizen groups the Japanese-American Citizens League, with chapters in 38 States and the District of Columbia, has spearheaded the move for repeal of the Emergency Detention Act.

On July 30, 1969, the delegate assembly of the National Urban League meeting here in Washington voted unanimously for a resolution supporting the repeal of title II. Finding the information contained in the resolution to be highly pertinent, I submit a copy of this resolution for inclusion in the Congressional Record. I also submit for inclusion a copy of a letter from the Peace and Freedom Association of Tucson, Ariz., which supports the proposed repeal legislation:

Resolution of the National Urban League To Repeal the Emergency Detention Act of 1950

Whereas Title II of the Internal Security Act, 1950 (The Emergency Detention Act) violates the constitutional guarantees and judicial traditions that are basic to our American way of life.

Whereas the precedent for this statute was in the tragic experience of Americans of Japenese ancestry in World War II an experience which most Americans now recall, as unnecessary and unwarranted.

Whereas Title II authorizes detention not on the basis of an actual act committed in violation of law, but on the basis of mere suspicion, of a mere probability that, during proclaimed periods of internal security emergencies, the detainee would engage in, or conspire to engage in, espionage or sabotage.

Whereas Title II fails to provide for trial by jury or even before a judge, substituting instead a preliminary hearing before a departmental hearing officer. The suspect is assumed to be guilty, for there is no presumption of innocence.

Whereas the accused need not be confronted by the facts which led to his detention, for the Government is not required to produce any evidence.

Whereas there is no appeal to the Courts, only to another administrative appeal board composed of members appointed de facto, and paid by the Attorney General, the very official authorized to detain the suspect in the first instance.

Be it therefore resolved that the National Urban League meeting in Annual Conference in Washington, D.C. on July 30, 1969 go on record as endorsing and supporting the repeal of the Emergency Detention Act of 1950 (Title II of the Internal Security Act of 1950).

Proposed and presented by K. Patrick Okura, President Urban League of Nebraska.

Adopted unanimously by the Delegate Assembly July 30, 1969.

Peace & Freedom Associations,
Tucson, Ariz., July 31, 1969.

Hon. Spark M. Matsunaga,
House Office Building,
Washington, D.C.

Dear Sir: We wish to commend you for introducing legislation to repeal title II of the Mundt-Nixon Internal Security Act, 1950, which authorizes the Attorney General to arrest and to hold without the use of courts and due process on suspicion that they might be capable of espionage.

I enclose a copy of a petition on which we obtained over 100 signatures on the McCarran Internal Security Act. We hope you will be able to use it in support of your repeal attempt.

Yours truly,
Alberta Dannells,
Secretary.

WATER QUALITY FINANCIAL ASSISTANCE ACT OF 1969

The SPEAKER pro tempore (Mr. Daddario). **Under a previous order** of the House, the gentleman from New York (Mr. Robison) is recognized for 5 minutes.

Mr. ROBISON. Mr. Speaker, on Wednesday of last week I was pleased to cosponsor, H.R. 13358, the "Water Quality Financial Assistance Act of 1969," which is designed to provide a supplementary method of financing waste treatment works, on at least a temporary basis.

This bill would amend the Federal Water Pollution Control Act by providing—in addition to direct Federal grants for waste treatment works as presently authorized—a new method whereby the Secretary of the Interior would be authorized to enter into long term, not to exceed 30 years, contracts with a State or local governmental unit to pay, in installments, the Federal share of the costs of constructing such work. Similar legislation was passed by both Houses of Congress last year, but it was never enacted into law because of problems with other sections of the bill that could not be ironed out before congressional adjournment.

Earlier this year, when Secretary of the Interior Hickel came before the Appropriations Subcommittee on Public Works—of which I am a member and which is charged with responsibility for recommending the level of funding for the waste treatment program—he declared that—

> Water pollution is a growing National menace and must be abated and controlled.

I certainly agree with that statement, and I am deeply concerned over the fact that this key program has had to be so badly underfunded during these years when the mounting costs of the war in Vietnam have prevented the Federal Government from doing all it ought to be doing at home.

The fiscal problem we face in this new fiscal year is as bad as the one we faced a year ago—if not worse. Budgetary restraint it still demanded of both the administration and the Congress. In recognition of that fact, the Johnson-Nixon budget proposes only $214 million in waste treatment grant moneys—the same amount as was appropriated last year.

In view of the obvious need and the solid congressional support this program enjoys, it is going to be difficult for our subcommittee to hold to the budget request. By finding offsetting cuts to make elsewhere in that portion of the budget now before us, we might possibly be able to add $20 million or so to this request without having our bill's total exceed the amount originally asked for all purposes covered under it. But under the circumstances prevailing, I feel it would be irresponsible for us to recommend this program's full funding at the currently authorized $1 billion level.

I say this despite the fact that—apparently encouraged by last week's successful House attempt to add over $1 billion to Mr. Nixon's budgetary requests for Federal educational programs—118 House Members have now formed a bipartisan committee to likewise demand full funding of the waste treatment program.

There has been an alternative to "busting the budget" again in the same way we did week before last. I believe this proposal that both Houses of Congress voted for last year provides that alternative. For it would give us at least a temporary bridge to get us over these lean budgetary years until that hoped for time when disengagement in Vietnam, and reduced defense spending generally, may enable us to get a good many necessary domestic programs back on the track.

As I envisioned procedures under my proposal—which has President Nixon's endorsement even as it had President Johnson's in the last Congress—the Secretary of the Interior would probably use whatever funds we can provide by way of direct appropriations to fund the Federal share of the cost of smaller waste treatment projects with cash grants, resorting to the installment method only for the larger urban projects. And it should make no difference to the local municipalities in such instance whether they get the Federal share of the cost of their projects in a lump sum or in annual installments over the life of the bond issue they will have to make to finance the remaining portion of the cost.

Water pollution has to be attacked now. We cannot wait until the twin roadblocks posed by the war in Vietnam and the war against inflation have been overcome lest our environmental problems overwhelm us. I sincerely believe my proposal provides us with a way to do what needs to be done in a responsible fashion—and, by retaining a prepayment option for the Federal installments where used, the Secretary of the Interior could ask Congress to increase the direct appropriations for the program in order to get it back on a direct grant basis when budgetary conditions permit.

Mr. Speaker, my bill also contains a section offering a 5-percent "bonus" on top of the normal Federal share of a waste treatment project's cost in States that pick up at least 25 percent thereof. Unfortunately, only a few States have followed New York's lead so far in supplementing the local cost of sewage treatment plants. The difficulties faced by local governments in picking up all but the Federal share of such a project's cost has also slowed the progress we should be making in this direction. If we can induce more States to enter the picture as New York has done, we will finally have the all-out, partnership attack on water pollution we ought to have if we are ever to get the job done.

FEDERAL EMPLOYEE PAY COMPARABILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Tunney) is recognized for 20 minutes.

Mr. TUNNEY. Mr. Speaker, for years Congress had to fight the annual battle of Federal pay raises. An employee's compensation was dependent on the mood of Congress and he had no assurance of what was before him. When Congress felt the pressures to perform in a parsimonious manner, our employees did not receive any increased salary benefits, regardless of what might be happening with comparable positions in private industry.

Much to our credit, in 1967 we fully realized the undesirability of such an inadequate system and produced the Federal Salary Act which did away with the annual, and often unsuccessful, battles for pay raises, and substituted automatic yearly salary increases. These have been effected in each of the past 3 years and the Government's salaries are approaching parity with those of non-Government employers.

We are, Mr. Speaker, at this time beset by a significant problem, for the automatic salary increase provision of the 1967 Federal Salary Act expired with the pay adjustments of last July. Today, I have introduced a bill which offers a solution to this problem and allows the Government employee to have what is rightfully his—the same compensation and advantages enjoyed by those individuals who have not chosen to dedicate their careers in service to our Government. It is my belief that our goal should be a permanent comparability pay system that would assure automatic Government salary adjustments annually to keep pace with industry.

Federal salary adjustments will certainly be necessary in the coming years. This bill calls for the creation of a Federal Employee Salary Commission which will annually recommend such adjustments. This Commission wil be composed of representatives of the Government and of Government employee organizations.

In addition, to further assure the fairness to the employees, the bill establishes a Federal Employee Salary Board of Arbitration. If the employee unions are not satisfied with the recommendations of the Commission, they may require the entire issue to be submitted to the Board of Arbitration. In either case, the annual adjustments will be made on this consistent and automatic basis; and we will be able to stabilize our pay structure.

In a February 1969 report to the Committee of the Whole House, Mr. Joseph E. Winslow, the professional consultant who conducted the study of Federal job evaluation and ranking, was moved to comment:

> I cannot say that job evaluation and ranking practices in the Federal service have reached a crisis stage. But I do believe that within the next several years they will. Continued tampering with the various systems by the executive branch and the Congress, unless based on a consistent policy, will create more and more inequities within and among the several existing systems.

The bill which I am introducing endeavors to establish some consistent policies and end these inequities.

In the bill, both the general service and the postal field service classification systems have been reevaluated and redefined. The 18 grades of the classified service have been regrouped into six classes. There are established within these classes ranges of pay differentials which are designed to maintain comparability with private enterprise rates.

The postal field service grades are linked to these improvements in the classified general schedule. This will rectify the situation which has found many of our employees, especially those in the levels around GS-4, 5, and 6, and PSF-4, 5, and 6, falling far short of comparability with private enterprise.

Passage of this legislation, Mr. Speaker, will enable the millions of civil service and postal employees to at last be released from the grasp of an uncertain future which is annually determined by the mood of Congress. Our employees will have a guarantee of what is in store for their future; and they will have assurance that their efforts are being rewarded on at least an equal basis with the citizens who work in private industry.

VOTE FOR 18-YEAR-OLDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, I am introducing today legislation that I have been proposing since I came to Congress, a joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote shall not be denied on account of age to persons who are 18 years of age or older.

I feel as strongly about the need for such legislation today as I ever have. And I am glad to say that the number of colleagues backing such resolutions is growing. At present, approximately 59 resolutions have been introduced by other Congressmen who also feel strongly that a change is needed for a better representative Government. The young adults have to be heard, too.

The proposal is not new; the old arguments still hold: if a young man is old enough to fight for his country, he should be considered old enough to make his views known through the democratic processes. The 18-, 19-, and 20-year-old who pays taxes on income earned should be able to have a hand in determining who shall legislate revenue bills. The young people who are expected to follow the laws of the land, should be allowed to select the Representative who votes on them. And, have not the youth of today made their presence be known, because they do not want to be ignored any longer? In their frank questions and protests they have taken a place in public life already. They are helping bear the burdens of our social and political life already. Why should they be deprived of the most cherished right Americans have—the right to vote?

The individual States have the implied authority to establish the voting age now, yet the age of 21 does not exist in all of the States. There are four States that allow voting under 21: Kentucky, Georgia, Alaska, and Hawaii. I say that it is time the Congress took the initiative to recognize what these States have—that modern times warrant our young citizens to be heard.

Just recently I met with representatives of the national LUV campaign. LUV, which means Let Us Vote, is an organization typical of the active youth who intend to be represented in our Government. Just this week I received a communication from the National YMCA's, Hi-Y, and Tri-Hi-Y Council representing 250,000 young people supporting this legislation. In part the letter stated—the President of the council: "I ask that you support such action, thus making it possible for our Nation to take a giant step in enabling young people to influence those forces in society which control their lives—and to do so through the democratic process." I could not have expressed it better.

I urge my colleagues to seriously consider this proposal in this Congress and carry through our commitment to your youth. Help support the LUV campaign.

INCOME MAINTENANCE AND PRESIDENT NIXON'S PROPOSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Ryan) is recognized for 15 minutes.

Mr. RYAN. Mr. Speaker, listening to the President last Friday evening, August 8, as he addressed the Nation about the crisis of poverty facing America, and reviewing his message to Congress today on the failure of the present welfare system, the thought occurred to me that Richard Nixon had discovered America. He has discovered the other America, the existence of which many of us have recognized and have been calling to public attention for years. When President Nixon spoke about the failure of Government to deliver that which it has so often promised; when he spoke about the failures of the welfare system; and when he spoke about that system's destructive effects on a man's home, his desire to work and his human dignity; I knew then that Richard Nixon has discovered the 30 million Americans who are forced to survive at a level of existence more likely associated with some of the countries the President alluded to in his speech than with the most affluent Nation this planet has even known.

The substance of the President's remarks made me also realize that, while the President may have discovered the vast continent of poverty, he has only stepped upon its shore. He has yet to explore the extent, the true depth, of this world that is new to him. The President has made a beachhead. He must now press on.

The President's prescription for overhauling the existing welfare system calls for the establishment of a program of income maintenance at a low level. President Nixon, in his speech, and through the sundry press leaks prior to his speech, refused to have the program labeled as guaranteed annual income. Methinks he doth protest too much. While the coercive features of the work training aspect of the program are inconsistent with the rest of it, there can be no doubt that his plan is constructed around the concept of income maintenance.

Income maintenance is a concept which was first put before Congress in leigslative form in a bill, the Income Maintenance Act, which I introduced in May of 1968. I reintroduced it in the 91st Congress as H.R. 586.

As I said upon introducing my bill on May 16, 1968:

> Clearly, income maintenance is an idea whose time has come.

In testimony before the Subcommittee on Fiscal Policy of the Congress, Joint Economic Committee, on June 26, 1968, I said—

> There must be a shift entirely from conventional welfare programs to a Federal income maintenance or guaranteed income approach.

The concept in my bill is generally identical to the concept in the plan proposed by the administration. People are guaranteed a floor on their income. This floor is standard throughout the Nation, set, and paid for by the Federal Government. As people earn money, the income maintenance benefit is reduced. When the income level reaches a certain point, benefits cease. In order not to discourage outside earnings from work, the amount of assistance is not reduced 1 dollar for every dollar the person earns, but rather 50 cents for every dollar earned. The concept flows from a position which naturally shuns all coercive and paternalistic techniques. It is assumed, and supported by fact, that the American people will work, if they are able to do so and are given half a chance.

Income maintenance also involves the idea that people who need assistance should be given every opportunity to be a part of normal American society. They should not be made to suffer the indignities of constant governmental investigations. They should be able to be free agents in the marketplace, and not be made to account for any item they buy.

All these ideas together form the theoretical basis for scrapping the present welfare system and replacing it with income maintenance. The President's position of including a coercive work-training or employment program does not make his program anything other than income maintenance. It does, however, make his program inconsistent with the position from which income maintenance is derived and to which income maintenance leads.

While most of the poor are simply unable to work, those who are able to work either already do work or would work if they had the skills or opportunity or both.

Most of the poor cannot work. They are too old or too young, or they are blind, or they are permanently and totally disabled, or they must care for children under five years of age. For example, in March 1969, of the approximately 9,600,000 people participating in the four principal Federally aided public assistance programs, 80,000 were blind, 728,000 were permanently and totally disabled, 2,000,000 were in the old age category. Under the aid to families with dependent children program 4,815,000 were children and some 1,500,000 were mothers of pre-school children.

Of the remaining welfare recipients, 400,000 to 500,000 are women with school age children; and 80,700 are employable males who are eligible for aid to families with dependent children payments in 25 States.

Thus, of the total welfare population, only approximately 5 percent are potentially employable males and women with school age children.

Turning to the overall poor population, that is all those families with incomes below the nationally defined poverty standard of $3,335 at 1966 prices of consumer goods.

In 1966, 54 percent of this Nation's poor families, including those who received public assistance, were headed by persons in the labor force. The other 46 percent were not capable of work. As I have already said, only 5 percent of the welfare recipients can work. Of the 54 percent of the poor in the labor force, 96 percent were in fact employed. Only 4 percent of the total poor population was not working even though it was capable of doing so. Mollie Orshanky, "Counting the Poor; Another Look at the Poverty Profile." Social Security Bulletin, January 1965, pages 10–12. Of those unemployed persons, very few were what we call chronic unemployed. Fifteen percent of the unemployed in an average month in 1967 had been out of work for as long as 15 weeks. Only 6 percent had been out of work for as long as 27 weeks. James Tobin, "Raising the Incomes of the Poor," Agenda for the Nation, Brookings Institution, 1968, page 86. Thus, the vast overwhelming majority of the unemployed poor who could be employed were only temporarily out of a job. They were not shirkers. They were not perpetual loafers. They were just out of work for a short period of time.

These statistics show that the trouble with welfare is not that people are unwilling to work. Those who are able to work do work whenever and wherever they can. Therefore, it is public relations nonsense to talk about mandatory job training programs. If the job training program is there, if people are able to train for good jobs, or if they can find jobs, they will use the training or take the job.

The President implied that to institute income maintenance without a mandatory job program would cause people to sit around and take the maintenance payments rather than work. He implied that without the coercive features it might be more advantageous not to work than to work. Let's examine that notion for a moment.

I have already shown that even under the present welfare system, which discourages work, the poor will try to work. It is also ridiculous to believe that under the level of payments proposed by the President anyone who could work would not do so. But let us consider the deeper implications of what the President said.

Why did President Nixon include coercive measures in his plan which fly in the face of the rest of the plan? The reasons were clearly political. He felt that otherwise he could not sell the plan to a nation which has as one of its most fundamental values the value of work. Since the development of a national character, the people of America have held that to work is good. Work in and of itself is held to have social virtues above and beyond any compensation it provides. This concept is part of America.

Throughout the world, we are known as an industrious people. American efficiency and dedication to labor are admired and studied by other nations. This reputation is justified. We did not become the richest state the world has ever known by sitting on our hands.

It is thus sad to find Americans criticizing themselves, explicitly or implicitly, as being lazy, shunning work, and doing anything possible to avoid it. It is an inconsistent self-criticism. The criticism arises from an ingrained value of work, while at the same time being directed at any imaginary distaste for working.

The conclusion is unavoidable that those who launch this criticism at the poor of our Nation hold them to be of another people, another culture, another heritage. We should recall the wise quip of Ernest Hemingway who, when told that rich people are different than other people, commented, "Yes. They have more money." Indeed the poor are different. They have less money

Thus, to recapitulate, President Nixon's coercive feature does not make sense when we look at who the poor people are or at what they do. It also does not make sense when we look at the rest of his plan.

The level of assistance recommended as an appropriate floor on income is inadequate, casting serious doubts on the whole plan. $1,600 a year for a family of four. That means $400 a person to last a year. Think for a moment of what it would mean to live on $400 a year. Could one buy enough food? Enough clothes? Would it pay rent? I do not care where one lives, $400 per person is not enough to survive. It is not enough for an adult to survive, and it is even less adequate for a child.

Considering other aspects of the administration's plan, there are incentives for a person to find work. He gets to keep all of the first $60 a month he earns. Beyond that his assistance is reduced by only 50 percent of his earnings. If he participates in a work training program, he can get $30 a month additional.

With what we know about the poor, with what we know about ourselves as Americans, and with what we know about the plan's incentives to work, does it in any way make any sense to use coercive measures to "get people to work?"

The President says that we must never make it more beneficial not to work than to work. I agree. Without the coercive work plan, it is still better to work than not to. The financial incentives to seek training or employment are clear and attractive. Poor people want to work and do work when they have the chance and are not penalized for it. It is thus inconsistent to include measures befitting old, out-of-date assumptions.

In the Income Maintenance Act which I introduced last May and again in January, there is no forced labor plan. There need not be one in the Nixon plan either. The outmoded thought that income maintenance is a program which "pays people not to work" is, as I told the Joint Economic Committee, "much more applicable to the existing welfare system, which in most cases taxes earnings at 100 percent." Income maintenance, with built-in incentives to seek work, is a system which pays people to work, and requires no compulsory work provision.

What is necessary is a rapid improvement in work training facilities. There are not enough such facilities, they are not located where they should be, and they frequently train people for obsolete jobs. Improved job training facilities and opportunities would do far more to improve the employment rate among the poor than would mandatory participation in inadequate programs.

In this respect, it should not be forgotten that the very same administration which would impose coercive work requirements on welfare recipients, only last April shut down 59 of the Nation's 113 Job Corps Centers and slashed the budget of the Job Corps by $100 million.

For many of those young men and women participating in the Job Corps programs, the training they were receiving spelled the difference between obtaining the kind of employment the President spoke of in his address and joining the welfare rolls.

Acceptance of the concept of income maintenance is not enough, for the basic concept and intent can be perverted by unwise provisions. The details of an income maintenance program and its implementation require intense scrutiny, lest inconsistent details and inadequate implementation discredit the concept.

For example, the amount of the basic benefit. While the administration proposes $1,600, my bill as revised, will provide for an initial basic benefit of $2,000 to increase annually over a 5 year period until it is $3,200, far more realistically meeting the human needs.

The rate at which earned income causes assistance to be reduced is also important. If it is too high, there may be an incentive not to work. In this respect, 50 percent reduction rate in the Nixon plan provides a strong incentive to seek employment.

Provisions regarding the level of benefits and the reduction rate are of prime importance in their effect on poverty and the American society. Of great concern is how an income maintenance plan will blend with existing public assistance payments and programs and whether or not State and local costs will be reduced. In relative terms any program will be of greatest benefit to the States which have always given least assistance. However, the burdens of the States which have done most should be minimized. This the administration's plan does not do. The plan provides that no State can reduce payment levels, that no State may spend less than half of what it now spends on public assistance, but that no State will be required to spend more than 90 percent of its present welfare costs.

Thus a State like New York, which makes payments under AFDC of approximately $67 per person per month, will in a sense be penalized for making decent payments. States which have had low welfare budgets will be able to cut them in half. New York State, in order to maintain its present payment level, will continue to pay 90 percent of its present costs. While it is true that 90 percent is better than 100 percent, a way must be found so that New York State will be reimbursed by the Federal Government in relation to its substantial contribution.

Under the administration's proposal New York State will only receive $43 million of which $20 million will be for New York City—New York City is now contributing $432 million. This is not a very significant part of a $3 billion national expenditure.

Under the administration's plan the Federal Government pays approximately $40 per person per month. If the Federal Government were to pay 50 percent of the next $40 per person per month, then it would be meaningful.

In view of the fact that the present AFDC payment in New York State is $3,300 per year for a family of four, of which the Federal Government pays 50 percent or $1,650, welfare recipients in New York State will not benefit immediately from the program.

Under my revised bill, over a 5-year period, the level of benefits will be increased until it is comparable to any existing payment level in any State. A regional cost-of-living differential will keep costs down.

By accepting the concept of income maintenance the administration has defined poverty and welfare as a national problem which requires a national solution. The Federal Government should move as rapidly as possible to assume the full costs of public assistance through an income maintenance program with an adequate level of benefits.

There are several other points which should be carefully evaluated.

How often will payments be made? Will recipients be given a check once a year, twice, quarterly? I propose monthly declaration of need and monthly payment of benefits. The President's message appears to do likewise.

How will application be made? How will investigations be conducted? One of the most repressive, degrading features of the present welfare system is the way recipients must account for every item of need, must make specific requests for most purchases, and must be subject to constant harassment and investigation. Any program which includes these procedures cannot be considered as an overhaul of the welfare system. It would be the worst perversion of income maintenance to perpetuate these archaic practices.

In my bill, application is made by simple declaration of need, much as is now done for social security. Recipients will receive monthly checks with no restrictions on how they are to be spent. Investigations are to be conducted in a manner similar to internal revenue investigations. Five percent of all recipients would be checked, so that inforcement is on a spot check system. I am pleased to find that the administration plan does the same.

The basic values of justice must not be cast aside in this program. My bill provides for hearings when benefits are denied. The decision of these hearings is subject to judicial review. We must be certain that any plan we adopt will not deprive those we assist of their elementary rights.

Will the different costs of living throughout the country be taken into account in the benefits?

As I said before the Joint Economic Committee:

> The average AFDC benefit ranges from about $8 per person per month in Mississippi to about $51 per person per month in New York, Wisconsin, and Minnesota. Surely, this disparity is not reflective of the difference in relative cost of living in these States.

The cost of housing alone varies tremendously. It is argued that differences in present welfare payments from one State to another have contributed to the migration of the poor to States with higher benefits. If this is true, it is not because they can live well in higher payment States. It is because they cannot live in the States with low payments. The welfare benefits in Mississippi, for example, come nowhere near meeting the cost of living, or even of surviving, in that State. Welfare benefits in New York may attract people not because they are higher on an absolute scale, but because they go a great deal further toward meeting the cost of living in New York than the Mississippi payments do in Mississippi.

Benefits which take the cost of living into account in a realistic manner are relatively equal in all areas. No matter how high or low they are, they go an equal way toward meeting the cost of living in the particular area.

The plan, which I have proposed, will take into account regional differences in the cost of living, and will also take into account differences between rural and urban areas.

It will now be up to the Congress to have a careful evaluation of the several income maintenance programs. I have outlined but a few of the aspects of any plan which need to be studied. I have explained the provisions of my bill which deal with some aspects of my program. I urge my colleagues to begin this review immediately. President Nixon's support of income maintenance potentially represents a major victory for the poor of this Nation. This victory will be complete when the acceptance of the concept of income maintenance is backed up by an adequate and comprehensive implementation of that concept.

SOME REFLECTIONS ON THE PROBLEMS OF OUR TIME: WELFARE, URBAN LIVING, AND THE QUEST FOR QUALITY—PART IV

Mr. BROWN of California. Mr. Speaker, over the past year, much emphasis has been put on the need to establish some system of national priorities and goals. Too often the rhetoric has stressed more the process of setting and meeting objectives, rather than the specific goals themselves, and we have heard much debate on overall military policy and broad domestic policies—and on the relationships between these seemingly competing areas.

Part of the problem—of the lack of specifics—of course, follows the lag that comes naturally from any new government administration. Until recently, the Nixon administration has been rather silent on precise program goals. But, now, the situation appears to be changing.

During the past weeks, we have heard impressive statements from the President concerning health care, population control and now, last Friday, on the welfare system and the overall subject of economic security.

Today, I want to comment on the President's message, but, in addition, I would like to expand from the framework laid by Mr. Nixon in his television address, and to look also at a number of problems tightly keyed to the President's remarks.

THE WELFARE SYSTEM

The President's long-anticipated program of welfare reform deserves commendation. Even though forthcoming analysis and debate which Mr. Nixon invites may produce some changes in form, the substance and thrust of his proposals recognize and move toward rectifying many of the grossest inadequacies in our present welfare system.

While I will both suggest and work for some modifications I think are required, I shall not hesitate to support the major innovations the President recommends, and I will seek to create all necessary public support for them.

For those of us who for a generation or more have sought to bring into welfare programs such key ingredients as concern for the dignity of recipients, freedom from bureaucratic oppression, and a chance to live a normal and productive life with opportunity and incentive for social and economic achievement, the President's proposals may be the key to a major breakthrough toward these goals. That such proposals should come from a President commonly viewed as politically conservative points up the danger in attempting to predict programmatic directions by reference to slogans of a political past.

But the fact is that any political leader who believes that our Government was created to "establish justice, insure domestic tranquillity and promote the general welfare," will generally seek to eliminate or to modify programs which obviously fail to achieve these objectives and to develop in their place new and better programs which will reach the goals. Unfortunately, much of our existing welfare structure fails to meet those fundamental objectives as set forth in the Preamble to the Constitution which I have quoted above. To change the welfare structure so that it does meet these aims is conservative in the broadest sense of history and tradition.

A prime example of such a defective provision in the existing welfare pattern was pointed out by the President: In most States a family is denied welfare payments if a father is present, even if he is unable to support his family. A system that, in effect, encourages a man to desert his family is inherently contrary to the fundamental values and needs of society.

Another example of a faulty provision is the present requirement that welfare payments be reduced on a dollar-for-dollar basis when a recipient family has any earned income. Surely if we want to encourage those persons on welfare to work, we need to give them more incentive to do so, not less.

Mr. Nixon's proposal for an expanded program of community day-care centers—in which many welfare mothers could be employed and which could also provide health and educational programs for children—ranks as one of the most important of the President's recommendations. Obviously, such centers can be geared to existing preschool programs, such as Headstart, with great benefit to all. Ideally, these centers can become a focus for many programs of community interest, such as parent and adult education, consumer education, recreation, and training for subprofessional and professional community staff workers.

Establishing Federal minimum standards and Federal minimum payments for all categorical aid programs—for the aged, blind, and disabled, as well as for families with dependent children—will have several beneficial effects:

First, it will increase payment levels in nearly half the States now paying below those minimums, thus alleviating some of the worst hardships that now exist.

Second, national benchmarks will reduce pressures on the poor and needy to migrate to higher-paying States, and thus tend to reduce the rate at which local and State taxes in those States are rising to fund those higher benefits.

Third, it will lessen somewhat the pace of urbanization and could ease the causes for the problems which are mounting in all of our large cities as administrators and citizens alike seek to cope with the population influx.

I am less clear now on the desired impact of the President's recommendations in the three other areas he discussed—manpower training, the Office of Economic Opportunity, and Federal revenue sharing with States. To the extent that those proposals result in simplified administration, use of improved technological resources, and greater reliance on the State and local governments, I can and will fully support them. However, more detailed information must be available before a full analysis can be made.

Obviously, Mr. Nixon's package of proposals will stir critical comment and debate throughout the land. There will be those who contend that he did not go far enough, or that some aspects may be contrary to individual welfare and freedom. The idea that mothers will be forced to leave their children and to undertake training or work which they do not desire or for which they are unsuited is one such fear. I do not believe that should be the result of these changes, and I will seek to alter those results if they do develop.

A larger objection will come from those persons who contend that this trust takes the Federal Government far beyond its proper role in meeting the problems of those in need; that the enlargement in the number of assistance recipients and in the amount they will receive is beyond the capacity of the public tax structure. I cannot agree with these objections. The tax resources of this country—at existing rates—are more than adequate, if properly administered, to meet these broadened objectives. As the President said, this program holds the promise of halting otherwise spiralling welfare costs by creating a framework that builds family stability and rewards economic initiative. If the program fails to do this, then more effective solutions must be sought.

This debate on welfare concepts will be lengthy. If it is as productive as it should be, there will be a reexamination of Government's role in many areas. The debate will also bring into focus the overall goals and bearing of our society—topics already the subject of public and congressional debate in connection with our foreign and military policies. And, the debate provides a valuable balance to the work of the President's Commission on National Goals which is now at work.

Beyond question, the discontent of our time—reflected over the past decade in the civil rights struggle, the Vietnam war, the campus revolution—has moved us to one of the great watersheds for the direction of both our country and, possibly, the world. We must now hammer out in the fires of crisis new policy instruments; we must forge new fundamental concepts of purpose and value to carry us through the next period in our history.

It is the great glory of this country that we have inherited a tradition and a structure within which this process can take place with a minimum of violence and destruction. It is the great challenge to us as citizens that we, and our leaders, can all be part of this process. I can think of nothing more satisfying to me as an individual, and as a servant of the people, than to have the opportunity to contribute my very best to our Nation as we reshape the course of history. It is in this spirit that I wish to suggest other related critical areas that demand attention, and then possibly offer some guidelines for future change.

ECONOMIC OPPORTUNITY FOR ALL CITIZENS

If adopted, the President's proposals will help move us toward a society in which there will be minimal economic insecurity for even the most deprived citizen. But there remains much yet to accomplish before that goal is met, and before the point is reached which will allow a productive life for all citizens.

Beyond the categories of the needy we have been discussing are two other large program areas: The elderly, now provided for by social security pensions, and the unemployed worker, who is now covered in part by unemployment insurance, or, when benefits are exhausted, not covered at all. Both of these systems have gradually improved and developed since their inception in the depression of the 1930's, but they must be brought to new standards of effectiveness, and they must be integrated into a complete national program of economic security. Coverage must be extended to persons not now included—of which migratory farmworkers are a prime example—and the minimum levels of unemployment compensation must be increased in amount and duration.

Since unused human effort is an irreplaceable resource, a major goal of our economic system must always be to provide productive employment for every able person who seeks it. Today's relatively low level of unemployment does not accurately index success in this regard. In addition to the official unemployed work force, there is at least an equal number of potentially valuable workers who have withdrawn from the labor market in frustration and despair at their inability to find productive work, or who are marginally attached to the labor force in work far below their capacity. And, within every organization, public and private, are those persons in dead-end, unsatisfying jobs who work only at a fraction of their capacity because they have lost that vital spark which is created by hope and opportunity.

To maintain a healthy and dynamic society this problem must be overcome. In every sector of the work force—and this includes public service, private production, and the increasingly large sector of private service—there must be opportunity at the entrance level for every person seeking employment. Both public and private sectors must share the responsibility to provide this opportunity. If the public sector must be an employer of last resort, then it must be done. In the final analysis society will be served far better if it provides this opportunity than if we maintain a large pool of needy and unemployed at public expense.

No longer can we argue that the economy cannot provide a place for every person seeking employment. To every eye the range of needs is too large and too obvious. Nor can it be argued that the mechanics of the private enterprise system require a pool of unemployed persons available to "flow" wherever laws of supply and demand dictate. The fact is that today it is the pool of the most skilled that flows to where there is need and opportunity. We need only to witness the mobility of engineers and scientists. And it is generally the unemployed and unskilled who are least mobile and least responsive to changing economic opportunity. An economy of full employment where even the lowest skilled are mobile and responsive to opportunity for advancement is the answer to the requirements of a flexible economy.

It must be repeatedly stressed that in the economy of today—and even more so tomorrow—a changing attitude is developing toward jobs and their rewards, as well as toward the concept of work itself. Just as we have evolved from an agricultural economy to one based on industrial production, we are now moving toward an economy based on service. And just as the family farm and the small producer and distributor, with their opportunities for individual freedom and decisionmaking, have largely passed away in favor of the giant corporation and the huge bureaucracy, we are now finding that we must meet the human obligations within a new framework.

The challenge to the leaders of both public and private service sectors is to achieve anew an environment in which people work toward commonly shared goals, objectives which they all have helped to formulate, and under conditions which exact from them their best efforts and highest achievements. To meet this summons should require all the talent of the next generation.

HIGHWAY SAFETY: COMMENTARY NO. 13

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, I am sure that most drivers have at one time or another come across a sign warning of an animal crossing. Whether it be a zebra crossing in the heart of Africa or a deer or cattle crossing in Vermont or New Hampshire makes little difference when we consider the danger that is presented to both the animal and the occupants of the car by the threat of a collision.

Hardly a week goes by without a report of an automobile mishap involving a car and an animal. On June 27, of this year, a father, 29 years old, and his 6-year-old daughter were killed and his wife and son injured in Westmoreland, N.H., when the car he was driving hit a deer.

Since this danger is present, especially in the less populated areas of the country, I think serious consideration should be given to protect motorists as well as the animals. Mrs. Isabelle King of Keene, N.H., recently sent me a newspaper clipping that endorsed a simple but probably effective means of deterring an animal from crossing a road at night while a car is approaching.

This fascinating idea is reported in his nationally syndicated column by the Reverend James Keller.

The potential value to both man and beast would appear to be great and I hope officials at both State and Federal levels will give it careful consideration:

BRIGHT LIGHTS PROTECT DEER

(By Rev. James Keller)

Tiny mirrors protect deer from being killed on highways in The Netherlands.

Two metal mirrors, about three inches square, are mounted on slender poles set across from each other on highway shoulders in heavily wooded areas.

As an automobile approaches at night, its headlights shining on the mirror, reflect light into the forest at a 90-degree angle. The closer the car gets, the more the reflected light expands.

As soon as the deer see the light they come to an abrupt stop. The slight pause prevents them from crossing the highway when a car is speeding by.

Those who show imagination and initiative in safeguarding all forms of life against man-made dangers perform an important service.

By showing a thoughtful consideration for the least of God's creatures, any person can thereby develop an even greater concern for the welfare of his fellow human beings.

"Do not be afraid: you are of more value than many sparrows."—Matthew 10:31.

Thanks to You, O generous Father, for the countless blessings of creation.

ROGERS INTRODUCES BILL TO EXTEND HEALTH SERVICE ACT

(Mr. ROGERS of Florida asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROGERS of Florida. Mr. Speaker, I am today introducing legislation to extend and expand the Migrant Health Service Act for 3 years. The present authorization expires June 30, 1970.

This law was first enacted in September 1962, and was extended in 1965 and again in 1968 without changes in the basic law other than in the dollar authorization for the fiscal years.

The bill that I am introducing would change the basic law to include nonmigrant seasonal agricultural workers and their families within the scope of the act. In the home-base areas, the migrant and the nonmigrant living next door are often indistinguishable from each other. They work side by side in the fields, and citrus groves, but the nonmigrant is excluded from health care services under the present law. Even where the nonmigrant meets the residency requirements in his home-base county, he seldom has access to a comprehensive and effective health care program. Too, the nonmigrant may have a history of past migration and may migrate again in the future.

I believe that expanding the target home-base population to include these nonmigrant seasonal farmworkers will result in an overall reduction of health problems of both population groups. Too often the migrant worker and his family receive treatment for health problems under this program only to return to the field or to the living area and become exposed again to a disease carried by a nonmigrant worker.

I am also including language in this bill to stimulate and foster more involvement of the allied health professions in public health work with migrant and nonmigrant workers and their families.

Likewise, I am stressing in this legislation the importance of continuity of health care which is such a critical factor in the proper and effective delivery of health care to migrant workers and their families as they traverse the migration routes.

Mr. Speaker, at the present time, 116 single- or multi-county projects now operate with migrant health grant assistance in 36 States and Puerto Rico. Yet, there are 900 of the Nation's 3,000 counties that are annually temporary "homes" to migrants ranging in number from 100 to 40,000. These 116 projects reach 300 counties, but in the other 600 counties health care is sporadic and often crisis oriented.

In my congressional district of Florida there are between 45,000 and 50,000 agricultural workers. Of these, 12,000 to 15,000 are resident local migrant workers who live in the district most of the year, but who travel to other areas during the off season; 15,000 are local workers who live in the district year around; 8,500 are foreign workers who cut sugar cane only; 8,500 are interstate migrants who come into the district for the peak farming season; and 4,000 are intrastate workers who migrate only in Florida from area to area as crops are ready.

Nationwide, the migrant population continues to total approximately 1 million persons including workers and their families.

There are two other points, Mr. Speaker, that I would like to make as I introduce this legislation, and they concern the administration of the law.

First, when this law was enacted, and when subsequent amendments were made, I took the position that this program should have separate identity and operations within the Public Health Service. Today, I reiterate that position and wish to state that I am opposed to any reorganization within the Public Health Service which would destroy this separate identity and would obliterate the separate central and regional office staff of the migrant health unit.

Second, while I support the purpose and intent of Public Law 89-749, the partnership for health program which enables each State to designate a comprehensive health planning agency within the State to provide new statewide systems for health care, I believe that the migrant health program should continue on a categorical basis. To do otherwise would mean diluting migrant health moneys over a much broader population. Moreover, the problem of the migrant workers moving from State to State is more of a Federal problem than a single State problem and by delivering health care needs through categorical grants we will ease the burden upon the States and permit them to devote more energy to solving other health problems within the States.

The problem of effective health care for migrant and nonmigrant agricultural workers is one that is serious, and yet funding of the existing program has been disappointing. The Labor-HEW appropriation bill recently passed by this body contained only $8 million of the authorized $15 million for fiscal year 1970. This means that we will be spending approximately $8 for each migrant worker and his family this fiscal year while the average expenditure on medical care in the Nation will be more than $300 for every man, woman, and child. This is a disgrace.

I am hopeful that the Subcommittee on Public Health and Welfare will be able to hold hearings on this legislation very soon.

THE GREAT DEBATE

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, I think the year 1969 will forever hold a special place in history: it will not only go down as the year in which man first set foot on the Moon, but as the year of the great debate over national priorities here on Earth.

A number of factors have spurred this debate, not the least of which are the mounting crises in our cities, the fouling of our environment, the housing shortage, and racial and social tensions.

A new and healthy look at our defense budget has grown in part out of a frustration over the Vietnam war and discoveries of waste and inefficiency in the Defense Department.

And the achievement of a manned moon landing 8 short years after that monumental goal was set has raised questions about our abilities to apply comparable amounts of manpower, resources, and technology to more pressing domestic concerns.

I think it is a gross oversimplification to suggest that we are faced with an either/or proposition: either we maintain a strong defensive posture or we use that same money to fight poverty; either we move into new frontiers in space or we allocate those resources to clean up the old frontiers in America that are now blotted with waste and pollution.

I do not think there are any responsible people who would favor dismantling our Defense Establishment in order to free funds for other needs. And I do not think there are many who would suggest that we completely abandon our space program to enable us to attack more mundane challenges. We must maintain a strong defensive posture and we must continue to press ahead with space exploration.

But the point remains that there is a need to face the coming decades with a realistic set of priorities and I would suggest that our first priority must be a commitment to making this country a better place in which to live for all Americans.

As Housing and Urban Development Secretary George Romney put it in a recent speech:

> The greater struggle to which we should now address ourselves (is) the rebuilding of our cities; the cleansing and improvement of our environment; the elimination of racial prejudice and social tensions; the realization of the equal justice, equal opportunity and equal human dignity which are the birthright of all Americans.

In that speech, delivered on the day of the Moon landing, Secretary Romney had the courage to suggest that we content ourselves with achieving these goals rather than with setting another priority goal in space. In his words:

> How much greater would be our contribution to the well-being of all Americans if we were to make massive new investments to improve the lot of man on earth—rather than to divert those resources to land an American on still another planet.

Twenty years ago Congress set the goal of "a decent home and suitable living environment for every American family." Twenty years later we are faced with the severest housing and environmental crises in our history. Eight years ago we said we would put a man on the Moon and last month we did just that after a massive commitment of resources, manpower, and technology. I applaud that effort and am proud of that achievement. But I also think the time has come to apply that same type of effort to meeting our 20-year-old pledge here on Earth.

There is a lot of talk today in scientific and public circles about putting a man on the planet Mars in the next 10 or 12 years. I would not be one to deny us this eventual goal. But I do not think we should make this another crash program of the magnitude of our Apollo program. I think we may be well advised to listen to those who urge a shift in emphasis in the immediate future to more unmanned space probes which they claim would not only be cheaper, but scientifically more productive.

It is interesting to note in passing that despite all the excitement, glamor, and pride surrounding the Apollo Moon landing, a recent Gallup poll reveals that Americans are cool to a manned Mars landing. The poll, which was taken just after the Moon landing, shows 39 percent of the adult Americans polled favor a manned landing on Mars, while 53 percent oppose such a venture.

I would suggest that we set aside the immediate goal of putting a man on Mars and instead make life a bit more bearable for men on Earth. Or, as Secretary Romney so eloquently puts it:

> Let us turn our principal energies, our chief concern, to this great spaceship on which we ride together—to the speedy betterment and ennoblement of the quality of life on planet Earth.

Mr. Speaker, I am convinced we would be far better off if we shifted our priorities from baking pie in the sky to giving a piece of the pie to everyone here on Earth.

At this point in the RECORD I would like to include the text of Secretary Romney's speech as well as editorials from the Washington Post and New York Times and an article on the Gallup poll relating to a Mars program.

The articles follow:

EXCERPT OF REMARKS BY GEORGE ROMNEY, JULY 21, 1969

This weekend belongs to history. The first men have set foot upon the moon. With all Americans and men and women of all nations, we pray for the safety and full success of the mission and the men who discharge it.

America's manned space program has been good for America and good for mankind. It has lifted our hearts in a period of turmoil and distress. It has captured the imagination of the world. Its by-products of technology and management have far-flung applications. Its imminent success represents the achievement of a magnificent national objective. It is an inspiring demonstration of what Americans can accomplish when we set our eyes on a high target and mobilize our resources to achieve it.

The question now before us is what lies beyond the moon. For as Walt Whitman said, "It is provided in the essence of things that from any fruition of success, no matter what, shall come forth something to make a greater struggle necessary."

President Nixon has rightly proclaimed this day as a National Day of Participation in the expected triumph of our mission to the moon. I hope that it can also be a National Day of Reflection—a time when all Americans may pause to consider our next national objective—to ask what is the greater struggle which should next engage our energies.

I do not propose that we now abandon our efforts to extend man's reach still further beyond our planet, any more than we abandoned our domestic goals while we were reaching for the moon.

But I do believe the time has come for a revision—in fact, a reversal—of our national priorities.

I believe that in the decade ahead, the public interest and indeed our national survival require us to assign our housing and urban goals a high priority—at least comparable to the priority we gave our space program in the decade just ending.

It took more than rhetoric to reach the moon—more than a declaration of intent—more than enabling legislation from the Congress. It took a massive national commitment—an investment of billions in research and technology—the assembling of a private-public organizational system every bit as intricate as the complex mechanical and electronic system that carries our astronauts through space.

And the systems required to achieve our housing and urban goals are even more complex than the systems which take us to the moon. As Dr. Thomas Paine, NASA's Administrator, said recently, "Mobilizing modern science, technology and management to accomplish bold ventures in space is clearly far simpler than better organizing the extraordinarily complex human interactions that comprise a modern metropolis."

This, in my judgment, is the greater struggle to which we should now address ourselves: the rebuilding of our cities; the cleansing and improvement of our environment; the elimination of racial prejudice and social tensions; the realization of the equal justice, equal opportunity and equal human dignity which are the birthright of all Americans.

How much more meaningful our accomplishment would be if we were to carry to completion in the seventies our 20-year-old goal of a decent home and a suitable living environment for all Americans—rather than to content ourselves with setting another priority goal in space on the heels of our landing on the moon.

How much greater would be our contribution to the well-being of all Americans if we were to make massive new investments to improve the lot of man on earth—rather than to divert those resources to land an American on still another planet.

And how much greater would be our impact on the opinion of mankind if we were to make America a model of domestic progress, tranquility and opportunity—rather than to settle for the easier task of proving once again our merely technological superiority.

Our housing and urban goals already are in place. Congress has laid the statutory groundwork. We are developing innovative new approaches to muster the private and public resources we will need to reach these goals.

All we need now, in order to succeed, is the commitment—the setting of priorities—and the determination to devote sufficient resources to the task.

Americans have proved time and again that hardly any task is beyond our capacity once we commit ourselves to its achievement. We are proving it again this weekend.

The question we must now decide is what lies for us beyond the moon.

Let us press forward in space. Let us reach for Mars, the other planets, and the very stars.

But let us turn our principal energies, our chief concern, to this great spaceship on which we ride together—to the speedy betterment and ennoblement of the quality of life on planet Earth.

Let us set priorities. Let us set timetables. Let us commit resources. Let us build systems. Let us break barriers. Let us build homes and cities and a new America.

If we do, we can fulfill the promise of America for ourselves and for all mankind.

Then truly we will have reached beyond the moon and touched the stars.

[From the Washington Post, Aug. 8, 1969]

Before We Start to Mars

It is quite understandable that NASA Administrator Paine and Associate Administrator Mueller should propose an expanded manned space program designed to send men to Mars perhaps as early as 1981. Flushed with the success of Apollo 11, the advocates of manned flight are eager to latch onto a new goal and the money needed to reach it. It may be that they have judged the mood of the country accurately and that a Mars landing will become the focus of future space activities. But before they or the President make a final judgment, some other considerations ought to be weighed.

The news from Houston, still exciting in some respects, has taken a disturbing turn in others. There seems to be a notion in Houston that the highest priority in the space program should be assigned projects designed to perfect the technology of space travel. The resignations of Dr. Wilmot Hess as director of science at the Manned Space Center and of the scientist-astronaut F. Curtis Michel, coupled with the low priority given research scientists who wanted to talk to the two men who walked on the moon, demonstrate the results of such thinking. The challenge of the space program for the group in Houston which has had the dominant voice in planning the Apollo missions has been simply to put men in space. So far the pursuit of basic scientific knowledge, which is the fundamental justification for the program, has been a handmaiden (often an unwanted one) on space flights.

Against this background, Dr. Hess was brought into NASA a few years ago in an effort to improve the quality of the basic research done on Apollo flights. His successes have been small but important for they seemed to pave the way for other scientists—those more interested in the knowledge that lunar and planetary exploration can bring than in the techniques of getting there—to take a larger hand in the future Apollo plans. His departure is likely to reverberate through the scientific community as a sign that the goal of Apollo is simply to repeat the tremendous feat of July 20–21 and improve on the techniques of space flight instead of setting the mission of each flight primarily to maximize the yield of basic scientific data.

The manned space program cannot be allowed to take such a course either in future Apollo flights or in the grandiose plans for a trip to Mars. If the landing of Apollo 11 is to be any more than a stunt, albeit the grandest stunt in history, it must be the beginning of a careful and systematic basic research program aimed at unlocking the secrets of the universe. It makes only a little sense to go back to the moon again and again simply to improve our method of getting there and of getting to Mars; it makes a great deal of sense to go back in order to learn all we can about the moon's origin and composition. It makes little sense to send only test pilots while bypassing the trained scientists among the corps of astronauts, although it is undoubtedly wise to use only test pilots until landing techniques are improved.

There was a certain logic in playing down the purely scientific aspects of the Apollo program in the past since the effort was to land men on the moon before the Russians did. But that day is past. The scientists of space, as contrasted with its engineers and technicians, have been forced into the back seat of the manned space program. It is time now to make them the navigators. The choice of missions—for future flights to the moon and for future operations that will lead some day to a trip to Mars and eventually other planets—should be largely in their hands. They, far better than the men who created the hardware and the knowledge necessary to make space travel possible, know the areas most appropriate for exploration in terms of gaining knowledge.

It is possible that the great sense of exhilaration that Apollo 11 provided can be sustained most easily by embarking at once on an all-out effort to reach Mars. But the costs of the space program (and Messrs. Paine and Mueller are now talking about $6 billion a year) can be rationalized only in terms of basic research. Before either NASA or the administration commits itself to long-range plans for man in space, it ought to be sure that the program it suggests is based on doing it right, not merely on doing it first. It is knowledge we seek, not spectaculars, and the task of gaining knowledge often is tedious. Our ability to move through the universe may grow more rapidly than our ability to absorb the information that awaits us there. In such a situation, the pace of the space program must be geared to our capacity for absorption, not our capacity for travel.

[From the New York Times, Aug. 7, 1969]

Blueprint for Exploration

The United States now has the capability of exploring the solar system at relatively low cost; wisdom suggests that intensive use be made of this capability during the 1970's. This is essentially the conclusion reached in a report by 23 leading space scientists—a conclusion that deserves adoption as a pillar of this nation's space program in the next decade.

Mariners 6 and 7 have been demonstrating for a week the fantastic capabilities of unmanned satellites, sending back to earth from 60-million miles away brilliant clear photographs of the Martian surface plus key information about Mar's atmosphere, temperature and physical constitution. In the process they have enormously increased man's knowledge of the red planet and forced revision of many previous ideas. And still this has been done at a cost which—when compared to the $24 billion spent on Apollo—is very small change indeed. Similar inexpensive probes could be sent to other planets—from Mercury near the sun to far distant Jupiter, Saturn and even Pluto. The scientific harvest from such a program would be enormous; the diversion of public funds from urgent needs on earth would be relatively slight.

With the encouragement already provided by President Nixon and Vice President Agnew, the National Aeronautics and Space Administration has begun drumming up pressure for the huge sums required to send men to Mars in the early 1980's. But the latest Mariner information makes the probability of life on Mars much less than it seemed even a week ago, thus removing much of the original motivation for such a project. The shift of emphasis now proposed to unmanned satellites would be far cheaper, scientifically it would also be far more productive.

[From the Washington Post, Aug. 7, 1969]

The Gallup Poll—Public Cool to Manned Mars Landing

(By George Gallup)

Princeton, N.J.—A nationwide Gallup survey finds the public generally lukewarm toward the idea of setting aside money to pursue an eventual manned landing on the planet Mars. Opinions on this issue, however, depend largely on a person's age, with a majority of young adults in their twenties in favor of the idea and majority of those over 30 years of age opposed.

Taking adults of all ages together, 39 per cent favor a U.S. space push to Mars, 53 per cent express opposition and another 8 per cent have no opinion on the question. Persons with college training are far more likely to favor a Mars landing program than are those with only a high school or grade school background.

Negroes are opposed to the government setting aside money for an eventual Mars landing by the ratio of 3-to-1. The Rev. Ralph Abernathy, head of the Southern Christian Leadership Conference, has been sharply critical of federal funding for the exploration of space and has called for more federal aid for the nation's poor.

Vice President Spiro T. Agnew said recently that he was pressing for an effort to land men on Mars by the end of the century. He is on a panel named by the President last February to recommend, by September, the nation's long-term goals in space.

Last week the U.S. unmanned Mariner 6 and 7 spacecrafts traveled to within 2,100 miles of Mars to photograph linear features on the planet.

The core of the public's opposition to setting aside money for a Mars project stems from the belief that money earmarked for a Mars landing would be better spent on domestic problems here on earth.

A 59-year-old college instructor from Lansing, Michigan said: "With all the poverty, crime, urban decay that we have on this planet, I see no reason why we should use all of our resources to get to a planet where life probably does not exist."

Those in favor reason that the scientific exploration of space must be continued to "advance the knowledge of mankind" and to "stay ahead of Russia."

A 23-year-old Bronx, New York, printer was excited about the prospect of a Mars landing: "The moon shot was tremendous, almost unbelievable. We can't stop now. There are so many areas of the universe we should explore. Man can learn a great deal from these adventures."

A total of 1517 adults in more than 300 randomly selected areas across the nation were asked this question between July 26–28.

There has been much discussion about attempting to land a man on the planet Mars. How would you feel about such an attempt—would you favor or oppose the United States setting aside money for such a project?

Following are the national results and the findings by age and education:

	Favor (percent)	Oppose (percent)	No opinion (percent)
National	39	53	8
21 to 29 years	54	41	5
30 to 49 years	40	53	7
50 and over	28	60	12
College	52	45	3
High school	39	52	9
Grade school	25	63	12

The public was also lukewarm about proposals in the early 1960's to begin an extensive program designed to land a man on the moon.

In May, 1961, President John F. Kennedy called on Congress to increase expenditures for the space program with the ultimate goal of landing a man on the moon before Russia did. On the eve of that appeal, the Gallup Poll found only one person in three willing to see the U.S. spend the billions necessary to get a man on the moon.

[From the Washington Post, Aug. 10, 1969]

Many Experts Oppose Mars Landing

(By Thomas O'Toole)

Houston, April 9.—When President Nixon sits down next month to ponder the proposals of a White House task group on space, he may well approve a manned landing on Mars as the next national space goal. And in doing so, he may also spark one of the biggest scientific controversies the Nation has ever seen.

While not that simple, the controversy is expected to match the muscle and money of the space agency and the aerospace industry against a pair of unlikely allies—most of the Nation's scientists and many of the members of Congress.

Indeed, the battle lines are already drawn. "At this stage," says Dr. Eugene Shoemaker of the California Institute of Technology "it is premature to go to Mars, and the day when we should go there is a long way off."

"Mars isn't going to go away," declares Cal Tech's Dr. Bruce Murray, one of the world's foremost experts on Mars. "We have no need to be in a rush to get there."

Key members of the Congress also seem to be against the Mars goal, if for other reasons than the scientists have.

"I think it's time to slow down a little," says Sen. Warren Magnuson (D-Wash.), a top-ranking member of the Senate's Space Sciences and Appropriations Committees. "I certainly don't think we can lay down an agenda for Mars like we did for Apollo."

While NASA is itself divided on the issue, most space agency officials see a manned landing on Mars as the next big hurdle in space, the challenge that must be met of the exploration of space is to be carried out the nation is to explore space to the best of its abilities.

"We've got to move ahead," is the way it's put by George M. Low, Apollo spacecraft manager at Houston's manned spacecraft center and one of the most able men in the whole space agency. "If we set a goal that is less than Mars, we are not pushing as hard as we can."

ULTIMATE GOAL

The way top planners in the space agency see it, Mars need not be an immediate goal but it most certainly must serve as an ultimate goal, both to rally around and to provide the push for developing beyond the moon into deep space.

Rocket pioneer Wernher von Braun believes it is possible to put men on Mars in 1981, but nobody believes the space agency will push for that early a landing date.

"We won't ask for a Mars goal by that date," says a space agency spokesman. "What we want to do is commit ourselves to exploring the solar system, with a goal within that commitment of landing on Mars."

TWELVE-MAN SHIP

The way to land men on Mars, the space agency says, is to begin immediately to develop a 12-man orbiting space station, a shuttle "bus" that can carry men back and forth to it, a space "tugboat" to push space stations together and a nuclear engine to supply the rocket thrust needed for long excursions into space.

Nobody is willing to estimate the cost for such a multiple undertaking, but as of now space officials believe the Mars landing goal can be met within a total space agency budget of $60 to $70 billion over the next decade.

This would mean that NASA's budget would rise by more than $1 billion in fiscal 1971 to $5 billion, then rise each year for the next three years to a peak of $7 billion, where it would stay for another year before starting a gradual decline again to an average of $5.5 billion for the balance of the Mars program.

The development of the four new pieces of "hardware" necessary to land men on Mars would be undertaken in stages, starting in fiscal 1971 with a 50-ton space station that could remain for as long as 10 years in earth, moon or planetary orbit, where it could keep 12 men alive as well for periods up to two years.

Next in line for development would be a reusable space shuttle to ferry crews from the orbiting space stations to the earth, moon or Mars—wherever the space station might be at the time.

When the space station and shuttle begin to operate in earth orbit, the deep-space "tugboat" and nuclear rocket engine projects would be accelerated. Both of these would be necessary to carry the space station and shuttle bus out to the moon and then to Mars.

The space agency justifies their expense by relating it all not to priorities but to percentages of the gross national product.

"We estimate," a space agency spokesman said, "that even in the peak years of 1974 and 1975 we would be getting no more than three-fifths of one per cent of the gross national product to undertake the Mars adventure. Then, it would start to decline until in 1990 we'd be down to about one-fifth of one percent."

The argument against priorities and for percentages of the nation's wealth may be a just one, but it won't get a warm reception in Congress.

NATIONAL PRIORITIES

Even now, budget restraints and cries about national priorities are enough to hold down space spending. Senate Democratic leader Mike Mansfield and majority whip Edward Kennedy have both challenged the man-on-Mars notion for these very reasons.

Beyond that, there is a definite sentiment in Congress against any new big push in space.

Sources close to Congress agree that Capitol Hill would like to see some new directions in space, that there is a feeling of support for space exploration—but nothing on the scale of a manned landing on Mars.

"This isn't 1961," says a staff member of the House space committee, "We haven't just come from the Bay of Pigs and we haven't just witnessed Yuri Gagarin becoming the first man in space. There's no pressure to climb Mount Everest again."

If there is sentiment against a manned Mars landing in Congress, there is strong and active opposition to it among scientists.

SEE NO NEED

Like many members of Congress, scientists feel little political need to set our sights on Mars.

"The need to land men on Mars just doesn't exist," says Cal Tech's Bruce Murray. "We're ahead of the Soviets in almost every aspect of space. There is no justification for it at all.

More than the lack of a race with the Russians, scientists believe a manned Mars landing would be a waste of the nation's space resources.

"It would be immature," Dr. Murray says. "What we ought to be doing is extracting the minimum benefits and scientific discovery we can out of space, out of the technology that already exists. I'm not saying we shouldn't go to Mars with men someday but there's so much else we ought to be doing now that I would give Mars a very distant priority."

MOON COLONIZATION

If the nation sets a new national goal in space, most scientists think it should be exploration and eventual colonization of the moon.

"We should have a 10-year program to explore the moon beyond Apollo," declares Cal Tech's Dr. Shoemaker. "We ought to go to key places on the moon, develop long distance roving vehicles and set up scientific base on the moon."

Some scientists worry that if we set out to land on Mars, we will end up on just another moon anyway.

The findings of the two Mariner spacecraft that flew by the red planet recently did little to suggest there is any but the most simple form of life and atmosphere on Mars, while the closeup photographs taken by the Mariners of Mars revealed the same type of crater cluttered face the moon has.

"If you want to do space science," says Dr. Wilmot N. Hess, director of space science and applications at the Manned Spacecraft Center, "you might be better off doing it on the moon, where you can study the sun and examine all the effects of the solar wind you could on Mars."

While many scientists who opposed sending men into space now concede man's usefulness in space, they do not feel the goal of a manned Mars landing exploits that usefulness in a full and proper fashion.

MORE INTERESTING

"It's not at all clear," Murray says, "whether men might be better off in orbit around Mars or around some other planet like Jupiter that would probably prove far more interesting than Mars anyway."

Murray goes on to say that if we really want to set ourselves a national goal, it should be to explore the solar system in a step-by-step fashion, eventually landing men "someplace more exciting than Mars."

"In my own mind," Murray goes on, "The asteroids and the moons of Jupiter are the most mysterious objects in the solar system. If we want to be adventurous, let's set out to put men there.

The argument that keeps coming up against setting out to land men on Mars is not one supporting adventure, however. It is more the plea for reason, for caution and against haste.

"Men have just landed on the moon for the first time," says a scientist at the manned spacecraft center, "and already we're deciding our next trip will be to Mars. It makes no scientific sense."

Put another way, the argument runs something like this:

The nation must decide whether we want to be tourists or travelers in space. Do we want to see 15 cities in 14 days, or do we want to lay over in Paris for a month before deciding where to go next.

ON PROJECT PEACE

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, for over 4 years, I have been proud to support Project PEACE, an experimental job retraining program of the very hard core unemployable persons sponsored by the Catholic diocese of Cleveland. Bishop Clarence Issenmann, of the Cleveland diocese, deserves a great deal of credit for his continued concern and support of Project PEACE even though the going has sometimes been difficult. Since PEACE began in November of 1965 it has trained, under the direction of Father Edward Camille and Mr. Ellsworth Harpole, hundreds of educationally limited people and as the report of progress indicates, an astonishingly high percentage of those who completed PEACE training courses found gainful and long-lasting employment which is supposed to be the goal of our manpower policies.

However, too many times, as can be seen in the history of Project PEACE, an experimental project is funded in good faith; the work of the project is accounted for periodically in reports submitted to the relevant Federal agencies; and results produced are cataloged, with no beneficial effect on manpower policies or even other training programs which seek assistance.

The vast Federal investment in manpower programs is wasted when beneficial results produced from experimental programs are not utilized. Programs which produce positive results experience bureaucratic procrastination, frequently because interim project reports are not read and studied.

Notwithstanding these roadblocks, it has been my pleasure to support this fine program, Project PEACE. It has shown how to produce results. Too many have not. It is time to give our manpower policies and their Federal administrators a real restructuring. The full Project PEACE report to the Labor Department is as follows and should be read—it is a valuable report:

FOLLOWUP STUDY OF PROJECT PEACE SKILL CENTER FORMER TRAINEES, APRIL 1969

(Prepared by Elizabeth B. Minton; funded by Department of Labor and Department of Health, Education, and Welfare)

Project PEACE Skill Center, 7115 Woodland Avenue, Cleveland, Ohio: Cosponsored by Board of Catholic Education, Family and Children Services, and Catholic Inter-Racial Council of The Diocese of Cleveland. Project Director, Edward J. Camille; program director, Ellsworth H. Harpole; orientation director, John J. Klecan, Jr.

FOLLOWUP STUDY OF PROJECT PEACE SKILL CENTER FORMER TRAINEES

In November, 1965 the Project PEACE Skill Center, operated by several agencies of the Cleveland Catholic Diocese, commenced operation of an experimental and demonstration manpower training program financed in part of the U.S. Departments of Labor and Health, Education and Welfare. The program was part of an Inner City Project designed to develop occupational potentials of socially, culturally and economically deprived families through foundation skills elevation, job readiness orientation and prevocational experiences. The trainees were to be 300 vocationally limited, unemployed heads of household, male or female, aged 22 years and over, who could benefit from a program aimed to rendering them intellectually and socially ready to enter vocational education classes or on-the-job training situations leading ultimately to gainful employment. The main thrust of the Project PEACE program was on remedial education and pre-vocational experiences in simulated and actual situations.

In Project PEACE's first training program cycle, which lasted from November 15, 1965 through April 14, 1967, 316 persons were served. The intent of this study is to determine the employment status and experiences of these 316 Project PEACE former trainees over the 20 months which have elapsed since the last group of trainees left the Center.

METHODOLOGY

The study design was to locate, interview and include in the survey the 316 former trainees who attended Project PEACE between November 15, 1965 and April 14, 1967, even though all 316 did not complete the prescribed program. An interview schedule was developed which covered a wide range of topics, including the respondents' opinions about the relatedness of Project PEACE and other job training programs to actual employment experiences, as well as information on employment records since termination at Project PEACE. After pre-testing, this lengthy schedule was greatly simplified because of the length of time required to administer it to the respondents. As it was anticipated that most of the 316 trainees would be interviewed personally, a short interview schedule was a necessity. (A copy of the final schedule used for interviewing is attached as Appendix A.)

Interviewers were hired who, using records at Project PEACE, attempted to locate and interview the former trainees. Call-back visits were made, with an average of three attempted visits to each respondent. In some instances, seven or eight attempts were made. All possible sources of information were investigated and utilized to locate former trainees. Many of the trainees had moved and efforts were made to trace them to their new residences. All of these intensive efforts resulted in uncovering the whereabouts of a majority of the trainees and interviews were held with 163 of the 316.

Because two respondents refused to answer questions and because seven schedules had to be discarded when the information contained on them appeared to be inaccurate, the study which follows deals with 154 former trainees, 49 percent of the total group. Although some information is available about the 162 former trainees not included in the study, no assumption can be made that their experiences or employment records since leaving Project PEACE are similar to that of the respondents.

FIGURE 1. *Percentage distribution of selected characteristics of the 154 respondents*

[In percent]

Sex:	
Female	52
Male	48
Age:	
Age 20 to 29	28
Age 30 to 39	25
Age 40 to 49	34
Age 50 and over	13
Marital status:	
Single	12
Married	42
Divorced	22
Separated	18
Widowed	6
Education:	
Under 6th	11
Grades 6 to 8	25
Grades 9 to 11	40
Grade 12	24
Length of unemployment prior to enrollment:	
Under 5 weeks	15
5 to 14 weeks	16
15 to 26 weeks	11
26 to 52 weeks	15
Over 52 weeks	43

CHARACTERISTICS OF RESPONDENTS

The 154 Project PEACE Skill Center former trainees interviewed in the followup study were similar to the total group of 316 trainees in age, marital status, education and length of unemployment immediately prior to entering Project PEACE. The respondent group differed from the total group in two respects: (1) males were underrepresented in the respondent group, 48 to 60 percent; and (2) persons receiving public assistance at the time of enrollment in training were also underrepresented, 47 to 60 percent. (A comparison of characteristics of the total group with the respondent group is given in Appendix B.)

The typical respondent was a married female, aged 38 to 39, with 2 dependents, who had completed the tenth grade and who had not been receiving public assistance although unemployed about 40 weeks immediately prior to training. Figure 1 on the following page presents a graphic description of selected characteristics of respondents as of the time of enrollment in Project PEACE.

EMPLOYMENT STATUS AT FOLLOWUP

As of December 31, 1968, 19 of the 154 respondents had withdrawn from the labor market, and of those still in it 106 (79 percent) were employed and 29 (21 percent) unemployed. This rate of employment compares very favorably with reported rates from other manpower training programs. Slightly more than one-half of the employed respondents were females and, as can be seen from Figure 2, the female employment rate was somewhat higher than the rate for males.

FIGURE 2.—*Employment status of males and females*

[In percent]

Females:	
Employed	82
Unemployed	18
Males:	
Unemployed	26
Employed	74

Duration of current employment ranged from 1 week to 3 years, with a median of 21 months. A geat deal of this variation in length of employment can be attributed to the corresponding range of time individual respondents were actually in the labor market; that is, actively seeking employment. Trainees at Project PEACE left the Center at various intervals of the training cycle and many of the trainees went into additional job training or educational programs after leaving Project PEACE. Thus, the data given above on duration of employment does not reflect the fact that 54 of the 106 employed respondents (51 percent) became and have remained employed since completion of training.

Almost all of the employed repsondents (90 percent) were working full time, and three-fourths reported receiving wage increases, upgrading or promotions on their current jobs. Average weekly earnings were $97.00, with 37 former trainees (35 percent) earnings over $100 per week. Added to the impact of earnings to these former unemployed heads of household is the fact that 44 of the 106 were, but are no longer, recipients of public assistance.

Jobs were secured in many occupations, with the largest group of respondents (35 percent) moving into skilled and semi-skilled jobs in manufacturing industries. Many of the trainees were hired in the new semi-professional jobs with social agencies, schools and in health services. Even though 26 percent of the respondents reported employment in service jobs, many were not in the traditional custodial and unskilled jobs.

Figure 3, below, summarizes the data secured on respondents employed as of December 31, 1968.

Twenty-nine of the 154 former trainees were unemployed. Eight had not worked since leaving Project PEACE but the remaining 21 had held an average of 1.5 jobs. Some had been unemployed only a few weeks but the majority had been without employment for almost a year (median, 44 weeks). Comments made to interviewers by some of the unemployed respondents attributed inability to secure and retain employment to racial discrimination, age and to partially limiting physical conditions.

Nineteen respondents had withdrawn from the labor market; that is, they were unemployed and were no longer seeking employment. Twelve of the 19 were females. The major reason given for leaving the labor market was illness (10 of the 19). Other reasons included family problems (usually around care of young children), marriage, school or training programs, and age.

FIGURE 3.—*Percentage of employed respondents for selected characteristics*

[In percent]

Sex:	
Male	47
Female	53
Source of employment:	
Self, friend, relative	51
Project PEACE	25
Agencies	19
Other	5
Weekly earnings:	
Under $50	4
$50 to $75	16
$75 to $99	45
$100 to 150	27
Over $150	8
Weeks employed:	
1 to 26 weeks	11
27 to 52 weeks	8
1 to 2 years	42
Over 2 years	39
Occupation:	
Skilled	7
Semiskilled	29
Semiprofessional	17
Service	26
Sales, clerical	14
Other	7

EMPLOYMENT STATUS DURING THE PERIOD SINCE TERMINATION AT PROJECT PEACE

In the period since leaving Project PEACE, 89 percent of the respondents (136 of 154) were employed at least part of the time (106 are still employed, 21 unemployed and 9 out of the labor market). The majority of the respondents (58 percent) secured jobs through their own efforts after learning of job openings from a friend or relative. Project PEACE and other job training programs placed an additional 34 percent. Thus, only 8 percent (N-12) secured jobs through the normal community employment channels.

The amount of mobility between jobs was relatively small with only 49 respondents holding two or more jobs during this period. Some of the mobility between jobs can be attributed to career advancement but the majority of the multiple job holders (62 percent) changed occupations as well as jobs. The most frequently reported reason (64 percent) for leaving a job involved the amount of work available or working conditions. Several were laid off; others reported the work "ran out" or "there was too much work for the money". Some stated the work was too taxing physically. In addition, 11 percent were discharged for absenteeism, insubordination, intoxication or incompetence. The remaining job terminations were for job advancement, illness and family responsibilities.

Employment was secured over a range of industries and occupations. The medical, educational and welfare professions provided one-third of the jobs as aides, counselors and office workers. Manufacturing industries employed 28 percent in a wide variety of skilled and semi-skilled occupations. Retail trade and business and repair services employed an additional 19 percent. Employment was also secured on a very limited basis with utility companies, construction firms, financial institutions and governmental agencies.

The duration of unemployment among the 154 respondents varied greatly. Although the median weeks of unemployment for the group was 5.4 weeks, 34 of the respondents (22 percent) were unemployed more than 52 weeks. As the number of weeks of unemployment does not reflect the varying lengths of time individual respondents spent in the labor force, an analysis was made for individual respondents of the percentage of time employed based on the length of time each spent in the labor force. Table 1 shows that 60 of the respondents (39 percent) were employed the full length of time they were in the labor force, and that 85 (55 percent) were employed for at least 75 percent of the time. It appears from this analysis that the majority of the Project PEACE former trainees were successful in entering and remaining in the labor market.

TABLE 1

Percentage of time employed	Number	Percent
Total	154	100.0
1 to 24.9 percent	16	10.4
25 to 49.9 percent	6	3.9
50 to 74.9 percent	15	9.7
75 to 99.9 percent	25	16.3
100 percent	60	39.0
Never employed	11	7.1
Never in labor force	9	5.8
No data	12	7.8

FACTORS RELATED TO STABILITY OF EMPLOYMENT

An analysis of the data was made in an attempt to isolate any factors or characteristics of the respondents which appeared to have a relationship to securing and retaining employment. For this analysis, comparisons were made with groups of respondents classified by the percentage of time employed. The respondents who were employed 75 percent or more of the time spent in the labor market (N 78) were considered to be the stable group and were compared to the group employed 0 through 74 percent of the time (N 45). The 19 respondents not in the labor market on December 31, 1968 and the 12 for whom no data was available on percentage of time employed were excluded from the analysis. Comparisons were made on 18 variables, 9 of which appeared to have considerable relationship to stability of employment; 5 indicated some relationship, and 4 appeared to have little, if any, meaning. The nine factors which appeared to be significant are:

1. Completion of Program at Project PEACE: Project PEACE trainees were evaluated at enrollment and placed in remedial and pre-vocational programs on the basis of achievement level. The trainees were expected to remain at the Center long enough to achieve the level of preparation necessary for entry into the labor market. Of those trainees who remained at Project PEACE throughout the prescribed program, 67 percent were in the stable employment group as compared to 47 percent for those who left Project PEACE before completing the program.

2. Achievement Group Level at Project PEACE: As stated above, Project PEACE trainees at enrollment were evaluated and classified as to achievement level. Trainees were then placed into five groups according to test scores. Group I contained trainees with the highest scores and Group V those with the lowest scores, the majority of the latter group being unable to read and write. As shown in Table 2, former trainees from Groups I through IV were similarly represented in the stable employment group but Group V trainees had only 30 percent with stable employment.

TABLE 2.—*Percent in stable employment*

Achievement level group:	
Group I	65.4
Group II	54.1
Group III	60.0
Group IV	63.5
Group V	30.0

Less than one-half of the Group V trainees remained at Project PEACE until completion of training. Because the achievement level of Group V trainees was so low, the training program was intended to last for 50 weeks, a considerable time investment for persons who are seeking employment. However, those Group V trainees who did complete the training showed considerably more stability in employment than the group as a whole. This finding, of course, supports the relationship described above between completion of training at Project PEACE and stable employment.

3. Reason for Termination at Project PEACE: Those trainees who were placed in employment through the job development efforts of Project PEACE staff and those who secured employment through their own efforts were more likely to have employment stability than trainees who left for other reasons. The group of trainees dropped from the program for chronic absenteeism and inability to adjust to the program showed little stability of employment (14 percent); and none of the trainees returned to referring agencies because of lack of improvement was employed for more than 25 percent of the time spent in the labor force.

TABLE 3.—*Percent in Stable Employment*

Reason for Termination:	
Employment:	
Project PEACE	76.9
Self	67.6
Training program	52.4
Illness	50.0
Dropped by agency	14.3
Retirement to referring agency	0.0

The findings in these first three items strongly indicate that Project PEACE was extremely successful in evaluating and screening the potential of its trainees as well as assessing their readiness to move into the labor market.

4. Number of jobs held: As might be expected, respondents who held only one job after leaving Project PEACE were more likely to be employed 75 percent or more of the time spent in the labor force than those who held two or more jobs (72 and 45 percent).

5. Source of job placement: There was a marked difference in stability of employment for those respondents who secured jobs through Project PEACE than from other sources. Those placed by Project PEACE showed 76 percent with stable employment compared to 56 percent for self placements and 46 percent for other agencies such as OSES and MDTA, AIM Jobs and County Welfare Department's Title V program.

6. Type of occupation: Great variation was exhibited in stability or employment based on skill level of occupations, ranging from 100 percent stability for those in skilled occupations to 41 percent for private household workers and laborers. In spite of the wide variation, Table 4 shows a definite progression in stability of employment related to the type and skill level of occupations. The more skilled the job, the more stable the employment.

TABLE 4.—*Percent in Stable Employment*

Occupations:	
Skilled	100
Semiskilled	67
Semiprofessional	64
Service	59
Clerical and sales	48
Laborers	41
Private household	41

7. Age: Older respondents were more likely to be in stable employment than younger respondents. Here, too, a clear line of progression in stability developed related to age, as seen below.

TABLE 5.—*Percent in stable employment*

Age:	
20 to 29 years	48.5
30 to 39 years	55.5
40 to 49 years	62.5
50 to 59 years	66.7

Even though older workers evidenced greater employment stability, the majority (especially those aged 50 and over) were employed at unskilled jobs or had returned to the occupations held prior to enrollment in training.

8. Years of gainful employment: Not surprisingly, respondents with the most years of gainful employment prior to enrollment were more frequently in stable employment at follow-up than those with shorter employment histories. Respondents with 2 years or less of previous employment had only 40 percent in the stable employment group, those with 3 through 9 years of employment 60 percent and 10 or more years, 66 percent.

9. Criminal record: The final characteristic which showed a marked relationship to stability of employment was the absence of a criminal record. Arrests and convictions for intoxication, fighting and non-support were excluded from the criminal category. The percentage of respondents with criminal records who showed stability in employment was 36 percent compared to 60 percent for those without criminal records. The same relationship does not exist for those respondents with arrest records for non-criminal activities, such as those listed above. This indicates that the lack of employment stability of persons with criminal records may be a reflection of personality and behavioral patterns rather than of the fact of a prior arrest record being a deterrent to stable employment.

The above analysis strongly indicates that Project PEACE has been very successful in training and moving previously unemployed heads of household into the labor market. Further, the analysis suggests that the key to successful entry and retention in the labor market probably depends upon the methodology of the training agencies and not so much upon inherent characteristics of the individual trainees. The group of five factors which evidenced some, but not great tendencies to be related to stability of employment was largely focused on characteristics of the individuals. The significance of these factors to employment stability, however, appears to be small, and tends to support rather than contradict the importance of training methodology.

Married respondents showed a much greater tendency to unstable employment than any of the other marital status categories, with only 38 percent rated as stable. This compares with a high of 67 percent for widowed respondents. Persons with four or more dependents had slightly less stability of employment (50 percent) compared to those with fewer dependents. There was, however, no progression of stability; that is, as the number of dependents increased employment stability did not decrease as would be expected in a true relationship between the variables. The same type of situation occurs in analyzing data on education. High school graduates had a higher percentage (72) in stable employment and yet the group with the least percentage of stability was respondents who had completed grades 9 through 11. There was a tendency for persons not receiving public assistance at time of enrollment at Project PEACE to have more employment stability than those who were receiving assistance (62 to 53 percent) but the difference was not large. Also, there was an indication that persons unemployed less than 26 weeks immediately prior to enrollment were more likely to be stable in employment than those unemployed over 26 weeks. A percentage distribution of the five characteristics which evidence some relationship to stable employment is found in Appendix C.

The four factors which appeared to have significance in stability of employment were sex, length of time spent at Project PEACE, number of times moved since termination, and completion of a job training program subsequent to leaving Project PEACE. (Percentage distributions are provided in Appendix C.)

Males and females showed similar percentages of 55 and 60, respectively, in stability of employment. The number of weeks spent by trainees at Project PEACE accounted for little variation in percentage of stable employment. This might be a result of Project PEACE's policy of programming for trainees based on achievement level rather than length of program. Neither the fact that a respondent changed his place of residence nor the frequency of such changes had any effect on stability of employment, with both movers and non-movers showing an identical 58 percent in stability.

The final finding, and perhaps the most unexpected, was that completion of a job training program subsequent to leaving Project PEACE had no significant effect on stability of employment. Respondents who completed such training showed 61 percent in stable employment compared to 57 percent for those who either did not enter or complete a job training program. (About 60 percent of those who completed training programs secured employment in the occupation for which they were trained.)

Further analysis of the data might provide explanations for some of the variation in and lack of relationships as described above but such analysis is beyond the scope of this study.

FINANCIAL RETURN

One of the most frequently raised questions concerning special manpower training programs relates to the financial return on money expended for the program. The Project PEACE Skill Center operated on a budget of $800,000 to provide remedial education and pre-vocational services to 316 trainees. Data secured in this follow-up study showed that as of December 31, 1968, 106 former trainees had been employed for 90.2 weeks at an average weekly wage of $97.00. Based on the averages, the 106 respondents have already earned a total of $927,436 in wages, over $100,000 more than the total cost of the Project PEACE program. This computation does not include earnings from previous jobs held by the 106 employed former trainees and by the 29 unemployed respondents, nor does it take into consideration the possible earnings of the 162 former trainees not located by the study.

In addition to earnings there has been a corresponding reduction in the use of public funds for public assistance payments. At the time of enrollment in Project PEACE, 72 of the respondents were receiving public assistance. As of December 31, 1968, 51 respondents were no longer receiving assistance, 3 were receiving reduced benefits and 3 previously not receiving assistance had been added to the rolls. Using the average monthly payments to these recipients, there has been a monthly reduction in public assistance payments of $12,658, or a savings of $151,896 per year. Combining a year's reduction in public assistance with the earnings of the respondents, the cost of the Project PEACE program has already been exceeded by $279,332.

In light of the above, it appears that the answer to the question of financial return on program costs must be answered in the affirmative for the Project PEACE training program.

The follow-up study of former trainees of the Project PEACE Skill Center was designed to determine employment status and experiences of 316 trainees who attended the center between November 15, 1965 and April 14, 1967. Personal interviews were conducted with 154 of the 316 former trainees.

The study revealed that, as of December 31, 1968, 79 percent of interviewed trainees who were in the labor force were employed. This rate compares favorably with reported rates from other manpower training programs. The employed respondents had been employed on their current jobs for an average of one year and nine months and were earning an average of $97 a week.

In the period since termination at Project PEACE, the majority of the former trainees were successful in entering and remaining in the labor force. During this period, 136 of the 154 respondents (89 percent) were employed at least part of the time, with 106 still employed. Fifty-one of 72 former public assistance recipients had become self-sustaining. Jobs were secured in a wide range of industries and occupations. Only about one-third of the respondents held more than one job after entering the labor force. There was indication, however, that the respondents did not utilize normal channels for entry into the labor market or in moving from one job to another.

There was strong evidence that Project PEACE was extremely successful in evaluating and screening the potential of its trainees as well as assessing their readiness to move into the labor market. The analysis further suggests that successful entry and retention in the labor market probably depends upon the methodology of the training programs and not so much on inherent characteristics of the individual trainees.

APPENDIX A

FOLLOWUP STUDY OF 316 FORMER PROJECT PEACE SKILL CENTER TRAINEES (FROM NOV. 15, 1965, THROUGH APR. 14, 1967)

Interviewer ______________________ Date ______________

Name ____

Current address ______________ Phone ______________ Age ______ Number dependents ______

Number of times moved since leaving center ______________

EMPLOYMENT RECORD (SINCE TERMINATION FROM SKILL CENTER)

Presently employed: Yes ______ No ______ If yes, where employed ______________

Starting date ______________ Job category ______________ Number of weeks on present job ______

How was job obtained ______________ How employed: Full-time ______ Part-time ______ Casual ______

Earnings: Weekly $ ______________ Did you get wage increase ______________ Upgraded rate ______________ Change in title ______________

PREVIOUS EMPLOYMENT (PRIOR TO PRESENT EMPLOYMENT AND/OR SINCE TERMINATION FROM CENTER)

1. Where employed..............................
Job category..............................
How was job obtained..............................
Starting date.............. Date left..............
Number of weeks worked........ Earnings $..............
Employed:
Fulltime........ Parttime.......... Casual..........
Reason for leaving..............................

2. Where employed..............................
Job category..............................
How was job obtained..............................
Starting date.............. Date left..............
No. of weeks worked.......... Earnings $..............
Employed:
Fulltime...... Parttime.......... Casual..........
Reason for leaving..............................

(Use reverse side if more space is needed for previous record)

TRAINING RECORD

Type of training.............................. Where: MDTA........ Which school.............. Starting date..............

Placed by.................... Completed training.......... Date completed.............. Presently in training..........

Dropped out:.................. Voluntary.............. Involuntary.............. Mutual.............. Reason..............

If training was completed, did you secure job in area trained: Yes...... No...... If not, what type of job did you obtain......

Are you furthering your training.................. How..............................

Are you registered with Ohio Bureau of Employment Service? Yes...... No........

Are you receiving unemployment compensation? Yes.......... No.......... If yes, Amount $..............

Welfare recipient: Previous: Yes........ No........ Present: Yes.......... No..........

Category.............................. Amount $..............

APPENDIX B

PERCENTAGE COMPARISON OF TOTAL PROJECT PEACE TRAINEE GROUP AND RESPONDENT GROUP ON SELECTED CHARACTERISTICS

Characteristics	Percent distribution: Total group (N=316)	Percent distribution: Respondent group (N=154)
Sex	100.0	100.0
Male	60.0	48.1
Female	40.0	51.9
Age (in years)	100.0	100.0
20 to 29	30.1	28.6
30 to 39	31.3	24.7
40 to 49	29.4	33.8
50 and over	9.2	12.9
Marital status	100.0	100.0
Single	14.6	12.3
Married	45.3	42.2
Separated	20.2	18.3
Divorced	15.8	21.4
Widowed	4.1	5.8

APPENDIX B—Continued

PERCENTAGE COMPARISON OF TOTAL PROJECT PEACE TRAINEE GROUP AND RESPONDENT GROUP ON SELECTED CHARACTERISTICS—Continued

Characteristics	Percent distribution: Total group (N=316)	Percent distribution: Respondent group (N=154)
Number of dependents	100.0	100.0
None	20.6	29.9
1	15.8	16.9
2	12.3	9.7
3	18.4	13.0
4	8.5	8.4
5 or more	24.4	22.1
Last grade completed	100.0	100.0
Less than 6	17.4	11.5
6 through 8	24.3	24.7
9 through 11	41.1	40.3
12	17.2	23.5
Weeks unemployed	100.0	100.0
Less than 5	10.4	14.9
5 to 14	9.5	16.2
15 to 26	8.9	11.0

APPENDIX B—Continued

PERCENTAGE COMPARISON OF TOTAL PROJECT PEACE TRAINEE GROUP AND RESPONDENT GROUP ON SELECTED CHARACTERISTICS—Continued

Characteristics	Percent distribution: Total group (N=316)	Percent distribution: Respondent group (N=154)
Weeks unemployed		
26 to 52	13.0	14.9
Over 52	58.2	43.0
Public assistance	100.0	100.0
Yes	59.5	46.8
No	40.5	53.2
Criminal record	100.0	100.0
Yes	12.6	11.0
No	87.4	89.0

APPENDIX C

Percentage of respondents in stable employment for selected characteristics

Marital status:	
Single	52.9
Married	38.6
Divorced	58.6
Widowed	66.7
Separated	46.7
Number of dependents:	
None	58.8
1	61.9
2	69.2
3	60.0
4 or more	50.0
Education:	
Less than 6	62.5
Grades 6 to 8	64.7
Grades 9 to 11	54.0
Grade 12	72.2
Public assistance recipient:	
Yes	53.2
No	61.6
Length of unemployment:	
Under 26 weeks	63.2
26 weeks and over	52.5
Sex:	
Male	55.2
Female	61.1
Weeks at Project PEACE:	
1 to 14	58.5
15 to 26	57.1
27 to 52	56.7
Over 52	60.0
Number of times moved:	
None	61.8
1	66.7
2 or more	70.0
Completed training program:	
Yes	61.1
No	57.3

URBAN PUBLIC TRANSPORTATION

(Mrs. DWYER asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. DWYER. Mr. Speaker, I am pleased today to join in introducing the administration's proposed Urban Public Transportation Act of 1969. This legislation, in my view, is the most far-reaching and potentially effective proposal ever offered by any administration to help arrest the serious decline in public transportation facilities in the United States, and not only to arrest the decline but to begin in a massive way the rebuilding and expansion of a balanced system on which millions of our people must depend.

In his message to the Congress last Thursday, President Nixon spelled out the conditions which make a program of this size mandatory: The cycle of increasing costs and fares, decreasing passengers, inadequate maintenance and capital investment, and declining service.

He also held out the hope of what this program could achieve: Better service for bus riders, train commuters, and subway users; less congested streets and roads for car drivers; greater opportunities for the poor to reach jobs and training programs; greater access for suburbanities to the economic and social resources of the cities; and a loosening of the noose around the necks of city centers.

Improved public transportation is a vital key to ultimate success in dealing with the innumerable problems of urban areas and the administration bill, I believe, will contribute greatly to this objective for several reasons:

First. It represents a strong national commitment to goals which have too long been postponed.

Second. It authorizes Federal funds in an amount substantial enough to make a visible impact on the problem and, hopefully, to attract heavier investment at the State and local levels and from private operators.

Third. It places the urban transportation program on a long-term basis for the first time which, coupled with assured contract authority for a minimum of 3 years, will enable the necessary planning and programing to be done on an orderly basis.

Fourth. In addition to providing capital investment funds, it also strengthens the existing research and development program in order to assure that public transportation will be built for a lengthy future on the basis of the most advanced technological knowledge.

Fifth. It relaxes the stringent existing limitation on the share of available funds to which larger States and cities are entitled—the very areas where the public transportation problem is most critical—and it provides for direct participation in the program by private transit companies which are performing a public service.

Mr. Speaker, this program will be expensive, but not nearly as expensive as it would be to do nothing. We have paid heavily for our failure to do more sooner. We have paid by relying almost exclusively on the far more costly system of private transportation on public highways. We have paid in terms of cost escalation of public transit facilities. As the Department of Transportation recently pointed out, a 1966 study of the cost of fixed rail system capital improvements over a 10-year period has been revised upward 3 years later from $8.6 billion to $10.4 billion. And, finally, we have paid for our delay in the missed opportunities and frustrated hopes of millions of Americans who are poor or young or elderly or handicapped.

The administration bill, Mr. Speaker, presents a major challenge to this Congress, a challenge to cooperate in an endeavor which holds great promise for the future of our country. As an original sponsor of the first mass transportation demonstration program enacted by Congress and as a sponsor of every mass transit act since that time, I am deeply proud to put my name—together with those of other colleagues—to this legislation. Our need is great, our time is short.

As a part of my remarks, I include a section-by-section summary of the bill I have introduced:

Section-by-Section Analysis of a Bill To Provide Long-Term Financing for Expanded Urban Public Transportation Program, and for Other Purposes

Sec. 1—This section declares it to be the finding of the Congress that, in order to realize urgent national goals, the Federal commitment to assist urban public transportation must be raised to at least $10 billion over a twelve-year period. This is necessary to achieve efficient, safe and convenient transportation compatible with soundly planned urban areas. The purpose of the bill is to create a partnership in which local communities may exercise the initiatives to satisfy their urban transportation needs, with Federal financial assistance.

Sec. 2—Amends section 3 of the Act which is the basic authority for the program of grants and loans for the acquisition, construction, reconstruction and improvement of public transportation facilities and equipment.

3(a)—This subsection presently specifies the purposes for which the grants and loans under the program may be used, defines eligible sponsors, and prescribes certain capabilities that the proposed sponsor must display. The amendment provisions spell out the authority of the Secretary to provide assistance on terms and conditions which he may prescribe, which might include, for example, the establishment of a uniform system of accounts.

Another change permits the Secretary to make loans for real property acquisition under new subsection 3(b) upon a finding that the land is reasonably required in connection with an urban public transportation system and will be used for the purpose within a reasonable time. He need not make the more detailed findings required by this section for grants and loans for other purposes.

There is a provision, also, which requires that the appropriate State Governor be furnished with a copy of the application for assistance so that he may have 30 days in which to comment. The Secretary must consider any such comments before taking final action on the application.

Finally, the subsection is amended to permit loan assistance to be extended directly to private transit companies; grant assistance may be provided directly only when the Secretary determines that there is no appropriate public body or agency through which to transmit funds and that the public interest does not require the establishment of one. Any application for a private operator must first be approved by the appropriate State or local public body or agency thereof.

3(b)—This subsection is new and provides the authority and mechanics for loans to enable public transportation systems to acquire rights-of-way in advance of construction. Loans for this purpose may include the net costs to the locality of relocation payments and property management and will require a Secretarial finding that the proposed acquisition is reasonably expected to be required for a public transportation system and that it will in fact be used for public transportation facilities within a reasonable period. Repayment of the loans must take place within ten years; however, if a grant is made for construction on that right-of-way, repayment of the loan must be made at the time of the grant. Repayment will be credited to the miscellaneous receipts of the Treasury.

The loan agreement would provide for construction not later than ten years after acquisition, but it is possible that acquired real property interests might ultimately not be used for that purpose. If and when such a determination is made, the Secretary would direct that an appraisal be made to determine how much, if any, the property has increased in value since acquisition. The Federal Government and local agency would share any profit on a two-to-one ratio respectively, which is the ratio for sharing project costs. The Federal Government would not share in losses in value of the property, however.

3(c)—This subsection (based on section 3(b) of the present Act), imposes restrictions on the making of loans and prescribes certain conditions on loans which are made. It prevents making both loans and grants for the same project, except where (1) the grant is made for relocation payments, and (2) the real property involved was acquired for rights-of-way, station sites, or related purposes pursuant to the authority added by the new subsection 3(b).

The effect of this subsection is to establish, by deleting certain provisions of the present Act, that loans are to be made only from the authorizations contained in this bill. Under the Act as originally passed, it was intended that Treasury borrowing, pursuant to section 203 of the Housing Amendments of 1955, would be employed for this purpose; however, to date under this scheme, no Treasury borrowing has occurred, and loans have been made only from specifically appropriated funds.

Finally, the subsection prescribes the manner of computing the interest rate, and establishes a maximum maturity period of forty years, for loans made under section 3; however, loans under subsection 3(b) are repayable within 10 years.

3(d)—This subsection, relating to safeguards for operators of private transportation companies, restates subsection 3(c) of the present Act, except to change the concept of "mass transportation" to "public transportation".

3(e)—This new subsection will require the local agency making or approving an assistance application to show that it has held (or afforded the opportunity for) public hearings and has considered the economic and social aspects of the project, its urban impact and consistency with planning goals. It is similar to 23 U.S.C. 128, which applies to Federal-aid highways.

Sec. 3—The section would: (1) amend section 4(a) of the Act which now requires certain Secretarial findings before section 3 assistance can be provided, to reflect the less stringent criteria of new section 3(b) in the case of land acquisition loans; (2) further amend section 4(a), consistent with permitting private transit companies to receive assistance directly in certain cases, to allow those operators to supply all of the non-Federal share of net project costs. (Present law permits this only in the case of "demonstrated fiscal inability" of the public agency.) But the share contribution of the private company could not be paid out of current revenues, only out of surplus, replacement funds or reserves, or new capital; further, any private transit company receiving a grant will be required to establish a funded depreciation account for the purpose of replacing fully depreciated equipment, regardless of when acquired; and (3) add a new subsection (c) to section 4 providing authorizations for loans and administrative costs, as well as grants and other projects under the Act for fiscal years 1971–1975 and establishing contract authority.

The amounts authorized for appropriation, $300, $400, $600, and $800 million and $1 billion, respectively, for the first 5 years of the new program will increase the level of funding in graduated increments which will help to assure an effective and efficient build-up in the extent of Federal support. The authorized levels of funding, $300, $400, $600, and $800 million and $1 billion, would be available for obligation in their full amounts during the fiscal year for which first authorized, and would remain available until expended. The Secretary would be authorized to obligate these amounts through grants or other contractual agreements. These obligations would be liquidated by subsequent appropriations.

Sec. 4—Makes the same change to section 5 as is made to section 4(a) respecting the share of net project costs paid by a private transit company and the requirement for a fully funded depreciation account.

Sec. 5—Amends section 15 of the Act, which restricts the aggregate of grant projects (other than relocation grants) in any one State to 12½ percent of the total amount authorized for this purpose. The existing legislation anticipated that some States would experience serious inhibitions with this limit and, so, a discretionary pool of $12.5 million was established to be available for use in States which had previously received more than two-thirds of the maximum grants. Notwithstanding this fund, California is now, and a number of other populous States will soon be, at a point where they can receive no further assistance. In the period after 1970, the 12½ percent ceilings would continue to apply but the Secretary would have discretion to use up to 15 percent of the authorizations without reference to the ceilings. Thus, each year 15 percent of monies authorized could be used by the Secretary as a discretionary fund. A percentage figure for this fund, rather than a static dollar figure, is more appropriate for a long-range program with progressive increases up to a substantial figure.

Sec. 6—Section 1 of Reorganization Plan No. 2 of 1968 transferred to the Secretary the program authority under the Act. But that section reserved to the Secretary of HUD authority to make grants for or undertake such projects or activities under sections 6(a), 9, and 11 of the Act (relating to research, development, and demonstrations; technical studies grants; and grants for research and training in urban transportation problems) as "primarily concern the relationship of urban transportation systems to the comprehensively planned development of urban areas, or the role of transportation planning in overall urban planning." It was contemplated that such grants would be made out of appropriations to HUD. Section 105 preserves that understanding and insures that the appropirations authorized under this Act would be available only for grants in furtherance of the functions of the Secretary of Transportation under the Act.

Sec. 7—This section makes several changes in titles and descriptive words to better reflect the nature of the programs. The Urban Mass Transportation Administration would become the Public Transportation Administration and the term "mass transportation" would be replaced by "public transportation."

Sec. 8—Gives the short title of the Act, the "Public Transportation Assistance Act of 1969."

ONE SMALL STEP FOR MAN: ONE GIANT LEAP FOR MANKIND

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, countless volumes have been written about our U.S. moon triumph. Every newspaper in America has proudly described the historic moon-conquering flight of the Apollo 11 astronauts.

Certainly one of the foremost journalistic efforts in our country to preserve for history the chronology of events from the liftoff to the safe return to earth of our moon heroes is that of the Kansas City Star and its morning edition, the Kansas City Times.

The extra edition of the Kansas City Times for July 21, 1969, followed by the commemorative edition of the Kansas City Star for July 26, provides a wrap-up of all the events commencing with the launch of July 16, the moon walk of Sunday, July 20, and the splashdown of July 24.

The news articles are an example of distinguished reporting and the editorials are outstanding for their exceptional excellence.

Mr. Speaker, it is a privilege and an honor to have the opportunity that excerpts from this extra edition of the Times and the commemorative edition of the Star be preserved in the permanent edition of the Congressional Record. The editorials follow:

[From the Kansas City Star, July 21, 1969]

Man Reaches Out and Touches the Stars—and the Moon

With the touch of his booted foot on an arid lunar plain, man has turned the planet of his creation from a space-locked island to a universal port of call and proclaimed dominion over the stars.

Surrounded and sated by our lesser miracles—the steel birds in the July night overhead, the cataclysm ticking patiently in buried silos, the electronic picture coming live across a quarter-million miles—we received the news. And in those tentative steps of the first moon men, rediscovered our capacity to wonder.

There is pride of nation in this moment, and that is forgivable. But there is also a larger pride of species. The creature with the apposed thumb and the boundless dream—scarcely equipped even to rule his own environment—has dared call himself "the eagle" and go where wit alone would let him live. And we—the collective we—are that creature.

One thing is certain: Man's view of himself, or of the potential of his reach, can never again be the same. Children too young today to mark an era's passing will, tomorrow, let go their toes and grasp a universe.

To the biologist, Apollo's journey may be the crowning triumph of an ordered accident in nature. To the anthropologist, it is tool-making of a consummate order. To the geologist, it may be the key to the cosmic mystery. To the theist, it is a profession of faith by men who, though not divine, are touched by divinity. The plaque left behind in the searing noons and frozen nights on the Sea of Tranquility is a blend of the rational and the ethical.

"Here men from the planet earth first set foot upon the moon," it reads. "We came in peace for all mankind." It is written in stainless steel and meant for the ages.

Yet the great pyramids and the Aztec ruins and the flint arrow points in the secret sands of a thousand rivers are there to remind us that the dream is so terribly vulnerable. Only when a divided mankind has met the larger test—which is the test of spirit—can it be known whether that steel marker will be a monument to vision or, perhaps, a wistful artifact of a species that failed.

[From the Kansas City Times, July 22, 1969]

Triumph in Space Can Now Be Savored

Exhilarating as it has been, the successful landing of men on the moon could not be fully savored until the two astronauts had left the lunar surface and been safely reunited with their comrade in the orbiting mother ship. Now that critical maneuver has been accomplished and the three—Armstrong, Aldrin and Collins—have begun their two and one-half day trip back to earth. Their achievements are history and their names are on the lips of hundreds of millions of their fellow men.

From a scientific standpoint, the Apollo 11 adventure has only begun. Weeks, months, perhaps years will be devoted to analyzing the lunar samples collected by the moon-walkers for the return journey. Earthbound scientists are awaiting those few precious pounds of material with a curiosity born of generations of speculation.

But the leap of spirit, for which science was but the means, has already become a part of the human experience. What generation has shared such a profound adventure? When have men of all nations been privileged—or obliged—to view their dealings with one another from the perspective of another celestial body? Or had such incentive to proceed rationally?

For the crew of Apollo 11, there remains the final re-entry and recovery phase. Then, finally, the held breath of a nation and the world can be let out in celebration. We wish them Godspeed. They have opened to us possibilities and responsibilities unparalleled in the memory of our kind.

We were there. We put our footprints in the unstirred dust. What we make of that is up to us.

[From the Kansas City Star, July 22, 1969]

Footprints—On the Sands of Time

Write large this day in the consciousness and history of mankind:

July 20, 1969, when human footprints first were etched on the surface of the moon.

And other days:

Yesterday, when the homeward voyage began.

Thursday, when, according to plan, it is scheduled to end.

And think on the meaning of all this for the generations to come.

For here, perhaps, is the ultimate mystery of it all, the incomprehensible at this point in time.

What now of the year 2000?

What name to give the age that dawned on a Sunday afternoon in the last year of the 1960s?

What judgment to place on the skill and the initiative of man who has left his planet for the first time?

It seems a trifle audacious on this day even to contemplate the answers. Audacious and perhaps beyond the bounds of the humility which confident man should—and must—feel at this moment. Brashly—with a strange and almost inexplicable certainty of his success—man has gone to the moon and is on the way home. When he returns, the sun will rise on schedule, and history's pulse will return momentarily to normal.

But there will be a difference, a difference as yet unmeasured, and one which this generation may not in its lifetime ever measure.

The flight of Apollo 11 becomes now a creature of time, modeling clay of the future to be molded and remolded as other men may choose.

It is, in a sense, an ending, but an ending to what? The era of the earthbound? Perhaps.

It is also a beginning. But of what?

The question is asked, and its answer must be vague and uncertain. For we have yet to hear from the philosophers, theologians and poets of the ages, from the historians and technologists and diplomats of tomorrow.

We have yet to hear—except for the quick judgments of those whose business is commentary on men and their times—from mankind itself in ultimate judgment.

Look forward, then beyond the flights of other spacemen, to the moon and beyond. The flight of Apollo 11 will ultimately recede into the ages, as large as the words may appear on the tablets.

Man, in 1969, stood tall in a great moment of glory. And moved on into a future even more uncertain than it was in the pre-lunar era that suddenly ended. For if the moon itself, its privacy invaded by the confident outreach of mankind, will never be the same again, neither will the planet earth nor man himself.

DOMESTIC FOOTWEAR CRISIS CONTINUES

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, in recent months I have frequently warned of the crisis faced by America's shoe industry. A massive wave of imported footwear has swamped the market. Our domestic shoe manufacturers cannot compete with subsidies, low costs, and sometimes virtual slave labor. Shoe factories are closing down, putting men and women out of work. In New England particularly, imports are damaging the economy. The shoe industry in this country does not want "protection" as such. It merely seeks a chance to compete fairly with foreign labor rates and conditions that would be illegal in the United States.

REPORT OF NATIONAL FOOTWEAR MANUFACTURERS ASSOCIATION

The latest report of the National Footwear Manufacturers Association, which I recommend to my colleagues and include at the end of these remarks, shows that 108.3 million pairs of leather and vinyl footwear were imported in the first 6 months of 1969. Despite the effects of the dock strike from January to April, this amounts to a rise of 12 percent over the same period last year. If this rate continues, many more American shoe workers may lose their jobs. I urge Congress and the administration to take action now in order to keep this crisis from getting worse.

NEW ENGLAND SHOE FOREMEN & SUPERINTENDENTS' ASSOCIATION CALLS FOR QUOTAS

I am gratified to see that independent action has been taken by the New England Shoe Foremen & Superintendents' Association, Inc., of Boston, Mass. The board of directors of this organization has adopted a resolution calling upon President Nixon to seek voluntary import controls on shoes. I also include their resolution at the conclusion of my remarks. I have joined many of my colleagues in endorsing this proposal, under the leadership of Congressman JAMES BURKE. It is my hope that communities that depend upon the shoe industry will begin circulating petitions for quotas, particularly signed by those with the most at stake: the workers themselves. We must give this important industry a chance to compete with foreign products on a fair basis.

U.S. FOOTWEAR IMPORTS

(January–June 1969)

June has busted out all over, unloading 16 million more pairs of leather and vinyl footwear or 37% more than the same time last year. Gains were scored by all major groups. Leather and vinyl imports were 37.2% of an estimated domestic production of 43 million pairs.

The effect of the dock strike clearly shows the distortion of trend which took place in the first four months totals. May and June increases follow the same pattern established before the strike took place.

LEATHER AND VINYL IMPORTS

[Millions of pairs]

	1967	1968	1969	Percent change 1968–67	Percent change 1969–68
January	10.3	17.9	[1] 8.8*	+74	[1] −51
February	10.9	17.0	[1] 15.9*	+56	[1] −6
March	13.7	17.2	[1] 19.8*	+26	[1] +15
April	11.9	17.0	[1] 27.1*	+43	[1] +59
May	12.0	16.2	20.7	+35	+28
June	11.4	11.7	16.0	+3	+37
6 months average	11.7	16.1	18.1	+38	[1] +12
July	9.2	13.2		+43	
August	9.2	12.0		+30	
September	8.2	10.7		+30	
October	9.2	12.5		+36	
November	11.4	13.7		+20	
December	11.7	16.4		+40	
12 months average	10.8	14.6		+35	
Total year	129.1	175.4		+36	

[1] 1st 4 months 1969 totals affected by dock strike.

Thus far, first half 1969 imports of leather and vinyl footwear amounting to 108.3 million pairs were nearly 12% ahead of the same period last year. Average value (fob) per pair increased by 15.7%. Shipments from foreign ports were 37% of domestic output estimated at 292 million pairs, and 27% of the new supply (domestic production plus imports).

Men's, children's and wood footwear continue their strong hold in the market place. The volume of imported women's and misses' footwear lines have now advanced to the plus side.

JANUARY–JUNE

Shoes and slippers (Leather and vinyl)	1969 pairs (thousands)	1968 pairs (thousands)	Percent change pairs 1969–68	Percent share of total	
				1969	1968
From:					
Japan	32,033.5	34,421.8	−6.9	29.6	35.5
Italy	37,018.7	36,748.7	+0.7	34.2	37.9
Spain	10,948.1	6,335.7	+72.8	10.1	6.5
France	1,899.1	1,859.1	+2.2	1.8	1.9
China T. (Tiawan)	14,901.1	8,103.4	+83.9	13.7	8.4
Other countries	11,509.2	9,517.8	+20.9	10.6	9.8
Total pairs	108,309.7	96,986.4	+11.7	100.0	100.0

AUGUST 1, 1969.

Hon. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR PRESIDENT NIXON: We, the New England Shoe Foremen and Superintendents' Association, Inc., respectfully present and petition the President of the United States, as follows:

The New England Footwear Manufacturing Industries face intensive and ever-increasing foreign competition from footwear imports from low-wage countries. Ours is a labor-intensive industry and, therefore, is an important employer of shoe workers in New England.

In our region, over 300 shoe factories employ approximately 75,000 workers. The majority of these factories are located in small communities where they supply the major source of income and employment.

The dramatic increase in imports from 7.8 million pairs in 1955 to 175 million pairs in 1968 has seriously affected our industry by taking most of its growth and eliminating many job opportunities. The import totals continued to increase in 1969, and by the end of May reached 92,300,000 pairs, amounting to the equivalent of 36.3% of domestic output.

While the rate of imports is increasing, domestic production has been decreasing, with production declining 10% this year.

In addition, due to the loss of industry growth to imports, we estimate that an additional 2,000 job opportunities were foreclosed.

Therefore, this problem is so serious that our Association, on behalf of its 1300 members, and on behalf of the shoe manufacturing industry, respectfully request that you take steps under the general negotiating powers delegated to you by Congress to enter into agreements with the principal foreign-supplying nations aimed at arranging voluntary agreements limiting quantities of footwear imports so that during this year and the years ahead the shoe manufacturing industry of the United States may continue as a viable and healthy segment of our economy. These arrangements could be limited to the principal foreign-supplying nations and directly relate to those categories of footwear where the greatest impact has occurred and where the major threat exists.

Sincerely,

ROBERT D. NORTON, *President*.

THE PRESIDENT'S MASS TRANSIT BILL

(Mr. WIDNALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WIDNALL. Mr. Speaker, today I have introduced the President's mass transit bill, calling for a 12-year, $10 billion program. The House is already familiar with the details of this program, as a result of the President's message on the subject but I would like to make a few additional remarks.

As many of the senior Members of the House are aware, I have long had an interest in this subject, and the Banking and Currency Committee has worked on it ever since the first such proposal came along as part of the housing bill back in 1961. The whole program began as a simple study. It soon became clear, however, that transportation within our cities is vital if the cities are to live, and that many of our urban problems will not be met unless the transportation problem is solved.

Of what value is it for us to build new health centers, with Federal funds, if those who need these centers cannot reach them because of inadequate transportation? What value can we gain from urban renewal funds if the projects thus built are so far removed from those who would most benefit that they fail to serve the needs of our citizens?

Transportation facilities are geared too much today to those in our society who own and operate their own cars. Too often we ignore the transportation needs of the young, the poor, and the elderly who cannot make use of the freeways we have built for the convenience of the rest of us; and in our larger metropolitan areas, use of the automobile is virtually impossible because of traffic congestion. Unless we relieve this pressure, everyone regardless of his economic status will be affected more and more by "transportation paralysis." The traffic jam, with all its attendant waste of time and energy, has become an unpleasant fact of modern life which we can no longer tolerate.

Ever since Congress recognized this need in the early sixties, the progress has been slow and sporadic. We have never had more than a 2-year program. Now, at last, we have a long-range plan big enough to let us make real headway.

Mr. Speaker, hearings on this subject were scheduled on other bills now before the Banking and Currency Committee, but they were postponed, partly because the administration's position was not yet available to us and partly because the bills submitted called for a trust fund, which would require the concurrence of the Ways and Means Committee. Now we have the administration bill before us. Since it calls for the use of contract authority from the general fund, we can proceed without adding another item to the already overcrowded calendar of the Ways and Means Committee. I am hopeful that we can have hearings soon in September, so that our cities will not have to wait longer than necessary for relief of this most pressing need—the need for adequate public transit.

In short, Mr. Speaker, in introducing this measure, I congratulate the administration on sending us the most massive, long-range, comprehensive transit program ever submitted to Congress, and urge its speedy approval. I shall have more to say on the subject at a later time.

"BROWN LUNG" IN THE TEXTILE INDUSTRY

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, what are the effects of cotton dust on the lungs of workers in the cotton textile industry?

Some preliminary studies have been made in this country, and even though these studies are not as advanced as the research in Great Britain and other European nations, we do have enough data to know that the problem is a serious and growing one. Dr. Arend Bouhuys, professor of epidemiology at the Yale University School of Medicine, describes the disease of "byssinosis" as "an occupational respiratory disease of cotton, flax, and hemp workers." This disease, like pneumoconiosis or "black lung" among coal miners, has the same symptoms of breathlessness, progressive disability and eventual death. Likewise, corporate political power and allied medical experts have effectively suppressed research, knowledge, regulations to curb cotton dust and compensation for byssinosis.

Mr. Speaker, I believe it would be very timely for Congress to initiate hearings on the prevalence of this dread disease, and measures which should be taken to control and prevent byssinosis. In a letter dated August 9, Ralph Nader has lifted the lid on numerous aspects of this problem in a communication to Hon. Robert Finch, Secretary of Health, Education, and Welfare, and the text of this letter follows:

AUGUST 9, 1969.

Hon. ROBERT FINCH,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR SECRETARY FINCH: For many years a serious occupational respiratory disease has raged silently through the factories of the cotton textile industry. For the same years, the cotton textile industry has been powerful and callous enough to deny the undeniable—that this disease—byssinosis—exists among its workers. For the same length of time, the states, the federal government, the medical and legal professions have been, at best inactive toward this silent violence, and at worst have served the corporate dictates of an industry whose concentrated might has turned jurisdictions into company states and company towns. The result has been private government and public anarchy and human anguish.

The Board of Health of a Southern state has written the following words: "Pure air is a necessity for health, but an individual may have little control over the air which surrounds him and which he must draw into his lungs—he may be powerless to prevent other persons from contaminating his air and thereby striking at the very foundation of his health and happiness. Here as in so many other cases which demand regulation of the conduct of individuals toward each other—the State steps in for the protection of its citizens and enacts rules which shall be binding upon all . ."

Those words were written in 1898. Their message of felt concern and declared action have never been applied to the thousands of cotton textile workers who have experienced the suffocation of their lungs as they were afflicted with byssinosis. Now in 1969, there are no laws applied toward the control of cotton dust in the mills and there is no workmen's compensation awarded for disability from byssinosis or "brown lung."

The dimensions of byssinosis in this country have not been as clearly discerned as has been the case in European countries. In fact, until this year, the official position of the U.S. cotton textile industry has been that there is no such disease in this country. Byssinosis has been recognized in the medical literature of European countries for decades. In Great Britain "brown lung" disability has been compensable since 1940 and several hundred awards are rendered annually. But in this land, research on byssinosis has been plagued by unparalleled obstruction by textile plants ranging from denial of entry to medical scientists to political pressure on state departments of public health. This intransigence is focused in the states of North Carolina, South Carolina, Georgia and Alabama where 180,000 of the 230,000 cotton textile workers in the U.S. are employed.

The conventional attitude of the cotton textile industry can be seen in the aftermath of a U.S. Public Health Service grant to a then Emory University Professor Arend Bouhuys in 1964 to study the incidence of byssinosis in the mills. On June 4, 1964, a confidential memorandum went out to members of the Georgia Textile Manufacturers Association by the Association's Executive Vice President. The memo urged that members should contact the Trustees of Emory University about how healthful and comfortable working conditions were in the plants and indicated that the study is a waste of taxpayers' funds and is damaging to the public image of the industry. Needless to say, access to the plants by Dr. Bouhuys was not forthcoming. No state law requires the plants to provide access to state public health officials—the air that workers are compelled to breath as a condition of their employment is considered inaccessible private property.

Dr. Bouhuys, now a Professor of Epidemiology at the Yale University School of Medicine, describes byssinosis as follows:

"Byssinosis is an occupational respiratory disease of cotton, flax and hemp workers. Its initial symptoms of tightness in the chest, dyspnea and cough shortly after return to work on Mondays, after an absence from work during the weekend, are characteristic and stereotyped. The symptoms are accompanied by a decrease of ventilatory capacity during the working day. Later, symptoms may extend to other workdays, and finally there is severe and continuous dyspnea, chronic cough and permanent ventilatory insufficiency. Total disability and death may follow. In the cotton industry, byssinosis occurs primarily among cardroom workers."

Dr. Bouhuys and his associates have documented a number of case histories, for example:

A 61 year old man started work in the cardroom at the age of 18 years. By the time he retired he was constantly short of breath; there was little relief when he ceased to work. He mentioned that dust conditions were very bad in the mill in which he worked. There was no air conditioning—only a fan, "which kept the dust stirred up."

A 46 year old man started work in the cardroom as a "slubber tender" at the age of 25. . . . In January, 1965, he moved to the same job in another mill, where conditions were bad. This mill was pinning low-quality cottons. The cardroom was provided with a dust exhaust ventilation system, but according to the patient, the ducts were insufficiently cleaned and therefore usually clogged. "At times you could not see 10 feet in front of you because of the dust." Symptoms of tightness in the chest and breathlessness soon developed and were worse on Mondays and Tuesdays than on other days, becoming still worse and eventually occurring on all days. In April, 1966, he had to stay away from work because of severe symptoms. He consulted one of us who diagnosed byssinosis and wrote to the mill suggesting that the patient be transferred to a nondusty job. However, the personnel manager told the patient, "I have never heard of such a disease," and discharged him from his job. The patient said that many other cardroom workers were similarly affected.

Dr. Bouhuys and associates have also reported in the *New England Journal of Medicine* (July 27, 1967) that a large proportion of cotton workers exposed for many years to dust in cardrooms were respiratory cripples due to byssinosis. However, physicians in the localities were not reporting this byssinosis, the authors added, due to the untenable diagnosis of these workers as having asthma, chronic bronchitis or emphysema from other causes. Other observations by the authors rebut recurrent myths: (1) "There is no evidence that disabling byssinosis is confined to a small group specifically predisposed to allergic diseases." (2) "We suspect that byssinosis may be on the increase rather than on the decline. The higher productivity obtained with modern cards has caused increased dustiness and more respiratory symptoms in textile workers in England, France and the Netherlands. In the present study, a former cardroom foreman said that the increased speed of carding more than outdid the improvement in dust conditions brought about by air conditioning. In addition, mechanical cotton picking has led to increased amounts of trash in raw cotton and most workers state that dirtier cotton leads to more symptoms. Indeed, one element of this trash, the bracts, contains agents that release histamine in human lung tissue and constrict human bronchi." (3) Wherever a few patients with byssinosis have been identified by physicians, in other parts of the world, and this observation was followed up by epidemiologic studies, many more workers similarly affected have been identified." (4) "None of our patients, while employed, had regular medical examinations that included any test of respiratory function."

Notwithstanding this nation's pretensions on occupational health, and the overseas studies showing byssinosis to be a serious hazard for textile workers in Europe (many plants use American cotton) there has never been a regional or national prevalence study undertaken in this country. Two recent studies, however, provides a glimpse of the widespread incidence of this lung disease. A yet unpublished study by Dr. Arend Bouhuys and Dr. Ronald Wolfson (and associates) at the cotton mill at the U.S. Federal Penitentiary, Atlanta, Ga. (241 control subjects (reported: "Among men in carding and spinning, 28% had symptoms of cough and/or chest tightness on Mondays or worse. 15% had chest tightness on all Mondays, and 5% complained of chest tightness on other days of the week as well." Extrapolating to the industry generally, Dr. Wolfson speculates that nearly 20,000 workers could be suffering from byssinosis. This is a highly conservative estimate for the following reason. Of the 110,000 workers in the cotton textile industry working as carders or spinners, very few of them have been exposed so little in time as the workers in the prison cotton mill in Atlanta. Half of the workers diagnosed were exposed for less than a year in this mill. Moreover, this six year old mill is, according to Dr. Wolfson, "relatively clean, modern, and up-to-date on air filtering and dust removal."

The results of the second study, presented before the American Thoracic Society in May 1965, came from tests of 500 cotton textile workers in a large North Carolina mill. The researchers, Dr. Peter Schrag and Dr. A. Dale Gullett, reported that 12% of the workers had byssinosis as an overall prevalence; 29% of cardroom workers, 10% of weavers and 9% of spinners had the disease.

Dr. Schrag* points out that the "problem of byssinosis is also complicated by technical considerations and is related to the more general problem of health and safety standards in industry. The cotton mills treat cloth with phenol and formaldehyde to make it crease-resistant, stain-proof, permapress, drip-dry, etc. Before cotton comes to the mill, it is sprayed with numerous pesticides and defoliating agents including DDT, benzenehexachloride, toxaphene, chlordane, parathion, and calcium cyanamide. The humidifying systems of many cotton mills blow steam containing fungicidal agents into the workrooms. This is necessary to prevent mold and slime from growing within the ducts and the use of chemicals is cheaper than cleaning the ducts regularly." He urges what few in government heed—that "more money be spent to study the effect of new chemicals and new technology not only on cloth but also on people."

The struggle for breath on the part of the tens of thousands of retired cotton textile workers must also receive attention. These people, most of them poor Whites, are living lives of quiet desperation that are wracked with coughing and breathlessness. They are uncompensated for their work-related disabilities from byssinosis. Depleted human beings, they produced for their corporate leaders and now are cast aside, like bits of used machinery.

Taking active and retired cotton textile workers together, it is highly probable that over 100,000 persons are suffering from byssinosis in this country. Yet the textile industry has denied repeatedly the existence of such a disease.

The problem of controlling and preventing byssinosis is not technical but one of corporate political power. The technical remedies are known: better dust suppression techniques employing hoods, exhausts and air filtration systems; redesign of machinery to control dust eruptions; greater attention to the cleaning of cotton; the use of vacuums and suction rather than air pressure hoses to "blow off" looms—these are some of the changes suggested by specialists. In addition, careful medical testing of workers' respiratory state and relocation of disabled workers have long been urged by the very few physicians and public health officers working in this area. The political power of the textile industry stands in the way. This power has no countervailing offsets in the states. Unions have little acceptance in these states' textile plants; state laws either do not exist or are endemically unenforced; the public health profession has long been intimidated by the animosity of the textile manufacturers to studies of byssinosis. There remains the federal government to assume the leadership in developing a national policy of care for these unfortunate workers.

The Department of Health, Education and Welfare's programs in occupational health have been underfunded and under led for many years. This deficiency was shown clearly in the "black lung" controversy involving coal mine operators and workers. I urge you to avoid a repetition of this weakness in the forthcoming challenges to the cotton textile industry over "brown lung" disease.

There are a number of policies which can be initiated promptly. First your Department could announce a major study of byssinosis incidence in the nation; in the meantime alerting the workers and the public of this disease and suggesting temporary remedies and precautions (such as medical examinations for possible respiratory diseases). Second, your Department could urge the White House and the Congress to give this rampant disease a high priority. The White House last week proposed a program for occupational health and safety that was so weak and so industry-indentured as to constitute a paramount disgrace. Your good offices may be able to temper this situation. More probably, Congress would respond to your call for hearings on byssinosis. Third, under the Walsh-Healey Act, the Department of Labor is empowered to establish health and safety standards for plants with whom the federal government does business. The federal government does a great deal of business with the textile manufacturers but the Act has had not an iota of effect on cotton dust suppression. Not having any research base, the Department of Labor can add that incapacity to its traditional non-enforcement of Walsh-Healey. Your Department does have a fund of knowledge on byssinosis which can make a most compelling case for the Department of Labor to *act*.

The breathless byssinotic workers of the cotton textile industry are voiceless. The many other occupational health and safety hazards of the industry also deserve immediate attention (from tremendous noise to hazardous machinery to toxic chemicals). It is hoped that your leadership will initiate what must be done to curb this violence on the cotton textile worker.

Thank you,

Sincerely yours,

RALPH NADER.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WOLFF (at the request of Mr. NIX), for the week of August 11, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MATSUNAGA, for 10 minutes, today, to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. SEBELIUS), to revise and extend their remarks and include extraneous matter:)

Mr. ROBISON, for 5 minutes, today.

Mr. MORSE, for 60 minutes, on August 13.

(The following Members (at the request of Mr. STOKES) to revise and extend their remarks and include extraneous matter:)

Mr. TUNNEY, for 20 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. RYAN, for 25 minutes, today

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MCMILLAN and to include extraneous matter.

Mr. STEIGER of Wisconsin immediately following the President's message.

Mr. BROWN of Ohio immediately following the President's message.

---

* Chief Resident, Internal Medicine, Harlem Hospital, New York City.

Mr. BROCK, immediately following the President's message.

Mr. ADAIR in two instances and to include extraneous matter.

Mr. GROSS to revise and extend his remarks made today on H.R. 10420.

Mr. RANDALL in two instances and to include extraneous matter.

Mr. MILLER of California (at the request of Mr. STOKES), to revise and extend his remarks during his special order today, and to include extraneous matter.

(The following Members (at the request of Mr. SEBELIUS) and to include extraneous matter:)

Mr. SCHADEBERG.
Mr. HANSEN of Idaho.
Mr. SNYDER in three instances.
Mr. DON H. CLAUSEN.
Mr. NELSEN.
Mr. FULTON of Pennsylvania in five instances.
Mr. HOSMER in two instances.
Mr. POLLOCK in three instances.
Mr. FRELINGHUYSEN.
Mr. ROTH.
Mr. BROTZMAN.
Mr. TAFT.
Mr. ASHBROOK in three instances.
Mr. CHAMBERLAIN in two instances.
Mr. SPRINGER.
Mr. GUBSER.
Mr. SAYLOR in two instances.
Mr. DELLENBACK.
Mr. CLEVELAND.
Mr. WYLIE.
Mr. ROBISON.
Mr. O'KONSKI.
Mr. MICHEL.
Mr. ESCH.
Mr. SCHWENGEL in two instances.
Mr. MCDADE.
Mr. THOMPSON of Georgia.
Mr. BUSH.
Mr. LANDGREBE.
Mr. DERWINSKI in two instances.
Mr. RUPPE.
Mr. STEIGER of Wisconsin.
Mr. BROYHILL of Virginia.
Mr. DENNEY.

(The following Members (at the request of Mr. STOKES) and to include extraneous matter:)

Mr. LONG of Maryland in two instances.
Mr. FRASER in two instances.
Mr. GIAIMO.
Mr. CLAY in six instances.
Mr. PEPPER in three instances.
Mr. BROOKS.
Mr. ANDERSON of California.
Mr. BROWN of California in two instances.
Mr. COHELAN in five instances.
Mr. UDALL in eight instances.
Mr. MONTGOMERY.
Mr. TUNNEY.
Mr. CHAPPELL in two instances.
Mr. BINGHAM.
Mr. SIKES in five instances.
Mr. PICKLE.
Mr. CHARLES H. WILSON.
Mr. ANNUNZIO in five instances.
Mrs. CHISHOLM.
Mr. GONZALEZ in two instances.
Mr. PRYOR of Arkansas.
Mr. CONYERS in 10 instances.
Mr. BOGGS in 10 instances.
Mr. DULSKI in four instances.
Mr. WALDIE in four instances.
Mr. RYAN in three instances.
Mr. REUSS in eight instances.
Mr. BOLAND in two instances.
Mr. FEIGHAN in four instances.
Mr. ROYBAL in eight instances.
Mr. SCHEUER in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1108. An act to waive the acreage limitations of section 1(b) of the act of June 14, 1926, as amended, with respect to conveyance of lands to the State of Nevada for inclusion in the Valley of Fire State Park; to the Committee on Interior and Insular Affairs.

S. 1836. An act to amend the Federal Seed Act (53 Stat. 1275), as amended; to the Committee on Agriculture.

S. 1934. An act for the relief of Michel M. Goutmann; to the Committee on the Judiciary.

S. 2564. An act to amend the act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to authorize an additional amount for the acquisition of certain lands for such park; to the Committee on Interior and Insular Affairs.

ENROLLED JOINT RESOLUTION SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 864. Joint resolution to provide for a temporary extension of the authority conferred by the Export Control Act of 1949.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 912. An act to provide for the establishment of the Florissant Fossil Beds National Monument in the State of Colorado; and

S. 1611. An act to amend Public Law 85-905 to provide for a National Center on Educational Media and Materials for the Handicapped, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On August 7, 1969:

H.R. 1632. An act for the relief of Romeo de la Torre Sanano and his sister, Julieta de la Torre Sanano; and

H.R. 2336. An act for the relief of Adela Kaczmarski.

On August 11, 1969:

H.J. Res. 864. Joint resolution to provide for a temporary extension of the authority conferred by the Export Control Act of 1949.

ADJOURNMENT

Mr. STOKES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, August 12, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1040. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a report on exports of significant defense articles for the period July through December 1968, pursuant to the provisions of Public Law 90-629; to the Committee on Foreign Affairs.

1041. A letter from the Acting Secretary of the Army, transmitting reports of the number of officers on duty with Headquarters, Department of the Army, and detailed to the Army General Staff, on June 30, 1969, pursuant to the provisions of section 3031(c) of title 10, United States Code; to the Committee on Armed Services.

1042. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to provide a long-term financing for expanded urban public transportation programs, and for other purposes; to the Committee on Banking and Currency.

1043. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to establish a revolving fund for the development of housing for low- and moderate-income persons and families in the District of Columbia, to provide for the disposition of unclaimed property in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

1044. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to amend an act providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes, approved June 20, 1938, as amended; to the Committee on the District of Columbia.

1045. A letter from the Chairman, Commission on Obscenity and Pornography, transmitting an interim progress report on the work of the Commission; to the Committee on Education and Labor.

1046. A letter from the Secretary, Export-Import Bank of the United States, transmitting a report on the amount of Export-Import Bank insurance and guarantees issued in June 1969, in connection with U.S. exports to Yugoslavia, pursuant to the provisions of the Export-Import Bank Act of 1945, as amended, and the applicable Presidential determination; to the Committee on Foreign Affairs.

1047. A letter from the Chairman, Indian Claims Commission, transmitting a report that proceedings have been finally concluded with respect to docket No. 91, *The Havasupai Tribe of the Havasupai Reservation, Arizona, plaintiff*, v. *The United States of America, defendant*, pursuant to the provisions of section 21 of the Indian Claims Commission Act, as amended (60 Stat. 1055; 25 U.S.C. 70t); to the Committee on Interior and Insular Affairs.

1048. A letter from the President, Panama Canal Company, transmitting a report on claims paid by the Company during fiscal year 1969, pursuant to the provisions of section 3 of the Military Personnel and Civilian Employees' Claim Act of 1964; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII pursuant to the order of the House of August 7,

1969, the following bill was reported on August 8, 1969:

Mr. McMILLAN: Committee on the District of Columbia. H.R. 12982. A bill to provide additional revenue for the District of Columbia; with amendment (Rept. No. 91-463). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted Aug. 11, 1969*]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. **STAGGERS**: Committee on Interstate and Foreign Commerce. H.R. 13300. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes; with amendment (Rept. No. 91-464). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF THE COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. **WALDIE**: Committee on the Judiciary. H.R. 1782. A bill for the relief of Irving M. Sobin Co., Inc., and/or Irvin M. Sobin Chemical Co., Inc.; with amendment (Rept. No. 91-465). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 13420. A bill to provide for settlement of claims resulting from floods which occurred along Four Mile Run and its tributaries in Arlington County and the city of Alexandria, Va., during the period beginning July 21, 1969, and ending August 2, 1969; to the Committee on the Judiciary.

By Mr. DERWINSKI:

H.R. 13421. A bill to provide for the issuance of a special postage stamp in commemoration of the 50th anniversary of the League of Women Voters, on February 12, 1970; to the Committee on Post Office and Civil Service.

By Mrs. DWYER:

H.R. 13422. A bill to provide long-term financing for expanded urban public transportation programs, and for other purposes; to the Committee on Banking and Currency.

By Mr. FOLEY (for himself, Mr. Green of Pennsylvania, Mr. Lowenstein, Mr. Adams, Mr. Udall, Mr. Mikva, Mr. Tunney, Mr. Clay, Mr. Obey, Mr. Meeds, Mr. McCarthy, Mr. Rosenthal, Mr. Farbstein, Mrs. Hansen of Washington, Mr. Bingham, Mr. O'Hara, Mrs. Chisholm, Mr. Thompson of New Jersey, Mr. Dawson, Mr. Hicks, Mr. Smith of Iowa, Mr. Nedzi, Mr. William D. Ford, Mrs. Mink, and Mr. Conyers):

H.R. 13423. A bill to amend the Food Stamp Act of 1964, as amended, and for other purposes; to the Committee on Agriculture.

By Mr. GUBSER:

H.R. 13424. A bill to encourage the development of novel varieties of sexually reproduced plants and making them available to the public, by making protection available to those who breed, develop, or discover them, thereby promoting progress in the useful art of agriculture; to the Committee on Agriculture.

By Mr. HALPERN:

H.R. 13425. A bill to amend the Federal Trade Commission Act, as amended, by providing for temporary injunctions or restraining orders for certain violations of that act; to the Committee on Interstate and Foreign Commerce.

By Mr. KUYKENDALL:

H.R. 13426. A bill to amend certain provisions of the Federal Food, Drug, and Cosmetic Act; to the Committee on Interstate and Foreign Commerce.

By Mr. MATSUNAGA:

H.R. 13427. A bill to amend title 5, United States Code, to correct inequities with respect to the overtime, night, holiday, and Sunday pay of certain employees of executive agencies performing inspection, quarantine, immigration, and other control and regulatory services at points of entry into the United States, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MOSS:

H.R. 13428. A bill to create a Federal Insurance Guaranty Corporation to protect the American public against certain insurance company insolvencies; to the Committee on Banking and Currency.

By Mr. OTTINGER:

H.R. 13429. A bill to establish a national policy and program with respect to wild predatory mammals, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. POLLOCK:

H.R. 13430. A bill to authorize the establishment of the Old Kodiak National Historic Site in the State of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 13431. A bill to permit all compensation paid at regular rates to certain employees of the Alaska Railroad to be included in the computation of their civil service retirement annuities; to the Committee on Post Office and Civil Service.

By Mr. ROGERS of Florida:

H.R. 13432. A bill to amend the Public Health Service Act to extend the program of assistance for health services for migrant agricultural workers, to provide assistance for health services for other seasonal agriculture workers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROTH:

H.R. 13433. A bill to adjust agricultural production, to provide a transitional program for farmers, and for other purposes; to the Committee on Agriculture.

By Mr. STEIGER of Arizona:

H.R. 13434. A bill to provide for the disposition of judgment funds on deposit to the credit of the Hualapai Tribe of the Hualapai Reservation, Ariz., in Indian Claims Commission dockets Nos. 90 and 122, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of Texas:

H.R. 13435. A bill to provide for the award of a Congressional Space Medal to astronauts and others for significant contributions or outstanding achievements in the national space program; to the Committee on Science and Astronautics.

By Mr. TEAGUE of Texas (by request):

H.R. 13436. A bill to amend section 902 of title 38, United States Code, to eliminate certain duplications in Federal benefits now payable for the same, or similar, purpose; to the Committee on Veterans' Affairs.

H.R. 13437. A bill to repeal the savings provision of Public Law 90-493 protecting veterans entitled to disability compensation for arrested tuberculosis; to the Committee on Veterans' Affairs.

H.R. 13438. A bill to include railroad retirement benefits as income of veterans for Veterans' Administration pension; to the Committee on Veterans' Affairs.

By Mr. VIGORITO:

H.R. 13439. A bill to regulate interstate commerce by amending the Federal Food, Drug, and Cosmetic Act to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes, for the inspection of fish and fishery products, and for cooperation with the States in the regulation of intrastate commerce with respect to State fish inspection programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES H. WILSON:

H.R. 13440. A bill to provide more efficient and convenient passport services to citizens of the United States of America; to the Committee on Foreign Affairs.

By Mr. WINN:

H.R. 13441. A bill to permit expenditures in connection with certain facilities in Kansas City, Kans., to be counted as local grants-in-aid to federally assisted urban renewal projects and neighborhood development programs in Kansas City, Kans.; to the Committee on Banking and Currency.

By Mr. BROTZMAN:

H.R. 13442. A bill to amend the Higher Education Act of 1965 to authorize Federal mortgage adjustment payments to lenders with respect to insured student loans when necessary, in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education; to the Committee on Education and Labor.

By Mr. CELLER (for himself, Mr. Bingham, Mr. Button, Mr. Carey, Mr. Gilbert, Mr. Hastings, Mr. Horton, Mr. King, Mr. Koch, Mr. McKneally, Mr. Ottinger, Mr. Reid of New York, Mr. Robison, and Mr. Smith of New York):

H.R. 13443. A bill granting the consent of Congress to the Connecticut-New York railroad passenger transportation compact; to the Committee on the Judiciary.

By Mrs. CHISHOLM:

H.R. 13444. A bill to amend title 38, United States Code to increase the amount payable on burial and funeral expenses; to the Committee on Veterans' Affairs.

H.R. 13445. A bill to amend title 38 of the United States Code in order to provide for the payment of an additional amount of up to $100 for the acquisition of a burial plot for the burial of certain veterans; to the Committee on Veterans' Affairs.

By Mr. FINDLEY:

H.R. 13446. A bill to amend title II of the Social Security Act to increase to $3,000 the annual amount individuals are permitted to earn without suffering deduction from the monthly insurance benefits payable to them under such title; to the Committee on Ways and Means.

H.R. 13447. A bill to amend title II of the Social Security Act to provide cost-of-living increases in the insurance benefits payable thereunder; to the Committee on Ways and Means.

By Mr. HÉBERT (for himself and Mr. Boggs):

H.R. 13448. A bill to authorize the exchange, upon terms fully protecting the public interest, of the lands and buildings now constituting the U.S. Public Health Service hospital at New Orleans, La., for lands upon which a new U.S. Public Health Service hospital at New Orleans, La., may be located; to the Committee on Interstate and Foreign Commerce.

By Mr. HICKS:

H.R. 13449. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. KARTH:

H.R. 13450. A bill, Water Bank Act; to the Committee on Merchant Marine and Fisheries.

By Mr. McCLURE:

H.R. 13451. A bill to authorize the sale of silver dollars remaining in the U.S. Treasury; to the Committee on Banking and Currency.

By Mr. MATSUNAGA (for himself, Mr. Holifield, Mr. Pollock, Mr. Brown of California, Mr. Corman, Mr. Hawkins, Mr. McCloskey, Mr. McFall, Mr. Miller of California, Mr. Van Deerlin, Mr. Diggs, Mr. Dingell, Mr. Esch, Mrs. Griffiths, Mr. Blatnik, Mr. Fraser, Mr. Olsen, Mr. Adams, Mr. Foley, Mrs. Hansen of Washington, Mr. Meeds, Mr. Kastenmeier, Mr. Obey, Mr. Reuss, and Mr. Zablocki):

H.R. 13452. A bill to repeal the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950); to the Committee on Internal Security.

By Mr. MATSUNAGA (for himself, Mr. Holifield, Mr. Addabbo, Mr. Biaggi, Mr. Bingham, Mr. Button, Mrs. Chisholm, Mr. Dulski, Mr. Fish, Mr. Gilbert, Mr. Halpern, Mr. Koch, Mr. Lowenstein, Mr. McCarthy, Mr. Reid of New York, Mr. Ryan, Mr. Wolff, Mr. Dent, Mr. Gaydos, Mr. Morgan, Mr. Nix, Mr. Rooney of Pennsylvania, Mr. Vigorito, Mr. Yatron, and Mr. Kyros):

H.R. 13453. A bill to repeal the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950); to the Committee on Internal Security.

By Mr. MATSUNAGA (for himself, Mr. Holifield, Mr. Fascell, Mr. Gibbons, Mr. Pepper, Mr. Smith of Iowa, Mr. Friedel, Mr. Gude, Mr. Hungate, Mr. Symington, Mr. Ashley, Mr. Latta, Mr. Taft, Mr. Steed, Mr. Anderson of Tennessee, Mr. Brooks, Mr. Eckhardt, Mr. Purcell, Mr. Wright, Mr. Young, Mr. Hechler of West Virginia, Mr. Kee, Mr. Mollohan, Mr. Slack, and Mr. Staggers):

H.R. 13454. A bill to repeal the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950); to the Committee on Internal Security.

By Mr. MATSUNAGA (for himself, Mr. Holifield, Mr. Derwinski, Mr. Gray, Mr. Kluczynski, Mr. Mikva, Mr. Price of Illinois, Mr. Pucinski, Mr. Ronan, Mr. Yates, Mr. Brademas, Mr. Madden, Mr. Boland, Mr. Burke of Massachusetts, Mr. Conte, Mr. Philbin, Mr. Daniels of New Jersey, Mr. Howard, Mr. Joelson, Mr. Minish, Mr. Patten, Mr. Rodino, and Mr. Hanley):

H.R. 13455. A bill to repeal the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1959); to the Committee on Internal Security.

By Mr. MOORHEAD:

H.R. 13456. A bill to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health; to the Committee on Interstate and Foreign Commerce.

By Mr. ST. ONGE:

H.R. 13457. A bill to establish a national policy program with respect to wild predatory mammals, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SANDMAN:

H.R. 13458. A bill to amend the Manpower Development and Training Act of 1962 to provide for programs of job training and education of inmates of correctional institutions; to the Committee on Education and Labor.

By Mr. STAGGERS:

H.R. 13459. A bill to protect the privacy of the American home from the invasion by mail of sexually provocative material, to prohibit the use of the U.S. mails to disseminate material harmful to minors, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. TUNNEY:

H.R. 13460 A bill to amend the Community Mental Health Centers Act to authorize a program of assistance for treatment centers for young drug abusers; to the Committee on Interstate and Foreign Commerce.

H.R. 13461. A bill to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. EDMONDSON (for himself, Mr. Albert, and Mr. Camp):

H.R. 13462. A bill to amend the act of August 25, 1959, with respect to the final disposition of the affairs of the Choctaw Tribe; to the Committee on Interior and Insular Affairs.

By Mr. WIDNALL (for himself, Mr. Wydler, and Mr. Adair):

H.R. 13463. A bill to provide long-term financing for expanded urban public transportation programs, and for other purposes; to the Committee on Banking and Currency.

By Mr. GONZALEZ:

H.J. Res. 872. Joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

By Mr. MYERS:

H.J. Res. 873. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. CLEVELAND (for himself and Mr. Gerald R. Ford):

H. Con. Res. 316. Concurrent resolution providing for the printing of additional copies of the "Eulogies on Dwight David Eisenhower"; to the Committee on House Administration.

By Mr. DANIELS of New Jersey (for himself, Mr. Joelson, Mr. Patten, Mr. Rogers of Colorado, Mr. Gallagher, Mr. Thompson of New Jersey, Mr. Gaydos, and Mr. Burton of California):

H. Con. Res. 317. Concurrent resolution expressing the sense of Congress relating to films and broadcasts which defame, stereotype, ridicule, demean, or degrade ethnic, racial, and religious groups; to the Committee on Interstate and Foreign Commerce.

By Mr. SIKES:

H. Con. Res. 318. Concurrent resolution expressing the sense of the Congress with respect to the elimination of the Castro-Communist regime of Cuba; to the Committee on Foreign Affairs.

By Mr. DELLENBACK (for himself, Mr. Brown of California, Mr. Halpern, Mr. Hechler of West Virginia, Mr. Hungate, Mr. Leggett, Mr. Pollock, Mr. Brademas, Mr. Riegle, Mr. Ruppe, and Mr. Williams):

H. Res. 519. Resolution providing for the transmissions of proceedings of the House by means of closed-circuit television to offices of Members of the House; to the Committee on Rules.

By Mr. PEPPER:

H. Res. 520. Resolution expressing the sense of the House with respect to the establishment of youth advisory councils to inform the departments and agencies of the Federal Government of the opinions and viewpoints of the Nation's youth; to the Committee on Government Operations.

By Mr. ROSENTHAL:

H. Res. 521. Resolution, United Nations Conventions on Human Rights; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

250. By the SPEAKER: Memorial of the Legislature of the State of California, relative to the New Melones Dam and Reservoir project; to the Committee on Appropriations.

251. Also, memorial of the Legislature of the State of California, relative to community development; to the Committee on Banking and Currency.

252. Also, memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to establishment of a mass transit fund; to the Committee on Banking and Currency.

253. Also memorial of the Legislature of the State of California, relative to oil drilling; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CHAPPELL:

H.R. 13464. A bill to authorize the conveyance of the mineral rights and interests of the United States in certain real property to Jesse W. Yawn; to the Committee on Interior and Insular Affairs.

By Mr ECKHARDT:

H.R. 13465. A bill for the relief of George V. Vincin; to the Committee on the Judiciary.

By Mr. FASCELL:

H.R. 13466. A bill for the relief of Giulio de Nicolais; to the Committee on the Judiciary.

By Mr. MIKVA:

H.R. 13467. A bill for the relief of Puducode Subramaniam Balasubramania Sarma; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 13468. A bill for the relief of Paul Koller; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.R. 13469. A bill for the relief of John R. Gosnell; to the Committee on the Judiciary.

By Mr. WALDIE:

H.R. 13470. A bill for the relief of Mr. Loo Kay Choo; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

209. By the SPEAKER: Petition of Allan Feinblum, New York, N.Y., relative to Armed Forces chaplains; to the Committee on Armed Services.

210. Also, petition of Julie Price, and others, Bartlesville, Okla., relative to permitting girls to serve as pages in Congress; to the Committee on House Administration.

211. Also, petition of Clarence Martion, Sr., Washington, D.C., relative to redress of grievances; to the Committee on the Judiciary.

212. Also, petition of Henry Stoner, York, Pa., relative to establishment of a Committee on Petitions; to the Committee on Rules.

SENATE—*Monday, August 11, 1969*

The Senate met at 10 o'clock a.m. and was called to order by the Acting President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Descend upon us, O Thou eternal and unchangeable spirit, that we may have a vivid sense of Thy presence with us this day. Take the dimness of our souls away. Make luminous our inner being by Thy light and Thy truth that our lives may glow with a new luster. Because we are aware of Thy presence, help us, O Lord, to deal justly with each other, and to walk humbly with Thee. Help us, we beseech Thee, "to love mercy, to cleave to that which is good, to be kindly affectionate one to another with brotherly love, in honor preferring one another, not slothful in business, fervent in spirit, rejoicing in hope, continuing in prayer, and overcoming evil with good." When the day is done, may we have the sacred memory that we have lived and moved and had our being in Thee, and at night may we rest in peace.

Through Jesus Christ, our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, August 8, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes, after the speeches of the distinguished Senator from West Virginia (Mr. Randolph) and the distinguished Senator from Kansas (Mr. Pearson).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—PUBLIC HEALTH SERVICE

The bill clerk proceeded to read sundry nominations in the Public Health Service which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this afternoon, it stand in adjournment until 10 o'clock tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from West Virginia (Mr. Randolph) is recognized.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. RANDOLPH. I am happy to yield to the distinguished Senator from Vermont.

Mr. AIKEN. I thank the distinguished Senator from West Virginia for yielding.

EFFECT OF THE TAX REFORM BILL ON FARM COOPERATIVES

Mr. AIKEN. Mr. President, I am deeply concerned over a provision in the House tax reform bill which adversely affects farm cooperatives.

This provision will not raise any additional revenues.

It will not benefit any sector of the economy.

It is a punitive provision, pure and simple.

Worst of all, it is discriminatory, for it would require farmer cooperatives to pay 50 percent of their patronage refunds in cash while business corporations can pay their dividends entirely in stock or other noncash form.

Mr. President, there is no reason for such a provision to be included in a tax reform bill.

The purpose of tax reform is to close some of the loopholes that allow wealthy individuals and large corporations to escape paying their fair share of the taxes.

The other purpose is to bring tax relief to taxpayers in the low- and middle-income brackets—persons who are carrying too large a share of the tax load.

The law at present requires cooperatives to pay 20 percent of their patronage refunds in cash, while the balance may be applied to a revolving reserve. The provision in the new House bill would raise this to 50 percent.

Cooperatives require working capital and reserves just like any other business.

I know about this from long experience with the dairy cooperative movement in New England.

They need capital to guarantee the milk checks of dairy farmers.

They need capital to offset the bankruptcy of a milk company.

This cash comes from the reserve funds, Mr. President.

This reserve is absolutely essential if our cooperatives are going to stay in business and our farmers are going to stay on the farm.

Today we are concentrating, understandably, on the rapidly growing urban America.

But we must not forget that the people in the cities have to have food to eat and milk to drink and clothes to wear.

We must provide incentives to keep people on the farm, and we must not go out of our way to punish them with arbitrary, dictatorial and totally unnecessary penalties such as the provision I have cited in the new tax reform bill.

I sincerely hope that the Senate Finance Committee, in its wisdom, will not include this section in the bill they report to the Senate.

Mr. President, I ask unanimous consent that three letters I have received from dairy cooperative organizations, and a press release I issued recently, be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

United Farmers
of New England, Inc.,
Boston, Mass., August 4, 1969.

Senator George D. Aiken,
U.S. Senate Office Building,
Washington, D.C.

Dear George: Your opposition to the tax proposal covering cooperatives is most appreciated. As agreed during this morning's telephone converation, the proposed legislation would do nothing to increase tax revenues and would seriously impair the financial strength of cooperatives.

To the best of my knowledge, nearly all cooperatives are financed in large part by retained earnings or rotating capital. In addition, most cooperatives have a certain amount of their capital originating from the sale of stock.

Here in United Farmers, we have a net worth of approximately 2½ million dollars. About 40% of this represents capital stock and the other 60%, earnings of previous years plowed back into the business.

Under the present law, we are allowed to retain earnings providing 20% of the resulting allocations are paid to our members in cash. Our individual members pay on the full allocation according to their individual tax bracket. Under the proposed regulation, 50% of retained earnings would have to be paid out in cash and the member would continue to pay on his full allocation according to his individual tax bracket. The net result would be that United Farmers would have 30% less money to plow back into the business and the total taxes paid by our individual members would remain unchanged.

The ability of our organization to invest in needed facilities in order to remain competitive would be seriously impaired.

I completely agree with you that the objective of the proposed legislation is not to increase tax payments, but to undermine the basic strength of cooperatives.

At various times we have considered possibilities of adopting a system of rotating capital. In a recent study done by the Farmer Cooperative Services of the United States Department of Agriculture involving the possible merger sale of six of our Vermont cooperatives, the adoption of rotating capital was strongly advised as long as such capital did not have a definite due date. It represents an investment. If, as the proposed legislation provides, such rotating capital had a definite due date, it becomes a debt of the business. Under such conditions, I doubt if there would be any bank including the Springfield Bank for Cooperatives that would lend us a lead nickel. It would, in my opinion, pretty definitely block some most promising cooperative mergers in this area and undoubtedly the same situation would prevail in other sections of the country.

Thanks again for your very helpful interest in this matter.

Sincerely yours,

STANLEY W. BEAL,
General Manager.

NEW ENGLAND MILK PRODUCERS' ASSOCIATION,
Boston, Mass., July 31, 1969.

Hon. GEORGE D. AIKEN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR AIKEN: The tax proposal as recommended by the Treasury Department to the House Ways and Means Committee certainly was a surprise to us. As you know, our revolving funds serve as capital to provide financing for the cooperative for capital assets. The percentage refund of 20% is about all that can be paid back and still build reserve funds to operate the cooperative.

For your information, New England Milk Producers' Association guarantees that producers will be paid the blend price for their milk, and, last year, there were three bankruptcies by different corporations, and the association paid out over $600,000 to dairy farmers.

The Whiting Milk Company was in bankruptcy approximately five years ago and, at that time, the association paid out $125,000 to dairy farmers as well as loaning another cooperative—Northern Farms—another $100,000 for payment to their producers.

We have paid back three-quarters of a million dollars already in revolving funds. There would be no tax revenue if the revolving funds were tampered with. This is a financial tool that farmers have, and is important, as you know, in running the cooperative and should not be tampered with at this time.

I certainly would appreciate anything that you can do to prevent this recommendation.

Respectfully yours,

JOHN S. ADAMS,
General Manager.

NATIONAL MILK PRODUCERS FEDERATION,
Washington, D.C., August 4, 1969.

Hon. GEORGE D. AIKEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR AIKEN: I want to express deep gratification—on behalf of the member cooperatives of National Milk Producers Federation across the nation—for your strong opposition to recommendations by the Ways and Means Committee to change the tax treatment of cooperatives.

Under the committee recommendation, cooperatives would be required to increase current cash payment of patronage refunds from the 20 percent required by the 1962 amendment to 50 percent. The increase would be in stages over a 10-year period. The additional 30 percent could be paid on current patronage refunds or could be used to retire previously allocated patronage refund certificates. The proposal would also require patronage refunds not currently paid in cash, but held in revolving funds, to be paid in cash to patrons within 15 years.

In addition, per-unit retains for capital will be required to be revolved within 15 years.

The proposed changes will not increase Federal revenue from cooperatives or from their patrons. They are, therefore, apparently designed to impair the effectiveness of agriculture cooperatives.

The proposed changes are to be opposed for the following reasons:

(1) The Federal tax laws should not be used to regulate the internal operations of farmers marketing associations.

(2) The changes would undermine the financial structure of cooperatives by changing equity capital to debt and through the limitation on the length of time equity capital could be used.

(3) Under the proposed changes, the ability of cooperatives to acquire additional capital by lengthening the revolving period or by increasing the amount retained would be seriously impaired.

(4) The imposition of a due date on patronage refund certificates or upon per-unit capital retains changes equity capital into debt, thereby limiting the ability of the cooperative to acquire and use borrowed capital.

Dairy farmers have demonstrated their ability over many, many years to develop, finance, and operate cooperative associations, which have proved to be of great value to dairy farmers, without restraints imposed by the Federal government. These farmers have demonstrated their ability to operate their cooperatives in their own best interest and also in the public interest; therefore, their business judgment should not be dictated by tax laws.

We, as representatives of dairy farmers and their cooperatives, warmly commend you for your leadership in this cause. Moreover, we sincerely hope that you can acquaint other members of Congress with the need for their support. It is our hope that they will join you in opposing the proposed change in the tax treatment of cooperatives.

Sincerely,

PATRICK B. HEALY,
Secretary.

FARM COOPERATIVE REFUNDS

Senator George D. Aiken today attacked the House Ways and Means Committee proposal to tax farm cooperative refunds.

He said the plan won't add a dollar to tax revenues but will seriously limit the cooperatives' ability to borrow money.

"Worst of all, the proposal is discriminatory," Senator Aiken charged.

"Congress has never required corporations to pay their dividends in cash. Many corporations pay them in stock or other non-cash forms."

At present the law requires cooperatives to pay 20 percent of their patronage refunds in cash, but under the House Committee proposal this would be increased to 50 percent.

"The Committee proposal would be like cutting off a dog's tail by inches over the next 10 years, for there is a graduated percentage increase—from 20 percent this year to 23 percent next year and so on over the next ten years. At the end of that time the cooperatives would have to pay 50 percent of their refunds in cash," the Senator explained.

This would seriously reduce the cooperatives' ability to generate capital for vitally needed expansion. It would also deny them the capital necessary to guarantee the farmers' milk checks when a milk company goes bankrupt."

"I understand this proposal, in even more drastic form, was recommended by Treasury. On the other hand, I expect the Agriculture Department to come out strongly against any such destructive proposal."

Senator Aiken is known as one of the leading advocates of the farm cooperative movement. Throughout his public career he has advocated large farm cooperatives to give the farmers bargaining strength in the marketplace.

Dairy cooperatives in New England have had his support since the Great Depression of the 1930s when the price of a quart of milk dropped to a nickel. It was after that experience that New England dairy farmers saw the need for cooperatives.

SENATOR RANDOLPH REFUTES CRITICS

Mr. RANDOLPH. Mr. President, shortly after the recess of the Senate, in early September, the Committee on Labor and Public Welfare will bring into this Chamber proposed legislation of landmark proportions which, if passed in approximately the form of the reported measure—perhaps it can be improved in the Senate itself—will bring additional health and safety protection to the local miners who produce this fuel which is so necessary in our economy.

I speak today in reference to certain situations that have developed in my State of West Virginia and in contiguous States in the bituminous coal mining regions of this country.

The people of these coal mining regions in West Virginia, Virginia, and Kentucky, especially the miners and independent operators, are being misled and misinformed by biased persons who are issuing distorted statements concerning the Senate's bill which will deal with improved health and safety conditions for the miners.

Mr. President, it is a time when extremists are abroad in our hill and valley countryside. These extremists are overloading their speeches—there are many—with exaggerations and nonfacts. I refer particularly to comments by a Charleston, W. Va., physician, Dr. Isadore Buff. He is a spokesman for a self-appointed committee of physicians. I refer, also, to Arch Alexander, of Charleston, W. Va. He is a spokesman for the National Independent Coal Operators Association. I include, as well, a recent statement by Cloyd McDowell, of Harlan, Ky., a spokesman for another independent coal operators' group.

Dr. Buff is declaring that the Committee on Labor and Public Welfare has produced a good health and safety measure but the Senator RANDOLPH "tried to kill the bill and tried to weaken the benefits in it for coal miners." On the other hand, the independent operators take the opposite view in a charge leveled by Alexander that I stood by and let this piece of legislation be passed in our committee, and that I failed to raise my voice against the provisions of the bill that they believe are bad. So, a good bill for Dr. Buff is a bad bill for Messrs. Alexander and McDowell and darts are aimed at the Senator from West Virginia by both these extremist points of view.

I ordinarily would not speak in the Senate on a matter of this kind. However, Mr. President, I wish to remind Senators that West Virginia is the leading coal-producing State of the Union. We have more miners—approximately 43,000—gainfully employed today than in any other coal-producing State. For this reason coal is very vital to our economy.

I have taken this time to discuss these matters rather than when the legislation comes to the floor of the Senate, and when I and other members of the Committee on Labor and Public Welfare, including the Senator from New Jersey (Mr. WILLIAMS), chairman of the Subcommittee on Labor, will discuss the provisions of this legislation.

I say very quietly but very honestly that Dr. Isadore Buff and Mr. Arch Alexander are both wrong. JENNINGS RANDOLPH did not miss one of the lengthy and complex hearings. The hearings ran for many, many weeks, and I was there to listen to the testimony of all who came to counsel with us. When the hearings were concluded and we met as a subcommittee to consider the actual language of the legislation, I was present at every subcommittee meeting. Also, after we reported the legislation to the full committee I was present at every meeting. In the executive sessions, the members of the committee labored diligently to bring to the Senate at least by the middle of September, and I hope before that, this legislation. If enacted into law, it will provide a strong, effective, and workable program which will benefit the health and safety of miners without destroying the coal industry and also without damaging extensively many, many coal-related programs which are part of the industrial complex of this country.

If the Senate bill at the beginning was not a perfect measure, this is understandable. If anything close to the Senate committee bill becomes law, the cost to coal mine operators to achieve compliance will be heavy. Make no mistake about it. I also want it understood that benefits to miners in better occupational health and safety conditions will and should be considerable. Some mines—but probably only a few—will not be able to survive the costs and remain economically feasible operations. And miners' health and safety may not be enhanced as much as some of the more emotional advocates of legislation have predicted.

However, I am confident that the comments of Mr. McDowell in a July 31 press release are gross exaggerations when he asserts that the bill will eliminate dangers to the health and safety of coal miners by eliminating the coal mines. Of course, that will not be the result. He implies destruction of the entire coal industry. There will be some dislocation and probably some losses of coal production for a time during adjustment to the safety regulations and health provisions of a new law. Production losses may adversely affect the steel industry and the electric utilities and be reflected in higher rates to consumers.

How much of this the economy will be able to stand, naturally, causes me concern, as it would concern other Members of this body.

Isadore Buff and other advocates of unrealistic health and safety provisions, and the Alexander-McDowell position of health and safety without added costs or operator sacrifices are irreconcilable extremes.

We have attempted to avoid just what these two extreme groups have indicated we have not avoided. We bring here a reasonable and responsible landmark in legislation dealing with a very, very important subject. After months of work by the subcommittee and then the full committee, we reported a much revised version of a mine health and safety bill. We considered, we debated, we negotiated, and we voted within the committee since February to develop a strong, effective, and workable measure. We have done that. Thus, we have an end product which is the distillate of eight separate coal mine health and safety bills.

Three of those bills I introduced for the consideration of the subcommittee and the committee.

Certainly I do not know of anyone who is conversant with the facts who claims the legislation that will come to the floor of the Senate is a perfect measure. Certainly I do not label it perfect, but it met the needs of the urgent problem. This legislation was on my motion, reported unanimously by the committee and will come to the Senate in a few weeks.

The interpretations being given in these speeches, press releases, and statements by Buff, Alexander, and McDowell, I have to speak about today because they move about our countryside, and they distort not only the content of legislation but, also, what they allege were my actions within the subcommittee and the committee. I say this kindly but I say it earnestly: These men do not understand, or do not wish to understand the legislative process under which bills are considered and developed.

Isadore Buff charges that I attempted to kill the bill by introducing one bill in committee. I introduced three bills for the consideration of the committee. They took different viewpoints and they approached the matter in different ways. That is understandable. When he makes the statement that I meant to kill the bill, that is not true. All of these three were introduced "in the light of day" and were referred to the Labor and Public Welfare Committee.

The Senator from New Jersey (Mr. WILLIAMS) introduced, as I did, three bills. They were referred to the committee.

The Senator from New York (Mr. JAVITS), and the Senator from Kentucky (Mr. COOK) each introduced a bill and they were referred to our committee.

Very properly, and understandably, the Senator from New Jersey (Mr. WILLIAMS) chose one of the bills as a vehicle to bring forth the amendments and the legislation itself to the floor.

After receiving counsel from many persons, I felt that some of the provisions of my bills were good; and some, I am frank to say, were less than responsive than provisions in the measures by the Senators from New Jersey, New York, and Kentucky.

In the subcommittee and full committee these matters were discussed and all points of view, including those of the Department of Interior and Bureau of Mines of the Johnson and Nixon administrations, United Mine Workers of America, an organization of coal mine inspectors of coal-producing States, and coal producers associations, were heard, as well as individual Senators.

I have spoken about West Virginia as the leading coal-producing State in the Nation. Its economy is geared largely to the ups and downs of a coal economy.

Thus, it was my responsibility to urge during the hearings and the executive sessions that we deliberate across the board on the potential impact of the legislation we had under study.

It was my duty to see that the viewpoints and recommendations of all sides—labor, management, government, and the public—were given careful consideration.

It was complex legislation. I knew that all points of view certainly could not be fully accommodated on all the points at issue; but at least we could make an attempt to understand the points of view. It is very important not to polarize our thinking, to say an answer is there, or it is there in writing legislation which will be a composite and a distillate of the various points of view.

Accordingly, we hope to improve the health and safety conditions for workers in the underground mines. There are 3,800 such mines in the United States operating today, and I have never lost sight of that fact. I repeat that we have to have effective legislation and it has to be motivated by an understanding of the problems. That, I believe, is the legislative process at work. That is the dialog of democracy, regardless of whether we wear the label of Republican or Democrat, liberal or conservative.

I only wish that Isadore Buff, Arch Alexander, Cloyd McDowell, and others, on both sides of this issue, could really understand this process. I want them to understand.

I hope they will take the remaining weeks before the legislation is brought here to become cognizant of the facts.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated August 9, 1969, which I wrote to Dr. Buff in Charleston, W. Va.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON LABOR
AND PUBLIC WELFARE,
Washington, D.C., August 9, 1969.
Dr. I. E. BUFF,
Charleston, W. Va.

MY DEAR DOCTOR: In 25 years of public life I have believed in and followed the principle of open discussion of questions of importance to our State and Nation. In my service in the House of Representatives and Senate I have been involved in many such debates. I always welcome them as an important part of the democratic process.

I would prefer, of course, that my opponents be swayed by the weight of my arguments and join in support of my viewpoint. At the same time I realize that it is not always attainable goal and am willing to accept the fact that there always will be differences of opinion.

I cannot, however, allow attacks on me that are based on half-truths, innuendo and disregard of the facts, to stand unchallenged. I very much regret your recent public statements of my activities concerning coal mine health and safety legislation. The most recent instance is your speech at Charmco, West Virginia, on August 2, 1969, as reported in the Raleigh *Register* and Beckley *Post-Herald*.

The broad generalities and misstatements of fact attributed to you in recent months must be answered to avoid giving them an appearance of truth by permitting their repetition without challenge.

I agree with you on one point, that my record should be examined. My advocacy of coal mine legislation goes back to 1941 when the first Federal coal mine safety act was passed. At that time I was chairman of the Subcommittee on Coal of the House Committee on Mines and Mining, which had a major responsibility for this legislation. I laid before the House a discharge petition to bring the bill to a vote.

I was not a member of the Congress in 1952 when the law was revised, but I was deeply involved in the 1965 and 1966 action that resulted in extension of its coverage to small mines, those employing fewer than 15 men. This was a big step since a significant proportion of West Virginia's miners work in small mines. *At that time, Senator Wayne Morse, manager of the bill, said: "Without his* (**Randolph**) *expertise . . . the bill in its present form would not be before the Senate today."*

As to this year, I cannot see how my concern for improved mine health and safety can be seriously questioned. As the ranking Democratic member of the Subcommittee on Labor and its parent Committee on Labor and Public Welfare I participated in the writing of comprehensive new legislation of importance to the people of West Virginia. I did not miss a single hearing or executive meeting of either the subcommittee or the full committee.

By your own admission, the bill reported to the Senate by the committee is a good one. As to my own role, I call your attention to a letter I received on August 4 from *Senator Harrison A. Williams, Jr., Chairman of the Labor Subcommittee, in which he said: "I reiterate my special thanks to you for all of your efforts these past several months in our legislative consideration of Coal Mine Health and Safety."*

Your claim that I tried to weaken the bill has no basis in fact. The bill unanimously reported by the committee, on my motion, is a much refined document, containing some features of each of the eight bills pending before us. There are provisions of the legislation subject to further improvement, and I am sure there will be extensive debate on them in both the Senate and House.

Three of these bills, incidentally, were introduced by me. You complain only of one of them, conveniently ignoring the others. I repeat what I said before that this package of proposals was introduced to place a variety of ideas before the committee. I took no firm stand that any of these measures was the definitive version of mine health and safety legislation that I would like to see passed.

If you have any familiarity, with the legislative process, you know that there are many changes, involving considerable give and take by the responsible parties, before any major bill is completed. It would be naive to suggest that further changes are unlikely, for the effort to pass a good health and safety bill is not completed.

I do not owe primary allegiance to the mine operators. My first loyalty in these matters is to the people of the State of West Virginia, who have demonstrated their trust by electing and reelecting me to the responsible office I hold. I represent mine operators only in the sense that they are citizens of West Virginia and are entitled to be heard just as are miners, bankers, farmers, factory workers or small businessmen.

I have never ignored any segment of my constituency in West Virginia, for together they all compromise the total State which is my primary concern.

I listened to the health and safety views of the operators just as I did the opinions of many others, including yourself. Exposure to as much information as possible and to a wide range of interpretations is essential for the intelligent consideration of legislation as complex as this.

Your only contribution was limited to a single, rather hectic appearance before the subcommittee. Since then you have confined your activities to frenetic public statements and personal attacks. Discussion of the issues is healthy, but your careless accusations have strayed from both the issues and the facts.

I regret that a person with your announced dedication to the cause of better mine health and safety has not made a more meaningful contribution to the legislative process. Your background as a physician and experience as an advocate would have been given proper consideration had you ever sought to discuss them with me. Unfortunately, you chose instead the path of reckless demands and loose accusations.

Your criticism of me concerning other legislation is likewise baffling. The Air Quality Act of 1967 came from the Public Works Committee, of which I am Chairman, and the Subcommittee on Air and Water Pollution, headed by Senator Edmund S. Muskie. It was passed by unanimous votes in both the Senate and House. The Act is generally considered landmark legislation that when fully implemented will do much to reduce the level of air pollution in the United States. Senator Muskie said in the Senate in May of this year: "No one should suggest that the chairman of the Senate Committee on Public Works has weakened the Air Quality Act. He has cooperated with the chairman of the subcommittee and he has given his enthusiastic support to the Air Quality Act. He has played a constructive role in its development. *The results of that act will be a credit to him and to the committee he leads.*"

As for the medicare program, I spoke in the Senate in support of it and voted on rollcall for the bill which was enacted into law. For a detailed explanation, see the enclosed memorandum.

Finally, I recognize and endorse your right to support anyone you choose for election to any public office. I regret that you do not consider me a worthy recipient of your vote if I should seek another term. I am confused, however, by your political endorsement, inasmuch as it was only a few weeks ago that you were reported critical of an office-seeking associate for injecting politics into the health and safety campaign.

Truly,

JENNINGS RANDOLPH.

ORDER OF BUSINESS

The **ACTING PRESIDENT** pro tempore. In accordance with the previous order, the distinguished junior Senator from Kansas (Mr. PEARSON) is recognized for 30 minutes.

THE MILITARY-INDUSTRIAL COMPLEX

Mr. PEARSON. Mr. President, a great deal has been said and written about the military-industrial complex since President Eisenhower's historic farewell speech in January 1961. As the volume of military expenditures has increased, the voices of concern have multiplied. And in recent months it has become the subject of a heated and far-ranging national debate.

There are some who see the military-industrial complex as a cabal of willful men and powerful interests controlling the Nation's defense machinery solely for the purposes of self-aggrandizement and profit: a group whose power and influence is so great and so far reaching that it dominates the entire Government, eroding liberty at home and perpetuating wars abroad.

While some of these charges are advanced by sincere and well intentioned individuals, they are, for the most part, the product of sensationalism and radical propagandizing. The captains of our industries and the commanders of our armies do not constitute a demonic clique hellbent on securing war profits and replacing civilian democracy with martial authoritarianism.

But to say as much is by no means to deny the fact that the existence of the military-industrial complex does indeed pose problems of great and serious magnitude. For, while the individuals and interests which make up the complex may not be devils, neither are they angels. And given the magnitude and complexity of today's defense establishment, one could safely ignore its dangers only if it were in fact commanded by angels rather than ordinary men.

Many have written of these dangers, but few have spoken with the cogency and authority of General Eisenhower. I want to quote him at some length because his words are as meaningful today as they were in 1961 and because he has so often been quoted out of context. He states:

> Until the latest of our world conflicts, the United States had no armaments industry. American makers of plowshares could, with time and as required, make swords as well. But now we can no longer risk emergency improvisation of national defense; we have been compelled to create a permanent armaments industry of vast proportions.
>
> This conjunction of an immense military establishment and a large arms industry is new in the American experience. The total influence—economic, political, even spiritual—is felt in every city, every state house, every office of the federal government. We recognize the imperative need for this development. Our toil, resources, and livelihood are all involved so is the very structure of our society.

Mr. President, in these two paragraphs former President Eisenhower has succinctly identified the reasons for a large and permanent defense apparatus and what this condition means for the American society, he then delivers his oft-quoted warning:

> In the councils of government we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.

And so, Mr. President, the central theme of Mr. Eisenhower's message, it seems to me, is this: The modern military-industrial complex poses dangers of a most serious nature simply because of its permanency, its vastness, and its complexity. The modern military-industrial complex is large and permanent by necessity. Thus, the potential for the dangerous misuse of power lies in the very nature of the beast, so to speak, regardless of whether those within the complex are motivated by a nefarious intent.

Before elaborating upon these points, let me just say, Mr. President, that I hope we can continue to have calm and reasoned discussion of the military-industrial complex without such discussion being labeled as a part of an open season on the military or exercises in military baiting.

Mr. President, we have a permanent armaments industry today because of world conditions, our involvement in those conditions, and because of the nature of modern weapons and support systems. We are the most powerful of nations in a bitterly divided world. Whether we like it or not, we have defense responsibilities that extend far beyond our own shores. And because peace on earth remains an elusive goal, there is no foreseeable end to these enormous burdens.

But there is another reason for the permanency of the military-industrial complex. Gone forever are the days when our manufacturing establishment could convert from plowshares to swords in time to meet a threat to our national security. The sophisticated weapons systems of today often require a decade or more to develop and produce.

Thus, even if world conditions were to be improved to the point that would allow a substantial reduction in size of the Military Establishment, we would still have a permanent armament industry. Whatever may be the relative size of the armament industry at any particular time, we must assume that, unlike the period prior to World War II, a rather large number of firms will be permanently engaged in the production of military hardware.

Vastness is another even more significant feature of today's military-industrial complex. And I use the term "vastness" to suggest not only the enormous amount of dollars, people, and hardware involved, but also the extent to which this activity is spread throughout so many of our communities and so much of our economy.

Today we are spending about $80 billion on defense. This represents about 43 percent of the total Federal budget, and is the equivalent of about 10 percent of our gross national product. Since the end of World War II we have spent a trillion dollars on defense-related activity.

There are 22,000 prime contractors and over 100,000 subcontractors involved in defense business. And 76 different industries are classed as defense-oriented. Military and civilian personnel employed by the Defense Department and defense-generated private employment account for about 10 percent of our entire labor force. Hundreds of thousands more work in retail businesses and service industries which draw vital economic nourishment from nearby defense installations. Approximately 5,500 towns and cities have at least one defense plant or company doing business with the Armed Forces. There are about 1,000 DOD, AEC, and NASA installations in this country. Three-fourths of our 435 congressional districts contain one or more major defense installations. And major segments of our economy are partially or totally dependent upon defense expenditures.

Communities, large and small, and individuals ranging from ditchdiggers to college professors thus have a direct economic interest in some aspect of our vast Defense Establishment.

Mr. President, a third significant characteristic of the modern Defense Establishment is its technical complexity.

As noted above the ever-increasing complexity of today's weapon and support systems requires a permanent development and production apparatus. In addition, this sophistication of modern weaponry makes it increasingly difficult for the public and the Congress to judge which systems should be developed and deployed at any particular time. For example, in addition to the question of whether or not it is strategically desirable to deploy an anti-ballistic-missile defense system we were confronted with the enormously difficult question of whether the Safeguard system is technically feasible.

This complexity of the modern weapons of war greatly complicates the defense decisionmaking processes and thus threatens to weaken the control of the Congress and the people. Decisions must be made about proposed weapons which may not be ready for actual use for a decade. The opinion of the scientific expert becomes critically important, at times decisive. And the requirement of secrecy further isolates the entire process from public view and public involvement.

Inevitably there is a tendency, under these circumstances, to buy more defense weaponry than may actually be needed. And at the same time, many citizens are increasingly concerned as to whether democratic civilian control is anything more than a slogan.

A fourth factor which President Eisenhower did not mention specifically in his farewell statement but which he alluded to on other occasions, is the proclivity of the military to ask for more than may actually be needed.

This is not to impute to the military any sinister motives. And in fact excessive requests from the military are rather to be expected. As they are charged with the responsibility of providing the Nation's defense it is inevitable that if there is to be an error in stating defense needs they would prefer it be on the surplus side rather than the deficit side. We want our generals to be generals. We want them to be militarists. We want them to be war planners. We want them to be aggressive in their demands for appropriations. We want them to be dedicated to their profession and confident of their abilities.

But, Mr. President we also expect them to respect civilian authority. And we must be sure that civilian authorities are properly equipped to effectively exercise that authority.

Mr. President, taken together, the four factors just discussed mean that the military-industrial establishment has its own built-in momentum; a momentum which is increasingly difficult to effectively control.

We now have thousands of firms permanently engaged in defense business and for many their survival may depend upon the maintenance of that business and the level of profit they earn from it. Thus from the private sector there is an inevitable pressure for not only a continuation of the present volume of defense spending but for more and more increases.

The managers of defense-oriented corporations are necessarily motivated to strive to keep an existing contract going and/or to seek new ones. Moreover, given the high costs of research and development and given the present system by which the Defense Department buys armaments the managers will also be inclined to seek the maximum possible profit on any given contract as a hedge against that future date when they might fail to secure a sufficient volume of defense business.

But the pressure on the Department of Defense and on Congress comes not only from individual companies but from the communities in which those companies are located. If a defense contractor is forced to curtail production hundreds and even thousands of people may be affected, all the way from the laid-off worker to the homebuilder to the taxicab driver.

The same situation occurs when a naval shipyard, an Air Force base or an Army fort is closed down. Such action may put hundreds, even thousands of workers on the unemployment lists and economically disable an entire community.

Therefore, given our political system, it should surprise no one that Congressmen are often under great pressure to make demands on the Defense Department in behalf of their constituents. In an elective democracy the question, "What have you done for me lately?" is a relevant one. Certainly the Congressman must try to balance local and national interests but if he is to survive he must at least do enough to show the voters and supporters back home that he cares.

The salient point here is that because defense activity has become so embedded in our economy there are pressures to maintain it almost irrespective of whether or not the security needs of the country demand it.

But, Mr. President, to point to the potential dangers inherent to the modern Defense Establishment is nct tc say that these dangers are immune from control. Instead of simply deploring these dangers we should recognize them for what they are and calmly and responsibly proceed to take those actions necessary to bring them under control. And in this respect, I would suggest that at least two basic types of actions are necessary.

Of first order of importance, Congress must take steps to better equip itself to effectively discharge its oversight and evaluation responsibilities. On other occasions I have suggested that Congress is poorly equipped generally to oversee and evaluate the activities of the executive branch of Government. But nowhere is the weakness more glaring than in defense matters.

In recent years the defense budget has nearly equalled the combined budgets of all the other executive departments and agencies combined, but the committee system, our basic oversight and evaluation mechanism, has not been adjusted accordingly. I submit that under the present conditions it is a simple physical impossibility for the two Armed Services Committees and the two military subcommittees of the appropriations committees to effectively review and evaluate the policy and budgetary requests of the Department of Defense.

Thus it is imperative that Congress act to strengthen its oversight and evaluation capabilities.

Mr. President, a significant step in this direction has already been taken by the Senate Armed Services Committee. The distinguished chairman (Mr. STENNIS) announced recently that the committee had initiated a program on contract surveillance and cost overruns. The Department of Defense will now be required to file quarterly reports setting forth up-to-date information on 31 major weapon systems. Also the committee staff has been augmented by competent investigators from the General Accounting Office.

I want to compliment the distinguished Senator from Mississippi for instituting this new program within the armed services. And I want to urge the Senator to give very careful consideration to substantially expanding this new effort. He can be assured of my full and vigorous support for any request he should make to substantially expand the committee staff.

It would also be highly desirable, I believe, to establish a Joint Committee on National Security Affairs. The distinguished Senator from Texas (Mr. TOWER) introduced legislation—Senate Joint Resolution 50—to create such a committee on February 19 of this year. I wish to commend Senator TOWER for introducing this bill and I would hope that the Senate would act favorably on this proposal at the earliest possible date. The committee, composed of members from the Committee on Foreign Relations, Armed Services, and Atomic Energy of both Houses, would not have legislative authority but would be concerned with broad long-range questions of national security policy and through a program of contract research and investigative hearings could significantly improve the ability of Congress to pass judgment on complex weapon systems. In effect, it would represent a congressional counterpart to the President's National Security Council.

Mr. President, I turn now to the second type of action we must take if we are to eliminate some of the dangers which the military-industrial complex now poses.

As noted above, the powerful self-momentum which now characterizes the military-industrial complex stems in part from the fact that large numbers of industries, businesses, and research enterprises are permanently engaged in defense activity and also from the fact that, due to the great volume and diversity of defense activity, hundreds of communities, millions of individuals, and whole sectors of the economy are caught up in varying degrees of economic dependency upon defense spending.

But the potential dangers here have been greatly magnified because we have never adjusted our thinking and our policies to accept the reality of this vast and permanent defense complex. We are still too much influenced by the outlook of the first half of the century, an outlook which was shaped by isolationism, a belief that world peace was just around the corner, and a conviction that we could mount a great war machine at the drop of a hat and then as soon as the need had passed, which inevitably it would, dismantle it almost overnight.

Without in any way relaxing our efforts to achieve those conditions whereby a reduction in our Defense Establishment is safely possible we must stop viewing the military-industrial complex as an unpleasant but temporary thing which, hopefully, will soon go away.

Mr. President, it is a simple fact that defense spending has enormous impact on our economy, that a significant number of industries and communities have become economically independent on defense business. It is also a simple fact that because of this economic dependency considerable pressures exist to maintain and even to expand that defense business for reasons other than pure calculations of actual national security needs.

These facts have to be accepted for what they are. But instead of simply wringing our hands in despair we must proceed to develop the types of policies which accept the reality of this economic dependency. Only if we do this, can we expect to be able to make progress toward controlling the dangers which are inherent to the present situation.

Several types of policies should be considered. For example, to reduce the dependence of individual firms it might be advisable to award no more new contracts to a company if it already does more than half of its business with the Defense Department. For those firms already heavily dependent upon defense contracts, procedure plans should be adopted which recognize the Governments obligation to the firm and which assure the firm that the resources of the Government will be committed to assisting the firm in making the transition to nondefense business in the event that reductions in defense are ordered.

A Joint Committee on National Security would be well suited to conduct policy studies in this area and to make recommendations to the appropriate standing committees. And certainly the economic impact of defense spending on communities and regions must be more carefully and rationally considered. Local and regional economic factors must be taken into account in awarding defense contracts. The same principle would apply to decisions about defense installations. For example, pressures to maintain a particular installation would be sharply reduced if it were made clear ahead of time that the Federal Government was fully committed to assisting the community in meeting the economic difficulties that the closing of an installation would produce.

Several types of action should be considered. For example, I would urge the Secretary of Defense to act as soon as possible to significantly expand the functions and activities of the Office of Economic Adjustment. This small office was established to provide assistance to communities during the difficult readjustment period following the curtailment or closing out of a defense activity. The Office has had considerable success, but I believe that it is far too small and needs to be substantially expanded.

I would also urge favorable consideration of S. 1285 introduced by Senator McGOVERN and cosponsored by a bipartisan group of 30 fellow Senators. This bill would establish a National Economic Conversion Commission designed to deal with the economic adjustments which would occur if there were to be a substantial reduction in overall defense spending as would be occasioned by a termination of our military involvement in Vietnam.

I would suggest, however, that the sponsors of this bill consider modifying the proposal to the extent that the Commission would deal not only with the type of economic readjustment which would occur with an overall reduction in defense spending but also with the types of readjustments associated with changing defense needs—changes which are being made regardless of the overall level of defense spending. This Commission should also be designed to deal with the consequences of new defense spending as well as the curtailment of spending. In short, I am suggesting that such a high-level Commission should be designed to deal not not only with the economic problems associated with a reduction in defense spending but also with all phases of the relationship between the ongoing military-industrial complex and the economy. In regards to the general question of conversion to a peacetime economy, I was pleased to hear President Nixon state in his inaugural address:

> We shall plan now for the day when our wealth can be transferred from the destruction of war abroad to the urgent needs of our people at home.

Following up on this pledge, the President has asked a subcommittee of the Council for Economic Policy chaired by Dr. Herbert Stein, to initiate policy planning for converting our economy to a peacetime basis.

Mr. President, over the past few months the military-industrial complex, its meaning and its dangers, has been the subject of far ranging, searching discussion and analysis. On the whole I think this has been healthy. I hope that the debate will continue. However, I also believe that we have reached the stage where we should do more than talk and debate. We should begin to act. And in this respect there are a number of measures which the Congress could adopt in the near future. I have pointed to several such possible measures today. I again urge their favorable consideration by the Senate.

And in closing I would return to President Eisenhower's message. In citing the dangers of the military-industrial complex, President Eisenhower also stressed the fact that the complex was the product of necessity. Thus we cannot control these dangers by destroying the complex as some would seem to suggest. The military-industrial complex is a fact of modern American life. No amount of wishing will make it go away. At the same time all must recognize that although there are dangers inherent to the military-industrial complex these dangers are not inherently uncontrollable. In other words we must keep the military-industrial complex in a proper perspective. We must see both its essentiality and also its potential for abuse. We must have it, but we must control it. We must be vigorous in our efforts to see to it that it is a servant of peace and prosperity rather than the servant of war and destruction.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. PEARSON. I am very pleased to yield to my colleague from Kansas.

Mr. DOLE. Mr. President, first of all, I commend my colleague from Kansas for a general review of the so-called military-industrial complex.

I feel that most of us will agree with many things said. I wish to add that we are fortunate in this administration to have a man like Melvin Laird as Secretary of Defense. I know of no one who has gone to the Cabinet level so well equipped.

As my colleague knows, Mr. Laird for 14 years was a member of the House Defense Appropriations Subcommittee.

Mr. Laird was a prober. He was a critic. He was a questioner. But, above all, he understood the Defense Department. He understood its responsibility, he tried to make the Department responsive and responsible when he could do so.

At the outset of this administration, both Secretary Laird and Under Secretary Packard had expressed the philosophy that we should take a close look at all of the programs and reexamine our military requirements and validate the need for any new major weapons system.

I would hope my colleague would agree that in the span of 6, 7, or 8 months, progress has been made by Secretary Laird. I would cite only a few examples of responsible progress under Mr. Laird.

First, Mr. Laird has established a Defense Systems Acquisition Review Council within the office of the Secretary of Defense to advise the Secretary of the current status and the readiness of each major system to proceed to the next phase of efforts in its life cycle.

Second, and I think this very important, there has been the appointment of a blue ribbon defense panel by the Secretary. This is a matter that he pursued with vigor while a Member of the House of Representatives. A blue ribbon defense panel has been appointed to reappraise the Defense Establishment. There has been the cancellation of the manned orbital laboratory. There has been the termination of the Cheyene helicopter program.

There have been new, frank, and candid reports to both the Senate and House Armed Services Committees on major weapons acquisitions.

Mr. Laird has attempted to provide Congress with more information. He has done an excellent job getting facts so that the Senate and the House can make valid adjustments. He has also endorsed as recently as July 31 the establishment of a Commission on Government Procurement. He views the Commission as another positive step in reporting on the methods of military procurement.

There have been numerous improvements in the management of weapons acquisition process.

As recently as Saturday we find the Secretary concurring in the judgment of the Senate concerning chemical and biological weapons. As an addition to the remarks of my colleague from Kansas, I want the record to show that we have a Secretary of Defense who is just as dedicated as anyone in the Senate or anyone in Congress in saving the taxpayers' money, and just as concerned about any so-called military-industrial complex.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). Under the prior unanimous-consent agreement, the Senate will now proceed to other business.

Mr. PEARSON. Mr. President, I ask unanimous consent that I may continue for an additional 5 minutes.

Mr. BYRD of West Virginia. Mr. President, I am constrained to object. This unanimaous-consent request was made last week, as I understand, and Senators were put on notice that debate on the pending McIntyre amendment would be controlled and would last for 1 hour after the unfinished business was laid down.

Mr. PEARSON. Mr. President, I will withdraw the request. I do appreciate the situation of the leadership in this respect, and they were very gracious to give me time this morning. I can respond at another time.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire.

Mr. GOLDWATER. Mr. President, will the Senator yield for a question?

Mr. BYRD of West Virginia. I yield 1 minute to the Senator.

Mr. GOLDWATER. Mr. President, this is getting to be a rather unusual procedure, to request unanimous consent for a specific time for a speech and then nobody can make a rebuttal.

The Senator made an excellent speech. I do not agree with it in its entirety. He used President Eisenhower's quotations but he did not use enough of them. If I have to wait until tomorrow or September, the point I want to make will have lost its effectiveness.

I think I am going to start opposing all unanimous-consent requests for this type of presentation.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. President, I ask unanimous consent that a brief quorum call may be had at this time.

Mr. STENNIS. Mr. President, will the Senator withhold his request for a quorum call?

What was the unanimous-consent request? Did the Senator make a unanimous-consent request about limitation?

Mr. BYRD of West Virginia. No. That was made last week.

Mr. STENNIS. I thank the Senator.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a brief quorum call, the time to be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the vote on the pending amendment, the able chairman of the Committee on Armed Services be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. NELSON. Mr. President, how much time does the Senator desire?

Mr. McINTYRE. Ten minutes or so.

Mr. NELSON. I yield 10 minutes to the Senator from New Hampshire.

CHEMICAL AND BIOLOGICAL WARFARE

Mr. McINTYRE. Mr. President, the Senate today will consider amendment No. 131, which I introduced last Friday together with Senators YARBOROUGH, PROXMIRE, HARTKE, PELL, NELSON, MONDALE, STEVENS, GOODELL, and HUGHES.

Had more time been available after the introduction, I am certain many other Senators would have joined in its sponsorship.

On an associated point, Mr. President, may I say that I was particularly pleased with Defense Secretary Melvin Laird's statement Saturday. This statement, expressing his concurrence with the goals of this amendment, reflects an admirable understanding on the part of the Secretary of the need for improved management and control of chemical and biological warfare programs.

Secretary Laird also deserves commendation for recommending a National Security Council study of these matters, and President Nixon deserves much praise for ordering the study.

Most helpful, too, in the present examination of CBW programs has been the consistent, progressive leadership of the distinguished chairman of the Committee on Armed Services, the Senator from Mississippi (Mr. STENNIS).

We are considering today a coordinated effort to deal with a highly complex and unpopular part of our defense structure in such a way as to achieve the kind of congressional control and national understanding we feel is needed, while, at the same time, avoiding involvement of the Senate in the lengthy procedure which would be required were we to take up a number of separate amendments.

Moreover, by bringing together in a single package a number of proposals involving chemical and biological warfare programs, our consideration can be all the more comprehensive.

The amendment introduced Friday did not include a section covering one particular area. The proposal dealing with this particular area was originally put forth by the distinguished Senator from Indiana (Mr. HARTKE). I am happy to say that since Friday we have reached agreement on the language for this section, a section relating to the subject of so-called "back-door financing" of CBW programs.

Mr. President, I send this section to the desk and ask unanimous consent to have it added to amendment No. 131, together with technical changes that have been made to the original amendment, No. 131; and I ask unanimous consent to have it printed at this point in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The modification is as follows:

At the end of amendment No. 131 add a new subsection as follows:

"(g) (1) Except as provided in subsection (g) (2) of this section, no funds authorized to be appropriated by this, or any other later enacted Act may be expended for research, development, test, evaluation, or procurement of any chemical or biological weapon, including any such weapon used for incapacitation, defoliation, or other military operations.

"(g) (2) The prohibition contained in subsection (g) (1) of this section shall not apply with respect to funds authorized to be appropriated by this Act."

On page 4, line 3, insert "will" between "agents" and "be".

On page 4, line 6, change "subsections (e) (1)" to "subsections (d) (1)".

On page 4, line 7, change "(e) (2)" to "(d) (2)".

On page 4, line 21, change "or an other" to "or any other".

On page 5, line 2, insert "of the Public Health Service" after "Surgeon General".

On page 5, line 3, delete "President" and insert "Secretary of Defense".

On page 4, line 22, insert "or any" after "lethal chemical agents,".

Mr. McINTYRE. Mr. President, a word must be said at this point about the excellent work done by each of the Senators who have contributed sections of this amendment. Their individual research, the honing of their proposals to a remarkable precision of language, and the spirit of cooperation exhibited in their willingness to consolidate their proposals into a single amendment is in the finest tradition of this great body.

As we take up consideration of the amendment, let us keep in mind that already included in the overall legislation before us is a $16 million reduction in the Defense Department's budget for research and development in lethal offensive chemical and biological warfare. This reduction was recommended by my Subcommittee on Research and Development and accepted by the full Armed Services Committee.

I raise this thought so that, as we take up consideration of the amendment, we have a comprehensive picture of the action we can take in regard to CBW programs.

Now let me identify each of the sections of this amendment. I will not go into detail because I know other Members intend to do that.

The first section (402) (a), also developed by our able colleague the Senator from Indiana (Mr. HARTKE), calls for a full and complete semiannual report by the Secretary of Defense to the Congress setting forth in detail the total CBW research, development, test evaluation, and procurement program.

This, of course, would provide Congress with the kind of detailed information Congress and the public need in order to understand the programs and to determine future direction.

The second section (402) (b), developed by the able Senator from Wisconsin (Mr. NELSON), and the able Senator from New York (Mr. GOODELL), provides that no funds can be used for the procurement of any delivery system which is specifically designed to disseminate lethal agents.

This section, Mr. President, makes clear our opposition to the use of lethal CBW agents as offensive weapons and prohibits expenditure of funds for any device designed to deliver these agents.

The third section, (402) (c), expresses the concern of many about the deployment or storage of lethal agents and micro-organisms outside the United States. Recent accounts of unfortunate incidents involving such deployment or storage have prompted new congressional interest in what we may be doing in this area of CBW activity.

This section will provide for a full range of reports to the interested Congressional committees, and will also insure consultation with foreign nations before we deploy CBW agents on their soil.

Mr. President, I believe that in general we accomplish the substance of this proposal, but the section makes unmistakably clear Congress' interest and desires.

This section is another developed by the Senator from Wisconsin, (Mr. NELSON) and the Senator from New York (Mr. GOODELL).

The next section, (402) (d), also proposed by the Senator from Indiana (Mr. HARTKE), relates to recent fears of many about the possible dangers inherent in the rail shipment of lethal chemical and biological agents.

Basically, this section covers three areas. It requires the Surgeon General of the Public Health Service to assure that shipment will not be detrimental to the public health.

It would give advance notice of such shipments to the Congress and civilian agencies.

And finally, it will bring about the detoxification of lethal agents before they are shipped off for disposal. Again, some of this already is being done, but this section makes clear the Congress interest and intent.

I would like to say at this point that while I am completely in agreement with this section I think we should always keep before us the fact that it is not the chemical and biological warfare service alone that transports biological agents around the country, nor is this service the principal shipper of such agents. The National Institute of Health and other public and private health agencies transport an enormous amount of such agents.

We are not dealing with such agencies in this particular legislation, to be true, but we may want to consider this in other legislation. I think a study would show that the amount of potentially dangerous biological agents shipped by CBW is relatively small when measured against the total shipment by all agencies.

The able Senator from Rhode Island (Mr. PELL), proposed the next section 402(e). While the previous section dealt with transportation of lethal chemical and biological agents within the United States, the section of the Senator from Rhode Island, deals with transportation of such agents outside the United States.

It also includes the matter of testing, development, storage and disposal of such agents outside the United States, and it asks for the full consideration of U.S. international responsibilities when lethal CBW agents are moved, tested, disposed of, or developed in foreign areas.

This section places certain responsibilities in the hands of the Secretary of State to assure that we are not likely to violate international law.

The succeeding section 402(f), an additional section developed by the Senator from Wisconsin (Mr. NELSON) and the Senator from New York (Mr. GOODELL) is, perhaps, one of the most significant in the proposal.

I am sure we have all been concerned about incidents of the past several years where outdoor testing of lethal agents and micro-organisms have jeopardized both animal and human life.

This particular section of the amendment would eliminate open air testing except in those instances when the Secretary of Defense, under the direction of the President of the United States, would declare that our national security required such testing, and the Surgeon General of the Public Health Service determined that the public's health would not be endangered.

Furthermore, this section would require that appropriate committees of the Congress would be informed of all proposed open air tests at least 30 days prior to the date on which it is proposed to hold them.

The final section of the amendment, added by unanimous consent today, would become section 402(g) (1) and (2). This section, proposed by the Senator from Indiana (Mr. HARTKE) is another step in congressional control over funds that can be used in CBW efforts.

It would restrict the reprograming of funds from other programs into CBW. I am not aware that so-called backdoor financing of CBW is presently taking place, Mr. President, but with the adoption of this section we would assure that it does not.

In summary, this amendment will serve the obvious public need to better know and understand our chemical and biological programs.

It will provide in-depth information to the Congress in its continuing consideration of this broad, complex, and frequently distasteful matter.

And it comes directly to grips with those incidents that have so disturbed the Nation recently—the severe illness of two dozen CBW workers in Okinawa, the death of the sheep at Dugway, Utah, and the dangers inherent in moving deadly CBW agents across the country.

I conclude, Mr. President, by pledging my determination to make the chemical and biological warfare program a principal item on the agenda of the Research and Development Subcommittee of the Armed Services Committee during the coming year.

We will want to examine in detail every facet of the program.

We will be briefed by a full range of scientists and other experts and receive pertinent material from them.

We will want to hear from other Members of the Senate who have a particular interest in CBW.

And we will want to survey the effects of the actions proposed in this amendment and in other sections of the current authorization bill.

In short, when we return next year to consider the 1971 version of the authorization bill I sincerely believe that the recommendations we will make will enable the Senate to meet problems that may still exist in this program.

In the interim, Mr. President, I strongly urge the adoption of this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, under the agreement, who controls time?

The PRESIDING OFFICER. The minority leader and the majority leader or their designee.

Mr. NELSON. Mr. President, how much time does the Senator from New York desire?

Mr. GOODELL. Mr. President, will the Senator yield to me for 10 minutes.

Mr. NELSON. I yield 10 minutes to the Senator from New York.

Mr. GOODELL. Mr. President, before I begin my formal remarks I wish to offer my commendations to the distinguished Senator from New Hampshire.

I would like to ask the Senator from New Hampshire a question to make sure a technical correction has been made in the amendment. I refer to page 4, line 22, of amendment 131.

Mr. McINTYRE. Is the Senator referring to the technical amendments I offered this morning to the original amendment?

Mr. GOODELL. Yes. I refer to that point where reference is made to "lethal chemical agents, disease-producing biological micro-organisms, or biological toxins." It was my understanding there might be some misinterpretation here because of the words which should read "or any other."

Mr. McINTYRE. Does the Senator refer to page 4, line 22, where the amendment reads, "None of the funds authorized to be appropriated by this or any other act shall be used for the open-air testing of lethal chemical agents, disease-producing biological micro-organisms, or biological toxins"?

What is the question?

Mr. GOODELL. That is the way the amendment reads?

Mr. McINTYRE. That is the way the amendment reads at the present time.

Mr. GOODELL. I simply wanted to clarify that point. I think it is a crucial point. We are requiring this procedure of lethal chemical agents that are tested and all disease-producing biological micro-organisms, or biological toxins. Is that correct?

Mr. McINTYRE. The Senator is correct.

Mr. GOODELL. Mr. President, the omnibus anti-CBW amendment we are presenting here today represents an important break with secrecy over chemical and biological weapons. It is a modest measure to check the vast destruction potential of our CBW arsenal. Still, it is a significant measure.

It is significant for it opens up the secrecy which has cloaked the spiraling gas and germ weapons program. It checks the weapons spiral. It minimizes international repercussions over CBW. It provides for public health and safety by guarding against the perils in transport, storage, and disposal of CBW. It puts up a barrier to future outdoor testing of CBW. It encourages congressional review.

The distinguished chairman of the Committee on Armed Services has called this omnibus anti-CBW amendment a solid start on the problem, and he is quite certainly right.

I should like to commend Senator STENNIS and the members of the Armed Services Committee for taking the first major step in controlling the CBW program. The committee cut $16 million from the Pentagon's request for funds earmarked for research and development on offensive lethal chemical and biological weapons. This significant step has set in motion other steps to control the CBW program.

I would like to start today by considering open-air testing of deadly gas and disease-producing germs. It was with great reluctance that I agreed to modify the "flat ban" amendment originally introduced by the Senator from Wisconsin (Mr. NELSON) and myself. A flat ban on outdoor CBW testing would eliminate the threat that a test cloud of deadly gas and germs might drift from the test site to our cities and towns. The moratorium postpones but does not eliminate this threat. We felt we could make a significant step forward at this time.

On the assurance of the Senator from New Hampshire that his subcommittee was going to look intensively at this entire program we have great confidence he will do so and that we can move forward in the future with greater restrictions consistent with national security.

There are pluses and minuses in the test ban revision. The minus side leaves the option open for future tests. The plus side puts congressional control over testing. The burden of proof is on the Pentagon if any further tests are to take place due to national security. I believe there is agreement here today that no longer will these tests take place on a routine basis. There must be a high-level determination that such tests are directly involved with the national security. That determination must be made by the Secretary of Defense under guidelines prescribed by the President and must be agreed to by the Surgeon General with reference to the procedures to be followed.

It is my view that it should be unnecessary in the future for us to engage in any outdoor testing, but we do leave the door open for the very unusual—and I emphasize very unusual—situation that might arise in the national security.

While we are studying this problem in the next year, such tests might take place under very careful regulations and safeguards. The burden of assurance that no health hazard will result from any test rests with the U.S. Surgeon General. In each case, Congress will have the opportunity for hard questioning. On balance, then, the moratorium is acceptable at this beginning stage of CBW review.

If the moratorium is to be meaningful, we simply must be guided by the principle that the security of this Nation begins with the health and safety of our people. Pentagon requests based on national security simply must be viewed in this context. If not, the moratorium on outdoor testing would be relatively meaningless. If CBW tests are requested, every effort must be made to confine them to the laboratory. This point cannot be emphasized enough. We all know the example at Dugway Proving Grounds in Utah where thousands of sheep were killed. Had the wind shifted farther a large city in the United States would have been engulfed by deadly nerve gas, VX—odorless and colorless. What a disaster that would have been. We must not engage in such tests without the highest priority given the safety of our people.

One example suffices to explain why CBW testing should be confined to the laboratory. It is an example which clearly demonstrates that hazards from open air tests of chemical and biological weapons are not vague speculations, but grim realities. The example is the now well-known sheep-killing accident last year, caused by an open air test of VX at the Army's Dugway Proving Grounds in Utah. Some say that safety rules for CBW testing are sufficient. Safety rules, they may say, are enough to protect against the fatal results possible when deadly nerve gas is tested in the air. Before the sheep-killing incident and since that time, the Army has announced safety regulations for CBW open air testing.

Are safety rules at the test site sufficient for public safety? I simply cannot accept that they are. A freakish wind shift or a poorly supervised test may never occur. Let us consider, then, what might otherwise happen.

In the 1968 sheep-killing incident, the test at Dugway was to determine how nerve gas VX distributes itself downwind 5 to 25 miles per hour to the northeast. This was the information sought. Under today's safety rules at Dugway, the test would be limited to winds 15 miles per hour. Even so, would this prevent another nerve gas accident? Consider what happened in the sheep-killing incident. The test started. The jet opened its tanks and began spraying nerve gas over the test area. After a few seconds, the tanks were to close and the plane pull up. But the tanks did not close; the tanks stayed open. The plane pulled up with nerve gas still spraying. Then over 6,000 sheep were killed.

Regardless of safety regulations, field testing of biologicals at Dugway, has produced land designated as "permanent biocontaminated area."

What next is in store from such CBW open air testing?

As we debate the wisdom of banning open air testing of lethal gas and any disease-producing bacteria or toxin, the very testing of deadly nerve gasses continues. It is of little comfort to me to hear from the Defense Department that there are no immediate plans to conduct outdoor tests of lethal biological agents. It is of little comfort that the Q-fever field tests at Dugway have been completed and now research will shift to the laboratory to evaluate results.

While the specter of future open air tests for disease-producing bacteria hangs over us; while outdoor testing of such deadly nerve gasses as VX, Tabun—GA—Sarin—GB—and Soman—GD—continues; when any open air test of deadly gas or any disease-producing bacteria takes place, the issue of public safety remains of grave concern.

If just one accidental release of deadly nerve gas or disease-producing bacteria spreads to our cities and towns, the toll in death and sickness would be indefensible. Every precaution must be taken to assure the health and safety of our people. Animals must be protected. Environment must be preserved. All these things must be done regardless of how slight the danger.

Consider the deadly effect of these chemical agents. Consider the vast destruction potential of the disease-producing biologicals. Let us take a look at these agents in deciding whether in terms of public safety alone, we should ban lethal CWB from being tested outdoors.

Mr. President, I ask unanimous consent to have printed in the Record a table of chemical and biological agents, together with a table on planned open air testing at various sites including the site at Dugway Proving Ground, Utah, the Deseret Test Center in Utah, and at Edgewood Arsenal in Maryland.

There being no objection, the tables were ordered to be printed in the Record, as follows:

Table of Chemical and Biological Agents

THE CHEMICAL AGENTS

Nerve gases

GB: An odorless, colorless, volatile gas that can kill in minutes in dosages of 1 milligram, approximately 1/50 of a drop. In the U.S. arsenal since the late 1940's, it is also known as Sarin. The gas kills by paralyzing the nervous system.

VX: Another odorless gas that, unlike GB, does not evaporate rapidly or freeze at normal temperatures. Because of its low volatility, it is effective for a longer period of time. VX also is capable of killing in 1 milligram doses and, like GB, paralyzes the nervous system in minutes.

Incapacitating agents

BZ: A gas that is either a psychochemical or a strong anesthetic which can produce temporary paralysis, blindness, or deafness in its victims. BZ has also been known to cause maniacal behavior. Its precise makeup is secret.

Riot control gases

CN: A non-lethal gas with a deceptive, fragrant odor similar to apple blossoms. The agent, now in use in Vietnam, is a fast-acting tear gas that also acts as an irritant to the upper respiratory system.

CS: An improved, more toxic tear gas that quickly causes tearing, coughing, breathing difficulty, and chest tightness. Can temporarily incapacitate men in twenty seconds. Heavy concentrations cause nausea. It is now used in Vietnam.

Harassing agents

DM: A pepper-like arsenical gas that causes headaches, nausea, vomiting, chest pains for up to two or three hours. It can be lethal in heavy doses and has been blamed for some deaths since its first use in Vietnam in 1964. DM is widely known as adamsite and was used in World War I.

HD: A pale yellow gas with the odor of garlic, popularly known as mustard gas. Causes severe burns to eyes and lungs and blisters skin after exposure, but onset of symptoms is delayed from four to six hours. Can kill in heavy concentrations. Mustard, like VX, is not volatile and is usually effective for days after its use. It caused one-fourth of the U.S. gas casualties in World War I.

Defoliants and herbicides

2,4-D: A weed-killing compound known as dichlorophen-oxyacetic acid that has relatively short persistence in the soil and a relatively low level of toxicity to man, if properly dispersed. Heavier concentrations can cause eye irritations and stomach upsets, however. Dangerous to inhale. Usually used in Vietnam along with 2,4,5-T (trichlorophenoxyametic acid), which has similar—although somewhat more toxic—properties. Effective against heavy jungle.

Cacodylic Acid: An arsenic-base compound used against rice plants and tall grass. Strong plant killer that gives quick results. One serious restriction on its use is the possibility that heavy concentrations will cause arsenical poisoning in humans. Widely used in Vietnam. It is composed of 54.29 per cent arsenic.

BIOLOGICAL AGENTS

Anthrax: An acute bacterial disease that is usually fatal if untreated when it attacks the lungs (pulmonary anthrax). Death can result in twenty-four hours. Found naturally in animals, which must be buried or burned to prevent contamination. Symptoms include high fever, hard breathing, and collapse. Also known as woolsorters' disease.

Brucellosis: Bacterial disease usually found in cattle, goats, and pigs. Marked by high fever and chills in humans. Also known as undulant fever. Fatal in up to 5 per cent of untreated cases. Symptoms can linger for months.

Encephalomyelitis: Highly infectious viral disease that appears in many forms and gradations: it can be simply debilitating or fatal. Venezuelan equine encephalomyelitis (VEE) kills less than 1 per cent of its victims and lasts as few as three days; Eastern equine encephalomyelitis (EEE) is fatal about 5 per cent of the time, if untreated, and can seriously cripple the central nervous system of survivors.

Plague: Acute, usually fatal, highly infectious bacterial disease of wild rodents found in two forms—bubonic and pneumonic. Sypmptoms of bubonic plague include small hemorrhages, and the black spots that led the disease to be commonly known as the "black death" during the massive epidemics of the past. Pneumonic plague is highly infectious because it is spread from man to man via coughing. Symptoms include, fever, chills, rapid pulse and breathing, mental dullness, coated tongue, and red eyes.

Psittacosis: Viral infection in birds that is transmissible to man, with symptoms of high fever, muscle ache, and disorientation. Disease can be mild, and last less than a week, or can cause death in upwards of 40 per cent of those afflicted. Complete convalescence may take months.

Q-fever: Acute, rarely fatal rickettsial disease usually found in ticks, but also found in cattle, sheep, goats, and some wild animals. The Q-fever organism can remain alive and infectious in dry areas for years. Rarely fatal but the resulting fever may last up to three months.

Rift Valley Fever: Viral infection of sheep, cattle, and other animals that can be transmitted to humans, usually to the male. Symptoms include nausea, chills, headaches, and pains, but the disease is mild: despite the severity of symptoms deaths are rare and acute discomfort lasts only a few days. Also believed to be more virulent among Asians.

Rocky Mountain Spotted Fever: An acute rickettsial disease transmitted to man by the tick. One of the most severe of all infectious diseases. Can kill within three days. Fevers range up to 105 degrees F. Often found in northwestern United States, but susceptibility to the disease in general. Highly responsive to treatment.

Tularemia: A bacterial disease marked by high fever, chills, pains, and weakness. Acute period can last two to three weeks. Sometimes causes ulcers in mouth or eyes, which multiply. Untreated, its mortality rate is between 5 and 8 per cent. Highly infectious, and usually found in animals, fowls, and ticks. Also known as rabbit fever.

Source: Chemical and Biological Warfare, America's Hidden Arsenal, by Seymour H. Hersh (Doubleday Co. 1969).

PLANNED OPEN AIR TESTING—MARCH 1968–MAY 1969, DUGWAY PROVING GROUND, UTAH

Item	Agent	Agent amount	Quantity
M139 bomblet	GB		1 round per trial (5 trials).
E139 bomblet	GB		1 item per trial (8 trials).
105 milimeter projectile	GB	1.5 pounds per round	1 round per trial (3 trials).
BLU 19/B23	GB		1 round per trial (1 trial).
M55 rocket	GB		1 round per trial (4 trials).
Spray boom (truck)	GB	2 gallons per trial	3 trials.
8-inch howitzer shell	VX	14½ pounds per round	1 round per trail (5 trials).
Spray boom (truck)	VX	2 gallons per trail	2 trials.

PLANNED TESTING, FOURTH QUARTER, FISCAL YEAR 1969: APRIL–JUNE 1969

Item	Agent	Agent quantity per item	Number of items to be tested
Deseret Test Center, Utah (Dugway Proving Ground, Utah):			
United States Army:			
8 inch shell, 50 foot release	VX	15.4 pounds	4
E139 bomblet	GB		4
Do	GB		4
M55 rocket warhead	GB		4
M23 land mine	VX		6
Test fixture, ground release [1]	VX	10 pounds	3
Test fixture, ground release [1]	HD	do	3
155-millimeter shell, ground release [1]	GD	12.5 pound	10
Test fixture, ground release [1]	GA	1.2 pounds	16
United States Navy:			
Bomblet	G-type	3 pounds	6
Defense system challenge, ground release [1]	GB or VX	do	3
United States Air Force: BLU-19 bomblet	GB		4
Edgewood Arsenal, Md.—all Army:			
155 mm shell, ground release [1]	VX	6.5 pounds	[2] 8
Test fixture	EA 1356	100 grams	[2] 24
Do	GB	50 grams	[2] 20
E139 bomblet (EOD test)	GB		1
M23 land mine	VX		3
E139 bomblet	GA		[2] 14
	GB		8
	GD		[2] 30
Test munition	VX	10 pounds	2
Fort McClellan, Ala: [3]			
Bulk agent, poured on a suitable surface for detection and decontamination exercises.	HD	2 gallons	1
	HD	1 gallon	5
	HD	160 centimeters	1
	HD	120 centimeters	1
	HD	80 centimeters	6
	HD	40 centimeters	5
	GB	42 centimeters	5
	VX	42 centimeters	5
	VX	42 centimeters	8

LETHAL AGENT, OPEN-AIR TESTS SCHEDULED, FIRST QUARTER, FISCAL YEAR 1970—JULY-SEPTEMBER 1969

Item	Height of release	Agent	Agent quantity per item	Quantity of item to be tested
Deseret Test Center, Utah (Dugway Proving Ground):				
United States Navy: V Bomblet	Ground	VX	1 pound	3
United States Army:				
55-gallon drum—portable water	do	GB	Less than 2 pounds.	5
		HD		
		VX		
M2XR		XR		75
155 M121 projectile		GB		28
155 M121 projectile		VX		28
155 M121 projectile		GB		6
155 M121 projectile		VX		6
4.5-inch mortar	Ground	HD	6 pounds	148
		HT		
155	do	G	12 to 14 pounds	30
M23 Land mine		VX		12
M56 Warhead (M55 rocket)		GB		10
United States Air Force:				
Test fixture	Ground	HD	8 pounds	7
Edgewood Arsenal, Md. (All Army tests):				
155 Howitzer shell	Ground	VX	6.5 pounds	7
Test fixture	do	EA1356	100 grams	24
Do	do	EA1356	11 pounds	3
Do	do	GB	50 grams	20
E139 bomblet (EOD) test)		GB		1
Test bomblet	do	VX	1 pound	8
M23 land mine		VX		3
155 Howitzer canister	do	VX	3 pounds	9
Test spray	1 meter	GA	1.3 pounds	16
Fixture		GB	1.3 pounds	8
		GD	1.3 pounds	16
		VX	10 pounds	2
		GB		4
E139 bomblet		GD		8

[1] Ground releases are statically detonated or functioned.

[2] To be conducted this quarter or next quarter, depending on availability of facilities.

[3] Chemical agent decontamination and detection exercises are conducted to train chemical specialists in techniques for these operations. The specialists are subsequently assigned to Army divisions and decontamination teams.

Source: Subcommittee on Conservation and Natural Resources, Committee on Government Operations, U.S. House of Representatives.

Note: Recent exchanges between Representative Henry Reuss, chairman of the House Conservation and Natural Resources Subcommittee and Army Secretary Stanley Resor give some idea of the scheduling of open air tests of chemical agents, including nerve gas.

The unclassified data above lists item-by-item outdoor testing for the periods March 1968 to May 1969 at Dugway Proving Ground, Utah; April to June 1969 at Deseret Test Center, Utah (Dugway Proving Ground, Utah); at Edgewood Arsenal, Md.; and at Fort McCellian, Ala.; July to September 1969 at Deseret Test Center, Utah (Dugway Proving Ground, Utah) and at Edgewood Arsenal, Md.

Mr. GOODELL. Mr. President, let us suppose that VX again escaped from a testing site. Suppose instead of drifting to a field of sheep, the nerve gas drifted to a city or town of people. The deadly nerve gas VX is colorless and odorless. The protection required against its very rapid fatal effect is a gas mask and protective clothing. First aid suggested is atropine. What chances under these circumstances would our people have of surviving?

A ban on outdoor testing of lethal chemical agents, including VX, would prevent such circumstances from arising.

I simply cannot accept accidental death, contaminated land, and the spread of disease as a price for adding still more to the already vast offensive capability of our CBW arsenal.

Mr. President, on Saturday, Secretary of Defense Laird said that a chemical warfare deterrent and a biological research program are essential to national security. He said that research and testing of CBW agents should continue.

If I rightly understand, we can expect Pentagon requests to break the proposed "moratorium" on CBW open air tests. If such Pentagon requests be made and agreed to, I fear we will be back again where we started. That is, we will be back with peril to the public health and peril from a spiraling CBW program.

Mr. President, why, in view of the nuclear, and other deterrents, are chemical warfare deterrence and an offensive biological research program essential to national security?

To date, research in biological warfare has already produced biological warheads for the Sergeant; research has brought germ warfare to the missile age.

Chemical deterrence has also found shelter in the Sergeant. Still, we are told by the Pentagon that research and testing should continue.

What are we really contributing to when we stockpile munitions filled with lethal gas and disease-producing bacteria? Do we not contribute to that eerie sense of doomsday? What do we mean to accomplish with gas and germ weapons? To prevent use? But what if the net result is to proliferate use?

Mr. President, anything so infamous as germ warfare should be deterred ultimately by eliminating germ weapons. Some will say that this is a dream. Some will say that it cannot be achieved. I cannot accept this reasoning to justify germ weapons. Today, I call for the day when we will dismantle our germ arsenal. I look forward to the day, when the United States will eliminate the means by which civilizations of the world could plunge into the abyss of epidemic and mass death. I urge today, that we fight germs with medicine; not with germ weapons. Medical protection against germs is reasonable, it is sane. To protect against germs with germ weapons is folly; it is madness.

Deterrence with defensive equipment, such as gas masks and vaccines, is more reasonable than the deterrence offered by military science and by hardware which places gas and germs in grenades and in nuclear warheads. Deterrence with defensive equipment has the added advantage of beneficial "spin-offs" for peacetime medical applications gained by gas and germ research. It is still unclear to me *why* medical research of this kind is done by the Defense Department when such research can be done by the Public Health Service.

Deterrence with weapons has the negative side effect of arms race competition with other nations or indeed, with our own self. Unilateral armament may be the net effect, or perhaps is the goal of our CBW program. Still, we cannot ignore our contributions to proliferation of CBW throughout the world.

Mr. President, how does our national security benefit from CBW proliferation? We have spent years to check nuclear proliferation to nonnuclear nations. If we succeed in nuclear nonproliferation, then few nations will pose a nuclear threat to the cities of this country. Chemical and biological weapons are a way that many nations can threaten our cities.

Do we and should we encourage foreign nations to build up gas and germ weapons as a deterrent to a potential enemy? Should we train foreign officers in gas and germ warfare? Should we have CBW courses at Fort McClellan and invite foreign officers to attend?

Mr. President, many people are unaware that in the past 20 years, concerning CBW, and prior to 1951, we even had a foreign officer training program which trained military officers from Egypt and Yugoslavia in the use of chemical and biological agents. It has been charged that, subsequent to that time, Egypt used deadly gases in Yemen. We have a share of the responsibility for this tragic development in the history of mankind.

Some 35 nations have received foreign officer training in how to use CBW weapons. This is truly a significant rung up the balance-of-terror ladder for the world, because chemical and biological agents can be produced cheaply by countries with very small resources.

Unlike nuclear weapons, chemical and biological weapons which can wipe out mankind can be produced by small countries. We must move forward—certainly our country must—and should not be a party to escalating an arms race in this area of CBW.

Certainly it is difficult to look back at different countries' activities in the past 20 years with any confidence that we have done anything but contribute to greater escalation.

It is particularly distressing to me that our CBW program includes a foreign officer training program in CBW. The Army offers two courses in CBW open to foreign officers at Fort McClellan. One course is for a period of 9 weeks. The other is for a period of 9 months. Since 1951, the Pentagon has provided CBW training to officers from over 35 foreign countries.

Mr. President, I ask unanimous consent to have printed in the RECORD two charts showing the countries which have participated in the Army's CBW training program.

There being no objection, the charts were ordered to be printed in the RECORD, as follows:

ARMY'S CBW FOREIGN OFFICER TRAINING PROGRAM—PARTICIPATING COUNTRY LIST, FROM 1951 TO PRESENT

FOREIGN OFFICERS TRAINING PROGRAM—9 WEEK COURSE

	Fiscal year—	
	1969	1970
Japan		
Korea		
Philippines		
Taiwan		
Thailand		
South Vietnam		
Iran		1
Lebanon		
Pakistan		
Saudi Arabia	5	4
France		
Germany	2	2
Greece	5	4
Italy		
Netherlands		
Norway		
Spain		
Sweden		
United Kingdom	3	3
Yugoslavia		
Canada	1	2
Argentina		
Mexico		
Australia	2	

Source: Department of Defense

FOREIGN OFFICERS TRAINING PROGRAM—36 WEEK COURSE

	Fiscal year	
	1969	1970
Australia		1
Japan		
Korea	2	1
Philippines		1
Taiwan	1	
Thailand	1	1
South Vietnam		2
Iran		
Iraq		
Jordan		
Lebanon		
Pakistan		
Egypt[1]		
Austria		
Denmark		1
Germany		
Greece		
Italy		
Norway		
Switzerland		
Turkey		
Yugoslavia[1]		
Canada		
Argentina		
Brazil		
Venezuela		
Israel		1

[1] Terminated since early 1950's.

Source: Department of Defense.

Mr. GOODELL. Mr. President, officers have come here to learn about CBW. They have come from Europe, from Latin America, from the middle East and from Southeast Asia. This year, emphasis has been given to training officers from Vietnam, Thailand, Korea, Taiwan, and the Philippines.

I am concerned that such training of foreign officers could inspire an appetite for acquisition of these insidious weapons of war. I am disturbed that knowledge and acquisition of CBW could propel nations of the world to use CBW in war. Have we learned nothing from Yemen? Indeed, sharp review of this foreign officers training program in CBW is long overdue.

I urge that the Senate Armed Services Committee make a complete review of this aspect of the CBW program. The question to be faced is whether these study courses should be continued or abandoned in the name of reason.

If we fail to halt chemical and biological weapons spread and build-up now, what will be in store for future generations? While we now pause on the present rung of the CBW balance-of-terror ladder, we see that we are in a near perfect model of weapons escalation. If we have "overkill" in nuclear weapons; we have "superkill" in chemical and biological weapons. If the Pentagon has asked us to deploy an ABM for defense against nuclear attack, it is just a matter of time that the Pentagon will ask us for funds to deploy an ACBM, an anti-chemical and biological monitoring system?

We simply must guard against the dangers inherent in the very existence of chemical and germ weapons. There is danger in any outdoor testing of lethal gas and any disease-producing bacteria and toxin. There is danger in CBW escalation and proliferation. There is danger in the use of gas and germs in warfare.

Today, we can start to check the dangers posed by CBW by acting favorably on the omnibus anti-CBW amendment. We can begin today with what promises to be a very long and difficult road to additional review and further control of chemical and biological weapons both in this country and throughout the world.

Yet to be done is a review by the whole Congress of many general areas of inquiry:

Why do we have a gas and germ arsenal? Is the Pentagon's retaliation in kind a valid justification given the nuclear deterrent?

How does our CBW program contribute to the proliferation of CBW throughout the world?

What is the U.S. policy on use of these weapons in combat?

What steps are the United States willing to take in CBW arms control?

Let us give deep consideration to the grave moral issues which arise when we stockpile munitions filled with lethal gas and disease-producing bacteria. Let us think deeply on this as we move further in our review of CBW from the standpoints of deterrence, proliferation, use in combat, and targets for further disarmament.

More steps can be taken to control chemical and biological weapons. These include:

Presentation of the Geneva Protocol by the President to the Senate for ratification. The United States signed, but never ratified, the 1925 Protocol outlawing use of gas and germs in war.

A report by a nongovernmental Scientific and Medical Advisory Committee on CBW. This report could focus on scientific, medical, and arms-control aspects of chemical and biological weapons. The report should be presented to both the President and to Congress. Paralleled with congressional examination and that of the National Security Council, such a report could be an important contribution in options for charting a long-range course of action on gas and germ weapons.

These are some more steps we can take to control CBW in addition to the omnibus anti-CBW amendment we are considering today.

Mr. President, I am not completely satisfied with the compromise, but I think it is a significant breakthrough.

I want to commend particularly the Senator from Wisconsin (Mr. Nelson) for his cooperation in working with me and others in developing these amendments, particularly the three originally cosponsored by us. I would also like to commend the Senator from New Hampshire for his continuing concern and interest in this area, and for his cooperation in working out the amendment which we expect will be carried through in conference and not diluted further.

Mr. McINTYRE. Mr. President, will the Senator from Wisconsin yield me 1 minute?

Mr. NELSON. Mr. President, how much time remains to me?

The PRESIDING OFFICER. Four minutes remain to the Senator from Wisconsin.

Mr. NELSON. I yield 1 minute to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 1 minute.

Mr. McINTYRE. Mr. President, I should like to respond to the Senator from New York and commend him for the fine work he has done in this area of CBW, and to commend also the Senator from Wisconsin (Mr. Nelson) and others, and their staffs, for their close cooperation and the fine work they have done in trying to bring together and consolidate the thinking on control matters concerning the CBW program.

To this point I would say that all of these Senators have cooperated. The compromise may not please everyone; but, as the Senator from New York stated, it represents a beginning of control that Congress should have over this program.

Mr. NELSON. Mr. President, I thank the Senator from New Hampshire. As chairman of the subcommittee, along with other Senators and their staffs, they did a superb job in working out the combined amendment.

I should like to mention that a number of us have offered amendments of various kinds to the budget. It is appropriate to mention that the original budget on January 14 was $23,151,660,000. That was reduced by Secretary Laird's recommendations to $21,963,060,000. And then through the efforts of the chairman, the Senator from Mississippi (Mr. Stennis), the budget was cut another almost $2 billion, down to $20,059,500,000.

It should not go unnoted that the chairman and his committee did an excellent job in reducing the budget. The fact that a number of us have other amendments should not cause us to ignore the fact that the chairman did a fine and conscientious job.

Mr. President, I ask unanimous consent to have printed in the Record a news story from the Washington Post of yesterday, Sunday, August 10, 1969, on a statement by the Secretary of Defense, Mr. Laird, as well as the statement by Mr. Laird made on August 9, 1969, regarding the CBW amendment pending.

There being no objection, the news article and statement were ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Post, Aug. 10, 1969]

CBW Curb Endorsed by Laird

The Defense Department announced unexpectedly yesterday that it would support efforts for strict congressional controls on the testing and production of chemical and germ warfare weapons.

The announcement by Defense Secretary Melvin R. Laird virtually insures Senate approval Monday of a revised but still broad amendment drawn up by critics of the Pentagon's past activities in the CBW field. It would, among other restrictions, ban most open air testing of the lethal agents.

If approved, the CBW amendment would be the second major victory for critics of the Pentagon since they failed by two votes last week to block initial deployment of the Safeguard anti-ballistic missile system.

The Senate's liberal bloc won approval Thursday of a potentially far-reaching amendment that would give the General Accounting Office greater powers to audit defense contracts.

"I am in agreement with the goals of the (CBW) amendment," Laird said yesterday in a statement released by the Pentagon.

"I believe this revised amendment will allow us to maintain our chemical warfare deterrent and our biological research program, both of which are essential to national security," the statement said.

Senate Armed Services Committee Chairman John Stennis (D-Miss.) said Friday he would probably support the amendment and predicted its approval.

The compromise language, which the original supporters—said would not harm the amendment, would allow open air testing of CBW agents only when the Secretary of Defense certified that it was necessary for national security, the U.S. Surgeon General certified that it would not be hazardous to health or the environment and congressional committees had been notified in advance.

There are no restrictions on such testing now. The original amendment would have flatly banned it.

The compromise version was worked out Friday in a meeting between Dr. John S. Foster, Pentagon research director, and Sen. Thomas J. McIntyre (D–N.H.), chairman of an Armed Services subcommittee that had already recommended deletion of all funds for development of offensive CBW weapons.

CONCERN CITED

Laird said that when he took office in January he "became concerned with the management and control of our chemical warfare and biological research programs" and "felt that improvements were needed in the management and control of these programs."

One result of this concern, he said, was President Nixon's directive in April ordering the National Security Council to make a thorough study of CBW activities.

"Pending the completion of the NSC study," Laird said, "I believe it is prudent that we act jointly with Congress and take actions, wherever possible, to improve the management and control of chemical warfare and biological research programs."

Laird emphasized that research and testing of CBW agents should continue even though the United States has stated it would use them only in self-defense, because "failure to maintain an effective chemical warfare deterrent would endanger national security."

The amendment would also require semiannual reports to Congress on CBW spending and would bar procurement of further CBW delivery systems, CBW activities found by the Secretary of State to violate with international law, most shipments of CBW agents within the United States and transport to foreign countries without approval of the foreign nation and notification to Congress.

$2.5 BILLION SPENT

Since 1960, the Pentagon has spent about $2.5 billion on CBW activities with little congressional scrutiny or public knowledge.

The amendment would be attached to the $20-billion military procurement bill, which has been on the Senate floor for five weeks. Nearly a dozen other amendments are awaiting action and Senate leaders said Friday the bill would probably not come to a final vote until September.

Sen. Gaylord Nelson (D-Wis.), a sponsor of the CBW amendment, released this list of colleges and universities engaged in Pentagon CBW contracts:

"Boston Univ., Brooklyn College, Buffalo Univ., Univ. of California at Berkeley, Univ. of California at Los Angeles, Univ. of Chicago, Univ. of Connecticut, Cornell Univ., Delaware, George Peabody College, George Washington Univ., Georgia Institute of Technology, Hahnemann Medical College, Harvard, Univ. of Illinois at Urbana, Illinois Institute of Technology.

Also, Indiana Univ. Foundation, Iowa State Univ., Johns Hopkins, Kansas State Univ., Univ. of Maryland and its medical and dental schools, Univ. of Massachusetts, Massachusetts Institute of Technology, Univ. of Michigan, Univ. of Minnesota, Univ. of North Carolina, Ohio State Univ., Univ. of Oklahoma, Univ. of Oregon, Univ. of Pennsylvania, Univ. of Pittsburgh, Polytechnic Institute of Brooklyn.

"Also, Rutgers, St. Louis Univ., Stanford Research Institute, Univ. of Tennessee, Univ. of Texas at Austin, Texas A&M, Univ of Utah, Utah State Univ., Medical College of Virginia, Univ. of Washington, Washington State Univ., Western Reserve Univ., College of William and Mary, Univ. of Wisconsin and Yale."

Memorandum for Correspondents, August 9, 1969

Secretary of Defense Melvin R. Laird today issued the following statement in response to queries about the DoD position on the pending McIntyre amendment.

On assuming the office of Secretary of Defense in January, I became concerned with the management and control of our chemical warfare and biological research programs. I felt that improvements were needed in the management and control of these programs. That is why in April I requested and the President ordered a National Security Council study of these matters. This study is in progress.

Pending the completion of the NSC study, I believe it is prudent that we act jointly with Congress and take actions, wherever possible, to improve the management and control of chemical warfare and biological research programs.

Members of my staff, principally Dr. John S. Foster, Jr., Director of Research and Engineering, have been working in recent days with Senator Thomas J. McIntyre of New Hampshire, and with other members of the Senate Armed Services Committee, on a revised amendment to the pending Defense Authorization Bill.

I am in agreement with the goals of the new amendment, which the Senate is scheduled to consider on Monday.

I believe this revised amendment will allow us to maintain our chemical warfare deterrent and our biological research program both of which are essential to national security.

The history of the use of lethal chemical warfare agents has demonstrated on three notable occasions in this country that the only time military forces have used these weapons is when the opposing forces had no immediate capability to deter or to retaliate. This was true early in World War I, later in Ethopia and more recently in Yemen. Clearly, failure to maintain an effective chemcial warfare deterrent would endanger national security.

Because it would not always be possible to determine the origin of attack by biological agents, the deterrent aspects of biological research are not as sharply defined. A continued biological research program, however, is vital on two other major counts.

First, we must strengthen our protective capabilities in such areas as vaccines and therapy.

Secondly, we must minimize the dangers of technological surprise.

It is important that the American people be informed of why we must continue to maintain our chemical deterrent, conduct biological research, and how we propose to improve the management and control of these programs.

Mr. NELSON. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Wisconsin has 2 minutes remaining.

Mr. NELSON. Mr. President, I ask unanimous consent to have printed in full in the Record the report of the Secretary General on chemical and bacteriological weapons and the effects of their possible use.

There being no objection, the report was ordered to be printed in the Record, as follows:

Letter of Transmittal

June 30, 1969.

Dear Mr. Secretary-General: I have the honour to submit herewith a unanimous report on chemical and bacteriological (biological) weapons which was prepared in pursuance of General Assembly resolution 2454 A (XXIII).

The Consultant Experts appointed in accordance with the General Assembly resolution were the following:

Dr. Tibor Bakacs, Professor of Hygiene, Director-General of the National Institute of Public Health, Budapest.

Dr. Hotse C. Bartlema, Head of the Microbiological Department of the Medical-Biological Laboratory, National Defense Research Organization TNO, Rijswijk, Netherlands.

Dr. Ivan L. Bennett, Director of the New York University Medical Center and Vice-President for Medical Affairs, New York University, New York.

Dr. S. Bhagavantam, Scientific Adviser to the Minister of Defense, New Delhi.

Dr. Jiri Franek, Director of the Military Institute for Hygiene, Epidemiology and Microbiology, Prague.

Dr. Yosio Kawakita, President of the University of Chiba, Professor of Bacteriology, Chiba City, Japan.

M. Victor Moulin, *Ingénieur en chef de l'armement, Chef du Bureau Défense chimique et biologique, Direction technique des armements terrestres,* Saint Cloud, France.

Dr. M. K. McPhail, Director of Chemical and Biological Defense, Defense Chemical, Biological and Radiation Laboratories, Defense Research Board, Ottawa.

Academician O. A. Reutov, Professor of Chemistry at the Moscow State University, Moscow.

Dr. Guillermo Soberon, Director, *Institute de Investigaciones Biomedicas, Universidad Nacional Autonoma de Mexico, Mexico City.*

Dr. Lars-Erik Tammelin, Chief of Department for Medicine and Chemistry, Research Institute for National Defense, Stockholm.

Dr. Berhane Teoume-Lessane, Medical Co-Director and Head of Department of Viruses and Rickettsiae, Imperial Central Laboratory and Research Institute, Addis Ababa.

Colonel Zbigniew Zoltowski, Professor of Medicine, Epidemiologist and Scientific Adviser to the Ministry of National Defense, Warsaw.

Sir Solly Zuckerman, Chief Scientific Adviser to the Government of the United Kingdom, Professor Emeritus, University of Birmingham.

The report was drafted during sessions held in Geneva between 20 and 24 January and between 16 and 29 April, and finalized at meetings held in New York between 2 and 14 June 1969.

The Group of Consultant Experts wish to acknowledge the assistance they received from the World Health Organization, the Food and Agriculture Organization, the International Committee of the Red Cross, the Pugwash Conference on Science and World Affairs (Pugwash) and the International Institute for Peace and Conflict Research (SIPRI), all of which submitted valuable information and material for the purposes of the study.

The Group of Consultant Experts also wish to express their gratitude for the valuable assistance they received from members of the United Nations Secretariat.

I have been requested by the Group of Consultant Experts, as their Chairman, to submit their unanimous report to you on their behalf.

Yours sincerely,

William Epstein,
Chairman, Group of Consultant Experts on Chemical and Bacteriological (Biological) Weapons.

Question of General and Complete Disarmament

[Illustrations not printed in the Record]

(*Report of the Secretary-General on chemical and bacteriological (biological) weapons and the effects of their possible use*)

Pursuant to General Assembly resolution 2454 A (XXIII) of 20 December 1968, the Secretary-General has the honour to transmit herewith to the General Assembly the report on chemical and bacteriological (biological) weapons and the effects of their possible use, prepared with the assistance of qualified consultant experts.

In accordance with paragraph 4 of the resolution, the report is also being transmitted to the Security Council (S/9292) and the Conference of the Eighteen-Nation Committee on Disarmament[1] as well as to the Governments of Member States.

FOREWORD BY THE SECRETARY-GENERAL

During the past few years, I have become increasingly concerned by developments in the field of chemical and bacteriological (biological) weapons and have given expression to this concern on several occasions. A year ago, I stated publicly that "the international community was not sufficiently conscious of the dangers inherent in this new type of weapon of mass murder", and that "due attention had not been focused on this very serious problem". In the introduction to my annual report on the work of the Organization, in September 1968, I stated:

"While progress is being made in the field of nuclear disarmament, there is another aspect of the disarmament problem to which I feel too little attention has been devoted in recent years. The question of chemical and biological weapons has been overshadowed by the question of nuclear weapons, which have a destructive power several orders of magnitude greater than that of chemical and biological weapons. Nevertheless, these too are weapons of mass destruction regarded with universal horror. In some respects, they may be even more dangerous than nuclear weapons because they do not require the enormous expenditure of financial and scientific resources that are required for nuclear weapons. Almost all countries, including small ones and developing ones, may have access to these weapons, which can be manufactured quite cheaply, quickly and secretly in small laboratories or factories. This fact in itself makes the problem of control and inspection much more difficult. Moreover, since the adoption, on 17 June, 1925, of the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and of Bacteriological Methods of Warfare, there have been many scientific and technical developments and numerous improvements, if that is the right word, in chemical and biological weapons, which have created new situations and new problems. On the one hand, there has been a great increase in the capability of these weapons to inflict unimaginable suffering, disease and death to ever larger numbers of human beings; on the other hand, there has been a growing tendency to use some chemical agents for civilian riot control and a dangerous trend to accept their use in some form in conventional warfare.

"Two years ago, by resolution 2162 B (XXI), the General Assembly called for the strict observance by all States of the principles and objectives of the Geneva Protocol of 1925, condemned all actions contrary to those objectives and invited all States to accede to the Protocol. Once again, I would like to add my voice to those of others in urging the early and complete implementation of this resolution. However, in my opinion, much more is needed. . . ."

At its twenty-third session, by resolution 2454 A (XXIII), the General Assembly requested me to prepare, with the assistance of qualified consultant experts, a report on chemical and bacteriological (biological) weapons in accordance with the proposal contained in the introduction to my annual report on the work of the organization (A/7201/Add. 1), and in accordance with the recommendation contained in the report of the Conference of the Eighteen-Nation Committee on Disarmament of 4 September 1968 (A/7189).

In pursuance of this resolution, I appointed the following group of fourteen consultant experts to assist me in the preparation of the report: Dr. Tibor Bakacs, Professor of Hygiene, Director-General of the National Institute of Public Health, Budapest; Dr. Hotse C. Bartlema, Head of the Microbiological Department of the Medical-Biological Laboratory, National Defence Research Organization TNO, Rijswijk, Netherlands; Dr. Ivan L. Bennett, Director of the New York University Medical Center and Vice-President of Medical Affairs, New York University, New York; Dr. S. Bhagavantam, Scientific Adviser to the Minister of Defence, New Delhi; Dr. Jiri Franek, Director of the Military Institute for Hygiene, Epidemiology and Microbiology, Prague; Dr. Yosio Kawakita, President of University of Chiba, Professor of Bacteriology, Chiba City, Japan; M. Victor Moulin, *Ingénieur en chef de l'armement, Chef du Bureau Défense chimique at biologique, Direction technique des armements terrestres,* Saint Cloud, France; Dr. M. K. McPhail, Director of Chemical and Biological Defence, Defence Chemical, Biological and Radiation Laboratories, Defence Research Board, Ottawa; Academician O A. Reutov, Professor of Chemistry at the Moscow State University, Moscow; Dr. Guillermo Soberon, Director, *Instituto de Investigaciones Biomedicas, Universidad Nacional Autonoma de Mexico,* Mexico City; Dr. Lars-Erik Tammelin, Chief of Department for Medicine and Chemistry, Research Institute for National Defence, Stockholm; Dr. Berhane Teoume-Lessane, Medical Co-Director and Head of Department of Viruses and Rickettsiae, Imperial Central Laboratory and Research Institute, Addis Ababa; Colonel Zbigniew Zoltowski, Professor of Medicine, Epidemiologist and Scientific Adviser to the Ministry of National Defence, Warsaw; Sir Solly Zuckerman, Chief Scientific Adviser to the Government of the United Kingdom, Professor Emeritus, University of Birmingham.

---

[1] By a letter dated 1 July 1969 from the Secretary-General to the Co-Chairmen of the Conference.

Mr. William Epstein, Director of the Disarmament Affairs Division, Department of Political and Security Council Affairs, served as Chairman of the Group of Consultant Experts. Mr. Alessandro Corradini, Chief of the Committee and Conference Services Section, acted as Secretary of the Group. He was assisted by members of the Disarmament Affairs Division.

After giving due consideration to the terms of the resolution and to the views expressed and the suggestions made during the discussion of the question at the twenty-third session of the General Assembly, I reached the conclusion that the aim of the report should be to provide a scientifically sound appraisal of the effects of chemical and bacteriological (biological) weapons and should serve to inform Governments of the consequences of their possible use. Within this over-all framework, the report would furnish accurate information in a concise and readily understandable form on the following matters: the basic characteristics of chemical and bacteriological (biological) means of warfare; the probable effects of chemical and bacteriological (biological) weapons on military and civil personnel, both protected and unprotected; the environmental factors affecting the employment of chemical and bacteriological (biological) means of warfare; the possible long-term effects on human health and ecology; and the economic and security implications of the development, acquisition and possible use of chemical and bacteriological (biological) weapons and of systems for their delivery.

The consultant experts to whom I conveyed these terms of reference accepted them as the basis for their study.

It was my intention that the Group of Consultant Experts should survey the entire subject from the technical and scientific points of view, so that the report could place these weapons in proper perspective. It was also my hope that an authoritative report could become the basis for political and legal action by the Members of the United Nations.

As the report was to be made available by 1 July 1969, very concentrated efforts by the consultant experts were required in order to cover this extensive field. The members of the Group, acting in their personal capacities, carried out this demanding task at three sessions between January and June 1969.

The Group had the benefit of valuable submissions from the World Health Organization, the Food and Agriculture Organization, the International Committee of the Red Cross, the Pugwash Conference on Science and World Affairs (Pugwash) and the International Institute for Peace and Conflict Research (SIPRI). I wish to express my grateful appreciation to all the consultant experts for their dedicated work and to the organizations and bodies who co-operated in the preparation of the study.

The Group has submitted to me a unanimous report embodying its findings and conclusions. I wish to avail myself of this opportunity to express my gratification for the very high level of competence with which the consultant experts have discharged their mandate. In a very short period of time, they have produced a study, which, in spite of the many complex aspects of the subject matter, is both concise and authoritative. It is a document which, I believe, provides valuable insights into the grave dangers that are posed by the production and possible use of these dreaded weapons.

I am particularly impressed by the conclusion of the consultant experts wherein they state:

"The general conclusion of the report can thus be summed up in a few lines. Were these weapons ever to be used on a large scale in war, no one could predict how enduring the effects would be, and how they would affect the structure of society and the environment in which we live. This overriding danger would apply as much to the country which initiated the use of these weapons as to the one which had been attacked, regardless of what protective measures it might have taken in parallel with its development of an offensive capability. A particular danger also derives from the fact that any country could develop or acquire, in one way or another, a capability in this type of warfare, despite the fact that this could prove costly. The danger of the proliferation of this class of weapons applies as much to the developing as it does to developed countries.

"The momentum of the arms race would clearly decrease if the production of these weapons were effectively and unconditionally banned. Their use, which could cause an enormous loss of human life, has already been condemned and prohibited by international agreements, in particular the Geneva Protocol of 1925, and, more recently, in resolutions of the General Assembly of the United Nations. The prospects for general and complete disarmament under effective international control, and hence for peace throughout the world, would brighten significantly if the development, production and stockpiling of chemcial and bacteriological (biological) agents intended for purposes of war were to end if they were eliminated from all military arsenals.

"If this were to happen, there would be a general lessening of international fear and tension. It is the hope of the authors that this report will contribute to public awareness of the profoundly dangerous results if these weapons were ever used, and that an aroused public will demand and receive assurances that Governments are working for the earliest effective elimination of chemical and bacteriological (biological) weapons."

I have given the study prepared by the consultant experts my earnest consideration and I have decided to accept their unanimous report in its entirety, and to transmit it to the General Assembly, the Security Council, the Eighteen-Nation Committee on Disarmament and to the Governments of Member States, as the report called for by resolution 2454 A (XXIII).

I also feel it incumbent upon me, in the hope that further action will be taken to deal with the threat posed by the existence of these weapons, to urge that the Members of the United Nations undertake the following measures in the interests of enhancing the security of the peoples of the world:

1. To renew the appeal to all States to accede to the Geneva Protocol of 1925;

2. To make a clear affirmation that the prohibition contained in the Geneva Protocol applies to the use in war of all chemical, bacteriological and biological agents (including tear gas and other harassing agents), which now exist or which may be developed in the future;

3. To call upon all countries to reach agreement to halt the development, production and stockpiling of all chemical ond bacteriological (biological) agents for purposes of war and to achieve their effective elimination from the arsenal of weapons.

INTRODUCTION

1. In accordance with the resolution of the General Assembly 2454 A (XXIII) the Secretary-General was asked to prepare, with the assistance of qualified consultant experts, a report on chemical and bacteriological (biological) weapons and on the effects of their possible use. Specifically the experts were asked to provide a scientific appraisal of the characteristics of the chemical and bacteriological (biological) weapons which could be used in warfare; of the effects they could have on military personnel and civilians; as well as of their long-term effects on healtn and our physical environment. They were also asked to provide a statement about the economic and security implications of the development, acquisition and possible use of such weapons and associated weapon systems. The report which follows is confined to these objectives.

2. No form of warfare has been more condemned than has the use of this category of weapons. The poisoning of wells has been regarded from time immemorial as a crime incompatible with the rules of war. "War is waged with weapons, not with poison" (*"Armis bella non venenis geri"*), declared the Roman jurists. As the destructive power of arms increased over the years, and with it the potential for the widespread use of chemicals, efforts were made to prohibit through international understandings and by legal means the use of chemical weapons. The Brussels Declaration of 1874 and the Hague Conventions of 1899 and 1907 prohibited the use of poisons and poisoned bullets and a separate declaration of the Hague Convention of 1899 condemned "the use of projectiles the sole object of which is the diffusion of asphyxiating or deleterious gases".

3. The fear today is that the scientific and technological advances of the past few decades have increased the potential of chemical and bacteriological (biological) weapons to such an extent that one can conceive of their use causing casualties on a scale greater than one would associate with conventional warfare. At the moment most of our knowledge concerning the use of chemical weapons is based upon the experience of World War I. Gas was first used in 1914 and the first big attack in 1915 claimed 5,000 human lives. It is estimated that from then until the end of the war in 1918, at least 125,000 tons of toxic chemicals were used, and according to official reports gas casualties numbered about 1,300,000, of which about 100,000 were fatal. The agents which were used in this war were much less toxic than those, in particular nerve agents, which could be used today, and they were dispersed by means of relatively primitive equipment as compared with what is now available, and in accordance with battlefield concepts of a relatively unsophisticated kind.

4. It is true that a considerable effort has also been made to develop chemical agents which have as their purpose not to kill but to reduce a man's capacity to fight. Such agents are used by civil authorities of a number of countries in order to suppress disorders and to control riots, but when used in warfare they would inevitably be employed as an adjunct to other forms of attack, and their over-all effect might be lethal.

5. Since World War II, bacteriological (biological) weapons have also become an increasing possibility. But because there is no clear evidence that these agents have ever been used as modern military weapons, discussions of their characteristics and potential threat have to draw heavily upon experimental field and laboratory data, and on studies of naturally occurring outbreaks and epidemics of infectious disease, rather than on direct battlefield experience. Their potential importance in warfare can be sensed when one remembers that infectious disease even as late as World War II caused numerous casualties.

6. The greater threat posed by chemical

weapons today derives from the discovery and manufacture of new, more toxic compounds. On the other hand, bacteriological (biological) agents already exist in nature and can be selected for use in warfare. Some of these agents, notably bacteria, have been known for several decades, but there is a vast number of other possible agents, especially viruses, which have been discovered only recently, and some of these also possess characteristics which make their use possible in war. Increases in potency of these various types of agents have been made possible by scientific and technological advances in microbial genetics, experimental pathology and aerobiology.

7. As is well known, the use of toxic gases in World War I generated so powerful a sense of outrage that countries were encouraged to adopt measures prohibiting both chemical and bacteriological (biological) weapons. The result was the Geneva Protocol of 17 June 1925, which prohibits the use in war of asphyxiating, poisonous or other gases and of all analogous liquids, materials or devices, as well as bacteriological methods of warfare. This established a custom and hence a standard of international law, and in practice most States have adhered to the principle that no one should resort to the use of such weapons. But despite the abhorrence in which they have always been held by civilized peoples, chemical weapons have none the less on occasion been used. For example, mustard gas was used in Ethiopia in 1935–36, causing numerous casualties amongst troops and a civilian population which was not only completely unprotected, but which lacked even the most elementary medical services. It should also be noted that the existence of the Geneva Protocol of 1925 may have helped as a deterrent to the use of chemical or bacteriological (biological) weapons in World War II, even though the belligerents in that conflict had developed, produced and stockpiled chemical agents for possible use. The International Tribunal at Nuremberg brought into the open the fact that amongst the new agents which had been produced and stockpiled during the course of the war were such highly lethal agents as Tabun and Sarin. Since then the validity and effectiveness of the Geneva Protocol have been reinforced by the approval, by the General Assembly of the United Nations, without a single dissenting voice, of resolutions 2162 B (XXI) of 5 December 1966 and 2454 A (XXIII) of 20 December 1968, calling for "strict observance by all States of the principles and objectives" of the Geneva Protocol, and inviting all States to accede to it.

8. It is simple to appreciate the resurgence of interest in the problems of chemical and bacteriological (biological) warfare. Advances in chemical and biological science, while contributing to the good of mankind, have also opened up the possibility of exploiting the idea of chemical and bacteriological (biological) warfare weapons, some of which could endanger man's future, and the situation will remain threatening so long as a number of States proceed with their development, perfection, production and stockpiling.

9. The report, as is noted in the General Assembly resolution, is designed to submit to peoples and governments, in a form easily understood by them, information on the effects of the possible use of chemical and bacteriological (biological) weapons, as well as to promote a further consideration of problems connected with chemical and bacteriological (biological) weapons. Information about the nature of chemical and bacteriological (biological) weapons, about their increase and diversification as technology has advanced, about their long-term effects on human beings, animals and vegetation, and about environmental factors which condition these effects, is provided in Chapters I to IV of the Report. In Chapter V, which deals with the economic and security implications of chemical and bacteriological (biological) warfare, the experts have interpreted the word "security" to mean both security in the narrow military sense, and security in terms of the adverse and long-term effects which these weapons, given they were ever used, could have on the framework of civilized existence.

10. As the present report shows, the outstanding characteristics of this class of weapons, and particularly of bacteriological (biological) weapons, is the variability, amounting under some circumstances to unpredictability, of their effects. Depending on environmental and meteorological conditions, and depending on the particular agent used, the effects might be devastating or negligible. They could be localized or widespread. They might bear not only on those attacked but also on the side which initiated their use, whether or not the attacked military forces retaliated in kind. Civilians would be even more vulnerable than the military. The development, acquisition and deployment of chemical and bacteriological (biological) weapons—quite apart from questions of protection—constitutes a real economic burden which varies in extent for different countries. Above all their acquisition could not possibly obviate the need for other weapons.

11. As chapters I and V of the report indicate, it would be enormously costly in resources, and administratively all but impossible, to organize adequate protection for a civilian population against the range of possible chemical agents. Even military personnel, if locally engaged in a particular operation in which chemical and/or bacteriological (biological) weapons were used and where they had the advantage of protective measures, would be unlikely to escape the wider-spread and longer-term effects on their country at large. These might arise, for example, from the impracticability of protecting soil, plants, animals and essential food crops against short and long-term effects.

12. To appreciate the risks which bacteriological (biological) warfare could entail, one has only to remember how a natural epidemic may persist unpredictably, and spread far beyond the initial area of incidence, even when the most up-to-date medical resources are used to suppress the outbreak. The difficulties would be considerably increased were deliberate efforts made, for military reasons, to propagate pathogenic organisms. Mass disease, following an attack, especially of civilian populations, could be expected not only because of the lack of timely warning of the danger, but also because effective measures of protection or treatment simply do not exist or cannot be provided on an adequate scale.

13. Once the door was opened to this kind of warfare, escalation would in all likelihood occur and no one could say where the process would end. Thus the report concludes that the existence of chemical and bacteriological (biological) weapons not only contributes to international tension, but that their further development spurs the arms race without contributing to the security of any nation.

14. The present report will, in accordance with resolution 2454 A (XXIII), be submitted to the Eighteen-Nation Committee on Disarmament to the Security Council and to the General Assembly at its twenty-fourth session. We hope that it will contribute to the implementation of measures which, in the final analysis, will eliminate chemical and bacteriological (biological) weapons from all military arsenals.

CHAPTER I. THE BASIC CHARACTERISTICS OF CHEMICAL ANC BACTERIOLOGICAL (BIOLOGICAL) MEANS OF WARFARE

15. Since World War I, when chemical warfare was first resorted to on a large scale, the variety and potency of chemical and bacteriological (biological) weapons has grown steadily, and there has been a corresponding increase in the capacity to deliver them to a target area. The particular threat posed by chemical weapons today derives from the existence of new, and far more toxic, chemical compounds than were known fifty years ago. Since bacteriological (biological) agents exist naturally, their increased potency as weapons has resulted from a process of selection rather than from the production of entirely new agents. As is explained in later sections of this report, selection has been made possible by advances in our knowledge of the genetics of microbes, and through advances in experimental aerobiology.

16. The most significant result of these technical developments is the great variety of injurious effect which these agents can induce, and the consequent increase in the number and types of situation in which there might be a temptation to use them for military purposes.

A. Characteristics of chemical and bacteriological (biological) weapons

17. For the purposes of this report, chemical agents of warfare are taken to be chemical substances, whether gaseous, liquid, or solid, which might be employed because of their direct toxic effects on man, animals and plants. Bacteriological (biological) agents of warfare are living organisms, whatever their nature, or infective material derived from them, which are intended to cause disease or death in man, animals or plants, and which depend for their effects on their ability to multiply in the person, animal or plant attacked.

18. Various living organisms (e.g. rickettsiae, viruses and fungi), as well as bacteria, can be used as weapons. In the context of warfare all these are generally recognized as "bacteriological weapons". But in order to eliminate any possible ambiguity, the phrase "bacteriological (biological) weapons" has been used throughout to comprehend all forms of biological warfare.

19. All biological processes depend upon chemical or physio-chemical reactions, and what may be regarded today as a biological agent could, tomorrow, as knowledge advances, be treated as chemical. Because they themselves do not multiply, toxins, which are produced by living organisms, are treated in this report as chemical substances. We also recognize there is a dividing line between chemical agents of warfare in the sense we use the terms, and incendiary substances such as napalm and smoke, which exercise their effects through fire, temporary deprivation of air or reduced visibility. We regard the latter as weapons which are better classified with high explosives than with the substances with which we are concerned. They are therefore not dealt with further in this report.

20. Finally, we recognize that both chemical and bacteriological (biological) agents are designated either as lethal agents, that is to say, agents which are intended to kill, or as incapacitating agents, that is to say, agents which are intended to cause disability. These terms are not absolute, but imply statistical probabilities of response which are more uncertain with bacteriological (biological) than with chemical agents. Not all individuals will die from an attack with a given lethal agent, whereas some, for example infants and people weakened by malnutrition, disease or old age, as well as a high proportion of individuals in special circumstances, for example following irradiation, might succumb to an attack with incapacitating chemical or bacteriological (biological) agents. With a few chemical agents, notably some tear gases (lachrymators), there is a negligible probability of any fatal outcome, and these have been used by many Governments to quell riots and civil disorders. When used in this way they are called riot control agents. Lachrymators

have also been widely used in warfare as harassing agents, in order to enhance the effectiveness of conventional weapons, or to facilitate the capture of enemy personnel.

1. Differences Between Chemical and Bacteriological (Biological) Warfare

21. Although there are some similarities between chemical and bacteriological (biological) agents regarded as weapons of war, they differ in certain important respects. These differences are related to (1) potential toxicity; (2) speed of action; (3) duration of effect; (4) specificity; (5) controllability; and (6) residual effects.

Potential toxicity

22. Although more toxic than most well-known industrial chemicals, chemical warfare agents are far less potent on a weight-for-weight basis than are bacteriological (biological) agents. The dose of a chemical agent required to produce untoward effects in man is measured in milligrams (1/1,000 of a gram), except for toxins which may be in the microgram (1/1,000 of a milligram) range. The corresponding dose for bacteriological (biological) agents is in the picogram (1/1,000,000 of a microgram) range.

23. This difference reflects the fact that bacteriological (biological) agents, being alive, can multiply, and its significance is that, weight-for-weight, bacteriological (biological) weapons could be expected to inflict casualties over very much more extensive areas than could chemical weapons.

24. Being living organisms, bacteriological (biological) agents are also very much more susceptible to sunlight, temperature, and other environmental factors than are chemical agents. A bacteriological (biological) agent disseminated into a given environment may retain its viability (ability to live and multiply) while losing its virulence (ability to produce disease and injury).

Speed of action

25. As a class, chemical agents produce their injurious effects in man, animals or plants more rapidly than do bacteriological (biological) agents. The time between exposure and significant effect may be minutes, or even seconds, for highly toxic gases or irritating vapours. Blister agents take a few hours to produce injury. Most chemicals used against crops elicit no noticeable effect until a few days have elapsed. On the other hand, a bacteriological (biological) agent must multiply in the body of the victim before disease (or injury) supervenes; this is the familiar "incubation period" of a disease, the time which elapses between exposure to infection and the appearance of symptoms of illness. This period is rarely as short as one or two days, and may be as long as a few weeks or even longer. For both chemical and bacteriological (biological) agents the speed of action is affected by the dose (i.e., the quantity absorbed) but this secondary factor does not obscure the basic difference between the two classes of agents in the time they take to manifest their effects.

Duration of effect

26. The effects of most chemical agents which do not kill quickly do not last long, except in the case of some agents such as phosgene and mustard, where they might continue for some weeks, months or longer. On the other hand, bacteriological (biological) agents which are not quickly lethal cause illness lasting days or even weeks and on occasion involve periods of prolonged convalescence. The effects of agents which act against plants and trees would last for weeks or months and, depending on the agent and the species of vegetation attacked, could result in death.

Specificity

27. While both classes of agents can be used to attack men, animals or plants, individual biological agents have in general a much greater degree of host specificity. Influenza, for example, is essentially a disease of man; foot-and-mouth disease mainly affects cloven-hoofed animals; and rice blast is a disease confined to rice only. On the other hand, some diseases (for example, brucellosis and anthrax) occur both in man and animals. However, chemical agents are much less specific: nerve agents can affect mammals, birds and invertebrates (e.g., insects).

Controllability

28. By controllability is meant the ability to predict the extent and nature of the damage which chemical and bacteriological (biological) agents can cause. This is a most important consideration in their use as weapons. The most likely means of delivering chemical and bacteriological (biological) agents is by discharge into the atmosphere, relying on turbulent diffusion and wind currents to dilute and spread the agent over the area being attacked. Control is thus possible only to the extent that the meteorological situation can be predicted.

29. Because they infect living organisms, some bacteriological (biological) agents can be carried by travellers, migratory birds, or animals, to localities far from the area originally attacked.

30. The possibility of this kind of spread does not apply to chemical agents. But control of contamination by persistent chemical agents could be very difficult. Should large quantities of chemical agents penetrate the soil and reach underground waters, or should they contaminate reservoirs, they might spread hundreds of kilometres from the area of attack, affecting people remote from the zone of military operations. Although we know of no comparable substance likely to be used as a chemical warfare agent, the spread of DDT over the globe illustrates, in an extreme form, how man-made chemicals can spread. This chemical insecticide is now found in the tissues of creatures in all parts of the world, even in places in which it has never been used. For example, as a result of its transfer through food chains, it is even found in the tissues of the penguins which live in Antarctica.

Residual effects

31. In circumstances which favour their persistence, herbicides, defoliants and perhaps some other chemical agents, might linger for months, stunting the growth of surviving or subsequent plant life, and even changing the floral pattern through selection. Following repeated use, certain chemical agents could even influence soil structure. The risk of residual effects with some bacteriological (biological) agents is potentially greater, mainly because they could lead to disease, which might become epidemic if man-to-man transmission occurred readily. Bacteriological (biological) agents might also find unintended hosts in the animals and plants of an area, or be transported by infected individuals over great distances to new environments.

2. Technology of Chemical and Bacteriological (Biological) Warfare

32. The technological problems associated with chemical and bacteriological (biological) warfare are of two kinds; (1) those associated with the production of the agents and the weapons needed for their dissemination and (2) those which concern the provision of the protective equipment and defenses necessary to protect military forces and civilian populations. Any nation whose chemical, pharmaceutical and fermentation industries are well advanced could produce chemical and bacteriological (biological) agents on a scale commensurate with its other military capabilities. The assurance of safety in the production of bacteriological (biological) agents, problems associated with the synthesis of complex chemical agents, and deciding on the best weapons to disseminate them, are examples of some of the relevant technological difficulties. A special problem associated with the development and maintenance of an offensive capability in bacteriological (biological) warfare relates to the fact that some agents are viable for only a short time (a few days) after manufacture. This period can be extended by refrigeration of the agent or by freeze-drying it before storage. The drying processes, however, are very complex and difficult where large quantities of highly pathogenic agents are involved. The problems which relate to defence are far more difficult, for as with most weapons, effective defence calls for much more stringent training, and demands far more manpower and monetary resources than does the offence. For example, alarm systems against chemical attack are very complex electro-mechanical devices whose production demands a highly technologically based industry. They cannot be maintained except by expert and highly trained personnel.

3. Chemical and Bacteriological (Biological) Weapons Systems

33. The use in warfare, and the possible military effectiveness, of chemical and bacteriological (biological) agents cannot be appreciated if they are thought of simply as poisons and plagues. They need to be considered in the context of the weapon systems of which they would be part.

34. A weapon system comprises all the equipment and personnel, as well as the organizational structure, required to maintain and operate a military device. By itself, for example, a cannon is not a weapon system. Only when it is integrated into an artillery battery, together with trained crew, ammunition, vehicles, supplies, spare parts, firing table, forward observer, communications and command organization does it constitute a weapon system. Correspondingly, artillery shells filled with mustard gas or nerve agents and guns to fire them, or an aircraft with a spray tank filled with a bacteriological (biological) agent, are not by themselves weapon systems.

35. Many complex technological problems have to be overcome in transforming a chemical or bacteriological (biological) "agent" into a "weapon system". A "weapon" is of little military value if it is not dependable and if it cannot be delivered to a target with certainty. This means that in the development of a chemical and bacteriological (biological) weapon system it is not only necessary to consider matters such as mass production, storage, transportation, and means of delivery, but also the limitations on use set by terrain and weather prediction.

36. In addition, considerations affecting defense need to be taken into account. Masks, protective clothing, detection alarms, special medical supplies, augmented logistic facilities and, above all, thoroughly trained military and civilian personnel, are necessary parts of chemical and bacteriological (biological) weapon systems. The concept of a fully developed chemical or bacteriological (biological) weapon system is thus exceedingly complex, and implies as much technical capability and as high a degree of training as does the operation of any other advanced weapon systems. While chemical and bacteriological (biological) weapon systems are cheaper and more readily attained than nuclear weapons, and while they may in some circumstances be more effective militarily than conventional weapons, they are highly complex systems which for their development and operation call for sizeable resources and considerable expertise. But the possibility always exists that by choosing a single agent and a simple means of delivery, a nation could equip itself relatively cheaply to attack a limited area with a reasonable chance of success.

B. Concepts of the use of chemical and bacteriological (biological) weapons in war

1. Chemical Weapons

37. Chemical weapons could be used either within the zone of contact of opposing forces; or against military targets such as

airfields, barracks, supply depots, and rail centres well behind the battle-area itself; or against targets which have no immediate connexion with military operations; for example, centres of population, farm land, and water supplies. The circumstances in which they could be used within a zone of contact are many and varied—for example, to achieve a rapid and surprise advantage against a poorly trained, ill-equipped military force which lacked chemical protective equipment; to overcome troops in dug-outs, foxholes, or fortifications where they would be otherwise protected against fragmenting weapons and high-explosive; to remove foliage, by means of chemical herbicides so as to improve visibility and to open up lines of fire, and to prevent ambush; to create barriers of contaminated land on or in the rear of the battlefield to impede or channel movement; or to slow an enemy advance by forcing them to use protective clothing and equipment. Such equipment undoubtedly restricts mobility and impedes normal activities. It is thus highly probable that once one of two well-equipped sides had been attacked with chemical weapons, it would retaliate in kind, in order to force its opponent to suffer the same penalties of restriction. In all such operations civilians who had not fled from the battle-area might become casualties, as they also would if, while not in the battle-zone, vapours or aerosols drifted towards them with the wind, or if they strayed at a latter date into areas contaminated with a persistent agent. The risk of civilian casualties would obviously be greater if chemical attacks were made on military targets well in the rear of the zone of contact, and would be very serious in the case of attacks on centres of population.

2. Bacteriological (Biological) Weapons

38. There is no military experience of the use of bacteriological (biological) agents as weapons or war and the feasibility of using them as such has often been questioned. One issue which has frequently been raised concerns the validity of extrapolations made from laboratory experience to military situations in the field. Some recent investigations under field conditions throw light on this point.

39. In one field trial, zinc cadmium sulfide (a harmless powder) was disseminated in particles two microns (one micron is 1/1,000,000 of a metre in diameter, from a ship traveling 16 kilometres offshore. About 200 kilograms were disseminated while the ship travelled a distance of 260 kilometres parallel to the coastline. The resulting aerosol traveled at least 750 kilometres, and covered an area of over 75,000 square kilometres.

40. This observation provides an indication of the size of area which might be covered by a windborne aerosol, but it does not tell whether the bacteriological (biological) agents which might be spread in an aerosol would still retain the ability to produce disease. All bacteriological (biological) agents lose their virulence or die progressively while travelling in an aerosol and the distance of effective travel of the cloud would depend on the rate of decay of the particular agent in the particular atmospheric conditions prevailing.

41. Some idea of the relative size of areas which can be covered by bacteriological (biological) and chemical aerosols can be gained from this same experiment. Had the particles that were carried been a bacterial or viral agent, they would not have caused casualties over as large an area as the one covered, because of decay of the agent while in the aerosol state. However, depending on the organism and its degree of hardiness, areas of 5,000 to 20,000 km^2 could have been effectively attacked, infecting a high proportion of unprotected people in the area. If the same means are applied to a hypothetical chemical attack using the most toxic chemical nerve agent, then about 0.8 kg of agent would have been released per km. The downwind hazard from this, in which some casualties might be expected, would not have extended more than one kilometre, and probably less, unless meteorological conditions were extremely favourable (see chapter III). The area covered by such a chemical attack might thus have been 50 to 150 km^2, as compared with the 5,000 to 20,000 km^2 for the bacteriological (biological) attack.

42. For purposes of sabotage or covert (secret, as in sabotage actions behind enemy lines) operations, small aerosol generators for bacteriological (biological) agents could be built, for example, into fountain pens or cigarette lighters. It is also possible to conceive of the distribution of bacteriological (biological) agents by hand to poison either water supplies or ventilation systems, especially in a situation of breakdown of sanitary facilities due, say, to military mobilization, or to a nuclear attack. In addition to producing casualties, such an attack could produce severe panic. If half a kilo of a culture of Salmonella (a group of bacteria, many species of which produce severe intestinal infections, including gastro-enteritis, food ("ptomaine") poisoning, paratyphoid fever and typhoid fever) had been added to a reservoir containing 5 million litres of water, and complete mixing had occurred, severe illness or disability would be suffered by anyone drinking 1 decilitre (about 3 ounces) of untreated water.

43. The same degree of poisoning as would be produced by half a kilo of Salmonella culture could be achieved with 5 kilos of botulinum toxin (see chapter II), 7 kilos of staphylococcal enterotoxin (see chapter II), or 50 kilos of V-nerve agent, or in the case of common industrial chemicals, with five tons of sodium fluoroacetate (used as a rodenticide) or ten tons of potassium cyanide.

C. Chemical and bacteriological (biological) agents

Chemical Agents

44. Chemical agents are usually described in terms of their physiological effects and are characterized as follows:

Agents affecting man and animals

Nerve agents are colourless, odourless, tasteless chemicals, of the same family as organophosphorus insecticides. They poison the nervous system and disrupt vital body functions. They constitute the most modern war chemicals known; they kill quickly and are more potent than are any other chemical agents (except toxins).

Blister agents (vesicants) are oily liquids which, in the main, burn and blister the skin within hours after exposure. But they also have general toxic effects. Mustard gas is a good example. Blister agents caused more casualties than any other chemical agent used in World War I.

Choking agents are highly volatile liquids which, when breathed as gases, irritate and severely injure the lungs, causing death from choking. They were introduced in World War I and are of much lower potency than the nerve agents.

Blood agents are also intended to enter the body through the respiratory tract. They produce death by interfering with the utilization of oxygen by the tissues. They, too, are much less toxic than nerve agents.

Toxins are biologically produced chemical substances which are very highly toxic and may act by ingestion or inhalation.

Tear and harassing gases are sensory irritants which cause a temporary flow of tears, irritation of the skin and respiratory tract, and occasionally nausea and vomiting. They have been widely used as riot control agents, and also in war.

Psycho-chemicals are drug-like chemicals intended to cause temporary mental disturbances.

Agents affecting plants

Herbicides (defoliants) are agricultural chemicals which poison or dessicate the leaves of plants, causing them to lose their leaves or die. The effectiveness of different chemical warfare agents against man, animals and plants is shown in table I. The various specific chemical agents are listed and described in chapter 2.

Methods of delivery

45. Chemical munitions are designed to fulfill three objectives: (1) to provide a container for the agent so that the agent/munition combination can be delivered to its target; (2) to attain an effective distribution of agent over the target area; and (3) to release the agent in active form. In the case of incapacitating and riot control agents, it is necessary that the munition itself should not cause injury or death, and that it should not start fires. This is particularly important for devices used in the control of riots.

46. The munitions to be used would depend on the method of delivery, the shape and size of the target area, and other variables. Ground-to-ground munitions include grenades, shells, rockets; and missile warheads; air-to-ground munitions include large bombs, dispensers, spray tanks, and rockets; emplaced munitions include generators and mines.

47. *Ground-to-ground munitions.* Small ground-to-ground munitions (grenades, shells and small rockets) function much like their conventional counterparts. Upon impact in the target area, they would either explode or burn, and so expel the agent to form a cloud which would diffuse and drift downwind, resulting in an elongated elliptical area within which casualties would occur. This represents a point source of dissemination (chapter II).

TABLE 1.—CATEGORIES OF CHEMICAL WARFARE AGENTS AND THEIR CHARACTERISTICS

	Physical stata at 20° C.	Persistency	Main state of aggregation in target	Effective route of entry	Effective against
Nerve agents	Liquid	Low to high	Vapour, aerosol, liquid	Lungs, eyes, skin	Man, animals.
Blister agents	Liquid, soild	High	do	do	Do.
Choking agents	Liquid	Low	Vapour	do	Do.
Blood agents	Liquid, vapors	do	do	Lungs	Do.
Toxins	Solid	do	Aerosol, liquid	Lungs, intestinal tract	Do.
Tear and harassing gases	Liquid, solid	do	Vapor, aerosol	Lungs, eyes	Do.
Incapacitants	do	do	Aerosol, liquid	Lung , skin	Do.
Herbicides (defoliants)	do	Low to high	do	Foliage and roots	Plants.[1]

---

[1] Some herbicides, particularly those containing organic arsenic are also toxic for man and animals.

48. Small rockets would frequently be fired in "ripples", and artillery shells in salvos, resulting in a group of impacts over the target area. This would constitute an area source of dissemination (chapter II).

49. Large ground-to-ground (as well as aerial munitions and missile warheads) might carry a number of small submunitions as well as agent in bulk. The parent munition, upon functioning, would disperse the submunitions over the target area. These would then disseminate the agent over a wide area rather than a single point of impact, as in the case of bulk munitions.

50. Another military concept is to use large warheads filled with several hundred kilos of an agent of low vapour pressure. Such a warhead, burst at a suitable altitude would produce a shower of droplets, effectively contaminating everything on which it fell. A number of such weapons could be used to assure that the target was covered.

51. *Air-to-ground munitions*. Bombs dropped from aircraft are larger than most shells, and consequently would result in a higher concentration of the chemical near the point of ground impact. Bombs bursting close to the ground could be used to achieve a wider dissemination of the agent, especially with chemical agents.

52. A dispenser is a container for submunitions, which, after opening, could remain attached to the aircraft. The submunitions could be released simultaneously or in succession.

53. Small rockets or missiles could also be used to deliver chemical agents from aircraft. The pattern of dispersal would be much the same as that produced by ground-to-ground rockets or missiles.

54. *Ground-emplaced munitions*. Ground-emplaced munitions comprise generators and mines. The generator is a tank containing a chemical agent, a source of pressure, and a nozzle through which the agent is forced. Generators would be placed upwind of the target, and then activated by a suitable device.

55. Chemical mines would be placed in areas of anticipated enemy activity, and would be activated by pressure or trip wires.

2. Bacteriological (Biological) Agents

56. Like chemical agents, bacteriological (biological) agents may also be classified in terms of their intended use, whether designed to incapacitate or to kill human beings, to incapacitate or kill food and draft animals, or to destroy food plants and industrial crops.

57. Bacteria, viruses, fungi, and a group of microbes known as rickettsiae are by far the most potent agents which could be incorporated into weapon systems. There is no assurance, however, that other living organisms may not in the future become more important as potential agents for warfare.

The selection of agents for use in warfare

58. The number of bacteriological (biological) agents which could potentially be used in warfare is far fewer than those which cause naturally-occurring disease. To be effective for this purpose they should:

(a) be able to be produced in quantity;

(b) be capable of ready dissemination in the face of adverse environmental factors;

(c) be effective regardless of medical counter-measure;

(d) be able to cause a large number of casualties (this would imply that any agent chosen would be highly infectious, but whether the agent chosen would also be easily transmissible from man-to-man, would depend upon an intent to initiate an epidemic spread).

Agents affecting man

59. All the diseases under consideration occur naturally, and the causative organisms with few exceptions, are known to scientists throughout the world. Incapacitating agents are those which, in natural outbreaks, cause illness but rarely death. If the natural disease has an applicable mortality, the agent is regarded as a lethal one. However, these agents when used as aerosol weapons might cause more severe disease than occurs naturally.

60. Different populations have varying degrees of resistance to the diseases produced by bacteriological (biological) agents. An infectious disease which might be only mildly incapacitating in one population might prove disastrous to another. For example, when measles was first introduced into the Hawaiian Islands, it caused far more deaths than in the relatively resistant populations of Europe. A bacteriological (biological) weapon which might be intended only to incapacitate could be highly lethal against a population where resistance had been lowered as a result of malnutrition. Conversely, a weapon which was intended to spread a lethal disease might only cause occasional mild illness in people who had been given a protective vaccine or who had become immune as a result of natural infection. The history of epidemiology is rich with surprises.

61. *Viruses* are the smallest forms of life. Most of them can be seen only with the electron microscope, and must be grown on living tissue (tissue cultures, fertile eggs, etc.) Genetic manipulation of the whole virus or chemical manipulation of its nucleic acid, might be used to acquire strains of higher virulence or greater stability to environmental stresses.

62. *Rickettsiae* are intermediate between the viruses and bacteria. Like the viruses, they grow only in living tissue. Judging by the scientific literature, research into the genetics of rickettsiae has been less intense than into that of viruses and bacteria.

63. *Bacteria* are larger than viruses, ranging in size from 0.3 micron to several microns. They can be easily grown on a large scale employing equipment and processes similar to those used in the fermentation industry, but special skills and experience would be needed to grow them in quantity in the particular state in which they readily cause disease. Although many pathogenic (disease-producing) bacteria are susceptible to antibiotic drugs, antibiotic-resistant strains occur naturally, and can be selected or obtained through the use of suitable methods of genetic manipulation. Similarly, it is possible to select strains with increased resistance to inactivation by sunlight and drying.

64. *Fungi* also produce a number of diseases in man, but very few species appear to have any potential in bacteriological (biological) warfare.

65. *Protozoa* are one-celled microscopic organisms which cause several important human diseases, including malaria. Because of their complex life cycles, they too appear to have little significance in the present context.

66. Parasitic *worms* such as hook-worm, and the filarial worms have very complicated life cycles. They cause illness and disability only after long exposure and repeated infection, and would be extremely difficult to produce in quantity, to store, to transport, or disseminate in a weapon. Insects are also difficult to conceive of as weapons. Some, such as the mosquito and the tick are transmitters of disease, and as "vectors", have to be looked upon as having potential military significance. Higher forms of life, such as rodents and reptiles can be dismissed in the context of the present discussion.

Agents affecting animals

67. Bacteriological (biological) anti-animal agents, such as foot-and-mouth disease and anthrax would be used primarily to destroy domestic animals, thereby indirectly affecting man by reducing his food supply.

68. Outbreaks of contagious disease in animal populations, knows as epizootics, may spread much more readily than do epidemics among human beings. Viral infections are probably more serious for animals than those caused by other classes of micro-organisms.

69. Most of the bacterial diseases of animals which could probably be used in warfare are also transmissible to man. Human beings would be expected to get the disease if they were affected by the attacking aerosol cloud, and occasional individuals might contract the disease from infected animals.

Agents affecting plants

70. The natural occurrence of devastating plant diseases such as the blight of potatoes in Ireland in 1845, the coffee rust of the 1870s in Ceylon, the chestnut blight of 1904 in the United States of America, and the widespread outbreaks today of cereal (especially wheat) rusts has suggested that plant pathogens might be used for military purposes. There are four major requirements for the deliberate development of a plant disease into epidemic (epiphytotic), proportions: large amounts of the host plant must be present in the region; the agent should be capable of attacking the particular varieties of host plant that are grown; adequate quantities of the agent must be present; and the environmental conditions within the region should be favorable for the spread of the disease. An epiphytotic cannot develop if any one of the above requirements is not satisfied.

Methods of delivery

71. Bacteriological (biological) agents can, in principle, be loaded into the same type of munitions as can chemical agents. Other than for covert or "special-purpose missions", bacteriological (biological) weapons, if developed for military purposes, would in all probability be delivered by aircraft or by large ballistic missiles. Aircraft (including cruise missiles and drones) could drop a large number of bomblets from high altitude, or spray from a low altitude. Because a small amount of agent will cover relatively large areas, bombs would probably be small (1 kilo or less) and dispersed over as wide an area as possible. They could be released from clusters or from dispensers in the manner of chemical weapons, but probably from a higher altitude.

72. An aircraft could establish a line of agent which, as it traveled downwind, would reach the ground as a vast elongated infective cloud (see chapter II). The effectiveness of such a procedure would be highly dependent on weather conditions, but the larger the area, the larger the weather front involved, the greater the chances that the predicted results would be achieved. A small relative error might, however, involve a country not in the conflict.

73. It is conceivable that bacteriological (biological) weapons, probably bomblets, could be packaged in a ballistic missile. The bomblets could be released at a predetermined altitude to burst at ground level. The effect would be the same as bomblet delivery by aircraft except that it would be more costly.

74. Unless transmitted by insects, bacteriological (biological) agents have little power to penetrate the intact skin. Infections through the respiratory tract by means of aerosols is by far the most likely route which could be used in warfare.

75. Many naturally-occurring diseases (e.g. influenza, tuberculosis) are spread by the aerosol route, and some of them, notably influenza, can generate into large epidemics. When an infected person sneezes, coughs, or even speaks, an aerosol is formed which contains particles ranging widely in size. The larger particles are usually of little importance because they fall to the ground. But small particles (3 microns or less in diameter) dry out rapidly in the air, and are the

most infectious. They may remain suspended in the atmosphere for a long time. Animal experiments have shown that a great many infectious agents (including many which are transmitted otherwise in nature) can be transmitted to animals by aerosols of small particle size. Laboratory accidents and experiments on volunteers have confirmed the effectiveness of the aerosol route of infection for man.

76. If bacteriological (biological) warfare ever occurred, the aerosol technique would thus be the one most likely to be used, simply because the respiratory tract is normally susceptible to infection by many micro-organisms; because of the wide target area which could be covered in a single attack; and because ordinary hygienic measures are ineffective in preventing the airborne route of attack. Since the particle size of an aerosol is crucial to its ability to penetrate into the lung (see chapter III for detailed discussion), the method for aerosolizing a bacteriological (biological) agent would have to be controllable so as to assure the dissemination of a large proportion of particles less than 5 microns in diameter.

77. Aerosols of bacteriological (biological) agents could be formed by three general methods. Agents could be disseminated by explosive means in much the same way as chemical agents. However, the size of the resulting particle is hard to control by this method, and much of the agent may be destroyed by the heat and shock of the exploding munition. Particles could also be formed by using pressure to force a suspension of the organisms through a nozzle. Particle size is determined by the amount of pressure, the size of the discharge orifices, the physical characteristics of the agent, and atmospheric conditions. Size control of solid particles (dry form of agent) can be achieved by "pre-sizing" before dissemination. Aerosol particles could also be produced by a spray by releasing the agent in liquid suspension into a high velocity air stream. This principle can be applied to spray devices for use on high performance aircraft.

D. Defence of man against chemical and bacteriological (biological) agents

78. A comprehensive defensive system against attacks by chemical or bacteriological (biological) agents would have to provide for detection and warning, rapid identification of agents, protection of the respiratory tract and skin, decontamination, and medical prophylaxis and treatment. Some aspects of such a system could be dealt with by fairly simple equipment. Others would necessitate highly sophisticated apparatus. But the whole complex would necessitate a very effective organization manned by well-trained personnel. While military units and small groups of people could be equipped and trained to protect themselves to a significant extent, it would be impracticable for most (if not all) countries to provide comprehensive protection for their entire civil population.

1. Medical Protection

Chemical attacks

79. No general prophylactic treatment exists which could protect against chemical attacks. Antidotes (atropine and oximes) to nerve agents of value if administered within half an hour before or within a very short time after exposure. Atropine is itself toxic, however, and might incapacitate unexposed individuals given large doses. Skin can be protected from the vapours of blister agents by various ointments, but they are not effective against liquid contamination.

Bacteriological (biological) attacks

80. Vaccination is one of the most useful means of protecting people from natural infective disease, and the only useful means available for prophylaxis against bacteriological (biological) attacks. The protective value of vaccines against small-pox, yellow fever, diphtheria, and other diseases is fully established, although the protection they afford can be overcome if an immunized individual is exposed to a large dose of the infectious agent concerned. It is probable, however, that even those existing vaccines which are effective in preventing natural infectious diseases might afford only limited protection against respiratory infection by an agent disseminated into the air in large amounts by a bacteriological (biological) weapon. Moreover, whole populations could not be vaccinated against all possible diseases. The development, production, and administration of so many vaccines would be enormously expensive, and some vaccines might produce undesirable or dangerous reactions in the recipients.

81. This picture is not significantly altered by certain new developments in the field of vaccination: e.g. the use of living bacterial vaccines against tularemia, brucellosis and plague; or aerosol vaccination, which is particularly relevant to vaccination of large numbers of people. There have been recent advances in the control of virus diseases, but at present none of these is practicable for the protection of large populations against bacteriological (biological) warfare.

82. Prophylaxis against some diseases can also be provided by the administration of specific anti-sera from the blood of people or animals previously innoculated with micro-organisms, or products derived from them, to increase the anti-body levels (immunity) in their blood. Tetanus anti-toxin is used in this manner, and until more effective methods replaced them, such anti-sera were used for many diseases. It would, however, be impossible to prepare specific anti-sera against all possible bacteriological (biological) agents and to make them available for large populations.

83. Other possibilities, for example the use of therapeutic materials before symptoms appear, are equally remote from practical realization. They include immune serum, gammaglobulin, or drugs such as antibiotics or sulfonamide drugs. The use of gammaglobulin to prevent, or mitigate the severity of, disease may be useful for individuals known to have been exposed. But since gammaglobulin is made by separation from human blood, stocks could never be available except for isolated cases. In theory, chemoprophylaxis (the use of drugs and antibiotics to prevent infection) might also be useful in the short term for small groups operating at especially high risk. But it would only be prudent to assume that the bacteriological (biological) agents which an enemy might use would be those which were resistant to such drugs.

2. Detection and Warning

84. The requirement is to detect a cloud of a chemical or a bacteriological (biological) agent in the air sufficiently quickly for masks and protective clothing to be donned before the attack can be effective. Usually the objective would be to try and detect the cloud upward of the target so that all those downwind could be warned. There are also requirements for the detection of ground contamination with chemical agents and for detection equipment to enable those under attack to decide when it would be safe to remove their protective equipment.

Chemical attacks

85. In World War I it was possible to rely upon odour and colour as the primary means of alerting personnel that a chemical attack had been launched. The newer more toxic chemical agents cannot be detected in this way. On the other hand, presumptive evidence that such weapons had been used would none the less still be of value as warning. Once an enemy had used chemical weapons, each subsequent attack would necessarily have to be presumed to be a possible chemical attack, and protective measures would have to be instituted immediately. Individuals would have to mask not only in the air attack in which spray was used, or when there was smoke or mist from an unknown source, or a suspicious smell, or when they suffered unexpected symptoms such as a runny nose, choking and tightness in the chest, or disturbed vision, but whenever any bombardment occurred. But because of the uncertainty, it would be clearly desirable to devise and provide a system of instruments which can detect the presence of toxic chemicals at concentrations below those having physiological effects, and which would give timely and accurate warning of a chemical attack. It would also be advantageous to have test devices, collectors and analytical laboratory facilities in order to determine whether the environment was safe, as well as to identify accurately the specific chemical agent used in an attack.

86. The first and essential component of a defensive system would be an instrument which could detect low concentrations of a chemical agent. However low the concentration, a person could inhale a toxic amount in a short time because he breathes 10–20 litres of air per minute. Since the human body can eliminate or detoxify very small amounts of many toxic materials, there is no need to consider very long periods of exposure—the concern is with the exposures of only a few hours. This is often referred to technically as the Ct (concentration time) factor. Essential requirements of a method of detection suitable for use by military or civil defence personnel are that it be simple, specific, sensitive and reliable. Typical detector kits contain sampling tubes and/or reagent buttons, papers, etc. After being exposed to particular chemical agents, these detectors change colour or exhibit some other changes easily observable without special instruments. Chemical detection kits could also be used to decide when it is safe to remove protective masks or other items of protective clothing. Obviously, laboratories, whether mobile or fixed, can perform more elaborate chemical analyses than can detection kits.

87. Warning devices which have been devised incorporate sensitive detectors that actuate an automatic alarm which alerts individuals to take protective action before a harmful dose of agent is received. They are of two trends: point sampling devices, which sample the air at one location by means of an air pump, and area scanning devices, which probe a specific area for chemical agents. The disadvantage of point source alarms is that they must be placed upwind of the area that has to be protected, and a rather large number may be needed. If the wind shifts, they have to be repositioned. Successful area scanning alarms have not yet been developed.

88. It must be recognized that in spite of instrumental warning systems, personnel near the point of dissemination of a chemical agent might still not have sufficient time to take protective action.

Bacteriological (biological) attacks

89. Unlike chemical weapons, bacteriological (biological) weapons cannot readily be distinguished from the biological "background" of the environment by specific chemical or physical reactions, and much lower aerosol concentrations of bacteriological (biological) agents are dangerous than of chemical agents. The problem of early detection and warning is thus even more difficult than for chemical weapons. A partial solution to the problem has been achieved with certain non-specific but very sensitive physical devices such as particle-counters and protein detectors (protein is a typical constituent of micro-organisms). Presumptive evidence of a bacteriological (biological) attack might be obtained if there is an unusual deviation from the normal pattern of material in the air recorded by the instruments. The eleva-

tion of such a deviation, however, would necessitate intensive and prolonged study of the normal pattern in a given location. This subject is discussed further in annex A.

3. Physical Protection

90. The primary objective is to establish a physical barrier between the body and the chemical and bacteriological (biological) agents, and especially to protect the skin and the respiratory tract. Without this no warning system, however effective, has the slightest value. Protection could be achieved by using various types of individual protective equipment or by means of communal shelters.

Individual protection

91. Protective masks are the first line of defense against all chemical and bacteriological (biological) agents. Although protective masks differ in appearance and design, they have certain features in common: a fitted facepiece, made of an impermeable material soft enough to achieve an effective seal against the face, and some means of holding it in place, such as a head strap, and a filter and absorption system, in canister or other form, which will remove particulate (aerosol) agents by mechanical filtration. The canister also contains activated charcoal, sometimes impregnated to react with agents in the vapour state, but which in any case will absorb toxic vapours. Some masks are made so as to permit the drinking of water while the individual is masked, or attempts at resuscitation measures on casualties without unmasking them. Civil defense masks are often less elaborate versions of the military mask. Gas proof protectors can be provided for infants.

92. A protective mask, properly fitted and in good working condition, will provide complete respiratory protection against all known chemical and bacteriological (biological) agents. However, a certain percentage of masked personnel can be expected to become casualties because of lack of training, failure to keep the mask in good condition, growth of beard, or because facial injuries prevent a good fit, etc. The amount of leakage that can be tolerated with bacteriological (biological) agents is much less because of their greater potency.

93. Since mustard gases and the nerve agents of low or intermediate volatility can penetrate the unbroken skin, even through normal clothing, the whole body surface must be protected by some form of special clothing, of which there are two kinds, one which is impermeable to liquid agents, and the other which, though permeable to air and moisture, has been treated so as to prevent chemical agents from getting through. Rubber coated fabrics, made into protective suits, constitute the first, while normal clothing, treated with chlorimides or absorbents, is an example of the second. In addition, some form of impermeable cover, ground sheet or cape, can be used to protect against gross liquid contamination. Feet and hands are usually protected by special gloves, and either by boot covers or treated boots.

94. Together with a mask, protective clothing, properly worn and in good condition, will afford excellent protection against known chemical and bacteriological (biological) agents. The greatest degree of protection is provided by the impermeable type but when worn continuously it becomes very burdensome because of heat stress, particularly in warm environments. Permeable clothing allows somewhat greater activity, but even so, physical activity is impaired.

Collective or communal protection

95. Collective protection takes the form of fixed or mobile shelters capable of accommodating groups of people, and has been devised not only for civilians but also for special groups of military personnel (e.g. command posts, field hospitals). Collective protection is the most effective physical means of protection against all forms of attack. Sealing or insulating the shelter will provide protection only for a limited time, because of lack of ventilation. Sealing plus a supply of oxygen and a means of eliminating carbon dioxide is better, but once again the time of occupancy is limited. The shelter could be none the less safe even though surrounded by fire or high concentrations of carbon monoxide. The best kind of shelter provides ventilation with filtered air to maintain a positive pressure relative to that outside. This positive internal pressure prevents the penetration of airborne agents, and permits entry or exit of personnel and equipment without contamination of the interior of the shelter. Extended periods of occupancy are possible.

96. These principles of collective protection as applicable to all enclosures arranged for human or animal occupancy. They have been used to provide protection by: hastily constructed or improvised field shelters, mobile vans and armoured vehicles, and permanent or fixed shelters designated for housing civilian or military personnel.

97. Once a bacteriological (biological) attack had been suspected or detected, it would be necessary to identify the specific agents involved so that proper protective measures could be taken and chemo-prophylaxis and treatment planned. Identification would also help to predict the incubation period and hence the time available for remedial measures to be taken. At present the only means of identifying specific micro-organisms is by normal laboratory procedures. Many routine laboratory methods of identification require as long as two to five days, but some recent developments have reduced this time appreciably. It is possible to collect the particles from large volumes of air and concentrate them in a small amount of fluid. Bacteria can then be trapped on special filters and transferred to nutrient media, where sufficient growth may take place to permit identification of some kinds of bacteria within fifteen hours. Another method, the fluorescent antibody technique, can be highly specific, and is applicable to bacteria and some viruses. In some cases, it allows of specific identification within a few hours. But despite all these recent developments, laboratory identification of biological agents is still a complicated and unsatisfactory process.

4. Decontamination

Chemical agents

98. Prolonged exposure to weather and sunlight reduces or eliminates the danger of most chemical agents, which are slowly decomposed by humidity and rain. But one could not rely on natural degradation to eliminate the risk and, in general, it would be essential to resort to decontamination. This would reduce the hazard but it is a time-consuming process and would greatly hamper military operations.

99. A wide range of chemicals could be used as decontaminants, the choice depending on the particular agent which has to be neutralized, the type of surface that needs to be treated, the extent of contamination, and the amount of time available. Decontaminants range from soap and detergent in water, to caustic soda, hypochlorite and various organic solvents, and their successful use calls for large numbers of people, a copious supply of water, and appropriate equipment.

100. Decontaminating solutions, powders, applicators and techniques have been developed for decontaminating skin, clothing, personal equipment and water. These would need to be used immediately after an attack.

101. Unless food has been stored in metal cans or other containers which were impermeable to chemical agents, it would have to be destroyed. Decontamination of complex equipment and vehicles is a difficult and time-consuming procedure. Special pressurized sprayers to disseminate powdered and liquid decontaminants have been developed for this purpose, as have paints or coatings to provide a smooth impermeable surface to preclude the penetration of chemical agents.

102. Decontamination might even need to be extended to roads and selected areas. This would involve the removal of contaminated soil by bulldozing, or covering it with earth, using explosives to spread a powdered decontaminant over a wide area.

Bacteriological (biological) agents

103. Decontamination procedures for biological agents are similar to those used for toxic chemical agents. Aeration and exposure to strong sunlight will destroy most micro-organisms, as will also exposure to high temperatures. Thoroughly cooking exposed food, and boiling water for at least fifteen minutes will kill almost all relevant micro-organisms. Calcium hypochlorite and chlorine can also be used to purify water. Certain chemical compounds, such as formaldehyde, ethylene oxide, calcium and sodium hypochlorites, sodium hydroxide and betapropiolactone, can be used to decontaminate materials and work areas. A hot, soapy shower is the best way to decontaminate human beings.

E. Protection of domestic animals and plants against chemical and bacteriological (biological) attacks

1. Chemical Attacks

104. The widespread protection of domestic animals and plants from chemical attack would be impracticable. Once a crop had been attacked with herbicides there is no effective remedial action. The damage could be made good only by a second planting of either the same or another crop, depending on the season.

2. Bacteriological (Biological) Attacks

Animals

105. Animals or flocks could be protected by collective shelters, although the cost would be great and, in the absence of automatic warning devices, it would be impossible to assure that the creatures would be sheltered at the time of attack.

106. The ideal means of protection for animals would be vaccination. Vaccines have been developed, and many are routinely produced, for foot-and-mouth disease, rinderpest, anthrax, Rift Valley fever, hog cholera, Newcastle disease and others. Vaccination of animal herds by aerosols is a promising area of investigation.

Plants

107. The only hopeful approach would be to breed disease resistant plants. This is a regular part of most national agricultural programmes, and has as its object the increase of crop yields. But unless the exact identity of the bacteriological (biological) agent which might be used were known well in advance (possibly years), it would not be feasible to apply this principle to provide protection to crops against this kind of attack.

108. Efforts devoted to spraying fungicides and similar preparations to reduce loss after attack do not appear to be economically effective. In most cases the best procedure is to utilize available manpower and machines in planting second crops.

ANNEX A: EARLY WARNING SYSTEMS FOR AIRBORNE BACTERIOLOGICAL (BIOLOGICAL) AGENTS

An ideal automatic system for early warning against an attack with bacteriological (biological) agents would comprise the following components:

(1) a device to collect large volumes of air and concentrate the particulate matter obtained, in a small volume of fluid or on a small surface;

(2) a device to quantify and identify the collected material;

(3) a mechanism to assess the results and to initiate an alarm if necessary.

To collect and identify bacteriological (biological) agents and to initiate an alarm so that protective measures can be taken in sufficient time to be useful is extremely difficult. This is so because, firstly, identification of agents is generally time-consuming and, secondly, large and fluctuating quantities of bacterial and other organic materials exist in the atmosphere at all times. Thus if pathogens from a cloud released by an aggressor were collected, the device would need, not only to determine whether the quantity collected was significantly above the normal amounts that might occur, but also what the agent was, or at least that, in the amount collected, it was highly dangerous to man.

At present, warning devices are available which are sensitive but non-specific and these, unfortunately, would give an unacceptably high proportion of false alarms. Others are being developed which attempt to incorporate both rapid response with high specificity, but none to date is in the production stage. Research on this important problem is being continued and some of the approaches and techniques that are being used in this study are listed below.

Classification of automated biodetection approaches *

General category: Physical particle detection.

Suggested approach: magnification, light scattering, volume displacement.

General category: key biochemical components.

Suggested approach: antigen detection by fluorescent labelling, dyes and staining, bioluminescence and fluorescences, optical activity, pyrolysis products detection, ATP detection, proteins, nucleic acids, or others.

General category: Biological activity.

Suggested approach: Growth (increase in cell mass or numbers), CO_2 evolution, phosphatase activity, substrate change (pH, Eh, O_2 interchange), Pathogenic effects.

CHAPTER II. THE PROBABLE EFFECTS OF CHEMICAL AND BACTERIOLOGICAL (BIOLOGICAL) WEAPONS ON MILITARY AND CIVILIAN PERSONNEL, BOTH PROTECTED AND UNPROTECTED

A. The effects of chemical agents on individuals and populations

109. The effects of chemical warfare agents on humans, animals and plants depend on the toxic properties of the agent, the dose absorbed, the rate of absorption and the route by which the agent enters the organism. Toxic agents may enter the body through the skin, the eyes, the lungs, or through the gastro-intestinal tract (as a result of eating contaminated food or drinking contaminated liquids).

110. For a given agent absorbed under the same conditions, the effect will be proportional to the dose absorbed. This is why it is possible to define for each agent certain characteristic doses, such as the dose which, under given conditions, will on average, cause death in 50 per cent of the individuals exposed (the 50 per cent lethal dose, or "LD 50"), or the dose which will cause 50 per cent non-fatal casualties, or the dose which will have no appreciable military effect. These are expressed in milligrams of agent, with reference to a healthy adult of average weight. They may also be given in terms of milligrams per kilogram of body weight.

111. For purposes of evaluation it is convenient to express the same idea somewhat differently in the case of gases, vapours and aerosols absorbed through the respiratory passages. Here the absorbed dose depends on the concentration of the agent in the air, on the respiration rate of the subject, and on the duration of the exposure. If, for the sake of illustration, it is assumed that the average respiration rate for groups of individuals engaged in various activities remains relatively constant, it follows that the dose, and therefore the effect produced, will be directly proportional to the product of the concentration of the agent in the air (C in milligrams/cubic metre) and the exposure time (t in minutes). This is called the dosage (or Ct factor), certain characteristic values of which (for example the LD 50) are used in particular situations for quantitative estimates of the effects produced.

112. For toxic agents acting on or through the skin, the dose absorbed by contact will often be related to the "contamination rate," expressed in grams/square metre, which indicates to what extent surfaces are contaminated by the liquid.

113. The consequences of an attack on a population are a combination of the effects on the individuals in it, with both the concentration of agent and the susceptibility of individuals varying over the whole area exposed to risk. Different individuals would respond differently to an attack, and might have different degrees of protection. Possible long-term contamination of personnel from chemical warfare agents persisting on the ground and vegetation may add to the immediate, direct effects.

114. Protective masks, protective clothing and shelters and, to a certain extent, decontamination when applicable, give substantial protection against all chemical warfare agents. But, as already emphasized, the mere possession of a means of protection by no means constitutes an absolute safeguard against contamination by poisons. Alarm and detection equipment is important, sometimes vital, because without it timely warning, which is essential to the proper use of protective equipment, would be lacking. Since protective measures are most effective when performed by trained personnel working effectively in units, military personnel are more likely to be provided with adequate protection than a civilian population. In any event, the civilian population in most countries is simply not provided with protection against chemical warfare.

115. Several chemical warfare agents which were known during World War I, and others developed since, have been reported on in the scientific literature. However, the effects of the more lethal modern chemical weapons have not been studied under conditions of actual warfare. Furthermore, no complete and systematic field studies of the use of defoliants, herbicides and riot control agents are available. The following descriptions of the probable effects of chemical weapons, based both upon evidence and on technical judgment, must therefore be regarded as somewhat conjectural.

1. Effects of Lethal Chemical Agents on Individuals

116. Table 1 provides a classification of the most important lethal chemical agents, and notes some of their characteristics in terms of the effects they produce. More details are given in annex A.

TABLE 1.—GENERAL CHARACTERISTICS OF LETHAL CHEMICAL AGENTS

Type	Mechanism	Time for onset of effects	Examples
Nerve agent G	Interferes with transmission of nerve impulses.	Very rapid by inhalation (a few seconds).	Tabun, Sarin, Soman.
Nerve agent V	Interferes with transmission of nerve impulses.	Very rapid by inhalation (a few seconds); Relatively rapid through skin (a few minutes to a few hours).	VX.
Blister agent	Cell poison	Blistering delayed hours to days; eye effects more rapid.	Sulfur mustard. Nitrogen mustard.
Choking agent	Damages lungs	Immediate to more than three hours	Phosgene.
Blood agent	Interferes with all respiration	Rapid (a few seconds or minutes)	Hydrogen cyanide.
Toxin	Neuromuscular paralysis	Variable (hours or days)	Botulinum toxin.

117. Lethal chemical agents kill in relatively small doses, and as a rule the amount that causes death is only slightly greater than that which causes incapacitation. Death may occasionally be caused by high doses of presumed incapacitating agents and, conversely, minor effects could be caused by low doses of lethal agents. Blister agents are considered with the lethal agents, since a small but significant fraction of the personnel attacked with such agents may die or suffer serious injury.

Nerve agents

118. These lethal compounds are readily absorbed through the lungs, eyes, skin and intestinal tract without producing local irritation, and they interfere with the action of an enzyme (cholinesterase) essential to the functioning of the nervous system. The nerve-agent casualty who has been exposed to a lethal dose will die of asphyxiation within a few minutes if he is not treated swiftly by means of artificial respiration and drugs such as atropine or oximes. Otherwise recovery is generally rapid and complete. Occasionally, it may take several weeks, but will be complete unless anoxia or convulsions at the time of exposure were so prolonged as to cause irreversible brain damage.

119. The route of entry of the agent into the body has some influence on the appearance of symptoms. These develop more slowly when the agent is absorbed through the skin than when it is inhaled. Low dosages cause a running nose, contraction of the pupil of the eye and difficulty in visual accommodation. Constriction of the bronchi causes a feeling of pressure in the chest. At higher dosages, the skeletal muscles are affected—weakness, fibrillation, and eventually paralysis of the respiratory muscles occurring. Death is usually caused by respiratory failure, but heart failure may occur. It is estimated that the most toxic nerve gases may cause death at a dosage of about ten mg min/m^3.* Less toxic ones are lethal at dosages of up to 400 mg min/m^3.

Blister agents or vesicants

120. Mustard is a typical blister agent which, like other members of this class, also has general toxic effects. Exposure to concentrations of a few mg/m^3 in the air for several hours results at least in irritation and reddening of the skin, and especially irritation of the eyes, but may even lead to temporary blindness. Exposure to higher concentrations in the air causes blisters and swollen eyes. Severe effects of this kind also occur when liquid falls on the skin or into the eyes. Blistering with mustard is comparable to second degree burns. More severe lesions, comparable to third degree burns, may last for a couple of months. Blindness may be caused, especially if liquid agent has entered the eyes. Inhalation of vapour or

---

*Adapted from Greene, V. W. "Biodetecting and Monitoring Instruments Open New Doors for Environmental Understanding", *Environmental Science Technology,* February 1968, pp. 104–112.

*A dosage of one mg min/m^3 consists of an exposure of one minute to gas at a concentration of one milligram per cubic metre.

aerosol causes irritation and pain in the upper respiratory tract, and pneumonia may supervene. High doses of blister agents cause a general intoxication, similar to radiation sickness, which may prove lethal.

121. The first step in treating a person who has been exposed to a vesicant or blister agent, is to wash it out of the eyes and decontaminate the skin. Mild lesions of the eyes require little treatment. The blisters are treated in the same way as any kind of second-degree burn.

Other lethal agents

122. *Phosgene* and compounds with similar physiological effects were used in World War I. Death results from damage to the lungs. The only treatment is inhalation of oxygen and rest. Sedation is used sparingly.

123. *Hydrogen cyanide* in lethal doses causes almost immediate death by inhibiting cell respiration. Lower doses have little or no effect.

124. Most of the so-called blood agents contain cyanide, and all act rapidly. The casualty would either die before therapy could begin, or recover soon after breathing fresh air.

125. *Botulinum toxin* is one of the most powerful natural poisons known, and could be used as a chemical warfare agent. There are at least six distinct types, of which four are known to be toxic to man. Formed by the bacterium *Clostridium botulinum,* the toxin is on occasion accidentlly transmitted by contaminated food. The bacteria do not grow or reproduce in the body, and poisoning is due entirely to the toxin ingested. It is possible that it could be introduced into the body by inhalation.

126. Botulism is a highly fatal poisoning characterized by general weakness, headache, dizziness, double vision, dilation of the pupils, paralysis of the muscles concerned in swallowing, and difficulty of speech. Respiratory paralysis is the usual cause of death. After consumption of contaminated food, symptoms usually appear within twelve to seventy-two hours. All persons are susceptible to botulinum poisoning. The few who recover from the disease develop an active immunity of uncertain duration and degree. Active immunization with botulinum toxoid has been shown to have some protective value, but antitoxin therapy is of limited value, particularly where large doses of the toxin have been consumed. Treatment is mainly supportive.

2. Effects of Lethal Agents on Populations

127. As already indicated, the possible effects of an attack on populations with lethal chemical warfare agents would depend upon the agent used, upon the intensity of the attack, whether the population was mainly under cover or in the open, on the availability of protective facilities, on the physiological state of the individuals affected, and upon the meteorological conditions, which might differ from what had been predicted, and alter during the course of an attack.

128. The importance of meteorological conditions on the spread of agent from its point or area of release is illustrated by Figures 1(a), 1(b) and 1(c) which show in an idealized diagramatic form the type of dosage contours to be expected from a point source, from multiple sources and from a linear aerial source respectively when exposed to the effects of wind.

129. Figure 1 (a) shows the shape of the zone travelled by the chemical cloud produced by a point source (for example, one isolated munition), at the far left of the innermost cigar-shaped figure under conditions of a strong wind (say, 5-20 km/h) in the direction indicated.

130. The number on each line indicates the dosage (Ct = concentration times time) on the line. The dosage at any point inside the area delimited by the curve is greater than the number indicated. On the basis of these data, it is possible to estimate the casualties when the characteristic dosages of the agent used are known. For example, if the LD 50 value of the agent were 30 milligram-minutes/cubic metre, there would be more than 50 per cent fatalities in the area inside the contour marked 30.

131. This figure applies to a volatile agent such as Sarin, which is usually released in the form of a vapour or an aerosol cloud. In the case of a non-volatile liquid released in the form of droplets which fall onto the ground and contaminate it, a corresponding map could be drawn for the level of contamination of the soil (expressed in milligrams/square metre).

132. Figure 1 (b) shows the same phenomenon in relation to an area source such as would result, for example, from attack by a missile warhead filled with small bombs or by an artillery salvo.

133. In the case of a volatile agent released in the form of a vapour or aerosol, the resulting cloud, carried downwind, covers a zone whose general shape is the same as in the case of a point source (Figure 1 (a)), but its dimensions are obviously much larger and the dosage values are also larger.

134. If a non-volatile agent were released in the form of droplets, the hazard would be very great in the impact area because all surfaces (skin, clothing, vehicles, equipment, vegetation, etc.) would be contaminated. The downwind hazard caused by the drift of the most minute particles would extend over a much smaller area than in the previous case because only a relatively small number of minute particles would be carried by the wind.

135. Figure 1(c) shows the zone covered by a linear aerial source, as in the case of dissemination of a non-volatile agent from an aircraft.

136. The emitted cloud is carried by the wind and does not touch the ground until it has travelled some distance away from the line of flight of the disseminating aircraft; this depends on the altitude of the aircraft and on the wind velocity. Since the cloud has already been subjected to the influence of turbulent diffusion before reaching the ground, the dosage values or contamination rates will be highest some distance away from the zone boundary nearer the source.

137. Because of meteorological and other variables, it is impossbile to make general statements about the quantitative effects of chemical weapons on populations. The following hypothetical examples, therefore, are intended merely to illustrate what might happen and the degree to which protective measures could reduce casualties. To provide representative illustrations, the examples chosen include the different hazards created by nerve agents used in a battle zone, on military targets in the rear and on civilians in a town.

Effects of nerve gas on protected troops in combat

138. A heavy attack with air-burst munitions dispersing non-volatile liquid nerve agent would create concentrations on the the ground that could rage from one-tenth of a gram to ten grams of liquid per square metre, giving a mean value of about five grams. This would be extremely hazardous. At the same time, aerosol concentrations would be created over almost the entire impact area (dosages about twenty mg. min/m^3). This would produce casualties even if there were no liquid hazard.

139. To counter this type of attack, protective measures of a very high order of efficiency, including protective masks, light protective clothing, means for decontamination, detection systems, antidotes and medical care, would have to be available. Protective clothing and rapid utilization of gas masks would give a certain measure of protection. But in this case, subsequent decontamination and medical care would be necessary to avoid heavy lethal losses.

Effects of nerve gas on a military target in the rear

140. An attack from the air with a volatile nerve agent against a military installation in a rear area would cause an intense liquid and vapor hazard in the installation itself, and a vapour hazard downwind in the surrounding area. As suggested in figure 1(b), the impact area would be very heavily contaminated; gas dosages inside and close to the impact area would be very high. Further downwind the gas concentration would decrease gradually, and finally become innocuous. A general picture of the way casualties would occur in a downwind area is indicated in figure 1(a).

141. After an attack in which tons of Sarin were used against an area of one square kilometre, the impact area and the area immediately downwind from it would be highly lethal to all unprotected personnel. Lethal casualties would occur at dosages above eighty mg. min/m^3 and severe casualties down to thirty mg. min/m^3. Some very light casualties would result at dosages around five mg. min/m^3. The distance between the impact area and the area of lowest effective dosage would depend on the local topography and on weather conditions, but would rarely exceed a few tens of kilometres.

142. Personnel provided only with gas masks, but not wearing them at the moment of the attack, would suffer substantial losses in and close to the impact area, both because of the effects of the liquid and because of the high gas concentration inhaled before they could don their masks. Further downwind, masks would give essentially complete protection if warning were provided reasonably quickly.

Effects of a nerve gas attack on a town

143. The population density in a modern city may be 5,000 people per square kilometre. A heavy surprise attack with non-volatile nerve gas by bombs exploding on impact in a wholly unprepared town would, especially at rush hours, cause heavy losses. Half of the population might become casualties, half of them fatal, if about one ton of agent were disseminated per square kilometre.

144. If such a city were prepared for attack, and if the preparations included a civil defence organization with adequately equipped shelters and protective masks for the population, the losses might be reduced to one half of those who would be anticipated in conditions of total surprise.

145. Although it would be very difficult to achieve, if there were a high level of preparedness, comprising adequate warning and effective civil defence procedures, it is conceivable that most of the population would be sheltered at the time of the attack, and that very few would be in the streets.

146. Given a town with a total population of 80,000, a surprise attack with nerve gas could thus cause 40,000 casualties, half of them fatal, whereas under ideal circumstances for the defence, fatalities might number no more than 2,000. It is inconceivable, however, that the ideal would ever be attained.

3. Effects of Incapacitating Chemical Agents

147. Incapacitating chemicals, like tear gases and certain psychochemicals, produce in normal health people a temporary, reversible disability with few if any permanent effects. In your children, old people and those with impaired health, the effects may sometimes be aggravated. They are called incapacitating because the ratio between the lethal and incapacitating doses is very high. The types which could have a possible military use are limited by requirements of safety, controlled military effectiveness and economic availability.

Tear and harassing gases

148. Many chemical compounds fall into this category, of which ω-chloracetophenone (CN), ortho-chlorobenzylidenemalononitrile (CS), and adamsite (DM) are probably the most important. They are solids when pure, and are disseminated as aerosols.

149. Either as v pour or in areosol, tear and harassing gases rapidly produce irritation, smarting and tears. These symptoms disappear quickly after exposure ceases. The entire respiratory tract may also be irritated, resulting in a running nose and pain in the nose and throat. More severe exposures can produce a burning sensation in the trachea. As a result, exposed persons experience difficulty in breathing, attacks of coughing and occasionally, nausea and headaches.

150. Extremely high dosages of tear and harassing gases can give rise to pulmonary edema (fluid in the lungs). Deaths have been reported in three cases after extraordinary exposure to ω-chloracetophenone (CN) in a confined space.

151. The effects of adamsite (DM) are more persistent. Nausea is more severe and vomiting may occur.

152. Results of experiments on various species of animals (see annex B) and some observations of human responses lead to the following tentative conclusions First, CS is the most irritating of these gases followed by adamsite (DM) and ω-chloracetophenone (CN). Second, the tolerance limits (highest concentration which a test subject can tolerate for one minute) of DM and CS are about the same. Third, the least toxic of the tear gases is CS, followed by DM and then CN. Fourth, human beings vary in their sensitivity to, and tolerance of, tear and harassing gases. And finally, the toxicity of these gases varies in different animal species and in different environmental conditions.

153. The symptoms caused by tear gases disappear, as tears wash the agent from the eyes, and if the victim gets out of the tear gas atmosphere. Some, however, cause reddening or rarely even blistering of the skin when the weather is hot and wet.

Toxins

154. Staphylococcus toxin occurs naturally in outbreaks of food poisoning—which is the only medical experience with this toxin. The symptoms have a sudden, sometimes violent, onset, with severe nausea, vomiting and diarrhea. The time from ingestion of the toxin to the onset of symptoms is usually two to four hours, although it may be as short as a half hour. Most people recover in 24–48 hours and death is rare. Treatment is supportive and immunity, following an attack, is short-lived. The toxin is resistant to freezing, to boiling for thirty minutes, and to concentrations of chlorine used in the treatment of water. Staphylococcus toxin could be considered as an incapacitating chemical warfare agent. Symptoms can be produced in animals by intravenous injection, and the toxin may also be active by the respiratory route.

Psychochemicals

155. These substances have been suggested for use in war as agents which could cause temporary disability by disrupting normal patterns of behavior. The idea cannot be accepted in its simple form, since these substances may lead to more permanent changes, particularly in individuals who are mentally unbalanced or who are in the early stages of a nervous and mental disease. Moreover, very high doses, which would be difficult to exclude during use in war, can cause irreversible damage to the central nervous system or even death. Psychochemicals could also have particularly severe effects on children.

156. Compounds such as LSD, mescaline, psilocybin, and a series of benzilates which cause mental disturbance—either stimulation, depression or hallucination—could be used as incapacitating agents. Mental disturbance is, of course, a very complex phenomenon, and the phychological state of the person exposed to a psychochemical, as well as the properties of the agent, would profoundly influence its manifestations. But, despite the variation in responses between individuals, all those affected could neither be expected to act rationally, nor to take the initiative, nor make logical decisions.

157. Psychochemicals do more than cause mental disturbance. For example, the general symptoms from the benzilates are interference with ordinary activity; dry, flushed skin; irregular heartbeat; urinary retention; constipation; slowing of mental and psychical activity; headache, giddiness; disorientation; hallucinations; drowsiness; occasional maniacal behaviour; and increase in body temperature. While these effects have not been fully studied, there would be a significant risk of affected individuals, particularly military personnel, becoming secondary casualties due to unco-ordinated behaviour. A single dose of 0.1 to 0.2 mg LSD25 will produce profound mental disturbance within half an hour, the condition persisting for about ten hours. This dose is about a thousandth of the lethal dose.

158. Treatment of the symptoms of psychochemicals is mainly supportive. Permanent psychotic effects may occur in a very small proportion of individuals exposed to LSD.

159. It is extremely difficult to predict the effects which an attack with psychochemical agents would produce in a large population. Apart from the complication of the varying reaction of exposed individuals, there could be strange interactions within groups. A few affected individuals might stimulate their fellows to behave irrationally, in the same way as unaffected persons might to some extent offset the reactions of those affected. Since the probability of fatal casualties resulting directly from exposure is low, some normal group activity might be sustained. Protective masks would probably provide complete protection since practically all potential psychochemical agents, if used as offensive weapons, would be dessiminated as aerosis.

4. Other Effects of Chemical Agents

Effects on animals

160. The effects of lethal chemical agents on higher animals are, in general, similar to those on man. The nerve agents also kill insects.

Effects on plants

161. A variety of chemicals kill plants, but as already indicated, little is known about their long-term effects. The effective dose ranges of defoliants vary according to the particular species of plant attacked, its age, the meteorological conditions and the desired effect: e.g., plant death or defoliation. The duration of effect usually lasts weeks or months. Some chemicals kill all plants indiscriminately, while others are selective. Most defoliants produce their effects within a few weeks, although a few species of plant are so sensitive that defoliation would occur in a period of days.

162. An application of defoliating herbicide* of approximately 3 gallons (32 pounds) per acre (roughly 36 kg per hectare) can produce 65 per cent defoliation for six to nine months in very densely forested areas, but in some circumstances some species of trees will die. Significantly lower doses suffice for most agricultural and industrial uses throughout the world. Defoliation is, of course, a natural process—more common in trees in temperate zones than in the tropics. Essentially what defoliants do is trigger defoliation prematurely.

163. Desiccation (the drying out) of leaves results in some defoliation, although usually the leaf-drop is delayed, and the plant would not be killed without repeated application of the chemical: Chemical desiccants cause a rapid change in colour, usually within a few hours.

B. The effects of bacteriological (biological) agents on individuals and populations

164. Mankind has been spared any experience of modern bacteriological (biological) warfare, so that any discussion of its possible nature has to be based on extrapolation from epidemiological knowledge and laboratory experiment. The number of agents which potentially could be used in warfare is limited by the constraints detailed in chapter I. On the other hand, the variability which characterizes all living matter makes it conceivable that the application of modern knowledge of genetic processes and of selection could remove some of these limitations. Some species of micro-organisms consist of a number of strains characterized by different degrees of virulence, antigenic constitution, susceptibility to chemotherapeutic agents, and so on. For example, strains of tularaemia bacilli isolated in the United States are generally much more virulent in human beings than those found in Europe or Japan. Foot-and-mouth disease virus is another well-known example of an organism with various degrees of virulence. The situation with bacteriological (biological) weapons is thus quite different from that of chemical weapons, where the characteristics of a given compound are more specific.

1. Effects on Individuals

165. Bacteriological (biological) agents could be used with the intention of killing people or of incapacitating them either for a short or a long period. The agents, however, cannot be rigidly defined as either lethal or incapacitating, since their effects are dependent upon many factors relating not only to themselves but also to the individuals they attack. Any disease-producing agent intended to incapacitate may, under certain conditions, bring about a fatal disease. Similarly, attacks which might be intended to provoke lethal effects might fail to do so. Examples of naturally occurring lethal disease are shown in table 2 and representative incapacitating diseases in table 3. A detailed list of possible agents, with a brief description of their salient characteristics is given in annex C.

166. A number of natural diseases of man and domestic animals are caused by mixed infections (e.g., swine influenza, hog cholera). The possible use of two or more different organisms in combination in bacteriological (biological) warfare needs to be treated seriously because the resulting diseases might be aggravated or prolonged. In some instances, however, two agents might interfere with one another and reduce the severity of the illness they might cause separately.

167. The effects of some forms of bacteriological (biological) warfare can be mitigated by chemotherapeutic, chemoprophylactic and immunization measures (for protection see chapter I and annex C of this chapter). Specific chemotherapeutic measures are effective against certain diseases, but not against those caused by viruses. But it may not always be possible to apply such measures, and they might not always be successful. For example, with some diseases early therapy with antibiotics is usually successful, but relapses may occur. Moreover, resistance against antibiotics may develop in almost all groups of micro-organisms, and resistant strains may retain full virulence for man as well as for animals.

---

*For example, the commonly used "2,4–D" and "2,4,5–T" which are the butyl esters of (2,4-dichlorophenoxy) acetic acid and (2,4,5-trichlorophenoxy) acetic acid.

TABLE 2.—EXAMPLES OF AGENTS THAT MIGHT BE USED TO CAUSE DEATH

Agents	Diseases	Incubation period (days)	Effect of specific therapy	Likelihood of spread from man to man
Viruses	Eastern equine encephalitis	5 to 15	Nil	Nil.[1]
	Tick-borne encephalitis	7 to 14	do	Do.
	Yellow fever	3 to 6	do	Do.
Rickettsiae	Rocky Mountain spotted fever	3 to 10	Good	Do.
	Epidemic typhus	6 to 15	do	Do.
Bacteria	Anthrax	1 to 5	Moderate	Low.
	Cholera	do	Good	High.
	Plague, pneumonic	2 to 5	Moderate	Do.
	Tularaemia	1 to 10	Good	Low.
	Typhoid	7 to 21	do	High.

[1] Unless vector present.

TABLE 3.—EXAMPLES OF AGENTS THAT MIGHT BE USED TO CAUSE INCAPACITATION

Agents	Diseases	Incubation period (days)	Effect of specific therapy	Likelihood of spread from man to man
Viruses	Chikungunya fever	2 to 6	Nil	Nil.[1]
	Dengue fever	5 to 8	do	Do.
	Venezuelan equine encephalitis.	2 to 5	do	Do.
Rickettsiae	Q-fever	10 to 21	Good	Low.
Bacteria	Brucellosis	7 to 21	Moderate	Nil.
Fungi	Coccidioidomycosis	7 to 21	Poor	Do.

[1] Unless mosquito vector present.

Possible bacteriological (biological) agents

168. Victims of an attack by bacteriological (biological) weapons would, in effect, have contracted an infectious disease. The diseases would probably be known, but their symptoms might be clinically modified. For example, apart from the deliberate genetic modification of the organism, the portals of infection might be different from the natural routes, and the disease might be foreign to the geographical area in which it was deliberately spread. Possible bacteriological (biological) agents representing diseases caused by the main groups of relevant micro-organisms are:

169. *Anthrax:* Under natural conditions, anthrax is a disease of animals, the main source of infection for man being cattle and sheep. Its vernacular synonym "wool sorter's disease" indicates one way men used to contract the disease. Depending on the mechanism of transmission, a cutaneous (skin) form (contact infection), an intestinal form (alimentary infection), or pulmonary form (airborne infection) may develop. The lung or respiratory form is most severe, and unless early treatment with antibiotics is resorted to, death ensues within two-three days in nearly every case.

170. Antibiotic prophylaxis is possible, but would have to be prolonged for weeks, since it has been shown that monkeys exposed to anthrax aerosol die if antibiotic treatment is discontinued after ten days. In certain countries, several types of vaccines are employed, but their value has not been fully evaluated.

171. The anthrax bacillus forms very resistant spores, which live for many years in contaminated areas, and which constitute the most dangerous risk the disease presents. From epidemiological observations, the inhalation, infectious dose for man is estimated at 20,000 spores. Experiments on animals show that anthrax can be combined with influenza infection or with some noxious chemical agent, and that the susceptibility of the animal to airborne anthrax infection is then markedly enhanced.

172. With suitable expertise and equipment large masses of anthrax bacilli can be easily grown, and heavy concentrations of resistant anthrax spore aerosols can be made. Such aerosols could result in a high proportion of deaths in a heavily exposed population. Immunization could not be expected to protect against a heavy aerosol attack. The soil would remain contaminated for a very long time, and so threaten live-stock farming.

173. *Coccidioidomycosis:* This disease, which is also called desert fever, is caused by a fungus found in the soil of deserts in the United States, South America and the USSR. The spores of the fungus are very stable, and can easily be disseminated as an aerosol. If they are inhaled, pneumonia with fever, cough, ague and night-sweating, and muscle pains follow after an incubation period of one-three weeks. In most cases, recovery from the disease occurs after some weeks of illness. An allergic rash sometimes breaks out during the first or second week of the illness, and can be significant for proper diagnosis. Treatment presents great difficulties.

174. *Plague:* Under natural conditions, small rodents, from which the disease is transmitted by fleas, are the main source of human infection with plague. This is how "bubonic" plague develops. If the plague microbes are inhaled, pneumonic plague develops after a three-to-five-day incubation period. The patient suffers from severe general symptoms and if untreated, normally dies within two to three days. A patient with pneumonic plague is extremely contagious to contacts.

175. Preventive vaccination is moderately effective against bubonic, but not pneumonic, plague. If administered early, streptomycin treatment may be successful.

176. In a study of experimental pulmonary plague in monkeys, it was found that an average dose of only 100 bacteria caused fatal disease in half the animals tested. Animal experiments have also shown that particles of 1 micrometre diameter (1.25,000 of an inch), containing single microbial cells, can cause primary pneumonia, with a rapid and fatal outcome. If the aerosol is formed by larger particles (5–10 micrometres diameter) microbial cells are deposited in the nose and other regions of the upper respiratory tract, and primary foci of the disease develop in the corresponding lymphatic nodes. A fatal generalized infection may then follow.

177. A large mass of plague bacteria could be grown, and probably lyophilized (freeze-dried) and kept in storage. The agent is highly infectious by the aerosol route and most populations are completely susceptible. An effective vaccine against this type of disease is not known. Infection might also be transmitted to urban and/or field rodents and natural foci of plague may be treated.

178. *Q-fever:* Under natural conditions, Q-fever is a disease of animals, the main sources of infection to man being sheep, goats and cattle. The infection is transmitted most frequently by the air route.

179. An incubation period of two to three weeks follows the inhalation of the infectious material. A severe attack of influenza-like illness follows, with high fever, malaise, joint and muscle pains, which may be followed in five to six days by pneumonia. In untreated cases, the illness lasts two to three weeks; the patient feels exhausted and is unable to do normal work for several weeks. But the disease can be successfully treated with broad spectrum antibiotics (tetracyclines). Prophylactic vaccines have been prepared in some countries, but have not yet been proved suitable for large-scale use.

180. The agent causing the disease is a rickettsia, and is extremely infectious for man. An epidemic of Q-fever once occurred due to contaminated dust which was carried by the wind from a rendering plant some ten kilometers away. Q-fever is also a common and significant laboratory hazard, even though it is only rarely transmitted from man to man. The high susceptibility of humans to this agent has been demonstrated in volunteers.

181. Q-fever rickettsiae are extraordinarily resistant to environmental factors such as temperature and humidity. Very large amounts can be produced in embryonated chicken eggs (20,000 million mirco-organisms par millilitre) and can be stored for a long period of time. A Q-fever aerosol could produce an incapacitating effect in a large proportion of the population of an attacked area. The infective agent could persist in the environment for months and infect animals, possibly creating natural foci of infection.

182. *Tularaemia:* Under natural conditions, tularaemia is a disease of wild animals, the source of human infection being rodents, especially rabbits and hares. When it occurs naturally in human beings, who are very susceptible to the disease, skin lesions with swelling of the lymph nodes are its usual manifestation (infection by contact with sick and dead animals, or by way of ticks and other vectors). Infection can also occur through the eye and the gastro-intestinal tract. The pulmonary form (airborne infection) is the more serious. Pulmonary tularaemia is associated with general pain, irritant cough, general malaise, etc., but in Europe and Japan mortality due to this form of the disease was never higher than 1 percent even before antibiotics became available. American tularaemia strains in the other epidemics have been associated with a mortality rate as high as 20 percent despite antibiotic treatment. Usually treatment with streptomycin or tetracycline is highly effective. A tularaemia vaccine developed in the Soviet Union is also highly effective.

183. The agent causing the disease is a microbe which is very sensitive to common disinfectants, but which is able to survive for as long as a few weeks in contaminated dust, water, etc.

184. Aerosols of tularaemia have been tested on volunteers. The inhalation infectious dose for man is about ten to twenty-five microbes, and the incubation period five days. By increasing the inhaled dose a hundred times, the incubation period shortens to two to three days. Owing to its easy aerosol transmission, tularaemia has often infected laboratory workers.

185. The microbiological characteristics are similar to those of the plague bacillis (although antibiotic treatment and vaccination prophylaxis are effective). Both lethal and incapacitating effects are to be expected. The disease is not transferred from man to man, but long-lasting natural foci might be created.

186. *Venezuelan equine encephalitis virus (VEE):* In nature, VEE is an infection of animals (equines, rodents, birds) transmitted to man through mosquitos which have fed on infected animals.

187. The disease has sudden onset, with headache, chills and fever, nausea and vomiting, muscle and bone pains, with encephalitis occurring in a very small proportion of cases. The mortality rate is very low and recovery is usually rapid after a week, with residual weakness often persisting for three weeks. No specific therapy is available. The vaccine is still in the experimental stage.

188. Numerous laboratory infections in humans have been reported, most of them airborne. In laboratory experiments, monkeys were infected with aerosolized virus at relatively low concentrations (about 1,000 guinea pig infectious doses).

189. Since the virus can be produced in large amounts in tissue culture or embryonated eggs, and since airborne infection readily occurs in laboratory workers, concentrated aerosols could be expected to incapacitate a very high percentage of the population exposed. In some areas, persistent endemic infection in wild animals would be established.

190. *Yellow fever:* In nature, yellow fever is primarily a virus disease of monkeys, transmitted to man by a variety of mosquitos (*Aedes aegypti, Aedes simpsoni, Hamagogus* species, etc.). After an incubation period of three-six days, influenza-like symptoms appear with high fever, restlessness and nausea. Later the liver and the kidneys may be seriously affected, with jaundice and diminished urinary excretion supervening. The very severe forms end in black vomitus and death. In a non-immune population, mortality rates for yellow fever may be as high as 30–40 per cent. There is no specific treatment, but prophylactic vaccination, being highly effective is widely used in yellow fever endemic areas.

2. Effects on Populations

191. Other than for sabotage, the use of aerosol clouds of an agent is the most likely form of attack in bacteriological (biological) warfare. For example, material can be produced containing infective micro-organisms at a concentration of 10,000 million per gram. Let us suppose that an aircraft were to spray such material so as to produce an aeronsol line source 100 kilometres in length across a 10 kilometre per hour wind. Then, assuming that 10 per cent of organisms survived aerosolization, and that subsequent environmental stresses caused them to die at a rate of 5 per cent per minute, about 5,000 square kilometres would be covered at a concentration such that 50 per cent of the unprotected people in the area would have inhaled a dose sufficient to infect them, assuming that the infective dose is about 100 micro-organisms per person. This particular calculation is valid for agents such as those which cause tularaemia, plague, as well as for some viruses. The decay rate of the cauative agents of Q-fever, anthrax and some other infections is much lower and the expected effect would be still greater.

192. The effects of bacteriological (biological) attacks would obviously vary according to circumstances. Military personnel equipped with adequate protective measures, well trained in their use and provided with good medical services could, if warned of an attack, be able to protect themselves to a considerable degree. But effective early warning and detection systems do not yet exist. On the other hand, attacks on civil populations are likely to be covert and by surprise and, at present no civilian populations are protected. Unprotected military or civilian personnel would be at complete risk, and panic and irrational behaviour would complicate the effects of the attack. The heavy burden which would be imposed on the medical services of the attacked region would compound disorganization, and there would be a major risk of the total disruption of all administrative services.

193. In view of the extensive anti-personnel effects associated with agents of the kind with which this report is concerned, it is useful to view them against the area of effect of a one-megaton nuclear explosion, which as is well recognized, would be sufficient to destroy utterly a town with a population of a million. It should of course be emphasized that direct comparisons of the effects of different classes of weapons are, at best, hypothetical exercises. From the military point of view, effectiveness of a weapon cannot be measured just in terms of areas of devastation or numbers of casualties. The final criterion will always be whether a specific military objective can be achieved better with one than another set of weapons. The basic hypotheses chosen for the comparison are rather artificial; and in particular, environmental factors are ignored. But despite this limitation, table 4 gives data that help to place chemical, bacteriological (biological) and nuclear weapons in some perspective as to size of target area, numbers of casualties inflicted, and cost estimates for development and production of each type of weapon. The figures speak for themselves.

TABLE 4.—COMPARATIVE ESTIMATES OF DISABLING EFFECTS OF HYPOTHETICAL ATTACKS ON TOTALLY UNPROTECTED POPULATIONS USING A NUCLEAR, CHEMICAL, OR BACTERIOLOGICAL (BIOLOGICAL) WEAPON THAT COULD BE CARRIED BY A SINGLE STRATEGIC BOMBER

Criterion for estimate	Type of weapon		
	Nuclear (1 megaton)	Chemical (15 tons of nerve agent)	Bacteriological (biological) (10 tons [1])
Area affected	Up to 300 km^2	UP to 60 km^2	UP to 100,000 km^2.
Time delay before onset of effect.	Seconds	Minutes	Days.
Damage to structures	Destruction over an area of 100 $km.^2$	None	None.
Other effects	Radioactive contamination in an area of 2,500 $km.^2$ for 3–6 months.	Contamination by persistence of agent from a few days to weeks.	Possible epidemic or establishment of new endemic foci of disease.
Possibility of later normal use of affected area after attack.	3–6 months after attack	Limited during period of contamination.	After end of incubation period or subsidence of epidemic.
Maximum effect on man	90 percent deaths	50 percent deaths	50 percent morbidity; 25 percent deaths if no medical intervention.
Multiyear investment in substantial research and development production capability.[2]	$5,000–10,000 million	$1,000–5,000 million	$1,000–5,000 million.

[1] It is assumed that mortality from the disease caused by the agent would be 50 percent if no medical treatment were available.

[2] It is assumed that indicated cumulative investments in research and development and production plants have been made to achieve a substantial independent capability. Individual weapons could be fabricated without making this total investment.

3. Effects on Animals

194. The way bacteriological (biological) weapons might be used against stocks of domestic animals would probably be the same as that used in attacks against man. Representative diseases and their characteristics are shown in table 5.

195. Viral infections probably cause the most important diseases of domestic animals and could have more devastating effects than diseases produced by other types of pathogens. Since many of the organisms which cause infectious diseases in domestic animals are also pathogenic for man, and since some of them may also be readily transmitted from animals to man, either directly or by vectors, such attacks might also affect the human population directly. Attacks upon livestock would not only result in the immediate death of animals, but also might call for compulsory slaughter as a means of preventing the spread of infection.

196. Covert bacteriological (biological) attack during peacetime directed against domestic animals could give rise to serious political and economic repercussions if large numbers of stock were affected. For example, African swine fever occurs endemically on the African continent as a subclinical disease of warthogs. In 1957 it was accidentally brought from Angola to Portugal, and then in 1960 to Spain. Despite strict and extensive veterinary measures that were enforced, losses in pig breeds were estimated to amount within a single year to more than $9,000,000.

197. Isolated attacks against stocks of domestic animals during wartime would have only a nuisance value. However, if a highly infectious agent (e.g., foot-and-mouth disease) were used, even a local attack could have very widespread effects because of spread by the normal commercial movement of animals, particularly in highly developed countries. Extensive attacks with travelling clouds could, however, lead to a disastrous state of affairs. The history of myxamatosis (a rabbit disease) in Europe provides a parallel. Not only did it drastically reduce the rabbit population in France, into which it was first introduced; it immediately spread to other countries of Europe, including the United Kingdom. The risk of the uncontrolled spread of infection to a number of countries is an important consideration in the use of some bacteriological (biological) weapons.

198. The possibilities of protecting domestic animal stocks against bacteriological (biological) attacks are so remote that they are not worth discussing.

TABLE 5.—EXAMPLES OF DISEASES THAT MIGHT BE USED TO ATTACK DOMESTIC ANIMALS

DISEASE	ANIMALS ATTACKED
Viruses:	
African swine fever	Hogs.
Equine encephalitis	Horses.
Foot-and-mouth disease	Cattle, sheep, hogs.
Fowl plague	Chickens, turkeys.
Hog cholera	Hogs.
Newcastle disease	Chickens, turkeys.
Rift Valley fever	Cattle, goats, sheep.
Rinderpest	Cattle, sheep, oxen, goats, water buffaloes.
Vesicular stomatitis	Cattle, horses, mules, hogs.
Ricksettsiae:	
Veldt disease	Cattle, sheep, goats.
Q-fever	Do.
Bacteria:	
Anthrax	Cattle, sheep, horses, mules.
Brucellosis	Cattle sheep, goats, hogs, horses.
Glanders	Horses, mules.
Fungi:	
Lumpy jaw	Cattle, horses, hogs.
Aspergillosis	Poultry, cattle.

4. Effects on Plants

199. Living micro-organisms could also be used to generate diseases in crops which are economically important either as food or as raw material (e.g., cotton and rubber). Significant food crops in this respect include potatoes, sugar-beet, garden vegetables, soya beans, sorghum, rice, corn, wheat and other cereals and fruits. Obviously the selection of the target for a biological attack would be determined by the relative importance of the crop in the national diet and economy.

Deliberately induced epiphytotics (plant disease epidemics) could in theory have serious national and international consequences.

200. The fungal, bacterial, or viral agents which could be used against plants are shown in table 6.

201. With a few minor exceptions, the plant viruses could be cultured only in living plant systems, the causal agent being found only in the plant tissues and juices. Virus diseases are transmitted principally by insect vectors and to some extent by mechanical means.

202. Bacterial agents which attack plants can persist for months on or in the plants. All of them can be cultured on artificial media. Normally, plant bacteria are not disseminated to any great extent by winds; the principal methods for spread in nature are insects, animals (including man) and water. Rain can spread bacteria locally, while insects and animals are responsible for their more extensive spread. It is conceivable that bacterial plant pathogens could be adapted for deliberate aerial dissemination.

203. Plant fungi, which cause some of the most devastating diseases of important agricultural crops, are disseminated mainly by winds, but also by insects, animals, water and man. Many fungal pathogens produce and liberate into the air countless numbers of small, hardy spores which are able to withstand adverse climatic conditions. The epidemic potential of a number of fungal pathogens is considerable.

204. In theory there are measures which could protect crops against bacteriological (biological) attacks; but at present their potential cost rules them out in practice. There is no essential difference between the counter-measures which would have to be introduced to counter bacteriological (biological) weapons and those employed normally to control plant diseases in peacetime. But the use of bacteriological (biological) weapons to destroy crops on a large scale would imply that the attacker would choose agents capable of overcoming any known, economical method of protection. Advanced countries might, as a precautionary measure exchange susceptible plants by more resistant strains. This would be difficult for countries whose agricultural standards were not high, and which would be the most vulnerable to bacteriological (biological) attacks on their crops.

TABLE 6.—EXAMPLES OF DISEASES THAT MIGHT BE USED TO ATTACK PLANTS

	Diseases	Liklihood of spread
Viruses	Corn stunt	High.
	Hoja blanca (rice)	Do.
	Fiji disease (sugar cane)	Do.
	Sugar beet curly top	Do.
	Potato yellow dwarf	Do.
Bacteria	Leaf blight (rice)	Do.
	Blight of corn	Do.
	Gummosis of sugarcane	Low.
Fungi	Late blight (potato)	Very high.
	Cereal rusts	Do.
	Rice blast	Do.
	Corn rust	High.
	Coffee rust	Very high.

5. Factors Influencing the Effects of Bacteriological (Biological) Attacks

Exotic diseases

205. Any country which resorted to bacteriological (biological) warfare would presumably try to infect, with a single blow, a large proportion of an enemy population with an exotic agent to which they had not become immune through previous exposure. Such exotic agents would lead to the appearance of diseases which normally had not occurred before in a given geographical area, either because of the absence of the organism involved (e.g., foot-and-mouth disease in North America or Japan), and/or of natural vectors (e.g., Japanese or Venezuelan encephalitis in Europe, Rocky Mountain spotted fever in many countries). In addition, a disease which had been controlled or eradicated from an area (e.g., urban or classical yellow fever from many tropical and sub-tropical countries, epidemic typhus from developed countries) might be reintroduced as a result of bacteriological (biological) warfare.

Altered or new diseases

206. Deliberate genetic steps might also be taken to change the properties of infectious agents, especially in antigenic composition and drug resistance. Apart from genetic changes that could be induced in known organisms, it is to be expected that new infectious diseases will appear naturally from time to time and that their causative agents might be used in war. However, it could not therefore be assumed that every outbreak of an exotic or new disease could necessarily be a consequence of a bacteriological (biological) attack. The Marburg disease, which broke out suddenly in 1967 in Marburg, Frankfurt and Belgrade, was a good example. It was acquired by laboratory workers who had handled blood or other tissues of vervet monkeys which had been recently caught in the wild, and by others who came into contact with them. Because the outbreak occurred in medical laboratories it was very skillfully handled. In other circumstances, it might have spread widely before it was controlled.

Epidemic spread

207. As already emphasized, a wide variety of agents can infect by the inhalation route, so that in a bacteriological (biological) attack a large number of persons could be infected within a short time. From the epidemiological point of view, the consequences would differ depending on whether the resultant disease was or was not transmissible from man to man. In the latter case the result would be a once-for-all disaster, varying in scale and lethality according to the nature of the organism used and the numbers of people affected. The attack would undoubtedly have a strong demoralizing effect on the unaffected as well as the affected population, and it would be in the nature of things that were would be a breakdown of medical services.

208. If the induced disease were easily transmissible from man to man, and if it was one against which the population had not been effectively immunized, it is possible to imagine what could happen by recalling say, the periodical appearance of new varieties of influenza virus, e.g. the 1957 influenza pandemic. In Czechoslovakia (population about 14 million), 1,500,000 influenza patients were actually reported; the probable total number was 2,500,000. About 50 per cent of the sick were people in employment and their average period away from work was six days. Complications necessitating further treatment developed in 5–6 per thousand of the cases, and about 0.2 per thousand died. Those who are old enough to remember the 1918 influenza pandemic, which swept over most of the world, will judge the 1957 outbreak as a mild affair.

Susceptibility of population

209. A very important factor in the effectiveness of an aerosol attack is the state of immunity of the target population. Where the population is completely lacking in specific immunity to the agent which is disseminated, the incidence and severity of disease are likely to be exceptionally high. Naturally occurring examples of very severe epidemics in virgin populations are well known (e.g. measles in Fiji, poliomyelitis and influenza in the Arctic). A similar result follows the introduction of a suspectible population (often a military force) into an already infected area. Thus there was a high prevalence of dengue fever in military forces operating in the Pacific in World War II—sometimes affecting as many as 25 per cent of the operational strength of a unit. The local population suffered relatively little from the disease because they had usually been infected early in life, and were subsequently immune.

Populations of increased vulnerability

210. *Malnutrition:* Recent statistical studies reveal a clear association between malnutrition and the incidence of infectious diseases. FAO, WHO and UNICEF have pointed out that in developing countries, a shortage of nutritious food is a major factor in the high mortality rate due to infectious diseases, particularly in children.

211. *Housing and clothing:* Primitive housing and inadequate clothing would lead to an increased vulnerability to bacteriological (biological) and more particularly chemical weapons. Millions of people live in houses which are permeable to any sort of airborne infection or poison, and millions are inadequately clothed and walk barefooted.

212. Other conditions which characterize poor populations have a definite influence on the spread of infections. Large families increase the opportunities for contagious contact. Inadequate housing, lack of potable water and, in general, bad sanitation, a low educational level, numerous vectors of infectious disease (e.g. insects), and, of course, lack of medical services are factors which also favour the spread of disease. The agents used might also persist in the soil, on crops, grasses, etc., so that delayed action might need to be taken into account.

Social effects and public health measures

213. A basic factor which influences the risk of epidemic situation during every war is a rapid impairment of standards of hygiene. Widespread destruction of housing and of sanitary facilities (water works, water piping, waste disposal, etc.), the inevitable decline in personal hygiene, and other difficulties, create exceptionally favourable conditions for the spread of intestinal infections, or louse-transmitted disease, etc.

214. The importance of adequate public health services is well illustrated by an explosive water-borne epidemic of infectious hepatitis in Delhi in 1955–1956, which affected some 30,000 persons, and which occurred because routine water treatment was ineffective. This epidemic was caused by the penetration into the water supply of waste waters heavily contaminated with hepatitis virus. However, there was no concurrent increase in the incidence of bacillary dysentery and typhoid fever, showing that the routine treatment of the water had been adequate to prevent bacterial but not viral infections.

215. Air streams, migrating animals and running water may transport agents from one country to the other. Refugees with contagious diseases pose legal and epidemiological problems. In areas with multinational economies, losses in livestock and crops may occur in neighbouring countries by the spread of the disease through regional commerce.

216. The experiences from fairly recent smallpox epidemics can also be used to illustrate the social effects of an accidentally introduced, highly dangerous airborne infection. In New York (1947) one patient started an epidemic, in which twelve persons became ill and two died. Within a month more than 5 million persons were revaccinated. Similarly in Moscow, in January 1960, a smallpox epidemic of forty-six cases (of whom three died) developed, caused by a single patient. At that time 5,500 vaccination teams were set up and vaccinated 6,372,376 persons within a week. Several hundreds of other health workers searched a large area of the country for contacts (9,000 persons were kept under medical supervision, of these 662 had to be hospitalized as smallpox suspects).

ANNEX A.—CHEMICAL PROPERTIES, FORMULATIONS AND TOXICITIES OF LETHAL CHEMICAL AGENTS (EXCERPT FROM MATERIAL SUPPLIED BY WORLD HEALTH ORGANIZATION)

[Key to table: (1) Trivial name; (2) military classification; (3) approximate solubility in water at 20° C.; (4) volatility at 20° C; (5) physical state (a) at −10° C., (b) at 20° C.; (6) approximate duration of hazard (contact, or airborne following evaporation) to be expected from ground contamination (a) 10° C., rainy, moderate wind, (b) 15° C. sunny, light breeze, (c) −10° C., sunny, no wind, settled snow; (7) casualty producing dosages (lethal or significant incapacitating effects); (8) estimated human respiratory LCt_{50} (mild activity: breathing rate ca. 15 liters /min.); (9) estimated human percutaneous toxicity.]

(1)	Sarin	VX	Hydrogen cyanide	Cyanogen chloride	Phosgene	Mustard gas	Botulinal toxin A
(2)	Lethal agent (nerve gas).	Lethal agent (nerve gas).	Lethal agent (blood gas).	Lethal agent (blood gas).	Lethal agent (lung irritant).	Lethal agent (vesicant)	Lethal agent.
(3)	100 percent	1 to 5 percent	100 percent	6 to 7 percent	Hydrolysed	0.05 percent	Soluble.
(4)	12,100 mg/m³	3 to 18 mg/m³	873,000 mg/m³	3 300,000 mg/m³	6,370,000 mg/m³	630 mg/m³	Negligible.
(5) (a)	Liquid	Liquid	Liquid	Solid	Liquid	Solid	Solid.
(b)	do	do	do	Vapour	Vapour	Liquid	Do.
(6) (a)	¼ to 1 hour	1 to 12 hours	Few minutes	Few minutes	Few minutes	12 to 48 hours	
(b)	¼ to 4 hours	3 to 21 days	do	do	do	2 to 7 days	
(c)	1 to 2 days	1 to 16 weeks	1 to 4 hours	¼ to 4 hours	¼ to 1 hour	2 to 8 weeks	
(7)	>5 mg.-min./m.³	>0.5 mg.-min./m.³	>2,000 mg.-min./m.³	>7,000 mg.-min./m.³	>1,600 mg.-min./m.³	>100 mg.-min./m.³	0.001 mg. (oral).
(8)	100 mg.-min./m.³	10 mg.-min./m.³	5,000 mg.-min./m.³	11,000 mg.-min./m.³	3,200 mg.-min./m.³	1,500 mg.-min./m.³	0.02 mg.-min./m.³
(9)	1,500 mg./man	6 mg./man				4,500 mg./man[1]	

[1] A drop of mustard weighing a few milligrams can produce a serious blister which will be incapacitating if it interferes with the normal activities of an individual.

ANNEX B—TEAR AND HARASSING GASES

Three parameters will be used to qualify the effects of tear gases. These are defined as follows:

Threshold of irritation is the atmospheric concentration of the substance (in mg per m³), which, in one minute of exposure, causes irritation.

Tolerance limit is the highest atmospheric concentration (in mg per m³) which a test subject can tolerate during one minute of exposure.

Lethal index is a dosage, and thus the product of the concentration in the air (in mg per m³) and the time of exposure (in minutes), which causes mortality. Data for various tear gases are given in the following table.

The data given under "Lethal index" are from animal experiments with various species.

Tear gas	Threshold of irritation (mg/m³)	Tolerance limit (mg/m³)	Lethal index (mg.min/m³)
Adamside (DM)	0. 1	2–5	15, 000–30, 000
Ethyl bromacetate	5	5–50	25, 000
Bromacetone	1. 5	10	30, 000
Omega-chloracetophenone (CN)	0. 3–1. 5	5–15	8, 500–25, 000
O-chlorbenzylidene malononitrile (CS)	. 05–. 1	1–5	40, 000–75, 000

ANNEX C.—SOME BIOLOGICAL AGENTS THAT MAY BE USED TO ATTACK MAN

Disease	Infectivity[1]	Transmissibility[2]	Incubation period[3]	Duration of illness[3]	Mortality[3]	Antibiotic therapy	Vaccination[4]
Viral:							
Chikungunyna fever	Probably high.	None	R to 6 days	2 weeks to a few months.	Very low (less than 1 percent)	None	None.
Dengue fever	High	do	5 to 8 days	A few days to weeks	do	do	Do.
Eastern equine encephalitis	do	do	5 to 15 days	1 to 3 weeks	High (greater than 60 percent).	do	Under development.
Tick-borne encephalitis	do	do	1 to 2 weeks	1 week to a few months	Variable up to 30 percent	do	Do.
Venezuelan equine encephalitis	do	do	2 to 5 days	3 to 10 days	Low (less than 1 percent)	do	Do.
Influenza	do	do	1 to 3 days	3 to 10 days	Usually low, except for complicated cases.	do	Available.
Yellow fever	do	do	3 to 6 days	1 to 2 weeks	High (up to 40 percent)	do	Do.
Smallpox	do	High	7 to 16 days	12 to 24 days	Variable but usually high (up to 30 percent).	do	Do.
Ricksettsial:							
Q-fever	do	None or negligible.	10 to 21 days (sometimes shorter).	1 to 3 weeks	Low (usually less than 1 percent.)	Effective	Under development.
Psittacosis	do	Moderately high.	4 to 15 days	1 to several weeks	Moderately high	do	None.
Rocky Mountain spotted fever	do	None	3 to 10 days	2 weeks to several months.	Usually high (up to 80 percent.)	do	Under development.
Epidemic typhus	do	do	6 to 15 days	A few weeks to months	Variable but usually high (up to 70 percent).	do	Available.
Bacterial:							
Anthrax (pulmonary)	Moderately high.	Negligible	1 to 5 days	3 to 5 days	Almost invariably fatal	Effective if given very early.	Do.
Brucellosis	High	None	1 to 3 weeks	Several weeks to months.	Low (less than 5 percent)	Moderately effective	Under development.
Cholera	Low	High	1 to 5 days	1 to several weeks	Usually high (up to 80 percent)	do	Available.
Glanders	High	None	2 to 14 days	4 to 6 weeks	Almost invariably fatal	Little effective.	None.
Melioidosis	do	do	1 to 5 days	4 to 20 days	Almost 100 percent fatal	Moderately effective	Do.
Plague (pneumonic)	do	High	2 to 5 days	1 to 2 days	do	Moderately effective if given early.	Available.
Tularemia	do	Negligible	1 to 10 days	2 to several weeks	Usually low sometimes high (up to 60 percent).	Effective	Do.
Typhoid fever	Moderately high.	Moderately high.	1 to 3 weeks	A few to several weeks	Moderately high (up to 10 percent).	Moderately effective	Do.
Dysentery	High	High	1 to 3 days	A few days to weeks	Low to moderately high depending on strain.	Effective	None.
Fungal: Coccidioido mycosis	do	None	1 to 3 weeks	A few weeks to months	Low	None	Do.

---

[1] Infectivity: indicates the potency of the parasite to penetrate and multiply in the host's organism, regardless of the clinical manifestation of illness. In fact, there are several agents by which the great majority of the exposed population will be infected without developing clinical symptoms.

[2] Transmissibility: This refers to direct transmission from man to man without the intervention of any arthropod vector.

[3] The figures listed under incubation period, duration of disease, and mortality are based on epidemiological data. They vary, according to variations in virulence and dose of the infecting agent, resistance of the host and many other factors. It also should be noted that if the agents concerned would be deliberately spread in massive concentrations as agents of warfare, the incubation periods might be shorter and the resulting symptoms more serious. As to mortality, this refers to the ratio between the number of fatalities to the number of diseased (not to that of infected) individuals, if no treatment is given.

[4] The availability of vaccines is no indication of their degree of effectiveness.

CHAPTER III. ENVIRONMENTAL FACTORS AFFECTING THE USE OF CHEMICAL AND BACTERIOLOGICAL (BIOLOGICAL) CONSIDERATIONS

A. General considerations

217. Extraneous factors influence the behaviour of chemical and bacteriological (biological) weapons to a far greater extent than they do any other kind of armament. Some, such as wind and rain, relate to the state of the physical environment, and to a certain extent can be evaluated quantitatively. Others, which reflect the general ecological situation, and the living conditions and physiological state of the populations exposed to the effects of the weapons, are more difficult to define; their influence—though they could be considerable—cannot be quantified.

218. This limitation applies particularly to bacteriological (biological) weapons. The natural course of infectious diseases—for example in influenza epidemics—shows that they are governed by so many uncontrollable factors that the way they develop cannot as a rule be foreseen. This would also be probably true of pathogenic agents which were deliberately dispersed. On the other hand, the knowledge gained through the study of epidemiology, and in the study of artificial dispersions of bacteriological (biological) agents, both in the laboratory and the field, has shed some light on some of the factors concerned.

219. The ecological problem is the main theme of chapter IV. The factors which con-

cern the variability of the human target, e.g. physiological and living conditions, and levels of protection, have already been described in chapters I and II. This chapter is concerned with physical environment (climate, terrain).

1. Phenomena Associated With the Dispersal of Chemical and Bacteriological (Biological) Agents

220. It has already been pointed out that chemical substances and living organisms capable of being used as weapons are extremely varied in their nature and in their effects. On the other hand, regarded solely from the standpoint of their physical state after dispersion in the atmosphere, they can clearly be placed in one or the other of the following categories:

Liquid drops and droplets of varying size; (diameters greater than about 10 Microns).

More or less finely divided liquid and solid aerosols; (diameters less than about 10 Microns).

Vapours.

221. Almost always, moreover, especially in the case of liquid chemical agents, the result of dispersion is a mixture of these different phases; thus, a liquid dispersed by an explosive charge gives rise to a mixture of aerosol and vapour, while aerial spraying may produce a mixture of droplets and aerosols. Solid chemical substances will be in aerosol form, and this will also be true, as has already been pointed out, of bacteriological (biological) agents.

222. Thus, chemical attacks would usually take effect simultaneously in two forms:

Contamination of the ground at, and in the immediate vicinity of, the target by direct deposition of the agent at the time of dispersion, and by subsequent settling of large particles;

Formation of a toxic cloud consisting of fine particles or droplets, of aerosol, and possibly of vapour.

223. Most bacteriological (biological) attacks would be designed primarily to create an infectious aerosol as an inhalation hazard. Some ground contamination might, however, also result when infectious particles settled on the ground.

224. Both ground contamination and toxic or infectious clouds would be immediately subject to the physical action of the atmosphere.

225. If the soil contaminants are liquid chemical agents, they would either evaporate, producing a sustained secondary cloud, or be absorbed by the ground, or diluted or destroyed by atmospherical precipitation. If they were solid agents, whether chemical or biological, they might be returned to a state of suspension by air currents, and perhaps carried out of the initially contaminated zone.

226. As it becomes formed, the toxic or infectious cloud is immediately exposed to atmospheric factors, and is straightaway carried along by air currents. At the same time, the particles within it are deposited at different rates according to their mass, and reach the ground at varying distances from the point of emission, depending on wind velocity (up to several kilometres in the case of particles less than a few tens of microns in diameter). The mechanically stable fraction of the aerosol (particles under 5 microns in diameter) remains in suspension, and may be carried along for considerable distances.

B. The influence of atmospheric factors on clouds of aerosols or vapours

227. The movement of a toxic or infectious cloud after its formation depends chiefly on the combined effects of wind and atmospheric conditions. The cloud is carried a longer or shorter distance by the wind; at the same time it is dispersed and diluted at a faster or slower rate by turbulence of the atmosphere and by local disturbances of mechanical origin resulting from the roughness of the ground.

228. The cloud may rise rapidly in the atmosphere or remain in the immediate vicinity of the ground, thus retaining its destructive power for a greater or lesser time depending on whether the air layer in which it is released is in a stable or unstable state.

1. State of the Atmosphere

229. The state of the atmosphere plays such an important role in the behaviour of aerosol clouds that one might almost say that it is the predominant factor in determining the outcome of an attack, the effect of which could be considerably reduced, or almost nullified, were the atmosphere very unstable, or very serious if it was in a state of pronounced and prolonged stability. For this reason the mechanisms governing the turbulent movements of air, caused by differences in temperatures between superimposed air layers require some explanation (see fig. 2).

230. Disregarding the frictional layer of air close to the ground, where mechanical turbulence resulting from friction between the air and the rough ground over which it moves creates special conditions, air temperature in the troposphere decreases on average at the rate of 0.64° C for every 100 metres of altitude. Very frequently, however, as a result of thermal exchange between the air and the ground, a cooler air layer may be formed beneath a mass of hot light air; in such conditions, the lower air layer, with its greater density, does not tend to rise and the atmosphere is said to be in "stable equilibrium".

231. The situation, in which the vertical temperature gradient becomes inverted, is known as "temperature inversion", while the air layer affected by the phenomenon is termed as "inversion layer". When present it is eminently favourable to the persistence of toxic clouds.

232. After a day of sunshine, the surface of the ground cools rapidly, with the result that the layer of air close to the ground cools more rapidly than those above it. Both the intensity of the inversion and the thickness of the air layer involved increase to a maximum towards 4 a.m., and then decrease again, finally disappearing shortly after sunrise. This variation is very marked when the sky is clear, and in favourable conditions the inversion may last from fourteen to eighteen hours a day, depending on the season.

233. Very often, however, especially in winter or in overcast weather, when the rays of the sun are not sufficiently intense to heat the surface of the ground, the temperature inversion may last for several days. This condition has characterized all the disasters caused by industrial pollution; for example, the smog which claimed 4,000 victims in London in 1952 took its toll during a period of atmospheric stability which lasted for seven days.

234. Figure 2 shows the evolution of a toxic cloud depending on the state of the atmosphere. (Fig. 2 not printed.)

235. Apart from this kind of low-altitude inversion, which is most important in the context of this report since it governs the behaviour of toxic clouds released close to the ground, similar process may take place on a large scale at higher altitudes (hundreds of thousands of metres) whenever a cool air layer is formed beneath a hot air mass. This may take place over large, cold expanses (i.e. large expanses of land or sea, cloud or fog masses, etc.). Because of the high altitude at which they form, these inversion layers have little effect on toxic clouds released at ground level; but in the case of the long-distance transfer of spores they may act as a screen or reflector.

236. The configuration of the surface of the earth in a particular area, which alters the thermal exchange pattern, may also be conducive to the formation of an inversion. For example, inversions are a customary phenomenon in winter in deep valleys surrounded by high peaks, and occur more frequently in the neighbourhood of slopes facing the north than on southern slopes. This also occurs whenever hills of any size enclose a plain or basin, interrupting the general flow of air and preventing mixing from taking place. It is interesting to note that apart from the periodic appearance of smog in London, all the other major accidents resulting from air pollution have occurred in regions where the land configuration fits this description. For example, the small town of Donora, in the United States, lies in a relatively narrow plain bordered by high hills. In 1948 air pollution in the course of an inversion lasting five days led to twenty deaths and 6,000 cases of illness among the town's 14,000 inhabitants.

2. Urban Areas

237. The case of urban built-up areas is more complex, and it may even be said that each one possesses its own micro-climate, depending on its geographical situation, its topography and the layout and nature of its buildings.

238. Because the materials from which they are constructed are better conductors, and because their surfaces face in very varied directions, buildings usually capture and reflect solar radiation better than does the natural ground. Urban complexes therefore heat up more quickly than does the surrounding countryside, and the higher temperature is still further augmented by domestic and industrial heating plants. The results in a flow of cool air from the neighbouring countryside towards the hot centre of the town, beginning shortly after sunrise, decreasing at the beginning of the afternoon and then rising again to a maximum shortly before sunset. This general flow, which is of low velocity, is disturbed and fragmented at ground level by the buildings, forming local currents flowing in all directions.

239. This constant mechanical turbulence, to which is added the thermal turbulence caused by numerous heat-generating sources, should prevent the establishment in towns of a temperature inversion at low altitude. In fact, however, inversions do occur, when conditions are otherwise favourable, but the inversion layer is situated at a higher altitude than over the surrounding countryside (30 to 150 metres).

240. At night, local inversions may be generated at low altitude as a result of rapid radiation from the roofs of houses; thus in a narrow street lined with buildings of equal height, an inversion layer may be created at roof-top level which will persist until dawn.

241. Fog is more frequent over towns than over open country (+30 per cent in summer and +100 per cent in winter). The process of fog formation is accelerated by the particles, dust and smoke which form a dome over the town. At night these particles act as nuclei around which the fog condenses, the fog contributing in its turn to the retention of the particles in the dome. Fog will obviously have the same concentrating effect on particles originating in toxic clouds.

242. One final point which should be noted is that toxic aerosols and vapours may take some time to penetrate enclosed spaces. Once they have done so, they may continue as a hazard for very long unless adequate ventilation is provided.

3. Effect of Wind and Topography

243. The wind carries and spreads the toxic

or infectious cloud, which is simultaneously diluted by turbulence. The distance which the cloud travels before its concentration has fallen to a level below which it is no longer harmful depends on the velocity of the wind and the state of the atmosphere. Since topography also produces changes in the normal wind pattern, it too plays an important part in determining the direction of travel of toxic clouds, sometimes focusing their effects in individual areas. Local winds may also be established as a result of differences in the heat absorbed by, and radiated from, different ground surfaces.

244. These local, surface winds, which affect the air layer nearest the ground up to 300 metres, are frequent and widespread in mountain ranges and near sea coasts. There are slope breezes, valley breezes, sea breezes and land breezes; and they could shift a toxic cloud in directions which cannot be predicted from a study of the general meteorology of the area. The breezes develop according to a regular cycle. During the day, under the influence of solar radiation, the air moves up the valleys and slopes, and moves from the sea towards the land; at night these currents are reversed. In temperate climates land and sea breezes are predominant during the summer; but they are masked by the general wind pattern during the other seasons of the year. They are predominant in subtropical and tropical regions throughout the year.

4. Example of Combined Effects of Wind and the State of the Atmosphere on a Cloud

245. There is some similarity between the evolution of toxic clouds which could be produced by chemical and bacteriological (biological) attacks and that of clouds containing industrial pollutants, so much so that the mathematical models developed for forecasting atmospheric pollution can be applied, with a few modifications, to toxic clouds. But the initial characteristics of the two are as a rule different. Characteristic features of chemical or bacteriological (biological) attacks are the multiplicity and high yield of the sources of emission and their very short emission time, all of which are factors making for a greater initial concentration in the cloud than the concentration of pollutants in industrial clouds.

246. Figure 4 indicates the order of magnitude of these phenomena, and demonstrates the schematic form, and for different atmospheric conditions, the size of area which would be covered by toxic clouds originating from a chemical attack using Sarin, with an intensity arbitrarily chosen at 500 kg/km. It shows that the theoretical distance of travel by the cloud, determined for bare and unobstructed ground, may exceed 100 km. In practice the atmosphere must remain stable for more than ten hours in order to enable the cloud to travel such distances, a condition which, although certainly not exceptional, is fairly uncommon. (Figure 4 not printed.)

247. This figure illustrates the effect of atmospheric conditions on the distance a toxic cloud can be carried by the wind.

248. The example chosen is that of a medium-intensity (500 kg) attack with Sarin on a circular objective 1 km in diameter. The wind velocity is 7 km/h.

249. Each of the lines represents a contour of the hazard zone, i.e. the zone in which any unprotected person would be exposed to the effects of the agent.

250. Under highly unstable conditions (for example, on a very sunny day), this hazard zone is no greater than the area of objective aimed at (the circle at the left end of the figure). On the other hand, in any other situation—(1) slightly unstable, (2) neutral, (3) slightly stable, (4) moderately stable or (5) highly stable—the distance traveled will be greater, and it may extend almost 100 km if conditions remain highly stable for a sufficiently long time. It must be noted, however, that the distance of 100 km could be reached only if a very marked inversion persisted for about fourteen hours (100+7); such a situation is quite rare.

251. Corresponding evaluations cannot be made for an urban area, since the parameters involved are too numerous and too little understood. But it may be presumed that most of the characteristics of the urban micro-climate would tend to increase the persistence of chemical clouds. This is serious cause for concern, when it is remembered that in highly industrialized countries 50 to 90 per cent of the population live in urban areas

252. To sum up, a stable or neutral atmosphere in equilibrium might cause a toxic cloud produced by a chemical or bacteriological (biological) attack to persist for hours after it had exercised its military effect, which could generally be expected to materialize in the first few minutes following the attack. These conditions could obtain not only at night, but also during long winter periods over vast continental expanses. If a neutral atmosphere in equilibrium were associated with a light wind irregular in direction, then the area affected could be relatively large, and, assuming an adequately heavy initial attack, the concentrations would be high.

5. Special Features of Bacteriological (Biological) Aerosols

253. So far as physical phenomena are concerned (horizontal and vertical movements, sedimentation, dilution, etc.), bacteriological (biological) aerosols would be generally affected in the same way as chemical clouds of aerosol and vapour, but not necessarily to the same extent. But since the effective minimum doses for bacteriological (biological) agents are considerably smaller than for chemical agents, bacteriological (biological) aerosols would be expected to remain effective even in a very dilute state and, consequently, that they could contaminate much larger areas than could chemical clouds. An example is given in chapter II.

254. There would be no limit to the horizontal transport of micro-organisms, if there were none to the capacity of the organisms to survive in the atmosphere. Thus if the microbial aerosol particles were so small that their speed of fall remained close to the speed of the vertical air movements in the frictional layer (under average conditions this is on the order of 10 cm/s), the agents, whether alive or dead, would remain suspended and travel very considerable distances. Even if bacteriological (biological) clouds were to move only in the air layer nearest the ground, they could cover very large areas. For example, in one experiment 600 litres of *Bacillus globigii* (a harmless spore-forming bacterium which is highly resistant to aerosolization and environmental stresses) were released off shore; bacteria were found more than 30 km inland. Organisms were found over 250 km^2 which was the entire area within which there were monitoring stations during the trial. The actual area covered was much more extensive.

255. On the other hand, most pathogenic agents are highly vulnerable when outside the organism in which they normally reproduce, and are liable to biological inactivation, which is sometimes rapid, in the aerosol state. This inactivation process is governed by several factors (such as temperature, humidity, solar radiation, etc.) which are now the subject of aerobiological research.

256. The size of the infective particles in a bacteriological (biological) aerosol is highly significant to their ability to initiate disease as a result of inhalation. It has been established that the terminal parts of the respiratory tract are the most susceptible sites for infection by inhalation. As with chemical agents, the penetration and retention of inhaled bacteriological (biological) particles in the lungs is very dependent on particle size, which is primarily determined by the composition of the basic material and the procedure of aerosolization, as pointed out in chapter I.

257. The influence of particle size of aerosol infectivity is illustrated in table 1, which shows that there is a direct relationship between the LD_{50} and particle diameter of an aerosol of *Franciscella tularensis.*

TABLE 1.—NUMBERS OF BACTERIA OF *FRANCISCELLA TULARENSIS* REQUIRED TO KILL 50 PERCENT OF EXPOSED ANIMALS

Diameter of particles (microns)	Numbers of bacterial cells LD_{50}	
	Guinea pigs	Rhesus monkeys
1	3	17
7	6, 500	240
12	20, 000	540
22	170, 000	3, 000

C. Influence of atmospheric factors on chemical agents

1. Influence of Temperature

258. An attack with a liquid chemical agent, as already pointed out, would as a rule result in the formation of a cloud of small droplets, aerosol and vapour in varying proportions, as well as in ground contamination, all of which would be affected by air temperature.

259. *Influence on droplet and aerosol clouds:* Only particles having dimensions within certain limits penetrate and are retained by the lungs. The larger ones are trapped in the upper part of the respiratory tract (e.g. nose and trachea), whereas the smaller ones are exhaled. Penetration and retention have maximum values in the size range of 0.5 to 3 microns.

260. Liquid chemical agents exercise their effects both by penetrating the skin and by inhalation. The material absorbed by the lungs acts immediately, whereas there is a delay before the effects become manifest from an agent absorbed through the skin or the mucous membrane of the upper air passages.

261. A high temperature favours the evaporation of particles which will decrease in size and thus reach the lungs, contributing to the immediate effect; an additional quantity of vapour is produced which contributes to the same effect.

262. *Effect on ground contamination:* The temperature of the air, and even more that of the ground, have a marked effect on the way ground contamination develops and persists. The temperature of the ground, which depends on the thermal characteristics of its constituent materials and on the degree of its exposure to the sun, either increases or reduces evaporation, and consequently decreases or increases the duration of contamination. The surface temperature is extremely variable from point to point, depending on the type and colour of the soil; a temperature difference of 20° has been noted between the asphalt surface of a road and the surrounding fields. The temperature gradient also varies during the course of the day; in clear weather the differences may range from 15 to 30° C. in a temperate climate, and up to 50° C. in a desert climate. High temperatures of both air and ground favour the rate of evaporation, thus reducing the persistence of surface contamination; wind, because of the

mechanical and thermal turbulence it creates, has a similar effect.

263. To illustrate the effect of these variable factors, it is worth noting that the contamination of bare ground by unpurified mustard, at a mean rate of 30 g/m², will persist for several days or even weeks at temperatures below 10° C at medium wind velocities, whereas it lasts for only a day and a half at 25° C. Furthermore, because of accelerated evaporation at high temperatures, the cloud produced is more concentrated, and the danger of vapour inhalation in, and downwind of, the contaminated area becomes greater.

2. Influence of Humidity

264. In contrast to high temperature, high relative humidity may lead to the enlargement of aerosol particles owing to the condensation of water vapour around the nuclei which they constitute. The quantity of inhalable aerosol would thus diminish, with a consequent reduction in the immediate effects of the attack.

265. On the other hand, a combination of high temperature and high relative humidity causes the human body to perspire profusely. This intensifies the action of mustard-type vesicants, and also accelerates the transfer through the skin of percutaneous nerve agents.

3. Influence of Atmospheric Precipitation

266. Light rain disperses and spreads the chemical agent which thus presents a larger surface for evaporation, and its rate of evaporation rises. Conversely a heavy rain dilutes and displaces the contaminating product, facilitates its penetration into the ground, and may also accelerate the destruction of certain water-sensitive compounds (e.g. lewisite, a powerful blistering agent).

267. Snow increases the persistence of contamination by slowing down the evaporation of liquid contaminants. In the particular case of mustard gas, the compound is converted into a pasty mass which may persist until the snow melts.

268. Soil humidity, atmospheric precipitation and temperature also exercise a powerful influence on the activity of herbicides, which are much more effective at higher humidities and temperatures, than in dry weather and at low temperatures. This applies equally to preparations applied to plants and to those introduced into the soil.

4. Influence of Wind

269. As vapors emanating from ground contaminated by liquid chemical agents begin to rise, the wind comes into play. The distance the vapours will be carried depends on the wind velocity and the evaporation rate of the chemical, which will itself change with variations in ground and air temperatures. The distance is maximal (several kilometres) when there is a combination of the conditions promoting evaporation (high soil temperature) persistence of the cloud (stable atmosphere) and dispersal of the cloud (gentle winds). These conditions exist in combination at the end of a sunny day, at the time when a temperature inversion exists.

5. Influence of Soil—Dependent Factors

270. *Nature of the soil.* The soil itself, through its texture and the porosity of its constituent materials, plays an important role in the persistence of liquid chemical contaminants, which may penetrate to a greater or lesser extent, or remain on the surface. In the former case the risk of contamination by contact is reduced in the short term, but persistence will be increased to the extent that factors favourable to evaporation (temperature, wind) are prevented from acting. In the latter case, when the contaminant remains on the surface, the danger of contact contamination remains considerable, but persistence is reduced. Thus persistence in sandy soils may be three times as long as in clay.

271. *Vegetation.* Vegetation prevents a liquid contaminant from reaching the soil and also breaks it up, thus encouraging evaporation. But at the same time the short-term danger is enhanced because of the widespread dispersion of the contaminant on foliage, and the consequently increased risk of contact contamination.

272. The canopy of foliage in dense forests (e.g., conifers, tropical jungle), traps and holds a considerable portion of a dispersed chemical agent, but the fraction which none the less reaches the soil remains there for a long time, since the atmospheric factors involved in the process of evaporation (temperature, wind over the soil, turbulence) are hardly significant in such an environment as compared with open spaces.

273. Too little is known about the absorption and retention of toxic substances by plants to make it possible to assess the resulting danger to the living creatures whose food supply they may constitute. Like certain organic pesticides, it is probable that other toxic chemicals may penetrate into plant systems via the leaves and roots. Cases could then arise where all trace of contaminant had disappeared from the soil but with the toxic substance persisting in vegetation.

274. *Urban areas.* It can also be assumed that, in spite of a surface temperature which is on the average higher, contaminants might persist longer in built-up areas than over open ground. There are two reasons for this. Structural, finishing and other building materials are frequently porous, and by absorbing and retaining liquid chemical agents more readily, they increase the duration of contamination. Equally the factors which, in open country, tend to reduce persistence (sunshine, wind over ground) play a less important part in a built-up city.

275. Climate, in general, may exercise an indirect influence on the effect of percutaneous chemical agents, simply because of the fact that in hot climates the lightly clad inhabitants are very vulnerable to attacks through the skin.

276. The predominating influence of climatic factors and terrain on the persistence of contamination indicates that the *a priori* classification of chemical agents as persistent or non-persistent, solely on the basis of different degrees of volatility, is somewhat arbitrary since, depending on circumstances, the same material might persist for periods ranging from a few hours to several weeks, or even months.

D. Influence of atmospheric factors on bacteriological (biological) agents

277. Infectious agents, when used to infect by way of food and water, or by means of animal vectors are, of course, hardly subject to the influence of climatic factors. But any large-scale attack by bacteriological (biological) agents would probably be carried out by aerosols, in which the agents would be more susceptible to environmental influences than chemical agents.

278. Physico-chemical atmospheric factors have a destructive effect on aerosol-borne micro-organisms. Their viability decreases gradually over a period of hours or days at a progressively diminishing rate. Some decay very rapidly: for example, certain bio-aerosols used for pest control in temperate climates, and dispersed under average conditions in the cold and transitional seasons, show a rate of decay of 5 per cent per minute.

279. This apparent vulnerability of micro-organism in aerosols might cast some doubt on the possible effectiveness of bacteriological (biological) attacks. However there are various means by which the rate of decay in the aerosol can be considerably reduced. For example: the use of very high concentrations of agent; the use of suitably "modeled" pathogenic strains; or the protection of aerosol particles by encapsulating them in certain organic compounds.

280. These procedures, which prolong the survival of micro-organisms in air, could presumably also be applied to potential agents of bacteriological (biological) warfare. Means are also available for prolonging the survival of micro-organisms in water, soil, etc.

1. Influence of Temperature

281. The effect of temperature on the survival of micro-organisms in bacteriological (biological) aerosols is not highly significant in the temperature ranges generally encountered. As a general rule, aerosol-borne biological agents will be destroyed more rapidly the more the temperature rises. On the other hand, in some circumstances high temperatures may act on bacteriological (biological) aerosols in the same way as on chemical aerosols, that is to say, particle size will be diminished by evaporation, and thus their rate of entry into the lungs will be enhanced.

2. Influence of Humidity

282. Relative humidity is the most important of the atmospheric conditions which affect the rate of decrease of viability of micro-organisms in the air. The extent of its effect varies with different micro-organisms, with the nature of the suspending fluid from which the aerosol is disseminated, with the manner of its dissemination (as a spray or as a dry powder). As a general rule, the rate of inactivation is greater at lower relative humidity although with some organisms maximum inactivation occurs in the middle range of relative humidity (30–70 per cent). The rate of inactivation will, however, tend to decrease with time, and may become extremely low when a state of equilibrium (stabilization) between the particles and their environment has been established. This implies that irrespective of relative humidity values, the final infective concentration of a stabilized aerosol may still be above the threshold minimum dose for infection by inhalation. Even so, microbial survival in a stabilized aerosol may be further reduced by sudden variations in atmospheric humidity.

283. The effectiveness of aerosol-borne bacteriological (biological) agents depends not only on their capacity to survive in the air. Also important is their low rate of sedimentation, combined with the capacity of the micro-organisms to spread and penetrate into buildings, so contaminating surfaces and materials indoors as well as outdoors. The possibility that some infective agents can survive for a long time in such conditions, and the fact that environmental dust particles may exercise a protective influence on organisms have been demonstrated on many occasions. Studies made in hospitals have shown that surviving micro-organisms can be dispersed from sites which have come to be called "secondary reservoirs", and that they may become sources of new infections, carried either through the air or by contact.

3. Influence of Solar Radiation

284. The ultra-violet part of the solar spectrum has a powerful germicidal effect. Bacterial spores are much less sensitive to this radiation than are either viruses or vegetative bacteria, and fungal spores are even less sensitive than bacterial spores. The destructive effect of solar radiation on micro-organisms is reduced when relative humidity is high (over 70 per cent). Air pollution, including a high proportion of atmospheric dust, also provides some protection.

285. Ultra-violet light exercises its destructive effects on micro-organisms through the structural degradation of the nucleic acids which carry the genetic information. Most research on this subject has been carried out

on microbes in liquid suspensions, but the results of studies of aerosol-borne microbes seem to lead to similar conclusions.

286. The germicidal effect of ultra-violet radiation has been known for a long time and used in combating airborne infections in schools, military buildings and hospitals. The problem of proper radiation dosage, and proper techniques, however, still remain to be solved.

287. The lethal effect of sunlight on micro-organisms is less marked, although still apparent, in diffuse light. This is why a bacteriological (biological) attack, if one ever materialized, would be more probably undertaken in darkness.

4. Influence of Atmospheric Precipitation

288. Rain and snow have relatively little effect on bacteriological (biological) aerosols.

5. Influence of the Chemical Composition of the Atmosphere

289. Little is known about the influence on the viability of mirco-organisms of the chemical compounds present in the atmosphere. Oxygen promotes the inactivation of aerosol-borne agents, particularly in conditions of low humidity, and recent studies have also demonstrated that an unstable bactericidal factor (formed by combination between ozone and gaseous combustion products of petroleum) is present in the air, particularly downwind of heavily populated areas.

6. General Effects of Climate

290. Climate may also have a general and considerable influence on the development of epidemics and epizootics, in so far as the proliferation of vectors which spread disease may be encouraged, given the right conditions. This is indicated by the way myxomatosis developed in Australia. Although several attempts in 1927, and then from 1936 to 1943, to impart the disease to Australian rabbits failed, the epizootic spread rapidly from 1950 onwards, apparently for the sole reason that the summer, which was particularly rainy that year, was associated with an exceptional proliferation in the flooded Murray River valley of the mosquitoes which carry the disease.

291. Atmospheric humidity and temperature also have a strong influence on micro-organisms acting upon vegetation.

CHAPTER IV. POSSIBLE LONG-TERM EFFECTS OF CHEMICAL AND BACTERIOLOGICAL (BIOLOGICAL) WARFARE ON HUMAN HEALTH AND ECOLOGY

A. Introduction

292. So far this report has dealt essentially with the potential short-term effects of chemical and bacteriological (biological) warfare. The possible long-term effects of the agents concerned need to be considered against the background of the trends whereby man's environment is being constantly modified, as it becomes transformed to meet his ever-increasing needs. Some of the changes that have occurred have been unwittingly adverse. The destruction of forests has created deserts, while grasslands have been destroyed by over-grazing. The air we breathe and our rivers become polluted, and chemical pesticides, despite the good they do, also threaten with undesirable secondary effects. The long-term impact of possible chemical and bacteriological (biological) warfare clearly needs to be considered within an adequate ecological framework.

293. *Ecology* may be defined as the study of the interrelationships of organisms on the one hand and of their interactions with the physical environment in which they are found on the other. The whole complex of plants and animals within a specific type of environment—a forest, a marsh, a savannah—forms a community comprising all the plant life and all the living creatures—from the microorganisms and worms in the soil, to the insects, birds and mammals above the ground—within that environment, and the understanding of their interrelationships also necessitates a knowledge of the physical characteristics of the environment which bear on the living complex. Ecological communities are normally in dynamic equilibrium, which is regulated by the interaction of population density, available food, natural epidemics, seasonal changes and the competition of species for food and space.

294. Man has his special ecological problems. His numbers are multiplying fast, and increasing population requires commensurate increases in food production. The production and distribution of adequate food for the population which is predicted for the latter part of this century, and which will go on increasing through the next, will allow no relaxation in the effort which has already proved so successful. Food production has increased phenomenally in the past fifty years, primarily because of (1) improved agricultural practices, and particularly because of a marked increase in the use of chemical fertilizers and pesticides; (2) the development of genetically improved plants, herbs and flocks; and (3) increased industrialization of food-producing processes. There is hope that steps such as these will continue to bear fruit.

295. But while the use of fertilizers, herbicides and pesticides has brought about a massive increase in food production, it has also added to the pollution of soil and water, and as a result has altered our ecological environment in an enduring way. So too have other features of our industrial civilization. The motor car has been a very potent factor in increasing air pollution in towns and cities. The increasing population of the world creates unprecedented wastes, and the methods used to dispose of it—burying it, burning it, or discharging it into streams or lakes—have further polluted the environment. The remarkable development of synthetic and plastic materials in recent years has also added a new factor to the short- and long-term biological effects on man. Every new advance on our technological civilization helps to transform the ecological framework within which we evolved. From this point of view the existence and possible use of chemicals and bacteriological (biological) agent in warfare have to be regarded as an additional threat, and as a threat which might have enduring consequences, to our already changing environment.

B. Consequences to man of upsetting the ecological equilibrium

296. The chemical industry doubled its output between 1953 and 1960 and it is still growing fast but the useful results of its continued development are none the less of the utmost importance to man's future. The good effects on food production of the use of artificial fertilizers alone far outweigh any secondary deleterious consequences of their use. The facts are too well known to need spelling out. It is enough to point out, as one example, that maize production in the United States increased between 1923 and 1953, a thirty-year period, by barely four quintals per hectare, but that in the ten years between 1953 and 1964, when the use of fertilizers and more productive hybrid seeds became widespread, the increase was eleven quintals. This is characteristic of what has happened everywhere where fertilizers have been used on a large scale.

297. The beneficial effect of the use of modern chemical pesticides also does not need spelling out. It is estimated that the present annual world loss in production due to weeds and parasites is still approximately 460 million quintals of wheat and 360 million quintals of maize, and that to eliminate this waste will mean the use of even more pesticides than are now being consumed.

298. What has to be realized about modern agricultural practices is that without them the increases in the output of food which the world needs could never be achieved. Unless production mounts everywhere, those who have not yet cast off the burdens of living in a primitive agricultural world will never reach the level of civilization to which all aspire.

299. But, as already indicated, the great increase in the use of fertilizers, pesticides and herbicides does have deleterious side effects. For example, in Switzerland, surface waters and springs have been contaminated in times of high rainfall by excessive amounts of fertilizers corresponding to 0.3–0.5 kg of phosphorous and 45 kg of nitrogen per hectare per year. This kind of thing occurs elsewhere as well, and it cannot but help transform—for all we know adversely—the environment in which living matter including fish otherwise thrive.

300. The dangers of the side effects of modern pesticides are also beginning to be appreciated, and are already beginning to be guarded against in advanced countries. Except in high dosage, these substances act only on lower organisms, although some organophosphorous compounds are toxic to man and other vertebrates. Less selective agents may be toxic to soil bacteria, plankton, snails and fish. Chlorinated hydrocarbons, such as DDT, are toxic only in unusually high dosages, but accumulate in fat, and deposit in the liver and the central nervous system. Following surface application, pesticides enter the soil and seep into underground waters; or become washed by rain into rivers, lakes and reservoirs. It is theoretically possible that in some situations, in which non-selective chemical pesticides are used, disruption of the ecological equilibrium could lead to the long-term suppression of useful animals and plants. These are dangers which only constant vigilance will avert.

301. Detergents are another modern chemical development whose use has had to be regulated, since they have a direct short-term effect on certain types of natural food such as daphniae and the algae which are eaten by fish. The first detergents which came on the market led to enormous quantities of foam on river, and this in turn reduced the supply of oxygen for organisms living in the water. They also damage the earth by affecting soil bacteria. Such detergents, which resist destruction even by the most modern water treatment methods, have all but disappeared from use and have been replaced by others, which can be almost completely destroyed by waste water treatment.

302. In the context of the possible long-term effects of chemical and bacteriological (biological) weapons, we have finally to note that towns and cities are growing all over the world, and that in the developed countries, conurbations (fusion of cities with loss of suburbs) have reached population levels approaching 50 million. Such great concentrations of people require very complicated arrangements for supply of food, water and other materials, transport and general administration. The use of chemical or bacteriological (biological) weapons against cities would undoubtedly have an exceptionally severe disorganizing effect, and the full re-establishment of the services necessary for health, efficient government, and the smooth operation of industry might take a very long time.

C. Possible long-term effects of chemical and bacteriological (biological) means of warfare on man and his environment

303. Chemical weapons, in addition to their highly toxic short-term effects, may also have a long-term effect on the environment in which they are disseminated. If used in

very high concentration they might cause damage by polluting the air, by poluting the water supplies and by poisoning the soil.

304. Bacteriological (biological) weapons could be directed against man's sources of food through the spread of persistent plant diseases or of infectious animal diseases. There is also the possibility that new epidemic diseases could be introduced, or old ones reintroduced, which could result in deaths on the scale which characterized the medieval plagues.

1. Chemical Weapons

305. There is no evidence that the chemical agents used in World War I—chlorine, mustard, phosgene, and tear-gas—had any untoward ecological consequences. As already observed, over 120,000 tons of these agents were used during that war, and in some areas which were attacked, concentrations must have added up to hundreds of kilograms per hectare. These regions have long since returned to normal and fully productive use.

306. The organophosphorous, or nerve agents have never been used in war, and no corresponding experience is available to help form a judgment about their possible long-term effects. But since these agents are toxic to all forms of animal life, it is to be expected that if high concentrations were disseminated over large areas, and if certain species were virtually exterminated, the dynamic ecological equilibrium of the region might be changed.

307. On the other hand there is no evidence to suggest that nerve agents affect food chains in the way DDT and other pesticides of the chlorinated hydrocarbon type do. They hydrolyze in water, some of them slowly, so there could be no long-term contamination of natural or artificial bodies of water.

308. The use of herbicides during the course of the Viet-Nam conflict has been reported extensively in news media, and to a lesser extent in technical publications. The materials which have been used are 2,4-dichlorophenoxyacetic acid, 2,4,5-trichlorophenoxyacetic acid, cacodylic acid and picloram.

309. Between 1963 and 1968 these herbicides were used to clear forested areas for military purposes over some 9,100 km^2. This may be divided by forest type as shown in the following table.

TABLE 1.—TYPE OF FOREST AND EXTENT AND AREA TREATED WITH HERBICIDES IN SOUTH VIETNAM, 1963–68

Type of forest	Extent kilometers^2	Area treated kilometers^2
Open forest (semideciduous)	50, 150	8, 140
Mangrove and other aquatic	4, 800	960
Coniferous	1, 250	0
Total	56, 200	9, 100

310. South Viet-Nam is about 172,000 km^3 in area, of which about one-third is forested. The area treated with herbicides up to the end of 1968 thus amounts to about 16 per cent of the forested area, or a little over 5 per cent of the total.

311. There is as yet no scientific evaluation of the extent of the long-term ecological changes resulting from these attacks. One estimate is that some mangrove forests may need twenty years to regenerate, and fears have been expressed about the future of the animal population they contain. Certain species of bird are known to have migrated from areas that have been attacked. On the other hand, there has been no decline in fish catches, and as fish are well up in the food chain, no serious damage would seem to have been done to the aquatic environment.

312. When a forest in a state of ecological equilibrium is destroyed by cutting, secondary forest regenerates, which contains fewer species of plants and animals than were there originally, but larger numbers of those species which survive. If secondary forest is replaced by grassland, these changes are even more marked. If one or more of the animal species which increases in number is the host of an infection dangerous to man (a zoonosis), then the risk of human infection is greatly increased. This is exemplified by the history of scrub typhus in South-East Asia, where the species of rat which maintains the infection and the vector mite are much more numerous in secondary forest, and even more so in grassland, so increasing the risk of the disease being transmitted to people as forest is cleared.

313. In high rainfall areas, deforestation may also lead to serious erosion, and so to considerable agricultural losses. Deserts have been created in this way.

2. Bacteriological (Biological) Weapons

Against man

314. New natural foci, in which infection may persist for many years, may be established after an arosol or other type of bacteriological (biological) attack. This possible danger can be appreciated when one recalls the epidemiological consequences of the accident introduction of rabies and other veterinary infections (blue-tongue, African swine fever) into a number of countries. The spread of rabies in Europe following World II, as a consequence of the disorganization caused by the war, shows how an epidemiologically complicated and medically dangerous situation can emerge even with an infection which had long been successfully controlled. In 1945 there were only three major foci of infection in Czchoslovakia. In the following years, foxes multiplied excessively because farms were left unworked, because of the increased number of many kinds of wild creatures, and also because of the discontinuation of systematic control. Foxes also came in from across frontiers, and the epizootic gradually worsened. In the period 1952/1966 a total of 888 foci were reported, 197 new ones in 1965 alone. Bringing the situation under control demand extraordinary and prolonged efforts by the health service: in 1966 alone, 775,000 domestic animals were vaccinated in affected areas of the country. None the less, the disease has not yet been stamped out. Natural foci cannot be eliminated without organized and long-term international co-operation.

315. Arthropods (insects, ticks) also play an important part, along with other creatures, in the maintenance of pathogenic agents in natural foci. A man exposed to a natural foci risks infection, particularly from arthropods, which feed on more than one species of host. A bacteriological (biological) attack might lead to the creation of multiple and densely distributed foci of infection from which, if ecological conditions were favourable, natural foci might develop in regions where they had previously never existed, or in areas from which they had been eliminated by effective public health measures.

316. On the other hand, the large-scale use of bacterological (biological) weapons might reduce populations of susceptible wild species below the level at which they could continue to exist. The elimination of a species or group of species from an area would create in the ecological community an empty niche which might seriously disturb its equilibrium, or which might be filled by another species more dangerous to man because it carried a zoonosis infection acquired either naturally or as a result of the attack. This would result in the establishment of a new natural focus of disease.

317. The gravity of these risks would depend on the extent to which the community of species in the country attacked contained animals which were not only susceptible to the infection, but were living in so close a relationship to each other that the infection could become established. For example, not all mosquito species can be infected with yellow fever virus, and if the disease is to become established, those which can become vectors must feed frequently on mammals, such as monkeys, which are also sufficiently susceptible to the infection. A natural focus of yellow fever is therefore very unlikely to become established in any area lacking an adequate population of suitable mosquitos and monkeys.

318. Endemics or enzootics of diseases (i.e. infections spreading at a low rate, but indefinitely, in a human or animal population) could conceivably follow a large-scale attack, or might be started by a small-scale sabotage attack, for which purpose the range of possible agents would be much wider, and might even include such chronic infections as malaria.

319. *Malaria* is a serious epidemic disease in a susceptible population, but it is difficult to envisage its possible employment as a bacteriological (biological) weapon, because of the complex life cycle of the parasite. Drug-resistant strains of malaria exist in, for example, areas of Asia and South America, and their possible extension to areas where mosquitos capable of transmitting the disease already exist, would greatly complicate public health measures, and cause a more serious disease problem because of the difficulties of treatment.

320. *Yellow fever* is still enzootic in the tropical regions of Africa and America. Monkeys and other forest-dwelling primates, together with mosquitos which transmit the virus, constitute natural foci and ensure survival of the virus between epidemics.

321. Importation of this disease is possible wherever a suitable environment and susceptible animal and mosquito hosts exist. This occurred naturally in 1960 when a previously uninfested area of Ethiopia was invaded by yellow fever and an epidemic resulted in about 15,000 deaths. Because of the inaccessibiilty of the area, some 8,000–9,000 people had died before the epidemic was recognized. The epidemic was extinguished but it is likely that a permanent foci of yellow fever infection has been established in this area, previously free of the disease. It might be extremely serious if the virus were introduced into Asia or the Pacific islands where the disease appears never to have occurred, but where local species of mosquito are crown to be able to transmit it. Serious problems could also arise if the virus were introduced into the area of the United States where vector mosquitos still exist, and where millions of people live in an area of a few square kilometers.

322. Another consideration is the possible introduction of a new species of animal to an area to cause either long-term disease or economic problems. For example, mongooses were introduced many years ago to some Caribbean islands, and in one at least they have become a serious economic pest of the sugar crop, and an important cause of rabies. The very large economic effect on the introduction of rabbits to Australia is well known. Certain mosquito species (a yellow fever mosquto, *Aedes aegypti*, and a malaria mosquito, *Anopheles gambiae*) have naturally spread to many areas of the world from their original home in Africa, and have been responsible for serious disease problems in the areas that have been invaded. It is conceivable that in the war the introduction of such insects on a small scale might be tried for offensive purposes.

323. In addition to the development of new natural foci, another long-term hazard, but one which is very much more speculative than some of the possibilities mentioned

above, is that of the establishment of new strains of organisms of altered immunological characteristics or increased virulence. This might occur if large numbers of people or other susceptible animal species became infected in an area through a bacteriological (biological) attack, thus providing opportunities for new organisms to arise naturally. The appearance from time to time of immunologically different forms of influenza shows the type of thing which might happen. Such altered forms of agents might cause more severe and perhaps more widespread epidemics than the original attack.

Against domestic animals

324. *Foot-and-mouth disease* is a highly infectious but largely non-fatal disease of cattle, swine and other cloven-footed animals It is rarely transmitted from a diseased animal to man, and when it is, the order is a trivial one.

325. The milk yield of diseased cows decreases sharply and does not reach its normal yield even after complete recovery. Losses range from 9 to 30 per cent of milk yield. In swine, loss from foot-and-mouth are estimated at 60–80 per cent among suckling pigs. Foot-and-mouth is endemic in many countries and breaks out from time to time even in countries which are normally free of the disease. Some countries let it run its course without taking any steps to control it; others try to control it by the use of vaccines; and some pursue a slaughter policy in which all affected animals and contacts are killed.

326. It is obvious that a large epizootic could constitute a very serious economic burden, for example, by bringing about a serious reduction in the supply of milk. It is in this context that foot-and-mouth disease could conceivably serve as a bacteriological (biological) weapon, especially since war conditions would greatly promote its spread. Efficient prevention is possible through active immunization, but the immunity is rather short-lived and annual vaccination is required.

327. *Brucellosis* is an example of chronic disease which could possibly result from bacteriological (biological) weapon attacks. There are three forms known, which attack cattle, swine and goats respectively. Any of these may be transmitted to man, in whom it causes a debilitating but rarely fatal disease lasting for four to six months or even longer. It is enzootic in most countries of the world, and an increased incidence of the disease resulting from its use as a weapon could be dealt with, after the initial blow, in the same way as is the natural disease. But the cost of eliminating disease such as brucellosis from domestic animals is very high.

328. *Anthrax* was described in chapter II and what concerns us here is that if large quantities of anthrax spores were disseminated in bacteriological (biological) weapons, thus contaminating the soil of large regions, danger to domestic animals and man might persist for a very long time. There is no known way by which areas could be rendered safe. The use of large quantities of anthrax as a weapon might therefore cause long-term environmental hazards.

Against crops

329. The *rust* fungus, as already noted, is one of the most damaging of natural pathogens which affects wheat crops. Each rust pustule produces 20,000 uredospores a day for two weeks, and there may be more than 100 pustules on a single infected leaf. The ripe uredospores are easily detached from the plant even by very weak air currents. The spores are then carried by the wind over distances of many hundreds of kilometres. It is estimated that the annual total world loss of wheat from rust is equivalent to about $500 million.

330. Weather plays a decisive role in the epiphytotic spreading of rust. Temperature influences the incubation period and the rate of uredospore germination. Germination and infection occur only when there is a water-saturated atmosphere for three to four hours. Thus, epiphytotic spread occurs when there are heavy dews and when the temperature is between 10° and 30° C. The principal means of prevention is to destroy the pathogen and to breed resistant species. Recently, ionizing radiation has been employed to develop resistant strains.

331. The cereal rusts die out during winter unless some other susceptible plant host, such as barberry, is present, and therefore their effect on crops would be limited to a single season. As they are capable of reducing man's food reserves considerably, rust spores could be extremely dangerous and efficient bacteriological (biological) weapons, especially if deployed selectively with due regard to climatic conditions. Artificial spreading of an epiphytotic would be difficult to recognize and delivery of the pathogen to the target would be relatively simple.

332. Rust epiphytotics might have a very serious effect in densely populated developing countries, where the food supply might be reduced to such an extent that a human population already suffering from malnutrition might be driven to starvation, which, depending on the particular circumstances, might last a long time.

333. Another conceivable biological weapon, although neither a practical nor a bacteriological one, is the *potato beetle*. To use it for this purpose, the beetle would have to be produced in large numbers, and introduced, presumably clandestinely, into potato growing regions at the correct time during maturation of the crop. In the course of spread the beetle first lives in small foci, which grow and increase until it becomes established over large territories. The beetle is capable of astonishing propagation: the progeny of a single beetle may amount to about 8,000 million in one-and-a-half years.

334. Since beetles prefer to feed and lay their eggs in plants suffering from some viral disease, they and their larvae may help transmit the virus thereby increasing the damage they cause. The economic damage caused by the beetle varies with the season and the country affected, but it can destroy up to 80 per cent of the crop. Protection is difficult because it has not been possible to breed resistant potato species and the only means available at present is chemical protection.

335. Were the beetle ever to be used successfully for offensive purposes, it could clearly help bring about long-term damage because of the difficulty of control.

3. Genetic and Carcinogenic Changes

336. The possibility also exists that chemical and bacteriological (biological) weapons might cause genetic changes. Some chemicals are known to do this. LSD, for example, is known to cause genetic changes in human cells. Such genetic changes, whether induced by chemicals or viruses, might conceivably have a bearing on the development of cancer. A significantly increased incidence of cancer in the respiratory tract (mainly lung) has been reported recently among workers employed in the manufacture of mustard gas during World War II. No increased prevalence of cancer has been reported among mustard gas casualties of World War I although it is doubtful if available records would reveal it. However, most of these casualties were exposed for only short periods to the gas whereas the workers were continuously exposed to small doses for months or years.

CHAPTER V. ECONOMIC AND SECURITY IMPLICATIONS OF THE DEVELOPMENT, ACQUISITION AND POSSIBLE USE OF CHEMICAL AND BACTERIOLOGICAL (BIOLOGICAL) WEAPONS AND SYSTEMS OF THEIR DELIVERY

A. Introduction

337. Previous chapters have revealed the extent to which developments in chemical and biological science have magnified the potential risks associated with the concept of chemical or bacteriological (biological) warfare. These risks derive not only from the variety of possible agents which might be used, but also from the variety of their effects. The doubt that a chemical or bacteriological (biological) attack could be restricted to a given area means that casualties could occur well outside the target zone. Were these weapons used to blanket large areas and cities, they would cause massive loss of human life, affecting non-combatants in the same way as combatants, and in this respect, they must clearly be classified as weapons of mass destruction. The report has also emphasized the great problems and cost which would be entailed in the provision of protection against chemical and bacteriological (biological) warfare. It is the purpose of this final chapter to explore in greater depth the economic and security implications of matters such as these.

B. Production

1. Chemical Weapons

338. It has been estimated that during the course of the First World War, at a time when the chemical industry was in a relatively early stage of development, about 180,000 tons of chemical agents were produced, of which more than 120,000 tons were used in battle. With the rapid development of the industry since then, there has been an enormous growth in the potential capacity to produce chemical agents.

339. The scale, nature, and cost of any progamme for producing chemical weapons, and the time needed to implement it, would clearly be largely dependent on the scientific, technical and industrial potential of the country concerned. It would depend not only on the nature of the chemical industry itself, and on the availability of suitably trained egnineers and chemists, but also on the level of development of the chemical engineering industry and of the means of automating chemical processes, especially where the production of highly toxic chemical compounds is involved. Whatever the cost of developing a chemical or bacteriological (biological) capability, it needs to be realized that it would be a cost additional to, and not a substitute for, that of acquiring an armoury of conventional weapons. An army could be equipped with the latter without having any chemical or bacteriological (biological) weapons. But it could never rely on chemical or bacteriological (biological) weapons alone.

340. Today a large number of industrialized countries have the potential to produce a variety of chemical agents. Many of the intermediates required in their manufacture, and in some cases even the agents themselves, are widely used in peace time. Such substances include, for example, phosgene, which some highly developed countries produce at the rate of more than 100,000 tons a year and which is commonly used as an intermediate in the manufacture of synthetic plastics, herbicides, insecticides, paints and pharmaceuticals. Another chemical agent, hydrocyanic acid, is a valuable intermediate in the manufacture of a variety of synthetic organic products and is produced in even greater quantities. Ethylene-oxide, which is used in the manufacture of mustard gases, is also produced on a large scale in various countries. It is a valuable starting material in the production of a large number of important substances, such as detergents, disinfectants and wetting agents. The world production of ethylene-oxide and propylene-oxide is now well in excess of 2 million tons per year. Mustard gas and nitrogen mustard gases can be produced from ethylene-oxide by a relatively simple process. Two hundred and fifty thousand tons of ethylene-oxide would yield about 500,000 tons of mustard gas.

341. The production of highly toxic nerve agents, including organophosphorus com-

pounds, presents problems which, because they are relatively difficult, could be very costly to overcome. To a certain extent this is because of the specialized safety precautions which would be needed to protect workers against these very poisonous substances, a need which, of course, applies to all chemical agents, especially to mustard gas. However, many intermediates used in the manufacture of nerve agents have a peacetime application: for example, dimethylphosphite, necessary for the production of Sarin, is used in the production of certain pesticides. But even leaving operating expenses aside, the approximate cost of acquiring one plant complex to produce munitions containing up to 10,000 tons of Sarin a year would be about $150 million. The cost would, of course, be considerably less if existing munitions could be charged with chemical agents.

342. A country which possesses a well-developed chemical industry could clearly adapt it to produce chemical agents. But were it to embark on such a step, it would be only the beginning. The establishment of a comprehensive chemical warfare capability would also involve special research centres, experimental test grounds, bases, storage depots and arsenals. The development of sophisticated and comprehensive weapons systems for chemical or bacteriological (biological) warfare would be a very costly part of the whole process. None the less, the possibility that a peacetime chemical industry could be converted to work for military purposes, and of chemical products being used as weapons, increases the responsibility of Governments which are concerned to prevent chemical warfare from ever breaking out.

2. Bacteriological (Biological) Weapons

343. The microbiological expertise necessary to grow agents of bacteriological (biological) warfare exists to a large extent in many countries, since the requirements are similar to those of a vaccine industry and, to a lesser extent, a fermentation industry. Apart from the combination of the highly developed technologies of these two industries, there remains only a need for some specialized knowledge, expertise and equipment to permit the safe handling of large quantities of bacteriological (biological) agents. Consequently, existing facilities in the fermentation, pharmaceutical and vaccine industries could be adapted for the production of bacteriological (biological) agents. But the technological complexities of producing bacteriological (biological) agents in dry powder form are very much greater than for wet spray systems. Moreover, it would be desirable to provide an effective vaccine with which to protect production staff. The technical difficulties would increase with the scale and complexity of the weapons systems that were being developed. But the fact remains that any industrially advanced country could acquire whatever capability it set out to achieve in this field.

344. The difficulty and cost of providing for the transport and storage of bacteriological (biological) weapons are considerable, since special storage conditions, e.g., refrigeration, and stringent safety and security precautions are essential. In addition, testing to determine the potential effectiveness of the material produced would require considerable and costly testing facilities both in the laboratory and in the field.

345. Despite the fact that the development and acquisition of a sophisticated armoury of chemical and bacteriological (biological) weapons systems would prove very costly in resources, and would be dependent on a sound industrial base and a body of well-trained scientists, any developing country could in fact acquire, in one way or another, a limited capability in this type of warfare—either a rudimentary capability which it developed itself, or a more sophisticated one which it acquired from another country. Hence, the danger of the proliferation of this class of weapons applies as much to developing as it does to developed countries.

C. Delivery systems

346. Practically all types of explosive munitions (artillery shells, mines, guided and unguided rockets, serial bombs, landmines, grenades, etc.) can be adapted for the delivery of chemical agents. A modern bomber, for example, can carry about fifteen tons of toxic chemical agents, and it is estimated that only 250 tons of V-gas, an amount which could be delivered by no more than fifteen or sixteen aircraft, is enough to contaminate a great city with an area of 1,000 square kilometres and a population of 7 to 10 million. Were such a population mainly in the open and unprotected, fatal casualties might reach the level of 50 per cent.

347. Existing armaments which (with some modification) could be used to deliver agents in order to generate local outbreaks of disease, could also contaminate large areas with pathogens. For example, a single aircraft could cover with a bacteriological (biological) agent an area of up to 100,000 square kilometres, although the area of effective dosage might be much smaller due to loss of the infectivity of the airborne agent.

348. While the development and production costs of chemical and bacteriological (biological) agents might well be high, the cost of the complete weapons system (see chapter I) would be even greater. The cost of developing, procuring and operating a squadron of modern bombers far outweighs the cost of the bombs it could carry. However, for some purposes, an existing weapon system or a far less sophisticated means of disseminating might be used.

D. Protection

349. The measures which would be required to protect a population, its livestock and plants against chemical or bacteriological (biological) attack are immensely costly and complex (chapter I). At present, warning systems for the detection of aerosol clouds are fairly rudimentary. Systems for the detection of specific chemical and bacteriological (biological) agents might be devised, but again they are likely to prove very expensive, if indeed they are feasible.

350. With certain agents, contamination of the environment, for example of buildings and soil, could persist for several days or weeks. Throughout this period people would be exposed to the risk of contamination by contact and by inhalation. Protective clothing, even if adequately prefabricated and distributed or improvised, would make it difficult to carry on with normal work. The prolonged wearing of respirators causes physiological difficulties, and it would prove necessary to provide communal shelters with air filtration and ventilations systems for civil populations. Shelters would be extremely costly to build and operate, and a programme for their construction would constitute a heavy burden on the economy.

351. Even if protective measures were provided against known agents, it is conceivable that new ones might be developed whose physical or chemical properties would dictate a need for new individual and communal protective equipment. This could constitute an even greater economic burden.

352. Defensive measures, especially against chemical agents, would also have to include the extremely laborious and expensive task of decontaminating large numbers of people, as well as equipment, weapons and other materials. This would mean setting up decontamination centres and training of people in their use. Stocks of decontaminating agents and replacement clothing would also be required.

353. A very important part of a defence system against chemical or bacteriological (biological) weapons would be the means of very rapidly detecting an attack and identifying the specific agent used in an attack. Methods for doing this rapidly and accurately are still inadequate. Specific protection against bacteriological (biological) agents would necessitate the use of vaccines and perhaps antibiotics (see annex C of chapter II). Vaccines vary in their effectiveness, even against naturally-occurring infections, and even those which are highly effective in natural circumstances may not protect against bacteriological (biological) agents deliberately disseminated into the air and inhaled into the lungs. Antibiotics used prophylactically are a possible means of protection against bacteria and rickettsiae but not against viruses. But the large and complex problems of their use in large populations would be all but insuperable.

354. It would be extremely difficult to arrange for the medical treatment of a civilian population which had been attacked with chemical or bacteriological (biological) weapons. Mobile groups of specialists in infectious disease, of microbiologists, and of well-trained epidemologists, would have to be organized to provide for early diagnosis and treatment, while a network of reserve hospitals and a massive supply of drugs would have to be prepared in advance. The maintenance of a stockpile of medical supplies is extremely costly. Many drugs, especially antibiotics, deteriorate in storage. Huge amounts would have to be discarded as useless from time to time, and the stock would have to be replenished periodically.

E. Cost to society

355. The extent to which the acquisition, storage, transport and testing of chemical and bacteriological (biological) munitions would constitute an economic burden, would depend on the level of a country's industrial and military capability, although compared to nuclear weapons and advanced weapons systems in general, it might not seem excessive. But the task of organizing delivery systems and deployment on a large or sophisticated scale could well be economically disastrous for many countries. Moreover the preparation of an armoury of chemical and bacteriological (biological) weapons would constitute a possible danger to people in the vicinity of production, storage and testing facilities.

356. Chemical and bacteriological (biological) attacks could be particularly dangerous in towns and densely populated areas, because of the close contacts between individuals, and because of the centralized provision of services for every day necessities and supply (services, urban transport networks, trade, etc.). The consequences might also be particularly serious in regions with a warm, moist climate, in low lying areas, and in areas with poorly developed medical facilities.

357. The technical and organizational complexity, as well as the great financial cost, of providing adequate protection for a population against attack by chemical and bacteriological (biological) agents have already been emphasized. The costs would be formidable by any standards. The construction of a system of fall-out shelters to protect only part of the population of one large and highly developed country against nuclear weapons has been estimated at no less than $5,000–$10,000 million. Such shelters could be modified. at a relatively modest additional cost, to provide protection against chemical and bacteriological (biological) weapons. To construct communal shelters for a corre-

sponding part of the population against chemical and bacteriological (biological) weapons alone would cost much the same as protection against nuclear fall-out. If all other necessary related expenditures are considered—such as detection and warning systems, communications, and medical aid—the total costs of civil defence against chemical and bacteriological (biological) agents would be greater than $15,000–$25,000 million for a developed country of 100–200 million people. But even if such a programme were ever planned and implemented, there could be no assurance that full protection could be achieved.

358. For whatever its cost, no shelter programme could provide absolute protection against attack by chemical or bacteriological (biological) agents. Protective measures would be effective only if there were adequate warning of an attack, and if civil defence plans were brought into operation immediately and efficiently. However, many shelters were available, the likelihood would be that large numbers of people would be affected to varying degrees, and would be in urgent need of medical attention, and once hostilities had ceased, that there would be large numbers of chronic sick and invalids, requiring care, support and treatment, and imposing a heavy burden on a society already disorganized by war.

359. It is almost impossible to conceive of the complexity of the arrangements which would be necessary to control the consequences of a large-scale bacteriological (biological) attack. Even in peacetime, the development of an epidemic of a highly contagious disease started by a few individual cases, introduced from abroad, necessitates enormous material expenditure and the diversion of large numbers of medical personnel. Examples of widespread disruption due to a few smallpox contacts are given in chapter II. No estimates are given of the actual costs involved in dealing with these events, but in some cases they must have run into millions of dollars. Large-scale bacteriological (biological) attacks could thus have a serious impact on the entire economy of the target country and, as is observed in chapter II, depending on the type of agent used, the disease might well spread to neighbouring countries.

360. Whatever might be done to try to save human beings, nothing significant could be done to protect crops, livestock, fodder and food-stuffs from a chemical and bacteriological (biological) weapons attack. Persistent chemical agents could constitute a particular danger to livestock.

361. Water in open reservoirs could be polluted as a result of deliberate attack, or perhaps accidentally, with chemical or bacteriological (biological) weapons. The water supply of large towns could become unusable, and rivers, lakes and streams might be temporarily contaminated.

362. Enormous damage could be done to the economy of a country whose agricultural crops were attacked with herbicides. For example, only ten to 10 grammes per hectare of 2, 4D could render a cotton crop completely unproductive (see annex A). Fruit trees, grape vines and many other plants could also be destroyed. Mixtures of 2, 4D, of 2, 4, 5T and picloram are particularly potent. The chemical known as paraquate can destroy virtually all annual plants, including leguminous plants, rice, wheat and other cereals. Arsenic compounds dessicate the leaves of many crops and make them unusable as food. There are no means known at present of regenerating some of the plants which are affected by herbicides. Experience has shown, however, that in the case of some species, either natural or artificial seeding can easily produce normal growth in the next growing season. But the destruction of fruit trees, vines and other plants, if achieved could not be overcome for many years. For most practical purposes, it would be impossible to prevent the destruction of cultivated plants on which herbicides have been used, and depending on a country's circumstances, widespread famine might follow.

363. If the induced disease were to spread, bacteriological (biological) weapons could affect even more extensive agricultural areas. The effect would however be more delayed and more specific to the crops affected. Annex A gives examples of the extent of the decrease in a wheat harvest and in a rice harvest affected by blast. The uredospores of the rust are easily transported by air currents so that down-wind sections would be affected by rust to a considerable distance, with a corresponding sharp reduction in the crop, while the upwind sections gave a good yield.

364. Over and above all these possible effects of chemical and bacteriological (biological) warfare on farm animals and crops is the possibility discussed in the previous chapter, of widespread ecological changes due to deleterious changes brought about in wild fauna and flora.

F. The relevance of chemical and bacteriological (biological) weapons to military and civil security

365. The comparison of the relative effectiveness of different classes of weapons is a hazardous and often futile exercise. The major difficulty is that from the military point of view, effectiveness cannot be measured just in terms of areas of devastation or of numbers of casualties. The final criterion would always be whether a specific military purpose had been more easily achieved with one rather than another set of weapons.

366. Clearly, from what has been said in the earlier chapters of this report, chemical weapons could be more effective than equivalent weights of high explosive when directed against densely populated targets. Similarly, so far as mass casualties are concerned, bacteriological (biological) weapons could, in some circumstances, have far more devastating effects than chemical weapons, and effects which might extend well beyond the zone of military operations.

367. From the military point of view, one essential difference between anti-personnel chemical and bacteriological (biological) weapons on the one hand, and a conventional high explosive weapon on the other (including small arms and the whole range of projectiles), is that the area of the effects of the latter is more predictable. There are, of course, circumstances where, from the point of view of the individuals attacked, an incapacitating gas would be less damaging than high explosives. On the other hand, whereas military forces can, and do, rely entirely upon conventional weapons, no country, as already observed, could entrust its military security to an armoury of chemical and bacteriological (biological) weapons alone. The latter constitute only one band in the spectrum of weapons.

368. As previous chapters have also shown, neither the effectiveness nor the effects of chemical and bacteriological (biological) weapons can be predicted with assurance. Whatever military reasons might be advanced for the use of these weapons, and whatever their nature, whether incapacitating or lethal, there would be significant risk of escalation, not only in the use of the same type of weapon but also of other categories of weapons systems, once their use had been initiated. Thus, chemical and bacteriological (biological) warfare could open the door to hostilities which could become less controlled, and less controllable, than any war in the past. Uncontrollable hostilities cannot be reconciled with the concept of military security.

369. Since some chemical and bacteriological (biological) weapons constitute a major threat to civilian populations and their food and water supplies, their use cannot be reconciled with general national and international security. Further, because of the scale and intensity of the potential effects of their use, they are considered as weapons of mass destruction. Their very existence thus contributes to international tension without compensating military advantages. They generate a sense of insecurity not only in countries which might be potentially belligerent, but also in those which are not. Neutral countries could be involved through the use of chemical and bacteriological (biological) weapons, especially those whose territories bordered on countries involved in conflict in the course of which chemical and bacteriological (biological) casualties had been suffered by garrisons and civilians close to frontiers. The effects of certain bacteriological (biological) weapons used on a large scale might be particularly difficult to confine to the territory of a small country. Large-scale chemical and bacteriological (biological) agents and chemical agents might be used for acts of sabotage. Such events might occur as isolated acts, even carried out in defiance of the wishes of national leaders and military commanders. The continued existence and manufacture of chemical weapons anywhere may make such occurrences more likely.

370. Obviously any extensive use of chemical weapons would be known to the country attacked. The source of the attack would probably also be known. On the other hand, it would be extremely difficult to detect isolated acts of sabotage in which bacteriological (biological) weapons were used, especially if the causative organism were already present in the attacked country. Because of the suspicions they would generate, acts of sabotage could thus provoke a conflict involving the widespread use of chemical and bacteriological (biological) weapons.

ANNEX A

ECONOMIC LOSS FROM POSSIBLE USE OF CHEMICAL AND BACTERIOLOGICAL (BIOLOGICAL) WEAPONS AGAINST CROPS

TABLE 1.—ECONOMIC LOSS WHICH COULD RESULT FROM THE USE OF CHEMICAL WEAPONS DUE TO THE DESTRUCTION OF CROPS PER HECTARE OF LAND

Type of plant	Average harvest (in tons per hectare)	Price of 1 ton in U.S. dollars	Sum total of losses in U.S. dollars per hectare
Cotton	3	600	1,800
Rice	5	84	420
Wheat	3	69	207
Apple tree	30	[1] 140	[1] 8,400

[1] Will not produce apples for 2 years.

TABLE 2.—ECONOMIC LOSS DUE TO THE USE OF BACTERIOLOGICAL (BIOLOGICAL) WEAPONS AGAINST CROPS

Plant	Type of agent	Losses		Loss in U.S. dollars per hectare
		Percent	Tons per hectare	
Wheat	Cereal rust (Puccinia graminis)	80	24	165
Rice	Rice blast (Piricular a drizae).	70	35	294

CONCLUSION

371. All weapons of war are destructive of human life, but chemical and bacteriological (biological) weapons stand in a class of their own as armaments which exercise their effects solely on living matter. The idea that bacteriological (biological) weapons could deliberately be used to spread disease generates a sense of horror. The fact that cer-

tain chemical and bacteriological (biological) agents are potentially unconfined in their effects, both in space and time, and that their large-scale use could conceivably have deleterious and irreversible effects on the balance of nature adds to the sense of insecurity and tension which the existence of this class of weapons engenders. Considerations such as these set them into a category of their own in relation to the continuing arms race.

372. The present inquiry has shown that the potential for developing an armoury of chemical and bacteriological (biological) weapons has grown considerably in recent years, not only in terms of the number of agents, but also in their toxicity and in the diversity of their effects. At one extreme, chemical agents exist and are being developed for use in the control of civil disorders; and others have been developed in order to increase the productivity of agriculture. But even though these substances may be less toxic than most other chemical agents, their ill-considered civil use, or use for military purposes could turn out to be highly dangerous. At the other extreme, some potential chemical agents which could be used in weapons are among the most lethal poisons known. In certain circumstances the area over which some of them might exercise their effects could be strictly confined geographically. In other conditions some chemical and bacteriological (biological) weapons might spread their effects well beyond the target zone. No one could predict how long the effects of certain agents, particularly bacteriological (biological) weapons might endure and spread and what changes they could generate.

373. Moreover, chemical and bacteriological (biological) weapons are not a cheap substitute for other kinds of weapons. They represent an additional drain on the national resources of those countries by which they are developed, produced and stockpiled. The cost cannot of course be estimated with precision; this would depend on the potential of a country's industry. To some the cost might be tolerable; to others it would be crippling, particularly, as has already been shown, when account is taken of the resources which would have to be diverted to the development of testing and delivery systems. And no system of defence, even for the richest countries in the world, and whatever its cost, could be completely secure.

374. Because chemical and bacteriological (biological) weapons are unpredictable, in varying degree, either in the scale or duration of their effects, and because no certain defence can be planned against them, their universal elimination would not detract from any nation's security. Once any chemical or bacteriological (biological) weapon had been used in warfare, there would be a serious risk of escalation, both in the use of more dangerous weapons belonging to the same class, and of other weapons of mass destruction. In short, the development of a chemical or bacteriological (biological) armoury, and a defence, implies an economic burden without necessarily imparting any proportionate compensatory advantage to security. And at the same time it imposes a new and continuing threat to future international security.

375. The general conclusion of the report can thus be summed up in a few lines. Were these weapons ever to be used on a large scale in war, no one could predict how enduring the effects would be, and how they would affect the structure of society and the environment in which we live. This overriding danger would apply as much to the country which initiated the use of these weapons as to the one which had been attacked, regardless of what protective measures it might have taken in parallel with its development of an offensive capability. A particular danger also derives from the fact that any country could develop or acquire, in one way or another, a capability in this type of warfare, despite the fact that this could prove costly. The danger of the proliferation of this class of weapons applies as much to the developing as it does to developed countries.

376. The momentum of the arms race would clearly decrease if the production of these weapons were effectively and unconditionally banned. Their use, which could cause an enormous loss of human life, has already been condemned and prohibited by international agreements, in particular the Geneva Protocol of 1925, and, more recently, in resolutions of the General Assembly of the United Nations. The prospects for general and complete disarmament under effective international control, and hence for peace throughout the world, would brighten significantly if the development, production and stockpiling of chemical and bacteriological (biological) agents intended for purposes of war were to end and if they were eliminated from all military arsenals.

377. If this were to happen, there would be a general lessening of international fear and tension. It is the hope of the authors that this report will contribute to public awareness of the profoundly dangerous results if these weapons were ever used, and that an aroused public will demand and receive assurances that Governments are working for the earliest effective elimination of chemical and bacteriological (biological) weapons.

APPENDIXES

Protocol for the prohibition of the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare, signed at Geneva, 17 June 1925

The undersigned plenipotentiaries, in the name of their respective Governments:

Whereas the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices, has been justly condemned by the general opinion of the civilized world;

Whereas the prohibition of such use has been declared in Treaties to which the majority of Powers of the world are Parties; and

To the end that this prohibition shall be universally accepted as a part of International Law, binding alike the conscience and the practice of nations;

Declare:

That the High Contracting Parties, so far as they are not already Parties to Treaties prohibiting such use, accept this prohibition, agree to extend this prohibition to the use of bacteriological methods of warfare and agree to be bound as between themselves according to the terms of this declaration.

The High Contracting Parties will exert every effort to induce other States to accede to the present Protocol. Such accession will be notified to the Government of the French Republic, and by the latter to all signatory and acceding Powers, and will take effect on the date of the notification by the Government of the French Republic.

The present Protocol, of which the French and English texts are both authentic, shall be ratified as soon as possible. It shall bear today's date.

The ratifications of the present Protocol shall be addressed to the Government of the French Republic, which will at once notify the deposit of such ratification to each of the signatory and acceding Powers.

The instruments of ratification of and accession to the present Protocol will remain deposited in the archives of the Government of the French Republic.

The present Protocol will come into force for each signatory Power as from the date of deposit of its ratification, and, from that moment, each Power will be bound as regards other Powers which have already deposited their ratifications.

In witness whereof the Plenipotentiaries have signed the present Protocol.

Done at Geneva in a single copy, the seventeenth day of June, One Thousand Nine Hundred and Twenty-Five.

RESOLUTION 2162 B (XXI)

(1484th plenary meeting, December 5, 1966)

The General Assembly,

Guided by the principles of the Charter of the United Nations and of international law,

Considering that weapons of mass destruction constitute a danger to all mankind and are incompatible with the accepted norms of civilization,

Affirming that the strict observance of the rules of international law on the conduct of warfare is in the interest of maintaining these standards of civilization,

Recalling that the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, of 17 June 1925, has been signed and and adopted and is recognized by many States,

Noting that the Conference of the Eighteen-Nation Committee on Disarmament has the task of seeking an agreement on the cessation of the development and production of chemical and bacteriological weapons and other weapons of mass destruction, and on the elimination of all such weapons from national arsenals, as called for in the draft proposals on general and complete disarmament now before the Conference.

1. *Calls for* strict observance by all States of the principles and objectives of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and condemns all actions contrary to those objectives;

2. *Invites* all States to accede to the Geneva Protocol of 17 June 1925.

RESOLUTION 2454 A (XXIII)

(1750th plenary meeting, December 20, 1968)

The General Assembly,

Reaffirming the recommendations of its resolution 2162 B (XXI) calling for strict observance by all States of the principles and objectives of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare signed at Geneva on 17 June 1925, condemning all actions contrary to those objectives and inviting all States to accede to that Protocol,

Considering that the possibility of the use of chemical and bacteriological weapons constitutes a serious threat to mankind,

Believing that the people of the world should be made aware of the consequences of the use of chemical and bacteriological weapons,

Having considered the report of the Eighteen-Nation Disarmament Committee which recommended that the Secretary-General appoint a group of experts to study the effects of the possible use of such weapons,

Noting the interest in a report on various aspects of the problem of chemical, bacteriological and other biological weapons which has been expressed by many Governments and the welcome given to the recommendation of the Eighteen-Nation Disarmament Committee by the Secretary-General in his Annual Reports for 1967–68,

Believing that such a study would provide a valuable contribution to the consideration in the Eighteen-Nation Disarmament Committee of the problems connected with chemical and bacteriological weapons,

Recalling the value of the report of the Secretary-General on the effects of the possible use of nuclear weapons,

1. *Requests* the Secretary-General to pre-

pare a concise report in accordance with the proposal in Part II of his Introduction to the Annual Report for 1967–68 and in accordance with the recommendation of the Eighteen-Nation Disarmament Committee contained in paragraph 26 of its report (document A/7189);

2. *Recommends* that the report be based on accessible material and prepared with the assistance of qualified consultant experts by the Secretary-General, taking into account the views expressed and the suggestions made during the discussion of this item at the twenty-third session of the General Assembly;

3. *Calls upon* Governments, national and international scientific institutions and organizations to co-operate with the Secretary-General in the preparation of the report;

4. *Requests* that the report be transmitted to the Eighteen-Nation Disarmament Committee, the Security Council and the General Assembly at an early date, if possible by 1 July 1969, and to the Governments of Member States in time to permit its consideration at the twenty-fourth session of the General Assembly;

5. *Recommends* that Governments give the report wide distribution in their respective languages, through various media of communication, so as to acquaint public opinion with its contents;

6. *Reiterates* its call for strict observance by all States of the principles and objectives of the Geneva Protocol of 17 June 1925 and invites all States to accede to that Protocol.

Bibliography

Baroian, O. V. [Russian Title.]

Brown, F. J. *Chemical Warfare: A Study in Restraints.* Princeton, New Jersey: Princeton University Press, 1968.

Bruner, D. W. and Gillespie, H. *Hagan's Infectious Diseases of Domestic Animals.* Ithaca, New York: Comstock Publishing Associataion. 5th Edition.

Clarke, R. *The Silent Weapons.* New York: McKay, 1968.

Davis, B. D., Dulbecco, R., Eisen, H. N., Ginsberg, H. S., and Wood, W. B., Jr. *Microbiology,* New York: Harper and Row, 1967.

Dubos, R. J. and Hirsh, J. G. *Bacterial and Mycotic Infections of Man.* Philadelphia: Lippincott, 1965. 4th Edition.

Farrow, Edward S. *Gas Warfare.* New York: E. P. Dutton and Co., Inc., 1920.

Fries, Amos A. and West, Clarence J. *Chemical Warfare.* New York: McGraw-Hill Book Co., 1921.

Fothergill, L. D. "The Biological Warfare Threat", In *Nonmilitary Defense: Chemical and Biological Defenses in Perspective.* Advances in Chemistry Series 26. Washington: American Chemical Society, 1960, pp. 23–33.

Fothergill, L. D. "Biological Warfare: Nature and Consequences", *Texas State Journal of Medicine,* Volume 60, 1964, pp. 8–14.

Fox, Major L. A. "Bacterial Warfare: The Use of Biological Agents in Warfare", *The Military Surgeon,* Volume 72, No. 3, 1933, pp. 189–207.

Franke, S. "Lehrbuch der Militarchemie", *Deutsche Militar Verlag.* Volume 1, 1967.

Geiger, R. *Das Klima der Bodernnahen Luftschicht.* Brunswich: Fredrich Viewey and Sohn, 1961.

Green, H. L. and Lane, W. R. *Particulate Clouds: Dusts, Smokes and Mists.* London: E. and F. N. Sporn, 1964.

Gregory, P. H. and Monteith, J. L. *Airborne Microbes.* London: Cambridge University Press, 1967.

Hatch, T. F. and Gross, P. *Pulmonary Deposition and Retention of Inhaled Aerosols.* New York and London: Academic Press, 1964.

Hedén, C. G. "Defences Against Biological Warfare", *Annual Review of Microbiology,* Volume 21, 1967, pp. 639–676.

Hedén, C. G. "The Infectious Dust Cloud" In Nigel Calder [Editor] *Unless Peace Comes; a Scientific Forecast of New Weapons.* New York: The Viking Press, 1968.

Hersh, S. M. *Chemical and Biological Warfare: America's Hidden Arsenal.* New York: Bobbs-Merrill, 1968.

Hilleman, M. R. "Toward Control of Viral Infections in Man", *Science,* Volume 167, 1969, p. 3879.

Horsfall, F. L., Jr. and Tamm. I. *Viral and Rickettsial Infections of Man.* Lippincott, Philadelphia, 1965, 4th Edition.

Horsfall, J. G. and Dimond, A. E. [Editors] *Plant Pathology: An Advanced Treatise.* New York: Academic Press, 1959 and 1960, 3 volumes.

Hull. T. G. *Diseases Transmitted from Animals to Man.* Springfield, Illinois: C. C. Thomas, 1963, 5th Edition.

Jacobs, Morris B. *War Gases.* New York: Interscience Publishers, Inc., 1942.

Jackson, S. et al. *BC Warfare Agents.* Stockholm: Research Institute of National Defence, 1969.

Lepper, M. H. and Wolfe, E. K. [Editors] "Second International Conference on Aerobiology (Airborne Infection)", *Bacteriological Reviews,* Volume 30, No. 3, 1966. pp. 487–698.

Liddell Hart, B. H. *The Real War, 1914–1918.* Boston, Mass.: Little, Brown and Co., 1931.

Lohs, K. *Synthetische Gifts.* Berlin: Verlag det Ministeriums für Nationale Verteidigung, 1958. 2d Edition, 1963.

Lurey, W. P. "The Climate of Cities", *Scientific American,* No. 217, Aug. 1967.

Matunovic,Co. N. *Biological Agents in War.* Belgrade: Military Publishing Bureau of the Yugoslav People's Army, 1958. (Translated by the U.S. Joint Publications Research Service 1118–N.)

McDermott, W. [Editor] "Conference on Airborne Infection", *Bacteriological Reviews,* Volume 25, No. 3, 1961, pp. 173–382.

Meteorology and Atomic Energy. Washington, D.C.: US Atomic Energy Commission, July 1965.

Mel'nikov, N. N. [Russian title.]

Moulton, F. R. [Editor] 1942. *Aerobiology.* Washington: American Association for the Advancement of Science, 1942, Publication No. 17.

Nonmilitary Defense. Chemical and Biological Defenses in Perspective. Washington D.C.: American Chemical Society. 1960, Advances in Chemistry Series No. 26.

Prentiss, A. M. *Chemicals in War.* New York: McGraw-Mill Book Co., Inc., 1937.

Rose, S. [Editor] *CBW: Chemical and Biological Warfare.* Boston: Beacon Press, 1969.

Rosebury, T. *Experimental Airborne Infection.* Baltimore: Williams and Wilkins, 1947.

Rosebury, T. *Peace or Pestilence.* New York: McGraw-Hill, 1949.

Rosebury, T. and Kabat, E. A. "Bacterial Warfare", *Journal of Immunology,* Volume 56, 1947, pp. 7–36.

Rosicky, B., "Natural Foci of Diseases", In: A. Cockburn [Editor] *Infectious Diseases.* Springfield, Ill.: C. Thomas, 1967.

Rothschild, J. H. *Tomorrow's Weapons.* New York: McGraw-Hill, 1964.

Sartori, Mario. *The War Gases.* New York: D. Van Nostrand Company, Inc., 1939.

Sörbo, B. "Tear gases and tear gas weapons". Läkartidningen. Volume 66, 1969, p. 448.

Vedder, E. B. *The Medical Aspects of Chemical Warfare.* Baltimore, Md.: Williams and Wilkens Co., 1925.

Waitt, A. H. *Gas Warfare.* New York: Duell, Sloan and Pearce, 1944.

World Health Organization. *Air Pollution,* Monograph Series. Geneva: 1961.

Mr. NELSON. Mr. President, it is the most comprehensive document of this kind that has been called to my attention. I think it is in the interest of the Congress and the public that it be printed in full in the RECORD. The United Nations report was compiled by an internationally distinguished group of scientists, representing many nations, and I think presents, in the most effective fashion. I have seen, the implications of engaging in this kind of warfare.

The Secretary General, in his conclusion, states that:

> The general conclusion of the report can thus be summed up in a few lines. Were these weapons ever to be used on a large scale in war, no one could predict how enduring the effects would be, and how they would affect the structure of society and the environment in which we live. This overriding danger would apply as much to the country which initiated the use of these weapons as to the one which had been attacked, regardless of what protective measures it might have taken in parallel with its development of an offensive capability. A particular danger also derives from the fact that any country could develop or acquire, in one way or another, a capability in this type of warfare, despite the fact that this could prove costly. The danger of the proliferation of this class of weapons applies as much to the developing as it does to developed countries.
>
> The momentum of the arms race would clearly decrease if the production of these weapons were effectively and unconditionally banned. Their use, which could cause an enormous loss of human life, has already been condemned and prohibited by international agreements, in particular the Geneva Protocol of 1925, and, more recently, in resolutions of the General Assembly of the United Nations.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. STENNIS. Mr. President, does the Senator from New Hampshire desire more time?

Mr. McINTYRE. Not at the present moment.

Mr. NELSON. Mr. President, I would like to ask for 2 minutes to complete the reading of that statement.

Mr. STENNIS. Oh, I thought the Senator had concluded.

Mr. NELSON. No.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Wisconsin.

Mr. NELSON. I thank the Senator.

I just want to read the completion of this summary:

> The prospects for general and complete disarmament under effective international control, and hence for peace throughout the world, would brighten significantly if the development, production and stockpiling of chemical and bacteriological (biological) agents intended for purposes of war were to end and if they were eliminated from all military arsenals.
>
> "If this were to happen, there would be a general lessening of international fear and tension. It is the hope of the authors that this report will contribute to public awareness of the profoundly dangerous results if these weapons were ever used, and that an aroused public will demand and receive assurances that Governments are working for the earliest effective elimination of chemical and bacteriological (biological) weapons."
>
> I have given the study prepared by the consultant experts my earnest consideration and I have decided to accept their unanimous report in its entirety, . . .

I simply say I wish to endorse that statement of the Secretary General. I think the elimination of the production, distribution, and stockpiling of this kind of weapon is our ultimate goal.

I thank the Senator from Mississippi for yielding.

Mr. STENNIS. Mr. President, I yield myself such time as I may take.

The Senator from Indiana has indicated that he may want some time.

Mr. HARTKE. Five minutes.

Mr. STENNIS. I yield the Senator from Indiana 5 minutes.

Mr. HARTKE. Mr. President, first, I should like to thank the committee for the action it has taken in concerning itself with the very important question of chemical and biological warfare, and also to express my special thanks to the distinguished Senator from New Hampshire (Mr. McINTYRE) for the fine work he has done with regard to this rather complicated but at the same time very important legislation dealing with a matter of general concern not alone to the people of this country, but the whole world.

In the statement of the Senator from New Hampshire (Mr. McINTYRE), he also made mention of the fact that we are dealing with the shipment of such materials which are shipped by those other than the Defense Department itself. I think it is very important for us to recognize that the shipment of any type of material of this kind which is dangerous to the public generally should be dealt with; that it is not just the Pentagon itself which is the one unit which is shipping material which can be hazardous to the public health.

It is my intention to support legislation by the Senator from New Hampshire to prohibit the shipment of such materials by other agencies, including private corporations, because we know that a large number of potentially dangerous biological agents which are shipped through the country generally are not under any real control. It has been a matter of great concern to me, and the committee has held hearings on surface transportation.

Also, the whole question of chemical and biological warfare is not a new issue in the Senate. Many of us can recall the intense publicity campaign waged by the Army Chemical Corps nearly 10 years ago—a campaign designed to inform the Congress as to the supposed economy and humanity of gas and germ warfare. At that time we were told that chemicals and biologicals were "Tomorrow's weapons," and that they would some day make it possible for Nations to wage a "war without death."

This publicity campaign succeeded in boosting the status of the chemical corps and our CBW budget increased threefold between 1961 and 1963.

Also, as our involvement in Vietnam deepened, R. & D. gradually gave way to manufacturing, stockpiling, and combat use. Procurement budgets, now shrouded in wartime secrecy, have grown to disturbing proportions. "Tomorrow's Weapons" are now costing us more than $1 million a day. Our CBW program—once an underfunded vision—has grown into an uncontrolled nightmare. "Tomorrow's Weapons" are with us today—but they have brought with them fear, suffering, and disaster. The use of tear gas in Vietnam to flush the enemy from cover, and the use of herbicides to destroy Vietnamese food supplies, is not the humane "war without death" that we were promised. The Utah sheep-kill episode and the nerve gas disposal issue have brought the dangers of CBW closer to home. Accidents in Okinawa and open air testing in Maryland have only served to intensify public fears about lethal gases and germs.

I recall one instance in which I was rather severely criticized for complaining about the utilization of this type of material; and the man in charge of the operation said, "Well, this is just killing without a 'bang.' " I think killing is effective whether with a "bang" or not.

Predictably, as CBW budgets have grown, the Army's craving for publicity has disappeared. Today, the issue of chemical and biological warfare is being raised primarily by civilian opponents rather than by Pentagon advocates.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield the Senator 2 minutes.

Mr. HARTKE. I thank the Senator.

The Senate action today has been prompted by a profound public concern—a concern that becomes harder to control the longer we delay. The American people are demanding the Congress take a hard look at our chemical and biological warfare program—a hard, critical look.

The amendment we are considering today is a modest step in the right direction. It puts mild restrictions on certain kinds of testing, limits the development of certain kinds of delivery systems, prohibits stockpiling of CB weapons overseas, and provides greater safety in transportation of lethal chemicals and biologicals. But most important, in my mind, it strips away some of the unnecessary secrecy which surrounds our CBW program. My own contributions to the amendment are embodied in the report requirement, the prohibition on "backdoor" financing, and the rail shipment notification restrictions. These provisions, providing the Congress with basic information on the scope and the purpose of our CBW program, will make the other restrictions easier to enforce, and will prevent ungrounded public fears from turning CBW into a dangerous and emotional issue.

Mr. President, the CBW issue need not grow into a symbolic attack on military spending, or a ritualistic defense of military preparedness. It can be judged on its own terms, thanks to the collective efforts of those who have brought this widely accepted amendment to the floor. This amendment provides the Senate with an opportunity to answer its own questions, to express its concern, and to respond to public demands, without impairing our military capabilities or compromising our Nation's security.

I thank the Senator from Mississippi for yielding me this time.

Mr. McINTYRE. Mr. President, will the Senator from Mississippi yield me 2 minutes to respond?

Mr. STENNIS. Yes. Mr. President, I yield the Senator from New Hampshire 2 minutes.

Mr. McINTYRE. Mr. President, I commend the Senator from Indiana wholeheartedly for his interest in this field, particularly in this year of 1969, and I commend, too, the fact that his staff, working together with my staff and Pentagon personnel, have done a lot of hard work. There was much give and take in working out these compromises. The Senator and his staff have displayed great merit, and deserve our commendation.

The Senator made mention, in his remarks, about shipments of biological agents throughout the United States, not by the Department of Defense but by others. The Senator may be aware of what I am about to say. I think he has made reference to the fact that his committee has oversight of the matter.

Mr. HARTKE. That is correct.

Mr. McINTYRE. The American Type Culture Collection, which is a private group in Washington, D.C., made shipments of nearly 20,000 different cultures of bacteria and viruses, many of them deadly, in 1967 and again in 1968.

During these same years Fort Detrick made shipments totally about 400—about 200 a year.

Figures are not readily available for the shipments of these bacteria and viruses by the communicable disease lab with headquarters in Atlanta, Ga., but I understand that there is a heavy movement of these agents by the laboratories.

Mr. HARTKE. I thank the Senator from New Hampshire for this information. We will certainly bring it up in committee, and I think we can come forward with some legislation this year which will be effective in making it possible for us to provide greater protection for the people generally in transporting these agents, which are potentially so dangerous and so deadly.

Mr. McINTYRE. I think that will be fine, because I think the whole group of amendments sponsored by the Senator from Indiana, the Senator from Wisconsin, the Senator from New York, the Senator from Texas, the Senator from Rhode Island, and others, have demonstrated that Congress feels the need for more control over shipments of these deadly germs and deadly gases, and not only for more control, but for more knowledge about them.

I thank the Senator.

Mr. STENNIS. Mr. President, I yield myself 2 minutes.

As chairman of the committee, I highly congratulate the Senator from New Hampshire (Mr. McINTYRE) for the splendid work he has done on this subject during our hearings. I also commend him and the authors of the various amendments for the work that they have done in this highly important field, which has developed to the point where it needs such regulation as is reflected by these amendments. I believe the Senators and the staffs have done a splendid job; and in fact I support the amendments. We have not had a chance to have a committee meeting, and I cannot speak for the committee, but I have discussed the matter with the Senator from Maine (Mrs. SMITH), and I am sure she will have a word to say in their support.

I point out that the committee took out the $16 million for research and development of lethal offensive chemical and biological items. This is follow-on to the work of the McIntyre subcommittee, with the other Senators who authored these amendments. I believe they have done a splendid job.

I discussed this matter on the telephone Saturday morning with Secretary Laird, and he thinks some regulation is desirable.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I yield myself 1 additional minute.

He expressed concern about the situation, and an inclination to support the amendment; and later, at a press conference, he did express support for it.

So I commend it to the Senate. As I say, I think the Senator from Maine will have a few words in its favor also. I thank the Senator from Wisconsin, for the committee, for his very generous words with respect to our efforts on this bill.

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from New Hampshire.

Mr. McINTYRE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, if I have any time left, I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I merely wish to say that I believe the chairman has made a very wise move in accepting this amendment. While, as he said, I cannot speak for the whole committee, I want him to know that at least he has the backing of the junior Senator from Arizona.

We did a good bit of work on this subject in committee. It is a very touchy, very sensitive field, that all of us believe should have regulation, or more regulation, and I am very happy that the distinguished Senator from New Hampshire was able to work out the compromise that he did, with the large number of amendments with which he had to work. He has done an oustanding job all through the writing of this bill and its defense on the floor. So, Mr. President, I am glad that the chairman has indicated the position which he has with respect to the action which is about to be taken.

Mr. STENNIS. Mr. President, I thank the Senator very much.

The PRESIDING OFFICER. Who yields time?

Mr. DIRKSEN. Mr. President, I yield 1 minute to the Senator from Maine.

Mrs. SMITH. Mr. President, I join the very able chairman of the Committee on Armed Services, and concur with what he has said with respect to this amendment. I also commend the several sponsors of the various amendments for getting together and bringing in what seems to me to be an excellent compromise, and I am glad to support it.

Mr. DIRKSEN. I yield 1 minute to the Senator from California.

Mr. MURPHY. Mr. President, I associate myself with the remarks made by the ranking minority member of the Committee on Armed Services, and by the chairman of the committee, and say that I should like to join in congratulating the Senators who have agreed upon this amendment. I think it is most helpful, most progressive, and certainly would help bring back the control to Congress, where it should be.

Mr. DIRKSEN. Mr. President, I yield myself such time as I may require.

Hideous as the words "chemical and biological warfare" seem to be to the sensitivities of people, yet there are other countries which have had and do have capabilities in the field. I recall very vividly, for example, lying in a ditch with a gas mask over my nose when the first burst of chlorine came over from the enemy in World War I; and I remember when I was a horse officer, how badly those artillery horses were galled and beaten by mustard gas.

That was one time when it was used. The Italians used it in Ethiopia, and the Egyptians used in it Yemen; and we know, from the Penkovsky papers, that there is a capability on the part of the Soviet Union, because he wrote, among other things:

> Many places in the country have experimental centers for testing various chemical and bacteriological devices.

He amplifies that, of course. So there is a capability in this field; and it occurs to me that we have to have some kind of a retaliatory facility for the very purpose of deterring others from ever using it.

So I fully concur in what has been fashioned here by way of a modified amendment.

Mr. President, we have heard many voices recently questioning the need for chemical warfare and biological research programs as a part of this country's defense. I would like to go on record in support of these two programs and at the same time I encourage the increasing interest of the Members of this body in the why and wherefore of these programs.

First, we should recognize that the President recently directed the executive branch to undertake a detailed review of our policies and posture in chemical and biological warfare, including the U.S. position on arms control and the ratification of the 1925 Geneva Protocol.

Second, I remind my colleagues that the Defense Department has consistently followed congressional advice in their chemical and biological defense activities, and I do not believe they have attempted to hide these activities, some of which are necessarily classified, from congressional inquiries made by the committees directly concerned.

A congressional committee in 1959 made several recommendations pertinent to our considerations today. One of the recommendations stated it is recognized that in the present world situation, with other countries pursuing vigorous programs of chemical and biological development, the best immediate guarantee the United States can possess to insure that chemical and biological warfare is not used anywhere against the free world is to have a strong capability in this field, and this will only come with a stronger program of research. Another recommendation was that if chemical and biological weapons are to be considered a deterrent force in the U.S. arsenal of weapons, the program of research advocated here will have to be accompanied by an adequate program of manufacture and deployment of chemical and biological munitions.

The first recommendation alluded to the threat as it existed in 1959. Has there been any reduction in the threat since then? We do not believe so. In 1967, the then Deputy Secretary of Defense testified on chemical and biological warfare before the Senate Subcommittee on Disarmament, saying:

> At long as other nations, such as the Soviet Union, maintain large programs, we believe we must maintain our defensive and retaliatory capability.

I am informed that the Soviets conduct chemical research that is related to offensive and defensive chemical warfare and that they have means which are suitable to deliver them. Col. Oleg Penkovsky, the former Soviet intelligence agent, wrote in his "Penkovsky Papers" about the chemical and biological programs of the U.S.S.R.:

> Many places in the country have experimental centers for testing various chemical and bacteriological devices.

He further wrote:

> Soviet artillery units all are regularly equipped with chemical-warfare shells. They are at the gun sites, and our artillery is routinely trained in their use. And let there be no doubt: if hostilities should erupt, the Soviet Army would use chemical weapons against its opponents. The political decision has been made, and our strategic military planners have developed a doctrine which permits the commander in the field to decide whether to use chemical weapons, and when and where.

The U.S.S.R. has a capability in biological warfare; they have the technological capability to produce, store, and deliver biological warfare agents.

On the defensive side, the Soviets are believed to possess a chemical defensive capability in terms of equipment and training, superior to those of the Western powers. Training in the use of defensive equipment, reconnaissance measures, and means for survival are taught and practiced until individual and unit proficiency are attained.

You may raise the question why we need such a program. I believe I have just covered the major reason—the potential threat posed to the United States and her Allies. We must have a program to deter enemy use of chemical weapons by being able to retaliate in kind. To place this statement in proper perspective, let us review some history. There are three major occasions when chemicals were used—World War I, first used by the Germans; in the 1930's when the Italians used chemicals in Ethiopia; and more recently in 1967 when the

Egyptians used chemicals in Yemen. We should note that the Italians and Egyptians had been signatories to the Geneva Protocol of 1925 and yet subsequently initiated the use of these weapons.

On these occasions, the other side did not have a deterrent capability and did not have a chemical weapon to use. Neither did they have a defensive or protective capability.

However, during World War II with many nations having a capability, chemicals were not used. Many experts believe that the U.S. policy that it would not use chemical weapons unless another nation used them first, and having backed this up with a retaliatory capability, was the major deterrent to the use of chemicals during World War II.

Some might say we do not need these weapons today as deterrents when we have nuclear weapons in our stockpile. Personally, I do not want to have to rely on nuclear weapons as a deterrent in this area because it may engage the United States in a much larger exchange. Further, if a nation were to use chemical weapons or biological weapons against the United States or its Allies, and the United States had no chemical or biological capability, it would force us to respond with nuclear weapons or accept the alternative of possible defeat.

Thus, the United States has maintained a limited chemical and biological offensive and defensive capability primarily as a deterrent and because we cannot permit ourselves to be technologically and militarily surprised by the advances other nations are bound to make. We cannot by legislation or wishful thinking stop the progress of science. Any action which we take to deprive our Nation of this capability without insuring effective and well policed international arms control constitutes unilateral disarmament, and I for one do not believe this to be prudent.

As we all know, the United States is committed to exploring any proposals or ideas that could contribute to effective arms control.

For example we recently participated in a United Nations study of chemical and biological warfare to be used by the 18 Nation Disarmament Committee to explore means of getting an effective disarmament agreement on chemical and biological weapons. However, until we achieve effective agreements with the required controls to eliminate all stockpiles of these weapons, we should maintain a chemical and biological program strong enough to be credible and strong enough to deter any aggressor from using these weapons.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9½ minutes remaining.

Mr. DIRKSEN. I yield 3 minutes to the Senator from Utah.

Mr. MOSS. Mr. President, because of the widely publicized sheep incident last year in Utah and more recently, because of my successful fight to keep the Army from shipping obsolete nerve gas weapons from the Denver Rocky Mountain Arsenal to Utah, I am very familiar with the CBW controversy.

The amendment being proposed today is basically in accord with my own position on CBW. I do, however, have several questions about the specific language of the amendment and then some observations on the CBW problem generally.

I ask the Senator from Wisconsin, first, whether the language in section (b) which forbids the procurement of delivery systems specifically designed to disseminate lethal chemical and biological agents include devices that are being used in the present testing of CBW, such as the artillery shells that are now being used?

Mr. NELSON. Mr. President, I suggest that the Senator direct that question to the subcommittee chairman.

Mr. McINTYRE. Mr. President, it does go to prohibit any dissemination or distribution weapons that are specifically designed for this purpose. Of course, it would not include the 155 mm. howitzer. That is a weapon we could use to dispense the material, if the time ever comes, God forbid, but it is not specifically designed for that purpose. This section refers exclusively to disseminating systems specifically designed to dispense CBW agents.

We had to yield to the Defense Department on this point because the original language was so broad it could have been armor, weaponry, and things we purchase as part of our equipment to deliver normal military high explosives.

Mr. MOSS. Mr. President, I think that the suggestion is still much too restrictive. However, that is something that we would have to deal with later.

Second, I might suggest that the language in section d(1) and (2) which restricts the transportation of lethal chemical and biological agents be tightened to avoid a possible loophole. Instead of applying these restrictions just to shipments to or from military installations, I would broaden the language to include any shipments anywhere within the United States, its territories, or possessions. This could be done by simply dropping the words "to or from any military installations" in sections d(1) and (2).

Mr. McINTYRE. Mr. President, the group working on the proposal felt that if it was too restrictive, we might become involved in the interplay between the military.

What we did do was to try to restrict it to moving and disposal.

Mr. MOSS. Mr. President, this would merely say to or from military installations. If it was not going to or from military installations, it would be included. I think this ought to be tightened up at this time.

Mr. McINTYRE. The Senator might have a point.

Mr. MOSS. A final point, Mr. President. Too much of the public discussion about CBW has become emotional and speculative primarily because of the Army's obsession with secrecy. Rightly or wrongly, and I think rightly, the Government's credibility concerning CBW is highly suspect. Even after the Dugway incident it was some time before the Army would admit that they were testing nerve gas agents let alone responsible for the death of the sheep.

To give the American people good reason to believe what the Government tells them and to provide the public with much-needed information, I suggest that the Surgeon General appoint a committee of three State public health officials and three nonmilitary experts to assist him in making the determination as to whether CBW testing is a hazard to public health. This determination should be made in a public report and should include as much information as possible. In my opinion much of the information now classified need not be and would help in creating a better public understanding of CBW.

Mr. DIRKSEN. Mr. President, I yield 3 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 3 minutes.

Mr. THURMOND. Mr. President, the management and control of our chemical and biological warfare research programs has become an emotional issue in recent months, due to an unfortunate incident in Utah.

Certainly, this is an area in which the greater care must be taken as these chemical agents and disease producing biological micro-organisms and biological toxins are deadly. Tighter controls may well be in order, judging from the accident in Utah.

While some restrictions would be useful, the McIntyre amendment is broad in its coverage, especially in that it prohibits funds to procure delivery systems or any components of delivery systems for chemical and biological agents.

Such a restriction may be harmless at this point, as the military does not desire any funds in the current bill for offensive delivery systems. However, if this restriction is passed, it becomes law. It would, therefore, tie the hands of those charged with our defense if, in the future, more sophisticated means of delivery for these agents are needed to maintain our defense posture.

Presently, we use standard shells and bombs to deliver these agents but this requirement could change and valuable time could be lost in removing this restriction to allow the Defense Department to meet the needs of an emergency.

Mr. President, the history of the use of these agents shows they have only been used a few times in modern history and in each instance their use was made when the user knew his opponent did not have the means to retaliate.

Mr. President, I ask unanimous consent that Secretary Laird's statement be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MEMORANDUM FOR CORRESPONDENTS,
AUGUST 9, 1969

(Secretary of Defense Melvin R. Laird today issued the following statement in response to queries about the DOD position on the pending McIntyre amendment.)

On assuming the office of Secretary of Defense in January, I became concerned with the management and control of our chemical warfare and biological research programs. I felt that improvements were needed in the management and control of these programs. That is why in April I requested and the President ordered a National Security Council study of these matters. This study is in progress.

Pending the completion of the NSC study,

> I believe it is prudent that we act jointly with Congress and take actions, wherever possible, to improve the management and control of chemical warfare and biological research programs.
>
> Members of my staff, principally Dr. John S. Foster, Jr., Director of Research and Engineering, have been working in recent days with Senator Thomas J. McIntyre of New Hampshire, and with other members of the Senate Armed Services Committee, on a revised amendment to the pending Defense Authorization Bill.
>
> I am in agreement with the goals of the new amendment, which the Senate is scheduled to consider on Monday.
>
> I believe this revised amendment will allow us to maintain our chemical warfare deterrent and our biological research program both of which are essential to national security.
>
> The history of the use of lethal chemical warfare agents has demonstrated on three notable occasions in this century that the only time military forces have used these weapons is when the opposing forces had no immediate capability to deter or to retaliate. This was true early in World War I, later in Ethiopia and more recently in Yemen. Clearly, failure to maintain an effective chemical warfare deterrent would endanger national security.
>
> Because it would not always be possible to determine the origin of attack by biological agents, the deterrent aspects of biological research are not as sharply defined. A continued biological research program, however, is vital on two other major counts.
>
> First, we must strengthen our protective capabilities in such areas as vaccines and therapy.
>
> Second, we must minimize the dangers of technological surprise.
>
> It is important that the American people be informed of why we must continue to maintain our chemical deterrent, conduct biological research, and how we propose to improve the management and control of these programs.

Mr. THURMOND. Mr. President, in view of this, I support this amendment but with some reservation, and mainly in the trust that the military will act promptly and the Congress will respond realistically if they see any indication a change in this policy is required.

Mr. DIRKSEN. Mr. President, I yield 1 minute to the Senator from New York.

The PRESIDING OFFICER (Mr. GOODELL in the chair). The Senator from New York is recognized for 1 minute.

Mr. GOODELL. Mr. President, the high degree of amiability and unanimity on this omnibus amendment at this point belies the difficulty that many have had in pushing this matter forward so that we could have reasonable regulation of chemical and biological weapons.

The amendment does not meet head on the critical issue involved that I hope the McIntyre subcommittee will face in the year ahead. That is whether our country should continue to produce and stockpile chemical and biological weapons and the means of delivering them as a deterrent, and whether we must have a better deterrent in every area of every kind of weapon if we are to preserve our national security.

I trust that the Senator from New Hampshire will explore this question in depth so that we may have a decision on the matter in the year ahead.

Mr. YOUNG of Ohio. Mr. President, approximately $350 million of taxpayers' money has been spent annually for chemical and biological warfare agents. For many years the Department of Defense has purchased and stockpiled enormous amounts of toxic and infectious chemical and biological agents.

In fact, we are in the process of trying to get rid of 27,000 tons of such chemical weapons now obsolete, yet too dangerous to remain stockpiled. During the past 16 years nearly 1,500,000 nerve gas bombs containing a total of 4 million pounds of such gas have been produced. Another 1,350,000 pounds of the same deadly gas is contained in our M55 rockets. Our chemical and biological warfare arsenal now includes numerous and varied agents for the spread of wholesale disease, starvation, choking or suffocating of entire populations, and other such deadly effects.

For the first time in many years, possibly since the days of World War I, Americans are becoming uneasy and concerned about the most grisly weapons in contemporary arsenals—the weapons of chemical and biological warfare. It is a subject that cries out for sober discussion.

The production of these weapons has been shrouded in secrecy. Even we in the Congress know very little about what is occurring in experimentation, development, stockpiling, and disposal of these weapons. Most Senators and Representatives were shocked at the recent disclosure that 28 persons were injured in a nerve gas accident in Okinawa, and of the fact that the Pentagon has stored nerve gases and other chemical-biological warfare weapons in bases throughout the world. That time we were lucky that a more serious catastrophe did not occur that could have taken the lives of millions of men, women and children. The extent to which the Congress has been uninformed on this vital issue was best emphasized by a recent statement of the distinguished senior Senator from Louisiana (Mr. ELLENDER), the ranking majority member of the Committee on Appropriations, who said:

> As far as the Continental U.S. is concerned, evidence has recently been brought out that tremendous stockpiles of various deadly compounds are on hand at centers throughout the country. Most of this work has been done without the knowledge of the Congress. During my twenty years service on the subcommittee of the Appropriations Committee for Defense, I never have come across any line item for the production of nerve gas.

This, despite the fact that almost $1 million a day is being spent by the Pentagon on chemical-biological warfare weapons.

Since 1964 it has not even been possible to determine how much money the Government is spending on these weapons. Estimates vary from $350 million to $500 million per year. In the arsenal of the Pentagon and of those in at least 13 other nations are chemical poisons so toxic that one-fiftieth of a drop can be lethal in minutes. Senators will recall the death in 1968 of 6,400 sheep from nerve gas in the Dugway Proving Ground in Utah.

It is horrible to contemplate, but it is a fact that today the Soviet Union and United States possess enough of these chemicals and biological agents to destroy every man, woman, and child on earth.

It is clear that the time has come for a full-scale congressional investigation of our chemical and biological warfare potential. The fact that we have nerve gases in bases around the world raises grave moral and public policy questions.

At least some of the secrecy ought to be ripped away. No one reasonably would ask that Pentagon officials make full disclosure of every last detail of research, development, production, and storage of its chemical and biological warfare agents. At the same time, a thorough ventilation of the nature of these frightful weapons might well lead to stronger treaties against their production and use.

Congress must act now to fulfill its responsibility in a program that has escaped careful congressional scrutiny for too many years.

Unfortunately, some of these weapons are presently being used in Vietnam. The use of chemical defoliants in Vietnam has been increasingly questioned by those concerned over the longrun environmental dangers. Also, there is evidence that the so-called riot control gases used in Vietnam can be fatal to the weak, sick, and undernourished civilians exposed to them.

On July 2, 1969, U.N. Secretary-General U Thant released an excellent report on chemical and biological warfare in which he strongly urged that all nations ratify the Geneva Protocol of 1925 banning first use of chemical and biological warfare. He also called for all nations to reach agreement to halt the development, production, and stockpiling of all chemical and biological warfare agents and to eliminate them from the arsenal of weapons.

U Thant's report makes it clear that the testing and use of biological warfare agents pose health hazards to everyone—that the deadly diseases that have been stockpiled for use as weapons are just as dangerous to the producer and potential user as they are to the recipient. The report emphasizes the need to promptly reach agreement on a ban on the production, stockpiling, and use of biological weapons. A proposal that would accomplish this is now before the 25-Nation Disarmament Conference which is meeting in Geneva. I am hopeful that the administration will do all it can to see that this resolution is adopted.

Mr. President, today a comparatively few nations possess these lethal weapons. However, any nation, large or small, can develop contagious bacteria and viruses. If and when they do, the danger of an accident or purposeful use becomes greater. The very survival of man is at stake. The development and stockpiling of these horrible chemicals and germs is a pursuit after armaments far in excess of those needed for our national security and national defense.

I am utterly opposed to any further development and stockpiling of such devices. I urge the adoption of the pending amendment to establish effective guidelines and controls over the storage, transportation, disposal, and maintenance of chemical and biological agents. Also, to ban future open-air testing of lethal chemical agents, disease producing biological micro-organisms or poisons except on determination of the Secretary of Defense that such tests are necessary for the national security and only then after the Surgeon General has determined that the proposed tests will not present hazards to public health. The provisions of the pending amendment form an important first step toward stemming and controlling the proliferation of these deadly weapons.

Mr. PELL. Mr. President, I was delighted to read in the newspapers this weekend that the Secretary of Defense, Hon. Melvin Laird, approves of the amendments that we have before us to control the chemical and biological weapons program.

I interpret Secretary Laird's approval of my amendment regarding international law to mean that the Secretary of Defense recognizes a responsibility of the Department of State for interpreting our international obligations, and I assume that the Secretary of Defense will provide for proper consultation with the Department of State regarding the international legal implications of the movement of chemical and biological materials outside of the United States in the future.

Although I am happy that the chairman of the Armed Services Committee and the Department of Defense has approved the amendments which we have before us, I hope this does not mean there will not be further debate on the foreign policy questions involved in the chemical and biological warfare question. I believe that the Senate should discuss the role that the Department of Defense expects CBW to play in the world arms race, and I would hope that we would discuss the implications of Secretary Laird's recent statement implying the chemical and biological weapons are strategic weapons which might be used in a second strike capacity.

Mr. TOWER. Mr. President, I would like to express my understanding of the intent and effect of this amendment. This amendment is not intended to prevent the Department of Defense from undertaking biological and chemical research programs. Those programs have been presented and justified to the Congress as required in the interest of national defense. The amendment recognizes, however, that the public and members of the Congress are concerned that the program be undertaken under conditions of maximum safety and that the Congress be fully aware of the actions that are taken. For this reason, the amendment, while not restricting the types of activities that the Department of Defense may undertake in pursuing the program it has presented and justified to us, imposes certain reporting and coordinating requirements. Some of these requirements may prove burdensome and time-consuming. Perhaps with experience we will later decide to remove some of them. However, despite the burdens the amendment imposes, the Department of Defense has recognized the concern of the public and members of the Congress in matters concerning chemical warfare and biological research programs, and has therefore indicated it will not oppose enactment of the amendment.

As I understand this amendment, it in no way represents a criticism of the CBW program or of the military officials who have administered it. It simply expresses the desire of the Senate to have Congress better informed on the program and indicates the Senate's rightful concern that testing, transportation, disposal and storage of chemical and biological warfare elements be done as safely as possible. With this understanding, I support the amendment.

Mr. MUSKIE. Mr. President, for more than 50 years poison gas has been an instrument of warfare, and for all that time Americans have been repulsed by the thought of poison gas being used to kill and maim people.

As a nation, America traditionally has viewed the case of poisonous gases as inhumane. We have sought to make gas an illegal weapon of war, and in two world wars we declined to use it to kill our enemies.

Despite our public stance, American military contracts have continued to be let and military personnel have been assigned to the task of researching, developing, manufacturing, and storing poison gas and biological agents.

Until a year ago, gas and germ warfare seemed a subject for science fiction. Members of Congress were vaguely aware of the research and development programs, but regarded them as contingency operations, first, to deter other nations from using such weapons first; and second, to aid in research on countermeasures. The first major rumbling of complaint came with the use of tear gas, defoliants, and napalm in Vietnam. More vigorous complaints erupted with news of dangers from testing and disposal of chemical and biological materials and weapons in the United States.

The first major incident came last year when more than 6,000 sheep died in Utah, near the Dugway Proving Ground, where chemical and biological warfare materials were tested. The sheep fall victims to a nerve gas released by a plane. For a long time military secrecy cloaked the cause of the deaths. Now, thanks in large part to the work of Representative Richard D. McCarthy, Democrat, of New York, the facts about that incident and other threats from our chemical and biological warfare program are being given to the Congress and to the public.

The second major incident—or near incident—was the Army's plan to transport 27,000 tons of poison gas containers by rail from Colorado to the east coast where it would be loaded on barges and dumped in the ocean. That plan has been shelved, temporarily, but additional opposition to the chemical and biological warfare program has been stirred up by the fact that the Army was prepared to ship such dangerous materials across the country through large cities without major precautions against accidental discharge of the gases and without serious attention to the environmental hazards posed by ocean disposal.

In retrospect, the Dugway Proving Ground accident and the ocean dumping proposal may have been blessings in disguise. They have alerted the country to a clear and present danger from chemical and biological warfare operations, in peace and in war.

Materials containing anthrax, tularemia and Q fever germs, nerve gas, and other toxic materials are not minor weapons, and secrecy about their development and use does not guarantee safety.

Americans have a right to expect their Government to use great caution in approaching such an awesome set of weapons. They have a right to expect their Government to use more than ordinary care in handling such weapons. They have a right to expect their Government to develop considerable energy to eliminating the danger of such weapons being used in time of war.

The packet of amendments we are considering now will enable us to meet their responsibility.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the modified amendment (No. 131) of the Senator from New Hampshire. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. Gore) is absent on official business.

I also announce that the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Bible), the Senator from Connecticut (Mr. Dodd), the Senator from New Mexico (Mr. Montoya), the Senator from Georgia (Mr. Russell), and the Senator from Texas (Mr. Yarborough) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh), the Senator from Tennessee (Mr. Gore), the Senator from New Mexico (Mr. Montoya), the Senator from Texas (Mr. Yarborough), and the Senator from Connecticut (Mr. Dodd) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Michigan (Mr. Griffin) is detained on official business, and, if present and voting, would vote "yea."

The Senator from Ohio (Mr. Saxbe) is necessarily absent; and if present and voting, would vote "yea."

The result was announced—yeas 91, nays 0, as follows:

[No. 74 Leg.]

YEAS—91

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dirksen
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Goodell
Gravel
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Moss
Mundt
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NOT VOTING—9

Bayh
Bible
Dodd
Gore
Griffin
Montoya
Russell
Saxbe
Yarborough

So Mr. McIntyre's amendment (No. 131), as modified, was agreed to.

Mr. McINTYRE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NELSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I wish to make a very brief overall statement about the bill and consideration of additional amendments thereto.

Mr. SYMINGTON. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. Mr. President, what I will say is nothing new, but I am saying it in an effort to promote our debate in such a way that the issues will be understood by Members of the Senate.

As an illustration, last Friday we had about 3½ hours of debate on an amendment by the device of continuous yielding by the author. This is a practice we have fallen into. I do not blame anyone; no one was out of order; and I do not make these remarks critically. However, the committee had no chance in all that time to present our views and the situations as we saw it with reference to that amendment. That is only an illustration.

I hope we can work out something to avoid such a situation in the future. The committee chairman has no control, except as he may confer and reach understandings with Senators with respect to which amendment is called up and when it shall come up.

The main point I wish to talk about now is that this bill represents a balanced program.

Mr. President, will the Chair enforce the rule so that we may have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. We have offensive nuclear weapons, and we have provided for a defensive system against the offensive nuclear weapons arrayed against us. We know that we are not going to make a first strike. There is nothing like that in the minds of the people, Congress, or the President. We know that we are not going to start a nuclear war. I do not know, but with the high development of these weapons I doubt that Russia would intentionally start a nuclear war. Perhaps the time when that was probable is behind us. However, no one really knows. So we must be prepared in that field. I do not believe we should say that we will not start one under any circumstances. I said that years ago. I mention these matters to get down to the real issue; namely, the need for conventional forces.

At one time, we were getting away from that. We went into the nuclear field and neglected modernization of the Army. We neglected a great many other things because we put most of our money into nuclear weapons.

Certainly we are not about to reach a millennium, when everyone will be at peace, and the lion and the lamb will lie down together, when there will be no more boundary disputes and no more aggression against one nation by another. We do not believe that that millennium has arrived. We know that we must have sufficient military strength to protect our people, and I am talking about 200 million citizens here at home. We know that we must protect them with sufficient conventional weapons. We know that it must be our policy to protect those 200 million Americans. We have assumed many commitments around the world and may be forced to go beyond our boundaries and protect the perimeter.

We may want to reduce these commitments, but no one is offering a resolution to do so. No Senator has proposed a plan to change the situation. No committee of Congress is hearing any testimony on the subject. There is no report or statement of opinion of a committee that is weighted in favor of any change.

We have not had any requests from a President to that effect—from President Nixon or any prior President.

Thus, our policy still is that we can best protect ourselves by providing some defense of the outer perimeter. That is what a great deal of the hardware in the bill is for.

Some Senators may think the bills should be changed right here on the floor of the Senate, piece by piece, so as to take out the tanks, take out the carriers, take out this, or take out that. I do not believe that is the way to proceed. When the will of the majority is felt, we will find out for sure.

I favored paring some items in the bill, as I said in my opening talk, but we had better know what we are doing and have a committee consider the matter from all angles and submit a report on a bill. This is what the Armed Services Committee did.

At the same time, I should also like to know what the President thinks about it.

This policy should be enunciated clearly; then we can implement it. Let us not place the cart before the horse.

We all remember that following World War II we decided that Japan should have no weapons, except to a very limited degree. We said to Japan, "We will take care of you."

I think we overdid it. We should modify that.

But can we do that? Can we take pieces out of the military bill on the floor of the Senate, until the President, the committees and others have spoken or enunciated some kind of policy?

Look at our obligations around the world. Take Korea. We must not tear down everything we have built up there. We guaranteed Korea's integrity when no other nation joined with us. It was just the United States of America and Korea. We guaranteed Korea's protection. That requires credible military forces and military deterrence. It does not take a wise man to see that.

We all remember Formosa. We all remember Vietnam, where we are now. The Lord only knows how or when we can get out of there. We are members of SEATO and NATO. All these obligations prove conclusively that we need balanced conventional forces, and that we must have them. I want to have them with the smallest number of dollars.

Let me mention something else. One can go to a military service and sometimes get a large listing of the defects in the weapons of a rival military service. That is a part of the picture in the Pentagon. The Navy which believes in its weapons, and the Air Force also believes in its weapons—and I am glad they do. But sometimes, on the side, they are quick to point out defects, real or imaginary, in the weapons of the other service.

Let me give an illustration. I was once inside the matter of the Nike-Hercules ground-to-air defense missile.

I thought we were going too fast and too far, and before it had been perfected enough. The bill provided hundreds of millions of dollars.

I was handling the military construction bill. A general spoke on "Face the Nation" that Sunday afternoon. He was a very fine general. The question was put to him: If a city were properly defended with enough Nike-Hercules, and a hundred enemy bomber planes came in, how many could they knock out? He said, "A hundred out of a hundred."

The next morning I talked with an outstanding admiral of that day, one of the foremost we had. I said, "If a city had the required number of Nike-Hercules and a hundred enemy bombers were coming in to bomb the city, how many Nike-Hercules could they knock down out of that hundred?"

He said, "Not a darned one."

I think both of those gentlemen were wrong. But that general remark of the admiral, coming down the corridor of the building, having no appointment, led us to go further into the matter.

Mr. McNamara told me later that it would save some money. But my point is that we do not know enough about missiles. My point is that there is interservice rivalry, and that is seldom brought up in debate. I am not saying this critically of anyone. I know there is rivalry. Sometimes it is within a service.

All of us remember the old cavalry. The cavalry has gone. But weapons rivalry still exists within the services.

So we had better examine carefully some of the information we are getting—and getting in good faith—about these matters. My point is that the bill provides a balanced program, something that the Joint Chiefs have agreed to.

The Chairman of the Joint Chiefs is no ordinary man. Do not discount General Wheeler, unless you want to condemn all military men. If you do, let General Wheeler go on down the drain with the rest of them. But if you want impartiality, do not discount General Wheeler.

That is not all. We are looking for a balanced program in weaponry. This program is largely one like that approved by former Secretary McNamara. Whatever one may think about him, he had plenty of sense. I think he was one of the most effective Secretaries of Defense we have ever had. I do not think he was right on all things, but he worked, and he knew a lot about defense.

Former Secretary Clifford approved this program, although there were some differences in details.

We squeezed a great deal of water out. But Mr. Clifford is a man of high intelligence and considers things seriously.

Secretary Laird approved this budget just as recently as early March. Senators who do not know Secretary Laird have missed a gem. We who serve on the Committee on Appropriations have been confronting his fine mind and ability for years. I do not know of any Member of Congress who rendered finer service in this field than Representative Melvin Laird. He was usually a jump ahead of most of the rest of us. So the program provided by the bill is his best judgment. He believes the Nation needs this bill as a balanced program. I do not mean that every "i" must be dotted and every "t" crossed, of course, but as an overall proposition.

That is not all. President Nixon approved virtually all of this budget. Mr. Nixon is not a newcomer. He is not one who had been president of General Motors or president of a university or some other institution.

That man learned the hard way. I am not complimenting him. We all know his background and experience. I tell the Senate that when he came back here in 8 years I was amazed, from the word "go," at the fine knowledge he had of the present situation and the present need, here and there and everywhere, of the military program. I know, because I have talked with him over and over. He did not have anything to offer me. I did not have anything that I could give him, except just loyalty to the country. I am not espousing the Nixon program, or anything like that. I am talking about national defense now. But he grasped this problem. He had it in his mind. He was as well versed as anyone outside the military itself. Melvin Laird was there, and so were others. They made hard decisions. They may be planning more.

That is the case here. We are not living in a millennium—oh, not by a long shot. We are not out of Vietnam—not by a long shot. We will have to have the hardware, the weapons, the manpower, the know-how, the skills, and the judgment, if we are to continue as a leader of the free world.

I am no internationalist. I am no big spender, either. I am no big spender—my records shows it—for the military department.

When we talk about such terms as "military-industrial complex," and all that, that does not mean anything to me, and I do not think it means anything to anyone in the showdown. I think it is a slander and a libel on a great military profession and the membership of the Senate for those things to be fed out and fed out on the Senate floor, through committee hearings, through television, through radio, everywhere, all the time, to create—and it does create—a prejudice. Whether that is the purpose or not—I will let every man's motives be decided by him or someone else, and not by me—but it is leading this country into what I consider a dangerous state of mind—mistrust, distrust, downgrading the military, and downgrading the Senators who have responsibility for our defense and who are falsely charged with being "dominated by the military."

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. STENNIS. Please let me finish with just a few more words.

I give everyone credit for good faith, and I think everyone wants to do what he thinks then is best for the country. But I warn you, we can slip back mighty fast just because we are displeased with a few things. I am displeased with many things. We all wish we could stop the war in Vietnam, for one thing. I am displeased with some contracts for military supplies and material that have been entered into. Incidentally, those contracts came directly out of the brains of the civilian authorities in the Pentagon. We will get into that later.

But I told the military, "You do have some responsibility in the field of spending." When General Ryan, now the Chief of the Air Force, was before us for confirmation, I said, 'General it is not your primary responsibility, but in the nature of things, you do have responsibilities for the expenditures of this money. In part you are responsible in the military area, and I think you ought to train more and more men in the field of management and related fields, so that as you bring them through the categories of promotion, you will have more responsible men. I know you have some who are outstanding, but not enough." He agreed with me heartily. I am going to write the other Chiefs and make the same point. I think it is part of our duty. But if we scuttle this whole thing, if we cut the bone and the muscle here by making too many unwise reductions, acting in the dark, we will rue the day.

I favor reducing military manpower as soon as the shooting stops at least to the level it was before the war started. I am not settling on that as the final figure. But, by a quick calculation, in that category alone there is a minimum of $10 billion a year in savings. There are other savings we can make.

I want the military and the civilian part of the department to do a better job in getting a dollar's worth for every single dollar they spend. But I tell you, we will never do that by settling for second rate weapons. We will never do that by giving the doughboy we send to the front an old tank. We will never do that by sending our aviators, whether they be in the Navy, Air Force, or other service, in a plane not as good as the one he is up against. And so on down the line.

I speak with all deference to everyone, but I tell you, right now we are getting off into the wrong attitude. We are getting off into an attitude of knock down, drag out, regardless of consequences, that can leave this Nation—not immediately, but within a few years—unprepared to defend its own people.

Let us get a balanced program of weapons together. Let us reexamine our foreign policy, and if we want to change it, let competent Senators come in here with a definite resommendation on their resolution, on their report, on their testimony, and on the recommendation of the President of the United States. I will be found somewhere, perhaps not up front but somewhere up near the front, plugging in a proper way for some reasonable modification.

But there are points beside honor involved, in turning our backs upon our commitments. There is involved, for example, the safety and perhaps the survival of the American people.

So, Mr. President, while I welcome debate on any phase of this bill to any reasonable extent, I will approach it in the way that I have outlined; and frankly, I was talking more to the people of the United States than to anyone else in these last few minutes.

Several Senators addressed the Chair.

Mr. STENNIS. I believe the Senator from North Carolina had risen first, if he wishes me to yield.

Mr. ERVIN. Mr. President, I ask the Senator from Mississippi if he does not think that it is a fitting time for us to meditate seriously upon this little verse:

> God and the soldier we adore
> On the brink of ruin, not before;
> When danger's past, and all things righted,
> God is forgotten and the soldier slighted.

Mr. STENNIS. I thank the Senator.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. STENNIS. I am happy to yield to the Senator from Arkansas.

Mr. FULBRIGHT. I certainly have great sympathy with the position of the Senator from Mississippi. He is, I think, one of the most conscientious and dedicated Members of this body, and not just in his position as chairman of the Committee on Armed Services. He has served with equal distinction as chairman of other committees, and has performed some very difficult functions.

I do not quarrel at all, certainly, with his motives or what he is saying. But I should like to comment in this sense: He says he is interested primarily in a balanced program. I take it he meant balanced within the Military Establishment. I think I, and those of my colleagues who share some of my views, are interested in a balanced program also, but we feel that the balance should be between the military program and the other programs of this Government.

Mr. STENNIS. If the Senator will excuse me a moment, I have an urgent matter.

Very well.

Mr. FULBRIGHT. As a result of a series of crises and wars, for which the Senator from Mississippi, of course, is not to blame, there has developed an imbalance, not within the military so much, but between the military and other programs of our Government. This entire debate is about how to correct that imbalance.

To ask the Senate to accept the proposals of the Pentagon without thorough debate and examination, it seems to me, to have the Senate simply to abdicate its real function. On many of these matters there have been hearings, as the Senator mentioned. There have been some extremely interesting hearings in the Committee on Foreign Relations, also, and in the Joint Economic Committee headed by the Senator from Wisconsin (Mr. PROXMIRE).

Some of the witnesses before that committee, such as Mr. Fitzgerald and others, are certainly qualified, and as good as we have in this Government. They are right out of the Pentagon itself. Some have suffered personally because of their daring to do their duty, in my opinion, as citizens.

The difference in view on this problem arises because I think that, as Senators, we should balance the military with other governmental programs. I submit that when you calculate the amount of money devoted to the Military Establishment since World War II—well over a $1,000 billion—against other activities important to the country, such as education and the development of our natural resources, I think our system of priorities is out of balance. That, as I said, is really what this debate is about.

The Senator has mentioned rivalry among the services. That is not news. We know about that, and I do not complain about it. But it is our duty to correct some of the results of such rivalry.

We have been told, and I think there is a degree of truth in it, that when we give, we will say, a big program, to the Army and the Air Force. About all that can be done to balance things out is give the Navy more aircraft carriers. That way they will receive about as much as the Air Force and the Army; and therefore, to retain a kind of balance. So we continue to build aircraft carriers when they are obsolete. No other country in the world builds them.

That in itself raises a serious question: Why, if aircraft carriers are really useful and not obsolete, is not Russia, or China, or Germany, or somebody, out trying to build aircraft carriers? It is rather odd that we should be the only ones to put so much faith in this kind of machine. Carriers are extraordinarily costly. The Senator from Missouri (Mr. SYMINGTON) is a better spokesman than I on this subject, but I recognize that, as a member of the Committee on Armed Services, he is a little bit embarrassed to take issue with his colleagues. I would be, too. I am always a little bit embarrassed to take issue with my colleagues on a committee, with whom I have shared many hearings; but the Senator from Missouri has said much about this subject on many occasions.

It is, I submit, the balance of all over national programs that should concern us. I do not for a moment suggest that the Senator from Mississippi is a spendthrift. We are not saying that he is extravagant at all.

Mr. STENNIS. Mr. President, if the Senator will yield to me, I do not have to wait until he or anyone else accuses me of something. I simply call attention to my record. I do not have to wait for the Senator or anyone else.

Mr. FULBRIGHT. Of course, I think there are some members of congressional committees who, in the past, have shown a disposition—and it is not the Senator from Mississippi to whom I refer—to urge upon the Pentagon increased appropriations, even over what was requested.

Coming to the question of the military-industrial complex, the Senator says it is a slander that anyone should mention it. I have mentioned it, but I certainly, in most of my formal speeches on the subject, have made it very clear that the people in the Pentagon, by and large, do not deserve that kind of criticism, nor that it should be regarded as a slander. I regard the criticism, if warranted anywhere, as warranted against Congress; and I should share in it, in that, for 25 years, I have never before seriously engaged in an effort to cut or change, in any substantial way, the budget requests of the military establishment; nor has anyone else to speak of.

This is simply the first effort to restore balance to the system. It is not a slander upon the military. Nobody is slandering the military. If there is any criticism at all, I think it is primarily due to Congress' failure for too long to expose to debate and serious examination these programs.

I do not believe the Senator from Mississippi could say that we have really seriously examined these programs in the past. Not even the Bureau of the Budget has done so. I asked Mr. Schultze, who was then Director of the Budget, in open hearing, about the research programs in the Pentagon. He said frankly that they did not go into them; they just accepted the Pentagon's views.

We have on record a statement of Mr. McNamara that he made, I think before the Committee on Armed Services, that in not one instance while he was Secretary of Defense, where there was a difference of view between the Bureau of the Budget and the Pentagon, was the Pentagon ever overruled. He always prevailed.

This, again, is most unusual, and at least partly the fault of Congress, because nobody bothered to challenge it.

Therefore, I do not believe the Senator has a legitimate complaint about the way in which he or the Military Establishment has been treated. After all, they have $80 billion available in round figures. And to say that our Military Establishment is obsolete and that our servicemen do not have good rifles and good airplanes, is, it seems to me, a gross reflection upon the efficiency of American industry. The money has certainly been spent in large amounts for that purpose.

The Senator is saying that we have given the money but that we do not know how to produce a good airplane. It has not been for the lack of money that we do not have a good plane. If we do not have one. I have been under the impression that we do have good planes and good rifles. I have been under the impression that we do have good ships and other equipment. Never once have I shared the idea or said that our people are not properly equipped.

We have spent and are spending, as the Senator knows, from the best estimates of our intelligence community, substantially more than the Russians have spent. And they are the ones we seem to be so concerned about.

When the Senator says that we are cutting in the dark and slashing and cutting without knowing what we are doing, he is making a statement that I do not subscribe to.

I think we know a good deal about the normal programs. Many good hearings have been held. We have heard from knowledgeable people.

In addition, on occasions when we have requested information from the Defense Establishment, we have been met with the statement that it was classified or too sensitive. They would not furnish it.

So, to the degree that we are operating in the dark, I submit that it is not the fault of the Senate committees. It is the fault of the establishment itself in refusing to make available what I believe to be appropriate and relevant documents and information.

I do not really believe the Senator has a legitimate quarrel about the debate and about the proposals to try to bring about what I would call a better balance between the Military Establishment and the rest of the Government of the United States.

Mr. PROXMIRE. Mr. President, will the Senator yield briefly?

Mr. STENNIS. I will yield later. I believe the Senator from California had requested that I yield to him. I yield to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. MURPHY. Mr. President, relative to the Armed Services Committee, I must say that my experience this year has been a great revelation. I suggest that the matter of balance of expenditures certainly must have been because of the necessity created by world conditions.

If we did not have some of the world problems that exist today, we would not have the problem of making high expenditures in order to achieve the balance that the distinguished chairman of the Armed Services Committee has spoken of.

I think probably that, looking at the past and finding where the fault lies, certainly when we have called on the military, wherever they have been permitted to do so, they have done their job very well insofar as I recall history back beginning with World War I.

However, very often where we have looked at the action of the Political Establishment in international affairs and their record, in my humble opinion, has not been quite as good.

Therefore, I point out that the problems which have been created have caused this difficulty in achieving the balance about which the distinguished chairman talks.

Referring to the remarks of the distinguished Senator from Arkansas concerning the statement that we do not have good planes, my experience is that we do not now have them. We have been very neglectful in certain categories. Our planes are good but old. We have not kept up with our potential aggressors and enemies.

We do have a good rifle. However, strangely enough, for some reason, we have only one manufacturer. We have heard about the deficiencies of the South Vietnamese. However, we find that when they had a good rifle, they are pretty good soldiers. They are brave. They are eager to defend their country.

So, I think that the distinguished chairman of the Armed Services Committee makes an excellent point. While there are many other areas that need our attention in this country, they have not been neglected.

I have had the great privilege of serving on the Labor and Public Welfare Committee and on the Education Subcommittee. There has not been any great neglect. However, we could do more.

I join with the distinguished Senator from Arkansas in hoping for the day when this sort of balance has been achieved and we can proceed on all matters in progress, peace, and prosperity not only in our country but also around the world.

At the present time, I am afraid that we must be realistic.

I am afraid that we cannot achieve all of the theory on these programs. We have to accept the situation as it exists today. We have many plans for research and development. We have very little hardware.

We have to rebuild and reestablish our military in order to carry out our commitments and, hopefully, as the result of the strategic arms limitation meetings that are about to take place, we can look for a day when we can deescalate the expenditures on the military side and increase them on the other side.

My colleagues know that I come from a State where a great deal of these procurement funds will be spent. I have had no pressure, no calls, and no suggestions from the so-called highly publicized military-industrial complex which used to be called the military-industrial-scientific complex. There has been no pressure on me.

My decisions in the committee have been based on the information brought out in the hearings and as a result of the questioning of experts, both military and nonmilitary and the studying and reading I have done over years past in order hopefully to equip myself properly for my present position.

I associate myself with the remarks of the distinguished chairman of the committee, the Senator from Mississippi, and say that he hopes, as we all do, that this balance will be much easier to establish once we get world conditions in balance the way they should be.

Mr. STENNIS. Mr. President, I thank the Senator for his remarks.

I point out to the Senator from Arkansas that my remarks and my plea is for this balance in conventional forces within the military. However, if he will bring in some more balance on our commitments in a bill or a resolution, with a report and other usual documents behind the measure, things that ordinarily go with it, he and I will be found to be closer together. My point is that, until we do that, we cannot simply turn our backs on the commitments we have made.

Mr. FULBRIGHT. Mr. President, we are in the process of trying to do that right now in reexamining our commitments. We have a staff working on it and we think we are making some progress.

I hope the Senator does not think we are not doing our best to do exactly that. In the meantime, other matters come up and require our attention.

I am not being critical of the Senator from Mississippi. He is doing his job as is the military, I think. I think in all honesty that I and the other Members of the Senate have failed to do what we should have been doing for 10 or 15 years in being a little more attentive to this kind of program. We have allowed our priorities to get out of balance.

Does the Senator from Mississippi agree that we have inferior planes and that our planes are not as good as the aircraft of other countries?

Mr. STENNIS. I do not agree. I hope the very opposite is true. However, if we do not build new planes, new types of planes—and we have to make the decision 4 or 5 years in advance—we could find ourselves second rate. We may have already slept too long with reference to other weapons.

Mr. FULBRIGHT. We heard the statement of a Senator from a State in which more planes are built than in any other State, to the effect that we have inferior planes.

I never believed that to be true. I had not heard that at all.

We have some that are inferior in some fields. However, our best planes are as good as the best planes of any other country today.

Mr. STENNIS. I do not know that that is true right now. However, we have provision for some contained in the bill. They are moving along and will be the best.

I have referred to our many commitments to other countries—commitments which require us to defend them.

I mentioned Japan. There is a hard one. Take that one on and get it modified, if the Senator believes it should be modified, and bring us something definite on that problem if the Senator wants to. I believe that we can consider some other matters here in that immediate field.

Mr. FULBRIGHT. I think there is a great deal of merit in what the Senator is saying, and that is what we are trying to do. We recently had the case of the Spanish bases, and we tried to modify it. We did get it modified—not as much as I would like, but we modified it substantially.

Mr. STENNIS. I thank the Senator.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Wisconsin. I do not mean to try to retain the floor.

Mr. PROXMIRE. I will be brief.

I say to the distinguished Senator from Mississippi that so far as cutting in the dark is concerned, I think that this year, for the first time in many years—certainly, in the years I have been in the Senate—we are acting with far more information and understanding than ever before, for a number of reasons.

First, the Senator from Mississippi has done an excellent job in his committee and in his hearings. I have had a chance to go over the hearings, and I think he and his committee not only have asked the right questions but also have organized unusually well. As I understand it, the Senator has delegated to some of the members of the committee a great deal of authority, and they have investigated thoroughly and have come up with some extremely useful information.

In addition—and I think this is most unusual—this year a number of Senators—I am not one of them—organized a group called Peace Through Law, and they secured outside professional advice on a number of weapons systems.

If the Senator from Mississippi has had a chance to review the report—I think the Senator from Oregon (Mr. HATFIELD) is one of the principal movers in this area—I believe he will be impressed not only by the professionalism involved but also by the moderation of their recommendations. They did not propose to cut deeply, but they did propose to make some moderate, thoughtful cuts that were well documented.

I understand that the Senator from Oregon will speak on this matter a little later. I hope he speaks soon, because the Senate should be aware of the very comprehensive, painstaking, and thorough examination which has been made of this budget.

Also, the Joint Economic Committee held hearings last November, January, and June, in which we examined in considerable detail, on the public record, the military budget. We had some experts on these weapons appear before us. We have developed some substantial information.

So I think this debate will not be cutting in the dark and it will not be irresponsible from the standpoint of those who are offering amendments to reduce the military budget. I agree with the Senator from Mississippi that we must have a strong military force—strong Army, Navy, and Air Force—and we must be secure. I think our amendments are going to be in the area of trying to achieve this. If there is a difference of opinion, it is simply a difference of judgment as to precisely what is needed from a technical standpoint, not a difference in terms of value in judgment. We must have a secure armed force, for our military people certainly are serving this country very well.

Mr. STENNIS. I thank the Senator very much for his remarks. I think he has done some excellent work.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MILLER. Mr. President, I am pleased that the Senator from Wisconsin is present, because he has a great amount of knowledge about the economic aspects of this matter.

The statement has been made by the Senator from Arkansas that we should have a balance in the broader sense of the term rather than a balance with respect to conventional and strategic forces. I think both points of view are proper. We should have a perspective in both senses.

But I think the danger is that by talking about a balance in the broad sense, much has been said about the military being out of balance. I believe the Senator from Arkansas implied that when he pointed out all the other commitments we have in our own domestic responsibilities.

I have been trying to make the point to my colleagues—and this is the third time—that one way of looking at a balance is to look at our gross national product. I believe that economists generally take a look at a nation's gross national product as an indication of its capabilities to meet various commitments. While I recognize that a $78 billion national defense budget sounds like a great amount of money, I think it should be put in the perspective of what our gross national product is.

I have pointed out that for fiscal year 1970, the $78 billion defense budget will comprise approximately 8.1 percent of our gross national product, and that is no larger than it was for fiscal 1969. I thought we should go back in 5-year periods for 15 years to see how it looks. If one goes back to fiscal 1964, fiscal 1959, and fiscal 1954, he will find that the proposed defense budget for fiscal 1970 is less in percentage of our gross national product than 3 of those periods and equal in one.

So I find myself a little unenthusiastic about all this talk about balance when I take a look at our ability, which is reflected in the gross national product.

One other thought on this matter is that if you take from the $78 billion national defense budget $28 billion for the cost of the war in Vietnam, you get down to $50 billion, which we might say represents what could be a normal national defense commitment. The war is an abnormal situation. That would put us down to 5 percent of our gross national product.

I invite the attention of Senators to this fact: Even though the 8.1 percent of our gross national product is what our national defense will come to for fiscal 1970, that includes $28 billion for the war. When you go back to 1964, there is practically nothing for the war; there was nothing for a war in 1959; and there was nothing for a war in 1954. Yet, the percentage of the gross national product devoted to military was greater than the percentage we are going to have for fiscal 1970.

My point is simply this: Before we start talking too much and too enthusiastically about a balance, let us put things in perspective. If we put things in perspective, then I think we might be able to do a better job.

I thank the Senator for yielding.

Mr. STENNIS. I thank the Senator.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. ELLENDER. Mr. President, there is no one in the Senate for whom I have higher respect than the distinguished Senator from Mississippi. I know that he is doing a good job as chairman of the Committee on Armed Services. He is very conscientious.

Mr. STENNIS. I wish I could be as good a Senator and as effective a Senator as the Senator from Louisiana.

Mr. ELLENDER. I have been trying for the past 12 years to get most of our troops removed from Western Europe. We have had between four and one-half and six divisions there for 20 years. The main reason why they were sent there, as I understand it, was to help contain the Soviet Union, and to reassure our NATO allies that they would be protected by U.S. forces.

We built huge airfields in Japan, Okinawa, the Philippines, and all over Africa to isolate Russia, and in the process we actually have been sustaining all of Western Europe militarily. We have also constructed many harbors and other military installations. But, somehow, we seem to be unable to get the countries of Western Europe to assist us in our efforts. They do not seem to sense the danger as our military advisers see it, and that should give us something to think about.

The Senator stated that we are in South Korea. We have been there virtually alone for many, many years. And this is supposedly a United Nations undertaking.

It is not totally a U.S. action, as the Senator knows but we have been carrying most of the burden. It seems that the executive department is unable to obtain help or any kind of assistance from the other members of the United Nations. We have been carrying that load alone, as I have stated, at a very substantial cost to our taxpayers.

Now as to Western Europe, it seems to me that it is up to the Chief Executive and perhaps Congress to try to get assistance from our erstwhile allies or withdraw most of our manpower from that area. We have been in Western Europe now for 20 years, as I said. It has been costing the taxpayers of this Nation over $2 billion a year to sustain the five and one-half divisions stationed there. Together with their families that are and have been in that area for the past 15 years, the total of roughly 600,000 Americans.

I cannot understand why we should not obtain assistance. The Senator is on the Subcommittee on Appropriations for the Armed Services. He knows that I have tried every time a new Secretary of Defense was named—beginning with Mr. McElroy and then Mr. Wilson, and their successors—to get help from Western Europe. All I could obtain was, "We will try." Try—that is all they have done and with no results.

From the start the countries of Western Europe were not carrying their just load as they promised to do. On a visit there in 1960, between the Republican and Democratic National Conventions, I found that our so-called allies had no divisions that were ready for action. In Germany, Belgium, and other countries, there were more or less paper divisions. If the Russians had struck in 1960, there would have been only five and a half divisions from our country ready to go, and one brigade from Canada. As I have stated, the rest of them were paper divisions and it would have required months to bring them to our standards.

Why that situation was permitted to continue I cannot say, but somebody was not on the job. When I visited SHAEF in 1960, even our military people there stated to me that our allies were well prepared and ready to go, but after an investigation I found that they were mere paper divisions, particularly in Germany.

Now, to come to our local situation, I have voted every dollar requested by the Defense Department to maintain our defenses. Five or six years ago it was my feeling that since we were living in a missile age, we should spend much of our time and money in developing more and better missiles. It was obvious to me that if a war were to occur between us and Russia, it would be a war in which nuclear missiles would be used, and not conventional weapons.

I stated at the time that it was my feeling and my belief that our country could not afford to carry on both a missile-age program and a conventional war program. It would be simply impossible; it would be too costly. But my advice was not heeded, and we are making efforts now to carry on preparation for both a missile-age war and a conventional warfare program. I see no reason why we should do that if the people from Western Europe, who are now able to assist us, do not join in helping us. It is my belief that as long as the U.S. Government permits the French, Germans, Belgians, Danes, and the British to lay their heads on Uncle Sam's shoulder and to carry them along, they will not do anything to help us out.

Mr. President, it strikes me that every effort should be made by the present administration to obtain assistance, real assistance, from the governments of Western Europe; and, if they do not agree, we should get out of Western Europe. That is what I advocate and that is what I have been proposing for at least 10 years, with little or no success. They seem not to see any danger and our military people take the position that Europe should be protected. I cannot agree.

I am not going to try to debate now the many mistakes made by our policy planners or by the managers of the Pentagon's research and development program. However, as the Senator from Mississippi knows, it has been my belief for a long time that we have been providing too large a reservoir of research money for the Pentagon, and the planners have fallen over themselves to find ways to spend the available funds. I think this year the Defense was allowed over $8 billion by the Bureau of the Budget. Is that correct?

Mr. STENNIS. The exact figure was $8.2 billion.

Mr. ELLENDER. And it was cut back by how much?

Mr. STENNIS. About $1 billion in all.

Mr. ELLENDER. As I figure it, there is over $7 billion in the bill before us.

Mr. STENNIS. It is $7.179 billion.

Mr. ELLENDER. As long as we have that much money for the Pentagon to do research, ways will be found to spend it. I am very hopeful that during this session we will be able to cut back on some of these research funds. Today we are budgeting almost $17 billion for research funds in all departments of Government. I cannot help but feel there is much waste. Such a huge sum cannot be frugally administered.

My good friend from Arkansas (Mr. McClellan) is familiar with all the billions of dollars that we have spent for the F–111, but we still have funds in the pending bill for further research and building more prototypes and some planes for our Air Force.

Mr. McCLELLAN. Will the Senator yield at that point?

Mr. ELLENDER. I shall yield in a moment. Also, we were presented with a large sum to continue the MOL—the Manned Orbital Laboratory. It was only after a good deal of coaxing that research for the MOL was discontinued. The Air Force is not spending any more money in that direction. Over $1 billion was spent through the Air Force before the project was halted.

In a related area, I am chairman of the subcommittee which goes over the funds requested by the Atomic Energy Commission. For years, we have been working on a small atomic engine for the space program. We have already spent $1,200,000,000 on this engine and up to now we have not satisfactorily constructed a prototype. I asked how long it would take to complete the engine, and I was told 7 more years would be needed and that the cost would be about $1,100,000,000 more. So we will be spending well over $2 billion in order to perfect this machine. Yet at the same time, I am proposing a small amount in that very same bill to continue our public works programs, to fight air pollution and water pollution and, somehow, I have been unable to get amounts budgeted for those worthy projects.

I am for a balanced military program, for our own immediate protection, but not for one to protect the whole world. Most of the millions of dollars we have spent on the military assistance advisory groups and other missions throughout the world have not been well spent. They have brought us more grief and trouble than anything else, in my opinion. They have served to keep the pot boiling, and have helped create fear and suspicion among nations which should be good friends and neighbors. They have helped get us into arguments where we had no good reason to be, and no real American interest to protect.

So far as I am concerned, I should like to see every American soldier now in Europe come back, and let the Europeans do more to protect themselves. They are well able to take care of themselves by this time.

Mr. McCLELLAN. The Senator from Louisiana mentioned a while ago as one illustration the F–111 airplane. In all fairness, I am not absolving the military from all the blame in connection with that airplane, but I think the record should be kept straight that the military, from the very beginning, disapproved of that airplane, and from the beginning, the military people warned that the commonality of the concept would not work, that the two planes would not be able to perform the missions for which they were designed. Thus, I simply want to keep the record straight that the primary mistake and responsibility, and then the compounding of that mistake, lies primarily with the civilian head of the Department of Defense and not with the military who repeatedly tried to get that concept modified and the plane redesigned so as to make it work.

I am not absolving the military from all the blame but this is one instance where there was a great overrun of the costs, where the Secretary of Defense said he was taking the figures out of his head and overruled everyone else. Thus, we cannot blame the military and the experts in the military field when they try to counsel, and their counsel is overruled in that fashion. I want to keep the record straight. I am sure the military have made many blunders, but the Senator mentioned that one plane, and I have some knowledge about that.

Mr. ELLENDER. I have named no one.

Mr. McCLELLAN. I did. I named someone.

Mr. ELLENDER. I did not. I was talking about the Defense Department generally. I know that there was quite a difference of opinion between the Navy and the Air Force regarding the F–111 and that the Navy took the position that they should have their own plane.

Mr. McCLELLAN. The result was they did not get any plane. If they had gotten what was given to them, they would not have had a weapon.

Mr. ELLENDER. The point is that the Department of Defense, in that area, spent about $2.5 billion. Is that not correct?

Mr. McCLELLAN. They spent nearly $5 billion.

Mr. ELLENDER. Very well. That makes it worse; $5 billion and they have no planes at present.

Mr. McCLELLAN. They will be getting 400 planes, instead of the 1700 originally ordered.

Mr. ELLENDER. As I said, I named no one. I was speaking of the Department of Defense generally. I am certain Mr. McNamara did not move alone.

Mr. McCLELLAN. He overruled all the military.

Mr. ELLENDER. Perhaps.

Mr. McCLELLAN. That is an undisputed fact.

Mr. ELLENDER. The point I was trying to emphasize most is that we have made many promises to assist everyone in the world. That has been the effect of the MAAG's I referred to earlier. That is some of the programs I have been trying to emphasize. That is why we have spent so many billions of dollars to help people who did not do enough to try and help themselves.

Mr. McCLELLAN. Let me say to the distinguished Senator from Louisiana that I wanted to keep the record straight with respect to the TFX airplane.

Now I want to say to the Senator that I am in complete agreement with him about Western Europe. We have supported them all these years, providing defense for them, and I think it is high time they began to provide their own. I agree completely with the Senator from Louisiana about that. When we talk about bringing our troops home, the Western European countries should take up some of the burden of defending the free world.

Mr. COOPER. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. COOPER. Mr. President, I have listened with a good deal of interest to the statement of the Senator from Mississippi and the remarks which have been made in response. We appreciate his sincerity and the great amount of work he has performed on the bill before us. For myself, I do not find any fault in his concept of balance.

While the amendment which was offered by the Senator from Michigan (Mr. Hart) and myself took a good deal of time, I do not think it has been wasted. It has directed the attention of the Senate, the Congress, and the people to the defense budget, and naturally the debate led into the larger questions of security and the means of attaining security.

I have not been one who has criticized the military. I have always recognized that our military leaders have a particular responsibility, a responsibility to plan and recommend those programs which they believe are necessary for the security of the country. The security of this country is not limited only by its physical protection but, in my view, it comprehends protecting its institutions and our free system of Government.

Anyone who has been in the military service, whether in a squad, platoon, company, or regiment, knows that every commander of a unit seeks all the materiel and arms he can to meet any contingency. I have no doubt that this responsibility enters into the thinking and concern of military leaders. But to secure balance, there are several things to be considered.

One consideration is the resources of our country and this demands the amount be allocated for effective and reasonable purposes. As the Senator from Louisiana pointed out a second consideration involves the use of our resources in assistance and defense of other countries, any inquiry as to the efforts they are willing to make. I remember when the Senator from Mississippi and I attended the NATO assembly meeting, after the invasion of Czechoslovakia.

Then, the representatives of other countries, were concerned, and the meeting reflected great interest in the defense of Europe. It was my duty to file a report, and on examination, and as a result of comments from military leaders, I at least, came to the conclusion that if there had been any balance between the NATO forces and the Soviet forces, the balance had been upset by the invasion of Czechoslovakia. Yet since that time, our NATO allies, no matter how much they are appealed to, have not increased their contributions necessary for the adequate defense of their own countries.

I had attempted to secure from the Department of Defense the cost of our total contribution to the security of

Western Europe. I secured information from the Department of Defense, which I placed in my report. The total cost, not merely the cost of the troops in Europe, but the cost of the 6th fleet weapons, and backup costs, was $12 billion annually. This fact demands help from the other countries.

As Senators have said, we must relate our defense needs to our foreign policy commitments. What a good many of us have tried to do is to insist that the executive branch be very careful about commitments. We do not want it to be taken for granted that a commitment exists to send troops to another country, to engage in war, or to put our troops on foreign soil in a position where we could back into a war—which we have done in Vietnam—unless a joint authority is given by the Executive and by the Congress of the United States.

We ought to establish what our commitments are, and their relationship to the security of this country. Otherwise, we may be engaged in military spending, and wars in areas throughout the world.

We should try to find agreement with the Soviet Union upon the control of nuclear arms. We hope that progress can be made. Agreements could reduce materially the demand for spending, and even more important, reduce the chance of nuclear war.

Now I would like to make a suggestion.

Mr. STENNIS. I will consider a suggestion from the Senator from Kentucky at any time.

Mr. COOPER. We have a bill before us involving about $20 billion. It involves expenditures for all of the branches of the armed services, and it includes many items with which those of us who do not serve on the Armed Services Committee are not familiar.

For a year I have found how difficult it is to learn about one issue—anti-ballistic-missile systems. I believe it would be very helpful if the Senator from Mississippi would go through the bill, explain the provisions of the bill, the need and relationship of the weapons systems, which are very difficult for all of us, and explain the reasons supporting the various provisions and their funding. Give us your views of the balance of the bill of which the Senator spoke so well.

Mr. STENNIS. I thank the Senator very much. I know there is a need in that field or the Senator would not have brought it up. I will do my best to fulfill that need, to some degree. I will have to arrange a time.

Mr. President, I do not want to hold the floor any longer. I yield the floor.

Mr. McCLELLAN obtained the floor.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield to the Senator from Arizona, without losing my right to the floor.

Mr. GOLDWATER. I thank the Senator from Arkansas for yielding.

Mr. President, this morning, under controlled conditions, the senior Senator from Kansas (Mr. Pearson) addressed himself to the military-industrial complex. Having forgotten that it was under controlled conditions, I tried to question the Senator at the finish of his speech, but the Chair, properly, silenced me. However, before I was seated, I stated I thought the Senator had made a good speech, but I did not agree with it. I should like to correct what I think may be a wrong impression.

I think the Senator made a fine speech, in which he recommended to the American people that they realize that we have a military-industrial complex, and we should be proud and glad we have it, and he made some very interesting suggestions.

When I said I disagreed with it, it was only as to a point or two in his thinking.

His use of the famous quotation by General Eisenhower in his farewell speech on the military-industrial complex was put in the Record without what I think is an equally important part, in which President Eisenhower said:

> We now stand 10 years past the midpoint of a century that has witnessed four major wars among great nations. Three of these involved our own country. Despite these holocausts America is today the strongest, the most influential and most productive nation in the world. Understandably proud of this preeminence, we yet realize that America's leadership and prestige depend, not merely upon our unmatched material progress, riches, and military strength, but on how we use our power in the interests of world peace and human betterment.

I merely wanted to get that point in the Record, together with one other that the Senator made. I have discussed this matter with him, and I recognize why he made it. If I did not serve on the Armed Services Committee, I would feel myself somewhat in agreement with him. He comments in one sentence:

> But nowhere is this weakness more glaring than in defense matters.

I take personal offense at that, because I have served on committees of the Senate for many, many years, and I have never served on a committee that is so thorough and so constant in its investigations as is the Armed Services Committee, under the chairmanship of the Senator from Mississippi (Mr. Stennis).

The Senator went further, and this is one other point I disagreed with, but it does not mean I disagree with the entire speech at all. He said:

> I submit that under the present conditions it is a simple physical impossibility for the two armed services committees and the two military subcommittees of the appropriations committees to effectively review and evaluate the policy and budgetary request of the Department of Defense.

I wanted to make a statement on my own behalf that this is not so; that I think the two committees and the two subcommittees involved do an excellent job.

I also wanted my verification on the record that the suggestion which he made to return to a Truman type of committee that we knew back in World War II is a good one, whether it means expansion of the present committees or setting up a new one.

I wanted merely to correct the record. I thank the Senator from Arkansas for yielding to me.

Mr. McCLELLAN. Mr . President, I yield to the Senator from Connecticut (Mr. Ribicoff) without losing my right to the floor.

Mr. RIBICOFF. Mr. President, during the past several days, the Senate has been deeply concerned about waste in the defense budget. This concern has been demonstrated by the number of amendments introduced relating to the role of the General Accounting Office in auditing defense contracts.

Every Member of this body is dedicated to efficient and effective government. And so is the Committee on Government Operations.

The Committee on Government Operations is concerned about any waste, excess spending, or inefficient practices in the Federal Government, wherever they exist. In particular, it is especially concerned that the agency established and charged with monitoring Federal spending—GAO—be properly constituted and staffed for this critical task.

As was repeatedly noted during last week's debate, the Committee on Government Operations has legislative oversight over the operations and activities of the General Accounting Office. The following excerpts from Senate rule XXV makes this very clear:

> (j) (1) Committee on Government Operations . . . to which shall be referred all proposed legislation, messages, petitions, memorials and other matters relating to the following subjects:
>
> (A) Budget and accounting measures, other than appropriations.
>
> (B) Reorganizations in the executive branch of the Government.
>
> (2) Such committee shall have the duty of—
>
> (A) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports:
>
> (B) studying the operation of Government activities at all levels with a view to determining its economy and efficiency.

Commenting on proposals to expand the concept and functions of the General Accounting Office, the able and distinguished chairman of the Senate Armed Services Committee, Senator John Stennis, placed in the Record of August 7, 1969, a letter he had received from Elmer B. Staats, the Comptroller General, which stated in part:

> Before legislation of this type is enacted, it would be our recommendation that the most careful consideration be given to it by the Congress. The type of reviews made by this office and the needs of the interested committees of the Congress need further development and exploration.

This assessment should begin with the committee that has statutory responsibility for the activities of the General Accounting Office.

I have been authorized by the chairman of the Committee on Government Operations, Senator John McClellan, to say that the committee plans to hold hearings on the General Accounting Office to determine its capacity to meet its current—and proposed—obligations and responsibilities.

The hearings would be a general assessment of the GAO, its statutory authority, budget and staff. We would also seek to determine in what additional ways the GAO could better fulfill its obligations to the legislative branch. I would also like to note that these proposed hearings have the full endorsement and support of Senator KARL MUNDT, ranking minority member of the committee. The committee hopes to hear testimony from the Comptroller General, from interested Senators, from the Department of Defense, and others. We would welcome any bills that would assist the GAO in carrying out its responsibilities in auditing the activities of the Federal Government.

It would be my hope that the committee could then report out legislation that would be responsive to the pressing problem of monitoring, assessing and controlling—to the fullest possible extent—the massive expenditures of the Department of Defense, as well as all Federal agencies.

I thank the distinguished Senator for yielding me the opportunity to make this statement.

YOUNG PEOPLE, ORGANIZED CRIME, AND CRIMINAL JUSTICE

Mr. McCLELLAN. Mr. President, too often those of us who are concerned about the administration of criminal justice tend to analyze the problems that face us in terms of categories without seeing inner relationships. We express our concern about street crime and attempt to respond to the rape, robbery, and murder that occur in our streets. We express our concern about organized crime and attempt to respond to the depredations of criminal syndicates. It was in this context, therefore, that I found the testimony of Prof. Donald R. Cressey, of the University of California at Santa Barbara, before the House Select Committee on Crime, on August 5, all that much more enlightening. A student of Sutherland, whose "White Collar Crime" did so much to destroy the myth that poverty is a cause of crime, Professor Cressey is a nationally recognized authority in criminology, whose most recent studies have been conducted in the area of organized crime. Professor Cressey's testimony shows clearly the relationship between our Nation's failure to respond to the challenge of organized crime and the increasing violence of our inner city youth. In showing this connection, he demonstrates how essential an attack on organized crime is in any concerted effort to respond to crime in the streets.

Mr. President, I submit that a society that cannot bring to book the overlords of La Cosa Nostra is a society which cannot hold the allegiance of the young to the traditional standards of moral responsibility. I commend Professor Cressey's statement to each of my colleagues, and I ask unanimous consent that it be printed in the RECORD following my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ORGANIZED CRIME AND INNER-CITY YOUTH

(Testimony by Prof. Donald R. Cressey before the Select Committee on Crime, House of Representatives, Congress of the United States, August 5, 1969)

American criminals have managed to put together an organization which is at once a nationwide illicit cartel and a nationwide confederation. This organization is dedicated to amassing millions of dollars by means of extortion, and from usury, the illicit sale of lottery tickets, chances on the outcome of horse races and athletic events, narcotics, and untaxed liquor. Its presence in our society is morally reprehensible because any citizen purchasing illicit goods and services from organized criminals contributes to a culture of fraud, corruption, violence, and murder. But the real danger of organized crime arises because the tremendous profits obtained from the sale of illicit goods and services are being invested in legitimate businesses and in the political process. The game is monopoly, both the economic sphere and the political sphere.

Although organized crime touches every American, the direct victims are the citizens living in the deteriorated areas of our large cities. The economic base of organized crime's multi-billion investments in legitimate business and in politics is the precious money of the urban poor. The war on poverty has not been a smashing success at least in part because Government money poured into ghettos goes immediately from the pockets of the poor to the pockets of organized criminals. From there, the money goes to nullification of the very economic and political processes which make the war on poverty possible in the first place.

Numbers lotteries and bookmaking businesses thrive on the dollars of unskilled Negroes and other inner-city residents, not on bets placed by the rich, the educated, the well-housed, the well-employed. Similarly, the American drug addict is likely to be poorly educated and unskilled, a resident of a central-city area, and a member of a disadvantaged ethnic minority group. And it is the factory worker, the marginal businessman, and the urban welfare recipient, not the suburbanite, who frequently is so desperate for a loan that he seeks out a loanshark.

A membership group variously known as "Cosa Nostra," "The Mafia," and "The Syndicate" is the core of the organized crime group that is feeding on the urban poor. The structure and operations of this organization need not be described here. They were sketched out by the McClellan Committee in 1963[1] and by the President's Commission on Law Enforcement and Administration of Justice in 1967.[2] Three recent books, including my own, fill in some of the details.[3]

Cosa Nostra is a membership organization. About 5,000 men who have been admitted to membership now view themselves as members and take special cognizance of other members. But not all the persons making a living from organized crime are members of Cosa Nostra. For example, very few of the public officials corrupted by Cosa Nostra are members. Each of the twenty-four Cosa Nostra "families" in the United States has at least one position for a "corrupter," a man whose job it is to secure immunity of "family" members from the law-enforcement process. For each "corrupter" position of this kind, there is at least one "corruptee"—the person receiving the bribe, the payoff, the contribution, or the "favor" the corrupter has to offer. While the corruptee usually is not a Cosa Nostra member, the services he performs are essential to the continuing operations of Cosa Nostra. Accordingly, he is part of organized crime even if he is excluded from membership in the core organization.

Similarly, the persons occupying the lowest levels of the division of labor constituting organized crime ordinarily are not Cosa Nostra members. These are the "street men" involved in the retailing of Cosa Nostra's illicit goods and services, such as narcotics and bet-taking. They also fill the organization's needs for personnel to provide low-level services such as driving trucks and cars, delivering messages, running errands, picking up illegal betting slips, and answering the thousands of telephones utilized by bookmakers. In the ghetto areas of large cities, much of the street work is done by Negroes. These street-level workers are employed by Cosa Nostra in much the way corruptees are employed by Cosa Nostra. That is, they may be part-time employees paid on a piece-work basis, or full-time salaried employees, or commission agents.

Commission agents are the most affluent street-level organized criminals. Some of them solicit bets for centrally located bookmakers who have title to a neighborhood. Others sell illegal lottery tickets. Still others are considered the "owners" or "bankers" of illegal numbers lotteries. These last men are likely to be called "independents" because they are not members of Cosa Nostra. But they are not independent. Each of them must give a percentage of his gross to a Cosa Nostra member for the privilege of doing business in his territory.

The street-level commission agents working in black ghettos ordinarily are black men. All of them—and especially the "independent" numbers bankers have high status in their neighborhoods. They are the "hustlers" with the ready bank roll, the Cadillac, the Omega watch, the $65 alligator shoes, and other symbols of affluence. Despite the fact that discriminatory practices prevent black commission agents from moving up into the echelons of Cosa Nostra, where the *real* money is, these organized criminals are the idols of young ghetto residents. They are men who have made it.

The National Advisory Commission on Civil Disorders noted that poverty, violence, and organized crime activities combine to produce great cynicism about the idea that success is to be achieved by legitimate means. The Commission succinctly stated what many other persons and agencies have observed:

"With the father absent and the mother working, many ghetto children spend the bulk of their time on the streets—the streets of a crime-ridden, violence-prone and poverty-stricken world. The image of success in this world is not that of the "solid citizen," the responsible husband and father, but rather that of the "hustler" who takes care of himself by exploiting others. The dope sellers and the numbers runners are the "successful" men because their earnings far outstrip those men who try to climb the economic ladder in honest ways.

"Young people in the ghetto are acutely conscious of a system which appears to offer rewards to those who illegally exploit others, and failure to those who struggle under traditional responsibilities. Under these circumstrate to the people, and especially to the 'hustle' as a way of life, disclaiming both work and marriage in favor of casual and temporary liaisons. This pattern reinforces itself from one generation to the next, creating a 'culture of poverty' and an ingrained cynicism about society and its institutions."[4]

So far as urban ghettos are concerned, Cosa Nostra is comparable to an invading army. Its troops have conquered territory and now these troops, with the assistance of the local Quislings who serve them, have made a certain peace with the residents, including law-enforcement agents. The alliances of organized criminals operating in inner-city areas contribute to more general crime and delinquency rates in three inter-

---

Footnotes at end of article.

related ways. *First*, by their opulence the persons engaged in organized crime demon-young, that crime does pay. *Second*, by their strate to the people, and especially to the very presence, organized criminals demonstrate the existence of a rich vein of corruption in political and law-enforcement organizations, making it difficult for parents and others to convince children that people get ahead in the world by good, hard, honest labor in service of family, country, man, and God. *Third*, the presence of organized crime in a neighborhood lowers the status of the people in the district, just as do conditions of squalor, with the result that anti-criminal admonitions lose their effectiveness—the people have less to lose if convicted of crime.

Attraction. If an organization is to survive, it must have an institutional process for recruiting new members and inculcating them with organizational values and ways of behaving. But the most successful recruitment processes are those which do not appear to be recruiting techniques at all. These are the process by which membership becomes highly desirable because of the rewards and benefits prospective members believe it confers on them. These, also, are the processes which enable inner-city youth to find niches in the world of crime.

Some boys grow up knowing that it is a "good thing" to be a banker, to belong to a certain club, to attend a certain university. They know these are "good things" because men they emulate have done them. Other boys—those in the central areas of our large cities—grow up knowing that it is a "good thing" to be a street-level organized criminal, to have the respect of established organized criminals, and to be given the opportunity to learn the skills and attitudes necessary to bookmaking or numbers selling. Still other slum boys grow up knowing that if they have the right qualifications and connections they might be admitted to membership in Cosa Nostra itself, thus becoming eligible for a share of the billions of dollars Cosa Nostra makes annually from the illegal bets placed with the street-level workers who are employed by Cosa Nostra.

Most slum boys grow up in social situations in which the desire for participation in organized crime comes naturally and painlessly. Raymond V. Martin, formerly Assistant Chief of Brooklyn South Detectives, has reported that in some Brooklyn neighborhoods, boys grow up under two "flags."[5] One is the flag of the United States, symbolizing middle-class institutions, tradition, and culture. The other is the flag of organized crime, symbolizing criminal society. Stated in more general terms, the principle is this: Persons growing up in some geographic and social areas have a better chance than do others to come into contact with norms and values which support legitimate activities, in contrast to criminal activities, while in other areas the reverse is true. In many areas, alternative educational processes are in operation, so that a child may be educated in either conventional or criminal means of achieving success. In inner city areas, organized criminals efficiently and effectively provide youngsters with criminalistic norms, values, and ways of behaving.

Boys growing up in areas where the "syndicate flag" is flying learn that success comes to "real men," to "stand-up guys" who violate the law with impunity. Accordingly, they train themselves in skills and attitudes which they believe will be as valuable to their success as they have been in the careers of the men they admire. A recent study by Irving Spergel suggests that these include, especially, personal values about silence, honor, and loyalty—values which make the boys controllable by the adult criminals about whom they are silent, to whom they behave honorably, and to whom they are loyal.[6]

Spergel studied juvenile delinquents in three different neighborhoods of Chicago. One of them was given the ficticious name "Racketville" because organized-crime activities flourish there. In this neighborhood, like many other American slum neighborhoods, organized criminal activities such as lotteries, bookmaking, and usury employ a sizable proportion of the population. Some delinquents were observed participating in lottery operations, primarily through family connections. For example, one boy drove his uncle's Cadillac to pick up the receipts from a numbers writer. Another boy was elated when a man he said was "big" in the numbers asked him to perform a minor errand. He said this might be a "break" for him, that this "big shot" might give him a job paying "a couple hundred dollars a week for hardly doing nothing," that he would be able to get up late in the morning, have girls, and go to night clubs.

The boys viewed minor organized-crime work assignment as opportunities to do small favors for the racketeers, thus demonstrating willingness and trustworthiness. Usurers were viewed as respectable businessmen by the boys, who emulated them. The boys themselves participated in money-lending, and during the course of the study two boys were arrested for systematic loansharking while still attending school.

Spergel concluded, however, that it is more important for an organized-crime aspirant to display evidence that he is a "stand-up guy" than to learn specific criminal skills. A "stand-up guy" shows courage and "heart." He does not whine or complain in the face of adversity, including arrest, interrogation and punishment. He has learned to rate criminals higher than noncriminals.

Racketeers placed a premium on smooth and unobtrusive operation of their employees. The undisciplined, trouble-making young "punk" was not acceptable. The primary condition for admission to the racket organization was not necessarily involvement in delinquent acts but training in attitudes and beliefs which would facilitate the smooth operation of the criminal organization. Prior development of specific skills and experiences seemed less necessary than the learning of an underlying illegitimate orientation or point of view conducive to the development of organized crime.[7]

The following transcript of a bugged conversation between a New York Cosa Nostra soldier and his captain indicates that this "underlying illegitimate orientation" is sought in neighborhoods other than Racketville. The speaker is praising the qualities of his captain's regime by telling him his members have the desired criminalistic attitudes. They are "stand-up kids." The conversation refers to an FBI investigation:

"They are telling them everything. Who's Cosa Nostra. What's the picture here. Who the bosses are. Who's the bosses? These are kids that don't know nothing. They are schooling them. They are telling them up and down the line what everything is here. They are actually exposing the whole . . . thing to innocent kids. (Inaudible.) Innocent kids. Exposing the whole thing. "He's a captain." (Inaudible.) And so forth, I said. Good. *Your kids, now, you know, are stand-up kids. . . . They are going to tell them not a word.*"[8]

Spergel asked the delinquents in his study, "What is the occupation of the adult in your neighborhood whom you most want to be like ten years from now?" Racketville boys did not name bankers, or policemen, or Congressmen, or teachers, or businessmen, or skilled workers. Eight out of ten responded to the question by naming some aspect of organized crime. Similarly, Racketville delinquents believed that the most important quality in "getting ahead" is "connections," not ability, or good luck, or education.

There is an important lesson here for administrators of programs designed to encourage inner-city youth to remain in school and "get a good education" so they can contribute to their own welfare and the welfare of the nation. This message is not getting across. It does not fit the reality of daily street experiences in ghettos. By watching the part of organized crime available for them to see—the street operations—inner-city boys learn that men who take the illegitimate route to success fare better than those taking the legitimate route. The same experiences also convince them that it is who you know, not what you know, that counts. Seven out of ten of Spergel's delinquents chose education as the *least* important factor in achieving success, perhaps indicating a belief that "education" and "connections" are antithetical.

Slum boys who think this way are factually incorrect, even with reference to organized crime. The orientation sought by inner-city boys—the attitudes of the "stand-up guy" helps prepare them for street crime like burglary and robbery, and for street-level involvement in organized crime. But positions of leadership in organized crime, like positions of leadership everywhere in this day and age, increasingly require skills learned in colleges and universities, not on the streets. Moreover, being a "stand-up guy" might get a boy a position as a bookmaker or a numbers seller if he has good connections, but to become a Cosa Nostra member he must have better connections than this. And if he is to advance in Cosa Nostra he now must have the skills of a purchasing agent, an accountant, a lawyer, an executive. Spergel found, in fact, that significant upper-echelon opportunities in organized crime were not open even to the youth of Racketville. Some delinquents, he says, eventually became racketeers "without necessarily starting at the bottom."[9]

Occasionally, even honest government officials inadvertently contribute to the glory of organized criminals and, thus, to a more general illegitimate orientation among slum youth. For example, in the summer of 1966 the director of New York City's Youth Board asked two Cosa Nostra soldiers, Albert and Lawrence Gallo, to help halt racial violence in the East New York section of Brooklyn. The implication, probably correct, was that Cosa Nostra men could keep order where the police and social workers could not. But another implication, also correct, was that boys who want to be neighborhood leaders should go into organized crime. John J. Cassesse, President of the New York Patrolmen's Benevolent Association, commented that the use of the two organized criminals by city officials both sapped the morale of the police force and made "tin gods" of the organized criminals involved:

"I can just see what will happen. It's this way. When a police officer goes up to some juveniles who have been misbehaving and tells them to quiet down and move along, what will they say to him? "You're not the boss around here, Mr. Gallo is." When you single people like that out, you make them tin gods in the neighborhood—people known for their habitual lawlessness."[10]

Corruption. The problem of organized crime is clearly a problem of political corruption. The American Bar Association's report on organized crime concluded, "The largest single factor in the breakdown of law enforcement dealing with organized crime is the corruption and connivance of many public officials."[11] Similarly, at a 1967 conference of law-enforcement officials, the then Chief Justice of the United States, Earl Warren, stated that it could be taken as a "rule of thumb" that corruption is the basis of organized crime.[12] And the President's Commission on Law Enforcement and Administration of Justice made the same observation: "All available data indicate that organized crime flourishes only where it has corrupted local officials."[13]

The political objective of Cosa Nostra is

Footnotes at end of article.

not competition with established agencies of legitimate government. Unlike the Communist party, organized crime is not interested in political and economic reform. Its political objective is a negative one: nullification of government.

Nullification is sought on two different levels. At the lower level are the agencies for law enforcement and the administration of justice. When an organized criminal bribes a policeman, a police chief, a prosecutor, a judge, or a license administrator, he does so in an attempt to nullify the law-enforcement process. At the upper level are legislative agencies, including federal and state legislatures as well as city councils and county boards of supervisors. When an organized criminal supports a candidate for political office, he does so in an attempt to deprive honest citizens of their democratic voice, thus nullifying the democratic process.

The fact that organized criminal activities float on a swamp of corruption teaches an insidious lesson to American youth, and especially to the inner-city youth who, in order to survive, must be astute observers of the facts of life: The government is for sale; lawlessness is the road to wealth; honesty is a pitfall; morality is a trap for suckers.

Our most eloquent Evangelists and our best-trained school teachers, combined, could not teach this lesson as effectively as it is taught by the every-day experiences of central-city youth. This policeman—perhaps the one who arrested me for shoplifting or for loitering—is "on the take" from organized criminals. That doorman for a Cosa Nostra crap game is an off-duty cop. This bookmaker avoided a jail term by paying someone off. The loanshark is in a crooked partnership with someone in the mayor's office.

Alliances between organized crime and public officials permit organized crime to bilk the poor out of the quarters and dollars they hand to bet takers in the futile hope that doing so will enable them to get rich in a hurry. But, viewed in a broader sense, these alliances are even more damaging than the culture of futility and despair they create. They directly, certainly, and rapidly break down the "respect for law and order" we are begging for. How can a boy be expected to "respect authority" when his model authority figure is known to be on the payroll of criminals? How can we expect boys of the inner city to have standards of honesty, decency and morality higher than the standards they observe in their own public officials?

Contamination. The areas of high delinquency and crime in American cities are also the areas of low socio-economic status and poverty. It is not correct to conclude from this fact, however, that poverty is the direct cause of delinquency and crime. Rather, it should be concluded that in some areas of poverty lawlessness has become traditional. It is not poverty that causes ghetto youth to admire the organized criminal more than the policeman, the banker, or the preacher. It is not poverty that transmits criminal techniques, codes, and standards from older to younger offenders, and from criminals in city hall to criminals on the street. It is not poverty that teaches boys the techniques of "fixing," of intimidating witnesses, of telling plausible lies in court, or appeals to sympathy. The fact is that in the areas of poverty the values, norms, and behavior patterns most favorable to crime and delinquency are strong and constant. And the dominant purveyors of these illicit values, norms and behavior patterns are organized criminals.

Respectable residents of affluent neighborhoods can protect themselves from the direct corrupting effects of organized crime. Respectable but politically weaker inner-city residents cannot. In every community there are interests in morality, efficiency, and law enforcement. But, in every community there also are interests in immorality, political jobs and favors, and evasion of the law. The first set of interests is reflected when we pass laws and ordinances against organized crime activities. The second set becomes manifest when we argue that any policy which does not tolerate organized crime activities—despite what the law says—is bad for business, especially for the "convention business." Just as inner-city residents buy organized crime's services because they hope to "get rich quick," more affluent businessmen demand these services because they hope they will help business.

But the "respectable" persons who, in effect, argue that organized crime is not "all bad" do not want organized crime in their areas of residence or even in their business areas. Their solution is to pressure the police and other officials to insure that organized crime activities take place in neighborhoods populated by the powerless. This means that political corruption—at least the corruption of indifference—in large American cities drives organized crime into ghettos, especially black ghettos.

The Reverend Martin Luther King, Jr., was keenly aware of this fundamental principle of city management. Because the tendency to let organized crime flourish in ghettos is so pervasive, he called organized crime "permissive crime":

"Permissive crime in ghettos is the nightmare of the slum family. Permissive crime is the name for organized crime that flourishes in the ghettos—designed, directed, and cultivated by the white national crime syndicates operating numbers, narcotics, and prostitution rackets freely in the protected sanctuaries of the ghettos. Because no one, including the police, cares particularly about ghetto crime, it pervades every area of life." [14]

The principle noted by Dr. King has not changed much since 1912—over a half century ago—when the Chicago chief of police warned prostitutes that so long as they confined their residence to districts west of Wabash Avenue and east of Wentworth Avenue, they would not be disturbed. At that time this area contained the largest concentration of Negroes in the city.

Neither has the principle changed much since 1922, when a Chicago Commission on Race Relations published the following statement:

"That many Negroes live near vice districts is not due to their choice, nor to low moral standards, but to three causes; (1) Negroes are unwelcome in desirable white residence localities; (2) small incomes compel them to live in the least expensive places regardless of surroundings; while premises rented for immoral purposes bring notoriously high rentals, they make the neighborhood undesirable and the rent of other living quarters there abnormally low; and (3) Negroes lack sufficient influence and power to protest effectively against the encroachments of vice." [16]

The practice of keeping vice out of affluent areas but tolerating it in less affluent areas is, together with the corruption that supports the practice, a great contributor to the traditions of delinquency and crime characterizing our inner-city areas. Because we drive organized crime into the slums, the residents of these areas—even the respectable residents—know better than do most members of the middle classes and the upper classes the details of any graft or dishonesty in their city's politics. The American culture they see is a culture of competition, corruption, deceit, graft, delinquency, crime, and immorality. They are practically nothing of the culture of cooperation, decency, beauty, and law-abidingness in which some Americans are immersed from infancy, and in which middle-class people are now telling them to participate. Thus, they come into intimate and frequent contact with a rather lawless neighborhood and the rather lawless public culture of America.

At the same time, anti-delinquency and anti-criminal influences are few in the poverty pockets of America. Ghetto dwellers are isolated from the predominantly law-abiding culture (so far as street crime is concerned) of the American middle-class population. Moreover, in inner-city areas, organized opposition to delinquency and crime is weak. Because the population is poor, mobile, and heterogeneous, it is unable to act with concert in dealing with its own problems. Schools, businesses, social work agencies, and even churches are administered by people who reside elsewhere. Accordingly, these agencies are for the most part simply formal and external appendages to the life of the neighborhood. "Society" and "community" are meaningless, except as they refer to ethnic identity, and even "neighborhood" is likely to refer to delinquent or criminal "turf" of some kind. Under such conditions the processes of arrest, conviction, and incarceration are not likely to stimulate reactions of guilt and shame in their recipients. When there is not much to lose, not much can be lost.

In our society, no one should live in poverty. But the "poverty problem" and the "delinquency problem" are not identical. In fact, many persons residing in areas of low income or poverty are not delinquents or criminals. Some persons live under the same conditions of housing and low income as do the delinquents and criminals of inner-city areas, yet do not get into serious trouble with the law. Either they are somehow isolated from behavior patterns favorable to delinquency—including those patterns inexorably accompanying organized crime activities—or they are in contact with anti-criminal influences which somehow offset those favorable to delinquency. We can reduce the incidence of inner-city delinquency by eradicating the kind of behavior pattern diffused by organized criminals. We can reduce the incidence even further by discovering and then maximizing those anti-criminal behavior patterns that somehow keep many inner-city children out of trouble, even in organized crime areas.

FOOTNOTES

[1] *Hearings Before the Permanent Subcommittee on Investigations of the Senate Committee of Governmental Operations,* 88th Congress, 1st Session, 1963.

[2] *Task Force Report: Organized Crime,* U.S. President's Commission on Law Enforcement and Administration of Justice, Washington: Government Printing Office, 1967.

[3] Peter Maas, *The Valachi Papers,* New York: Putam, 1969; Ed Reid, *The Grim Reapers,* Chicago: Regnery, 1969; Donald R. Cressey, *Theft of the Nation,* New York: Harper and Row, 1969.

[4] *Report of the National Advisory Commission on Civil Disorders,* New York: Bantam Books, 1968, P. 262.

[5] Raymond V. Martin, *Revolt in the Mafia,* New York: Duell, Sloan and Pearce, 1963.

[6] Irving Spergel, *Racketville, Slumtown, Haulburg,* Chicago: University of Chicago Press, 1964.

[7] *Ibid.*, pp. 35–36.

[8] *The Voices of Organized Crime,* an educational tape prepared by the New York State Joint Legislative Committee on Crime: Its Causes, Control and Effect on Society, 1968.

[9] *Op. cit.*, p. 31.

[10] *The New York Times,* August 15, 1966.

[11] American Bar Association, *Report on Organized Crime and Law Enforcement,* 1952, p. 16.

[12] Earl Warren, "Address," *Proceedings of the First National Conference on Crime Control,* Washington, March 28–29, 1967, pp. 7–13. At p. 9.

[13] *Task Force Report: Organized Crime, op. cit.*, p. 6.

[14] Martin Luther King, Jr., "Beyond the Los Angeles Riots: Next Stop: The North," *Saturday Review,* 48 (November 13, 1965), p. 34.

[15] Chicago Commission on Race Relations, *A Study of Race Relations and a Race Riot,* Chicago: Author, 1922, p. 343.

[16] *Ibid.*, pp. 343–344.

THE USE OF TITLE II OF THE OMNIBUS CRIME CONTROL ACT

Mr. McCLELLAN. Mr. President, for quite some time I have been concerned that the U.S. Supreme Court in a large number of untenable decisions has been seriously weakening the Government's ability to combat the growing menace of crime in the United States. While we respect and fully support our courts and their constitutional powers, I think it may be questioned whether the judicial process is the proper instrument for innovating reforms in the criminal justice system. For as the Court has moved on and on to more and more attenuated questions of fairness, the single-minded pursuit by some jurist of individual rights defined by an 18th-century ideal, but applied to a 20th-century society, is threatening to alter the nature of the criminal trial from a test of the defendant's guilt or innocence to an inquiry into the propriety of the policeman's conduct. In *Kaffman* v. *United States*, No. 50, October Term, 1968, decided March 24, 1969, Mr. Justice Black, in a dissenting opinion, said:

> It is seemingly becoming more and more difficult to gain acceptance for the proposition that punishment of the guilty is desirable, other things being equal. One commentator, who attempted in vain to dissuade this Court from today's holding, thought it necessary to point out that there is a "strong public interest in convicting the guilty." Indeed the day may soon come when the ever-cautious law reviews will actually be forced to offer the timid and uncertain contention, recently suggested satirically, that "crime may be thought socially undesirable, and its control a 'valid governmental objective' to which the criminal law is 'rationally related.'"

Again, in *Foster* v. *California*, No. 47, October Term, 1968, decided April 1, 1969, Mr. Justice Black, in a dissenting opinion, commented:

> It has become fashionable to talk of the Court's power to hold governmental laws and practices unconstitutional whenever this Court believes them to be "unfair," contrary to basic standards of decency, implicit in ordered liberty, or offensive to "those canons of decency and fairness which express the notions of justice of English-speaking peoples. . . ." All of these different general and indefinable words or phrases are the fruit of the same, what I consider to be poisonous, tree, namely, the doctrine that this Court has power to make its own ideas of fairness, decency, and so forth, enforceable as though they were constitutional precepts. When I consider the incontrovertible fact that our Constitution was written to limit and define the powers of the Federal Government as distinguished from the powers of States, and to divide those powers granted the United States among the separate Executive, Legislative and Judicial branches, I cannot accept the premise that our Constitution grants any powers except those specifically written into it, or absolutely necessary and proper to carry out the powers expressly granted.

Indeed, statistics dramatically portray the picture. Since 1960, the Supreme Court has reviewed 112 Federal criminal cases and 144 State criminal cases in which it handed down written opinions.

Out of 112 Federal convictions, 63—60 percent—were reversed; out of the 144 State convictions, 113—80 percent—were reversed. In that same period of time the Supreme Court heard 21 habeas corpus petitions of which 18—85 percent—were granted.

I simply cannot believe that our Federal circuit judges are so incapable and lacking in qualifications or that our State supreme courts are so incompetent and prone to error as to warrant such an overwhelming record of reversals by the Supreme Court.

Since 1960, in the criminal justice area alone, the Supreme Court has specifically overruled its previous decisions or rejected the reasoning of 25 of its own precedents—often by 5 to 4 margins. Seventeen of these decisions involved a change in constitutional doctrine, seven represented a new interpretation of statutory language, and one may be classified as modifying the common law.

There are those—some few—who mistakenly assert that these reversal decisions are having no adverse impact on law enforcement and on the rising incidence of crime. Their contention is completely repudiated by facts and statistics.

Since 1960, our population has increased 10 percent. Serious crime in that same 8-year period has increased 89 percent. It is very significant and quite revealing that, operating under the new standards and requirements imposed by recent Supreme Court decisions, police clearance—solving—of serious crime has experienced a steady, across-the-board decline. For example: The clearance for robbery has dropped 25.9 percent and for burglary 38.8 percent. Verdicts of not guilty in robbery cases have increased 23 percent and in burglary 53 percent.

This deterioration in the protection of society has caused the American people to become disillusioned and disturbed. They want these trends reversed—and rightly so. Public confidence in the Supreme Court has greatly declined. A Gallup poll last year reflected that 60 percent of the people are dissatisfied with and disapprove of the performance of the Court. A recent Harris poll found that a majority of the American people attribute the breakdown in law and order to our courts. The Court cannot rightly receive the whole blame, yet this feeling of the people is a sad commentary, indeed. It denotes a serious weakness in our people's confidence in our system of criminal jurisprudence and strongly suggests a reflection upon those who administer the system.

It was in this context, therefore, that I was gratified recently to learn that the Department of Justice has decided to reverse the policy of the previous administration and utilize title II of the Omnibus Crime Control and Safe Streets Act of 1968. This provision would restore to the evidence-gathering process those voluntary confessions which would otherwise be suppressed under the Miranda decision, 384 U.S. 436 (1966). I recognize, of course, that the utilization of title II by Federal authorities will occasion sharp criticism from those who wrongfully place the rights of criminals above the rights of law-abiding members of our society. In the last analysis, however, I am confident that the judgment of the Senate and the Congress in acting affirmatively on title II will be vindicated. Others will support this action as not only reasonable, but necessary to restore safety to our streets.

Mr. President, I ask unanimous consent that an editorial entitled "Confession," commenting on the Department of Justice position published in the Washington Evening Star of Tuesday, August 5, 1969, together with the memorandum setting out the Department of Justice provisions, be printed in the RECORD immediately following my remarks.

There being no objection, the editorial and the memorandum were ordered to be printed in the RECORD, as follows:

CONFESSIONS

Some of Attorney General Mitchell's critics have been giving him a hard time. To hear the critics tell it, the attorney general is trying to subvert the Supreme Court, cut the heart out of the Fifth Amendment's ban on self-incrimination, and, generally, is seeking to substitute injustice for justice in his department.

These critics, as most of them fully realize, are not telling the truth, the whole truth and nothing but the truth. Some people know this. But many do not, since memories are short and understanding often can be severely limited.

What is involved here is the Supreme Court's decision in the so-called Miranda case. One fact which most of the critics conveniently neglect to mention is that this was a 5-to-4 decision. The four dissenting justices were highly critical of the majority ruling. Another overlooked fact is that the Miranda ruling itself made "new law" in the sense that it spelled out certain warnings which must be given a criminal suspect before his confession, no matter how truthful and voluntary, could be used in evidence against him. Finally, and the critics also ignore this, it is not especially unusual for the Supreme Court to modify or overrule some of its own prior decisions. Certainly the court under Chief Justice Warren did not hesitate to do this upon occasion, and these about-faces on the part of the court tend to come as its membership changes.

For many, many years the test of the admissibility of a confession was whether it was voluntary or not. A confession obtained by improper inducements or coercion could not be used by the prosecution. If given voluntarily, however, it could be used as evidence in court, and the question as to whether it was voluntary or not generally was a matter for the trial jury and judge to decide.

Congress last year undertook to modify the Miranda ruling by providing that the warnings it called for were not mandatory. If not given, this failure could be considered at the trial as bearing upon the voluntariness of the confession but need not invalidate it. In other words, a confession in which some or all the warnings had not been given could still be admissible if the trial judge and jury nevertheless believed it was a voluntary confession.

Apparently what the attorney general intends to do is follow this congressional lead and use as evidence one or more confessions in which all of the warnings were not given. His purpose, we suppose, is to have a case in this posture which can be appealed, thereby giving the Supreme Court an opportunity to take another look at Miranda.

This would not be an exercise in futility because at least two of the justices who voted with the majority in Miranda would not be on the court when such a new case is reached for decision. And their replacements might well join with the Miranda dissenters to overrule or modify that decision.

Should this come to pass, it would not mean that the clock had been turned back to the days when men sometimes were convicted on the basis of extorted, even false, confessions. It would mean, presumably, that a legal principle of long-standing had been revived, that a confesison, if given voluntarily, could be used as evidence. To our way of thinking, this would serve the true ends of justice and would be a very desirable modification of the judge-made law as it stands today.

DEPARTMENT OF JUSTICE,
Washington, D.C., June 11, 1969.

Memo No. 584 Supplement No. 3.
To: United States Attorneys.
Subject: Title II of the Omnibus Crime Control and Safe Streets Act of 1968.

The attached memorandum sets forth the Department's position in respect to implementing Title II of the Omnibus Crime Control and Safe Streets Act of 1968 (concerning the admissibility of confessions and eye-witness testimony in federal criminal prosecutions). All cases presenting problems under *Miranda* or *Wade* should be examined in light of the arguments suggested by the memorandum. Those arguments, in brief, are as follows:

Section 3501—Under this section, the failure to give all aspects of the warnings required by *Miranda* will not necessarily require exclusion of a resulting confession; Congress has reasonably directed that an inflexible exclusionary rule be applied only where the consitutional privilege against compelled self incrimination itself has been violated, not where a particular protective safeguard has been violated without affecting the privilege itself.

Section 3502—Under this section, the positive testimony by a witness that he saw the accused commit the crime will suffice, for the purpose of admitting his identifying testimony at trial, to show that the basis of his ability to identify the accused is independent of any observation of a lineup at which the accused was not accorded the right to the presence of counsel.

In enacting Title II, Congress was, in effect, expressing its concern with the inflexible results of the *Miranda* and *Wade* decisions, and seeking to induce a judicial reexamination of the underlying bases for those holdings. The interpretation of Title II expressed in the attached memorandum attempts to avoid a direct conflict between the legislation and the constitutional requirements of *Miranda* and *Wade*, and yet to achieve the benefit to law enforcement intended by Congress. The arguments outlined, if adopted by the courts, could salvage some cases which otherwise might be lost. As emphasized in the memorandum, however, the arguments presuppose the necessity of continuing to have federal agents give the *Miranda* warnings before interrogations, and afford an opportunity for the presence of counsel at lineups, as matters of standard practice.

WILL WILSON,
Assistant Attorney General,
Criminal Division.

MEMORANDUM

SUBJECT: TITLE II OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Title II of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90–351) contains provisions relating to the admissibility of confession in federal criminal prosecutions which differ from the rules regarding such admissibility as announced by the Supreme Court in *Miranda* v. *Arizona,* 384 U.S. 436, and further contains a provision relating to the admissibility of eyewitness testimony which does not expressly set forth the limitations upon such admissibility as announced by the Court in *United States* v. *Wade,* 388 U.S. 218, and *Stovall* v. *Denno,* 388 U.S. 293. This memorandum sets forth the Department's position with respect to interpreting and relying upon provisions of Title II in cases tried subsequent to June 19, 1968, the effective date of the Act.

Section 3501 and Miranda

Title II of the Act amends Title 18 of the United States Code by adding Section 3501. That section provides in pertinent part:

§ 3501. Admissibility of confessions

(a) In any criminal prosecution brought by the United States or by the District of Columbia, a confession, as defined in subsection (e) hereof, shall be admissible in evidence if it is voluntarily given. Before such confession is received in evidence, the trial judge shall, out of the presence of the jury, determine any issue as to voluntariness. If the trial judge determines that the confession was voluntarily made it shall be admitted in evidence and the trial judge shall permit the jury to hear relevant evidence on the issue of voluntariness and shall instruct the jury to give such weight to the confession as the jury feels it deserves under all the circumstances.

(b) The trial judge in determining the issue of voluntariness shall take into consideration all the circumstances surrounding the giving of the confession, including (1) the time elapsing between arrest and arraignment of the defendant making the confession, if it was made after arrest and before arraignment, (2) whether such defendant knew the nature of the offense with which he was charged or of which he was suspected at the time of making the confession, (3) whether or not such defendant was advised or knew that he was not required to make any statement and that any such statement could be used against him, (4) whether or not such defendant had been advised prior to questioning of his right to the assistance of counsel; and (5) whether or not such defendant was without the assistance of counsel when questioned and when giving such confession.

The presence or absence of any of the above-mentioned factors to be taken into consideration by the judge need not be conclusive on the issue of voluntariness of the confession.

The various factors set forth in subsection (b) do refer to the matters specified in *Miranda* as well as the prompt hearing element earlier laid down in *Mallory* v. *United States,* 354 U.S. 449, although a modification of the *Mallory* rule appears in Section 3501(c). Aside from any constitutional issues, therefore, it is impossible to predict how much weight a particular court will give to the absence of any one of the factors mentioned. For this reason, the only safe course for federal investigative agents, and for such United States Attorneys as may have occasion to talk with defendants, is to continue their present practice of giving the full *Miranda* warnings.

The area where we believe the statute can be effective and where a legitimate constitutional argument can be made is the situation where a voluntary confession is obtained after a less than perfect warning or a less than conclusive waiver, as, for example, where an agent inadvertently fails to fully explain the right to have counsel appointed for an indigent, or a written waiver is not obtained. The admissibility of the confession may be urged in an argument framed along the following lines:

In *Miranda* v. *Arizona,* 384 U.S. 439, the Supreme Court stated that confessions by persons accused of crime were "a proper element in law enforcement" and that "[a]ny statement given freely and voluntarily without any compelling influences is, of course, admissible in evidence." 384 U.S. at 478. The Court found, however, that persons in police custody are, by virtue of that custody alone, subject to a form of "compulsion inherent in custodial surroundings." *Id.,* at 458; see *id.,* 465, 467, 478. In order to dispel this inherent compulsion and thus to safeguard the individual's Fifth Amendment right "to remain silent unless he chooses to speak in the unfettered exercise of his own will" (*id.,* at 460), the Court held that accused persons must be made aware of their "right of silence" and assured a "continuous opportunity to exercise it." *Id.,* at 444; see *id.,* at 467, 479, 490.

The Court stated that it "cannot say that the Constitution necessarily requires adherence to any particular solution for the inherent compulsions of the interrogation process" (*id.,* at 467), as long as any solution devised is "effective in apprising accused persons of their right of silence and in assuring a continuous opportunity to exercise it" (*ibid.*). Various solutions, the Court noted, "might be devised by Congress or the States in the exercise of their creative rule-making capacities" (*ibid.*). However, the Court stated, until such "potential alternatives for protecting the privilege" are devised by Congress and the States (*ibid.*), a person must be warned prior to any in-custody questioning that he has a right to remain silent, that anything he says can be used against him in court, that he has a right to the presence of an attorney, and that if he cannot afford an attorney one will be appointed for him prior to any questioning (*id.,* at 444, 479). The warnings are thus "procedural safeguards." *Id.,* at 444, 478; see *id.,* at 467.

The core of the *Miranda* decision is that, in order for a statement by an accused who has been questioned in police custody to be considered free from any form of compelling influence, it must have been made with the understanding on the part of the accused that he did not have to speak at all. The specific warnings enunciated by the decision constitute a means, suggested by the Court, by which the accused's Fifth Amendment privilege may be safeguarded in the custodial situation. It was *some* "system" to safeguard against inherently compulsive circumstances which the Court found necessary under the Constitution; it did not find a *particular* system necessary. The effect of the statute, in our view, is to instruct the courts that exact compliance with *Miranda* is not the only means by which the requirements of the privilege can be said to have been met. Section 3501(b) directs district court judges to look to "all the circumstances surrounding the giving of the confession" in determining whether a breach of a protective measure resulted in an actual breach of the privilege itself. If it did not, the confession is admissible even if a particular aspect of the *Miranda* warnings was not fully complied with. Since those specific warnings are not themselves constitutional absolutes, the determination by Congress—that their absence in a case should not entail an inflexible imposition of the exclusionary rule—is within the power of Congress. The Court stated in *Miranda* that "[w]here rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." 384 U.S. at 491. Clearly the Court was referring to the privilege, not the delineated means of protecting it. In the same paragraph, the Court emphasized that "the Constitution does not require any specific code of procedures for protecting the privilege against self-incrimination during custodial interrogation." *Id.,* at 490; see *id.,* at 467.

In short, while the Court in *Miranda* tried to set forth a set of rules which would avoid the necessity of considering all the circumstances of a particular case,[1] Congress has, in effect, told the courts that it does want the cases considered on an individualized basis. "The rigid, mechanical exclusion of an otherwise voluntary and competent confession," the Senate Committee on the Judiciary stated, "is a very high price to pay for a 'constable's blunder.'" S. Rep. No. 1097, 90th Cong., 2d Sess. 38 (1968). The statute, however, clearly recognizes that a statement must be voluntary in the sense that it must not only be free of physical coercion, but must be made with awareness of the individual's Fifth Amendment rights; the statute does not abrogate constitutional rights. Congress has reasonably directed that an inflexible exclusionary rule be applied only where the constitutional privilege itself has been violated, but not where a protective safeguard system suggested by the Court has been violated in a particular case without affecting the privilege itself. The determination of Congress that an inflexible exclusionary rule is unnecessary is within its constitutional power.[2]

---

[1] It was in this context that the Court characterized the expedient of giving "a warning as to the availability of the privilege" as so simple that it would not "pause

Section 3502, Wade, and Stovall

Section 3502 of Title 18 of the United States Code provides:

Admissibility in evidence of eyewitness testimony—

The testimony of a witness that he saw the accused commit or participate in the commission of the crime for which the accused is being tried shall be admissible in evidence in a criminal prosecution in any trial court ordained and established under article III of the Constitution of the United States.

1. The purpose and effect of the statute must be considered against its judicial background.

In *Stovall* v. *Denno*, 388 U.S. 293, 302, the Court held that if a district court finds, upon considering "the totality of the circumstances surrounding" a pretrial identification, that the procedure "was so unnecessarily suggestive and conducive to irreparable mistaken identification that * * * [the accused] was denied due process of law," the identifying testimony of the witnesses who observed the procedure must be suppressed. See also *Simmons* v. *United States*, 390 U.S. 377, 384. These decisions apply to any means of identification held to be unfair, whether by lineup or otherwise.

Specifically, with respect to a lineup, the Supreme Court found in *United States* v. *Wade*, 388 U.S. 218, 235–237, that "there is a grave potential for prejudice, intentional or not, in the pretrial lineup, which may not be capable of reconstruction at trial" by the usual cross-examination of government witnesses. Therefore, "[i]nsofar as the accused's conviction may rest on a courtroom identification in fact the fruit of a suspect pretrial identification which the accused is helpless to subject to effective scrutiny at trial," the Court stated, "the accused is deprived of that right of cross-examination which is an essential safeguard to his right to confront the witnesses against him." Since the "presence of counsel * * * [at a lineup] can often avert prejudice and assure a meaningful confrontation at trial," the Court concluded that under existing practice a pretrial lineup was a "critical stage of the prosecution" at which an accused is entitled to have counsel present. *Id.*, at 236–237.

Although the broad language of Section 3502 might be read as affecting *Stovall* as well as *Wade*, the legislative history indicates that Congress was concerned with the *Wade* requirement of counsel at a lineup.[3] Moreover, it would be difficult to assert that Congress could overrule a constitutional right to due process in protecting an accused from basically unfair means of identification.

The question thus is to what extent the new statute constitutionally permits the use of testimony of an eyewitness, even though the witness did identify the accused at a lineup at which the accused was not represented by counsel.

2. To some extent, the necessity for counsel's presence may be eliminated even without resort to the statute. The Court in *Wade* made clear that its announcement of a right of an accused to the presence of counsel at a lineup was only as a means of safeguarding the accused's rights to due process and to a meaningful confrontation of the identifying witnesses at trial. It emphasized that the decision "in no way creates a constitutional straitjacket" which would handicap the development of alternative safeguards. It said "Legislative or other regulations, such as those of local police departments, which eliminate the risks of abuse and unintentional suggestion at lineup proceedings and the impediments to meaningful confrontation at trial may also remove the basis for regarding the stage as 'critical.'" 388 U.S. at 239.

Since *Wade* was decided, some federal law enforcement agencies have issued instructions to their agents regarding the manner of conducting lineups. Some of these instructions have directed, *inter alia*, that a lineup contain at least six persons of generally similar physical characteristics, that any opportunity for suggestive influences be avoided, and that the witnesses' identifications be communicated to the agents singly and privately. The instructions have also directed that a photograph be taken of the lineup, that the witnesses' identifying statements be transcribed, and that the agent conducting the lineup describe the event in writing. The requirements designed to assure the fairness of the proceedings, together with the requirements designed to permit a reconstruction of the event, may well be sufficient to qualify as adequate alternative safeguards under the decision in *Wade*. In an appropriate case, such an argument should be tried.

With respect to identifications conducted by local police departments, it is necessary, of course, if counsel was not present at a lineup, to ascertain whether they have equivalent rules before any such argument can be made.

3. Beyond that, it should be noted that the *Wade* decision did not hold that the fact that a witness saw the accused at a lineup where counsel was not present automatically results in exclusion of the testimony of the witness. The Court held that, where an accused is identified at a lineup without having been accorded the right to the presence of counsel, he may raise the matter at a hearing at which the government will have the burden of establishing "by clear and convincing evidence" that the ability of the eyewitnesses to identify the accused is "based upon observations of the suspect other than the lineup identification." *Id.*, at 240. If, after "consideration of various factors" which would bear upon the foundation of the witnesses' memories, the trial judge concludes that the witnesses' ability to identify the accused has not been "come at by exploitation of" the improper lineup, but had "an independent origin," the testimony of the witnesses identifying the accused as the perpetrator of the offense will be admissible in evidence at trial. *Id.*, at 241–242. If, on the contrary, the trial judge finds that the lineup substantially contributed to the ability of the witnesses to identify the accused, their identifying testimony will be excluded at trial.[4] In our view, Section 3502 can constitutionally be read as directed to the collateral rule of evidence under which the government must show by "clear and convincing" evidence that, where a pretrial identification occurred without an opportunity for counsel or other safeguards, a proposed in-court identification by a witness is based upon observations of the suspect other than the pretrial identification proceeding.

---

to inquire in individual cases whether the defendant was aware of his rights without a warning being given." *Id.*, at 468. The "system," the Court felt, should require giving this warning even to a person who might be presumed to know of the right. It was this aspect of the *Miranda* holding—that even a lawyer would have to be warned under this system—that apparently prompted the Senate sponsors to specify as a factor in the district court's assessment of voluntariness under 3501(b) "whether or not such a defendant was advised *or knew* that he was not required to make any statement" (emphasis added). See *e.g.*, 114 Cong. Rec. S5007 (daily ed., May 6, 1968). While this does not change the necessity of giving this warning even to a lawyer under the "system" currently in effect, it does indicate that the reason for the phrase "or knew" is the conclusion by Congress that *obvious* knowledge is logically equitable with a warning in this situation. In light of this background, and in light of the overall import of the entire section, this phrase cannot properly be read as indicating that a district court could find a statement free from inherently compulsory influences when elicited from a person who was in fact totally unaware that he need not make a statement.

[2] The English practice is comparable. Although a warning is required under the Judges' Rules, a failure to give the warning in a particular case will not necessarily result in exclusion from evidence of a resulting statement; the matter lies within the discretion of the court. See Developments in the Law—Confessions, 79 Harv. L. Rev. 935, 1091, 1093–1094 (1966).

[3] The *Wade*, *Gilbert*, and *Stovall* decisions were announced on June 17, 1967. When the Senate hearings on the general subjects later embodied in the Omnibus Crime Bill resumed on July 10, 1967, Senator McClellan adverted to the fact that "the Supreme Court, since out last hearing, has laid down a new rule affording suspects the right to counsel at a police lineup." Hearings Before the Subcommittee on Criminal Laws and Procedures of the Senate Committee on the Judiciary, 90th Cong., 1st Sess. 840. The hearings, which ended two days later, contained no further reference to any of the lineup decisions. Thereafter, on April 29, 1968, the present Section 3502 appeared as an amendment to S. 917 in the bill reported on that date. S. 917, 90th Con., 2d Sess., § 701(a), at p. 46. The accompanying report of the Senate Committee on the Judiciary, in discussing the bill's provision regarding the admissibility of eyewitness testimony, referred only to the *Wade* case, noted its holding that "an in-court identification of the suspect by an eyewitness is inadmissible unless the prosecution can show that the identification is independent of any prior identification by the witness while the suspect was in custody [and without counsel]," stated that this "rule of evidence" appeared unwarranted, and stated that the provisions of the present Section 3502 were intended "to counter this harmful effect." S. Rep. No. 1097, 90th Cong', 2d Sess. 53 (1968). While the report of the minority views at one point stated that the section would conflict with *Wade*, *Gilbert*, and *Stovall*, both the headnote to that criticism and the ensuing discussion made it clear that the minority considered only *Wade* to be really affected. *Id.*, at 154–155. Similarly, although the later debate on the floor of the Senate included occasional combined references to all three cases, most references and arguments involved only *Wade*.

[4] Where a witness testified before the jury on direct that he had identified the accused at a lineup, the conviction was reversed because of the illegality of the lineup on the theory that this testimony was a "direct result of the illegal lineup." *Gilbert* v. *California*, 388 U.S. 263.

Congress, in providing that "[t]he testimony of a witness that he saw the accused commit * * * the crime * * * shall be admissible in evidence," has, in effect, established a simple but adequate statutory measure by which the independent basis of the witness's memory may be gauged for the purpose of determining the admissibility of his identifying testimony. That measure is whether the witness is able to testify positively that he did in fact see "the accused commit * * * the crime." In other words, it has simplified and clarified the "clear and convincing" standard of independent origin. It is the uncertainty caused by the employment of this term, in a situation where an independent origin may almost be assumed, that appears to be at the heart of Congress's concern with the *Wade* decision. See, *e.g.*, 114 Cong. Rec. S. 5222, S. 5546 (daily ed., May 9 and 14, 1968 (remarks of Senator Ervin).

As a practical matter, if an accused moves to suppress an eyewitness's proposed identification testimony on the ground that it is the product of a defective lineup, there must still be a hearing on such a motion. At that hearing the district court must first determine if any alleged unfairness was so unnecessarily suggestive as to violate due process. If not, the court must then determine whether the witness's ability to identify the accused is the product of seeing him commit the offense or rather of seeing him at the lineup. If the witness is able to testify flatly that he did, in fact, see "the *accused* commit * * * the crime," an independent basis for his current ability to identify the accused is thereby demonstrated under the statute, at least to the degree necessary to justify submiting the issue for consideration of the jury. If, to the contrary, the witness is able to testify only to the general effect that the accused resembles the man he saw commit the crime, the witness's testimony by itself is insufficiently positive to meet the standard set by Congress. In such a situation the district court must examine various other factors set forth in the *Wade* opinion as pertinent to an evaluation of the basis for the witness's current memory of the offender (388 U.S. at 241) in order to determine whether such an ability to identify the accused as does exist has been "come at by exploitation" of the lineup. Congress has thus provided, in effect, that a positive identification of an accused as the person observed committing the offense will itself be sufficient to warrant a finding that the witness's identification had a basis independent of the lineup, and thereby to justify admission of the witness's identifying testimony at trial where its foundation will be subject to the customary testing by cross-examination and its weight will be subject to evaluation by the jury.

The effect of the statute is to elevate positiveness from an important factor among several relevant factors (see *Simmons* v. *United States*, 390 U.S. 377, 385) to an initially controlling factor. This is neither unreasonable nor impermissible. In the situation involved in an attempt to suppress eyewitness identification, a true independent origin is the rule rather than the exception. Under the circumstances, the action of Congress in making an eyewitness's positiveness a simple, expedient, but logical preliminary test of admissibility appears to be an appropriate exercise of its traditional rule-making power.[5]

WIRETAPPING, PRIVACY, AND TITLE III

Mr. McCLELLAN. Mr. President, on June 19, 1968, at 7:14 p.m., President Johnson signed Public Law 90-351, the "Omnibus Crime Control and Safe Streets Act of 1968." Title III of that act, which dealt with wiretapping and electronic surveillance, represented the culmination of an attempt, over the past 40 years, embracing approximately 50 bills, resolutions, and joint resolutions, to arm law enforcement with a sorely needed tool to combat the forces of organized crime. District Attorney Frank S. Hogan, who has been one of our Nation's outstanding district attorneys for over 27 years, has aptly described this tool as: "The single most valuable weapon in law enforcement's fight against organized crime."

Mr. President, I worked hard to secure the enactment of title III of the Omnibus Crime Control Act, of the Senate on this point, and we were supported by a large majority. When a motion was offered on the floor to strike title III of the bill, it was defeated, as I recall, by a vote of 68 to 12. Nevertheless, more was involved in that fight than an attempt to strengthen the hand of law enforcement. Each of us who worked so long and hard for title III had as an equally important goal: the protection of the privacy of the law-abiding citizen. And it is to that aspect of title III that I now rise to speak.

Mr. President, on April 30, 1969, the Administrative Office of the U.S. Courts filed its first annual report on wiretapping and bugging to the Congress in accordance with the provisions of title III. Under the statute, the Administrative Office of the U.S. Courts is required to transmit to the Congress in April of each year a full and complete report concerning the number of applications for orders authorizing or approving the interception of wire or oral communications and the number of orders and extensions granted or denied during the preceding calendar year, along with a summary and analysis of certain data required under the act to be filed with the Administrative Office of the U.S. Courts by State and Federal judicial and prosecutional officials. These data must include the following:

First, the fact that an order or extension was applied for;

Second, the kind of order or extension applied for;

Third, the fact that the order or extension was granted as applied for, was modified, or was denied;

Fourth, the period of interceptions authorized by the order, and the number and duration of any extensions of the order;

Fifth, the offense specified in the order or application, or extension of an order;

Sixth, the identity of the applying investigative or law-enforcement officer and agency making the application and the person authorizing the application;

Seventh, the nature of the facilities from which or the place where communications were to be intercepted;

Eighth, a general description of the interceptions made under such order or extension, including (i) the approximate nature and frequency of incriminating communications intercepted, (ii) the approximate number of persons whose communications were intercepted, and (iii) the approximate nature, amount and cost of the manpower and other resources used in the interceptions;

Ninth, the number of arrests resulting from interceptions made under such order or extension, and the offenses for which arrests were made;

Tenth, the number of trials resulting from such interceptions;

Eleventh, the number of motions to suppress made with respect to such interceptions, and the number granted or denied;

Twelfth, the number of convictions resulting from such interceptions and the offenses for which the convictions were obtained and a general assessment of the importance of the interceptions.

This first report covers a period just in excess of 6 months—from June 20, 1968, to December 31, 1968. In addition, the report covers only those few States, including New York, Arizona, Georgia, and Massachusetts, which have electronic surveillance statutes. I add, incidentally, that New Jersey, Colorado, Florida, and Minnesota have recently enacted electronic surveillance statutes. Pursuant to the policy of the previous administration—a policy I am glad to report has now been modified—no applications were made on behalf of the Federal Government during this period. The report, therefore, covers only State activity.

I recognize, of course, that it is premature to draw sweeping conclusions from this preliminary information, information, too, which is wholly statistical in character. Indeed, it was with this in mind that I directed the staff of the Subcommittee on Criminal Laws and Procedures to undertake a confidential survey of the use of wiretapping and bugging techniques in a selected number of instances in New York to test at firsthand the degree to which inferences might be validly drawn from this first report under the new Federal legislation. That survey of State action has now been completed. In addition, I have satisfied myself as to the present quality and quantity of Federal electronic surveillance. Consequently, I now believe that certain remarks are appropriate.

My initial reaction to the report itself and our investigation is that the opponents of this legislation who predicted widespread and promiscuous use of wiretaps and bugs by law enforcement authorities are being proven wrong in their prognostications. Indeed, the indications are that few orders have been applied for or granted and that most of those granted were for wiretaps. I note, too, that statute is fast proving itself on the Federal level to be the valuable law enforcement tool that we had expected. The most spectacular success to date has been the seizure of 124 pounds of heroin in New York. This seizure was reported in the New York Times on March 11, 13, and 16. It was valued at $8 million. Since it is under active prosecution, I do not want to discuss the case in great detail now, but I note that a challenge to the statute's constitutionality has already been turned aside by U.S. District Judge Palmieri and that wiretaps under title III were instrumental in the discovery of the details of the heroin importation organization and resulted in more defendants' arrest, as well as insuring an arrest of the principal defendant, to whom the heroin was consigned.

---

[5] It should be noted that the statute as drafted is not applicable to the testimony of an eyewitness whose observation of the accused occurred shortly before or after the commission of the offense, if, at the time of the observation, the accused could not be said to be "participat[ing] in the commission of the crime."

In another important case, title III was a key element in an interstate counterfeiting ring conducted by racketeering elements. This ring has circulated at least $500,000 in counterfeit money, and an additional $100,000 was seized as a result of the wiretap.

Nevertheless, Mr. President, it is not this aspect of title III that I wish to discuss at this time. Instead, I wish to emphasize that title III also protects the privacy of our citizens by forbidding unauthorized wiretaps. This provision is being as actively employed, I am advised, by the Department of Justice as is the wiretap authorization. I am informed by Attorney General Mitchell that several former large suppliers of interception devices have ceased to deal in them at all.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. TYDINGS. Mr. President, does the Senator have any information from the Department of Justice which indicates that the Department is either conducting an investigation or has brought an indictment with respect to the provisions the Senator just referred to—namely, the illegality of any person or police officer making a wiretap without a court order?

Mr. McCLELLAN. I will make several references to this here, if the Senator will bear with me. I will get to it in just a moment.

Other suppliers give every indication that their transactions are confined to lawful sales to enforcement agencies. Reputable suppliers and private investigators have proved cooperative with the Department of Justice, since elimination of illegal activities on the part of their competitors is preferable to the risk of engaging in such activities themselves. No suitable case for prosecution of a large-scale supplier, however, has yet been undertaken. In addition, most devices found in unlawful use were on hand before last June. This was the case in the first two convictions obtained under title III. In August 1968 the Department obtained a conviction for interstate transportation of a prohibited device in Minneapolis, Minn.

I say to the Senator from Maryland that I believe this is somewhat helpful in reference to his inquiry.

Recently, a private detective in Salt Lake City, Utah, pleaded guilty to a 10-count indictment for use and possession of interception devices which the statute we passed prohibited. There are about 60 investigations underway at the moment, and during the past year over 200 possible violations have been considered for action. Three indictments involving private detectives are awaiting trial. One indictment is outstanding against a bookmaker in Maryland, and the indictment of Enid Roth for activities at the National Democratic Convention in Chicago last August is set for trial in September.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am glad to yield.

Mr. TYDINGS. Mr. President, I am happy that the distinguished Senator from Arkansas has made this information available. If he will recall, during the debate last year on title III of the Safe Streets Act, there was considerable argument that title III would open up eavesdropping and electronic surveillance all across the country and that it would cause increasing violations of the right of privacy.

Actually, as the Senator has pointed out, the arguments have been borne out that he and I and several others who were defending title III made—namely, that the provision of title III that made it illegal for any citizen—police officer or otherwise—anywhere in the United States to tap a wire or use an electronic listening device without first getting a court order would provide far greater protection and afford a much greater right of privacy than before the enactment of the bill. The statistics that the Senator has provided for the Senate today—namely, the number of pending indictments of private detectives—is actually the proof that the argument we made on the floor of the Senate last year, that the public would be better protected with title III from illegal electronic surveillance than before, has proved to be accurate.

Mr. McCLELLAN. Mr. President, the distinguished Senator from Maryland was one of the strongest advocates of this title in the bill, and with his support and his influence we were able at that time to overcome much of the opposition by making them understand that this bill was not something which would open the floodgates, as he has just said; that it not only was a bill to aid law-enforcement officials in detecting crime and apprehending the criminals but it was also a bill to protect the private citizen from invasion of his privacy.

I commend the administration for recognizing both aspects of this statute and enforcing each objective, pursuing them apparently with equal emphasis and with equal enthusiasm. It is a two-prong law. It gives protection to the citizen, on one side, from the invasion of his privacy by promiscuous wiretapping or electronic surveillance, and, on the other, it gives to the law-enforcement officials the power to make use of this weapon, under court authority and court supervision, to reach out and apprehend the criminal and, particularly in organized crime, to get at the boss instead of just the worker, so to speak, on the street.

If it is administered judiciously and the court sustains it—and I think we will all have to concede, with the record as stated here, as it is beginning—if it continues to unfold this way—that this will be one of the strongest and most effective weapons provided in the Safe Streets and Crime Control Act of last year for the strengthening of law enforcement in this land, particularly in the field of organized crime.

I am pleased to report to the Senate, therefore, that title III is successfully working not only to ensnare criminals who otherwise would be flooding our country with counterfeit money and selling narcotics to reduce men to slavery, but also to prevent intrusions into the privacy of our citizens by limiting electronic surveillance to the prevention of crime and apprehension of criminals.

Nevertheless, there are several sections of the report and aspects of the survey and my personal investigation which I should like to discuss in greater detail.

Mr. President, since it would be helpful to have available the pertinent provisions of the act dealing with the procedure for obtaining a warrant to intercept wire and oral communications, I ask unanimous consent that the text of 18 U.S.C. § 2518 be printed in the RECORD at this point.

There being no objection, the text of the act was ordered to be printed in the RECORD, as follows:

18 U.S.C. § 2518

(1) Each application for an order authorizing or approving the interception of a wire or oral communication shall be made in writing upon oath or affirmation to a judge of competent jurisdiction and shall state the applicant's authority to make such application. Each application shall include the following information:

(a) the identity of the investigative or law enforcement officer making the application, and the officer authorizing the application;

(b) a full and complete statement of the facts and circumstances relied upon by the applicant, to justify his belief that an order should be issued, including (i) details as to the particular offense that has been, is being, or is about to be committed, (ii) a particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted, (iii) a particular description of the type of communications sought to be intercepted, (iv) the identity of the person, if known, committing the offense and whose communications are to be intercepted;

(c) a full and complete statement as to whether or not other investigative procedures have been tried and failed or why they reasonably appear to be unlikely to succeed if tried or to be too dangerous;

(d) a statement of the period of time for which the interception is required to be maintained. If the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter;

(e) a full and complete statement of the facts concerning all previous applications known to the individual authorizing and making the application, made to any judge for authorization to intercept, or for approval of interception of, wire or oral communications involving any of the same persons, facilities or places specified in the application, and the action taken by the judge on each such application; and

(f) where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results.

(2) The judge may require the applicant to furnish additional testimony or documentary evidence in support of the application.

(3) Upon such application the judge may enter an ex parte order, as requested or as modified, authorizing or approving intercep-

> tion of wire or oral communications within the territorial jurisdiction of the court in which the judge is sitting, if the judge determines on the basis of the facts submitted by the applicant that—
>
> (a) there is probable cause for belief that an individual is committing, has committed, or is about to commit a particular offense enumerated in section 2516 of this chapter;
>
> (b) there is probable cause for belief that particular communications concerning that offense will be obtained through such interception;
>
> (c) normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous;
>
> (d) a statement of the period of time for which the interception is required to be maintained. If the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter;
>
> (e) a full and complete statement of the facts concerning all previous applications known to the individual authorizing and making the application, made to any judge for authorization to intercept, or for approval of interception of, wire or oral communications involving any of the same persons, facilities or places specified in the application, and the action taken by the judge on each such application; and
>
> (f) where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results.
>
> (4) Each order authorizing or approving the interception of any wire or oral communication shall specify—
>
> (a) the identity of the person, if known, whose communications are to be intercepted;
>
> (b) there is probable cause for belief that particular communications facilities as to which, or the place where, authority to intercept is granted;
>
> (c) a particular description of the type of communication sought to be intercepted, and a statement of the particular offense to which it relates;
>
> (d) the identity of the agency authorized to intercept the communication, and of the person authorizing the application; and
>
> (e) the period of time during which such interception is authorized, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained.

Mr. McCLELLAN. Mr. President, even a cursory reading of these provisions demonstrates that the standard set out in title III cannot be too easily met. Not only must the applicant establish by a showing of probable cause a link between person, place, time, communication, and offense, but he must, as well, demonstrate that "normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous," a requirement designed to make the use of these techniques a tool of last resort. Such normal investigative procedures would include, as the committee report notes—Senate Report No. 1097, 90th Congress, second session, 101, 1968: "standard visual or aural surveillance techniques by law enforcement officers, general questioning or interrogation under an immunity grant, use of regular search warrants, and the infiltration of conspiratorial groups by undercover agents or informants."

It was in this context, therefore, that I was initially disturbed to learn that virtually all applications for warrants have been approved. This apprehension, however, was relieved by the results of our own investigations. For example, our study shows that many applications made by police agencies to prosecuting officials for approval prior to submission to a court—both Federal and State—were not approved by the prosecuting officials for submission to the courts. Apparently, the prosecutor-screening process is, in fact, having a healthy effect on the number of orders applied for and thus granted. Indeed, it appears that a majority of the 167 applications that were approved for submission to the New York courts were not approved in their original form.

More often than not, the police agencies were required by the prosecutors to obtain more information prior to seeking court approval of the surveillance. In some cases, the process of submission, rejection, and resubmission extended to 3 to 4 weeks. Generally, the final form of the applications reviewed demonstrated a more than adequate showing of probable cause. A number of affidavits, for example, that we reviewed in the office of District Attorney Frank Hogan were models of precise compliance with the standards of title III. Although adequate, some of those reviewed elsewhere were not as detailed. This was to be expected, since "probable cause" represents a traditional legal requirement around which a considerable body of experience has developed.

Nevertheless, a number of the affidavits left something to be desired when it came to demonstrating that "normal investigative techniques" had been exhausted. Here, too often, the affidavits were phrased in conclusionary terms, and not enough of the agency's law enforcement experiences that bore on the decision to use a technique of surveillance was made explicit for the court. For example, little attempt was made to explain or to describe to the court organized crime's code of silence or even simply to refer to studies of the President's Crime Commission, congressional committees, or other legislative bodies to demonstrate the futility of general interview techniques where organized crime is concerned. Apparently, the courts are aware of these matters, and the obvious was left unstated.

I would suggest, however, that the applications should be more complete on their face. Our thought was that mandating prosecutor involvement in the warrant process would strengthen it by guaranteeing that the decision to use these techniques would be preceded by a careful law enforcement screening process. Apparently, this practice is being meaningfully followed in the majority of cases.

Mr. President, I hope that the use of electronic surveillance techniques will not, contrary to some of the predictions of opponents of this legislation, be diluted into a shortcut or substitute for normal investigative procedures and that this will only be utilized under appropriate circumstances. Prosecutors, on whom the administration of the statute rests heavily, should always carefully prepare and review these applications in light of the law. What may have been permissible under old practice is not necessarily legal now. I hope, too, that our judiciary, even with crowded dockets, is always taking the necessary time to examine and pass on all applications thoroughly. The part that they must play in scrutinizing and questioning these applications as well as requiring strict adherence to the statutory standards cannot be overemphasized. As the Supreme Court observed in *Katz* v. *United States*, 389 U.S. 347, 357 (1967):

> The Constitution requires that the deliberate impartial judgment of a judicial officer . . . be interposed between the citizen and the police . . .

Next, Mr. President, I note that out of 128 requests for extensions, only two were denied. As in the case of the applications themselves, these statistics, standing by themselves, call for some explanation. In order to obtain an extension, title III requires that an applicant go through the same detailed steps which are required to obtain an original order, and the presiding judge must make the same findings required for the granting of an original order. This requirement was placed in title III to comply with *Berger* v. *New York*, 388 U.S. 41, 59 (1967), the decision which declared unconstitutional the New York eavesdrop law, holding that using the original grounds on which the order was issued to form the basis for the renewal was "insufficient without a showing of present probable cause for the continuance of the eavesdrop." The report indicates that 174 applications were followed by 126 extensions. One county in New York had 68 orders and 60 extensions. Again, as our study indicated in the case of most of the applications we reviewed, I hope that the situation here was always the product of careful work, not mechanical review.

Another possible problem, if one looks only at the bare statistics, is the reported length of the authorized interceptions. One of the key constitutional defects in the New York eavesdrop statute, struck down in Berger, was that termination of the eavesdrop was not required once the conversation sought had been seized. A blanket order for a lengthy period of time gives, the Court noted—388 U.S. 41, 57 (1967)—"a passkey" to search beyond what is necessary and fails to "minimize" the "danger" of an "unlawful search and seizure."

To comply with this aspect of the Berger decision, title III of the omnibus crime bill provides that:

> No order entered . . . may authorize or approve the interception of any wire or oral communication for any period longer than is necessary to achieve the objective of the authorization, nor in any event longer than the authorizing judge deems necessary to achieve the purposes for which it was granted and in no event for longer than

> thirty days. Every order and extension thereof shall contain a provision that the authorization to intercept shall be executed as soon as practicable, shall be conducted in such a way as to minimize the interception of communications not otherwise subject to interception under this chapter, and must terminate upon attainment of the authorized objective or in any event in thirty days.

As the committee report notes—the same references at 103—the statute "requires the time of the warrant to be carefully tailored to the showing of probable cause." The report states—the same references—at 101:

> [The statute] require[s] that the duration of the interception not be longer than is necessary under the facts of the particular case. * * * Where it is necessary to obtain coverage of only one meeting, the order should not authorize additional surveillance. * * *
>
> Where a course of conduct embracing multiple parties and extending over a period of time is involved, the order may properly authorize proportionately longer surveillance. . . . What is important is that the facts in the application on a case by case basis justify the period of time in the surveillance.

In apparent contrast with title III's strict standards, however, the report of the administrative office indicates that all interceptions during this first 6-month period utilized the maximum number of days authorized. No matter how much time was authorized for surveillance, all was used. If an order was for 30 days, all 30 days were utilized. If the order was for 20 days, all 20 days were utilized. In addition, all but one of the 128 extensions granted were for the same length of time authorized in the original authorization. Indeed, one surveillance in Georgia lasted twice as long as the number of days for which it was authorized, although no extension was sought or approved.

Mr. President, I found it somewhat difficult to believe that in every original application and each extension, it was necessary to use all of the allotted time authorized. Here I note that the reporting forms should be clarified so that the details of this situation will in the future be more clearly called for. It is not clear now on some of the reports, for example, whether the reported figure is the "authorized" or the "used" period of time. The impression was thus left by the report that the full period was used in the execution of every order. This would mean that each order involved a continuing operation, and that the pertinent information was not intercepted in each of the other cases until the last day of the period of each authorized interception or extension.

In New York, however, our survey indicated that a majority of the orders did involve this sort of continuing, organized crime operation, in which this would not be that unusual. In addition, our investigation revealed that some agencies, to simplify their bookkeeping, carried all taps at the full authorized period, even though the actual surveillance had terminated. Obviously, this last practice is contrary to the intent of the statute, and now that the problem has been identified, we may expect that it will not be continued.

I was thus relieved to find that here again at least a large portion of my concern was caused by poor reporting, not by poor investigative procedures. I do not know, of course, if all of these figures are in each case the fault of bad recordkeeping and not the fault of bad practices. But if there is any faulty practice, such action is not furthering the cause of good law enforcement.

The Supreme Court has repeatedly emphasized that law enforcement must work within the confines of the Constitution. Title III of the omnibus crime bill was drafted in conformity with the constitutional standards for lawful electronic surveillance set out in the Berger and Katz decisions. Unless the standards contained in the Constitution and in this legislation are followed, many of the convictions that may be obtained through the use of wiretap evidence will be overturned.

There is a danger, too, that the files of other law enforcement agencies, State and Federal, will become inadvertently polluted by illegal information. What is now happening on the Federal level as a result of the Supreme Court's recent *Alderman* decision, decided March 10, 1969—394 U.S. 165 (1969)—which authorized, incident to determining what was unlawfully obtained by the use of illegal information, the wholesale disclosure of confidential Government files—a practice that will prejudice the national security, endanger informants' lives, and unnecessarily blacken the reputations of innocent third parties—should teach us not to view this possibility with equanimity.

I realize, too, that we are dealing with a new reporting system, as well as new legislation, and I do not want to be overly critical. I do, however, want to admonish every law enforcement officer, prosecutor, and judge involved in this area that the only way this legislation will be effective in combating crime is by strict adherence to the standards it contains.

The offenses covered in the 174 applications were sorted into five broad categories in the report as follows: drugs—narcotics, 71; extortion, 13; gambling, 20; homicide, 21; and larceny, 19. Most of these offenses appear to be areas in which organized criminals are very active, and our survey in New York confirms that most orders were used in the organized crime field. Indeed, these large crime cartels are involved in so many illicit and illegal activities that it is difficult to forecast just what area they will exploit and corrupt next. What is apparently happening thus fulfills congressional intent, since our major purpose in enacting title III was to strike at organized crime. In addition to these 144 orders falling into these categories, 29 involved such miscellaneous offenses as kidnaping, arson, and possession of forged instruments.

The wiretaps resulted in intercepted telephone conversations ranging in frequency from one every 10 days to 46 per day. This, too, is an area that needs some clarification. The information sought is the average frequency of interceptions per day, week or month. Some of the responses to this question included replies such as "varied," "daily," or "every other day." This sort of response is not particularly helpful. This question, as well as several others which I have mentioned, also contained a number of blank spaces instead of answers. If there is a reason for not giving an answer, it should be given. Otherwise, an accurate answer should be given. Here I note that the provisions of title 18, United States Code, section 1001, dealing with false statements, are applicable to these reports. See the same at 107.

One category which apparently involved particularly lax reporting was the section dealing with the cost of the interceptions. The cost of 54 of the wiretaps was not reported. Of the 120 wiretaps where cost information was reported, 75 cost less than $1,000; 21 cost $1,000 to $2,000; 18 cost $2,000 to $5,000; and six cost $5,000 or more. The range went from a low of $6.33 for one wiretap to a high of $9,325 for another. Here, too, it might be helpful if the Director of the Administrative Office of the U.S. Courts were to develop some regulations which would call for a uniform determination of reported costs in this area.

The figures showing the number of people involved, the total interceptions, and the number of incriminating interceptions, seemed to be generally proportionate to the number of wiretaps installed. There were two instances, however, in which the figures were somewhat disproportionate. Here, I note again the requirement of title III, quoted above, that there must be an attempt to "minimize" the interception of innocent communications. One instance involved 400 interceptions with only one incriminating interception, while the other involved only 68 incriminating interceptions out of a total of 911. It is, of course, difficult to foresee whether any number of interceptions will produce an incriminating statement. Nevertheless, we must recognize that under *Katz* v. *United States*, 389 U.S. 347, 355 (1967):

> [N]o greater invasion of privacy [must be] permitted than [is] necessary under the circumstances.

At the time the report was filed, no trials or convictions had been reported, but a total of 263 persons had been arrested as a result of 174 wiretaps. As time moves on, the figures in these categories should go toward laying to rest the controversy over the effectiveness of these techniques.

Lastly, I note that the report indicates that "all applications seemed to request telephone taps" and "none involved eavesdropping through the use of a microphone." Our survey in New York, however, indicated that orders authorizing bugging were obtained. Apparently, a clear-cut distinction is not being drawn between "wire" and "oral" communications, that is, between "wiretapping" and "bugging." Some orders have been ambiguously reported as "eavesdropping" without a further specification. Obviously, there is a need here for clarifying and making more explicit the present administration regulations and for more care in filling out the forms.

Mr. President, the chief problems here apparently lie with the all-too-human difficulty that is experienced in accurately and meticulously reporting what one has done. However, the stakes are too high to allow for any omission or inaccuracies in these reports. This is an invaluable and powerful tool that must not be subjected to abuse. Those who violate the standards can and must either be punished and if they cannot learn to follow the law they must face loss of this law enforcement tool. Fortunately, my investigation to date has revealed no such abuses.

Mr. President, my purpose for mentioning these reporting problems and drawing the attention of this body to them is not to discredit anyone, or to be critical of law enforcement officials, prosecutors, or the judiciary. I am well aware of the fact that we are dealing with new legislation and a novel reporting system, and that, like anything else new, some rough edges will have to be smoothed out. Past practices have to be brought up to new standards. This, too, takes adjustments. Indeed, I do not think it would be inappropriate for the Attorney General, acting through the Law Enforcement Assistance Administration, and in cooperation with the Director of the Administrative Office of the U.S. Courts, to call together at an early date representatives of the police agencies and prosecuting officers throughout the United States involved in the administration of the statute for a conference to explore how best to utilize this most important investigative tool. This is a complicated and sophisticated statute. It changes past practices and mandates new procedures. There is a need here for careful training and close State and Federal cooperation. The Attorney General, as the Nation's chief law enforcement officer, quite properly can fulfill a leadership role here.

I am hopeful, however, that my primary purpose for making these remarks is served. The Supreme Court in its recent decision in Alderman against the United States, noted above, at one point turned aside an argument that, had it been followed, would have further restricted the use of electronic surveillance techniques, saying:

> The general rule under [Title III] is that official eavesdropping and wiretapping are permitted only with probable cause and a warrant. Without experience showing the contrary, we should not assume that this new statute will be cavalierly disregarded or will not be enforced against transgressors.

Mr. President, my purpose in making these remarks has been to help assure that this legislation will be, in fact, followed to the strictest letter of the law—both bringing criminals to book and protecting citizens' privacy. That is the only way in which it can be utilized as an effective tool in reducing crime. A good beginning to this end is to make sure that these reports which are required by law to be filed are meticulously accurate and complete; 263 persons have been arrested as a result of this electronic surveillance legislation. Let us make sure that none of those who may be convicted can ask for a reversal because the law was not strictly followed. And that when this legislation comes before the Supreme Court it will be upheld.

Mr. President, that concludes my remarks on this subject today. I intend, as cases develop and as experience is gained with the administration of this statute, however, to keep the Senate informed of it and to comment on it from time to time.

As I have indicated, my only concern at the moment is that the prosecutors and courts that have the responsibility under the statute will not become careless, but will remain firm in their determination to see that the statute is strictly followed. If the statute is strictly followed, it is certainly not to be expected that any unnecessary invasion of privacy will result.

I wish to thank the distinguished Senator from Maryland for his contribution and for yielding his time to me so that I might proceed with these remarks.

Mr. President, I ask unanimous consent to have printed in the Record a letter dated August 4, 1969, addressed to me from the Attorney General, following his testimony before the Committee on Appropriations, commenting on title III, three newspaper clippings, and the report, together with its appendixes, regulations and forms.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUGUST 4, 1969.

Hon. JOHN L. MCCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCLELLAN: As requested in your letter of July 29, 1969, I am setting forth more detailed information regarding the narcotics case and the prosecutions against private individuals under Title III of the Omnibus Crime Control Act of 1968, concerning which I testified on July 28th. I am also setting forth similar information relating to a recent counterfeiting case in which wiretapping conducted under Title III was also extremely effective.

Since both the narcotics case and the counterfeiting case are the subjects of pending criminal litigation, however, I would request that the information, other than matters of public record, be treated as confidential in order that the defendants' right to a fair trial shall not be prejudiced.

The narcotics case I referred to is *United States* v. *Hysohion, et al.*, in which an indictment was returned on May 8, 1969, in the Southern District of New York, charging Christian Serge Hysohion and Eduardo Rimbaud, French nationals residing in New York City on temporary visas, with the unlawful importation of narcotics in violation of 21 U.S.C. 174. A hearing on defendant's motion for suppression of the contents of intercepted wire communications was held before United States District Judge Palmieri in July and the motion was denied.

For the past two years the Bureau of Customs has been conducting an investigation of an international narcotics smuggling ring involving a group of foreign nationals, including the defendant Hysohion, whom it discovered had traveled from Geneva, Switzerland, to the United States in September 1968 to prepare to receive shipments of heroin. The investigation subsequently disclosed that the scheme used to import the heroin into the United States was to conceal it in cans of fish consigned to Hysohion's address in New York City from Spain. In February 1969 Customs Bureau agents using a high-powered X-ray machine examined a shipment of some 700 cans of fish consigned to Hysohion and awaiting shipment to him on the Brooklyn pier. This examination disclosed that the visual density of the cause in several of the cases was different in great degree from the usual density of the large majority of the cases in the shipment. One of the cans was opened and was discovered to contain a quantity of white powder and two weights. Subsequent chemical analysis disclosed that the can contained ¼ kilogram of high grade heroin.

As a result of wiretaps conducted under Title III on the telephone facilities of the New York City residence where Hysohion was residing, Customs Bureau agents were able to determine that the 700 cans of fish were to be transported from the Brooklyn pier to Hysohion's residence on March 7, 1969. On the afternoon of March 7th, a truck loaded with the cases of fish arrived at Hysohion's residence and that evening the cases were unloaded into the garage. Late Saturday evening an individual, later identified as the defendant Eduardo Rimbaud, arrived at the residence, and early on Sunday morning, March 9th, this individual and Hysohion emerged from the house carrying a large leather satchel and entered a taxi. They were intercepted by Customs agents and arrested, and the satchel was found to contain 26 kilos of heroin. A search warrant for Hysohion's residence was obtained and executed on March 9th, and examination of the cases of food products taken from the garage disclosed additional amounts of heroin, the total seizure amounting to 62 pounds.

Additional interceptions from the telephone facilities at Hysohion's residence disclosed that he was expecting a second shipment of some 400 cases of foodstuffs consigned to him to be arriving soon on the SS Grand Sunda. This shipment was unloaded on March 10th, and examination by Customs agents disclosed another 62 pounds of heroin concealed in the cans of fish.

[Confidential information deleted.]

As a result of wiretaps in Youngstown, Ohio, on the telephone facilities at the residence of Mario Guerrieri and on the telephone facilities at a nightclub known as the "Guys and Dolls", Secret Service agents recently broke up a major interstate counterfeiting ring. Prior to the use of the wiretaps, all investigative efforts had failed to uncover the manner in which counterfeit $20 and $100 Federal Reserve Notes were flooding the Midwest. From January 1964 to February 1969, well over $500,000 worth of these notes have been recovered by the United States Secret Service primarily in the Cleveland-Pittsburgh area.

The information which was uncovered through the use of the wiretaps directly led to the recovery of over $100,000 in this counterfeit currency and the indictment in the Northern District of Ohio in June of this year of seven persons on counterfeiting charges, including Guerrieri, Youngstown rackets kingpin, and three of his associates. The interceptions in this case also disclosed substantial evidence of other serious Federal and state crimes which are also expected to result in prosecutions at a later date.

Several convictions have been obtained against individuals under Title III, the first of which occurred in August 1968 in Minneapolis, Minnesota, against an employee of a former supplier, who was convicted for interstate transportation of a prohibited device.

Recently a private detective in Salt Lake City, Utah, pleaded guilty to a ten-count indictment for use and possession of prohibited in-ing use and possession of such devices by terception devices. Three indictments involv-private detectives are presently awaiting trial. One indictment is pending against a bookmaker in Maryland for use of such a device, and the indictment of NBC Television News Executive, Enid Roth, for activities at the National Democratic Convention in Chicago last August is set for trial in September.

[Information deleted.]

Sincerely,

——— ———,
Attorney General.

[From the New York Times, Mar. 11, 1969]

A Fortune in Heroin Is Seized With Fish

Federal agents yesterday reported the confiscation of what they said was $8-million worth of pure heroin that arrived in this country in a shipment of canned fish.

The officials said that the drugs arrived here from Spain. They were packed in five of 702 cases addressed to a fish importer who had no knowledge of the drugs. All the cases were dropped off at a Queens warehouse, where Federal narcotics agents moved in and arrested four men whom they characterized as middle men in an international ring.

The four were identified as Serge Christian Hysohion, 23 years old, a native of Paris and a supermarket manager; Eduardo Rimbaud, 49, a fiction writer, of Salon, France; Mayo Mastronardi, 48, a building contractor, of 157–20 22d Avenue, Queens, and Antonio Flores, 31, of New Rochelle, a captain of waiters.

The first two were held in $100,000 bail each for a hearing on Friday, Mr. Mastronardi was held in $5,000 bail and Mr. Flores in $20,000 bail for hearing March 20.

[From the New York Times, Mar. 13, 1969]

Cache of Heroin Is Reported Found in Paella Cargo

Customs officials announced yesterday afternoon that they had found 62 pounds of heroin hidden in a cargo of canned food from Spain—the second such seizure in three days.

The almost-pure heroin powder, said to be worth $8-million on the illicit market, was sealed in cans marked "paella," a Spanish rice and fish dish, aboard the Swedish Grundsunda at the 21st Street pier in Brooklyn.

Stanley R. Spinola, supervising customs agent for the Northeastern region, made the announcement at a news conference at the United States customs office, 201 Varick Street.

The heroin-packed cans, which were in six of 400 cases of paella, Mr. Spinola said, were found with the help of a new X-ray inspecting device.

Monday's confiscation of the same amount of heroin, in cans of "Basque-style codfish stew" in a Queens warehouse. Yesterday's seizure, and a third expected "in a few days" are part of a crackdown of "one of the largest narcotics smuggling rings we've ever seen," Mr. Spinola said.

He said the ring had been operating for the last two years in Switzerland, Spain, France and Italy.

Four persons were arrested here Monday, and a fifth identified as Charles Darge, was arrested Tuesday by customs agents as he stepped off a flight from Puerto Rico.

The cans of food involved were all from "Ribas and Sons," a Spanish company, but Customs and Federal narcotics agents, who are cooperating in the investigation, believed the shipments were diverted and tampered with before being sent here.

Like the cans seized Monday, those discovered yesterday contained lead with the plastic bags of heroin to make the cans weigh the same as others.

[From the New York Times, Mar. 16, 1969]

Ex-Banker Called Drug-Smuggling Ring "Brain"—Swiss Police Hold Him and Say He Devised Plan To Can Heroin in Spain

Geneva, March 15.—Geneva police officials said today that André Hirsch, a former Geneva banker now under arrest here, was the brains behind an international heroin smuggling ring broken in New York this week.

According to the police, it was Hirsch who thought up the idea of concealing the heroin in cans of fish products that were shipped from Spain to New York aboard Swedish freighters.

They said some heroin also had been shipped to the United States from Europe on commercial airliners. No Swiss aircraft were involved, they said, but they declined to give any details.

FREQUENTED NIGHTCLUBS

Police officials emphasized that while only a tiny part of the heroin ever reached Switzerland, Geneva was the payoff point for the ring's operations.

They said they had seized documents here giving detailed instructions for operations at the canning plant in Spain, where the heroin was sealed in cans labeled as paella and codfish stew.

In his days as a prosperous banker, Hirsch was widely known in Geneva cafe society, and his friends say he went to nightclubs nine nights out of ten. Even then, however, he was known to be associated with underworld characters, the police said.

In 1962, after his bank, the Banque Mercantile, failed under suspicious circumstances, Hirsch was arrested and held in prison for months. He was finally released because of poor health without being brought to trial.

The police said that after his release, Hirsch, now 61 years old, promised to stay within the law and that he was living with his wife in a modest apartment in Geneva when he was arrested.

Hirsch, it was understood, was picked up early last week following the discovery in New York of the heroin shipped in fish cans. Under Swiss legal procedure, no charges have yet been filed against him pending completion of the investigation.

Other suspects arrested in the investigation into the heroin ring, are Louis Brique, 43, of Fribourg, Switzerland; Daniel (Bille) Vuille, 39, of Neuchatel, Switzerland; Gilbert Grandi, 48, of Geneva, and a fifth person identified only as Marcel G., 57, of Bern, since he has steadfastly denied any participation in the drug traffic.

A woman who was associated with the suspects was detained but released because it was established that she was not involved, the police said.

Report on Applications for Orders Authorizing or Approving the Interception of Wire or Oral Communications—for the Period June 20, 1968, to December 31, 1968

To the Senate and House of Representatives of the United States of America in Congress Assembled:

This report is submitted in accordance with the provisions of Section 2519(3) of Title 18, United States Code, which require that in April of each year the Director of the Administrative Office of the United States Courts transmit to the Congress a full and complete report concerning the number of applications for orders authorizing or approving the interception of wire or oral communications and the number of orders and extensions granted or denied during the preceding calendar year, together with a summary and analysis of the data required by law to be filed with the Administrative Office of the United States Courts by State and Federal Judges and by prosecuting officials of Federal, State and Local Governments.

This is the first report submitted under the Wiretapping and Electronic Surveillance provisions of Title III of the Omnibus Crime Control and Safe Streets Act of 1968, which was approved on June 19, 1968 (82 Stat. 218). This report thus covers only the period from June 20, 1968 to December 31, 1968.

I. REPORTING REQUIREMENTS OF THE STATUTE

In general the new law requires every State and Federal Judge to file a written report with the Director of the Administrative Office of the United States Courts on each application made to him in accordance with the provisions of title 18, United States Code, Section 2518 for an order authorizing the interception of a wire or oral communication. The report is to be furnished within 30 days "after the expiration of an order (or each extension thereof) entered under section 2518, or the denial of an order . . ." and must contain certain detailed information including the name of the applicant, offense specified in the application, and the duration of the authorized intercept.

Prosecuting officials who have authorized applications for intercept orders are required to file reports in January of each year setting forth various information concerning the communications that were actually intercepted, the cost of the intercepts in regard to the use of manpower and other resources, and the results of the intercepts in terms of arrests, trials, convictions and the number of motions to suppress the use of the intercepts.

II. REGULATIONS

Regulations, including reporting forms, were promulgated by the Director of the Administrative Office of the United States Courts in October 1968 and were distributed to the Chief Justice of the highest appellate court in each State, the Attorneys General of the States, and to numerous trial judges. They were also reprinted in the *State Trial Judges Journal* and were the subject of news items in two publications of the Council of State Governments. The regulations were also distributed to all United States Circuit and District judges and to officials in the Department of Justice. A copy of the regulations is attached as Appendix A.

III. RESPONSE TO THE REGULATIONS

The statute requires that orders by state judges approving applications for orders authorizing communication intercepts by state officials may be made only by judges of courts of competent jurisdiction and that applications can be made only by a prosecuting attorney, "if such attorney is authorized, by a statute of that State to make application to a State court judge of competent jurisdiction." The initial response disclosed that only a few states have laws authorizing courts to issue orders permitting wiretapping or eavesdropping.

IV. SUMMARY OF REPORTS BY JUDGES

In the approximate six month period from June 20th to December 31, 1968 there were 174 reports on interception orders issued by state judges in the States of Arizona, Georgia, Massachusetts and New York. Of these 167 or 96 percent were entered by judges in the State of New York.

The following summary shows by state and county the number of intercepts authorized, the number of extensions granted and the average length of the authorization and extensions and the facilities from which or the place where the intercepts were to occur.

WIRETAP ORDERS ISSUED BY STATE JUDGES DURING THE PERIOD JUNE 20, 1968 TO DECEMBER 31, 1968, BY STATE AND COUNTY

State and county	Number of intercepts authorized	Number of extensions	Average length (in days): Original authorization	Average length (in days): Extension	Place or facility: Residence	Place or facility: Apartment	Place or facility: Multi-dwelling	Place or facility: Business
Arizona:								
Maricopa	1		30		1			
Pima	1		30					1
Georgia:								
Fulton	2	1	10	10	1			1
Monroe	1		10		1			
Massachusetts:								
Plymouth	1		15					1
Suffolk	1	1	30	15		1		
New York:								
Albany	1	7	20	20				1
Bronx	33	16	20	20	20	4	1	8
Dutchess	1		20		1			
Erie	2	1	20	20	2			
Kings	68	60	20	20	17	24	2	25
Nassau	5	11	20	20	4	1		
New York	13	6	20	20	7	3		3
Onondaga	21	5	20	20	8	6	2	5
Queens	21	18	20	20	4	10	5	
Schnectady	1	1	20	20				
Suffolk	1	1	20	20	1			

Note: In some instances the reports from judges were incomplete and information concerning the intercepts was inserted from the reports of prosecuting officials.

A. *Grants, Denials and Authorized Length of Intercepts:* All original applications were approved as requested by prosecuting officials, but two applications for extensions were denied. In the State of New York the original wiretap was always granted for a period of 20 days and extensions were granted in increments of 20 days. In Arizona the authorized initial period for the wiretap was 30 days; in Georgia it was 10 days; and in Massachusetts one order allowed 15 days and the other allowed 30 days with an additional 15-day extension.

All applications seemed to request telephone taps, although the reports used such terms "telephone tap", "wiretap", "eavesdrop", etc. None of the applications involved eavesdropping through the use of a listening device such as a microphone.

B. *Offenses:* The offenses specified in the applications for court orders covered a wide range and usually each application specified several crimes that were being investigated. However, there were five broad categories of crime predominately listed in the 174 applications. They were Drugs (including narcotics), 71; Extortion, 13; Gambling, 20; Homicide, 21; and Larceny, 19. The following table shows the offenses set forth in the applications, by state, and within the State of New York, by county.

OFFENSE FOR WHICH COURT-AUTHORIZED INTERCEPTS WERE GRANTED PURSUANT TO TITLE 18, UNITED STATES CODE, SEC. 2518

Offense	Total	New York Counties: Bronx	New York Counties: Kings	New York Counties: New York	New York Counties: Onondaga	New York Counties: Queens	New York Counties: All other	Arizona	Georgia	Massachusetts
Total	174	33	68	13	21	21	11	2	3	2
Arson	1	1								
Assault	1		1							
Auto theft	4		3				1			
Bribery	5		1	1					3	
Burglary	2				1					1
Drugs and narcotics	71	24	17	7	3	16	2	1		1
Escape	1						1			
Extortion	13		13							
Forgery	1		1							
Fraud	1	1								
Gambling	20	2			16		2			
Gun laws	3		3							
Homicide	21	5	9	2		3	2			
Kidnaping	1		1							
Larceny	19		13	3			2	1		
Public order	1						1			
Robbery	8		6		1	1				
Not reported	1					1				

C. *Type of Facility*: The locations of the telephones being tapped were reported to include 67 residences, 49 apartments, 10 multiple dwellings, and 45 business locations.

V. REPORTS BY PROSECUTING OFFICIALS

In the initial period of statistical reporting under the new law reports were received from the prosecuting officials as they were from the judges, except in a few instances. Some reports, however, were incomplete as to some items of information. Prosecuting officials in several states reported that no applications for interception orders had been made in their jurisdictions and the Attorney General of the United States reported that no applications had been made during this period under the authority of the United States Department of Justice. In some instances court approved wiretaps were never installed.

A. *Nature of Intercepts.* The wiretaps installed in accordance with the 174 court authorizations resulted in intercepted telephone conversations ranging in frequency from one every 10 days to 46 per day. In one investigation the conversation of an estimated 467 persons were intercepted and in another investigation 950 out of 1,188 telephone conversations were reported to be incriminating.

The following table shows the *average* number of persons whose conversations were intercepted, the average number of total intercepts and the average number of intercepts which were reported as incriminating.

SUMMARY OF WIRETAPS, JUNE 20 TO DEC. 31, 1968, BY STATE AND COUNTY (EXCLUDING WIRETAPS AUTHORIZED, BUT NOT INSTALLED, AND WIRETAPS WHERE INFORMATION IS INCOMPLETE)

State and county	Number of wiretaps	Average number of intercepts per wiretap: Persons involved	Average number of intercepts per wiretap: Total intercepts	Average number of intercepts per wiretap: Incriminating intercepts
Arizona:				
Maricopa	1	3	60	10
Pima	1			3
Georgia:				
Fulton	2	264	304	43
Monroe	1	202	202	78
Massachusetts:				
Suffolk	1	78	102	90
Plymouth	1			
New York:				
Albany	1			
New York—Continued				
Bronx	33	24	244	45
Dutchess	1			
Erie	2	21	760	745
Kings	68	5	466	73
Nassau	5	18	911	68
New York	13	12	71	44
Onondaga	21	51	506	206
Queens	21	48	380	44
Schenectady	1			
Suffolk	1	2	400	1

B. *Cost of Intercepts:* The total cost of a wiretap (in terms of manpower, equipment and other costs) ranged from a low of $6.33 for one wiretap to a high of $9,325.00 for another. Of the 120 wiretaps where cost information was reported, 75 cost less than $1,000; 21 cost $1,000 to $2,000; 18 cost $2,000 to $5,000; and only 6 cost $5,000 or more. The average cost per wiretap, by jurisdiction is as follows:

AVERAGE COST PER WIRETAP JUNE 20 TO DEC. 31, 1968, BY STATE AND COUNTY

State and county	Number of wiretaps		Average cost per wiretap		
	Total number	Cost reported	Manpower	Other	Total
Arizona:					
Maricopa	1	1	$500.00		$500.00
Pima	1	1	500.00	$350.00	850.00
Georgia:					
Fulton	2	2	890.88	469.67	1,360.55
Monroe	1	1	890.88	469.67	1,360.55
Massachusetts:					
Suffolk	1	1	9,000.00	325.00	9,325.00
Plymouth	1				
New York:					
Albany	1				
New York—Continued					
Bronx	33	4	$3,631.78	$2.50	$3,634.28
Dutchess	1				
Erie	2	2	261.50		261.50
Kings	68	61	1,386.48	46.55	1,433.03
Nassau	5	3	1,992.52	77.27	2,069.79
New York	13	8	2,693.75	15.63	2,709.38
Onondaga	21	19	507.73	37.42	545.15
Queens	21	16	423.79	18.65	442.44
Schenectady	1				
Suffolk	1	1	330.00	48.00	378.00

C. *Arrests, Trials, Convictions and Motions to Suppress:* Most of the cases in which there were wiretaps were reported as still under active investigation. Arrests had already been made in numerous cases in which there were wiretaps, but no trials or convictions were reported. In one instance a motion had been made to suppress the results of the wiretap, and it was denied.

The following table shows the number of persons arrested in these cases as of the date of the prosecutor's report:

State and county	Number of wiretaps	Number of persons arrested up to Dec. 31, 1968
Total	174	263
Arizona:		
Maricopa	1	3
Pima	1	
Georgia:		
Fulton	2	27
Monroe	1	
Massachusetts:		
Suffolk	1	17
Plymouth	1	
New York:		
Albany	1	
Bronx	33	78
Dutchess	1	
Erie	2	6
Kings	68	60
Nassau	5	1
New York	13	4
Onondaga	21	48
Queens	21	19
Schenectady	1	
Suffolk	1	

This first report on wiretap orders under the new law is limited, first because it covers only a six-month period and secondly because the information reported is incomplete due to the fact that investigations for the most part have not progressed to prosecutions and convictions. Future reports should contain more detailed information.

Respectfully submitted,

ERNEST C. FRIESEN, Jr.,
Director, Administrative Office of the U.S. Courts.

April 30, 1969.

APPENDIX TABLES

TABLE A.—REPORTS BY STATE JUDGES PURSUANT TO TITLE 18, UNITED STATES CODE, SEC. 2519, ON APPLICATIONS FOR COURT ORDERS TO AUTHORIZE THE INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS

State, county, and reporting number	Name of judge	Applicant	Offense specified	Kind—(W) wire, (O) oral	Date of application	Original period authorized (days)	Number of extensions	Total length of intercepts (days)	Place
Arizona:									
(1) Maricopa	Chatwin	Corbin	Drugs	W	Sept. 27, 1968	30		30	Residence.
(2) Pima	Roylston	Patchell	Transfer of stolen property	W	Nov. 21, 1968	30		30	Business.
Georgia:									
(1) Fulton	Holt	Bolton	Bribery	W	Aug. 12, 1968	10		20	Do.
(2) Fulton	do	do	do	W	Sept. 13, 1968	10		10	Residence.
(3) Monroe	Sosebee	do	do	W	Sept. 10, 1968	10		10	Do.
Massachusetts:									
(1) Suffolk	Tauro	Byrne	Narcotics	W	Dec. 16, 1968	30	1	45	Apartment.
(2) Plymouth	Lurie	Wheatley	Burglary	W	Sept. 20, 1968	15		15	Business.
New York:									
(1) Albany	Pennock	District attorney	Public order	W	June 1968	20	7	160	Clubhouse.
(1) Dutchess	Juidice	Heilman	Escape	W	July 17, 1968	20		20	Residence.
(1) Erie	Heffron	Dillon	Gambling	W	July 12, 1968	20	1	40	Do.
(2) Erie	do	do	Larceny	W	Dec. 13, 1968	20		20	Do.
(1) Nassau	Oppido	Cahn	Narcotics	W	Aug. 28, 1968	20		20	Residence.
(2) Nassau	Wachtler	Mackell	Auto theft	W	July 23, 1968	20	2	60	Apartment.
(3) Nassau	do	do	Homicide	W	July 8, 1968	20	8	180	Residence.
(4) Nassau	Widlitz	Williams (Sullivan)	Murder	W	Aug. 20, 1968	20		20	Do.
(5) Nassau	do	North (Clinton)	Narcotics	W	Oct. 11, 1968	20	1	40	Do.
(1) Schenectady	Wemple	Levine	Gambling	W	June 28, 1968	20	1	?	?
(1) Suffolk	Geiler	Koota	Larceny	W	Sept. 5, 1968	20	1	40	Residence.
(1) New York	Postel	Clinton County district attorney.	Narcotics	W	Oct. 12, 1968	20	1	40	Do.
(2) New York	do	do	do	W	do	20		20	Do.
(3) New York	do	Sullivan County district attorney.	do	W	Aug. 21, 1968	20		20	Do.
(4) New York	do	do	do	W	Aug. 20, 1968	20		20	Do.
(5) New York	do	do	do	W	Sept. 13, 1968	20		20	Business.
(6) New York	Culkin	Hogan	Drugs	W	Nov. 29, 1968	20		20	Apartment.
(7) New York	Murtagh	do	Murder	W	Aug. 22, 1968	20	1	40	Do.
(8) New York	Schweitzer	do	Larceny	W	Sept. 4, 1968	20	2	60	Residence.
(9) New York	do	do	do	W	Sept. 27, 1968	20	1	40	Do.
(10) New York	do	do	Bribery	W	Oct. 30, 1968	20		20	Business.
(11) New York	do	do	Larceny	W	do	20	1	40	Residence.
(12) New York	do	do	Drugs	W	Nov. 12, 1968	20		20	Apartment.
(13) New York	Tierney	do	Murder	W	July 26, 1968	20		20	Home and office.

TABLE B.—REPORTS BY STATE PROSECUTING OFFICERS, PURSUANT TO TITLE 15, UNITED STATES CODE, SEC. 2519, CONCERNING COURT AUTHORIZED INTERCEPTS OF WIRE OR ORAL COMMUNICATIONS

State, county, and reporting No.	Name of prosecutor	Nature of intercepts		Number of			Cost		Total cost	Number of persons arrested	Number of trials	Motions to suppress intercepts
		Type	Average frequency	Persons	Intercepts	Incriminating intercepts	Manpower	Other resources				
Arizona:												
(1) Maricopa	Corbin	Phone call		3	60	10	500.00			3		
(2) Pima	Patchell	do	Every other day			3	500.00	350.00	850.00			
Georgia:												
(1) Fulton	Bolton	do		467	548	84	2,672.65	1,409.00	4,081.65	27		Filed and denied.
(2) Fulton	do	do		60	60	1						
(3) Monroe	do	do		202	202	78						
Massachusetts:												
(1) Suffolk	Byrne	do	Varied	78	102	90	9,000.00	325.00	9,325.00	17		
(2) Plymouth	Lurie	do										
New York:												
(1) Albany												
(1) Dutchess												
(1) Erie	Dillon	Wire	50	35	1,500	1,490	438.00		438.00	6		
(2) Erie	do	do	3	7	21		85.00		85.00	(1)		
(1) Nassau	Cahn	Phone call		25	255	35			550.00			
(2) Nassau	Mackell	do	15 per day	25	840	30	1,775.00	125.00	1,900.00			
(3) Nassau	do	do	10	3	1,637	140	3,652.56	106.80	3,759.36			
(4) Nassau												
(5) Nassau												
(1) Schenectady												
(1) Suffolk	Koota	Wire	10 per day	2	400	1	330.00	48.00	378.00	None		
(1) New York												
(2) New York												
(3) New York												
(4) New York												
(5) New York												
(6) New York	Hogan	Phone call	15 per day	60	31	31	200.00		200.00	2		
(7) New York	do	do	1 per week	2	2	2	1,000.00		1,000.00			
(8) New York	do	do	2 per week	4	16	16	7,500.00		7,500.00			
(9) New York	do	do	1 every 10 days	4	4	4	5,000.00		5,000.00			
(10) New York	do	do	6 per day	22	84	70	1,100.00		1,100.00			
(11) New York	do	do	3 per week	3	8	8	3,250.00	125.00	3,375.00	2		
(12) New York	do	do	20 per day	10	400	200	2,500.00		2,500.00			
(13) New York	do	do	None	19	19	18	1,000.00		1,000.00			

---

[1] To be presented to grand jury.

TABLE A.—REPORTS BY STATE JUDGES PURSUANT TO TITLE 18, UNITED STATES CODE, SEC. 2519, ON APPLICATIONS FOR COURT ORDERS TO AUTHORIZE THE INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS

STATE OF NEW YORK, BRONX COUNTY

Reporting No.	Name of judge	Applicant	Offense specified	Kind: (W) Wire; (O) Oral	Date of application	Original period authorized (days)	Number of extensions	Total length of intercepts (days)	Place
1	Ascione	Dollinger	Narcotics	W	July 8, 1968	20		20	Bar and grill.
2	do	Mackell	Arson	W	July 11, 1968	20		20	Residence.
3	do	Dollinger	Narcotics	W	July 17, 1968	20		20	Do.
4	do	do	do	W	July 23, 1968	20		20	Do.
5	do	do	do	W	do	20		20	Do.
6	do	do	do	W	July 29, 1968	20		20	Dry cleaners.
7	do	do	do	W	Aug. 1, 1968	20		20	Residence.
8	do	do	do	W	Aug. 2, 1968	20		20	Do.
9	Brust	Mackell	do	W	Aug. 22, 1968	20		20	Multiple dwelling.
10	do	Roberts	do	W	Sept. 3, 1968	20	1	40	Residence.
11	do	do	do	W	Oct. 21, 1968	20		20	Do.
12	Fine	do	do	W	Nov. 14, 1968	20	1	40	Do.
13	do	do	do	W	Nov. 15, 1968	20		20	Do.
14	do	do	do	W	Nov. 6, 1968	20		20	Restaurant.
15	Frank	Dollinger	do	W	Aug. 14, 1968	20	2	60	Residence.
16	do	do	do	W	Aug. 15, 1968	20		20	Do.
17	do	do	do	W	Aug. 22, 1968	20	1	40	Do.
18	Markewich	do	do	W	Sept. 18, 1968	20	1	40	Do.
19	do	do	do	W	do	20	1	40	Do.
20	do	do	do	W	Sept. 24, 1968	20		20	Do.
21	do	do	do	W	Sept. 9, 1968	20	1	40	Do.
22	do	do	do	W	Sept. 4, 1968	20		20	Store.
23	do	Hogan	Murder	W	July 12, 1968	20	1	40	Apartment.
24	do	do	do	W	July 26, 1968	20	3	80	Do.
25	Marks	Roberts	Narcotics	W	Oct. 14, 1968	20		20	Residence.
26	Spector	Dollinger	Homicide	W	June 21, 1968	20		20	Bar and grill.
27	do	do	do	W	do	20		20	Bar.
28	do	do	do	W	do	20		20	Apartment.
29	Spiegel	do	Narcotics	W	Aug. 19, 1968	20	1	40	Residence.
30	do	do	do	W	do	20		20	Do.
31	Waltemade	Roberts	Fraud	W	Nov. 21, 1968	20		20	Apartment.
32	do	Dollinger	Gambling	W	Aug. 7, 1968	20	1	40	Social club.
33	Marks	do	do	W	Sept. 11, 1968	20	2	60	Bar and grill.

STATE OF NEW YORK, KINGS COUNTY

1	Benjamin	Golden	Extortion	W	Nov. 21, 1968	20		20	Business.
2	do	do	do	W	do	20		20	Do.
3	do	do	do	W	do	20		20	Do.
4	do	do	do	W	Dec. 19, 1968	20		20	Residence.
5	do	do	do	W	do	20		20	Do.
6	Beldock	do	do	W	Nov. 20, 1968	20		20	Apartment.
7	do	do	do	W	do	20		20	Do.
8	do	do	do	W	do	20		20	Do.
9	do	do	Auto theft	W	Nov. 13, 1968	20	1	40	Do.
10	do	do	do	W	do	20		40	Do.
11	do	do	Homicide	W	Dec. 24, 1968	20	2	60	Do.

TABLE A.—REPORTS BY STATE JUDGES PURSUANT TO TITLE 18, UNITED STATES CODE, SEC. 2519, ON APPLICATIONS FOR COURT ORDERS TO AUTHORIZE THE INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS—Continued

STATE OF NEW YORK, KINGS COUNTY—Continued

Reporting No.	Name of judge	Applicant	Offense specified	Kind: (W) Wire; (O) Oral	Date of application	Original period authorized (days)	Number of extensions	Total length of intercepts (days)	Place
12	Beldock	Golden	Homicide	W	do	20	2	60	Residence.
13	do	do	do	W	do	20	2	60	Do.
14	do	do	do	W	Dec. 26, 1968	20	2	60	Do.
15	Damiani	Hogan	Robbery	W	July 31, 1968	20	1	40	Do.
16	do	Koota	do	W	Aug. 19, 1968	20		20	Apartment.
17	do	do	do	W	do	20		20	Business.
18	do	do	do	W	do	20		20	Apartment.
19	do	Mackell	Stolen property	W	July 17, 1968	20	2	60	Multiple dwelling.
20	do	Koota	Stolen guns	W	Aug. 7, 1969	20	1	40	Residence.

TABLE B.—REPORTS BY STATE PROSECUTING OFFICERS, PURSUANT TO TITLE 18, UNITED STATES CODE, SEC. 2519, CONCERNING COURT AUTHORIZED INTERCEPTS OF WIRE OR ORAL COMMUNICATIONS

STATE OF NEW YORK, BRONX COUNTY

Reporting No.	Name of prosecutor	Nature of intercepts		Number of—			Cost			Number of persons arrested
		Type	Average frequency	Persons	Intercepts	Incriminating intercepts	Manpower	Other resources	Total cost	
1	Dollinger	Phone call	Daily	25	200	22				2
2	Mackell	do	20 per day	2	103	2	$205.20	$6.00	$211.20	1
3	Dollinger	do	Daily	7	400	60				
4	do	do	do	6	51	8				
5	do	do	do	6	27	9				2
6	do	do	do	30	300	94				
7	do	do	do	8	65	15				4
8	do	do	do	4	35	3				
9	Mackell	do	9 per day	64	175	9	321.90	9.00	330.90	
10	Dollinger	do	Daily	6	200	75				6
11	Roberts	do	do	7	84	3				
12	do	do	do	13	145	41				
13	do	do	do	10	85	5				
14	do	do	do	15	350	25				
15	Dollinger	do	do	35	500	150				6
16	do	do	do	10	87					
17	do	do	do	9	140	27				
18	Roberts	do	do	25	370	100				10
19	do	do	do	20	450	75				6
20	do	do	do	20	465	270				6
21	Dollinger	do	do	8	625	75				6
22	do	do	do	5	82	26				2
23	Hogan	do	2 per day	19	33	15	8,000.00		8,000.00	
24	do	do	1 per day	12	37	35	6,000.00		6,000.00	
25	Roberts	do	Daily	15	220	80				2
26	Dollinger	do	do	150	600	3				
27	do	do	do	100	650	9				
28	do	do	do	2	150					
29	do	do	do	8	115	5				
30	do	do	do	5	250	71				2
31	Roberts	do	do	10	150	35				6
32	Dollinger	do	do	75	400	50				
33	do	do	do	75	500	75				17

STATE OF NEW YORK, KINGS COUNTY

Reporting No.	Name of prosecutor	Type	Average frequency	Persons	Intercepts	Incriminating intercepts	Manpower	Other resources	Total cost	Number of persons arrested
1	Golden	Phone call	24 per day	5	120		$60.00	$6.00	$66.00	
2	do	do	20 per day	5	45		40.00	4.00	44.00	
3	do	do	15 per day	5	45		40.00	4.00	44.00	
4	do	do	29 per day	6	260	10	120.00	12.00	132.00	
5	do	do	25 per day	6	225		640.00	22.00	662.00	
6	do	do	42 per day	5	510	1	420.00	110.50	530.50	
7	do	do	10 per day	4	105		200.00	20.00	220.00	
8	do	do	13 per day	4	169	2	560.00	68.40	628.40	
9	do	do	25 per day	4	1,000	100	4,850.00	53.70	4,903.70	
10	do	do	10 per day	3	400	10	4,850.00	44.70	4,894.70	6
11	do	Dedicated wire (not installed).								
12	do	Phone call	36 per day	2	479	171	2,062.00	17.10	2,089.10	2
13	do	do	33 per day	2	431	365	1,775.00	17.25	1,892.25	1
14	do	do	23 per day	2	474	355	2,046.50	25.10	2,071.60	2
15	do	No report								
16	do	Phone call	17 per day	8	106		2,600.00	49.50	2,649.50	
17	do	do	10 per day	20	50	2	1,200.00	11.50	1,211.50	15
18	do	do	15 per day	7	107		2,600.00	11.50	2,611.50	
19	Mackell	do	3 per day	30	183	16	165,00	9.60	174.60	3
20	Golden	do	6 per day	1	55	4	155.00	32.00	187.00	1

TABLE A.—REPORTS BY STATE JUDGES PURSUANT TO TITLE 18, UNITED STATES CODE, SEC. 2519, ON APPLICATIONS FOR COURT ORDERS TO AUTHORIZE THE INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS.

STATE OF NEW YORK, KINGS COUNTY

Reporting No.	Name of judge	Applicant	Offense specified	Kind (W) Wire (O) Oral	Date of application	Original period authorized (days)	Number of extensions	Total length of intercepts (days)	Place
21	Damiani	Koota	Stolen property	W	Aug. 29, 1968	20	1	40	Multiple dwelling.
22	do	Hogan	Stolen guns	W	Aug. 23, 1968	20	1	40	Residence.
23	do	Golden	Narcotics	W	Sept. 10, 1968	20	1	40	Apartment.
24	do	do	do	W	do	20	3	80	Do.

TABLE A.—REPORTS BY STATE JUDGES PURSUANT TO TITLE 18, UNITED STATES CODE, SEC. 2519, ON APPLICATIONS FOR COURT ORDERS TO AUTHORIZE THE INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS—Continued

STATE OF NEW YORK, KINGS COUNTY—Continued

Reporting No.	Name of judge	Applicant	Offense specified	Kind (W) Wire (O) Oral	Date of application	Original period authorized (days)	Number of extensions	Total length of intercepts (days)	Place
25	Damiani	Hogan	Possession of forged instruments.	W	Aug. 23, 1968	20	1	40	Apartment.
26	do	Koota	Auto theft	W	Sept. 3, 1968	20	1	40	Do.
27	do	Golden	Larceny	W	Sept. 11, 1968	20	2	60	Business.
28	do	do	do	W	do	20	2	60	Do.
29	do	do	do	W	do	20	2	60	Do.
30	do	do	do	W	do	20	2	60	Do.
31	do	do	do	W	do	20	2	60	Do.
32	do	do	do	W	do	20	2	60	Do.
33	do	do	do	W	do	20	2	60	Do.
34	do	do	do	W	do	20	2	60	Do.
35	do	do	do	W	do	20	2	60	Do.
36	do	do	do	W	do	20	2	60	Do.
37	do	Hogan	Bribery	W	Oct. 9, 1968	20		20	Residence.
38	do	Golden	Assault	W	Oct. 4, 1968	20	1	40	Do.
39	Kern	Koota	Gun law	W	Aug. 2, 1968	20		20	Do.
40	do	Hogan	Robbery	W	Aug. 31, 1968	20	1	40	Apartment.
41	McDonald	Ingrassia	Drugs	W	Aug. 5, 1968	20	2	60	Residence.
42	do	do	do	W	do	20	2	60	Do.
43	do	do	do	W	do	20	2	60	Beauty parlor.
44	do	North	do	W	Oct. 10, 1968	20		20	Funeral parlor.
45	do	do	do	W	do	20		20	Residence.
46	do	do	do	W	Nov. 4, 1968	20	2	60	Funeral parlor.
47	Rinaldi	Golden	Narcotics	W	Oct. 8, 1968	20	1	40	Apartment.
48	do	do	do	W	do	20	1	40	Do.
49	Ryan	Mackell	Drugs	W	Aug. 7, 1968	20		20	Multiple dwelling.
50	do	do	Robbery	W	Aug. 5, 1968	20		20	Residence.
51	Starkey	Golden	Narcotics	W	Nov. 21, 1968	20		20	Apartment.
52	do	do	Homicide	W	do	20	1	40	Do.
53	do	do	do	W	do	20	1	40	Do.
54	do	do	do	W	do	20		20	Do.
55	do	do	do	W	do	20		20	Do.
56	do	do	do	W	do	20		20	Do.
57	do	do	Extortion	W	Nov. 27, 1968	20	1	40	Business.
58	do	do	do	W	do	20	1	40	Do.
59	do	do	do	W	do	20	1	40	Do.
60	do	do	do	W	do	20	1	40	Do.
61	do	do	do	W	do	20	1	40	Do.
62	do	do	Narcotics	W	Nov. 25, 1968	20		20	Residence.
63	do	do	do	W	Dec. 4, 1968	20		20	Do.
64	do	Hogan	Kidnaping	W	Dec. 10, 1968	20		20	Business.
65	do	Golden	Larceny	W	Dec. 19, 1968	20		20	Apartment.
66	do	do	Narcotics	W	Dec. 24, 1968	20		20	Do.
67	do	do	do	W	do	20		20	Do.
68	do	do	do	W	do	20		20	Business.

TABLE B.—REPORTS BY STATE PROSECUTING OFFICERS, PURSUANT TO TITLE 18, UNITED STATES CODE, SEC. 2519, CONCERNING COURT AUTHORIZED INTERCEPTS OF WIRE OR ORAL COMMUNICATIONS

STATE OF NEW YORK, KINGS COUNTY

		Nature of intercepts		Number of—			Cost			
Reporting No.	Name of prosecutor	Type	Average frequency	Persons	Intercepts	Incriminating intercepts	Manpower	Other resources	Total cost	Number of persons arrested
21										
22	Hogan	Phone call	3 per day	8	25	25	$1,500.00	$50.00	$1,550.00	2
23	Golden	do	10 per day	1	66		1,140.00	8.85	1,148.85	
24	do	do	25 per day	2	78	23	240.00	20.50	260.50	1
25	Hogan	do	1 in 3 days	6	13	11	6,500.00	300.00	6,800.00	3
26	Golden	do	15 per day	2	600	300	4,120.00	12.75	4,132.75	3
27	do	do	35 per day	4	1,845	2	542.50	59.50	602.00	
28	do	do	25 per day	3	1,050	3	710.00	56.80	766.80	
29	do	do	35 per day	5	1,470	24	610.00	90.50	700.50	
30	do	do	12 per day	3	474	3	532.50	56.50	589.00	
31	do	do	10 per day	3	333	2	497.50	54.50	552.00	
32	do	do	25 per day	2	940	8	520.00	76.50	596.50	
33	do	do	14 per day	3	546	7	695.00	70.50	765.50	
34	do	do	15 per day	2	570	2	505.00	76.50	581.50	
35	do	do	10 per day	2	360	1	480.00	74.50	554.50	
36	do	do	20 per day	3	720	3	510.00	78.20	588.20	
37	Hogan	do	16 per day	24	119	77	1,900.00	20.00	1,920.00	5
38	Golden	do	27 per day	2	876	360	1,017.00	39.40	1,056.40	1
39	Koota	do	5 per day	2	100	9	155.00	16.00	171.00	
40	Hogan	do	4 per day	26	166	145	8,125.00		8,125.00	8
41	Ingrassia	do	15 per day	10	5,500		600.00	400.00	1,000.00	
42	do	do	8 per day	3	500		300.00	100.00	400.00	
43	do	do	10 to 20 per day	4	800		300.00	100.00	400.00	
44	North	do								
45	do	do								
46	do	do								
47	Golden	do	45 per day	2	732	226	4,580.00	19.70	4,599.70	
48	do	do	1 per day	1	37		400.00	14.10	414.10	
49	Mackell	do	6 per day	14	63	3	134.40	3.60	138.00	
50	do	do	1 per day	2	2	4	5.13	1.20	6.33	
51	Golden	do	7 per day	2	46	2	120.00	7.70	127.70	
52	do	do	22 per day	2	2,188	950	2,217.00	72.00	2,289.00	
53	do	Not installed								
54	do	Phone call	17 per day	2	429	322	2,093.00	41.70	2,134.70	
55	do	do	18 per day	2	259	207	1,852.00	41.85	1,894.35	
56	do	do	32 per day	2	482	192	2,093.00	21.00	2,114.00	
57	do	do	30 per day	5	360	6	480.00	70.00	550.00	
58	do	do	12 per day	3	158	1	146.00	11.00	157.00	
59	do	do	10 per day	3	107		383.00	7.00	390.00	
60	do	do	14 per day	3	182	2	239.00	58.50	297.50	
61	do	do	35 per day	5	385	14	275.00	22.00	297.00	
62	do	do	30 per day	7	719	234	3,090.00	69.40	3,159.40	
63	do	do	15 per day	2	298	139	4,520.00	30.85	4,550.85	
64	Hogan	do	1 per day	22	24	24	3,450.00		3,450.00	7
65	Golden	do	13 per day	4	143	11	205.00	27.65	232.65	
66	do	do	18 per day	7	372	61	750.00	14.00	764.00	
67	do	do	15 per day	2	380	5	1,280.00	7.25	1,287.25	
68	do	do	8 per day	2	125		690.00	19.00	709.00	

TABLE A.—REPORTS BY STATE JUDGES PURSUANT TO TITLE 18, UNITED STATES CODE, SEC. 2519, ON APPLICATIONS FOR COURT ORDERS TO AUTHORIZE THE INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS

STATE OF NEW YORK, ONONDAGA COUNTY

Reporting number	Name of judge	Applicant	Offense specified	Kind (W) Wire (O) Oral	Date of application	Original period authorized (days)	Number of extensions	Total length of intercepts (days)	Place
1	Farnham	Gualtieri	Drugs	W	July 11, 1968	20		20	Multiple dwelling.
2	do	do	do	W	Aug. 20, 1968	20		20	Residence.
3	do	do	Robbery	W	Oct. 1, 1968	20	1	40	Do.
4	do	do	Gambling	W	Oct. 1, 1968	20		20	Market.
5	do	do	do	W	Oct. 31, 1968	20		20	Residence.
6	do	do	do	W	Nov. 16, 1968	20		20	Do.
7	do	do	do	W	Nov. 26, 1968	20		(1)	Apartment.
8	do	do	do	W	Nov. 26, 1968	20		20	Do.
9	do	do	do	W	Dec. 5, 1966	20		20	Business.
10	do	do	do	W	Nov. 26, 1968	20		20	Do.
11	do	do	do	W	Dec. 5, 1968	20		20	Residence.
12	do	do	do	W	Dec. 12, 1968	20		(1)	Apartment.
13	do	do	do	W	do	20		20	Residence.
14	do	do	do	W	Dec. 19, 1968	20		20	Apartment.
15	Orenstein	do	Drugs	W	Dec. 3, 1968	20	2	60	Multiple dwelling.
16	do	do	Burglary	W	Dec. 20, 1968	20		20	Apartment.
17	Moran	do	Gambling	W	Dec. 27, 1968	20		20	Residence.
18	do	do	do	W	July 31, 1968	20		20	Restaurant.
19	do	do	do	W	Dec. 27, 1968	20		20	Apartment.
20	Aronson	do	do	W	Nov. 13, 1968	20	1	40	Business.
21	Mead	do	do	W	Nov. 7, 1968	20	1	40	Residence.

STATE OF NEW YORK, QUEENS COUNTY

Reporting number	Name of judge	Applicant	Offense specified	Kind (W) Wire (O) Oral	Date of application	Original period authorized (days)	Number of extensions	Total length of intercepts (days)	Place
1	H	Mackell		W		20	6	140	Multiple dwelling.
2	Balsam	do	Drugs	W	June 28, 1968	20		20	Apartment.
3	do	do	do	W	July 22, 1968	20		20	Do.
4	do	do	do	W	Aug. 1, 1968	20		20	Multiple dwelling.
5	do	do	Robbery	W	Aug. 5, 1968	20		20	Residence.
6	do	do	Drugs	W	Aug. 5, 1968	20		20	Do.
7	do	do	do	W	Aug. 9, 1968	20	1	40	Apartment.
8	do	do	do	W	Sept. 10, 1968	20		20	Do.
9	do	do	do	W	Sept. 25, 1968	20		20	Residence.
10	do	do	do	W	do	20	1	40	Apartment.
11	do	do	do	W	do	20	1	40	Residence.
12	do	do	do	W	Oct. 22, 1968	20	1	40	Apartment.
13	do	do	do	W	Oct. 23, 1968	20	2	60	Do.
14	do	do	do	W	Nov. 21, 1968	20		(1)	Multiple dwelling.
15	do	do	do	W	Dec. 10, 1968	20		(1)	Do.
16	Bosch	do	do	W	Aug. 15, 1968	20		20	Apartment.
17	do	do	Homicide	W	Aug. 30, 1968	20	2	60	Do.
18	Livoti	do	Drugs	W	Sept. 16, 1968	20	2	60	Do.
19	Schweitzer	do	do	W	Oct. 30, 1968	20	2	60	Multiple dwelling.
20	Shapiro	Williams	Homicide	W	Aug. 19, 1968	20		20	
21	do	do	do	W	Oct. 14, 1968	20		20	

---

[1] Not executed.

TABLE B.—REPORTS BY STATE PROSECUTING OFFICERS, PURSUANT TO TITLE 18, UNITED STATES CODE, SEC. 2519, CONCERNING COURT AUTHORIZED INTERCEPTS OF WIRE OR ORAL COMMUNICATIONS

STATE OF NEW YORK, ONONDAGA COUNTY

Reporting No.	Name of prosecutor	Nature of intercepts		Number of—			Cost			Number of persons arrested
		Type	Average frequency	Persons	Intercepts	Incriminating intercepts	Manpower	Other resources	Total cost	
1	Gualtieri	Phone call	3 per day	15	61	50	$121.36		$121.36	1
2	do	do	5 minutes	42	210	41	1,200.00		1,200.00	
3	do	do		53	516	40	235.00		235.00	
4	do	do	23 per day	100	425		122.36		122.36	
5	do	do	Daily	25	366	331	660.00	$60.00	720.00	4
6	do	do	do	15	315	70	660.00	54.00	714.00	3
7	do	Not executed								
8	do	Phone call	Daily	35	619	553	660.00	57.00	717.00	3
9	do	do	do	25	288	101	500.00	54.00	554.00	5
10	do	do	do	50	230	30	525.00	57.00	582.00	1
11	do	do	do	9	218	14	400.00	33.00	433.00	1
12	do	Not executed								
13	do	Phone call	Daily	15	355	15	660.00	75.00	735.00	3
14	do	do	do	20	179	159	300.00	15.00	315.00	3
15	do	do	28 per day	60	1,669	177	432.00		432.00	
16	do	do	5 milnues	34	194	15	115.00		115.00	
17	do	do	Daily	25	366	213	440.00	45.00	485.00	3
18	do	do	46 per day	350	916		216.08		261.08	
19	do	do	Daily	30	52	52	440.00	9.00	449.00	2
20	do	do	do	45	1,732	1,688	1,110.00	141.00	1,251.00	10
21	do	do	do	30	900	360	850.00	111.00	961.00	8

STATE OF NEW YORK, QUEENS COUNTY

Reporting No.	Name of prosecutor	Type	Average frequency	Persons	Intercepts	Incriminating intercepts	Manpower	Other resources	Total cost	Number of persons arrested
1	Mackell									
2	do	Phone call	4 per day	12	80		44.80	2.40	47.20	
3	do	do	8 per day	19	77	10	61.56	3.60	65.16	1
4	do	do	19 per day	33	241	21	384.84	10.40	359.24	2
5	do	do	40 per day	15	800	6	224.00	12.00	236.00	
6	do	do	15 per day	72	276	7	241.23	13.20	254.43	
7	do	do	7 per day	49	273	90	112.00	6.00	118.00	
8	do	do	9 per day	22	148	10	82.08	4.80	86.88	
9	do	do	7 per day	26	119		205.20	12.00	217.20	
10	do	do	do	37	199	41	313.60	8.40	322.00	
11	do	do	14 per day	35	573	192	403.20	10.80	414.00	5
12	do	do	40 per day	277	1,437	106	1,707.12	91.20	1,798.32	4
13	do	do	4 per day	30	200	15	143.61	8.40	152.01	1
14	do	Device not installed								
15	do	Interception never executed, subscriber had phone disconnected.								
16	do	Phone call, no conversations recorded, phone was dead.					20.52	1.20	21.72	
17	do	Phone call	5 per day	3	310	38	1,600.56	46.80	1,647.36	
18	do	do	7 per day	44	415	61	264.24	7.20	253.44	3
19	do	do	11 per day	39	558	63	10.26	.60	10.86	3

ADMINISTRATIVE OFFICE OF THE U.S. COURTS

REGULATIONS RELATING TO REPORTS ON INTERCEPTED WIRE OR ORAL COMMUNICATIONS REQUIRED TO BE MADE UNDER THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968, TITLE 18, UNITED STATES CODE, SECTION 2519

Introduction

These regulations are issued pursuant to the authority contained in Section 802 of Title III of the Omnibus Crime Control and Safe Streets Act of 1968, approved June 19, 1968, 82 Stat. 197; Title 18, United States Code, Section 2519(3). They prescribe the form of reports which are required by that subsection to be filed with the Director of the Administrative Office of the United States Courts—(1) by any state or federal judge approving or denying an application for a court order authorizing the interception of an oral or wire communication, and (2) by any prosecuting officer, state or federal, who has authorized an application for such a court order by an investigative or law enforcement officer.

The regulations are in three parts. Part I prescribes the content and form of reports required to be filed by a state or federal judge. Part II prescribes the content and form of reports required to be filed by the Attorney General of the United States or his designee, or by the principal prosecuting attorney of a state or political subdivision thereof. Part III prescribes the procedure for submitting reports.

The text of Title III of the Omnibus Crime Control and Safe Streets Act of 1968 is set out in Appendix A.

Part I—Reports by State and Federal judges

Sec. 100. Judges required to file reports

Judges required by law to file reports include:

(1) A judge of any court of general criminal jurisdiction of a State *who is authorized by a specific statute of that State to enter orders* authorizing interceptions of wire or oral communications, including judges in the District of Columbia, the Commonwealth of Puerto Rico and any territory or possession of the United States;

(2) A judge of a United States court of appeals; or

(3) A judge of a United States district court.

Sec. 101. Time of Filing

(1) Reports required to be filed by a judge are to be forwarded:

(a) In the case of the denial of an application, on or before the 30th day following the denial.

(b) In the case of the issuance, or extension, of an order entered in accordance with Title 18, United States Code, Section 2518—

(i) On or before the 30th day following the expiration of the order, or

(ii) If there has been an extension of an order (granted prior to its expiration), on or before the 30th day following the expiration of the extended period.

(2) No report submitted by a judge under these regulations should be filed until *after* the authorized period of the interception, or extension thereof, has expired.

Sec. 102. Content of Reports Filed by Judges

(1) A report by a judge issuing or denying an application for the interception of an oral or wire communication should conform as nearly as possible to the format of *Form No. 1*, attached to these regulations as Appendix B. The use of this form, however, is not mandatory. A letter or statement containing the essential information set forth in subsection (2) of this section will be satisfactory.

(2) The report by a judge must contain the following items of information:

(a) The name and title of the judge and the name and address of the court.

(b) The date of the original application and the identifying number of the application, if a number identification system is used.

(c) The name, title and address of the prosecuting officer who authorized the application.

(d) The name and address of the applying investigative or law enforcement officer and the agency involved.

(e) An indication as to whether the application was for the interception of either an oral or a wire communication.

(f) The offense specified in the order or application for an extension of the order. A general description of the offense such as gambling, narcotics, racketeering, murder, etc. will suffice. See the offenses set forth in Section 2516 of the Act.

(g) The dates of court action and a statement as to whether an application was granted as applied for, granted with modifications, or denied. If the order was made with modifications, a brief description should be provided.

(h) The period of interception authorized by the order and the number and duration of any extensions of the order.

(i) The nature of the facilities from which or the place where communications were to be intercepted—such as office, home, telephone booth, commercial or industrial establishment, etc.

(3) The report by a judge should not contain a disclosure of the name of any individual whose communication may have been intercepted, nor any disclosure that could be used to identify the specific address of the premises involved.

(4) A report is not required to be filed in regard to an order issued permitting the interception of an oral or wire communication, where the order is issued at the request of, or with the consent of, one of the principal parties to the communication, such as a wire interception to investigate obscene telephone calls, where the interception device was installed at the request of the victim.

Sec. 103. Submission of Reports

Instructions concerning the submission of reports are contained in Part III.

Part II—Reports by prosecuting officers

Sec. 200. Prosecuting Officers Required to File Reports

(1) Any prosecuting officer who has authorized an aplication to a judge for a court order to permit an interception of an oral or wire communication is required to file an *annual report* with respect to *each* such application that has been made. This is the responsibility of the following officials:

(a) The Attorney General of the United States or his designee;

(b) The Attorney General or Principal Prosecuting Officer of a State, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States; and

(c) The principal prosecuting attorney for any political subdivision of a State at the county level or above.

Sec. 201. Time of Filing.

(1) Reports by prosecuting officers are required to be filed on or before January 31st of each year.

(2) No report by a prosecuting official should include any information regarding an application for a court order, where the period of the interception permitted by the court order has not expired.

Section 202. Content of Annual Reports by Prosecuting Officials

(1) The report by a prosecuting officer should conform as nearly as possible to the format of *Form No. 2* attached to these regulations as Appendix C. The use of this form, however, is not mandatory. A letter or statement containing the essential information set forth in subsection (3) of this section will be satisfactory.

(2) The report should include information concerning:

(a) All applications for court orders and extensions of court orders made during the immediate preceding year (provided that the period of the authorized interception has expired); and

(b) All applications aproved in prior years which resulted in arrests, trials, or convictions during the immediate preceding year.

(3) Each report must contain the following items of information regarding each application resulting in a communication intercept:

(a) The same nine items of information required to be furnished by a judge issuing or denying an application, as set forth in Section 102(2) of these regulations.

(b) A brief report on *each* authorized interception which should include a "general description of the interceptions made under such order or extension, including (i) the approximate nature and frequency of incriminating communications intercepted, (ii) the approximate nature and frequency of other communications intercepted (such as a friendly call, or a business call having no relation to the investigation), (iii) the approximate number of persons whose communications were intercepted, and (iv) the nature, amount, and cost of the manpower and other resources used in the interceptions."

(c) The number of arrests made and the offenses charged in the arrests (such as gambling, narcotics, racketeering, murder, etc.).

(d) The number of trials resulting from these interceptions.

(e) The number of motions to suppress (quash evidence) made with respect to the intercepted communications, together with the number of such motions granted or denied.

(f) The number of convictions resulting from such interceptions; the offenses for which the convictions were obtained; and a general assessment of the importance of the interceptions.

(4) The report by a prosecuting official should be statistical in character and should not disclose the name of any individual being investigated, nor any specific address of a place involved in the communication intercept.

Sec. 203. Submission of Reports

Instructions concerning the submission of reports are contained in Part III.

Part III—Filing of reports

Sec. 300. Submission of Reports

Reports submitted under Parts I and II of these regulations should cover only those applications made to a court on or after June 19, 1968, the effective date of the Act.

Sec. 301. Mailing Address

All reports should be addressed to:

Director, Administrative Office of the United States Courts, Supreme Court Building, Washington, D.C. 20544.

Sec. 302. Forms

The use of the suggested forms attached to these regulations (Forms No. 1 and No. 2) is not mandatory and no separate distribution of these forms will be made. However, they may be reproduced locally by the electrostatic process or other suitable means of reproduction.

To: DIRECTOR; ADMINISTRATIVE OFFICE OF U.S. COURTS; SUPREME COURT BLDG.; WASHINGTON, D.C. 20544

REPORT OF APPLICATION AND/OR ORDER AUTHORIZING INTERCEPTION OF COMMUNICATION—FORM 1

Person making this report:

Judge's Name__________________________

Court address__________________________

Source of application

A. The official making application:
Person's name--------------------------
Person's title---------------------------
Agency's name--------------------------
Agency's address------------------------
B. Official authorizing application: (Show "Same" if same as "A")
Person's name--------------------------
Person's title---------------------------
Agency's name--------------------------
Agency's address------------------------

Offenses

Application:
Offenses specified-----------------------
Order or extension:
Denied ---------------------------------
Granted --------------------------------
Granted with these changes--------------
Date of order----------------------------
Kind of communication being intercepted— Wire, Oral.
Date of application----------------------
Period originally requested--------------

Duration of intercept

Length of extensions requested:
1st -------------------------------------
2nd ------------------------------------
3d --------------------------------------

Place

Residence ------, multiple dwelling ------, apartment ------, business location (specify) ------, other (specify) ------.
Comments ------------------------------
Date of report---------------------------
Signature ------------------------------

To: DIRECTOR; ADMINISTRATIVE OFFICE OF U.S. COURTS; SUPREME COURT BLDG.; WASHINGTON, D.C. 20544

REPORT OF POLICE & COURT ACTION RESULTING FROM INTERCEPTED COMMUNICATIONS—FORM 2

Court authorizing the intercepts:
Name of Judge--------------------------
Court ----------------------------------
Address --------------------------------
Person making this report and who authorized the interception application:
Name ----------------------------------
Title -----------------------------------
Agency ---------------------------------
Address --------------------------------
Name & Agency of person making application for inteception (if different from above) -------------------------------
Application:
Offenses specified-----------------------
Order or extension:
Denied ---------------------------------
Granted---------------------------------
Granted with these changes--------------
Date of order----------------------------
Kind of communication beirg intercepted—Wire, Oral.
Date of application----------------------
Period originally requested--------------
Length of extension requested:
1st -------------------------------------
2nd ------------------------------------
3d --------------------------------------
Residence ------, multiple dwelling ------, apartment ------, business location (specify) ------, other (specify) ------.

Description of intercepts

Nature of interceptions:
Average frequency-----------------------
Number of:
Persons whose communications were intercepted -------------------------------
Communications intercepted--------------
Incriminating communications intercepted -------------------------------

Cost

Nature and quantity of manpower used--
Nature of other resources----------------
Manpower cost, $------------; resource cost, $----------; total cost, $-----------.

Results

Approximate number of actions resulting from interceptions:
Arrests and offenses charged-------------
Trials -----------------------------------
Motions and suppress:
Made ----------, granted ----------, denied ----------
Convictions and offenses----------------
An assessment of the importance of the interceptions in obtaining such convictions ---------------------------------------
Date of report---------------------------
Signature ------------------------------

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

THE PUBLIC WELFARE SYSTEM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-146)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was referred to the Committee on Finance:

To the Congress of the United States:

A measure of the greatness of a powerful nation is the character of the life it creates for those who are powerless to make ends meet.

If we do not find the way to become a working nation that properly cares for the dependent, we shall become a Welfare State that undermines the incentive of the working man.

The present welfare system has failed us—it has fostered family breakup, has provided very little help in many States and has even deepened dependency by all-too-often making it more attractive to go on welfare than to go to work.

I propose a new approach that will make it more attractive to go to work than to go on welfare, and will establish a nationwide minimum payment to dependent families with children.

I propose that the Federal government pay a basic income to those American families who cannot care for themselves in whichever State they live.

I propose that dependent families receiving such income be given good reason to go to work *by making the first sixty dollars a month they earn completely their own, with no deductions from their benefits.*

I propose that we *make available an addition to the incomes of the "working poor,"* to encourage them to go on working and to eliminate the possibility of making more from welfare than from wages.

I propose that these payments be made upon certification of income, with demeaning and costly investigations replaced by simplified reviews and spot checks and with *no eligibility requirement that the household be without a father.* That present requirement in many States has the effect of breaking up families and contributes to delinquency and violence.

I propose that all employable persons who choose to accept these payments be required to register for work or job training and *be required to accept that work or training,* provided suitable jobs are available either locally or if transportation is provided. Adequate and convenient day care would be provided children wherever necessary to enable a parent to train or work. The only exception to this work requirement would be mothers of pre-school children.

I propose *a major expansion of job training and day care facilities,* so that current welfare recipients able to work can be set on the road to self-reliance.

I propose that we also *provide uniform Federal payment minimums for the present three categories of welfare aid to adults*—the aged, the blind and the disabled.

This would be total welfare reform—the transformation of a system frozen in failure and frustration into a system that would work and would encourage people to work.

Accordingly, we have stopped considering human welfare in isolation. The new plan is part of an overall approach which includes a comprehensive new Manpower Training Act, and a plan for a system of revenue sharing with the States to help provide all of them with necessary budget relief. Messages on manpower training and revenue sharing will follow this message tomorrow and the next day, and the three should be considered as parts of a whole approach to what is clearly a national problem.

NEED FOR NEW DEPARTURES

A welfare system is a success when it takes care of people who cannot take care of themselves and when it helps employable people climb toward independence.

A welfare system is a failure when it takes care of those who *can* take care of themselves, when it drastically varies payments in different areas, when it breaks up families, perpetuates a vicious cycle of dependency, when it strips human beings of their dignity.

America's welfare system is a failure that grows worse every day.

First, it fails the recipient: In many areas, benefits are so low that we have hardly begun to take care of the dependent. And there has been no light at the end of poverty's tunnel. After four years of inflation, the poor have generally become poorer.

Second, it fails the taxpayer: Since 1960, welfare costs have doubled and the number on the rolls has risen from 5.8 million to over 9 million, all in a time when unemployment was low. The taxpayer is entitled to expect government to devise a system that will help people lift themselves out of poverty.

Finally, it fails American society: By breaking up homes, the present welfare system has added to social unrest and robbed millions of children of the joy of childhood; by widely varying payments among regions, it has helped to draw millions into the slums of our cities.

The situation has become intolerable. Let us examine the alternatives available:

—We could permit the welfare momentum to continue to gather speed by our inertia; by 1975 this would result in 4 million more Americans on welfare rolls at a cost of close to 11 billion dollars a year, with both recipients and taxpayers shortchanged.

—We could tinker with the system as it is, adding to the patchwork of modifications and exceptions. That has been the approach of the past, and it has failed.

We could adopt a "guaranteed minimum income for everyone," which would appear to wipe out poverty overnight. It would also wipe out the basic economic motivation for work, and place an enormous strain on the industrious to pay for the leisure of the lazy.

Or, we could adopt a totally new approach to welfare, designed to assist those left far behind the national norm, and provide all with the motivation to work and a fair share of the opportunity to train.

This Administration, after a careful analysis of all the alternatives, is committed to a new departure that will find a solution for the welfare problem. The time for denouncing the old is over; the time for devising the new is now.

RECOGNIZING THE PRACTICALITIES

People usually follow their self-interest.

This stark fact is distressing to many social planners who like to look at problems from the top down. Let us abandon the ivory tower and consider the real world in all we do.

In most States, welfare is provided only when there is no father at home to provide support. If a man's children would be better off on welfare than with the low wage he is able to bring home, wouldn't he be tempted to leave home?

If a person spent a great deal of time and effort to get on the welfare rolls, wouldn't he think twice about risking his eligibility by taking a job that might not last long?

In each case, welfare policy was intended to limit the spread of dependency; in practice, however, the effect has been to increase dependency and remove the incentive to work.

We fully expect people to follow their self-interest in their business dealings; why should we be surprised when people follow their self-interest in their welfare dealings? That is why we propose a plan in which it is in the interest of every employable person to do his fair share of work.

THE OPERATION OF THE NEW APPROACH

1. *We would assure an income foundation throughout every section of America for all parents who cannot adequately support themselves and their children.* For a family of four with less than $1,000 income, this payment would be $1600 a year; for a family of four with $2,000 income, this payment would supplement that income by $960 a year.

Under the present welfare system, each State provides "Aid to Families with Dependent Children," a program we propose to replace. The Federal government shares the cost, but each State establishes key eligibility rules and determines how much income support will be provided to poor families. The result has been an uneven and unequal system. The 1969 benefits average for a family of four is $171 a month across the Nation, but individual State averages range from $263 down to $39 a month.

A new Federal minimum of $1600 a year cannot claim to provide comfort to a family of four, but the present low of $468 a year cannot claim to provide even the basic necessities.

The new system would do away with the inequity of very low benefit levels in some States, and of State-by-State variations in eligibility tests, by establishing a Federally-financed income floor with a national definition of basic eligibility.

States will continue to carry an important responsibility. In 30 States the Federal basic payment will be less than the present levels of combined Federal and State payments. These States will be required to maintain the current level of benefits, but in no case will a State be required to spend more than 90% of its present welfare cost. The Federal government will not only provide the "floor," but it will assume 10% of the benefits now being paid by the States as their part of welfare costs.

In 20 States, the new payment would exceed the present average benefit payments, in some cases by a wide margin. In these States, where benefits are lowest and poverty often the most severe, the payments will raise benefit levels substantially. For 5 years, every State will be required to continue to spend at least half of what they are now spending on welfare, to supplement the Federal base.

For the *typical "welfare family"*—a mother with dependent children and no outside income—the new system would provide a basic national minimum payment. A mother with three small children would be assured an annual income of at least $1600.

For the *family headed by an employed father or working mother,* the same basic benefits would be received, but $60 per month of earnings would be "disregarded" in order to make up the costs of working and provide a strong advantage in holding a job. The wage earner could also keep 50% of his benefits as his earnings rise above that $60 per month. A family of four, in which the father earns $2,000 in a year, would receive payments of $960, for a total income of $2,960.

For the *aged, the blind and the disabled,* the present system varies benefit levels from $40 per month for an aged person in one State to $145 per month for the blind in another. The new system would establish a minimum payment of $65 per month for all three of these adult categories, with the Federal government contributing the first $50 and sharing in payments above that amount. This will raise the share of the financial burden borne by the Federal government for payments to these adults who cannot support themselves, and should pave the way for benefit increases in many States.

For the *single adult* who is not handicapped or aged, or for the *married couple without children,* the new system would not apply. Food stamps would continue to be available up to $300 per year per person, according to the plan I outlined last May in my message to the Congress on the food and nutrition needs of the population in poverty. For dependent families there will be an orderly substitution of food stamps by the new direct monetary payments.

2. *The new approach would end the blatant unfairness of the welfare system.*

In over half the States, families headed by unemployed men do not qualify for public assistance. In no State does a family headed by a father working full-time receive help in the current welfare system, no matter how little he earns. As we have seen, this approach to dependency has itself been a cause of dependency. It results in a policy that tends to force the father out of the house.

The new plan rejects a policy that undermines family life. It would end the substantial financial incentives to desertion. It would extend eligibility to *all* dependent families with children, without regard to whether the family is headed by a man or a woman. The effects of these changes upon human behavior would be an increased will to work, the survival of more marriages, the greater stability of families. We are determined to stop passing the cycle of dependency from generation to generation.

The most glaring inequity in the old welfare system is the exclusion of families who are working to pull themselves out of poverty. Families headed by a nonworker often receive more from welfare than families headed by a husband working full-time at very low wages. This has been rightly resented by the working poor, for the rewards are just the opposite of what they should be.

3. *The new plan would create a much stronger incentive to work.*

For people now on the welfare rolls, the present system discourages the move from welfare to work by cutting benefits too fast and too much as earnings begin. *The new system would encourage work by allowing the new worker to retain the first $720 of his yearly earnings without any benefit reduction.*

For people already working, but at poverty wages, the present system often encourages nothing but resentment and an incentive to quit and go on relief where that would pay more than work. The new plan, on the contrary, would provide a supplement that will help a low-wage worker—struggling to make ends meet—achieve a higher standard of living.

For an employable person who just chooses not to work, neither the present system nor the one we propose would support him, though both would continue to support other dependent members in his family.

However, a welfare mother with preschool children should not face benefit reductions if she decides to stay home. It is not our intent that mothers of preschool children must accept work. Those who can work and desire to do so, however, should have the opportunity for jobs and job training and access to day care centers for their children; this will enable them to support themselves after their children are grown.

A family with a member who gets a job would be permitted to retain all of the *first $60 monthly income,* amounting to $720 per year for a regular worker, *with no reduction of Federal payments.* The incentive to work in this provision is obvious. But there is another practical reason: Going to work costs money. Expenses such as clothes, transportation, personal care, Social Security taxes and loss of income from odd jobs amount to substantial costs for the average family. Since a family does not begin to *add* to its net income until it surpasses the cost of working, in fairness this amount should not be subtracted from the new payment.

After the first $720 of income, the *rest* of the earnings will result in a systematic reduction in payments.

I believe the vast majority of poor people in the United States prefer to work rather than have the government support their families. In 1968, 600,000 families left the welfare rolls out of an average caseload of 1,400,000 during the year, showing a considerable turnover, much of it voluntary.

However, there may be some who fail to seek or accept work, even with the strong incentives and training opportunities that will be provided. It would not be fair to those who willingly work, or to all taxpayers, to allow others to choose idleness when opportunity is available. Thus, they must accept training opportunities and jobs when offered, or give up their right to the new payments for themselves. No able-bodied person will have a "free ride" in a nation that provides opportunity for training and work.

4. *The bridge from welfare to work should be buttressed by training and child care programs.* For many, the incentives to work in this plan would be all that is necessary. However, there are other situations where these incentives need to be supported by measures that will overcome other barriers to employment.

I propose that funds be provided for expanded training and job development programs so that an additional 150,000 welfare recipients can become jobworthy during the first year.

Manpower training is a basic bridge to work for poor people, especially people with limited education, low skills and limited job experience. Manpower training programs can provide this bridge for many of our poor. In the new Manpower Training proposal to be sent to the Congress this week, the interrelationship with this new approach to welfare will be apparent.

I am also requesting authority, as a part of the new system, to provide child care for the 450,000 children of the 150,000 current welfare recipients to be trained.

The child care I propose is more than custodial. This Administration is committed to a new emphasis on child development in the first five years of life. The day care that could be part of this plan would be of a quality that will help in the development of the child and provide for its health and safety, and would break the poverty cycle for this new generation.

The expanded child care program would bring new opportunities along several lines: opportunities for the further involvement of private enterprise in providing high quality child care service; opportunities for volunteers; and opportunities for *training and employment in child care centers of many of the welfare mothers themselves.*

I am requesting a total of $600 million additional to fund these expanded training programs and child care centers.

5. *The new system will lessen welfare red tape and provide administrative cost savings.* To cut out the costly investigations so bitterly resented as "welfare snooping," the Federal payment will be based upon a certification of income, with spot checks sufficient to prevent abuses. The program will be administered on an automated basis, using the information and technical experience of the Social Security Administration, but, of course, will be entirely separate from the administration of the Social Security trust fund.

The States would be given the option of having the Federal Government handle the payment of the State supplemental benefits on a reimbursable basis, so that they would be spared their present administrative burdens and so a single check could be sent to the recipient. These simplifications will save money and eliminate indignities; at the same time, welfare fraud will be detected and lawbreakers prosecuted.

6. *This new departure would require a substantial initial investment, but will yield future returns to the Nation.* This transformation of the welfare system will set in motion forces that will lessen dependency rather than perpetuate and enlarge it. A more productive population adds to real economic growth without inflation. The initial investment is needed now to stop the momentum of work-to-welfare, and to start a new momentum in the opposite direction.

The costs of welfare benefits for families with dependent children have been rising alarmingly the past several years, increasing from $1 billion in 1960 to an estimated $3.3 billion in 1969, of which $1.8 billion is paid by the Federal government, and $1.5 billion is paid by the States. Based on current population and income data, the proposals I am making today will increase Federal costs during the first year by an estimated $4 billion, which includes $600 million for job training and child care centers.

The "start-up costs" of lifting many people out of dependency will ultimately cost the taxpayer far less than the chronic costs—in dollars and in national values—of creating a permanent underclass in America.

FROM WELFARE TO WORK

Since this Administration took office, members of the Urban Affairs Council, including officials of the Department of Health, Education and Welfare, the Department of Labor, the Office of Economic Opportunity, the Bureau of the Budget, and other key advisers, have been working to develop a coherent, fresh approach to welfare, manpower training and revenue sharing.

I have outlined our conclusions about an important component of this approach in this message; the Secretary of HEW will transmit to the Congress the proposed legislation after the summer recess.

I urge the Congress to begin its study of these proposals promptly so that laws can be enacted and funds authorized to begin the new system as soon as possible. Sound budgetary policy must be maintained in order to put this plan into effect—especially the portion supplementing the wages of the working poor.

With the establishment of the new approach, the Office of Economic Opportunity will concentrate on the important task of finding new ways of opening economic opportunity for those who are able to work. Rather than focusing on income support activities, it must find means of providing opportunities for individuals to contribute to the full extent of their capabilities, and of developing and improving those capabilities.

This would be the effect of the transformation of welfare into "workfare," a new work-rewarding system:

For the first time, all dependent families with children in America, regardless of where they live, would be assured of minimum standard payments based upon uniform and single eligibility standards.

For the first time, the more than two million families who make up the "working poor" would be helped toward self-sufficiency and away from future welfare dependency.

For the first time, training and work opportunity with effective incentives would be given millions of families who would otherwise be locked into a welfare system for generations.

For the first time, the Federal Government would make a strong contribution toward relieving the financial burden of welfare payments from State governments.

For the first time, every dependent family in America would be encouraged to stay together, free from economic pressure to split apart.

These are far-reaching effects. They cannot be purchased cheaply, or by piecemeal efforts. This total reform looks in a new direction; it requires new thinking, a new spirit and a fresh dedication to reverse the downhill course of welfare. In its first year, more than half the families participating in the program will have one member working or training.

We have it in our power to raise the standard of living and the realizable hopes of millions of our fellow citizens. By providing an equal chance at the starting line, we can reinforce the traditional American spirit of self-reliance and self-respect.

RICHARD NIXON.

THE WHITE HOUSE, *August 11, 1969.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing the nomination of John G. Hurd, of Texas, to be Ambassador Extraordinary and Plenipotentiary to Venezuela, which nominating messages were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 113

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The Chair recognizes the Senator from Maryland.

Mr. TYDINGS. Mr. President, I call up my amendment No. 113 and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 3, line 9, strike out "$100,000,000" and insert in lieu thereof "$50,000,000".

ORDER OF BUSINESS

Mr. TYDINGS. Mr. President, I ask unanimous consent that I may yield 7 minutes to the Senator from Massachusetts (Mr. BROOKE), without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

The Senator from Massachusetts is recognized.

Mr. BROOKE. I thank the Senator from Maryland.

The PRESIDING OFFICER. The Senator is recognized for 7 minutes.

MIRV

Mr. BROOKE. Mr. President, now that the ABM decision has been taken, it behooves the Senate and the President to concentrate on the most urgent strategic question now facing the Nation; namely the looming prospect of new offensive deployments. There has now been considerable discussion of the so-called multiple independently targetable reentry vehicles and more than a quarter of the members of Congress, including almost one-half the Senate, have cosponsored resolutions calling for immediate efforts to obtain a joint Soviet-American moratorium on testing of MIRV systems. Such a moratorium, which enjoys much wider support in the informed technical and strategic community than the controversial ABM plan, would be a highly desirable means of buying time to explore the MIRV problem in the forthcoming strategic arms negotiations.

I wish to call the attention of the Senate to an important editorial in this morning's Wall Street Journal. This editorial makes clear the contradictory arguments which have been advanced by certain persons who are reluctant to endorse a MIRV test moratorium, and also sets forth the cogent reasons for pursuing this critical matter on an urgent basis.

The editorial alludes to one point in particular which should not become confused. It is quite misleading to suggest that U.S. MIRV systems would be stabilizing and healthy, because of their smaller size and relative accuracies, while the kind of Soviet tests which have been observed point toward systems which are dangerous.

While initial versions of U.S. MIRV's would not be accurate enough to threaten the Soviet missile force, continued testing and guidance modifications of those weapons could eventually improve their capability against hard targets. Accuracies have improved by a factor of 10 in recent years; a further improvement by a factor of only 2 would be sufficient to produce this result. And the Soviets would have to base their long-range planning on this expectation, not on dubious American assurances that our MIRV is safe and good.

Furthermore, while the Soviet Union's tests of the SS–9 multiple warheads appear to involve an intermediate technology somewhere between a simple cluster weapon and the sophisticated and flexible MIRV on which we are working, it is not clear that the system could serve exclusively a first-strike purpose. The tests do seem incompatible with a retaliatory role only; that is, they do not appear well suited to attacking cities. As the President has publicly implied, the footprints of the Soviet tests seem to match the distribution and layout of portions of the U.S. Minuteman force and they may be designed for that purpose. But in addition to a capacity for assured retaliation, we ourselves have long stressed the importance of a second-strike damage-limiting capability—it is one of the rationales the DOD applies in seeking unnecessarily accurate guidance for Poseidon and Minuteman III.

Thus, especially if the Soviet SS–9 force remains too small for an effective first-strike against the Minuteman fields, what we have seen may well turn out to be an effort to acquire a damage-limiting capability, that is, a weapon system which, in the event of war, would give the Soviet Union a capability to reduce damage to itself by striking U.S. missiles.

This is intricate and ambiguous analysis, and no one can be sure of the Soviet Union's exact attitude on MIRV. But it should be abundantly clear to both sides, first, that neither side needs a MIRV system unless the other deploys a thick city defense that is years away and, second, that perfection and deployment of MIRV by either side will stimulate the other to take countermeasures. If this process is not arrested soon, and I doubt that it can be arrested unless MIRV is forestalled, the arms race is virtually certain to soar upward to a higher and more dangerous plateau.

The Journal's editorial stresses that the United States could safely undertake a MIRV test moratorium because:

> American MIRV development is intended to assure penetration of a large-scale Soviet ABM, of which there is no firm evidence so far. Dr. Foster has testified that if the Soviets do build such a system, its initial operational capability is five years off. MIRV evidently could be deployed in a far shorter time. Donald Brennan, a Hudson Institute strategic specialist who agrees with the Administration on most issues, put it well in seeing no need for immediate MIRV deployment "on the basis of any philosophy whatever."

And the Journal concludes:

> Even if there were no other considerations, we can see little justification for deploying a weapon the nation does not yet need. In this case, with arms limitations talks impending, such deployment seems doubly questionable. A delay would give both the Soviets and arms-control advocates at home assurance that the Administration is deeply serious about the talks. We would be opposed to such gestures if they endanger U.S. security, but all public indications suggest a MIRV delay would not.
>
> The Administration is far freer to respond to all of these considerations now that it has won the ABM fight. . . . In MIRV it now has the opportunity to demonstrate even more conclusively it has a firm hand on the strategic tiller, by proving it can also hold back on arms development that seems the advisable course.

The central challenge to strategic stability comes from the current efforts to perfect MIRV systems. Now that action on the ABM question has been taken, the focus of the debate on national security should shift to the MIRV problem.

I ask unanimous consent that the complete text of the Journal's editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BEYOND THE ABM VICTORY

Score one for the Administration in the anti-ballistic missile fight, and perhaps more importantly, also in the underlying fight over who should control the nation's strategic posture. Now that it has won the big fight, perhaps the Administration can even find new confidence to seriously consider a delay in plans to deploy multiple warheads, a strategic development far more questionable than the ABM ever was.

The ABM decision was on its merits a problematical one, and there is something to be said for resolving the close ones in favor of the President. He is the one in charge of negotiating any arms control agreement with the Soviets, and his negotiating position would not be exactly solidified if the other side began to think a more acquiescent Senate would actually have more to say than the President about future strategic decisions.

As long as the ABM test loomed, further, we could sympathize with the Administration's hesitancy about a MIRV slowdown. Before the vote, this would have looked like an important concession to the dovish Senators, and thus would have left the President's influence and decision-making powers looking more nebulous than they have turned out to be. Also, if the ABM were defeated, the Administration would have wanted to proceed with MIRV to insure that something was done to counteract the very rapid recent advances in Soviet strategic strength.

None of these factors any longer applies, and the Administration can now consider MIRV far more on its own merits. Where the ABM is a defensive weapon, MIRV is an offensive one. MIRV is also far more destabilizing in the strategic balance, being intimately related with the possibility of one side launching a first strike to wipe out the other's deterrent. It is not clear that a U.S.-Soviet agreement to limit MIRV would be feasible, but it does seem pretty clear that MIRV depolyment can be delayed safely a year or two to explore that possibility.

Pentagon research chief John Foster probably was correct in testifying recently that the U.S. version of MIRV is not a first-strike weapon, unlike the Soviet version with far larger warheads ideal for use against hardened missile sites. But even this is not entirely clear. Secretary of Defense Melvin Laird has referred to the use of American submarine-based MIRVs against "hard targets."

For that matter, Dr. Foster himself * * * rent land-based missiles and the projected multiple-warhead version are "adequate with respect to warhead yield and guidance accuracy" when used for "a damage-limiting mission." Unless we have fallen behind in our Pentagonese, a damage-limiting mission would be a strike against missile sites. Perhaps the Pentagon's apparently contradictory statements can somehow be resolved, but if not, even the U.S.-type MIRV seems highly destabilizing.

Perhaps, of course, a U.S. MIRV may prove necessary even so. The Soviets are developing their own, and inspection difficulties both in the test stage and after deployment may make any kind of agreement impractical. But at least some competent witnesses believe a limitation could be enforced so long as the weapons are not deployed. Most importantly, holding back U.S. deployment long enough to explore both the inspection difficulties and the Soviet attitude would apparently not involve much risk.

American MIRV development is intended to assure penetration of a large-scale Soviet ABM, of which there is no firm evidence so far. Dr. Foster has testified that if the Soviets do build such a system, its initial operational capability is five years off. MIRV evidently could be deployed in a far shorter time. Donald Brennan, a Hudson Institute strategic specialist who agrees with the Administration on most issues, put it well in seeing no need for immediate MIRV deployment "on the basis of any philosophy whatever."

Even if there were no other considerations, we can see little justification for deploying a weapon the nation does not yet need. In this case, with arms limitations talks impending, such deployment seems doubly questionable. A delay would give both the Soviets and arms-control advocates at home assurance that the Administration is deeply serious about the talks. We would be opposed to such gestures if they endanger U.S. security, but all public indications suggest a MIRV delay would not.

The Administration is far freer to respond to all of these considerations now that it has won the ABM fight. It proved it can overcome opposition and proceed with arms advances when it considers them necessary. In MIRV it now has the opportunity to demonstrate even more conclusively it has a firm hand on the strategic tiller, by proving it can also hold back on arms development that seems the advisable course.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to a concurrent resolution (H. Con. Res. 315) providing for an adjournment of Congress from Wednesday, August 13, 1969, until 12 o'clock noon on Wednesday, September 3, 1969, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

S. 912. An act to provide for the establishment of the Florissant Fossil Beds National Monument in the State of Colorado;

S. 1611. An act to amend Public Law 85–905 to provide for a National Center on Educational Media and Materials for the Handicapped, and for other purposes; and

H.J. Res. 864. Joint resolution to provide for a temporary extension of the authority conferred by the Export Control Act of 1949.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 113

Mr. TYDINGS. Mr. President, I call up my amendment No. 113 which is proposed by myself and Mr. Eagleton, Mr. Fulbright, Mr. Harris, Mr. Hart, Mr. Hatfield, Mr. Javits, Mr. Mondale, Mr. Moss, Mr. Packwood, and Mr. Proxmire.

I ask unanimous consent that the name of the Senator from Texas (Mr. Yarborough) also be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The Bill Clerk. On page 3, line 9, strike out "$100,000,000" and insert in lieu thereof "$50,000,000".

Mr. TYDINGS. Mr. President, the Department of Defense has requested that its emergency fund for research and development be doubled from last year's $50 million appropriation to $100 million for fiscal year 1970. As I shall seek to document in my remarks that follow, there is no compelling case for doubling this fund. To the contrary, the facts dictate maintaining the emergency fund at last year's $50 million level or reducing it. No national security issues are involved. This is strictly an economy matter in an inflationary setting that has made superfluous government spending intolerable. Therefore, along with Senators Eagleton, Fulbright, Harris, Hart, Hatfield, Javits, Mondale, Moss, Packwood, Proxmire, and Yarborough, I have introduced an amendment to S. 2546 to reduce the emergency fund authorization from $100 million to the $50 million appropriation figure of last year.

The emergency fund is one of the devices available to the Department of Defense to provide the flexibility needed to respond to unanticipated military problems and to pursue unexpected technological breakthroughs. The fund may be used at the discretion of the Secretary of Defense, with the concurrence of the Bureau of the Budget and upon notification to the Congress, "for research, development, test and evaluation, or procurement or production related thereto."

As I stated earlier, the amount appropriated for the emergency fund last year, in fiscal year 1969, was $50 million. This is the same amount that was originally requested in January by the Department of Defense for fiscal year 1970. However, 2 months later, DOD revised its request by asking for $100 million, the amount contained in the authorization bill currently before us.

The argument offered by DOD in support of this request for an additional $50 million is that the extra money is needed for sufficient flexibility in the management of the Department's research and development program. This argument implies either that insufficient flexibility existed last year with respect to the Department's research and development efforts or that R. & D. demands relative to R. & D. resources are expected to increase in fiscal year 1970. As the facts will show, neither of these is the case.

Let us begin with an examination of the adequacy of last year's $50 million emergency fund. In fiscal year 1969, almost 82 percent of the emergency fund was allocated for research and development related to our operations in Southeast Asia—SEA. Therefore, the fund is most meaningfully viewed as a part of PROVOST—the Department of Defense code name under which are lumped all of our Southeast Asia-related research and development programs. So the question we are really asking is: Was there sufficient flexibility in the Defense Department budget last year to meet all of our PROVOST needs—both the expected and the unforeseen?

Mr. President, according to Dr. Foster's testimony before the Armed Services Committee in May of this year, and I refer at this time to page 1802 of the hearings, part II, and also to page 1854, where according to Dr. Foster's testimony—and this was the testimony in May of a fiscal year that was going to end on June 30, a month and a half later, fiscal year 1969—$522 million was initially programed for PROVOST research and development, exclusive of the emergency fund. This $522 million was the amount initially programed, before any utilization of funds.

On that same day, in May of 1969, Dr. Foster predicted that by the end of fiscal 1969, PROVOST activities would require $353 million in addition to the $522 million programed. In reality, his estimate was $53 million too high, but I will not make a point of that. Nevertheless, that was approximately $100 million less than the additional $406 million which was added to the PROVOST funds in fiscal year 1968.

Mr. President, let me try to explain what this means. In 1968, the Department initially programed, for PROVOST, $450 million. However, the final amount spent was $856 million. So how did they make up the difference? They made up the difference by reprograming $222 million from a total research and development program of some $7.093 billion—and they are permitted to reprogram however much they want, which I will show they have done each year and will do next year. They had a supplemental appropriation of $96 million for which they came to the Congress, and they used $88 million from the emergency fund. That was in fiscal year 1968.

Last fiscal year—the fiscal year just ended in June 1969—they had an original budgeted program for PROVOST of $522 million. They reprogramed $263 million from a total research and development budget of $7.155 billion——

Mr. STENNIS. Mr. President, will the Senator yield right there on these figures?

Mr. TYDINGS. I yield.

Mr. STENNIS. For what year is the Senator talking about the PROVOST funds?

Mr. TYDINGS. Fiscal 1969, the year we have just completed.

Mr. STENNIS. The regular amount?

Mr. TYDINGS. The initial amount budgeted was $522 million.

Mr. STENNIS. I thank the Senator.

Mr. TYDINGS. However, they needed an additional $304 million added to their program for fiscal 1969, which ended June 30 past. So they took only $41 million from the $50 million emergency fund which had been authorized and appropriated last year. They also took $263 million through reprograming within the total research and development budget, and they came up with the $826 million that they needed. Now, Mr. President, they did not touch the $150 million discretionary power which the Secretary of Defense has to transfer funds from one appropriation of the Department of Defense to another. They did not touch that. Nor did they touch for this purpose, the special $10 million contingency fund which the Secretary of Defense has at his discretion. In other words, PROVOST was able to raise the full $826 million required to meet the demands placed upon it without exhausting all of the funding flexibility within the Defense Department.

Let me read from the report of the Armed Services Committee of the House, last year, dated July 5, 1968, on page 10, entitled "Emergency Fund."

Before I read what the report states, let me say the House struck out the emergency fund in its entirety last year. The Senate had arrived at a figure of $121 million. The House and Senate went to conference, and out of the conference came the figure of $50 million. I merely ask to return to the $50 million figure which was agreed to in the conference between the House and the Senate. But last year the Armed Services Committee of the House knocked out all the authorization.

I read from page 10 of the report of the Armed Services Committee of the House:

> Under the Department of Defense Appropriation Act of 1968, the Secretary of Defense was given authority to transfer funds, not to exceed $350 million, from other appropriations to the emergency fund.

Last year—fiscal year 1969—they had $150 million of that transfer authority, but only used $78 million of it.

> In view of the transfer authority previously granted to the Secretary of Defense and requested for inclusion in the fiscal year 1969 Appropriation Act, the committee believes that the amount requested for the emergency fund can be deleted in its entirety.

That was the position of the Armed Services Committee last year when there was a conference with the Senate.

Mr. PROXMIRE. Mr. President, will the Senator yield on that point?

Mr. TYDINGS. I am delighted to yield.

Mr. PROXMIRE. Did the Senator say the House Armed Services Committee knocked out the entire amount on the ground that it was possible to transfer funds from one part of the total appropriation to another?

Mr. TYDINGS. Exactly. That is the exact language found on page 10 of the report of the House Committee on Armed Services, July 5, 1968.

Mr. PROXMIRE. If that is the case, it seems to me there is no real argument for flexibility at all. Is there? There is simply an argument that we increase the overall funds by $100 million. That is really what is being proposed this year; is it not?

Mr. TYDINGS. Exactly. The flexibility which is presently available for the Secretary of Defense is, I think without question, without precedent in the executive branch. He has the authority to transfer funds from program to program within each appropriation without limit. Thus, this reprograming authority allows them to defer, for instance, non-SEA R. & D. programs undertaken by the Army and transfer the funds to a new Army SEA R. & D. project. There is no limit to the amount of money that can be programed within any one appropriation. Of course, since we are talking about the research and development program, assuming the committee's authorization is accepted, there would be for this year some $7.1 billion from which to reprogram if PROVOST falls short.

Last year, in fiscal 1969, with a $7.055 billion research and development program, the Secretary of Defense reprogramed into PROVOST from other parts of research and development budget $263 million. In 1968 he reprogramed $222 million. This is in addition to the $150 million authority which he has to transfer funds from one appropriation in the Defense Department, say, for aircraft carriers, submarines, or something like that, to another appropriation in the Defense Department such as research and development.

Mr. PROXMIRE. He has that flexibility within the research and development area; does he not?

Mr. TYDINGS. Yes.

Mr. PROXMIRE. And he can transfer from one to the other?

Mr. TYDINGS. That is correct. In addition, as I just explained, he has another $150 million worth of flexibility through the transfer authority. This is similar to the reprograming authority, in that it permits money to be transferred from one budgetary slot to another. The difference is that when the slots between which money is transferred are appropriations—that is, specific dollar amounts that appear in the appropriations bill—the term used is not "reprograming" but "transfer authority."

There is a $150 million limitation on transfer authority.

Also, DOD has another $10 million contingency fund.

Mr. PROXMIRE. How large is the research and development budget?

Mr. TYDINGS. The research and development budget reported by the Senate Committee on Armed Services is $7.18 billion. For the fiscal year 1969, it was $7.551 billion. For fiscal year 1968, it was $7.093 billion.

Mr. PROXMIRE. In view of the size of that budget, and the flexibility within it, would it not be more logical to call this a surplus fund instead of an emergency contingency fund? That is all it is. Any contingency can be met by tapping the $7 billion available in the research and development budget plus the additional resources available from the entire $75 billion or $80 billion defense budget.

Mr. TYDINGS. Exactly. One other thing that concerns me is that the Committee on Armed Services did an extremely thorough job on research and development programs requested by the Department of Defense this year. The committee reduced the request by some 12 percent. They scrutinized the research items of the various projects point by point.

What this $100 million really allows the Secretary of Defense to do is to make an end run around the Committee on Armed Services to avoid the congressional right of scrutiny and to pick programs, because congressional control of emergency fund utilization is quite limited.

Mr. MURPHY. Will the Senator yield?

Mr. TYDINGS. I am delighted to yield.

Mr. MURPHY. Is it not the understanding that the request for research and development was based on specific items, of which there are a great number in the bill: rifles; radar; research and development in the use of laser beams; and the rest? So when we speak in round numbers, we are thinking of the spread over a great many items, and we would assume that those who made the requests had some knowledge of what their needs would be.

As a member of the committee, this is my understanding; and that after careful scrutiny, we decided that we could cut back the overall round figure by some 12 percent.

Coming down to the question of the emergency or justification for the new fund, this is to cover a case where it might well happen that unexpectedly, some scientist comes up with an entirely new concept that might be of great value, and might in fact replace three or four other weapons, and the Secretary might want to permit him to proceed immediately. This fund has been created to be used only at the discretion of the Secretary of Defense, in order to provide for such a new situation or advance that had not been conceived or thought of previously.

At least that was my understanding of its purpose. It was not really just to give the Secretary of Defense or the research and development group another bundle of money to go ahead and use inadvertently, but for careful use within the judgment of the Secretary of Defense.

After the argument made by those witnesses from the Department, it was the feeling of the committee that this was a particularly important and needed sum of money, if for no other reason strictly in the light of the fact that we had cut back the overall figure that was mentioned by some 12 percent.

Although these figures, added up, are tremendously large, when you divide them up into the many areas in which they have to be used—and I have to assume that the experts know what they are asking for; I have to assume that they are not asking for more than they actually hope to receive or expect to need—is it not fair to assume that there might just be the possibility that great progress might be restrained, just for the lack of having this extra or emergency fund to be used at the disposal of the Secretary of Defense?

Mr. TYDINGS. Let me say, with the exception of the last sentence of the statement of the Senator from California, the Senator's understanding is the same as mine.

My point is, however, that with a total research and development budget of $7.18 billion for the coming year, there would be sufficient flexibility, because of the complete latitude in reprograming permitted the Secretary of Defense, to do the same type of reprograming in fiscal year 1970 that he did in fiscal year 1968, when he had a smaller total for research and development of $7.093 billion, and he reprogramed $222 million for PROVOST. He was able to do the same thing in 1969, when he reprogramed $263 million out of a total research and development budget of only $7.551 billion. On neither occasion did he even have to touch, for PROVOST purposes, the additional right to transfer $150 million from one appropriation of the defense budget to another.

So the question is, really, do we wish to give him an extra $100 million on top of what the research and development budget already is?

Mr. MURPHY. Is it not true that when he reprograms, he has to take from one in order to accommodate the other?

Mr. TYDINGS. Certainly.

Mr. MURPHY. Is it not true that in the light of the cut which the committee has already made, one might simply call this added fund simply "comfortable money"?

Mr. TYDINGS. I would call it luxury money.

Mr. MURPHY. I would hope there would not be any luxuries. As the Senator knows, I have had some experience in private industry with research and development. I am very conscious of the fact that they can go on indefinitely, and they sometimes spend much more than was anticipated. But I happen to have great confidence in the Secretary of Defense, and particularly in his assistant, Mr. Packard, who made not just a national but an international reputation not only a man of great talent, a great scientist, physicist, and electronic engineer, but also a man with complete knowledge and wisdom with regard to the use of funds. That is how he started in a garage with $300, I think it was, or $600, in the public competition and wound up with an astronomical fortune. I am told he would be hired quickly and eagerly by any industry in the country, or in the world, because of his expertise in these matters.

These are the kinds of fellows that we are asked to have confidence in, and I, for one, feel that after the cut the committee made, this would not be an extravagance. I would hope that unless it were necessary, these funds would not be used, but it would be nice to have them in the event that, due to some unforeseen happening, the availability of the funds might make a tremendous difference to the safety of the Nation, or enable us to cut costs elsewhere by making unnecessary other weapons that are now burgeoning.

Mr. TYDINGS. I thank the distinguished Senator from California. A little farther on, I shall quote directly from a statement given to me by Leonard Sullivan, Jr., the Deputy Director for Southeast Asia Matters of the Office of Defense Research and Engineering, where he points out that if the Senate should adopt the same figure we did last year, $50 million, there would be no PROVOST research and development programs neglected; it would merely mean that the Department of Defense would have to do a little dickering with the various services to get the additional moneys to meet certain priorities within the existing budget. I intend to put that statement in the Record in its entirety, and read specific lines, a little farther on in my remarks.

Suffice it to say that in the last fiscal year, 1969, there was $304 million additionally needed, which was not initially programed for Southeast Asia. This $304 million was obtained, as indicated, in two ways: $41 million was taken from the $50 million emergency fund; and $263 million was reprogramed into PROVOST from lower priority R. & D. programs. "Reprograming" is an authority given the Defense Department by Congress to reallocate funds without limit within a given appropriation. Since appropriations are generally for large and unspecified purposes, such as "Army aircraft" or "Navy R.D.T. & E.," the reprograming authority enables the Defense Department to move around a great deal of money. The purpose of reprograming, to quote this year's Senate Armed Services Committee report on the bill before us, is to provide DOD "considerable flexibility should events require changes in program emphasis or resource allocation."

The $263 million reprogramed into PROVOST for fiscal year 1969 represented only 3½ percent of the total Department of Defense R. & D. budget for fiscal year 1969 of $7.55 billion.

Now, according to Leonard Sullivan, the director of PROVOST and the emergency fund in the Pentagon, the total PROVOST budget for fiscal year 1969 enabled him to handle every important R. & D. request from Vietnam.

I hope the Senator from California is listening. This was a reduction from the $121 million which the Senate Armed Services Committee requested; the House of Representatives refused to agree with the request, and the $50 million was the eventual compromise. But, according to Mr. Sullivan, he has never been forced by lack of funds to turn down any request from General Abrams, our field commander in Vietnam. Furthermore, Mr. Sullivan contends that no R. & D. program suggested in fiscal year 1969 to aid our efforts in Vietnam which his office deemed meritorious was not undertaken.

In short, according to its Director, PROVOST did everything it wanted in fiscal year 1969 and did it with great success and did it with the $50 million which was appropriated last year.

At this time I ask unanimous consent to have printed in the Record at the conclusion of my remarks the statement to me from Mr. Leonard Sullivan, Jr., in its entirety, together with certain exhibits and attachments which he submitted to me.

There being no objection, the material was ordered to be printed in the Record, as follows:

Emergency Fund, Defense

Congress first important grant of financing flexibility to the Defense Department was made early in the Korean War in the First Supplemental Appropriations Act, 1951, approved on September 27, 1950. This Act established for the first time an Emergency Fund of $190,000,000 which would be available for transfer by the Secretary of Defense, with the approval of the Bureau of the Budget, to "any appropriation for military functions of the Department of Defense available for research and development or industrial mobilization to provide additional flexibility to the Secretary of Defense." In recommending this Emergency Fund, the House Appropriations Committee Report (No. 2987, 81st Cong., 2nd Sess.) stated:

"The committee is well aware that emergencies may arise where it would be most desirable to have readily available funds with which to expedite basic research on a certain problem or to accelerate development on some item that research had disclosed as practicable and desirable, or to accelerate and intensify preparedness in the industrial field."

The Second Supplemental Act of 1951, approved January 6, 1951, added $50,000,000 to this Emergency Fund, and the Congress continued in subsequent years to make appropriations in varying amounts for this purpose. From FY 1952 onwards, the purposes of the Fund were limited to research and development and production related thereto.

The rationale for the Emergency Fund has not changed over the years since the need for such flexibility was first recognized during the Korean War. Indeed, the need is far more urgent now, by virtue of the conflict in Southeast Asia, than it was in the late 1950's and early 1960's when the Congress regularly appropriated $150 million per year. An examination of the use of the Fund during the past two or three years and its direct relationship to the conduct of the Vietnam conflict attests convincingly to the importance of having this financing flexibility during FY 1970.

A summary of the amounts appropriated from FY 1951 on and the amounts transferred and used from FY 1960 on is shown on the attached table.

Statement of Leonard Sullivan, Jr., Deputy Director, Southeast Asian Matters, August 8, 1969

The Emergency Fund provides a special source of dollars at OSD level which can be applied at the discretion of the Secretary of Defense (with concurrence of the Bureau of the Budget and upon notification to the Congress). It is used to:

Exploit sudden unexpected breakthroughs in technology which could have a significant impact on our defense posture;

Provide rapid and timely response to urgent requirements from operational forces engaged in important cold or hot war situations.

The history of the Emergency Fund is provided at Tab A.

As a source of special dollars—not promised to the Services for established programs at the beginning of the fiscal year—it is an extremely valuable management asset to provide responsive development for critical items not foreseen during the normal one year budget development cycle preceding the fiscal year. Besides its use for the current Vietnam war, it is primarily used for highly classified developments for our strategic forces—in intelligence gathering, command and control problems, and weapon system component improvements. I cannot provide a list of these items because of their high classification.

At the $100M level, the Emergency Fund represents only 1.25% of the total RDT&E budget. In recent years, the DOD budget submissions to the Congress have been about 20% below that requested by the Services. Hence the budget is extremely tight; there is no "loose money" around; and reprogramming is a long ardous problem of debate, cajolery, etc.

With the onset of the large scale U.S. participation in the war in Vietnam, the Emergency Fund has been largely devoted to expediting new capabilities for our forces in Southeast Asia, in response to requirements stated by the operational forces.

It is generally accepted that the U.S. force committed in SEA were not ideally equipped for this new kind of war—hence our costs have probably been somewhat higher in dollars and lives, the duration longer, and the "deterrent" offered against "future Vietnams" somewhat less than if we had been fully equipped and "optimized" for this type of low intensity, jungle, counterinsurgency, counterinfiltration warfare. Moreover, we have been ill-prepared to train and equip our Asian Allies to take on more of the fighting burden themselves.

We in R&D have been trying to re-equip and tailor our committed forces to increase our effectiveness in this kind of war by learning the combat lessons fast enough to provide specially tailored equipment to our forces within the time span of the war—usually within 18–36 months. There are some instances where we have been quite successful—from individual soldier equipment and malaria preventatives to new anti-radar missiles and equipment for seeing at night. We have *not*, however, found any one magic solution: we are therefore attempting as broad-scale an attack on the problems as possible.

I should like to note that many new developments have been fielded in useful quantities and more are on the way—some are already being transferred to the Vietnamese. However, almost *all of* these new equipments have operational utility beyond Southeast Asia and will become part of our post-war standard equipment. Hence our efforts contribute not only to our combat capabilities in SEA, but to the combat potential of our future tactical forces, which have for many years received lesser priority than our strategic forces.

All our Southeast Asia-related RDT&E programs are lumped under an all-inclusive program code name of PROVOST—which is an OSD management device to ensure adequate attention during budget time (since there are hundreds of individual small projects), special procurement priorities, etc. Our current PROVOST efforts account for almost 10% of the RDT&E budget. The size and distribution of funding by year is shown at Tab B (not printed in RECORD). It should be noted that the cumulative RDT&E expenditures for the past six years are approximately equal to the total costs of fighting the war for six weeks. An unclassified article on PROVOST is at Tab C.

Tab B also shows the funding by source, and I would like to explain this. Most of our developments are small in dollars ($.5 to 5.0M), and short in development time (12–24 months). To be responsive, they cannot wait 12–18 months for initial funding. Hence they do not match well with the orderly, well-planned, long-debated, peacetime budget cycle. Yet the budget is too tight to allow much "contingency funding", although this is the obvious management tool to use to accommodate the urgent but unexpected. So we have adopted the following procedure:

1. We estimate our requirements in the Fall for the budget submission—which is why our PROVOST testimony tends to be general rather than specific.

2. Before the new fiscal year begins the next Summer, we update our needs at Apportionment time—increasing the PROVOST portion at the expense of non-war programs, even though they often are not as glamorous as ICBMs, ABMs, ASW, MBTs, AAFSS, etc., and even though the approved RDT&E budget is always smaller than we requested and had fully programmed. This becomes the "P" portion of the Tab B bar charts (not reproduced).

3. As new requirements unfold during the year and can be quantified in terms of dollars needed, we ask the Services to reprogram from lower priority programs, or from programs which have not progressed as planned. This is relatively easy at the beginning of the Fiscal Year but increasingly difficult as the year progresses and funds become committed—and we must compete with other high priority non-SEA programs whose additional needs are also unanticipated in the current budget process. This is the "B" portion of the Chart at Tab B (not reproduced).

4. Next, when an item is urgent, represents a "new start", or responds to an important known problem area, we tap the Emergency Fund for the required dollars, generally providing less than half the amounts requested by the Service. This is the "E" portion of the Tab E charts. We readily admit that some of these dollars have been put on "high risk" items—where the "pay-off", though not certain, would be quite significant if our goals could be achieved.

At Tab D is a Summary Table of dollars provided from the Emergency Fund, SEA and non-SEA oriented, showing the increasing, peaking, and falling percentage for the war-oriented projects. We would anticipate that 80% of this year's Emergency Fund would go to the PROVOST items. Charts showing the breakout by Service and Defense agencies, both requested and provided, are at Tab E. That the Emergency Fund is mainly spent about halfway through the fiscal year—when reprograming has become far more difficult—is shown at Tab F (not included).

5. Finally, in former years, when the war was still escalating and our RDT&E efforts still expanding, it became obvious that the reprograming and Emergency Funds together would be inadequate. In these years ('66, '61, & '68) we asked the Congress for, and received, Supplemental RDT&E appropriations—indicated by the "S" portion of the Tab B charts.

6. Several other sources of possible funding have been considered at times but have not been available for SEA needs. For instance, SecDef transfer authority would make it possible to "convert" production monies to RDT&E up to a $150M annual limit. But as you know in recent years, production budgets have also been inadequate to support the war (hence the Supplemental requests in '66, '67, '68 and '69). Therefore the transfer authority could not be fully used to support RDT&E problems. Actually, about 40% of the available transfer authority has been used over the past four years—but on direct transfers from production to RDT&E within the same non-SEA programs such as F–111, Minuteman II, etc. This device has thus been used to compensate for the Emergency Fund redirection to our wartime problems. A table of transfer authority utilization is at Tab G.

At Tab H, we have also attempted to rate the success of our Emergency Fund projects, by dividing all fund increments into one of three categories: "success", "failure", or "still in development". A success is one that has been accepted for operational use and is already in—or planned for—production. Failures are ideas which simply did not pan out either in development, test, or operational evaluation. Many items—particularly in the last two years, are of course still in development with their ultimate contribution still indeterminate. However, we are quite satisfied that for '65, '66, and '67, our success rate is over 75%, based on dollars spent, not on individual projects. We expect the same for '68 and '69.

A detailed classified listing of projects funded from Emergency Funds is included in a separate Tab I (not included).

A long classified discussion of the RDT&E "Lessons Learned" in Southeast Asia—and what we have done about them—is in a separate Tab J (not included): an article wrote recently for the Journal of Defense Research.

Last year, the Congress authorized an Emergency Fund of only $50M. Although a few million remained until near the end of the year, the preponderance of it was spent, as usual, near the middle of the fiscal year. The $50M was clearly inadequate and was recognized to be so from the beginning of the year. To compensate for the Congressional action, we therefore deferred an additional $90M (approx) of funds already assigned to the Services and "earmarked" it for augmentation of the Emergency Fund by reprogramming if and when necessary. Hence we knew from the beginning of the year that we had an "equivalent Emergency Fund" of about $140M (approx)—and used almost all of it.

If the Congress insists on restricting the Emergency Fund for FY 70, we will again be forced to use some equivalent device to assume adequate funds to cover our unforeseen requirements. However, it would appear to be a needless, time-consuming, and direct approach to an otherwise straighforward management tool. Additionally, if as now appears possible, the overall RDT&E budget is cut by 12%—making it 5% lower than last year's—the problem in establishing the deferrals for reprogramming will be substantially more difficult, may run counter to the preferences of the Congress, and will cause additional sources of irritation and delay between the Services and OSD.

In *either* case—reprogramming or Emergency Funds dispersal—the Congress is notified of all appropriation transfers and reprogramming actions above the established $2M threshold, and is asked to give prior approval in instances of known Congressional interest. In fact, two of our important '69 Emergency Fund items have been delayed for four months this year by such Congressional concern. Hence Congressional control of our activities is essentially the same for reprogramming and Emergency Fund usage, but the reprogramming represents the less attractive alternative for internal Defense Management.

We know we are "over-the-hump" in our RDT&E expenditures for this war. We have learned to predict our funding requirements somewhat better. We no longer forsee the need for Supplemental Funding. However, we still have many problems without adequate solutions—solutions that will be needed as long as we are in Vietnam—even in reduced numbers. Solutions that could be provided to the Vietnamese to make their tasks easier after we go. Solutions that should be incorporated into our post-war General Purpose Forces as soon as we can perfect them—to reduce the chances of our military might being belittled again.

During the current "lull" for instance—which is an annual affair—our casualties (deaths) are very high from enemy mines and boobytraps, and from rockets and mortars (exact figures are classified). We still have no adequate, practical, means for deterring either. We still frequently cannot "find the enemy" in the jungles before he finds us. We still cannot adequately monitor and "track" infiltration across the borders from Cambodia and Laos. We frequently expend massive amounts of ordnance to kill a small target because we cannot find it accurately, or hit it the first time from an aircraft even when we can see it.

Thousands of scientists and engineers in the Defense laboratories and industries are working on these and other pressing problems which directly reflect on our losses, on our overall costs, and on our apparent "impotence" in discouraging continued North Vietnamese intervention. I think it is a matter of national urgency to continue to work on these problems with the same vigor as we have in the past four years.

The Emergency Fund provides flexibility, responsiveness, and emphasis. It is the important one percent of the RDT&E budget which provides an essential management tool for expediting our contribution to ending (or at least reducing our participation in) that unfortunate war. It is essential to our efforts, and provides the cleanest possible approach to the requisite "contingency funding".

TAB A

EMERGENCY FUND, DEFENSE SUMMARY TOTAL EXPENDITURES APPROVED

[In million dollars]

Fiscal year	Requested	Appropriated	Amounts transferred and used
1951		[1] 240	
1952		90	
1953		35	
1954		60	
1955		25	
1956		35	
1957		85	
1958		85	
1959	85	150	
1960	150	150	145
1961	150	150	146
1962	150	150	150
1963	150	150	145
1964	150	150	148
1965	150	125	113
1966	150	125	125
1967	125	125	125
1968	125	100	100
1969	125	50	50
1970	[2] 50	100	

[1] Nixon amendment.
[2] Includes $70,000,000 for industrial mobilization measures.

TAB A

Final summary of fiscal year 1969 emergency fund items approved

Initial fund	$50,000,000
Total of items approved	50,000,000
Army:	
Southeast Asia requirements (one time group)	36,790,000
Acoustic recording system development	750,000
Evaluation of aircraft weapons fire control	669,000
Clearing of helicopter landing zones with fuel air explosives (FAE)	179,000
Self-destructive device for artillery ammunition	200,000
Classified project	995,000
Total Army	39,583,000
Navy:	
Sensor systems development (non-SEA)	5,217,000
Tactical electronic warfare deception system	700,000
Total Navy	5,917,000
Air Force: Southeast Asia related item	500,000
Advanced Research Projects Agency (ARPA):	
Classified project	3,000,000
Southeast Asia related item	1,000,000
Total ARPA	4,000,000

Final summary of fiscal year 1968 emergency fund items approved

Initial fund	$100,000,000
Total of items approved	100,000,000
Army:	
Reduction of fire hazard to aircraft	1,500,000
Southeast Asia related items	36,963,000
Mortar locating system development	1,200,000
Southeast Asia related item	3,330,000
Border security/anti-infiltration	8,961,000
Total Army	51,954,000

Final summary of fiscal year 1968 emergency fund items approved—Continued

Navy:	
Advanced marine biological systems	$1,050,000
Southeast Asia related items	10,677,000
Classified project	6,000,000
Radar ground position location and identification devices for A-6A aircraft	712,000
Southeast Asia related item	683,000
Total Navy	19,122,000
Air Force:	
Southeast Asia related items	15,943,000
Airborne Warning and Control System (AWACS)	2,000,000
Southeast Asia related item	1,596,000
Southeast Asia related item	750,000
Total Air Force	20,289,000
Advanced Research Projects Agency (ARPA):	
Airborne radar	830,000
Modification of AN/FPS-16 radar	1,225,000
Classified project	1,580,000
Total ARPA	3,625,000
Defense Atomic Support Agency (DASA):	
Nuclear weapons effects research	2,000,000
Defense Communications Agency (DCA):	
Southeast Asia related item	3,000,000

Final summary of fiscal year 1967 emergency fund items approved

Initial fund	$125,000,000
Total of items approved	124,997,270
Army:	
Southeast Asia related items	16,998,000
Improved real time sensors for OV-1 aircraft	3,000,000
Southeast Asia related item	500,000
Southeast Asia related item	5,800,000
Southeast Asia related item	1,850,000
Classified Project	300,000
Classified Project	300,000
Total Army	28,748,000
Navy:	
Radar site pinpointing improvements (EELS)	3,000,000
Southeast Asia related item	305,000
Radar site pinpointing improvements	2,000,000
Southeast Asia related item	776,270
Classified project	6,600,000
Classified project	3,800,000
Southeast Asia related item	905,000
River warfare boats	7,050,000
Advanced command data system	2,400,000
Southeast Asia related item	14,000,000
TALOS ARM missile development	4,500,000
Fleet ballistic missile (FBM) command and control communications	1,450,000
Southeast Asia related item	1,972,000
Standard ARM missile development	14,500,000
Classified project	3,120,000
Classified project	500,000
Total Navy	66,878,270
Air Force:	
Southeast Asia related items	19,151,000
Combat aircraft records and data system (CARDS)	400,000
Total Air Force	19,551,000

Final summary of fiscal year 1967 emergency fund items approved—Continued

Advanced Research Projects Agency (ARPA): Southeast Asia related items	$2,630,000
Defense Communications Agency (DCA): Southeast Asia related items	2,190,000
Defense Atomic Support Agency (DASA): Nuclear weapons tests	5,000,000

TAB C

RESEARCH AND DEVELOPMENT FOR VIETNAM

IN BRIEF.—The author heads the office in the Pentagon whose specific purpose is to expedite those R&D activities which hold some promise of increasing the effectiveness of our forces in Southeast Asia. From that special position, he tells of the important role of R&D in the war. Currently, the Department of Defense is investing some $800 million per year in this effort. Given the long time required to bring ideas through the R&D process and convert them to hardware, is it reasonable to expect that today's ideas can be developed in time to have an effect on the battlefield? The Pentagon clearly believes so, citing the more than one hundred new types of equipment that are added to our operational inventory each year. Currently, more than one thousand specific R&D projects are going on in support of the war.—D.A.)

Some people wonder whether research and development have a place in a war while that war is going on. I believe strongly that there is a place for such endeavors—just as there was in previous wars. Indeed, my office exists under the Director of Defense Research and Engineering for the specific purpose of expediting those research and development activities which hold some promise of increasing the effectiveness of our military forces in Southeast Asia.

Most wars we fight will be different from the ones we are anticipating. Every war will have its own peculiarities and innovations. Every war will introduce new tactics, new equipment, and new objectives. So there will always be a problem of remaking our military forces, or reoptimizing them for the particular type of war that comes along.

We know now that the war in Vietnam is considerably different from any war we have ever fought before. We entered this war fully and beautifully equipped to fight either an all-out nuclear conflict or World War II over again. But then we found that Vietnam is a new war—for many reasons. As I describe these reasons, I believe you will see the importance of a strong R&D activity linked to our engagement in Southeast Asia.

MORE THAN ONE WAR

At the time we undertook to help the South Vietnamese, I do not think we fully realized how difficult it would be to fight an enemy so closely interwoven with our allies. It is a war without front lines, a war where you can seldom distinguish friend from foe—except by the actions of the foe. Thus, we have had to learn a great deal about how to find small bands of enemy guerrillas dispersed over the countryside. In addition to the insurgency, however, several other wars have been superimposed, each with its own characteristics. I will discuss each briefly.

The most advanced war, technologically, is the bombing of the North; it uses many of our latest tactical aircraft in a strategic role; we are up against enemy surface-to-air missiles for the first time; we are in combat against supersonic Soviet-designed aircraft, firing air-to-air missiles—and we are doing the same. The electronic warfare is quite sophisticated on both sides. Less sophisticated, but more important, we have had to learn how to survive intense antiaircraft fire.

One frustrating aspect of this war is the difficulty we find in really discouraging the enemy, or killing his interest in fighting, by bombing alone. We are also learning—or relearning—that when you run an air campaign without ground follow-up, you frequently cannot keep the targets destroyed. It is one thing to bomb a bridge to slow someone's retreat on the ground, or to bomb a convoy that is resupplying front line troops. But it is quite another thing to try to stop a country from going about its essential business—like driving trucks, burying supplies in the ground, or unloading ships—when one has an intention of following up on the ground. These are things which make it a very expensive kind of war—and in many respects, the results are difficult to quantify.

The second war is in trying to stop infiltration into South Vietnam. This is a relatively new problem; we had some experience along the Korean demilitarized zone, but not during a hot war.

Vietnam has about one thousand miles of land boundary, and another thousand miles of water boundary. We are trying to stop the North Vietnamese from crossing these 2,000 miles of boundary and resupplying the guerrillas in the South. Actually, relative to the length of the border, the supplies and reinforcements coming into the South are very small. So the "flow rate" across any unit length of the total boundary is low. But the boundaries are difficult to patrol; most of the natural assets are on the side of the guerrilla. For example, two-thirds of the land boundary is covered by heavy jungle. Across these boundaries, the North Vietnamese either walk, carrying supplies on their backs, or push bicycles. They do not *ride* the bicycles; they use them as oriental wheelbarrows, carrying up to 500 pounds of supplies in "saddlebags." Lately, they have begun using trucks to cross. They have found that we cannot destroy their roads as fast as they can build them. They have had a very active road-building campaign and are now building roads into South Vietnam.

Within South Vietnam, a third war involves the dissipation of the main enemy units—now mostly North Vietnamese manned. These are the "search and destroy" actions in which the U.S. forces have been mainly employed in South Vietnam. In these actions, we go out into the countryside to try to find the enemy mainforce battalions and regiments that move as units. We attempt to locate and destroy them before they can reach friendly targets. This is where our firepower has come into play, along with the extreme mobility to fly our forces anywhere in the country. Without that firepower and mobility, we would need many more troops to do the job from relatively static defensive positions.

The fourth war is one we have paid less attention to than we might have. This is the war to control the guerrilla. As a civilian, I am in no position to determine where military priority should be—and hence I shall not try to put myself in a role of military strategist. But the facts in the guerrilla war are these: If all the smoke were cleared away, if we stopped the bombing of the North, if the North Vietnamese stopped infiltrating into the South, if we stopped fighting main unit actions in the jungles, we would *still* have the problem of controlling the guerrilla.

ADJUSTING A THRESHOLD

Who is the guerrilla? He is simply the local dissident or the local zealot. He is willing to commit acts of violence in order to make himself heard and in order to change his lot and that of future generations. The threshold of his violence is a fine balance between the strength of his discontent and his view of the consequences of his violence. We should be able to change an insurgent's threshold of violence by adjusting both sides of the balance. We can lower his level of discontent by peaceful action, and we can raise the apparent deterrent by suitable military or police presence—and technology can probably help on both sides. By "we" I mean the U.S. as well as the South Vietnamese government.

It is mainly in this "fourth war" that social science research has been used to advantage. Before we can undertake to advise another country—much less help and train it—we must have a full understanding of the differences in its culture, background, aims, and motivations from those of our own society. We cannot realistically hope to assist in solving the problems of South Vietnam which have caused the dissatisfaction and lawlessness until we understand in considerable detail how and why those problems arose.

The fifth and newest war with which we have been confronted is the war of the cities—a form of "escalation" or modernization of the Maoist insurgency doctrine. The enemy knows that by rocketing and shelling from without and by sniping and arson from within, it is possible to cause considerable local and international consternation. Damage to property is extensive, the innocent population is caught in a cross fire they cannot easily avoid, and the credibility of the government is put to a severe test.

Although not solely a Vietnamese problem, there is much still to be learned in minimizing the trauma of "urban insurgency." The preparation of a city, its people, its government, its civic agencies, and its public utilities is not a simple matter. The conduct of the urban counterinsurgency, once engaged, demands special troops, special training, special weapons, special vehicles, and special tactics. And the reconstitution of the city in the aftermath also requires special planning and special techniques to minimize the duration and extent of the dislocation. All of these problems are on the front burner in South Vietnam today—and should be at least on the back burner in many other parts of the world.

WHAT VALUE R. & D.?

With this background we begin to see a dynamic range of things in this war for which our R. & D. activities are applicable. Indeed, the range is enormous compared to that of any war we have ever fought. It ranges all the way from police techniques to electronic warfare—and we are trying to modernize our forces throughout the whole spectrum.

There are many people both in Defense (including military and civilian) and in the U.S. at large (including Congress and private citizens) who believe that our efforts to make this a war of technology are wasted. There are others who would claim that we have already forced the escalation of this war to one that we could conveniently fight with our already highly sophisticated war machinery. I would dispute these points. Although I would agree that we will find no single device that will have the climactic importance that the tank had in World War I or the atom bomb had in World War II, there are many, many opportunities to develop better weapons and devices, skills and understanding by which to lower our losses, shorten the duration of the conflict, and enhance both our own and our allied military posture. In several discrete battles of this war, brand-new technology has had a very significant, if not decisive, effect on the outcome. In other instances, technology *could* have had a decisive effect if our experimental equipment had been available in production quantities, and if our military forces could have been trained *over*-night to embrace new equipment (and adjust their tactics accordingly).

Moreover, some of our more important contributions are only new reaching the theater in operational quantities. As individual "gadgets," they cannot win the war by themselves, but taken in the aggregate, the effort may become significant. We will "break even" financially if our total effort shortens the war by only one month—without assigning any value to the lives saved thereby. And if the sum total of these new capabilities can assist in *deterring* future conflicts of this type (by raising the threshold for violence elsewhere in the world) then I can only conclude that our efforts have been worthwhile.

In the main, the inventory of our general-purpose forces was outstanding when we went into Vietnam. The U.S. general-purpose forces are designed to fight any sort of limited nonnuclear war that might arise, anywhere in the world—whether on an ice cap, in a desert, in a jungle, in a marsh, anywhere. Because of the broad range of conflicts in which we might possibly become involved, a single general-purpose force cannot be really optimum for any specific war except possibly in Europe. Therefore, there is a very necessary tailoring job that must be done, having nothing to do with whether or not we spent enough money for defense during peacetime. We will always have to tailor our forces to a specific nonnuclear war once it comes along.

ORGANIZATION FOR OPTIMIZATION

One of the lessons I hope we will learn from the war in Vietnam is that we must always be prepared to optimize our forces *after* we get involved. This is why we have generated a special, highly responsive R&D team within the Department of Defense. How did we organize in the Department of Defense to do this? I should remind you that this war grew in an insidious fashion, from a very small war which had few people's attention, to a rather large war with ordnance delivery that matches Korea. The Pentagon chose to manage the various aspects of the war, as much as possible, within existing organizational management and budgeting procedures. R&D for the war is performed in accordance with this same principle: It is managed, essentially, by the same people who are also controlling the R&D that is done for other military devices which are *not* involved in this war. However, to add emphasis to the work that was specifically needed for Southeast Asia, Dr. John Foster, Jr., established my office about two and a half years ago as an expediting office within Defense Research and Engineering. It was charged only with creating and expediting R&D pertinent to the war; and it will disappear when the war is over.

Because we chose to manage the war through the normal organizations, the problems associated with streamlining our procedures have been really those of personal contact—of individuals within the organization getting together and agreeing to do things; we work either face to face or we hand-carry papers, rather than letting them go through the standard procedures. We have formed a series of ad hoc steering groups and committees; in essence, these groups tie together all the various agencies involved in the pursuit of the war.

We use one code name for this whole operation; PROVOST, for Priority Research Objectives Vietnam Operational Support.

It is at this level where you find the people who are full time on R&D for Vietnam. Here we have a regular Senior PROVOST Steering Group; this is the mechanism I use within the Pentagon to get practically everything done. It is comprised of a senior military man (a general or flag officer) who reports to his military chief for R&D in each of the Services.

We also have part-time representation in the group from other government agencies that have technical skills applicable to our specific problems. For instance, NASA has people who are available to us for solving problems for which they have unique talents. The Atomic Energy Commission is also represented—they have some of the finest engineers and "gadgeteers" in the business. Finally, of course, we work closely with the Advanced Research Projects Agency, a separate part of Dr. Foster's office.

We have over one thousand specific R&D projects going on now in support of the war; as a rough average, we send about 100 new types of equipment to the theater every year for operational tests and evaluation, to find out whether they will in fact contribute to our fighting capabilities. Another 100-150 are also added to our operational inventory. These run the gamut, from a basically new type of helicopter, a new variety of jet aircraft, or a contraband detector, all the way down to a new type of tropical combat boot which will make it easier for a soldier to walk around, a modern transportable hospital, or better medicines against the types of disease that are prevalent in Southeast Asia.

The actual research and development programs have been carried out in all the usual R&D centers of competence—the military laboratories, private industry, and university research centers. I am frequently asked whether the widely divergent views within the U.S. about the merits of war have had a deleterious effect on our efforts. Naturally, any member of the U.S. Government is disappointed when he asks for help from a laboratory, a company, or a university and is told that they do not feel it appropriate for them to participate, that they have other more pressing work to do, or that there is insufficient profit in it for them. I also find it personally embarrassing to find this nonconstructive attitude within the engineering and scientific community of which I consider myself a part. Nonetheless, for every temporary setback I receive, I can provide at least ten examples of service and dedication "beyond the call of duty": Laboratory scientists who work on their own, virtually without funding support, huge U.S. corporations who essentially "donate" the services of some of their best talent without hope of large profit return; tiny companies that work around the clock to prove that they can meet an almost impossible schedule; graduate students and professors who offer themselves without demanding recognition; people from all these groups who risk their lives in Vietnam to help. I do not believe that any important development has been delayed by the vocal nonparticipation of a few—though I personally believe that their method of self-expression is insulting and demoralizing to our men in Vietnam.

WEAPONS, MODIFIED AND NEW

Let me mention a few examples of the kinds of developments I have been talking about. We recently developed a new gunship-aircraft configuration that happens to be very good at killing trucks along the resupply routes and in providing close support to our ground troops. This plane was developed for the Air Force in a military laboratory at Wright Field within a period of about nine months. It involved new equipment in an existing airframe. Wherever possible, we borrowed and adapted existing components. The plane was tested in the U.S. and it worked adequately; then it was sent to Vietnam with its operational crew plus a number of test people who observed it over a period of time. The plane operated in combat and was judged to be sufficiently successful that the 7th Air Force submitted a formal request for a production quantity. Production is under way now.

The HUEY Cobra program is another example. Here the Army took the original Bell HU-1 helicopter and redid virtually the entire aircraft to make it a better weapon platform. It was introduced in the early part of this year and we believe it may make a significant difference in the war. It has proven particularly useful in the urban insurgency context.

We have introduced several weapons which are brand new. Some were already in development before we became engaged in this conflict, and hence it was simply a question each time of expediting or changing the weapon in some modest way to improve its effectiveness for this war. There are new artillery rounds, for instance, and new kinds of bombs, including new kinds of delay bombs of various sorts—some to go after the flak sites in the North, some to go after the truck traffic, some to go after enemy soldiers hidden under jungle canopy. Most of our proudest accomplishments, however, will remain classified until the war is over, although some of our night-vision equipment and motion detection radars have now been declassified, since they have either been lost to the enemy or have no reasonable countermeasure.

In addition to our test agencies in Vietnam and our organization here in the Pentagon, we have scientific advisors with the major field commanders.

Only the military men themselves can establish what we call a "firm requirement" for a piece of equipment. But our people in the field are free to tell us of needs. When we are informed of these, we ask the scientific community to work on possible solutions. When solutions appear practical we present them to the people in the field. Often they then turn around and give us a "firm requirement." This may seem a somewhat unwieldly operational chain, but we are primarily research and development people trying to provide equipment for a military organization; ultimately, the operators must make the decision as to whether or not the solution is realistic.

In additon, each of the Services has set up a quick reaction capability whereby the Service can respond rapidly to special demands for improved equipments. Each Service maintains its own laboratory people in the field. In many instances these experienced engineers have found relatively simple, inexpensive things that have made tremendous differences. A typical example: Down in the Mekong Delta region, where the fighting takes place on the rivers, and canals, we have been using small landing craft of World War II vintage as patrol boats. Because they have flat bottoms, they are well suited for the shallow waters of the river and canals. The Navy wanted to be able to land helicopters aboard these boats, which are only 40 or 50 feet long, either for medical evacuation, resupply of equipment, or various command and control functions. One of Navy's laboratory personnel who was in the theater at the time designed a suitable landing deck. Within a few weeks, a prototype was built in Vietnam according to his design—with some help from his people back in the U.S. Today, many of these "minicarriers" operate successfully in the Delta. This development has measurably increased the flexibility and effectiveness of those forces, and for a very small sum of money. The Army maintains their Limited War Laboratory which does many of the same kinds of things, small jobs that are badly needed in a hurry. These labs are allowed to bypass some of the normal chains of approvals, when the money is small and quick reaction is urgently needed.

[In millions]

	Total defense, R.D.T. & E.	Southeast Asia, R.D.T. & E.
1964	$7,635	$100
1965	6,997	200
1966	7,553	370
1967	7,954	680
1968	8,002	780
1969	8,000?	800

I cite these examples to show that the Services have the technological capabilities and procedures available to respond to the demands for R&D in this war. My office in ODDR&E has not taken over this role; the military Services do it themselves; our job is to help them, to encourage them, and to assist in finding the funds needed for these requirements.

GOOD GUYS AND BAD GUYS

The most difficult job in this war has been to find the enemy. This may sound platitudinous. After all, we have had to find the enemy in every war we've ever been in. But there are no front lines in this war. The enemy operates primarily in small units. You cannot tell the "good guys" from the "bad guys"—many aren't even wearing uniforms. The big problem is to find out where the enemy is at a particular time—and, in fact, to determine whether or not he *is* the enemy—and then to determine his intentions. He is very good at camouflaging himself, his installations, and his equipment; and he moves primarily at night. Over North Vietnam, the problem is of a similar kind: We try to knock out the bridges, vehicles, and supply dumps, but these too are hard to find, as are his radar installations and antiaircraft defenses. The North Vietnamese do not have a very advanced civilization, they don't have large target complexes, and they have learned that we have difficulty knocking out their targets if they keep them small enough, or if they hide them away during the day. For every visible bridge, there may be three or four alternate ways of crossing the same stream.

In guerrilla and urban warfare, we must find the man who is planting the mine along the road, find the Vietcong who may come into a village to cut the chief's throat during the night, and find the teenage sapper team bent on destroying a Saigon police station. In all these cases, our biggest inadequacy is being able to single out the target, or the individual that represents the enemy. Perhaps a fourth of our total RDT&E expenditures has been solely for the purpose of trying to detect indications of enemy presence.

We are using virtually every type of indication that a human or vehicular target provides in our attempts to develop better means to find the real targets. These detection systems must work in real time—it does no good to find that 100 men walked or drove down Trail *X* from Point *A* to Point *B* a week ago. So realtime, nighttime intelligence gathering has been one of our major problems. We are beginning to make significant inroads in this area. Starlight scopes, for instance, permit a soldier to see targets with nothing more than starlight as illumination. They are now widely used in the Southeast Asian conflict with very impressive results.

I might interject here that the enemy has shown extraordinary cleverness in countering some new things we have introduced. It is seldom more than a few months after we introduce something new before we capture some document that tells the enemy, in essence, how to counter the new device. This is one reason we have tried to be so very security conscious during this war.

Where is the enemy's brainpower? Clearly, some of it is in the field, and it is evident that the enemy's allies have a certain amount of scientific advisory talent working for them too. I suspect there is an office like my own somewhere in the enemy structure, and that my counterpart works with a smaller budget and different emphasis. It is not the American way to use a lot of manpower and just a few devices that add to their capability; to save lives, we tend to want to minimize the number of men we use and to replace their skills with more sophisticated technology.

EYE FOR EYE, TANK FOR MORTAR

There are those who have a deep concern that we may be compromising much of our latest technology for tactical warfare without benefiting from a similar disclosure of Soviet and Chicom capability. To a certain extent, this is true; the Communists have committed North Vietnamese lives rather than Soviet technology wherever possible. The real questions, of course, are whether it is serious to have exposed our own capabilities as a means of reducing our own dead and crippled, and whether it will be difficult to establish a new level of capability in those areas where surprise is advantageous. I have no doubts in either area; we have done the right thing. After all, new technology becomes available faster than we convert it into military hardware. And in many areas, we have had the priceless advantage of finding out just how well our newer equipment works. We are thus in a position to make the type of real-world improvements in our forces that can only be derived from practical experience. There is very little good that comes from any war—and we would be negligent, indeed, if we did not profit from the only real R&D "benefit" possible; a better understanding of our own capabilities and needs.

There is another thing that is coming out of this war loud and clear: There are dramatic asymmetries between what we do and what the enemy can do to counter us. In some wars, the participants reason: If the other fellow has a tank, we must have a tank with an extra inch of steel; if he has a Mach 2 airplane, we must have a Mach 2.1 airplane; if he has a 150-mm artillery piece, we must have a 175. But because occupation and seizure of territory are not elements of this war, such reasoning does not hold in Vietnam. The enemy can destroy a $6 million airplane with a $100 mortar shell. He can shoot down a half-million-dollar helicopter with a 25¢ bullet from a hand-held gun. He can stop a tank with a hand-held antitank weapon, because he just plain sneaks up to it, stays under a bush for two or three days, or submerges himself in a rice paddy and waits for the tank to come along.

Such asymmetries are hard to live with. Time and again, we are asked: Why do we need a $2 million, two-seat twin-engine, after-burning jet to destroy little bamboo bridges? You could argue that we might be able to get along with a somewhat cheaper airplane, but the enemy has an air defense system *above* that bamboo bridge, which employs MIG 21's. Thus, we must have a weapon that can take on both the bridge and the MIG 21. The whole war has an enormous "dynamic" range, from one extreme to the other. But if we give up—if we say we cannot stop such resupply movements, by which the local insurgents are supported and bolstered—then we are saying that we cannot stop this conflict. If we cannot do this, we cannot stop wars of national liberation. If this is true, the whole world may become "liberated" piece by piece.

The mortar problem in Vietnam is another example of asymmetry. We have never before been in a war where our cities, bases, and depots have been exposed to mortar and rocket fire—often from 360° around the perimeter. A mortar shell can be carried in a man's pocket; it can be hidden in a crate of lettuce. The enemy is willing to take two weeks, or two months, to set up a 50-round attack. On the average, 50 rounds can destroy $20 million worth of airplanes. A simple weapon such as a mortar or rocket can raise hell, and the counter system is quite complex.

The enemy's allies are doing a good job of providing the North Vietnamese and the South Vietnamese guerrillas with these weapons—and they are not simply old pieces of pipe with home-made explosives in them; they are all made somewhere in the Communist nations; they come in little canvas carrying bags; they break down into pieces that can easily be handled by a small man. This is not accidental. This weaponry is carefully tailored for their side of the job, just as we try to tailor ours to counter it. It is a fascinating game of technology against technology, but in one case with a minimum use of manpower, and, in the other, a rather extravagant use of manpower.

Between 1964 and today, much of the equipment used by our forces has changed at least once. This covers the gamut from uniforms to aircraft and the weapons they drop; for instance, the helicopters we use for pilot rescue: We used one helicopter when the war began, then another helicopter for the next two years, and now we have begun to replace the second helicopter with an even more capable machine.

STRATEGY FOR A "POROUS" WAR

In the field of detection, I think the changes are occurring even more rapidly. You have probably read about the chemical sniffers, that smell the presence of human beings. This sounds rather sophisticated, but is little more than normal laboratory instrumentation packaged in an olive drab box. We put these boxes into helicopters and fly them over the jungle. Four or five years ago, I doubt that anybody would have given us a plug nickel for this idea, and yet, they are now being used in substantial quantity by regular operational forces. Similarly, we are learning to detect footsteps many yards away—with another spin-off from laboratory instrumentation equipment.

These developments open up some very exciting horizons as to what we can do five or ten years from now: When one realizes that we can detect anything that perspires, moves, carries metal, makes a noise, or is hotter or colder than its surroundings, one begins to see the potential. This is the beginning of instrumentation of the entire battlefield. Eventually, we will be able to tell when anybody shoots, what he is shooting at, and where he was shooting from. You begin to get a "Year 2000" vision of an electronic map with little lights that flash for different kinds of activity. This is what we require for this "porous" war, where the friendly and the enemy are all mixed together.

Much of the new sensor technology has application at the other end of the battle spectrum, in the security business. For example, we must learn how to protect the road from Saigon to the Mekong Delta, for this is the economic lifeline for the country. Some 40% of the people live in the Delta; these people are 95% agrarian, and their products must get to Saigon. Keeping this road free from ambush is a very serious problem.

One other problem in the Delta is that most of the people are not for either side; they want both sides to go away so they can grow some rice and sell it to somebody for a reasonable price. They give their allegiance to no one. And this is the frustration: They will tell you a week later that the Viet Cong came in and took 20% of their rice. But they will not tell you at the time it happens. They know we cannot protect them adequately against others who may sneak into the village again next week. So our progress is inhibited by not being able to provide an adequate level of security. Consequently, a small group of Viet Cong can keep the population silent and uncooperative.

Indeed, throughout the country one of the biggest problems stems from the fact that nobody has a telephone. There is often no way for a victimized community, or family, to call for help. We sorely need a simple, primitive substitute for our own phone system. I think it would help to raise the people's confidence if they could report to their officials in time for law enforcement to respond.

NEW CONCEPTS OF WAR

What are the lessons to be learned from this war? I believe the first is the fact that we *cannot* separate the insurgent from his background. Next, when we do find a target—be it a Viet Cong, a truck, or a bridge—*often* we cannot kill it, and *always* the enemy can replace it. All the important enemy targets are small, fleeting, hidden, moving, cheap, smart, and reproducible. He knows how to use his environment to advantage. The jungle, the rice paddies, the shallow streams and canals, the firm clay earth itself, the long-suffering people and their generations of discontent—these are the environmental factors we must contend with. And let me add one more: We must learn to fight extensively at night. We must work within this environment to find the enemy and to either catch him in the act of being an enemy or somehow to deter him from being an enemy again.

Over the past four years, the United States has spent over $2 billion in R&D on these other problems of the war. We are on the verge of some very important new military capabilities. We may not perfect them all in time for this war. Indeed, some may never even reach the field in test quantities. But these are the things that will keep this kind of war from breaking out again, and we *must* continue to develop them into weapons and equipment that can be readily adopted by the military, even after we reach a ceasefire in Vietnam.

From the work we have sponsored during this war, I can see three revolutionary concepts coming into focus—and our research and development programs have already begun to demonstrate that these concepts can be made practical:

One: We are getting closer to being able to provide complete realtime battlefield surveillance around the clock, through suitable instrumentation.

Two: Technology will soon permit the development of practical weapons that will discretely destroy the types of small, fleeting targets characteristic of this type of war.

Three: It now appears that we *may* reach the stage where there will be little difference between fighting at night or during the day. Clearly, this will be the toughest challenge; fighting at night will require a new systems approach, new training, new doctrine, and new ways of committing one's manpower.

In all three of these revolutionary concepts, we are hindered by two real-world problems. First, the technology is so new that it has not yet become an inherent part of our weapons system designs. Second, and equally important, the introduction of new concepts is extremely difficult during the conduct of the war. These are the problems that must be solved if we are to compress the learning and experience process so that the greatest benefits of new technology can be felt in South Vietnam.

Finally, we must learn to share this new technology with our allies. It is not enough to equip only the U.S. forces with new capabilities that make our men more effective. We must become more aggressive in training and organizing the South Vietnamese to take on the "residual war" themselves. It is my own opinion, after nine visits throughout South Vietnam, that the South Vietnamese can handle more sophisticated equipment—even if we have to maintain it for some time into the future. It is only by transferring our new capabilities to our allies that we can hope to turn the counterinsurgency problem back where it belongs, with a concurrent reduction in U.S. costs and losses. When that happens, then my office can probably go out of operation.

EMERGENCY FUND ALLOCATION TO SOUTHEAST ASIA, FISCAL YEAR 1964 THROUGH FISCAL YEAR 1970

[Dollar amounts in millions]

R.D.T. & E.	1965	1966	1967	1968	1969	1970
Emergency fund amount	125	125	125	100	50	[1] 100
Emergency fund to Southeast Asia	21	73	101	88	41	
Percent to Southeast Asia	16.5	58.1	80.1	88.0	81.7	
Total Southeast Asia, R.D.T. & E.	200	370	680	856	826	[2] 593

[1] Requested—not included in fiscal year 1970 Southeast Asia total.

[2] Southeast Asia content at apportionment.

TABLE

R.D.T. & E. EMERGENCY FUND SUMMARY FISCAL YEAR 1965–69

SOUTHEAST ASIA PROJECTS ONLY

[Dollar amounts in millions]

	1965		1966		1967		1968		1969	
	Requested	Approved	Requested	Approved	Requested	Approved	Requested	Approved	Requested	Approved
Army	$16.4	$8.3	$97.7	$16.7	$66.1	$28.1	$119.9	$52.2	$56.9	$38.6
Navy	13.6	9.9	99.9	22.7	93.1	49.0	46.3	13.3	6.6	.7
Air Force	1.3	1.3	95.8	31.4	92.2	19.2	44.1	17.6	43.2	.5
DCA (DCPG)	1.1	1.1			10.4	2.2	3.0	3.0		
ARPA			1.8	1.8	4.3	2.6	1.6	1.6	2.0	1.0
DASA										
DIA										
Total	32.4	20.6	295.2	72.6	265.1	101.1	214.9	88.0	108.7	40.8
Total emergency funds		125.0		125.0		125.0		100.0		50.0
SEA (percent)		16.5		58.1		80.1		88.0		81.7

ALL PROJECTS

	1965		1966		1967		1968		1969	
	Requested	Approved	Requested	Approved	Requested	Approved	Requested	Approved	Requested	Approved
Army	$42.0	$33.3	$120.0	$29.7	$66.7	$28.7	$119.9	$52.0	$61.7	$39.6
Navy	84.8	38.8	121.0	30.0	117.3	66.9	67.8	19.1	22.8	5.9
Air Force	26.4	26.4	153.7	61.5	118.5	19.6	66.4	20.3	17.5	.5
DCA (DCPG)	4.1	4.1			10.4	2.2	3.0	3.0		
ARPA	6.3	1.8	7.5	3.8	4.3	2.6	3.6	3.6	5.0	4.0
DASA	9.0	9.0			10.0	5.0	4.0	2.0		
DIA							.2			
Total	172.6	113.9	402.1	125.0	327.2	125.0	264.9	100.0	107.0	50.0
Total emergency funds		125.0		125.0		125.0		100.0		50.0

NON-SOUTHEAST ASIA PROJECTS ONLY

	1965		1966		1967		1968		1969	
	Requested	Approved	Requested	Approved	Requested	Approved	Requested	Approved	Requested	Approved
Army	$25.5	$25.5	$22.3	$12.9	$ .6	$ .6			$ 4.8	$1.0
Navy	71.2	28.9	21.1	7.3	24.6	17.9	21.5	6.0	16.2	5.2
Air Force	25.1	25.1	57.8	33.1	27.3	.4	22.3	2.0	17.0	
DCA (DCPG)	3.0	3.0								
ARPA	6.3	1.8	5.7	2.0			2.1	2.1	3.0	3.0
DASA	9.0	9.0			10.0	5.0	4.0	2.0		
DIA							.2	0		
Total	133.8	93.3	106.9	55.3	62.5	23.9	50.1	12.1	41.0	9.2
Total emergency funds		125.0		125.0		125.0		100.0		50.0

TAB G

SUMMARY OF TRANSFER AUTHORITY, FISCAL YEAR 1965-69

[Dollar amounts in millions]

Year	Service	Appropriated From	Appropriated To	Item	Amount	Date
Fiscal year 1965	Navy	R.D.T. & E. (A)	R.D.T. & E. (N)	Aircraft	$2.0	October 1964.
		R.D.T. & E. (AF)	R.D.T. & E. (N)	do	2.0	
		R.D.T. & E. (Def Aq)	R.D.T. & E. (N)	do	2.0	
	Air Force	Other procurement (AF)	R.D.T. & E. (AF)	do	20.0	December 1964.
		Missile procurement (AF)	R.D.T. & E. (AF)	do	14.8	Do.
Total					40.8	
Fiscal year 1966	Navy	PAM (N)	R.D.T. & E. (N)	Aircraft	52.0	December 1965.
	Air Force	Missile procurement (AF)	R.D.T. & E. (AF)	Missile	24.2	January 1966.
Total					76.2	
Fiscal year 1967	Air Force	Aircraft Procurement (AF).	R.D.T. & E. (AF)	Aircraft	4.0	December 1966.
	Navy	PAM (N)	R.D.T. & E. (N)	do	12.0	January 1967.
		PAM (N)	R.D.T. & E. (N)	do	46.0	January 1967.
	Air Force	Military personnel (AF)	R.D.T. & E. (AF)	Missile	18.6	June 1967.
Total					80.6	
Fiscal year 1968		Not used				
Fiscal year 1969	Air Force	Other Procurement (AF)	R.D.T. & E. (AF)	A/C System	28.0	October 1968.
		Other Procurement (AF)	R.D.T. & E. (AF)	Missile	41.6	
		Other Procurement (AF)	R.D.T. & E. (AF)	do	8.4	
Total					78.0	

EVALUATION OF SUCCESS OF EMERGENCY FUND EXPENDITURES

	Total funds	Successful[1] (percent)	Still in development[2] (percent)	Failures[3] (percent)
1965	20.6	91.5	8	0.5
1966	72.6	59.0	37	.4
1967	101.1	73.0	26	.1
1968	88.0	38.0	61	.1
1969	40.8	14.0	86	.0

[1] Accepted for production use or incorporated in already operational equipment or manuals.

[2] Still in development, or still undergoing tests with no decision yet on operational potential, or stopped by change in scope of war.

[3] Not acceptable as a result of unsuccessful development, test, or operational evaluation.

Mr. TYDINGS. But did the need to use $41 million of the emergency fund and $263 million in reprograming authority for PROVOST exhaust the flexibility of the Department of Defense's research and development program? Hardly.

In addition to reprograming authority, the Secretary of Defense has $150 million in transfer authority which allows funds to be transferred between Defense appropriations, provided that not more than 7 percent of any one appropriation is transferred. Last year, fiscal year 1969, only $78 million of that $150 million transfer authority was utilized, and none of it directly for PROVOST.

Finally, for use in "unforeseeable emergencies and extraordinary expenses of a confidential military nature," the Secretary of Defense has a $10 million contingency fund. That is over and above all of the other items I have just cited. Though there has never been occasion in the past to use it for an emergency in the area of research and development, it could be used for such a purpose. Last year, the Secretary expended less than $1.5 million of that $10 million fund.

In other words, PROVOST—the category of research and development in which 82 percent of the emergency fund was expended—was able to provide for all of its needs, expected and unanticipated, in fiscal year 1969 without exhausting all of the flexibility of the Department of Defense research and development program.

Mr. President, this leads us to a second question. Since the $50 million emergency fund was adequate according to Mr. Sullivan, the representative of the Department of Defense in 1969——

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. MURPHY. Mr. President, I understand that Mr. Sullivan was in charge of research and development for Southeast Asia. Am I correct?

Mr. TYDINGS. Mr. Sullivan is a Deputy Director of Southeast Asia Matters, Office of Department of Defense Research and Engineering.

Mr. MURPHY. In other words, his area of activity was, I would assume from his title, PROVOST.

Mr. TYDINGS. The Senator is correct. That is the department name and label for all research and development for Southeast Asia.

Mr. MURPHY. Southeast Asia.

Mr. TYDINGS. The Senator is correct. In addition, he heads up the emergency fund.

Mr. MURPHY. Mr. President, the use of the funds we are talking about, as I understand, is not to be limited to Southeast Asia or to the problems relating to Southeast Asia but are to be used for any new emergency or any use that in the consideration of the Secretary would warrant the use of the funds. Am I correct in my understanding?

Mr. TYDINGS. No. The Senator is incorrect in his understanding. The $100 million emergency fund is for research and development, testing, and evaluation for procurement or production related thereto. It is not carte blanche over the so-called waterfront. It is specially "for research and development, testing, evaluation, for procurement or production relating thereto."

And as a practical matter, in the fiscal year 1969, 82 percent of the emergency funds went to PROVOST. This is approximately the rate of emergency funds in recent years that come into PROVOST, research and development directly related to Southeast Asian matters.

Mr. MURPHY. But it is not restricted to that.

Mr. TYDINGS. No, it is not restricted to that, but it is restricted to research, development, testing, evaluation, and related production and procurement.

Mr. MURPHY. But it is not restricted to procurement relating to Southeast Asia.

Mr. TYDINGS. No.

Mr. MURPHY. Not restricted in procurement relating to Southeast Asia.

Mr. TYDINGS. No.

Mr. MURPHY. But refers to matters in Europe, NATO, SEATO, Okinawa, Kwajalein, or other of the other thousands of places that are unfortunately interested in this matter around the globe.

That was my point. I just wanted to establish Mr. Sullivan's area of operation, as I was a little confused for a moment.

Mr. TYDINGS. I thank the Senator.

Mr. STENNIS. Mr. President, will the Senator yield? Has the Senator finished his remarks?

Mr. TYDINGS. Not yet. If the Senator will bear with me for another 10 minutes, I will yield to him at that time.

Mr. STENNIS. Mr. President, I withhold that request.

Mr. CRANSTON. Mr. President, what were the main reasons advanced by the Department of Defense for doubling the emergency funds?

Mr. TYDINGS. Mr. President, I take this opportunity to respond to that question by reading a quotation from a statement of Mr. Leonard Sullivan, Jr., the Deputy Director of Research and Development, Southeast Asia Matters.

I will read it first and then I will summarize it. The Senator may then summarize it for himself in case I unfairly categorize his answer.

Let me give the answer of the Department of Defense from page 7 of the statement submitted to me and my staff on the Emergency Fund.

It reads:

> Last year, the Congress authorized an Emergency Fund of only $50M. Although a few million remained until near the end of the year, the preponderance of it was spent, as usual, near the middle of the fiscal year. The $50M was clearly inadequate and was recognized to be so from the beginning of the year. To compensate for the Congressional action—

That is, the reduction to $50 million. I continue to read:

> We therefore deferred an additional $90M (approx) of funds already assigned to the Services and "earmarked" it for augmentation of the Emergency Fund by reprogramming if and when necessary. Hence we knew from the beginning of the year that we had an "equivalent Emergency Fund" of about $140M (approx)—and used almost all of it.

Mr. President, I shall comment here and then will continue with the quotation.

This is exactly what they did in 1966, 1967, and 1968. It is what they can do in 1970. Because of the great flexibility within the Department of Defense, in other words, they can reprogram almost everything when necessary.

I continue to read from Mr. Sullivan's statement:

> If the Congress insists on restricting the Emergency Fund for FY 70, we will again be forced to use some equivalent device to assume adequate funds to cover our unforeseen requirements. However, it would appear to be a needless, time-consming, and indirect approach to an otherwise straightforward management tool. Additionally, if as now appears possible, the overall RDT&E budget is cut by 12%—making it 5% lower than last year's—the problem in establishing the deferrals for reprogramming will be substantially more difficult, may run counter to the preferences of the Congress, and will cause additional sources of irritation and delay between the Services and OSD.

I shall comment here again. In other words, Mr. Sullivan would much rather have an additional $50 million or an additional $100 million or an additional $150 million than require the Secretary of Defense—the man who should know the most about it—to determine where the higher priorities are among the various services and have to reprogram because that might cause an additional source of irritation between the services and the Office of the Secretary of Defense.

I continue to read:

> In *either* case—reprogramming or Emergency Funds dispersal—the Congress is notified of all appropriation transfers and reprogramming actions above the established $2M threshold, and is asked to give prior approval in instances of known Congressional interest. In fact, two of our important '69 Emergency Fund items have been delayed for four months this year by such Congressional concern. Hence Congressional control of our activities is essentially the same for reprogramming and Emergency Fund usage, but the reprogramming represents the less attractive alternative for internal Defense Management.

Let me emphasize the last sentence I read:

> But the reprogramming represents the less attractive alternative for internal defense management.

Of course, I would much rather be able to give my wife an additional $100 a week than say, "You will have to make some choices from what you have."

Certainly it is less desirable, but the fact of the matter is, according to Mr. Sullivan, that not one single item needed for Vietnam or for provost research and development was delayed or cut because of lack of funds. They just reprogrammed it within the $7.6 billion plus for research and development program and got what they needed.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. TYDINGS. I will yield in a moment.

Have I sufficiently responded to the question of the junior Senator from California?

Mr. CRANSTON. Yes. The response has covered my question thoroughly, and I am grateful to the Senator.

Mr. TYDINGS. I yield to the senior Senator from California.

Mr. MURPHY. I say to the Senator from Maryland that if I were to compare my wife to the Defense Department, I would be in trouble when I went home.

Mr. TYDINGS. Perhaps the Senator does not know where his Department of Defense is.

Mr. MURPHY. The distinguished Senator from Maryland used the words "least attractive," which I think is a nice——

Mr. TYDINGS. "Less attractive." If I said "least," I meant to say "less." I took that word for word from the language of Mr. Leonard Sullivan, Jr., on page 9 of his statement.

Mr. MURPHY. Then Mr. Sullivan used another term before that, when he said they would be forced. I do not know Mr. Sullivan. When he says they would be forced, I do not know whether this is what I would call a very bad disposition of circumstances or whether this would be forcing a manner of procedure that was unworkable or impractical.

Certainly, over the last years, there has been much in the Defense Department that I have considered impractical and much that I have considered unworkable.

I should like to make the point again that in the judgment of the committee, we thought that perhaps by cutting the request and trimming it back to what we thought was a proper figure, and realizing that there are times when specific extra funds are needed—and I have to assume that they use the research and development money properly and they cannot just automatically say, "Cut out that program"—if they can do that and the program is going to be cut in order to accommodate the funds for another program, it should not have been started in the first place. With the way I hope this committee will function in the future, we will not have as much of that as we have had in years past.

So I merely rise to make the point, first, that Mr. Sullivan is talking only about his responsibility, which is Vietnam, which is limited. Second, he is not happy with the condition. We can assume that he is an extravagant fellow who just says, "I would like to have some extra money." Or we can assume he is a knowledgeable, reputable fellow, and I assume that; otherwise, I know that the distinguished Senator would not be quoting him. That would involve using only funds that are needed; therefore, when he transfers funds from one program to another, he may be doing some damage to the program from which the funds are being taken.

Mr. TYDINGS. I thank the Senator.

Let me discuss the second question raised by the position of the Department of Defense.

Since the $50 million emergency fund was adequate in fiscal year 1969, is there any indication that research and development demands relative to research and development resources in fiscal year 1970 will increase sufficiently to warrant doubling the emergency fund to $100 million?

Since more than 80 percent of the emergency fund is to be devoted to PROVOST again in fiscal year 1970, and since PROVOST represents the highest priority research and development to support our combat activities in Vietnam, let us begin by looking at PROVOST for the coming year.

In fiscal year 1970, initial programing for PROVOST is $590 million, $68 million more than was initially programed in fiscal year 1969. At the same time, in testimony before the Senate Armed Services Committee in May, Doctor Foster projected total PROVOST costs by the end of fiscal year 1970 at only $15 million above his projected total PROVOST cost for fiscal year 1969. In other words, to cover an additional $15 million in projected total costs, the Defense Department is increasing initial programed funds for PROVOST in fiscal year 1970 by $68 million.

Furthermore, according to Mr. Sullivan:

> We know we are "over the hump" in our RDT & E expenditures for this war. We have learned to predict our funding requirements somewhat better.

In addition, Mr. Sullivan stated that while we were not ideally equipped in the past few years to fight in a Vietnam-type war and thus encountered many unexpected problems, as a result of past PROVOST work "we are now much more current."

In short, due to past experience, there should be less unexpected research and development expenses in fiscal year 1970—less of the kind of expenses the emergency fund was designed to meet.

For the coming year, the Secretary of Defense will still possess his $150 million transfer authority as well as his reprogramming authority. It is true the total DOD research and development budget was cut in committee this year. However, the cut amounts to only a 5 percent reduction in research and development as compared with last year's appropriation. Furthermore, 80 percent of the reduction recommended by the Armed Services Committee applies to specific programs unrelated to the Vietnam war. Thus, the overall reprograming ability within the research and development sector of the Department of Defense budget will not be significantly affected.

It is also important to note in considering Vietnam-related research and development in this year's budget that the end products of this research and development will not be available for use in Vietnam until 1971 or 1972. According to Mr. Sullivan, it takes between 18 to 36 months from the inception of a project until it is ready for use by our troops in the field.

I think none of us, including the President, expects the current level of U.S. involvement in Vietnam to continue for another 1½ to 3 years. As a matter of fact, the President on at least two occasions has indicated that he is going to reduce troops in Vietnam. On one occasion, he ordered a 25,000 troop reduction. So I do not see how we can expect the level of involvement to increase in Vietnam, in view of the statements of the President of the United States.

But, the question is asked, what if there is a large, unexpected increase in our research and development demands? In addition to the $50 million Emergency Fund, the Secretary's $150 million transfer authority, and his reprograming authority, there is still the Secretary's $10 million contingency fund and the possibility of a supplemental appropriation from the Congress.

In short, weighing the probable demands on our research and development program for the coming year against the resources available to meet these demands, I can find no sound justification for doubling the emergency fund to $100 million.

In concluding, I want to make clear that this debate does not involve our national security. According to Mr. Sullivan, whether he receives the additional $50 million for the emergency fund or not, his office will be able to meet all of the needs of our troops in Vietnam. What is at issue is whether he will be forced to haggle with the various Services for low priority or superfluous funds if PROVOST costs exceed his initial estimates. This is an exercise he has performed successfully for the past 4 years with no apparent injury to our national security.

What we are talking about is an economy measure. We are in the midst of a serious inflation. We have just saddled the American people with an extension of the 10-percent surtax. In return, we have promised to cut all Government spending that is not absolutely essential to the Nation's well-being.

Mr. President, I have devoted considerable study to the Defense Department's request for a doubling of the emergency fund.

I do not question the manner in which the past emergency funds have been used, nor do I doubt the sincere motivation behind the desire of the Department of Defense for an additional $50 million. If I were the Secretary of Defense I would probably be asking for that also. But I am not the Secretary of Defense. I am a Senator representing the people of Maryland. In my view, and the view of so many of my colleagues who are cosponsoring the amendment with me, we do not believe this additional money is warranted. In the name of economy, I ask that the Senate support the measure reducing the amount to the $50 million of last year's appropriation.

Mr. STENNIS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. DOLE in the chair. Does the Senator yield?

Mr. TYDINGS. I yield.

Mr. STENNIS. Mr. President, I appreciate the Senator's yielding to me. He has gone into this matter very thoroughly.

For the record, I have a statement which will show the amounts appropriated for this emergency fund in the past. In the past, Congress has always recognized the need for a limited emergency fund which would allow the Secretary of Defense to apply the necessary resources to exploit sudden technological breakthroughs or satisfy unanticipated research and development needs, and to do so without disrupting planned and ongoing programs.

In fiscal years 1962, 1963, and 1964, we appropriated $150 million for this purpose each year. In the fiscal years 1965, 1966, 1967 the approved fund was $125 million. In fiscal year 1968 it was reduced to $100 million. In 1969, although the Defense Department requested $125 million, the emergency fund was reduced by Congress to $50 million. In each of these years the fund was augmented by authority to transfer other appropriated funds in the amount of $150 million each year.

Mr. President, this matter is complicated, as are so many other matters, by the situation with reference to Vietnam. I know it has upset the budget, it has upset these accounts, it has upset the transfer, and it has upset everything. For 2 years we had to insist on money being put in for the expense of the war. There was nothing in the appropriation bill.

I wish to point out that this matter deals with the matter of transfer. Just what does that mean? That is a matter handled by the Committee on Appropriations. They have the language provisions in their bill governing transfers of funds. It really does not come within this bill, but it is related.

Mr. TYDINGS. It is very related.

Mr. STENNIS. Transfer means the transfer from one account to another, such as a transfer from the research and development account to the O. & M. account—the operations and maintenance account. I am just making this statement for the record. To reprogram means to bring one item in the same account over to another item in the same account; transferring some item of research and development over to another research and development within that general account.

I would rather have a definite and positive figure in here for the emergency use only in the breakthroughs that we are trying to reach, and require them to exhaust that money first before they could have any transfers from another account. As I have said, we do not control all of that. It is within the authority of the provisions in the appropriation bill.

The reasoning with respect to the $100 million was simply this. We have a reduction here, as Senators know, from the $8.222 billion requested in the budget of April 15. The committee made a reduction to $7.170 billion, using round numbers. That is well over $1 billion.

In making such a vast reduction, which is more than at any time recently, we were trying to cover the proposition of a real breakthrough and a possible emergency of some kind. Our thinking was merely commonsense; that it might prove that the knife was in too deep in some items; and there ought to be more than a nominal sum that could be used.

The Senator traced the history of all this matter. I have mentioned the transfer authority. I think, frankly, it is nothing to argue over a great deal. I do not think it is necessary to have a rollcall vote or anything of that nature.

If the Senator feels as if he can accept it for $75 million and let it go at that figure, we will put something in our report or in a letter to the Department of Defense, and particularly Dr. Foster, that we think this was allowed for that purpose; not to go into the transfer of funds until he has at least exhausted this money. If they are going to use a lot of transfer money first, we will take this out altogether next year.

I respond to the Senator in that way. If he would be willing to make it $75 million, I think we could accept such an amount.

Mr. COOK. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. COOK. Mr. President, I would like to substantiate the $75 million figure of the Senator from Mississippi on this basis. Referring to the report of the Committee on Armed Services, I might suggest that the committee was told that of the $50 million it had expended $47.002 million, which left $2.998 million.

Mr. TYDINGS. That was May 22, a month and a half before the end of the fiscal year.

Mr. COOK. The Senator is correct. But at the same time, Dr. Foster indicated there were $25 million in programs that were then pending; that they had to decide what should be done, but they only had $2.998 million and felt it should run until the end of the year.

The point I am trying to make to the Senator from Maryland is that if he would consider $75 million, I think we can get it by reason of the fact that they had expended almost the $50 million and had $25 million-plus of programs that were in existence for R. & D. for which funds were not available.

I agree with most of what the Senator from Maryland has said with respect to the transfer of funds, but I would suggest, as one who is economy minded, that for me to suggest raising the amount from $50 million to $75 million is only on the basis that the committee itself has already deleted from the budget more than $900 million of research and development funds, and there is not the ability to transfer back and forth. Even the ability to transfer in the $150 million float account is of such a nature that it may not be as easy in the future for Mr. Sullivan or anyone else to be able to shift those funds one way or the other as he saw fit.

I think there is ample authority. As a matter of fact, if I may speak for a minute longer, the distinguished Senator from Maine (Mrs. SMITH) brought up this very subject with Dr. Foster in the testimony and asked him about the additional $25 million of programs waiting that could not be funded. She asked whether he did not feel, perhaps, that he should raise the $50 million figure. So I can only say that I think there is ample precedent for the Senator to consider an increase from $50 million to $75 million. I hope that he will give the proposal serious consideration.

Mr. TYDINGS. I thank the distinguished Senator from Kentucky for his contribution. He is also persuasive. I might point out that of the almost $1 billion reduction in research and development made by the Committee on Armed Services, only 20 percent of the $1 billion was not for specific items deleted by the committee itself. But I certainly think that the Senator is very persuasive.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. PROXMIRE. I am wondering whether there should be an increase from $50 million to $75 million. Was that the suggestion?

Mr. TYDINGS. That is correct.

Mr. PROXMIRE. When the situation, as I understand, deals primarily with Vietnam and related projects.

Mr. TYDINGS. Last year, as I recall, 82 percent of the fund was applied to Vietnam and related items.

Mr. PROXMIRE. I think one of the most persuasive aspects of the Senator's excellent speech was his emphasis on the fact that everything we are told is that the war in Vietnam is being deescalated. The President has already announced his plan to withdraw 25,000 troops, and we accept that. Certainly it is irreversible, in the view of most of us.

As the Senator said, within a year and a half to 3 years, it should be possible to withdraw very largely from Vietnam—not entirely but largely—under these circumstances, the increase in the contingency fund for Vietnam for certain things in Vietnam does not seem to be logical. What is the answer?

Mr. TYDINGS. Let me say to the Senator from Wisconsin, that is a difficult question in light of the President's statements about reduction of American involvement, de-Americanization of the Vietnam war, and bringing home our troops. The increase in the Emergency Fund, say 80 percent of it, can be reasonably expected to be used in defense-related research and development for Southeast Asia which by the testimony of Mr. Sullivan will not be completed for 18 to 36 months.

Mr. PROXMIRE. What was the cost of that last year when the situation was far more complicated than every indication is it will be this year? Last year, when we had 550,000 American troops in Vietnam, we did not exhaust the fund last year; is that not right?

Mr. TYDINGS. That is correct. I think for the RECORD, just to make it absolutely clear, we should put the colloquy between the Senator from Maine (Mrs. SMITH), the ranking Republican minority member of the Armed Services Committee, and Dr. Foster, together with his response to her when she questioned him about the emergency fund, which appears on page 1854 of the authorization for military procurement research and development hearings before the Armed Services Committee, part 2 of two parts. We should include this colloquy just to complete the record in this matter.

Mr. DOMINICK. Mr. President, will the Senator from Maryland yield?

Mr. TYDINGS. I yield.

Mr. DOMINICK. I should like to make the record clear that this research contingency fund is not just for Vietnam but covers all research. Maybe it was 80 percent that was spent on it the last time. We may well spend another 80 percent of it for research and development on a Middle East situation the next time. We cannot tell where the need for these funds will arise. We cannot equate the withdrawal of troops from Vietnam with our need for this research contingency fund.

With all respect to the Senator from Wisconsin, I think he is clouding the record. It should be made crystal clear.

Mr. TYDINGS. I think it is clear. In fiscal 1965, 88 percent of the total went to Vietnam. In 1969, 81.7 percent went to Vietnam. I might say that if we were not in Vietnam I do not think this would even be an issue before the Senate today, for were there no war, I think it would be up to the Armed Services Committee to specify what research and development was going to take place. Unanticipated R. & D. costs would not constitute a serious consideration.

Mr. PROXMIRE. Furthermore, $40 million to $45 million has been for Vietnam. There will be less activity for Vietnam now. It is prudent, wise, economical, and logical for us not to increase the fund, which is all the modest amendment of the Senator from Maryland would do. So that I wonder, would not the distinguished Senator from Mississippi accept a compromise and go to $75 million from the $50 million. I wonder about the wisdom of that review of the whole history of this, in view of the expectations about Vietnam.

Furthermore, I should like to ask the Senator from Maryland, Is it not true that the original Defense Department's request was for only $52 million? That is what they wanted.

Mr. TYDINGS. In January of this year, Secretary of Defense Clifford requested $50 million in the original budget. Two months later, the request was increased to $100 million by Secretary of Defense Laird.

Mr. PROXMIRE. Is it not also true that not one single request of need by Southeast Asia forces for research and development was denied?

Mr. TYDINGS. The Senator is correct. The fact was that the considerable flexibility which exists within the Department of Defense made it possible to provide for every research development project which they felt was of high priority.

Mr. PROXMIRE. In the event that this is not enough, there is ample flexibility, $7 billion in research and development, that can be used at the discretion of the Secretary of Defense in this area if he wants to; is that not correct?

Mr. TYDINGS. That is correct; and there is an additional $150 million in transfer authority to transfer funds between one section of the appropriation bill and another.

Mr. PROXMIRE. I thank the Senator very much.

Mr. STENNIS. Mr. President, will the Senator from Maryland yield to me briefly again?

Mr. TYDINGS. I yield.

Mr. STENNIS. The Senator has given a fine list of figures here as to what has happened; but so far as the budget is concerned, as of now, we do not know what transfer authority, if any, the Appropriations Committee and Congress are going to put in the appropriation bill. A transfer has to be authorized in the bill. Then it is passed on by the committee. We do not know what language they will have, on what the Congress will approve with reference to reprograming. Certainly, until those things are known, if those gates should be closed or partly closed, we certainly should not reduce the emergency fund too low.

This is a discretionary matter for Dr. Foster anyway, and for Congress. So I had understood that the Senator from Maryland had weighed this thing considerably in that light.

Mr. TYDINGS. I have. If the Senator from Mississippi offers an amendment to my amendment which, in effect, would reduce the recommendations of the Armed Services Committee from $100 million to $75 million—my proposal reduces it to $50 million—I would accept that.

Mr. STENNIS. Would that be agreeable generally here to those of us who have worked on this matter? I refer to the Senator from Wisconsin (Mr. PROXMIRE) and the Senator from Kentucky (Mr. COOKE) who have already expressed themselves. The Senator from Kentucky has expressed himself as being in favor of such a figure, if I understood him correctly.

Mr. FULBRIGHT. Mr. President, will the Senator from Maryland yield?

Mr. TYDINGS. I yield.

Mr. FULBRIGHT. As I understand it, this bill has not been passed by the House?

Mr. STENNIS. No.

Mr. FULBRIGHT. Therefore this goes in the House bill, and if it follows past custom, will it not, the House will make it considerably larger, I expect.

Mr. TYDINGS. No.

Mr. STENNIS. No.

Mr. TYDINGS. Last year the House Armed Services Committee struck out the emergency fund in its entirety. The Senate authorized $121 million.

In conference, the Senate receded, the House acceded, and the sum of $50 million was arrived at. But the House had struck it out in its entirety. So I would hope that for this year that the result would be that——

Mr. STENNIS. Mr. President, I think there is no reason in the world why we should not be able to settle this matter to and the final amount to the satisfaction of all parties concerned in the bill arrived at in the conference.

Mr. TYDINGS. Mr. President, I ask unanimous consent, then, that my amendment be modified on line 2 by striking out the figure "50,000,000", and inserting in lieu thereof the figure "$75,000,000."

The PRESIDING OFFICER. Without objection, the modification is made.

Mr. TYDINGS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. FULBRIGHT. Mr. President, we had better have a quorum call.

Mr. STENNIS. Mr. President, were the yeas and nays ordered?

Mr. FULBRIGHT. No. There was not a sufficient second.

Mr. TYDINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE ORDER 11246 "EQUAL EMPLOYMENT OPPORTUNITY"

Mr. McCLELLAN. Mr. President, one of the most alarming and dangerous trends in Government in recent years is the increasing tendency of the executive and judiciary branches of the Federal Government to usurp the lawmaking functions of the Congress. And it is in the area of civil rights that this tendency has been most evident.

A recent and flagrant example of this tendency is the attempt of the executive branch to force racial quotas on Government contractors by executive order.

Title VII of the Civil Rights Act of 1964 dealt in detail with the subject of equal employment opportunity, but much of private industry, especially in the construction field, has been confronted with a far more extensive and burdensome system of regulation in this area under the color of Executive Order 11246 on Nondiscrimination. That order, together with its implementing rules, regulations, and requirements goes far beyond the legislation enacted by the Congress on this subject; indeed, the order is in direct conflict with the policy, purpose, and intent expressed in the 1964 Civil Rights Act.

The clear purpose and intent of that act was to make discrimination in employment on the basis of race, color, religion, sex, or national origin, an unlawful employment practice, whether engaged in by employers, labor organizations, or employment agencies. Congress made it equally clear, however, that merit and capability, as determined by the employer, should continue to be the determining factors in respect to job qualification and employment.

It was the further intent of Congress that the law was not to be interpreted as requiring the introduction of quotas or other representatives or preferential systems into the employment process. Section 703(j) of title VII, expressly disallowed the granting of preferential treatment to any individual or group in order to correct any imbalance that might exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin, employed as compared with the total number of such persons in any community, State, or other area, or in the available work force in any community, State, or other area.

Nothing in title VII imposed—or authorized the imposition upon—private industry of any duty or obligation to institute or finance any training, apprenticeship, recruitment, advertising, or other affirmative programs designed to enhance the employment opportunities or job qualifications of any employee, applicant for employment, or other person. Nor did Congress intend to outlaw or interfere with bona fide seniority or merit systems. See section 703(h). And it is highly significant that Congress, when it enacted title VI of the Civil Rights Act of 1964, entitled "Nondiscrimination in Federally Assisted Programs," expressly provided that it shall not "be construed to authorize action under this title by any department or agency with respect to any employment practice by any employer, employment agency, or labor organization, except where a primary objective of the Federal financial assistance is to provide employment."—Section 604.

Despite this express declaration of congressional intent, however, preaward procedures, including elaborate requirements for "affirmative action" programs designed to impose quota and minority representation systems, have been incorporated in regulations by the executive branch.

Recently the Department of Labor issued an order known as the Revised Philadelphia Plan for Compliance with Equal Opportunity Requirements of Executive Order 11246, regarding Federal construction contracts.

This plan was directed to all Government agencies, and while limited initially to the Philadelphia area, it was to be applied nationally at some later date, to be determined by the Department of Labor.

The plan purported to set up a program of equal employment opportunity for Federal contractors. Pursuant to its terms bidders on Federal construction contracts would be required to submit goals of manpower utilization. Racial employment quotas are plainly required by the language of the plan.

Mr. President, I have received many complaints about the obligations imposed upon Government contractors by Executive Order 11246 and the requirements imposed thereunder by the Office of Contract Compliance of the Department of Labor and various other executive departments of our Government. Those complaints stem from the wide variance and apparent conflict between the policy and burdens imposed by this Executive order and the congressional policy and intent as manifested in titles VI and VII of the Civil Rights Act of 1964.

Because the obvious conflicts between those two programs give rise to serious questions of statutory and constitutional law, I wrote to the Comptroller General of the United States on May 19, 1969, requesting his opinion regarding the validity of Executive Order 11246 and the regulations, rules, procedures, and requirements issued pursuant thereto and being applied by the Office of Contract Compliance and other Federal agencies in the awarding of Federal and Federal-aid contracts. On August 5, I received a reply from the Comptroller General with which he enclosed a copy of his decision—B-16306—addressed to the Secretary of Labor relative to the revised Philadelphia plan.

The Comptroller General's decision confirms my concern in this matter. The so-called Philadelphia plan violates the Civil Rights Act of 1964 and it cannot be supported on the tenuous grounds of any implied, inherent, or derivative authority. And it most assuredly cannot be maintained simply because some Federal social innovator desires it to be so. The Comptroller's analysis of the Philadelphia plan, and its requirements, clearly shows its conflict with and contravention of titles VI and VII of the Civil Rights Act of 1964.

Mr. President, this is the second time that the Federal bureaucracy has tried to initiate a "Philadelphia plan," to impose racial quota systems on Government contractors. The Federal procurement procedures are complex and costly enough without adding this complicating and harassing burden. The Congress has acted in this area; its action is clear, and it is high time that the executive branch takes heed of the laws of this Nation.

It is a well-established principle of constitutional law that the President's power to issue an Executive order must stem either from an act of Congress or from the Constitution itself—*Youngstown Sheet & Tube Co., et al.* v. *Sawyer,* 343 U.S. 579, 585.

It is an equally well-established principle of constitutional law that although the President's general direction power is constitutional in its source, it is by no means absolute. On the contrary, its exercise is subject to important limitations. Foremost among these is the well-settled rule that an Executive order or any other Executive action, whether by formal order or by regulation, cannot contravene an act of Congress which is constitutional. Thus, when an Executive order collides with a statute enacted pursuant to the constitutional authority of the Congress, the statute will prevail—*Kendall* v. *U.S.,* 12 Peters 524. Neither the President nor a department head at the President's direction or with his approval, has authority to act at variance with valid statutory provisions—*United States* v. *Symonds,* 120 U.S. 46.

As Justice Frankfurter said in the Youngstown Sheet and Tube case, "Where Congress has acted the President is bound by the enactment." And as Justice Holmes declared in *Myers* v. *United States,* 272 U.S. 52, 177—

> The duty of the President to see that the laws be faithfully executed is a duty that does not go beyond the laws or require him to do more than Congress sees fit to leave within his power.

Mr. President, I ask unanimous consent that a copy of Executive Order 11246, together, with my letter to the Comptroller General, dated May 19, 1969, and his reply together with his decision relative to the Philadelphia plan, be printed in the RECORD immediately following the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCLELLAN. In this connection it is pertinent to quote the following excerpts from the Comptroller's decision:

> Whether the provisions of the Plan requiring a bidder to commit himself to hire—or make every good faith effort to hire—at least the minimum number of minority group employees specified in the ranges established for the designated trades is in fact, a "quota" system (and therefore admittedly contrary to the Civil Rights Act) or is a "goal" system, is in our view largely a matter of semantics, and tends to divert attention from the end result of the Plan—that contractors commit themselves to making race or national origin a factor for consideration in obtaining their employees.
>
> We view the imposition of such a requirement on employers engaged in Federal or federally assisted construction to be in conflict with the intent as well as the letter of the above provisions of the act which make it an unlawful employment practice to use race or national origin as a basis for employment. Further, we believe that requiring an employer to abandon his customary practice of hiring through local union because of a racial or national origin imbalance in the local unions and, under the threat of sanctions, to make "every good faith effort" to employ the number of minority group tradesmen specified in his bid from sources outside the union if the workers referred by the union do not include a sufficient number of minority group personnel, are in conflict with section 703(j) of the act.

And finally:

> We recognize that both your Department (Labor) and the Department of Justice have found the Plan to be legal and we have given most serious consideration to their positions. However, until the authority for any agency to impose or require conditions in invitations for bids on Federal or federally assisted construction which obligate bidders, contractors, or subcontractors, to consider the race or national origin of their employees or prospective employees for such construction, is clearly and firmly established by the weight of judicial precedent, or by additional statutes, we must conclude that conditions of the type proposed by the revised Philadelphia Plan are in conflict with the Civil Rights Act of 1964, and we will necessarily have to so construe and apply the act in passing upon the legality of matters involving expenditures of appropriated funds for Federal or federally assisted construction projects.

Mr. President, I am not quarreling with the objective of equal employment opportunities for all persons based on merit and capability to do the work, without regard to race, color, religion, or national origin. But I do not believe that discrimination, where it exists, can be remedied by imposing solutions which are inherently and equally discriminatory. The quota and other requirements imposed by the Philadelphia revised plan seek to remove inequities of one kind by imposing others in their stead, a situation underscored in the following excerpt from the Comptroller's decision:

> The recital in section 6b.2 of the order (and in the prescribed form of notice to be included in the invitation) that the contractor's commitment "is not intended and shall not be used to discriminate against any qualified applicant or employee" is in our opinion the statement of a practical impossibility. If, for example, a contractor requires 20 plumbers and is committed to a goal of employment of at least five from minority groups, every nonminority applicant for employment in excess of 15 would, solely by reason of his race or national origin, be prejudiced in his opportunity for employment, because the contractor is committed to make every effort to employ five applicants from minority groups.

Mr. President, I trust that the Labor Department, and all other agencies of the Federal Government will take due notice and appropriate action as a result of the Comptroller General's opinion of August 5, 1969, and begin implementing the laws as enacted and not as some individuals or officials may desire.

Exhibit 1

Executive Order 11246—Equal Employment Opportunity

Under and by virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, it is ordered as follows:

PART I—NONDISCRIMINATION IN GOVERNMENT EMPLOYMENT

SECTION 101. It is the policy of the Government of the United States to provide equal opportunity in Federal employment for all qualified persons, to prohibit discrimination in employment because of race, creed, color, or national origin, and to promote the full realization of equal employment opportunity through a positive, continuing program in each executive department and agency, The policy of equal opportunity applies to every aspect of Federal employment policy and practice.

SEC. 102. The head of each executive department and agency shall establish and maintain a positive program of equal employment opportunity for all civilian employees and applicants for employment within his jurisdiction in accordance with the policy set forth in Section 101.

SEC. 103. The Civil Service Commission shall supervise and provide leadership and guidance in the conduct of equal employment opportunity programs for the civilian employees of and applications for employment within the executive departments and agencies and shall review agency program accomplishments periodically. In order to facilitate the achievement of a model program for equal employment in the Federal service, the Commission may consult from time to time with such individuals, groups, or organizations as may be of assistance in improving the Federal program and realizing the objectives of this Part.

SEC. 104. The Civil Service Commission shall provide for the prompt, fair, and impartial consideration of all complaints of discrimination in Federal employment on the basis of race, creed, color, or national origin. Procedures for the consideration of complaints shall include at least one impartial review within the executive department or agency and shall provide for appeal to the Civil Service Commission.

SEC. 105. The Civil Service Commission shall issue such regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities under this Part, and the head of each executive department and agency shall comply with the regulations, orders, and instructions issued by the Commission under this Part.

PART II—NONDISCRIMINATION IN EMPLOYMENT BY GOVERNMENT CONTRACTORS AND SUBCONTRACTORS

Subpart A—Duties of the Secretary of Labor

SEC. 201. The Secretary of Labor shall be responsible for the administration of Parts II and III of this Order and shall adopt such rules and regulations and issue such orders as he deems necessary and appropriate to achieve the purposes thereof.

Subpart B—Contractors' Agreements

SEC. 202. Except in contracts exempted in accordance with Section 204 of this Order, all Government contracting agencies shall include in every Government contract hereafter entered into the following provisions:

"During the performance of this contract, the contractor agrees as follows:

"(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

"(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

"(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

"(4) The contractor will comply with all provisions of Executive Order No. 11246 of Sept. 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

"(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

"(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of Sep. 24, 1965, and such other sanctions may be imposed and remedies involved as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

"(7) The contractor will include the provisions of Paragraph (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of Sept. 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States."

Sec. 203. (a) Each contractor having a contract containing the provisions prescribed in Section 202 shall file, and shall cause each of his subcontractors to file, Compliance Reports with the contracting agency or the Secretary of Labor as may be directed. Compliance Reports shall be filed within such times and shall contain such information as to the practices, policies, programs, and employment policies, programs, and employment statistics of the contractor and each subcontractor, and shall be in such form, as the Secretary of Labor may prescribe.

(b) Bidders or prospective contractors or subcontractors may be required to state whether they have participated in any previous contract subject to the provisions of this Order, or any preceding similar Executive order, and in that event to submit, on behalf of themselves and their proposed subcontractors, Compliance Reports prior to or as an initial part of their bid or negotiation of a contract.

(c) Whenever the contractor or subcontractor has a collective bargaining agreement or other contract or understanding with a labor union or an agency referring workers or providing or supervising apprenticeship or training for such workers, the Compliance Report shall include such information as to such labor union's or agency's practices and policies affecting compliance as the Secretary of Labor may prescribe: *Provided,* That to the extent such information is within the exclusive possession of a labor union or an agency referring workers or providing or supervising apprenticeship or training and such labor union or agency shall refuse to furnish information to the contractor, the contractor shall so certify to the contracting agency as part of its Compliance Report and shall set forth what efforts he has made to obtain such information.

(d) The contracting agency or the Secretary of Labor may direct that any bidder or prospective contractor or subcontractor shall submit, as part of his Compliance Report, a statement in writing, signed by an authorized officer or agent on behalf of any labor union or any agency referring workers or providing or supervising apprenticeship or other training, with which the bidder or prospective contractor deals, with supporting information, to the effect that the signer's practices and policies do not discriminate on the grounds of race, color, creed, or national origin, and that the signer either will affirmatively cooperate in the implementation of the policy and provisions of this Order or that it consents and agrees that recruitment, employment, and the terms and conditions of employment under the proposed contract shall be in accordance with the purposes and provisions of the Order. In the event that the union, or the agency shall refuse to execute such a statement, the Compliance Report shall so certify and set forth what efforts have been made to secure such a statement and such additional factual material as the contracting agency or the Secretary of Labor may require.

Sec. 204. The Secretary of Labor may, when he deems that special circumstances in the national interest so require, exempt a contracting agency from the requirement of including any or all of the provisions of Section 202 of this Order in any specific contract, subcontract, or purchase order. The Secretary of Labor may, by rule or regulation, also exempt certain classes of contracts, subcontracts, or purchase orders (1) whenever work is to be or has been performed outside the United States and no recruitment of workers within the limits of the United States is involved; (2) for standard commercial supplies or raw materials; (3) involving less than specified amounts of money or specified numbers of workers; or (4) to the extent that they involve subcontracts below a specified tier. The Secretary of Labor may also provide, by rule, regulation, or order, for the exemption of facilities of a contractor related to the performance of the contract: *Provided,* That such an exemption will not interfere with or impede the effectuation of the purposes of this Order: *And provided further,* That in the absence of such an exemption all facilities shall be covered by the provisions of this Order.

Subpart C—Powers and duties of the Secretary of Labor and the contracting agencies

Sec. 205. Each contracting agency shall be primarily responsible for obtaining compliance with the rules, regulations, and orders of the Secretary of Labor with respect to contracts entered into by such agency or its contractors. All contracting agencies shall comply with the rules of the Secretary of Labor in discharging their primary responsibility for securing compliance with the provisions of contracts and otherwise with the terms of this Order and of the rules, regulations, and orders of the Secretary of Labor issued pursuant to this Order. They are directed to cooperate with the Secretary of Labor and to furnish the Secretary of Labor such information and assistance as he may require in the performance of his functions under this Order. They are further directed to appoint or designate, from among the agency's personnel, compliance officers. It shall be the duty of such officers to seek compliance with the objectives of this Order by conference, conciliation, mediation, or persuasion.

Sec. 206. (a) The Secretary of Labor may investigate the employment practices of any Government contractor or subcontractor, or initiate such investigation by the appropriate contracting agency, to determine whether or not the contractual provisions specified in Section 202 of this Order have been violated. Such investigation shall be conducted in accordance with the procedures established by the Secretary of Labor and the investigating agency shall report to the Secretary of Labor any action taken or recommended.

(b) The Secretary of labor may receive and investigate or cause to be investigated complaints by employees or prospective employees of a Government contractor or subcontractor which allege discrimination contrary to the contractual provisions specified in Section 202 of this Order. If this investigation is conducted for the Secretary of Labor by a contracting agency, that agency shall report to the Secretary what action has been taken or is recommended with regard to such complaints.

Sec. 207. The Secretary of Labor shall use his best efforts, directly and through contracting agencies, other interested Federal, State, and local agencies, contractors, and all other available instrumentalities to cause any labor union engaged in work under Government contracts or any agency referring workers or providing or supervising apprenticeship or training for or in the course of such work to cooperate in the implementation of the purposes of this Order. The Secretary of Labor shall, in appropriate cases, notify the Equal Employment Opportunity Commission, the Department of Justice, or other appropriate Federal agencies whenever it has reason to believe that the practices of any such labor organization or agency violate Title VI or Title VII of the Civil Rights Act of 1964 or other provision of Federal law.

Sec. 208. (a) The Secretary of Labor, or any agency, officer, or employee in the executive branch of the Government designated by rule, regulation, or order of the Secretary, may hold such hearings, public or private, as the Secretary may deem advisable for compliance, enforcement, or educational purposes.

(b) The Secretary of Labor may hold, or cause to be held, hearings in accordance with Subsection (a) of this Section prior to imposing, ordering, or recommending the imposition of penalties and sanctions under this Order. No order for department of any contractor from further Government contracts under Section 209(a) (6) shall be made without affording the contractor an opportunity for a hearing.

Subpart D—Sanctions and penalties

Sec. 209. (a) In accordance with such rules, regulations, or orders as the Secretary of Labor may issue or adopt, the Secretary or the appropriate contracting agency may:

(1) Publish, or cause to be published, the names of contractors or unions which it has concluded have complied or have failed to comply with the provisions of this Order or of the rules, regulations, and orders of the Secretary of Labor.

(2) Recommend to the Department of Justice that, in cases in which there is substantial or material violation or the threat of substantial or material violation of the contractual provisions set forth in Section 202 of this Order, appropriate proceedings be brought to enforce those provisions, including the enjoining, within the limitations of applicable law, or organizations, individuals, or groups who prevent directly or indirectly, or seek to prevent directly or indirectly, compliance with the provisions of this Order.

(3) Recommend to the Equal Employment Opportunity Commission or the Department of Justice that appropriate proceedings be instituted under Title VII of the Civil Rights Acts of 1964.

(4) Recommend to the Department of Justice that criminal proceedings be brought for the furnishing of false information to any contracting agency or to the Secretary of Labor as the case may be.

(5) Cancel, terminate, suspend, or cause to be cancelled, terminated, or suspended, any contract, or any portion or portions thereof, for failure of the contractor or subcontractor to comply with the nondiscrimination provisions of the contract. Contracts may be cancelled, terminated, or suspended absolutely or continuance of contracts may be conditioned upon a program for future compliance approved by the contracting agency.

(6) Provide that any contracting agency shall refrain from entering into further con-

tracts, or extensions or other modifications of existing contracts, with any noncomplying contractor, until such contractor has satisfied the Secretary of Labor that such contractor has established and will carry out personnel and employment policies in compliance with the provisions of this Order.

(b) Under rules and regulations prescribed by the Secretary of Labor, each contracting agency shall make reasonable efforts within a reasonable time limitation to secure compliance with the contract provisions of this Order by methods of conference, conciliation, mediation, and persuasion before proceedings shall be instituted under Subsection (a)(2) of this Section, or before a contract shall be cancelled or terminated in whole or in part under Subsection (a)(5) of this Section for failure of a contractor or subcontractor to comply with the contract provisions of this Order.

Sec. 210. Any contracting agency taking any action authorized by this Subpart, whether on its own motion, or as directed by the Secretary of Labor, or under the rules and regulations of the Secretary, shall promptly notify the Secretary of such action. Whenever the Secretary of Labor makes a determination under this Section, he shall promptly notify the appropriate contracting agency of the action recommended. The agency shall take such action and shall report the results thereof to the Secretary of Labor within such time as the Secretary shall specify.

Sec. 211. If the Secretary shall so direct, contracting agencies shall not enter into contracts with any bidder or prospective contractor unless the bidder or prospective contractor has satisfactorily complied with the provisions of this Order or submits a program for compliance acceptable to the Secretary of Labor or, if the Secretary so authorizes, to the contracting agency.

Sec. 212 Whenever a contracting agency cancels or terminates a contract, or whenever a contractor has been debarred from further Government contracts, under Section 209(a)(6) because of noncompliance with the contract provisions with regard to nondiscrimination, the Secretary of Labor, or the contracting agency involved, shall promptly notify the Comptroller General of the United States. Any such debarment may be rescinded by the Secretary of Labor or by the contracting agency which imposed the sanction.

Subpart E—Certificates of merit

Sec. 213. The Secretary of Labor may provide for issuance of a United States Government Certificate of Merit to employers of labor unions, or other agencies which are or may hereafter be engaged in work under Government contracts, if the Secretary is satisfied that the personnel and employment practices of the employer, or that the personnel, training, apprenticeship, membership, grievance and representation, upgrading, and other practices and policies of the labor union or other agency conform to the purposes and provisions of this Order.

Sec. 214. Any Certificate of Merit may at any time be suspended or revoked by the Secretary of Labor if the holder thereof, in the judgment of the Secretary, has failed to comply with the provisions of this Order.

Sec. 215. The Secretary of Labor may provide for the exemption of any employer, labor union, or other agency from any reporting requirements imposed under or pursuant to this Order if such employer, labor union, or other agency has been awarded a Certificate of Merit which has not been suspended or revoked.

PART III—NONDISCRIMINATION PROVISIONS IN FEDERALLY ASSISTED CONSTRUCTION CONTRACTS

Sec. 301. Each executive department and agency which administers a program involving Federal financial assistance shall require as a condition for the approval of any grant, contract, loan, insurance, or guarantee thereunder, which may involve a construction contract, that the applicant for Federal assistance undertake and agree to incorporate, or cause to be incorporated, into all construction contracts paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to such grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the provisions prescribed for Government contracts by Section 203 of this Order or such modification thereof, preserving in substance the contractor's obligations thereunder, as may be approved by the Secretary of Labor, together with such additional provisions as the Secretary deems appropriate to establish and protect the interest of the United States in the enforcement of those obligations. Each such applicant shall also undertake and agree (1) to assist and cooperate actively with the administering department or agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with those contract provisions and with the rules, regulations, and relevant orders of the Secretary, (2) to obtain and to furnish to the administering department or agency and to the Secretary of Labor such information as they may require for the supervision of such compliance, (3) to carry out sanctions and penalties for violation of such obligations imposed upon contractors and subcontractors by the Secretary of Labor or the administering department or agency pursuant to Part II, Subpart D, of this Order, and (4) to refrain from entering into any contract subject to this Order, or extension or other modification of such a contract with a contractor debarred from Government contracts under Part II, Subpart D, of this Order.

Sec. 302. (a) "Construction contract" as used in this Order means any contract for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

(b) The provisions of Part II of this Order shall apply to such construction contracts, and for purposes of such application the administering department or agency shall be considered the contracting agency referred to therein.

(c) The term "applicant" as used in this Order means an applicant for Federal assistance or, as determined by agency regulation, other program participant, with respect to whom an application for any grant, contract, loan, insurance, or guarantee is not finally acted upon prior to the effective date of this Part, and it includes such an applicant after he becomes a recipient of such Federal assistance.

Sec. 303. (a) Each administering department and agency shall be responsible for obtaining the compliance of such applicants with their undertakings under this Order. Each administering department and agency is directed to cooperate with the Secretary of Labor, and to funish the Secretary such information and assistance as he may require in the performance of his functions under this Order.

(b) In the event an applicant fails and refuses to comply with his undertakings, the administering department or agency may take any or all of the following actions: (1) cancel, terminate, or suspend in whole or in part the agreement, contract, or other arrangement with such applicant with respect to which the failure and refusal occurred; (2) refrain from extending any further assistance to the applicant under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from such applicant; and (3) refer the case to the Department of Justice for appropriate legal proceedings.

(c) Any action with respect to an applicant pursuant to Subsection (b) shall be taken in conformity with Section 602 of the Civil Rights Act of 1964 (and the regulations of the administering department or agency issued thereunder), to the extent applicable. In no case shall action be taken with respect to an applicant pursuant to Clause (1) or (2) of Subsection (b) without notice and opportunity for hearing before the administering department or agency.

Sec. 304. Any executive department or agency which imposes by rule, regulation, or order requirements of nondiscrimination in employment, other than requirements imposed pursuant to this Order, may delegate to the Secretary of Labor by agreement such responsibilities with respect to compliance standards, reports, and procedures as would tend to bring the administration of such requirements into conformity with the administration of requirements imposed under this Order: *Provided*, That actions to effect compliance by recipients of Federal financial assistance with requirements imposed pursuant to Title VI of the Civil Rights Act of 1964 shall be taken in conformity with the procedures and limitations prescribed in Section 602 thereof and the regulations of the administering department or agency issued thereunder.

PART IV—MISCELLANEOUS

Sec. 401. The Secretary of Labor may delegate to any officer, agency, or employee in the Executive branch of the Government, any function or duty of the Secretary under Parts II and III of this Order, except authority to promulgate rules and regulations of a general nature.

Sec. 402. The Secretary of Labor shall provide administrative support for the execution of the program known as the "Plans for Progress."

Sec. 403. (a) Executive Orders Nos. 10590 (January 19, 1955), 10722 (August 5, 1957), 10925 (March 6, 1961), 11114 (June 22, 1963), and 11162 (July 28, 1964), are hereby superseded and the President's Committee on Equal Employment Opportunity established by Executive Order No. 10925 is hereby abolished. All records and property in the custody of the Committee shall be transferred to the Civil Service Commission and the Secretary of Labor, as appropriate.

(b) Nothing in this Order shall be deemed to relieve any person of any obligation assumed or imposed under or pursuant to any Executive Order superseded by this Order. All rules, regulations, orders, instructions, designations, and other directives issued by the President's Committee on Equal Employment Opportunity and those issued by the heads of various departments or agencies under or pursuant to any of the Executive orders superseded by this Order, shall, to the extent that they are not inconsistent with this Order, remain in full force and effect unless and until revoked or superseded by appropriate authority. References in such directives to provisions of the superseded orders shall be deemed to be references to the comparable provisions of this Order.

Sec. 404. The General Services Administration shall take appropriate action to revise the standard Government contract forms to accord with the provisions of this Order and of the rules and regulations of the Secretary of Labor.

Sec. 405. This Order shall become effective thirty days after the date of this Order.

Lyndon B. Johnson.

The White House, *September 24, 1965.*

U.S. Senate,
Committee on
Government Operations,
Washington, D.C., May 19, 1969.

Hon. Elmer B. Staats,
Comptroller General of the United States,
Washington, D.C.

Dear Mr. Staats: Complaints have been received by this office concerning the obligations imposed upon government contractors by Executive Order 11246 and the regulations, rules, and requirements issued pursuant thereto and in implementation thereof by the Office of Federal Contract Compliance of the United States Department of Labor and various government agencies including, but not limited to, the Departments of Defense, Transportation, Health, Education, and Welfare, Housing and Urban Development and General Services Administration. Enclosed herewith are copies of Executive Order 11246, Office of Federal Contract Compliance Regulations, Federal Register Vol. 33, No. 104—May 28, 1968, Department of Defense Regulations Circular 67, issued January 1, 1969, incorporating OFCC Regulations, and Department of Transportation Regulations which also incorporate OFCC Regulations, notwithstanding the fact that Congress enacted specific equal employment opportunity provisions in the Highway Act of 1968. I do not have copies of the regulations of the other Federal agencies that award contracts or provide grants-in-aid, but I assume they are readily available to you.

The aforesaid complaints stem from the disparity and apparent conflict between the policy, provisions, and requirements set forth in Executive Order 11246 and in the regulations promulgated pursuant thereto and the policy and requirements enunciated by Congress in title VII of the Civil Rights Act of 1964, P.L. 88–352. Complainants have also voiced their concern regarding the apparent failure of the Office of Federal Contract Compliance and various other government agencies to conform their regulations, rules, and procedures to the directives contained in the opinions which have issued from your office regarding the proper and lawful manner of awarding public contracts.

Information which has come to my attention indicates that the regulations and requirements relating to affirmative action programs and pre-award examinations still in effect pursuant to Executive Order 11246, have added extra costs and have caused lengthy delays in the award of contracts involving various Federal and Federal-aid construction projects, particularly in the St. Louis, San Francisco, Cleveland and Philadelphia areas. Among specific examples are those which involved the Guepel Construction Company and the Peter Kiewet Company and with which I believe you are familiar. I also understand that pre-award examinations were continued by HEW on construction projects in the Philadelphia area after your office had questioned the legality of the procedure and that the matter is now pending in your office. And recently, as you know, hearings by the Senate Public Works Committee were precipitated by complaints regarding pre-qualification requirements and other regulations and procedures being applied throughout the country to bidders on federal-aid highway contracts by the Department of Transportation.

The aforementioned complaints concerning Executive Order 11246 and the government contracting program promulgated pursuant thereto, give rise to serious questions of statutory and constiutional law. Accordingly, I would appreciate receiving your opinion at the earliest possible date, regarding the validity of Executive Order 11246, and the regulations, rules, procedures and requirements issued pursuant thereto and being applied by the Office of Federal Contract Compliance and other Federal agencies in the awarding of Federal and Federal-aid contracts.

It is my own view that Congress in its enactment of title VII of the Civil Rights Act of 1964, made clear its intent that the law was not to be interpreted as requiring the introduction of quotas or other representative or preferential systems into the employment process. Section 703(j) of title VII, expressly disallowed the granting of preferential treatment to any individual or group in order to correct any imbalance that might exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed as compared with the total number of such persons in any community, State, or other area, or in the available work force in any community, State or other area.

Nothing in title VII imposed or authorized the imposition upon private industry of any duty or obligation to institute or finance any training, apprenticeship, recruitment, advertising, or other affirmative programs designed to enhance the employment opportunities or job qualifications of any employee, applicant for employment, or other person. Furthermore, Congress made it clear in Section 703(h) that it was not its intent to outlaw or interfere with bona fide seniority or merit systems. It is also important to note that when it enacted title VI of the Civil Rights Act of 1964, entitled "Nondiscrimination in Federally Assisted Programs", Congress expressly provided that "Nothing contained in this title shall be construed to authorize action under this title by any department or agency with respect to any employment practice by any employer, employment agency, or labor organization, except where a primary objective of the Federal financial assistance is to provide employment." (Sec. 604).

Despite the Congressional intent so clearly expressed in the legislation cited above, pre-award procedures, including elaborate requirements for "affirmative action" programs and what appear to be quota and minority representation systems, all of which are clearly inconsistent with and would appear to contravene such Congressional intent, have been incorporated in the regulations issued pursuant to Executive Order 11246. See Circular 67 issued by the Department of Defense for example.

I participated in the Senate debate on the Civil Rights Act of 1964, and I am quite familiar with the fact that the Senate abandoned much of the House bill when it adopted the Dirksen-Mansfield substitute with twelve amendments which ultimately became the Civil Rights Act of 1964. One will note on page 13835 of the Congressional Record for June 18, 1964, that the changes effected in the House bill are clearly indicative of a Congressional intent to rule out quotas, reverse discrimination, and similar procedures. Furthermore, the fact that a provision contained in the House Committee bill H.R. 7152, which "directed the President to take such action as may be appropriate to prevent the committing or continuing of unlawful employment practices by persons in connection with the performance of contracts with Federal agencies", was dropped when the bill finally emerged from the House on February 10, 1964, clearly indicated a Congressional intent to withhold such authority from the President and the Executive Departments, as that which has been and is still being exercised pursuant to Executive Order 11246.

The wide variance between the policy and program effected by and pursuant to Executive Order 11246 and Congressional intent as manifested in title VII of the Civil Rights Act of 1964, is pointed up in a recent report entitled "Jobs and Civil Rights" (Publication No. 16, April, 1969), prepared by Brookings Institution for the United States Commission on Civil Rights. And it is that variance and apparent conflict which immediately gives rise to the fundamental constitutional question of whether Executive Order 11246 constitutes proper implementation of title VII of the Civil Rights Act of 1964, or is, instead, a legislative enactment by the President in excess of his authority under the Constitution.

It is a well-established principle of constitutional law that the President's power to issue an executive order must stem either from an act of Congress or from the Constitution itself. (*Youngstown Sheet and Tube Co., et al. v. Sawyer*, 343 U.S. 579, 585).

It is an equally well-established principle of constitutional law that although the President's general direction power is constitutional in its source, it is by no means absolute. On the contrary, its exercise is subject to important limitations. Foremost among these is the well-settled rule that an Executive order or any other Executive action, whether by formal order or by regulation, cannot contravene an act of Congress which is constitutional. Thus when an Executive order collides with a statute enacted pursuant to the constitutional authority of the Congress, the statute will prevail. *Kendall v. U.S.*, 12 Peters 524. Neither the President nor a department head at the President's direction or with his approval, has authority to act at variance with valid statutory provisions. *U.S. v. Symonds*, 120 U.S. 46; *Little v. Barreme*, et al., 2 Cranch 170; *Panama Refining Co. v. Ryan*, 293 U.S. 388; *Youngstown Sheet and Tube, supra.*

As Justice Frankfurter said in the *Youngstown Sheet and Tube* case, *supra*, "Where Congress has acted the President is bound by the enactment." And as Justice Holmes declared in *Myers v. United States*, 272 U.S. 52, 177, "The duty of the President to see that the laws be faithfully executed is a duty that does not go beyond the laws or require him to do more than Congress sees fit to leave within his power."

In the *Youngstown Sheet and Tube case, supra*, President Truman's Executive Order providing for seizure of this country's principal steel mills, was challenged on the ground that the Executive Order amounted to law making by the President. What Justice Black, speaking for the Supreme Court, said in that case is, I believe, equally applicable to Executive Order 11246. Justice Black said:

"The President's order does not direct that a congressional policy be executed in a manner prescribed by Congress—it directs that a presidential policy be executed in a manner prescribed by the President. The preamble of the order itself, like that of many statutes, sets out reasons why the President believes certain policies should be adopted, proclaims these policies as rules of conduct to be followed, and again, like a statute, authorizes a a government official to promulgate additional rules and regulations consistent with the policy proclaimed and needed to carry that policy into execution."

Justice Black then went on to declare on behalf of the Court that—

"The power of Congress to adopt such public policies as those proclaimed by the order is beyond question. It can authorize taking private property for public use. It can make laws regulating the relationships between employers and employees, prescribing rules designed to settle labor disputes and fixing wages and working conditions in certain fields of our economy. The Constitution does not subject this lawmaking power of Congress to Presidential or military supervision or control."

The Courts have repeatedly held that in the framework of our Constitution the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. *Youngstown Sheet and Tube, supra*, page 587. Congress alone is invested by our Constitution with the power to legislate and Congress cannot delegate that power to the President. *Panama Refining Company, supra; A.L.A. Schecter Poultry Corp, et al v. United States*, 295 U.S. U.S. 495.

Your cooperation in providing me with your opinion in this matter will be greatly appreciated

With kind regards, I am

Sincerely

John L. McClellan,
Chairman.

Comptroller General
of the United States,
Washington, D.C., August 5, 1969.
Hon. John L. McClellan,
Chairman, Government Operations Committee, U.S. Senate.

Dear Mr. Chairman: With reference to your letter of May 19, 1969, concerning complaints received by your committee as to the obligations imposed upon firms contracting with the Government by Executive Order 11246 and the regulations, rules and requirements issued pursuant thereto by the Office of Federal Contract Compliance of the Department of Labor, and other Federal agencies, there is enclosed a copy of our decision of today, B–163026, to the Secretary of Labor regarding an order of that department on a Revised Philadephia Plan.

In the event the attached letter is not considered dispositive of your interest in the matter, we will be pleased to prepare a detailed response to your letter at a later date.

Sincerely yours,

Elmer B. Staats.

Comptroller General
of the United States,
Washington, D.C., August 5, 1969.
The Honorable the Secretary of Labor.

Dear Mr. Secretary: We refer to an order issued June 27, 1969, to the heads of all agencies by the Assistant Secretary for Wage and Labor Standards, Department of Labor. The order announced a revised Philadelphia Plan (effective July 18, 1969) to implement the provisions of Executive Order 11246 and the rules and regulations issued pursuant thereto which require a program of equal employment opportunity by contractors and subcontractors on both Federal and federally assisted construction projects.

Questions have been submitted to our Office by members of Congress, both as to the propriety of the revised Philadelphia Plan and the legal validity of Executive Order 11246 and of various implementing regulations issued thereunder both by your Department and by other agencies. In view of possible conflicts between the requirements of the Plan and the provisions of Titles VI and VII of the Civil Rights Act of 1964, Pub. L. 88–352, discussions have been held between representatives of our Office, your Department, and the Department of Justice, and your Solicitor has furnished to us a legal memorandum in support of the authority for issuance of the Executive Order as well as the revised Philadelphia Plan promulgated thereunder.

The memorandum presents the following points in support of the legal propriety of the Plan:

I. The Executive has the authority and the duty to require employers who do business with the Government to provide equal employment opportunity.

II. The passage of the Civil Rights Act of 1964 did not deprive the President of the authority to regulate, pursuant to Executive Orders, the employment practices of Government contractors.

III. The revised Philadelphia Plan is lawful under the Federal Government's procurement policies, is authorized under Executive Order 11246 and the implementing regulations, and is lawful under Title VII of the Civil Rights Act of 1964.

Without conceding the validity of all of the arguments advanced under points I and II, we accept the authority of the President to issue Executive Order 11246, and the contention that the Congress in enacting the Civil Rights Act did not intend to deprive the President of all authority to regulate employment practices of Government contractors.

The essential questions presented to this Office by the revised Philadelphia Plan, however, are (1) whether the Plan is compatible with fundamentals of the competitive bidding process as it applies to the awarding of Federal and federally assisted construction contracts, and (2) whether imposition of the specific requirements set out therein can be regarded as a legally proper implementation of the public policy to prevent discrimination in employment, which is declared in the Civil Rights Act and is inherent in the Constitution, or whether those requirements so far transcend the policy of nondiscrimination, by making race or national origin a determinative factor in employment, as to conflict with the limitations expressly imposed by the act or with the basic constitutional concept of equality.

Our interest and authority in the matter exists by virtue of the duty imposed upon our Office by the Congress to audit all expenditures of appropriated funds, which necessarily involves the determination of the legality of such expenditures, including the legality of contracts obligating the Government to payment of such funds. Authority has been specifically conferred on this Office to render decisions to the heads of departments and agencies of the Government, prior to the incurring of any obligations, with respect to the legality of any action contemplated by them involving expenditures of appropriated funds, and this authority has been exercised continuously by our Office since its creation whenever any question as to the legality of a proposed action has been raised, whether by submission by an agency head, or by complaint of an interested party, or by information coming to our attention in the course of our other operations.

The incorporation into the terms of solicitations for Government contracts of conditions or requirements concerning wages and other employment conditions or practices has been a frequent subject of decisions by this Office, many of which will be found enumerated in our decision at 42 Comp. Gen. 1. The rule invariably applied in such cases has been that any contract conditions or stipulations which tend to restrict the full and free competition required by the procurement laws and regulations are unauthorized, unless they are reasonably requisite to the accomplishment of the legislative purposes of the appropriation involved or other law. Furthermore, where the Congress in enacting a statute covering the subject matter of such conditions has specifically prohibited certain actions, no administrative authority can lawfully impose any requirements the effect of which would be to contravene such prohibitions. It is within the framework of these principles that we consider the order promulgating the revised Philadelphia Plan.

The Assistant Secretary's order states the policy of the Office of Federal Contract Compliance (OFCC) that no contracts or subcontracts shall be awarded for Federal and federally assisted construction in the Philadelphia, Pennsylvania, area (including the counties of Bucks, Chester, Delaware, Montgomery, and Philadelphia) on projects whose cost exceeds $500,000 unless the bidder submits an acceptable affirmative action program which shall include specific goals of minority manpower utilization, meeting the standards included in the invitation or other solicitations for bids, in trades utilizing the seven classifications of employees specified therein.

The order further relates that enforcement of the nondiscrimination and affirmative action requirements of Executive Order 11246 has posed special problems in the construction trades; that contractors and subcontractors must hire a new employee complement for each construction job and out of necessity or convenience they rely on the construction craft unions as their prime or sole source of their labor; that collective bargaining agreements and/or established custom between construction contractors and subcontractors and unions frequently provide for, or result in, execlusive hiring halls; that even where the collective bargaining agreement contains no such hiring hall provisions or the custom is not rigid, as a practical matter, most people working the specified classifications are referred to the jobs by the unions; and that because of these hiring arrangements, referral by a union is a virtual necessity for obtaining employment in union construction projects, which constitute the bulk of commercial construction.

It is also stated that because of the exclusionary practices of labor organizations, there traditionally have been only a small number of Negroes employed in the seven trades, and that unions in these trades in the Philadelphia area still have only about 1.6 percent minority group membership and they continue to engage in practices, including the granting of referral priorities to union members and to persons who have work experience under union contracts, which result in few Negroes being referred for employment. The OFCC found, therefore, that special measures requiring bidders to commit themselves to specific goals of minority manpower utilization were needed to provide equal employment opportunity in the seven trades.

Section 7 of the Assistant Secretary's order of June 27 indicates that the revised Plan is to be implemented by including in the solicitation for bids a notice substantially similar to one labeled "Appendix" which is attached to the order. Such notice would state the ranges of minority manpower utilization (as determined by the OFCC Area Coordinator in cooperation with the Federal contracting or administering agencies in the Philadelphia area) which would constitute an acceptable affirmative action program, and would require the bidder to submit his specific goals in the following form.

Identification of Trade	Est. Total Employment for the Trade on the Contract	Number of Minority Group employees

Participation in a multi-employer program approved by OFCC would be acceptable in lieu of a goal for the trade involved in such program.

The notice also provides that the contractor will obtain similar goals from his subcontractors who will perform work in the involved trades, and that "Failure of the subcontractor to achieve his goal will be treated in the same manner as such failure by the prime contractor prescribed in Section 6 of the Order * * *." Since Section 6 of the order contains nothing relative to "failure," we assume the intended reference is to Section 8, which reads as follows:

"Post-Award Compliance

"a. Each agency shall review contractors' and subcontractors' employment practices during the performance of the contract. If the goals set forth in the affirmative action program are being met, the contractor or subcontractor will be presumed to be in compliance with the requirements of Executive Order 11246, as amended, unless it comes to the agency's attention that such contractor or subcontractor is not providing equal employment opportunity. In the event of failure to meet the goals, the contractor shall be given an opportunity to demonstrate that he made every good faith effort to meet his commitment. In any proceeding in which such good faith performance is in issue, the contractor's entire compliance posture shall be reviewed and evaluated in the process of considering the imposition of sanctions. Where the agency finds that the contractor or subcontractor has failed to comply with the requirements of Executive Order 11246, the implementing regulations and its obligations under its affirmative action program, the agency shall take such action and impose such sanctions as may be appropriate under the Executive Order and the regulations. Such noncompliance by the contractor or subcontractor shall be taken into consideration by Federal agencies in determining whether such contractor or subcontractor can comply with the requirements of Executive Order 11246 and is therefore a 'responsible prospective contractor' within the meaning of the Federal procurement regulations.

"b. It is no excuse that the union with which the contractor has a collective bargaining agreement failed to refer minority employees. Discrimination in referral for employment, even if pursuant to provisions of a collective bargaining agreement, is prohibited by the National Labor Relations Act and Title VII of the Civil Rights Act of 1964. It is the longstanding uniform policy of OFCC that contractors and subcontractors have a responsibility to provide equal employment opportunity if they want to participate in Federally-involved contracts. To the extent they have delegated the responsibility for some of their employment practices to some other organization or agency which prevents them from meeting their obligations pursuant to Executive Order 11246, as amended, such contractors cannot be considered to be in compliance with Executive Order 11246, as amended, or the implementing rules, regulations and orders."

It is our opinion that the submission of goals by the successful bidder would operate to make the requirement for "every good faith effort" to attain such goals a part of his contractual obligation upon award of a contract. The provisions of Section 8 of the order would therefore become a part of the contract specifications against which the contractor's performance would be judged in the event he fails to attain his stated goals, just as much as his stated goals become a part of the contract specifications against which his performance will be judged in the event he does attain his stated goals.

As indicated at page 4 of the order, the original Philadelphia Plan was suspended because it contravened the principles of competitive bidding. Such contravention resulted from the imposition of requirements on bidders, after bid opening, which were not specifically set out in the solicitation. The present statement of a specific numerical range into which a bidder's affirmative action goals must fall is apparently designed to meet, and reasonably satisfies, the requirement for specificity.

However, we have serious doubts covering the main objective of the Plan, which is to require bidders to commit themselves to make every good faith effort to employ specified numbers of minority group tradesmen in the performance of Federal and federally assisted contracts and subcontracts.

The pertinent public policy with respect to employment practices of an employer which may be regarded as constituting unlawful discrimination is set out in Titles VI and VII of the Civil Rights Act, Title VI, concerning federally assisted programs, provides in section 601 (42 U.S.C. 2000d) that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.

Section 703(a) (42 U.S.C. 2000e–2(a)) of Title VII states that public policy concerning employer employment practices by declaring it to be an unlawful employment practice for an employer (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or (2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex or national origin. Section 705(a) (42 U.S.C. 2000e–4(a)) creates the Equal Employment Opportunity Commission, and section 713(a), Rules and Regulations (42 U.S.C. 2000e–12 (a)), provides that the Commission shall have authority from time to time to issue, amend, or rescind suitable procedural regulations to carry out the provisions of that title.

The public policy regarding labor organization practices is delineated in section 703(c) (42 U.S.C. 2000e–2(c)) wherein it is stated that it shall be an unlawful employment practice for a labor organization (1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin; (2) to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, or national origin; or (3) to cause or attempt to cause an employer to discriminate against an individual in violation of that section.

Whether the provisions of the Plan requiring a bidder to commit himself to hire—or make every good faith effort to hire—at least the minimum number of minority group employees specified in the ranges established for the designated trades is in fact, a "quota" system (and therefore admittedly contrary to the Civil Rights Act) or is a "goal" system, is in our view largely a matter of semantics, and tends to divert attention from the end result of the Plan—that contractors commit themselves to making race or national origin a factor for consideration in obtaining their employees.

We view the imposition of such a requirement on employers engaged in Federal or federally assisted construction to be in conflict with the intent as well as the letter of the above provisions of the act which make it an unlawful employment practice to use race or national origin as a basis for employment. Further, we believe that requiring an employer to abandon his customary practice of hiring through a local union because of a racial or national origin imbalance in the local unions and, under the threat of sanctions, to make "every good faith effort" to employ the number of minority group tradesmen specified in his bid from sources outside the union if the workers referred by the union do not include a sufficient number of minority group personnel, are in conflict with section 703(j) of the act (42 U.S.C. 2000e–2(j)) which provides as follows:

"Nothing contained in this subchapter shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this subchapter to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group *on account of an imbalance which may exist with respect to the total number of percentage of persons* of any race, color, religion, sex, or national origin employed by any employer, *referred or classified for employment by any employment agency or labor organization,* admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number of percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area." (Italic added.)

While the legislative history of the Civil Rights Act is replete with statements by sponsors of the legislation that title VII prohibits the use of race or national origin as a basis for hiring, we believe a reference to a few of such clarifying explanations will suffice to further show the specific intent of Congress in such respect when enacting that title. At page 6549, Volume 110, Part 5, of the Congressional Record, the following explanation by Senator Humphrey is set out:

"As a longstanding friend of the American worker, I would not support this fair and reasonable equal employment opportunity provision if it would have any harmful effect on unions. The truth is that this title forbids discriminating against anyone on account of race. This is the simple and complete truth about title VII.

"The able Senators in charge of title VII (Mr. Clark and Mr. Case) will comment at greater length on this matter.

"Contrary to the allegations of some opponents of this title, there is nothing in it that will give any power to the Commission or to any court to require hiring, firing, or promotion of employees in order to meet a racial 'quota' or *to achieve a certain racial balance.*

"That bugaboo has been brought up a dozen times; but it is nonexistent. In fact, the very opposite is true. Title VII prohibits discrimination. In effect, it says that race, religion, and national orgin are not to be used as the basis for hiring and firing. Title VII is designed to encourage hiring on the basis of ability and qualifications, not race or religion." (Italic added.)

In an interpretative memorandum of Title VII submitted jointly by Senator Clark and Senator Case, floor managers of that legislation in the Senate, it is stated in the Congressional Record, volume 110, part 6, page 7213:

"With the exception noted above, therefore, section 704 prohibits discrimination in employment because of race, color, religion, sex, or national origin. It has been suggested that the concept of discrimination is vague. In fact it is clear and simple and has no hidden meanings. To discriminate is to make a distinction, to make a difference in treatment or favor, and those distinctions or differences in treatment or favor which are prohibited by section 704 are those which are based on any five of the forbidden criteria: race, color, religion, sex, and national origin. Any other criterion or qualification for employment is not affected by this title.

"There is no requirement in title VII that an employer maintain a racial balance in his work force. On the contrary, any deliberate attempt to maintain a racial balance, *whatever such a balance may be,* would involve a violation of title VII because maintaining such a balance would require an employer to hire or to refuse to hire on the basis of race. It must be emphasized that discrimination is prohibited as to any individual. While the presence or absence of other members of the same minority group in the work force may be a relevant factor in determining whether in a given case a decision to hire or to refuse to hire was based on race, color, etc., it is only one factor, and the question in each case would be whether that individual was discriminated against.

"There is no requirement in title VII that employers abandon bona fide qualification tests where, because of differences in background and education, members of some groups are able to perform better on these tests than members of other groups. An employer may set his qualifications as high as he likes, he may test to determine which applicants have these qualifications, and he may hire, assign, and promote on the basis of test performance.

"Title VII would have no effect on established seniority rights. Its effect is prospective and not retrospective. Thus, for example, if a business has been discriminating in the past and as a result has an all-white working force, when the title comes into effect the employer's obligation would be simply to fill future vacancies on a nondiscriminatory basis. He would not be obliged—or indeed, permitted—to fire whites in order to hire Negroes, or to prefer Negroes for future vacancies, or, once Negroes are hired, to give them special seniority rights at the expense of the white workers hired earlier. (However, where waiting lists for employment or training are, prior to the effective date of the title maintained on a discriminatory basis, the use of such lists after the title takes effect may be held an unlawful subterfuge to accomplish discrimination)" (Italic added.)

In the Congressional Record, volume 110, part 6, page 7218, the following objections, which had been raised during debate to the provisions of Title VII, and answers thereto by Senator Clark are printed:

"Objection: Under the bill, employers will no longer be able to hire or promote on the basis of merit and performance.

"Answer: Nothing in the bill will interfere with merit hiring or merit promotion. The bill simply eliminates consideration of color from the decision to hire or promote.

* * * * *

"Objection: The bill would require employers to establish quotas for nonwhites in proportion to the percentage of nonwhites in the labor market area.

"Answer: Quotas are themselves discriminatory."

While, as indicated above, we believe that the provisions of the Plan affecting employers who hire through unions conflict with section 703(j) of Title VII, and that the above statement by Senator Humphrey further indicates that the act was not intended to affect valid collective bargaining agreements, we further believe that the appropriate direction of any administrative action to be taken where it is the policy of a union to refer only white workers to employers on Federal or federally assisted construction is indicated in the following question and answer set forth in the interpretative memorandum by Senator Clark and Senator Case (Congressional Record, vol. 110, pt. 6, p. 7217):

"Question. If an employer obtains his employees from a union hiring hall through operation of his labor contract is he in fact the true employer from the standpoint of discrimination because of race, color, religion, or national origin when he exercises no choice in their selection? If the hiring hall sends only white males is the employer guilty of discrimination within the meaning of this title? If he is not, then further safeguards must be provided to protect him from endless prosecution under the authority of this title.

"Answer. An employer who obtains his employees from a union hiring hall through operation of a labor contract is still an employer. If the hiring hall discriminates against Negroes, and sends him only whites, he is not guilty of discrimination—but the union hiring hall would be."

We believe it is especially pertinent to note that the "Findings" stated in section 4 of the order of June 27 as the basis for issuance thereof, consist almost entirely of a recital of practices of *unions*, rather than of contractors or employers. Thus, in attempting to place upon the contractors the burden of overcoming the effects of union practices, the order appears to evince a policy in conflict with the interpretation of the legislation as stated by its sponsors.

In this connection your Solicitor's memorandum contends that the principle of imposing affirmative action programs on contractors for employment of administratively determined numbers of minority group tradesmen, when such programs are for the purpose of correcting the effects of discrimination by unions prior to the Civil Rights Act of 1964, is supported by the decisions of *Quarles* v. *Philip Morris*, 279 F. Supp. 505; *U.S. Local 189, U.P.P. and Crown Zellerbach Corp.*, 282 F. Supp. 39; and *Local 53 of Heat and Frost Insulators* v. *Vogler*, 407 F. 2d 1047. We find, however, that decisions of the courts have differed materially in such respect; see *Griggs* v. *Duke Power*, 292 F. Supp. 243; *Dobbins* v. *Local 212*, 292 F. Supp. 413; and *U.S.* v. *Porter*, 296 F. Supp. 40.

Additionally, your Solicitor's memorandum cites cases involving affirmative desegregation of school faculties (*U.S.* v. *Jefferson County*, 372 F. 2d 836 (1966), and *U.S.* v. *Montgomery County*, 289 F. Supp. 647, affirmed 37 LW 4461 (1969) in particular). However, there is a clear distinction between the factual and legal situations involved in those cases and the matter at hand. The cited school decisions required reallocation of portions of existing school faculties in implementation of the requirement for desegregation of dual public school systems, which had been established on the basis of race, as such requirement was set out in the 1954 and 1955 decisions of the Supreme Court in the *Brown* v. *Board of Education* cases (347 U.S. 483 and 349 U.S. 294). In the *Brown* cases desegregation of faculties was regarded as one of the keys to desegregation of the schools, and in the *Jefferson County* case the court read Title VI of the Civil Rights Act as a congressional mandate for a change in pace and method of enforcing the desegregation of racially segregated school systems, as required by the *Brown* decisions.

The requirements of the revised Philadelphia Plan do not involve a comparable situation. Even if the present composition of an employer's work force or the membership of a union is the result of past discrimination, there is no requirement imposed by the Constitution, by a mandate of the Supreme Court, or by the Civil Rights Act for an employer or a union to affirmatively desegregate its personnel or membership. The distinction becomes more apparent when it is recognized that the order of June 27 pertains to *hiring* practices of an employer. Hiring was not at issue in the school cases, and those cases do not purport to hold that a school district must, or even may, correct a racial imbalance in its faculty by affirmatively requiring that a stated proportion of its teachers shall be hired on the basis of race. To the contrary, the court recognized in its decision in the *Jefferson County* case (page 884) that the "mandate of Brown * * * forbids the discriminatory consideration of race in faculty selection," and such consideration is expressly prohibited by section VIII of the court's decree in Appendix A of that case.

The recital in section 6b.2 of the order (and in the prescribed form of notice to be included in the invitation) that the contractor's commitment "is not intended and shall not be used to discriminate against any qualified applicant or employee" is in our opinion the statement of a practical impossibility. If, for example, a contractor requires 20 plumbers and is committed to a goal of employment of at least five from minority groups, every nonminority applicant for employment in excess of 15 would, solely by reason of his race or national origin, be prejudiced in his opportunity for employment, because the contractor is committed to make every effort to employ five applicants from minority groups.

In your Solicitor's memorandum it is argued that the "straw man" sometimes used in opposition to the Plan is that it "would require a contractor to discriminate against a better qualified white craftsman in favor of a less qualified black." We believe this obscures the point involved, since it introduces the element of skill or competence, whereas the essential question is whether the Plan would require the contractor to select a black craftsman over an *equally* qualified white one. We see no room for doubt that the contractor in the situation posed above would believe he would be expected to employ the black applicant, at least until he had reached his goal of five nonminority group employees, and that if he failed to achieve that goal his employment of a white craftsman when an equally qualified black one was available could be considered a failure to use "every good faith effort." In our view such preferential status or treatment would constitute discrimination against the white worker solely on the basis of color, and therefore would be contrary to the express prohibition both of the Civil Rights Act and of the Executive order.

It is also contended in your Solicitor's memorandum that substantial judicial support for administrative affirmative action programs requiring commitments for contractors for employment of specified numbers of minority group tradesmen is contained in the decision of the Ohio Supreme Court in *Weiner* v. *Cuyahoga Community College District*, 19 Ohio St. 2d — July 2, 1969). That decision upheld the award of a federally assisted construction contract to the second low bidder, as a proper action in implementation of the policies of the Civil Rights Act of 1964, after approval of award to the low bidder was withheld by the Federal agency involved for failure of the low bidder to submit an affirmative action program (including manning tables for minority group tradesmen) which was acceptable to that agency pursuant to an OFCC plan established for Cleveland, Ohio.

While the decision in *Weiner* case (which was a majority opinion by five of the justices with dissenting opinions by two) has some bearing on the issues here involved, since the decision appears to be based in substantial part on the conflicting opinions of Federal courts cited earlier we do not believe the decision can be considered as controlling precedent for the validity of the revised Philadelphia Plan.

In support of the required procedure, which is admitted at page 33 of the Solicitor's memorandum to require contractors to take actions which are based on race, the memorandum relies upon the acceptance by the courts, in school, housing and voting cases, of the use of race as a valid consideration in fashioning relief to overcome the effects of past discrimination. Aside from other distinctions, we believe there is a material difference between the situation in those cases, where enforcement of the rights of the minority individuals to vote or to have unsegregated educational or housing facilities does not deprive any member of a majority group of his rights, and the situation in the employment field, where the hiring of a minority worker, as one of a group whose number is limited by the employer's needs, in preference to one of the majority group precludes the employment of the latter. In other words, in those cases there is present no element of reverse discrimination, but only the correction of the illegal denial of minority rights, leaving the majority in the full exercise and enjoyment of their corresponding rights.

In addition it may be pointed out that in those cases the judicial relief ordered is directed squarely at the parties responsible for the denial of rights, and we therefore do not consider them as supporting requirements to be complied with by the contractors who, under the findings of the Plan, are themselves more the victims than the instigators of the past discriminatory practices of the labor unions. Moreover, in the court cases the remedies are applied after judicial determination that effective discrimination is in fact being practiced or fostered by the defendants, whereas the Plan is a blanket administrative mandate for remedial action to be taken by all contractors in an attempt to cure the evils resulting from union actions, without specific reference to any past or existing actions or practices by the contractors.

While it may be true, as stated in the Plan, "that special measures are required to provide equal employment opportunity in these seven trades," it is our opinion that imposition of a responsibility upon Government contractors to incur additional expenses in affirmative action programs which are directed to overcoming the present effects of past discrimination by labor unions, would require the expenditure of appropriated funds in a manner not contemplated by the Congress. If, as stated in the Plan, discrimination in referral is prohibited by the National Labor Relations Act and Title VII of the Civil Rights Act of 1964, it is our opinion that the remedies provided by the Congress in those acts should be followed. See also in this connection section 207 of Executive Order 11246.

While, as indicated in the foregoing opinions and in your Solicitor's memorandum, the President is sworn to "preserve, protect and defend the Constitution of the United States," we question whether the executive departments are required, in the absence of a definitive and controlling opinion by the Supreme Court of the United States, to assess the relative merits of conflicting opinions of the lower courts, and embark upon a course of affirmative action, based upon the results of such assessment, which appears to be in conflict with the expressed intent of the Congress in duly enacted legislation on the same subject.

In this connection, it should be noted that, while the phrase "affirmative action" was included in the Executive order (10925) which was in effect at the time Congress was debating the bills which were subsequently enacted as the Civil Rights Act of 1964, no specific affirmative action requirements of the kind here involved had been imposed upon contractors under authority of that Executive order at that time, and we therefore do not think it can be successfully contended that Congress, in recognizing the existence of the Executive order and in failing to specifically legislate against it, was approving or ratifying the type or methods of affirmative action which your Department now proposes to impose upon contractors.

We recognize that both your Department and the Department of Justice have found the Plan to be legal and we have given most serious consideration to their positions. However, until the authority for any agency to impose or require conditions in invitations for bids on Federal or federally assisted construction which obligate bidders, contractors, or subcontractors, to consider the race or national origin of their employees or prospective employees for such construction, is clearly and firmly established by the weight of judicial precedent, or by additional statutes, we must conclude that conditions of the type proposed by the revised Philadelphia Plan are in conflict with the Civil Rights Act of 1964, and we will necessarily have to so construe and apply the act in passing upon the legality of matters involving expenditures of appropriated funds for Federal or federally assisted construction projects.

In this connection it is observed that by section 705(d) of the act, Congress charges the Equal Employment Opportunity Commission with the specific responsibility of making reports to the Congress and to the President on the cause of and means of eliminating discrimination and making such *recommendations for further legislation* as may appear desirable. That provision, we believe, not only prescribes the procedure for correcting any deficiencies in the Civil Rights Act, but also shows the intent of Congress to reserve for its own judgment the establishment of any additional unlawful employment practice categories or nondiscrimination requirements, or the imposition upon employers of any additional requirements for assuring equal employment opportunities.

We realize that our conclusions as set out above may disrupt the programs and objectives of your Department, and may cause concern among members of minority groups who may believe that racial balance or equal representation on Federal and federally assisted construction projects is required under the 1964 act, the Executive order, or the Constitution. Desirable as these objectives may be, we cannot agree to their attainment by the imposition of requirements on contractors, in their performance of Federal or federally-assisted contracts, which the Congress has specifically indicated would be improper or prohibited in carrying out the objectives and purposes of the 1964 act.

Sincerely yours,

ELMER B. STAATS.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and to authorize the the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. TYDINGS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Maryland.

Mr. TYDINGS. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. BROOKE. Mr. President, I have long made clear that I am committed to firm oversight of our defense expenditures. At the same time, however, I feel an obligation to speak out when it appears that proposed economies may be false ones. With this in mind, I feel I should offer some comment on the proposal by the Senator from Maryland to reduce the Department of Defense's emergency funds by one-half. I am well aware that in recommending an emergency fund of $100 million, the committee exceeded the previous amount authorized for this purposes. But I also believe that a 50-percent reduction in this amount is too great a cut.

My reasons for holding this position may be stated quite simply. The Subcommittee on Research and Development, on which I was honored to serve, recommended, and the full committee has endorsed, major reductions in the proposed Department of Defense budget for research and development. Those reductions amount to over $1 billion, the most substantial cut in any sector of the budget and one which will affect many programs which the Department of Defense considered vital. Having exercised such a stringent review of this element of the budget already, it is my belief that the Department should have somewhat greater latitude in regard to the emergency fund. These funds will permit the Department to manage more sensibly the effective reduction of effort which this legislation will provide.

I consider a reasonable degree of flexibility very desirable, and in view of the magnitude of the cuts already contemplated, I believe the emergency fund is a prudent device for improved management of the Department of research and development programs in a period of substantial reorientation.

For example the committee report indicates the considerable uncertainties which afflict the whole question of air defense. Both with respect to the defense of the continental United States and with respect to forward defense of our men in the field, should they be engaged against an enemy with significant tactical air capability, there are quite fundamental questions about the size and nature of air defenses which should be provided.

The committee directed a deferral of work on the airborne warning and control system—AWACS—largely because of the doubts about the likely bomber threat to the United States.

Similarly, in the relatively brief time we had to consider the matter in the subcommittee and in the full body, the necessity for the promising SAM-D system remained unclear. So far as defense of the field army and the continental United States is concerned, it seems clear that this system would provide both more potent and less costly defense than the present capabilities, namely, the Nike-Hercules and Hawk missile forces. The present weapons are extremely expensive to maintain. If we are going to provide extensive air defense in the future, we may later wish to proceed with the SAM-D technology.

Thus, the deletion of funds for SAM-D was accomplished with some trepidation on the part of many of us in the committee and was written in primarily because of the compulsion we felt to reduce the overall budget.

At the same time, however, the committee has directed the Secretary of Defense to review the bomber defense requirement in detail and to submit findings and recommendations in connection with the fiscal 1971 budget. Since the Department has argued that SAM-D is one of the most critical programs bearing on future air defense efforts, it may well choose to use a portion of the flexible funding authority under section 202 to sustain a minimum level of effort on SAM-D pending this full reexamination of the need for a more advanced air defense capability.

This is but one example of how such authority might be put to constructive use. There are many occasions in a large and fast-moving technological effort, of which the Department's total R. & D. program is the principal example, when the capacity to feed money into a critical area can prove invaluable. Particularly since the Department's R.D.T. & E. budget has a large and pressing backlog of projects competing for funds, I do not consider this emergency authority excessive.

Indeed my view is similar to that voiced in the Senate the other day by the distinguished junior Senator from Maryland (Mr. Mathias). I tend to believe that our defense effort should emphasize the technological advantages we have accrued, and that we should seek to control our total defense expenditure principally by strict limits on premature commitments to procurement of expensive systems and by reducing our conventional forces with their costly manpower levels to the extent feasible.

The other side of the coin is that, if we are to stress technological advantages in maintaining a strong national security posture, we cannot skimp on our R. & D. effort. Considering the 12.7-percent cut already imposed on the total R.D.T. & E. authorization, I believe that ample emergency funding is both important and desirable. Accordingly, while I could not support the $50 million recommended in the original amendment, I believe the compromise which has been worked out does allow for a sufficient degree of flexibility in the program. The revised amendment will therefore have my support.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. Gore) is absent on official business.

I also announce that the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Bible), the Senator from Connecticut (Mr. Dodd), and the Senator from Texas (Mr. Yarborough) are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee (Mr. Gore), the Senator from Indiana (Mr. Bayh), the Senator from Connecticut (Mr. Dodd), and the Senator from Texas (Mr. Yarborough) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Ohio (Mr. Saxbe) is necessarily absent and, if present and voting, would vote "yea."

The result was announced—yeas 94, nays 0, as follows:

[No. 75 Leg.]

YEAS—94

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dirksen
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Goodell
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Mundt
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—6

Bayh
Bible
Dodd
Gore
Saxbe
Yarborough

So Mr. Tydings' amendment, as modified, was agreed to.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FULBRIGHT obtained the floor.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Illinois, with the understanding that I will not lose my right to the floor.

NOMINATION OF ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the name of the new Associate Justice of the Supreme Court may be filed during the adjournment or recess of the Senate. I ask this because it cannot be filed until Thursday, and until it is filed, the chairman of the Committee on the Judiciary cannot set the time for a hearing.

Mr. FULBRIGHT. Mr. President, reserving the right to object, I did not hear his name.

Mr. DIRKSEN. I did not give his name. [Laughter.]

Mr. President, I also request that the name be referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 110

Mr. FULBRIGHT. Mr. President, I call up my amendment No. 110.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 2, line 26, strike out "$1,638,600,000" and insert in lieu thereof "$1,626,707,000".

On page 3, line 2, strike out "$1,921,500,000" and insert in lieu thereof "$1,911,343,000".

On page 3, line 3, strike out "$3,051, 200,000" and insert in lieu thereof "$3,041,211,000".

On page 3, line 4, strike out "$468,200,000" and insert in lieu thereof "$454,625,000".

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the majority leader.

AUTHORIZATION FOR THE COMMITTEE ON FINANCE TO MEET ON SEPTEMBER 4 OR 5

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, on September 4 or 5, the Committee on Finance may be allowed to meet during the session of the Senate for the purpose of beginning hearings and listening to witnesses on tax reform legislation.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. It is hoped that, after that, we will be able to get authorization for the Committee on Finance to meet during the session of the Senate on a week-by-week basis. But we will cross that bridge when we come to it.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield for a question.

Mr. STENNIS. I know that the Senator has an amendment of some importance and that he wishes to discuss it. I am wondering if there could be an agreement for controlled time at this point.

Mr. FULBRIGHT. I say to the Senator that I have agreed to yield to the Senator from Illinois (Mr. PERCY). He has a statement on a nongermane matter. My speech will take a little time, and I had agreed to accommodate him, to yield to him. I am unable to determine how long my speech will take, due to the interruptions. The Senator knows how it goes. Sometimes it goes quickly and sometimes not quickly. I would hesitate to make an agreement at this time. Later on I might do so, after I am through with my speech. Perhaps the Senator will renew his request after I have completed my remarks.

Mr. STENNIS. If we made it an hour and a half to a side now, would that cover the situation?

Mr. FULBRIGHT. I am not sure. Unfortunately, I have another little speech on a nongermane matter—similar to that of my colleague a moment ago—which I have to make because of time running out. I would hope the Senator would not ask for such an agreement at this time. I shall be glad to entertain it a little later.

Mr. STENNIS. I thank the Senator. We will confer and renew it later.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to yield to the Senator from Illinois 5 minutes, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP WITH PEOPLE, INC.

Mr. PERCY. Mr. President, young people today, as never before, are questioning the way things are. But, some do more than question and wonder—some are actually trying to bring about a new peace, understanding, and common brotherhood among men. "Up With People" is attempting to do just this. These young people are asking for new experiences through new experiments. Their new experiences go beyond the formal realm of education and campus surroundings to a total submersion in world life. In partnership with a number of universities across the United States, the 600 students of "Up With People" are traveling to many countries giving people an optimistic insight into American youth and communicating to them a new hope for the future. Fortune's editor recently stated:

> The U.S. does not owe the world leadership in the sense of telling other countries what to do. But the U.S. does owe it a less distorted view of the American experience than the one the world has been getting. . . .

On a recent 3-month tour of Europe, "Up With People" reached more than 90 million people in six countries and 53 cities, displaying a new vision of the American scene. Sargent Shriver, Ambassador in Paris, as host of the special performance at the Cité Universitaire, indicated that "Up With People" is making an "outstanding contribution to international relations."

Jacques Chaben-Delmas, Premier of France, said,

> Today everybody is asking about the future. In "Up With People" you have seen the best of it.

Now back in the United States, "Up With People" will be touring six States at the invitations of the governors of Iowa, Vermont, Maryland, Washington, Wisconsin, and Delaware. There is also an invitation to Mexico and a return invitation for France.

There are special supplements on this outstanding group on the desk of each Senator. I hope that my colleagues will take a few moments do review it and note that it was 148 Members of Congress, including 46 Members of the Senate, who launched this program in 1966. It has been through the efforts of many others that the organization is now a completely independent, nonprofit corporation. A new office has recently been opened here in Washington at 2011 Eye Street Northwest.

I extend to this group of young people our sincere congratulations on a goodwill mission well done and our best wishes for their continued success.

In talking recently with a group of these young students, led by Linda McLean, who came to the Senate to discuss their program with me, I asked a number of questions about how the program was conducted in Europe and what the reaction of Europeans was to the program.

It is very interesting how these people approached the problem of reaching the people of Europe. They did so through the elected municipal officials in the cities of Europe. They would call on the mayor in his office. They would explain the program to him. They would demonstrate by song what they do, right in his office. And then they would submit to him suggestions. These were not however, in the form of demands to him. They were just suggestions as to the best way to approach this program in his city.

Their experience has been that it is best for the city itself to furnish the municipal hall at no cost. They suggested that the students would enjoy living with families, and they asked that arrangements be made for families all over the city to take in one student who would be billeted then with that particular family during the performance and their stay in that city. The cost is therefore kept at a minimum. And the cost to the U.S. Government of this program of ambassadors of good will is not one, single cent.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield to the distinguished Senator from Arizona.

Mr. GOLDWATER. Mr. President, I wish to join in the comments of the Senator from Illinois. I have, on many, many occasions had the pleasure of hearing these young people. We have several enthusiastic groups in my State. I can say without any hesitation at all that I think they are doing more for America than anything we have going today.

Mr. PERCY. I thank the distinguished Senator from Arizona.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MILLER. Mr. President, I appreciate very much the fine comments of the Senator from Illinois.

I am very proud of the fact that I was a Senator who enlisted the 46 Senators to sponsor, with honor, the show "Up With People" at the time the Senator from Illinois referred to, which was their first Washington performance.

Since that time it has gladdened my heart to see the magnificent reception these young people have received not only all over the United States but also all over Europe and the Far East. If more people would have the opportunity to listen to the program and to think about it, I think that we would have a better society.

These young people are dedicated to doing good. Of course, singing is one way to encourage people to do good. Some of the themes of the songs are the best to demonstrate American patriotism. For example, a line from one of the songs is, "If more people liked more people." "Freedom is not free" is one of the most stirring I have ever heard.

I think it commendable for the Senator from Illinois to bring this matter to the attention of the Senate and I applaud him for doing so.

Mr. MURPHY. Mr. President, it is a real pleasure to be able to join Senators today in recognition of a group of young people that I have long admired and given my full support. Up With People is a group of some of the finest young people in this country.

These are American kids in the fullest sense of the word. They traveled all over Europe in a recent 3-month period earning the highest acclaim from all leaders, and have also been all over the United States. In these extensive tours, they have taken to the rest of the world a true picture of American life, and at the same time, they have brought joy and laughter to millions of people. They have shown that there are common bonds of unity and brotherhood that unite all men. That is what "Up With People" is all about.

Mr. President, the "Up With People" cast believes that this good and brotherhood can be found in all men, and they are determined to bring it out. These youths believe that they can change the world for the better, and they very well may. And these young people know that "freedom isn't free" as one of their songs so aptly states. Let us be thankful that we live in a free society in which youth is allowed and encouraged to make efforts to this end.

Mr. President, I support "Up With People's" ideals and look forward, as I know all of my colleagues do, to the day when all men realize that they are brothers and will allow their fellowmen to live in peace and freedom.

I salute "Up With People" and feel we should all thank them for all the good will they have spread in behalf of our country wherever they have traveled.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. PROXMIRE. Mr. President, I wish to commend the distinguished Senator from Illinois. I agree wholeheartedly with the Senator's remarks. This is a remarkable program. Some of the young people who participated in "Up with People" stayed at our home when they came to Washington.

I was extremely impressed by their attitude, openness, and candor; but what impressed me above all is that this is a completely voluntary program, as I understand it. It is really costly to them because they are spending so much of their time, week after week and month after month when they could be doing nothing or enjoying the easy life. This kind of program should be encouraged. I commend the Senator from Illinois for bringing "Up with People" to our attention.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. STEVENS. Mr. President, I would like to add my endorsement of "Up With People" to that of my colleague from Illinois (Mr. PERCY). I was greatly impressed by this group because of their obvious enthusiasm for day-to-day living. There is no better example of our American youth than "Up With People." In just a few short years these young people have delighted millions of people both here and abroad. They have performed in a number of European countries and in all the States but my home State of Alaska, an oversight we hope to soon correct. Mr. President, it would be my hope that everyone, everywhere, will have an opportunity to see "Up With People" in action. It is an experience that answers the critics of the youth of our country.

The enthusiasm of these young people is infectious. They are ambassadors of freedom—and definitely deserve the praise they have received here today.

Mr. FULBRIGHT. Mr. President, I wish to associate myself with the remarks made by the Senator from Illinois.

The "Up With People" group has received a very favorable reaction everywhere they have appeared. As the Senator from Illinois stated, they have recently completed a very successful tour of Europe, where they were complimented and commended by a number of Government leaders and our own Embassy officials, and were seen and heard by thousands of people.

Earlier this year "Up With People" presented a series of programs in Arkansas where they were very well received. A number of my constituents wrote to me praising this group. Mr. President, I ask unanimous consent to have one of these letters, from Dr. Stanley Applegate of Springdale, Ark., printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SPRINGDALE CLINIC,
Springdale, Ark., March 24, 1969.

Senator WILLIAM J. FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: I can't tell you how much I have been impressed by this young group.

There were 160 in this International Group that came here from every State and 37 foreign countries. They stayed for four nights in different peoples' homes and the reports I get from their Hosts have all been glowing.

These young people will be the best Ambassadors of good will that the United States could sponsor.

I hope that after you read these clippings that you can help them in some way for their show is tremendous, well done and carries a fresh new image to today's Youth.

Yours truly,
STANLEY APPLEGATE, M.D.

Mr. PERCY. Mr. President, will the Senator yield to me for 30 seconds?

Mr. FULBRIGHT. I yield.

Mr. PERCY. Mr. President, I believe that because 46 Members of this body were sponsors of this group, on behalf of the Presidential Prayer Breakfast Committee I have been authorized to extend an invitation to them to be the choir choral group in January or February 1970, at the annual breakfast. On behalf of all Senators I extend congratulations to these ambassadors of good will who have done so much for their country and themselves in strengthening their resolve and understanding of this country and the people abroad in finding ways we can bring people together.

Mr. President, I ask unanimous consent that additional information concerning "Up With People" be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Up With People Incorporated is an independent, educational non-profit organization that involves: 4 international traveling casts, 456 regional programs in the United States, 105,000 youth are directly involved.

An estimated 90 million people in the U.S. have viewed four national Up With People television specials.

Over 5 million people have seen the Up With People shows in live performances in 49 states of the U.S. including special performances at Carnegie Hall, Hollywood Bowl, Los Angeles Music Center and Constitution Hall in Washington, D.C.

In addition the Up With People shows have traveled to 25 nations at the invitation of government and national leaders:

Japan
Korea
Germany
Spain
Austria
Panama
Brazil
Peru
Venezuela
Argentina
Jamaica
Uruguay
Puerto Rico
Mexico
Canada
Belgium
France
Norway
Sweden
Denmark
Finland
The Democratic Republic of the Congo
Monaco
Switzerland
Italy

Casts have performed on national television in Germany, Norway, Italy, the Republic of the Congo, Japan, Venezuela, Brazil, Argentina and Peru.

Up With People's educational program involves high school and university courses, faculty and students from every corner of the globe, from every race and culture. Students study modern languages by the audio-visual St. Cloud method.

"Everyone is specialized. No one is coordinating the whole. Up With People is attempting to do that. What they're doing is in the spirit of the times, a symptom of society, an unusual manifestation." R. Buckminster Fuller, Comprehensive Design Scientist.

Three international casts of Up With People were in Europe this spring for a comprehensive 11-week tour that included: 53 cities of Europe, 200 live performances in six countries, 90 million people reached, 13 national TV shows, 131 articles in 104 newspapers, hospitality in 6,000 homes.

SUSPENSION OF DUTY ON ISTLE

The following report of a committee was submitted:

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 10107. An act to continue for a temporary period the existing suspension of duty on certain istle (Rept. No. 91–373).

Mr. LONG. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of H.R. 10107, which is now at the desk. It has been cleared on both sides.

The **PRESIDING OFFICER.** The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 10107) to continue for a temporary period the existing suspension of duty on certain istle.

The **PRESIDING OFFICER.** Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LONG. Mr. President, this bill was reported unanimously by the Committee on Finance with a single committee amendment which related to a separate matter. The committee amendment extends the Interest Equalization Tax Act for a 1-month period, until September 30, 1969.

H.R. 10107 as passed by the House and as approved by the Committee on Finance would continue until September 5, 1972, the existing suspension of duties on processed istle.

If the existing suspension of duty is permitted to expire on September 5, 1969, imports of processed istle will be subject to a 20-percent tax.

So far as we can determine, during the period of time since 1957, during which time the tariff has been suspended, there has been no complaint regarding the duty-free treatment of this product.

The committee amendment is a mere 30-day extension of the interest-equalization tax.

We are proposing that this tax be extended for 30 days because the interest equalization tax would expire during the recess of the Congress, and the 19-month extension proposed by the House requires perhaps more consideration and more debate at this time than a simple 30-day extension.

The **PRESIDING OFFICER.** The committee amendment will be stated.

The assistant legislative clerk read as follows:

After line 9, insert a new section as follows:

"SEC. 2. Effective with respect to acquisitions made after August 31, 1969, section 4911(d) of the Internal Revenue Code of 1954 (relating to termination of interest equalization tax) is amended by striking out 'August 31, 1969' and inserting in lieu thereof 'September 30, 1969'.

Mr. LONG. Mr. President, the bill is not a controversial bill. This is merely a 30-day extension of the interest equalization tax to give the committee of the Senate the opportunity to act on this measure and to obtain whatever information the Senate may want when this matter comes before the Senate after the August recess.

This measure is necessary because the interest equalization tax will expire during the recess.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. JAVITS. Mr. President, I wish to precede my remarks, so it is not taken out of context, with the statement that I intend to fully cooperate with the Senator from Louisiana in passing the 30-day extension. The Senator knows I have been opposed to it and I still have grave reservations about it.

I would like to ask the Senator if the amendment which was read at the desk does not actually make a change in the law which would provide the President with the authority to have a lower tax rate on outstanding issues from those which pertain to new borrowing?

Mr. LONG. No, that authority is in the House-passed bill, which is still in the committee. What we have here is a simple 30-day extension.

Mr. JAVITS. That will be dealt with when the committee has its hearing?

Mr. LONG. The Senator is correct.

Mr. JAVITS. The committee will have hearings?

Mr. LONG. The Senator is correct.

Mr. JAVITS. May I be heard?

Mr. LONG. Yes.

Mr. JAVITS. This is important to me. I have always fought against the interest equalization tax on the ground it represents a protectionist device. However, we have a balance-of-payments problem which is now congealed around the interest equalization tax.

I understand the difficulties of the administration in going along with people such as me.

Now, a certain background has been built up in utilization of the tax, based on the fact I think it was unwise taxation and unwise for our country to take in view of the fact that this is the leading money capital of the world.

I wrote a letter to the Secretary of the Treasury on Saturday. He responded, not in terms of the 30-day extension, which is understandable, but the bill as it came from the House. He made the situation clear.

Mr. President, I ask unanimous consent that the exchange of correspondence I had with the Secretary of the Treasury may be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AUGUST 9, 1969.

Re Interest Equalization Tax
Hon. DAVID M. KENNEDY,
Secretary,
U.S. Treasury Department
Washington, D.C.

DEAR MR. SECRETARY: The Interest Equalization Tax extension has been slated for floor consideration this coming week, and as you know, I have been following with some concern the reaction which this issue has had in the country. In April of this year, the Joint Economic Committee, on which I serve as senior Minority member, recommended that the IET be phased out as soon as practicable. The Majority noted that suspension of the IET would do little or no injury to the U.S. balance of payments, and that suspension is an appropriate way to begin the elimination of capital export restrictions which "are a direct contradiction of the most fundamental international economic policy objectives pursued by the United States since the end of World War II." The Minority noted the strong and valid arguments which exist for reconsidering the continuation of the IET, and pointed out that significant changes in the structure of capital markets in the United States and abroad have reduced the danger of the greatly increased outflows which the IET was designed to prevent.

These views accord with my prior opposition to the IET. In 1964 when the tax was being introduced, I proposed a "capital issues committee" for regulating foreign borrowings in the United States on a voluntary basis, which would have kept our capital outflows within manageable levels and preserved the traditional U.S. commitment to the freedom of private transactions. I have since expressed opposition to extension of the tax, and voted in favor of amendments which would have restricted its effect. I continue to have considerable doubts whether extension of the IET would be in the best interests of our country, in the absence of a concrete pledge to begin dismantling this web of capital restrictions at the earliest possible time.

I would therefore like to be apprised of:

(1) your intentions to use the powers which will be given the President to vary the tax rates, so that these rates—for both new and outstanding issues—will be as low as possible consistent with monetary stability;

(2) your actions and intentions which, in your continuing review of the nation's balance of payments program, may result in the gradual relaxation of the restrictions imposed by the Office of Foreign Direct Investment.

Please be assured that I have pledged my efforts to maintaining the strength of the dollar both at home and abroad, and am willing to support any measure which will effect this end and for which no reasonable alternative exists.

With best wishes, believe me,

Sincerely,

JACOB K. JAVITS.

THE SECRETARY OF THE TREASURY,
Washington, August 9, 1969.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: In your letter to me today on the Interest Equalization Tax, you have emphasized the desirability of dismantling our direct balance of payments controls as soon as possible.

On April 4, 1969, President Nixon purposefully began just exactly this type of process consistent with our balance of payments position. At that time he announced a relaxation of the capital restrictions on foreign direct investment and lending abroad by bank and non-bank financial institutions. In addition, he pledged that "we shall find our solutions (to our economic problems) in the framework of freer trade and payments".

The President also pointed out that "The distortions created by more than three years of inflation cannot be corrected overnight. Nor can the dislocations resulting from a decade of balance-of-payments deficits be corrected in a short time." It was against the background of these actions, this pledge and an appreciation of the time it takes to restore balance to the economy that the President announced his intention to seek an extension of the Interest Equalization Tax. The extension legislation now before the Senate has a new provision which would provide to the President the authority to have a lower tax rate on outstanding issues from that which would pertain to new borrowings. The purpose of this provision is to provide that degree of flexibility which could be useful in reducing the reliance upon this tax as a selective restraint in our overall balance-of-payments program. For example, if this authority is employed, a low or no tax on new issues could permit greater access to our markets for new projects without according this benefit to outstanding issues.

The willingness of this Administration to vary the IET tax rate so that it will be as low as possible consistent with monetary stability was demonstrated first on April 4 when President Nixon reduced the IET rate from approximately one-and-one-quarter percent p.a. to three-quarters percent p.a. on debt securities. It is my intention to recommend to the President further use of this authority as circumstances permit, and in this regard I will be specially mindful of the opportunity to employ the additional flexibility we are now seeking from Congress which hopefully will advance the time when our reliance upon this tax can disappear.

It is also my intention to recommend as soon as possible in the light of balance-of-payments developments, additional steps in the gradual relaxation of the capital restrictions imposed under the foreign direct investment program.

I would emphasize the fundamental fact that our efforts to further reduce reliance upon selective restraints will be greatly facilitated by the evident effectiveness of our program of general restraints in reducing inflation, restoring better balance to our economy, and creating the conditions that make it possible to rebuild our trade position. As inflation is so much the cause of our international payments problem, it is vital that we pursue the fiscal-monetary restraint which will foster our balance growth.

Sincerely,

DAVID M. KENNEDY.

Mr. JAVITS. Mr. President, he made it clear there were certain undertakings which the Treasury was making with respect to the extension of this case.

In his letter he stated that it would provide the President the authority to have a lower tax rate on outstanding issues from that which would pertain to new borrowings. He stated:

> If this authority is employed, a low or no tax on new issues could permit greater access to our markets for new projects without according this benefit to outstanding issues.

I would like to point out that the outstanding issue question is complicated because of the reaching out by American banks and others to borrow, and that Americans would flock to get those issues if we took the interest equalization tax off.

I sympathize with the Secretary and what he is doing. I hope the committee considers the matter to make a different rate for new issues as contrasted with other issues.

The letter also stated:

> It is my intention to recommend to the President further use of this authority as circumstances permit, and in this regard I will be specially mindful of the opportunity to employ the additional flexibility we are now seeking from Congress which hopefully will advance the time when our reliance upon this tax can disappear.
>
> It is also my intention to recommend as soon as possible in the light of balance-of-payments developments, additional steps in the gradual relaxation of the capital restrictions imposed under the foreign direct investment program.

Mr. President, I have inserted this matter in the RECORD to call it to the attention of Senators so that it may be helpful as they get to the stage of discussion and to prepare for my testifying, which the Senator has consented to.

Otherwise, I have no objection.

Mr. LONG. I thank the Senator for his cooperation. This is a matter which will require the attention of the committee. It will require some study.

We feel there may be considerable outflow of capital and there may be serious problems if the interest equalization tax expires prior to the time we give the matter the consideration it deserves.

I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended, so as to read: "An act to continue for a temporary period the existing suspension of duty on certain istle and the existing interest equalization tax."

Mr. LONG. Mr. President, I move that the vote by which the bill, as amended, was passed be reconsidered.

Mr. JAVITS. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. Mr. President, was the amendment which I offered printed in the RECORD?

The PRESIDING OFFICER. It was.

Mr. FULBRIGHT. The purpose of the amendment I have offered is very simple. It would reduce the authorization for research development, test, and evaluation, by a total of $45,614,000. This represents a 7-percent reduction in funds for the "military sciences" research category for each of the three Services and the Department of Defense, plus a 20-percent reduction in the authorization for the Defense Department's overseas research program, Project Agile, which is funded under a category labeled, "Other Equipment." The proposed reductions, by Service, are: Army $11,893,000; Navy $10,157,000; Air Force $9,989,000; and the Department of Defense $13,575,000. The purpose is to make a modest cutback in the Department's funding of Federal contract research centers—the so-called think tanks—other social and behavioral science research, foreign research, the Department's aid-to-education program, project Themis, and research on counterinsurgency matters. The intent is to have the $45 million reduction applied roughly as follows:

First, reduce the funding of the Federal Contract Research Centers by 10 percent, or $27 million;

Second, reduce research in foreign institutions—colleges and universities, primarily—by $2 million, or approximately one-third the program proposed;

Third, reduce counterinsurgency research, Project Agile, by 20 percent, or $5 million;

Fourth, cut other social science research, performed by organizations such as the Hudson Institute by the remaining $3 million; and

Fifth, hold the line on new starts under Project Themis by reducing the request by $8 million—a 25-percent reduction.

Let me discuss each of these items briefly.

Last year the Committee on Foreign Relations began an inquiry into research activities of the Department of Defense that relate to foreign policy matters. That study, and followup inquiries, have convinced me that there is a great waste of the taxpayers' money in this field, that the Federal contract research centers are not under effective control by the Congress, that the Department of Defense is financing activities which are not properly its responsibility, and that the thinking permeating much of this research is likely to lead to a larger and larger military establishment and more Vietnams.

The basic problem was put very well by Adm. Hyman G. Rickover in testimony before my committee last year. He said:

> There seems to me to be no effective check within the DOD on selection of research projects. I would suggest that only Congress can exert such a check on the DOD.
>
> The DOD has been able to involve itself in research having only the remotest relevance to the problems encountered by the armed services—matters at no previous time, nor anywhere else in the world deemed to lie within the province of the defense function—just because it has the money; it has more money than any other public agency. It gets more money because the word "defense" has in itself an element of urgency. Whatever is asked in its name somehow acquires the connotation of a life and death matter for the Nation.

I believe that Congress should exert the "check on the DOD" Admiral Rickover suggested, by putting the brakes on this research.

There are 16 Federal contract research centers, or "think tanks," which, in fiscal year 1969, received $263 million from the Department of Defense—a 4-percent increase over the previous year. According to information furnished our committee by the Department of Defense, these organizations, as a group, received 94 percent of their revenues from the Department of Defense last year; nine received 100 percent of their support from the Department of Defense. Only 1 percent of their revenues came from private sources. They are truly creatures of the Government, existing at the taxpayers' sufferance.

The committee's hearing record reveals little about the activities of these establishments and the Senate is, in effect, being asked to provide $277 million on faith for their operations—a 5-percent increase over last year. There is, in fact, no listing in the hearings of the amounts to be allocated to each.

Upon completion earlier this year of an investigation of certain aspects of research work by nonprofit institutions, the General Accounting Office was sufficiently disturbed by what it found to recommend a Presidential study of the entire subject. The lack of real control over the "think tanks" is evident from this exchange between the Senator from Missouri and Mr. Charles Poor, Acting Assistant Secretary of the Army, during the hearings on this bill:

> Senator SYMINGTON. That simply means you give a company so much money.
>
> Mr. POOR. That is correct.
>
> Senator SYMINGTON. But, of research, they don't know what they are going to find out. You give them so much money, and they do as much for that money as they say they can; is that right?
>
> Mr. POOR. That is essentially correct.
>
> (p. 525, Armed Services Committee hearings)

Under such an arrangement, we now have a situation typified by a cartoon in a recent issue of New Yorker magazine; Two strange looking natives are sitting on the ledge of a mountain peak and a bright-eyed American type, with briefcase and coat in hand, is eagerly climbing up to their perch. One native is saying to the other, "Don't look now, but here comes that pest from the Rand Corp. again."

Let us look at some of the projects being carried out by these Defense research organizations:

Here are a few planned by the Rand Corp., which last year received 93 percent of its total revenues from the Government, and in fiscal 1970 is slated to receive $24 million from the Defense Department:

> 1. "Military Representation in U.S. Missions": $40,000.
>
> *Official Description:* Examine better methods of military representation in handling military aid in foreign countries, specifically India, Indonesia, Brazil, and Iran.
>
> 2. "Capabilities and Interests Study:" $150,000.
>
> *Official Description:* An examination of U.S. interests, commitments, and capabilities required to meet future contingencies that threaten those interests.

Of course, one can easily see from these official statements that they are utterly meaningless, as that one is. One must get into these descriptions a little further.

Here is another:

3. "Project Management, Project Formulation, and Special Requests": $165,000.

Official Description: RAND management of ISA-sponsored research formulation, and exploration of research relevant to ISA interests, and special studies that may be required on short notice.

Let us look at the Center for Research in Social Systems—the originator of the infamous Project Camelot. Last year 100 percent of its revenue came from the Defense Department and it is to receive $2,100,000 next year for a payroll of 150 employees to carry out projects like these:

1. "Cultural Information and Analysis Center (CINFAC)": $750,000.

Official Description: An information storage retrieval, analysis facility providing information services concerning foreign areas and cultures to qualified requestors.

2. "Internal Security": $80,000.

Official Description: "Research on civil, paramilitary and military police operations related to overseas internal defense and development."

3. "U.S. Army Psychological Operations Requirements Worldwide": $25,000.

Official Description: "Estimation of worldwide requirements for U.S. Army PSYOPS in time frame 1970–1977."

I might point out that CRESS, of American University, and the Human Resources Research Office, of George Washington University, either have severed, or are in the process of severing, their university affiliations, as a result of student protests over their activities. Here are examples of the research proposed for the Human Resources Research Office, which is slated to receive $4,300,000 from the Army in fiscal 1970:

1. "Development and Evaluation of a Southeast Asian Cultural Assimulator": $23,000.

Official Description: "Compile assimulator and evaluate advantages and disadvantages of using this as a principal teaching vehicle."

2. "Program for the Development of Cultural Self-Awareness (COPE)": $115,000.

Official Description: Design, production, and evaluation of program of audio-visual instruction for development of cultural self-awareness.

That sounds very good and it may be a fine project for the Department of Health, Education, and Welfare, or someone else, but I submit this type of activity is scarcely relevant to the mission, or function, as it is called, of the Military Establishment or the military forces of this country.

Mr. PROXMIRE. Mr. President, will the Senator yield on that point?

Mr. FULBRIGHT. Yes; I yield.

Mr. PROXMIRE. The Senator is referring to the design, production, and evaluation of a program of audiovisual instruction for the development of cultural self-awareness, for which $113,000 has already been initiated and $115,000 is planned for the coming fiscal year. Is that correct?

Mr. FULBRIGHT. That is right.

Mr. PROXMIRE. I did not hear the remarks of the Senator from Arkansas, but I wonder if this is a program which should be carried on by the Defense Department; and if so, why? How can the Defense Department use this for defending this country?

Mr. FULBRIGHT. The remarks I made are exactly to that effect. Perhaps the Senator did not hear them. I said that while the project may be justified for some other agency of the Government, I cannot, for the life of me, see its relevance to what I believe the mission of the Defense Department to be.

I have a further comment on that project, if the Senator would like to hear it. This is the Defense Department explanation. It is dated July 31, 1969:

> The objective of this Human Resources Research Office research effort is to design, produce, and evaluate a program of audio-visual instruction for the development of cultural self-awareness, (i.e., awareness of how a person's own thought processes and actions are influenced by his cultural background). COPE—

COPE is the code name for this project—

> attempts to make Army personnel understand the influence of the American way of life on their own attitudes and actions in order to gain deeper insight into those of their foreign counterparts, thereby increasing the effectiveness of officers serving in U.S. military missions.

That may be a good project for some purpose, but it does seem to me to go very far afield from the objectives of a Military Establishment, which I thought was created to provide for the defenses of this country. This seems to me to be a form of rather sophisticated psychological instruction that would be worthy of Harvard or some other university.

Personally, I have great interest in the psychology of all of us. I am only questioning, with respect to most of these projects, whether it is a proper activity for the Department of Defense. I think it is an improper activity.

Mr. PROXMIRE. As I understand it, this program would not provide funds for assisting military officers in securing a greater cultural understanding, but would be a study as to how this would best be done. Is that correct?

Mr. FULBRIGHT. I think that is correct.

Mr. PROXMIRE. Would it be an attempt to study American culture, as to how one can best inculcate values into the hearts and minds of American officers?

Mr. FULBRIGHT. It would seem so; how they can be influenced. Then there would be other activities to attempt to apply what had been learned in research projects. The military, as the Senator knows, conducts very large operations in the exchange of officers with foreign countries, for example. That program is far larger than the civilian exchange program. It involves, I think, some $70-odd million. The last time I looked at it, it was more than twice the size of the civilian exchange program under the Department of State.

In that military program, I would assume they would attempt to apply whatever they had learned of the psychological aspects of the effect of one's environment upon one's attitude. That may help influence their attitude.

I simply question very seriously that this is the kind of activity our Military Establishment ought to be engaged in.

Mr. PROXMIRE. I am wondering just how and when this information could be used. Could it be used in officers' candidate school? Is it to be used in officers' refresher courses? In what way would that information be used in inculcate a better cultural understanding on the part of our military officers?

Mr. FULBRIGHT. We have educational programs of that kind, of course. The Army War College is a quite sophisticated and highly developed educational institution. It brings every type of officer there. If anything were learned, I can imagine the War College might utilize this information, but it does not strike me as quite within the realm of the Department of Defense to engage in this type of research.

If this is proper research, on that theory, I can think of hardly anything that is not within the scope of their activity. There are a number of educational projects which I do not say are not in themselves justifiable, under proper sponsorship; but I think the amount of money that is spent on this kind of research by the Defense Department is way out of proportion, and is not relevant to their mission.

Mr. PROXMIRE. I agree with the distinguished Senator. As he says, there are endless things they can do; and any amount of money could be justified if there were no limit to our resources and our funds.

But it would seem to me that to proceed on this kind of program, and some of the others that the Senator has listed and that are listed in the hearings, would be extremely hard to justify, in view of the limitation on funds with which we are all familiar. If we had to justify this in any other budget, the Senator can see how difficult or impossible to justify they would be.

Mr. FULBRIGHT. The Senator took the words out of my mouth. If these projects had been presented in some other agency's budget, they would have been gone over with a fine toothed comb; but because they are in the Defense Department and the word "defense" has a certain aura of urgency as well as an implication that our survival depends on it, anything goes.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Or practically anything goes, in this research area. Yes; I yield to the distinguished chairman.

Mr. STENNIS. Mr. President, there is no record of any request that the Senator's commitee ever made to take over these matters. If the Senator will look at the bottom of page 47——

Mr. FULBRIGHT. Of the hearings?

Mr. STENNIS. Of the report. The Senate was forewarned. The report reads as follows:

> The Committee believes measures should be taken to transfer a number of these efforts to other agencies for future fiscal years and that during the coming fiscal year the management of certain projects of interest to the Department of State, Arms Control and Disarmament Agency, the National Science Foundation, and other agencies should be taken over by those agencies particularly the Department of State.

If the Senator has an application list he wants to prepare, we would be glad to have him take any and all of them that he might wish. Then they would be scrutinized, and we would have the benefit of his opinion about them.

Mr. FULBRIGHT. As the Senator from Wisconsin pointed out, the trouble about that is getting the money. The only place you can get the money for these projects is in the Defense budget.

Mr. STENNIS. That would be up to the Senator.

Mr. FULBRIGHT. What I am trying to accomplish by this amendment—the Senator says it is up to me, and I hope he will support it—is that, if we can cut this money out of this bill, the money will not be spent under Defense Department auspices, but would then be available for other justifiable activities. My guess is that much of this work is probably duplicated by other research in private institutions, but I have not looked into that question.

Mr. STENNIS. We cannot settle it on guesses. We have something definite here to recommend; if the Senate does not want it, that is all right.

Mr. FULBRIGHT. All right.

Mr. STENNIS. But after the hearing and the proof, we decided it would not be well just to throw it all out, so that is why it is here, and we hope next year it will be elsewhere.

Mr. FULBRIGHT. As I said to the Senator, we are not proposing to throw it all out, either, but I believe the Senator's committee is proposing increases, on some of these matters, increases over the amount budgeted.

Mr. STENNIS. Well, the Senator from New Hampshire will speak on that.

Mr. FULBRIGHT. Basically, I object to the Defense Department going beyond its proper activities simply because it has such appeal and such effective representation in both Houses of Congress that its officials can get all the money they want for whatever they propose. That has been true up to now. I admire the Senator from Mississippi for his effectiveness, as well as his predecessor, the Senator from Georgia, and the Representative from South Carolina (Mr. Rivers). They have been able to get the money for these projects. That is as great a compliment as I can pay the Senator in this particular area. I know of no other committee that has been so successful.

All we are trying to do is to review these projects and programs in a way similar to the way we look at others, and bring them into balance, using the words the Senator from Mississippi used earlier. But the effort should be to balance our national program, rather than just to reach a balance within the Pentagon, as if that were the only program we had in our Government.

The Military Establishment, as I said this morning—is able to get a lot of money because we have been in one war after another, and we have had crisis after crisis. It is easy to create the impression that we are about to be overwhelmed by either the Chinese, the Russians, or perhaps the Biafrans, or Nigerians, or perhaps the Biafrans or Nigerians.

I do not think that is a good enough reason, but that is the only reason. I think the fact that the committee itself recommends some activities be transferred is good; but they do not recommend that we take the money along with it.

However, even if they do transfer them I still think there is a grave question whether, in times like the present, we ought to be engaging in a proliferation of research activities that have no immediate usefulness. Research is fine, and pure research is fine in certain circumstances, but we are in such difficult and straitened financial circumstances at the moment that I think we ought to cut back on some of these things.

I yield to the Senator from New Jersey.

Mr. CASE. Mr. President, the point of limited resources is a very important point. I think of equal importance, if the facts justify it, is the criticism of this practice based upon its tendency to give the Defense Department and the Defense Department planners a monopoly on intellectual opinion in the country, or at least an important segment of it—for example, the behavioral sciences, just as one, a field in which there are not enormous numbers of people, and in which it might be very possible to set a trend in research, in opinion, and then in opinion forming.

I am not suggesting a conscious effort to mold American opinion in this fashion, but the effect, it seems to me, is very likely to be the lessening of independent scrutiny by independent academicians, because there are not any more, or at least not sufficient numbers, because so many of them are tied in with the research sponsored by the Defense Department into many things which are probably in themselves very useful, but have very little bearing on the direct needs of the Department, properly conceived, and which have this insidious long-term effect.

Is that a possibility?

Mr. FULBRIGHT. I agree with the Senator. He has expressed very well, I think, one of the major considerations. We do not wish to turn this country into a militaristic state. We still believe it should be primarily a civilian state, with the Military Establishment supporting it. Continuing year after year with this sort of project will, I believe, have the tendency the Senator has mentioned.

I may say, in addition, that there has been considerable protest about this tendency during the past year. A delegation of students and professors from the Massachusetts Institute of Technology called upon me for advice about what their proper attitude should be with relation to the military activities in their university. This is a complicated matter. They were very proud of their university. They did not wish to have it known simply as a military agency, as a military department. That does not mean that they do not appreciate the work of the military or that they do not respect the uniform or are in some way critical of the military as such. That is quite wrong. That is not so.

As has often been pointed out, the Director of Research of the Defense Department and the men who are in that group and who really developed these projects, are not military men. Mr. John Foster is not a military man. He is a scientist. He is an energetic man, a physicist, whose training was in the laboratory. He has unlimited imagination, and he thinks of these things.

But the secret of proliferation is the availability of money. What we can do is to help to restrain that aspect.

Mr. CASE. Mr. President, will the Senator further yield?

Mr. FULBRIGHT. I yield.

Mr. CASE. The Senator has put his finger on the key point. I agree that this is our responsibility. If we do not assume it, as in all the other major policy matters brought up by the bill, nobody else will.

Mr. FULBRIGHT. Nobody.

Mr. CASE. This is not a criticism of the standing committees of the Senate, specifically not of the Committee on Armed Services. The Committee on Armed Services cannot do this kind of job. No single committee of Congress can. This is the kind of thing that happens once every 6, 8, or 10 years. It happens more or less spontaneously because we sense the need to do it. The whole Senate is involved and the Senator from Arkansas is performing a most useful function in his talk on this particular subject.

Coming back to his specific amendment, it is a most undesirable situation in which anyone man in the military—and this in no way reflects on Dr. Foster who, I am sure, is an excellent man—should be the person to whom one goes if he needs money for research. This in itself—the hope of this kind of thing, as well as its actual culmination or realization—has an inhibiting effect upon the academic community of the country, it seems to me.

Mr. FULBRIGHT. That is correct.

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Yes, I yield to the distinguished Senator from New Hampshire.

Mr. McINTYRE. When the Senator first digressed to talk about the project he had in mind, I did not quite understand him. Is it the audiovisual project that he is belaboring?

Mr. FULBRIGHT. Mr. President, I am not belaboring it. I am discussing it. It is called the Program for the Development of Cultural Self-Awareness.

Mr. McINTYRE. Mr. President, I will be very brief. When the Armed Services Committee got into the projects concerning three very important areas—human performance, manpower selection and training, and the human factors involved—we found a great deal of sense in the projects and the plans. And, strange as it may seem, in many instances the decisions that were reached on these projects and the applications of the lessons learned were great money savers.

When we consider that we have 3.5

million Americans in uniform, when we conceive of the fact that there is a turnover of some 29 percent, when we consider the complexity of modern weapons, and when we think of what we can achieve when we are trying to come up with 100 or 1,000 radar operators, by giving the people who are applying for the positions a moderate test we can make certain that the ones undergoing the training would be more likely to be successful than if there were a hit-and-miss program.

I point out that we do have some areas that have been cut. However, when we came to the area of human performance and the areas of training and manpower selection, we found these programs to make a lot of sense.

We will be able to go along with some of the others that the committee has already agreed to tone down. However, in this area it was agreed that it was good work and should be continued. That is funded at the level, I believe, of $35 million.

Mr. FULBRIGHT. Mr. President, I can understand that if it is the only opportunity that a country has. Maybe eventually, if we consider the present policy, the only opportunity for a decent education will be in the armed services. But I had always assumed, and still hope, that in our country, which professes to be a democratic, constitutional, republican system, the best training of people is to be obtained in public or private schools.

Most of the 3.5 million men that the Senator mentioned are not professional soldiers. Most of them are nonprofessional soldiers, and I did not assume it was the function of the Army and the military to take these raw recruits and give them all kinds of education. They are assumed to have obtained a basic education in civilian life.

If we are going to go all the way to a military state, the Senator is correct. They ought to have the best possible educational opportunities, audio, visual, and every kind of education, and the military should take over the schools.

My point, and I think the point of the Senator from New Jersey, is that we think the Army and military affairs have a rather limited function—to defend the country with the manpower available, plus the professionals who are trained in West Point.

We are not saying that it may not be proper to have a program of psychological indoctrination at West Point or Annapolis for the officers. However, this is a research project. It is one that I would call pure research. It does not seem to be an example of what the Military Establishment should be doing unless we have a Military Establishment as the dominant influence within the country.

Mr. McINTYRE. Mr. President, I think the Senator from Arkansas has made it very plain already in his remarks that there should be a reduction of spending by the military in general. I think that across the board the Senators share this feeling. The committee is going to come in with a reduction of very nearly $2 billion.

Mr. President, I agree with the Senator. We do not want America to become a military state. I do not think it ever will become a military state. However, I would not want overlooked the fact that one of the greatest services the armed services perform is giving occupational training to high school dropouts who have come into the service and sending them back after 3 years into his community. This does not apply just to the present time, in the Vietnamese situation. The armed services send the men back into their communities able to win gainful occupation.

I agree that we do not want the military to take over the education field. However, the military has done a fine job in training and educating many of our youngsters today.

Mr. FULBRIGHT. Mr. President, I have heard that said. If they cannot get the education in any other way, I suppose that is a good way to get it.

I am not sure—and only time will tell—whether that training is associated with other training which will, in effect, mean that our country will continue to follow policies of which I disapprove—policies of intervention around the world and the policy with which I often associate the former Secretary of State: that it is our duty to intervene and keep the peace around the world all by ourselves.

In my view, that is contrary to what I thought our policy was. We get into very deep foreign policy matters there.

I know that one of the fallouts of much of the military training will be a sense of discipline and, as the Senator said, the education of some of the dropouts. However, the great mass of the soldiers are not dropouts.

I would assume that the great mass of them, by far the majority of them, are the normal, best young men of our country who have gone to the best schools we have. And they have had what we will call a normal and successful education in their schools. They go to serve in the armed services for a limited period of time.

Nobody is complaining about that now. My complaint has never been leveled at the Army or the military as such. My complaint has always gone to the policies of the civilian policymakers of our Government in creating a situation like Vietnam.

However, that is all we hear. I think we are trying, as the Senator said, to bring some restraint into the military budgetary matters.

This is a relative matter. No one wants to cut out our armed services. We spend a lot more money now on the military than does any other country in the world, including Russia. And we spend a very high percentage of our national budget, perhaps 40 or 50 percent.

It goes up so fast that I cannot follow it. However, $80 billion is what is proposed to be spent. This amounts to about 60 percent of the total budget when social security and all the other trust funds are not included.

Mr. McINTYRE. I thank the Senator from Arkansas for yielding to me.

Mr. FULBRIGHT. Another research center is the Research and Analysis Corporation, budgeted to receive $10,800,000 to support 587 employees. Here is a sample of its projects to be paid for under this authorization bill:

1. "Strategic Analysis of Europe-1969": $128,000.

Official Description: Includes studies of French foreign policy, European trade prospects, development of Siberia, and Soviet-Japanese trade.

2. "Strategic Analyses of Subsaharan Africa-1969": $74,000.

Official Description: Includes studies of U.S. strategic interests, environmental trends, and U.S. policies and programs.

A study of French foreign policy, European trade prospects, development of Siberia, and Soviet-Japanese trade—it would strike me that if this is justified at all, or if we need it, this certainly would be for the Department of State and/or the Department of Commerce. Why is this in the Department of Defense?

Studies of French foreign policy—well, perhaps it can be argued that the officers in the Department of Defense should have knowledge of French foreign policy. But studies or analyses of French foreign policy would necessarily, I would think, take place in the Department of State—unless the Department of State has gone so far that it is nothing but a small bureau within the Department of Defense.

I confess that the revelation to me just recently that the agreement signed by the prime minister of Thailand was not in the custody of the Department of State but in the Department of Defense did shock me a bit, as to the relative significance of the Department of State and the Department of Defense.

But I submit that this kind of study is not appropriate for the Department of Defense.

The list could go on indefinitely. Congress should make a start toward bringing the operations of these organizations under more effective control. The Committee on Armed Services is to be commended for putting a limit of $45,000 on salaries for research center officers. It is a step in the right direction, but much more needs to be done. And a reduction in funds, I propose, is the best way to go about it. The salary of the head of one of these research centers was $90,000 last year, when we discussed this matter on the floor of the Senate.

All Defense-financed foreign affairs research is not done by the "think tanks," by any means. The "think tanks" I mentioned are the research centers, of which I believe there are 16. Much of it is carried out by universities, other private research organizations, and even by military hardware manufacturers. The Hudson Institute, for example, received some 80 percent of its funds from the Defense Department in the last 2 years, according to testimony before the Foreign Relations Committee by a former institute president, Dr. Donald G. Brennan. Yet, it is not classified as a Federal contract research center. This is the organization which the General Accounting Office last year found had charged the Defense Department $45,000 to $52,000 per man-year for three research projects which turned out to be virtually worthless. Recent news reports indicate that the institute's latest contribution to the debate over Vietnam strategy is a plan which involves building a moat around Saigon. I ask unanimous consent that an article on this plan, published in the June 27 issue of the New York Times be printed in the RECORD at the end of my remarks.

That reminds me, I think they also had a plan not long ago to create a great lake in the middle of South America in order to provide communication between all the countries of South America. They were going to dam up the Amazon and have a lake that, I presume, would cover a large part of Latin America. I understand that it did not appeal to the Latin Americans.

Not long ago, Douglas Aircraft Corp. was paid $89,500 to do a study for the Army, called "Pax Americana," which concluded, among other things, that

> While the United States is not an imperialistic nation she exhibits many of the characteristics of past imperiums and in fact has acquired imperial responsibilities.

After trying, without success, to get the Defense Department to declassify the study, it developed that Douglas has printed the same study in unclassified form, for its own promotional purposes. It has gone on to do other research of this nature and recently completed a study for the Air Force, laying out scenarios for several possible conflict situations in which the United States might become involved, and spelling out the Air Force role in the peacekeeping eras that would follow these wars.

The principal Defense Department program of overseas research is project Agile, a series of highly classified projects relating to Vietnam and potential Vietnams. Over $25 millon is being requested for this program in 1970. I do not question the projects relating to Vietnam, no matter how farfetched they may appear. If they help save one American life, well and good. But I do question the millions to be spent on projects involving other countries where the research is more likely to lead to American involvement in disputes which are none of our business. Unfortunately, the Senate cannot debate these projects on their merits since all information concerning this program is classified.

All too many of the studies listed in the justification data for project Agile and similar research indicate that the Pentagon planners have not learned any lessons from Vietnam, but that they are busily engaged in blueprinting strategies where our military will play the key role in trying to maintain order in a disorderly world. Lt. Gen. Betts, Chief of Army Research and Development, when asked about the Army's research involving foreign areas said:

> We have a continuing need to build up a library of information that can be available to our military planners for any country in the world into which we might have to go.

That, I submit, is very reminiscent of statements which we used to hear from the Department of State.

So far, the Army has paid $541,000 for 27 of these guides to countries where it "might have to go." Some of those countries are Afghanistan, Brazil, Colombia, Congo, Ghana, Iraq, Lebanon, Pakistan, Syria, and Venezuela; a varied list of possible involvements.

I may say that in the hearing the other day on foreign aid, I requested a representative of the Defense Department to supply the committee with any of these secret agreements which might involve our having to go into any of these countries or any other country. So far, I have not received any; but they have been put on notice that we are interested in them.

In May, I asked the Department of Defense for a number of a research reports, selected from the list of projects submitted to the Committee on Armed Services as justification for the 1970 budget request. I want to assure my colleagues that the titles listed on pages 2209 to 2219 of the committee hearings, although often intriguing, do not give the full flavor of this research program. Only a reading of the actual reports filed reveals the type of information the Defense Department is getting for its money. For example, a project entitled simply "Ideology and Behavior," had this official description:

> To provide empirically derived conclusions about ideological movements which support insurgency.

But the report filed on this project—furnished to me by the Defense Department—bear the following titles:

First. "The Attaturk Revolution in Turkey."

Second. "Gandhi, Non-Violence, and the Struggle for Indian Independence."

Third. "The Sinhalese Buddhist Revolution of Ceylon."

Fourth. "The Egyptian Revolution, Nasserism, and Islam."

Fifth. "Militant Hindu Nationalism: The Early Phase."

I must submit, Mr. President, it is incredible that we would spend money at this late date in the military department in studying the revolution in Turkey, which took place a long time ago. Mr. Attaturk was a very great patriot for his country. However, members of the Armed Services do not have to have benefits——

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. McINTYRE. I heard the Senator enumerate a number of studies. Is the Senator contending those are studies that are going to be performed with money authorized for fiscal year 1970, or is the Senator going back 4 or 5 years to dig up horrible examples? Is this for the fiscal year 1970 authorization?

Mr. FULBRIGHT. No. One cannot find out about 1970. We can only deal with reports that have been completed. This is a recent one. The study is not that old.

Mr. McINTYRE. It is not in fiscal year 1970?

Mr. FULBRIGHT. That is correct. They have us over a barrel, to begin with. So much is classified, such as the PAX Americana report. It was declassified by the Douglas Co.

I am talking now about activities in recent years, but not necessarily projects for 1970.

Mr. McINTYRE. The Senator spoke on the subject of military research in foreign institutions, colleges, and universities. Is that correct? Is that the area the Senator was talking about?

Mr. FULBRIGHT. Yes. In part.

Mr. McINTYRE. That is a part of the Senator's amendment?

Mr. FULBRIGHT. Yes. This is only a part of the purpose of my amendment.

Mr. McINTYRE. This is what?

Mr. FULBRIGHT. I have been talking primarily about the 16 research centers until now. The work I just listed is done in universities. The one I mentioned a moment ago, "Militant Hindu Nationalism," is an example of this research. The project started in 1966. It is supposed to run until the year ending 1971.

I started this particular passage by referring to universities and private institutions. We have already covered the think tanks.

Mr. PROXMIRE. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. PROXMIRE. I should like to support the distinguished Senator from Arkansas and call the attention of the Senate to the difference between the amounts provided for many years to the National Science Foundation on the one hand for this kind of research, and the amounts provided for the Department of Defense.

I hold in my hand a table which shows Federal obligations for research, total Defense Department and National Science Foundation, fiscal years 1956 through 1959, which shows, for example, in the latest year, 1969, that the Department of Defense had $1,658,000,000 for research in these areas and the National Science Foundation had only $280 million.

Mr. FULBRIGHT. Will the Senator say that again, please?

Mr. PROXMIRE. The Department of Defense had, in 1969, $1,658,000,000 as compared to only $280 million for the National Science Foundation.

Mr. FULBRIGHT. For what purpose?

Mr. PROXMIRE. For obligations for basic applied research. I think that this makes the case clear. The problem is that whereas we have established a Science Foundation for the purpose of making the inquiries and making this research on a scientific basis, in the interest of science, on behalf of all agencies of Government, we provide the Defense Department with six to seven times as much as we provide for the National Science Foundation.

Mr. McINTYRE. Mr. President, will the Senator from Arkansas yield without losing his right to the floor, so that I may ask a question of the Senator from Wisconsin?

Mr. FULBRIGHT. I yield, with that understanding.

Mr. McINTYRE. The figures the Senator from Wisconsin has just stated, I assume correctly, were about $1.4 billion, in fiscal year 1969, was it?

Mr. PROXMIRE. $1.658 billion.

Mr. McINTYRE. The Senator says this was for research and applied, what?

Mr. PROXMIRE. Basic and applied research.

Mr. McINTYRE. I want to point out that in the Department of Defense when research is done, it covers testing and evaluation development as well as exploratory development, engineering development, and advance development. It all comes under the broad category of testing and evaluation.

Mr. PROXMIRE. Testing and evaluation development is not included in this figure. This is information which was procured from the Department of Defense itself, with the clear understanding, expressly on their part, that testing and evaluation would not be included.

Mr. McINTYRE. I hasten to say that something must be wrong with the Senator's figures because fiscal year 1970 shows a figure for research, so far as the Department of Defense is concerned, of $600 million. It seems hardly likely that in the last year, fiscal 1969, Department of Defense research, applied or otherwise, as the Senator says, went to a figure of $1,658 million.

I think the comparison should be research.

Mr. PROXMIRE. I have three other tables—the second category of Federal obligations and for basic research alone—total Defense and National Science Foundation. For Defense, $320 million; for National Science Foundation, $274 million. Again Defense had more, not so disproportionate but substantially more for basic requirements than the National Science Foundation had.

The third table shows Federal obligations for research by agency and performer. Total Defense and National Science Foundation. This includes universities and colleges. It includes FFRDS, administration by universities and colleges that are administered by nonprofit foundations. It shows in every category that the Department of Defense had substantially more than the National Science Foundation.

Mr. MURPHY. Mr. President, will the Senator from Arkansas yield to me, so that I may be permitted to ask a question of the Senator from Wisconsin?

Mr. FULBRIGHT. I yield.

Mr. MURPHY. It is my understanding that the National Science Foundation reaches out into all areas of science where research and development is being carried on, keeps current on all of these matters and brings them together. It makes studies but is not involved to the same degree as is the Department of Defense in research and development on particular, or exact systems, let us say, that they believe they need.

Mr. PROXMIRE. May I say to the distinguished Senator from California that what I am talking about here is the fact that the National Science Foundation would not itself engage in this research, but would commission universities and nonprofit institutions to do it. The Senator knows that in California, Wisconsin, and most States the National Science Foundation has such programs.

Mr. MURPHY. I was merely attempting to point out that the need and conditions under which the Department of Defense operates I do not think would be similar to those under which the National Science Foundation operates, which might very well be a proper reflection of the difference in the amounts of money needed or provided. It is a case of comparing apples and oranges again.

Mr. PROXMIRE. With regard to nonprofit institutions, the National Science Foundation was funded only $244,000 last year, as compared with $26,886,000 for the Department of Defense. So here is a discrepancy of more than 100 to 1—$26,886,000 for the Department of Defense as compared with $244,000 for the National Science Foundation.

Mr. MURPHY. Here again an entirely different game is going on. I expect tomorrow to make extended remarks on some of the nonprofit foundations, the reasons for their existence, their objectives, the way they operate. We have a couple of them in my State, and over the years I have had the good fortune to go to them and watch their operations and learn what they are doing. I think there is a reason for that great difference.

I thank the Senator for yielding.

Mr. PROXMIRE. I thank the distinguished Senator from California.

Mr. President, I conclude by saying that tables 4, 5, and 6 bear out in detail and document the point the Senator made.

I ask unanimous consent that, at the end of the remarks of the distinguished Senator from Arkansas, the tables may be inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PASTORE. Mr. President, will the Senator yield to me?

Mr. FULBRIGHT. I yield.

Mr. PASTORE. We have just concluded hearings on the National Science Foundation for this year. The Foundation is asking for $500 million. The House cut that amount considerably. The Foundation is asking for a restoration of the amount cut. I would hope in the development tomorrow the fact as to whether there is any duplication here could be brought out. Is the Senator from Wisconsin intimating that possibly the Department of Defense is duplicating what the National Science Foundation is doing?

Mr. PROXMIRE. No. I appreciate the statement of the Senator from Rhode Island. I am trying to point out the disproportion between the amount that the Federal Government provides the National Science Foundation and the much greater amount it provides the Department of Defense for research. I do not contend there is any duplication.

Mr. FULBRIGHT. Mr. President, I want to take up the point raised by the Senator from New Hampshire about this particular project, how it was obsolete or out of date. Let me read the description. The description is:

> Provide empirically derived conclusions about ideological movements which support insurgency. It started in fiscal 1966 and is to end in 1971.

So it is not an obsolete project. That project is called "Ideology and Behavior." There are the subtitles which I read. I think there were five of them. One of them I particularly mentioned dealt with Ataturk. The University of Massachusetts is in charge of it. It is called "Religion and Revolution: A Study in Comparative Politics and Religion, Technical Report No. 6, August 3, 1968."

That is just 1 year ago. That is the subhead, with the overall project——

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Let me finish it first.

It says:

> Research supported by the advanced Research Projects Agency under order No. 883 and monitored by the Office of Naval Research, Group Psychology Branch, under contract NONR 3357(08), NR 177-907.

That is an example of what I mean when I say how far afield they go.

Mr. President, I yield to the distinguished majority leader with the understanding that the request he will make will come after this exchange and that I do not lose the floor.

AMENDMENT OF HIGHER EDUCATION ACT OF 1956—UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, there seems to be some interest in the bill (S. 2721) to amend the Higher Education Act of 1965 to authorize Federal incentive payments to lenders with respect to insured student loans when necessary in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education.

After discussing this matter with the most interested people, I think, I ask unanimous consent that, at the conclusion of the prayer tomorrow—and the Senate will convene at 10 o'clock tomorrow morning—there be a time limitation of 1 hour on the banking amendment to be offered by the distinguished Senator from Colorado (Mr. DOMINICK).

Mr. JAVITS. Mr. President, may I identify it?

Mr. MANSFIELD. Yes.

Mr. JAVITS. The amendment deals with section 2(a)(6) of the bill, appearing on page 7, lines 11 through 17 inclusive.

Mr. MANSFIELD. I ask unanimous consent that there be a limitation of 1 hour on that amendment, the time to be equally divided between the majority and minority leaders, or whomever they may designate; one-half hour on other amendments, and 1 hour on the bill.

Mr. FULBRIGHT. Mr. President, reserving the right to object, earlier in the day I was informed that the Senator from Oregon (Mr. HATFIELD) wanted to speak. Has this request been cleared with the Senator from Oregon?

Mr. PROXMIRE. If the Senator will yield, it was cleared with him.

Mr. FULBRIGHT. The Senator from Wisconsin or someone else told me he wanted to speak in the morning. We were negotiating whether I was going to speak or whether he was today.

Mr. DIRKSEN. Mr. President, there was no order.

Mr. FULBRIGHT. I raised this question because he discussed it with me. He did not delegate me to speak for him, although I thought he was owed that courtesy.

Mr. PROXMIRE. Mr. President, the Senator from Oregon expected to speak. He had a speech on peace through law, which relates directly to the bill, but I am quite sure he will be willing to speak directly after the vote.

Mr. FULBRIGHT. It does not make any difference to me.

Mr. STENNIS. Mr. President, reserving the right to object—and I do not object—let me ask the Senator from Arkansas if we can have an agreement now on a limitation of time with reference to his amendment. Would the Senator now entertain a unanimous-consent request along that line?

Mr. FULBRIGHT. Not until I finish my speech. I should have been through long before this. We passed three bills. Perhaps I should not yield so readily. I am too easy. I have not got through my speech and it is not a long one, only 20 pages. I could have finished it in 30 minutes if I had not been interrupted. The chairman of the Finance Committee interrupted me, and now there is this request, and there were two others. When I finish I shall be glad to talk.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the majority leader? Without objection, the order is entered.

The unanimous-consent agreement, reduced to writing, is as follows:

Ordered, That, immediately after approval of the Journal on Tuesday, August 12, 1969, the Senate shall proceed to the consideration of the bill (S. 2721) to amend the Higher Educaiton Act of 1965 to authorize Federal incentive payments to lenders with respect to insured student loans when necessary, in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education, and that debate on the amendment to be proposed by the Senator from Colorado (Mr. DOMINICK) to Section 2 (a) (6), on page 7, beginning with line 11, shall be limited to one hour, to be equally divided and controlled by the majority and the minority leaders.

Provided further, That debate on all other amendments shall be limited to ½ hour, to be equally divided and controlled by the proponent of the amendment and the manager of the bill, or someone designated by him.

Ordered further, That debate on the bill shall be limited to one hour, to be equally divided and controlled by the majority and minority leaders.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. FULBRIGHT. Mr. President, without interruption, I would like to finish my speech. The Ataturk study is a fascinating one. I want to read some of the Ataturk study. This is the official summary:

SUMMARY

The Turkish Revolution led by Ataturk can be divided into two phases. During the first stage that began with Kemal's arrival in Anatolia in May 1919, religion and nationalism combined to provide the fervor and elan for a successful war of independence. The sovereignty of the Turkish nation was secured against foreign enemies and their domestic collaborators, and in October 1923 the Turkish republic was formally proclaimed. The second phase of this revolutionary upheaval lasted until Kemal's death in 1938 and involved a series of far-reaching political, legal and social reforms aimed at achieving the Westernization of Turkey. This program of radical reform deprived Islam of its political role and resulted in the construction and consolidation of a secular Turkish state. Both phases of this revolution had roots in the Ottoman period; in some ways the revolution of Ataturk was the culmination of a process of gradual reform that had begun well over one hundred years before the collapse of the Ottoman empire.

ABSTRACT

Beginning with a brief discussion of the decline and fall of the Ottoman Empire, the report analyzes the interplay between Ataturk and the forces of religious traditionalism in the Turkish revolution. Special attention is given to the role of religion in the struggle for national sovereignty that ended in 1923. The report concludes with a brief discussion of the position of Islam in contemporary Turkish society.

That is a current study, as current as any of them can be. It is a part of an ongoing project called "Ideology and Behavior."

This may be perfectly proper for the Union Theological Seminary, but I say it has no place in a defense-supported research project, which taxpayers pay for, usually at three times the amount it could be done for at Harvard, Yale, or the University of Arkansas. I think it is nonsense, frankly.

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. McINTYRE. All these programs seem to begin in fiscal year 1966 and terminate either in 1970 or 1971.

Mr. FULBRIGHT. This particular group does.

Mr. McINTYRE. The group the Senator has mentioned.

Mr. FULBRIGHT. That is right.

Mr. McINTYRE. He says they are current. I say we are here considering the fiscal year 1970 budget. It is also very difficult for me to know in what area of the social behavioral science research field he is involved, but I assume it must be policy planning. I have to take a wild guess at that. All he would say is, this includes your FCRC's and your universities.

The first thing I wish to point out is that what I was concerned with on the committee was the amount of programs and projects we have in effect during fiscal 1970 programs and projects that we are initiating and have underway.

For the Senator's information, we took $700,000 out of their $6.4 million request. We cut this budget 11 percent. The Senator's amendment, as I understand, proposes a cut of some $3 million.

This, as far as I can see, after a program has been as well scrubbed down as this one, would be so devastating as to bring it practically to a point of cessation.

Mr. FULBRIGHT. Programs of this kind ought to be ceased. That is the point I am making. I am not saying, "let us dispense with half of these." I have not read all of them, but I shall put the list in the RECORD at the conclusion of my remarks. They are descriptions of projects, and they ought to be ceased as a function of the Defense Department.

Mr. McINTYRE. What the Senator has done, of course, is pick out four or five, talking about Ataturk and Turkey, or some other things that had fancy names.

Mr. FULBRIGHT. No, those five are in one project.

Mr. McINTYRE. If the Senator will allow me to respond——

Mr. FULBRIGHT. Certainly.

Mr. McINTYRE. What he is doing is picking out four or five programs, singling them out for attention, and trying to cast innuendos about this very important part of the Defense Establishment.

Mr. FULBRIGHT. I certainly did not intend any innuendo. I intended to make a direct, flat statement that this is unjustified, unrelated, and ought to be stopped, as far as the Defense Department is concerned. What is the innuendo about that?

Mr. McINTYRE. The innuendo is that the Senator is going to put in the RECORD the list of the rest of the programs, but he is not going to read them out here.

Mr. FULBRIGHT. I will read them all, if the Senator prefers.

Mr. McINTYRE. I am ready to listen to them.

Mr. FULBRIGHT. The Senator is?

Mr. McINTYRE. Yes.

Mr. FULBRIGHT. Nobody else is. It will take a while to read them.

Mr. McINTYRE. We have heard about Ataturk. What else does the Senator have?

Mr. HART. Mr. President, will the Senator yield at that point?

Mr. FULBRIGHT. Yes, I am happy to yield.

Mr. HART. I ask the Senator from New Hampshire, why should we get the last chapter on Ataturk? Why do we not stop where we are?

Mr. McINTYRE. I think the simple reason is that the vastness of this program of research gets to the point where, if we are not on the subcommittee which is looking into the matter, we do not have time to sit down and have the definitive story told us on every one of these programs. Is it all right for the Senator to come in and say, "Let us cut them all out"?

Mr. FULBRIGHT. The Senator is quite correct, and that is why I say he certainly should not take this as a criticism, at all.

Mr. McINTYRE. I do not.

Mr. FULBRIGHT. He certainly does not have time to look into these. These are activities that have no business being before the Committee on Armed Services. Nobody in the Committee on Armed Services has ever taken the time to look into them. Neither has the Bureau of the Budget. I asked Mr. Schultze, the Director of the Budget, whether he had looked over these projects. He said, "No." This was when he was the Director, last year. I asked him in open session, before the Committee on Finance, and that is what he told us.

If the Senator would like, I will read a few more.

Mr. McINTYRE. I think the Senator should read a few more. I do not know what he is talking about.

Mr. SYMINGTON. Mr. President, will the Senator yield to me at that point?

Mr. FULBRIGHT. I yield.

Mr. SYMINGTON. First, Mr. President, I commend the able Senator from New Hampshire for the superb work he did as chairman of the subcommittee, this year. I mean that with great sincerity. His subcommittee's effort and the report by the distinguished junior Senator from Nevada on technical airpower probably represent the finest work that has been done by this committee in a long time.

As I remember it, as a result of the work that was done by the able Senator from New Hampshire, in the taxpayers' interest, he has cut this budget by about $1 billion; is that not correct?

Mr. McINTYRE. That is correct; and on this particular program we have cut it back 11 percent.

Mr. SYMINGTON. As I understand it, what the Senator from Arkansas is saying, after his investigation, is that he would like to take an additional $45 million of this total budget, roughly; is that correct?

Mr. FULBRIGHT. That is correct. Spread over the various items. I stated it precisely in my opening comments.

Mr. SYMINGTON. So, therefore, what he is asking to take out of the research and development budget, after his study, is much less than one-half of 1 percent of what the able Senator from New Hampshire thought could be taken out, without affecting our national security.

I only mention that because I, too, was interested, a couple of years ago, in some of these problems. I believe they came up in a hearing of the Appropriations Committee, where there was a question about a considerable amount of money that was spent on a study of women divers in Korea. I questioned it, if the Senator remembers, and we were investigating why they did it. It turned out there was a pretty good reason: they dive in colder waters than divers in any other part of the world when they dive, I believe, for pearls.

I have not been present for most of this debate, but I think the Senator from New Hampshire has done a superb job in saving a billion dollars. We have been looking at these social sciences for a long time. If the Senator from Arkansas thinks he can add $45 million to that $1 billion, I would hope the facts could be dealt with on their merits, and not through any impingement on an already superb accomplishment.

Mr. McINTYRE. The difficulty is that the Senator from Arkansas comes in with some of these choice ones. All of a sudden, somebody asks, "Why are we studying why South Korean women can dive in cold water?"

The reason we studied this was that it apparently had little effect on their hearing. The actual facts support the study, but the question itself casts aspersions on all the rest of the program.

The committee on which the Senator from Missouri serves, as he knows, cut $700,000 out of this $6.4 million, and brought it down to $5.7 million. On top of that, the amendment of the Senator from Arkansas requests that we go further, and cut out another $3 million, bringing it down to $2.7 million. That is much too drastic, particularly in the face of the hard look we took at it.

Mr. FULBRIGHT. Mr. President, it depends on whether it is justified. If it is a big program that was proliferated without attention from anyone, then it ought to take a hard look.

Let me point out that this is not new with me. A year ago when the bill was being considered, I raised the question on the floor with the Senator from Mississippi.

The Senator from Mississippi will recall that we discussed the matter. And he said that he was going to look into it and have a study made. I congratulate him because he did so. All I say now is that I do not think it went far enough, in view of all of the overall circumstances of the government and the nature of the studies and the fact that the studies have no relevance whatever to military responsibility. That to me is the determining thing. I do not actually believe that anyone at this late date should be spending much money on looking into Ataturk's experience.

This has been studied from A to Z. Everyone knows about it.

The Senator said this is a peculiar one. I do not see the relevance of the "Sinhalese Buddhism Revolution of Ceylon," which is part of the same project.

It seems to me unrelated to military function.

Mr. McINTYRE. Is that part of it?

Mr. FULBRIGHT. This is one of the five parts of the "Ideology and Behavior" study.

If the Senator wants a different one, here is "Changing Roles of the Military in Developing Nations."

This is a completely different project. The contractor here is CRESS, which is the research center associated with American University. This one is dated February 1969. That is about as late as we can have.

It is entitled "The Chinese Warlord System: 1916 to 1928."

The author is Hsi-hseng Chi, assistant professor of political science at the University of North Carolina.

I will not read all of this just the foreword:

> FOREWORD
>
> This study was conducted under a program designed to encourage university interest in basic research in social science fields related to the responsibilities of the U.S. Army. The program is conducted under contract by The American University's Center for Research in Social Systems (CRESS), and CRESS in turn has entered into subcontracts supporting basic research in a number of major universities having a marked interest in one or more of these research fields.
>
> The research program was formulated by CRESS in terms of broad subject areas within which research would be supported, with the scholars themselves selecting specific topics and research design and utilizing information normally available to academic and private individuals. Under the terms of the subcontract the authors are free to publish independently the results of such research.
>
> In this study Hsi-sheng Chi describes the military aspects of the political contest for control of the central government in the context of the disorganized sociopolitical structure of China from 1916 to 1928. It was prepared at the University of Chicago's Center for Social Organization Studies under the supervision of Professor Morris Janowitz, principal social scientist for research conducted under subcontract between CRESS and the university.
>
> The report is a useful corrective to the popular image of the Chinese warlords during this period of their greatest activity. The study points out that the warlords were not merely military men exploiting China's condition for private gain in their various domains, nor were they seeking to destroy or replace the central government in the classic pattern under which many Chinese dynasties have historically emerged.
>
> To keep his study focused on the theme of the warlord system, the author chose not to deal with the activities of the incipient Chinese Communist Party during the 1916–1938 period.

I submit that kind of activity is unrelated to the Department of Defense. It is a kind of good will offering to various universities. I suppose, of course, that they would be appreciative of the Department of Defense and its good judgment.

That, as I say, is a different one. I have a lot of them. I do not think the Senator is interested in my reading them all.

The Senator will remember that my point is that these are not military-related investigations. They have nothing to do with the responsibility of the Department of Defense, so far as I am able to see.

I have not read all of the summaries. Here is a long one in that same project on "Gandhi, Nonviolence and the Struggle for Indian Independence." It is a very interesting subject, but it has nothing to do, in my opinion, with the military department. And that is true of most of these.

I have a great variety of them here. I will have them printed in the RECORD at the conclusion of my remarks for people to read and determine their relevance to military responsibility.

I point out that I hope the Senator from New Hampshire does not take any of this as a reflection upon him or his case.

This has grown up over the past 25 years, just as a lot of this has, without any supervision. This is not the responsibility of the Senator from New Hampshire or of anyone else in particular.

It grew like Topsy. They had the money. There was a period during which we were so rich that we thought we could afford anything.

I confess to being a party to the distortion of our priorities. However, I now think that influence of the military in our Government has gone beyond all reason.

The Senator says that they cut this 11 percent. Is it not a fact that the budget had been increased over the past year's program by 5 percent?

Mr. McINTYRE. It was reduced by $500,000.

Mr. FULBRIGHT. Under what figure?

Mr. McINTYRE. In the policy plans, $6.9 million.

Mr. FULBRIGHT. I think for the last 2 preceding years the budget request at least had been increased.

I am interested in an exchange program. It has been cut 67 percent in Western Europe. It has been practically eliminated. It was only $56 million. And then it was $46 million. It is now $31 million. It is practically nothing.

But Department of Defense programs have gotten so big that they juggle around sums of $700 million or $500 million just as if it were a pittance.

Our Government loses its sense of perspective on military programs.

All I am trying to do is to bring this back into perspective. One way is to disassociate the Defense Department from sociological and ideological studies. They have nothing to do with it.

We could not do anything about the ABM, which we all grant to be defective, but it is at least a military program. These programs are not even military.

Mr. McINTYRE. Mr. President, will the Senator from Arkansas yield, so that I may answer his question?

Mr. FULBRIGHT. I yield to the Senator from New Hampshire.

Mr. McINTYRE. In fiscal 1969, the amount was $6.9 million. This was reduced to $6.41 million for fiscal year 1970. As I have said, that amount has already been reduced by the committee some $500,000, to make the amount about $5.9 million.

Mr. FULBRIGHT. The Senator is talking about two categories.

Mr. McINTYRE. I am talking about policy planning studies. I am trying to keep the Senator in one avenue without going to others.

Mr. FULBRIGHT. My bill relates to the total for 1970. In the total of the items for social and behavioral sciences and research studies there was an increase.

But the point I make is that we do not want to go off on the assumption that we are dealing only with a slight cut in a perfectly valid program. I am actually raising a question as to the justification for practically all of this program. I should like to have gone further than I did, but I comprised my principles in the hope that I could get something done toward redirecting the research activities of the Defense Department to defense matters and taking it out of unrelated matters.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the chairman of the committee.

Mr. STENNIS. I appreciate the Senator's concern about this subject. I have already stated that our report suggests that we are going to undertake to transfer many of these items next year. In all sincerity, I propose to the Senator that he go through the hearings and pick out the items that he thinks should not be in the military section, and then of that group pick out the ones he thinks should come under the Department of State. If he will then join in an amendment taking them out of this bill, and if an authorization bill is required, he will have time in the Committee on Foreign Relations to hold hearings and purify the whole atmosphere. He can throw out the ones he does not want in this bill and then submit a definite report recommending an authorization.

Supplemental appropriation bills are coming along all the time. It is my privilege to be a member of the Committee on Appropriations. I will guarantee the Senator that I will fight to place in one of the supplemental appropriation bills any appropriations he may have approved in an authorization bill. That will get to the heart of the matter. It is the best way to have it properly considered.

I urge the Senator to consider the proposal seriously. I am satisfied that our committee will not be able fully to satisfy the viewpoint of the Senator from Arkansas. I say that with all deference to him, but here is a chance, really, to satisfy him with respect to items that relate to the State Department.

Mr. FULBRIGHT. I appreciate the Senator's comments.

First, I may say that I do not think a number of these should be transferred anywhere, if they are to be done at all. If they have any validity, they would be done by places such as Columbia, Harvard, and so forth. They have nothing to do with the State Department or the Defense Department. But since we are talking about a particular bill—well, I have described them as best I can. I do not see why there is any need for the State Department to pay money for research involving Ataturk government; I really do not.

Mr. STENNIS. I see that.

Mr. FULBRIGHT. I do not think that is valid.

I certainly will take under consideration the suggestion of the Senator from Mississippi. I think he genuinely would like to see this reform. Last year he told me that he would. I sense that he is sympathetic to the objective. Of course, I realize that once these things become imbedded in a great program, it is not easy to get them out. It is very difficult, indeed.

Mr. HART. Mr. President, will the Senator yield?

Mr. FULBRIGHT. We are dealing with such vast sums when we get into the Pentagon and this appropriation, compared with all the others, that it is hard to get back a sense of perspective.

We voted, a moment ago, $75 million just for what in political terms they call a slush fund, for no certain purpose; just a contingency fund. But the $31 million I mentioned a moment ago is for a program that has been going on 20 years, for 41 countries; and the cutback imposed means the death of about half of those programs.

I yield to the Senator from Michigan.

Mr. HART. Mr. President, I am sorry that the able chairman of the Committee on Armed Services temporarily has had to leave the Chamber.

Mr. FULBRIGHT. He said he had a telephone call.

Mr. HART. But while the Senator from New Hampshire is in the Chamber, permit me to make a comment that reinforces the Senator from Arkansas' expression of appreciation to the Senator from New Hampshire which he voiced a few minutes ago.

To get this matter into perspective, to figure out where we are and how far we have come, and then to take up the problem of how much further we have yet to go, I turn our minds back more than a year ago to the day when this bill was before the Senate in 1968. It was in April of 1968. The Senate had just enacted the surtax, with its direction that budgeted expenditures for that fiscal year be reduced by, I think, $6 billion. At that time, the report of the Committee on Armed Services accompanying the authorization bill reminded us that the Department of Defense had to share the burden of disciplining itself with respect to expenditures.

I recall sitting in the Chamber. The Senate had just acted, as I recall, on an agriculture bill to which a number of us had sought to attach some money to feed children during the summer, when schools were closed but stomachs still functioned.

Leafing through the report of this committee, a year ago in April, to the caption "Research, Development, Test, and Evaluation," we discovered that there was not any disciplining of the Pentagon on research and development proposed last year; rather, they proposed to increase it some $750 million, to close to a total of $8 billion.

I recall asking the able Senator from Mississippi, who was handling the bill, why the increase. He said, "Well, some of it was bookkeeping adjustment." The actual increase proposed to be authorized was only $508 million.

Mr. FULBRIGHT. A pittance.

Mr. HART. I offered an amendment at that time to hold the research and development figure at the then current level, which was somewhere between $7 and $8 billion. I am not sure precisely where it was.

The Senate—this indicates how far we have come—discussed that amendment for perhaps a couple of hours. I doubt that it was any longer. The Senator from Arkansas expressed a concern; others did. On a rollcall, the Senate rejected that amendment by three votes. So last year we were not able to hold the Defense Department to the then level of research and development spending authorized.

How far have we come? This year—and this goes to the contribution that the Senator from New Hampshire has made—the Committee on Armed Services itself has recommended a reduction of more than a billion dollars in research and development. That is progress in anybody's book.

Mr. FULBRIGHT. It certainly is.

Mr. HART. And it is largely a reflection of the leadership the Senator from New Hampshire took to try to get hold of this massive, surging—I guess that is a good way to describe seven and a half billion dollars that is running around the country for research purposes—area. He has done, indeed, a magnificent job.

Mr. FULBRIGHT. I agree with the Senator.

Mr. HART. He is able to cut a billion dollars where the Senate itself last year would not support our effort to maintain the then level.

So, first, we should understand the progress that has been made. I am thinking about the ABM vote, comparing it with the vote a year ago on research and development, which we lost by three votes. Even-Steven a few days ago on ABM. These defeats nonetheless have their long-term purpose.

Back to research and development: What is wrong with the effort now being made by the Senator from Arkansas, if in fact we can spot additional research and development which appropriately should not be charged to the Defense Department? An argument can be made as to whether somebody else should get the final chapter on Ataturk's government, not the Department of Defense. Why, if we can highlight the remaining research efforts which seem imprudent to authorize, should we not go ahead and do it? It, indeed, will be a very minor addition to the magnificent work of the Senator from New Hampshire, but it nonetheless will be some additional progress.

Mr. FULBRIGHT. I think the Senator has put it very well. I have said time and again that I do not mean any criticism of the Senator from New Hampshire—and the Senator from Mississippi, also.

Last year when I raised this matter—I confess that it was the first time I raised it—the Senator from Mississippi said, "I am going to look into it and make an effort." He did look into it. And he, with the Senator from New Hampshire, made a good effort.

I am trying to go further than that. Of course, we want to save the money, but I feel that to go into this area, for the military to do so, gives a wrong direction to our life. It gives a wrong impression to our university people, to our young people, and to other people of the militarization of the life of this country.

The Senator from Mississippi made a very moving statement this morning about our security.

I do not disagree with him about security. I only state that there is a lot more to security than simply military hardware. The health of our internal educational system, the health of our internal social system in all its aspects, our economy, all of it, are a part of it. A strong security stance cannot be maintained if justice is not done to the rest of our society. It is one entire ball of wax. It is not only defense. I think we have gone so far because of these recurrent crises in the foreign field involving military action that we have gotten our sense of perspective a little out of focus.

Here is one aspect of it that I do not think for a moment would harm our defense posture. I do not think the projects we have studied add one iota to the defense of this country. I think that is wrong.

I have said I have been guilty in the past of taking the attitude that our colleges and universities have been starved and needed to get money for the vast number of new students; that if the only way they could get it would be to take a handout from the Pentagon I would not complain too much. I have always supported Federal aid to education.

However, I have come to reconsider that approach for a variety of reasons. One of the main reasons is to get away from this attitude that the military has an undue influence in our universities. I have told about the visit of the students from MIT. Senators know about the riots. One aspect has been the fear on the part of students that the military dominated our society. I realize that the war has contributed to the situation. This is only one little segment of Defense activities I am talking about. It is not much we are asking.

As the Senator from Michigan said, "You have done a good job, but I think you can go further in these restricted areas." The amount is small. I hesitate when we deal with big sums.

I feel I am nit-picking when I ask for a cut of $45 million. On the other hand, the Senator from South Dakota and I would love to pick up $5 or $10 million to keep the exchange program alive. In that context it is a lot of money. To contemplate you could get that amount here for that program is beyond anyone's dream. Forty-five million dollars is a large sum of money, except with respect to the Pentagon, there it seems small.

I suppose people think I am nit-picking to save $45 million. But in addition to that I would like to get the Pentagon out of the business of subsidizing our liberal arts institutions. I used to think it would be a good idea because they were so poor they could use some help from the Defense Department. However, I feel the military has become too powerful in our entire society.

I am not trying to engage in commercialism, but I picked up Look magazine this week and most of it is devoted to the subject.

I would like to make a small contribution toward the rehabilitation of this country, and of returning to a humane society where the military has a place—but not the dominant place—in the Government.

I think this research program is an important area because much of it is in the academic field. What we do on programs like this will have much to do with the attitudes of this and future generations. That is the best explanation I can give.

Under the leadership of the Senator from New Hampshire we have made progress and I think we can make more progress.

I shall complete this part of my speech and insert in the Record the remainder of these projects. I might mention a few others in case anyone thinks that is the only one I have.

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. McINTYRE. Regarding the $700,000 cut that the committee recommended in this area against the $6.4 billion request, is it not possible that all those horrible examples may be the ones to go under the knife that the Department of Defense will cut out?

Mr. FULBRIGHT. I hope so.

I will describe a few of the others.

Another project, entitled "Social Change as a Result of Modernization," was designed, the description stated:

> To determine most effective uses of DOD aid to developing nations so that conflict between traditional cultural values and pressures toward modernization are minimized.

The completed reports on this project are entitled:

> 1. "Institutional Obstacles to Industrial Development in Peru"
> 2. "Peruvian Managers Opinions on Problems of Industrialization"
> 3. "Some Advantages and Disadvantages of Small Scale Industry in a Highly Industrialized Economy"
> 4. "The Decline in Paternalism Among Peruvian and Japanese Laborers"
> 5. "Mutual Obligations Between Management and Workers in Peru"
> 6. "Some Organizational Adaptations to Labor Problems in Peru"

With respect to Peru it was no more than a couple of months ago, I believe, that the Peruvian Government invited our representatives to leave the country. Senators will recall the furor in Chile in connection with Camelot. I believe these activities contributed to the deterioration of our relations with these countries. These studies may have some intellectual value. I doubt that they are relevant to anything. We know that in Peru our relations recently hit an all-time low. Certainly research activities like this do not help the situation.

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. McINTYRE. That is an excellent study that the State Department might be interested in. It was in the area the chairman said he would like to transfer many of these programs. It might do the State Department good.

Mr. FULBRIGHT. I do not know what they have relevance to. I do not know what use the State Department would have of it, outside of a scholar writing a thesis for a Ph. D. Anything can have relevance to that.

After receiving a vast number of these completed research reports, I asked the Department of Defense to tell me how much each cost. After a month and a half of deliberation, the Department, in a letter of July 24 from Dr. Foster, finally told me that it did not know.

> Any effort to isolate a cost figure for a given report would be arbitrary and probably would not represent the actual costs involved—

Dr. Foster's letter said, adding—

> nor would a cost estimate represent a measure of the payoffs from the research.

I can well understand the Department's reluctance to put a price tag on, or try to assess the military benefits of, a report like "The Ataturk Revolution in Turkey." How can the Senate, or the public, be expected to assess the value of this research when neither we nor the Department of Defense knows how much it costs? I ask unanimous consent to have the letter printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Director of Defense Research
and Engineering,
Washington, D.C., July 24, 1969.
Hon. J. W. Fulbright,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: This letter is in response to your request of June 10, 1969, for the costs of the individual research reports sent to you on 4 June 1969.

The reports which you received were produced from projects designed to provide a number of outputs of significance to DoD including: (1) a variety of technical reports and papers, in addition to a major final report covering the research and studies undertaken; (2) interchange between DoD officials and technical personnel in a position to lend an outside perspective to DoD problems; and (3) continued development of research results and capabilities relevant to DoD responsibilities. Funding of these projects is based on a total project cost, with such multiple outputs anticipated. Any effort to isolate a cost figure for a given report would be arbitrary and probably would not represent the actual costs involved. Nor would such a cost estimate represent a measure of the payoffs from the research.

In the case of projects not yet completed and for which only interim reports are available, significant results can be expected in the future. In the case of completed projects, the final report represents only a portion of the total output. For example, in one project funded over a period of 9 years, a total of 29 technical reports, 12 scientific journal publications, and significant contributions to a book were produced in addition to the final report which you received.

The total funding to date in the projects represented by the reports you requested was $11,530,408, covering a period of more than 15 years.

If you desire any further clarification on this matter, please let me know.

Sincerely,

G. L. Tucker.
(For John S. Foster, Jr.)

Mr. FULBRIGHT. Mr. President, the proliferation of Defense-supported research in foreign areas is illustrated by what has taken place in Thailand. The research bibliography for Thailand is 63 pages long and lists 508 separate reports. Much of this research was really foreign aid and should have been charged as such. The General Accounting Office recently found that in a country in South Asia, whose name I cannot use because of the security classification put on by the Defense Department, the Department had undertaken to spend $4.2 million on nine social science research projects which the GAO believes should have been charged against foreign aid. I do not believe that the Department of Defense should dispense foreign aid through a research program.

Mr. McINTYRE. Is not the Senator talking about some past history? Are not these programs which were years ago?

Mr. FULBRIGHT. There is no way for me to foresee the future. All I can talk about is past history and what has been done. If I were a prophet and could tell the Senator what is going to happen next year, I would talk about it, but the Senator knows I can talk about only that which has happened.

Mr. McINTYRE. The Senator is talking in a foreign area, regarding security. This area is less than a $1 million figure. There is also less than a $1 million figure for Korea and Thailand. That is for fiscal 1970. What the Senator is talking about happened a year or two ago.

Mr. FULBRIGHT. I have a list in my hand right now. I am glad to show it to the Senator. It is secret. It concerns Project Agile. If the Senator will come over here, I can show it to him because it is against the law for me to read it into the record. It is a research project. I am not at liberty to talk about it.

Mr. McINTYRE. Not the Agile program.

Mr. FULBRIGHT. It is a current program. It is not past history. Here it is.

Mr. McINTYRE. The Agile program is a counterinsurgency study.

Mr. FULBRIGHT. It is called that. The GAO, as I told the Senator, says it looks like foreign aid. We can make a play on the words about it. If it were actually foreign aid—and that is what it is, at least the GAO thinks it is, and it strikes me that way too.

Mr. McINTYRE. If the funds are cut, this program will have to bear the brunt of that cut.

Mr. FULBRIGHT. I am glad to hear that, but if the Senator wishes to look at this specific thing I am questioning, it is right here. It is secret. It tells the situation and some of the things that we cannot mention the precise name of. I can assure the Senator that this is not dreamed up. As to the statement about Thailand, the Senator does not question that, I believe.

In the next fiscal year the Department of Defense proposes to spend $7,547,000 on research about foreign areas. Yet only $125,000 is budgeted for external research by the agency responsible for our Nation's foreign affairs, the Department of State. The entire budget for the State Department's Bureau of Intelligence and Research is only two-thirds the $6.2 million budgeted by the Defense Department for foreign policy research. It is obvious that the Department of Defense is involved in many research activities simply because it, and not the Federal agency with proper jurisdiction, has the money available. Although the Armed Services Committee has recommended that efforts be made to transfer some of this research to other agencies, particularly the Department of State, I believe it will find that much of this work is of no interest to other agencies when they must foot the bill.

Another aspect of the military research program which merits a drastic reduction is research carried out by foreign institutions, primarily colleges and universities. According to the Defense Department, 440 research projects are now underway in 44 foreign countries throughout the non-Communist world. The sum of $5.7 million is budgeted for foreign research in 1970 and a staff of 100 Defense Department employees is stationed abroad just to look after the program. There is trouble aplenty over military research being carried out in our educational institutions and there is no need to ask for the same kind of trouble in 44 other countries. A compelling need in our foreign affairs today is to make the American presence abroad less visible; we do not accomplish that by linking foreign universities to our Military Establishment.

Finally, I wish to mention a specific aspect of Defense Department research arrangements with American universities. Of the top 500 defense research contractors, 99 are educational institutions and the Defense Department's 1970 budget for university research would be increased by 20 percent over last year, to a total of $306 million. But I wish to discuss only one small part of that effort, Project Themis, the Department's program to build up the science departments, physical and social, of universities around the country which do not now do much research for the military. The budget request for Themis is $33 million, up 12 percent over 1969, and will support continuation of 92 projects at 52 universities and colleges, plus allowing initiation of an additional 25 projects. Admiral Rickover, in discussing this project last year said:

> Now it seems to be the most farfetched reasoning to conclude that it is the Department of Defense that must help develop these sciences and train these scientists. The result of a project like Themis is that there will be university professors who get additional money besides their university salaries—money given them by the Department of Defense and therefore to some extent beholden to the military. This strikes me as most undesirable.

Project Themis could be cut back drastically with no ill effects to the Nation's defense posture. The Department of Defense is not the proper agency to provide Federal aid to education.

Mr. President, our constituents are growing increasingly bitter over continued increases in taxes, waste in defense spending, and the lack of funds for urgent social needs. We have just passed a bill to extend the 10-percent war tax. I believe that we owe it to the taxpayers to eliminate all unnecessary spending and that these Department of Defense research activities should receive the same critical questioning they would receive if they were being financed by other Government agencies.

The committee has recommended an 8-percent cut in the military sciences item, the funding source for most of the programs I have discussed. This is but a slap on the wrist and I think that the circumstances call for a more meaningful reduction in nonessential research activities. I propose that the Senate cut this category by an additional 7 percent to, in effect, impose a 15-percent surtax on these programs, with the cuts to be allocated between the Federal contract research centers, particularly the nonphysical science activities of these organizations; other social and behavioral science work; foreign research; and

Project Themis. My amendment would also reduce by $5 million the funds for Project Agile, the overseas research which is funded under the "Other equipment" category.

It cannot be said that the amendment ties the hands of the Defense Department since each service will be left with considerable flexibility to distribute the cutback within these general areas. I might add that, under provisions of this bill, the Department of Defense will still have a $75 million emergency fund to play with, if the Senate's action today is held up in conference. This is still half again as much as was voted last year.

It is time that the Senate took a hard look at what the taxpayers' money is being spent for in the Defense research program. This amendment is but a small step—but it is a step in the right direction.

I urge the Senate to adopt it.

Mr. President, I ask unanimous consent that an article in the June 27 issue of the New York Times, entitled "Think Tank Offers Modified Policy For Vietnam," to which I referred in my comments, be printed in the Record; and in addition the summaries of a number of other recent research projects of the type I have been discussing.

There being no objection, the material was ordered to be printed in the Record, as follows:

"Think Tank" Offers Modified Policy for Vietnam

Washington, June 26—A proposal for a modified strategy in Vietnam, conceived by a "think tank," is circulating at high levels in the Nixon Administration.

The authors of the plan, at the Hudson Institute in Westchester County, N.Y., are said to maintain that it could cut American casualties to a handful, make the war "acceptable" in the United States and either increase chances for a peace settlement or offer a long-term chance of "winning" the war.

The proposal includes a reduction of American forces to 100,000 or 200,000 men by the middle of 1971, reliance only on volunteers, extension of the tour of duty to two years for each soldier and construction of new types of "death-belt barriers" around Saigon and along the Cambodian border to block infiltration. It also calls for new combat tactics.

Officials said that the institute's proposal had grown out of a series of studies in Vietnam financed by the Defense Department. The principal architect of the new approach is Herman Kahn, a witty, rotund physicist who made his reputation as a nuclear-war strategist.

BROAD RANGE OF STAFF

The Hudson Institute, situated at Croton-on-Hudson, is a small, independent organization that makes analytical studies for Government departments and private industry. Its staff includes physicists, economists, social scientists, mathematicians and former members of the diplomatic, intelligence and military services.

Administration officials who have attended briefings on the plan in recent weeks at the Pentagon. The State Department and the White House say it combines old and new ideas in a wide-ranging package that has "considerable appeal."

One official said that while is was unlikely the whole package would be carried out, some of the ideas were "being woven into the fabric of our strategy." He declined to say which ones.

Reached by telephone today, Mr. Kahn said it would be "inappropriate" for him to discuss the plan. But others who have heard his briefings filled in some details.

The Hudson plan would cut the present force of 540,000 American servicemen in Vietnam over the next two years to a strength of 100,000 to 200,000. Half of these would form a strategic reserve force of two to three combat divisions that would be pulled back to the coast. It would be available primarily to reinforce South Vietnamese troops if North Vietnam suddenly moved a large new invasion force into the country.

MORE SPECIAL FORCES URGED

The rest would be in tactical fighter squadrons, helicopter companies, long-range artillery batteries and logistics units. Their job would be to support the South Vietnamese military units that would take over the principal burden of fighting the war.

This breakdown is similar to the concept already tentatively accepted by the Administration in its long-range planning, officials say.

But the Hudson plan differs in some details. For example, it would double or triple American Special Forces units in Vietnam to build larger units of irregular Montagnard tribesmen to roam the desolate border regions of the country, harassing enemy troops. At present, the Administration is cutting down on Special Forces as more and more of the irregular units are turned over to South Vietnamese leadership.

The Hudson plan would deemphasize large-unit sweeps through enemy base camps, substituting many very small patrol actions lasting several days each. When a patrol found an enemy force or camp, it would call in air strikes and artillery fire.

Most large South Vietnamese military units would be drawn back toward the populous coastal plain. There they would provide a screen behind which local troops and a much enlarged police force would provide greater security by setting up thousands of night ambush positions to catch enemy guerrillas and agents trying to slip in or out of the populated regions and to root out the Vietcong's undercover agents in the villages.

Mobile reaction forces would be put on call around the clock to reinforce any position that was attacked by a sizable enemy force.

A novel part of the plan calls for construction of two deep fortified canals. One would run along the Cambodian border from the Gulf of Siam to a point west of Saigon where it would veer eastward and connect with a similar canal around the periphery of Saigon.

The earth dredged from the canals would form a bank 50 yards high. Two chainlink fences would be built, one on the canal side of the slope, the other along the top of the bank. The far bank of the canal would be fortified with barbed wire, minefields and electronic sensors. Heavy air strikes and artillery barrages would be brought down at any point where an attempt was made to breach the barrier.

Social Change as a Result of Modernization

Description: To determine most effective uses of DOD aid to developing nations so that conflict between traditional cultural values and pressures toward modernization are minimized. Transfer to non-DOD agency under discussion.

Contractor: Kalamazoo College.

Fiscal Year: Start 1966; end 1970.

Cost: Unknown.

PERUVIAN MANAGERS' OPINIONS ON PROBLEMS OF INDUSTRIALIZATION

(By Stillman Bradfield, Kalamazoo College and Anibal Del Aguila Peru-Kalamazoo Project, 1967)

Abstract

This paper contains a brief analysis of part of a questionnaire administered to 100 graduates of an executive development program in Lima, Peru. They were employed in many different sectors of the economy, and half were at least part owners of the company where they worked. It focusses on managers' opinions as to the major problems they face on their jobs, and their opinions as to the major obstacles to industrial development in Peru. The most important single on-the-job problem they identified was in the area of finance, followed by production and sales. In general, they did not perceive accounting, industrial relations, administration and organization, or government regulations and controls, as important problem areas in their companies as compared with the first three mentioned. A closer examination of the problems within these areas indicated that they felt that most of them were outside their area of control, and most commonly outside the influence of the company.

Social Change as a Result of Modernization

Description: To determine most effective uses of DOD aid to developing nations so that conflict between traditional cultural values and pressures toward modernization are minimized. Transfer to non-DOD agency under discussion.

Contractor: Kalamazoo College.

Fiscal Year: Start, 1966; End, 1970.

Cost: Unknown.

SOME ADVANTAGES AND DISADVANTAGES OF SMALL-SCALE INDUSTRY IN A HIGHLY INDUSTRIALIZED ECONOMY

(By Stillman Bradfield, Kalamazoo College, and Anibal Del Aguila, Peru-Kalamazoo Project, 1967)

This work was carried out under financial support from the Advanced Research Projects Agency, Department of Defense. The contract with Kalamazoo College is administered by the Group Psychology Branch of the Office of Naval Research.

Abstract

The survival of many of the small scale manufacturers in Kalamazoo is explained in terms of the special flexibilities and opportunities they possess which enable them to isolate themselves from the competition of larger producers, and occupy a special niche in the market. Close, personal contact between the owner-manager of a small manufacturing plant and his employees, suppliers and customers enable him to give special attention when required, and also to be able to obtain good technical advice when needed. Inefficiencies resulting from a lack of specialization of personnel are in part compensated for by the costs avoided when the manager fulfills all of these functions himself.

Social Change as a Result of Modernization

Description: To determine most effective uses of DOD aid to developing nations so that conflict between traditional cultural values and pressures toward modernization are minimized. Transfer to non-DOD agency under discussion.

Contractor: Kalamazoo College.

Fiscal Year: Start, 1966; End, 1970.

Cost: Unknown.

THE DECLINE IN PATERNALISM AMONG PERUVIAN AND JAPANESE LABORERS

(By Stillman Bradfield, Kalamazoo College, 1968)

This work was carried out with financial support from the Advanced Research Projects Agency and The Wenner-Gren Foundation. The Contract with Kalamazoo College is administered by the Group Psychology Branch of the Office of Naval Research.

Abstract

This study compares questionnaire responses of Peruvian and Japanese laborers with respect to their opinions of their duties to their companies and their companies' obligations to them.

Workers in both countries see management as obliged to continue employment of workers regardless of the economic situation. Similarly, workers in both countries expect paternalistic treatment by the company where this is to their economic benefit, in such areas as recreation, vacation, savings, housing, etc. However, Peruvians were generally more willing to return traditional loyalties to the company than were the Japanese.

In both countries the trend seems to be away from paternalism, especially on work issues. Workers of both countries are willing to continue recognizing traditional status obligations in off-job areas where there are no economic costs. Where the costs fall to the company, paternalistic treatment is still favored. Workers in both countries, but more so in Peru, are pressing for more participation in the decisions that affect how they carry out their jobs.

Social Change as a Result of Modernization

Description: To determine most effective uses of DOD aid to developing nations so that conflict between traditional cultural values and pressures toward modernization are minimized. Transfer to non-DOD agency under discussion.

Contractor: Kalamazoo College.

Fiscal Year: Start, 1966; end, 1970.

Cost: Unknown

SOME ORGANIZATIONAL ADAPTATIONS TO LABOR PROBLEMS IN PERU

(By Stillman Bradfield, Kalamazoo College, 1969)

This work was carried out with financial support from the Advanced Research Projects Agency and the Wenner-Gren Foundation. The contract with Kalamazoo College is administered by the Group Psychology Branch of the Office of Naval Research.

Abstract

Owing primarily to rigidities in labor-management relations, a number of Peruvian industries are moving toward a system of subcontracting for major services. This passes on many of the labor relations' headaches to smaller companies, and leaves the principal company in a more flexible position, viz a viz changes in market demand for its product. The system also provides advantages for the subcontracting companies and quite possibly for the country as a whole. It provides a mechanism by which capital can be attracted into industry, the maximization of managerial resources in the country, and the development of new entrepreneurial talent.

Social Change as a Result of Modernization

Description: To determine most effective uses of DOD aid to developing nations so that conflict between traditional cultural values and pressures toward modernization are minimized. Transfer to non-DOD agency under discussion.

Contractor: Kalamazoo College.

Fiscal Year: Start, 1966; End, 1970.

Cost: Unknown.

INSTITUTIONAL OBSTACLES TO INDUSTRIAL DEVELOPMENT IN PERU

(By Stillman Bradfield, Anibal Del Aguila, September 1966)

Introduction

The Peru-Kalamazoo Project is a two-year project doing a comparative study between similar industries producing the same product, on the same scale, with the same technology in both Peru and in Kalamazoo, Michigan to specify as nearly as possible the institutional obstacles to industrial development in Peru. We will be concerned with the following questions:

(1) To what extent do the same technology and scale of operation require the same work organization and behavior in two different countries at different stages of development?

(2) To what extent are work organization and behavior in industry affected by different sets of institutional conditions operating in the society at large?

(3) In what ways do these sets of institutional influences either promote or impede the industrial development of Peru?

This report is concerned with giving some of the results of our first two and a half months of field work. This has been an exploratory stage in which we have been concerned with visiting 25 industrial plants in 20 different industries, and talking with businessmen, engineers, and labor leaders as to the problems they face in carrying out their jobs. We also attended a number of conferences and meetings with engineers, businessmen, government officials, and labor leaders.

Social Change as a Results of Modernization

Description: To determine most effective uses of DOD aid to developing nations so that conflict between traditional cultural values and pressures toward modernization are minimized. Transfer to non-DOD agency under discussion.

Contractor: Kalamazoo College.

Fiscal Year: Start, 1966; end, 1970.

Cost: Unknown.

MUTUAL OBLIGATIONS BETWEEN MANAGEMENT AND WORKERS IN PERU

(By Stillman Bradfield, Kalamazoo College, 1968)

This work was carried out with financial support from the Advanced Research Projects Agency and the Wenner-Gren Foundation. The contract with Kalamazoo College is administered by the Group Psychology Branch of the Office of Naval Research.

Abstract

This paper compares questionnaire response of management and labor sectors in Peru on their opinions as to the duties of the worker and the company's obligation to the workers. There is surprising agreement between the management and labor groups interviewed on important issues, such as: that the incompetent worker should be fired; that impersonal, objective criteria should be used in selecting new workers; that reasonable working rules should be strictly enforced; that high quality norms should be insisted upon; and, that supervisors should try to settle the problems of workers if at all possible rather than pass them all on to higher management. Generally there was also agreement between both sectors that ability, rather than seniority, should be the determining criteria for wage increases.

Ideology and Behavior

Description: Provide empirically derived conclusions about ideological movements which support insurgency. (Terminating; in final report stage.)

Contractor: University of Massachusetts.

Fiscal Year: Start, 1966; end, 1971.

Cost: Unknown.

THE ATATURK REVOLUTION IN TURKEY

(By Guenter Lewy, Department of Government, University of Massachusetts, Amherst; Religion and Revolution, a study in comparative politics and religion, technical report No. 6, August 1968)

(Research supported by the Advanced Research Projects Agency under Order number 883 and monitored by the Office of Naval Research, Group Psychology Branch, under contract Nonr–3357(08), NR 177–907.)

Summary

The Turkish Revolution led by Ataturk can be divided into two phases. During the first stage that began with Kemal's arrival in Anatolia in May 1919, religion and nationalism combined to provide the fervor and elan for a successful war of independence. The sovereignty of the Turkish nation was secured against foreign enemies and their domestic collaborators, and in October 1923 the Turkish republic was formally proclaimed. The second phase of this revolutionary upheaval lasted until Kemal's death in 1938 and involved a series of far-reaching political, legal and social reforms aimed at achieving the Westernization of Turkey. This program of radical reform deprived Islam of its political role and resulted in the construction and consolidation of a secular Turkish state. Both phases of this revolution had roots in the Ottoman period; in some ways the revolution of Ataturk was the culmination of a process of gradual reform that had begun well over one hundred years before the collapse of the Ottoman empire.

Abstract

Beginning with a brief discussion of the decline and fall of the Ottoman Empire, the report analyzes the interplay between Ataturk and the forces of religious traditionalism in the Turkish revolution. Special attention is given to the role of religion in the struggle for national sovereignty that ended in 1923. The report concludes with a brief discussion of the position of Islam in contemporary Turkish society.

Ideology and Behavior

Description: Provide empirically derived conclusions about ideological movements which support insurgency. (Terminating; in final report stage.)

Contractor: University of Massachusetts.

Fiscal Year: Start, 1966; end, 1971.

Cost: Unknown.

THE SINHALESE BUDDHIST REVOLUTION OF CEYLON 1956–1959

(By Guenter Lewy, Department of Government, University of Massachusetts, Amherst, technical report No. 1, January 1967)

Abstract

Research sponsored by the Advanced Research Projects Agency under Order number 883 and monitored by the Office of Naval Research, Group Psychology Branch under contract Nonr–3357(08), NR 117–907.

The origins of the resurgence of Buddhism in Ceylon following the election victory of the *Sri Lanka* Freedom Party, headed by S.W.R.D. *Bandaranaike,* in 1956 are analyzed. Bandaranaike failed to control the Buddhist elements who had helped him to obtain political power and he was assassinated by a Buddhist monk in September 1959. The report concludes with a discussion of the future of organized Buddhism as a political force in Ceylon.

Ideology and Behavior

Description: Provide empirically derived conclusions about ideological movements which support insurgency. (Terminating; in final report stage.)

Contractor: University of Massachusetts.

Fiscal year, start 1966; end 1971.

Cost: Unknown.

MILITANT HINDU NATIONALISM: THE EARLY PHASE

(By Guenter Lewy, Department of Government, University of Massachusetts, Amherst Religion and Revolution; A Study in Comparative Politics and Religion, technical report No. 2, April 1967)

Research sponsored by the Advanced Research Projects Agency under Order number 883 and monitored by the Office of Naval Research, Group Psychology Branch under contract Nonr–3357(08), NR 177–907.

Abstract

Following a brief discussion of the Indian political tradition, the report analyses the origins and significance of militant Hindu nationalism in the period 1880–1916. The ideas of several representative nationalist leaders—B. G. Tilak, Aurobindo Ghose, Lajpat Rai, B. P. Pal—are examined and their influence on the terrorist movement is discussed. The report concludes with some thoughts on contemporary Hindu communalism.

Ideology and Behavior

Description: Provides empirically derived conclusions about ideological movements which support insurgency. (Terminating; in final report stage.)

Contractor: University of Massachusetts.

Fiscal year start, 1966; end 1971.

Cost: Unknown.

GANDHI, NON-VIOLENCE, AND THE STRUGGLE FOR INDIAN INDEPENDENCE

(By Guenter Lewy, Department of Government, University of Massachusetts, Amherst, Religion and Revolution; A Study in Comparative Politics and Religion technical report No. 4, November 1967)

Research sponsored by the Advanced Research Projects Agency under Order number 883 and monitored by the Office of Naval Research, Group Psychology Branch under contract No. NR–3357(08), NR 177–907.

Abstract

The report begins with an analysis of the character and the intellectual origins of the Gandhian doctrine of Satyagraha. The dominant force in Gandhi's life, it is concluded, was Hinduism. His appeal to the Indian masses rested upon his standing as a Hindu holy man. Gandhi's role in the Congress' struggle for independence is discussed. The tension between Gandhi's functioning as a prophetic figure, following what he considered to be the voice of God within him, and his role as a national leader paying heed to political realities, accounts for many of the mistakes committed by the Congress; it probably delayed the achievement of Indian independence.

Ideology and Behavior

Description: Provide empirically derived conclusions about ideological movements which support insurgency. (Terminating; in final report stage.)

Contractor: University of Massachusetts.

Fiscal year start, 1966; *end,* 1971.

Cost: Unknown.

THE EGYPTIAN REVOLUTION: NASSERISM AND ISLAM

(By Guenter Lewy, Department of Government, University of Massachusetts, Amherst; Religion and Revolution, A Study in Comparative Politics and Religion; technical report No. 5, March 1968)

Research supported by the Advanced Research Project Agency under Order number 883 and monitored by the Office of Naval Research, Group Psychology Branch, under contract Nonr–3357(08), NR 177–907.

Abstract

Following an introductory discussion of the Islamic political tradition, the report examines the events leading up to the seizure of power by the Free Officers, led by Nasser, in July 1952. Relations with the Muslim Brotherhood are traced and the role of Islam in the ideology of Nasserism as well as in Egyptian foreign policy, domestic reform, education, law and the court system are discussed. The report concludes with an analysis of the interaction between the Islamic religion, modernization and legitimacy.

Ideology and Behavior

Description: Provide empirically derived conclusions about ideological movements which support insurgency. (Terminating; in final report stage.)

Contractor: University of Massachusetts.

Fiscal year start, 1966; *end,* 1971.

Cost: Unknown.

MILITANT BUDDHIST NATIONALISM: THE CASE OF BURMA

(By Guenter Lewy, Department of Government, University of Massachusetts, Amherst; Religion and Revolution, A Study in Comparative Politics and Religion, technical report No. 3, August 1967)

Research sponsored by the Advanced Research Projects Agency under Order number 883 and monitored by the Office of Naval Research, Group Psychology Branch, under contract Nonr–3357(08), NR 177–907.

Abstract

Following a brief discussion of the interaction of Buddhism and government in traditional Burma until 1885, the report analyzes the emergency of the political monks as the main force in the militant nationalist movement for Burmese independence. Buddhist monks played an important role in the violent agitation of the 1920's and in the Saya San Rebellion of 1930–31. In the 1930's the monks are gradually overtaken by secular-minded nationalists. The report concludes with a brief examination of the place of Buddhism in post-independence Burma.

Changing Roles of the Military in Developing Nations

Description: Subcontracted studies of changing roles of military establishments.

Contractor: CRESS.

Fiscal year: Start, 1964; end, 1969.

Cost: Unknown.

THE CHINESE WARLORDS SYSTEM: 1916 TO 1928

(By Hsi-hseng Chi, February 1969; the American University Center for Research in Social Systems, 5010 Wisconsin Avenue, N.W., Washington, D.C. 20016)

The author

Hsi-sheng Chi is an Assistant Professor of Political Science at the University of North Carolina. He received a B.A. in literature from Tunghai University, Taiwan, and is at present a Ph.D. candidate at the University of Chicago.

A substantially revised and enlarged version of this report has been submitted by the author to the University of Chicago as a doctoral dissertation.

Foreword

This study was conducted under a program designed to encourage university interest in basic research in social science fields related to the responsibilities of the U.S. Army. The program is conducted under contract by The American University's Center for Research in Social Systems (CRESS), and CRESS in turn has entered into subcontracts supporting basic research in a number of major universities having a marked interest in one or more of these research fields.

The research program was formulated by CRESS in terms of broad subject areas within which research would be supported, with the scholars themselves selecting specific topics and research design and utilizing information normally available to academic and private individuals. Under the terms of the subcontract the authors are free to publish independently the results of such research.

In this study Hsi-sheng Chi describes the military aspects of the political contest for control of the central government in the context of the disorganized sociopolitical structure of China from 1916 to 1928. It was prepared at the University of Chicago's Center for Social Organization Studies under the supervision of Professor Morris Janowitz, principal social scientist for research conducted under subcontract between CRESS and the university.

The report is a useful corrective to the popular image of the Chinese warlords during this period of their greatest activity. The study points out that the warlords were not merely military men exploiting China's condition for private gain in their various domains, nor were they seeking to destroy or replace the central government in the classic pattern under which many Chinese dynasties have historically emerged.

To keep his study focused on the theme of the warlord system, the author chose not to deal with the activities of the incipient Chinese Communist Party during the 1916–1938 period.

ABSTRACT

The steady weakening of the Manchus in the China of the early twentieth century and the expanding military strength of the warlords created a climate for civil war. The warlords were unable to unite the country in spite of their dominance in both military and political spheres. The eventual rise to power of Chiaing Kai-shek and the Kuomintang brought about the decline in the warlords' widespread domination. (Extinction of the warlords was not accomplished until the Communist takeover in 1949.)

Changing Roles of the Military in Developing Nations

Description: Subcontracted studies of changing roles of military establishments.

Contractor: CRESS.

Fiscal year: Start, 1964; end 1969.

Cost: Unknown.

A SURVEY OF ELITE STUDIES

(By Carl Beck, James M. Malloy, and William R. Campbell, assisted by Jerry L. Weaver, March 1965; the American University Center for Research in Social Systems, 5010 Wisconsin Avenue, N.W., Washington, D.C. 20016)

Foreword

This survey was conducted, as a part of SORO's Basic Studies research program, under sub-contract to the University of Pittsburgh with Dr. Carl Beck of the Department of Political Science as principal investigator. The Basic Studies Division was formed to encourage, promote, and conduct research on fundamental social and behavioral processes that influence the U.S. Army's special warfare mission in developing nations and remote areas. One such fundamental area of interest is leadership structure, interaction, and processes.

Leadership in the emerging nations is widely recognized as a crucial factor in the insurgency situations that many of these countries face. It follows that success of the U.S. counterinsurgent mission is dependent upon knowledge that will be helpful in dealing with indigenous civilian and military leadership groups. An understanding of leadership structure and interaction is required. The knowledge needed is to be found in answers to the following types of questions:

What leadership techniques are common to most of the political systems found in emerging nations?

What techniques are unique to particular kinds of political systems?

Are there identifiable patterns of change for leadership groups in these contexts?

Do patterns vary according to different types of political systems? Only with this kind of background knowledge is it possible to assess adequately the significance, to a counterinsurgent situation, of specific types of changes in leadership groups, or the use of particular kinds of leadership techniques. The problems presently being faced in Viet

Nam are a dramatic demonstration of this need.

In planning and developing research programs in new areas of interest to the U.S. Army, the essential first step is a survey of past literature and research to indicate gaps in existing knowledge as well as the need for future work. Dr Beck's paper was designed to serve this purpose for both the military and academic communities. It was decided to assess current understanding of the role and functions of leadership groups in different types of political systems. In so doing, Dr. Beck supplies us with a conceptual essay on "the study of political elites" that considers the problems of identifying elites, describing elite structure, etiquette, and techniques of control, conceptualizes idealized elite systems, and analyses political elite change. This essay should be of special interest to military users, since it provides a systematic approach to leadership groups and leadership interaction. It should also be of value to researchers who require a brief state-of-knowledge assessment as a basis for planning. Dr. Beck also includes a bibliography of over 290 references for those who wish to delve further into particular problems or examine special areas of the world in more detail.

In addition to the materials contained in this report, Dr. Beck prepared abstracts of the studies listed in the bibliography and an inventory of major propositions and statements about elite structure and interaction. These are available on loan from the SORO Library as source materials for researchers and military personnel who may wish to conduct further work in this important problem area.

RITCHIE P. LOWRY,
Acting Chairman, Basic Studies Division.

Changing Roles of the Military in Developing Nations

Description: Subcontracted studies of changing roles of miiltary establishments.

Contractor: CRESS.

Fiscal year: *Start* 1964; *end,* 1969.

Cost: Unknown.

SOCIAL STRUCTURE AND REVOLUTION

(By Jack Bloom, August 1966; prepared under subcontract by the University of Chicago, Center for Research in Social Systems, The American University, 5010 Wisconsin Avenue, N.W., Washington, D.C. 20016)

Abstract

Few researchers have studied revolutions from the standpoint of purely social structural analysis. This paper adopts that perspective and looks at revolution as a special case of social change, as a part of a developmental process. In particular, three countries in the middle 19th century (Germany, France, and Great Britain) are compared and contrasted to determine whether or not changing relationships between social status groupings can become the basis for predicting revolutionary outcomes.

Six "classes" are identified: aristocracy, bourgeoisie, petite bourgeoisie, artisans, industrial workers, and peasantry. France and Germany offer examples of revolutionary development which resulted in failures in their own separate ways. Britain offers an example of a country with similar cultural preconditions but which had no complete revolutionary development. Comparisons of class structure and interaction in these cases disclose important relationships. For example, in the development of revolutionary processes key roles are played by (1) the petite bourgeoisie and artisans who can act as determining swing groups, (2) a viable and powerful aristocracy who can determine the ultimate outcome of revolutions particularly as other groups relate to or align with them, (3) the relationship between the aristocracy and the peasantry especially as this determines the attitude of the peasantry toward revolution, and (4) all classes as internecine conflict and antagonism may redirect and diffuse hostilities. Schematic depictions are provided for these types of relationships. Further research can be conducted by broadening the case base to test the applicability of these ideas for predicting the development of revolutionary processes in a society.

Changing Roles of the Military in Developing Nations

Description: Subcontracted studies of changing roles of military establishments.

Contractor: CRESS.

Fiscal year: *Start,* 1964; *End* 1969.

Cost: Unknown.

PROBLEMS OF STUDYING MILITARY ROLES IN OTHER CULTURES: A WORKING CONFERENCE

(By Ritchie P. Lowry, editor, September 1967)

Abstract

On 26, 27, and 28, May 1965 a conference was convened by what was then the Special Operations Research Office (now the Center for Research in Social Systems) of The American University in Washington, D.C. The purpose of the conference was to discuss research experience and strategies in the study of changing military roles in developing areas. Some 15 scholars from major universities and selected representatives of SORO (CRESS) who were identified as having conducted significant research in the subject of discussion were invited to participate. Some types of problems covered in the 10 major papers and comments include problems of analyzing field research experience, problems of questionnaire experience, problems of achieving clarity in studying military roles, and the problems of the influence of political and sensitivity bias. Individual presentations were grouped within three sessions of the conference: An Introduction to the Topic, Problems of Studying Military Roles in Latin America, and Problems of Studying Military Roles in the Near and Far East.

Changing Roles of the Military in Developing Nations

Description: Subcontracted studies of changing roles of military establishments.

Contractor: CRESS:

Fiscal year: Start, 1964; end, 1969.

Cost: Unknown.

CROSS-NATIONAL STUDIES OF CIVIL VIOLENCE

(By Ted Gurr with Charles Ruttenberg, May 1969)

Foreword

This report was produced under a program designed to increase university research interest in fields related to the U.S. Army mission and to support basic research. The program is conducted by the Center for Research in Social Systems (CRESS), and for it CRESS has negotiated subcontracts with a number of major universities that have a marked interest in one or more of the appropriate subject fields. This report was prepared at Princeton University under such a subcontract.

The paper summarizes the first phases of research designed to evaluate a multivariate theory of "the genesis of civil violence," using cross-national aggregate data for a large number of policies. Some of the methods and data developed, the results of initial multiple correlation analyses, and a new coding instrument for collecting systematic information on characteristics of civil strife are reported on here. The initial phase of research is completed; the larger comparative study of which it is part is still in process. Much additional research, using a variety of techniques, will be required before any substantial proportion of the questions raised by the theoretical model and by the results reported here can be answered.

Social Processes Relevant to Military Planning for Stability Studies of African Groups

Description: Study of African sociopolitical structures, dynamics, and leadership resources and attitudes.

Contractor: CRESS.

Fiscal year: Start, 1967; end, 1969.

Cost: Unknown.

URBAN DYNAMICS AND BLACK AFRICA

(By William J. Hanna, Judith L. Hanna, June 1968; the American University Center for Research in Social Systems, 5010 Wisconsin Avenue, N.W., Washington, D.C. 20016)

Authors' preface

From Dakar to Mombasa, and from Fort Lamy to Lusaka, Black Africa's land and people display great diversity. Yet using Black Africa as the geographic unit of analysis is a viable research strategy because of the area's marked similarities in colonial past, revolutionary change, and contemporary dynamics. In addition, there is virtual unity in race—although not all indigenous Africans nor Negroid—and, at least according to some Africans, there is considerable cultural uniformity.

We have chosen to study the towns of independent Black Africa for reasons of policy, science, and personal experience. Towns are keys to understanding the countries in which they are located, because they are centers of African cultural, social, economic, and political innovation and diffusion. The rapidity of change in some spheres, illustrated by the independence surge in the late 1950's and early 1960's as well as by the recent spate of military coups d'etat, makes analyses of the contemporary dynamics of towns a prerequisite for policy decisions which are relevant to current realities. Implicit throughout the study is our assumption that the policymaker's choices among alternatives of action and inaction are improved by increased understanding and that science and government should be mutually supportive.

Social science may also be served. After reading more than one thousand papers, articles, and books concerned with towns in Black Africa, we concluded that the available information had not yet been well integrated and that its theoretical relevance had not yet been fully extracted. Thus, the scientific justification for this study is whatever progress it makes toward such integration and theoretical development, as well as toward the identification of critical knowledge gaps.

At the personal level, it is our hope that reports such as this may in some small way repay the people of Africa for the hospitality and friendship they have shown us here and abroad. Repayment might come from more informed policymaking by those outside Africa who are concerned with the continent. Or, it might come by helping to bring African data into the mainstream of world social science, through our efforts directly or by whatever catalyzing effect we have upon others.

Foreign Communications and Defense

Description: Describe communication mechanisms of China and Soviet Union and develop computer simulation of message flow so as to predict spread of information and news in future. (Expires 9/69)

Contractor: MIT/Dr. Ithiel Pool.

Fiscal year: Start, 1963; end, 1970.

Cost: Unknown.

THE USE OF FREE TIME BY YOUNG PEOPLE IN SOVIET SOCIETY

(By F. Gayle Durham, Research Program on Problems of International Communication and Security, Center for International Studies, Massachusetts Institute of Technology, Cambridge, Mass., January 1966)

Preface

The use of an individual's free time, and its quantity, are very relevant to this communications behavior. The activities available to him for use during his free hours to a great extent involve mass media and conversation with friends. Much of the information he gleans from his environment is accumulated during his free time use of these sources, although his working hours and so-called "self-maintenance" time are also by no means devoid of information-gathering activity.

The study of the use of free time in Soviet society is particularly interesting, since it both provides the reader unfamiliar with the daily life of the Soviet citizen some insight into the influences on those leisure and informative activities, and allows an assessment of the effectuality of the efforts of the regime to mutate the character of its citizens through means of mass influence during those activities.

* * * * *

In order to survey the use of free time, we have chosen one sub-group of the population for preliminary investigation. This group may be termed young people, and includes specifically those between the ages of sixteen and thirty. Our reasons for this choice stem from various considerations. Inasmuch as our underlying concern is to learn more about how Soviet citizens use communications media, we chose a group which we believe to be more or less homogeneous in its patterns of daily life.

The research was sponsored by the Advanced Research Projects Agency of the Department of Defense (ARPA) under contract #920F–9717 and monitored by the Air Force Office of Scientific Research (AFOSR) under contract AF 49(638)–1237.

METHODOLOGY FOR ANALYSIS OF INTERNAL SOCIAL MOVEMENTS

Description: Providing predictive base for forecasting social movements in selected countries.

Contractor: University of Pittsburgh/Holzner and Yang.

Fiscal year: Start, 1966; end, 1970.

Cost: Unknown.

Conducted under AFOSR grant No. AF–AFOSR–1304–67.

Report period: July 1, 1967–June 30, 1968.

Final report: Not for publication.

METHODOLOGY FOR THE ANALYSIS OF INTERNAL SOCIAL MOVEMENTS (SOCIAL MOVEMENTS AND SOCIAL SYSTEM CHANGE)

(By Burkart Holzner and Ching-Kun Yang, August 1968, Department of Sociology, University of Pittsburgh, Pittsburgh, Pa.)

Abstract

This project develops methods and theory for the study of *incidents of violent social protest* and broad *social movements* in the context of social system change. The method of building computer based inventories of incidents of protest and conflict permits the quantitative description of large numbers of such events, based on easily accessible public records and historical documents. Critical instance case studies supplement the quantitative data through detailed qualitative investigation. The project's frame of reference emphasizes *event sequence analysis* in *conflict* and mobilization. In order to assess flexibility and power of the procedure, long time series, the entire *19th century,* were chosen for incident inventories on two societies of widely different characteristics. An Oriental society (*China*) and a Western society (*Germany*) were selected. The data gathering phase for China (31,000 incidents) has been completed, for Germany it is presently underway.

FOREIGN COMMUNICATIONS AND DEFENSE

Description: Describe communications mechanisms of China and Soviet Union and develop computer simulation of message flow so as to predict spread of information and news in future. (Expires 9/69)

Contractor: MIT/Dr. Ithiel Pool.

Fiscal Year: Start, 1963; end, 1970.

Cost: Unknown.

THE FILM INDUSTRY IN COMMUNIST CHINA

(By Alan P. L. Liu, research program on problems of international communications and security, Center for International Studies, Massachusetts Institute of Technology)

Introduction

This is a study of the film industry in Communist China. It is part of a research program on international communication conducted by the Center for International Studies, Massachusetts Institute of Technology. The research for this paper was sponsored by the Advanced Research Projects Agency of the Department of Defense (ARPA) under contract #920F–9717 and monitored by the Air Force Office of Scientific Research (AFOSR) under contract AF 49(638)–1237.

This report seeks to update the data on the subject and to understand the dynamics of the Chinese Communist film industry. In order to put the present film industry into its proper socio-historical context, we also deal briefly with the Chinese films in pre-Communist era.

The report is based almost exclusively on Chinese publications. They include mainly Chinese Communist press reports and translated Chinese materials. Only three non-Communist books (Chinese) could be found on Chinese films and our brief discussion on the pre-Communist period was based on them. We were particularly interested in statistical information on the present Chinese film industry. Yet propaganda-free statistical reports from Communist China were hard to come by. After 1959 even publications of propagandistic statistical information from Communist China stopped. Since 1964 there have been some signs of the availability of such statistics but systematic statistical reports such as those published before 1957 have not yet appeared. We have practically exhausted all the major sources on this subject in Chinese which are publicly available abroad. We have combed the holdings in such major libraries as the Chinese-Japanese Library and the East Asian Research Center at Harvard University, The Library of Congress and the Hoover Institute at Stanford University. As our research continues, new information will be acquired. This report, representing research done so far, will be enlarged and updated in the future.

BEHAVIOR NORMS: JAPANESE AND AMERICAN YOUTH

Description: Comparison of attitudes and behavior of the youth of two countries for military assistance and manpower resources purposes.

Contractor: University of Maryland/Dr. E. McGinnies.

Fiscal Year: Start, 1967; end, 1969.

Cost: Unknown.

A cross-cultural study of normative behavior among Japanese and American girls in the 11 to 18-year age range, by Satoru Inomata, Litt D., Department of Psychology, Shiga University; Elliott McGinnies, Ph.D., Department of Psychology, University of Maryland)

Since 1945, the Japanese people have adopted many of the precepts and practices of American democracy. Adolescent boys and girls in Japan are now growing up in this new social climate. How are Japanese young people reacting to the dramatic changes that have taken place in their country? Are they coming increasingly to resemble their American counterparts, or have they taken on the form rather than the substance of Western political and social values? In order to approach some answers to these questions, we undertook a cross-cultural study of social attitudes among the youth of Japan, patterning our survey after one conducted with American teenagers a few years previously. In this way we hoped to be able to make comparisons between the social attitudes of teenagers in Japan and in the USA. We adopted the same questionnaire materials and methods of sampling used in a nation-wide survey of American youth by the Institute for Social Research at the University of Michigan.

ANTHROPOLOGICAL RESEARCH TO ASSIST NAVY STRATEGICAL PLANNING

Description: Investigator will combine anthropological variables with econometric techniques in order to conceptualize and predict mobility in foreign military hierarchies.

Contractor: University of Texas.

Fiscal year: Start, 1968; end, 1970.

Cost: Unknown.

MATHEMATICAL PROGRAMING AND ECONOMIC ANTHROPOLOGY

(By Ira R. Buchler, J. R. McGoodwin, Department of Anthropology, University of Texas)

Presented at a conference on Mathematical Approaches to Cultural Evolution.

Technical Report 1: Comparative Econometrics Project.

Reproduction in whole or part is permitted for any purpose of the United States Government April 24, 1968.

This research was sponsored by the Group Psychology Branch, Office of Naval Research (Contract No. N00014-67-A-0126-0005; NR 170-717/1-5-68 Code 452) as the initial technical report of the Comparative Econometrics Project—Ira R. Buchler, Director.

Introductory comments

The general purpose of this paper is (1) to provide a partial and preliminary survey of several related mathematical decision-making models—in particular, mathematical (or linear) programming—(2) to consider their relevance for a wide class of optimization problems in economic anthropology, and (3) to assess some of their implications for various theoretical issues in evolutionary studies—the related notions of "cultural intensity" and "evolutionary potential." This essay is the initial (and therefore tentative) report in a series of studies that will demonstrate the underlying mathematical relatedness of military and economic programming and logistic problems on the one hand and aspects of economic anthropology, economic development, social organization and the prediction of mobility processes in political systems on the other. This discussion is consequently directly relevant to the formalist/substantivist opposition in economic anthropology, a theoretical bifurcation that is due to a considerable extent to the substantivist *magnum opus Trade and Market in the Early Empires* (Polanyi et al., 1957).

THE DEVELOPMENT OF A METHOD FOR FORECASTING DECISIONS AND ACTIONS FOR MILITARY GROUPS

Description: Make cross-national data base analysis of the effects of different military postures and strategies on the decisionmaking of foreign military groups; research will also be conducted on the predicted responses of these groups to perceive politico-military threats.

Contractor: Western Behavioral Science Institute.

Fiscal year: Start, 1966; end, 1970.

Cost: Unknown.

VALUES, ATTITUDES, AND MULTINATIONAL DECISIONMAKING

(Introduction by John R. Raser, Western Behavioral Sciences Institute, principal investigator, September 30, 1968)

The research reported in these papers was supported in part by the Office of Naval Research, Contract No. N00014-66-C0279, NR 170-704 (Group Psychology).

Introduction

There is a close analogy between the worldwide problems of poverty and war at the international level and the problems of poverty and civil disorder on the national level. In both cases an understanding of the aspirations, values, and opinions of all parties involved is of fundamental importance, both for the successful implementation of programs to even out the differences creating tension and conflict and for the avoidance of escalation of smaller conflicts into disastrous ones. This project is oriented towards the study of the values and opinions about interpersonal, social and international relations of future elites in a representative number of nations of the world.

One premise underlying the study is that "A more complete understanding of others' values, attitudes, and ways of thinking increases one's ability to communicate effectively with them." Such communication may be across the conference table, through the medium of a strategy which one pursues, or simply that one behaves in a certain way due to his expectations about how others will respond in the long or short run. From this point of view information on the basic values and attitudes of future decision-makers in all nations will be of immeasurable value in helping them to deal more effectively with military, diplomatic, and political decision-makers of other countries as they pursue their careers, adding to the possibility that mankind's common interest in survival may override misunderstanding and misperception of the goals and values of others, by providing a common framework within which national differences in real interests may be seen.

The Conflicts of the world today are, however, only partly based on misperceptions and lack of mutual understanding of the values of others; the conflicts are themselves indicators of the large differences found in the international system. The aim is therefore also to understand some of the factors which create the antagonism and lack of common interest at the international level. The focus of the project is on the impact of the nation-state on the values and opinions of its citizens in nations differing markedly in political system, level of industrialization, investment in military and police forces, and size. Finally, it is a major aim of the project to provide some insight into the background of the student unrest which today, and probably more so in the future, is an important source of political change.

Role Differentiation in Thai Social Strcuture in Terms of a Semantic Analysis of Thai Pronouns and Roles

(By W. Wichiarajote and Marilyn Wilkins, Institute of Communications Research, University of Illinois, Technical Report No. 57 (68-2), June, 1968; Communication, Cooperation, and Negotiation, in Culturally Heterogeneous Groups)

(Project Supported by the Advanced Research Projects Agency, ARPA Order No. 454 Under Office of Naval Research Contract NR 177-472, Nonr 1834(1936), Fred E. Fiedler and Harry C. Triandis, Principal Investigators.)

Abstract

Fourteen Thai first-person pronouns and sixty Thai social roles were scored on a common set of eleven features. Following a model of semantic feature analysis developed by Osgood, usage of the various pronouns within the various roles was predicted: appropriate (+), permissible (0), or incongrous (−). These predictions were obtained by multiplying feature codings on the pronouns with corresponding codings on the roles; the algebraic sum of these products yielded a +, 0, or − outcome for each pronoun-role combination.

Validity of the model was evaluated in terms of: the percentage of predictions which were accurate; correspondence of the semantic features with factors obtained through factor analysis; and the information revealed concerning the structure of Thai role differentiation.

Fifty-three Thai high school students were asked to judge the appropriateness of the 14 x 60 pronoun-role combinations. This data constituted the criteria for evaluating success of the semantic features and also provided material for the factor analysis.

Six factors were found to describe 94% of the variance. They appeared to incorporate nine of the eleven semantic features. These, in turn, accurately predicted 85% of the *Ss'* specific judgments. The semantic features further revealed a hierarchic, tree-like structure within the semantic patterns of Thai pronouns and social roles.

Transfer of Technology Under Military Auspices

Description: Cooperation with foreign military assistance and training programs.

Contractor: Howard University, Dr. D. Spencer.

Fiscal Year: Start, 1964; end, 1970.

Cost: Unknown.

MILITARY TRANSFER OF TECHNOLOGY—INTERNATIONAL TECHNO-ECONOMIC TRANSFERS VIA MILITARY BY-PRODUCTS AND INITIATIVE BASED ON CASES FROM JAPAN AND OTHER PACIFIC COUNTRIES

(By Daniel L. Spencer, Chairman, Department of Economics, Howard University, Washington, D.C.)

ABSTRACT

Transfer of technology through military and related channels. Case studies drawn from Japan, Taiwan, and Korea. The materials constitute a first attempt to bulldoze through a new dimension in cost/benefit assessments of military activity overseas. Concludes that a dollar spent on military assistance may produce as much benefit as, or more than, a dollar spent on economic assistance.

Transfer of Technology Under Military Auspices

Description: Cooperation with foreign military assistance and training programs.

Contractor: Howard University, Dr. D. Spencer.

Fiscal Year: Start, 1964; end, 1970.

Cost: Unknown.

THE TRANSFER OF TECHNOLOGY TO DEVELOPING COUNTRIES—PAPERS AND PROCEEDINGS OF A CONFERENCE HELD AT AIRLIE HOUSE, WARRENTON, VA., APRIL 28-30, 1966

(Edited with an introduction and summary by Daniel L. Spencer and Alexander Woroniak, Department of Economics, Howard University, Washington, D.C.; prepared under Grant No. AF-AFOSR 533-66 from the Air Force Office of Scientific Research, Office of Aerospace Research, U.S. Air Force)

FOREWORD

"The United States and the West must either lead in the process of modernizing the underdeveloped area, or by default, contribute to a kind of world in which our institutions and values cannot survive." This statement by Gabriel Almond echos the thinking of a generation of American leaders who have invested substantial resources and other efforts to improve the conditions of life in deficit areas in the hope that economic advance would contribute to political stabilization and create the soil in which democratic institutions might take root.

The easy optimism that flourished after World War II has been jarred by the experience gained in two decades of foreign aid and technical assistance to backward and stagnant areas. We have learned that neither economic advance nor political stabilization can be automatically initiated by the investment of U.S. resources. Dr. Carlos Chagas, President of the National Academy of Sciences of Brazil, insists that the technological gap separating the advanced nations from the so-called developing nations has grown wider rather than narrower during the last decade, despite extensive international cooperation. On a more hopeful note, Walt W. Rostow has postulated a theory of economic evolution which includes a "take-off" stage where rapid industrialization can be expected.

The papers that follow were prepared by a group of scholars who are too sophisticated to believe that rapid economic development is a necessary consequence of programs of material aid and technical assistance. While they are fully capable as interpreters of economic history and could develop attractive hypotheses relating to the development of economic institutions, for the purposes of the present conference they have directed their attention to a narrower field of economic theory in an attempt to elucidate the processes of technological transfer and structural change which are basic to economic advancement in backward areas.

Dr. Daniel L. Spencer was encouraged by the Air Force Office of Scientific Research to conduct a conference on technological transfer, because it was felt that further useful work in this field might be stimulated by summing up the current state of knowledge, and focusing attention on problems of a methodological and theoretical nature that are obstacles to further understanding of these important processes.

Our interest in problems of the kind addressed at the conference stems from the fact that the mission of AFOSR is to sponsor basic research in areas of potential applicability to the military. The present effort is part of a research program devoted to those scientific and technical fields which might serve to improve the manner in which U.S. military personnel, skills, equipment, and procurement policies can be exploited to the greatest benefit for the host country and to realize the U.S. national objectives to aid our friends and strengthen our allies. There are many channels within the military services for the use of information derived from research on foreign economic development. Military assistance programs, mobile training teams, technical training, and advanced education provided by the U.S. services for foreign military personnel are some of the bridges to the field of application.

It is a source of gratification to the Air Force Office of Scientific Research that our expectations with regard to the conference on technological transfer and structural change have been fully realized. This task exemplifies the objective of the organization to sponsor basic research in fields relevant to future plans and activities.

Charles E. Hutchinson,
Air Force Office of Scientific Research.

EXHIBIT 1

TABLE I.—FEDERAL OBLIGATIONS FOR RESEARCH; TOTAL, DEFENSE, AND NATIONAL SCIENCE FOUNDATION, FISCAL YEARS 1956–69

[In millions of dollars]

Year	Total	DOD	NSF
1956	852	482	16
1957	925	445	30
1958[1]	1,079	489	33
1959	1,403	523	54
1960	1,941	861	68
1961	2,620	1,173	77
1962	3,273	1,311	104
1963	4,041	1,605	141
1964	4,464	1,672	156
1965	4,854	1,751	172
1966	5,271	1,849	224
1967	5,273	1,591	241
1968[2]	5,406	1,425	255
1969[2]	5,990	1,658	280

[1] The U.S.S.R. lofted Sputnik on Oct. 4, 1957.
[2] Estimates by the NSF.

Source: "Federal Funds for Research, Development, and Other Scientific Activities, Fiscal Years 1967, 1968 and 1969," vol. XVIII. National Science Foundation Report NSF 68–27 table C–91.

TABLE II.—FEDERAL OBLIGATIONS FOR BASIC RESEARCH; TOTAL, DEFENSE, AND NATIONAL SCIENCE FOUNDATION, FISCAL YEARS 1952–69

[Millions of dollars]

Year	Total	DOD	NSF
1952	162	72	1
1953	154	65	2
1954	148	52	5
1955	162	53	10
1956	206	78	15
1957	262	84	30
1958	335	111	[1] 33
1959	517	137	54
1960	610	168	68
1961	825	173	77
1962	1,106	204	104
1963	1,389	231	141
1964	1,567	241	155
1965	1,690	263	171
1966	1,844	262	223
1967	2,015	284	239
1968	2,093	246	[2] 251
1969	2,354	320	[2] 274

[1] The U.S.S.R. lofted Sputnik on Oct. 4, 1957.
[2] Estimated by the NSF.

Source: "Federal Funds for Research, Development, and other Scientific Activities, Fiscal Years 1967, 1968, and 1969," vol. XVII, op. cit., table C–92.

TABLE III.—FEDERAL OBLIGATIONS FOR RESEARCH BY AGENCY AND PERFORMER; TOTAL, DEFENSE AND NATIONAL SCIENCE FOUNDATION

[In thousands of dollars]

Department/Agency	Total	Universities and colleges	FFRDCS[1] administered by univs. and colleges	FFRDCS[1] administered by nonprofit institutions
Fiscal year 1967:				
Total[2]	5,273,021	1,348,469	427,497	47,577
DOD	1,591,331	246,507	81,681	36,545
NSF	241,164	198,458	16,907	
Fiscal year 1968:				
Total[3]	5,405,590	1,396,754	447,180	39,706
DOD	1,424,590	226,537	90,630	25,743
NSF	255,464	210,483	17,798	532
Fiscal year 1969:				
Total[4]	5,989,550	1,555,509	466,903	41,224
DOD	1,658,142	277,365	98,303	26,886
NSF	279,882	230,377	19,652	244

[1] Federally funded research and development centers.
[2] "Federal Funds for Research, Development, and Other Scientific Activities, Fiscal Years 1967, 1968, and 1969," vol. XVII, op. cit., table C–11
[3] Ibid., table C–11.
[4] Ibid., table C–12.

TABLE IV. FEDERAL OBLIGATIONS FOR RESEARCH BY AGENCY AND FIELD OF SCIENCE, FISCAL YEARS 1967–69

[In thousands of dollars]

Department/agency	Total	Life sciences	Psychological sciences	Physical sciences	Environmental science	Mathematics	Engineering sciences	Social sciences	Other sciences
Fiscal year 1967:[1]									
Total	5,273,021	1,451,386	108,042	1,074,416	670,101	130,021	1,555,014	188,687	95,354
DOD	1,591,331	106,245	23,438	327,479	148,783	89,903	804,060	8,912	82,511
NSF	241,164	57,570	8,040	69,550	42,938	18,887	24,273	16,060	3,846
Fiscal year 1968:[2]									
Total	5,405,590	1,586,090	112,753	1,136,553	649,549	107,086	1,524,161	207,504	81,898
DOD	1,424,590	93,638	24,196	312,634	127,631	68,227	722,460	8,178	67,626
NSF	255,464	60,148	8,014	71,587	48,284	19,582	26,965	17,100	3,784
Fiscal year 1969:[3]									
Total	5,989,550	1,765,306	130,642	1,289,778	611,671	144,661	1,695,361	250,524	101,607
DOD	1,658,142	111,060	28,690	352,895	130,463	102,205	841,468	8,242	83,119
NSF	279,882	63,720	8,176	80,899	51,948	22,212	28,342	19,451	5,134

[1] "Federal Funds for Research, Development, and Other Scientific Activities, Fiscal Years 1967, 1968, and 1969," vol. XVII, op. cit., table C–14.
[2] Ibid., table C–15.
[3] Ibid., table C–16.

TABLE V.—FEDERAL OBLIGATIONS FOR BASIC RESEARCH BY AGENCY AND FIELD OF SCIENCE, FISCAL YEARS 1967–69

[In thousands of dollars]

Department/agency	Total	Life sciences	Psychological sciences	Physical sciences	Environmental sciences	Mathematics	Engineering sciences	Social sciences	Other sciences
Fiscal year 1967:[1]									
Total	2,015,182	612,041	60,044	712,929	321,034	64,639	183,998	56,869	3,628
DOD	284,316	32,656	9,234	99,925	49,364	31,191	57,394	3,450	1,102
NSF	238,562	57,570	8,040	69,550	42,938	18,887	24,273	14,869	2,435
Fiscal year 1968:[2]									
Total	2,092,766	652,869	64,876	726,171	340,436	57,238	179,573	61,796	9,867
DOD	246,428	28,336	7,721	76,781	47,863	25,004	50,938	2,485	7,300
NSF	251,375	59,137	8,014	71,587	48,113	19,582	26,698	15,744	2,500
Fiscal year 1969:[3]									
Total	2,353,665	716,981	74,665	828,147	382,233	76,255	191,443	69,300	14,651
DOD	320,250	37,644	12,035	92,035	56,027	41,010	66,769	3,730	11,000
NSF	274,253	62,606	8,176	80,899	51,569	22,212	27,517	17,605	3,579

[1] "Federal Funds for Research, Development, and Other Scientific Activities, Fiscal Years 1967, 1968, and 1969," vol. XVII, op. cit., table C–33.
[2] Ibid., table C–34.
[3] Ibid., table C–35.

TABLE IV.—FEDERAL OBLIGATIONS FOR BEHAVIORAL SCIENCE RESEARCH, 1960 AND 1968 •

[In thousands of dollars]

Agency	1960 (obligations)			1968 (estimate)		
	Psychological sciences	Socia. sciences	Total	Psychological sciences	Social sciences	Total
Department of Agriculture		16,760	16,760		32,873	32,873
Department of Commerce	113	2,929	3,042	402	7,434	7,836
Department of Defense (total)	17,959	504	18,463	25,747	8,684	34,431
Army	5,215	400	5,615	8,856	2,278	11,134
Navy	8,209		8,209	7,151		7,151
Air Force	4,535	104	4,639	5,830	1,938	7,768
Defense agencies				2,850	3,055	5,905
Defensewide funds				1,060	1,413	2,473
Department of Health, Education, and Welfare (total)	16,308	7,103	23,411	79,462	87,716	167,178
Administration on Aging				447	592	1,039
Food and Drug Administration				1,000	200	1,200
Office of Education	4,779	1,540	6,319	24,444	26,991	51,435
Office of Vocational Rehabilitation				3,500	14,921	18,421

Footnotes at end of table.

TABLE IV.—FEDERAL OBLIGATIONS FOR BEHAVIORAL SCIENCE RESEARCH, 1960 AND 1968 [4]—Continued

[In thousands of dollars]

Agency	1960 (obligations)			1968 (estimate)		
	Psychological sciences	Social sciences	Total	Psychological sciences	Social sciences	Total
HEW—Continued						
Public Health Service	11,529	4,094	15,623	49,655	28,895	78,550
National Institutes of Health	(11,506)	(3,282)	(14,788)	(14,352)	(3,850)	(18,382)
Social security Administration		1,469	1,469	200	5,267	5,467
Welfare Administration					10,850	10,850
St. Elizabeths Hospital				216		216
Department of Housing and Urban Development					10,665	10,665
Department of Interior	46	1,061	1,107	587	6,244	6,831
Department of Labor		1,562	1,562		9,988	9,988
Department of State (total)		122	122		1,025	1,025
Departmental funds					125	125
International Cooperation Administration		122	122			
Agency for International Development					900	900
Department of Transportation					4,279	4,279
National Science Foundation	2,597	1,823	4,420	8,953	18,812	27,765
National Aeronautics and Space Administration		430	430	5,073	1,455	6,528
Office of Economic Opportunity					11,000	11,000
U.S. Arms Control and Disarmament Agency				190	2,083	2,273
Veterans' Administration	1,005		1,005	3,654		3,654
Other agencies	213	2,560	2,773	319	7,065	7,384
Total	38,241	34,854	73,095	124,387	209,323	333,710

Source: "The Behavioral Sciences and the Federal Government," a report of the Advisory Committee on Government Programs in the Behavioral Sciences, National Research Council, National Academy of Sciences, 1968, p. 39.

TABLE VII.—FEDERAL OBLIGATIONS FOR BASIC RESEARCH IN PSYCHOLOGICAL AND SOCIAL SCIENCES, FISCAL YEARS 1966-69

[Dollar amounts in thousands]

	Department of Defense					Total DOD	Total Federal	Percent DOD/Federal
	Social psychology	Anthropology	Economics	Sociology	Other			
Fiscal year 1966 [1]	$5,259	$271	$150	$810	$1,404	$7,954	$65,819	12.1
Fiscal year 1967 [2]	4,763	40	25	268	3,117	8,213	79,919	10.2
Fiscal year 1968 [3]	4,076	85	19	300	2,081	6,561	86,651	7.6
Fiscal year 1969 [4]	7,376	125	32	412	3,161	11,106	100,772	11.1

[1] Federal funds for research, development and other scientific activities, fiscal years 1966, 1967, 1968 (vol. XVI) p. 155.

[2] Federal funds for research, development and other scientific activities, fiscal years 1967, 1968, 1969 (vol. XVII) p. 159.

[3] Ibid., p. 160.

[4] Ibid., p. 161.

TABLE VIII.—FEDERAL OBLIGATIONS FOR APPLIED RESEARCH IN PSYCHOLOGICAL AND SOCIAL SCIENCES, FISCAL YEARS 1966-69

[Dollar amounts in thousands]

	Department of Defense					Total DOD	Total Federal	Percent DOD/Federal
	Social psychology	Anthropology	Economics	Sociology	Other			
Fiscal year 1966 [1]	$7,835	$324	$632	$2,155	$2,631	$13,577	$156,706	8.7
Fiscal year 1967 [2]	8,201	578	1,009	1,715	2,160	13,663	168,973	8.1
Fiscal year 1968 [3]	6,985	789	796	974	3,134	12,678	179,611	7.1
Fiscal year 1969 [4]	7,297	660	885	1,067	1,900	11,809	222,502	5.3

[1] Federal funds for research, development and other scientific activities, fiscal years 1966, 1967, 1968, (vol. XVI) p. 178.

[2] Federal funds for research, development and other scientific activities, fiscal years 1967, 1968, 1969, (vol. XVII) p. 190.

[3] Ibid., p. 191.

[4] Ibid., p. 192.

TABLE IX.—FEDERAL OBLIGATIONS FOR RESEARCH (BASIC AND APPLIED) IN THE PSYCHOLOGICAL AND SOCIAL SCIENCES, FISCAL YEARS 1966-69

[Dollar amounts in thousands]

	Department of Defense					Total DOD	Total Federal	Percent DOD/Federal
	Social psychology	Anthropology	Economics	Sociology	Other			
Fiscal year 1966	$13,094	$595	$782	$2,965	$4,095	$21,531	$222,525	9.7
Fiscal year 1967	12,964	618	1,034	1,983	5,277	21,876	248,892	8.8
Fiscal year 1968	11,061	874	815	1,274	5,215	19,239	266,262	7.2
Fiscal year 1969	14,673	725	917	1,479	5,061	22,915	323,274	7.1

Source: Tables VII and VIII.

Mr. FULBRIGHT. Mr. President, if there is nothing further on that subject, I have an item on an unrelated subject to discuss.

Does the Senator wish me to yield?

Mr. STENNIS. Just 1 minute; not over 2 minutes.

Mr. FULBRIGHT. I yield.

Mr STENNIS. The Senator has completed his remarks. The committee has not used any time. Nevertheless, we might agree now on a limit applicable tomorrow, if the Senator is inclined at all to do so. Would an hour to a side be satisfactory?

Mr. FULBRIGHT. There are a number of Senators—the Senator from Michigan is one—who wish to speak on the subject. I think I ought to consult them before I agree. I personally have completed my remarks. We should give notice to Senators interested in the subject.

Mr. STENNIS. If we could have a quorum call——

Mr. FULBRIGHT. There is one Senator in particular who should be consulted. Outside of the ABM subject, the Senator from Wisconsin has been the "clearance" in this. The Senator knows that. I have coordinated this effort with him. I would not wish to enter into any kind of an agreement without a quorum call and without his having notice, because he feels a special responsibility in this matter. The Senator is aware of that.

Mr. STENNIS. Very good. I thought, though, if we could give that notice and have a quorum call——

Mr. FULBRIGHT. We had better do it tomorrow.

Mr. STENNIS. Tomorrow there will be so many other Senators competing for time.

Mr. FULBRIGHT. I may make this suggestion. I am committed to make the statement I am about to make. I must get it in the RECORD. While I am doing that, perhaps the Senator or someone for him could get in touch with the Senator from Wisconsin, and also, I would hope, the Senator from Michigan, whom I mentioned a moment ago, and see what their views are. While I am making this address, perhaps the Senator could get in touch with the Senator from Wisconsin.

Mr. McINTYRE. Mr. President, will Senator yield me 2 minutes?

Mr. FULBRIGHT. I yield.

Mr. McINTYRE. Mr. President, in view of the fact that the Senator has had his say here about what these policy planning projects are, I thought I might read into the RECORD some that my subcommittee was concerned with:

Japanese rearmament, nuclear, and space programs: A study of factors and developments affecting the Japanese military contribution to the U.S. effort in Asia, including the security pact.

Chinese military and foreign policy: A continuing analysis of the background and fundamental characteristics of Chinese foreign and military policies to elucidate their implications for U.S. research provides background for consultations with air staff officials and for inputs to interdepartmental studies, such as work on strategic posture toward China.

European security issues a continuing examination of trends in the political and military relations of European states: including possible changes in European security arrangements and national developments affecting the overall European military posture.

Soviet military and foreign policy: A continuing study of Soviet military doctrine, use of military strength for political purposes, foreign policy, and political institutions in the Soviet Union and East European states.

Military representation in U.S. missions: Examines better method of military representation in handling military aid in foreign countries, specifically India, Indonesia, Brazil, and Iran.

That is just naming five. This year these will cost about $580,000. In comparison with those that our distinguished friend from Arkansas has been referring to, Ataturk and others, it makes a lot of sense to me that we should keep on studying these issues on a continuing basis.

Mr. STENNIS. Until a few years ago, the authorization bill for the military program did not require that the research and development items be included in it, but we learned that we were not getting a major part of a certain weapons system before us—in other words, we just picked it up when it was ready to come off the assembly line, and we had to go back to get all the research and development, the tests, and the engineering. That was when we invented the law to require the research and development. What we were after was to get all the information on the weapons—the hardware, was the way we referred to it—before the Armed Services Committee.

But when we got the research and development required by law, we got a great many other things that we were not particularly interested in. They were related, to a degree, and their number seems to have increased greatly year by year. There are so many of them, and many of them are so disassociated, that it is very difficult properly to evaluate all of them.

As I recommended to the Senator from Arkansas—and his response was very logical—we would be glad for anyone to go through and pick out a list that pertained more to the functions of other committees. I suppose almost any kind of list of subjects for research and development might pertain remotely to the work of any committee.

But if Senators will bring out lists of those that belong more properly in the State Department, perhaps some in the Department of Commerce and other departments, they can go to their respective logical places. But this year, after we got into this matter—and the subcommittee did a remarkable job—we could not just turn the file upside down, pour them out on the table, sweep them out with the afternoon trash, and leave them there with nothing done about them and no one to pass on them. We could not summarily reject the whole thing.

So we performed a selective process, here, the best we could, and I hope that when this bill is finally completed we can obtain a further review of it, with the help of the Department of Defense and others, and make specific recommendations as to where these projects should go. But in the meantime, this is just an alternative to cutting them all off.

I hope the Senate will see fit, with the leadership of the Senator from Arkansas and other interested Senators, to find a way to adjust it for this year, and then we will take an approach next year that will be perhaps more satisfactory.

I make these remarks to show clearly what the purpose is, and what the committee is trying to do.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. FULBRIGHT. I wish to say that the Senator from Mississippi has been most reasonable in his reaction, both last year when this matter first came up, and now. I appreciate what he has said today. I believe the Senator; and I certainly want to reemphasize that I mean no criticism of him.

As I told the Senator, I asked the Director of the Budget, Mr. Schultze, in open session, whether he had looked at it at all. He said he had not.

This is an enormous and complicated program, and there are many more important things, that cost money and are more important to our security. Therefore, I think the Senator from Mississippi would probably be derelict in his duty if he did spend a lot of time on these projects, because I do not think they are really that important.

But I would like to get our information in order, so to speak, to try to get back on the track.

I think there was a period a few years ago when many of us were interested in universities. I live in a university town, and it is always publicized that "we got a research project of $15,000," and so on. At the time, it seemed all right. But I think it has got out of hand, and I would like to get it back on the track. I think the Senator from Mississippi has shown every indication that he shares that view, and all we have to do now is find out a way to do it. I thank the Senator very much for his remarks.

Mr. STENNIS. I thank the Senator from Arkansas for his kind remarks.

LET'S PUT SPACE TO EARTHLY USES

Mr. FULBRIGHT. Mr. President, I do not think any other Senator wishes to pursue this subject. I want to make some remarks about another subject which has been much in the public eye and which is not, unfortunately, relevant to the pending business but is relevant to something the public is interested in. I feel compelled to make these comments before we recess. I had hoped to have a more appropriate time to make them, but I must do it now.

Like it or not—and I am not at all sure I do—there is no greater spur to human exertion than competition. From the chariot races of ancient Rome to the major league baseball of modern America, contests of courage and skill have provided people with thrills and entertainment. Competition is also one of the powerful engines of economic growth and technological innovation. The rivalry of merchants and manufacturers was a powerful force in setting off the industrial revolution and is still a major—if somewhat dogmatized—factor in our modern economy. The competitive instinct broke the 4-minute mile and sent astronauts to the moon; it also sent tens of millions of people to premature deaths in the two world wars.

Competition between nations differs from the rivalry of individuals in that it is conducted on a far greater scale, brings to bear vastly greater resources, affects the lives of many more people, and is more likely than other rivalries to be conducted without rules or restraints to assure the survival of the participants. In other respects I perceive no important differences between the rivalries of individuals, teams, corporations, armies, and nations. All are engaged in a contest for self-maximization, not just to excel but to exceed, not just to do something well but to do it better than somebody else.

Competition is not the only spur to human exertion. At least in Western cultures the challenge of overcoming natural obstacles has fired the adventurous spirit in man: The mountain challenges the climber, the wave the surf rider, the sea the mariner, the jungle the explorer, the universe the astronaut.

By paradoxical contrast, unnatural—by which I mean manmade—obstacles have no such motivating magic. For most of us such unnatural obstacles as decaying cities and polluted water and air are a tolerated nuisance rather than a motivating challenge—the accepted price of something called "progress." Western man, it seems, has come close to reversing the ancient stoicism of the East: Restless and insatiable in challenging nature's creations, he is becoming passive and fatalistic about his own. He will leap to the stars and yet squat miserably in his own fouled nest. Were it not so paradoxical and so debilitating, one might even take this for a new form of spirituality.

Be all that as it may, the competitive instinct is probably the most reliable tool of human creativity. But it has certain risks about it, one being the constant danger that a zealous competitor will compete too well and so put an end to the competition. In sports, in business, and in politics it is essential to confine the contest within rules which will prevent anyone from succeeding too completely, thereupon putting an end to the game and robbing mankind of the creative benefits of the competitive process.

The genius of the American Constitution is that, at least up to now, it has kept the game going and the competitors in competition. The division of governmental powers among three branches and 50 States puts the various contenders for power in the position of having little chance of victory but an excellent chance of survival in the continuing struggle for power. The system works tolerably well largely because it does not depend too heavily on human conscience and voluntary restraints, which, admirable though these are, must be counted among the less reliable of human attributes. Instead, with unsentimental realism, the framers of our Constitution faced up to the universality of the human drive to self-aggrandizement, recognized it for the creative but dangerous force that it is, and harnessed it into a system of regulated rivalries, free enough to generate political energy, restrained enough to protect the people from despotism.

Difficult as it is to control, the competitive instinct is even more difficult to acknowledge. Only in sports are competitions conducted in their own name; the game is for its own sake, for the fun of playing and the hope of winning. But in politics we feel a compulsion to dress up our contentious impulses in the vocabulary of ideals and ideology. No matter what the fight and who is involved in it, we suppose, almost invariably, that some great principle is at stake, some noble and unselfish purpose, such as realizing our own great ideals or, more commonly, saving people from the wicked designs of our rivals.

To hear the Soviet and American leaders talk about the cold war, nothing could be further from their pristine thoughts than any notion of self-aggrandizement or getting one up on the other. Heaven forbid. By their own accounting of it the Russian leaders sit up nights in the Kremlin thinking up ways to lift the yoke of oppression from the downtrodden of the earth. President Nixon, for his part, recalled in a recent speech that the United States had suffered over a million casualties in four wars in this century, and then claimed that it had all be done out of saintly altruism. He declared:

> Whatever faults we may have as a nation we have asked nothing for ourselves in return for those sacrifices. We have been generous toward those whom we have fought. We've helped our former foes as well as our friends in the task of reconstruction. We are proud of this record and we bring the same attitude in our search for a settlement in Vietnam.[1]

I do not suggest that Mr. Nixon was insincere in asserting that we had suffered a million casualties in four wars as an act of pure altruism. Undoubtedly he meant it, but that does not make it true. Most of us have a deep and touching faith in our own virtue, and most politicians have an equally tender regard for their own rhetoric. Few people are more moved by a moving speech than the speaker himself—but that does not make what he says true.

Nor do I suggest that there are no ideals or generous impulses in politics. I suggest only that they are far less controlling than we like to believe; that more often than not what we take for principle is not principle at all but rationalization; that the thing we are usually rationalizing is our instinct for competition; and that, if anything approaches a controlling influence on our behavior, it is this appetite for contest. I further suggest that there would be much to gain from a candid acknowledgement of our own political nature. Indeed, it is only by recognizing the fragility of our ideals, the limited role they play in guiding our behavior, and their susceptibility to corruption by rationalization that we can have any hope of translating them into reality. The Founding Fathers had no illusions about the behavior of their fellow men and, because of their realism, they were able to discipline the struggle for power so as to protect the people from despotism.

That brings me to the space race and to its possible uses for earthly purposes. The landing of Mr. Armstrong and Colonel Aldrin on the moon called forth a great deal of poeticizing about the human spirit bursting its earthly bonds, about the nobility of man's endless search for knowledge, and about the boundless but unspecified benefits for mankind certain to derive from the setting of human feet upon the surface of the moon.

In all this I perceive not humbug pure and simple but rather more sententiousness than plain hard truth. Americans went to the moon for a number of reasons, of which, I am convinced, the most important by far was our desire to beat the Russians. The kick was not just in getting there but in getting their first. A football team does not celebrate the number of points it got if the other team got more points. Similarly, when Khrushchev cavorted over his sputnik back in 1957, it was not so much in delight over what the Russians had done as in delight over what they had done that we had not done. Then in early 1961 Yuri Gagarin made his flight around the earth, the United States was embarrassed at the Bay of Pigs, and the American people in general and the Kennedy administration in particular were plunged into depths of gloom and self-flagellation. These events stoked the fires of American competitiveness. It was then that the Apollo program was approved and we set off on the $30 billion crash program that put Mr. Armstrong and Colonel Aldrin on the moon last week.

I do not wish to belittle the achievement in identifying the driving force behind it. But neither do I see any point in glorifying the motive out of appreciation for the achievement. In the space race thus far both Russians and Americans have accomplished technological prodigies and have done so for the most part because of the desire of each to surpass the other. Although some of us have thought the space contest hasty and extravagant in cost, it has certainly been a more constructive contest than the deadly race in armaments. It has, however, been wasteful: Efforts have been duplicated, priorities distorted, and resources diverted from more urgent needs. The competition bids fair to get out of hand, to pass beyond creativity to prodigality of worse.

I would not eliminate the competition. People like it much too much, and if through some miracle the Russians and Americans could bring themselves to get together, drop the space race and proceed to explore the universe all cooperative and lovey-dovey, it would spoil everybody's fun and likely rob the project of its creative drive. What we might try to do is to devise a way of putting limits on the competition, keeping it within financial bounds, and generally regulating the rivalry in such a way as to have the contest without being consumed by it.

Until now the Soviet-American space rivalry has been a contest without rules, and contests without rules are full of hazard for the participants. There is a latent militarism about the space race. As Prof. George Wald commented on the moon landing:

> What should have been a great flight of the human spirit comes to us heavy with threat. Those almost miraculous guidance systems that so uncannily find their targets, will they one day be guiding missiles to find us?[2]

Spurred by an overly intense desire to "win," the contest has broken the bounds of "true science," which the great 19th century French physiologist Claude Bernard said, "teaches us to doubt and in ignorance to refrain."

Oblivious in our haste to such cautionary warnings, we have scarcely thought of the consequences and the cost. If we thought seriously about the consequences of space exploration, we might at least hesitate before exporting our human imperfections to other worlds. As to the cost, we have diverted not only the $30 billion on the cash account but incalculable stores of scientific energy which, like the money itself, might well have been allocated differently if we had stopped to weigh our priorities.

---

[1] Speech of May 14, 1969.

[2] "Intellectuals Deeply Divided Over Implications of Feat," The Washington Post, July 22, 1969.

Had sober counsels prevailed, we might well not have seen men land on the moon in the year 1969. The event might have been deferred until 1979 or 1989. Can anyone seriously argue that that would have been one of the great tragedies of human history? Suppose—as we are sometimes urged to suppose—that cautious counsels had prevailed in 15th century Spain and Columbus had not made his voyage in 1492. In all probability Ferdinand Magellan or Sir Francis Drake—but surely somebody—would have discovered America a few years or several decades later. America would still have been there, waiting to be discovered, and—with the possible exception of our own—the planets will still be intact, available for exploration, in the year 2000.

Much as we enjoy—and perhaps in a psychological sense require—the rivalry, it is worthwhile trying to put it in perspective. Neither the Soviet sputnik nor the American moon landing proved anything much about the two countries' ideologies. As Mr. Harry Schwartz pointed out recently, the Apollo program was as socialistic in its management and financing as the Soviet space program, employing the private corporations which built the hardware as "servants of the state." Even the three astronauts were Government employees.[2]

As far as ideology is concerned, we did not prove anything much one way or the other by going to the moon. Nor, I think, did the moon landing prove, disprove, or in any important way really bear upon ideals, principles, or our trumpeted desire to serve humanity. What it did prove is some things that hardly needed proving: That America has great wealth, an advanced technology, and impressive managerial capacity. It also demonstrated our fierce competitive capacity—especially where the Russians are involved—and our very keen desire to command the awe and admiration of the world.

Taking all these factors into account, and considering also that the score is now evened out—the Russians were first in space but we were first on the moon—it seems like a good time to institute a set of rules for regulating future competitions in space exploration. For this purpose the Soviet Union and the United States might call for the creation of a United Nations space authority to serve as a clearinghouse for scientific information, to operate orbiting space laboratories and arrange to have them manned by scientists from different countries, and to assign or at least coordinate national space ventures in such a way as to eliminate costly duplication without eliminating the exhilarating competition. An international space authority might even encourage competitive ventures but in such a way that national programs are complementary to each other. Another possible function of a United Nations space authority would be to govern and administer the economic exploitation of the moon—should that ever prove feasible—and to do so as the agent of the United Nations.

We already have an international treaty for the rescue of astronauts and a space treaty which provides that—

> The exploration and use of outer space, including the moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries. . . .

It would be a major step forward if we could now negotiate a new space treaty which would go beyond the disavowal of national claims of sovereignty in the existing treaty and explicitly recognize the United Nations as the "owner" or sovereign of extraterrestrial bodies and also define the functions and responsibilities of a United Nations space authority, particularly the ways in which it would regulate and coordinate national space exploration programs.

The overall objective of such a treaty would be to regulate but not eliminate the competition in space. One benefit of such an arrangement is that it would allow the space powers to reduce their expenditures and so reallocate funds to more pressing domestic and international requirements.

Another, perhaps greater benefit would be the breathing of new life into the United Nations by assigning to it a significant new supranational responsibility. Nothing has done more to enhance the prestige of the Soviet Union and the United States than their spectacular achievements in space. I am not at all sure why this should have been so, and I am far from convinced that moonshots are a rational criterion for prestige, or, for that matter, that the very concept of "prestige" is a rational one. But these are only one man's arrant ruminations. Quite obviously, prestige is important, and space spectaculars are a sure-fire way to get it. If they work for the Soviet Union and the United States, they ought to work for the United Nations and so contribute to that most urgent of human necessities: the building of an international community.

The Russians seem interested. According to press reports, Premier Kosygin expressed genuine interest in space cooperation to former Vice President Humphrey in a recent meeting in Moscow. The relatively friendly Soviet treatment of the flight of Apollo 11 and the warm reception given to the astronaut Col. Frank Borman in the Soviet Union are also favorable straws in the wind. I strongly urge the Nixon administration to respond to these with prompt and specific proposals.

These proposals which I make are modest ones, cut to the specifications of our modest human capacities in matters of a nontechnological nature. Their realization, should that prove possible, will not usher in the millenium, any more than the moon landing itself. But the creation of a United Nations space authority would, I think, represent a useful step forward on the long, tortuous road toward the development of effective international institutions. I do not share President Nixon's exuberant belief, as he expressed it to the returning astronauts, that the week of the moon landing was "the greatest week in the history of the world since the Creation," or even that the moon landing "changed the world," or that "the world is closer together" as a result of it. I do believe, however, that the world could be brought a little closer together by a space treaty vesting important new responsibilities in the United Nations and, if not the "greatest week in the history of the world since the Creation," it might at least make for one of the better weeks of recent years.

The world in general, and America in particular, had a week's holiday from themselves during the flight of Apollo 11, and perhaps it did us all good. But the astronauts have now come back to earth, and the rest of us have got to come back to earth too. Little as we may like it, it is the same earth from which we took leave for our brief holiday on the moon. The squalid nightmare of Vietnam is still there, and so are the arms race, the population explosion and all the other tragedies and incongruities of the human condition. Not even a million Saturn rockets jam-packed with earthly emigrants could separate us from the earth's problems because the earth's problems are human creations, built into us by God or nature or evolution, and wherever we go we will carry them with us.

Neither the moonflight nor all the panegyrics it has inspired is going to change much about the human condition. Men have been achieving technological marvels for the last two centuries, and kings and presidents and popes and preachers have been heralding new eras of brotherly love for the last two millenia. Neither has had an appreciable effect on the moral condition of the human race. The only hope we have of changing that—if it can be changed—is by facing up to certain facts of experience, of which the most important is that man, the technological genius, is a moral primitive. If there is ever to be such a thing as a human community, it will have to begin with the candid recognition that man's capacity for brotherly love is limited. As a species, we do not really like each other all that well and our problem is to seek out practical ways of learning to put up with each other so as to have some hope of survival. If that is not the most promising of foundations on which to build, it has at least the solidity of truth.

Mr. President, I ask unanimous consent to have printed in the Record at this point three recent, significant articles on the implications of space exploration. One, by Lord Ritchie-Calder, is entitled "Moonshoot—the Great Diversion" and appeared in the New York Times on July 19, 1969. A second, by Harry Schwartz, is entitled "Capitalist Moon or Socialist Moon?" It appeared in the

---

[2] "Capitalist Moon or Socialist Moon?", *The New York Times*, July 21, 1969.

New York Times on July 21, 1969. The third, by the historian and urbanologist Lewis Mumford, is called, "No: 'A Symbolic Act of War . . .'" and it appeared in the New York Times on July 21, 1969.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

TOPICS: MOONSHOT—THE GREAT DIVERSION

(By Lord Ritchie-Calder)

LONDON.—The climax of H. G. Wells's film "Things to Come" was the dispatch of a youth and a girl to the moon. He placed the moon-landing in 2055 A.D. In his scenario (1935) he wrote:

"For man there is no rest and no ending. He must go on—conquest beyond conquest. This little planet and its winds and ways, and all the laws of mind and matter that restrain him. Then the planets about him, and at last out across immensity to the stars. And when he has conquered all the deeps of space and all the mysteries of time—still he will be but beginning."

The blast-off was just in time because the crowds, led by Theotocopulos, tried to stop it.

MAN'S ADVENTURE

At that time I was working closely with Wells and I do not think he would have cast me for the role of Theotocopulos. I certainly would not have foreseen myself as an old curmudgeon croaking "it's all a mistake." But then I was not a Professor of International Relations counting the cost and the consequences. I saw it, as Wells saw it, and as President Kennedy saw it later, as man's great adventure, his restless destiny, and as an inspiration for young people. Today, I have my profound misgivings and I find that all curmudgeons are not old and that doubts are shared by young people in America as well as elsewhere.

Dare one utter a heresy "fugitive into space" and suggest that it is an evasion and an exasperation of the problems of our own planet?

Wells got his time-scale wrong—86 years out—because he did not foresee the technique of the crash program, whereby, as in the case of the Manhattan Project, a fundamental scientific discovery could be converted into a cataclysmic nuclear device in less than five years, simply by mobilizing scientists and turning them into technologists, redirecting a vast engineering potential and, cost no objection, assembling men, methods and materials into an implosive operation.

The technique was repeated in the space program. From the modest, common-purpose-of-mankind, objectives of the International Geophysical Year, twelve years ago, the space program erupted into fierce competition. The United States and the U.S.S.R. had agreed to put satellites into orbit as part of the I.G.Y. purpose of observing our planet from outside and studying the external forces impinging on it.

If Sputnik I had not got into orbit first, if American prestige had not been affronted, if it had not been made the excuse for "the missile gap" furor, we would not have had the technologically bombastic competition between the superpowers and the yip-hurroo of "man on the moon by 1970." And man would still, as a common purpose without deadlines, have broken the gravitational fences of his planet and extended his telemetric senses throughout the solar system and beyond.

Instead, we have seen a fantastic diversion of human ingenuity—always with military inflections. The tens of billions are only the cash bookkeeping of this diversion which has drained brains from all over the world as well as from every university and college in the United States and the U.S.S.R. Through the military-industrial complex (with all deference to NASA) it now represents about a tenth of the economy of the United States. That, an outsider may be allowed to say, is a perilous commitment.

CAUTION OF TRUE SCIENCE

A century ago Claude Bernard, the great French physiologist, enjoined his colleagues, "true science teaches us to doubt and in ignorance to refrain." This means that science feels its way, with a mine detector, from one safe foothold to another.

Men-in-a-hurry do not observe those safeguards, although, as in the case of quarantine, they acknowledge the risks. Quarantine against what? If moon-bugs should exist they would have been conditioned to extremes of heat and cold quite remote from the incubation periods of anything on earth. Wells in another context, his "War of the Worlds," saved the earth from the Martians by killing them off with our atmospheric germs. It would be ironical if a naked planet should invade ours with its germs.

Meanwhile the conditions of this planet, from which only the astronauts can escape, deteriorate, inescapably, unless man vetoes the evoluation of his species in a nuclear war, the present population of over 3,500,000,000 will have doubled by the end of the century. We have to feed, house and clothe them. This is by far the biggest threat we face (with it goes urbanization, environmental pollution, race tensions, the lot). Of course, we cannot eat space hardware or turn elections into food calories, but the human ingenuity which is being squandered on the space race could, to better purpose have been directed to those problems.

The world is crying out for bread and is being offered moondust.

CAPITALIST MOON OR SOCIALIST MOON?

(By Harry Schwartz)

Long ago the question was asked how a future titan of private enterprise—a Henry Ford or John D. Rockefeller of space—might organize and finance the first manned trip to the moon.

An American science fiction writer posed and fictionally solved the problem in an ingenious and unjustly forgotten short story. The author had his entrepreneur-hero raise the needed money by selling advance monopoly concessions on the moon to the earth's great corporations, each paying handsomely for the exclusive right to mine minerals, run radio stations, or operate manufacturing enterprises on or under the lunar surface.

Matters have not turned out that way. The race to the moon has been a competition between governments, each financing the huge costs from the public treasury. The three Apollo astronauts are all government employes, and Neil Armstrong—the first man ever to walk on the moon—belongs to the civil service. James Webb and Thomas Paine, the two chiefs of NASA this past decade, are both energetic people, but they are successful bureaucrats, not entrepreneurs in the grand Ford-Rockefeller tradition.

Realization of these facts should dispose of any notion that the race to the moon was in any sense a test between two ideologically based economic systems. The stereotype has been that this was a competition between American capitalism and Soviet socialism. But the triumphant United States moon program was as socialistic in its central direction and financing as its rival Soviet effort. The huge private corporations that built the Apollo hardware made immense contributions, of course, but only as servants of the state that paid the bills. And Luna 15 is an effective reminder that Soviet enterprises too can build space hardware.

WHAT LUNAR ADMINISTRATION?

This ironic history is relevant because it helps focus attention on a question immediately raised by the historic first manned landing on the moon. Is it to be a socialist moon or a capitalist moon?

It can be taken for granted that tomorrow's lunar world will have mines, factories, hotels, newspapers, radio and television stations, and probably even professional sports teams like the Mets and the Jets. Are they to be run by private businesses as the science fiction writer mentioned above assumed, or will they simply be bureaucratic subsections of some huge over-all MAA (Moon Administrative Authority), or whatever it may be called.

Are those lunar hotels to be Hilton swank or Intourist spartan? Should securities analysts be gearing up to study the prospects of companies named Lunar Industries Inc. or Moon Minerals Exploration Ltd.?

One difficulty in answering these questions is that nobody owns the moon. The Apollo 11 astronauts won't have to pay anyone for the lunar rocks they intend to pick up and bring to earth. Nor is there any landlord to whom they will have to pay rent for the territory that they land on and explore.

Until very recently such questions of property rights on the moon seemed as unimportant as the possibility of men landing there seemed fantastic. Now the landing is a reality, and problems that yesterday only science fiction writers worried about are today on the agenda of world politics and economies.

The Space Treaty adopted and ratified by most nations a few years ago—including the U.S. and the U.S.S.R.—declares that "the exploration and use of outer space, including the Moon . . . shall be carried out for the benefit and in the interests of all countries." But these and other vague provisions give little guidance for solving the practical problems ahead, especially in the present concrete situation where only two nations have the capability to send men and equipment to the moon. One possible outcome is the transfer of the ideological rivalry to the second inhabited world. American lunar mines, factories, hotels and the like might be run by private firms, while their Soviet analogues might simply be branches of the corresponding Moscow ministries. The wastes and daners in this "solution" are plain.

FOR U.N. OWNERSHIP

A much more sensible way out—but one that may be hard to achieve because it was not decided before men reached the moon—is for the nations of the world to agree that the United Nations is the owner of the moon.

Then the U.N. could assign different sectors of the future lunar economy on the basis of competitive bids offered by rival private companies and government agencies in all countries. The income thus received could be used to help the poverty-stricken nations of the world, regardless of political or economic systems. That solution would make the moon an instrument for unifying mankind, not continuing or widening today's dangerous fissures.

NO: "A SYMBOLIC ACT OF WAR"

(By Lewis Mumford)

The most conspicuous scientific and technical achievements of our age—nuclear bombs, rockets, computers—are all direct products of war, and are still being promoted, under the guise of "Research and Development" for military and political ends that would shrivel under rational examination and candid moral appraisal. The moon-landing program is no exception: it is a symbolic act of war, and the slogan the astronauts will carry, proclaiming that it is for the benefit of mankind, is on the same level as the Air Force's monstrous hypocrisy—"Our Profession is Peace."

The program to land men on the moon serves more than one purpose. From a military standpoint, it was deliberately planned as a means of swiftly perfecting the equipment for total extermination—the strategic goal toward which our entire megatechnic power system, in the lethal grip of the "myth of the machine" is now pointed. The secondary purpose of space exploration, which commends it to our affluent society, is to support on a more exorbitant scale than ever the military-industrial-scientific establishment and maintain the current rates of industrial expansion and financial inflation.

In order to achieve both military power and economic "prosperity" and support the power elite and their factotums in the style to which they are accustomed, every other human enterprise must either be trimmed to meet their needs or abandoned. It is no accident that the climatic moon landing coincides with cutbacks in education, the bankruptcy of hospital services, the closing of libraries and museums, and the mounting defilement of the urban and natural environment, to say nothing of many other evidences of gross social failure and human deterioration.

In order to make this misappropriation of public funds and human energies acceptable, the Space Agency has turned the moon landing program into a national sporting event whose excitement is augmented by the fact that, as in speed racing, it provides a morbid thrill in the ever-present possibility of a spectacularly violent death. To further mask the real nature of this enterprise, the promoters of space exploration have made the credulous and the scientifically uninformed believe that a better future may await mankind on the sterile moon, or on an even more life-hostile Mars—as if such a change of scene would bring our sick rulers and their still acquiescent victims back to health.

The old name for such regressive escapist fantasies was lunacy, and that epithet is still accurate as both a topographical and a psychiatric description. If the military space strategists do not terminate their own activities by turning the whole planet into a crematorium, they will soon transform it into a collective lunatic asylum, in which the patients, the attendants, the physicians, and the Board of Guardians (read Pentagon and Kremlin) will suffer the same hallucinations and be under the same escapist compulsions. They have already demonstrated their inability to perceive, still less to cope with, the earthy human realities that urgently demand attention.

If a successful moon landing leads to a further expansion of space exploration, with a further drain on more important human enterprises and a further neglect of the conditions essential for human survival and development, we may look forward to a corresponding increase in social demoralization and psychological regression. Only a return to full waking consciousness, with an overwhelming transfer of interest from our dehumanized technology to the human person, will suffice to bring our moonstruck nation back to earth. Meanwhile, thanks to the very triumphs of technology, the human race hovers on the edge of catastrophe.

Mr. FULBRIGHT. Mr. President, we have in my State a very perceptive editor of one of the best newspapers in that part of the world, Mr. Tom Dearmore, who has written an article on this subject entitled "Big Event, but Bigger Talk," published in the Baxter Bulletin, of Mountain Home, Ark., on Thursday, July 31, 1969. I ask unanimous consent that the article be printed in the Record.

The PRESIDING OFFICER (Mr. Allen in the chair). Without objection, it is so ordered.

There being no objection, the article was ordered to be printed in the Record, as follows:

Big Event, but Bigger Talk

(By Tom Dearmore)

Millions of eyes strained as the astronauts plummeted toward the sea last Thursday, and a television reporter aboard the Hornet said that no doubt the President would shortly contribute a few words to put the epochal event "in perspective."

We were braced for a barrage of verbal extravagance from all sides and the President set the tone with some high-powered hogwash.

As the moon voyagers peered out of the window of their aluminum coop, Mr. Nixon told them, "This is the greatest week in the history of the world since the Creation."

We would rather have the word of the Creator for that. There have been some pretty great weeks since the earth was put together, and in any case one must have the advantage of hindsight to determine what was really number one. One must judge the effects, the spin-offs.

Certainly the moon landing was the finest triumph of technology since the Creation, although to us it is little less remarkable than the transmission of the human voice through the air, around the earth. Being able to sit in Mountain Home and view that golden sunrise on the Pacific with the crew of the carrier Hornet, via satellite, is still something we've not quite figured out.

If greatness is thought of in terms of national power and prestige and of mechanical genius, this episode may indeed have been the most colossal. We showed the rest of the world—and especially the Soviets, who bombed out miserably before the eyes of all human-kind—how it's done. We showed 'em, too, that we are capable of laying a rocket-borne warhead promptly and accurately on any country that threatens us. Defense Secretary Laird was quick to employ the success of the moonshot as an argument for the administration's antiballistic missile program, which is in trouble in the Senate. And no doubt the people in the Pentagon who are hot to deploy the frightening MIRV missile (a rocket which, when lofted, can shoot from its nose several more nuclear missiles at different targets) will take heart from this bullseye achievement.

The President, who wasn't very hot for the space program back when it was getting started, is now an onward-and-upward man. "In the year 2000," he said last week, "we on this earth will have visited new worlds where there will be a form of life." Vice President Agnew already had given it away that that's Mars they're talking about

Much more important than whether earthmen will be cultivating squash on Mars someday is whether there will be any form of life—or any satisfactory life—here on the neglected earth. With the proliferation of nuclear rockets and the refinement of the Multiple Independently Targetable Re-entry Vehicle (spray-nose MIRV), the earth is becoming one big finely-tuned time bomb. Power stance depends not just on moon jaunts but on having the jim-dandiest Doomsday machinery. No doubt the competition will continue until somebody leans on the wrong button.

Then there is the population bomb, which threatens to create by the year 2000 the hellish conditions of famine and congestion that could trigger the Doomsday weaponry, if that isn't done by accident beforehand.

To Mr. Nixon's credit, he has taken a firm position in recent days on this question, asking the Congress to set up a commission to begin dealing with the population explosion in the U.S. Noting that there are now 3½ billion people on the planet, he said it is "likely that the earth will contain over seven billion human beings by the end of this century." The test will be whether he proposes any space-scale programs to deal with this impending tide and with other earth ills which could wreck society before the Mars rocket gets airborne.

Of course there are those among us who could have been more flamboyant than Mr. Nixon. If Hubert Humphrey had won last November, the carrier Hornet might still be sitting at the recovery site while the President continued his extemporaneous remarks. It isn't inconceivable that the talkathon would include the assertion that the moon caper was GREATER than the Creation.

Mr. Nixon wasn't the only one to go on a rhetorical binge. Down at Little Rock, some folks called Station KARK–TV to protest the moonshot's bumping favorite programs off the air. In a fine patriotic lather, the station hustled out an editorial which concluded: "You people who called to complain about the Apollo 11 coverage on television . . . do not deserve the privilege of calling yourselves Americans!"

That old dreary, silly business of "who is a true American" again. When will we ever learn that this is a variegated country whose heritage is liberty. It was framed for the tolerance of diversity, and that's what makes it exciting. A man may think anything he wishes, and Americans think just about everything under the sun. A man may want to dress up in an Uncle Sam suit and play the national anthem on a trombone atop his house when the Mars rocket takes off, or he may want to play solitaire in his storm cellar and say phooey on it. Either way, he doesn't have to have his "American" credentials stamped by anybody. That's what the ole Revolution of '76 was all about, and it's still more exhilarating than any skyrocket.

This country's main benisons have been spiritual, not material. We feel quite certain that the moon landing wasn't the greatest even since the Creation (we rate the arrival of Christianity and the discovery of the New World ahead of it), and we can't believe it was even the greatest in the history of the nation. The signing of the Declaration of Independence was more electrifying, launching an irreversible drive for human consideration that is chain-reacting right along through the 20th Century. Mr. Jefferson and his pen put a mighty big thing in orbit.

We doubt that Americans are as excited about moon walks as they once were about the exploration and settlement of the vast lands west of the Appalachians. This over-entertained, under-concerned, inflating, festering country has a case of the spiritual blahs. There was no starburst of ecstasy at the great moon event, else why did the stock market not only fail to respond but go into a nosedive?

The incredible has become commonplace. And a good many Americans are dispirited over the Vietnam nightmare and the intractable domestic ailments. Perhaps many feel that the person is becoming less significant as computers take over the brainwork and even the handwork. Maybe an awareness grows that there is more concern about things than about people. Most of the public purse is spent on gadgetry that amazes but doesn't satisfy. Our guess is that satisfaction can come only from remedying human dilemmas, building a harmonious and equitable society in which ancient hates are subdued.

There may be hope for that in the moon episode. Marvelous capabilities have been demonstrated and possibly, as Mr. Nixon told the astronauts, "the world has been drawn closer together." But the social and political sciences will prove much harder to crack than the physical sciences, and a strong public will is needed. Space exploits must not become an expensive escape from the responsibilities of earth.

TRANSACTION OF ROUTINE MORNING BUSINESS

By unanimous consent the following routine morning business was transacted.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON CLAIM OF THE HAVASUPAI TRIBE OF THE HAVASUPAI RESERVATION, ARIZONA

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, a report that proceedings under the act have been concluded on Docket No. 91, the Havasupai Tribe of the Havasupai Reservation, Arizona, Plaintiff, v. the United States of America, Defendant (with accompanying papers); to the Committee on Appropriations.

PUBLIC TRANSPORTATION ASSISTANCE ACT OF 1969

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to provide long-term financing for expanded urban public transportation programs, and for other purposes (with accompanying papers); to the Committee on Banking and Currency.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on efforts to collect International Postal Debts and to pay postal amounts owed in excess foreign currencies, Post Office, Department of State (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on effectiveness and administration of the Community Action Program under title II of the Economic Opportunity Act of 1964, Human Development Corporation, St. Louis City and St. Louis County, Mo., Office of Economic Opportunity (with an accompanying report); to the Committee on Government Operations.

REPORT ON CLAIMS PAID UNDER THE MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS ACT OF 1964

A letter from the President, Panama Canal Company, Balboa Heights, C.Z., transmitting, pursuant to law, a report on claims paid by that Company during the period July 1, 1968 to June 30, 1969, under the Military Personnel and Civilian Employees' Claims Act of 1964 (with an accompanying report); to the Committee on the Judiciary.

PROSPECTUS FOR ALTERATIONS AT THE POST OFFICE AND COURTHOUSE, MIAMI, FLA.

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, copies of a prospectus for alterations at the Post Office and Courthouse, Miami, Fla. (with an accompanying paper); to the Committee on Public Works.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

Resolutions of the Legislature of the Commonwealth of Massachusetts; to the Committee on Banking and Currency:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION TO ESTABLISH A MASS TRANSIT FUND

"Whereas, Our national welfare requires the provision for good urban transportation with the properly balanced use of private vehicles and modern mass transportation; and

"Whereas, A good deal of the present imbalance in our transportation system can be attributed to extravagant governmental aid and consideration to the automobile to the almost total exclusion of all other modes of transportation; and

"Whereas, Because of the impossibility of financing a large mass transportation capital improvement program from the fare box and because the fiscal position of state and local governments in urban areas prohibits financing of such a program, substantial Federal financial participation is called for; therefore be it

"*Resolved*, That the Massachusetts House of Representatives respectfully urges the Congress of the United States to enact Senate Bill No. 1032, legislation to establish a mass transit fund to provide matching funds for building or expanding mass transit systems; and be it further

"*Resolved*, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officers of both branches of the Congress and to the members thereof from the Commonwealth.

"House of Representatives, adopted July 28, 1969.

"Wallace C. Mills, Clerk.

"A true copy.

"Attest

"JOHN F. X. DAVOREN,
"*Secretary of the Commonwealth.*"

A joint resolution of the Legislature, State of California; to the Committee on Banking and Currency:

"ASSEMBLY JOINT RESOLUTION No. 57

"Relative to community development

"Whereas, In 1968 the California Legislature enacted into law as Chapter 1392 of the Statutes of 1968 Assembly Bill No. 115, introduced by Assemblyman Robert T. Monagan; and

"Whereas, Such Chapter 1392 establishes a program to make it possible for residents of substandard and deteriorated housing areas to form renewal area agencies in their neighborhoods, issue tax-exempt bonds, and, by working cooperatively with local governments, plan, finance, and carry out necessary rehabilitation or rebuilding in the renewal areas; and

"Whereas, Such program will alleviate some of the economic forces which tend to drive low-income residents out of their neighborhoods; and

"Whereas, Congressman William S. Mailliard has introduced H.R. 11596 before the Congress of the United States, which bill, if enacted, will authorize the extension of federal mortgage guarantee to bonds of a type issued under the program established under Assemblyman Monagan's bill; and

"Whereas, Such mortgage guarantee is urgently needed to expedite the rebuilding and rehabilitation of neighborhoods under renewal area agency programs; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California memorializes the President and the Congress of the United States to enact legislation to authorize the extension of federal mortgage guarantee to bonds of a type issued under Assemblyman Monagan's bill; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Departments of Housing and Urban Development and Health, Education, and Welfare, to the Chairman of the House Banking and Currency Committee, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature, State of California; to the Committee on Interior and Insular Affairs:

"ASSEMBLY JOINT RESOLUTION No. 37

"Relative to oil drilling.

"Whereas, Section 6871.2 was added to the Public Resources Code of this state by the Cunningham-Shell Tidelands Act of 1955 (Ch. 1724, Stats. 1955) to prohibit oil and gas development operations in designated areas of tide and submerged lands in the Counties of Los Angeles, Santa Barbara, Orange, San Diego, and San Luis Obispo, and the section was subsequently amended in 1963 to create additional oil drilling sanctuaries with respect to certain tide and submerged oil lands in the Counties of Monterey, Humboldt, and Mendocino; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to prohibit oil and gas development operations on such submerged federal lands off the California coast as would represent an extension to the outer continental shelf of the boundaries of the oil drilling sanctuary areas which have been created with respect to certain tide and submerged lands of the state; and be it further

"*Resolved*, That, with respect to those areas on the Outer Continental Shelf off the coast of California where oil and gas development operations are conducted under federal lease, the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to allocate to the state 37½ percent of the net revenue received by the federal government from the conduct of such operations; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature, State of California; to the Committee on Public Works:

"ASSEMBLY JOINT RESOLUTION No. 19

"Relative to the New Melones Dam and Reservoir project.

"Whereas, The New Melones Dam and Reservoir Project on the Stanislaus River in California is presently under construction by the Army Corps of Engineers; and

"Whereas, The New Melones Reservoir upon completion will prevent frequent and highly damaging floods along the Stanislaus River and the San Joaquin River which cause millions of dollars in damage; and

"Whereas, In January of this year another major flood occurred on the Stanislaus River causing damage which is estimated at between one and two million dollars; and

"Whereas, This project will also provide substantial benefits for irrigation, recreation, fish enhancement, water quality control, and power production in a wide area of central California; and

"Whereas, The California Water Commission after extended study has recommended that sufficient funds be appropriated during the fiscal year 1969–1970 to advance construction of the dam and insure the earliest possible completion of the project; and

"Whereas, Recurring floods, the growing need for water for irrigation and domestic purposes, and the increasing demand for recreational developments in the area amply justify the earliest possible completion of the New Melones Dam and Reservoir Project; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress of the United States to appropriate during the fiscal year 1969–1970 for construction of New Melones Dam on the Stanislaus River an amount sufficient to insure the earliest possible completion of the project; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Director of the Bureau of the Budget, to the Secretary of Defense, to the Chief of Engineers of the U.S. Army, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A letter, in the nature of a petition, from Allan Feinblum, of New York, N.Y., urging all Americans to pray for the removal of all occupation forces from Prague; to the Committee on Foreign Relations.

A resolution adopted by the Common Council of the City of Milwaukee, Wis., urging the Congress to consider urban survival the No. 1 priority in America today; to the Committee on Banking and Currency.

A resolution adopted by the city council, city of Philadelphia, Pa., praying for the enactment of legislation to provide the grape harvesters and farmworkers generally with the right to bargain collectively; to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McINTYRE, from the Committee on Banking and Currency, without amendment:

S. 2540. A bill to amend the Small Business Investment Act of 1958 (Rept. No. 91–369).

By Mr. HANSEN, from the Committee on Interior and Insular Affairs, without amendment:

S. 40. A bill to authorize the Secretary of the Interior to modify the operation of the Kortes unit, Missouri River Basin project, Wyoming, for fishery conservation (Rept. No. 371).

By Mr. McGOVERN, from the Committee on Interior and Insular Affairs, with an amendment:

S. 73. A bill to amend the act entitled "An act to authorize the sale and exchange of isolated tracts of tribal land on the Rosebud Sioux Indian Reservation, South Dakota (Rept. No. 91–372); and

S. 74. A bill to place in trust status certain lands on the Standing Rock Sioux Indian Reservation in North Dakota and South Dakota (Rept. No. 91–374).

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 10107. An act to continue for a temporary period the existing suspension of duty on certain istle (Rept. No. 91–373).

(The remarks of Mr. Long when he reported the bill appear earlier in the Record under the appropriate heading.)

By Mr. EAGLETON, from the Committee on the District of Columbia, without amendment:

H.R. 12720. An act to provide for the conveyance of certain real property of the District of Columbia to the Washington International School, Inc. (Rept. No. 91–375).

S. 2815—SMALL BUSINESS ADMINISTRATION LEGISLATION FOR 1969—REPORT OF A COMMITTEE (S. REPT. NO. 91–370)

Mr. McINTYRE, from the Committee on Banking and Currency, reported an original bill (S. 2815) to amend section 4(c) of the Small Business Act and sections 302 and 304 of the Small Business Investment Act of 1958, and submitted a report thereon, which bill was placed on the calendar and the report was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Robert G. Renner, of Minnesota, to be U.S. attorney for the district of Minnesota; and

Frederick B. Lacey, of New Jersey, to be U.S. attorney for the district of New Jersey.

By Mr. JACKSON, from the Committee on Interior and Insular Affairs:

Louis R. Bruce, of New York, to be Commissioner of Indian Affairs.

By Mr. LONG, from the Committee on Finance:

George M. Moore, of Maryland, to be a member of the U.S. Tariff Commission.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. SCOTT (for himself and Mr. Schweiker):

S. 2813. A bill to amend title 38, United States Code, to increase the amount payable on burial and funeral expenses; to the Committee on Finance.

(The remarks of Mr. Scott when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. TYDINGS:

S. 2814. A bill for the relief of Dr. Benedicto Garin; to the Committee on the Judiciary.

By Mr. McINTYRE:

S. 2815. A bill to amend section 4(c) of the Small Business Act and sections 302 and 304 of the Small Business Investment Act of 1958; placed on the calendar.

(The remarks of Mr. McIntyre when he reported the bill appear earlier in the Record under the appropriate heading.)

By Mr. CRANSTON:

S. 2816. A bill to amend section 23 of the U.S. Housing Act of 1937 and section 101 of the Housing Act of 1949 to make it clear that certain specified requirements (including the workable program requirement) do not apply to low-rent housing in private accommodations which is or will be assisted (or purchased for resale) under these sections; to the Committee on Banking and Currency.

By Mr. MAGNUSON (by request):

S. 2817. A bill to amend the maritime lien provisions of the Ship Mortgage Act of 1920; to the Committee on Commerce.

(The remarks of Mr. Magnuson when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. GURNEY:

S. 2818. A bill to amend title 10 of the United States Code to provide for additional nominations by Members of Congress of persons for appointment to the service academies by the secretaries of the military departments; to the Committee on Armed Services.

(The remarks of Mr. Gurney when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. THURMOND:

S. 2819. A bill to amend chapter 21 of title 28 of the United States Code to withdraw from justices, judges and courts of the United States jurisdiction to hear or determine certain questions relating to the exemption of church property from taxation; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 2820. A bill to amend title II of the Act of September 19, 1918, relating to industrial safety in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BENNETT (for himself, Mr. Sparkman, Mr. Tower, Mr. Percy, and Mr. Goodell):

S. 2821. A bill to provide long-term financing for expanded urban public transportation programs, and for other purposes; to the Committee on Banking and Currency.

(The remarks of Mr. Bennett when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. SPARKMAN (for himself and Mr. Bennett):

S. 2822. A bill to carry out the recommendations of the Joint Commission on the Coinage and for other purposes; to the Committee on Banking and Currency.

By Mr. BYRD of West Virginia:

S. 2823. A bill to establish the Government Program Evaluation Commission; to the Committee on Government Operations.

S. 2824. A bill to amend the Internal Revenue Code of 1954 to increase the amount of the deduction for each personal exemption to $800; to the Committee on Finance.

By Mr. KENNEDY:

S. 2825. A bill to provide certain essential assistance to the U.S. fishing industry; to the Committee on Commerce.

(The remarks of Mr. Kennedy when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. BYRD of West Virginia:

S.J. Res. 146. A joint resolution amending section 201(a) of the Budget and Accounting Act of 1921, as amended; to the Committee on Government Operations.

S. 2813—INTRODUCTION OF A BILL INCREASING VETERANS' BURIAL ALLOWANCE

Mr. SCOTT. Mr. President, I introduce, for appropriate reference, legislation to increase the veterans' allowance for burial and funeral expenses from $250 to $400. This increase would enable their survivors to arrange for a funeral and burial which is consistent with the dignity and esteem to which war veterans are entitled.

The need for this legislation is clear. The amount authorized for payment on veterans' funerals and burial expenses was last increased on August 18 in 1958, by Public Law 85–674, from $150 to $250. In truth, however, the $250 presently authorized has never been realistic when compared with the cost of providing a funeral and burial, and these expenses have increased by more than 21 percent since 1958. The cost involving both funeral services and gravesites now average for the Nation approximately $1,150 per person. Surely, after more than a decade has elapsed since the arbitrary figure of $250 was set, Congress can now see fit to raise this allowance to a level more consistent with the subsequent rise in costs.

Mr. President, you will recall that I introduced legislation earlier this year to provide for an establishment of additional national cemeteries in Pennsylvania. The bill which I am introducing today will give to the families of veterans who may not wish to be buried in a national cemetery, the option of burial in a cemetery which is perhaps nearer to their homes. I believe it is altogether fitting that the families of our veterans should have such a choice. We in the Senate have an opportunity to provide a more equitable burial allowance for veterans. With this in mind, I urge early and favorable consideration of my bill.

Mr. President, I ask unanimous consent to have printed at this point in the Record the text of resolution No. 48 adopted at the 50th annual convention of the American Legion endorsing this proposal.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the resolution will be printed in the Record.

The bill (S. 2813) to amend title 38, United States Code, to increase the amount payable on burial and funeral expenses, introduced by Mr. Scott, for himself and Mr. Schweiker, was received, read twice by its title, and referred to the Committee on Finance.

The material presented by Mr. Scott is as follows:

Resolution 48 (North Dakota)

Subject: Seek legislation to increase the burial allowance under sections 902 and 903, title 38, United States Codes, from $250 to $400.

Whereas, the burial allowance payable by the Veterans Administration under 38 USC 902 and 903 on the burial and funeral expenses of a deceased veteran was last increased by the Act of August 18, 1958; and

Whereas, the burial allowance of $250 payable under these provisions of title 38, United States Code, is inadequate in comparison with the cost of providing preparation, transportation, and interment services; now, therefore, be it

Resolved, by The American Legion in National Convention assembled in New Orleans, Louisiana, September 10, 11, 12 1968, that The American Legion shall sponsor and support legislation to provide that the burial allowance authorized under 38 USC 902 and 903 be increased to $400.00.

S. 2817—INTRODUCTION OF A BILL RELATING TO MARITIME LIENS

Mr. MAGNUSON. Mr. President, I introduce by request of the American Association of Port Authorities, for appropriate reference, a bill to amend the maritime lien provisions of the Ship Mortgage Act of 1920.

I ask unanimous consent that the provisions of the bill, together with a memorandum in support of its proposed amendments to existing law, be printed in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and memorandum will be printed in the Record.

The bill (S. 2817) to amend the maritime lien provisions of the Ship Mortgage Act of 1920, introduced by Mr. Magnuson, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

S. 2817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 30 of the Ship Mortgage Act of 1920 (46 U.S.C. 971–975) is amended as follows:

(1) by adding, at the end of subsection P thereof (46 U.S.C. 971), the following new sentence:

"Services furnished to a vessel in accordance with the provisions of a tariff filed with the Federal Maritime Commission pursuant to the rules of said Commission shall be deemed necessaries for all purposes."

(2) by inserting, in subsection R thereof (46 U.S.C. 973) after the word "but" and before the word "nothing", the following: ", except as hereinafter in this section provided," and adding, at the end of said subsection R, the following new sentence:

"No provision in any charter party, agreement for sale of a vessel, nor any other reason, shall be, or be construed to be, a sufficient reason to deny to any person, having a tariff on file with the Federal Maritime Commission pursuant to the rules of said Commission, a maritime lien for services, included in said tariff, which are furnished to a vessel."

The memorandum, presented by Mr. Magnuson, is as follows:

Memorandum in Support of Proposed Amendments to the Federal Maritime Lien Law (46 U.S.C. 971–975)

Under existing law, the owners of a vessel may insert, in any "charter" of the vessel, a provision, known as a "prohibition of lien" clause, which denies to the charterer authority to bind the vessel to liens. When such a clause is in the "charter" a marine terminal operator who supplies facilities and services to the vessel cannot subject the vessel to a lien to aid in the collection of the charges for the services even though the charges he seeks to collect are part of his tariff on file with the Federal Maritime Commission in accordance with the requirements of the Commission.

In *Port of Tacoma* vs. *S.S. Duval*, 364 F. 2d 615 (CCA9th, 1966), the Port of Tacoma sought to assert a lien on the basis of its tariff on file with the Federal Maritime Commission. The Court held that the filed tariff did not prevail as against the "no-lien" clause in the charter party.

The decision in *Duval suggests* that if the tariff filing by Tacoma had been made under a situation which provided that tariffs filed with the Federal Maritime Commission were constructive notice, the result in the case might have been different. However, the case *does not hold* that the result would have been different. The decision actually turns on the provisions of the Federal Lien Law (46 U.S.C. 971 through 974) and, more specifically, the provision of that law (46 U.S.C. 973) requiring that a person seeking to impose a lien make inquiry as to the terms of a charter party. For convenience, a copy of the Federal Lien Law is attached hereto.

Consideration has been given to the possibility of amending the Shipping Act of 1916 (46 U.S.C. 801 *et seq.*) to provide that filed marine terminal tariffs shall be constructive notice to all the world of the charges made thereunder, etc. Such an amendment would not, however, resolve the Ports' problem because it would not eliminate the duty of inquiry imposed by the Lien Law. Thus, it would appear that the most practical legislative solution lies in amendments to the Lien Law. The simplest amendment to that Law might be said to be deletion of everything in Section 973 after the semi-colon in the fourth line. This would permit the imposition of liens by all persons covered in Section 971—a much broader class than marine terminal operators.

For this reason, any such proposed amendment would probably give rise to very serious opposition. Hence, the amendments here proposed run only to the benefit of marine terminal operators who are required to file their tariffs with the Federal Maritime Commission pursuant to FMC General Order 15.

The amendments have been drafted to accomplish two particular objectives:

1. The amendment to 46 U.S.C. 971 would eliminate any doubts as to whether or not terminal services provided to a vessel under and in accordance with the provisions of a tariff on file with the Federal Maritime Commission are included among the "necessaries" for which a lien may be had.

2. The amendments to 46 U.S.C. 973 would eliminate any possible argument that the supplier of "necessaries" to a vessel under a tariff filed with the Federal Maritime Commission should be denied a lien by reason of any alleged failures to exerecise "reasonable diligence" to ascertain the terms of a charter.

The overall limitation of the right to lien without inquiry to persons supplying services in accordance with the provisions of a tariff filed with the FMC in accordance with its Rules vests the Commission, through its Rule-making power, with control over the nature of the terminal services which may be the basis for a lien. At the same time, since this Rule-making power may not be arbitrarily exercised—notice and hearing requirements are applicable—the marine terminal operators to whom the protection of lien is to be afforded are protected against loss thereof without notice.

The need for protection of a lien arises from the fact that while it is theoretically possible for a marine terminal operator to inquire into the terms of a charter, it is often not practical to do so until the vessel is at the terminal. When the vessel is at the terminal, charges such as dockage, have already accrued. If the inquiry requires any period of time, the vessel may be already working with additional charges accrued against it. The only alternative the terminal operator has is to refuse to accept the vessel until his inquiry has been completed. This may result in a refusal by the vessel to use the terminal and a consequent loss of sorely needed revenues. And then if inquiry is made, unless it is exhaustive, the terminal operator can have no assurance that, in a later dispute, the extent thereof will be deemed adequate to satisfy the requirement of "reasonable diligence" since each case will necessarily turn on its own facts.

Reasonable vessel owners and responsible charterers should have no objection to the proposed amendment. The services furnished by marine terminal operators are essential to the employment of the vessel. The vessel selects the terminal from a wide range of terminals available to it.

It can ascertain the charges to which it will be subject at the terminal it selects by reviewing the terminal's filed and published tariff. Neither its owner nor its charterer should be able, by inserting a clause in a priviate contract, to force the marine terminal operator into civilian litigation against parties from another part of the world to recover the reasonable cost of the services he provides. The right to lien the vessel will insure settlement of any disputes which may arise without undue burden to either party.

S. 2818—INTRODUCTION OF A BILL RELATING TO APPOINTMENTS TO THE SERVICE ACADEMIES

Mr. GURNEY. Mr. President, today I am introducing legislation to benefit the National Service Academies, as well as the Congress and the Nation as a whole.

Under present law as provided title 10, United States Code, section 4342(a) each Member of Congress is authorized to nominate one principal candidate and nine alternates for each vacancy at either the Naval Academy, Air Force Academy, or West Point.

However, as each Member of Congress is allowed only five principal candidates in the academies at any one time, there are occasions when he has no vacancies during a particular year.

If there are no vacancies, then the Member of Congress is powerless to make any nominations.

In fact, in my own case, if I place a man in each of the academies next year, then in 1971, I will have only one appointment to Annapolis and none to West Point or Air Force.

About 350 to 400 young men from Florida apply to each academy, each year. This would mean that 700–800 young men from Florida will have no chance at West Point and Air Force in 1971. This is harmful not only to Florida and other States, but also to the services.

These additional appointees would not be chargeable to the Member of Congress but to the Secretary of the Army. It will assist the academies measurably by deepening the pool for outstanding alternates and would provide the opportunity for the Member of Congress to nominate candidates every year.

Under the present system the Member of Congress who fills his quota is penalized as he is unable to nominate the following year. This prevents many outstanding young men from being given an opportunity to compete for a nomination to the academies. Also, some Members of Congress are inclined to hold back their appointments if none are available for the following year.

All in all, the purpose of this legislation is to assist the academies in filling their classes every year. There is no guarantee of one particular young man being selected but it will give those highly qualified young men who would ordinarily not have the opportunity of a nomination a chance to compete nationwide to enter one of the military academies.

Here is a bill which should have solid backing of every Member of Congress. It benefits all, it penalizes no one. It serves the academies, the armed services, and the Nation.

I strongly recommend that Congress make every effort to fully consider this legislation and pass it into law in the very near future.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2818) to amend title 10 of the United States Code to provide for additional nominations by Members of Congress of persons for appointment to the service academies by the secretaries of the military departments; introduced by Mr. Gurney, was received, read twice by its title, and referred to the Committee on Armed Services.

S. 2821—INTRODUCTION OF PUBLIC TRANSPORTATION ASSISTANCE ACT OF 1969

Mr. BENNETT. Mr. President, I introduce on behalf of myself and the distinguished chairman of the Senate Banking and Currency Committee (Mr. Sparkman), the Senator from Texas (Mr. Tower), the Senator from Illinois (Mr. Percy), and the Senator from New York (Mr. Goodell), the Public Transportation Assistance Act of 1969.

This program is the most extensive transportation program ever proposed in our Nation's history and represents a major commitment on the part of the Nixon administration. In these years of tight budgets and expenditure controls, the President's proposal is significant recognition of the importance of public transit in our cities. The passage of this legislation will take the problems of public transportation out of their present "yearly nuisance" status and give them the kind of long-term planning priority that they must have, if they are ever to be solved.

I shall not discuss the statistical justification for this program or outline its general provisions; the President has already done this in his message. I would like, however, to address myself to one question which has been the subject of considerable discussion. I refer to the claim that has been raised by some that this bill is somehow deficient because it does not contain a trust fund. As a member of the Finance Committee as well as the Banking and Currency Committee, I feel I can discuss this question with some understanding of the complexities involved.

Many have pointed to the highway trust fund as a model for this legislation, and have insisted that anything short of that will not do the job. These people complain about the possibility that Congress might exercise its responsibility to review national priorities at some future time and give them less than they want in the way of funds for mass transit. It is to prevent Congress from performing this constitutional duty that they would establish a trust fund.

I do not oppose trust funds in and of themselves. There are some circumstances and the highway situation is one, where the service being provided should logically be paid for by those using it. The trust fund is a device to make sure that that will be done. In this case, however, the President has determined that this is a public responsibility and that the entire Nation should share in meeting it.

It, therefore, makes no sense to ask any one segment of the economy to shoulder the burden exclusively. I know such a concept would meet resistance in the Finance Committee as well as the Ways and Means Committee, and I endorse the President's decision to pay for this program out of the general funds.

On the other hand I recognize the need of the mayors and others concerned with this problem to have some assurance of Federal funds over more than a single appropriations cycle so that they can raise the local share of the cost. In this bill there is a provision for 5 years of contract authority which should give that kind of assurance. Those outside of Congress not familiar with the operation of contract authority have criticized this as being inadequate. I should point out to them that it is this same kind of authority which really makes the highway trust fund work. In effect, the public transportation program will operate in the same way as the highway trust fund except that funds will come from the general fund rather than from a single set of users.

Mr. President, there is much more that I could say, but the subject has been covered by both the Presidential message and the letter of transmittal signed by Secretary Volpe. Rather than repeat these specifics at this point, I request that a section-by-section analysis of the 1969 urban public transportation bill be printed at the conclusion of my remarks, together with a copy of the bill.

Mr. President, hearings on this legislation were held less than a month ago by the Banking and Currency Committee; and at that time, the administration promised us that this bill would be forthcoming.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and analysis will be printed in the Record.

The bill (S. 2821) to provide long-term financing for expanded urban public transportation programs, and for other purposes, introduced by Mr. Bennett (for himself and other Senators), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

S. 2821

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that the rapid urbanization and the continued dispersal of population and activities within urban areas has made the ability of all citizens to move quickly and at a reasonable cost an urgent national problem; that new directions in the Federal assistance programs for urban public transportation are imperative if efficient, safe and convenient transportation compatible with soundly planned urban areas to be achieved; and that success will require a Federal commitment to the expenditure of at least $10 billion over a twelve-year period to permit confident and continuing local planning, and greater flexibility in program administration. It is the purpose of this Act to create a partnership which permits the local community, through Federal financial assistance, to exercise the initiative necessary to satisfy its public transportation requirements.

Sec. 2. Section 3 of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1602), as amended, is amended to read as follows:

"(a) The Secretary is authorized, in accordance with the provisions of this Act and on such terms and conditions as he may prescribe, to make grants or loans (directly, through the purchase of securities or equipment trust certificates, or otherwise) to assist States and local public bodies and agencies thereof and private transit systems in financing the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in public transportation service in urban areas and in coordinating such service with highway and other transportation in such areas. Eligible facilities and equipment may include land (but not public highways), buses and other rolling stock, and other real and personal property needed for an efficient and coordinated public transportation system. No grant or loan shall be provided under this section unless the Secretary determines that the applicant has or will have (1) the legal, financial, and technical capacity to carry out the proposed project, and (2) satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and equipment. The Secretary may make loans for real property acquisition pursuant to subsection (b) upon a determination, which shall be in lieu of the preceding determinations, that the real property is reasonably expected to be required in connection with a public transportation system and that it will be used for that purpose within a reasonable period. No grant or loan funds shall be used for payment of operating expenses. No grant or loan shall be made for the benefit of a private transit system unless the application for assistance has been approved by the appropriate State or local public body or agency thereof, as determined by the Secretary. No grant shall be made directly to a private transit system unless the Secretary determines that (1) there is no appropriate State or local public body or agency thereof through which a grant for the benefit of a private transit system may be made and (2) the public interest does not require the establishment of a public body or agency for the purposes of that grant. An applicant for assistance under this section shall furnish a copy of its application to the Governor of each State affected concurrently with submission to the Secretary. If, within 30 days thereafter, the Governor submits comments to the Secretary, the Secretary must consider the comments before taking final action on the application.

"(b) The Secretary is authorized to make loans under this section to States or local public bodies and agencies thereof to finance the acquisition of real property and interests in real property for use as rights-of-way, station sites, and related purposes, on urban public transportation systems, including the net cost of property management and relocation payments made pursuant to section 7. Each loan agreement under this subsection shall provide for actual construction of urban public transportation facilities on acquired rights-of-way within a period not exceeding ten years following the fiscal year in which the agreement is made. Each agreement shall provide that in the event acquired real property or interests in real property are not to be used for right-of-way purposes, an appraisal of current value will be made at the time of that determination, which shall not be later than ten years following the fiscal year in which the agreement is made. Two-thirds of the increase in value, if any, over the original cost of the real property will be paid to the Secretary for credit to miscellaneous receipts of the Treasury. Repayment of amounts loaned shall be credited to miscellaneous receipts of the Treasury. A loan made under this subsection shall be repayable within ten years from the date of the loan agreement or on the date a grant agreement for actual construction of facilities on the acquired rights-of-way is made, whichever date is earlier. An applicant for assistance under this subsection shall furnish a copy of its application to the community comprehensive planning agency of the community affected concurrently with submission to the Secretary. If, within 30 days thereafter, the community comprehensive planning agency of the community affected submits comments to the Secretary, the Secretary must consider the comments before taking final action on the application.

"(c) No loan shall be made under this section for any project for which a grant is made under this section, except—

"(1) loans may be made for projects as to which grants are made for relocation payments; and

"(2) project grants may be made even though the real property involved in the project has been or will be acquired as a result of a loan under subsection (b).

Interest on loans made under this section shall be at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans adjusted to the nearest one-eighth of one per centum, plus (ii) an allowance adequate in the judgment of the Secretary of Transportation to cover administrative costs and probable losses under the program. Except for loans for acquisition of real property or interests in real property under subsection (b), no loans shall be made, including renewals or extensions thereof, and no securities or obligations shall be purchased which have maturity dates in excess of forty years.

"(d) No financial assistance shall be provided under this Act to any State or local public body or agency thereof for the purpose, directly or indirectly, of acquiring any interest in, or purchasing any facilities or other property of, a private transportation company, or for the purpose of constructing, improving, or reconstructing any facilities or other property acquired (after the date of enactment of this Act) from any such company, or for the purpose of providing by contract or otherwise for the operation of public transportation facilities or equipment in competition with, or supplementary to, the service provided by an existing private transportation company, unless (1) the Secretary finds that such assistance is essential to a program, proposed or under active preparation, for a unified or officially coordinated urban transportation system as part of the comprehensively planned development of the urban area, (2) the Secretary finds that such program, to the maximum extent feasible, provides for the participation of private transportation companies, (3) just and adequate compensation will be paid to such companies for acquisition of their franchises or property to the extent required by applicable State or local laws, and (4) the Secretary of Labor certifies that such assistance complies with section 13(c) of this Act.

"(e) Any State or local public body or agency thereof which makes or approves applications for a grant or loan under this Act to finance the acquisition, construction, reconstruction or improvement of facilities or equipment which will substantially affect a community or its public transportation service shall certify to the Secretary that it has held public hearings, or has afforded the opportunity for such hearings, has considered the economic and social effects of the project for which application for financial assistance is made and its impact on the environment, and has found that the project is consistent with any plans for the comprehensive development of the urban area. If hearings have been held, a copy of the transcript of the hearings shall be submitted with the certification."

SEC. 3. (a) Subsection 4(a) of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1603(a)), as amended, is amended by:

(1) changing "3" to "3(a) and 3(b)" in the first sentence thereof; and

(2) striking the penultimate sentence and inserting in place thereof the following sentences:

"Such remainder may be provided in whole or in part from other than public sources and any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital. If a grant is made to a private transit system for the acquisition of buses or other rolling stock, the grant agreement shall include an undertaking by the grantee that it will establish an escrow account which shall be reserved for the purchase of buses or other rolling stock and into which shall be paid annually an amount equal to the annual depreciation on the buses or rolling stock."

(b) Section 4 of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1603), as amended, is amended by adding the following new subsection:

"(c) To finance grants, loans, research, development, and demonstration projects, and administrative costs under this Act there is hereby authorized to be appropriated, to liquidate obligations incurred under this Act, not to exceed $300,000,000 for the fiscal year ending June 30, 1971; $400,000,000 for the fiscal year ending June 30, 1972; $600,000,000 for the fiscal year ending June 30, 1973; $800,000,000 for the fiscal year ending June 30, 1974; and $1,000,000,000 for the fiscal year ending June 30, 1975. Amounts authorized under this subsection shall become available for obligation, by the execution of grants or other contractual agreements, during the fiscal year for which they were first authorized and shall remain available until obligated."

SEC. 4. Section 5 of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1604), as amended, is amended by striking the penultimate sentence and inserting in place thereof the following sentences:

"Such remainder may be provided in whole or in part from other than public sources and any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital. If a grant is made to a private transit system for the acquisition of buses or other rolling stock, the grant agreement shall include an undertaking by the grantee that it will establish an escrow account which shall be reserved for the purchase of buses or other rolling stock and into which shall be paid annually an amount equal to the annual depreciation on the buses or rolling stock."

SEC. 5. Section 15 of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1611), as amended, is amended to read as follows:

"Grants made under section 3 (other than for relocation payments in accordance with section 7(b)) before July 1, 1970, for projects in any one State shall not exceed in the aggregate 12½ per centum of the aggregate amount of grant funds authorized to be appropriated pursuant to section 4(b), except that the Secretary may, without regard to such limitation, enter into contracts for grants under section 3 aggregating not to exceed $12,500,000 (subject to the total authorization provided in section 4(b)) with local public bodies and agencies in States where more than two-thirds of the maximum grants permitted in the respective State under this section has been obligated. Grants made on or after July 1, 1970, under section 3 for projects in any one State may not exceed in the aggregate 12½ per centum of the aggregate amount of funds authorized to be obligated under subsection 4(c), except that 15 per centum of the aggregate amount of grant funds authorized to be obligated under subsection 4(c) may be used by the Secretary, without regard to this limitation, for grants in States where more than two-thirds of the maximum amounts permitted under this section has been obligated. In computing State limitations under this section, grants for relocation payments shall be excluded."

SEC. 6. Nothing herein shall affect the authority of the Secretary of Housing and Urban Development to make grants, under the authority of sections 6(a), 9, and 11 of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1605(a), 1607a, 1607c et seq.), as amended, and Reorganization Plan No. 2 of 1968, for projects or activities primarily concerned with the relationship of urban transportation systems to the comprehensively planned development of urban areas, or the role of transportation planning in overall urban planning, out of funds appropriated to him for that purpose.

SEC. 7. (a) Reorganization Plan No. 2 of 1968 is amended by changing "Urban Mass Transportation Administration" to "Public Transportation Administration" wherever it occurs and by changing "Urban Mass Transportation Administrator" to "Public Transportation Administrator" wherever it occurs.

(b) The Urban Mass Transportation Act of 1964, as amended, is further amended by changing the words "mass transportation" to "public transportation" wherever they occur.

SEC. 8. This Act may be cited as the "Public Transportation Assistance Act of 1969".

The analysis, presented by Mr. BENNETT, is as follows:

SECTION-BY-SECTION ANALYSIS

A bill to provide long-term financing for expanded urban public transportation programs, and for other purposes

Sec. 1—This section declares it to be the finding of the Congress that, in order to realize urgent national goals, the Federal commitment to assist urban public transportation must be raised to at least $10 billion over a twelve-year period. This is necessary to achieve efficient, safe and convenient transportation compatible with soundly planned urban areas. The purpose of the bill is to create a partnership in which local communities may exercise the initiatives to satisfy their urban transportation needs, with Federal financial assistance.

Sec. 2—Amends section 3 of the Act which is the basic authority for the program of grants and loans for the acquisition, construction, reconstruction and improvement of public transportation facilities and equipment.

3(a)—This subsection presently specifies the purposes for which the grants and loans under the program may be used, defines eligible sponsors, and prescribes certain capabilities that the proposed sponsor must display. The amended provisions spell out the authority of the Secretary to provide assistance on terms and conditions which he may prescribe, which might include, for example, the establishment of a uniform system of accounts.

Another change permits the Secretary to make loans for real property acquisition under new subsection 3(b) upon a finding that the land is reasonably required in connection with an urban public transportation system and will be used for the purpose within a reasonable time. He need not make the more detailed findings required by this section for grants and loans for other purposes.

There is a provision, also, which requires that the appropriate State Governor be furnished with a copy of the application for assistance so that he may have 30 days in which to comment. The Secretary must consider any such comments before taking final action on the application.

Finally, the subsection is amended to permit loan assistance to be extended directly to private transit companies; grant assistance may be provided directly only when the Secretary determines that there is no appropriate public body or agency through which to transmit funds and that the public interest does not require the establishment of one. Any application for a private operator must first be approved by the appropriate State or local public body or agency thereof.

3(b)—This subsection is new and provides the authority and mechanics for loans to enable public transportation systems to acquire rights-of-way in advance of construction. Loans for this purpose may include the net costs to the locality of relocation payments and property management and will require a Secretarial finding that the proposed acquisition is reasonably expected to be required for a public transportation system and that it will in fact be used for public transportation facilities within a reasonable period. Repayment of the loans must take place within ten years; however, if a grant is made for construction on that right-of-way, repayment of the loan must be made at the time of the grant. Repayment will be credited to the miscellaneous receipts of the Treasury.

The loan agreement would provide for construction not later than ten years after acquisition, but it is possible that acquired real property interests might ultimately not be used for that purpose. If and when such a determination is made, the Secretary would direct that an appraisal be made to determine how much, if any, the property has increased in value since acquisition. The Federal Government and local agency would share any profit on a two-to-one ratio respectively, which is the ratio for sharing project costs. The Federal Government would not share in losses in value of the property, however.

3(c)—This subsection (based on section 3(b) of the present Act), imposes restrictions on the making of loans and prescribes certain conditions on loans which are made. It prevents making both loans and grants for the same project, except where (1) the grant is made for relocation payments, and (2) the real property involved was acquired for rights-of-way, station sites, or related purposes pursuant to the authority added by the new subsection 3(b).

The effect of this subsection is to establish, by deleting certain provisions of the present Act, that loans are to be made only from the authorizations contained in this bill. Under the Act as originally passed, it was intended that Treasury borrowing, pursuant to section 203 of the Housing Amendments of 1955, would be employed for this purpose; however, to date under this scheme, no Treasury borrowing has occurred, and loans have been made only from specifically appropriated funds.

Finally, the subsection prescribes the manner of computing the interest rate, and establishes a maximum maturity period of forty years, for loans made under section 3; however, loans under subsection 3(b) are repayable within 10 years.

3(d)—This subsection, relating to safeguards for operators of private transportation companies, restates subsection 3(c) of the present Act, except to change the concept of "mass transportation" to "public transportation".

3(e)—This new substance will require the local agency making or approving an assistance application to show that it has held (or afforded the opportunity for) public hearings and has considered the economic and social aspects of the project, its urban impact and consistency with planning goals. It is similar to 23 U.S.C. 128, which applies to Federal-aid highways.

Sec. 3—The section would: (1) amend section 4(a) of the Act, which now requires a certain Secretarial findings before section 3 assistance can be provided, to reflect the less stringent criteria of new section 3(b) in the case of land acquisition loans; (2) further amend section 4(a), consistent with permitting private transit companies to receive assistance directly in certain cases, to allow those operators to supply all of the non-Federal share of net project costs. (Present law permits this only in the case of "demonstrated fiscal inability" of the public agency.) But the share contribution of the private company could not be paid out of current revenues, only out of surplus, replacement funds or reserves, or new capital; further, any private transit company receiving a grant will be required to establish a funded depreciation account for the purpose of replacing fully depreciated equipment, regardless of when acquired; and (3) add a new subsection (c) to section 4 providing authorizations for loans and administrative costs, as well as grants and other projects under the Act for fiscal years 1971–1975 and establishing contract authority.

The amounts authorized for appropriation, $300, $400, $600, and $800 million and $1 billion, respectively, for the first 5 years of the new program will increase the level of funding in graduated increments which will help to assure an effective and efficient build-up in the extent of Federal support. The authorized levels of funding, $300, $400, $600, and $800 million and $1 billion, would be available for obligation in their full amounts during the fiscal year for which first authorized, and would remain available until expended. The Secretary would be authorized to obligate these amounts through grants or other contractual agreements. These obligations would be liquidated by subsequent appropriations.

Sec. 4—Makes the same change to section 5 as is made to section 4(a) respecting the share of net project costs paid by a private transit company and the requirement for a fully funded depreciation account.

Sec. 5—Amends section 15 of the Act, which restricts the aggregate of grant projects (other than relocation grants) in any one State to 12½ percent of the total amount authorized for this purpose. The existing legislation anticipated that some States would experience serious inhibitions with this limit and, so, a discretionary pool of $12.5 million was established to be available for use in States which had previously received more than two-thirds of the maximum grants. Notwithstanding this fund, California is now, and a number of other populous States will soon be, at a point where they can receive no further assistance. In the period after 1970, the 12½ percent ceilings would continue to apply but the Secretary would have discretion to use up to 15 percent of the authorizations without reference to the ceilings. Thus, each year 15 percent of monies authorized could be used by the Secretary as a discretionary fund. A percentage figure for this fund, rather than a static dollar figure, is more appropirate for a long-range program with progressive increases up to a substantial figure.

Sec. 6—Section 1 of Reorganization Plan No. 2 of 1968 transferred to the Secretary the program authority under the Act. But that section reserved to the Secretary of HUD authority to make grants for or undertake such projects or activities under sections 6 (a), 9, and 11 of the Act (relating to research, development, and demonstrations; technical studies grants; and grants for research and training in urban transportation problems) as "primarily concern the relationship of urban transportation systems to the comprehensively planned development of urban areas, or the role of transportation planning in overall urban planning." It was contemplated that such grants would be made out of appropriations to HUD. Section 105 preserves that understanding and insures that the appropriations authorized under this Act would be available only for grants in furtherance of the functions of the Secretary of Transportation under the Act.

Sec. 7—This section makes several changes in titles and descriptive words to better reflect the nature of the programs. The Urban Mass Transportation Administration would become the Public Transportation Administration and the term "mass transportation" would be replaced by "public transportation."

Sec. 8—Gives the short title of the Act, the "Public Transportation Assistance Act of 1969."

ADDITIONAL COSPONSORS OF BILLS

S. 74

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from South Dakota (Mr. McGOVERN), I ask unanimous consent that, at the next printing, the names of the Senators from North Dakota (Mr. BURDICK and Mr. YOUNG) be added as cosponsors of the bill (S. 74) to place in trust status certain lands on the Standing Rock Sioux Indian Reservation in North and South Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 746

Mr. METCALF. Mr. President, I ask unanimous consent that at the next printing of the bill (S. 746) to amend title XVIII of the Social Security Act so as to include chiropractors' services among the benefits provided by the insurance program established by part B of such title, the name of the Senator from New Mexico (Mr. Montoya) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2461

Mr. METCALF. Mr. President, I ask unanimous consent, that, at the next printing, my name be added as a cosponsor of the bill (S. 2461) to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2548

Mr. METCALF. Mr. President, I ask unanimous consent, that, at the next printing of the bill (S. 2548) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such acts, my name be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF BILL AND AMENDMENT

Mr. TYDINGS. Mr. President, I ask unanimous consent that the name of the Senator from Texas (Mr. Yarborough) be added to as a cosponsor of my amendment (No. 113) to Senate bill 2546, to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes, and also that his name be added to the bill at the next printing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 240—RESOLUTION TO AUTHORIZE THE EXPENDITURE OF CERTAIN FUNDS BY THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND submitted the following resolution (S. Res. 240); which was referred to the Committee on the Judiciary:

S. Res. 240

Resolved, That section 3 of Senate Resolution 33, agreed to February 17, 1967, is hereby amended by striking out "$400,000" where it appears therein and inserting in lieu thereof "402,100".

SENATE RESOLUTION 241—RESOLUTION AMENDING THE STANDING RULES OF THE SENATE WITH RESPECT TO REPORTS OF STANDING COMMITTEES

Mr. BYRD of West Virginia submitted the following resolution (S. Res. 241); which was referred to the Committee on Rules and Administration:

S. Res. 241

Resolved, That rule XXV of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"6. Every report from a standing committee (other than the Committee on Appropriations) accompaning a bill or joint resolution, recommending the creation or expansion of any function, activity, or authority in the Government to be in addition to those functions, activities, and authorities therefor existing at the time such report is submitted, shall contain a statement for each of the first five fiscal years during which each such additional or expanded function, activity, or authority recommended is to be in effect, disclosing the estimated appropriation or fund requirements attributable to the performance of such functions, activity, or authority, and, in such form as the committee may deem appropriate, a summarized comparison of such appropriation or fund requirements with the corresponding recommendations, if any, from the executive branch of the Government.".

NATIONAL TIMBER SUPPLY ACT OF 1969—AMENDMENTS

AMENDMENT NO. 133

Mr. BROOKE. Mr. President, I rise today to address a subject which is of great concern to me—the need to provide for efficient development and management of national forest commercial timberlands consistent with sound forestry management principles.

Earlier this year, I joined with Chairman Sparkman of the Banking and Currency Committee and a distinguished group of cosponsors in proposing the enactment of S. 1832—the National Timber Supply Act of 1969. This bill is designed to establish a High Timber Yield Fund, which would provide a reliable source of funds for our national forests. At present, the commercial timber receipts derived from our national forests are deposited into the Treasury and only a portion of these funds return to the national forests. By establishing this trust fund, the Forest Service would recoup a large amount of funds which otherwise would not be plowed back into forest management. In the last 5 years, the Forest Service estimates that $678 million would have been returned to the national forests for use in reforestation and other vital timber production projects, if such a trust fund had been in operation.

While I supported the general principles set forth in S. 1832 at the time of its introduction, I believed that further refinements were necessary. Accordingly, I joined with my distinguished colleague on the Banking and Currency Committee, Senator Bennett of Utah, in proposing amendments on June 25, 1969, which would greatly improve trust fund operations contemplated by the bill.

I am submitting additional amendments today which are designed to further clarify the provisions of the bill. I propose to amend section 2 to recognize the importance of the conservation principles of multiple use and sustained yield. Timber yields should be increased; however, increased yields should not be realized at the expense of other national forest uses such as outdoor recreation, fish and wildlife, range forage, water quality, and wilderness. Accordingly, my amendments would specify that by enacting this bill, Congress intends no infringement of the policies set forth in the Multiple Use-Sustained Yield Act of June 12, 1960.

I am also introducing an amendment which would authorize the expenditure of trust fund money for timber management planning and timber sales supervision. Planning money is essential because planning cycles must be shortened significantly in order to revise allowable cuts in light of current data on the timber stock and the rate of investment on the land. The present plans are revised only once every 10 years. This cycle is far too long to keep pace with the contemplated rate of new investment in tree planting and other cultural measures. More intensive sales supervision must be exercised so as to minimize the adverse effects of commercial activity upon the forest environment.

I propose an additional amendment to section 7 of the bill, which would clarify Congress' intention to revise allowable annual harvesting rates to the extent commensurate with sound forestry management programs. Thus, any implication contained in the present bill that Congress intends to authorize overcutting the national forests in a manner inconsistent with sound forestry principles would be removed.

The amendments which I submit today are in accord with the goals of the Forest Service—namely, that timber yields from national forests be increased to the maximum extent feasible, consistent with established and proven forestry principles. I am hopeful that these amendments will receive favorable consideration by my colleagues in the Senate.

At this point in the Record, Mr. President, I ask unanimous consent that a copy of my amendments be printed.

The PRESIDING OFFICER. The amendments will be received and printed, and will be appropriately referred; and, without objection, the amendments will be printed in the Record.

The amendments (No. 133) were referred to the Committee on Agriculture, and Forestry as follows:

On page 1, line 6, beginning with the word "hereby," strike all through page 2, line 5, and insert the following: "finds that—

"(1) it is necessary to increase funds for effective conservation, planning, and management of national forest commercial timberlands;

"(2) it is necessary to increase substantially the timber yield from national forest commercial timberlands in order to increase the supply of wood products which are needed to meet increasing national demands, including the demand for home construction;

"(3) it is necessary to provide a reliable and adequate source of funds required to increase timber yield rates on such national forest commercial timberlands; and

"(4) a substantially increased yield of timber can be produced from the national forests within the policy of the Congress stated in the Multiple Use-Sustained Yield Act of June 12, 1960 (74 Stat. 215)."

On page 4, strike out lines 9 through 13 and insert in lieu thereof the following:

"(5) planning, preparation, and supervision, including marking, thinning, salvage, understory and overstory removal, and harvest sales;".

On page 4, lines 14, 15, and 17, change "(7)" "(8)", and "(9)" to "(6)", "(7)", and "(8)" respectively.

On page 5, line 10, strike out "which will result from" and insert in lieu thereof "expected to result when there is".

CONTINUATION OF PROGRAMS AUTHORIZED UNDER THE ECONOMIC OPPORTUNITY ACT OF 1964—AMENDMENTS

AMENDMENT NO. 134

Mr. MONDALE. Mr. President, today I submit an amendment to S. 1809, a bill to improve and extend the authorizing legislation for the Office of Economic Opportunity. This amendment to S. 1809, which I will offer in the executive sessions of the Employment, Manpower, and Poverty Subcommittee, provides an increase in the authorized appropriations for the legal services program from the suggested $50 million to $90 million.

As recognized in the 1965 authorization for the Office of Economic Opportunity's legal services program, provision for adequate legal counsel has special importance for the poor. Though endowed with special needs and problems, impoverished persons have for years been denied the attention which those problems require: Their interests have been neglected for decades, their rights have been victimized by century-long exploitation. Especially for the poor who are members of minority groups—for the black American, the Mexican American, the Puerto Rican, the American Indian, the Japanese American, and the Appalachian dirt farmer, "equal justice" has been an empty slogan, a promise never fulfilled and an ideal never attained.

Some of this injustice inheres strictly from "bad laws"; some of it results from misconstruction by the courts; and some of it is plainly a natural outgrowth of economic or racial prejudice. But most of it is the result of a very simple fact: the price of equal justice is adequate legal counsel, and the cost of adequate legal counsel, for many Americans is prohibitive.

When a poor person is the defendant in a civil lawsuit, his fate depends upon his ability to realize the possible effect of the action against him, and to obtain assistance or marshal the law to his own defense. An indigent almost never takes affirmative action to redress his grievances. Favorable court precedents do not automatically apply to him; someone with a knowledge of the law must see that his problem is one with an existing legal remedy. And if new law is to be developed to meet the problems of the poor, someone must know the problems and begin the long process of filing creative lawsuits.

By providing free legal counsel to poor and minority groups, the legal services branch of the OEO reflects the increased national awareness of the important relation between sound advocacy and equal justice. In its brief history, legal services has had a great impact on the poor and on the law, and is, perhaps, the most successful of OEO operations.

Statistically speaking, legal services was funded last year at $46 million, supporting 265 programs and 1,400 lawyers in 49 States. During that period, over 600,000 cases were handled, over 2 million client contacts were established, and an assortment of services for clients was rendered: tenants were represented in disputes with landlords, consumers were protected against hidden credit schemes, and welfare recipients had their rights established. In addition, legal services attorneys have enforced Government minimum standards, fought for civil rights and the constitutional right to be heard, asserted Indian land claims, exposed the harmful effects of pesticides on farmworkers, and pushed for better living and working conditions for migrants.

For many people, legal services has made the difference between hope and despair; it has meant more than mere advice on legal matters; it has been the only authoritative, sympathetic, and trustworthy outlet available, the only symbol of hope in the culture of poverty.

Although it is making an important contribution, legal services is not receiving adequate funds. The 1,400 field lawyers now in legal services have not even come close to meeting the total legal needs of the poor; it is estimated that due to present limitations on the program's size, only 15 percent of the poor have access to legal services or VISTA lawyers. There are few projects in rural and sparsely populated areas such as Appalachia. Although an estimated 45 percent of the poor—those with incomes below the poverty line—about $3,300 for a family of four—are located east of the Mississippi and south of the Mason-Dixon line, only about 12 percent of legal service's lawyers are located there now. OEO records show that applications totaling $40 million in new programs from over 100 communities had to be turned down last year for lack of funds. And many of the country's metropolitan areas have no organized legal aid services. Mr. President, I ask unanimous consent that a list of these communities, indicating their size and location, be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

TARGET AREAS OF UNMET LEGAL SERVICES FOR THE POOR*

METROPOLITAN AREAS OF OVER 100,000 POPULATION HAVING NO ORGANIZED LEGAL AID SERVICES, COMBINED POPULATION OVER 2 MILLION

Glendale, Calif	119, 442
Fort Lauderdale, Fla	441, 000
East Moline, Ill	339, 000
Joliet, Ill	191, 617
Anderson, Ind	130, 000
Muncie, Ind	117, 000
Terre Haute, Ind	167, 000
Lexington, Ky	159, 000
Jackson, Miss	271, 546
Asheville, N.C	143, 000
Steubenville, Ohio	170, 000
Altoona, Pa	137, 000
Memphis, Tenn	818, 650
Galveston, Tex	157, 000
Norfolk, Va	715, 409
Wheeling, W. Va	281, 000
Green Bay, Wis	137, 000

CITIES OF 75,000 TO 100,000 POPULATION HAVING NO ORGANIZED LEGAL AID SERVICES

Cedar Rapids, Iowa	103, 545
Davenport, Iowa	95, 796
Sioux City, Iowa	89, 159
Fall River, Mass	99, 942
Lowell, Mass	92, 107
Quincy, Mass	87, 409
St. Joseph, Mo	79, 673
Springfield, Mo	95, 865
Raleigh, N.C	105, 722
Hampton, Va	89, 258
Huntington, W. Va	83, 627

CITIES OVER 100,000 POPULATION HAVING NO ORGANIZED LEGAL AID SERVICES

Columbus, Ga	116, 779
Newport News, Va	113, 662
Portsmouth, Va	144, 773

CITIES HAVING NO ORGANIZED LEGAL AID SERVICES (BUT HAVING A VOLUNTEER BAR ASSOCIATION ASSISTANCE PROGRAM)

Mobile, Ala	202, 779
Montgomery, Ala	134, 393
Chico, Calif	14, 757
Abilene, Tex	90, 368
Tyler, Tex	51, 230
Bellington, Wash	34, 688
Yakima, Wash	43, 284
Oshkosh, Wis	45, 110

*Source: National Legal Aid and Defender Association.

Mr. MONDALE. Mr. President, another indication of the need for increased funding for legal services is provided by figures detailing the tremendous case load handled by OEO lawyers. On the average, most lawyers in the United States handle no more than 100 clients per year; yet many of the present OEO lawyers serve from 600 to 1,000 clients each year. Such heavy case loads indicate not only the popularity of Legal Services in poverty-ridden communities, but also reflect the great burden placed upon its lawyers. Clearly, there is a need for increased Federal support for this important program.

In response to this need, the American Bar Association recommended in 1967, and again this year in compelling testimony before the Employment, Manpower and poverty Subcommittee, that funding for the legal services program be increased to $90 million. With that authorization, several improvements could be made:

First, existing offices could improve services by increasing the number of lawyers and para-legal assistants assigned to them, decreasing the case load burden, and allowing for more work on time-consuming appellate litigation.

Second, 200 new offices could be opened in areas not now reached by the program.

Third, an additional 600 lawyers could be put in the field, raising the total to 2,000; 1,500 lawyers could be added overall.

Fourth, support could be given innovative "research and demonstration" programs, providing for the conduct of study into judicial administration and minority legal education.

Under this point, Mr. President, I wish to mention specifically one important demonstration project now being funded partially through OEO legal services, the "Council for Legal Educational Opportunities."

Since its inception in 1968, the Council has attempted to correct the deficiencies in minority legal education by recruiting and preparing minority group college graduates for entry into law schools.

Chartered under the sponsorship of the American Bar Association, CLEO reflects a growing concern for underrepresentation of minority groups in the legal profession. Blacks, for instance, account for only 1 percent of the Nation's 300,000 lawyers. On the average, there is one lawyer in the United States for every 637 people, but only one black lawyer for every 7,000 Negroes and less than one Indian lawyer for every 100,000 Indians.

By providing summer institutes and financial aid for minority group students, CLEO is helping to correct these imbalances. However, the $500,000 it presently receives from the OEO is inadequate for provision of adequate service; much more is necessary. I highly commend OEO for its contributions, and I strongly urge that support for its efforts be sizably increased.

By increasing legal services' funding to $90 million, $35 million could be provided for the funding of existing programs, $29 million could be allocated to the expansion of those programs, $8 million could be allotted for new programs in cities, $13 million could be earmarked for new rural projects, and $5 million could be reserved for demonstration projects such as CLEO. This support would provide what the ABA considers as "absolutely the minimum acceptable" program size, and would substantially improve upon what the administration's budget request of $55 million would provide.

The level of interest in the program indicates that $90 million authorization could be easily handled. According to legal services' estimates, an additional 1,500 lawyers could be recruited within 1 year if funds were available. Many young lawyers wish to serve in VISTA and the legal services, but limitations on the funds prevent them from performing needed tasks: of the 1,200 applications submitted by lawyers to the OEO Reginald Heber Field Service Fellowship program, only 250 could be accepted because of financial limitations.

Clearly, therefore, there is a need for more legal services to the poor, and for a supply of attorneys available to meet that need. All that remains to be made available is adequate financial support from the Government. "Equal justice under law," it has been said, is the objective of responsible government; raising the authorization for the OEO's legal services program to $90 million would be significant progress toward making that objective a reality.

The PRESIDING OFFICER. The amendment will be received and printed, and will be appropriately referred.

The amendment (No. 134) was referred to the Committee on Labor and Public Welfare.

ADDITIONAL COSPONSORS OF RESOLUTIONS

S. RES. 211

Mr. BROOKE. Mr. President, I ask unanimous consent that at the next printing the name of the junior Senator from Virginia (Mr. SPONG) be added as a cosponsor of the resolution (S. Res. 211) seeking agreement with the Union of Soviet Socialist Republics on limiting offensive and defensive strategic weapons and the suspension of test flights of reentry vehicles.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. RES. 223

Mr. STEVENS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Wyoming (Mr. HANSEN) be added as a cosponsor of the resolution (S. Res. 223) expressing the sense of the Senate of the United States with respect to establishment of at least one standard metropolitan statistical area in each State.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARINGS ON S. 2577, ADDITIONAL MORTGAGE CREDIT

Mr. PROXMIRE. Mr. President, I wish to announce that the Subcommittee on Financial Institutions of the Committee on Banking and Currency will hold hearings on S. 2577, a bill to provide additional mortgage credit, and for other purposes.

The hearings will be held on Tuesday, Wednesday, and Thursday, September 9, 10, and 11, 1969, and will begin at 10 a.m. in room 5302, New Senate Office Building.

Persons desiring to testify or to submit written statements in connection with these hearings should notify Mr. Kenneth A. McLean, room 5300, New Senate Office Building, Washington, D.C. 20510; telephone 225-7391.

NOTICE OF HEARING SCHEDULED FOR AUGUST 12 ON THE FEDERAL GOVERNMENT'S MANPOWER CAPABILITY TO OVERSEE OIL RESOURCE DEVELOPMENT ACTIVITY IN ALASKA

Mr. JACKSON. Mr. President, the Special Subcommittee on Legislative Oversight of the Committee on Interior and Insular Affairs has scheduled a hearing for tomorrow, August 12, on the Federal Government's capability to manage and administer resource development activities in the State of Alaska. The hearing will be held in room 3110 of the New Senate Office Building at 1:30 p.m.

The purpose of the hearing is to review the Department of the Interior's manpower and funding requirements to oversee the growing development activity associated with the oil discovery on Alaska's north slope and the proposed 48-inch, 800-mile pipeline from Prudhoe Bay to Valdez, Alaska.

Witnesses scheduled to testify are Under Secretary Russell Train of the Department of the Interior and Mr. Carl Schwartz, Director, Natural Resources Programs Division, Bureau of the Budget.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Marvin G. Washington, of Michigan, to be U.S. marshal for the western district of Michigan for the term of 4 years, vice, Floyd Stevens.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Monday, August 18, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

SURVEILLANCE OF DEPARTMENT OF DEFENSE CONTRACTS

Mr. BYRD of West Virginia. Mr. President, I voted against the amendment offered by the Senator from Pennsylvania (Mr. SCHWEIKER) for the following reasons:

First. The Committee on Armed Services, in early January, instituted a program of surveillance of contracts by its own staff members, and obtained the services of men highly qualified in this field—some of the top men from the General Accounting Office on a reimbursable basis;

Second. The Armed Services Committee is now receiving quarterly reports on a number of major contracts representing, I understand, about 75 percent of the amount in dollars involved in defense appropriations;

Third. The Secretary of Defense has put in motion his own surveillance plan;

Fourth. The President of the United States early this year appointed a special panel made up of outstanding members to make a report as to what most needs to be done;

Fifth. Under the amendment, there is no estimate on the number of persons who would be required as new employees and no estimate of the cost of the operation;

Sixth. The Comptroller General of the United States has stated in a letter addressed to the chairman of the Senate Armed Services Committee his objections to the proposed amendment. He stated that before legislation of this type is enacted, it should be given the most careful consideration by Congress and that such legislation at this time without such hearings "would be unwise."

Mr. President, I am very much in favor of the basic idea of the amendment, but I believe that such proposal should be subjected to thorough hearings and close scrutiny by the Committee on Armed Services and the Committee on Government Operations. This would insure that the language would be carefully drawn. We would then know exactly what we were doing, what the cost would be, the number of new personnel needed, and so forth. The chairman of the Armed Services Committee has promised such hearings. The advice and report of the President's blue ribbon panel could also be used so as to assist the committee in devising the most effective legislation.

Should the amendment be rejected in conference, I would hope that the Committee on Armed Services would work with the Committee on Government Operations to develop and present appropriate legislation to meet the needs.

ACTION IS NEEDED NOW ON H.R. 11235—A BILL TO ENRICH THE LIVES OF OLDER AMERICANS

Mr. GOLDWATER. Mr. President, it is my purpose today to urge that the Senate call up for immediate action H.R. 11235, the Older Americans Act Amendments of 1969. This measure is of direct potential benefit to millions of our older citizens, and I believe a proper consideration for their needs demands that we deal with this legislation before we begin a recess.

The bill was cleared by the House in June, was reported favorably by the Committee on Labor and Public Welfare last Tuesday, and is pending on the Senate Calendar in readiness for our approval. In other words, the bill has sailed through many seas on its legislative voyage and needs but a slight assist to be propelled into home port.

To my knowledge this proposal has almost no opposition, and I believe the joint leadership would find it easy to arrange a time limitation or other agreement which would provide assurances that the measure will be expeditiously handled.

Mr. President, it is not possible for me to overstate the importance of the group of citizens to whom this measure is addressed. As a Senator from Arizona, one of our Nation's most favored retirement areas, I am quite familiar with the goals and qualities of our older citizens. In the past three decades the number of persons over 65 residing in our State has doubled five times. Indeed, citizens over 65 now comprise an impressive 9 percent of our entire population.

Looking at the national picture, the statistics are equally noteworthy. There are now 20 million persons in this country over 65 and a comparable number between the ages of 50 and 65.

But, statistics do not tell the whole story. There are other facts which are not well-known, and should be. These include the following:

First. Older Americans constitute one of the fastest growing minorities in the United States. Over the past 8 years their rate of growth was 13.4 percent compared to 11 percent for the country as a whole.

Second. Tomorrow's influence and impact of older people will exceed today's impact of the younger generation. Their rate of growth is about equal, but our older citizens, unlike the younger ones, possess the right to vote. In fact, the participation of older people in the voting process is greater than the national average. Let no one mistake it, this means that our senior citizens are going to be able to make their desires known in a way elected officials will have to answer.

Third. Under all existing Federal programs in the last year, only $1 per person was spent on our citizens over 65.

Fourth. Within all the Federal agencies and departments, fewer than 100 employees are working exclusively in programs for the elderly.

Mr. President, it is high time that we take note of these facts and begin to show a proper concern for the welfare of older persons. A small beginning was made with the passage of the Older Americans Act of 1965, but in its present form this is not nearly enough. Indeed, the authority for the grant and contract programs of this act ran out on June 30 of this year.

The best and simplest way to get rolling on programs to enrich the lives of older people is to pass H.R. 11235. The bill will extend the authority of the administration on Aging to support State and local services and projects dealing with older Americans. It will improve the administration of the Older Americans Act of 1965. And, it will create a double-barreled program aimed at utilizing volunteer services rendered by elderly persons.

The principal features and purposes of H.R. 11235 are the same as those included in S. 2120, which I have sponsored, and I am happy to give my complete endorsement to this worthwhile measure.

One feature that I particularly like about the bill is the flexibility it offers to local communities and agencies in choosing what projects will best fit their needs and interests. A broad range of activities will be supported under the proposed law and new approaches will be encouraged. It is important that we permit and stimulate the use of alternative approaches because it is the only thing that makes sense in light of the varying qualities of older Americans.

This group must not be stereotyped. It is simply not true that all persons who are age 65 or older have the same needs, personal goals, or desires. Some neither want, nor require, public services. Many wish only to utilize the skills and expertise that years of employment have given them in some continued, constructive manner. Others desire to supplement their savings by remaining in the labor force, while still others would like to benefit from special transportation services or home health aid or other selected projects.

Mr. President, this diversification has been the hallmark of the programs established in Arizona. It is reflected in 15 pilot projects that were run throughout our State during this past year in the field of aging. One project, which was operated by Yuma County, provided instruction for senior citizens in effective shopping, home maintenance, and health care. Another in Maricopa County provided employment referral services and transportation to jobs. A third in Casa Grande established a senior citizens center to encourage participation in, and provide opportunities for, a friendly and constructive community life.

Mr. President, one of the reasons why I support the bill now on the calendar is that it will enable Arizona and the other States to maintain and expand the fine activities which they have initiated under the original older Americans law.

But it is important to emphasize that the bill does more than simply carry on the programs begun under the 1965 law. If H.R. 11235 is passed, it will clearly make major and valuable improvements in the present law.

Primary among these is the authorization of grants to States in a manner which will significantly strengthen the capabilities of the State agencies and provide them with added options in their planning. For example, one new provision would increase the minimum allotment to each State from $25,000 to $75,000 for purposes of planning, coordinating, and evaluating programs. The dividends this will pay in improved administration of the law is self evident. Another new provision would assure that community projects which look promising will be eligible for the Federal support beyond 3 years, the limit imposed under the present law.

Finally, the bill lays heavy emphasis on the value and importance of volunteer service by older persons. This approach is based on a top-priority concern for one of the most deeply felt needs of every older person—the opportunity to contribute in a significant way to the community in which he resides.

In order to respond to this need, the bill would create a new national older Americans volunteer program composed of two parts. Part A would authorize a retired senior volunteer program designed to engage the energies and talents of persons 60 or over who wish to provide services needed in their own communities. These volunteers would give their services without compensation other than for transportation, meals, and out-of-pocket expenses. This is in recognition of the fact that the opportunity to be engaged in significant, purposeful activity is all the compensation many of our older persons wish to have.

Part B would for the first time provide a specific authorization for the foster grandparent program. This concept is a splended effort that has proven itself on an experimental basis and certainly warrants being carried forward as a regular program. Under this program, it will be possible for persons age 60 or over to render their services on a personal relationship basis to dependent and neglected children. Priority will be given to the enrollment of low-income persons who are no longer in the work force and they will earn a small compensation for their services.

Mr. President, the invaluable benefit of both these programs lies in the great lift they give to the personal dignity and self-esteem of the older persons who render volunteer services.

In summary, it is my contention that an expanded law aimed at the needs of older Americans should receive our immediate consideration. In my opinion, the approaches set forth in H.R. 11235 represent an excellent blending of the best proposals introduced in this session and I wish to express my strongest support for this measure.

The bill strives to put public authority at the effective service of our older citizens. It provides us a means for demonstrating to the elderly that society has not shut them off and that there is a national policy to improve the well-being of all older persons. The bill is needed and needed now.

NIXON MASS TRANSIT PROPOSALS—TRANSPORTATION WITHOUT TRUST

Mr. WILLIAMS of New Jersey. Mr. President, President Nixon has at long last unveiled his mass transit proposals. Unfortunately, he has rejected the trust fund concept of financing outlined in S. 1032, which I introduced on February 7, 1969. His bill is, as the New York Times in its August 8, 1969 editorial so ably states, "Transportation Without Trust."

What is really needed for an adequate mass transit program is an assured Federal commitment. Such a commitment can only be given by guaranteed financing. The trust fund is the obvious answer. By its steady commitment of Federal support, the highway trust fund has built this Nation a network of concrete throughways of which we can all be proud. Surely our cities deserve similar treatment.

As the New York Times editorial goes on to state:

> What is worse, the Administration's figures are no more than hopes and promises. Instead of establishing a trust fund, such as the highway system enjoys, the program calls for regular Congressional appropriations, sweetened a little with nonbinding commitments. Rejected in this approach is the pleading of Secretary of Transportation Volpe, the National League of Cities and the United Conference of Mayors—the authorities most directly involved in meeting the transportation crisis. Their contention is that without long-term assurance of Federal funds, rather than dependence on the changing temper of successive Congresses, it is often impossible to get bond issues approved for the local share needed to get a project underway.
>
> This newspaper never has liked the trust fund approach in the case of Federal support for the highways. Our conviction has been that, with so assured a source of money derived from gasoline taxes, the road builders would complete their work of strangling the cities and despoiling the environment. Since they do have that guarantee, however, one that gives them some $4.5 billion a year, it is surely right to give comparable financial security to forms of transportation that are far more in the public interest.

If President Nixon were really concerned with solving our Nation's transit problems he would have endorsed the trust fund approach. Instead, he has tried to mislead the Nation by announcing a 12-year, $10 billion program subject to yearly appropriations. Similar approaches have been attempted in the past in the fields of air pollution and housing. They have resulted in utter failure and in unkept promises.

On March 10, 1969, at the fourth Annual International Conference on Urban Transportation in Pittsburgh, Secretary John Volpe unequivocally supported trust fund financing for mass transportation. More recently, the trust fund was endorsed by Mayor Lindsay of New York, Mayor Daley of Chicago, Mayor Yorty of Los Angeles, Mayor Alioto of San Francisco, Mayor White of Boston, Mayor Jonsson of Dallas, Mayor Cervantes of St. Louis, Mayor D'Alesandro of Baltimore, and Mayor Barr of Pittsburgh. In fact, Assistant Secretary of Transportation Braman, during his term as mayor of Seattle was one of the trust fund's most ardent supporters. All of these men are mayors of cities which are faced with the never-ending snarl of traffic which is strangling their lifelines.

We are told by reliable sources that Secretary Volpe fought the valiant fight and actually recommended trust fund financing to the White House. But, alas and alack he was overruled by the President's so-called economic experts.

It seems that in this administration every Cabinet officer must be "Knowlesed" at least once.

Now the Department of Transportation tells us that if we do not support the Nixon-Burns bill there will be no legislation at all. They tell us that the Congress will not pass a trust fund bill—that the administration will not endorse it.

I would hope that in the weeks ahead President Nixon and his 19th century economists would heed this advice and endorse trust fund financing—which our cities can rely upon for adequate mass transportation.

I ask unanimous consent that the New York Times editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 8, 1969]

TRANSPORTATION WITHOUT TRUST

Nothing about President Nixon's long-awaited message on mass transportation is adequate but the concept. The President was entirely correct in reminding Congress that, while there is a magnificently generous program of Federal support for the highway system, a fourth of the population can't use it. He was equally right in warning that the cities would choke to death if public transportation were not made an attractive alternative to private cars.

Regrettably the Federal aid the President proposes to offer for the improvement of local mass transit lines—subway, bus and railroad—is far too meager to break the cycle of poor service, fewer riders, higher fares, still fewer riders and still worse service, a cycle that has made getting to and from work an extravagant, portal-to-portal misery in just about every great city. The President's rescue plan calls for an outlay of ten billion dollars, which is what the most ardent supporters of mass transit in Congress have been asking—but, where they want to see that sum spent in four years, the Administration program is for twelve.

The difference is crucial, because here is an instance, if ever there was one, where time is of the essence. The more present transit systems are allowed to deteriorate, the more grievously the cities will be damaged, some perhaps irreversibly, and the greater the ultimate cost of salvage.

The Metropolitan Transit Authority of this city alone estimates its regional needs at $2.1 billion for the next seven years. Chicago's Transit Authority has plans for a capital program of $1.5 billion in the next five years. And execution of Washington's plan will come to at least $2.5 billion. With the Administration picking up only one-third of the bill—as against the 90 per cent it pays toward Federal highway costs—the needs of just these three cities would be enough to absorb the lion's share of the $2.1 billion in Federal funds Congress is being asked to commit through 1974.

What is worse, the Administration's figures are no more than hopes and promises. Instead of establishing a trust fund, such as the highway system enjoys, the program calls for regular Congressional appropriations, sweetened a little with nonbinding commitments. Rejected in this approach is the pleading of Secretary of Transportation Volpe, the National League of Cities and the United Conference of Mayors—the authorities most directly involved in meeting the transportation crisis. Their contention is that without long-term assurance of Federal funds, rather than dependence on the changing temper of successive Congresses, it is often impossible to get bond issues approved for the local share needed to get a project under way.

This newspaper never has liked the trust fund approach in the case of Federal support for the highways. Our conviction has been that, with so assured a source of money derived from gasoline taxes, the road builders would complete their work of strangling the cities and despoiling the environment. Since they do have that guarantee, however, one that gives them some $4.5 billion a year, it is surely right to give comparable financial security to forms of transportation that are far more in the public interest.

As details of the Administration's plan are worked out, we hope that the champions of mass transit—in the Department of Transportation, in Congress and in City Halls and Chambers of Commerce throughout the country—will prevail on the President to overrule his budgetary advisers enough to answer the need so well set forth in his message.

SALUTATORY AND VALEDICTORY ADDRESSES DELIVERED AT MAPLE GROVE HIGH SCHOOL, BEMUS, N.Y.

Mr. GOODELL. Mr. President, the spring of 1969 will undoubtedly be recorded by historians as a period wracked by disorder and violence on college and university campuses across the United States. Then, as now, dialog and debate will be devoted to the violence which threatened to destroy our institutions while trying to reform them.

In this context, it is well to remember than only 13 percent of the student population favors revolutionary or radical methods of reform. The overwhelming majority of the college population disagrees with the tactics employed by the minority. However, they do not disagree with, and in fact, they support many of the objectives of the movement.

Today, as never before, students are sharply critical of our economic, social, and political systems and the "Establishment" and authorities who run them. They are expressing discontent and dismay on a wide variety of subjects—war, the draft, civil rights, and civil disobedience, the military, big business, the political parties, the mass media, the distribution of wealth.

Acts of violence which have been used to dramatize this disillusion must be denounced. During the past academic year, I have visited many campuses in New York State and stated my view that violence in our academic institutions will not be tolerated.

However, we cannot afford to dismiss this clear message of discontent because of the use of violent tactics. We must ask ourselves painful questions. Why violence? Can reform be achieved by reason rather than riots? Have we failed our youth? Is the generation gap bridgeable?

We must search for answers to these questions.

On June 23, 1969, I spoke at the commencement exercises of the Maple Grove Junior-Senior High School, Bemus Point, N.Y. The occasion was a memorable one for all present because of the remarks of two students, Christopher Edmund Smith, the salutatorian, and Cheryl Ann Pembridge, the valedictorian. With eloquence, sensitivity, and insight, these young people addressed themselves to the painful questions raised by campus disorders.

Both students have excelled as leaders and scholars at Maple Grove and have benefited greatly from the institutions of our society. Both students, however, question these institutions and the premises upon which they rest. Very shortly, they will become members of a college population which seeks, through questioning, to make a better society.

For the benefit of Members of Congress, I ask unanimous consent that the remarks of these young people be printed in the Record. In questioning, they have courageously provided the environment for solution, and they urge an end of the "young people should be seen not heard" philosophy.

We must listen. We must respond.

There being no objection, the addresses were ordered to be printed in the Record, as follows:

Valedictory Address, Maple Grove High School, June 23, 1969

(By Cheryl Pembridge)

Riots—demonstrations—violence—the generation gap—America and its heritage are splitting apart at the seams . . . and Maple Grove lives on.

At least today, the Grove is a relatively happy place. It has a qualified staff, a reasonably well-disciplined student body, an above-average number of courses offered for its size, and, an accreditation. Still, apathy, the forerunner of anger, is prevalent at Maple Grove, as at hundreds of other American schools across the country. Apathy has no right to exist in the schools of the affluent society—even if that society does pay its plumbers more to fix its toilets than it pays its teachers to shape the minds of its youth. All institutions of learning, be they high schools, vocational schools, colleges, or universities, should have one common goal: to make the student ecstatic, not apathetic, about the learning experience and life . . . thus inducing the student to remain a student—a person hungering for knowledge—throughout his life.

Boredom breeds apathy, and a boredom epidemic has already struck Maple Grove. I was a victim, and so were many of the other people seated on this stage. But neither the students nor the faculty were necessarily to blame. The blame should fall on American colleges and universities, and the State Board of Regents. Rather than allowing us to be prepared to lead our world, they insist on mandating the teaching of courses and facts that will be of little or no use to us after our high school and/or college years. For example, the first hostile shot of our Civil War was fired at Fort Sumter on April 14, 1861. But is this fact, and other similar facts which we are taught three different times during our elementary and high school careers, going to help us govern the United States in the 1980's? I think that the teaching of these same facts to elementary, eighth grade, and eleventh grade students is an over-emphasis of unnecessary details. But I do feel that students must be exposed to historical facts and concepts at some time, in order to better understand and appreciate our heritage, and the evolution of our world today.

The growing boredom at Maple Grove could be killed by keeping the students busy. The apathy resulting from this boredom could be killed by not not allowing, but also encouraging, the students to become involved in the world of today—their world of tomorrow.

Apathy and boredom lead to anger, but so does lack of communication between the generations. It is this lack of communication that has caused the mounting bitterness between the students and the administration of our school. Id like to cite an example for you. At a recent meeting, the high school Student Council was informed that a questionnaire would be distributed to the entire student body. The questionnaire was designed to determine the students' feelings on the establishment of a dress code at the school. However, the Council was also informed that regardless of the results of the questionnaire, a dress code would be established. Of course, under such circumstances, the entire incident was a waste of time for both the administration and the students. This was not a new occurrence at the Grove. The students have become accustomed to giving their opinions when asked, only to have them discounted or completely ignored. The reaction among the students is only natural: there is a growing lack of respect and a growing amount of indifference for the administration.

Think about it. Seated before you on this stage are 95 students. These students are human beings, like you: our parents, friends, teachers, and administration. We are not IBM computers sent to Maple Grove each day to be programmed. We are people here, some of us against our will, to learn what life is, and how to live it. We should be learning not only facts and concepts, but also ways of communicating these and other ideas to other people, be they younger or older than we are. This may sound terribly Freudian, but what are you doing to us and to our minds, if you ask us to talk to you, and then you don't hear us?

Several educators, including Huston Smith, an M.I.T. philosophy professor, and A. S. Neill, the founder of Summerhill, an experimental school in England, attribute many of the disturbances on high school and college campuses to the use of the "children should be seen and not heard theory" employed by many of their fellow educators. Neill, especially, believes that freedom of thought and expression are essential to the development of healthy, happy human beings. But Neill himself admits that these freedoms mean nothing if a child senses that his contributions are being completely ignored.

Without trying to be impudent, I ask you to consider this. Suppose your superior at work asked your opinion about some new product, a new wage standard, or a change in working procedure. You'd probably be very happy that the person had even considered your feelings. But how would you feel if you discovered that that was exactly what he wanted—he wanted you to be happy and content and he had no intention of using your ideas. The first time it happened, you might have felt flattered that he thought enough of you to want to make you feel good. But how would you feel after it happened 4 or 5 times? . . . a lot like we do at Maple Grove—skeptical and indifferent about even offering our opinions.

Ladies and gentlemen, you have raised us. You have taught us most of what we know. You have instilled a pride in us—a pride in our fellow students, in our school, in our community, in our country. To my knowledge, there is not one person on this stage tonight who would not be willing to serve our country in some capacity . . . and that's got to be some kind of record in the United States today. You have given us the knowledge and the pride, now let us make use of it. For, as poet Kahlil Gibran says:

Your children are not your children. They are the sons and daughters of life's longing for itself. They come through you but not from you. And though they are with you yet they belong not to you.

You may give them your love but not your thoughts. For they have their own thoughts. You may house their bodies but not their souls. For their souls dwell in the house of tomorrow, which you cannot visit, not even in your dreams. You may strive to be like them, but seek not to make them like you. For life goes not backward nor tarries with yesterday. You are the bows from which your children as living arrows are sent forth . . . Let your bending in the archer's hand be for gladness.

Thank you for many happy years. As we in the Class of 1969 look forward to tomorrow, idealistically seeking success in all we attempt, we will try to serve as a credit to you, and to the undying love and patience you have shown us throughout the years.

Thank you.

Christopher Edmund Smith

Mr. Goodell, Mr. Hillenbrand, Mr. Gerber Mr. Sykes, Board Members, Faculty, Parents, Guests, Mom, Dad:

As a member of the Senior Class, I would like to welcome you to the Commencement Exercises of the Class of 1969. We are especially privileged to have Senator Goodell here, and appreciate his taking the time to speak tonight. Tradition would have me now proceed to thank one and all for the wonderful education that I have been given, and to express my gratitude for the chance of living in this land of opportunity, the home of the brave. Contemporary student philosophy, however, would tell me to wear a gas mask or helmet in protest of the whole affair, thanking one and all for twelve years of intellectual inhibition, and expressing my disgust at having to live in a land of subtle tyranny, the home of the hypocrite.

In deciding what to say tonight concerning my education over the past twelve years and its relationship with the rest of the world, I first had to ask myself, "What is education today?", and more importantly, "What should it be?" I found that it was impossible to answer these questions, because education is whatever each individual makes it to be, and should be whatever that individual wants it to be.

A recent Harris poll in Life magazine found that most parents feel that maintaining discipline is a more important job of the school than encouraging intellectual inquiry by students. I would not be so insulting as to imply that all the parents in this auditorium feel this way, but sometimes polls do show general trends.

Likewise, a high school education in the United States reflects this attitude. A Maple Grove High School education does place more emphasis on discipline than on intellectual inquiry. This is not a reflection, however, of the faculty of our school, only a reflection of the entire public school system. The quality of the teaching staff in this high school could probably not be matched by another public high school of its size. During my four years here, I felt that I was being offered as good a high school education as is available anywhere, and if I were running the show I'd be tempted to hire our faculty again for at least a few more years.

If formal education is to be continued after graduation, the discipline which we encountered in high school will disappear on the campus. This reliance entirely upon oneself for discipline provides the environment for dissent. As a result of all the controversy this past year, the only conclusion I could come to is that on this earth, the monopoly of truth rests in no one—not in students, not in parents, not in College Presidents, not in administrators, not in myself, not in you, not in whites, not in blacks, not in teachers, not in young, not in old, not in Supreme Court Justices, not in cops, and not in the law.

The only answer then is in oneself. If I could honestly say to myself that to kill someone else in combat was immoral, or that our entire economic system was unjust, I would be less of a man for not refusing induction into the service or not protesting against that system. However, if I were doing all this protesting without truly thinking or merely because everyone else was, I wouldn't be worth too much either. "Is today's mass communication and technology doing our thinking for us by showing us what everyone else is doing and making it the thing to do?" How many college riots and seizures of administration buildings would have occurred this past year if there was no awareness of similar happenings at other institutions? Would the blacks at one of New York State's smaller state colleges have demanded an allowance of 35 dollars a week extra for them, merely on their own motivation?

I would like now to read a quotation from Emerson which says in better words what I would like to say:

"It is easy, in the world, to live after the world's opinion; it is easy, in solitude, to live after your own; but the great man is he who, in the midst of the crowd, keeps with perfect sweetness the independence of solitude."

The greatest thing that we of the Class of 1969 can do in fashioning our lives is to weight the opinions of our parents, our teachers, our relatives, our friends, our enemies, our God, and our country—to examine our values, morals, and consciences, and then to act accordingly, independently. If this means doing something that is unacceptable to society and the law, then we have been failed by that society. Some of us will enter the service, find a job, or enter college following graduation. Whatever we do though, our lives should be a living monument to our consciences. If we do act according to our own unprejudiced, true beliefs, we will not have failed our parents or society in any way, and, most of all, we will not have failed ourselves.

Thank you.

BREZHNEV SETS THE CLOCK BACK

Mr. JACKSON. Mr. President, as I have stated in recent discussions on the Senate floor, a growing number of informed Western analysts of Soviet developments, right, left, and center, are assessing the Soviet leadership as limited, plodding, and insecure, presiding over a pronounced trend toward a domestic hard line, and evidencing no intent or capacity to move the Soviet Union out of the vicious circle of repression, fear, repression.

In this connection, I recommend to Senators the article entitled "Brezhnev Sets the Clock Back," written by Henry Kamm, and published in the New York Times magazine section on August 10, 1969. Henry Kamm recently returned from the Soviet Union after 2 years as chief of the Moscow bureau of the New York Times. He is now able to write freely about current trends in Russia.

I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times magazine, Aug. 10, 1969]

BREZHNEV SETS THE CLOCK BACK

(By Henry Kamm)

Five years ago, Nikita S. Krushchev found himself swiftly transferred from supreme rule over the Soviet Union to tending flowers and cucumbers in exile in a V.I.P. cottage colony outside of Moscow. And five years ago hope faded once more for the oppressed human spirit in that unhappy land.

Somehow, this truth does not seem to have reached the West. A reporter, back after two years in the Soviet Union, finds himself constantly answering questions and replying to comments based on an appraisal of the Soviet Union that is now five years out of date and was from the outset rosier than reality. What do you mean there are no rebellious poets? Aren't there Voznesensky and Bella Akhmadulina? And how about Yevtushenko? Well, I explain, the first two are having trouble getting anything published, certainly nothing even vaguely unorthodox, and it's been a long time since Yevtushenko has felt rebellious at his typewriter, and still he has been fired from the editorial board of the literary monthly Yunost.

And the man named to succeed him, Anatoly Kuznetsov, a novelist, so despaired of the future of his country that he reached the heartrending decision to defect on a visit to Britain last month. Heartrending, because he knew that his choice of freedom—as a writer in a country whose language he does not speak—will make it unlikely for a long time to come for any Soviet artist suspected of liberal leanings to visit the West.

But isn't Igor Blashkov performing cycles of concerts of avant-garde music, including works of Soviet composers, in Leningrad? Mr. Blashkov has been fired, I say, and is now working in the Ukraine. And how about that daring film about the life of Rublyov, the ikon painter? Didn't it win a prize in Cannes? Yes, but more than two years after its completion it has not yet been shown to the Soviet public. And so on.

Not the series of political trials beginning with the writers Andrei Sinyavsky and Yuli Daniel nor even the invasion of Czechoslovakia has succeeded in dispelling the illusion that somehow the Soviet Union has overcome Stalin's legacy and is engaged on the road toward decency and liberalization, allowing for the occasional detour.

No one knows better how far the ruling group, headed by Leonid I. Brezhnev, has turned back the clock than those who had their hopes stirred during the erratic rule of Khrushchev. For reasons connected more with the infighting for power than a devotion to truth and freedom, Khrushchev raised the curtain on the carnage and incarceration of Russia's best by which Stalin had ruled. While incomplete and self-serving, Khrushchev's de-Stalinization marked the first time that the Soviet Communist party, the absolute and infallible guardian of the revealed truth by which 240 million Soviet citizens must pretend to live, confessed to the world that for three-quarters of the period of Soviet rule that rule had been exercised by a megalomaniac madman.

This first flickering of truth raised hopes in some Russian breasts, hopes that the truth might some day come to the Soviet Union and that a measure of freedom must follow. The present leaders have extinguished that hope. Khrushchev has become an unperson, while all public references to Stalin serve to restore to him a measure of his former glory. And not only in the public prints.

"The most despairing thing about my country is that if you ask any normal person what he thinks of Stalin and what of Khrushchev, Stalin will be talked of with respect and Khrushchev with disdain," a friend, a scholar of democratic convictions, said.

During my travels—to Siberia and the Soviet Far East, Central Asia and the Caucasus, to Minsk and Leningrad—I asked as many Russians as I could to make that comparison. Invariably, Stalin emerged as a revered father figure, a great man—"He had his faults, but so did Napoleon"—and a dignified leader of a nation that wants to be great. Khrushchev, by contrast, was depicted as a rustic buffoon, a braggart, a plotter of harebrained and wasteful schemes, uncultured and undignified to the point of banging his desk at the United Nations with his shoe. The people had no share in the removal of Khrushchev, but his barefoot outburst helped immeasurably in making his ouster popular. The Russian people forgive no breach of dignity by their rulers.

A high Soviet official told a French diplomat who had tried to explain why the French allowed General de Gaulle to resign. "I don't understand, when we have a good czar we keep him." To the average Russian, Stalin fulfilled the role of a good czar—distant, aloof and authoritarian—and Khrushchev did not. So Khrushchev's great accomplishment on behalf of truth and enlightenment counts only with the handful who think like my democratic scholar friend.

The plodding and insecure team that followed the reasonably benevolent dictator it toppled is not the pure evil that the Soviet Union endured for three decades in the person of Stalin. It is doubtful that Brezhnev and his associates possess the perverted greatness and the evil boldness of vision that enabled Stalin to rule his anarchic and amorphous realm by sheer terror. They are ruling, instead, by sheer weight, a concentrated bureaucratic mass of heavy specific gravity that presses down on the loose mass below but moves very little. They have made no bold departures, at home or abroad, except the negative initiatives of undoing some of Khrushchev's most disastrous agricultural errors immediately after they took power and invading Czechoslovakia last year. How then does the Soviet Union look after five years of such rule?

To see the country in meaningful perspective, a foreigner must try to view it through the eyes of Russians with whose way of looking at the world he can identify. They must be people who through a mysterious alchemy of their own have managed to shake off the never-ending pressures on all Soviet citizens to forget that Russia was once a part of the world in cultural and political tradition.

The foreigner's own vision during his stay in the inhospitable country is distorted by his being forced to live in compartments and passageways reserved to outsiders, rigidly screened off from the realities of life in the Soviet Union. It is possible for the foreigners to make friends with those few who, because of their hunger for contact with the life and culture of the world they are not allowed to visit and from no disloyalty to their own country, which they love, cast aside normal Soviet fears and asscoiate with foreigners. I never dared ask any of my Soviet friends to what harassment from the authorities this may have exposed them.

They were intelligent men and women of various arts and professions, some young, some not so. I love them not only because they dared to walk past the policeman posted at the entrance to the foreigners' ghetto in which I was required to live, but also because they were all that made my two years in the Soviet Union bearable. In the mass of homogenized homo Sovieticus—the "New Man" Pravada is so fond of boasting the Soviet system has created—they were the only human beings who retained the familiar virtues and vices of the world beyond, individuals with whom normal communication on any subject was possible. Their conversation did not have to be translated from the special Soviet vocabulary. They proved the resilience of the spirit under the most concentrated onslaught that has ever been mounted against it.

There is no letup ever in the process of converting men, women and children into homo Sovieticus and to prevent backsliding. It is hardly possible to leave one's home without being constantly confronted by banners, posters and billboards bearing slogans. Stepping into the street, he may be greeted by a poster declaring that the ever-present Lenin lived, lives and will live, or urging him to work for the victory of Communism. On the bus, he is likely to face a sign celebrating the glory of the Soviet people, or of labor, or of the army. Arriving at his job he may find the uniqueness of Marxism-Leninism proclaimed. The posters are alike in the repetitiveness of the slogans, low quality of design and draftsmanship, and hideous colors.

Soviet newspapers are made up in great part of sermonizing articles. Whether they deal with achievements of the petrochemical industry, relations with Afghanistan or the successes of amateur choral groups, the tone is heavily self-satisfied, calling on all concerned to continue the good work for the greater glory of Communism and the fatherland.

Radio and television news broadcasts are songs of praise to the Soviet Union and hymns of hatred to the other side, known collectively as the imperialists, and to Communist China. Announcements of Soviet achievements—the winning of an Olympic gold medal in weight lifting or a successful venture in space—are usually preceded by fanfares, and the announcer speaks in nobly solemn tones, reserved elsewhere for the death of kings. Programs abound in patriotic poems with interminable numbers of verses.

There are compulsory political education meetings at places of work and in schools, required courses in Marxism-Leninism, meetings of the party and its affiliates, obligatory participation in May Day parades, protest marches against the foes of the Soviet Union and similar festivities. (These activities have been stepped up since the plenary meeting of the party's Central Committee in April, 1968, when, in response to the liberalization then under way in Czechoslovakia, an intensification of the "ideological struggle" was called for.)

The result of this sustained cradle-to-grave barrage of stridently one-sided propaganda, unrelieved by the expression of differing views, has been an almost total deafening of political receptiveness on the part of the overwhelming majority of Russians. "We have to turn off our ear trumpets to be able to live," an establishment Russian said to me during the ballyhoo that preceded the 50th anniversary of the Bolshevik Revolution in 1967.

Thus, the never-ending wave of *agitprop* (agitation and propaganda) has produced the most nonpolitical large nation on earth. The contrast between the loudness of the propaganda and the sullenness of the response is astounding. There is more concern, for instance, among Americans for the plight of their long-suffering North Vietnamese foes than there is among their Soviet allies, who are exposed to ceaseless propaganda on behalf of their fighting comrades.

In a way, the present heavy-handed and unenterprising leadership looks like the most truly representative Government the Soviet people have had. Russians of independent mind say that the lethargic and unimaginative Brezhnev team is the Government the Russian people deserve. Just as their leaders, the overwhelming mass of the people seem possessed by feelings of inferiority, blinded by ignorance of the world outside, fearful of taking initiative and unwilling to accept responsibility for their fate.

"But what can we do? We have no power and no rights," the bright and beautiful wife of a friend said with a sigh when the parallel between the leaders and the lead was discussed.

"And we will continue to deserve what we get as long as we look at it like this," her husband turned on her angrily. "This is the way we stand before authority," he said, lowering his head in mock submissiveness and holding out his arms, crossed at the wrists, like a prisoner's. "That's the great Russian people."

"It takes courage to demand freedom openly, as you do," I said.

"No," he replied, still angry. "Courage comes from here or here," he continued, pointing to his head and heart. "With me it's here," he said, jabbing his stomach with the same finger. "I just can't live with it."

This unwillingness to co-exist with the system is exceedingly rare, even among intellectuals. The Soviet people don't seem to object to things done to them nor things done to others in their name. The throttling of hope for internal freedom has aroused no more open discontent than the aggression against Czechoslovakia. There was almost no spontaneous public reaction to the invasion of last August. Even months after the event, it appeared as though it was a visitor's questions that first prompted people to define their own reactions. The answers revealed two prevalent attitudes, indicative of how Russians view the world.

One was inferiority feelings expressed in remarks like, "Why were the Czechs shouting so much anyway? We know they already have a great deal more than we do, so what else do they want? Serves them right. We have to pay the bill one way or the other."

Most Russians are convinced that their allies sponge mercilessly on the Soviet budget. They consider this an act of particular ingratitude because they feel that the Soviet Union has already made enormous sacrifices for them by liberating them in World War II. The number of Soviet soldiers buried in Czechoslovakia was frequently cited as an argument against liberalization in that country.

Cynicism about all political statements, from any government, was equally prevalent. The average Russian believes that all governments lie most of the time. They may not believe their own Government's explanation of the invasion, but they also believe that all major powers are rapacious. "It was either us or you together with the West Germans," was a frequent comment on the fate of Czechoslovakia.

Russians explain that the blend of political apathy and cynicism derives from a Russian attitude toward government that is far older than the Soviet system. Government is considered by the average Russian to be an unavoidable evil with which he feels no sense of identification. His optimum expectation from government is that it will stay far away in Moscow, and not pay too close attention to what he is doing. Then he will continue to get away with as much shirking on the job, petty theft of government property and general cutting of corners as he can.

In this respect, the Soviet dictatorship is far removed from Hitler's Germany. The Kremlin rules over an anarchic people, keeping them non-mutinous but failing to instill in them the fanatic discipline and unquestioning obedience that distinguished the Nazi regime.

Although the Soviet Union makes a cult of labor and claims to have created a New Man who rejects the greed and cupidity of the capitalist societies and forsakes personal gain for the benefit of the *kollektiv,* the actual work-dodging and inefficiency of labor and the single-minded concentration on the acquisition of material possessions are one of the great initial surprises to foreigners.

Western businessmen and visitors are struck by such things as the overstaffing and absurdly intricate bureaucracy of business organizations, the amount of time workers spend sitting at their work sites without actually working, the frequency with which construction equipment stands idle at one site while its absence is obviously making workers idle at another and the amount of building material stacked away at construction projects, often deteriorating from exposure, while no work is done.

"I bought more than 50 rubles worth of groceries the other day at the supermarket because my wife and the children are going to spend the summer in a *dacha* far from any store," a friend reported. "I imagine in America the shopkeeper would be very happy with such a big customer. But look what has happened to such normal instincts in Russia.

"First, the old woman with the abacus who adds up the bill complained because I bought so much. Then the people waiting behind me joined in, and other women working in the store. There was a whole group around me. 'Why should you buy so much?' they asked, or 'He must be profiteering on a black market somewhere,' or 'Where did you get so much money, comrade?' They refused to let me buy it."

My friend is a mild-mannered man with a firm belief that the Soviet Constitution and laws allow more individual rights than Soviet citizens have the spirit to claim. Nothing will change for the better in the Soviet Union, he believes, until this spirit is aroused. He insisted on his right to buy all the groceries he wanted and demanded to see the manager. He came, not because my friend asked for him, but because others had complained to him about my friend.

"The manager asked me the same questions as the others, but I told him it was none of his business and asked him on what grounds he refused to sell me what I wanted to buy. He said he didn't have to tell me but finally, because he realized that I was in the right and would not give in, he gave in. He said that this time he would let me buy all that but don't do it again, comrade.

"What happened next would also not happen in America, I think. The woman adds up on her abacus what you bought and you take the slip to the cash register to pay. But nobody trusts anybody in this country, so no slip can be for more than three rubles. Otherwise, I guess, somebody could put a one before the three and collect 13 rubbles' worth of goods and pay only three. So the limit is three. My 50 rubles' worth had to be divided in groups worth no more than three rubles each and separate slips written for each. And the people behind me started to argue all over again because they had to wait while the woman did this.

"If you understand all the tragedy and all the comedy of trying to buy 50 rubles' worth of groceries it the most modern store in the capital of this great country, you Westerners will understand what it means to be a Russian," my friend said. "And the greatest irony is that the only ideal of most Russians is to live like you Americans do. But their ideal is limited to your material life. The ideals of this country are the ideals of your *bourgeoisie*."

How does the spirit of an intelligent and sensitive man survive in so hostile an atmosphere? "By blotting out your sensitivity as early as you can and using your intelligence to get the most out of the system," a Russian, who has never tried either, said. But many have followed that pattern, giving rise to a class of intellectuals of extraordinary cynicism.

On a recent visit to the Academy of Science of the Soviet Republic of Georgia, a dozen academicians talked with me over glasses of the sweet local champagne. They were distinguished men from various academic disciplines, sure of their value and high station. Their ease of bearing, the cut and cloth of their suits, the fact that they had traveled abroad, set them apart from Soviet Man, even of high rank. They would have looked at home at the Union League; they were the most worldly group I met in the Soviet Union.

But what these extraordinary men said on any subject—the moral problems of scientists, youth questioning established values, the role of the modern university, Czechoslovakia, China—was Soviet-ordinary. Soviet intellectuals who have made it speak about the great issues in the same terms as politically well-drilled farmers or mechanics. The language is that of Pravda.

The problems I raised, they said, were strictly the problems of the West, did not exist in the Soviet Union and could never arise. Soviet scientists are not bothered by the knowledge that much of their research might some day be used to blow up the world because they know their country would never make aggressive war. Soviet youth is joyous and happy in the knowledge that it is living in the best of all possible worlds and knows that it will get even better. Problems in the university? What problems? Not here. There was never a wink or the redeeming shadow of a doubt.

The few who have not sold out suffer, mostly in silence. To possess a sense of truth and beauty when one must live surrounded by lies and ugliness is painful. When I told a friend that a mutual friend, a Westerner, had fallen ill from the bitterness of living in the Soviet Union, the Russian asked, "How long has he been here?"

"Three years."

"And I've been here for 43," the 43-year-old Russian said dryly.

An artist whose work is not exhibited and who drives a taxi because he says he cannot bear to work in a Soviet organization said, "You may not believe me, but I spend 80 per cent of my vital energy just on remaining human." It takes that much energy, he explained, actively resisting the influence of the ceaseless propaganda, resisting getting depressed by the ugliness of so much of material life and objects, studying English, French, and German to be able to listen to Western news broadcasts and trying to find at least moderately attractive things with which to decorate the one room he and his wife have in an old apartment, in which they share kitchen and bath with five other tenants.

Most Russian consumer goods—clothes, furniture, utensils—are ugly. Former Western residents who return to Moscow these days are struck by the improvement they see in this respect, and Russians say that that is true, but things are still far from beautiful—only less ugly. Houses being built now, for example, are no longer the richly ugly confections of the Stalinist period—like the All-Union Exhibition of Economic Achievements in Moscow, or the entire city of Minsk—but resemble the drabbest of modern Western buildings. And the same buildings are going up from one end of the country to the other. Arriving in Khabarovsk from Moscow, after eight hours of flight and 3,800 miles further east, one has the sensation of never having gotten off the ground. The scene is the same.

Because of the ugliness of Soviet cities, those who respond to beauty like to visit regions that have not yet been Soviet for a long time and retain a European aspect—like the Baltic countries, or the Carpathian region annexed from Czechoslovakia after World War II—or undeveloped and exotic parts of Central Asia, Siberia or the Caucasus. For similar reasons, household objects and clothes of peasant origin are greatly prized by people of taste. But there is no relief for such people from the pervasive barrenness of cultural life.

The major novels of Alexander Solzhenitsyn circulate in Moscow only in typescript or in Russian-language editions brought in from the West. Most works of originality and imagination do not even have underground circulation. They are written "for the drawer" of the writer's desk in the feeble hope of a better day. Room for innovation in theater, music and dance is infinitesimal. Yuri Lyubimov, director of the Taganka Theater, the most adventurous in Moscow, is proudest of his production of "Ten Days That Shook the World," after John Reed's book. His daring has consisted in staging a rhetorical and clumsily propagandistic play in the manner of the German expressionist theater of the twenties. Even such a deviation from the prevailing Socialist realism is considered daring modernism.

The Bolshoi Opera and Ballet are dusty museums outdated styles, with repertories that, with few exceptions, leap directly from the Romantic to the Soviet period. A conductor, asked whether he saw any possibility of mounting Berg's "Wozzek" at the Bolshoi, replied sadly, "We haven't even reached Wagner and Strauss yet." Concert and recital programs are equally unadventurous, and, because of the infrequency of performance, those works of the later repertoire that turn up tend to be badly and unidiomatically played. The plight of the composer of genuinely modern music—not of the spurious, folk-derived, approved style—is even sadder than that of the writer, poet or painter who works for his desk drawer. The composer's work is incomplete without performance.

The museums of the Soviet Union are filled with acres of academic and bigger-than-life paintings of the approved school. It is ironic and sad that on this level of creation the ideal communication between the creator and the public seems to exist far more fully than in the West, where works of originality and imagination often go unnoticed. I have seen groups of eager people seriously discussing and appreciating the works of nonart that face them. Equally sad is the fact that very few of the "underground" painters whose work is seen only in their houses or at friends', show enough talent to be taken seriously.

Alcohol is the great substitute for printing, performance or exhibition for people with creative talent. Haunted by the absence of the essential public for the works they have created or feel stirring within them, they drown their gifts in vodka. It destroys the talent first and the man later.

People of artistic and intellectual predilections look for ivory towers in which they can lead satisfying lives without having to prostitute themselves. They may find their havens in mathematical linguistics, or musicology, or pre-Columbian art. A woman, replying seriously to the joking question what her year-and-a-half-old son would be when he grew up, said, "A classicist, it's safe." But for every Solzhenitsyn or Voznesensky, or those who write in the hope of some day being published, for every painter and musician who lives as an artist only in the stillness of his room, there are thousands whose integrity as men and artists is tempered by the all too human wish to live well and raise their children in tranquility.

And for every Sinyavsky or Daniel, or Larisa Daniel, or Pavel Litvinov, or Aleksandr Ginzburg, or Yuri Galanskov, or Pyotr Grigorenko, or Pyotr a Yakir, or Natasha Gorbanevskaya—the heroic and lonely few who, like my friend, cannot coexist with the system and must say so—there are hundreds of others who see the same wrongs but have not found the tongue and the heart to say so, and thousands who also see them but pretend that they don't, and hundreds of thousands who hate those that say so, because to say so is rocking the boat and the rulers reward a peaceful, well-behaved citizenry with more bread, and it is bread most Russians want and not freedom.

The hopeful image of the Soviet Union still common in the West is so wrong that even some strongly anti-Soviet groups are basing their protests on unduly positive ideas. The Jewish groups that protest, justifiably, against the deprivation of full cultural and religious rights from Soviet Jews raise the impression that the 3,000,000 Soviet Jews are asking such rights and are heartened by such demands from beyond the borders. The truth is blacker.

The typical Soviet Jew feels, like other Soviet citizens, deprived of his human right, only more so. He knows he lives in a country that is as anti-Semitic as the rest of Eastern Europe. But he is not outraged. He knows his place. He hopes that he will be left alone, if he keeps quiet, and his brothers abroad do the same. And who knows perhaps, if he is allowed to live in peace, some day a leader will come along who will not require a Jew to be twice as good as all the other candidates to get the job.

The doubtful image of the Soviet Union as a country that, while somewhat behind the West in standards of living and freedom, is heading in the same direction is due, I believe, to the unswerving commitment of the United States and the rest of the West to the unproved idea that the peace of the world can be assured only by assuring the Soviet Union of our wide span of tolerance. To a Czechoslovak, it would be difficult to see the difference between this policy and what was once known derisively as "appeasement," an idea that proved notably unsuccessful in dealing with Hitler.

Why should the average citizen of the West think too badly of the Soviet Union when the total American riposte to the rape of Czechoslovakia by broad daylight was a brief delay both in the negotiations about arms-reduction negotiations and the tour of the Soviet Union by the University of Minnesota Band? (The belated arrival of the Midwestern pipers and drummers in April came, fittingly, at the time Moscow finished the Prague job with the removal of the liberal Czechoslovak party leaders.)

The Soviet Union has also been remarkably successful in creating conditions in which Western news media find it difficult to present a true and complete image of the country. The methods are crude pressure or gentle persuasion and they work.

By crude pressure, the authorities have frightened the bulk of the 100 or so Western correspondents into thinking twice before writing an article that might expose them to warning, retaliation or expulsion. The threat of being expelled hangs over Western newsmen, and those who think twice almost always conclude that expulsion is a greater evil than silence.

The Western news agencies have minimized their coverage of Soviet dissidents for example, because their bureaus might be closed and they would find it difficult to sell their service if it did not include the vital Moscow dateline. As a result, their junior correspondents, some of the brightest journalists in town, find it impossible to write the stories they have gathered.

Among the senior resident correspondents, there are representatives of important newspapers whose chief stock-in-trade is *expertise* on the Soviet Union. For them, expulsion might mean the end of their journalistic careers or, at least, recall to less profitable assignments at the home office. It proves an effective deterrent to full coverage. Similarly, visiting scholars tend to pull their punches when writing because their careers will be enhanced by being allowed to visit the country in which they specialize.

Because of the physical and professional discomforts of working in Moscow, there are newspapers who find their Moscow bureaus a staffing problem. They tend to send journalists who are easily persuaded that, news being difficult to come by and social life in the artificially self-enclosed foreign community free and easy, there is no great point in trying. This attitude endears them to the authorities, who reward them with the things that in most other countries are free to all journalists: the right to travel, to see innocuous public figures in pursuit of nonpolitical stories and to attend public events.

Radio-television correspondents know that if they say unfriendly things on radio they are likely to find their next request to do a television shot turned down or their film held up from shipping until it has lost its news value. Since the glory is in television rather than radio, some correspondents tend to keep themselves in check in their radio news and commentaries. This is particularly true for correspondents from Western countries that control their broadcasting networks and cultivate good relations with the Soviet Union.

The Soviet Union's power to intimidate correspondents derives from the extraordinary controls it puts on their activities. The press department of the Foreign Ministry insists that all contacts journalists have with Russians for the purpose of gathering news must be cleared through it, as well as all travel beyond the suburbs of Moscow. In effect, this means that a correspondent who is considered less than friendly will not be allowed to leave Moscow or to write even about such noncontroversial subjects as plans for the Moscow musical season or electric shock therapy. Dozens of such requests that I made must still be in the files of the ministry. They went unanswered because Soviet authorities do not like to say no.

In return, there are rewards for well-behaved correspondents. An agency reporter who derisively refers to political dissenters as professional protesters may find himself getting news of a Soviet space shot an hour before his competitors, an important *coup*.

Because the Soviet Union has made it so difficult for journalists to gather news, it has been able to create a source of foreign-currency earnings by selling news it refuses to give. This part of foreign trade is conducted through Novosti, a news agency believed to be controlled by the K.B.G., the secret police. Its agents, posing as fellow journalists, put newsmen or authors of books in contact with Russians who can be relied upon to present the glossiest facade of the Soviet Union. The fee for the service averages $50 a day.

Because of the dearth of real news from the Soviet Union, a great part of the material published in the West is speculative. There may have been a time when the science of Kremlinology—the divining of what may be going on within the Soviet leadership—had its uses. During reign of Khrushchev, when the leader himself spoke publicly not only to his people but also to journalists, and when various Soviet newspapers were known to represent different centers of power, a study of the minutiae could yield bits of information. But even in the heyday of Kremlinology it must be observed that none of the practitioners, in Moscow, in editorial offices or in foreign ministries, perceived any signs that Khrushchev's hold was slipping.

Perhaps to avoid being caught out once again, Kremlinologists are feverishly active now, picking over the scantiest of material. Brezhnev and his colleagues rarely speak, and when they do it is hard to tell their last speech from their previous one, which may have been two years ago. The closest readers of the press find nothing but leaden uniformity. The wisest of the diplomats are the first to admit their ignorance of whether there is a struggle for power in the Kremlin and who is on whose side.

When I arrived in July, 1967, Aleksandr N. Shelepin had just been assigned to head the trade union organization. All experts were agreed that for a member of the ruling Politburo this was a serious demotion. He was down but not quite out. Since then, all that has happened to Shelepin is that he has also been removed from his Central Committee secretaryship. Yet as I left Moscow, the same experts were convinced, without further knowledge, that Shelepin was now the major threat to Brezhnev's power.

With the total absence of reliable Soviet sources, and the secrecy in which the leaders of the Soviet Union conduct their affairs, newspaper readers should have the right to demand that Moscow correspondents take a pauper's oath, confessing that they do not and cannot know what goes on inside the Kremlin. If tomorrow's newspapers brought news that the new leader of the Soviet Communist party is Ivan V. Gusev, until yesterday a regional chief in the boondocks, I would be no more or no less surprised than if five years from now the leader were still Leonid I. Brezhnev.

Soviet democrats refuse to build hopes on the possibility of a leadership change. No known political personality is presently suspected of liberal tendencies, but so little is known about anybody that there seems no more ground for pessimism than for optimism—only ignorance.

"We live in a perfect vacuum," a world-weary, aging painter, who long ago despaired of being allowed to be an artist, said. "Except for fear. It is the only freedom left to us, the freedom to fear."

SENATOR HRUSKA SPEAKS TO KIWANIS INTERNATIONAL

Mr. BOGGS. Mr. President, on June 30, 1969, the distinguished and able senior Senator from Nebraska (Mr. HRUSKA) delivered the feature address before the 54th Annual Convention of Kiwanis International in Miami Beach, Fla. The Senator, a Kiwanian himself, called upon Kiwanis International, an organization with an active membership of 275,000 business and civic leaders, to join the efforts of the President and the Congress to purge crime from our society.

Senator HRUSKA's concern and vast experience in curbing crime makes him peculiarly competent to speak on this topic. As the ranking Republican member of the Judiciary Subcommittee on Criminal Laws and Procedures since its inception, he has had the unique opportunity to acquire a deep insight into the best methods of eradicating crime.

Being a member of Kiwanis myself, I know that his remarks fell on receptive ears. Kiwanis responded enthusiastically and adopted a series of resolutions highlighting the responsibility of all Kiwanians to work toward a better society.

I ask unanimous consent that the text of Senator HRUSKA's speech and the resolutions adopted by Kiwanis International be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

REMARKS OF THE HONORABLE ROMAN L. HRUSKA—THE PRICE OF A FREE SOCIETY, JUNE 30, 1969

President Heimbaugh, my fellow Kiwanians and your guests, my one regret is that Mrs. Hruska is not here to enjoy this moment. There was a time when I used to say that I wished I could only be seen now by the girl who turned me down twenty-five years ago. Since she and I have been together for thirty-nine years, however, such a comment would no longer be in order.

I congratulate Kiwanis International on the selection of this convention site. It also happens to be the launching pad for another great journey which took someone to the White House some eleven months ago. If Kiwanis can anticipate the same future success our President does, then great things lie in store for this organization.

Last year was the year of a Presidential campaign. A campaign has a way of raising many, and answering some, of the great questions before us. More searching inquiry was pursued last year than perhaps any other time in our history. The strength and weaknesses of our society were never before so dramatically brought to our attention. The very values which our nation has prized dearly since the birth of the Republic were being challenged.

The depth and extent of our self-appraisal has led some thoughtful persons to wonder if America had not seen her finest hour. Some people even now wonder whether America's finest hour is not now behind her. Is America's greatness a quality of a foregone era? Must America's citizens now live by the law of the jungle? Is America's moral strength in the world community now bankrupt?

These are but a few of the serious questions posed by both the thoughtful and the irresponsible in this last election year. The questions were raised during the campaign, now we in Washington must set about answering them.

Despite the doubts of a few, I think we, as a nation, have our finest hours ahead. We have the best nation in the world. We have the best schools in the world. We have the strongest economy in the world. In fact, we will soon lead the rest of mankind to the outer limits of our very imagination when our astronauts set foot on the moon.

Of course, we have shortcomings. When will there be no shortcomings in the affairs of mankind? Only when the millennium comes, and of course, that will be many centuries from now. Human betterment, however, is an enterprise we can never neglect. We must try to understand our ills. We must continuously search for the remedies to our problems.

But when we sit down and think it through, we should all reach an inescapable conclusion. Though we have so much for which to fight, we have so very much with which to fight.

I was quite taken with the June issue of *Kiwanis Magazine* and particularly the story concerning our crusade against crime. The pursuit of crime as put forth by the magazine addresses itself to several truths upon which I'd like to comment.

There is a recognition in this article that crime is a local problem—a national concern—but basically a local proposition. The Federal Government does not have police power. I feel it is to our eternal credit that we do not have a national police force. One easily recalls the legacies of national police forces—the storm troopers, the Gestapo, Beria's Soviet secret police, and the Red

Guards. Our founding premise embodies a notion that people endowed with liberty can and should assume the responsibility of self-reliance. Citizenship calls each individual to an accounting of how dearly he prizes his hard-earned liberties in this nation.

Secondly, the efforts of Kiwanis point to the role public-spirited organizations must play to fight crime. One extreme approach in the solution of our crime problem leaves us vulnerable to the horror envisioned in George Orwell's 1984. The other leaves our citizenry defenseless. Since our federal efforts must, by its very nature be limited, our local and private effort must be determined. The private sector must join the effort of law enforcement to keep America on the side of those who abide by the law.

President Nixon spoke to this point when he said upon assuming responsibility as President:

"We are approaching the limits of what government alone can do. We must reach beyond government and enlist the legions of the concerned and the committed."

Government has not made this country great. If one operates according to this fallacious assumption, the Soviet Union stands tallest among the nations of the world. I say people make this country great and people had best rely on themselves, and not the government, to solve their problems.

Thirdly, Kiwanis is an organization devoted to playing a meaningful and constructive role in our society. The Kiwanis Club is more than a luncheon club, a service club, a social club, a knitting circle or a sports association. The motto "We Build" suggests an objective of a much higher nature. The fight against crime goes far beyond the mere protection of life and limb. The fight against crime is a fight for our basic values. Can the equitable society tolerate intimidation and fear as opposed to the free interchange to which we have been traditionally accustomed in this country? Can the moral society justifiably reward her greatest benefits to the devious, the violent, and the dishonest? This is the challenge one faces when he ascribes to the dictum "We Build."

We have an Administration in Washington which is committed to the fight against crime. The President has an abiding interest in this problem, and an acute awareness of what will happen if we do not face up to it.

But the federal government cannot do the job alone. We in Washington need the help and cooperation of a concerned and aroused citizenry. The President has begun by reviewing police training procedures, by an upgrading of the federal bench and the entire court system, by a review of our panel and probationary system, by a concentrated effort directed against purveyors of narcotics and filth, and by striking at the heart of organized crime. Of all these efforts, the one I consider essential is the fight against organized crime. I say this because organized crime alone has the resources to sustain the drain on our economy, spirit, health and freedom.

Today I would like to tell you a little more about this threat. Organized crime is a closed, totalitarian society, operating within and against an open and democratic society. It is illegitimate, corrupt, violent, and ruthless. It is dedicated and greedy, grasping for money and power through every illegal channel known to man. It is prepared to use, and has used with deadly efficiency, whatever means necessary to achieve its objective. It is a super-government of its own with its disciples committed to carry out its pernicious deeds, or else. "Or else" can include being dumped in the bay with a cement block tied to each foot, or having your skull bashed with a baseball bat. Organized crime is a shocking parasite in our modern society.

We must fight its loan sharking, its gambling, its acts of extortion and its narcotics trade. We must fight its inroads into our governmental process and the corruption and the terror it brings to bear on our citizenry.

It is of small comfort to acknowledge our laws against corruption because many of our officials sitting in judgment of the mob are themselves influenced by them.

Organized crime thrives in our society because it is a lucrative and profitable business. The "take" from the illegal activities of organized crime is upward of fifty billion dollars a year. That is an amount that even in Washington we respectfully salute—a billion bucks a week!

What does the mob do with all this money? They can't eat it. They have to invest the profits somewhere. Herein lies a new threat. The new threat to your business operations is the ownership of legitimate businesses by those who possess the means to obtain that ownership through illegal operations.

Normally, we do not pay much attention to the business of acquiring a legitimate company as long as the purchaser pays good American money for it. But we know from experience—and it is becoming increasingly clear—that when the illegitimate entrepreneur, using illegitimate profits, from an illegitimate business, moves into an insurance company, or into a bank, or a trust company, of a textile industry, he continues to use illegitimate means in the open market. That means unfair competition for business owners obeying the law, staying within the law and trying to be law abiding citizens.

We must give no mercy to the soldiers of organized crime. If it takes an anti-trust provision, or a concentrated effort to strangle the narcotics traffic, or a raid on the cartels of gambling; all of us, and citizens everywhere must be prepared to go forward with the programs which will make organized crime unprofitable, unacceptable, unattractive, and vulnerable to criminal prosecution on a wider scale.

The tone and the effectiveness of any government is set at the top. Though our government must depend on the resources of its citizens, the example and the efficiency at the top level of government can pattern the degree and the morale of our individual commitments to society's goals. I think we have a Chief Executive and an Attorney General who are thoughtful advocates of a persistent effort in the fight against crime. One good example of this was the recent appointment of our new Chief Justice.

The morning after that appointment, a reporter called me and asked, "Mr. Senator, don't you foresee trouble in this area of the Supreme Court because of the possibility, the likelihood that during the next few years we are going to have appointments like Mr. Burger? The first thing you know, we are going to have a conservative court—that won't be good for America, do you think?"

Well, at first I thought I would try sort of a facetious reply, and I said, "Well, any country that has been able to survive a highly liberal court, I think it can survive a conservative court."

In all seriousness, I don't think the Court as an institution is a simple matter of liberal versus conservative. The President is interested in men who know and value the Constitution which has served us so well. In my view, the Court has lacked balance. There has been undue emphasis on the theoretical constitutional rights of those accused of crimes, and a failure to consider the overriding right of society to survive. To put it simply, the Court has neglected the right of the non-offender to enjoy the full measure of his civil liberties.

A Justice of the Supreme Court once said, "Nice people have constitutional rights too."

What is the Constitution for? It is to provide against excess, excessive taxation on the energies of individuals living in society, and excessive control by government over its constituency. The Constitution was not designed to place undue emphasis on any one of its provisions. The writers anticipated full well the precarious balance of liberty. This balance has been tipped ever so slightly in a direction I am confident Mr. Burger can correct. I heard the President once say "If only I knew another man like Warren Burger, I would appoint him tomorrow."

And finally, I hope that in the course of time we can regain a perspective on the blessings we enjoy in this country. Our cause is served by a candid consideration of our faults. Our cause is not served by a pathological and singular off-hand rejection of everything which has brought our society to the forefront of the free world.

When our astronauts again demonstrate that "we are truly riders on the earth together" I urge you and all Americans to consider our collective role in America. We have a great stake in America, not as individuals pitted against one another. We have a great stake in the role our nation has been destined to play, as defender of the free world, as an example to the underdeveloped nations, and as a land dedicated to the pursuit of happiness for all people who choose to live here. As John Gardner once put it,

"Our trouble today is that we have too many uncritical lovers, and too many unloving critics. Our society would be best served if we had more critical lovers and loving critics."

I pray we shall never lose the perspective vital to our understanding of what it means to live in this country. I trust we never will. I pray that our efforts to meet the challenges confronting America will never falter.

I think America is answering some of those questions posed in 1968. We will decide that an order of liberty makes a moral distinction between right and wrong, honesty and dishonesty, truth and fiction, order and suppression, liberty and license, and most importantly, government and people.

The world will be thankful when America proves that even the barrier of imagination can be met on its own terms as our men set foot on the moon. The obligation to remain worthy of this gratitude will fall on people like you, your devotion to your motto, "We Build," and our unfailing efforts to sustain our commitment to the noble cause outlined in our Constitution.

RESOLUTIONS

WE BUILD WITH GOD

Whereas our first Object charges Kiwanians "To give primacy to the human and spiritual, rather than to the material values of life," and

Whereas our nations were founded, are presently sustained, and anticipate the future through the providence of God, and

Whereas His strength supports us in proportion to our faith in Him,

Therefore be it resolved by the delegates to the 54th Convention of Kiwanis International that in response to our stewardship of God's many gifts, we Kiwanians pledge to place spiritual values first in all matters of judgment, and

Be it further resolved that as we build with God we renew our determination to remain at all times humble and subservient to His will.

DRUG ABUSE

Whereas enlightened leadership throughout the world decries the illicit drug traffic which exists at the expense of millions of people and leads to their ruination, and

Whereas Kiwanis International has recognized the evils of drug abuse and its increasing prevalence in our communities, sapping our moral fibre and destroying the human being, and

Whereas drug addiction and dependence in their inception and continuance have spread from the areas of undesirable association with a criminal environment to a growing segment of our society at all economic levels, and

Whereas the lack of knowledge of the effects of drugs has combined with the permissiveness of our affluent society to stimulate an increasing trend toward drug abuse among our youth,

Therefore be it resolved that Kiwanis International, through its member clubs, combat drug abuse through the adoption of a major emphasis program wherein Kiwanis attention and activity will be focused world wide on exposing the social, mental, physical, and financial hazards of such abuse, and

That all Kiwanians and Kiwanis clubs actively support regularly constituted authority in the enforcing of existing laws and the creation of appropriate new legislation designed to combat and eliminate the drug menace, and

That Kiwanis clubs initiate and support programs designed to educate and alert their own members and their fellow citizens, with particular concern for the youth of their communities, to the harmful effects of illicit drug traffic and use.

THE RULE OF LAW

Whereas the second Object of Kiwanis International is "To encourage the daily living of the Golden Rule in all human relationships," and

Whereas all Kiwanians should respect the laws of their lands and the rights of their citizens, and

Whereas all Kiwanians should realize that crime is a growing menace to a free society, and

Whereas all Kiwanians should recognize the periodic need for change in existing laws of their lands to provide for an expanding and inquiring citizenship, and

Whereas all Kiwanians should encourage those who seek change to do so peacefully and within the framework of the law,

Therefore be it resolved, That Kiwanians everywhere pledge themselves to observe the rule of law in their society, reserving to themselves and to others the right of lawful dissent without infringing upon the rights or dignities of their fellowmen, and

That Kiwanians everywhere be urged as responsible citizens to provide individual leadership in upholding the existing laws, making necessary changes in them, or initiating new laws as the situation demands, and

That Kiwanians everywhere emphasize the inherent danger of all forms of crime to their people, to the economy, and to the future progress of their nations and implement action programs by the local Kiwanis clubs to dispel general apathy, to make the public more knowledgeable and their members more effective against this menace, and

That Kiwanians everywhere support and voice their appreciation of deserving public officials and law enforcement officers for their dedicated service.

KEY CLUBS AND CIRCLE K CLUBS

Whereas Kiwanians recognize that our complex society demands increasing responsibilities of our youth and requires earlier leadership experience, and

Whereas sponsorship of Key Clubs and Circle K Clubs broadens the scope of opportunities for service, and

Whereas the basic concepts of the Objects of Kiwanis International can be furthered through meaningful guidance of young men in high schools and colleges,

Now therefore be it resolved, That every Kiwanian pledge himself to accept his responsibilities to Key Clubs and Circle K Clubs in order that young men of high school and college age may have the opportunity to perform service to their schools and communities, and

That every Kiwanian, recognizing the benefits of education for leadership, provide this training by personal participation and example to the end that every Circle K and Key Club member shall be a responsible citizen and carry throughout his life the inspiration of Kiwanis devotion to freedom and individual enterprise.

DIALOGUE WITH YOUTH

Whereas highly knowledgeable, well educated, idealistic and morally sensitive young people represent our best hope for the future, and

Whereas it is recognized that there are legitimate student protests and that changes are inevitable in an ever-moving society, and

Whereas, recognizing that all that is necessary for evil to prevail is for good men to remain silent, it is basic to good government that Kiwanians and Kiwanis clubs be encouraged to use all lawful means at their command to oppose those public officials and school administrators who are unwilling through their own volition to act and work to suppress illegal protests and demonstrations, sit-ins, riots, and other acts of violence, and

Whereas illegal protests and demonstrations, sit-ins, riots and other acts of violence interfere with the rights of the large majority of students, enrolled with the serious purpose of furthering their education.

Now therefore be it resolved, That Kiwanians foster opportunities for a more effective dialogue between youth and adults, and

That every Kiwanian and Kiwanis club actively support school administrators, parents, and students who are working out their problems in a lawful and orderly manner, and

That Kiwanians again express their confidence in youth by appropriate recognition of their achievements.

PORNOGRAPHY

Whereas standing up for decency in literature and entertainment is expected of those who accept the Objects of Kiwanis International, and

Whereas many bookstores, newsstands, and some distributors traffic in magazines and books which even from their covers are obviously objectionable, and

Whereas in many films, stage productions, and other forms of public entertainment every traditional code of decency has been violated,

Now therefore be it resolved that every Kiwanian as an individual citizen make known his concern for decency in literature and entertainment and show by example in his home and in public life his adherence to a personal code of decency, and

That, in cooperation with others of like mind, he make known to sponsors, producers, distributors, and retailers his opposition to that which he finds objectionable, and

That Kiwanians everywhere support and voice their appreciation to those who adhere to a code of decency in literature and entertainment.

VOCATIONAL AND TECHNICAL CAREERS

Whereas the education and training of our youth is paramount to their proper growth and development into productive citizens, and

Whereas there are many students who should be oriented toward vocational and technical careers,

Now therefore be it resolved that increased emphasis be placed upon vocational-technical studies so necessary to our modern economy and that Kiwanians promote greater public encouragement of those who work in the trades, and

That Kiwanians actively involve themselves through financial support and personal service in providing improved methods and facilities for vocational-technical education in their local communities.

CONSERVATION AND POLLUTION CONTROL

Whereas in no other age has man been blessed with a greater abundance of available natural resources or so great a capacity for creatively shaping his natural world to the benefit of all mankind, and

Whereas through the waste and misuse of such resources as air, water, land, and forest and through the accelerating demands upon such resources by an affluent and rapidly expanding population, modern man has reason to be deeply concerned as to the exhaustibility and pollution of such resources, and

Whereas man's abuse of nature has extended to his abuse of life itself, as evidenced in the tragic annual increase in crippling injuries and death from accidents, and

Whereas the full cooperation of our citizenry is essential to the preservation and wise use of our natural resources and to life itself,

Therefore be it resolved that each Kiwanian and each Kiwanis club be dedicated to positive action within the community to identify the greatest needs and opportunities for conservation and wise use of life and resources and apply, personally and collectively, intensive effort toward the satisfaction of such needs and the seizure of such opportunities.

APOLLO 11

Mr. ERVIN. Mr. President, one of North Carolina's finest citizens, Asa T. Spaulding, of Durham, who witnessed the launching of Apollo, 11, made some eloquent comments concerning the launching, the landing of the astronauts on the moon, and their safe return to our world. I ask unanimous consent that they be printed in the Record.

There being no objection, the comments were ordered to be printed in the Record, as follows:

Pregnant History Delivers

(By Asa T. Spaulding)

Wednesday, July 16, 1969, was a day for Delivery by Pregnant History! It began for me with a 3:15 AM "wake-up call", a 4:00 AM breakfast, and a 5:00 AM boarding of the lead bus of what was to be a ten bus convoy, with police escort, for the NASA guests from my motel to the John F. Kennedy Space Center.

We were to depart for the Center not later than 6 AM. Our eight buses were loaded but the plane from Paris was forty-five minutes late. It was about 6:15 AM when the two buses arrived from the airport with the French visitors. They became the lead buses and the convoy started. The pace was reasonably good. As we neared the Space Center, we were given a special routing to avoid the already bumper to bumper traffic.

At 9:32 AM at the Space Center, I saw what happens when Time, God, and Man cooperate. Within an instant, they delivered with precision and perfection a Child of History. And within another moment, this Infant was on its journey to the moon accelerating the merging of time, space, and history, and the dawning of a new era.

Conceived in the mind of man; nourished by all Americans while in gestation,—the affluent and the deprived; and in the fullness of time, there stood on launching pad 39A, a thirty six story Apollo 11. It had not only been formed out of "steel and metals dredged from the heart of America and refined by workers in hundreds of towns", but it also encased the spirit, dreams, and scientific progress of mankind.

The lift-off of the shining thirty six story rocket from its launching pad by a 7½ million pound thrust, and with a tail of flame a thousand feet long, with staccato thundering sound waves pounding against the ear drums, and the earth trembling as if with fear, was a brilliant, spectacular and unforgettable experience, and a time for sober reflections. Man had just embarked for his virgin landing on the moon, and for taking the STEP that would "divide history".

As I watched Apollo 11 being swallowed up by the heavens, I could say with a depth of feeling: "What hath God and man wrought?" It was as though I had lived a million years of man's history and progress within a few compressed seconds.

Prior to the launching, I stood for more than an hour, with nearly ten thousand others, anxiously listening to the count down with both admiration and *awe*.

When the count down reached minus ten, and I realized that man was at that moment standing on the threshold of his most daring conscious adventure, I shared the feeling of Robert S. Boyd of The Miami Herald that: "the hopes and prayers of the human race—(were somehow)—squeezed into Apollo 11 spaceship 'Columbia,' along with astronauts Neil Armstrong, Edwin Aldrin, and Mike Collins."

Werhner von Braun had described the day as a day "ranking in history with primitive aquatic life crawling on land for the first time" several million years ago.

I left the Space Center wondering what it will take to bring about a comparable national commitment to the overcoming of our human problems on earth, and to give birth to another new and even more glorious day in human history. This thought-question has been haunting me ever since, and will never permit me to have peace of mind short of seeing a similar mastery over our problems on earth!

It is now 11:15 a.m., I am back in my room No. 133 at the Host of America Motel, Melbourne, Florida. While the surroundings are pleasant and comfortable, I am more or less oblivious to them.

Though my physical body is hemmed in by four walls, there is no ceiling over my mind. It is soaring on the wings of thought with Neil Armstrong, Edwin Aldrin, and Michael Collins on their journey to make the unknown, known; the uncertain, certain; and, in the words of Neil Armstrong later, "one small step for man, one giant leap for mankind."

I am more convinced than ever that what man can conceive he can achieve; and that where there is a will, a way can be found!

If our space programs and our human programs are not kept in proper balance, our future as a nation will be in great peril! What shall it profit a nation to gain the whole world and lose its soul?

After the New Transfiguration, What?

(By Asa T. Spaulding)

July 20, 1969, produced a new transfiguration. Man was transformed from an earth creature to a moon-man who took a STEP that divided history.

Four days earlier, Neil Armstrong, Edwin Aldrin and Michael Collins had shed the restraining shrouds of earth contained creatures, adorned pioneering garments for a liberating environment; climbed aboard Freedom's Spacecraft; broke the shackles of earth's gravity; gained a new freedom; made "a giant leap for mankind"; and caught a glimpse of "a new heaven."

The experiences of this new day of transfiguration were not only the most momentous feats in man's history, they also placed upon him his most *awesome* responsibilities, that of meeting the crying needs on earth with comparable achievements. Man has now irrefutably demonstrated that where there is a will, a way can be found!

The aftermath of the success of Apollo 11 will be either a rouse to the nation or a blessing to mankind; which, will depend upon how we respond to our human needs! I do not consider it an either or matter. I believe we can carry on a rational space program and take care of our human needs also.

There are already untold and immeasurable benefits and by-products from our space program, but our space programs and our human programs must be kept in proper balance or our future will be in great peril!

A Footnote to History: The Immortal Astronauts!

(By Asa T. Spaulding)

Thursday, July 24, 1969, our lunar-walking astronauts completed their historic cycle to the moon and back by splashing down in the South Pacific approximately 950 miles from Honolulu.

Their re-entry of the earth's atmosphere was with such a velocity that they became wrapped in a 5000 degree flame, and at 12:50 p.m. (EDT), they drowned Inferno in the Pacific Ocean, and the Chisel of History began carving deeply and permanently the names of Neil Armstrong, Edwin Aldrin, and Michael Collins in the Monument of Immortality!

A SUPERIOR STUDENT

Mr. STEVENS. Mr. President, I invite attention to an outstanding young woman who, I feel, does great credit to the educational system in Alaska.

Cynthia Warbelow, a young lady who had never been to school before she enrolled at the University of Alaska, has graduated with high honors, magna cum laude.

Cynthia received her elementary and secondary education by correspondence through the Alaska Department of Education. Courses were mailed from the department directly to Cynthia's home on the Alaska Highway near Tok, Alaska. For 12 years Cynthia's mother was her "home teacher." Cynthia went on to the University of Alaska directly from these home study courses.

She completed the requirements for her bachelor's degree in seven semesters at the university, receiving A's in every course except one. Her grade point average was 3.97 out of a possible 4.00.

Cynthia, majoring in biology, was this year's winner of the Marion Boswell Memorial Award as the outstanding senior woman at the University of Alaska.

She was also named top student in the college of biological sciences and renewable resources, the winner of the Woman-of-the-Year Award by the Soroptomist Club of Fairbanks and the Associated Women Students Class Award for a senior.

Miss Warbelow was one among 11 students at the university selected for recognition in "Who's Who Among Students in American Universities and Colleges" and had the opportunity to give the senior response to the university president's "charge to the senior class" that is a custom at the university.

This fall she will attend the University of Michigan at Ann Arbor for a year of graduate work in biology for which she received a scholarship at graduation this spring.

THE 1970 WHEAT PROGRAM

Mr. PEARSON. Mr. President, the wheat program for 1970 just announced by the Secretary of Agriculture is sound and is based on a realistic assessment of present and expected supply and price conditions. Farmers had hoped that a 12-percent cut in the acreage allotment would not have been necessary. At the same time, however, they fully understand the relationship between today's low prices and our excess supplies and they recognize that there is no hope of restoring favorable prices until the surplus carryover of surplus stocks is reduced.

The decision by the Department to continue the voluntary diversion provision and to authorize the farmer to substitute the planting of wheat for feed grains or feed grains for wheat will give the farmer considerable flexibility in adjusting the overall program to the particular needs of his operation.

The 1970 program in conjunction with the Agriculture Department recently announced steps to expand wheat exports should have the effect of substantially reducing present excess supplies and strengthening market prices.

ADMINISTRATIVE DISCHARGES: UNFINISHED BUSINESS IN MILITARY JUSTICE REFORM

Mr. ERVIN. Mr. President, on July 16, 1969, I had the privilege of speaking before the Judge Advocate General's Conference at Charlottesville, Va. On that occasion, I made some remarks upon the subject of "Administrative Discharges—Unfinished Business in Military Justice Reform." I ask unanimous consent that my remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Speech by Mr. Ervin

I wish to thank General Hodson and Colonel Crawford for the honor and the opportunity to speak to The Judge Advocate General's Conference. For many years I have been interested in the court-martial system, the judge advocates who make it work, and the men for whom it must do justice.

Since the early 1960's I have had the honor to be Chairman of the Constitutional Rights Subcommittee, a Subcommittee of the Senate Judiciary Committee, and for the past decade the Subcommittee has studied military justice and sought to make it a model criminal system for the country. America has a special obligation to make certain that the men who bear arms in defense of her freedom are given the best and most enlightened justice possible.

This is not an easy task, for in addition to the normal obstacles that stand in the way of criminal law reform, in military life there is the added factor of the need for discipline. There are many in the service who feel that military justice is incompatible with the command system and military discipline. It was this view which for centuries predominated in military legal thought not only here but in Europe as well. Not until after World War II did this country undertake any major reform of a system it had inherited from Europe two centuries ago. And by this time "military justice" was a scandal and a mockery.

The reforms after World War II brought military justice out of the dark ages and well ahead of federal and state criminal law. In strong contrast to the medieval Articles of War, the new Uniform Code of Military Justice anticipated the next decade's revolutionary changes in criminal law. Let me cite just a few areas where the 1950 Code anticipated recent reforms:

Illegal evidence obtained through wiretapping or unreasonable searches was excluded long before *Mapp* v. *Ohio* in 1961 applied the exclusionary rule to the states.

In military trials of major crimes, free legal counsel was provided long before the *Gideon* case in 1963 required appointment of counsel for indigent defendants. And, of course, free counsel have long been provided throughout the entire military system of appeals.

Article 31 warnings were the rule long before *Miranda* in 1966 made this national constitutional policy. In fact, the military rule was relied upon in the Supreme Court's decision to adopt a warning procedure.

Pretrial discovery by defense is considerably more advanced in a military trial than under Rule 16 of the Federal Rules of Criminal Procedure or under most state procedures.

Verbatim transcripts of trial, furnished free as a matter of ordinary procedure, was a feature of military justice long before the Supreme Court in 1956, in *Griffin* v. *Illinois,* applied the rule to the states.

Finally, the Uniform Code of Military Justice provides for review of sentences at three separate appellate levels. This is as yet not the rule in the federal system although legislation has been introduced to this end. And, of course, sentence review is unknown in most states.

The post-World War II military justice system, for these and many other reasons, was a source of considerable and justifiable pride to the armed services. But, unfortunately, the advances of the late 1940's were not matched by further reforms in the 1950's or 1960's. The studies of the Constitutional Rights Subcommittee beginning in 1961, and particularly its hearings in 1962 and 1966, demonstrated that court-martial procedures, and especially the administrative discharge system, were in urgent need of improvement.

Over the course of the past seven years the Subcommittee developed legislation to achieve these reforms. In this effort we had the invaluable assistance of a small group of civilian lawyers who practice military law, a few organizations, and many persons in uniform—from First Lieutenants in the Judge Advocate General's Corps to Generals. But I am frank to say that the services, as a matter of official policy, were, until very recently, interested primarily in changes which would make military justice more efficient. They were not particularly interested in extending the amount of due process in courts-martials.

It was not until last year, when a bill incorporating certain Department-advocated reforms passed the House of Representatives, that the opportunity arose for meaningful reform. To the House bill, which I considered entirely inadequate, I sought and obtained a series of amendments which substantially increased the amount of due process in military trials. With the invaluable assistance of General Hodson, a compromise was worked out between the omnibus reform bill I had sought and the Defense Department package passed by the House. The legislation—called the Military Justice Act of 1968—becomes effective this August in most of its provisions.

I do not mean to belittle these reforms. They are the culmination of many years work. But it is instructive to compare the 1968 reforms with those instituted by the Code of twenty years ago.

Appointed legal counsel is now required for all bad conduct discharge cases, and authorized for other special court-martial trials. The equivalent has been the rule for a number of years in federal and state trials of serious offenses;

An independent judiciary composed of military judges now presides over criminal trials with the full authority of civilian judges. An independent judiciary is the *sine qua non* of a system of justice, and this should have been legislatively required in all services years ago;

Outmoded trial procedures have been discarded, and the trial is patterned more closely on the federal criminal procedure. Also, defendants can now waive trial by jury—a right they have long had in civilian trials;

Trial by summary court—which should be eliminated entirely—now at least cannot be held over defendant's objection;

The intermediate appellate bodies—the Boards of Review—are now transformed in full appellate tribunals manned by independent military judges;

Release pending appeal is now available;

And, finally, defense counsel and defendant are better protected against command influence and control.

These are all important reforms, but military justice has by no means forged ahead of civilian justice as it did 20 years ago. It has just kept pace.

This is significant because bad reputations are easily made and slowly lost—as both fallen ladies and military justice have learned to their regret.

In my judgment the overriding influence in the *O'Callahan* case, decided by the Supreme Court just a few weeks ago, was the reputation military justice earned in the years up to 1950 and which the Code and last year's reforms have not succeeded in erasing.

The *O'Callahan* case is worth discussing at length, both for what it means for the concept of military jurisdiction, and for what it may portend for future federal judicial oversight of military law.

In *O'Callahan* the Supreme Court, by a five-to-three vote, ruled that courts-martial have no jurisdiction to try offenses committed by service personnel if those offenses are not "service-connected." While I am anxious to protect the constitutional rights of servicemen—and have sponsored legislation to that end—I find that there are several disquieting features to the opinion of the Court, written by Mr. Justice Douglas.

In the first place, it is clear that in most quarters the assumption prior to *O'Callahan* was that the status of persons in the military permitted Congress to subject them to trial by court-martial, regardless of the nature of the crime, where committed, and whether in peacetime or in wartime. Certainly the Uniform Code of Military Justice is predicated on this assumption, and many service personnel have been tried for civil type offenses of the very kind that were allegedly committed by Sergeant O'Callahan. If military jurisdiction is no longer based on status there is no foretelling what effect this will have on the entire military justice structure. While I recognize that over the years there have been those scholars who questioned military jurisdiction over civil type offenses, such as murder, rape, larceny, burglary, and housebreaking, it does appear to me that here again the Supreme Court has changed the Constitution, rather than interpreted it.

Second, if the *O'Callahan* case is given retroactive effect, which would seem logical if prior trials by courts-martial lacked jurisdiction over the offense, then it is clear that the Federal courts will soon be flooded with petitions for habeas corpus and suits for back pay or other relief. It will be a long time before the legal past is rewritten to conform to the new rules.

Third, if the Constitution is to be modified, I am reluctant to see it modified by a five-to-three decision of the Supreme Court when one member of the majority, the Chief Justice, was on the verge of retirement. The composition of the Court is now in transition and the rule established in *O'Callahan* will be shrouded in uncertainty. The obvious question is how much weight will the new members of the Supreme Court give to a fundamental constitutional decision rendered on the eve of change in membership in the Court. Will they feel free to overrule the case as soon as an occasion presents itself, or will its effect be gradually whittled away in the future by distinctions based on the particular facts? Frankly, I think it unfortunate that in these circumstances a divided Court chose to decide the issue in the first instance, rather than setting it for re-argument.

The element of uncertainty that now exists is heightened by Justice Douglas' failure to provide meaningful guidelines for the future exercise of military jurisdiction. The basic criterion employed is whether the offense was "service-connected". It is interesting that the concept of service-connection has not played any part in military justice. I am informed that a computer search reveals the word "service-connected" appears only one time in thirty-seven volumes of the opinions of the Court of Military Appeals and the military Boards of Review, and in that solitary instance the factor of service-connection was not material to any issue in the case.

In the United States Code the concept of "service-connection" has been used chiefly in determining availability of veterans' benefits and disability retirement pay. In this context, the concept has been given a very broad scope. In fact, under these statutes service personnel are deemed to be acting in line of duty—and injuries under such circumstances are service-connected—even when they are on authorized leave. Certainly, a broad concept of service-connection is appropriate in deciding who is entitled to the benefits which Congress has intended for military personnel. But it seems clear that Justice Douglas would not accept a broad interpretation in deciding the scope of court-martial jurisdiction. To do so would be to whittle *O'Callahan* down to almost nothing. Under the circumstances, there is considerable ambiguity in the touchstone which the Court proposes to utilize in determining military jurisdiction.

Fifth, I am concerned about some of the practical consequences that may flow from the decision. I have already mentioned some of these consequences if the decision is held to be retroactive. Let me note that some equally unpalatable consequences will result if the *O'Callahan* case is determined to have extraterritorial effect to servicemen stationed overseas. In terms of its logic, such a result would be perfectly consistent with the majority opinion, although it is not necessitated by that opinion. In any event, if courts-martial cannot try military personnel for civil type offenses committed overseas, the consequence will either be that they will be tried in the foreign courts of the country where the offenses are committed or else will go unpunished. The former alternative is hardly conducive to protection of the constitutional rights with which the majority opinion is concerned. The latter alternative is not consistent with justice.

Up to the present time the United States has been successful in obtaining from foreign governments a significant percentage of waivers of their jurisdiction over American service personnel, even when those Governments possessed primary jurisdiction under the terms of the NATO Status of Forces Agreement or other treaties. However, the United States cannot request a waiver of jurisdiction by a foreign government when it lacks jurisdiction to try the service personnel for the offenses involved.

An extension of *O'Callahan* to the overseas situation would aggravate the problems involved with civilian personnel overseas. Under *Reid* v. *Covert* and *Kinsella* v. *Singleton,* those persons cannot be tried by military courts. Thus they are either tried by foreign courts—which neither we nor the host country likes—or they go unwhipped of justice.

For years the Constitutional Rights Subcommittee and the Defense Department have been searching for a solution to the problem of overseas civilians. As of yet there seem to be no good solutions, and it is not likely that the problems created by *O'Callahan* applied overseas will be solved any easier.

In a 1950 case, *Feres* v. *United States*, the Supreme Court noted that it would be ironic to have the rights of service personnel to sue under the Tort Claims Act hinge on the law of the place where they happen to be located when a tort occurs, since of course they have no choice as to where they must serve. The *O'Callahan* case signifies that in a substantial number of criminal cases, servicemen will be tried according to the substantive and procedural law of the state where they happen to be stationed, generally without their choice, rather than be tried by a court-martial, pursuant to a Uniform Code of Military Justice. Admittedly, the state courts already have concurrent jurisdiction in many instances and so even prior to *O'Callahan* military personnel were not insulated against state court-trial. Also there has been increasing standardization of state court-trials, as the Supreme Court has turned the Bill of Rights into a Code of Criminal Procedure.

Even so, I am concerned about the consequences of a decision which removes the possibility of a trial by court-martial pursuant to uniform standards prescribed by the Congress for military personnel. On the one hand, servicemen often serve in the midst of a hostile community. Both state and military officials have always been pleased to be able to avoid the threat of miscarriages of justice that highly inflamed conflicts between military and civilian can produce. This threat will now be real to commanders and men, and can no longer be avoided. It is bound to make relations more difficult between military and civilian communities.

On the other hand, the presence of large military communities put an unusual burden on many local facilities. This had led to special federal educational aid to "impacted" communities. With the alternative of military jurisdiction removed, these localities will have to enlarge their judicial systems. Otherwise neither society nor the defendant will get justice.

Beyond these consequences of *O'Callahan*, there is yet another which, as I mentioned earlier, is most significant, because it demonstrates how the Supreme Court and many other quarters regard military justice. Justice Douglas' opinion contains many disparaging remarks about military justice. But the system he talks about is the Articles of War, not modern military criminal law. The Uniform Code of Military Justice of 1950, the Military Justice Act of 1968, the decisions of an independent civilian Court of Military Appeals—all these were ignored by the Justice. The system is not flawless—many of the reforms I have sought for a decade have not been instituted—but the Uniform Code of Military Justice is considerably better than military band music. Nevertheless, it is evident that Justice Douglas and his colleagues still look upon military justice as second-class justice.

There have been two other recent decisions of the federal courts which, together with *O'Callahan*, illustrate the suspicious regard in which federal courts hold military law. On June 26, the Court of Appeals of the District of Columbia in the *Kauffman* case held that federal court review of court-martials is broad, and military law must conform to Supreme Court standards unless military conditions can be shown to require a different result. A few days later the same court in the *Latney* case narrowed the wartime jurisdiction over civilians serving with or accompanying the armed forces in the field. The Court of Appeals emphasized the "principle that a system of specialized military courts and discipline may be maintained consistently with our constitutional liberty only if restricted to its 'proper domain', one that 'rests on the special needs of the military.' "

It is apparent that civilian courts are increasing their scrutiny of military courts and discipline, and in doing so they have turned a jaundiced eye to the system you administer and for which you are responsible. This makes it essential that the Army and her sister services redouble their efforts to improve military justice. There are many areas where military justice can be improved, not only legislatively, but in its administration. Nothing can do more harm to the common conception of military justice and wipe out the ten years work towards the Military Justice Act than, for instance, excessive punishment and a conviction for mutiny in circumstances where emotion and politics have overcome justice and common sense. A few San Francisco cases can bring down the public wrath and produce more *O'Callahan* cases. Such gross errors of judgment erase the effort of the past twenty years to convince America that military law is a first-class system of justice.

One area of military justice which has not received any significant attention in years and which is in urgent need of reform is the military discharge system. If military justice is to true justice what military music is to Bach—then the discharge system is nothing more than beating on an empty can.

Imagine if you will a system of justice with the burden of proving innocence imposed on the defendant, secret informants, no right to trial, no right to see the evidence, no right of cross-examination, no rule against double jeopardy, no protection against punishment even when found innocent, no right to legally qualified counsel, no independent judge, no independent judicial review, and no clearly defined rules of what is and is not against the law.

This, in harsh terms, and with very little exaggeration, is the system which can brand a man as "undesirable," "unfit," or "unsuitable," deprive him of his serviceman's rights, his accruing pension and retirement, his employability, and his honor.

It has been strenuously argued through the years that the administrative discharge system is not part of military justice. Indeed, apparently one of the most objected to features of legislation I first introduced a few years ago was that I proposed to place administrative discharge law under Chapter 47 of Title 10 of the United States Code as a part of the Uniform Code.

But to my mind, the discharge system is part of military justice if the services propose to award a discharge less than honorable—and by that I also include the General Discharge—for wrongful acts or omissions. A good portion of the discharge substantive law overlaps the Uniform Code of Military Justice. Often the discharge process is used to avoid the procedures of the Uniform Code of Military Justice when evidence is weak or the commander's impatience or wrath is strong. Many years ago it was conceded that the discharge system is used to bypass the protections of the Code.

The reforms which the Constitutional Rights Subcommittee began seeking in 1961 cover administrative discharges as well as the court-martial structure. But the services have been reluctant to change. Only once, in 1966, was there any move toward improvement. And that was clearly prompted by the fear that imminent Congressional hearings would dramatize defects and lead to legislative reforms. But this regulation struck the least common denominator among the three military branches. It was little more than window-dressing and it was less than adequate.

One of the greatest impediments to reform is the fact that the legal services and their traditions of due process have largely been excluded from the "administrative" or personnel system. If reform is to occur within the services—and not be imposed by the Supreme Court—then the Judge Advocate Corps must work its influence on the discharge and personnel systems.

After many long years, I can discern some movement toward reform. The American Bar Association adopted a resolution last year which sets forth minimum standards for the award of undesirable discharges. More important than the substance of their proposals is the fact that the American Bar Association has now recognized the need to impose legal requirements on discharges.

Congressman Bennett, who introduced the Department's proposals on military justice, has introduced the American Bar Association proposals in legislative form. On the Senate side, the proposals developed by the Constitutional Rights Subcommittee were incorporated in Title I of the Omnibus Military Justice Act I introduced in 1967. This title has been reintroduced as a separate bill, S. 1266.

General Hodson, like the American Bar Association, and Congressman Bennett, joins me in recognizing that the next reform in military justice must be in the procedures for awarding less than fully honorable discharges. The American serviceman is no longer a second-class citizen before the criminal law. He must soon become a first-class citizen—officer as well as enlisted—in this aspect of military law as well. As a minimum, he is at least entitled to the right to legally qualified counsel, the same right of confrontation and cross-examination to which he is entitled in a court-martial, the right to subpena witnesses and documents, the right to have the board which considers his case be free from command influence and render a decision which is binding upon the commander, the right to an impartial judicial officer presiding over the hearings, and the right to appeal his case to a legally qualified independent appellate tribune with final appeal to the Court of Military Appeals.

The *O'Callahan* case, the *Kauffman* case, and the *Latney* case are clear signals to Congress and to the military services that the federal courts are taking a close look at military justice. It will not be long before they turn their attention to the discharge system. Before they do we must bring the system into the 20th century and afford the individual soldier that basic due process to which he is entitled as an American citizen. If Justice Douglas' views cannot be educated by good example, we can confidently anticipate a series of decisions which will emasculate administrative discharge procedures. For that reason I urge all of you to support and encourage a major overhaul in this area. I am confident that if the Army Judge Advocate Corps, under the leadership of General Hodson, takes the lead, the reforms long sought by the Constitutional Rights Subcommittee can become law in a very short time.

STUDENT DISSENT

Mr. PERCY. Mr. President, recent House debate on the Health, Education, and Welfare appropriations and ongoing hearings in the Senate continue to focus attention on student dissent at our colleges and universities. During the past few weeks, the Permanent Investigations Subcommittee has heard the testimony of college administrators who have encountered and handled what was at times very violent student unrest on their campuses.

On August 4, Dr. Morris Abram appeared before the subcommittee. As president of Brandeis University he effectively maintained the operation of the school during a 10-day peaceful takeover of the campus communications center by dissenting students. His policies during this period won for him wide support from faculty and students.

Dr. Abram's testimony is a well-reasoned analysis of the causes, meaning, and prevention of future student outbreaks. He views student unrest in this country from a global perspective, citing corresponding disenchantment which seems to characterize students across the globe. In addition, he rightly reminds us that the behavior of our students must be considered not only in an academic context but in a broader context. Student grievances go beyond the administration of their schools to the very social problems with which we as Members must grapple—Vietnam, poverty, inadequate housing to mention a few.

While the problems that Dr. Abram mentions cannot be immediately solved, he does have something constructive to say to the Congress about the elimination of disruptions on our campuses. I ask unanimous consent that his testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY BY MORRIS B. ABRAM, PRESIDENT, BRANDEIS UNIVERSITY, BEFORE THE MCCLELLAN COMMITTEE ON STUDENT UNREST, MONDAY, AUGUST 4, 1969

I wish to be practical and helpful to the committee in this testimony. I shall divide my remarks into:

1. A diagnosis of the causes of student unrest
2. The dynamics of turbulence once it begins
3. Suggestions of what can be done by the universities, public bodies and the general public.

THE CAUSES

Ours is the age of anxiety and disenchantment, and for good reason. Two men, in a moment of panic or paranoia, can cause the destruction of our planet. Our own country, whose gross national product jumps some weeks by $1 billion, is choked with pollution, strangled by traffic, and faced with the fact that millions of its citizens remain ill-housed, ill-fed and poorly educated. The increase in the national output for 26 weeks, if applied to heatlh facilities, could wipe out that capital deficit. The same situation applies to education; and if the increase were set aside for such purposes for two years, our slums could really be the alabaster cities proclaimed in the anthem.

The anxiety and the feeling of disenchantment affect people of all ages. It is youth, however, which is in revolt—although not all young people are involved. The focus of the turmoil is in the best colleges and universities, and amongst the brightest students. It is Harvard, Dartmouth, Berkeley, CUNY, Brandeis, Duke, Columbia and Wisconsin that have felt the impact and the students involved on those campuses have very high performance scores. In fact the one necessary ingredient for trouble is a critical mass of very bright students.

You may ask, what's wrong with these youths? Is the problem that they have been raised permissively, on Dr. Spock's book? But the University of Tokyo was so disrupted this year that not one single doctor of medicine was graduated—and these students are not Spock-raised babies. Why the student turmoil in France, in Germany, in Italy—and even in Czechoslovakia?

Is there a Communist conspiracy operating through secret couriers? Then why did the Communists denounce the French student rebellion—and who stimulated the Czech rebellion against the Communist university? And why, except for a minuscule Progressive Labor Party core of clean-shaven, crew-cut types, is there no adult political movement to which the student radicals relate as the young Communist leagues did to the old Communist Party. And what need is there for secret couriers when television flashes freely and without risk the message of revolt across the country every evening in prime time?

I am afraid that simplistic or even simple answers will not do. Of course some Progressive Labor Party people are involved. They proclaim both their role and their philosophy—which is destructive and nihilistic. But then, many members of S.D.S. are not only not members of P.L.P., they are anti-P.L.P., as the recent Chicago convention split proved. Nor was the entire student revolutionary movement embraced within SDS even before the Chicago convention. The plain fact is that in 1969, 2 to 3% of the student population are revolutionaries—potential destroyers. The percentage is small, but applied to a student population of 8 million, the absolute numbers are 160,000 to 240,000 people.

They see society and the university as one, and they proclaim a total disenchantment with both.

If the 97% of other students totally rejected the perceptions, causes and tactics of the revolutionaries, universities would not be wracked by turbulence. This is not the case, and this fact brings me to speak of some of your sons, daughters and grandchildren . . . who comprise the non-revolutionary youth generation.

The size of the population included in the ten-year span of 14 to 24 years of age is almost 28 million, about 19% of the nation's total.

This age group differs in very fundamental respects from its elders, in ways which are plainly discernible. It always did. This age group dresses differently, feels less inhibited, acts impulsively—and it always did.

Students in the United States have always been high-spirited. We all surely remember the drugstore cowboys, the raccoon coats, the goldfish swallowers, the panty-raiders. Sometimes students have been rebellious, too. As early as 1675, there were student riots at Harvard. Yale had one in 1765, and the University of Virginia in 1825. But I am not suggesting that today's generation of youth is a carbon of the past, for it is not. This generation is not moved to action and violence by fraternal frolics, though the psychic energy discharged by sit-ins and by manning the barricades may come from some of the same emotional batteries.

This generation is marching, however, to drumbeats they approve, the lyrics—as they quickly point out—were written by us. They claim we have ceased to march to our own moral tunes.

As a whole, the students now in college are social critics. A recent poll by the Daniel Yankelovich organization found that 83% of them believe that our foreign policy is based on narrow economic and power interests; that 94% believe businesses to be overly concerned with profits; that 63% think what is taught in the universities is not relevant. Almost 6 out of 10 college students believe the war in Vietnam is pure imperialism.

Only a third of college students believe that their personal values and points of view are shared by most other Americans.

On the personal and non-political level, youth has some other deeply held views. Ninety-three percent of all youth want more emphasis on friendliness and neighborliness; 54% consider service to others to be "very important;" 71% want work which is more than a job; 89% consider love to be "very important." These are not bad values. However, in interpreting some of these values, college youth, in particular, diverge sharply from what was at least preached in our youth.

Sixty-four percent believe that pre-marital sexual relations are not a moral issue. Included within this percentage are the conservative college group of whom 45% maintain this view.

Youth—college and non-college—is strikingly independent. Sixty-one percent say that "doing your own thing" is very important in their lives; and only 31% easily accept outward conformity for the sake of career advancement.

Our youth have been badly traumatized by the violent deaths of John F. Kennedy, Martin Luther King, and Robert F. Kennedy; and the violence of Vietnam. An overwhelming majority, in and out of college, agree strongly or partially with the statement that our society now is characterized by injustice, insensitivity, lack of candor, and inhumanity, and that morally and spirtually our country has lost its way. Yet, as of now, 89% of the total believe that our system is capable of responding to the needs of the people.

Gentlemen, this generation was not sired nor raised by college administrators nor faculties, but by your friends and constituents. They were educated in your home communities and under laws and conditions we either created or permitted to stand. The universities now are the habitations of your youth, inclined as they are for good or ill as they matriculate.

When the student enters the university—which is usually his first residence after home—he brings with him his ideals, his frustrations. If he is black, he may also bring a considerable, though understandable, rage.

The university, quite properly, gives the student much latitude for protest because a good university is a yeasty place, full of debate and intellectual turmoil. The university takes student viewpoints seriously even as it attempts to refine them in the contest of ideas. Indeed, the university may be the first place which ever treated some students seriously and with that sense of dignity which is essential to the educational process. The good university, however, resists ideology and imposes standards. It is sensitive to feelings, but it is essentially a place devoted to reason and structured learning. The process of education is slow and hard. To many students who have a definite plan, be it medicine, law or some other clear objective, the curriculum and grades are seen not as barriers but as goals to be achieved.

On the other hand, to many students who come to the university for the legitimate purpose of uncovering their talents and interests through a liberal education the conventional curriculum and teaching methods appear irrelevant and oppressive. Thousands of such students are impatient to put their reforming zeal to work in the ghettos and in the other pockets of sickness in society. They equate good works with education. From the best possible motives, they want to use the university as a staging area for the reform of the world, and desire a degree that validates their good deeds as an education. Resisted by faculties which know the difference between activism and education—experience and conceptualized learning—such students feel thwarted, frustrated, outraged.

I do not deny—rather I assert—that much curricula is ill-planned, and that many professors are uninspired or worse. The universities have not kept pace with the psychology of learning. Some have been immune to the vital and healthy inputs of students in curriculum formation and in professorial evaluation. Faculties, administrators and trustees should not be held blameless in any examination of campus unrest.

However, none of the deficiencies of higher education constitutes an excuse for coercion and riot. There is a difference between a grievance and a cause for revolution.

Why, then, do we have rebellions on the campus?

THE DYNAMICS

Clearly, every good university is a combustible mix. It is crammed with bright kinetic youth, quite disenchanted with society. They are impatient to do their "thing," which frequently includes societal reform. The university is the first institution they encounter—outside the family. Most concerned students are fond of their parents and enjoy their company. Many of the parents are proud of their children's idealized goals and, sad to say, some parents are even titillated and amused by their children's participation in disruptive tactics. The university thus often bears alone the burden of resistance to the impulse of some students to use it as a political staging area to reform society, and to reshape it into an ideological tool.

The university whose faculties and administrators generally share the students criticisms of society, becomes the victim of a misplaced wrath. It is hit because it is there and near, tolerant and vulnerable. Generally, the disruption is initiated by a small number—either of revolutionaries or extreme radicals or of blacks. The objectives of the former are not to be confused with those of the latter. The common question is, how can extremists, white or black, always a small number, gain the support of a sizeable number of others?

Here we face a crucial fact: In the best universities, some 25% to 40% of the student body can be co-opted by a radical cause under certain circumstances. This relatively large group—I call them "the concerned"—are not destroyers. Sometimes misguided, they are generally sincere, idealistic students. And although their behavior presently underlines a grave national concern, they are our nation's hope of tomorrow.

At the outset of a campus disruption these young people—"the concerned"—will approve of some of the carefully chosen and frequently contrived issues announced by the extremists, although they say they disapprove of the forceful and coercive tactics employed. Their approval of some of the announced demands, however, makes them very vulnerable to radical action. If the university handles the problem clumsily, this large segment of students can be brought over to the extremist camp. In a tribal sense, there is an almost instant indentification of youth with youth, particularly if the university's reaction is perceived to be unjust or excessive. If force is employed to end the disruption and if it is thought brutal—and this is a flexible adjective—invariably polarization results and the 25% to 40% can expand to a majority in a few hours.

The problem is delicate, complicated, almost impossible, particularly as there are usually faculty members who, for a variety of reasons, mistake interest in student causes for interest in student welfare. And once the faculty is badly polarized, the disturbance bears resemblance to civil war.

IS THERE A REMEDY—WHAT?

Many Americans find it difficult to believe—and subconsciously unacceptable—that there are some problems without instant solutions. In this way, those of our young people who demand instant reform of social ills are exhibiting characteristically American responses.

However, youth is not going to change America overnight, though America will never again be quite the same because of this generation of young people. Nor are university administrators, with or without your assistance, going to be able to quiet the turbulence by a snap of the finger, a shake of the fist or—as some may advocate—transplants of new spines.

The campus—and the country—are passing through an era of tension produced by the opposing ideas of members of several generations who must live in the same community. I would go so far as to suggest that we are in the midst of a revolution, somewhat obscured because it has been relatively bloodless. Part of this revolution should and will be accepted and absorbed; part must be rejected if we are to remain a liberal society governed by law.

There is not the slightest doubt in my mind that violence, as an instrument for change, must be rejected on the campus and off the campus.

Violence negates reason, and elevates force. If decisions are taken on the quantification of brutish over human qualities, every tradition which the university represents is imperiled.

Universities have generally been self-governing communities. This is certainly the preferable tradition; moreover, it has worked because university communities have customarily enforced their internal rules in order that the exciting and independent life within them might proceed with differences not only allowed but encouraged, and without the infringement of the vital rights of any group, as, for example, the right of students to learn, teachers to teach, and the university to function. Without the yeast and ferment of the clash of ideas, the university would be a sterile environment.

On the other hand, if the university is a cockpit for obstruction, coercion, and violence, it is a fearful place . . . and can never be a community with a unique and indispensable contribution to make to society. It will certainly not be a residence of scholars, upon whom it depends for its very sustenance, who abhor violence and who have today, many attractive options outside its gates.

How, then, does the university deal with violence? There are perhaps three alternatives:

(1) Ignore it—and let the community be ruled by violence

(2) Permit vigilantes—and await the outcome of violence and counter-violence

(3) Use the societal instrument for controlling violence—which is, in most cases, the police.

But unfortunately, we have seen many instances in which the use of police has further polarized the community and multiplied the problems than it was intended to resolve.

Now I understand what often occurs when the police are called in to handle a situation—whether it be at Columbia or at Chicago during a political convention. I have been connected with this field for some time, and I served as Chairman of the Atlanta Citizens Crime Committee for several years. I know what happens. The police are taunted. They are provoked. They too often vent their own feelings. And they are human beings.

On the other hand, while we seldom think of calling in the fire department for a minor home or office fire, it is reassuring to us to know that in the event of a dreadful fire, we can call upon an organ of society for help. So too, when we call upon the police, they should respond responsibly, as the servants of American society. The risk that police may lose their cool complicates university crisis management and restricts, as a practical matter, the legal option to use societal force when violence overtakes the campus.

When police are perfectly disciplined, their use does not inflame the university. You will recall that at Dartmouth last May a force of New Hampshire state patrolmen, aided by troopers from Vermont, smashed their way into an administration building through nailed doors, and escorted the demonstrators out. The Vermont troopers had no clubs; although some of the New Hampshire men did, no clubs were used. No one was injured. The patrolmen were shoved and jeered, but they had been cautioned by Governor Peterson of New Hampshire to use restraint and they did. They acted with circumspection and with decency, and the problem was defused and not exacerbated.

For more than a century, thanks to Sir Robert Peel, England has been a well-policed country. The policeman's lot may not always be a happy one, but in England he seems to be happy with it—and the people are happy with him. I think Peel's twin tests of police efficiency proposed in 1830 when he first created the London "Bobbies," are as relevant today as they were one hundred and thirty years ago; effectiveness in preventing crime, and a "civil and attentive" attitude in their relations with the populace. As the regulations and orders set down under Peel's supervision stated:

"The constable must remember that there is no qualification more indispensable to a police officer than a perfect command of temper, never suffering himself to be moved in the slightest degree by any language or threats that may be used: if he do his duty in a quiet and determined manner, such conduct will probably induce well-disposed bystanders to assist him should he require it."

Today, this policy characterizes not only the conduct of the British Bobby, but also that of the police forces of most of Western Europe. But police do not create a political climate; they mirror it. Unfortunately, this says something very disturbing about American society. I believe that one of the most needed long-range reforms to reduce the level of violence in this country is the upgrading of the selection, pay, training, and status of American police. If reciprocal respect between populace and police were to replace fear and the hostility which this induces, we would have a more peaceful social order on campus and off.

The Omnibus Crime Control Act of 1968 expresses the Congressional concern with the quality of our local police. (Certainly American training is not up to European standards. Police recruits receive 3 to 4 years of training in Germany; 2 years, 9 months in Italy; one full year in Sweden, but only 8 weeks are required in New York State.) Yet funds under the 1968 Act are scarce, are being used in many cases to upgrade police hardware rather than to train officers, and are being funneled through the States which siphon off funds badly needed in the urban districts. A "civil and attentive" public attitude by police is indispensable for an advanced society. It comes from good selection, rigorous training, good pay, and a status conferred proportionate to the great responsibility of the police officer. We do not want a national police, but we must have local force of a nationally accepted standard. Only Congress can insure this, and it is long overdue.

The purpose of a campus take-over is to shut down the university or to disrupt some of its operations. The action inevitably affects the rights, guaranteed under the First Amendment, of those who teach or learn. Takeovers are usually also trespasses under State Statutes for which an injunction is a remedy. State laws differ, and the boundaries between civil and criminal contempt are sometimes murky. In any case, state court orders must be enforced by state and local police.

Some, including the Eisenhower National Commission on the Causes and Prevention of Violence, have suggested that Congress could enact an Amendment to the existing Civil Rights Acts, providing injunctive relief for those whose First Amendment rights are violated by violence and coercion. This would provide universities and others the option to use Federal or State remedies. If the Federal court were available for such relief, Federal Marshals, operating under the strict orders of Federal judges would have the initial responsibility of enforcement.

While I have no specific statute to present, nor do I categorically endorse such legislation, I think this suggestion deserves careful study. Injunctions have become commonplace to enforce 14th Amendment rights and have been the chief legal instrument for desegregating public society.

First Amendment rights also deserve protection and if not on the university campus—where? It may be a very sobering experience for radical extremists to face a Federal judge and try to explain why they think they have the right to deprive others of Constitutional guarantees. This would place the disruption in the context of what it actually is rather than allowing it to be considered a mere trespass on property.

I do not want to dwell further on outside legal assistance.

This is to be turned to as a *last* resort and it is *never* an instrument of choice. The strength of the university and its defenses should reside within its own community—before, during and after a disruption occurs.

At all times, the administration has the responsibility and the duty of leading the dialogue on nettlesome university issues. The extremists will not be convinced; they have no intention of being. Still, so far as truth and communication can do it, they must be deprived of the magnetic attraction of their hand-picked causes. Each element in the university which wishes to preserve it and reform it has a role to play. If the recent turbulence has had one single good result, it is that we have been forced to define the nature of this curious organism, the university. I see it composed of Five Estates: Alumni, Administration, Faculty, Students and trustees. Each has a vital role and stake, but their power and responsibility are not matched. In crisis this shows, and the fragility of the university is exposed. This is the reason I have asked representatives of the Five Estates of Brandeis to meet together later this month for a four-day conference. The call stated the purpose:

"The meeting is in accordance with an attempt to define the University not in terms of what the President thinks nor by the views held of it by any one element or constituency, nor by an averaging of what each constituency thinks in isolation from the other. We are bringing together participants who are representatives of each constituency to discuss Brandeis' great opportunities as well as its serious problems.

"The legislative power to act in any area reposes within various elements and has not been delegated and cannot be delegated to the Five Estates. Yet, when this four-day conference is over, I sincerely hope that each constituency meeting and expressing views in the presence of the others would experience in this atmosphere a human chemical reaction which will give each a vision of some common purposes as well as the inevitable differences.

"Four days is very little time for such an achievement, but I hope that it will suffice to increase the empathy and sensitivity of each group—and of each individual—for the other's position."

Even at Brandeis, which is only 21 years old, innovation and change are desirable and needed—but the changes must be based on reason, not on who can assemble the most force.

This conference may not produce the understanding and *movement* we hope for, but certainly it has a better chance than any imposed intervention from outside. Congressional or state legislation designed to deal with the delicate balances in institutions whose life styles and independence have been developed gradually from the Middle Ages is bound to create more disturbance—while quelling none. Legislative tinkering with university self-governance is like repairing a watch with a carpenter's drill.

But there are several other things the Congress can do to help:

Congress can help extricate the country from Vietnam and redirect the budgetary savings to the glaring needs of America which occupy the minds and thoughts of our youth, filling them with guilt and rage at their presumed impotence to correct these.

Universities and Congress could work together in one program, so badly needed as to cause wonder that it has been overlooked. With proper funding, university faculties and students could supply a skilled, supervised, committed crops of manpower to work off-campus on the great societal ills which require direct human service, such as skills training, and other desperate community needs. Without government assistance, largely on their own and under great handicaps, 300 Brandeis students are doing this now in Waltham, Massachusetts. Many are so involved that they continue their work in vacation time. For very little money, the people of the United States could put to work—at least part-time—millions of youth who see the need clearly, and want to help to fill it, but who require organization, direction and services.

Given at least 6 million restless, kinetic, able, responsible, young men and women who want to help; understanding that 83% still believe the system can work; knowing that the percentage with this faith is dwindling because of dissatisfaction with niggardly or backward progress; having been told repeatedly that they want to be involved responsibly in coping with society's ills—why don't we count this for what it surely is—a great national resource and blessing—and put it to the service of the country?

Mr. Chairman and Senators—

Our universities are irreplaceable institutions in our society. Ask yourselves what would be the result if all their faculties were wiped out? Certainly, our vaunted science and technology would crumble and decades would pass before the holes in humanistic, artistic and social learning would be repaired.

Yet these institutions are being assaulted by screaming mobs, shouting: "Shut it down!" The universities can stave off this threat by a combination of reason, reform, involvement of all elements, determination to enforce its own rules and, if required, outside legal assistance.

However, these radical enemies of the university within its gates have unwitting allies outside. These are reacting to the violence on the campus by responses which amount to starving the university of support, public and private. "Shut it down!" or "Starve it down!"—these policies lead to the same end. And, as usual, the enemies of the right and left, while throwing bricks at each other, seldom hit anything but those in between—the liberals and moderates.

The radicals will not close the University and, if the public, including the Congress, gives the university needed support, they will not undermine its standards and worthy traditions. However, the cutback of funds, especially at the Federal level, has placed the better institutions in a grave financial crisis.

Moreover as part of a move for tax reform—which I certainly do not oppose—Congress has been considering changes in the laws relating to philanthropy, particularly the deductibility of appreciated securities. Such legislation would undermine vital private support on which higher education depends.

I realize that much of the loss of support for Universities in the Congress has been the result of a different perception as to priorities. However, I worry lest the cause of education be lost in Congress in a backlash produced by campus extremists. Please, gentlemen, let us not fall into the SDS trap. Higher education is the cornerstone of the best structures in our society. It is not the cause of the turbulence, but the victim. Do not put the university in double jeopardy!

DEATH OF JUDGE CHARLES E. MOYLAN

Mr. TYDINGS. Mr. President, on July 23, Judge Charles E. Moylan died at the age of 72.

Judge Moylan served for 24 years as judge of the Juvenile Court of the Supreme Bench of Baltimore City. Under his leadership, that court became a standard of excellence for the country. Moreover, Judge Moylan earned national acclaim for his leadership in activities to prevent delinquency and to improve the programs of correctional institutions. As Chief Judge Foster of the Supreme Bench of Baltimore City said of his former colleague:

> [H]e leaves a living memorial in the hundreds of young people whose lives he touched, not only as a judge, but as a guide and mentor.

He will be deeply missed.

I ask that newspaper articles and editorials that I am submitting be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, July 25, 1969]

JUDGE MOYLAN

No judge in Maryland's long judicial history could have a record as a judge parallel to that of Charles E. Moylan, Sr. The facts speak for themselves. The city's Juvenile Court or, to be more precise, the Division for Juvenile Causes of the Supreme Bench, in which he served, was created in 1943. Within a few months Judge Moylan took over in that special tribunal. He served there until his retirement two years ago. Over that long period the court was Judge Moylan and Judge Moylan was the court.

Unlike the other courts under the Supreme Bench or the lower courts in the city, what happens in the Juvenile Court is "off the record"—there are sharp limitations on its coverage in newspapers, other publications and other news media.

But that to the contrary, Judge Moylan left a public record of high order. Under him Baltimore's Juvenile Court won recognition throughout the country. Judge Moylan's service to the city and state were not confined to judicial duties, but it was that service which has left a permanent mark in the public interest—a mark for his successors to keep in sight.

[From the Baltimore Sun, July 24, 1969]

JUDGE MOYLAN, ACCLAIMED FOR JUVENILE WORK, IS DEAD

Judge Charles E. Moylan, Sr., who won national acclaim for his work in the Baltimore Juvenile Court before his retirement in March, 1967, died yesterday at Union Memorial Hospital after an illness lasting about five weeks.

Judge Moylan, father of Charles E. Moylan, Jr., the state's attorney for Baltimore city, was 72. Death was attributed to an embolism in the lung.

Funeral services will be held at 1 P.M. Saturday in the Grace United Methodist Church, Charles street and Belvedere avenue. Burial will be in the Woodlawn Cemetery.

TRIBUTE BY JUDGE FOSTER

When Judge Moylan reached the constitutional retirement age of 70, he proudly declared he "never had a doctor in my life and I can still read a newspaper without glasses."

Before entering the hospital five weeks ago, he remained active in retirement, and was occasionally seen downtown at social gatherings and lunches, including meetings of the Round Table Luncheon Group.

Chief Judge Dulaney Foster, of the Supreme Bench, speaking personally and on behalf of his colleagues, asserted that "we have lost a dear friend who served the Supreme Bench and the Baltimore community ably for many years."

"He was one of the most articulate members of the bench. He always expressed his profound thoughts with great clarity and emphasis. He was dedicated to the work of the Juvenile Court where he presided for virtually his entire career on the bench.

FARMHAND TO PLANE PILOT

"But at the same time, Judge Moylan was very interested in and contributed to the general activities of the bench."

Judge Moylan's interests extended in many directions beyond the law. In his early life, he had worked as a farmhand, book agent, baseball player and coach, school teacher, clerk, reporter and airplane pilot.

In his only attempt to be elected to political office, Judge Moylan ran unsuccessfully against the late Mayor Howard W. Jackson, the incumbent, in the 1935 Democratic campaign for nomination for the mayoral post.

Shortly after his appointment to the bench in 1943, Judge Moylan began presiding over the Juvenile Court and his work there won him plaudits in the former *Woman's Home Companion* magazine, from the National Probation Association and in a book entitled, "Kids, Crime and Chaos."

That book described his court as "one of the best juvenile courts in the country."

COLLECTOR OF ANTIQUES

For many years, Judge Moylan played for and later coached a baseball team in his home town of Ijamsville, in Frederick county, and he tutored players who later found professional careers.

The retired judge was a member of the National Rush Light Club of Boston and the Society of Antique Light Collectors, and he gathered a sizable collection of antique lighting devices, including a rare group of candlesticks.

The judge also was a collector of antique furniture.

Because his clergyman father and mother were deaf mutes, Judge Moylan had an interest in the Maryland School for the Deaf, which he served as a trustee. He was an expert in the use of sign language and an ardent churchman.

COLLEGE DEGREE IN 2 YEARS

He was a trustee of Western Maryland College, where as a student he completed the four-year course of study in two years and was valedictorian of his class. He did graduate work at the Johns Hopkins University and received a law degree at the University of Maryland in 1924.

He previously taught French and mathematics at Brunswick High School, and English at the Frederick High School. Later, he was an instructor in English at Poly.

Before his elevation to the bench, Judge Moylan served as a judge of the Appeals Tax Industrial Accident Fund.

He was chairman of the Baltimore Youth Commission for ten years and in 1948, the Boy Scouts of America presented him with an award for distinguished service to youth. Similar awards were given him by the Jewish Big Brother League and the Young Men's Christian Association.

In World War I, Judge Moylan was a pilot in the United States Naval Flying Corps.

During his days in law practice, Judge Moylan was associated with former Gov. Theodore R. McKeldin.

A cottage at Boys Village was named in his honor in 1958. Several years later the Charles E. Moylan Building for Adolescents was dedicated at Spring Grove State Hospital as tribute to the judge's long-time activity and promotion of such a facility.

In addition to his son Charles E. Moylan, Jr., the judge is survived by his wife, Mrs. Mildred Wheeler Moylan; another son, Daniel E. Moylan, member of a Hagerstown law firm; a sister, Mrs. Mabel Moylan Elliott, of Baltimore, and four grandchildren.

[From the News American, July 25, 1969]

CHARLES E. MOYLAN

Judge Charles E. Moylan, who died Wednesday at the age of 72, was an ornament of his profession.

In the 24 years he served as judge of the juvenile court of the Supreme Bench, until his retirement two years ago, he made that court a model for the nation.

He earned national acclaim not only for the intense interest he took in the problems of the children brought before the court, but also for his leadership in the prevention of delinquency and in improving the programs of correctional institutions.

Judge Moylan was a man of many parts. For many years he played for, and later coached, a baseball team in his home town of Ijamsville, in Frederick County. In his early days, he was a farmhand, school teacher, clerk, newspaper reporter, and a Navy pilot during World War One. He was an active churchman all his life.

Among his many honors was an honorary degree from Western Maryland College, where he served as a member of the board of trustees and, as a student, streaked through the four-year course of study in two years and was valedictorian of his class.

But above all, he will be remembered for his contribution as the judge of a juvenile court which set a standard for excellence for the entire nation. He will be sorely missed.

[From the Evening Star, July 24, 1969]

JUDGE MOYLAN

The Juvenile Court of Baltimore city reached maturity under the steady guidance of Charles E. Moylan. It could not have been in better hands. Judge Moylan, who had a life-long concern for youth, took an active interest not only in the problems of the children who came to his court, but also in the overall problems of juvenile delinquency and in the programs for youths in correctional institutions. During his 24 years on the Supreme Bench, Judge Moylan earned for the Baltimore Juvenile Court a national reputation as one of the best in the country. His interest and concern led him into active participation in the Boy Scouts, the Jewish Big Brother League and the Young Men's Christian Association. For ten years he was chairman of the Baltimore Youth Commission.

Judge Moylan died yesterday at the age of 72. Chief Judge Foster of the Supreme Bench said of his former colleague, "He was one of the most articulate members of the bench. He always expressed his profound thoughts with great clarity and emphasis. He was dedicated to the work of the Juvenile Court . . . but at the same time was very interested in and contributed to the general activities of the bench." Judge Moylan's work on the bench, however, was only a part of his life. The city as a whole will also miss the judge's participation and counsel in community affairs. And he leaves a living memorial in the hundreds of young people whose lives he touched, not only as a judge, but as guide and mentor.

THE PESTICIDE PERIL—XLII

Mr. NELSON. Mr. President, one of the major arguments against placing a ban on the use of DDT and other persistent, toxic pesticides comes from the agricultural community which claims that denied this miracle pest-killer, the entire agricultural industry of the United States will suffer irreparable economic losses. This contention is based on the assumption that there are no effective alternatives to DDT—an assumption which is rapidly being disproved.

An editorial appearing in the Janesville, Wis., Gazette, last week describes just a few of the alternative means of pest control, including an attempt to control DDT itself by making it safer.

The column cites work being done by chemists in California to develop a catalyst that will decompose DDT so that it will be harmless soon after application. In addition, various biological controls are being experimented with, such as the introduction of natural predators and large-scale sterilization of adult insects.

I ask unanimous consent that the Janesville Gazette editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FINDING SUBSTITUTES FOR DDT

Now that DDT has come under increasingly heavy fire because of its widespread and long-lasting effect on wildlife, science and industry have bestirred themselves to make DDT safer or find a less-damaging substitute for it.

Chemists at Aerojet-General Corp. in El Monte, Calif., hope in a few years to have a catalyst that will decompose DDT, which has an afterlife of 10 to 15 years once it is applied. The catalyst idea arose from an earlier discovery that some forms of iron weaken DDT.

This would remove the chief objection to DDT, a persistent pesticide that accumulates in the fatty tissues of fish and birds until it reaches lethal proportions. If the scientists find a way to render DDT harmless soon after its application, its effects could be confined to the insects it is intended to destroy.

Even more interesting is the work being done by U.S. entomologists in biological control of insects as opposed to chemical control such as DDT. This effort includes massive deployment of bugs that are harmless to man but prey on crop-destroying pests, large-scale sterilization of adult insects to disrupt their reproductive cycle and use of synthetic copies of the natural scents secreted by insects to lure bugs to their destruction.

The sterilization method is being tested in Southern California's Coachella Valley. Most mornings before dawn, an Agriculture Dept. airplane sweeps above the valley floor, spewing out thousands of sterilized male and female pink bollworm moths through a tube projecting from the cabin. The insects, chilled immobile at 38 degrees, revive in the warm air and mate with normal insects in the fields below. This frustrates the pairing of fertile moths and produces no eggs or destructive larvae.

In another test area in Missouri, scientists have introduced a tiny parasitic wasp that preys on the cabbageworm, which is desrtuctive to a variety of vegetables. The wasp injects its eggs into the cabbageworm eggs on plant leaves. When the wasp grubs emerge, they devour the cabbageworm eggs. Using this and other biological technqiues—and no insecticides—more than 99 per cent of the cabbageworms have been eliminated from the test plot.

Despite skepticism of farmers and legislators, the entomologists are pushing ahead and can point to some definite progress. In recent years, massive releases of sterilized screwworms have reduced the population of this Southern and Western cattle pest at an estimated $120 million saving to livestock producers. And the Japanese beetle, once widespread in the U.S. has largely succumbed to a dusting program that spread a disease that attacked the Japanese invader.

It is heartening that such progress is being made in finding substitutes for DDT. One wonders, however, if much progress would have been made if public opinion had not been mobilized against the pesticide.

ADDRESS BY CHIEF JUSTICE BURGER BEFORE AMERICAN BAR ASSOCIATION

Mr. MATHIAS. Mr. President, earlier today, the Chief Justice of the United States delivered an address at the annual meeting of the American Bar Association, in Dallas, in which he proposed that the ABA undertake a comprehensive examination into all aspects of our penal system.

I feel that the suggestion merits wide dissemination and consideration and ask unanimous consent that the text of the comments of the Chief Justice be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

A Proposal: A National Conference on Correctional Problems

(Remarks of Warren E. Burger, Chief Justice of the United States)

For many years we neglected the entire spectrum of criminal justice. Slowly but with increasing pace we have corrected most of the procedural inequities. Our emphasis on this has led us to commit large public resources to the fact-finding process—the litigation of criminal charges and issues. In time we must take stock of what we have done and see whether all of it is wise and useful and constructive.

Meanwhile we must turn an increasing attention plus increasing resources to the disposition of the guilty once the fact-finding process is over. Without effective correctional systems an increasing proportion of our population will become chronic criminals with no other way of life except the revolving door of crime, prison and more crime.

There are some problems of American life relating to the law and a fair administration of justice which judges in their decisional function cannot properly do anything about. But the fact that judges cannot *solve* a problem by judicial decision is not a reason for judges to remain silent, or to be passive spectators of life around us. Judges can help in the sense that all lawyers can help with certain problems by contributing leadership and ideas and programs based on the unique experience our work provides, and we have a duty to do so.

I speak of the problem of what we should do with those who are found to be guilty of criminal acts. This is one of Mankind's large unsolved and largely neglected problems.

I do not mean everyone everywhere has neglected the correctional phase of criminal justice. Many important improvements have been made in the Federal system over the past 30 years or more. Some of the states have correctional systems which are far better than the generality of systems in most of the states. We have many dedicated and skilled men and women in the correctional field drawn from the social and behavioral disciplines and many whose skills derive from long experience. Indeed, it is in this corps of dedicated people that much of the hope for the future rests.

I need not say, in mid-1969, that the problem of securing an orderly society in a system of ordered liberty, guided by fair concepts of justice, is one of the great priorities of our time. And the disposition of convicted persons is a large priority. The day when lawyers and judges could confine themselves sedately to deeds, will, trusts and matters of commerce is gone.

A friend of mine expressed some surprise 8 or 10 years ago that I had become so deeply concerned with criminal law and asked why. I answered with a question, in the common fashion of lawyers everywhere:

"If we do not solve what you call the problems of criminal justice, will anything else matter very much?"

It helps very little to make the obvious comment that a society which can spend billions and place three men into a flawless moon landing ought to be able to enforce its laws, protect its people, and deal with its delinquents both before and after conviction.

But as lawyers we know that the human animal is much more complex than the exploration of space. There the mathematician gives us a degree of predictability which can never be possible in dealing with the human being. If Man can ever be programed our race will have really been lost.

Let us look for just a moment at how we are dealing with the delinquent offenders. Increasingly over a period of 30 years, with a sharp acceleration in recent years, we have afforded the accused offender the most elaborate procedures, and the most comprehensive system of trials, retrials, appeals and post conviction reviews of any society in the world. None can match us in these manifestations of concern for the accused.

If I were sure—and I am not sure either way—that all this was good for the accused in the large and long range sense that it helps him, I would be enthusiastically in favor of all of it. I have often put the question of "What is the social utility of what is proposed?" By "social utility" we must mean simply that a process is useful *to all of us*—in short, that it strikes the fair balance between Society and the individual. We tell ourselves that this is the keystone of a fair and decent system of justice. Without it no society can survive.

Every lawyer is dedicated to the principle that an accused must have fair procedures and an advocate in processes to determine his guilt or innocence. Indeed the American Bar Association has committed itself to a standard providing defense services for every person charged with a serious offense. The important question yet to be settled among lawyers is whether providing defense counsel for everyone really means that it is the function of the lawyer to insist on the exciting panoply of a trial in all circumstances. Perhaps our future consideration and study will suggest that lawyers in criminal justice may discover what we have known for centuries on the civil side—that lawyers can contribute more outside the forensic contest than within it.

I do not suggest we diminish in the slightest our efforts to see to it that in every criminal proceeding—trial or not—we have three competent and trained professionals: a skilled judge, a skilled prosecutor and a skilled defense advocate. This tripod must have three legs to stand. Indeed, we must insist on this. What I do suggest is that we cannot stop there.

The American Bar Association Criminal Justice Project which I have had the honor to chair, succeeding Judge Lumbard, will soon be drawing to a close. All but two of its 15 or 16 reports are printed or ready for the printer. I believe this undertaking will in due time take its place as one of the great enterprises of the organized bar. If the bulk of these standards becomes part of the state and Federal administration of criminal justice we will have vastly better results. Parenthetically it will reduce the work of the Supreme Court—a matter in which I now have an acute interest.

But splendid as these efforts are, they are not enough. No progress and no accomplishment should ever really satisfy Man. No accomplishments should ever be regarded as completing any task. Each becomes a platform for the next step, and the Criminal Justice Project is surely no exception. I hope events will soon render it obsolete.

But we cannot content ourselves with lavishing great concern and expense and manpower simply to engage in the fascinating and exciting process of criminal trials. We must take a fresh look at our responsibility to society with respect to the guilty who are convicted. By that I do not mean to expand or enlarge or refine his post-conviction remedies—let that be clear—except as to state which fall short. Some improvements need to be made in processing post conviction claims but that is another story for another day.

At this point you might reasonably expect that I would suggest at least the outlines of a solution or a hint of how to solve this problem. I do not because I have none. I can identify the problem from more than 13 years of daily observation of criminal justice but I have no answers and few suggestions.

What I propose—and here is the point of my spear—is that the American Bar Association take the leadership of a comprehensive and profound examination into our penal system, from beginning to end—parole, probation, the prisons and related institutions, their staffs, their programs, their educational and vocational training programs, the standards and procedures for release. By this I mean a study at least as careful and comprehensive as the Criminal Justice Project. We must explore the field of separating the sentencing from the fact-finding function of courts. We must explore more fully a limited confinement and work release. We must explore teaching methods adapted to the abnormal psychology of the habitual offender. We must search for new incentive programs to permit reduction of sentences for those who will educate and train themselves in skills which give a man pride and identity.

I said I have no program or plan or indeed all I have is the profound conviction, which I believe most judges of this country share, that there must be a better way to do it. There must be some way to make our correctional system better than the revolving door process which has made "recidivist" almost a household word in America.

Such an effort will cost a great deal in time of busy lawyers and judges and others. It will surely require that the social and behavioral disciplines, prison administrators, parole and probation officials, both state and Federal, be part of the study. It will take considerable money but, when I observe what has been done in the Bail Studies, the National Defender Project, the American Bar Association Criminal Justice Project, I have no doubt the manpower will be a far greater problem than the money.

Obviously lawyers and judges are not the experts—if there are any such. We have demonstrated that. For this reason the American Bar Association should enlist every organization in America and every discipline which has something to contribute.

This great Convention of the American Bar Association opened appropriately with a Prayer Breakfast yesterday morning so that we could seek Divine guidance in all matters relating to our responsibilities as members of the Bar. Let us never forget that in His teaching the redemption of sinful men has a high place. If we accept this in our daily lives outside the framework of criminal justice, we surely cannot fail to apply it to criminal justice and to our correctional system.

HEAT STANDARDS

Mr. NELSON. Mr. President, commendations are in order for the New York

State Water Resources Commission for establishing comprehensive regulations on thermal heating of that State's waters. In view of the dramatic increase in the use of rivers and lakes across the country by industry for cooling purposes, especially by power-generating plants, such regulations are urgently needed. I would hope that the Federal Water Pollution Control Administration and the other 49 States will quickly proceed to establish standards similar to those of New York.

I ask unanimous consent that the New York Times article reporting the New York action be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Thermal Pollution Standards Established for State Waters

Albany, Aug. 5.—The state's Water Resources Commission has established comprehensive regulations governing the discharge of heated liquid into state waters.

The criteria which will become effective this week, were announced today by Governor Rockefeller.

The standards will prohibit the discharge of heated liquids at temperatures injurious to fish or which adversely affect the waters "best usage" classification. Under this "best usage" concept, all waters in the state have been assigned various classifications based upon specific quality standards.

In announcing the new regulations, Governor Rockefeller termed them "a landmark achievement in the area of water-pollution control."

He noted that although several states and the Federal Water Pollution Control Administration were considering such criteria, New York State was the first to establish detailed standards for thermal pollution control.

CRITERIA ARE LISTED

The basic criteria include:

Non-trout Streams—a maximum permissible surface temperature of 90 degrees at any single point. At least 50 per cent of the volume of the stream, including one-third of the surface waters, may not be raised more than 5 degrees or beyond a maximum of 86 degrees, except on periods of the year when stream temperatures are below 39 degrees.

Trout Streams—No discharge beyond 70 degrees. During June through September no discharge permitted that will raise stream temperatures more than 2 degrees. During October through May no discharge that would raise temperatures more than 5 degrees or to a maximum of 50 degrees, whichever is less.

Lakes—No discharge that will raise surface temperatures more than 3 degrees beyond a radius of 300 feet or equivalent areas.

Coastal Waters—No increase of more than 4 degrees in surface temperatures over the monthly high average during October through June, nor more than 1.5 degrees during July through September beyond a radius of 300 feet or equivalent area.

Estuaries—No increase beyond 90 degrees surface temperature at any single point. At least 50 per cent of the volume of flow of the estuary, including at least one-third of the surface water may not be raised more than 4 degrees or a maximum of 83 degrees, whichever is less. During July through September, if surface temperatures exceed 83 degrees, an increase of not more than 1.5 degrees will be permitted at any given point.

SOUND WATERS CONSIDERED

Because the waters of Long Island Sound and its bays can be considered either coast or estuarine waters, the criteria for discharges into them will be established on the basis of site and the "best usage" classification already assigned to them.

The criteria will be filed this week with the Secretary of State and will become effective upon filing.

MILITARY SPENDING

Mr. GOLDWATER. Mr. President, on July 2, 1969, a report entitled "Report on Military Spending," prepared by Members of Congress for Peace through Law Committee on Military Spending, was put into the hands of the Members of the Senate. Because a number of our most distinguished Members are also members of this committee, I approached the Senator from Oregon (Mr. Hatfield), who is the chairman of this particular committee, telling him that I had found in the publication statements that I considered to be inaccurate. I suggested that at some time when we could obtain the floor, I would go through them, item by item, and he could respond as he desired. With recess only 2 days away, and, having failed rather miserably to obtain the floor during the protracted and prolonged discussion on the ABM, the tank, and other matters, and, wanting to get these corrections in the Record before the recess, I am taking this means of introducing them, together with this introductory statement.

I would want to make it abundantly clear at the outset that I find no fault with any group assembling themselves for the purpose of studying expenditures in the military field, or any field, and I sincerely hope that when we get into the vast and seemingly uncontrolled expenditures of Health, Education and Welfare, Agriculture, and other bureaus, committees will be formed to investigate that spending thoroughly.

The areas of this report that I feel to be inconsistent with facts are in the fields of AMSA, the F–14 program, the main battle tank M–70, on which we have already concluded action on the floor, continental air defense, attack aircraft carriers, and, of course, Safeguard ABM which we have already disposed of. There are other rather minor areas, but because we will not be going into these during the discussion of the bill now before us, I will do away with any comments on them.

I ask unanimous consent that the papers which I have had prepared answering these discrepancies be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Comments on Discussion of AMSA in the Report on Military Spending

SUMMARY

"The number planned for order is 263, at per unit costs estimated by the Air Force at between $20 and $30 million, plus a total of $2 billion for research and development. Senator Proxmire has received estimates as high as $80 million per plane. . . ."

The number planned for order is not 263. We have made no commitment, nor do we now have any plans to buy a specific force size of AMSA airplanes. How many aircraft will actually be procured will be based on future information regarding the threat, costs, etc. The Air Force estimates the production airplanes (including initial spares, tech data, and support equipment) will cost about $25M to $30M when bought in quantities in excess of 200 airplanes. Sen. Proxmire's figure of $80M unit cost is not substantiated by any estimates made by DOD or knowledgeable civilian companies.

RECOMMENDATIONS

"Because of the lack of a demonstrated need for a new manned bomber, funding for AMSA should be reduced to $20 million in fiscal 1970, a level approximating amounts spent in prior years. . . ."

For obvious reasons, the demonstration of need must consist of evaluation of the enemy threat and U.S. capabilities and judgments arising therefrom rather than a tangible demonstration. To the extent that such an approach permits, the DOD has demonstrated the need to undertake the development of a new bomber. To conclude that there is no need now to start development of an advanced bomber, one would have to believe the following: (1) The Soviets will cease to improve their air defenses, thereby making our present penetration aids sufficient. (2) The Soviets will not degrade through offensive or defensive action our missile capability. (3) We will not want to use a bomber in conventional conflicts where the enemy has deployed air defenses. (4) It will be economical to prolong the operational and structural life of the B–52 into the 1980's.

All indications today oppose acceptance of the foregoing points. The most significant area of uncertainty is not in the need to start development, but in the number of bombers that may eventually be needed. Fortunately, this latter decision need not and should not be made now.

A level of expenditure of $20M per year will not reduce the development lead time of this system. If we maintain this expenditure level until the need becomes reality (i.e., a discovered ineffectiveness in our strategic forces) we will still be about 8 years away from having the system in operationally significant numbers. In that case we would have two alternatives: (1) Attempt to adapt "off-the-shelf" systems to fill the gap or (2) Accept the added risk that our reduced effectiveness will continue to deter.

RATIONALE AND DISCUSSION

A. The case for AMSA

"The Air Force has been pressing for a new strategic aircraft throughout the 1960's, particularly since Secretary McNamara's decision against production of the B–70. . . ."

The Air Force has actually been examining replacements for the B–52 since 1956. WS–125A (the nuclear powered bomber) and WS–110A (later the B–70) were active then. In 1959, an argument voiced against WS–125A was that its low level speed of Mach 0.9 would not be militarily useful in the 1970s. Likewise, one of the reasons for cancelling the B–70 was its alleged inability to penetrate effectively at Mach 3.0 at high altitude. In spite of this, it is now argued by bomber opponents that the B–52 which flies at Mach 0.55 at low altitude and Mach 0.8 at high altitude will be adequate for the foreseeable future.

We believe modernization of our forces is essential if strategic forces are to portray a credible deterrent to an enemy who continues to devote a large portion of his total resources in both offensive and defensive weapons systems.

Initiation of the development of the AMSA at this time will place us in a better position to modernize our aging bomber forces in order to maintain our deterrent posture.

If the AMSA were started in FY 1970 the *earliest* date that we would have operationally significant numbers in the inventory would be FY 1977. At that time the newest B–52 would be 14 years old.

B. The case against a new bomber

"The strategic role of bombers is for the most part being fulfilled by other weapons which are more cost effective."

It is important to maintain a deterrent posture with a mixture of all three elements of our strategic force—bombers, land based missiles and sea based missiles.

In general, we are not trading off bombers versus missiles to arrive at a single system for our strategic deterrent. To do so is a high risk approach allowing an enemy to focus his resources against that system.

The forces are considered to complement each other in providing us with both an effective deterrent force and a war fighting capability across a broad range of possible conflict situations.

While the pre-launch survivability of missiles appears to be high today, the absence of a bomber in our forces would allow the enemy to concentrate his efforts on attaining good missile accuracy and effective Anti Submarine Warfare (ASW). There is no reason to think that he isn't working hard on these items at present. If successful, and without bombers, the U.S. deterrence would be severely weakened.

To say without qualification that AMSA costs are higher than B–52 and FB–111 costs is misleading. On a single aircraft basis the proposed AMSA is calculated to be several times more effective than the B–52 and would be even more effective relative to the FB–111. In other words, a much smaller AMSA force could do the same job as a larger force of B–52's and/or FB–111's. AMSA development and investment costs would be amortized about 8–10 years after deployment of the first wing. Beyond that, the operating and maintenance (O&M) costs of the smaller equal effectiveness AMSA force would be less.

The statement that MIRV increases the relative cost-effectiveness of missiles over bombers is valid only if the enemy does not also employ MIRV. If the enemy is given credit for a reasonaby accurate MIRV he can substantially reduce the pre-launch survivability of U.S. land based missiles or cause increased expenditures to harden them, thereby reducing their cost-effectiveness.

Bombers and missiles are not considered nor proposed as alternative to one another. While it is true that we should not allow our missiles to become unreliable, neither should we permit our bombers to become so. If the enemy is even partially successful in his efforts to offensively or defensively counter our missiles, it would very well be more cost-effective for us to place more reliance on bombers. Just because the reverse is true today is not adequate reason for stating it will always be so. In view of this, the case for the bomber rests on the fact that because of the great differences between missiles and bombers, the two types of systems complement each other. It should be noted that if the enemy believed bombers were not effective he would not be significantly improving his air defenses.

"The so-called flexibility of bombers is largely illusory."

The rationale expressed presupposes that the enemy has a counter to bombers and no counter to missiles. We should not base our future deterrence on such an assumption. We should insure, to the best of our ability, that he cannot effectively counter either weapon system. In attempting to evaluate the best way to convey our intentions to an enemy during a time of crisis there are probably as many opinions as there are "experts". Certainly, however, visible preparation for combat has proven to be effective. In past crises we have, at various times, called up reserves, deployed naval, air and ground forces, generated our bombers, and in the Cuban crisis, placed a significant number of bombers in the air. Why did we do these things if the "show of force" concept is not valid?

With satellite communications a bomber weapon can be retargeted or withheld up to the point of weapon release which may not be only seconds away from detonation.

It is implied that we need only a capability to hit soft targets, i.e., urban-industrial complexes. This is synonomous with the "deterrent only" concept which ignores the question of war outcome if deterrence should fail. This concept, if adhered to, simultaneously increases the risk of the failure of our deterrent by prejudging that the enemy leader will never accept the loss of a certain percent of his population in order to attain his goal of world domination.

The conclusion that bomber flexibility has "little practical meaning", is based on a narrow understanding of what is meant by flexibility. By way of illustration, the B–29 in its lifetime was used for delivering high explosives, nuclear weapons, fire bombs, aerial mines, and psychological warfare materials. It attacked cities, industry, troops, airfields and bridges. It was used for weather and photographic reconnaissance. Such utility, while not readily amenable to cost-effectiveness analyses, is real non-the-less, and is not possessed by ballistic missiles. The manned aircraft still remains the most versatile system yet devised for delivering munitions. The fact that the aircraft has long range and carries large payloads does not negate this truism.

"Existing aircraft require the enemy to mix his defenses as much as would be the case if AMSA were added."

To mention in the same sentence the FB–111 speed of Mach 2.2 and range to reach 70% of the targets leaves the impression that it can do both simultaneously. The fact is that the supersonic range of the FB–111 is much less than the AMSA supersonic range and would not complicate the enemies defense problem against supersonic penetration nearly as much. What is not mentioned is that it is entirely within the enemy capability to reduce FB–111 target coverage by a factor of 4 or to force the FB–111 to slow down to B–52 speeds to maintain 70% coverage.

Although the data given for the B–52G&H is essentially correct, it fails to mention that the B–52 maximum low-level speed is less than ⅔ that of the AMSA's low-level cruise speed and that the B–52 radar signature is on the order of 100 times that estimated for the AMSA.

The technique used here is to argue that the combination of good points of two different systems results in the same effectiveness as a single system having all the same attributes. This is fallacious for the simple reason that the FB–111 and the B–52 both have certain shortcomings which AMSA would not have and which can be exploited by the enemy to degrade individual effectiveness of the FB–111 and B–52. The high speed of the FB–111 does not reduce the vulnerability of the slower, larger radar signature B–52 nor does the long range and large payload of the B–52 permit the FB–111 to attack deep targets at high speed while carrying adequate penetration aids against advanced defenses.

The conclusion is false for the reasons stated above. AMSA does, in fact, combine the best features of the FB–111 and B–52, but equally important, it avoids the shortcomings of both. Such a system obviously imposes a greater strain on defenses than the FB–111/B–52 combination.

"Changing mission and penetration aids further enhance utility of existing strategic bombers."

It is agreed that new penetration aids will enhance the effectiveness of existing bombers. However, as defenses improve, a greater portion of the effective payload must be devoted to such aids. The AMSA with its higher speed would be exposed to the defenses for a shorter time; for a given level of protection its EMC requirements are less than the B–52 because of smaller radar signature; its lower penetration altitude reduces detectability by ground radars; and its greater payload capability means more targets killed per aircraft for any given level of defense.

The latest model B–52, the "H" model, represents about the maximum growth attainable within the constraints of the basic B–52 design. While we would be able to use new weapons or penetration aids on the aircraft against an improving threat, we have reached the point where a sounder investment is to acquire a new bomber rather than to keep modifying the old. Additionally, certain improvements such as to provide for B–52 self-sufficiency for wide dispersal to improve pre-launch survivability involve large costs and excessive fleet downtime.

"Conventional warfare roles of bombers do not require elaborate, high performance aircraft."

It is incorrectly assumed that aircraft designed for the strategic mission should not or could not have high performance and are, therefore, not effective in conventional conflict. Using current technology, there is no basis for this assumption. The proposed AMSA would have high performance and this performance would pay off in lower attrition than the B–52 in all types of conflicts The argument contained herein contradicts, in fact, a point made earlier about the value of the FB–111's speed. This combination of speed and very low altitude capability makes the F–111 our best conventional fighter bomber.

The assertion made regarding losses and effectiveness in conventional conflicts is refuted by careful analysis. First, with 10 times the payload of our fighter-bombers the AMSA would, with all other things being equal, have to fly only one-tenth as many sorties for a given level of damage. However, other things are not equal—in fact they tend to favor the high performance bomber. An advanced bomber can bomb more accurately and does not have to dive down the defensive gun barrels. A single large bomber is adequate for most targets and gains the element of surprise that multiple smaller aircraft do not have. The bomber's capability for better night and poor weather navigation and bombing is more readily attainable since it can carry the better avionics required. The AMSA could fly supersoncially to deep interdiction targets with its large payload—something our current fighters cannot do. SAMs and interceptors equipped with nonnuclear armament can be countered with the combination of supersonic speed and ECM and SCRAM. The relative effectiveness of larger bombers can be further improved by the ability to carry larger conventional munitions. The greatest advantage would be a stand-off capability that permits the bomber to avoid defenses in the target area while accurately delivering large conventional warheads as Walleye and Condor there is a weapon size limitation imposed by the size of the aircraft itself.

In short, studies, plus our experience in Southeast Asia, have demonstrated that large, high performance bombers can provide cost effective augmentation of our general purpose forces in nonnuclear conflicts.

"The B–52 age problem can be solved through steps much more simple and much less expensive than AMSA."

It is true that the B–52 structure can be reinforced or replaced as it wears out. To say that this is more economical than acquiring a new aircraft is conjecture. First, we still cannot predict, as well as we would like, how aircraft structure will respond to usage. The problem here is that by the time we detect a structural fatigue it may be too late to acquire a replacement aircraft on a timely basis. Therefore, to avoid catastrophic failure we replace or "beef up" the affected structure. The problem is compounded by the fact that the uncertainties in forecasting the type and extent of wear out are accompanied by large uncertainties in the magnitude of the costs that may be required to keep old systems viable. We do know, however, that as age increases so does the risk of incurring large modification costs.

Second, regardless of B–52 structural life, the fact that AMSA carries a larger offensive payload and would suffer less attrition than the B–52 means that considerably fewer AMSAs can do the same job as the B–52s. It is expected that after about 8 to 10 years of operating this smaller size, but equally effective, AMSA force the savings in O&M costs will equal the development and production costs of the new bomber.

The question of reopening the B–52 production line is academic in the face of the above economical replacement argument for a newer, more efficient bomber. Nevertheless, today's production costs of the B–52 would not necessarily be substantially less than the AMSA taking advantage of technology advances since the B–52 was developed. The reasons for this are as follows: (a) B–52 production tooling is non-existent, (b) new production would start at the top of the learning curve, (c) B–52 and AMSA avionics weights are similar, so avionics production costs would also be similar, (d) the eight engines on the B–52 would cost approximately the same as the four engines on AMSA. If the B–52 were equipped with four of the larger C–5 type engines, the engine costs would favor the AMSA, (e) airframe costs are based on empty airframe weight and since the B–52 airframe weight is approximately twice that of AMSA and since both are made of essentially the same materials, AMSA airframe costs should be no higher than B–52 airframe costs. In view of the foregoing it can be concluded that new B–52s could not be produced substantially cheaper than a new, smaller bomber, as is alleged in the report.

F–14 PROGRAM

(Extract from the "Report on Military Spending" by the "Members of Congress for Peace Through Law/Committee on Military Spending")

[Annotated]

Summary

The F–14 is a new multi-mission carrier-based fighter currently under development for the Navy by Grumman. It is to replace the Navy's present F–4 Phantom as a general air superiority fighter/escort in the mid-1970's. Carrying the Phoenix missile, it is to perform the fleet air defense mission of the now defunct F–111B against Soviet bombers and cruise missiles. It is also to have an air to ground attack capability.

The A model of the F–14, using engines, avionics and Phoenix developed for the F–111B, is planned to be operational in 1973. The B model, using advanced technology engines, is planned to be operational in 1975. The C model, using advanced avionics, is planned to be operational in the late 1970's.

Comment

The F–14 will provide air superiority for the fleet and for friendly land forces. It is designed, of course, for fleet air defense carrying 6 Phoenix missiles and for air-to-surface attack carrying conventional ordnance, both without degradation of fighter performance. This is accomplished by palletizing Phoenix and other ordnance equipment which is carried only when desired. The F–14A and F–14B will have an air-to-ground capability with accuracies comparable to the A–7E.

When the F–14 is performing in either the fleet air defense or the air-to-surface attack configuration, it can return to its primary air superiority role immediately upon release of ordnance not required.

The F–14 will fill the fleet air defense need for which the F–111B was designed. It will replace the F–4 as an air superiority fighter and in escort roles.

A low risk development program was conceived for the F–14 to provide improved air-to-air capabilities in the earliest time frame. Improved versions of the existing Phoenix/AWG–9 missile control system and TF–30–P412 engines will be installed in the F–14A, to be operational in April 1973. The F–14A will meet the fleet air defense need and provide fighter performance considerably superior to the F–4 Phantom. An advanced technology engine under development in a Joint Navy/Air Force program will have 40% more thrust and weigh 25% less than the TF–30–P412. This advanced engine will be incorporated in the F–14 for operational use in December 1973. Designated F–14B, it will have maneuverability and weapon system performance superior to the threat expected through the 1970's.

Summary

The F–14 as presently conceived, is an enormously complex and expensive weapons system. The Navy presently estimates the "unit flyaway cost" of the plane at less than $8 million. A conservative estimate of the total "system cost" of the F–14 over a ten year period would be $15 billion.

Comment

The F–14 will be a versatile and effective weapons system designed specifically to counter the projected threat. The most recent F–14 price-out, using carefully detailed component costs, places unit flyaway cost at $8.06M. Escalation at 4% per annum, compounded, has been applied in arriving at the F–14 price-out.

Total "system costs" are not valid unless the aircraft, the quantities and the support costs are specified. Navy estimates of the cost of production and support of 716 F–14A/B aircraft is $7,634M (escalated dollars).

Recommendation

Congress should not authorize $275 million in procurement funds requested for the F–14A in the FY 1970 budget pending Congressional review of attack aircraft carriers and the requirement for a new carrier based aircraft and the Phoenix Missile System.

Comment

The recommendation with respect to the F–14 program does not constitute a savings. The effect of the recommendation would be deferral of the cost of replacing existing aircraft.

A new fighter is required. The replacement of the F–4 for fleet air defense has already been deferred too long.

The PHOENIX missile is essential for shooting down or diverting missile carrying aircraft before they reach missile launch range. The PHOENIX missile system is also essential in the antimissile role.

False economies can be realized from disapproving programed systems and their associated funding. The Defense Department requests money for military equipment only because the equipment is judged essential to protect the U.S. and to deter aggression as directed by the President.

The recommendation states that the F–14 program should be deferred pending Congressional review of the attack carrier construction program. Should a decision be made not to construct a new carrier, it is unlikely that the carriers already in the force would be discarded. Of the carriers in the force today, 12 are scheduled to have F–14s in their air wings. The rationale supporting the F–14 on capability grounds applies, of course, to these 12 carriers as well as to new carriers.

Congress should authorize $175M in RDT&E funds and $275M in procurement funds requested for the F–14A in the FY 1970 budget so that the Navy can proceed with the orderly fighter development program it now has, devoid of overruns caused by deferrals, stretchouts, more study, schedule changes and all other delays.

RATIONALE AND DISCUSSION

A. Current status of program

1. *From F–111B to F–14.* In 1968, Congress decreed the demise of the Navy F–111B and authorized instead development of a new multi-mission Navy fighter, the F–14. The principal mission of the F–111B was to be fleet air defense (FAD). It was to carry six long-range air-to-air Phoenix missiles and sophisticated avionics. Loitering at some distances from the fleet, the F–111B was to counter supersonic enemy bombers armed with long-range air-to-surface missiles, and hopefully, to defend against surface-launched cruise missile as well. The F–111B program encountered numerous delays and rapid cost increases. Weight and size problems arose in connection with heavy components such as engines, sophisticated avionics and the Phoenix, as well as with the airframe, which was designed also to meet Air Force requirements for the F–111A. There were also difficulties in mating engine to air frame.

The F–14 is the outgrowth of an "unsolicited Grumman proposal" of late 1967, together with an extensive Navy Fighter Study of early 1968, a pending Navy proposal for a new mid-1970's fighter (VFAX) and the demise of the F–111B. The F–14 is to have several possible missions. It is to replace the Navy's F–4 Phantoms as a mid–1970's and 80's air superiority fighter and escort—a role which seems to have superseded the fleet air defense role in importance since 1968 Navy testimony before Congressional committees; it is to perform the fleet air defense mission of the F–111B; and it is to have an air-to-ground attack capability.

Comment

The F–111B was to be a fleet air defense (FAD) interceptor carrying 6 long-range PHOENIX missiles. It was to have been a partial replacement of the F–4 inventory. To complete the F–4 replacement, a new fighter was required for the air superiority and escort roles. In 1968, the Congress canceled further funding of the F–111B and authorized development of a new Navy fighter, the F–14. Increasing weight and size spelled the demise of the F–111B. The engines and the fire control system (AWG–9/PHOENIX) have been reduced in weight during the development cycle. The F–14A version of the AWG–9 will weigh 580 pounds less than the original F–111B AWG–9 specification weight (a reduction of 29%).

The F–14 is the result of a Navy competition among five contractors. From inception, the F–14 was designed as an air superiority fighter around four SPARROW missiles and a 20mm gun. The F–14 is an optimized combination of speed, acceleration, maneuverability and radius of action; it includes a weapons control system with multiple weapon options.

The F–14 will have three missions: air superiority, task force/area defense, and air-to-surface attack. It will replace the F–4 in the air superiority and escort role in the mid-1970's. Possessing a carefully designed overload capability to carry six long-range PHOENIX missiles, it will provide far better fleet and area defense than the F–111B would have provided. The versatile AWG–9 in the F–14 also will generate solutions to provide a very accurate air-to-surface attack capability.

2. *The F–14A.* Grumman received the contract for development of the first version of the F–14, the F–14A, in February 1969. The F–14A is to be a swing wing, supersonic aircraft using the F–111B's engines and AWG–9 avionics (airborne missile control system, including radars and computers). The avionics are to be redesigned for tandem seat-

ing, and for fire control of the existing SPARROW and SIDEWINDER air-to-air missiles as well as the Phoenix (still in development). The F–14A airframe will use titanium for weight saving, and will be optimized, to the extent other missions permit, for maneuverability in "dogfight" situations. The F–14A is to have the capability of carrying one or more weapons systems in varying mixes—internal cannon, Phoenix, Sparrow, Sidewinder, conventional air-to-ground ordnance—depending on which threats materialize and which missions seem most important in any given situation.

Present plans reportedly call for procurement of fewer than 100 F–14A's, for test, evaluation, training, and deployment. The target date for initial deployment with the fleet is mid-1973.

Comment

The F–14A is a low risk development utilizing the already proven TF–30–P412 engine and AWG–9 weapons control system.

The AWG–9 has been reconfigured for compatibility with the F–14 airframe. It will include provisions for SPARROW, an advanced short range missile (AGILE), SIDEWINDER and a 20mm gun. Although PHOENIX has not yet been used operationally, 19 of 26 planned R&D missiles have been fired with unprecedented success. These include hits by one missile fired at a range of 78 miles, two missiles fired simultaneously at two targets with 10 miles separation and one missile fired in the active mode for the close-in situation.

The F–14A airframe uses 22% titanium for weight saving; it is optimized for maneuverability in "dogfight" situations. The F–14A will have the capability of carrying one or more weapons systems in varying mixes—internal 20mm cannon, PHOENIX, SPARROW, SIDEWINDER, AGILE, and conventional air-to-ground ordnance.

Not more than sixty-seven F–14As will be procured. Initial deployment with the fleet will take place in April 1973.

3. *The F–14B and C.* Both the F–14B and C are to use the airframe developed for the F–14A. Both are to use advanced technology engines (higher thrust and lower weight than F–111/F–14A engines) which are under joint development with the Air Force for possible use in AMSA and a proposed F–15 fighter. Target date for operational "B" engines is sometime in 1975. F–14A's are to be retrofitted with "B" engines, supposedly at minimum cost since the F–14A airframe has been designed with the new engines in mind. The late 1970's F–14C is to incorporate advanced avionics.

Comment

The F–14B, in addition to using the F–14A airframe unchanged, will have the high thrust version of the advanced technology engine under joint development with the Air Force for the F–14/F–15. The same engine duct will be used for both the F–14A and F–14B. The F–14B is expected to be operational in December 1973.

4. *Costs.* At present, unit "flyaway costs" of the F–14 are being estimated by Navy officials at something under $8 million. This estimate assumes a production run of some 460 aircraft in the A and B versions of the F–14, and the absence of unexpected technical problems and delays. Other estimates within the Administration are reportedly $2 to $3 million higher. The cost of procuring the PHOENIX missile (currently estimated at some $219,000 per missile) as well as the cost of other missiles and ordnance, and probably, part of the cost of the avionics for the PHOENIX (current cost for each PHOENIX avionics unit: about $2.0 million) are not included in the "flyaway cost."

If the F–14 program goes according to plan, the Navy plans to replace most of its F–4s (Phantoms) with the plane, which means that the eventual "buy" of the F–14 could go as high as 1000. Estimates of the ten-year "systems" cost for the F–14 (R&D, procurement, spare parts, support, training, and maintenance) are classified, but are reportedly below unofficial estimates ranging from $20 billion to over $30 billion.

Comment

Present F–14 unit flyaway cost based upon a recent piece-by-piece priceout is $8.06M. The $8.06M takes into account inflationary factors estimated at 4% per year compounded. This estimate is based upon production of 716 aircraft and includes production costs of both the F–14A and F–14B. Other cost estimates must have used pricing techniques based upon incorrect weights, erroneous titanium content for the F–14, as well as a "dollars per pound" approach to electronics costs. The results are seriously in error.

The PHOENIX Missile Control System (AN/AWG–9) *is* included in flyaway costs. Expendable weapons are not in flyaway costs.

The current cost for each PHOENIX avionics unit is about $1.3M vice the $2M stated. Also, it is important to note that 91% of planned PHOENIX RDT&E funding has already been expended.

It is not possible to comment on the estimate of ten year systems cost without knowing how and on what basis the computation was made.

B. The argument for a new carrier-based aircraft: Mid-70's role

Because an essential role of the plane is air defense for carriers, the case for the F–14 begins with the case for carrier task forces. The Navy contends that carriers can play a vital role in a sustained conventional war with the Soviet Union or Communist China, in limited wars such as the Korean War or the current conflict in Vietnam, in show-of-force or deterrence situations in various areas of tension and confrontation, and perhaps even in tactical nuclear engagements. It is assumed that carrier forces can be effectively defended in these situations now, but that by the mid-1970's, present carrier-based airborne weapon systems and aircraft will be outclassed in both fleet defense and in fighter and attack roles by sophisticated Soviet capabilities.

Comment

Aircraft carriers can and do perform essential functions for the United States. Defense Department planning includes aircraft carriers in roles ranging from a show-of-force through all levels of conventional warfare to nuclear war, if that is ever needed. The effectiveness of carriers in many diverse roles is a matter of record. For this effectiveness to continue, carriers must be equipped with aircraft adequate to the tasks.

The projected threat that will confront the U.S. in the 1970–80's currently includes four new Soviet fighter aircraft each with performance greater than that of the F–4J. A new U.S. fighter to meet this threat is already very late.

The F–14 is designed and will have growth potential to provide adequate carrier fighter capability through the 1970–80 time period. The F–14 PHOENIX system in addition to its fighter capabilities, will provide a significant capability to counter the Soviet cruise missile threat.

C. Critique of argument: The Soviet contingency is unlikely

1. A full-scale, sustained conventional war with the Soviet Union seems an unlikely contingency today and for the foreseeable future.

Comment

A full-scale conventional war with the Soviets may seem improbable to many people. But this belief, to be valid, rests on continuing U.S. strength.

2. If, however, we assume that such a contingency is possible, that it will not rapidly escalate to nuclear war or will not be stopped short of the brink after a few days; if we also assume that the Soviet Union will have the full range of sophisticated capabilities predicted for the 1970's—a large fleet of sophisticated attack submarines, a large force of long-range and medium-range supersonic bombers armed with stand-off missiles, a fleet of surface vessels armed with cruise missiles and following the U.S. fleet around—then carrier task forces appear exceedingly vulnerable with or without the F–14. Even if the fleet is provided with the widest range of defense capabilities, it is probable that a full-scale Soviet attack on a carrier task force would be successful and not prohibitively costly.

Comment

The attack carrier is and has been a tough target. No attack carrier built during or after World War II has been lost to enemy action or to any cause. Some of these carriers, still in service, fought through the air and kamikaze attacks of World War II. The newer attack carriers have extensive protection above and below the waterline. Armored flight decks, honey-comb internal structure, and many protective features have made our attack carriers the toughest ships on the seas.

The result of a Soviet attack on a carrier task force is primarily a function of the combat capability of the task force. The inherent capabilities of the long-range, multi-shot F–14/PHOENIX system is superior by an order of magnitude to the F–4J/SPARROW system. The F–14 PHOENIX system augmented by the new technology surface-to-air missile systems will seriously attrite any Soviet attack.

3. If, on the other hand, we assume a full-scale encounter with the Soviet Union but *less* than the full range of Soviet capabilities that have been predicted for the '70's, the need for the F–14 is still open to doubt. In particular, some critics have questioned the need for a new fighter to meet a future Soviet bomber threat.

Chairman Mahon of the House Appropriations Committee commented thus during the 1968 hearings:

"The bomber threat against the fleet, as you know, has been predicted by Navy officials for some time. It has not, of course, developed to date."

In a late 1968 report on the U.S. tactical air power program by the Senate Armed Services Preparedness Investigating Subcommittee, the following points on the bomber threat are made:

"The F–111B was designed primarily for fleet air defense against Soviet supersonic bombers. But that threat is either limited or does not exist; and therefore, we believe the Navy should re-examine the prime requirements for the VFX–1 (F–14A) as to its most important role, in the light of the most predictable threat to the fleet. We are concerned about the assignment of four missions to this single aircraft with potential degradation in its capacity to perform the primary mission."

Comment

From time to time, missile carrying Soviet bombers fly over or near units of the U.S. fleet. Although detected early and intercepted, these overflights make clear this threat does exist. New FOXBAT, FIDDLER and FLAGON fighters have long-range escort capabilities with advanced avionics and missiles, adding to the threat.

The F–14, designed for air superiority, is the weapon system that can shoot down long-range multiple-raid targets, aircraft and missiles, and can engage enemy escort fighters in close-in combat. Computer technology and weight reducing microminiaturization of avionics, properly balanced with airframe and engine design, have removed performance degradation in this multi-mission fighter. In the F–14, one percent of the aircraft's weight makes it possible to use PHOENIX, SPARROW, SIDEWINDER, AGILE, a gun and air-to-surface weapons. A significant amount of that weight is in removable pallets not carried in the "dogfight" configuration.

D. Present capabilities suffice for show of force and deterrence contingencies

1. For show-of-force and deterrence in tension spots—the roles carrier task forces may be best suited for in the future—the Navy's existing defensive capabilities and aircraft can probably do the job. The alternative to building any new Navy fighter is to rely on the presently deployed advanced Phantom F-4 J's for the missions assigned to the F-14, and to produce more as necessary (the production line is scheduled now to close in 1972) with very substantial savings. Also, there are electronic countermeasures and point defense systems presently deployed or planned for the fleet for additional deterrence of potential threats to the fleet.

Comment

The mobility of sea-based tactical air makes it a valuable instrument of U.S. policy. Navy mobile striking power can be effectively applied at all levels of warfare—from deterrence to nuclear attack. A strong Navy in control at sea will deter the enemy. The F-14 is essential to effective deterrence.

The F-4 designed 1954 became operational in 1961. Since that date the Soviets have built and flown 8 new fighters. The F-4 cannot be improved further without major redesign amounting to a new airplane and costing many millions of dollars. It still would be inferior to operational Soviet fighter aircraft.

Credible deterrence requires balanced offensive and defensive capabilities.

2. The Navy argues that maximum deterrent effect should be sought through a mix of several of the most advanced defensive capabilities—airborne, surface-based missile defense, and electronic countermeasures. But it is probable, that as far as the Soviet Union is concerned, deterrence will be achieved as much by Soviet reluctance to directly engage U.S. armed forces, as by the deployment of the most advanced fleet air defense capabilities. The possibility of escalation to nuclear war is what counts most.

Comment

Continuing reluctance of the Soviet Union to engage U.S. armed forces rests on respect for U.S. military power.

Escalation to nuclear war becomes far more probable if effective general purpose forces are not maintained. Naval forces are essential to effective general purpose forces. Since no one in the U.S. wants to use nuclear weapons, the choice really is stay strong militarily or let the initiative and course of history pass to the Communists.

3. For show-of-force roles which do not directly involve the Soviet Union, it is also questionable whether the F-14 is necessary. The F-4 Phantom has been described as the "best fighter in the free world today." The F-4 J model is equipped with Sparrow and Sidewinder air-to-air missiles. Its range and the capabilities of its avionics are not as great as those planned for the F-14. But in dogfights in the exceptionally hostile air environment over North Vietnam, the Phantoms have proved a match for high performance Soviet MIG-21's.

Comment

The F-4 is our best U.S. fighter employed in Southeast Asia. Its performance in aerial combat has been marginal. Designed as an interceptor, and equipped with an avionics/weapons system to destroy high altitude bombers, the F-4 has been used as an air superiority fighter. It was not designed for this role.

The ratio of MIG-21s downed by F-4s to F-4s downed by MIG-21s diminished from April 1966 to August 1967. Since August 1967 the F-4 has a 1:1 kill ratio against the older MIG-21's. In a confrontation with late model MIG-21s and particularly with the newer USSR fighters, the F-4J would be totally inadequate.

F. Other contingencies also are problematical

(1) Other contingencies in which it is contended that new advanced carrier-based aircraft may be essential include a full-scale conventional war with Red China; initial "surge operations" at the outbreak of a limited war; prolonged operations during a limited war; skirmishes off the coasts of small hostile countries; and show of force situations against Soviet allies, given aircraft more advanced than the MIG-21.

Comment

Regardless of the intensity of conflict or how alliances or military aid programs may work out, having the air combat superior F-14 will make U.S. posture more viable.

(2) The contingency of a full-scaled conventional war with Red China seems almost as improbable as the comparable Soviet contingency. And even against Red China, carrier task forces—with or without the F-14—might be vulnerable, particularly when sailing near any part of the Asian land mass under Red Chinese control.

Comment

That *any* full-scale war continues to remain improbable is due mainly to this nation's deterrent capabilities. If we unilaterally reduce our military effectiveness, the options and prospects of our adversaries increase while ours diminish.

Our carrier task forces are not now vulnerable to Red China forces. The F-14 with a 500 mile escort radius of action would significantly add to our ability to deal with a Red China confrontation.

(3) In most foreseeable sustained limited war operations, land-based aircraft can or should be relied upon. In limited war operations which might require carrier based aircraft and in "surge operations" and skirmishes, the argument for the F-14 rests on the assumption that prospective new Soviet missiles, aircraft, and other capabilities may be made available in quantity to smaller hostile countries. But this possibility, comparable to the Red China contingency, does not justify proceeding now with the F-14 program in all its present complexity and expense.

Comments

Assuming a limited war, (U.S. and USSR not in direct conflict) 85% of the land area of the world and 95% of its population are within 600 miles of sea-based tactical air. This 85% portion contains 56.5 million square miles. A single carrier task force could respond to a contingency in any one of the 56.5 million square miles. In addition, the carrier covers 100% of the sea area. There is no way to estimate the number of air bases required to equal the carrier's capability, even if local governments would allow air bases to be constructed and maintained during peacetime. Carrier task forces can be gathered and applied promptly. Land bases take time to construct and get into effective operation. Carrier task forces buy time for this process and frequently provide the umbrella which makes it possible.

Experience indicates that it requires the best weapon systems to counter the enemy even in "limited war operations."

That the Soviets operate an active program to provide arms assistance to potentially hostile countries further justifies proceeding with the F-14 program as presently conceived.

G. The F-14 program can be delayed for 1 year while it is reviewed by Congress

On the basis of the discussion above, any risks incurred by a delay of one year in the F-14 program appear fully acceptable.

Comments

Delaying one year would increase costs in the F-14 program by $100M, besides delaying the availability of an advanced fighter capable of countering Soviet fighters now entering operational service. Foregoing the F-14A to await the F-14B, would increase costs $340M. Fleet introduction of an advanced fighter would be delayed two years.

The F-14 design and construction are far along. First flight will take place in 17 months. The requested FY-70 funds are necessary to produce the aircraft required for an efficient, economical program.

APPENDIX

A. Questions concerning the F-14 program with Phoenix missile as now envisioned

1. *Why a multi-mission plane?*

(a) By building the F-14 as presently designed the Navy may be spending large sums for the latest in engines, avionics, weaponry and airframe all in one plane that will perform its two principal missions—fleet air defense and air superiority—satisfactorily but at the expense of the highest possible performance of either one. For example, in order to get a better all-around air superiority fighter, the F-14's fleet air defense capabilities will be less than those of the F-111B. It will not be able to loiter for as great a period of time or as far from the fleet as the F-111B; nor will it carry as many as six Phoenix missiles. Nevertheless, for a reduced fleet air defense capability, deployment of the Phoenix is still being planned.

Comment

The F-14 is designed as an air superiority fighter. The engines and airframe have been selected for optimum maneuvering performance. The versatile AWG-9 weapons control system will control PHOENIX, SPARROW, SIDEWINDER or AGILE air-to-air missiles, generate sighting data for the 20mm gun, and provide air-to-surface weapons delivery solutions. Such a wide variety of ordnance makes it possible to readily adapt the F-14 to air superiority, to fleet air defense or to air-to-surface missions.

The F-14A at combat weight (gun and four SPARROWs) will have a thrust-to-weight ratio of .84. The F-14 with the advanced technology engines will have a thrust-to-weight ratio of 1.16. Acceleration from .8M to 1.8M will take 1.27 minutes. Aircraft weight penalties are avoided by palletizing equipment for fleet air defense and air-to-surface missions. The added weight is carried only on these missions. PHOENIX and air-to-surface ordnance are carried as an overload. An insignificant penalty in maneuvering performance (.5 to 1.0g) is accepted while the ordnance is aboard the aircraft. However, the full F-14 maneuvering performance returns when the missiles or ordnance are fired. This design approach enables an F-14 loaded with 6 PHOENIX to remain on combat air patrol longer than the F-111B; yet it does not carry the airframe weight penalty that was in the F-111B design.

(b) The Phoenix missile is an enormously complicated and expensive weapons system which is still under development. Even though equipped with the latest in devices to ensure that it will reach its targets, there is the possibility that the technology of effective countermeasures may render it obsolete shortly after deployment. Moreover, each Phoenix weighs approximately 1000 pounds. Even though the F-14 need not carry a full complement of Phoenix, or any at all in the performance of certain missions, the airframe has to be designed to carry it and gains in weight thereby. Similarly, the sophisticated avionics for the Phoenix and other weapons systems adds weight.

Comment

The PHOENIX missile is designed to operate in an electronic countermeasures (ECM) environment. Its multiple guidance phases and multiple control frequencies make it effective against all predicated ECM techniques. The meaneuvering performance of the F–14 with six PHOENIX is degraded by 0.5 g. Full maneuvering performance, however, is regained as the missiles are fired at their targets.

(c) The Navy argues that the F–14 airframe has been designed for high maneuverability in "dogfight" situations when the plane is not carrying the Phoenix, and that the capabilities of the Sparrow and Sidewinder are significantly increased by the F–14's avionics. It also argues that for an acceptable increase in costs and in degradation of the "dogfighter" capability, it gets a plane capable of meeting a wide spectrum of possible threats.

Comment

The capability to control SPARROW and SIDEWINDER is being added to the AWG–9 missile control system. The digital computer in the system significantly improves the prospect of successful attacks by clearly defining the missile envelope and providing accurate "in-range" data to the pilot.

(d) Taking into account the most likely contingencies for the fleet and alternative defense systems, however, the argument for a multi-mission fighter—particularly one designed to carry the Phoenix for fleet air defense—loses much of its force.

Comment

Surface-to-surface and air-to-surface missile threats already exist. They will certainly become more advanced. Advanced Soviet fighters will be equipped with missiles capable of ranges greater than U.S. missiles with the exception of PHOENIX. We must be able to counter the total threat, *not* the easier contingencies chosen mainly to avoid coming to grips with very unpleasant realities. Over the past ten years, Soviet weapons progress has been startling.

(e) Navy pilots have reportedly expressed reservations about the complexity and weight of the weapons systems and avionics planned for the F–14. If, after Congressional review, a decision to go ahead with the F–14 is made, consideration should be given to building a smaller, less costly fighter. Such an aircraft could be less laden with heavy avionics—giving a premium to high maneuverability for "dogfights" and other air superiority missions.

Comment

Analysis of a smaller, less costly fighter proved that in order to achieve desired design parameters, either the thrust required would be beyond the level attainable or the gross weight of the aircraft would far exceed that of the F–14A. This lightweight fighter would be capable of air maneuvering combat only. It would not have adequate range to escort attack aircraft to their maximum mission ranges, provide fleet air defense in all-weather conditions or to deliver air-to-surface ordnance.

(f) As for the Phoenix, if it is decided that the system is sufficiently reliable, and that plausible threats justify costs for deployment, consideration should be given to adapting an existing aircraft to carry the system. Navy officials say they have studied this alternative, particularly in connection with the A–6 and that substantial modifications of the aircraft and costs would be involved, as well as problems of compatibility in performance of the aircraft and the missile. These conclusions should be re-examined if the case for dropping the Phoenix capability from the F–14 is accepted.

Comment

The alternative of adapting the AWG–9 weapon control system to the A–6 airframe was re-examined. Total procurement costs, both recurring and nonrecurring, for a minimal 232 aircraft buy would be $1.7B, of which the recurring costs including support would amount to $1.5B. The resulting average fly-away cost would approximately equal the F–14A cost. In comparison to the F–14A, the A–6, a subsonic system, could not meet the deck launched intercept mission requirements, would be less effective when on CAP station, and could not be used in the strike escort role against high performance enemy fighters.

2. *Why build any F–14A's? Why not wait for the F–14B?*

Some critics of the F–14 program, both within and outside the Administration argue strongly that the F–14A will be only marginally superior to the fleet's present Phantom's because it will use the heavy engines, avionics, and PHOENIX missile from the F–111B. They suggest that the F–14 airframe development should be stretched out until the advanced technology "B" engines become available eighteen months to two years from now for development with the airframe, and that plans to procure any F–14's with present engines should be cancelled. The higher-thrust and lighter-weight engines being developed for the F–14B appear to promise significantly higher performance for this model even if it carries the PHOENIX and presently planned avionics.

Navy officials argue that the F–14A is needed as a hedge against possible threats and any slippage in "B" engine development and that a two year stretch-out in the program will be costly and entail delays in necessary R & D for the whole F–14 program.

The desirability of proceeding with development and procurement of the F–14A as presently planned should be explored in the Congressional review recommended in this paper. This review itself will entail some stretch-out in the A program, and might entail a postponement in the present target date of mid-1973 for deployment of F–14A's. But the F–14B, the model the Navy is most anxious to acquire as the air superiority fighter of the future, will become operational in 1975.

Comment

Threat analysis dictates introducing a better fighter capability at the earliest possible date. The F–14 is scheduled for operations in early 1973 and is substantially better than the F–4. A decision to stop the F–14A and wait for the F–14B would delay the operational introduction of a superior fighter at least two years.

Proceeding with a Navy fighter development by means of evolution from the F–14A to the F–14B reduces the risk and provides distinct and substantial savings in cost and time. It also provides increased flexibility to satisfy other military objectives.

Stopping the F–14A program and proceeding only with the F–14B will result in additional program costs of $340M. These cost increases do not include TF–30–P412 engine termination. They do reflect sustaining adequate manpower over a longer development period, adding flight testing, changing GFE requirements and timing, and adjusting for inflation due to the time lag.

The development process must be slowed when the number of major items to be developed is increased. In this case at least two years are lost at a time when greater fighter capability is urgently needed.

Analysis of the threat in the mid-1970's reveals that present fighters cannot successfully counter the threat. A low risk orderly development program was initiated to introduce in the earliest time frame an advanced fighter capable of countering the threat. Studies determined the optimum time and cost schedules for this program. Any stretch-out will increase total program costs and delay introduction of an advanced fighter.

B. Possible savings

The FY 1970 budget requests for the F–14 breaks down as follows in total obligational authority: $275 million for procurement of six test and evaluation models of the F–14A and long lead-time items and spare parts: $175 million in R&D for work on the F–14A; $50 million in R&D for the Navy's share of development costs of the "B" engine and for F–14C avionics; $18 million in R&D for the PHOENIX.

Estimated savings on the F–14A: $275 million in FY 1970 if the proposal in this paper is adopted; perhaps $1 to $2 billion over the next five years if the decision is taken not to procure any A models of the F–14. However if an increased number of F–14B's are procured to fill in for the "A" models, these savings might in the long term amount only to those realized on the "A" engine and miscellaneous development costs peculiar to the F–14A.

Estimated savings from dropping the PHOENIX system from the F–14 and perhaps some electronics for a less complex and less costly F–14: No reliable estimate available. The savings should be substantial.

Estimated savings if the whole F–14 program is cancelled, at the very least, perhaps $10 billion if account is taken that additional Phantom's or other aircraft would be procured instead.

Comment

False economies would be realized by cancellation of the F–14A program. In addition, a new fighter such as the suggested light weight fighter could not be operational prior to 1975. Cancellation of the F–14A would negate any opportunity to develop a fighter capable of countering advanced Soviet fighters.

A stretchout will increase overall program costs because of inflation, contract renegotiation, additional flight tests and purchase of F–4s to maintain force levels. Stopping the F–14A program and proceeding with the F–14B will result in additional program costs of $340M. Delaying the F–14A for one year will result in additional program costs of $100M.

Should PHOENIX be cancelled, the long-range intercept capability required to counter multiple target raids against surface forces, U.S. forward objective areas and Continental U.S. will be delayed until a replacement system can be designed and developed. In addition, the capability to counter advanced Soviet fighters equipped with long-range missiles will be degraded. Ninety-one percent of the development funds for the AWG–9/PHOENIX missile system have been spent.

COMMENTS ON HATFIELD COMMITTEE REPORT

THE MAIN BATTLE TANK—70

The Committee says the central issue concerning the MBT–70 is that by the mid–70s its tactical rationale may be made obsolete by nuclear weapons. It will be "a victim of technology or of a new strategy."

If this is the central issue, then the issue that is really raised is whether we should have any tanks at all. If the most up-to-date tank we can make by the mid-70s is thought to be obsolete and not "useful" by that time, then certainly the present tanks, a product improvement of the 1950 tank design will be even more obsolete and less "useful". If this central issue is correct, any tank of any kind is a waste of money, and the Committee on Peace through Law should really be proposing that we save all kinds of money by scrapping all our tanks, and doing away with the two tank divisions we now have in Europe and the two in strategic reserve.

Perhaps the most apt answer to this argument is provided by the Russians themselves. They are now re-equipping their armored units with the T–62, a tank of much later design than our present M60A1. They clearly expect to have a use for tanks on future battlefields, nuclear or not.

As to usefulness in tactical nuclear warfare, the tank is the weapon most likely to stay in fighting condition. The MBT–70 is being designed with such warfare in mind, and will be more fitted for it than the obsolescent M-60 which this proposal would perpetuate as our main battle tank. Men equipped with the MBT-70 will be far better off in nuclear warfare than men equipped with our old tank or no tank at all.

The Committee does not accurately state the facts and figures on the MBT-70. For instance, the Committee says the joint German-U.S. agreement estimated the costs as of research and development as $86 million. This is wrong in two ways.

First, the money was $80 million—not $86 million. Next, the estimate was only for initiating research and development. The two countries recognized, since there was no joint agreement on the concept of the tank, nor on any of the details of its sub-systems, nor on its principal and secondary armaments, that the actual experienced development costs would be greater than the initial amount. The agreement specifically provided for more accurate greater costs as the design moved forward.

Even in quoting the President's budget the Committee is inaccurate. They say the FY 1970 R&D figure was $43.3 million. The true figure is $44.9. They say the Production Engineering costs are $24.5 million, the true figure is $25.4.

The Committee says that "The tank was to roll off the production line in December 1969." This is not so. The agreement called for a tank "ready for production" in 1970. This means all required development completed, a Technical Data Package completed and ready for publication to industry for bidding and contract negotiation, and subsequent tooling up of plants for production of the initial tank in mid-1972 or possibly later. Thus the target production date has not been extended by over four years. The extension, accurately stated, is around two years.

The Committee uses a figure of $277 million for the R&D cost to the U.S. alone. These figures are completely unrecognizable, and are far from the actual figures.

It is also not accurate that the sole concept of its design is based on tactical nuclear warfare in Europe. The MBT-70 is intended to operate anywhere in the world that the U.S. may engage in combat.

It is true that in 1963, before the German and American combat users of the tank had even started to discuss how they would use the tank in combat, and what each would want it to do, Mr. McNamara was forecasting production in December 1969. The hard nitty-gritty of agreeing in two languages on the specific details of the tank was not resolved until September 1965. These details were the basis of the "in-house" estimate of $138 million development costs. Later bids by potential contractors for the various components indicated that this money estimate was low, and the development time forecast by Mr. McNamara much too short.

After agreement on design conceptions, all to be radically new components, not product improvements, in September 1965, the first prototype was delivered in July 1967. Since then testing has proceeded in an orderly fashion, resolving development problems for mechanisms and functions never before put together. There is every prospect that if no monkey wrenches are thrown in the works, that the United States will succeed in putting in the field, for use by its troops anywhere in the world, a tank that is far superior to any tank ever seen before.

CONTINENTAL AIR DEFENSE

1. Our Air Defense system does include more than 700 interceptor aircraft. The precise number is more than this but the report fails to point out that only less than half are in the regular force and the remainder in the Air National Guard. Likewise, the report omits the fact that the current program is being phased down and at the end of FY 1975 the total interceptor force will consist only of substantially less aircraft.

2. The report also fails to give any consideration to the fact that much of our air defense system, including ground environment, has already been phased down to amortize the cost of the proposed modernization, and that additional thinning out is programed.

3. The actual inventory of Soviet heavy bombers is greater than the 150 stated in the report. However, since it is thought that a number of these will be used as tankers, the number used in a strike role would be about 150.

4. The Hatfield paper overstates both the numbers and the capabilities of U.S. heavy bombers. At the end of FY 1968 there were less than 500 heavy bombers (B-52s) in the active inventory. In addition, we have about less than 100 B-58 *medium* bombers. The 646 bombers referred to in the Hatfield paper apparently include aircraft in storage.

5. As for capabilties. *Only the B-52H can even approach* the performance capabilities indicated by the report and then only after one in-flight refueling. There is just no way that even the B-52H can go 12,500 miles unrefueled with a bomb load of 75,000 pounds. *Less than one-fourth* of our bomber force are B-52*H* aircraft.

6. The report recommends a reduction of 10% to 20% in the funding for the current air defense system and a "thinner" system. The money involved here is primarily for operation and maintenance, military pay, etc., and will be in the "big" appropriation bill, not the authorization bill. The report recommends "small cuts" in the R&D requests for AWACS, interceptor improvement and SAM-D. The Committee on Armed Services went much further—reducing AWACS from $60 million to $15 million; interceptor improvement from $18.5 million to $2.5 million; and eliminating the $75 million request for SAM-D altogther.

7. Thus it does not appear that there will be an issue on Continental Air Defense between the Armed Services Committee and the Hatfield group. This paper does point out, however, the factual errors in this section of the Hatfield report.

ATTACK AIRCRAFT CARRIERS

The Committee chooses to attack United States aircraft carriers by questioning their number, role effectiveness, and vulnerability. Then they propose to withhold the authorization for a new nuclear attack carrier.

This carrier is needed now, no matter what particular number may be accepted as a proper amount. We are now operating five carriers that are over twenty three years old. Three carriers of the Essex Class are twenty-five years old and fought in World War II. In the present fleet, even with this new carrier, five of our carriers will be 30 or more years old by 1975.

These oldest carriers (of the three ESSEX Class) cannot be further modified to fit them to carry modern aircraft. They are hard run veterans of World War II that have served their time. They cannot be made to grow any more. They are already experiencing twice the landing accident rate found in our new and larger deck carriers such as the Forrestal Class.

Unless it is our intention to condemn our pilots to go into combat with less than modern aircraft, flying from inadequate carrier bases, we must continue the replacement program of which this ship is one.

The Committee in attacking these carriers comes up with some figures which are not recognizable by responsible and knowledgeable people. For instance, it says that the Navy keeps only five of its 15 attack carriers on station, that the other ten are non-deployed, and then constructs figures indicating that for each carrier on station it costs $4 billion as an investment.

In the first place, for the duration of the Vietnam war the Navy has been operating sixteen carriers in the attack role. Next, as a general rule, only one carrier in each ocean is annually laid up for overhaul. One in the Pacific and one in the Atlantic. The others are available for operations. For most of the Vietnam operation the Navy has maintained five carriers in the Western Pacific alone. In addition, there are the carriers operating in the Mediterranean, the Atlantic, the Carribean, and the Hawaiian and Eastern Pacific areas.

This fantasy of idle, unemployed status for two-thirds of the ships involved in carrier task forces must certainly be an eye opener to the men on them, and their families, as they spend their long days and nights at sea in the Navy as it really is.

Of course this whole approach of one deployed task force with two not available for operations is in complete disregard with the facts of the actual record in operations. For instance, in World War II, 85 per cent of the time of all carriers was spent in the forward operating area. Some ships spent as long as two years without ever returning to ports in the United States.

The Committee makes an assertion that ever since 1921 the Navy has had a magic figure of 15 capital ships, except during war. And that before World War II the prescribed number of capital ships was filled with battleships, and since then by carriers. No one in the business knows what the Committee has reference to here. Just before the Korean War the active carriers had fallen to only seven. The number permitted by recommendation of the Secretary of Defense for inclusion in the budget has seldom been as many as the Navy has recommended as necessary to support declared national policy.

The Committee once again proceeds to beat the old dead horse of carrier vulnerability as a justification for reducing their number and, holding up the authorization for this carrier. This argument is so threadbare that it can only be made by those who do not know the history of the carrier in war. No attack carrier built during World War II or since has been lost to enemy action or any other cause. They have been in the most violent and sustained combat, air, submarine and kamikaze. The carriers built since World War II are even tougher, and harder to sink. The accidental fire and explosions on the Enterprise show how tough they are. A number of bombs and rockets exploded on her deck. She could have resumed air operations as soon as the debris was pushed off the after-end of the flight deck.

The record of land bases indicates that they are more vulnerable than carriers. 300 aircraft have been lost, and 2800 damaged while on the ground in Southeast Asia. In the early part of the Korean War all our land bases on the Korean Peninsula were captured by the enemy.

At the end of the Korean War the U.S. had 126 major land bases overseas and not on U.S.-owned territory. By 1967 we had abandoned the use of 81 of these installations built and maintained at such great cost, almost all because of foreign political action. Carriers are not vulnerable to changes in the political winds.

The Committee asks, in attacking the need for carriers, how many wars might be fought in the next 20 years which will require American tactical aircraft before land bases can be prepared. It is a good question for the man with the crystal ball. On the record to date, the probabilities are great that this will be true of most wars. It was true in World War II, it was true in Korea, it was true in Vietnam. Even in the Cuban missile crisis there were not enough U.S. land bases in range to base the required tactical aircraft.

The Committee asks how many wars will be fought in areas where airfields cannot be made available within range of targets. Again a question for the man with the crystal ball. And again, on the record, and the plain facts of geography, the probabilities are great that this will be true of most wars. And it is a simple fact that almost any target in the world is in range of aircraft from attack carriers. At the present time most of the world is not in range of U.S. land based tactical air from bases under our control. Political action around the world has reduced, and promises to reduce even more, the land bases we can use.

Even if land bases are made available swiftly, in most cases it is a matter of months before necessary full, maintenance, aircraft control, air defense facilities can be made ready for sustained operations. And as in the past, these preparations would depend upon naval convoys and carrier aircraft while being made ready.

The Committee asks how many situations will there be where the opponents may have sufficient anti-carrier weapons to make the use of carriers too risky. Again who can say the answer to that and know he is right. In a way it is a nonsense question. If there are such anti-carrier weapons, they would be even more effective against U.S. sea-going forces without carriers. Reducing carriers would make our use of the seas to support the land bases the Committee imagines as available a far more costly undertaking, and perhaps make it impossible.

Perhaps the Committee is referring to the Soviet Styx ship launched missile. The carrier is the most effective counter weapon to the Styx since it is the only U.S. naval weapon which outranges it. Consideration of the Styx shows the carrier as an absolute necessity to defend all U.S. sea-going traffic, and at the least risk to our forces.

Mr. GOLDWATER. In conclusion, Mr. President, I want to reiterate that I think the interest shown by this group of Senators and Members of the House indicates a long overdue awakening to the responsibilities of Members of both bodies toward all budgets. The preparation of the military authorization bill involves long and very detailed hearings and I can assure my fellow Members that none of these items are lightly glossed-over, and that the bill that has eventually reached the floor represents the policy thinking of the President, the policy and procurement thinking of the Secretary of Defense, and the concurrence in both of these by the Committee on Armed Services. If any Member desires to discuss any of these findings of mine with me, I will be more than happy to get together with him.

THE REVISED PHILADELPHIA PLAN

Mr. JAVITS. Mr. President, as most Members of the Senate probably know, last week the Comptroller General ruled against the revised Philadelphia plan recently promulgated by Assistant Secretary of Labor Arthur Fletcher. As I have indicated previously I support the plan. I also fully support the decision of Secretary of Labor George Shultz, with the backing of the Justice Department and the President, to go ahead with the plan.

I believe the Comptroller General's ruling to be erroneous and also to be premised on a misconception of his authority in this area. The ruling, essentially, is that the revised Philadelphia plan violated title VII of the Civil Rights Act of 1964 because it required Federal contractors to take race into consideration in formulating their hiring policy.

The ruling, if correct, would undermine the whole "affirmative action" program required by Executive Order 11246, not just the revised Philadelphia plan. It would mean that the Government could do no more than require that those who contract with it refrain from active discrimination. For example, it would specifically permit a contractor who had signed a collective bargaining agreement with a union which excluded blacks or other minority groups from membership and used that union as an exclusive referral agency for its employees to continue to perform work under Federal contracts with impunity, so long as he did not actually intend to practice discrimination.

It is also clear to me that the Comptroller General has a misconception as to his authority in issuing this ruling. The agencies charged with enforcing title VII of the Civil Rights Act of 1964, are the Justice Department and ultimately the courts.

Since the Justice Department through Attorney General Mitchell has expressed the opinion that the revised Philadelphia plan is legal, clearly any issues concerning it should be resolved in the courts, not in the Comptroller General's office.

Mr. President, I hope that the decision of the administration to go ahead with the revised Philadelphia plan will receive considerable support. In that connection an editorial in the Washington Post of Sunday, August 10, 1969, characterizes the Comptroller General's ruling as "sheer capriciousness." It also describes the revised Philadelphia plan as "the most hopeful approach yet devised toward opening up jobs in the construction industry to minority groups." I ask unanimous consent to have the editorial printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

THE PHILADELPHIA PLAN

There is a smell of sheer capriciousness in the Comptroller General's ruling the other day that the so-called "Philadelphia Plan" to increase job opportunities for minority groups on federal construction projects violates the 1964 Civil Rights Act. The plan was developed by the Department of Labor and the Office of Contract Compliance in collaboration with contractors in the Philadelphia area. Civil rights groups have endorsed it enthusiastically. The President, the Attorney General and the Secretary of Labor have given it their blessing. Contractors engaged in federal projects have accepted it as fair and workable. And, as if anything further were needed to demonstrate its desirability, Sen. Everett McKinley Dirksen has now opposed it. Could any program present more compelling credentials?

The Philadelphia Plan is aimed at increasing minority participation among iron workers, plumbers, steam fitters, electrical workers and several other construction crafts in all federal and federally assisted building contracts for projects above half a million dollars. The plan involves a flexible determination—by a coordinating committee in which contractors and federal agencies are represented—of an acceptable range of minority employment in the building trades. This has been denounced—by those who oppose its purpose—as a quota system. But it has none of the rigidity of such a system; it sets goals rather than quotas.

You can get some idea of the need for such enlargement of employment opportunities for minorities from an observation by Assistant Secretary of Labor Arthur Fletcher when he signed an order a month ago putting the plan into effect. "In Philadelphia," he said, "less than two per cent of the work force in the mechanical trades is comprised of minority group members despite the city's substantial minority population."

Goaded by Senators Dirksen, Fannin and McClellan, Comptroller General Elmer Staats issued an opinion the other day that this beneficent and constructive sort of cooperation between contractors and the government is forbidden by Title VII of the Civil Rights Act of 1964. This is to say, in effect, that the Act forbids precisely what it was its central purpose to achieve—equality of opportunity. The Comptroller General's opinion borders on absurdity. Against it stands a careful and comprehensive opinion by the Attorney General holding the plan valid and entirely legal. Secretary of Labor Shultz is thoroughly justified in relying on the Attorney General's view and in continuing with the program.

The Philadelphia Plan is the most hopeful approach yet devised toward opening up jobs in the construction industry to minority groups. If it succeeds in Philadelphia, it should set a hopeful pattern for the nation. Here is an effective key, perhaps, to attainment of the employment equality which is a cornerstone of the American promise. Racial discrimination in job opportunities is a heavy burden on the American economy and an indefensible form of social injustice. It is most indefensible of all when it occurs in projects undertaken and financed by the Government of the United States.

JEAN HERSHOLT HUMANITARIAN AWARD TO MARTHA RAYE

Mr. MURPHY. Mr. President, during World War II the Hollywood Victory Committee arranged for 85,000 free entertainment performances for our overseas servicemen.

The men and women who participated in these shows did so without charge to the Government and I know that their morale-boosting performances are still remembered today with warmth and gratitude by thousands of World War II GI's.

Having been one of the organizers of the committee, I could not help recalling its work recently when Miss Martha Raye came to town. Miss Raye was one of the first of a long line of truly great troupers, such as Bob Hope, Edward Robinson—Adolph Menjou and hundreds of others, who donated their services to bring a few moments of relaxation and enjoyment to our fighting men, and it is typical of Miss Raye, I think that she is still at it.

For instance, Miss Raye, or "Colonel Maggie" as she is affectionately known to thousands of servicemen of all ranks, was recently awarded the Jean Hersholt Humanitarian Award during the Academy Award ceremonies for her work in Vietnam. This impressive award has bestowed on her in recognition of the fact that on five separate tours of duty in Vietnam, she has spent at least 4 months providing entertainment, comfort, and friendship for our servicemen. I should also mention the significant fact that she was wounded three times while performing in combat areas.

Yes, Miss Raye is Miss Morale, so far as I am concerned, and I could not help thinking of the important contributions she has made in this field when I learned that she was in town.

Of course, winning awards is nothing new to Miss Raye. Among the others she has received in recent months are the Silver Helmet from the AMVETS, the Eddie Cantor Humanitarian Award from B'nai B'rith, the Liberty Bell Award from the city of Philadelphia, and the Laugh Award at Temple University.

In spite of all these honors, I am sure that Miss Raye has a very special feeling for the one she received for her work in Vietnam. I am certain, too, that while her performances in this country are always marked by the same talent and enthusiasm which have made her one of the greatest performers in the entertainment world, a bit of her heart while she is on stage here is still with the men of our Armed Forces in faroff Vietnam.

I congratulate her on receiving this award and thank her for the great service she has performed for our armed services.

AMMUNITION CONTROL PROVISIONS ARE INEFFECTIVE, UNENFORCEABLE, UNDULY BURDENSOME, AND USELESS

Mr. HRUSKA. Mr. President, the Gun Control Act of 1968 made important changes in Federal firearms policy by controlling interstate sales of firearms. This enabled individual States to impose effective controls designed to meet local conditions.

Not every section of that law was meritorious and effective, however. It included provisions controlling interstate transactions in all firearms ammunition and imposing strict recordkeeping requirements upon dealers in ammunition.

I opposed the inclusion of sporting ammunition in last year's law for two reasons. First, I felt that the provisions of the act relating to sporting ammunition would impose an unwarranted burden upon sportsmen and upon dealers; and, second, I believed that the recording requirements were unenforceable and could not effectively control interstate transactions in sporting ammunition.

Mr. President, the idea of recording transactions in ammunition is not new. Pistol ammunition has been subject to Federal regulation ever since the enactment of the Federal Firearms Act of 1938. The ammunitions provisions of the 1938 law, however, have not been enforced.

Mr. John W. Coggins, Chief Counsel's Office, Internal Revenue Service, explained the failure to enforce the law in testimony before the House Interstate and Foreign Commerce Committee in 1963. Mr. Coggins told the committee that—

> It has been found impracticable to effectively administer the provisions of the Federal Firearms Act relating to ammunition.

Mr. G. D. Belin, General Counsel of the Department of the Treasury, in testimony before the same committee objected to the wisdom of ammunition control by explaining:

> Ammunition is not serially numbered and is very hard to identify. These factors make those provisions of the Act relating to ammunition impractical to administer. Further, we know of no instance where any of those provisions have been helpful in controlling the interstate flow of firearms or in enforcement.

It is unfortunate that notwithstanding the testimony of these knowledgeable witnesses who were in a position to know the shortcomings of ammunition regulations, Congress, in 1968, saw fit to include sporting ammunition in registration requirements.

The reaction of those charged with administering ammunition regulation has not changed.

On July 23, 1969, Mr. Randolph W. Thrower, the new Commissioner of Internal Revenue addressed himself to this subject in testimony before the Senate Subcommittee to Investigate Juvenile Delinquency. In his statement, Mr. Thrower said:

> With regard to ammunition transactions, it is only fair to report to the subcommittee that we are not able to process or check individual ammunition sales records in any meaningful way, particularly in view of the multitude of sales in only sporting ammunition.

Mr. Thrower went on to say:

> We have serious question as to the contribution to enforcement made by keeping records on sales of sporting ammunition. . .

The problems inherent in the enforcement of the ammunition provisions of the act were further highlighted by Mr. Donald E. Santarelli, associate deputy attorney general. Mr. Santarelli told the subcommittee that "ammunition is fungible and, thus, not easily identified. Furthermore, the hundreds of thousands of daily transactions in sporting ammunition create a volume of records almost impossible to deal with."

It is clear that the ammunition provisions enacted in 1968 constitute little, if any, improvement upon the unenforceable provisions included in the 1938 act.

Mr. President, many of the predictions made during final debate of the 1968 Gun Control Act regarding regulation of ammunition sales by opponents thereof, have now materialized.

It was foretold that great harrassment, inconvenience, and unnecessary added costs would be imposed on law-abiding users of firearms for sporting purposes. It was pointed out that the prescribed procedures would be undue and unnecessary restriction and burden; and the results thereof would not in any way contribute to the fight against crime, violence, or the criminal misuse of guns.

All of these things have come to pass and to be plainly evident.

The sheer volume of paperwork now required is staggering, all at great expense and time, as well as annoyance to the merchant as well as the customer.

Estimated sales transportations of .22-caliber ammunititon per day are on the order of a quarter of a million. To this must be added shotgun shell sales to millions of hunters. It is estimated that total daily transactions during hunting season could readily reach a half million.

During the debate, attention was called to the many small town and rural merchants who had stocked such sporting ammunition for the convenience of their customers. Many did not even deal in firearms. But there would be large numbers of such businesses which would cease to thus accommodate the hunter. The reasons are plain: the voluminous, expensive, and in vain paperwork; the cost of the Federal license; and the potential of severe criminal penalty in case of a sale to a person prohibited by the law to buy, notwithstanding every good faith and reasonable effort to avoid making such illegal sales.

All of these forecasts have come about in numerous places and in a large total, according to reports; and have lead to substantial inconvenience and added expense to thousands of lawful users.

All of these factors should at all times be considered against the background that: The required sales records serve no useful purpose; the Federal authorities are not able to process or check individual sales records in any meaningful way because of the astronomical number of transactions; the provisions regulating ammunition have not been helpful in controlling the interstate flow of firearms or in enforcement.

These provisions are not enforceable.

It is most reasonable, therefore, to see that sportsmen and dealers are relieved of the unnecessary recordkeeping burdens placed upon them by the Gun Control Act of 1968. I believe that sporting ammunition should be excluded from Federal Control.

The Senator from Utah (Mr. BENNETT) introduced a bill, S. 845, to exempt certain sporting ammunition from the provisions of the Gun Control Act of 1968. I welcomed the opportunity to join the distinguished Senator from Utah, and many other Senators, as a cosponsor of this very good bill. S. 845 was assigned to the Committee on the Judiciary for consideration.

Subsequent to the introduction of S. 845, the chairman of the House Judiciary Committee made it known that his committee did not intend to consider any firearms legislation this session. This action, of course, spelled doom to S. 845.

To avoid this roadblock, Senator BENNETT withdrew S. 845 and introduced a substitute bill which was designed to fall within the jurisdiction of the Committee on Finance instead of the Judiciary Committee. This bill, S. 2718, of which I am also a cosponsor, would amend the Internal Revenue Code in such a way as to relieve dealers of the burden of keeping records of transactions in sporting ammunition.

Although S. 2718 will not go as far as many of us would like, I believe that it will be an improvement over existing law. S. 2718 will relieve the dealer from the excessive paperwork that is now required of him for each and every sale of sporting ammunition. It will also relieve the sportsmen from the interrogations by dealers each and every time they purchase sporting ammunition.

And most important of all, this bill will in no way impair the objectives of the Gun Control Act—namely to keep the firearms out of the hands of the wrong people; and to reduce misuse and criminal use of firearms.

Mr. President, S. 2718 is a good bill. I urge prompt consideration and early favorable action.

THE ABM VOTE AND ARMS LIMITATION

Mr. MURPHY. Mr. President, I believe that the long debate on the Safeguard ABM system was an extremely healthy experience for us all. I feel strongly that, in the end, the vote dramatically reflected our deep concern for the continuing security of our great Nation. This was not a partisan victory, nor was it a partisan loss. Senators of both parties rallied to the President's banner in this cause and, I am sure, greatly strengthened his hand in our quest for peace.

An editorial entitled "ABM Vote and Arms Limits," published in the Los Angeles Times of August 8, is a concise and thought-provoking summary of this issue. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

> ABM VOTE AND ARMS LIMITS
>
> Issue: Now that the Safeguard ABM has won Senate approval, how have prospects for arms control been helped or hindered?
>
> By voting to authorize first-phase deployment of the Safeguard ABM system, the U.S. Senate has enhanced the prospects for an eventual arms control agreement with the Soviet Union. The development is one, therefore, of historic importance.
>
> The margin of victory for the ABM was slim—51 to 50 on one key amendment and 51 to 49 on another—but this is a case where the proverbial inch is probably as good as a mile.
>
> Opponents vow to continue the fight, but most observers share the judgment of Senate Democratic Leader Mike Mansfield that the anti-ABM forces reached their "high water mark" in the voting this week.
>
> The House is expected to approve deployment of Safeguard by a much larger margin than did the Senate. Opponents will make another fight when appropriations for the project come up in separate legislation, but their cause is generally regarded as lost.
>
> It is important, at this point, to cut through the confusion which has been left by many weeks of wordy and acrimonious debate and get straight just what is involved.
>
> The Safeguard ABM, which is a system for defense against missile attack on this country, marks a realistic and laudable attempt by the Nixon Administration to set the stage for an end to the nuclear arms race.
>
> It would offer a "thin" system of protection for the American people against a small-scale Chinese missile attack or an accidental launching from any quarter.
>
> The overriding purpose of Safeguard, however, is to preserve the credibility of our nuclear deterrent in the minds of the Kremlin leaders at a time when the latter are working hard to overcome the U.S. lead in missile striking power.
>
> The premise is that the Russians will never be tempted to launch a surprise missile attack on this country if we keep them convinced that enough of our missiles will survive to destroy the Soviet Union in return.
>
> This could be accomplished, as some ABM critics suggest, by increasing our own force of offensive missiles. But such a move would be far more provocative—and more injurious to the chances of arms control—than deployment of an ABM system which is strictly defensive in nature.
>
> The Safeguard system, if built in total, will cost over $10 billion, including warheads. But if arms limitation talks with the Soviets produce an agreement to limit ABM deployment, the whole system will not be built.
>
> The Nixon Administration this year is asking only for a $759 million authorization to go ahead with deployment of two prototype installations.
>
> Congressional approval improves President Nixon's bargaining position for the upcoming arms limitation talks with the Russians—who already have a limited ABM system of their own, and show no inclination to abandon it.
>
> Meanwhile, the closeness of the Senate vote on Safeguard dramatizes the fact that the Pentagon can no longer count on unquestioned congressional approval of expensive new military programs and weapons systems. Military spending will be closely and critically scrutinized.
>
> Even many ABM proponents will agree that the new skepticism is not a bad thing.

NETWORK CIGARETTE ADVERTISING LETTERS

Mr. MOSS. Mr. President, in separate letters to me as chairman of the Consumer Subcommittee, the heads of the three major television networks have responded to my plea that the broadcasters relieve cigarette manufacturers of their contractual commitments so as to enable the cigarette industry to withdraw from all broadcast advertising by January 1, 1970. CBS said yes. NBC and ABC said no.

On July 31, 1969 I sent the following letter to the heads of each of the three major television networks:

> As you know, the cigarette manufacturers have now indicated to the Commerce Committee their willingness to withdraw from the broadcast advertising of cigarettes after December 31, 1969, "if the broadcast industry will simultaneously terminate all contractual arrangements for the broadcast of cigarette advertising."
>
> I am not unmindful of the economic disruption which would be caused by such abrupt termination of cigarette advertising. But weighing the public health imperatives in the light of your strong traditions of social responsibility, I would hope that you would find it possible to accommodate the time table adopted by the cigarette manufacturers.
>
> I would very much appreciate hearing from you about your intentions with respect to enforcement of advertising contracts with the cigarette companies after January 1, 1970.

I have now heard from each network.

Mr. Stanton's letter on behalf of CBS is temperate, rational, and in the highest traditions of broadcaster responsibility. Mr. Goodman's letter for NBC is disappointing. Mr. Goldenson's letter on behalf of ABC is unresponsive, shallow, and insensitive.

Mr. Stanton says that if Congress will grant the tobacco industry antitrust immunity for its agreement to withdraw from the broadcast advertising of cigarettes, "CBS will release the cigarette advertisers from their commitments." He points out that responsibility for granting such exemption properly rests with Congress. We agree and we intend to carry out that responsibility as soon as possible.

Mr. Stanton also raises valid questions which merit response.

He questions the legislative soundness of the tobacco industry's proposal of a "congressional prohibition of any Federal Trade Commission action which would require health warnings in print media." I agree. I, too, oppose any such prohibition, and I see no inclination on the part of the Senate to grant such prohibition. I might add, however, that the National Association of Broadcasters warmly supported such prohibition in the House.

He fears the "transfer of existing expenditures for broadcast cigarette advertising to print media." So do I, as I indicated at the time the tobacco industry made its proposal. This must not be allowed to happen. And if it can be prevented only by FTC action to require a warning in every cigarette ad, the FTC must be left free to require such warnings.

Mr. Goldenson takes the position that even if the termination of cigarette advertising "would greatly reduce cigarette consumption," he would consider that ABC had no responsibility to terminate cigarette advertising unless it were terminated in all news media. In fact, he is shocked by such "discrimination" as contrary to "fair competition."

"Discrimination," and "Fair Competition" are serviceable slogans. But we are not talking about slogans. We are talking about the direct and unparalleled impact of the broadcast media upon the American home. Ever since television became an advertising medium, its salesmen have been contemptuously deriding newspapers and magazines as second-class media. Television with its animated, visual-audial impact upon nonselective viewers, has been heralded as the most powerful sales medium in history. Now Mr. Goldenson claims to be the victim of discrimination.

The unpleasant fact is that television and radio cigarette advertising have been singled out as abominations by every major public health organization concerned with the hazards of cigarette smoking, because they have a direct and inescapable impact upon young people.

As the broadcasting critic of the Washington Post put it this morning, research has demonstrated that "no way exists for avoiding the young viewer of TV."

There are few 4-, 5-, or 6-year-old children in this country who cannot recite by rote a half dozen cigarette jingles and catch phrases. They did not learn them by reading magazines and newspapers. The broadcasters themselves have recognized their unique impact by agreeing to a 4-year phaseout of broadcast cigarette advertising.

Moreover—and the broadcasters conveniently suppress this fact—broadcasters alone enjoy a public monopoly conferred by Congress of broadcast frequencies. Congress has asked in return, only that broadcasters serve the "public interest." Magazines and newspapers carry no such burden.

Now, let us look at the shamelessly self-serving argument that until Congress bans the sale of cigarettes, the freedom of unrestrained advertising in all media remains a sacred right.

Of course, if cigarettes were a new product about to be marketed with full knowledge that their consumption would kill hundreds of thousands, their sale would be banned without hesitation or quibble.

But no responsible public health official, to my knowledge, is recommending a ban despite the proven hazards of smoking. Why? Because millions of Americans are addicted or, at least, heavily habituated to smoking. The inevitable consequence of a cigarette ban in terms of a black market and the attendant law-enforcement chaos and social misery would make the bitter experience of prohibition pale by comparison. That is why cigarettes are not banned and the broadcasters know it.

It does not follow as the night the day that the failure of Congress to ban smoking, by law, forces us to permit the unrestricted promotion of cigarettes. Neither logic nor humanity dictates that we leave our young people thus exposed and unprotected.

As I indicated in my letter to the networks, I am not unmindful of the economic dislocation which would be caused by the loss of cigarette revenues. That loss, however, should be viewed only in the perspective of the human and economic loss which accompanies the premature death and disease which strike thousands of Americans each year.

Cigarette advertising on television and radio was certainly not the only factor influencing the decision of 70 million Americans to smoke. But I find it hard to believe that the more than $2 billion of cigarette advertising revenues enjoyed by broadcasters since 1952 were not instrumental in persuading hundreds of thousands to smoke and hundreds of thousands not to quit.

We are told that experience in other countries proves that the end of television advertising will have no impact on cigarette consumption. But no country in the world has approached the massive exposure of citizens through television to cigarette commercials. There is no comparable experience.

Mr. Goldenson's threat to curtail public-interest broadcasting if cigarette advertising revenues drop is simple blackmail and not worthy of further comment.

While refusing to release cigarette manufacturers from their commitments, NBC expresses its willingness to allow cigarette companies to substitute its noncigarette brand advertising. Fairness requires that the cigarette manufacturers be able to utilize the maximum feasible time for the advertising of noncigarette products. The committee will explore this possibility with the cigarette companies.

NBC's recommendation for institutional, public service sponsorship by the cigarette companies is also worth exploring further.

But cigarette manufacturers should not be forced, by commerical considerations, to continue to advertise cigarettes on radio and television.

I am today asking the FCC to take note of the discrepancies among the network responses and to inform me if the FCC's mandate from Congress to see that broadcasters operate in the public interest affords them any opportunity to influence NBC's or ABC's decision.

On our part we in Congress can at least make certain that cigarette advertising on radio and TV will cease by September 1970.

I have asked the Justice Department to prepare legislative language which would facilitate the agreed withdrawal of cigarette advertising from radio and TV by the cigarette industry. The language will not be "discriminatory," but will be broad enough to permit tobacco industry withdrawal from print media as well if that later becomes feasible.

GASOLINE RETAILERS WANT DEPLETION ALLOWANCE AND OIL IMPORT QUOTAS ABOLISHED

Mr. PROXMIRE. Mr. President, all too often we forgot that the oil industry is composed of many small businessmen. These small businessmen are not like the giant major oil companies; they do not have the benefit of the oil depletion allowance or oil import quotas. Although these small independent businessmen do not have the gigantic profits or Government subsidies of the major oil companies, they must compete against them.

Mr. President on June 23 and 24 the Retail Gasoline Dealers Association of Wisconsin, Inc., held their convention in Eau Claire. At that convention they adopted the following resolution:

OIL DEPLETION ALLOWANCE

Whereas, it is apparent that petroleum producers have been favored by way of Federal Government oil depletion allowance against income tax to the extent of 27½% annually; and

Whereas, the importing petroleum producers has further been granted favored treatment on foreign crude oil imports; and

Whereas, such special allowances have been conducive to the promotion the ruinous price wars; and

Whereas, such results have caused grave economic hardship and in some cases complete economic disaster to the retailer; Now, therefore,

Resolved, that the Retail Gasoline Dealers Association of Wisconsin, Inc., in convention assembled, urges the Congress of the United States and our Wisconsin Senators and Congressmen to take appropriate action to terminate the 27½% oil depletion allowance to oil producers and to terminate favored treatment on foreign crude oil imports.

I think this resolution is eloquent testimony to the need to change our tax laws and the oil import program which give the major oil companies all these subsidies to the detriment of the consumers and small businessmen. I, for one, shall do all that I can to implement this resolution.

WALKER W. BROWN, PRINCIPAL, JOHN A. SUTTER JUNIOR HIGH SCHOOL, CANOGA PARK, CALIF.

Mr. MURPHY. Mr. President, I should like to give what I feel is much deserved recognition to a distinguished educator from the State of California, Mr. Walker W. Brown, principal of John A. Sutter Junior High School in Canoga Park, Calif. Mr. Brown has earned the highest esteem of all who have worked with him during the 20 years he has worked with our young people.

In his years as a teacher and administrator, Mr. Brown has always strived to teach his students the American ideals. Through his work with student government, the meaning of democracy and a deep appreciation of it have been brought firsthand to his students, and at the same time, he has been educating and training the responsible leaders of tomorrow.

Under his direction, programs dealing with Americanism and our American heritage have been held and have continued for the entire school year. Due largely to the leadership of Mr. Brown, Sutter Junior High School was named a recipient of the 1968 Principal Award and George Washington Honor Medal from Freedom's Foundation of Valley Forge.

Mr. Brown has shown not only to his students, but also to all the teachers who work with him as well as all of his associates, that no matter what their own personal political leanings, they can still take pride in the great history of our free people and in just being Americans.

Mr. President, I am proud that California has an educator of Mr. Brown's caliber. I am sure that he and his colleagues fully realize that he can best mold responsible citizens of the future at this early age. This is the time when young people are in their formative years, a time when their feelings toward things of great value like democracy and our American way of life are being molded—feelings they will hold for the rest of their lives. And under Mr. Brown's guidance, a giant step is being taken toward ending future campus disruptions and toward providing the responsible leadership that will be so badly needed in the tumultuous years ahead.

Mr. President, I salute Mr. Walker Brown, principal of Sutter Junior High School, for the outstanding work he has done with our young people, and I pray that his sincere efforts may continue for many years to come with even greater success than he has had thus far.

EMERGENCY INSURED STUDENT LOAN ACT OF 1969

Mr. SPONG. Mr. President, on July 24, 1969, at 12:50 p.m., three Americans returned from a trip into space which took two of them to the surface of the moon. Behind the trip lay hours of research and development, billions of dollars, and the dreams of millions of persons through the United States and the world. Preparation for the trip not only produced a mammouth scientific and technological success but also resulted in various spin-off developments which will advance many fields.

All of this would, haowever, have been impossible without educated men and women. Education is the single most important element responsible for the recent space feat. It is the single most important factor in enabling us to continue to progress. It is the best insurance we have in a future of fewer domestic problems than exist today. It is one of the surest and safest investments we can make.

In view of this, it is ironic that college and university students face a serious lack of financial assistance this fall. At a time when the need for highly trained personnel is increasing and the costs of postsecondary education rising, adequate financial assistance must be provided.

Under current conditions, the major loan program, the national defense student loan program, would be able to finance only 50 to 60 percent of the loans requested by colleges and universities. This means that many of our young people and their parents would face serious financial problems this fall. In fact, some students might not be able to pursue their studies.

The problem is compounded by the fact that the guaranteed loan program, which was enacted to supplement the national defense student loan program, has not lived up to expectations. Under this program the Federal Government was to guarantee loans made to students by banks and certain other lending institutions. The program has, however, been plagued by the fact that the interest ceiling on the loans has consistently been below the interest rate which banks could earn from other loans. Student loans, therefore, have been scarce.

Almost daily, I receive pleas for help from colleges, from parents, from students—from persons willing and eager to improve knowledge and skills in our Nation. These are not people asking for a handout—but people asking for a small amount of assistance to enable a group of young persons to make an additional contribution to our country tomorrow.

S. 2721, as reported on August 8, would fortify the student loan programs and increase the authorization for educational opportunity grants and the college work-study programs, two programs which generally operate hand in hand with the loan programs and provide special aid for lower income students. This bill will go far toward meeting the imminent need for increased loan and scholarship assistance.

I believe we would be negligent of our responsibilities and unmindful of priorities if we failed to enact legislation.

RATIFICATION OF THE HUMAN RIGHTS CONVENTIONS IS WITHIN THE CONSTITUTIONAL POWERS OF THE SENATE

Mr. **PROXMIRE**. Mr. President, the question of ratification of the Convention on Political Rights of Women was put before the Senate in 1953. Since then, many have raised the question of whether or not ratification of this treaty is within the constitutional powers of the Federal Government. The two questions that are raised are: First, are the conventions within the treaty power of the United States in that they do not conflict either with any express limitations in the Constitution or with any other applicable limitations? Second, do the substantive provisions of the conventions conflict with any U.S. statutes?

The President and Senate are not empowered to provide in a treaty what the Constitution prohibits them from doing in the United States. This dictum was first made by the U.S. Supreme Court in *Geofroy* v. *Riggs*, 133 U.S. 258, 267 (1890), when the Court stated that the treaty power does not extend "so far as to authorize what the Constitution forbids." In *Reid* v. *Covert*, 354 U.S. 1, 17 (1957), the Court overruled an Executive Agreement with Japan which gave jurisdiction over capital crimes committed by military personnel and their dependents to the military. The Uniform Code of Military Justice was held unconstitutional as applied to a civilian because it did not provide guarantees of trial by jury and grand jury indictment.

In *Missouri* v. *Holland*, 252 U.S. 416 (1920) the U.S. Supreme Court ruled that the treaty power is not limited by the 10th amendment, which reserves for the States all powers not specifically delegated to either the Federal or State Governments. Article 2(2) gives to the Senate and the President the authority to make treaties. Speaking for the New York State Bar Association, Mr. Terrence H. Benbow said:

> The scope of the treaty power is not limited to matters in respect of which Congress may legislate.

Mr. President, there is no provision in the Convention on the Political Rights of Women which would conflict with the express limitations on treaties. And the convention's limitations on the United States are already in existence in our law. The New York Bar Association stated:

> We have found nothing in these conventions inconsistent with any existing Federal statute.

Mr. President, in this day and age, the fates of all nations are increasingly intertwined. Human rights has become important to insure a future of peaceful coexistence and cooperation between nations. To insure that "better world" we must ratify the Convention on Political Rights of Women now.

Mr. **BYRD** of West Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **KENNEDY**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

S. 2825—INTRODUCTION OF FISHERIES DEVELOPING ACT OF 1969

Mr. **KENNEDY**. Mr. President, I introduce today a bill to help revitalize the American fishing industry. The need is clear, and the time for action long overdue.

One of our finest industries—with a long and proud tradition dating back to early colonial days of our Nation—is threatened by economic decline. American fishermen—many of whom come from families which for generations have earned their living from the sea—are being pushed out of jobs. On both coasts, and on the Gulf of Mexico and on the Great Lakes, almost all segments of the industry are being hurt.

Since 1945, world catch has tripled from 43 billion pounds to 123 billion pounds, yet the catch by our domestic fishing industry has remained stable, between 4 to 6 billion pounds.

Skyrocketing imports reflect the decline of our domestic industry and have contributed to that decline. In 1960, fish imports were 25 percent of total United States supply. In 1958, they were over 75 percent. In just the last two years, the percentage of the domestic market supplied by imports has increased by over 15 percent. We consume over $700 million worth of imported fish annually.

The fall of the fishing industry is all the more distressing because it represents a failure to capitalize on existing potential—both in domestic demand and in the United States stock available to meet that demand.

Since World War II, while domestic output has remained static, domestic consumption of fish products has nearly tripled—from 5.3 billion in 1945 to 14.2 billion in 1967. Yet we have more than enough capacity to supply this demand. Conservative estimates are that fishery resources off the U.S. coasts are enough to support a total annual sustainable yield of about 30 billion pounds, including marketable species not at present being fished.

With United States annual consumption expected to grow from 15 billion pounds today to 21 billion pounds by 1985 and 31 billion by the end of the century, the potential benfits from utilizing our own stocks are clear. But to take advantage of these possibilities will require full-scale measures to reverse the spiraling decline of our domestic fishing industry—a decline that in just one decade has seen us fall from second to sixth among nations of the world in tonnage of fish landings.

As a Senator from New England and from Massachusetts, where American fishing had its proud beginnings, I am deeply aware of the regional impact and personal hardship which has occurred. New Bedford and Boston and Gloucester no longer bustle with the vigorous activity and excitement which once reflected the worldwide fame of their great fleets. In these ports today I have seen brave fishermen, who made a lifetime from the sea, grounded without work. I have seen the ships lying idle—unfit and unequipped for modern-day fishing, unable to compete with subsidized foreign vessels. I have talked with boat owners and captains and crewmen and processors, and learned their frustration at a decline which is beyond their individual control.

In 1960, New England fisherman landed 93 percent of the fish caught on the New England continental shelf, with the remainder landed by Canadians. Just 5 years later, New England fishermen landed only 35 percent of the fish, with the Russians catching more than all other nations combined.

The pressure on haddock at Georges Bank has been so severe that the International Commission on the North Atlantic Fisheries recently found it necessary to declare a moratorium, recognizing that this is the only way to save severely depleted stocks. The consequence has been an even greater need for fishermen to turn to new and underutilized species. But the decline of the last several years has left them without the resources to do so, victims of a relentless vicious circle.

I was in touch with the Department of Interior on this haddock situation, along with my colleagues in Congress and officials in Massachusetts. Fortunately, the Secretary chose to declare the New England commercial fishery a "resource disaster" which qualifies for special emergency funds, and these will be some help. But modest stopgap funds certainly do not offer any final answer. Much more assistance is needed.

Mr. President, I have mentioned this background because I feel it is extremely important that we understand both the seriousness of the present condition of the fishing industry and the potential for resurgence if we make a genuine commitment.

The situation is summarized in the January 1969 Report of Marine Science Affairs, prepared by the National Council on Marine Resources and Engineering Development:

> The United States has become the world's most lucrative market for fishery products with a two-fold increase in demand during the past ten years. However, while the fishery catch worldwide and off our coast has more than tripled during the past two decades, the total catch by U.S. fishermen has slightly declined, with the United States now sixth among the fishing nations of the world. This problem in U.S. fisheries is further aggravated by the fact that foreign fishermen take most of the catch from the highly productive high seas fishing grounds off the U.S. coast, and about three-fourths of our domestic demand is satisfied by imports.

A number of factors have contributed to this decline—overlapping and contradictory Federal, State, and local regulations; depletion of species through overconcentration; high building and insurance costs on vessels; fragmentation of the industry; and so on.

We have failed to modernize our fleets and our fishing techniques—at a time when foreign countries have been heavily supporting such modernization for their own industry. We lag behind in both vessels and equipment. And our techniques for locating fish are so weak that our fishermen spend an estimated average of 50 percent of their time at sea simply finding the fish.

Because fishing is often a family enterprise, the supply of capital is limited. The dismal economic conditions which have prevailed have further cut off the flow of risk capital, and forced banks to stop making loans to small fishermen. In addition, few large companies are attracted to the industry as there is little hope of profit in the immediate future.

The relative competitive position of our domestic industry has been hurt most seriously by the subsidies and other support which several foreign nations give to their own fisheries. Even if our fleets and our techniques were fully competitive, the lower price of imports from this assistance would still be putting great pressure on our domestic market. This is all the more reason why we should lead, not follow, on fisheries development.

The long delay in Federal action on antidumping and related charges brought by our fishermen is also unnecessary and disruptive, and I urge the Department of the Treasury to move with deliberate speed on these matters.

The foregoing profile of our fishing industry today is alarming, but the possibilities for tomorrow are not without hope. As we look to the future, a strengthened fishing industry can stimulate economic development at home and abroad; develop new tools for dealing with hunger and malnutrition in our own country and in developing nations; improve our balance of payments; increase our research and technical capabilities for tapping the vast potential resources of the ocean; enhance our stature as a world maritime power; and confirm that, when given a fair chance, the U.S. economy is capable of adapting to new conditions.

Two years ago, in the 90th Congress, I introduced S. 2426, to improve our fisheries through a comprehensive and coordinated program. Unfortunately, the Senate did not act on the bill. The Fisheries Development Act of 1969 incorporates many of my earlier proposals and takes account of further changes in the industry. We must act forcefully both to meet the immediate emergencies and to solve the underlying problems.

To restore our fishing industry to its rightful position as a world leader, I propose the following eight-point program:

First, establish a fisheries extension service.

A basic cause of the decline in the fishing industry has been the failure to keep abreast of new technology. Foreign nations are constantly seeking better hardware and outfitting their fleets with the most advanced equipment. They are developing new and more efficient techniques. And they are passing on the latest knowledge to all segments of the industry.

In contrast, the delivery of information and assistance in the U.S. fishing industry is relatively haphazard and wholly inefficient. Vast amounts of information are generated by the more than 20 Government agencies involved in oceanography, but they are not correlated or gathered in any single location.

Section 102 of my bill provides authority for establishing in the Department of Interior a Fisheries Extension Service to disseminate research results and modern technological information to all sectors of our fisheries.

The Service would provide a link between the fishermen and the research and academic community. It would promote a continuing educational program on fishing technology, marketing procedures, and processing techniques. It would offer instruction and practical demonstrations. In addition, the service would be a source of complete information on Government assistance programs and would foster cooperation and communication among the various segments of the industry.

The bill authorizes $10 million for fiscal year 1970, $15 million for fiscal 1971, and $20 million for fiscal 1972.

Second, establish a program of technical assistance grants.

Our fishing industry can be vigorous and strong only if we take advantage of the most modern equipment and methods, and constantly seek newer and better ways to fish. At present, we have fallen far behind foreign countries in this regard. Most American vessels, for example, have not begun to use various types of conventional sonar gear which is already standard aboard many foreign ships. As a result, we have been cut out of solid opportunities for cost reduction.

Section 103 provides for grants to finance demonstration projects and assist the purchase of advanced equipment necessary for modernizing fishing techniques.

Examples of possible projects might be demonstrations of the effectiveness of new sonar equipment, of central fleet radio direction, of mechanized harvesting systems, of using computers to detect and forecast productive fishing areas, of different methods of shellfish farming, and of various techniques of aquaculture.

Authorizations under the bill would be $5 million for fiscal 1970, $7.5 million for fiscal 1971 and $10 million for fiscal 1972.

Third, encourage expansion into new species.

As the experience with haddock at Georges Bank so well illustrates, overexploitation of various species ultimately threatens their survival and the survival of fishermen who depend on them. Other resources are available. But more balanced fishing and therefore a more stable industry can be achieved only if there is an effective program to utilize underexploited species.

To make it feasible to capitalize on new and underexploited species, boats must be converted and markets must be developed. My bill gives limited assistance toward both of these goals—in section 104 and title II.

Section 104 provides grants to convert fishing vessels for use in unexploited or underexploited species, including funds for the acquisition of gear. Five million dollars is authorized for such grants for each of the next 3 fiscal years. In addition, for emergency situations such as we presently have in New England, further efforts and support will be necessary.

Fourth, undertake a comprehensive study and review of existing fisheries regulation at the local, State, and Federal levels.

At the present time, fisheries are governed by a hodge-podge of overlapping and contradictory State laws and other restrictions. Many of these were developed years ago, and have grown obsolete and increasingly unworkable.

Section 105 directs the Secretary of the Interior to undertake a comprehensive review of existing fisheries regulations, and to develop a series of model codes suitable to adoption by the States. These codes would be designed to reconcile the competing ends of sport and commercial fishermen, to coordinate activities within and between different commercial fisheries, and to promote the conservation, restoration and efficient exploitation of our marine resources. One million dollars is authorized for fiscal year 1970 to start the study.

Fifth, study and constantly review the fish-import situation.

As we all realize, the sharp increase in imports represents the most immediate threat to our fishing industry. Section 106 of my bill calls for a semiannual report by the Secretary of the Interior to the President and the Congress on the importation of fisheries products. The report would include a profile of the quantity and value of imports for the preceding 6-month period, broken down by tariff category and country of origin. It would also give a projection of anticipated imports for the following 6 months, and an analysis of the effect of imports on the domestic fisheries.

Sixth, expand research on fish-protein concentrate.

The development of fish-protein concentrate promises to be the most significant breakthrough in fish processing in this century. FPC is odorless, tasteless, inexpensive and highly nutritious. It is easy to store, easy to ship, and can potentially open up global markets for American fisheries. The widespread use of FPC as a diet supplement could provide the impetus for a revolution in American fishing, and a small investment now will pay enormous returns. It can also help forestall what many experts have warned will be, in a few years, an unprecedented global famine.

Congress has authorized funds for the construction of one FPC plant and the leasing of another, and some work is presently underway. But we still have had little research or experience with reducing fatty fish to FPC, and many other important aspects have gone unexamined.

Section 107 would increase the funds available for research and development into the means of reducing whole fish to FPC. It adds to existing FPC legislation an authorization of $1.5 million annually for this purpose.

Seventh, grants to fishermen's cooperative associations.

Cooperatives can be extremely effective in coordinating and assisting the efforts of fishermen in a given port or area. In New England, for example, the Point Judith Fishermen's Cooperative has been successful in organizing about 50 medium and small offshore draggers in Rhode Island. The cooperative has been in business for 20 years buying, selling, processing, and handling fish for its members and providing them with gear and supplies.

The model can be applied elsewhere, but the financing problems are severe. Section 108 of the bill would authorize $3 million annually for the next 3 years for grants to fishermen's cooperatives.

Eighth, authorize and assist the formation of fisheries marketing agreements.

Title II would enable fishermen, processors, cooperatives and other organizations, and persons engaged in handling fish to form voluntary associations for certain purposes. In particular, these would include combined efforts to regulate the marketing of products, to promote the development of new products, to conduct marketing research, and to undertake promotional campaigns and other related activities. Title II would give a limited exemption from the antitrust laws to such voluntary, dues-paying organizations. It also authorizes $1.5 million for each of the next 3 years for assistance grants to such associations.

Analogous marketing associations have been successful in the field of agriculture, and there is a great potential for fisheries.

Fishing cooperatives could set quotas on marketing and maintain reserve stocks to dampen seasonal price fluctuations. They could set quality standards to increase public confidence in the product, and they could conduct research and advertising campaigns to increase per capita consumption in the United States. They could promote movement into new species. The authorization of such agreements would encourage the fishermen to help themselves.

Mr. President, I have met and talked with fishermen in Massachusetts and other areas. I have seen their disappointment and their frustration at the present situation. But I have also seen the pride and strength and dedication of our Nation's fishermen. Through centuries of history, they have distinguished themselves as being valuable citizens and an important economic resource. Against the perils of the sea they have risked their lives daily, catching fish which at one time supplied an entire Nation. They have handed down their skills from generation to generation. They have been tough, hard working, firm in the face of constant danger, strong in family life and dedicated to their work.

It is these qualities which have enabled them to spend long hours at sea—often weeks at a time, away from their families, braving storms and the elements for only a very modest economic return. And it is these qualities which convince me that with coordination and assistance at this time of crisis, our fishermen can and will prevail.

Only a few weeks ago, two dozen leaders of the fishing industry in Massachusetts gathered for a solid day of unprecedented meetings. The topic was how to coordinate their activities and their resources to save our Northeast fisheries. These men worked on tentative plans to develop a single, unified organization—with its own staff—to effectively draw together and represent the interests of the various sections of New England fishing. They also expect to establish far closer times with their counterparts throughout the Nation who share so many of the same problems.

I understand that a further meeting is scheduled in the near future, and I think that this mutual commitment represents a great step forward. These tough and forceful men of the sea are accustomed to working things out on their own. But they realize that now survival requires cooperation. They are showing that their determination is strong enough to sacrifice cherished independence for the benefit of the industry as a whole.

Fishermen, boat owners and processors can work together for their common good. Leaders from Gloucester and New Bedford and Boston recognize the value of pooling their resources and their efforts. Fishing interests in Maine, Massachusetts, Rhode Island and other States of similar needs will hopefully cooperate with each other—and gain stature and influence by presenting a forceful, common front.

I have high admiration and regard for our fishermen in Massachusetts who have shown this dedication and this willingness to cooperate in the vigorous pursuit of their needs. I look forward to working closely with these leaders, and I expect that a more unified industry will facilitate our efforts here in Washington.

The fishing families of Gloucester and New Bedford and Boston are anxious to save the industry and are prepared to work hard to do so. The same holds true for fishermen throughout the Nation. For the decline of fishing is not just a regional problem in New England. It is occurring in all areas of the United States which depend on fishing for the livelihood of some of their citizens—the Atlantic Coast, the Pacific Coast, the Gulf States and the Great Lakes.

And so, while the decline of our domestic fisheries is certainly cause for alarm—if Congress is willing, it should not be reason for hopelessness. For there is indeed grounds for hope. We have the knowledge. We have the means. We have the desire. We have the dedication. What we need is a comprehensive, forward-looking program and a genuine determination to bring about the rebirth of the American commercial fishing industry.

This kind of rebirth is essential. It can mean new jobs to fishermen and processors. It can mean new orders to shipyards and suppliers. It can mean the rebuilding of our port facilities. It can mean more and better food to the hungry people of the United States and all the world. It can mean added tax revenues for our hard-pressed municipalities.

And it can mean that the faded reputation of the American fishing industry can be restored—a reputation which dates, for example, from the time when the swift schooners of Gloucester and Boston and New Bedford once marked the crest of world fishing ability and knowledge.

My proposals should not be considered as a cure-all for the American fisheries. Rather, they should be viewed as a part of the overall effort.

But the urgency of the situation is clear. Only a commitment to action now can save our fishing industry for the future. The bill I introduced today reaffirms my own commitment to this endeavor. I believe that the programs would be a substantial help to our fishermen, and I hope for prompt and favorable action by Congress.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2825) to provide certain essential assistance to the U.S. fishing industry, introduced by Mr. KENNEDY, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 2625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Fisheries Development Act of 1969".

TITLE I

STATEMENT OF PURPOSE

SEC. 101. The purpose of this title is to encourage and facilitate efficient use of fishery resources in all regions of the United States, to coordinate and maximize the benefits from new fisheries technology, development and research, and to provide other assistance to the fisheries industry.

FISHERIES EXTENSION SERVICE

SEC. 102. (a) In order to aid in diffusing useful and practical information on subjects related to commercial fishing operations, the processing of fisheries products, and the marketing thereof, and to encourage the application of such knowledge, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish in the Department of the Interior a Fisheries Extension Service and to exercise through such Service the existing extension authority of the Bureau of Commercial Fisheries, as well as the extension authority under the provisions of this section. All such extension activities shall be coordinated with the fisheries extension activities carried on by the States and by the sea grant colleges and, to the extent practicable and feasible, shall utilize, or be carried out through State fisheries agencies, colleges and universities, or other institutions with expertise in the field of fisheries development, with special emphasis on institutional arrangements which promote regional undertakings.

(b) In determining which industries and geographic areas shall receive priority for the purposes of initiating extension activities authorized in this section, the Secretary shall consider such factors as (1) the size of the industries to be affected; (2) the state of their technology as compared to that of similar industries in foreign countries; (3) the extent of the potential resources and markets; (4) the amount of information resulting from relevant research activities; and (5) the economic benefits to be derived from the practical application of such information to commercial operations.

(c) The Secretary is authorized to carry out fisheries extension work pursuant to this section which shall consist of the giving of instruction and practical demonstrations in commercial fishing, in the processing and marketing of fisheries products, and in business management at all levels of the fishing industry, to persons engaged in such activities for economic gain, and of imparting information on said subjects through demonstrations, publications, and otherwise. Such work shall be carried on in such manner as may be determined by the Secretary after consultation with appropriate State and local officials, and local representatives of the industries to be benefitted by such work.

(d) There are authorized to be appropriated for the purposes of this section $10,000,000 for the fiscal year beginning July 1, 1969, $15,000,000 for the fiscal year beginning July 1, 1970, and $20,000,000 for the fiscal year beginning July 1, 1971.

TECHNICAL ASSISTANCE GRANTS

SEC. 103. (a) The Secretary is authorized to make technical assistance grants to fishery cooperatives, marketing associations, and other private agencies or organizations, to pay in whole or in part the costs of implementing technological improvements in the fisheries for demonstration purposes.

(b) In determining whether to make such a grant, and in fixing the amount thereof, and the terms and conditions on which it will be made, the Secretary shall take into consideration the amount available for grants under this section; the number of applications for such grants; the financial condition of the applicant; and the benefits which are expected to accrue from the proposed demonstration project.

(c) Payments pursuant to a grant under this section may be made in advance or by way of reimbursement, and in such installments as the Secretary may determine.

(d) There are authorized to be appropriated for the purposes of this section $5,000,000 for the fiscal year beginning July 1, 1969, $7,500,000 for the fiscal year beginning July 1, 1970, and $10,000,000 for the fiscal year beginning July 1, 1971.

EXPANSION INTO NEW OR UNDEREXPLOITED SPECIES

SEC. 104. (a) For the purpose of encouraging and assisting the United States fishing industry to expand into unexploited or underexploited species the Secretary is authorized to make grants pursuant to this section for the necessary conversion of fishing vessels (including the acquisition of gear).

(b) In determining whether to make such a grant and in fixing the amount thereof, and the terms and conditions on which it will be made, the Secretary shall take into consideration the amount available for grants under this section; the number of applications for such grants; the financial ability of the applicant to pay any remaining cost of conversion and to operate the vessel after conversion; and the benefits to the industry generally.

(c) Payments pursuant to a grant under this section may be made in advance or by way of reimbursement, and in such installments as the Secretary may determine.

(d) There are authorized to be appropriated for the purposes of this section $5,000,000 for the fiscal year beginning July 1, 1969, and for each of the two succeeding fiscal years.

FISHERIES LAW STUDIES

SEC. 105. (a) The Secretary is authorized to undertake a comprehensive study and review of existing fisheries regulation at the local, State, and Federal levels. Such study shall include but need not be limited to (1) a review of existing Federal, State, and local regulation of commercial and recreational fishing, and (2) an assessment of the effectiveness of such regulation in promoting the efficient and beneficial use of marine resources.

(b) The Secretary is further authorized to develop a series of model codes suitable for adoption by the various coastal States. These codes shall be designed to harmonize the conflicting interests of various commercial and recreational fishing, and to promote the conservation and efficient exploitation of marine resources.

(c) The results of such study and such model codes shall be incorporated into a report on the state of fishery regulation and shall be presented to the Congress and the President on April 26, 1971, and kept up to date by an annual supplement presented on May 31 of each following year.

(d) There are hereby authorized to be appropriated for the purposes of this section $1,000,000 for the fiscal year beginning July 1, 1969, plus such additional sums as the Congress may deem necessary for each fiscal year thereafter.

IMPORT STUDY

SEC. 106. In order to aid the Congress in adopting the Nation's tariff policies to the needs of the domestic fishing industry, the Secretary shall submit beginning as soon as practicable a semiannual report to the President and the Congress on the importation of fisheries products into the United States. Such report shall include, but need not be limited to (1) a profile of the quantity and value of the fisheries products imported into the United States in the preceding six months, broken down by tariff category and country of origin, (2) a projection of imports of fisheries products anticipated in the following six months, and (3) an analysis of the effects of these past and projected imports on the domestic fisheries.

FISH PROTEIN CONCENTRATE

SEC. 107. Section 3 of the Act entitled "An Act to authorize the Secretary of the Interior to develop through the use of experiment and demonstration plants, practicable and economic means for the production by the commercial fishing industry of fish protein concentrate," approved November 2, 1966 (80 Stat. 1089), as amended, is amended by adding at the end of the second sentence the following new sentence: "There is also authorized to be appropriated not to exceed $1,500,000 for each fiscal year beginning after June 30, 1969, to carry out the research authorized by the first section of this Act."

FISHERMEN'S COOPERATIVE ASSOCIATIONS

SEC. 108. The Secretary of the Interior is authorized, under such rules and regulations and under such terms and conditions as he may prescribe, to make grants to fishermen's cooperative associations, for the following purposes: (1) to finance the purchase of fish and shellfish or products thereof and the cost of storing fish and shellfish and the products thereof in cold storage or other storage facilities owned, leased, or used by such association; (2) to provide operating capital needed to supplement the capital funds of such association; and (3) to finance or refinance the acquisition by purchase or lease of land, buildings, and equipment and the construction or reconstruction of buildings or other improvements used by such association in connection with activities related solely to the storage, processing preparation for market, handling, or marketing of fish and shellfish or the products thereof. No grant shall be made under this subsection if, in the judgment of the Secretary, the grant will increase the production of any fish or shellfish which is commonly produced in excess of annual marketing requirements, or will materially contribute to the depletion of any fish or shellfish species contrary to sound conservation practices. There is authorized to be appropriated $3,000,000, for the fiscal year ending June 30, 1970, and for each of the two succeeding years, for grants pursuant to this section.

TITLE II

STATEMENT OF PURPOSE

SEC. 201. The purpose of this title is to assist voluntary associations of fishermen, processors, cooperatives and other organizations and persons engaged in handling fish and fish products, and to conditionally exempt such associations from certain provisions of the anti-trust laws, so that they may, through marketing agreements, promotional and product development activities, marketing research, and other related activities, better regulate the fluctation of prices and the marketing of fish and fish products which create the unstable and chaotic conditions in the fishing industry, and expand and develop existing and new markets, both domestic and foreign, for under-exploited species.

VOLUNTARY ASSOCIATIONS AUTHORIZED

SEC. 202. (a) In order to effect the purpose of this title, the Secretary shall have the power, after due notice and opportunity for hearing, to permit the voluntary association for the purpose of this title of fishermen, processors, cooperatives and non-cooperative organizations and others engaged in the handling of any fish or fish products (hereinafter referred to as "handlers").

(b) Such voluntary associations may be formed for the purposes of the issuance of marketing agreements, the development and promotion of a specific product or products, and the establishment of market and product research programs designed to improve the quality or increase the consumption of the product.

(c) The making of any such agreement shall be lawful and shall not be held in violation of any of the antitrust laws of the United States if such agreement meets the requirements of this title and such additional requirements as are prescribed by the Secretary for the purpose of this title.

PURPOSES OF MARKETING AGREEMENTS

Sec. 203. Agreements made pursuant to section 202 may—

(a) limit, or provide methods for limiting, in a fair and equitable manner the total quantity of any fish or fish product, or any grade, size, or quality thereof, produced in any specified manner during any specified period or periods of more than three months each, which may be marketed in or transported to any or all markets during any specified period or periods by each handler or all handlers, but such limits shall be subject to minimum limits determined by the Secretary;

(b) allot, or provide methods for allotting, in a fair and equitable manner the amount of any fish or fish product, or of any grade, size, or quality thereof, which each handler may purchase from or handle on behalf of any and all other handlers during any specified period or periods;

(c) establish or provide for the establishment of reserve pools of any such fish or fish product, or of any grade, size, or quality thereof, and provide for the equitable disposition of the net return derived from the sale thereof among the persons beneficially interested therein;

(d) require or provide for the requirement of inspection of any such fish or fish product produced during specified periods of marketing;

(e) determine, or provide methods for determining, the evidence and extent of the surplus of any fish or fish product, or of any grade, size, or quality thereof and provide for the control and disposition of such surplus, and for equalizing the burden of such surplus elimination or control among the handlers thereof;

(f) prohibit unfair methods of competition and unfair trade practices in the handling of any fish or fish product;

(g) provide that any fish or fish product, or any grade, size, or quality thereof shall be sold by the handlers of any class or handlers in the manner provided in such agreement;

(h) provide to the association the powers and duties—

(1) to administer such agreement in accordance with its terms and provisions.

(2) to make rules and regulations to execute the terms and provisions of such agreement;

(3) to receive, investigate, and report on complaints of violation of such agreement; and

(4) to recommend amendments to such agreement; and

(i) make such other provisions incidental to, and not inconsistent with the terms and conditions above specified and necessary to execute the provisions of such agreements.

AGREEMENTS NOT APPLICABLE TO RETAILERS

Sec. 204. Agreements formulated under this title shall not be applicable to any person who sells fish or fish products at retail in his capacity as retailer.

AUTHORITY TO PREVENT SHORTAGES

Sec. 205. The Secretary shall not permit to continue in effect any agreement which reduces the supply of any fish or fish product below a quantity sufficient to provide for normal domestic consumption, exports, and carryover.

SHARING OF EXPENSES

Sec. 206. Each association formed under this title and approved by the Secretary may require that each member thereof shall pay to the association such member's pro rata share (as approved by the Secretary) of such expenses as the Secretary may find are reasonable and are likely to be incurred by such association, during any period specified by him, for such purpose as the Secretary may determine to be appropriate for the maintenance and functioning of such association, other than expenses incurred in receiving, handling, holding, or disposing of any quantity of commodity received, handled, held, or disposed of by such association for the benefit or account of persons other than members, such pro rata shares shall be computed on the basis of the quantity of the fish or fish products distributed, processed, or shipped by such association, and such other activities as the Secretary may approve.

Sec. 207. (a) All parties to any marketing agreement pursuant to this title shall severally, from time to time, upon the request of the Secretary, furnish him with such information as he finds to be necessary to enable him to ascertain and determine the extent to which such agreement has been carried out or has effectuated the declared policy of this title, and with such information as he finds to be necessary to determine whether or not there has been any abuse of exemptions from the antitrust laws. Such information shall be furnished in accordance with forms of reports to be prescribed by the Secretary. For the purpose of ascertaining the accuracy of any report made to the Secretary pursuant to this section, or for the purpose of obtaining the information required in any such report, where it has been requested and has not been furnished, the Secretary is authorized to examine such books, records, papers, copies of income tax reports, accounts, correspondence, contracts, documents, or memorandums, as he deems relevant and which are within the control of (1) any such party to such agreement from whom such report was requested, (2) any person having, either directly or indirectly, actual or legal control of or over such party, or (3) any subsidiary of any such party.

(b) All information furnished to or acquired by the Secretary pursuant to this section shall be kept confidential by all officers and employees of the Department of the Interior and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the agreement with reference to which the information so to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit (1) the issuance of general statements based upon the reports of a number of parties to an agreement or of handlers subject to an agreement, which statements do not identify the information furnished by any persons, or (2) the publication by direction of the Secretary, of the name of any person violating any marketing agreement, together with a statement of the particular provisions of the agreement violated by such person. Any such officer or employee violating the provisions of this section shall upon conviction be subject to a fine of not more than $1,000 or to imprisonment for not more than one year, or to both, and shall be removed from office.

GRANT ASSISTANCE

Sec. 208. (a) The Secretary is authorized to make grants to voluntary associations formed pursuant to this title in order to assist such associations in carrying out the purpose of this title. No grant shall be made under this section if, in the judgment of the Secretary, the grant will increase the production of any fish or shellfish which is commonly produced in excess of annual marketing requirements, or will materially contribute to the depletion of any fish or shellfish species contrary to sound conservation practices.

(b) There are authorized to be appropriated $1,500,000 for the fiscal year ending June 30, 1970, and for each of the two succeeding fiscal years, for grants pursuant to this section.

SEPARABILITY

Sec. 209. If any provision of this title is declared unconstitutional, or the applicability thereof to any person, circumstance, or commodity is held invalid the validity of the remainder of this title and the applicability thereof to other persons, circumstances, or commodities shall not be affected thereby.

UNANIMOUS-CONSENT AGREEMENT

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that after action on the education bill has been completed there be a limitation of 3 hours on my amendment, the time to be equally divided and controlled by myself and by the Senator from New Hampshire (Mr. McIntyre) and the Senator from Mississippi (Mr. Stennis).

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, I move, under the order previously entered, that the Senate adjourn until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 56 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, August 12, 1969, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate, August 11, 1969:

Federal Maritime Commission

Helen D. Bentley, of Maryland, to be a Federal Maritime Commissioner for the remainder of the term expiring June 30, 1970, vice John Harllee, resigning.

Renegotiation Board Member

Rex M. Mattingly, of New Mexico, to be a Member of the Renegotiation Board, vice Thomas D'Alesandro, Jr., resigned.

In the Army

The following-named persons for appointment in the Regular Army of the United States, in the grades specified under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be major

Montgomery, Johnny L., 464469420.

To be captain

Burd, Cleve J., Jr., 174288824.
Cantrell, William D., 414488433.
Cohen, Howard B., 083307611.
Dillon, Thomas E., 207267812.
Giesen, Philip C., 390404105.
Grof, Robert L., 373363232.
Halstead, Wayne P., 473346342.
Hannah, Richard J., 014329503.
Harris, James H., 255507521.
Leftik, Martin I., 122327379.
Many, William C., Jr., 313328956.
McDermott, Michael J., 331304830.
Mullin, Michael J., 561529678.
Proctor, Richard O., 440348863.
Sellei, Peter G., 092323023.
Stracner, Bobby Dale, 559460765.
Willis, Milford R., 383366213.

To be first lieutenant

Aasheim, Glen H., 516480354.
Ange, Charles G., Jr., 242609735.
Arnold, Thelma S., 439589011.
Baumann, David T., 542480714.
Bell, Hubert J., Jr., 252624120.
Brooks, Ronald A., 236525830.
Clark, Patrick W., 433601778.
Cook, Paul E., Jr., 484482067.
Darone, Ronald D., 219403011.
Demski, Stanley L., Jr., 358320048.
Dewey, George C., Jr., 575422072.
Farthing, Clifford V., 237680540.
Greene, John E., 259660099.
Hames, William H., Jr., 258644781.
Layman, Kay F., 288367945.
Leininger, Peter A., 264662480.
McDaniel, Gary D., 305446153.
Meinert, William J., Jr., 296366068.
Middleton, Douglas J., 555566953.
Millen, Thomas R., 224483952.
Miller, Gerald D., 364368653.
Naish, Lyle T., 531367326.
Price, Barbara J., 372364847.
Prince, Roy A., 416547308.
Reeves, Earl L., Jr., 479443399.
Scharnberg, Ronald, 432741711.
Smalling, Oliver H., 252549470.
Stabenow, David L., 498464345.
Suddath, James F., Jr., 063349596.
Tillman, George R., 416503541.
Vartigian, Helen A., 050349390.
Wallschlaeger, C. T., 393408737.
Wong, James, 169343234.

To be second lieutenant

Barrett, James R., 520428065.
Bailey, Albert W., 519460793.
Bender, Alfred J., III, 425900841.
Fish, Elbridge G., II, 460664761.
Holk, Richard P., 572629747.
Iverson, David L., 560642987.
Kessler, Eugene P., 036284227.
King, Marc A., 264827299.
Oldham, Gary R., 330342685.
Singer, James C., 520502317.
Thibeault, William R., 229622940.

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Abshier, John D.
Boyers, David G.
Boyles, Thomas J.
Byrd, James D.
Calloway, Craig F.
Dahms, Robert A.
Davenport, Royce A.
Fairley, Donald R.
Floyd, Robert L., II
Garrett, Earl T.
Gaskins, John N., III
Hogan, Thomas R.
Hollingshead, William
Huggins, Charles R.
Jenkins, James N., III
Kessie, Charles L.
Knueven, Paul A.
Letherwood, Howard Q.
Martin, Jerry R.
McGarrigle, John W.
Messmore, Robert W.
Nazar, Stephen
Nix, Jack P., Jr.
Phillips, Ronald S.
Rulison, Vernon C.
Sakuma, Steven M.
Selvage, Robin
Shirah, Henry C., II
Sitter, Paul J.
Smith, Dale W.
Stoecker, John C.
Strand, Richard N.
Wilson, Elmer I.
Wilson, Samuel V., Jr.
Wynn, Phail, Jr.
Zolezzi, Michael A.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 11, 1969:

PUBLIC HEALTH SERVICE

The nominations beginning John H. Ackerman, to be medical director, and ending Lee A. Bland, Jr., to be senior assistant health services officer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 18, 1969.

WITHDRAWAL

Executive nomination withdrawn from the Senate August 11, 1969:

DIPLOMATIC AND FOREIGN SERVICE

John G. Hurd, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Venezuela, which was sent to the Senate on June 18, 1969.

EXTENSIONS OF REMARKS

CONGRESSIONAL REFORM—AN URGENT NEED

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. BROOKS. Mr. Speaker, I was delighted to read in the CONGRESSIONAL RECORD of August 6 the remarks of the distinguished gentleman from California (Mr. SISK), chairman of the Special Subcommittee on Reorganization, concerning the current status of proposals to modernize the Congress.

As many of my colleagues know, this is a subject in which I have a deep interest. Several years ago I had the privilege of being appointed to the Joint Committee on the Organization of the Congress, which was so ably cochaired by our colleague, RAY J. MADDEN. According to the remarks of Mr. SISK, the work of this joint committee has provided the basic point of departure for the current deliberations.

I am encouraged by the subcommittee's expression of genuine concern for reform and the sincerity of its efforts. Although I personally have never doubted the intentions of the subcommittee, many people throughout the country have been, to put it mildly, somewhat skeptical about its purposes. The recent remarks of Mr. SISK, therefore, come at a very propitious time. I hope they will remove any doubts or apprehensions among those who have said that a reform measure will never be adopted or will forever be buried in a Rules Committee graveyard.

I realize, of course, that any effort takes time. I know how complex and intricate the subject of reorganization is; and how difficult it is to produce in a short period of time a bill that is both constructive and workable. All of us fully realize, however, that we cannot, indeed must not, wait to accomplish this goal. Many Members of this body, Members of the Senate, the press, the representatives of various public-spirited interest groups and the public at large are anxious for us to produce the kind of bill that will continue the Congress as a vital and positive force in a modern society. Therefore, I am pleased about the possibility that the recommendations of the subcommittee will be available early in October and that we can possibly have a bill on the floor during the early part of the next session.

Despite the need to proceed as quickly as possible, I suggest the subcommittee might want to follow the joint committee's precedent of allowing not only Members of Congress, but also outside observers, scholars, and interested parties to comment upon the recommendations made.

My purpose here today, however, extends beyond urging and encouraging the subcommittee to proceed as rapidly as possible. In a constructive and responsible spirit, I wish to make several suggestions—suggestions based upon my 4 years' experience on the joint committee, that perhaps might prove valuable to the subcommittee at this time. The suggestions that follow extend somewhat beyond those which I voted for as a member of the Joint Committee on the Organization of the Congress. My suggestions are:

First, it is imperative that this subcommittee, especially since it is a committee composed exclusively of Members of the House of Representatives, tackle the difficult question of the length of the term of office of Members of the House of Representatives. My firm belief is that the realities of our political system have made the 2-year term completely obsolete and totally unrealistic. The restrictive nature of the 2-year term often prevents the House of Representatives as a body from facing and dealing most effectively with many of the urgent demands of our society and the crises that confront us both at home and abroad. Today, a Congressman must be able to take a broad national perspective. Forced to campaign for office every other year, a Congressman has insufficient time to devote to national issues; frequent campaigns often force him to view matters on narrow and parochial grounds.

Second, title V of the Reorganization Act, as passed by the Senate in 1967 deals with the controversial subject of registration of lobbyists. It is urgent that this section be retained. There is, however, a definite need for improvement in the statutory language. I believe the Reorganization Subcommittee should give attention to the problem of defining "lobbying" as well as further attention to the appropriate instruments for enforcement of any regulations.

Third, I urge the special subcommittee to give attention to the complicated problem of making television and radio time and newspaper space available to candidates for Congress at Government expense. It is my hope that the special subcommittee will give attention to this area and at least invite the comments of the leaders of our news media as to the feasibility of such a proposal.

Finally I recommend the subcommittee explore the possibility of rotating at least part of the membership of the Ways and Means and Rules Committees. While I will not go into full details today, I feel that we ought to increase the membership on these committees to include additional seats which would be elected on a rotating basis for each Congress. These rotating memberships would allow for an infusion of additional points of view and allow for greater impact by party caucuses on these vital committees. It would also have the effect of increasing the awareness of the membership on the time and effort that is expended by the members of these committees.

Again, Mr. Speaker, let me take this opportunity to express my pleasure in the fact that the members of the subcommittee are attempting to hammer out concrete proposals and language dealing with congressional reform. They are able men, genuinely concerned with the future of the Congress. I hope my suggestions today will prove useful to these Members in their future deliberations.

THE PRESIDENT'S WELFARE PROGRAM PROPOSAL

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, August 11, 1969

Mr. SCOTT. Mr. President, the lead editorial of the New York Times for Sunday, August 10, calls the President's welfare program proposal "the most original and constructive initiative of his administration."

I ask unanimous consent that the editorial, entitled "Away From Welfare's Morass," be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

AWAY FROM WELFARE'S MORASS

President Nixon's program for moving away from the "colossal failure" that public welfare has become represents, by far, the most original and constructive initiative of his Administration.

The unhappy fact that the relatively low income guarantees it establishes would do almost nothing to cut New York City's mountainous relief rolls should not overshadow the fundamental nature of the change the President is proposing in a program that started as a stopgap in the Great Depression and turned into a force for social disintegration in the country's longest period of sustained prosperity.

The central—and highly salutary—aim of the Nixon plan is to erase the debilitating distinction between America's 10 million welfare recipients and the 13 million other persons living in poverty in the homes of the working poor. That distinction now constitutes one of the single most divisive elements in this country, with its traditional adherence to the dignity of work. It is a major contributor to welfare's corrosive effect in breaking up families, breeding a spirit of chronic dependency and creating animosity between taxpayers and those on relief.

The Nixon program combines elements of two advanced concepts, long pressed by reformers but pushed aside by the Johnson Administration out of concern over both their cost and practicality. A central tenet of the so-called negative income tax is embraced in the President's proposal for a floor of $1,600 under annual income for a family of four. By adjusting the amount of the income guarantee to family size, the plan also bears a kinship to the children's allowance programs now virtually universal in other Western nations.

Equally important, the plan abolishes the humiliating "father in the home" rule, which has caused many workers in low-paid jobs to abandon their families out of fear that their wives and children would suffer if they were denied supplementary relief. That requirement has been a significant element in trebling the cost of Aid to Dependent Children in this decade; the total is expected to double again by 1975 if the old standards remain in force.

The new plan puts vastly increased stress on work for all who can take jobs, but it recognizes that financial incentives, job training and an enormous expansion in both the number and quality of day-care centers for the children of working mothers are all necessary ingredients to the success of this effort. Without them, the plan could degenerate into a system of forced labor for sweatshop employers.

The adequacy of the new Federal standards, as applied to New York and other Northern cities with huge ghetto populations, is the most dubious part of the Nixon program. It is true that the plan contemplates an increase of $4 billion a year in direct Federal outlays for all aspects of public assistance and job training, beginning next July. It is also true, as the President observed, that it is wrong for a mother with three children to get $263 a month in New Jersey and only $39 in Mississippi.

But the narrowing of that kind of disparity between Northern and Southern welfare allowances must not be carried out on a basis that provides no inducement at all for a New York relief recipient to quit the rolls or for a worker earning the Federal minimum of $1.60 an hour to rejoin his deserted family. Even with the welfare cuts ordered by the States Legislature, an average relief family here now gets roughly the $3,920 a year in income that represents the end of the line for aid to workers who take jobs under the Nixon incentive plan.

It is not enough for the White House to assure every state that it will have a saving of at least 10 per cent in its present welfare expenditures. The need is to save people even more than it is to help the hard-pressed states and municipalities save money. The direction in which the President wants the country to go holds great promise; the task for both Congress and the Administration is to adjust the broad design to assure a universal sharing of the benefits on a more equitable basis.

U.S. TAXPAYERS DESERVE CREDIT

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. McMILLAN. Mr. Speaker, under unanimous consent I insert in the Extensions of Remarks of the Congressional Record an article written by my good friend, Mr. D. F. Sims, of Hartsville, S.C., recently published in the State newspaper. I hope the other Members will allow me to take a few minutes of their valuable time to read this article:

U.S. TAXPAYERS DESERVE CREDIT

To the Editor:

This letter is not meant to detract from the efforts, glory or abilities of anyone. It is written in the interest of that great and forgotten American, the U.S. taxpayer.

Recently, we witnessed, via TV, man's most magnificent accomplishment. We listened to praise and glory being heaped on all who made this venture possible, except the ones who paid the bill.

It is time the U.S. taxpayer received a little recognition. A movement to bring the following suggestions into reality would be a good start.

First, change the name of Cape Kennedy and the Kennedy Space Center to U.S. Taxpayer Cape and the Taxpayer Space Center. Second, every piece of U.S. government property should be stamped, "Paid for by U.S. Taxpayers." All government checks, including welfare, should be similarly stamped.

These simple statements of truth would give millions of Americans a sense of participation in the endeavors of their country and would be a constant reminder of where America's greatness really originates.

D. F. SIMS.

HARTSVILLE.

THE PEACE CORPS: THEY ARE PREPARED

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. ADAIR. Mr. Speaker, the new Director of the Peace Corps, Joseph H. Blatchford, is moving aggressively to improve the quality of the Peace Corps by recruiting volunteers with skills that will be of use in their overseas assignments.

Many of Mr. Blatchford's views on the Peace Corps are spelled out in an interesting article that appeared in the August 1969 issue of Boys' Life, the official Boy Scout publication.

The article follows:

THE PEACE CORPS: THEY ARE PREPARED

In 59 countries around the world men and women are serving as Peace Corps volunteers. They work in education, health, agriculture, community development and a host of other areas. They serve in isolated villages and in modern cities.

It's challenging, exciting work, and for the more than 33,000 men and women who have served as volunteers, I think it has been rewarding work, too. Much has been accomplished since the Peace Corps was started seven years ago. But there is still very much that needs to be done.

For example, if you started high school this year, there will be 277 million more people on the earth by the time you graduate. When you get your high-school diploma, almost half of the world's population will be unable to read or write. By 1972, 70 percent of the world's population under six will be suffering from malnutrition. In the coming years, problems of hunger, disease, sanitation, poverty and ignorance will plague a large share of the inhabitants of this planet. The Peace Corps will give you a chance to solve some of these problems. It will give you a chance to utilize your high-school and college education as well as your Boy Scout skills in countries that are struggling to become part of the 20th Century.

Before you go overseas, you will be given rigorous training, with heavy emphasis on developing language and job skills. Then, you will be assigned to fill a need in a country that has requested Peace Corps volunteers. While you are in the Peace Corps, you will accumulate a readjustment allowance of $75 a month that is paid at the end of your service. And while you're overseas you'll be given a small living allowance. Wherever possible, medical care and transportation will be provided by the Peace Corps.

However, since the minimum age for Peace Corps service is 18, and since 80 percent of all volunteers attend college for four years, your volunteer days are probably several years away. But you can begin a "Prepare for the Peace Corps Program" right now. Here are some suggestions:

Develop as many skills as you can. Just about anything can be used in the Peace Corps. In fact, nearly all of the skills required for merit badges come in handy.

For example, take the case of two volunteers who were assigned to teach in a school in the West Africa country of Liberia: In addition to their classroom work, they built school furniture, wired the school building for electricity, installed a generator, designed and built a form for making cement blocks, helped pour cement floors in the school and painted the building, coached boxing, organized a speech tournament, started a mimeographed newspaper, installed a water system in their house, and spent vacations hiking in the rain forests, visiting the homes of their students. Both of the volunteers had been Boy Scouts and the most-used book in their small library was the Boy Scout Handbook.

Become really fluent in a foreign language. In many of the countries where you may serve in the Peace Corps, Spanish, French or Portuguese is spoken. As a volunteer you will be required to speak one of these languages, and several years of high-school and college study will serve you well.

Get in top physical condition and stay that way. Volunteers often work in very tough climates, and it is absolutely essential that they be physically fit—and that includes being a really good swimmer.

Learn as many sports as you can. Volunteers are working as coaches and physical-education instructors in several countries. And volunteers have found that sports are an almost universal method of getting to know young people—especially young men.

Learn all you can about personal and public health and first aid. Many volunteers work in areas that have no doctor and they must rely on their own knowledge for first-aid treatment.

Learn how the democratic process works by *living* it. Then, you will be able to explain it more effectively to people overseas.

Learn all you can about the United States, its history and current events, economics, political science and the humanities. You should also travel; see a farm, a forest, a city, a seashore. Be ready to describe snow to someone who has never been out of the tropics; be ready to explain a skyscraper to someone who knows only of one-story huts.

Read widely, particularly biographies of American leaders and books on the American Revolution and the Civil War. All over the world, people are curious about Americans. And be ready to answer questions about race and poverty in the United States.

Keep up with the world, too. Learn about Asia, Africa, Latin America and the Pacific. If you find you are particularly interested in one country where volunteers are serving, specialize in it and then request the Peace Corps to assign you there.

Become acquainted with people from Asia, Africa, and Latin America; learn about their customs and cultures.

Join a discussion group or develop the habit of exploring ideas with friends. Peace Corps assignments involve a large amount of communication and it will be important for you to be able to express your ideas well.

And finally, stay in Scouting. It's one of the best ways, to prepare for service in the Peace Corps. And, by the same token, I think the Peace Corps is one of the best ways a man can live the things he learned as a Boy Scout.

A NATIONAL HISTORIC SITE IN KODIAK, ALASKA

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. POLLOCK. Mr. Speaker, the bill which I have introduced today will authorize the Secretary of Interior to establish a national historic site in Kodiak, Alaska. The site will be a fascinating one indeed, encompassing a dock and fur-storage warehouse built when Russians colonized the area during czarist times.

Saving these reminders of the past will not only help preserve the unique heritage of an unusual State. A chapter unlike any other in American history will be illustrated for all Americans, as well.

We too often let negligence steal irreplaceable pieces of our Nation's heritage. Interested citizens from the Kodiak area have tried to prevent another senseless loss, but they have been unable to hold onto the property. The group turned to the National Park Service, but it has been attacking the problem at about the same rate that the sea erodes the old Russian wharf.

Action in the Congress can salvage this intriguing bit of history before it is lost forever. The bill provides the chance for Americans to experience a fascinating part of their past firsthand.

KIYOTO K. NAKAOKA—TRIBUTE TO A FINE PUBLIC SERVANT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. ANDERSON of California. Mr. Speaker, I rise today to pay tribute to the former mayor of Gardena, Calif., the Honorable Kiyoto K. "Ken" Nakaoka. Mr. Nakaoka was the first person of Japanese ancestry to serve as mayor of a sizable city on the mainland of the United States. Being a "first" as mayor is only one, however, of "Ken's" many achievements.

In addition to serving as mayor, Kiyoto K. Nakaoka is past commander and a life member of his local VFW post, past president of the Gardena Rotary Club, past director of the Gardena Valley Chamber of Commerce, past chairman of the Gardena Sister City—Ichigawa, Japan—Committee, past president of the Japanese Chamber of Commerce, past director of the UCLA Alumni Association, and past treasurer and director of the California Real Estate Association.

Mr. Nakaoka is a member of the advisory board of the California State College at Dominguez, the District Attorney's Advisory Council of Los Angeles County, the Gardena Board of Realtors, the National Association of Real Estate Brokers, and the National Institute of Real Estate Brokers. He is a director and vice president of the "All Nation's Fair" Committee of Los Angeles County.

Although Kiyoto K. Nakaoka is no longer mayor, he will continue to serve his city as a councilman. "Mayor Ken" as he was affectionately known during his term of office, was first elected to the Gardena City Council in April 1967, and a year later, on April 16, he was elected mayor. Mr. Nakaoka was recently appointed to the U.S. Commission to Expo '70 in Osaka, Japan, and I am pleased to state that it was an honor for me to recommend him for this appointment.

Kiyoto K. Nakaoka was born in Los Angeles on October 23, 1920, the eldest son of Mr. and Mrs. Y. Nakaoka. He is a graduate of UCLA with a B.S. in political science. At USC, he did graduate study in real estate, land planning, property management, and administration. He saw action in World War II as an infantryman and was a military intelligence officer from 1944 to 1953, rising to the rank of captain. He is married to Kimoko Nakaoka and they are the proud parents of five children, ages 6 to 16.

As Kiyoto K. Nakaoka prepares for his trip to Japan, and continues to serve as councilman, I extend my best wishes, and join my neighbors in the Gardena Valley in appreciation of this fine and outstanding public servant.

"PLOWBACK ALLOWANCE" FOR SMALL BUSINESSES

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. O'KONSKI. Mr. Speaker, nearly every day my mail contains at least one letter from small business constituents seeking my help in obtaining financing for much-needed plant improvement and expansion. On every trip I make back home, I am confronted by businessmen who are feeling the financial squeeze brought on by higher taxes, inflation and higher interest rates. The small businessman definitely needs help in generating working capital for operating expenses or expansion. That is why I have recently joined several of my colleagues in introducing legislation to help the small businessman. The bill which I introduced, H.R. 13406, would enable a business to invest 20 percent of annual earnings before Federal taxes, into new plant facilities, equipment, inventory expansion, and accounts receivable—major facets of business growth which must now be financed with after-tax earnings. With a $20,000 limit, this proposal would mainly benefit small businesses.

A recent survey by the National Federation of Independent Business—which has 1,551 members in my congressional district—indicates that small businessmen overwhelmingly support the plowback allowance concept. In my State of Wisconsin, 66 percent of the federation's members surveyed were in favor of the plowback allowance. Nationally, 71 percent of the independent merchants and professional people favor enactment of the plowback allowance.

Mr. Speaker, this type of legislation is not new. It has been introduced in the Congress previously; but now that we are concerned with meaningful tax reform, I believe it is time to give the small businessman a break; and enactment of this type of legislation would certainly be most helpful to the small businessmen of the country.

An indication of how small businessmen feel about this type of legislation can be gained from the following excerpts from a recent National Federation of Independent Business news release:

A certified public accountant who said the "plowback bill is long overdue," wrote the Federation that, "I have argued for 10 years that money left in a business for working capital needs should not be taxed."

Privately-held businesses do not enjoy the same advantage as corporations, which can set aside part of their profits, tax-free, for reinvestment. "A small business or professional man should be allowed to accumulate a net worth similar to the way a corporation can accumulate $100,000 in retained earnings."

"Small business must have some tax relief and/or incentive to reinvest profits in business without paying these unfair taxes on reported earned income," wrote a California employer of eight.

A supply company owner in Indiana said, "If our customers were allowed to plow back 20 per cent of their earnings it would probably keep a number of them from going out of business, plus make good companies out of average concerns."

It is also interesting to note that in a separate survey by the National Federation of Independent Business, 80 percent of the owners said the passage of the plowback allowance would help them expand on inventory during the present inflation-tax squeeze.

Mr. Speaker, I sincerely hope that the bill which I have introduced will be favorably acted upon so that small businessmen will get a break they so well deserve and so badly need.

For the benefit of my colleagues who have not seen the results of the National Federation of Independent Business survey on the plowback allowance, I am including the 50-State tabulation:

STATE BREAKDOWN FIGURES

State	Percent in favor	Percent against	Percent undecided
Alabama	76	21	3
Alaska	73	24	3
Arizona	74	22	4
Arkansas	74	21	5
California	70	27	3
Colorado	72	25	3
Connecticut	77	20	3
Delaware	72	25	3
Florida	72	25	3
Georgia	77	21	2
Hawaii	73	24	3
Idaho	71	25	4
Illinois	71	25	4
Indiana	69	29	2
Iowa	66	30	4
Kansas	61	34	5
Kentucky	75	23	2
Louisiana	79	18	3
Maine	72	26	2
Maryland	74	24	2
Massachusetts	75	22	3
Michigan	72	24	4
Minnesota	69	27	4
Mississippi	79	19	2
Missouri	70	28	2
Montana	69	25	6
Nebraska	71	26	3
Nevada	78	18	4
New Hampshire	72	26	2
New Jersey	75	22	3
New Mexico	69	28	3
New York	72	25	3
North Carolina	76	21	3
North Dakota	68	26	6
Ohio	71	26	3
Oklahoma	70	26	4
Oregon	67	29	4
Pennsylvania	72	25	3
Rhode Island	72	28	
South Carolina	73	25	2
South Dakota	66	31	3
Tennessee	71	24	5
Texas	69	28	3
Utah	81	15	4
Vermont	69	28	3
Virginia	73	22	5
Washington	74	21	5
Washington, D.C.	73	18	9
West Virginia	67	22	11
Wisconsin	66	31	3
Wyoming	73	22	5

COLORADO SECOND DISTRICT OPINION POLL RESULTS

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. BROTZMAN. Mr. Speaker, in 1964 I initiated in the Second Congressional District of Colorado an annual opinion poll in which my constituents have an opportunity to express themselves on some of the broad policy issues which are likely to face the Congress.

The tabulation of my 1969 poll is now completed, and I am pleased to submit them to the CONGRESSIONAL RECORD so that my colleagues may benefit from them.

While the poll is intended primarily for my own information in arriving at positions on national issues, I believe other Members will find them equally enlightening. Over the years Colorado has traditionally represented a microcosm of the thinking of the Nation as a whole, both when the people go to the polls and when they express themselves on issues.

I have reason to believe that my poll is one of the most accurate indicators of public consensus in the Nation. In the first place, I utilized the expertise of the Library of Congress in structuring the questions so that I could eliminate—to the greatest degree possible—ambiguities and poor wording. And secondly, the response was of landslide proportions—one of the highest if not the highest in the Nation for this type of poll. A grand total of 34,514 persons took part.

Most of the trends indicated are of an extremely timely nature. For example, just last Friday the President indicated that he will seek a beginning of the revenue-sharing concept. My poll question No. 4 indicated that 50.4 percent of my constituents approve of this concept, and only 33.6 percent disapprove. There was a fairly high "no response" incidence—12.7 percent—which indicates that the administration and those of us in Congress who believe in the principle need to explain the concept in greater detail so that the people fully understand it.

No less interesting were the statistics which indicated that:

An overwhelming majority of respondents—85.2 percent—believe Federal grants and loans should be denied students who participate in campus disturbances.

Slightly more than one-half did not look with favor on the extension of the 10-percent income tax surcharge.

Three-quarters feel the United States should continue to seek a negotiated settlement in Vietnam, regardless of the outcome of the Paris talks.

And 64.8 percent approved of legislation limiting the number and type of questions to be asked in the 1970 census.

The poll ballot—an IBM card on which opinions were registered by punching out small response squares—allowed separate answers by the man and woman in a household. The questionnaire follows:

TABULATION OF COLORADO'S 2D CONGRESSIONAL DISTRICT 1969 OPINION POLL

1. Do you favor proposals which have been made to utilize a "lottery" selection system for the draft?

[In percent]

	Men	Women	Total
Yes	54.9	48.3	51.7
No	28.7	29.8	29.2
Undecided	13.5	19.1	16.2
No response	2.9	2.8	2.9

2. Do you favor legislation limiting the number and type of questions to be asked in the census?

[In percent]

	Men	Women	Total
Yes	65.1	64.5	64.8
No	23.5	22.9	23.2
Undecided	8.9	10.4	9.6
No response	2.5	2.2	2.4

[In percent]

	Men	Women	Total

3. Should Federal grants and loans be denied students who participate in campus disturbances?

[In percent]

	Men	Women	Total
Yes	84.8	85.6	85.2
No	10.2	9.9	10.0
Undecided	2.7	2.9	2.8
No response	2.3	1.6	2.0

4. Should the Federal Government share a fixed percentage of income tax revenues with schools, local and State governments for use as they see fit?

[In percent]

	Men	Women	Total
Yes	50.2	50.6	50.4
No	35.1	32.1	33.6
Undecided	11.4	14.2	12.7
No response	3.3	3.1	3.3

5. Should more of our Federal, State, and local resources be channeled into law enforcement?

[In percent]

	Men	Women	Total
Yes	71.7	71.8	71.7
No	16.5	15.7	16.1
Undecided	9.1	10.1	9.6
No response	2.7	2.5	2.6

6. Do you feel that the proposed 6-month extension of the 10-percent income tax surcharge is justified?

[In percent]

	Men	Women	Total
Yes	38.8	33.3	36.1
No	52.7	53.2	53.0
Undecided	6.1	10.9	8.4
No response	2.3	2.6	2.5

7. Do you favor continued U.S. efforts to achieve a negotiated settlement in Vietnam, regardless of the outcome of the Paris talks?

[In percent]

	Men	Women	Total
Yes	75.5	77.2	76.3
No	17.0	13.3	15.2
Undecided	4.6	7.1	5.8
No response	2.8	2.4	2.7

TABULATION OF COLORADO'S 2D CONGRESSIONAL DISTRICT 1969 OPINION POLL—Continued

8. Should Communist China be admitted to the United Nations?

[In percent]

	Men	Women	Total
Yes	36.4	32.7	34.6
No	51.0	51.0	51.0
Undecided	9.6	13.1	11.3
No response	3.1	3.1	3.1

Note: Figures shown above may not add to exactly 100 percent due to rounding.

VETERANS OF FOREIGN WARS OBSERVES 70TH ANNIVERSARY

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. MICHEL. Mr. Speaker, the Veterans of Foreign Wars, of which I am a life member, has reached its 70th milestone. It was back in 1899 that three State organizations of veterans in Colorado, Ohio, and Pennsylvania were established. They united in 1914 to become the Veterans of Foreign Wars of the United States.

Millions of Americans who have followed the flag on foreign battlefields have been members of this great organization. Its membership today exceeds 1,800,000, including President Richard M. Nixon, the two living ex-Presidents, Lyndon B. Johnson and Harry S. Truman, and the two Chief Executives who recently broke from the ranks, Dwight D. Eisenhower and John F. Kennedy.

Some of the men who are privileged to belong to the Veterans of Foreign Wars received their baptism of fire at San Juan Hill and Manila Bay, while others saw action at Chateau-Thierry, in Normandy, on Iwo Jima, and in the more recent wars in Korea and Vietnam. The youth of 20 who has just returned from Southeast Asia shares comradeship with the slightly older veteran of the Korean war and the middle-aged warrior who fought in World War II. The youngster who answered the call to the colors in 1917 and 1918 can tell his fellow veterans of the VFW how it feels to be 70.

Along with my almost 2 million comrades, I am proud to subscribe to the words contained in the charter which Congress granted the Veterans of Foreign Wars on May 26, 1936:

> The purpose of this corporation shall be fraternal, patriotic, historical, and educational; to preserve and strengthen comradeship among its members; to assist worthy comrades; to perpetuate the memory and history of our dead, and to assist their widows and orphans. . . .

All loyal citizens of this great Nation will agree with the words that follow:

> To maintain true allegiance to the government of the United States of America, and fidelity to its Constitution and laws; to foster true patriotism; to maintain and extend the institutions of American freedom; and to preserve and defend the United States from all her enemies, whomsoever.

NEW EDITION OF DRUG ABUSE LEAFLET ISSUED

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, awareness of the drug problem in our Nation is on the increase. Recognition of the extreme importance of drug education programs is likewise mounting. Support for my distinguished colleague's (Mr. MEEDS) bill, a bill which I had the pleasure to cosponsor, has been encouraging. Hearings have been going on and meetings will be held in Los Angeles by Mr. BRADEMAS and his Subcommittee on Select Education during th- recess. I plan to deliver at that time a statement expressing my support for the Meeds legislation as well as calling further attention to my proposed Comprehensive Narcotic Addiction and Drug Abuse Care and Control Act of 1969 presently pending before the House Interstate and Foreign Commerce Committees.

The Los Angeles area is obviously not alone in facing the tremendous rise in drug experimentation that is presently being undertaken by many college, high school, and even junior high school students. Commendable efforts to educate these young people to the dangers of such experimentation are being made. Los Angeles District Attorney Evelle J. Younger recently announced that a newly revised edition of an educational leaflet titled "Drug Abuse and the Law," has been issued for our area youngsters.

The pamphlet, which outlines the dangers of using drugs and the laws applicable to them, is being made available to the public through Younger's office. In his foreword to the publication, he stated that an extensive study of drug abuse recently completed by his staff revealed that most narcotics, when properly administered, do have beneficial uses.

However, he warned, heroin and marihuana have no beneficial use; and LSD, because it is still in the experimental stage, must be considered dangerous.

Mr. Younger further noted that drug abuse is not limited to any one ethnic or economic group. Younger concluded:

> Life with drugs is neither exciting nor interesting and anyone who has lived this life relates that it is dull and degrading.

The upcoming drug education hearings in Los Angeles will hopefully spread more light on this area of our grave concern. The more illumination that the problem is given, the more rapid will its solution be. I will continue to call attention to various aspects of the narcotic addiction and drug abuse problem and take appropriate action to see the implementation of a revised, pragmatic overhaul of existing laws. Public recognition of the problem will serve to better motivate both legislators and administrators in their approaches to the problem. I will continue in my efforts to keep the issue before the public as well as before my colleagues in the House, for at present our efforts have been woefully inadequate. Let us hope that we remedy this inadequacy without undue delay.

JUSTICE FOR THE PHILIPPINE SCOUTS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. WALDIE. Mr. Speaker, on March 11, 1942, under Presidential orders to do so, Gen. Douglas MacArthur left the embattled peninsula of Corregidor for Australia. He sorrowfully left behind a valiant group of American soldiers, regular Philippine troops, and the Philippine Scouts, soldiers directly led by U.S. officers and under the pay of the U.S. Army.

It was to all these men, and the people of the Philippines that General MacArthur said, "I shall return."

Of course, we know that the General did return and we know that the fighting men he left behind were in his thoughts even up to the time he once again set foot on Philippine soil at the head of a great army of liberation.

While in Australia, Mr. Speaker, General MacArthur promised that the Philippine Scouts under his command, including those who were imprisoned by the occupation forces of the Japanese, were to receive equal pay with their American comrades in arms. He also declared that the Filipino guerrillas fighting the Japanese during the occupation were to be conscripted into the U.S. Army and were to receive equal pay and the benefits thereto entitled them.

Mr. Speaker, it grieves me to say that this promise to the Filipino Scouts has not been completely kept by our Nation, despite the huge debt we owe them for their heroic service under the flag of the United States.

Following the war, the Philippine Islands was given its independence and the Philippine Scouts, by now full-fledged members of the U.S. Army, were given the option of becoming U.S. citizens by virtue of their service in the U.S. Army.

Many chose to become citizens of this country and many have resided in my own district since moving here. I have been privileged to have many of these heroic men as personal friends.

But, Mr. Speaker, an inequity still exists. These men have not received the difference between the Philippine Scout pay and the regular U.S. Army pay for the years 1942–45. This inequity is a stain on the integrity of this Nation—it is, Mr. Speaker, a promise unkept, the promise of Gen. Douglas MacArthur.

I have introduced a bill, H.R. 2723, which would correct this inequity, that would fulfill the promise of Douglas MacArthur.

I hope, Mr. Speaker, that the Congress in its wisdom calls for consideration and passage of this legislation.

ON INCREASING BENEFITS TO VETERANS

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mrs. CHISHOLM. Mr. Speaker, rapidly increasing inflation in this Nation has forced prices up in many areas. For most of us, our paychecks increase with the prices for goods and services. Although we of course feel the pinch, for the paycheck never seems to keep quite even with the prices, it is those on fixed incomes who suffer the greatest.

It is imperative, I believe, that we make a concerted attempt to keep Government payments to individuals at an adequate level.

Today I am concerned primarily with our veterans. Their benefits, which they so rightfully deserve from this Government, have not kept up with the rising tide of inflation. It is our duty and responsibility, gentlemen, to change this sad state of affairs.

Therefore, today I have introduced identical bills to those introduced by Mr. TEAGUE of Texas and numbered H.R. 691 and H.R. 3305. H.R. 691 provides for the payment of an additional amount up to $100 for the acquisition of a burial plot for the burial of veterans not buried in a Government cemetery. And H.R. 3305 increases the funeral expenses payable with respect to eligible veterans from $250 to $400.

Gentlemen, I ask you to join me in supporting this legislation.

HOUSE OF REPRESENTATIVES—*Tuesday, August 12, 1969*

The House met at 12 o'clock noon.

Rabbi Morris N. Kertzer, Riverdale Temple, Bronx, N.Y., offered the following prayer:

O Heavenly Father, source of all life and all goodness, we are grateful to You for the bounty of our living, that You have sustained us to this day.

Of all Your providential acts of creation none is more wondrous than Your fashioning of the human mind and the human spirit. As an ancient rabbi declared: the greatest gift God bestowed upon man was not only that he was created in the divine image but that he was told of that miracle of creation. In this age of marvelous outreach to the heavens we are reminded anew of our infinite human capacities. We pray that under the guidance of those who lead our Nation in these Halls of Congress our Nation may ever bear in mind our boundless abilities to fashion a heaven upon this earth, a heaven of the heart as well as of the mind.

O God, inspire with Your spirit the men and women who lead our Nation that we may speedily restore peace to our blessed land and to all Your children everywhere. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

INCREASE IN SOCIAL SECURITY BENEFITS A MATTER OF HIGHEST PRIORITY

(Mr. VANIK asked and was given permission to address the House for 1 minute.)

Mr. VANIK. Mr. Speaker, when this House resumes business on September 3, 1969, I urge that we immediately consider an increase in social security benefits as a matter of highest priority.

No single group of Americans have been more exposed to the plague of inflation than our over 22 million senior citizens who have been existing with less and less every day. Inflation has served to make the social security system almost inoperative as a system of protective income and support for the elderly.

There is one thing worse than inflation—the inability to survive it. Today millions of our elderly are engaged in that struggle for survival. They need help today.

An immediate 15-percent increase in social security benefits is feasible and absolutely essential if we intend to preserve the minimum purposes of the social security system.

REQUEST TO CONSIDER H.R. 13194, STUDENT GUARANTEE LOAN PROGRAM, UNDER SUSPENSION-OF-RULES PROCEDURE TODAY

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that it may be in order today, after all other legislative business, and prior to all special orders for which permission has heretofore been granted, to call up under suspension of the rules H.R. 13194, the student guarantee loan program bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. GROSS. Mr. Speaker, I reserve the right to object.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Mr. Speaker, I yield to the gentleman from Florida.

Mr. HALEY. Mr. Speaker, will the gentleman from Kentucky explain why this action is necessary? Is this program expiring? Has the gentleman not had knowledge of that fact for some time?

Mr. PERKINS. Mr. Speaker, if the gentleman will yield, we are trying to bring these improvements to the guaranteed student loan program to the Chamber as rapidly as possible, because we want to make certain that students who would like to attend college and technical schools this fall, but cannot do so without a loan, have access to them.

Mr. GROSS. Mr. Speaker, the House Committee on Education and Labor knew, when the prime interest rate was raised to 7.5 percent several months ago, that this sort of situation would develop. They had it further impressed upon them that this situation would have to be met when, several weeks ago, the prime interest rate was raised to 8.5 percent.

Yet the committee dillydallied, for reasons best known to the chairman of the committee and the other members of that committee. The committee dillydallied and did nothing about bringing this legislation to the House floor.

I am amazed that three requests for this same purpose would be made in 3 days. Last week, some 125 to 130 Members of the House of Representatives signed a petition directed to the chairman of the House Committee on Education and Labor, the gentleman from Kentucky (Mr. PERKINS), urging him to go to the Committee on Rules and obtain an open rule for the consideration of this legislation. The chairman of the Committee on Education and Labor, for reasons best known to himself, apparently has made no approach to the House Committee on Rules asking for a rule so that we could consider this bill under an open rule, with the opportunity to amend the interest-rate proposal as well as to offer an antidemonstration or antiriot amendment.

Now, Mr. Speaker, the responsibility for what is taking place, as I said yesterday—and I know of no Member of the House who is opposed to student loans, and certainly I am not—rests with the chairman. I am opposed to this procedure, for it would deny the House the right to work its will, and I hope the gentleman will not renew his request again in the next 15 or 20 minutes, because I will do then exactly what I propose to do now, and that is, Mr. Speaker, to object.

The SPEAKER. Objection is heard.

ANNOUNCEMENT OF HEARINGS ON IMMIGRATION PROCEDURES

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FEIGHAN. Mr. Speaker, the Immigration and Nationality Subcommittee, of the Committee on the Judiciary, has scheduled hearings to commence on September 10, 1969, in room 2137, Rayburn House Office Building, at 10 a.m., and to be continued on September 15, 1969, in room 2141, Rayburn House Office Building.

The subcommittee will initially examine the operation of the immigration aspects of the Mutual Educational and Cultural Exchange Act, particularly the effect these provisions have on the immigration of doctors and nurses, and other members of the medical professions.

Officials from the Department of State and representatives of the American Medical Association have been scheduled to testify.

It is the subcommittee's intention to expand the scope of the hearings to encompass the temporary admission of skilled workers and executives as well as the impact our immigration laws have had on Western Hemisphere immigration.

After the recess, I will announce a schedule of additional hearings.

REQUEST FOR CONSIDERATION OF H.R. 13194 UNDER SUSPENSION-OF-THE-RULES PROCEDURE ON TOMORROW

(Mr. PERKINS asked and was given permission to address the House for 1 minute.)

Mr. PERKINS. Mr. Speaker, I take this time merely to respond to our distinguished colleague, the gentleman from Iowa (Mr. Gross).

First I want to state that I feel the Committee on Education and Labor acted expeditiously in bringing the legislation to the floor. I know I acted within a period of a very few days after the subcommittee reported the bill to the full committee, I believe 2 or 3 days.

Mr. Speaker, the majority of the members of the Committee on Education and Labor feel that if we do not suspend the rules and pass this student guarantee loan program the legislation will get bogged down and perhaps not be enacted at all.

It begins to appear to me that there are individuals more interested in the student unrest rider than they are in the merits of the legislation.

I certainly would vote for the bill myself with the student unrest rider attached, but when we undertake to go to conference with this bill with the rider attached it is my judgment there will be no legislation at all.

I want to say to the distinguished gentleman from Iowa, that is the reason why I have repeatedly made this unanimous consent request.

Mr. Speaker, I now make a unanimous consent request that H.R. 13194 be called up tomorrow under a suspension of the rules procedure, after all legislative business is transacted.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. HALEY. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

LEAVE ADJUSTMENT POLICY FOR THE VETERANS' ADMINISRATION MEDICAL PERSONNEL

(Mr. SAYLOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAYLOR. Mr. Speaker, I am introducing a bill to regulate the amount of annual and sick leave applicable to physicians, dentists, and nurses in the Department of Medicine and Surgery of the Veterans' Administration.

In essence, my proposal provides that all individuals shall have similar annual and sick leave and it shall accrue in the same rate and manner as other Federal employees.

The bill also directs that the Administrator shall make appropriate adjustments in the pay and/or annual leave when teaching or other activities of a doctor infringe upon the care of VA hosptial patients, which is his primary duty and responsibility.

This legislation is necessary because of certain abuses by employees of the Veterans' Administration which have been brought to my attention recently.

I am hopeful that this bill will receive early consideration by the Veterans' Affairs Committee and be enacted expeditiously into law.

PROPOSAL TO PROVIDE EFFICIENT AND CONVENIENT PASSPORT SERVICES

(Mr. WEICKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEICKER. Mr. Speaker, I am today, along with my colleagues, Mr. Bush, Mr. Symington, Mr. Cabell, Mr. Fulton of Pennsylvania, Mrs. Chisholm, Mr. McDade, Mr. Halpern, Mr. Derwinski, Mr. Conte, Mr. Friedel, Mr. Helstoski, Mr. Findley, Mr. Anderson of California, Mr. Carter, Mr. Bingham, Mr. Horton, Mr. Springer, and Mr. Pollock introducing a bill to provide more efficient and convenient passport services to the citizens of the United States of America. Additionally it is my understanding that 10 of my colleagues have introduced similar legislation to cover what is and has been a national disgrace. There is no question, from the list of the sponsors of this legislation, that we are dealing not with a regional problem but one which is national in scope. There is just no excuse for U.S. citizens suffering the delay and the long lines existing at courthouses at passport offices throughout this country.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. WEICKER. In a minute.

These services more than pay for themselves, yet the U.S. taxpayer is paying for services he never receives. What this bill specifically says is no more temporary solutions geared to Federal personalities but, rather, a permanent answer to what is a severe Federal crisis. That answer is additional passport offices under the direction of the Passport Office of the U.S. Department of State.

Mr. Speaker, State Departments issue passports; courts administer the laws. To ask one to perform the functions of the other is the type of Rube Goldberg mechanism that belongs to the era in which it was contrived.

PASSPORT SERVICE

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, since I am the chairman of the subcommittee that will handle this passport legislation and the gentleman from Connecticut did not have time to yield to me, I thought I would take some time on my own in order to tell him that if we get around to a hearing on this matter we will be glad to hear from him. Before we do I would like to advise the House that the breakdown of the Passport Service in a few isolated places in the United States is because of local officials who do not want, for a fee, to handle the applications. I doubt very seriously that my subcommittee is going to open up a passport office in every town and village in the United States because some officials will not do their jobs.

GUARANTEED LOANS TO STUDENTS IN HIGHER EDUCATION

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, the gentleman from Kentucky (Mr. Perkins), in attempting to bring up this legislation under a suspension of the rules, by which no amendments can be offered, further indicts his position by saying that if this bill is amended, the other body very likely will not accept it.

Since when did the House of Representatives become groveling stooges to the other body in the matter of the consideration of legislation?

I am amazed that the gentleman would base his position and try to defend his position——

Mr. PERKINS. Mr. Speaker, will the gentleman yield to me? I do not believe the gentleman has quoted me correctly.

Mr. GROSS. Just a minute. Mr. Speaker, I am amazed that the gentleman would try to defend what he is attempting to do on that basis.

Now I yield to the gentleman from Kentucky.

Mr. PERKINS. I thank the gentleman for yielding.

Let me say to the distinguished gentleman from Iowa that I made a commitment, which is set forth in the Record, to several members of the Committee on Education and Labor in order to get the bill out of the committee last week and that I would ask to get the bill considered under a suspension of the rules. I chatted with the distinguished Speaker before I made this effort, and after consultation with the minority leadership, it was agreed to place the bill under the suspension of the rules procedure. For that reason I have been trying to carry out the commitment that I made to the members on the committee of which I am chairman.

It is my judgment, and I have stated that it is my judgment, if we attach the student unrest rider to this legislation that it will get bogged down and will not become law. I reiterate that statement again.

Mr. GROSS. May I suggest to the gentleman from Kentucky that he has no commitment from the other 400 Members of this House.

Mr. PERKINS. I answered the gentleman from Iowa when he wrote the letter expeditiously and set forth the situation and placed it in the Record. I am sure that every one of the Members who signed the petition last week will substantiate this fact.

Mr. GROSS. Well, Mr. Speaker, when this House of Representatives has to cut the cloth to fit the pattern of the other body in the consideration of legislation, then we had better disband the House and go home and forget about it.

A NATIONAL COMMISSION ON HEALTH RESOURCES AND MEDICAL MANPOWER

(Mr. HALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HALL. Mr. Speaker, I am today submitting a bill in the interest of health resources including critically short medical manpower.

Because of the shortage of medical manpower which exists within our Nation today it is imperative that, in calling up medical personnel for military service, proper recognition be given to the respective needs of the Armed Forces, other Government agencies, and the civilian population. Accordingly, this bill would amend the Military Selective Service Act of 1967 to create a National Commission on Health Resources and Medical Manpower, which would have the responsibility of maintaining for the best interest of the Nation the proper balance of health personnel among the Armed Forces, other Government agencies and the civilian population.

CONTINUING FOR TEMPORARY PERIOD SUSPENSION OF DUTY ON CERTAIN ISTLE AND THE EXISTING INTEREST EQUALIZATION TAX

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 10107) to continue for a temporary period the existing suspension of duty on certain istle, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, after line 9, insert:

"SEC. 2. Effective with respect to acquisition made after August 31, 1969, section 4911(d) of the Internal Revenue Code of 1954 (relating to termination of interest equalization tax) is amended by striking out 'August 31, 1969' and inserting in lieu thereof 'September 30, 1969'."

Amend the title so as to read: "An Act to continue for a temporary period the existing suspension of duty on certain istle and the existing interest equalization tax."

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, I do not object to the action requested by the gentleman but I take this action only so that I can yield to him to request an explanation.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. MILLS. Mr. Speaker, I thank my colleague, the gentleman from Wisconsin.

Mr. Speaker, it will be recalled that last Thursday the House passed the bill dealing with the matter of interest equalization extension for a period of 20 months, through March 31, 1971.

Members of the other body charged with the jurisdiction over the matter have found it impossible to complete consideration of that bill between now and the time when the Congress will recess and they added this 30-day extension of the interest equalization tax from August 31, 1969, through September 30, 1969, to this bill in order to enable the other body to have a chance during the month of September to consider the bill that the House passed last Thursday. No other amendments are involved.

Mr. BYRNES of Wisconsin. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas (Mr. MILLS)?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

IN RE ANDERSON AND ANDERSON VERSUS COMMISSIONER OF INTERNAL REVENUE

Mr. PATMAN. Mr. Speaker, I rise to a question of the privilege of the House.

Mr. Speaker, I have been served with a subpena duces tecum by the tax court of the United States in the case of Anderson and Anderson against the Commissioner of Internal Revenue—Docket No. 4019/67—commanding me to produce certain documents within 90 days for examination.

Mr. Speaker, none of the documents called for in the subpena duces tecum are within my possession or control.

Under the precedents of the House, I am unable to comply with this subpena duces tecum without the consent of the House, the privileges of the House being involved. I therefore submit the matter for the consideration of this body.

Mr. Speaker, I send the subpena duces tecum to the desk.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

CHRISTIAN ANTI-DEFAMATION LEAGUE,
Mount Vernon, N.Y., May 19, 1969.

Congressman WRIGHT PATMAN,
Chairman, House Banking Committee,
House of Representative,
Washington, D.C.

HONORABLE SIR: Herewith, I respectfully serve upon you a Tax Court Subpoena Duces Tecum to produce a current, up-to-date audit of all Federal Reserve Banks, showing exactly the distribution of investments in domestic and foreign accounts by name, number and location.

May I note for the record that a similar Subpoena has been served on The President of The United States.

Respectfully yours,

ROY ANDERSON.

[In the Tax Court of the United States]

ANDERSON AND ANDERSON, PETITIONERS *v.* COMMISSIONER OF INTERNAL REVENUE, RESPONDENT

(Subpena duces tecum—Docket No. 4019/67)

To the Honorable Wright Patman, Chairman House Banking Committee, House of Representatives, Washington, D.C. 20515.

You are hereby commanded to produce for examination in your Washington offices, or at a convenient location in Washington, D.C., within 90 days, at Washington, D.C., on behalf of Anderson and Anderson, Petitioner in the above-entitled case, a current, up-to-date audit of all Federal Reserve Banks showing exactly the distribution of investments in domestic and foreign accounts by name, address, number, location and amounts at dollar par.

Date May 19, 1969.

ROY ANDERSON,
(For the petitioners).

———— ————,
Deputy Clerk.

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 152]

Abernethy
Addabbo
Anderson, Tenn.
Andrews, Ala.
Ashley
Barrett
Berry
Blackburn
Brooks
Caffery
Cahill
Carey
Celler
Clark
Collier
Colmer
Corbett
Corman
Cowger
Cramer
Cunningham
Davis, Ga.
de la Garza
Delaney
Denney
Diggs
Edmondson
Edwards, Calif.
Esch
Evins, Tenn.
Farbstein
Flowers
Flynt
Ford, William D.
Frelinghuysen
Frey
Fulton, Pa.
Fulton, Tenn.
Gallagher
Gettys
Giaimo
Gibbons
Goldwater
Gray
Griffiths
Halpern
Hanley
Hansen, Idaho
Hansen, Wash.
Harsha
Hastings
Hawkins
Hébert
Hogan
Holifield
Horton
Howard
Hull
Jarman
Jones, Tenn.
Kee
Kirwan
Kuykendall
Landrum
Latta
Lipscomb
Lloyd
Mann
Martin
Mathias
Miller, Calif.
Moorhead
Morton
Murphy, N.Y.
O'Neal, Ga.
Ottinger
Pepper
Poage
Powell
Preyer, N.C.
Rees
Reifel
Reuss
Rogers, Colo.
Ronan
Rosenthal
Rostenkowski
St. Onge
Scheuer
Shipley
Sikes
Slack
Snyder
Steed
Stubblefield
Sullivan
Symington
Teague, Tex.
Tiernan
Tunney
Utt
Watkins
Watson
Wiggins
Wolff
Wright
Wyman
Yates

The SPEAKER. On this rollcall 324 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AMENDING RULE XXXV OF RULES OF THE HOUSE OF REPRESENTATIVES INCREASING FEES OF WITNESSES BEFORE HOUSE OR COMMITTEES

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 495 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 495

Resolved, That rule XXXV of the Rules of the House of Representatives is amended to read as follows:

"RULE XXXV.

"PAY OF WITNESSES.

"The rule for paying witnesses subpenaed to appear before the House or any of its committees shall be as follows: For each day a witness shall attend, the sum of twenty dollars; and actual expenses of travel in coming to or going from the place of examination, not to exceed twelve cents per mile; but nothing shall be paid for travel when the witness has been summoned at the place of examination."

The **SPEAKER**. The gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California, pending which I yield myself such time as I may consume.

House Resolution 495 would amend rule XXXV of the rules of the House to increase fees of witneses before the House or its committees.

The fee for a witness subpenaed to appear before the House or any of its committees has not been increased since 1955, at which time it was increased to $9 a day, with travel expenses not to exceed 7 cents a mile. Certainly it is inconceivable that a witness would be able to pay his expenses in the District of Columbia with $9 a day.

House Resolution 495 would increase witness fees to $20 a day and would increase actual expenses of travel not to exceed 12 cents a mile. A witness would not be paid for travel when he has been summoned at the place of examination.

This increase would bring the subsistence allowance in line with fees paid witnesses in Federal courts and before Senate committees.

Mr. Speaker, I urge the adoption of House Resolution 495.

Mr. Speaker, I yield to the gentleman from California.

Mr. SMITH of California. Mr. Speaker, the gentleman from Hawaii has explained the matter adequately. It brings up the amount of the fee to the amount provided in the Civil Service Act. Probably it should be a little higher, but we are proceeding in the right direction. I urge adoption of the resolution.

Mr. ICHORD. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Speaker, I strongly urge the passage of House Resolution 495, which was introduced by the gentleman from New Hampshire (Mr. CLEVELAND) and myself on July 28. Resolution 495 is intended to correct a longstanding inequity in the payments to witnesses subpenaed before House committees. Under existing rule XXXV witnesses are paid $9 per day for each day of attendance and 7 cents per mile for travel. The provision for payment of $9 per day was approved in 1955. The provision for payment of 7 cents per mile was placed into effect in 1930.

I believe it should be obvious to everyone that the inflationary spiral since 1930, and even since 1955, has rendered authorizations under this rule woefully inadequate. A night's lodging in Washington in even modest accomodations cannot conceivably be secured for anything in the vicinity of $9; and this would leave the matter of meals, taxis, and so forth, still unaccounted for. The rate of 7 cents per mile is inadequate for the payment of air fare, except for travel from the Far West.

I do not feel that any witness should be entitled to a windfall for performing a public service, but neither do I feel that he should be expected to sustain any loss. As may be seen from data which I am submitting as extension of remarks, payments to witnesses appearing before independent agencies, the Federal courts, and before the U.S. Senate are considerably more realistic than the House rule. I feel that the proposal to increase per diem to $20 per day would permit a witness to cover his expenses if he budgeted himself wisely; and while the resolution proposes a rate of 12 cents per mile, I have also included a proviso that the payment shall not exceed actual cost of travel in order to prevent the accrual of excessive benefits to any witness.

The Committee on Internal Security has repeatedly experienced situations in which witnesses have suffered financial loss. This results in complaint to the staff and to my office and unquestionably engenders ill will not only toward the committee issuing the subpena, but to the House of Representatives and the U.S. Government as a whole.

I, therefore, urge favorable action on House Resolution 495 in order to prevent future grievances by affording fair and reasonable treatment to individuals asked to appear before the House or any of its committees.

The data referred to follows:

AUTHORITY FOR PAYMENT OF WITNESS FEES

SENATE MANUAL, SECTION 69—STANDING ORDERS OF THE SENATE

Resolved, That witnesses summoned to appear before the Senate or any of its committees shall be entitled to a witness fee rated at not to exceed $16 for each full day spent in traveling to and from the place of examination and for each full day in attendance. A witness shall also be entitled to reimbursement of the actual and necessary transportation expenses incurred by him in traveling to and from the place of examination, in no case to exceed 12 cents a mile for the distance actually traveled by him for the purpose of appearing as a witness.

RULE XXXV—HOUSE OF REPRESENTATIVES

The rule for paying witnesses subpenaed to appear before the House or either of its committees shall be as follows: For each day a witness shall attend, the sum of nine dollars; for each mile he shall travel in coming to or going from the place of examination, the sum of seven cents each way; but nothing shall be paid for traveling when the witness has been summoned at the place of trial.

FEDERAL JUDICIARY—28 U.S.C.A., SECTION 1821

A witness attending in any court of the United States, or before a United States commissioner, or before any person authorized to take his deposition pursuant to any rule or order of a court of the United States, shall receive $20 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 10 cents per mile for going from and returning to his place of residence. Regardless of the mode of travel employed by the witness, computation of mileage under this section shall be made on the basis of a uniform table of distances adopted by the Attorney General. Witnesses who are not salaried employees of the Government and who are not in custody and who attend at points so far removed from their respective residence as to prohibit return thereto from day to day shall be entitled to an additional allowance of $16 per day for expenses of subsistence including the time necessarily occupied in going to and returning from the place of attendance. *Provided*, That in lieu of the mileage allowance provided for herein, witnesses who are required to travel between the Territories and possessions, or to and from the continental United States, shall be entitled to the actual expenses of travel at the lowest first-class rate available at the time of reservation for passage, by means of transportation employed: *Provided further*, That this section shall not apply to Alaska.

When a witness is detained in prison for want of security for his appearance, he shall be entitled, in addition to his subsistence, to a compensation of $1 per day.

Witnesses in the district courts for the districts of Canal Zone, Guam, and the Virgin Islands shall receive the same fees and allowances provided in this section for witnesses in other district courts of the United States.

As amended Mar. 27, 1968, Pub. 1. 90–274, § 102(b), 82 Stat. 62

SECURITIES EXCHANGE COMMISSION—28 U.S.C.A. SECTION 1821

FEDERAL TRADE COMMISSION—15 U.S.C.A. SECTION 49

Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

GENERAL STATUTORY AUTHORITY

5 U.S.C.A. Section 503

(a) For the purpose of this section, "agency" has the meaning given it by section 5721 of this title.

(b) A witness is entitled to the fees and allowances allowed by statute for witnesses in the courts of the United States when—

(1) he is subpenaed under section 304(a) of this title; or

(2) he is subpenaed to and appears at a hearing before an agency authorized by law to hold hearings and subpena witnesses to attend the hearings.

Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 381.

5 U.S.C.A. Section 304(a)

(a) The head of an Executive department or military department or bureau thereof in which a claim against the United States is pending may apply to a judge or clerk of a court of the United States to issue a subpena for a witness within the jurisdiction of the court to appear at a time and place stated in the subpena before an individual authorized to take depositions to be used in the courts of the United States, to give full and true answers to such written interrogatories and cross-interrogatories as may be submitted with the application, or to be orally examined and cross-examined on the subject of the claim.

5 U.S.C.A. Section 5721

For the purpose of this subchapter—

(1) "agency" means—

(A) an Executive agency;

(B) a military department;

(C) a court of the United States;

(D) the Administrative Office of the United States Courts;

(E) the Library of Congress;

(F) the Botanic Garden;

(G) the Government Printing Office; and

(H) the government of the District of Columbia; but does not include a Government controlled corporation;

(2) "employee" means an individual employed in or under an agency;

(3) "continental United States" means the several States and the District of Columbia, but does not include Alaska or Hawaii;

(4) "Government" means the Government of the United States and the government of the District of Columbia; and

(5) "appropriation" includes funds made available by statute under section 849 of title 31.

Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 500.

Mr. CLEVELAND. Mr. Speaker, I rise today as a proponent of this resolution and as one of its cosponsors.

At the present time we are spending over a half a billion dollars a week in Vietnam. We are spending untold billions in foreign aid, farm subsidies, welfare, space, and dozens of other programs deemed vital and important to the health and well-being of the Nation.

Each project we authorize and each dollar we appropriate is the responsibility of Congress. To assist it in its legislative deliberations, this body has established a committee system, before which witnesses testify to the needs of the country and the strengths and weaknesses of particular legislation under consideration. We reimburse those witnesses at a per diem rate of only $9 a day. This limit was established back in 1955, over a decade ago. In 1967 we paid $1,674 for witnesses—under this resolution it would have been about $3,720. The amounts are small, the principle of fairness is of larger concern.

In these inflationary times, $9 per day is an unrealistic sum, to say the least. Imagine trying to visit Washington with its high hotel rates, meals, and other expenses on that amount. We do not set that standard for Federal employees traveling away from home on Government business. Why should we demand it of citizens who help on our legislative business? Yet this is exactly what we demand of witnesses compelled to appear before our committees.

There can be no doubt that witnesses who appear before our committee are an integral part of the legislative process. The value of the information they furnish us cannot be overstated. They make congressional hearings meaningful and important. Without their help, we could not possibly legislate wisely or well. Since committee witnesses serve their Nation, why should they not be compensated on a par with Government employees who do the same?

ROBERT L. MAY—A TRIBUTE

I first became interested in this subject some years ago. It was brought to my attention by Robert L. May, then minority counsel of the Highway Subcommittee of the House Public Works Committee, of which I am a member. Mr. May informed me that many of the witnesses who appeared at our subcommittee hearings did so at considerable financial sacrifice. They traveled away from home to Washington, one of the most expensive cities in the Nation. Often they were required to remain here for several days, living in hotels, eating in restaurants beyond their limited financial means. To make ends meet, many lived in less than adequate quarters. They ate in less than adequate restaurants. Throughout their stay, they were continually confronted with personal embarrassment and financial hardship as they struggled to make ends meet. Some who were willing and anxious to appear before our subcommittee to give vital testimony could only do so by borrowing money to make up the difference between what the House paid them and what their trip to Washington actually cost them. Truly, this was an intolerable state of affairs.

With this information, Bob May activated my interest. Together we drafted, and I sponsored, a resolution which would have raised the per diem rate to $16 a day. With his help, the interest and support of other Members were enlisted.

I regret to say that our mutual attempt to remedy this unfortunate state of affairs was unsuccessful in 1965. But, Bob May continued his efforts. Today, 4 years later, they are about to bear fruit, and surely the sum of $20 reflects the passage of 4 years and the price of inflation. Bob May, I regret to say, is not here to witness the culmination of this effort he helped to initiate. He died early this year. His sudden passing saddened all who knew him. He was one of the unsung heroes of the Congress. He, and other professionals like him, who work on our committee staffs, are invaluable members of the legislative team, experts in their special fields of competence. Tireless in their dedication, they help us make our legislative process work. In doing so, they make representative self-government a reality.

Bob May will be missed. But his many contributions of which this resolution is one, will not be forgotten.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING COMMITTEE ON POST OFFICE AND CIVIL SERVICE TO CONDUCT STUDIES AND INVESTIGATIONS

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 269 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 269

Resolved, That, notwithstanding the provisions of H. Res. 268, Ninety-first Congress, the Committee on Post Office and Civil Service is authorized to send not more than fifteen members of such committee, not more than two majority staff assistants, and not more than one minority staff assistant to such Far Eastern and Western European countries as the committee may determine for the purpose of conducting studies with respect to the policies, operations, activities, and administration by the governments of such countries of matters in the following fields of activity of such governments: postal rates, postal operations, postal facilities and modernization, research and development programs, coding of mail, standardization of dimensional characteristics of mail, and the organization of the postal service as a corporation.

Notwithstanding section 1754 of title 22, United States Code, or any other provision of law, local currencies owned by the United States shall be made available to the Committee on Post Office and Civil Service of the House of Representatives and employees engaged in carrying out their official duties under section 190(d) of title 2, United States Code: *Provided,* That (1) no member or employee of said committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954, as amended by Public Law 88–633, approved October 7, 1964; (2) no member or employee of said committee shall receive or expend an amount of transportation in excess of actual transportation costs; (3) no appropriated funds shall be expended for the purpose of defraying expenses of members of said committee or its employees in any country where counterpart funds are available for this purpose.

Each member or employee of said committee shall make to the chairman of said committee an itemized report showing the number of days visited in each country where local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

With the following committee amendments:

Strike all after the word "*Resolved,*" on page 1, through line 3, on page 2, and insert in lieu thereof the following language:

"That, notwithstanding the provisions of H. Res. 268, Ninety-first Congress, the Committee on Post Office and Civil Service is authorized to send not more than fifteen members of such committee, not more than two majority staff assistants, and not more than one minority staff assistant to England, Ireland, Germany, Switzerland, Denmark, France, Greece, Italy, Spain, Portugal, Norway, Sweden, and Japan for the purpose of conducting studies with respect to the policies, operations, activities, and administration by the governments of such countries of matters in the following fields of activity of such governments; postal rates, postal operations, postal facilities and modernization, research and development programs, coding of mail, standardization of dimensional characteristics of mail, and the organization of the postal service as a corporation; civil service pay, fringe benefits, position classification, and manpower utilization policies; and census and statistical programs and procedures."

On page 3, strike all after the word "agency." on line 4, and insert in lieu thereof the following:

"Amounts of per diem shall not be furnished for a period of time in any country if per diem has been furnished for the same period of time in any other country, irrespective of differences in time zones. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection."

The SPEAKER. The gentleman from Hawaii is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 269 authorizes the Committee on Post Office and Civil Service to conduct studies and investigations within its jurisdiction. The resolution authorizes overseas travel and the use of counterpart funds to 15 members of the committee and three staff assistants. There are a number of countries involved in the authorization and the resolution was amended to set out the countries which will be visited and was further amended to include the so-called Hall amendment.

Two members of the committee will travel, between August 12 and September 1, to England, Germany, Switzerland, and France to develop up-to-date information on postal mechanization, research, and development.

One member will visit Greece, Italy, and Spain, during the period August 20 to 28, to inspect the military mail service of the 6th Fleet in the Mediterranean area.

Three members of the Subcommittee on Census and Statistics expect to visit England to participate in the International Statistical Conference, and Ireland, Denmark, Norway, and Sweden to study recent advances in governmental statistical programs. This trip is scheduled between September 2 and 12. Two staff members, one each from the majority and minority, will accompany the members.

Nine members of the committee expect to visit Japan in late October and early November to participate in the Universal Postal Union meeting in Tokyo. Included in this trip are two majority and one minority staff members.

The chairman of the committee will be traveling, at the request of and with the military, to Denmark and Portugal regarding the mail service at our military installations in those countries and, under this resolution, he will be authorized the use of counterpart funds while there.

Mr. Speaker, I urge the adoption of House Resolution 269 authorizing the investigations set forth above.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the distinguished gentleman from Hawaii yielding. I realize the gentleman brings House Resolution 269 to the floor as a representative of the distinguished Committee on Rules. I compliment the gentleman and those who prepared the original resolution on the amendments to which the gentleman alluded.

I would like to ask the gentleman if in the hearings before the Committee on Rules there was any suggestion about the cost that might be involved should this resolution pass?

Mr. MATSUNAGA. Mr. Speaker, as the gentleman will note from the resolution itself, the cost will be very minimal for the reason that counterpart funds will be used particularly in those areas where the counterpart funds are available.

As to the countries where such funds are not available, I will defer to a member of the Post Office and Civil Service Committee, who presented the resolution to the Rules Committee. I yield for this purpose to the gentleman from California (Mr. Charles H. Wilson).

Mr. CHARLES H. WILSON. Mr. Speaker, there is no way to estimate what the cost will be. We did not present an estimated cost. It is uncertain at the moment as to the number of Members who may participate in the trip. Even though it was set up to authorize as many as nine on the trip to the Orient later in the year, it is still uncertain as to how many are absolutely going. It was impossible to give a definite figure.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I would like to state I am happy to have this colloquy on the floor and some legislative record.

I am not one of those who agrees that because we are spending counterpart funds it does not eventually come out of the taxpayers' pocket. I have used counterpart funds, and I know how they are used.

Indeed, as the gentleman has stated here, we have backed an amendment, by the grace of the Committee on Rules, to see to it that even the counterpart funds—which are funds owned by the United States and deposited in foreign banks to the credit of the United States—will not be used excessively for duplicate or overlapping time periods in different nations.

As I said at the beginning, I compliment the committee on that.

I believe it has been established that so far as costs are concerned this is open ended, in order to accomplish the so-called purpose of the mission.

I should like to ask further if, in the opinion of the gentleman from Hawaii, as he exercised his surveillance in the Committee on Rules, the Congress will be in session during these multiple missions for the purposes of studying post offices around the world and post office systems?

Mr. MATSUNAGA. One of the trips, as the gentleman will note, will be held in Tokyo in late October and early November. At that time, the gentleman knows, the Congress may be in session. However, this is unavoidable, for the reason that it is at that time the Conference of the Universal Union of Postal Services will be held. It is for the purpose of attending this conference in Tokyo that the trip is being authorized.

Mr. HALL. I thank the gentleman. Is it intended to be inferred that there will actually be additional knowledge or experience data available overseas which might be better than our own postal system with its intended changes, some bills for which have already been submitted to the Congress.

Mr. MATSUNAGA. Yes, definitely so; otherwise I am sure the committee would not have asked to have this resolution reported favorably out of the Post Office and Civil Service Committee. All representations made before the Rules Committee so indicated.

Mr. HALL. I presume also that the representations to the Committee on Rules indicated that perhaps they might study corporations—quasi-governmental or private—which handle mail delivery in other sovereign nations; for example, the private corporation of France or the private corporation for mail delivery in Brazil, before either or both of them were nationalized, is that correct?

Mr. MATSUNAGA. Yes. As a matter of fact, one of the trips is intended for this purpose of studying a corporate setup which is now in operation in one of the countries. I do not recall exactly what country it was. There is a setup in one of the countries which will be visited by the Members.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's yielding. I appreciate his forthright statement of the representations which have been made before his Committee on Rules. We certainly appreciate his function.

However, I am strongly opposed to this resolution. I believe the other Members ought to know it. It is because of experience with the private corporations which do deliver mail around the world, that I know it takes in some instances about 6 weeks to get a simple letter by such corporation across the city. Indeed, they are dispatched by private messenger if they want immediate delivery. I doubt if there is much to be learned by such a junket as this, and I shall vote against the resolution.

Mr. MATSUNAGA. The gentleman from Missouri, I am sure, was happy to note that the gentleman's usual amendment, known as the Hall amendment, is included in the resolution.

Mr. HALL. As I said at the beginning, I did note it, and I thank the gentleman for the wisdom of the Committee on Rules.

Mr. MATSUNAGA. For the information of Members who do not know what the Hall amendment is, let me say that it would save a few dollars, for the reason that it forbids the issuance of a per diem allowance more than once within a 24-hour period, even though the Member travels from one country to another, and despite the difference in the international time zone.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from Iowa.

Mr. GROSS. I am a little surprised that this junket to the Far East is not going to take in Taiwan, where they have eight mail collections a day and eight deliveries a day to householders and business establishments in Taiwan. I am a little surprised they are not going over to find out how that is done.

Mr. MATSUNAGA. I am sure the gentleman is not really surprised, as he expresses himself to be, because he is a member of the Committee on Post Office and Civil Service and the matter was discussed in his own committee.

Mr. GROSS. I was probably too busy with the hearings on the foreign giveaway bill in the Committee on Foreign Affairs to get to the Committee on Post Office and Civil Service when this junketing resolution came out.

I do not know whether the gentleman can answer this question or not, and I am not going to pressure him to do so, but I wonder if there will be any Air Force transportation available for the first of these junketeers when they take off, because I understand that everything that has wings and can fly is being assembled to haul perhaps several hundred people out to California for an upcoming dinner. I also understand that there is pressure now to get the Department of Defense planes assembled for a trip to Dallas, Tex., to haul more VIP's to a football game in Dallas, Tex., on or about September 13. I wonder if there will be any planes available to get these people around.

Mr. MATSUNAGA. Well, as I understand it, the trips involved in this resolution will come later than the trips that the gentleman speaks of. However, I would strongly urge that since the gentleman is of the same party, he consult with the administration on it.

Mr. GROSS. I may not have the ability to get information from the administration in all areas and departments, I would say to the gentleman.

Mr. MATSUNAGA. Mr. Speaker, I now yield to the gentleman from California (Mr. SMITH).

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, so far as this bill is concerned, I think it has been adequately explained. I might simply say in connection with the visit to England, according to a detailed letter which the chairman of the Committee on Post Office and Civil Service submitted to the Committee on Rules previous to the hearing on it, their purpose would be to confer with British postal officials on progress in their Postal Corporation program. Insofar as Germany, Switzerland, and France are concerned, the purpose will be to develop up-to-date information on the postal mechanization research and development in those countries. So far as the trip to England is concerned, the main purpose is to participate in the International Statistical Conference. Then in Norway and Sweden there will be a study of recent advances in government statistical programs in those countries. With regard to Tokyo, Japan, the trip is for the purpose of participating in the universal postal union meeting late in October and early November.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the committee amendments.

The committee amendments were agreed to.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members and the Clerk will call the roll.

The question was taken; and there were—yeas 196, nays 132, not voting 104, as follows:

[Roll No. 153]

YEAS—196

Adair
Adams
Albert
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Arends
Aspinall
Ayres
Beall, Md.
Belcher
Bennett
Bingham
Blatnik
Boggs
Bolling
Brademas
Brasco
Bray
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Burke, Mass.
Burleson, Tex.
Burton, Calif.
Bush
Button
Byrne, Pa.
Cabell
Cahill
Camp
Carter
Cederberg
Chamberlain
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Clay
Cohelan
Conable
Conte
Conyers
Corman
Daddario
Daniels, N.J.
Dawson
de la Garza
Dent
Derwinski
Dingell
Donohue
Dulski
Eckhardt
Edwards, La.
Eilberg
Erlenborn
Fallon
Fascell
Feighan
Findley
Flood
Foley
Ford, Gerald R.
Friedel
Fuqua
Galifianakis
Garmatz
Gaydos
Gilbert
Gonzalez
Green, Oreg.
Green, Pa.
Griffin
Grover
Gubser
Hamilton
Hanna
Harvey
Hathaway
Hays
Helstoski
Henderson
Hicks
Hosmer
Hungate
Ichord
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karth
Kazen
Keith
Kluczynski
Kyros
Langen
Leggett
Long, La.
Long, Md.
Lukens
McCarthy
McClory
McClure
McCulloch
McDade
McEwen
McFall
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Matsunaga
Meeds
Melcher
Meskill
Mikva
Mills
Minish
Mink
Mize
Mollohan
Monagan
Morgan
Morse
Moss
Murphy, Ill.
Natcher
Nedzi
Nix
O'Hara
Olsen
O'Neill, Mass.
Passman
Patman
Patten
Perkins
Pettis
Philbin
Pickle
Pirnie
Podell
Price, Ill.
Pucinski
Purcell
Quie
Randall
Rees
Reid, N.Y.
Rivers
Roberts
Rodino
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Ruppe
Ryan
St Germain
St. Onge
Sandman
Saylor
Sisk
Skubitz
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Staggers
Steed
Stokes
Stratton
Stuckey
Taft
Teague, Calif.
Thompson, Ga.
Udall
Ullman
Vigorito
Waggonner
Waldie
Watts
Whalen
White
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Yatron
Young
Zablocki

NAYS—132

Abbitt
Alexander
Ashbrook
Ashley
Bell, Calif.
Betts
Bevill
Biaggi
Biester
Blanton
Bow
Brinkley
Brock
Brotzman
Brown, Calif.
Broyhill, N.C.
Buchanan
Burke, Fla.
Burlison, Mo.
Burton, Utah
Chappell
Clancy
Cleveland
Collins
Coughlin
Culver
Daniel, Va.
Davis, Wis.
Dellenback
Denney
Dennis
Devine
Dickinson
Dorn
Dowdy
Downing
Duncan
Edwards, Ala.
Edwards, Calif.
Eshleman
Evans, Colo.
Fish
Fisher
Foreman
Fountain
Fraser
Goodling
Gross
Gude
Hagan
Haley
Hall
Hammerschmidt
Hechler, W. Va.
Heckler, Mass.
Hunt
Hutchinson
Jacobs
Jarman
Jonas
Jones, N.C.
Kastenmeier
King
Kleppe
Koch
Kyl
Landgrebe
Lennon
Lowenstein
Lujan
McCloskey
McDonald, Mich.
McKneally
Marsh
May
Mayne
Michel
Miller, Ohio
Minshall
Mizell
Montgomery
Mosher
Myers
Nelsen
Nichols
Obey
O'Konski
Pelly
Pike
Poff
Pollock
Price, Tex.
Pryor, Ark.
Quillen
Railsback
Rarick
Reid, Ill.
Rhodes
Riegle
Robison
Rogers, Fla.
Roth
Roudebush
Ruth
Satterfield
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Stafford
Stanton
Steiger, Ariz.
Steiger, Wis.
Talcott
Taylor
Thomson, Wis.
Vander Jagt
Vanik
Wampler
Weicker
Whalley
Whitehurst
Winn
Wold
Wyatt
Wydler
Wylie
Zion
Zwach

NOT VOTING—104

Abernethy
Addabbo
Anderson, Tenn.
Andrews, Ala.
Baring
Barrett
Berry
Blackburn
Boland
Brooks
Byrnes, Wis.
Caffery
Carey
Casey
Celler
Collier
Colmer
Corbett
Cowger
Cramer
Cunningham
Davis, Ga.
Delaney
Diggs
Dwyer
Edmondson
Esch
Evins, Tenn.
Farbstein
Flowers
Flynt
Ford, William D.
Frelinghuysen
Frey
Fulton, Pa.
Fulton, Tenn.
Gallagher
Gettys
Giaimo
Gibbons
Goldwater
Gray
Griffiths
Halpern
Hanley
Hansen, Idaho
Hansen, Wash.
Harsha
Hastings
Hawkins
Hébert
Hogan
Holifield
Horton
Howard
Hull
Joelson
Jones, Tenn.
Kee
Kirwan
Kuykendall
Landrum
Latta
Lipscomb
Lloyd
Mailliard
Mann
Martin
Mathias
Miller, Calif.
Moorhead
Morton
Murphy, N.Y.
O'Neal, Ga.
Ottinger
Pepper
Poage
Powell
Preyer, N.C.
Reifel
Reuss
Ronan
Scheuer
Shipley
Sikes
Slack
Snyder
Stephens
Stubblefield
Sullivan
Symington
Teague, Tex.
Thompson, N.J.
Tiernan
Tunney
Utt
Van Deerlin
Watkins
Watson
Wilson, Bob
Wolff
Wright
Wyman
Yates

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Kirwan with Mr. Morton.
Mr. Celler with Mr. Frelinghuysen.
Mr. Abernethy with Mr. Watson.
Mr. Teague of Texas with Mr. Byrnes of Wisconsin.
Mr. Ronan with Mr. Cowger.
Mr. Giaimo with Mr. Wyman.
Mr. Sikes with Mr. Latta.
Mr. Hanley with Mr. Horton.
Mr. Hébert with Mr. Bob Wilson.
Mr. Miller of California with Mr. Lipscomb.
Mr. Caffery with Mr. Hansen of Idaho.
Mr. Flowers with Mr. Frey.
Mr. Barrett with Mr. Corbett.
Mr. Addabbo with Mr. Reifel.
Mr. Holifield with Mr. Mailliard.
Mr. Thompson of New Jersey with Mr. Harsha.
Mr. Wolff with Mr. Hastings.
Mr. Brooks with Mr. Goldwater.
Mr. Hull with Mr. Berry.
Mrs. Sullivan with Mrs. Dwyer.
Mr. Howard with Mr. Snyder.
Mr. Murphy of New York with Mr. Watkins.
Mr. O'Neal of Georgia with Mr. Cramer.
Mr. Delaney with Mr. Fulton of Pennsylvania.
Mr. Evans of Tennessee with Mr. Utt.
Mr. Davis of Georgia with Mr. Blackburn.
Mr. Farbstein with Mr. Esch.
Mr. Carey with Mr. Hogan.
Mr. Colmer with Mr. Collier.
Mr. Slack with Mr. Cunningham.
Mr. Hawkins with Mr. Halpern.
Mr. Gray with Mr. Floyd.
Mr. Gettys with Mr. Kuykendall.
Mr. Edmondson with Mr. Martin.
Mr. Jones of Tennessee with Mr. Mathias.
Mr. Tiernan with Mr. Anderson of Tennessee.
Mr. Andrews of Alabama with Mr. Mann.
Mr. Moorhead with Mr. Wright.
Mr. Pepper with Mr. Tunney.
Mr. Boland with Mr. Fulton of Tennessee.
Mr. Stephens with Mr. Symington.
Mr. Yates with Mr. Diggs.
Mr. Anderson of Tennessee with Mr. William D. Ford.
Mr. Baring with Mr. Shipley.
Mr. Scheuer with Mr. Joelson.
Mr. Casey with Mr. Flynt.
Mr. Gallagher with Mr. Ottinger.
Mrs. Griffiths with Mr. Landrum.
Mrs. Hansen of Washington with Mr. Gibbons.
Mr. Poage with Mr. Stubblefield.

Mr. Reuss with Mr. Preyer of North Carolina.

Mr. Kee with Mr. Van Deerlin.

Mr. BIAGGI changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

POSTMASTER GENERAL BLOUNT PROVIDES CONCLUDING TESTIMONY IN POSTAL REFORM HEARING

Mr. DULSKI. Mr. Speaker, today marked the 34th day since April 22 in which the Post Office and Civil Service Committee has held public hearings on postal reform legislation—without question the most comprehensive and important issue before our committee.

As I told this committee in opening today's session, the attendance, the intense interest and the helpful cooperation of the members of the committee during the hearings have been outstanding.

The closing witness today was the Postmaster General, Winton M. Blount, who has devoted much of his attention since he took office last January to the issue of postal reform.

Mr. Blount made a most detailed and informative closing statement which I am including as a part of my remarks:

TESTIMONY OF POSTMASTER GENERAL BLOUNT, AUGUST 12, 1969

Mr. Chairman, I am pleased to be back this morning before the Committee to resume my testimony on postal reform.

My staff and I have, of course, followed the Committee's hearings on postal reform with great interest, and we have been deeply impressed by the amount of time and effort that the Committee has devoted to this crucial subject, and by the wealth of information which has been placed on the record.

Dependable, reasonably-priced postal service is vital to the economic and social well-being of this nation. The question that concerns us all is how the American people can best be assured of receiving such service in the decades ahead.

I am convinced that the answer to this question lies in total reform of the postal system.

With one or two notable exceptions, there has been wide acceptance of the view that we simply cannot afford to let the Post Office continue to limp along as it has in the past.

The problems of the Post Office Department have been stated many ways, but perhaps no better summary exists than that contained in your own floor speech of January 6, 1969, Mr. Chairman, when you said:

"The Department is handicapped by numerous legislative, budgetary, financial, and personnel policy restrictions that have accumulated over the years and are virtually self-defeating.

"These restrictions foreclose to any Postmaster General most of the modern management and business practices which should be available to him if he is to carry out his responsibilities to provide efficient and economical service.

"Another damaging handicap under which the Department is forced to operate is its extreme vulnerability to constant, yet unwise, interference from all types of political and personal pressures which adversely affect both postal employment and operating policies."

AGREEMENT ON BROAD REMEDIES

Not only is there remarkable unanimity on the problems of the postal service today, and the need for postal reform, but there is widespread agreement as to the broad remedies which are required to correct those problems. To quote again from your statement, Mr. Chairman:

"First, we must give to top management the authority it needs to operate consistent with its responsibilities. The weakness of the present administrative setup is that management is severely and unjustly hampered in its effort to administer the Department under the law in a businesslike way.

"Second, we must modernize employee-management relations to fit today's operations, and

"Third, we must provide the Department with updated business-type financing."

I fully agree with these statements, Mr. Chairman. They contain an excellent summary of the goals of postal reform.

THREE AREAS FOR CHANGE

The question, however, is how these goals can best be attained. The principal alternatives are H.R. 11750 and H.R. 4. With your permission I would like to comment on the differences between these bills as they relate to the three major areas in which there is full agreement that basic changes are needed:

1. organization and management
2. labor relations, and
3. finance and rate making.

In the course of these comments I shall point out why H.R. 11750 would, in our view, better achieve the ends which all of us seek.

First, organization and management. Many witnesses in these hearings have questioned the need for a corporate form of organization. Why, they ask, can we not achieve the necessary reforms within the present Cabinet-Department structure—which, in general, H.R. 4 attempts to do.

Certainly there is nothing magic about the word "corporation." But when you add up all the organizational changes that are necessary to give "top management the authority it needs . . . consistent with its responsibility," as you have put it Mr. Chairman, what those changes most resemble, in sum, is a government corporation.

NEED FOR CABINET POST?

The problems of the Post Office begin with the fact that the Postmaster General is a member of the President's Cabinet, and as such is appointed by a process designed primarily to attract political policy makers.

The Secretary of State, for example, must first and foremost be able to work with the President on the formulation of fundamental national policy with respect to other nations.

The Secretary of the Treasury has important responsibilities in formulating fiscal and monetary policy for the nation.

The Postmaster General does not have such policy responsibilities. The policy is clear: the best possible postal service at the lowest possible cost. The Postmaster General must be a first-class manager, but not necessarily a man expert in the vital public policy issues of the day. His job is to operate a major service enterprise successfully and economically.

While H.R. 4 retains the Postmaster General as a Cabinet officer, H.R. 11750, as you know, establishes a continuing board of directors to oversee the operation of the postal system. Seven members of this board are appointed by the President, with the advice and consent of the Senate.

These Presidentially-appointed directors will hire (and, if necessary, fire) the chief executive officer and the chief operating officer of the Postal Service. The seven public board members serve staggered seven-year terms, thus permitting a continuous accommodation to changing public policy.

During their term, these public members of the board may be removed only for cause. This structure will shield operating management from partisan political influence, while at the same time providing a ready means of changing operating management if it fails to do the best possible job.

REGARDING LONG TERM

There is another way of achieving continuity of management, and that is by providing a long statutory term for the Postmaster General and his principal assistants.

This approach, however, fails to promote responsiveness to the nation's postal needs—indeed, it would protect the Postmaster General and his top aides not only from the demands of partisan politics (which is all to the good), but also from the demands of the nation for better postal service (which is precisely the worst kind of protection).

The man in charge of operating the postal system should be removable if his performance is unsatisfactory, and he should have the power to remove his principal subordinates if their performance is unsatisfactory.

Long statutory terms are appropriate for judges, or for the Comptroller General, whose objectivity and detachment must be above question; but they are inappropriate, in my view, to the postal service.

It is a mistake to freeze operating management into office by law. Top management can be judged by its performance, and should be replaced if that performance is not what it should be.

CENTRALIZING RESPONSIBILITY

The Administration's bill, moreover, would place the responsibility for running the postal system in one place. The Postal Service would be responsible for pricing, for borrowing and for operations.

There are checks and balances, of course, including those inherent in the collective bargaining process, in the fact that pricing decisions are reviewed by Congress, and in the fact that the ability to float bonds may be subject to the discipline of the marketplace.

Above all, the board of directors would be responsible for seeing to it that the operating management of the Postal Service acts only in the public interest. But the Postal Service management would nevertheless have adequate power to get the job done.

By contrast, H.R. 4 aggravates the present fragmentation of management authority: under H.R. 4 wages are still set by Congress, rates are established by the President (subject to a Congressional veto) after review by a commission that acts only once every four years, and borrowing is in the hands of a Government corporation.

The separation of the rate-making and wage-setting functions actually is a step backward; for under the present arrangement the same committees of the Congress review both postal wages and rates, and can exercise responsibility in coordinating the two. The power to exercise that responsibility would be greatly diminished by H.R. 4.

QUESTION OF PERSONNEL

Turning now to the personnel area, I believe that enactment of the Postal Service Act would represent a major step forward.

One of the principal objectives of the Pendleton Act, which established the Civil Service system, was to put an end to political influence in the appointment and promotion of civil servants.

Civil Service has not been wholly successful in achieving this admirable objective insofar as the Post Office is concerned—a fact recognized in those provisions of H.R. 4 that are designed to eliminate political influence in the appointment of postmasters.

But this problem is by no means confined to postmasters, and a sweeping reform of the existing system is necessary to provide top to bottom insulation from the kind of political influence that does not promote the effectiveness of the postal service.

Under H.R. 11750, *all* appointments to and promotions within the Postal Service must be made on the basis of merit and fitness. The Hatch Act would continue to apply. The right of a hearing on adverse actions would be retained.

Appeal of adverse actions to the Civil Service Commission, provided by law under the Veterans' Preference Act, would be retained with respect to veterans who have preference eligible status.

CIVIL SERVICE UNCHANGED

The Civil Service retirement system would be retained unchanged, and the Civil Service fringe benefits such as unemployment insurance, workmen's compensation, life insurance and health benefits could be changed only if such change resulted in a package of benefits equal to or better than the present package.

In addition, H.R. 11750 provides that changes in these benefits would be subject to collective bargaining.

It is extremely unlikely that postal management would propose that any of these benefits for its employees be permitted to fall behind those enjoyed by the Civil Service, and it is inconceivable that the unions representing these employees would allow it to happen.

Unlike H.R. 4, however, the Postal Service Act would remove the Postal Service from the detailed examination and job classification requirements imposed under current law, and from the delays that are inherent in the present recruitment system.

We simply cannot hire and promote many of the people we need fast enough in today's fast-changing economy.

INSULATING FROM POLITICS

The political influence which the examination and classification requirements were designed to prevent can be removed by insulating the Postal Service from partisan politics through a corporate organization form—and, at the same time, the Postal Service can be given the flexibility it needs in hiring, classifying and promoting its employees.

With respect to supervisors, H.R. 4 provides for statutory recognition of supervisors' organizations, and would require a form of collective bargaining with such organizations. This path would necessarily lead the supervisors away from management; it is not the direction in which supervisors should go.

Our supervisors ought to become an integral part of the management team. They should be recognized as management, given a degree of authority and responsibility commensurate with that status, and paid accordingly.

The whole success of postal reform depends upon a well-motivated, well-trained, enthusiastic supervisory force. By placing supervisors in the category of rank and file employees, H.R. 4 removes their sense of identification with management, and points to a functionally disoriented supervisory force. The postal system simply cannot afford to have this happen.

MORE ISSUES TO BARGAIN

With regard to rank and file employees, H.R. 11750 opens to bargaining a host of issues not now required to be discussed at the bargaining table.

The most significant of these issues, of course, is wages—but management would also be required to bargain on a variety of other issues that are now excluded from bargaining.

We believe that a duty to bargain in good faith over the issues bargainable in private industry (except, of course, for the right to strike) is essential to satisfactory employee-management relations in the Postal Service.

Unfortunately, H.R. 4, by retaining wage setting in the Congress, completely excludes the most significant issue from the bargaining process.

There is abundant evidence that employees are dissatisfied with the present wage-setting process. They want a system which is more rapid and more responsive than the one now in use.

Furthermore, they are entitled to a share in the benefits of productivity increases that are attained in the Postal Service.

By creating a forum for face-to-face negotiations on the issues of pay and productivity, the Administration's bill makes possible the mutually profitable collaboration between management and labor which takes place regularly in the private sector.

ON RESOLVING DISPUTES

Moreover, H.R. 11750 provides for a fair balance of bargaining power between labor and management. In collective bargaining, of course, there must be some type of dispute-resolving mechanism.

The mechanism spelled out in H.R. 11750 has been widely misunderstood. To begin with, it is a fall-back mechanism. The parties are free to agree to any other method—except a strike—which would resolve impasses arising between them. In the event they fail to do so, and a bargaining dispute arises, the procedures provided in the Act come into play.

Some witnesses before this Committee have assumed that under those procedures management has the authority to determine which issues shall proceed to final binding arbitration.

This simply is not true. Either side may refer a matter which arises at the negotiating table to an outside, impartial, third-party Disputes Panel. Neither side can prevent it.

This Panel represents neither management nor labor, but is composed of representatives selected, directly or indirectly, by the American Arbitration Association and the Federal Mediation and Conciliation Service—two organizations widely known for their impartiality and objectivity whose services are widely used by both labor and management for resolving disputes between them.

PANEL HAS FINAL SAY

This Panel has the final say as to whether a matter will be referred to an ad hoc arbitration board; and a decision on the part of the Panel to turn down jurisdiction on a given issue without referring it to arbitration constitutes a final determination on that issue, since the status quo must then be preserved.

On an important issue such as the extent of a wage increase, the Disputes Panel would unquestionably turn over to outside arbitrators the task of determining the amount of the increase, once it became apparent that further negotiations would be to no avail.

Postal management would be as powerless to prevent binding arbitration as labor would be to force it. Only the Disputes Panel could invoke it.

To guarantee either party automatic unilateral recourse to compulsory arbitration on any and every issue, regardless of the status of the negotiations, would hardly encourage the parties to resolve their own differences.

REGARDING ARBITRATION

There must be some mechanism to prevent either of the parties from going to arbitration before the possibilities of bargaining have been fully exhausted. No single party is a good judge of when arbitration has become the only way in which outstanding differences can be resolved.

H.R. 11750 establishes an impartial panel to make that judgment, and the function performed by this panel is a highly important one to good-faith bargaining.

H.R. 4 contains provision for automatic arbitration of any and all issues at the call of either side. For this reason, and because the most significant matter at issue between the parties is excluded entirely from the bargaining, the provisions of H.R. 4 utterly fail to meet the pressing labor-management needs of the postal service.

BUSINESS OR PUBLIC SERVICE

The third area concerns postal finances. There has been much discussion before the Committee about whether the Post Office is a business or a public service.

In my judgment the Post Office is unquestionably a public service—but a public service that can best serve the public by operating in an efficient and enlightened businesslike fashion, fully conscious that it is a nationwide enterprise dedicated to serving all—including even the most remote rural areas.

Surely, however, this public service is not serving the public well if it is run on a far more costly basis than it need be: public service should not mean public wastefulness.

While I do not conceive of the Postal Service as a profit making enterprise, I see no reason at all why that portion of the operation that is capable of being self-sustaining should be supported indefinitely by tax revenues.

Only about 20% of all mail is sent by individual households, yet individuals provide over 70% of all of the federal income tax revenues received by the Treasury.

TAXPAYER SHARE IS HIGH

To the extent that the Postal Service is subsidized out of taxes, therefore, it is evident that individual taxpayers are bearing a disproportionate share of the cost in relation to business corporations.

I do not believe that business needs such a subsidy, and I think that there are other, more urgent needs for the nation's tax revenues.

It has been argued that a postal system operated in a businesslike fashion, without massive tax support, would cut off service to "unprofitable rural areas."

Much has been made of the fact that our bill provides that the Postal Service shall serve "as nearly as practicable" the entire population of the United States.

This phrase was drawn from the present law, section 6005 of Title 39 of the United States Code, which requires the Postmaster General to "maintain a rural delivery service serving as nearly as practicable the entire population of the United States."

NO LAW CHANGE PROPOSED

We have used this phrase in that section of our bill which imposes a broad service responsibility on the Postal Service, and we had no intention of watering down the existing law in this regard.

The business of the Post Office, after all, is postal service. A significant part of its value to any mail user consists of its ability to reach virtually everyone in the United States. Any serious impairment of that capability would be self-defeating.

I have stated to this Committee before, and I repeat now, that our bill was not drawn to permit wholesale reductions in rural service, or, indeed, in any major category of postal service.

The bill recognizes that the cost of rural service is a proper charge to be included in the postal rate base, to be paid by all mail users.

The bill's break-even requirement applies to postal operations *as a whole*, taking Congressional appropriations into account; there is no requirement that rural mail service be self-sustaining. A higher rate for rural users, or for mail addressed to rural areas, would in my view be unthinkable.

While some have argued before the Committee that our bill makes the financial aspects of the Postal Service too important, others have argued that the financial needs of the postal system are the sole cause of its problems.

IS MONEY ONLY NEED?

There is nothing wrong with the postal service, it has been said, that money cannot cure. This has been said almost as though it makes no difference whether five billion or twenty billion dollars are spent to modernize the Post Office and as though one organizational form is inherently no less costly than another.

Massive infusions of new capital will not in themselves bring the necessary improvements to the postal service.

Unless management possesses the capability to make the most effective use of available resources, postal reform will cost far more than the taxpayer and the postal user should be compelled to pay, and certainly far more than can be raised in today's financial markets.

The urgent demands of this nation on the country's limited supply of capital make it imperative that the money spent on the Postal Service be spent so as to do the most possible good.

This objective requires a professional postal management selected on the basis of ability to get the job done and vested with authority to get the job done right.

ON AUTHORITY TO BORROW

Some have argued that the authority to borrow will only increase the fixed costs of the Postal Service. But as Chairman Steed has pointed out, the Post Office must spend money in order to save money, and the appropriation process cannot and should not be expected to provide the capital resources needed to produce these savings.

A management subject to the break-even constraints of H.R. 11750 and the discipline of the money market would borrow *only* in those situations where the savings from capital investment exceeded—indeed, substantially exceeded—the cost of the borrowing, after covering depreciation, interest and other costs.

Only those investments which would be profitable would be made. The Department has been so capital-deficient, however, that there are many opportunities to make high-return capital investments.

It has also been suggested that we are naive in thinking that major cost reductions can be achieved.

That our productivity *can* be improved, however, is evidenced by the enormous productivity improvements made in private industry since World War II.

These improvements show what modern machinery and equipment now in existence can achieve when properly utilized under modern management techniques.

SAVINGS VERSUS PERSONNEL

Cost savings in postal service do not, however, mean reductions in personnel, despite the fact that labor costs make up 80% of the postal budget.

With mail volume growing as fast as it is today, we can avoid costs simply by hiring fewer people than we would otherwise have to.

But to achieve this kind of cost avoidance, we must increase productivity; and productivity improvement depends not only on adequate capital resources, but also on continuing professional management possessed of the same kind of freedom to manage that exists in the private sector.

H.R. 11750 would grant such freedoms; H.R. 4 would not.

There have been questions, in these hearings and elsewhere, as to whether bonds issued by the Postal Service under H.R. 11750, or by the Postal Modernization Authority under H.R. 4, could be sold to the public without a Treasury guaranty. As far as H.R. 11750 is concerned, we do not believe that such a guaranty is necessary.

Our bill provides a means under which the Postal Service can be assured of up to $2 billion through borrowings from the Treasury at interest rates corresponding to the prevailing yield on outstanding Treasury securities of comparable maturity.

ATTRACTIVENESS OF BONDS

Knowledge in the financial community that the Postal Service has such a call on the Treasury will unquestionably increase the attractiveness of Postal Service bonds offered for sale to the public.

Moreover, the major capital resources that would become available to the Postal Service, either through Treasury financing or through borrowing from the public would enable the Postal Service to make very substantial progress in realizing the major cost savings that modernization of our physical plant can bring.

Once the impact of those cost savings has begun to be felt, and bearing in mind the provisions of H.R. 11750 that give the Postal Service the necessary tools to achieve the goal of a self-sustaining operation, and the provisions permitting the revenues of that operation to be pledged as security to the bond-holders.

I have no doubt that the obligations of the Postal Service could be satisfactorily marketed.

In preparing the Postal Service Act we were extremely fortunate to have had the counsel of men like Assistant Postmaster General Hargrove, formerly Financial Vice President and Senior Vice President of Texas Eastern Transmission Corporation, who has had many years of experience with major issues of debt securities.

That experience was fully utilized in the preparation of the bill, and the provisions of H.R. 11750 were carefully drawn to enhance the marketability of the securities issued thereunder.

MANAGEMENT CONTINUITY

Substantial departures from the principles contained in H.R. 11750 might gravely impair the market's willingness to accept bonds issued by a postal corporation.

We know that potential investors in such securities would attach great importance to the quality and continuity of the issuing authority's management, present and prospective.

A statute that failed to provide for continuity of professional corporate management would seriously handicap the corporation in attempting to sell its securities at acceptable interest rates, absent a pledge of the full faith and credit of the United States.

Similar handicaps would be imposed by a statute that failed to provide a continuous rate-setting mechanism responsive to changing economic conditions and changing customer demands, or a statute that failed to guarantee a resonable degree of managerial freedom in setting rates and controlling costs.

Moreover, if capital funds of the magnitude we have been discussing are to be obtained in the private market, it is essential that total postal revenues and receipts be available as security for such borrowings, rather than just the revenues from leases of property to the Post Office.

For all of these reasons, Mr. Chairman, I have very serious doubts as to whether the financing corporation that would be established under H.R. 4 could raise funds in the amounts that are needed without being forced to pay unjustifiably high rates of interest.

MARKETABILITY OF BONDS

In this connection, Mr. Chairman, we asked four major New York investment houses to comment on the relative marketability of bonds issued under H.R. 4 and H.R. 11750.

These firms—Dillon, Read & Co.; Salomon Bros. & Hutzler; Eastman Dillon, Union Securities & Co.; and Discount Corporation of New York—have participated in the underwriting and distribution of Government securities amounting to billions of dollars. They are recognized as leaders in this field.

It was their consensus that the objective of marketing postal corporation bonds at interest rates bearing a reasonable relation to those of comparable securities would be much more readily attainable under H.R. 11750.

Typical of the comments we received was this statement by the Chairman of the Board of Discount Corporation of New York:

"In comparing the provisions of H.R. 11750 and H.R. 4, I do not think that there is any question that there would be better investor acceptance of securities issued under the former"—that is, H.R. 11750—"and a resulting lower interest cost to the borrower."

With respect to the salability of bonds issued under H.R. 11750, Dillon, Read & Co. stated that:

"Under normal bond market conditions, it is our opinion that bonds issued pursuant to the provisions of H.R. 11750 would be marketable at an interest rate or rates and with other terms and conditions, all of which would bear a reasonable relationship to the market at the time."

I am sure that this Committee will be interested in the detailed views expressed by these outstanding investment firms, Mr. Chairman, and I should like to submit for the record the letters in which they set forth the reasons for their conclusions.

ISSUE OF RATEMAKING

The final major element relating to postal finance is rate-making. Both H.R. 11750 and H.R. 4 recognize the undesirability of requiring Congress to continue to perform the detailed, technical and arduous task of setting postal rates. Both bills recognize that Congress should retain broad policy control over postal rates.

H.R. 11750 would place postal rate-making in the hands of a full-time expert rate commission, within the Postal Service but independent of operating management.

H.R. 4 on the other hand, would place important rate-making responsibilities in a commission which would act only every fourth year, and which would be totally divorced from the Postal Service.

With costs and demand changing as rapidly as they do in today's economy, a review that occurs only once every four years is simply not adequate.

One of the major difficulties with postal rates in the past has been that they change too infrequently: when changes do finally come, they are necessarily major changes having a major impact on mail users.

Pricing in any major business is a full-time day-to-day concern. Because of the Post Office's monopoly position, postal rates must be subject to some form of outside review. But it is the Post Office itself that first becomes aware of the need and opportunity for change in the rate structure.

NEED TO INITIATE CHANGES

Thus, postal management should be continuously enabled to initiate changes in postal rates as the need for change arises, rather than await the running of a "statute of limitations" in reverse, and there must be a mechanism for doing this rapidly and efficiently and as frequently as economic changes dictate.

The body which reviews the rates must be an expert body to cope with the complexities of the topic.

Appointment from a special Civil Service register, as provided in H.R. 11750, gives much more assurance of expertise and objectivity than does the appointment by the President and the Congressional leadership provided for in H.R. 4. Further, expertise grows with experience.

The continuity provided for the panel of rate commissioners in H.R. 11750 will allow the commissioners to grow with the job, while each intermittent commission in H.R. 4 would just be beginning to learn the job when it has to disband.

MUST BE FAIR, IMPARTIAL

Rate making must be fair and impartial. The rate commissioners under H.R. 11750 are subject to the requirements of the Administrative Procedure Act.

They must make their decisions on the basis of a carefully prepared record which forms the basis of all further review. There are provisions for review by the courts. H.R. 4 has none of these features.

Rate-making must also permit a timely response to changing economic and market conditions.

H.R. 11750 provides, therefore, that the Postal Service may put a proposed rate change into effect temporarily, upon thirty days' notice in the Federal Register, in the event that the rate commissioners have not completed their proceedings within ninety days after notice of proposed rate changes or in the event that proposed rate changes have been interrupted by judicial proceedings.

(Incidentally, providing this interim-rate authority will enhance the marketability of postal bonds.)

H.R. 11750 carefully limits these temporary rates so that they will not stay in effect any longer than necessary.

REGARDING TEMPORARY RATES

Contrary to some of the testimony given to your Committee, Mr. Chairman, the board of directors could *not* let a temporary rate remain in effect indefinitely after the rate commissioners render their initial decision; the temporary rate would lapse if the directors did not act on the permanent rate change within thirty days after the rate commissioners' decision.

If a proposed permanent rate change is taken before the courts, temporary rates may have to remain in effect for a longer period. Subsection 1257(d) of H.R. 11750 bars the board from transmitting its final decision to Congress until any judicial review under section 1257 is completed.

It is *only* in connection with judicial review of proposed permanent rate changes, however, that temporary rates could remain in effect for a truly substantial period of time. And judicial review, of course, could not be initiated by the Postal Service.

Moreover, section 1257 explicitly enjoins the courts to give proceedings under it preferred status and to expedite them in every way: the chances of prolonged judicial delay in the face of this injunction seem extremely remote.

Although H.R. 11750 contains strong statutory safeguards against any unnecessary use of temporary rates, probably the strongest safeguards are practical ones.

Any unnecessary use of temporary rates by postal management would be against its own interest. Temporary rates do not provide an adequate basis for revenues because their duration is highly uncertain. By the same token, they make for an unstable overall rate structure. They are not consonant with customer satisfaction.

In short, management will regard them as something of a necessary evil, to be used only if, and only so long as, economic necessity leaves no other alternative.

POST OFFICE SELF-SUPPORTING?

My last topic in the finance area is the question of whether the Post Office should be self-supporting. We believe that the break-even requirement is vital. It provides management with a powerful incentive both to be efficient and to be responsive to the users upon whom it depends for revenues.

I would strongly urge that the Postal Service be required to break even, apart from the public service subsidy, and that postal management be given the means to comply with that requirement. H.R. 11750 would give management the means to achieve a self-sustaining basis, and H.R. 4 would not.

Former Postmaster General J. Edward Day, in his appearance before this Committee, launched a broad attack on the break-even concept. Despite my respect for Mr. Day's experience as Postmaster General and for his clients, the Associated Third Class Mail Users, I find myself in fundamental disagreement with Mr. Day's current position on this issue.

Mr. Day argues, as many have argued before this Committee, that red ink in the operation of the postal system should be of no more concern than red ink in the operation of such agencies as the Department of Defense. Both provide a public service, the argument runs, and are therefore equally entitled to appropriations support.

POSTAL POLICY DIFFERENT

Congress, however, has long recognized the distinction between the public service rendered by the Post Office and the public service rendered by the Defense Department or other Executive departments. The Postal Policy Act of 1958 requires that the Post Office be self-supporting, except for public service allowances.

This Congressional policy, in my judgment, is eminently sound. Our entire economic system is founded on the concept that the most efficient allocation of resources can be achieved by having the user pay for the goods and services he wishes to obtain.

If postal service were provided to everyone free of charge, to take an extreme example, vast amounts would have to be spent on providing postal service, and there would be no rational way to measure whether these benefits were worth the cost.

In the case of military defense, a price system obviously would not be feasible. Defense benefits every citizen equally—it is a "public good" that must be publicly financed.

The postal system, on the other hand, is of benefit primarily to the people who use it; and that benefit varies in proportion to the degree of use.

POSTAL CHARGES NOT TAXES

Charges for postal service are not just another form of taxation; they represent payments by specific persons for specifically identified services that such persons have voluntarily decided they wish to receive.

A pricing system *could* also be used, of course, to finance such Government services as public education. Society as a whole has a tremendous interest, however, in seeing that educational services are made available to large numbers of people who could not afford to pay the full cost of such services.

Society as a whole has no corresponding interest in subsidizing the users of the postal system, with some obvious exceptions.

On the contrary, if society is interested in seeing that the postal system has incentives to be as responsive as possible to the needs of those who use the system, it makes little sense for the general taxpayer to foot the bill.

Unlike most other operations of the Government, the postal service *can* practicably be placed on a self-sustaining basis. It is common among those responsible for other departments of the Government to decry the lack of any clear index of whether they're doing their jobs well or not, and to search for something equivalent to the corporate financial statement as a yardstick of performance.

As a practical matter, most Government operations *cannot* be self-sustaining. If they could, performance would improve all along the line.

But in our case, there is no practical reason why the postal service should not be required by Congress to adopt the powerful and lasting stimulus to improved performance that a requirement for self-sustenance would provide.

SUBSIDIES LEFT TO CONGRESS

Although I advocate the break-even requirement, I must emphasize that H.R. 11750 leaves it to Congress—to each succeeding Congress—to decide whether and to what extent postal subsidies should be employed.

Contrary to the strenuous assertions of some of its critics, H.R. 11750 does *not* require that postal revenues must equal postal expenditures. What it *does* require on this point is set out in subsection 1201(b), as follows:

"It is the intent of Congress that five years following the commencement of Postal Service operations, rates and fees charged by the Postal Service provide, as a whole, revenue adequate, *when added to the appropriations* pursuant to section 1202 of this chapter, to meet its current and projected costs."

Section 1202 says that Congress shall determine what classes of postal users, if any, may use free or reduced rate mail. H.R. 11750 would not preclude "public service cost" subsidies. It would simply require that they be appropriated as such if the Congress elects to do so.

Mr. Day has also attacked the rate making and finance sections of our bill. With your permission, Mr. Chairman, before the record is closed, I would like an opportunity to submit for the record our detailed comments on the lengthy memoranda that Mr. Day filed on these subjects.

MATTER OF TRANSPORTATION

Finally, I would like to say a few words about transportation. The transportation reform provisions of our bill, unlike some of its other provisions, are not substantially new to this Committee.

Basically what the Post Office seeks is the authority to utilize all methods of transportation and utilize them in a way which will give efficient transportation at the lowest possible cost to the postal user.

For this reason we would oppose any amendment to our bill which would require us to use only regulated common carriers or which would require us to use only unregulated noncommon carriers.

Similarly, we would oppose any amendment which restricted our ability to obtain competition between various carriers in order better to serve the public interest.

If the Committee feels, however, that the language of our proposed bill has brought forward anachronisms from existing law that could be eliminated without prejudicing our basic objectives, there may well be room for some change in this area.

With your permission, Mr. Chairman, I would like to submit for the record a supplemental statement dealing with the transportation question in greater detail.

FOUR ELEMENTS OF REFORM

In conclusion, Mr. Chairman, let me reiterate that four elements of postal reform are absolutely necessary if we are to have in the United States a postal service equal to the demands that the country will make during the remaining years of this century.

Each of these four elements is essential to the effectiveness of the others; half measures won't do the job.

1. We must have a form of management that is immune from partisan political intervention, responsive to the needs of postal users, and assured of continuity so long—and *only* so long—as it does its job well. The only way to achieve this form of management is through a government corporation.

2. We must have labor-management relations that permit postal employees a sense of pride and participation in providing the country with outstanding postal service and give them a real stake in the quality of that service, including adequate financial rewards for their work.

True collective bargaining between management and labor, within the framework of the Labor-Management Relations Act, is the best way to achieve this.

3. We must have the ability to obtain cap-

ital so that the Postal Services can avail itself of the enormously productive tools of modern American technology and acquire the modern buildings and high-speed equipment that are needed for efficiency and economy.

The best way to achieve this is to provide workable bonding authority, since the conventional process of Departmental appropriations is neither adequate nor appropriate to postal needs.

4. We must have a rate-making procedure designed to maintain a fair and reasonable rate structure that can respond promptly to changing market forces and the needs of postal users.

The best way to achieve this is to establish a full-time panel of expert Rate Commissioners, which will provide full and impartial hearings and will recommend rate changes which the postal Service can implement on a timely basis, subject to disapproval by concurrent Congressional resolution.

ELEMENTS INTERRELATED

As I said, each of these four elements is essential to the success of the others. They are interrelated. And responsibility for each of these elements must be vested in a single place.

If, for instance, responsibility for revenues is divorced from responsibility for controlling costs, our long, bleak history of huge postal deficits—the taxpayers' perennial tribute to postal inefficiency—is bound to continue.

If responsibility for assuring adequate wages is divorced from responsibility for providing adequate capital resources, we can expect that improvements in productivity will be far more costly than there is any excuse for them to be.

If responsibility for operating management is divorced from responsibility for postal rates and classifications, we virtually invite management to stop short of seeking out customer desires and developing new forms of mail service in response to emerging public wants.

Adequate postal reform requires that responsibility and authority for each of the four essential elements be focused in a single place.

Mr. Chairman, H.R. 11750 asks Congress to delegate the authority to run the postal system to a government agency organized in the corporate form. H.R. 4 addresses specific postal problems and attempts to solve them within the context of the present Cabinet Department.

On some matters of vital importance, such as postal wages, H.R. 4 makes no change; and in others, such as postal rates, it moves in a direction that does not, in our view, answer the needs of the postal service.

MAY BE DIFFERENCES

Reasonable men will differ on their interpretations of these matters, and I recognize the difficult task you have of listening to conflicting viewpoints and trying to determine what is best for the nation as a whole.

But the bill we have submitted appears to us—after vigorous internal discussion—to adopt the approach that holds the best promise of solution for the urgent problems besetting the postal service. That approach has the strong endorsement of President Nixon.

It reflects the conclusion of the last four Postmasters General—of both parties—and the recommendations of a non-partisan Presidential commission appointed by President Johnson.

There is, as President Nixon has said, no Democratic or Republican way to deliver the mail. There is only the right way.

It is in this spirit that we commend the merits of H.R. 11750 to your most serious consideration. The staff of the Post Office Department is at your disposal as you turn now to your Committee deliberations.

There is nothing we have to do which is more important than cooperating with you in this historic legislative effort.

I am grateful for the opportunity I have had to present our views before you and for the treatment accorded me by this Committee. You and the Committee staff have been most generous in accommodating our schedule and in countless other ways. Please accept my personal thanks for the many courtesies you have extended during the hearings.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

EXTENSION OF U.S. FISHING FLEET IMPROVEMENT ACT

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 515 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 515

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4813) to extend the provisions of the United States Fishing Fleet Improvement Act, as amended, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order are hereby waived against section 10 thereof. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. SMITH) and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 515 provides an open rule with 1 hour of general debate for consideration of H.R. 4813 to extend the provisions of the United States Fishing Fleet Improvement Act, as amended, and for other purposes. The resolution also makes it in order to consider the committee substitute as an original bill for the purpose of amendment and waives points of order against section 10 thereof. Points of order were waived against section 10 because it would not be germane.

The purpose of H.R. 4813 is to simplify the procedures governing construction of fishing vessels with Federal aid and to extend the program for the rebuilding and modernization of the U.S. commercial fishing fleet.

The bill would extend the construction assistance program for an additional 2 years, until June 30, 1971; broaden the program to include reconditioning, conversion, and remodeling; increase the authorization appropriation from $10 million to $20 million per year; provide that the determination of subsidy be based on the difference between foreign and domestic costs of constructing a class of similar vessels instead of a separate determination for each individual vessel; eliminate several time-consuming provisions resulting in a savings of time and administrative costs; and would authorize a study—until January 1, 1971, at which time the report with recommendations to the Congress through the President would be due—to consider ways and means to improve the effectiveness of the U.S. fishing industry, such as lower insurance costs, improved ship design, feasibility of allowing a trade-in of obsolete vessels, desirability of a construction reserve fund, and the improvement of safety features aboard fishing vessels.

Mr. Speaker, I urge the adoption of House Resolution 515 in order that H.R. 4813 may be considered.

Mr. SMITH of California. Mr. Speaker, House Resolution 515 does provide an open rule with 1 hour of debate for the consideration of H.R. 4813, the extension of the U.S. Fishing Fleet Improvement Act.

Points of order are waived as to section 10 because it is not germane to the bill.

The purpose of the bill is to authorize for 2 years, through fiscal 1971, funds to continue our fishing fleet construction subsidy program carried out under the U.S. Fishing Fleet Improvement Act.

The bill extends the construction assistance program for 2 years, broadens the act to include the reconditioning or conversion of existing vessels, and requires a study to determine what further steps can be taken to further improve our fishing fleet.

It is obvious that our fishing fleet, like our maritime fleet, is rapidly becoming obsolete. Because of this fact, our percentage of the world's catch of fish continues to decline. Old vessels cannot compete on an equal footing with modern ones using the latest equipment.

Over one-half of our fishing fleet is more than 20 years old, and about 25 percent is 30 years old or more. Many nations, Russia and Japan among them, have large and modern fishing fleets.

American fishermen must use American-built vessels if they wish to land their catches at a U.S. port. The costs of shipbuilding in the United States is substantially higher than in foreign countries. The existing act seeks to reduce this higher cost by providing a construction subsidy of up to 50 percent.

The bill continues the construction subsidy program for 2 additional fiscal years, 1970 and 1971—$20,000,000 is authorized for each year.

A number of changes are made in the act to improve the program. For the first time subsidies of up to 35 percent will be available for conversion or modernization of existing vessels. The amount of the subsidy will be determined for both remodeling an existing vessel and constructing a new one under the same formula.

The Maritime Administrator will be required to determine the general difference in foreign and domestic costs based on the class of vessel involved rather than on each individual vessel as is now required under the act. Based upon this determination, an owner of an existing vessel which is to be remodeled may receive a subsidy of up to 35 percent of the costs of such remodeling. An owner of a new vessel to be constructed will receive a subsidy of at least 35 percent ranging up to a top of 50 percent of the costs of construction.

Finally, the bill requires the Secretary of the Interior to conduct a study and report to the President, and through him, the Congress by January 1, 1971 on further measures which should be taken to upgrade and improve our fishing fleet. $125,000 is authorized for this purpose during fiscal 1970, and such sums as are necessary during that part of 1971 to complete the study.

The committee reported the bill unanimously. The Department of the Interior recommends passage of the reported bill.

There are no minority views. The gentleman from Alaska (Mr. POLLOCK) has filed supplemental views supporting the bill but pointing out that even stronger measures may be necessary to save our fishing fleet. He introduced H.R. 12323 which he believes may help to reach that goal.

The bill is a committee substitute.

Mr. Speaker. I urge adoption of the rule.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. HALL. Mr. Speaker, I appreciate the gentleman from California yielding and I appreciate the efforts of both him and the gentleman from California (Mr. SISK) in explaining the waiver of the points of order in this House resolution.

As I understand it, section 10 of the amendment is not germane, but I think a little more explanation would be in order. Although I am not opposed to this particular waiver, I presume that paragraph (2) that is an amendment to section 4(a) of the Fish and Wildlife Act and pertains to loans on fishing vessels which I presume are used in the exercise of patrolling or surveillance and are associated with the merchant marine or fishing fleet; is that correct?

Mr. SMITH of California. The answer is, the bill has to do with extending the provisions of the U.S. Fishing Fleet Improvement Act, and section 10 has to do with different additional language, an amendment to the Fish and Wildlife Act of 1956, which is not in any way tied in with the fishing fleet. But it was felt, according to the testimony and the report, that it should be in here; and the Committee on Rules in reference to this added this language where it says "mature in not more than 10 years, except that where a loan is for all or part of the costs of constructing a new fishing vessel, such period may be 14 years."

So overall, I suppose, it actually has to do with helping our fishing fleet—but that has to do with a different act than this bill, and that is the way I understand it.

Mr. HALL. If the gentleman will yield further, I understood that the first time that the distinguished gentleman explained it, but what I am wanting to know is about the substance of the amendment to the Fish and Wildlife Act; and, is that increase from 10 to 14 years of loan actually pertinent to that portion of the fish and wildlife fleet that deals with surveillance perhaps of the merchant marine or fishing fleet or which works in conjunction with them?

Mr. SMITH of California. This extends the term of the loan under the Fish and Wildlife Act so far as the fishermen loan fund is concerned. It extends the time of permissibility of the loan and the fishermen loan fund for the fish and wildlife, which is not in the U.S. fishing fleet. That is the best explanation I can give the gentleman.

Mr. HALL. I thank the gentleman.

Mr. SMITH of California. Mr. Speaker, I urge the adoption of the resolution.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DINGELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4813) to extend the provisions of the United States Fishing Fleet Improvement Act, as amended, and for other purposes.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion offered by the gentleman from Michigan.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 4813, with Mrs. GREEN of Oregon in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Michigan (Mr. DINGELL) will be recognized for 30 minutes, and the gentleman from Washington (Mr. PELLY) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. DINGELL. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, this bill was reported unanimously by the Subcommittee on Fisheries and Wildlife Conservation and by the Committee on Merchant Marine and Fisheries of the House of Representatives. It constitutes as careful an effort by the committee and the subcommittee which considered it as possible to achieve as complete a revamping of the fundamental legislation which it amends as is possible to make for meaningful assistance to our commercial fishermen and to our commercial fishing fleet.

It seeks—insofar as the committee was able through a period of most careful deliberation—to revamp existing law, to extend every possible help, and to alleviate every possible evil that has been found in the administration of the original act.

Madam Chairman, in a recent study of the age of vessels fishing in coastal waters of the United States during 1966, conducted by the Bureau of Commercial Fisheries of the Department of the Interior, it was found that the oldest vessel was constructed in 1866. Over half of the vessels operating in 1966 were 20 years old or older and more than one-fourth of them were constructed prior to 1940.

Although there is some variation between fisheries, due to the type of construction and vessel usage, vessels generally become much less economical to operate by the time they are 15 years old. Repair costs increase and engine and equipment replacements become more common. Furthermore, technological improvements usually make the newer vessels more efficient producers and less expensive to operate.

These outmoded vessels are competing for fishery resources in the Northwest Atlantic and Northeast Pacific against large, modern fishing vessels of Russia, Japan, Canada, and many European nations. This disparity in the age, size, and productivity of vessels which severely handicap of fishermen continues to grow worse each year with the entry of additional new, modern vessels from foreign countries and the continued aging of our own fleet.

Madam Chairman, a U.S. commercial fisherman must have his vessel built in a domestic shipyard if he desires to land his catch at a U.S. port. Therefore, he has to pay the higher cost of construction if he is to get a new vessel. Even though this requirement in effect constitutes a subsidy or at least a guarantee of freedom from foreign competition for our domestic shipyards, it is the view of the Committee on Merchant Marine and Fisheries that the maintenance of this protection for the domestic shipyard should be borne by the Government rather than by the fishing industry, which is itself suffering from the effects of foreign competition.

Madam Chairman, in furtherance of this principle, the Congress in 1960 enacted the U.S. Fishing Fleet Improvement Act. That act provided that the construction subsidy which the Secretary of the Interior may pay with respect to any fishing vessel built under the act should be an amount equal to the difference between the cost of constructing such vessel in a U.S. shipyard based upon the lowest responsible domestic bid and the estimated cost of constructing such vessel under similar plans and specifications in a fair and representative foreign shipbuilding center, as determined by the Maritime Administrator, but in no event should such differential subsidy exceed 33⅓ percent. The act authorized an appropriation of $2.5 million per year for a 3-year period.

In 1964, the Congress extended the program to June 30, 1969, increased the maximum subsidy from one-third to one-half of the cost of construction, and authorized an annual appropriation of not more than $10 million.

Madam Chairman, the purpose of the legislation we are considering today, H.R. 4813, is to simplify the procedures governing construction of fishing vessels with Federal aid under this program and to broaden and extend the program for the rebuilding and modernization of our U.S. commercial fishing fleet.

Briefly explained, section 1, subsection (a) of the bill would amend section 2 of the U.S. Fishing Fleet Improvement Act—46 U.S.C. 1402—to authorize any citizen of the United States to apply for a construction subsidy to aid in the remodeling, conversion, or reconditioning of any vessel in accordance with the act.

Present law permits such a subsidy for construction of a new fishing vessel only.

Subsection (b) of section 1 of the bill would amend clause (1) of section 2 of the act to require as one of the conditions for approval of an application that, when appropriate, a remodeled, converted, or reconditioned vessel be suitable for use by the United States for national defense or military purposes in time of war or national emergency.

Present law requires a new fishing vessel constructed under the act to meet such a requirement. This subsection would extend the requirement to remodeled, converted, or reconditioned vessels, when appropriate.

Subsection (c) of section 1 of the bill would amend clause (2) of section 2 of the act to extend the requirement that the applicant possess the ability, experience, resources, and other qualifications necessary to enable him to operate and maintain the fishing vessel proposed to be constructed to include a vessel proposed to be remodeled, converted, or reconditioned.

Subsection (d) of section 1 of the bill would amend clause (7) of section 2 of that act.

Clause (7) of section 2 of the act, under present law, now requires that in order to be eligible to receive a subsidy, the Secretary of the Interior must determine, among other things, that the proposed vessel "be of advance design" and "be equipped with newly developed gear." Some have contended that this requirement means that a vessel must have innovations that are not on any other vessel before it can be considered to be of advance design. If this interpretation were accepted, it would prevent the building of a number of vessels of the same design and have the effect of straitjacketing the program. In order to clarify this situation, subsection (d) would provide that the Secretary would only have to find that the vessel and its equipment be of modern design; that is, up to date in all respects.

Clause (7) of section 2 of the act, under present law, also requires the Secretary to find that the new vessel will not cause economic hardship "to efficient vessel operators already operating in that fishery." This is an appropriate requirement in the case of new vessel operators coming into the fishery, but it has been interpreted by some as being intended also to prevent modernization of old and obsolete vessels already operating in that fishery.

To correct this misinterpretation, subsection (d) would provide that the "economic hardship" finding does not apply where the Secretary finds that the new vessel will replace an existing vessel operating in the same fishery during the 24-month period immediately preceding the date the subsidy application is filed and having a comparable fishing capacity of the replacement vessel.

Section 2 of the bill would amend section 3 of the act to remove the requirement for a mandatory public hearing on each application.

Every application approved since 1964 has involved a formal hearing before a hearing examiner. Except for a few cases, most of the hearings have been quite pro forma, since there was no one to speak in opposition to the application. The hearing provision is a good one, but it should not be made mandatory in every case. By providing everyone with an opportunity to request a hearing, equal results would be obtained with a smaller expenditure of time and money.

Section 3 of the bill would rewrite section 5 of the act.

Under section 5 of the present law, the Maritime Administrator is required to determine the differential in the cost of constructing a vessel in the United States and abroad for each application for a construction subsidy.

Madam Chairman, this method of determining the differential has not proved to be very practicable. While the Maritime Administrator attempts to determine the differential, foreign shipyards have no reason to bid on the construction of such American fishing vessels because of present U.S. prohibition against the use of foreign-built fishing vessels. Consequently, the price obtained abroad has been largely speculative and based on surveys, not actual experience. This procedure has delayed the processing of applications unnecessarily.

Section 3 would rewrite section 5 of the act to abandon the requirement for a separate determination of each individual vessel. Also it would require the Maritime Administrator in subsection (a) to determine the general difference in foreign and domestic costs based on the class of vessel similar or identical to the applicant's. In carrying out this function, the Maritime Administrator would, within 60 days after enactment of the legislation, and periodically thereafter as the market changes, survey foreign shipyards to determine the estimated differences between the cost of constructing various classes of new fishing vessels in such shipyards and the cost of constructing such vessels in U.S. shipyards. The Maritime Administrator also would be required to conduct such surveys on various classes of vessels that might be remodeled, converted, or reconditioned.

Subsection (b) of the new section 5 of the act would authorize the Secretary of the Interior to pay, with respect to approved applications for new vessel construction, a subsidy of not less than 35 percent and not more than 50 percent of the lowest responsible bid for constructing such vessel in a domestic shipyard, exclusive of any added defense costs. The subsidy would be based on the survey conducted under subsection (a) of this section.

Under present law, the subsidy cannot exceed 50 percent of the cost of constructing a vessel in a domestic shipyard. Subsection (b) of the new section 5 of the act would retain the maximum limitation, but in addition, would for the first time provide a minimum subsidy of 35 percent of such domestic cost.

In the past, applicants have never been sure just what percentage subsidy they would receive. Many fishermen, particularly the smaller craft operators, have been reluctant to become involved in time-consuming subsidy applications without some definite percentage upon which they could estimate the total investment they would be required to make. Based on the testimony presented at the subcommittee hearings, a 35-percent minimum subsidy appears to be fair and reasonable under the circumstances, and would be large enough to encourage the smaller craft operators to take advantage of the program.

Subsection (c) of the new section 5 of the act would authorize, for the first time, the Secretary of the Interior to pay with respect to approved applications for vessel remodeling, conversion, or reconditioning, a subsidy of not more than 35 percent of the lowest responsible bid for constructing such vessel in a domestic shipyard, exclusive of any defense costs. Like new vessel construction, the subsidy would be based on the survey conducted under subsection (a) of this section, and would be determined on the estimated difference of remodeling, converting, or reconditioning various classes of vessels in foreign and domestic shipyards.

Testimony at the hearings indicated that a fisherman could remodel as many as four surplus Government vessels with the same amount of subsidy that would be allowed for construction of a new vessel in the same fishery, thereby modernizing up to four times as much of that fishery fleet.

Section 4 of the bill would amend section 7 of the act to allow an applicant to disapprove the lowest responsible bid and have the vessel constructed by another responsible bidder, provided he pays all of the excess cost.

Section 5 of the bill would rewrite the first sentence of section 9 of the act to authorize the Secretary to approve a transfer of a subsidized vessel to another fishery when he determines, after notice and a public hearing, that the availability of the resource in the fishery in which such vessel operates has declined or market conditions of that fishery have changed or there has been a combination of these factors and such a transfer would not cause economic hardship to operators of efficient vessels already operating in the new fishery.

Section 6, subsection (a) of the bill would amend paragraph (3) of section 11 of the act to insure that at least 75 percent of the ownership of a vessel to be operated in the fisheries of the United States would be held by U.S. citizens.

Subsection (b) of section 6 of the bill would amend section 11 of the act to include a definition of the word "remodeling." As used throughout the legislation, "remodeling" include the construction, through the conversion or reconditioning of any existing vessel to a fishing vessel and the rebuilding of any existing fishing vessel.

Section 7 of the bill would amend section 12 of the act to authorize to be appropriated $20 million per year for a period of 2 years, such sums to be authorized without fiscal year limitations.

Section 8 of the bill would amend section 13 of the act to extend the time for accepting applications for subsidy for the construction of fishing vessels from June 30, 1969, to June 30, 1971.

Section 9 of the bill would authorize the Secretary of the Interior to conduct a study on various ways to further upgrade the U.S. fishing fleet. The study to be conducted in consultation with the Maritime Administration, other interested Federal agencies and organizations, and persons knowledgeable about commercial fishery operations, would cover such items as insurance costs, ship and equipment design, trade in of obsolete vessels, safety, and the establishment of construction-reserve funds. The study would be conducted with a view to reduce operating expenses as much as possible, obtaining information that would be helpful to vessel operators, and promoting new ship construction and remodeling.

The Secretary would be required to submit to the Congress, through the President, a report on the study, together with his recommendations no later than January 1, 1971.

To carry out the study, $125,000 would be authorized to be appropriated for fiscal year 1970. Such sums as may be necessary would be authorized to be appropriated for that portion of fiscal year 1971 that would be needed to complete the study.

Section 10 of the bill would rewrite section 4(b)(2) of the Fish and Wildlife Act of 1956 to authorize the Secretary of the Interior to make loans for periods of up to 14 years for new ship construction.

Loans for financing and refinancing of operations, maintenance, replacement, repair, and equipment of fishing gear and vessels—other than for new vessels—and for research into the basic problems of fisheries would be limited to maximum periods of not more than 10 years, as provided under present law.

Madam Chairman, H.R. 4813 was introduced by the distinguished chairman of the Merchant Marine and Fisheries Committee as a result of an executive communication. There were no Government agencies opposing the legislation and all amendments suggested by the agencies are incorporated in H.R. 4813, as reported.

All witnesses testifying at the hearings were unanimous in expressing their support of the legislation. H.R. 4813 was unanimously reported by the Committee on Merchant Marine and Fisheries and I would like to urge its prompt passage.

Mr. HALL. Madam Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Missouri for the purpose of asking a question.

Mr. HALL. Madam Chairman, I appreciate the distinguished gentleman from Michigan yielding. As I understand his very lucid explanation of the bill—and he has been kind enough to talk with me about it in advance—this simply extends for 2 years an already-authorized, much-needed program to revitalize, to renew, and to remodernize our U.S. fishing fleet so that we can at least keep up with the requirements for food and fiberstuff for the people of our Nation, and hopefully start a program which will eventually be competitive with other nations of the world which have long coast lines; is that correct?

Mr. DINGELL. The gentleman is correct.

Mr. HALL. Madam Chairman, will the gentleman yield further?

Mr. DINGELL. I am glad to yield further.

Mr. HALL. I understand that in the next 2 years of the extended life of this program that I have come to believe is essential for the United States, along with the improvement of our capital ships and the improvement of our merchant marine ships, we would double the amount of funds for subsidization; is that correct?

Mr. DINGELL. The gentleman is correct. The level authorized for the previous period was $10 million per year. The committee, after taking into consideration all the facts, doubled that figure to $20 million.

I must say to my good friend from Missouri, I rather doubt that we will be able to achieve that level of appropriations, but it is the honest feeling of the committee this is the level it should be if we are to really assist our commercial fisheries.

Mr. HALL. Madam Chairman, will the gentleman yield further?

Mr. DINGELL. I am happy to yield further.

Mr. HALL. In view of the need to update our construction—and I am coming to believe that perhaps the only way to do this is by some form of Federal subsidization—I presume the committee of the distinguished gentleman and the subcommittee of which he serves as chairman, are likewise convinced this is the only way we can rapidly gain the status of preeminence which we should rightfully have for our fishing fleets; is that correct?

Mr. DINGELL. The gentleman is correct.

I would point out that the committee has spent not only the regular time in conducting hearings but also in the course of the proceedings we brought in representatives of the Maritime Administration, the Interior Department, the Coast Guard and other agencies, to explore more fully the possibilities of making additional changes.

The gentleman will note that the bill has undergone very striking changes from that originally introduced, in order to expand to the fullest the ability of the Government to provide the assistance which our fishermen need.

Mr. HALL. I do appreciate that. I have a copy of the hearings in my hand, and I have reviewed them as well as the committee report, and of course the bill.

Is the additional $10 million per year within the revised budget? Can the gentleman inform me on that?

Mr. DINGELL. I do not believe it is. My best recollection is that it is not.

Mr. HALL. I have one further point, and I appreciate the gentleman's candor, and I would even go so far as to agree that perhaps this is the one place we ought to take legislative initiative and get on with this job that must be done for the people of America and for the constant flow of quality, nutritious products into the national larder, so to speak.

Be that as it may, under section 9, to which the gentleman alluded in detail, I notice that on page 11 of the bill the second years funding authorization of the newly created commission is left open-ended, so to speak, to use a term which is a part of the vernacular that has grown by custom and usage here on the floor of the House, wherein it says, "such funds as may be necessary" for fiscal year 1971.

Does the gentleman expect that a sum greater would be used in 1971 than is used in 1970 for this Commission? Secondly, would the gentleman object to an amendment to close that up?

Mr. DINGELL. I would be most pleased to advise my good friend it is the expectation that the figure would be less than the $125,000 authorized for the first year, and I will advise my good friend, as chairman of the subcommittee, I discussed with members of the subcommittee and with members of the committee this question, and we would have no objection to an amendment which would limit the second year expenditure to $100,000. If the gentleman will offer such an amendment I will be happy to agree to the figure.

Mr. HALL. I thank the gentleman.

Mr. DINGELL. Madam Chairman, I now yield to my good friend from Virginia (Mr. DOWNING) such time as he may consume.

Mr. DOWNING. Madam Chairman, I rise in wholehearted support of this bill. The U.S. fishing industry is indeed in poor shape. Our vessels are old, obsolete and inefficient and, as a result, our manpower in this industry is declining rapidly. In the last dozen years our share of the total world catch of fish has decreased from 13 percent to 5 percent. Other seafaring countries of the world have had significant increases.

Last winter, I had the opportunity of flying over the Communist-block fishing trawlers which were operating off the coast of Virginia. It was an overwhelming sight. There were at least a hundred trawler-type vessels and five superfactory ships stretched in a line 100 miles long. During our 3-hour observation of this operation, I did not see one American fishing vessel.

In previous years, this law has been extremely helpful to a limited number in the industry. We have modified and improved this bill to make it more useful and less combersome to the loan applicant. It has been broadened to include reconditioning conversion and remodeling; an additional $10 million has been authorized to allow a total of $20 million each year for 1970 and 1971. Under the new provisions, a number of time-consuming administrative requirements have been eliminated resulting in a savings of time and costs.

It is obvious that our fishing fleet must be upgraded and this bill will go a long way toward accomplishing this goal.

Mr. DINGELL. Madam Chairman, I yield to my good friend from Ohio (Mr. FEIGHAN) such time as he may require.

Mr. FEIGHAN. Madam Chairman, I would like to take this opportunity to commend my distinguished colleague, the gentleman from Maryland (Mr. GARMATZ), the chairman of the Merchant Marine and Fisheries Committee and the very able chairman of the subcommittee, the gentleman from Michigan (Mr. DINGELL), for their diligence in developing this very necessary legislation. Of note during our consideration of H.R. 4813 is the fact that all who testified on this legislation fully supported its provisions.

It is anticipated that small fishing craft operators will benefit substantially from this bill because of a new guarantee to receive a minimum subsidy of 35 percent for the construction of new fishing vessels. Heretofore, when a fisherman applied for a subsidy, he could never be certain of the amount he would receive until the 6 month's application period was completed. A 35-percent minimum subsidy should provide the needed incentive for the owner of a smaller fishing vessel to take advantage of the program particularly if he has ascertained that deficient vessels and equipment have served as a deterrent to increasing his catch.

Another important aspect of this bill is that for the first time it authorizes up to 35 percent of the differential cost of foreign and domestic costs for the remodeling, conversion of reconditioning of a vessel in a domestic shipyard. It was brought out during the committee hearings on this legislation that a fisherman could remodel as many as four Government vessels with the same amount of subsidy allowed for construction of a new vessel in the same fishery. Both the 1960 and 1964 acts precluded any applicability to reconstruction, however, thereby unnecessarily limiting the scope of the U.S. Fishing Fleet Improvement Act. Modernization will now be economically feasible for American fleet operators and will enable them to compete realistically in the world market.

The need for this legislation was emphasized during the committee's hearings on H.R. 4813 when it was disclosed that the United States had dropped from second to sixth place among the leading fishing nations of the world, primarily because of its obsolete vessels and equipment. Obsolescence occurs because of the high cost of constructing replacement vessels in domestic shipyards.

The Great Lakes contains 334 vessels engaged in commercial fishing operations. Over a third of these vessels were constructed between 1911 and 1940 and less than 50 were built in the 15-year period between 1951 and 1966. These figures are indicative of the problems confronting the U. S. commercial fishing industry since it is generally agreed that a fishing vessel is much less economical to operate after it has reached the 15-year mark.

This bill extends the U.S. Fishing Fleet Improvement Act until June 30, 1971, and broadens its provisions as I have explained. It also increases the authorization appropriation from $10 to $20 million a year, a sum considered imperative to handle the anticipated increase in applications resulting from this legislation.

H.R. 4813 deserves our enthusiastic endorsement. Its enactment will stimulate commercial fishing operations in the Great Lakes and coastal waters of the United States.

Mr. DINGELL. Madam Chairman, I yield to my good friend from North Carolina (Mr. LENNON) such time as he may require.

Mr. LENNON. Madam Chairman, I wish to commend at this time the distinguished gentleman from Maryland, the chairman of the Committee on Merchant Marine and Fisheries, for his sponsorship of this legislation. By all means at this time I wish to commend my distinguished friend, the gentleman from Michigan (Mr. DINGELL), the chairman of the subcommittee, who provided the leadership to bring this bill to the floor.

A very interesting observation is made in the report by the gentleman from Alaska in his supplemental views. I call this to the attention of the Members of the House, particularly the Members sitting here in committee. He goes on to say—and these figures are verified—that since 1956 the United States slipped from first to sixth in the ranking of the world's fishing nations. The U.S. percentage of the total world catch of fish has sunk from 1956, when it was 13 percent, to now, when it is actually less than 5 percent.

Those of us who live in the coastal areas of the Nation, be it on the Gulf of Mexico, the Atlantic, or the Pacific coast, are familiar with the tremendous Soviet fishing fleets, with their mother ship doing the processing and canning of the fish when they are caught.

This legislation is not a giant step forward, but it is a single small step and an essential one.

Madam Chairman, the distinguished gentleman from Missouri (Mr. HALL) referred to the fact that we have deplorable conditions in our merchant marine industry today. We are way down and much below what our so-called national posture calls for. Certainly, my friends, there must be an awareness and a recognition on the part of all Members of Congress that if we are going to supply the needs that can be met from the sea for the hungry of the world, we must provide the fishing fleets to make that available. I urge every member of this committee to support this legislation and also to come back soon and ask for a broader and more comprehensive program.

I thank the gentleman for yielding to me.

Mr. DINGELL. Madam Chairman, I yield to my distinguished chairman, the gentleman from Maryland (Mr. GARMATZ), 2 minutes.

Mr. GARMATZ. Madam Chairman, I want to emphasize that the legislation under consideration today, H.R. 4813, is vitally important to the American fishing industry. Basically, this bill seeks to extend—for an additional 2 years—the U.S. Fishing Fleet Improvement Act; it also proposes to increase the amount of Federal money authorized for construction of fishing vessels to $20 million annually, instead of the $10 million now provided.

The original act was designed to stimulate the construction of new fishing vessels needed so badly by the industry. In the face of aggressive competition from modern, foreign fishing fleets, and hampered by obsolete vessels and equipment, the American fishing fleet has seriously declined.

Since the 1940's, the United States has slipped from first to sixth place among the leading fishing nations of the world. We are now outranked by Peru, Japan, Red China, Russia, and Norway, respectively.

Naturally, every member of my committee is concerned about this serious decline, and that concern was evident in the long hours my Subcommittee on Fisheries and Wildlife Conservation spent in hammering out the legislation being discussed here today. Under the guidance of my distinguished subcommittee chairman, Congressman JOHN DINGELL, and the minority member of the committee, the gentleman from Washington (Mr. PELLY), the subcommittee held 2 days of hearings and met in three long executive sessions to develop the best legislation possible. This legislation embodies some changes in the original act which, hopefully, will provide more incentive to increase the quality and quantity of America's total fishing effort.

I want to again emphasize that this bill's passage is essential if we are serious about preserving America's position as one of the great fishing nations of the world. Therefore, Madam Chairman, I urge prompt passage of H.R. 4813.

Mr. DINGELL. Madam Chairman, I yield such time as he may consume to the distinguished gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Madam Chairman, I rise to speak in support of H.R. 4813, a bill to extend the U.S. Fishing Fleet Improvement Act.

My support of this legislation is based on the belief that continued construction assistance is needed by our fishing fleet so that it can compete more efficiently for the resources of our coastal waters against the advanced modern vessels of Russia, Japan, Canada, and other nations.

Since 1956, the U.S. share of the total world catch of fish dropped from 13 to 5 percent. The reason for this alarming decrease is obsolescence of the vessels and equipment being used in our fisheries. Over half of the vessels operating in 1966 were 20 years old or older, and more than one-fourth of them were constructed prior to 1940. In the past decade, technological improvements have been incorporated in foreign vessels, making them more efficient producers and much less expensive to operate. The continued aging of the U.S. fleet and the disproportionately higher costs of new construction severely handicaps one of our major industries.

The 1960 Fishing Improvement Act authorized an appropriation of $2.5 million per year for a 3-year period to provide partial subsidies for improving our fishing fleet. The 1964 act extended this program to June 30, 1969, and increased the authorization to not more than $10 million per year.

H.R. 4813 would extend the construction assistance program for an additional 2 years until June 30, 1971, and increase the authorization from $10 to $20 million per year.

Madam Chairman, this bill simplifies procedures governing the construction of fishing vessels with Federal aid by providing that the determination of subsidy should be passed on the difference between foreign and domestic costs of construction of a similar class rather than the existing method of determining a separate subsidy for individual vessels.

In addition, the bill is forward looking in that it authorizes a study which will result in recommendations to the Congress in January 1971. This study, as prescribed by the bill, will outline ways and means to enhance the effectiveness of our fishing industry through such improvements as lower insurance costs, better ship design, removal of obsolete vessels, and general strengthening of safety features aboard fishing vessels.

In supporting this bill, I hope that in the very near future our fishing industry can modernize itself and move again toward leadership among the fishing nations of the world.

Mr. PELLY. Madam Chairman, I yield such time as he may consume to the distinguished gentleman from Massachusetts (Mr. Keith).

Mr. KEITH. Madam Chairman, we have been trying to help the fishing fleet to regain its proper position ever since I have been a Member of this Congress, and for many years before that.

We have seen the vessels of foreign flags coming closer and closer to our shoreline and taking a larger and larger tonnage of fish, much of which is sold back into this country in competition with our own fishing industry.

Madam Chairman, we had an act in 1960, 1964, and now 1969.

The committee, under the chairmanship of the late Herbert Bonner, and now under the chairmanship of the gentleman from Maryland (Mr. Garmatz), and particularly with the assistance of the midwesterner (Mr. Dingell), has worked hard to find an answer to this most perplexing and difficult problem.

I think, perhaps, the most unique step in our current effort to solve this problem is in section 9 of this legislation. This provides for a study, under the leadership of the Secretary of the Interior, in consultation with the Maritime Administrator, other interested Federal agencies, and professional and industrial organizations knowledgeable about U.S. commercial fishing vessels and their operations.

The first area to be studied is that of insurance.

Madam Chairman, it costs about $800 per man for insurance premiums alone for a fishing vessel to put to sea. In some nations of the world the Communist countries, for example, they do not have any insurance. In other nations—Canada, for example—they subsidize the cost of this insurance and the net cost per man is around $200 per year; ours, as I said, is about $800 for an individual crewmember.

The Interior Department is also going to study the design of our vessels and their equipment to learn more about possible innovations and improvements. Here, again, we find ourselves competing with foreign vessels, many of them equipped with more advanced gear and of more modern design than our fleets.

Third, they are going to study the possibility of getting rid of some of the older vessels by trading them in to the fishing owners and fishing captains who are willing to junk their old vessels, some that we have learned earlier today are 100 years of age, and to start out fresh. We considered putting this item in this year's bill, but we decided it was too speculative and, therefore, it is in the study.

Fourth, we are going to study the question of the means and measures for improving the safety and efficiency of existing fishing vessels.

And fifth, the possibility of a construction reserve fund similar to that which is given to our merchant fleet, where owners are allowed to set aside reserves against the depreciation of their vessels—reserves that will accumulate tax-free, and in some instances, I believe, the payments from gross revenues are a deductible expense.

It is vital to a fishing vessel owner to have the funds with which to rebuild his vessel as it approaches the time when it is no longer seaworthy.

Madam Chairman, I think if this study goes forward as it is contained in this bill that perhaps the next time this act comes up for renewal we may have a better course on which to proceed. Hopefully we will be successful in finding some way to solve the problems that our fishing fleets and fishing vessel owners, their captains and their crews, are faced with.

Mr. PELLY. Madam Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. Findley).

Mr. FINDLEY. Madam Chairman, I thank the gentleman from Washington (Mr. Pelly), for yielding me this time.

As another midwesterner, I have several questions to raise about this proposed measure. If in fact our fishing fleet has declined so radically in the last 10 years or so in spite of the subsidy program that I presume has been going on all through these years, are we not just throwing good money after bad money in providing another $20 million annually by this bill?

Mr. PELLY. Madam Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Washington.

Mr. PELLY. Madam Chairman, I must be frank and say to the gentleman from Illinois that I think in the past that this program has been a failure.

Mr. FINDLEY. It sounds like it.

Mr. PELLY. I would only add that we have included in the bill this year a provision which I am hopeful will correct the situation; namely, to allow a fisherman to remodel or reconstruct his older boat, which will not cost as much, or the taxpayer as much, and which I believe will provide much broader help to the fishing industry.

Second, Madam Chairman, I think that we are looking to the study which the gentleman from Massachusetts (Mr. Ketih) has referred to: To provide even further assistance in the years to come. It is only a 2-year bill, and I would be the first to agree with the gentleman from Illinois that I do not believe we can take any pride in this program, as it has existed in the past.

Mr. FINDLEY. As I understand the present law, Madam Chairman, a fisherman in this country cannot buy a foreign-built vessel. It would seem to me that that is an outrageous provision, and it would seem to me very logical for the committee to consider either amending or abolishing that requirement if in fact it does have this effect.

Mr. DINGELL. Madam Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Michigan.

Mr. DINGELL. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I would like to point out to the gentleman that neither this Congress nor any Congress in which either the gentleman from Illinois or I have had anything to do had anything to do with that law. That was a statute that was enacted before 1800. As a matter of fact, it was enacted about the same time as our Constitution.

Mr. FINDLEY. Is it not high time, therefore, to sponge it from the books?

Mr. DINGELL. No, I would not think so.

Mr. FINDLEY. Does the gentleman think that it is essential to the national defense to subsidize these fishing fleets? I could understand that in regard to the merchant marine fleet which might have to carry supplies across the oceans in case of war, but can we really justify in terms of our national security our fishing fleets?

Mr. DINGELL. If the gentleman will yield further, the answer is that it is not so important that we have the cost of the fishing vessels subsidized, but the important thing is that we do have shipyards in this country that are kept in being and by so doing, are able to also make the small vessels which are needed in time of war. That was the reason for the enactment of the original legislation and the reason that it has remained on the books since then.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DINGELL. Madam Chairman, I yield 1 additional minute to the gentleman from Illinois.

Mr. FINDLEY. I thank the gentleman for yielding me the additional time.

Mr. DINGELL. Madam Chairman, if the gentleman will yield further, I would like to point out that the bill originated in its first form as an attempt to arrive at new designs and new types of vessels, and to modernize the U.S. fishing fleet through the evolution of new designs.

It was most successful in that particular in terms of new ship designs, however, it was not successful in terms of construction of large numbers of vessels. The latter aspect was not successful for several reasons.

First, there had been certain provisions in the law to which this amendment is directed which prevented that. Second, there has never been an amount of money sufficient for construction of a substantial number of vessels.

This bill not only tries to maintain those objectives but also goes further in trying to evolve new devices in the construction of fishing vessels and also by evolving a desirable change in the law in that fishing vessel loans will be made available for longer periods.

Mr. FINDLEY. I feel sure that a good case could be made for a more substantial shipbuilding subsidy in this country than we have had up to today for national security purposes. But it does not seem to me that this is squarely on that point. Instead of making this look like subsidy to fishermen—why do we not come out and openly say that we need shipbuilding facilities and that we are ready to provide subsidies for vessels which do have a utility in times of national crisis?

Mr. DINGELL. If the gentleman will observe section 9 of the bill. The committee, I must tell the gentleman, was not fully satisfied with the way the program has gone. So as a result of this, we closed the door and held three executive sessions and brought out the ABC's with which the committee was concerned and went over these points, including the point the gentleman has been alluding to.

As a result of this, we directed the Secretary of the Interior in consultation with the Maritime Administrator, to go thoroughly over the whole question of assistance to commercial fisheries and the control of vessel construction and directed that at the end of 2 years he should provide a report giving the answers that we think are necessary to evolve a new program.

But because of benefits achieved by other sections of the law, we made certain changes that make for a better interim approach and we hope that we will have the new devices which will result from this study, and which will meet exactly the points the gentleman has raised.

Mr. FINDLEY. Would it not make sense to require that any subsidy be only to a vessel which does have a utility in time of war?

Mr. PELLY. I will say to the gentleman, it does make sense and that is a basic provision of the law. In other words, the basic provision of the law is that a fishing vessel to qualify for subsidy must be of a design that is suitable for defense.

Mr. FINDLEY. Then, no expenditure can be made except as it would serve national defense purposes; is that correct?

Mr. PELLY. The gentleman is correct.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PELLY. Madam Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Madam Chairman, in addition to the military mission, for which fishing vessels may serve on patrol missions during wartime, I think it is equally important that we are able to harvest the sea in times of trouble. We need these vessels for that peaceful purpose, to provide the protein requirements of the Nation. The defense aspect is involved in feeding our home forces as well as in shipping our military might overseas.

Mr. PELLY. Madam Chairman, I yield myself 5 minutes.

Madam Chairman, I rise to endorse the statement of the distinguished chairman of our Subcommittee on Fisheries and Wildlife Conservation, the gentleman from Michigan (Mr. DINGELL) and to support the bill H.R. 4813.

Historically, American fishermen have been required to secure their vessels from American shipyards. Shipyard workers in the United States have benefited from the ever-increasing standard of living enjoyed by all segments of labor, but this high standard of living has in turn meant that fishing vessel built in an American shipyard costs at least twice as much as a comparable vessel built in Europe or Asia where the standard of living is significantly lower.

There are approximately 13,000 American fishing boats of 5 tons or over which must compete in the marketplace with cheaper foreign vessels operated by crews that are paid much lower wages. The result, Madame Chairman, is that while the total consumption of fish and fish products in the United States has risen each year, the share of that market supplied by American fishermen has actually declined. The vast majority of our vessels are old, inefficient and simply cannot compete.

The original legislation to provide Federal assistance in the construction of fishing vessels was enacted in 1960. It authorized the Secretary of the Interior to pay up to one-third of the cost of constructing fishing vessels in American shipyards for citizens of the United States. This act was inspired by the drastic decline of the New England ground fisheries industry, and its provisions effectively limited its application to that industry. The act authorized an annual appropriation of $2½ million. From its enactment until mid-1964, 10 vessels were constructed utilizing the funds made available.

In August 1964, the act was extended for an additional 5 years to June 30, 1969. The authorization was increased to $10 million annually. The 1964 amendments eliminated the language of the law which had restricted its effectiveness to the New England ground fisheries. In addition, the maximum subsidy which could be paid was increased to 50 percent of the cost of the vessel. Since enactment of the 1964 amendments, 32 additional vessels have been constructed or are under construction. Notwithstanding the increased authorization, however, only a total of $25½ million has been appropriated for this program since its inception.

Although the basic objective of this act is commendable, I have found that its implementation by the Bureau of Commercial Fisheries of the Department of Interior in the past has fallen far short of expectations. When this act came up for amendment in 1964, based on 4 years experience with it, I decided that it should not be continued. Together with my colleague, the gentleman from Pennsylvania (Mr. GOODLING), I filed minority views to the 1964 amendments in which I argued that no evidence had been presented to the committee to indicate that the expenditure of $10 million per year over a 5-year period would materially change the situation confronting the American fishing industry.

I also was concerned that the addition of new vessels constructed with a subsidy might pose a serious economic threat to the other American fishing boats whose owners had constructed them in good faith without any Federal assistance. I am afraid, Madam Chairman, that the experience of the past 5 years has justified the concern I expressed in 1964.

Rather than being of assistance to the rank and file American fisherman, the Fishing Fleet Improvement Act has enabled a number of firms which had never engaged in commercial fishing before to enter this business with new ships built at cutrate prices. Two of the vessels which were constructed under this program were stern trawlers costing $5.2 million each. They were built for a subsidiary of a large steamship company which was created simply for the purpose of taking advantage of this act. Another firm up in New England which had never been in the fishing business before was able to have three ships built for it with the aid of this subsidy.

The Bureau of Commercial Fisheries has attempted to justify this concentration on a handful of favored operators by maintaining the position that the real benefit of this program lies in its impact upon the design of fishing vessels and the improvement of fishing gear. The fact remains, however, that while these vessels may be the most up-to-date fishing boats in the world, the condition of the overall fishing industry has not been measurably improved.

There have been two things wrong with this legislation ever since it was first adopted in 1960. Hopefully, the legislation before this body today will be a step toward rectifying these deficiencies. In the first place, the legislation covered only the construction of new vessels. A modern fishing boat in a U.S. shipyard is a very substantial investment. For example, the cheapest boat constructed under this legislation since the 1964 amendments cost over $230,000.

Many of them were over $500,000 and several cost in the millions. For the average fishing boat operator, the construction of a vessel of this size and complexity is simply out of the question.

The second factor which has hindered this legislation is the fact that the complicated hearing and administrative procedures of the Maritime Administration were adopted as the guidelines for the granting of subsidy applications. While the Maritime Administration's procedures for determining foreign shipbuilding costs and for weighing the merits of a given application may be desirable in the construction of cargo liners costing from $15 to $20 million each, they are an unnecessary burden and expense for small companies in the fishing business.

I have heard many fishing-boat owners say that they investigated the possibility of obtaining funds under this act but gave up when confronted with the mountain of paperwork involved. Additionally, due to the procedures for determining foreign shipbuilding costs, they could not find out how much subsidy actually would be paid until after committing themselves. The amount of money they would have to raise to cover their share of the cost was always in doubt pending final certification by the Maritime Administration of the cost of building a comparable vessel in a foreign yard.

Madam Chairman, I do not harbor any illusions that the amendments to this legislation which we have adopted will work miracles. We have, however, broadened the scope of the act to cover the rebuilding and modernization of existing fishing vessels, so that a vessel operator may improve the efficiency of his existing fleet without the staggering burden of constructing completely new ships. We have also simplified the procedural aspects of granting a subsidy application. No longer will the Maritime Administrator be required to determine the foreign costs of building each vessel for which subsidy is requested. Under this legislation, the Maritime Administrator will only be required to make periodic general surveys of the cost of building representative classes of vessels in foreign yards. These cost determinations will be a matter of public record so that applicants will be able to determine in advance how much assistance they can expect if their application is approved.

These two amendments may be the means by which we can begin to improve the lot of the vast majority of existing fishing boat operators provided sufficient funds are made available to make the program meaningful. The Bureau of Commercial Fisheries has estimated that it will take $30 million per year in Federal funds over a 7-year period to significantly modernize the American fishing fleet. This money would, of course, be matched dollar for dollar in the case of new construction where the subsidy allowed is 50 percent and up to $2 for each dollar of Federal funds in case of modernization where the subsidy may range from a minimum of 35 to 50 percent.

In recognition of the budgetary restraints that now exist, we have not adopted the $30 million figure but have limited the authorization to $20 million per year for 1970 and 1971. For the extension of the program beyond 1971, further legislation will be required. By that time, we should be in a position to study the effect of the changes we are now considering. Hopefully, they will prove to have been an effective aid to our existing fishing fleet and will justify a further commitment to complete the modernization of this segment of our industry.

Finally, Madam Chairman, H.R. 4813, as amended by our committee, will call upon the Secretary of the Interior to study certain critical aspects of the American fishing industry including the question of vessel employee insurance, means of improving designs, the possibility of a trade-in system, and the establishment of construction reserve funds similar to those which are available for merchant vessels. A very modest appropriation of $125,000 is authorized to carry out these studies during 1970. The Secretary of the Interior will submit through the President a report to Congress together with his recommendations not later than January 1, 1971. These studies are essential, Madam Chairman, if we are to effectively review this program in 1973.

These amendments to the Fishing Fleet Improvement Act are the result of extensive public hearings and several days of executive sessions during which the members of our Fisheries and Wildlife Subcommittee grappled with the past deficiencies of this program and numerous proposals for its improvement. I sincerely believe that we have produced significant amendments which will greatly broaden the impact of the program, if it is intelligently administered. Speaking for myself, I intend to ride herd on the Bureau of Commercial Fisheries to see that that agency extends the benefits of the Fishing Fleet Improvement Act to the widest possible number of fishing vesesl operators. Therefore, Madam Chairman, I support the enactment of H.R. 4813 and urge its passage.

Madam Chairman, I reserve the balance of my time.

Mr. DINGELL. Madam Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Madam Chairman, I am happy to join with others in support of H.R. 4813. This bill has one single purpose—to provide Federal funds to improve and upgrade the U.S. commercial fishing fleet at a time when other nations, some friendly and some unfriendly, are making rapid strides in the development of their fishing fleets; then this Congress has no choice but to enact this authorization for $20 million annually to subsidize the building of new and modern vessels. It is deplorable that this country has fallen to sixth position in the fishing fleets of the world.

Mr. DINGELL. Madam Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Madam Chairman, at this time I compliment the chairman of the committee for moving a little further ahead in trying to bring all of our merchant marine, fishing fleets and other fleets we have in our arsenal up to date. The time has come when we have to awaken to a very serious situation which I have been trying to call to the attention of the House for the last 10 years. I would like to ask the Members today, if they get an opportunity to do so, to read my remarks in the RECORD tomorrow morning. They deal with our approach to the type of merchant marine and fishing fleet we need.

The United Fruit Co. found six of its ships were no longer needed in the Vietnam logistics trade, and they were shifted to foreign states and completely foreign crews were put on them. In the last month or so new ships have been ordered built in foreign shipyards. The men who were manning our yards have been thrown out of work. This is typical of the game we are playing at this time in our lives with our runaway merchant marine. At the present time we are carrying less than 6 percent of American international trade in American bottoms.

I compliment the committee and ask, if it is within their jurisdiction, that they look immediately into this serious situation because if we were to be forced into a two-front banana-type war or one major war, we would be suffocated in defeat because we have not the ability to supply our own troops.

Mr. DINGELL. Madam Chairman, I yield 1 minute to the distinguished chairman of the full committee, the gentleman from Maryland (Mr. GARMATZ).

Mr. GARMATZ. Madam Chairman, I want to inform the gentleman from Pennsylvania that we are looking into the particular matter the gentleman mentioned at this time, with reference to the United Fruit Co. ships. The committee is wide awake and we are looking into that.

Mr. DENT. Madam Chairman, I should have known the gentleman would be doing that.

Mr. DINGELL. Madam Chairman, I yield 1 minute to the gentleman from California (Mr. HANNA).

Mr. HANNA. Madam Chairman, I thank the gentleman for yielding. I compliment the committee and particularly the chairman of the subcommittee, the gentleman from Michigan (Mr. DINGELL). The gentleman's presentation of this bill speaks very highly of the kind and quality of work the gentleman has done with his subcommittee. I know the gentleman is suffering from a bad back and he has stood up very well under arduous circumstances in giving a very fine presentation of the bill.

Madam Chairman, I should like to have in the record that in my judgment it is not just a question of presentation to the fishermen of ships that are competitive; not just a question of the kinds of craft to be used. Rather it is a question of the processes of extraction of foods from the sea.

Extracting fish from the sea has become a highly technical process, including the hunting vessel; the processing vessel; the interface between such vessels and their support and market. Unless our fisherman are willing to adjust themselves to the modern processes of fishing that have been devised and used by other nations, just putting our fishermen into competitive ships will not put our fishermen into a competitive posture.

I think our committee is aware of the problems, and I trust they will work with the fishing industry, which is probably the last bastion of the laissez faire in our economy in the United States. Hopefully there can be worked out an appropriate answer so our fishing industry can compete successfully.

They can compete successfully only if they adapt to the integrated, modernized processes of extraction in the fisheries. Putting them into new vessels but, leaving them in their old postures of extraction will not do.

Again I would say we have moved forward as far as we can with this bill. I think the committee brings to this House the kind of opportunity that will move the industry to where further and more meaningful improvement is possible.

Then we may once again be back competitively in the fishing business, competing successfully with the rest of the world.

(Mr. BOW (at the request of Mr. Pelly) was granted permission to extend his remarks at this point in the Record.)

Mr. BOW. Madam Chairman, I rise in support of H.R. 4813. I believe the time has long since passed when we should have done something about our commercial fishing fleet in this country. I believe, however, that in consideration of this matter it should be pointed out there are no standards for these fishing vessels that have been adopted to bring them into a safe category, and for that reason inexperienced crews are operating many of the ships and insurance costs are very high. It would seem to me, Madam Chairman, that perhaps in the consideration given by the Secretary of the Interior the question of standards should be set up so that they could be enforced by the Coast Guard and other officials of our Government. At the present time, as I say, there are no standards set for these ships. I would hope that these ships are all built in American yards and that a provision be made for training of crews, for many times I have learned of inexperienced officers taking these ships out, which endanger the men aboard. Again, Madam Chairman, I do support this legislation, and again say that standards should be established to protect the ships at sea and protect the investment this Government has made in ships.

GENERAL LEAVE TO EXTEND

Mr. PELLY. Madam Chairman, I ask unanimous consent that all Members desiring to do so may extend their remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. VAN DEERLIN. Madam Chairman, I enthusiastically support H.R. 4813, which expands a promising program to help revive our American fishing industry.

The Merchant Marine and Fisheries Committee is to be commended for broadening the program to include subsidies for the conversion and remodeling of fishing vessels, as well as for new construction.

The bill also would double the annual authorization for this assistance. The $20 million a year provided by the measure represents, in my view, a realistic adjustment in the face of rapidly rising costs in the shipbuilding industry or elsewhere.

My one reservation about H.R. 4813 is the continued exclusion of vessel trade-ins from the program. I feel this omission may discriminate somewhat against people who are already in the fishing business but trying to operate with obsolescent boats. Logic would seem to dictate that they too be given a break, by extending more fully to them the subsidy benefits already available to newcomers in this industry who may be starting from scratch and do not have to worry about unloading an aging boat in order to obtain a new one.

The committee has recognized this problem by authorizing a $125,000 study by the Interior Department which among many other things would involve a look at the possibilities of vessel trade-in subsidies. I hope for the sake of many fishermen who could use precisely this kind of help that the proposed survey will produce positive results.

Mr. POLLOCK. Mr. Chairman, I rise to support H.R. 4813, which is intended to make the Fishing Fleet Improvement Act more effective. It only takes a quick glance to tell that the fishing fleet is in serious trouble. The average U.S. vessel is over 20 years old. To be more precise, some 13,000 ships are over age and obsolete. Since 1940, we have slipped from first to sixth among the world's fishing nations. Our imports of fishing products have tripled in the last 20 years.

The American fisherman has been left behind. He has not been able to incorporate the technological discoveries that are modernizing our foreign competitors' fleets. In fact, modernizing ships in the United States is more expensive. We have traditionally upheld the American shipbuilding industry in order to keep its laborers at a high standard of living. If U.S. builders had to cut prices for competition in the world market, the American laborer would be the first and hardest hit. This course is also unacceptable because it leaves our country dependent on the whims of other nations. American ships have been of vital importance, for example, in transporting supplies and troops to Vietnam. To lose our self-reliance on the sea might prove disastrous at some future hour when our support is needed or our Nation's very survival is at stake.

The alternative course—the one which Congress chose—was to help rebuild our sorry fishing fleet. Hence, the U.S. Fishing Fleet Improvement Act of 1960.

Since 1960, this incentive has resulted in completion or progress on 26 new vessels; 31 more applications for assistance have been approved. Unfortunately, Mr. Speaker, this is nowhere near enough help; therefore, H.R. 4813 is designed to eliminate unnecessary and costly paperwork of the application process, and provide funds for continuing the modernization of the fishing fleet.

The proposal has three main elements. First, it will revise the method of determining how much of a subsidy shall be paid for each new vessel. The present procedure involves getting foreign and domestic bids for each prospective vessel. Of course, the foreign bids are speculative at best, for each foreign builder knows he has no chance of constructing the vessel. H.R. 4813 will allow the Secretary of the Interior to classify vessels and determine the cost of various classes on the foreign market. Then the difference between the lowest domestic bid and the foreign price may be more effectively calculated.

Second, the bill authorizes upon request a hearing to determine what harm might be done by a new vessel to competing U.S. fishermen. The bill eliminates the mandatory hearing requirement. Usually no one utilizes these hearings anyway, and the empty formality often causes delays of up to 2 months.

Third, the bill requires that modern, efficient vessels be built, but that they not glut the supply of fish or destroy all competition with the assistance of Government funds.

Our fishing fleet is in dire need of help. This bill will begin to halt its discouraging slide. It will bring modernization more efficiently, but not without thought for our marine resources and other fishermen who have not yet received help.

Mr. DINGELL. Madam Chairman, I have no further requests for time.

Mr. PELLY. Madam Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2 of the United States Fishing Fleet Improvement Act, as amended (46 U.S.C. 1402), is amended by inserting after the first sentence thereof a new sentence to read as follows: "Any citizen of the United States may apply to the Secretary for a construction subsidy to aid in the remodeling of any vessel in accordance with this Act."

(b) Clause (1) of section 2 of the United States Fishing Fleet Improvement Act, as amended (46 U.S.C. 1402(1)), is amended by inserting after the words "and suitable" a comma and the words "in the case of a new fishing vessel and, when appropriate, a remodeled vessel,".

(c) Clause (2) of the United States Fishing Fleet Improvement Act, as amended (46 U.S.C. 1402 (2)), is amended by deleting the word "new" from said clause.

(d) Clause (7) of section 2 of the United States Fishing Fleet Improvement Act, as amended (46 U.S.C. 1402 (7)), is amended to read as follows: "(7) the vessel will be modern in design and equipment, be capable, when appropriate, to operate in expanded areas, and will not operate in a fishery if such operation would cause economic hardship to operators of efficient vessels already operating in that fishery unless such vessel will replace a vessel of the applicant operating in the same fishery during the twenty-four-month period immediately preceding the date an application is filed by the applicant, and having a comparable fishing capacity of the replacement vessel, and".

Sec. 2. Section 3 of the United States Fishing Fleet Improvement Act, as amended (46 U.S.C. 1403), is amended by changing the words "after notice and hearing," to "after notice and opportunity for a public hearing,".

Sec. 3. Section 5 of the United States Fishing Fleet Improvement Act, as amended (46 U.S.C. 1405), is amended to read as follows:

"Sec. 5. (a) Within sixty days after the date of enactment of this subsection, and from time to time thereafter, the Maritime Administrator shall survey foreign shipyards to determine the estimated difference between the cost of constructing various classes of new fishing vessels engaged in the fisheries of the United States in such shipyards, and the cost of remodeling various classes of vessels in such shipyards, and the cost of constructing or remodeling such vessels in a shipyard of the United States.

"(b) The Secretary may pay, from funds appropriated under this Act for fiscal year 1970 and subsequent fiscal years with respect to any new fishing vessel for which an application is received in such years and approved under section 3 of this Act, a construction subsidy of not less than 35 per centum and not more than 50 per centum of the lowest responsible bid for the construction of such vessel in a shipyard of the United States, as determined and certified to the Secretary by the Maritime Administrator, excluding the costs, if any, of any feature incorporated in the vessel for national defense uses which costs shall be paid by the Department of Defense in addition to such subsidy. The amount of such subsidy for each such vessel shall be determined and certified to the Secretary by the Maritime Administrator based on the periodic survey conducted under subsection (a) of this section.

"(c) The Secretary may pay, from funds appropriated under this Act for fiscal year 1970 and subsequent fiscal years with respect to any vessel for which an application is received in such years and approved under section 3 of this Act for the remodeling of any vessel, a construction subsidy of not more than 35 per centum of the lowest responsible bid for the remodeling of such vessel as a fishing vessel in a shipyard of the United States, as determined and certified to the Secretary by the Maritime Administrator, excluding the costs, if any, of any feature incorporated in the vessel for national defense uses which costs shall be paid by the Department of Defense in addition to such subsidy. The amount of such subsidy for each such vessel shall be determined and certified to the Secretary by the Maritime Administrator based on the periodic survey conducted under subsection (a) of this section."

SEC. 4. Section 7 of the United States Fishing Fleet Improvement Act, as amended (46 U.S.C. 1407), is amended by inserting after the first sentence thereof a new sentence to read as follows: "Beginning on the date of enactment of this sentence, if the applicant disapproves the lowest responsible domestic bid certified by the Maritime Administrator for convenience or other reasons, the Secretary may permit the applicant to accept another responsible domestic bid and agree to pay a construction subsidy under subsection (b) or (c) of sectiton 5 of this Act which shall not exceed the amount the Secretary would have paid if the applicant had accepted the lowest responsible domestic bid."

SEC. 5. Section 9 of the United States Fishing Fleet Improvement Act, as amended (46 U.S.C. 1409), is amended by changing the first sentence thereof to read as follows: "The Secretary, in the exercise of his discretion, after notice and a public hearing, may approve the transfer of any vessel constructed with the aid of a subsidy to another fishery when, as determined by the Secretary, the operations of such vessel are shown to be uneconomical or less economical either because of an actual decline of the resource in the particular fishery or fisheries in which such vessel operates, or because of changed market conditions or a combination of these factors, and where he determines that such transfer would not cause economic hardship to operators of efficient vessels already operating in the fishery to which the vessel would be transferred, or where he determines that such transfer would enable such vessel to operate in a newly developed fishery not yet utilized to its capacity by operators of efficient vessels."

SEC. 6. (a) Paragraph (3) of section 11 of the United States Fishing Fleet Improvement Act, as amended (46 U.S.C. 1411(3)), is amended to read as follows:

"(3) 'citizen of the United States' includes a corporation, partnership, or association if it is a citizen of the United States within the meaning of section 2 of the Shipping Act, 1916 (39 Stat. 729), as amended (46 U.S.C. 802), and the amount of interest required to be owned by a citizen of the United States shall be at least 75 per centum,".

(b) Section 11 of such Act is further amended by striking out "and" at the end of paragraph (4); by redesignating paragraph (5) as paragraph (6); and by inserting immediately after paragraph (4) the following new paragraph:

"(5) 'remodeling' includes the construction through the conversion or reconditioning of any vessel to a fishing vessel and through the rebuilding of any existing fishing vessel, and".

SEC. 7. Section 12 of the United States Fishing Fleet Improvement Act, as amended (46 U.S.C. 1412), is amended to read as follows:

"SEC. 12. There is authorized to be appropriated for the fiscal years 1970 and 1971, $20,000,000 per fiscal year to carry out this Act. Such sums are authorized without fiscal year limitation."

SEC. 8. Section 13 of the United States Fishing Fleet Improvement Act, as amended (46 U.S.C. 1413), is amended by striking out "1969" and inserting in lieu thereof "1971".

SEC. 9. The Secretary of the Interior, in consultation with the Maritime Administrator, other interested Federal agencies, and interested professional and industrial organizations knowledgeable about United States commercial fishing vessels and their operations, and other persons, shall conduct a study (1) on the need for, and desirability of, measures to make available at lower costs insurance for such vessels and their employees, (2) on means and measures to improve the design of United States fishing vessels and equipment to make available as much information as possible to lower the costs of constructing or remodeling such vessels, (3) on the need for, and desirability of, provision for trading in existing fishing vessels, (4) on means and measures for improving the safety and efficiency of existing fishing vessels, and (5) on the need for, and desirability of, authorizing the establishment of a construction reserve fund for fishing vessels documented under the laws of the United States for the purposes of promoting the construction, reconstruction, or acquisition of fishing vessels. The Secretary shall submit, through the President, to the Congress a report together with his recommendations not later than January 1, 1971. There is authorized to be appropriated $125,000 for fiscal year 1970 and such sums as may be necessary for fiscal year 1971 to carry out the purposes of this section.

SEC. 10. Section 4(b)(2) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c(b)(2)) is amended to read as follows:

"(2) Mature in not more than ten years, except that where a loan is for all or part of the costs of constructing a new fishing vessel, such period may be fourteen years.".

Mr. DINGELL (during the reading). Madam Chairman, I ask unanimous consent that further reading of the committee amendment may be dispensed with and that it be printed in the RECORD and open to amendment at any point.

The **CHAIRMAN**. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AMENDMENT OFFERED BY MR. HALL

Mr. HALL. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HALL: On page 11, line 10, strike out "such sums as may be necessary" and insert "$100,000".

Mr. HALL. Madam Chairman, as discussed in the colloquy during consideration of House Resolution 515 and in the colloquy right after the distinguished gentleman from Michigan presented H.R. 4813, there was left an open-ended section pertaining to the fiscal year 1971 amount, for concluding the work prior to the time of the report of the Commission established in section 9 of the amendment.

In my opinion, much of our legislative difficulty accrues by either lack of ways and means written into legislation or lack of termination date thereof.

I appreciated the comments made by the distinguished gentleman from Michigan and the ranking minority member, the distinguished gentleman from Washington, concerning this proposed amendment, and their willingness to see that this legislation is tidied up.

Mr. DINGELL. Madam Chairman, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Michigan.

Mr. DINGELL. I thank the gentleman from Missouri. I discussed this with my colleagues on the committee, and I find no objection to it. We will be happy to accept the amendment.

Mr. HALL. I thank the gentleman.

Mr. PELLY. Madam Chairman, will the gentleman yield?

Mr. HALL. I yield to my friend and colleague the distinguished gentleman from Washington.

Mr. PELLY. As always, the gentleman from Missouri has done his homework. Again I commend him for offering the amendment. We on our side will be happy to accept it.

Mr. HALL. I appreciate the gentleman's comments.

Madam Chairman, I yield back the balance of my time.

Mr. GROSS. Madam Chairman, I move to strike the necessary number of words.

Madam Chairman, I was a member of the Merchant Marine and Fisheries Committee when the first fishing vessel subsidy was written into law. I have supported this program in the past and want to continue to support it, but I would urge my colleagues, and my former colleagues on that committee, not to balloon this program all out of shape.

I am willing to go along with this bill, but I hope the members of the Merchant Marine and Fisheries Committee and the other Members of the House will join me in some real good cutting amendments so that we can recover the cost of this program and more out of the foreign aid bill when it comes to the floor. I know of no reason why we should subsidize the building of fishing trawlers in foreign countries and then be compelled to subsidize them in this country; in other words, to provide competition for our own fishermen. So when the foreign aid bill comes before the House—I call it the foreign handout and giveaway bill—I hope that Members will be as cooperative as I plan to be here today and help to recover the cost of this assistance to Americans.

Moreover, I am wondering how wise we are in the matter of subsidizing the building of fishing trawlers in this country only to see them seized on the high seas by the Peruvians, the Chileans and others, and we are made to pay right through the nose by way of fines. Yes, the taxpayers of this country are made to pay through the nose for the recovery of these vessels and for the cargoes of fish that have been seized.

Mr. PELLY. Madam Chairman, will the gentleman yield?

Mr. GROSS. I am delighted to yield to my good friend from Washington.

Mr. PELLY. I am interested in the statement of the gentleman from Iowa. It just so happens in our hearings the Director of the Bureau of Fisheries indicated to us that we would probably not in the future need to subsidize our tuna boats, the ones going on the high seas to Latin America and other places. So, judging from that statement of his, I do not think any further funds will be going in that direction. However, I say to him that we have had that problem because only this year the South Koreans came over with their fishing vessels. We had an agreement with them, because we had put money into their fishing industry and upgraded their fishing industry, that as a result they would not come in and compete with us in Alaska and other places. However, they did come in with their fishing vessels. I can assure the gentleman, as you know, that I, for one, as long as I am on this committee, will try to see to it that when we spend American dollars we will help American industry.

I thank the gentleman for yielding to me.

Mr. GROSS. That has been my position in supporting these bills. I believe in supporting American industry, but I just cannot live very much longer with the contradictions that I have seen. We subsidize the construction of merchant vessels as well as fishing trawlers in American shipyards. We subsidize them because of the difference in the cost of construction between Japanese and American yards. Yet, if we can believe the newspaper article of a few days ago, the Japanese sold $100 million worth of steel to be used for a pipeline in Alaska. There must be an end to the contradictions that we are seeing in this country.

Mr. DINGELL. Madam Chairman, will the gentleman yield?

Mr. GROSS. I am very happy to yield to the gentleman from Michigan.

Mr. DINGELL. There are a couple of points that I want to make. I am glad to say that because of the interest that my good friend from Iowa has manifested in this problem I have displayed a very active interest in the problem of ship seizure. I am able to report that there is underway at this time negotiations with those nations involved with a view toward eliminating this major foreign policy question we have.

Second, let me say that there are some good aspects to the program. On one vessel it was found that the amount of subsidy could be recouped from income taxes derived from the operations of the vessel within a period of 2 years.

Further, I wish to point out, Madam Chairman, that in the case of vessel construction, although the number of vessels constructed has been very slight, I can report to the gentleman in the case of scallop vessels that although only 10 have been constructed with subsidies, those 10 vessels land 21 percent of the scallops landed in the United States. In the case of ground fish in New England, although there have been only five vessels constructed with subsidies, those five vessels landed better than 14 percent of the total ground fish landed in the United States. In the case of tuna, I am able to make an even happier report. The tuna fishing fleet has been considerably modernized and although only 11 vessels of our tuna fleet were constructed with the benefit of a subsidy, those 11 vessels accounted for 33 percent of the total tuna landings in 1968, consisting of 222 million pounds of yellow fin and skipjack tuna.

So I wish to say to the gentleman that the committee is very alert to the points raised by my good friend from Iowa and appreciate his attention while he was present on the committee where he was a very valuable and constructive member.

Mr. GROSS. I thank the gentleman for his remarks.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. Hall).

The amendment was agreed to.

The CHAIRMAN. The question now recurs on the committee amendment.

The committee amendment, as amended, was agreed to.

Mr. HALL. Madam Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Missouri will state his parliamentary inquiry.

Mr. HALL. Does the Chair mean the committee amendment, as amended?

The CHAIRMAN. That is correct.

Mr. HALL. I thank the Chairman.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mrs. Green of Oregon, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4813) to extend the provisions of the U.S. Fishing Fleet Improvement Act, as amended, and for other purposes, pursuant to House Resolution 515, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2721. An act to increase funds for college student loans by increasing the authorization of appropriations for the national defense student loan program, and by providing for an incentive allowance for insured loans under title IV–B of the Higher Education Act of 1965 on a temporary basis, and for other purposes.

MANPOWER TRAINING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 91–147)

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Education and Labor and ordered to be printed:

To the Congress of the United States:

A job is one rung on the ladder of a lifelong career of work.

That is why we must look at manpower training with new eyes: as a continuing process to help people to get started in a job and to get ahead in a career.

"Manpower training" is one of those phrases with a fine ring and an imprecise meaning. Before a fresh approach can be taken, a clear definition is needed.

Manpower training means: (1) making it possible for those who are unemployed or on the fringes of the labor force to become permanent, full-time workers; (2) giving those who are now employed at low income the training and the opportunity they need to become more productive and more successful; (3) discovering the potential in those people who are now considered unemployable, removing many of the barriers now blocking their way.

Manpower training, in order to work on all rungs of the ladder, requires the efficient allocation by private enterprise and government of these human resources. We must develop skills in a place, in a quantity and in a way to ensure that they are used effectively and constantly improved.

Today, government spends approximately 3 billion dollars in a wide variety of manpower programs, with half directly devoted to job training; private enterprise spends much more on job training alone. The investment by private industry—given impetus by the profit motive as well as a sense of social responsibility—is the fundamental means of developing the nation's labor force. But the government's investment has failed to achieve its potential for many reasons, including duplication of effort, inflexible funding arrangements and an endless ribbon of red tape. For example:

—*A jobless man* goes to the local skill training center to seek help. He has the aptitudes for training in blue collar mechanical work, but no suitable training opportunities are available. At the same time, vacancies exist in a white collar New Careers project and in the Neighborhood Youth Corps. But the resources of these programs cannot be turned over to the training program that has the most local demand.

—*A 17-year-old boy wants to take job training.* The only manpower program available to him is the Job Corps, but its nearest camp is hundreds of miles away. With no other choice, he leaves home; within 30 days he has become homesick or feels his family needs him; he drops out of the Corps and has suffered "failure" which reinforces his self-image of defeat.

—*A big-city Mayor* takes the lead in trying to put together a cohesive manpower program for the entire labor market area—tying together jobless workers in the inner city with job openings outside the "beltway." He finds it difficult to assemble a coherent picture of what's going on. Manpower programs funded by different agencies follow different reporting rules, so that the statistics cannot be added up. Moreover, there is no single agency which maintains an inventory of all currently operating manpower programs. He knows that help is available—but where does he turn?

—*An unemployed high school drop-out* in a small town wants to learn a trade in the electronics field. His local employment office tells him that there is not enough demand in his town for qualified technicians to warrant setting up a special training class in a local public school. He is also told that "administrative procedures" do not lend themselves to the use of a local private technical institute which offers the very course he wants. This youngster walks the streets and wonders what happened to all those promises of "equal opportunity."

This confused state of affairs in the development of human resources can no longer be tolerated. Government exists to serve the needs of people, not the other way around. The idea of creating a set of "programs," and then expecting people to fit themselves into those programs, is contrary to the American spirit; we must redirect our efforts to tailor government aid to individual need.

This government has a major responsibility to make certain that the means to learn a job skill and improve that skill are available to those who need it.

Manpower training is central to our commitment to aid the disadvantaged and to help people off welfare rolls and onto payrolls. Intelligently organized, it will save tax dollars now spent on welfare, increase revenues by widening the base of the taxpaying public, and—most important—lift human beings into lives of greater dignity.

I propose a comprehensive new Manpower Training Act that would pull together much of the array of Federal training services and make it possible for State and local government to respond to the needs of the individual trainee.

The Nation must have a Manpower System that will enable each individual to take part in a sequence of activities—tailored to his unique needs—to prepare for and secure a good job. The various services people need are afforded in laws already on the books. The need today is to knit together all the appropriate services in one readily available system. By taking this step we can better help the disadvantaged gain control and direction of their own lives.

A first step was taken in this direction in March when I announced the reorganization of the Manpower Administration of the U.S. Department of Labor. This reorganization consolidated the agencies that had fragmented responsibility for carrying out most of the Nation's manpower training program. We must now complete the job by streamlining the statutory framework for our manpower training efforts.

In specific terms, the Act which I propose would:

1. *Consolidate major manpower development programs* administered by the Department of Labor—namely, the Manpower Development and Training Act and Title I-A (Job Corps) and I-B (Community Work and Training Program) of the Economic Opportunity Act. These programs, operated in conjunction with strengthened State manpower agencies, will provide training activities in a cohesive manpower services system. The Office of Economic Opportunity, without major manpower operational responsibilities, will continue its role in research work and program development working with the Department of Labor in pioneering new manpower training approaches.

2. *Provide flexible funding* of manpower training services so that they can be sensitive to and focused on local needs; this will ensure the most efficient use of available resources.

3. *Decentralize administration of manpower services* to States and metropolitan areas, as Governors and Mayors evidence interest, build managerial capacity, and demonstrate effective performance. This process will take place in three stages. First, a State will administer 25 per cent of the funds apportioned to it when it develops a comprehensive manpower planning capability; second, it will exercise discretion over 66⅔ per cent when it establishes a comprehensive Manpower Training Agency to administer the unified programs; and, third, it will administer 100 per cent when the State meets objective standards of exemplary performance in planning and carrying out its manpower service system.

The proposed Act will assure that equitable distribution of the manpower training dollars is made to the large metropolitan areas and to rural districts, working through a State grant system.

By placing greater reliance on State and local elected officials, the day-to-day planning and administration of manpower programs will become more responsive to individual job training needs. A dozen States have already taken steps to reshape administrative agencies and to unify manpower and related programs.

To qualify for full participation under the proposed Act, each State and the major cities in a State would unify its manpower administration under State and local prime sponsors. These agencies would administer the programs funded by the Federal Government; be responsible for other State and local activities to help people secure employment; help employers find manpower; and work in close liaison with State and local vocational education, vocational rehabilitation and welfare programs, for which leadership will be provided at the national level by the Department of Health, Education, and Welfare.

In addition, the State and local prime sponsors would establish advisory bodies, including employees, employers and representatives of the local populations to be served, to assist in developing local policy. In this manner, the units of government would be able to benefit continually from the experience and counsel of the private sector.

4. *Provide more equitable allowances for trainees*, simplifying the present schedule to provide an incentive for a trainee to choose the training best suited to his own future, and not the training that "pays" the most.

As an incentive to move from welfare rolls to payrolls, the allowance to welfare recipients who go into training would be increased to $30 per month above their present welfare payments. These increased training allowances carefully dovetail into the work incentives outlined in my message to the Congress regarding the transformation of the welfare system. As the welfare recipient moves up the ladder from training to work, the first $60 per month of earnings would result in no deductions from Federally-financed payments.

5. *Create a career development plan for trainees*, tailored to suit their individual capabilities and ambitions.

Eligible applicants—in general, those over 16 who need training—would be provided a combination of services that would help them to train, to find work, and to move on up the ladder. These services will include counseling, basic vocational education, medical care, work experience, institutional and on-the-job training, and job referral. Manpower services will also be available for those who are presently employed but whose skill deficiencies hold them in low-income, dead-end jobs.

6. *Establish a National Computerized Job Bank* to match job seekers with job vacancies. It would operate in each State, with regional and national activities undertaken by the Secretary of Labor, who would also set technical standards.

The computers of the Job Bank would be programmed with constantly changing data on available jobs. A job seeker would tell an employment counselor his training or employment background, his skills and career plans, which could be matched with a variety of available job options. This would expand the potential worker's freedom of choice and help him make best use of his particular talents.

7. *Authorize the use of the comprehensive manpower training system as an economic stabilizer.* If rising unemployment were ever to suggest the possibility of a serious economic downturn, a countercyclical automatic "trigger" would be provided. Appropriations for manpower services would be increased by 10 percent if the national unemployment rate equals or exceeds 4.5 percent for three consecutive months. People without the prospect of immediate employment could use this period to enhance their skills—and the productive capacity of the nation.

I proposed a similar measure in my message to the Congress on expansion of the unemployment insurance system.

The proposed comprehensive Manpower Training Act is a good example of a new direction in making Federalism work. Working together, we can bring order and efficiency to a tangle of Federal programs.

We can answer a national need by decentralizing power, setting national standards, and assigning administrative responsibility to the States and localities in touch with community needs.

We can relate substantial Federal-State manpower efforts to other efforts in welfare reform, tax sharing and economic opportunity, marshaling the resources of the departments and agencies involved to accomplish a broad mission.

We can meet individual human needs without encroaching on personal freedom, which is perhaps the most exciting challenge to government today.

With these proposals, which I strongly urge the Congress to enact, we can enhance America's human resources. By opening up the opportunity for manpower training on a large scale, we build a person's will to work; in so doing, we build a bridge to human dignity.

RICHARD NIXON.

THE WHITE HOUSE, *August 12, 1969.*

PRESIDENT NIXON'S MANPOWER MESSAGE

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, President Nixon's manpower training message is a vital part of the overall formula he has produced to bring disadvantaged Americans into the economic mainstream and to bring more funds and greater responsibilities to the States and local communities.

With this message, President Nixon has declared it a national objective that we extend to every American the opportunity to learn a job skill and to fulfill all of his capabilities. This, I believe, is a national goal the Congress should endorse and embrace.

There is no question that the most efficient and effective implementation of our manpower training programs is necessary if we are to meet our commitment of helping people get off welfare rolls and onto payrolls.

Every feature of the President's seven-point Comprehensive Manpower Training Act is important, but I would call attention especially to the need for flexible funding, the provision for decentralized administration "as Governors and mayors evidence interest, build managerial capacity, and demonstrate effective performance," proposed establishment of a National Computerized Job Bank long advocated by the House Republican leadership, and proposed use of the comprehensive manpower training system as an economic stabilizer.

The last of these points is one which deserves the closest possible congressional attention.

While many economic stabilizers have been built into the American economic system, we cannot have too many safeguards against potential economic problems.

President Nixon's proposal that appropriations for manpower services be increased by 10 percent if the jobless rate rises to 4.5 percent or more for 3 consecutive months is one that appears to have great merit. It would be a welcome addition to an economic arsenal that for too long has contained little else but pump-priming mechanisms.

Mr. ARENDS. Mr. Speaker, I welcome the opportunity to support President Nixon's new manpower training policy. I am convinced that it is the first proposal in many years which comes to grips with a total problem. The problem is the chronic and persistent one of providing decent jobs for everyone who wants to work at the same time that the job market is becoming increasingly selective in terms of the education, skills and experience a worker must possess to obtain and hold a decent job.

The most impressive feature of the manpower training proposal, from my point of view, is that it would be possible to provide each person with whatever kind of help he needs to become employable. For the first time we could give him not only a complete range of skill training but basic education, remedial medical care, work orientation, on-the-job support—any service which will help an individual to get a steady job. In short, the full range of our knowledge in the field of education and training could be utilized to develop an individual's potential.

This is an exciting prospect and one which could enrich the lives of every American. An individual's leap from unemployment to meaningful productive employment not only means a gain in his self-respect and independence, but an additional skilled pair of hands and another alert mind to provide the essential goods and services we need.

Mr. ANDERSON of Illinois. Mr. Speaker, today we are witnessing the culmination of a pledge our President made to the American people that he would make the manpower programs work more efficiently and effectively.

In the new manpower training proposals, we see the Nixon administration's determination to have the States, along with the local governments, resume the management of their own affairs—to plan and administer their own manpower programs—and to provide the necessary facilities and opportunities through which their citizens can improve their capabilities enabling them to secure employment.

President Nixon recognized that the numerous manpower programs—enacted and administered in the 1960's—were too involved, too cumbersome and too complex to adequately serve the needs of our people in the 1970's. He believed, as I do, that the Governors, the mayors, and our other local leaders are more aware of the problems encountered by their constituency and could, therefore, design better programs to fit their personal needs.

In the 1960's, the Federal Government acknowledged its help was needed if we were ever to attain our goal of full employment. Only the Federal Government had the necessary resources to finance a program of retraining for those whose skills had become obsolete because of technological breakthroughs—and remedial academic and vocational education programs for those not adequately prepared for employment in the space age.

Similar conditions exist in the 1970's. However, President Nixon feels that more efficient and effective manpower programs can be administered by the States—provided they are still financed by the Federal Government. His manpower training policy would achieve that end. Its enactment by the Congress will benefit the whole Nation.

Mr. RHODES. Mr. Speaker, the Nixon administration's new manpower training proposals represent a major advance in the Nation's services for unemployed, underemployed, and other disadvantaged citizens. It is a greatly needed effort to rationalize and raise the efficiency of our increasingly complex arsenal of manpower programs. This policy deserves strong endorsement.

Of particular importance is the effort to unify the planning and delivery of manpower services—to bring together the many agencies and programs involved in an orderly and comprehensive system of manpower development activities. The proposal covers a wide and flexible range of services to jobless and underemployed workers, including occupational training, counseling, recruitment and placement services, basic education required for employability, work experience programs, relocation assistance, incentives to induce employers to hire and train the hard-core disadvantaged, and a variety of essential supportive services. It would pull together key manpower services authorized under the Wagner-Peyser Act, Manpower Development and Training Act, and the Economic Opportunity Act and help to consolidate the mounting variety of specialized manpower programs which have been proliferating under a bewildering variety of names. New responsibilities are given to the Governors for planning and overseeing the operation of a comprehensive system of manpower services adapted to the particular needs of each State, through the establishment of comprehensive manpower agencies.

At the local level, also, the manpower training proposal would cut through the network of heterogenous organizations that have grown up in the manpower program field over the last few years, through the designation of a single prime sponsor in each local area, responsible for reviewing area needs and resources, developing program priorities and objectives, planning the delivery of manpower services, and overseeing their administration.

In addition, the President's proposal would make wise provision for strong advisory bodies representing all major elements of a community at the State and local levels, to insure that unified local and State plans fully reflect community needs and that unification of services will be accompanied by increased flexibility and responsiveness to the needs of our citizens.

Mr. STEIGER of Wisconsin. Mr. Speaker, President Nixon deserves high praise for the bold and forthright position he has taken in his Manpower Training Act of 1969. There is a crying need to restructure and revitalize the excessive number and crazy quilt pattern of manpower programs which are now administered in an unbending fashion from Washington. The President's emphasis on the necessity for more uniform standards of program eligibility, more flexible funding of manpower plans developed at the State and local levels, and a more decentralized administration of such employment programs is long overdue and most welcome.

There is much to do in the manpower field, if these proposals are to be passed and implemented effectively, but the President's message marks a vital turning point. By facing squarely those manpower problems which now demand the highest priority, the President's message and Comprehensive Manpower Act enable us to turn the corner toward achieving a national manpower policy.

As I pointed out last May, when introducing my Comprehensive Manpower Act of 1969:

> The array of manpower programs that have emerged in the 1960's are not part of any systematic effort to identify and provide each of the services needed by various groups of workers or by all the labor force. Instead, individual programs were written, made into law, and amended in rapid succession to meet current crises with little attention to their interrelationship. Though particular goals of various programs are reasonably clear, the overall objectives of these programs, when viewed together, are not.

The President's message and manpower bill have reaffirmed my conviction that the time is at hand to develop and strengthen a systematic National, State, and local manpower policy and to provide for a comprehensive delivery of manpower services. There is only one way to develop a greater standard of excellence in the implementation of State and local manpower programs.

If the New Federalism means anything, it must mean that we now stand ready to give the program administrators on the firing line the authority to make the critical decisions on manpower problems and the funds to back up those decisions.

Although the administration bill closely parallels my Comprehensive Manpower Act, there are some differences. The administration's pass-through device will enable our cities to receive the manpower funds they desperately need in an important breakthrough in Federal relations. At the same time we must determine whether it really is advisable to have funds flow directly to the large number of cities which would be eligible for such an arrangement under the administration bill or whether it would be preferable to limit such an arrangement to those larger cities which are most capable of doing such manpower planning. It also remains unclear in the administration bill how the large number of cities, towns, and counties, and other units of general local government will manage to coordinate manpower planning within their metropolitan area. We must be more precise in outlining how such coordination at the local level can best be achieved. Finally, it would seem worthwhile to discuss in more detail what the duties the Secretary of Labor would be in a comprehensive manpower effort. He will have to play a major role in national, regional, and interstate manpower planning and in dealing with particularly severe pockets of poverty.

But the direction of the bill is clearly forward. The national computerized job bank which promises to match our unemployed and underemployed people with current job openings is excellent. The emphasis upon the use of an active manpower policy as an economic stabilizer is also most welcome. Where the Nation becomes threatened with economic slowdown manpower programs must be used to offset such a danger and reduce the agonizing effects of long- and even short-term unemployment. Most important of all, the President has demonstrated now both in deeds and words that he is ready to turn over the challenge, the responsibility and the power for meeting our critical manpower needs to the States and localities—I am convinced that they now have the potential to face that challenge and come out on top.

Mr. O'HARA. Mr. Speaker, there is much in the Manpower Training Act which the President recommends with which no student of the manpower problems of this Nation can take issue. Most of the proposed bill will be, if not noncontroversial, at least close enough to legislation that Members on this side of the aisle introduced some weeks ago so that we will have a useful common ground on which to stand, so together we may seek to develop meaningful changes in our manpower programs and institutions.

Over half of the Democratic Members of this House have already joined in the sponsorship of legislation, entitled "The Manpower Act," which was first introduced on May 26. Like the President's bill, the Manpower Act seeks to consolidate major manpower programs, though unlike the President's proposal, the Manpower Act does not seek to make the State public employment agencies the chosen instrument for the provision of manpower services or to abandon Federal administrative responsibilities.

I fail to discern in the President's message any serious proposal for a public service employment program, which is at the heart of the Manpower Act, and in my judgment, the need for which is at the heart of the Nation's manpower need. I concur with the decision now reached by President Nixon that a reorganization of the Nation's manpower systems is essential. Indeed, I have so felt and so said for several years now. But, we cannot meet the needs of those who cannot find work by telling them that a better organization of Government agencies will "eventually" result in an improvement of their lot.

Reorganization is important. More important, however, is action to provide jobs to those in need of jobs—jobs doing work the Nation needs done, and work that isn't being done now. But I am encouraged that President Nixon agrees with those of us who have advocated a modernization of the manpower structure. By the time we have completed hearings—which I hope we can complete this year—on the several manpower proposals before the House—we may have come to a meeting of the minds on public service employment as well.

I cannot agree with those, Mr. Speaker, who suggest that the President's proposals of last Friday night were new and revolutionary suggestions—except possibly to the President himself. But I most assuredly can agree with those who would describe them—and who would describe today's message and proposed bill as constructive, responsible proposals providing us with suggestions for improving our manpower system, and perhaps with some of the raw material from which this Congress will—soon, I hope—construct the kind of program the Nation needs.

Mr. TAFT. Mr. Speaker, I believe that President Nixon has come up with a program to meet a problem that has deeply concerned every elected public official in my State. For years Governors and mayors have vainly tried to keep up with the flood of manpower programs streaming out of Washington. While States and communities desperately needed Federal assistance, the programs were so rigid and complicated that precious time was lost in the process of trying to determine which programs were best suited for the needs of their constituents. A review by my office in my district last year revealed over 30 separate training programs.

Even so, many good people were screened out of manpower programs, in effect denied assistance, either because their needs were too great or too specialized to be met by the particular program which was operating in their community.

The manpower training policy outlined by the President would attack this problem in one bold stroke. Each State and metropolitan area would be able to design a tailormade program to exactly fit its needs. Whatever assistance required would be available through a single agency at the local level.

This policy would put the responsibility for planning and decisionmaking where it can be carried out most effectively—on elected officials at the State and local level. These are people on the firing line. They know the problems of their constituents and their political futures are dependent upon prompt solutions to these problems.

Thus national interest would be safeguarded while State and local public officials would be encouraged to take the initiative, to experiment and innovate with new offensives against the waste of human resources.

GENERAL LEAVE

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks on the subject of the President's message on manpower training.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CONTROLS AND RESTRAINTS ON TESTING, TRANSPORTATION, STORAGE, AND USE OF CHEMICAL AND BIOLOGICAL WARFARE AGENTS

(Mr. McCARTHY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. McCARTHY. Mr. Speaker, the action yesterday in the other body in approving restraints on the testing, transportation, storage, and use of chemical and biological warfare agents is in my view a major step forward in the drive to place these weapons of mass destruction under control.

Also of significance is the fact that four foreign nations have joined the ranks of some 60 who have ratified the Geneva Protocol. Some of these are in an actual de facto state of war and they include Israel, Syria, Lebanon, and Nigeria, which I think all adds to the importance of this—if nations in a state of war would feel that this treaty should be ratified, certainly the United States could.

I am also placing in the RECORD today evidence of hazards connected with the disposal of germ and gas warfare agents at sea, and incidents heretofore undisclosed of how the U.S. disposal operations in the ocean went awry and explosions occurred with potentially very serious consequences.

Early in May this year I learned that the U.S. Army planned to move 22,000 tons of poison gas munitions from various Army arsenals and depots to the Naval Ammunition Depot at Earle, N.J., where it was to be loaded on Liberty ships, taken to sea, and sunk.

I was particularly concerned that the movement by rail of large quantities of nerve gas and mustard gas moving by rail from as far away as Denver, Colo., to New Jersey might be accidentally released with deadly effects on people living near the railroads. I was also concerned that the poison gas being taken to sea might be accidentally released while being towed to the disposal site or while sinking at the disposal site and endanger sailors on vessels near the scene. I was also concerned that the poison gas might effect the ecology of the ocean where it was dumped in a manner that had not been contemplated.

Representative CORNELIUS GALLAGHER, of New Jersey, chairman of the House Subcommittee on International Organizations nad Movements, held hearings on May 8, 13, 14, and 15, 1969, to learn more of the details about the shipment scheduled to begin on May 16, 1969. The gas had been loaded on railroad cars at Rocky Mountain Arsenal in Denver, Colo., and the Coast Guard had been given a schedule for moving the ships to sea.

The Department of Defense asked Chairman GALLAGHER to postpone the hearings from May 8 until May 13 because they were not prepared to discuss the disposal plans on the first day. On May 13, Acting Assistant Secretary for Research and Development of the U.S. Army, Charles L. Poor, and Dr. Robert A. Frosch, Assistant Secretary for Research and Development of the U.S. Navy were the principal witnesses for the Department of Defense. They described in some detail the plans for disposal of nerve and mustard gas and answered questions raised by members of the committee concerning the safety of the disposal plans.

Secretaries Poor and Frosch assured the committee that disposal at sea of the unwanted nerve gas and mustard gas was the safest procedure. They said that unwanted ammunition had been taken to sea 12 times in the past in ships and disposed of. Three of these from Earle Naval Ammunition Depot involved poison gas. These dumping operations were called Operation CHASE, an acronym for "cut holes and sink 'em."

Secretaries Poor and Frosch emphasized that the ships would be sunk in water about 7,200 feet deep where the currents of water were very slow and the gas would have an opportunity to dissolve over a long period of time. Dr. Frosch said at the time:

> The depth is such that the time for any of the water in which this would be dissolved to come to the surface has been estimated at best as something over 40 years, so that what would happen to this industrial waste-contaminated water, if I can use that as an approximate term, would be that it would gradually disperse at depth, and finally dissolve out so that it would be in below-detectable trace amounts.

Although the case of the ship loaded with explosives that was sunk by the Navy off the Aleutians and failed to explode at the planned depth was discussed, the committee was assured by Secretary Frosch that this was an isolated case and that there was no danger of this happening again.

My doubts concerning the safety of this phase of the poison gas disposal plans were not satisfactorily answered by the testimony of Secretaries Poor and Frosch. This skepticism was confirmed in the subsequent report of the ad hoc committee of the National Academy of Science chaired by Dr. George Kistiakowsky that questioned the effects on the ocean of dumping large quantities of poison gas.

My doubts were further confirmed yesterday when an article in the U.S. Naval Institute Proceedings of September 1967 was called to my atention. This article by Steve Kurak, entitled "Operation CHASE," described earlier sinkings of ammunition in ships at sea. One of the CHASE ships loaded with surplus ammunition had exploded 5 minutes after she sank. As he describes the incident:

> The second CHASE ship was the SS *Village* which was loaded at NAD Earle, New Jersey. The *Village* was towed to the deep water dump site on 17 September 1964, loaded with 7,348 short tons of cargo. She sank bow first at a 45-degree angle three hours and 32 minutes after the EOD team had opened the sea cocks. Five minutes after she sank, three large explosions were heard and felt. An oil slick and some debris appeared on the surface. It was obvious that some part of the cargo had detonated either as a result of water pressure or impact when the hulk hit the ocean floor.
>
> The explosion was sufficiently large to register on seismic equipment all over the world. Inquiries were soon being received in this country concerning the seismic activity off the east coast of the United States.

Yet despite this unplanned explosion, when Mr. Kazan of the committee asked Secretary Frosch whether the pressure might explode this ammunition, he stated that it would more likely corrode than explode.

Mr. Kurak describes another CHASE operation in which the tow rope connecting the loaded ammunition ship broke and the ship drifted aimlessly for 6 hours. His description is:

> The SS *Isaac Van Zandt*, the fifth CHASE ship, showed CHASE officials that, despite their success with *Santiago Iglesias*, no CHASE sinking was routine. The *Van Zandt* loaded at NAD Bangor, Bremerton, Washington. On 23 May, 1966, en route to the deep water dump site, the tow cable parted in high seas. She was loose with 8,000 tons of cargo on board, of which about 400 tons were high explosives. The Coast Guard notified all shipping in the area of this dangerous hulk adrift, while the Navy tugs *Tatnuck* and *Koka*, hampered by the high seas, pressed the pursuit. After almost six anxious hours, the tow line was recovered and the tow continued toward the deep water dump site.

These two incidents illustrate the dangers associated with disposal of large quantities of poison gas at sea. What would have happened if the tow rope on one of the Liberty ships had parted close to the New Jersey coast and an explosion had blown nerve gas and mustard gas over a wide area? What would have happened if a premature explosion had ripped open the gas cannisters and nerve gas bombs as one of the Liberty ships had started down? Both U.S. Navy and and Coast Guard sailors as well as sailors on merchant ships in the area would have been in serious danger and the oil slick mixed with mustard gas might well have been carried onto beaches of the east coast.

What puzzles me is that these accidents with previous CHASE operations were not made known at Chairman GALLAGHER'S subcommittee hearings. This information was highly pertinent to the deliberations of Congress yet for some reason was not mentioned other than in the briefest passing referance by the Department of Defense witnesses. Had this information been available, I doubt that there would have been any further consideration of disposal of gas at sea.

I am including the full text of Mr. Kurak's article in the RECORD for the information of my colleagues:

OPERATION CHASE

(By Steve Kurak)[1]

(NOTE.—On a September day in 1964, the U.S. merchant man Village went down by the bow in the North Atlantic. Five minutes after she sank, three large explosions were heard and felt by the onlookers. An oil slick and some debris appeared on the surface. It was a completely successful, contrived calamity, for the American taxpayer was saved some $5 for each of the 7,348 tons of cargo the Village took down with her.)

Gunpowder, high explosives, solid rocket fuels and propellants and pyrotechnics, besides being classified under the general heading of explosives, all have in common the characteristic of deterioration with age. When this deterioration occurs, these articles become unstable; that is, they become easily susceptible to ignition or explosion. Within the Navy, safely disposing of over-age, obsolete, damaged or otherwise deteriorated explosives has been a slow, expensive, and, more often than not, a hazardous process. Two principal methods of disposal have been employed. The first method is by burning the explosive after it has been removed from a cartridge case or container; it is used when salvage of the brass or metal parts is an objective of the disposal operation. This method is not especially satisfactory. Not all explosives can be burned, and special apparatus is required to ream or steam the explosive from the metal parts. It is slow, and it is a low-volume disposal system. Furthermore, the drilling, steaming, and burning of explosives obviously is potentially dangerous and, notwithstanding the fact that part of the cost is offset by the value of the metal parts salvaged, it is expensive. The second method of disposing of deteriorated explosives is by deep water dump.

---

[1] Mr. Kurak has been a civilian employee of the Navy in the field of inventory management and logistics since his graduation from the University of Minnesota in 1951. For more than ten years, he was an inventory manager of major shipboard hull, mechanical, and electrical equipment for the Bureau of Ships. He then became Assistant Branch Head of the Inventory Management Branch of the Technical Materiel Division of the Bureau of Naval Weapons. He is now Head of the Planning Office of the Ship Materiel Department of the Naval Ships Engineering Center.

Operation CHASE is a unique method of deep water dump.

The deep water dump has been for many years, and is today, the preferred method for disposing of deteriorated explosives, primarily because it is a large volume operation. Preferred or not, deep water dump has been an expensive and hazardous method. The expense and the hazard stem from the multiple handling of the material, both ashore in preparing the material for dumping and at sea during actual dumping operations. Until the advent of Operation CHASE in May 1964, the accepted procedure, if the ordnance did not in itself have a negative buoyancy, was to load the explosives into containers to achieve a negative buoyancy of 100 pounds per cubic foot. This procedure sometimes required the addition of sand or cement to each container for additional ballast. These containers were then loaded in a ship, transported to the dump site, and manhandled over the side. Drop-bottom barges were sometimes used so that the explosives would not be handled again at sea. This was somewhat unsatisfactory because barges had only a limited capacity as compared to a ship, and oftentimes the cargo would hang up in the bottom hatches and would have to be brought back with the barge.

In 1964, it was estimated that it cost $78.00 per ton to dispose of explosives by this method. This cost included charges for preparing the material to ensure negative buoyancy, handling and loading in port, and dumping at sea. As will be shown later, these costs were dramatically reduced when the Operation CHASE technique was employed.

In late 1963, just prior to the commencement of the Southeast Asia build-up, the Bureau of Naval Weapons (now the Naval Ordnance Systems Command) began receiving numerous queries from higher authority as to the condition of the expendable ordnance held in the Naval Ammunition Depots (NADs). Much of this ordnance had been in storage since the Korean conflict and, in some cases, since World War II. BuWeps, at this time, undertook a large surveillance program to determine to what degree, if any, this ordnance had deteriorated during its long storage. Much of it had been stored deep in magazines at ammunition depots and was found to be in excellent condition.

Unhappily, not all the ordnance was so stored, and soon there was an increase in requests for shipments of deteriorated explosives to the deep water dump preparation sites. In addition, the closing of the NAD at Hastings, Nebraska, had generated large quantities of explosives that were awaiting disposal. Most of the excesses were shipped by rail from Hastings to load-out ports in USNX cars (government-owned railway cars especially designed for transporting explosives) and, as capacity to store the excesses at coastal activities was reached, the Navy was forced to stow these explosives in the open or in the USNX cars. The rapid build-up of material awaiting deep water dump on both East and West Coasts soon indicated that a faster, cheaper, large volume method of disposal must be found.

As CHASE was conceived, the Navy, through Military Sea Transportation Service (MSTS), obtains obsolete, surplus, World War II cargo ships from the U.S. Maritime Administration. These ships are transferred to the Navy at no cost since they have no value beyond their intrinsic worth as scrap metal, and there is little demand for them as scrap. The hulk is towed to the out-loading port and there stripped of any usable machinery or equipment. The ship is then filled with the explosives to be disposed of, the cargo being stowed as any general cargo would be stowed.

No special preparation of the explosives is required before lading. Hence, they are generally hoisted into the ship on the same pallets or in the same containers in which they were stored. When the ship is loaded, the cargo hatches are closed, and the hulk, escorted by a Coast Guard cutter, is towed by a commercial or Navy tug to the deep water dump site. The deep water dump site is "at least ten miles from any shoreline and in water of at least 1,000 fathoms depth," to quote the Chief of Naval Operations instruction on deep water dump. After arrival at the site, an Explosive Ordnance Demolition (EOD) team opens the sea cocks on the hulk. It takes about three hours for the average ship to fill and sink. The C-3 Liberty hull will take about 8,000 tons of cargo to the bottom.

The inspiration for Operation CHASE came from the U.S. Army, which, in 1958, was faced with the ticklish problem of disposing of 8,000 tons of mustard and lewisite chemical warfare gas. The Army solved its problem by loading the gas into the SS *Wm. Ralston*, towing her to sea and scuttling her. The method was not used again, however, until the Navy's Operation CHASE commenced.

The first CHASE ship was the SS *John F. Shafroth*, which was taken out of the National Defense Reserve Fleet at Suisun Bay, California, and towed to Naval Weapons Station Concord, California, for stripping and loading. The *Shafroth* cargo was predominantly 40-mm. ammunition from NAD Hastings, but it also included a mixed bag of bombs, torpedo warheads, mines, cartridges, projectiles, fuses, detonators, and boosters, including some over-age Polaris motors which weighed up to 33,000 pounds each.

Most subsequent CHASE ships have also loaded this type of mixed cargo. CHASE ships included material from the other services; recently the Canadians have requested space on future disposals. The *Shafroth's* cargo even included a quantity of contaminated cake mix which an Army court had ordered dumped at sea. The *Shafroth* departed NWS Concord under tow, late on 22 July 1964, and reached the deep water dump site 47 miles west of the Golden Gate early the next morning. The sea cocks were opened by the EOD team at 1135. At 1403, the SS *Shafroth* disappeared beneath the surface without incident, carrying 9,799 tons of cargo. When the figures were in, it was determined that the operation had been carried off at a cost of about $22.00 a ton—a saving of $56.00 a ton over the old method.

As comforting as that statistic was to the promoters of CHASE, it was soon evident that each CHASE out-loading was unique and would present its own different set of problems. The second CHASE ship was the SS *Village* which was loaded at NAD Earle, New Jersey. The *Village* was towed to the deep water dump site on 17 September 1964, loaded with 7,348 short tons of cargo. She sank bow first at a 45-degree angle three hours and 32 minutes after the EOD team had opened the sea cocks. Five minutes after she sank, three large explosions were heard and felt. An oil slick and some debris appeared on the surface. It was obvious that some part of the cargo had detonated either as a result of water pressure or impact when the hulk hit the ocean floor.

The explosion was sufficiently large to register on seismic equipment all over the world. Inquiries were soon being received in this country regarding the seismic activity off the east coast of the United States. The explosion also aroused the interests of the Office of Naval Research (ONR) and the Advance Research Projects Agency (ARPA), as well as other groups in the scientific community. ONR and ARPA were fundamentally interested in measuring seismic travel times and attenuations of seismic signals with distance. Such explosions, at a known site and at a known time, provide a precise source for these determinations, which previously had been made from earthquakes whose location and time had to be adduced from the same signals from which the travel times and attenuations were being determined. ONR and ARPA were also interested in determining whether or not a distinction could be made between man-made underwater shocks and natural seismic shocks. Being able to make such a distinction would be invaluable in monitoring of possible underwater nuclear explosions which are banned under the provisions of the nuclear test ban treaty.

ONR and ARPA proposed, and the Navy agreed, that the next CHASE ship would be instrumented and rigged to detonate at a prescribed depth and at a controlled location.

The third CHASE ship was the SS *Coastal Mariner*. She was not scheduled for scuttling until July 1965 because of extraordinary preparations and precautions that would be required by virtue of the fact that her cargo was to be detonated.

The tasks to be completed in preparing the *Coastal Mariner* for her trip to the bottom were many and complex. Besides instrumenting the ship, selecting her cargo, and devising the means of exploding the cargo at a predetermined depth, there was the enormous task of co-ordinating the mission with all other interested parties. The scientific community throughout the world had to be alerted as to when and where the explosion would take place. The Coast Guard had to issue a Notice to Mariners advising that the area would be restricted on the day of the sinking. Air surveillance had to be provided in order to warn off any ships or boats that might stray into the blast zone on the appointed day. As the planning progressed, more organizations became interested. The U.S. Department of Fish and Wildlife and the U.S. Bureau of Commercial Fisheries became interested parties because of a concern that such an explosion would result in a large fish kill. They were granted permission to send observers to the planning meetings and the sinking of the *Coastal Mariner*. The commercial fishing interests on the East Coast were unmoving in their belief that an explosion of the magnitude proposed would result in a damaging fish kill.

This, despite tests which showed that an explosion at the 1,000-foot depth, the depth at which *Coastal Mariner* was to be touched off, would have little or no effect on fish of commercial value, which do not normally frequent those depths.

The SS *Coastal Mariner* was loaded at NAD Earle with 4,040 short tons, of which 512 tons were actual explosives, the balance being metal parts, containers, and lading. On each level of No. 2 hold, adjacent to mass detonation ammunition, four MK-59 Sounding Fixing And Ranging (SOFAR) bombs were positioned along with 500 pounds of TNT. The SOFAP bombs, a type of underwater sound signal, are pressure-actuated devices that were set to detonate at the 1,000-foot depth. The *Coastal Mariner* departed NAD Earle on 13 July 1965 and arrived at the deep water dump site early on the morning of the 14th. The final instrumentation was placed on board and by 0830 the EOD team had the sea valves open. She sank in 55 minutes. Seventeen seconds after sinking by the bow, a tremendous shock was felt and a spectacular 600-foot water spout was observed.

The explosion did not produce any significant amount of debris and the fish kill was negligible. From that standpoint the experiment was a success. To the scientific community it was somewhat of a disappointment. Due to the extremely short sinking period, East Coast seismic stations were unable to record and measure the explosion.

Yet, in retrospect, far from being a scientific failure, this experiment generated great scientific interest in the CHASE program.

On the very same day that the *Coastal Mariner* had gone up, the fourth CHASE ship, the SS *Santiago Iglesias,* commenced loading at NAD Earle. She was loaded with 8,715 tons of cargo, instrumented, and rigged for underwater explosion as her predecessor had been. The same consideration that had come to light in preparing the *Coastal Mariner* for scuttling had to be faced with the *Santiago Iglesics,* but the experience with the *Coastal Mariner* had shown the way. On 16 September 1965, 3 hours and 16 minutes after the sea cocks were opened, she sank. Thirty-one seconds after sinking, the cargo detonated at the prescribed depth of 1,000 feet, and ONR declared this operation a success.

The SS *Isaac Van Zandt,* the fifth CHASE ship, showed CHASE officials that, despite their success with *Santiago Iglesias,* no CHASE sinking was routine. The *Van Zandt* loaded at NAD Bangor, Bremerton, Washington. On 23 May 1966, en route to the deep water dump site, the tow cable parted in high seas. She was loose with 8,000 tons of cargo on board, of which about 400 tons were high explosives. The Coast Guard notified all shipping in the area of this dangerous hulk adrift, while the Navy tugs *Tatnuck* and *Koka,* hampered by the high seas, pressed the pursuit. After almost six anxious hours, the tow line was recovered and the tow continued toward the deep water dump site. A seemingly endless four hours and 31 minutes after the sea valves were open, she sank. One hundred and forty-five seconds after sinking, her cargo detonated at the prescribed depth of 4,000 feet. If, because of her unscheduled romp, the *Van Zandt* did not go down at the precise location the scientists had planned, she had at least blown at the designated depth.

The last instrumented CHASE ship was the SS *Horace Greeley* that was out-loaded from NAD Earle. She was scuttled on 28 July 1966 and detonated at 4,000 feet as scheduled, without incident. The SS *Michael J. Monahan* out of NAD Charleston carrying a load of over-age Polaris motors was scuttled on 30 April 1967. The SS *Eric C. Gibson* followed on 15 June 1967.

At this writing, four more CHASE ships are scheduled. The sinking of these ships will bring to a conclusion this series of operations. The large backlog of unusable munitions that plagued the Navy in the spring of 1964 has been disposed of, mostly as a result of Operation CHASE. In fact, two of the four scheduled sinkings will out-load only Army material. Only one of the four remaining ships will be instrumented and detonated, since, again, the other three will not carry sufficient explosive material. The SS *Robert Louis Stevenson,* now being loaded at NAD Bangor, will have a cargo of 5,000 tons of which 2,000 tons will be explosive matter. This operation will be the largest, non-nuclear, underwater explosion ever attempted.

Operation CHASE is a very large volume operation with 46,000 tons disposed of so far, with more to come. By reducing the multiple handling of the explosives, especially at sea, this method is inherently safer. Detonating the load after scuttling has not demonstrated that any additional risks are incurred as long as prudent precautions are taken. A bonus certainly not envisioned by the planners of CHASE is the benefit to the scientific community even though there is no way to measure the real value of the benefits. Nevertheless, important data are being obtained in the seismic and hydro-acoustic communities which cannot be obtained by any method except by large explosions at sea. Such experiments would be prohibitively expensive if it were not for the CHASE program. ONR and ARPA consider the CHASE program to be an extremely valuable scientific tool, and results obtained thus far have significantly contributed to ARPA's nuclear detection program. There are 1,100 uneconomical, inefficient, and obsolete vessels destined for scrapping. They could only be placed in service at abnormally high cost and with only marginal assurances as to reliability. This pool should provide ships for a resumption of Operation CHASE whenever the need arises.

CONGRESSIONAL GROUP PROTESTS ACTION OF SOUTH AFRICAN GOVERNMENT RESTRICTING VISAS FOR TWO MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES

(Mr. CULVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CULVER. Mr. Speaker, the South African Government has recently refused to grant visas to two of our colleagues, Mr. REID of New York and Mr. DIGGS of Michigan, unless they agree to make no speeches while in the country. Understandably, under the circumstances, both have found it necessary to cancel plans to go to South Africa.

As chairman of an informal bipartisan group in Congress interested in African-American relations, I include at this point in the RECORD a statement of protest which has been signed by 28 Members of the House and Senate, as an indication to the Government of South Africa of the depth of concern in this country about the restrictions which it has imposed, not only on our colleagues in the House, but upon communication and contact between the people of our two nations:

STATEMENT OF PROTEST AGAINST SOUTH AFRICAN GOVERNMENT DENYING VISAS TO MEMBERS OF U.S. HOUSE OF REPRESENTATIVES

As a bipartisan group of members of the House and Senate who have long been concerned about United States relations with Africa, we are disturbed to learn that the South African Government has refused to grant visas to two of our colleagues, Rep. Ogden Reid of New York and Rep. Charles Diggs of Michigan, without serious restrictions on their activity during the time they would be in that country.

Congressman Reid had been invited by the National Union of South African Students to deliver the address on the occasion of the Annual Day of Affirmation of Academic and Human Freedom on August 18th in the Great Hall of the University of Witwatersrand in Johannesburg. He has been informed that the South African Government will grant him a visa only on the condition that he make no speeches while in the country.

Congressman Diggs is the Chairman of the Africa Subcommittee of the House Foreign Affairs Committee, and had intended to include South Africa in a special study mission of a number of nations on the African continent. His visa, too, was granted only with certain conditions attached.

Both Mr. Reid and Mr. Diggs have found, as we do, that these conditions are unacceptable for them as Members of Congress and they have, regretfully, cancelled their plans to go to South Africa. This is particularly unfortunate in the light of their deep concern for human rights and the rule of law.

We very much share our colleagues' concern in this matter and feel that it is a cause for genuine regret that, at a time when our world grows smaller, any nation should act to restrict communication between peoples.

Most particularly, we take an extremely dim view of the practice of granting conditional visas to Members of Congress. As far as we can determine, this procedure is unprecedented, and we wish to point out that the United States has imposed no restrictions on South African Members of Parliament visiting this country.

There is no question but that the granting of conditional visas to Mr. Reid and Mr. Diggs will have an effect on relations between South Africa and the United States, and could signal to the world further South African withdrawal into isolation. This is a point which our government has made clear at the highest levels in both Washington and Pretoria, and one with which we agree most strongly.

The decision of the South African Government is an insult to our colleagues and, beyond that, it constitutes a devastating attack on the principles of freedom and mutual understanding to which all men of good will are devoted. We wish to make clear to the South African Government that their decisions in the cases of Rep. Reid and Rep. Diggs will surely affect any plans we may have, as individuals or as a group, to visit South Africa in the future.

SIGNERS

Congressman Allard Lowenstein (New York).
Congressman Jonathan Bingham (New York).
Congressman John Brademas (Indiana).
Congressman John Conyers (Michigan).
Congressman John Culver (Iowa).
Congressman Donald Fraser (Minnesota).
Congressman Peter Frelinghuysen (New Jersey).
Congressman Frank Horton (New York).
Congressman Paul McCloskey (California).
Congressman Brad Morse (Massachusetts).
Congressman Charles Mosher (Ohio).
Congressman Thomas O'Neill (Massachusetts).
Congressman Richard Ottinger (New York).
Congressman Benjamin Rosenthal (New York).
Congressman Fred Schwengel (Iowa).
Congressman John Tunney (California).
Congressman Don Edwards (California).
Congressman Richard McCarthy (New York).
Senator Edward Brooke (Massachusetts).
Senator Clifford Case (New Jersey).
Senator Thomas Eagleton (Missouri).
Senator Gale McGee (Wyoming).
Senator Frank Moss (Utah).
Senator Edmund Muskie (Maine).
Senator Edward Kennedy (Massachusetts).
Senator Charles Mathias (Maryland).
Senator James Pearson (Kansas).
Senator Mark Hatfield (Oregon).

TIME GROWS SHORT ON PESTICIDES

(Mr. PODELL asked and was given permission to address the House for 1 minute and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, it is absolutely essential that swift and definite action be taken by the Department of Agriculture to curb the use of hard pesticides in areas of our economy where it has jurisdiction. It is a national shame as well as a national disaster that even now the Federal Government is allowing DDT and other hard pesticides to be used in Federal programs on Federal lands. It is incumbent upon the Federal Government to set an example and insure that every farmer and pesticide user in the Nation be told of that example. The Federal Government should inform and encourage pesticide users to shy away from use of these environment-polluting poisons. I have sent a letter to the Secretary of Agriculture citing these dangers and calling for action on the part of his Department. I include a copy of that letter in the RECORD today:

AUGUST 11, 1969.

Hon. CLIFFORD M. HARDIN,
Secretary of Agriculture,
Washington, D.C.

MY DEAR MR. SECRETARY: I am increasingly concerned by the accumulating evidence proving beyond a doubt that DDT and other hard pesticides are endangering our entire environment. Simultaneously, I am aware that such pesticides are still in use by the Federal Government in national parks, forests, and similar areas under Federal control.

It is my hope that you will ask for a discontinuance of such activities, utilizing such hard pesticides in Federal areas. It is also my hope that you will extend the temporary ban on DDT indefinitely, and consider making it permanent.

New evidence is in the offing from several sources indicating that DDT has some bearing on some types of cancer, enzyme difficulties and cell diseases. I feel that curtailment of operations and ban on production and shipment would give scientists a chance to make their research available.

I thank you for your previous courtesy and hope that you will give this request consideration.

Sincerely yours,
BERTRAM L. PODELL,
Member of Congress.

NEW COAST GUARD FACILITY AT WRIGHTSVILLE BEACH, N.C.

(Mr. LENNON asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. LENNON. Mr. Speaker, on Monday, August 4 of this year, I had the very great pleasure and honor of participating in the dedication of a new Coast Guard facility at Wrightsville Beach, N.C. This dedication ceremony properly was scheduled on the 179th anniversary of the U.S. Coast Guard.

At that time, all of us were privileged to hear an eloquent and appropriate invocation which was rendered by the Reverend Edwin E. Kirton, rector, St. Mark's Episcopal Church, Wilmington, N.C. We were so moved by this prayer that I would like to share it with the other Members of Congress as well as all who may be privileged to read it from the RECORD. It is as follows:

DEDICATION OF COAST GUARD INSTALLATION, AUGUST 4, 1969

"Eternal Father, strong to save, Whose arm hath bound the restless wave. Who bidd'st the mighty ocean deep, its own appointed limits keep. O hear us when we cry to Thee, for those who serve us on the sea".

Almighty God, our Heavenly Father overwhelmed as we are by the staggering accomplishment of a moon landing, we offer Thee our humble and grateful thanks for those who serve and save human lives in the obvious duties of every day life.

On this 179th anniversary of the 5th Coast Guard District, we praise Thee O God, and offer our heartfelt prayers as we dedicate this Coast Guard Installation this day. We humbly pray for those who will be engaged in the course of their duties to search and rescue their brethren on the waters, and for all their colleagues who at the risk of their very lives, guide ships and planes to safe havens.

We beseech Thee to guide and protect all those who serve their fellow-men in this capacity, and grant that we who live in safety and comfort through their toil and sacrifice, may always remember them in our prayers, with gratitude.

We pray for our Country that she may move forward with continued faith and trust in Thy Almighty Arm, and That the faith of our fathers will be our faith still. May we continue to build bridges of human cooperation and involvement over the stormy seas which trouble us internally and externally as a nation, and may we always remember that Almighty God is still the Controller of history.

All these petitions we ask in the Name of Thy Son, Jesus Christ, Who quieted the stormy waves with the command, "Peace be still". May His peace and love and sacrifice for all men, abide in our hearts and inspire us always. Amen.

PROGRESSIVE IS THE PROPER ATTITUDE ON FASHION

(Mr. CHARLES H. WILSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHARLES H. WILSON. Mr. Speaker, the other day my distinguished colleague from the great State of California offered for our enlightenment and edification a lengthly digest of what is and what is not proper decorum for Members of this distinguished body engaged in legislative business within the walls of this Chamber. I must certainly offer the deepest gratitude and the humblest thanks for such magnanimous instruction. Although I have had the privilege of serving in this great body for nearly 7 years, and although Mr. TALCOTT's message, as he stated, was designed primarily for our newer Members, one has to concede that perhaps an old dog can learn some new tricks after all, and that we do learn something new every day. I must certainly emphasize, before I continue, that I too share the deep respect and esteem for this body which the gentleman from California described.

There is, however, one point which, although it by no means was the central theme of my colleague's remarks, does suggest a degree of narrowness which is really not befitting to this diverse and individualistic group of Representatives. I refer to the age-old question which we have all heard so many times from our wives and others concerned with the wonderful world of fashion: What to wear?

At no point in his remarks did the gentleman suggest that we are all alike; indeed, the gentleman went out of his way to state quite the opposite, and I quote:

> Members of Congress are as different from each other as their districts are different from one another. This ingredient of individualism enhances the legislative product.

So we are and so it does. Consequently, it seems rather odd that the gentleman would then subsequently suggest that all of us should enter these Halls each day dressed in virtually the same manner and that we should shy away from the newer, up-to-date clothing which is an everyday part of the natural evolution of style.

Would the gentleman suggest that the long tails, high boots, leotards, and wigs of the First U.S. Congress are now appropriate? I think not. Would the gentleman suggest that the beards, long coats, capes, and tophats of the 19th century should still be worn? Again, I would think not. Yet is it not true that if some Member at some time had not walked onto this floor attired in a slightly different, somewhat modified progressive style from what was presently popular, we would today still be standing here, powdered, wigged, belted, and booted in precisely the same manner as our Founding Fathers? Probably so. And is it not true that if some forward-looking legislator had not once shown the imagination and courage to take a step forward in fashion we would be standing on the Capitol steps in today's high temperatures roasting and boiling in long black coats and tophats? I should think so.

To those courageous souls who battled the forces of sameness and regimentation, we owe a deep debt of gratitude. Where would we be today if we went to dinner in Georgetown dressed like Thomas Jefferson? Probably mistaken for the doorman at an early American discotheque. What would happen if we slid into a sleek 1969 hardtop wearing a tophat§ It would doubtlessly have to be collapsible.

My point here is not to suggest that my distinguished colleague is ready to ease the Members of this body into a time machine for a journey back to antebellum. My point is a simple one: If individualism and the courage to be different are to be decried by those who sit in this Chamber, we had better pack up and call it a day. Why bother to have a Congress at all if the individualism upon which this Nation was founded is condemned within these very walls? What would visitors think if they came to the gallaries and saw 435 identically dressed men sitting in a row? They would probably decide to give up voting—what is the difference, they would reason.

Now I am by no means venturing the opinion that dignity, taste, and proper manners should be dumped in favor of a ballpark atmosphere; not at all. But dignity takes many forms. Why, just recently, the President of the United States attended a state dinner in the Philippines dressed in an embroidered silk shirt, proving that the fabric of diplomacy is not always woven from the threads of a dark blue suit. And suppose the sturdy residents of the North Pole became the population of a 51st State. Clearly, they would be most likely to send to the Congress their most popular, leading resident—How would Santa Claus look clean shaven, coming down the chimney in a dark blue suit? And what of our attractive female colleagues who share this great Chamber with us? I daresay "dark business suits, plain, light-colored shirts, and dark single-colored shoes" would not do much for them; not much at all. In other words "to each his own" or "one man's robes can be another man's rags," if I may alter an old axiom.

The distinguished gentleman (Mr. TALCOTT) being from the great State of California as I am, should pause to consider the great leadership our State has exercised in many important areas. One of these areas is the realm of modern, attractive, up-to-date fashions, which have led the way for the rest of the country. I certainly do not hesitate to take pride in this leadership and in our progressively attired and well-groomed California population. It would certainly not be out of place for those of us representing California to share that pride and to lead the way in proper, but also distinctive and attractive attire. I invite my fine colleague to consider this privilege.

It would certainly seem unlikely that a body which votes on appropriations to send men to the moon must cling to established, conservative styles. It would seem equally unlikely that a nation of such great diversity as ours would have a corps of identical automators as its elected representatives. As my colleague said in his remarks:

> The House long ago abandoned any regimen of special dress.

Enough said.

REVOLT IN THE COAL MINES

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, a new day is dawning for coal miners. Down through the bleak and tragic history of the most hazardous occupation in the Nation, observers have often marveled at the patience, the courage and the stolid optimism of a huge majority of those who toil underground, day after day, without complaint. For want of a better word, we have called this attitude "fatalism." We have marveled that over 140,000 men have been able to continue their grubby tasks in these death traps which every day crush, gas, burn, and destroy life or produce the living death of "black lung."

But now in 1969, the coal miners are speaking out against these intolerable conditions. This Congress has awakened to the tragedy which has gripped thousands of coal miners. I have confidence that this Congress is now determined to pass meaningful and effective coal mine health and safety legislation, if the Congress can resist the everpresent lobbyists who on every occasion in the past have weakened any coal mine safety legislation and shot it through with loopholes. Only if this Congress has the courage to place protection ahead of production will the coal miners be safeguarded and treated like human beings.

Yet no matter what laws are written, the coal miners will never receive genuine protection until their union stands up and fights for the rank and file. Monopoly and lack of competition breed laziness, indifference, and dictatorship—which have for too long been the practices of the top leadership of the United Mine Workers of America. But now in 1969, we have the good old American forces of competition at work. In 1964, UMWA President Boyle persuaded the union convention to increase from five to 50 the number of local unions required to place a presidential candidate on the ballot. Obviously, Mr. Boyle never thought it would be possible for any opponent to get the required number of 50 nominations—but Mr. Joseph A. Yablonski has done it—in fact he already has been nominated by 85 local unions.

This competition is the healthiest thing that has ever happened in the entire tragic history of the coal industry, and that is why I include the text of Mr. Yablonski's statement at a press conference yesterday, along with several newspaper articles relating to these great new developments:

[From the New York Times, Aug. 10, 1969]

Coal Miners Revolt in the "Darkest Crevice" of Industry

(By Ben A. Franklin)

WASHINGTON—Just before dawn last Nov. 20, the towering steel surface works at the Consolidation Coal Company's huge No. 9 mine near Farmington W. Va., were enveloped by flame and smoke. Six hundred feet beneath the Appalachian Valley bottoms, 78 miners at work on the cat-eye shift, in a honeycomb of passageways as intricate as the street map of Manhattan, were trapped by explosions and fires. Their bodies are still there, in a mine still too hot and poisonous to permit them to be brought to shallower graves.

But these dead sons and husbands have composed a revolution that seems likely to make their dying well remembered. Already they have done what none of the 120,000 deaths in 100 years in the mines has accomplished before. And last week disclosed that there is more to come. A large group of rank and file miners sued their union, an institution long held in almost religious reverence except by a few noisy heretics, and accused it of conspiring to defraud them and thus to perpetuate, not improve, their miserable condition.

The whole, halting history of reform in the coal mines—long known to be the most death-dealing and disabling occupation among the 40 major industrial job classifications—has always been one of reaction to catastrophe. And always—until now—the reaction has been half-hearted.

It was not until 1941, for example, that the first token Federal mine safety regulations were enacted, taking note of the most primitive survival technology known to mining engineers for 100 years. To please the mine owners, however, Congress neglected to provide any kind of enforcement.

In 1952, after a legendary explosion disaster at the Orient No. 2 mine in West Frankfort, Ill., had taken 119 lives, Congress adopted the present law—and filled it with so many enforcement loopholes that President Truman, in signing it, labeled it a sham.

During the 18 years between the great explosions at Orient No. 2 and Consol No. 9, 320 miners were dismembered, incinerated or suffocated by what the 1952 law called "major disasters." But they died, from the standpoint of publicity, in more manageable groups, usually of a dozen or two dozen—never more than 37 at one time. There continued, of course, thousands of lonely, unpublicized coal mine deaths in such "non-disaster" accidents as falls of rock, machinery failures and explosions claiming fewer than five lives. There were nearly two peaceful decades without public outcry.

A combination of events, some of which did not become fully apparent until last week, has now revealed how drastically altered is the long record of fatalistic acceptance of this carnage. Last Monday, a symbolic group of 78 plaintiffs, union miners and miners' widows, filed a sweeping $75-million damage suit in Federal Court here in effect against the core of the feudal coal system—the United Mine Workers Union itself and its high-salary, multimillion dollar ancillaries, including the profitable union-owned National Bank of Washington, and also the largest trade association of soft coal operators, the Bituminous Coal Operators Association.

The suit does not mention the union's much-criticized lack of militancy on miners' health and safety, or its cooperation with the mine owners against "irresponsible" reforms. Instead, in page upon page of condemnatory complaint, it alleges betrayal of an even more explicit relationship with the membership—that of protecting and enhancing the rank and file pension benefits of an estimated 70,000 retired miners who have been cut off "capriciously and arbitrarily" without a penny. The union was accused of conspiring with the B.C.O.A. mine operators to defraud retirees and widows of their mites, both by general fiscal mismanagement and directly by manipulation of money "for private gain." The membership complaint against the union confirmed the rise of an unmatched spirit of mountain militancy in the great Appalachian coal basin that has frankly dismayed the mining industry, long accustomed to fraternal relations with the U.M.W. By last week, committees of both the Senate and the House had taken account of it by clearing mine health and safety measures that in some respects went beyond the U.M.W. leadership's requests, also to the coal industry's dismay.

The lawsuit, and the bottom-of-the-shaft militancy it evidenced, moreover, was obviously an awkward augury for the U.M.W. President W. A. "Tony" Boyle. Mr. Boyle is the main target, in a union election year, of mounting rank-and-file resentment over seemingly cavalier treatment of both pension and safety matters, and of large union salaries paid to members of his family. Mr. Boyle, 64, faces the most serious insurgent challenge to re-election since the late John L. Lewis, unassailable in life who made the coal union his personal fief in 1920, on retiring picked Mr. Boyle as his heir.

Because of the Farmington disaster and all that has flowed from it, it is conceivable that Joseph A. Yablonski, 59, formerly the most ardent of Boyle loyalists but who now calls his chief "a dictator," may oust the president in December on a reform platform. This would be a feat in its way as remarkable—and some Farmington widows say, as deserved—as any of the unexpected consequences of the last cat-eye shift in Consol No. 9, and proof that the unrest of our time has finally recalled the most remote, darkest crevice of American industrial society.

[From the Washington (D.C.) Sunday Star, Aug. 10, 1969]

Rumblings From the Mines

(By Mary McGrory)

The first indication that dissent had spread to the most patient Americans and literally gone underground came last February, when West Virginia coal miners defied their union leaders and marched on Charleston, the state capital.

The miners, led by three doctors, were not asking much—merely workmen's compensation for their worst occupational hazard, "black lung." They did not get much, either—recognition of coal dust as a health hazard and black lung as a disease.

Since then, the miners, whose loyalty to their union is legendary, have given several other signals that their remarkable patience is further unraveling.

On May 29, Joseph Yablonski, a member of the international executive board of the United Mine Workers, announced he would challenge W. A. (Tony) Boyle, John L. Lewis' hand-picked successor, for the presidency of the UMW.

The United Mine Workers Journal, which carries a mention and sometimes a picture per page of president Boyle, did not take note of the Yablonski move, on the grounds that he was not a "bona fide candidate" until nominated by 50 locals. His opponents according to Yablonski, have taken many steps, some of them violent, to see that this did not occur.

Last Monday, in the most unusual development of all, a group of disabled miners and widows came to Washington to announce that, representing 4,000 others, they were bringing a suit for $75 million against Boyle, the UMW, the UMW Welfare and Pension Fund, the Bituminous Coal Operators Association and the National Bank of Washington.

Boyle is a kind of one-man interlocking directorate, being not only president of the UMW, but trustee, chairman and chief executive officer of the Welfare Fund, a director of the National Bank of Washington, which is controlled by the union, and president of the Coal Policy Conference, an organization of coal operators, consumers and manufacturers.

Eight of the petitioners, plain and humble people, sat by while their attorney, Harry Huge, read their complaints of "plunder" and "fraud" against Boyle and other officials of the union.

A few of them told tales that were worthy of Dickens. One widow, who said she has been deprived of a pension, told of a neighbor whose welfare fund hospitalization card was "pulled" during his long convalescence from a heart attack suffered in the mines.

"The union truck came and took away his oxygen and his hospital bed," she recounted. "He died fairly soon after."

Howard Linville of Peytona, W. Va., who became permanently disabled in 1958, was denied his pension because, he said, despite 21 years' service in union coal mines, he did not qualify under Regulation B–2, which requires that he work "20 years in union mines within the 30-year period immediately preceding his pension application to the Welfare Fund."

Reformer Ralph Nader and Rep. Ken Hechler, D.–W. Va., have pointed out that Boyle and the other two top officers of the UMW have made pension arrangements that guarantee full payment of their present salaries which are in the $40,000–$50,000 bracket. Coal miners too sick to work and too young to die can, if they qualify, look forward to $1,380 a year.

A UMW spokesman called the suit "unfounded, inaccurate and politically motivated"—that is, related to the Yablonski campaign. Yablonski says it is not so.

Yablonski knows that he does not come to the fight as a knightly figure, having been part of the UMW establishment for many years at a salary of $26,000. He accuses himself of being part of the "glorification" of Boyle which was part of his official duties.

But he has changed with the times, he says.

"In the old days, every mine kitchen had a picture of Roosevelt, Lewis and Jesus Christ," says Yablonski, a short, beetle-browed, nattily dressed man, who went into the mines to take his dead father's place at the age of 15. "Now we have younger men coming along, and they want to be heard."

He has promised to hold elections in every local district, if elected. Presently, participatory democracy is at a low ebb in the UMW. Of 23 districts, 19 are in trusteeship, which means their officers are appointed by the union president, a circumstance which, one of them explained, "keeps us from being under any pressure from individual members."

Yablonski had to go to court to get his literature sent out; his supporters, he says, have been threatened and bribed. He himself was subjected to a karate attack on July 28.

But he is much encouraged by the fact that at one of the largest mines, the Robena, in Masontown, Pa., he won over Boyle by 10 to 1.

Statement by Joseph A. Yablonski

Just over two months ago I announced my candidacy for the Presidency of the United Mine Workers of America.

I can report today a total victory in the first round of that candidacy and in the struggle to oust Tony Boyle from the leadership of the Mine Workers.

Five years ago, in a desperate effort to prevent any future challenges to his presidency, Boyle had the Mine Workers Constitution amended to increase the number of local union nominations required for a place on the ballot from 5 to 50. Boyle assumed that, with all the power at his command, no man could ever win the nomination of 50 local unions. But he was wrong; in the last 30 days 85 local unions have voted to nominate me for president. We have verified each of those 85 nominations. And about an equal number have voted to nominate Elmer Brown for Vice President on our ticket.

This was accomplished by rank and file miners with no money and very little organization. Mr. Brown and I are deeply grateful to those who helped us win this first round at great risk to their jobs and to their personal safety.

We got the 85 nominations in the face of massive violations of the democratic election procedures guaranteed by the Landrum-Griffin Act. Boyle and his henchmen have:

Perpetrated violence upon me and those working with me;

Fired me from my job as Acting Director of Labor's Non-Partisan League to which the Courts have restored me;

Embezzled from the union treasury huge sums for Boyle's election campaign;

Sought to bribe miners with jobs and cash;

Threatened miners with loss of jobs and other reprisals;

Refused so much as to mention my name in the Mine Workers *Journal* while playing up Boyle as a demi-god;

Refused to distribute my literature—as required by law—until ordered by the Courts to do so;

Violated the U.M.W. Constitution in myriad ways, including holding secret local union meetings to nominate Boyle.

Discriminatorily revoked the charters of locals which were about to nominate me.

More than 100 violations of the Landrum-Griffin Act have been documented. Some are criminal violations that are under investigation by the Department of Justice. Others are civil violations that we have reported to the Labor Department. Boyle has been afraid to answer our charges to the Labor Department because he knows he could be prosecuted for lying to the Department.

Yet, despite this unprecedented violence, despotism and corruption, the nomination barrier has been surmounted.

Tony Boyle and his associates thought they owned the union. They thought the miners were too weak to rise up in an election campaign. Now at long last, Boyle knows he misjudged the men who belong to this union.

The hardest part of the battle remains ahead. Boyle has a big organization—mainly union officials appointed by him—and millions of dollars at his command. We have neither. But we have something far more important. We have the will to build a democratic union that will protect the lives and safety of its members.

Within the limits of our ability, we will take this campaign to every mining town in the nation. Every miner, working and retired, must be given the facts that show Boyle's failure to protect the working men of this union. The true story must be told.

Here are a few additional examples of how Boyle and his associates have failed the men of this union:

1. Boyle and his group have done nothing about enforcing the safety provisions which we fought to place in the contracts the UMW has made with the coal industry. Between 1960 and 1967, even the notoriously lax U.S. Bureau of Mines found 371,000 violations of these safety provisions and more than 200,000 of these were repeated from previous inspections. One can only imagine how many millions of other violations went undetected and how many miners' lives were lost as a result. It should be noted that the responsibility for enforcing these regulations rests upon Boyle and his appointed district officials. I promise that in my administration these safety regulations will be strengthened and rigidly enforced. In addition, I will insist upon heavy penalties for coal operators who violate these regulations and others affecting the safety of our men. What will Boyle do?

2. Under Boyle's regime, the Welfare and Retirement Fund has failed drastically to provide for the needs of retired and disabled miners for two reasons. First, although the coal industry is booming, the royalty on coal production by which the fund is financed has not been increased. It has been 40 cents a ton since 1952. Second, Boyle has allowed some coal operators to pay only 20 or 30 cents a ton to the fund. Despite growing rank-and-file resentment, Boyle refuses to eliminate these "sweetheart" contracts.

3. Boyle has made the UMW the most notoriously dictatorial labor union in America, in part by refusing to allow miners in 19 of the union's 23 U.S. districts to elect their own district officers. Though this practice is clearly illegal, Boyle refuses to change it, even in the face of a law suit brought by the Labor Department under the Landrum-Griffin Act. The first thing I will do when elected is to insure that all district officers are elected by the miners.

4. While many rank-and-file miners have been denied their measly pensions, Boyle and his fellow officers have created an extravagant fund for themselves with miners' dues. These elite pensions pay more than 20 times the amount received by the retired coal miners. Moreover, Boyle and his associates have packed the UMW payroll with their relatives and friends. Boyle continues to pay his brother and sister over $75,000 a year with the dues of working miners. I will stop this practice when I am president.

5. It is now clear that Tony Boyle's favorite coal company, the Consolidation Coal Co., has no intention of opening the Farmington, W. Va., mine where 78 miners were entombed while mine safety legislation is before Congress. Though the customary waiting period before unsealing a mine after an explosion has long since passed; the Bureau of Mines remains silent. And so does Tony Boyle. I demand that the Bureau of Mines—and Boyle—tell us what safety purpose is served by waiting another month or two.

6. Boyle and his cronies do not understand, much less seek, what miners need in terms of legislative protection from death and disease underground. Despite my efforts to urge a dust standard low enough to protect miners from black lung disease, the union has supported a 3.0 dust level in public advertisements. A recent HEW study states that this 3.0 standard is totally inadequate to protect miners. It exposes them to more than 15

times the maximum air pollution level deemed safe for city residents by HEW. I want to know why mine workers should not receive the same degree of protection for their health that city residents receive. I am today demanding that the union legislative goal for dust level exposure be changed from 3.0 milligrams per cubic meter to 0.2 milligrams per cubic meter. Boyle should explain why he feels the higher dust level is adequate, while more than 100,000 coal miners are suffering from black lung. I am also sending a letter to Secretary Finch asking that HEW give us its recommendation within two weeks as to whether even the 0.2 goal is low enough to protect those miners who have already received 10, 20 or 30 years of coal dust exposure.

7. I favor restoring to coal miners the right to sue coal operators for negligence which results in occupational disease or injury. No longer should our union members be forced to rely on the whims of bureaucrats on government boards and agencies for just compensation for their injuries. Boyle has never even mentioned this injustice. Where does he stand?

These are a few of the issues which are of increasing concern to long-neglected coal miners. They are issues which the dictatorial regime of Tony Boyle has failed to deal with. It is clear that America's coal miners want new leadership. I will give it to them.

[From the Washington (D.C.) Evening Star, Aug. 11, 1969]

YABLONSKI CLAIMS 85 LOCALS SUPPORT BID FOR UMW JOB

(By Robert Walters)

Joseph A. (Jock) Yablonski, the insurgent candidate in the contest for the presidency of the United Mine Workers, today said he had met the campaign's first major legal requirement despite "unprecedented violence, despotism and corruption" on the part of the union's incumbent leadership.

Yablonski said that 85 UMW locals had formally nominated him for the union's top post, handily surpassing the union's constitutional requirement that 50 such endorsements be received in order to officially qualify for a place on the ballot in the December election.

The union's current president, W. A. (Tony) Boyle, is understood to also have easily cleared that hurdle in his bid for reelection, thus setting the stage for what many observers expect to be one of the most bitter elections in the history of the country's labor movement.

Since Yablonski, a 59-year-old resident of Clarksville, Pa., announced his candidacy on May 29, the campaign has been marked by unrestrained personal invective, charges of improper and illegal actions and flurries of legal actions on both sides of the struggle.

COULD BREAK CHAIN

A victory for Yablonski in the Dec. 9 election would mark the first break in a 50-year chain of command that began with John L. Lewis, president from 1920 to 1960, and continued through two Lewis-picked successors—Thomas Kennedy, who led the UMW in 1960 and 1961, and Boyle, first elected in 1962.

Despite his apparent victory in gaining a spot on the ballot, Yablonski is still considered an underdog. However, he has made a better showing than many expected, displaying surprising strength in the massive U.S. Steel Corp. Robena complex in southwestern Pennsylvania outside Pittsburgh.

The union's more than 1,500 locals began the nominating procedure on July 9 and concluded their first-stage balloting on Saturday. Yablonski has charged that much of Boyle's strength comes from "pensioner locals," whose membership is comprised of retired rather than active miners.

"Five years ago, in a desperate effort to prevent any future challenges to his presidency, Boyle had the Mine Workers' constitution amended to increase the number of local union nominations required for a place on the ballot from 5 to 50. Boyle assumed that, with all the power at his command, no man could ever win the nomination of 50 local unions," Yablonski said.

CLAIMS 85 VOTES

"But Boyle was wrong. In the last 30 days, 85 local unions have voted to nominate me for the high office of president. We have verified each and every one of those nominations. And about an equal number have voted to nominate Elmer Brown for vice president on our ticket," he added.

The nominations were secured "in the face of the most massive violation of law in labor history," said Yablonski, charging that "Boyle and his henchmen have perpetrated violence upon me and those working with me . . . embezzled the funds of the union for political purposes, spent huge sums of money on Boyle's behalf (and) sought to bribe miners with jobs and cash."

Yablonski also charged that Boyle and his supporters had "threatened miners with loss of jobs and other reprisals, refused to so much as mention my name in the Mine Workers Journal, while playing up Boyle as a demigod, refused to distribute my literature until ordered by the courts, violated the UMW constitution in a myriad of ways (and) discriminatorily dechartered locals which were about to nominate me."

Touching on some of the issues he will pursue in the coming months, Yablonski charged that Boyle and his backers:

"Have done nothing about enforcing the safety clause" in UMW—industry agreements despite "over 200,000 violations of these safety standards between 1960 and 1967" on the part of mine owners.

"Let the (UMW) pension fund run down by failing to obtain agreements for adequate royalties and failing to enforce the existing royalty agreements."

"Made the UMW today the most dictatorial union in the history of American labor by denying 16 of the 23 districts the right to select their own president."

[From the Washington (D.C.) Post, Aug. 12, 1969]

MINES BUREAU, UMW ATTACKED BY YABLONSKI

(By Robert C. Maynard)

Sometime around Sept. 1, the Farmington, W. Va., mine in which 78 men have been entombed since last Nov. 30 will be entered by officials of the U.S. Bureau of Mines and the Consolidation Coal Co.

John S. O'Leary, director of the Bureau of Mines, made the disclosure yesterday in response to a charge that the mine was being kept sealed with the compliance of his agency.

The charge was made here earlier in the day by Joseph A. Yablonski in an accusation-studded press conference. Yablonski called the conference to announce his belief that he had obtained the endorsement of a sufficient number of locals of United Mine Workers Union to be a candidate for president against W. A. (Tony) Boyle, the incumbent.

MINE WAS SEALED

An explosion in the huge Farmington mine's Consol 9 on Nov. 20 trapped the 78 men below ground. Giving up hope, the Consolidation Company sealed the mine on Nov. 30.

Yablonski charged that the mine was being kept sealed while Congress considers mine safety legislation. O'Leary denied that charge and explained the Bureau of Mines had engaged experts from several universities who had advised against attempting to open the mine for fear of new explosions.

Recent data, O'Leary said, pointed toward the possibility that the mine could now be approached for entry and that men could probably set foot inside by the first of next month. Meetings with the mine officials and O'Leary's office are scheduled in West Virginia today and with the university consultants on Thursday.

Yablonski, once a friend of Boyle and now his principal challenger for leadership of the Mine Workers, said he had been nominated by 85 of the estimated 1200 locals of the UMW. Fifty locals are required for placement on the ballot.

The official nomination results will be announced today.

Seated beside his attorney, civil rights lawyer Joseph L. Rauh, Yablonski charged that Boyle had "embezzled from the union treasury huge sums" for his election campaign. The union denied the charge as a "vicious lie."

Edward L. Carey, general counsel for the Mine Workers, disputed the dozen or so charges made against Boyle and the union leadership by Yablonski and then demanded to know "why doesn't Joe love Tony in December as he did in May," a reference to the fact that Yablonski was a staunch backer of Boyle until he announced his candidacy for union president.

Asked if he expected violence during the ensuing campaign, Carey said:

"Violence? No. Coal miners are sweet and gentle people."

Boyle and Yablonski are entering the most heated contention for the leadership of the Mine Workers since the days before the union was headed by the late John L. Lewis.

FUND, AUTONOMY ARGUED

Local and district autonomy and the management of the union's large pension fund have been the focal issues of the campaign thus far.

In addition, a group of rank-and-file union members have sued the union, charging mismanagement of the pension fund. The law firm of Edward Bennett Williams has been retained to answer for the union.

Yablonski charged yesterday that one of the reasons the pension fund is in difficulty is that some coal companies are being allowed by the union to contribute less than the 40 cents per ton contributed by most operators. Carey, speaking for the union, denied that any firm is being allowed to pay less than 40 cents a ton.

Another union spokesman said that Boyle, who became a trustee of the pension fund only after Lewis died in June, has ordered "an in-depth study" of the fund's entire operation.

The Department of Justice appeared likely to become involved in the election as both sides promised to use its services to investigate irregularities.

Although the nomination process did not officially close until 4:45 p.m. yesterday, it seemed unlikely that any other candidates but Boyle and Yablonski qualified as nominees.

[From the New York Times, Aug. 12, 1969]

UMW INSURGENTS CLAIM VICTORY ON NOMINATION—YABLONSKI GROUP CONTENDS IT HAS WON BALLOT POSITION—BOYLE'S RIVALS SAY 85 LOCALS HAVE BACKED THEIR STAND

(By Ben A. Franklin)

WASHINGTON, August 11.—Insurgent candidates challenging the re-election of W. A. (Tony) Boyle and other top officers of the United Mine Workers of America said today they had won a month-long nomination struggle to get their names on the union ballot.

But the U.M.W., which counts the nomination certificates of its local unions, did not confirm this victory claim. Although the union constitution says the nominating deadline is Aug. 9, U.M.W. officials said today that the effective deadline, allowing for the weekend, was 4:45 P.M. today and that there would be no announcement from union headquarters then "because that's quitting time."

The election is to be held Dec. 9. Mr. Boyle, 64-year-old union president, is certain of renomination for a second five-year term.

At a news conference in the Mayflower Hotel here this morning, Joseph A. (Jock) Yablonski, 59, a tough, gravel-voiced veteran member of the union's international executive board, said he had won the nominating endorsements of 85 locals. This is 35 more than the constitutional requirement of 50.

Mr. Yablonski, the candidate of the anti-Boyle group, said his endorsements had been won despite a "nomination barrier" that he charged had been erected by the union through "massive violations of law."

DICTATORSHIP ALLEGED

Mr. Yablonski, the highest-ranking union officer ever to challenge a U.M.W. president, is regarded as one of the strongest election rebels in the mine workers' 79-year history. He has labeled Mr. Boyle "a dictator" and a "collaborator" with the coal industry and has accused the incumbent of packing the union payroll with members of the Boyle family.

"Boyle assumed that, with all the power at his command, no man could ever win the nomination of 50 local unions, but he was wrong," Mr. Yablonski said today.

Joseph L. Rauh, Jr., a Washington lawyer representing Mr. Yablonski, said the union had rejected a written request to admit Yablonski observers to the tally of nominating certificates. Mr. Rauh said he had also been unsuccessful in requesting the Labor Department to send observers.

"They will count us out if they can," he said. Union officials declined to comment.

SHULTZ GIVEN CHARGES

During the July nominating period Mr. Rauh filed three long, detailed complaints with Secretary of Labor George P. Shultz. They charged the union with "flagrant," "massive" and "continuous" violations of Federal law that is supposed to protect democratic election processes in labor unions. The union has declined to comment.

Mr. Rauh alleges illegal use of union funds to advance Mr. Boyle's candidacy, the use of administrative reprisals, bribery, intimidation and threats of violence—and even of a threat of death against one of Mr. Yablonski's supporters. He also alleges that a broad campaign of "tricks" and "fraud" was waged at local union nominating meetings in the coal fields in an effort to deny Mr. Yablonski nominations that he might otherwise have received from rank and file miners said to be supporting his candidacy.

Secretary Schultz was told, for example, that at the nominating meeting of U.M.W. Local 1577 in Girardville, Pa., on July 19, about 20 pro-Boyle members and salaried union officials completed the nomination of Mr. Boyle in secret before the scheduled 6 P.M. meeting. About 40 Yablonski supporters reportedly waited outside the union hall for the meeting to begin while those inside advanced the clock.

Mr. Rauh complained that when the pro-Yablonski members entered at 6, the clock inside read 6:10 and nominations had already been closed. He said other local nominating meetings were illegally convened without notice.

LOSSES IN HOME AREA

Mr. Rauh also detailed charges involving U.M.W. District 5 in southwestern Pennsylvania, where Mr. Yablonski, a resident of Clarksville, Pa., is widely known. The lawyer told the Labor Department that orders from union headquarters here had summarily disbanded and de-chartered on June 27 all local unions with fewer than 20 members, thus denying Mr. Yablonski potential nominating support in his home territory.

The complaints said that in no other union district had locals been generally disbanded although the charters of selected locals elsewhere suspected of favoring Mr. Yablonski had been revoked.

Secretary Shultz has taken the position in a letter that, although he has statutory authority to investigate alleged election irregularities "at any time," he will follow "the department's long standing policy not to undertake investigation" until after the election is completed.

The letter to Mr. Rauh on July 23 was not entirely without promise for Mr. Yablonski, however. For the Secretary said that if Mr. Yablonski's complaints were valid, violations of at least five sections of the Landrum-Griffin Act of 1959 were involved. Proof of any of them could invalidate the election later.

OTHER COURT MOVES

Mr. Schultz noted that Mr. Yablonski, through private lawsuits, had already taken "corrective action" to remedy two Landrum-Griffin violations directly affecting him. The union is under two Federal court injunctions requiring it, despite its earlier refusal, to mail Mr. Yablonski's campaign literature and to refrain from dismissing him from his union job, which it sought to do.

The F.B.I. investigations have focused so far on Mr. Yablonski's charge that he was knocked unconscious while attending a meeting of U.M.W. officials at Springfield, Ill., on June 28.

The Boyle administration is under other pressures in various courts, meanwhile, none of which detracts from Mr. Yabonski's efforts.

The union, among others, was sued here for $75-million in damages last Monday by 78 rank-and-file miners. They alleged a conspiracy to defraud them of pension benefits by officials of the U.M.W., its welfare fund, its union-owned bank in Washington, and the Bituminous Coal Operators Association, an industry group.

The union said it has hired Edward Bennett Williams, the Washington criminal lawyer who also defended James R. Hoffa, former Teamsters' Union president, to represent it in that case.

On Saturday, Congressional Quarterly, a Washington news service, said that the U.M.W.-owned bank, the National Bank of Washington, of which Mr. Boyle is a paid director, had offered special low-interest loans to members of Congress, raising the prospect of a Congressional investigation.

Included in the rank-and-file miners' damage complaint is an allegation that top union officers, through the bank, have failed to protect members' interests by the most vigorous and prudent prosecution of bank business.

Later this month, the union is expected to go on trial in the United States District Court here on Justice Department charges that it has suppressed democratic union practices for decades by illegally maintaining many of its districts under "trusteeships." This suit has been pending since 1964.

The "trusteeship" arrangement involved in the suit allows Mr. Boyle to appoint the top officers of nearly all the union's 23 districts.

His brother, R. J. Boyle, is president of District 27 in the low coal producing Pacific Northwest at a salary of $25,000. His daughter, Antoinette, is a $40,000-a-year U.M.W. attorney in Billings, Mont., the locale of the two-room District 27 headquarters.

REGULATION OF PORNOGRAPHY

(Mr. POLLOCK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLLOCK. Mr. Speaker, the bill I am introducing today offers a solution to many of the problems surrounding regulation of pornography. Both the legislative and judicial branches of government have often been baffled in attempts to develop workable definitions of obscenity and determine how to deal with it. Sometimes we are reduced to the exasperation of Supreme Court Justice Stewart, whose means of identification is, "I know it when I see it."

Indeed, this area of legislation involves conflicting and confusing values. On the one hand, to overregulate distribution of any printed matter might be disasterous. The government should steer far clear of censorship, and allow adults their first amendment right to choose reading material. On the other hand, Congress cannot ignore its responsibility to rescue adults from unwanted pornography thrust into the home through the mails. Congress must also recognize the right of States to determine how minors shall be especially protected from obscene matter, but must face the responsibility of backing State laws in areas of Federal jurisdiction, like the mails.

To satisfy all these criteria, this proposal employs delicate balancing. The bill offers a clear, workable definition of what is objectionable. This is something the Courts have been seeking from the legislature for years.

The bill also offers solutions to other problems. It will allow adults to receive sexually oriented material through the mail, but only if they specifically request it. This provides protection without censorship. It makes mailing pornographic material to a minor illegal when State laws prohibit distribution to minors. This provides support for State laws without smothering State experimentation under a blanket of Federal uniformity.

This proposal rescues the majority of citizens from the undesirable task of destroying unwanted smut. In addition, it protects those who are not old enough to judge wisely for themselves what might be harmful. At the same time, the bill recognizes that no judgment of the proper age for self-determination has yet been proven correct, and offers a reasonable definition of what material falls under the jurisdiction of this act.

In hopes that we will cut through the confusion that has surrounded this area of the law for so long, I urge the passage of this bill.

REVENUE-SHARING PROGRAM

(Mr. TALCOTT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TALCOTT. Mr. Speaker, President Nixon's message proposing a revenue sharing program is a dramatic innovation in the often proclaimed, but seldom achieved, Federal-State-local governmental partnership.

This is the big bold step many of us have been advocating. Obviously there is a long difficult trail between the Executive proposal and the legislative enactment. But the ice has been broken. I applaud the President and his economic advisers for this first step toward fiscal adequacy for State and local governments. The tax-sharing concept is an appropriate vehicle for building substance into the governmental partnership.

The State and local municipalities are more efficient and responsive governmental agencies than the Federal agencies. The Federal Government has, for all practical purposes, usurped the principal taxing mechanisms—the income and the excise tax. The time for revenue sharing has come.

Although, of course, the Congress must work its will and many changes can be accomplished, I commend the President's proposal for distribution which appears to utilize two equal factors of population and local tax effort. State and local municipalities who are more willing to tax themselves for municipal services will share a larger portion of the Federal revenues. This formula can be an incentive and a reward for self-help.

The President's plan is a modest proposal, one that can be gradually implemented to strengthen our various governments as the revenue sharing system matures.

One major defect in the revenue sharing plan is that the first application omitted education.

Education is our most serious unmet domestic need. Income is the most appropriate tax source for educational purposes. The correlation between education and income is direct, but there is no correlation between sales or real property and education.

Revenue sharing should have been initiated for local educational purposes. Perhaps if the demonstration of revenue sharing for State and local general governmental purposes is successful, the new sharing concept can be utilized for education.

STATE, COUNTY, AND COMMUNITY RESOLUTIONS HONOR REPRESENTATIVE BATES

(Mr. MORSE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MORSE. Mr. Speaker, in furtherance of our tributes to our late beloved colleague, the Honorable William H. Bates of Massachusetts, I wish to place into the RECORD at this point several resolutions adopted by State, county, and community governmental agencies following Bill Bates' untimely passing.

The Executive Council of Massachusetts, with the Governor presiding, adopted this resolution:

RESOLUTION

Whereas, Congressman William H. Bates of Salem, Massachusetts, served his district and the nation with great distinction during the past 19 years, and

Whereas, Before his election to Congress he had been promoted to the rank of Lieutenant-Commander in the United States Navy in recognition of his 10 years of faithful and courageous duty in behalf of the country that he loved, and

Whereas, he was the ranking minority member of the House Armed Services Committee who had the understanding and appreciation of our defense needs that was matched by his determination to keep our armed forces strong in order to discourage potential aggressors, and

Whereas, In every way he was the exemplary public servant who was respected and admired by his colleagues, constituents and many friends for his complete devotion to his responsibilities, and therefore

Be it resolved, That the Executive Council of Massachusetts does hereby express its grief and its sympathy to the members of his family by having a signed copy of this resolution forwarded to his widow, and be it further

Resolved, That this Council shall adjourn forthwith to honor the memory of the late Congressman William H. Bates.

Francis W. Sargent, Governor; Thomas D. Lane; G. Edward Bradley; Raymond F. Cronin, Jr.; Herbert L. Connolly; Nicholas W. Mitchell; Walter F. Kelly; Patrick J. McDonough; Samuel M. Flaksman, Executive Secretary.

The Massachusetts House of Representatives passed the following resolution, which was offered by Representative Samuel E. Zoll and Michael J. Harrington, both of Mr. Bates' home city, Salem:

RESOLUTIONS ON THE DEATH OF WILLIAM H. BATES

Whereas, the Massachusetts House of Representatives with deep sorrow has learned of the death of the Honorable William H. Bates who, for the past nineteen years, has sincerely and faithfully served the Sixth Congressional District as its Representative in Congress; and

Whereas, a naval officer in World War II and a model family man, William H. Bates was distinguished as a public servant; as the ranking Republican member of the House Armed Services Committee he championed a nuclear navy; he also served as the second ranking member of the Joint Committee on Atomic Energy; and

Whereas, During his term of office, this truly dedicated public servant exercised the authority of his office with great dignity and a great sense of responsibility and endeared himself to all those with whom he came in contact by his demeanor, sincerity of purpose and knowledge of State, National and World Affairs; and

Whereas, The Commonwealth may justly grieve when a statesman and public servant, such as William H. Bates, is so untimely called to his reward; therefore be it

Resolved, That the Massachusetts House of Representatives hereby expresses to the bereaved family of William H. Bates its profound sympathy in the great loss which has come to them and the Commonwealth; and be it further

Resolved, That these resolutions be spread upon the records of the House and an engrossed copy thereof be sent by the Secretary of the Commonwealth to the family of William H. Bates.

House of Representatives, adopted, June 24, 1969.

DAVID M. BARTLEY,
Speaker.
WALLACE C. MILLS,
Clerk.

A true copy. Attest: John F. X. Davoren, Secretary of the Comonwealth.

The action of the county commissioners of Essex County, Mass., was reported in this manner:

COMMONWEALTH OF MASSACHUSETTS,
Essex, ss:

At a regular meeting of the County Commissioners held at Salem on Tuesday, June 24, 1969, Chairman Burke and Commissioners Cahill and Donovan were present.

Upon motion of Mr. Cahill, duly seconded, it was unanimously voted:

That Resolutions be drawn as a memorial to Congressman William H. Bates, of the Sixth Congressional District, said Resolutions to be spread upon the records of the County Commissioners, a copy thereof sent to his wife, and copies to be posted at the Superior Court House in Salem, to wit:

Whereas, the passing of Congressman William H. Bates of the Sixth Congressional District, on June 22, 1969, removed from his district and the County of Essex a man of high principle, great dignity and devotion to public duty, and

Whereas, the Sixth Congressional District, the County of Essex, the Commonwealth of Massachusetts, and the United States of America, have lost in his death a man who always carried out his public duties in an exemplary manner, and

Whereas, throughout his distinguished career in public service his objective was what was best for all the people, and

Whereas, he always had the courage of his convictions and was not afraid to take a stand on issues, and

Whereas, he was always most cooperative with the County Commissioners of Essex County in helping them solve problems where federal assistance was needed, and

Whereas, his untiring efforts for the people and industries in his district were most laudatory, Be It

Resolved, that as officials of the County of Essex, personally and as representatives of those who have so many times honored him with public office, we cause these Resolutions to be spread upon the records of our County of Essex as a memorial of our recognition of the achievements of Congressman William H. Bates in the Congress of the United States of America, and as an expression of our profound sorrow and deep regret on his passing.

Be it Further Resolved, that a copy of these Resolutions be transmitted to his beloved wife as an expression of our sympathy in her bereavement.

Attest:

BARBARA O. CHAPMAN,
Deputy Asssistant Clerk.

This was the resolution adopted by the city council of Haverhill, Mass.

RESOLUTION

Let the record show that the Citizens of Haverhill join with the Nation in mourning the death of William H. Bates, our distinguished Representative in the Congress of the United States.

His sensitivity to the Human rights and needs of his people, mark him well in the Journals of our District and our Nation. His service to the Brotherhood of Man have earned for him the love and esteem of all of those who knew him and those whom he served so well and devotedly for these many years.

The Haverhill City Council joins with his legions of friends to extend our Heartfelt sympathies to his family and pray that God grant him strength to endure this Hour of tragedy.

May God Grant Him the eternal rest he so richly deserves, as we commit his mortality to the earth and his momory and deeds to the Generations to come after us.

In city council: June 24, 1969, adopted.

Attest:

W. CHESTER ANGUS,
City Clerk.

The mayor and members of the city council of Gloucester, Mass., adopted this resolution:

RESOLUTION OF RESPECT: CONGRESSMAN WILLIAM H. BATES

Whereas, on the twenty-second day of June 1969, death brought to a close, the active life of Congressman William H. Bates; and

Whereas, Congressman William H. Bates

has, through his foresight and zeal for this District, earned the affection of the people in the entire District and in particular Gloucester; and

Whereas, the stature he experienced in this District by his exemplary life and monumental achievements was recognized during his lifetime;

Be it therefore resolved, that the Mayor and City Council of the City of Gloucester, Massachusetts, does, by this Resolution and public record, recognize the profound influence of Congressman William H. Bates upon the development of the Sixth Congressional District recognizing further that his death is a distinct loss to our City in which he won deep respect and affection.

Be it further resolved, that this Resolution be spread upon the minutes of the Council and a copy be forwarded to his family in recognition of Congressman Bates' respected place in this community, a copy be forwarded to his Washington office and a copy be forwarded to the Gloucester Daily Times in order that the public may know of the esteem and affection in which he was held.

Adopted this tenth day of July 1969.

Mayor Joseph F. Grace; Miles J. Schlichte, Vice Chairman; Virginia C. Flannagan, Argyle G. Lautzenhiser, John Stanley Boudreau, Edward P. Flynn, Andrew C. Nickas.

Attest:

A true copy.

Fred J. Kyrouz,
City Clerk.

At a special town meeting, the citizens of Manchester, Mass., adopted the following resolution:

Resolutions on the Death of the Honorable William Henry Bates, Congressman

(Resolution offered by J. Joseph Flatley, Town Moderator)

Whereas, God in His divine wisdom has called from our midst the soul of our esteemed Congressman, The Honorable William Henry Bates, who has served our citizens as a dedicated and diligent Representative, and

Whereas, his passing has left a great void in our community,

Now, be it resolved, that the people of Manchester, Massachusetts, in Town Meeting assembled, do hereby deeply mourn his loss, and

Be it further resolved, that this resolution shall be incorporated into the Town records and a copy of the same be sent to the bereaved members of his family.

Attest:

George C. Rice,
Town Clerk.

QUOTA ON STEEL IMPORTS

(Mr. BEVILL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BEVILL. Mr. Speaker, during the second half of 1968, we were given indications and forecasts of a phenomenal increase in steel imports. Early in January 1969, we got the word that total steel imports during calendar year 1968 amounted to 17.960 million tons—an all-time high. This compares to imports of 11.5 million tons during 1967. This means not only that imports increased by over 55 percent in 1 year, but that steel imports now comprise nearly 17 percent of our national steel production. It is inconceivable to me that we, the major steel producing country of the world, can allow such a vital percentage of our total consumption to be allocated to imports.

It is clear that a vital percentage of our steel producing capability is being curtailed.

When the alarm was raised about the increasing and injurious imports, the immediate response in Congress was for the imposition of tariff surcharges, antidumping fees, countervailing duties as well as the stricter enforcement of our Buy American Act.

On the other hand, the State Department felt that by contacting the major steel exporting companies in Western Europe and Japan, some type of voluntary agreement to curb exports could be initiated.

After months of discussions with the European Coal and Steel Community—ECSC—and Japanese steel exporting interests, a voluntary program for restricting steel exports to the United States was tentatively arrived at.

This was not a government-to-government trade agreement, as that could only be arranged under the aegis of the General Agreement on Tariffs and Trade—GATT. Rather, the precedent of the Voluntary Textile Agreement was followed. In other words, the major steel exporters of the ECSC and Japan have advised their respective governments that they would voluntarily restrict their exports to the United States. Since Japan and the six nations of the ECSC combined, ship 82 percent of all U.S. steel imports, the voluntary restrictions by those two areas would apply to the bulk of steel exports to the United States. The State Department received an offer from the Japanese and Europeans to limit imports on their part to 14 million tons in 1969 with an import growth of 5 percent during 1970 and 5 percent during 1971. Thus, during 1969, steel exporters in Japan would limit themselves to 5.6 million tons, the ECSC countries to 5.6 million tons, the United Kingdom to 1.4 million tons, and other various small exporting countries to 1.4 million tons. In the case of the latter exporters, it was hoped that they would abide by the limits set for them.

Thus, the current status on steel import negotiations is that we have a voluntary agreement by foreign steel exporting interests that they would restrict themselves to an overall total of 14 million tons during 1969.

Now, Mr. Speaker, my question is: What assurance do we have that this total is to be the limit of imports? We ourselves impose no specific restraints under which shipments in excess of the voluntary agreement are prohibited and refused. What assurance do we have that a large steel-producing company in Japan will comply with its Government's request to limit its exports to the United States in compliance with the agreement? What assurances do we have that smaller countries will not simply increase their exports while satisfying their own needs from Japan or the ECSC? In fact, do we have assurances that excess capacity overseas will not find its way to our shores in the form of further-processed items and thereby increase the injurious effect of excessive steel imports?

Mr. Speaker, I question the whole system of voluntary agreements. I do not see much evidence that voluntary agreements in international trade have worked. We need only point to the frozen fish and crab shipments from Japan, as well as the continuous efforts to circumvent our textile import totals.

Since we have this voluntary agreement of 14 million tons for 1969 and a 5 percent growth increase during 1970 and 1971, let us use this agreement as a point of departure to provide legislation to solve the problem in a definitive way. I am recommending, Mr. Speaker, a legislative proposal which would contain a trigger mechanism which would impose a quota on pig iron, iron ore and steel mill products entering the United States only if the ceilings for any year set in the bill are violated.

The advantage of this kind of legislation is that there is no rollback of current imports to a lower level by the use of a quota and, therefore, as a signatory of the GATT, the United States should not be subject to any trade retaliation.

I suggest that the level of imports for 1969 be 14 million tons with a quota only to be imposed if that level is exceeded; that imports in 1970 and subsequent years increase at the average rate of actual increase of steel consumption in the U.S. over the past 10 years. This increase, Mr. Speaker, has averaged approximately 2 to 2½ percent over the past 10 years.

Thus, Mr. Speaker, upon the passage of this bill by both Houses of Congress and the signature of the President, this law will not have any effect whatsoever if the countries comply with their voluntary agreement. If a country does not comply with its voluntary agreement, then this law would substitute for the voluntary agreement insofar as the violating country is concerned and be in force and effect at a lower percentage of increase of imports for each year than that set forth in the violating country's voluntary agreement.

THE MARS MISSION

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, I should like to add my praise to the speech of the distinguished chairman of the House Science and Astronautics Committee, George P. Miller, on the matter of our future space explorations. As a member of Chairman Miller's committee, I was particularly pleased to hear his judicious advice that we, in our enthusiasm over the Apollo 11 success, not endeavor to set a definite timetable for "setting sail for Mars."

Chairman Miller spoke of a "balanced" space program, one that fully exploits the great potential of the unmanned spacecraft while our nation continues with manned space flights. During my 7 months here in the Congress and with the Science and Astronautics Committee, I have urged that we make greater use of unmanned space vehicles in gathering what data and materials are needed from the moon and the outer reaches of space. Manned missions cost at least five times that of unmanned missions. Furthermore, information supplied by NASA indicates that the scientific objectives of space exploration can be achieved as effectively and more economically by using automated spacecraft and that one of the principal values of the manned program is its psychological impact on the peoples of our country and the world. Indeed the landing of the Apollo 11 was a magnificent achievement and boosted the spirits of the American people, but we do have problems at home that need attending to and certainly our morale would be boosted should these problems be met.

It is interesting to note that last week the Gallup poll indicated that the public is cool to making a big push to Mars. Only 39 percent of those interviewed favored appropriating money for sending a man to the planet Mars; 53 percent opposed the proposition. Among blacks, the opposition ran three to one. The general concensus among those opposing the Mars manned mission was that we have more important concerns here on earth on which to spend our limited resources.

As the chairman pointed out, frontiers lie undeveloped and unexplored in our space applications program and on the moon. The sum of $128.4 million has been authorized for the space applications program which is designed to improve the technology available for weather, communications, navigation, and geodetic satellites. I believe that we should pursue very vigorously this program which will turn some of the vast knowledge acquired through our space development program and space missions into terrestrial applications making a better and more meaningful life here on earth.

PRESIDENT NIXON'S PLAN FOR THE OFFICE OF ECONOMIC OPPORTUNITY

(Mr. MacGREGOR asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MacGREGOR. Mr. Speaker, a recent article in the Reader's Digest pointed out that approximately one in eight Americans presently lives in poverty. More alarming still, the article goes on, close to one in four of those who are under 18 come from families whose income is below the poverty line.

This is a situation which our country cannot long tolerate. One of the reasons it exists, I believe, is that, for too long, Government programs have concentrated on relieving the symptoms of poverty. There has been too little emphasis on getting at the cause. But the President's recent proposals in this area, and particularly his description of a new role for the Office of Economic Opportunity, give promises that the misdirection of our efforts will soon be corrected.

The President's message on OEO stresses the Agency's responsibility for setting people on their own feet. The Office will try to find out just what it is that determines a person's capacity to make a social contribution. It will seek new ways of stimulating and developing that capacity. And it will work to provide ways in which such capacity can be tapped and rewarded by the society at large. When the Agency finds workable programs and proves them out, they will then, in most cases, be transferred to other departments and agencies for on-going operation. OEO will thus be free to continue with new experiments.

Here then is a place where the most creative minds in the country can focus on the causes of poverty and not just its effects. If OEO does its job well, it will become possible for every American to have access to the ladder of opportunity and to receive an initial boost as he begins to climb it. From there on in, of course, it's up to him. He must prove that he can make his way.

The Government does not owe its citizens a living; but it does owe them a fair chance to make a living. In a complex, fast-changing society, that fair chance is being denied to many, and it will require a great deal of tenacity, ingenuity, and courage on the part of OEO to remedy that situation.

The President's reforms in OEO do not guarantee that these qualities will be present, but they will make it a lot easier for OEO to attract the people who will provide these qualities. They also make it a lot easier for these qualities, when they are present, to make their impact felt. I commend President Nixon and the Director of the Office of Economic Opportunity for subjecting that agency to such a careful review and for developing such a useful set of changes in its operations.

TO SAVE THE MAINSTREETER PASSENGER TRAIN

(Mr. OLSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. OLSEN. Mr. Speaker, about 2 years ago the Interstate Commerce Commission took a good look at a request of the Northern Pacific Railroad to discontinue its Mainstreeter passenger train between Fargo, N. Dak., and Seattle-Tacoma, Wash., and denied its request. The railroad is again asking that it be permitted to discontinue this service. I wish to go on record as opposing the discontinuance of the Mainstreeter.

In its decision to deny the request for discontinuance, the Commission pointed out that to allow the carrier to cancel this train would deprive the public of a needed service, and would seriously harm the substantial number of small communities which would be left without rail passenger service. Out of 88 stations now served by the Mainstreeter, only 24 would have alternate rail service. The balance of the 88 would have none.

At the hearings held by the ICC, 145 persons testified in opposition to discontinuance of the Mainstreeter, and the Commission stated that 43 additional witnesses would have similarly testified if time had permitted. Included in those asking that the service be retained were representatives of student bodies of several colleges who presented the results of polls indicating the use and need of students of the Mainstreeter. Other students and college staff members also expressed their opposition to elimination of the train.

The Commission's decision reflected that in each of the years 1966 and 1967 a quarter million passengers used the service, although not all of them went the entire length of the route. The average trip in 1966 was shown as 390 miles. Also, the Commission pointed out that the 1966 total was up 8 percent over 1965, while the 1967 preliminary estimate showed a 9-percent increase over 1966. The Commission was forced to conclude at this point that "We consider it clear beyond dispute that the public has not abandoned the Mainstreeter."

Mr. Speaker, I want to call your attention and the attention of my colleagues to a statement by Northern Pacific President Robert S. MacFarlane. Mr. MacFarlane made these remarks in Missoula, Mont., March 10, 1961, as he discussed the proposed northern lines merger. Our citizens feared even then that a merger would result in the elimination of vital service. But Mr. MacFarlane assured them:

> Now while on this subject of service, I want to say a word about the Vista Dome North Coast Limited and our Mainstreeter. . . . Some people think that the trains—the passenger train service through Missoula on the Northern Pacific trainage is going to be changed. It is not going to be changed. I assure you that as long as the public will use our trains, the North Coast Limited and the Mainstreeter will operate just about as they are at present. Perhaps their schedules can be improved a little bit but we are going to maintain that wonderful service until, in the end, if ever, the public abandons this train service.

Mr. Speaker, in voicing my opposition to the discontinuance of this important rail passenger service, I joined last spring with my esteemed colleague in the other Chamber, Senator METCALF who also comes from my State—Montana—in a request for an investigation by the ICC of a matter related to the discontinuance of the Mainstreeter. The investigation was proposed by the National Association of Railroad Passengers in a letter to the Commission dated May 1, 1969, in which they declare, in part, that:

> Within the past year we have received several reports that the railroad has deliberately removed mail and express formerly handled on the trains and placed such traffic on freight trains. The Commission should thoroughly explore this matter, and if it finds that such action was taken to prepare a foundation for the present discontinuance proposal, it should require continued operation if the record shows any significant public demand for the service.

Mr. Speaker, the situation regarding our Nation's rail passenger service is cause for alarm. It is all the more so because I am certain that the general public, and perhaps even Congress itself, is not fully aware of what is happening.

The ICC has declared that we are in danger of losing significant segments of the remaining long- and medium-distance railroad passenger service within the next few years unless the present trend is reversed. The Mainstreeter is one of these trains in danger. The Commission pointed out in a 1968 report to Congress on intercity rail passenger service that during the last 10 years the service has declined sharply. The number of regular intercity trains fell nearly 60 percent in that time, with 13 of our railroads having abandoned all such service, while seven roads are down to a single pair of trains each.

The Commission emphasized that the movement toward discontinuance had accelerated during the last 2 years. For instance, during the 12-month period ending in early 1968, the number of trains proposed for discontinuance had more than doubled.

And I call attention that the brunt of such curtailment is falling on the West. The Commission said in its report that—

> While it is important to note that the volume of filings under section 13a has been sharply increasing, the most critical problem is presented by the recent receipt of several proposals to discontinue the last remaining rail passenger service between major areas in the country, particularly in the West.

Mr. Speaker, this is what is happening to railroad passenger service, particularly in the West. The ICC has given us clear warning that such service is disappearing faster and faster. This, in part, is why I strongly oppose the removal of the Mainstreeter. I know that it is an important service to the people of my State, and to the other States through which it passes.

Moreover, discontinuance now could prove untimely, for several reasons. First, the growing affluence of our society, coupled with increased leisure time and greater mobility, point to sizable increases in intercity travel in the years ahead. Long- and medium-distance rail passenger service could be on the threshold of a revival, especially if properly promoted.

Second, we are just beginning to probe the techniques and possibilities of intercity high speed service. While it is true that the immediate application is confined to the northeast corridor, is it not entirely possible that some of the knowledge gained, and the developments achieved, will be applicable to other sections of the country? I am confident that it is so.

Third, the railroads themselves recently asked for financial aid for passenger service. I presume that a first step would be a determination of the amount of loss involved on which to base such aid. Other studies likely to be needed cover areas such as the essentiality of particular service, and of alternate means of assistance. Pending a broad survey of all the ramifications involved in the proposal, important rail passenger trains such as the Mainstreeter should be retained.

Let us be forewarned that once trains are gone, they are gone for all time.

OEO: THE INNOVATIVE AGENCY OF THE FEDERAL GOVERNMENT

(Mr. STEIGER of Wisconsin asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. STEIGER of Wisconsin. Mr. Speaker, the OEO has been both attacked and defended on blind faith since its inception. Regrettably, this often hasty, frequently visceral reaction from friends and foes alike has damaged some of the OEO's best programs and helped retain some of its most dubious ones. Why has this been so? The main reason, I think, is clearly related to the confusion over OEO's role. Is it an innovating agency? Or is it an operational one? Can it be both? And if it tries to be, will its operating features be compromised by its planning, research, and evaluation components, and visa versa?

The often bitter appropriation fights in Congress hinged on these conflicting philosophic questions. The OEO defenders said the agency had too little money to mount effective programs. The OEO critics charged the agency with mounting programs willy-nilly, with squandering money in massive undertakings that flew in the face of congressional intent.

I believe President Nixon's new recommendations, when implemented, will point OEO in new directions and remove it from the swirl of political controversy that has surrounded so much of its past history. It seems to me the overriding merit of the President's proposal is that it clarifies OEO's role by underscoring its essentially innovative thrust and modifying its scope as an operational agency. And this is as it should be. For certainly, the Federal agency charged with innovating solutions to the problems of poverty should have the widest measure of support throughout our country.

Too often in the past this innovative aspect was submerged in operational responsibility. Headstart, for example, began as an experiment and ended as an operational program involving hundreds of thousands of people. Earlier this year an evaluation study performed on the Headstart program by the Westinghouse Learning Corp. indicated some failings in the program. No one denies that Headstart is a good program that has helped poor children. But the question must be asked, might it not be a better program if OEO had concentrated more heavily on the research and evaluation side of the program, rather than its operational side? Can an agency be truly innovative if it fails to ask the proper follow-up questions on the programs it creates?

The point here it seems to me is that OEO's creative energies and staff functions have all too often been absorbed in the massive problems of running complex programs. There has been a tendency to look to research and evaluation as a defensive arrangement, a wall of figures for buttressing what already exists. And even when the research and evaluation are negative they tend to become suppressed, because of the operational problems their open dissemination would create. On balance, this type of conflict must hurt OEO's research, evaluation, planning, and operational components in equal measure. The role of research and evaluation is to challenge, assess, and sometimes even to reject the operating assumptions of the past.

In this light, the central point of the President's OEO reorganization plan rests on the clear-cut establishment of the agency's innovative role. Linked to this is the priority given to OEO's research, planning, and evaluation capacity. The reorganization envisions doubling the size of OEO's professional staff in these areas. For the first time this vital area of the OEO operation will have the manpower and authority to assess the needs, performance, and results of innovative programs. It will mean that unsuccessful new approaches to poverty can be dropped, while promising ones can be encouraged with extra resources. This new office will be at the very heart of the OEO, charged with the task of defining problems, proposing a variety of solutions, and after these proposals are put to the twin tests of development and operation, they will then undergo an objective scrutiny as to their effectiveness. Those programs that prove workable can be retained by the OEO or transferred to other Government or private bodies. The virtues of the President's reorganization seem plain. It will strengthen the OEO focus on innovation by eliminating the need to administer large national programs with insufficient staff. It will allow the OEO to concentrate on the truly crucial role of finding the answers and programs that others can administer.

In the final analysis this is the course, I believe, OEO should follow. The streamlined reorganization the President has outlined gives OEO the mandate to rationally and deliberately find that course.

HE WALKS WITH GOD

(Mr. ASPINALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include a poem.)

Mr. ASPINALL. Mr. Speaker, I would like to pay tribute to Mr. Milford E. Shields, poet laureate of the State of Colorado, whose poetic ability has been inspired by man's conquest of the moon.

Much has been said and much has been written on this same subject. However, Mr. Shields has captured a moment of history, which through his unique poetic ability has provoked the imagination of his fellow man and created a new perspective through which one may view the magnitude of such an achievement.

At this point, I include the poem in the RECORD:

HE WALKS WITH GOD

(By Milford E. Shields)

He walked with God, his name was man,
  He left his tracks upon the moon;
He walked in love and showed the plan
  Where men could walk and move in tune.

He walked in joy, he walked in peace,
  He walked in hope, he walked in truth;
His walk has made all men increase,
  His walk has brought a buoyant youth.

His tracks are pointed for the stars
  As he unfolds the greater plan
Where mankind walks on tranquil bars—
  He walks with God, his name is Man.

LEGISLATIVE PROGRAM

(Mr. **GERALD R. FORD** asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, would the distinguished majority leader tell us what the legislative program is for the rest of this week and the program when the Congress returns after the recess?

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished majority leader.

Mr. ALBERT. In response to the inquiry of my distinguished friend, tomorrow we will announce the program for the week we come back after the recess.

We will have business on Wednesday and the balance of that week and certainly on Wednesday and Thursday of that week.

We have no other legislative business and barring some emergency—I do not expect any further legislative business this week. I do not know of any contingency that might require it. Of course, I need to protect the membership by advising the Members that only in the event of an emergency might we have business tomorrow. Beyond that we have no further business.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. GROSS. Mr. Speaker, would the distinguished majority leader consider the student loan bill emergency legislation, if that were to be called up tomorrow?

Mr. ALBERT. I must answer the gentleman by saying I do not anticipate that it will be called up tomorrow.

Mr. GROSS. I thank the gentleman.

The SPEAKER. The time of the gentleman from Michigan has expired.

REVENUE SHARING FOR THE CITIES

The SPEAKER. Under previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 15 minutes.

Mr. FARBSTEIN. Mr. Speaker, I have today introduced H.R. 13479 legislation to prohibit bloc grants to States until Congress and the administration give more aid directly to the Nation's largest cities.

The Nation has become acutely aware of the extent to which poverty permeates our society. Almost daily new statistics and editorial revelations document the hunger, malnutrition, and unemployment which constitute the personal crisis of America. The varied proposals put forth, like the negative income tax suggested by President Nixon in his address to the Nation last Friday, suggest that there is a public awareness of the problems of individual poverty and of the need for a national plan to eliminate it.

But inherently intertwined with the problems of the individual poor is the fiscal poverty of the cities in which the poor live. The high concentration of urban poverty and race problems in the central city imposes an extra burden on the cities to provide additional services at the same time they are narrowing the fiscal base of the municipality. The result is that the residents of the cities, the very people who are least able to afford it, must bare a far greater tax burden than the more affluent suburbanite. For the residents of New York City, this means an average local tax of $279 per year, while his suburban neighbors are paying only $221.

Nor do the States or the Federal Government significantly alleviate the burden imposed upon the city government. Although residents of the city of New York contribute $2.9 billion annually to the State—an amount equal to half the State's total revenue—New York City receives less than 45 percent of that, or $1.7 billion back in the form of State assistance. In contrast, Upstate New Yorkers receive 58 percent of the revenue they contribute to the State budget back in State assistance.

Residents of New York City also contribute between $16 and $17 billion annually to the Federal Government for which they receive a little over $1 billion back in the form of grant assistance.

A national effort to eliminate poverty can only be successful if the city-related functions—social and public services, recreational facilities, and transportation—affecting the environment in which the poor live are maintained and improved. But in his Friday address to the Nation, President Nixon ignored this fact in outlining his solution to poverty.

His proposal of bloc grants to the States is based on a new federalism that is out-of-date before it is even implemented. Our country faces, as we have been told over and over again, an urban crisis. The money should go to the cities, where the greatest need is, and not to the States.

State governments are glorious anachronisms; putting the Lower East Side of Manhattan under the same State jurisdiction as Scarsdale makes absolutely no sense at all. The problems facing the city and the suburb are just not comparable. Even if the New York State legislature were interested in solving the problems New York City faces, I sincerely doubt that it would succeed. The State government is too far removed from the day-to-day lives of city dwellers to be the instrument of social change.

The President's "flow-through plan," under which a certain portion of the bloc grants would be earmarked for major cities, is mere tokenism designed to divert attention from the attitudes of the administration. Under it the cities would become merely serfs to the rural and suburban lords who control State legislatures.

The fiscal problems of the cities are much more acute than those of the States. If Nixon really believed in putting funds where they could do the most good, he would scrap his bloc grant plan in favor of the legislation I am introducing today.

My bill would provide bloc grants to local governments based on population and need. Localities with populations of 50,000 or more would be eligible to receive an amount equal to 1 percent of the Federal income tax collection for the previous fiscal year. The bill would also prohibit unrestricted grants to State governments until 5 years after the cities receive $1 billion from the Federal Government.

The text of the bill follows:

H.R. 13479

A bill to provide appropriations for sharing of Federal revenues with cities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; DECLARATION OF POLICY

(a) This Act may be cited as the "Federal Municipal Financing Act".

(b) The Congress hereby declares that it is the policy of the United States that no revenue-sharing program be enacted for the benefit of the States until five years after the cities have received under this Act an aggregate amount of revenue sharing payments in excess of $1,000,000,000.

APPROPRIATIONS

SEC. 2. (a) In order to provide for a sharing with the cities of receipts from Federal income taxes, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury (hereinafter referred to as the "Secretary") for making revenue-sharing payments under this Act an amount for the fiscal year ending June 30, 1970, and for each of the four succeeding fiscal years, equal to 1 per centum of the total receipts from individual income taxes during the fiscal year preceding the fiscal year for which the appropriation is made; except that the amount so appropriated for any fiscal year ending on or before June 30, 1975, shall not be less than the amount so appropriated for the preceding year.

(b) For purposes of this Act, the term "individual income taxes" means the proceeds of taxes collected from individuals under subtitle A and the taxes collected under chapter 24 of the Internal Revenue Code of 1954. Determinations under this section shall be made pursuant to regulations prescribed by the Secretary, and his determinations shall be final.

REVENUE-SHARING PAYMENTS

SEC. 3. The revenue sharing under this Act shall be carried out by the Secretary through payments under sections 4 and 5 to all qualified cities (as defined in section 12). The aggregate of such payments to a city shall be the "revenue-sharing payment" for that city.

BASIC REVENUE-SHARING PAYMENTS

SEC. 4. The Secretary shall each year make a payment to each city which, under section 6, is qualified for a revenue-sharing payment in an amount which bears the same ratio to 50 per centum of the amount appropriated for that year under section 2 as the population of the city, bears to the population of all cities which are qualified for a revenue-sharing payment.

LOW INCOME REVENUE-SHARING PAYMENTS

SEC. 5. (a) The Secretary shall each year make a payment to each city which, under section 6, is qualified for a revenue-sharing payment in an amount which bears the same ratio to 50 per centum of the amount appropriated for that year under section 2 as the number of low income persons residing in such city bears to the aggregate number of low income persons residing in cities which are qualified for a revenue-sharing payment.

(b) For purposes of this section, the term "low income person" means a person whose family income ranks in the lowest quartile of family incomes of persons residing in the same State.

CITY UNDERTAKINGS

SEC. 6. (a) In order to be qualified for a revenue-sharing payment under this Act a city shall undertake—

(1) to assume the same responsibility for the fiscal control of and accountability for revenue-sharing payments as it has with respect to funds derived from its own tax resources;

(2) to use 5 per centum of that portion of the revenue-sharing payments made to it under sections 4 and 5, for executive management improvement to meet the particular needs of the city for (A) well-staffed city budget offices, (B) qualified executive planning personnel, and (C) salary increases for top-level management personnel; but the city may use such funds for other purposes if it determines, in its sole discretion, that there are areas of greater or more urgent needs;

(3) to furnish information and data to the Secretary in accordance with the rules and regulations of the Council on Revenue Sharing.

COUNCIL ON REVENUE SHARING

SEC. 7. (a) There is hereby established a Council to be known as the Council on Revenue Sharing (hereinafter referred to as the "Council") which shall be composed of fifteen members appointed by the President without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Of the members of the Council, ten shall be persons who are mayors or chief executive officers of cities having populations of 50,000 or more (of whom (1) 5 shall be mayors or chief executive officers of cities having populations of 500,000 or more and (2) not more than 6 shall be of the same political party); and, of the remainder, not more than three shall be of the same political party. The Secretary shall designate a member of the Council as its Chairman. Eight members of the Council shall constitute a quorum. Each member of the Council who is a mayor or chief executive officer of a city or urban county may appoint another person to act as his delegate in carrying out any of his functions under this Act.

(b)(1) It shall be the duty of the Council to prescribe by rule or regulation the information and data to be furnished by cities to the Secretary, and the manner and form in which such information and data shall be provided. In carrying out this duty the Council shall give emphasis to reducing to a minimum the administrative burden on cities, consistent with the need of the Secretary and the Council for information and data to carry out their duties, and of the Congress to carry out periodic reviews of the revenue-sharing program. Reports and forms required under this Act shall be kept at an absolute minimum, and in as simplified a form as is practicable.

(2) It shall also be the duty of the Council to prescribe, by rule or regulation, the manner in which computation under sections 4 and 5 shall be made by the Secretary.

(3) It shall also be the duty of the Council to make determinations under section 8 on withholding revenue-sharing payments from cities.

(c) The Council may appoint and fix the compensation of a Director and such other employees as it may find necessary to carry out its duties. Members of the Council while serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

WITHHOLDING REVENUE-SHARING PAYMENTS

SEC. 8. Whenever the Council, upon complaint of the Secretary, finds, after reasonable notice and opportunity for hearing to a city, that there is a failure to comply substantially with any undertaking required by section 6, the Council may notify such city that further payments under this Act will be withheld until it is satisfied that there will no longer be any failure to comply. Until the Council informs him that it is so satisfied, the Secretary shall make no further payments to such city under this Act.

JUDICIAL REVIEW

SEC. 9. (a) If any city is dissatisfied with the Council's final action under section 8, such city may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Council. The Council thereupon shall file in the court the record of the proceedings on which it based its action as provided in section 2112 of title 28, United States Code.

(b) The findings of fact by the Council, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Council to take further evidence, and the Council may thereupon make new or modified findings of fact and may modify its previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) The court shall have jurisdiction to affirm the action of the Council or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

ADMINISTRATION

SEC. 10. (a) There shall be in the Department of the Treasury an Administrator of Revenue Sharing who shall be appointed by the President. The Administrator of Revenue Sharing shall have such duties as may be prescribed by the Secretary.

(b) The Council shall make an annual report to the President and to the Congress with respect to the operation of the revenue-sharing program provided for in this Act.

REVIEW OF REVENUE-SHARING PROGRAM

SEC. 11. It is the intention of the Congress to conduct a full and complete study and review of the revenue-sharing program during the fifth year of its operation with a view to determining the need for revision therein. To assist the Congress in making such a study and review, the President and the Council shall each submit to the Congress a comprehensive report on the program before the end of the fourth fiscal year during which the program is carried on.

DEFINITION OF CITY

SEC. 12. For purposes of this Act, the term "city" means only (1) a city located in a State and having within its boundaries a population of 50,000 or more, or (2) the District of Columbia.

IN HONOR OF A FORMER MEMBER OF THE HOUSE

The SPEAKER. Under previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 20 minutes.

Mr. FLOOD. Mr. Speaker, in 1961 the Congress of the United States, by unanimous action of the two Houses, officially named the new $20 million toll-free bridge across the Pacific entrance of the Panama Canal as the Thatcher Ferry Bridge, which in 1962 superseded the Thatcher Ferry, both named in honor of Maurice H. Thatcher, former, and sole surviving, member of the Isthmian Canal Commission and civil Governor of the Canal Zone, 1910–13. What are the highlights in his career that justified such signal recognition by the United States at this crossroads of the Americas?

Born on August 15, 1870, he was reared in Butler County, Ky., and educated in public and private schools. After reaching his maturity, he was elected as clerk of the Circuit Court of Butler County, in which office he made an excellent record, and proved himself a young man of promise. Taking up the study of law there, and later in Frankfort, he was licensed to practice in 1898 and started upon a unique career.

Appointed as assistant attorney general of Kentucky soon afterward, he served until 1900, when he moved to Louisville and began the private practice of law. Named in 1901 as the Assistant U.S. district attorney for the western district of Kentucky, he served in that capacity until 1906, when he returned to Louisville and resumed his profession.

From 1908 to 1910, Mr. Thatcher was State inspector and examiner for Kentucky, rendering unprecedented services in that post. He resigned this position to accept an appointment on April 10, 1910, by President Taft as a member of the Isthmian Canal Commission, with specific duties as head of the Department of Civil Administration, at a time when canal construction was at its greatest volume.

In this capacity, he functioned as Governor of the Canal Zone, and represented the Canal Commission in all its relations with the Republic of Panama, and foreign representatives accredited to Panama. Civil administration, which included the functions of State, county and civil government combined, was not as dramatic as sanitary and construction activities. It was, nevertheless, indispensable for the success of the great undertaking of constructing the Panama Canal and better relationships between the United States and Panama.

As a student of Panama Canal history, I long ago learned that Governor Thatcher's canal service was not only distinguished but also that it provided the necessary background of experience for further comparable attainments when he became a Member of the Congress, and after leaving the Congress.

On retiring from his canal post in August 1913, Governor Thatcher returned to Louisville to resume his law practice and continued his public career as a member of the board of public safety and as department counsel for the city.

Elected as a Representative in the Congress from the Louisville district, he was a broadly experienced and capable leader and, after the convening of the 68th Congress on December 3, 1923, was chosen as a member of the House Committee on Appropriations, with assignment to the Subcommittee on Treasury and Post Office, with later added assignment to the Subcommittee on the District of Columbia.

Governor Thatcher did not limit himself to the normal routine of processing annual and supplemental appropriations bills, but became a leader for much long needed legislation for his district and State, the Canal Zone and Isthmus of Panama, and also for the Nation at large.

He was largely instrumental in the obtention of appropriations for the following significant projects:

Transformation of Camp Knox, which, following World War I, was only a summer training site, into Fort Knox, one of the Nation's most important permanent military posts with guardianship of the Nation's gold as an added duty. He and General MacArthur, Chief of Staff, worked together for this result;

Construction of various Federal buildings and hospitals in Kentucky, the latter including the great veterans' hospital at Lexington, Ohio River improvements, and a Coast Guard station at Louisville; publication of braille books for the blind; and

Establishment of foreign and domestic airmail.

Congressman Thatcher was the author of important legislation, as follows:

The establishment, maintenance and operation of the Gorgas Memorial Laboratory in Panama for research in tropical diseases, which has grown to be the outstanding institution of this character in the world;

A toll free ferry across the Panama Canal at the Pacific end and a roadway on the west side of the Canal Zone to join the ferry with the road system of Panama, as links in the Inter-American Highway, officially named as the Thatcher Ferry and Thatcher Highway—the ferry operating for more than 30 years;

The permanent improvement and maintenance of the Lincoln Birthplace Farm in Kentucky, now a national park unit;

The construction of the George Rogers Clark Memorial Bridge across the Ohio River at Louisville under original fiscal legislation leading to a toll-free status, which has since served as a model for financing of other bridges throughout the country;

Creation of the Zachary Taylor National Cemetery and the construction thereon of an impressive mausoleum for the remains of our twelfth President and his wife, and burial sites for our soldiers and sailors; and

The establishment and maintenance of the Mammoth Cave National Park in Kentucky.

In addition, he was also the author of other enactments, including the kidnapping law of the District of Columbia, and an act for the benefit of the forgotten men of the Treasury Department, the storekeeper gagers, whereby they were given continuous employment with attendant benefits, comparable to those of Treasury employees.

In the summer of 1929, he was a member of the three-member commission representing the House at the celebration of the founding of the city of New Bern, N.C.; and, in the fall of that year, at the commemoration of the canalization of the Ohio River.

In 1930, he was appointed by President Hoover as a member of a special mission to present to Venezuela a statue of Henry Clay at Caracas, and participated in the attendant ceremonies.

Representative Thatcher retired from the Congress in 1933 and resumed the practice of law in Washington, D.C. Since then he has performed outstanding service for the advancement of our national parks and parkway systems, and has been especially active in the effort to construct a national parkway from the Great Smoky Mountains to the Natchez Trace Parkway near Nashville via the Mammoth Cave National Park; he organized, in April 1931, the Eastern National Park-to-Park Highway Association, and has been president of that organization ever since.

He has long served as vice president and general counsel of the Gorgas Memorial Institute of Tropical and Preventive Medicine, which supervises the work of the Gorgas Memorial Laboratory. His congressional experience well fitted him to obtain important results in the Congress touching beneficial legislation of the character previously mentioned.

For Governor Thatcher's many services and contributions, all rendered without compensation, he is widely known as a humanitarian and one of the Nation's leading conservationists and as a valuable contributor to the work of international sanitation.

Although long out of the Congress, he has retained his friendship with the few oldtimers here, and has made many new friends with succeeding memberships. I often heard our late distinguished chairman of the Committee on Appropriations, Clarence Cannon of Missouri, voice his respect for Governor Thatcher as being one of the ablest members of Congress that he had known.

It was, therefore, particularly appropriate that the Congress in 1961, by unanimous action of both Houses, and, as previously stated, should name the new bridge at Balboa, C.Z., in his honor. This action, as described by Chairman Cannon, "placed honor where honor is due."

When opportunities permitted, Governor Thatcher, accompanied by his wife, traveled widely and has written extensively on historic, conservation and travelog subjects. He has also found time to write a considerable volume of excellent poetry, much of it in classic, quatrain and sonnet forms, and variously published. As well as any one I know, his life and achievements are an inspiration to the youth of our land, demonstrating that it is possible by ones own efforts to serve the public well and gain a place in history.

As a student and scholar of ability and vision, Governor Thatcher has collected the papers of his career. Along with his library, portraits, albums, press books and valuable souvenirs, they are being deposited in the Scottish Rite Temple in Washington, the famous headquarters of the Rite for perpetual maintenance as the "Thatcher Collection" for the use of researchers and students.

Governor Thatcher's wife was the former Ann Bell Chinn, of Frankfort, Ky. Their marriage occurred at Frankfort on May 4, 1910, 2 days before sailing for Panama. An interesting and gracious personage, she was distinguished in her own right, shared the experiences and gratifications of Governor Thatcher's outstanding career, was a charming hostess, and possessed qualifications that were of great benefit to her husband. She passed away on October 10, 1960.

Mr. Speaker, on August 15, Governor Thatcher will be 99. Though most of the facts that I have enumerated have been commented upon from time to time in the annals of the Congress, in view of this anniversary, repetition is justified.

Young in spirit and mentally alert, and possessing the abundance of genius, he still holds important positions, and continues to perform valuable services of beneficent character. I believe that I reflect the feelings of my colleagues, and of all others who know Governor Thatcher, or are familiar with his career, when I say that our country is fortunate in having had for so long a leader who has accomplished so much of lasting value. I deem it fitting to quote a sonnet written by him in recent years:

Youth and Age

How may one keep his youth, despite the years?
Or face the East, altho his sun be setting?
Or stay Time's pen, naught aiding or abetting
Its cruel graph which all too soon appears?
How shall dear Hope supplant the doubts and fears;
The sense of loss, the racks of sighing, fretting,
Which aging breasts are constantly begetting?
And what shall staunch the flow of silent tears?
None may reply; but Faith may well suggest
That never does life end, but it begins
With each new hour, whate'ver the Past may be.
The spirit's all-in-all: by it we're blest,
Or cursed; its force, unquenched, the vict'ry wins
O'er Time's advance and Death's dread regency.

RADIOISOTOPES AND THE WOOD INDUSTRIES

The SPEAKER. Under previous order of the House, the gentleman from West Virginia (Mr. STAGGERS) is recognized for 10 minutes.

Mr. STAGGERS. Mr. Speaker, the future of wood products in West Virginia was enlarged and brightened by an occurrence in Hanover, N.J., on July 31, 1969. The occasion was the dedication of the Radiation Machinery Corporation's new headquarters and development center. This new plant is designed to produce radioisotopes, particularly cobalt 60. A similar plant is projected for Hardy County, W. Va., a plant, however, three times as large.

At the Hanover dedication, Dr. Glenn T. Seaborg, Chairman of the U.S. Atomic Energy Commission, discussed the use of radioactive isotopes in industry and in the arts. His address was necessarily somewhat technical in nature, and some simplification might make the explanations he gave more acceptable for general use.

Chemistry asserts that the unit of matter is the atom, but that the atom itself is made of building blocks. The heaviest of these building blocks is the proton, or neutron. Each element contains a normal number of protons in an atom, and this number of protons provides the atomic weight. Hydrogen, for instance, has only one proton, and therefore an atomic weight of one. Oxygen weighs 16, carbon 12, and so on through the approximately 100 different known elements.

Occasionally an atom may be made up of more than the normal number of protons. A few atoms of hydrogen may contain two protons, or even three. Water made up of two- or three-proton atoms is called "heavy water," and is different from ordinary water. Carbon 14 has two extra protons, and its use in measuring the age of objects found in nature has been publicized for some time.

In consequence of the different number of protons found in an element, the atoms of such elements have different atomic weights. These different weights are called isotopes.

Many isotopes disintegrate in the course of time by casting off one or more of the extra protons. Such isotopes are said to be "radioactive." Radium and other elements are highly radioactive, and throw off not only protons but other building blocks of the atom. The process of throwing off the extra particles of matter is explosive in nature, and this gives us atomic power.

In modern scientific development, man has learned to produce radioactive isotopes of many elements. This is exactly what the plant at Hanover, N.J., will be doing, and likewise the plant in Hardy County, W. Va. Cobalt 60 is an isotope which disintegrates much more slowly than radium. But the energy given off by the disintegration has pronounced effects on various materials.

At the Hanover dedication, Dr. Seaborg explained that:

> Wood-plastic material treated by cobalt 60 radiation "yields a solid wood-plastic combination which:
>
> 1. Is harder than natural wood by several hundred percent—thus more resistant to blows, scratches, etc.
> 2. Has much higher compression strength and abrasion resistance.
> 3. Absorbs water more slowly and therefore provides resistance to warping and swelling.
> 4. Retains the natural wood grain and color, or can be artificially colored throughout.
> 5. Can be sawed, drilled, turned and sanded with conventional equipment, giving a hard, beautiful, satin-smooth finish.
>
> The distinct advantage of this new process is that many of the properties of natural wood are improved without sacrificing any of the wood's important characteristics, including aesthetic appeal."

In a word, this means that we can now take the waste products of lumbering, milling, and construction, such as sawdust, waste lengths of lumber, and turn them into a material better than the natural wood. What this may mean to the wood industries of West Virginia can be easily imagined at a time when lumbering prices skyrocket by the day.

The Hanover plant is designed to produce enough cobalt 60 to treat 25 million square feet of flooring per year. It is estimated that within a few years there will be a market demand for 100 million square feet.

The plant to be constructed in Hardy County will help to supply the increased demand. It will cover 100,000 square feet, and will be built on a site of 500 acres. Hardy County was the logical choice for the plant because of the abundance of red oak, a highly desirable wood for radiation treatment.

It is significant that research and development on wood-plastic materials was initiated at West Virginia University in 1962 with a Federal Government grant of just $9,000. The project was under the direction of the Atomic Energy Commission, as were most of the projects involving the production of radioactive isotopes. Up to this time, the Atomic Energy Commission has turned over the job of production and distribution of some 37 different isotopes to private industry. Altogether about 100 different private firms produce such isotopes, and as many as 4,500 firms are licensed to use them. Research and development has been taken as the responsibility of the Federal Government. When a product has been found to have commercial application, it is turned over to private industry. Thus the Government promotes industrial progress and expansion, to the benefit of the total populace.

SUPPLEMENTAL AIR CARRIERS FLYING IN VIOLATION OF REGULATIONS SET DOWN BY CAB

The SPEAKER. Under previous order of the House, the gentleman from Ohio (Mr. Hays) is recognized for 10 minutes.

Mr. HAYS. Mr. Speaker, you will recall that on the 9th of July I brought to your attention the fact that many so-called supplemental air carriers were flying around this country and around the world in violation of the regulations governing their behavior set down by the CAB.

At that time I urged immediate corrective action by the CAB regulation department charged with keeping these carriers in line and out of the hair of the regularly scheduled air transport companies certificated by the CAB. It has been brought to my attention, Mr. Speaker, that one of these carriers, Standard Airways, has suddenly suspended operation and gone out of business leaving many hundreds of people scattered around the world. The Standard decision to cease operating even affected a group of passengers in Rome who were supposed to be delivered by that carrier to Toronto.

Nevertheless, the Seattle Post-Intelligencer of just a few days ago carried an interesting and illuminating newsstory about the plight of Standard Airways and I include it in the Record at this point:

[From the Seattle Post-Intelligencer, Aug. 2, 1969]

Charter Airline Shuts Down

Standard Airways, a Seattle-based charter airline, suddenly suspended operations yesterday, stranding some vacationers who had to find other transportation.

The airline operates two Boeing 707s, primarily on domestic charters between large Eastern cities and Las Vegas and Hawaii.

Edward J. Driscoll, president of the national charter airline organization, said he was trying to reschedule at least 20 Standard flights on other carriers.

He said 12 of them had already been handled but he couldn't make any guarantee about the others. Only one flight, a Toronto group in Rome, involved returning passengers.

Robert Fraley, Standard's vice president and legal counsel, would say only that all operations had been suspended with a final flight between Las Vegas and New York early yesterday.

He would not discuss the reason for the shutdown or what might happen next.

Standard moved its headquarters to Seattle from Miami, Fla., in 1966. Despite vigorous leadership, it never seemed to get untracked in the heated competitive world of the supplemental or charter carriers.

Just this May the Civil Aeronautics Board filed a complaint against the company for allegedly dealing with charter groups which were improperly certified.

Earlier the line leased two twin-engine propeller airlines to expand its business to smaller charter groups. Before that its fleet consisted of two Boeing 707s.

The small-group business apparently fell through and the leased planes were returned to their owner.

In a later deal, Standard worked out a reported $8.5 million contract with a San Francisco travel firm which was to supply charter passengers.

The fate of that arrangement hasn't been revealed.

One airline industry observer speculated that Standard isn't actually going out of business but is "regrouping" in order to attract new financial support.

The airline's stock has not been traded on a regular basis recently.

Fraley said the company might have a statement to make next week.

Driscoll, who heads the National Air Carrier Association, said his organization had no legal requirement to take up Standard's unfulfilled flights, some of which are domestic military charters.

He said other supplementals were in the midst of their busy season and might not be able to spare aircraft to rescue Standard passengers.

CONGRATULATIONS TO WASHINGTON WORKSHOPS FOUNDATION

The SPEAKER. Under previous order of the House, the gentleman from Michigan (Mr. Gerald R. Ford) is recognized for 5 minutes.

Mr. GERALD R. FORD. Mr. Speaker, today I would like to extend my congratulations to the Washington Workshops Foundation for the wonderful program which it is offering to this country's secondary school students.

The foundation which is offered in cooperation with Mount Vernon Junior College is a nonprofit educational foundation offering high school youngsters a unique opportunity for specialized summer study in the Nation's Capital.

The participants come from throughout the country to attend the 2-week seminars. Daily morning classes on the legislative process are conducted by graduate instructors. These classes are followed by afternoon visits to Capitol Hill where the group is addressed by various Representatives and Senators. The Congressmen lecture briefly on the politics of the legislative process. These talks are followed by a question and answer session between the participants and the Congressmen.

The Washington Workshops students come from every State in the country and from every social and economic background. A number of students are assisted by title I funds for disadvantaged students under the Elementary and Secondary Education Act of 1965. Some of this country's larger corporations are underwriting the cost of participation for ghetto area youngsters.

Realizing that there is a need for more and better communication between the leaders and youngsters in this country, the Washington Workshops Foundation is taking meaningful measures to satisfy this need.

GREEK EXPULSION LIST FOR AMERICANS

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, the deteriorating situation inside Greece must concern all of us. While some of those opposed to the present Greek Government are now venting their feelings on Americans, because of their belief this government supports the present dictatorship, that dictatorship has apparently established a proscribed list of Americans.

I must warn every American tourist planning to visit Greece to first contact the Greek Embassy here to see if he or she will be allowed into that nation.

A recent incident, the strange case of Chris Janus, illustrated what may happen to Americans wishing to visit Greece.

Christopher Janus, Jr., and his wife, Nancy, both of Chicago, have been in Tunnis. He is a Peace Corps volunteer, an employee of the U.S. Government, and he plans to extend his term of duty with the Peace Corps.

Mr. Janus, like many other Americans planned a summer vacation, a vacation in Greece. He and his wife flew to Athens, but as they got off the airplane they were met by police and Mr. Janus was held at the airport. Some hours later he was expelled grom Greece.

His case is not a single one, but it illustrates what may happen to any American tourist going to Greece.

I and other Members of Congress asked the State Department what is Greek policy.

The following is the cablegram the State Department has forwarded to me, a report by the U.S. officials in Greece:

> Based on explanations given by two different official sources, Christopher Janus, Jr. was refused admission either because of his father's anti-regime activities, or because passport control officers at airport mistook him for his father who has the same name.

Christopher Janus, Sr., a Chicago stockbroker, who has organized numerous tours of Greece, was decorated by the Greek Government once for his services as a U.S. official in aiding Greece to combat communism. Mr. Janus, Sr., has written antijunta articles, published in Chicago papers.

The present Greek dictatorship punished the son for the writings of the father. That government has no more consideration of freedom of the press in the United States than freedom of the press in Greece.

How many others are on the proscribed list? I do not know, although I have asked the State Department to inquire.

I do know this. Look magazine was invited to Greece by the Government at Government expense after it published an article exposing the use of torture by that Government. Look replied it would send a team at its own expense. I was invited by Look to be a member of the team along with James Becket of Amnesty International. The Greek Government withdrew its invitation and said none of us would be welcome. I suppose I am on that list, along with my staff and the staff of Look magazine.

The actions of the Greek dictatorship are those of desperate men. Let me share with you some encouraging and some discouraging signs concerning Greece.

On the 30th of July, 49 other Members of Congress and I joined together in writing Secretary of State William P. Rogers outlining our views on the deteriorating situation in Greece and calling for a tougher U.S. policy toward the dictatorship in Greece.

I am pleased both with the international response to this appeal and to the response from our State Department. William B. Macomber, Jr., Assistant Secretary of State for Congressional Relations, writing in the absence of the Secretary of State, made clear the present situation in Greece when he noted:

> On the one hand we see an autocratic government denying basic civic liberties to the citizens of Greece. We think such an internal order does not coincide with the best interests of Greece, whose stability in the long run, we believe depends upon the free play of democratic forces.

The State Department's position was never more clearly outlined, and I will include the full text of the letter at the close of my remarks.

Mr. Macomber did include an "on the other hand," which I believe points out the one flaw in present American policy. He notes the military junta has fulfilled its treaty obligations to NATO. He does not note that the present dictatorship violates the very principles of NATO, the very reason for NATO, the protection of free people through the presentation of governments chosen by the people.

He also fails to note that up to 2,000 U.S. trained Greek officers have been purged and the Greek military forces have accordingly been weakened.

Both the congressional letter and the State Department reply have been widely circulated overseas. A steady stream of mail has poured into my office, much of it in support of our stand against the dictatorship in Greece.

There was one writer, however, an American living in Greece, who said, "Greece is no more ready for democracy than Spain."

I would ask the Greek Government, the Greek people to reply to that kind of opinion.

Our basic political concepts, those on which this Nation was founded, came from Greece. If Greece is not ready for Democracy, then more than 2,000 years of history are a lie.

Sadly, however, time is running out in Greece, at least for the good will once evoked by the United States. Anti-American feeling, feeling coming from the mistaken belief the United States supports the present dictatorship, is rising, witness the recent bombings. Currency is flowing out of Greece, witness the dictatorship's recent action, as reported on the financial pages of Monday's New York Times, in attempting to block that flow. The oppressions of the dictatorship are growing more desperate, witness the recent arrests and tortures.

What should we hope for in Greece?

I do not know that answer, but I can outline the answers of a former high Greek official who visited in my office recently. I outline his views in the hope that their repetition will bring them to the attention of our State Department and to the Pentagon.

He called for three steps:

First. The withdrawal of the junta, hopefully without bloodshed;

Second. The establishment of a coalition government, including all spectrums of Greek political life, except the junta;

Third. National elections to be held as soon as possible, and in no case later than a year from the establishment of the coalition government.

This gentleman also pointed out the proposal, apparently now being circulated in some of our military circles, that the junta can broaden its support by bringing opposition members into its government while retaining its control over key government positions. He made it clear that this proposal will not work. He said there can be no compromise with the junta.

However, these are decisions to be made by the Greek people. The U.S. role is clear. It should disassociate itself from this hated military dictatorship.

The letter referred to follows:

AUGUST 5, 1969.

JOSEPH P. ADDABBO,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ADDABBO: In the absence of the Secretary I am replying to your letter of July 30, also signed by a number of your colleagues, concerning our policy towards Greece. I am sending a copy of this reply to the other Members who signed the letter.

Your letter points up the dilemma we face in determining our policy toward Greece. On the one hand we see an autocratic government denying basic civil liberties to the citizens of Greece. We think such an internal order does not coincide with the best interests of Greece, whose stability in the long run, we believe, depends upon the free play of democratic forces. We have been pressing this viewpoint upon the Greek Government, and our policy on military assistance has been motivated by our desire to see Greece evolve toward representative government.

On the other hand, Greece is a NATO ally which has scrupulously fulfilled its treaty obligations. It is important to our strategic interests in the Mediterranean area and has extended full cooperation in this field.

This, then, is the dilemma—how to deal with an ally with whose internal order we disagree yet who is a loyal NATO partner working closely with the United States in furtherance of the purposes and obligations of the NATO Treaty.

Our policy toward Greece is now under intensive review. As we consider this difficult problem we will keep the suggestions of yourself and your colleagues very much in mind.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

OFFERING A DROWNING MAN AN ANCHOR—OR—COMMUTER OR SUBWAY TRAINS ANYONE?

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, this administration has derailed the hopes of millions upon millions of Americans who depend upon subways and commuter trains every day. Rarely, if ever, have I seen an administration more completely misjudge, misunderstand, and misdirect evidence, pleas and reality more than in the case of the gentlemen downtown regarding urgent needs of mass urban transit in our country.

Buses, subways, and railroad trains all over the Nation are creaking, collapsing, and dying financially before our eyes. Our cities are utterly dependent upon mass urban transit for continued survival, much less prosperity. It is absolutely imperative that massive Federal aid be pumped into cities of our land in form of aid to such modes of transportation. Our city has gone unheard in the White House, for a change.

Cities, in order to make massive, long-range commitments for urban transit construction, require long-term fund guarantees. A trust fund to finance such improvements on a Federal level would have been the best and only really viable alternative. Such a plan has been used for interstate highway construction for years. Secretary of Transportation Volpe enthusiastically supported such a concept. Mayors of so many of our major metropolitan areas—members of both parties—pleaded for Presidential approval of this approach, in vain.

Instead of $10 billion spent over a 5-year span, which is required to meet existing and proven needs, the President offers a $10 billion program over a 12-year period, the appropriation for which may or may not be forthcoming. Totally inadequate. Such expenditures would begin with a paltry $300 million in 1971. Disastrously late. Putting out a three-alarm fire with an eye dropper would be a more sensible exercise.

The plan advocated by so many, from Mr. Volpe and the mayors to so many Members of Congress, including myself, would have funneled some revenue from excise taxes on new autos into the trust fund. Here was guaranteed revenue. Instead, Congress under the President's plan would have to approve any and all appropriations on an annual basis.

Without a new long-range program of Federal aid to improve, expand, and upgrade metropolitan transportation systems of the Nation, our cities elsewhere will wither, choke and die. That is the truth of it. What a horrible catastrophe we face as a result. For death of our cities will mean chaos and destruction of the rest of our Nation. No area will be immune. Such a danger will be faced with ever-increasing imminence by this Nation. All blame is to be laid directly and squarely at the door of this administration for refusing to help avoid a potential disaster almost without comparison.

Our cities are choking on automobiles and their pollution. We are aiming at crossing oceans in 2 hours with an SST. For what? To wait three hours in traffic jams? Why should any city or suburban Congressman support programs which leave the overwhelming majority of our people's problems unattended to? Millions of Americans demand mass transit aid just as they have demanded tax reform. We cannot afford more breakdowns in the traffic of our cities. We are sick unto desperation of more concrete ribbons tearing neighborhoods to pieces in the name of dumping more cars into our cities. We must have mass transit. We must have a trust fund. If the White House will persist in ignoring city needs. Congress cannot follow its example.

The Metropolitan Transit Authority of New York alone will need $2.1 billion over the next 7 years. Chicago's Transit Authority will require $1.5 billion over the next 5 years. This very capital of our Nation is a scandal as far as mass transit is concerned. Depriving this city of a subway for another useless bridge and more destructive roads is a situation more in keeping with some macabre and grotesque Punch and Judy show.

The President, under his plan, proposes to pay one-third of total cost out of Federal funds for urban mass transit. Today, the Federal Government absorbs 90 percent of cost for building highways out of the trust fund. Applying the same Federal rule and share to mass transit brings the concept within reach of localities, encouraging them to choose one over the other. Now they have no choice.

Mr. Speaker, there will come a day, and soon, when cities will grind to a halt and choke. As the Nation contorts in economic, political, and physical agonies, people will ask how and why amidst the carnage. When that time comes, I feel certain that a battalion of articulate voices will ensure that from sea to shining sea the person and administration causing it is given full credit in the minds of all the American people.

So as the dirty, crowded, and late commuter and subway trains continue, and the agonized, uncomfortable American pleads for relief—he can always look up in the sky to note a Presidential helicopter hovering or flying, whatever the case happens to be. Who knows? Someday, every American may have a helicopter.

THE CONSTITUTIONAL OATH OF OFFICE PRESCRIBED FOR THE PRESIDENT OF THE UNITED STATES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, I am today introducing a joint resolution to amend the U.S. Constitution by adding the words "So Help Me God" to the official oath taken by the President of the United States at his inauguration. The Constitution, in article II, section 1, prescribes the exact wording of the oath of office for the President, and while the taking of an oath in other cases almost necessarily concludes with the words "So Help Me God," the constitutional oath does not use this phrase. The remarkable fact is, however, that every American President has voluntarily added these four words to the oath of office upon being sworn in as President of the United States. Oaths of office for Members of Congress, Cabinet members, and other Federal officials are specified by law and they do include "So Help Me God."

Mr. Speaker, it is understandable but unfortunate that neither the Constitution or its 25 amendments contain any reference to a Supreme Being. Why have we not written the word "God" into the Constitution by amendment? Or, we might ask—how have we had the effrontery to ask His help in actual fact when we deny Him constitutional recognition? Or do some people view the entire question as too petty for consideration? I think it is high time to put our house in order by adding the words "So Help Me God" to the constitutionally prescribed oath of office for the President of the United States.

FORT KNOX STUDENT CREDIT UNION TEACHES FINANCIAL RESPONSIBILITY

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, one of the main reasons, I believe, that personal bankruptcies are at an alltime high in our country and some lenders are able to extract usurious interest rates is the lack of consumer financial training available to the American public.

In too many cases, students graduate from college without knowing how to fill out a check or make a bank deposit and thus they are easy targets for unscrupulous lenders and are often induced to get in over their heads in financial matters.

Financial education is one of the answers to the problem. If we can teach our young people how to save and budget their funds, they will not be so easily lured into financial difficulties when they go out on their own. One of the best institutions to accomplish this education is the credit union and it is my hope that credit unions across the country will begin consumer education programs in connection with our Nation's school systems.

In order to get some experience for this program, a pilot project has been set up at Fort Knox, Ky., using the Fort Knox Federal Credit Union and the Fort Knox Dependent School System. The student credit union will be run entirely by the students. In a few weeks this credit union will hold its first annual meeting and although the credit union has been in operation but a short time, its results have been impressive. Not only are students learning habits of thrift but they are learning all aspects of personal finance that will serve them so well in later life.

The August issue of the Credit Union magazine, the official publication of CUNA International, the worldwide credit union association carries an excellent story about the operations of the Fort Knox student credit union. I am including the article in my remarks and I hope that in the near future the pilot project at Fort Knox will be extended into every school district in the country:

GOLDEN OPPORTUNITY AT FORT KNOX

While many credit unions are striving to bring youth into their existing organizational structure, Kentucky's Fort Knox Federal Credit Union has helped a group of youngsters set up its own credit union.

Owned and operated by students at Fort Knox High School, it functions according to federal credit union regulations and bylaws even though not chartered. The students elect their own officers and committee members, pool their savings to make loans to each other, and maintain their own records.

Fort Knox Federal Credit Union serves more than 1,200 military and civilian government employees at Fort Knox; it's student counterpart serves military dependents attending the army post high school.

Although the Fort Knox Federal Credit Union is sponsoring the student project, the students set their own policies. For example, at the student board's first meeting the directors adopted the following guidelines:

Once a member, always a member;

Minimum deposit requirement for opening an account is $1; minimum for subsequent deposits is 25 cents;

Date of the monthly board meeting is the third Wednesday of each month;

Date of the annual membership meeting is August of each year;

Interest on loans is 1 per cent a month on the unpaid balance;

Signature loan limit is $30 with a maximum term of six months;

Secured loan limit is $500 with a maximum term of 18 months.

The credit committee appointed a loan officer, granting him authority to approve signature loan requests up to $10.

Although the Fort Konx First Student Credit Union uses the same forms and supplies as its sponsor—membership cards, deposit slips, withdrawal slips, and so forth—the students did design their own loan application. The federal credit union's was used as a guide, but the new one is geared to student use.

The program is actually a pilot project, conceived by Rep. Wright Patman (D-Tex.) to remedy the lack of "consumer education, particularly in the area of handling money," in the school systems. "Because of this, students, even on the college level, know little about handling money and are financially naive," the Congressman said.

To set up the program, Rep. Patman sought the assistance of the Fort Knox Federal Credit Union and school system. As a result credit union manager Robert Schaffner and superintendent of Schools Herschel Roberts drew up the proposal. It called for a minimum of 20 students to manage the student credit union: board of directors, seven; credit committee, five; supervisory committee, three; and education committee, five.

"The objective of this program is educational in nature," manager Schaffner said. "All of the students involved will reap the benefits of a deeper insight into a portion of the economic and monetary system of our nation. They'll participate in the democratic processes of an open and free election of officers by the members. They'll exercise the right of free expression during annual meetings. And through their participation they'll generate income that will be returned to the student owners."

When Schaffner met with the student body in March he explained the proposal and the reasons for it, and also outlined the history, organization and operations of a credit union. "This is a new bag," he told the youngsters. "It's never been tried in any other high school, and it's all yours. You organize it; you plan it; you sustain it; and you maintain it."

The students picked up the challenge when 133 of them—representing a quarter of the school's 550 students—turned out for the organizational meeting on April 14, 1969. The attendance was so overwhelming that the meeting eventually had to be recessed until April 16. That day 206 showed up—37 per cent of the student body—and the elections were concluded.

The first board of directors of the Fort Knox First Student Credit Union consists of Ron Karpinsky, persident; David Dayton, vice-president; Jo Kelly, secretary; John Marchese, treasurer; Laura Rawlings, membership officer; and Jennifer Kimball and Reed Kimbrough, directors.

Among its initial actions, the new board had set May 15 as the deadline for charter memberships in the credit union. But by May 14, the new credit union had only 17 members. The next day, however, was a busy one for treasurer Marchese. By the time he closed up shop, membership had swelled to 143. "Every single one of them had waited until the last minute," Marchese said amazedly.

"A lot of seniors were reluctant to join," Marchese continued, "because they knew they were leaving within a month after the credit union was being started." Still, 15 seniors did sign up and three of them were elected to the board.

A month and a half later—on June 30—membership was 141 with total assets of $2,231. Four loans totaling $429 had been granted, with $54 repaid. The first two loans were to pay expenses for going to the high school prom; the third loan was to buy a mini-bike; the fourth for a Honda.

The response of the students to the credit union project reinforced the faith of Sgt. Major Leo C. Pike, president of the Fort Knox Federal Credit Union and a member of the school board.

"This is a most worthwhile experiment," Sgt. Pike said. "Young people today know how to spend money, but they don't know how to manage money. This is an opportunity for them to learn."

The credit union was available to the students on Tuesday and Thursday mornings during the school year. Marchese would set up office in the school building at 7:30 a.m.—25 minutes before classes began. After-school hours had proved unproductive because 90 per cent of the students rely on school buses to get home. Although there is a late bus, students remaining that long are usually involved in other extracurricular activities.

During the summer, Marchese and William Raker, high school mathematics teacher and coordinator of the student credit union program, are working at the Fort Knox Federal Credit Union office as fulltime employees.

Raker is the link between the school board, the student credit union and the Fort Knox Federal Credit Union. His assignment for the summer is twofold:

"I'm learning the inner workings of this credit union and credit unions in general so I can guide the students in the operation of their credit union. And I write the letters and prepare the brochures to keep interest in the student credit union alive during the summer."

Early indications are that he's succeeding admirably.

A June mailing to all members to encourage savings drew $1,020.91 in just seven days.

"Some adventures just seem to be destined for noticeable success from the word 'go,'" Raker said. "And if you'll permit us to laud ourselves just a little, then I'll say that we believe that the Fort Knox First Student Credit Union is just such an undertaking."

With Marchese in the federal credit union office during the summer, students are able to transact business Monday through Friday from 9 a.m. until 3:30 p.m. Meanwhile, he's also "learning all I can about how credit union work is done. I'm in everything at the credit union, working with all (17) permanent employees there."

As a representative of the federal credit union during the school year and a paid employee in the summertime, Marchese is covered under CUNA International's 576 Blanket Bond. He's the only student who handles any money, and all funds are deposited in the federal credit union.

"We have all student accounts under separate control in our credit union," explained Guy W. Berry, assistant manager of Fort Knox Federal Credit Union. "Student accounts are designated with an S prefix, and we keep track of the number of members, shares and loans. We can run a trial balance for them anytime."

Students may make cash withdrawals up to $3. Withdrawals above that amount and loans are drawn on checks issued by the federal credit union to facilitate bookkeeping.

"Our student officers maintain all of the records required under law," Raker explained. "All the necessary paper work and accounting, though, is handled by the facilities and personnel of the Fort Knox Federal Credit Union. This is virtually a necessity, for we do not have the time, the equipment, or the personnel for keeping complete and up-to-date records as are necessary."

The actual contributions of the federal credit union to its student counterpart include handling the details of bookkeeping; providing facilities for holding monthly board and annual membership meetings; permitting student officials to observe their officials while transacting business affairs; printing literature and forms, paying the loan protection and life savings insurance premiums; and furnishing prize money for contest awards and door prizes at the annual meeting.

Total cost of the program to the federal credit union so far has been about $250, plus the time spent by Schaffner and his staff in preparing and implementing the program. An additional $200 will be spent this month on the student credit union's first annual meeting. Door prizes will account for about $150, refreshments the rest.

Holding the annual meeting in August is one of the group's few deviations from federal credit union regulations. The youngsters decided on the summer month so seniors can also serve on the board and committees. If it were held in the first three months of the year, seniors could only serve those few months until graduation.

Guest speaker at the annual meeting will be Major General James W. Sutherland, commanding general of Fort Knox.

In return for the few hundred dollars invested so far, the people of Fort Knox Federal Credit Union are gaining the challenging experience of working with young people and the satisfaction of doing an important job well.

"These people have demonstrated a unique desire to learn how to manage their own financial destiny," Schaffner said. "If we can accomplish one thing, the education of young people in the area of money management, all our time will have been extremely well spent."

Pointing to the important role of credit unions in this area, Schaffner explained that "the young people of today are the adults and leaders of the future, of our nation and our business enterprises. If credit unions are to continue to expand and become a major force within the structure of our economy, young people must be trained to assume positions of responsibility within our credit unions. What better time to commence this training than *now*?"

Once the credit union is convinced of the importance of such an undertaking, it's easy to involve the students, Schaffner explained. Young people want to become involved in worthwhile causes.

"With the exception of satisfying the need for a strong and abiding faith, what better cause could young people become involved in than improving the economic welfare of their fellow man?"

The student credit union has the full backing of not only the federal credit union but the post commanding general, the school board, the superintendent of schools, and the high school faculty.

In fact, when five high school teachers expressed an interest in joining the student credit union, the board—at the suggestion of Schaffner—made associate memberships (without vote or voice in the affairs of the credit union) available to teachers and staff personnel of Fort Knox High School.

The superintendent of schools, Herschel Roberts, is also a charter member of the 19-year-old federal credit union and has strong feelings about the worth and possible effects of this program.

"From the school's standpoint," Roberts said, "this program is a good way for high school girls and boys to learn the economics of credit, savings, and everyday economic transactions that they'll be confronted with the rest of their lives. It's impossible to teach this as a course in high school and reach as many students as this can. The potential is tremendous."

Ron Karpinsky, president of the student credit union, couldn't agree more with the superintendent. "I've been president of the student council," he said, "but this is the biggest challenge I've ever had, working with other students to manage and invest their money."

Karpinsky was graduated from the high school this spring and will leave office after the annual membership meeting this month. But he gained more than just a quick course in money management from his experience with the Fort Knox First Student Credit Union.

"The leadership thing is going to help me," said the outgoing president, who is on his way to the University of Kentucky under a four-year ROTC (Reserve Officer Training Corps) scholarship. "My position here on the board is a leadership position and leadership is what ROTC is looking for."

Although the program is presently limited to students of the senior high school, "We envision a time in the future when student credit union privileges may be extended into the junior high level," William Raker explained.

Rep. Patman envisioned an even greater extension of this type of service to students. In telling his fellow Congressmen on the floor of the House of Representatives about the Fort Knox program, he explained that "one of the best ways to educate our school children in the important area of personal finances is through the help of the more than 23,000 credit unions throughout the country. . . . It has always been stated by leading educators that the best way to learn something is by actually doing it. Thus, the best way students can learn how to handle finances is for them to actually engage in financial transactions."

The Congressman expressed the hope that as a result of the Fort Knox program there will be "credit unions in every school in the United States, hopefully working through the teachers' and school employees' credit unions in the various school districts of our nation."

THE NATIONAL LIVING INCOME PROGRAM

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I am happy to join with my colleagues, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Ohio (Mr. WHALEN) in introducing today a bill to establish a national living income plan.

At a press conference this morning, Messrs. CONYERS, WHALEN, and I, issued a joint statement on the proposal as follows:

THE NATIONAL LIVING INCOME PROGRAM

[Statement by Congressman JOHN CONYERS, JR., CHARLES W. WHALEN, JR., and JONATHAN B. BINGHAM]

During the past several years, the approach of Federal, State and Local Governments to welfare programs has been a patchwork quilt of policies weak in coordination and efficiency. With the best of intentions, those in command have seen their efforts become little more than a holding action against a flood of difficulties which will not end.

In a time of economic inflation, our cities have become bankrupt and lack the resources to resolve this national problem. In this crisis of welfare lies a challenge to the Federal Government. That challenge is, simply, to provide the direction and strength to create for each American the best conditions in which to live and develop and to become a fully contributing member of our society. The existing welfare programs have not succeeded. Poverty continues as an abject sore with little prospect for improvement under the present approach.

To provide a basic framework so that the Congress can study more critically the possible direction the Federal Government should take legislatively, we are introducing today a bill titled "A National Living Income Program." The outline of this measure was drafted several months ago by the Yale Law Journal under the direction of Professor James Tobin, the noted economist. We hope that this proposal might serve as the basis—the beginning point—of exhaustive Congressional discussions of what can be done to come to grips with the grievous blight of poverty.

The NLIP is similar to the proposal announced by President Nixon last week in that it represents a radical departure from the present welfare system, particularly the aid to dependent children program, which clearly has become totally unsatisfactory.

Our plan, like President Nixon's, contains built-in incentives for work and also, like the President's, provides for supplemental allowances, where needed, to an employed head of a family.

However, the legislation we are introducing differs sharply from the President's proposal in the following respects:

1. The minimum allowances take into consideration the realities of what it costs to live today and therefore are substantially more generous. The basic allowance proposed for a family of four is $3,200, or twice the President's figure of $1,600 annually.

2. Our plan provides for regional cost-of-living differentials, which the President's plan does not.

3. Our plan provides that the Federal Government match, on a 50–50 basis, supplementary allowances which individual states may decide to institute.

4. The President's plan appears to be limited to families with children; our plan covers individuals, childless couples and couples with grown children.

5. Unlike the President's proposal, our legislation attempts to cope with some of the difficult interpretive questions which will arise, including the definition of family units, the computation of income (including such items as home grown food), the handling of savings or other capital, and the like. It also specifies certain procedural safeguards.

An obvious question is that of cost. A precise estimate of the over-all expense is extremely difficult. The President's plan envisioned expenditures of approximately $4 billion for a program which is quite limited. Yet that figure is probably on the low side. Our proposal seeks to identify what a realistic program would have to encompass, if it is to have any impact, one that is comprehensive in its scope and that responds to society's real needs. On this basis, the entire program could approach $20 billion annually, if fully implemented. We state this in all candor in recognition of the magnitude of the problem as it actually is, not as some would like to believe it is.

We recognize that the goal of a comprehensive and adequate program cannot be achieved overnight. The President's plan indicates this difficulty and, worthy as it is, his proposal represents only a first step in the direction of what needs to be done.

This legislation is being offered as a vehicle for the development of an effective and realistic program that will attack the problem directly.

It also reemphasizes dramatically the need for sharp reductions in military spending, particularly in relation to the war in Vietnam, if we are to be able to cope adequately with our problems at home.

Mr. Speaker, since coming to Congress, it has become increasingly clear to me that the present welfare system in America, especially the aid-to-dependent-children program, was in drastic need of revision. I studied a number of alternate proposals, including family allowances and guaranteed minimum income proposals, such as that introduced in bill form some time ago by my colleague, the gentleman from New York (Mr. RYAN) and came to the conclusion that the most promising approach was that known as the negative income tax. In particular, I read with keen interest an article entitled "Is a Negative Income Tax Practical?" in the Yale Law Journal by James Tobin, Joseph Pechman, and Peter Mieszkowski. A detailed legislative proposal based on the ideas expressd in that article was prepared by the editors of the Yale Law Journal and was entered in the RECORD last March by the gentleman from Michigan (Mr. CONYERS) for study and comment. The bill we are introducing today is based on the Yale Law Journal's proposal but the title of the program has been changed to "The National Living Income Plan."

The details of the proposal, along with some comments and suggestions for additional study, are summarized in the following staff memorandum prepared by Arnold P. Lutzker, who holds a Robert F. Kennedy memorial fellowship in my office for this summer:

SUMMARY REPORT ON THE NATIONAL LIVING INCOME ACT

The need for the Federal Government to reorganize the effort to assist the poor of America has now become manifest. What direction this new leadership should take is still an open question, but one of the most promising and progressive suggestions is to establish a National Living Income Act. Under this proposal, the machinery of the Treasury Department would be mobilized to catalogue the resources of those who are to receive benefits and the Department would be authorized to guarantee every American family an income it can live on.

One model statute has been drafted by the Yale Law Journal based on an article by Profs. James Tobin, Joseph Pechman, and Peter Mieszkowski. Today, Representatives Jonathan B. Bingham, John Conyers, Jr., and Charles W. Whalen Jr., introduce it as the National Living Income Act of 1969. This report is a summary of that bill, together with some suggestions for further study.

I. POLICY DECLARATION FOR THE NATIONAL LIVING INCOME ACT

Sections 1 and 2: The statement of policy declares that every citizen has a right to receive a guarantee income he can live on. This is a complement to the 1946 Full Employment Act when the Federal Government stated that a job for every citizen was a national goal, and a complete expression of the desire to win the War on Poverty. In broad terms, the plan calls for a flat grant to be given family units, rather than assistance with mandated budget guidelines. Behind the flat grant approach is the belief that family needs are neither uniform nor regular. Without flexibility in spending its money, a family cannot meet emergencies as they arise. The bill tries to recognize the needs of low income citizens while maintaining the dignity of the individual participants. But a flat grant approach cannot guarantee that the money will be used most reasonably. Therefore, there will be need, to maintain programs designed, for example, to insure that children do not go hungry or neglected. It would be desirable to offer budget planning assistance to families wishing such aid.

II. INCOME SUPPLEMENT

The basic component of the proposal is the government payment or income supplement.

Election

Section 3: The proposal creates a voluntary, rather than automatic system which a family can join by filing an application. (See § 8a) The bill also permits a family to elect the mode and time of payment. It can select either an annual grant or semimonthly payments.

Family unit income supplement

Section 4: The proposal allots a supplement which will vary with the size of a family—$1200 for the first claimant, $800 for the second claimant and $600 for each dependent. This departs somewhat from Tobin's plan which further reduces the allowance per dependent as the size of the unit increases.. The reduction is designed to create a disincentive for having large families and to add a measure of equity to the system, since shoppers can economize when they buy in greater quantities. To adopt Tobin's scale would require some modification of the Yale figures for dependents, such as reducing the allowance for every other dependent $100. This approach is arbitrary, however, and may not reflect the lowest net income desirable for a single person.

Inequities arising from variations in the size of the family unit and regional and yearly consumer price changes are covered by the proposal. If a claimant or dependent is in the family for less than a year, he receives a short period allowance. Further, as the cost of living is not uniform in the United States, the bill permits regional and yearly adjustments. The procedure requires the Bureau of Labor Statistics to maintain a low income Consumer's Price Index which will enable the payments to reflect needs of particular areas. The plan also utilizes the Bureau's statistics to prepare a minimum adequate standard of living for low income families.

The bill envisages a breakdown of budgets into different family situations based on several factors—family size; regional needs; urban, urbanized or rural areas. The variety of the statistical components add complexity to the administration of the plan and the preparation of guidelines. Even if budgets are devised for just urban, urbanized and rural needs of each state, that would be 150 sets of figures. Further refinements would make computation more difficult. However, without these various listings, the disbursement of the supplement would become either inequitable for many claimants or too expensive for the government. Further, many agencies and organizations currently prepare such statistics. Therefore, if a common standard can be found, it may be possible utilize such evaluations and simplify research procedures significantly.

Optional State supplementation

Section 5: This section provides incentive for states to coordinate their welfare programs with the national effort while meeting the needs for local variance. Simply, it permits states to increase the allowance by sharing costs with the Federal Government. The optional clause would require states to pay into the Federal Treasury the amount they wish to supplement the Federal allotment. One incentive to such payment is that the Government matches the funds. By using Federal machinery, the states can save on the administrative costs of public assistance. However, the plan offers no flexibility on who may receive the additional state allotment. Anyone living in the state for more than 15 days is eligible and receives a proportionade share. Whether this technical equity is most desirable should bear scrutiny. It may be, for example, that the state supplement would accomplish more in urban areas than rural or for the elderly than the young. The residency requirement is described as an administrative tool to make compiling the rolls less difficult. Whether or not it would pass the constitutional test recently established by the Court is a matter for further study.

III. THE SPECIAL TAX

Section 6: Many of the present state welfare programs reduce assistance by an amount equal to earnings. This effectively places the highest tax on the poorest citizens. The Yale plan adopts a different approach—the allowance is reduced by 50% of a claimant's income. The operational effect of this "tax" is to encourage work by permitting a family's gross income to be increased by their own labor, rather than setting a defined income level which a family cannot rise above without going off welfare. Under the tax, there is no actual transfer of funds from the recipient to the government, but rather a paper reduction of the supplement.

What the "tax" should be is a matter for further study; theoretically, the lower the tax the greater the work incentive. Current studies by OEO and HEW are evaluating the effect of welfare proposals like the National Living Income Plan on work incentives and should shed light on this issue. In the main, present welfare receipients are not employable, being young children, mothers, disabled or elderly persons. Work incentives for these people will not have a significant effect. However, as the NLIP system will reach a larger section of the nation, depending on the budget projections, the incentive for work should be stressed. One suggestion by Tobin not incorporated in the plan draws a distinction in the tax on income of those classified as "employable" and those as "unemployable." For the former, a "presumed" income would reduce their supplement, but a lower tax would make it more profitable for them to work. At the very least, there would be some penalty if they did not seek employment.

The 50% rate means, by Yale's computation, that the program will cost approximately $27 billion. Reports of substantial savings on other social welfare projects are viewed exaggerated. Many of the current Federal and State programs will be retained or slowly phased out but the net returns should not come close to $27 billion.

The following is a table summarizing the proposed effects of the supplement and the tax on a family of four with varying income:

EFFECTS OF PROPOSED NATIONAL LIVING INCOME PLAN FOR FAMILY OF 4

(a) Before tax family income	(b) Positive tax liability	(c) Negative liability tax (0.50)- (a minus 2b)	(d) Total tax liability (b plus c)	(e) basic income supplement	(f) Net Government transfer (e minus d)	(g) Net NIT transfer (e minus c)	(h) After tax family income (a plus f)
0	0	0	0	$3,200	$3,200	$3,200	$3,200
$1,000	0	$500	$500	3,200	2,700	2,700	3,700
$3,000	$4	1,496	1,500	3,200	1,700	1,704	4,700
$6,000	450	2,550	3,000	3,200	200.	650	6,200
$6,400	511	2,689	3,200	3,200	0	511	6,400
$7,000	603	2,897	3,500	3,200	−300	303	6,700
$7,916	758	3,200	3,958	3,200	−758	0	7,158

Supplement period

Section 7: The Yale plan calls for a general supplement period—the taxable year under § 441(b) of the Internal Revenue Code (1954). Also, it creates a short period of less than 12 months to meet more current changes in circumstances, such as unanticipated periods of unemployment or a new member in the family. This second accounting period, however, is not designed to assist families who poorly manage their budget. With these two approaches, the program effectively covers the families whose long range planning places them within the system and those whose short term situation leave them in need of assistance.

IV. ANNUAL AND SEMIMONTHLY PAYMENTS

Section 8: The plan is somewhat ambiguous on what form the filing application should take. It refers to "sufficient information for an accurate appraisal of the family unit's rights and obligations under this act." Tobin suggests a postcard form requiring information on family composition, expected income for the year, income in the prior quarter and net worth. The Yale form would require at least that information, as it has adopted the concept of net worth. This latter category complicates the application. As will be discussed later, there is a need for some sophistication in accounting and estimation of resources to reflect "net worth."

Under the plan, a family may select its payments procedure, i.e. receive the funds either in a lump sum once a year or in semimonthly amounts. It seems more reasonable to stress or encourage the semimonthly payments rather than the annual, as it provides an institutionalized budget. Indeed, although annual payments may make for easier bookkeeping, they do not make much sense except in cases of very low allotments. In any event, the application would have an election of payments items with some notation elsewhere on the advantage of semimonthly payments for large allowances.

Any form which permits the claimant to estimate his income for the year may be criticized as encouraging inaccuracies in reporting. A standard IRS procedure is to check 5% of the returns for inconsistencies, and the bill adopts that for the National Living Income Plan. Tobin views the self-reporting as desirable, despite potential underestimation of income. First, it removes the onus of demeaning detailed checks on claimants common to the present system. Second, even if initial estimates of income are too low, the higher payments can serve as a form of credit for low income families. While the government should not take over the credit business, such added money will help meet the need of the poor for added ready cash and the books can be balanced at year's end where errors are discovered. (One other point to note is that studies suggest that the poor are just as honest in reporting their income as the median and high income taxpayers.)

To keep a check on variations in income, the proposal further requires quarterly reports on available income. But as administration becomes increasingly more complex, individual cooperation may suffer. There is a need to balance the efficiency of the program, i.e. determining the changing resources of the claimant and modifying payments with those changes, with the burden on the participants. Problems with administration and psychology may make it desirable to limit the procedural requirements of implementing the National Living Income Plan.

Nevertheless, there is a need to adjust allowances to highly variable incomes as are common in seasonable occupations and high risk undertakings. (Yale bill uses fluctuation of 10% or greater as basis.) There can be injected an incentive for prudent control of money by adopting an accounting procedure of estimating income over a period of years (e.g. three) rather than for a single year. Thus, income variations over a period of years (for example $7000 in '67, $2000 in '68 and $1000 in '69) or within one year (such as $4000 from Jan. to June, $100 from July to Dec.) may call for special treatment. It may be better to try and isolate such jobs and provide special accounting for claimants so employed, than to require everyone in the National Living Income Plan to file several reports a year.

V. FAMILY UNIT DEFINED

Section 9: IRS operates on individual tax returns and the proposed National Living Income Program employs the family as its basic unit. Therefore, the Treasury Dept. may have to make certain adjustments, but the procedural changes are necessary because of the advantage of a family unit system. As the theory behind the plan is to assure a living income to every person, it is more efficient and reasonable to utilize the family structure. The family can pool its resources and budget its expenses over a larger unit, thus saving on the cost of living. The reduction in allowance per person as the size of claimant's family increases is one reflection of this savings.

This reduction per person raises the problem of "splitting" families, i.e. married couples separating in order to collect added benefits or dependents leaving home to get more money. There are two checks against splitting in the bill. First, the plan prohibits an individual from filing alone when he is part of a larger unit—spouses must join unless they have been deserted, children under 21 can't file except if they are married or over 18 and out of school and not supported by their parents. Second, the incentive to split is limited by the gain that can be realized in the allowance schedule. The Bureau of Labor Statistics estimates that a single individual needs 70% of the allotment for a married couple (with no children). Under the plan, two persons would receive $2000, but one claimant would be given $1200 rather than $1400. It is believed that the realized gain will not be worth the bother of separation. It must be appreciated, however, that the basis of this check is a lower allowance for a single individual. The prudence of this suggestion must be reviewed as to the actual incentive for splitting and the cost of alternatives.

The bill also considers informal family arrangements of separation, cohabitation and support. Where couples have not maintained a common residence for 30 days and they affirm their belief their separation will be indefinite, they may file individual returns. Further, when a man and woman are domiciled together with at least one child of their own, they may file as a family. Finally, if adults are supporting someone who lives with them as dependents, they may receive an allowance, even though they owe no legal duty to that dependent.

VI. INCOME

Central to the National Living Income Plan is an appraisal of the usable income of the claimants. The bill suggests three standards—available income, imputed income and capital utilization income.

Determination of available income of persons

Section 10 and 11: The proposal isolates twenty-four sources of income. It includes many items not presently included in the IRS gross income standard such as tax-exempt interest, scholarships and fellowships and all dividends.

The extent to which pensions, transfer payments and public assistance should be included in the available income depends on the integration of the National Living Income Plan with other policies. Tobin suggests the following distinctions: where the payment is made as a deferred compensation, such as unemployment compensation, then it should be included. If the income is based on need, for example food stamp benefits, then it should be viewed as supplemental to the National Living Income Plan and not included as income. Job pensions and strike benefits are included in the plan, as they are deferred payments. Gifts in excess of $50 are also included, but transfers from those in the same family unit are not. (Since the family's resources are pooled, such gifts have no effect on the unit's allowance.) Also, private charity gifts are excluded. It is argued that since these charities assist the needy, it would be inconsistent with the program to tax such benefits.

As to government transfer payments and public assistance, the proposal attempts to integrate Tobin's guideline. Cash benefits under unemployment compensation, Old Age Survivors and Disability Insurance and Health Insurance for the Aged plans are includable income. Excluded are payments made under the following programs: Old Age Assistance and Medical Assistance for the Aged, Aid and Services to Needy Families with Children, Aid to the permanently and totally disabled, Medical Assistance Programs, as well as money from any government program where financial need is an essential prerequisite of the award.

A major difficulty with the program which must be ironed out in committee is its indecisive position on present welfare programs. Operationally, the NLI program takes these into account in the following manner: the income supplement is to be paid out prior to estimating the financial needs of the poor for other state programs. The supplemental will, in most cases, eliminate the need for the claimant to receive any further assistance under current aid plans—ADC, Aid to the Blind, Aid to the Permanently Disabled and Old Age Assistance. There will be instances, however, where the income supplement is less than the current allocation. In such cases, the present programs would provide money on top of the income supplement.

However, maintaining the old bureaucratic framework with the new system is costly, inefficient and undesirable. The old grievances and troubles would continue, if just in minature. Therefore, an alternative is for Congress to determine what programs should be eliminated as duplicating the NLI program, revised as still valuable but modified by the NLI program or retained as complementary to it. Yet, as long as the new plan leaves any citizen in a less advantageous position, the Congress would be wise to evaluate how the Government should best cope with the inequities springing from the change. Also, a way must be devised to maintain the counseling and advising services presently performed by state welfare agencies.

Deductions from income are permitted. Major items stressed are business and child care expenses as under I.R.C., as well as commuting costs over $10 per month. The original Yale bill has been modified to permit deduction for casualty losses. Its omission was viewed as a serious mistake because such losses can substantially affect a family's resources and needs. Deduction for medical expenses indicates the belief that Federal medical assistance must be continued after adoption of the NLI program. No system of income maintenance will succeed without a comprehensive medical program which prevents doctor bills from eating away the funds of the poor.

Finally, other deductions—support payments, alimony, gifts, pension plan payments—are made to aid accounting consistency, as the benefits of such payments are included in income computation.

Imputed income

Section 12: This section attempts to account for the current resources of a claimant. The main items here are the value of owner-occupied homes and home grown food. The 5% basis for imputed value is suggested by Tobin (and used by the plan). This is viewed as a reasonable estimate of the income value of personal assets. Excluding this category could introduce inequities into the National Living Income Plan. A ghetto family with $1000 income is in a more difficult financial position than a rural one with the same income but which grows its own food. The exemption of $1500 for each claimant and $500 for dependant is added to simplify processing. The advantage in using this income measure, from the standpoint of equity is clear and compelling. However, once again, it complicates participation for the claimant and the administration of the program. Alternatively, the bill could have a higher exemption rate or could limit very severly the items to be considered as part of imputed income.

Capital utilization income

Section 13: The plan takec into account for income purposes 30% of the net wealth of the claimants beyond exemptions of $5000 per claimant and $3000 per dependent. Behind this section is the theory that the National Living Income Plan is designed to assist those who lack the resources to provide for themselves. Any family which prefers to invest its resources in capital sources may do so, but should not benefit disproportionately from that decision.

Basis

Section 14: The plan adopts the basis for property of the IRC with two modifications to adjust to the sections in the NLI proposal relating to income evaluation.

Valuation

Section 15: As a result of the sections on imputed income and capital utilization, a current valuation of resources is necessary. The plan establishes a procedure whereby each year a family's resources would be reappraised according to Treasury Department guidelines. Once again, this requirement complicates the work of the administration as well as placing a substantial burden on the claimants. The Yale Law Journal anticipates a less critical problem as it expects exemptions to eliminate many from making the annual re-evaluation. The most complex cases will be those with owner-occupied homes, small business and farms. Property held with others will be valued on a proportional basis and holdings subject to contingencies will be estimated as if the conditions were favorable, unless the contingencies are real and substantial, beyond the claimant's control and with no benefits flowing to other family members on failure of the enterprise. Under the latter conditions, the property value is computed as zero.

Methods of accounting

Section 16: The procedures for accounting are those regularly used by the IRS under § 446 of the Internal Revenue Code.

Claims against supplement payments prohibited

Section 17: The bill prohibits assignment or attachment of the allowance in order to assure that the funds go directly into the hands of the claimants. Although it would be easier to buy on credit if the allotment were assignable, the full effect of the National Living Income Plan will be to raise the credit rating of the poor by giving them adequate funds for making purchases. (The one exception to this prohibition is claims by the Government for overpaying on previous supplements which may come out of future payments.)

VII. PROCEDURAL

Records and returns

Section 18: The proposal envisions claimants maintaining records to provide information for filing and requests from the Treasury Dept.

Procedural rights and review

Section 19: A necessary concomitant to an effective National Living Income Plan is established procedural machinery for handling personal complaints within the bounds of due process and without unreasonable delay or confusion. The bill projects three sources for review: (1) A review board created by the Secretary of the Treasury, (2) An appeals board, (3) The civil courts. It also guarantees that legal and incidental expenses will be provided claimants so that a challenge does not become financially impossible.

Several other novel, but necessary steps are incorporated in the plan. First, claimants may see their own files. In the past, welfare recipients have been denied such access. Second, public review of policy is facilitated by permitting organizations comprised of 50 or more claimants to participate in hearings. Third, a complaint board to review charges of misfeasance by Treasury employees is proposed. Fourth, a random sample of 5% of the forms will be analyzed to serve as a check on fraud. This is standard IRS procedure in present income tax policy and current studies have disclosed no reason for employing a more rigorous check on the poor than on the more wealthy taxpayers.

Application of income supplement laws

Section 20: To oversee the National Living Income Plan, the bill proposes the creation of a new commission within the Treasury Dept. The Bureau of Income Maintenance. It would be responsible for running the program and dispensing the allowances. A new bureau is considered more desirable than IRS, according to the Review, because of IRS' bias toward "collecting" rather than "distributing" money. HEW was ruled out because its own general bureaucratic jungle certainly does not need another massive administrative agency. Furthermore, the Bureau would not be saddled with the stigma of old welfare policies and would hopefully forge a new direction with new confidence on anti-poverty work.

PROPERTY TAXES—ANOTHER BURDEN

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, we have just completed work on the most comprehensive tax reform bill since the last Republican administration, and although the proposals passed by the House will not satisfy the desires of every Member, they have put us on the right track for even more extensive reforms in the future. In the past few months, we have been rightly concerned with the burden of Federal income taxes but we should not forget that those taxes are only part of the burden carried by the American taxpayer.

In a recent edition of the New Bethlehem, Pa., Leader Vindicator, Editor Leroy Tabler reminds us that the American property owner is shouldering another heavy tax burden in the form of real estate taxes. The article points out that income taxes are "fairer" if the dozens of loopholes and special provisions are plugged. Perhaps if we manage to get all the Federal income tax loopholes plugged, the States and localities can begin to ease up on the amount of revenue they must take from the public in the form of property taxes.

Mr. Tabler's article is an eminently fair and reasoned approach to the subject of property taxes and I include it here in order that our colleagues may have the benefit of its message:

HOMEOWNER PENALIZED BY TAX POLICIES

(By Leroy Tabler)

Assuring you right off the bat that I am not a member of the Clarion County Taxpayer League, The Armstrong County Taxpayer League, or even the National Committee on Tax Justice (you didn't know that existed, did you?), I have decided to create a little tax flak from this small corner of the U.S.A. about taxes.

Somewhere along about third grade I became aware—and this awareness has increased over the years—that a society such as ours must have taxes. It would be quite impossible to eliminate them—despite what some people, supposedly in complete sincerity and with supposedly good mental faculties will tell you.

The concern over taxes, therefore, is not that taxes can be eliminated. The major interest—and the taxpayer groups offer a collective voice for saying this—is that the taxpayer gets a full dollar's value for a dollar investment.

In Clarion County, there have been ruffled feathers in the last few weeks about a supposed proposal from certain sources that there be a complete reassessment of real estate throughout the county. No such complete task has been completed in more than 10 years. But the idea scares the britches off some countians who maintain that their britches are about all that remain after we pay all of our taxes today.

It has been estimated that the "average" American works something like 16 weeks a year just to pay his taxes of all varieties, from personal income tax to sales tax to per capita tax and possibly including syntax. Not all people, or even nearly all, know what syntax is, but they figure with "tax" attached, it must be bad, and they reason that "syn" is actually "sin" misspelled.

The business in reassesing properties is something that may well shake a few people. Say what we might about today's property tax levies, the thoughts of possibly paying more make each owner thank his stars . . . Things could be worse, he rightfully reasons, and he doesn't want any modern-day Zaccheus climbing down from his sic-'em-more tree with a still-larger tax pouch affixed to his legal arm.

What many taxpayers don't realize until the deed has been done is that there is a method by which additional taxes can be raised without increasing the millage.

For instance, if the assessed valuation to market value is increased, the net result is more tax monies. The State Tax Equalization Board, which governs and observes the assessed valuation to market value business, reported recently that Clarion County "is considerably below the state average" in the percentage. The average percentage of assessed valuation to market value for Clarion County stood at 28.0 percent as compared with the statewide average of 42.3 percent.

The result if Clarion County assessed-to-market-value percentage were increased is that each real property owner would pay considerably more on the same millage he now has. But it's no secret that this section of the state is anything but a rapidly growing industrial area, and the value and demands for properties are not as great as in many areas. The state, and especially the Legislature and the Department of Public Instruction, when making new mandates on school districts, apparently assume that the ability to pay is the same in rural Clarion, Armstrong or Jefferson counties as in wealthy Camp Hill, Penn Hills or suburban Philadelphia.

What bothers me—in fact, the practice seems unjustifiable—is that so much tax burden is placed upon private property owners, while those who possess neither the desire nor supposed means to own a home get away comparatively light.

The result in the property taxation is that a person who wants to establish his roots by buying or building a home, and who has the desire and pride to constantly improve his home and therefore his neighborhood, is penalized for this initiative.

While the homeowner is being penalized thusly, someone else, possibly with far more income and assets than the homeowner, has far more pin money because he doesn't have to face the annual property assessments.

Invest your money in intangible or fleeting things—pleasure, parties, drink, etc.—and escape much of the tax grip. A person who invests in a $5,000 automobile pays the initial taxes, yet someone who takes the same amount of money and invests it in a home addition is penalized forever. The ever-increasing emphasis upon taxing real estate is doing much to discourage home ownership.

In my opinion, and I may be wrong, the tax emphasis should be placed upon income, and not upon what a person does until that income. Morally and legally it should not concern any level of government whether a man invests his money in his home or whether he chooses to rent and blow his money on pleasures, high-priced automobiles or anything else.

As much as we all kick about personal income taxes, such taxes—if the dozens of loopholes and special provisions were plugged—appears to be by far a more fair and equitable system than real estate taxes, especially on private homes which do not produce any further income for the owners. Money-making real estate and property, however, are in a different tax category than the private home.

One study I saw recently showed that an income tax, if it is to be equitable, must be a graduated one—or else the lower income persons will actually be paying a greater proportion of their income. Based upon some "averages" and accurate estimates, the study showed that the family earning under $3,000 annually averages 34 percent of its income for all taxes, while the family earning $25,000 and over each year averages 28 percent of its income for taxes.

It's foolish and impractical, even impossible, to eliminate taxes. But the nation which has proven it has the brainpower to place a man on the moon should have the brainpower to balance the tax load and quit punishing the small and giving tax "breaks" to the big—those who need such breaks the least.

NATURAL RESOURCES CONTINUE LOW BUDGET PRIORITY

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, the August 1, 1969 issue of the Outdoor News Bulletin, the publication of the Wildlife Management Institute, carries an item headlined, "Natural Resources Continue Low Budget Priority." So that my colleagues will be assured of an opportunity to read this excellent analysis of budgeting for natural resources, I insert the text of the article at this point in the Congressional Record:

Natural Resources Continue Low Budget Priority

The House Appropriations Committee's report on the new fiscal year funds for the Department of the Interior and Related Agencies illustrates the contradictions that are causing less and less emphasis to be given national resources and conservation programs, according to the Wildlife Management Institute.

The Committee expresses concern in its report that the "Federal Government is not placing as great emphasis on the conservation and development of our natural resources as the situation warrants." The committee voiced its "earnest hope . . . that those in the Executive Department responsible for our natural resources will seriously analyze our position now and what it might be within the next 20 years and do everything possible in the development of our renewable resources and the conservation of our depletable resources."

That said, the committee whacked more than $28 million out of the department's skin-tight budget request for the new year. Leading loser in the battle of words was the Bureau of Land Management with more than $10 million. The Bureau of Outdoor Recreation took a slash of nearly $800,000, not including the appropriation of only $124 million, and not $200 million as provided by law, from the Land and Water Conservation Fund. The Bureau of Sport Fisheries and Wildlife received $570,000 more than requested, but $600,000 was earmarked for the National Fishery Center and Aquarium. The Bureau's emergency wetlands acquisition account was cut to $5 million from $7.5 million. The National Park Service was given $475,000 less than requested. The U.S. Forest Service received $6.9 million more than requested, but its appropriation could fall short of 1969 funds by $9.7 million.

Tight-money years, such as those now nagging at the Federal Government, have a way of taking more out of the hide of resources programs than other activities. When fiscal conditions ease, resources programs get more money, but the inescapable fact is that natural resources, which are the backbone of this nation's wealth and position, traditionally receive only tablescraps in the budgeting process. As a nation, we are overdrawing our resources capital.

Charts in the budget-in-brief booklet of sources in the lowest category of federal outlays by function in the new fiscal year. Resources are the furthest from the life-sustaining federal money spigot. In the new year only $1.891 billion (1 percent) of the total federal budget outlay will be invested in water resources and power, land management, recreation, fish and wildlife, minerals, and general resource surveys. National defense claims budget support of $81.5 billion, nearly 42 percent to total expenditures. Space and research technology, a lusty youngster, claims $3.9 billion (2 percent); agriculture and agricultural resources $5.1 billion (2.7 percent); and interest on the public debt will be $15.9 billion (8 percent).

The fact is that the Federal Government is ill prepared to analyze and assign priorities to natural resources programs. Congress relies on the estimates of the executive agencies, but the agencies in turn are squarely under the thumb of economists and analysts in the Bureau of the Budget. BOB holds no public hearings. It operates behind closed doors, out of the public eye, and its word is close to law.

Agencies must justify budget requests to the BOB, and it decides how much the President will request from Congress. Allocations appear to be based more on economics than on need. Few resources programs yield firm estimates of hard-dollar returns as a result of investment, so the programs come up on the light end of budget requests. How can the investment of the authorized $1 billion in federal grants to municipalities for construction of sewage treatment facilities, for example, be analyzed as to returns to national well-being? It cannot, and that helps explain why only $214 million is requested for the new year.

The final frustration in the budgetary process is the repeated admission of members of the Senate and House Appropriations Committees—some of the most influential men in government—that Congress has no way to force the Bureau of the Budget to spend money appropriated for a resources program if BOB decides against it, BOB simply impounds the money. Perhaps the basic difficulty in the whole process is that federal funds outlays are eyed as expenditures. None are regarded as investments.

GUN CONTROL

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, the Committee for Effective Crime Control, a Minnesota organization headquartered in Minneapolis, has sent me a copy of its statement on the Firearms Control Act of 1968. So that my colleagues may be aware of the views of the Committee for Effective Crime Control on this matter, I insert the text of the committee's statement at this point in the Congressional Record.

Statement of the Committee for Effective Crime Control on the Gun Control Act of 1968

A gravely concerned public which was insufficiently informed impelled its legislators to the enactment of the Gun Control Act of 1968. Legislation hastily enacted on a wave of emotion has seldom served best the public and this law is no exception. The members of Congress seem to have sincerely intended and believed that the act would be used to control crime. Assurances were given that the inconvenience to legitimate users of firearms would be minimal.

Administration of the act has belied those assurances. In interpreting the act, the Treasury Department has chosen to go beyond the intent of Congress and let the courts determine the maximum limits of the law. This administrative expendiency has been accomplished at the expense of the honest citizen, upon whom the onerous provisions of the act have fallen. It has been only through costly proceedings that some of the more repressive interpretations have been ameliorated. Collectors, in the meantime, have been harassed by over-zealous federal agents who have made private interpretations which caused the destruction of valuable collectors' items—items now interpreted to be entirely within the law.

Dealers were formerly allowed to temporarily transfer their licensed places of business to the locations of gun shows. This practice has been eliminated to the detriment of honest citizens, not criminals.

Purchasers of ammunition are forced to register and go through a considerable amount of paperwork every time they make a purchase. Such a provision does not fight crime—it enrages voters.

The retail mail-order firearms trade should have been regulated; instead the Congress overreacted and regulated it out of existence. The overwhelming majority of all mail-order sales were legitimate. They allowed sportsmen and collectors the benefit of comparative pricing on a national market and the availability of hard-to-get items. It is becoming increasingly apparent that this provision is economic legislation, not crime control.

Were it not bad enough that honest citizens have borne the brunt of the law, criminals have not been adequately dealt with. The Congress amended the 1968 act to water down mandatory penalties for conviction of a felony committed with the use of a firearm. Prosecution of criminals has been apathetic and ineffectual. In Minneapolis, for example, federal officials have refused to prosecute all but one of several recently convicted felons who had firearms in their possession despite specific local police requests for them to do so. This is a mockery of justice.

We call upon the Congress to either repeal the entire Gun Control Act of 1968 or revise it substantially to treat honest citizens in an equitable manner.

Our organization, composed of groups of veterans, collectors, policemen, and sportsmen, believes that legislation should be directed against the criminal use of firearms, not their legitimate use by honest citizens. We believe that the Congress would receive substantial support from groups such as we represent were it to seek passage of properly directed legislation.

POLICE COURTESY TO AFFIRM "GOOD GUY" IMAGE

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, in these days of rampant crime, disorder, and unrest, we must rely more and more on law-enforcement officers to preserve domestic peace and maintain public trust.

J. Edgar Hoover, the highly respected and competent Director of the Federal Bureau of Investigation spells out the need for courtesy by police officers in the current FBI Law Enforcement Bulletin for August. Mr. Hoover's message follows:

Message From the Director

Emerson once stated that "Life is not so short but that there is always time for courtesy." This truism expresses a principle which should be a common virtue among all present-day law enforcement officers.

The enforcement of the law in our country today is not an easy task. Certainly, law enforcement is subjected to more abuse and criticism than ever before. Some citizens not only verbally attack policemen, but they also physically assault them without provocation. While such unwarranted action cannot be condoned, the law enforcement officer should not let hostile public reaction affect the manner in which he performs his duty.

One of the complaints law enforcement officials hear repeatedly is that the personal contact between the public and officers on the streets is decreasing. No doubt this is true, but police officials have valid explanations for the decline. Some of the factors involved include the rapid increase of population, the continuing growth of areas to be policed, the lack of manpower, and the obvious advantage of direct, constant communication with motorized patrolmen. Thus, in adopting procedures and changes to meet its obligations in the fight against crime, law enforcement has, out of necessity, but with reluctance, lost some of its valuable personal relationship with the individual citizen. This is why it is so vitally important that every officer be courteous and considerate in the contacts that he does make.

Objectionable traits of one member of a police department can be a serious liability to all members. Arrogance and condescension have no place in law enforcement. If an officer is to uphold the ethics of his profession, he cannot let personal feelings or prejudices influence his actions. As a policeman, he is given to a public trust, and the public has every right to expect him to serve all citizens alike, with integrity and honor. After all, the good will and assistance of the public are his most valuable assets.

Departments seeking means to improve their public image should check their courtesy ratings. Courtesy is basic to good public relations. While it may be in danger of becoming a lost art in some segments of our complex society, courtesy must be an ingrained habit of every law enforcement officer. He should always have "time for courtesy."

HON. MARTIN McKNEALLY ADDRESSES NEW YORK STATE AMERICAN LEGION

(Mr. KING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KING. Mr. Speaker, many of us have known the Honorable MARTIN McKNEALLY for many years and have sung his praises long before he came to Congress. Last fall the people of the 27th Congressional District of New York once more exhibiting their sound judgment, elected him to join our ranks. For years the district had been ably represented by the Honorable Catherine St. George who will long be remembered in the heart's of all of us who knew her. I know we will find in MARTIN McKNEALLY a person eminently qualified to take her place as a Republican Member of the House of Representatives.

Congressman McKNEALLY served in the military service during World War II, entering as a private in the Army and being discharged as a major. Recognizing his ability as a leader, the American Legion chose him as their national commander in 1959 to 1960. Recently, the Congressman had the privilege of addressing the New York State American Legion convention at Niagara Falls and spoke on the subject of the anti-ballistic-missile defense system. I am pleased to have this opportunity of calling Congressman McKNEALLY's speech to the attention of my colleagues.

In recognizing the fact that the ABM could serve as an insurance policy against the devastation which would be the result of an accidental launch of an enemy missile, I believe he has again demonstrated his proper concern for the safety of his country.

I am pleased to include Representative McKNEALLY's remarks in the RECORD at this point:

SPEECH BEFORE AMERICAN LEGION DEPARTMENT CONVENTION, NIAGARA FALLS, N.Y., JULY 19, 1969

My fellow Legionnaires, I am delighted to be here and pay my respect to your District Commander, Mike Kogutek, who is and has been rallying the forces of the American Legion during this past year, and at the same time, rallying the forces of our great state of New York. I am pleased also to pay my small tribute to our distinguished Adjutant who has been over all the years my close and unchanging and loyal friend. And I hope I have also been his.

I am delighted to be here with so many of my old friends today and flattered to be once again a speaker at the New York Department Convention. Two years ago, I spoke to you on the subject of law and order and its indispensible place in an organized and ordered society. I have not been persuaded in the interim that law and order are bad words. There is a theory today that law and order represents a repression of legitimate human aspirations and results in protecting some at the expense of others. This simply is not so. I said to you then and I say to you now, in the words of Theodore Roosevelt, "no man is above the law, and no man is below it." Unless the law is equally applied, no man will or should respect it.

It is good to be in Niagara Falls. It is a welcoming home vastly superior to that Tower of Babel on the banks of the Potomac. I am, I must say, a bit disturbed that the mighty pounding of the American Falls has been reduced to a mere trickle. I am sure that the U.S. Geological Survey has reason to be concerned with the five feet per year recession of the Falls. But I, for one, am inclined to believe that the Falls should have been left open. After all, opportunity knocks—as the Falls moves westward, it won't be long until we have our own Northwest Passage. Lord knows, this could prove to be the quickest way to Seattle—no one in his right mind counts on airplanes.

Each year that I have spoken to this annual convention, it has seemed that our Nation has been confronted with fateful and fearful issues. This year is no different. We are looking down the long road of a continuing and indecisive war in Viet Nam, no matter what the outcome of the present negotiations. Our campuses have been set aflame, our cities are a shambles, drug traffic and its use flourishes among our youth. Pornography, that is, the sale of materials both written and pictorial which seek to pander to man's basest parts, and to equalize him with, or more to the point, abase him below the beast of the field.

All of man's prurience, all of his weaknesses, all of his immoralities, have been loosed by disrespect for law, disrespect for property, disrespect for society, disrespect for his Country, and, most of all, disrespect for man himself.

There ARE elemental currents which make or break the fate of nations.

There IS a moral purpose in the universe. There are forces which affect the vitality and the soul of a people and they will control its destiny. Deny to a Nation as blessed as our own its moral purpose, and you bring it down in ruins around you.

In his poem, "The Waste Land," T. S. Eliot wrote:

"Come in under this red rock
"And I will show you something different
"From either your shadow at morning striding behind you
"Or your shadow at evening rising to greet you,
"I will show fear in a handful of dust.

"The 'handful of dust' is man."

The passage presents an accurate commentary on the human condition—man being frail, subject to fits of temperament, and often the victim of excessive pride and greed, is now, and has always been capable of doing great evil. Surely this observation is most valid when extended to the international level where history reveals the avaricious ambition of one nation to subjugate another nation, the result being war, and the loss of countless lives. We as a Nation have always sought the way of peace which often has demanded that we bear arms and resist the imperialistic designs of an aggressor. We have learned that the way of peace demands that we remain strong. It is precisely for this reason that I have chosen to support the proposed deployment of an ABM missile defense system.

In recent months, it has become increasingly apparent that the Soviets are on the verge of gaining strategic parity with the United States. During the last four years, they have begun the construction of more than 1,000 ICBM launchers, they have deployed an ABM system around the cities of Leningrad and Moscow, they have continued development of an orbital bombardment system, and they have reached the capability of producing one nuclear attack submarine per month.

It is estimated that in the late 70s, the Soviets could have another 100 SS–9 missiles, a total of perhaps 600, with as many as 1800 warheads. How can one deny that this would pose a formidable threat to our 1000 Minutemen? And then there are the Red Chinese who have not displayed a terribly friendly posture toward the United States, to say the least. One need only look a few years into the future to the day when they will be capable of delivering a nuclear warhead by means of an intercontinental ballistic missile. It seems to me that our own deployment of an ABM system is a most reasonable manner in which to prepare for these unpleasant events.

Yet, I am bewildered by those critics who argue that a missile defense system is not needed. They claim that a sufficient amount of our retaliatory force could survive an all-out nuclear attack and that this alone is enough to dissuade any possible aggressor. However, this claim does not deserve support in light of the substantial evidence to the contrary, namely, that at least 95% of our Minuteman missile force would be destroyed if they were left undefended in the event of an attack.

The need for an ABM system is justified in terms of the number of lives it might save in certain possible wars in the 70s. In his message presented to the Senate Committee on Armed Services, Dr. Donald G. Brennan of the Hudson Institute referred to Robert McNamara's 1968 posture statement which included estimates of American fatalities in such situations. It was estimated that 120 million American lives would be lost if no significant missile defense system were deployed in the United States. However, the statistics showed that an ABM system, comparable in cost to the one presently under consideration, "could reduce expectable fatalities to between ten and forty million persons, depending on the level of defense and the details of the war." I might add that these revealing figures were published by a man who, while he was Secretary of Defense, was an opponent of a missile defense system. Those critics of the need for ABM are ironically refuted by one of their own.

It is contended that so complicated a system, made up of radar, missiles, and computers will not work. Competent authority speaks otherwise. Wouldn't you like to see the smile on the enemy's face if we, who built vehicles that streak to the moon, decided to expose ourselves because we can't construct sophisticated defensive equipment.

There are many other strategic reasons why I feel compelled to support the proposed deployment. I am persuaded by the arguments of such eminent experts as Herman Kahn, Director of the Hudson Institute, Albert Wahlstetter, of the University of Chicago, and Eugene Wigner, the Nobel Laureate who emphasize the effectiveness of an ABM system against the form of limited attack that the Red Chinese or another small nation might be able to initiate in the future. These men conclude, and I agree, that ABM could serve as an insurance policy against the devastation which would be the result of an accidental launch of an enemy missile. I also believe that the cost of ABM is relatively small in light of the fact that "the average annual cost of the completed program, on a five-year basis, is less than one-fifth of what we were spending for active defense against bombers at the end of the 1950s." To those critics of the cost of a missile defense system, I can only reiterate the former Secretary of State, Dean Acheson's warning that those in the Congress should not use the attendant issues, such as opposition to the war in Viet Nam, *"as an excuse to tamper with defense and foreign policies which rise from external necessities and are vital to the national existence."* I am very much in favor of cutting costs where there is a proven inefficiency, or the possibility of waste, but I am very much against such action if it might result in a greater expense in terms of human beings.

The strategic reasons for the deployment of ABM are convincing, but they are of less importance than how the proposed program could very well contribute to the cause of peace. It is absolutely preposterous for one to suggest that United States would ever initiate a nuclear war. Our position has always been that of the defender of the sacred principles of "life, liberty and the pursuit of happiness." In this position, our Government has contracted a responsibility, first and foremost, to our people and second, to our allies. Therefore, we must remain strong; and if a missile defense system will insure our strength, then we must have it. Prime Minister Trudeau of Canada, whose country borders the place whereon we stand, in reply to a request to have President Nixon move ABM bases away from the Canadian border, displayed a confidence in our role as a strong defender of peace. He said, on March 18th of this year . . .

> "I do not want to argue the Canadian case if it means a little more protection for us and, therefore, less protection for the peace and future of the world."

I might add that would we not be betraying our people and our allies, if in an international crisis we must succumb to "Nuclear blackmail" and back down because the Soviets had an ABM system and we did not? Our past experience warns us that such a situation is a real possibility.

Moreover, the decision to deploy a missile defense system cannot be considered provocative of an escalation in the "balance of terror." The Soviets do not consider it provocative. At a press conference in London on February 9th, 1967, Premier Kosygin said, "I believe that defensive systems, which prevent attack, are not the cause of the arms race but constitute a factor preventing the death of people." He knows it. Why don't some of our experts who are critics. I would also like to mention that Dr. Brennan notes that after it was announced in September 1967 that we would deploy the Sentinel anti-ballistic missile system, "the United States came under attack from several of our allies and neutral friends . . . who complained that the American deployment decision would be bad for the incipient non-proliferation treaty and only heighten the arms race. There was one country that came to our assistance in that contest and it was not an ally, holding that the decision would not harm the prospects for the non-proliferation treaty: that country was the Soviet Union."

In view of the facts, I must regard the deployment of ABM as not jeopardizing the possibility of a meaningful arms limitation agreement which could be the first step toward a stable world. But until that ultimate dream becomes a reality, we as a country must be as the bald eagle on our national emblem: we must fix our gaze upon the right hand which bears the olive branch of peace and equally keep watch on the hand which grasps the weapons of war.

The quest for peace as the quest for brotherhood has been the central desire of all peoples since God revealed His law on Mt. Sinai. Our country has been cast the role of the leader in this eternal quest. There are many voices raised in many ways and all crying for peace. The United States will not achieve peace abroad until we find the formula for peace at home. Indeed we must have the will to find the formula for peace at home. We must seek that quality of strength, of character and determination which has always seen our Country through wars and crises; has made it the greatest and most successful nation in the history of mankind.

Fellow Legionnaires: This can be done; this must be done—if we are to regain the respect of peoples everywhere, if we are to fulfill our national purpose, if we are to win the gratitude of posterity and the blessings of God. It can be done if Legionnaires and their neighbors will hearken to those rules of life which are so easily identified and neatly summed up in the line in the American Legion preamble in the line which reads "to foster and perpetuate a one hundred percent Americanism." What's so wrong with patriotism? What's so wrong with Americanism? What's so wrong with love of country? We have been faltering as a nation ever since we began to jeer at it.

Let me tell you a little story.

Forty-two years ago, Charles Lindbergh made his pioneer flight to Paris. The fact that he was hailed as no other man was everyone knows. But, there is one incident that occurred in Paris worth thinking about. After the throngs which greeted him and Lindbergh had gone to bed and things had calmed down, a mob formed in the street in front of the American Embassy. They demonstrated until the Ambassador came out and they demanded that he bring out the American Flag. They wanted to cheer it.

That was just forty-two years ago.

I leave it to you to discover what went wrong.

THE 1970 WHEAT PROGRAM

(Mr. **MIZE** asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MIZE. Mr. Speaker, Secretary of Agriculture Clifford Hardin announced the 1970 wheat program yesterday afternoon. The long-awaited program includes some welcome adjustments to reflect current trends in wheat marketing—wheat marketing certificates will be paid on 48 percent of the 1970 crop, up from 43 percent this year.

Farmers will be permitted to divert up to 50 percent of their allotment at the maximum payment rate of 50 percent of county loan rates. Farmers also will be permitted to substitute the planting of feed grains for wheat or wheat for feed grains in any combination. This element will promote maximum flexibility in planning and planting.

In order to promote competitive pricing of wheat for livestock feed use and increased exports, the national average price support loan level will remain at $1.25 per bushel. We had hoped for a better loan price, but the Department has concluded that a higher level would reduce overall consumption of wheat—perhaps drastically.

Finally, the July 1 carryover of 811 million bushels necessitated some reduction in the national wheat allotment. After considerable disagreements between Bureau of the Budget experts and USDA representatives, the compromise figure of 12-percent reduction in acreage was adopted. Drastic as the 12-percent figure is, it must be considered somewhat of a victory for the Department of Agriculture. Many powerful forces were calling for a 16-percent reduction—or worse.

Why is it—in a hungry world—that the United States must cut back on its production of wheat, the staff of life? What conditions have eliminated all other options?

FOOD FOR PEACE IN DECLINE

U.S. exports of wheat under the provisions of Public Law 480 have declined. These sales were down by nearly 140 million bushels in the 1968–69 marketing year—representing 64 percent of the drop in overall exports from the year before. This decline does not reflect an indifference to hunger. It does not reflect an American policy decision to callously ignore the suffering of those in need of food. It does reflect the first effects of the so-called green revolution.

New strains of wheat and rice developed for tropical agriculture in Mexico and the Philippines have spread rapidly in the past 2 or 3 years. These "miracle" crops have the capacity to make the less developed nations self-sufficient in food in a very few years; indeed, they have already made a substantial impact. Mexico, chronically a food-deficient nation, is now a strong exporter of wheat. Pakistan will be self-sufficient within 5 years, and may well offer modest amounts of wheat for export to bolster the Pakistani balance of payments. India has had excellent success with the dwarf wheat, as has Turkey, Israel, and other semitropical countries.

The true situation is best summarized in a July 1969, publication from the USDA entitled "The Impact of New Grain Varieties in Asia." Under the subtitle, "The Outlook for World Supply and Demand," this paragraph appears:

> Several recent studies suggest that production of food grains in some countries considered in this report may increase at a rate of 4 to 6% a year. On the other hand, it is unlikely that effective economic demand for grain in any of these countries will increase faster than 4 percent a year (less than 3 percent for population growth and perhaps 1 percent from rising per capita income), unless the livestock industry can be developed fast enough to use substantial amounts for feed. Countries now importing grain may use increased domestic production to replace imports. As a percentage of total consumption, imports of grain in most less developed countries are relatively small. Thus, the growth of production at a faster rate than demand could soon eliminate the need for imports. It seems possible that the less developed countries of Asia can generally become self-sufficient in grain before many years, although imports may continue to supply some large

coastal cities. Turkey and the Philippines are nearly self-sufficient in food grains. Both Pakistan and India plan to be self-sufficient within a few years.

As far as exports are concerned, one fact has emerged: The hope for a strong wheat export market must lie with building cash markets in nations with rapidly rising per capita income—and thus rapidly rising demands for diversity in food. Japan is an excellent example of such a nation, where the United States enjoys a $1 billion market for its agricultural products.

The developed nations of Europe also provide a strong export market—this outlet must be expanded as rapidly as practicable.

THE IGA FALLS SHORT OF EXPECTATIONS

Not only have our exports under Public Law 480 declined, but our commercial sales have also suffered. Most observers blame the International Grains Arrangement for this decline in U.S. wheat sales, but in truth the real villian is worldwide overproduction.

Canada has a 1 billion bushel surplus. Australia has a 300 million bushel surplus. The European community has a surplus. The major wheat exporting nations are struggling for shrinking markets with ever increasing oversupply at home.

The IGA, negotiated at a time of relative wheat scarcity, has proved ineffective in maintaining the world price minimums. The EEC has adopted a policy of selling at almost any price to offset a $14.3 billion internal subsidy for farmers. The Australians, after doubling their wheat acreage in the past 5 years, are scraping for new markets. Canadian farmers are outraged at their government's inability to move wheat abroad—largely a result of the evaporating Red Chinese market.

In a recent statement on the House floor, I congratulated Secretary Hardin and Assistant Secretary Clarence Palmby for their forthright efforts to make U.S. wheat more competitive in Europe, and for their efforts to avoid a worldwide price war that no one can win. These efforts continue, in spite of the reluctance of the Europeans to cooperate at all.

Secretary Hardin has traveled to promote trade, recently returning from Japan with some hope that increased sales of soybeans and beef can be promoted in that country.

Responsible critics of the IGA have suggested that the entire arrangement will have to be renegotiated before the United States can be assured of maintaining its traditional proportion of the world wheat market. Should efforts of the administration to regain our position fail, I will support such a renegotiation. In the meantime, reason and moderate economic pressure seems the more prudent course. The world wheat market is a powder keg, the price wars must be avoided through deliberate, delicate, and diplomatic initiatives.

U.S. ALLOTMENT CUT IS GOOD-FAITH RESPONSE

The 12-percent allotment cut by the United States for the 1970 crop is a good-faith response to the overburdened wheat situation. American farmers must again tighten their belts, as they suffer the third consecutive allotment cut in as many years. The Congress and the administration cannot fail to observe the positive efforts made by U.S. agriculture to keep supply balanced with demand.

Within a few weeks, the Secretary of Agriculture will propose his farm program recommendations to the Congress. Since the Food and Agriculture Act of 1965 expires with the 1970 crop year, it will be up to the Congress to approve programs which will protect the interests of the farmer, as he continues to adjust to the rapidly changing conditions of world food demand. Without support from the Congress—our farmer, caught in a cost-price squeeze—will never survive the adjustments.

Americans spend less of their disposable income for food than any other people. Thus, the auto industry, homebuilding, appliances, and all the other industries benefit from the efficiency of the farmer. Not only agribusiness, but all exceptional industries have a vital interest maintaining his viability and strength in the 1970's.

Mr. Speaker, under leave to extend my remarks at this point in the Record, I insert the USDA announcement of the 1970 wheat program, as follows:

THE 1970 WHEAT PROGRAM ANNOUNCED BY SECRETARY HARDIN

Secretary of Agriculture Clifford M. Hardin today announced a 1970 wheat program aimed at strengthening the U.S. position in world markets and at continuing the effort to bring wheat production into line with needs.

The 1970 program has five important features:

1. The national average price-support loan level will be $1.25 per bushel. Unchanged from recent years, this level is being maintained in an effort to achieve maximum utilization of wheat through increased exports and continued large livestock feed use.

2. A diversion program at the maximum payment rate of 50 percent of county loan rates is aimed at avoiding production of 80 to 90 million bushels of unneeded wheat. This feature will allow producers to tailor their plantings by diverting up to one-half of their acreage allotments while maintaining incomes through diversion payments.

3. The national wheat acreage allotment of 45.5 million acres is designed to reduce stocks and reverse the three-year upward trend in carryover levels. This is a 12-percent reduction from the 1969 national allotment of 51.6 million acres. State by State wheat acreage allotments follow in this release.

4. Wheat marketing certificates will be paid on 48 percent of the projected production on the alloted acres of participating producers. For 1969, certificates at a record $1.52 per bushel are being paid on 43 percent of projected production. They are adding more than $800 million to the farm value of wheat. Payments per bushel reflecting the difference between wheat parity on July 1, 1970, and the average loan rate announced today will be as high or higher for the 1970 crop.

5. The option under which a producer can substitute the planting of wheat for feed grains or feed grains for wheat in any combination will be available. This increases farm efficiency by providing producers the flexibility of adjusting acreages to field sizes and of producing the more suitable crop for their particular operations.

In announcing the 1970 program, Secretary Hardin said, "There are areas of hopefulness for improved world wheat trade. Following recent sessions of the major exporters, we are moving toward recognition of our determination to maintain the U.S. share of world wheat trade. However, 1968–69 marketing year is the third consecutive one for reduced international trade, putting severe pressures on the world wheat industry. With surpluses piling up in the world's major exporting nations as a result of large crops in recent years, the U.S. cannot go on producing an excessive quantity of wheat which would only lead to larger and larger acquisition and storage costs. The wheat allotment announced today meets this problem squarely."

"Our carryover on July 1 this year was around 800 million bushels. In view of the 1969 U.S. crop prospects and the world wheat over-supply situation, it is likely there will be an additional buildup of U.S. stocks by July 1, 1970.

The 1970 allotment is aimed at securing a modest reduction of our national carryover. The 1970 program is expected to produce about 1,200 million bushels of wheat," the Secretary said.

Other features of the 1970 wheat program will be much the same as those for the 1969 crop.

Farmers signing up in the voluntary program can qualify for price-support loans, domestic marketing certificates, payments for diverting acreage below their allotments, and alternative cropping options. If a farmer signs up in both the wheat and feed grain programs, one option can be substitution between wheat and feed grain acres. Another option is the overplanting of allotment acreages by one-half, with wheat from excess acres to be placed in secured storage until such time at it can be subsequently used because of underplanting or crop underproduction.

Whether barley will be included in the feed grain program in 1970 will be detemined and announced later. However, required diversion for barley as a condition of substitution, under any circumstance, will be identical to the qualifying minimum range diversion required for feed grain program participation.

Small allotment farms with 1970 allotments 19.2 acres or less will be able to divert the entire allotment for payment. Payment will depend on diverted acreage being put to conserving or other specified use.

Substitution of wheat acreage for oats and rye acreage will be possible if a grower so requests and has a history of production of these crops in 1959–60. Required diversion from oats and rye will also be the same as that required under the 1970 feed grain program.

A farmer can become a 1970 wheat program cooperator in exactly the same way as in the 1969 program. He will need to sign up in the program; remain within his allotment (unless overplanting or substitution options are used); devote to conserving use an acreage equal to 30.3 percent of his 1970 allotment (the approximate difference between the 1968 and 1970 allotments), as well as the acreage diverted for payment, and the acreage represented as normal conserving base. He needs also to remain within his acreage allotment for any other allotment crops on the farm, and within the permitted wheat acreage on any other farm in which he holds an interest.

Payments would be subject to any limitations that might be required by Congress in the Department of Agriculture appropriations.

The State by State allotments follow:

THE 1970 STATE WHEAT ALLOTMENTS (WITH 1969 COMPARISONS)

State	Acreage allotments	
	1970	1969
Alabama	54, 953	62, 337
Arizona	34, 570	39, 207
Arkansas	118, 333	134, 203
California	324, 230	367, 716
Colorado	2, 064, 208	2, 337, 893
Connecticut	280	317
Delaware	22, 829	25, 944
Florida	14, 936	16, 935
Georgia	109, 147	123, 776
Idaho	954, 373	1, 081, 842
Illinois	1, 429, 548	1, 622, 392
Indiana	1, 099, 634	1, 247, 978
Iowa	121, 665	138, 115
Kansas	8, 526, 307	9, 670, 690
Kentucky	180, 191	204, 549
Louisiana	33, 651	38, 153
Maine	219	248
Maryland	138, 269	157, 013
Massachusetts	160	181
Michigan	950, 232	1, 079, 086
Minnesota	820, 981	928, 778
Mississippi	47, 159	53, 469
Missouri	1, 336, 500	1, 516, 452
Montana	3, 137, 675	3, 555, 612
Nebraska	2, 541, 105	2, 881, 036
Nevada	13, 553	15, 379
New Jersey	40, 602	46, 225
New Mexico	377, 664	427, 349
New York	264, 900	300, 938
North Carolina	346, 292	392, 791
North Dakota	5, 845, 690	6, 628, 472
Ohio	1, 300, 867	1, 476, 808
Oklahoma	3, 929, 888	4, 454, 409
Oregon	677, 341	771, 570
Pennsylvania	470, 186	534, 144
Rhode Island	141	160
South Carolina	156, 070	177, 022
South Dakota	2, 210, 664	2, 505, 829
Tennessee	166, 035	188, 430
Texas	3, 265, 386	3, 704, 021
Utah	237, 559	269, 587
Vermont	395	448
Virginia	236, 724	268, 656
Washington	1, 588, 484	1, 799, 601
West Virginia	24, 255	27, 491
Wisconsin	46, 656	53, 002
Wyoming	219, 493	248, 749
Total	45, 480, 000	51, 575, 000
Reserve	20, 000	25, 000
National allotment	45, 500, 000	51, 600, 000

NATIONAL LIVING INCOME PROGRAM

(Mr. WHALEN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WHALEN. Mr. Speaker, I am very happy today to join my colleagues, Representatives Conyers, Bingham, and Ryan, in introducing legislation creating a national living income program.

We hope that this bill, along with the plan proposed on August 8, 1969, by President Nixon, will provide the basis for an exhaustive congressional review of what can be done to combat more effectively the grievous blight of poverty.

Our bill is similar in several respects to President Nixon's proposal. Both plans contain built-in incentives for work and provide supplemental allowances, where needed, to an employed head of a family.

However, the basic family allowance of the Conyers-Whalen-Bingham-Ryan proposal is double that of the $1,600 recommended by President Nixon. In addition to its higher base and wider applicability, our bill includes regional cost-of-living allowances, and a 50-50 Federal matching of any supplementary allowances by States. Unlike the President's plan, our bill also attempts to answer some of the difficult interpretive questions which are bound to arise.

As we concluded in our joint statement explaining this legislation, it is being offered as a vehicle for the development of an effective and realistic program that will attack directly and more effectively the problem of poverty.

An outline of the National Living Income Act of 1969 is submitted for the Record:

OUTLINE OF NATIONAL INCOME PROGRAM ACT OF 1969

Section 1: Title: National Living Income Program Act of 1969.

Section 2: Declaration of Intent:

(a) Findings:

1. Congress declares that general welfare and security of nation, and the health and happiness of its people, require that all families have adequate incomes.

2. Congress finds present welfare programs cannot assure all Americans freedom from want and that legislation is needed which provides everyone a decent standard of living while preserving individual liberties.

(b) Objectives and policy of this Act:

1. To entitle all families to an income supplement.

2. To recognize and protect the personal dignity and legal rights of recipients.

3. To leave recipients free to dispose of benefits as they deem proper.

4. To encourage the productive employment of recipients by allowing them to retain a substantial portion of earned and other income.

Section 3: Election of Income Supplement:

(a) Time and manner of election:

1. By filing a return at the end of the supplement period as provided in section 8(a) of this Act.

2. By filing a request for semimonthly payments at any time during the family unit's supplemental period or during the two months preceding such period as provided in section 8(d) of this Act.

(b) Effective period of election—for only one supplemental period.

Section 4: Family Unit Income Supplement:

(a) General rule—income supplement equal to unit's adjusted supplement (determined by subsection (b) less special tax imposed by section 6).

(b) Adjusted supplement:

1. Base supplement (determined under subsection (c)) multiplied by the low income consumer price index for such family unit (determined under subsection (d)) plus any state supplement provided.

(c) Base supplement:

1. Per year: $1,200 for the first claimant; $800 for the second claimant; and $600 for each dependent.

2. Short periods or dependents in family unit for less than a supplemental period—on percentage of yearly rate.

(d) Low income consumer price index:

1. The price index determined under paragraph (3) for the 12-month period ending on September 30 of the calendar year preceding the calendar year in which the supplement period begins, and for the area in which the family unit resides.

2. 15 days residency.

3. Bureau of Labor Statistics shall compile and price annual family budgets for all consumer goods and services necessary to a minimum adequate standard of living, including but not limited to diet, housing, transportation, house furnishings, clothing, personal care, regular medical and dental services, recreation, entertainment, education and personal communication—regional and urban/rural differences also are to be considered.

(e) Determining Minimum Adequate Standard of Living:

1. BLS within one year after enactment of Act and at least every five years thereafter, shall provide reports on annual family budgets and submit the report to Congress.

2. Ten days after report submitted, the Secretary of Labor shall cause it to be published in the Federal Register.

3. Within sixty days, the Secretary of the Treasury shall transmit to Congress recommendations for amending income supplements to reflect the findings of the BLS.

Section 5: Optional State Supplementation:

(a) State election of increased income supplements:

1. Additional income supplements, amount determined by state legislatures, must be provided for *all* family units within the state. Supplement must be increased by the same proportion for all.

(b) Residency—15 days.

(c) State sharing of additional costs:

1. State shall pay each year one-half the cost of such increase into the Federal Treasury at time and in manner designated by the Secretary.

(d) Period of election—60 days after Secretary receives notice of election or on later date as specified in notice, until the state revokes, terminates or modifies it.

(e) Other sections applicable:

1. Program shall operate in electing States exactly as it operates in nonelecting States.

Section 6: Special Tax—Fifty Percent.

Section 7: Supplement Period:

(a) General rule:

1. Family units' supplement period is taxable year of the claimant or claimants under the provisions of section 441(b) of the Internal Revenue Code.

2. If claimants have differing taxable years either may be used unless Secretary requires otherwise.

Section 8: Annual and Semimonthly Payments:

(a) and (b) General:

1. Unit shall file a return at the local or district office of the Bureau of Income Maintenance, whether by mail or in person, on or before the 15th day of the fourth month following the close of the supplemental period for which the return is made.

2. Within 30 days Secretary shall provide payment of income supplement due.

(c) through (k) Semimonthly payments:

1. Election of such a payment is a matter of right.

2. Election may take place at any time; it must be in writing signed by all claimants in the family unit; it must be filed at local office of Bureau of Income Maintenance by mail or in person.

3. Election shall be approved and implemented by the Secretary within seven days of the date of filing unless claimants request later date.

4. Payments made on first and fifteenth of each month—each payment 1/24.

5. Changes in family unit must be told to Secretary within 30 days; such notice will terminate semimonthly payments; unit may file new election for semimonthly payments.

6. Termination of semimonthly payments:

a. By request of family unit.

b. By the Secretary, if he finds election is improper on its face, but hearing must be held and findings reviewed by appeals board before termination.

c. Unit is liable for payments to which it was not entitled.

7. Family unit must submit estimate of income upon election and within 30 days of end of each succeeding quarter and must indicate whether income may increase or decrease by ten percent or more; Secretary shall include the increase or decrease in the declared amount.

8. Secretary withholds from each semimonthly payment a tax equal to 1/12 of the estimated quarterly available income.

9. Underpayments may be deducted from future semimonthly payments but not in excess of ten percent of such payment.

Section 9: Family Unit Defined:

(a) General: unit consists of at least one claimant, and not more than two claimants, plus any dependents to which claimant or claimants, individually or jointly, are entitled (if dependent is 16 or older, he must agree in writing to be claimed as a dependent).

(b) Claimants:

1. U.S. citizen or resident aliens, 21 or older.

2. Any person 19 or 20 who maintains a domicile separate from his parents or guardian and does not receive more than half his support from them, and is not a student within the meaning of IR Code, Section 151(e)(4).

3. Any married person under 21 provided he and spouse maintain a common domicile.

(c) Dependent (U.S. citizen or resident alien):

1. Son or daughter or any person for whom claimant is legal guardian provided (1) claimant provides significant portion of support, (2) dependent lives with claimant, (3) or dependent is student.

2. Claimant must substantiate evidence of dependency.

(d) Required family units—those who must file as unit:

1. Husband and wife who are not informally or legally separated or divorced.

2. Man and woman, domiciled together, and common parents of at least one child.

(e) "informal separation":

1. If have not lived together for 30 consecutive days.

2. If separate residences are maintained.

3. One of spouses files affidavit with Secretary swearing above and stating intention to remain separated.

(f) Determination of dependency—by laws of state; if one claimant refuses to support dependent, money for that dependent will go only to other claimant.

(g) No person can be claimed as member of more than one family unit.

Section 10: Computation of Available Income of the Family Unit:

Sum of the available incomes of all family unit members during such part of that period as they are claimed as members of the family unit.

Section 11: Determination of Available Income of Persons:

(a) General: available income means adjusted gross income (section 62, IR Code).

(b) Includable in adjusted gross income:

1. All annuity, pension, or retirement benefit payments (including railroad retirement and veterans benefits).

2. Amount or value of prizes and awards.

3. Proceeds of life insurance policy in excess of amount equal to premiums paid personally by beneficiary or spouse.

4. Gifts, support, alimony, and inheritances (in excess of $50 a year total) except gift or support payment or other transfer received from member of same unit, or from private charity, and except property inherited from deceased spouse.

5. Interest on all government obligations.

6. Amounts received in form of damages, insurance payments, workmen's compensation or in any form as (1) compensation for physical, mental, or any other personal injuries or sickness (2) wage or income continuation, or (3) medical expenses.

7. Rental value of parsonages.

8. Quarters or subsistence allowance, gratuity pay, and combat and mustering out payments to members of Armed Forces.

9. All dividends, scholarships or fellowships.

10. Amount equal to reduction in living expenses that occurs by employer supplying meals or lodging at less than their fair market value.

11. Amount of current or accumulated income that could, within the discretion of any person with a nonadverse interest, be paid to an individual from a trust or estate of which he is a designated beneficiary, except that any such amount not exceeding $3,000 and in fact paid to some other person shall not be included.

12. All amounts deductible under section 1202 of IR Code.

13. Unemployment compensation, excluding payments made under section 407 of the Social Security Act (Title 4).

14. Strike benefits.

15. Social Security benefits under Titles II and XVIII (excluding Titles I, IV, XIV, XVI, and XIX) and payments from government programs where financial need is essential prerequisite for award.

16. Foreign source income excludable under IR Sections 893–94, 911–12, 931, 943.

17. Loans from Commodity Credit Corporation.

18. Deductions under sections 173, 175, 180, 182, 263(c), 615, and 616 of the IR Code.

19. Imputed income and capital utilization income (sections 12 and 13 of this Act).

(c) Deductions—adjusted gross income reduced by:

1. Medical expenses within meaning of IR Code, section 213(e) except—

a. Deduction not applicable to expenses compensated for by insurance or otherwise where such compensation has been excluded from available income.

b. Deduction only to extent that total medical expenses of unit exceeds $25 for each person.

2. Alimony, separate maintenance, and support payments.

3. Gift to member of another unit if signed statement from donee.

4. Deductions under sections 162 and 212 of IR Code plus the cost, in excess of $10 per month, of all transportation to and from work.

5. Deductions under IR Code section 214 (in applying section 214 any dependent (within the meaning of section 9 of this Act) shall be "a person with respect to whom the taxpayer is entitled to an exemption under section 151(e)(1)" for purposes of section 214(d)(1)).

6. Deductions under section 404 IR Code.

7. Twice the amount of taxes imposed by IR Code, Subtitle A, including amounts paid pursuant to chapter 24 IR Code, less twice amount of credits allowed against such taxes by section 33, 35, 37, 38 IR Code, except maximum deduction allowable to unit under this section may not exceed supplement.

8. Employee contributions under Social Security and Railroad Retirement.

(d) Losses may be deducted under sections 165 and 172 of IR Code—except—

1. Deduction for losses from sales or exchanges of capital assets only to the extent of gains—no deduction for capital losses unless during time supplement received was in excess of the special tax liability.

2. Section 172 IR Code—"Net Operating Loss"—definition for purpose of this Act shall mean the excess of deductions allowed by this Act over the income obtained by the operation of Section 11(b) on adjusted gross income.

3. No carryover or carryback of net operating loss shall be allowed unless during time in which individual was receiving supplement in excess of the special tax liability.

4. No loss deducted under IR provisions during time person not a member of a unit receiving supplement in excess of special tax liability.

(e) Depreciation and depletion allowed under sections 167 and 611, IR Code, but not those under section 613.

(f) Other deductions not specifically allowed by this section are disallowed.

(g) Subchapter S Corporations—any amount attributed to the available income of a member of the unit by operation of section 1373 IR Code shall be increased by an amount proportional to the amount by which the taxable income of the electing corporation would be increased if computed under this section.

Section 12: Imputed Income:

(a) General: available income includes:

1. An amount equal to five percent of the fair market value, at the close of the supplemental period, of the gross available capital, less the amount of any income derived from any interest included within the gross available capital to the extent that:

a. Such income is otherwise within available income.

b Such income does not exceed five percent of the value of the such interest from which the income is derived.

2. Retail market value of food grown by a person or some member of unit and consumed by such person minus the costs not otherwise deducted of producing such food.

(b) "Gross available Capital" defined:

1. Gross capital, minus an exemption for clothing, furniture, automobiles, and other personal effects not used in a trade or business, the exemption not to exceed $1,500 for a claimant or $500 for a dependent; provided that the unused amount of an individual's exemption may be used by any other member of the unit.

(c) "Gross capital" defined:

1. All property, real or personal, tangible or intangible, wherever situated, but excluding pensions and annuities, to the extent of any interest of the person therein. The value of any interest in any property shall be diminished by the amount of any mortgage or indebtedness in respect to such property, to the extent that interest or other payments arising out of the mortgage or indebtedness have been deducted in the computation of available income.

Section 13: Capital Utilization Income:

(a) General: available income includes an amount equal to 30 percent of the fair market value computed at the close of the supplement period of the person's net available capital.

(b) "Net available capital" defined—gross available capital minus—

1. Any mortgage or indebtedness in respect to the property.

2. Any other indebtedness not otherwise deducted.

3. Difference between the current fair market value of principal residence of unit and the maximum amount for which such property commercially could be mortgaged if it were otherwise unencumbered.

4. An exemption of $5,000 for a claimant or $3,000 for a dependent.

5. An additional exemption, not to exceed $5,000 for a claimant for property used in a trade or business.

6. An additional exemption of $5,000 for claimant provided that such claimant be age 60 or over and provided that there be only one such exemption for each family unit.

Section 14: Basis:

(a) General: adjusted basis for determining the gain or loss from the sale or other disposition of property as defined in Section 1011, IRS Code.

(b) Exceptions: adjusted basis of any property (other than cash) used in trade or business held for production of income, shall be increased by:

1. The amount of income attributed to the property (Section 12) and included within available income, less the amount of income includable within adjusted gross income as defined by Section 62, IRS Code.

2. The amount of any deduction with respect to property disallowed in computing available income to the extent that such deduction would result in a reduction of the adjusted basis of the property under Section 1016, IRS Code.

Section 15: Valuation:

(a) General: Secretary of Treasury or his delegate shall prescribe all rules and regulations for valuation of interest under this Act:

1. When fair market value not readily ascertainable, Secretary or his delegate shall prescribe methods for approximating the value.

2. Secretary or taxpayer may establish greater or lesser value—burden of proof on person claiming differing value.

(b) Jointly held property shall be treated as if owned in separate, proportional shares.

(c) Interests subject to a contingency or condition, which may not otherwise be valued, shall be valued as if contingency did not exist unless:

1. It is real and substantial.

2. It does not depend upon a power exercisable by a person who is a member of the same unit or who does not have an adverse interest.

3. Failure of interest would not result in interest passing beneficially to another member of the unit.

Section 16: Methods of Accounting:

(a) General:

1. As in computing income tax liability.

2. If methods of two claimants differ, claimant's method whose taxable year is used as basis for unit's supplement period.

3. If no method, Secretary or his delegate may choose one which clearly reflects income.

(b) Special rule: Where an item of income or deduction may not be properly attributed to a specific period of time, such item of income or deduction shall be deemed to accrue ratably during the calendar year.

(c) Secretary or his delegate may apportion items (income, deductions or credits) among individuals if he determines such apportionment is necessary in order to prevent evasion of taxes or clearly to reflect the income of such individuals for accounting purposes.

Section 17: Assignment and Taxation Prohibited:

(a) Supplement payments shall not be assignable or taxable.

(b) Supplement payments are exempt from claim of creditors and from attachment or levy or from seizure by or under any legal or equitable process before receipt by beneficiary—except claims of the U.S.

Section 18: Records and Returns:

Every claimant in unit shall keep records, render statements and make such returns as required by this Act. Disclosure provisions subject to review provisions of section 19 of this Act.

Section 19: Procedural Rights and Review:

(a) Secretary shall make all rules and regulations which will be reviewable in federal court of competent jurisdiction—hearings as prescribed by Chapter II of the U.S. Code except as modified by this section.

(b) Recipient organization:

1. If have more than 50 people in membership receiving benefits under the Act, entitled to receive proposed rules and regulations from the Secretary when they are published in the Federal Register.

2. Have standing to participate in public hearings on rules and regulations and to challenge any proposals in federal court.

(c) Bureau shall publicize benefits of Act and apprise persons of rights to benefits and due process.

(d) "Due process" hearing:

1. Upon request in writing, opportunity for hearing before examiner to be afforded by Secretary or his delegate with respect to denying, withholding or modifying supplement.

2. Shall take place prior to effective date of denial, withholding or modification, unless all individuals agree in writing for later date.

3. Open to public unless aggrieved individual requests in writing a closed one.

4. All aggrieved individuals shall be entitled to representation by counsel, to present evidence in own behalf, to know evidence against them and to challenge reasonableness of rules, regulations, and practices adopted pursuant to this Act and as applied to his case.

5. Upon conclusion of hearing, Secretary or delegate shall make findings of fact and issue written decision.

(e) Right of administrative appeal:

1. Board of Appeals—established by Secretary to review findings, rulings, and decisions of trial examiner and publish its decisions and state reasons therefor.

2. Secretary bound by ruling unless judicial review sought.

3. Decision effective when rendered.

(f) Judicial review:

1. Decisions of Secretary or delegate reviewable in U.S. district court regardless of amount involved in controversy.

(g) Paid expenses:

1. Reasonable expenses in hearing or judicial review.

2. District court may disallow any or all expenses if it finds a party or his attorney acted frivolously or in bad faith.

(h) Complaint review board:

1. To review any complaint that a Bureau employee is not performing his functions properly or is not following properly issued regulations.

2. Board shall report findings in writing to person or organization making the complaint within 60 days.

3. If employee found guilty of willful or grossly negligent disregard of rights of any person under this Act and regulations issued pursuant to it, Secretary or delegate shall conduct a hearing on the charge.

4. If hearing sustains findings of Board, Secretary shall take disciplinary action, not excluding discharge or suspension without pay, as he deems proper and as authorized by Civil Service laws.

(i) All records of Bureau confidential except claimant shall have access to his own file by submitting written request (IRS may have access to records).

(j) Investigations:

1. Secretary or delegate may not conduct investigations with respect to more than five percent, randomly selected, of all units.

2. Except—Secretary or delegate may investigate whenever probable cause exists to believe a unit is not entitled to receive benefits and except limitations shall not apply to routine investigations undertaken in conjunction with hearings.

Section 20: Application of Income Supplement Laws:

(a) Powers and duties of Secretary:

1. The administration and enforcement of Act.

(b) Bureau of Income Maintenance:

1. Within Department of the Treasury.

2. Commissioner, head of Bureau, to be appointed by President, by and with consent of Senate; serves at pleasure of President.

(c) Appointment—by Secretary or delegate—or personnel. Secretary or delegate shall issue all necessary directions and rules applicable to such persons.

(d) Regulations—all necessary for administration and enforcement of Act—to be issued by Secretary or delegate.

Section 21: Definitions:

1. "Secretary"—Secretary of the Treasury.

2. "Secretary or his delegate"—as under definition contained in IRS Code, section 7701(a)(12)(A).

Section 22: Amendments:

1. Exemption of income supplement, section 123 IRS Code.

2. Income averaging, section 1303 IRS Code "individual not eligible if at any time during the year or base period, he was claimant under the National Living Income Act of 1969".

Section 23: Effective Date:

Benefits may be paid under this Act with respect to supplemental periods beginning on or after the first day of the first calendar year which begins more than 180 days after the date of enactment of this Act.

MILITARY PROCUREMENT PROCEDURES

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, I would like to express my approval of the action taken by the Senate last week on an amendment to the military procurement bill. I am referring to the amendment offered in that body by Senator SCHWEIKER that would require closer scrutiny of defense contracts.

The amendment requires the Secretary of Defense to report to the Congress, every 3 months, on the status of all major defense contracts, including an analysis of cost, completion time, and performance estimates.

The amendment also empowers the Comptroller General of the General Accounting Office to make an independent audit of the reporting system developed by the Secretary of Defense and to make independent audits of major contracts which he feels warrant such additional scrutiny.

In addition, the amendment provides the Comptroller General with subpena powers—powers which he does not now have—and for enforcement procedures in the Federal courts.

Mr. Speaker, we have been witnessing a growing concern in the Congress and in the Nation over the problem of waste, inefficiency, and mismanagement of defense procurement contracts. It seems to me that this Nation can maintain its security without throwing fiscal responsibility to the winds. In no way can Senator SCHWEIKER's amendment be considered as antimilitary or unpatriotic; indeed, it merely calls on the Congress to reassert its constitutional responsibility to oversee our national budget and to establish a realistic set of national priorities given the resources available.

It is becoming increasingly evident that the Congress is ill equipped to responsibly exercise proper control and direction in these matters. We can no longer depend solely on occasional agency leaks and journalistic disclosures in identifying contract abuses. Congress must have its own means to systematically identify these failures so that proper action can be taken before large overruns are incurred.

Mr. Speaker, my interest in this question is a matter of public record. In late May the Joint Economic Committee's Subcommittee on Economy in Government published a report, entitled "The Economics of Military Procurement," which documented the extent of procurement contract abuses and made proposals for the rectification of this situation. On that same day I spoke to this body on my support for Congressman PODELL's bill that would require the GAO to report annually to the Congress on all major Federal contract abuses including those contracts in which overruns of greater than 10 percent had been incurred.

In the same vein, I am today associating myself with the intent of the Schweiker amendment because it provides for mechanisms that would insure even greater scrutiny of military procurement procedures. These provisions would greatly enhance our abilities to responsibly control the pursestrings.

Mr. Speaker, this body has an obligation to rectify the glaring inadequacies of present procurement oversight procedures. The Schweiker and Podell approaches are a modest first step in this direction. Both proposals deserve our most careful attention and consideration.

THE MIRV QUESTION

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, two related developments over this past week have heightened my concern and apprehension over the issue of MIRV testing and deployment. The first to come to my attention was the reported testimony of Dr. John Foster, Director of Research and Engineering for the Defense Department, before the House Foreign Affairs Subcommittee on National Security Policy and Scientific Developments.

Dr. Foster told the subcommittee that, in his opinion, the Soviets are testing a MIRV—and not an MRV as was previously thought—and that they could probably deploy their MIRV on the SS–9 by late 1970. Dr. Foster went on to say:

> The Soviet triplet . . . has little other function than the attack of large numbers of hard targets.

The imminent possibility of Soviet deployment of an effective counterforce weapon is a most serious matter.

I am equally concerned about a contract which the Pentagon has signed with Singer-General Precision Co. to develop components for the advanced ballistic reentry systems—ABRES. The ABRES is a sophisticated MIRV. Instead of targeting the individual warheads from the carrier "bus," the ABRES would equip each warhead with its own guidance system. The effect of such a development would be a significantly more accurate MIRV.

Dr. Foster stated that our present MIRV could in no way be viewed as a counterforce weapon because it relatively small yield was incapable of knocking out hard targets given its present accuracy. But with the increased accuracy of ABRES, the small yield of the warhead would be overcome and American ability to threaten Soviet ICBM forces would be greatly enhanced.

Mr. Speaker, in my testimony to the House Foreign Affairs subcommittee on my MIRV moratorium resolution, I stated that MIRV deployment poses two risks to our national security. First, a Soviet MIRV is the greatest present threat to our land-based second-strike deterrence capability. And, second, U.S. development of MIRV might provoke a new escalation in the arms race. The imminent possibility of Soviet deployment of a counterforce MIRV and the American development of a more accurate—and therefore more provocative—MIRV are the very eventualities which I feared would occur and which I have warned against.

The report of Dr. Foster and the announced ABRES contract make all the more clear the need to engage in a mutual moratorium on MIRV flight testing before it is too late.

Such a moratorium would be in our national security interest. It would reduce the risks to our national security by maintaining a situation in which we are capable of deterring nuclear war. And the risks which we run in delaying or halting our MIRV development are not great.

Dr. Foster stated that the justification for a U.S. MIRV is the necessity for our retaliatory forces to penetrate a Soviet ABM defense system. But as long as the Russians do not resume with the deployment of their stalled Galosh ABM, the United States already possesses sufficient retaliatory strength.

Mr. Speaker, the two events which I have referred to should serve as a warning that MIRV development and ultimate deployment are undesirable eventualities. Let us take note of Dr. Foster's words and the Pentagon ABRES contract before it is too late.

At this point in the RECORD I include an article by George Wilson on the ABRES development and also an editorial from the Wall Street Journal relating to the subject :

[From the Washington (D.C.) Post,
Aug. 7, 1969]

ADVANCES IN MIRV PRESSED

(By George C. Wilson)

The Pentagon is pushing ahead with an advanced MIRV weapon with guidance so sophisticated that it poses a new threat to land-based missiles.

The idea is to put individual guidance units in each of the several warheads that fly toward their targets aboard one carrier missile, or "bus."

The present MIRV (multiple, independently targetable re-entry vehicle) warheads have no such guidance inside. The "bus" drops them off at a precise point along the way. Then, the warhead's shape keeps it on a fairly accurate path for the rest of the flight.

DESIGNED TO MANEUVER

The new MIRV package, according to informed sources, will be designed to maneuver to foil an anti-ballistic missile system as well as to guide its H-bombs to their targets.

Critics of the MIRV already undergoing flight tests, contend the existing weapon threatens to put the arms race beyond the point of no return.

They argue the MIRV missiles of one nuclear superpower will prompt the other to build more ABM defenses. And the more ABMs built, the more MIRVs each side will build to counter it.

Also, the critics fear the new weaponry will destabilize the balance of terror between the United States and Russia by making it tempting in a crisis to fire first to make sure land-based missiles are not caught on the ground by MIRV.

PENTAGON'S INTENTION

The more sophisticated MIRV under development is bound to intensify such fears.

An indication of the Pentagon's intention to go ahead with an advanced MIRV came last week in a two-sentence contract announcement. Singer-General Precision, Inc., of Little Falls, N.J., will get $3.9 million to develop vital parts for the advanced ballistic re-entry systems, or ABRES.

The ABRES work has been going on for years. But informed sources said the Singer contract was not just another routine study contract. The company will actually build parts for a new guidance system, including the gyroscopes, and test them in the laboratory.

The next step would be to decide whether to produce the guidance system and use it for MIRV warheads. The Singer work is portrayed by weapons specialists as a significant step in that direction.

One leading nuclear strategist, in contemplating what impact such a highly sophisticated MIRV would have on the world's super-powers, predicted the weapon would make obsolete the ICBMs buried underground for protection.

The offensive missiles, to escape MIRVs, would have to go under the sea or become mobile on land, he said. Both the United States and Russia have some of their nuclear missiles on submarines under the sea. And Russia also has built some ICBMs that move around the countryside so they are not a fixed target.

In the short term, the American lead in MIRVs in the test stage as well as the improved one under development may make it harder to reach an agreement with the Russians in strategic arms limitation talks.

John S. Foster, Jr., Pentagon research director, told a House Foreign Affairs subcommittee on Tuesday that the MIRV missiles the United States is now testing do not carry large enough H-bombs to knock out Soviet missiles buried underground.

While he did not specify, the warhead for the Minuteman 3 will carry H-bombs of about 170 kilotons each, while the cluster of bombs on the submarine-launched Poseidon missile will be about 40 kilotons each.

Warheads of that explosive range would have to land within a few hundred feet of a buried ICBM to knock it out, according to weapons specialists. The hoped for accuracy of the present MIRV is about 1500 feet. This—goes the Pentagon argument—obviously makes the present American MIRV a second-strike weapon. The advanced one, if it proves to be substantially more accurate, would look more like a first strike weapon to Russians.

But the multiple warheads on the Soviet SS–9, Foster said, are much bigger. Defense Secretary Melvin R. Laird has credited the SS–9 with a load of three H-bombs of five megatons each.

Foster's testimony indicated that he believes the Russians with their SS–9 have the same kind of MIRV "bus" that the United States is testing.

"Although we are not positive that the multiple warheads, being tested on the Soviet SS–9 ICBM are designed for multiple hard-target destruction," Foster said, "we do know that the guidance and control system employed in the SS–9 has capabilities much greater than that required to implement a simple MRV (multiple reentry-vehicle—a shotgun burst of warheads going to one target rather than each to a different target).

"While they have not yet shown in flight tests all the performance necessary to demonstrate that fact to us," he added, "they may wish to deny us such information."

What Foster seemed to be saying was that the Russians, like the Americans, have a "bus" that can let off warheads at different points along the way but have not yet used it in that way.

Some weapons specialists insist the United States does not have a true MIRV and will not until each warhead has its own guidance inside. In the meantime, they contend both the United States and Russia only have MRVs on their missiles.

[From the Wall Street Journal, Aug. 8, 1969]

BEYOND THE ABM VICTORY

Score one for the Administration in the anti-ballistic missile fight, and perhaps more importantly, also in the underlying fight over who should control the nations strategic posture. Now that it has won the big fight, perhaps the Administration can even find new confidence to seriously consider a delay in plans to deploy multiple warheads, a strategic development far more questionable than the ABM ever was.

The ABM decision was on its merits a problematical one, and there is something to be said for resolving the close ones in favor of the President. He is the one in charge of negotiating any arms control agreement with the Soviets, and his negotiating position would not be exactly solidified if the other side began to think a more acquiescent Senate would actually have more to say than the President about future strategic decisions.

As long as the ABM test loomed, further, we could sympathize with the Administration's hesitancy about a MIRV slowdown. Before the vote, this would have looked like an important concession to the dovish Senators, and thus would have left the President's influence and decision-making powers looking more nebulous than they have turned out to be. Also, if the ABM were defeated, the Administration would have wanted to proceed with MIRV to insure that something was done to counteract the very rapid recent advances in Soviet strategic strength.

None of these factors any longer applies, and the Administration can now consider MIRV far more on its own merits. Where the ABM is a defensive weapon, MIRV is an offensive one. MIRV is also far more destabilizing in the strategic balance, being intimately related with the possibility of one side launching a first strike to wipe out the other's deterrent. It is not clear that a U.S.-Soviet agreement to limit MIRV would be feasible, but it does seem pretty clear that MIRV deployment can be delayed safely a year or two to explore that possibility.

Pentagon research chief John Foster probably was correct in testifying recently that the U.S. version of MIRV is not a first-strike weapon, unlike the Soviet version with far larger warheads ideal for use against hardened missile sites. But even this is not entirely clear. Secretary of Defense Melvin Laird has referred to the use of American submarine-based MIRVs against "hard targets."

For that matter, Dr. Foster himself has previously testified that both current land-based missiles and the projected multiple-warhead version are "adequate with respect to warhead yield and guidance accuracy" when used for "a damage-limiting mission." Unless we have fallen behind in our Pentagonese, a damage-limiting mission would be a strike against missile sites. Perhaps the Pentagon's apparently contradictory statements can somehow be resolved, but if not, even the U.S.-type MIRV seems highly destabilizing.

Perhaps, of course, a U.S. MIRV may prove necessary even so. The Soviets are developing their own, and inspection difficulties both in the test stage and after deployment may make any kind of agreement impractical. But at least some competent witnesses believe a limitation could be enforced so long as the weapons are not deployed. Most importantly, holding back U.S. deployment long enough to explore both the inspection difficulties and the Soviet attitude would apparently not involve much risk.

American MIRV development is intended to assure penetration of a large-scale Soviet ABM, of which there is no firm evidence so far. Dr. Foster has testified that if the Soviets do build such a system, its initial operational capability is five years off. MIRV evidently could be deployed in a far shorter time. Donald Brennan, a Hudson Institute strategic specialist who agrees with the Administration on most issues, put it well in seeing no need for immediate MIRV deployment "on the basis of any philosophy whatever."

Even if there were no other considerations, we can see little justification for deploying a weapon the nation does not yet need. In this case, with arms limitations talks impending, such deployment seems doubly questionable. A delay would give both the Soviets and arms-control advocates at home assurance that the Administration is deeply serious about the talks. We would be opposed to such gestures if they endanger U.S. security, but all public indications suggest a MIRV delay would not.

The Administration is far freer to respond to all of these considerations now that it has won the ABM fight. It proved it can overcome opposition and proceed with arms advances when it considers them necessary. In MIRV it now has the opportunity to demonstrate even more conclusively it has a firm hand on the strategic tiller, by proving it can also hold back on arms development that seems the advisable course.

EQUAL EMPLOYMENT OPPORTUNITY

(Mr. NIX asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. NIX. Mr. Speaker, equal rights is a bipartisan concern. Equal employment opportunity, perhaps, stands at the top of the list in priority in the vast field of equal rights. That is why I was pleased to note the comments by the distinguished Senator from Vermont, WINSTON PROUTY, which accompanied his bill to further promote equal employment opportunities for workers.

Today, I, too, submit a bill for the same purpose, and I ask my colleagues on both sides of the aisle to join with me in assuring speedy success for this much needed and long overdue legislation.

I also take the liberty of submitting the text of Senator PROUTY's remarks on the same subject:

S. 2806—INTRODUCTION OF A BILL TO PROMOTE EQUAL EMPLOYMENT OPPORTUNITIES FOR AMERICAN WORKERS

(Floor remarks by Senator PROUTY)

Five years ago title VII of the Civil Rights Act of 1964 ordained a national commitment to eliminate discrimination in all aspects of employment. Unfortunately, as a result of compromises necessitated by political considerations, Congress did not see fit to provide realistic enforcement procedures to support title VII's guarantees.

This bill corrects that deficiency, and does so in a way that breaks new ground in the continuing development of American law. Under the President's proposal, the Equal Employment Opportunity Commission will continue to seek voluntary compliance with title VII but if conciliatory efforts prove unsuccessful, it may bring lawsuits against recalcitrant violators.

The main thrust of this bill, Mr. President, is to provide for the trial of cases in the U.S. district courts where the Equal Opportunity Commission has found reasonable cause to believe that a violation has occurred.

Traditionally, advocates of fair employment legislation have sought enforcement by regulatory agencies through administrative processes. This proposal preserves the most attractive features of that approach—expertise and independence from shifting political winds—while contemplating a vigorous policy of enforcement in the courts, where speedy redress can be obtained through due process. In addition, it has the advantage of being capable of easy accommodation within EEOC's existing structure.

Proceedings under this measure will be able to be commenced shortly after enactment. On the other hand, if we should instead enact legislation providing the EEOC with decisionmaking and enforcement authority through administrative processes, it will require 2 to 3 years of gearing up before results can begin to be realized, a further delay difficult to accept.

Under the administration's bill, Mr. President, charges of unlawful or discriminatory employment practices will continue to be filed with the EEOC. This agency will conduct investigations of these charges and, where the evidence establishes reasonable cause to believe a violation has occurred, the EEOC will attempt to conciliate the dispute as it does at present.

Should conciliation attempts fail, however, the EEOC will have complete freedom to file a complaint in an appropriate Federal district court, which will be the trial tribunal to hear the case on the merits.

Similarly, where the Commission dismisses a charge after investigation, the aggrieved person shall have the right to commence an action in Federal district court as he does under present law.

Decisions of the Federal district courts are appealable to the appropriate U.S. court of appeals and the U.S. Supreme Court in the usual manner, with one modification. This involves the situation where the EEOC loses a case in whole or in part in Federal district court litigation. In such circumstances, the Civil Rights Division of the Justice Department, after receiving recommendations from the Commission, will decide which cases to appeal to the court of appeals.

The alternative proposal to the procedures in the administration's bill, Mr. President, is to provide for administrative litigation in the first instance before a Federal trial examiner subject to the provisions of the Administrative Procedures Act. The trial examiner's findings and recommended order would then be subject to review by the Commission with ultimate judicial review in the U.S. court of appeals either as the result of an enforcement proceeding brought by the EEOC or by a petition for review filed by any party to the proceeding.

I have previously taken the position that the commission should have the same decision making authority and authority to enforce its orders in the courts of appeals as do other independent Federal agencies such as the Federal Trade Commission and the National Labor Relations Board.

I have taken this position in the past, however, in the context of either granting the EEOC decision making and enforcement powers or leaving the law in its present posture. This latter alternative is completely unacceptable, as both the law and the Commission need to be strengthened and given additional tools with which to accomplish the objectives set by Congress.

The bill which I introduce today, Mr. President, does contain the teeth of enforcement which are so badly needed. Enforcement comes much more quickly here, from the Federal district court initially, than it would under an administrative hearing type of bill.

In this regard, the entire proceeding will probably be substantially shortened by direct appeal to the court of appeals from the trial in Federal district court, rather than following the more circuitous route of administrative hearing before a trial examiner whose findings and order are appealable to the Commission before access to the courts of appeals may be obtained.

Furthermore, as I review this bill, I find no way in which it will hinder or tie the hands of the EEOC in performing its duties.

Thus, the Commission is free upon its own determination to litigate any or all cases it desires to in Federal district court with no person or agency being given the right to veto or reverse such EEOC action.

Moreover, in the exercise of its own expertise in this particular area, the Commission may urge upon the courts any proposed remedies which it might have ordered in its own right if it retained decisionmaking authority.

The propriety in granting, modifying, or denying such remedies will finally be determined by the court of appeals, and possibly the Supreme Court, under this bill in the same manner as would be the case if the Commission were granted the authority to issue its own orders subject to court review.

There is also the question of whether this bill will result in a backlog of cases awaiting trial in Federal district courts. This is a matter we must study closely, but my present feeling is that it will not approach the backlog which would be faced by the Commission if it were required to review every litigated case in the country before enforcement in the courts of appeals could be sought.

Moreover, as Federal court precedents are established under this bill, I envision a substantial number of respondents complying with court decisions or entering into meaningful conciliation agreements with the Commission, rather than appealing, after they lose cases in Federal district court. Not to mention the increase in pretrial conciliations by respondents who would take their chances in drawn out administrative proceedings before a Federal trial examiner and the Commission, but who would hesitate to go to trial directly in Federal district court when the precedents are clear.

I want to note, however, that I reserve the right to offer amendments in our committee which in my judgment can make this piece of legislation stronger and even more effective in removing the blot of discrimination in hiring and employment practices and to insure true equality of opportunity for all qualified persons in seeking, obtaining and retaining employment in both the public and private sectors of our economy.

Mr. President, laws protecting human rights are as deserving of adequate implementation as any other declaration of national policy, and indeed, deserve priority. Congress has declared that certain discriminatory acts are unlawful and it is overdue in adding substance to its words. We must act now, to finally demonstrate that the law—all laws—apply to everyone equally, and that the comfortable as well as the disadvantaged are subject to its rule.

SOCIAL SPENDING FAR EXCEEDS THE MILITARY, INCLUDING VIETNAM

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, any number of pundits, all self-appointed, are joining in the attack on the administration and the Department of Defense over not only the ABM but in opposition to practically all expenditures by the military. It would appear that every dime we spend to defend our country or keep it strong enough to repel attack is a dime wasted.

Not everyone is fooled by most of this verbiage. The truth is that this Nation spends far more on so-called social welfare spending than it does on military preparedness including the cost of the war in Vietnam. This point should be kept in the public's mind.

The Shreveport Times, in an editorial on July 27, set the record straight and I would like to insert it here in the RECORD for the benefit of every Member:

[From the Shreveport (La.) Times, July 27, 1969]

SOCIAL SPENDING FAR EXCEEDS MILITARY COSTS INCLUDING VIETNAM

The heavy and continuing attacks by radical liberals and a few others in the United States Senate, and by comparable groups outside of Congress, on defense and space spending is simply part of the general scheme of these forces to endlessly increase social and welfare spending of the type for which some billions of dollars already have been poured down rat holes, with little return.

It is, therefore, regrettable that Louisiana's veteran Senator Allen Ellender has lined up with these forces against President Nixon's proposed Anti-Ballistic Missile (ABM) system—a missile defense Russia already is building. It is gratifying, however, to find that Louisiana's Senator Russell Long is taking an outstanding part in leadership in behalf of passage of the ABM measure, including not only Senate floor speeches but radio and TV appearances.

But ABM is only one segment of federal policy in which radical-liberal individuals and groups, especially the Fulbright-Gore-Teddy Kennedy-McCarthy-McGovern Senate forces, seem always to be found in opposition to national security in a manner which, if successful, will undermine the ability of the United States to maintain itself as a nation which no other nation dare attack.

The most fallacious part of the argument of radical-liberal-pacifist-isolationist forces is their contention that military spending has prevented essential spending in social and welfare fields. In their campaign against waste in the Pentagon, they are right, but they should point out that waste revealed there came under the two preceding administrations and not under the present one. Waste must be stopped, but not by stopping or hampering national security needs.

But the facts are that social and welfare spending in both the past decade and in the final three or four fiscal years of the Johnson administration rose far more rapidly, in both dollar volume and percentage of total federal spending, than military spending, despite $27 billion the Vietnam war cost in the 1968 fiscal year.

Studies by U.S. News & World Report and by the non-partisan non-profit American Enterprise Institute (AEI) show that while defense spending has dropped from 49.3 per cent of the total appropriations for fiscal 1960 to a current 41 percent. Despite Vietnam, defense spending has remained around $80 billion a year for several years during which period federal non-defense spending has jumped from $92 billions a year to more than $110 billions, according to AEI.

U.S. News & World Report says that federal social and welfare spending has risen, over less than a decade, from $25 billion in 1960 to $61 billion in 1968, an increase of $36 billion. In addition, states increased their spending for social and welfare programs by $24.1 billions in that period—from $27.3 billions to $54.1 billions—making a total of $112.4 billion in social and welfare spending of federal and state taxes in less than a decade—even while financing a war thousands of miles away. This is a federal-state increase in social and welfare spending of more than $60 billions in that period.

The contentions of the radical-liberals in the Senate as to military spending such as ABM are equally fallacious. Senator Kennedy, for example, might be expected to be the last of Senate liberals to oppose the moon landing portion of the space program, as he did while Apollo 10—predecessor of the current Apollo 11—was in full flight for a final moon orbit study prior to the landing flight. His contention at that time, made in a prepared public statement and obviously timed for the Apollo 10 flight, might easily have undermined morale of the nation and of the astronauts in space at the time, and of others planning to be on the moon soon.

For, it was Senator Kennedy's brother, President Kennedy, who in 1961 initiated the moon landing program as part of the space program which came into being under President Eisenhower in 1957. That was under public contention by then Vice President Nixon that Russia's success in orbiting the first earth satellite (Sputnik I) that year made it essential for us to get busy.

President Kennedy authorized the moon shot in 1961 shortly after Russia became the first nation to send a manned satellite around the earth and the Bay of Pigs fiasco came—April 12–17, 1961—a period when national morale was low, indeed. Now. his youngest brother terms it waste of money that should go to "the poor."

Senator Kennedy forgets that 300,000 persons hold steady jobs at good pay, most of them supporting families and paying taxes, in the space program. They are people who pay for their wordly goods from earned money without seeking giveaways. They earn the money to buy houses, to raise children. They follow the American way of life. They don't riot, shoot or kill, demand everything free, have numerous children and call on others to care for them.

For the worthy there certainly should be help. The workers see that they get it. But they should not be called on to support the unworthy who neither toil nor spin and who so often are not even willing to try to better themselves.

SOME REFLECTIONS ON THE PROBLEMS OF OUR TIME: THE QUEST FOR QUALITY

(Mr. BROWN of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROWN of California. Mr. Speaker, in a society in which services comprise the predominant activity—farming, forestry, fishing, mining, and industrial production make up far less than half of our total national output and are decreasing in proportion rapidly. The services involved in building more satisfying communities soon will take on a far greater role. I doubt that even a society providing a base of universal economic security and productive employment for each person who seeks it, will have solved all social problems.

Human beings demand that a community be more than just a place to live, just as they demand that a job be more than just a paycheck. Building that community must be a cooperative effort combining private enterprise, public organizations, and voluntary associations.

As we have seen the city grow from a community to a megalopolis, the structure of the city has developed from the network of personal relationships which once characterized it in an earlier and simpler day into a vast, remote bureaucracy which distributes "municipal services." With little prior planning, urban growth has been determined by the impersonal demands of its machines, not by needs of its people.

This process must be radically altered. We can probably never retreat to the small community and stable neighborhoods of that bygone era, but we can begin to shape the present urban environment to fit the needs of its inhabitants, and we can build cities of the future on a human scale.

The first step in this process must be to create a new urban political unit for citizen participation in government, a unit comparable to a community or neighborhood. In geographic size the unit would be less than a mile across so that no part of it would be more than a 15-minute walk from any other part. The population could range from five to 30,000. Boundaries would be determined by the democratic decision of its own inhabitants. The unit would have the right to elect its own unpaid community council of five to nine persons, and there could be a minimum paid staff, possibly one or two persons, but as many volunteers as needed.

This new unit, which I will term here a "community" would not administer or "deliver" any tax-supported services, except by contract with another level of government. The primary function would be to involve citizens in the process of creating a better living community. The political unit would formulate goals for meeting future community needs. It would both review and analyze a "master plan" at "city hall" for future community development, and then would suggest any changes. There would be determination of needed services and the kind and quality of services already being received from all levels of government and the "community" would, through the proper political channels, seek new and improved services and to involve the business interests, the churches, and the service clubs, in meeting community problems. If, for example, there was a school problem, the community council would provide a forum in which it would be heard. And, if there was a community consensus on a solution to that problem, the council would negotiate for that solution with the school board "downtown." If there was a crime problem, or a police problem, the community council would mobilize the community to solve them.

It should be obvious that many of the difficulties in our cities stem from the growing number of citizens who lack concern for—and the ability to participate in—the social and political processes of the city.

If the decisions regarding your community, your schools, your police are not your decisions, then you resent being taxed to support them, and you may find it easy to engage in violent and antisocial activity to express your resentment. Or even if you live in an affluent suburb, you may vote against the bonds or taxes for schools and parks and other facilities if you had no voice in deciding upon the need for them.

A "community" will function more economically than a "noncommunity." With well-planned development and controlled execution of plans, the "community" will have better economic base than a "noncommunity." More citizens will work and shop and play there. Resources will not be wasted in unnecessary travel. More citizens will take pride in the community and treat its assets, public and private, with respect. Criminality will be reduced. Those individuals more blessed with talent and resources will be motivated to use these gifts to help less fortunate. Voluntary groups of all types, religious and secular, will be more inclined to show concern for the unmet needs of their own members and of the community at large.

Perhaps I have belabored too much the need to reverse the trend toward the impersonal and all-powerful bureaucratized megalopolis. It is much easier to assume that we can cure the ailments of the city by spending more money on welfare, police, schools, and health care, not to mention highways and high-rise apartments. But, I am convinced that the costs of solving urban problems will increase faster than the resources available to solve them—unless we develop a way to again involve the individual members of each community in solving urban problems.

If the community is not involved either in the process of decisionmaking or in problemsolving then a good part of the money spent on services becomes wasted. If citizens are involved, then the effect of that same money may be multiplied many times.

I do not minimize the need for more resources to meet urban problems. Housing, health, education, mass transit—all demand much more than they are now receiving. However, I am saying that even providing more resources will not alone solve the problem. Additional resources may be necessary; they will not be sufficient. There must be a strengthening of the intangible network of relationships—including the political power relationships—which help create communities out of masses of people.

One feasible means of strengthening that network of relationships, in addition to creating the new sublevel of government I have described, is to utilize much more fully the human talents of each community in providing the needed public and private services for that community.

I have mentioned already the importance of the role that community child-care centers can play in providing employment and training for community residents. Under professional supervision these residents can acquire skills to fill jobs of many types, such as teachers aides, playground attendants, dieticians aides, and office workers. The same potential for providing jobs and training exists in schools, health centers, and recreation facilities. Services of unskilled or subprofessional members of the community can be utilized even in the work of the fire and police departments, and with great benefit to the public image of these agencies.

While these are largely public services I have listed as examples, equal potential for creating both jobs and job skills is found in private industry and voluntary groups. A policy of maximizing job opportunities for community residents, and for strengthening the base of community owned and managed business and professional activity would assist creating economic and community stability. Major voluntary associations, such as churches, could also play a much more significant role than they now do in solving the multitude of human problems of every type within the community.

These suggestions should not be taken to apply only to communities made up of minority ethnic groups, or of the poor. No community today—black or white, rich or poor—adequately and economically satisfy the multitude of human needs of its members. Of course, this failure by a community, or by the metropolis itself, may be due to factors over which there is little or no control. A community in Los Angeles cannot provide clean air for only its members while the entire Los Angeles basin lies under a blanket of smog. A community in New York cannot provide clean streets for only its members when the entire sanitation department is on strike. But, when the metropolis is composed of organized communities in which the strands of individual and group interaction are strong, community problems will be solved more easily, and pressures for solutions to problems involving all communities within a metropolis will become surmountable.

THE QUEST FOR QUALITY

The significant fact emerging from the turmoil and discontent of these times—at least as I see it—is that of a growing and pervasive demand for a new concept of quality in human life and the human community. By quality, I mean to distinguish the factors which enrich and ennoble the individual spirit from other factors which merely add to individual consumption of goods or employment of power. Unfortunately, almost the totality of modern technological and scientific culture is aimed at the dual goals of enhancing both material consumption and material power. The operation of our social, political and economic systems are inextricably linked to these goals, whether the society calls itself capitalist, Communist, or something in between. The great communication media in our country are servants of these goals, and rarely question whether carrying out the demands of the system may be in reality degrading the overall health, welfare, and morality of the community.

If this demand for quality is real and lasting, as I believe it is, it will result in changes going far beyond the simple call for equality and justice among minority groups. It will go beyond the call for economic security and opportunity for every citizen. It will go beyond the call for communities designed to achieve the fullest in human satisfaction and growth.

I suspect that there are among the youth and the intellectuals of this country many who see—at least in part—the nature of the changes that may be in prospect for our culture.

Probably the most important and fundamental change will be toward a stable population, instead of one which at current rates doubles every 35 or 40 years.

Much of our system of morality, ethics, and law is entwined with the immemorial need of the human race to produce children in large numbers. When this need is seen not only as being utterly unnecessary but also as positively destructive to the more important goal of quality of life, then it will likewise become apparent that the complete framework of values related to this philosophy of "more" must be changed.

If we accept the condition of a relatively stable population, then many other preconceptions which revolve around concepts of perpetual growth must also be altered. An economic system geared to inevitable increases in GNP, in always rising sales of commodities, in record-breaking annual profits—indeed, new highs at all times in every conceivable index—must learn to accept new realities.

General Motors will have to learn to live with lower output and sales of automobiles and, possibly, may have to entertain the currently repugnant concept of building a product which emphasizes long-lasting economy and quality rather than planned and dangerous obsolescence. Hopefully, cities concerned primarily with growth problems will be then able to devote more resources to quality-enriching programs. I long for the day when a community first tears up a street and instead of building a new freeway leaves a park or a pool or a path for people to walk on and to enjoy.

Another large part of our system of morality, ethics, and law is built around another immemorial condition of mankind—the scarcity of food and material goods of all kinds and description. Over time, consumption and the ownership of real property and material goods acquired a role of increasingly higher importance in larger value systems, just as did the production of children in large quantities. That condition of gross scarcity no longer exists for developed industrial nations—and particularly for the United States—unless we make it exist by providing means for the ritual destruction or nonuse of resources, such as in war and military expenditures—the modern equivalent of the potlatch. And since abject scarcity does not exist, particularly among the large and affluent middle class in this country, the children of that class have difficulty accepting the overriding importance of the values which arose essentially from the conventional condition of scarcity. The results of this change are reflected in the nature of many of campus disturbances across the Nation.

The changes in values, which I have here suggested without attempting elaboration, are bound to be profoundly disturbing to the vast majority of this country's population. Most people will, for a period, feel adrift in an unknown sea without chart or compass. The foundations of their ego—of their innermost drives—may appear to crumble leaving them with no firm base upon which to judge both their actions and their lives. But this period will pass, perhaps more quickly than we now can anticipate. Man is more capable of change than he, himself, believes—largely through the constant process of education and reeducation of each new generation. This is the great blessing that accrues from man's mortality.

Emerging values of the new society will force each person to confront the eternal questions, those questions which we, as a society, often tend to put behind us in the drive to achieve wealth and power. These questions have always been: Who am I? Why am I here? Is there meaning and purpose in human life? In the universe? How do we acquire knowledge of that purpose?

Religion and philosophy grappled with these questions from ancient times. In each society it has been the role of a minute few to explore and attempt answers for these questions, while the multitudes labored and accepted the formulations of the few as being the answers. But almost always in the doctrines of religion and philosophy there emerged—from the elaborate structures of the mind created by the builders of religious and philosophical systems—a common thread of value and purpose which changes but little, and indeed is not different even today. This thread, this philosophy can be expressed, in its simplest form, as love—love of man by his fellow man, love of God by all men.

Despite the most radical changes which may take place in today's institutional structures, and in supporting value systems, I see nothing to threaten this fundamental concept. In fact, I see most of today's institutional failures resulting from far too little concern for practical applications of love of our fellow man, and far too little inspiration from the love of God. Perhaps the changes we must undergo will take us not to some unchartered future, but back to a foundation which we have deserted.

It is not generally appropriate for a politician to invoke the language and concepts of religion—except in a ritualistic way—in discussing the world of political reality. Unfortunately, as we face the political problems of a society in which overemerging demands for quality in all aspects of existance are becoming predominant, we must achieve an understanding of the meaning of "quality." This need led me to the preceding paragraphs. As I elaborate on the implications of "quality" in our society in future remarks, I will need to refer again to today's discussion.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DELLENBACK (at the request of Mr. GERALD R. FORD), beginning August 13, 1969, on account of official business in the Far East.

Mr. ADDABBO (at the request of Mr. PODELL), for Tuesday, August 12, 1969, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. VANIK, for 10 minutes, tomorrow, August 13, 1969, to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. BURLISON of Missouri), to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. FARBSTEIN, for 15 minutes, today.

Mr. FLOOD, for 20 minutes, today.

Mr. STAGGERS, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. HAYS, for 10 minutes, today.

Mr. GERALD R. FORD (at the request of Mr. MCCLURE), for 5 minutes, today, to revise and extend his remarks and include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PATMAN, to extend his remarks in the RECORD in three instances on Wednesday, August 13, and to include extraneous matter.

Mr. ADAIR and to include extraneous matter.

Mr. HALL and to include extraneous matter.

Mr. STEIGER of Wisconsin to extend his remarks immediately following the manpower message of the President.

Mr. MADDEN and to include an editorial.

Mr. CLEVELAND following the remarks of Mr. ICHORD on House Resolution 495.

Mr. DULSKI following the adoption of House Resolution 269.

(The following Members (at the request of Mr. MCCLURE) and to include extraneous matter:)

Mr. ARENDS in two instances.

Mr. PELLY.

Mr. SCHWENGEL in two instances.

Mr. RUPPE.

Mr. ASHBROOK.

Mr. MORSE in two instances.

Mr. FOREMAN in two instances.

Mr. BOB WILSON in two instances.

Mr. WYDLER.

Mr. FISH.

Mr. DELLENBACK.

Mr. BROYHILL of Virginia in three instances.

Mr. DERWINSKI in three instances.

Mr. SPRINGER.

Mr. STEIGER of Wisconsin.

Mr. DON H. CLAUSEN.

Mr. HOSMER.

Mr. TAFT.

Mr. COLLINS in five instances.

Mr. HORTON in two instances.

Mr. ZWACH in two instances.

Mr. LUJAN in two instances.

Mrs. HECKLER of Massachusetts.

(The following Members (at the request of Mr. BURLISON of Missouri) and to revise and extend their remarks:)

Mr. BURTON of California in two instances.

Mr. LONG of Maryland in two instances.

Mr. DENT in two instances.

Mr. FRASER.

Mr. DINGELL in four instances.

Mr. CAREY.

Mr. BOLAND in two instances.

Mr. KOCH in two instances.

Mr. HOLIFIELD.

Mr. PODELL.

Mr. BOLLING in two instances.

Mr. HELSTOSKI in three instances.

Mr. Ryan in three instances.

Mr. Rarick in four instances.

Mr. Anderson of California in two instances.

Mr. Obey in three instances.

Mr. Gonzalez in two instances.

Mr. Farbstein in three instances.

Mr. Boggs in three instances.

Mr. Conyers.

Mr. McCarthy in three instances.

Mr. Hungate in two instances.

Mr. Randall in two instances.

Mr. O'Neill of Massachusetts in two instances.

Mr. Edwards of California.

Mr. Wolff in six instances.

Mr. Eilberg.

Mr. Griffin in two instances.

Mr. Matsunaga.

Mr. Friedel in two instances.

Mr. Biaggi.

Mr. Powell in six instances.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1462. An act for the relief of Mrs. Vita Cusumano;

H.R. 1808. An act for the relief of Capt. John W. Booth III;

H.R. 2037. An Act for the relief of Robert W. Barrie and Marguerite J. Barrie;

H.R. 6581. An act for the relief of Bernard A. Hegemann; and

H.R. 9088. An act for the relief of Clifford L. Petty.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 1373. An act to amend the Federal Aviation Act of 1958, as amended, and for other purposes.

ADJOURNMENT

Mr. BURLISON of Missouri. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Wednesday, August 13, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1049. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement at various locations, none of which provides more than 4,000 acre-feet of total capacity, pursuant to the provisions of section 5 of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005); to the Committee on Agriculture.

1050. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administration of the community action program under title II of the Economic Opportunity Act of 1964, Human Development Corp., St. Louis City and St. Louis County, Mo., Office of Economic Opportunity; to the Committee on Education and Labor.

1051. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administration of the Acadia Job Corps Civilian Conservation Center, Bar Harbor, Maine, operated by the National Park Service, Department of the Interior, under an interdepartmental agreement with the Office of Economic Opportunity, pursuant to the Economic Opportunity Act of 1964; to the Committee on Education and Labor.

1052. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to establish a comprehensive manpower development program to assist persons in overcoming obstacles to suitable employment, and for other purposes; to the Committee on Education and Labor.

1053. A letter from the Comptroller General of the United States, transmitting a report on efforts to collect international postal debts and to pay postal amounts owed in excess in foreign currencies, Post Office Department, Department of State; to the Committee on Government Operations.

1054. A letter from the Administrator, National Aeronautics and Space Administration; transmitting a report of positions established as of June 30, 1969, under section 203(b)(2) of the National Aeronautics and Space Act of 1958, pursuant to the provisions of section 206(b) of the act of October 4, 1961 (75 Stat. 785; 791); to the Committee on Post Office and Civil Service.

1055. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement at various locations, each of which provides more than 4,000 acre-feet of total capacity, pursuant to the provisions of section 5 of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005); to the Committee on Public Works.

1056. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to participate in programs under title IX of the Public Health Service Act, and for other purposes; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 7737. A bill to amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and the provisions relating to support of the Corporation for Public Broadcasting; with amendment (Rept. No. 91–466). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. H.R. 474. A bill to establish a Commission on Government Procurement (Rept. No. 91–468). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RODINO: Committee on the Judiciary. House Resolution 422. Resolution opposing the granting of permanent residence in the United States to certain aliens (Rept. No. 91–467). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California (for himself, Mr. Addabbo, Mr. Brademas, Mr. Byrne of Pennsylvania, Mr. Clark, Mr. Diggs, Mr. Edwards of California, Mr. Gallagher, Mr. Halpern, Mr. Hansen of Idaho, Mr. Hawkins, Mr. Johnson of California, Mr. Matsunaga, Mr. Mikva, Mr. Murphy of New York, Mr. O'Neill of Massachusetts, Mr. Pollock, Mr. Powell, Mr. Price of Illinois, Mr. Tiernan, and Mr. Tunney):

H.R. 13471. A bill to amend chapter 3 of title 38, United States Code, in order to provide for a veterans outreach services program in the Veterans' Administration to assist eligible veterans, especially those recently separated, in applying for and obtaining benefits and services to which they are entitled, and education, training, and employment, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. AYRES (for himself, Mr. Gerald R. Ford, Mr. Quie, Mr. Ashbrook, Mr. Bell of California, Mr. Erlenborn, Mr. Dellenback, Mr. Esch, Mr. Eshleman, Mr. Landgrebe, Mr. Hansen of Idaho, Mr. Ruth, and Mr. Michel):

H.R. 13472. A bill to establish a comprehensive manpower development program to assist persons in overcoming obstacles to suitable employment, and for other purposes; to the Committee on Education and Labor.

By Mr. BROWN of Ohio:

H.R. 13473. A bill to amend the Internal Revenue Code of 1954 to provide that a farmer (or fisherman) shall have until March 15, instead of only until February 15 as at present, to file an income tax return which also satisfies the requirements relating to declarations of estimated tax; to the Committee on Ways and Means.

By Mr. CHAPPELL:

H.R. 13474. A bill to amend title 10 of the United States Code to require that U.S. flags be presented to parents of deceased servicemen; to the Committee on Armed Services.

H.R. 13475. A bill to provide more efficient and convenient passport services to citizens of the United States of America; to the Committee on Foreign Affairs.

By Mr. CONYERS (for himself, Mr. Whalen, Mr. Bingham, and Mr. Ryan):

H.R. 13476. A bill to establish a national program to provide income supplements to every family in need thereof; to the Committee on Ways and Means.

By Mr. ERLENBORN (for himself, Mr. Abernethy, Mr. Brinkley, Mr. Quie, Mr. Brock, Mr. Buchanan, Mr. Cederberg, Mr. Clark, Mr. Daniel of Virginia, Mr. Dellenback, Mr. Devine, Mr. Eshleman, Mr. Fisher, Mr. Goodling, Mr. Hansen of Idaho, Mr. Hosmer, and Mr. Johnson of Pennsylvania):

H.R. 13477. A bill to protect the privacy of the American home from the invasion by mail of sexually provocative material, to prohibit the use of the U.S. mails to disseminate material harmful to minors, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ERLENBORN (for himself, Mr. Jones of North Carolina, Mr. Montgomery, Mr. King, Mr. Leggett, Mr. MacDonald of Massachusetts, Mr. Pirnie, Mr. St Germain, Mr. Schadeberg, Mr. Schneebeli, Mr. Schwengel, Mr. Sebelius, Mr. Smith of New York, Mr. Steiger of Wisconsin, Mr. Williams, Mr. Winn, and Mr. Zablocki):

H.R. 13478. A bill to protect the privacy of the American home from the invasion by mail of sexually procovative material, to prohibit the use of the U.S. mails to disseminate material harmful to minors, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FARBSTEIN:

H.R. 13479. A bill to provide appropriations for sharing of Federal revenues with cities; to the Committee on Ways and Means.

By Mr. GERALD R. FORD:

H.R. 13480. A bill to authorize the Secretary of Agriculture to utilize the columns removed from the east central portico of the Capitol in an architecturally appropriate manner in the National Aboretum; to the Committee on Public Works.

By Mr. GALLAGHER:

H.R. 13481. A bill to improve and increase postsecondary educational opportunities throughout the Nation by providing assistance to the States for the development and construction of comprehensive community colleges; to the Committee on Education and Labor.

H.R. 13482. A bill, Vaccination Assistance Act of 1969; to the Committee on Interstate and Foreign Commerce.

H.R. 13483. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. GUDE:

H.R. 13484. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. HALEY:

H.R. 13485. A bill to amend the Budget and Accounting Act, 1921, to provide for the retirement of the public debt by setting aside the first 5 percent of the budget receipts of the United States for each fiscal year for the sole purpose of retirement of obligations counted as part of the public debt; to the Committee on Government Operations.

By Mr. HALL:

H.R. 13486. A bill to amend the Military Selective Service Act of 1967 as it pertains to selective service calls for physicians, dentists, and allied medical specialists, to provide for the allocation of health personnel among the Armed Forces, other Government agencies, and the civilian population, and for other purposes; to the Committee on Armed Services.

By Mr. HAWKINS (by request):

H.R. 13487. A bill to assist the private sector in the District of Columbia to expand the tax base and produce more revenue, taxes, and payrolls, to provide new housing units to help solve the housing crisis, to provide new employment and business opportunities and new work incentives for those existing on demeaning welfare and poverty programs and increase the number of stable, self-sufficient families, to reduce the number of homes and small businesses destroyed by federally aided programs which use eminent domain powers to excess, and for other purposes; to the Committee on the District of Columbia.

By Mr. HAWKINS (for himself, Mr. Clay, and Mr. Stokes):

H.R. 13488. A bill to strengthen the provisions of the Civil Rights Act of 1964 with respect to discrimination in employment; to the Committee on Education and Labor.

By Mr. LONG of Louisiana:

H.R. 13489. A bill to amend title 10 of the United States Code to require that U.S. flags be presented to parents of deceased servicemen; to the Committee on Armed Services.

H.R. 13490. A bill to clarify and strengthen the cargo-preference laws of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 13491. A bill to amend chapter 3 of title 38, United States Code, in order to provide for a veterans outreach services program in the Veterans' Administration to assist eligible veterans, especially those recently separated, in applying for and obtaining benefits and services to which they are entitled, and education, training, and employment, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LUJAN:

H.R. 13492. A bill to establish the Federal Pollution Control Commission, to authorize the establishment of Federal standards on air and water pollution prevention, control, and abatement, and for related purposes; to the Committee on Public Works.

By Mr. MILLS (for himself, Mr. Pryor of Arkansas, Mr. Hammerschmidt, and Mr. Alexander):

H.R. 13493. A bill to change the name of certain projects for navigation and other purposes on the Arkansas River; to the Committee on Public Works.

By Mr. MILLS (for himself and Mr. Byrnes of Wisconsin):

H.R. 13494. A bill to amend the Internal Revenue Code of 1954 to clarify the status of the Tax Court of the United States as a court, to provide an optional procedure for the disposition of small claims in the Tax Court, and for other purposes; to the Committee on Ways and Means.

By Mr. NEDZI:

H.R. 13495. A bill to amend title 39, United States Code, to permit the mailing of first-class letter mail and certain parcels to members of the U.S. Armed Forces in overseas areas at one-half the rate of postage otherwise applicable, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. NIX:

H.R. 13496. A bill to further promote equal employment opportunities for American workers; to the Committee on Education and Labor.

By Mr. OBEY:

H.R. 13497. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink; to the Committee on Ways and Means.

By Mr. O'NEILL of Massachusetts:

H.R. 13498. A bill to provide for a comprehensive and coordinated attack on the narcotic addiction and drug abuse problem, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PODELL:

H.R. 13499. A bill to provide for payments to New York City in lieu of taxes on property of the United States, the United Nations, and of certain foreign governments; to the Committee on Foreign Affairs.

By Mr. POLLOCK:

H.R. 13500. A bill to protect the privacy of the American home from the invasion by mail of sexually provocative material, to prohibit the use of the U.S. mails to disseminate material harmful to minors, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PRYOR of Arkansas (for himself and Mr. Mills):

H.R. 13501. A bill to name a water area on the Arkansas River at Pine Bluff, Ark., "Lake Langhofer"; to the Committee on Public Works.

By Mr. ROYBAL:

H.R. 13502. A bill to amend section 592 of the Tariff Act of 1930 (19 U.S.C.A. 1592), and for other purposes; to the Committee on Ways and Means.

By Mr. SAYLOR:

H.R. 13503. A bill to amend chapter 73 of title 38, United States Code, with respect to the amount of annual and sick leave which physicians, dentists, and nurses in the Department of Medicine and Surgery may accrue and accumulate, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SMITH of New York:

H.R. 13504. A bill to provide more efficient and convenient passport services to citizens of the United States of America; to the Committee on Foreign Affairs.

By Mr. STEED:

H.R. 13505. A bill to amend the National Guard Technicians Act of 1968 to provide that technician service performed before the effective date of such act by certain former technicians be credited for purposes of civil service tenure; to the Committee on Armed Services.

H.R. 13506. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets Nos. 316 and 193; to the Committee on Interior and Insular Affairs.

By Mr. WEICKER (for himself, Mr. Bush, Mr. Symington, Mr. Cabell, Mr. Fulton of Pennsylvania, Mrs. Chisholm, Mr. McDade, Mr. Halpern, Mr. Derwinski, Mr. Conte, Mr. Friedel, Mr. Helstoski, Mr. Findley, Mr. Anderson of California, Mr. Carter, Mr. Bingham, Mr. Horton, Mr. Springer, and Mr. Pollock):

H.R. 13507. A bill to provide more efficient and convenient passport services to citizens of the United States of America; to the Committee on Foreign Affairs.

By Mr. WIDNALL:

H.R. 13508. A bill to amend sections 701 and 702 of the Housing Act of 1954 to insure that assistance furnished thereunder to State, metropolitan, regional, and other areawide planning agencies, or to certain other public agencies, will not be used to provide local governments with services which they could reasonably obtain through private business channels; to the Committee on Banking and Currency.

H.R. 13509. A bill to amend title I of the Housing Act of 1949 and title I of the Demonstration Cities and Metropolitan Development Act of 1966 to provide a method for obtaining judicial review of administrative determinations as to the adequacy of relocation housing being planned or provided for displacees under the urban renewal and model cities programs; to the Committee on Banking and Currency.

By Mr. WOLFF (for himself and Mr. Biaggi):

H.R. 13510. A bill to amend title 39, United States Code, to provide for the return to the sender of pandering advertisements mailed to and refused by an addressee, at a charge to the sender of all mail handling and administrative costs to the United States; to the Committee on Post Office and Civil Service.

By Mr. YATES (for himself, Mr. Dingell, Mr. Hicks, Mr. Wright, Mrs. Mink, Mr. Ottinger, Mr. Fraser, Mr. Wolff, Mr. Mikva, Mr. Helstoski, Mr. Bingham, and Mr. Ryan):

H.R. 13511. A bill to amend the Employment Act of 1946 to bring to bear an informed public opinion upon price and wage behavior which threatens national economic stability; to the Committee on Government Operations.

By Mr. ZION:

H.R. 13512. A bill to permit expenditures in connection with facilities constructed in the civic center area in Evansville, Ind., to be counted as local grants-in-aid to certain federally assisted urban renewal and neighborhood development programs in Evansville; to the Committee on Banking and Currency.

By Mr. FOREMAN:

H.J. Res 874. Joint resolution to provide for the appropriation of funds to assist school districts adjoining or in the proximity of Indian reservations, to construct elementary and secondary schools, and to provide proper housing and educational opportunities for Indian children attending these public schools; to the Committee on Interior and Insular Affairs.

By Mr. McDONALD of Michigan:

H.J. Res. 875. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. PATMAN:

H.J. Res. 876. Joint resolution proposing an amendment to the Constitution of the United States to add the words "so help me God" to the Presidential oath of office; to the Committee on the Judiciary.

H.J. Res. 877. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. ANDERSON of California (for himself, Mr. Burton of California, Mr. Chappell, Mr. Carter, Mr. Fountain, Mr. Fulton of Pennsylvania, Mr. Gaydos, Mr. Garmatz, Mr. Giaimo, Mr. Halpern, Mr. Koch, Mr. Melcher, Mr. Powell, Mr. Schadeberg, Mr. Tiernan, and Mr. Whitehurst):

H.J. Res. 878. Joint resolution authorizing the President to proclaim "Moon Day" and providing for the striking of medals and for the issuance of a commemorative postage stamp in honor of Apollo 11; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

H.J. Res. 879. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois:

H. Con. Res. 319. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. BRASCO (for himself, Mr. Blanton, Mr. Carey, Mr. Celler, Mr. Delaney, Mr. Dulski, Mr. Edwards of Louisiana, Mr. Friedel, Mr. Gallagher, Mr. Kyros, Mr. McCarthy, Mr. Murphy of New York, Mr. Nix, Mr. Podell, Mr. Rosenthal, Mr. St Germain, Mr. Stokes, Mr. Stratton, Mr. Symington, and Mr. Tiernan):

H. Con. Res. 320. Concurrent resolution expressing the sense of Congress relating to films and broadcasts which defame, stereotype, ridicule, demean, or degrade ethnic, racial, and religious groups; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN of Ohio:

H. Con. Res. 321. Concurrent resolution relative to Citizens Radio Service; to the Committee on Interstate and Foreign Commerce.

By Mr. CAHILL:

H. Con. Res. 322. Concurrent resolution expressing the sense of the Congress relating to the furnishing of relief assistance to persons affected by the Nigerian civil war; to the Committee on Foreign Affairs.

By Mr. COHELAN (for himself, Mr. Minish, Mr. Dulksi, and Mr. Waldie):

H. Res. 522. Resolution seeking agreement with the Union of Soviet Socialist Republics on limiting offensive and defensive strategic weapons and the suspension of test flights of reentry vehicles; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COHELAN:

H.R. 13513. A bill for the relief of Mrs. Revelyn G. Cayabyab and her two children, Nobilyn Cayabyab and Nodilito Cayabyab; to the Committee on the Judiciary.

By Mr. KLUCZYNSKI:

H.R. 13514. A bill for the relief of Demetre Porhas; to the Committee on the Judiciary.

By Mr. LONG of Louisiana:

H.R. 13515. A bill for the relief of the heirs of Harmon Wallace Jones; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 13516. A bill for the relief of Charles Colbath; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

213. By the SPEAKER: Petition of the City Council, Philadelphia, Pa., relative to collective bargaining for farmworkers; to the Committee on Education and Labor.

214. Also, petition of Allan Feinblum, New York, N.Y., relative to a day of national prayer; to the Committee on Foreign Affairs.

SENATE—*Tuesday, August 12, 1969*

The Senate met at 10 o'clock a.m. and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord of our life, come upon us to brace and reinforce us for the strenuous hours ahead of us. If we should forget Thee, do not forget us. Spare us from the sin of ignoring Thee, or from contriving to hide from Thee and from hurting another person. Shield us from anything which would tarnish character, blemish self-respect or efface the divine image Thou hast put upon us.

In these days of confusion and uncertainty when the problems seem almost insoluble and the burdens unbearable, be to us in this place the supreme source of wisdom and strength that we may be faithful to every trust committed to us by the people. So let the round of duties be sanctified into sacraments of service and may all our labor be lifted up as a tribute of our love for Thee.

Through Jesus Christ, our Lord. Amen.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States submitting the nomination of William H. Quealy, of Virginia, to be a judge of the tax court of the United States, which was referred to the Committee on Finance.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDENT pro tempore. There is no pending business; but, under the unanimous-consent agreement heretofore entered, after the approval of the Journal, the Chair will lay down and the Senate will proceed to the consideration of S. 2721, to amend the Higher Education Act of 1965.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, August 11, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EMERGENCY INSURED STUDENT LOAN ACT OF 1969

The PRESIDENT pro tempore. Under the order of yesterday, the Chair lays before the Senate the pending business, which will be stated by title.

The Legislative Clerk. A bill (S. 2721) to amend the Higher Education Act of 1965 to authorize Federal incentive payments to lenders with respect to insured student loans when necessary, in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education.

The Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Emergency Insured Student Loan Act of 1969".

INCENTIVE PAYMENTS ON INSURED STUDENT LOANS

Sec. 2. (a) (1) Whenever the Secretary of Health, Education, and Welfare determines that the limitations on interest or other conditions (or both) applicable under part B of title IV of the Higher Education Act of 1965 (Public Law 89–329) to student loans eligible for insurance by the Commissioner of Education or under a State or nonprofit private insurance program covered by an agreement under section 428(b) of such Act, considered in the light of the then current economic conditions and in particular the relevant money market, are impeding or threatening to impede the carrying out of the purposes of such part B, he is hereby authorized, by regulation applicable to a three-month period specified therein, to prescribe (after consultation with the Secretary of the Treasury and the heads of other appropriate agencies) an incentive allowance to be paid by the

Commissioner of Education to each holder of an eligible loan or loans. The amount of such allowance to any holder with respect to such period shall be a percentage, specified in such regulation, of the average unpaid balance of disbursed principal (not including interest added to principal) of all eligible loans held by such holder during such period, which balance shall be determined as of the close of such period unless a different method for determining such balance is set forth in such regulation; but no such percentage shall be set at a rate in excess of 3 per centum per annum.

(2) A determination pursuant to paragraph (1) may be made by the Secretary of Health, Education, and Welfare, on a national, regional, or other appropriate basis and the regulation based thereon may, accordingly, set differing allowance rates for different regions or other areas or classifications of lenders, within the limit of the maximum rate set forth in paragraph (1).

(3) For each three-month period with respect to which the Secretary of Health, Education, and Welfare prescribes an incentive allowance, the determination required by paragraph (1) shall be made, and the percentage rate applicable thereto shall be set, by promulgation of a new regulation or by amendment to a regulation applicable to a prior period or periods.

(4) The incentive allowance established for any such three-month period shall be payable at such time, after the close of such period, as may be specified by or pursuant to regulations promulgated under this Act.

(5) Each regulation or amendment, prescribed under this Act, which establishes an incentive allowance with respect to a three-month period specified in the regulation or amendment may, notwithstanding section 505 of the Higher Education Amendments of 1968, be made effective on the first day of the first full calendar month which begins on or after the date of publication of such regulation or amendment in the Federal Register, except that the first such regulation may be made effective as soon after the enactment of this Act as the Secretary determines.

(6) The Secretary shall prescribe procedures to the effect that lenders making loans eligible for an allowance pursuant to this Act do not, as a condition precedent or subsequent for making any such loan, require a student or any member of the student's family to carry out any business activity with the lender, other than an activity directly related to the administration and repayment of such loan.

(7) As used in this Act, the term "eligible loan" means a loan made after the date of enactment of this Act and prior to July 1, 1970, which is insured under title IV–B of the Higher Education Act of 1965, or made under a program covered by an agreement under section 428(b) of such Act.

(b) The Commissioner of Education shall pay to the holder of an eligible loan, at such time or times as are specified in regulations, an incentive allowance prescribed pursuant to subsection (a), subject to the condition that such holder shall submit to the Commissioner, at such time or times and in such manner as he may deem proper, such information as may be required by regulation for the purpose of enabling the Secretary of Health, Education, and Welfare and the Commissioner to carry out their functions under this Act and to carry out the purposes of this Act.

(c)(1) There are hereby authorized to be appropriated for incentive allowances as authorized by this section such sums not in excess of $15,000,000 for the fiscal year ending June 30, 1970, as may be necessary.

(2) Sums available for expenditure pursuant to appropriations made for the fiscal year ending June 30, 1969, under section 421(b) (other than clause (1) thereof) of the Higher Education Act of 1965 shall be available for the fiscal year ending June 30, 1970, for payment of incentive allowances under this Act. The authorization in paragraph (1) shall be reduced by the amount made available pursuant to this paragraph.

INCREASED AUTHORIZATION FOR THE NATIONAL DEFENSE STUDENT LOAN PROGRAM

SEC. 3. Section 201 of the National Defense Education Act of 1958 is amended by striking out "$275,000,000 for the fiscal year ending June 30, 1970, and $300,000,000 for the fiscal year ending June 30, 1971" and inserting in lieu thereof "$325,000,000 for the fiscal year ending June 30, 1970, and $375,000,000 for the fiscal year ending June 30, 1971".

INCREASED AUTHORIZATION FOR THE EDUCATIONAL OPPORTUNITY GRANT PROGRAM

SEC. 4. Section 401(b) of the Higher Education Act of 1965 is amended by striking out "$100,000,000 for the fiscal year ending June 30, 1970, and $140,000,000 for the fiscal year ending June 30, 1971" and inserting in lieu thereof "$150,000,000 for the fiscal year ending June 30, 1970, and $200,000,000 for the fiscal year ending June 30, 1971".

INCREASED AUTHORIZATION FOR THE WORK-STUDY PROGRAM

SEC. 5. Section 441(b) of the Higher Education Act of 1965 is amended by striking out "$250,000,000 for the fiscal year ending June 30, 1970, and $285,000,000 for the fiscal year ending June 30, 1971" and inserting in lieu thereof "$275,000,000 for the fiscal year ending June 30, 1970, and $320,000,000 for the fiscal year ending June 30, 1971".

Mr. MANSFIELD. Mr. President, I yield myself 1 minute under the bill.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the executive calendar.

There being no objection, the Senate proceeded to consideration of executive business.

The **PRESIDENT** pro tempore. The nominations on the executive calendar will be stated.

DEPARTMENT OF JUSTICE

The bill clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The **PRESIDENT** pro tempore. Without objection, the nominations are confirmed en bloc.

DEPARTMENT OF THE INTERIOR

The bill clerk read the nomination of Louis R. Bruce, of New York, to be Commissioner of Indian Affairs.

The **PRESIDENT** pro tempore. Without objection, the nomination is confirmed.

U.S. TARIFF COMMISSION

The bill clerk read the nomination of George M. Moore, of Maryland, to be a member of the U.S. Tariff Commission.

The **PRESIDENT** pro tempore. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

EMERGENCY INSURED STUDENT LOAN ACT OF 1969

The Senate resumed consideration of the bill (S. 2721) to amend the Higher Education Act of 1965 to authorize Federal incentive payments to lenders with respect to insured student loans when necessary, in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education.

Mr. MANSFIELD. Mr. President, on time under the bill, equally divided, I suggest the absence of a quorum.

The **PRESIDENT** pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask uaninmous consent that the order for the quorum call be rescinded.

The **PRESIDENT** pro tempore. Without objection, there will be no further proceedings under the quorum call.

The Chair recognizes the distinguished Senator from Rhode Island.

PRIVILEGE OF THE FLOOR

Mr. PELL. Mr. President, I ask unanimous consent that members of the staff of the Committee on Labor and Public Welfare who are needed by members of the committee during the course of debate on this bill be permitted to be on the floor.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. PELL. Mr. President, we have before us a measure, S. 2721, Emergency Insured Student Loan Act of 1969, unanimously ordered reported to the Senate by the Committee on Labor and Public Welfare Friday morning. This bill attempts to deal with the difficulties being experienced in full implementation of the insured student loan program, seemingly due to the rising interest rate and the understandable reluctance of banks to earmark funds for this program at the present guaranteed 7-percent level of return.

Mr. President, last Thursday morning the Subcommittee on Education met to hear testimony about the problems being faced by students who wish to finance their education through utilization of the insured student loan program. James

E. Allen, Commissioner of Education, succinctly pointed out to us the view of the Office of Education and the Department of Health, Education, and Welfare that the previous high participation in this program by lenders is being curtailed. The Department expects a very difficult period within the next 4 to 6 weeks, for this is not only the time that students are returning to school, but are actively seeking ways of financing their education.

The subcommittee then received testimony from representatives of the American Bankers Association, the National Council of Student Financial Aid Officers, and the National Council of Higher Education Loan Programs. The witness from the American Bankers Association discussed the dilemma faced by banks, for while they are committed to this program of tuition assistance, the high cost of money makes it difficult for them to maintain the present level of participation under existing loan programs. Representatives of college-aid offices generally stated the problem. Mr. Lee Noel, president, National Council of Higher Education Loan Programs, estimated that between 150,000 and 200,000 students may not be granted loans due to this difficulty.

During the hearing, the subcommittee realized that expeditious action would have to be taken and agreed to have an informal meeting later in the day. At that time we discussed the need of some type of incentive to increase the lenders participation in the student loan program. Unanimous agreement was reached on the form the bill would take and we were graciously granted permission to have a short subcommittee executive session to order the bill to the full committee.

On Friday morning the full committee met and unanimously reported the bill and ordered it reported to the Senate. I ask that the full text of the bill and an excerpt from the committee report be printed in the RECORD at this point.

There being no objection, the text of the bill as reported and the excerpt from the committee report (No. 91–368) were ordered to be printed in the RECORD, as follows:

S. 2721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Insured Student Loan Act of 1969".

INCENTIVE PAYMENTS ON INSURED STUDENT LOANS

SEC. 2. (a) (1) Whenever the Secretary of Health, Education, and Welfare determines that the limitations on interest or other conditions (or both) applicable under part B of title IV of the Higher Education Act of 1965 (Public Law 89–329) to student loans eligible for insurance by the Commissioner of Education or under a State or nonprofit private insurance program covered by an agreement under section 428(b) of such Act, considered in the light of the then current economic conditions and in particular the relevant money market, are impeding or threatening to impede the carrying out of the purposes of such part B, he is hereby authorized, by regulation applicable to a three-month period specified therein, to prescribe (after consultation with the Secretary of the Treasury and the heads of other appropriate agencies) an incentive allowance to be paid by the Commissioner of Education to each holder of an eligible loan or loans. The amount of such allowance to any holder with respect to such period shall be a percentage, specified in such regulation, of the average unpaid balance of disbursed principal (not including interest added to principal) of all eligible loans held by such holder during such period, which balance shall be determined as of the close of such period unless a different method for determining such balance is set forth in such regulation; but no such percentage shall be set at a rate in excess of 3 per centum per annum.

(2) A determination pursuant to paragraph (1) may be made by the Secretary of Health, Education, and Welfare, on a national, regional, or other appropriate basis and the regulation based thereon may, accordingly, set differing allowance rates for different regions or other areas of classifications of lenders, within the limit of the maximum rate set forth in paragraph (1).

(3) For each three-month period with respect to which the Secretary of Health, Education, and Welfare prescribes an incentive allowance, the determination required by paragraph (1) shall be made, and the percentage rate applicable thereto shall be set, by promulgation of a new regulation or by amendment to a regulation applicable to a prior period or periods.

(4) The incentive allowance established for any such three-month period shall be payable at such time, after the close of such period, as may be specified by or pursuant to regulations promulgated under this Act.

(5) Each regulation or amendment, prescribed under this Act, which establishes an incentive allowance with respect to a three-month period specified in the regulation or amendment may, notwithstanding section 505 of the Higher Education Amendments of 1968, be made effective on the first day of the first full calendar month which begins on or after the date of publication of such regulation or amendment in the Federal Register, except that the first such regulation may be made effective as soon after the enactment of this Act as the Secretary determines.

(6) The Secretary shall prescribe procedures to the effect that lenders making loans eligible for an allowance pursuant to this Act do not, as a condition precedent or subsequent for making any such loan, require a student or any member of the student's family to carry out any business activity with the lender, other than an activity directly related to the administration and repayment of such loan.

(7) As used in this Act, the term "eligible loan" means a loan made after the date of enactment of this Act and prior to July 1, 1970, which is insured under title IV–B of the Higher Education Act of 1965, or made under a program covered by an agreement under section 428(b) of such Act.

(b) The Commissioner of Education shall pay to the holder of an eligible loan, at such time or times as are specified in regulations, an incentive allowance prescribed pursuant to subsection (a), subject to the condition that such holder shall submit to the Commissioner, at such time or times and in such manner as he may deem proper, such information as may be required by regulation for the purpose of enabling the Secretary of Health, Education, and Welfare and the Commissioner to carry out their functions under this Act and to carry out the purposes of this Act.

(c) (1) There are hereby authorized to be appropriated for incentive allowances as authorized by this section such sums not in excess of $15,000,000 for the fiscal year ending June 30, 1970, as may be necessary.

(2) Sums available for expenditure pursuant to appropriations made for the fiscal year ending June 30, 1969, under section 421 (b) (other than clause (1) thereof) of the Higher Education Act of 1965 shall be available for the fiscal year ending June 30, 1970, for payment of incentive allowances under this Act. The authorization in paragraph (1) shall be reduced by the amount made available pursuant to this paragraph.

INCREASED AUTHORIZATION FOR THE NATIONAL DEFENSE STUDENT LOAN PROGRAM

SEC. 3. Section 201 of the National Defense Education Act of 1958 is amended by striking out "$275,000,000 for the fiscal year ending June 30, 1970, and, $300,000,000 for the fiscal year ending June 30, 1971" and inserting in lieu thereof "$325,000,000 for the fiscal year ending June 30, 1970, and $375,000,000 for the fiscal year ending June 30, 1971".

INCREASED AUTHORIZATION FOR THE EDUCATIONAL OPPORTUNITY GRANT PROGRAM

SEC. 4. Section 401(b) of the Higher Education Act of 1965 is amended by striking out "$100,000,000 for the fiscal year ending June 30, 1970, and $285,000,000 for the fiscal year ending June 30, 1971" and inserting in lieu thereof "$150,000,000 for the fiscal year ending June 30, 1970, and $200,000,000 for the fiscal year ending June 30, 1971".

INCREASED AUTHORIZATION FOR THE WORK-STUDY PROGRAM

SEC. 5. Section 441(b) of the Higher Education Act of 1965 is amended by striking out "$250,000,000 for the fiscal year ending June 30, 1970, and $285,000,000 for the fiscal year ending June 30, 1971" and inserting in lieu thereof "$275,000,000 for the fiscal year ending June 30, 1970, and $320,000,000 for the fiscal year ending June 30, 1971".

Amend the title so as to read: "A bill to increase funds for college student loans by increasing the authorization of appropriations for the National Defense Student Loan Program, and by providing for an incentive allowance for insured loans under title IV–B of the Higher Education Act of 1965 on a temporary basis, and for other purposes."

PURPOSE AND SUMMARY

The purpose of the bill is to make increased funds available for Federal programs of college student assistance by increasing the authorization of appropriations for the national defense student loan program and by authorizing emergency incentive payments to eligible lenders under the insured loan program (title IV–B of the Higher Education Act of 1965). Such emergency payments are to be temporary in nature.

The bill would authorize the Commissioner of Education to make incentive allowances to eligible lenders under the insured loan program in order to encourage such lenders to make loans to students. These payments could be made whenever the Secretary of Health, Education, and Welfare determines that the maximum applicable interest (under present law 7 percent per annum) on insured loans, or any other applicable conditions impede or threaten to impede the carrying out of the purposes of the insured loan program. If the Secretary finds that such conditions do indeed threaten the insured loan program in the light of current economic conditions and the particular relevant money market, he may, by regulation, prescribe for a 3-month period an incentive allowance to be paid by the Commissioner of Education to holders of insured student loans. Lenders would be eligible for incentive payments only for loans made and disbursed after the enactment of the act and prior to July 1, 1970. In no event could the incentive allowance to any holder be in excess of 3 precent of the average unpaid balance of principal of all eligible loans held by the holder at the close of the period in question.

The Secretary of Health, Education, and Welfare would have flexible authority to set differing incentive allowance rates for different regions or diffrent classifications of lenders. The Secretary's authority must be carried out by regulation. The bill exempts regulations affecting the implementation of the incentive allowance program from a general requirement of the Office of Education which delays the effective date of regulations for 30 days after the publication in the Federal Register. The bill permits regulations to have effect upon their promulgation and, in the case of initial regulations, it permits an effective date upon enactment of the bill.

Paragraph (6) of section 2(a) provides that the Secretary shall prescribe procedures to the effect that lenders making loans eligible for an allowance pursuant to the act do not, as a condition precedent or subsequent to making any such loan, require a student or any member of the student's family to carry out any business activity with the lender, other than an activity directly related to the administration and repayment of such loan. This section was adopted after careful consideration of the entire question of banks making preferred loans.

An outright prohibition against payments to lenders who require business activities other than those related to the loan was considered. It was decided that rather than risk involving lenders in possible court suits growing out of a strict interpretation of such a prohibition a requirement on the part of the Secretary to regulate this question would be more appropriate. The committee expects the Secretary and the Commissioner to carry out this requirement to the greatest extent possible under law. The committee takes note of the fact that subsection (b) of section 2 requires lenders to provide the Secretary and the Commissioner with such information as may be required to carry out the purpose of the act. With this requirement those in charge of administering the insured loan program should have sufficient information with respect to lending practices under the program to prohibit preferences under the insured loan program in favor of the lender's preferred customers.

The bill would authorize to be appropriated for incentive allowances $15 million for fiscal year 1970. However, provision was made for immediate utilization of unused reserve funds of the insured loan program to pay the incentive allowance.

The bill amends title II of the National Defense Education Act of 1958 (the national defense student loan program) by increasing the authorization of appropriations for fiscal year 1970 from $275 million to $325 million and by increasing the authorization for fiscal year 1971 from $300 million to $375 million.

RELATIONSHIP BETWEEN THE INSURED LOAN PROGRAM AND THE NATIONAL DEFENSE STUDENT LOAN PROGRAM

When the Congress approved the insured loan program under title IV–B of the Higher Education Act of 1965, it did so with the understanding that the insured loan program would complement the national defense student loan program but in no way supplant it. Nevertheless, budget requests have recommended decreasing amounts of appropriations for the national defense student loan program. The explanation was offered that the insured loan program decreased the need for the direct Federal loan program. In 1966, the Congress rejected this reasoning by continuing the direct Federal program and increasing both the authorization and appropriation.

The revised budget request for fiscal year 1970 contained a recommendation that funds for direct loans be reduced from $190 million to $155 million. This reduction in the budget request evidently caused many colleges to recommend to students, who were eligible for NDEA loans, that they seek insured loans from private lenders. During the summer of 1969, during a period of a high prime interest rate, increased numbers of students sought insured loans.

On July 29, 1969, the administration proposed that incentive allowances be paid to banks in order to encourage lenders to make loans to college students. This recommendation, in substance, was, with some reluctance, accepted by the committee in order to permit students to go to college this fall. At the same time the committee expressed its concern about the future of the national defense student loan program and reaffirmed its belief in such an approach by authorizing $125 million more over the next 2 fiscal years.

The committee has received from the Department of HEW the following letter by which the administration affirms its support of the committee position:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D. C., August 8, 1969.

Hon. CLAIBORNE PELL,
Chairman, Subcommittee on Education, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: During the Department's testimony before your subcommittee this morning, a question was raised about our position on the national defense student loan program and the relationship between that program and the guaranteed student loan program.

I am pleased to confirm Dr. Allen's statement that the Department holds the view that the guaranteed student loan program is complementary and supplementary to the national defense student loan program and is not designed to replace or supplant it. We understand that this was the intention of the Congress when the guaranteed loan program was originally enacted as part B of title IV of the Higher Education Act of 1965. We agree with this intention and cannot foresee it being altered. I believe that our testimony outlining the different groups served by the two programs, as well as the differences in breadth of coverage, further confirms the view that both programs are vital and can be fully utilized.

Sincerely,

ROBERT H. FINCH, *Secretary.*

S. 2721 reflects these concerns of the committee in the following respects:

(1) The authorization for incentive payments is not an amendment to part B of title IV of the Higher Education Act of 1965. This authorization is provided by separate legislation. The incentive allowance concept does not become a part of the basic framework of the insured loan program. Its separateness is intended to denote the emergency situation we are experiencing and to provide for separate consideration of the incentive allowance concept from consideration of the insured loan program.

(2) The authorization for incentive allowances is temporary and will terminate with the close of fiscal year 1970, thus assuring a review next year, in line with the administration's promise to file a report on higher education assistance by the end of 1969.

(3) The bill increases the authorization for appropriations for the national defense student loan program. This increase in authorization is intended to balance the Federal approach to the current crisis by providing for an increased direct loan program, as well as an amended insured loan program, and by providing, at this time, an opportunity for increasing appropriations for fiscal years 1970 and 1971 is also given.

BACKGROUND AND THE NEED FOR LEGISLATION

Since its establishment in the fall of 1965, the guaranteed loan program has become an important component of the student aid program supported by the Federal Government. In fiscal year 1966, as the program was being established, the total volume of loans reached $77 million. In fiscal year 1967, it reached $248 million; in fiscal 1968, $435 million; and in fiscal year 1969, $670 million.

Witnesses indicated that we are now confronted with the probability of an immediate drastic reduction in the number and volume of loans to be made for the school year beginning in September. Basically the problems are that the cost of money has rapidly increased in the last 8 months so that now it greatly exceeds the 7-percent ceiling permitted by the 1968 amendment extending higher education student assistance programs, and that threatened reductions in the NDEA loan program have forced many students who would be eligible for NDEA loans to seek insured loans. Since the establishment of the program the prime rate—that is, the rate of interest charged by money lenders to their most important customers—has increased five times as follows:

	Percent
Dec. 4, 1968	6.50
Dec. 16, 1968	6.75
Jan. 8, 1969	7.00
Apr. 17, 1969	7.50
June 9, 1969	8.50

At the inception of the program late in 1965, lenders were receiving 6 percent simple interest, or 1½ percent above the then-existing prime rate of 4.5 percent. Today lenders would receive 7 percent, or 1½ percent below the prime rate.

Witnesses estimated that between 30 and 40 percent of the students who seek a loan for the first time this fall will be denied help. In numbers, about 150,000 to 200,000 students will not obtain an insured loan.

The simplest way to make the program again attractive to the lender would be to increase the permitted interest rate, as was proposed in S. 2422 and as was done in the similar situation in 1968. Difficulties arise from that course of action. These include—

1. Frozen interest rate level: The present high interest rate should be regarded as temporary. As the rate drops, however, the borrower would still be carrying a loan at the high rate of interest.

2. Problems associated with Federal preemption: Many State laws set usury rates at 7 percent. If a Federal rate is set higher it would have to preempt the subject for Federal action. This is undesirable in a cooperative program in which 70 percent of the loans made since enactment of the Higher Education Act of 1965 are guaranteed by States and by private nonprofit agencies operating under State law.

3. High interest rate borne by student: There is concern about requiring the student borrower to bear the burden of paying more than 7 percent.

These difficulties are avoided by employing an incentive allowance technique:

1. The incentive allowance is immediately related to the money market and will fluctuate with it on quarterly intervals,

2. Federal law preemption problems are avoided, and

3. The Federal Government rather than the student from the lower or middle income family will bear the loan costs in excess of 7 percent.

INCREASED AUTHORIZATIONS FOR THE EDUCATIONAL OPPORTUNITY GRANT AND COLLEGE WORK-STUDY PROGRAMS

The bill increases the authorizations for two other student assistance programs. The authorization of appropriations for the educational opportunity grant program would be increased by $50 million in fiscal year 1970 and $60 million in fiscal year 1971. The authorization for the college work-study program would be increased by $25 million in fiscal year 1970 and $35 million in fiscal year 1971.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title.—This section provides that the act may be cited as the "Emergency Insured Student Loan Act of 1969."

Section 2. Incentive payments on insured student loans.—This section authorizes the Commissioner of Education to pay incentive allowances to lenders under the insured loan program authorized by part B of title IV of the Higher Education Act of 1965.

Paragraph (1) of subsection (a) provides that the Secretary of Health, Education, and Welfare determines that the limitations on interest or other conditions (or both) applicable under part B of title IV of the Higher Education Act of 1965 (Public Law 89–329) to student loans insured by the Commissioner of Education or under a State or nonprofit private insurance program covered under section 428(b) of such act, considered in the light of the then current economic conditions and in particular the relevant money market, are impeding or threatening to impede the carrying out of the purposes of such part B, is authorized, by regulation applicable to a 3-month period specified therein, to prescribe (after consultation with the Secretary of the Treasury and the heads of other appropriate agencies) an incentive allowance to be paid by the Commissioner of Education to each holder of an eligible loan or loans. The amount of such allowance to any holder with respect to such period shall be a percentage, specified in such regulation, of the average unpaid balance of principal (not including interest added to principal) of all eligible loans held by such holder, which balance shall be determined as of the close of such period unless a different method for determining such balance is set forth in such regulation; but no such percentage shall be set at a rate in excess of 3 per centum per annum.

Paragraph (2) of subsection (a) authorizes determinations under paragraph (1) to be made on a national, regional, or other appropriate basis and the regulation based thereon may, accordingly, set differing allowance rates for different regions or other areas or classifications of lenders, within the limits of the maximum rate set forth in paragraph (1).

Paragraph (3) of subsection (a) specifies that, for each 3-month period with respect to which the Secretary of Health, Education, and Welfare prescribes an incentive allowance, the determination required by paragraph (1) shall be made, and the percentage rate applicable thereto shall be set, by promulgation of a new regulation or by amendment to a regulation applicable to a prior period or periods.

Paragraph (4) of subsection (a) provides that the incentive allowance established for any such 3-month period shall be payable at such time, after the close of such period, as may be specified by or pursuant to regulations promulgated under the act.

Paragraph (5) of subsection (a) provides that each regulation or amendment, prescribed under the act, which establishes an incentive allowance with respect to a 3-month period specified in the regulation or amendment may, notwithstanding section 505 of Public Law 90–575, be made effective on the first day of the first full calendar month which begins on or after the date of publication of such regulation or amendment in the Federal Register, except that the first such regulation may be made effective as of the date of enactment of the act.

Paragraph (6) of subsection (a) requires that the Secretary of Health, Education, and Welfare prescribe procedures to the effect that lenders making loans eligible for an allowance pursuant to this act do not as a condition precedent or subsequent for making any such loan require a student or any member of the student's family to carry out any business activity with the lender other than an activity directly related to the administration and repayment of such loan.

Paragraph (7) of subsection (a) provides that the term "eligible loan" means a loan insured under section 428 of Public Law 89–329, made after the date of enactment of the act and prior to July 1, 1970, by an eligible lender (as defined by subsection (g) of section 435 of Public Law 89–329) to whom a regulation under this act applies to the extent that such loan has been disbursed.

Subsection (b) provides that the Commissioner shall pay to the holder of an eligible loan at such time or times as are specified in regulations an incentive allowance prescribed pursuant to subsection (a) subject to the condition such holder shall submit to the Commissioner at such time or times and in such manner as he may deem proper such information as may be required by regulation for the purpose of enabling the Secretary of Health, Education, and Welfare and the Commissioner to carry out their function, under the act and to carry out the purposes of the act.

Subsection (c) authorizes to be appropriated for incentive allowances as authorized by this section such sums not in excess of $15 million for the fiscal year ending June 30, 1970, as may be required therefore.

Paragraph (2) of subsection (c) provides that sums available for expenditurees pursuant to appropriations made for the fiscal year ending June 30, 1969, under clauses (2), (3), and (4) of section 421(b) of the Higher Education Act of 1965 shall be available for the fiscal year ending June 30, 1970, for payment of incentive allowances under the act. The authorization in paragraph (1) of subsection (c) is reduced by the amount made available under paragraph (2) of such subsection.

Section 3. Increased authorization for the national defense student loan program.—This section amends section 201 of the National Defense Education Act of 1958 to increase the authorization of appropriations for the national defense student loan program from $275 million in fiscal year 1970 and $300 million in fiscal year 1971 to $325 million in fiscal year 1970 and $375 million in fiscal year 1971.

Section 4. Increase in authorization for the educational opportunity grant program.—This section increases the authorization of appropriations for part A of title IV of the Higher Education Act of 1965 from $100 million in fiscal year 1970 to $150 million for such year and from $140 million for fiscal year 1971 to $200 million for such fiscal year.

Section 5. Increase in authorization for the college work-study program.—This section increases the authorization of appropriations for part C of title IV of the Higher Education Act of 1965 from $250 million for fiscal year 1970 to $257 million for such year and from $285 million for fiscal year 1971 to $320 million for such fiscal year.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

NATIONAL DEFENSE EDUCATION ACT OF 1958

(P.L. 85–864)

An act to strengthen the national defense and to encourage and assist in the expansion and improvement of educational programs to meet critical national needs; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, divided into titles and sections according to the following table of contents, may be cited as the "National Defense Education Act of 1958".

TITLE II—LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

APPROPRIATIONS AUTHORIZED

SEC. 201. For the purpose of enabling the Commissioner to stimulate and assist in the establishment at institutions of higher education of funds for the making of low-interest loans to students in need thereof to pursue their courses of study in such institutions, there are hereby authorized to be appropriated $47,500,000 for the fiscal year ending June 30, 1959, $75,000,000 for the fiscal year ending June 30, 1960, $82,500,000 for the fiscal year ending June 30, 1961, $90,000,000 each for the fiscal year ending June 30, 1962, and the next fiscal year, $125,000,000 for the fiscal year ending June 30, 1964, $163,300,000 for the fiscal year ending June 30, 1965, $179,300,000 for the fiscal year ending June 30, 1966, $190,000,000 for the fiscal year ending June 30, 1967, $225,000,000 for the fiscal year ending June 30, 1968, $210,000,000 for the fiscal year ending June 30, 1969, [$275,000,000 for the fiscal year ending June 30, 1970, and $300,000,000 for the fiscal year ending June 30, 1971,] *$325,000,000 for the fiscal year ending June 30, 1970, and $375,000,000 for each of the suceeding fiscal years ending June 30, 1971,* and there are further authorized to be appropriated such sums for the fiscal year ending June 30, 1972, and each of the next three fiscal years as may be necessary to enable students who have received loans for school years ending prior to July 1, 1971, to continue or complete their education. Sums appropriated under this section for any fiscal year shall be available, in accordance with agreements between the Commissioner and institutions of higher education, for payment of Federal capital contributions which, together with contributions from the institutions, shall be used for establishment and maintenance of student loan funds.

[HISTORY OF LEGISLATION]

(20 U.S.C. 421) Enacted Sept. 2, 1958, P.L. 85–864, Title II, sec. 201, 72 Stat. 1583; amended Oct. 3, 1961, P.L. 87–344, Title II, sec. 201(a), 75 Stat. 759; amended Dec. 18, 1963, P.L. 88–210, sec. 22(a), 77 Stat. 415; amended Oct. 16, 1964, P.L. 88–665, 78 Stat. 1100; amended Nov. 3, 1966, P.L. 89–752, sec. 15, 80 Stat. 1245; amended Oct. 16, 1968, P.L. 90–575, Title I, sec. 171, 82 Stat. 1034; *Proposed to be amended, S. 2721, sec. 3.*

HIGHER EDUCATION ACT OF 1965

(P.L. 89–329)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Higher Education Act of 1965".

* * * * *

Title IV—Student Assistance

PART A—EDUCATIONAL OPPORTUNITY GRANTS

STATEMENT OF PURPOSE AND APPROPRIATIONS AUTHORIZED

SEC. 401. (a) It is the purpose of this part to provide, through institutions of higher education, educational opportunity grants to assist in making available the benefits of higher education to qualified high school graduates of exceptional financial need, who for lack of financial means of their own or of their families would be unable to obtain such benefits without such aid.

(b) There are hereby authorized to be appropriated $70,000,000 for the fiscal year ending June 30, 1966, and for each of the three succeeding years, [$100,000,000 for the fiscal year ending June 30, 1970, and $140,000,000 for the fiscal year ending June 30, 1971] *$150,000,000 for the fiscal year ending June 30, 1970, and $200,000,000 for the fiscal year ending June 30, 1971 to enable* the Commissioner to make payments to institutions of higher education that have agreements with him entered into under section 407, for use by such institutions for payments to undergraduate students for the initial academic year of educational opportunity grants awarded to them under this part. There are further authorized to be appropriated such sums as may be necessary for payment to such institutions for

use by them for making educational opportunity grants under this part to undergraduate students for academic years other than the initial year of their educational opportunity grants; but no appropriation may be made pursuant to this sentence for any fiscal year beginning more than three years after the last fiscal year for which an appropriation is authorized under the first sentence. **Sums** appropriated pursuant to this subsection for any fiscal year shall be available for payment to institutions until the close of the fiscal year succeeding the fiscal year for which they were appropriated. For the purposes of this subsection, payment for the first year of an educational opportunity grant shall not be considered as an initial-year payment if the educational opportunity grant was awarded for the continuing education of a student who had been previously awarded an educational opportunity grant under this part (whether by another institution or otherwise) and had received payment for any year of that educational opportunity grant.

(20 U.S.C. 1061) Enacted Nov. 8, 1965, P.L. 89–329, Title IV, sec. 401, 79 Stat. 1231; amended Oct. 16, 1968, P.L. 90–575, Title I, sec. 101, 82 Stat. 1017. *Proposed to be amended, S. 2721, sec. 4.*

* * * * *

PART C—WORK-STUDY PROGRAMS

STATEMENT OF PURPOSE; APPROPRIATION AUTHORIZED

SEC. 441. (a) The purpose of this part is to stimulate and promote the part-time employment of students, particularly students from low-income families, in eligible institutions who are in need of the earnings from such employment to pursue courses of study at such institutions.

(b) There are authorized to be appropriated $225,000,000 for the fiscal year ending June 30, 1969, [$250,000,000 for the fiscal year ending June 30, 1970, and $285,000,000 for the fiscal year ending June 30, 1971,] *$275,000,000 for the fiscal year ending June 30, 1970, and $320,000,000 for fiscal year ending June 30, 1971*, to carry out this part.

(42 U.S.C. 2751) Enacted Aug. 20, 1964, P.L. 88–452, Title I, sec. 121, 78 Stat. 515; amended Nov. 8, 1965, P.L. 89–329, Title IV, sec. 441(2), 79 Stat. 1249; amended Oct. 16, 1968, P.L. 90–575, Title I, sec. 131, 132, 133, 82 Stat. 1028–1029. *Proposed to be amended, S. 2721, sec. 5.*

Mr. PELL. Mr. President, this bill has two basic thrusts. Our initial approach to the problem of adequate student financing establishes a program of incentive allowances. Under this provision the interest rate to the student under the insured loan program would continue at 7 percent. However, the Secretary of the Department of Health, Education, and Welfare would have an option to take into consideration the existing fiscal picture and if he found it necessary he would pay to participating lenders a sum equal to 3 percent of the outstanding loans made to students in a set 3-month period. This formula would meet the problem of the high cost of money. The second and very important thrust of the pending measure which benefits the students from middle-income families and students from the lower end of the income spectrum, would increase the authorization for the national defense student loan program from the present $275 million to $325 million for fiscal year 1970 and from the present $300 million to $375 million for fiscal year 1971. The bill would also increase the authorization for the educational opportunity grant program in fiscal 1970, from $100 million to $150 million and, in fiscal 1971, from $140 million to $200 million. The college work-study program would be increased from $250 million to $275 million in fiscal 1970 and from $285 million to $320 million in fiscal 1971. We propose this type of authorization increase, so as to maintain a balance among the various Federal programs of student assistance.

Mr. President, I think that it can be honestly stated that members of the committee from both sides of the aisle were reluctant to bring this bill to the Senate for a variety of reasons. However, our concern about students waiting for loans is greater still and this vehicle would appear to meet the need. I urge the Senate to act favorably on this measure as reported by the committee.

Mr. JAVITS. Mr. President, I yield myself 3 minutes under the bill.

The **PRESIDENT** pro tempore. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, this is an administration bill. I introduced it together with 11 cosponsors, in a bipartisan spirit, with administration support. It is an emergency matter.

There are two matters I wish to impress upon the Senate. In the other body, the Education and Labor Committee has reported a bill very much like our own bill with the principal exception of the two controverted issues which will be raised here by way of an amendment by the Senator from Colorado (Mr. DOMINICK). These two issues are, first, a restriction written in here regarding the right of a bank to receive its incentive allowance based on whether or not it makes as a condition of loans the doing of business with the borrower's family or the borrower himself. The second is the effort to raise the ceiling on three student aid programs, the National Defense Education Act loans, the work-study programs, and the educational opportunity grants. None of these is up for renewal this year.

There are ceilings now on all three programs. There are budgeted amounts and appropriations already approved by the House of Representatives. The only question which arises here, for which we use this bill as the vehicle, is to up these ceilings. It is a simple and naked question.

Mr. President, I ask unanimous consent to have printed in the RECORD a chart which shows the fiscal year 1969 appropriation, the authorization, the budget-stipulated figure, and the amount appropriated by the other body.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STUDENT AID PROGRAM FUNDING

[All figures in millions]

	Fiscal year 1969 appropriation	Fiscal year 1970		Estimated number of participants	Passed by House
		Authorization	Budget		
NDEA loans (direct loans at 3 percent)	$193.4	[1] $275	$161.9	0.398	$229.0
Work-study	139.9	255	154.0	.375	154.0
Education opportunity grants (up to $1,000)	124.6	([2])	175.6	.280	159.6

[1] General authorizations also included.

[2] $100 for new awards plus continuation cost.

Mr. JAVITS. Mr. President, I believe one must speak frankly to these matters. I yield to no one, not to the Senator from Massachusetts (Mr. KENNEDY), not to the Senator from Rhode Island (Mr. PELL), nor anyone else, in my devotion to these three programs for which the ceilings are raised. I am very much in favor of raising the ceiling. I have fought in the past and will continue to fight very hard to raise the ceiling.

The **PRESIDING OFFICER** (Mr. ALLEN in the chair). The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I yield myself 1 additional minute.

The **PRESIDING OFFICER.** The Senator from New York is recognized for 1 minute.

Mr. JAVITS. The question, however, is whether we will go for the form or the substance. I do not believe a Senator must vote for a given measure whenever it is up, whether timely or not timely, because he does not want the public record to show he voted "nay" on a given occasion. That is why we are here, because we are supposed to have enough character to do that, when we think that is the right course.

That is what I had to do in committee. It went deeply against the grain to do so. I am extremely unhappy about it. But many more Senators have stood in this Chamber long before me and have been just as unhappy but have done their duty by the Nation. That is how I feel about this situation.

I cannot criticize anyone who wishes to press it. I can only say what the situation is. We will not give relief to 150,000 to 200,000 or more college students who need these loans unless we act now, and act free of extraneous issues. It is as simple as that. If we do not do it, the whole thing can well go down the drain.

I do not say that it will not do any good for our young people, because it will do some good; but it will not do any good if we are not going to do anything about it now, when the young people of this country need the loans, in view of the financial interest situation, because of the high interest rates, when they have to be given their opportunity to get into universities and colleges of their choice. That is the issue. It will be raised by appropriate amendments, I am sure——

The **PRESIDING OFFICER.** The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I yield myself 1 additional minute.

The **PRESIDING OFFICER.** The Senator from New York is recognized for 1 additional minute.

Mr. JAVITS. I regret terribly that Members are embarrassed. I am embarrassed, but we cannot do anything about it. This is fact, not theory.

Mr. DIRKSEN. Mr. President, will the Senator from New York yield me 2 minutes?

Mr. JAVITS. I yield 2 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 minutes.

Mr. DIRKSEN. Mr. President, I share the discomfort of spirit displayed by the Senator from New York, mainly because of the $275 million in increased authorization in the bill.

The reason I am unhappy about it is that before the presidential party departed for California, they read to me a statement from the White House with respect to expenditures; that the President will remain within the ceiling which has been imposed upon him by Congress.

If money is authorized and then appropriated in excess of that ceiling, there was a statement—and a very explicit one—to the effect that it would not be spent, but it would be reserved, it would be impounded.

What makes me even unhappier is that, first of all, we placed a ceiling upon expenditures to be made by the Executive, and then we undertake to kick off that ceiling which we imposed in the first place. It was done legislatively.

Why do we turn around and remove the ceiling or nullify it by adding the additional authorizations, knowing that the money will not be expended? That is what I object to. Frankly, I want to see this thing go to a record vote. If that is what we are going to do, then, of course, ignore that expenditure ceiling from here on out and have done with it, because in my book it is a kind of breach of faith; because the ceiling was imposed at our instance and not at the instance of the President of the United States.

Mr. JAVITS. Mr. President, I yield myself 1 additional minute to reply to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. JAVITS. By way of facts, I should like to say to my minority leader that there is $7,900,000 that is within the ceiling in already appropriated money. It was unused in fiscal year 1969 for the purpose for which it was appropriated. The provision in this bill makes it available for this purpose. What his criticism does apply to is the difference between this $7,900,000 and the $15 million appropriation which was authorized. So that the difference is some $7,100,000 that would have to be appropriated. Therefore, the Appropriations Committee, I might say to the Senator from Illinois, will be able to determine whether that can or cannot be implemented within the ceiling.

I should like to tell the Senator from Illinois further, that we did take into account the situation to which he refers. I have described the way in which we hope to deal with it.

Mr. DIRKSEN. I am dealing essentially with the authorization in the bill. There are three categories.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 additional minute.

Mr. DIRKSEN. Mr. President, I learned from the House that if we complicate this bill and it goes to conference, there will be no bill until October. We had better make up our minds. Are we going to have a bill or are we going to clutter it and then have a new bill at a time, as the Senator from New York has so well stated, when it will do the most good?

Mr. JAVITS. I thank my colleague from Illinois. I am very grateful to the majority and minority leaders for their support in this matter. We would not be here this morning without the unusual efforts to persuade other Members and to put this in ahead of the military construction bill, if the Senator from Illinois (Mr. DIRKSEN) and the Senator from Montana (Mr. MANSFIELD) had not set their minds to it.

Mr. PROUTY. Mr. President, will the Senator from New York yield me 2 minutes?

Mr. JAVITS. I yield 2 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 2 minutes.

Mr. PROUTY. Mr. President, I wish, first, to associate myself with the remarks which have been made by the distinguished Senator from New York. All of us who are members of the committee support and subscribe to the objectives in the bill now before the Senate.

But we know that if some amendments which were offered and approved by a majority of the members of the committee are kept in the bill, we will not have legislation until well into the fall.

I think it can be taken for granted that the other body will not approve the bill in its present form. Those of us on the committee who feel that that is true did our utmost to persuade our colleagues that the amendments should not be included.

However, we failed in that endeavor. Thus, I hope very much that we will support one amendment, particularly, which I think will be offered by the Senator from Colorado, and that we will approve the bill and send it to the other body so that 150,000 to 200,000 young Americans will be able to enter college this fall.

If we fail now, their plight will be a serious one, indeed.

Mr. JAVITS. I thank my colleague from Vermont very much indeed.

Mr. PELL. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 2 minutes.

Mr. PELL. Mr. President, it will be remembered that we are presently considering no single amendment but the bill as a whole. Notwithstanding the effect of passage of the bill in the other body, we have our job to do.

I think the views of the Senator from New York are his opinions, but not necessarily facts. If we go to conference, and I do not see how we can avoid a conference, we may well find the outcome of the bill, as is so often the case, to be a compromise, a result of different views.

It should also be borne in mind that not too long ago the Senate voted to continue the exemption of education funds from the budget cuts. The will of the Senate as read in that vote, would appear to be that education should not come within the budget cut.

Finally, while recognizing that the bill can be simpler without the additions to it, the additions give balance to the bill, so that it does not look exclusively like a monetary bill, nor a middle-class relief bill, but provides a balanced approach. For that reason, as chairman of the subcommittee, I will support the bill as reported.

Mr. JAVITS. Mr. President, I yield myself 30 seconds.

The PRESIDING OFFICER. The Senator from New York is recognized for 30 seconds.

Mr. JAVITS. Let me say to the Senator from Rhode Island and to his colleagues, whoever they may be who are offering amendments, that I find no fault with them. I do not criticize them.

The Senator from Rhode Island is absolutely right about the fact that this is my opinion regarding what may happen to this bill after it receives Senate approval.

On the contrary, the Senator from Rhode Island is entitled to the thanks of the whole Senate and the country for the expertise and skill he has brought to this matter in the bill at the present moment.

I stated what I thought were my views as to what was the best thing to do in a given emergency situation. Of course, the Senate will work its will. I pledge myself, as the ranking minority member—and I will undoubtedly be a conferee if we must go to a conference—diligently to pursue whatever the Senate may decide and to do my utmost to bring it into law.

Thus, I honestly feel that if we pass the bill without these additions, it is very likely to be accepted, and a conference on it would be really pro forma, very much, let us say, on a 50–50 basis.

This is only my personal opinion, but as a Senator it is my duty to state this opinion to the Senate in order to influence my colleagues to do what I think will do the most good for the purposes of the bill.

Mr. PELL. Mr. President, is there any amendment to be offered to the bill?

The PRESIDING OFFICER. No amendment has yet been offered.

Mr. DOMINICK. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The BILL CLERK. The Senator from Colorado (Mr. DOMINICK) proposes an amendment, on page 7, to delete lines 11 through 17 and renumber succeeding sections——

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The language proposed to be stricken is as follows:

> (6) The Secretary shall prescribe procedures to the effect that lenders making loans eligible for an allowance pursuant to this Act do not, as a condition precedent or subsequent for making any such loan, require a student or any member of the student's family to carry out any business activity with the lender, other than an activity directly related to the administration and repayment of such loan.

Mr. DOMINICK. Mr. President, we have an hour of divided time on the amendment. I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 15 minutes.

Mr. DOMINICK. I am a cosponsor of the basic bill S. 2721. The amendment I now offer would strike subsection 6 on page 7, a provision which was introduced by Senator KENNEDY in the full committee executive session and added to the bill by a rollcall in the committee of 10 to 6.

Mr. President, I think it is only proper for me to point out that I have been serving on the Education Subcommittee for 5 years. I have enjoyed it. I have helped to develop and have supported many proposals on behalf of aid to students in order to give them a better opportunity for education. I intend to continue. It is for that very reason that I am offering this motion today.

Mr. President, the subcommittee held a public hearing last week on our bill, S. 2721, the Emergency Student Loan Act of 1969. At that hearing we had testimony from the Senator from Indiana (Mr. BAYH) and the Senator from Vermont (Mr. PROUTY); Mr. Allen, Commissioner of Education, who was accompanied by the Chief of the Insured Loans Branch of DE, the Assistant Commissioner for Legislation, and a representative of the Bureau of Higher Education.

We heard testimony from Mr. Alexander, president of the American Bankers Association.

We heard Mr. Purdy, President of the National Student Financial Aid Council, accompanied by Mr. Wohlreich, director of admissions and financial aid, Community College of Philadelphia, Pa.

We heard from Mr. Noel, president of the National Council of Higher Education Loan Programs, Deerfield, Ill. Mr. Noel was accompanied by Mr. Broadway, executive secretary of the North Carolina State Education Assistance Authority, Mr. Payton, executive director of the Georgia Higher Education Assistance Corporation, and Mr. Petrie, executive director of the Louisiana Higher Education Assistance Commission, Baton Rouge, La.

Every one of these witnesses supported our basic bill, S. 2721. They supported the need for prompt action, pointing out that at this period of time—August, September—the students turn to banks and other lenders for loans to finance their education.

Unless we take action to correct the financial situation in the current market, students will continue to have great difficulty in getting loans. Therefore, I had hoped our original bill, devoted exclusively to the emergency situation for insured loans and unencumbered by amendments dealing with other subjects could be passed as expeditiously as possible.

The need for our bill has been brought home to almost every Senator in this body, by letters or telephone calls from people in their home States. Students are reporting how difficult it is to get money under the present situation, when the ceiling under the guarantee loan fund is 7 percent and when the going market rate throughout the country is higher than that, ranging from 8½ percent on up.

Financial institutions, with a minimum of free capital for lending purposes, find themselves in a position of having to allocate their resources among proposed borrowers. This is a perfectly normal business reaction. No one likes the high interest rates and tight money. As a matter of fact, our financial institutions are borrowing "Euro" dollars at 10 percent in order to have funds available to lend in this country. This situation exists now.

What the Senator from New York, the Senator from Vermont, I, and other Senators are trying to do with our bill is to provide an incentive to banks and other lenders so they will go ahead with the student loan program. It is a carefully worded provision. It permits the Secretary of HEW and the Commissioner or Education to make incentive allowances, determined on a quarterly basis, to cover the difference between the 7 percent ceiling and the market rate. The Secretary's authority would be flexible so he could set different rates for various regions or classifications of lenders, but the incentive could not exceed 3 percent.

During the subcommittee hearing, not one word was said about the Kennedy amendment which is now in the form of subsection 6. His proposed restriction was not offered or even mentioned until after the hearing was over. It was first raised later at the subcommittee markup. That proposal was subsequently withdrawn and the subcommittee approved the proposal of the Senator from New York (Mr. JAVITS) which dealt with the issue by adding a preamble to the bill.

Mr. EAGLETON. Mr. President, will the Senator yield?

Mr. DOMINICK. I will yield if the Senator will just let me finish this point. The Javits preamble read as follows:

> STATEMENT OF POLICY
>
> SEC. 2. It is the sense of the Congress in enacting this Act that lenders making loans eligible for an allowance pursuant to this Act should not, as a condition for making any such loan, require a student or any member of the student's family to carry out any business activity with the lender other than an activity directly related to such loan.

The Education Subcommittee approved this as a statement of policy. Then, all of a sudden, we were faced with the Kennedy statutory restriction in the full committee. I was present for the entire hearing and I am not aware of any discussion of proposals to change the law in this respect.

Now I am happy to yield to the Senator from Missouri.

Mr. EAGLETON. I would like to put this question to the Senator from Colorado, directing attention to the printed hearing dated August 7, 1969, page 23, the testimony of Commissioner Allen, next to the last full paragraph on that page:

> We have been advised by many lenders who participated heavily in the 1968-69 program that their activity at the 7 percent rate must either be halted entirely or restricted to children of favored customers, on the grounds that they are unable to "break even" in the current market.

I repeat—"restricted to children of favored customers."

Second, I call the Senator's attention to page 39 of the same hearing, the statement by the Senator from Texas (Mr. YARBOROUGH). I shall not bother to read it all, it consumes about half of page 39, but the Senator talks about calls, letters, different communications he has had from people back in the State of Texas relating to the fact that in order to avail themselves of the provisions of this act——

Mr. DOMINICK. Mr. President, does the Senator ask to have additional time? I yielded for a question.

Mr. EAGLETON. I ask my question: Is not that testimony some indication in the printed record that there is a problem here?

Mr. DOMINICK. Absolutely, there is a problem here. No one denies it. The purpose of our bill is to get at that problem. When students apply for loans under a program with a ceiling of 7 percent and the market rate is higher than that, lenders are going to allocate resources among customers. That is obvious. That is the reason for the incentive in our bill, to relieve the economic pressure for such allocations. I have no doubt as to what Commissioner Allen said or what the Senator from Texas (Mr. YARBOROUGH) said or what the Senator from Missouri said. This does not alter the fact that no proposal to change the law had been offered or mentiond, nor was there any testimony on the effect of such a change. The first substantive comment on it from a witness appears in the letter from the American Bankers Association, a copy of which is on each Senator's desk at the present time.

The point I am making is that if we are united in trying to provide opportunities for more students to get more loans from more lenders, it makes no sense to put restrictions on the lenders so that they will not participate. It is a purely voluntary program, and if lenders will not participate, the students are not going to get the loans.

What happens in this particular situation? No lender knows what the amount of its incentive will be until after it has gone through a quarter of a year. Then the Secretary decides, on the total portfolio of any lender, what incentive should be granted to equalize between the 7 percent and the going rate.

If the restriction remains, it casts doubt on any loan that a lender may make to any student. The lender may suddenly find himself, after making these loans, getting no incentive; and, although he is trying to go along with the program, find himself penalized in comparison with others.

What is the lender likely to do when confronted with such a problem? He will say, "This is too much. We have plenty of other problems, without getting into the uncertainties involved in this program. We will not participate." This, of course, makes it even more difficult to have money available for the students.

I ask unanimous consent to have printed in the Record a letter to me from the American Bankers Association, dated August 11, 1969, signed by Willis W. Alexander, president. Copies of that letter have been placed on Senators' desks, and I hope that Senators will look at it.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The American Bankers Association,
New York, August 11, 1969.

Hon. Peter H. Dominick,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

Dear Senator Dominick: I am writing you with reference to S. 2721 and the Committee amendment adopted in Sec. 2 (a) (6).

The students who need loans to enter college next month are not served by creating further delays on program modifications. During the past several months banks have found it necessary to ration all credit—in the student loan area as well as in other areas of banking. Past banking relationships provide a normal and understandable basis for such judgments by many banks and their customers. I am aware of no case in which future business relationships have been made a condition precedent to such loans.

The purpose of S. 2721 is to provide an indication that Congress recognizes that these loans need some flexibility in rate to provide a breakeven position under varying money cost conditions. The bill contains no assurances beyond the first quarter of any specific market adjustment allowance. Acceptance of this assurance by a bank in making the loan is an act of faith. To complicate this environment by the amendment will not, in my judgment, encourage expansion of the guaranteed student loan program which is a voluntary commitment on the part of each bank or other lending institution.

Sincerely,

Willis W. Alexander.

Mr. DOMINICK. In referring to the rider added to the bill in committee, Mr. Alexander concludes:

> To complicate this environment by the amendment will not, in my judgment, encourage expansion of the guaranteed student loan program which is a voluntary commitment on the part of each bank or other lending institution.

Mr. President, in the hope that I can persuade some of my colleagues on the point I am making, I shall read at this point a few paragraphs from the hearing record. Mr. Alexander, the president of the American Bankers Association, who signed the letter to which I have just referred, testified as follows:

> The appeal of the guaranteed student loan program arises from the multiplier effect achieved through a guarantee and interest subsidy approach as opposed to direct Government aid. Many more students may be benefited through this partnership with the private sector than can be assisted with an appropriation of the same amount through the direct programs such as National Defense loans, Economic Opportunity grants and Work-Study grants.

On that same point, the Commissioner of Education, Mr. Allen, said:

> But looking to the National Defense Student Loan Program to provide loans for these students is not appropriate for two major reasons—cost to the government and availability to students. First of all, the cost to the government for NDEA loans is substantially greater. At a 90 percent contribution ratio, $200 million in NDEA loans would cost $180 million. On the other hand, $200 million loaned under the Guaranteed Loan Program would cost $6.5 million for the 7 percent interest subsidy and an extra $2.6 million if a market adjustment allowance of 2 percent were paid for the year. Thus, to loan $200 million to students, the comparative cost to the government in Fiscal Year 1970 would be $180 million for NDEA and $9.1 million for the Guaranteed Loan Program.
>
> We must also remember that many students who could obtain guaranteed loans do not meet the needs test for National Defense loans. Those who would qualify might be ineligible because their school did not participate. While approximately 2,000 schools participate in the National Defense Student Loan Program, more than 7,000 schools are eligible under the Guaranteed Loan Program. This 7,000 includes more than 3,000 vocational schools and more than 400 foreign schools.

So, Mr. President, we are talking about not only 4-year higher educational institutions, but junior colleges, vocational schools, and foreign schools.

In the booklet published by the Office of Education entitled "Financial Aid for Higher Education," there appears on page 28 the following statement describing the guaranteed loan program:

> In all cases, your key to obtaining a guaranteed loan lies in your finding a bank or other lender willing to make the loan.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMINICK. I yield myself 4 additional minutes.

The statement continues:

> You then apply directly to the lender, and the subsequent approval by the appropriate guarantee agency should be no problem. Since the lender has no contractual obligation to make a loan to you, however, you may have to try several sources. Visit the lenders in your area personally if at all possible. If you continue to have difficulty in obtaining a loan, the guarantee agency listed for your State may be able to advise you.

"Advise you," not "get you a loan," because this is a purely voluntary program.

So, to the extent that we restrict the ability of banks or other lenders to make these loans, or cast doubts on the question of whether they would get the benefit of the incentive—which is the only thing that would bring them up to the market rate—to that extent we are restricting the availability of funds for students who want to further their education; and it seems to me that for that reason we should strike the rider to the bill.

Granted none of us are happy with all of the things that go on in the process of the student trying to get a loan.

But in examining the urgency of the situation, and the difficulty in getting approval by the House of Representatives before Congress goes into recess, I think it is extremely unfortunate that this rider and others have been added to the bill.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, will the manager of the bill yield me 10 minutes?

Mr. PELL. I yield 10 minutes to the Senator.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts for 10 minutes.

Mr. KENNEDY. Mr. President, there are certain facts which I think ought to be established at the outset of this debate, and that is the procedure which has been initially followed by the Education Subcommittee.

I do not think any of us disputes the fact that there is a situation of urgency about this legislation. The committee has acted in an urgent way. I do not find any fault with that, but I think that it is a misinterpretation, or at least is unjustified, to suggest that we had a great period of time to consider either this legislation or any potential amendments. As a matter of fact, on this bill hearings were held on the morning of one day, we had an executive session of the subcommittee that afternoon, and the matter was considered by the full committee the following morning. So what we are really talking about is a period of approximately 36 hours, which was the total time available to members of the subcommittee and of the full committee to take whatever action they felt was necessary to adjust and perfect the legislation.

All of us as members of that committee were acting under a sense of urgency.

Second, Mr. President, in the committee-prepared draft there was language—and I have the committee draft that was available to all other members of the subcommittee—which brought up this whole subject which we are debating this morning. Although that language which was stated in the draft worked out by majority and minority staff—and all of us recognize it as a staff report—it was a good deal harsher, less explicit, and more punitive than later suggestions. I felt, therefore, that it failed to reach the legitimate aims of those of us on the committee who were attempting to meet what I think is an important need. These objections were raised by the distinguished senior Senator from New York (Mr. Javits), and it was in this exchange and discussion that we were hopeful that language could be prepared which would be sufficiently agreeable to those who were concerned about this problem and to our friends on the other side of the aisle. We sought suggestions which could be adopted in the full committee. And we asked and instructed our staffs to try to arrange this and make recommendations to the full committee in the morning.

I for one certainly reserved my right to raise any language in the full body of the legislation. I think the record will show it. Certainly the members of the committee that were present would understand it. And even if I had not, that right would be reserved to any Member of this body.

Mr. PELL. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. PELL. Mr. President, I would like to corroborate that statement. I remember that the senior Senator from Massachusetts was quite unhappy with the language we were working on. He grumbled and said that he would reserve his right to, and quite likely would, raise it later.

Mr. KENNEDY. Mr. President, as important or as unimportant as the procedures in which we find ourselves today, I think it is significant to know that this problem has been raised and is raised again before the Senate today. The Members of the Senate can look through the series of letters which are printed in the full report and see this question being raised by students and by deans and by financial officers alike.

I refer to a letter from Laurence Arnold, who is a student in Colorado, to the Department of HEW—and I am just quoting one line as the letters themselves will be printed in the RECORD—he states:

> In two instances, I was told that there was some money left—

Referring to this provision—

> but it was only available to established customers of the bank.

I refer to a letter by Pierre Meyer, who is a dean of students at the University of Minnesota. He said:

> At the present time, banks are only accepting loans for students who have been long-term customers.

That is a part of the record.

I refer to Thomas Burch, who is the vice president of the United Student Aid Funds, who said:

> In many institutions and areas, service is limited to customers, and in some, to no loans at all.

I refer as well to the exchange that was mentioned earlier by the distinguished Senator from Missouri between the Chairman of the full committee, the Senator from TEXAS (Mr. YARBOROUGH), and Mr. Simmons. Mr. Simmons is the chief of the insured loans branch. Senator Yarborough said—and I read now from page 39 of the hearing record:

> If banks play a role in providing students assistance, shouldn't they offer that assistance across the board? These are guaranteed loans by the Federal Government to all comers who qualify and not just children of preferred customers or children of somebody that they know.

Mr. Simmons replied:

> We had so many of the banks, including your State and others throughout the country, taking pretty much not everybody that walked in the bank but they are taking that student who had ties to that bank.
>
> I think in the past year, and particularly since January, more and more of what you say, this creeping in of the requirements that they be a customer, they be a good customer, they be a senior or a junior, at least they have a contract relationship for up to 5 years.

Mr. President, I think that in the limited time the committee was able to consider the whole broad spectrum of the guaranteed loan—which I support—there was a demonstrated need to try to remedy this kind of a problem. Therefore, the committee tried in its initial language—which, as the distinguished Senator from New York pointed out, was inadequate and, I think, failed to do the job and was punitive in so many ways—to develop three or four different kinds of alternative language to meet that need.

Those alternatives were discussed at some length in the full committee, and eventually we came to the language which was included in the bill now which says:

> The Secretary shall prescribe procedures—

And when it was initially proposed, it said:

> to assure that the lenders making loans eligible for an allowance pursuant to this Act do not—

And we changed that at the advice of the distinguished Senator from New York (Mr. JAVITS) to say:

> The Secretary shall prescribe procedures to the effect that lenders making loans eligible for an allowance pursuant to this Act do not, as a condition precedent or subsequent for making any such loan, require a student or any member of the student's family to carry out any business activity with the lender, other than an activity directly related to the administration and repayment of such loan.

Mr. President, we fully realize that it is going to be a question of discretion as to what a bank is going to do when providing a loan to a student. We know that there is nothing which we can proceed to do in legislation to require that a particular bank will give a loan to a certain student. Wide latitude and wide discretion would be available. What we have tried to do here, Mr. President, is just provide that the Secretary of Health, Education, and Welfare—and he has broad latitude in this area, broad flexibility, and broad discretion—will be able to prescribe recommendations and procedures to give that kind of assurance so that these students will not be denied the opportunities to participate in this program just because their families are not doing business with those banks.

We think that that is a worthy aim in providing this legislation. We think that it is sufficiently important that it should not be just included in a policy statement in the preamble of the legislation, but should carry the importance of substantive language in the bill. That is why that requirement is in the legislation. We feel that it provides a flexibility and a discretion. There is nothing in this language in and of itself, Mr. President, that will provide for a mandatory cutoff or that should discourage any bank from being willing to participate in this program. We think that it does obviously meet the need which has been established in this record from the testimony and the statements of others.

Finally, Mr. President, we feel that the loan program, as important and as significant as it is in helping and assisting the children of middle-income America, should not be barred from providing help and assistance to those from lower incomes who, because of a family limitation, might not be doing business with the bank. For those reasons this amendment was introduced.

Mr. President, I reserve the remainder of my time.

Mr. PELL. What the Senator from Massachusetts was endeavoring to do was to not let an account be a precedent for the granting of a loan.

Mr. President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). The Senator from Minnesota is recognized for 5 minutes.

Mr. MONDALE. Mr. President, there is no question that the guaranteed or insured student loan program is a much needed and exceedingly successful program, and I urge the Senate's immediate and favorable consideration of the Insured Student Loan Emergency Amendments of 1969 as reported by the Committee on Labor and Public Welfare. These amendments are urgently needed to provide college opportunities to some 200,000 students who are presently unable to obtain loans.

As we know, the prime interest rate is now 8½ percent, with installment loan interest rates scaled upward from the prime rate. The problem for students and their families seeking guaranteed student loans from lenders, normally commercial banks, thus is very easily stated: the student loan is now limited by statute to 7 percent simple interest rate and is therefore not competitive with the other kinds of loans that these lenders can make.

The committee reported bill would allow the Secretary of Health, Education, and Welfare to prescribe an incentive allowance or subsidy to be paid to the lenders based upon current market conditions, and would provide that lenders could not discriminate among loan applicants for this program on the basis of whether or not they or their parents had savings accounts with them. The advantage of this procedure is threefold: it would allow the student to continue borrowing from the insured student loan program at a fixed rate of 7 percent while at the same time provide the Government with a flexible program, avoiding locking either the Government or the student into exorbitant high interest rates. It would prohibit continuation of a discriminatory policy being used by some lenders which required an applicant to be a preferred customer—someone with a savings account or mortgage—in order to qualify for an insured student loan. Most important, of course, is the fact that it would "reopen" the program for students who have been unable to receive loans to attend colleges, universities, and postsecondary vocational schools this fall.

This program, authorized by the Higher Education Act of 1965, has developed from a $77 million program in fiscal year 1966 to a $672 million program in fiscal year 1969. Planned as a financial aid program for students primarily from middle-income families, the program had approximately 730,000 students on loans this past fiscal year alone.

I believe, Mr. President, that this program should be made immediately available to the more than 200,000 students who are now in desperate need of these loans. In addition, I want to state my full support of the amendments to the bill which would authorize increased authorizations—totalling $125 million this year—for the educational opportunity grant program, the college work-study program, and the national defense student loan program. These programs—particularly the educational opportunity grant program—provided vitally needed assistance to low-income students, who, without this aid, would be unable to receive postsecondary education.

I ask unanimous consent that representative correspondence from my State concerning the insured student loan program be printed at this point in the Record.

There being no objection, the correspondence was ordered to be printed in the Record, as follows:

Brainerd, Minn.,
June 19, 1969.

Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.

Dear Senator Mondale: We have a son who is in his third year of a pre-med course in college. Karl has had better than a 3.75 average for three years—two at the Brainerd Junior College, and one year at Miami University at Oxford, Ohio. My husband is an elementary teacher in the Brainerd School system, and on his salary, we just are not able to help Karl very much with his college expenses. In the past, Karl has earned most of his college expenses at the Minnesota Conservation Department, working summers. This summer he is attending the University of Minnesota summer school and is unable to earn money for next year's expenses.

The First National Bank of Brainerd is the local bank designated to grant federally assured loans. Karl talked to the banker about securing this type of loan and was told that because we were not customers, he could not be granted the loan.

The only banking that we do is to have a personal checking account, since we have no mortgages, loans, or savings account. When I told the banker this, he told me the bank doesn't make any money on a checking account, and therefore he doubted if the bank directors would grant the loan.

I would appreciate any help or information you could give me on how to secure a loan of this type for our son.

Most sincerely,
Mrs. Clarence E. Molstad.

Technical Education Center,
Anoka, Minn., August 5, 1969.

Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

We are quite concerned about what is happening to the Guaranteed Loans for students entering post-high programs, especially here at Anoka Area Vocational Technical Center.

We would appreciate anything you could possibly do to alleviate this condition. Most students that would like to go on to further their training are finding it very, very difficult to borrow funds.

Also we would appreciate any help on your part in supporting any educational programs and funds for students, programs, and faculty. We also understand funds and reimbursement for vocational programs and for vocational counselors will be cut. We feel we are providing training and help to many students that are not college-bound or students who leave college because of disappointment but still they all need training. There are a lot of employment skills not provided by college but are still in great demand. It is estimated that only 1 out of 5 high school students go on to college, the others need training to have saleable skills to gain worthwhile and productive jobs.

We again would appreciate any and all help you can give.

Paul Buzay,
Counselor.

Technical Education Center,
Anoka, Minn., July 28, 1969.

Senator Walter Mondale,
U.S. Senate,
Washington, D.C.:

This letter is intended to get your support for the Guaranteed Student Loan program. It seems that all money for this program is being withheld by lending institutions because of the lower interest rates on these loans.

We at the Anoka Technical Education Center certainly are puzzled by the attitude of Congress and the Administration in not providing some alternatives for students seeking these loans. Something needs to be done immediately for many of our students who are seeking financial aid for the coming school term.

We are very interested in your views on this matter. It seems that you have been a strong advocate of educational assistance in the past and we hope you can provide leadership in solving this vital problem.

John Heidgerken,
Counselor.

Mankato, Minn.

Senator Walter Mondale,
Washington, D.C.

Dear Sir: My husband is a married student. We have three childen ages being 15, 14, 8. The enclosed article may cause my husband to have to quit school, even though he is close to graduation.

He applied for a student loan a month or so ago at Northwestern National Bank of Mankato. He was told that they no longer have student loans. There was no money in it for them. Naturally this forced him to borrow at a much higher rate of interest. If we must continue to do this until next March (when he plans to get his B.S. Degree in Chem. and Bio), I hate to think how long it will be before we can get on our feet again. Men the age of Wilfred (40) need a lot more than courage and guts to drop everything and go back to school full time, especially with the responsibilities of supporting a family of this size.

Perhaps you wonder why we are in this great but difficult undertaking. . . .

Wilfred was born and raised on a farm near Blue Earth. It was an expected fact that he would farm like his dad and his dad's Dad. After H.S. graduation he wanted to go to school but did stay home a year. Then he went to a Jr. college in Mankato for 3 years. His father needed help so he went home again and there he started a farming career which lasted until 3 years ago.

In the Summer of 1963 he had a mild coronary. This meant, according to his Dr., doing something with less emotional stress and trying to get into work that he really could enjoy. He kept farming on a smaller scale, but took a job as ass't mgr. of a mfg. firm at the town we were living at the time. (Gaylord) He enjoyed it to a point, but could not see himself in a factory all the rest of his life.

Off and on during our married life he had been encouraged by many to go back to school if this was his desire. It would be difficult but possible. Three years ago he heard of the Rehabilitation Program and became somewhat encouraged, and soon we were selling our machinery and home. We moved to Mankato in Nov. of 1967 and all set to start our whirlwind adventure. He does receive some from Rehab (35.00) weekly. It sure helps but we can't stretch it far enough. I have a full time position at Sears here. That helps too. Our two teen agers help much by babysitting (even 16 yr. old Steve).

I do not want you to get the wrong impression. I am not asking for pity or a hand out. We do not expect anything free. We are not destitute. We have a comfortable home. But isn't it enough that Wilfred give up wages he would ordinarily receive had he worked for pay during this time he must spend in school? Why can't there continue to be loans at a very low interest or even no interest if it is paid back within a reasonable amount of time? Why should he have to stoop to mortgage everything when it took sixteen years to find ourselves near to top of the "hole"? Before he would do that I know he would give up school and get whatever work he can. I can't let him do that now. It will make him feel like a complete failure. (Having the coronary gave too much direction, but I am afraid he will have another if we are forced into financial stress because of the lack of the opportunity of the Student loans or help that would be just as economical.)

Senator, there are a lot of "Wilfreds" at Mankato State. Some have worse situations and some I suppose are abusing the opportunity to grab all they can for nothing.

I know money is tight all over. Why not raise the interest rate on charge accounts and installment buying of luxuries and please do what you can to allow the married students to finish school and not be forced to get jobs.

Thank you so very much for your kind consideration.

Sincerely,
Mrs. Wilfred Humburg.

P.S. Please feel free to stop and see us when you get into Mankato. We would be most pleased to meet with you.

"Real Loan Crunch" May Abort Student Bank Borrowing

Washington.—Hundreds of banks and other money lenders, setting the stage for what one official says will be "a real loan crunch," are telling the government they may have to sharply curtail or end student loans.

"It may just be sabre rattling," said an official of the insured loan bureau in the U.S. Office of Education, "but we are definitely concerned over a real loan crunch this summer."

At stake is more than $640 million in government guaranteed loans now going to 750,000 students under the Higher Education Act of 1965.

Under the act the government guarantees loans of up to $1,000 and a large part of the interest for almost any student certified as attending a college or university.

As commercial interest rates climbed, Congress last year raised the ceiling from the original 6 per cent ceiling to 7 per cent.

Earler this year, however, the prime interest rate—the rate banks charge their most favored customers—spurted to 7½ per cent. With the actual rate that most lenders charge being closer to 10 per cent, most institutions prefer to sink their money into something besides students.

The executive of one Midwestern bank with $5 million in student loans said it would be "folly" to continue them unless the law is changed.

The government official also said the crisis arises at a time when the government already is under fire from colleges and universities for cutting back the 10-year-old national student defense loan program.

Under that program colleges and universities make loans directly to needy students with money that is 10 per cent theirs and 90 per cent federal.

While the defense loans are intended for needy students only, the higher education act was aimed at any student.

"But it's the poor student who will get hurt. Banks and other lenders probably won't turn away the sons and daughters of good customers," said the insured loans official.

Several proposals have been made in Congress or are expected that would raise the guaranteed rate or provide some alternative such as granting lenders the right to charge a fee for each loan application or making some fee arrangement for volume.

The administration is now preparing its own proposal that is expected to go to Congress shortly, but officials declined to give any details.

Virtually all student loans are made in July, August and September, officials say, and therefore it will be several weeks before trends show whether the lending institutions actually will carry out threats to shut off the loans.

Wayzata, Minn.,
June 22, 1969.

Senator **Walter Mondale**,
Washington, D.C.

Dear Senator Mondale: I will be a senior at St. Olaf College next fall, if I can get a loan, that is. Last semester my GPA was 4.0—I'm not saying this to brag, but to indicate that I don't mess around at school. At this point in my life I really want to teach—and if I graduate, that's what I'll be doing.

But why is the government making it so difficult for students to get loans? Democracy, as I was taught, relies on an educated electorate—one which knows what's going on, and one in which men can intelligently analyze issues and think for themselves. Colleges teach people to think, and in so doing, help create valuable and interested citizens.

So Sylvia Porter stated in the enclosed article, it would be a disgrace if many students are prevented from furthering their education. In the last 3 weeks I have applied for a loan from about 20 banks in the Twin City Area. My own bank, Gambles Continental State Bank in St. Paul said it would try to get my loan application approved by the office of H, E & W in Kansas City. If it is not approved, where else can I go to get money? My father just can't afford to send me through on his own. I've worked every summer and throughout the school years, and have received several scholarships. But I still need a loan. Do you have any practical suggestions?

Can you do anything about the situation in general? It will be worse in July & August. Maybe it's not too late to appropriate some money to the banks just for student loans.

Please help us—not only are we the new voters, but the newly-come-of-age citizens. And, contrary to public belief, most of us are not hippies or radicals. We just want a chance to make something of ourselves, and, in this age, we need a college degree.

So please don't abandon us. An investment in education is probably the most secure one that can be made. Help us get the low-interest loans we need.

Let me know what can be done on this end.

Sincerely yours,
Andrea Schulz.

A Column by Sylvia Porter

New York, N.Y.—One dreadful result of the latest upsurge in interest rates and squeeze on credit is the near-death of the much-touted federal-state guaranteed student loan program, designed primarily to help middle-income families.

This threat of extinction comes when applications for these loans are headed for their yearly peak—July and August.

The question facing the banks and hitting the student borrowers is: How can a bank possibly afford to lend money to students at today's federally prescribed maximum of 7 percent?

How can they indeed? When the interest rate to the nation's prime borrowers has been increased to 8½ percent—meaning the effective rate to these most favored borrowers is at least 10–11 percent? When regular commercial bank loans to students stretch up to 15 percent in annual interest? When repayments on practically all types of loans begin almost immediately while repayments on loans under the guaranteed student loan program may not begin for five years or more?

Unless the loan terms are substantially sweetened and soon, the program is dead.

When the guaranteed loan program was launched four years ago, its terms seemed rich enough. Specifically, students attending any accredited college, business or vocational school may borrow up to $1,500 (the maximum is $1,000 in some states) each year they are in school. If the "adjusted" family income of the student is less than $15,000 a year, the federal government will pay the full 7 percent interest while the student is in school and until repayment begins 9 to 12 months after graduation or completion of study.

With these terms the architects of the program were confident that $1 billion or more a year would be loaned. In contrast, during the past school year the actual figure was $641 million and all estimates for this coming year are now utterly unrealistic. Similarly, nowhere near the estimated 923,000 students who are projected to get loans this coming school year will actually receive financial help—unless changes occur in the loan terms or the money markets.

In most parts of the country, only a fraction of those applying for loans are getting them. More and more banks are rejecting all new applications; others are making the loans only to sons and daughters of favored customers. Or banks are "trading" loans to vocational and business school students in return for business from social-minded commercial accounts.

An insider report is that the administration is debating a package of legislative proposals to save the program.

The package could include an increase in the rate ceiling on the loans from the current 7 percent to, say, 9 to 9½ percent or slightly more—a level at which the banks could break even; or the complete elimination of any rate ceiling on this type of loan; or provision for payment of a federal "incentive" fee to banks for each loan; or the addition of "points" which many banks already are charging in order to get around state usury laws.

The historic climb in interest rates is a reflection of today's inflationary demand for credit and the Federal Reserve System's efforts to curb the price-wage spiral by limiting the supply of credit. Our banks have been forced into an awful bind and what they are paying for funds to lend is just as startling as what they are charging for the funds they in turn lend.

But it would be a disgrace in this era if literally hundreds of thousands of students are prevented from going to college or vocational school because of our anti-inflation program—and a great danger to our entire society. We must keep the student loan program working through this money crisis.

St. Peter, Minn.,
June 22, 1969.

Walter F. Mondale,
Old Senate Office Building,
Washington, D.C.

Dear Senator Mondale: I am currently a student of Augsburg College majoring in elementary education. The cutback of federal funds for college aid was naturally a great disappointment to me, as my National Defense Loan was consequently greatly reduced.

I would very much appreciate any efforts you could possibly make in aiding the passage of the bill which would enable our bank to give me a federally insured HEW loan. This loan is necessary for my family to be able to meet the cost of my next school year.

Thank you so much for your attention and concern.

Sincerely,
Sandra Bolstad.

Coon Rapids, Minn.,
July 27, 1969.

Senator **Walter Mondale**.

Dear Sir: I'm writing this letter to inform you of a very grave situation. As a student entering college (Gustavus Adolphus College, St. Peter, Minn.) as a freshman this year, I'm finding it near impossible to receive a government guaranteed student loan. The banks in the metropolitan area are not participating in this program. To my knowledge, the reason is the high interest rates.

My friends and myself, all middle class surburbanites, are at a point where we need help. If loans are not made to us, we will not be able to attend school this fall. I urge you to consider our problem. Any help you may give to me, on how I could go about obtaining a government loan of this type, would be greatly appreciated. I am going to be studying for a career in medicine so if I am to continue school I must have a loan. I *want* to go to school and become a success.

Thank you.

Respectfully yours,
Steven M. Carlson.

Minneapolis, Minn.,
July 24, 1969.

Senator **Walter Mondale**,
Senate Office Building,
Washington, D.C.

Dear Sir: I'm writing this letter to inform you on a very grave situation. As a student entering college as a freshman this year, I'm finding it near impossible to receive a federally guaranteed student loan. The banks in the metropolitan area are not participating in this program. To my knowledge, the reason for this is the high interest rates.

My friends and myself, all middle class suburbanites, are at a point where we need help. If loans are not made available to us, we will not be able to attend school this fall.

I urge you to consider the plight of the situation. Any help you may give me on securing this educational loan would be appreciated. I'm not asking for a handout but rather just a chance to go to school. I *want* to go to school.

Thank you.

Respectfully yours,
Alan Aleckson.

Minneapolis, Minn.,
June 23, 1969.

Senator **Walter Mondale**,
Washington, D.C.

Dear Senator Mondale: I am very distressed upon hearing that the majority of banks in Minneapolis are very reluctant to grant Federal Student Loans because of the recent raise in the prime interest rate to eight and one half per cent. As you know, Federal Law guarantees only seven per cent which currently leaves a difference of one and one half percent.

Before starting school this year, I had been out of high school for four years. During that time I realized I was getting no where so I enrolled at Metropolitan State Junior College to further my education and gain some sort of security for our ever changing society. Since I have been at Metro I have made the Dean's List twice, have earned an overall 3.0 average, have been elected to the Student Senate, and most recently, have been elected Vice President of the Minnesota Association of Junior College Student Government.

It is in this last capacity that I am writing you. In my position as an officer of this organization representing approximately 15,000 students, I wonder if this new policy evidently being made by some of the large banks in the Minneapolis area will spread to the smaller communities where the majority of Junior College students live.

This problem is a great one sir, without the assistance of the Federal Government I am afraid it may be very difficult and maybe impossible to continue with my education which in turn, makes me wonder how many other students may be affected by this most recent money squeeze. This is of great concern sir, and is vitally important that something be done.

May I please hear from you at your earliest convenience?

Thank you.

Sincerely,

Joseph M. Murphy,
Vice President, MAJCSG.

Elysian State Bank,
Elysian, Minn., July 2, 1969.

Re Insured Student Loans
Higher Education Act of 1965

Senator Walter Mondale,
U.S. Senator from Minnesota,
Senate Office Building,
Washington, D.C.

Dear Senator Mondale: Applications for Federally Insured Student Loans are being made of banks to finance students for the 1969–1970 school year to commence this fall.

The return of interest to the bank or other loaning institution is now set at 7% simple interest, which is an unrealistic rate at the going money market.

We have been accepting applications for these loans hoping that by the time they are finally processed the interest rate to be paid to the financial institution would be raised to be in line with the going 8% or more rate on almost all loans now being made.

In accepting student loan applications at the current 7% rate, the loan officer cannot help but feel that he is acting against the best interest of his institution, and therefore it is our belief that this rate should be raised to 8%.

It is our thought that you might bring this to the attention of the Division of Student Financial Aid of the Department of Health, Education and Welfare so that the existing conflict of interest is removed.

Any assistance you can give along this line will be appreciated.

Very truly yours,

R. L. LaFrance,
President.

Minnesota School of Business,
Minneapolis, Minn., August 4, 1969.

Hon. Walter F. Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: The urgency of the passage of S. 2721 cannot be overstated.

Millions of college students will be deprived of their educational pursuits this fall if the Federal Guaranteed Loan Program is not continued, and the Administration Bill S 2721 will give the necessary incentive to the banks so that they will reactivate the program and the students will be able to pursue their education.

I respectfully urge your favorable consideration of this bill on behalf of the students of this country, and appreciate your cooperation and understanding of the situation.

Very truly yours,

W. C. Stevenson,
President.

Minneapolis, Minn.,
August 1, 1969.

Hon. Walter Mondale,
U.S. Senate, Old Senate Office Building,
Washington, D.C.

My Dear Senator Mondale: Please find attached a clipping from the Minneapolis Star, July 29, 1969, which concerns proposed legislation to increase the government interest subsidy to banks sponsoring student loans for college. The past two years such a loan has enabled me to attend Macalester College, St. Paul. However I, like many others, suddenly find myself unable to get my loan renewed because of increased interest rates. I know I represent thousands of other college students from middle-class backgrounds who can neither present sufficient need to qualify for college financial aid, nor who have the personal resources to match rising private and public college costs. These loans help us bridge the gap between summers.

Sincerely,

Suzanne K. Tarrey.

PROPOSAL ASKS INTEREST SUBSIDY ON LOANS TO COLLEGE STUDENTS

Washington, D.C.—The Nixon administration today proposed giving banks an incentive payment to pry loose money for loans to students before colleges open in September.

James E. Allen, Jr., education commissioner, told a House Education subcommittee "emergency legislation" is necessary to encourage banks to make the loans for which they receive a lower rate of interest.

The student loans are guaranteed by the government but presently have a maximum interest rate of 7 percent. The banks now charge 8.5 percent to their preferred customers.

INCENTIVE FEE

Under the administration bill, the government would pay an incentive fee of up to 3 percent above the current 7 percent interest limit and would review the amount of the fee each six months to determine if it should be adjusted.

Banks recently raised their prime interest rate—charged to their preferred or most important customers—to 8.5 percent. Earlier testimony from bankers indicated that interest on student loans would have to be at least 9.5 percent a year.

Under the proposed loan program, the government would pay all of the interest for the student while he is in college. After he leaves college the student starts paying on the loan and assumes the full 7 percent interest rate with the government handling the interest above 7 percent.

Bemidiji, Minn.

Dear Mr. Mondale: My husband and I received Federally Insured College Loans last year to finance our education at Bemidji State College. Last week we received notice from Thomas Schmidt of Midwest Federal in Minneapolis that they are completely withdrawn from the college loan program and neither of the loans will be accepted.

I have only one year left until graduation. Upon my graduation I had planned to teach in this area and put my husband through his last year. As it stands now, however, we are left stranded with loans that are due if we quit school and no degrees to make the money with which to pay them back. With a small child to feed life hasn't been easy, but we have been willing to work and sacrifice. Both of us feel a responsibility to our country and wish to be as productive as we are able to be. Both of us plan to enter teaching.

What bothers us is that the students who borrowed from local banks can again receive loans even though money is short. As one gentleman at a local bank put it—they feel they have a responsibility to the students they started in college to allow them to finish even though it is a strain on them. However no new loans are to be given. Why is it that Midwest Federal feels no sense of obligation? I realize that there are more productive loans for them, but is it fair to leave people in the final stage of their education with a loan to pay off and no money to continue in school? We feel that this situation is worthy of your inquiry.

Sincerely,

Mrs. Jon Moe.

St. Paul, Minn.,
July 30, 1969.

Senator Mondale: We have tried all sources to secure a Government Student Loan, so that our son may continue his education at Mankato State College. All the banks that we have tried in St. Paul have turned us down. We realize that this is a national problem and that anything that you might be able to do for us would be greatly appreciated.

Yours truly,

Frank A. Fincel.

St. Paul, Minn.,
July 24, 1969.

Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.

Dear Senator Mondale: I will be a freshman this fall at Reed College, Portland, Oregon, and am relying in a large part on financial aid, but all my attempts to negotiate a Federally Insured Loan (or Guaranteed Student Loan) have been unsuccessful. The twelve banks and lending institutions in the Twin Cities area which I have tried will not grant these "loss" loans available under the Federal Higher Education Act of 1965.

I understand that Congress is considering legislation to ease the strain on banks and encourage their participation in the student loan program—legislation which will probably take the form of a federal subsidy to the banks equal to or a little more than the difference between the loan rate of 7% and the prime rate (now 8½%). *I urge your strong and prompt support of helpful legislation in this area of interest-subsidized student loans.*

Very truly yours,

Jean Johnson.

P.S.—I am enclosing a copy of an article which appeared in the Sunday Minneapolis Tribune of July 13, 1969, which should be of interest to you.

[From the Minneapolis (Minn.) Tribune, July 13, 1969]

STUDENT LOAN PLAN PERILED IN MINNESOTA

(By Fred Johnson)

The federal government's guaranteed loan program for college students is in serious trouble in Minnesota.

Many banks have reduced or eliminated their lending activities under the program, according to a Minneapolis Tribune survey. As a result thousands of students are losing an important source of financial assistance.

The problem stems from the inflationary trend in the national economy. Because of tight money conditions and rising interest rates, lending institutions are finding it difficult to make loans at 7 percent—the maximum interest allowable under the federal program.

One college official told the story of a Twin Cities girl who received a letter from her congressman commending her academic achievement in high school.

The girl's mother wrote back to the congressman that her daughter had been seeking a loan to help her continue her education, and had been turned down by 16 banks. The mother said she was tired of hearing about all the money supposedly available to students.

Another college official said the guaranteed loans had been a good program, but that "they are not the answer this year."

As things now stand, "I don't see how we can have anything but a crisis for many students," said Edgar M. Carlson, executive director of the Minnesota Private College Council.

Some observers feel the program might be salvaged if the interest rate could be increased. The rate was raised from 6 to 7 percent last summer.

Rep. Edith Green, D-Ore., chairman of the House Higher Education Subcommittee, has scheduled hearings for Wednesday and Thursday to explore possible changes to make the program work more effectively.

According to sources in Washington, D.C., the Nixon administration is thought to be considering the possibility of some form of payment to give bankers more incentive to make student loans.

Rep. Albert H. Quie of Minnesota, the senior Republican on Mrs. Green's subcommittee, said last week that he believes the present loan program should be continued. He suggested, however, that a new program be created to provide federal guarantees for loans at prevailing interest rates.

"I don't think students would be gouged," Quie said, "because with the loans federally-guaranteed, they should qualify as prime borrowers and get the prime rate."

(The prime interest rate—generally defined as the rate banks charge their best corporate customers—now is 8½ percent.)

In a related development, the Board of Regents of the University of Minnesota agreed Friday to borrow $500,000 for the university to use in making 6-percent loans to students. The principal impetus for the regents' action apparently was the 35-percent tuition increase that will go into effect at the university this fall.

The problems in the federally guaranteed loan program are compared by the fact that other federal aid programs for students are being reduced.

And as their sources of assistance dwindle, Minnesota students are faced with sharply increased fees at both private and public colleges.

The situation adds up to "total frustration" for some students, said Robert Matuska, director of student financial aids at Mankato State College. "I'm totally frustrated myself," he added.

From September 1967 through May of this year, Minnesota residents received 33,700 guaranteed loans totaling $28.3 million, according to the Minnesota Higher Education Co-ordinating Commissions (HECC).

Close to 600 lending institutions in the state have participated.

The program which was authorized by the Higher Education Act of 1965, works like this:

The student gets a loan from a bank, or another lending institution, and the federal government pays the interest as long as he is in school. After he leaves school the borrower assumes the responsibility for paying off the loan.

A student can borrow up to $1,500 for a single school year, and up to $7,500 over a period of years.

Anyone can borrow under the program, but the interest subsidy is available only to those whose adjusted family income does not exceed $15,000.

According to educators, the program has benefited students from low-income families as well as students with middle-class backgrounds.

The students most seriously affected by the decline of the program are those who need their first loan, according to George Risty, a member of the HECC staff.

Students seeking renewed loans under the program are having their problems, too.

For example, a married student at a state college who had a guaranteed loan last year was told by his bank last week that there is no possibility of him getting a loan for the coming school year, when he hopes to graduate.

A Minneapolis man who has two children attending college, both of whom have received guaranteed loans in the past, got the same story from his bank.

This man's solution was to dip into his own savings and make the loans himself. But it is apparent that this solution will not work for everyone.

MINNITONKA, MINN.,
July 12, 1969.

Senator MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: I am a senior student in Secondary Education-Sociology at the University of Minnesota. I sought a renewal on a Federally guaranteed student loan from my bank, Pichfield Bank & Trust Co., Minneapolis. I was told that it would be impossible for them to loan money to me again under that program. They suggested I borrow it from my parents. My parents do not have the money to lend me. I am working, but I will not be able to meet the 35% tuition increase at the University this year without a loan.

I want to ask you to support the work of people who are helping me & students in similar circumstances.

Yours very truly,
MARYANNE WIESER.

HOPKINS, MINN.,
June 19, 1969.

Senator MONDALE: Yesterday I went to Northwestern National Bank in Minneapolis to pick up the forms for the federally insured college loan. I was informed that this program was no longer in existence. I am presently a sophomore at St. Cloud State College and I had a loan last year. I don't know if I can go back to school if I can't obtain some funds. My brother is beginning college this fall also and my family simply can't afford to pay for it. Could you please explain to me the reason for canceling this program? I would also like to know if there is some other agency I could contact in order to receive funds. Any information you could send me would be greatly appreciated. I really want to go back to school.

Thank you.

SANDRA MAAS.

MORE EDUCATION, MORE OPPORTUNITY, A COLLEGE DEGREE, TRAINING FOR A JOB—THE U.S. OFFICE OF EDUCATION SPONSORS PROGRAMS THAT CAN ASSIST YOU

COLLEGE

If you have been accepted at a college or if you now attend a college contact the student financial aid officer at your school. He can give you specific information and applications for three college-based programs sponsored by the Office of Education:

(1)—A Program of Grants.
(2)—A Program of Loans.
(3)—A Program of Work Opportunities.

The Educational Opportunity Grants Program is for students of exceptional financial need who without this grant would be unable to continue their education. Grants of up to $1,000 a year are available for 4 years of undergraduate study; and if you are selected for an EOG, you will also receive additional financial aid at least equal to the EOG amount. The financial aid officer at your school selects those who will receive grants and determines the amount you will need.

The National Defense Student Loan Program makes it possible for you to borrow up to $1,000 each year to a total of $5,000 for your undergraduate study and up to $2,500 each year for graduate or professional study to a combined total of $10,000 for both undergraduate and graduate study. As in the Educational Opportunity Grants Program, the financial aid officer on your campus is responsible for determining which students are eligible and the amount of the loan. Repayment begins 9 months after you cease at least half-time study and may extend over a 10-year period. Interest charges of 3 percent also begin at the start of the repayment period. No repayment is required and no interest is charged—for any period up to 3 years during which you are serving in the Armed Forces, Peace Corps, or VISTA. The program also provides for partial or total loan cancellation for students who enter the field of teaching.

The College Work-Study Program may assist you by providing a job opportunity for the college itself or for a public or private nonprofit agency—such as a school, a social agency, or a hospital—working in cooperation with your school. You may work an average of 15 hours weekly while classes are in session and 40 hours per week during the summer or other vacation periods. In general, the salary paid is at least equal to the current minimum wage, although, it is frequently higher. The financial aid officer is responsible for determining the students to be employed, selecting suitable jobs for them, handling the payroll, and the general administration of the program.

For more specific information and applications on these three programs, see your financial aid officer. If you are not in school now, write to the Director/Office of Student Financial Aid at the school you would like to attend.

COLLEGE OR VOCATIONAL TRAINING

The Guaranteed Loan Program: The Office of Education also sponsors a loan program which may enable you to borrow money directly from a savings and loan association, credit union, bank, or other participating lender. The general outline was established by Federal law; but each State administers the program according to slightly different procedures. Depending on your year in school, you may borrow up to a maximum of $1,500; in some States, this maximum is $1,000 per year. If your adjusted family income is under $15,000 per year, the Federal Government will pay the full interest charged on this loan while you are attending school, and prior to the beginning of the repayment period. Repayment begins on a date between 9 and 12 months after you complete your course of study or leave school. The maximum repayment period is 10 years, although minimum repayment requirements may reduce this. Deferment of repayment may be authorized for service in the military, Peace Corps, or VISTA; or for any period that you return to full-time study.

For the first time you can receive financial aid to help you gain vocational training that will broaden your employment opportunities. There are no age limitations. You do not have to be a high school graduate or even an elementary school graduate. The only requirement is that you be able to benefit from the training you receive.

Arrangements for your loan—whether you are interested in a college degree or vocational training—must be made directly between you and your lender. Applications are available from lenders, schools, or the guarantee agency designated for your State of legal residence listed below.

You may borrow under this program if:

(1)—you are enrolled or have been accepted for enrollment as an undergraduate, graduate, or professional student—on at least a half time basis—at an eligible college or university or hospital school of nursing, or

(2)—you are enrolled or have been accepted for enrollment—on at least a half time basis—in an approved vocational, technical, or business school.

Your State guarantee agency, lender, or student financial aid officer will be able to provide you with:

(1) —specific information regarding the operation of the program in your State.

(2)—the necessary application forms.

(3)—information on the eligibility of your school.

The programs described in this brochure are by no means the only forms of financial assistance available to you. Many other Federal agencies sponsor programs of financial assistance for students in specific career fields. Public and private organizations are also involved in aiding students who wish to further their education. Information on these other sources of aid is available at your school or public library from your high school counselor, or from the financial aid officer at your school.

Remember: Applications and detailed information are available from your college or university for the college-based programs and from your lender, State guarantee agency, or Student Financial Aid Office for the Guaranteed Student Loan Program.

SOURCES

Sources of information on the guaranteed loan programs for students:

Alabama

Director of Higher Education, Office of Education, Region IV, 50 Seventh Street NE., Atlanta, Georgia 30323.

Alaska

United Student Aid Funds, Inc., 845 Third Avenue, New York, New York 10022.

Arizona

Director of Higher Education, Office of Education, Region IX, 760 Market Street, San Francisco, California 94102.

Arkansas

Student Loan Guarantee Foundation of Arkansas, Suite 615, 1515 W. 7th Street, Little Rock, Arkansas 72202.

California

Director of Higher Education, Office of Education, Region IX, 760 Market Street, San Francisco, California 94102.

Colorado

Director of Higher Education, Office of Education, Region VIII, 9017 Federal Office Building, 19th and Stout Streets, Denver, Colorado 80202.

Connecticut

Connecticut Student Loan Foundation, Room 9, 54 Pratt Street, Hartford, Connecticut 06103.

Delaware

Delaware Higher Education Loan Program, Brandywine Junior College, Wilmington, Delaware 19802.

District of Columbia

Program Coordinating Unit, 1329 E Street NW., Washington, D.C. 20004.

Florida

Director of Higher Education, Office of Education, Region IV, 50 Seventh Street NE., Atlanta, Georgia 30323.

Georgia

Georgia Higher Education Assistance Corporation, Room 502, Hartford Building, 100 Edgewood Avenue NE., Atlanta, Georgia 30303.

Hawaii

Department of Budget and Finance, State Office Building, Post Office Box 150, Honolulu, Hawaii 96810.

Idaho

Director of Higher Education, Office of Education, Region VIII, 9017 Federal Office Building, 19th and Stout Streets, Denver, Colorado 80202.

Illinois

Illinois State Scholarship Commission, 730 Waukegan Road, Post Office Box 33, Deerfield, Illinois 60015.

Indiana

College Student Loan Program, Indiana State Scholarship, Room 514, State Office Building, 100 North Senate Avenue, Indianapolis, Indiana 46204.

Iowa

Higher Education Facilities Commission, 1300 Des Moines Building, Des Moines, Iowa 50309.

Kansas

Directory of Higher Education, Office of Education, Region VI, 601 East 12th Street, Kansas City, Missouri 64106.

Kentucky

Kentucky Higher Education Assistance Authority, 319 Ann Street, Frankfort, Kentucky 40601.

Louisiana (in-State-students)

Louisiana Higher Education Assistance Commission, Post Office Box 44095, Capitol Station, Baton Rouge, Louisiana 70802.

Louisiana (out-of-State-students)

United States Aid Funds, Inc., 845 Third Avenue, New York, New York 10022.

Maine

Maine State Department of Education, Augusta, Maine 04330.

Maryland

Maryland Higher Education Loan Corporation, 2100 Guilford Avenue, Baltimore, Maryland 21218.

Massachusetts

Massachusetts Higher Education Assistance Corporation, 511 Statler Building, Boston, Massachusetts 02116.

Michigan

Michigan Higher Education Assistance Authority, Commerce Building, P.O. Box 420, Lansing, Michigan 48902.

Minnesota

Director of Higher Education, Office of Education, Region VI, 601 East 12th Street, Kansas City, Missouri, 64106.

Mississippi

Board of Trustees of Institutions of Higher Learning, 1007 Woolfolk Building, Jackson, Mississippi 39201.

Missouri

Commission for Higher Education, 600 Clark Avenue, Jefferson City, Missouri 65101.

Montana

Director of Higher Education, Office of Education, Region VIII, 9017 Federal Office Building, 19th and Stout Streets, Denver, Colorado 80202.

Nebraska

Director of Higher Education, Office of Education, Region VI, 601 East 12th Street, Kansas City, Missouri 64106.

Nevada

United Student Aid Funds, Inc., 845 Third Avenue, New York, New York 10022.

New Hampshire

New Hampshire Higher Education Assistance Foundation, 3 Capitol Street, Concord, New Hampshire 03301.

New Jersey

New Jersey Higher Education Assistance Authority, 225 West State Street, Trenton, New Jersey 08625.

New Mexico

Director of Higher Education, Office of Education, Region VII, 1114 Commerce Street, Dallas, Texas 75202.

New York

New York Higher Education Assistance Corporation, 159 Delaware Avenue, Delmar, New York 12054.

North Carolina

State Education Assistance Authority, 1307 Glenwood Avenue, Raleigh, North Carolina 27605.

North Dakota

Director of Higher Education, Office of Education, Region VI, 601 East 12th Street, Kansas City, Missouri 64106.

Ohio

Ohio Student Loan Commission, Wyandotte Building, 21 West Broad Street, Columbus, Ohio 43215.

Oklahoma

Oklahoma State Regents for Higher Education, State Capitol, Oklahoma City, Oklahoma 73105.

Oregon

State of Oregon Scholarship Commission, Post Office Box 3175, Eugene, Oregon 97402

Pennsylvania

Pennsylvania Higher Education Assistance Agency, Towne House, 660 Boas Street, Harrisburg, Pennsylvania 17102.

Puerto Rico

Director of Higher Education, Office of Education, Region III, 220 Seventh Street NE., Charlottesville, Virginia 22901.

Rhode Island

Rhode Island Higher Education Assistance Corporation, Room 404, 139 Mathewson Street, Providence, Rhode Island 02901.

South Carolina

United Student Aid Funds, Inc., 845 Third Avenue, New York, New York 10022.

South Dakota

Director of Higher Education, Office of Education, Region VI, 601 East 12th Street, Kansas City, Missouri 64106.

Tennessee

Tennessee Education Loan Corporation, State Department of Education, 115 Cordell Hull Building, Nashville, Tennessee 37219.

Texas (Direct State Loans)

Director of Student Financial Aid, Texas College & University System, Sam Houston State Office Building, 201 East 14th Street, Austin, Texas 78701.

Texas (Guaranteed Loans)

United Student Aid Funds, Inc., 845 Third Avenue, New York, New York 10022.

Utah

Director of Higher Education, Office of Education, Region VIII, Room 9017, Federal Office Building, 19th and Stout Streets, Denver, Colorado 80202.

Vermont

Vermont Student Assistance Corporation, 109 South Winooski Avenue, Burlington, Vermont 05401.

Virginia (In-State-Students)

Virginia State Education Assistance Authority, 1116 State-Planters Bank Building, Richmond, Virginia 23216.

Virginia (Out-of-State-Students)

Director of Higher Education, Office of Education, Region III, 220 Seventh Street, NE., Charlottesville, Virginia 22901.

Washington

Director of Higher Education, Office of Education, Region IX, 50 Fulton Street, Regional Office Building, San Francisco, California 94102.

West Virginia

Director of Higher Education, Office of Education, Region III, 220 Seventh Street, NE., Charlottesville, Virginia 22901.

Wisconsin

Wisconsin Higher Education Corporation, State Office Building, 115 West Wilson Street, Madison, Wisconsin 53702.

Wyoming

Director, Higher Education, Office of Education, Region VIII, Room 9017 Federal Office Building, 19th and Stout Streets, Denver, Colorado 80202.

> NICOLLIT MINN.,
> *July 15, 1969.*
>
> Hon. WALTER MONDALE.
>
> DEAR SIR: I am writing in regard to the Federal backing of *student loans* for college students. There seems to be a question if it can be had this year. It seems as if the banks are hesitant to go along. Of course the interests will be higher than before. I have a grandson that has been living with us since he was a baby. He has been going to Gustavus Adolphus for two years. It will be hard for him and other students that plan on this help.
>
> Thanking you for the good job you are doing for Minnesota and the Nation.
>
> I remain,
> Yours truly,
> ARCHIE A. WEBSTER.

> NORTHWESTERN ELECTRONICS INSTITUTE,
> *Minneapolis, Minn., July 31, 1969.*
> Hon. WALTER F. MONDALE,
> *Senate Office Building,*
> *Washington, D.C.:*
>
> What can be done to make the federally insured student loan program more attractive to lending agencies? Our bank, having loaned one million dollars to college and technical school students, is now at the point of discontinuing this program, the paper work involved in processing, the loan application and the problem attendant to tracing borrower and collection programs make it impractical to continue this service at the established interest rate. This financing program is great for the student to enable him to pursue post high school education. However, tighter controls must be implemented in the law and greater benefits established for the lending agency.
>
> C. L. LARSON,
> *President.*

Mr. MONDALE. Mr. President, the issue we face here is a fairly technical one. As the Senator from Colorado points out, the 7-percent ceiling presently existing on guaranteed loans to students is far below the current market interest rate. Thus, lenders are reluctant to make loans at what they regard as an interest loss.

The proposal pending before the Senate this morning would add to that 7 percent a subsidy that would be paid by the Federal Government to a lender to make up the difference between the 7 percent which a student would pay and the market rate which the lender could charge.

The reason for providing a Federal subsidy on insured student loans is to give the banker the profit he would gain from interest rates at the current level. In other words, the banker would receive full compensation and full profit. This is not the morning to discuss whether the profits are exorbitant. It is, however, relevant to point out that interest rates generally are the highest they have been in probably 100 years.

In any case, under these provisions, the banker will receive most impressive profits indeed. We are not arguing with that. We regret the high interest rate, but this proposal has been unanimously reported from the Committee on Labor and Public Welfare with that provision included.

The question is, Should the banker, in addition to benefiting from that high interest rate on what is to him a riskless loan insured by the Federal Government, condition this student loan on a requirement that the student or his parents leave deposits with the bank, or conduct personal business with the bank, or in other ways have commercial relationships with the bank, which profit the bank even more? Should the banker be permitted to make his 7 percent from the student, receive the Federal interest subsidy, be totally protected against risk by the full faith and credit of the United States Government and in addition be permitted to impose upon the borrower a commitment that will drive the bank's profit up even higher? This is the issue.

The distinguished Senator from Massachusetts said that this is a program that should be geared to get money in the hands of a student so he can go on to college. To do this we are willing to pay the banker a reasonable profit, but we ought to stop there. We ought to say that these loans are available to the young men and women of this country for college or vocational school, without requiring, in addition, that they have parents who are wealthy enough to leave deposits in banks, or have any commercial business, and or have commercial papers or loans handled through the lending institution.

It seems to me that the provision prohibiting the continuation of this discriminatory practice is impressively modest and long overdue. It is something we have learned on the basis of experience in this program that needs to be corrected.

The American Bankers Association this morning, in a letter placed on my desk, admits that this has been the normal practice. They say that past banking relationships provide a normal and understandable basis for such judgments.

We hear much these days about how the private sector should help the public sector solve the human problems which this Nation faces. I agree with that concept. But is it too much to ask, when the Federal Government insures bankers a very handsome, riskless profit, for them to make these loans available without discrimination in their communities, without in addition imposing a charge that will make available lending opportunities and borrowing opportunities only to those prospective students who have the kind of connections, with their parents or with others, that further increase the profits of the bank?

I should like to read a typical letter on this problem which shows what is happening in this connection with the guaranteed loan program in this country. This is a letter from Mrs. Clarence Molstad of Brainerd, Minn. In it she points out that her son is a gifted premedical student, well on his way to an impressive medical career. But, in order to send him through school he needs a loan; they do not have the money themselves. This is what she reports:

> The First National Bank of Brainerd is the local bank designated to make federally insured loans. Carl talked to the banker about securing this type of loan and was told that because we were not customers, he could not be granted the loan. The only banking that we do is to have a personal checking account, since we have no mortgages, loans, or savings account. When I told the banker this, he told me the bank does not make any money on a checking account, and therefore he doubted if the bank directors would grant the loan.

This is happening all over the country. Decent young men and women need loans in order to get through college. Today we are going to adopt an amendment which not only will permit banks to make 7 percent on that loan, but also will provide that the Federal Government will make up any difference between 7 percent and the market rate; yet, banks are insisting that in addition to this, they make money from deposits. Apparently, a checking account from a modest income family in a bank will not, in some cases, be enough to qualify a member of that family for an insured student loan from that bank. Instead, they are going to ration these highly desirable 7-percent loans among those most able to increase the profits to the banks. This practice destroys or seriously interferes with the effectiveness of this program.

I commend the Senator from Massachusetts for insisting that these loans be made to students on the basis of need and not on the basis of the fortuity of having parents with enough money to enrich the banks further.

We have heard this morning, and we have heard elsewhere, that this is a voluntary program, and the only way one can get the private banking industry to make loans is to sweeten the pot further; otherwise they will not do it. One wonders what happened to the rhetoric of public service that we hear so often from the private sector. But, apart from that, I think the statistics belie that conclusion, because, in the 4-year history of the guaranteed loan program, loans have risen dramatically, even in 1969, when interest rates were at an alltime high.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. MONDALE. I ask for 1 additional minute.

Mr. PELL. I yield 1 additional minute to the Senator from Minnesota.

Mr. MONDALE. In 1966, the guaranteed loan program provided $77 million in loans; in 1967, $248 million; in 1968, $436 million; in 1969, $672 million. So loans are being made at an alltime high, even with these exceedingly high interest rates, despite the fact that there is a 7-percent ceiling. And we have taken a step in this bill to subsidize the bankers for the difference between 7 percent and the market rate.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. KENNEDY. In spite of the fact that a 7-percent rate is guaranteed by the Federal Government, as I understand, in banking circles, that is worth at least 1 point or even a point and a quarter. Is that correct?

Mr. MONDALE. The Senator is correct. Because there is no risk of loss. In other words, we are now guaranteeing them a profit, at interest rates that are at an alltime high, and we are protecting them with the integrity of the Federal Government against any loss.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. PELL. I yield 1 additional minute to the Senator from Minnesota.

Mr. MONDALE. Now they want to go one step further and say that banks should be permitted to discriminate between insured student loan applicants on the basis of their families wealth, or connections, so that banks can increase their profits under this program even further. It creates a wholly indefensible situation, in which a decent student, because he does not have money, cannot get loans, despite everything we are doing to enrich the bankers. I think the time has come to ask the bankers to help us in this situation.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. KENNEDY. As I understand, half of the students who are in college today are from the top quarter percentile in terms of family income, and only 7 percent are in the lower quarter in terms of family income. I think this can suggest that we are finding the middle higher incomes are able to take advantage of some of these programs to a much greater degree; and this situation, without this amendment, could very well increase that trend.

Mr. MONDALE. The Senator is correct.

Clark Kerr, who I think is regarded as one of the Nation's experts in this field, said that today a young man or woman——

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. MONDALE. I ask for 1 additional minute.

Mr. PELL. I yield one-half minute to the Senator from Minnesota.

Mr. MONDALE. Mr. Kerr said that today a young man or woman whose family income is in the top half of the national income range has three times the chance to get a college education as one whose family is in the bottom half.

In other words, we know that with children of equal ability, one from rich parents, one from poor parents, the child from the poorer family has about one-third the chance of going on to college.

For these reasons, I urge the Senate to retain the provisions in this bill that were added during the deliberations of the Labor and Public Welfare Committee. The incentive allowance for the insured student loan program coupled with the prohibition against discrimination by lenders based on an applicant's wealth or connections, and expanded authorizations for the educational opportunity grants program, the national defense student loan program, and the college work study program represent important improvements in our efforts to expand opportunities for higher education.

I strongly support this effort to increase the availability of financial assistance for students in higher education, and I pledge my support for efforts to assure that important programs of Federal aid to education—from preschool education through adult education—are funded at fuller and more adequate levels in fiscal year 1970.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Missouri.

Mr. EAGLETON. I thank the Senator.

Mr. President, I do not know how many Senators are personally acquainted with Mr. Willis Alexander, the president of the American Bankers Association. It happens that I am acquainted with him. Although he is from a small town in Missouri, he nevertheless is one of our more prestigious citizens and is a very fine gentleman.

I know that Mr. Alexander, in terms of running his bank and the granting of loans in that bank, would not hold it against a student that the student's parents were not depositors in his bank.

I also know that Willis Alexander has sufficient leadership among bankers, within the State of Missouri and in the Nation, to prevail upon most of those who are associated with him in the banking profession not to discriminate against students whose parents, because of economic circumstance or happenstance, are not depositors in the respective banks where the loans are being sought.

Mr. Alexander, in his letter of August 11, which the Senator from Colorado (Mr. DOMINICK) has had circulated, says "past banking relationships provide a normal and understandable basis for such judgments by many banks and their customers."

I say that is eminently correct insofar as the purely private sector is concerned.

Absent any Federal guaranteed loan program or Federal involvement at all, it is only natural and 100 percent all-American if a bank gives preference to someone who had a continuing financial relationship with that bank, whether it be a corporation or a private individual. Banks normally would do business with people who have been friendly with them in their business relationships. That is fine in the purely private sector. But this no longer is a purely private relationship. When we pass this law, the Federal Government is involved, since as the Senator from Minnesota (Mr. MONDALE) stated, the U.S. Government would be guaranteeing a profit.

Therefore, it is not just a normal continuous private relationship. Uncle Sam is now in the picture. Thus, what may be precedent in terms of doing business with friends and mutual back scratching in the private sector, is not precedent in the public sector. It should not be the public policy of this Government that we would condone, wittingly or unwittingly, the alleged and tenuous right of a bank to say, "We will loan federally guaranteed and federally subsidized money to students whose parents do business with us, but to Willy Jones down the street, whose parent do not deposit with us, we will leave him high and dry."

Finally, I wish to say that the Senator from Colorado (Mr. DOMINICK) pointed out in his remarks that there is an emergency about this bill. Indeed, there is. He pointed out he has received telephone calls and letters from home. I am sure he has. Indeed, I have also. Many of these calls and many of these letters point out what was mentioned by the Senator from Minnesota (Mr. MONDALE) in the terms of his letter from the student from Brainerd, Minn. My telephone calls and letters indicate that student after student has sought the financial advantages of this law and they have been denied same because their parents did not do business at a certain bank.

I receive calls in which I am asked, "Why can't my son get a loan just because I do not do business with bank X or bank Y? Why should the law permit that?"

I think the Kennedy language goes a long step forward in putting into the law what should have been there all along: That there is no preference, advantage, or disadvantage; that every one seeking a loan is on a parity. This is the only way it should be and the only way in which Congress should give its stamp of approval.

Mr. COOK. Mr. President, will the Senator yield to me for 1 minute?

Mr. PELL. I yield.

Mr. COOK. Mr. President, I have listened carefully to this debate. To me one of the major points is missing. Mr. President, we watched the program when the 7-percent maximum interest rate was established and we watched bankers of the country almost freeze that program at 7 percent. We are now considering a bill to give incentives to the bank not to exceed 3 additional percentage points, which is a 10-percent maximum.

Is there any doubt in the mind of anyone in this Chamber that the bankers of the United States, as soon as this bill is passed, will continue to freeze the accounts and force on the Commissioner of Education and the Secretary of the Treasury the 3 additional percentage points, and it will go to the maximum of 10 percent. He will have his maximum of 10 percent, and he will have his incentives also to force on the families of youngsters that may do business with the bank.

We can talk about the problems of our country, but let us discuss the real problem. The banks will not stop at 7 percent; they will continue until the interest is 10 percent. We are not considering incentives to the bank but how long it will take the banks to get to the maximum of 10 percent. In addition, there is the effort to take out of the bill the ability of the bank not to force on the family or the students the provision that he must do business with the bank.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I reserve the remainder of my time.

Mr. DOMINICK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 13 minutes remaining.

Mr. DOMINICK. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. DOMINICK. Mr. President, I have been listening to this discussion between the Senator from Massachusetts (Mr. KENNEDY), the Senator from Missouri (Mr. EAGLETON), the Senator from Minnesota (Mr. MONDALE), and the Senator from Kentucky (Mr. COOK).

I think they miss the point. The problem they are overlooking was stated in the hearings over and over again. The available funds in the market for lending are so tight that the interest rate is above 7 percent. Therefore, if any banker or other lender on a voluntary basis is going to give a loan to a student he is going to have to have either added increments in the way of an account or something of this kind, or he will have to have, in the alternative, an incentive.

The purpose of our original bill, unencumbered with riders, is to get away from the very problem that has been recited by my distinguished colleagues on the other side.

Looking at page 38 of the hearings, Mr. Simmons, who is in charge of higher education lending in the Office of Education, said:

> We have at the present time about 18,934 lenders. This includes savings and loans, credit unions, and banks. The great bulk of that are commercial banks, and I would say of this about 16,000 banks, in that number, 80 percent have made loans.
>
> I would say at the present time that has dropped considerably. We have calls every day and letters by the stacks of those which are having to withdraw from the program.
>
> I think the important thing here is when this program was authorized in 1965, there was a prime rate of 4.5 percent and Congress gave us a rate of 6 percent. Today, in spite of the increase of last year, we are a point and a half below prime.
>
> So we have just been priced out of the market, you might say, and we are competing for the dollar, whether it be mortgage or personal loans or automobiles, we are low man on the totem pole in competing for that dollar.

That is the witness from the Office of Education, the man in charge of student loans. He is not a banker or other lender trying to break even or make a profit in the private enterprise system.

Let us go back to the testimony of Mr. Willis Alexander, who was referred to by the Senator from Missouri. Mr. Alexander stated on page 46 of the hearings:

> Student loans, even though guaranteed, are comparatively expensive to originate and service. Normally, more than one interview is involved and the paper work incident to guarantee agency approval is considerable. The repayment period is protracted and frequently is extended by changes in educational plans and grace periods for Government and military service. It is not by suggestion that the rate of return on these loans should be such as to yield a normal profit. The return should, however, be realistic in terms of both money costs and overhead costs to the end that a breakeven point is attainable. In the present environment, the seven percent interest rate now charged on such loans does not meet this goal.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMINICK. Mr. President, so all of this discussion—I was going to use another word but I will not—about the profits bankers and other lenders are making on student loans is plain baloney, to put it in simple language.

I wish to ask Senators on the other side of the aisle a question and I hope the RECORD will reflect an answer. The Kennedy rider uses the term "lender." Not only banks make loans under the program. Credit unions make guaranteed loans to students. Labor unions make guaranteed loans to students. Are Senators going to say a person does not have to be a member of the credit union in order to get a student loan? That is what they would be saying. Are Senators going to say a person does not have to be a member of a labor union to get a student loan? That is what they would be saying. If Senators want to put that language in the bill, the Senate can work its will, but I think it would be a terrible mistake.

What the rider does is decrease the incentive of those in the lending business to make loans available to students. What I want to do is increase the availability of loans to students, not decrease them.

Mr. President, I reserve the remainder of my time.

Mr. JAVITS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, I find myself in a very difficult position. I want to do my best to help the Senate in this situation. I was the author of a "statement of policy" which was contained in the bill as it came from the subcommittee seeking to discourage the denying of loans to students who do no business with the bank. I think that is a perfectly proper thing to do, where we are giving incentive allowances to the banks. On the other hand, I have grave disquiet about this provision. In fidelity to the situation as we resolved it in the subcommittee, I shall have to vote in favor of the motion to strike out.

I shall advise the Senate, should it succeed, that I would expect immediately to offer the "statement of policy" which was originally contained in the subcommittee bill.

I shall not try to go over all the ground which has been gone over, but there is one point which has been omitted which, to me, is decisive. I appeal to the Senator from Massachusetts (Mr. KENNEDY) and the committee, on the same ground, which will come as no surprise to him, but is of very great concern to me, and that is the situation in which we cannot force a bank to make a loan. Nor do we have an analogy as we have in the employment situation where there are antidiscrimination laws where there is a job slot, so that we can apportion the demands of the slot and say that he has been rejected and is not eligible for the slot for various reasons—skill, and so forth—only because he is black. So we can make a finding on that score. However, we are now dealing with a case where banks have plenty of business.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. I yield myself 2 minutes on the bill.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes on the bill.

Mr. JAVITS. This is not an open situation on money which is going begging because borrowers cannot be found. Banks will generally give a break to the student. Banks will generally do that because the student can be a good customer of the bank in the days ahead. But it is necessarily legally unacceptable as such. The Senator from Massachusetts did modify the language so that it is much more responsible than it was before. I think it would have been an absolute prohibition.

Again, what bothers me is the fact that the HEW Secretary must lay down rules and regulations—this is the central point—thus it will jeopardize the banks getting its money out of the incentive allowance as a matter of law because the allowance is paid after, not before, the expiration of the quarterly period. It is paid not on the existing loan but is paid on the average of loan balances for all similar loans and this is provided for in the law.

Page 6, line 1, speaks of the average unpaid balance and disbursed principal.

Page 6, lines 23 and 24, says that the reimbursement shall be, "after the close of such period."

Therefore, one complaint to the Secretary that a particular banking institution had set a condition for a loan, or proposed one, or indicated one, will hold up that bank's reimbursement. It is a marginal proposition now. There is no real money in this for the bank. I appreciate the words spoken about profit, there is very little or no profit in this. Banks have plenty of other business. They do not need this except for customer relations.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. I yield myself 1 minute on this bill.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 additional minute on the bill.

Mr. JAVITS. So it is very easy for a bank to say, "Why jeopardize the whole incentive allowance? Forget it. Let someone else handle it."

This bothers me. Therefore, I think the "statement of policy" approach is best. I beg of the Senate to bear in mind the way this thing has worked out, the scheme will be that a bank may be denied its whole incentive payment for a whole quarter merely because of a complaint on a given situation which might take some time to prove out. The very thing a banker wants to avoid is to fuss around with this kind of charge and answer it himself. The statement of policy is exactly what should be done. The present provision to make the Secretary prescribe the rules and regulations is better than an absolute prohibition. But it still does jeopardize the payment.

For those reasons, on balance, I say, most regrettably, because I am sympathetic with the thrust of what by colleagues have argued for, that I feel that I shall have to vote for the amendment of the Senator from Colorado (Mr. DOMI-

NICK); but I shall offer the "statement of policy" if the amendment should succeed.

The **PRESIDING OFFICER.** Who yields time?

Mr. **DOMINICK.** Mr. President, how much time do I have remaining?

The **PRESIDING OFFICER.** The Senator has 7 minutes remaining.

Mr. **DOMINICK.** Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. **COOK.** Mr. President, will the Senator from Rhode Island yield?

Mr. **PELL.** I yield, 1 minute on the bill and 1 minute on the amendment, to the Senator from Kentucky.

The **PRESIDING OFFICER.** The Chair would advise the Senator from Rhode Island that he has only 1 minute remaining. The Senator from Kentucky is recognized for 1 minute.

Mr. **COOK.** Mr. President, I reiterate the point I made a short time ago that, with all due respect to the Senator from New York, all of us will have to admit that the banking community within a very short period of time will have their loan interest at a maximum of 10 percent. I do not think there will be any doubt about that at all.

Relative to the statement that banks are obviously not lacking any money, to loan at 7 percent, I think that is right—there is no argument about that. But this is the reason I think that the bill is before the Senate today, because they have not found it profitable and therefore an incentive is being extended to them so that they might break even, or possibly make a small profit. When the banks expect the taxpayers of this Nation to put up 3 percent of the total of these loans in the future, to keep students in college so that banks will lend them this money, then I think the people of this Nation are also expecting something from the banks. I think that something from the banks is this section which says that they do not have to require that the student or the student's parents do business with the bank.

I might suggest to the Senator from New York that we have a bank in Washington that seems to want to do business with Members of Congress and it is not complaining that it is not making a profit from the loans. As a matter of fact, as I read in the newspapers, they are not even breaking even. So I might suggest that, if they are that magnanimous, if we make a student loan at a 10-percent-interest rate, the banks might consider taking a student on his merits with a guaranteed 10 percent and not expect the student's parents or the student to have other banking connections in connection with that situation.

The **PRESIDING OFFICER.** Who yields time?

Mr. **PELL.** I have a few remarks and I am prepared to yield back the remainder of my time.

The **PRESIDING OFFICER.** Who yields time?

Mr. **DOMINICK.** Mr. President, I yield myself 2 minutes.

The **PRESIDING OFFICER.** The Senator from Colorado is recognized for 2 minutes.

Mr. **DOMINICK.** Mr. President, I am not going to delay the Senate. I want to say that what the Senator from Kentucky just said is probably true. What we are trying to do, however, and what I think he is overlooking, is the fact that we are trying to get more lenders to participate, not less. If we are going to do that, we have to give them the opportunity to do it on the basis they can ration some of their funds on a non-loss basis, at least to students who are eligible for loans.

So far as the taxpayers are concerned, a $9.1 million investment in the guaranteed loan program generates $200 million in student loans. But the direct loan approach of NDEA requires $200 million of taxpayers' money to provide $200 million in student loans.

I should say NDEA would cost $180 million, because the federal share is 90 percent.

From the taxpayer's standpoint, the guaranteed loan program is obviously a much better utilization of funds.

Just reiterating again the points that were made both by myself and the Senator from New York, we all hope that we will be able to extend the program to more students and that more credit unions, labor unions, savings and loan institutions, banks and other types of lending institutions will be participating in the program.

To the extent that we put restrictions on their voluntary participation by government rules and regulations, we decrease the opportunity for providing funds for student loans.

The **PRESIDING OFFICER.** The Senator's 2 minutes have expired.

Mr. **DOMINICK.** I yield myself 1 minute.

So for that reason, and because I completely agree with the analysis that the Senator from New York has made of the Kennedy rider and its effect, and because I think it will adversely affect the credit unions, the labor unions, the savings and loan associations, and the banks, as well—which I do not think has been taken into consideration by the proponents of this particular section—I again urge that we repeal the rider.

Mr. **PROUTY.** Mr. President, will the Senator yield me 1 minute?

Mr. **DOMINICK.** I yield 1 minute to the Senator from Vermont.

Mr. **PROUTY.** Mr. President, it seems to me that we are overlooking the most important factor in this legislation. In my judgment, if this provision is kept in the bill, we are jeopardizing and probably denying loans to between 150,000 and 200,000 students. That is the issue. We can take any philosophical or economic approach that we want; however, unless we report the bill to the other body in a form which will be acceptable to them, in my judgment we are not going to have a bill. I trust Senators will keep that in mind.

The **PRESIDING OFFICER.** Who yields time?

Mr. **KENNEDY.** Mr. President, will the Senator yield me 2 minutes?

Mr. **PELL.** I yield to the Senator from Massachusetts.

Mr. **KENNEDY.** Mr. President, I think it is important to realize what the provision that we have in the bill at present does, which will be eliminated if the amendment of the distinguished Senator from Colorado is successful.

The provision in the bill in no way makes mandatory a cutoff or termination of payments under the provisions of this legislation. Indeed, it does not even mention cutting off any kind of payments. It merely permits the Secretary of HEW to establish procedures. Those procedures will be established in communication with the banks themselves.

So I think it provides, once again, flexibility. If we have confidence in the Secretary of HEW, as I certainly do in this matter and a number of others, I think we can meet the objectives which face us, and which were so well stated by Senators COOK, MONDALE, and EAGLETON, without imposing any kind of serious hardship or handicap on the bankers.

Finally, I should like to read into the RECORD a telegram which was received by the Senator from Texas (Mr. YARBOROUGH) from Mr. Richard Sullivan, president of the Association of American Colleges:

> On behalf of 900 colleges, I urge you to hold firm on increased authorizations for student assistance programs and resist all amendments which would permit banks to discriminate among potential loan recipients.

It is these loan recipients to which this amendment is directed. I think having this kind of communication from the president representing 900 American colleges of this country is extremely significant, important, and helpful to Members of the Senate.

The **PRESIDING OFFICER.** Who yields time?

Mr. **DOMINICK.** Mr. President, I yield myself 1 minute.

The Senator from Massachusetts refers to the key point, as have I and the Senator from Vermont; that is, whether we are going to provide more opportunity for more people to provide more money for more students. If we leave his provision as it is in the bill, we run an unnecessary risk of not accomplishing that.

Keep in mind that this is an emergency measure. It expires on July 1, 1970, regardless of what happens. I support a longer authorization, but the committee held it to 1 year. I am willing to go along because we are going to have full hearings on higher education in October, as I understand the Senator from Rhode Island. So there is plenty of time to go into a long-range program. But to add this rider in an emergency bill, when students need money right now, and to increase the apprehension that lending institutions now have regarding the student loan guarantee program, harms the students without doing any good as far as the program is concerned.

Mr. **PELL.** Mr. President, I yield myself 1 minute on the bill.

In committee, we considered the point raised by the Senator from Colorado. I realize he would have preferred to have had a longer period. However, we viewed this as an emergency measure. Some of us, including myself, have more substantive bills, having different approaches for the permanent, or at least longer term, methods of providing assistance for students in colleges. For that reason, we fixed the period at 1 year.

Mr. President, I am prepared to vote.

Mr. MANSFIELD. Mr. President, the senior Senator from Texas (Mr. Yarborough), the able and distinguished chairman of the Committee on Labor and Public Welfare, is absent from the Senate by necessity. In anticipation, however, that this measure would be considered in his absence, he left with me an outstanding statement in behalf of student assistance and in behalf of the bill now before the Senate. I ask unanimous consent that Senator Yarborough's statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Congress Must Plan Now for Improved Student Assistance

Mr. Yarborough. Mr. President, there have been pleas to us in recent weeks from parents, students, schools and banks to act immediately to restore the workability of the guaranteed student loan program. With the amendments for which I voted in the Education Subcommittee and the Full Committee on Labor and Public Welfare, I believe this bill meets that immediate need.

The guaranteed student loan program was intended to spread to banks and other lending institutions part of the burden of financing tuition and other student costs of education. The Federal Government guarantees repayment of the loan, and the interest on it until the student finishes school. Thereafter, it is up to the student to assume full payment of interest and repayment of the loan, except that the Federal government stands behind the ultimate repayment.

Estimates presented to the Education Subcommittee were that in fiscal year 1969, 750,000 students attended college or business school with the help of a guaranteed loan. This year the condition of the money market has changed. Competition for loans is so great that the 7% ceiling on interest for guaranteed student loans is lower than can be received from borrowers generally. Banks are turning away student applicants, or imposing preferences and priorities for customers of the banks. Testimony shows that between 150,000 and 200,000 student applications would be denied this year, unless some increase in return to the lending agencies is authorized.

At present, the student does not pay interest on his loan while in school. The federal government pays interest up to a ceiling of 7%. The pending bill will authorize the federal government to pay an additional 3% interest while market conditions require the additional return in order for students to be able to obtain loans. We have amended the bill before us in Committee to prevent participating institutions from imposing requirements upon student applicants that they or their parents be customers of the bank, or conduct any other business with the bank.

But we have also taken into account the difficulty all students are having in obtaining financial aid to attend school. Student assistance for all levels of family income is in short suppy. In 1958, in the National Defense Education Act, we created the National Defense Student Loan Fund. But we have not appropriated enough money for it or enlarged it enough to provide adequate loan funds for the increased number of young people seeking admission to colleges and universities. We have not provided enough money for Education Opportunity Grants or for the work-study program. These two programs are specially designed to help students from low income families. Direct Federal support is not available at all under the National Defense Education Act for those attending vocational or proprietary schools. The Guaranteed Student Loan Program is the only source of Federal assistance to students attending vocational or proprietary schools.

The Committee on Labor and Public Welfare amended this bill in committee to increase the monetary support for all the student aid programs. We amended the bill to increase the authorization for National Defense student loans for fiscal year 1970 from $275 million to $325 million, an increase of $50 million, and from $300 million to $375 million for fiscal year 1971, an increment of $75 million.

The Committee bill also raises authorized amounts for Educational Opportunity Grants from $100 million to $150 million for FY 1970 and from $140 million to $200 million for FY 1971. Work-study funds will be raised from $250 million to $275 million for FY 1970 and from $285 million to $320 million for FY 1971.

The reason why there is this great pinch in guaranteed student loan money is that we have not in the past voted enough money for Federal student aid programs, and the financial incentives to the lending institutions are just not sufficient to produce enough student assistance to adequately do the job under the Guaranteed Student Loan Programs. The effort to transfer part of student assistance to commercial institutions cannot be a long-range substitute for direct Federal support.

We heard over and over again in the hearings and in Committee that the Guaranteed Student Loan Programs is, after all, only voluntary with the banks, and if we impose any conditions upon them, they will not make student loans at all. This really means that students seeking an education are at the mercy of the banks and of financial conditions that should not have any bearing on the right to go to school.

We have provided in the Committee amendments that this emergency inducement extend for only 1 year. We should use that year to develop a long-range student aid system. College enrollments in junior colleges, colleges, and universities have doubled in the last 10 years to 7.8 million. Within 10 years, enrollments are expected to reach over 10 million students.

There is a national interest in making sure that these young people have the financial help they need to attend educational or vocational institutions. We cannot turn the responsibility over to the banks, and ask them to meet it voluntarily, hoping they will, but having no assurance they will.

The whole matter of sources of student aid requires the attention of Congress during the year while this stop-gap program is in effect. But, in the meantime, Mr. President, I strongly support and urge the immediate passage of S. 2721, the Guaranteed Student Loan Program Act, because unless this bill is passed forthwith, 150,000 to 200,000 students may not be able to attend college this fall. Time is of the essence. We cannot afford to deprive these young people of this source of financial support, and thus their opportunity for higher education this year. Nor can America afford to lose the long-term benefits it will receive from those young people being financially able to take advantage of this opportunity.

Mr. DOMINICK. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Colorado. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. Gore) is absent on official business.

I also announce that the Senator from Nevada (Mr. Bible), the Senator from Louisiana (Mr. Long), the Senator from Maryland (Mr. Tydings), and the Senator from Texas (Mr. Yarborough) are necessarily absent.

I further announce that, if present and voting, the Senator from Maryland (Mr. Tydings) and the Senator from Texas (Mr. Yarborough) would each vote "nay."

Mr. SCOTT. I announce that the Senator from Ohio (Mr. Saxbe) is necessarily absent.

The Senator from Kansas (Mr. Dole) is detained on official business and, if present and voting, would vote "yea."

The result was announced—yeas 21, nays 72, as follows:

[No. 76 Leg.]

YEAS—21

Allott
Bellmon
Cotton
Curtis
Dirksen
Dominick
Fannin
Goldwater
Gurney
Hansen
Hruska
Javits
Jordan, Idaho
Mundt
Murphy
Percy
Prouty
Scott
Stevens
Tower
Young, N. Dak.

NAYS—72

Aiken
Allen
Anderson
Baker
Bayh
Bennett
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cranston
Dodd
Eagleton
Eastland
Ellender
Ervin
Fong
Fulbright
Goodell
Gravel
Griffin
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hughes
Inouye
Jackson
Jordan, N.C.
Kennedy
Magnuson
Mansfield
Mathias
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Russell
Schweiker
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Williams, N.J.
Williams, Del.
Young, Ohio

NOT VOTING—7

Bible
Dole
Gore
Long
Saxbe
Tydings
Yarborough

So Mr. Dominick's amendment was rejected.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Arkansas.

WORK OF SUBCOMMITTEE ON ORGANIZED CRIME

Mr. McCLELLAN. Mr. President, the Special Subcommittee on Criminal Laws and Procedures, which I am privileged to chair, is currently in the process of studying, revising, and evaluating several pieces of proposed legislation which have been the subject of three sets of hearings on March 18 and 19; March 25 and 26; and, in June 3 and 4. Included in the hearings were the following bills: S. 30, S. 974, S. 975, S. 976, S. 1623, S. 1624, S. 1861, S. 2022, S. 2122, and S. 2292. I ask unanimous consent to have printed in the Record at the conclusion of my remarks, as exhibits No. 1 and 2, a brief description of each of these bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. McCLELLAN. Mr. President, the subcommittee has been fortunate in having had a number of distinguished individuals give us the benefit of their criticism and suggestions on these measures. Without objection, I would like to have inserted following my remarks, as exhibit 2, a list of the individuals who have testified before the subcommittee or submitted statements for the record. I might mention that copies of S. 30 and S. 1861 were sent to all criminal law, equity, and antitrust professors teaching law in the United States, along with a letter soliciting their views on these two proposals and any modifications they might suggest.

As a result of the hearings and statements submitted, the subcommittee has received much constructive criticism and the benefit of several helpful suggestions, some of which have been incorporated into the initial markup drafts of various proposals while others are presently under review by the staff. Indeed, some new bills, which I have recently introduced, are based, in part, on testimony received by the subcommittee durings the hearings.

The thrust of these proposals has been primarily directed at a combating organized crime. Attorney General Mitchell, testifying at the March 18 hearings in regard to organized crime and the aims of S. 30, had this to say:

> The size of La Cosa Nostra, its wide geographical distribution, its varied activities both legal and illegal, and its enormous financial resources make the investigation of its members and activities an awesome task. The fact that often in organized crime activities there is no "complainant" further increases this problem and distinguishes the investigation of organized crime cases from the investigation of ordinary "street crimes," such as rape, robbery, and theft. The difference is that in the investigation of the "street crime" the investigator usually begins with a "complainant" who subsequently will be a witness, although at times reluctantly. Also, there are usually observers of the "street crime" who can be expected to testify.
>
> The organized crime investigation, however, does not generally begin with a complainant because the "victim" of organized crime is often a participant in the racketeer's unlawful acts or illegal conduct. We obviously cannot wait for him to come forward and report not only the crime of the racketeer but what may also be his crime. Much of the subject matter covered in S. 30 is particularly adaptable for use in prosecuting these consentual crimes. Another deterrent to reporting the crime is the large number of unsolved gangland murders and the resulting fear to be an "informer." Protection of organized crime witnesses and members of their families against threats, intimidation and bodily harm is absolutely essential. S. 30 similarly recognizes this problem.

While stating that he supported the objectives of S. 30, Attorney General Mitchell noted that the Department of Justice had not completed its review of the bill and indicated he would send the subcommittee the written views of the Department when completed. The subcommittee is in receipt of the Justice Department's comments on S. 30, and I ask unanimous consent to have those comments printed in the Record as exhibit No. 3 at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. McCLELLAN. Mr. President, in additional testimony and in response to questions, Attorney General Mitchell noted that to date the growth of organized crime in the United States has not been arrested, but he was hopeful that new programs, which the Department proposes to put into effect, would be a good start in that direction. The Attorney General further indicated that while several organized crime figures, including a few of the top members, have been convicted, none of the major Cosa Nostra families have been destroyed through criminal prosecution. At this point in the hearings, I asked Attorney General Mitchell to have prepared for the subcommittee a chart of the major families of La Cosa Nostra as of 1960, and another chart identifying the major figures in those same families as of 1968, along with material outlining La Cosa Nostra indictments and convictions by the Federal Government, including the name of the defendant, the charge and sentence for the period 1960 through 1968. I ask unanimous consent to have those charts printed in the Record at the conclusion of my remarks, as exhibit No. 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. McCLELLAN. Mr. President, I shall not attempt to characterize this tabular information. The information speaks for itself. It gives us in concrete detail an indication of our progress against organized crime—and makes all the more urgent new actions by the Congress to change this record.

Mr. President, in response to the desire of the President subsequently expressed in his message on organized crime of April 23, 1969, to develop "the potential application of the theories underlying our antitrust laws as a potential new weapon" against "the infiltration of organized crime into fields of legitimate business," I drafted and introduced on April 18, 1969, along with the distinguished Senator from Nebraska, S. 1861, "The Corrupt Organizations Act of 1969." At the time of Assistant Attorney General Will Wilson's appearance before the subcommittee on June 3, 1969, the Department had not yet completed its review of S. 1861. The subcommittee is now in receipt of the Justice Department's comments, and I ask unanimous consent to have these comments printed in the Record at the conclusion of my remarks as exhibit No. 5.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 5.)

Mr. McCLELLAN. Mr. President, although I do not want to go into detail, I might say that the Department of Justice agrees in principle with the aim and with a majority of the provisions of each of the bills I have noted with the exception of S. 974, on which they withheld comment pending some reorganization matters the Department presently has under consideration.

Mr. President, throughout the hearings the subcommittee has been trying to develop this legislation with an open mind and in hopes that we would receive testimony, statements, and suggestions from all interested parties. Proceeding in this fashion I believe we can strengthen and improve these proposals and ultimately achieve some sound legislation. I now urge each of you and your staffs during the coming recess to study these proposals and contact the subcommittee regarding any possible problem you might find with any of them, and I solicit your ideas and suggestions on how we can improve these measures. We hope following the recess to begin reporting out a comprehensive program in this area, and we would like as soon as practicable to receive from all interested and concerned parties their final comments on the various bills now pending before the subcommittee.

EXHIBIT 1

DESCRIPTION OF BILLS INCLUDED IN SUBCOMMITTEE HEARINGS

S. 30 (Mr. McClellan, Mr. Ervin, Mr. Hruska, January 15 1969) is a comprehensive revision and strengthening of the evidence gathering process in organized crime investigations. It contains the following provisions:

Title I: revamps the grand jury system and authorizes, subject to careful safeguards, the issuance of grand jury reports;

Title II: authorizes the granting of immunity to obtain testimony over objections of self-incrimination;

Title III: provides for civil contempt proceeding to deal with recalcitrant witnesses;

Title IV: eliminates outmoded evidentiary restrictions in prosecutions of those who give false testimony in grany jury or court proceedings;

Title V: makes possible, subject to constitutional protections, depositions from witnesses in danger of reprisal;

Title VI: extends to such witnesses physical facilities in which they may be protected.

Title VII: strengthens the evidentiary rules surrounding the admissibility of vicarious admissions in conspiracy cases; and

Title VIII: provides for the imposition of increased punishment (up to 30 years) for convicted "habitual" criminals, "professional" criminals, and "organized crime" leaders.

S. 974 (Mr. Tydings, February 7, 1969) creates within the Department of Justice the position of Assistant Attorney General for Organized Crime and provides for his supervision over other activities relating to organized crime cases.

S. 975 (Mr. Tydings, February 7, 1969) is a general immunity statute which would compel witnesses to testify or produce evidence in certain cases even though such testimony or evidence may be self-incriminating, but provides that no witness shall be prosecuted as a result of such compelled evidence except for perjury or contempt.

S. 976 (Mr. Tydings, February 7, 1969) would provide increased sentences of up to 30 years for certain persons over the age of 21 who are considered dangerous to the public and who are being sentenced for a felony committed as part of a continuing criminal activity in concert with one or more persons.

S. 1623 (Mr. Hruska, March 20, 1969) would prohibit the investment of certain illegally gained income in any business enterprise affecting interstate or foreign commerce and provides for a penalty up to $10,000, 10 years imprisonment, or both. Injunctive relief to prevent violation of the act may be sought in United States district courts by the government or a person threatened with damage. In addition, an individual who has actually suffered injury is entitled to treble damages.

S. 1624 (Mr. Hruska, March 20, 1969) would amend the Internal Revenue Code of 1954 in regard to taxes and wagering, and facilitate the collection of such taxes by complying with *Marchetti* v. *United States,* 390 U.S. 39 (1968), and *Grosso* v. *United States,* 390 U.S. 62 (1968). The *Marchetti* and *Grosso* decisions held that a defendant charged with failure to register and purchase a wagering occupational tax stamp, or failure to pay an excise tax under title 26 of the United States Code could use his privilege against self-incrimination as a complete defense against such charges. S. 1624 is designed to eliminate the hazards of self-incrimination which underlie the *Marchetti* and *Grosso* decisions. The bill would also raise the annual occupation tax from fifty dollars to one thousand dollars for principals and to one hundred dollars for their subordinates.

S. 1861 (Mr. McClellan, Mr. Hruska, April 18, 1969) would prohibit the infiltration of legitimate organizations by racketeers or the proceeds of racketeering activity, where interstate or foreign commerce is affected. Criminal penalties include a fine of up to $10,000, imprisonment of up to 20 years, or both, and forfeiture of all interest in the affected enterprise. Civil remedies to prevent violation of the act are available to the government and may be brought in United States district court.

S. 2022 (Mr. Hruska, Mr. Dirksen, Mr. Eastland, Mr. McClellan, Mr. Mundt, April 29, 1969) would assist the States in the control of illegal gambling and is divided into three titles. Title I would make it unlawful for two or more persons to obstruct the enforcement of the criminal laws of a state to conceal an illegal gambling business if one of the persons is an employee charged with executing the criminal laws of such state and one of the persons participates in or derives revenue from an illegal gambling business violation of Title I is punishable by a fine of not more than $20,000, imprisonment for not more than 5 years, or both. Title II would make it unlawful to participate in an "illegal gambling business" which is defined as a violation of a state law involving 5 or more persons participating in any betting, lottery, or numbers activity, which has been in operation over 30 days or has a gross revenue of $2,000 in any single day. Title III makes clear that the act is not to occupy any field in which the provisions operate to the exclusion of any state law.

S. 2122 (Mr. McClellan, Mr. Ervin, Mr. Hruska, May 12, 1969) is a general immunity statute which would prescribe the manner in which a witness in a Federal proceeding may be ordered to provide information after asserting his privilege against self-incrimination and defines the scope of immunity to be provided such witness with respect to information provided under an order. The bill provides that no testimony, information or derivative evidence may be used against such witness in any criminal case except for prosecution for perjury or contempt. S. 2122 repeals all previously enacted immunity statutes and it should be noted that the bill grants a witness immunity from "use" of the compelled evidence rather than immunity from prosecution.

S. 2292 (Mr. McClellan, Mr. Hruska, May 29, 1969) provides that in all proceedings under the authority of the United States no claim regarding the inadmissibility of evidence obtained as the result of an allegedly illegal act shall be considered if there is five years between the allegedly illegal act and the event evidence of which is to be introduced. The bill further provides that as regards any claim of inadmissibility of allegedly illegally obtained evidence, no information may be disclosed unless such information is relevant to the determination of the admissibility of such evidence and is in the interest of justice.

Exhibit 2

Witnesses

Broderick, Vincent L., Chairman, Com. on Fed. Legis., NY co. Lawyers Assoc.

Curran, Paul J., Chairman, NY State Commission of Investigations, accompanied by Judge Edward S. Silver, Member, and Nathan Skolnik, Deputy Commissioner.

Dixon, Prof. Robert G., Jr., George Washington Univ. Law Center, Consultant to National Com. on Reform of Crim. Laws, accompanying Hon. Richard H. Poff, Virginia Representative.

Diuguid, John P., Counsel, The Assoc. of Federal Investigators.

Edwards, H. Lynn, Staff Dir., Criminal Law Section, American Bar Assoc., accompanying Rufus King.

Green, Richard A., Deputy Dir., Nat'l. Com. on Reform of Crim. Laws, accompanying Hon. Richard H. Poff.

Greenhalgh, Prof. William, School of Law, Georgetown Univ., on behalf of the National Assoc. of Counties, accompanied by Jerry Laughlin, Legis. Asst. to Assoc.

Hundley, William G., Attorney, Washington, D.C.

King, Rufus, Attorney, Washington, D.C., Criminal Law Section, Am. Bar Assoc., accompanied by H. Lynn Edwards.

Laughlin, Jerry, Legis. Asst. to the Nat'l. Assoc. of Counties, accompanying Prof. William Greenhalgh.

Low, Peter W., Assoc. Prof., Univ. of Virginia School of Law.

Mitchell, Hon. John N., the Attorney General of the U.S., accompanied by Will Wilson, Asst. Attorney General in charge of the Criminal Division and Henry Petersen, Chief, Organized Crime and Racketeering Section, Criminal Section.

Petersen, Henry, Chief, Organized Crime and Racketeering Section, Criminal Division, Department of Justice, accompanying Hon. John N. Mitchell, and accompanying Will Wilson, Assistant Attorney General, Criminal Division.

Poff, Hon. Richard H., a Representative in Congress from the Sixth Congressional District of the State of Virginia, and Vice Chairman of the National Commission on the Reform of Criminal Laws, accompanied by Richard A. Green, Deputy Director of the Commission, and Prof. Robert G. Dixon, George Washington Univ. Law Center.

Rector, Milton G., Director, National Council on Crime and Delinquency, accompanied by Saul Rubin, General Counsel.

Rossides, Eugene, Asst. Secretary, Law Enforcement, Department of the Treasury.

Rubin, Saul, General Counsel, National Council on Crime and Delinquency, accompanying Milton G. Rector, Director.

Ruth, Prof. Henry S., Univ. of Pennsylvania, School of Law.

Silver, Edward S., Member, NY State Commission of Investigations, accompanying Paul J. Curran.

Skolnik, Nathan, Deputy Com., NY State Com. of Investigations, accompanying Paul J. Curran.

Smith, William H., Deputy Commissioner, Internal Revenue Service, accompanying Eugene Rossides.

Speiser, Lawrence, Director, Washington Office, American Civil Liberties Union, accompanied by Miss Victoria Popkin, Assistant Director.

Taylor, Donald F., Pres. Merrill Mfg. Corp., Merrill, Wisc., on behalf of the Chamber of Commerce of the United States.

Tydings, Hon. Joseph D., a United States Senator from the State of Maryland.

Wilson, Will, Assistant Attorney General in charge of the Criminal Division, Department of Justice.

STATEMENTS SUBMITTED

Bible, Hon. Alan, a United States Senator from the State of Nevada.

Cannon, Hon. Howard W., a United States Senator from the State of Nevada.

Givens, Richard A., Chairman, Com. on Fed. Legis. of the NY State Bar Assoc., submitting a report, "New Approaches to Immunity Statutes."

Hogan, Frank S., District Attorney of New York County.

Exhibit 3

Office of the Attorney General,
Washington, D.C., May 8, 1969.

Hon. John L. McClellan,
U.S. Senate,
Washington, D.C.

Dear Senator: Upon the conclusion of my statement before the Subcommittee on Criminal Laws and Procedure of the Committee on the Judiciary on March 18, 1969, in support of the objectives of S. 30, I advised you that I would send you the written views of the Department on it upon completion of our study of the bill.

I am pleased to submit the attached memorandum setting forth in detail our views on the various provisions of S. 30, and I shall be happy to have appropriate representatives of the Department available to testify regarding this matter at your pleasure.

Please let me know if I can be of any further assistance to you and the Subcommittee in effecting enactment of this vitally needed legislation.

The Bureau of the Budget has advised that there is no objection to the submission of the views contained in this memorandum.

Sincerely,

——— ———,
Attorney General.

Department of Justice Comments on S. 30

TITLE I—GRAND JURY

Title I makes various changes in the law affecting the summoning, term, and powers of grand juries which would strengthen the powers and independence of grand juries. While we support most of the provisions contained in this Title, we have alternate proposals to offer as to certain others. Our views with respect to each Section of this Title will be set forth separately.

Section 101 seeks to amend 18 U.S.C. 3321 (Number of grand juries; summoning additional jurors) by adding at the end thereof the following new sentence: "Members of a grand jury shall be selected in accordance with the provisions of Chapter 121." This provision refers to the chapter of Title 28 which specifies the manner of selecting jurors. For clarity it is recommended that the phrase "Title 28" be added after the words "Chapter 121."

Section 102 would amend 18 U.S.C. 3322, which incorporates by reference Rule 6(a), Federal Rules of Criminal Procedure, which provides that "The Court shall order one or more grand juries to be summoned at such times as the public interest requires", to require the convening of a grand jury at least once during each eighteen month period by each district court. While the Department favors the convening of a grand jury at least once during each eighteen month period where the needs of justice require it, we are not aware that any serious problem exists in this regard in any district.

The difficulty we have experienced in some districts, however, is obtaining a sufficient number of grand juries to accommodate at the same time the general needs of the district and the special needs of the typically lengthy organized crime investigation. To remedy this problem, we recommend that present Section 3322 of Title 18 be amended to provide in addition that a grand jury be impaneled in each district court in which the Attorney General certifies in writing to the chief judge of the district that in his judgment such a grand jury is necessary because of major organized crime activity in the district.

We, therefore, recommend that the first sentence of the proposed revision of Section 3322 of Title 18 be amended to read as follows:

> Section 3322—Summoning and term
>
> (a) Each district court shall order one or more grand juries to be summoned at such time as the public interest requires, or whenever the Attorney General certifies in writing to the chief judge of the district that in his judgment a grand jury is necessary because of major organized crime activity in the district.

Section 102 would also amend Section 3322 of Title 18 to provide that a grand jury may, by majority vote, extend its term of eighteen months for additional periods of six months, not to exceed a total term of thirty-six months. This provision appears to be desirable on several grounds. It would have the effect of stimulating prosecutors and investigators to take effective and timely action against organized crime in their districts. It would also insure that grand juries would stay in session long enough for the unusually lengthy period of time often required to build an organized crime case. Lastly, it would eliminate the possibility of arbitrary termination of a grand jury by supervisory judges.

Section 103 would amend Section 3324 of Title 18, which incorporates by reference Rule 6(c) of the Federal Rules of Criminal Procedure, in five respects. Rule 6(c) presently states that "The court shall appoint one of the jurors to be foreman and another to be deputy foreman." There then follow other provisions which are not affected by the proposed amendment.

The proposed Section 3324(a) would provide that "Each grand jury when impaneled shall elect by majority vote a foreman and deputy foreman from among its members." While this proposal changes the existing rule, this is purely a matter of statutory law and policy. This provision appears to be desirable in that it increases the independence of the grand jury by removing it from any possible influence present as a result of selection by the court or at the court's direction by court personnel. In practice, the court or his delegate (the court clerk) examines the case history of each juror as to his education, profession, civic activities, etc., and many are interviewed personally. By this process a foreman and deputy foreman are selected. This screening process, however desirable, makes a person foreman who is acceptable to the court even though such a person may not reflect the attitudes or have the concerns of the community at large or the grand jury in particular.

Proposed Section 3324(b) provides that "It shall be the duty of each grand jury impaneled within any judicial district to inquire into each offense against the criminal laws of the United States alleged to have been committed within the district which is brought to the attention of the grand jury by the court or by any person." This provision is a statutory recognition of existing case law holding that the inquisitorial powers of a grand jury are virtually unlimited and that the grand jury can initiate a case on its own and investigate any alleged violation of Federal law within its jurisdiction. See *Hale* v. *Henkel*, 201 U.S. 43 (1906); *Blair* v. *United States*, 250 U.S. 273 (1919); *United States* v. *Hartke-Hanks Newspapers*, 254 F. 2d 366 (C. A. 5), *cert. denied*, 357 U.S. 939 (1958); *In Re Grand Jury Investigation* (*General Motors Corp.*), 32 F.R.D. 175 (S.D.N.Y.), *appeal dismissed*, 318 F. 2d 533 (C.A. 2), *cert denied*, 375 U.S. 802 (1963); *United States* v. *Smyth*, 104 F. Supp. 283 (N.D. Calif. 1952); *United States* v. *Gray*, 187 F. Supp. 436 (D.C.D.C. 1964). Consequently, we can see no objection to this proposal.

Section 3324(c) provides that no person shall be deprived of opportunity to communicate to the foreman of a grand jury any information concerning any offense against the criminal laws of the United States alleged to have been committed within the district. Section 1504 of Title 18, United States Code, presently makes it an offense for anyone to attempt to influence the action or decision of any grand or petit juror upon any matter pending before it by a written communication. This provision is apparently intended to make it clear that no violation of this Section is committed by a person who merely communicates to the foreman of a grand jury any information regarding any offenses against the laws of the United States. This provision could well encourage wider public participation in the fight against organized crime and we, therefore, support it.

Section 3324(d) provides that when the grand jury determines by majority vote that the volume of its business exceeds its capacity to fulfill its obligations, it may apply to the district court to impanel an additional grand jury. Upon such application and a showing of need, the district court shall order an additional grand jury to be impaneled. If the court refuses to hear the application or refuses to impanel a new grand jury, the grand jury may appeal to the chief judge of the circuit who shall have jurisdiction to order a new grand jury impaneled. This provision seems reasonable, especially since the grand jury must make a showing of need to the court before the request may be granted. We support this provision.

Section 3324(e) provides that whenever a grand jury determines by majority vote that any attorney or investigative officer or agent appearing on behalf of the United States before the grand jury for the presentation of evidence with respect to any matter has not performed or is not performing his duties diligently and effectively, the grand jury may transmit to the Attorney General a written request, along with the reasons therefor, for a new attorney, agent or investigator. The Attorney General is then required to promptly inquire into the merits of the application and to take appropriate action to provide for prompt and effective representation on behalf of the United States.

The Department is opposed to this provision on several grounds. First, it is felt that the provision is unnecessary since sufficient control over such personnel already exists in the Department. As a practical matter, moreover, the grand jury can at present undoubtedly make such a complaint to the Attorney General and appropriate action will be taken where merited. Second, it is felt that placing such a power in the grand jury has too great a potential for mischief and might well tend to unduly limit the discretion of attorneys charged with investigation of unpopular or sensitive matters. Third, this provision could also be expected to invite the making of unfounded, though perhaps good faith, complaints in those hard or close cases where the layman grand jury refuses to accept the legal judgment of an experienced prosecutor that the evidence is insufficient as a basis for an indictment. For these reasons, then, the Department does not feel that this provision should be enacted.

Section 104 would amend Chapter 215 of Title 18, United States Code, by adding at the end thereof a new section, Section 3330, entitled "Reports". This new Section 3330 would allow the grand jury, on majority vote of its members, to submit to the court a report: (1) concerning noncriminal misconduct, nonfeasance, or neglect in office by a public officer or employee as the basis for a recommendation of removal or disciplinary action, or (2) stating that after investigation of a public officer or employee it finds no misconduct, nonfeasance, or neglect in office by him, provided that such public officer or employee has requested the submission of a report, or (3) proposing recommendations for legislative, executive, or administrative action in the public interest based upon stated findings. Such a report shall be submitted to the court who will approve and accept it for filing only if the above requirements are met and if the report is based on facts revealed in the course of an authorized investigation and is supported by the preponderance of the evidence. A report concerning noncriminal misconduct of a public official can be accepted only if the named individual had been afforded an opportunity to testify before the grand jury prior to the filing of the report. Any other report must not be critical of a named individual. A public official may file an answer to a report critical of him and may also file an appeal to the circuit court. At the expiration of an appropriate time as set forth in the provision the United States Attorney must deliver a true copy of the report for appropriate action to the public officer or agency having removal or disciplinary power over the public officer named therein, but if a criminal action is pending the court may seal the report until the matter is disposed of. If the court is not satisfied that all these requirements are met, it may direct that additional testimony be taken before the same grand jury, or it may direct that the report be sealed and not filed as a public record. Finally, this provision defines public officer or employee as "any officer or employee of the United States, or any State or political subdivision, or any department, agency, or instrumentality thereof."

This proposal would substantially change existing Federal law and procedure. See in general, *Orfield, The Federal Grand Jury*, 22 F.R.D. 343, 402 (1958). Two cases which are particularly illustrative of present judicial thinking that any grand jury action beyond indicting or refusing to indict is beyond the power of the grand jury are *Application of United Electrical Radio and Machine Workers*, 111 F. Supp. 858 (S.D. N.Y. 1953), and *In Re Petition for Disclosure of Evidence Before October 1959 Grand Jury*, 184 F. Supp. 38 (E.D. Va. 1960). In the former case, the court held that a grand jury report which made recommendations to the NLRB was beyond the powers of the grand jury, an abuse of the principle of separation of powers and a violation of the secrecy provision of Rule 6(e), Federal Rules of Criminal Procedure. In the latter case, the court held that a grand jury report on noncriminal conduct of state officials was likewise beyond the power of the grand jury, an infringement upon the provinces of State and local Governments and a violation of the secrecy provisions of Rule 6(e).

While the problem of secrecy under Rule 6(e) can be remedied by statute, the other problems must await judicial testing.

The present proposal also goes beyond that of the President's Commission on Law Enforcement and Administration of Justice which recommended:

> When a grand jury terminates, it should be permitted by law to file public reports

regarding organized crime conditions in the community.

It is noted that this recommendation restricts the use of a report: (1) until the grand jury terminates, (2) to organized crime conditions, and (3) in a presumably general context. This type of report would apparently be unobjectionable in view of the dicta by the court in *Application of United Electrical Radio and Machine Workers* (*supra*) at 869, that "We are not here concerned with reports of a general nature touching on conditions in a community. They may serve a valuable function and may not be amenable to challenge."

We believe that considerations of public policy and interest favor some expansion of the grand jury's power in this area, and though we recognize there are constitutional problems involved, we do not believe they are of an insuperable nature.

The history of the growth and development of the grand jury system discloses that the issuing of reports has been an historic grand jury function in England for almost three hundred years. The practice of rendering reports on matters of public concern was also followed in the early American colonies, and today, despite the weight of authority against it, reports are authorized either by statute or by judicial decision in such States as New York, California, Illinois, New Jersey, Florida, and Tennessee. Despite this, however, and despite the fact that the grand jury has been described by the Supreme Court as a "prototype" of its ancient British counterpart, *Blair* v. *United States*, 250 U.S. 273, 282 (1919), its power to issue reports has not survived intact with its virtually unchallenged investigatory power.

The principal objections to the use of grand jury reports seem to be that they violate the traditional secrecy of grand jury proceedings, they expose grand jurors to libel actions, they violate the principle of separation of powers, and, perhaps most importantly, they charge wrongdoing while effectively denying the use of a judicial forum in which to reply. Upon close examination, the first three of these reasons do not appear to have much merit. The problem of secrecy under Rule 6(e) of the Federal Rules of Criminal Procedure may, of course, be solved by statutory amendment. There is in fact already ample precedent under Rule 6(e) for violation of grand jury secrecy when the general welfare requires it. See, for example, *In Re Petition for Disclosure of Evidence Before October 1959 Grand Jury*, 184 F. Supp. 38 (E.D. Va. 1960), where Federal grand jury minutes were made available to Commonwealth Attorney for use in state grand jury proceedings.

The libel objection can perhaps be discounted as the least troublesome since, in light of recent Supreme Court decisions on this subject, grand jurors actions in this regard are undoubtedly privileged.

The argument that the grand jury reports contravene the principle of separation of powers proceeds on the theory that the grand jury, being an appendage of the court, should not invade the province of the legislative or executive branches and charge them with misconduct or inefficiency. This argument loses much of its force, however, when it is considered that historically the grand jury has for centuries exercised both the reporting and indicting functions, and the exercise of its reporting function is logically no more violative of the separation of powers principle than is the indictment of a governmental official for criminal conduct in the performance of his duties. In criticizing public officers and calling for improvements in the legislative and executive branches, moreover, the grand jury performs a function analogous to the court's function when it notes statutory defects and suggests that the legislature consider amendment. As New Jersey's late Chief Justice Arthur T. Vanderbilt observed, success of the separation of powers doctrine depends to some extent on the interaction and cooperation of the arms of Government, not on their total isolation from each other. See *Vanderbilt, The Doctrine of the Separation of Powers and Its Present Day Significance, 43–45* (*1953*).

Finally, on this point, it may be observed that since so much of Title I changes the basic character of the grand jury that in effect it is no longer merely an arm of the court, but a more independent body, the separation of powers argument is no longer a valid objection.

Perhaps the most serious objection to grand jury reports is the charge that they are essentially lacking in fairness since they make a charge of wrongdoing but deny the "accused" a judicial forum in which to reply. In an attempt to meet this criticism, the New York legislature enacted a statute, New York Code of Criminal Procedure, Section 253(a), effective July 1, 1964, which contains elaborate safeguards such as allowing a named individual an opportunity to testify before the grand jury and file an answer prior to the filing of a report, as well as allowing an appeal to a higher court before filing. The constitutionality of this New York statute was upheld in *In Re Grand Jury, January 1967*, 277 N.Y.S. 2d 105 (1967).

Since the present proposal is almost word for word identical in its substantive provisions with the New York statute, we feel that it meets the necessary test of fairness against the charge that it makes an accusation without providing an adequate judicial forum for a denial.

In sum then, we believe this revival of the grand jury's historical report making power, as narrowly circumscribed in this proposal, is constitutionally sound and we support it as being in the interest of good and effective Government.

In accord with the recommendation of the President's Commission, we would suggest that the grand jury also be allowed to file general reports on organized crime conditions in the community. This would be accomplished by adding the following new subsection at the end of the proposed new Section 3330(a):

(4) regarding organized crime conditions in the district, provided it is not critical of an identified or identifiable person.

Finally, in order that the regular business of the grand jury may be conducted with dispatch and without interruption, and in secrecy, we would recommend that this proposal be amended to include the phrase "upon the conclusion of its term." In line with this suggestion, the first sentence of new Section 3330(a) would be amended to read, in pertinent part as follows:

(a) A grand jury impaneled by any district court, with the concurrence of a majority of its members, may, upon conclusion of its term, submit a report . . .

TITLE II—IMMUNITY

Title II of S. 30, entitled "Immunity", would amend Chapter 1 of Title 18, United States Code, to add new Section 16, "Compelling of testimony and other evidence with respect to Federal offenses."

This provision would authorize the United States Attorney, with the approval of the Attorney General or an Assistant Attorney General designated by him, to apply for a court order to compel testimony in a Federal grand jury or court proceeding involving a violation of any Federal law, and in return immunity for the witness would result. While specific immunity provisions are presently scattered throughout the United States Code, this provision would for the first time provide for compelling testimony in proceedings involving any violation of Federal law.

This provision, moreover, unlike most previous immunity provisions does not grant total immunity from prosecution with respect to matters testified to, but merely provides that the *evidence* given shall not directly or indirectly be used in any future prosecution.

In *Counselman* v. *Hitchcock*, 142 U.S. 547 (1892), the Supreme Court held that an immunity statute which merely provided that the evidence compelled could not be used against the witness in any criminal proceeding was insufficiently broad to comply with the guarantee of the Fifth Amendment. The court reasoned that the testimony which was compelled might nevertheless be used "to search our other testimony" to be used against him in a criminal proceeding, 142 U.S. at 564. The court concluded that "no statute which leaves the party or witness subject to prosecution after he answers the incriminating question put to him, can have the effect of supplanting the privilege conferred by the Constitution of the United States," 142 U.S. at 585.

Since *Counselman*, Federal immunity statutes have been phrased in terms which would bar any prosecution for or on account of any matter as to which testimony was compelled, see *e.g.*, 49 U.S.C. 46. However, in two recent decisions, *Murphy* v. *Waterfront Commission*, 378 U.S. 52, 79–80 (1964), and *Marchetti* v. *United States*, 390 U.S. 39, 58–60 (1968), the Supreme Court has indicated that complete immunity from future prosecution is not essential and that a witness' privilege against self-incrimination would not be violated if he were compelled to testify under an assurance that the evidence he gave could not be used against him either directly or indirectly, i.e., as an investigative lead, in a state or Federal prosecution.

In view of the court's expression in *Murphy* and *Marchetti*, it would seem that the use restriction concept contained in Title II furnishes all the immunity the Constitution requires.

In his special message to the Congress of April 23, 1969, dealing with organized crime, President Nixon stated the need for a new broad general witness immunity law to cover all cases involving violation of a Federal statute, and he commended to the Congress for its consideration the recommendations of the National Commission on Reform of Federal Criminal Laws. The National Commission's proposed general immunity statute, unlike the present proposal which is limited to "any case or proceeding before any grand jury or court of the United States", would create a single, integrated immunity provision applicable to grand jury-court proceedings; formal administrative hearings by an independent agency or within the executive branch; and congressional investigations. Like the present proposal, however, the protection offered the witness is a restriction against use of incriminating disclosures or their fruits in any criminal case, rather than absolute immunity from prosecution.

Under this proposal, in all three types of proceedings the Attorney General would receive notice of intent to obtain an immunity authorization. For grand jury-court proceedings the approval of the Attorney General is required upon a certification of need by the United States Attorney. For administrative hearing matters, the public interest assessment and power to issue a direction to testify are left with such agency officials as may be specified by statute, and notice must be given to the Attorney General at least ten days prior to the direction to testify. For congressional investigations the direction to testify is made by the United States District Court upon application by a duly authorized representative of either House of Congress, and notice of the application must be served on the Attorney General at least ten days prior to the time the application is made. Upon request of the Attorney General the court must defer the direction to testify for no longer than thirty days from the date of such notice to the Attorney General.

One of the obvious merits of this proposal is its provision for notice to a central law enforcement point, the Attorney General, as a means of attempting to insure that the "public interest" being promoted by one agency will not subvert the "public interest" being promoted by another agency.

Accordingly, the Department of Justice recommends enactment of the immunity proposal of the National Commission on Reform of Federal Criminal Laws in lieu of the proposal contained in Title II of this bill.

TITLE III—RECALCITRANT WITNESSES

Title III would amend Chapter 19 of Title 28, United States Code, by adding at the end thereof a new Section 1826, "Recalcitrant witnesses." It provides in Subsection (a) that a witness in any court or grand jury of the United States who refuses without just cause to comply with an order of the court to give testimony in response to a question or with respect to any matter may be summarily ordered to confinement until such time as the witness is willing to testify.

This proposal seeks to codify the civil contempt aspect of existing law as it applies to grand jury and court proceedings in the area of refusal to give testimony. *United States* v. *Coplon,* 339 F. 2d 192, 193–94 (C.A. 6, 1964); *Brown* v. *United States,* 359 U.S. 41, 55 (1959) (dissenting opinion); *Shillitani* v. *U.S.,* 384 U.S. 364 (1966).

The only difficulty we have with this provision is its lack of specification as to the outer limits as to how long confinement should be. Since under the principles governing civil contempt a witness can no longer be confined after it becomes impossible to comply with the court order, *e.g.,* when the court proceeding is concluded or the grand jury discharged, it would seem that this limitation should be spelled out in the statute. It is recommended therefore that subsection (a) of this provision be amended by adding at the end thereof the following language: "but in no event shall such period of confinement exceed the life of the court proceeding or of the term of the grand jury before which such failure or refusal to comply with the court order occurred."

This Title also proposes to add a new subsection (b) to Section 1826 which states that "No person confined pursuant to subsection (a) shall be admitted to bail pending determination of an appeal taken by him from the order for his confinement." While we do not believe that this provision is really necessary in view of the fact that the court presently has authority to deny bail where the appeal is frivolous, *United States* v. *Coplon, supra,* we can see no objection to it since bail on appeal is not subject to the Eighth Amendment.

In order to take into account the exceptional case where substantial grounds for appeal may exist, e.g., where the constitutionality of Title II, Immunity, is challenged, or where the confinement is attacked as seeking incarceration rather than bonafide testimony, it is suggested that the addition of a provision for a time limit within which the appeal must be heard would be in the interests of justice. In line with this, it is suggested that the following sentence be added at the end of proposed new Section 1826(b):

> Any appeal from an order of confinement under this Section shall be disposed of within 30 days from this filing of such appeal.

TITLE IV—FALSE STATEMENTS

Title IV would add a new subsection, Section 1623, to Chapter 79 of Title 18, United States Code, creating an additional felony provision for perjury or subornation of perjury before a court of grand jury. The penalty provided is a fine of not more than $10,000 or imprisonment for not more than five years or both. The proposal is intended to supplement, not supplant, the existing statutes dealing with perjury and subornation of perjury, 18 U.S.C. 1621, 1622, which provide for a fine of not more than $2,000 and/or imprisonment for not more than five years.

The purpose of this Title, according to Senator McClellan, is to "abolish the outmoded two-witness and direct evidence rules in perjury cases, and [to] provide for the prosecution of persons making contradictory statements under oath, without requiring proof of the falsity of one of the statements." 115 Cong. Rec. p. 828. The theory behind this apparently is that since Title IV would create a new Federal crime dealing with false statements before courts or grand juries, the common law rules of evidence applicable to perjury prosecutions generally would not be applicable to it.

Prosecutions for perjury are subject to certain peculiar rules of proof. The two-witness rule requires that to obtain a conviction for perjury there must be testimony of two witnesses to the falsity of defendant's statement or testimony of one witness plus corroboration. "[I]t is most accurately stated in the negative fashion that Wigmore employs 'one witness, without corroborating circumstances does not suffice.'" *United States* v. *Goldberg,* 290 F. 2d 729, 733 (C.A. 2, 1961).

The direct evidence rule is that perjury must be proved by direct evidence, and not merely by circumstantial evidence, as to the falsity of the statement. *Radomsky* v. *United States,* 180 F. 2d 781 (C.A. 9, 1950). However, the direct evidence rule, as applied, has come to mean merely that where circumstantial evidence is relied on, the inference from the fact proved to the conclusion of falsity must be unusually strong. *United States* v. *Collins,* 272 F. 2d 650, 652 (C.A. 2, 1959).

Abolition of the two-witness and direct evidence rule has been recommended by the President's Commission on Law Enforcement and Administration of Justice, and by Dean Wigmore. *Evidence,* Sections 2040–41 (3rd ed. 1940). On the other hand the two-witness rule was affirmed by a unanimous Supreme Court in *Weiler* v. *United States,* 323 U.S. 606 (1945). While there are meritorious arguments on both sides of the question, we are inclined to agree with the recommendation of the President's Commission that abolition of these rules is desirable.

We have some doubt, however, that the form of the proposed provision is adequate to accomplish the objective sought. Instead of amending the present perjury statute, this provision creates a separate crime, yet one nearly indistinguishable from perjury and it is feared that the courts are likely to conclude that the new crime is so similar to perjury that the same restrictive evidentiary rules must apply. Cr. *United States* v. *Hammer,* 271 U.S. 620 (1926). Consequently, we believe that legislative abrogation of these evidentiary rules requires specific language in the statute. In order to accomplish this objective, therefore, we suggest that this proposal be amended by adding at the end thereof the following new subsection (e) as follows:

> (e) In any prosecution brought under this Section, the falsity of the statement or testimony set forth in the indictment or information may be established by the uncorroborated testimony of one witness, or by circumstantial evidence alone.

It is noted that subsection (a) of the false statement provision omits the requirement of materiality, but that subsection (d) thereof specifically mentions "material to the issue or point in question." We believe subsection (a) should be amended to include the word "material" since we do not believe that false statements as to immaterial matters should be punishable.

Subsection (d) of this provision would, in cases of inconsistent statements under oath, relieve the Government of the necessity of proving which one is false as it now required by such cases as *McWhorter* v. *United States,* 193 F. 2d 982, 983–84 (C.A. 5, 1952). Since, however, in light of the opinion in *United States* v. *Goldberg,* 290 F. 2d 729, 734 (C.A. 2, 1961), *McWhorter* may not be good law today, we can see no objection to overruling this by statute. Under this provision the prosecutor by being allowed to plead and prove the case in the alternative may show the falsity by logical inconsistency. In *United States* v. *Buckner,* 118 F. 2d 468 (C.A. 2, 1961), the court declared:

> It seems strange that in the federal courts an indictment for perjury may not yet be drawn in the alternative and that there may not be a conviction for deliberately making oath to contradictory statements unless the prosecutor shows which of the statements was false.

It is noted that subsection (d) is limited to statements made "in the same continuous trial." We would suggest that this be broadened to include the phrase "or same continuous grand jury proceeding" since the interest in obtaining truth is no less before the grand jury than at trial. Such an amendment, moreover, would be consistent with the tenor and policy of S. 30's emphasis on strong and effective grand jury proceedings. It would also be consistent with Title IV itself which in all other places concerns itself with petit and grand jury proceedings.

Finally, it is noted that this provision is not as inclusive as the present Federal perjury statute in that subsection (a) is limited specifically to "any trial, hearing, or proceedings before any court or grand jury" and thus not only are pre-trial depositions, affidavits, and certificates excluded but also administrative and legislative hearings or proceedings. The Committee may wish to consider whether it would not be appropriate at this time to amend the present perjury statute, 18 U.S.C. 1621, and thereby by express language abolish the peculiar evidentiary rules applicable to perjury generally in all types of proceedings to which the statute is presently applicable.

TITLE V—DEPOSITIONS

Title V would amend Chapter 223 of Title 18, United States Code, by adding at the end thereof a new Section 3501, "Depositions". This provision would allow the Government to take depositions for the purpose of preserving the testimony of Government witnesses. The depositions would be taken after the filing of an indictment or information, and the defendant would be given an opportunity to be present with counsel and to cross-examine the witness. The deposition would be admissible in evidence at the trial, subject to the rules of admissibility of evidence, in the event the appearance of the witness cannot be obtained because the witness is dead, or is out of the United States, or is unable to attend or testify because of sickness, or the Government has been unable to procure the attendance of the witnes by subpoena. Provision is also made for the payment by the Government to the defendant's attorney and to a defendant not in custody, expenses of travel and subsistence for attendance at the examination. The Government is also required to make available to the defendant for his examination and use at the taking of the deposition of any statement of the witness being deposed which is in the possession of the Government and which the Government would be required to make available if the witness were testifying at the trial.

This provision extends to the Government a right that a defendant in a criminal case already enjoys under existing law under Rule 15, Federal Rules of Criminal Procedure. Although there is no direct authority in the matter, the extension of this right to the Government should not itself run afoul of the Constitution. Where, as in this provision, the defendant's Sixth Amendment rights to representation by counsel and confrontation of witnesses are well preserved by allowing an opportunity to be present with counsel and to cross-examine the deponent, this provision should pass constitutional muster, *Mattox* v. *United States,* 156 U.S. 237 (1895). See *Pointer* v. *Texas,* 380 U.S. 400, 407 (1965); *Motes* v. *United States,* 178 U.S. 458, 472 (1900); *Jones* v. *California,* 178 F. 2d 458, 472 (C.A. 9, 1966).

It is noted that proposed Section 3501 contains one important provision not included under Rule 15. Thus, under Rule 15, while a defendant can depose any necessary witness who might not be able to attend the trial, he has no right to inspect the statements of a prospective witness before trial. *United States* v. *Berman,* 24 F.R.D. 26 (1959); *Johnson* v. *United States,* 260 F. 2d 345 (1958). However, under 18 U.S.C. 3500, the defendant can get such statements after the witness has testified on direct examination. Under the proposed bill if the Government deposes a prospective witness, it must make available for the use of the defendant at the time of the examination any statement of the witness in the possession of the Government which it would be required to make available to the defendant if the witness were testifying at the trial. It is felt that this requirement is necessary to protect the defendant's right to effective cross-examination of the witness.

We feel that this provision's extension of the right to take depositions to the Government will provide an extremely useful tool in the effective trial of all criminal cases, but particularly in those involving organized crime cases where there is a substantial danger that the witnesses will not be available at the time of trial.

TITLE VI—PROTECTED FACILITIES FOR HOUSING GOVERNMENT WITNESSES

Title VI authorizes the Attorney General to rent, purchase, or construct such facilities as are necessary to provide secure and safe housing for Government witnesses and potential Government witnesses and their families in legal proceedings and investigations against persons alleged to have participated in organized criminal activity. It also provides that the Attorney General may offer the use of these facilities to such persons when in his judgment their testimony or willingness to testify would place them in jeopardy through illegal efforts to prevent them from testifying or punish them for testifying. It also defines "Government" to mean either the Federal or State Government, thus bringing within its scope witnesses in state proceedings. An appropriation of $1,000,000 is authorized for the fiscal year ending June 30, 1969, for carrying out this proposal.

The question of protecting Government witnesses is not one of law but of practicality. In view of the nature of organized crime there can be no doubt regarding the need for protection of witnesses. In pursuit of its ends the members of organized crime syndicates will ruthlessly eliminate anyone who stands in the way of success in any criminal enterprise and will destroy anyone who betrays the secrets of the syndicate.

While the Department wholeheartedly supports the theory behind Title VI, we believe that instead of limiting the Department to the renting, purchasing, and constructing of housing facilities, the Congress should consider a broader range of uses for the expenditure of funds in this area. The most substantial item which should be allowed for is perhaps the salaries and expenses of the United States Marshal's office which provides protection for most such witnesses. In addition, we believe that there should be authorization of appropriations for the care and protection of such witnesses to be used in whatever manner is deemed most useful under the special circumstances of each case. Such a provision would provide the necessary flexibility to adequately deal with this problem.

The Bureau of the Budget and the Department of Justice have undertaken a study of the potential costs of Title VI in response to Senator McClellan's letter of March 17, 1969 to the Director of the Bureau. While that study is not yet completed, we believe it desirable that the bill not specify a particular appropriation authorization amount or limit the authorization to a single fiscal year.

It is also noted that this Title speaks in general terms of providing such protected facilities to witnesses and potential witnesses in "investigations which might lead to legal proceedings." In view of the enormity of the expenses involved in the care and protection of witnesses and informants in this area generally, we do not wish this Title to be construed as shifting the responsibility for the expenses of informants which are presently being borne by the several investigative agencies of the Government, including the Federal Bureau of Investigation, the Internal Revenue Service, the Bureau of Narcotics and Dangerous Drugs, and others.

Finally, it is noted that this Title authorizes the Attorney General to provide secure and safe housing facilities for the use of both state and Federal witnesses. In view of the enormity of the costs and other practical problems involved in the protection of witnesses, the Department believes it to be inappropriate for it to assume the responsibility for the protection of state witnesses and feels that this responsibility should be assumed by the states. While, therefore, we do not believe that the Attorney General should be authorized to provide for the care and protection of state witnesses, we would not be opposed to granting him authority to offer the use of housing facilities, on a reimbursable basis, in limited situations where the states cannot provide adequate facilities to its witnesses, provided all other arrangements and expenses for the protection and care of such witnesses, such as guards, subsistence, medical care, etc., are made and borne by the states.

TITLE VII—DECLARATIONS OF CO-CONSPIRATORS

This Title would amend Chapter 223 of Title 18, United States Code, by adding at the end thereof a new Section 3502, "Admissions of co-conspirators".

This provision would make admissible into evidence in a criminal action in which it is alleged that two or more defendants participated as co-conspirators in the commission of a criminal offense, and extrajudicial declaration made by one such defendant against any other defendant if the court determines that: (1) the declaration was made by the defendant during his participation in the conspiracy, (2) there are in existence facts and circumstances from which its trustworthiness may be inferred, (3) the declaration relates to the existence of the conspiracy, and (4) the declaration was made during the time in which such other defendant participated in the conspiracy.

This provision appears to codify in all but one respect the present law as to the admissibility in evidence of the declarations of co-conspirators in conspiracy cases. All aspects of the present rule are retained save the requirement of "furtherance". In lieu of this, there is substituted the requirement that such a declaration must "relate to the existence or execution" of the conspiracy, and that to render it admissible the court must find that "there are in existence facts and circumstances from which its trustworthiness may be inferred".

The "conspirator's hearsay exception" is a firmly established exception to the general rule against the use of hearsay to establish criminal liability. *Krulewitch* v. *United States,* 336 U.S. 440, 443 (1949). The exception has come to rest in American jurisprudence on agency principles, as articulated by Mr. Justice Storey in *United States* v. *Gooding,* 25 U.S. (12 Wheat.) 460, 469 (1827), and the exception remains as yet unquestioned by the Supreme Court. See *Bruton* v. *United States,* 391 U.S. 123, 128 N.3 (1968).

The rationale behind this proposed change apparently is that the "furtherance" requirement of this exception is of somewhat ill defined meaning, but apparently an outgrowth of the agency rationale which is sometimes stated in terms of *res gestae* language, but which many other courts interpret so broadly as to apply to anything that relates to the conspiracy. Since this reduces the requirement to relevancy, and since all evidence must be relevant, it is reasoned that the "furtherance" requirement is thus eliminated in substance if not in form. This being so, it is felt that something more, namely, the element of trustworthiness should be required.

The logic of this argument is quite compelling, and the substitution of the element of trustworthiness of relevant evidence for the furtherance requirement would appear to be not only more realistic in terms of current judicial interpretation but also more consistent with the policy behind this exception to the general rule of exclusion of hearsay evidence.

Criminal law conspiracy principles have been most effective in organized crime prosecutions, and there can be no doubt that the "co-conspirator's hearsay exception" has been a vital factor in their success. The continued vitality of this co-conspirator rule is absolutely essential in conspiracy prosecutions of all types. Since the agency rationale which currently supports this exception is subject to increasing criticism by the courts and by authorities in the field, it would seem only prudent to move away from this rationale toward a more realistic basis for the exception, that is from agency to trustworthiness.

The movement to eliminate the furtherance requirement began with Professor Morgan's examination of the soundness of the vicarious liability rationale in an article in 42 Harvard Law Review 461 (1929). As a result of Professor Morgan's article the furtherance requirement was eliminated both in the *Uniform Rules of Evidence,* Rule 63(9), and in the *Model Code of Evidence,* Rule 508(b). It has also been approved by Professor McCormick, *Evidence,* Section 244 (1964).

The ambiguity of the furtherance requirement has caused considerable difficulty in the admission of testimony in conspiracy prosecutions, and more often than not a narrow construction of the term results in the exclusion of the Government's evidence. Few opportunities for appellate review of the principle have been occasioned since the Government has no right of appeal.

On the other hand, a conflict among the Circuit Courts exists in the cases of *United States* v. *Birnbaum,* 337 F. 2d 490 (C.A. 2, 1964), where Judge Lumbard applies a strict agency construction to the furtherance requirement, and in *International Indemnity Company* v. *Lehman,* 28 F. 2d 1 (C.A. 7, 1928), *cert. denied,* 278 U.S. 648, which is classicly cited for the virtual abandonment of the furtherance requirement in favor of the test of relevancy.

In view of these authorities then, and in view of the apparent reality that many courts have discarded the furtherance requirement in favor of relevancy, it would seem that this is an appropriate time to codify this principle. Perhaps an even more cogent reason for discarding the furtherance requirement which is based on agency and shifting the basis of the exception to trustworthiness, however, is the portent in several recent Supreme Court decisions, *Pointer* v. *Texas,* 380 U.S. 400 (1965); *Douglas* v. *Alabama,* 380 U.S. 415 (1965); *Barber* v. *Page,* 390 U.S. 719 (1968); and *Bruton* v. *United States,* 391 U.S. 123 (1968), that the Supreme Court may be moving towards re-examination of the present theory sustaining the admissibility of co-conspirator's statements based on agency principles. These cases, while dealing with co-conspirator's statements sought to be addmitted after the termination of the conspiracy, indicate that the right to confrontation under the Sixth Amendment still permits some traditional hearsay exceptions, based upon necessity and trustworthiness. In view of these decisions, therefore, it would seem that this would be a prudent time to enact this provision.

TITLE VIII—SPECIAL OFFENDER SENTENCING

Title VIII would amend Chapter 227 of Title18, United States Code, by adding at the end thereof four new Sections (Sections 3575–3578) dealing with the punishment of special classes of offenders.

This Title provides, upon conviction of a felony, for increased punishment for three categories of special offenders—habitual offenders, professional offenders, and organized crime offenders. Habitual offenders are defined as those with two or more previous felony convictions. Professional offenders and organized crime offenders are defined at greater length, but less precisely. In each case the United States Attorney must give notice to the defendant prior to trial that he intends to proceed against him as a special offender. If the trial results in a conviction, there is a subsequent hearing to determine whether the defendant is a special offender. If the court determines that he is, the defendant may be sentenced to up to thirty years imprisonment and is not eligible for suspension of sentence, parole, or remission, or reduction of the sentence for any cause until he has served at least two-thirds of the term imposed. Sentences will be subject to appellate review by either the Government or the defendant and the appellate court may increase or decrease the sentence. Finally, in sentencing under these provisions the court is allowed to receive and consider any and all evidence without regard to the manner in which such evidence was obtained.

The imposition of increased penalties for special classes of offenders is a procedure which has been approved for some time, and the Department believes that such a procedure is desirable. Title VIII, however, as presently drafted, raises serious problems in three general areas—specificity of definitions for categories of offenders, procedures for making determinations, and the appeal provisions.

As to the first, Title VIII adequately defines a habitual offender and gives adequate notice for hearing on the recidivist issue in line with state statutes which have been held constitutional. *Epperson* v. *United States*, 371 F. 2d 956 (1967); *Kendrick* v. *United States*, 238 F. 2d 34 (1957); *Rider* v. *Crouse*, 357 F. 2d 317 (1966); *Byers* v. *Crouse*, 339 F. 2d 550 (1964); *Oylers* v. *Boles*, 368 U.S. 448 (1962).

The definition of professional offender appears to be so vague as possibly to violate due process. *Lanzetta* v. *New Jersey*, 306 U.S. 451 (1939). It includes no limits and can easily be read to include any criminal. Such a category is too broad and may be held to violate not only due process but the equal protection clause as well because of a lack of justifiable distinction warranting extra punishment for this category of offenders. In addition, increasing the punishment for this category seems to be punishing status and not a particular criminal act, which was held unconstitutional in *Robinson* v. *California*, 370 U.S. 660 (1962). But see *Lanzetta* (*supra*) which indicated a person could be punished for being a gangster (status) if the definition was not too vague. And see *Powell* v. *Texas*, 392 U.S. 514 (1968) which held that a chronic alcoholic could be punished for being in a public place (status plus overt act).

In order to withstand a constitutional attack on grounds of vagueness, therefore, it is felt that the definition of professional offender must be made more specific and must emphasize a pattern of specific past criminal activity and conduct in opposition to the legal structure of society as a whole, rather than emphasis on his income from a source other than legal. This could perhaps best be approached by adopting the approach taken in the Model Sentencing Act which allows for extended sentences for dangerous offenders on grounds, *inter alia* that:

> (c) The defendant is being sentenced for the crime of extortion, compulsory prostitution, selling or knowingly and unlawfully transporting narcotics, or other felony, committed as part of a continuing criminal activity in concert with one or more persons.

The definition of organized crime offender, on the other hand, is much more specific than professional offender and does not appear so vague as to violate due process, and appears to define the type of person sought to be covered by this Title with a fair amount of accuracy.

It is suggested that one method of solving the problem would be to develop a single definition for both professional offender and organized crime offender which would comprehend any person convicted of a felony involving extortion, narcotics, gambling, prostitution, bribery, etc., or other felony, which was committed as part of a continuing illegal business or activity in which he acted in concert with one or more persons and occupied a position of organizer or other supervisory or management position, or was an executor of violence. This approach would adopt in part the criteria set forth in the above-quoted reference to the Model Sentencing Act.

The second objection to this Title is that the procedures for making a determination may also violate due process. Although there is a provision for a hearing, the court is evidently not limited to the evidence submitted during the trial and the hearing in determining whether or not the defendant is a special offender, since the determination may be made on the basis of the presentence report to which the defendant apparently would not have access. Similarly, it is pointed out that no attempt is made to define the defendant's right to be informed of and to refute the evidence on which the court's determination is made. Nor is the court apparently required to make any written findings other than the conclusory finding on which the extended sentence is based.

We believe there is a substantial risk that this procedure would be held to violate due process under the rule announced in *Specht* v. *Patterson*, 386 U.S. 605 (1967). In that case which dealt with a post-conviction proceeding under a state Sex Offenders Act, the court said:

> Due process, in other words, requires that [the defendant] be present with counsel, have an opportunity to be heard, be confronted with witnesses against him, have the right to cross-examination, and to offer evidence of his own. And there must be findings adequate to make meaningful an appeal that is allowed. 386 U.S. at 610.

While it is not entirely certain that all of these procedures would be required prior to the imposition of an extended penalty for a specific crime (as distinguished from a sex offender commitment that is triggered by, but separate from, the conviction for a crime), it is probable that more is required before imposing an extended sentence than is necessary to ordinary sentencing procedure. Short of a full jury trial, it is not clear what the procedural requirements for extended sentencing are.

In order to strengthen the procedures of this proposal against successful constitutional attack, it is suggested that it be amended to provide the following procedural safeguards in addition to its provisions for notice and hearing: (1) a requirement that the defendant be furnished a copy of the presentence report with the names of confidential sources deleted where necessary; (2) the right to counsel and opportunity to cross-examine any witnesses presented by the Government; (3) the right to compulsory attendance of witnesses on the defendant's behalf; (4) a requirement that the court state the basis for imposition of extended sentence.

On the other hand, it is not felt that either a public hearing or strict adherence to the rules of evidence is required. The imposition of sentence on the basis of a preponderance of the evidence also appears to be consistent with due process.

The lack of direct precedent makes it virtually impossible to predict whether these procedures would survive constitutional challenge. On balance they seem fair and consistent with the due process requirements outlined in *Specht* (*supra*), and it is certainly arguable that they meet the necessary constitutional requirements.

The third problem with this Title is in connection with proposed Section 3577 which provides for appellate review of sentence by both the Government and the defendant, and allows an increase of sentence when either the Government or the defendant appeals.

Two constitutional problems at issue here are the double jeopardy question involved in allowing an appeal by the prosecutor, and the due process question involved in allowing an increase of sentence where the defendant appeals.

As to the first, while recent authorities appear to cast some doubt on the constitutionality of this provision, cf. *Patton* v. *North Carolina*, 381 F. 2d 636, 645–46 (C.A. 4, 1967), *cert. denied*, 390 U.S. 905 (1968) and *Whaley* v. *North Carolina*, 379 F. 2d 221 (C.A. 4, 1967), the Supreme Court has upheld an increase in sentence following an appeal by the defendant in at least three cases: *Flemister* v. *United States*, 207 U.S. 372 (1911); *Ocampo* v. *United States*, 234 U.S. 91 (1914); *Stroud* v. *United States*, 251 U.S. 15 (1919). Consequently, it would seem that if these cases are still good law today then the Government should be able to seek an increase in sentence on appeal without violating either due process or the Fifth Amendment ban on double jeopardy.

The constitutional issue of whether a defendant may be given an increased sentence when he appeals may be decided in two cases now on the docket of the Supreme Court. In these cases, *North Carolina* v. *Pearce*, No. 413, 1968 Term, and *Simpson* v. *Rice*, No. 418, 1968 Term, the issue is squarely presented whether a defendant may be given an increased sentence after his first sentence has been set aside for one reason or another.

In order to avoid the question of due process posed by this provision, it is suggested that this proposal be amended to provide that if the Government fails to exercise its right of appeal within a specified number of days, e.g., ten days, then no increase of sentence may be allowed upon appeal by the defendant after the Government has exercised its option whether to appeal or not.

EXHIBIT 4

LA COSA NOSTRA FAMILIES

LA COSA NOSTRA: THE "COMMISSION"

Set forth as follows is a schema of the structure of La Cosa Nostra's "Commission" as composed in 1960 as compared to the current make-up and status of this group:

"Commission"—1960

Vito Genovese: New York City.
Carlo Gambino: New York City.
Joseph Profaci: New York City.
Joseph Bonanno: New York City.
Thomas Luchese: New York City.
Stefano Magaddino: Buffalo, New York.
Angelo Bruno: Philadelphia, Pennsylvania.
Joseph Zerilli: Detroit, Michigan.
Salvatore Giancana: Chicago, Illinois.

"Commission"—1969

Carlo Gambino: New York City.
Joseph Colombo: New York City.

Paul Sciacca: New York City.

Open (Carmine Tramunti emerging as successor to the deceased Thomas Luchese. "Commission" status not yet decided.)

Open (Gerardo Catena acting boss following death of Vito Genovese. Successor and "Commission" status not yet decided.)

Stefano Magaddino: Buffalo, New York.

Angelo Bruno: Philadelphia, Pennsylvania.

Joseph Zerilli: Detroit, Michigan.

Open (Anthony Accardo and Paul DeLucia are acting in charge of the Chicago "family" due to Giancana's flight from the United States in 1966.)

BOSTON, MASS.

Set forth as follows is data regarding the leadership of the New England "Family" of La Cosa Nostra as of 1960 and as it is structured in 1969:

1960

Boss: Raymond Patriarca.

Underboss: Anthony Santaniello.

Consigliere: Joseph Lombardo.

Capodecina: Joseph Anselmo, Michael Rocco; John Williams; and Henry Tameleo.

1969

Boss: Raymond Patriarca.

Underboss: Gennaro Angiulo.

Consigliere: Joseph Lombardo.

Capodecina: Joseph Anselmo; Ilario Zannino; and Edward Romano (acting Capodecina).

BUFFALO, N.Y.

The following was the leadership structure of the Buffalo "family" of La Cosa Nostra as of 1960:

1960

Boss: Stefano Magaddino.

Underboss: Fred Randaccio.

Consigliere: Vincent Scro.

Capodecina: Jacomino Russolesi; Benjamin Nicoletti, Sr.; Roy Carlisi; Pasquale Natarelli; and Joseph Falcone.

The following is the leadership structure of the Buffalo "family" as of 1969:

1969

Boss: Stefano Magaddino.

Underboss: Joseph Fino.

Consigliere: Vincent Scro.

Capodecina: Frank Valenti; Benjamin Nicoletti, Sr.; Roy Carlisi; Pasquale Natarelli; and Joseph Falcone.

CHICAGO, ILL.

The following represents the leadership structure of the Chicago "family" of La Cosa Nostra as of 1960:

1960

Boss: Salvatore Giancana.

Underboss: Frank Ferraro.

Consigliere: Jointly held by Anthony Accardo and Paul DeLucia.

Capodecina: Ross Prio; Rocco Potenzo; Fiore Buccieri; Joseph Aiuppa; Frank LaPorte, and William Daddano.

As follows is the leadership make-up of the Chicago "family" as of 1969:

1969

Boss: Open (Anthony Accardo and Paul DeLucia acting in charge of Chicago "family" due to flight of Salvatore Giancana from United States in 1966, and incarceration of his interim successor Samuel Battaglia).

Underboss: Open (John Cerone acting Underboss).

Consigliere: Open (Felix Alderisio possibly acting in this capacity).

Capodecina: Ross Prio; Fiore Buccieri; John Cerone; Joseph Aiuppa; James Catuara, and William Daddano.

DETROIT, MICH.

Set forth as follows is pertinent data regarding the leadership structure of the Detroit La Cosa Nostra "family" as composed in 1960 as compared to 1969:

1960

Boss: Joseph Zerilli.

Underboss: John Priziola.

Consiglieri: Angelo Meli; Peter Licavoli; Joseph Massei.

Capodecina: William Tocco; Giacamo W. Tocco; Joseph Bommarito; Matthew Rubino; Raffaele Quasarano; Anthony Giacalone; Dominic Corrado; Anthony Zerilli; Michael Polizzi; and Anthony Besase.

1969

Boss: Joseph Zerilli.

Underboss: John Priziola.

Consiglieri: Angelo Meli; Peter Licavoli; Joseph Massei.

Capodecina: William Tocco; Matthew Rubino; Raffaele Quasarano; Anthony Giacalone; Dominic Corrado; Giacamo W. Tocco; Anthony Zerilli; Michael Polizzi, and Anthony Besase.

LOS ANGELES, CALIF.

The following was the leadership of the Los Angeles La Cosa Nostra "family" in 1960:

1960

Boss: Frank DeSimone.

Underboss: Simone Scozzari.

Consigliere: Charles Dippolito; Joseph Giammona; Joseph Dippolito; and Joseph Adamo—San Diego.

The leadership of the Los Angeles La Cosa Nostra "family" as of 1969 is as follows:

1969

Boss: Nicolo Licata.

Underboss: Joseph Dippolito.

Consigliere: Tommy Palermo.

Capodecina: Dominic Brooklier; Angelo Polizzi; and Joseph Adamo—San Diego.

NEW JERSEY "FAMILY"

The following represents the leadership structure of the New Jersey "family" of La Cosa Nostra as of 1960 and 1969:

1960

Boss: Nicholas Delmore.

Underboss: Frank Majuri.

1969

Boss: Samulel DeCavalcante.

Underboss: Frank Majuri (Joseph LaSelva reported to operate as DeCavalcante's Underboss for Connecticut membership.)

NEW YORK, N.Y.

Set forth as follows is the leadership of New York City's five La Cosa Nostra "families" as composed in 1960 compared to their current structure as in 1969:

Joseph Profaci "Family"—1960

Boss: Joseph Profaci.

Underboss: Joseph Magliocco.

Consigliere: Charles LoCicero.

Capodecina: Harry Fontana; John Oddo; Salvatore Mussachio; Salvatore Badalmente; John Misuraca; Ambrose Magliocco; Nicoline Sorrentino; Simone Andolino; John Franzese; and Joseph Colombo.

1969

Boss: Joseph Colombo.

Underboss: Salvatore Mineo.

Consigliere: Benedetto D'Alessandro.

Capodecina: Vincent Aloi; Simone Andolino; Harry Fontana; Nicholas Forlano; John Franzese; Frank Richard Fusco; John Misuraca; Salvatore Mussachio; John Oddo; Carmine Persico; Nicholas Sorrentino; and Joseph Yacovelli.

Carlo Gambino "Family"—1969

Boss: Carlo Gambino.

Underboss: Joseph Biondo.

Consigliere: Joseph Riccobono.

Capodecina: Anthony Anastasio; Domenico Arcuri; Paul Castellano; Joseph Colozzo; Pasquale Conte; Aniello Dellacroce; David Amodeo; Charles Dongarra; Alfred Eppolito; Peter Ferrara; Arthur Leo; Carmine Lombardozzi; Rocco Mazzie; Joseph Paterno; Joseph Silesi; Peter Stincone; Joseph Traina; Ettore Zapi; and Joseph Zingaro.

1969

Boss: Carlo Gambino.

Underboss: Aniello Dellacroce.

Consigliere: Joseph Riccobono.

Capodecina: David Amodeo; Domenico Arcuri; Joseph Colozzo; Vincent Corrao; Pasquale Conte; Charles Dongarra; James Failla; Peter Ferrara; Joseph Gambino (brother of Carlo Gambino); Joseph Gambino; Anthony Napolitano; Gaetano Russo; Giacomo Scarpula; and Paul Castellano.

1969

Capodecina: Anthony Scotto; Anthony Sedotto; Peter Stincone; Giuseppi Traina; Mario Traina; Ettore Zappi; Joseph Zingaro; Olympio Garofalo; Frank Corbi; Frank Perrone; Joseph Paterno; Joseph Silesi; James Eppolito; and Frank Rizzo.

Vito Genovese "Family"—1960

Boss: Vito Genovese.

Underboss: Gerado Catena.

Consigliere: Michele Miranda.

Capodecina: Anthony Strollo; Angelo DeCarlo; Eugene Catena; Michael Coppola; Peter DeFeo; Frank Tieri; Antonio Carillo; Cosmo Frasca; Rocco Pellegrino; Vincenzo Generoso; Salvatore Celembrino; Vincent Alo; Ruggiero Boiardo; John Biele; Thomas Greco; James Angellino; and Frank Celano.

1969

Boss: Open (Gerado Catena acting in view of death of Vito Genovese).

Underboss: Gerardo Catena (Thomas Eboli, acting).

Consigliere: Michele Miranda.

1969

Capodecina: Vincent Alo; Ruggiero Boiardo; Angelo DeCarlo; Antonio Carillo; Salvatore Celembrino; Frank Celano; Peter DeFeo; Cosmo Frasca; Vincenzo Generoso; Michael Generoso (acting); Thomas Greco; Philip Lombardo; Rosario Mogavero; Frank Tieri; Harry Lanza; Rocco Pellegrino; and Salvatore Cufari.

Thomas Luchese "Family"—1960

Boss: Thomas Luchese.

Underboss: Steve LaSalla.

Consigliere: Vincent Rao.

Capodecina: Antonio Corallo; Joseph Laratro; Joseph Luchese; John Ormento; James Plumeri; Joseph Rosato; Salvatore Santora; Carmine Tramunti; and Paul Correale.

1969

Boss: Open (Carmen Tramunti, acting boss).

Underboss: Steve LaSalla.

Consigliere: Vincent Rao.

Capodecina: Anttonio Corallo; Joseph Lagano; Joseph Laratro; Joseph Luchese; John Ormento; Joseph Rosato; Chris Funari; Paul Vario.

Joseph Bonanno "Family"—1960

Boss: Joseph Bonanno.

Underboss: Frank Garofalo.

Consigliere: John Tartamella.

Capodecina: Carmine Galante; Natale Evola; Matteo Valvo; Frank LaBruzzo; Thomas DeAngelo; Joseph Notaro; and Nicholas Marangello.

1969

Boss: Paul Sciacca.

Underboss: Frank Mari.

Consigliere: Michael Adamo.

Capodecina: Philip Rastelli; Nicholas Marangello; Armando Pollastrino; Nicholas Alfano; Joseph DiFilippi; Giovanni Fiordilino; Pasquale Gigante; John Morale; Dominick Sabella; Michael Sabella; Sereno Tartanella; Joseph Zicarelli; and Louis Greco.

PHILADELPHIA, PA.

The following is a schema setting forth the leadership of the Philadelphia "family" of

La Cosa Nostra as it is currently composed and as it was structured in 1960:

1960

Boss: Angelo Bruno Annaloro.

Underboss: Ignazio Denaro.

Consigliere: Joseph Rugnetta.

Capodecina: Philip Testa; John Cappello; Pasquale Massi; Joseph Sciglitano; Felix John DeTullio; Nicholas Piccolo; Joseph Scafidi; and John Simone.

1969

Boss: Angelo Bruno Annaloro.

Underboss: Ignazio Denaro.

Consigliere: Joseph Rugnetta.

Capodecina: Philip Testa; John Cappello; Joseph Lanciano; Joseph Sciglitano; Peter J. Maggio; Nicholas Piccolo; Joseph Scafidi; and John Simone.

SAN FRANCISCO AREA

Set forth as follows is pertinent data regarding the leadership structure of the San Francisco, and San Jose, California, La Cosa Nostra "families" as composed in 1960 as compared to 1969:

San Francisco—1960

Boss: James Lanza.

Underboss: Gaspare Sciortino.

San Francisco—1969

Boss: James Lanza.

Underboss: Gaspare Sciortino.

Capodecina: Vincenzo Infusino.

San Jose—1960

Boss: Joseph Cerrito.

Underboss: Charles Carbone.

Consigliere: Steve Zoccoli.

Capodecina: Angelo Marino; Emanuel Figlia; Philip Morici; and Joe Cusenza.

San Jose—1969

Boss: Joseph Cerrito.

Underboss: (Charles Carbone deceased and no known replacement.)

Consigliere: Steve Zoccoli.

Capodecina: Emanuel Figlia and Philip Morici.

LA COSA NOSTRA INDICTMENTS AND CONVICTIONS, 1960–MARCH 1969

Indictments involving 328 Defendants: 235.

Cases resulted in Conviction of 182 defendants: 137.

Defendants Acquitted: 32.

Indictments against 31 Defendants were Dismissed.

Conviction of 22 Defendants was Reversed.

Known or suspected Members of Cosa Nostra were indicted and/or convicted between 1960 and March 1969: 257.

COSA NOSTRA INDICTMENTS AND CONVICTIONS, 1960 TO MARCH 1969

Name	Indictment	Disposition	Sentence	District
Accardi, Sam	8/15/55 narcotics	7/20/64	15 yrs USP, Atlanta 10/29/64	SD NY.
Carbo, Paul John	9/22/59 Hobbs extortion	5/30/61	25 yrs USP, Alcatraz 5/24/62 USP, Marion, Ill 1/6/69	SD Cal.
Dragna, Louis T			5 yrs Dragna—reversed 2/13/63	
Palermo, Frank			15 yrs USP, Lewisburg, Pa. 12/2/61 Fed Pr Camp, Allenwood, Pa. 12/11/68.	
Sica, Joseph			20 yrs USP, Leavenworth 8/1/64	SD NY.
Evola, Natale	5/21/59 perjury obs. of justice (combined with 10 yr narcotics sent.).	1/30/60	5 yrs USP, Leavenworth 3/6/60 3/21/66 MR	SD NY.
Accardo, Anthony J	4/25/60 tax evasion	11/11/60 remanded 1/5/62 acquitted 10/3/62.	6 yrs	ND Ill.
Persico, Carmine	4/28/60 Hobbs extortion	4/20/64 reversed 7/30/65 5/28/68 convicted.	15 yrs	ED NY.
Di Pietro, Cosmo	5/5/60 narcotics	6/25/62	20 yrs USP, Terre Haute 10/22/62	SD NY.
Galante, Carmine			20 yrs USP, Leavenworth 1/7/63	
Ormento, John			40 yrs USP, Leavenworth 10/10/62 USP, Marion, Ill. 1/16/69	
Loicano, Angelo			20 yrs USP, Atlanta 3/26/64	
Genese, Pasquale	6/1/60 mail fraud	1/11/61	1 yr SS; 5 yrs prob	SD NY.
Allegretti, James	6/30/60 poss. of hijacked liquor	4/24/62	7 yrs USP, Terre Haute 7/1/65	ND Ill.
Lisciandrello, Frank			7 yrs	
Verra, John	10/13/60 liquor laws	10/25/61	2 yrs USP, Lewisburg 5/3/62	SD NY.
Provenzano, Anthony	11/15/60 Hobbs extortion	6/11/63	7 yrs USP, Lewisburg 5/31/66	NJ.
Sica, Alfred	3/17/61 tax evasion	3/17/62	3 yrs USP, McNeil Isl 5/27/64 USP, Atlanta 12/3/64	SD Cal.
Agueci, Vito	5/22/61 narcotics	12/28/61	15 yrs USP, Atlanta 2/13/62 Fed Corr Inst, Sandstone, Minn. 10/15/65.	SD NY.
Valachi, Joseph		12/28/61	20 yrs USP, Atlanta 6/17/60 Fed Corr Inst, Milan 3/22/6	
Caruso, Frank		3/4/63	15 yrs USP, Atlanta 4/22/63	
Maneri, Salvatore		3/4/63	15 yrs USP, Terre Haute 4/20/63 USP, Atlanta 7/13/65	
Gagliadotto, Charles, died 8/22/68	arrested 9/3/61 narcotics	Dismissed 12/6/66		
Troiano, Leonard	10/26/61 theft from interstate	4/12/62	4 yrs USP, Atlanta 4/26/62 Fed Corr Inst, Danbury 1/16/64; 2/3/65 MR.	SD NY.
Troiano, Frank		4/20/62	4 yrs USP, Atlanta 4/26/62 Fed Pr Camp, Allenwood, Pa. 1/15/64; 1/28/65 MR.	
Marcello, Carlos	10/30/61 conspiracy	11/22/63 acquitted		ED La.
Marcello, Carlos	10/31/61 perjury	8/65 dismissed		ED La.
Corallo, Anthony	12/7/61 obs. of justice	6/16/62	2 yrs USP, Lewisburg 11/15/63 5/7/65 MR	SD NY.
Verra, Anthony	12/28/61 obs. of justice	8/17/62 acquitted		SD NY.
Verra, John		8/17/62	1 yr and 1 day concurrent with 2 yrs in liquor case	
Caruso, Frank	2/2/62 bail jumping	3/4/63	5 yrs concurrent with 15 yrs for narcotics	SD NY.
Maneri, Salvatore	2/2/62 bail jumping	3/4/63	5 yrs concurrent with 15 yrs narcotics	SD NY.
Mauro, Vincent			5 yrs concurrent with 15-yr narcotics sent	
Carlino, Leo	4/11/62 tax evasion	11/7/63	1 yr & 1 day Fed Corr Inst, Danbury 12/9/63; exp GT 9/22/64	SD NY.
De Lucia, Fred	Arrested 8/2/62 counterfeiting	3/17/65	1 yr USP, Lewisburg 11/25/67 Fed Pr Camp, Allenwood, Pa 8/14/68; rel 9/17/68.	ED NY.
Borelli, Frank	8/15/62 narcotics	12/12/63	20 yrs	SD NY.
Ciccone, Anthony				
Locascio, Carmine		12/12/63	15 yrs	
Loiacano, Angelo		12/12/63	15 yrs	
Mogavero, Joseph		dismissed 9/91/66		
Mogavero, Rosario		12/12/63	15 yrs	
Sedotto, Michael		12/12/63	10 yrs	
Tantillo, Harry		12/12/63	10 yrs	
		All convictions reversed 7/31/64 Indictment dismissed 1/67		
Napolitano, Joseph	9/17/62 liquor laws	10/12/62	3 yrs Fed Corr inst, Danbury 1/9/63; 8/17/64 par	Maine.
Todaro, Richard	9/21/62 wagering	dismissed 10/15/65		WD NY.
Cino, Stephen		do		
Ciancutti, Thomas	9/26/62 watering	3/1/63	2 yrs suspended, 2 yrs probation	WD Pa.
Sams, William			do	
Giordano, Samuel	10/3/62 bankruptcy fraud	3/25/64	18 mos.	ED Mich.
Rubino, Matthew		3/20/64 acquitted		
Provenzano, Anthony	11/14/62 Taft-Hartley Act	dismissed 6/24/66		NJ.
Maccagnone, James	11/15/62 harboring a fugitive superseding ind. 10/8/63.	4/23/65	5 yrs	ED Mich.
Barata, Peter	1/8/63 narcotics	3/20/64	7 yrs USP, Atlanta 5/20/65	SD NY.
Pecora, Joseph N	2/20/63 ITAR-gambling	4/2/63	acquitted	ND WVa.
Taglianetti, Louis	2/26/63 tax evasion	4/28/66	7 mos.	R.I.
Stassi, Joseph	3/19/63 narcotics superseding ind. 11/1/63.	3/14/67 new trial ordered 4/14/67 6/28/67 convicted.	18 yrs USP, Atlanta 12/10/67	SD Texas.
Schipani, Joseph	4/11/63 tax evasion	10/15/65 reversed 1966 11/11/68 convicted.	3 yrs	ED NY.
Meli, Frank	4/18/63 embezzlement	dismissed 5/4/65		ED Mich.
Lombardozzi, Carmine	4/29/63 tax evasion			SD NY.
Tortorello, Arthur		3/23/64 conv	1 yr USP, Lewisburg 8/24/63 1 yr concurrent with mail fraud case.	
De Filippo. Louis		4/7/64 conv	8 mos. Fed Corr Inst, Danbury 4/29/64; exp GT 11/10/64	
Finazzo, Sam	5/8/63 moving goods from bonded area	acquitted 12/17/64		ED Mich.
Mannarino, Gabriel	5/10/63 tax evasion	acquitted		WD Pa.
Mannarino, Samuel		12/10/63	1 yr, 1 day USP, Lewisburg 9/10/64 8/1/65 min exp w/EGT	
Sams, William		12/10/63	1 yr, 1 day	
Pagano, Joseph	5/27/63 bankruptcy fraud	12/30/64	5 yrs USP, Atlanta 3/4/65 Fed Pr Camp, Allenwood, Pa. 4/2/68 fr USP, Lewisburg.	SD NY.
Castellana, Peter		12/30/64	5 yrs USP, Atlanta 4/15/66 USP, Lewisburg 3/7/67 Fed Pr Camp, Allenwood, Pa. 5/22/68.	

COSA NOSTRA INDICTMENTS AND CONVICTIONS, 1960 TO MARCH 1969—Continued

Name	Indictment	Disposition	Sentence	District
Granza, Anthony	6/13/63 narcotics	9/25/64	20 yrs	SD Texas.
Sherman, Charles	6/26/63 tax evasion	5/12/64	1 yr, 1 day Fed Corr Inst, Milan 6/15/66	ED Mich.
Caifano, Marshall	7/2/63 conspiracy, extortion	2/7/64	10 yrs USP, Leavenworth 10/21/66	SD Cal.
Lombardozzi, John	7/22/63 asslt Federal officer	11/26/63	20 mos. USP, Lewisburg 5/7/65	ED NY.
Marino, Daniel			20 mos. Fed Corr Inst., Danbury 4/22/65; 3/3/66 esp GT	
Lombardozzi, Carmine	8/22/63 violation of parole	8/23/63	1 yr. USP, Lewisburg 8/24/63; 1 yr writ discharged 6/17/64	Conn.
Aiuppa, Joseph	10/62 Migratory Bird Act	8/22/63 reversed and remanded 11/13/64, 6/21/66 conv.	3 mos	Kansas.
Lombardozzi, John Martinelli, Joseph G.	8/29/63 conspiracy, ITSP			SD NY.
Lisciandrello, Frank	9/19/63 liquor laws	2/4/64	15 mos. USP, Leavenworth 9/11/64	ND Ill.
Testa, Philip C.	10/25/63 cited for contempt	11/1/63	Discharged 10/30/64	ED Pa.
Guiga, Louis	10/28/63 narcotics	6/27/67 acquitted		SD NY.
———, James	10/28/63 tax evasion	2/9/65	2½ yrs USP, Atlanta 5/20/65, 3/30/67 MR	ND NY.
De Pietto, Americo	10/29/63 narcotics	6/4/64	20 yrs USP, Leavenworth 11/19/64	SD NY.
Bruno, Angelo Testa, Philip C.	10/31/63 shylock extortion	Acquitted 7/8/64		ED Pa.
Giacalone, Anthony Giacalone, Vito.	11/19/63 tax evasion	Dismissed 8/64		ED Mich.
Rubino, Matthew	12/17/63 tax evasion	Acquitted 7/15/64		ED Mich.
Moceri, Leo	10/63 tax evasion	Acquitted 3/25/65		ND Ohio.
Cangelose, Louis, deceased	1/17/64 firearms viol	Dismissed 8/4/65		ND Iowa.
Picillo, Warren V	1/24/64 ITAR-gambling	10/23/65	4 mos. Fed Corr Inst, Danbury 2/1/66; 5/27/66 exp ft	RI.
Tortorello, Arthur	1/64 sale of worthless stock			SD NY.
Alderisio, Felix	2/4/64 threats of extortion conspiracy.	4/8/65 3/10/69, Supreme Court remanded re effect of electronic surveillance acquitted 4/8/65.	4½ yrs	Colorado.
De Pietto, Americo				
Termine, Anthony	2/7/64 false statement on FHA loan	Acquitted 2/24/66		ED Mich.
Gentile, Nicholas	3/3/64 tax evasion	6/18/64	60 days H of C, Hales Corners, Wis 10/13/64; exp term 12/11/6	ED Wis.
Granello, Salvatore	3/16/64 tax evasion	5/10/65	2 yrs Fed Corr Inst, Danbury 7/1/65	SD NY.
Napolitano, Orlando	3/18/64 ITAR-gambling	6/4/64	2 yrs Fed Corr Inst, Danbury 3/23/65; 5/26/66 par	Mass.
Rizzo, Michael	3/18/64 tax evasion		4 mos. Fed Corr Inst, San Pedro, Cal. 5/11/67; rel 9/8/67 exp FT.	SD Cal.
Pinelli, Anthony R	3/31/64 tax evasion	5/23/66	2 yrs prob	ND Ill.
Luciano, Frank	4/10/64 narcotics	Dismissed 6/18/64		SD NY.
Triliegi, John B	4/14/64 ITSP-securities	7/31/64	5 yrs USP, Leavenworth 11/3/64 USP, Terre Haute 3/26/65	ED Wis.
Covello, Joseph	4/17/64 ITAR-gambling	2/17/67 acquitted 2/17/67	3 yrs	SD NY.
Napolitano, Anthony	do	do	do	
Lombardozzi, John	4/29/64 obs. of justice	7/22/64 acquitted		SD NY.
Marino, Daniel	do	do		
Tornabene, Louis	5/28/64 false statement on	7/23/65	1 yr Fed Corr Inst, Sandstone, Minn 10/26/65	ND Ill.
Crapanzano, Patsy	7/9/64 Taft-Hartley Act	10/27/65	3 yrs probation	SD NY.
Castaldi, Anthony	Civil contempt	7/9/64	2 yrs	SD NY.
Tortorello, Arthur	7/15/64 SEC Act	3/7/67	30 days	SD NY.
De Pietto, Americo	7/28/64 asslt Federal officer	11/12/64	2 yrs concurrent with 20 yrs in narcotics case	ND Ill.
Guarnieri, Salvatore	7/28/64 harboring; assist in offense ag the U.S.	2/17/67	2 yrs USP, Leavenworth 5/17/68	SD NY.
Shillitani, Salvatore	civil contempt	8/14/64	2 yrs USP, Lewisburg 11/5/64 vacated by Supreme Court on 6/6/66.	SD NY.
Lo Cicero, Charles	8/11/64 tax evasion	1/13/65	18 mos	ED NY.
Palmisano, Vincent	8/12/64 false statement on savings and Loan application.	Acquitted 1/26/65		SD Fla.
Armone, Joseph	9/30/64 narcotics	6/22/65	15 yrs USP, Lewisburg 10/21/66	SD NY.
Grammauta, Steven		6/22/65	8 yrs, USP, Atlanta 9/18/66 USP, Lewisburg 2/24/67	
Pacelli, Vincent		6/22/65	18 yrs USP, Atlanta 10/18/65	
Armone, Alfred		Acquitted		
Romano, Arnold		3/14/69	30 yrs	
Marcello, Carlos	10/4/64 obs. of justice	8/17/65 acquitted		ED La.
Pappadio, Andino	civil contempt	10/30/64, 6/6/66 vacated by Supreme Court.	2 yrs	SD NY.
Lombardozzi, John	11/24/64 bankruptcy fraud	9/22/67	2 yrs susp, 5 yr prob	SD NY.
Tramunti, Carmine	civil contempt	12/2/64, 6/6/66 vacated by Supreme Court.	1 yr	SD NY.
Glimco, Joseph P	12/17/64 Taft-Hartley Act	8/26/65 dismissed		ND Ill.
Marino, Angelo A	1/4/65 tax evasion			ND Cal.
Balistrieri, Frank	1/6/65 tax evasion	3/23/67 SD Ill	2 yrs. on appeal	ED Wis.
Anguilo, Gennaro	1/15/65 asslt Federal officer	6/30/66	1 month H of C, Billerica	Mass.
Limone, Peter			1 month H of C, Billerica	Mass.
Cammisano, William	2/12/65 liquor laws	1/7/66	2 yrs USP, Leavenworth 2/28/66, 8/1/67 MR	WD Mo.
Simone, Thomas Died 5/21/68	2/12/65 liquor laws	12/20/65	20 mos. USP, Leavenworth 2/25/66 Fed Corr Inst, Texarkana, Texas 3/9/66	WD Mo.
Ciarelli, James		12/20/65	20 mos. USP, Leavenworth 2/28/66 exp GT 5/16/67	
Scudiero, Henry		dismissed 1/21/66		
Lapi, Joseph	2/26/65 narcotics	5/11/66	7½ years USP, Atlanta 4/13/67	SD NY.
Bonanno, Salvatore Vincent	civil contempt	3/2/65	rel. 6/4/65	SD NY.
Battaglia, Charles	3/5/65 Hobbs extortion	1/20/67	10 yrs USP, Leavenworth 2/14/68	Arizona.
Spinelli, Salvatore		acquitted 12/9/65		
Rao, Vincent John	3/17/65 perjury	11/17/67	5 yrs USP, Lewisburg 11/22/68	SD NY.
Conte, Ralph	3/26/65 wagering	8/6/65	1 yr Reversed 3/4/68 Dismissed 4/19/68	SD NY.
Castellana, Peter	3/30/65 tax evasion			ED NY.
Maione, Albert	4/21/65 wagering	dismissed 4/12/68		ED NY.
Romano, Arnold	4/27/65 bail jumping	10/7/66	5 yrs USP, Atlanta 3/19/67	SD NY.
Tourine, Charles	5/13/65 ITAR-gambling	10/19/66 acquitted		D.C.
Rubino, Matthew	5/20/65 tax evasion	1/29/69	10 yrs on appeal	ED Mich.
Giancana, Samuel	civil contempt	6/1/65		ND Ill.
Aiello, John J	6/8/65 tax evasion	8/1/67 dismissed		ED Wis.
Quasarano, Raffaele	6/30/65 false statement on SBA loan application.	11/29/65 acquitted		ED Mich.
Erra, Pasquale	7/27/65 tax evasion	1/7/66	8 mos. Fed Corr Inst, Tallahassee 3/11/66; exp GT 9/23/66	SD Fla.
Pranno, Rocco	8/3/65 tax evasion	dismissed 1968		ND Ill.
Pranno, Rocco	8/3/65 extortion conspiracy	3/9/66	15 yrs USP, Leavenworth 10/23/66 USP, Atlanta 4/21/69	ND Ill.
Palma, Salvatore, died 1/6/66	9/2/65 ITS money and firearms used in Houston robbery.			WD Mo.
Cappello, John A	9/13/65 ITAR-gambling	11/10/66	1 yr probation	ED Pa.
De Vito, Dominick A		11/10/66	1 yr probation	
Narducci, Frank		11/10/66 5/24/67, Fed Corr Inst, Danbury, 1 yr, prob viol; USP, Lewisburg 6/13/67; 2/9/68 min exp w/EGT.	1 yr probation	
Lazzaro, Joseph		11/10/66	1 yr probation	
Sindone, Frank		11/10/66	1 yr probation	
Scandifia, Michael	9/30/65 IT counterfeit bonds	5/4/67	6 yrs	SD NY.
Giacalone, Vito	10/6/65 tax evasion, wagering			ED Mich.
Bisogno, Joseph V	10/12/65 extortion	3/17/66 acquitted		SD Fla.
Sansone, Ernest	10/27/65 narcotics registration	6/27/66, 1 yr., Reversed 10/10/67		ND Ill.
Pacelli, Vincent	11/8/65 obs. of justice	3/9/66	2 yrs to run consecutively with 18 yrs now serving for narcotics violation.	SD NY.

COSA NOSTRA INDICTMENTS AND CONVICTIONS, 1960 TO MARCH 1969—Continued

Name	Indictment	Disposition	Sentence	District
Vitali, Albert	12/3/65 theft from interstate shipment	10/20/66	1 yr. FCI, Danbury 11/1/67 exp GT 10/30/68	R.I.
Infelice, Ernest	12/8/65 conspiracy	5/10/66	5 yrs USP, Terre Haute 8/10/67 USP, Leavenworth 9/26/67	ND Ill.
De Pietto, Americo		5/10/66	5 yrs on appeal	
Mirro, James		5/10/66	5 yrs on appeal	
Dioguardi, Frank	1/5/66 narcotics	7/ /66	15 yrs USP, Leavenworth 11/16/67	SD NY.
Ruggierello, Louis	1/18/66 wagering			ED Mich.
Picillo, Warren V	2/9/66 operating national wireroom			ED Pa.
Stassi, Joseph	2/16/66 perjury	2/1/67	5 yrs	SD Fla.
Picillo, Warren V	2/18/66/ operating national wireroom			R.I.
Maggio, Joseph	2/18/66 narcotics		10 yrs	SD NY.
Mancuso, Anthony, died 1967				
Todaro, Richard J	3/2/66 wagering superseding ind. 4/21/66	Dismissed 7/22/68		WD NY.
Varelli, John	3/10/66 false statement on FHA loan application.			ND Ill.
Lombardozzi, John	3/14/66 conspiracy, smuggling contraband to prisoners.	9/22/67	5 yrs prob	SD NY.
Amato, Angelo A	3/16/66 ITSP			ND Ohio.
Di Brizzi, Alexander	3/24/66 embezzlement	3/8/67	2 yrs prob	SD NY.
Rocco, Michael	4/4/66 asslt Federal officer	5/17/66	3 yrs prob	Mass.
Infelice, Ernest	4/7/66 tax evasion	1968	1 yr	ND Ill.
Inserro, Vincent	4/7/66 tax evasion	5/31/66	2 yrs FCI, Sandstone, Minn. 9/15/66; 3/4/68 MR	ND Ill.
Franzese, John	4/12/66 bank robbery	3/3/67	50 yrs on appeal	ED NY.
Matera, John			5 yrs serving life sentence in SPr, Raiford, Fla., for armed robbery.	
Daddano, William	4/15/66 hijacking	6/7/67 acquitted		ND Ill.
Infelice, Ernest		6/7/67 Reversed and dismissed by Supreme Court on 2/11/69.	15 yrs	
Varelli, John		6/7/67 Reversed and remanded for new trial by Supreme Court on 2/11/69.	15 yrs	
Melillo, Nicolo	4/20/66 perjury			SD NY.
Dioguardi, John	4/21/66 bankruptcy fraud	11/10/67	5 yrs on appeal	SD NY.
Sciarra, Rudolfo	(6/65) wagering	4/25/66	$300 fine	R.I.
De Lucia, Paul	4/28/66 perjury	11/67 acquitted		ND Ill.
Manna, Louis Anthony	5/16/66 extortion	3/17/67 acquittal for all		NJ.
Dentico, Lawrence				
Precipe, Thomas				
Salerno, Ugo				
Palmisano, Vincent	5/16/66 extortion; dismissed 7/18/66; dismissal reversed 8/12/66.	10/27/66	18 mos. USP, Atlanta 1/4/67 Fed Pr Camp, Eglin AF Base, Fla. 2/23/67; exp GT 2/1/67.	SF Fla.
Bonanno Joseph	4/14/66 sealed; 4/17/66 unsealed obs. of justice.			SD NY.
Glimco, Joseph P	6/1/66 Taft-Hartley Act	2/4/69	$40,000 fine	ND I.I.
Guglielmini, Frank	6/2/66 bankruptcy fraud	11/30/66	5 yrs. Reversed and remanded 10/24/67	ED NY
Piccolo, Frank	6/16/66 wagering	1/31/67	Dismissed	Conn.
Potenzo, Rocco	7/7/66 liquor laws	3/30/67	$1000 fine	ND Ill.
Caifano, Marshall	7/28/66 mail fraud	6/22/67	12 yrs on appeal	ND Ill.
Lucido, John A	9/1/66 wagering			ED Mich.
Alaevato, Dominic	9/2/66 wagering			ED Mich.
Lucido, Jack	9/2/66 wagering			ED Mich.
Lucido, Sam P.				
Rubino, Matthew	9/2/66 wagering			ED Mich.
Santoli, Anthony P	10/4/66 ITAR-gambling			SD NY.
Grosso, Frank				
De Luna, Carl A	10/5/66 theft from interstate commerce	4/14/67	Dismissed	Oregon
Marcello, Carlos	10/7/66 assaulting Federal officer	6/5/67	Dismissed	ED La.
Angelone, John D	10/21/66 theft from interstate commerce.	9/20/67	Acquitted	SD NY.
Alo, Vincent	10//66 obstruction of justice			SD NY
Manfredonia, John	11/10/66 wagering	5/16/67	1 yr. Reversed 1968	SD NY.
Castaldi, Anthony	civil contempt	11/10/66	rel. 12/16/66	SD NY.
Tranuti, Carmine	civil contempt	11/16/66	rel. 12/16/66	SD NY
Dara, William J	1/5/67 Hobbs extortion	6/17/67	7½ yrs on appeal	SD Fla.
Esperti, Anthony		6/17/67	10 yrs on appeal	
Martello, Peter Murdered 10/14/67	1/25/67 ITAR-gambling			SD NY.
Gatto, John	1/26/67 ITAR-gambling	10/29/68	3 yrs prob	ED Pa.
Mosiello, Mario		10/29/68		
Battaglia, James	1/30/67 wagering	3/1/68	$1500 fine	SD NY.
Battaglia, Samuel	2/16/67 Hobbs extortion	5/9/67	15 yrs USP, Leavenworth 10/8/67 USP, Marion, Ill. 2/20/69	ND Ill.
Amabile, Joseph		5/9/67	15 yrs USP, Leavenworth 7/22/67	
Amabile, Joseph	2/16/67 Hobbs Act extortion	10/27/67	15 yrs on appeal	ND Ill.
Palermo, Nick		10/27/67	15 yrs USP, Leavenworth 11/17/67	
Dara, William	2/21/67 obs. of justice			SD Fla.
Lampasi, Lorenzo Jr	3/2/67 false statement on FHA loan application.			SD NY.
Medley, James H	3/11/67 postal burglaries superseding ind. 3/31/67.	5/22/67	15 yrs USP, Leavenworth 3/22/68 USP, Marion, Ill. 1/16/69	WD Mo.
Forlano, Nicholas	3/13/67 wagering	11/29/67		SD NY.
Melillo, Nicolo	3/23/67 Hobbs extortion			SD NY.
Scandifia, Michael	3/23/67 trans and pledge counterfeit ITT bonds.			SD NY.
Caputo, Carlo	5/4/67 tax evasion			WD Wis.
Boiardo, Ruggiero	5/15/67 wagering			NJ.
Boyd, Toby				
Gerardo, Andrew				
Marcello, Carlos	6/1/67 asslt fed officer	8/8/68 SD Texas	2 yrs on appeal	ED La.
Genova, Peter	6/5/67 counterfeiting	3/31/69	3½ yrs	SD NY.
Calandruccio, Joseph	6/8/67 Hobbs Act, ITAR conspiracy			SD NY.
Patiarca, Raymond	6/20/67 ITAR-bribery	3/8/68	5 yrs, USP, Atlanta 3/29/69	Mass.
Cassessa, Ronald			5 yrs	
Tameleo, Henry			5 yrs on appeal	
Randaccio, Frederico	6/29/67 Hobbs extortion	11/21/67	20 yrs USP, Terre Haute 1/14/68 USP, Leavenworth 4/3/68	WD NY.
Natarelli, Pasquale		11/21/67	20 yrs USP, Atlanta 3/1/68	
Cino, Stephen A		11/21/67	20 yrs USP, Lewisburg 12/11/67	
Randaccio, Frederico	6/29/67 Hobbs extortion			WD NY.
Natarelli, Pasquale				
Rizzo, Nicola				
Pieri, Salvatore	6/29/67 conspiracy	2/24/68 acquitted		WD NY.
Farrell, Lew Died 11/24/67	6/30/67 fraud			ND Ill.
Lo Proto, Salvatore	8/9/67 ITAR-gambling	1/9/68 acquitted		SD Fla.
Massi, Pasquale A	8/16/67 sodomy on govt. property	1/25/68	3 yrs on appeal	WD Ark.
Potenza, Vincent	3/23/67 theft & passing stolen travelers checks.	11/9/67	5 yrs USP, Lewisburg 1/4/68	SD NY.

COSA NOSTRA INDICTMENTS AND CONVICTIONS, 1960 TO MARCH 1969—Continued

Name	Indictment	Disposition	Sentence	District
Ino		11/9/67	5 yrs	
Spignarolo		11/9/67	5 yrs	
Roselli, John	10/20/67 alien registration	5/23/68	6 mos. concurrent with 5 yrs in conspiracy case; on appeal	CD Cal.
Scaglione, Nick	10/24/67 ITWP			MD Fla.
Lazzara, Augustine	10/25/67 liquor laws	4/8/68 dismissed due to death of Lazzara on 4/8/68.		MD Fla.
Fratianno, James T	11/9/67 conspiracy false statement	6/28/68	3 yrs prob	SD Cal.
Sansone, Ernest	12/14/67 conspiracy	2/12/69	18 mos. FCI, Sandstone, Minn. 3/1/69	ND Ill.
Corallo, Antonio	12/18/67 ITAR-kickback scheme	6/19/68	3 yrs on appeal	SD NY.
Daddano, William	12/19/67 bank robbery superseding ind. 3/5/68.	10/3/68	15 yrs USP, Atlanta 10/8/68	ND Ill.
Pietto, Americo	12/19/67 hijacking, bank robbery	2/2/68	7 yrs concurrent with narcotics and ITSP charges	ND Ill.
Roselli, John	12/21/67 conspiracy, tax evasion	12/2/68	5 yrs on appeal	CD Cal.
Pecora, Joseph N	1/18/68 liquor laws	9/23/68	5 yrs prob	WD W.Va.
Aloisio, William	2/1/68 passing counterfeit notes superseding ind.	7/3/68		ND Ill.
Cacioppo, Frank C	2/19/68 theft from interstate commerce	6/12/68	3 yrs, USP, Terre Haute, 7/18/68, USP, Leavenworth 8/29/68	WD Mo.
Timphony, Frank V	3/8/68 ITAR-gambling			WD NY.
De Cavalcante, Samuel	3/21/68 ITAR-extortion			NJ.
Vastola, Gaetano D				
Panzarella, Anthony	Tax evasion	3/22/68	5 yrs. prob	ND Ohio.
Tropiano, Ralph	3/27/68 Hobbs extortion	11/15/68	12 yrs, USP, Leavenworth 12/9/68	Conn.
Piccaretto, Rene	4/3/68 Hobbs extortion			WD NY
Izaurgia, John				
Tartamella, Francesco	4/ /68 conspiracy			ED NY.
Fiordilino, Giovanni	Theft from interstate shipment			
D'Amato, Paul E	Corporate tax evasion	4/22/68	$500 fine	NJ.
Randaccio, Frederico	5/2/68 Hobbs extortion			WD NY.
Natarelli, Pasquale				
Cino, Stephen A				
Manfredonia, John	5/9/68 perjury	10/11/68	18 mos	SD NY.
De Feo, Peter	5/10/68 conspiracy			SD NY.
Lanzieri, Edward				
Plumeri, James				
Cimini, Anthony J	5/14/68 conspiracy theft from interstate commerce.			ED Mich.
Cimini, Anthony J	5/15/68 ITSP	11/15/68	2 yrs	ED Mich.
Plumeri, James	5/27/68 conspiracy			SD NY.
Plumeri, James	5/29/68 conspiracy			SD NY.
De Rose, Salvatore	(11/ /67) theft from interstate commerce.	6/18/68	7 yrs, USP, Terre Haute 7/15/68	ND Ill.
Strada, Ross J	6/24/68 conspiracy	11/6/68	6 mos, 5 yrs probation; Med Center for Fed Pr, Springfield, Mo. 11/12/68.	WD Mo.
Badalamenti, Emanuel	6/27/68 Interstate trans of firearms			ED Mich.
Bruno, Michael	6/27/68 ITAR-gambling			ED Mich.
Marchesani, Bernard	6/27/68 intimidation of federal officer			ED Mich.
Daddano, William	6/ /68 liquor laws			ND Ill.
Dongara, Charles P	7/5/68 conspiracy			SD NY.
Greca, Angelo J				
Granello, Salvatore	7/18/68 conspiracy			SD NY.
Plumeri, James				
Plumeri, James	7/24/68 conspiracy			SD NY.
Lentine, Sam	7/31/68 liquor laws	12/68 dismissed		ED Mich.
Lentine, Liberty		12/24/68 conv		
Bisogno, Joseph	7/31/68 counterfeiting superseding ind. 10/9/68.	3/4/69 conv		SD Fla.
Mancuso, Thomas	8/14/68 narcotics violator registration	3/26/69 conv		ED NY.
Meli, Vincent	8/20/68 counterfeit money			ED Mich.
Lombardozzi, Carmine	8/21/68 ITSP	3/12/69 conv		ED NY.
Augello, Anthony	9/18/68 Hobbs extortion			ED NY.
Falange, Anthony	9/20/68 conspiracy	2/27/69	5 yrs	ND NY.
Passalacqua, Salvatore	10/16/68 counterfeiting			ED Mich.
Ruggirello, Louis	10/22/68 firearms in interstate commerce by convicted felon.			ED Mich.
Giacalone, Anthony	11/14/68 Hobbs Act, obs. of justice tax evasion.			ED Mich.
Giacalone, Vito				
Agosta, Salvatore				
Antimino, Peter				
Bucciero, Albert				
Marchesani, Bernard				
Morelli, Ronald				
Passalacqua, Salvatore	11/20/68 counterfeiting			ED NY.
Mannarino, Giacento	11/27/68 conspiracy, ITSP	2/14/69	5 yrs	ED NY.
Bonanno, Salvatore	12/3/68 mail fraud, conspiracy, perjury			SD NY.
Notaro, Peter				
Capparelli, William	12/4/68 loansharking			ED NY.
Magaddino, Stefano	12/4/68 ITAR-gambling conspiracy			WD NY.
Magaddino, Peter				
Nicoletti, Benjamin Sr				
Bufalino, Russell A	12/12/68 conspiracy of ITSP			WD NY.
Sacco, John				
Mannarino, Giacento	12/18/68 ITSP, theft from U.S. mails			ED NY.
Emordino, Phillip	12/20/68 liquor laws			ND Ill.
Corallo, Antonio	12/20/68 Hobbs Act, ITAR, mail fraud, conspiracy.			SD NY.
Martine, Sam	12/24/68 superseding inf. liquor laws	12/24/68 conv		ED Mich.
Coraluzzo, Orlando	1/14/69 Taft-Hartley Act, Hobbs Act			SD NY.
Dippolito, Joseph	1/30/69 perjury			CD Cal.
De Riggi, Louis	2/5/69 false statement on loan application.			ND Ill.
Cerone, John P	2/6/69 ITAR-gambling conspiracy			ND Ill.
Angelini, Donald				
Aureli, Frank				
Bucciero, Albert	2/18/69 loansharking			ED Mich.
Lucido, Jack A	2/18/69 ITAR-gambling			ED Mich.
Randazzo, Frank	3/6/69 bringing illegal aliens and harboring same from Canada into Detroit.			ED Mich.
Marchesani, Bernard	3/6/69 loansharking			ED Mich.
Manello, John	3/19/69 bribery			SD NY.
Malaponte, Michael C	3/21/69 ITAR-gambling, loansharking, ITWL.			WD Mo.

EXHIBIT 5

DEPARTMENT OF JUSTICE COMMENTS ON S. 1861

OFFICE OF THE DEPUTY
ATTORNEY GENERAL,
Washington, D.C., August 11, 1969.

Hon. JOHN L. MCCLELLAN,
Chairman, Subcommittee on Criminal Laws and Procedures, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR: This is in response to your request for the Department of Justice's views on S. 1861 a bill designed to prohibit the infiltration of legitimate organizations by racketeers. As you were advised by Assistant Attorney General Will Wilson during his appearance before the Subcommittee on June 3, 1969, the Department had initiated an intensive study of this bill. This study is now completed, and I am submitting to you the Department's views on this bill's innovative approach to the problem of racketeer infiltration of legitimate business.

The Department favors the objectives of S. 1861, and believes that with some possible revisions its combination of criminal penalties and civil remedies, which has been highly effective in removing and preventing harmful behavior in the field of trade and commerce, may be effectively utilized to remove the influence or organized crime from legitimate business. While, then, we believe this bill has great merit, we do have problems with respect to certain of its provisions as presently drafted. These problems involve certain of the definitions contained in Section 1961, and the breadth of the prohibition contained in Section 1962(a).

Section 1961 is a definition section, containing the definition of such terms as racketeering activity, interstate commerce, State, person, enterprise, pattern of racketeering activity, unlawful debt, racketeering order, racketeering investigation, racketeering violation, racketeering investigator, and documentary material.

It is felt that the definition of the term "racketeering activity" contained in Section 1961(1)(A), "any act involving the danger of violence to life, limb, or property, indictable under State or Federal law and punishable by imprisonment for more than one year", is too broad and would result in a large number of unintended applications, as well as tending toward a complete federalization of criminal justice. It is suggested, therefore, that Section 1961(1)(A) be redefined as follows:

"(1) The term 'racketeering activity' means (A) any act or threat involving murder, kidnaping, gambling, arson, robbery, bribery, extortion, usury, or dealing in narcotic drugs, marihuana or other dangerous drugs, which is indictable under State law and punishable by imprisonment for more than one year."

It is felt that by thus narrowing the definition of the class of applicable state crimes in terms of their generic meaning, the definition of "racketeering activity" contained in Section 1961(1)(A) will be both broad enough to include most state statutes customarily invoked against organized crime, yet narrow enough to be constitutional. *United States* v. *Nardello,* 393 U.S. 286 (1969).

Section 1961(6) defines the term "pattern of racketeering activity" as follows:

"The term 'pattern of racketeering activity' includes at least one act occurring after the effective date of this chapter."

The term "pattern" indicates that what is intended to be proscribed is not a single, isolated act of "racketeering activity," but at least two such acts. In order to clarify this purpose, it is suggested that the term be redefined as follows:

"(6) The term 'pattern of racketeering activity' means at least two acts, one of which occurred after the effective date of this chapter."

Turning to the substantive provisions of the bill, Section 1962 contains three general types of prohibited racketeering activities. Under subsection (a) it shall be unlawful for any person who has knowingly received any income derived, directly or indirectly, from a pattern of racketeering activity to use or invest, directly or indirectly, any part of such income, or the proceeds of such income in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

Under subsection (b) it shall be unlawful for any person to acquire or maintain, directly or indirectly, any interest in or control of any enterprise engaged in or the activities of which affect interstate or foreign commerce through a pattern of racketeering activity or through collection of unlawful debt

Under subsection (c) it shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity.

It is felt that the provisions of subsection (a) are so indefinite as to intent as to raise serious constitutional problems. Under the language of the subsection as presently drawn, it is not clear whether the prohibition is aimed primarily at the person who is an active participant in illegal enterprises or at the person who does business with such a participant, or both. If the provision is intended to reach the person who knowingly receives income derived directly or indirectly from a pattern of racketeering activity in which he did not participate, there are problems not only of vagueness of definition but also of proof. Since indirect derivation is covered, the subsection appears to cover receipt in a legal transaction where the recipient has reason to believe that the person who paid it to him, or perhaps even a more remote party, obtained it illegally. How far back in the chain may one go to find an illegal source of funds? Furthermore, since money is fungible, is the prohibition intended to extend only to income which can somehow be identified with particular racketeering transactions, or must one who does business with or performs services for a person with a criminal reputation assume that some part of any payment he receives represents illicit profits?

If the prohibition is given a narrow interpretation, as seems likely, it is doubtful that it would cover more than is presently covered by 18 U.S.C. 3, accessory after the fact, and 18 U.S.C. 4, misprision of felony. To the extent it is given a broader interpretation, it might well be held to be void for vagueness. See *United States* v. *Cohen Grocery Company,* 255 U.S. 81 (1921); *Screws* v. *United States,* 325 U.S. 91, 94–98 (1945).

Since the prohibition is intended to be aimed primarily at the person who is an active participant in illegal enterprises, it is felt that this problem of vagueness can be remedied by amending subsection (a) to insert the following language after the phrase "from a pattern of racketeering activity": "in which such person has participated as a principal within the meaning of section 2, title 18, United States Code."

This resolution of the problem is in accord with the decision of Judge Hand enunciated in *United States* v. *Peoni,* 100 F. 2d 401 at 402 (2nd Cir. 1938) holding that complicity ought to equal a stake in the venture, which is now the majority rule of the Circuits, but see the opinion of Judge Parker in *United States* v. *Backum,* 112 F. 2d 635, 637 (4th Cir. 1940), *contra.*

While perhaps not rising to the level of a constitutional defect, it is felt that subsection (a)'s total ban on the acquisition of any interest in an enterprise, including the purchase of even a single share of stock, is unnecessary and beyond the scope of the evil at which the legislation is aimed. Accordingly, it is recommended that this total stricture be modified so as to allow the purchase of securities on the open market for ordinary investment purposes by amending subsection (a) to insert the following provision at the end thereof:

"*Provided,* that a purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be a violation of this subsection if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their associates in any pattern of racketeering activity after such purchase do not amount in the aggregate to one per cent of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer."

The prohibitions contained in Section 1962 of the bill appear to be broad enough to cover most of the methods by which ownership, control, and operation of business concerns are achieved. While there are unquestionably considerable problems of proof involved in the tracing of funds known to be derived from racketeering activities to their eventual investment in a business enterprise in establishing a violation of subsection (a) of Section 1962, no such problems exist with respect to proving violations of subsections (b) and (c) thereof, since investment of such funds need not be an element of these offenses. Some violations of subsections (b) and (c) may by their very nature also constitute violations of the Hobbs Act, 18 U.S.C. 1951, or the Travel Act, 18 U.S.C. 1952. Since, however, the thrust of the prohibitions contained in Section 1962 is aimed at a "pattern of racketeering activity", i.e., two or more acts of racketeering activity, the multiple violations of these statutes involved in the proof under subsections (b) and (c) may be treated as a separate offense.

Section 1963 contains criminal penalties for violations of Section 1962. These include, in addition to a fine of not more than $10,000, or imprisonment for not more than twenty years, or both, forfeiture of all interest in the enterprise. The concept of forfeiture as a criminal penalty which is embodied in this provision differs from other presently existing forfeiture provisions under Federal statutes where the proceeding is *in rem* against the property and the thing which is declared unlawful under the statute, or which is used for an unlawful purpose, or in connection with the prohibited property or transaction, is considered the offender, and the forfeiture is no part of the punishment for the criminal offense. Examples of such forfeiture provisions are those contained in the customs, narcotics, and revenue laws. Such statutes have been uniformly upheld against the objection that they violate due process on the grounds that they are wholly preventive and remedial and are designed to aid the enforcement of the particular laws in question and to restrain violations thereof. In upholding such a statute in *Goldsmith-Grant Company* v. *United States,* 254 U.S. 505 (1921), the Supreme Court held at 511: "But whether the reason for Section 3450 be artificial or real, it is too firmly fixed in the punitive and remedial jurisdiction of this County to be now displaced."

Under the criminal forfeitures provision of Section 1963, however, the proceeding is *in personam* against the defendant who is the party to be punished upon conviction of violation of any provision of the Section, not only by fine and/or imprisonment, but also by forfeiture of all interest in the enterprise. The concept is derived from the practice well known in the early law where upon conviction of treason and certain other felonies the party forfeited his goods and chattels to the crown. *The Palmyra,* 12 Wheat. 1, 25 U.S. 1 (1827), opinion of Mr. Justice Storey at 14. According to Blackstone, the only valid reason for this type of forfeiture is that since all property is derived from society, any member of society who violates the fundamental contract of his association by transgressing society's laws forfeits his right to that property, and the state may justly resume that portion of the property which the laws have previously assigned him. *Commentaries*, Ch. 8, 299–300, XVI.

While there is some indication that this concept of criminal forfeiture was in usage in the Colonies, the First Congress by Act of April 20, 1790, abolished forfeiture of estate and corruption of blood, including in cases of treason. That statute, as revised, is found in 18 U.S.C. 3563 which states: "No conviction or judgment shall work corruption of blood or any forfeiture of estate." From that date to the present, therefore, no Federal statute has provided for a penalty of forfeiture as a punishment for violation of a criminal statute of the United States. Section 1963(a), therefore, would repeal 18 U.S.C. 3563 by implication.

It is felt that this revival of the concept of forfeiture as a criminal penalty, limited as it is in Section 1963(a) to one's interest in the enterprise which is the subject of the specific offense involved here, and not extending to any other property of the convicted offender, is a matter of Congressional wisdom rather than of Constitutional power. See *Kingsley Books, Inc.* v. *Brown*, 354 U.S. 436 (1957), opinion of Mr. Justice Frankfurter at 441, holding that whether proscribed conduct is to be visited by a criminal prosecution or by other remedies is a matter of legislative choice.

Section 1964 contains civil remedies for violation of the prohibitions contained in Section 1962. These include injunctive relief, divestiture and dissolution. The Attorney General or an Assistant Attorney General designated by him may institute proceedings to prevent and restrain violations of Section 1962, and a final decree or judgment rendered in favor of the United States in any such criminal proceeding shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceedings brought by the United States. These civil remedies are buttressed by other provisions of the bill, patterned on the antitrust laws which provide for broad venue and process (Section 1965), expedition of actions upon certification to the court by the Attorney General that in his opinion the case is of general public importance (Section 1966), open depositions and a "use restriction" immunity provision similar to those contained in S. 30 and S. 2122 (Section 1967), and a civil investigative demand similar to that contained in 15 U.S.C. 1312–14, which is used by the Department in civil antitrust actions. Under the provisions of Section 1968, whenever the Attorney General has reason to believe that any person or enterprise under investigation may be in possession of documentary material relevant to a civil racketeering investigation, he may, prior to the institution of a civil or criminal proceeding thereon, issue in writing and cause to be served on such person, a civil investigative demand requiring such person to produce such material for examination. This Section also provides for the custody of such material by the Government, its return upon completion of examination to the producer, and a judicial enforcement proceeding whenever any person fails to comply with any civil investigative demand.

While the criminal penalties provided in Section 1963 will doubtless have a deterrent effect on racketeer infiltration of legitimate business enterprises, the principal utility of S. 1861 may well be found to exist in its civil remedies provisions—injunction, divestiture and dissolution—contained in Section 1964, supported as they are by the broad discovery and procedural devices contained in Sections 1965 through 1968. We have no objection to any of these provisions, and note that they are substantially identical to existing provisions of the antitrust laws. There is ample precedent for application of these civil remedies to the conduct sought to be prohibited by this bill in decisions of the Supreme Court upholding similar civil remedies in antitrust cases. The remedy of divestiture of interest was upheld in the landmark decision in *United States* v. *Dupont and Company*, 366 U.S. 316, 326–27 (1961). Prohibition against engaging in certain types of legitimate activities was approved in such cases as *United States* v. *Swift and Company*, 286 U.S. 106 (1932), and *Deveau* v. *Braisted*, 363 U.S. 144 (1960). Authority for dissolution may be found in *International Boxing Club of New York* v. *United States*, 358 U.S. 242 (1959). See also the recent recision of the Supreme Court in *Utah Public Service Commission* v. *El Paso Natural Gas Company*, decided June 16, 1969, a Clayton Act case where the Court decreed complete divestiture "without delay", emphasizing at p. 7 of the slip opinion that "the pinch on private interests is not relevant to fashioning an antitrust decree, as the public interest is our sole concern."

These time tested remedies, particularly when used in conjunction with the civil investigative demand contained in Section 1968, should enable the Government to intervene in many situations which are not susceptible to proof of a criminal violation. Thus, in contrast to a criminal proceeding, the civil procedure under which Section 1964 actions are governed, with its lesser standard of proof, non-jury adjudication process, amendment of pleadings, etc., will provide a valuable new method of attacking the evil aimed at in this bill. The relief offered by these equitable remedies would also seem to have a greater potential than that of the penal sanctions for actually removing the criminal figure from a particular organization and enjoining him from engaging in similar activity. Finally, these remedies are flexible, allowing of several alternate courses of action for dealing with a particular type of predatory activity, and they may also be effectively monitored by the Court to insure that its decrees are not violated.

With the amendments which I have suggested, then, the Department favors the enactment of this bill and believes that it can make a substantial contribution to the Government's program for eliminating the serious threat which organized crime's entry into legitimate business poses to the proper functioning of the American economic system.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

Richard G. Kleindienst,
Deputy Attorney General.

EMERGENCY INSURED STUDENT LOAN ACT OF 1969

The Senate proceeded to consider the bill (S. 2721) to amend the Higher Education Act of 1965 to authorize Federal incentive payments to lenders with respect to insured student loans when necessary, in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education.

Mr. JAVITS. Mr. President, I send an amendment to the desk and ask that it be stated. Before the clerk states the amendment, I yield myself 30 seconds on the bill to suggest to Members of the Senate that I think the matter is approaching a close. I hope very much that Senators will bear with us for a few minutes. I am hopeful we can conclude the whole situation on the bill.

The PRESIDING OFFICER. The amendment will be stated.

The Legislative Clerk. On page 7, line 19, strike "the date of enactment of this Act," and insert "August 16, 1969."

Mr. JAVITS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, this is a technical amendment designed to deal with the effective date of the measure. Originally the effective date was retroactive to July 1.

We felt when we considered it in committee that this was not desirable in a matter of this character. As it is an emergency measure, we thought we could have it passed immediately. So we made the effective date the date of the enactment of the bill into law. We do not know what is going to happen to this measure when it gets to the other body. We do not know whether it can be agreed to at this time.

In order to take care of that contingency, the manager of the bill and I, as the ranking minority member, and the Government department concerned have agreed on the date of August 15, which is the subject of the amendment, as the effective date. Our reason is that if the bill can be agreed to before we commence our recess, that will be great.

The bill would be effective immediately. August 15 is Friday. If, on the other hand, we cannot pass the bill until shortly after we return, then at least banks may be encouraged by the enactment of the bill through the Senate and by the fact that a similar bill to make these loans has been reported by the appropriate committee in the House, on the theory that there will be a bill and that it will have a certain aspect of retroactivity.

For those reasons, Mr. President, the manager of the bill and I join in recommending this amendment, as to the effective date, to the Senate. The reason I am offering it is because this is a bill which is before the Senate of which I am the author, on behalf of the administration.

Mr. PELL. Mr. President, I have consulted with the members of our subcommittee, and we have examined the amendment. We think it is a good amendment and serves the purpose well, and I recommend acceptance.

Mr. JAVITS. I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield back the remainder of his time on the amendment?

Mr. PELL. Yes.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIRKSEN. Mr. President, I have an amendment which is not in written form, but I hope the Members will listen.

I propose and I submit this amendment: Beginning on line 20, page 8, strike out all the rest of the bill, down to and including line 20 on page 9.

This involves a very simple matter. The committee added $275 million in authorizations to this bill. Before the President and his staff went to California, they read to me a memorandum with respect to something that was happening up here. The House committee has already added a billion dollars to the HEW appropriation bill, and today a message may come from California to the effect that the President is not going to go beyond the ceiling which this Congress imposed; namely, $192.9 billion. He is going to stick by it, and he is going to impound or he is going to reserve, or he is not going to spend.

Why, in the name of all that is good and holy, should a committee of Congress, or of either body, undertake to up this matter and kick off the very ceiling that we imposed? If that is not a piece of hypocrisy, I have never seen it. But that is what this bill does.

In talking with someone on the House side—with some authority—he said, "You clutter this bill, and you're not going to get a bill before October. We'll send it off to conference."

The value of this bill, as the Senator from New York so well knows, is getting it through now, before the school term begins. So if we want to jeopardize it and let it go into the fall—all right, send it in this fashion. But I do not propose to violate what I think is a responsibility, after this Congress puts the ceiling on, and then undertake, by piecemeal measures, to kick that ceiling into the rain barrel, because it simply does not make sense.

So, Mr. President, I renew what I said: Strike out all beginning with line 20 on page 8, down to and including line 20 on page 9. That was not in the bill to begin with. It was written in by the committee. It should be taken out before we jeopardize this bill, before we send it over to the House.

That is all I have to say.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. GRIFFIN. Mr. President, I have on my desk—and I know other Senators do—a telegram from Richard H. Sullivan, president of the Association of American Colleges. He says:

> On behalf of 900 colleges, I urge you to hold firm on increased authorizations for student assistance programs and resist all amendments which would permit banks to discriminate against potential loan recipients.

In view of what the distinguished minority leader has said, I wonder whether Mr. Sullivan, the president of the Association of American Colleges, understands the legislative situation that we face today. It seems to me that if he wants a bill to become law, he is asking us to do precisely the wrong thing, as I understand it. Can the Senator from New York enlighten me on this?

Mr. JAVITS. Yes. The organization to which the Senator refers does not represent all of the American colleges; but it is entitled to respect. That is his ox which is being gored. He wants more money in these various categories.

We have to decide the legislative chances. If the Senator will bear with us, in a few minutes, after the opposition has had a chance to make its case, I should like to have the situation before the Senate.

Mr. GRIFFIN. Having served in the House—and I know the senior Senator from New York also has served in the House—realizing what the procedural problems are in the event a conference is required, it seems to me that there is a real danger that we will not have a bill passed if we have to go to conference. I think some of the people in the academic community probably do not understand some of those technical aspects.

Mr. JAVITS. I think it will be best, considering the way this matter developed in the committee, if we let the other side have an opportunity to make its case on Senator DIRKSEN's amendment. Then I would like to lay the situation before the Senate.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. GRIFFIN. The Senator from Illinois has the floor.

Mr. DIRKSEN. Let me answer.

They read this memorandum to me. It is not a piece of guesswork. Bryce Harlow read it to me before they left, and I took careful note of what was in it and what the President proposed to do.

Why go through the futility of writing up these appropriation bills if he is not going to spend it, if he is going to reserve it, if he is going to impound it? They call particular attention to the $1 billion that they have written into the HEW appropriation bill in the House. But there is the ceiling that we put on. He did not put this on. We voted on that ceiling.

Mr. GRIFFIN. So, because of what the President has indicated, there is no way of increasing the actual expenditures for this purpose. The only thing we would accomplish, if we did not adopt the amendment of the Senator from Illinois, would be that we would jeopardize the passage of the bill.

The other thing that might be accomplished is the political purpose of having a lot of people think that those of us who support the Senator's amendment are somehow against education, which might be desirable in some quarters.

Mr. DIRKSEN. I just take it in stride.

I listened to the Secretary of Agriculture at a leadership meeting at the White House say, "Mr. President, I need an extra $275 million." And what was the answer? The President of the United States said, "Cliff, if you can find it somewhere else under the ceiling, you can have it. But that is the way you are going to have to find it."

I am not going to jeopardize the ceiling of which Congress was the author. And that is what is involved here. If that is the case, then we go through a lot of futility.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. YOUNG of North Dakota. Mr. President, the Senator from Illinois is absolutely correct. If we increase these appropriations over the ceiling which Congress itself imposed, the cuts are going to have to come from some other place. They made that plain at the White House leadership meeting; they also made it plain, when we were considering the proviso limiting the amount of Federal expenditures earlier this year. This is the reason why I, as one of the conferees, did not sign this report, because I knew what was going to happen. Congress severely limited expenditures by the Nixon administration and almost immediately votes to sharply increase appropriations.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. MURPHY. As a member of the committee responsible for this bill and the party responsible for it, I must say that this is one of the unfortunate circumstances that occur from time to time in this Chamber when there is not full understanding.

It is the concern of all members of this committee that this very badly needed help, that this aid, these loans, be provided immediately, as quickly as possible. This is the reason why some members of the committee voted for the last amendment. It was not that anybody was in favor of giving a bank the chance to gouge somebody; not at all. We opposed it, and opposed it in committee, for the very purpose that the Senator speaks of now.

We thought it might impede the immediate passage of the bill and also create a situation where banks, which are not particularly happy to get into this activity, might find an excuse or reason not to become involved. We want them involved. That is why the Senator from Colorado introduced the amendment.

Now, the distinguished minority leader brings up another point that the committee must consider if this help is to be given to these students. We have to take into consideration the entire circumstances under which the bill is going to be met by the executive branch and other branches of Government.

Mr. DIRKSEN. Mr. President, I yield to the Senator from Delaware (Mr. WILLIAMS) because he has been so active on the ceiling matter. I know he has received a letter and I would like to hear what he has to say.

Mr. WILLIAMS of Delaware. Mr. President, on July 16, 1969, the President addressed a letter to me, a copy of which I have heretofore had printed in the RECORD. I wish to read several paragraphs regarding the President's position on the matter of the expenditure ceiling. The letter stated:

> I am aware of the concern over extension of the surtax and repeal of the investment credit unless expenditure controls are made clearly effective. Possibly some of this concern arises from the flexibility of the expenditure control provision of H.R. 11400 just passed by the Congress.

Then the letter states:

> I therefore assure you and your colleagues that I accept in good faith the $191.9 billion ceiling as passed by Congress. More than this, barring a plainly critical and presently unforeseeable emergency, I will hold total expenditures for fiscal 1970 within the $192.9 billion indicated in my April budget proposals.
>
> I will regard this $192.9 billion maximum as a ceiling on fiscal 1970 expenditures, on this premise—

And this is the important part—

> that when an increase is approved by Congress or develops in one program it will be offset by a corresponding decrease in another program, thereby keeping the total budget within the $192.9 billion maximum.
>
> For the Executive Branch this means that if uncontrollable spending, such as interest on the public debt and social security benefits, should exceed the April estimates, or if other spending essential to the national welfare is approved, the additional spending will have to be offset by reductions elsewhere. Further it means that, if the Congress should vote expenditures above those provided for in the breakdown of the $192.9 billion total, it will also need to impose compensating reductions in other programs. Failure to establish such priorities in allocating funds within the $192.9 billion total will compel the Executive Branch either to impose offsetting reductions itself in programs approved by Congress or to refrain from spending the increase.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire letter dated July 16, 1969.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, July 16, 1969.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: I am aware of the concern over extension of the surtax and repeal of the investment credit unless expenditure controls are made clearly effective. Possibly some of this concern arises from the flexibility of the expenditure control provision of H.R. 11400 just passed by the Congress.

In this legislation the limit on expenditures for fiscal year 1970 would appear to be $191.9 billion—one billion below the $192.9 billion projected in my revised budget. However, the actual language (1) authorizes me to exceed this ceiling by two billion dollars for increases in specified items of uncontrollable spending, thereby raising the ceiling potentially to $193.9 billion; and (2) enables Congress to raise expenditures by any amount for any program, thereby permitting automatic Congressional increases in the ceiling.

There is an obvious advantage in having a precise ceiling—one which clearly specifies the maximum allowable expenditures. I therefore assure you and your colleagues that I accept in good faith the $191.9 billion ceiling as passed by Congress. More than this, barring a plainly critical and presently unforeseeable emergency, I will hold total expenditures for fiscal 1970 within the $192.9 billion indicated in my April budget proposals.

I will regard this $192.9 billion maximum as a ceiling on fiscal 1970 expenditures, on this premise—that when an increase is approved by Congress or develops in one program it will be offset by a corresponding decrease in another program, thereby keeping the total budget within the $192.9 billion maximum.

For the Executive Branch this means that if uncontrollable spending such as interest on the public debt and social security benefits, should exceed the April estimates, or if other spending essential to the national welfare is approved, the additional spending will have to be offset by reductions elsewhere. Further it means that, if the Congress should vote expenditures above those provided for in the breakdown of the $192.9 billion total, it will also need to impose compensating reductions in other programs. Failure to establish such priorities in allocating funds within the $192.9 billion total will compel the Executive Branch either to impose offsetting reductions itself in programs approved by Congress or to refrain from spending the increase.

I believe this firm expenditure control, prompt extension of the surtax and the excises, and repeal of the investment tax credit will give us the tools our country needs to brake and stop inflation. It is my understanding that the Ways and Means Committee and the Finance Committee will follow this action with prompt consideration of a major tax revision package which will include many of the reform proposals I recommended to Congress last April.

Working together, I am confident that the Congress and the Administration can establish sound priorities and keep within a $192.9 billion expenditure total for 1970. I assure you that I intend to see that this is done.

Sincerely,

RICHARD NIXON.

Mr. WILLIAMS of Delaware. Mr. President, this means that the ceiling is going to be interpreted rigidly by the President even though there may have been some flexibility in the ceiling as passed by Congress. Those who would increase this expenditure are expected to include in the bill an offsetting decrease. Otherwise, the President has no choice but to impound the funds.

No purpose will be served by voting additional appropriations which every Member knows cannot be spent unless those sponsoring the increase will recommend an offsetting reduction in some other direction.

Mr. DIRKSEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. DIRKSEN. My time has expired.

Mr. PELL. Mr. President, one of the objections raised can be met by the amendment just agreed to which provided that August 15 will be the date from which these loans will be guaranteed and the incentive paid by the Federal Government.

As far as the action of the other body is concerned, that is a question of opinion. We have our job to do. I am sure there will be a conference on this measure no matter what happens. Obviously, we will not get all we would like to have included. This point has been raised earlier, but I wish to reiterate that we have our obligation to do what is correct. If the bill is jeopardized in conference I am sure the Senate conferees will not jettison the bill for any particular single point.

I hope the amendment will be defeated.

Mr. JAVITS. Mr. President, I yield myself 3 minutes. I think there is no time remaining on the amendment.

The PRESIDING OFFICER. There are 2 minutes remaining on the amendment.

Mr. JAVITS. Mr. President, I yield myself 2 minutes on the amendment and 2 minutes on the bill.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, if I may have the attention of Senators I think I can explain the situation to their satisfaction.

There are two schools of thought with respect to the amendment. The first school of thought deals with the fiscal questions involved, which the Senator from Illinois (Mr. DIRKSEN) and the Senator from Delaware (Mr. WILLIAMS) have covered adequately.

There are three increases in authorizations. The proponents of these amendments have put them up on the ground that it is necessary to balance the bill. In other words, what is being done in the bill as originally introduced is something for the alleged middle-income students who get the benefit of guaranteed student loans at the banks and, therefore, we must balance the bill by making provision for needy students by upping the ceiling on those particular authorizations. That is one school of thought.

There is the economy school of thought which says, "Do not do it because it violates the spending ceiling," and so forth. That would not deter me from supporting the increases because I think national priorities need to be reallocated and we must do more for education, and we are going to do less for defense; and that is fine. However, that is neither here nor there. We must get a bill through now instead of in a month or 6 weeks.

In my opinion, we have in the Senate many opportunities to amend bills and increase ceilings. I do not see that we gain anything by keeping these increased authorizations in the bill. We jeopardize the bill because the other body will undoubtedly strike this down or get so angry as to act on it at all. I am convinced we are being handicapped in getting a bill passed in the House, where there is only today and tomorrow to go before the recess which ends after Labor Day next month.

On balance, balancing my feelings on higher education against the urgency of the bill, I am going to vote for the amendment based on the urgency of the bill. It is as simple as that. Why? I do not believe this discriminates against needy students. In the first place, needy students get loans from banks, too. There is not enough other money to go around and there will not be even if this provision is kept in the bill.

These provisions have to be implemented by appropriations and we know they will not be because of the arguments made by the Senator from Delaware (Mr. WILLIAMS) and the Senator from Illinois (Mr. DIRKSEN); and if they are, it will be 2 or 3 months from now.

In addition, this bill involves a large number of people. This year there are expected to be 920,000 guaranteed student loans to the tune of about $800 million. The best estimate of anyone is that this bill alone will make it possible to get loans for at least 150,000 students and possibly more than 200,000 students.

Therefore, there is the ability to expend money toward higher authorizations for students in these programs through this bill as against the fact that we would be putting something on the bill which will hamper its passage.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. JAVITS. Mr. President, passage of this provision may hurt a lot of people who could otherwise get loans. I resolve the equity in favor of the doubt which exists whether it would or would not get out of the committee. Right now the authorization ceiling is high enough. The House appropriated $68 million more for NDEA loans than contained. The budget provided $229 million against $161 million. But the authorization is $275 million. There is no dearth of authorization. The same is true of the work-study program. It started out with an authorization of $255 million, the budget was $154 million, and the House provided $154 million. The same is true on educational opportunity grants.

Mr. PELL. It would seem to me that the urgency is removed by the fact that we have the August date accepted—a retroactive fact. I would repeat that the mood of the Senate was expressed the other day when it exempted education from the budget cuts. There is no question that we cannot spend the same dollar in two places.

I submit that the pending authorization must be adopted for subsequent action of the Appropriations Committee. If we do adopt this bill, it is an indication that we are reordering priorities, to put the greatest thrust in education. The same is particularly appropriate at this time when we are discussing other appropriations aspects which have very little to do with education. It would leave us with a freedom of action in the Appropriations Committee afterward, but would indicate that we would want to help not only middle-income children but also those youngsters who come from lower income families. The basic problem is that the lowest quartile of family incomes produces one-seventh of the students that the upper quartile does.

PERSONAL PRIVILEGE

Mr. CHURCH. Mr. President, will the Senator from Rhode Island yield to me on a matter of personal privilege?

Mr. PELL. Mr. President, I am happy to yield to the Senator from Idaho.

I CANNOT SIT BY

Mr. CHURCH. Mr. President, I felt obliged this morning to absent myself from the hearings of the Foreign Relations Committee.

I have prepared a short statement in explanation of my conduct. I should like to read that statement at this time.

> The Senate Foreign Relations Committee is entitled to know what contingency plans exist with Thailand, whether they contemplate the use of American combat troops in that country, and whether they involve a commitment that goes beyond our formal treaty obligations. We are entitled to have the plans brought to the Committee for close inspection and detailed review.
>
> The refusal of the Secretary of Defense to submit the plans to the Committee is typical of the arrogant way the Pentagon has come to deal with Congress. On the one hand, the President assures the country that he does not intend to commit American combat troops to another Vietnam in Asia; on the other hand, our military plans for just such a contingency in Thailand are withheld from us.
>
> Rumor has it that the plans not only contemplate the use of American troops, but an arrangement that would actually place them under Thai command. If this is true, not only Congress, but the American people have a right to know it—and know it now.
>
> On a matter so vital to the country, the Senate Foreign Relations Committee must not settle for a "briefing" by spokesmen of the Pentagon. We have had briefings before, only to find out later, much to our chagrin, that we were not told all of the facts.
>
> For this reason, Mr. President, I walked out of the "briefing" tendered to the Senate Foreign Relations Committee this morning, as soon as I learned that the contingency plans with Thailand, which the Committee has repeatedly asked to see, had again been withheld on orders from Defense Secretary Laird. The intimation that the committee members might be given a peek at the plans, if we went to the Pentagon for a look, is demeaning to the dignity of the Senate and an affront to the Constitutional responsibility we bear in the conduct of American foreign policy. I will have no part of it.
>
> The Pentagon's refusal to cooperate this morning was especially insulting in view of the action taken in this Chamber less than two months ago, when an overwhelming, bipartisan majority of Senators passed the National Commitments Resolution.
>
> We cannot allow the Pentagon to disregard that Resolution, which said very clearly that it is "the sense of the Senate that a national commitment by the United States results only from affirmative action taken by the executive and legislative branches of the United States Government by means of a treaty, statute, or concurrent resolution of both Houses of Congress specifically providing for such commitment.

These are the reasons, Mr. President, that I felt obliged to leave the hearing this morning at the commencement of the "briefing" served up to us.

I submit to the Senate that very serious questions relating to our constitutional powers are here at stake. It is time we faced up to them.

I thank the Senator from Rhode Island very much for his courtesy in yielding to me at this time.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker has affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 1373. An act to amend the Federal Aviation Act of 1958, as amended, and for other purposes;

H.R. 1462. An act for the relief of Mrs. Vita Cusumano;

H.R. 1808. An act for the relief of Capt. John W. Booth III;

H.R. 2037. An act for the relief of Robert W. Barrie and Marguerite J. Barrie;

H.R. 6581. An act for the relief of Bernard A. Hegemann; and

H.R. 9088. An act for the relief of Clifford L. Petty.

EMERGENCY INSURED STUDENT LOAN ACT OF 1969

The Senate proceeded to consider the bill (S. 2721) to amend the Higher Education Act of 1965 to authorize Federal incentive payments to lenders with respect to insured student loans when necessary, in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. KENNEDY. Mr. President, I hope that the amendment of the Senator from Illinois will be defeated. In the responses made by the chairman of the Education Subcommittee, we have had a number of answers to the points raised by the distinguished Senator. I think, first of all, Mr. President, it is appropriate to realize that the administration sent this proposed legislation to us only at the very end of July and we had only a day of hearings on it. So that we do have emergency legislation here.

But now with the action that was taken at the request of the Senator from New York, in establishing a fixed date so that bankers can anticipate the action which will be taken by Congress, they will know that Congress will act on this program and that the loan program will continue.

Therefore, I think we have an obligation in this body to pass the legislation that we think is appropriate and best to meet outstanding needs.

If we are going to pass administrative legislation for the benefit of what I think all of us agree is a worthwhile goal—a viable guaranteed loan program—we should realize as well that there are hundreds of thousands of students, in September, who will not be able to continue their education because the NDEA loan program is not completely or fully funded even as authorized, and because EOG funds are needed. When we are talking here about the hundreds of thousands of students that will not be able to utilize the guaranteed loan program, we know so well that if the amendment of the Senator from Illinois is adopted, there will be hundreds of thousands of other students who will not be going to college because they will not have the funds and the resources to do so.

All we have to do is to look back over the number of initial year students who are able to be taken care of under the educational opportunity grant program. It was 140,000, in academic year 1969. In 1970, it will be 100,000, and in the academic year 1970–71 it will be 92,000, under the recent House appropriation. That would be a reduction of almost 30 percent in absolute numbers, let alone the increasing demand by lower income students, those who can take advantage of the EOG program. These are all low-income students. They have the greatest financial need.

When we talk about the guaranteed loan program to benefit the sons and daughters of middle-income Americans, we should realize that the NDEA loan program is also important. To benefit the low-income groups will take a longer period of time. Nonetheless, NDEA is a loan program. Thus, I think that when we are considering here how to help, assist, and benefit students, we must realize that there are four fundamental programs which provide financial assistance to young Americans today and which are really the four pillars upon which the educational program is supported.

They are the educational opportunity grant program; the NDEA loans; the College Work-Study program; and guaranteed loans. If we are going to benefit and help one group of young people in this country, I think we ought to consider helping other kinds of students in our society who have as much need, if not more, and who would be drastically prejudiced if the amendment of the distinguished Senator from Illinois were adopted.

I think we should have in the Record the number of new students and the number of applications made by institutions across this country to the Office of Education for education grants and for work-study programs, and the numbers that are actually being granted. Then we see as clearly as can be that there are hundreds of thousands who will not be going to school if the amendment of the distinguished Senator from Illinois is adopted and adequate funds are not available. The number of students who are being shut out of EOG, work-study and NDEA loan programs is more than double—perhaps triple—the number who, it is predicted by the administration, will be helped by passage of this bonus provision.

Mr. MOSS. Mr. President, may I have 5 minutes?

Mr. PELL. We have only 7 minutes on the bill.

Mr. MOSS. May I have 3 minutes?

Mr. PELL. Mr. President, I yield 3 minutes to the Senator from Utah.

Mr. MOSS. Mr. President, I rise to oppose the amendment that has been submitted by the Senator from Illinois. As I listened to the arguments being made on that side of the aisle, they were to the effect that this would be an authorization which, if it were implemented later by an appropriation, might carry the expenditures of our Federal budget beyond the point of limitation that has been set by the Congress in its action and that the President has to abide by. But I sensed in the discussion by the senior Senator from New York that perhaps this was not as urgent and did not have that direct effect, because, as he pointed out, as he qualified his argument, he said, of course, we are only talking about an authorization here; we know it has to be implemented with an appropriation.

At this time we are debating in this Chamber the authorization for military procurement. Perhaps that is going to be greatly changed by the time the authorization is finally granted. That, too, must go through the appropriation process.

What we are talking about in this bill is an authorization indicating what the Congress believes our commitment should be to the students of this country who are utilizing the programs we have for grants and loans for higher education.

If we stop there now, we say we are not even willing to make a commitment; that they are cast out as far as next year is concerned; there is no hope later of getting an appropriation should the funds be available; saying that we must remain inside of an overall ceiling limitation.

So I think the argument is fallacious. I think the question simply is, Do we believe that the loans that are authorized by the sections the Senator from Illinois would cut out of this bill ought to be authorized as a measurement against which we may apply appropriations to be available to students who utilize this great program?

Mr. JAVITS. Mr. President, I yield 1 minute to the Senator from Alaska (Mr. Stevens) so he may ask a question.

Mr. STEVENS. Mr. President, I would like to ask a question of Senators on the other side of the aisle, my good friends from Utah or Massachusetts. How do they answer the proposition the Senator from New York raised? I am an original sponsor of the bill. I support increased appropriations across the board. But I want a bill before we recess. How are we going to get the bill through the House with this increased amount of authorization? I would rather have a bill that increased moneys for loan funds than to have no bill. Then we could come back in September and increase it across the board. Many of us on this side will help every inch of the way. But I think you are going to destroy the opportunity to have a bill if you insist on having in the bill, in this short period of time, increased authorizations which were not part of the original bill at the time it was introduced and which are not acceptable to the House.

Mr. PELL. Mr. President, I yield myself 1 minute.

I tried to answer that question earlier by saying that this is a question of opinion. The Senator from New York believes it would kill the bill. I believe we will have to go to conference no matter what form the bill is in. We will be in a better position if this measure is the Senate's view.

Mr. KENNEDY. Mr. President, will the Senator yield to me briefly?

Mr. PELL. I yield.

Mr. KENNEDY. In reply to the Senator from Alaska, as I understand, yesterday Mr. Gross objected to any consideration of guaranteed student loans. It is highly unlikely that there will be any consideration of the legislation, anyway, until after the break. That is why I think the amendment of the Senator from New York was so important and of such value, because it established the fixed date of August 15. As the distinguished senior Senator from New York commented, the banks will know whether they are going to get the legislation, and will be able to go ahead with the loans. I think the action of the Senator from New York has really made all this exercise so possible.

Mr. DOMINICK. Mr. President, will the Senator from New York yield to me?

Mr. JAVITS. I yield 2 minutes to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I just want the Record to reflect the authorizations and budget proposals for the three programs which we are considering.

For NDEA loans, the fiscal year 1969 appropriation was $193.4 million.

In fiscal 1970 we have $275 million already authorized. The budget request is $161.9 million, although the House-passed appropriations bill contains $229 million.

For the work-study program, we had, in round figures, $140 million in fiscal year 1969 appropriations; $255 million is authorized for fiscal 1970; $154 million is in the budget; and $154 million was appropriated by the House.

For educational opportunity grants, $124.6 million was appropriated for fiscal 1969. $175.6 million was requested for appropriations in the budget for 1970. $159.6 million was passed by the House.

President Nixon's budget thus contains a net increase of $31.5 million over last year's appropriations for these three programs, which seems to me to indicate we support the program.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. JAVITS. I yield 1 minute to the Senator from Florida.

Mr. GURNEY. Mr. President, I would like to amplify the argument made by the Senator from Alaska and supported by the Senator from Michigan. If we dress this bill up like a girl going to a party, the House will not accept it. I am not sure all Senators are certain that this bill has been out of the committee for some time. It has been objected to on the House floor under the unanimous-consent rule, and the reason why it was objected to was that the House could not work its will and pass it with no amendments. That is why here today we are putting it on another bill, so it can go back to the House without any amendment.

So when the argument is made that we ought to put a lot of amendments in the bill to change the thrust of the bill as it was originally, to take care of the direct loan program, we are flying right in the teeth of what the situation is in the House today. They do not want any amendments. That is why we are doing it in this fashion, so it can go back to them without any amendment.

Mr. PELL. Mr. President, replying to the analogy of the Senator from Florida, we are not trying to get the girl dressed up like a Christmas tree. To my mind we are letting the overcoat go and leaving the dress on, as it goes to the House now.

Mr. BYRD of Virginia. Mr. President, will the Senator yield to me briefly?

Mr. PELL. I yield.

Mr. BYRD of Virginia. I thank the Senator. I ask this question. I feel the loan program is an important and essential one. As I understand the amendment offered by the distinguished Senator from Illinois, it does not reduce any of the existing authorizations.

Mr. PELL. It does not reduce the authorization on the guaranteed student-loan program. It knocks out completely the increased authorizations for NDEA, the college work-study program, and the educational opportunity grants.

Mr. JAVITS. If the Senator will permit me to answer that question, the answer is flatly yes. The Dirksen amendment does not reduce existing authorizations on any program, and authorizations exist for all three.

Mr. PELL. It reduces the authorizations in the bill.

Mr. JAVITS. That is not what the Senator asked.

Mr. BYRD of Virginia. No. My question is this: Does the amendment offered by the Senator from Illinois reduce any of the existing authorizations?

Mr. JAVITS. It does not.

Mr. PELL. No.

Mr. BYRD of Virginia. The answer is "No?"

Mr. PELL. The answer is "No."

Mr. BYRD of Virginia. So, then, there will be available for this program, already authorized, $1.34 billion for the next 2 years?

Mr. KENNEDY. Mr. President, in response to the question of the Senator from Virginia, under the EOG program there is $100 million authorized, and there are institutional requests for $120 million. For the work-study program, there is $250 million authorized and there is $275 million in institutional requests. For NDEA, there is $275 million authorized and $318 million in institutional requests. This quite clearly shows that there is not sufficient authorization, under the three programs, to meet the institutional requests. The authorizations have been increased by the committee to meet institutional requests, and that is what the amendment would strike out.

Mr. BYRD of Virginia. I appreciate the Senator's statement, but what I want to get clear in my mind is this——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD of Virginia. May I have 1 minute from someone?

Mr. PELL. I yield the Senator from Virginia another half minute.

Mr. BYRD of Virginia. What I want to get clear in my mind is this: I hope some Senator will correct me if I am inaccurate in what I say, but as I read this legislation, if the amendment offered by the Senator from Illinois is agreed to, there still will be authorizations totaling $1,340,000,000 over the next 2 years for these programs. I shall assume that statement is correct unless some Senator corrects me.

Mr. JAVITS. Mr. President, I yield 1 minute to the Senator from Iowa.

Mr. MILLER. Mr. President, the statement has been made that there is no problem, even if this measure is delayed until after the recess, because the bill will be retroactive to August 15.

That is not so, Mr. President. There are thousands of college students who are trying to get loans and trying to plan their programs for the fall; and it will be too late for them to do that if we do not act until after the recess.

I suggest further that the best procedure here, if we are really interested in getting this measure passed before the recess, would be for the leadership to offer this bill as an amendment to the Older Americans Act, so it can go over to the House of Representatives and be acted on this afternoon. I appreciate the fact that we have the bill before us, but I think we ought to follow the most expeditious course of action, if we really care about what is going to happen

Mr. PELL. Mr. President, we do care about what may happen. There is a right way and a wrong way to do it. The right way is for us to pass our bill, for them to pass theirs, and we go to conference. There is plenty of time for that, but my feeling is that they will not do it, anyway.

Mr. JAVITS. Mr. President, I yield myself 30 seconds to make a pledge to the Senate. If the Dirksen amendment is agreed to, I assure the Senate that when we consider the elementary and secondary education bill in the committee, I will offer amendments to raise the ceilings on all these programs. If the amendments are defeated in the committee, I will offer them on the floor, and the Senate will have an opportunity seasonably to vote on these questions. I can give the Senate every assurance on that score.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

Mr. PELL. Mr. President, how much time do I have remaining on the bill?

The PRESIDING OFFICER (Mr. BURDICK in the chair). The Senator has 9 minutes remaining on the bill.

Mr. PELL. Mr. President, I yield myself 1 minute to read into the RECORD another telegram, this one being from the Associated Colleges of the Midwest. It reads as follows:

> The Associated Colleges of the Midwest urges the Senate to hold firm on increased authorization for student assistance programs and to resist amendments which would delete prohibitions against banks discriminating as to students under guaranteed loan programs.

This is the same message we received from the National Association, and indicates, I think, the answer to one of the questions raised earlier, showing that the colleges do know what they are doing, and that if we get this authorization approved, they will be in a better position.

Mr. MOSS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered. Who yields time?

The question is on agreeing to the amendment offered by the Senator from Illinois. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. GORE) is absent on official business.

I also announcement that the Senator from Nevada (Mr. BIBLE), the Senator from Mississippi (Mr. EASTLAND), the Senator from Wyoming (Mr. McGEE), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming (Mr. McGEE) and the Senator from Texas (Mr. YARBOROUGH) would each vote "nay."

Mr. SCOTT. I announce that the Senator from Ohio (Mr. SAXBE) is necessarily absent.

The result was announced—yeas 38, nays 56, as follows:

[No. 77 Leg.]

YEAS—38

Allott
Anderson
Baker
Bellmon
Bennett
Boggs
Byrd, Va.
Cook
Cotton
Curtis
Dirksen
Dole
Dominick
Fannin
Goldwater
Griffin
Gurney
Hansen
Holland
Hruska
Javits
Jordan, Idaho
McClellan
Miller
Mundt
Murphy
Pearson
Percy
Prouty
Russell
Scott
Smith
Stennis
Stevens
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—56

Aiken
Allen
Bayh
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Church
Cooper
Cranston
Dodd
Eagleton
Ellender
Ervin
Fong
Fulbright
Goodell
Gravel
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Inouye
Jackson
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McCarthy
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Sparkman
Spong
Symington
Talmadge
Tydings
Williams, N.J.
Young, Ohio

NOT VOTING—6

Bible
Eastland
Gore
McGee
Saxbe
Yarborough

So Mr. DIRKSEN's amendment was rejected.

Mr. SCOTT. Mr. President, I supported the amendment of the Senator from Illinois to eliminate increased authorizations for certain programs, not because I oppose the programs but because the increases are over the expenditure ceiling for Federal expenditures imposed by this Congress.

In addition, the best available information indicates that the House would not accept these amendments, and their inclusion could seriously hamper the passage of this most needed student loan extension program.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment, the question is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. MOSS. Mr. President, I support S. 2721, the student emergency loan amendments. My home State of Utah now faces a most critical problem in the field of education. Over 30 percent of its population is of school age—third highest in the Nation—and the State presently spends a greater percent of its budget on education than any other State—53.8 percent. Utah is also one of the highest ranking States in the number of high school graduates enrolling in a college or university each year, and it ranks second to California in the number of students remaining in their home State to attend institutions of higher learning.

Even though the State is deeply committed financially to the education of its youth, Utah's high birth rate—first in the Nation—its zeal for education, its stringent school attendance laws, and its relatively low level of personal incomes, place it 40th in the State rankings in expenditures per pupil. It simply cannot keep pace with the rising costs of elementary, secondary, and college operations. As a result college tuition fees have increased sharply over the past 4 years, and many worthy and capable students have found it necessary to rely on loans, scholarships or work-study programs to finance their college educations.

With the rise of the prime interest rate to 8½ percent and with the administration's $35,000,000 budget cut in the national defense student loan program, many students who had previously counted on loan assistance have been told by both colleges and banks that "No money is available." Almost every day I receive telegrams or letters from students who, as of this date, still have found no way to meet tuition fees this fall. Just this morning a telegram arrived from Dr. James C. Fletcher, president of the University of Utah, our State-supported university, asking for help. In part the telegram said:

> We expect requests for financial assistance to increase substantially this fall. Without relief through the legislation now before Congress, the education of many students could be curtailed or even terminated.

Presently, 11,000 Utah students are holders of federally guaranteed loans. It is the estimate of Utah's office of higher education that 5,500 of these students cannot continue in college, and an additional 2,000 to 2,500 potential entering freshmen will not be able to enroll in college, without this type of financial assistance. Last year $4½ million were lent to Utah students by commercial institutions under the National Defense Education Act. None of this money is available for the 1969–70 school year.

But the State of Utah is not alone in its educational problems. All across the country tuition costs have been rising, and many students in all 50 States have no way of attending college unless someone makes loan money available. Last year 673,352 federally guaranteed student loans were made by banking institutions under the National Defense Education Act. Unless some action is taken quickly, no loans will be made for the approaching school year. Banks simply would not lend at the present 7 percent Federal guarantee when the prime interest rate is at 8½ percent.

Can we afford, Mr. President, to forsake those ready and willing to begin or continue their college educations? Can we afford to deny many of our young people from lower- and middle-class families the chance to improve themselves with an education? For that matter, can we afford to deny anyone that process which makes for and further develops responsible citizenship?

The claim has been made that student radicals are destroying the educational process on our college campuses, but I say if the bill fails, it will be Congress, not the student dissenters, who will have caused the greatest setback to our educational system.

An investment in our young citizens who are ready and willing to "learn now and pay later" is a sound and wise investment, and I strongly urge quick passage of S. 2721 both here and in the House.

Mr. PERCY. Mr. President, last year as part of the guaranteed student loan program, private lending institutions provided 730,000 students with $670 million in Government insured or guaranteed loans to help meet the cost of a college education. In Illinois alone 38,524 students benefited from this program by receiving over $40 million in loans. This represents an increase of nearly 10,000 loans and $9 million over 1968.

This increase in loan applicants is reflected across the country as more and more of our young people seek a college education and the means to meet its rising cost. These are serious students who are willing to assume the financial obligation of paying for their education.

The President has recognized the importance of assisting these young people by recommending that the guaranteed loan program be expanded. Unfortunately, our fiscal situation with rising interest rates and a tight money market threatens the operation of this program by drying up the source of the loans. In fact, the threat to the guaranteed loan program is so critical that nearly one-third of the students seeking loans to enter college this fall will be refused them.

We must act now to meet this crisis by providing private lenders with incentives to continue making loans for education. It is for this reason that I have joined Senator JAVITS as a cosponsor of S. 2721, the Insured Student Loan Emergency Amendments of 1969, an administration bill.

Currently, the Government is authorized by law to guarantee student loans at a 7-percent interest rate. This rate is not competitive with the rate on other types of personal loans now that the prime interest rate is 8½ percent.

To provide private lenders with the stimulus for making student loans, the legislation I am cosponsoring would permit the Secretary of Health, Education, and Welfare to establish an incentive allowance to be paid to lenders by the Federal Government. This allowance would be allocated only when economic conditions are a deterrent to the lending of funds to students and would not exceed 3 percent of the principal balance of all the outstanding student loans distributed by a lender on or after July 1, 1969.

Mr. President, the House recently reported out a similar measure and we have this bill on the Senate Calendar. I would hope that action on this legislation will, therefore, be taken at once in order to help students enter college this fall. Favorable action will represent one of the soundest and best investments in the future that we can make.

Mr. MURPHY. Mr. President, as a cosponsor of this emergency legislation, the Insured Student Loan Emergency Amendments of 1969, I urge prompt action by the Congress on it.

The legislation would allow the Secretary of Health, Education, and Welfare to prescribe an incentive allowance above the present 7-percent simple interest rate authorized by the guaranteed student loan program. The incentive allowance, which may not exceed 3 percent, may be paid whenever the Secretary determines that the statutory interest limitation or economic conditions are deterring eligible lenders from making student loans. With the Federal Government paying the incentive cost allowance, there would be no additional cost to the student.

The peak student loan application periods of August, September, and October are upon us. Already my California offices have been deluged with desperate calls from students urging that something be done to see that the loans will be made so that they might pursue their higher education. I recently read that it had been estimated that 200,000 of the youngsters applying for the guaranteed loan program may be turned down. We clearly cannot let this happen, and I know I speak for the many students in California and their parents in congratulating the administration and Secretary Finch in sending down this emergency legislation.

Financing higher education is a real struggle for many students and their parents. The Federal Government has various programs of grants, direct loans, and guaranteed loans to help them. The latter program was enacted in 1965 with the purpose of providing assistance in financing college expenses for those students from moderate-income families who had been excluded from loan and other assistance under the various Federal programs. Last year, the guaranteed loan program, as well as the other student financial assistance programs, were extended as part of the Higher Education Amendments of 1968. As a member of the Education Subcommittee, I strongly supported the extension. During the hearings on the Higher Education Amendments of 1968, we also faced this problem and for this same reason.

Mr. President, interest rates were ballooning with the result that the student loans were not competitive with other loans for which the rate of return was determined by the money market. As a result, the committee increased the then maximum statutory interest rate from 6 to 7 percent. With the higher interest rate, 730,000 students received loans totaling $670 million in the past year. In California, in fiscal year 1969, 76,054 students secured loans totaling over $69 million. Thus, this is a most important program in my State.

Inflation has continued, however, and interest rates have skyrocketed until the prime interest rate today of 8½ percent is the highest in the economic history of this Nation. All other installment loan interest rates are pegged upward from the prime rate. With interest rates like this, the student loans are once again not competitive.

Thus, Mr. President, the administration has sent to the Congress a unique proposal in response to an emergency situation. It has my strong support. The need for this bill illustrates yet another group—the students—who are harmed by inflation, and spotlights once again the necessity of taking actions to curb inflation.

Mr. BAYH. Mr. President, I have been concerned for sometime about the future of the insured student loan program. At a time when interest rates are significantly higher than the one authorized under this program, guaranteed loans from private lending institutions simply are not available. In an effort to keep this vital program from being crippled by the inflationary spiral, I introduced my own bill, S. 2422, on June 15, which has been cosponsored by 19 Members of the Senate.

Frankly, I am convinced that the solution to this problem as outlined in my bill would have been simpler and more workable than the one presented in the proposal before the Senate now, S. 2721. However, because of the need for immediate congressional action to restore the maximum effectiveness of the guaranteed student loan program, I intend to support S. 2721 as it was reported from the Committee on Labor and Public Welfare.

The goal of my bill and of S. 2721 is the same—to revitalize the guaranteed student loan program. Hundreds of thousands of students are depending upon this program to help finance their college educations. If this program can be made fully operative in the near future, upwards of 900,000 loans can be extended to dedicated college students in the school year 1969–70. Because the appropriations for the national defense student loan program may not be forthcoming until after the school year begins, it is imperative that the guaranteed student loan program be made operative immediately. The investment made now in the education of our youth is an investment in the future of our Nation.

Mr. GOLDWATER. Mr. President, in my opinion, the measure which is before the Senate may truly be described as emergency legislation. It is becoming more and more evident that the crisis which young people are facing as they make plans to return to college next month is all too real.

Directly as a result of soaring interest rates, hundreds of thousands of eligible students who are making application for guaranteed loans are being turned down cold. Original estimates indicated that one-third of the students seeking guaranteed loans are being rejected. The statistics which I have received from Arizona, just this morning, are even more shocking.

My office has gotten in touch with the chief administrator in charge of student financial affairs at each of the three major Arizona colleges and I regret to say that the response is the same from each. Fifty-five percent of the qualified students are unable to obtain loans. This amazingly high figure was given to me by the University of Arizona, Arizona State University, and Northern Arizona University and, mind you, only covers those students who have been certified by the universities as eligible for the guaranteed loan program.

Mr. President, I wish to emphasize that these statistics are on the conservative side. The figures are based to a great extent on actual complaints made by students to universities. It is easy to imagine that many students have not yet brought word back to the campuses because they have not formally been refused loans up to now—their applications simply have not been acted on one way or the other.

But, even using these partial statistics, the data translates into a very bleak picture in which there will be over 2,500 students in my State who will not be going to college this fall unless the legislation before us is enacted quite promptly.

And this does not tell the full story. Our college authorities have alerted me to another serious problem arising from the interest limitation in existing law. Most of those banks which have agreed to make loans under the guaranteed interest program have strictly rationed the portion of their funds allotted for this purpose. This has meant a drastic cut in the face amount of these loans at a time when the actual costs students must pay have rocketed up. This is imposing a serious financial crisis in itself on many households and is likely to lead to many forced dropouts late in the semester due to an overcommitment on the part of many students who had enrolled on a prayer and a hope and insufficient funds.

Mr. President, the approach set forth in the bill, as reported, is a serious effort at solving the desperate problem which is hitting our college-age citizens.

Under this measure, there will be no additional cost to the student. The students will not have to pay higher interest rates.

The bill will do the job of starting these loans rolling immediately. By making a Federal incentive payment to eligible lenders during periods when economic conditions prevent them from offering the lower interest rates, banks will be encouraged and enabled to get the guaranteed loans flowing again.

The legislation will provide benefits for middle-income families as well as low-income families. The middle-income individual in society is too often the forgotten man of America. For once we will have done something that benefits him in a direct and significant way.

Mr. President, I am privileged to be among the first cosponsors of the bill under consideration. It is the answer for which the citizens of my State have been looking. My office has been deluged with letters and phone calls pleading that action be taken to assure that these loans will be made. To indicate just how bad the situation has become, I have been told by many students that they were assured last January that their loans would be granted, and it is only now they are learning the bitter news of the rejection of their applications. The impact with which this news has hit them is evident. These are students who only a few weeks ago thought their plans were set for the coming school year. They had been accepted by the colleges. They were certified as being qualified for loans which had been approved as a normal matter of course in the past. Suddenly, out of the blue, the entire situation changes. They are told they must raise a large sum of money or be locked out of school.

Mr. President, I believe there is an element involved here of national faith in the Government. The existence of this program on the books had led the American public to rely in good faith on the availability of loans for students. In keeping with the commitment which Congress has made by enacting this program, I feel it is mandatory on us to act today to amend the law in order to remove the roadblock which now stands between students and the continued pursuit of their education. Consequently, I urge the passage of this very important legislation.

Mr. MILLER. Mr. President, passage of this proposed legislation, of which I am a cosponsor, is urgently needed if we are to prevent a great hardship on thousands of college students and prospective college students who need loans to go to college this fall.

The Congress is going into recess tomorrow at the conclusion of business, and we will not resume until after Labor Day. This legislation must be passed before the recess, and nothing should have been done to jeopardize its enactment, including increasing the authorization beyond that approved by the administration under the spending ceiling already set by the Congress.

Enactment after Labor Day will be too late to avoid irreparable harm to thousands of students, and those who voted against the Dirksen amendment must take full responsibility if this happens.

It is regrettable that those Senators who are in control of the committee could not have acted sooner on this legislation, but I do appreciate the action taken by the distinguished majority leader and the distinguished chairman of the Armed Services Committee in having the military procurement bill laid aside so that we could take action on the college student loan problem today.

Several months ago I saw this problem looming ahead in view of the deeply serious high interest rate resulting from the inflationary deficit spending policies of previous administrations and previous Congresses. I urged the Secretary of Health, Education, and Welfare to give Congress his recommendations, and I suggested the possibility of greater flexibility in guaranteed interest rates. I am pleased to see that the pending legislation follows this approach.

I ask unanimous consent to have placed in the RECORD an excellent article published in the Washington Evening Star for August 4, which well sets forth the seriousness of the problem and the urgency of the need for this legislation.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POLITICS OF ECONOMICS: COLLEGE LOAN CRISIS AT HAND, ACTION LAGS

(Barry Kalb)

The impending crisis in the higher education loan situation contains all the elements for magnificent congressional debate, but there is no time for it.

At present, there is almost as much talk on Capitol Hill about getting students into college—by enabling them to secure guaranteed loans—as about kicking some of them, the disrupters, out.

But only nine days remain before Congress adjourns for its summer recess, and when the lawmakers reconvene Sept. 3 it will be too late to provide much help for student loan applicants.

By that time, college registration will have begun, and tens of thousands of marginally affluent college hopefuls will find their educational experience limited to a lesson in the politics of economics.

The situation in the Washington area is indicative of the overall problem. The District government has a record amount available for guaranteed loans this year, but fears the ever-increasing number of college students will overwhelm the fund. Maryland is barely holding its head above water. It must make special payments to banks for each student loan. Virginia students are having a particularly rough time obtaining loans.

The crisis was triggered by the rise in the prime interest rate, the interest banks charge their best customers.

Every state, and the District, has a system for guaranteeing loans to students. In some cases the state guarantees the loan, in others the federal government insures the loan, and in still others, a private organization called the United Student Aid Fund makes the guarantee under contract with the state.

Lending institutions contend that they make less money with their money if they lend it to students, because of high handling costs. But because the guarantee system assures them of getting their money back, even if the student defaults or dies, the institutions are willing, in their words, to "perform this public service."

They do insist on breaking even, however, and this is a major factor in the crisis. The amended federal Higher Education Act of 1965 cannot guarantee a loan over 7 percent interest, and the prime rate is currently at 8½ percent.

The result: Lending institutions are claiming they cannot afford to lend money at 7 percent, guaranteed or not, and young applicants are receiving rejection notices instead of money.

Congress is debating remedies to the situation. But observers are afraid that all manner of outside factors—student unrest, fiscal economy, spending priorities, federal subsidies to banks and the like—will be brought into the argument, and nobody sees much chance of legislative relief before the recess.

It is difficult at present to measure the full impact of the crisis, since many students are still in the process of applying for loans. But things are already beginning to look bleak.

The National Council of Higher Education Loan Programs estimates that between 150,000 and 200,000 students will be unable to obtain loans if the government does not act promptly.

This is not necessarily an accurate measure of how many will be denied college, since many of these students can be expected to obtain aid elsewhere or squeeze through on a reduced budget.

Nonetheless, things are at a critical point. Allen Vanderstaay, assistant director of the division of student finance for the Department of Health, Education and Welfare, says banks all around the country are tightening their loan policies.

This is taking two major forms, he says: Some banks are not granting loans to new borrowers, which means incoming freshmen are bearing the brunt of the loan cutdown. And some banks are granting loans only to students whose parents have had long-standing accounts.

Some banks are applying both of these measures, he says, and some have cut off even those students who have borrowed from them in the past.

Washington-area schools have already begun to receive letters from desperate students, although none is willing yet to predict just how bad things will become.

A Georgetown University law student has been unable to obtain a loan from a Maryland bank which has lent him money for the past two years; a George Washington University senior from Costa Mesa, Calif., has been getting the run-around from a bank he has borrowed from for three years and his father has dealt with for 25; a Casper, Wyo., man accepted by GW law school was told the state was unable to guarantee his loan.

Col. Tom W. Sills, director of student aid at American University, says the situation is the worst he's seen in his seven years at AU. William Patterson, Sills' counterpart at GW, says simply, "Things are real tough."

The universities say the general loan situation in the District, Maryland and Virginia is "fair to poor," although the loan directors of the three jurisdictions minimize the difficulties.

Robert A. McCormick, director of the District Loan Insurance Program, says a record $2.4 million is available this year for guaranteed loans, but he still fears demand may exceed supply.

The District program was begun during the 1967–68 school year, and 1550 loans for a total of $1.7 million have been made since. These 1550 students represent 99 percent of eligible applicants, he says.

The District is unique in having a pool of money, contributed by local banks and disbursed directly by the loan office. In effect, each bank holds a piece of each loan.

Originally, 12 of the city's 14 banks participated, but two have recently dropped out. To make matters worse, McCormick complains, none of the city's savings and loan companies will participate in the pool, even though all are authorized by law to do so.

Maryland, according to James Leamer, executive director of the Maryland Higher Education Loan Corp., has been able to hang on because of a special provision, enacted the first of last month, which allows the state to pay a $25 "incentive" fee to banks that agree to make loans.

"This is the only reason we're holding our heads above water," Leamer says. "We're still going to see what crunch develops about the middle of this month.'

Virginia is another story. GWs Patterson labels the state "simply terrible." Charles Hill, director of the Virginia State Educational Assistance Authority, is a little less harsh, but not much.

"Our lenders are being selective, no doubt about it," Hill says. "There's continued (bank) activity, but not at the level we'd like."

Hill says all Virginia banks for the last two years have restricted loans to students whose families are already customers. In addition, the state's banks grant loans only to students attending school in Virginia.

The scramble for guaranteed loans has been increased by a shortage of money available for National Defense Education Assistance loans. NDEA money, which is aimed at low-income students, is allotted to individual colleges after state finance experts determine how much each college in their state needs.

Statistics tell the NDEA story. During the 1968–69 school year, the states requested a total of $247 million in NDEA money. The government appropriated $190 million.

For the coming year, the states have requested $273 million. The outgoing Johnson Administration budgeted far less than this, and the Nixon Administration reduced Johnson's figure even more—to $155 million. The House on Wednesday raised this figure by $40.8 million, but this still leaves only $5.8 million more than last year, and Senate action on this budget before the Aug. 13 recess appears slim.

This throws an increased burden on the guaranteed loan program, and any help here must come from the federal government. The only method seriously considered at this time is for the government to give banks a 3 percent "incentive payment" on each loan, over and above the regular 7 percent interest rate.

U.S. Commissioner of Education James E. Allen, in testimony before the House Special Subcommittee on Education, said the administration favors this method over simply raising the interest ceiling for several reasons.

For one thing, the government would assume any payment over 7 percent, thus relieving the student of additional financial burden. If the interest ceiling were simply raised, the student would be saddled with the entire amount.

Allen also pointed out that the incentive payment rate "may be adjusted accordingly. This avoids locking in both the government and the student to what may be artificially high interest rates."

In addition, he said, this plan is "the least expensive method of the alternatives we have examined."

But some congressmen are unlikely to be impressed. If the administration bill ever gets to the House floor, it may well be blocked by such men as Rep. Wright Patman, D-Tex., a longtime foe of federal subsidies to banks.

Patman testified against raising the interest ceiling from 6 to 7 percent last year to meet a similar prime rate rise (it was done anyway). "The banks are so heavily subsidized anyway," said a member of Patman's office, "he feels 7 percent is plenty."

The bill may encounter the same kind of opposition in the Senate. If the bill makes its way through the Senate Education subcommitee to the full Labor and Public Welfare Committee, chairman Ralph Yarborough of Texas, who agrees largely with Patman on the issue of bank subsidies, may block it.

"The idea of subsidies to the bank instead of the student doesn't especially appeal to us," a Yarborough staff member says.

Harry Hogan, counsel to the House special education subcommittee chaired by Rep. Edith Green of Oregon, notes another potential stumbling block to passage of the bill. Some liberal congressmen, faced with a further amendment to the Higher Education Act, may try to enact changes throughout, such as raising the $1,500 limit on a single guaranteed loan, he says. Debate on such measures could slow things down.

But the bill may never progress even that far. Sen. Claiborne Pell, D-R.I., chairman of the Senate Education subcommittee, is reportedly not particularly enthused about the bill, and may take his time in sending it along to the full committee.

A first step towards alleviating the crisis took place today when the Green subcommittee reported out an amended version of the administration's bill, to the full Education and Labor Committee.

The major change, written in by Rep. John Erlenborn, R-Ill., would be to adjust the incentive rate every three months, instead of every six months as recommended by the administration.

The full committee is scheduled to meet Wednesday morning.

The subcommittee sent a recommendation along with the bill that the committee take steps to rush the bill to the floor.

Banks are repeating their policy of last year and making loan commitments in anticipation of federal action, Vanderstaay says.

"The banks (last year) had every expectation that something was going to be done and went ahead and made the commitments. But they didn't make disbursements (before action was taken). So we're not sure how many of these present commitments will become disbursements," he said.

Is the situation as bad as it looks? Vanderstaay thinks so. "I'm hard put to prove it today," he says, "and I'm afraid we won't be able to prove it until it's a bit too late."

WE MUST REVITALIZE THE GUARANTEED STUDENT LOAN PROGRAM

Mr. CHURCH. Mr. President, today we will vote on S. 2721, a bill which provides for incentive payments to banks who participate in the guaranteed student loan program.

Since its inception, this program has helped thousands of students throughout our Nation to obtain their education. The program allows the student to borrow money from private lending institutions and guarantees those loans to the lender.

Last year, over 2,000 students from Idaho were helped by the program. This year, as a result of high interest rates and the ceiling on interest rates fixed in the original law, many lending institutions have dropped the program. The result is obvious: thousands of students will be placed in a serious financial bind. In some cases, that bind will be so serious that they will be unable to continue and complete their college education.

I have received letters from throughout my State urging me to support some remedial action in light of the current conditions. Since agreement has been reached on this bill, I will support its passage in the hope that this action will help free the funds necessary for these students to continue in college this fall.

I ask unanimous consent that a few of the letters I have received on this issue from concerned residents of Idaho appear at this point in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Boise State College,
Boise, Idaho, March 28, 1969.

Hon. Frank Church,
U.S. Senate,
Senate Office Building,
Washington, D.C.

Dear Senator Church: A combination of events has produced a very bleak outlook for Idaho college students to finance their expenses of education for the year 1969–70.

In July, August and September, 1968, Idaho students numbering 1,367 negotiated and were loaned $1,275,592 under the Federally Insured Student Loan Program. This program was one in which most of our larger banks have participated in our state and served the many students who are not from the lowest family income brackets.

With the recent increases in prime interest rates our banks have informed us that they cannot continue to assist students in this program. Facing higher costs of living a large number of Boise State College students who were willing to obligate themselves, acquire an education and skills, and enter the wage-earning, tax-paying world, are now without this method to finance their higher education.

National Defense Student Loans, College Work-Study, and Educational Opportunity Grants have been implemented to assist worthy, needy students. In the current year the programs have provided an economic assist to 474 students at Boise State College.

With National Defense Student Loan funds of $100,501,211 BSC students are now making their way through this academic year 1968–69. Based on our rate of growth as a new state institution, we requested funds to assist 260 students in FY 69–70. Proposed funding for Fiscal Year 1970 at the $155 million level as requested by the President in his budget indicates that our NDSL allocation will be $82,365.

The College Work-Study Program and initial year Educational Opportunity Grants are similarly affected.

Idaho students have demonstrated, not in disruption of our campuses, their ability to plan for their future by borrowing a minimum to get through each year, working and studying as they go, and have followed through on their responsibility by repaying their loans. Won't you use your influence to emphasize this to the Senate Sub Committee on Education and the Senate Appropriations Committee and perhaps achieve an appropriation that meets more closely the needs of our citizens?

Yours sincerely,
Richard Reed,
Director of Financial Aids.

August 11, 1969.

Dear Senator Church: At this time, I am a junior at Brigham Young University, a few units shy of being a senior. My problem, like many other peoples, is a lack of funds with which to continue my education. The last academic year of 1968–69 was financed by a low interest bank loan. A successive loan by that bank has been refused me.

To complicate things more, jobs in Idaho, as I am sure you are well aware of, are scarce. At the present I am employed as a salesman. But, this job will not bring me the necessary funds to return to school.

To state what is obvious, I need a loan for school. Any help or information that you might be able to give will be greatly appreciated.

Thank you for your time and consideration.

Sincerely,
Micheal R. Warwick.
Caldwell, Idaho.

June 23, 1969.

Senator Frank Church,
Senate Office Building,
Washington, D.C.

Dear Senator Church: I will be a Sophomore in college next year. Last year I was able to obtain one of the government sponsored student loans to help me go to school. However, because of increased interest rates on other loans the banks are not offering them again this year, as I am sure you already know. It will be impossible for me to return to school next fall without financial assistance of some kind.

I would, therefore, like to know if there are any other kinds of government programs for help with student financial assistance or if these loans will be reinstated. Any information or help you can give me in this will be appreciated.

Thank you for your service to Idaho and for your interest in the youth of the country.

Sincerely yours,
Wendy Freeman.
Ririe, Idaho.

Cambridge, Mass., *June 29, 1969.*

Senator Frank Church,
U.S. Senate,
Washington, D.C.

Dear Senator Church: I feel no little embarassment in writing to you at this time, for it seems that I write to my senator in about the same way that I pray—when I am in trouble. In another year I should be relieved of many of my problems, and perhaps I will be able to write more selflessly.

I have been financing much of the cost of my graduate education through the Federally Insured Guaranteed Loan program. Because I must rely on this source of financing, I was quite disturbed to learn that the banks are not currently granting loans under the program. As one might expect, the increase in the prime rate unaccompanied by a simultaneous increase in government subsidy has resulted in an effective suspension of the program. I would appreciate whatever efforts you might be able to exert on behalf of this program, both because I need the money and because I consider it to be one of the more worthwhile loan programs that the government is currently underwriting. If the prospects should appear dim, however, I would appreciate a note to that effect, as I will need to arrange for some other source of funds prior to September.

Lynn and I sincerely hope that all is well with you and your family. Thank you for your continued concern and kind assistance.

Very truly yours,
Karl V. Willig.

Tacoma, Wash., *July 13, 1969.*

Senator Frank Church,
U.S. Senate,
Washington, D.C.

Dear Senator Church: We are writing to you regarding the funds for a government guaranteed loan for college. We have inquired at our bank in Washington and they tell us that no funds are available in our area. We moved to Tacoma one year ago from Boise, Idaho which we were residents for over twenty years. Hopefully, we will be moving back within the duration of the summer. Our daughter has attended the College of Idaho her freshman year and is trying to return this fall. She was awarded a $1,200 package plan (scholarship, etc.) last year and again for the coming school year. She is working two jobs, nights at a drive-in, and weekends as a receptionist for a real estate office. We need another $1,200 which she will contribute $400 or $500, leaving a balance of $700. If she could obtain even a $500 loan she could go back to school. The school is an expensive one and we are financially unable to help her. But she feels the small size of this private college and the academic program will aid her in the best education and which we feel she is getting. She is very proud of the C of I.

She has a GPA of 3.8 and has been on the Dean's List continually. She is planning a major in secondary education and a minor in psychology. She is very active in school, chosen for the honor board (a student governing body) in Simplot Dormitory, appointed on a senate committee, elected as treasurer in both her sorority and Associated Women Students, and she will be helping the dean as a counselor for incoming students. We, as parents, are very proud of her and feel she is a very worthy student and will complete college if financially able.

We have also written Senator Henry Jackson. Surely there are many students that need aid. What can we do? Without this loan she cannot attend the college. We need your help so please contact us at the earliest possible time.

Thank you.

Sincerely Yours,
Mr. and Mrs. Edwin M. Barton.

July 25, 1969.

Hon. Frank Church,
U.S. Senate,
Washington, D.C.

Dear Sir: We have recently been informed by local banks that no student loans are being considered this year unless or until Congress adjusts the rate of interest.

As parents of a boy going into his senior year and hoping to teach one year from now, we are vitally concerned about this student loan program continuing. *Surely* economy can begin elsewhere.

Respectfully yours,
Eleanor F. Forrest.
Pocatello, Idaho.

July 18, 1969.

Senator Frank Church,
Washington, D.C.

Dear Senator Church: We are writing in regards to federal money in the amount of sixteen million dollars to be issued to boys and girls throughout the nation as a loan to go to college. These loans are handled by local banks and are called "student federal-insured loans" issued usually to boys and girls whose families are in the $5,000 to $15,000 income bracket and qualify for the loans.

When we went to the Idaho First National Bank here in Rigby, Idaho they refused to give our daughter JoAnn the loan to enable her to go to college this coming school year 1969–70 even though she was eligible and all papers were in order. The manager of the bank, Allan Dixon, said the reason the loan would not be given was the bank's objection to the 7% interest attached to the loan by the federal government that backs these loans.

We checked with Mr. John Williams, finance officer at Utah State University, Logan, Utah as to the difficulty we were having in regards to the loan for JoAnn. He informed us that this was a general situation with all banks in the United States and they are withholding these federal loans because of the 7% interest. The banks feel it should be higher.

Now Senator Church, this is a terrible injustice to these boys and girls that want to go to college and are depending on these loans to help them get their education. To think that the government has appropriated the money for these girls and boys and they cannot get loans seems to us incredible but it is happening. If the banks deserve more interest give it to them. If they don't, *please* get things rolling and do whatever needs to be done to get this money available to these boys and girls.

If we can help in any way let us know. We are depending upon you as our Senator to help us and others concerned with this vitally important matter.

Thank you very much. Anything you do will be greatly appreciated.

Sincerely,

JOE BODELL.
NORMA BODELL.

RIGBY, IDAHO.

POCATELLO, IDAHO,
July 20, 1969.

SENATOR FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: If I may be so blunt, I would like to ask for your help and assistance in a matter that has arisen concerning college. The subject is Guaranteed Student Loans. None seem to be available due to an interest problem the banks have. The college I plan to attend, Reed in Portland, Oregon, suggested all its students write their Congressmen or Senators and ask them to support a bill now in Congress concerning the possibility of helping banks with this interest rate. This is the favor that I ask—that you support this bill so the loans may become available to me and my fellow students. Your assistance will be greatly appreciated, you may be sure.

Thank you. I am looking forward to serving you again.

Sincerely,

DUANE DEFOGGI.

Mr. PELL. Mr. President, we are today discussing a bill to grant an incentive allowance to banks, so as to insure their participation in the federally sponsored insured student loan program. With this in mind it is gratifying to be able to share with the Senate the text of a telegram sent by my old friend Cornelius C. Moore, president of the Newport National Bank of my home city, Newport, R.I., to Frank Licht, Governor of the State of Rhode Island: The message reads:

> The Newport National Bank will continue its plans for assistance to college students under the Rhode Island Higher Education Assistance Plan. The Bank has no intention of modifying its heretofore support of the program and welcomes the opportunity to serve worthy students in pursuing their higher education.

I am happy to report to the Senate that this telegram is not an isolated gesture, but one which has, I am informed, been repeated in my State.

With the rise in the interest rate there was concern that students attempting to finance their education through the Federal programs of tuition assistance would experience difficulties.

Mr. President, I think it heartening to note that in the State of Rhode Island the participants in higher education loan programs—HELP—have shown their willingness to continue to participate in spite of the tight money market, and it should be noted that they did so before the incentive allowance bill was being seriously considered in the Senate.

To my mind this is a story which should be greeted with great approval and appreciation by the citizens of my State. The efforts of Gov. Frank Licht and the participating Rhode Island bankers are laudatory and demonstrate a dedication most welcome. One could also hope that other bankers and governors would take action to meet the crisis.

And to my old and valued friend, Cornelius Moore, I can only say thank you and congratulations on your commitment to the youth of our State.

Mr. JAVITS. Mr. President, I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I yield back the remainder of my time.

Mr. PELL. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired. The bill having been read the third time, the question is: Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. GORE) is absent on official business.

I also announce that the Senator from Nevada (Mr. BIBLE), the Senator from Mississippi (Mr. EASTLAND), the Senator from Wyoming (Mr. MCGEE), the Senator from Montana (Mr. METCALF), and the Senator from Texas (Mr. YARBOROUGH), are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming (Mr. MCGEE), the Senator from Montana (Mr. METCALF), and the Senator from Texas (Mr. YARBOROUGH) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Ohio (Mr. SAXBE) is necessarily absent and, if present and voting, would vote "yea."

The result was announced—yeas 92, nays 1, as follows:

[No. 78 Leg.]

YEAS—92

Aiken
Allen
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Goodell
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McCarthy
McClellan
McGovern
McIntyre
Miller
Mondale
Montoya
Moss
Mundt
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—1

Dirksen

NOT VOTING—7

Bible
Eastland
Gore
McGee
Metcalf
Saxbe
Yarborough

So the bill (S. 2721) was passed.

The title was amended, so as to read: "A bill to increase funds for college student loans by increasing the authorization of appropriations for the National Defense Student Loan Program, and by providing for an incentive allowance for insured loans under title IV–B of the Higher Education Act of 1965 on a temporary basis, and for other purposes."

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I wish to pay tribute and acknowledge the cooperation of our subcommittee chairman, the distinguished Senator from Rhode Island (Mr. PELL), who acted with dispatch to meet this emergency situation. He called immediate hearings and convened our subcommittee in executive session with no delay. He furnished excellent guidance, buttressed by the technical assistance of majority professional staff, John Forsythe, Steve Wexler, and Richard Smith. Also Roy Millenson of the minority staff. The chairman of our full committee, the distinguished Senator from Texas (Mr. YARBOROUGH) also merits approbation for his active participation in the formulation of this legislation, his cooperation in securing its consideration, and his openmindedness in our deliberations on its terms.

On the minority side, the distinguished junior Senator from Vermont (Mr. PROUTY), the ranking minority member of the Subcommittee on Education and the principal cosponsor of S. 2721, was most helpful in our deliberations, together with the other minority members of the subcommittee who also joined as cosponsors—the Senator from Colorado (Mr. DOMINICK), and the Senator from Pennsylvania (Mr. SCHWEIKER).

I would like to express appreciation to the Senator from Colorado (Mr. DOMINICK). Without his agreement in connection with the unanimous-consent request, although he felt deeply about his amendment, we would not have been able to pass the bill.

I also wish to express appreciation to the majority leader and the minority leader. They were extremely helpful.

Also appreciated is the graciousness of the Senator from Indiana (Mr. BAYH), sponsor together with some 17 colleagues of S. 2422, an alternate solution to the guaranteed student loan crisis. The Senator from Indiana in his testimony before our subcommittee was most generous in offering his support to the bill now before us.

Mr. PELL. Mr. President, I wish to thank the Senator from New York for his kind words. Without the work we did together we might have had no bill at all. I wish to thank him for the cooperation he showed. We were glad to help in connection with the bill, which is basically an administration bill. I thank the Senator for his help.

I express my admiration to the Senator from Massachusetts (Mr. KENNEDY). He introduced his amendments, he believed in them strongly, and he urged the committee to adopt them. I think the Senate showed its good judgment in supporting the amendments offered by the Senator from Massachusetts. They would not have been in the bill if he had not presented them and fought for them as hard as he did.

I extend congratulations to the Senator from Indiana (Mr. BAYH) for the way he was willing to forgo his own bill and interests for the sake of relieving the pressure on the students to try to get a bill passed.

Finally, without the work of Steve Wexler and Roy Millenson, or Bob Harris and Richard Smith, who know more about this matter than I do, we could not have gotten the bill passed.

Mr. KENNEDY. Mr. President, I wish to congratulate and commend the chairman of the committee. This is the first matter that has been brought to the floor under his leadership. All of us who serve on the Subcommittee on Education and on the full committee are deeply impressed by his courtesy and understanding to all who have ideas, suggestions, and amendments. We are grateful for the way he conducted the hearings. He was extremely considerate of all of our interests. I know the Senator from Rhode Island follows a great Senator who made an extraordinary contribution in the field of education, former Senator Morse of Oregon.

The Senator from Rhode Island developed a great grasp of the problems and the goals. I think the Subcommittee on Education and the full committee were greatly benefited by his energy. I commend the Senator.

Mr. PELL. I thank the Senator.

Mr. President, I was remiss in not having extended thanks to the chairman of the committee, the Senator from Texas (Mr. YARBOROUGH), who scheduled hearings and did all he could to further this matter along the road.

S. 2830—INTRODUCTION OF A BILL TO INCREASE SOCIAL SECURITY BENEFITS BY 10 PERCENT

Mr. AIKEN. Mr. President, in recent weeks we have seen generous pay increases for persons employed in private industry and in Government.

The Nixon administration, in a bold and progressive move, has proposed a guaranteed annual wage of some $1,600, geared to work incentives and training programs to encourage workers to advance to the point where a guaranteed income is no longer necessary.

In the Federal Government, classified workers, postal employees, and the military have all received increases.

These increases have been necessary, Mr. President.

It is the only way our people can hope to keep up with rising costs brought on by inflation.

Unfortunately, in our haste to look out for Government employees we have overlooked some 25 million men and women who are trying to live on social security benefits.

They are struggling to get by on low fixed incomes while the prices for everything they buy are skyrocketing.

The latest Consumer Price Index shows prices in May 1969 are 5.4 percent higher than in May of last year.

The cost of food is up 4.1 percent.

Rent is up 3.1 percent.

Fuel and utilities have risen 2.1 percent.

The cost of medical care, which is so important to persons over 65 years of age, has risen 7.3 percent in the last year and is 50 percent higher than it was 10 years ago.

Clothing is up 5.9 percent.

The average social security benefit, Mr. President, is below the official Government poverty line.

Most of these 25 million people just do not get income enough to get by.

Since the last social security benefits increase in February 1968, the cost of living has risen nearly 7.2 percent and wages in private industry have gone up 10 percent.

I know that the members of the Senate Finance Committee are acutely aware of this situation and I know they want to do something about it now, not next year.

I know also that the President has spoken out in favor of an increase for these unfortunate members of our society.

However, a specific proposal is needed at this time.

I, therefore, introduce, Mr. President, a bill proposing a 10-percent increase in social security benefits.

This is a flat 10-percent rise across the board.

I urge that as soon as an appropriate bill is received from the House that the Finance Committee give the proposal favorable action.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2830) to amend title II of the Social Security Act to provide a 10-percent across-the-board increase in the monthly benefits payable thereunder, introduced by Mr. AIKEN, was received, read twice by its title, and referred to the Committee on Finance.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Jones, one of his secretaries.

MANPOWER TRAINING—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-147)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

A job is one rung on the ladder of a lifelong career of work.

That is why we must look at manpower training with new eyes: as a continuing process to help people to get started in a job and to get ahead in a career.

"Manpower training" is one of those phrases with a fine ring and an imprecise meaning. Before a fresh approach can be taken, a clear definition is needed.

Manpower training means: (1) making it possible for those who are unemployed or on the fringes of the labor force to become permanent, full-time workers; (2) giving those who are now employed at low income the training and the opportunity they need to become more productive and more successful; (3) discovering the potential in those people who are now considered unemployable, removing many of the barriers now blocking their way.

Manpower training, in order to work on all rungs of the ladder, requires the efficient allocation by private enterprise and government of these human resources. We must develop skills in a place, in a quantity and in a way to ensure that they are used effectively and constantly improved.

Today, government spends approximately 3 billion dollars in a wide variety of manpower programs, with half directly devoted to job training; private enterprise spends much more on job training alone. The investment by private industry—given impetus by the profit motive as well as a sense of social responsibility—is the fundamental means of developing the nation's labor force. But the government's investment has failed to achieve its potential for many reasons, including duplication of effort, inflexible funding arrangements and an endless ribbon of red tape. For example:

—*A jobless man* goes to the local skill training center to seek help. He has the aptitudes for training in blue collar mechanical work, but no suitable training opportunities are available. At the same time, vacancies exist in a white collar New Careers project and in the Neighborhood Youth Corps. But the resources of these programs cannot be turned over to the training program that has the most local demand.

—*A 17-year old boy wants to take job training.* The only manpower program available to him is the Job Corps, but its nearest camp is hundreds of miles away. With no other choice, he leaves home; within 30 days he has become homesick or feels his family needs him; he drops out of the Corps and has suffered "failure" which reinforces his self-image of defeat.

—*A big-city Mayor* takes the lead in trying to put together a cohesive manpower program for the entire labor market area—tying together jobless workers in the inner city with job openings outside the "beltway." He finds it difficult to assemble a coherent picture of what's going on. Manpower programs funded by different agencies follow different reporting rules, so that the statistics cannot be added up. Moreover, there is no single agency which maintains an inventory of all currently operating manpower programs. He knows that help is available—but where does he turn?

—*An unemployed high school dropout* in a small town wants to learn a trade in the electronics field. His local employment office tells him that there is not enough demand in his town for qualified technicians to warrant setting up a special training class in a local public school. He is also told that "administrative procedures" do not lend themselves to the use of a local private technical institute which offers the very course he wants. This youngster walks the streets and wonders what happened to all those promises of "equal opportunity."

This confused state of affairs in the development of human resources can no longer be tolerated. Government exists to serve the needs of people, not the other way around. The idea of creating a set of "programs," and then expecting people to fit themselves into those programs, is contrary to the American spirit; we must redirect our efforts to tailor government aid to individual need.

This government has a major responsibility to make certain that the means to learn a job skill and improve that skill are available to those who need it.

Manpower training is central to our commitment to aid the disadvantaged and to help people off welfare rolls and onto payrolls. Intelligently organized, it will save tax dollars now spent on welfare, increase revenues by widening the base of the taxpaying public, and—most important—lift human beings into lives of greater dignity.

I propose a comprehensive new Manpower Training Act that would pull together much of the array of Federal training services and make it possible for State and local government to respond to the needs of the individual trainee.

The Nation must have a Manpower System that will enable each individual to take part in a sequence of activities—tailored to his unique needs—to prepare for and secure a good job. The various services people need are afforded in laws already on the books. The need today is to knit together all the appropriate services in one readily available system. By taking this step we can better help the disadvantaged gain control and direction of their own lives.

A first step was taken in this direction in March when I announced the reorganization of the Manpower Administration of the U.S. Department of Labor. This reorganization consolidated the agencies that had fragmented responsibility for carrying out most of the Nation's manpower training program. We must now complete the job by streamlining the statutory framework for our manpower training efforts.

In specific terms, the Act which I propose would:

1. *Consolidate major manpower development programs* administered by the Department of Labor—namely, the Manpower Development and Training Act and Title I-A (Job Corps) and I-B (Community Work and Training Program) of the Economic Opportunity Act. These programs, operated in conjunction with strengthened State manpower agencies, will provide training activities in a cohesive manpower services system. The Office of Economic Opportunity, without major manpower operational responsibilities, will continue its role in research work and program development working with the Department of Labor in pioneering new manpower training approaches.

2. *Provide flexible funding* of manpower training services so that they can be sensitive to and focused on local needs; this will ensure the most efficient use of available resources.

3. *Decentralize administration of manpower services* to States and metropolitan areas, as Governors and Mayors evidence interest, build managerial capacity, and demonstrate effective performance. This process will take place in three stages. First, a State will administer 25 per cent of the funds apportioned to it when it develops a comprehensive manpower planning capability; second, it will exercise discretion over 66⅔ per cent when it establishes a comprehensive Manpower Training Agency to administer the unified programs; and, third, it will administer 100 per cent when the State meets objective standards of exemplary performance in planning and carrying out its manpower service system.

The proposed Act will assure that equitable distribution of the manpower training dollars is made to the large metropolitan areas and to rural districts, working through a State grant system.

By placing greater reliance on State and local elected officials, the day-to-day planning and administration of manpower programs will become more responsive to individual job training needs. A dozen States have already taken steps to reshape administrative agencies and to unify manpower and related programs.

To qualify for full participation under the proposed Act, each State and the major cities in a State would unify its manpower administration under State and local prime sponsors. These agencies would administer the programs funded by the Federal Government; be responsible for other State and local activities to help people secure employment; help employers find manpower; and work in close liaison with State and local vocational education, vocational rehabilitation and welfare programs, for which leadership will be provided at the national level by the Department of Health, Education, and Welfare.

In addition, the State and local prime sponsors would establish advisory bodies, including employees, employers and representatives of the local populations to be served, to assist in developing local policy. In this manner, the units of government would be able to benefit continually from the experience and counsel of the private sector.

4. *Provide more equitable allowances for trainees,* simplifying the present schedule to provide an incentive for a trainee to choose the training best suited to his own future, and not the training that "pays" most.

As an incentive to move from welfare rolls to payrolls, the allowance to welfare recipients who go into training would be increased to $30 per month above their present welfare payments. These increased training allowances carefully dovetail into the work incentives outlined in my message to the Congress regarding the transformation of the welfare system. As the welfare recipient moves up the ladder from training to work, the first $60 per month of earnings would result in no deductions from Federally-financed payments.

5. *Create a career development plan for trainees,* tailored to suit their individual capabilities and ambitions.

Eligible applicants—in general, those over 16 who need training—would be provided a combination of services that would help them to train, to find work, and to move on up the ladder. These services will include counseling, basic vocational education, medical care, work experience, institutional and on-the-job training, and job referral. Manpower services will also be available for those who are presently employed but whose skill deficiencies hold them in low-income, dead-end jobs.

6. *Establish a National Computerized Job Bank* to match job seekers with job vacancies. It would operate in each State, with regional and national activities undertaken by the Secretary of Labor, who would also set technical standards.

The computers of the Job Bank would be programmed with constantly changing data on available jobs. A job seeker would tell an employment counselor his training or employment background, his skills and career plans, which could be matched with a variety of available job options. This would expand the potential worker's freedom of choice and help him make best use of his particular talents.

7. *Authorize the use of the comprehensive manpower training system as an economic stabilizer.* If rising unemployment were ever to suggest the possibility of a serious economic downturn, a countercyclical automatic "trigger" would be provided. Appropriations for manpower services would be increased by 10 percent if the national unemployment rate

equals or exceeds 4.5 percent for three consecutive months. People without the prospect of immediate employment could use this period to enhance their skills—and the productive capacity of the nation.

I proposed a similar measure in my message to the Congress on expansion of the unemployment insurance system.

The proposed comprehensive Manpower Training Act is a good example of a new direction in making Federalism work. Working together, we can bring order and efficiency to a tangle of Federal programs.

We can answer a national need by decentralizing power, setting national standards, and assigning administrative responsibility to the States and localities in touch with community needs.

We can relate substantial Federal-State manpower efforts to other efforts in welfare reform, tax sharing and economic opportunity, marshaling the resources of the departments and agencies involved to accomplish a broad mission.

We can meet individual human needs without encroaching on personal freedom, which is perhaps the most exciting challenge to government today.

With these proposals, which I strongly urge the Congress to enact, we can enhance America's human resources. By opening up the opportunity for manpower training on a large scale, we build a person's will to work; in so doing, we build a bridge to human dignity.

RICHARD NIXON.

THE WHITE HOUSE, *August 12, 1969.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 10107) to continue for a temporary period the existing suspension of duty on certain istle.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. McINTYRE. Mr. President, I yield myself 40 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 40 minutes.

Mr. McINTYRE. Mr. President, I have a prepared statement here that defends and replies to the thrust of the amendment being offered by the distinguished Senator from Arkansas (Mr. FULBRIGHT).

I want to make it clear that I do not plan to yield for questions or any colloquy during the presentation of this proposed statement, with one exception. I shall be glad to yield to the distinguished Senator from Virginia (Mr. BYRD) who is a member of the Subcommittee on Research and Development of the Armed Services Committee, since I will be referring directly to actions which took place in that subcommittee and in the full committee.

Mr. President, this amendment would make a further reduction of $45,614,000 of the R.D.T. & E. portion of the authorization bill. I would call the Senate's attention to the fact that the bill, as reported by the Armed Services Committee, has already reduced the $8.2 billion request by $1 billion and $43 million. This represents a total reduction of some 12½ percent of the funds requested for R.D.T. & E.

The areas in the field of military research that the Senator's amendment seeks to reach and further reduce over and beyond the committee's recommendation are:

First, Federal contract research centers;

Second, DOD contracts with foreign research institutions;

Third, policy planning studies with foreign policy implications;

Fourth, the Themis program; and

Fifth, Project Agile—R. & D. on low level conflict.

The Armed Services Committee has already cut this overall field of military science research by $50.5 million. Most of this cut will be absorbed by the five programs under attack in the Fulbright amendment—about $40 million.

Mr. FULBRIGHT. Mr. President, will the Senator yield to me?

Mr. McINTYRE. I have already indicated that I do not plan to yield.

Mr. FULBRIGHT. This is not for a question. I wanted to modify my amendment, so the Senator will know what I have in mind.

Mr. McINTYRE. I yield for that purpose.

Mr. FULBRIGHT. Mr. President, I wish to modify my amendment on page 3, line 24, to add the following new section:

> SEC. 205. None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function or operation.

The PRESIDING OFFICER. The amendment will be so modified.

FEDERAL CONTRACT RESEARCH CENTERS

Mr. McINTYRE. Mr. President, let me first discuss the Federal contract research centers. These are the so-called "think tanks." These are one of the resources which gives the Department of Defense a capability to meet the challenging requirements for new system concepts and their orderly and timely development into operational military systems. Other parts of the mix of resources for doing this job include in-house laboratories and contracts with profit-oriented industry. During the past 5 years the R.D.T. & E. funding for the nonprofits or Federal contract research centers has been decreased significantly in an orderly, but programed fashion. I would caution against a precipitate reduction without proper planing and laying of the groundwork for transfer of tasks being performed by these FCRC's to other scientists and engineers—either in-house or contractor employed. Large reductions without preplanning will probably result in the disbanding of talented teams of scientists and engineers with a consequent serious impact on many high priority programs. The time lost and the added cost of recreating these teams at a later date would nullify the cost savings achieved by this reduction.

It was the feeling of the subcommittee that these nonprofit corporations serve a useful purpose in three areas: System planning and systems engineering and technical direction of system developments; operations analysis and long-range military planning; and general and continuing research and experimentation in support of military R. & D.

Our study of the nonprofits, including a Defense Department briefing, indicates that there has been a general tightening of management and control of the defense FCRC's, including a noticeable reduction in the fees which have been paid to the major FCRC's. However, the subcommittee took issue with the Defense Department criteria for determining the reasonableness of FCRC executive compensation rates. It does not seem appropriate to the subcommittee that executive salaries for these nonprofit, no-risk Government-sponsored and Government-funded activities should be equated to compensation for profitmaking organizations in private enterprise having the same operating budget or the same "sales." We found it difficult to justify a salary of $97,500 for the chief executive of an FCRC when the salary of the Secretary of Defense is only $60,000. That was the basis for the recommendation by Senator HARRY BYRD of the restrictive language in limiting such executive compensation. Senator BYRD's amendment is contained in section 204(a) of the authorization bill.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. McINTYRE. I am happy to yield to my colleague on the Armed Services Committee and also my colleague on the Research and Development Subcommittee.

Mr. BYRD of Virginia. Mr. President, first may I congratulate the distinguished Senator from New Hampshire for the tremendous amount of work that he has put into the handling of this legislation as chairman of the Subcommittee on Research and Development. He has handled it with great ability and great industry.

In regard to the amendment the Senator from New Hampshire just mentioned, I think we should emphasize for a moment just what it will do and what it will not do.

It does not prevent the payment of salaries in excess of $45,000, but it does make mandatory that any such salaries above the figure of $45,000 must be approved by the President of the United States.

As it is now, the salaries for these Government-sponsored, nonprofit organizations are in effect determined by self-perpetuating boards of trustees, and then those salaries, set by the boards of trustees, must be approved by the Department of the Air Force or the appropriate department in the Department of Defense.

So this provision would take away from the Department of Defense the right to establish salaries in excess of $45,000, and would require that they have the approval of the President of the United States.

The reason why both the subcommittee and the committee felt such a provision was desirable was that, as a practical matter, all of the funds for the Government-sponsored, nonprofit organizations come from the American taxpayers.

That being the case, the committee felt that the salaries should be more in line with those paid by the Government for positions of great responsibility, such as the Secretary of Defense and other Cabinet officials.

But the committee recognized that there are many technical experts whose services are needed, and in those cases higher salaries may be set if they have the approval of the President of the United States.

I will take just one corporation, the Aerospace Corp. In fiscal 1969 its operating budget was $74,272,000. Of that amount, it received its entire funding, $74,272,000, from the Department of Defense.

In regard to Aerospace, the information submitted to the committee shows that there are 68 persons in Aerospace earning in excess of $30,000 per year. There are 19 who earned in excess of $42,500.

To give the Senate the range of salaries, the President was paid last year $97,500. A senior vice president was paid $66,000. A vice president for operations was paid $65,000. Another vice president for operations was paid $58,000. Another vice president and general manager was paid $55,000. Another vice president was paid $50,000. Another vice president was paid $50,000. Another vice president was paid $50,000. Another vice president was paid $50,000. Another vice president was paid $45,000. Another vice president was paid $45,500.

The committee went into this matter very carefully. It felt that there should be some restraint with regard to what is done with respect to these 16 Government-sponsored, nonprofit research organizations.

With that in mind, the amendment which is included in the bill was developed and was approved by the committee.

I thank the distinguished Senator from New Hampshire for yielding to me at this point.

Mr. McINTYRE. Mr. President, I compliment the Senator from Virginia for his work, not only on the particular amendment he has been discussing, but generally for his help, counsel, and advice on the subcommittee, and, of course, his activities on the full committee. It has been a pleasure to be associated with him, particularly as we have delved into this matter of research and development during the past year.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. McINTYRE. For what purpose?

Mr. BYRD of West Virginia. I wish to compliment the Senator.

Mr. McINTYRE. Oh. I always yield for that.

The PRESIDING OFFICER. The Senator yields for a compliment.

Mr. BYRD of West Virginia. Mr. President, the Senator yields for a compliment that is well deserved. I have been greatly impressed by the presentations that have been made during the debate on this bill by the able junior Senator from New Hampshire. I think that he has been exceedingly diligent in his work as chairman of the subcommittee; and the statements that he has made, his participation in colloquies on the floor, and his answers to questions have indicated that he has a very thorough grasp of the subject matter. I know that one can only acquire the knowledge with respect to a bill that he obviously has acquired with respect to this bill through a great deal of hard work, effort, and diligence. It is gratifying to see Senators come to the floor who are so well prepared to present their case on a bill, and the Senator from New Hampshire has certainly set an extremely fine example.

Mr. McINTYRE. Mr. President, I thank the Senator from West Virginia for his very kind remarks, but I would add that, as one of the so-called junior Senators, I have learned much and have profited greatly from watching my distinguished colleague from West Virginia in his presentations, because I think it is generally recognized that there is no harder-working Member of this body than my distinguished friend from West Virginia.

Mr. BYRD of West Virginia. I thank the Senator. I think the Senate is indebted to him, and he has done a great service for the country, on the subject matter of the legislation which his subcommittee has delved into. It is a very difficult subject matter, and I have listened to his presentation with interest.

I wanted to pay him this tribute because I felt it was well deserved, and again I say the Senate is indebted to him. I congratulate him, and I know he will continue to do great work on the Committee on Armed Services.

Mr. McINTYRE. I thank the Senator very much.

Furthermore, the subcommittee felt that there should be a general reduction in the level of effort of FCRC's, particularly since we see an overall reduction in the total DOD research and development budget. In addition, we noted that the Defense Department has instituted a policy authorizing Defense-sponsored FCRC's to invite them to take up to 20 percent of their business from non-DOD sources.

The subcommittee recognized that the total operating budget of the Federal Contract Research Centers is not necessarily, indeed not usually, funded from a single account. For example, the line item for Aerospace Corp. under Military Astronautics and related equipment is $24.7 million, whereas its operating budget planned for fiscal year 1970 is $78 million. The rest of the funding is provided from various programs for which Aerospace Corp. provides system engineering and technical services. We recognize the difficulty of identifying appropriate accounts to which a reduction should be charged. It is expected that the impact on the FCRC's will be in excess of the recommended cut.

The efforts of the Federal Contract Research Centers are generally characterized by two attributes. First, each center has a "mission oriented" rather than a "scientific discipline-oriented" charter; that is, each center is given tasks directly connected to the Services' operational needs. To carry out these tasks, an FCRC must involve many kinds of scientists and engineers. Thus, the contributions of any one center are quite varied—in terms of scientific disciplines and areas of technology, and in terms of the duration and scope of effort leading to a contribution.

Second, many investigations are conducted concurrently within each center, and the culmination dates of investigations are widely staggered. Thus, a small sampling of the contributions made by all FCRC's during a given short period of time is not representative of their long-term cumulative value.

Because of these two characteristics, what I wish to point out is: First, a rather detailed listing of some of the important developments from one FCRC, the Applied Physics Laboratory, Johns Hopkins University; and second, a sampling of illustrative contributions by other FCRC's. This should provide a "feel" for both the range of the center's activity as well as the larger range of work accomplished by this entire category of R. & D. organizations.

APPLIED PHYSICS LABORATORY

The Applied Physics Laboratory, Johns Hopkins University, working primarily for the U.S. Navy, has long been a productive member of the DOD's research and development team. The fiscal year 1967 DOD funding of this organization was $31.4 million. The level of technical effort has been reasonably constant over the past several years. In return for this investment the Applied Physics Laboratory has:

Developed the basic surface-to-air missiles, Terrier, Tartar, and Talos, which are now deployed on upward of 60 ships and has undertaken the job of improving the capabilities of these systems against new threats, countermeasures, and other environmental factors.

Released to production, in December 1966, design modifications for the Terrier and Tartar missiles to extend the capabilities of the missile.

Mr. President, I am now talking about the missiles on our warships today, on the high seas of the world.

Formulated testing methods and developed the necessary ancillary test equipment to permit the rapid determination of the state of operability of the shipboard weapon systems of the Tartar and Terrier ships. A system dynamic tester has been developed that provides realistic target simulation for the fire control system and generates a test problem similar to that of engaging a stringent target. The functioning of the fire control system is automatically evaluated and a scoring is displayed. The first model of this equipment was successfully tested aboard the U.S.S. *Berkeley* in the fall of 1966. A further advance in operability testing involved the design of automatic equipment for the evaluation of the Navy tactical data system computer complex already aboard Terrier ships of the DLG-26 class. This computerized test program was successfully demonstrated aboard the U.S.S. *Wainwright* and work is proceeding for the installation of the test program aboard all the Terrier ships having the NTDS system. The testing programs materially contribute to the online readiness of the shipboard weapon systems.

Conceived and developed the Navy navigation satellite system. This system provides extremely accurate navigation fixes for the Polaris submarine fleet, independent of weather conditions. The entire development, including the concepts, the computing programs, detailed satellite design, construction and checkout, the development of the shipboard navigation receivers and computers, and the development of the supporting ground system for tracking, commanding, and controlling the satellite was accomplished by the Applied Physics Laboratory.

AEROSPACE CORP.

Aerospace Corp.: They devised a program for modifying formerly operational Atlas E and Atlas F missiles into configuration suitable for target vehicle boosters for the advanced ballistic reentry system program and the Nike ABM test programs. The total projected cost saving of modifying 134 boosters over procurement cost of that many new target vehicle boosters is estimated at $1.47 billion.

Within the past 2 years Aerospace Corp. has developed an analytic method for predicting radio frequency attenuation caused by the plasma-sheath surrounding reentry vehicles. This is a significant contribution in the efforts to overcome the problems resulting from radar and telemetry signal attenuation during a critical portion of the missile or space capsule flight profile.

HUMAN RESOURCES RESEARCH OFFICE

Human Resources Research Office, George Washington University: During the last 12 months they have conceived and designed a radically new training device for aviators. This device will reduce required instrument training flight time from the present 50 hours to 40 hours. The savings in projected flight costs are estimated as $1,700 million per year.

MITRE CORP.

Mitre Corp.: They developed an interferometer radar technique to provide a capability for rapid and precise determination of satellite orbits and ballistic missile trajectories and information regarding the physical configuration of the target satellite or missile.

This gives an idea of some of the tremendous research advances that these so-called think tanks have come up with.

I now turn my attention to the Department of Defense contracts with foreign research institutions. This is another area that the Fulbright amendment attacks.

DOD CONTRACTS WITH FOREIGN RESEARCH INSTITUTIONS

The amendment by the Senator from Arkansas would reduce the authorization for Defense Department contracts at foreign institutions by $2 million.

The Department of Defense has continuing priority needs for certain selected foreign research and development projects. One very important area is that of long-range radio communications required for our worldwide communications network. Interaction of solar radiation with the earth's upper atmosphere produces global extent ionization of the region called the ionosphere. The rapidly changing conditions of the ionosphere affect in a primary way Defense communications. For this reason we support ionospheric and radio propagation research in Australia, Canada, and Norway to acquire essential data not obtainable within the United States.

A second area of prime importance is that of military medicine in foreign countries where our American troops are stationed or operating. Many diseases are endemic to a specific geographic locale and their presence greatly affects the force strength of our command and force units. It is not desirable nor feasible to pursue stateside research on many of these diseases since it is not desired to bring them into the United States. Therefore Defense supports selected research projects in military medicine in such countries as Japan, Israel, Italy, and Brazil.

A third area of key importance is that of environmental and meteorological phenomena related to the land, sea, and air that our Defense units operate on or over the globe. It is simply not possible to carry out the required research from stateside alone. Foreign investigators having a daily presence and long established experience in specific geographical areas are important contributors to the basic knowledge that we require about terrestrial sciences in foreign lands, about the oceans and seas far distant from the United States and about atmospheric weather phenomena in foreign areas. To meet priority Defense requirements, selected research projects are supported in Berlin, Canada, Denmark, Greece, and other countries.

Defense has established stringent criteria for selection of research and development projects by foreign performers. All ongoing or further research and exploratory development by foreign performers shall be supported by DOD only when it has been determined that, first, it is clearly significant in meeting urgent defense needs of the United States; second, it cannot be deferred for later action; third, the proposed foreign investigator certifies that he is unable to obtain support from any other source for the proposed project, and fourth, at least one of the following special conditions is inherent in the proposed work:

First. The research or development involves geographical, environmental, or cultural conditions, fauna, or flora not found and not feasible to duplicate or simulate within the United States and its territories.

Second. The work involves diseases, epidemiological situations, or availability or clinical material which are not present within the United States.

Third. The work involves a unique research idea highly relevant to DOD needs.

In this fiscal year 1970 budget the Department of Defense requested $5,700,000 for work in this important field of research, the field of research which is devoted almost entirely to physical sciences, otherwise called the hard sciences. The Armed Services Committee has reduced this request by some $513,000 leaving a total authorization of approximately $5.2 billion. The amendment of the Senator from Arkansas calls for a further reduction of $2,000,000 reducing this program to a figure of $3.7 million or in effect practically gutting this type of work, for the reduction overall would be greater than one-third. The reduction of one-third of these high priority research investigations which can only be carried out abroad include, as I have said, investigation of parasitic diseases of relevancy to naval and military personnel in foreign areas, to long-range global communications and of environment in foreign areas of importance to our military. A reduction of this scope would eliminate further progress on more than 100 projects planned for foreign investigators.

Last year, fiscal year 1969, there were 451 research undertakings in 44 countries at a cost of $9.2 million. The cost of this program of fiscal year 1970, after the committee reduction, has reduced it to $5.7 million, in which there will be 207 projects. This is the present plan but not all the projects have been approved and there may well be some changes in these numbers because of the cut already made. Of the $5.7 million only $300,000 at the very outside that could possibly be labeled social and behavioral sciences and all these may not be programed during the year.

I ask unanimous consent that a complete list of the projects planned for fiscal year 1970—their contracts for research—for foreign institutions along with the nature of the research and the amounts of funds be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Military department and contract agency	Title	Funds planned for fiscal year 1970
Argentina:		
N Universidad de Buenos Aires	Development of effective protective and therapeutic drugs for radiation sickness.	10.0
F Consejo National de Invest. Cient.	X-ray spectrometry of galactic sources from Southern Hemisphere.	24.0
F National University of La Plata.	Research in stellar spectroscopy	12.0
F Consejo Nacional de Investigaciones.	Molecular mechanisms of steroids action on respiratory systems.	16.0
Australia:		
A Monash University	Microbiological and immunological studies of pathogenesis and virulence in leptospirosis.	18.0
N University of Queensland	Nature and pharmacological action in toxin from deadly jellyfish.	12.0
F University of Sydney	Study of cosmic radiations at extremely high energy.	50.0
F University of Adelaide	Research directed toward propagation of solar particles.	25.0
F University of Sydney	Stellar intensity interferometer	60.0
Austria:		
A Institute of Hygiene, University of Vienna.	Epidemiology, virology, and immunology of tick-borne encephalitis and other tick-borne diseases.	20.0
F University of Vienna	Composition and content of meteorites	17.0
Belgium:		
A Von Karman Institute	Flow characteristics associated with V/STOL model testing in wind tunnel.	10.0
F Von Karman Institute for Fluid Dynamics, Rhode Saint/Genese.	The influence of cross flow on 2-dimensional separation.	15.0
F Von Karman Institute for Dynamics, Rhode Saint/Genese.	Application of the blunt-trailing edge blade concept.	20.0
F Von Karman Institute for Fluid Dynamics, Rhode Saint/Genese.	Laminar separation in hypersonic flows	15.0
Do	Low-density high-temperature gas dynamics	15.0
F Von Karman Institute for Fluid Waterloorhode-St Genese.	Experimental aerodynamics	20.0
F University of Liege	High resolution atmospheric IR absorption and sky background emission interfermoetric studies.	30.0
F Born-Bunge Foundation	Development of sleep patterns, women doctor expertise.	10.0
Bolivia:		
D Colegio San Calixto	Spectral characteristics of infrasonic acoustic waves and related seismic research.	50.0
F San Andres University	Cosmic ray research at high altitude	14.0
Brazil:		
A University of Sao Paulo	Control of ribonucleic acid synthesis in gian chromosomes.	15.8
A Minas Gerais University	Schistosomiasis drug screening	12.0
A Federal University of Bahia	Pathogenesis of diarrhea in severe strongyloidiasis.	5.0
A Universidad Mackensie	VLF atmospheric studies LA 60	8.0
Do	Solar microwave radio emission LA61	5.0
A Institute Adolfo Lutz	Arbouirus studies in Sao Paulo, Brazil	15.0
N University of Sao Paulo	Mathematical investigations of problems of ocean surveillance of navigation.	20.9
F Comissao Nacional De Actividades Espac, J Dos Campos.	Measurements of the earth's total magnetic field and its variations.	7.0
F Fundacao Servico Especial de Saude Publica.	Epidemiological studies of Amapari virus	8.0
Canada:		
A York University	Kinetics of atmospheric constituents	12.0
A McGill University	Extremely low frequency electromagnetic phenomena.	15.0
A Royal Victoria Hospital	Investigation of pathogenesis and treatment of shock.	25.0
A University of Manitoba	Study of factors influencing the passage of drugs into the malarial parasite plasmodium Berghri.	20.0
N McGill University	Electric properties of ice	10.0
Do	Arctic plankton ecology	15.0
Do	HF audio absorption in ice	20.0
Do	Energy budget and other tropical microclimatological research.	20.0
N Computing Devices of Canada	Automatic detection and classification	150.0
A Manitoba University	Investigations of pheromones as chemosterilants for insects with special reference to synthetic queen substance and its analogs.	20.0
N Institute of Oceanography	Systematics biology and hydrographic relations of some species of calanus.	13.0
N British Columbia Research Council.	Marine borer biology	10.0
N York University	Brain nucleic acid changes during learning	15.0
N McGill University	Mechanisms of polymer degradation	26.0
N McGill University	High magnetic fields and insulators	11.0
N University of Toronto	Very high altitude missile and decoy gas dynamics; missile aerodynamics for broad altitude ranges.	15.0
N University of British Columbia.	Fundamental air-sea exchange processes and their relation to wind wave generation: Oceanic turbulence.	50.0
F Laval University	Neurohumoral control of thyrotrophic activity	15.0
D McGill University	Psychological processes of the central nervous system.	140.0
D Canadian Armament Research and Development Establishment.	Hypervelocity Research program	700.0
D RCA Victor, Limited	Radar backscatter studies	100.0
Ceylon: A Medical Research Institute.	Leptospirosis-A serological survey of occupational groups in Ceylon.	1.0
Chile:		
A Comision Nacional de Investigacion.	Structure function relationships in human and high elevation adapted mammal hemoglobin.	20.0
F Universidad de Chile	Form and function invariants in the visual system.	21.0
F Catholic University of Chile	Nervous connections in the vestibular system	8.0
F Catholic University of Chile	Studies in synaptic mechanisms	7.0
F Comision Nactional de Investigacion Cientifica y Technologica.	Biochemical properties of nerve membrances	8.0
Colombia:		
F Universidad Nacional de Colombia.	Studies of ecology and disease transmission	6.0
F Universidad del Valle	Disease ecology of tacaribe group viruses	30.0
Costa Rica:		
A University of Costa Rica	Physiological studies of leishmania	7.0
Denmark:		
N Marine Biological Laborto	Ecological investigations on bottom living marine animals.	10.0
F Danske Meteorologiske Institute.	Ionospheric research using active satellite transmissions.	14.0
F Do	Arctic geomagnetic observations	3.0
Equador:		
F Universidad Central del Equador.	Studies of psychotomimetics	6.0
Finland:		
F Institute of Occupational Health.	Mathematical and electrical analogs of heat transfer in man.	10.0
France:		
A Ecole Pratique des Hautes Estudes-Sorbonne.	Metabolic and sensory stimuli in the regulation of food intake—behavioral and electrophysiological study.	20.0
A Institute for Cell Pathology	Laser action on living cells	20.0
N Campagne de Recherches et d'Etudes Aeronautiques.	Rheo-electrical apalogy: Supercavitating propeller design.	10.0
F Observatorie de Paris	Research directed toward the improvement of planetary photogrammetry.	18.0
F University of Lyon	Neurophysiological mechanisms of the states of sleep.	10.0
Germany:		
A Institute for Animal Physiology, J. W. Goethe University.	Microcirculatory behavior in shock	6.0
A Free University of Berlin	Daily analysis of circumpolar 30 and 10 mb maps E486.	20.0
A Research Office for Physical Bioclimatology.	Atmospheric aerosols between 700 and 3,000 meters, E-1127.	10.0
A Rheinisch-Westfailische Technische Hochschule.	Measurement of thoron concentration of lower atmosphere.	15.0
F Bochum Radio Observatory	Ionospheric studies using active synchronous satellite transmissions.	7.0
F Technische Hochschule Munchen, Munich.	Investigation of spectral radiation properties of Atmosphere and earth.	10.0
Ghana:		
F University of Ghana, Accra	Ionospheric studies using active satellite transmissions.	7.0
Greece:		
F University of Athens	Ionospheric research using active satellite transmissions.	15.0
D Seismological Institute of Athens University.	Aftershocks and crustal structure in Greece	20.0
Iceland:		
N Surtsay Research Society	Ecological succession of biota on a newly formed oceanic land mass.	25.0
India:		
A Bombay National History	Studies of the bionomics and taxonomy of the birds of India, taxonomy of the birds of Bhutan.	7.0
F University of Calcutta	Radio, astronomical and satellite studies of the ionosphere.	15.0
Indonesia:		
A Lembaga Biologi Nasional	Migratory animal pathological survey (indonesia), avian studies in Indonesia.	6.0
Iran:		
D Pahlavi University	Nutritional studies—Iran	50.0
Israel:		
A Israel Institute of Applied Social Research.	Investigation of leadership qualities of kibbutz-raised young men.	20.0
A Rogoff-Wellcome Medicine Research Institute.	Isolation of snake venom toxins and study of their mechanism of action.	20.0
A Technion Institute of Technology	Photochemistry of antimalarial drugs.	15.0
N Institute of Technology Technion-Israel	Cross-stresses in the flow of gases (Reiner-effect).	15.0
N Hebrew University	Basic theories for nonnumerical data processing.	20.0
F Hebrew University	Effects of heat sources on planetary circulation.	20.0
F National Commission for Space Research	Ionospheric research using Satellites.	10.0
D Weizmann Institute of Science	Seismic source identification techniques.	20.0
Italy:		
A Pharmacological Research Institute	Pharmacological and biochemical changes in animals made agressive by isolation.	15.0
A University of Genoa	Immunological reactions in viral hepatitis.	20.0

Military department and contract agency		Title	Funds planned for fiscal year 1970
Italy—Continued			
A	Chemical Institute of University of Rome	Individual activity coefficients of ionic species.	10.0
F	University Degli Studi di Pisa	Comparative neurophysiology of vision.	15.0
F	University of Ferrara	Research on mechanics of breathing.	10.0
F	National Institute of Optics	Problems in visual performance of pilots	6.0
F	University of Milan	Neutron flux of earth's radiation environment	10.0
F	University of Sassari	Identification of photodynamic systems in the retina.	3.0
F	Arcetri Astrophysical Observatory.	Solar radio spectroscopy and detection of sun spectral lines.	10.0
F	University of Milan	Physiology of cerebrospinal fluid	15.0
Jamaica:			
F	University of West Indies	Ionospheric studies using active satellite transmissions.	4.0
Japan:			
A	National Cancer Center Research Institute.	Measurement of human complement components in dengue shock syndrome.	10.0
A	Kyushu University	Taxonomical and ecological studies on lung fluke, paragonimus in Pacific area; with special reference to Southeast Asia.	7.0
A	Institute of Microbial Chemistry.	Microbial drug resistance (genetics and evolution of R factor and plasmids).	12.0
A	Nara Medical College	Polymeric structure of hemoglobin and its relation to function.	3.0
A	Do	Localization by electron microscopy of several phosphatase activities.	3.0
A	Kitasato University	Nature and mode of action of local antibody in intestine.	7.0
A	Sasaki Institute	Investigation of cell component structural changes in homologous transplants compared with normal cells.	7.0
A	Nara Medical College	Electron microscope studies on several phosphatase activities in neurons and gliacytes infected with Japanese encephalitis virus.	3.0
A	Japanese Foundation for Cancer Research.	Differences in antigenic specificity and immunogenicity of tissue transplants.	6.0
A	Kitasato Institute	Cytochemical studies on ultrastructures of toxoplasma gondii and allied organisms.	10.0
A	National Institutes of Health	Mode of infection of scrub typhus	15.0
A	Do	Immunological studies on scrub typhus and its contol in Japan.	15.0
A	Kitasato Institute	Studies on encephalitozoon (nosema cuniculi) infections in man.	20.0
A	Yamashina Institute or Ornithology.	Migratory animal pathological survey	5.0
A	Kanazawa University	Neuronal activities on the regulation of feeding.	8.0
A	Hokkaido University	Physiological activity of the brown adipose tissue.	6.0
A	Kumamoto University	Biological reactions to cellular antibodies with special reference to their immunopathological and immuno-chemical properties.	6.0
A	Do	Endogenous mechanism of vascular response in inflammation, with special reference to biologic significance of specific permability factors and their inhibitors newly isolated from inflammed sites.	12.0
A	Kirume University	Interaction between arbovirus and myxovirus	5.0
A	Shi-Ehime Preparatory of Japan.	Life cycle and control of paragoniumus in Shikoku area.	5.0
F	Tokyo Medical and Dental University.	Gamma-aminobutyric acid in sensory physiology.	8.0
F	Kumamoto University	Neural organization of sensory information for taste.	5.0
Kenya:			
F	College of Nairobi, Kenya	Ionospheric studies of radio emissions	10.0
Korea:			
A	Seoul National University	Multiplication and antibody formation of Japanese encephalitis virus in snakes.	13.0
A	Kyung-HEB University	Migratory animal pathological survey (Korea)	5.0
A	Seoul National University	Ecological survey and mass chemotherapy of filariasis on Che Do, Korea.	15.0
Malaysia:			
A	University of Malya	Mosquitoes of Malaysia	20.0
A	Do	Weathering of rocks under humid tropical conditions.	20.0
Netherlands:			
A	International Training Center for Aerial Survey.	Role of image quality of photogrammetric pointing accuracy.	4.0
N	Central Laboratory, T.N.O	Mechanical strength of filled elastomers of the types used as solid propellants in rocket motors.	20.0
F	Radiobiological Institute of the Organization for Health Research.	Antilymphocyte serum, homologous bone marrow transplantation and irradiation.	15.0
Norway:			
A	Electroencephalographic Laboratory.	Brain, behavior and intracerebral blood flow	20.0
A	University of Oslo	Neuropsychological studies of mechanisms of visual discrimination.	5.0
A	Do	Photochemical atmosphere model containing oxygen and hydrogen.	5.0
N	University of Bergen	Degradation of marine surfaces by salt requiring bacteria.	20.0
F	Auroral Observatory	Ionospheric studies using satellite transmissions.	10.0
F	University of Oslo	The investigation of variable radio and optical solar phenomena.	13.0
F	University of Bergen	X-ray and particle radiations at high altitudes in the auroral zone.	15.0
D	University of Bergen	Detection seismology	35.0
D	Norwegian Defense Research Establishment.	Norwegian seismic system phase II	675.0
Peru:			
A	University Peruvian Cayetano Heredia.	Physiologic changes in the cardiopulmonary system by ascending to high altitudes.	15.0
A	Do	Endocrine alterations at high altitude	8.0
A	Do	Coagulation studies in newcomers to high elevations LA-134.	5.0
A	Do	Hormone metabolism in men exposed to high elevation LA-128.	10.0
A	Do	Respiratory physiology on ascent to high altitudes.	15.0
A	Do	Role of adrenal cortex in process of acclimatization to high elevation.	20.0
F	Instituto Geofisico Del Peru Lima.	Equatorial ionospheric effects study	10.0
F	Do	Research directed toward the study of the airglow at low latitudes.	20.0
F	Geophysical Institute of Peru	Radio solar measurements	9.0
F	Instituto Geofisico Del Peru	Observations of earth magnetic field	5.0
D	Instituto Geofisical Del Peru	Observation and study of infrasonic waves in the atmosphere.	30.0
Philippines:			
A	Mindanao State University.	Migratory animal pathological survey (South Philippines).	5.0
A	National Museum	Migratory animal pathological survey (North Philippines).	5.0
A	University of Philippines	Filariasis studies in the Philippines	7.0
A	Do	Fluorescent antibody test in measurement of malarial immunity.	7.0
A	National Museum	Ecology of Southern Samar	15.0
A	University of Philippines	Determination of malaria vector on Pangutaran Island Sulu Archipelago.	9.0
A	Do	Determination of choloroquine resistant P. Falciparum Parasitas Impalawan and other Provinces of the Philippines.	8.0
F	Manila Observatory	Conduct radio observations of the sun	30.0
Spain:			
F	Observatory of Ebro	Ionospheric studies using active satellite transmissions.	3.0
F	University of Salamanca	Morphobiochemical correlations involved in the differentiation eye lens.	6.0
Sweden:			
A	Sahlgrens Hospital University of Goteborg.	Newer advances in treatment of shock in man	10.0
N	University of Goteborg, Medical.	Effects of noise on inner ear cells	30.0
F	Stockholms Universitet Stockholm.	Rocket sampling of solid particles in the mesosphere.	2.0
F	Kiruna Geophysical Observatory Kiruna.	Study of characteristics of auroral ionosphere and its irregularities.	10.0
F	Royal University of Uppsala.	Research, design and development refraction and gravity experiments.	33.0
	Do	Evaluation of high latitude cosmic ray data	7.0
F	Kiruna Geophysical Observatory.	High latitude geomagnetic data	4.0
F	University of Goteborgs	Integrated nervous control of the cardiovascular and gastrointestinal systems.	18.0
D	University of Uppsala	Seismic body waves and surface waves	15.0
Switzerland:			
A	University of Lausanne	Investigation on structure and biological activities of human immunoglobins M. & D. (IGM and IGD).	12.0
A	University of Basel	Variation-resistant matrices and related mathematical topics.	5.0
A	Physiklisch-Meteorologische Observatorium.	Measure of direct solar radiation and sky-brightness in UV and visible part of spectrum.	5.0
F	Universitat Bern	Pulmonary pathology of oxygen toxicity	12.0
F	Universitat Zurich	Sugar and peptide intestinal digestion and absorption.	10.0
Taiwan:			
A	Tunghai University	Migratory animal pathological survey	5.0
A	Kaohsiung Medical College	Biochemical studies on toxic nature of snake venoms.	10.0
A	Tunghai University	Biology and pathophoricity of biting midges (Diptera: Ceratopogonidae) in Taiwan.	7.0
A	National Taiwan University	Host-parasite relationships of Schistosoma Japonicum in Taiwan.	8.0
A	Do	Studies of cardiotoxin and vasoactive substance releasing components of cobra venom.	20.0
Thailand:			
A	Applied Scientific Research Corp.	Migratory animal pathological survey (Thailand FE 315).	8.0
A	Do	Migratory animal pathological survey (Thailand FE 316).	[illegible].0
A	Medical Sciences University Facility for Tropical Medicine.	Investigation of filariasis in Thailand	10.0
A	Bangkok School of Tropical Medicine.	Leptospirosis in Thailand, with special reference to epidemiology, pathology and C.	5.0
	University of Medical Sciences.	Investigations on the patterns of epidemiology and endemicity of diseases occurring due to largescale environmental changes in northeast Thailand.	1[illegible].0
A	Do	Schistosomiasis in Thailand, studies on incidence, epidemiology, life cycles and its causing cercarial dermatitis (carry-on and redirection of above).	20.0
D	Applied Scientific Research Corp.	Research on tropical environmental data (trend) and basic environmental data (bend) in Thailand	200.0
United Kingdom:			
A	Liverpool School of Tropical Medicine.	Chemotherapy of rodent malaria drug action against exoerythrocytic stages and drug resistant strains.	20.0

Military department and contract agency	Title	Funds planned for fiscal year 1970
United Kingdom—Continued		
A Maybridge Chemical Co	Potential antimalarials based on quinoline-7-carboxylic acid.	10.0
A Royal College of Art	Experimental cartography	20.0
F U. College	Research for determination of air density temperature and winds at high altitudes.	10.0
F Imperial College	Origin of auroral primaries	7.0
N University of Cambridge, Department of Pathology.	Cryoprotective mechanism	6.0
N Oxford University, Pharmacology and Physical Chemistry Departments.	Studies on decompression sickness and inert gas narcosis.	12.0
N Sir William Dunn School of Pathology, University of Oxford.	Methods of protecting Navy personnel against biological toxins.	20.0
N University of Sussex	Visual pattern recognition in naval tasks	10.0
N Royal College of Advanced Technology.	The absorption of sound by polymer solutions	9.0
N University of Keele	Recombination reactions of importance to propulsion.	7.0
N Cambridge Language Resiident Unit.	Semantic research for automatized language translation and information retrieval.	8.0
F University of London	Ion mass spectrometry of the lower ionosphere.	50.0
F Kings College	Gravitational physics	10.0
N Trinity College, University of Dublin.	Body temperature regulation	10.0
F University College, Dublin	Radio and optical emission from high energy osmic rays.	20.0
Uruguay:		
A Universidad de la Republica	Relationship between wild entourages and mycoses, especially S. American blastomycoses.	4.0

Mr. McINTYRE. Mr. President, the subcommittee and committee have gone over this list and scrutinized it carefully and find strong justification for the continuation of this program at the level of $5.7 million as approved.

Mr. President, I turn now to policy planning studies.

The amendment of the Senator from Arkansas is also aimed at policy planning studies with foreign affairs implications carried out by DOD. The total requested for such studies was $6.4 million.

The Armed Services Committee has already recommended a cut of $0.7 million from this amount. The additional cut proposed by the Senator from Arkansas would reduce the program to $2.7 million, or a total cut of 58 percent. Clearly the cut suggested by Senator FULBRIGHT would severely curtail the policy planning effort.

Policy planning studies seek to insure that military strategy does not lag behind social and political change and behind weapons technology and weapons development.

Through it we try to better understand the circumstances, situations, and environments that may be controlling in the future application of military resources.

Because this is such a nebulous area, it requires particularly intense, professional exploration of the problems to arrive at judgments which materially enhance national capacity and effectiveness.

Yesterday and, I am sure, on many other days, we heard the distinguished Senator from Arkansas talk about programs, projects, and studies of the Turkish Revolution from 1916 to 1921, the Ataturk revolution. The Senator mentioned a program effort involving Ceylon.

In the colloquy had between the Senator and me, I tried to point out that he was really nitpicking, picking on what I call horrible examples so as to intimidate the opponents and picture the entire program in a manner that I consider to be completely unfair.

I point out for the RECORD that this is a sample I have chosen of some of the programs that would be considered under this area. The following are typical broad subject areas:

PROJECT TITLE

Japanese Rearmament, Nuclear, and Space Programs.

PROJECT DESCRIPTION

A study of factors and developments affecting the Japanese military contribution to the U.S. effort in Asia, including the security pact.

PROJECT TITLE

Soviet Military and Foreign Policy.

PROJECT DESCRIPTION

A continuing study of Soviet military doctrine, use of military strength for political purposes, foreign policy, and political institutions in the Soviet Union and East European states.

PROJECT TITLE

Strategic Analysis of Southeast Asia—1969 (SALA).

PROJECT DESCRIPTION

Includes analyses of Malaysian foreign policy, regional military cooperation, and Australian foreign and military policy.

PROJECT TITLE

Strategic Postures Study (SPOST).

PROJECT DESCRIPTION

Work supporting a continuing Army staff study effort to analyze and evaluate alternative postures for the US, the USSR, and CPR in the 1968–80 period.

PROJECT TITLE

Navy Policy Planning Study.

PROJECT DESCRIPTION

To identify tasks the Navy would be responsible for in the post-1975 period for improved inputs into the Navy Strategic Planning process.

PROJECT TITLE

Navy Role in Exploitation of the Ocean Resources.

PROJECT DESCRIPTION

To define the Navy's interests, objectives and options in the exploitation of the oceans' resources.

PROJECT TITLE

The Future Security Posture of Japan 1970–1985.

PROJECT DESCRIPTION

Assesses the likely security postures of Japan during 1970–85 and the implications for USAF long-range planning.

PROJECT TITLE

Strategy, Concepts and Military Objectives Studies to Support Air Force Long-Range Planning.

PROJECT DESCRIPTION

Analyzes future changing political economic and military trends to insure that the Air Force is responsive to U.S. security needs.

PROJECT TITLE

Sino-Soviet Economic Potential.

PROJECT DESCRIPTION

A continuing study of the economic background of Soviet and Communist Chinese military power. Presently it includes studies of outlays, employment, and organizational problems in Soviet R&D, Soviet foreign economic relations and Chinese civil aviation.

PROJECT TITLE

European Security Issues.

PROJECT DESCRIPTION

An examination of a range of alternative security arrangements and the role of the U.S. presence in Europe.

PROJECT TITLE

Command & Control Problems for the National Command Authority.

PROJECT DESCRIPTION

A study of information and control facilities, systems and procedures required for management of crises and control of conflicts.

PROJECT TITLE

Communist China.

PROJECT DESCRIPTION

A broad effort to correlate and evaluate data on Communist China's political, economic, military objectives and to determine the foreign policy implications for the U.S.

These are the types of studies that chew up the money. These are not the funny, horrible examples that the Senator from Arkansas dragged out last year and this year. These are the types of studies and programs that I would think the present occupant of the chair or the Secretary of State would like to know are ongoing in the event a decision has to be made involving this area. I think I would want it.

I cite these in order to present a better idea of just what this program is about.

It was clear to the committee that most of these studies are more properly a responsibility of Federal agencies other than the Department of Defense. Specifically, most of these policy planning studies would appear to be more logically a responsibility of the Department of State. We have recommended that these projects be taken over expeditiously—this year—by the appropriate agency and that the Defense Department phase itself out of this area of research except in cases that are direcly defense related. I think that the Senator from Arkansas should recognize that if the Defense funding for these studies is withdrawn, the plans of the Armed Services Committee to transfer rather than eliminate these studies will be thwarted. There would be no funds with which to continue many programs previously initiated, since it is too late this year to include them in any other agency's budget.

As the Senator from Arkansas is aware, the Defense Department has made a variety of efforts to decrease its role in social science studies related to foreign policy and to increase the role of other agencies. These include cuts in the level of effort, curtailed field work overseas, offers to transfer funds to the Department of State, and proposals for a high-level interagency committee under non-DOD leadership to develop priorities and responsibilities for knowledge and analysis dealing with the external world. However, the ability of the Department of Defense to affect what other agencies do is appropriately limited.

I know that the Senator shares my belief that our foreign and defense policies need to be better informed about the external world, not less. In recent hearings under his direction, the important point was made that we need a strong effort to understand how the world looks to others and to avoid imposing our particular cultural views on others. I suggest that we miss the point when we limit our efforts to curtailing the activities of the Department of Defense alone. Instead, I invite the Senator from Arkansas to join with me and my colleagues on the Armed Services Committee to see to it that national needs for rational understanding of the world are met by the government as a whole with an appropriately diminished role for the Department of Defense.

THE THEMIS PROGRAM

Mr. President, on the subject of the Project Themis, which is the fourth area under attack in the amendment of the distinguished Senator from Arkansas, this is a recommended cut in this amendment of some $8 million. I would want to put this proposed cut in the full context of what the Research and Development Subcommittee and full Committee of the Armed Services have already done.

This program is based upon a 1965 Presidential request to all executive departments requesting more emphasis on establishing new centers of research excellence at universities in fields relevant to the Department's missions. DOD's plan provided for starting 200 new university programs over the four-year period from fiscal year 1967 through fiscal year 1970, an average of 50 new programs each year. The university response was very enthusiastic; more than 1,000 proposals were submitted by universities in the first 3 years, from which 118 projects were selected and funded. In the fourth and final year of new starts in fiscal year 1970, 25 new starts are planned which require $10 million of funds.

Since the cut in this amendment superimposes itself on a reduction of some 12 percent already made by the Armed Services Committee, this cut of $8 million would cause:

First. The elimination—if it has not been eliminated already—of the 25 new fiscal year 1970 starts. This will defer the growth of research skills in the important defense-related areas of detection and surveillance, structural mechanics of defense vehicles, oceanography, and resuscitation and treatment of the wounded.

Second. Will also be the termination of approximately 10 of the 118 ongoing Project Themis contracts all of which are progressing satisfactorily and contributing significant new knowledge and techniques to established defense requirements. This would diminish the contributive research efforts of approximately 60 university faculty members and 120 graduate students on important defense related research problems in 10 different universities and colleges.

The issue here is whether it is desirable to encourage new centers for research. A good start has been made in this direction by Project Themis, and the evaluation of results so far is promising. The Armed Services Committee did not believe that the Themis project should be completely canceled nor suffer such reduction as this amendment calls for.

The Themis program for fiscal year 1970 requested $33 million.

A 12-percent reduction of the Armed Services Committee reduced this by approximately $4 million. The Fulbright amendment would now add $8 million to the $4 million reduction recommended by the full committee.

This will reduce the program a total of about $12 million, to a total of $21 million, and would cut it 36 percent.

In view of the fact that this is the last year of new starts for the program, the total reduction of $12 million will mean that there will be no new starts this year.

I wish to state, too—with emphasis—that the Themis program is concerned only with unclassified subject matter—and deals exclusively in basic research. It is the opinion of the committee that the Fulbright amendment is too drastic and should be defeated.

THE AGILE PROGRAM

The Senator from Arkansas would reduce Agile by an additional $5 million. Agile is one of the elements of the budget activity which is "other equipment" in the Defense agencies budget. The Armed Services Committee reduced that budget activity by $25 million. In making this reduction, the committee recognized that because this budget activity funds a number of very high priority programs—I am now talking about the category "other equipment"—the $25 million reduction ordered by the Committee on Armed Services would be reflected by substantial cuts in the Agile program.

"Other equipment" includes such programs as intelligence data-handling systems, advanced sensors, cryptologic activities, and a number of classified programs which are vital to our national security. For example, one program which is included is the provision of $74 million for nuclear weapons effects tests. Senators will recall that this activity is part of the program to provide safeguards to the Nuclear Test Ban Treaty. In 1963 when the Senate advised and consented to the treaty it insisted that these safeguards be instituted. I, personally, would not like to see our efforts in this field reduced by action of the Senate. The Test Ban Treaty requires these tests to be conducted underground, and underground nuclear testing is expensive. It is one of the prices we pay for the reduced tensions which grow out of limitations on atmospheric nuclear testing.

Some of the research and development programs which would have to be reduced or canceled in the event of an additional cut, which the Senator from Arkansas is suggesting, in the Agile funds include:

A reduction in vital equipment development and field experimentation in the small independent action forces. This is a system approach toward the need of patrol size operations being undertaken by Advanced Research Projects Agency jointly with the Army and Marine Corps.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McINTYRE. I yield myself 5 additional minutes.

There is a great need for a systematic and integrated study of the small independent action force—the patrol—with a view toward making this most hazardous, but vital, military operation a more effective and less risky venture. This program is examining the various components of the small independent action force—the man, equipment, environment, techniques, and the interaction of these components to determine how they can be improved.

The proposed reduction would have a serious impact upon a major element of the Agile budget, namely border control systems. Research in this critically important area in order to advise friendly nations to effectively protect the integrity of their borders and desist from offensive actions is highly significant to the United States. For example, a major fraction of the current activity is related to Korea which is now facing increased North Korean infiltration attempts which, if not halted, could embroil the United States in an undesirable confrontation. This effort which ARPA recently initiated is a direct result of a request for assistance from General Bonesteel, Commander of U.S. Forces in Korea. The lessons learned could also be applicable to other areas in support of U.S. policy, if necessary.

A third example of research which would be adversely affected by a substantial Agile reduction is the study, in Thailand, of Communist terrorists' lines of supply and their mode of operation.

In conversation with Dr. Foster yesterday, which was substantiated today, Dr. Foster, who is No. 3 in the Department of Defense, the Chief of Research, Testing, Evaluation, and Development, assured me that if this further cut advanced by the Senator from Arkansas (Mr. FULBRIGHT) is agreed to, it would have a substantial impact on the Agile program.

These are directly relevant and important applications of research to improving our ability to cope with existing threats to our Armed Forces. I believe this kind of research deserves our support.

Mr. President, the point here is that Agile has already sustained a reduction in its funding in this bill by action of the Armed Services Committee which reduced the "other equipment" category by $25 million. This additional reduction now recommended would cut deep into valuable programs.

Mr. President, in summary, let me say that the amendment we are considering here would reduce research efforts by an additional $45 million. These same research efforts have already been cut by the Senate Armed Services Committee by more than $50 million.

Many of the programs which are of particular concern to the Senator from Arkansas will be cut in the reduction made by the Armed Services Committee.

It is my feeling, Mr. President, that further cuts in the Federal Contract Research Centers, beyond those made by the Senate Armed Services Committee including the efforts made by the Department of Defense to further reduce FCRC expenditures by taking more of their income from non-DOD sources, is as far as we should go at this time.

As with all of the questions raised in connection with the research programs we have under consideration here, the Research and Development Subcommittee, which I chair, is going to consider these programs in great depth during the coming year. We will be in a better condition at this time next year to provide the Senate with a more comprehensive understanding of these programs and their meaning to the total DOD mission.

But, continuing. This amendment would severely cut away great parts of the research at foreign institutions. Since 1968, the DOD has cut the funds for this research from $13.1 million to the $5.7 million requested this year. We need this research, Mr. President, because it involves conditions of geography, culture, disease and expertise which are not possible of study in the United States or not available in this country.

This amendment proposes a $3 million cut in policy planning research. The DOD is quite willing to have much of this research done elsewhere but the imposition of the cut made by the Senator from Arkansas would eliminate the research and that would leave the DOD without much valuable information which is available in no other place.

The amendment by the Senator from Arkansas would kill all new starts in the Themis program and severely hamper some of the ongoing programs. This program was established to provide new centers of excellence with a broad geographical representation in fields relevant to the DOD mission. All of these advantages would be practically eliminated by the pending amendment.

The Agile program has received a major reduction from the action of the Armed Services Committee. The proposed amendment would reduce funds for Agile by an additional $5 million. Since there is only $27 million in Agile in the beginning, it is obvious that this additional cut will severely cripple a program dealing with counterinfiltraton systems, new intrusion detection sensors, border control analysis, border area security systems, pacification efforts, and village defense corps selection and training.

Mr. President, I urge that the amendment by the Senator from Arkansas be defeated. We must be austere. We have been austere. We must not go beyond prudence.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. McINTYRE. I am happy to yield to the distinguished chairman of the Committee on Armed Services.

Mr. STENNIS. Mr. President, in spite of my contact with the subject already this year to some extent, I have been very much interested in what the Senator has had to say about these projects.

I do not see how anyone could listen to his statement of facts—and I know it is correct—without being most favorably impressed with these programs.

Like everything else these programs need regulation, they need thorough surveillance, and they need annual review. I appreciate the statement made by the Senator that it is his purpose as the chairman of the subcommittee to continue surveillance over the various programs and the multitude of other items that are not included in the amendment.

I thank the Senator, and I salute him and congratulate him for a very fine job in a tedious and sticky area where it is very difficult to get the real merits of the situation.

I also reiterate my interest with reference to all of these projects to see if the executive branch cannot review them, pick them out, and place some of them so that those they wish continued, can be placed somewhere else in the budget, in some other department, so that better surveillance over them can be had.

I thank the Senator.

Mr. McINTYRE. Mr. President, certainly under the leadership of the chairman of the Committee on Armed Services, the Senator from Mississippi (Mr. STENNIS), the committee has given this military authorization bill the best study in depth I have seen in the short time I have been in the Senate.

The Fulbright amendment attacks areas we have already acted on and where we continue to work, as the Senator has emphasized. It is apparent that these projects are being scrubbed down and scaled down. It is important that the Senator realizes that this matter has been looked into carefully.

Mr. STENNIS. I thank the Senator again. I express my regret that more Senators cannot be present to hear these matters discussed by each side in order to hear the arguments pro and con. I do not see how it is possible to vote on a matter so involved as this matter without having a chance to hear more of the arguments.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. McINTYRE. I yield.

Mr. FULBRIGHT. Mr. President, I certainly agree with the Senator from Mississippi on what he has just said. Some Senators have reverted to their old customs too quickly. We were able to get quite a bit of interest in connection with the ABM discussion, but now we have the same attendance on these amendments that we used to have on the old bill. I wish Senators would remain in the Chamber. We would make much better progress. I share the Senator's regret that more Senators are not present.

Mr. STENNIS. I thank the Senator. However, I wish to add that they do have many other duties.

Mr. FULBRIGHT. The Senator is correct.

Mr. STENNIS. There really is not enough time. However, we cannot pass on these matters unless we hear the arguments.

Mr. FULBRIGHT. I think the Senator is correct.

Mr. McINTYRE. I yield the floor.

Mr. FULBRIGHT. Mr. President, I yield 5 minutes to the distinguished Senator from Michigan.

Mr. HART. Mr. President, first, I wish to repeat what I have said before about the Senator from New Hampshire. He has done a magnificent job in scaling down or, to use his own expression, scrubbing out or cleaning up, some of the aspects of the bill. We are all in his debt. The taxpayers are in his debt. Having said that, I wish to disagree with his characterization of the action of our friend from Arkansas (Mr. FULBRIGHT) as "nit picking."

I disagree completely that the Senator from Arkansas yesterday, in commenting on some of the research projects, was trying to endanger the whole program unfairly. The programs that the Senator from Arkansas discussed are a part of the package. This is what we are being asked to authorize money for. If in the eyes of any of us some of the items make something less than good sense, then our responsibility is to talk about them.

Just as I have commended the Senator from New Hampshire for scrubbing up or scaling down, I commend the Senator from Arkansas for putting his finger on something that, to us, does not make sense. Nobody will be intimidated by that.

We are talking about an item of $7 billion-plus. We are suggesting that in that reach of $7 billion is some money that does not have to be authorized or some proposal that need not be undertaken.

Each of us has a family budget. Unless we are operating on the poorest poverty base, we all know that the budget contains some money that really does not have to be spent, and the survival of the family would not be destroyed or even seriously jeopardized if we did not spend some of the money that we have set aside to spend.

We might ask ourselves what it would be like if we had a family budget of $7 billion. Is it not likely that somewhere there would be certain expenditures that really need not be undertaken? One does not have to be a Ph. D. in domestic science, home economics, or general economics to know that if we are given $7 billion a year, we probably do not have to spend all of it, and that the economy might even be stronger if we did not spend all of it.

The Senator from Arkansas yesterday gave a list of some projects that struck him, and struck others of us, as examples of why it is not necessary to go all that way. I think it is not an unfairness to the program to hold that view.

Mr. McINTYRE. Mr. President, will the Senator from Arkansas yield to me on my own time?

Mr. FULBRIGHT. I yield.

Mr. McINTYRE. Let me try to give an

example to the distinguished Senator from Michigan.

Mr. HART. Take the proposal that the distinguished Senator from Arkansas was discussing. Those are the ones I am saying were not used to intimidate anyone——

Mr. McINTYRE. I do not know——

Mr. HART. To respond to this.

Mr. McINTYRE. Here are some of the programs discussed yesterday by the Senator from Arkansas:

First. "The Ataturk Revolution in Turkey."

Second. "Gandhi, Nonviolence, and the Struggle for Indian Independence."

Third. "The Sinhalese Buddhist Revolution of Ceylon."

Fourth. "The Egyptian Revolution, Nasserism, and Islam."

Fifth. "Militant Hindu Nationalism: The Early Phase."

Mr. HART. Now, with respect to that——

Mr. McINTYRE. All right. Just a minute now, I have the floor. There is absolutely not one nickel in the 1970 budget for these programs. What is the Senator bringing them up for? What is he bringing them up for but to intimidate and scare the rest of Congress into thinking they are spending that money this foolishly? My statement has a number of examples in it of the type of ongoing programs and projects that we are making today; otherwise spotlighting these other programs the Senator from Arkansas has mentioned, in my opinion, is nit picking.

Mr. HART. I think we could more aptly say that he is talking about mistakes we have already made. Does not the Senator agree with that?

Mr. McINTYRE. I am not prepared to defend the 1968 budget here. I am here to talk about the 1970 budget.

Mr. HART. Maybe we cannot agree on the characterization of the studies the Senator has just enumerated and which were discussed yesterday, but if we had to do it all over again, would we really buy a book on Ataturk? If we had it to do all over again, would we really do any of those things which, in my book, represent the kind of thing that the national family budget really does not have to spend money on to get?

Mr. McINTYRE. I cannot judge what determination was made prior to 1968. Those we talk about now have not been funded at all since 1968. Maybe if it seemed important to study the theories of revolution. It may well be interesting to have some scholarly expertise study into the Ataturk Revolution, or the revolutionary process in Ceylon. The point I want to make is that we are here talking about the fiscal year 1970 budget. Why do we not talk about the programs in 1970 instead of pulling these things out of the past trying to scare the rest of the Senate into voting against the bill?

Mr. HART. What about providing empirical trade conclusions about ideological goals which support insurgency? We are funding that and that has been an ongoing one. That was mentioned.

Mr. McINTYRE. Insurgency has been quite a problem for the Department of Defense during the past 3 or 4 years in a place called Vietnam.

Mr. HART. Does the Senator think that the University of Massachusetts under this contract will either get us out of Vietnam or keep us out of another one like it by this kind of study?

Mr. McINTYRE. I am not going to indulge in what the University of Massachusetts can do. The able Senator from Massachusetts (Mr. BROOKE) is now in the Chamber. Perhaps he can reply to that.

Mr. HART. No; if there is still time remaining——

Mr. FULBRIGHT. Mr. President, I yield 5 additional minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 additional minutes.

Mr. HART. Let me explain why I rose to react as I did. It is not nit picking. Whatever it is, it is a discussion of chapter and verse on projects which were authorized by Congress for the Department of Defense to undertake. There are those of us who hold a deep conviction that whatever else it is relevant for, or to, whatever agency of the Government, if any, should be buying; the Military Establishment should not.

If there is any nit picking, it is nit picking of ourselves because routinely over the years we have said to them, "Go ahead, if you think you need it. Here is the money."

The Senator from Arkansas and others are saying, and I too think it is not inappropriate, in the review of military requests, to review what some of us believe to have been mistakes made by the military. Heaven knows, when we come in here looking for money for school feeding programs, or when we try to get aid started or even to maintain it, we are lectured at considerable length about what happened last year and the year before with some of the money we gave them then. In a sense, that is what we are doing with the Department of Defense right now. I think the Senator from Arkansas performs a very useful service in attempting to do just that.

Mr. FULBRIGHT. Mr. President, will the Senator from Michigan yield?

Mr. HART. I yield.

Mr. FULBRIGHT. I appreciate what the Senator has said. I repeat, I think the Senator from New Hampshire has done a good job in undertaking to criticize it at all. It has never been done before, to my knowledge. He has been a tower of strength in getting anything underway. But the situation here, as I see it, has been built up over a number of years before the Senator was even on the committee or even a Member of the Senate.

The PRESIDING OFFICER. The time of the Senator from Arkansas has expired.

Mr. FULBRIGHT. Mr. President, I yield myself, or the Senator from Michigan, 5 minutes and then I will let him yield to me because I want him to participate in this colloquy. I yield 5 minutes to the Senator from Michigan so that he may yield to me.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 additional minutes.

Mr. FULBRIGHT. Does the Senator from Michigan yield to me for an observation?

Mr. HART. Indeed I do.

Mr. FULBRIGHT. Mr. President, the Senator from New Hampshire does not deserve any criticism at all, even though the Senator from New Hampshire did cut these programs by 8 percent from the budget request, I believe. But the budget went up on most of these items, contrary to most Government programs that I am familiar with on the civilian side.

The amount for Federal contract research centers, for example, in 1969, I am informed was $263.3 million. The 1970 request is $277.4 million. That is a 5-percent increase.

On social behavioral science research, the 1969 figure is $45.4 million and for 1970 it is $48.6 million, a 7-percent increase.

If I understand correctly, the Senator from New Hampshire did cut back the budget request, but actual cut over what it was in actual expenditures last year is not quite that much. But, in any case, I agree with the Senator that it looks like nit picking when we are talking about $45 million in a budget of $80 billion. But in practically any other program before this Congress, $45 million would look like quite a substantial amount. $45 million would be a great deal for a project on the White River or the St. Francis River in my State, for example. My senior colleague, Mr. McCLELLAN, and I—he in particular—have often put out a great deal of energy to get $45 million for a natural resource development.

Just because this is only a small part in such a huge appropriation request, only $45 million, we can call it peanuts or we can call it nit picking, but only in the sense that it is small in comparison to the total.

But it is not small relative to any other standard in this country but the standard of the Pentagon and the Defense Department.

In a letter which I put in the RECORD yesterday, dated July 24, and which is from John S. Foster, Jr., of the Defense Department, it was stated, after considerable discussion, that it is not possible to arrive at the cost of the projects. We are met with that argument very often. In reply to the Senator from New Hampshire's question as to why we do not discuss current projects, I asked Mr. Foster in my letter of June 10, why we could not get the cost. He said:

> The funding of these projects is based on a total project cost, with such multiple outputs anticipated. Any effort to isolate a cost figure for a given report would be arbitrary and probably not represent the actual costs involved. Nor would such a cost estimate represent a measure of the payoffs from the research.

Then in the next paragraph, which is a significant one and which is the type of thing which is ongoing—I believe it is ongoing, in the words of the Senator from New Hampshire, and which I think ought to be stopped—Mr. Foster says:

> In the case of projects not yet completed and for which only interim reports are avail-

> able, significant results can be expected in the future. In the case of completed projects, the final report represents only a portion of the total output. For example, in one project funded over a period of nine years, a total of 29 technical reports, 12 scientific journal publications, and significant contributions to a book were produced in addition to the final report which you received.

That is the sort of thing which I think is beyond the normal or proper activities of the Department of Defense. It is not a literary institution created to produce books. In my view, it is not supposed to go out and produce research works on Ataturk or warlordism, or Islam, or the Sinhalese Revolution in Ceylon. These studies are irrevelant to and beyond the proper scope of the Defense Department. That is the main point.

Actually, the cut I am proposing is relatively very small as compared with the basic research total in the bill which is $430 million. That is a large amount of money for basic research. By "basic" I mean not related to any specific project in the Defense Department. Of course, the nonbasic research is far greater than that. But basic research is the type of research we would expect to be done in a graduate school at Harvard or Yale or Princeton, and so on, generally. It is sometimes called pure science. It has nothing specific in mind.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. I yield myself 5 minutes more.

I hope the Senator from New Hampshire and the Senator from Mississippi would inform me if there is anything that they especially do not like in the amendment. I would certainly entertain some revisions to it. Otherwise, I would like to have a vote on it. It is a worthwhile amendment.

As I said before, it is the first time in 25 years that we have made a serious effort to bring the whole authorization for the Pentagon under review.

I was just handed the annual report of the Rand Corp., for 1968. Over 10,000 publications have been produced, with some 500 new titles published each year. It sounds like a big publishing house such as they have in New York, publishing fiction and other paperback books. Most of these titles that I have read have nothing to do with the proper responsibilities of the Defense Department. So I hope the Senator from New Hampshire would consider going a little further in his cut.

Mr. HART. Mr. President, of course I share that hope.

The effort we are making to reduce the authorization for research and development and evaluation began actually more than a year ago. On April 18, 1968, the Senate defeated an amendment that I proposed reducing the defense authorization for those activities from the committee-approved total of $7.8 billion to $7.3 billion. That was a reduction of $508 million. That defeat was on a rollcall vote, and we lost 28 to 30.

If the amendment had been approved, the Department of Defense would have had about the same amount of money available for R. & D. this current year that it had the previous year.

Looking at the request the Department of Defense made for research this year, $8.2 billion, apparently the Department does not understand the meaning of the close vote on that amendment. But, to its great credit, the Armed Services Committee has responded in, I think, as has been said several times before, very effective fashion.

The Defense Department this year requested an authorization of $8.2 billion. The committee reduced the figure to $7.1 billion, more than $1 billion less than the Department sought, which is more than $600 million less than authorized the last fiscal year and about $400 million less than was appropriated last fiscal year.

Again I commend the committee for its review and its recommendations, but I think the further reduction, modest as it is, proposed by the Senator from Arkansas is possible.

None of us is sure what causes unrest on the campuses, but to the extent that the student knows that research and development by the Federal Government is overwhelmingly entrusted to the Department of Defense——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HART. Mr. President, will the Senator yield me 1 additional minute?

Mr. FULBRIGHT. Yes.

Mr. HART. That those engaged in research, contrary to general assumptions, are not the universities primarily, but the think tanks as the Senator from Arkansas has developed, if they see the ratio of the Federal Government's allocations of research and development for the military and then compares it to the amount of money the Federal Government allocates for research in new techniques for housing, for antipollution efforts, and so on, he gets a very obscure notion of our priorities. Perhaps, more correctly, such students get an illustration of priorities which offend them and outrage them.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. HART. May I have 1 minute more?

Mr. FULBRIGHT. I yield 1 minute.

Mr. HART. When we say, "Let us put first things first," what do we identify in our minds as having first claim?

Look at this bill. Look at the bulk for research. Look at the bill in its totality. Then compare it with the programs, in some cases of long standing, intended to relieve hunger and to insure a broader availability of medical care. One does not have to be a member of the SDS to jump up and scream, "Your allocations and your priorities are all out of whack."

So can we not persuade ourselves, in addition to the reduction that the committee has made of more than $1 billion for research, to add $45 million for the reasons so eloquently assigned by the Senator from Arkansas?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

Does the Senator from Massachusetts wish to ask the Senator from Michigan a question?

Mr. BROOKE. No.

Mr. FULBRIGHT. I wanted, as a matter of fact, to continue a bit on what the Senator says, particularly as to university research. This is one of the large items. The budget request for university research for 1969 was $254.4 million, and for 1970 $305.9 million, which is a 20 percent increase.

As a matter of fact, we do know of, and there is a great deal of evidence of, the disapproval by many of the students of the intrusion of the military program into our universities.

I ask unanimous consent to have printed in the RECORD, because it is exactly on this point, an article entitled "Turned-Off Young Scientists Force Major Cutbacks in Military Research," written by Victor Cohn, and published in the Washington Post of May 12, 1969, which describes the attitude of young scientists in the various schools. Under the headline it says, "Caution: The military-industrial complex is armed and dangerous. ABM is an Edsel," referring to signs carried by physicists picketing the White House April 30.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TURNED-OFF YOUNG SCIENTISTS FORCE MAJOR CUTBACKS IN MILITARY RESEARCH—SCIENTISTS FORCE RESEARCH CUTBACKS

(By Victor Cohn)

"Caution. The military-industrial complex is armed and dangerous."

"ABM is an Edsel."—Signs carried by physicists picketing the White House April 30.

In a less violent, but equally radical way, science students, younger scientists and many older professors of physics and physiology have been raising their own hell on the campuses.

In the view of Prof. Don K. Price, Harvard political scentist, this is "a new kind of rebellion," linked only in part with the activist kids and college students in general.

It is a rebellion of young and discontented technologists—against the ABM and other costly military-technological systems, against "weaponeering" at secret laboratories on or near campuses and, in many cases, against doing any research, secret or non-secret, to help the military.

It is a rebellion against computer centers and social science projects serving the CIA.

It is a rebellion against what one young physicist called "the whole misuse of technology to spoil rather than save the country."

Sometimes painstakingly logical, sometimes only emotional and shrill, this rebellion has been increasingly effective. In the last few weeks it has:

Caused or helped cause giant Stanford University—derided by the new dissidents as the "Pentagon of the West"—to decide to phase out half the secret military projects at its Stanford Applied Electronics Laboratory. The Stanford rebellion was conducted largely by undergraduates, but sympathetic and vocal professors gave them vital moral authority.

Made Stanford's trustees place a moratorium on new chemical and biological warfare contracts at the nearby Stanford Research Institute, nominally "independent" but in effect owned by the university trustees.

Caused huge Massachusetts Institute of Technology to call a moratorium on taking any new secret contracts at a pair of crack radar and rocket guidance laboratories that have supplied much of the brainpower behind U.S. weaponry.

Forced American University in Washington to cancel a partly secret Army research contract with the University's Center for Research in Social Systems.

Seen physicists picketing the White House; professors buttonholing Senators and Representatives and organizations with many names but like purposes—Project Daisy, Ad Hoc Committee of Concerned Scientists—spring up at campus after campus.

This movement and student protests in general have in the past year forced the Defense Department to cut in half—from some 400 to 200—its "classified" or in common parlance secret research and development contracts on U.S. campuses.

REPORT ON CONTRACTS

This week Dr. John Foster, director of defense research and engineering, is expected to discuss the problem at a news conference. According to figures he has gathered, there are now such contracts or grants in effect at some 60 universities.

He will say they now represent about $20 million worth of all the department's some $250 million this year in 5500 campus projects.

In addition, the department finances what another official estimates to be $200 million in work—most of it classified—at "research centers" like MIT's Lincoln Laboratory and Instrumentation Laboratory, Caltech's Jet Propulsion Laboratory and Johns Hopkins' Applied Physics Laboratory.

Most of these centers are operated by the universities on "not-for-profit" contracts, partly to keep secret work off the campuses themselves.

Foster may also report that the principal concentrations of classified research (according to one of his staff) are at:

MIT and Stanford. MIT's are entirely at the Lincoln and Instrumentation (or "I") Labs, neither of which MIT consider part of its teaching campus. There are no classified projects on the MIT campus proper, but the "I Lab" is on the campus fringe and both labs have close staff and graduate project connections.

University of Michigan, many at a university facility at Willow Run. Despite wrenching 1967–68 protests by students and faculty, the university this academic year has rejected just one classified proposal and approved 36 others.

University of California at Berkeley, University of Texas, Georgia Tech, Ohio State University and New Mexico State University.

For well over a year the Defense Department has been straining to reduce classified work on the campuses. "We still have some that need not be classified," an official reports, "mainly where a contracting officer has just used that as an easy way to give investigators access to classified material. This is not the only way to do this, and we want to reduce unneeded classification to zero."

There will then remain a hard core of still classified projects that both Defense officials and many professors and colleges consider proper and necessary. These deal with subjects like laser and maser detection (of distant objects like missiles), electronic counter-measures, advanced radar, underwater sound—"things that in the national interest need to be kept secret" and need to be done for the country's defense, in the view of Dr. Charles Kidd, a deputy to Dr. Lee DuBridge, the President's science adviser.

But DuBridge—though no activist—removed secret work from the Caltech campus as "inappropriate" 20 years ago.

ONE-DAY STOPPAGE

"Inappropriate" was a mild word on March 4, 1969, when MIT students—some of the country's brightest future scientists and advanced engineers—joined turned-off faculty members to hold a "one-day research stoppage to protest "misuses of science." The University of Pennsylvania, the University of Rochester and some 30 other campuses saw similar demonstrations. And new organizations began to proliferate.

Some coalesced or merged loosely with a group started in New York City in February around a lanky elementary particle physicist from Stanford, Dr. Martin Pearl, as "acting secretary." This "Scientists for Social and Political Action" or SSPA quickly counted 500 or so members in "40 or 50" local chapters.

Pearl—at age 42, standing between the young and the old in science—bows to the "atomic scientists" who first attempted political action after World War II, and in bitter battle helped win civilian control of atomic energy. "But now," he says, "these men are the scientific administrators. They have to be careful of what they say. Now a second, fresh voice is needed."

NOT RESPONDING

A younger associate, Brian Schwartz of MIT, is blunter: "These older men have lost contact with the real world. They're not responding to the younger problems."

The younger problems exploded at Stanford in early April. For nine days, student dissidents occupied the Applied Electronics Laboratory, site of some $2 million a year in defense research.

The younger problems were hoisted onto picket signs in Washington April 30, when for the first time in history, it was stated—first time or not, it was rare—175 pale, variously bearded, bookish-looking physicists picketed the White House. Their target: the ABM. Their leaders: David Nygren of Columbia and Tom Kirk of Harvard.

The physicists were here for the American Physical Society's annual meeting. This usually staid convention has boiled up into an indignation meeting over President Nixon's proposed Safeguard ABM system," said a news report. Wearing "Stop ABM" buttons, physicists prowled hotel and Congressional corridors. "Even the controversy over the security 'trail' of J. Robert Oppenheimer in the 1950s" wrote William Hines in the Chicago Sun-Times, "did not match this intensely political climate."

MORATORIUM ARRANGED

The younger problems boiled up again at both MIT and Stanford. At MIT, students marched into the office of President Howard Johnson for a sit-in and talk-out, especially about secret work on military helicopters and multiple-entry atomic missile guidance. All agreed to move to a lecture hall. Next the MIT faculty met. The upshot was a moratorium on secret projects until a special 22-man group studies the whole role of the Lincoln and "I" Labs, sites of some $95 million a year in Pentagon contracts.

At Stanford too there were more demonstrations and faculty meetings. The upshots there: (1) a start on an "orderly" phasing out (or conversion to non-secret) of some $2 million a year in secret contracts, representing about a third of the Applied Electronic Labs' defense work; (2) a pledge to end chemical and biological warfare research and counter-insurgency studies at Stanford Research Institute (worth about $1.4 million a year).

At both Stanford and MIT many professors have balked. Someone must defend the country, they indignantly say. Someone must provide the knowledge. And many of the best minds are on campuses. If universities severed all Defense Department ties, says Jack Ruina, MIT vice president for the special laboratories, "the country would be left in the hands of the professional military and industrial group."

At Stanford, Prof. O. G. Villard Jr.—radar researcher and son of the late Oswald Garrison Villard, crusading editor of the Nation—said: "As the son of a liberal who was a devoted pacifist, I have searched my conscience and always felt I have been completely faithful to the pacifist traditions of my family. I have always considered that my research was 100 per cent directed toward saving human lives. This development essentially brings my research here to an end, and I believe the decision will have a most unfortunate effect on the long-term viability of the School of Engineering and even of the university."

These men were talking mainly about classified and directly linked military research.

PENTAGON FINANCING

But there is still another trend, against even open, non-secret basic study financed by any military or para-military agency. The Defense Department finances much basic research in physics, chemistry, electrical engineering and the like, partly because it knows that almost all such knowledge is ultimately needed; partly because it wants to maintain contacts with bright scientist-consultants. Of some $1.5 billion in Federal basic research money now going to colleges, some $247 million (16 per cent) comes from the Pentagon.

Last month University of Maryland students picketed a computer center doing non-secret work on pattern recognition for the CIA. At MIT last week, disaffected students protested a Defense-financed, non-secret project to make new computer methods available to any social scientist—whether working on Vietnam peasantry or the succor of the American poor. At Stony Brook, the Students for a Democratic Society, stormed another computer center. The computer center may be fast becoming the American Bastille.

To most young or old scientists, if not to their students, this is illogical.

SYMPATHY FOUND

Still, there is great sympathy among them for these many youths who are coming to consider almost all research "complicit" war research "for the system."

An important answer to the very young, maintains Stanford's Martin Perl, is to turn much research to social purpose. "The uncontrolled spawning of technology has produced pollution and contributed to socially destructive conditions," says his new organization. "Yet there is no real attempt to apply technical skills to improve life."

"This is what we want to tell people," said one of the new scientists during the Physical Society meeting here. "We're not very violent types. We're not about to riot. We just want to exercise our democratic rights."

Is all this the high-water mark of a temporary scientists' movement or is it a beginning of something larger? Only time will tell, but if the young scientists keep talking, there may be a new element in the American political dialogue. After years of relative silence, says Dr. Charles Schwartz of the University of California, "a large number of scientists are coming out of their little dark laboratories," and things may never be the same.

Mr. FULBRIGHT. On May 1, 1969, the Washington Post published another article entitled "MIT Curbs Secret Military Research," written by Victor Cohn. It was the MIT delegation of students and a professor who came to call on me, asking me what they could do to disassociate to a much greater degree—they were not adamant that it be complete—the Massachusetts Institute of Technology from military research. They did not like their university being considered simply an adjunct of the Pentagon. I ask unanimous consent that the article to which I have referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, May 1, 1969]

MIT Curbs Secret Military Research

(By Victor Cohn)

Massachusetts Institute of Technology—the Nation's leading science and engineering university—has ordered a temporary halt on accepting new secret military research at two famous laboratories.

The action was in response to mounting student and faculty protests against military research by U.S. universities—and against big new weapons systems like the anti-ballistic missile.

As evidence of that growing movement, some 175 young anti-ABM physicists picketed the White House for 45 minutes yesterday, then presented Dr. Lee A. DuBridge, the President's science adviser, with a petition opposing the Safeguard ABM system proposed by President Nixon.

The petition was signed by nearly 1200 members of the American Physical Society now meeting here.

Other physicists went to Capitol Hill to give Congressmen anti-Safeguard petitions signed by 729 colleagues at many universities.

"A large number of scientists are coming out of their little dark laboratories" to give the public their opinions on weapons, Charles Schultz, a University of California physicist, told a group of House members.

Just such a coming out—starting with a one-day research stoppage March 4—culminated in MIT's decision to declare a moratorium, perhaps until fall, on new classified projects at the two laboratories.

A 22-member panel will review the labs' roles—and perhaps, said one MIT source, "recommend that they be sold or otherwise disposed of, to be operated with no MIT connection."

REPORTS SOUGHT

MIT President Howard Johnson asked the panel to make a temporary report by May 31 and a final one by Oct. 1. Panel Chairman Frank Pounds, MIT School of Management dean, said he will try to have the final report ready May 31.

All work on present projects will continue in the meantime and the laboratories may accept "contract modifications."

One of the affected labs is the Lincoln Laboratory, which has been doing missile detection studies important to ABM development, though not working on ABM system hardware. The other is the Instrumentation Laboratory, which is working on the guidance system for MIRV (multiple independently-targeted re-entry vehicles) warheads for the sea-horse Poseidon missile.

The Lincoln Laboratory (in buildings outside Boston and in Cambridge) was established 18 years ago at Defense officials' "urgent" request—so MIT recalled—to develop radar and associated air defense systems. Almost all its work is for the Defense Department.

CONTROLS FOR ROCKETS

The Instrumentation Laboratory (on the fringe of the MIT campus in Cambridge) works on guidance, navigation and controls for rockets and spacecraft. Three-fifths of its work is for the Defense Department, two-fifths for the civilian space effort.

Together, the two labs have 3700 employes and a current annual budget of $116 million. Their scientists are not part of the MIT faculty, and MIT has labored to keep their secret efforts at arm's length; there are no secret projects now on the MIT campus proper.

Still the labs' staffs and MITs faculty have close links. And these links have been given much of the credit for the labs' high-quality work and high-quality staffs.

MIT President Johnson initially named Pounds to head an 18-member panel including faculty, students, alumni, Lincoln and Instrumentation Lab staff members and MIT trustees. Among the panel members are Julius A. Stratton, former MIT president now board chairman of the Ford Foundation, and Dr. Victor Weisskopf, noted physicist and a member of the Union of Concerned Scientists that held the March 4 research stoppage.

FOUR PANELISTS ADDED

Pounds added four supplementary panelists, including Noam Chomsky, celebrated MIT linguistics professor and another March 4 protester.

Protest against the ABM has been the loudest item of unofficial business during American Physical Society meetings here this week. Some 3000 physicists and their wives jammed a convention hall Tuesday night to hear an anti-ABM debate, and 1216 voted overwhelmingly against Safeguard in an informal ballot (76 per cent opposed it, 21 per cent favored it).

Physicists have been visiting their Senators all week carrying anti-ABM petitions. "Every swing Senator has been visited," said Martin Perl, Stanford physicist and an organizer of Scientists for Social and Political Action.

The Physical Society officially said its members have voted 8559 to 6405 to meet next January in Chicago, despite many members' protests over police handling of disorders during the Democratic Convention. The society also named a committee to seek ways for concerned physicists to examine scientists' role in society—a lesser response to demands for a new division on science and society.

Mr. FULBRIGHT. I ask unanimous consent to have printed in the Record the following additional articles:

An article entitled "Defense Research: Pentagon Declassifying Projects Studied in University Labs," written by Richard Homan, and published in the Washington Post of June 23, 1969.

An article entitled "MIT Curb on Secret Projects Reflects Growing Antimilitary Feeling Among Universities' Researchers," written by William K. Stevens, and published in the New York Times of May 5, 1969.

An article entitled "Dissident Scientists Brew Defense Program Tempest," written by John Lannan, and published in the Washington Star of February 5, 1969.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, June 23, 1969]

Defense Research—Pentagon Declassifying Propects Studied in University Labs

(By Richard Homan)

Faced with the threat of serious disruption of its research activities in universities, the Defense Department is making a determined effort to adjust them to the changed atmosphere on the Nation's campuses.

Within the past year it has cut by half the amount of classified defense research—a particularly provocative reminder of Pentagon presence—done in universities.

As a matter of policy, basic research projects in universities are no longer classified and a program of high-level, stringent periodic review of applied research projects has been established to determine whether their classification is still justified.

Although the Pentagon does not expect to do away with all classification of defense research—as Dr. Edward Teller suggested last week—it plans to almost eliminate it on campuses and diminish significantly in the off-campus university laboratories.

The Pentagon's concern about its university research program, which accounts for one-third of its entire research effort, was heightened last month when two of the Nation's most prestigious institutions—Stanford University and the Massachusetts Institute of Technology—decided to begin cutting back their Defense involvement.

In an effort to improve its image among the Nation's university students and younger faculty to ward off new and more serious criticism and protect its valuable relationship with the institutions, the Pentagon has begun looking for ways to make accommodations.

Under the guidance of Dr. John S. Foster Jr., director of Defense Research and Development, it has recently:

Cut its classified research projects in universities from 8 per cent of the total to 4 per cent and hopes to get down to 1 or 2 per cent.

Urged Congressional committees at every opportunity not to take punitive measures—such as criminal legislation or fund cutoffs—against student militants and radicals. Instead the Pentagon recommends "leaving the initiative for solving the problem with the university administration."

Emphasized that the scope of a university's defense research is a decision to be made independently by the university, and encouraged and aided universities in diversifying their research in non-defense areas.

Brought university scientists and administrators to Washington to explain campus problems to the Defense officials who oversee the research activities.

Accelerated the formerly combersome procedures for Pentagon review and release for publication of papers prepared by university researchers in Defense-sponsored activities.

The number of classified projects has been trimmed largely by declassifying, not by ending them.

While the Pentagon insists publicly that this declassification is purely the result of an accurate application of existing security guidelines in areas where there was too much caution before, it is nevertheless clear that some relaxation of standards is involved.

"We just make sure now that, indeed, the work is truly classified," one high Pentagon official said, "and that it's not a case where someone at a lower level decided to classify it just to be safe. Classified projects are reviewed now at the highest levels."

Foster, speaking to the American Nuclear Society in Seattle last Wednesday, said that "some applied research and development contracts funded by the Defense Department at universities—normally at separate off-campus labs—are and must remain classified."

While the Pentagon's classified projects are a handy target for campus militants, there is a question about how much of an issue they actually are.

Since only 4 per cent of the total is classified, Foster says, "I believe this issue is overrated, and many of the people at universities who have investigated the facts agree."

Rep. Lawrence Hogan (R-Md.), one of 22 GOP congressmen who toured campuses recently to determine the causes of student unrest, said the problem was never mentioned to him, although there was a broad dissatisfaction with professors who spend more time on Defense projects than in dealing with students.

A Pentagon official who deals with university research says there has been no change in the number of proposals received from the institutions themselves for projects. For every proposal it approves, the Pentagon receives eight.

One Pentagon official suggested that a small amount of classified work should be kept on campuses—to provide a target for the most violent radicals so they wouldn't turn their attentions to unclassified projects.

Until the reassessment of Pentagon-sponsored activities by Stanford and MIT, only two serious challenges to classified research had arisen on campuses in more than a decade. In 1967, New York University and the University of Pennsylvania canceled projects dealing with chemical and biological warfare.

At a speech before the American Institute on Problems of European Unity last week, Dr. Teller, one of the world's foremost nuclear physicists, complained that security classification was "scattering our scientists away from defense work."

In a broad attack on all secrecy in research, Teller said, "we must adopt a policy of openness. We have classified everything; we have succeeded in a fabulous manner in confusing the American public, the Congress, by this secrecy.

"Secrecy has not succeeded in slowing down Russian research, even in the most secret areas such as my own, nuclear explosives. Secrecy does not hurt anybody except ourselves. I think a thorough review of secrecy is needed."

[From the New York Times, May 5, 1969]

M.I.T. CURB ON SECRET PROJECTS REFLECTS GROWING ANTIMILITARY FEELING AMONG UNIVERSITIES' RESEARCHERS

(By William K. Stevens)

The Massachusetts Institute of Technology, by declining temporarily to accept new programs of classified research from the Government, has spotlighted a new stage in the evolution of what might properly be called the Federal-industrial-academic complex.

This vast, interrelated social organism has been the main instrument of scientific inquiry and technological advance in the United States since the instrument was born of wartime necessity, in total secrecy, three decades ago.

Since then it has undergone successive mutations—first with post-World War II demobilization, then with the onset of the cold war and the start of the space age, and now with a rising tide of antimilitary feeling among university researchers.

That feeling coupled with a growing interest in how science and technology might serve the nation's social needs, is said to have lent urgency to M.I.T.'s decision, announced last week, to place a moratorium on new secret research projects.

PANEL TO REPORT

The moratorium will last until Oct. 1, when a 22-man panel is to report on its reexamination of the institute's relationship to two of its semi-independent divisions, the Lincoln Laboratory and the M.I.T. Instrumentation Laboratory, which are two of the country's major contractors for research sponsored by the military.

The study of the two laboratories' roles was undertaken, M.I.T.'s president, Howard W. Johnson, said in an interview last week, as part of a continuing internal reassessment of the institute. But he said the laboratories were made the subject of a special separate study because of "widespread concern" about secret military research among M.I.T. professors and students.

The ferment is rooted in fears of military-industrial dominance, in a deep sense of uncertainty about nuclear war as expressed in dissent over the antiballistic missile system and, especially, in the Vietnamese war, according to Dr. James R. Killian Jr., chairman of the M.I.T. Corporation, who was a science adviser to President Eisenhower.

"A SHIFT IN INTEREST"

"There is now a shift in interest," Dr. Killian said in an interview in his office at M.I.T. "There was a period when the cutting edge of technology was in the areas of the military and space. But there is a feeling now that in terms of national need we ought to devote a larger proportion of work to other fields." He mentioned transportation, bioengineering, medical research and social problems generally.

"I would lay great stress on this shift of mood," he said.

Today's mood is far different from the one in which some of the nation's leading scientists found themselves in the fall of 1939 when Dr. James B. Conant, then president of Harvard University, invited them to his home to talk about the role of science and scientists in the war that had just begun.

KISTIAKOWSKY IN GROUP

"I was among them," Dr. George B. Kistiakowsky, the Harvard chemist who later succeeded Dr. Killian as President Eisenhower's science adviser, said in an interview last week. "We talked of the possibility of offering our services to the British. We would also be learning the problems of warfare in case the United States should become involved."

Separately, a group of American physicists had become concerned over the prospect of using nuclear fission to produce a bomb of vast destructive power.

"In view of this situation," Dr. Albert Einstein wrote to President Roosevelt on Aug. 2, 1939, "you may think it desirable to have some permanent contact maintained between the Administration and the group of physicists working on chain reactions in America."

After the fall of France in 1940, Mr. Roosevelt gave the concerned scientists official power by chartering the National Defense Research Committee, headed by Dr. Vannever Bush. Its purpose: to organize American science and technology for war.

COORDINATED EFFORT

Expanded into the Office of Scientific Research and Development (O.S.R.D.), the Bush group coordinated the country's over-all scientific effort throughout the war and oversaw the initial development of the atomic bomb until the Manhattan Project was set up separately.

With the end of the war, O.S.R.D. was deactivated, and most universities got out of the business of secret research. But the country was left with an O.S.R.D. legacy that is the basis of the country's scientific and technological effort, and of the Federal-industrial-academic complex, to this day: the Government contract as the main mechanism for financing private research.

PATTERN ESTABLISHED

Basic research had all but stopped during the war, and Government contracts let mainly by the Office of Naval Research, underwrote its rebirth afterward. Had it not been for this, Dr. Bush said the other day, the result for scientific research "would have been a catastrophe."

Within a few years other Government agencies were financing research across the whole spectrum of scientific activities. For the most part, money to universities was for nonsecret basic research, and that remains the pattern.

The Federal Government during the current fiscal year is spending more than $5-billion for the support of research and nearly $11-billion for development, or the fashioning of new products based on the fruits of research.

Of the $5-billion for research, about $1.5-billion is going to the colleges and universities. Of this $1.5-billion, $247-million—or about 16 per cent—comes from the Department of Defense.

Of the $247-million from the Defense Department, only about 4 per cent goes for secret research, Dr. Lee A. DuBridge, President Nixon's science adviser, told the Senate Government Operations subcommittee last week. He said this was down from 8 per cent two years ago.

Since shortly after World War II, few universities have done secret research. And Dr. DuBridge said in an interview last Saturday that almost all the money going from the Defense Department to universities for nonsecret projects was for basic research.

He defined basic research as research in which the only goal is the pursuit of new knowledge, wherein "you can't tell in advance whether it's going to be socially useful or not."

Most of the disengagement from military-oriented research in the academic community, he said, is in the realm of applied science—that is, research directed toward a specific goal.

M.I.T. SHARE LARGE

However, most of the applied research in military matters is done in the Defense Department's own laboratories or by industrial contractors. The government this year is spending about $1.3-billion in these two categories.

M.I.T. has a disproportionate share of military research contracts. Not only is it allocated more Federal research grants than any other university ($96-million worth in the fiscal year 1967, the latest year for which comparative figures are available), but nearly half the amount—$47-million worth—is from the Department of Defense.

By comparison, the recipients of the next four largest Federal allocations were: University of Michigan, $56-million total, including $13-million from Defense; University of Illinois, $52-million, $12-million Defense; Columbia, $52-million and $11-million; University of California, Berkeley, $48.8-million and $7-million.

M.I.T.'s high proportion of defense research funds can perhaps be traced to the Lincoln and Instrumentation laboratories. The Lincoln Laboratory—created in 1951, early in the cold war, to develop early warning systems for the detection of incoming enemy bombers and missiles—has spent $65-million, of which $64-million came from the Defense Department.

The instrumentation Laboratory, which is the world's leading research center for self-contained missile-guidance systems, received $30-million to develop the guidance systems for the Thor, Polaris and Poseidon missiles.

In the fiscal year 1968 it spent $20-million for development of the guidance and navigation system of the Apollo spacecraft under a contract from the National Aeronautics and Space Administration.

Few of those interviewed believe the two M.I.T. laboratories will or should be closed down. The main point at issue is their future form and relationship to the institute at large.

"I hope this problem won't be solved by S.D.S. pressures," said Dr. DuBridge, referring to Students for a Democratic Society.

"It's important for universities to look at themselves when they're not in a period of crisis," Dr. Johnson of M.I.T. said, "and we're not."

[From the Washington Star, Feb. 5, 1969]

DISSIDENT SCIENTISTS BREW DEFENSE PROGRAM TEMPEST

(By John Lannan)

A new tempest is brewing in the national scientific community over whether the defense establishment absorbs too much of the country's scientific and technological energies.

In New York this week several groups of younger physicists are pressing a host of proposals for political activism and at the Massachusetts Institute of Technology an activist step has already been taken—a day-long "research stoppage" has been called for March 4.

In Manhattan, the calls for action were heard during the annual meeting of the American Physical Society. The research stoppage at MIT has been scheduled by a newly formed Union of Concerned Scientists, at the instigation of more vocal members in the physics department.

"This is not a strike in terms of the standard use of the word," said the union's chairman, Prof. Francis T. Low. "It's not directed against MIT. It's a psychological protest."

OTHER CAMPUSES PRESSED

The MIT group is seeking to spread its disaffection with the way things are to other campuses.

"We've made contact with 10 to 20 others already," said Murray Edon, a professor of electrical engineering. "We're sending letters to other institutions and maybe a couple of hundred are going or have gone out."

The letter-writing campaign, Low explained, is a person-to-person one, faculty members at one institution writing to colleagues at another. Though each union member's goals may differ, the basic idea is the same: That the nation is dissipating on defense its scientific capabilities for bettering human life.

The Vietnam conflict appears to be little more than a precipitating factor in bringing on the March 4 protest at the Defense Department's single largest research contractor amongst educational institutions.

"I think we're all very unhappy about the Vietnam war," said Low, "but that's not what we're protesting about."

CONFIDENCE SHAKEN

But the 42 faculty members who signed the original statement of purpose nearly a week ago said Vietnam has "shaken our confidence in (the government's) ability to make wise and humane decisions."

They also pointed out that "there is also disquieting evidence of an intention to enlarge further our immense destructive capability." They said the response of the scientific community to these intentions "has been hopelessly fragmented."

The union's proposals include a call to start "a critical and continuing examination of governmental policy in areas where science and technology are of actual or potential significance;" to turn research from defense-oriented to environmental-oriented projects, to start their students questioning their future professional commitments; to express opposition to the anti-ballistic missile system and, finally, to organize scientists into an effective and vocal political action group.

In New York, several groups of younger, concerned physicists are busily drumming up political activism. At least two and possibly three groups are bent on making the prestigious American Physical Society more responsive to what they say are the needs rather than the fears of people.

INVOLVEMENT SIGHT

One group is trying to change the society's constitution, (a move that failed almost two to one last year,) to get it involved with contemporary problems. AIP's constitution now limits its activities to scientific issues rather than public policy.

Still another is trying to broaden the AIP's role in the education of the public to the dangers as well as the benefits of scientific and technological advance.

Still a third is trying to establish some sort of an action group such as that spawned by the MIT faculty.

Mr. FULBRIGHT. Here is an area in which the evidence is quite clear, I believe, that it is not in the interests of our universities nor, I think, in the long-term interests of the Pentagon itself, to alienate the young scientists or the young people of this country. Yet there is a 20-percent increase in the budget request for university research as between 1969 and 1970.

In Project Themis, which is generally called the Federal aid-to-education project of the Pentagon, there is a 13-percent increase in the budget request. I am unable at this point to estimate precisely what effect that has over the actual expenditure last year on these particular items. The Senator stated the overall amounts, but it was not broken down into specific items.

On this matter of social behavioral science research, the one which has attracted much of the criticism, there was an increase of 7 percent between the 1969 and 1970 budget requests. There was a specific reduction of $1.5 million, as I understand it, by the committee.

As to the Federal contract research centers, there was a 5-percent increase. This represents a very large amount; the actual amount, as to these research centers, is $263.3 million in 1969, and $277.4 million in 1970, a 5-percent increase.

As I understand it, the committee action does not specifically cut these items; it provides for an overall cut, which may be applied, according to the report, in broad categories; and, of course, this is one reason why it is of no particular significance to say, when the Senator is defending this item, "you should specify the precise ones you have got." I do not know that the committee specified exactly what they thought. If I correctly understand the report, on page 49, the committee recommended reductions in the general areas as follows: The Army, $10 million; the Navy, $15 million; and the Air Force, $12 million, which is very much in the same pattern as my amendment. We more or less used the same approach, but we went one step farther.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FULBRIGHT. I yield myself 5 additional minutes.

We went one step further in at least recommending, although the amendment itself does not require it, cuts of specific amounts within the categories.

I am not at all sure that it is wise practice for the Senate to go beyond that, other than as to some one very specific item that might be called to our attention, such as the ones we mentioned, the Ataturk study and some of the others. It is very hard to find out about those until after the studies have been authorized and are in process, or well along. In many cases, it is difficult to know what is being done until the study is completed.

On the "think tanks," the funding of the "think tanks," it seems to me, is extremely loose, Rand being one of the principal ones—a very large operation. I wish to explain briefly why I think that is a very loose way to control these operations.

The financing of these research centers, commonly called "think tanks" is not on a project-by-project basis at all, but under agreements by the various military agencies to provide long term support to the organizations they sponsor. The current Air Force contract with Rand, for example, covers the 5-year period from 1966 to 1971, and is for a minimum of 1,277.8 man-years of professional scientific effort, at an estimated cost of $71,600,000, which amounts to an average of $59,000 per man-year.

That is quite a sizable sum to appropriate, to turn over to an organization for no specific purpose, in a sense to do with as they please, and at these rates.

Rand, in turn, agreed "to perform a program of study and research on the broad subject of aerospace power, with the object of recommending to the U.S. Air Force preferred methods, techniques, and instrumentalities for the development and employment of aerospace power."

I presume that out of that profound research they came up with a project like the C-5A. That is one example, I presume; I hope it was not, but I do not know what they produced that has been of great value.

We were told yesterday, much to my surprise, by some Senators, that our airplanes are inferior. One of the Senators, in the course of the debate, said they are inferior. I do not believe that, myself; but it seems that whenever there happens to be a problem and if they want more money, the argument is that the product is inferior. If we are talking on the Fourth of July, on the other hand, we have got the best planes and equipment in the world. It all depends on the circumstances how good the products are. My guess is that our planes are as good as anybody's. We certainly have spent as much money as anyone on them.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MURPHY. Possibly the Senator is making reference to remarks made by me yesterday, in which I pointed out that we had not had a new model fighter plane laid down, I believe, since 1954, and that the B-52's being used so effectively—thank goodness we have them—are, many of them, 10 years old, and some of them older than that.

I do not think I used the word "inferior." I might have implied that we could have had better planes had we had better planing in the Department of Defense, in the background. I think somewhere along the line we have been negligent; and I know my distinguished colleague agrees with me that when we send our boys out to defend the security of the country, we do not want to give them second-class equipment.

Mr. FULBRIGHT. I agree with the Senator, but I have never been under the impression that they have had second-class equipment.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. FULBRIGHT. I yield myself 5 additional minutes.

The planes we have lost, for example, in Vietnam, were not lost because they were confronted by superior airplanes, but because they were shot down with ground-to-air missiles and other ground fire, which I do not think a better plane, if there was one, could have avoided.

They have not been outclassed in air battles. At least, such incidents have not been brought to my attention.

I read in today's newspaper that we have sent 72 more new Phantom jets to Spain to impress the Spanish with what good planes we have. They are more modern than the F–100's which they replaced. However, that is not exactly the point.

The Rand Corp., the "think tank," has a free hand to spend $71 million during this period of 5 years at an average of $59,000 per man-year.

I think this is loose accounting. And I protest strenuously under the present budget conditions and the difficulties we had in getting money for the education bill just recently passed, and for other bills.

Efforts are made to cut items out of the education bill and other bills.

I protest the disproportionate amount we are spending in these research projects which have very questionable relevance to the mission of the Defense Department.

They have nothing whatever, in my opinion, to do with the protection of the men in Vietnam. These are not research projects for a better plane.

That is not what the Rand Corp. is really doing. These are different projects. They fall under a different category. All these behaviorial science research studies have nothing to do with the qualities of a plane or any other hardware. They have no relevance to the hardware used to fight. Some of the studies are designed, in my opinion, to assist in brainwashing either the enemy or our own soldiers or someone else, I guess, because they fall in the field of psychological research, which is an interesting subject but is unrelated to the mission of the Defense Department.

The university research is sort of in a class by itself. Regardless of what effect it may have upon the Pentagon activities, I do not want them to further undermine the integrity of our universities or schools.

This is a much more serious matter than whatever they may wish to do to the program of research of the Pentagon itself.

I feel the same way about research in foreign institutions. We are having enough trouble with our foreign relations. This is an area with which we are all familiar. We know about the protests all around the world at our foreign research activities and the difficulties we have had.

The President came back from one trip abroad and reported that everyone is enthusiastic about the United States. If everyone is so enthusiastic about the United States, I think the enthusiasm is limited to the moon shot. It would be very strange indeed that the attitude toward many of the policies we are following would be changed that quickly.

The important thing is that to intrude our defense-sponsored research into the foreign institutions harms our relations with the foreign nations.

There was a specific example of this in Sweden last year. The Swedes protested the program we had paid their universities to undertake.

We know what has happened in Japan. We know about the violence originating in university circles in Chile when the Camelot was brought to light. In India last year, approximately a year ago, we remember what happened there.

I have an article entitled "India Suspects U.S. Scholars," written by Bernard D. Nossiter, who is one of the most receptive and able reporters the Washington Post has. The article was published in the Washington Post of August 15, 1968.

I read the first paragraph:

> American scholars in India are again suspect after parliamentary explosion here over a Himalayan research program supported by Defense Department funds.

Here we have an actual injury to our relations because we intrude with Defense Department funds into foreign academic research. What we are doing is driving friendly countries away from us.

They certainly simply do not like it. I do not blame them for that. They do not wish to be an appendage of the Pentagon. I think they are quite justified. I think that that item, which is $5.7 million, should be eliminated.

I do not see any excuse for our going abroad and subsidizing these people. I assume that originally there was some idea that we might cultivate them and that they would be ingratiated and would respond.

Domestically, when we give a contract to people, they usually respond and are appreciative of the money. Perhaps the specific professor who got the contract abroad might even have been appreciative. However, on balance, the people in the institutions and in the country do not like it. It is bad policy.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for an additional 2 minutes.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed at this point in the RECORD the article to which I have just referred and also an article entitled "India Still Wary on U.S. Scholars," written by Joseph Lelyveld, and published in the New York Times on August 14, 1968.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Aug. 15, 1968]

INDIA SUSPECTS U.S. SCHOLARS

(By Bernard D. Nossiter)

NEW DELHI, August 14—American scholars in India are again suspect after parliamentary explosion here over a Himalayan research program supported by Defense Department funds.

The incident centers around the Himalayan Border Countries (HBC), a project affiliated with the University of California at Berkeley. The nature of the research appears to be innocuous and of no military significance. But opposition politicians on the left and right have created a storm because $282,000 is coming from the Pentagon.

In reply to questions in Parliament last week, Prime Minister Indira Gandhi said she would "very carefully look into" the project. Her Minister of State for External Affairs, Bali Ram Baghat, said that the government views the program "with concern" and is "reviewing the advisability of permitting" it to continue.

FOUNDATION ORDERED OUT

India has already ordered the Asia Foundation here to pack up because it received money from the Central Intelligence Agency. In view of the rising wave of Indian nationalism, American researchers say they would not be surprised if the government now forbade them to enter the sensitive Himalayan region near China and denied visas to scholars supported by military or intelligence money.

The blowup was forecast last winter by a California professor of anthropology, Gerald D. Berreman. He resigned from the Himalayan project, writing its director, Leo Rose, a political scientist at Berkeley:

"It seems unlikely that one would be permitted by the governments of host nations to pursue anthropological research (and presumably most other social science research which takes place in the countryside) if it were known that the money came directly from the United States military establishment."

OPPOSED TO VIET WAR

Berreman also resigned on what he called moral grounds, citing his opposition to the war in Vietnam. He is now in India under a Fulbright-Hays fellowship, hoping to study urbanism in a northern city. Yesterday, officials in the Ministry of External Affairs questioned him about the Himalayan project.

The program began in the late 1950s, supported entirely by Ford Foundation money. When this source began drying up, Director Rose hunted up other outlets and found funds at the Defense Department's Advanced Research Project Agency, the Smithsonian Institution and elsewhere.

The project has produced analyses of the relations between Tibet, India and China; the political system of Nepal; and other studies in linguistics, ethnology and anthropology.

Berreman, who examined the Pentagon contract, says it places no curbs on the scholars. It enables them to choose their own projects and guarantees that none of their findings shall be classified.

FOES IN PARLIAMENT

The furor in Parliament was touched off by a member of the Revolutionary Socialist Party. Members of the Jana Sangh, a party of right-wing Hindu fanatics, and Communists suggested that the research is merely a cover for American espionage.

The National Herald, a daily that usually reflects the government's line, said that permission for the scholars to work in the Himalayas "should never have been approved by anyone alive to the nation's self-respect and security . . . Whichever organization in the United States finances it, research and intelligence have been inextricably involved during the postwar period."

Perhaps as a result of this affair, professors here say, there have been unusual delays in granting visas to other American researchers with grants from the Health, Education and Welfare Department's Fulbright-Hays program. Ironically, India appears to have discovered the military sponsorship of the Himalayan project from hearings held last May by Sen. Fulbright's Committee on Foreign Relations.

[From the New York Times, Aug. 14, 1968]

INDIA STILL WARY ON U.S. SCHOLARS—CONCERN OVER PENTAGON OR CIA INVOLVEMENT STRONG

(By Joseph Lelyveld)

NEW DELHI, August 13—Three months ago Prof. Gerald D. Berreman, a University of California anthropologist, applied for a visa to come to India for a year of research and teaching. Today he called at the External Affairs Ministry here to assure worried officials that he was not an operative of the Central Intelligence Agency.

It is an assurance that Indian officials now feel they must have from all American scholars interested in their country. But there was a special irony in Professor Berreman's case because he helped to start the controversy that made the Indians edgy.

Last January he sent Senator J. W. Fulbright, chairman of the Foreign Relations Committee, a copy of a letter he had written withdrawing from participation in a research project on the Himalayas. He felt that the project had been compromised by financial support from the Pentagon.

The anthropologist wryly describes himself as a wild-eyed opponent of the war in Vietnam. His letter explained that this was the basis of his "moral objection" to taking the funds. It also cited what he termed a practical objection—that the project and all other serious academic research by Americans in India could easily become controversial here as a result of the Defense Department's involvement.

Dr. Berreman, who later got a grant from the Department of Health, Education and Welfare, discovered to his dismay how accurate his forecast was. In fact, the controversy that has blown up here has caused the Government to hold up on all visa applications from Americans with any kind of academic pursuit.

Indians became conscious of the Pentagon's support of scholarly research only a few weeks ago, when there were press reports of Congressional testimony by Adm. Hyman G. Rickover before Mr. Fulbright's committee.

The outcry in Parliament was immediate. One member charged that the Pentagon and C.I.A. were busy infiltrating spies into the Himalayas, not only as scholars but also as artists, bird-watchers and yogis.

Privately, Indian officials say they do not really suspect the scholars of being spies. But they make it clear that research underwritten by the Pentagon has no future here.

COOPERATION IN THE PAST

This is also ironic, for India's own Ministry of Defense has cooperated in the past with the Advanced Research Project Agency, which gave the Himalayan project a grant of $280,000.

As Professor Berreman explains it, the project was not an integrated program of research but a pot-pourri of diverse studies in several disciplines thrown together for the specific purpose of attracting funds.

The anthropologist, who wrote an article last February for The Nation decrying the "moral imperialism" of the Peace Corps, was asked whether there was any clear moral difference between taking money from the Defense Department and taking it from the Department of Health, Education and Welfare.

"Oh, I know I can't be entirely consistent," he replied. "If I were to be entirely consistent, I wouldn't pay my taxes and I wouldn't be teaching at the University of California. It's not consistency that I want but impact—in the form of opposition to the war."

Professor Berreman, who is here on a two-month tourist visa now, hopes to return next month to do a study of urbanization in Dehra Dun, a town near the Himalayas but not in them. The author of a book called "Hindus of the Himalayas," he promised the officials he saw today that he would not try to do any further research in the mountains.

Among others waiting for action on their visas are a dozen graduates of professional schools at the University of California who should already have arrived here for a year of further studies. A University of Wisconsin student of linguistics who had hoped to study Tibetan and Sanskrit in Darjeeling has been asked to move from the Himalayan resort to Benares.

American officials say they are not unduly alarmed by the difficulties the scholars are meeting. "Remember," one said, "we've had our moments of xenophobia and obscurantism too."

Mr. HART. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. HART. Mr. President, in the course of the discussion it has been suggested that there are certain research projects which more appropriately could be undertaken by other agencies and departments of the Government. However, they are not doing it. The Defense Department is. Without the Senator's amendment, some of these worthwhile things would terminate. A willingness to assist in the transfer from the Defense Department to department X has been voiced.

I ask the Senator if it is not true that if there are projects of a research nature which are trimmed back by agreement to the Senator's amendment, projects which are thought to be worthy as research projects, there is on the Senate calendar a bill to authorize appropriations for activities of the National Science Foundation. That bill in regular order will follow the disposition of this bill by the Senate.

I know of no way in which we can operate here as jugglers. We will have to take a stand here at some time, and I hope that it is now. We will have to say no to some of these rather esoteric and certainly not directly defense-related research projects and cut them off and, happily, we are in a point of time in relation to the Senate bill in which the measures that will follow have value, and something may be picked up in the following bill.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, I yield myself an additional 5 minutes.

Mr. HART. We are ready to make the transfer. However, before we are in a position to be able to transfer, we have to saw off the defense from that kind of research.

Mr. FULBRIGHT. Mr. President, I agree with what the Senator says. I am a cosponsor with the Senator from Oklahoma of a measure to create a foundation for research in the behavioral sciences. That would be a perfectly proper place to transfer these behavioral projects, assuming that they are good projects.

Mr. HART. Mr. President, that bill will follow the pending bill.

Mr. FULBRIGHT. Mr. President, I agree with the Senator. I think that his point is well taken.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD for the information of the Senate a list of a number of particular institutions.

This one is for the fiscal year 1968 from the Department of Defense. It gives the name of the contractor and location and the amount of money for the fiscal year 1968.

I also ask unanimous consent to have printed at this point in the RECORD for Project Themis, a list of the universities that consist of both private and public universities. The list gives the funding for 1967, 1968, and 1969. That, of course, is the latest we have. I do this to show how extensive is the intrusion of the Defense Department into practically all of the important institutions of the United States.

This again goes too far and lends credence to the allegations of those who say that we are becoming a militaristic nation and that our civilian government and civilian life is being subordinated to the overwhelming influence of the military.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION II—NONPROFIT INSTITUTIONS, FISCAL YEAR 1968

[Excerpt from Department of Defense listing of 500 contractors according to net value of military prime contract awards for research, development, test, and evaluation work]

Rank	Name of contractor and location	Thousands of dollars
10	Massachusetts Institute of Technology	119,175
	Cambridge, Mass	31,662
	Lexington, Mass	87,513
20	Aerospace Corp	73,339
	El Segundo, Calif	73,307
	San Bernardino, Calif	32
22	Johns Hopkins University	57,614
	Baltimore City, Md	2,713
	Silver Spring, Md	54,901
30	Mitre Corp., Bedford, Mass	35,712
36	Stanford Research Institute	28,716
	Ethiopia	198
	Thailand	58
	Homer Village, Alaska	18
	Menlo Park, Calif	27,607
	Stanford, Calif	323
	Mercury, Nev	437
	Cheyenne, Wyo	75
40	Rand Corp., Santa Monica, Calif	19,139
44	California, University of	17,393
	Berkeley, Calif	5,767
	Davis, Calif	127
	Irvine, Calif	65
	La Jolla, Calif	5,510
	Los Angeles, Calif	1,471
	Point Mugu, Calif	12
	Riverside, Calif	89
	San Diego, Calif	3,182
	San Francisco, Calif	256
	Santa Barbara, Calif	870
	Santa Cruz, Calif	44
45	System Development Corp	17,372
	Huntsville, Ala	414
	Lompoc, Calif	700
	Los Angeles, Calif	61
	Santa Monica, Calif	13,120
	Washington, D.C	363
	Belleville, Ill	350
	Lexington, Mass	375
	Rome N.Y	191
	Dayton, Ohio	303
	Falls Church, Va	1,226
	Hampton, Va	234
	Norfolk, Va	35
46	Stanford University	1,422
	Palo Alto, Calif	218
	Stanford Calif	1,204
51	Rochester, University of, Rochester, N.Y	13,182
55	Cornell Aeronautical Laboratory, Inc	12,500
	Edwards, Calif	86
	Buffalo, N.Y	11,889
	Wright-Patterson, Ohio	37
	Falls Church Va	448
57	ITT Research Institute	12,172
	Chicago, Ill	7,017
	Annapolis, Md	5,130
	Wright-Patterson Ohio	25
60	Institute for Defense Analysis Arlington, Va	11,691
64	Pennsylvania State University University Park, Pa	10,513
65	Research Analysis Corp	10,067
	Iran	155
	Vietnam	880
	McLean, Va	9,273
	Various domestic	−241

SECTION II—NONPROFIT INSTITUTIONS, FISCAL YEAR 1968—Continued

Rank	Name of contractor and location	Thousands of dollars
66	Columbia University, New York, N.Y	9,929
70	Michigan, University of	9,478
	Honolulu City, Hawaii	1,600
	Ann Arbor, Mich	6,947
	Willow Run, Mich	734
	Ypsilanti, Mich	197
71	Illinois, University of	8,583
	Chicago, Ill	89
	Urbana, Ill	8,494
72	Battelle Memorial Institute	8,322
	Germany	57
	Washington, D.C	114
	Columbus, Ohio	8,036
	Richland, Wash	115
78	U.S. National Aero Space Agency	7,026
	Edwards, Calif	25
	Moffett Field, Calif	40
	Pasadena, Calif	19
	Washington, D.C	77
	Houston, Tex	155
	Ridgeley, W. Va	6,710
85	Riverside Research Institute, New York, N.Y.	6,315
92	Washington, University of, Seattle, Wash	5,552
94	Texas, University of	5,386
	Alamogordo, N. Mex	10
	Austin, Tex	4,598
	College Station, Tex	68
	Dallas, Tex	43
	El Paso, Tex	502
	Galveston, Tex	135
	Houston, Tex	30
96	Woods Hole Oceanographic Institute, Woods Hole, Mass.	5,143
105	Utah, University of	4,356
	Dugway, Utah	283
	Salt Lake City, Utah	4,073
107	Syracuse University Research Corp	4,172
	Burlington, Mass	94
	Syracuse, N.Y	4,078
117	Dayton, University of	3,610
	Dayton, Ohio	3,358
	Wright-Patterson, Ohio	252
118	Cornell University	3,595
	Arecibo, P.R	1,585
	Ithaca, N.Y	1,949
	New York, N.Y	61
123	George Washington University	3,306
	Washington, D.C	3,295
	Alexandria, Va	11
128	Southwest Research Institute	3,149
	Wright-Patterson, Ohio	226
	Dallas, Tex	35
	San Antonio, Tex	2,888
131	Denver, University of, Denver, Colo	2,982
133	Ohio State University Research Foundation	2,958
	Columbus, Ohio	2,686
	Wright-Patterson, Ohio	272
134	American University, Washington, D.C	2,944
138	National Academy of Sciences	2,838
	Washington, D.C	2,756
	Watertown, Mass	47
	National Academy of Sciences, Dover, N.J	35
139	Duke University, Durham, N.C	2,812
140	New Mexico State University	2,787
	Alamogordo, N. Mex	24
	Las Cruces, N. Mex	640
	University Park, N. Mex	1,612
	White Sands M.S., N. Mex	511
143	Alaska, University of, College Village, Alaska	2,695
146	Miami, University of	2,602
	Coral Gables, Fla	1,141
	Miami, Fla	1,461
147	Carnegie Mellon University, Pittsburgh, Pa	2,575
151	Harvard University	2,524
	Boston, Mass	182
	Cambridge, Mass	2,182
	Fort Davis, Tex	160
153	Minnesota, University of, Minneapolis, Minn	2,507
154	California Institute of Technology, Pasadena, Calif	2,487
155	Texas A. & M. Research Foundation, College Station, Tex	2,475
156	Purdue Research Foundation	2,455
	Lafayette, Ind	2,442
	West Lafayette, Ind	13
160	New York University	2,304
	Bronx, N.Y	731
	New York, N.Y	1,513
	Syracuse, N.Y	25
	University Heights, N.Y	35
167	Maryland, University of	2,100
	Baltimore City, Md	703
	College Park, Md	1,397
172	New Mexico, University of	1,986
	Albuquerque, N. Mex	934
	Sandia, N. Mex	1,052
174	New York, State University of	1,982
	Albany, N.Y	1,538
	Buffalo, N.Y	318
	New York, N.Y	115
	Stony Brook, N.Y	11
175	Oregon State University, Corvallis, Oreg	1,969
181	Florida, University of, Gainesville, Fla	1,842
182	Princeton University, Princeton, N.J	1,803
184	Midwest Research Institute	1,762
	Kansas City, Mo	1,615
	Wright-Patterson, Ohio	147
186	Louisiana State University, Baton Rouge, La	1,754
188	Georgia Tech Research Institute, Atlanta, Ga	1,725
195	Stevens Institute of Technology	1,596
	Hoboken, N.J	1,559
	New York, N.Y	37
197	Wisconsin, University of, Madison, Wis	1,591
204	Hawaii, University of, Honolulu City, Hawaii	1,568
210	Analytic Services Inc., Falls Church, Va	1,495
212	Cincinnati, University of Cincinnati, Ohio	1,446
214	Oklahoma State University, Stillwater, Oklahoma.	1,422
218	Iowa, State Univ of Science and Technology, Ames, Iowa.	1,372
219	Chicago, University of	1,360
	Chicago, Ill	1,320
	Lemont, Ill	40
222	Florida State University, Tallahassee, Fla	1,338
225	Colorado State University, Fort Collins, Colo	1,329
226	Kansas State University of Agriculture, Manhattan, Kans.	1,321
228	Brooklyn, Polytechnic Institute of	1,304
	Brooklyn, N.Y	1,274
	Farmingdale, N.Y	30
229	Catholic University of America, Washington, D.C.	1,304
234	Research Triangle Institute	1,254
	Iran	296
	Durham, N.C	606
	Triangle Park, N.C	352
235	Georgia Institute of Technology, Atlanta, Ga	1,221
236	New Mexico Institute Mining and Technology.	1,218
	China Lake, Calif	200
	Socorro, N. Mex	1,018
238	Syracuse University	1,197
	Syracuse, N.Y	1,184
	Utica, N.Y	13
248	Pennsylvania, University of Philadelphia, Pa	1,125
252	Rhode Island, University of, Kingston, R.I	1,084
254	Smithsonian Institution	1,082
	Washington, D.C	1,067
	Cambridge, Mass	15
260	Indiana University, Bloomington, Ind	1,044
261	Kansas, University of	1,044
	Kansas City, Kans	18
	Lawrence, Kans	1,026
262	American Institute of Research	1,038
	Palo Alto, Calif	93
	Silver Spring, Md	145
	Camp Lejeune, N.C	54
	Pittsburgh, Pa	746
265	Case Western Reserve University, Cleveland, Ohio	1,011
266	Rensselaer Polytechnic Institute, Troy, N.Y	1,001
267	U.S. Atomic Energy Commission	995
	Washington, D.C	175
	Germantown, Md	39
	Las Vegas, Nev	270
	Albuquerque, N. Mex	451
	Oak Ridge, Tenn	40
	Richland, Wash	20
268	Illinois Institute Technology, Chicago, Ill	988
270	U.S. Commerce Department	985
	Boulder, Colo	540
	Washington, D.C	324
	Gaithersburg, Md	46
	Rockville, Md	10
	Suitland, Md	65
271	Rutgers University, New Brunswick, N.J	983
273	Southern Research Institute, Birmingham, Ala	965
275	Colorado University	964
	Boulder, Colo	706
	Denver, Colo	258
277	Northeastern University, Boston, Mass	952
279	Washington University, St. Louis, City Mo	933
281	Brown University, Providence, R.I	932
282	Pittsburgh, University of	921
	Washington, D.C	195
	Pittsburgh, Pa	726
293	Missouri, University of	876
	Columbia, Mo	798
	Kansas City, Mo	50
	Rolla, Mo	28
296	Notre Dame, University of, Notre Dame, Ind	855
297	Oregon, University of	846
	Eugene, Oreg	531
	Portland, Oreg	315
298	Oklahoma, University of	840
	Fort Sill, Okla	100
	Norman, Okla	335
	Oklahoma City, Okla	405
309	Virginia, University of, Charlottesville, Va	787
316	Tennessee, University of	751
	Knoxville, Tenn	520
	Menphis, Tenn	64
	Tullahoma, Tenn	167
317	Southern California, University of	749
	Los Angeles, Calif	735
	San Diego, Calif	14
319	Southern Methodist, University of, Dallas, Tex	735
321	Delaware, University of, Newark, Del	732
325	Georgetown University, Washington, D.C	714
328	Yale University	709
	New Haven, Conn	684
	Alamogordo, N. Mex	25
334	Houston, University of, Houston, Tex	680
338	Auburn University, Auburn, Ala	657
339	University Corp. Atmospheric Research	655
	Boulder, Colo	—40
	Sunspot, N. Mex	695

SECTION II—NONPROFIT INSTITUTIONS, FISCAL YEAR 1968—Continued

Rank	Name of contractor and location	Thousands of dollars
341	Dartmouth College, Hanover, N H	652
342	Arizona State University, Temple, Ariz	649
348	American Society for Engineering, Washington, D.C	621
351	Lowell Technical Institute	618
	Billerica, Mass	40
	Lowell, Mass	578
352	Lovelace Foundation, Albuquerque, N. Mex	613
354	Ohio University, Athens, Ohio	608
358	Northwestern University, Evanston, Ill	590
367	American Institute for Research	569
	Washington, D.C	26
	Pittsburgh, Pa	481
370	Mississippi State University, State College, Miss	564
371	Travelers Research Center, Hartford, Conn	561
376	North Carolina State University, Raleigh, N.C	551
388	Massachusetts, University of	511
	Amherst, Mass	493
	Waltham, Mass	18
390	Arizona, University of, Tucson, Ariz	504
396	National Society Professional Engineers, Washington, D.C	493
418	Michigan State University, East Lansing, Mich.	464
427	Boston College	455
	Chestnut Hill, Mass	318
	Weston, Mass	137
428	South Dakota School of Mines and Technology, Rapid City, S. Dak.	454
444	Nevada, University of, Reno, Nev	426
446	Flight Safety Foundation, Phoenix, Ariz	423
462	North Carolina, University of, Chapel Hill, N.C.	390
464	U.S. Interior Department	387
	Denver, Col	50
	Washington, D.C	37
	Bartlesville, Okla	85
	Albany, Oreg	50
	Pittsburgh, Pa	165
467	Presbyterian Hospital, Chicago, Ill	384
468	Tufts University	380
	Boston, Mass	41
	Medford, Mass	339
478	Arctic Institute of North America	354
	Canada	75
	Washington, D.C	279
479	Alabama, University of	351
	Birmingham, Ala	176
	Huntsville, Ala	102
	University, Ala	73
483	Utah State University of Agriculture and Applied Science	344
	Bedford, Mass	162
	Logan, Utah	182
485	Iowa, State University of, Iowa City, Iowa	342
487	Lehigh University, Bethlehem, Pa	341
	Total	665, 365

PROJECT THEMIS

The list shows all the Themis projects funded through fiscal year 1969. The original 4-year plan called for 50 new starts for each of fiscal years 1967, 1968, 1969, and 1970 for a total of 200 programs. During the first 3 years only 118 of the planned 150 new starts were approved. The fiscal year 1970 budget request for $33 million provides for (1) 25 additional new projects to be started during fiscal year 1970 which would require $10 million, and (2) the renewal of the ongoing Themis programs which would require $23 million.

PROJECT THEMIS PROGRAMS—FUNDING BY FISCAL YEARS ($1,000)

Military Department	State and institution	Program topic	Fiscal year 1967	Fiscal year 1968	Fiscal year 1969
	Alabama:				
A	Auburn University	Information processing	343	171	170
AF	University of Alabama	Structural mechanics			400
A	Alaska: University of Alaska	Human ecology	404	202	
	Arizona:				
N	Arizona State	Human performance in isolation	380	190	
AF	Do	Detection devices, techniques and theory		409	200
AF	University of Arizona	Precision optical systems		409	203
AF	University of Arizona at Tucson	X-ray and XUV radiation physics			400
	California:				
AF	University of California, San Diego	Transport phenomena in flow systems	398	200	522
N	University of California, Riverside	Solar radiation effects			400
	Colorado:				
N	Colorado State	Tropical weather disturbances, surface effects		500	250
N	Colorado State	Predictability of low-altitude winds		430	215
AF	Colorado State at Fort Collins	Effects of environment on sensors			400
	Connecticut: University of Connecticut	Structural fatigue		410	205
AF	Delaware:				
A	University of Delaware	Fluid mechanics and heat transfer	563	281	280
N	University of Delaware at Newark	Oceanography			480
	District of Columbia:				
AF	Georgetown University	Laser technology	404	202	202
N	Catholic University	Vitreous state structure and dynamics		386	193
N	Catholic University	Dynamics of cable systems		402	201
N	Catholic University	Underwater acoustics			500
	Florida:				
AF	University of Florida	Solid state materials	400	200	200
A	University of Florida	Logistics and information processing	340	170	170
N	Florida State	Geophysical fluid dynamics	600	300	350
A	Florida State	Prediction of tropical weather phenomena		500	250
N	Florida State	Computer aided instruction		460	230
	Georgia:				
A	Georgia Tech	Low-speed aerodynamics	339	170	170
AF	Georgia Tech	Interface phenomena	350	195	200
N	University of Georgia at Athens	Statistical analysis and information retrieval			215
	Hawaii:				
N	University of Hawaii	Astronomy research	350	175	220
AF	University of Hawaii	On-line computer systems		409	205
A	University of Hawaii at Honolulu	Vector-borne tropical diseases			400
	Illinois:				
AF	Illinois Institute of Technology	V-STOL aerodynamics		409	205
A	Illinois Institute of Technology at Chicago	Degradation of structural materials			400
	Indiana:				
AF	Indiana University	Environmental hazards	400	198	200
N	Notre Dame University	Deep sea engineering	400	200	200
	Iowa:				
N	Iowa State	Automatic navigation and control	400	200	200
AF	do	Ceramic and composite materials	449	224	225
A	University of Iowa	Vibration and stability of military vehicles		500	250
N	do	Application and theory of automata		400	200
	Kansas:				
A	University of Kansas	Remote sensing instrumentation	400	200	200
AF	do	Social and behavioral science	400	200	200
AF	Kansas State	Performance in altered environment	400	200	200
N	do	Nuclear radiation effects on electronic components		577	288
	Kentucky:				
AF	University of Kentucky	Metal deformation processing		408	204
A	Kentucky University at Lexington	Research in electrochemical processes			400
AF	do	Environmental stress physiology			400
A	University of Louisville	Performance assessment and enhancement		399	200
	Louisiana:				
A	Louisiana State	Infectious and communicable diseases	342	171	170
AF	do	Digital automata	388	400	200

PROJECT THEMIS PROGRAMS—FUNDING BY FISCAL YEARS ($1,000)—Continued

Military Department	State and institution	Program topic	Fiscal year 1967	Fiscal year 1968	Fiscal year 1969
	Massachusetts:				
N	University of Massachusetts	Deep sea structures	360	180	180
N	Boston College	Elementary chemical kinetics			440
	Michigan:				
AF	Michigan State University at East Lansing	Behavioral studies			400
	Minnesota:				
N	University of Minnesota	Infrared detector and laser technology	380	190	190
N	do	Gas turbine technology	400	200	200
N	do	Organization performance and human effectiveness			415
	Mississippi:				
A	Mississippi State	Rotor and propeller aerodynamics	278	139	140
AF	University of Mississippi	Biocontrol systems		409	204
	Missouri:				
A	University of Missouri at Columbia	Fluid transport properties	446		220
N	University of Missouri at Rolla	Aqueous aerosols in atmospheric processes		400	200
AF	do	Basic studies on electronic materials			400
A	do	Terrestrial science research			400
AF	Washington University at St. Louis	Control, guidance and information studies			400
AF	do	Optimum detection systems			400
AF	Nevada: University of Nevada	Cloud physics	399	199	250
AF	New Hampshire: Dartmouth College	Time-shared computing systems	460	290	290
	New Jersey:				
AF	Rutgers University	Fluid flow aerodynamics	400	200	
N	Stevens Institute	Nonlinear physics of polymers	324	162	162
A	do	Cryogenic sciences and engineering	342	171	170
A	do	Evaluation of terrain vehicle systems		460	200
	New Mexico:				
N	New Mexico Institute M. & T.	Environmental sciences	406	203	268
N	University of New Mexico	Radiation effects on electronics	370	185	185
	New York:				
AF	SUNY-Albany	Modification of environment	399	199	200
N	SUNY-Buffalo	Environmental physiology	600	300	350
A	Rensselaer Polytechnic	Electrochemical power sources		460	230
N	do	Radiation effects		430	215
A	do	Optimum digital signal processing			400
N	Yeshiva University, New York City	Research on thin film materials			390
	North Carolina:				
N	North Carolina State	Materials response phenomena	400	200	200
AF	do	Digital encoding systems		396	200
	North Dakota:				
A	North Dakota State	Control of vectors of diseases of military importance		393	197
N	University of North Dakota	High pressure physiology		527	263
	Ohio:				
A	Case-Western Reserve	Research in R. & D. management	300	150	150
A	Ohio University	Low-level navigation	407	200	200
AF	Kent State University	Liquid crystal detectors		410	205
A	University of Cincinnati	Internal aerodynamics in air-breathing engines		400	200
	Oklahoma:				
A	Oklahoma State	Electronic description of the environment	482	241	240
N	University of Oklahoma	Mechanism and theory of shock		405	202
N	Oregon: Oregon State	On-line computer environmental research	580	290	290
	Pennsylvania:				
A	Drexel Institute of Technology	Powder metallurgy		510	255
AF	do	Forecasting by satellite observations		408	204
N	Jefferson Medical College	Pathogenesis of acute diarrheal disease		390	195
A	Lehigh University	Nonlinear wave propagation		400	200
N	do	Low-cycle fatigue in joined structures		400	200
N	do	Fluid amplification			400
N	Hahnemann Medical College	Bioamines in stress			520
A	Rhode Island: Rhode Island University at Kingston	Photoelectronic imaging devices			400
A	South Carolina: Medical College of South Carolina	Resuscitation and treatment of wounded		368	184
N	South Dakota: South Dakota School of Mines	Modification of convective clouds	260	130	100
	Tennessee:				
N	University of Tennessee at Knoxville	Dynamic sealing	300	150	150
AF	do	Remote sensor research		408	204
AF	University of Tennessee at Tullahoma	MHD power generation		400	200
A	Vanderbilt University	Coating science and technology		550	275
	Texas:				
N	Texas A. & M.	Optimization research	400	200	155
A	do	Meteorology research	430	215	215
A	do	Aircraft dynamics of subsonic flight		388	194
A	Texas Christian	Human pattern perception	272	100	135
N	University of Houston	Information processing	380	190	190
N	Rice University	Coherent and incoherent EM radiation		350	175
A	do	Remote sensing of gamma ray signatures			400
AF	Southern Methodist	Automatic navigation	400	200	200
N	do	Statistics in calibration methods		502	296
A	Texas Tech	Performance and man-machine effectiveness		470	235
AF	Utah: University of Utah	Chemistry of combustion	398	200	200
AF	Vermont: University of Vermont	Isolation and sensory communication		410	255
	Virginia:				
A	University of Virginia	Learning control systems	342	171	170
AF	do	Atomic interaction in gases		408	200
N	do	Cryogenic instrumentation			400
A	Virginia Polytechnic, Blackburg	Vehicle engineering and control			400
N	West Virginia: West Virginia University	V/STOL aerodynamics		416	208
	Total		19,375	28,180	29,239

Mr. STENNIS. Mr. President, if it is convenient to the Senator from Arkansas, would he be willing to allow the Senator from Massachusetts to speak at this time.

Mr. FULBRIGHT. Mr. President, that is agreeable. I yield to the Senator from Massachusetts.

Mr. STENNIS. If the Senator from New Hampshire will yield time, Mr. President——

Mr. McINTYRE. I yield 12 minutes to the distinguished Senator from Massachusetts.

Mr. BROOKE. Mr. President, if I may take a somewhat different approach to the proposal as set forth by the Senator from Arkansas, let me first say that the policy and general philosophy as set forth by the Senator's proposal was shared and was considered by the Subcommittee on Research and Development of the Committee on Armed Services, under the able leadership of the distinguished Senator from New Hampshire. In fact, it is in keeping with the policy as mandated to that subcommittee by the distinguished chairman of the Armed Services Committee, the Senator from Mississippi. So the matters which the Senator from Arkansas raises are matters which the committee had before it in its deliberations and in its final decision, in its report to the full Armed Services Committee.

Mr. President, I should like to analyze very briefly the contentions of the Senator from Arkansas and then conclude by proposing certain questions to the Senator from Arkansas which I trust he will answer and which may be helpful in this debate.

Mr. STENNIS. Mr. President, may we have order, so that those of us who wish to hear may do so?

The PRESIDING OFFICER (Mr. Bellmon in the chair). The Senate will be in order.

Mr. BROOKE. The Senator from Arkansas proposes a $45.6 million cut, including a 10-percent, or $27 million, cut in Federal contract research centers; a $2 million, or one-third, cut in research by foreign institutions; a 20-percent, or $5 million, cut in project Agile, counterinsurgency work, which includes largely technological work, not just social and behavioral research; $3 million from other social science research; and $8 million, or 25 percent, from project Themis, a program for university research.

If the Department of Defense distributes the committee's 12-percent cut in the research budget evenly across all categories, the Federal contract research centers will be reduced by more than Senator Fulbright has proposed. All the categories that the Senator has mentioned are subject to the large cut the committee has imposed already, unless the Defense Department considers them of such high priority that other programs are reduced disproportionately.

Moreover, social and behavioral research on foreign military environments and policy planning studies are specifically cited by the committee as an area to be reduced by 12 percent, or by $1.5 million of the $13.3 million, and by the recommended transfer of approximately $4 million in projects to other agencies with responsibility in these areas. For example, some policy planning studies might go to State, ACDA, and AID; and some more basic research might go to the National Science Foundation. Work in these areas already has been reduced by approximately 11 percent since fiscal 1968 and by the effects of inflation, which the Senator has not mentioned, and which I am sure he would want to take into consideration.

Thus, a thorough pruning of work in this area is already assured by the committee's action.

Apparently, Senator Fulbright has several concerns: allegedly worthless research; defense connections with the universities; the supposed hazards of doing research under defense auspices in foreign countries, on the assumption that it may lead to engaging in military action there at some time.

Mr. President, many knowledgeable people agree that some of the research involved might better be carried out under other auspices, and the committee has provided for this. But unless the State Department and other agencies obtain greater authorizations, this of course, will be impossible.

Thus, the effect of adopting the Fulbright amendment simply would be to reduce further what is widely recognized as an inadequate national effort in social and behavioral research. Surely, we should first seek to create better mechanisms for funding work in this general field before we trim the limited effort already underway.

If it is insisted that all Defense research must be strictly tied to DOD missions, we would have to cut out all basic research in physical sciences as well.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. FULBRIGHT. Did the Senator hear the Senator from Michigan state a moment ago that on the calendar is the National Science Foundation authorization, and it will be up very soon, and we could authorize an increase to be taken up—all the items about which the Senator is talking? Assuming that they are justifiable research contracts, it would be a much more appropriate way to do it, it would seem to me. That bill is already on the calendar.

May I also say to the Senator that I told the Senate a moment ago—I do not know whether he heard it—that a delegation from one of the most prestigious institutions in the country, and certainly in his State of Massachusetts, waited on me with respect to the problem of the intrusion of the military. They are not antimilitary. They simply were making the point that they hated to see MIT become dominated or too dependent, I will say, upon a military appropriation. I believe that MIT last year had $119,175,000. This is an awful lot of money. In one sense, of course, it is a great compliment to MIT. These students, I was told by the professor who brought them, were among the best students they had. They were not dropouts; they were not in that sense. They were serious, very intelligent young men who did not wish to see MIT be considered just a kind of dependency of the Pentagon. They had great pride in MIT's reputation as one of the world's great technological institutions.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I am sorry about it. I would have thought that the Senator, too, would be interested in preserving the great reputation of Harvard and MIT as among the leading educational institutions in the world. It was a great shock to me—and I think to the entire country—to suddenly see an eruption on the campus of Harvard University, the oldest and I would say probably the most respected institution in America. I cannot, of course, prove that it was just because of this.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I think it contributed to it.

Mr. BROOKE. If the Senator would yield, I would say that that was caused primarily by ROTC, not defense research, of which the Senator is well aware. There may have been some contribution. But I was about to say, before the Senator asked his question, that universities themselves are in the process of gaining better control of defense research programs.

I had a conversation recently with James Killian and Howard Johnson of MIT. They are well aware of this problem. What the Senator has said relative to the students at MIT is certainly shared by members of the faculty and of the administration.

Mr. FULBRIGHT. Yes.

Mr. BROOKE. They are aware of the problem, and they are trying to get on top of the problem, and I think we should give them an opportunity.

I might also point out that the Defense Department is cooperating in seeking better balance and in reducing classified research to a minimum. These things are ongoing at the present time, as the Senator very well points out.

Of course, I am interested in maintaining the integrity of MIT, Harvard, and the other institutions of higher learning in the Commonwealth and throughout the country; but I think these programs are now being given close scrutiny by the administration and the faculty as well as the student body.

Mr. FULBRIGHT. If the Senator will permit me, I should like to read an AP dispatch from Washington dated May 15, 1969:

> Dr. John Foster, the Pentagon's research chief, told a Congressional committee Wednesday that he saw "no evidence of major adverse impact from student demonstrations against defense research at universities."

Mr. President, I submit that Dr. Foster is just out of touch with the situation in this country. And it was not just Harvard. I mentioned Harvard because it is such a great institution.

Mr. BROOKE. The Senator mentioned Harvard specifically.

Mr. FULBRIGHT. The Senator will recall that at Berkeley, which is certainly also one of the great institutions, where there was a very clear protest about the participation at the university in IDA. The some situation prevailed at Cornell and at one university after another. I am not saying it is the only thing. The war is probably the greatest single contributor, but they were also protesting about the participation of the university in IDA. There are many aspects to it. It is not just the military. In many cases it takes the attention and time of their leading professors to go off on these highly paid research projects and leave the teaching of the students. In other words, the students are being shortchanged. I know they are correct because the attention and time of the finest university professors in many cases are directed and siphoned off in very large contracts that are given them.

Mr. President, I ask unanimous consent to have the article to which I referred printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Foster Backs U.S. Research at Universities

Washington.—Dr. John Foster, the Pentagon's research chief, told a congressional committee Wednesday that he saw "no evidence of major adverse impacts" from student demonstrations against defense research at universities.

Defending the research program, Foster said, "I hope you will not be misled by those who suggest that * * * academic research [supported by the Defense Department] represents a sort of sandbox for scholars, irrelevant to defense missions, unproductive technically and, worst of all, inimical to the best interests of universities. It is more fundamental.

"It is the great national advantage we possess because we are able to bring together essentially independent and well-informed people—from government, industries and universities—over long periods for voluntary work on our tough problems. This is the core of our capacity for technological superiority."

As for demonstrations directed at Pentagon research, Foster renewed his argument of a year that responsibility for dealing with them should be left with university administrations.

While Foster regarded "some of the current turmoil as irresponsible action," he added, "I still have confidence in the ability of the academic community, in the aggregate, to cope ultimately with the situation."

Foster warned against congressional effort to curb such research at universities where demonstrations have taken place, saying, "We must not run the risk of eroding nationally important research by precipitate punitive action against features of university life that are essential to our future."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McINTYRE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 27 minutes remaining.

Mr. McINTYRE. I yield 5 minutes to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, I would appreciate it if the Senator from Arkansas would allow me a little time. I think the colloquy was very helpful and I am grateful to him for joining in.

Mr. FULBRIGHT. I would be glad to do so.

Mr. BROOKE. I think this is a healthy trend and creates an awareness on the part of the administration, the faculty, and the members of the student body. The Senator referred to Dr. Foster.

Mr. FULBRIGHT. But he is not aware of it.

Mr. BROOKE. He is not aware of it.

Mr. FULBRIGHT. But he is the head of research.

Mr. BROOKE. I think the Department of Defense is aware of the necessity for gaining better control of defense research on campuses.

Mr. FULBRIGHT. But this is the man who hands out the money. That is the trouble.

Mr. BROOKE. But he said this is not caused by defense contracts with the universities. I think he is attributing this to the war in Vietnam and the chemical problems and, as we are all aware, the ROTC matter.

Mr. FULBRIGHT. They all contribute. I agree that no one thing does it; they all contribute.

Mr. BROOKE. It is a healthy trend, but to carry it so far that university ties are severed would be, in my opinion, a very unwise move.

Mr. FULBRIGHT. By my amendment we would not sever them.

Mr. BROOKE. I think it would deprive the universities of work on national defense. I am sure the Senator would agree that it would weaken one of our best guarantees that open and objective research and counsel, not alleged pressures of a "military-industrial" complex are shaping the defense policy. I am sure the Senator would agree that thus, universities themselves should determine whether and under what circumstances they should engage in defense research. This is a matter we should leave up to the universities and not something we should establish as a matter of policy or mandate. Such programs should not be terminated by congressional fiat.

Defense-sponsored social science research abroad is already down by 70 percent since fiscal 1968 and all proposals are now subject to thorough interagency review under State Department auspices.

It is a highly dubious and anti-intellectual proposition to assume that research on foreign areas somehow increases likelihood of U.S. military involvement. With all due respect, I do not believe that is so.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. FULBRIGHT. The point I was making is that the intrusion of our military into university life is offensive and it creates ill will. I believe there is evidence of it in the articles which I have had printed in the RECORD. I was not making the point we were more likely to become militarily involved.

Mr. BROOKE. It could just as well decrease it as increase it.

Whether we involve ourselves militarily is a matter of policy, not research, and that policy can be most wisely shaped if careful preliminary research is done.

The reports submitted by the Senator from Arkansas yesterday, in my opinion, are hardly the whole story. Out of such policy studies have come many of the fundamental concepts and programs on which national security rests.

Concepts and rationale of stable deterrents, the first strike, second strike distinction, the rationale for security through arms control rather than arms competition, the most informed critics of MIRV and ABM, have all been influenced importantly by work done on these research efforts.

Economies are also realized. Overseas bomber bases were reduced at savings of billions of dollars a year after studies in the midfifties revealed their vulnerability to missile attack. These and other savings grew out of such analysis as the Senator from Arkansas attacks so categorically, analysis costing only a pittance of the savings from the basic studies alone.

If there is waste, payoffs from such research are sometimes so great as to compensate many times over, especially in view of the relatively small fraction of the budget in these categories.

It is also utterly misleading for the Senator from Arkansas to assert that no one knows the cost of studies he cites. As the letter of July 24, 1969, from the Department of Defense, printed in the RECORD at the request of the Senator from Arkansas at page 23291, indicates, the cost of individual reports are not easily determined, but the costs of projects, from which many reports may emerge, are known.

The costs of the projects from which the Senator from Arkansas has selected certain reports to question are specified by the Department as $11,530,408 over a period of 15 years.

Many of the concerns voiced by the Senator from Arkansas are shared by a number of us.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BROOKE. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

Mr. McINTYRE. I yield 2 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 2 additional minutes.

Mr. BROOKE. Mr. President, that is why the Subcommittee on Research and Development and the Committee on Armed Services took strong action in these several areas. However, the committee's action is more than sufficient. Indeed, many observers will fear that too much damage has been done to the defense research effort by the reduction of more than $1 billion, and we should not go further at this time.

Mr. President, it is for that reason that I urge that the Senate agree to the committee recommendation and reject the amendment offered by the Senator from Arkansas (Mr. FULBRIGHT).

Mr. President, I have some questions I would like to ask the Senator from Arkansas and I shall submit them to him inasmuch as the time of the Senator from New Hampshire is running out.

Mr. McINTYRE. Mr. President, I yield 10 minutes to the Senator from California (Mr. MURPHY).

Mr. MURPHY. I thank the distinguished Senator from New Hampshire.

I would like to speak momentarily on one aspect of the proposed amendment which has to do with the Federal Contract Research Centers. We have heard great approaches to many of these matters in terms of dollars. The understanding, the use of the dollars, and the complexity of the operations concerned, sometimes have not been fully discussed or fully understood.

I wish to express my appreciation to the distinguished Senator from New Hampshire for permitting me this time, and acknowledge the concern of the Senator from Arkansas about spending by our Department of Defense, which is widely known, and, of course, I join him. I think that great economies may be forthcoming in the future. I do believe, however, that some attention should be given to the kinds of Federal contract research centers that we have, and the kinds of tasks that they perform. This is important since the Senator from Arkansas wishes to cut $27 million from the funding for these organizations whether or not they are engaged in the area of social sciences.

As an example of the areas of responsibility in the FCRC's; eight are operated under the auspices of universities, each concentrating in the fields in which each respective university has specific strengths.

Three others do analysis work and, sometimes rather loosely, I think, are called think tanks, because they have a concentration of very expert brains.

In my hometown of Los Angeles, I believe there are more Ph. D.'s than any other place in the world accumulated under one roof. They perform valuable review of our posture on a continuing basis. Two other Federal contract research centers are engaged most specifically in the systems management field.

The latter two, it should be pointed out, were built up under the auspices of the Congress for the direct purpose of handling profoundly complicated technical programs on a nonprofit basis so as to be most scrupulous in avoiding conflicts of interest in all places wherever possible, in order to save the taxpayer's dollars. However, these and other FCRC's have been of other great benefit to the taxpayer.

Because of the kind of work the FCRC's do there have been tremendous savings of dollars which, this Senator is convinced, could never have been achieved in any other way. For instance, it was documented some years ago to the satisfaction of the Secretary of Defense and the Congress that the Aerospace Corp., acting with its military partner, the Air Force, had in fact effected a savings of a billion and a half dollars in its ballistic missile programs in its first 5 years of operation, and it is acknowledged that this same team has brought about the savings of at least another billion since that time.

While there are 16 FCRC's, I believe the success of Aerospace Corp. is typical of them all and, Mr. President, it is easily documented for the purposes of our discussion here today. One of the most successful programs conducted by the Air Force and Aerospace Corp. has been the Titan III project which has enjoyed a tremendous run at great savings to the Government. I have previously commented on this some weeks ago. The secret of this success has been outstanding, professional technical management which brought about a situation whereby our Nation was able to place operational payloads on Titan III boosters which were originally supposed to be R. & D. vehicles. In other words, they combined research and development with actual payloads at one time. Yet, and this is important, because of this professional management, about which I speak, the Titan III took on operational missions while still an R. & D. vehicle with enormous success and tremendous savings. I might add, parenthetically, that all of our space flights to date have been launched by boosters developed by or evolving from those built by the military.

Another of the most valuable Federal contract research centers, the Rand Corp., which has been mentioned today, has been responsible for substantial savings in numerous areas. There are two, however, which are typical of the kinds of economy these groups do effect.

Rand's study of strategic airbases in fact developed a new concept of operations which, by the Air Force's own estimate, resulted in net savings of $1 billion in installations alone, and was judged to provide the same or better security as other proposed systems costing from $10 to $22 billion more over a 4-year period. So this is really not wasted money. What we are doing is buying an accumulation of the very best brains possible.

In a second typical example, because of its noncompetitive status, the Rand Corp. was able to bring the industrial computer groups together on common ground to exchange technical information and to initiate computer sharing among them. This cooperative pooling of programing techniques, known as Share, is estimated by the Department of Defense to have saved military installations and defense contractors, and therefore the taxpayer, approximately $50 million.

There is yet another example of the kinds of vital work carried on by these centers which must be given notice. The Institute for Defense Analysis completed a test and evaluation study in mid-1968 only 1 short year after it was undertaken. This project was a comprehensive analysis of the testing requirements for the Minuteman III and Poseidon weapon systems. The spectacular results showed how to determine the actual performance of these systems by testing without the enormously increased costs the Department of Defense feared might be needed through the use of what up to that time were the only known testing techniques.

This successful effort by the Institute for Defense Analysis was accomplished by forming a team of knowledgeable staff people along with military officers and highly qualified engineers from industry.

In other words, they put together the very best brains. The work of this team resulted in the resolution of a severe problem which the Government itself had been unable to resolve even after repeated attempts. In other words, Mr. President, if the Institute for Defense Analysis had not licked the problem, it probably would not have been done even today and I, for one, cannot put a price on that.

While I am mentioning this specific center, I believe it is very important to note that of the total contract budget of the Institute for Defense Analysis, only 5 percent is allocated for foreign policy and social studies. Yet the Senator from Arkansas asks us to reduce the FCRC funding by 10 percent.

Mr. President, the Department of Defense, again with the consent of the Congress, years ago decided that it would be necessary to use the Federal contract research center approach in extremely complex programs in problem areas.

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mr. McINTYRE. Mr. President, I yield 3 additional minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 3 additional minutes.

Mr. MURPHY. Mr. President, if I do not finish my remarks in that time, I ask unanimous consent that the remainder of them be printed in the RECORD because, obviously, because of this protracted discussion which has taken place there will not be time for me to read it all. I ask this so that Senators who are not presently in the Chamber may have the benefit, if they so desire, of reading what I think has been a rather carefully prepared explanation of the exact purpose of these centers, why they were put together and what they do.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURPHY. Mr. President, as an example of the degree of expertise needed, the difference between the development of airplanes and large booster rockets applies. In the construction of an aircraft, you can always taxi it down the runway, lift off to an altitude of 1 foot and settle back to the runway subsequently analyzing problems within the machine and correcting them.

However, in the case of the booster rocket with its valuable payload, you have no such luxury. What is important here is the stark fact that the booster alone, without payload, frequently costs several million dollars. Therefore, it must work—and work right—the first time. The military simply does not have enough people trained in the management of such programs in-house to guarantee this kind of success. But, by using an FCRC's technical ability the job can be done, was done and must continue to be done.

Mr. President, so far I have mentioned the successful story of only three of our Federal contract research centers. But, the story with the rest is pretty much parallel. Yesterday, the distinguished Senator from Arkansas introduced an amendment which, if I read it correctly, would have the effect of reducing FCRC funding by $27 million across the board. Yet the thrust of his argument centers on the activities carried out by these groups under contract to the Department of Defense in the social sciences and foreign affairs. I submit that this is dangerous because it uses the area of foreign policy and social sciences as the target, but, aims at all disciplines within the FCRC's with a shotgun or broadside effect. That is the great danger of generalizations.

There is an additional perspective to this question that has received too little attention here in this debate. It is the straightforward proposition that it is vital to our Nation's safety that the planners in the Department of Defense be aware of the far-reaching and serious military consequences of changes in foreign governments. Certainly, no one in the Department of Defense nor in the FCRC's has any wish to interfere with the prerogatives of the State Department and from my conversations with them and my study of their work I can say with certainty they want no part of it. Yet, military implications of foreign governmental change do exist—they are real. Mr. President, it would be folly to ignore them with possible serious miscalculations the result. It has been previously demonstrated to the satisfaction of the Congress that the very best way to analyze such situations is via the expertise offered by the FCRC's and, while regrettable, we must see today's world as it is and not as we wish it to be. Thus, we have an obligation to our own safety and security to have the advantage of just this kind of analytical review.

Perhaps, what the Senator is really saying is that these centers represent the military-industrial-scientific-educational complex which he so greatly deplores. We have heard much of this complex—I prefer the words "American team"—of late and we would do well to remember the gist of the thoughts of our beloved Gen. Douglas MacArthur who, as a part of his legacy, told us that the one great reliable strength of our Nation as it maintained its place in the world is our industry-military team which was and is called upon for our security every day of our lives. Certainly, by now it is not necessary to once again remind this body that retiring President Eisenhower actually pointed to this team with pride.

Furthermore, those who are so concerned about this team would do well to remember that the Federal contract research centers do in fact serve as a buffer or governor on both the military and the private sector. They do not make a product. They pay no dividends other than to the taxpayer. The important safeguard which exists here is simple: Both military and industrial security in these installations are operated by the Department of Defense and because the Secretary has confidence in the FCRC's they are able to gather together all the very best proprietary data, gleaning and coordinating all the best information while protecting it from piracy, but offering it as an asset to our security.

Nonetheless, we are told here that this amendment will reduce the authorization for the Federal contract research centers by $27 million because the chairman of the Committee on Foreign Relations is concerned about their work in the social sciences. Again we have the generalization which is akin to the old apples and oranges—which is akin to lumping all the animal world together and saying all must wear horseshoes or—in this case—all will have their rations cut since there is a problem with horseshoes. Mr. President, what we are asked to do here is to consider the social sciences, condemn the work the FCRC's are doing in the social sciences, lump the social sciences together with architect engineering, weapons analysis, systems management, and cut back on the whole works.

Mr. President, I have the privilege of serving on the Subcommittee on Research and Development chaired by the very able Senator from New Hampshire. I can tell the Senate that under Senator MCINTYRE's leadership, the subcommittee went into the question of the Federal contract research centers very thoroughly. When the Subcommittee on Research and Development reported to the full Armed Services Committee on its work, my friend the distinguished Senator from Virginia offered an amendment which is included in the bill and would limit the salaries of FCRC technical and management personnel. I did not cosponsor that amendment for numerous reasons, but, I certainly understand and congratulate Senator BYRD for his motives in offering it.

However, we should remember that the complexity and national importance of the work of the FCRC's require highly talented and competent management. The competition for top people in this field of endeavor is considerable. The major FCRC's are managed by people who would otherwise be serving as senior professional executives in industry or industrial laboratories, as university administrators or senior professors, or as executives in enterprises such as the major management consulting firms and research organizations, both profitmaking and nonprofit. Many of these organizations do Government contract work, and compensation in excess of $45,000 is common in most of these posts. Even in the case of university professors, there are a substantial number of senior people whose activities, including consulting, bring them incomes in the $50,000 to $60,000 range. Again, much of this consulting is paid for from Government contract funds, including Department of Defense funds. Profitmaking enterprises normally provide additional incentives, such as stock options, not available in nonprofit organizations such as the FCRCs, and universities provide other fringe benefits in many cases.

In the case of most of the FCRC's, the boards of trustees set the salaries of the top personnel. These trustee constitute an impressive roster of public-spirited citizens, including leading public figures, ex-public servants, university presidents and industrial executives. These men are acutely conscious of their policy responsibilities and of the public interest nature of the organizations. They are well able to judge the performance and quality of the persons whose salaries they set. These boards of trustees are keenly aware of the need to attract and to hold individuals of the highest caliber in the top management position of the FCRC's if these organizations are to be able to continue their effective performance in the national interest. The responsibilities are great; much of the work is pioneering and its quality is extremely important. Management judgment and talent is an absolute essential. For all of these reasons a limitation such as the one proposed appears inappropriate and in fact harmful.

The present language, left as is, suggests that in the absence of Presidential approval, some 20 officials of the FCRC's would have to take a cut in total compensation back to $45,000, or leave their jobs, or the FCRC's affected would have to cease doing business with the Department of Defense.

Mr. President, I am reminded that many years ago I was called before a committee of this very body to explain just why the late Clark Gable could draw a salary of $7,500 a week. Many on the committee asked "What does he do?" "How can he be worth $7,500 a week for what he does?" My answer was that he doesn't do anything, but he has an expertise—he is an actor of supreme accomplishment and in free and open competition he can earn this much money. Clark Gable's name in lights over a theater sells tickets and offers an income to all involved as the result of free trade.

I do not mean that there is detailed commonality between the motion picture business and the FCRC's. I do mean, however, that these people about whose salaries we are so concerned are among the finest technical people we have and they are dedicated to their country and programs. Should they become discouraged, I can say for certain they will not go into $40,000-a-year Government jobs. They will go up the street to large private industrial concerns like TRW, Hughes, North American Rockwell, or Lockheed.

Surely, the distinguished Senator from Arkansas is well aware of the fees and salaries that ability and a good record can draw. The Senator from Arkansas, being the great lawyer he is, has received in his lifetime career special fees because of his expertise and knowledge of the law.

Mr. President, I believe there is another important factor worthy of our consideration today which applies to both amendments. I refer to the social and economic problems that loom so large in America now. It is acknowledged that the most competent and successful organizations created for the purpose of solving problems are those currently engaged in defense and space work. They have developed a whole new concept called systems management. Lately a new term has come into common use: I refer to "civil systems" which simply means the application of the systems management or systems engineering approach to those enormous problems which face us from within. The great organizations we have created to solve our defense problems since World War II are in being—they are operating and in place. They could, in fact, be our most important national resource when we turn them to the problems of pollution, waste disposal, communications, crime, delinquency, transportation, urban renewal, and the eradication of poverty, all of which are approaching crisis proportions as the distinguished Senator from Arkansas himself has often said.

So far, Mr. President, the potentially most promising approach to the solution to these problems is through the application of systems management or the systems approach or civil systems, if you will, by our great concerns in the aerospace industry of which the Federal contract research centers are such a vital part. It may well be that other departments of the Government will want to use the abilities of these centers toward the ends I have just outlined—and this Senator believes they should. It may also well be that the Department of State could profitably use their services, since we all know how many problems that Department has had over the past 8 years, and the Committee on Foreign Relations would wish to consider appropriate funding.

However, it is extremely important that these organizations, these going concerns, not be impeded or reduced or discouraged here as we consider defense procurement. As a matter of fact, that so-called military-industrial complex we are supposed to be so concerned about could, through these self-same FCRC's, turn out to be the best friend our advocates of domestic priorities ever had.

The importance of independence and objectivity in these organizations is paramount, and has long been recognized as such. The FCRC's are for the most part engaged in highly important and complex research on matters of great significance to military planning and national security policy. More recently, because of the major contributions of these organizations in the field of national security, it has been urged by many, including the Secretary of Defense, that they apply their skills and experience to other important national problems such as those of the environment and the cities. A number of them are doing so, and this is becoming a significant portion of their work. It would seem unwise and inappropriate to inhibit the application of this national resource to domestic problems by placing special restrictions on them in a military procurement bill.

Mr. President, the distinguished and highly respected Director of Defense Research and Engineering, Dr. John S. Foster, stated in his recent testimony before the Committee on Armed Services that—

> Second, we have reconsidered recently an issue which has been brought up from time to time for several years—whether or not these primarily Defense-sponsored organizations should be permitted or even encouraged to apply selectively their specialized capabilities to major domestic problems such as transportation, urban redevelopment, housing, and medical services. We have concluded that when an FCRC has capabilities suitable to a non-Defense client, it should be permitted to undertake non-Defense work. In short, we believe that the DOD has developed in the FCRC's a "national resource" which should be used as national priorities dictate, consistent with our needs in the national security area. Thus I have begun discussions with other parts of the Federal Government and with the FCRC's to introduce this concept of "selective diversification." I must add, however, that we do not intend to fund programs designed to solve domestic problems, nor do we intend to act as a permanent "middle man" in administering any such programs. Similarly, we do not intend to reduce or dilute our DOD funding to FCRC's for national security work, nor do we expect the FCRC's to reduce or delimit their contribution to defense needs.

Mr. President, it is important to this bill that there be no further reduction in funds authorized for Federal contract research centers. I hope I have made some small contribution to erasing some of the misunderstandings that exist where they are concerned. I have seen firsthand the work they are doing and I know the capabilities of their people. I can report with confidence, as can many of my colleagues, that many of our most advanced, most significant, and most successful new ideas for our security begin at these centers.

These centers are vested with the tremendous responsibility for systems management, long range planning and the solutions to tomorrow's problems. While I wish today's problems made it possible for me to join with the Senator from Arkansas in his amendment, I believe the examples I have just cited are so compelling as to leave us with the clear responsibility to support the funding of these Federal contract research centers as one of our great hopes for the future.

I depart from my prepared remarks for a moment to point out that during the committee hearings concern was expressed over salaries in the FCRC's. I attempted to explain the reason. When the Federal contract research centers were put together, it was of extreme necessity that the very best and the very finest brains be obtained.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MURPHY. May I have 1 additional minute?

Mr. McINTYRE. Mr. President, I yield 1 minute more to the Senator.

Mr. MURPHY. I know from practical experience that many of these scientists and administrators are working in these projects at a cost to themselves. I know they could go down the street from Air Research, for instance, and be hired at Thompson-Ramo-Woolridge at higher salaries. I know they could walk down the street and be hired at Hughes Aircraft or Hughes Tool and be paid a higher salary.

I also pointed out that to get the second-best brains would be a mistake, because these are the men who conceive the ideas, who draw the expert analyses for the Air Force and other services, to proceed at the greatest savings, in the most practical way.

Because of my knowledge of the performance of the Federal contract research centers, notwithstanding that I dislike to be in opposition to the amendment of the Senator, I shall be forced to oppose it.

Mr. McINTYRE. Mr. President, I thank the Senator from California. He has been a very helpful member of the Research and Development Subcommittee and particularly with respect to this matter.

Mr. MURPHY. Mr. President, if the Senator will yield me 10 seconds, I have been on that committee, and I know the chairman of the committee agrees with me that there is a real lack of knowledge of what happens in these centers. I know he agrees with me that, as soon as we have the time, he will accept the invitation to come to my State. There are two of these Federal contract research centers in my State that I think would be very good to visit. I am sure we would like to visit them and have a look at close range and ascertain what is being accomplished and exactly how the programs works. If we do that, I think we will have a greater understanding of what we are discussing

I am extremely happy to be a member of the Senator's committee, where, for the first time I believe a great scrutiny of these matters is being had.

Mr. McGOVERN. Mr. President, will the Senator yield me a few minutes on another matter?

Mr. FULBRIGHT. First, may I respond to the remarks of the Senator from Massachusetts for a moment?

The Senator from Massachusetts wanted to conserve his own time. He was running short of time. He submitted in writing a number of questions to me.

Before I proceed to the questions, I wish to say that I have great sympathy for the attitude of the Senator from Massachusetts, because there are many research projects in the universities or educational institutions of his State.

It is my understanding that Massachusetts Institute of Technology, with over $119 million last year, is the largest single educational institution on the payroll of the Defense Department. Harvard, of course, has a much smaller allocation, but it is substantial, over $2.5 million. The University of Massachusetts, under the Themis program, had a substantial amount, $720,000. Boston College had $440,000.

However, on the other side, in my view, is the impact these research programs may have on the colleges and universities. What I am more interested in is the preservation of the integrity of our educational institutions, whether they are in my State or in any other State.

The first question the Senator from Massachusetts asked was: Would the Fulbright amendment affect the $4 million recommended to be transferred to the Department of State for foreign policy research—which is in the report?

It would not affect it. As far as I know, there is no evidence that the Department of State wants these programs, nor is there any evidence that the transfer of the projects are of projects which are worthwhile of themselves. My own guess is that it would be better that they be discontinued. In any case, there is no evidence it would affect it at all.

The second question of the Senator is: The Fulbright amendment would impose a further $2 million, or one-third, cut in research by foreign universities and institutions. Is the Senator aware that this area has already been reduced by 70 percent since fiscal year 1968?

I am aware of that. I already congratulated the Senator from New Hampshire for reducing it, but we still have contracts in 44 different foreign countries. I have already given my reason why I think it is bad policy, and it ought to be reduced to a bare minimum, if not eliminated.

It is possible that there may be some unique situations in which a program would be justified, but I am quite confident there is no justification to have them in 44 countries. I am not sure our foreign policy can stand that much intervention by the Defense Department. It ought to be kept at a minimum. Besides, if there are some unique situations in which research and development would be justified, I would strongly recommend that it be sponsored by some other agency, the National Science Foundation, or the National Institutes of Health, or the Department of Commerce, some agency other than the military.

Surely, it ought to be obvious now to all Americans that military intrusion is offensive to small countries, or to any country. Military intrusion is much different from intrusion by cultural or other institutions, because people are suspicious of the military, as going to their own security. We always run into that danger. Tourists can go abroad without harm. People can live in another country. But when soldiers are stationed in another country, traditionally it has always caused suspicion. So I think there is a great difference, because it arises from fears of our own country, and I do not think it is good for our relations.

Mr. McINTYRE. Mr. President, will the Senator yield at that point?

Mr. FULBRIGHT. I yield.

Mr. McINTYRE. One thing that plagues me is that if the State Department and the Foreign Relations Committee of the Senate and its counterpart in the House, and the President of the United States have had something to do with setting the foreign policy of this country and setting out the goals and setting out the objectives, once those objectives are made clear, or at least scaled down to somewhere along the lines the distinguished Senator from Arkansas would like to see, I think it would be no trouble for the Department of Defense to scale back the activities the Senator complains about. But the State Department and the Senator's committee and the administration set the pace, and the Department of Defense is only trying to carry it out.

Mr. FULBRIGHT. The other day I discussed the purpose of our country in this field in connection with the posture statement. I only wish to say that I have strongly disapproved of our tendency to intervention, and I have done that publicly, beginning with our intervention in the Dominican Republic in 1965.

I thoroughly disapprove of the ease with which we accept the responsibility to intervene in another country's affairs and tell them what to do and tell them what kind of government they ought to have, and so forth. The Senator is aware of my disagreement with our policy.

It is true that I am only one Senator, but the Foreign Relations Committee has gone through quite a change in its attitude toward that policy. The foreign policy I am really complaining about is that of the previous administration, led by Secretary Rusk in the State Department. I thoroughly disagree with his definition of the mission of the United States. This we have discussed. Now with a new administration and with new officials in the administration, I had hoped we would begin to follow a different approach.

This amendment is a small segment or part of that approach of downgrading our intervention and intrusion into foreign countries; to treat other countries more as equals, with greater respect, and, hopefully, to cultivate better relations with them.

The foreign programs I am talking about are one little aspect of it. I am doing my best to change our policy. I am doing the best I know how to get out of Vietnam and change our policy.

The hearing we had this morning is in connection with a situation which we are very fearful may become another Vietnam. All I can say to the Senator is that I am doing the best I can to change it. I have not been very successful, but that is all I can do.

Mr. McINTYRE. Mr. President, will the Senator yield briefly?

Mr. FULBRIGHT. I yield.

Mr. McINTYRE. I hope the Senator from Arkansas appreciates the position the Armed Services Committee, with this authorization bill, is in. Since the Senator from Arkansas does not set the foreign policy of the United States, and the State Department and the administration do, he will find that we, as we try to answer the questions and try to help him in understanding this particular bill, more or less find ourselves in a bind between the position of the State Department and the attitude of the distinguished Senator from Arkansas toward the foreign policy of this country.

Mr. FULBRIGHT. Mr. President, I do not know whether the State Department has really approved these projects or not. On my inquiry last year, the Bureau of the Budget was not aware of most of the projects and had not examined them. They do not examine Defense Department programs as they do other programs.

I think the participation of the State Department in the program of the Department of Defense, if at all, is perfunctory. Even this contingency planning agreement with Thailand is not in the custody of the State Department. I requested it from the State Department, and they came back with the letter which I put in the RECORD the other day, saying, "We regret we cannot give it to you, because the Secretary of Defense is reluctant to allow it outside of his control," which meant, in effect, that here is an agreement between Thailand and the United States, and it is not even in the hands of the State Department.

So we have a lot of difficulties in this area, and I am not at all sure the State Department is a very free agent when it comes to such matters. The one agency, and the only agency in the Government, in my opinion, that can ever exercise any degree of restraint upon the Defense Department is the Senate, because of its peculiar characteristics, in that we are more independent than anyone else in the Government. We have longer terms, and that is why we were given longer terms. We represent our States, and thus represent larger constituencies than Members of the House of Representatives. I shall not describe our system of government further, but I think the Senate is the only agency that can possibly bring its influence to bear upon the Military Establishment.

It will be seen that this is not wholly imaginary, when you look around the world and look at all the other major countries, wherever they may be. Most of them are dominated by their military establishments. We have got to assume that the United States and the American people are gifted with some very special qualities, if we are to be able to avoid the same fate. The Senator can look at Russia, or at China, or where have you: Latin America, Brazil, Argentina, Peru, and so on. I shall not call the rolls, but most of them are largely under the influence of the military.

There is a reason for it. I do not know; perhaps in the long run it is better. I do not think so, with the present state of my information. I prefer to maintain the dominance of the civilian authorities; and our Constitution, I think, was intended to provide for that.

The next question the Senator from Massachusetts asked me is as follows:

> Many of the examples of "questionable" studies cited by the Senator from Arkansas were contracted 3, 4 or 5 years ago. Since then, DOD research has been subjected to much closer scrutiny. Does the Senator have any knowledge of current or projected studies which would substantiate his fears?

I may say that the studies I cited were the most current that the Defense Department would provide; and I will say again, as I have said often, that it is not easy to get some information out of the Defense Department. We are engaged, at the moment, as I say, in a very serious contest with them over this agreement with Thailand. In this case, we have used, in our statement and in the insertion, the latest information that the Defense Department was willing to provide. I do not have the power of subpena on the Secretary of Defense or the Commander in Chief, and I cannot make them give me what the committee wants. I simply provided the best information we could get from them.

I think the Senator from New Hampshire will admit that it is not always easy to get, neatly and efficiently, anything you want out of the Defense Department. It is a huge bureaucracy of millions of people. The Joint Chiefs of Staff itself, I think, now constitutes some several thousand people. All I can say is that I got the latest information that was available. I asked for the latest, and this is what we were given.

The Senator next asks whether I have any views of universities regarding this amendment.

No, I have not submitted it to universities. I do have views of universities about the intrusion of the Defense Department into their activities. I have already talked about that at length. I have views as to the reactions of the students and professors as to the extent of the intrusion by both research projects, ROTC, IDA, and what have you.

The Senator's fifth question is as follows:

> The Senator from Arkansas has cited many "horrible examples." Does he have any information as to what percentage of actual research programs this type of program represents?

No; I have no idea how to arrive at a percentage. The examples I put into the RECORD speak for themselves. Some people do not think they are horrible examples. I do not think they are horrible; that is not the word I used. I think they are wholly inappropriate to the functions of the Department of Defense. Some of them would be defensible as activities of the National Institutes of Health, the National Science Foundation, or the Departments of Commerce or State, but they have no relation to Defense, and the only reason as far as I can see why they were sponsored by the Defense Department is that the Defense Department has no difficulty getting any amount of money it wants, for this or any other project. That is the situation we seek to correct.

Mr. President, I ask unanimous consent to have printed in RECORD a communication from the Department of Defense entitled "Behavioral Sciences Projects Proposed for Funding in Fiscal Year 1970," issued as of July 22, 1969. This request is partially in response to the Senator's questions; although the information is not very specific, it gives some idea of the present attitude of the Defense Department in this area.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

BEHAVIORAL SCIENCES PROJECTS PROPOSED FOR FUNDING IN FISCAL YEAR 1970

ARPA behavioral science research can be understood most accurately as level of effort support for technical areas of special importance to the Department of Defense. Individual contracts vary widely in level of support and in duration. Frequently a contract is funded over a three-to-five year period, and rarely for a longer period of time. The best estimate of future support is a line extension of present level of effort for a technical area, recognizing that individual contracts will change according to research progress.

RATIONALE FOR MAJOR PROGRAMS

We are terminating almost all ARPA Behavioral Sciences research work outside the U.S. ARPA has reoriented its behavioral science research work into a direction where there is broad agreement in the research and defense community that more promise exists—the interdisciplinary combination of the computer and behavioral sciences in specific problem areas. The objective is to produce results to Defense user organizations within five years. Initially, we have extended support to three basic programs to be conducted at universities where unique talent now exists. Simultaneously, we began a management inquiry to determine how to use an applied research organization to apply the results of the basic research to specific and immediate DOD operational problems. As the work progresses, and to the extent that the results of our management analysis warrant, we plan to phase down ARPA sponsorship of university participation in the three programs.

The first university program is the Cambridge Project which seeks to provide tools needed to determine trend and interaction effects in complex DOD systems. System examples include designing hardware for effective human operation, training and educating personnel, organizing manpower, and allocating resources. We have more than enough data, but we lack tools to enable us to extract patterns and raw inferences from them. The work takes advantage of existing ARPA-funded interactive computing capability at MIT and will have wide participation by MIT and Harvard scientists. This effort will be supported at approximately $2,400,000 yearly.

The second university program, the Center for Computer-Based Behavioral Studies at UCLA, seeks to construct a theory and practice of gaming in order to improve substantially its realism for training and prediction. As a good example, many vital DoD missions require that DoD people know how to bargain and negotiate effectively with counterpart members of other nations; help is needed in the appropriate training of military advisors, defense attachés, and staffs of alliance commands. Faced with analogous problems in labor relations, major schools of business administration and major corporations have turned increasingly to gaming (i.e., simulations) for training and prediction. This effort will be supported at approximately $1,000,000 yearly.

The third university program, Quantitative Political Science, seeks to develop quantitative tools and unclassified data bases to improve our ability to predict national security needs. The work is accomplished at the University of Michigan, the University of Hawaii, the University of Southern California and Yale University. The data archive at the University of Michigan will be managed by the Inter-University Consortium for Political Research which currently distributes other types of social science data to faculty and students at 120 member universities. If successful, the tools would help us to distinguish between likely and unlikely future conflict situations. DoD must try to predict future security situations and needs in order to plan for logistics, force structure, strategy, and research and development. Faced with analogous needs, government departments responsible for the domestic economy turned more than thirty years ago to the development of quantitative predictive tools and supporting data bases. DoD has made only fragmentary use to date of quantitative political science for conflict and sociology. However, even these limited efforts have been useful to JCS, DIA, and Service officials. The basic university work in building the tools will all be unclassified and the results freely available. The later applications of the tools to operational DoD problems will probably be carried out elsewhere. This effort will be supported at approximately $850,000 yearly.

In addition, ARPA intends during FY 70 to support research in the following areas:

Teaching and Learning—The Department of Defense must maintain a vigorous and broad set of education and training activities for its personnel. As external threats become more complex, U.S. personnel increasingly require improved training to perform their jobs. Much of the new technology developed for other military purposes can also be applied to more effective training and education systems. ARPA sponsored research in computer assisted instruction has resulted in prototype systems which permit the instructor to manage teaching aids and resources with greater flexibility. These systems also promise to cut costs substantially under the terms of the instructional funds required for each student contact hour. The flexibility and economy of these systems will permit progress in developing techniques and methods of instruction which are most effective with students whose learning styles and abilities vary widely. Further research is concerned with the constraints imposed by different classes of subject matter and modes of presentation. Support during FY 70 will be approximately $185,000. During FY 70 specific contracts will be funded at Bolt, Beranek and Newman, and the University of Texas.

Human Performance—The attributes and evaluation of individual and group performance is fundamental to the operations of the Department of Defense. ARPA's research in this area is primarily concerned with establishing rules to assess the relationship between human capabilities to perform military jobs and basic abilities such as signal detection, memory, information processing and perception. Support during FY 70 will be approximately $360,000. During FY 70 specific contracts will be funded at the University of Michigan and the University of Oregon.

Human Communication—This research area is concerned with principles of human communication as they affect coordination of effort in the execution of military tasks. This effort is and will continue to include work on competence to learn and use foreign languages and second languages. The knowledge gained will then be used to develop and test educational materials to improve cross-cultural communication. Support during FY 70 will be approximately $550,000.

ORDER OF BUSINESS

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield 5 minutes to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, in view of the limitation on time, I should like to speak very briefly on two unrelated matters, the first having to do with the President's welfare message as it relates to our food assistance program, and, second, to make some remarks on the prisoner information policy of North Vietnam.

DOES THE NIXON WELFARE PROPOSAL WEAKEN THE FOOD ASSISTANCE PROGRAM?

Mr. McGOVERN. Mr. President, with regard to the President's historic message on last Friday, which he transmitted in greater detail to Congress yesterday, there is one matter of very grave concern to me, and that is the apparent intention of the administration, as outlined in that message, to phase out the food assistance program for those persons who choose to participate under the newly proposed family assistance program.

Mr. President, I have no objection—in fact I rather welcome it—to the replacement of some of our plethora of welfare programs with an income maintenance program as suggested by the President. But if in fact the administration proposes to offer a family of four a maximum of $1,600 in cash, and then tell the family that chooses that option that they are excluded from the food stamp program, it will be, in effect, decreasing very substantially the amount of aid now being received by millions of Americans. My preliminary estimates lead me to believe that if this exclusion policy goes into effect, and we deny food assistance to those families who choose the income maintenance program suggested by the President, in 44 out of the 50 States we would actually lose, for many millions of people, the amount of assistance they are now receiving under a combination of food stamps or commodity assistance plus the welfare payments they now receive.

Mr. President, it is a fact that it requires almost all of the $1,600 that the President has suggested for income maintenance to provide a family of four with an adequate diet. So it is my intention as the chairman of the Select Committee on Nutrition and Human Needs that has been looking into the problem of hunger and malnutrition in the United States to call administration witnesses before our committee at a very early date to clarify the matter.

I hope very sincerely that the President will press his proposal for an income maintenance program, but that he will not press it to the inclusion of the food stamp program.

We must do either one or two things. We must permit both of the programs to operate simultaneously or else we will have a very substantial increase in the income maintenance figure suggested by the President.

Mr. President, last May, President Nixon pledged that his administration would put an end to hunger in America for all time. He then moved swifty to accomplish this goal by sending to Congress a plan to expand and improve the food stamp program.

In his historic welfare message of last Friday, the President added to his earlier pledge by proposing a family assistance system under which the Federal Government would build a foundation under the income of every American family that cannot care for itself.

With these two messages the American Government has promised its poorer citizens that they should no longer go hungry no matter what their income, and that they will be given a strong Federal boost in their efforts to escape from poverty. While I welcome these pledges, I hope that President Nixon will heed his own often repeated warning that it is extremely dangerous to raise false hopes by making promises which will not be fulfilled.

The details of the President's family assistance system reveal that its commendable procedural reforms, which extend coverage to the working poor and lighten the financial burden on State governments, are not matched by funds adequate to end either hunger or poverty among our poorest families. Though the administration plan provides for a much fairer distribution of the costs and benefits of welfare, the poor family which is pleased to receive its fair share of the help which is available, may be less than pleased to learn that its fair share is still not enough to lift it out of poverty or even to feed its hungry children.

In light of pending proposals to provide a $10 billion tax break to middle- and upper-income families, I find it hard to accept the administration's apparent belief that the $10 billion cost of lifting every American family out of poverty is more than the Nation can bear. Even less understandable is how the administration, knowing that the financial assistance he is offering is far less than a poor family must have to meet its minimum needs for food, clothing, and shelter, could recommend that families receiving this inadequate family assistance payment should no longer be allowed to supplement their diets by participating in the food stamp program. If this prohibition against simultaneous participation in the family assistance and food stamp programs is allowed to stand, millions of families in 44 of our 50 States will actually receive less help than they now receive through the welfare and food stamp programs together. In most Northern States, for example, an average family would receive between $288 and $384 dollars per year less under the President's plan than they now receive from welfare and the food stamp program.

According to the administration's own figures, an average family of four must spend a bare minimum of $1,200 per year if it is to purchase a healthy diet and must earn $3,600 per year in order to spend at this level. Under the family assistance program, many millions of Americans living in families whose head is unemployable or cannot find employment would receive only $1,600 per year from the Federal Government. This is only $400 more than they must spend on food alone, and is fully $2,000 less than the total income they need in order to maintain a nutritious diet while meeting their other fixed expenses.

Additional State payments could narrow this gap between actual income and the amount needed to prevent hunger and malnutrition, but in only one or two States would this gap be closed.

Though the working poor receive new assistance under the Nixon plan, most of them would also face a continued gap between total income and the price of meeting food and other basic needs.

Because it is the express purpose of the food stamp program to fill this "food income" gap, and because the family assistance system as announced would do little or nothing to close this gap for millions of Americans, I urge the President to permit needy family assistance recipients to continue to participate in the improved food stamp program which he himself seeks.

On May 7 of this year, the President addressed a message to Congress on the subject of hunger in America. In that message he promised to—and I quote directly from his message—

> Provide poor families enough food stamps to purchase a nutritionally complete diet . . .
>
> Provide food stamps at no cost to those in the very lowest income brackets.
>
> Provide food stamps to others at a cost of no greater than 30% of income.
>
> Ensure that the food stamp program is complementary to a revised welfare program, which I shall propose to the Congress this year.

Despite the welcome reforms in President Nixon's "family assistance system," unless that program permits participants to receive food stamps it will renege on the explicit promises which the President made to Congress last May. It will not provide poor families with enough food stamps or enough cash to purchase a nutritionally adequate diet. Instead, it will create a whole new category of partially assisted poor persons who are prevented by law from receiving any food stamps whatsoever. Far from being "complementary," as the President specifically promised, the family assistance and food stamp programs will be almost mutually exclusive. If the President is to make good on his pledge to "end hunger in America for all time," it is imperative that he not arbitrarily bar recipients of his very limited proposed family assistance from receiving food stamps. If such a restriction is issued, hunger cannot possibly be eliminated for its continuance will be written into the law.

Because of my concern over this issue, I intend at an early date to call administration representatives before the Select Committee on Nutrition and Human Needs to clarify the newly stated administration position.

NORTH VIETNAM POLICY ON PRISONERS OF WAR

Mr. McGOVERN. Mr. President, this week three American families are celebrating the return of their sons and husbands from North Vietnam. I am sure that all of us share their joy. It is especially meaningful to me that one of the young prisoners of the war released last week was Navy Seaman Douglas B. Hegdahl of Clarks, S. Dak.

But the families of some 1,300 other American servicemen remain in a state of desperate uncertainty.

As of July 26, we knew that 346 of those young men were prisoners of war, but there is little more known about their health or safety. We have photographic evidence that those who were injured when they were captured have received poor medical treatment and that some have been made to parade as human displays. There is also evidence that prisoners are kept in isolation from each other.

The situation is even more deplorable for the other 978 who, as of July 26, were reported as missing in action. Their families cannot even learn whether they are alive or dead.

I am acutely aware of one case in this category. As I reported to the Senate on July 2, I visited at length last April in Paris with representatives of North Vietnam and of the National Liberation Front. I raised the prisoner-of-war issue and asked specifically about a young South Dakota pilot who had been downed over North Vietnam in January of 1968. There had been absolutely no word on his status for all of those 15 months.

Sometime after returning to the United States I received a letter from Paris advising me that the young man in question had been severely injured, that medical treatment was unavailing, and that he had died within a few hours after his capture. This information is still inconclusive. There has been no further confirmation.

Mr. President, all of us at one time or another have to do things we want desperately to avoid. I want never again to make a call like that I made to the parents of this serviceman.

It made final the agony they had suffered for 15 long months; agony imposed upon them for no reason, with no benefit to anyone.

On June 28, 1957, North Vietnam adhered to the Geneva Convention of 1949 relative to the treatment of prisoners of war. It requires that the names of prisoners held be made available, that sick and wounded prisoners be released immediately, that prisoners-of-war facilities be opened up to impartial inspection, that all prisoners receive proper treatment, and that a regular flow of mail be allowed.

The United States is also a party to that convention. We have abided by its dictates throughout the course of the conflict in Vietnam. Forces captured in South Vietnam are detained in prisoner-of-war camps which are inspected regularly by the International Committee of the Red Cross. Sick and wounded prisoners have been released.

North Vietnam has violated it in at least six particulars. They have not given the names of prisoners. Only 100 prisoners have been allowed to write to their families, at a rate averaging only two letters per year. The locations of prison compounds have not been revealed, let alone opened to impartial inspection. The sick and wounded have not been exchanged. Prisoners have been placed on public display and subjected to abuses of the populace.

North Vietnamese officials have indicated their belief that the Geneva Convention does not apply in Vietnam because it is not a real war and prisoners are therefore war criminals. This position is not even good subterfuge. The convention does not require a declaration of war. Article 2 provides that it shall apply to all cases of declared war or "of any other armed conflict which may arise between two or more of the high contracting parties, even if the state of war is not recognized by one of them."

But the treatment of U.S. prisoners of war would deserve condemnation even if there were room for a legitimate dispute over the convention's construction. Those who have agreed to respect it must certainly recognize that it is more than a narrow statement of legal obligations. It is instead an expression that the existence of an armed dispute between nations is not a reason for inhumane treatment of those who are helpless, who pose no threat, and who have no means of defending themselves.

Mr. President, this question has nothing to do with the wisdom of U.S. policies in Vietnam. I continue to regret our involvement in the Vietnamese conflict. I expect to continue my efforts to end it.

But no American, regardless of his views on the war, can condone the North Vietnamese handling of prisoners of war. They have denied the most fundamental precepts of humanity which should characterize the dealings of any nation with friend and foe alike.

The policy on prisoners of Hanoi is not only inhumane, it is damaging to the interests of North Vietnam and the National Liberation Front. If they hope to apply political pressure upon the United States through this device they expose a thorough misunderstanding of the factors which guide American thinking. The war will not end because of indignities imposed upon Americans by North Vietnamese; it will end only because a majority of Americans recognize it as a mistake and because we are investing lives and treasures where our real interests are not threatened and where we have no obligation or reason to intervene. I have little doubt that the mistreatment of prisoners of war can only result in public contempt for North Vietnam and in a stiffened U.S. attitude toward possible negotiations or withdrawals.

There has been very little with which I can agree in the Vietnam policies of either the Johnson administration or the Nixon administration.

But I identify completely with current efforts by our Government to see that the minimum steps outlined in the Geneva Convention are respected. I call upon the North Vietnamese to prove to the American people—particularly to those who have opposed the war—that we have a common bond of revulsion against needless human suffering.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. PACKWOOD in the chair). Who yields time?

Mr. STENNIS. Mr. President, what is the parliamentary situation as to the expiration time of the agreement? How much time remains?

The PRESIDING OFFICER. The Senator from Arkansas has 16 minutes remaining, and the Senator from Mississippi has 5 minutes remaining.

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum and the time for the quorum may be charged to my time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I yield 1 minute to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 1 minute.

THE APOLLO 11 MISSION AND PRESIDENT NIXON'S RECENT TRIP ABROAD

Mr. BELLMON. Mr. President, since July 16, 1969, when Apollo 11 carrying the earth's first moon travelers was launched before thousands of spectators and millions of television viewers, this country and much of the world has been caught up in a healthy period of breathlessness and admiration of the three courageous men whose daring and professional competence opened a new window of knowledge for all mankind.

The value of the moon voyage greatly exceeds the worth of even the vast scientific knowledge it and subsequent trips will produce. In an unpredictable and indescribable way, the trip has brought the peoples of all nations closer together.

Neil A. Armstrong, Michael Collins, and Edwin E. Aldrin deserve and will receive the full acclaim and adulation of a proud and happy nation. They and the entire space team are revered by people of all ages, races, nationalities, and conditions in every corner of the globe. They will be justly honored in many ways in the days ahead.

Concurrent with the return of the moon travelers, another trip began which, in many ways, was similar and which produced parallel results.

I refer to the round-the-world voyage of President Richard M. Nixon. His trip began as an act of faith. It also required a high level of courage and professional competence. It has yielded international adulation of a similar nature. It, too, has brought the peoples of the earth closer together.

There has been much talk since the President's return from his trip about the impact of that trip, what he accomplished in Asia, and what he accomplished in Rumania.

And there is no doubt that his trip lessened world tensions and clarified our polices in Southeast Asia.

But, Mr. President, it occurs to me that the success of that trip may not be the most important thing about it.

Equally as important is that the President chose to take it at all and that he took it when he did.

To me, President Nixon's decision to go into the trouble spots of the world during the mission of Apollo 11 was an act of supreme faith—faith in the ability of Americans to land on the moon and return safely, faith in his own ability to deal with the leaders of other nations, and above all, faith in God.

No President without a supreme faith in God and in America would have dared to schedule such a trip in conjunction with man's first attempt to land on the moon.

Failure of the moon trip would have meant disaster for the President's trip before it began. Failure would immeasurably have strengthened the hands of our enemies.

But as we know, the President's faith was well founded. Apollo 11 was a success.

And that success led to the success of the President's mission. In recent years no American leader has been safe abroad. In fact our Presidents more than once have not been able to go abroad because of the fear of violence.

But President Nixon had faith that he could accomplish his mission unmolested, that he could enter the heart of Saigon and leave unscathed, that he could meet with the leaders of India and Pakistan without arousing the smouldering anti-American sentiment of those nations; that he could kindle the slumbering pro-American sentiments of Eastern Europe.

In all these cases his faith was justified.

America was built on faith. Her greatness hinges on the faith of her leaders and her people.

When that faith is strong, as was the President's, we can see its results around the world.

Mr. President, I ask unanimous consent to have printed in the RECORD excerpts of editorial comment from many nations commenting on those results.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS

Media in major world capitals reported the "tumultuous" and "spontaneous" welcome accorded Mr. Nixon in Bucharest. Early comment, mostly in the form of correspondent reports, noted a great personal success for the President.

French TV said his trip had "ended in glory in Bucharest." Moderate-left mass-circulation *France-Soir* reported that his reception there was "not 'prefab.' "

Socialist *Avanti* of Rome observed that "the presence of the popular masses had been organized in advance, but the manifestations of joy for Nixon were clearly genuine."

Some observers warned of Soviet displeasure. Independent *Le Monde*, Paris, said Mr. Nixon "chose precisely the most tender spot. . . . Thus a measure of defiance was involved . . ." London's moderately conservative *Sunday Times* saw "Mounting signs that the Russians are not at all pleased with this display of friendship."

Pakistani television, radio and press treated the visit there in highly favorable tones. The Press Trust's *Morning News,* of Dacca and Karachi declared that the Asian tour "may well mark a decisive turning point in U.S. relations with Asia."

The conservative *Hindu* of Madras and others reported "satisfaction on the Indian side" at the outcome of Gandhi-Nixon talks. It remarked that "the new American policy is said to be to help Asians to help themselves as regards both security and economic development."

The British-owned *Bangkok Post* asserted that "contrary to American press speculation, President Nixon's visit to Thailand has been fruitful rather than 'nettlesome' (UPI) or 'uneasy' (AP) for the President and his number one policy adviser, Dr. Henry Kissinger."

Rumania's media gave full treatment to the visit there. Its Communist neighbors restricted coverage to the briefest factual notice.

PARIS

Commentators described the welcome in Bucharest as "delirious" and agreed that the visit was a great personal success for President Nixon.

State-owned television last night carried films of the visit, and its correspondent opened by saying, "President Nixon's 40,000-kilometer tour ended in glory in Bucharest." He continued:

"Mr. Nixon is having a real triumph in Bucharest today. Of course this historic moment—I don't think the word too strong—when a U.S. President was to be received by the head of a socialist state was eargerly awaited.

"But even more eagerly awaited was the welcome that the population of this socialist country would give the U.S. President. Well, one is entitled to say that the Rumanians have never been so warm, so enthusiastic. . . . The most striking thing was their spontaneity."

The correspondent declared that "no spectacular results are expected from the visit, but the main thing certainly is the understanding between Rumanians and Americans.

"Europe, China, and the Middle East were discussed, as well as Rumania's relations with other counties of the socialist camp, and it is certain that Mr. Nixon and Mr. Ceausescu analyzed Moscow's possible reaction.

"It is clear that neither President Nixon nor Mr. Ceausescu wanted to give the visit the appearance of a provocation. But it is certain that the triumphant, enthusiastic welcome of the Rumanians for Mr. Nixon can only increase the ill-temper of the Soviets."

Moderate-left *France-Soir* ran this eight column head over a large picture of Mr. Nixon surrounded by cheerful Rumanians:

"Delirium in Bucharest over Nixon. More than 500,000 Rumanians acclaim the U.S. President who declared on his arrival: 'The only objective of my visit is to improve relations between the U.S. and eastern Europe.' "

The paper's correspondent reported that "the reception accorded Mr. Nixon was not 'prefab.' The warmth exceeded all expectations. Nowhere during his trip has Mr. Nixon been received with such enthusiasm."

The paper's special late edition, *Paris-Presse,* stated that "Mr. Nixon deliberately remained very vague in his statements. Rumanians and Americans have already agreed on one point; not to exaggerate the importance of Mr. Nixon's visit and even to underrate it. . . . The concrete result of the visit will be primarily an improvement in Rumanian-American trade relations."

An Eastern European affairs writer said in a front-page article in independent *Le Monde:*

"Imagine the 'number one' in the Kremlin going to Mexico, or even Cuba at a time of tension between that country and the U.S. . . . with having previously made a visit to Washington!

"Mr. Nixon chose precisely the most tender spot, the one which Moscow undoubtedly considers as the weak point in what was and remains its buffer zone, for making the first foray of an American President to a Communist country. Thus, a measure of defiance was involved even if it is not presented as such."

The paper observed in another article that "the concrete and practical results of the visit to Rumania cannot be appraised immediately. The first information on President Nixon's Rumanian stopover and trip to Asia will be brought to the French leaders by Mr. Kissinger after the meeting with Mr. Wilson . . ."

LONDON

Front-page headlines read:

"Rumania goes wild for Nixon" (Independent *Observer*)

"A million Rumanians cheer Mr. Nixon" (Independent *News of the World*)

A report from Bucharest in the moderately conservative *Sunday Times* said that "President Nixon flew into Bucharest . . . to a triumphal welcome from the Rumanian people—and to mounting signs that the Russians are not at all pleased with this display of friendship."

The Independent Sunday *Observer* carried a report from Bangkok saying that an "uncharitable conclusion" would be that Mr. Nixon "is trying to have his cake and eat it.

"Mr. Nixon's America is to remain a Pacific power. The President believes this is necessary because he fears that the greatest threat to world peace over the next 10 years or so will be in Asia, and America must be there to contain it.

"He is also quite frank about America's interest in Asian markets, which in many cases are temptingly thriving or in Indonesia's special case, potentially very attractive."

The conservative *Sunday Telegraph* commented:

"The world tour which Mr. Nixon is due to end today with a refueling stop in the depths of Suffolk may go down in history as the most momentous American Presidential voyage since Roosevelt's journeys to the great wartime summits.

"And in effect, it marks the end of a process these summit meetings were to begin—the end of America's attempt to make her physical and political presence dominant throughout the non-Communist world."

ROME

Press, TV and radio described the "spontaneous wave of enthusiasm and admiration" which greeted the President in Bucharest. Communist papers reported a "warm welcome" and "friendly talks".

Socialist *Avanti* of Rome observed that "the presence of the popular masses had been organized in advance, but the manifestations of joy for Nixon were clearly genuine."

Leading independent *Corriere della Sera* of Milan said "the first visit of an American President to a Communist country shows what great psychological capital the U.S. has accumulated in Eastern Europe in the last quarter century."

WEST GERMANY

Television gave heavy coverage to the Rumanian visit, with details of the "triumphant ride" into Bucharest. A commentator said that in going to Bucharest and not Moscow, Mr. Nixon was honoring Rumania's "autonomous policy."

On the Asian tour, independent *Tagesspiegel* of West Berlin said "it is absurd to speak of an American withdrawal. The American presence continues, but changes will be made to reflect the experiences of the past."

VIENNA

Television carried a 75-minute live coverage of the President's arrival at Bucharest airport. A participant in a panel discussion on the significance of the visit said it "might contribute to a modus vivendi between East and West and thereby help secure peace in Europe. Not only Rumania but everybody else will profit."

BRUSSELS

TV devoted extensive coverage to the Rumanian visit. Commentary accompanying motorcade scenes of cheering crowds noted that Rumania had provided the most enthusiastic welcome on the President's itinerary.

OSLO

The Bucharest visit led on TV and radio newscasts. A correspondent, reporting the "triumphant procession," declared that "both Nixon and Ceausescu more than realized their aims. . . . Nixon, who has a strong anti-Communist background, has broken the barrier which none of his predecessors could—not even John F. Kennedy."

BEIRUT

Leading Arabic-language independent *an-Nahar* ran this report from its correspondent:

"Never before in its modern history does Rumania remember receiving anyone so warmly. Nor does it remember ever raising so many flags and banners or throwing all those flowers and writing all those editorials. And the visitor is an American President!"

PAKISTAN

Television carried videotape specials of Nixon activities in Lahore and the departure ceremonies at the airport.

Lahore papers prominently played the events in Bucharest and the Nixon and Ceausescu speeches.

Rawalpindi papers front-paged the reception in Bucharest. The Press Trust's *Pakistan Times* gave prominence on an inside page to the Nixon and Yahya farewell texts and emphasized the "warm sendoff" in Lahore and "big welcome" in Bucharest. All papers carried Bucharest stories on page one.

Nida-i-Millats based its lead story on a BBC broadcast saying Pakistan had made it clear to the U.S. that it will not join any military alliance likely to affect adversely its relations with mainland China.

All Dacca papers used voluminous and favorable Nixon coverage, mostly from their own correspondents, on front and back pages and inside.

Dacca television and radio outdid the press in favorable tone. Radio gave 80 per cent of its news time on Saturday and led on Sunday with Nixon material.

Highly influential, independent anti-Communist *Ittefaq* of Dacca headlined:

"Heart-warming welcome by one million in a Communist nation"

The paper said the Asian portion of the President's trip had been "most significant." It hailed "Nixon's policy of peace."

The Press Trust's *Morning News* of Dacca and Karachi declared that Asian tour "may well mark a decisive turning point in U.S. relations with Asia . . . Pakistan's policy of bilateral friendship . . . is now better understood and appreciated . . . We hope President Nixon will exert his influence to bring about Indo-Pakistani amity by removing the basic causes of conflict."

INDIA

Television radio gave prominent coverage to tour events. Papers front-paged pictures of the Nixon-Gandhi farewell handshake. Editorials were optimistic about improved Indo-U.S. relations.

New Delhi's pro-Congress Party *National Herald* declared that "Indo-U.S. understanding has been growing. . . . Nixon is very experienced in foreign affairs. . . . Behind his piecemeal pronouncements in different capitals he visted can be seen the outlines of a new policy."

The influential, pro-Congress Party *Hindustan* wrote:

"Though the Nixon visit was short, it turned out to be mutually very beneficial.

Never before has any visiting American President displayed such a deep sense of responsibility, humane outlook, good will and determination in strengthening Indo-U.S. relations. The visit came at a time when India and the U.S. were drifting apart, to the detriment of democracy and world peace. Nixon has contributed a great deal in bridging the gulf."

The conservative *Hindu* of Madras reported "satisfaction on the Indian side that the talks had gone off well, and that the hangover of past Indo-American recriminations was now really a thing of the past. . . .

"It was a splendid idea of Mr. Nixon's to come and talk things over with the Prime Minister and get the feel of India. . . . The new American policy is said to be to help Asians to help themselves as regards both security and economic development, but the Asian countries can expect direct American help in the event of attack by a major power like China. This is as the Government of India would seem to want."

The conservative *Mail* of Madras front-paged a cartoon showing Mrs. Gandhi and defense and plan officials looking at Mr. Nixon's footprints, which resembled dollar signs. Directly beneath was a head on a story "Nixon Confident of India's Future."

BANGKOK

Papers front-paged stories and photos of President Nixon in Pakistan and Rumania.

Leading, intellectual *Siam Rath* held that "it is most apparent that Thailand and the Philippines can no longer depend on the U.S. or SEATO for military help. Neither Malaysia nor Singapore can count on Britain or other Commonwealth countires. Indonesia, faced with internal problems, is also unable to defend itself.

"It is thus most appropriate that these countries . . . form a military pact for their own protection."

SAIGON

Today's vernacular press gave prominent play to the visit to Bucharest, reporting that the Rumanian government had made clear in advance that it would not play an intermediary's role among the U.S., the USSR and Communist China. Commentary continued to stress President Nixon's assurances and efforts to find peace in Asia.

Pro-GVN *Dong Nai*, a supporter of Prime Minister Huong, insisted that the South Vietnamese "have never thought they could cling to the U.S. forever for survival.

"If the U.S.—through an efficient aid policy—sincerely helps the GVN to develop its agriculture, industrialize, and establish a solid economy, we are sure that after the war ends . . . . South Viet-Nam will rapidly grow prosperous and gradually minimize its need for American assistance."

TOKYO

All major dailies front-paged correspondent reports of the arrival in Rumania.

Leading, independent-liberal *Asahi* observed:

"The U.S. does not intend to impose a new security pact on Asian countries. . . .

"Interest is rather focused on possible Soviet-American cooperation for the containment of Communist China. Fortunately, there has been no actual attempt so far to implement an anti-China project, either in the U.S. or Asian countries.

"It is hoped that President Nixon will fashion a more peaceful U.S. policy in Asia and toward Communist China, in view of the Lesson of the Viet-nam war and the wishes of Asia's neutral nations, with which he has familiarized himself during this tour."

SEOUL

Sunday morning papers gave top position to the Rumania visit. Conservative *Chosun Ilbo* splashed the story over two-thirds of its front page, describing a "tumultuous" reception.

World news interest in President Nixon's just-completed trip turned to his briefing of Congressional leaders on Asian policy, expectations of further troop withdrawals, and Mr. Kissinger's visit to Paris.

Meanwhile, the enthusiastic reception he enjoyed in Rumania drew additional favorable comment.

London's independent *Financial Times* remarked that "the value of this sort of international occasion lies in the long-term impact on world opinion." The conservative London *Daily Express* wrote that "the cheers for Mr. Nixon in Bucharest ring out a message of hope for the world."

In Paris, independent *Le Monde* termed the Rumanian visit "an immense popular success."

Rome's independent-center *Il Messaggero* said the Rumanian people had exhibited "an enthusiasm that no Communist leader has ever received in a 'fraternal state.' "

French media said that in sending Mr. Kissinger on a Paris visit "Washington normalizes its relations with France."

More and more commentators suggested a waiting period to test the results of Mr. Nixon's trip. Thus *Le Monde* thought "we shall have to wait several months" to appraise its effects. Tokyo's leading independent-liberal Asahi reported from Washington that "real evaluation must await future developments."

LONDON

BBC and commercial TV and radio carried a large number of political commentaries saying Mr. Nixon's tour had been generally successful, that it had bolstered faith in America's continuing interest in Asia, and that the Rumania visit was a *diplomatic master stroke*.

The *Financial Times* said of Mr. Nixon's trip:

"The value of this sort of international occasion lies in the long-term impact on world opinion. The films of President Nixon embracing Mr. Ceausescu will surely begin to persuade many people that the Americans are not monsters as they have often been depicted.

"And equally important, this visit to Bucharest must surely have helped convince many Americans, from the President down, that the Communist bloc is far more complex, far more interesting, and perhaps more sympathetic than the image created by 20 years of cold war."

The conservative *Daily Express* declared yesterday that "by their tumultuous unabashed display of friendliness to the U.S. President, the Rumanians demonstrated their resolve to consolidate and extend the independence they have achieved. . . . The cheers for Mr. Nixon in Bucharest ring out a message of hope for the world."

The pro-Labor *Daily Mirror*, which has a circulation of five million, commented:

"Perhaps Mr. Nixon's most immediate success was in the streets in the tumultuous reception he had from more than a million cheering Rumanians. After just over six months in office, Mr. Nixon has been around the world to see for himself the state of the nations. In this moon age he has his priorities right. With both feet placed firmly on earth."

The conservative *Daily Telegraph* observed yesterday that Mr. Nixon's visit to Rumania "needed impact to be a success, and it clearly has had impact.

"Mr. Nixon's reception by the Rumanian people was warm—'heart-warming' he called it. It could so easily have been otherwise. Surely one of the reasons why Mr. Brezhnev cancelled his attendance at the party congress in Bucharest later this week must have been that his reception might have contrasted poorly with Mr. Nixon's. Nor does it seem likely that Rumania's relations with Russia or China will suffer.

"Mr. Nixon said he was convinced history would record his talks with Mr. Ceausescu as serving the cause of peace. On the whole, the forecast appears justified."

PARIS

Independent *Le Monde* regarded Mr. Nixon's visit to Rumania as "an immense popular success," and said that "even if no spectacular results were officially recorded, a movement has begun. Nevertheless, we shall have to wait several months before being able to appraise its effects on international relations."

WEST GERMANY

The influential right-center *Frankfurter Allgemeine* wrote:

"In the sign of Apollo, Nixon is working for world unity . . . Nixon's trip was, among other things, a large-scale attempt to improve his position in the coming talks with Moscow . . . It remains to be seen whether he was successful, and if so to what extent. The results of such a trip are by and large imponderables, but imponderables count in policy."

The pro-Christian Democratic *Frankfurter Neue Presse* said the Soviet press treatment of the tour "indicates that the Kremlin will arrive at an understanding of Nixon's new policy only after protracted hesitation, if at all. Soviet reaction also indicates that the Americans rather than the Soviets are the proponents and executors of progressive policy, even though they are led by a Republican who so far has been considered a rightist conservative."

ITALY

Rome's independent-center *Il Messaggero* suggested that "a clear, explicit and unofficial communique" was issued by the people of Rumania.

"Thousands and thousands of Rumanians proclaimed the first visit of an American President to an Eastern bloc country. They showed him an enthusiasm that no Communist leader has ever received in a 'fraternal state.'

"The demonstrations were spontaneous, uncontrollable . . . This is the most significant aspect of the voyage . . ."

The independent-liberal *La Sampa* of Turin declared that "a prudent and realistic man like Nixon" probably already has concluded that in each of the big-power zones of influence "the ills are being attributed to the influencer. . . .

STOCKHOLM

Conservative *Svenska Dagbadet* observed that Communist leaders "now have reason to give more serious thought to the delirium of joy . . . in the Rumanian capital. . . .

"Nixon has been presented in Communist propoganda as the foremost representative of capitalism and imperialism . . . But is he received as the personification of an evil world power? . . . No. He is hailed by hundreds of thousands of Rumanians with an enthusiasm and a glow which . . . no one in the world can assert was ordered from above.

"Events in Hungary, Poland and Czechoslovakia have earlier shown how superficial is the Communist veneer when the people can occasionally give vent to their spontaneous feelings. The delirium of joy in Bucharest is a striking new example."

VIENNA

Independent *Die Presse* said Moscow's reaction to Mr. Nixon's visit to Bucharest "is unmistakable. Who else but Rumania could be meant when *Pravda* warns against 'a policy independent from Moscow'? . . .

"Moscow's uneasiness will certainly increase when it takes a closer look at the tremendous enthusiasm shown the President wherever he appeared in Bucharest. Moscow undoubtedly knows that this sympathy was extended not just to the man personally but also to a world where there are no victims of Brezhnev-type doctrine."

The paper's Washington correspondent called the Bucharest visit "a milestone in international politics and a personal triumph for the U.S. President." She expected closer economic cooperation and an extension of the most-favored-nation clause to Rumania by the U.S. as a result of the visit.

ATHENS

Government-controlled *Akropolis* stated that there is "conviction among developing nations and peoples in the Communist bloc that President Nixon is the champion and guarantor of peace . . .

"The U.S. President made a big leap toward world peace at a time when his country's prestige and power are at a peak. Mankind is grateful to him."

PAKISTAN

Dacca's anti-Communist *Ittefaq* wrote of "the heartwarming welcome" in Bucharest. It indicates, the paper said, that "in the interest of the greater good of the world, Rumania no longer wishes to confine itself within a narrow ideological circle." It noted "Soviet warnings against fraternizing with the U.S." and hoped that Rumania "does not meet the fate of Czechoslovakia."

DJKARTA

Independent, intellectual *Pedoman* summarized President Nixon's statements and the local reaction in each country visited, concluding that "the U.S. still regards Southeast Asia as vital to its security.

"The U.S. still attaches importance to commitments to certain Asian countries both through military pacts and through the UN Charter.

"The U.S. still holds to the 'forward strategy' concept in its defense based on a 'deterrent nuclear force,' although President Nixon does not want confrontation and tends toward accommodation."

MANILA

The nationalistic *Manila Bulletin,* which is frequently critical on U.S.-Philippine issues, said "the visit demonstrated that the U.S. is fast adopting a more flexible attitude toward Communist states. Communist states and their leaders are not necessarily to be damned on the ground that they are Communist."

TOKYO

Leading independent-liberal *Asahi* reported from Washington that the U.S. reaction to the President's tour is "very favorable," although "real evaluation must await future developments."

Independent-moderate *Yomiuri* carried the view of its Washington correspondent that the tour had helped rebuild U.S. prestige, but remarked that the President now faces "severe" domestic problems such as the ABM debate, and racial and urban problems.

HONG KONG

The Kuomintang-owned *Hong Kong Times* said Secretary Rogers' visit had had "some beneficial results. From it he can come to understand the hopes that Asian peoples have pinned on America, and to know personally the true face of the Chinese Communists, thereby enhancing the U.S. understanding of the Asian situation.

KUALA LUMPUR

The influential, conservative *Straits Times* headlined "A happy Nixon returns and tots up his gains" over a Reuters story from Washington on the President's arrival home.

Strongly nationalistic Utsan Malaysia related the visit to Rumania to U.S. policy toward mainland China:

"President Nixon singled out Rumania because it is taking the middle course in the ideological dispute between Moscow and Peking.

"Peking cannot simply be isolated from the problems facing the world, especially Asia, but if Peking persists in its present attitude it will eventually have to be isolated.

"And we think this is not what Peking wants, now or in the future."

MEXICO CITY

Leading, nationalistic *Excelsior* made this assessment:

"President Nixon has been very careful in Guam, the Philippines, Indonesia and Thailand to give assurance that the departure of troops from Viet-Nam does not signal an end to U.S. commitments in the area.

"Although his stop in Rumania drew the required formal objections to an 'intrusion' into a foreign bloc, it appears not to have been entirely disagreeable to Russia.

"On the contrary, it seems to indicate that both powers are preparing for a dialog in the not too distant future."

RIO DE JANEIRO

Moderate *Jornal do Commercio* of the Asociados chain said it regarded the President's tour as "an answer to those who were struck by the fact that man is able to go to the moon but not to build a lasting peace. While the road to harmony among peoples is a long one, the U.S. President and his people have accepted the challenge."

Mr. BELLMON. Mr. President, the Inaugural Address of President Nixon was keyed to the slogan "Bring Us Together." Aware that nations of the world have been withdrawing further and further apart across a sea of suspicion, misunderstanding, and doubt, President Nixon courageously chose to risk his personal safety and prestige in the cause of peace.

These excerpts show the warmth of President Nixon's welcome by world leaders and the spontaneous reception he was accorded by plain people everywhere he went.

They show how much the trip accomplished in relaxing tensions and creating a climate for improved relationships between nations.

His trip took him not only into the presence of this Nation's historic friends but beyond the realm of past friendships into a new frontier of friendship.

President Nixon seems to remember, as every citizen of this country should, that those who are now alined against us were once our warmest friends. He seems to feel, as we all must, the hope that these feelings of friendship can be kindled again.

The Cherokee Indians have a national game which, to them, has a deep religious significance. According to legend, the first game was between the birds, led by the eagle, and the animals, led by a bear. The birds won, due to the help of the flying squirrel and a bat whom the animals refused to claim.

This country also needs all the genuine friends it can get. Past efforts to buy friendship have failed. President Nixon, by his personal faith, courage, and understanding, has opened a window of friendship through which we can all see and be seen more clearly.

THE PRESIDENT'S WELFARE FAMILY ALLOWANCE PLAN—HISTORIC BREAKTHROUGH

Mr. JAVITS. Mr. President, the Senator from South Dakota, as chairman of the Select Committee on Nutrition and Human Needs, has just spoken with respect to the welfare message sent to Congress by the President. I am the ranking minority member of that committee.

The President's domestic address to the Nation and his subsequent message to the Congress on welfare signifies an historic breakthrough in reforming our public assistance system. In establishing the need for a minimum level of income to the family and setting a beginning of national eligibility standards, the administration has made a substantial contribution to the sorely needed changes in our welfare system.

As we consider impending congressional action, it is important that we begin focusing our attention on certain aspects of the proposed package which I believe are cause for concern:

First, the proposed level of support must clearly be considered as a beginning. As the President himself noted, in his message to the Congress:

> A new federal minimum of $1600 a year cannot claim to provide comfort to a family of four. . . .

We all recognize that even the present poverty income level of approximately $3,000 is inadequate to meet the basic human needs of our disadvantaged citizens. It is clear, therefore, that the Congress will have to consider—perhaps on a phased-in basis—a support level of at least that amount for those who are unable to support themselves.

Second, another problem, as the Senator from South Dakota has undoubtedly said, is the matter of how to reconcile this program with the food-stamp program. We are in no position at this stage in revamping the welfare system to begin any phaseout of the food-stamp program. The President has indicated that food stamps would continue to be available for single adults and others in poverty not covered by the new system and that "for dependent families there will be an orderly substitution of food stamps by the new direct monetary payments." It would be hard, indeed, on our Nation's poor first to give them admittedly inadequate financial assistance—assistance that in most cases would not even cover a family's food budget—and then to take away their opportunity, through the food-stamp program, to purchase food at reduced prices. An income-maintenance program at an adequate level may yet replace the food-stamp program, but it would be folly to even consider initiating the transition before that level is established. Under the present circumstances, our Nation's poor require an "expansion"—not a phaseout—of food stamp and related programs. I hope that the administration will not insist on a phaseout of the food-stamp program until a clearly adequate family allowance plan is phased in—at at least the $3,000 per year level.

Third, while the administration has displayed tremendous insight in incorporating its manpower proposals with its proposed welfare system, we must concentrate and favor those aspects of the proposal that provide an incentive to work, rather than only a straight requirement to work. Last April, I joined with Senator HARRIS in introducing S. 1960, which would have permitted AFDC recipients to retain a greater amount of money earned. The administration's proposal to permit an employed father or working mother to keep the first $60 per month of earnings and to retain 50 percent of the income above that amount are welcome elements of the overall plan. The requirement that all employable persons register for work or job training is a necessary requirement if we are to make the scheme work.

But any requirements to work must be scrutinized carefully to insure that the employment offered is truly relevant to the abilities, aspirations, and potentials of the employee; that individuals are not required to be uprooted from their families in seeking employment, and that the initial opportunity also provides the basis for advancement. I view with great concern any proposal that would arbitrarily require mothers of school-age children to work. In short, we must be sure that a combined welfare and manpower system intended to lift people from poverty does not provide the basis for establishment of a new class of underemployables.

I am pleased that the administration has seen fit to expand day care programs—which I have long held to be deserving of priority attention. Such expansion provides mothers, who choose to work, to do so. As the administration's plan unfolds, we must balance carefully the crucial need for day care and related need for involvement of parents in the educational aspects of early childhood programs.

Fourth, the amount of Federal assistance to buttress State and local welfare payments is clearly inadequate, especially for the large industrial States. New York State, with 10 percent of the Nation's population and 15 percent of its welfare recipients, would get only $43,900,000 or 6 percent of the $735,800,000 in Federal aid expected to flow to the 50 States. Indeed, as an indication of the situation of the big industrial States and not that we necessarily have to get more of our tax money back in any given situation, New York State taxpayers will contribute $340 million to support the $3.4-billion Federal program, but New York would get back $44 million in Federal welfare funds. The relief which the President's proposal would give to the large industrial States is clearly an inadequate reward for having provided and continuing to provide direct assistance at a level compatible with actual need. It also provides an insufficient incentive for other States and localities that should be encouraged to do so. In translating the President's program into law the Federal Government must be directed to assume a greater portion of the price of insuring the needed minimum level, so that State and local resources now absorbed by direct payments can be freed to provide expanded social services at the local level.

These are some of the most pressing aspects of the President's program which deserve our closest attention in considering the details of welfare reform. In the meantime, the administration deserves credit for elevating the Nation's level of concern and discussion and setting up a new standard for the Nation to a point where we are in reach of a more equitable welfare system.

Mr. President, it is important to remember that this is a beginning of a minimum floor of income for the poor of this country. Accordingly, I commend the President and have indicated the lines along which we will have to make changes.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Mr. President, I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. COOPER. Mr. President, I had commented last Saturday upon the proposal made by the President concerning his proposal to overhaul the welfare system. In my judgment, I think it is one of the most significant proposals that the President has made. It is one of the greatest proposals made by any President for many years.

I am sure that some adjustments will have to be made. Nevertheless, if the program were to cost more, at least in the beginning, it would be worth it because it would give purpose to the granting of aid or the supplying of aid to those who are poor, disabled, unfortunate, and in need.

I believe it will direct our people toward useful work and training and will raise the standards and the dignity of the people of our country. I am particularly pleased by and support his plans to see to it that children, especially in their first 5 years, before school age, shall have equal opportunity for care and training.

I wholeheartedly support the President in his initiative.

Mr. MURPHY. Mr. President, will the Senator yield for 10 seconds?

Mr. JAVITS. I yield.

Mr. MURPHY. Mr. President, I should like to associate myself with the remarks of the Senator from New York and the Senator from Kentucky. I have served on that committee for 5 years, and I think this is not only a breakthrough, but also, at long last, we are moving in the right direction, so that the practical effect will be that the taxpayers' dollars will get to the people who need the help.

I am pleased that the administration has taken this approach, and I think it will work successfully.

Mr. JAVITS. I thank the Senator.

S. 2838—INTRODUCTION OF THE MANPOWER TRAINING ACT OF 1969

Mr. JAVITS. Mr. President, I introduce the administration bill on manpower training, called the Manpower Training Act of 1969, to implement the President's far-reaching domestic program outlined in his address to the Nation last Friday and in subsequent messages to Congress. Senators PROUTY, MURPHY, DOMINICK, SCHWEIKER, SCOTT, GOODELL, COOK, and COOPER join as cosponsors of this bill.

This bill would create a comprehensive manpower services program designed to eliminate the patchwork of programs and responsibilities that have limited our current manpower programs in meeting the training and employment needs of our Nation's disadvantaged and other citizens. In many respects it reflects a maturing of many of the approaches suggested by the National Advisory Commission on Civil Disorders and first refined and translated into legislation in a bill entitled the "National Manpower Act of 1968" which Senator PROUTY and I introduced with 11 Republican Senators a little over a year ago.

The Manpower Training Act of 1969 would break with the past in several important respects:

First, the act would eliminate the previous categorization of manpower programs so as to insure that the people who need and desire manpower services have ready access to the combination of training which they require to train for and find and hold good jobs.

Second, the act would create a comprehensive manpower services system. A single administrative channel would be developed under which: The Secretary of Labor would provide guidelines and national priorities, review and approve State plans of service and evaluate performance of State and area manpower service systems; the Governors would determine the utilization of manpower program resources, be responsible for State comprehensive manpower plans, assure the provision of manpower services in rural areas and nonmetropolitan areas, and monitor program performance; and the mayors would be responsible for planning and implementing manpower programs in urban areas.

Third, the act would incorporate a number of other proposed innovations in the interest of an improved manpower delivery system. Advisory bodies, computerized job banks, incentive apportionments and provisions relating the amount appropriated under the act to the unemployment level are very constructive parts of the act.

Mr. President, a continuing tenet of our private enterprise system has been that the road out of poverty is traveled by those who are willing to work. While we have been quick to prescribe work as the cure for the depressed economic status of many of our citizens, our manpower and training system has failed too often to provide the medicine. Those who seek economic independence in employment have found it necessary to shop around among programs that seldom fit the individual's needs, and local administrators have been forced to accept an arbitrary package of programs for their areas. The act would assure that each individual would have available to him an "employability development plan" tailored to his needs, and provide sponsors with "liquid funds" in order to meet their needs.

The act would permit the decentralization of administration of manpower programs to States and metropolitan areas, step by step, as Governors and mayors demonstrate interest and establish administrative capacity. Three stages are proposed.

First, State administration would handle 25 percent of apportioned funds when it designates a "lead agency" and develops comprehensive manpower planning capability.

Second, State administration of 66⅔ percent of the funds would be permitted when it establishes a comprehensive manpower agency to operate the unified programs and a State manpower planning council to coordinate all manpower related programs and arrangements to designate mayors as area prime sponsors.

Third, control of 100 percent of the funds would be granted when the State meets objective standards of optimum performance in planning and carrying out its manpower service system.

Mr. President, the decentralization proposed by the President provides the hope of remedying three important inadequacies of the current system.

First, decisions affecting the "mix" of job and training opportunities have too often been made by those least aware of the needs which programs are intended to satisfy. In giving the metropolitan areas a direct role, the bill which I introduce today would constitute an important recognition that those closest to the crisis of the cities can best deal with it.

Second, while we have made significant inroads into providing job training opportunities in the private sector, public sector employment has failed to reach its full potential. It is anticipated that by giving those on the local level a greater role it should open up more public as well as private job slots and related opportunities.

Third, as the National Advisory Commission on Civil Disorders noted in its report of March 1968:

> Existing programs aimed at recruiting, training and job development should be consolidated according to the function they serve at the local, state and federal levels, to avoid fragmentation and duplication.

The bill which I introduce today would advance us materially toward that objective.

Mr. President, a number of other innovative aspects of the bill deserve the special attention of the Congress.

Under the act a national computerized job bank would be established in each State, or on a regional basis where sparsely populated States can be grouped together, to facilitate the placement of persons in employment for which they are qualified. This feature was originally suggested in 1966 by the National Commission on Technology, Automation, and Economic Progress, recommended by the Kerner Commission in 1968, and included in the National Manpower Act of 1968, introduced by Republican members. I commend the administration for its inclusion of this proposal in its comprehensive manpower bill.

The act would establish an Intergovernmental Advisory Council on Manpower composed of Governors, mayors, and other local officials and encourage the development of broadly based manpower advisory groups on the local level. These aspects should contribute materially to the formation of a manpower policy relevant to the needs of affected persons and localities.

Finally, the bill contains a provision authorizing the Secretary of Labor to obligate an additional amount equal to 10 percent of the amount then appropriated under the act during the fiscal year in which the national unemployment rate reaches 4.5 percent for 3 consecutive months. This is a companion proposal to that contained in the unemployment compensation bill recently sent to the Congress by the administration. In that measure, the duration of unemployment compensation benefits would be automatically extended when insured unemployment reached 4.5 percent for 3 consecutive months.

Mr. President, the bill I introduce today deserves the consideration of Congress in the coming months not only in respect to its detailed provisions, but their relationship to the welfare reform proposals and to the question of what initiatives should be secured for the poor through the continued involvement of the Office of Economic Opportunity.

I am pleased to introduce this imaginative new approach as a substantial step toward a comprehensive new manpower policy responsive to those who are willing to work but who as yet have been unable to do so.

In the coming weeks I will be seeking additional cosponsors for this important administration measure.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the bill, along with an explanatory statement and a section-by-section analysis of the bill, both of which were prepared by the Department of Labor.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and material will be printed in the RECORD.

The bill (S. 2838), to establish a comprehensive manpower development program to assist persons in overcoming obstacles to suitable employment, and for other purposes, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2838

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Manpower Training Act of 1969.

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. The Congress finds and declares that—

(1) The Nation's prosperity, economic stability, and productive capacity are limited by a lack of workers with sufficient skills to perform the demanding production, service, and supervisory tasks necessary in an increasingly technological society. At the same time, there are many workers who are unemployed or are employed below their capacity who, with additional education and training, could make a greater contribution to the national economy and share more fully in its benefits.

(2) The problem of assuring meaningful employment opportunities will be compounded by the continued rapid growth of the labor force. It is imperative that these new workers, including the many young people who will enter the labor force, be provided with adequate academic and vocational skills which will allow them to work at the level of their full potential.

(3) The placement in private employment of unemployed, underemployed and low income workers is hampered by the absence of entry level opportunities. These opportunities can be augmented by assisting workers now in entry level jobs to improve their skills and advance to more demanding employment.

(4) Expansion of public service employment opportunities for unemployed, underemployed and low income persons will allow the Nation to meet more adequately the unfulfilled public needs in such fields as health, recreation, housing and neighborhood improvements, public safety, maintenance of parks, streets, and other public facilities, rural development, transportation, conservation, and other fields of human betterment and public improvement.

(5) The public and private educational system has the major responsibility to provide the academic, technical and vocational training opportunities necessary to prepare attending students for the world of work. This system must be strengthened to achieve its goals, and its success is critical to lessening the need for remedial manpower programs. But, where effective opportunities have not been provided to individuals or their access to them continues to be restricted, remedial services should be provided as a part of our Nation's manpower programs.

(6) Improved training and employment opportunities are vital to developing capacity for self-support by public assistance recipients, and the manpower system must assume special responsibility and accountability for training, placing, and upgrading these persons.

(7) Experience has shown that the administration and delivery of effective manpower programs are extremely complex matters, requiring a more comprehensive, unified and flexible approach and the active cooperation of employers, employees, and other public and private agencies, individuals and organizations.

(8) The effectiveness of manpower programs would be improved by a more coordinated approach in evaluating the needs of individual participants and mobilizing available resources to meet these needs. It is therefore the purpose of this Act to establish a comprehensive and coordinated National manpower program, involving the efforts of all sectors of the economy and all levels of Government. The program should be designed to provide greater opportunities for training and related services necessary to assist individuals in developing their full economic and occupational potential.

TITLE I—STATE PLANS AND GRANTS

ELIGIBLE ACTIVITIES

SEC. 101. The programs and activities for which funds under this title may be expanded shall include, but are not limited to, the following:

(1) Basic education, including literacy and communications skills which will assist individuals to become more employable or more suitable for participation in occupational training;

(2) Outreach, counseling, testing, work evaluation and adjustment, work sampling, recruitment, placement and follow-up services;

(3) Orientation to work discipline and acclimation to the work situation;

(4) Institutional and on-the-job occupational training, including training of employed workers for the purpose of upgrading their skills and improving the utilization of available manpower;

(5) Supportive services, including health services, physical examinations, the furnishing of prosthetic devices, child care, bonding, and other special services, including residential support, deemed necessary for enhancing the employability of participants in programs assisted under this title;

(6) Work experience for unemployed and disadvantaged individuals, including the performance of socially useful work in public and private agencies or organizations in the fields of health, public safety, education, recreation, streets, parks, and municipal maintenance, housing and neighborhood improvement, conservation and rural development, beautification, and other fields of human betterment and community improvement, including the establishment, operation or strengthening of any such program;

(7) Part-time work for students in 9th through 12th grades (and youths of equivalent ages) to assist them in remaining in or returning to school; and with such employment opportunities developed in consultation with educational authorities to enhance, to the extent feasible, the educational growth of such students;

(8) Relocation assistance, including grants, loans, and the furnishing of such services as will aid an involuntarily unemployed individual to relocate in an area where he may obtain suitable employment;

(9) The development of job opportunities including activities designed to promote job restructuring and redesign for the purpose of providing more effective utilization of manpower;

(10) Incentives to public or private employers including reimbursements for a limited period when an employee newly hired or being upgraded might not be fully productive;

(11) Training for specialized or other personnel and technical assistance which is needed in connection with the programs established under this title or which otherwise pertain to the purposes of this title;

(12) Such other programs and activities as the Secretary deems necessary to carry out the purposes of this Act.

GRANTS TO STATES WITH COMPREHENSIVE MANPOWER AGENCIES

SEC. 102. (a) The Secretary of Labor shall, in accordance with such regulations as he may prescribe, make grants to a State equalling 66⅔ per centum of funds apportioned to the State and available for the purpose if the Secretary determines that such State has submitted a plan approved in accordance with section 104, is complying with provisions of that plan, and is:

(1) Maintaining a State comprehensive manpower agency which (A) shall include the State public employment service, the unemployment compensation agencies (unless specifically exempted by the Secretary), agencies administering or providing for administration of programs authorized by this Act, and agencies established by State law administering manpower programs or program components not assisted by Federal grants-in-aid; and (B) includes agencies administering programs authorized by the Vocational Education Act or the Vocational Rehabilitation Act where the State so requests: *Except*, That the Secretary may with the concurrence of the Secretary of Health, Education, and Welfare refuse to make grants as provided in this section by reason of a decision of the State not to so include such agencies. The State comprehensive manpower agency shall conform to such methods of administration as are found by the Secretary to be necessary for the proper and efficient operation of the plan (including methods relating to the establishment and maintenance of personnel standards on a merit basis: *Except*, That the Secretary shall exercise no authority with respect to selection, tenure of office, and compensation of any individual employed in accordance with such methods). The agency shall be responsible for consulting with the State manpower planning organization which develops the State comprehensive manpower development plan under section 104, for receiving funds under this Act and the Wagner-Peyser Act, and for administering or providing for the administration of those activities in the approved plan which are authorized by this Act and the Wagner-Peyser Act. In carrying out programs assisted under this Act, the agency shall be required to the fullest extent possible to utilize those services and facilities not financed under this Act, which are available from Federal, State, and local agencies. Where services and facilities financed under other authority are not available without reimbursement, the comprehensive manpower agency shall be required to the fullest extent possible to purchase the use of facilities and services from Federal, State, and local agencies where available at reasonable cost. The agency may also make appropriate arrangements to utilize the services and facilities of private agencies, organizations, and businesses. The Secretary of Labor shall determine whether a State has established a comprehensive manpower agency and is eligible to receive grants under this section.

(2) Providing for the designation of a local prime sponsor who shall be responsible for planning, administering or providing for the administration of programs assisted under this Act in any Standard Metropolitan Statistical Area or other area or areas which the Secretary deems appropriate. Prime sponsors shall be designated by the Governor or Governors of the States in which the area is located, from among the towns, cities, or other such units of local general government within the area: *Provided*, That if a unit or units of local general government representing 75 per centum of the population of an area, determined in accordance with regulations which the Secretary shall prescribe, concur as to the nomination of any other public body or private agency or organization as a prime sponsor, the prime sponsor so nominated shall be designated by the Governor. In designating a prime sponsor for an area, the Governor shall consider the distribution of population, work force, and disadvantaged persons within the area. For the purposes of this paragraph, the highest appropriate elected executive officials of each unit of local general government shall represent such unit. The identity of prime sponsors designated by the Governor shall be included in the annual State plan and be subject to approval by the Secretary. Area plans prepared by the prime sponsors in consultation with appropriate manpower advisory bodies shall be included in the State plan where they are found by the Governor to be consistent with the requirements of the Secretary under section 104. Where such a plan has not been included in the State comprehensive plan, the Secretary shall, upon request of the prime sponsor, determine after consultation with the Governor whether the area comprehensive plan is consistent with the requirements of section 104. If the Secretary determines that the plan is consistent with these requirements, it shall be included in the State plan.

(b) The Secretary shall, with the concurrence of the Secretary of Health, Education, and Welfare, with regard to program components described in section 104(b), promulgate standards of exemplary performance in administering programs assisted under this title. The standards shall relate to planning for the allocation of resources, program effectiveness, and efficiency and economy, including unit costs, in carrying out such programs. Any State eligible for grants under this section, whose conduct of programs assisted under this title is determined by the Secretary to be complying with these standards shall receive 100 per centum of the funds apportioned to the State and available for the purpose, in lieu of the 66⅔ per centum authorized by subsection (a).

(c) Whenever the funds granted to a State under this section would be less than the funds apportioned to the State under section 601 and available for the purpose, the Secretary shall utilize the remainder of such apportioned funds to carry out the provisions of the State plan, either directly, or through such arrangements with public or private agencies, individuals, or organizations as he finds appropriate.

GRANTS TO CARRY OUT STATE PLANS IN ABSENCE OF STATE COMPREHENSIVE MANPOWER AGENCY

SEC. 103. (a) In the event that a State has submitted a plan approved in accordance with section 104, but has not met the requirements of section 102, the Governor may, by agreement with the Secretary, designate a single State agency for the purpose of administering or providing for the administration of the State plan. Such agency shall have demonstrated competence in administering manpower programs. Where an agency is designated under this section, and the State is complying with provisions of the approved plan, the secretary shall grant to the State 25 *per centum* of the funds apportioned to the State under section 601 and available for the purpose, for use in administering or providing for the administration of those portions of the State plan which he may find appropriate. The Secretary shall utilize the remaining funds apportioned to the State and available for the purpose to carry out the provisions of the State plan, either directly, or through such arrangements with public or private agencies, individuals, or organizations as he finds appropriate.

(b) In the event that a State has submitted a plan approved in accordance with section 104 but:

(1) is not eligible for grants under section 102; and

(2) has not designated a single State agency in accordance with subsection (a);

the Secretary shall utilize the funds apportioned to such State and available for the purpose, to carry out the provisions of the approved State plan, either directly, or through such arrangements with public or private agencies, individuals, or organizations as he finds appropriate.

APPROVAL OF STATE COMPREHENSIVE MANPOWER DEVELOPMENT PLANS

SEC. 104. (a) The Governor of a State seeking assistance under this Act shall submit an annual multi-year comprehensive manpower development plan to the Secretary for approval in accordance with the requirements of this section. Such plan shall, except as otherwise provided in this Act:

(1) Provide for the conduct of programs financed under this Act and the Wagner-Peyser Act, including the furnishing of services to eligible individuals, to the extent, in such manner, and in accordance with such rules, regulations, standards of performance and annual guidelines as the Secretary, after consultation with the Director of the Office of Economic Opportunity, determines are necessary for the purpose of (A) providing coordinated and comprehensive assistance to those individuals requiring manpower and manpower-related services in order to achieve their full economic and occupational potential; (B) providing increased occupational opportunities and work experience for eligible individuals; (C) lessening the number of persons receiving public assistance or the amount of the payments made under that program; (D) providing intensified efforts to relieve skill shortages; and (E) pro-

viding for a more effective utilization of manpower in our economy. Rules, regulations, standards of performance or guidelines established by the Secretary of Labor relating to program components of the kind designated in subsection (b) shall have the concurrence of the Secretary of Health, Education, and Welfare.

(2) Provide for the development of standards for evaluating the effectiveness of programs carried out under the State plan in achieving the objectives of this Act and provide adequate assurances that such standards will be considered in determining whether to renew or supplement assistance to agencies administering programs pursuant to such plan.

(3) Provide for the establishment and support, subject to the leadership of the Governor or his designee, of a State manpower planning organization, which shall be responsible, in consultation with other interested State agencies, for developing the State's comprehensive manpower development plan and advising the Governor concerning utilization of resources for their intended purposes in order to assure that manpower programs and program components are complementary in the State, including, but not limited to those provided by this Act, other Federal and State statutes, and to the extent practicable, activities of private employers and private nonprofit organizations. A State manpower planning organization shall (1) be established pursuant to State law, or by action of the Governor of the State for the purposes of this title, or (2) be an existing body designated by the Governor for the purpose of this title and in accordance with standards prescribed by the Secretary and the Secretary of Health, Education, and Welfare. The organization shall provide for broad representation from the manpower training and employment resources of the State in the development of the State plan, including persons representative of:

(A) State agencies administering or coordinating manpower training, employment, apprenticeship, general and vocational education, vocational rehabilitation, welfare, industrial development, labor, economic opportunity, human resource development, and other related programs;

(B) local public and private nonprofit manpower, training, and employment programs including prime sponsors and local comprehensive area manpower planning agencies;

(C) typical client groups, including low income groups, to be served by the programs;

(D) the general public, including business, labor, and social welfare organizations.

Notwithstanding any other provisions of law, any State plan and plan of service or portions thereof, which are required to be submitted to the Department of Labor or the Department of Health, Education, and Welfare, pertaining to manpower training programs or directly related employability development services aimed at qualifying individuals for employment in nonprofessional occupations, shall be reviewed by the State manpower planning organization. The plan and plan of service, along with the recommendations of the organization will be submitted to the Governor. The Governor shall be responsible for revising such plans and plans of service or portions thereof, to assure that they are complementary and that the allocation of resources provided within the manpower programs and program components of the plan or plans of service best meet the State and area needs. After making the necessary adjustments the Governor will present the plan and plan of service to the appropriate Federal agencies for approval.

(4) Provide for the establishment and support of an area comprehensive manpower planning advisory body or bodies in any Standard Metropolitan Statistical Area or other area or areas which the Secretary deems appropriate. The highest appropriate elected executive official of each unit of local general government served by an advisory body or their designees shall have the opportunity to become members of the area advisory body. Where a prime sponsor has been designated pursuant to section 102 in an area served by an advisory body, the prime sponsor (as represented by its highest appropriate elected executive official or his designee where such sponsor is a unit of local general government) shall be responsible for the establishment of the advisory body. The advisory body will select its own chairman in accordance with rules prescribed by the Secretary. In the absence of a prime sponsor or in the event of a failure of the prime sponsor to fulfill his responsibilities under this paragraph, such responsibilities shall be fulfilled by the highest appropriate elected executive officials of the units of local general government within the area, or by the Governor if such officials fail to act in a timely manner. Area advisory bodies shall include representatives of those interests required to be represented in State manpower planning organizations provided under paragraph (3).

(5) Contain or be supported by adequate assurances satisfactory to the Secretary that appropriate State manpower planning organizations and area comprehensive manpower planning advisory bodies shall have an opportunity fully to assess the operation of the State and area programs and provide such advice as may be appropriate. Staff supporting such bodies shall have competence in the disciplines associated with the program areas subject to the organizations' planning responsibilities. The State manpower planning organizations and area comprehensive manpower planning advisory bodies shall be empowered in their own discretion, or at the request of the Secretary, to convey their assessment or evaluations of the State and area programs to the Secretary, the Secretary of Health, Education, and Welfare, the Governor, and the general public.

(6) Provide for participation of members of low-income groups in the planning and evaluation of State and area programs established under this Act.

(7) Provide such other assurances or information as the Secretary may find necessary to carry out the purposes of this title.

(b) The Secretary shall determine whether a State plan meets the requirements of this Act: *Except*, That with regard to programs (or program components) authorized to be included in such plan under section 104(a) which are of a health, education, or welfare character or which are under the usual and traditional authority of the Secretary of Health, Education, and Welfare, the plan may not be approved without the concurrence of the Secretary of Health, Education, and Welfare. Such programs include basic education; institutional training; health, child care and other supportive services; new careers and job restructuring in the health, education and welfare professions; and work-study programs.

(c) The Secretary may approve all or any portion of a plan submitted by a State.

PLANNING GRANTS

SEC. 105. The Secretary is authorized to make grants to the States for the purpose of establishing and maintaining State manpower planning organizations and area advisory bodies and for developing comprehensive plans for submission to the Secretary pursuant to this title. Planning grants shall be made to a State from funds apportioned to such State under section 601 and available for the purpose.

NONCOMPLIANCE OR ABSENCE OF AN APPROVED PLAN

SEC. 106. (a) If the Secretary determines, after notice to the State and opportunity for hearing, that a State which has been determined to be eligible for grants under sections 102 or 103(a) is no longer complying with the requirements of these provisions relating to (1) the maintenance of State comprehensive manpower or lead agencies; (2) the designation of local prime sponsors; (3) the inclusion of area plans in the State plan; or (4) compliance with exemplary standards; he may determine that the State is no longer eligible for receiving grants under sections 102 or 103 (a) and withhold such further grants or portions thereof under these provisions as may be appropriate.

(b) In the event that a State has not submitted a comprehensive manpower development plan, approved in accordance with section 104, the Secretary may, after consultation with State and appropriate local governments, provide manpower services in the State authorized by this Act from funds apportioned to the State and available for the purpose.

(c) In the event that a State does not comply with any part of its approved plan, the Secretary may reduce its grant accordingly and provide the services provided for in the plan either directly, or through such arrangements as he may deem appropriate.

(d) To the extent that a State plan does not provide for all the services required in accordance with the Secretary's guidelines, the Secretary may provide such services as are needed to meet these guidelines out of the funds apportioned to the State under section 601 and available for the purpose.

(e) No determination of noncompliance under this section shall be made without the concurrence of the Secretary of Health, Education, and Welfare respecting those matters with regard to which his concurrence was required in the approval of grants under sections 102 or 103(a).

ELIGIBLE INDIVIDUALS

SEC. 107. No financial assistance for any program under this title shall be provided unless the Secretary determines that participants in such programs are, except as otherwise provided, unemployed, underemployed, low income, or otherwise disadvantaged persons 16 years of age or over who are not adequately prepared for suitable employment in their area of residence: *Except*, That the Secretary may authorize the participation of other persons and may impose additional qualifications in order to facilitate the efficient utilization of manpower resources or otherwise carry out the purposes of this Act.

SPECIAL CONDITIONS

SEC. 108. No financial assistance for any program or project under this title shall be provided unless the Secretary determines that:

(1) Compensation and allowances will be furnished to participants in accordance with the requirements of section 109, except as otherwise provided or as the Secretary may otherwise prescribe, and fair procedures will be adopted and utilized in determining the eligibility and amount of any compensation or allowances to which a program participant may be entitled.

(2) Conditions of employment or training will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant.

(3) Appropriate standards for the health, safety and other conditions applicable to the performance of work and training on any project are established and will be maintained.

(4) Appropriate workmen's compensation protection will be provided to all participants.

(5) No discrimination will be exercised, threatened, or promised by any person with responsibilities in the operation of any program, against or in favor of any program participant or any applicant for participation in such program because of race, creed,

color, national origin, sex, union membership, lack of union membership, political affiliation or beliefs.

(6) The project does not involve nor will any participant be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

(7) The program will not result in the displacement of employed workers or impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed.

(8) The program will not provide assistance in relocating establishments from one area to another. This limitation shall not prohibit assistance to a business entity in the establishment of a new branch, affiliate, or subsidiary, if the Secretary of Labor finds that assistance will not result in an increase in unemployment in an area where such business entity is located or conducts business.

(9) Funds utilized to carry out a State plan will be used to supplement, to the extent practicable, the level of funds that would otherwise be made available from non-Federal sources for the purpose of planning and administration of programs within the scope of this Act and not to supplant such other funds.

(10) The State agency and appropriate local "prime sponsors" will make such reports, in such form and containing such information as the Secretary may from time to time require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure that funds are being expended in accordance with the provisions of this Act.

COMPENSATION AND ALLOWANCES

SEC. 109. (a) For the purposes of this section, a basic allowance shall be equal to a proportion of the average weekly wage in employment covered by the unemployment compensation law in the State in which an individual was referred for participation in institutional training or other manpower development activities referred to in paragraph (c)(2) (without regard to the State in which such participation occurs) during the most recent four calendar quarter period for which such data are available. The average weekly wage shall be computed under regulations issued by the Secretary and irrespective of the limitation on the amount of wages subject to contribution under such State law, reported by employers as paid for services covered under the State law. The basic allowance shall be 40 per centum of such average weekly wage during the period July 1, 1970, through June 30, 1971; 45 per centum of such average weekly wage during the period July 1, 1971, through June 30, 1972; and 50 per centum of such average weekly wage on July 1, 1972, and thereafter: *Provided,* That a basic allowance shall not exceed 40 times the minimum hourly wage provided in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended: *Provided further,* That such basic allowance through June 30, 1972, in any State shall not be less than the amount of the average weekly gross unemployment compensation payment (including allowances for dependents) during the calendar year 1969 for a week of total unemployment in such State.

(b) For the purposes of this section, a dependents' allowance shall equal $5 per week for each dependent, to a limit of six dependents.

(c) Persons, except those specified in subsection (d), who are participating on a full-time basis in the following programs assisted under title I in (1) institutional training; or (2) other manpower development activities which are not compensated by an employer or subject to subsection (g) or (h); shall receive a basic allowance plus a dependents allowance for his dependents as specified in subsection (b) for each week of full-time participation: *Except,* That no individual shall receive allowances under this subsection which are less than the unemployment compensation (including allowances for dependents) to which such person would be entitled under any Federal or State unemployment compensation law if he were not participating in such activity.

(d) The following participants in full-time institutional training or other manpower development activities described in subsection (c) shall not be entitled to allowances provided in subsection (c):

(1) A public assistance recipient under programs assisted under titles I, IV, X, XIV, and XVI of the Social Security Act, who shall be paid, in addition to any public assistance payments to which he may be entitled, incentive payments of not more than $30 per month under regulation prescribed by the Secretary.

(2) A participant (age 22 and older) who is not the head of a household, as defined by the Secretary. Such participant shall receive one-half of the allowance computed under subsection (c): *Except,* That an individual who is not subject to this paragraph at the commencement of the period of participation shall not become subject thereto until the completion of such period.

(3) A participant who is under 18 years of age, unless such participant is the head of a household, as defined by the Secretary. Such participant shall receive a suitable weekly allowance, determined in accordance with the rules prescribed by the Secretary, but not to exceed the basic allowance prescribed in subsection (a): *Provided,* That any allowance under this paragraph shall not be less than the unemployment compensation (including allowances for dependents) to which such person would be entitled under any Federal or State unemployment compensation law if he were not participating in such activity. An individual who is not subject to this paragraph at the commencement of the period of participation shall not become subject thereto until the completion of such period.

(4) A participant receiving unemployment compensation under any Federal or State unemployment compensation law. Such participant shall receive for each week of training, allowances equal to the difference between (1) any allowance to which he would otherwise be entitled under subsections (c) and (d) of this section and (2) the unemployment compensation (including allowances for dependents) which he received for such week.

(5) A participant engaged in employer-compensated on-the-job training or work experience assisted under this title. The allowances of such participants shall be computed in accordance with subsections (c) or (d), as appropriate, and shall be reduced in accordance with rules and regulations prescribed by the Secretary, which shall take into account the hours of such work experience or on-the-job training and the amount of compensation therefor.

(a) A participant engaged in the activities described in subsection (c) on less than a full-time basis shall receive a reduced basic allowance, computed in accordance with regulations prescribed by the Secretary, and a dependent's allowance if participation is in excess of 20 hours each week. Public assistance recipients shall receive an incentive payment as provided in subsection (d). Such reduced basic allowance shall be computed taking into account: (1) the hours of participation in such activity; (2) the allowance to which he would be entitled under subsections (c) and (d) if he were engaged in training on a full-time basis; (3) compensated work experience or on-the-job training assisted under this title in which the participant is engaged; and (4) unemployment compensation which the participant is receiving.

(f) No allowance under subsections (c), (d), or (e) of this section may be paid for any portion of a training period which extends beyond 104 weeks.

(g) Workers in programs providing work experience under this Act shall be compensated at a rate not less than the applicable minimum wage rate, but in no case less than the rate prescribed by section 6(b) of the Fair Labor Standards Act.

(h) Workers engaged in employer-compensated on-the-job training under this Act shall be compensated at a rate not less than the higher of (1) the applicable minimum wage rate, or (2) the prevailing wage paid to workers of like experience performing similar work in the locality.

(i) A participant undertaking training or work-experience or other manpower development activity described in subsection (c) on either a full-time or part-time basis, shall receive allowances for transportation and maintenance, in addition to the applicable training allowance or wage. The amount of allowances provided under this subsection shall be determined in accordance with regulations prescribed by the Secretary.

(j) A participant who has successfully completed a program of full time participation, of not less than 15 weeks duration, in institutional training or other manpower development activities described in subsection (c) shall receive upon completion of his period of participation, a completion bonus which shall be equal to twice the allowance to which he is entitled under subsections (c) or (d) for his last week of full-time participation during such period.

INTERSTATE AGREEMENTS

SEC. 110. In the event that compliance with provisions of this title requires cooperation or agreements between states, the consent of Congress is hereby given to such states to enter into such agreements to facilitate such compliance, subject to the approval of the Secretary.

INTERAGENCY CONCURRENCE

SEC. 111. In any instance under this title in which the Secretary is authorized to conduct programs directly or through appropriate arrangements with public or private agencies, individuals or organizations, he shall first obtain the concurrence of the Secretary of Health, Education, and Welfare with regard to the conduct of programs involving any activities of the kind described in section 104(b).

ADVISORY PANELS

SEC. 112. In carrying out his responsibility under this title, including the making of any determinations hereunder, the Secretary may request the advice of the manpower advisory committee established under section 603, the Intergovernmental Advisory Council, established under section 604, State manpower planning organizations, area planning advisory bodies, and such boards or panels of experts and consultants as he may deem appropriate.

TITLE II—JOB CORPS

AMENDMENTS TO THE ECONOMIC OPPORTUNITY ACT

SEC. 201. (a) The Economic Opportunity Act of 1964, as amended, is further amended as follows:

(1) Subsection (e) of section 106 is repealed.

(2) Subsection (b) of section 115 is amended to read as follows:

"(b) The Director may enter into agreements with States or local prime sponsors to administer, assure, or assist in the administration of the programs provided in this part. The Director may, pursuant to regulations, pay part or all of the operative or administrative costs of such programs."

(b) Section 810(a) of the Economic Opportunity Act of 1964 is amended by striking the word "and" immediately preceding paragraph (3) thereof, by substituting a semicolon for the period at the end of the subsection, and by adding the following: "and (4) with the approval of the Secretary of Labor, in Job Corps Center operated under title II of the Manpower Training Act of 1969."

(c) Section 833(b) of the Economic Opportunity Act of 1964 is amended to read as follows:

"(b) Individuals who receive either a living allowance or a stipend under this title shall, with respect to such services or training:

"(1) for the purposes of subchapter III of chapter 73 of title 5 of the United States Code, be deemed persons employed in the executive branch of the Federal Government;

"(2) for purposes of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.), be deemed employees of the United States, and any service performed by an individual as a volunteer shall be deemed to be performed in the employ of the United States;

"(3) for purposes of the Federal tort claims provisions in title 28, United States Code, be deemed employees of the Government; and

"(4) for purposes of the subchapter I of chapter 81 of title 5 of the United States Code (relating to compensation to Federal employees for work injuries), be deemed civil employees of the United States within the meaning of the term 'employee' as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply except as follows:

"(A) In computing compensation benefits for disability or death, the monthly pay of a volunteer shall be deemed that received under the entrance salary for a grade GS-7 employee, and sections 8113(a) and (b) of title 5, United States Code, shall apply to volunteers; and

"(B) Compensation for disability shall not begin to accrue until the day following the date on which the injured volunteer is terminated."

TRANSFER OF JOB CORPS

SEC. 202. (a) Title I, Part A, of the Economic Opportunity Act of 1964, as amended (sections 101-118), is transferred to the Manpower Training Act of 1969 and inserted as sections 203 through 220, respectively, as amended by subsection (e) of this section.

(b) All references to Part A of title I of the Economic Opportunity Act of 1964 or any provision thereof are hereby deleted from the Economic Opportunity Act of 1964. Any reference to Part A of title I of the Economic Opportunity Act or any provision thereof in any other law of the United States shall be deemed to be a reference to title II of this Act or the corresponding provision thereof.

(c) So much of the personnel, property, records and unexpended balances of appropriations, allocations, and other funds employed, held, used, available, or to be made available in connection with the functions transferred by subsection (a) of this section as the Director of the Bureau of the Budget shall determine shall be transferred to the Department of Labor.

(d) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem necessary in order to effectuate the transfer provided for in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

(e) Sections 203-220 of this Act as transferred by subsection (a) are amended as follows:

(1) The word "title" shall be substituted for the word "part" wherever it appears.

(2) The word "Secretary" shall be substituted for the word "Director" wherever it appears.

(3) The words "Department of Labor" shall be substituted for "Office of Economic Opportunity" wherever they appear.

(4) Section 205(1) is amended by deleting all the words in paragraph (1) following "United States" and substituting the following: "or a native and citizen of Cuba who arrived in the United States from Cuba as a non-immigrant or as a parolee subsequent to January 1, 1959, under the provisions of section 214(a) or 212(d)(5), respectively, or any person admitted as a conditional entrant under section 203(a)(7) of the Immigration and Nationality Act."

(5) Paragraphs (2) through (5) of section 205 are redesignated as (3) through (6) respectively and the following new paragraph (2) is inserted:

"(2) has attained age fourteen but not attained age twenty-two at the time of enrollment;".

(6) The reference in section 205(5) to sections 104 and 105 are changed to "206" and "207", respectively.

(7) The reference in section 208(c) to section 609(3) is changed to "205(1)."

(8) The reference in section 209(b) to "Part B of this title" is deleted and the following is substituted therefor: "titles I and III of this Act and title I of the Economic Opportunity Act of 1964."

(9) Section 210 is amended by adding a new subsection (e) to read as follows: "(e) In conducting programs under this title, the Secretary shall consult with the Secretary of Health, Education, and Welfare with regard to institutional training provided for enrollees of the Job Corps."

(10) Section 211 is amended by adding a new subsection (e) as follows: "(e) Under such circumstances as the Secretary may determine, he may prescribe by regulation changes in the amount and method of payment of allowances and provision of expenses to correspond more closely to the methods and amounts prescribed in title I of this Act. Such changes may include provision of higher allowances to cover appropriate enrollee expenses and offsetting charges to enrollees for living expenses."

(11) Section 214(d), as amended, is further amended by deleting "the Department of Labor and".

(12) Section 214(e) is amended by inserting a comma after the word "feasible", by deleting the words "in accordance with section 637(b) of this Act", and by changing the reference to 109(c) to 211(c).

(13) Section 214(e) is further amended by striking out the comma and inserting a period in lieu thereof after "employment service offices" and deleting the words "and shall furnish copies of such records to the Secretary of Labor."

(14) Section 215(a) is amended by striking out the reference to section 608 and substituting in lieu thereof "section 605."

(15) Section 215(b) is amended by striking out both references to "part B of this title" and substituting in lieu thereof "Title I of this Act" and by striking out the reference to section 608 and substituting in lieu thereof "section 605."

(16) Section 216 is amended by striking out the last sentence.

(17) Section 217(c) is amended by striking out the word "Act" and substituting in lieu thereof "title".

(18) Section 219 is amended by striking out subsection (a) and the first sentence of subsection (b), and redesignating subsections (b) through (d) as subsections (a) through (c) respectively.

(19) A new section 221 is added to read as follows:

ADDITIONAL AUTHORITIES

"SEC. 221. In addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this title, to—

"(1) Utilize, with their assent, the services and facilities of Federal agencies without reimbursement, and, with the consent of any State or a political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement;

"(2) Allocate and expend, or transfer to other Federal agencies for expenditures, funds made available under this title as he deems necessary to carry out the provisions hereof, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditure for construction, repairs, and capital improvements; and

"(3) Expend funds made available for purposes of this title, without regard to any other law or regulation, for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by him; but the Secretary shall not utilize the authority contained in this subsection—

"(A) Except when necessary to obtain an item, service, or facility, which is required in the proper administration of this title, and which otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form, or under the conditions in which, it is needed, and

"(B) Prior to having given written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) of his intention to exercise such authority, the item, service, or facility with respect to which such authority is proposed to be exercised, and the reasons and justifications for the exercise of such authority.

TITLE III SPECIAL FEDERAL PROGRAMS

INFORMATION, RESEARCH AND DEVELOPMENT

SEC. 301. (a) To assist the Nation in expanding work opportunities and assuring access to those opportunities for all who desire it, the Secretary shall establish a comprehensive program of manpower research utilizing the methods, techniques, and knowledge of the behavioral and social sciences and such other methods, techniques, and knowledge as will aid in the solution of the Nation's manpower problems. This program will include, but not be limited to, studies the findings of which may contribute to the formulation of manpower policy; development or improvement of manpower programs; increased knowledge about labor market processes; reduction of unemployment and its relationships to price stability; promotion of more effective manpower development, training, and utilization; improved national, regional, and local means of measuring future labor demand and supply; enhancement of job opportunities; upgrading of skills; meeting of manpower shortages; easing of the transition from school to work, from one job to another, and from work to retirement; and improvement of opportunities for employment and advancement through the reduction of discrimination and disadvantage arising from poverty, ignorance, or prejudice.

(b) The Secretary shall establish a program of experimental, developmental, demonstration, and pilot projects, through grants to or contracts with public or private nonprofit organizations, or through contracts with other private organizations, for the purpose of improving techniques and demonstrating the effectiveness of specialized methods in meeting the manpower, employment, and training problems. In carrying out this subsection with respect to programs designed to provide employment and training opportunities for low-income people, the Secretary shall consult fully with the Director of the Office of Economic Opportunity. In carrying out this subsection the Secretary of Labor shall, where appropriate, also consult with the Secretaries of Health, Education, and Welfare, Commerce, Agriculture, and Housing and Urban Development, the Chairman of the Civil Service Commission, and such other agencies as may be appropriate. Where programs under this paragraph require institutional training, appropriate arrangements for such training shall be agreed to by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

(c) The Secretary shall conduct such research and investigations as give promise of furthering the objectives of this Act either directly or through grants, contracts, or other arrangements.

LABOR MARKET INFORMATION

SEC. 302. (a) The Secretary of Labor shall develop a comprehensive system of labor market information on a national, State, local, or other appropriate basis, including but not limited to information regarding—

(1) the nature and extent of impediments to the maximum development of individual employment potential including the number and characteristics of all persons requiring manpower services;

(2) job opportunities and skill requirements;

(3) labor supply in various skills;

(4) occupational outlook and employment trends in various occupations; and

(5) in cooperation and after consultation with the Secretary of Commerce, economic and business development and location trends.

(b) Information collected under this section shall be developed and made available in a timely fashion to meet in a comprehensive manner the needs of public and private users, including the need for such information in recruitment, counseling, education, training, placement, job development, and other appropriate activities under this Act and under the Economic Opportunity Act, the Social Security Act, the Public Works and Economic Development Act of 1965, the Wagner-Peyser Act, the Vocational Education Act of 1963, the Vocational Rehabilitation Act, the Demonstration Cities and Metropolitan Development Act of 1966, and other relevant Federal statutes.

MANPOWER UTILIZATION

SEC. 303. The Secretary shall establish a program for the improvement of manpower utilization in sectors of the economy experiencing persistent manpower shortages, or in other situations requiring maximum utilization of existing manpower. The Secretary shall conduct this program either directly or through such other arrangements as he may deem appropriate.

EVALUATION

SEC. 304. The Secretary shall provide for a system of continuing evaluation of all programs and activities conducted pursuant to this Act, including their cost in relation to their effectiveness in achieving stated goals, their impact on communities and participants, their implication for related programs, and the adequacy of their mechanism for the delivery of services. He shall also arrange for obtaining the opinions of participants about the strengths and weaknesses of the programs.

TRAINING AND TECHNICAL ASSISTANCE

SEC. 305. In carrying out his responsibilities under this Act, the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare where appropriate shall provide, directly or through grants, contracts, or other arrangements, training for specialized or other personnel and technical assistance which is needed in connection with the programs established under this Act or which otherwise pertains to the purposes of this Act. Upon request, the Secretary may make special assignments of personnel to public or private agencies, institutions, or employers to carry out the purposes of this section; but no such special assignments shall be for a period of more than two years.

TITLE IV—NATIONAL COMPUTERIZED JOB BANK PROGRAM

FINDINGS AND PURPOSE

SEC. 401. The Congress hereby finds that the lack of prompt and adequate information regarding manpower needs and availability contributes to unemployment, underemployment, and the inefficient utilization of the Nation's manpower resources. The Congress further finds that the development of electronic data processing and telecommunications systems has created new opportunities for dealing with this difficult problem. It is therefore the purpose of this title to enlist the tools of modern technology in a cooperative Federal-State effort to reduce unemployment and underemployment and more adequately meet the Nation's manpower needs.

ESTABLISHMENT OF THE PROGRAM

SEC. 402. The Secretary shall develop and establish a computerized job bank program for the purpose of:

(1) identifying sources of available manpower supply and job vacancies;

(2) providing an expeditious means of matching the qualifications of unemployed, underemployed, and disadvantaged persons with employer requirements and job opportunities on a National, State, local, or other appropriate basis;

(3) referring and placing such persons in jobs; and

(4) distributing and assuring the prompt and ready availability of information concerning manpower needs and resources to employers, employees, public and private job placement agencies and other interested individuals and agencies.

Maximum effective use shall be made of electronic data processing and telecommunications systems in the development and administration of the program. The program established under this title shall be coordinated with the comprehensive manpower program established under title I.

CONDUCT OF THE PROGRAM

SEC. 403. For the purpose of carrying out the program established in section 402, the Secretary is authorized to make grants to State or local agencies for the planning and administration of the program, including the purchase or other acquisition of necessary equipment. The Secretary may conduct the program on a regional or interstate basis either directly or through grants, contracts or other arrangements with public or private agencies and organizations. He may also conduct the program when he finds that a State or local program will not adequately serve the purposes of this title. The Secretary may require that any information concerning manpower resources or job vacancies utilized in the operation of job-bank programs financed under this title be furnished to him at his request. He may, in addition, require the integration of any information concerning job vacancies or applicants into a job-bank system assisted under this title.

EXPERIMENTS, DEMONSTRATIONS, RESEARCH AND DEVELOPMENT

SEC. 404. The Secretary may conduct directly, or through contracts, grants or other arrangements with public or private agencies or organizations, such experimental or demonstration projects, research and development as he deems necessary to improve the effectiveness of the program established under this title.

RULES, REGULATIONS, AND STANDARDS

SEC. 405. The Secretary shall prescribe such rules and regulations, and standards as may be necessary to carry out the purposes of this title, including standards to assure the compatibility on a nationwide basis of data systems used in carrying out the program established by this title, and including rules and regulations to assure the confidentiality of information submitted in confidence.

TITLE V—ACTIVE MANPOWER POLICY AS AN ECONOMIC STABILIZER

FINDINGS AND PURPOSE

SEC. 501. The Congress hereby finds and declares that an active manpower policy can be a significant economic stabilization tool. The manner in which manpower program resources are used can enhance price stability when unemployment is relatively low and can help prevent increases in unemployment when the rate of economic advance slows down. The Congress further finds that a timely increase in available manpower program resources as an economic slow-down begins, can both ease the impact of unemployment for the affected individuals and reduce the pressures which tend to generate further increases in unemployment. It is, therefore, the purpose of this title to provide an automatic increase in manpower program resources in a timely manner when serious deterioration in the level of economic activity is reasonably anticipated.

EXTENDED APPROPRIATIONS

SEC. 502. (a) For the purpose of providing rapid action in situations involving excessive unemployment, until the Congress shall have an opportunity to act, there is hereby appropriated out of moneys in the Treasury not otherwise appropriated, and in addition to the sums heretofore appropriated to carry out the provisions of this Act during the current fiscal year, an amount equal to 10 per centum of such sums heretofore appropriated. Funds appropriated under this title shall be utilized, without regard to the apportionment formula prescribed in section 601, in financing training and related activities for unemployed individuals as authorized by title I of this Act which afford the most effective opportunity to alleviate the situation.

(b) Subsection (a) shall become effective only for that fiscal year during which the Secretary determines that for each of the most recent three consecutive calendar months ending prior to the date on which a determination is made, the rate of national unemployment (seasonally adjusted) had increased to 4½ per centum or higher.

(c) During any fiscal year in which a determination is made under subsection (b) which requires an appropriation under subsection (a), no further obligation of funds so appropriated may be made subsequent to a determination by the Secretary that the rate of national unemployment (seasonally adjusted) has receded below 4½ per centum for three consecutive months.

(d) Whenever the Secretary determines that the unemployment rate criteria prescribed in subsections (b) or (c) have been met, he shall promptly notify the Congress and the Secretary of the Treasury, and shall publish such determination in the Federal Register. At such time, the Secretary shall recommend to the Congress any further steps he believes appropriate.

CONDUCT OF THE PROGRAM

SEC. 503. The Secretary is authorized to make grants to or contracts with public agencies or private nonprofit organizations, or contracts with other private organizations for the purpose of carrying out the program provided for by this title. In carrying out this section, the Secretary shall, where appropriate, consult with the Secretaries of Health, Education, and Welfare; Commerce; the Interior; Agriculture; and Housing and Urban Development; the Chairman of the Council of Economic Advisers; and the Director of the Office of Economic Opportunity. In order to achieve maximum economic stabilization effect, the Secretary shall develop and maintain (or cause to be developed and maintained) contingency plans for the expeditious implementation of the program authorized by this title.

TITLE VI—MISCELLANEOUS

APPORTIONMENT

SEC. 601. (a) Seventy-five per centum of the funds appropriated to carry out the provisions of this Act (except titles II, IV, and V) and available for the purpose shall be apportioned to the States for grants under title I in accordance with criteria established by the Secretary: *Provided,* That no amount may be apportioned to any State which exceeds nine times the contribution made by such State in cash or kind to carry out programs authorized by title I. The Secretary may waive all or a portion of this matching requirement when he determines that special circumstances warrant such waiver. Apportionment criteria shall include the number of individuals in the labor force, the number of unemployed, and the estimated number of disadvantaged individuals as determined by the Secretary who reside in the State as compared to the number of such individuals in the Nation. The Secretary shall designate for use in any Standard Metropolitan Statistical Area or other area or areas within a State which he deems appropriate, a minimum share of the funds apportioned to the State under this subsection. Such minimum share shall be determined by the Secretary in accordance with the proportion which (1) the number of persons within the labor force and (2) the estimated number of disadvantaged individuals within such area bears respectively to the number of all persons within the labor force and all disadvantaged individuals within the State.

(b) Five per centum of the funds appropriated to carry out the provisions of this Act (except titles II, IV, and V) and available for the purpose, shall for such period and in accordance with such regulations as the Secretary may prescribe, be available for further apportionment to States and areas for which an apportionment has been made under subsection (a) and for which additional contributions to such activities are being made by State or local public agencies or instrumentalities. Such additional apportionment shall equal $2 for each $1 of such non-Federal funds. An additional apportionment may be made to a State or area under this subsection only if the Secretary determines that in the conduct of programs assisted under title I, such State or area is complying with the standards of exemplary performance prescribed by the Secretary under section 102.

(c) The Secretary is authorized to make reapportionments from time to time of the unobligated amount of any apportionment to a State under subsections (a) and (b): (1) to the extent that the Secretary determines it will not be required for the period such apportionment is available, or (2) where a State is not complying with a plan approved under section 104: Except, that no funds apportioned to a State under subsections (a) or (b) in any fiscal year may be reapportioned to any other State or for other purposes for any reason before the expiration of the ninth month of such fiscal year and only upon fifteen days' advance notice to such State of the proposed reapportionment.

(d) Twenty per centum of the funds appropriated to carry out the provisions of this Act (except titles II, IV, and V) and available for the purpose, and such other available funds as are not apportioned to a State or otherwise required to be held available for apportionment under section 601 (a) or (b) may be expended by the Secretary as he may find necessary or appropriate to carry out the purposes of this Act, including programs and activities authorized by title I. Notwithstanding any other provision, the Secretary may utilize funds subject to this subsection to conduct programs and activities either directly, or through such arrangements with public or private agencies, individuals or organizations as he may find appropriate. In conducting any programs described in section 104(b), the Secretary shall first obtain the concurrence of the Secretary of Health, Education, and Welfare.

PUBLICATION OF APPORTIONMENT FORMULA

SEC. 602. As soon as practicable after the effective date of this Act, the Secretary shall publish in the Federal Register the apportionment formula established pursuant to section 601 as well as the percentage of funds appropriated to carry out the purposes of this Act which shall be apportioned to a State. The Secretary shall review such apportionment formula annually and at such other times as the circumstances may warrant and may revise or modify such formula. Whenever the Secretary establishes or revises such apportionment formula, he shall also promptly publish in the Federal Register the factors which he had considered in arriving at the apportionment, the weight ascribed to the various factors, and the statistical data found necessary in determining the apportionment.

ADVISORY COMMITTEES

SEC. 603. (a) The Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall appoint a National Manpower Advisory Committee which shall consist of at least ten but not more than fifteen members and shall be composed of men and women representing labor and management in equal numbers, the public in general and other groups interested in such activities as manpower training, employment, vocational education and vocational rehabilitation programs. From the members appointed to such Committee the Secretary shall designate a Chairman. Such Committee, or any duly established subcommittee thereof, shall from time to time make recommendations to the Secretary concerning problems and policy relating to employment, manpower and to the carrying out of his duties under this Act. Such Committee shall hold not less than two meetings during each calendar year.

(b) For the purpose of making expert assistance available to persons formulating and carrying on programs under this title, the Secretary shall, where appropriate, require the organization on a regional basis of labor-management public advisory committees.

(c) The National Manpower Advisory Committee may accept in the name of the Department of Labor and employ or dispose of gifts or bequests, either for carrying out specific programs or for its general activities or for such responsibilities as it may be assigned in furtherance of subsection (b) of this section.

(d) Appointed members of the National Manpower Advisory Committee shall be paid compensation at a rate of up to the per diem equivalent of the rate for GS-18 when engaged in the work of the National Manpower Advisory Committee, including travel time, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

INTERGOVERNMENTAL ADVISORY COUNCIL

SEC. 604. The Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, shall establish an Intergovernmental Advisory Council on Manpower to advise him with regard to matters involving intergovernmental relationships in the development and conduct of programs under this Act, including, but not limited to the assignment of manpower responsibilities among Federal, State, and local governmental units, appropriations of funds, designation of program areas, selection of prime sponsors, and State and area compliance with provision of this Act. Members of the Council shall be selected by the Secretary from among governors, mayors, and other elected State or local public officials. In selecting members of the Council, the Secretary shall assure an equitable balance in the political affiliation of its members. The Secretary shall designate a Chairman of the Council. Members of the Council shall receive no compensation and shall not be Federal employees for any purpose. They shall be allowed travel expenses and per diem in lieu of subsistence as authorized by 5 U.S.C. 5703 for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed basis.

REPORTS

SEC. 605. The Secretary of Labor shall make such reports and recommendations to the President as he deems appropriate pertaining to manpower requirements, resources, use, and training, and his recommendations for the forthcoming fiscal year, and the President shall transmit to the Congress within sixty days after the beginning of each regular session a report pertaining to manpower requirements, resources, utilization, and training.

DEFINITIONS

SEC. 606. For the purposes of this Act, the terms—

(a) "Secretary" shall mean the Secretary of Labor;

(b) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(c) The term "United States" when used in a geographical sense includes all those places named in subsection (b), and all other places continental or insular, subject to the jurisdiction of the United States.

RULES AND REGULATIONS

SEC. 607. The Secretary may prescribe such rules and regulations under this Act as he deems necessary. Such regulations may include adjustments in any requirements of title I relating to elected officials of State and local governments, where such adjustments are necessary in light of the special status or governmental structure of such States, and may include adjustments authorized by section 204 of the Intergovernmental Cooperation Act of 1968.

AUTHORITY TO CONTRACT AND EXPEND FUNDS

SEC. 608. The Secretary may make such grants, contracts, or agreements, establish such procedures (subject to such policies, rules, and regulations as he may prescribe), and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including necessary adjustments in payments on account of overpayments or underpayments. The Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or an approved State plan. Any funds so withheld shall be available for reapportionment by the Secretary in accordance with section 601(c): *Except,* That funds withheld during a fiscal year to cover amounts expended in a prior fiscal year shall be available for immediate reapportionment.

ACCEPTANCE OF GIFTS AND VOLUNTARY SERVICES

Sec. 609. The Secretary is authorized, in carrying out his functions and responsibilities under this Act, to:

(1) accept in the name of the Department, and employ or dispose of in furtherance of the puropses of this Act, or of any title thereof, any money, or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest or otherwise; and

(2) accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

CRIMINAL PROVISIONS

Sec. 610. Title 18 of the United States Code is amended by adding a new section 665 to read as follows:

THEFT OR EMBEZZLEMENT FROM MANPOWER FUNDS; IMPROPER INDUCEMENT

"Sec. 665. (a) Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any agency receiving financial assistance under the Manpower Training Act of 1969 embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets, or property which are the subject of a grant or contract of assistance pursuant to this Act shall be fined not more than $10,000 or imprisoned for not more than two years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) Whoever, by threat of procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a grant or contract of assistance under the Manpower Training Act of 1969 induces any person to give up any money or thing of any value to any person (including such grantee agency) shall be fined not more than $1,000, or imprisoned not more than one year, or both."

APPROPRIATIONS AUTHORIZED

Sec. 611. (a) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each fiscal year thereafter such sums as may be necessary to carry out the provisions of titles I, III, IV, V, and VI of this Act.

(b) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1972, and for each fiscal year thereafter, such sums as may be necessary to carry out the provisions of title II of this Act.

LIMITATIONS ON USE OF APPROPRIATED FUNDS

Sec. 612. (a) Funds appropriated under the authority of this Act may be transferred with the approval of the Director of the Bureau of the Budget, between departments and agencies of the Federal Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

(b) The Secretary is authorized to accept and utilize in carrying out the provisions of this Act funds appropriated to carry out other Federal statutes if such funds are utilized for the purposes for which they are specifically authorized and appropriated. To the extent that the provisions of this Act are inconsistent with the provisions of such other Federal Statutes, the provisions of the latter shall govern, except as provided under subsection (c).

(c) Pursuant to regulations prescribed by the President, where funds are advanced for a program to any agency assisted under this Act, any one Federal agency may be designated to act for all in administering the funds advanced. In such cases, a single local share requirement may be established according to the proportion of funds advanced by such agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

(d) The Secretary is authorized to vest in public or private non-profit agencies, title to equipment purchased to carry out the provisions of this Act purchased with funds appropriated for the purpose, as he may deem appropriate.

(e) Funds appropriated to carry out titles I, II, III, IV, and VI of this Act shall remain available for obligation for one fiscal year beyond that for which appropriated.

ADVANCE FUNDING

Sec. 613. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations for grants, contracts, or other payments under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

PAYMENTS TO PUBLIC ASSISTANCE RECIPIENTS

Sec. 614. Notwithstanding the provisions of titles I, IV, X, XIV, and XVI of the Social Security Act, a State plan approved under any such title shall provide that no payment made to any person pursuant to section 109(d)(1) or 109(e) of this Act shall be regarded (A) as income or resources of that person in determining his need under such approved State plan, or (B) as income or resources of any other person in determining the need of that other person under such approved State plan. No funds to which a State is otherwise entitled under titles I, IV, X, XIV, or XVI of the Social Security Act for any period before the first month beginning after the adjournment of the State's first regular legislative session which adjourns more than sixty days after the enactment of this section shall be withheld by reason of any action taken pursuant to a State statute which prevents such State from complying with the requirements of this paragraph.

LABOR STANDARDS

Sec. 615. All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating of projects, buildings, and works which are federally assisted under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

PROVISIONS AFFECTING EXISTING AUTHORITIES

Sec. 616. (a) The Manpower Development and Training Act of 1962, as amended (42 U.S.C. 2571 et seq.), is hereby repealed.

(b) Title V, Part A of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2701 et seq.), is hereby repealed.

(c) Title I, Part B of such Act is amended to read as follows:

"PART B—RESEARCH, EXPERIMENTAL, AND DEVELOPMENT AUTHORITY IN THE MANPOWER AREA

"STATEMENT OF PURPOSE

"Sec. 120. It is the purpose of this part to provide authority for the conduct of research, experimental, and developmental activities focused on providing more effective means for dealing with the employment and employment-related problems of the economically disadvantaged.

"ACTIVITIES AUTHORIZED

"Sec. 121. (a) The Director is authorized to contract with or provide financial assistance to public agencies or private organizations for the payment of all or part of the costs of developing and carrying out programs designed to further the purposes of this part. Programs assisted under this part shall be of an experimental, developmental, demonstration, or pilot nature and shall be structured in such manner as the Director deems will best equip them to yield information as to the relative effectiveness of various approaches (including new approaches and refinements or variations of traditional approaches) directed to the solution of the employment and employment-related problems of the economically disadvantaged. Such programs may include provision for supportive and follow-up services.

"(b) Notwithstanding the provisions of section 202 of the Manpower Training Act of 1969, the Director may, after consultation with the Secretary of Labor, carry out activities under the authority of this part which are of the type provided for in subsections (b) and (c) of section 215 of such Act.

"(c) In formulating plans for the implementation of this section, the Director shall consult with the Secretary of Labor, and, as appropriate, the heads of other Federal agencies.

"TECHNICAL ASSISTANCE AND TRAINING

"Sec. 122. The Director may provide (directly or through contracts or other appropriate arrangements) technical assistance to assist in the initiation or effective operation of programs under this part. He may also make arrangements for the training of instructors and other personnel needed to carry out programs under this part.

"RESEARCH AND EVALUATION

"Sec. 123. The Director is authorized to contract with or provide financial assistance to public agencies or private organizations for research pertaining to the purposes of this part. He shall also provide for the careful and systematic evaluation of programs related to the purposes of this part, directly or by contracting for independent evaluations, with a view to measuring specific benefits, so far as practical, and providing information needed to assess the relative potential of the various approaches employed in such programs for contributing significantly to the solution of employment and employment-related problems of the economically disadvantaged. In formulating plans for the implementation of this section, the Director shall consult with the Secretary of Labor and, as appropriate with the heads of other Federal agencies.

"SPECIAL CONDITIONS

"Sec. 124. Participants in programs under this part shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits, except that participants designated by the Director in projects and activities carried out by the Director pursuant to section 121(b) of this Act shall be deemed Federal employees to the same extent and for the same purposes as enrollees in the program conducted by the Secretary of Labor pursuant to title II of the Manpower Training Act of 1969."

(d) The amendment of the provisions of title I–B of the Economic Opportunity Act of 1964 and the repeal of the Manpower Development and Training Act of 1962, as amended, provided for in this section shall not affect any grant or contract entered into pursuant to such statutes prior to the effective date of this Act. Unexpended appropriations to carry out the authorities repealed under subsection (a) and the authorities provided in Title I, Part B of the Economic Opportunity Act of 1964 prior to its amendment by this Act shall, except as directed by the President, be made available to carry out the provisions of this Act.

EFFECTIVE DATES

SEC. 617. (a) Titles I, III, IV, V (except section 502(a)), and VI shall become effective on July 1, 1970.

(b) Title II shall become effective on July 1, 1971, except for section 201(a), which shall become effective on the date of enactment of this Act.

The material furnished by Mr. JAVITS follows:

SECTION-BY-SECTION ANALYSIS OF MANPOWER TRAINING ACT OF 1969

Section 1. The Act is entitled the Manpower Training Act of 1969.

Section 2. Findings and Purpose.

TITLE I—STATE PLANS AND GRANTS

Section 101. Eligible Activities: The programs and activities for which funds under this title may be expended shall include, but are not limited to; basic education which aids employability; outreach; counseling; testing; recruitment; placement and follow-up services, orientation to work discipline and the work situation; occupational training; supportive services; work experience for unemployed and disadvantaged persons; part-time work for students; relocation assistance; the development of job opportunities, including job structuring and redesign; incentives to hire or upgrade individuals who may not at first be fully productive; training and technical assistance needed in connection with the program.

Section 102. Grants to States with Comprehensive Manpower Agencies: The Secretary will grant to a State 66⅔ percent of its apportionment if the State has submitted and complies with its approved manpower development plan and is maintaining a comprehensive manpower agency which is responsible for carrying out activities financed under this Act and the Wagner-Peyser Act.

The State must also provide for the designation of local prime sponsors who shall be responsible for planning, administering or providing for the administration of programs assisted under this Act in Standard Metropolitan Statistical areas or other areas which the Secretary deems appropriate. Prime sponsors will generally be units of local general government; however, authority exists to name other public bodies or private agencies under certain circumstances. Prime sponsors will plan and conduct programs in their areas. States which also comply with standards of exemplary performance will rereive 100 percent of apportioned funds instead of 66⅔ percent.

Section 103. Grants to Carry out State Plans in Absence of State Comprehensive Manpower Agency: In the event that a State has an approved plan but no comprehensive manpower agency, the Governor may, by agreement with the Secretary, designate a lead agency to conduct programs under the Act and receive 25 percent of the State's apportioned funds. The Secretary will expend the remaining funds in accordance with the approved plan.

Section 104. Approval of State Comprehensive Manpower Development Plans: State plans must provide for the conduct of programs and the furnishing of services in accordance with requirements of the Secretary of Labor and the Secretary of Health, Education, and Welfare (as to the conduct of traditional health, education, and welfare activities). Plans must provide for establishment and support of state manpower planning organizations and area advisory bodies which will have planning and evaluation responsibilities. Provision is made for participation of low income groups in planning and evaluation. The Secretary may approve all or a part of the plan.

Section 105. Planning Grants: The Secretary is authorized to make grants to establish and support state and area manpower planning bodies and development of the State plan.

Section 106. Noncompliance or Absence of an Approved Plan: In absence of an approved plan, the Secretary will utilize the State's apportionment to provide manpower services within the State. The Secretary may withhold funds in event of noncompliance with the plan and furnish these services as provided in the plan. The Secretary may also provide services where the plan does not provide for all the services required in accordance with the Secretary's guidelines. Determinations of noncompliance must have the concurrence of the Secretary of Health, Education, and Welfare respecting those matters with regard to which his concurrence was required in the approval of grants.

Section 107. Eligible Individuals: In general, program participants must be unemployed, underemployed, low income, or otherwise disadvantaged persons age 16 or older. The Secretary may modify these requirements where appropriate.

Section 108. Special Conditions: This section prescribes condition for assistance under title I, including conditions relating to: compensation and allowances; conditions of employment or training; standards of health and safety; workmen's compensation protections; nondiscrimination ban on projects involving construction, operation, or maintenance of places of religious worship or sectarian instruction; displacement of employed workers; relocation of establishments; maintenance of state and local effort; and recordkeeping, reports, and inspections.

Section 109. Compensation and Allowances: This section sets forth the compensation and allowances which will, ordinarily, be payable to program participants. Full time institutional trainees and certain other program participants will receive a dependents' allowance and a basic allowance which is related to the average weekly wage covered by the unemployment compensation law in the State in which the individual was referred for participation. The basic allowance will be increased in three phases between date of enactment and July 1, 1972. The section contains special provisions for public assistance recipients, participants over 21 years of age who are not the heads of a household, participants under 18, participants receiving unemployment compensation, participants engaged in full time institutional training who are also engaged in work experience or on-the-job training programs, part-time participants. It also has special compensation provisions for participants engaged in work experience and employer compensated on-the-job training. It provides for transportation and maintenance allowances and a completion bonus, and imposes a 104 week maximum on certain allowances.

Section 110. Interstate Agreements: The consent of Congress is given to interstate agreements necessary to facilitate compliance with the Act's requirements where such agreements are approved by the Secretary.

Section 111. Interagency Concurrence: This section requires the Secretary of Labor, in any conduct of programs under the title, to obtain the concurrence of the Secretary of Health, Education, and Welfare with regard to certain programs of a traditional health, educational, and welfare character.

Section 112. Advisory Panels: This section expressly authorizes the Secretary to utilize the advice of various advisory committees, panels, or organizations in carrying out his responsibilities.

TITLE II—JOB CORPS

Section 201. Amendments to the Economic Opportunity Act: This section amends the Job Corps provisions of the Economic Opportunity Act (effective on the date of enactment) and the provisions of title VIII of the Economic Opportunity Act (effective on July 1, 1971).

Section 202. Transfer of the Job Corps: This section transfers the Job Corps provisions of the Economic Opportunity Act to the Manpower Training Act and transfers authority of the Director to the Secretary of Labor, Appropriate amendments are made in these provisions, including provisions relating to allowances, and additional authorities for the Secretary of Labor.

TITLE III—SPECIAL FEDERAL PROGRAMS

Section 301. Information, Research, and Development: This section provides authority for the conduct by the Secretary of Labor of various programs of information, investigations, research and development, experimental, developmental, demonstration and pilot projects related to the purposes of the Act.

Section 302. Labor Market Information: This section requires the development by the Secretary of Labor of a comprehensive system of labor market information on a national, State, local or other appropriate basis.

Section 303. Manpower Utilization: This section requires the Secretary to establish a program for the improvement of manpower utilization in sectors of the economy experiencing persistent manpower shortages, or in other situations requiring maximum utilization of existing manpower.

Section 304. Evaluation: This section requires the Secretary to provide for a system of continuing evaluation of all programs and activities conducted pursuant to the Act.

Section 305. Training and Technical Assistance: The section authorizes the furnishing of training and technical assistance needed in connection with programs established under the Act and permits special assignments of personnel to public or private agencies, institutions, or employers.

TITLE IV—NATIONAL COMPUTERIZED JOB BANK

Section 401. Findings and Purpose.

Section 402. Establishment of the Program: The section requires the Secretary to develop and establish the computerized job bank program making maximum effective use of electronic data processing and telecommunications systems. The program will be coordinated with the programs established under title I.

Section 403. Conduct of the Program: The Secretary is authorized to make grants to State or local agencies, including grants for purchase or other acquisition of necessary equipment. The Secretary is authorized under certain circumstances to conduct the program directly or through arrangements with public or private agencies and organizations.

Section 404. Experiments, Demonstrations, Research, and Development: This section provides authority for the Secretary to conduct experimental or demonstration projects, research and development necessary to improve the effectiveness of the job bank program.

Section 405. Rules, Regulations, and Standards: This section authorizes the Secretary to prescribe rules, regulations, and standards, including those related to the compatibility of data systems on a nationwide basis and those necessary to assure the confidentiality of information submitted in confidence.

TITLE V—MANPOWER POLICY AS AN ECONOMIC STABILIZER

Section 501. Findings and Purpose.

Section 502. Extended Appropriations: The section provides an automatic additional appropriation of 10 percent of the appropriation in any year in which the Secretary determines that national unemployment has exceeded 4.5 percent for three consecutive calendar months. Funds so appropriated may be used without regard to the apportionment formula prescribed in title VI. No further obligation of funds appropriated under this section may be made subsequent to a determination by the Secretary that the rate of national unemployment has receded below 4.5 percent. Whenever the Secretary makes a determination under this section, he must notify the Congress and the Secretary of the Treasury and publish his determination in the Federal Register.

Section 503. Conduct of the Program: This section establishes certain requirements, including interagency consultation, in the conduct of programs under the title.

TITLE VI—MISCELLANEOUS

Section 601. Apportionment: The section requires that seventy-five percent of the funds appropriated to carry out titles I, III, and VI be apportioned among the states for grants under title I in accordance with an apportionment formula which the Secretary shall prescribe. Apportionments to a State may not exceed nine times the contribution made by the State to title I programs, except where the Secretary waives this requirement. The Secretary will designate a minimum share of a State's apportionment for use in Standard Metropolitan Statistical Areas or other appropriate areas within a State.

Five percent of funds appropriated to carry out titles I, III, and VI will be available for such period as the Secretary may prescribe for additional apportionment to the states on a $2 for $1 matching fund basis if the State complies with exemplary performance standards.

The remaining 20 percent of the funds may be expended by the Secretary as he may find necessary to carry out the purposes of the Act, including programs and activities authorized under title I. He may conduct any such programs either directly or through other arrangements which he deems appropriate.

Section 602. Publication of Apportionment Formula: Provision is made for publication in the Federal Register of the apportionment formula and certain information related to the apportionment of funds. Annual review of the apportionment formula is required.

Section 603. Advisory Committees: The section establishes a National Manpower Advisory Committee and regional advisory committees.

Section 604. Intergovernmental Advisory Council: The section establishes an Intergovernmental Advisory Council on Manpower which shall consist of members selected from among governors, mayors, and other elected State or local public officials. The Council will advise on matters involving intergovernmental relationships in the development and conduct of programs under the Act.

Section 605. Reports: The section requires the Secretary to make appropriate reports and recommendations to the President and requires the President to make an annual manpower report to the Congress.

Section 606. Definitions: The section includes definitions of "state", "Secretary", and "United States" when used in a geographical sense.

Section 607. Rules and Regulations: The section authorizes the Secretary to prescribe rules and regulations deemed necessary, including adjustments in certain requirements of the Act.

Section 608. Authority to Contract and Expend Funds: The section contains provisions related to the expenditure of funds and the withholding of funds to cover amounts improperly expended.

Section 609. Acceptance of Gifts and Voluntary Services: The section authorizes acceptance by the Secretary of gifts and voluntary services notwithstanding other provisions of law.

Section 610. Criminal Provisions: The section amends title 18 of the United States Code to make a Federal criminal offense the theft or embezzlement from manpower funds and certain improper inducements related to conduct of programs under the Act.

Section 611. Appropriations Authorized: The section authorizes necessary appropriations to carry out the provisions of the Act.

Section 612. Limitations on Use of Appropriated Funds: This section authorizes transfer of funds between departments and agencies of the Federal Government under appropriate conditions, and includes joint funding provisions. It authorizes vesting of equipment in public or private nonprofit agencies and provides that funds appropriated to carry out titles I, II, III, IV and VI will remain available for obligation for one fiscal year beyond that for which appropriated.

Section 613. Advance Funding: This section provides that appropriations for grants and other payments under the Act are authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year for which they are available for obligation.

Section 614. Payments to Public Assistance Recipients: This section provides that incentive payments to public assistance recipients under title I will not be regarded as income or resources for the purposes of determining need under titles I, IV, X, XIV, or XVI of the Social Security Act.

Section 615. Labor Standards: This section provides prevailing wage standards for laborers and mechanics employed by contractors or subcontractors in construction, alteration or repair work assisted by the Act.

Section 616. Provisions Affecting Existing Authorities: This section repeals the Manpower Development and Training Act and Title V, Part A of the Economic Opportunity Act. It provides a revised part B of Title I of the Economic Opportunity Act. The new Part I–B authorizes the Director of the Office of Economic Opportunity to undertake various programs of research, experimental and developmental activities.

Section 617. Effective Dates: Titles I, III, IV, V (except section 502(a)) and VI are made effective on July 1, 1970. Title II will become effective on July 1, 1971, except for section 201(a) which is effective on the date of enactment.

STATEMENT IN EXPLANATION OF MANPOWER TRAINING ACT OF 1969—A DRAFT BILL TO ASSIST PERSONS IN OVERCOMING OBSTACLES TO SUITABLE EMPLOYMENT

GENERAL

Many new manpower programs have been developed in recent years to aid the unemployed, underemployed, and low income groups. Efforts to coordinate these separately conceived programs through existing administrative arrangements have been ineffective. The patchwork of programs and responsibilities within and among agencies has made it impossible to establish a constructive Federal-State-local partnership for providing manpower services to the individual. Separate categorical programs are often unresponsive to community needs and may impede the delivery of manpower services to persons they are intended to help.

The proposed Manpower Training Act will create a comprehensive manpower services system. The Secretary of Labor will provide guidelines and national priorities, review and approve annual State plans of service, and evaluate performance of State and area manpower service systems. The concurrence of the Secretary of Health, Education, and Welfare will be required with regard to those programs within that Department's traditional areas of responsibility. The Governors will determine the utilization of manpower program resources, be responsible for State comprehensive manpower plans, assure the provision of manpower services in rural areas and nonmetropolitan areas, and monitor program performance. The Mayors will be responsible for planning and implementing manpower programs in urban areas.

The Act will:

(1) Assure that the people who need and desire job training, especially the disadvantaged, have ready access to the combination of training and other manpower services *they* require to find and hold good jobs. These services will be tailored to the needs of the individual.

(2) Decentralize administration of manpower programs to States and metropolitan areas, step by step, as Governors and Mayors demonstrate interest and establish administrative capacity in the manpower area. As the system develops the States and areas will be delegated administrative responsibility for successively larger shares (ultimately 100%) of the funds apportioned to operate manpower programs. The Secretary will retain 20% of funds appropriated for direct use, as in national projects.

(3) Provide flexible funding for manpower programs so that they may be planned in the community to meet community needs.

(4) Consolidate manpower programs administered by the Labor Department.

(5) Unify administration of manpower services by establishing State and area single Prime Sponsors who will be responsible for the planning and conduct of all services.

(6) Make the present training allowance system more equitable.

(7) Require annual comprehensive manpower plans which are responsive not only to State and local needs but also to national priorities and guidelines, as the basis for grants.

(8) Provide an equitable distribution of resources among the cities and rural areas while working through a State grant system.

(9) Provide for a National Computerized Job Bank.

(10) Facilitate the use of the manpower program as an economic stabilizer by automatically increasing appropriations 10 percent if the national unemployment rate reaches 4½ percent for three consecutive months.

(11) Establish an Intergovernmental Advisory Council on Manpower, composed of Governors, Mayors and other local officials.

SUMMARY OF MAJOR PROVISIONS

Individualized services

All program services—currently encompassed in separate programs—will be available to design and carry out an "employability development plan" for each individual tailored to his needs. In general, persons who are 16 years of age and older and who are unemployed, underemployed, or low income would be eligible to receive services under the Act. Any other person could participate when it was determined such participation would improve the utilization of the Nation's manpower resources.

Three-stage decentralization of administrative responsibilities

First, State administration of 25 percent of apportioned funds when it designates a "lead agency" and develops comprehensive manpower planning capability and an approved manpower plan; second, State administration of 66⅔ percent of the funds when it establishes (1) a Comprehensive Manpower Agency to operate the unified programs in accordance with an approved plan, (2) a State manpower planning organization to coordinate all manpower related programs, and (3) arrangements to designate Mayors as area prime sponsors; and third, State control of 100 percent of its apportioned funds when the State meets objective standards of exemplary performance in planning and carrying out its manpower service system.

Allowances and wages

The basic allowance to individuals enrolled in a manpower training program will be based on the average weekly wage in employment covered by the State's unemployment compensation law. In FY 1971 the basic allowance will be 40 percent of such average weekly wage, in FY 1972—45 percent and in FY 1973 and thereafter—50 percent. Trainees with family responsibilities will be allowed an additional $5 per week for each dependent, up to six dependents. In lieu of such allowances, public assistance recipients will receive an incentive and expense allowance of $30 per month in addition to their welfare payments during training.

A completion bonus equal to twice the individual's weekly allowance, will be paid upon the successful completion of an authorized training course of 15 weeks or more duration.

Workers employed in "work experience" programs will be paid wages at rates no lower than the lowest rate prescribed in the Fair Labor Standards Act. Workers undertaking employer compensated on-the-job training will be compensated at the higher of the applicable minimum wage rate or the prevailing wage rate for similar work in the locality.

State apportionment of funds

The Secretary of Labor would apportion at least 75 percent of the funds appropriated to carry out the Act (except its Job Corps, Job Bank and extended appropriation provisions) each year among the States in accordance with criteria which he would publish. Metropolitan areas within States (Standard Metropolitan Statistical Areas, or other designated areas) would be guaranteed apportionment of an amount in proportion to the numbers of persons in the labor force and number of disadvantaged individuals residing in the area compared with the State total of such persons. Federal funds apportioned to the States under the regular program would be available to pay 90 percent of program costs.

Incentive apportionment

An amount equal to 5 percent of the funds appropriated will be available for supplemental apportionments to States and areas which meet the exemplary performance standards. The Federal Government will contribute $2 for every dollar of available State funds.

Federal program authority

The remaining 20 percent of the funds will be available for expenditure directly by the Secretary to carry out the purposes of the Act. The Federal Government would be authorized to arrange directly for all or a portion of the operation of program activities when a State failed to assure its responsibilities under the Manpower Training Act or when it was only in partial compliance with provisions of the Manpower Training Act. In addition, such programs could be conducted directly with funds not apportioned to the States. In conducting research and demonstration programs under title III, the Secretary of Labor will consult fully with interested Federal agencies (including the Civil Service Commission with regard to the effect of the programs on the Federal service).

Manpower training as an economic stabilizer

In any fiscal year in which the national unemployment rate reaches 4.5 percent for three consecutive months, the Secretary of Labor could spend additional funds on authorized programs equal to 10 percent of the amount then appropriated under the Act for that year. When unemployment drops below the trigger level, remaining unobligated funds will no longer be available.

Computerized Job Bank

A National Computerized Job Bank would be established in each State, or on a regional basis where sparsely populated States can be grouped together, to facilitate the placement of persons in employment for which they are qualified: The Bank would be operated within each State by the State Employment Service. The Secretary would operate the interstate phase of the Bank's operation, collecting information from each State and making it available to all States. Information regarding both job applicants and job orders would be processed through the system. To the extent that Federal agency vacancy information may be required, the Secretary will consult fully with the Chairman of the Civil Service Commission in developing any reporting requirements. Federal vacancies will be filled in accordance with laws and regulations which apply to Federal employment.

Advisory bodies

The National Manpower Advisory Committee will be continued.

A new Intergovernmental Advisory Council on Manpower will be established. It will be composed of representative Governors, Mayors, and other elected local officials, and will advise the Secretary on the Federal-State-local partnership established to administer manpower programs.

Other acts affected

The Manpower Development and Training Act of 1962 and Title V of the Economic Opportunity Act are repealed and replaced by the manpower services provisions of this Act. The provisions of Title I–B of the Economic Opportunity Act are also replaced by the manpower services provisions of this Act. A new Title I–B of the Economic Opportunity Act authorizes the Office of Economic Opportunity to undertake experimental programs in the employment and employment-related problems of the poor. Title I–A of the Economic Opportunity Act (Job Corps) is transferred to the Manpower Training Act, and administration is placed directly in the Secretary of Labor.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles and to authorize the construction of test facilities at Kawajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. McINTYRE. Mr. President, I yield myself two and a half minutes.

Mr. President, I should like to sum up the situation with which we are confronted in connection with the Fulbright amendment.

The first thing I wish to make clear to the Senate is that the Armed Services Committee already has cut research, development, test, and evaluation by over a billion dollars. The cut suggested by Senator Fulbright amounts to close to $46 million, in an area in which we already have cut $50 million, of which $40 million will be falling on the same programs about which the Senator from Arkansas is complaining so strongly.

The committee has had the best of staff work, excellent staff work. This year, the chairman set up the R. & D. Subcommittee, and a hard and close scrutiny was conducted into these areas of the budget.

Sometimes when we approach a problem and try to cut in and reduce the expenditures, we suddenly become aware that if we cut too deeply, go a little too far, we may be doing more harm than good and may nullify any good that has been done.

In 1970, we have been able to reduce this budget. We feel very strongly that when Senator Fulbright suggests that some of these small programs be cut by 58 percent, by 36 percent, by 33 percent, he is in effect reducing these programs more than he should. So when we consider our own cuts, which have measured anywhere from 10 to 12 percent on these programs, it seems that it is piling on too much and that, in the interest of good budgeting and forward-looking work for the research and development and in the area of military research, the amendment of the Senator from Arkansas should be defeated, and defeated soundly.

Mr. FULBRIGHT. I yield myself 3 minutes.

Mr. President, there is over $400 million for basic research or nonmission research, in the $7 billion research authorization for the Department of Defense. I am proposing the following: to cut $45 million overall. It will reduce the funds for the so-called think tanks by 10 percent, or $27 million, which is much the largest item. There are 16 of these research centers called think tanks.

It will reduce the research in foreign institutions by $2 million, which is one-third, which is the point the Senator meant. I think it should be cut out. It will cut behavioral and social research performed in other places by $3 million. An example of that is the Hudson Institute.

It will hold the line on new starts under Project Themis by cutting the budget request by $8 million. It will reduce the counterinsurgency research, Project Agile, by $5 million.

All this amounts to $45 million. All I can say is that I apologize to the Senate for being so timid that I did not propose three or four times this amount, because several of these programs should never have been started and should be stopped.

The only excuse I can give for not proposing $145 million or $200 million is that, out of deference to the Senator from New Hampshire—he has made a good beginning—I thought I had better be as modest as I could and hope to get something beyond what he has done. He has done a good job, but not good enough, because a number of these projects should be discontinued. They are inappropriate for the Defense Department. It does not necessarily mean that all of them are inappropriate for other agencies, but they are not related to the mission of the Department of Defense. It is not a question of redefining the Department of Defense mission in this case. It is in other areas that we discussed the other day, particularly in the field of hardware, but not in these research projects, especially in foreign universities, in the behavioral sciences.

I hope the Senate will continue to take the attitude that from now on we are going to subject the Department of Defense appropriations or authorizations to the same kind of scrutiny which is given to other departments of the Government. I may say that $45 million in any other department of the Government would not seem like a pittance. I agree that in this agency it seems very small.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. I am proud that the Senator from Oregon has cosponsored this amendment with me.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. What is the situation as to time?

The PRESIDING OFFICER. Each side has 3 minutes remaining.

Mr. FULBRIGHT. Mr. President, I will be pleased to yield to the distinguished chairman of the Committee on Armed Services the remainder of my time.

Mr. STENNIS. I thank the Senator for his generosity.

Mr. President, nothing has been gone over more carefully by a well-informed subcommittee, unusually well staffed, than the items about which we have been talking. That subcommittee recommended a 12-percent reduction in these items. That reduction was adopted and brought here before the Senate. It is about $40 million.

The amendment of the Senator from Arkansas would reduce the amount around $45 million more in those same categories. A great deal of what the Senator is talking about here is in the 1968 budget, or at least a part of it. A great deal of his criticism is that these items should be in some other departments of Government. We state in our report that some of them should be transferred to the Department of State. I suggested yesterday that the Senator pick out some of them and give them to the committee. We thought it was too late in fiscal year 1970 to dump them out in the waste basket without anyone having jurisdiction over them. Therefore, we dealt with the situation as best we could.

In this group I am fully satisfied that the subcommittee intelligently and diligently made an effort to get a firm recommendation for the Senate. I hope the Senate takes the recommendation seriously and approves the work of the subcommittee with this understanding. We are sending a letter to the Department of Defense and any other department involved that all of these items are to be looked over and divided up and sent to us the next time so that they will come to us in more detailed form.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. YOUNG of North Dakota. Mr. President, I wish to point out to the Senator that the Committee on Appropriations will also be making cuts.

Mr. STENNIS. Yes.

Mr. YOUNG of North Dakota. In the past the argument was usually made for the foreign aid authorization program that it could be cut later and it usually was by the Appropriations Committee. This is not the last committee that will review the matter.

Mr. STENNIS. I thank the Senator. Any information we have will be passed on.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. FULBRIGHT. What the Senator from North Dakota has said about foreign aid certainly does not apply to the Military Establishment and never has over the years.

Mr. YOUNG of North Dakota. We rarely appropriate as much as the authorization provides. Our committee cut $1.5 billion last year over even the House action.

Mr. FULBRIGHT. Is the Senator saying the percentage of the cut on the Military Establishment has been comparable to that on foreign aid by the Committee on Appropriations?

Mr. YOUNG of North Dakota. Yes, it is for other than military personnel costs.

Mr. FULBRIGHT. I cannot remember that ever having been true.

Mr. STENNIS. Mr. President, there is one additional point. I know the Senators are busy, and I am also busy and I am not able to be in the Chamber as much as I would like to. However, it is tragic to me to see all the work that has been done by this subcommittee slashed to pieces when during the fine debate on both sides attendance was limited to three or four Senators. Many Senators have not heard the real facts.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, will the Senator yield to me for 1 minute?

Mr. FULBRIGHT. I yield all my time to the Senator from Mississippi.

Mr. STENNIS. I yield.

Mr. PASTORE. Mr. President, the thing that is confusing and puzzling in this matter is that it has been admitted that there are some research programs included here that are not connected with defense. For the life of me, I cannot understand in view of this fact how a cut of $45 million is going to jeopardize the country. I am going to vote for the cut.

Mr. STENNIS. There is no mention of unworthy items in here.

Mr. BYRD of Virginia subsequently said: Mr. President, as a member of the Subcommittee on Research and Development of the Committee on Armed Services, I supported a reduction of more than a billion dollars in the funds requested by the Department of Defense for research and development. As a member of that subcommittee and as a member of the Armed Services Committee, I supported a reduction of 12 percent in funds requested by the Department of Defense for research and development. Some feel that these cuts were too heavy; others feel that perhaps some additional reductions might be made. I am a little inclined to the latter view. I am a little inclined to think that perhaps we could further reduce, in a small way, the remaining funds. But the majority of the committee felt that a 12-percent reduction at this time is as far as we should go. Most of the members felt that a billion-dollar reduction in these funds is as far as we should go at the present time.

So, Mr. President, on the matter of funds for the Department of Defense, I feel that there can be and should be reductions in the amount requested; and I feel that the Armed Services Committee has taken an important step in this regard when it has recommended to the Senate that the requested funds for research and development be reduced by $1 billion, or 12 percent.

The PRESIDING OFFICER (Mr. PACKWOOD in the chair). All time has expired. The question is on agreeing to the amendment of the Senator from Arkansas (Mr. FULBRIGHT). In this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. GORE) is absent on official business.

I also announce that the Senator from Nevada (Mr. BIBLE), the Senator from Mississippi (Mr. EASTLAND), the Senator from Utah (Mr. MOSS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. MOSS), and the Senator from Texas (Mr. YARBOROUGH) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Ohio (Mr. SAXBE) is necessarily absent and, if present and voting, would vote "yea."

The Senator from Illinois (Mr. PERCY) is detained on official business and, if present and voting, would vote "yea."

The result was announced—yeas 49, nays 44, as follows:

[No. 79 Leg.]

YEAS—49

Aiken
Bayh
Boggs
Burdick
Byrd, W. Va.
Case
Church
Cook
Cooper
Cranston
Dole
Eagleton
Ellender
Fulbright
Goodell
Gravel
Griffin
Harris
Hart
Hartke
Hatfield
Hughes
Inouye
Javits
Kennedy
Mansfield
Mathias
McCarthy
McGee
McGovern
Metcalf
Mondale
Nelson
Packwood
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Spong
Symington
Tydings
Williams, N.J.
Williams, Del.
Young, Ohio

NAYS—44

Allen
Allott
Anderson
Baker
Bellmon
Bennett
Brooke
Byrd, Va.
Cannon
Cotton
Curtis
Dirksen
Dodd
Dominick
Ervin
Fannin
Fong
Goldwater
Gurney
Hansen
Holland
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
McClellan
McIntyre
Miller
Montoya
Mundt
Murphy
Muskie
Russell
Smith
Sparkman
Stennis
Stevens
Talmadge
Thurmond
Tower
Young, N. Dak.

NOT VOTING—7

Bible
Eastland
Gore
Moss
Percy
Saxbe
Yarborough

So Mr. FULBRIGHT's amendment was agreed to.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, the Fulbright amendment which was just adopted by the Senate is in my opinion of a most significant nature. It should have far-reaching effects on realining the Federal sponsorship of research at all sources but especially at our academic institutions. I am particularly pleased with the adoption of that part of the amendment adding a new section 205. That new section should go a long way toward obtaining the needed readjustment of sponsorship.

I had prepared the following amendment in the event the Fulbright amendment were not successful:

> On page 3, line 25, insert the following new section:
>
> "SEC. 205. None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function or operation."

The amendment is identical with that part of the Fulbright amendment that adds a new section 205. That section 205 is now a part of this bill.

It should be emphasized again as the debate continues on this measure that the vigorous give and take displayed again today is not intended as an attack upon the military. Rather it is serving to raise and illuminate many important issues, one of which is the extent the Defense Department should fund research, particularly research not directly and visibly linked to present and foreseeable military needs and responsibilities.

The Nation's scientific community has a longstanding debt to the Defense agencies. It was the Office of Naval Research that stepped into the vacuum left by the wartime Office of Scientific Research and Development to continue Federal funding of research at our leading universities. The ONR, the Army, and the Air Force all helped sustain the pace of postwar research and to build up the immense national resource now represented by our trained scientists and engineers, by our laboratories, by the distinguished science faculties of many public and private universities. This military support for research was in the national interest during the decade that saw the creation of the research programs of the National Institutes of Health, the Atomic Energy Commission, and the National Science Foundation.

Now the situation has changed.

There exists today a whole panoply of Federal departments and agencies each with responsibilities for the funding of research. The Bureau of the Budget in its special analysis Q for the fiscal year 1970 budget lists 14 separate departments and agencies with such responsibilities. Their estimated obligations range from $1.491 billion for NASA down to $7 million for the Department of Justice. The range of their interests sweeps across the whole of the life and physical sciences and is beginning to extend to the social sciences. They represent an existing mechanism for civil agencies to assume more responsibility for the overall funding of research so that the military can concentrate upon its proper functions and responsibilities.

What is our present situation?

Yesterday, Senator PROXMIRE inserted into the RECORD nine tables beginning at page 23298. Examination of these tables shows how much our research has come to depend upon the Defense agencies, particularly basic research of the kind that should be sponsored by civil agencies, especially by the National Science Foundation. If we look at table III, we see that the Defense Department for the fiscal years 1966 to 1969 has funded more research at colleges and universities than has the National Science Foundation. If we look at table IV, we see that over these 3 fiscal years, the Defense Department in virtually every field of science is a major Federal sponsor and far outspends the NSF. Table V makes the case even stronger, for here the Defense Department has been funding as much or more basic research than the agency which Congress established for this very purpose; namely, the National Science Foundation.

What has happened is that research has ridden on the coattail of military appropriations simply because that money was easy to obtain.

Take basic research as a case in point, which by definition cannot be closely, directly and visibly linked to a given need or problem. If the linkage is direct and visible, then the work is probably applied research, or engineering. A year ago last April, the Senate Foreign Relations Committee held hearings on Department of Defense sponsored foreign affairs research. At those hearings Admiral Rickover, who is given to calling a spade by its proper name, was asked about the peculiar jurisdiction of the Department of Defense for basic research. The chairman, the Senator from Arkansas (Mr. FULBRIGHT) said to him:

> It would seem that the National Science Foundation, NIH, or the AEC should have almost exclusive jurisdiction to do basic research as distinguished from applied research. Do you agree with that?

This is what the admiral replied:

> I think the problem you have here is that the Department of Defense is able to get large funds for doing basic research while this is not possible for other Government agencies. I once had a discussion with Secretary of Defense McElroy on that subject, and this is the point he made. He said it is important that basic research be done in the United States. As I remember his words, he said it was not too important that the Defense Department do it, but that the work should be done, and since the Defense Department has the funds to pay for the work, it is therefore being done by them.

The ready accessibility of Defense funds for research has kept the Defense Department in the role of a principal sponsor or patron. This then is the issue: Should our research scientists and engineers continue to look to the defense agencies for $1.3 billion out of a total estimate of $5.2 billion of Federal obligation for research?

This is the issue that has attracted the attention of many college students and contributed to campus unrest.

Consider the recent first report of the MIT Review Panel on Special Laboratories, issued last May 31. Here the review panel clearly expresses its concern with heavy emphasis on defense-related research. It said:

> We find today a heavy emphasis on defense-related research and development in the country at large, an emphasis which detracts from similar efforts aimed at other urgent needs of society. Although the emphasis on defense work came about as a response to perceived national needs, it has hampered the nation's ability to cope with the problems of the contemporary world. As far as M.I.T. is concerned, the nation's emphasis on defense produces a bias toward specific areas of research at the institute, and makes it more difficult to move in other directions. M.I.T. has a role to play in attempting to redress this balance, not only within itself but also at the national level.

Many of you will recall the request made last year for current information about ongoing research projects of Federal departments and agencies. The resulting 12 cartons have been mentioned many times in this Chamber. I must confess that trying to get an overall grasp of this massive outpouring of information has been no easy task, and I wonder, based on our experience, what mechanisms exist within the executive branch to grasp the whole of these varied, diverse research programs.

We have made two preliminary forays into this massive collection of project information. Taking one field of science, chemistry, we counted 1,988 chemistry research projects reported by eight departments and agencies. Of these, the top three agencies were DHEW with 617 projects, NSF with 458, and DOD with 392. The DOD projects represented costs of about $17.4 million for fiscal years 1967 and 1968. Of these, 124 Air Force projects were with universities and 17 with industry; 157 Army projects were with uniiversities and one with industry; 21 Navy projects were with universities and five with industry. Taken together, of the 392 chemistry projects reported by DOD, 302 were in universities and educational institutions, 23 were in industry, 53 were performed abroad, and 14 were with other kinds of organizations.

These figures reveal how much research in chemistry has come to depend upon DOD funding.

Turning to other fields of science, we looked at project information reported under the combined heading of behavioral and social sciences. Here we find 280 DOD research projects reported representing obligations of $14.8 million for fiscal years 1967 and 1968 combined. Of these, 186 were going on at universities: seven were funded by the Advanced Research Projects Agency; nine by the Army; 63 by the Air Force; and 107 by the Navy. Our initial screening identified 11 subjects in which more than one Defense agency was sponsoring research; table I shows this information.

Going further, an admittedly subjective reading of these project titles for the behavioral and social sciences suggested that many could have been equally well funded by the National Science Foundation. In fact, of the 280 projects reported by DOD for behavioral and social sciences, as many as 212 representing obligations of $9.7 million out of a total of $14.8 million for fiscal years 1967 and 1968 combined, seemed appropriate for NSF and other civil agency support; table II gives the details. With the permission of the Senate, I would insert in the RECORD a list of the titles for Defense research projects reported in behavioral and social sciences that initial reading suggests are appropriate for funding by the National Science Foundation.

The members can judge for themselves how directly and visibly related to defense needs are such research projects as "rate-controlled speech and mediating variables in second-language learning," funded by ARPA; or "the socio-economic aspects of command control in developing nations" by Army; or "organ pathology and prenatal-postnatal biochemical responses associated with early social-developmental relationships" by the Air Force; or 'organizational, cultural and personal factors influencing work productivity" by the Navy.

I cite these titles not to point a finger of ridicule, for we have no information as to the scientific quality of the work or the standing of the investigators. What I do intend is to question the relevance of subjects of these kinds to the military needs of the Nation, and to question why scientific research of this kind, if needed in the national interests, is not funded by other departments and agencies.

Mr. President, this body can long debate the issue of Defense support for research that is more appropriate to other agencies without ever affecting what is going on. Debate can frame the issues, but only action can produce change. The change that national interests dictates is to relieve the military of its present funding of research not clearly, directly, and visibly linked to its responsibilities and functions. Whatever action we take will be painful, particularly if other members of this body who are concerned with funding of research by civil agencies under their jurisdiction are not persuaded to provide the funding so that DOD can transfer such work without disrupting too much of the ongoing research.

Despite the pains of reductions, or terminations, or transitions, I propose that our national interests require us to act now and at least to begin the disengagement of Defense from funding of research not closely related to its needs.

Mr. President, I ask unanimous consent to have printed in the RECORD three tables which bear on this subject.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE I.—RESEARCH SPONSORED BY MORE THAN 1 DEFENSE AGENCY

Project	Navy	Air Force	Army	ARPA
Learning foreign languages	x	x	x	x
Pattern recognition	x	x	x	
Learning	x	x	x	
Visual perception	x	x	x	
Decisionmaking	x	x	x	
Teaching complex material	x	------	------	x
Effects of drugs on performance	x	------	x	------
Behavior under stress	x	x	------	------
Leadership	x	x	------	------
Group interaction	x	x	------	------
Memory	x	x	------	------

TABLE II.—COMPARISON OF TOTAL NUMBER OF DEFENSE PROJECTS IN BEHAVIORAL AND SOCIAL SCIENCES FOR 1968 WITH THOSE POSSIBLY APPROPRIATE FOR SUPPORT BY THE NATIONAL SCIENCE FOUNDATION

				Fiscal year 1967			Fiscal year 1968		
	Number of projects	Number of NSF type	Percent	Funding for all behavioral and social science research	NSF type	Percent	Funding for all behavioral and social science research	NSF type	Percent
ARPA	12	12	100	$611,683	$611,683	100	$654,775	$654,775	100
Army	22	18	81	849,045	744,673	87	341,825	340,242	99
Air Force	76	71	93	1,595,000	1,554,000	97	1,020,000	1,008,000	98
Navy	170	111	65	5,372,000	3,038,000	56	4,440,000	2,824,000	63
Total	280	212	75	8,427,728	5,948,356	70	6,456,000	4,827,017	74

PROJECTS IN THE BEHAVIORAL AND SOCIAL SCIENCES REPORTED BY THE DEFENSE DEPARTMENT IN 1968 THAT APPEAR APPROPRIATE FOR SUPPORT BY THE NATIONAL SCIENCE FOUNDATION

ADVANCED RESEARCH PROJECT AGENCY

Research on the psychological origins of revolution, fy '67, $39,000.

Factors associated with cultural change in Middle Eastern countries, fy '68, $238,000.

Research on behavior in international systems, $0.[1]

Experimental study of the psychological processes involved in the use of language, $0.

Handbook and casebook for practical evaluators, fy '68, $32,000.

Risk-taking and negotiation in leader and delegate groups, fy '67, $36,483.

On-line computer studies of bargaining behavior, fy '67, $246,000.

Computer recognition of patterns of behavior, fy '68, $89,775.

The characteristics of incentive systems and their effect on individual behavior, fy '68, $95,000.

Psychological processes of the central nervous system, fy '68, $200,000.

Modes of organizing and presenting complex educational material fy '67, $110,800.

Rate-controlled speech and mediating variables in second-language learning fy '67, $179,400.

DEPARTMENT OF THE ARMY

The relationship between subjective and objective assessments of fatigue. fy '68, $7,850.

The effects of psycho-active chemicals on cognitive social skills. fy '67, $10,688; fy '68, $1,840.

Socio-economic aspects of command control in developing nations. fy '67, $85,934; fy '68, $74,000.

Temporal orientation and task performance. fy '67, $49,523.

Comparative studies of the central mechanisms of sensory discrimation. fy '67, $24,912.

Performance: vigilance-factors influencing detection and monitoring. fy '67, $30,667; fy '68, $30,890.

Effects of drugs on sensorimotor processes and mentation. fy '67, $32,586; fy '68, $30,321.

Perceptual lag as a function of onset and offset visual stimulation. $0 either year.

Stimulus factors in human timing behavior. fy '67, $1,899; fy '68, $300.

Remote detection of cortical unit spike discharge: is it possible? fy '67, $18,689.

Sleep and dream research. fy '67, $28,063; fy '68, $22,500.

Analysis of visual and pupillary functioning. fy '67, $14,338.

Basic studies of psycho-physic measurement theory applicable to human sensory processes. $0 either year.

Adaptation to bodily rotation. fy '67, $16,436; fy '68, $1,791.

Suppression and fusion in stereopsis. fy '67, $44,856.

Development of a psychophysical photo quality measure. fy '67, $10,948.

Interdisciplinary research in learning control systems and pattern recognition. fy '67, $341,500; fy '68, $170,750.

Suppression and fusion in stereopsis. fy '67, $33,634.

DEPARTMENT OF THE AIR FORCE

An information system for an enclaved society. fy '68, $89,000.

Military contribution to modernization—Middle East and North Africa. fy '67, $36,000.

Decision making in situations of practical action. fy '67, $57,000.

Persuasive communication in functional organizations. $0.

Visual perception of movement. $0.

Research to improve language training/Western Europe. fy '68, $49,000.

Political development and moderization in Islamic countries—military planning, $0.

Measurements of attitude and attitude change. $0.

Ultrasonic determination of body composition. fy '67, $28,000.

An experimental study of the development of consensus. fy '67, $21,000.

---

[1] "$0" means a project is on-going in fy '67 and '68 but was previously funded.

Studies of uncertainty, information search and decision-making. $0.

Theory and methods in the study of organizational stress. fy '67, $22,000.

A model for stimulus relevance. $0.

Performance and biochemical responses related to social changes versus chemotherapy. fy '67, $38,000.

Organ pathology and prenatal-postnatal biochemical responses associated with early social-developmental relationships. $0.

Spatial-temporal effects of high intensity point sources of light on the induction of apparent motion. fy '67, $21,000.

Examination of short term and long term memory processes/role of temporal lobe. fy '67, $16,000.

Study of the narrative review in programmed instruction. $0.

Human selective learning. fy '67, $18,000; fy '68, $20,000.

Effects of physical and symbolic stressors on perceptual mechanism. fy '67, $25,000.

Social-cultural aspects of development. fy '67, $33,000.

Emergent leaders in developing nations. $0.

Research in background imagery interpretation. fy '68, $16,000.

Military implications of change: Communist China. fy '67, $104,000.

Predictive model for intra-group negotiation, fy '67, $26,000.

Methodology for analysis of internal social movements. fy '67, $9,000.

Innovation, social exchange and institutionalization. fy '67, $49,000.

Measurement of reactions to stress. fy '67, $33,000.

Aerospace power and behavioral knowledge. fy '67, $105,000.

Psycho-physiological measurement of response to information overload or complexity. fy '67, $68,000.

Transfer of technology under military and related conditions—Japan and other countries. $0.

Social psychological aspects of stress. fy '67, $94,000.

Rational models for strategic behavior. fy '67, $24,000.

Movement, learning and behavior. fy '67, $30,000; fy '68, $36,000.

Transformational and organizational processes in memory. fy '67, $14,000.

Comparative study of normative behavior among Japanese and American youth. fy '67, $34,000.

Social-psychological factors in the development of new nations. $0.

Influence of memory factors on sensory discrimination. fy '68, $15,000.

Leadership, organizational effectiveness, and human resources. $0.

The desire for group achievement: origins and effects. fy '68, $61,000.

Operational description of behavioral laws. fy '67, $19,000.

Cultural differences in task approach and optimal performance in a transfer task. fy '68, $400,000.

Simulation studies of organizational communication behavior under stress. fy '67, $47,000; fy '68, $43,000.

An analysis of group feedback effects. fy '67, $30,000.

Allocation of resources in a multiman-machine system simulation. fy '68, $40,000.

Elementary processes in pattern perception. $0.

Social mobility and professional motivation-application to Air Force manpower pool. fy '68, $11,000.

Speech characteristics as indices of attitude, mood and motivational state. fy '67, $47,000.

Study of cognitive and affective attitudes. $0.

Altered levels of consciousness and human performance. fy '67, $64,000.

Psychophysiological baseline pattern analysis. fy '67, $33,000; fy '68, $32,000.

Elite structure and elite transformation in totalitarian political systems. $0.

Perception of dynamic stimuli. fy '67, $38,000.

The prediction of subject motivatibility in laboratory experimentation. fy '67, $29,000; fy '68, $19,000.

A study in social science decision making. $0.

Experimental study of the effects of surround brightness and size on visual performance. fy '67, $29,000.

Organization of information about human learning transfer and retention. fy '67, $25,000.

Criteria for the design of new forms of organization. fy '67, $45,000; fy '68, $65,000.

Remembering, forgetting and recovery of memory. fy '67, $30,000.

Psycho-physical relations in perception of space, time and velocity. fy '67, $8,000.

Executive decision making in organizations under stress and crisis. fy '67, $47,000.

Operational analysis of behavioral situations, fy '67, $20,000.

Political-idological systems and hostility patterns. $0.

Movement and perceptual-motor performance during atypical input conditions. $0.

Individual differences in motor and verbal skills. fy '68, $62,000.

Expectations of motivations related to power differences within groups. $0.

Decisions and decision-makers: the effects of confidence, social risk and commitment. fy '67, $29,000.

Effects of supportive, close and punitive styles of supervision. fy '67, $5,000.

Improvement of learning capabilities. fy '67, $87,000.

A systematic investigation of contrast effects related to vigilance tasks. fy '67, $17,000.

Effects of task characteristics on performance. fy '68, $50,000.

U.S. DEPARTMENT OF THE NAVY

Human engineering guide to equipment design and evaluation, fy '67, $15,000; fy '68, $00,000.

Experimental techniques for predicting performance of electronics personnel. fy '67, $20,000; fy '68, $37,000.

Properties of visual displays and methods for evaluating the effectiveness of displays. fy '68, $20,000.

Functional evaluation of electroluminescent pictorial status displays. fy '67, $20,000.

Psycho physiological problems of pilot protection. fy '67, $40,000; fy '68, $30,000.

An integrated system for measuring diver performance. fy '67, $26,000; fy '68, $50,000.

Development of computer assisted instruction procedures to aid in teaching complex concepts. fy '67, $70,000; fy '68, $70,000.

Determination of the relationships between the electrical activity of the human retina and the perception of form. fy '67, $15,000.

The role of motivation in Naval leadership. fy '67, $57,000.

Investigation of habit reversal techniques of potential use with Navy personnel. fy '67, $15,000; fy '68, $14,000.

Image enhancement of Navy display systems. fy '68, $11,000.

Inducing cooperation between adversaries. fy '67, $41,000.

Psycho physics mechanisms of attention, memory, information processing and decision making. fy '67, $31,000; fy '68, $25,000.

Dynamics of conflict and cooperation in small groups, teams, and crews. fy '67, $45,000.

Speech as an indication of stress, $0.

Recognition and discrimination of complex visual stimuli in continuous motion. fy '67, $55,000.

Pattern recognition of EEG to determine level of alertness. fy '68, $46,000.

New techniques for presenting human-engineering data to design engineering. fy '68, $20,000.

Effect of cold water on divers. fy '67, $30,000; fy '68, $37,000.

Systems analysis research on pilot landing performance. fy '67, $40,000; fy '68, $26,000.

Development of techniques for using computers to administer and score psychological tests to Navy applicants. fy '67, $26,000; fy '68, $26,000.

Computer-assisted instruction information exchange. fy '67, $47,000; fy '68, $56,000.

Diver performance measures. fy '67, $30,000; fy '68 $23,000.

Machine augmentation of human strength and endurance. fy '68, $400,000; fy 68, $167,000.

Improving intelligibility of divers using helium-oxygen breathing mixtures. fy ''68, $44,000.

Comparison of different organizational structures in terms of crew effectiveness. fy '67 $10,000.

Psychological and physiological factors affecting team performance. fy '67 $27,000.

Effects of perceptual isolation on the human subject. fy '67 $26,000; fy '68 $23,000.

Instructional strategies in computer assisted instruction. fy '67 $57,000; fy '68 $71,000.

Improving search and acquisition for targets in peripheral vision. fy '67 $31,000; fy '68 $20,000.

Computer classification of physiological responses in hazardous environments. fy '67 $34,000.

Application of attitude change principles to equipment acceptance. fy '68 $39,000.

Relationship between Navy vigilance tasks and body chemistry changes. fy '68 $40,000.

The effects of persuasive communications on attitudes. fy '67 $38,000.

Effects of drugs on stress and vigilance behavior of Navy operators. fy '67 $35,000.

Drug enhancement of performance on Naval personnel under stress. fy '67 $22,000; fy '68 $22,000.

Electrical activity of human eye muscles under static and dynamic viewing conditions. fy '67 $16,000; fy '68 $16,000.

Special methods for resisting psychological warfare techniques. fy '67 $26,000; fy '68 $65,000.

Comparative study of electroencephal patterns. fy '68 $14,000.

Determination of the relationships among sensory and display interpretation factors in man-machine information transfer situations. fy '67 $35,000; fy '68 $35,000.

Organizational, cultural and personal factors influencing work productivity. fy '67 $131,000.

Determination of the effects of high intensity light flashes on the eye and on visual perception. fy '67 $4,000; fy '68 $15,000.

Survey of human factors and biotechnology research. fy '68 $22,000.

Interaction of drugs with other factors determining human performance. $0.

The measurement of stress and its relationship to and effects on human performance in mental and motor work. $0.

Processing of information sequentially displayed by computer-driven cathode-ray tubes. fy '67 $28,000.

Work producing capabilities of underwater operators. fy '67 $31,000; fy '68 $30,000.

Symposium on applied models of man-machine systems. fy '68 $4,000.

Defining the conditions which control how well test material is learned and how long it is remembered. fy '67 $32,000.

How human beings acquire and evaluate information in the process of making judgments and decisions. fy '38 $30,000.

Military implications of modernization in the Far East. $0.

The study of leadership effectiveness in complex situations. fy '67 $15,000.

Sound conduction in the ear affecting military communications. fy '67 $26,000.

Group information processing and decision-making in complex situations. fy '67 $50,000.

Military implications of social change. fy '67 $440,000.

Determination of the relationships between the responses of humans and the physical dimensions of stimulation for the sense of taste. $0.

Research to improve methods of training in foreign languages. fy '67 $19,000.

Helium speech distortion correction using an analog simulation of the human ear. fy '68 $35,000.

Development of classification procedures to identify pilot vertigo research. fy '68 $50,000.

Biophysical changes affecting behavioral performance. fy '67 $20,000; fy '68 $20,000.

Consulting and advisory services for the social and behavioral science. fy '67 $14,000; fy '68 $17,000.

Identification of variables which predict international conflict. fy '67 $26,000; fy '68 $24,000.

Analysis of reward as a means of promoting adult learning. fy '67 $29,000.

Enhancement by drugs of Naval personnel performance under stress. fy '67 $65,000; fy '68 $49,000.

Control of purposive movement through sequenced electrical stimulation of brain sites. fy '67 $121,000; fy '68 $51,000.

Investigation of methods to reduce training failures among intellectually able students. fy '68 $25,000.

Effects of extreme environments on performance of Navy teams and groups. fy '67 $5,000.

Mechanisms of human auditory localization as related to Naval communications systems. fy '68 $33,000.

Techniques for improving human memory. fy '68 $43,000.

Neural mechanisms involved in the processing of visual and auditory information. $0.

Comparative studies of conflict and conflict resolution. fy '68 $36,000.

Analysis of the human behavior processes involved in solving complex problems. fy '67 $22,000; fy '68 $20,000.

Basic mechanisms in attention and vigilance of human operators. $0.

Atlas of principles of group behavior for studies of crew isolation and confinement. fy '67 $15,000; fy '68 $33,000.

Speech analysis of men under stress. fy '67 $25,000; fy '68 $25,000.

Determination of the factors influencing the perception of form and distance of underwater divers. fy '68 $7,000.

Underwater work measurement techniques. fy '67 $25,000; fy '68 $34,000.

Biophysics of vision for design of optimal target displays. fy '68 $4,000.

Attitude change for the enhancement of morale. fy '67 $30,000.

Improvements in underwater voice communication. fy '68 $34,000.

Research on psychiatric effectiveness of future weapon systems crews. fy '67 $54,000.

Research on physical and psychological factors involved in underwater speech communication. fy '67 $50,000; fy '68 $57,000.

Effect of noise on inner-ear cells. fy '67 $43,000; fy '68 $28,000.

Behavioral science inputs to the prediction of conflict. fy '68 $275,000.

Conference on psychological problems in large-scale change. fy '67 $7,000; fy '68 $24,000.

Automatic teaching systems; man-machine interactions involving high speed digital computers. $0.

Effect of environmental restriction on performance, fy '68 $4,000.

Factors involved in modifying hostile attitudes. fy '67 $2,000; fy '68 $36,000.

Comparative study of interaction between ideology and behavior. fy '67 $50,000.

The measurement of speech intelligibility. fy '68 $16,000.

Leadership requirements in differing organizational settings. fy '67 $23,000; fy '68 $30,000.

Experiments on leadership, authority and influence. fy '67 $22,000.

Theories and models of military group behavior. fy '67 $37,000.

Research on panic behavior. fy '67 $5,000; fy '68 $4,000.

The influence of power on group productivity and morale. $0.

Reduction of hostility within groups to enhance team performance. fy '67 $20,000; fy '68 $20,000.

Studies of computer-assisted instruction; instructional strategies and behaviorally oriented language. fy '68 $68,000.

Conference on group decision making. fy '68 $6,000.

Effects of group interaction on problem solving. $0.

Identification of factors influencing the effectiveness of management and leadership. fy '67 $28,000; fy '68 $45,000.

Theory and measurement of international conflict. fy '68 $165,000.

Research on how visually patterned stimuli are classified by the nervous system. $0.

Undersea work performance and psychological adjustment. fy '67, $22,000; fy '68 $30,000.

Research on factors involved in the detection and identification of visual and auditory signals. fy '67 $35,000.

Techniques of differential assignment of personnel. $0.

Comparative research on interpersonal perception. fy '68 $15,000.

Characteristics of Navy trainees that enhance or inhibit learning. fy '67 $44,000.

Comparative analyses of leadership practices. fy '68 $31,000.

Implications of organizational stability and instability for psychological operations. fy '68 $150,000.

Experimental analysis of aggressive behavior. fy '67 $43,000; fy '68 $26,000.

Brain nucleic acid changes during learning. fy '68 $26,000.

AMENDMENT NO. 129

Mr. FULBRIGHT. Mr. President, I call up my amendment (No. 129).

The PRESIDING OFFICER. The amendment of the Senator from Arkansas will be stated.

The legislative clerk read the amendment, as follows:

On page 5, line 11, strike out the quotation marks and the word "Funds" and insert in lieu thereof the following: "Not to exceed $3,000,000,000 of the funds".

On page 5, line 17, strike out the words "the Secretary of Defense" and insert in lieu thereof the words "the President".

Mr. FULBRIGHT. Mr. President, I yield to the Senator from Washington (Mr. JACKSON) without losing my right to the floor.

CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE KENNEWICK DIVISION EXTENSION, YAKIMA PROJECT, WASHINGTON

Mr. JACKSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 742.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 742) to amend the act of June 12, 1948 (62 Stat. 382), in order to provide for the construction, operation, and maintenance of the Kennewick division extension, Yakima project, Washington, and for other purposes, which was, on page 2, line 4, strike out "fifty-six-year", and insert "fifty-year".

Mr. JACKSON. Mr. President, the construction of the Yakima project was initiated in 1905. There are presently six operating divisions in the project. The Kennewick Division is the most recently constructed, having been authorized in 1948. S. 742 would authorize an extension to the Kennewick division and would bring 6,300 acres of land under irrigation and provide wildlife and conservation benefits.

When the Senate approved this bill last March, it was the fourth time the legislation had been passed by this body. The House of Representatives passed the legislation with minor amendments in June. However, at that time I received a communication from officials of the Yakima Indian Tribe expressing concern over whether this project, if approved and constructed, would jeopardize the water rights of the Yakima Tribe, and in addition, whether the construction of this project in any way would adversely affect proposed Indian irrigation projects on the Yakima Reservation.

I have discussed this matter with the Indians, and members of the staff of the Committee on Interior and Insular Affairs have reviewed the questions raised by the Indians. In addition, the Secretary of the Interior and his staff have gone into the issues very carefully to determine if the Kennewick extension would adversely affect the Indian projects or impair the water rights of the Indians in any way.

By letter dated today, the Secretary of the Interior has assured me that hydrologically the authorization and subsequent construction of the Kennewick extension would not affect adversely the water available to the tribe for their projects. I quote from the Secretary's letter:

> Further, in our view, the need for, and desirability of, the three Indian projects will not be affected by the Kennewick extension. These three projects must stand or fall on their own merits and justification. Finally, there is nothing in our opinion, in the language of S. 742 or its legislative history which we would construe as adversely affecting the Indian interests. We will, in the development of the project, make certain that any prior and superior water rights of the tribe are fully protected and will require that these rights be recognized explicitly in contracts entered into pursuant to S. 742.

Mr. President, I ask unanimous consent that the full text of the Secretary's letter appear at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., August 12, 1969.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of June 4, 1969, enclosed for comment a telegram from Chairman Robert E. Jim of the Yakima Tribal Council which expressed concern regarding the effects of S. 742, a bill to authorize the Kennewick extension of the Yakima reclamation project in Washington, on Yakima Indian rights to the use of water for their reservation. The Department has received similar telegrams from Mr. Jim.

Since these telegrams were sent, the bill passed the House of Representatives with a minor difference—not in issue here—from the previously-passed Senate version.

The Kennewick project was authorized by the Act of June 12, 1948 (62 Stat. 382), which reserved capacity in the main canal for the future extension of irrigation to 7,000 acres of additional land. S. 742 would authorize this extension.

Mr. Jim and the Yakima Tribe are concerned that this project will impair the water available to the tribe and lessen substantially their chances of obtaining the necessary funding and authorization for three irrigation projects which they consider extremely important to the economic development of the reservation. We can appreciate their concern and, for this reason, we met with them within the last few days in order to obtain a more complete understanding of their position on the legislation and to try to alleviate their concern to the greatest extent possible.

The irrigation projects which the Yakima Indians wish to construct in order to utilize fully the water available to them are: the Wapato Satus unit, the Satus Creek project, and the Toppenish Creek project.

The Wapato unit is an authorized Indian project which would irrigate an estimated 5,000 acres at a cost of about $500,000. No appropriation has been requested for this project. We have, however, agreed to review the project for the purpose of considering such a request in the near future.

The other two projects would be located on the Satus and Toppenish Creeks, respectively. Authorization for these projects has not been requested by the Department to date. We will review these projects and provide you with more information on them as soon as possible.

We have advised Mr. Jim and the tribe that the Department does not want to prejudice their ability to gain approval of all or some of these projects in the near future, nor do we want to do anything that would impair or infringe on their rights to water for all of these projects.

We are satisfied, based on information furnished by the Bureau of Reclamation, that hydrologically the authorization and subsequent construction of the Kennewick extension would not affect adversely the water available to the tribe for the above projects. The project is not dependent on water from the Yakima Reservation. Further, in our view, the need for, and desirability of, the three Indian projects will not be affected by the Kennewick extension. These three projects must stand or fall on their own merits and justification. Finally, there is nothing in our opinion, in the language of S. 742 or its legislative history which we would construe as adversely affecting the Indian interests. We will, in the development of the project, make certain that any prior and superior water rights of the tribe are fully protected and will require that these rights be recognized explicitly in contracts entered into pursuant to S. 742.

We hope that the expression of the Department's views herein will help to remove the deep concern expressed by the tribe and result in final passage of S. 742 as quickly as possible.

It should be noted that the tribe has indicated that their concern is caused partially by some statements made by the Department on the project a few years ago. If you find any such statements in the record of this legislation which may have contributed to the concern of the tribe, we will be glad to clarify them.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

Mr. JACKSON. Mr. President, in view of the assurances provided by the Secretary of the Interior, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, it is my intention shortly to call up House Concurrent Resolution 315, but if the distinguished minority leader, in the meantime, has any questions, I will endeavor to answer them.

Mr. DIRKSEN. Mr. President, I would like to ask the distinguished majority leader about the program for the balance of the day, but more particularly about the program for tomorrow, and whether or not there may be recorded votes on any amendments that may be submitted, knowing, of course, that a substantial contingent will be going to the dinner in California.

Mr. MANSFIELD. Mr. President, it is a good thing that the distinguished minority leader raised that particular question at this time. It is my understanding that the distinguished chairman of the Foreign Relations Committee, the Senator from Arkansas (Mr. FULBRIGHT), has two amendments which may not take too much time.

It is my further understanding that there is a very strong possibility that a yea-and-nay vote on House Concurrent Resolution 315, the resolution to adjourn for 3 weeks, will be asked for; and, of course, if it is, it will be granted.

It is my further understanding that before the Senate concludes its business tonight, the distinguished Senator from Wisconsin (Mr. PROXMIRE) will lay down his amendment on the C5-A; that we will come in at 10 o'clock tomorrow morning; that the Senator from Wisconsin and other Senators will lay the foundation for the amendment. The amendment, however, would not be voted on tomorrow, but would be the pending business when the Senate returned on September 3. It is a very important amendment, and it is hoped that a full attendance will be in the Senate at that time.

In other words, to those of you who are interested in attending the state dinner at Los Angeles—and that is only one factor among many others—if we go through with what I have just discussed, there will be no rollcall votes tomorrow; and all I can say, on that basis, is Godspeed.

ADJOURNMENT FROM AUGUST 13 TO SEPTEMBER 3, 1969

Mr. MANSFIELD. Mr. President, I move that the Senate turn to the consideration of House Concurrent Resolution 315, with, of course, the proviso that the Senator from Arkansas does not lose his right to the floor.

The PRESIDING OFFICER. The concurrent resolution will be stated by the clerk.

The legislative clerk read the concurrent resolution (H. Con. Res. 315) as follows:

H. CON. RES. 315

Resolved by the House of Representatives (the Senate concurring), That the two Houses shall adjourn on Wednesday, August 13, 1969, and that when they adjourn on said day they stand adjourned until 12 o'clock noon on Wednesday, September 3, 1969.

Mr. PROUTY. Mr. President, may we have order?

The PRESIDING OFFICER. The motion is not debatable.

Mr. STENNIS. Mr. President, who has the floor?

The PRESIDING OFFICER. The question before the Senate is an adjournment resolution, and is not debatable.

Mr. PROUTY. Mr. President, I ask for the yeas and nays, then, if I cannot speak.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution. The clerk will call the roll.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. What are we voting on?

The PRESIDING OFFICER. The clerk will restate the resolution.

The legislative clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses shall adjourn on Wednesday, August 13, 1969, and that when they adjourn on said day they stand adjourned until 12 o'clock noon on Wednesday, September 3, 1969.

Mr. MANSFIELD. This is a fulfillment of the pledge made by the joint leadership to all Senators, and about which all Senators were informed as long ago as last January, with no objection at that time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. GORE), is absent on official business.

I also announce that the Senator from Nevada (Mr. BIBLE), the Senator from Mississippi (Mr. EASTLAND), the Senator from Utah (Mr. MOSS), the Senator from Georgia (Mr. RUSSELL), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

Mr. SCOTT. I announce that the Senator from Ohio (Mr. SAXBE) is necessarily absent.

The Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), and the Senator from Illinois (Mr. PERCY), are detained on official business.

If present and voting, the Senator from Utah (Mr. BENNETT), and the Senator from Illinois (Mr. PERCY), would each vote "yea."

The result was announced—yeas 76, nays 14, as follows:

[No. 80 Leg.]

YEAS—76

Anderson
Baker
Bayh
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cranston
Curtis
Dirksen
Dodd
Dole
Dominick
Eagleton
Ellender
Fannin
Fong
Fulbright
Goodell
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McCarthy
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Mundt
Murphy
Muskie
Nelson
[illegible]kwood
Pe[illegible]on
Pell
Proxmi[illegible]
Randolph
Ribicoff
Schweiker
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Thurmond
Tower
Tydings
Williams, N.J.
Young, N. Dak.
Young, Ohio

NAYS—14

Aiken
Allen
Allott
Cooper
Cotton
Ervin
Goldwater
Holland
McClellan
Pastore
Prouty
Scott
Talmadge
Williams, Del.

NOT VOTING—10

Bellmon
Bennett
Bible
Eastland
Gore
Moss
Percy
Russell
Saxbe
Yarborough

So the concurrent resolution (H. Con. Res. 315) was agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the Senator yield without losing his right to the floor?

Mr. FULBRIGHT. I yield.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator may proceed.

Mr. MANSFIELD. Mr. President, for the information of the Senate, there may well be one or two rollcall votes this evening before adjournment. I do not think that the debate on the next two amendments will take very long.

I would suggest that in the interest of better procedure and a more expeditious departure, Senators stay as close to the floor as possible so that we can dispose of the amendments one way or the other.

Mr. FULBRIGHT. Mr. President, I point out that my statement will not take over 3 or 4 minutes.

Mr. MAGNUSON. Mr. President, will the Senator yield me 1 minute?

Mr. FULBRIGHT. Mr. President, I yield 1 minute to the Senator from Washington.

JURISDICTION OF SENATE COMMITTEES ON MASS TRANSIT MEASURE

Mr. MAGNUSON. Mr. President, yesterday the administration sent up a proposed piece of legislation on mass transit that encompassed a great number of transit problems and rapid transit in urban areas.

It goes back in some instances to the proposal contained in the original mass transit bill, the jurisdiction of which lies in the Banking and Currency Committee.

Many of the suggestions contained in the bill are also within the province of the Commerce Committee.

The distinguished Senator from Utah introduced a bill and had it referred to the Committee on Banking and Currency. However, the distinguished chairman of that committee and the Senator from New Hampshire (Mr. COTTON) and I have an agreement that when they get through with that measure, it will be forwarded to the Commerce Committee so that we may consider the sections that properly belong within the jurisdiction of that committee.

This is an all-inclusive, pretty wide-ranging bill.

I wanted the record to reflect this situation.

PROPOSED MEETING OF FOREIGN RELATIONS COMMITTEE

Mr. FULBRIGHT. Mr. President, before I make my statement on the pending matter, there is one other matter that I should like to point out. Because of an unexpected emergency, we were not able in the Committee on Foreign Relations this morning to vote on a pending matter. There was a rollcall in the Senate much earlier than we had expected.

As soon as we dispose of the two amendments, if we can get a quorum, I would appreciate it very much if the committee members could come to the committee rooms so that we might have a very brief meeting. It should not take more than 5 or 10 minutes to dispose of the one remaining piece of business—the Peace Corps measure—before we adjourn.

Mr. President, I hope that the committee members can come to the committee room. I guarantee them that it will not take more than a few minutes. We will either do it or not do it within 10 minutes. I would appreciate it if after the disposal of these two brief amendments the members of the committee would come to the committee room.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. FULBRIGHT. Mr. President, amendment No. 129 does two things.

First, it makes clear that no more than $3 billion of the funds appropriated for use of the Armed Forces of the United States may be used to support the forces of Vietnam and other free world forces in Vietnam, or local forces in Laos and Thailand.

Second, this amendment requires that the decisions as to the expenditures of these funds are to be the responsibility of the President rather than the responsibility of the Secretary of Defense.

My purpose in proposing this amendment is to tighten up the provisions of this authorizaton bill.

As it now stands, the Congress would be authorizing the Secretary of Defense "on such terms and conditions as he may determine" to spend, without any limitation whatsoever, an amount that could be as high as $80 billion to pay the expenses of armed forces other than those of the United States.

This, I know, is preposterous. The Secretary of Defense would do no such thing. But that is precisely what the language of title IV authorizes as I read it.

There must be some limit on the amount we are expected to take from the use of our Armed Forces and give to other free world forces.

I guess I do not know what that limit is.

My amendment specifies that not more than $3 billion may be spent on foreign armed forces. That is more than we spend for economic foreign aid and for many domestic programs. It is but 10 percent of the some $30 billion which the Vietnam war costs the United States annually.

I know it will be said that there must be a broad delegation of discretion in the expenditure of these funds because we hope that South Vietnam forces will take over more and more of the burden. But I suggest that the Senate is entitled at least to have an estimate of how much next year is to be used to pay for the forces of allies fighting with us in Vietnam.

If the chairman of the Armed Services Committee is not agreeable to the limiting figure of $3 billion for this purpose, I would be interested in receiving some other estimate.

It does not make much sense to me to hold elaborate hearings on the Defense Department budget, to receive detailed estimates on the costs of various weapons systems, and then to adopt language in this bill which says in effect that notwithstanding any other law authorizing funds for the Armed Forces of the United States, the Secretary of Defense can spend whatever he desires to support other free world forces in Vietnam and local forces in Laos.

The Congress must be cautious of such wide open delegations of authority.

I hope the chairman of the Committee on Armed Forces will accept this amendment.

Mr. STENNIS. Mr. President and members of the committee, I call special attention to the situation with respect to title 4. It may be that a rollcall vote will not be required on the matter.

I will first make a brief explanation of title 4 of the bill. It covers what was once called foreign military aid or foreign aid for the military. But this section is limited to the South Vietnamese and other free world forces in Vietnam, local forces in Laos and Thailand, and for related costs during the fiscal year 1970 on such terms and conditions as the Secretary of Defense may determine.

Mr. President, that is the identical language that was used for last year in the authorization bill as brought forward without any change and also for the year 1968.

I am going to propose an amendment as a substitute to the amendment of the Senator from Arkansas. The funds now in the bill for this purpose amount to only $147 million. That is in hardware. The authorization is merely for the Appropriations Committee, concerning such other amounts as they may appropriate and for whatever purposes they may appropriate. The Appropriations Committee now has authority to appropriate items except military hardware for our Army or Navy, but they do not have authority to appropriate even O. & M. funds—operation and maintenance funds—for the Army of South Vietnam. So this would be a general authorization.

When this matter came before us, my best recollection is that in looking at it, the Chief of Staff said that this is identical to the matter of last year, and that was correct. We did not get to the figures then, however, and they gave me the figures later, and showed how it was spent last year for this purpose—$2.5 billion. For this year, it is estimated to be $2.26 billion for this purpose.

On that point, I did not notice the open end clause in here, which is the three or four words on pages 12 and 15: "under this or any other act." That gives it an open end, unlimited authorization. I have not favored that since we built the Air Force Academy. I do not like us to make open end authorizations unless it is absolutely necessary. That is my record on it.

But I failed to point that out to the committee; I am sure I did. That is why I want to offer this substitute amendment now. Instead of saying "not to exceed $3 billion," I think we should put it at $2.5 billion; and if more money is needed, they can get the authorization for it.

So I do not think we should try to step on the President of the United States by requiring him to issue a certificate.

My amendment, which reads as follows, is offered as a substitute:

On page 5, line 11, strike out the quotation marks and the word "Funds" and insert in lieu thereof the following: "Not to exceed $2,500,000,000 of the funds".

On page 5, line 17, insert for the word "conditions" the phrase "under Presidential regulations".

That will put it forth in the register. The President is responsible for what it does, anyway. I think that will take care of the situation.

So I offer that as a substitute, and I thank the Senator from Arkansas very much for calling attention to that matter. This language, if it is going to refer to the other authorization bills, should have a limit on it, and it is limited. Let me repeat for clarity, that it is limited to the forces in Vietnam, other free world forces in Vietnam, and the local forces in Laos and Thailand.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. FULBRIGHT. Inasmuch as it does deal particularly with the local forces in Laos and Thailand, two countries in which, at least technically and legally, we are not at war, does the Senator not think it would be better that this responsibility be given to the President? We are now discussing before our committee a matter involving Thailand, and it seems to me that this is a matter of such consequence that it should be squarely the President's responsibility to make a decision on a matter of this kind, as distinguished from the ongoing war in Vietnam. That is the part of it that struck me—that it should be a presidential responsibility in the law.

Mr. STENNIS. I think it should be a presidential responsibility. He is responsible for it, anyway. Certainly, we can trust him to make the regulations about this matter, and then the Secretary of Defense, acting under those regulations and our law and restrictions, I believe——

Mr. FULBRIGHT. Customarily, I say to the Senator, under the foreign aid bill which my committee has handled, the funds are made available to the President.

Mr. STENNIS. Yes.

Mr. FULBRIGHT. That has been traditional, since the beginning. Actually, this is an item which has been in the foreign aid bill, in foreign assistance, in the past. In fact, some Members presently are considering taking it back into that bill.

Therefore, I would suggest—I do not know that it is all that important—that it would still be more appropriate for the responsibility to be given to the President.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. SYMINGTON. Mr. President, there is a $500 million difference here. As I understand the position of the distinguished Senator from Mississippi, he agrees with the principle of what is desired by the distinguished Senator from Arkansas. We are in a fight in Vietnam, and we are and have been taking military action in Laos and Thailand.

I would hope that the able chairman of the Committee on Foreign Relations would accept the proposal presented by the chairman of the Committee on Armed Services.

Mr. FULBRIGHT. I intended to do that when I rose. I certainly accept the amendment of the Senator from Mississippi as to the amounts. His explanation of it is understandable.

I say to the Senator from Missouri that the prosecution of the war, of course, is a military matter. But this involves far more than a military matter, as we found this morning; and it is the very matter into which the Senator from Missouri is looking. I think it is primarily a political matter as to how far we go in a commitment to support the local forces in Laos and Thailand in particular, as distinguished from Vietnam.

Mr. SYMINGTON. I know of the legislative background incident to the matter we were discussing this morning, and ascertained that the Secretary of Defense believes the matter we discussed this morning, if implemented, would necessitate the approval of Congress.

Again, it is my hope that the chairman of the Committee on Foreign Relations would take the language suggested by the chairman of the Committee on Armed Services.

Mr. FULBRIGHT. I am willing to accept the Senator from Mississippi's proposed amendment in place of mine and would, of course, support it. I merely brought that to his attention, in that I thought there might be a distinction between the significance of the local forces in Laos. But if the Senator from Mississippi feels that strongly about it, I am perfectly willing to accept his amendment as a substitute for mine.

Mr. STENNIS. It is my intention to have the presidential responsibility at the very peak, but I think he should be permitted to make the regulations, and then the Secretary can act on them.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. Is it proper for me to accept the substitute or withdraw my amendment?

Mr. President, I modify my amendment as proposed by the Senator from Mississippi.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. STENNIS. I do not understand.

The PRESIDING OFFICER. The Senator from Arkansas has modified his amendment.

Mr. FULBRIGHT. I modify my amendment in accordance with the suggested words of the Senator from Mississippi. It is his proposal, and that disposes of it.

The PRESIDING OFFICER. The amendment is so modified.

Mr. STENNIS. I want to discuss it a little further, but I yield to the Senator from Kentucky.

The PRESIDING OFFICER (Mr. SPONG in the chair). Will the Senator send the amendment, as modified, to the desk.

Mr. STENNIS. Mr. President, I yield to the Senator from Kentucky.

Mr. FULBRIGHT. Mr President, will the Senator yield to me first briefly?

Mr. STENNIS. I yield.

Mr. FULBRIGHT. Did the Senator suggest to strike "any other act" and only confine it to this act?

Mr. STENNIS. No, that was done in marking it up.

Mr. FULBRIGHT. The Senator does not wish to strike out "any other act."

Mr. STENNIS. No, that is part of it. The ceiling is on it now.

Mr. FULBRIGHT Very well.

Mr. STENNIS. I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I did not wish to intervene until the Senator from Arkansas and the Senator from Mississippi had agreed upon the questions which the Senator from Arkansas had raised. Now, I wish to raise another question on this section. I hope I may have the attention of the Senate for just a few minutes.

When I first read title IV on page 5

of the bill, the thought came to me that it could be considered a commitment as defined in the national commitments resolution which was adopted almost unanimously by the Senate. I may attach too much importance to language, but I want to give the reasons for my thinking in this direction.

In Vietnam we are furnishing supplies and equipment to the South Vietnamese and to other free forces who are assisting the South Vietnamese. We are also using our troops in support of the South Vietnamese.

The same situation may prevail in Laos and Thailand, as far as I know. We have authorized the supply of equipment and materiel to Laos and Thailand. Until a few years ago such supplies were authorized under the military assistance section of the foreign aid bill; in 1967 the authority was transferred to the military authorization bill.

My question goes to the meaning of the word "support." Is it intended in this section that support of free forces in Laos and Thailand is limited to equipment, materiel, and supplies, or is it intended that word "support" shall include the use of our own Armed Forces in support of the local forces of Thailand and Laos.

Mr. STENNIS. No.

Mr. COOPER. If use of our forces is intended, article IV of the bill could be construed as a commitment of our Armed Forces.

Mr. STENNIS. Mr. President, the Senator presents a very good question but I do not hesitate for one moment in answering. It does not include troop personnel of that kind.

As a matter of fact, I shall have printed in the Record within just a few minutes an itemization of these very items for fiscal year 1968, fiscal year 1969, and fiscal year 1970, prospectively. We are dealing here with $2,226,400 for fiscal year 1970 which includes no military construction at this time, but procurement for the Army, Navy, shipbuilding conversion, aircraft procurement, missile procurement, and other procurement, and the operation and maintenance for the Army, Navy, Marine Corps, and Air Force. So it is strictly military matters, and military matters alone.

Mr. COOPER. Mr. President, I accept, of course, as all of us do, the statement and intention of the Senator from Mississippi, about his understanding of the matter. But it is important that we know the intention of the language which speaks of itself. I would ask if the Senator from Arkansas and the Senator from Mississippi would be willing to modify paragraph (2) which now reads "(2) local forces in Laos and Thailand;" so as to insert before "local" the words: "to provide equipment, material supplies, and maintenance thereof to"; The additional language would remove any question of the intention—I do not know this is so intended; I hope it is not intended to use any of these funds for our forces to support the local forces of Laos and Thailand.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. COOPER. I base my suggested language in part on a statement made by former Secretary of Defense McNamara when he asked that funds to assist Laos and Thailand local forces be taken out of the foreign aid bill and placed in the defense bill. He supported his request in a letter to Senator Russell, chairman of the Armed Forces Committee.

> We are prepared to provide Laos and Thailand the equipment and supplies they require to combat the armed Communist forces which threaten their freedom. Therefore, the transfer itself implies neither escalation of conflict nor change in type or level of assistance; it merely reflects the most effective manner to handle the problem.

My amendment would limit the use of any of the funds, as far as Laos and Thailand are concerned, to equipment, material, and supplies.

Mr. STENNIS. The Senator might supply his language on that point. With respect to equipment and supplies there, we already have a list in the Record of what is represented.

Perhaps the language would provide this would not include any troops or U.S. forces. Maybe that would cover it.

Mr. COOPER. "Other than U.S. forces."

Mr. MILLER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MILLER. Mr. President, I would like to make a comment. Perhaps the Senator from Mississippi and the Senator from Kentucky might indicate whether or not this is within the scope of the Senator's proposed language. My understanding is that maintenance can be involved as well as the actual supplies and material.

Mr. STENNIS. Yes.

Mr. MILLER. If we are going to have maintenance, this could indicate contract maintenance, or it could indicate modifications of equipment. So I certainly think maintenance should be in this language if we are going to use specific language.

Mr. STENNIS. The word "maintenance" is in the bill of particulars that I am going to have printed in the Record. It does include many things in addition to military hardware. It really has no place in this bill, strictly speaking, except $147 million. As a matter of convenience we put it in 2 or 3 years ago.

I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I am certain I know what the Senator from Kentucky is getting at. I find myself in favor of that but I have a question as to whether or not his exclusion would be so complete that we could not, for example, install radars in Laos or Thailand, or electronic detection equipment, or electronic relay equipment that would require, at least for a time, personnel from the United States. These people might not be in uniform. They might be South Vietnamese. Would the idea of the Senator from Kentucky go that far?

Mr. COOPER. Mr. President, I shall try to make myself clear. I do draw a distinction between operations, on the one hand, in Vietnam and in Laos and Thailand, on the other.

Whatever may be one's views on Vietnam, we are assisting Vietnam in at least two ways: one by the supply of equipment and materiel; and the other, and of greatest importance, by the use of our Armed Forces in support of Armed Forces of Vietnam and other free forces. I have never voted against funds for these purposes.

It has been said by former President Johnson that we have made a commitment for the use of our Armed Forces by the Gulf of Tonkin resolution. It has been debated and debated. In any case, we are in Vietnam, and we are at war. I do not know what is occurring in Laos or Thailand but I know it has not been declared either by the Executive or the Congress that we have a commitment in Laos and Thailand against the Pathet Lao, or any insurgents in Thailand, or Loas. The United States is at least not at war in Laos or Thailand. My purpose is to be sure that we do not provide funds for the use of our Armed Forces in support of the local forces of Laos and Thailand and thus run the risk of becoming engaged in war without joint authority of the Executive and Congress.

On June 25, the Senate passed a resolution which had been introduced by the Senator from Arkansas, which was later modified and passed almost unanimously by the Senate. It states:

> *Resolved*, That (1) a national commitment for the purpose of this resolution means the use of the Armed Forces of the United States on foreign territory, or a promise to assist a foreign country, government, or people by the use of the Armed Forces or financial resources of the United States, either immediately or upon the happening of certain events, and (2) it is the sense of the Senate that a national commitment by the United States results only from affirmative action taken by the executive and legislative branches of the United States Government by means of a treaty, statute, or concurrent resolution of both Houses of Congress specifically providing for such commitment.

Mr. President, this bill when enacted will become a statute. It will represent the action of both Houses of Congress. It leaves no doubt that we are ready to provide financial resources of the United States to local forces in Laos and Thailand, but if we do not make certain by proper language that it does not provide funds for our Armed Forces to engage in fighting in support of the local forces of Laos and Thailand, it would be interpreted that this statute does provide such funds for such use of our Armed Forces. This may be said to strain language, but if it is strained, we become involved in Vietnam by strained action, by the strained premises by the evolution of events which, I am sure, no one in the early years intended or thought would bring us into that war.

I want to provide language in this section, that will insure that use of the funds involves only the financial resources of the United States. That means our money, our equipment, our materiel, our supplies and operations related thereto. It would prohibit the use of Armed Forces in support and combat support, of local forces fighting in Laos and Thailand.

Mr. SYMINGTON. Mr. President, perhaps we are missing a danger involved in all of this; namely, if we lend or sell equipment to the present Vietnam Government, it is very possible that in the not too distant future, the North Vietnamese and the Vietcong could well be using that equipment against some of the countries which today are on our side; specifically, Laos and Thailand.

That, I think, is a great danger, as evidenced by the fact that in the hearings conducted in the Foreign Relations Committee last year, relative to the sale of arms to other countries, we found there were some 6,000 American tanks which, in effect, were for sale if it could be arranged on the right basis to countries in other parts of the world where the tanks were not considered obsolescent.

With complete respect for the remarks of the distinguished Senator from Kentucky, there is no real secret about the fact that we have and are conducting military operations in Laos; also that we are conducting military operations from Thailand. I believe that it is important to recognize tonight if Americans are in danger in Thailand, or if Americans are in danger in Laos, because of actions taken over recent years, it is as important for us to work to defend them in those countries as to defend them in South Vietnam.

This morning, in a hearing conducted in the Foreign Relations Committee with respect to certain activities, the witness, not of high rank, testified that before anything occurred under the contingent agreement in question, the matter should be taken up with the Congress.

That, to me, made considerable impression, because at least up to this administration, many things took place in Laos and Thailand which were not taken up with the Congress. So I checked the legislative history of the present Secretary of Defense when he was a Member of the other body, and found that he was forceful in stating such matters should be taken up with the Congress.

I also found to my satisfaction that the reason this witness stated it should be taken up with the Congress was probably because the Secretary of Defense believed it should be taken up with the Congress. I believe, therefore, that we are in a new era when it comes to the method and the nature of risking troops and utilizing equipment, in foreign countries. I would give full and great credit to the efforts which have been made by the chairman of the Foreign Relations Committee so as to clarify this matter in these hearings.

But, for these reasons and because of the position taken by the current management of the Defense Department, I would hope that we would see fit to pass title IV as it is now in the bill.

Mr. President, I regret implications—not made here on the floor of the Senate—which would imply that we have no military operations in Laos. We know we are having them there; and we know we have built six major bases in Thailand.

I believe that title 4 is all right. I think this discussion has been constructive from the standpoint of the future.

Mr. STENNIS. As it is, by adoption of the amendment of the Senator from Arkansas?

Mr. SYMINGTON. That is right; the amendment of the able Senator from Arkansas, as modified by the amendment of the distinguished chairman of the Armed Services Committee. We will have both committees working together, and this part of the bill will be settled.

Mr. STENNIS. Mr. President, the Senator from Texas had asked me for recognition. I yield to him.

Mr. TOWER. Mr. President, I would like to associate myself with the remarks of the distinguished Senator from Missouri. I think the thrust of the amendment of the Senator from Kentucky would be to deny involvement of American personnel. It should be roundly defeated. To begin with, what we are talking about when we talk about Thailand and Laos forces is paramilitary forces, regarding counter-insurgency work. We are trying to give them the sophisticated equipment to do anything, for example, airlift and radar. If we cannot train them to use the equipment, it is pretty useless to give it to them.

I might say that our bases in Thailand are defended by Thai troops. Is is proposed that they get no personnel support from the troops in Thailand? Are we going to get no support for the air bases that are supposed to be defended?

The thrust of the amendment of the Senator from Kentucky would be to necessitate using American personnel for work that they would not have to do if we were to allow some support of Thai troops or paramilitary troops.

Mr. COOPER. Mr. President, I would like to hear from the Senator from Arkansas.

Mr. STENNIS. Mr. President, if the Senator will excuse me just a minute, the Senator from Arkansas and the Senator from Indiana asked me to yield to them. I believe the Senator from Arkansas asked me first. I yield to him.

Mr. FULBRIGHT. Mr. President, as I said a moment ago on this particular amendment, it seems to me that, with the amendment of the Senator from Mississippi, it would be satisfactory. I think the matter raised by the Senator from Kentucky, however, is a very significant one, and I do not want, in any offhand way, to make what might be called a national commitment with regard to Thailand.

In my next amendment as printed, No. 111, which deals with the question of the Secretary of Defense making available reports prepared by outside organizations, I have in mind such things as "think tanks," and so on. That amendment is before the Senate.

I have also prepared another section which I want to discuss as a modification to my amendment, which provides that—

> The Secretary of Defense shall also provide to the Committees on Armed Services of the Senate and the House of Representatives a copy of all bilateral contingency plans, signed by a representative of the Department of Defense and an official of a government of a foreign country, involving use of United States forces for the joint defense of that country.

It deals, in effect, with the point the Senator from Kentucky has raised.

The point of the Senator from Kentucky is a very important one. I do not wish, through inadvertence, to see another Gulf of Tonkin resolution go through here without knowing it. I am inclined to believe that, with the explanation and interpretation given by the Senator from Mississippi and the Senator from Missouri, it would be certainly an outrageous way to interpret it if it were done that way.

I wonder if the Senator from Kentucky could not offer this amendment at a later date as his own amendment on this precise subject. I do not know whether the next amendment would cover it.

I think the Senator has a valid point, but I do not think it is necessary, with what has been said with regard to this amendment.

Mr. STENNIS. Mr. President, if I may say this, I think the Senator from Kentucky has made a contribution here. I have enjoyed getting his thought. This is purely a money bill. This is purely a special section here for foreign military aid. It has 2 years of use as a precedent. Except to put a ceiling on it, I believe we ought to proceed in that way.

Mr. FULBRIGHT. The Senator believes it would be an outrageous distortion to interpret it as authority for use of our military forces, apart from what they are presently doing?

Mr. STENNIS. I do not see how it could be interpreted that way. It would be a real monstrosity.

I yield to the Senator from Louisiana.

Mr. ELLENDER. Mr. President, I do not think there is any question that the amount is for military hardware and uses of that kind, and does not involve soldiers at all. But I rose to ask the Senator this question: He earmarked $2.5 billion. During the hearings that were held 2 weeks ago, the figure was $2.2 billion instead of $2.5 billion.

Mr. STENNIS. That is correct.

Mr. ELLENDER. Would the Senator modify his amendment to include that figure?

Mr. STENNIS. No. I think there should be some latitude. The $2.2 billion, which I mentioned during the debate, was arrived at when the budget was written up. We have already had a somewhat augmented program to aid the Vietnamese to build up their military forces.

I think that $2.5 billion figure is a realistic one.

Mr. ELLENDER. The reason why I raised the question is that we used the figure of $2.5 billion during all the hearings we had as being the amount of foreign aid to be used for military hardware.

Mr. STENNIS. It will not hurt at all to have this excess. I suggest that in the supplemental bills the extra amount of money will be used. It is better to have it done that way than to have the department draw the money from somewhere else and then come before the Congress with a big deficit. I think we ought to accept the figure of $2.5 billion.

Mr. COOPER. Mr. President, it is late and I do not want to detain the Senate. As I have said, I may be straining the point, but I do not think so.

This is an important matter. For years we have been talking about Vietnam, and cries of anguish have gone up because we did not look ahead and consider the end that the steps that were being taken could lead to—our involvement in war. This bill before us will become a statute—could be another step involving the United States much as the course of events led to our involvement in Vietnam.

I would agree that it would be a monstrosity if the President of the United States, upon the language of this section, should consider the language of this bill as authority to enter war in Laos or Thailand. It would be a monstrosity, and I have full confidence in President Nixon, and that he would not do so, but that does not relieve us of our responsibility.

It is admitted here by the chairman of the committee that these funds shall be used only for what has been termed military assistance.

Is that correct?

Mr. FULBRIGHT. That is correct.

Mr. COOPER. And, as I understand that they shall not be used for our Armed Forces in support of fighting, or assisting fighting of the local forces of Laos and Thailand, other than for supplies. Therefore, I will propose another amendment. "Military assistance," I believe, is a phrase of art. Is it not?

Mr. STENNIS. Well, the Senator would know more about that than I would.

Mr. FULBRIGHT. For years it was in the foreign aid legislation. I assume it is still considered as such.

Mr. COOPER. In the testimony of the Secretary of Defense before both the Armed Services Committee and the Foreign Relations Committee in 1967, he spoke of the transfer of military assistance from the foreign aid bill to the defense bill. He called it military assistance.

Mr. FULBRIGHT. That is right.

Mr. COOPER. That is what it had been termed when it was considered by the Foreign Relations Committee.

I propose: On line 15 before "local" insert the words "military assistance" so as to read "Military assistance to local forces in Laos and Thailand." If these two items, Vietnam, Laos, and Thailand, were separated and distinguished there would be no problem of a misunderstanding.

However, the same words are employed for the use of funds in Vietnam as for Laos and Thailand, and there could be a mistake about their meaning. I would urge that before "local" there be inserted the words "Military assistance."

Mr. FULBRIGHT. I would think that would be all right.

Mr. STENNIS. We are talking about money. We are talking about funds. The first sentence reads "Not to exceed $2.5 billion of the funds authorized for appropriation for the use of the Armed Forces," and so forth. We are talking about money, and that is all.

Mr. FULBRIGHT. Yes.

Mr. STENNIS. And it would not fit in there before the Senator's words "local forces," it seems to me.

Mr. COOPER. I thought my suggestion would help. I will offer the amendment I first proposed. Is it in order for me to offer an amendment?

Mr. SYMINGTON. Will the Senator read it?

The PRESIDING OFFICER. The Chair rules that it is not in order for the Senator from Kentucky to offer an amendment at this point, except by unanimous consent.

Mr. COOPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOPER. After the pending amendment is voted upon, as it has been modified, would an amendment to the modified amendment then be in order?

The PRESIDING OFFICER. Will the Senator from Kentucky send his proposed amendment to the desk?

The Chair would say, in answer to the inquiry of the Senator from Kentucky, that after the pending amendment, as modified, is voted upon, it would be in order that his amendment be considered.

Mr. STENNIS. Mr. President, I think the amendment has been fully explained. I ask unanimous consent that the table of funds to which reference has been made, the last item being $2.2 billion, be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

ESTIMATED AMOUNTS INCLUDED IN MILITARY FUNCTIONS BUDGET FOR SUPPORT OF FREE WORLD MILITARY ASSISTANCE FORCES IN VIETNAM, LAOS, AND THAILAND AND RELATED COSTS, FISCAL YEAR 1970 BUDGET INCLUDING THE AID/DOD REALINEMENT

[In millions of dollars]

	Fiscal year 1968	Fiscal year 1969	Fiscal year 1970
Military personnel:			
Army	118.0	114.2	116.3
Navy	.8	.6	.1
Marine Corps	15.0	14.8	14.2
Air Force	.2	.2	.2
Total, military personnel	134.0	129.8	130.8
Operation and maintenance:			
Army	605.8	708.0	632.8
Navy	43.3	47.5	53.7
Marine Corps	6.1	10.7	10.3
Air Force	55.0	131.8	157.1
Total, operation and maintenance	710.2	898.0	853.9
Procurement:			
Army	552.5	1,243.5	927.3
Navy:			
Other procurement	5.8	10.2	4.2
Shipbuilding and conversion	4.5	6.5	3.4
PAMN—Navy aircraft and missiles			.2
Marine Corps	68.5	50.8	88.3
Air Force:			
Aircraft procurement	36.1	88.1	103.9
Missile procurement	.1		
Other procurement	67.4	85.4	114.4
Total, procurement	734.9	1,484.5	1,241.7
Military construction:			
Army	1.7	10.7	
Navy	1.9	3.3	
Air Force	9.0	1.5	
Total, military construction	12.6	15.5	
Grand total	1,591.7	2,527.8	2,226.4

Mr. STENNIS. Mr. President, I believe that for the information of Senators, the clerk should read the amendment of the Senator from Arkansas, as modified.

The PRESIDING OFFICER. The clerk will state the amendment of the Senator from Arkansas, as modified.

The legislative clerk read as follows:

On page 5, line 11, strike out the quotation marks and the word "Funds" and insert in lieu thereof the following: "Not to exceed $2,500,000,000 of the funds".

On page 5, line 17, strike out the words "the Secretary of Defense" and insert in lieu thereof the words "the President".

On page 5, line 17, insert after the word "conditions" the phrase "under Presidential regulations".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas, as modified.

The amendment, as modified, was agreed to.

The PRESIDING OFFICER. Does the Senator from Kentucky now call up his amendment?

Mr. COOPER. Yes.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 5, line 15, after (2) insert the following: "to provide equipment, material, supplies, and maintenance thereof to".

Mr. COOPER. Mr. President, there has been a very good discussion, but I do want to have for the RECORD an interpretation of the section. I would not be so interested if I had not been conscious of the steps by which our country became involved in the war in Vietnam. I shall spend a minute or two on the subject.

It all started very simply. Under President Eisenhower, military advisers were sent to Vietnam. I do not know whether I should speak of a statement former President Eisenhower made when he is now dead, but I think it proper. He came here one day 2 years ago and talked to a number of us. He said——

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. COOPER. He said that the only commitment he had made, was to provide military assistance in the form of advisers, and to provide economic aid as long as South Vietnam made appropriate steps to help itself.

I may say that, after searching the record, that is all I could ever find that he had promised.

For years, he had our military advisers in Vietnam. We furnished equipment to Vietnam; we supported various regimes—it is hard to remember how many—and then, as the fighting increased in the outer areas, we began to send troops to those areas, to assist the South Vietnamese in actual fighting. They were finally fired upon, and it became a matter of national honor to defend them, as the President had the right to do, additional troops were sent to South Vietnam and step by step we had become involved in the war in Vietnam.

I am sure that President Eisenhower

President Kennedy, or President Johnson never intended that we would be involved in war and certainly no major war. But we conveyed to South Vietnam the impression that we would stand with them and defend them. I believe we conveyed that impression throughout Southeast Asia.

Wars start from small beginnings. I have thought, and many Senators have thought—it was definitely the expression of the Senate in the adoption of the national commitments resolution—that a likely way to become involved in a war is to put our Armed Forces in another country where there is a local war. And if we stay there long enough and send enough men there, they will be fired on some day, and then, as I have said, it is a matter of national honor and, because the President has the constitutional duty to protect our troops, we will be involved in a war.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. FULBRIGHT. What the Senator has said does revive in my memory very clearly what was said, and particularly what I said, after having been briefed and informed by the Secretary of Defense, the Secretary of State, and the Chairman of the Joint Chiefs, in regard to the Gulf of Tonkin resolution.

The Senator is very persuasive. It is a fact, even though I thought it was a monstrosity, that later the resolution was interpreted as it was by the President of the United States, that it was so interpreted; and every time the matter came up it was thrown in our faces. I believe the Senator's amendment will make the Senate's intent clearer and more positive. I do not really see how this can restrict the President's obligations, and I hope the Senator from Mississippi will accept the suggestion of the Senator from Kentucky. What we are trying to do is protect ourselves from such a monstrous interpretation. That having happened within the memory of all of us here, I believe it would be a very healthy thing for it to be accepted.

Mr. President, I am not sure; can I accept it? I would be willing to do so, with the agreement of the Senator from Mississippi.

Mr. STENNIS. Mr. President, the Senate has voted on the other amendment.

Mr. FULBRIGHT. That is right.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOPER. I have the floor, but I will yield to the Senator for that purpose.

Mr. STENNIS. Mr. President, the amendment of the Senator from Arkansas has already been agreed to. Can any one Senator accept another amendment to that?

The PRESIDING OFFICER. Is the Senator from Mississippi asking that question as a parliamentary inquiry?

Mr. STENNIS. Yes, of course.

The PRESIDING OFFICER. The Chair rules that it cannot be accepted. The amendment of the Senator from Arkansas has been voted upon. This is new matter.

Mr. COOPER. I hope not, but it is possible we may be in war in Laos or Thailand; and if we go into war with the concurrent authority of the President of the United States and Congress, we will understand where we are, and at least Congress and the President will have made a determination that it is in our national interest.

We may become involved in war without such a determination at some point, with some 35,000 troops in Thailand, as I recall.

Mr. FULBRIGHT. There were 45,000 at the last count, I think.

Mr. COOPER. If at some point we thus became engaged in fighting, we may find ourselves at war by the same process as that by which we backed into war in Vietnam.

Again, I point out that the language of the amendment applies both to Vietnam and to Laos and Thailand. It is the identical language.

I read the language to which I refer:

> Funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other free world forces in Vietnam, (2) local forces in Laos and Thailand;

The same language is used for both countries. It is a possible interpretation that these funds could be used in the same way in Laos and Thailand as they are now being used in Vietnam.

I have said that it would be preposterous if the Secretary of Defense or the President were to use the funds in Laos and Thailand as they are being used in Vietnam as a result of the language of title IV. However, it is our province and our responsibility to make certain that the funds are not treated in the same way. This is the purpose of my amendment. It is simply to provide that as far as Laos and Thailand are concerned, these funds will only involve material, equipment, supplies, and related costs. The term "related costs" is in the language of the bill.

If this is what is intended by the sponsors of the bill and the administration, I do not see why they should not accept my language. It would remove all doubt.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. COOPER. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. SYMINGTON. Mr. President, I make two points. In effect, we have been in war in Laos for years, and it is time the Ameircan people knew more of the facts.

Second, the present Secretary of Defense states that, if this matter comes up again from the standpoint of any contingent agreement, he believes it is a matter which should be taken up with the Congress.

Mr. ALLOTT. Mr. President, I believe that the previous remarks of the distinguished Senator from Missouri, as well as his just completed remarks, are well taken.

Mr. SYMINGTON. Mr. President, I thank the Senator.

Mr. ALLOTT. Mr. President, I have been very quiet during the course of this debate. And, as I have listened to the debate, I find my emotions swelling up within me to the place where I think I would be hard pressed to express them in the period of 3 or 4 hours.

I am not a warlike man, nor am I an unpeaceful man. But I find it difficult for anyone who was concerned with the vital committees of the Senate to stand on this floor and say he did not know in the spring of 1964 that we were becoming involved in the war in Vietnam.

It is impossible for anyone not to have known it.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. COOPER. Mr. President, was the Senator referring to me?

Mr. ALLOTT. I was referring to anyone who was a member of the Foreign Relations Committee or the Appropriations Committee at the time.

Mr. COOPER. Let me say in response that during that debate I said that I knew what we might get into. I voted for the resolution, but I had no misapprehension about its possibilities. The debate will show that on that day I said that it could lead us into war, but we had confidence in the President that he would use his authority with judgment.

However, I do not want the United States to get into the same situation again by the failure of the Congress to exercise its responsibility.

Mr. ALLOTT. Mr. President, I appreciate the situation of the Senator. And I ask him, and he can answer it in any way he wants to, if he does not believe the Secretary of Defense of his own party and if he does not believe his own President, because we have had assurances from both of them that we will not have any more commitments of troops in the Far East.

Mr. COOPER. Mr. President, will the Senator let me respond?

Mr. ALLOTT. The Senator may respond.

Mr. COOPER. Mr. President, I believe in the responsibility of the President, and I believe in President Nixon. He is my President whether he is Republican or Democrat. It happens that we are members of the same party, of which I am proud.

I understand and respect his responsibility. I believe that he will exercise it to the best of his ability, and he has great ability.

I believe also in the responsibility of Congress, both the House of Representatives and the Senate. I believe that we have a responsibility to determine also, whether the United States should go into war and whether we should become involved in situations which will send us into war—whether our national interests, security and proper commitments are actually involved.

We are talking about the future, and whether we will take steps or refuse to take steps that may prevent or inhibit the possibility of war.

Mr. ALLOTT. Mr. President, I understand the concern of the Senator about not wanting to become involved in another Vietnam. However, my statement was that there is no reason for anyone who was a member of the Foreign Relations Committee or the Appropriations Committee, and particularly the Defense Subcommittee, or the Armed Services Committee, not to have known in the spring and summer of 1964 that we were going to become involved in a war.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. ALLOTT. Mr. President, I yield for a question.

Mr. FULBRIGHT. Mr. President, it seems to me that repeating the statement is inviting comment upon a matter which was discussed at length. And the Senator looks in this direction.

I was there. It is true that in the spring of 1964, we had approximately 15,000 or 16,000 soldiers in Vietnam. There had been a gradual escalation from the time that President Kennedy came in, when there were less than 800 men who were considered to be advisers. They were not considered to be combat soldiers.

Mr. ALLOTT. There were 636, if the Senator wants the exact figure.

Mr. FULBRIGHT. Mr. President, I do not think anyone thought that we were at war or anticipated that we would be at war there in the future.

President Eisenhower had been given the opportunity to go to war in Vietnam and he rejected it—I think very wisely—on the advice of General Ridgeway and General Gavin.

I certainly did not think we were getting into war when President Kennedy sent adviser personnel out there.

It is my impression that at about the same time he sent troops to Germany because Khrushchev had threatened him, he believed, at the meeting at Vienna.

I do not believe that he intended to get into war any more than he intended to get into war in Germany by sending those troops there.

No action had been taken when it came to the Gulf of Tonkin incident itself——

Mr. ALLOTT. Mr. President, with all due deference to the Senator, I said that I would yield for a question. I have been listening to the distinguished Senator, without interrupting him for weeks now. I yielded for a question, not for a speech.

Mr. FULBRIGHT. Mr. President, I will put it this way. Has the Senator read the report of the Foreign Relations Committee on the incidents of the Gulf of Tonkin?

Mr. ALLOTT. Recently?

Mr. FULBRIGHT. At any time.

Mr. ALLOTT. Yes.

Mr. FULBRIGHT. Was the Senator not impressed with the fact that the representations given to that committee by the then Secretary of State, Secretary of Defense, and the Chairman of the Joint Chiefs of Staff proved to be in error?

Mr. ALLOTT. I am completely aware of that. And I was present during all of the Gulf of Tonkin debate. I am aware of the statements made by various Senators at that time.

Mr. FULBRIGHT. The Senator is aware that the statements made by the chairman of the Foreign Relations Committee were based on information given to him which information proved to be in error.

The question I ask the Senator is this: That being so, how can he make the statement that we all knew—and I assume he means by that intended to accept—the Southeast Asia resolution was the equivalent of a declaration of war?

Mr. ALLOTT. Mr. President, I have made no such statement. I have tried to make my remarks, and I am going to make them if we stay here until midnight, despite the Senator's loquacity. I never made the statement or implied the statement that when the Gulf of Tonkin resolution, for which I admit I voted was passed, everybody knew we were going to get into war. That was not in 1964. The Gulf of Tonkin resolution was not passed in 1964.

Mr. PASTORE. Yes; it was.

Mr. FULBRIGHT. Unfortunately, it was in August of 1964.

Mr. ALLOTT. I thought it was before that. I apologize.

Mr. FULBRIGHT. I happen to know about that. I was present.

Mr. ALLOTT. I apologize. I had my dates crossed.

Mr. FULBRIGHT. The alleged incidents took place on the 2d and 4th of August 1964. The resolution had been prepared long before that, I think. It was introduced in the House, and it was acted upon almost instantaneously.

Mr. ALLOTT. Let me say to the Senator that my mind played me a trick. I thought it was before this.

But I will still go back to the statement I made that in 1964 no member of the Armed Services Committee or the Appropriations Committee—particularly the Defense Committee or the Foreign Relations Committee—should not have known that we were being committed to a war at that time.

Now, Mr. President, I want to continue——

Mr. FULBRIGHT. Maybe we should be a lot brighter than we are, but I did not know it, I am frank to say.

Mr. ALLOTT. Well, I am not surprised.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. GOLDWATER. Mr. President, having had some unpleasant personal experiences about that time in 1964, involving this subject, I can speak with some experience on it.

I have made the charge repeatedly, and it has never been denied—and this information came to me before my campaign actually started—that we did not drift into this war. We had a small numbers of advisers over there in 1960 and 1961, and suddenly 15,000 to 16,000 men were sent over, with explicit orders to shoot back.

I tried to bring this to the attention of the American public; I could not get anybody to listen to me. I do not think it would have made a bit of difference.

But we were at war when the Gulf of Tonkin incident took place. I remember begging for equal time on television so I could present not the Republican side but this American side of the understanding of what was going on in Vietnam, and I never got any place. When you are shooting back in a situation such as that, you are in war; and although we had advisers over there who were explicitly told never to fire on anyone, this advisory situation ended some time in 1962, when the troops were told to fire back.

I suggest to the Senator from Kentucky that, unless I am badly mistaken, even his language could not prevent a President from giving the same orders or a Secretary of Defense from giving the same orders.

So I have a feeling that what we are talking about now gets to the fact of whether or not we, as Senators, have faith, regardless of whether we are Republicans or Democrats, in the man who has been elected President and the men with whom he has surrounded himself as Secretary of State and Secretary of Defense.

I merely wanted to inject this because I have not heard it brought up. I have never been challenged on it, and I have made it and made it and made it.

Mr. ALLOTT. I would say to the Senator that I see no reason to challenge it, looking backward for 5 years now.

Mr. STENNIS addressed the Chair.

Mr. ALLOTT. I wish to continue.

Mr. STENNIS. Mr. President, if the Senator will yield for this statement—it is 6 o'clock, and if we are going to have a vote tonight, I think we should vote, with all deference to the Senator from Colorado. I just want to give my opinion.

Mr. ALLOTT. Mr. President, I want to defer to the Senator, but I have kept very quiet during the past weeks. My remarks will be very short. The fact that I would like to speak for 3 or 4 hours does not mean I am going to do so or have any intention of doing so.

Mr. STENNIS. I withdraw my request.

Mr. ALLOTT. If the Senator will permit me to continue for a short time, I will be very grateful to him.

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. ALLOTT. Mr. President, looking at the present amendment, I wish to say this: The thing that has concerned me about many of the rash of amendments that we have had—some of them have been meritorious—is that in my belief the Senate may be moving toward the position of creating a vacuum in Southeast Asia.

I know that the domino theory was discredited by all the intellectuals in this country several years ago. But whether the domino theory was discredited by the intellectuals or not, the fact is that if we do not preserve free governments in Southeast Asia, we are leaving a vacuum which is going to be filled faster than we can turn around by the Red Chinese and by the North Vietnamese.

As long ago as 1962, I brought to the attention of the State Department—without any action or any acknowledgment in any way—the fact that Red Chinese troops were roaming at will through a good portion of northern Thailand. They still are, except that now they are actually engaging in acts of war.

This is a large area. It is composed of many people, and with it a lot of the natural resource wealth of the world.

We have done very well, in my opinion, in Indonesia; perhaps not as startlingly well as in Malaysia.

But if we permit Laos to go completely down the drain, Thailand to go down the drain, and Vietnam to go down the drain, as some people would like to do—and some people would like to have us encourage the promotion of a dual government there—I do not think it will be long before Southeast Asia will have become a Communist strongold. When this occurs, I think our position in the world will be much more difficult; our position with the Philippines will be much more difficult; our position with Indonesia will be much more difficult; and our position with Malaysia will be impossible.

When we formed the tripartite situation in Laos, I said at the time it would not work. It has not worked. Today we find that the Plain of Jars in Laos is pretty much overrun by the Viet Minh.

If I may have the attention of the Senator from Kentucky particularly as I make this remark, I do not want to see commitments made for ground troops in this area any more than he does. He is no more sincere in his belief than I am. But I am sure he knows that we have air bases in Thailand. He knows that we have a naval base in Thailand. That is no secret. He knows of our activities now—which I shall not mention—in Laos, activities which do not involve ground troops.

I have read his amendment. I say in all sincerity, looking down the road to what I think could happen if the Senate keeps on with this sort of frenetic pattern it has established during the last few days and weeks, that I am afraid we shall be sending a good portion of the world down the drain. I have had the clerk write out the Fulbright amendment as modified. The amendment, so modified reads, in pertinent portion:

> Not to exceed $2.5 billion of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other free world forces in Vietnam, (2)—

And this is where the Senator's amendment comes in—

> to provide materiel, supplies, equipment, and maintenance thereof to local forces in Laos and Thailand.

Have I quoted the Senator's amendment correctly?

Mr. COOPER. Correctly.

Mr. ALLOTT. In my opinion, what the Senator from Kentucky's amendment could mean is that we could not put supplies in Laos or Thailand to maintain our forces, or supplies to protect our airports, our Air Force, our naval bases, or anything else that we have there. The legislative history is quite clear, I think, as it pertains to every Senator, that none of us wishes to engage in more ground warfare in Southeast Asia or, for that matter, anywhere else.

But I cannot read his amendment in any way except as being a totally unacceptable and crippling burden upon the Secretary of Defense and the President. I know the Senator's concern. I know he is sincere. I have never seen him do anything in his life which was not sincere. He does not play games with people and he does not play games with legislation. He is completely a sincere, honest, and straightforward man.

But just as strongly, I would hope he would not press his amendment because I think it places a burden on our President with respect to the protection of our forces in those areas, which is something that no one, if he understood it as I interpret it, would wish to do.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. MURPHY. Mr. President, I wish to ask the Senator if it is not true that the President inherited the problems in Vietnam. I know the wish is shared by all of us that there had been another way to solve that problem. I know all of us wish that there was some way to solve it now without withdrawing from our commitments and without doing something that would not be in the best interests of our country.

However, is it not true that the President said on several occasions there will be no more Vietnams in his administration?

Mr. ALLOTT. That is my understanding of what he has said.

Mr. MURPHY. Would it not be considered responsible that this man who has been in public life for many years and who has been elected by the people of this country be given the confidence without trying to write into an authorization bill for military procurement provisions that might be a detriment to the protection of American people, American troops, and American property?

Mr. ALLOTT. I fully believe so; yes.

Mr. MURPHY. Mr. President, I have listened patiently to the discussion. As I said at the outset, and as the distinguished Senator from Florida stated, this entire discussion has been a filibuster. This entire discussion has taken place at the wrong time and under the wrong set of circumstances. It should not be a part of this particular bill. I made that statement on the first day we considered the bill.

I assure the Senate that the work of this committee was carefully and thoughtfully done. It was properly done. But now it is being shredded, twisted, and torn up. The more I hear this discussion, the more I am certain discussion on our foreign policy, present and future, should take place in this body, and I would enjoy taking part in it.

However, it would seem to me, and I hope the Senator agrees, that this evening, at this stage, in this protracted discussion this is an unfortunate attempt to place restrictions on a new President who has been doing a magnificent job, as far as I know, in bringing about solutions to problems that he inherited. By taking a good hard look at them he will be able to find solutions.

Mr. ALLOTT. I thank the Senator for his contribution. I am appreciative of the Senator's statements.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. TOWER. Mr. President, I think this is a dangerous amendment. I think it is potentially mischievous and very unnecessary for us to vote on it tonight when it has not been printed and no one has had a chance to look at it. There is no copy available except what has been scratched in pencil on a piece of paper. I think the matter requires extensive debate.

I spent a great deal of time in Laos and Thailand. I know what we are engaged in and I know the extent to which we are involved.

If a rigid interpretation were applied to the amendment of the Senator from Kentucky it could seriously jeopardize the lives of American men. I am not prepared to vote willy-nilly on something that we know nothing about. We do not know the reaction of the Department of Defense to the amendment or how they would interpret it.

If extended discussion is required on the matter tonight I am prepared to discuss it at length as long as anyone is prepared to sit and listen.

Mr. STENNIS and Mr. FULBRIGHT addressed the Chair.

Mr. ALLOTT. Mr. President, I assured the Senator from Mississippi I would not retain the floor for more than a few minutes. I have no intention of holding the floor further.

I wish to say to the Senator from Mississippi that the statement made by the Senator from California is true. Senators can rest assured that any matter coming out of the committee of the distinguished Senator from Mississippi has had the most meticulous scrutiny, observation, discussion, and thought.

While I do not desire to retain the floor against the wishes of the distinguished Senator from Mississippi, I felt some of these things had to be said before this matter was voted upon because I am convinced this amendment would wreak a lot of havoc.

There can be no question in anyone's mind after this legislative history that the amendment agreed to a few moments ago was never intended to put ground troops in Laos and Thailand.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield to the Senator from Missouri.

Mr SYMINGTON. I thank the Senator.

Mr. President, I would hope we could get on with the bill. I respectfully point out to the Senate the fact that the language was agreed to by the chairman of the Committee on Armed Services and the chairman of the Committee on Foreign Relations. I thought that the language agreed to was eminently satisfactory and that we could have gone ahead at least 1 hour ago and gotten through with this part of the bill.

Mr. ALLOTT. I yield the floor.

Mr. STENNIS. Mr. President, I appreciate the contribution of the Senator from Kentucky. I feel this section is old law. It already has a meaning. It has been followed these 2 years. It would be far better to keep this section now, as used heretofore, with the ceiling we have prepared. If the Senator from Kentucky wants to pursue his thoughts further, I know what a draftsman he is and that he does not need anyone particularly, but if he would put anything he has in mind in a separate amendment, it would be helpful to see what others thought.

I am glad now to yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I have taken up a good deal of time tonight. I must say that I have not filibustered.

Mr. STENNIS. No.

Mr. COOPER. I have taken some time because I considered this to be an important matter, much more important than merely reducing the amounts involved, with due regard to my friend from Arkansas and my friend from Mississippi. We are dealing now with an entirely different concept: The question of whether funds can be spent for the use of our Armed Forces in fighting in support of local Laos and Thailand forces without a commitment by the President or the Congress or both, which might lead to war.

I would therefore urge that the question is much more important than the matter of dollars and cents.

I want to thank my friend from Colorado (Mr. ALLOTT) for his statement. I know him. I know that he has deep feelings about these matters. He does sit quietly at times, but I know how deep his feelings run and he speaks with conviction, courage, and force. I appreciate very much what he has said, and for his kind remarks about me.

Perhaps I may be sincere, but someone else might say that I may be sincere, but I may not be always right or too bright about things. Sincerity does not always make up for those qualities.

My amendment has not been printed. I had thought about it but as we were coming to the close of the debate in these 2 days before we recess, I did not expect to bring it up until after the recess. But when the Senator from Arkansas offered his amendment, I knew that mine should be offered.

I will not press for a vote tonight. I know that I can withdraw, and offer this amendment later, but I ask a parliamentary question because I want to be certain: Mr. President, in the event the Senator from Kentucky withdraws his amendment this evening, would it be possible for him to submit the amendment at a later date?

The PRESIDING OFFICER. Yes. That would be completely in order.

Mr. COOPER. I thank the Chair. I will withdraw the amendment but I will bring it up again. I hope that by the time I bring it up again, the Senator from Mississippi will have consulted with the Defense Department to see if they would be willing to offer language in title IV conforming to the Senator from Mississippi's understanding that it was their intention. The Senator has said it was intended that funds were to be used for supplies, equipment, and such. We have absolute confidence in the Senator from Mississippi, but the Department of Defense should spell out clearly the purpose of title IV relative to Laos and Thailand.

Mr. President, we have been talking about the President, President Nixon is my President. He is a Republican President. I do not want to go back into history, but members of my family have been Republicans since the Civil War—longer than some others have been, and some fought in the Civil War as Republicans. I support the office of President, I support the great responsibility it carries, and I have great admiration for and confidence in President Nixon.

But, I also respect this body. We have responsibilities, too. I do not want the President of the United States—and we are talking about President Nixon—to be hindered in his efforts by the same mistakes which have been made before.

It is rather curious that before 1966, when this item had been carried in the foreign aid bill for years, it was used for military assistance, meaning equipment, supplies, maintenance, food, and money. Then it was changed, and placed in the Defense bill.

It is rather curious that after it had been put in the defense bill, we began to use helicopters in Laos and Thailand under orders of the Department of Defense, and I understand in military activities. I cannot understand why the language is not differentiated between funds to be used in Laos and Thailand and funds to be used in Vietnam. It is exactly the same language. Perhaps funds are to be used for some military activities such as for helicopters. Helicopters may take local forces to back areas. Firing on the helicopters begins, as it did in Vietnam, and war comes.

In 1963 or 1964—before the Gulf of Tonkin resolution—I remember the former Senator from Oklahoma, Mr. Monroney, came back from Vietnam and told us that our helicopters were carrying men up the mountains, that there were U.S. riflemen on the helicopters who were firing in defense of the helicopters and the pilots, and that their fire was being returned from the ground. That may be what we are doing in Laos and Thailand now.

The fact that some Senators have stated we are engaged in fighting in Laos and Thailand makes it more important that we limit the funds in this bill, because if we do not, if we approve that kind of activity, it may lead—I hope not—but it may lead us into war.

The SEATO Treaty states that in the event of armed aggression against any of the parties thereto, including the protocol states, Laos, Cambodia, or Thailand, the parties thereto shall take action according to their constitutional processes.

Mr. President, what are the constitutional processes?

It is not defined.

When Secretary of State Dulles testified before the Foreign Relations Committee on the SEATO Treaty—I have read the testimony—he was asked what constitutional processes meant. He replied that it meant the joint authority of the executive branch and the Congress.

The national commitments resolution was recently passed, expressing the same sense.

If we are fighting in Thailand and Laos now, we should know it.

The President of the United States—whether he be President Nixon, President Johnson, or any President, in my view, has no right to take our country into war without first coming to the Congress and asking for its authority.

If a situation should arise where our forces were being attacked, of course, the President has the constitutional right to defend them and to protect the security of our country. But I do not want war to occur because of carelessness or failure to look ahead. If we get into war, I believe that the Senate wants the determination to be made by the joint authority of the President and the Congress.

Mr. President, that is the meaning of my amendment.

I shall withdraw the amendment tonight because many Senators have not had the opportunity to read it and to consider it. Unless the Armed Services Committee and its chairman modify the section by amendment—it has to be by amendment—and by interpretation so precise that no one can think anything to the contrary. I want to say that I will bring up this admendment again and we can determine if this body wants to abide by the constitutional processes, wants to abide by its national commitments resolution and wants to disapprove funds for the use of our forces which could lead us into another war without the consent of Congress.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator from Kentucky withdraws his amendment.

Mr. STENNIS. I thank the Senator very much for his splendid remarks and for what I think is a constructive step, too, in withdrawing the amendment for the time being. That is all I have to say.

Mr. COOPER. Mr. President, I thank the Senator, and I may add to my remarks that I shall ask for a rollcall.

Mr. FULBRIGHT. Mr. President, I do not know what the wishes of the leadership or of the Senator from Mississippi are. I have a very minor amendment, which can go over until September, but I wanted to inquire as to the wishes of the Senator from Mississippi.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Has the amendment been adopted?

The PRESIDING OFFICER. The amendment has been withdrawn. No amendment is pending.

Mr. FULBRIGHT. Mr. President, in other words, the one which I amended in accordance with the Senator's amendment has been adopted, according to my understanding.

Mr. STENNIS. That is my understanding.

Mr. FULBRIGHT. Mr. President, does the Senator wish me to offer amendment No. 111 at this time or not? The Senator is familiar with it.

Mr. STENNIS. I cannot agree to it.

Mr. FULBRIGHT. I thought the Senator had proposed an amendment to it.

Mr. STENNIS. No; that is the wrong one. The Senator is referring to another amendment. I have only seen the amendment the Senator has handed me within the last hour or two.

Mr. FULBRIGHT. This is No. 111.

Mr. STENNIS. I was handed the wrong one.

Mr. FULBRIGHT. I am sorry the Senator was given the wrong amendment by mistake. Amendment No. 111 was submitted and printed about a week ago.

Mr. STENNIS. I am ready for the Senator to present his amendment, if he is agreeable to a proviso.

Mr. MANSFIELD. Mr. President, will the Senator yield briefly?

Mr. FULBRIGHT. I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I do not feel I should let this occasion go by without expressing my respect, regard, and affection for the distinguished senior Senator from Kentucky (Mr. COOPER). What he tried to say and what he did was and is in the minds and hearts of all of us, and has been for almost half a decade, if not longer.

I want him to know that I honor him for his persistence as well as for his sagacity and I am delighted that he is going to introduce again the amendment which he has withdrawn, because none of us can alibi himself out of what he did on the Tonkin resolution. It was plain, clear, and legible, and every one of us understood it, but that does not mean many of us have not regretted it.

The reason why I am impressed by what the distinguished Senator has said is that he has tried, as best he knows how, to exercise his responsibility as a Senator of the United States, in the hope that this body—the Senate of the United States—will live up to its responsibility, collectively as well as individually, and that we will participate, insofar as we can within the realm of the Constitution, in making certain that we act in line with what President Nixon said just this past month, when he laid down, in Guam, the Nixon Doctrine for the Pacific.

He said, in effect, "No more Vietnams." He said, in effect, we are a pacific nation, with peripheral Asian interests in the mainland. He said, in effect, we are not going to get involved in internal difficulties. He said, in effect, we are not going to go to war again unless it is nuclear and our security is at stake.

So I am delighted that, even though the hour is late, the Senator from Kentucky did bring up this question. It is paramount. Everything that is happening and has been happening in Vietnam has an indirect and a direct relationship to many of the other troubles that confront this Republic today.

I agree with the Senator that we do not want to get involved again in an area which is not vital to the security of this country, and in an area which has cost this country over $100 billion—and the end is not yet in sight—and not just 36,000, but altogether 44,000 dead—with the end not yet in sight—and with wounded of over 200,000—and the end not yet in sight.

So I think the warning raised by the distinguished Senator from Kentucky should be and will be heeded.

I want him to know that I honor him for what he has said, and I honor him for what he has done in this body.

Mr. FULBRIGHT. Mr. President, I would like to associate myself with everything the majority leader has said about the Senator from Kentucky. The Senator from Kentucky played a leading role relating to the recent resolution with regard to the responsibilities of the Senate and the Congress. In offering this proposal and in making the statement he made, he was carrying into effect the letter, and I think the spirit, of that resolution. He has rendered a great service.

I could go further and say that, as a result of the efforts of the Senator from Kentucky, I have noticed that the Senate as a whole in recent weeks has shown a greater sensitivity to its responsibilities in this whole area than it has ever done in the 25 years I have been in the Senate. I think the Senator from Kentucky deserves the credit which the Senator from Montana so appropriately expressed.

Mr. JAVITS. Mr. President, if the Senator will yield, I wish to associate myself with the remarks just made by my colleagues. The Senator from Kentucky is a dear old friend of mine. I make the practical suggestion that to articulate this amendment properly it will take not only the Department of Defense, but it will take the State Department, which have a role in trying to coordinate the military and diplomatic activities of the United States.

I think the majority leader's words give added authority to the need for articulating an amendment which will be upon the level of the one we discussed so long and which was decided so narrowly, but which will truly seek to carry out a policy of the United States. That is what this amendment is really all about.

I know that I, as a member of the committee, and I am sure the chairman, will cooperate with our colleague from Kentucky, so that when he presents the proposal it will truly represent the Senate declaration as articulated, and which raises the question which the Senator from Colorado (Mr. ALLOTT) raised, all of which is pertinent to our security requirements.

Mr. COOPER. I thank the Senator.

Mr. JAVITS. I think he has rendered a historic service.

Mr. FULBRIGHT. Mr. President——

Mr. STENNIS. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Mississippi yielded to the Senator from Arkansas. He had the floor initially held by the Senator from Mississippi.

The Senator from Arkansas.

Mr. FULBRIGHT. I was going to yield to the Senator from Kentucky.

Mr. STENNIS. I yield briefly to the Senator from Kentucky.

Mr. COOK. Mr. President, I wish to associate myself with the remarks made by the majority leader and would like to say to my colleague that I would hope he would do us the honor, when he resubmits the amendment, to consider using the argument that is now in the RECORD and disseminating it to the Members of this body, and that he would do many of us the honor of asking for cosponsors to his amendment when it may be submitted in the future.

Mr. STENNIS. Mr. President, I yield to the Senator from Arkansas. If he would rather have the floor, I yield the floor.

Mr. FULBRIGHT. Very well. I will take the floor. I want to direct an inquiry to the Senator.

Mr. President, I wish to take the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. FULBRIGHT. It is my understanding the Senator from Mississippi has prepared an amendment to my amendment No. 111—a proviso, I should say, at the end—which made the amendment acceptable to him. Is that correct?

Mr. STENNIS. I may say to the Senator from Arkansas that an additional question has arisen here about which I think we ought to have a colloquy with respect to possibly redrafting the amendment of the Senator. I am in sympathy with the amendment. I believe we could work something out along that line.

Mr. FULBRIGHT. Does the Senator wish to do that tonight or at a later date?

Mr. STENNIS. If the Senator wishes to briefly offer his amendment, I may ask him some questions about it. We can get to it rather quickly.

Mr. FULBRIGHT. The amendment is relatively simple. It would require the Secretary of Defense to make available to a congressional committee, upon request, any study or report prepared outside the Department of Defense which was financed in whole or in part by the Department. The purpose is to insure that the Congress is given access to research studies performed by the so-called "think tanks," the universities, or individuals whose work is paid for by the taxpayers. The amendment recognizes the issue of executive privilege and carefully specifies that the mandate applies only to work performed outside—I emphasize "outside"—the Department of Defense.

This amendment is the outgrowth of an effort by the Committee on Foreign Relations to obtain a study prepared by the Institute for Defense Analysis relating to the Gulf of Tonkin incident. It is my understanding that the study contains a review of what happened in the Gulf of Tonkin, how communications were handled, and in general how decisions were made. The purpose of the study, I was informed, was to determine what lessons could be learned for future crisis situations. I think that my colleagues will agree that there is much that all of us can learn from that incident and its aftermath. The committee has attempted several times to obtain this study from the Department of Defense, but has been refused each time.

The Institute for Defense Analysis receives virtually all its funds from the Department of Defense. In fiscal year 1969 this organization received $10,898,000 from the Department of Defense and the Department proposes to give them $11,150,000 in 1970.

I believe that the Congress, which imposes the taxes on the public to finance this organization, and which authorizes and appropriates the money for it, should have the right to see how that money is being spent. The issue here is far more important than this one study—it is a question of whether the Congress has the power to obtain information, prepared outside the Government with tax money, for which no claim of executive privilege has been made.

The Senate is beginning, at long last, to reassert its constitutional prerogatives and to restore the proper balance to our system. Passage of this amendment will be one small, but positive, step in that direction.

So I do think that there is an important principle involved here. The Senator from Mississippi has proposed a modification, which I think is proper, but which he can discuss, which simply, as I understand it, says that these reports must be final in form—not tentative, or unfinished reports—which is what I intended. I am perfectly willing to modify my amendment in accordance with that suggestion.

With this stated, I may say that, as a consequence of this morning's meeting, I propose a further amendment which I hope will be acceptable to the Senator from Mississippi. I have not previously prepared it, because it grew out of this morning's meeting of the committee with the representative of the Joint Chiefs. If it is acceptable, I hope the Senator will add it. If it is not, I will do the same as the Senator from Kentucky, and reserve it for further consideration. But if I may, I should like to read it for the information of the Senate. It is only one paragraph.

I would add, if it is acceptable to the Senator from Mississippi, the following language:

> The Secretary of Defense shall also provide to the Committees on Armed Services of the Senate and the House of Representatives a copy of all bilateral contingency plans, signed by a representative of the Department of Defense and an official of a government of a foreign country, involving use of United States forces for the joint defense of that country.

I mean, of course, that foreign country. I thought this language might solve or help solve a problem such as that which presently confronts us. It speaks for itself. If the Senator is willing to accept, it I shall include it; if he is not, I shall reserve it and see if we can work out something mutually acceptable at a later date.

Mr. STENNIS. Mr. President, addressing myself to the last point of the proposal, this is a highly important matter. It demands the most careful analysis and consideration of the language, the implications, and the complications involved; so I very respectfully, at this time, could not seriously consider accepting it.

Mr. FULBRIGHT. If the Senator will yield, I do solicit his assistance, because I know he has great influence in the Department of Defense, in working this matter out. I very deeply regret to have a difference of view of this character with the Department of Defense. It involves exactly the same principle of the right of Congress—and now, of course, we are speaking of the Senate—to such information as "What is the status of the agreement?"

So, in the interim between now and the time when I shall offer it later, I hope the Senator from Mississippi will use his influence with the Department of Defense to prevail upon their making available to the committee the documents, with which he is familiar.

Mr. STENNIS. We will give the problem attention. It is a matter that the full committee certainly ought to have a chance to pass upon. It appears to me that it is broad enough to include any and all kinds of war plans that might be made, or near war plans, so those matters would have to be taken care of.

Mr. FULBRIGHT. I emphasize to the Senator that I did not mean that. This refers only to matters signed by the representative of a foreign country, in this case the Prime Minister of Thailand.

This is most unusual. I asked the Department, "Is there any precedent? Is there anything similar to it?" They were unable to cite any other example of a similar nature.

Mr. STENNIS. Mr. President, I am not passing on the facts the Senator refers to. I have not seen it, and know nothing about the contents of it.

Back to the printed amendment, though, with the proviso on it, my proviso merely stated, "This shall apply only to reports, studies, and investigations which are already or substantially final and complete, and shall not be applicable to preliminary or tentative drafts," and so forth, "and working papers."

But going back, now, to the substance of amendment No. 111 as printed——

AMENDMENT NO. 111

Mr. FULBRIGHT. Mr. President, if the Senator will yield, I believe I overlooked calling up amendment No. 111.

I call up my amendment No. 111, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Arkansas (Mr. FULBRIGHT) proposes an amendment (No. 111) as follows:

> At the end of the bill add a new section as follows:
>
> "SEC. 402. The Secretary of Defense shall, in response to any request made to him in writing by a committee of the Congress, promptly submit to such committee a copy of any report, study, or investigation requested by such committee if such report, study, or investigation was made in whole or in part with Department of Defense funds and was made by a person, organization, foundation, association, corporation, or other entity outside the Department of Defense."

Mr. STENNIS. Mr. President, I do not think this in any way would involve war plans, because it pertains only to work done by someone outside the Defense Department. But I raise this question: Why should it not apply to other entities outside the Defense Department, or any other department of the Government? If we just say "Defense Department," other departments could have these studies made, and pay for them themselves, and we would have no access to them. Perhaps we would not want it.

But the main point is this: Suppose the President of the United States has an outside organization prepare something for him, and it should be thus paid for? Suppose it is military, and very properly paid for by the Department of Defense? We could not afford to think of having such an amendment here, requiring him to give us the report. That is purely executive privilege.

Mr. FULBRIGHT. Well, of course, there is no problem. The President has executive privilege.

Mr. STENNIS. I think the Senator should redraft this proposal, with the printed language modified to clearly exclude matters of executive privilege, because there is an instance that just came to mind a minute ago, that a President could very well have a department, have a study made, for himself and the department.

This executive privilege matter, I think, is a very serious thing. I have been through that. I am in sympathy with the intent of the Senator's amendment and its general, primary purpose, but I really think, with all due respect, it should be withdrawn.

Mr. FULBRIGHT. Mr. President, I believe I am correct in saying that the President of the United States can at any time—and of course he has pleaded on many occasions—plead executive privilege. We have never contested that with him.

I do not see how that would be a real problem. He is not the one who is withholding this. In fact, one request has been made of the President. I do not recall any incident with which I have been associated in which it has occurred.

Mr. STENNIS. Mr. President, the amendment merely provides that any kind of study, report, or investigation paid for with the Department of Defense funds shall be subjected to the will of Congress.

I think that is too much. A redrafting of it would make certain exclusions.

Mr. FULBRIGHT. Mr. President, I understood that the Senator, with his proviso, would accept it.

Mr. STENNIS. The Senator is correct. I had indicated that. However, in the last few minutes I have become concerned about the matter of executive privilege.

Mr. FULBRIGHT. Mr. President, does the Senator wish for us to proceed with the debate and vote tonight on this matter, or does he wish it to go over until September?

I do not think it is essential to the survival of the Republic that we vote on the matter tonight. It is perfectly all right with me for it to go over.

I do not wish to give up on it. It involves a very critical problem that we are in the midst of, and particularly the one I refer to with regard to the amendment.

Mr. STENNIS. I think it has much merit.

Mr. FULBRIGHT. That is what I understood the Senator to think.

Mr. STENNIS. Mr. President, I think it should spell out clearly the matter about executive privilege. I do not see how we can do that tonight.

Mr. FULBRIGHT. Mr. President, I want the suggestion of the Senator with regard to spelling it out. It is not clear as to how to accomplish what he has in mind.

Under the circumstances, if I may do so with the agreement of the Senator, I will withdraw the amendment temporarily with the assurance that I shall resubmit it when we return in September. Is that agreeable with the Senator?

Mr. STENNIS. That is what I had expected the Senator to do.

Mr. FULBRIGHT. Mr. President, is that satisfactory with the Senator?

Mr. STENNIS. Entirely so.

Mr. FULBRIGHT. I will also try to incorporate it with the provision and get it to the Senator in advance.

Mr. STENNIS. That is entirely satisfactory.

Mr. FULBRIGHT. Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. MANSFIELD. Mr. President, do I understand correctly that the amendment offered by the distinguished Senator from Arkansas has been withdrawn?

The PRESIDING OFFICER. The amendment has been withdrawn.

The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, I call up amendment No. 108 and ask that it be made the pending business.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with and that the amendment be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, ordered to be printed in the Record, reads as follows:

On page 2, line 7, strike out "3,965,700,000" and insert in lieu thereof "$3,432,700,000".

At the end of the bill add a new section as follows:

"Sec. 402. (a) None of the funds authorized to be appropriated by this or any other Act may be expended for the procurement of any C–5A aircraft in addition to those aircraft for which a contract has been entered into prior to the date of enactment of this Act, and in no event shall more than a total of fifty-eight of such aircraft be purchased until after the Comptroller General of the United States has completed and submitted to the Congress a comprehensive study and investigation of the past and projected costs of such aircraft. In carrying out such study and investigation the Comptroller General of the United States shall among other things, consider—

"(1) whether the C–5A aircraft is an economic replacement for the C–141 and other aircraft in view of the great increase in both the procurement and operating costs of the C–5A aircraft;

"(2) whether the purchase of a fourth squadron of C–5A aircraft would add significantly to the deployment capability of the military forces of the United States;

"(3) whether the purchase of a fourth squadron of C–5A aircraft would make the United States liable for all contractor losses and termination costs if a total of six squadrons of such aircraft were not procured;

"(4) whether the purchase of a fourth squadron of the C–5A aircraft would make the United States liable for the cost of repairs and modifications necessary to correct the structural defect revealed in the recent failure of the C–5A wing;

"(5) the current cost estimates necessary to complete—

"(a) Run A of the C–5A aircraft,

"(b) the first twenty-three units of Run B of such aircraft, and

"(c) the remainder of Run B of such aircraft, including spares and operating expenses for such aircraft over the next ten years; and

"(6) the cost results to the United States of applying the repricing formula contained in the C–5A procurement contract on the first twenty-three units of Run B of such aircraft and on the complete Run B of such aircraft.

"(b) In carrying out the study and investigation authorized by subsection (a) of this section, the Comptroller General of the United States shall consult with the Office of Systems Analysis of the Department of Defense.

"(c) The Comptroller General of the United States shall submit the results of his study and investigation, together with such recommendations as he deems appropriate, to the Congress not more than ninety days after the date of enactment of this Act."

Mr. PROXMIRE. Mr. President, this is the amendment that pertains to reducing funds for the C–5A.

I stated on the basis of the colloquy previously between the chairman of the committee and the distinguished majority leader that the amendment would not be voted on until we return in the fall, but that it would be the first order of business at that time.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MURPHY. Mr. President, the Senator from California wants to confirm his understanding that the pending business when we return after the recess has already been laid down.

Mr. MANSFIELD. The Senator from California is correct. The C–5A amendment presented by the distinguished Senator from Wisconsin (Mr. Proxmire) will be the pending business.

Mr. MURPHY. That amendment will be the pending business.

Mr. MANSFIELD. The Senator is correct.

Mr. MURPHY. It is not the desire of the Senator to pursue this matter tonight, but to carry over on it; is that correct?

Mr. PROXMIRE. I will make remarks on the amendment tomorrow, but I understand that there will be no vote on it until the fall.

Mr. MURPHY. I thank the Senator.

Mr. MANSFIELD. Mr. President, I understand that there will be no further rollcall votes tonight. In all candor, there will be none on tomorrow, either.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 349 to 358.

The PRESIDING OFFICER. Without objection, it is so ordered.

MISS JALILEH FARAH SALAMEH EL AHWAL

The bill (H.R. 1707) for the relief of Miss Jalileh Farah Salameh El Ahwal was considered, ordered to a third reading, read the third time, and passed.

MISS MARIA MOSIO

The bill (H.R. 5107) for the relief of Miss Maria Mosio was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–357) explaining the purpose of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of the adopted daughter of a U.S. citizen.

BILL PASSED OVER

The bill (H.R. 3213) conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Solomon S. Levadi was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

ANTHONY SMILKO

The bill (H.R. 8136) for the relief of Anthony Smilko was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–360), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to credit the annual leave account of Anthony Smilko, a General Services Administration employee, with 321 hours of annual leave earned by him during the period beginning April 1959, and ending December 1965, inclusive which, through administrative error, was not credited to his annual leave account.

STATEMENT

The proposed legislation passed the House of Representatives May 20, 1969. The facts of the case as stated in the accompanying House Report 91–204 are as follows:

In its report to the committee on a similar bill in the 90th Congress, the General Services Administration recommended the enactment of the bill with corrections which are now embodied in H.R. 8136.

Mr. Anthony Smilko served as an employee of the General Services Administration in the period from April 1959 through the end of 1965 and in that period he was credited with 20 days of annual leave per year. However, it was subsequently determined that in that period he was, in fact, entitled to 26 days per year. The error in crediting his annual leave occurred because the leave was computed on the basis of a service computation date of August 6, 1949, rather than the correct date of April 5, 1944, which should have been used for purposes of determining annual leave computations. In the period in question Mr. Smilko was credited with 1,117 annual leave hours when he should have been credited with 1,438 hours. As a result, he was not credited with 321 hours to which he was entitled. This is the figure carried in the bill H.R. 8136.

In its report to the committee, the General Services Administration observed that this error can only be adjusted by legislation and, accordingly, it is recommended that the bill providing for a credit in a separate leave account be made to Anthony Smilko by enactment of the bill. The General Services Administration further stated that the Civil Service Commission has indicated to the General Services Administration that they do not object to the enactment of private legislation in this instance, for the leave merely provides for a restoration of the leave for use only and not for the purpose of a lump-sum payment. It is also appropriate to note that, whereas the Civil Service Commission states that future cases ought to be covered by general legislation, such legislation would not normally grant retroactive relief in Mr. Smilko's case.

In agreement with the views of the Civil Service Commission, the General Services Administration, and the House of Representatives, the committee recommends the bill favorably.

BERNARD L. COULTER

The Senate proceeded to consider the bill (H.R. 4658) for the relief of Bernard L. Coulter which had been reported from the Committee on the Judiciary with an amendment on page 2, line 4, after the word "of" strike out "Cooke" and insert "Cook".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report—No. 91–355—explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation, as amended, is to pay Richard S. Bell $313.66 in settlement of his claims against the United States and Bernard L. Coulter arising out of an accident in Chicago, Ill., which occurred on December 17, 1961, when Bernard L. Coulter was operating a Government motor vehicle in the course of his duties as an employee of the U.S. Department of Justice. The payment provided for in this bill would also be in full satisfaction of a judgment and costs entered against the Government employee in a municipal court of the Circuit Court of Cook County, Ill., based upon that accident.

STATEMENT

In its favorable report on the bill, the Committee on the Judiciary of the House of Representatives set forth the facts of the case and its recommendations as follows:

The Department of Justice in a report to the committee on a similar bill dated July 22, 1968, stated that it had examined the circumstances of the case and had concluded that passage of the bill would be equitable and that the Department had no objection to its enactment.

The report of the Department of Justice notes that had the accident occurred after March 21, 1962, the effective date of the Drivers Act Amendment to the Federal Tort Claims Act, 28 U.S.C. 2679(b–e), the Government would have been substituted for Bernard L. Coulter as the sole party defendant. The result of this substitution would have been that any judgment would have to have been paid by the Government. This amendment, which originated as a bill before this committee, was intended to protect employees such as Mr. Coulter in just such situations. Prior to the enactment of these provisions, this committee had granted relief such as that provided in H.R. 4658 in a number of cases. It might also be noted that had the other party elected to bring an action against the United States under the Federal Tort Claims Act, a recovery against the United States would have barred any action against the Government employee. This is provided in section 2676 of title 28, which provides as follows:

"§ 2676. Judgment as bar

"The judgment in an action under section 1346(b) of this title shall constitute a complete bar to any action by the claimant by reason of the same subject matter, against the employee of the Government whose act or omission gave rise to the claim."

In connection with the consideration of this matter, the committee was supplied with additional facts concerning the accident. It appears that Mr. Coulter had stopped at a stop sign at the intersection of 45th and South Drexel Boulevard in Chicago, Ill., while traveling in an eastbound direction. On December 17, 1961, there was ice on the streets and after starting the car, the Government employee realized that due to the icy condition, he was unable to accelerate the car enough to clear the intersection and avoid approaching traffic. He, therefore, stopped the car after proceeding 4 to 7 feet into the intersection. The oncoming car continued to approach and struck the Government vehicle at that point.

The committee has carefully considered the matter in the light of the recommendation of the Department and the facts of the case and has determined that this is a proper subject for legislative relief. The policy considerations reflected in the provisions of the Tort Claims Act as noted by the Department of Justice further provide a basis for such relief. Accordingly, it is recommended that the bill, with the corrective amendment recommended by the Department, be considered favorably.

The committee believes that the bill is meritorious and recommends it favorably.

THE NAVAJO INDIAN IRRIGATION PROJECT

The Senate proceeded to consider the bill (S. 203) to amend the act of June 13, 1962 (76 Stat. 96), with respect to the Navajo Indian irrigation project which had been reported from the Committee on Interior and Insular Affairs, with an amendment, on page 2, after line 3, strike out:

"(d) The Secretary of the Interior shall compensate the persons whose grazing permits, licenses, or leases covering lands declared to be held in trust for the Navajo Tribe pursuant to section 3(a) of this Act are canceled after the date this subsection becomes effective. Such compensation shall be determined in accordance with the standards prescribed in the Act of July 9, 1942, as amended (43 U.S.C. 315q), and shall be paid from the moneys received by the United States from the Navajo Tribe for the full appraised value of such lands under the provisions of section 3(a)."

And, in lieu thereof, insert:

(d) Any permits, licenses, or leases that have been granted on lands acquired and declared to be held in trust for the Navajo Tribe pursuant to section 3(a) of this Act shall be canceled on the effective date of this Act, except that permits, licenses, or leases whose term has not expired at the time of cancellation thereof by this Act, shall continue in effect for the term of the permit, license, or lease under regulations for Indian lands until the land is required for irrigation purposes. When such lands are required for irrigation purposes, the permittee, licensee, or lessee shall be compensated by the Navajo Tribe proportionately for the value of developments or improvements made by such permittee, licensee, or lessee and which such permittee, licensee, or lessee was unable to utilize fully because of the cancellation of the permit, license, or lease, as determined by the Secretary of the Interior.

So as to make the bill read:

S. 203

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 13, 1962 (76 Stat. 96), is amended as follows:

(a) By deleting "and" in the first sentence of section 3(a) immediately preceding "townships 27" and by inserting immediately preceding "New Mexico principal meridian", the following: "townships 26 and 27 north, range 11 west, and townships 24, 25, and 26 north, ranges 12 and 13 west,";

(b) By deleting "$135,000,000 (June 1961 prices)" in the first sentence of section 7 and substituting in lieu therefor "$175,000,000 (January 1966 prices)"; and

(c) By adding the following subsection to section 3:

"(d) Any permits, licenses, or leases that have been granted on lands acquired and declared to be held in trust for the Navajo Tribe pursuant to section 3(a) of this Act shall be canceled on the effective date of this Act, except that permits, licenses, or leases whose term has not expired at the time of cancellation thereof by this Act, shall continue in effect for the term of the permit, license, or lease under regulations for Indian lands until the land is required for irrigation purposes. When such lands are required for irrigation purposes, the permittee, licensee, or lessee shall be compensated by the Navajo Tribe proportionately for the value of development or improvements made by such permittee, licensee, or lessee and which such permittee, licensee, or lessee was unable to utilize fully because of the cancellation of the permit, license, or lease, as determined by the Secretary of the Interior."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–363), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Purpose of the Measure

The purpose of this legislation is to amend the act authorizing construction, operation, and maintenance of the Navajo Indian irrigation project in New Mexico to provide for the following:

1. Include additional townships in the area from which the project lands may be obtained.
2. Increase the amount of appropriations authorized for project construction.
3. Provide authority for the Secretary to make certain reimbursements to persons having grazing permits, licenses, or leases on lands which are taken for the project.

Background

The Navajo Indian irrigation project was authorized by the act of June 13, 1962 (76 Stat. 96), as a participating project of the Colorado River storage project. The project was authorized for the principal purpose of furnishing irrigation water to approximately 110,630 acres of land.

The act provided that lands within certain townships in New Mexico which are outside of the Navajo Indian Reservation but which are necessary for economical irrigation development of the project may be acquired and held in trust for the Navajo Tribe. If such lands are public lands, the Navajo Tribe must pay the United States the appraised value. The tribe may also acquire non-Federal lands and convey title to the United States.

The Navajo Indian project which will obtain water from the existing Navajo Reservoir, includes a powerplant at Navajo Dam, a canal system, facilities for pumping water to a portion of the lands, a lateral distribution system, and a drainage system. Construction of the canal system began in May 1964. The appropriations for the construction of this project are made to the Bureau of Indian Affairs, which transfers funds to the Bureau of Reclamation to construct the project.

The Subcommittee on Water and Power held a hearing on July 15, 1969.

Present Legislation

The bill, S. 203, as introduced included the following provisions:

SUBSECTION (A)

To provide an efficient irrigation area of 110,630 acres, it will be necessary to incorporate lands from eight townships not included in the original authorization. Subsection (a) of S. 203 would amend the legislation to permit this.

SUBSECTION (B)

Detailed studies have shown that the authorized appropriations of $135 million (June 1961 prices) plus or minus indexing to reflect changes in construction cost indices are inadequate to complete the project as presently planned.

Studies completed in 1966 indicated that the authorization ceiling indexed to the 1966 price level was $148,200,000. Revised estimates of Federal project costs were found to be $175 million.

Subsection (b) of S. 203 would amend the authorizing act to authorize appropriations of $175 million (January 1966 prices) plus or minus cost indexing.

SUBSECTION (C)

Much of the land outside of the Navajo Indian Reservation which would be acquired for the project is presently under Taylor grazing permits. Subsection (c) would amend the authorizing act to require the Secretary to compensate persons whose grazing permits are canceled. The cost of such compensation would be paid by the Navajo Tribe.

However, the committee has amended this subsection as explained in detail below.

Committee Amendment

The committee amended the bill by deleting the language of the new subsection 3(d) for the act of June 13, 1962, which was proposed in S. 203 as introduced, and substituting language recommended by the Department.

The amended language provides for the payment of compensation for the value of only that portion of developments or improvements made to grazing lands by the permittee, licensee, or lessee and which such permittee, licensee, or lessee was unable to utilize fully because of the cancellation of the permit, license, or lease, rather than payment of compensation for the loss of grazing privileges as a result of the cancellation as set out in the bill as introduced. The amendment further provides that recognition shall be given to those individuals holding unexpired grazing permits, licenses, or leases at the time of the cancellation thereof to continue the use of the land for grazing purposes for the duration of the period cited in the permit, license, or lease, provided that the land is not immediately needed for irrigation purposes. Such continued use of the land by the permittee, licensee, or lessee to be under regulations governing grazing on Indian-owned lands. Moreover, the continued use of the land by the permittee, licensee, or lessee may allow the scheduling of the phasing out of permittee operations and eliminate the necessity of the payment of any compensation.

Committee Recommendation

The Interior and Insular Affairs Committee recommends that S. 203, as amended, be enacted.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar on unobjected-to items.

ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR RIBICOFF ON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately following the prayer and the disposition of the reading of the Journal on tomorrow morning the able junior Senator from Connecticut (Mr. RIBICOFF) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business at this time, and that the statements made therein be limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 147—INTRODUCTION OF A JOINT RESOLUTION RELATING TO EXTENSION OF VOTING RIGHTS TO 18 YEAR OLDS

Mr. RANDOLPH. Mr. President, next year—1970—will mark the 100th anniversary of the ratification of the 15th amendment to the Constitution of the United States which insures that the right to vote will not be denied "on account of race, color, or previous condition of servitude." This was only the first step in the efforts of the citizenry of the United States to broaden the base of our unique system of government. It was not until 1920 that women were given the right to vote. And in 1964 the Constitution was again amended—to insure that the franchise was not "denied by reason of failure to pay any poll tax or other tax." Thus our efforts to expand and to perfect the democratic structure of the United States of America have been continuing.

However, there is yet a segment of our population which is denied the use of the ballot—our young citizens, 18, 19, and 20. Our youth have waited a long time for this privilege. At the same time we have not hesitated to require them to bear the same responsibilities of those who have the right to vote. They are not excused from paying taxes, including deductions for retirement insurance—social security. They are the first called to bear arms in defense of our democracy and the foreign commitments of our Government.

So-called coming-of-age requirements vary depending on the disposition of the States. In many States 18-year-olds are treated as adults—not juveniles—in our courts of law and are responsible for their actions and can be sued. They are authorized to enter into legal covenants—marriages, wills, and purchase insurance—without the permission of a parent or guardian. They are responsible for the lives of their fellow citizens as they drive cars and purchase guns and ammunition.

In discussing this proposal it must be remembered that we are considering the role of approximately 7 percent of the total population of the United States in our democratic process. Over 14 million Americans are in this age bracket. In 1970 the median age of all Americans is projected to be 26.4 years. This figure will be steadily decreasing. This is indeed a young America.

In the last presidential election there were over 13.75 million U.S. citizens between the ages of 18 and 21. They could not vote. In 1972, the next presidential election year, these same young people will be 22, 23, and 24 and for the first time will have the opportunity to vote for the Chief Executive of the United States.

Our young people of 18 years of age have attained the knowledge, ability, and maturity to participate as responsible members of the democratic electorate.

Today's 18-year-olds are far ahead of their counterparts of previous generations in educational growth. In the not too distant past a sixth- or an eighth-grade education was looked on as a significant achievement. As recently as 1940 only 14.1 percent of our 18- and 19-year-olds were graduated from high school. Today this figure has risen to 53 percent.

An additional element is the advent of television by which young people witness the historic, the tragic, and the inspiring developments of our time—the assassination of a President, a Senator, and a civil rights leader, and the first landing of men on the moon. They are literally tuned in on the times in which we live.

The improvements in the transportation systems of the highways and the airways have significantly increased the mobility and the horizons of all.

The activities of this age group in pursuit of the goal of all humanity—a better world in both individual and collective terms—are well known. We are using their vitality, their energy, and their enthusiasm for important tasks from world peace to helping rear America's children. In the Peace Corps, they are our personal ambassadors carrying our good will and good works to foreign lands. As VISTA workers, they are bringing help and hope to the economically and socially disadvantaged at home. And as volunteers they stimulate and spearhead creative and constructive civic programs.

Not long ago a voluntary task force, composed of 22 Members of the House of Representatives, after visits to over 50 universities emphasized the "candor, sincerity, and basic decency of the vast majority of students" who have not lost faith in our system and who wish to contribute to making it work even better. Included in the recommendations of the task force is the need to lower the voting age to 18. I believe that this is particularly significant.

Mr. President, there have been many encouraging developments in the past few months in the campaign to secure a lower voting age. It was my privilege in February to aid in the organization of the Youth Franchise Coalition, a broadly based and supported coalition of youth and adult organizations to promote a nationwide movement for a lower voting age. The Senator from New York (Mr. JAVITS) and I introduced the coalition to the Members of Congress. I have maintained close working relations with YFC. The organization's achievements in a few short months have been impressive. Under the banner of YFC have been welded together the energy and resources of younger and older leaders of the citizens division of the Democratic Party; the Committee for Community Affairs; NAACP, youth division; National Education Association; Student National Education Association; U.S. National Student Association; U.S. Youth Council; Young Democratic Clubs of America; Americans for Democratic Action; Southern Christian Leadership Conference; Executive Council of the Episcopal Church; Ripon Society; Student YMCA; Student YWCA and the National Association of Social Workers.

The YFC has established a national network of organizations. In every State, they are bringing local voting groups and interested individuals together to create steering committees for a unified campaign—to lower the voting age. Additionally, YFC is working with Members of the Senate and the House of Representatives.

It is exciting to see the development of this effort. Truly, the members of YFC are working diligently and effectively on the State and national level in support of 18-year-old voting.

State activity on this subject is mounting. Although I am a strong advocate of amending the Constitution of the United States to authorize the extension of the franchise, I welcome action by the individual States. To date, four States have a voting age below 21—Georgia and Kentucky at 18, Alaska at 19, and Hawaii at 20. This issue was actively discussed in 44 of the 50 State legislatures this year. Fourteen States took the initial step in lowering the voting age by approval of the proposal in the legislature. But this is a helter-skelter approach to an important change in our electorate. Prior to approval of the 19th amendment to the Constitution giving women the right to vote, 15 States had made them equal participants. In the Territory of Wyoming, women had the right to vote 50 years before ratification of the amendment in 1920. It is interesting that the arguments against giving the right to vote to women are the same we hear today against 18- 19- and 20-year-olds voting—emotional instability and lack of experience. It is my firm belief that the most direct and expedient method of bringing this proposal before the States is through a constitutional amendment requiring approval by three-fourths of the States for ratification. My colleagues in the Senate are convinced, as am I, that this should be done in 1969.

Mr. President, I have been proposing this course of action for 27 years. In 1942, as a Member of the U.S. House of Representatives, I introduced my first joint resolution to accomplish this goal. In January 1969, I introduced my ninth joint resolution, Senate Joint Resolution 7, to bring such a change. And now, I am pleased to introduce a new bill in which I am joined by 67 cosponsors:

The Senator from Vermont (Mr. AIKEN), the Senator from Tennessee (Mr. BAKER), the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from North Dakota (Mr. BURDICK), the Senator from West Virginia (Mr. BYRD), the Senator from Nevada (Mr. CANNON), the Senator from New Jersey (Mr. CASE), the Senator from Idaho (Mr. CHURCH), the Senator from Kentucky (Mr. COOK), the Senator from Kentucky Mr. COOPER), the Senator from New Hampshire (Mr. COTTON), the Senator from California (Mr. CRANSTON), the Senator from Illinois (Mr. DIRKSEN), the Senator from Connecticut (Mr. DODD), the Senator from Kansas (Mr. DOLE), the Senator from Colorado (Mr. DOMINICK), the Senator from Missouri (Mr. EAGLETON), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Wyoming (Mr. HANSEN).

Also the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Oregon (Mr. HATFIELD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from New York (Mr. JAVITS), the Senator from Washington (Mr. MAGNUSON), the Senator from Montana (Mr. MANSFIELD), the Senator from Maryland (Mr. MATHIAS), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from South Dakota (Mr. MUNDT), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from Oregon (Mr. PACKWOOD), the Senator from Rhode Island (Mr. PASTORE).

Also the Senator from Kansas (Mr. PEARSON), the Senator from Rhode Island (Mr. PELL), the Senator from Illinois (Mr. PERCY), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Connecticut (Mr. RIBICOFF), the Senators from Pennsylvania (Mr. SCHWEIKER and Mr. SCOTT), the Senator from Maine (Mrs. SMITH), the Senator from Alabama (Mr. SPARKMAN), the Senator from Virginia (Mr. SPONG), the Senator from Alaska (Mr. STEVENS), the Senator from Missouri (Mr. SYMINGTON), the Senator from Georgia (Mr. TALMADGE), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Texas (Mr. YARBOROUGH), the Senator from North Dakota (Mr. YOUNG), and the Senator from Ohio (Mr. YOUNG).

Mr. President, I am very gratified that the able majority leader, the Senator from Montana (Mr. MANSFIELD) and the able minority leader, the Senator from Illinois (Mr. DIRKSEN) and Senators generally without regard to party have joined in this endeavor.

Several Senators who have consented to join in my resolution have introduced measures of their own or are cosponsoring other resolutions. Additionally, one Senator—not listed on my resolution—has introduced a similar proposal to amend the Constitution. Further, two colleagues have advised that although they are not cosponsoring resolutions they will support the issue when it comes to the Senate.

Mr. President, this takes us four over the 67 yea votes necessary for Senate passage of a constitutional amendment. I urge—I appeal to the Senate to expedite favorable action on this proposed constitutional amendment. The time is right. The time is now.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. COOPER. Mr. President, I support the Senator in his remarks and also in his resolution.

We have 18-year-old voters in Kentucky, and we are very proud of their interest and their record, and I think they have inspired and stimulated great interest in public issues.

Mr. RANDOLPH. I am grateful for the remarks of the Senator from Kentucky (Mr. COOPER). Since 1943, we have had only four States in which persons under 21 years of age have been permitted to vote. Kentucky and Georgia have the 18-year-old vote. In Alaska and Hawaii, 19- and 20-year old citizens participate. They do so with not just a piece of paper as a part of the process but with an intense interest and activity in public issues. We must move forward to provide this opportunity for the other young people of our Nation.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 147) proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older, introduced by Mr. RANDOLPH (for himself and other Senators) was received, read twice by its title, and referred to the Committee on the Judiciary.

APPOINTMENT AND PROMOTION IN POST OFFICE DEPARTMENT ON BASIS OF MERIT AND FITNESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, pursuant to the motion entered on July 9, 1969, the Senate reconsider the votes by which S. 1583 was read the third time and passed.

The PRESIDING OFFICER. The bill will be stated by title.

The Assistant Legislative Clerk. A bill (S. 1583) to provide that appointments and promotions in the Post Office Department, including the Postal Field Service, be made on the basis of merit and fitness.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill.

Mr. McGEE. Mr. President, this bill was reported unanimously by the Committee on Post Office and Civil Service, by those present. We have agreement on all sides that no objection is being filed to the bill.

I think the Senator from Kentucky would like to make a statement in regard to it. I know of no other statements that anyone has requested to make.

Mr. COOPER. Mr. President, this measure was brought up, as I recall, in the morning hour, on the calendar and was passed with a number of other measures. I do not excuse myself for not being present at the time. The Senator from Texas (Mr. Yarborough) later made a motion to reconsider, and the bill was brought back from the House.

Mr. McGEE. It was brought back from the House; yes.

Mr. COOPER. I have talked with the Postmaster General about his proposed plan for the selection of postmasters. I have read the report of the committee, and I have read with care the statement of Postmaster General Blount, and other witnesses who testified in hearing before the Senate committee.

I must say that I cannot find fault in the principle of removing postmasters from politics, if it is possible. Talking with the Postmaster General, I inquired how the committees, which will select the postmasters, will be constituted. He explained that a number of private citizens would be appointed to these committees, that some of the members would be officials of the Post Office Department, and, in the regional committees, some members would be local postmasters.

I urged the Postmaster General that he watch carefully to see to it that the committees that are named to select postmasters are not politically oriented. In other words, it could be that there would exist a natural bias to accept the recommendations of Members for appointments of individuals from their own parties. I know that their recommendations must be considered at higher levels and finally passed upon by the Postmaster General. However, political factors could grow up in these selection committees, as has been done under the present system. I hope that will not occur.

The Senate committee unanimously voted for the changed principle.

Mr. McGEE. Mr. President, I should explain that the Senator from Texas was not able to be present at that particular session so I would not want the word "unanimous" to include him in the unanimity. He had some reservations about it.

Mr. COOPER. Mr. President, I assume that no other Member of the Senate other than Senator Yarborough will raise any question about this bill and that it will be passed without opposition. I have thought the matter over. I know the questions that arise when political selections are made by Members of the Congress. But I must say, with the exception of large post offices which deal with millions of dollars, I am sure that the recommending bodies in the new plan could not make better selections than Senators and Members of the House.

I remember an old citizen of my county, a rural county, once said to me that before we had so many governmental agencies, that the post office, in cities, towns, and in rural sections with the flag flying over it, was the link between the Federal Government and the people. Postmasters are very much respected in smaller communities, as outstanding citizens of the community. Members of Congress and the Senate have taken care to appoint men and women of integrity and men and women who would represent faithfully the Government of the United States, and bring credit and honor to the Government and their communities. This is my judgment with few exceptions of the thousands of postmasters who have been appointed under the political system.

I believe, even though this measure has been recommended by the President and the Postmaster General and has been approved by the committee, that the smaller post offices, rural postmasters, and letter carriers could be selected better by the Members of Congress, who know the communities and people than by this new plan.

In addition to being efficient postmasters, and that is a chief requirement, postmasters must deal with people. The regard of the people of the community for the Government depends in large degree on the way they are treated by these representatives of the Federal Government. And we in the Congress have better judgment on this factor than some committee far away.

I must say I would have been glad if post offices in cities of 25,000 or over, or 50,000 people or over, had been classified for nonpolitical appointments or by the volume of business, and left the appointment of postmasters for smaller communities and rural areas to Members of Congress. The job could be done better. What could a committee drawn up of men from various groups over the State know about a post office and postmaster in a place like Pippa Passes, Ky., or Mayfield, or Burnside, Ky.?

Mr. McGEE. Or Spotted Horse, Wyo.

Mr. COOPER. I do not wish to place my opposition solely on that ground. I must say it would have been politically fair if there had been at least 2 years given to my party to catch up—we never could catch up, but we could have 15 to 20 percent of the post offices. It would be fair to my party. I live in a Republican county. I do not live in a Republican State. I have been in political life since 1925, and that makes 44 years.

When President Roosevelt came into power all Republican postmasters were fired. Then, when he was in office civil service was instituted and his party members were frozen in their jobs. When President Eisenhower was elected, Republicans believed at first they could come back, but they had been fired and frozen out. They are left out forever, with the exception of a few appointees during President Eisenhower's administration.

I do not think it fair to Republicans. I have recommended some Democrats as well as Republicans in my service. I have loyalty to my party, fairness to its members and this plan does not provide them an equal chance. Chiefly, I know that the boards sitting in Cincinnati or Cheyenne, Wyo., cannot select a postmaster for Pippa Passes, Ky., Cain's Store, Ky., or Waterloo, or Spotted Horse, Wyo., better than I can, or the distinguished chairman of the committee, Senator McGee.

I shall vote against the bill. But I do give my thanks to the able Senator from Wyoming, Senator McGee, for his fairness and to the distinguished Senator from Texas (Senator Yarborough) for speaking up for the smaller communities and rural sections of Texas and the United States. I vote against the bill.

Mr. McGEE. Mr. President, at this hour of the evening no speech by me is going to change the bill, or the complexion of the bill, or moderate some of the views expressed. We applaud the expeditious way in which this department is able to dispose of the great business of this country.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 1583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3311 of title 39, United States Code, is amended to read as follows:

"§3311. Method of appointment

"The Postmaster General shall appoint postmasters in the competitive civil service."

Sec. 2. The amendment made by the first section of this Act shall not affect the status or tenure of postmasters in office on the date of enactment of this Act.

Sec. 3. (a) Chapter 41 of title 39, United States Code, is amended by inserting after section 3108 the following new section:

"§ 3109. Nonpolitical appointments and promotions

"(a) In the selection, appointment, and promotion of employees of the Department, no political test or qualification shall be permitted or given consideration, and all such personnel actions shall be taken on the basis of merit and fitness. Any officer or employee of the Department who violates this section shall be removed from office or otherwise disciplined in accordance with procedures for disciplinary action established pursuant to law.

"(b) This section does not apply to the selection and appointment of officers whose appointment is vested in the President, by and with the advice and consent of the Senate, or to the selection, appointment, or promotion to a position designated by the Civil Service Commission as a position of a confidential or policy-determining character or as a position to be filled by a noncareer executive assignment."

(b) The analysis of chapter 41 of title 39, United States Code, is amended by inserting after item 3108 the following new item:

"3109. Nonpolitical appointments and promotions."

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PLANS FOR WORKS OF IMPROVEMENT IN VARIOUS STATES

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Lower Pine Creek, Calif., Upper Pine Creek, Calif., Ledgewood Creek, Iowa, Salt Lick Creek Ky., Avoyelles-St. Landry watershed La., Buck and Doe Run watershed, Mo., Lovelock Valley watershed, Nev., Swift Creek, N.C., Upper Blackwater watershed, Va., and Candy Jack watershed, Wyo. (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORTS ON NUMBER OF OFFICERS ON DUTY WITH HEADQUARTERS, DEPARTMENT OF THE ARMY

A letter from the Acting Secretary of the Army, transmitting, pursuant to law, reports on the number of officers on duty with headquarters, Department of the Army, and detailed to the Army General Staff, as of June 30, 1969 (with accompanying reports); to the Committee on Armed Services.

REPORT OF SECRETARY OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on studies of death, injuries, and economic losses resulting from accidental burning of products, fabrics, or related materials (with an accompanying report); to the Committee on Commerce.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on effectiveness and administration of the Acadia Job Corps Civilian Conservation Center under the Economic Opportunity Act of 1964, Bar Harbor, Maine, Department of the Interior, Office of Economic Opportunity (with an accompanying report); to the Committee on Government Operations.

REPORT OF COMMISSION ON OBSCENITY AND PORNOGRAPHY

A letter from the Chairman, Commission on Obscenity and Pornography, Washington, D.C., transmitting, pursuant to law, a report of that Commission, dated July 1969 (with an accompanying report); to the Committee on Government Operations.

PLANS FOR WORKS OF IMPROVEMENT IN VARIOUS STATES

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Galla Creek, Ark., Soque watershed, Ga., Copiah Creek, Miss., Line Creek, Miss., Corrales watershed, N. Mex., Town Fork Creek, N.C. (supplement), Square Butte Creek, N. Dak., Rush Creek, Ohio (supplement), North Tyger River, S.C., and McClellan Creek, Tex. (with accompanying papers); to the Committee on Public Works.

MANPOWER TRAINING ACT OF 1969

A letter from the Secretary of Labor, transmitting a draft of proposed legislation to establish a comprehensive manpower development program to assist persons in overcoming obstacles to suitable employment, and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

AMENDMENT TITLE 38, UNITED STATES CODE

A letter from the Deputy Administrator, Veterans' Administration, Washington, D.C., transmitting a draft of proposed legislation to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to participate in programs under title IX of the Public Health Service Act, and for other purposes (with an accompanying paper); to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. TYDINGS, from the Committee on the Judiciary, without amendment:

S. Res. 96. Resolution to refer S. 881 to the Court of Claims (Rept. No. 91–376).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, without amendment:

S. 404. A bill to provide for the construction and improvement of a certain road on the Navajo Indian Reservation (Rept. No. 91–384); and

S. 1609. A bill to amend the Act of August 9, 1955, to authorize longer term leases of Indian lands located outside the boundaries of Indian reservations in New Mexico (Rept. No. 91–377).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 204. A bill to amend the Indian Long-Term Leasing Act (Rept. No. 91–378).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 210. A bill to declare that certain federally owned lands are held by the United States in trust for the Indians of the Pueblo of Laguna (Rept. No. 91–379).

By Mr. McGOVERN, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 671. An act to compensate the Indians of California for the value of land erroneously used as an offset in a judgment against the United States obtained by said Indians (Rept. No. 91–381).

By Mr. McGOVERN, from the Committee on Interior and Insular Affairs, with an amendment:

S. 921. A bill to declare that certain federally owned land is held by the United States in trust for the Cheyenne River Sioux Tribe of the Cheyenne River Indian Reservation (Rept. No. 91–382).

By Mr. METCALF, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1766. A bill to provide for the disposition of a judgment recovered by the Confederated Salish and Kootenai Tribes of Flathead Reservation, Montana, in paragraph 11, docket numbered 50233, United States Court of Claims, and for other purposes (Rept. No. 91–380).

By Mr. BURDICK, from the Committee on Interior and Insular Affairs, with amendments:

S. 775. A bill to declare that the United States shall hold certain land in trust for the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota (Rept. No. 91–383).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Douglas B. Baily, of Alaska, to be U.S. attorney for the district of Alaska.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Taylor G. Belcher, of New York, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Peru;

Walter L. Rice, of Virginia, to be Ambassador Extraordinary and Plenipotentiary to Australia; and

Nathaniel Samuels, of New York, to be U.S. Alternate Governor of the International Monetary Fund; U.S. Alternate Governor of the International Bank for Reconstruction and Development; U.S. Alternate Governor of the Inter-American Development Bank; and U.S. Alternate Governor of the Asian Development Bank.

Mr. STENNIS. Mr. President, from the Committee on Armed Services I report favorably the nominations of five general officers in the Army and 20 temporary appointments in the Marine Corps in the grade of brigadier general and major general.

I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Gen. Charles Hartwell Bonesteel III, Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general;

Lt. Gen. Jean Evans Engler, Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of lieutenant general;

Lt. Gen. John Hershey Michaelis, Army of the United States (major general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President, for appointment to the grade of general while so serving;

Maj. Gen. Joseph Miller Heiser, Jr., U.S. Army and Maj. Gen. Charles William Eifler, U.S. Army, to be assigned to positions of importance and responsibility designated by the President, for appointment to the grade of lieutenant general while so serving;

Robert P. Keller, and sundry other officers, for temporary promotion in the Marine Corps; and

Charles S. Robertson, and sundry other officers, for temporary promotion in the Marine Corps.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. DOMINICK:

S. 2826. A bill to provide a practicable weather modification program for the Upper Colorado River Basin; to the Committee on Commerce.

(The remarks of Mr. Dominick when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. SCOTT:

S. 2827. A bill to provide injunctive relief to prevent serious disruption of federally assisted institutions of higher education; to the Committee on the Judiciary.

(The remarks of Mr. Scott when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. PROUTY:

S. 2828. A bill to revise certain provisions of the criminal laws of the District of Columbia relating to offenses against hotels, motels, and other commercial lodgings, and for other purposes; and

S. 2829. A bill to revise certain laws relating to the liability of hotels, motels, and similar establishments in the District of Columbia to their guests; to the Committee on the District of Columbia.

(The remarks of Mr. Prouty when he introduced the bills appear later in the Record under the appropriate heading.)

By Mr. AIKEN:

S. 2830. A bill to amend title II of the Social Security Act to provide a 10-percent across-the-board increase in the monthly benefits payable thereunder; to the Committee on Finance.

(The remarks of Mr. AIKEN when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. JAVITS (for himself, Mr. Goodell, and Mr. Brooke):

S. 2831. A bill to amend the Watershed Protection and Flood Prevention Act, as amended; to the Committee on Agriculture and Forestry.

(The remarks of Mr. Javits when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. YOUNG of North Dakota (for himself and Mr. Dole):

S. 2832. A bill to defer the issuance of 1968 crop wheat export marketing certificates for 1 year; to the Committee on Agriculture and Forestry.

(The remarks of Mr. Young of North Dakota when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. SCOTT:

S. 2833. A bill for the relief of Jose A. Evangelista; to the Committee on the Judiciary.

By Mr. GRAVEL:

S. 2834. A bill for the relief of John Borbridge, Jr.; and

S. 2835. A bill for the relief of Albert G. Feller and Flora Feller; to the Committee on the Judiciary.

(The remarks of Mr. Gravel when he introduced the bills appear later in the Record under the appropriate heading.)

By Mr. COTTON:

S. 2836. A bill for the relief of Konstantinos G. Parlitsis; and

S. 2837. A bill for the relief of Francesco Napoli; to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. Murphy, Mr. Prouty, Mr. Dominick, Mr. Schweiker, Mr. Cooper, Mr. Cook, Mr. Scott, and Mr. Goodell):

S. 2838. A bill to establish a comprehensive manpower development program to assist persons in overcoming obstacles to suitable employment, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Javits when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. TYDINGS (by request):

S. 2839. A bill to provide for the payment into a trust fund or to a third party of amounts necessary to fund certain fringe benefits arising out of agreements between employers and employees in the District of Columbia; to the Committee on the District of Columbia.

By Mr. KENNEDY:

S. 2840. A bill to authorize the Secretary of the Interior to study the feasibility and desirability of a Boston Harbor National Recreation Area in the State of Massachusetts; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Kennedy when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. RANDOLPH (for himself, Mr. Aiken, Mr. Baker, Mr. Bayh, Mr. Bible, Mr. Boggs, Mr. Brooke, Mr. Burdick, Mr. Byrd of West Virginia, Mr. Cannon, Mr. Case, Mr. Church, Mr. Cook, Mr. Cooper, Mr. Cotton, Mr. Cranston, Mr. Dirksen, Mr. Dodd, Mr. Dole, Mr. Dominick, Mr. Eagleton, Mr. Fong, Mr. Goodell, Mr. Gravel, Mr. Hansen, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hatfield, Mr. Hollings, Mr. Hughes, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Magnuson, Mr. Mansfield, Mr. Mathias, Mr. McCarthy, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Mundt, Mr. Muskie, Mr. Nelson, Mr. Packwood, Mr. Pastore, Mr. Pearson, Mr. Pell, Mr. Percy, Mr. Proxmire, Mr. Ribicoff, Mr. Schweiker, Mr. Scott, Mrs. Smith, Mr. Sparkman, Mr. Spong, Mr. Stevens, Mr. Symington, Mr. Talmadge, Mr. Tydings, Mr. Williams of New Jersey, Mr. Yarborough, Mr. Young of Ohio, and Mr. Young of North Dakota):

S.J. Res. 147. A joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

(The remarks of Mr. Randolph when he introduced the joint resolution appear earlier in the Record under the appropriate heading.)

S. 2826—INTRODUCTION OF BILL RELATING TO WEATHER MODIFICATION

Mr. DOMINICK. Mr. President, for many years this country and in particular the seven Colorado River Basin States have faced a critical water problem which becomes more critical each year. In the 90th Congress I introduced a bill authorizing research of the results and effects of such a program and authorizing actual direct application of weather modification techniques. That bill, S. 2058, along with S. 373, introduced by Senator Magnuson to provide for a national weather modification program, had hearings on June 14 and 17, 1968.

Weather modification can offer an immediate and direct partial solution to the problem by increasing the supply of water in the Colorado River. My bill, which I introduce today, will provide for a pilot project for weather modification in the Upper Colorado River Basin. This bill will not only complement the Bureau of Reclamation's "Project Skywater" by increasing the scope of development, but will also provide the greatly needed funds to enlarge the research and the application of our present knowledge.

Tapping the rivers of the sky, as well as cleaning up our polluted waterways, and desalination of sea water, are all methods the Department of the Interior is looking toward to add to man's useful water supplies. Clearly, the increase of water supply into the basin would be of great help in taking pressure off the Upper Basin States. I am confident that the bill that I introduce today will insure the proper application of our growing body of knowledge in the field of weather modification. The bill is clearly intended to move more boldly in the direction of application.

Based on hearings conducted in 1966, 1967, and 1968, it is clear that the lack of funds has retarded the weather modification program. My bill recognizes that the Colorado River Basin States, consisting of Colorado, Wyoming, Utah, New Mexico, Arizona, Nevada, and California, rely on the Colorado River to a significant degree for their water supply. And we all recognize the urgent need to have an adequate water supply for the healthly survival of these States. Thus, a practical weather modification program for the Upper Colorado River Basin is quite consistent with our national needs.

This bill would direct the President to appoint a coordinating council consisting of the Secretaries of the Interior and Commerce, the Director of the National Science Foundation, and six public members. Two of the public members would be from universities, two from private firms experienced in the field and two representing water users. In my judgment, the council represents a broad base of expertise which would insure that divergent views within the fields of weather modification would share in the establishment of policy.

The Secretary of the Interior, in order to increase, to the extent practicable, the annual average supply of water from rainfall and snowfall in the Upper Colorado River Basin, shall carry out research and study programs with a plan, prepared within 1 year after enactment.

An important provision of this bill, which was added to S. 2058 of the 90th Congress, is a section allowing the Secretary of the Interior to make grants to States and political subdivisions to reimburse them for expenses incurred incident to any weather modification activities carried out pursuant to this act. This provision will be extremely helpful in aiding the small towns in coping with excess snow removal problems as well as possible flooding problems.

In addition to this important provision which has been added to the bill, I have made several other constructive changes that were recommended in the hearings held in 1968.

The bill would authorize $5 million over a period of 5 successive fiscal years. An additional $625,000 would be available for administrative costs and $250,000 for grants to States for expenses specifically related to excess water problems from weather modification activities.

This weather modification program calls for the evaluation of the practicability and efficacy of the program with emphasis upon environmental studies to determine the ecological, economic, legal, and social effects of such program. It also provides for studies to develop a precise determination of the meteorological conditions resulting from increased precipitation produced by such a program, and the development and testing of new and improved equipment and techniques necessary to such a program. To the extent practicable, funds should be spent in approximately a 3-to-1 ratio of research to development and testing of operational techniques.

Mr. President, it is now the time for us to get the ball rolling in an area that is extremely vital to the future health and welfare of our country, as well as our economic future.

Mr. President, I introduce, for appropriate reference, a bill to provide a practical weather modification program for the Upper Colorado River Basin.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2826) to provide a practicable weather modification program for the Upper Colorado River Basin, introduced by Mr. DOMINICK, was received, read twice by its title, and referred to the Committee on Commerce.

S. 2827—INTRODUCTION OF A BILL TO QUELL CAMPUS DISORDERS

Mr. SCOTT. Mr. President, I introduce, for appropriate reference, a bill to assure college and university administrators an adequate remedy for maintaining order on their campuses.

My bill will allow a college president to seek a Federal court order to prevent the serious disruption of an institution assisted by Government funds. Any person refusing to leave a building included in the court's injunction order could receive a fine, or prison sentence, or both. This legislation provides stricter fines and longer terms of imprisonment for outside agitators who are not faculty members or students in good standing. The difference in penalties emphasizes the importance of separating the legitimate expressions of university community grievances from the attempt of a few itinerant anarchists to cause confusion for confusion's sake. I have included a provision in this bill insuring a student's constitutional right to express individual views or opinions.

During the past academic year, our Nation witnessed a rash of campus disturbances involving more than 225 institutions of higher learning. Educational facilities suffered over $3 million damage, including a total of 61 cases of arson or bombings. More importantly, campus upheavals caused immeasurable damage to students and faculty members by disrupting and dislocating programs of study.

This destruction of property, and waste of our citizens' tax dollars, must end. The need for appropriate legislation is clear.

I am confident that this legislation will protect the right of all students to pursue their education on a campus free from violent interruptions, and in an atmosphere free from harassment and coercion. My bill places the burden of maintaining campus order upon university administrators, by giving them the discretion and authority to petition the Federal courts.

Mr. President, I urge prompt consideration of this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2827) to provide injunctive relief to prevent serious disruption of federally assisted institutions of higher education, introduced by Mr. SCOTT, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 2827

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in any case in which the administration of or the activities conducted by a federally assisted institution of higher education are substantially interrupted as a result of a civil disturbance, such institution may institute a civil action for preventive relief including an application for a permanent or a temporary injunction, restraining order, or other appropriate order.

(b) The district courts of the United States shall have, without regard to the amount in controversy, jurisdiction of proceedings instituted pursuant to this section.

SEC. 2. (a) If any member of the faculty or a student in good standing at any such institution is an accused in any criminal contempt proceeding arising out of a civil action brought under section 1(a) of this Act, he shall be, upon conviction, punished by a fine not to exceed $1,000 or by imprisonment for a term of not to exceed six months, or both. If any person who is not such a member or student is the accused in any such proceeding, he shall be, upon conviction, punished by a fine of not less than $1,000 nor more than $2,000, by imprisonment for a term of not less than six months nor more than one year, or both.

(b)(1) In any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: *Provided, however,* That in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of the sum of $300 or imprisonment in excess of forty-five days, the accused in said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases.

(2) This subsection shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience, of any officer of the court in respect to the writs, orders, or process of the court.

(3) Nothing in this Act or in any other provision of law shall be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention.

SEC. 3. Conviction of criminal contempt arising out of a violation of a court order issued pursuant to this Act shall be deemed conviction of a crime for the purposes of section 504 (a) of the Higher Education Amendments of 1968.

SEC. 4. Nothing in this Act shall be construed as indicating an intention on the part of Congress to relieve any State, political subdivision, or the District of Columbia of its obligation to take appropriate action under State and local law, with respect to the conduct described in section 1(a) of this Act.

SEC. 5. Nothing in this Act shall be construed to limit the freedom of any student to express individual views or opinions.

SEC. 6. As used in this Act—

(1) The term "federally assisted institution of higher education" means any such institution as defined by section 1201(a) of the Higher Education Act of 1965 (A) which during the current calendar year has received or will receive directly or indirectly, from any department or agency of the United States any compensation, education or research grant of money or property, educational loan, or educational loan guaranty, or (B) at which any student is in attendance, who during the current calendar year has received or will receive, directly or indirectly, from any department or agency of the United States any compensation, educational or research grant of money or property, educational loan, or educational loan guaranty.

(2) The term "act of disruption" means (A) any act of trespass upon, or unlawful or unauthorized occupation of, any classroom, office, or other facility of any federally assisted institution of higher education which results in the suspension, or unreasonable interruption of any class, program, or activity conducted or provided by such institution or authorized by appropriate administrative authority of such institution to be conducted in, around, or on any campus of such institution, or (B) any unreasonable obstruction of access to, egress from, or the use of any part of any campus or property of such institution or any structure or facility situated thereon by an person who is lawfully entitled to access to, egress from, or the use of such campus, structure, facility, or property.

(3) The term "civil disturbance" includes any riot, demonstration, strike, or seizure of property occurring in, around, or on the campus of a federally assisted institution of higher education involving an assemblage of three or more persons in which one or more acts of disruption occur.

S. 2828 AND S. 2829—INTRODUCTION OF BILLS RELATING TO HOTELS AND MOTELS IN THE DISTRICT OF COLUMBIA

Mr. PROUTY. Mr. President, I introduce, for appropriate reference, two bills to revise the laws respecting hotels and motels in the District of Columbia. The first bill would revise the criminal laws relating to offenses against hotels, motels, and other commercial lodgings, and the second bill would revise certain laws relating to the liability of such establishments to their guests.

The major hotel laws in the District of Columbia were established at the time of the enactment of the District of Columbia Code on March 3, 1901, and have not been significantly changed since that time. They are outdated and inadequate to handle the present-day problems confronting the hotels and motels.

The hotels and motels of the District of Columbia are a vital and integral part of the business community of our Nation's Capital. They are needed by all who visit us in either a tourist or business capacity or both. Perhaps from the very nature of their operation they are more exposed to losses due to fraud and deceit than other businesses in the District. According to a recent survey by a Hotel Association of Washington, from the years 1965 through 1968, local hotels and motels lost well in excess of $1,000,000 as a result of forgeries, skips, and bad checks. This important industry is not able to properly function in the business community of today when it must continue to look for protection to laws enacted more than 50 years ago.

The PRESIDING OFFICER. The bills will be received and appropriately referred.

The bills, introduced by Mr. Prouty, were received, read twice by their titles, and referred to the Committee on the District of Columbia, as follows:

S. 2828. A bill to revise certain provisions of the criminal laws of the District of Columbia relating to offenses against hotels, motels, and other commercial lodgings, and for other purposes; and

S. 2829. A bill to revise certain laws relating to the liability of hotels, motels, and similar establishments in the District of Columbia to their guests.

S. 2831—INTRODUCTION OF A BILL TO AMEND THE WATERSHED PROTECTION AND FLOOD PREVENTION ACT, AS AMENDED

Mr. JAVITS. Mr. President, I am introducing, on behalf of myself, Senator Goodell, and Senator Brooke, a bill designed to help smaller cities and towns provide additional water storage facilities to first, minimize water pollution problems in smaller rivers and streams during periods of drought; and, second, construct reserve water storage facilities in anticipation of future industrial and community needs.

Specifically, the bill would authorize the Secretary of Agriculture to provide:

First. Federal grants to localities for the construction of multipurpose water management projects to insure high water quality standards on smaller rivers and streams.

Second. Federal grants of up to 50 percent to localities for the maintenance of reserve water supplies to allow future industrial or community growth. Federal loans repayable within 50 years would be advanced to cover the remainder of the costs of these municipal and industrial water storage facilities.

Congress has made great strides in recent years in facing up to the grave problem of water pollution, but, of necessity, has concentrated on the larger bodies of water. The bill we are introducing today is designed to fill a gap in recent legislation by allowing Federal assistance to water quality control projects on the smaller rivers and tributaries which are the lifelines of so many of our smaller cities and towns. In addition, these streams, in periods of drought, carry concentrated pollutants into the larger rivers, working against all our larger water pollution control projects.

Under existing law, Federal contributions to localities for dam and reservoir construction can only be made for flood prevention—so-called single-purpose facilities—recreation, and/or wildlife preservation. Under the first section of the proposal introduced today, a municipality could get a 50 percent Federal contribution to enable it to store water for release during critical periods of low stream flow, as is now provided by the U.S. Department of Agriculture for watershed works which are applicable to the agricultural phases of soil and water conservation, fish and wildlife development, and recreational development. The facility for storing water would probably be part of a reservoir or dam built for these other purposes.

The bill is not designed to provide a substitute for adequate anti-pollution treatment at the source, but to enable continually flowing streams to serve an essential function of diluting and carrying away waste not completely purified by treatment.

Streams and small rivers unfortunately are still being used for disposal of sewage and other pollutants and probably will continue to be so used. Consequently, there is a need and desire in many small watershed programs to incorporate water quality management. In New York State, for example, 19 projects are planned for 1969 and 1970, 17 of which will serve only the single purpose of flood prevention. Many of these could be designed to allow for another purpose—release of water for quality control. It is estimated that a single-purpose reservoir costing approximately $100,000 would only require an additional $25,000 to provide water quality control, if this additional capacity were included at the time the reservoir was constructed. If water quality control capacity were added to a single-purpose structure later on, the additional cost would be from two to four times more than if it had been added initially, according to Department of Agriculture estimates.

New York State is not alone in its upstream water pollution problems. The need in other States has been pointed out in Federal reviews of small watershed project work plans. Although the need has been recognized, no Federal assistance is now available. It is estimated that the cost to the Federal Government for its share in water quality management projects will be $3 million for the first two years and $3.5 million for each year thereafter.

The second section of the bill recognizes that water is often a significant factor in community growth. The availability and quality of water is a prime consideration of many industries in locating or expanding plants. If we are to enable our small cities, towns, and rural areas to hold the population they now have and to grow, job opportunities need to be opened.

This section provides for Federal assistance of up to 50 percent to allow for more complete development of dam sites at the initial stages of construction so that water reserves will be available for future municipal and industrial use. At present, these reserves can be provided only if the city or industry is willing to bear 100 percent of the cost. This section is designed to make more complete use of multiple-purpose features of water control and to provide financial help to localities that might want to include municipal or industrial water supply in small watershed projects.

In order to meet anticipated municipal or industrial water supply storage needs, it is estimated annual costs will actually be approximately $12 million with the Federal contribution amounting to $6 million in grants and $6 million in loans repayable within 50 years. These estimates are based on projections contained in a study of 126 planned reservoirs prepared for the Water Resources Council in 1966.

I send the bill to the desk for appropriate reference and ask unanimous consent that the text of the bill may also be printed in the Record as part of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2831) to amend the Watershed Protection and Flood Prevention Act, as amended, introduced by Mr. Javits (for himself, Mr. Goodell, and Mr. Brooke), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the Record, as follows:

S. 2831

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Watershed Protection and Flood Prevention Act, as amended (68 Stat. 666; 16 U.S.C. 1001–1008), is amended as follows:

(1) Clause (A) of paragraph (2) of section 4 is amended by striking out "or recreational development" and inserting in lieu thereof a comma and the following: "recreational development, or water quality management, but the Secretary shall not bear any portion of the cost of works of improvement for water quality management in any case in which such works of improvement are to be provided as substitutes for adequate treatment or other methods of controlling waste at the source".

(2) Clause (B) of paragraph (2) of section 4 is amended by striking out the first proviso and all that follows thereafter, and inserting in lieu thereof the following: "*Provided*, That, in addition to and without limitation on the authority of the Secretary to make loans or advancements under section 8 of this Act, the Secretary may pay for any storage of water for anticipated future demands or needs for municipal or industrial water included in any reservoir structure constructed or modified under the provisions of this Act not to exceed 30 per centum of the total estimated cost of such reservoir structure where the local organization gives reasonable assurances, and there is evidence, that such demands for the use of such storage will be made within a period of time which will permit repayment within the life of the reservoir structure of that part of the cost of such water supply storage which is to be borne by the local organization: *Provided further*, That the local organization shall agree, prior to initiation or construction or modification of any reservoir structure including such water supply storage, to repay not less than 50 per centum of the cost of such water supply storage for anticipated future demands: *And provided further*, That the part of the cost to be borne by the local organization shall be repaid within the life of the reservoir structure but in no event to exceed fifty years after the reservoir structure is first used for the storage of water for water supply purposes, except that (1) no repayment of such cost need be made until such supply is first used, and (2) no interest shall be charged on such cost until such supply is first used, but in no case shall the interest-free period exceed ten years. The interest rate used for purposes of computing the interest on the unpaid balance shall be determined in accordance with the provisions of section 8 of this Act".

(3) Subsection (4) of section 5 is amended to read as follows:

"(4) Any plan for works of improvement involving an estimated Federal contribution to construction costs in excess of $250,000 or including any structure having a total capacity in excess of twenty-five hundred acre-feet (a) which includes works of improvement for reclamation, irrigation, or the prevention, control, and abatement of water pollution, or which affects public or other lands or wildlife under the jurisdiction of the Secretary of the Interior, (b) which includes Federal assistance for floodwater detention structures, or (c) which includes features which may affect the public health, shall be submitted to the Secretary of the Interior, the Secretary of the Army, or the Secretary of Health, Education, and Welfare, respectively, for his views and recommendations at least thirty days prior to transmission of the plan to the Congress through the President. The views and recommendations of the Secretary of the Interior, the Secretary of the Army, or the Secretary of Health, Education, and Welfare, as the case may be, is received by the Secretary prior to the expiration of the above thirty-day period, shall accompany the plan transmitted by the Secretary to the Congress through the President."

S. 2832—INTRODUCTION OF A BILL RELATING TO EXPORT MARKETING CERTIFICATES

Mr. YOUNG of North Dakota. Mr. President, the Food and Agriculture Act of 1965 authorized the sale of export marketing certificates to exporters whenever world wheat prices were above those in this country. This money was to be used to offset costs of export subsidy payments when needed and any balance was to be distributed to wheat producers at the end of the marketing year.

This year, for the first time, a small balance remained in this export certificate pool. That balance, however, is less than $3 million. If the Department of Agriculture were to proceed to distribute this to wheat producers across the Nation, it would involve extremely small payments to so many farmers that the cost of distribution would amount to about as much as the payments them selves.

This distribution would require payments of less than $1 to 500,000 or about half of the wheat producers eligible for these benefits. Only about 50,000 growers would receive payments of $10 or more.

We believe, in view of this, that it would be best if this fund were to be kept intact for 1 year until additional funds are accumulated or other appropriate use for the money is determined. The bill we are now introducing would accomplish the one-year postponement of distribution.

If no action is taken, the Department of Agriculture, under the law, has no alternative but to proceed to distribute this money.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2832) to defer the issuance of 1968 crop wheat export marketing certificates for one year, introduced by by Mr. YOUNG of North Dakota (for himself and Mr. DOLE), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

S. 2834—INTRODUCTION OF A BILL FOR THE RELIEF OF JOHN BORBRIDGE, JR.

Mr. GRAVEL. Mr. President, I introduce today a private bill for the relief of John Borbridge, Jr., of Anchorage, Alaska. Mr. Borbridge, was paid the sum of one thousand six hundred thirty-nine dollars and sixty-one cents which represents the cost of moving Mr. Borbridge, his family, and his household goods, from Juneau to anchorage to accept a position in the Indian Health Service. GAO ruled that the Department of Health, Education, and Welfare in which the Indian Health Service is incorporated, had no right to either advise Mr. Borbridge or pay Mr. Borbridge for his moving expenses because Native Affairs Officer, the position to which Mr. Borbridge had been accepted, was not listed as one in which a manpower shortage existed. Therefore, the Government had no liability for the costs of moving which Mr. Borbridge incurred and which the Government subsequently and erroneously paid. However, Mr. Borbridge made this transfer to Anchorage with the assurances of the agency that he would be paid for his moving expenses. It seems grossly unjust to continue to hold Mr. Borbridge liable for these expenses. Therefore, this bill will relieve Mr. Borbridge of said liability and repay him any money received or withheld from him because of his pending liability.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2834) for the relief of John Borbridge, Jr., introduced by Mr. GRAVEL, was received, read twice by its title, and referred to the committee on the Judiciary.

S. 2835—INTRODUCTION OF A BILL FOR THE RELIEF OF ALBERT G. FELLER AND FLORA FELLER

Mr. GRAVEL. Mr. President, I introduce today a private bill for the relief of Mr. and Mrs. Albert G. Feller of Ketchikan, Alaska. On May 24, 1966, the Feller's son, Albert, Jr., was called to Anchorage by the Army for his preinduction physical. The young man was given a transportation request to Anchorage and after he failed his preinduction physical, he was given a transportation request to return to Ketchikan. For unknown reasons, Albert did not use that TR on the date for which it was issued. He subsequently drowned in Big Lake near Wasilla, Alaska. The Government was obviously responsible for financing Mr. Feller's return trip to Ketchikan and had, in fact, issued a TR for this trip. However, the Government has refused to take the responsibility for shipping Mr. Feller's body back to Ketchikan. Mr. Feller was in Anchorage at Government request and it seems perfectly clear that the Government is liable for Mr. Feller's return costs. This bill will reimburse Mr. and Mrs. Feller, Sr., for the costs, $267.12, of transporting their son's coffin and body from Anchorage to Ketchikan.

The Army states that it has no regulations to cover such contingencies as this. Although the Army agrees that it must pay for the return of any live person who has failed a preinduction physical, the Army feels it has no responsibility to pay for the return of a deceased person who has failed a preinduction physical. In short, coffin transportation is not covered under the transportation request authorized to Albert Feller, Jr. Despite this kind of bureaucratic juggling, I feel that the Government responsibility is obvious and it is time that the wrong done to Mr. and Mrs. Feller be rectified.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2835) for the relief of Albert G. Feller and Flora Feller, introduced by Mr. GRAVEL, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 2840—INTRODUCTION OF A BILL TO STUDY THE FEASIBILITY OF CREATING THE BOSTON HARBOR NATIONAL RECREATION AREA

Mr. KENNEDY. Mr. President, I introduce, for appropriate reference, a bill to study, investigate, and formulate recommendations on the feasibility and desirability of establishing a Boston Harbor National Recreation Area. I ask unanimous consent that this bill be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, as requested by the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, in recent years and in recent Congresses, there has been a reawakening of the effort to conserve and restore our natural resources and environment. There has also developed an awareness of the real need for open spaces for recreation purposes in our urban areas. Presidents Kennedy and Johnson pushed the Nation very hard in the direction of conservation; we already see many results of their dedication. The Cape Cod National Seashore, authorized in 1961, was the first of 18 new national recreation areas in 17 States added to the National Park Service in this decade—adding approximately 1 million acres designed specifically for recreational purposes.

In an effort to ensure that this national commitment to the provision of recreational areas for our citizens is continued, I am introducing legislation to study the feasibility of creating a unique recreation area at the center of one of our largest metropolitan areas—Boston, Mass.

Boston Harbor, including Dorchester, Quincy, and Hingham Bays, comprises about 180 miles of irregular tidal shoreline, about 47 square miles of water, and some 30 islands. Surely such irreplaceable assets, located as they are at the core of a densely populated metropolitan region, should be at the disposal of our citizens. Unfortunately, through the absence of judicious planning and the onslaught of unchecked technological application, much of the shoreline is characterized by dilapidated structures and is unprotected from the forces of erosion. The waters are polluted. Almost all of the islands are underutilized and virtually inaccessible.

Historically, Boston Harbor is of special significance. Its magnificent protected anchorage and strategically defensible hills were among the original reasons for the settlement of Boston. Its existence as an economically viable commercial port contributed to the early and continuing prosperity of the settlement, and later of the city. Its cod and shellfish at first gave sustenance to our early settlers, and then an economic value to the city as our traders expanded their markets. Its beaches have served as the recreation center for the city. Today, Boston Harbor is an example of the havoc that man has played with his environment.

It is our responsibility to restore, revitalize, and preserve this, one of the New England region's most valuable resources. To accomplish this goal, we will have to call upon the resources of all levels of government, Federal, State, and local, and on the sustained interest of the private and commercial sectors of our economy.

We have made efforts in the past to deal with the problems we have created in Boston Harbor. Individual towns which border the harbor have passed ordinances against the dumping of refuse and garbage in its waters. Through local development commissions, unplanned commercial and residential development of waterfront property has been halted. The State, through the Massachusetts Port Authority, the Metropolitan District Commission, and the Department of Natural Resources has done much to focus attention on the need for the restoration of the harbor and has taken steps to halt the continued abuse of this resource by municipal and industrial pollution. The Federal Government, through the Department of the Interior, the Department of Housing and Urban Development, the Department of Health, Education, and Welfare, and the Army Corps of Engineers has developed a sewage treatment facilities program; has cooperated in the funding of comprehensive studies of the harbor; has begun an effort to rid the harbor of drift and debris; and operates a limited dredging program to maintain the natural depth of the harbor channels.

But none of these fractionalized efforts has achieved even a modicum of success. The major stumbling block to that success is the very fact that the approach is fractionalized. No fewer than 17 agencies have responsibility in matters concerning the harbor. Thus, it is more than difficult to pursue a program of pollution abatemate, industrial and commercial revitalization, recreational restoration, or harbor development to final success.

The task of restoration is not a small one. Neither is it an impossible one. The Federal Government, through the Department of the Interior, is playing an everincreasing role in the preservation, restoration, and conservation of the natural resources that have made this country the great Nation that it is today. Certainly, our coastal areas are one of our finest resources. And, for both historical and physical reasons, the coastline of Massachusetts, and particularly Boston, deserve Federal protection and would serve as an ideal demonstration of the results of Federal involvement.

Therefore, I introduce this bill to authorize the Secretary of the Interior to study, investigate and formulate recommendations on the feasibility and desirability of establishing Boston Harbor, from Winthrop to Hull, its shores and its islands, as the Boston Harbor National Recreation Area. The Secretary shall consult with other interested Federal agencies, and the Commonwealth of Massachusetts, and shall coordinate his study with other planning activities relating to the Boston Harbor area. The study will be of 2 years in duration, at which time the Secretary will make recommendations to the President.

Boston Harbor, once restored, will serve many more than the 2 million people in its immediate environment. Located in the great Northeast megalopolis the harbor has the potential to serve well the 50 million people who live within a day's drive of Boston. It is my earnest hope that this bill will be favorably considered so that the foundation is laid for the reclamation of a resource we have lost. And I hope as well that the present loss of this resource will serve as a warning that we cannot allow progress to continue unchecked without safeguarding our other natural resources. For we have learned that to destroy our natural resources is to destroy the wealth of our Nation and to deny to our children what, by right, we should leave to them—further developed, yet better preserved.

I ask unanimous consent that a letter addressed to me from the chairman of the Special Legislative Commission on Boston Harbor, of the Massachusetts Senate, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2840) to authorize the Secretary of the Interior to study the feasibility and desirability of a Boston Harbor National Recreation Area in the State of Massachusetts, introduced by Mr. KENNEDY, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 2840

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to consider preserving the Boston Harbor area and appropriate segments of adjoining land in their natural condition for public outdoor recreation, and preserving the priceless natural beauty and historic heritage of such area, the Secretary of the Interior shall study, investigate, and formulate recommendations on the feasibility and desirability of establishing Boston Harbor, from Winthrop to Hull, Massachusetts, its shores and its islands, as the Boston Harbor National Recreation Area. The Secretary shall consult with other interested Federal agencies, and the State of Massachusetts (including appropriate local bodies and officials thereof), and shall coordinate his study with applicable highway plans and other planning activities relating to the Boston Harbor area. In conducting such study and investigation pursuant to this Act, the Secretary of the Interior shall hold public hearings within the State of Massachusetts, upon the request of the Governor thereof, for the purpose of receiving views and recommendations on the establishment of such a national recreation area.

SEC. 2. Within two years from the date of the enactment of this Act, the Secretary of the Interior shall submit to the President of the United States a written report containing the findings and recommendations of the Secretary arising out of any study and investigation conducted pursuant to this Act. Such report shall contain, but not be limited to, findings with respect to—

(1) the scenic, scientific, historic, outdoor recreation, and the natural values of the water and related land resources involved, including driving for pleasure, walking, hiking, riding, boating, bicycling, swimming, picnicking, camping, forest management, fish and wildlife management, scenic and historic site preservation, hunting, fishing, and winter sports;

(2) the potential alternative beneficial uses of the water and related land resources involved, taking into consideration appropriate uses of the land for residential, commercial, industrial, agricultural, and transportation purposes, and for public services; and

(3) the type of Federal program that is feasible and desirable in the public interest to preserve, develop, and make accessible the values set forth in paragraph (1), including the consideration of scenic roads or parkways, and that also will have a minimum impact on other essential operations and activities in the area, and on private property owners.

SEC. 3. The President of the United States, following the receipt by him of such report, shall submit to the Congress such recommendations with respect thereto, including his recommendations for legislation, as he deems appropriate.

SEC. 4. There is authorized to be appropriated such sum, not to exceed $300,000, as may be necessary to carry out the provisions of this Act.

The letter, presented by Mr. KENNEDY, is as follows:

COMMONWEALTH OF MASSACHUSETTS,
Boston, July 7, 1969.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Old Senate Building,
Washington, D.C.

HONORABLE EDWARD M. KENNEDY: As Chairman of the Special Massachusetts Legislative Commission on Boston Harbor Islands, I wish to confirm our prior understanding relative to your proposed Federal legislation to create a Seashore National Park in Boston Harbor.

The proposed feasibility studies by the Department of the Interior relative to acquisition is in complete harmony with the *aims* and *objectives* of the Special Commission. It is our conviction, as reaffirmed by the recent conference on the future of Boston Harbor, that unless affirmative action is taken by all levels of government, the present haphazard use of the islands, shorelines and waters, will ultimately destroy the natural resource itself.

On the state level, this special commission has recommended immediate acquisition of all privately owned islands in a land bank pending further investigation for the purpose of determining maximum public utilization.

Although a consensus as to future harbor uses does not exist, it is generally recognized that the islands, shorelines, and waters constitute the most valuable single natural resource of the entire Boston metropolitan area. However, we are just now beginning to comprehend the fact that the harbor operates as a delicate physical mechanism in which changes that affect one part of the harbor may also significantly affect all other parts. Thus, any governmental investigation which generates new information, identifies relevant constraints, or assesses the costs and benefits of any particular use, is most welcome by this special commission.

In the future, I hope we can look to Boston Harbor as a place where the people were able to decide and to adjust to the crisis that besets all our cities without sacrificing their rightful expectation of a free humane environment. Seven years from now, let us be able to look to Boston Harbor and know that it will be an exceptionally appropriate commemoration of our nation's bicentennial and an auspicious beginning for our third century.

Without reservation, I endorse your proposed studies with the expectation that they will contribute to a more considered determination of the ultimate use of Boston Harbor.

Very truly yours,
JOHN JOSEPH MOAKLEY,
Chairman of the Special Legislative Commission on Boston Harbor.

ADDITIONAL COSPONSORS OF BILLS

S. 1872

Mr. INOUYE. Mr. President, I ask unanimous consent that at the next printing of the bill (S. 1872) to repeal the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950), the name of the Senator from Michigan (Mr. HART) be added as a cosponsor.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

S. 2622

Mr. **BYRD** of West Virginia. Mr. President, on behalf of the Senator from Utah (Mr. MOSS), I ask unanimous consent that, at the next printing, the name of the Senator from Oregon (Mr. HATFIELD), be added as a cosponsor of S. 2622, to amend the Small Reclamation Projects Act of 1956, as amended.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

S. 2705

Mr. **BAKER**. Mr. President, at the request of the Senator from Arizona (Mr. FANNIN), I ask unanimous consent that at the next printing of the bill (S. 2705) to provide for medical and hospital care through a system of voluntary health insurance, and for other purposes, the name of the Senator from South Carolina (Mr. THURMOND) be added as a cosponsor.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

S. 2790 AND S. 2791

Mr. **SCOTT**. Mr. President, I ask unanimous consent that at the next printing of the bills (S. 2790) to incorporate the Catholic War Veterans of the United States of America; and (S. 2791) to incorporate the Jewish War Veterans of the United States of America, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from California (Mr. CRANSTON), the Senator from Utah (Mr. BENNETT), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Minnesota (Mr. MONDALE) be added as cosponsors.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

SENATE RESOLUTION 242—RESOLUTION TO INVESTIGATE PROBLEMS CREATED BY THE FLOW OF REFUGEES AND ESCAPEES FROM COMMUNISTIC TYRANNY

Mr. **EASTLAND**, from the Committee on the Judiciary, reported the following original resolution (S. Res. 242); which was referred to the Committee on Rules and Administration:

S. RES. 242

Resolved, That Senate Resolution 50, Ninety-first Congress, as agreed to February 17, 1969 (authorizing a complete study of any and all matters pertaining to refugees and escapees) is hereby amended by striking out $100,000 and inserting in lieu thereof $109,000.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, August 12, 1969, he presented to the President of the United States the following enrolled bills:

S. 912. An act to provide for the establishment of the Florissant Fossil Beds National Monument in the State of Colorado;

S. 1373. An act to amend the Federal Aviation Act of 1958, as amended, and for other purposes; and

S. 1611. An act to amend Public Law 85-905 to provide for a National Center on Educational Media and Materials for the Handicapped, and for other purposes.

ESTABLISHMENT OF A NATIONAL DRUG TESTING AND EVALUATION CENTER—AMENDMENTS

AMENDMENT NO. 135

Mr. **NELSON** submitted amendments, intended to be proposed by him, to the bill (S. 2729) to amend the Federal Food, Drug, and Cosmetic Act to provide for the establishment of a National Drug Testing and Evaluation Center, and for other purposes, which were referred to the Committee on Labor and Public Welfare and ordered to be printed.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH—AMENDMENT

AMENDMENT NO. 136

Mr. **MONDALE**. Mr. President, on behalf of myself and Senator CASE, I am submitting an amendment to the military authorization bill, now before the Senate.

This amendment withholds the $377.1 million authorized for laying the keel of the nuclear attack carrier CVAN-69, pending a full study and investigation by the Comptroller General of the justification for building an additional attack carrier.

The United States has 15 attack carriers, each requiring a task force of escorts and logistical ships, and it has maintained the same number—with few exceptions—since the end of World War II. No adequate rationale for a force level of this size has ever been presented by the Navy. That 15 is an arbitrary number is indicated by the fact that the United States has always had at least 15 capital ships since it was allotted this quota under the Washington Naval Disarmament Treaty of 1921. When the attack carrier replaced the battleship as the capital ship, the Navy switched from 15 battleships to 15 carriers.

With the advent of Minuteman and Polaris missiles, the attack carrier is no longer part of our strategic nuclear forces; its primary mission is to provide tactical air power. The use of 15 attack carrier task forces to carry out this mission is simply wasteful and inefficient.

First. The assignment of nine carrier task forces in the Western Pacific and six in the Mediterranean overlaps and duplicates U.S. land-based tactical air capacity.

The United States maintains some 138 squadrons of tactical fighters and bombers in active forces on land bases at home and abroad, including 3,350 active aircraft and 23 wings.

This capability for land-based tactical air power is impressive, especially in light of the fact that with modern mid-air refueling techniques, the U.S.-based tactical air forces can be operational in a very short period of time.

The geographic spread of overseas air bases operated by or available to the United States is such as to sharply reduce the need for continually maintaining attack carriers "on station" in the Mediterranean and the Western Pacific.

The Air Force is developing a Bare Base Support Program, which will enable the United States to convert 1,000 available overseas civilian runways into military airfields with the use of "pre-positioned" kits within less than 3 days.

Second. A carrier base is far more expensive than a land base.

The procurement cost of one nuclear carrier task force—one carrier and four destroyers—is a minimum of $1.4 billion, and it can run much higher. But to keep one such task force "on station" in normal times involves two complete task forces in reserve, thereby making the investment cost of placing one "on station" three times $1.4 billion or $4.2 billion.

To build an airbase in the Pacific costs $53 million; a civilian runway can be operational for tactical air with a bare base set for approximately $36 million.

Third. Because of their high degree of vulnerability to enemy attacks, carriers are far less effective than land bases.

In recognition of the carrier's vulnerability to attacks by submarines, aircraft, ship-to-ship and air-launched missiles, one-half of the cost of a carrier task force is for carrier defense.

About 25 percent of a carrier's aircraft are held back for defensive purposes—during the Korean war, 23 percent of the total combat sorties flown from carriers were defensive, in contrast to 2.7 percent flown from land bases.

Because of its tremendous investment in a carrier task force, the Navy is slow to commit the carrier to combat; once committed the carrier cannot effectively launch air attacks when attempting to evade enemy attack.

Rapid advances in missile technology have produced the STYX and other more advanced antiship missiles, making the carrier's position untenable in any conflict with a sophisticated enemy.

Fourth. Instead of reducing its carrier fleet, thereby accepting the realities of present and future defense needs, the Navy has continued to augment this fleet.

The carriers which have joined the fleet since the mid-1950's—eight *Forrestal* class, one *Enterprise*, and the CVAN-68—the nuclear carrier which will enter the fleet in 1972—are almost double the size of the older carriers, are equipped with the most modern aircraft, and, therefore, have far greater capability for tactical air than the oldest carriers which they replace. The Navy has stated that the nuclear carrier air wing is tactically more than twice as effective as that of the World War II carriers.

Since the Navy has followed a "one for one" replacement policy in the past, the actual capacity of the carrier fleet in terms of providing tactical air power is far greater than 15 carrier force level would imply.

There is no reason why the Navy cannot reduce the number of attack carriers by retiring two of the older carriers as each of the modern carriers joins the fleet.

Since the large, modern carriers are only effective in very limited conflicts, the Navy should use some of its antisubmarine carriers, CVS, for attack purposes; one of these carriers is now being used in Vietnam as an attack carrier.

Fifth. The fact that our adversaries and potential adversaries do not have attack carriers further weakens the justification for the present size of the U.S. carrier fleet.

Neither the Soviet Union or China has built a single attack carrier, and neither plans to do so. The British and the French are the only other nations with an attack carrier in their fleet, and the British have decided to phase out their carriers.

Whether the U.S. goal is military parity or superiority vis-a-vis the navies of other nations, it is obvious that we could substantially reduce our carrier force level without any danger to national security.

In addition to these arguments, there are serious foreign policy implications to the "show of force" role of the carrier in support of U.S. foreign policy commitments. It is official naval doctrine that one of the main advantages of carrier air power is that it can be employed unilaterally, without involving third parties and without invoking treaties, agreements, or overflight rights. However, except where the United States itself is threatened, it is highly questionable that we should be prepared to intervene in conflicts unilaterally and without making political arrangements.

If air power is needed to protect our interests, naval doctrine ignores the availability of land bases in most areas of the world. If a "show of force" in the form of U.S. naval presence is needed, older attack carriers, antisubmarine carriers, or other types of ships will be adequate.

In the face of these arguments, it would be fiscally irresponsible to authorize an additional carrier at this time until there is a full discussion of the role of the attack carrier and the necessary force level needed to carry out this role. That is why our amendment calls for a study by the Comptroller General, and anticipates a full congressional debate before continuing to spend billions of dollars on this highly expensive and often ineffective means of providing tactical air power.

I ask unanimous consent that the text of this amendment be printed in the RECORD at this point.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 136) is as follows:

On page 2, line 16, strike out "2,568,200,000;" and insert in lieu thereof "2,191,100,000;"

At the end of the bill add a new section as follows:

"SEC. 402. None of the funds authorized to be appropriated by this or any other Act may be expended in connection with the production or procurement of the nuclear aircraft carrier designated as CVAN-69; and no funds may be appropriated for any such purpose until after the Comptroller General of the United States has completed and submitted to the Congress a comprehensive study and investigation of the past and projected costs and effectiveness of attack aircraft carriers and their task forces and a thorough review of the considerations which went into the decision to maintain the present number of attack carriers. In carrying out such study and investigation the Comptroller General of the United States shall, among other things, consider—

"1. What are the primary limited war missions of the attack carrier; what role, if any, does it have in strategic nuclear planning;

"2. To what extent and in what way is the force-level of on-station and back-up carriers related to potential targets and the number of sorties needed to destroy these targets;

"3. What is the justification for maintaining on continual deployment 2 carriers in the Mediterranean and from 3 to 5 in the Western Pacific;

"4. What is the over-all attack carrier force level needed to carry out these primary missions;

"5. Does the present 'one for one' replacement policy for these carriers have the effect of maintaining or increasing this force level, in light of the fact that the newer carriers and their aircraft are more expensive and have far more capability than the oldest carriers which they are now replacing;

"6. Would a policy of replacing two of the oldest carriers with one modern carrier maintain a constant force level;

"7. How many, if any, attack carriers and carrier task forces are needed to back-up a carrier task force 'on-the-line';

"8. What efficiencies, such as the Polaris 'blue and gold' crew concept, can be utilized to increase the time in which a carrier can stay 'on-the-line';

"9. What type of military threats are faced by the attack carrier; what proportion of the costs of a carrier task force are allocated to carrier defense; what is the estimated effectiveness of carrier defense against various types and levels of threats;

"10. To what extent does the carrier's vulnerability affect its capacity to carry out its missions; what are the plausible contingencies in which carriers may be committed;

"11. What type of resources should be devoted to carrier defense, considering the range of threats, the costs and effectiveness of the defense, and the plausible contingencies in which a carrier can be effectively used;

"12. To what extent can land-based tactical air power substitute for attack carriers; to what extent should the role of the attack carrier be restricted to the initial stages of a conflict;

"13. What are the comparative systems costs for land-based and sea-based tactical air power, and what is their comparative cost effectiveness;

"14. How is the attack carrier being used in support of American foreign policy; if there is a need for a 'show of force' in support of foreign policy commitments, can this need be met by smaller carriers or other types of ships?

"The Comptroller General of the United States shall submit the results of his study and investigation, together with such recommendations as he deems appropriate, to the Congress not later than June 30, 1970."

GENERAL REVISION OF THE COPYRIGHT LAW, TITLE 17 OF THE UNITED STATES CODE—AMENDMENT

AMENDMENT NO. 137

Mr. HART. Mr. President, for the last 60 years there has been no change in the flat fee composers and authors of musical works have received, under the Copyright Act of 1909, for the use of their creations by recording companies. The fee, called a "mechanical royalty," is 2 cents for each selection recorded.

Although vast changes have occurred since 1909 in the price of records, the cost of living and technology in the record industry, the composer and author still get the same 2 cents.

The copyright revision bill S. 543, recognized the inequity of this and would increase the mechanical royalty to 2½ cents per selection. This is inequitable since it does not take into consideration changes in the prices of records by record manufacturers. It would impose on Congress a continuing responsibility of fixing royalty payments.

This burden on Congress in order to do equity to authors and composers can be removed by substituting for a flat cent rate royalty in S. 543 a flexible royalty, namely a percent of the retail price of the record suggested by the manufacturer. This would permit authors and composers to share in the increased prices at which records have sold since 1909, for example the replacement of $3.98 records by $4.98 records and by stereo tape cartridges and cassettes selling for $6.98 and $7.98.

Mr. President, I am submitting now an amendment to section 115 of S. 543 which would serve the purpose I have stated.

The PRESIDING OFFICER. The amendment will be received and printed, and will be appropriately referred.

The amendment was referred to the Committee on the Judiciary.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Peter Mills, of Maine, to be U.S. attorney for the district of Maine for the term of 4 years, vice Lloyd P. LaFountain.

John H. deWinter, of Maine, to be U.S. marshal for the district of Maine for the term of 4 years, vice Adam J. Walsh.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing on or before Tuesday, August 19, 1969, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Wayman G. Sherrer, of Alabama, to be U.S. attorney for the northern district of Alabama for the term of 4 years, vice Macon L. Weaver.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, August 19, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Charles S. Guy, of Pennsylvania, to be U.S. marshal for the eastern district of Pennsylvania for the term of 4 years, vice James F. Delaney.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, August 19, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

"SLUG" SULLIVAN, FOSTER GRANDPARENT

Mr. MANSFIELD. Mr. President, the VISTA voluntary program has been active in many areas of the State of Montana, and perhaps one of the most popular has been the Foster Grandparent program. This program is designed to keep our senior citizens active in working with the local schools and hospitals.

One of my oldest and closest associates in Montana, John L. "Slug" Sullivan, has become very active and one of the leaders in the Foster Grandparent program in Helena. "Slug" Sullivan is 78 years of age and has found his latest endeavor most worthwhile and satisfying.

A recent feature story published in the Independent Record discusses the program at some length and gives an account of John Sullivan's activities as a Foster Grandparent. This group of elder citizens help young people to overcome feelings of inferiority and to develop self-assurance and understanding.

"Slug" was one of my earliest political mentors in Butte, Mont.

I found the article written by Robert Sibley, a VISTA volunteer, most interesting and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ONCE A FIGHTER, NOW A LOVING FOSTER GRANDPARENT

(By Robert Sibley)

(NOTE.—Bob Sibley, 25, a VISTA volunteer from Washington, D.C., is using his master's degree in journalism to aid the VISTA program serving elderly persons in Montana. Here he describes the Foster Grandparents segment of the program.)

When Mike Mansfield was first deciding to run for Congress, he asked his old friend "Slug" Sullivan what he thought.

"Well, I think you don't know too many people right now," Slug answered. "But after they get to know you, they'll like you. You should run this first time just to get advertising for yourself, and next time you'll probably make it."

Mike Mansfield was defeated in his first race for Congress, but just as Slug predicted, he won the second time he ran and has been winning ever since.

John L. "Slug" Sullivan has a lot of moments like this that he can recall as though they happened just a few hours ago, even though they may have taken place more than 40 years back.

"CLEAN LIFE"

Tall and healthy looking with an easy-coming smile, Slug's appearance belies his 78 years; nevertheless, that's how old he is. He attributes his fitness to the clean life he led as a youngster.

"I never smoked or drank until late in my teens," Slug says. Then with a wry grin he continues, "But, when I went to France during World War One, I found out some of that good French wine could be just as beneficial as clean living."

Slug has lived many careers over the past three quarters of a century. In addition to being a soldier, he has been a gym instructor, fight manager, advertising salesman, an elected politician and a civil servant. But even though he has done so much, he has not fully retired yet.

For almost a year now, Slug has been keeping himself active by serving along with 20 other senior citizens as a Foster Grandparent at the nearby Boulder River School and Hospital.

"It's one of the most rewarding things I've ever done," he says, "because we can readily see the results of our work and this is important as well as encouraging."

SLUG'S HISTORY

Slug Sullivan is one of Helena's most colorful and interesting personalities. How and why he came to be a Foster Grandparent at the age of 78 pretty much involves a telling of this unique man's whole history.

Slug was born on Feb. 7, 1891, in Butte. In those days, Butte was a wide-open young mining town.

"You could find as many people on the street at 5 a.m. as you could at 5 p.m.," recalls Slug. "There was gambling, drinking and good-looking, available women all over the place. It was quite a town."

Coming from a poor family, Slug had to go to work at an early age. He started by selling newspapers when he was 10. Then he landed a job in the Anaconda mine there.

He started a serious amateur boxing career at the age of sixteen. At that time Butte was the training camp for a number of professional and top-notch amateur bouters which put Slug in good company. He was up to it, though, and by the time he was nineteen he was holder of the Intermountain Middleweight Title.

Not long afterward, World War One got into full swing and Slug soon found himself "over there" as part of an Ordnance Company stationed in Mahon, France. His reputation as a boxer having been established, Slug was included in a group of fighters who traveled all over France putting on matches and giving boxing demonstrations.

"That was some barnstorming operation," he remembers. "I was a middleweight, but I'd be in there with middleweights, light heavies and even some heavyweights."

The group toured extensively and Slug recalls with relish that he "discovered Monaco before Grace did."

After the war, Slug returned to Butte to find that his job as a hoisting engineer—which under the law was supposed to have been held open for him—had been filled by someone else. He took a position as physical director at the Knights of Columbus gym on what he thought would be an interim basis and developed a complete physical education program for youngsters there.

Among the young people he taught gym class to were James Rowe, who later became one of Lyndon B. Johnson's most trusted advisers, Quinn Tamm, now a high-ranking member of the F.B.I., and Quinn's brother judge Edward Tamm, currently serving on the same bench in Washington, D.C., that Warren Burger was selected from by President Nixon to become Supreme Court Chief Justice.

SLUG'S FRIEND MIKE

It was at this time, while living in Butte, that Slug became friends with the young Mike Mansfield. They resided at the same boarding house—Mrs. Fleming's—along with another Sullivan, by the name of Jim and no relation to Slug, who was later to become Mansfield's campaign manager for many years.

Mike was working at the Anaconda Company to help pay for his college education and Slug remembers taking long walks with him during which they would talk about all different subjects.

With the availability of boxing talent around Butte at that time, it was natural for Slug to get involved with fighters first as a trainer and then as a manager. He began traveling back and forth to the West Coast—Seattle, California and Vancouver—handling various boys, some of whom became prominent contenders in their weight class.

By the late twenties, Slug had made so many friends and contacts in Butte that he was prevailed upon to run for public office. He was elected city treasurer in 1929 and served for four years. After his stint as a politician, he returned to the fight game as a manager.

World War II put a lot of promising fighters into uniform, so Slug decided to try his luck in a new field, advertising sales.

"It was good in the warm months," he says, "but the winter was a hard time to get around and drum up business."

CAME TO HELENA

In 1949, a friend talked Slug into moving to Helena, where he got a job right away at the Capitol. There followed a series of positions, with the State Superintendent of Education office, with the Office of Price Stabilization, at the First National Bank and at Fort Harrison, before Slug went into retirement.

While retired, Slug traveled a lot to the

West Coast and Canada, but after leading such an active life he remained restless for something to keep involved in.

He was in Bill O'Toole's Restaurant one night when Jack Stuart, the first director of the Rocky Mountain Development Council's Foster Grandparent program, walked in and started talking about the project that was just about to be set in motion. When Slug heard about it, he knew right away that it was the thing for him.

"I'd worked with kids all my life. That's why the idea of this kind of program really excited me."

The Foster Grandparent program is one of the Office of Economic Opportunity's most successful projects. It is currently being conducted in 40 states and Puerto Rico and has several specific goals: to provide new roles and create employment opportunities for older Americans, to show to the nation's employers a new resource of responsible workers, to make the lives of institutionalized children more meaningful and to promote a stronger spirit of cooperation between agencies and professions.

WAGE OF $1.60 PER HOUR

Foster Grandparents work 4 hours a day, five days a week giving affectionate care and attention to youngsters in institutions, hospitals, special classes and similar settings. For their efforts they receive a minimum wage of $1.60 per hour.

Slug became a full-fledged Foster Grandparent on Sept. 3, 1968, one of the first of Helena's contingent. After a training period conducted by the staff at the Boulder River School, the Foster Grandparents were each assigned two foster grandchildren. They spend two hours with one child, then two with the other, every day.

"We try to get them interested in games, in communicating with us and with each other, and in developing habits of politeness and courtesy."

This is no easy task, however, because the Foster Grandparents are usually assigned hard-to-deal with cases and children with physical or emotional handicaps.

Neither of Slug's boys could speak or hear when he first got them and one had been crippled in the hip since birth.

"The other boy was a real terror," says Slug. "When Mark didn't get his way he would throw himself on the floor kicking and screaming. After a time, I realized he was doing this just to get an audience, so the next time he threw one of these fits, I got all of the other children to walk away from him. When he saw he had no audience he stopped crying and walked toward me with his hand out to make up for his actions. Mark is quite a different boy now than when I first met him."

The Foster Grandparents who work at Boulder realize the children there will never lead normal lives, but they can see the many marked improvements in their behavior and take pride in the fact that their contributions have been the major factor in the change.

"I'm proud to say that our group is truly dedicated to this job," says Slug. "The women, especially. I can't praise them enough for what they have done in just a short span of time. They seem to understand these children so well."

The most obvious improvement with the youngsters has come in manners. At the dinner table they help each other out. They use utensils correctly. They say "please" "thank you" and "I am sorry" naturally now.

A measure of the success Slug has shown recently when it was decided that his other boy, Lutz Khrone, could be released to his parents to return home for the summer on a trial basis. Slug was given another foster grandchild to begin working with and when Lutz discovered that he wouldn't be with his "Grandpa" as usual he cried for two solid days and nights.

TWO-WAY ATTACHMENTS

"I was sorry to lose the boy. The attachments we developed go both ways, but I've done about all I can do with him now and being back with his family is a very important thing. When we can see something good like this happen to a child, it is very rewarding."

There is another kind of reward that can happen to a Foster Grandparent as well, although of a different nature, and when he talks about this Slug blushes full red like an adolescent 14 years old. Romance can take place and on June 28 Slug married Rena Flynn another of Helena's Foster Grandparents. Rena is a youthful 62.

"We met at the Boulder School," says Slug boyishly, and I was impressed by her dedication and interest in the children. She is a lively person with a wonderful sense of humor, just a delight to be with."

Both had been married before, their spouses having passed away.

Will the added responsibilities of a wife change Slug's plans any?

"I hope to continue with the program," he says. "Way back when we first took out training, they warned us that this job would be different from anything we'd ever done before. They said it would take patience and understanding and there'd be many frustrating moments, all of which turned out to be true.

"At the time it sounded like they almost wanted to scare us off. But one thing they didn't mention was the warm feeling you get inside when you help a child like Mark who really needs it. And this is what makes it all worthwhile."

A PRISONER LOOKS AT CORRECTIONS

Mr. ERVIN. Mr. President, by mere chance, it happened that I received a very poignant letter from an inmate of one of our prisons while the Chief Justice of the United States was making a speech before the American Bar Association in Dallas, Tex., pointing out the necessity for us to take a hard look at the penal institutions of our land with a view to devising more efficacious means of rehabilitating those who are sentenced to serve terms in them.

For understandable reasons, I am withholding the name of the writer of this poignant letter, which is strongly reminiscent of these verses of Oscar Wilde's, "The Ballad of Reading Gaol":

I know not whether Laws be right,
  Or whether Laws be wrong;
All that we know who be in gaol
  Is that the wall is strong;
And that each day is like a year,
  A year whose days are long.

The vilest deeds like poison-weeds
  Bloom well in prison-air:
It is only what is good in Man
  That wastes and withers there:
Pale anguish keeps the heavy gate
  And the Warder is Despair.

Criminal punishment is imposed upon offenders for this threefold purpose: First, to punish the offender for his misdeed; second, to deter others from like offending; and third, to convert the offender into a law-abiding citizen who will not repeat his offense.

Candor compels a confession that our society has not been very successful in accomplishing the third purpose for which it visits punishment upon those who transgress our laws. Far too many of them serve their prison terms and return to society with hearts empty of hope and full of resentment. Consequently, it is not surprising many of them return to their old haunts and their old ways. As we attempt to cope with the rising incidence of crime in our Nation, it is essential that we should make a study of prison conditions and endeavor to devise and adopt more effective methods by which to accomplish the third purpose of criminal punishment; that is, the rehabilitation of offenders.

The poignant letter received by me from a prisoner merits the consideration of all Members of the Congress. I ask unanimous consent that it be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

A Prisoner Looks at Corrections

The following is an authentic letter from the manager of a business:

"I employ over 1,100 men, and there is not an ex-convict among them. There is not going to be an ex-convict among them. I do not care if a man was unjustly imprisoned and if his sponsor comes to me with proof of it. Whatever his story, I do not want him.

"My hard-boiled stand is, I hope, constructive. I am no more lacking in human feelings than my fellows who extend sympathy which does the ex-convict no good. I merely look at a public problem from a different angle; I bar the ex-convict because when an American penitentiary gets through with a man, innocent or guilty, he is unfit to hold his place in industry with the men I've hired from the world of free workers. In arriving at this conclusion I've done what less than half, admittedly, of the clergymen and social workers who importune me to give some ex-convict 'a chance' have done: I have visited penitentiaries.

"Behind the grim, gray walls, I have seen human lives timed to a brutalizing routine. I have seen men jammed together in badly ventilated cell-blocks. I have smelled the smells to which their nostrils are constantly exposed, seen unbelievably crude sanitary systems in operation and talked with prison wardens about the everlasting problems of finding sufficient work to keep their charges constructively employed during the days and decently tired at night. Talk about your problems of 'made work' in the world outside and its effect on the men who do it; have you every considered the many useless, wearying, depressing jobs that are done in a prison merely to keep men busy, jobs by which nothing is accomplished? Jobs to which a man can bring no spark of interest?

"The men who face the grim problems of controlling many crowded desperate men cannot afford to think in terms of "redeeming human values." To avoid outbreaks, they must enforce a discipline carefully pointed at bringing the human brute into subjection. Not every man who enters prison is a brute, but everyone pays the penalty of association with brutes. A new prisoner's philosophies, his ideas of life, and his conversation about the most trivial affairs become colored by the viewpoint of the underworld, the world that thinks in terms of preying rather than producing.

"He has had the initiative ground out of him. He has lost the sense of pride in productive work. His mind is teeming with ideas that he may not have accepted fully, but that he cannot purge from the brain that was forced too long to live upon them for lack of other nourishment. He has been trained in intrigue and to conspire for even simple things that other men take for granted: tobacco, reading matter, a few minutes of conversation.

"The arguments pile up indefinitely, a sordid array of sorry facts. I address my challenge to my state and to my nation: Keep your convicts or make citizens out of them.

"If the end of a prison is punishment, and the means of punishment is calculated to rob the man of initiative, pride, decency, and self-respect, then let the state find a use for the human husk that is left. Don't ask industry to do it.

"Before a man steps out into the world he should be prepared for the world. Let the convict put the demoralizing routine of penitentiary life behind him. Let him become accustomed to wearing the clothes of a free world again—away from the prison that had witnessed his shame and the comrades who had shared it. Give him work that he could take pride in doing. Let him become accustomed to earning money before it becomes a necessity. Teach him to save that money and to pay his bills.

"As a taxpayer, I contribute to the support of every convict in the state and nation. I do not begrudge my share; I would like to pay a little more—if it cost any more—to provide these convicts with at least a year of training—not in beadwork or manual arts, but in the theory and practice of becoming a good citizen."

This is the picture that nine out of ten American employers have in mind when they refuse to employ ex-convicts. Perhaps they don't crystallize their thoughts as succinctly as the writer of this letter, but they know that the American system of crime punishment has failed; they understand that from the recidivist figures and the sharp rise in crime rates. Some are even willing to "pay extra" to take the steps that will amend an increasing difficult situation. But what are they to do? They are told that "modern penological methods are now being employed" and that panacea is just around the corner.

However, recent penal study and investigation seem to indicate otherwise. Such studies, for the first time, are bringing to public attention just what a prison really is. The fact that the inmate of the average American prison is exposed to "modern treatment methods" for a few hours a week but lives with his inmate peers twenty-four hours a day suggests that the convict learns more from his peers than he does from the treatment program. He learns that to "adjust" to prison life is to conform to the group, the very group from which the exponents of treatment try to lead him away. He learns that any deviation from the accepted group behavior can cause him trouble and greater loneliness than he already experiences. He learns that unthinking obedience to rules and regulations is the criteria by which he is judged and that any initiative, any questioning can lead to being labeled a troublemaker. He is taught that the best way to get along is to appear to conform, but, in reality, to connive for his want fulfillment.

If his sentence is long, and for some one year is long, he assimilates the culture of the prison, he inverts the responsibility of his incarceration, he changes his values, and, with all, begins to think that the entire world is against him. As a result, he approaches his release date completely unprepared for the outside world.

It is difficult to conceive the terror and uncertainty that an inmate faces when he is about to be released from prison. He may want out of prison desperately, but his fear of the unknown, reinforced by his passive role while incarcerated, creates doubts in his own mind as to whether he can stand the pressures and disappointments that are bound to occur. When he is rebuffed by prospective employers, he assumes a "What's the use?" attitude. He is lacking the self-confidence and courage needed to plow ahead in the face of his overwhelming adversities.

Some personal inadequacies are inherent in the prisoner's character, but they are necessarily encouraged by prison authorities whose first concern is obedience to highly restrictive regulations.

All behavior, including criminal behavior, is purposive and is motivated by needs for gratification common to all human beings: love, security, recognition, and other basic needs. These needs must be met if the individual inmate of our correctional systems is to renounce behavior that brings him into conflict with society. He must be helped to see the defeat and the hopelessness that his actions breed, and he must also achieve other patterns of behavior that are gratifying to him but still within the demanding limits of society. Paradoxically, he must acquire this help in a society that, of itself, has been set apart as anti-social.

In effect, the prisoner must be helped to understand that every facet of the life around him is deleterious to his individual rehabilitation, and, that to succeed in bettering himself, he must withdraw from the society in which he is forced to live. But how can he do this? The majority of inmates, while not actively seeking the accolades of fellow inmates, will go to extreme degrees to escape the criticisms of their peers. When the goals or programs of the custodial force and the inmate culture are in conflict, the prisoner is forced to make a dangerous decision. If he goes along with the custodial program, he is labeled as a "snitch" or "snake" regardless of whether his actions were injurious to other inmates. On the other hand, if he refuses to cooperate with the custodial decision he is endangering what few privileges he has and is threatened with the loss of earned good time. This poses the problem of trying to remake a man with a little treatment and a lot of harmful association.

G. Howland Shaw, a former Assistant Secretary of State and past president of the American Correctional Association, once said, "The public is still under the superstitious belief that if anybody is locked up for a sufficiently long time under sufficiently unpleasant conditions, he will some day emerge rehabilitated and capable of assuming a place in a law abiding society." The fallacy of this philosophy is apparent to everyone who is even remotely familiar with state or federal corrections. Prison inmates, for the most part, do not care about the cause of their incarceration; they are only concerned with getting out again. When forced to explain their crimes, they rationalize their defiant behavior by saying, "I needed the money," or "Nobody would give a job with my prison record." To most of them, this is sufficient reason for committing a criminal act. They are unable to compete on an equal basis with citizens of the outside world in the quest for jobs and success, but in the prison society they are able to gain recognition, security of a sort, and be moderately successful as measured by the number of cigarettes they can hustle.

The "lock 'em up and forget 'em" school is slowly loosing its stranglehood on American corrections. However, the change is an unbelievably slow process. Only in the last two years have federal prisoners been accorded the "privileges" of a bed and full rations while in the institution segregation unit. Physical brutality is not uncommon. But perhaps the greatest stumbling block to rehabilitating an offender is the lack of communication between inmate and staff. The gulf that separates two men, one wearing an inmate's uniform and the other an officer's uniform, is seldom bridged. There is a sharp, district line between them, a "we" against "they" philosophy on both sides. The officers, with some justification, often have a paranoid reaction against inmates whom they feel are trying to con them. They overreact to even the mildest actions. The inmates, on the other hand, feel that they are treated like a humanoid rather than a thinking, feeling man. A prison guard may be a good husband and father, a good neighbor, or a community pillar away from his job, but when he dons his uniform and takes up a great, jangling mass of keys, he becomes a completely different person. These official accoutrements not only after a person's self-image, but they euphemistically color the word "inhumnity" to read "authority." Decisions are made, not for a logical or just reason, but to show who is boss.

Inmates are treated daily to a variety of forms of petty harassment that are purposeless. A recent example, while insignificant in itself, illustrates how blind, unthinking, rule enforcement can embitter an inmate. A correctional officer stopped an inmate and searched him for contraband. The inmate had two opened packs of cigarettes in his possession. The officer promptly confiscated them because "the rules say you can have one opened pack of cigarettes and one unopened. It doesn't say you can carry two opened packs." This ridiculous nitpicking can be seen to have unplanned consequences that could prove difficult when the searched inmate's reaction is heard: "These stinking ———— can play games now, but I'm getting out in six months and then it's my turn." The incident was trivial when seen in isolation, but the piling up of one after another such episodes soon alters a person's character or reinforces the resentment already present.

The above observations on prison guards are generalities, of course. There are conscientious, devoted men in the prison service who actively try to change the archaic treatment methods now in effect. Unfortunately, they are a minority, and pressures are brought to bear upon them by their fellow guards to conform to the established procedures. Many of them find the dissension and frustration unbearable and seek other occupations.

If the picture painted above seems gloomy, it is only natural. Many penal systems are still using 19th century facilities and philosophies. For example, the U.S. Penitentiaries located at Leavenworth, Kansas, Atlanta, Georgia, and McNeil Island, Washington were opened in 1895, 1902, and 1865 respectively. These three penitentiaries confined over 27% of the average daily population of federal prisoners during 1968.[1]

However, there are some bright spots in the road ahead. The Prisoner Rehabilitation Act of 1965 made new treatment methods possible, though the implimentation of these methods has been slow. Work release programs, which allow an inmate to hold a regular job in the free community during the day and return to the institution at night, are being utilized more frequently. During Fiscal Year 1968, the last full year for which statistics are available at this writing, 1000 federal offenders were given the privilege of participating in the Work Release Program. They earned $1.3 million, paid for their room and board, paid taxes, and contributed to the support of their dependents.[2]

Another fairly recent innovation is the establishment of Community Treatment Centers in eight different cities. These "half-way-houses" have the goal of gradually assimilating selected prisoners into the free community. In these houses, the resident is allowed to work on a job of his own choosing, but he must return to the residence at night. This program has many benefits: it allows the inmate to gain monetary rewards for his work; it allows him to recapture a sense of maturity and independence that was denied him while in prison; and it lets him creep up on freedom, as it were, at his own pace rather than being dumped into the mainstream of life with little or no preparation.

---

[1] Federal Bureau of Prisons Statistical Report, Fiscal Years 1967 & 1968, p. 20.

[2] 1968 Annual Report, Federal Bureau of Prisons, Washington, D.C.

Innovations in the sentencing procedures of convicted offenders are also apparent, though they are desperately in need of further reform. The courts are turning more and more to probation for young offenders. The philosophy behind this maneuver is that more positive influence can be exerted on an individual when he is in a familiar, less hostile environment. The greatest stumbling block to this program is the shortage of trained social workers and counselors. The large volume of paperwork and an enormous backlog of cases preclude the possibility of extensive personal contact with the still impressionable youth. Few probationers see their assigned probation officers more than once or twice a month. Instead, they are thrown back into the environment against which they originally rebelled without any further provisions being made for their reentry into an often hostile society.

One possible solution to the problem would be the incorporation of half-way houses for those who are "half-way in" instead of half-way out. In this system, an offender whose personal environment was deemed insufficient to support him both emotionally and morally would be placed on probation and sentenced to the half-way house for an indeterminate time of six months to one year. During the stay at the house, he would be required to find steady employment but would have to return to the house evenings and weekends. He would receive personal attention during weekly consultations and/or group therapy. After a period of ninety days, extra privileges such as weekend leaves could be granted, contingent, of course, on satisfactory development and behavior. If, during his stay at the half-way house, he proved unamenable to the program, he would be returned to court, have his probation revoked, and be sent to the appropriate penal institution.

This program would ease several of the major deficiencies of our present court and penal systems: it would offer more direct supervision and control of the offender than is practicable under present probationary procedures; it would allow the youth an opportunity to consult with trained caseworkers on a regular basis; it would prevent further abuse of his personality by not subjecting him to the pressures of more sophisticated criminals in a penal setting; be largely self-supporting if the individual were to pay minimal charges toward his living expenses; allow him to continue his support of dependents, if any, and contribute to the preservation of his family life.

While this proposed system is not a cure-all for the social problems of crime and punishment, it does offer one step in the right direction. It ignores the causes of crime and focuses instead on the aftereffects, it is true. But any step taken is one less to be taken on the long journey to eradicate the senseless crimes that plague us; to be successful in rehabilitating offenders we must work to overcome the apathy that afflicts both the criminal and his victim.

SUPPLEMENT

I wonder. I wonder about a country that can send men to the moon and return them safely, cure polio, transplant human hearts, and cure many illnesses and diseases that were thought incurable a decade ago. I wonder about a country that has no peer in technological advances, standards of living, and educational opportunities. Yes, I wonder, and I grieve at that country that cannot purge itself of a disease that festers the national economy and pride, a disease that draws too little concern from the populace who recoil in horror from its manifestations. Some people, a very few, have been concerned enough about the disease to search for new methods of treatment. But, they have failed. The current treatment of the disease has advanced but little in the last fifty years. When this malady occurs, the prevailing treatment calls for excision from the host, sometimes carefully, sometimes brutally, always ineffectively. The disease is strong, and the present methods of combating it are inadequate.

What is this terrible disease, you say? What disease strikes the young and old, the sick and healthy, the rich and poor, the educated and ignorant, you say? Why haven't you heard of this terrible disease before, you say? Dear one, you have heard; you have seen; you have been told. But you closed your mind to it; it couldn't happen to you or your loved ones. It's unthinkable that such a horrible thing could happen to you, right? But it does. It does. Every day it strikes thousands of people.

But what is it, you say? Cancer? Heart disease? Tuberculosis? Venereal disease? Tell me so I can help fight it!

Do you mean that? Do you really want to fight it? Can you stand the test? Will you run when the going gets rough? And it gets very rough sometimes. But you really want to be a part of the struggle though? Okay, Listen carefully because this dreaded name is always spoken in a whisper so as not to disturb the uncaring. It's crime. Crime and its subsequent treatment that breeds more crime. Have you seen it? Have you experienced its viciousness? Have you wondered what causes it? I've seen it; I've experienced it; I've wondered about it. For the last six years, I have seen, experienced, and wondered. Who am I? What's my name? Where do I live? I am a convict, sometimes euphemistically referred to as an "inmate" or "resident." Six years ago, I preyed on people like you, the "square johns." But now I'm in prison. Six years is a long time, and many of you have forgotten me. You have been safe from my depredations for a long time now, and you have forgotten me. But guess what? I'm getting out soon—very soon, and I haven't forgotten you. I haven't forgotten how you allowed 19th century prisons and prison treatment to remain in the midst of your plenty. I haven't forgotten how you allowed stupid, sometimes brutal men to regulate my life to the nth degree. I haven't forgotten the dehumanization process that makes humanoids out of thinking, feeling human beings. No, I haven't forgotten those miserable things. But, I have forgotten what it feels like to look up at the stars at night, to hear the soughing tune of the wind, to touch someone I love, to feel emotions, to laugh, to live. Yes, I'm getting out soon. I must learn to think for myself again, to decide what work I want to do, when to go to bed, when to eat, how to talk to strangers who have inhabited a different world than I for such a long time. Am I bitter at what I have lost? Yes. Am I resentful toward a society that has done nothing for my moral and mental health? Yes. Do I hate you, the square johns, for not trying to understand me? Again, yes.

But, do I mean you more harm now? Do I plan violent retributions against you? No, I have hurt enough for both of us. Instead, I feel sorry for you. Sorry for the heritage of pain and heartache which you are going to receive from my brothers. Most of my brothers will get out of here just as I am getting out. But many of them are more bitter than I, more resentful, more hating. And they mean you harm. They are going to thump your head for allowing them to be treated as they have been. Can't you see the inevitable consequences of your treatment methods? Can't you learn from experience? Monkeys can. "Monkey see, monkey do." Why can't you be like the monkey? If your treatment methods don't work, if you can't think of constructive changes, why don't you copy those that have proved themselves in other penal systems?

Can't you see that change is necessary to preserve what you now have? Cant you see? Are you blind? Are you stupid? Yes, I pity you. My brothers are getting out shortly, and I pity you. I wonder. I sit here in an alien society and I wonder.

THE SOPHISTICATED TECHNIQUE OF UNFAIRNESS

Mr. SCOTT. Mr. President, Congress has not only a lawmaking role but an educational role as well. Through hearings of its committees and subcommittees, Congress calls attention to many important problems and thereby enlightens the American people about them and about the need for their solution.

This is good, but it is not without its pitfalls.

Although the Legislative Reorganization Act of 1946 reduced the number of standing committees of Congress, the number of subcommittees has increased from 174 in 1945 to 266 today. Several special and select committees without legislative jurisdiction have also been created.

The proliferation of subcommittees would seem to have negated the attempt by Congress in 1946 to reduce the number of its committees. Many subcommittees, however, are ad hoc without staffs of their own and meet infrequently. Most function under the close supervision and control of their parent committees.

Nevertheless, the continued tendency of Congress to create additional subcommittees warrants concern for two reasons.

First, it further fragments our view of problems when we really should have the organizational capability to view a problem in its entirety and in relation to other problems and to deal with it in a comprehensive fashion.

Second, and of more immediate concern to me, Congress risks allowing too much autonomy to some of its subcommittees and their staff. Where a parent committee has a myriad of subcommittees, it is too much to expect that committee to exercise adequate supervision over its subcommittees to insure that they are conducting legitimate inquiries in a responsible manner.

I suspect that most Senators are spread pretty thin. Their schedule of engagements is becoming increasingly heavy as a result in significant measure of their many committee and subcommittee assignments. With Senators spread so thin, committee staff personnel naturally enjoy more independence.

This independence should be accompanied by a heightened sense of responsibility. A staff employee in this situation should not take action in instances where the reputation of an individual or group might be impugned without the prior knowledge or approval of all the committee's members.

Certainly, the vast majority of committee staff employees comport themselves responsibly. But the opportunity for mischief is available for those tempted to seize it—especially in this television age. I had this thought in mind on July 28, 1969, when in appearing to introduce one of my constituents to the Select Committee on Nutrition and Human Needs, I stated:

As a Senator, I know that the lure of the public prints and the desire to share in the limelight sometimes occurs on the part of those who ought to confine themselves to employee status.

Such a tendency could conceivably lead to over-zealousness on the part of a staff employee whose motives are sincere, or it could conceivably tempt a less well-intentioned individual to employ the sophisticated technique of unfairness. An example of this technique is the selective release of information obtained from a Government agency to a favored contact in the news media without the knowledge or approval of the Senators serving on the subcommittee or without furnishing that information to them in advance. Such conduct in an adversary situation could conceivably injure innocent persons and, therefore, would be reprehensible.

Let me reiterate my belief that the vast majority of committee staff personnel comport themselves responsibly. However, as one who in 1953 and 1954 led the fight in the House of Representatives for the adoption of rules of fair play for its committees in the aftermath of some widely publicized hearings that injured the reputations of some distinguished Americans, I am aware of the risks where staff operate without proper supervision.

I ask unanimous consent that the remarks I made before the Select Committee on Nutrition and Human Needs on July 28, 1969, be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Hon. Hugh Scott, a U.S. Senator From the State of Pennsylvania

Senator Scott. Mr. Chairman and Senators, I am very pleased to be here. Before introducing the first witness, however, I would like to point out to my constituents here that we had a somewhat similar experience last year in the Small Business Committee with regard to pharmaceuticals. I can speak not with reference to committee action, but only with reference to my own concern for my own constituents. They have always stood willing and ready to appear on proper notice and opportunity. Drawing upon my own experience in the Small Business Committee and sharing that with my constituents' experience here today, I would express the hope that in any future inquiry into consumer products obviously going to involve criticism, expressed or implied, of any of my constituents, they would be offered an opportunity, in advance of the inquiry, to reply so that we don't have the inquiry bursting into public view and the industry affected immediately put on the defensive.

I am convinced that when the testimony on the pending matter is all in, it will be found not only that there are two sides to the question, but that there is indeed a good answer to some of the statements that have been made.

The chairman knows of my regard and affection for the entire committee and for his always constant sense of fairness. I am sure we all have our problems with some of the people involved in investigations. Perhaps we all say too much too soon, and at times unwisely. Nevertheless, I would hope that so far as my constituents are concerned, none of them would have any fear whatever that any Senator would in any sense treat them other than with the strictest fairness.

I would hope that that same attitude would extend to staff and employees.

As a Senator, I know that the lure of the public prints and the desire to share in the limelight sometimes occurs on the part of those who ought to confine themselves to employee status.

Having had that experience, I am sure the Chairman is more anxious than any of us that that pertains here.

The Chairman. I might say to the Senator that I think sometimes a misunderstanding does develop in the exchange of correspondence, but in all fairness, we have an extremely conscientious staff on this committee. They have done what I regard as a most impressive job in handling complex problems all year, sometimes under great pressure. I think what happened here is a perfectly understandable confusion in a hurried exchange of correspondence, and I am sure that clarification will come out in the permanent record.

Senator Scott. I do appreciate that. I think in Washington sometimes there is more news value to the sword than to the shield. I want both of them received, as the Chairman has always been careful to receive them.

VIETNAM: THE HIGH COST OF DEFEAT

Mr. DODD. Mr. President, our negotiators have been in Paris for more than a year, now, striving to achieve an agreement that would truly permit the people of South Vietnam to determine their own future. The progress to date has, by common agreement, been very close to zero.

Meanwhile, we have embarked upon the process of de-Americanizing the war by reducing the size of our own forces in Vietnam at the same time as we seek to build up and reequip the South Vietnamese forces so that they can take over a larger share of the combat operation.

In this situation, the difference between an honorable settlement and total defeat can very well turn on a few percentage points in the rate of withdrawal, or on the construction that our allies place on a few ambiguously worded statements.

President Nixon has made it repeatedly clear that he seeks an honorable settlement to the Vietnam war, and that we do not intend to scuttle and run. But there has been too much public speculation about an American defeat for us to ignore the possibility completely.

In previous statements I have warned that we should have no illusion about the heavy price America will have to pay in prestige and respect and credibility and world power if it should seek to extricate itself from the Vietnam conflict under anything less than honorable conditions which assure the independence of South Vietnam.

In this connection, I invite the attention of Senators to a recent column entitled "Germany Reassessing Policies on Basis It Can't Rely on U.S.," written by the nationally syndicated columnist, Mr. Joseph Alsop.

In his article, Mr. Alsop described a conversation with a high-ranking official of the German Foreign Office who had just completed a tour of the Far East for the purpose of obtaining some kind of judgment on the consequences of an American defeat in Vietnam. The official told Mr. Alsop that wherever he went in Asia, from Korea to India and Pakistan, "you had only to scratch the surface to find a deathly fear of the consequences of hasty U.S. withdrawal from Vietnam."

When asked about the impact that an American withdrawal without an honorable settlement would have on Germany, the official replied that the first reaction would be one of relief, but immediately after this would come deep disillusionment. He said:

> There would be a widespread feeling that we could no longer rely on the United States as we had been doing in the past.

I ask unanimous consent that Mr. Alsop's column be printed in the Record at the conclusion of my remarks.

I also ask unanimous consent to have printed in the Record two recent newspaper articles dealing with the increasingly perilous situation in Laos.

The coalition government put together in Laos in 1961 has been hailed by some critics of our Vietnam commitment as a model we should seek to emulate in Vietnam.

But the fact is that the Communists are now going for broke in Laos. The situation there has, indeed, become so precarious that Laos may well be the first South Asian domino to fall rather than Vietnam. And if it does fall, it is bound to have the gravest consequences for our position in South Vietnam and for the other free nations of Southeast Asia.

Finally, Mr. President, I ask unanimous consent to have printed in the Record an article entitled "We Could Have Won in Vietnam Long Ago," written by Adm. U.S. Grant Sharp, USN, retired, and published in the Reader's Digest for July.

In this article Admiral Sharp, who served as Commander in Chief Pacific from June 1964 until July 1968, argues that the Vietnam war could have been ended long ago and at much smaller cost if we had used our existing airpower properly instead of imposing crippling limitations on its use.

Admiral Sharp believes that the Vietnam war can still be won. What he has to say provides serious food for thought about the future as well as about the past.

There being no objection, the items were ordered to be printed in the Record, as follows:

Germany Reassessing Policies on Basis It Can't Rely on United States

(By Joseph Alsop)

Bonn.—One of the most marked symptoms of the change that is coming over Germany is a new tendency for German policy-makers to do what may be called their own reporting. Until quite recently, when Germany was still so inward-looking, it was usual for the government to rely mainly on its allies—above all the United States—for data on grave problems beyond Germany's immediate ken.

But that is true no longer. One may guess that the former phase ended for good when Chancellor Kiesinger and the other German leaders woke up to the fact that they had been wrongly attributing overwhelming strategic predominance to the United States—an awakening that profoundly disturbed them. This resulted from the Soviet-American movement toward talks about strategic arms limitation.

Until then, however, strategic weapons had been regarded as a peculiarly American specialty, study of which could be safely left to Washington. Long before then, the need began to be felt to form on-the-spot judgments of other world problems.

The most interesting and recent result of this new tendency was a long Asian journey undertaken a couple of months ago by one of the two or three leading officials of the Foreign Office. The basic aim was to form a judgment of the consequences of American defeat in Vietnam. The trip was made, in fact, because of the widespread predictions at home that no American Government would be able to hold out for an honorable settlement.

The official in question, as he told me, covered the "whole half-circle, right around from Korea and Japan, through Southeast Asia, to India and Pakistan." He added bleakly that "everywhere you went, you had only to scratch the surface to find a deathly fear of the consequences of hasty U.S. withdrawal from Vietnam."

"The fact is that you have to expect the political equilibrium in Asia to be turned almost upside down if you withdraw in the way they fear," he went on. "And the worst of it is, the symptoms are particularly strong in Japan."

Japan was so stressed, unquestionably, because the Germans are highly conscious that the Japanese constitute the other emerging big power, along with themselves. Furthermore, this official's journey of inquiry in Asia, and his bleak report when he got home, have already had fairly profound repercussions in Bonn itself.

These can be judged from the answer I got when I asked the man who is perhaps the Bonn government's most important permanent official how Germany itself would react to American withdrawal without an honorable settlement. At first, he said, "There would be relief, because no one here likes this war." Then he added, "But can I be frank?" Receiving the obvious answer, he continued:

"Very soon after the relief would come deep disillusionment. There would be a widespread feeling that we could no longer rely on the United States, as we have been doing for so long. This would be reinforced by the consequences in Asia that we now foresee. It would be very disturbing, maybe even dangerous."

Bonn is still a small political community, so it was not surprising that the same note was struck by all the numerous political leaders with whom I was able to talk at length. One felt like telling them, "You haven't seen anything yet," for none of them, including the official who had made the Asian journey, was cranking into his calculations the massacre of hundreds of thousands of pro-American Vietnamese that will surely follow a Communist success in Vietnam.

Any fool can foresee how these wholly predictable massacres will be covered by the German press, which naturally enjoys pointing out the warts on Uncle Sam's face. Any fool can also foresee how these reports will multiply the political consequences in Germany, if and when President Nixon abandons the quest for an honorable Vietnamese settlement.

But although Vietnam was the text of the sermon, as it were, the sermon itself concerned a much more far-reaching problem.

In brief, as pointed out in the last report in this space, Germany and Japan together are on the way to acquiring an economic mass, or weight, that will quite soon be equal to the weight of the Soviet Union itself. Further down the road, their combined weight will surely be greater than that of the Soviet Union.

Before long, in one way or another, they will begin to throw this weight about, with Germany the first to do so. The real question is, therefore, whether the United States is going to strengthen its already very close ties with these two emerging big powers or is going to permit those ties to be endangered or even dissolved. The quickest way to dissolve the ties, of course, is to seem to give proof that the United States is an unreliable ally in the crunches.

Yet it goes further than that, in many different ways. And only the most ardent neo-isolationist can maintain that the United States can rationally and safely ignore the future political course of the two emerging big powers.

[From the Washington (D.C.) Sunday Star, July 20, 1969]

Laos Squeezed in Indo-China Struggle

(By Donald Kirk)

Hong Kong.—Reports of the downing of two American planes by North Vietnamese troops near the Laotian town of Muong Soui dramatize the delicate position of the kingdom of Laos in the struggle for control of the Indo-Chinese region.

Neither the Americans nor the North Vietnamese will admit their deep involvement in Laos, but the fact is the war there probably would not go on if it were not for the presence of these foreign powers in the country, supposedly neutralized by the Geneva accords of 1962.

If there were any real doubt surrounding the activities of either the Americans or the North Vietnamese, it was dispelled by the battle for Muong Soui.

The North Vietnamese not only shot down two planes but also forced the evacuation in American helicopters of about 2,000 soldiers and their families, reportedly including Thai troops whom the government of Thailand denies were there.

THAIS HAVE MOST TO FEAR

Although Thailand does not yet want to admit any substantial role in Laos, it—of all Southeast Asian countries—has the most to fear from Communist victory.

For centuries before Laos was brought under French colonial control in the 1800s, Thai and Vietnamese armies fought each other over the fragmented country.

Thailand, simmering with Hanoi-supported Communist revolt in its northern and northeastern provinces and afraid of an open confrontation with the North Vietnamese, was the most opposed of any nation to President John F. Kennedy's decision in 1961 not to fight for Laos but instead to enter into the negotiations that culminated in the 1962 Geneva agreement.

The Thai government feared then, as much as it does now, that such talks were only a tactic by the Communists en route to domination of the country.

The fears of seven years ago were echoed in the Thai capital of Bangkok after the allied defeat early this month at Muong Soui, small but strategically important town on a main road about 100 miles due north of the Laotian capital of Vientiane on the Plain of Jars.

After the defeat the Thai deputy premier, Gen. Prapass Charusathiara, declared that Chinese and North Vietnamese troops were "directly threatening Thailand with invasion through a strategic road and a strategic post in Laos."

ROAD LEADS TO THAI BORDER

Prapass was referring to a road the Chinese have built into Communist-controlled northern Laos to a point "about three hours by motor vehicle to the border of Thailand."

The road does not go directly to Muong Soui, about 100 miles south of the town where it ends, but troops could advance from both areas toward the Thai frontier.

The result, Prapass said, would be enemy "control of the left bank of the Mekong River in the northern portion of Laos."

Analysts are not certain the situation is as serious as the Thais have described it, but the Muong Soui defeat probably was the worst since Laotian troops were annihilated in the battle of Nam Bac, near the end of the Chinese road, a year and a half ago.

The defeat of Muong Soui not only proved conclusively the presence of foreign troops but also demonstrated the inadequacy of American airpower without well-trained, aggressive forces on the ground.

American jets, flying from bases in Thailand, strafed and bombed the North Vietnamese but still could not prevent them from driving out the Laotians.

NEUTRALISTS INEFFECTIVE

Muong Soui supposedly was protected by the neutralists, but they have been so merged with the royal army against the Pathet Lao that they apparently have lost all their independence and now no longer have an important base to defend.

Muong Soui deepened the chasm between the two sides. Without a genuine neutralist force in the middle, the Communists could demand equal standing with the royalists in a new coalition formed by a negotiated peace settlement.

The result would be a vast improvement for the enemy over its position in the 1962 coalition in which it was a minority in a cabinet dominated by royalists and neutralists.

The Communist ministers fled from Vientiane and have not participated in government affairs for approximately six years.

The Laotian neutralist premier, Souvanna Phouma, has denied he would acquiesce to a settlement that increased the Pathet Lao's former standing.

While he refuses to accede, Hanoi can pursue its campaign still closer to Vientiane. Eventually, as most knowledgeable observers in Laos were aware, Souvanna may either have to give in or face the prospect of a final military debacle of even graver proportions than Muong Soui.

[From the New York Times, July 28, 1969]

Laotian Chief, Home Today, Faces Worsened Situation

Vientiane, Laos.—The Laotian Premier, Prince Souvanna Phouma, returns here tomorrow to take charge of a situation that has visibly deteriorated during the six weeks since he left for his vacation in Europe.

Muong Soui, an important village and airfield 175 miles north of here that seemed safe from Communist attack last month, is now a communist stronghold. Seven North Vietnamese battalions, with some Pathet Lao and pro-Communist neutralist troops, now hold the strategic valley town. The North Vietnamese, despite 200 American bombing sorties a day over northeastern Laos, have been able to move in more than a dozen tanks and about five truckloads of supplies a day from the nearby Plaine des Jarres.

American intelligence reports indicate that the North Vietnamese have replaced most of the losses they suffered during two months of fighting around Muong Soui and Xieng-Khouang, although no indications have been found that the Communists intend to make another major push before the rainy season ends in late September. "But they now have the capacity to do so," said one military observer.

Less than 10 miles to the south of Muong Soui lies a band of Government posts, the Laotian Government's next line of defense. From all indications it is weak, manned by seven under-strength battalions of dispirited neutralist and royal Government troops. The local commander, Gen. Vang Pao, who earlier this month mounted an unsuccessful campaign to retake Muong Soui, is said by friends to be depressed.

A week ago, he took unfounded reports of major Communist troop and tank movements at face value and created near panic in the National Assembly and Cabinet when he passed the reports to Vientiane.

About 25 miles south of Muong Soui lie the last two major Government positions in northeast Laos, Sam Thong and Long Cheng.

Sam Thong is the site of the American aid program's military and civilian food supply efforts; Long Cheng is known to be a headquarters of the United States Central Intelligence Agency where military supplies are flown in from United States bases in Thailand. Although there appears to be no immediate threat to the two bases, such a threat is considered certain during the next dry season, unless unexpected peace moves end the fighting here. The United States is building a new airstrip, capable of handling four-engine supply planes, at a site about 30 miles south of Sam Thong. High American officials, including the new Ambassador, G. McMurtrie Godley, have recently visited the area.

Thirty miles west of Muong Soui is the strategic Phou Khoun crossroads, where the roads from Luang Prabang, Vientiane and Muong Soui intersect.

Last month Pathet Lao troops briefly seized the crossroads. Now, just to the north, three companies of North Vietnamese troops are operating. Their presence makes traffic from the royal capital south to Vientiane impossible.

"Crown Prince Vong Savang opened the road on June 11 and Prince Souphanouvong closed it on June 24," said one Laotian with a sense of humor that is rare in Vientiane just now. Prince Souphanouvong is leader of the Pathet Lao.

The Vientiane-Luang Prabang highway was a four-year, $6-million American project, and few here expect it to be open for traffic many weeks of the year.

A similar situation exists in southern Laos, along the same major route, which is the life line of Government-held areas in Laos. This dry season, the North Vietnamese destroyed 22 bridges, closing the highway. The bridges are to be rebuilt by autumn, under an American-aided crash program, "just in time for the Communists to blow them up again," said one Laotian.

The Laotians are also disturbed by a Pathet Lao-North Vietnamese build-up in the Nam Ou valley about 40 miles north of Luang Prabang, even though a direct attack on the royal capital is considered unlikely for political reasons.

The deteriorating situation in Laos was reflected in the Paris peace talks on Vietnam last Thursday, when the North Vietnamese charged that the United States had invaded Laos with 12,000 troops and had started a separate war against the kingdom. The United States rejected the charge, saying in rebuttal that North Vietnam itself had "large numbers" of troops in Laos and Cambodia. The next day, Prince Souvanna Phouma also rejected the North Vietnamese allegation and accused Hanoi of having sent more than 60,000 troops into his country.

Aside from the military situation, Prince Souvanna Phouma will also return to other nagging problems.

The Laotian economy, as a result of years of war, in a real sense no longer exists. The nation is almost totally dependent on the United States for its income. Traditional sources of revenue, such as the gold trade, have been declining, and the Government has vowed to place new taxes before the National Assembly.

The National Assembly, largely a rightwing body with little real power, has become the main forum of criticism of the Premier. However, in the long run, it has little choice but to go along with him since there is no one to replace him.

Prince Souvanna Phouma, several deputies have said, knows that and acts accordingly.

Still, in recent weeks, the Assembly has become the forum for several proposals unheard of until recently. One Laotian politician privately called for an end to neutrality and for the intervention of American troops.

[From the Reader's Digest, July 1969]

SPRINGBOARD FOR DISCUSSION: WE COULD HAVE WON IN VIETNAM LONG AGO

(By Admiral U.S. Grant Sharp, USN (Ret.))

(NOTE.—As Commander in Chief Pacific from June 30, 1964, to July 31, 1968, Adm. U.S. Grant Sharp had charge of the largest American military command in the world, covering an area extending from the West Coast of the United States to the Indian Ocean. During this period he personally directed the air war against North Vietnam. Though most of his 41-year career in the Navy was spent on surface ships—he was decorated for gallantry under enemy fire as the skipper of a destroyer in World War II—Sharp has long been a strong advocate of air power. Now 63 years old, he lives in San Diego, Calif.)

During the four years I was deeply involved in the direction of the war in Vietnam, I faithfully carried out the orders of my superiors. Now that I am retired, I feel obliged to speak out, to warn the American people against the folly of conducting a major war on a piecemeal basis.

There is no need for the United States to be bogged down as it is in a seemingly endless struggle in Vietnam. We could have won the war long ago—perhaps by the end of 1967. We could have achieved victory with relative ease, and without using nuclear weapons or invading North Vietnam. All that we had to do to win was to use our existing air power—*properly*.

We had tremendous air power within easy striking range of North Vietnam—on aircraft carriers in the Gulf of Tonkin and at bases in Thailand and South Vietnam. Yet never in the entire course of the war have we used our air power to its full advantage. This tragic failure to do so is, in my opinion, perhaps the most serious error we have made in all of American military history. It has resulted in needless casualties. It has added billions of dollars to the cost of the war, and each month that passes causes our worldwide prestige to sink lower and lower.

For this failure, Robert S. McNamara, former Secretary of Defense, must take a large share of responsibility.

Dead Wrong. I strongly support our American concept of civilian control of the military; it is one of the vital bulwarks of our system of government, and I would oppose any effort to change it. At the same time, I believe wisdom dictates that the civilian authority should consider carefully the advice of his professional military advisers. In his handling of the air war, however, Secretary McNamara arbitrarily and consistently discarded the advice of his military advisers. His insistence that we pursue the campaign on a gradualistic basis gave the enemy plenty of time to cope with our every move. He was, I submit, dead wrong.

The primary purpose of the air campaign against North Vietnam should have been to disrupt the enemy's economy and thus destroy his ability to wage war. We could easily have done this. Instead, primary emphasis was put on seeking to cut down on the infiltration of men and materiel from North to South Vietnam. Now, you can slow infiltration with air power, and we did just that—but you can never stop it. To concentrate on infiltration and to refrain from hitting primary targets—as we were required to do—emasculated our war effort.

We were and are in this war for just one purpose—to convince the leaders of North Vietnam that they should cease their aggression, get out of South Vietnam and leave their neighbors alone. We said long ago that we would stop the bombing and withdraw our troops when their aggression ceased. Until North Vietnam does stop its aggression, I believe we should use the force necessary to win the war as rapidly as possible.

What my colleagues in the field and I wanted to do was to bring the economy of North Vietnam to a halt. That is one of the major functions of air power in warfare. Some argue that North Vietnam has an agrarian economy and that air power is thus less effective than it would be against an industrialized nation. North Vietnam's *is* an agrarian economy, but it functions around the hubs of Hanoi and Haiphong, and we could have brought that economy to a grinding halt. This would have deprived the enemy of his ability to support his forces in the south—and thus brought the war to a quick end.

Instead, what did we do? To take just one example: there are several railroad yards in the Hanoi area which are vitally important to the enemy's war effort. We should have hit them fast and hard, but we were never allowed at them. We were permitted to go in and peck at some less important yards on the fringes of the city. And then we were pulled off. This happened time and time again. We would get authority to go to Hanoi; the communists and their sympathizers would then push the propaganda buttons, and there would be a worldwide outcry. Washington would get nervous, and we would be pulled back.

Neither I nor my military colleageus ever favored hitting targets that would result in the deaths of large numbers of civilians. Indeed, we went to great lengths to avoid killing civilians, even though this often created extra risks for our pilots. Our air campaign was the most precise ever fought. It is worth noting that the communists observed no such restrictions; they have repeatedly lobbed rockets blindly into Saigon and other population centers. From 1957 through 1968, the communists killed more than 27,000 South Vietnamese civilians and kidnaped more than 52,000 others, most of whom have never been heard from again. There is no precise information of the number of civilians who may have been killed in our air raids over North Vietnam, but the North Vietnamese frequently published reports indicating the number of civilian casualties resulting from individual attacks. An analysis of these reports during a 7½-month period at the height of our air campaign in 1967 indicates that fewer than 400 civilians were killed.

When I was Commander in Chief Pacific, I submitted repeated requests to my superiors for permission to bomb additional military targets in order to make the air war really effective. I made these requests about once every two weeks. I have been given to understand that the Joint Chiefs of Staff supported my position 100 percent. But most of my requests were denied when they reached the office of the Secretary of Defense.

When McNamara visited Saigon in July 1967, he was briefed by Gen. William C. Westmoreland, the commander of U.S. forces in Vietnam, by Lt. Gen. William W. Momyer, commander of the Seventh Air Force, and by me. I emphasized what I thought ought to be done about the air war against the north. On several occasions I also talked with President Johnson about the problem. I thought he was receptive to the arguments of our military leadership, but the Secretary of Defense seems always to have prevailed.

It may well be that our civilian leadership believed that to use our military tools properly, to eliminate the enemy's ability to make war would have been to risk a nuclear confrontation with the Soviet Union. Personally, I believe the risk was minimal; in any case, a nation which is not willing to take calculated risks to achieve its objectives should never go to war in the first place. Further, I believe that once a political decision is made to commit American troops to battle, we are morally obligated to use our military power in such a way as to end the fighting as quickly as possible.

POWER ON A LEASH

Our first chance to win the war quickly came in February 1965, when we started bombing the north. At once, we should have launched a sustained, maximum-effort attack on all of the enemy's war-supporting industries, transportation facilities, military complexes, petroleum-storage depots. At that time, the enemy had no Soviet surface-to-air missile (SAM) sites installed, and his anti-aircraft capability was practically nil. He could not have opposed us in any significant way, and we could have quickly broken North Vietnam's resistance.

If we had launched a maximum-effort air campaign—coupled with heavy pressure on the enemy's troops in South Vietnam—it would not have been long before he would have been forced to ask for negotiations. And it is important to note that these negotiations would have been conducted on terms favorable to us—instead of, as it turned out, our having to coax him to the negotiating table, more or less on his terms. It's also possible that under this extreme pressure the enemy's aggression in the south might just have faded away. Either way, it would have been a victory for us.

But what happened? From the start, our air power was kept on a tight leash. At first, when we sent even a reconnaissance plane over the north, Washington would tell us what route and altitude to fly. We started our operations close to the Demilitarized Zone and worked gradually northward about 30 miles at a time, always under Washington's close control. It was obvious to anybody plotting the course of events that the enemy could expect us eventually to move on up to the heartland of the country. Thus, the vital military elements of surprise and maximum impact were lost.

We also lost valuable time. Our policy of gradualism enabled North Vietnam to mount the most formidable air-defense system that has ever been used in combat history. The North Vietnamese began building SAM sites in 1965, and during that year were able to fire only 125 missiles. Eventually, the North Vietnamese had about 40 SAM battalions, and during 1967 they fired nearly 3500 missiles at our aircraft. The result is that we have lost nearly 1000 planes over North Vietnam. Many of the pilots were killed or captured. Not only did we suffer this needless loss of men and aircraft, but the North Vietnamese were given time to disperse their factories and military installations. This made it all the more difficult to go after them later, and hence prolonged the war.

HAVEN IN HAIPHONG

Of all the things we should have done but did not do, the most important was to neutralize the port of Haiphong. During 1967, some 80 percent of North Vietnam's imports came in by sea, mostly through Haiphong. This included arms, ammunition, oil, trucks, generators, machinery, spare parts, steel and cement—all vital to the war. We should have blocked the approaches to the harbor with mines laid by aircraft. Closing an enemy harbor is customary and logical in warfare. This was the simplest and most effective measure we could have taken.

All along, our military leaders recommended that the port be neutralized. The recommendation was always vetoed. It was claimed that closing Haiphong would not affect the enemy's capability of waging the war in South Vietnam—that North Vietnam could sustain the war at the same level by means of rail, road and coastal shipments from China. But a reasonable evaluation of our intelligence convinced us that it was next to impossible to move that amount of matériel over North Vietnam's exceedingly limited transportation network. In my opinion, closing Haiphong would have shortened the war by many months.

Along with mining the approaches to the harbor, we should have destroyed the enemy's stockpiles of matériel on the docks at Haiphong and in the centers of the cities of Haiphong and Hanoi. The stockpiles were easy targets there—but the Defense Department ruled that we had to wait until the enemy moved this matériel away from the cities and scattered it for 300 to 400 miles along the trails into South Vietnam. Then it was extremely difficult to find, and much of it, including vast amounts of ammunition, reached South Vietnam, where it was used to kill American and other Allied soldiers.

LOST TARGETS

Much earlier in the conflict, we should have gone after North Vietnam's most important bridge, the Paul Doumer span in Hanoi, which handles all rail traffic between Hanoi and Red China and Hanoi and Haiphong. We hit a lot of minor bridges in North Vietnam before we finally were allowed to go after the Doumer. Even then, we were allowed to hit it only for limited periods of time. Then it would be taken off the list, and the North Vietnamese were given time to build it up again! Whenever we struck anywhere close to Hanoi, people in Washington would complain that we were causing too much disruption in the city—which was exactly what we were trying to do.

We were never permitted to hit the docks along the Red River in Hanoi. We should have kept the Hanoi power station out of commission. We hit it several times. Inexplicably, after each strike it was taken off the target list, and the enemy would put it back into commission. Eventually, we were prohibited from making any more attacks on it—and this was long before the Johnson Administration ended all bombing of the north.

We also should have hit the Hanoi waterworks, which was next door to the power station, but we were never allowed to do it. We hit the railroad yard close to the town of Hongai once; then we were pulled off that. This is another thing that is hard to understand: we were allowed to do something, then two months later it would be off limits—and it stayed off limits—and it stayed off limits for the rest of the air war.

PRIVILEGED SANCTUARY

But even with the restrictions, the air campaign was effective as far as it went. By early 1967, we had destroyed or disrupted about 50 percent of North Vietnam's war-supporting industry. The North Vietnamese were hurting far more than most people realized. We had intelligence reports that their morale was suffering. Their whole effort was weakened by the fact that they had to have more than 500,000 people working to rebuild their transportation network—plus 125,000 to man their anti-aircraft defenses. Thus, despite all the restrictions, we really had the enemy on the ropes by late 1967. If we had hit his war-making resources harder all along, he would have been knocked out by then. In my judgment, the war would have been over.

Once North Vietnam gave up, the Vietcong in the south would have had no choice but to follow suit. The Vietcong are directed and supplied by Hanoi. Vietcong combat units are now two-thirds North Vietnamese; they cannot fight without North Vietnamese regular forces in close proximity, and could not have continued on their own.

If there is no progress in the negotiations with the communists in Paris, and if the communists continue to wage their aggression in South Vietnam at either present or increased intensity, then we should resume the airwar. If they are going to continue to fight, I don't think they should be granted the luxury of being able to conduct their aggressions from a privileged sanctuary. We should resume the air war, moreover, on an all-out basis and not in piecemeal fashion. We should finish the whole Vietnam war quickly.

Vietnam is a classic example of how not to fight a war. The "gradual" approach requires the expenditure of much more of one's manpower, resources and prestige than is necessary. Our prestige is by no means as high now as it would have been if we had gone in, cleaned the thing up and made our exit.

If we had fought World War II as we have fought the Vietnam war, we would still be fighting it—if we hadn't lost it.

MIGRANTS IN MINNESOTA

Mr. MONDALE. Mr. President, since my boyhood days I have been particularly aware of the large numbers of migrant farmworkers that each year come to my home State of Minnesota. It is estimated that this year more than 18,000 migrants are in Minnesota, predominantly Mexican-Americans from Texas, working mostly in the sugar beet fields in the Red River Valley and southern Minnesota.

Two St. Paul Pioneer Press reporters, Bob Goligoski and Ann Baker, recently completed a five-part series discussing the living and working conditions of these migrant farmworkers. Their report is based on visits to migrant camps, and talks with dozens of migrants and farmers.

The series of articles on the Minnesota migrants describes many of the same kinds of problems that I, as chairman of the Subcommittee on Migratory Labor, have found to exist around the country. Inadequate pay, irregularity of employment, poor housing, racial discrimination, are too often the rule, not the exception. State facilities for the education or health care of migrants are understaffed and underfunded. Regulations and laws affecting migrants are often not enforced. Predictions that mechanization will eliminate the need for migrants are heard—yet more migrants are in Minnesota this year than ever before. The list of grievances, unfortunately, seems endless.

The various problems existing in Minnesota associated with the recruitment and presence of migrants are not too dissimilar from the problems present in most so-called user States, where migrant farmworkers meet peak season harvesting demands. These problems stand as a constant reminder that efforts in finding long term, comprehensive solutions to the problems of migrant and seasonal farmworkers must extend not only to the home base States of Florida, Texas, Arizona, and California where there is a concentration of migrants during the off season, but also to the northern user States such as Minnesota. The Migratory Labor Subcommittee is concerned with all aspects of these problems, in all States.

Mr. President, I ask unanimous consent that the St. Paul Pioneer Press' series of articles on "Migrants in Minnesota" be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

MIGRANTS: FARM WORK BRINGS 18,000 TO MINNESOTA

(By Bob Goligoski)

Every year they come with the spring, trickling northward from a hundred Texas towns, heading for the Minnesota farm fields where the soil is rich and the sugar beet is king.

This year, some 18,000 Mexican-American migrants have made the annual pilgrimage. Ninety per cent of them live in the lush Red River Valley, along the hundreds of dusty back-country roads that criss-cross the valley from Breckenridge to the Canadian border.

The rest settle in migrant camps that dot the countryside south and west of the Twin Cities.

Some of these temporary Minnesotans live rent-free in two-story houses with carpeting, television and a room for every child. Others sleep and cook in the filthy shacks described decades ago in "The Grapes of Wrath."

The vast majority are housed in neither squalor nor opulence.

About 90 per cent of the migrants work only in the sugar beet fields, thinning out the unwanted beet plants with a hoe and hacking at the weeds that litter the landscape. The other transplanted Texans toil in the asparagus fields around Owatonna and other southern Minnesota towns.

The Hollendale area is a hot-bed of agricultural activity with the growing of sugar beets, onions, corn, asparagus and other crops. Migrants help harvest potatoes in many parts of the state, work in turkey processing plants in places like Litchfield and Fairbault and help with the production of trees and bushes at Bailey Nurseries in nearby Newport.

But the migrants come mostly to work the 195,000 acres of beets on the Minnesota and North Dakota sides of the valley and the 35,000 acres of beets in southern Minnesota. More than 2,300 farmers grow beets in those areas and about 95 per cent of the crop is sent to the American Crystal Sugar Co. processing plants in Drayton, N.D. and Chaska, Crookston, Moorhead and East Grand Forks.

When the migrants are through weeding the beet fields in mid-July, some head home for Texas while many others push on to Michigan and Wisconsin for the cucumber harvest or work the tomato fields in Illinois, Ohio and Iowa. A few stay in Minnesota until the snows come to help their employers with general farm work.

About 11,000 of the migrants work in the fields. The rest are either too young or too old for field labor.

Their number has increased slightly during the last five years despite many predictions the migrants would be replaced by 1970 by the mechanical weeding and thinning machine. But the device, according to many farmers has not been perfected yet and only about 3 farmers in the state have invested in the $6,000 to $7,000 machines.

So the migrants hoe on for six weeks every summer, often working for 10 and 12 hours every day, for what one farmer called "damn good wages, considering we give 'em free housing."

The U.S. Sugar Act sets $25.50 as the minimum wage for one thinning and one weeding of an acre of beets. A fast worker, aided by effective usage or herbicides, can go through three acres a day, but most migrants average only an acre or two a day.

A survey of 372 migrant families (3.4 workers per family) was made last summer in the valley by Migrants, Inc., a St. Paul based organization that helps finance and organize education and counseling programs for migrants around the state.

The survey found that the annual income from all sources for each family was $2,431.

This figure is disputed by many farmers who resent the "do-gooders" trying to help the "poor, abused" migrant. Most of the farmers echo the sentiments expressed by R. V. McWalter, a muscular, sun-burned farmer with a 1,600-acre "spread" just east of East Grand Forks.

"When I hear all these stories" he said, "about how bad off the poor migrant is, I think of how much I pay them and I see how wrong these stories are.

"There are 12 workers in the two families that work for me, and they will take about $6,000 from me for three weeks work. At the wages they are getting, they should be able to furnish their own housing."

Archie Johnson, a migrant labor specialist who works for the Minnesota State Employment Service out of a small office is Hollandale, says he knows some industrious families that earn $10,000 to $20,000 a year for three to five months of farm work.

Migrants interviewed in the fields gave lower estimates of the wages they expect to make this summer:

Salvador Garza, Edinburg, Texas—"There are six working in my family and we'll maybe make $2,000 in six weeks here."

Paul Gill, Lampasas, Texas—"I have my daughter and wife Anita working with me and we'll get $1,200, maybe $1,400 in the six weeks if it ever quits raining and we can get out in the field."

Rene Gorena, Donna, Texas—"Just my wife and I are working, the kids are too young. I usually get here in April and stay until November. We should make about $3,500."

Gorena, a genial 29-year-old who just bought an $8,300 two-ton truck said his money doesn't go very far in Minnesota "because prices are very high around the Crookston area. I think the prices are higher around here when the migrants come."

That feeling is shared by Louis Martinez, a former migrant who works as coordinator of the Migrants Inc., Opportunity Center in East Grand Forks. Martinez has talked with hundreds of migrants during his 26 years in the valley.

Martinez, who broadcasts a news-music-information program in Spanish five mornings a week from radio station KRAD in East Grand Forks, asserts unequivocally that "prices go up in this area when the migrants come in."

He explained that many migrants have to do their food shopping on Sunday and have to go to the few stores in the valley open on that day.

"Why there is one guy in East Grand Forks who spends all Saturday night in his store marking up prices for the migrants who come in Sunday," he said.

Martinez claimed that another store owner in Warren, Minn., urged migrants to shop in his store on Sunday for "specials" and then raised the price on items that he knew the workers would buy such as lunch meats.

Mrs. McWalter said that from her shopping experience, food prices were not raised in the East Grand Forks area when the migrants arrived.

Farmers in sugar beet areas usually advance their migrants small amounts of cash and open credit accounts with stores, gas stations and doctors so their employees can obtain goods and services before they are paid a lump sum when the beet work is completed. The bills run up by the migrants then are deducted from the worker's final check.

This arrangement puts the migrant at a disadvantage according to James Fish, executive director of Migrants, Inc.

Fish explained that the migrant often never sees "the bill that gets deducted from his paycheck. Everywhere you find the unwarranted paternalistic assumption that the migrant can't handle his own affairs."

Most of the migrants interviewed did not object to this "paternalistic" relationship, a bond that ties the migrant to the farmer long after the worker has left for Texas.

"There is a tendency for migrants to want to please. They are very polite and are a very non-complaining people," according to Charles Moates, camp sanitarian at the state Health Department.

Moates, who has talked with hundreds of migrants during his many inspections of labor camps, explained that "if you ask a migrant his opinion about camp conditions, the answer is always everything is OK. They have remarkable loyalty to growers and often won't leave some growers who operate very poor and unsanitary camps.

Fish said that "we often believe that because the migrants do not gripe much, that nothing is wrong. But that does not mean they are satisfied with their housing.

"Many of them think if they are impolite and complain that will either, one, lose their job or two, get hit."

Migrant families, many of whom have been coming back to Minnesota for more than 10 years to work for the same farmer, often request and receive money from the farmer during the winter to cover some of their expenses in Texas. The migrant is then obligated to come back in the spring to "work off the debt."

Unlike most state residents, the migrant is not covered by unemployment compensation, according to Charles Routhe, chief of the Farm Labor Service of the Minnesota State Employment Service.

"But the migrants are covered under the minimum federal wage law of the Sugar Beet Act," he stressed, "and there are child labor laws in Minnesota for agricultural workers."

Under the act, it is illegal for children under 14 to work in the beet fields. There are a small, but undetermined, number of migrants under 14 working in the beet fields but none of the persons interviewed could recall instances where violators were penalized under the act.

An undetermined number of migrants are paid under the required minimum of $25.50 an acre, according to Martinez.

"Sometimes," he said, "the migrants are conned into accepting as little as $18 an acre by the farmer."

Many farmers pay their migrants "a dollar or two above the minimum" as a reward for a job well done, emphasized Virgil Mellies, president of the Southern Minnesota Beet Growers Association. Mellies farms on 2,000 acres near Hector in Renville County.

Besides the alleged cases of price and wage discrimination against migrants in Minnesota, the brown-skinned Texans face a certain amount of racial discrimination.

Rene Gorena, who works on a farm 10 miles west of Crookston, recalled the evening he dropped into a Crookston bar with a brother. After the two had downed three beers each, Gorena asked the bartender for another bottle.

"The bartender," said Gorena, "shook his head and said 'only three beers to Mexicans.' I asked him why and he said it was the policy of the manager."

Gorena said he complained about the incident to the Crookston police and the Polk County sheriff but nothing was done. He got in touch with the State Human Rights Department, a department employe talked with the bar owner and Gorena received an apology.

"I don't know of any other situations like that around here," he added, "and I don't think there is much discrimination around here."

Last summer in Litchfield, voters went to the polls and over-ruled their own City Council to prevent the Farmers Produce Co. from locating trailer housing for 32 single Mexican-Americans inside the city limits.

Stan Roser, editor of the local Independent Review, told a Pioneer Press reporter who visited Litchfield during the controversy that "the issue is partly racial."

Opponents of the firm's housing plans for migrants said that "housing 32 transient single men living in a camp within the city was just asking for trouble."

Farmers Produce later bought land just outside the city limits where it is housing 48 migrants this summer.

Police officers and county sheriffs in areas where migrants are quartered generally agree that migrants pose no unusual law enforcement problems.

When the company indicated last year that it might want to buy the old Atwater Hotel in Atwater for housing migrants, 30 local businessmen got together and bought the hotel themselves.

Harold Berg, secretary of the businessmen's organization, said the group's decision to buy the hotel was not racially motivated.

"We just wanted to keep the only hotel in town for the use of local people," he explained.

MIGRANT CAMP CONDITIONS VARY

(By Bob Goligoski)

Just outside Hollandale in Freeborn county, 23 children and adults live in a small, dilapidated, three-room shack. They cook in a bedroom, sleep on six beds and inhabit quarters grossly in violation of state Health Department regulations for migrant housing.

To the northwest in Renville County, a migrant family of 13 is comfortably ensconced in a 10-room two-story house on Delwood Wolff's farm outside Hector. The house is clean, boasts two stoves and has such conveniences as a bathtub and a shower.

The two dwellings are not representative of migrant housing in Minnesota.

They show only the wide diversity of such housing in the state and indicate the futility of generalizing about the condition of the 760 migrant camps in Minnesota.

The job of inspecting these camps to see if they comply with the state migrant housing code is attempted each summer by the environmental sanitation division of the Minnesota Health Department.

The division is under staffed, according to camp sanitarian Charles Moates. Statistics bear him out.

A Health Department report covering migrant camp inspections last summer reveals that "at least 120" camps were not checked because the three camp inspectors and Moates did not have time to do the job.

Of the 640 camps inspected, 342 had no defects, three were disapproved for occupancy and 295 camps were found to have between one and "more than six violations" of the state health regulations.

Two inspectors were added this summer. Mates believes that with five men his division can check every camp at least once every summer.

Two Pioneer Press reporters visited about 25 migrant camps this month, talked with dozens of migrants, farmers and health inspectors. Their findings indicated:

Nearly every camp has electricity, a refrigerator (many in poor condition) and an oven.

Very few camps have showers, and bathtubs are nearly non-existent.

Most toilet facilities consist of outdoor privies, many in violation of state health codes.

Of 109 camp water wells checked lost summer by one inspector, 106 were in violation of the health regulations.

Improper garbage disposal is the "biggest headache" for the inspectors.

Very few camps have fire extinguishers.

Moates believes there has been a "vast improvement in the condition of migrant camps in the last three years. We don't have the real poverty migrant camps in Minnesota when you compare them with those in other states."

He said the worst camps in the state probably are in Renville and Redwood counties.

Health inspectors said about 10 camps have been closed by farmers in the last 10 years after the Health Department threatened legal action if the camps were not brought up to state standards.

Many of the camps are allowed to operate with minimal violations of the code if the farmers "keep chipping away with improvements from year to year," according to Moates.

When asked why they operated their camps in violation of the health regulations, farmers gave some of the following reasons:

1. The migrants, who do not pay rent, will only occupy the camp for about six weeks so why should the farmer spend money to improve facilities that receive only minimum usage. (Nearly every farmer invests much more money in machinery and equipment that is used even a shorter time than his labor camp.)

2. Migrants, either deliberately or through ignorance, destroy facilities provided. (Enough incidents occur annually to confirm these convictions, yet they are the exception rather than the rule.)

3. Hand labor soon will be replaced by machines. (This prediction has been made often around the state in the last five years but has yet to be fulfilled.)

The state inspectors report incidents of migrants cutting out screen windows so they can throw garbage and dishwater out the open window. Springs are removed from house and privy doors so the migrant children can use the springs as toys.

The result is a procession of germ-carrying flies and other insects moving freely between the privies and the kitchen and bedrooms in the camp.

Jim Fish, executive director of Migrants, Inc., explained that migrants sometimes don't understand the necessity of having screens on doors and windows or springs on doors because they have never received much in the way of health education.

He said the state Health Department should exert a greater effort in this area "because it is obviously the department's job to do so."

Moates countered that his department is too understaffed to provide the health information. He suggested that Migrants, Inc., which runs education and counseling programs for migrants in 16 Minnesota towns, should supply the health data because the organization has the money and manpower for such work.

The Minnesota State Board of Health recently approved a new set of migrant labor camp regulations designed to toughen and raise the present standards. The new regulations, which farmers and growers will have to comply with starting next summer, require, among other things, that all camps have showers and hot and cold running water.

Those who want to operate a migrant camp will have to apply for a free permit each year from the Health Department.

Farmers generally oppose some of the provisions in the new health code. A typical reaction was that offered by Virgil Mellies, owner of a 2,000-acre farm in the Hector area and president of the Southern Minnesota Beet Growers Association:

"It is going to be almost impossible for us to conform to the new regulations. An awful lot of our own farm houses will not pass the regulations. For example, the Health Department says that for a two-story house we have to have two exits from the second floor to the ground.

"These things in the new code are just not justified. There isn't one well in 100 that will meet the well specifications.

"I think these new regulations are going to take us right out of migrant labor and put us right into the thinning machines."

MIGRANT INCOME SHAKY AT BEST

(By Ann Baker)

"People drive along and see Mexicans in the fields. They say, 'Look at them. Don't they look funny!' If THEY were Mexicans they'd know how funny it was.

"I hate to see anybody go through what I went through. You drive 2,000 miles. Don't know when you're going to break down, or if you're going to make your destination . . ."

Pedro Flores, 31, one of the 70 or so heads of migrant families who have settled in Minnesota recently, was recalling his life on the road three summers ago.

"Eleven of us came together," said his wife, Olga. "Us, our children, my mother, sister and brothers, and a dog. We had $1.60 when we got here."

The family worked for six weeks in the potato fields, sometimes 18 hours a day, with their three children beside them, the youngest in diapers. They earned $2,000 which they put down on a small cafe in Oslo, Minn.

For 19 months they struggled with the cafe, but it failed. Last July they moved to St. Paul.

Most of the migrants who come to Minnesota each June move on to other states by the middle of July.

Most of them work a fairly regular day, from 7 or 8 a.m. to 5 or 6 p.m. and in Minnesota they work mainly in sugar beet fields, living in disused farm houses, shacks or chicken coops on the land of the farmer who hires them.

Usually they are hired, by letter, before they come. If not, chances are they might not get work, like Mr. and Mrs. Arnold Garcia from McAllen, Tex., and their nine children who ended up stranded in St. Paul last week.

Everybody over 14 works in the sugar beets, weeding them, thinning them—parents, grandparents, teenagers, whether sick, well, pregnant or nursing mothers.

"If you have a big family with lots of older children, you make money," says Pedro Flores. "If you're a young couple like us . . ." he shakes his head.

Sometimes three or four families travel together, in separate cars or maybe in a big truck, like the one Ramon Zapata drove from Laredo, Tex., to Hector, Minn.

The Zapatas and their eight children stay in a two-room shack on a farm near Hector. Half a dozen other families live in nearby shacks. Ramon, Thomasa and their eldest son, Alberto, 15, work in the fields, while Julie, 13, cooks the meals and keeps house.

The younger children, ranging down to Marianna, 4, play around the shacks during the day.

They play baseball, "touch" (tag), "baby latch" (hopscotch—the markings drawn with a stick in the ground) and "Going to California" (everybody circling round a child in the center who acts the part of a hip-swinging West Coast "senorita").

In the evening the families assemble before the two TV sets in their camp. Occasionally there is a Spanish dance at Hector or Olivia or a social after Sunday afternoon's Spanish Mass at Bird Island. Movies are a rare treat. They cost money, and the reason for coming up here is to make money.

You hear tales (usually from the farmers) of rich migrants, who have well-paying jobs in Texas and come here for the summer as a kind of working vacation, a chance for the whole family to be together in the fresh air and sunshine.

Most of the families you meet say the summer migration is what provides nearly all their yearly income.

Pedro Flores says back in Texas he was lucky to get a job earning 75 cents an hour. Others earn 50 or 60 cents an hour picking grapefruit or working as busboys and busgirls in hotels, jobs that are part time or temporary. Clergy and educators in close contact with the migrants agree that jobs in Texas are very scarce indeed.

Relatively few migrants seem to have given serious thought to settling in one of the northern states where jobs are more plentiful.

Yet a spot survey of two dozen families showed none of them want their children to be migrants.

Instead, they dream of the children finding careers as teachers, mechanics, farmers, dentists, grocers, clerks . . .

The churches, particularly the Catholic Church, have been concerned for the migrants for the past 20 years.

Migrants are very devout people, priests say, though they express their devotion differently than northern Catholics.

"They set a good example for our people," says Father John Siebenand, pastor of St. John's Church, Hector. "They go up to the front of the church and stretch out their arms and really pray."

Nearly every family, whatever else they may bring with them, always bring their collection of "santos" pictures, which they set up around their shack, maybe lighting vigil lamps before them.

"Their approach to religion is not institutionalized," says Father Eugene Hackert, pastor of St. Clara's, Clara City. "Church attendance is not their standard of faithfulness. It's strictly a person-to-person thing. Wonderful, really. What we're saying nowadays the church should aim for. But it can drive an institutionalized priest out of his skin."

Father Hackert admits the Catholic Church originally concentrated on making sure the children were baptized and the marriages blessed.

Four years ago the Crookston Catholic diocese applied for federal funds to start a welfare program. From that request grew Migrants Inc., which now runs classes for children and adults throughout Minnesota and North Dakota.

The churches now work together. Father Hackert, as chairman of the Minnesota (and North Dakota) Catholic Council for the Spanish Speaking, meets frequently with the Rev. George Tjaden, who heads the Minnesota Council of Churches' Migrant Ministry, as well as with representatives of churches not in the Council.

"Our main effort today is to back Migrants Inc.," says Father Hackert. "We try to have Masses in Spanish and furnish volunteers, especially for religion classes." In Hector four nuns and two C of C volunteers run afternoon religion lessons together.

Next week Bishop Humberto Madeiros of Brownsville, Tex., will visit migrant camps throughout Minnesota to try to co-ordinate religious instruction given here with that given in Texas.

The Rev. Harry Sheets, pastor of the Church of God of the Abramac Faith in Hector, heads the local clergy committee there.

"All our churches collect clothing, especially for children, and blankets. The migrants aren't used to the cold weather," he says.

"And we're trying to get local radio stations to put on Spanish music. You see, the farmers tell me what happens is the migrants listen to Spanish music from Cuba on their short wave radios.

"And mixed in with music is propaganda . . . It's all right for those over 40. They're perfectly satisfied with their wages and conditions. But with the 20 to 25-year-olds, you have trouble."

Aid to Migrant Workers Grows

(By Ann Baker)

Migrants don't live as long as other people. Their average life expectancy is 49. More migrant children die before they are one. More mothers die giving birth. Migrants have twice as much flu and pneumonia as other people, two and a half times as much TB, three times as many accidents. . . .

So says a sheet of statistics compiled by the U.S. Labor Department and other federal agencies.

In the past few years, efforts to improve the life of migrants have mushroomed around Minnesota.

The state Department of Health has six sanitation inspectors, 12 nurses aided by half a dozen Spanish-speaking women, seven family health centers and two dental clinics scattered throughout Minnesota, providing examinations and, as much as possible, care.

That project, headed by Dr. D. S. Fleming, is in its seventh year.

The biggest attempt to help migrants is by organization called Migrants, Inc., which developed four years ago as a result of various churches' efforts.

This year Migrants, Inc., has 520 paid and volunteer workers running six-week educational projects in 16 Minnesota and North Dakota towns. There are classes for the children, "opportunity centers" furnishing conveniences like home town Texas newspapers and vocational counselling, for adults.

At one town, Hector, 50 teachers applied for 19 positions in the school.

More than 200 children attend the school daily while their parents work in the fields. Mrs. Judy Smith, who has directed that area's school for the last four years, notes that for the first time parents have taken such an interest in the lessons that even when it rains, they send the children to school, and they pop around themselves to look in on the classes.

Originally, to most migrants the classes seemed mainly a baby-sitting service. They appreciated that, in itself, for when left at home alone the children often had accidents, especially burns from overturned kettles and pans. Taking toddlers and babies to the fields was no picnic for working parents.

Many farmers, and consequently townspeople, viewed the school as a mixed blessing. They didn't mind classes, in English or anything else, but they disliked having young women recruited from their labor crews to serve as classroom aides. And they suspected that behind the lessons might be an effort to organize the workers into some kind of union.

As a result, Migrants, Inc., staff members in Hector act very cautious. Last year they moved the school to Olivia. This year it's back in Hector, but when reporters visited last week the staff refused to take them around the migrant camps for fear of alienating the farmers once again.

"We feel Migrants, Inc., should be working down in Texas instead of here," Delwood Wolff, a Hector farmer, told the reporters.

At the school, 38 babies play in the nursery headed by Mrs. Muriel Baumgartner, R.N. Local families furnish clothes, cribs, play pens, toys. Mexican women help local women bathe, dress and play with the babies.

Another 75 youngsters, aged 3 to 5, are in Head Start classes, local children as well as migrants.

Older children study everything, math, reading, English.

"They do a very nice job of working together," says fifth grade teacher Duane Stoez. "I'm enjoying these children tremendously and would like to have them coming into my fifth grade here next fall."

But few, if any, will. Of the migrants who settle in Minnesota, most of them move to a city where they can find jobs in factories.

"There's no reason they couldn't settle here if we had any industry," says Mrs. Joseph Ginsburg, chairman of Hector's human relations committee.

The Hector school costs Migrants, Inc., $43,000 to run. Most of the money goes to salaries, for teachers, aides, and nurses. The rest goes for school buses that carry the children from a 20-mile radius daily, school dinners and to doctor and dentist care.

Migrants, Inc.'s, total budget this year is $736,000 for its 16 projects.

"But before we can get the $302,000 from the welfare departments, we need $75,000 in cash to match," says James Fish, Migrants, Inc., director.

"So far we've been promised about $7,000, half from the Polk County Migrants Council, half from a group of migrants in Grafton, N.D."

Migrants belong to the planning committees that meet weekly at the schools. Eventually, Fish hopes, migrants may take over administration of his whole program.

"That would put me out of a job," he says, "but it's what ought to happen."

Machines May Oust Migrants

(By Bob Goligoski)

The Renville County farmer took a long look at a family of migrant workers hoeing in his sugar beet field and then turned to tinker with a shiny, new red and green machine sitting in one corner of his barn.

"This, my friend," he said, "is the new thinning machine. It works fine. So good, in fact, that I don't plan to have any migrant labor on this farm next year."

The farmer is just one of the 30 or so Minnesota growers who have invested $6,000 to $7,000 for new sugar beet thinning machines in the last two years. When enough of their neighbors become convinced that the new machines actually will do everything the manufacturers claim, many of the 18,000 migrants now living in the state will no longer make their annual pilgrimage to the beet fields of Minnesota.

That day may come next year, in 1975 or 1980, the time span of predictions being made by farmers, sugar companies and the several state agencies dealing with migrant laborers in Minnesota.

Some farmers were predicting five years ago that they would no longer need migrant workers. Many of the growers used their prognostications as a rationale for not improving their migrant labor camps, hundreds of which were and still are, being operated in violation of state health department regulations.

But now the farmers have added reason to replace their migrants with machines.

The Minnesota State Board of Health has adopted a series of tougher regulations, slated to go into effect next summer, which, if enforced, will compel farmers to spend hundreds of dollars improving conditions in many of the 760 migrant camps in Minnesota.

R. V. McWalter, who farms 1,600 acres near East Grand Forks, plans to "get into mechanical thinning as fast as I can because of these new regulations. I know a lot of other growers will do the same."

One of the most pessimistic predictions about the advent of the mechanical beet thinners comes from a migrant labor report issued six months ago by the state health department:

"Although technical breakthroughs could speed up the process, most forecasts now expect widespread mechanization no sooner than 10 to 15 years, and many farmers feel that chemicals and machines will always be more sensitive than hand labor to the vagaries of Minnesota climate.

"There has actually been a sizable increase in demand for migrant labor in Minnesota, and delay in the application of more strict migrant labor camp regulations cannot be justified by assumptions that the need for hand labor is disappearing."

Some farmers who have bought the machines complain that they will not work properly on a wet field or on acreage with rolling terrain.

The migrants have to contend with better herbicides that, if weather conditions are right, will remove the weeds from a field almost as well as a migrant with a hoe can.

Farmers also are hiring more youngsters from nearby communities to supplement the machines and herbicides. It is this combination of mechanical thinners, herbicides and "back-up youth labor" that will eventually replace the migrant workers.

According to the State Department of Employment Security, some 750 to 800 Minnesota youngsters have signed up this summer to work in the beet fields under a "youth sugar beet program." More than 400 of these high school students are working in the Red River Valley.

A department spokesman said that "growers are becoming more cordial toward hiring the youngsters this year." The student workers generally return home every night, and the farmers do not have to worry about housing them in labor camps.

About 90 per cent of the workers who migrate to Minnesota each spring from Texas work in the beet fields. Nearly three-fourths of them toil on the 195,000 acres of beets in the valley.

Growers and migrants say there is a surplus of migrant workers in the valley this summer. They attribute this over-supply of labor, in part, to more migrants leaving the beet fields in Oregon and Washington for Minnesota because mechanical thinners are being used successfully in those two states.

Sugar beet production in Minnesota soared to 2,152,000 tons last year, up from 1,422,000 tons in 1967. There are indications this year's crop may exceed the 1968 production.

But these statistics do not necessarily bode well for the migrants, some of whom say that the cool, drizzly weather in the valley this spring and summer has kept them out of the fields for as long as 10 days at a time.

The several thousand migrants who work in other agricultural operations, ranging from picking asparagus to tasks in turkey processing plants and nurseries, face a more certain future in Minnesota. They apparently do not face the fate of the beet workers.

A small number of migrants have stayed in Minnesota in recent years.

PLAN FOR THE GHETTO

Mr. HRUSKA. Mr. President, Jack Lough, editor of the Albion, Nebr., News and president of the National Newspaper Association, recently wrote to Secretary Romney of Housing and Urban Development suggesting a program to alleviate the problems of our Nation's ghettos. Under Mr. Lough's proposals, selected ghetto youths would be put in smalltown American homes for their senior year in high school.

With reference to the ghetto program, Jack Lough stated in his letter to Secretary Romney:

> It has been my conviction for many years that the problems of the American ghetto will not be solved in the ghetto.

I do not know whether Jack Lough's proposal will work, but I do know that his suggested approach to the problem shows a commitment to come to grips with one of the old problems of our society in a new way.

Simply improving the incomes of America's ghetto residents is not enough because as President Nixon stated on August 8:

> Poverty is not only a state of income. It is also a state of mind and a state of health.

Mr. President, in order to give this proposal the wide publication it deserves, I ask unanimous consent that Jack Lough's letter to Secretary Romney be printed in the RECORD. I also ask unanimous consent that an editorial, entitled "Jack Lough's Example," from the Omaha World-Herald dated July 20, 1969, and an editorial, entitled "Plan for the Ghetto," from the Lincoln Journal-Star dated July 13, 1969, be printed in the RECORD.

There being no objection, the letter and editorials were ordered to be printed in the RECORD, as follows:

NATIONAL NEWSPAPER ASSOCIATION,
Washington, D.C., June 17, 1969.

Hon. GEORGE ROMNEY,
Secretary, Department of Housing and Urban Development, Washington, D.C.

DEAR MR. SECRETARY: It will be my privilege to introduce you at the National Newspaper Association convention in Atlantic City on the evening of Thursday, June 26.

However, the burden of this letter does not concern the National Newspaper Association in any way.

It has been my conviction for many years that the problems of the American ghetto will not be solved in the ghetto. I am very eager to present to you or to the proper person in your department a plan to alleviate and begin a solution to the ghetto problem.

Ghetto residents, I believe, must somehow be removed from their impoverished environment and placed in other localities where they can see and experience a different way of life.

The format for this idea actually has been operational for several years. To illustrate, the American Field Service has conducted for many years an exchange program in which foreign students have been brought into American homes to spend their senior year in high school. These foreign students, by and large, come from the most affluent homes in their native lands, and their parents can afford to send them to American schools without the help of the American Field Service program.

What I am suggesting is that we might, with considerably more benefit to the nation, encourage a program of removing ghetto youngsters from their present environment and placing them in small town American homes during their senior year in high school. During this period all efforts should be bent toward placing these individuals in situations where they can begin to learn a vocational skill.

As you know, Secretary of Agriculture Clifford Hardin is from Nebraska. I am acquainted with Secretary Hardin, and it occurs to me that if some sort of coordination and cooperation can be developed between your two departments, we may be able to implement such a domestic exchange program.

It seems obvious that this program will have to be a unilateral one for most rural white parents would be reluctant to send their children to live under ghetto conditions for an entire year or even shorter period.

I have lived in both New York and Chicago. I know something of ghetto conditions in both places as well as in the near north side of Omaha.

I reiterate that I don't believe the answer to the American ghetto can ever be found in the ghetto.

Will you please give me the benefit of your opinion about this critical matter?

Cordially,

JACK LOUGH,
Acting President, National Newspaper Association.

[From the Omaha (Nebr.) World-Herald, July 20, 1969]

JACK LOUGH'S EXAMPLE

Jack Lough, editor of the Albion News and president of the National Newspaper Association, has proposed that the administration sponsor a plan to put ghetto youths in smalltown American homes for their senior year in high school.

The Nebraska newspaperman believes young people so exposed would have wider horizons and might be motivated to have a similar kind of life. That may be a practical idea. Or it may not.

But Lough's proposal demonstrates that some small town people are deeply concerned about the problems of the cities and are willing to make proposals about how their communities can help.

Such proposals should be an inspiration to those who live in the cities, but whose concern about inner city problems seems to wax and wane according to the degree of danger. When violence threatens or is in progress, the majority is mightily concerned about putting down the violence, and it talks a great deal about doing what's necessary to break down racial barriers.

But as time goes on, as hatreds continue and racial lines harden, men of good will seem to have fewer ideas as to what to do about it.

We should help neighborhoods initiate and carry through programs of their own. What else should we do?

Work through church organizations?

Certainly.

Continue good programs such as Head Start and Project Chance?

By all means. We dare not slacken on any educational program that has demonstrated its value.

Push for open housing and other civil rights measures at both the state and community level? Certainly, push hard and use legislation once it is on the books.

Open the door to industrial and craft jobs, union and nonunion? Absolutely.

Train and hire more people for office and sales jobs? Sure enough.

Encourage more young people to continue education after high school and learn special skills? Let's do that.

However, it is one thing to make general statements and another to put them into concrete form.

Gov. Tiemann has proposed a vocational-technical school so located that it can give special attention to young people on Omaha's Near North Side. This is an excellent idea and we indorse it fully.

What might such a school teach that would catch the imaginations of those it is trying to reach? How could it build enthusiasm for technical training?

Peter Drucker, in his recent book, "The Age of Discontinuity," says that a great challenge the world around is to make poor people productive to fit them to new skills in a time when brainpower is almost everything. He tears away some of the mystique about new era jobs.

For example, he says that the requirements for a computer programmer are mastery of junior high school math, three months training and six months experience.

The number of people who could qualify for such job if they had the desire and were guided toward them is obviously greater than the number now seeking them. We could be a more productive society, and we don't need miracles to bring that about.

What we do need is more of the "What-can-I-do?" approach indicated by Jack Lough. For every workable proposal there may be a hundred that are not quite suitable.

But what of that? The important thing is that we make a personal commitment, and keep on working.

Someday, if we work hard enough, we're going to solve the problems of the cities.

[From the Lincoln (Nebr.) Journal and Star, July 13, 1969]

PLAN FOR THE GHETTO

As president of the National Newspaper Association, Nebraska publisher Jack Lough of the Albion News has advanced an intriguing plan to help alleviate ghetto problems over the country.

Lough's proposal, put forth in a letter to George Romney, secretary of Housing and Urban Development, would provide for youngsters from the big city ghettoes to spend their senior year of high school in small town homes.

There is little doubt that such an experience, handled properly could be decidedly constructive for many boys and girls from the slum areas. Aside from being introduced to a different way of life, the young people might realize the opportunities that exist outside the ghetto.

The experience could be a two-way street. Small town residents might come to appreciate a little more the severity of the problems of the cities.

For such a program to work, the small

town hosts would have to accept their visitors as they are and not expect them immediately to become carbon copies of small town youth.

But programs of this sort have yielded vast advantages on an international basis. It very well could do the same within this counry.

Certainly it is promising enough to warrant a pilot undertaking.

THE EXPANDING EQUAL RIGHTS OF WOMEN

Mr. HART. Mr. President, in light of the success of women jockeys in obtaining their rights, and current publicity regarding women who are attempting to become employed in positions traditionally held by men—baseball umpires, mounted police, and croupiers—I welcome the opportunity to bring to the attention of the Senate another breakthrough in equal rights and opportunities for women and a breakdown in sex discrimination practices.

The Professional Race Pilots Association has recently decided to allow women pilots equal consideration for participation in their air races. These are closed course pylon air races in experimental aircraft.

This decision was reached by the Professional Race Pilots Association as a result of a written protest by one of its members, Mrs. Betty Skelton Frankman, of Willis, Mich. An exceptionally well-qualified and experienced pilot with several thousand hours of national and international flying time over the past 27 years, Mrs. Frankman is the wife of a licensed pilot—also a member of the PRPA—and is the vice president and director of the women's advertising and marketing department in the Campbell-Ewald Advertising Co.

Mrs. Frankman has been working over a period of 20 years for the recognition by the PRPA of qualified women pilots in qualified aircraft. She has now succeeded in reaching the association's conscience and bringing to an end its informal policy of excluding women pilots from participating equally with the men in PRPA-sponsored air racing competitions.

Happily this successful effort to obtain equal opportunity is indicative of a growing trend and encourages us that women in other, less glamorous pursuits will also receive the same equal treatment. I am grateful that I had an opportunity to share in this development.

Mr. President, I ask unanimous consent that a letter I received from Mrs. Frankman and a letter from Mrs. Frankman to Mr. Robert Downey, president of the Professional Race Pilots Association, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

CAMPBELL-EWALD CO.,
Detroit, Mich., July 9, 1969.

Senator PHILIP HART,
U.S. Senate, Washington, D.C.

DEAR SENATOR HART: Attached is my letter to the Professional Race Pilots Association commending the organization on their recent decision to and discrimination against women pilots in air racing.

It is a gross understatement to say that this could never have been accomplished without your excellent support on the issue. Your inquiries on the matter were largely responsible for their decision, and women pilots all over the country, as well as myself, are most grateful to you.

My sincere thanks and appreciation for your help.

Cordially,

BETTY SKELTON FRANKMAN.

JULY 9, 1969.

Mr. ROBERT DOWNEY,
President, Professional Race Pilots Association, Whittier, Calif.

DEAR BOB: I am writing to thank you for the expeditious and completely fair manner in which you personally handled my protest letter of April 15.

I would also appreciate your conveying my sincere thanks to the Board of Directors and the active members of the Professional Race Pilots Association for their just consideration and unbiased decision to allow women pilots equal consideration in future air races. The PRPA is to be highly complimented on the competent and expedient manner in which they handled this issue.

I personally am grateful to all of the members who supported desegregation on the moral basis of what is right and wrong rather than on the fear of a legal suit.

Although your decision presents some new problems for the organization, I sincerely believe it will result in air racing becoming an even more interesting competitive sport both for participants and spectators.

I appreciate your full cooperation and congratulate the PRPA for taking an aggressive step forward in new directions.

Regards,

BETTY S. FRANKMAN.

TRIBUTE TO THE LATE KATHLEEN D. MELLEN, AUTHOR OF HAWAIIAN HISTORIES

Mr. FONG. Mr. President, it is with deep sorrow that I join her hosts of friends and admirers in mourning the passing of Mrs. Kathleen Dickenson Mellen in Honolulu on August 1.

A gracious lady whose early interest in the Hawaiian people led her to write numerous articles and books on Hawaiian history, Mrs. Mellen was known as "kawahine aloha puuwai," which means "the woman with the ever-loving heart."

She was beloved for her understanding, friendship, and support of the Hawaiians. Born at Walrose, an estate at Castlewood, Va., Mrs. Mellen traveled to Hawaii in 1922.

It was through one of her closest friends, Princess Abigail Kawananakoa, that she came to know and love the Hawaiian people. From this affectionate relationship flowed her literary works about major figures in Hawaiian history.

On June 3, 1922, she married George Mellen, an advertising and newspaper man, at Washington Place, now the Governor's mansion.

Shortly after their marriage, the Mellens built a home on the slopes of Diamond Head, where she was to spend the rest of her life.

There, for many years, groups of women gathered regularly for discussions she led on art, culture, and literature.

At the time of her death she was editing her memoirs, which she designed to be published posthumously. In the unfinished final paragraph of her book, she wrote:

> I am grateful to the fate that brought me to these beautiful islands where I might know the rich culture of many lands. I have enjoyed them all. . . .

Of the many tributes paid to this authoress, I wish to quote a few:

The Reverend Abraham Akaka, pastor of Kawaiahao Church:

> Kathleen Mellen was more than a friend to our Hawaiian people. She was a loving mother who watched over us, protected us, encouraged us, and supported our causes as best she knew how to do. Our native Hawaiians will miss her strong support.

Honolulu columnist Eddie Sherman:

> "Kathleen Mellen was one of the warmest human beings I've ever met in my life—one who had so much empathy and understanding of the Hawaiian. Her many volumes will serve as a legacy to those loved—the people of these islands. It was indeed a privilege to have known Kathleen—truly one of the outstanding individuals I've met in 15 years of newspapering."

Monsignor Charles Kekumano, Cathedral of Our Lady of Peace:

> The phrase "Hawaiian at heart" was eminently true of Kathleen Mellen. She learned to understand Hawaiians and their sensitivities and she loved them deeply.
>
> Never condescending in her attitudes toward Hawaiians, she was in awe of the qualities that made them gentle of spirit. She once told me, "Hawaiians are beautiful people—and their beauty needs to be understood."

Newspaper columnist Bob Krauss:

> I think Kathleen's great contribution lay in her defense of Hawaiian kings who have no throne, of subjects who have no land, of pomp that has no place to go. If that attitude is decadent, it is not at all unique.
>
> Kathleen was a nagging conscience, an accusing finger. What did it matter that restoration of the monarchy was a preposterous impossibility? What mattered was to recall the day of glory of the Hawaiian!

And so, with the passing of Mrs. Mellen, the life of a compassionate, articulate writer has come to an end. But her writings will be a lasting memorial to a woman with an ever-loving heart for the Hawaiian people.

To her husband, Mrs. Fong and I extend our heartfelt sympathy and fond aloha on the loss of a devoted wife and helpmate.

SENSELESS RECORDKEEPING REQUIREMENTS ON SPORTING GUN AMMUNITION MUST BE ELIMINATED

Mr. MONTOYA. Mr. President, when I voted for the passage of the Gun Control Act of 1968, I did so because I felt it was a necessary measure. I was not happy with all the features of the bill, but all in all, I thought the assets outweighed the liabilities. Since that time, I have become aware of a grave inequity that exists as a result of this legislation, a provision that unnecessarily burdens law-abiding citizens with the senseless registration of certain types of ammunition. At the time I voted for the Gun Control Act, my concern was with the problems of crime and with the danger that the unregulated use of firearms poses for our society, but I was not interested in creating a lot of redtape procedures which are unnecessary to gain the primary ends of the act.

All parties to the debate surrounding the question of added Federal controls on firearms are agreed that convicted felons, narcotics addicts, mental incompetents, habitual drunkards, and similar persons should not be permitted to purchase or possess firearms. There is some disagreement, however, as to the best means to effectuate this purpose, as there is deep concern among sportsmen and other legitimate owners of firearms as to the application of such controls to their interests, and I share their concern and interest.

An amendment to include ammunition as well as firearms under the coverage of the Gun Control Act of 1968 was a last minute addition and has posed many problems and served little constructive purpose.

Section 922 (b) (5) of the Gun Control Act provides that Federal firearms license holders must record the "name, age, and place of residence" of persons purchasing firearms or ammunition. The authority granted by this provision has been erroneously interpreted by the Secretary of the Treasury to serve as the basis for regulations requiring that the date, manufacturer, caliber, gage or type of component, quantity, name, address, date of birth, and mode of identification be recorded. The reason for this misinterpretation and increased mandatory information probably results from section 923(g) of the same act providing that licensees must maintain records "for such period, and in such form as the Secretary may by regulations proscribe." But in my opinion, these comprehensive recordkeeping requirements are in direct contradiction of the statutory authority of the law, section 922 (b) (5), in which Congress clearly specified the extent of the information that could be required to be maintained in permanent records. These requirements have been described as back door registration, and there is much truth in that label.

Mr. President, I consider the net result of these recordkeeping requirements as they apply to ammunition to be simply a large mass of useless records. Indeed, those in the Treasury Department who are charged with enforcement of the act are the first to admit that such records are of no use in fighting crime, largely because of the nature of ammunition as a fungible article. A criminal cannot be traced by the identification of a bullet even if the ammunition was registered, and consequently, the requirement does nothing but impose upon the time and privacy of legitimate purchasers and sellers of ammunition. On this subject, it seems obvious that administrative direction has acted to circumvent the express wishes of Congress on this subject.

Furthermore, the requirements are a palpable nuisance to the dealer who has to keep all these records for every sale of ammunition, no matter how small a quantity is involved. Many ammunition sales occur in quick-sale stores where unnecessary registration merely provides an added burden on such dealers who must participate in what I consider to be a useless exercise in redtape.

As a result of these inequities, I have joined in cosponsoring S. 2718 which would simply do away with the recordkeeping requirements in cases of transactions in ammunition for sporting guns. It would not affect handgun ammunition transactions, nor would it affect any aspect of the present controls over long gun ammunition except for the registration requirements. It is a very limited bill.

Mr. President, what we need to do now, as has been pointed out, is not only remove this inequity, but to get these recordkeeping requirements off the books before the fall hunting season begins. Otherwise, we are all going to be hearing from a lot of justifiably angry constituents, and I suggest it is these petty and senseless aspects of a regulatory procedure which generate the strongest resentment. On the basis that the existing ammunition regulations exceed the provisions of the law, unduly inconvenience legitimate firearms users and serve no real useful purpose, I have cosponsored S. 2718. I endorse this badly needed legislation, and urge that my colleagues give this bill their favorable consideration. Thank you.

Mr. President, I ask unanimous consent that the text of S. 2718, introduced by Senator BENNETT and cosponsored by over one-third of the Senate, be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2718

A bill to modify ammunition recordkeeping requirements

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4182 of title 26 of the United States Code is amended by adding the following subsection (c):

"(c) RECORDS.—Notwithstanding the provisions of sections 922(b) (5) and 923(g) of title 18, United States Code, no person holding a Federal license under chapter 44 of title 18, United States Code, shall be required to record the name, address, or other information about the purchaser of shotgun ammunition, ammunition suitable for use only in rifles, .22 caliber rimfire ammunition, or component parts for the aforesaid types of ammunition."

THE 50TH ANNIVERSARY OF NAVAL AIR REWORK FACILITY, NORTH ISLAND, SAN DIEGO, CALIF.

Mr. MURPHY. Mr. President, July 15, 1969, marked the 50th anniversary of the Naval Air Rework Facility, North Island, San Diego, Calif. This major industrial complex has provided responsive support to naval aviation since the days immediately following World War I.

Through the dedicated efforts of past and present members of the team at North Island, the Navy has been provided a steady flow of first-class aircraft from the Curtiss N–9 of 1919 to the Phantom jets of 1969.

During periods of national stress beginning with World War II and continuing through the present Vietnam conflict, the facility has provided that extra effort which has assured our forces of the quality weapons so essential to combat success.

Today, the Rework Facility employs more than 7,600 military and civilian personnel who staff shops, offices, and laboratories in 71 buildings. The plant processed 720 jet fighters, helicopters, and early warning aircraft during fiscal year 1969, plus 1,993 jet engines and 125,000 aeronautical components.

The Naval Air Rework Facility at North Island, one of seven depot level aircraft rework activities of the naval shore establishment, is under the management of the Naval Air Systems Command Representative, Pacific. These seven activities perform a complete range of rework operations on designated mission-essential weapons systems.

Work of the seven facilities is not limited to stateside service and each dispatches teams of technicians to forward areas to provide support to combat forces. This greatly increases the number of aircraft in the combat zone and assures the speedy return of damaged planes to the fleet.

Since the beginning of the Vietnam conflict, Naval Air Rework Facility, North Island, has overhauled 56 crash-damaged F–4 Phantom II jet fighters at an average repair cost of less than $270,000. Compared with a replacement cost of $2.5 million, the savings are tremendous. During the same period, 22 crash-damaged helicopters have been repaired and returned to service at an average repair cost of less than $240,000 and 22 F–8 Crusader jet fighters at an average repair cost of approximately $105,000.

To accomplish the crash/combat damage repairs, many new techniques have been developed. For example, in 1967, personnel devised a means of mating the two halves of wing center sections of F–4 aircraft wings, an operation previously thought impossible. This led to the repair of many severely damaged wings where only one half was worth saving. At a replacement cost of approximately $175,000, each wing reclaimed represents a significant saving.

But crash damage repair is only a small part of the work of the Naval Air Rework Facility. Much of the workload consists of overhauling aircraft and related weapons systems which have completed a normal service tour and require Progressive Aircraft Rework.

While efficiently and skillfully meeting present needs, the Naval Air Rework Facility is preparing for the future. Keeping pace with advancing technology requires a dynamic program. At North Island there is constant updating of facilities, equipment and skills. A new structure for the rework of E–2A "Hawkeye" early warning aircraft was opened in February, 1969, as the first step in a master plan for orderly development of a major new complex. Too, the facility is quick to adopt sophisticated machines and techniques such as numerically controlled shop equipment, electron beam welding, and environmentally controlled facilities.

People—very special people—have been the key to the effectiveness of the rework facility through its 50-year history. Dedicated, highly motivated men and women with the varied professional and technical skills demanded by aerospace technology are the most valuable resource of the rework facility. The initiative and expertise of these men and women, coupled with an aggressive and farsighted incentive awards program, has made innovation a tradition at North Island—a tradition that profits not only employees but has saved literally millions of tax dollars. In October of 1968 the rework facility was presented the Navy Cost Reduction Program Outstanding Unit Award by the President of the United States.

Mr. President, I am proud, very proud of the superior job my fellow Califorians are doing to assure the strength of our Navy's air arm. As the Naval Air Rework Facility, North Island, looks to the future with its increasingly complex aircraft, using more advanced powerplants and electronics systems, I am confident that it will provide the same excellent maintenance support it has furnished for the past 50 years. With the well-established tradition of timely growth which has met 50 years of changing Naval aviation requirements successfully, personnel of the rework facility can face a second half century of operation with pride and confidence.

ROUGHING THE PIONEER

Mr. INOUYE. Mr. President, The Hawaiian people are gratified that a decision has finally been rendered granting additional services from all sections of the mainland to the State of Hawaii.

However, Mr. President, we have pondered the question recently raised in the editorial page of the Honolulu Star-Bulletin: How can we justify overlooking the island's pioneer in air transportation—Pan American World Airways?

While I do not wish to appear to be second-guessing the decisionmakers, it seems reasonable to assume that one of the five carriers given new, expanded routes to Honolulu and Hilo should have been Pan American, the carrier that pioneered commercial service from the west coast to Honolulu as early as 1935. A pioneering spirit developed in the days of the Flying Clipper and maintained vigorously into the postwar period, as evidenced by inauguration of service from the cities of Seattle, Portland, San Francisco, and Los Angeles, continues unabated.

Mr. President, I ask unanimous consent that an editorial published in the Honolulu Star-Bulletin of July 29, 1969, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Roughing the Pioneer

In the euphoria surrounding final action in the long Transpacific Route Case, it has been forgotten that when the largesse was passed out the airline that pioneered Pacific air travel was ignored.

All Pan American World Airways got was more competition that will subject it to significant traffic erosion on all its Pacific routes. Its bid for new connections to Hawaii from points in the U.S. interior was denied even as other lines were given such routes.

CAB also deprived Pan Am of the passenger feed it has had in the past from American Airlines mainland service by giving American routes to Hawaii and the South Pacific.

Aviation circles think the decision may increase Pan Am's interest in a merger but even the most likely partner has been snatched away. Pan Am and American previously had route structures that would have fit together nicely. Now, however, they have parallel South Pacific routes and a merger might raise Justice Department objections.

All in all the Pacific pioneer has been roughly handled.

TRAVELERS CORP. EMPLOYEES FAVOR DIRECT ELECTION

Mr. BAYH. Mr. President, for more than 3 years the Subcommittee on Constitutional Amendments of the Committee on the Judiciary has devoted a great deal of study to the problems of electoral reform. This important issue, however, should not be discussed solely in Congress. It is, in truth, a public issue of concern to every American.

The Chamber of Commerce of the United States is one of several organizations that have performed a valuable public service by devoting a great deal of its time to the fostering of public awareness and debate on the subject of electoral reform. The most recent issue of the bulletin "Public Affairs," released by the national Chamber for the third quarter of 1969, included a poll taken by the Travelers Corp. of Hartford, Conn. Conducted in May of this year, this poll surveyed the Travelers' employees on their preferences among the various methods for electing the President. The poll revealed overwhelming support for direct popular election.

I commend the Travelers Corp. for its efforts to bring to the attention of its employees this subject of national concern, and especially the efforts of its secretary, Mr. Dayson DeCourcy, under whose direction this significant survey was taken. With this example in mind, perhaps other community-minded companies will join the Travelers Corp. in seeking the opinions of their employees on the important issue of electoral reform.

Mr. President, the results of this poll conducted among 27,000 employees resident in 49 States, is another indication of the nationwide support for the proposed direct popular election of the President and Vice President. I ask unanimous consent that this timely article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Public Affairs, Third Quarter, 1969]

Travelers Prefers Direct-Vote Route to the White House

In May, The Travelers Corporation of Hartford, Connecticut, became the first company of its size and geographic distribution (facilities all over the country) to poll its employees on their preferred method of electing the President.

Under the direction of Dayson DeCourcy, Secretary of Public Affairs, the firm polled its 27,000 employees in 49 states on electoral college reform.

The survey revealed:

73 per cent favored the nationwide popular (direct) vote.

8.5 per cent, the present system.

7.0 per cent, a modification of the present system

6.0 per cent, the proportional method

5.5 per cent the district method

Returns exceeded 15 per cent. Results of the poll were mailed to all members of the House and Senate Judiciary Committees.

The poll was conducted through the employee magazine, Features. An article titled, "Is This Any Way To Elect A President?" outlining the pros and cons of the Electoral College System and the several suggested methods of reform, preceded the questionnaire.

TRIBUTE TO SERGEANT KENNETH S. ANDRADE

Mr. FONG. Mr. President, a person can make no greater sacrifice for the country he loves than to give his life for it. Such was the ultimate sacrifice that Sgt. Kenneth S. Andrade made for his country in Vietnam.

Sergeant Andrade was killed by a grenade on February 27, 1968, in an attack by enemy troops on a defense perimeter 10 miles west of Dak To, South Vietnam.

For his courageous acts of valor and untiring dedication to his men, Sergeant Andrade was awarded posthumously the Distinguished Service Cross, the Nation's second highest award for heroism.

In recounting the story of Andrade's acts of heroism that saved his men but cost him his life, Pfc. William A. Edwards wrote:

> Sgt. Andrade, acting in the absence of the platoon leader, rushed up and down the line shouting commands, pointing out targets and encouraging his men while constantly being exposed to the deadly automatic weapons, grenades, and small arms fire.

In further tribute to this brave and outstanding American, an outdoor amphitheater in Vietnam has been named Andrade Bowl in his honor.

Mr. President, I invite the attention of Senators to the fact that another Andrade son, Kenneth's younger brother Robert, also made the ultimate sacrifice for his country in Vietnam.

S. Sgt. Robert S. Andrade was killed by a mortar shell on February 10, 1966, shortly after the 25th Division arrived at Cu Chi, South Vietnam. Robert Andrade was posthumously awarded the Silver Star for gallantry in action.

Mr. President, I ask unanimous consent that an article entitled "Vietnam Theatre Named for Heroic Islander," published in the Honolulu Advertiser of August 8, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Vietnam Theater Named for Heroic Islander

(By Jim Hanney)

An outdoor amphitheatre in Vietnam has been named Andrade Bowl in memory of Platoon Sgt. Kenneth S. Andrade, of Honolulu. He was the second member of his family to be killed in Vietnam.

Andrade, 37, was killed by a grenade on Feb. 27, 1968, in an attack by enemy troops on a defense perimeter 10 miles west of Dak To.

He was awarded the Distinguished Service Cross posthumously, the nation's second highest award for heroism, for his role in the bitter action.

A younger brother, S/Sgt. Robert S. Andrade, 33, was killed by a mortar shell Feb. 10, 1966, shortly after the 25th Division arrived at Cu Chi.

Robert Andrade was a member of Company C, 1st Battalion, 27th Infantry. He was posthumously awarded the Silver Star for gallantry in action.

Maj. Gen. Donn R. Pepke, commander, 4th Infantry Division, wrote Mrs. Andrade before the dedication of the theater at his base, Camp Enari:

"Kenneth's deeds of valor will be perpetuated not only by this memorial but in the hearts and minds of his fellow soldiers throughout the division as well."

PFC William A. Edwards recounted the story of Andrade's acts of heroism that saved his men but cost him his life.

He wrote: "On Feb. 27, 1968, the men of Company A, 3rd Battalion, 12th Infantry occupied a defense perimeter 10 miles west of Dak To.

"Sgt. Andrade and his men were positioned along the southwest portion of the perimeter. Suddenly the North Vietnamese Army attacked in a savage ground assault from his front.

"Sgt. Andrade, acting in the absence of the platoon leader, rushed up and down the line shouting commands, pointing out targets and encouraging his men while constantly being exposed to the deadly automatic weapons, grenades and small arms fire.

"One of his bunkers was hit and men were wounded. With absolutely no regard for his own safety, Sgt. Andrade rushed over and began treating the men.

"Three of the enemy assaulted the position with grenades and automatic weapons fire. He wheeled about and brought all three down with his M16.

"As he attempted to lift one of the wounded a grenade landed nearby but he picked it up and hurled it back at the enemy.

"Then he picked up the casualty and, still under fire, carried him to the landing zone.

"Repeating this act several times, he managed to get the wounded out and then returned to the bunker line.

"By this time the line was weak so he repositioned his men and began running from bunker to bunker distributing sorely needed ammunition.

"When he saw another of his wounded, Sgt. Andrade moved along the line to aid him. Suddenly, he drew a heavy concentration of enemy fire.

"He scrambled toward the safety of a nearby bunker, but his luck had run out.

"As he neared safety, a grenade exploded close by. His serious wounds overcame him before evacuation to a hospital was possible."

Command Sgt. Maj. William H. Strickland represented Gen. Pepke at the dedication ceremonies conducted on June 20.

"I'm kind of proud that they named the theater after him," said Andrade's brother, Capt. Manuel S. Andrade of the Honolulu Fire Department.

"Robert had a hunch that he wasn't coming back but Ken told me: 'I'll be back.' " Manuel recalled.

Kenneth's widow, the former Luwina Palenapa, and three children, Charlene, Kenneth and Gary, live in El Paso, Texas.

Robert's widow, Mrs. Anna N. Andrade, and daughters Allison and Rohann, live in Waimanalo.

Two other Andrade brothers survive: Rudolph is an Army sergeant at Ft. Huachuca, Ariz., and Boyd is a sergeant with the Honolulu Police Department.

Kenneth attended Robert's funeral Feb. 21, 1966, at the National Memorial Cemetery of the Pacific, Punchbowl.

Surviving sisters are Mrs. June Buendio, Mrs. Katharine Lopez, Mrs. Elaine Wright, Mrs. Maxine Kahaulelio, and Mrs. Shirley Meheula, all of Oahu.

Kenneth spent 16 years in the Army and had served as an ROTC instructor for an El Paso high school before going to Vietnam.

Andrade was a halfback on the championship McKinley High School team of 1947 that upset Punahou in a celebrated game before a sellout crowd at Honolulu Stadium.

Robert had been a fullback on the Iolani championship team of 1950.

The deaths of the Andrade brothers marked the second time Island brothers were killed in Vietnam. Rudy Sagon was killed in 1965 and his brother, Stanley, died in 1966.

DIVERSION OF ARCTIC WATERS SOUTHWARD

Mr. MOSS. Mr. President, for some 5 years I have been discussing at various times before the Senate, in committees, and in speeches that I have made around the country the concept of bringing arctic flowing waters from the north of the continent, southward into parched areas of the West, Middle West, and even the Great Lakes region.

Oftentimes I have felt that I was crying in the wilderness. Many have doubted the political feasibility of such a proposal, and a few have challenged the economic feasibility. But I believe that it is inevitable that we work out a plan of using waters that are wasted in areas that are suffering from lack of water.

Consequently, I was most pleased to read an article written by Harold Hughes, and published in the Portland Oregonian for July 31. The article quoted Secretary of the Interior Walter J. Hickel as saying that he had talked with Prime Minister Pierre Trudeau, of Canada, about importing Canadian water to relieve parched areas of the West, and that he had reminded Mr. Trudeau that great rivers of the north are just running into the ocean and that we could have arctic waters for the West.

This is tremendously heartening. I congratulate Secretary Hickel and Prime Minister Trudeau and all others who are now seriously considering this possibility. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Hickel Reports Talks on Importing Canadian Water to Western United States

(By Harold Hughes)

Seattle.—Secretary of Interior Walter J. Hickel, fielding questions from the western governors, said Wednesday he has talked with Premier Pierre Trudeau about importing water from Canada to help parched areas of the West.

Hickel said he had reminded Canada that Alaska feeds Canada's arctic waters and the great rivers of the North are "just running into the ocean."

Looking ahead 10 years, Hickel said, "we could have arctic waters for the West."

The secretary's comment followed a statement by Gov. Stan Hathaway of Wyoming that he thought the real solution to the western water shortage lies in importing Canadian waters.

Hathaway then asked if the administration had been doing any planning, as "if we don't get started, we are going to be dried out in a few years."

"It has already been discussed. I met with Premier Trudeau on this a month ago," Hickel replied.

In the water discussion, Gov. Ronald Reagan of California jokingly told Gov. Dan Evans of Washington, "We'll trade you a university for some water."

Aside from this quip the governors were serious in discussing their problems in the field of natural resources with Interior officials, ranging through water, mining, recreation, Indians, to air and water pollution problems.

Gov. Tom McCall, who presided over the Wednesday session, opened up with a proposal that the Western states join in a "conservation compact" to establish standards for air and water quality controls.

PROBLEMS CITED

"We need to blend together in purpose and objective through area-wide covenants of conservation. The oil in the channel of Santa Barbara, the DDT in the salmon of Alaska, the soft shells of the eggs of the brown pelican, are all joint problems of the family of the West," the Oregon governor said.

McCall then proposed that "some architecture from the past" be reused, citing compacts among the states for fisheries, education and recently a nuclear compact.

McCall said, "We've served man's material needs: Now let's serve his spirit."

The Oregon governor introduced Secretary Hickel, saying that "I have been more than reassured by his evenhandedness in office."

Hickel was asked by Governor Hathaway if he intended to continue the multi purpose policy of public land use, "or were the radical conservationists going to get the upper hand?"

Hickel said he wanted to reiterate his controversial statement he made on taking office—"I am not for conservation. We have to catalog public lands, decide what is their best use, whether for scenery, recreation, or mining."

He said when the Public Land Law Commission completes its work that the administration and the Congress "are going to have to face that problem."

In discussing Indian problems, Hickel promised the governors "you are going to have an Indian as commissioner of Indians," but he said that a whole group of new faces would be needed to "clear out the bureaucracy" in the Indian Bureau.

John T. Middleton, commissioner for the National Air Pollution Control Administration, flatly told the governors he believed the "internal combustion engine must go if air pollution control is ever to be accomplished."

He said that millions of dollars in research are being spent on new propulsion methods for autos and trucks.

Middleton said new propulsion methods must come as there is no device that will do the job on the internal combustion engine.

He said the federal government hoped to avoid the need for the states to set up their own auto inspection programs to see that antipollutant devices on the new cars are maintained.

He said he had issued a regulation this week requiring manufacturers to inform car buyers in their guidebooks how the devices work and how to service them.

PUBLIC TRANSPORTATION ASSISTANCE ACT OF 1969

Mr. BENNETT. Mr. President, yesterday, August 11, 1969, I introduced, with the cosponsorship of the Senator from Alabama (Mr. Sparkman), chairman of the Committee on Banking and Currency; the Senator from Texas (Mr. Tower), the Senator from Illinois (Mr. Percy), and the Senator from New York (Mr. Goodell), all members of that committee, S. 2821, the administration's bill to provide for Federal participation in the development of urban mass transportation systems.

Prior to the introduction of the bill, informal conferences were held between the chairmen and the ranking minority members of the Committee on Banking and Currency and the Committee on

Commerce. As a result of the discussions, it was mutually agreed that because the bill is primarily related to the problems of urban transportation, the bill should properly be referred to the Committee on Banking and Currency for initial hearings and action, with a further understanding that should any features develop which are properly within the jurisdiction of the Committee on Commerce, that committee would have ample opportunity to consider them before the bill would be reported to the Senate. The Parliamentarian concurred in this decision, and the bill was so referred.

This explanation should have been made when the bill was introduced. It is made now for the information of the Senate.

ADDRESS BY SENATOR DODD BEFORE NATIONAL CONGRESS OF PETROLEUM RETAILERS

Mr. DODD. Mr. President, it was my privilege to address the delegates of the annual convention of the National Congress of Petroleum Retailers at the Hilton Hotel in Hartford, Conn., yesterday, August 11, 1969.

Because I was in Hartford addressing this fine group of small businessmen, I was not able to be present for two rollcall votes. Had I been present, I would have voted in the affirmative.

Mr. President, I ask unanimous consent that the text of my remarks to the National Congress of Petroleum Retailers be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

Mr. Toastmaster, ladies and gentleman: It was the invention of the automobile, more than anything else, which was responsible for a major industrial evolution in the United States: the growth of the petroleum industry.

As the number of cars increased, so, too, did the consumption of fuel and the volume of services they required.

As highways criss-crossed the country and the continent seemed to grow smaller, the petroleum industry witnessed an unprecedented expansion.

As methods of mass production were introduced and the countryside became urbanized, the petroleum industry, graced by competent leadership and sheltered by beneficient tax laws, garnered astounding profits.

Today, 9 per cent of the American wage earner's take-home pay is spent on transportation, with the largest portion being spent on automotive maintenance and fuel.

Despite this large slice of the economic pie, and despite the unsurpassed success of the petroleum industry as a whole, however, 75,000 small businessmen were forced to close their gasoline stations last year.

In an attempt to discover the answer to this strange anomaly, the Senate Antitrust and Monopoly Subcommittee, of which I am the ranking member, recently held hearings on the subject. The central question which framed the hearings was why, in an age of automotive prosperity, the profits of the petroleum industry have not sifted down to the retailers' level.

Although the answer was not totally unexpected, we were shocked to learn of the magnitude and severity of the problem.

We had no idea that the franchise system in this country was so riddled with abuse.

We did not know that the franchisee, the gasoline retailer, was no longer an independent small businessman, but rather had been relegated to the position of being an economic vassal of the franchisor, the giants of the petroleum industry.

We did not know that the threat of cancellation of a franchise was wielded as a meat cleaver by the company over the head of the operator.

We know now, however, as most of you know all too well, about those alluring newspaper advertisements which called on you to "be your own boss, earn $10,000 a year, run a Brand X tation", but which never told you that the chances of success were extremely slim.

In fact, the Internal Revenue Service indicates that: the average annual profits for a service station operator are only $3,000; one out of every three stations opened each year fails; and, only 5 percent of the gas retailers earn more than $10,000 annually.

Most of you here learned through experience what we learned in the hearings; namely, that in order to survive and to keep your gasoline franchise, you must "play ball" with the petroleum companies.

One witness who testified before the Committee was the second largest dealer in his area. However, he did not sell as many of his company's tires as he did another brand. Without warning, he soon received a letter announcing that his franchise would not be renewed.

Another dealer's franchise was cancelled when he made several requests to the company to build a third service bay so that the station might qualify as a state inspection outlet.

We learned that the mere threat of cancellation is usually an effective means of encouraging gasoline retailers to purchase trading stamps, promote give-away games, and sell company products, for the industry's dictates are simple: "comply with the demands, or be replaced by some one who will".

Witness after witness told how service station operators had put their backs and hearts into an operation only to have their franchises cancelled by a hot shot young regional manager because they refused to knuckle under.

The message from the Subcommittee's hearings came through loud and clear. In a society which reveres free enterprise, "laissez-faire" economic policy is certainly the ideal. But when "hands off" results in such malpractices as short-term lease cancellation, it is time for government regulation.

The regulation we propose is entiled "The Fairness in Franchising Act". It responds to the problem by requiring first, that a franchise may be cancelled for reasons of *substantial* non-compliance by the dealer.

It requires the company to show good cause if the reasons for his cancellation are challenged. Also if the franchisor does have a good reason for cancelling, he cannot take advantage of short notice and buy back the independent dealers' assets at a low price. He must give the retailer at least 90 days' notice so that the retailer can wind up his affairs in an orderly and profitable fashion.

It seems to me that once a dealer is relieved of the weight of arbitrary and capricious cancellation practices, he can become more sensitive to market opportunities, thereby better serving the needs and desires of the travelling public.

Unlike early antitrust laws, the Fairness in Franchising Act responds directly to the unique competitive position of the independent operator. It does not deal with the disruption of competition in the classic sense, for in the franchise system, the anticompetitive villain is the retailer's own supplier, his petroleum company.

Oil producers can control prices in an entire market by controlling the prices of one company-owned station. The petroleum company is happy to take a loss on one station if it can force other stations, including some of its own dealers, to sell their gas at roughly the same rate.

Prices in an entire major city can sometimes be regulated by subsidizing one service station.

Tactics like this benefit no one. Consumers lose. Industrious men are put out of business. Faith in the free enterprise system is shaken.

The members of the Subcommittee were determined to provide a remedy to this particular problem, and section 6 of "the Fairness in Franchising Act" provides such a remedy. The offended retailer need not wait for action by the Federal Trade Commission, which used to be the case. Instead, he may bring the action against the violating supplier himself. In effect, the Fairness in Franchising Act allows a franchisee to bring civil antitrust action against a franchisor.

In a sense, the problem of the gasoline retailer is symptomatic of the general plight of all small businessmen in the United States. The giants of industry are growing even larger. Government is becoming more complex. As a result, all too frequently both are insensitive to the demands of the small businessmen.

I believe the time has come for a new bill of rights for the small businessman, and I am hopeful that the Fairness in Franchising Act will be the cornerstone of these rights.

At the moment, the Antitrust and Monopoly Subcommittee is prepared to report "The Fairness in Franchising Act" favorably to the full Judiciary Committee. With a little effort on the part of interested Senators, the bill could pass the Senate, and, perhaps, with a little bit of luck even be enacted before the curtain falls on the first session of the 91st Congress.

The Fairness in Franchising Act, however, is only a first step. More needs to be done, for the problems which face the small businessman are the same as those which face all of us.

Our courts and legislatures, for example, have been zealously protective of the rights of felons and murderers. They have not been nearly as active in providing safety for citizens on the streets, or for businessmen who stay open after dark.

Criminals continue to have easy access to guns while law enforcement agencies are seriously undermanned. Last year, for the first time in thirty years, gun control legislation was passed by Congress. But I will not feel that my work on gun control is completed until a small businessman or gas station owner can keep his establishment open at night without the haunting fear of an armed robbery.

It is time for more responsiveness to economic problems, too.

First and foremost, tax reform is sorely needed.

Inflation must be halted. Prices are spiraling upward, while incomes are not keeping pace. The small businessman's costs are exorbitant, while profits are minimal.

Interest rates must be held in check. The group hurt the most by the recent increase in the prime interest rate was not the large borrower. He will always manage to receive funds somewhere at a rate he can afford. Instead, it is the small borrower, trying to build a home or start a business, who is burdened with astronomical interest charges.

These problems, and many, so many more, cry for solutions.

But my hopes are high.

Last month, when we expanded our horizons to the moon, we began a new era, which will provide perhaps the greatest opportunity for hard-working, intelligent men that our country has ever known.

I think my past record makes my stance for the future clear. Small business and the principles it represents will not be abandoned. You can be sure of it.

Thank you for your welcome and thank you for this opportunity to meet and talk with you about a real problem for all of us and for the people of the United States.

ADDRESS ON MICRONESIA BY MRS. ELIZABETH P. FARRINGTON

Mr. FONG. Mr. President, since a new team has assumed the administration of the Pacific Trust Territory, fresh insights and policies have been provided for U.S. relations with that western Pacific area.

New steps are being taken to promote the well-being of the Micronesian Islands, for which our country is responsible under a United Nations Trust Agreement. New efforts are underway to give the Micronesians greater participation in the administration of their islands; new help for their economic and social advancement; and especially new initiatives for a binding political partnership between the United States and Micronesia.

These steps and their implementation are outlined in an excellent address delivered on July 19 by Mrs. Elizabeth P. Farrington, the new Director of the Office of Territories, Department of the Interior. Speaking before the Phi Beta Kappa Association in the District of Columbia, Mrs. Farrington recounts some of her impressions visiting the trust territory and other U.S.-administered territories.

Her observations are both sensitive and incisive. They reflect her understanding of Pacific island peoples and their heritage and aspirations.

She is devoting to her new office the high sense of dedication and zeal which she and her late husband, Joseph R. Farrington, gave to the cause of Hawaii's statehood when they served as Delegates to Congress from the then territory of Hawaii.

Aside from her able discussion of Micronesia, Mrs. Farrington in her speech provides a most useful description of the political status of the myriad of Pacific islands under American jurisdiction.

I ask unanimous consent to have the text of her address printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS ON MICRONESIA BY MRS. ELIZABETH P. FARRINGTON BEFORE THE PHI BETA KAPPA ASSOCIATION IN THE DISTRICT OF COLUMBIA

Mr. Chairman, Distinguished Guests, Ladies and Gentlemen: Mahalo-nui-loa, as we say in Hawaii, or thank you very much for inviting me here tonight. You were kind, indeed, to ask me to choose my own subject matter. So I think I will just talk to you about my new work as Director of the Office of Territories in the U.S. Department of Interior, work that I am finding so challenging and so rewarding.

During the many years I have spent in various endeavors for the public, I know nothing that has appealed to me more than this particular assignment, that is, administering the governments of all our remaining territories, whether in the Atlantic or the Pacific Ocean.

The time has passed when we can think of our territories and possessions as something apart, as separate responsibilities from the nation as a whole.

Transportation and communication have brought all the world so close together that our island peoples cannot help but be affected and be involved in all matters of our policy.

Under the administration of President Nixon, we will have a special opportunity to demonstrate that his philosophy will assist the peoples of our offshore islands to develop an economy and a way of life that should provide a pattern for the whole world to follow—an economy and a way of life that will demonstrate truly that every man, woman and child over whom the American flag flies, is a symbol of freedom and democracy.

With our President's hopes for an earlier pullout of troops from Vietnam, with an ease-off in inflation this summer, we can now foresee a positive approach to our territorial problems.

The responsibilities of the Office of Territories, over the years, have encompassed areas from the frozen wastelands of the Arctic to the tropical sandy beaches of the Pacific and the Caribbean. The barriers of time and space are rapidly vanishing and these islands are no longer remote.

The term territory may be used to describe those areas to which the Constitution has been extended and in which it is applicable as fully as in the continental United States. This term is synonymous with incorporated territory, which refers to an area which The Congress has "incorporated" into the United States by making the Constitution applicable to it. The last two incorporated territories were Alaska and Hawaii. During the course of the United States history there have been others, all on the mainland and all of which subsequently became States.

The term insular possession may be used to refer to any unincorporated territory of the United States, i.e., any territory to which the Constitution has not been expressly and fully extended. The Virgin Islands, Guam and American Samoa are unincorporated territories.

The unincorporated territories may be further subdivided into those which are organized and those which are unorganized, i.e., those for which the Congress has provided organic acts which serve the same purpose as do the constitutions of the States, and those for which organic legislation has not been enacted. Guam and the Virgin Islands are organized but unincorporated. American Samoa is both unorganized and unincorporated. Therefore the people of Guam and the Virgin Islands are American citizens. The people of Samoa are not American citizens, they are nationals.

The term commonwealth, when used in the context of American territorial relations, means the status currently held by Puerto Rico, the only U.S. territory in that category. The term denotes a high degree of local autonomy, under a constitution drafted and adopted by the residents of the affected area, pursuant to Congressional enabling legislation earlier approved by such residents by referendum.

But Puerto Rico's special economic advantages pre-date creation of the Commonwealth, in 1952. These advantages include the absence of Federal income tax, and taxes paid on Puerto Rican products entering the mainland are returned to the Commonwealth.

Guam, the Virgin Islands and Samoa enjoy the same tax advantages.

Scattered through the western part of the north and central Pacific, several small islands, more appropriately classed as atolls and islets, fall into the category of U.S. Territories. Economically poor, some formerly had value for guano or as stops for whaling vessels. They gained renewed importance because of their stepping-stone value in the inauguration of trans-Pacific air transportation in the 1930's and by their strategic location in the Pacific phase of World War II. Sovereignty claims on the part of the U.S. Government date back to discoveries by American ships and the working of guano deposits.

There is Midway, 1150 miles northwest of Honolulu. It comprises two small atolls that were formally annexed in 1867. Military airstrips have been built on Midway and it is an important nesting site for birds. The Navy Department administers little Midway.

Canton Island, the largest of the Phoenix Islands in the Central Pacific, is claimed by both the United States and United Kingdom. In 1939, both countries agreed to administer both Canton and nearby Enderbury, jointly until 1989 when the question of ownership will be considered. These islands lie about 1700 miles southwest of Hawaii. The Interior Department administered the islands successively through Pan American Airways, the Civil Aeronautics Administration, the Federal Aviation Administration, and the National Aeronautics and Space Administration, NASA. In 1967,. NASA withdrew, leaving the islands uninhabited and back in the hands of the Office of Territories.

Howland, Baker and Jarvis Islands lie about 1650 miles southwest of Honolulu. None of these islands are considered habitable since all three islands lack fresh water, communications, and other facilities necessary to sustain life. The Department of Interior maintains no representative on the islands but has arranged for the Coast Guard to visit them annually.

Palmyra, about 1000 miles south of Honolulu, was claimed by the Kingdom of Hawaii but now is privately owned by a family from Hawaii. It is under the Secretary of Interior.

Wake Island, composed of three islets, is important as a commercial aviation base. It is about 2300 miles west of Honolulu and 1500 miles northeast of Guam. It has a 9800 foot runway capable of handling the largest modern aircraft. By agreement between the Secretary of Interior and the Secretary of Transportation, the Federal Aviation Administration exercises the principal operating responsibility of the island.

Then there are Johnston-Sand Islands, tiny atolls, taken over by the Navy for defense purposes in 1934. In 1858 both the United States and the Kingdom of Hawaii had annexed them.

Kingman Reef, lying 35 miles northwest of Palmyra and 920 miles south of Honolulu, is another Navy responsibility.

Administration of the Ryukyu Islands, between southern Japan and Taiwan, was vested in the United States by the Japanese Peace Treaty and the Department of the Army is administering them.

In addition to all of these, there are three groups of islands, the Line Islands, the Ellice Islands, and the Phoenix Islands, that both the United States and the United Kingdom claim. Altogether there are eighteen of these small atolls.

Also there are two more groups of islands, Tokelau or Union Islands and the Northern Cook Islands, claimed both by the United States and New Zealand. There are seven of these atolls.

The Panama Canal Zone is under the jurisdiction of the United States. If you want to know about that you ask The Panama Canal Company here in Washington, D.C. If you want information about the Swan Islands in the western end of the Caribbean you go to the Geographer in the Department of State. If it is Navassa Island between Jamaica and Haiti you are curious about—maybe about the lighthouse you see there—you ask the U.S. Coast Guard. If your curiosity is still further stimulated because of those little banks that appear above and below water level, you again ask the Geographer of the State Department about Quita Sueno Bank, Roncador Cay, and Serrana Bank, roughly in a 60 mile square area about 120 miles east of Nicaragua and 250 miles north of Panama.

The Geographer of State can also tell you about Serranilla Bank, another guano island about 90 miles north northeast of the Quita Sueno-Roncador-Serrana Bank. He can also describe the Corn Islands, Great Corn and Little Corn, about 30 miles off the coast of Nicaragua.

Just the mention of these many islands gives us some notion of the vast domain of the United States but as yet we have not mentioned the vastest group of all, the Trust Territory of the Pacific Islands.

Out in the broad blue Pacific these 2100 islands known as Micronesia, or land of small islands, cover less than 700 square miles of land, set in some 3,000,000 square miles of ocean, the area of the continental United States. They embrace the Marshalls, Carolines, and the Marianas. This area, under Japanese mandate from the League of Nations before World War II, is administered now by the United States under a trusteeship agreement with the United Nations. The Philippine Islands lie to the west, only 500 miles distant at one point; to the east is Hawaii, some 1800 nautical miles from the Marshalls eastern border. Although the population is small, the area does not lack strategic value. We are in the midst of an adjustment of U.S. position in the Pacific. For this reason, the Trust Territory is receiving special attention as part of the accommodations with Japan and the possible slow withdrawal from Vietnam.

So the eyes of the world are focussed upon Micronesia today and are guardedly watching the intent of the United States in the Pacific.

Everybody knows what happened to Bikini, an island in Micronesia. Bikini the first date in the Atomic Age. As Walter Karig has so aptly put it. Bikini is not the name of a place so much as it is the name of an event. It is the name of an era, an era which makes us envy our great-grandparents, so peacefully asleep.

But Bikini was a place and it is a place. It was a place of a happy people who sat around all day gossiping and telling ghost stories and whittling canoes, outrigger boats in which they used to go fishing in a palm-fringed turquoise lagoon. They scarcely heard the rustle of history's pages typing faster and faster as the record was written of what the great peoples of the earth were doing to make life more interesting and more certain of painfully abrupt termination.

Now, though, there are no people on Bikini. All of a sudden civilization caught up with the mid-Pacific atoll and its people were hustled off from the Stone Age to the Atomic Age, and thence into luxurious exile while their homeland was prepared for a preview of the world's end.

But Bikini is still there. The island stretches in the shade of its arching palms on the multi-colored reef that embraces a lagoon radiating every hue and shade of blue that sun and sea can conjure. But the lagoon conceals death. Its blue is not the color of serenity but the warm color, say, of bichloride of mercury. Bikini the Place is a small monument to Bikini the Event.

Bikini was the only place on earth where the experiments could be conducted without danger to adjacent territory. Unvarying winds would carry the lethal clouds away from populated areas until the radioactive vapors were dissipated over untenanted seas. The deep lagoon would confine the contaminated waters.

The only difficulty was that Bikini was inhabited but poor as it was, all 167 inhabitants, altho they didn't own the island, loved it. It belonged to, and the Bikinians were subject to, the paramount chiefs of Ailinglaplap, a lush and fruitful atoll some hundreds of miles southwest.

And the natives still love their island. They were moved to another island of their own choosing. The Navy housed them and fed them and told them to make a wish and it would come true. They had only one wish—to go back to Bikini. The one wish that everyone said couldn't come true.

But it is coming true. Today, with the compassionate policy of The Department of Interior toward all its island charges, and with the help of the Department of Defense, the people of Bikini are going back to their island home.

The Department of Defense is at the moment engaged in cleaning Bikini of all the scrap and remnants of war, clearing the fields, so that the native peoples, now safe from radioactivity which prevented their return until now, will go back and with the help of Interior replant their coconuts and build their homes.

But more than that, the Bikinians will share in a great construction program that has been launched by this administration for all the peoples of Micronesia.

They are fast becoming a self-governing people, already enjoying an elected Congress of their own, composed of Senate and House.

In early May, the Secretary of Interior took a trip to Micronesia to find out what the peoples' needs were. Today a team of scholarly specialists in the areas of health and education, economic development, land tenure and acquisition, and pay equalization are there collecting the facts that will enable our government to set goals for the betterment of the people.

As I said, Secretary Hickel went out to Micronesia the first week in May to obtain Micronesian thinking and propose a program of action designed not only to improve the social, economic, and political conditions of the territory, but to develop a favorable political climate in which the Micronesians could consider their self-expressed wish of permanent association with the United States.

After consulting with Micronesian leaders, the Secretary announced a program of action incorporating their views. The idea of terminating the trusteeship and building a lasting political partnership was soundly applauded.

That program is showing visible signs of action.

Already, Interior is bringing more Micronesians into higher ranking and more responsible positions in the Trust Territory Government. The first step was to appoint as District Administrator of the Marianas district, Mr. Frank Ada. Instead of a U.S. District Administrator with a native assistant, in the future there will be a native administrator with a U.S. advisor, the advisors to be phased out on a case-by-case basis.

The second point in this program is to develop an imaginative and effective program of training, preparing Micronesians for greater responsibility.

To assist the High Commissioner in bringing action programs together, a six-man team of experts is in Micronesia now. Its expertise includes economic development, land tenure and acquisition, public health, education and manpower development. This committee will solicit the views of the six district legislatures, tribal and village chiefs in their respective districts.

The territorial government currently has a dual wage scale, one for U.S. employees and one for Micronesians. This will not be allowed to continue. It is inconsistent with American concepts of equality and justice.

Expansion and upgrading of facilities and personnel in the vital field of public health and education are urgently required. Ways will be found to improve performance, even with the necessity of additional funds.

The key to economic development of Micronesia is a permanent political association with the United States. U.S. businessmen exhibit a consistent and understandable reluctance to invest in a geographic area with an uncertain political future.

In May, Secretary Hickel publicly announced our intention to work with the Micronesians to develop the legislation which will end the Trusteeship and build a lasting political partnership with the U.S. This was soundly applauded by the Micronesians. As a result, we can now successfully encourage American businessmen to invest in the area. The tourist, fishing, agriculture, and service sectors appear to offer the most promise. At present—copra is the main industry but tourism, augmented by the regular flights of one large commercial airline, who will build six hotels in Micronesia in the near future will increase the tourist business.

Legislation already introduced in the Congress giving the present alien Micronesians free entry and free tariffs should likewise encourage mutual trust.

But fundamental to any sound development, be it social, political or economic, is to have a modern land tenure and acquisition systems. The Micronesians have a complex system which varies from district to district and relates land or various types of land use to the tribe or tribal chief. Add to this the complications of successive Spanish, German, Japanese and U.S. conquest of the area and you have land tenure and acquisition problems of the first magnitude.

The Secretary of Interior has promised the President the development of a modern land tenure and acquisition system by June 30, 1970. Prompt and adequate compensation to the land owner will be the central feature of the system. There is need for accelerated surveying and land registration programs. Future military requirements need definition.

On our trip to Micronesia in May, it was apparent that there was need for rapid improvement in roads, harbors, airfields, water and sanitation facilities. More than a directive to speed up the letting of contracts on all authorized and funded projects was needed. It also appeared that Micronesians should do more to help themselves. So we hit on the idea of civic action teams—small teams of one officer and 12 highly trained men, who, equipped with an assortment of power and hand tools and an impressive array of skills, are designed to work with twice their number of natives to accomplish small scale civic projects.

The idea was presented to the Micronesian leadership with the clear understanding that each district that wanted such a team would have to request it, that Micronesians would be expected to work side by side with the Americans, and together would work on projects determined by the native district legislature, not on projects dictated by the territorial government or the U.S. military establishment. Five of the six district legislatures have already requested teams. The Defense Department has agreed to furnish them. The first two teams, the U.S. Navy Sea Bees, have moved into Truk and Ponape.

Interior is also looking into the feasibility of underwater demolition teams to remove underwater obstacles, chiefly coral heads, that hamper the movement of supplies and travel of people through the lagoons and harbors.

The trip also revealed urgent requirements for six additional sea-going vessels, one for each district to aid in moving goods and people and providing for emergency units as required. We have already found six World War II land craft (LCU's) for this purpose and are now looking for communications equipment with its associated generators to provide emergency back-up to our thin communications with the outer islands. The Defense Department has been asked to assist in this. Aside from the other legislative proposals which I have mentioned such as the removal of tariff barriers, removal of travel restrictions, extension of the U.S. income tax as a local tax available for Micronesian governmental revenues, there will be, of course, an Organic Act which would end the trusteeship and bring the Micronesians under the U.S. Constitution.

Secretary Hickel is committed to the President to solicit Micronesian views in drafting an Organic Act. A Micronesian Congress has been requested to appoint a representative group of its wisest, most experienced members to come to Washington in August or September to work with our staff in drafting the legislation.

The Micronesian Future Political Status Commission has been working two years. Their preliminary report favors free association with the U.S. Out of this it is hoped that a permanent association will be favored.

At present, we are hopeful that the Congress of Micronesia will request President Nixon and the U.S. Congress to invite the people of the Trust Territory to express their wishes on their future political status. Included in the act will have to be a title making the territory a part of the U.S., thus ending the trusteeship agreement.

So what have we really been talking about and what is to become of these islanders.

These islets of Micronesia lie like a winddrift of sawdust left over from making of the East Indies, from where the earliest settlers must have migrated. But little is left of the native Chamorro in Guam or the other peoples of the Marianas. The admixture of Polynesians and Indonesians, the Spanish, the German, the Japanese, the Filipinos, has resulted in a totally new kind of people. The people live on small atolls that cover an ocean area as wide as the U.S. from Boston to San Francisco, and as broad as from New Orleans to the Canadian border. But if all the real estate above high tide were swept together, it would not possess the acreage of Rhode Island.

Somewhere between 80,000 and 90,000 native born persons inhabit the islands and the high seas between them, for the Micronesians are great gad-abouts. The seas are acrawl with their graceful looking, awkward acting outrigger boats which is the reason why population can't be accurately estimated.

Geographically "American" Micronesia is divided into three groups, the Carolines, the Marianas and the Marshalls. For administrative purposes the Carolines are divided into the Eastern and the Western, and Guam is a separate political entity from its sister Marianas, Guamanians are already American citizens.

The islands are in the latitude of Siam, the Philippines, Central America and the Sudan. That is hot country, palms, coconuts, grass skirts.

On the north-south axis, the islands lie south of Japan, very, very far south of Kamchatka—north of New Guinea and the Solomons.

They include such name places of recent portent as Truk, Peleliu, Kwajalein, Saipan. Tarawa and Makin, stars on the Marines' Asiatic ribbon, are in British Micronesia.

They are the final resting place of thousands of young Americans, and so are the waters between the islands.

They are ours under trusteeship from the United Nations, to do with as we please so long as we do not exploit the natives and to help them achieve self-government.

The only value the islands have to us, outside of mine deposits of phosphate and bauxite on two or three islands, is strategic. Again, this value is limited by the nature and direction of the next war, for which it is the naval and military officers' duty ever to prepare, no matter how successful the diplomats and politicians may be in postponing or accelerating that conflict.

So, Micronesia? We have it with a dubious quality of approval of international jurisprudence. The United States did for itself what Japan, with British help, did thirty years ago. Then Great Britain, balked by American peace at-any-price foreign policy, told Japan she could have all Germany's possessions north of the equator for the quid pro quo of Nippon's declaration of war against the First Reich. Not until the Peace Conference in Paris was the transaction revealed to President Wilson. The United States saved face by exacting from Japan the pledge that the islands would not be fortified. When it came America's turn in 1947, we held all the aces. We would keep the islands in trust—but reserved the right to make strategic military use of them and to exclude visitors from those areas.

American benevolence was early demonstrated by the Navy, Marines, and Army. Those who have become dependent upon Occidental aids to living want more American paternalism. The majority want to be let alone, within reasonable limits, their reasons; their limits. Certainly that is their due. The imposition, thru a misguided sense of duty, of alien social, political and economic formulae would be a cruelty differing only in degree of brutality akin to what other conquerors have practiced in Europe.

We, in the Department of Interior, will not insist that Micronesians become Americans like those in Iowa or New Jersey or Missouri. Deny the islanders some of our civilization's assets we cannot and will not but systems of education should be extensions of the cultures of the people concerned. That is our policy in Interior.

Our essential and inescapable duty to the islanders is to make available to them our civilization's cures for the ills our civilization inflicted upon them. We owe them that, for, although we have had jurisdiction over the islands for only a very short time in their long history, American influence on their people has been powerful.

We owe them relief from the diseases we introduced. We owe them the opportunity to learn, to practice for themselves, certain techniques of existence and subsistence. For example, islands which once amply supported larger populations now maintain a decimated community in poverty because people became dependent on imported foods. As their orchard jungles were cut down for copra plantations, the native agronomics and fishing industry perished while the islanders toiled in the coconut groves for money with which to buy tinned salmon and beans. We showed them how to become self-sufficient again, but before they can achieve that form of independence, we must eradicate the plant pests and diseases that were exported to the islands by careless and ignorant foreign exploiters.

In return, we can expect nothing except what value this geography of the area contributes to our national defense. We hold the islands because experience has proved that if anybody else did it meant trouble for the United States.

Micronesia is going to cost us money. On the books, the islands will be a liability as a warship or squadron of B–29's is an expense without cash return.

But in human relationships, Micronesia can be the greatest asset we have—an asset that should insure peace in the Pacific. And I remind you of what Dr. Coomaraswamy has written, "We cannot establish human relationships with other people if we are convinced of our own superiority or superior wisdom."

In Micronesia the islanders are much wiser than we. In Iowa, New Jersey, or Missouri, we are wiser than a Micronesian would be in that environment.

Try to learn how to sail an outrigger racing canoe. It is impossible to talk in those craft. The outrigger float has to be kept to windward. The art is to steer as close into the wind as possible, and then reverse the lateen sail so that the boat's stern becomes its bow, the bow the stern.

In trying to learn to sail an outrigger, one American naval officer in five lessons fell overboard fourteen times.

"If the Americans are such poor sailors that the captain can't handle a wahr without falling overboard," said one Micronesian observer, "how do you suppose they were able to defeat the Japanese."

Wisdom is a matter of geography.

You will hear more and more about Micronesians. You will be subjected to a lot of propaganda. So, just remember in the next few months, as you read the debates in The Congress over the political status of Micronesia, that the islanders had found a way of life which was in some respects superior to our own under any conditions, and in almost every respect, superior to anything we could substitute, not for us, but for them.

And as I plead states rights for the Micronesians; Yap for the Yaplanders; Mokil for the Mokilians; Palau for the Palauans; Guam for the Guamanians; and as we form a binding partnership with the Micronesians, as they join our great Union, let us leave one corner of the earth uncontaminated by tincan civilization, so when we of the white race wipe each other out with atomic bombs and biological warfare, the Micronesians can take over the world without handicaps.

Kaselehlia, all things good to you, as they say in Micronesia, or aloha, as they say in Hawaii.

VALEDICTORY ADDRESS AT THE FOXCROFT SCHOOL

Mr. MUSKIE. Mr. President, earlier this summer I had the privilege of speaking to the graduating class at the Foxcroft School, in Middleburg, Va. The valedictorian of the class, Miss Lisa Thomen of Asheville, N.C., gave a brief but noteworthy address to her classmates on the meaning of freedom.

Miss Thomen's remarks had a special relevance for me. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the valedictory address was ordered to be printed in the RECORD, as follows:

VALEDICTORY ADDRESS BY LISA THOMEN

"Freedom is a word I rarely use without thinking." This is a line from one of Donavan's songs. Our generation today talks a lot about freedom and certainly this is true of Foxcroft. Every girl here is hoping that this talk will be short so that they may attain the freedom they have been waiting for all year.

What do we mean by freedom? What do we expect? I asked some girls for ideas and one said that she wanted to get out in order to be away from the petty rules and restrictions of school. Another said she wanted to be free from people planning her days, such as requiring meals or even requiring classes. To be free from responsibility was another answer. And naturally large numbers wanted to see members of the opposite sex. The word freedom here can mean the right to do so many little things. Do we want to smoke? Yes! Do we want to drink? Yes! Do we want to date? Without a doubt. We feel that these are our rights.

But in all of these different ideas there is a similarity. We all want to be able to do whatever we want whenever we want. We want to satisfy our somewhat hedonistic fancies whenever they appear. Our conception of freedom, therefore, is purely selfish. Our generation's rebellion against any form of authority is an extension of this.

Yet with any right comes responsibility. When we are in college, the social rights such as smoking and dating and in general being free agents will be realized. But as we get older, larger rights will be ours, yet they, because of their significance in society imply a certain responsibility. For example, we all wanted a driver's license. Anyone who went to Driver's Education or had a friendly back seat parental driver knows that you watch out not only for your own car, but everyone else's. Any person over the age of 18 can get married, but they then have the responsibility of caring and providing for their children. And finally in a couple of years we will all have the right to vote—but that certainly involves the responsibility of giving the candidates your best consideration and making the best possible choice.

In all of these areas, the consequence of not assuming responsibility can be detrimental not only to one's self, but the whole of society.

We all have personal responsibilities too, however. Foxcroft has equipped us all with an education—granted some more, some less. But we all certainly have the intellectual potential to accept the opportunities that freedom allows us. It is each person's responsibility then to respond when an opportunity is present. Not only in self-indulgence, for today's world is full of vast discrepancies in wealth, advantages and people. People all over the world are starving, we are free to and should respond to this. We are given the chance to get a better education at college, again we are free to and should respond. Each person should have enough self-respect to develop that which is best in him.

So with the word freedom comes the idea of responding to need. If there is a need and we have freedom, then we should help others. If we instead use freedom to hurt others, then this is not freedom, this is license.

We realize that our education is still incomplete but we realize nonetheless that at least the foundations have been laid. Foxcroft has tried to make us aware of the opportunities and responsibilities of freedom in society.

"Freedom is a word I rarely use without thinking."

We, too, should think.

AMERICAN BAR ASSOCIATION VETO POWER OVER JUDICIAL NOMINATIONS

Mr. WILLIAMS of Delaware. Mr. President, yesterday's issue of the Washington Post contains an article entitled "Nixon Gives ABA Veto Power Over Appointments to Bench," written by Mr. John P. MacKenzie.

I sincerely hope that this is an erroneous report. I cannot conceive of such a delegation of Executive appointive power to any private organization.

If this were accepted as a precedent, would organized labor be given veto power over the appointment of the Secretary of Labor? Would the U.S. Chamber of Commerce be given veto power over the appointment of the Secretary of Commerce? Would the investment bankers be given veto power over the appointment of the Secretary of the Treasury? And so forth?

In this instance the members of the American Bar Association will automatically be practicing and representing their clients before the men who, if their nominations were confirmed, would be deciding their cases.

Certainly the recommendations of the American Bar Association should be weighed, just as are the recommendations from Governors and Members of Congress, but to no one group should be delegated the power of vetoing Presidential appointments.

I particularly question the wisdom of delegating such power to the American Bar Association because it is evident by its own admission that its present canon of ethics is not adequate to cope with the problem of improper activities concerning those who have already been confirmed as judges.

For example, I have just received a letter under date of July 29, 1969, signed by Mr. James M. Spiro, assistant to the president of the American Bar Association, with which he enclosed a report signed by the standing committee on professional ethics in which they admit that as far as the American Bar Association is concerned it has no facilities to cope with questions raised as to the propriety of men who have previously been confirmed as judges.

On May 20, 1969, I wrote a letter to Mr. William T. Gossett, president of the American Bar Association, calling his attention to the numerous allegations related to Justice Douglas' having accepted a $12,000 retainer from the Parvin Foundation at a time when the Parvin interests were under investigation by at least two Government agencies. In my letter I asked whether or not the acceptance by a member of the Court of a fee under such circumstances violated the code of ethics of the American Bar Association.

On May 28 Mr. Gossett, stating that my inquiry was being referred to the standing committee on professional ethics of the association and that I would be receiving a reply to the questions raised in my letter.

Under date of July 29, 1969, I received a reply from Mr. James M. Spiro, assistant to the president of the American Bar Association, with which he enclosed a copy of the July 21 decision rendered by the professional ethics committee. In this report the ethics committee fails to take a firm position. First they state:

> Stated in general terms, any outside activity on the part of a judge to an extent which might interfere with the effective performance by him of his judicial duties would be contrary to the Canons of Judicial Ethics and Formal Opinion 322, as, obviously, would improper personal activities and relationships. The Committee believes that Formal Opinion 322 is an appropriate guide to determining whether a judge's activities are violations of the Canons of Ethics.

However, they followed this statement with the following:

> As indicated, however, the facts supplied to us are not sufficient to enable us to express any opinion on this specific inquiry.

I can only interpret this to mean that if a judge is convicted in the courts of improper activities or if, as in the case of Justice Fortas, he is forced to resign his position as a result thereof, then the Bar Association can muster the courage to censure his conduct as a judge, and we are led to assume that they will take no chances of criticizing directly a sitting member of the Federal bench.

Most certainly qualified members of the American bar would know how to develop the so-called facts of any case as it had been presented to them, particularly when we consider that in this instance Justice Douglas himself had admitted the acceptance of the fee and it is a matter of public record that at the time he was on the payroll of this foundation the Parvin interests were under investigation by at least two Government agencies.

I ask unanimous consent, first, that the Washington Post article be printed in the RECORD, followed by a copy of my correspondence with the American Bar Association, beginning with my letter of May 20, 1969, followed by his acknowledgement thereto of May 28, and the letter of Mr. James M. Spiro dated July 29, 1969, which includes the final report of the standing committee on professional ethics of the American Bar Association.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Aug. 11, 1969]

NIXON GIVES ABA VETO POWER OVER APPOINTMENTS TO BENCH

(By John P. MacKenzie)

DALLAS, August 10.—The Nixon administration has given the American Bar Association veto power over candidates for judgeships who are considered unqualified by the ABA's Committee on the Federal Judiciary.

Deputy Attorney General Richard G. Kleindienst, who disclosed the arrangement on the eve of the ABA's 92d annual convention here, offered the same concession to the ABA with respect to the local judgeships in Washington if the ABA wants it.

The disclosure marked the high point of the private organized bar's three decades of effort to influence the selection of federal judges. It also signified an extraordinary delegation of executive constitutional power to one segment of the general population.

Supreme Court appointments, such as the one President Nixon has announced will come this week, are not affected by the administration-bar understanding.

Mr. Nixon has taken the firm stand that these appointments are for him alone because there never is enough time for meaningful and confidential consultation with the ABA.

Kleindienst conceded that the Administration might be criticized for having "abdicated" some of its own investigating and evaluating functions, but he said it was the best way he knew to protect the Executive Branch from strong pressures to put political hacks on the bench.

A "not qualified" ABA rating often has been cited by the Justice Department officials in resisting senators who implore the Executive Branch to nominate a man of disputed qualifications. On other occasions, Presidents have disagreed sharply with the ABA's Judiciary Committee or have yielded to Senate pressures, sometimes triggering bitter confirmation battles.

President Truman prided himself on ignoring the ABA, but the Eisenhower administration developed a close relationship with it. President Kennedy sought ABA cooperation, but sometimes ignored its findings. President Johnson was privately critical of the ABA, but after a celebrated fight against a nominee in 1965, all his appointments met with ABA approval.

The Nixon administration's commitment, as explained by Kleindienst at an ABA gathering, is that the White House will never submit a nomination when the bar's Judiciary Committee has issued a "not qualified" rating.

His offer to give the ABA the same veto over purely "local" District of Columbia judicial nominations was received with elation and surprise by D.C. Bar President George Monk and past Presidents Edmund D. Campbell and John E. Powell.

At present, the Justice Department submits candidates for the Federal District Court and the United States Court of Appeals in Washington to the ABA committee. Justice entertains suggestions from the D.C. Bar Association for nominations to General Sessions, Juvenile Court and the D.C. Court of Appeals, but does not use the organized bar to help screen candidates.

It was far from certain that the national bar organization would accept Kleindienst's invitation to help screen Washington's local judgeship nominees. This would create a large added workload for the bar committee, especially if Congress authorizes two dozen more local judges under the administration's D.C. court reorganization bill.

Kleindienst said the "veto" policy could be implemented well in advance of court reorganization—soon enough, in fact to influence the mounting battle over the bid of Judge Milton S. Kronheim Jr. for a third 10-year term in General Sessions.

STRONG OPPOSITION

District bar leaders and Justice Department officials are strongly opposed to renominating Kronheim, a Democrat whose father, a politically powerful liquor distributor, succeeded in 1959 in blocking several GOP bench candidates until his son was named to a second term.

Although the Kleindienst offer did not extend directly to the D.C. Bar Association, as a practical matter the ABA's Judiciary Committee relies heavily on the opinion of bar association leaders in the locality of each potential nominee.

Kleindienst suggested that his pledge of cooperation offered the bar greater influence and better results than a proposal being circulated at the ABA meeting for a nominating commission for all Washington judges.

He added that in his opinion a bill drafted by the Judicial Council for a local court advisory nominating committee was unlikely to pass in Congress. He said senators would not surrender their power in the selection process to a nominating commission.

In a luncheon speech, incoming ABA President Bernard G. Segal of Philadelphia, a prominently mentioned prospect for the Supreme Court vacancy, praised the Nixon administration for what he called a seven-month record of ability "to withstand tremendous pressures" from politicians.

"In 17 years no administration has shown higher aspirations for judicial nominations, or higher standards, or greater determination to maintain resistance to political pressures than this administration," Segal said.

Segal, recounting a long history of involvement in nominating judges and Supreme Court justices, said he understood President Nixon's position on Supreme Court nominations but added "I get a sense" that eventually Mr. Nixon might decide to consult the ABA.

Segal spoke as though he did not expect a Supreme Court nomination for himself but rather anticipated a busy year as ABA president.

Speculation here has centered almost exclusively on Chief Judge Clement Haynsworth of the Fourth U.S. Circuit Court of Appeals as Mr. Nixon's most likely choice to succeed Justice Abe Fortas, who resigned under fire in May.

In a breakfast speech, Chief Justice Warren E. Burger announced plans to summon educators, representatives of nonprofit foundations, judges and lawyers to discuss plans to improve legal education.

Burger said too many law schools stress the study of written judicial opinions at the expense of facts and practical problem-solving that would train them more adequately for the legal profession.

U.S. Senate,
Washington, D.C., May 20, 1969.

Mr. William T. Gossett,
President,
Washington, D.C.

Dear Mr. Gossett: Canons of the Judicial Ethics of the American Bar Association read as follows:

"Canon 1. The assumption of the office of judge casts upon the incumbent duties in respect to his personal conduct which concern his relation to the state and its inhabitants. . . ."

"Canon 4. A judge's official conduct should be free from impropriety and the appearance of impropriety; he should avoid infractions of law; and his personal behavior, not only upon the Bench and in the performance of judicial duties, but also in his everyday life, should be beyond reproach."

"Canon 13. A judge . . . should not suffer his conduct to justify the impression that any person can improperly influence him or unduly enjoy his favor, or that he is affected by the kinship, rank, position or influence of any party or other person."

"Canon 24. A judge should not accept inconsistent duties; nor incur obligations, pecuniary or otherwise, which will in any way interfere or appear to interfere with his devotion to the expeditious and proper administration of his official functions."

"Canon 25. A judge . . . should not . . . enter into any business relation which in the normal course of events reasonably to be expected, might bring his personal interest into conflict with the impartial performance of his official duties."

"Canon 26. A judge . . . should, so far as reasonably possible, refrain from all relations which would normally tend to arouse the suspicion that such relations warp or bias his judgment, or prevent his impartial attitude of mind in the administration of his judicial duties."

"Canon 31. . . . He may properly act as arbitrator or lecturer upon or instruct in law, or write upon the subject and accept compensation therefore, if such course does not interfere with the due performance of his judicial duties, and is not forbidden by some positive provision of law."

"Canon 34. In every particular his conduct should be above reproach. He should be . . . indifferent to private political or partisan influences; he should . . . deal with his appointments as a public trust; he should not allow other affairs or his private interests to interfere with the prompt and proper performance of his judicial duties, nor should he administer the office for the purpose of advancing his personal ambitions or increasing his popularity."

I have your letter of May 20, 1969, stating that the conduct of Mr. Fortas in accepting a $20,000 fee from the Wolfson Foundation while a Supreme Court Justice was "clearly contrary to the Canons of Judicial Ethics."

It is also a matter of public record that Justice Douglas has been on the payroll of the Parvin Foundation at a salary of $12,000 per year, and the principals behind this tax-exempt foundation have likewise been the subject of investigation by various agencies of the Government, including the Department of Justice.

I am sure that the American Bar Association is familiar with Justice Douglas' arrangements for accepting fees from this foundation, whose members have close relationship with the Las Vegas gambling industy; therefore, I am asking the question: Does Justice Douglas' acceptance of this $12,000 annual retainer from the Parvin Foundation violate the Canons of Judicial Ethics of the American Bar Association?

Yours sincerely,
John J. Williams.

American Bar Association,
Chicago, Ill., May 28, 1969.

Hon. John J. Williams,
U.S. Senate,
Washington, D.C.

Dear Senator Williams: In response to your letter of May 20, this is to report that I have referred to the Standing Committee on Professional Ethics of the Association the question propounded in the last paragraph of your letter, based upon the Canons of Judicial Ethics of the Association therein set forth.

When a response has been received from the Committee you will hear from me again.

With best wishes,
Sincerely yours,
William T. Gossett,
President.

American Bar Association,
Chicago, Ill., July 29, 1969.

Hon. John J. Williams,
U.S. Senate,
Senate Office Building,
Washington, D.C.

Dear Senator Williams: President William T. Gossett has asked me to send you the enclosed copy of the Opinion of the Standing Committee on Professional Ethics relating to Mr. Justice Douglas. The Opinion was rendered by our Committee at the request of President Gossett in response to your letter of May 20, 1969.

Sincerely yours,
James M. Spiro,
Assistant to the President.

Standing Committee on Professional Ethics, American Bar Association,
Chicago, Ill., July 21, 1969.

Re Informal Opinion No. 1117, "outside" activities and income of Supreme Court Justice.

Hon. William T. Gossett,
President of the American Bar Association,
Chicago, Ill.

Dear Mr. Gossett: You have requested that this Committee advise you with respect to an inquiry concerning the ethical propriety of acceptance by a Supreme Court Justice of an annual salary from a tax-exempt foundation.

This Committee does not have any procedures for investigating or determining facts, nor for holding hearings to receive evidence of facts, as a court or grievance committee does. Our procedures require that we be supplied with the facts necessary to enable us to answer the questions propounded to us.

The Committee does not have sufficient facts in this instance to render an opinion without assuming facts which are not supported by direct evidence; nor does the Committee have before it any full contemporaneous statement of facts made by the Justice himself.

Accordingly, we are unable to more than refer to the general principles of the Canons of Judicial Ethics and the general discussion in our recently released Formal Opinion 322, a copy of which is enclosed.

Stated in general terms, any outside activity on the part of a judge to an extent which might interfere with the effective performance by him of his judicial duties would be contrary to the Canons of Judicial Ethics and Formal Opinion 322, as, obviously, would improper personal activities and relationships. The Committee believes that Formal Opinion 322 is an appropriate guide to determining whether a judge's activities are violations of the Canons of Ethics.

As indicated, however, the facts supplied to us are not sufficient to enable us to express any opinion on this specific inquiry.

The Committee's regular Chairman did not participate in the consideration of this matter, and the undersigned acted in his place.

Respectfully submitted.

Kirk M. McAlpin,
Samuel P. Myers,
Floyd B. Sperry,
Benton E. Gates,
Acting Chairman.
Thomas J. Boodell,
C. A. Carson III,
Charles W. Joiner,

AMERICANS FOR BIAFRAN RELIEF

Mr. DODD. Mr. President, in terms of the cost of human life and human suffering, the grim Nigerian-Biafran conflict has already cost far more than the Mideast war or even the war in Vietnam.

According to reliable estimates, a million and a half civilians, mostly women and children, have already died of starvation. And we have been warned that at least another million will perish if the free world, despite the difficulties, does not keep up the relief airlift of food and medicine.

In this connection I want to call to the attention of the Senate the nationwide drive in support of the Joint Church Aid airlift which is being conducted by Americans for Biafran Relief.

I am confident that the response of the American people will be generous because nothing has moved their hearts more than the haunting photographs of starving Biafran mothers and children.

Those who wish to make a contribution to save a human life in Biafra, may send their contribution to Americans for Biafran Relief, Post Office Box 4030, Church Street Station, N.Y. 10049.

Mr. President, I ask unanimous consent to have printed in the RECORD the following documents about the Biafran crisis:

First. "Facts About the Airlift Campaign," put out by Americans for Biafran Relief.

Second. A statement on Joint Church Aid relief flights into Biafra.

Third. The text of a feature article describing the nationwide campaign of Americans for Biafran Relief.

Fourth. The text of an official proclamation by Gov. John Dempsey of Connecticut, designating August "A Month of Hope for Biafra."

Finally, I ask unanimous consent to have printed in the RECORD the text of a petition I have received from the parishioners and friends of St. Mark Church, Stratford, Conn., urging the American Government to "use every tool of diplomatic leadership to help bring peace to Nigeria and Biafra," and also urging stepped up support for our relief effort.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

FACTS ABOUT THE AIRLIFT CAMPAIGN

WHY

Three million Biafran women, children and elderly people are totally dependent for their existence upon the mercy airlifts run by the churches. The International Committee of the Red Cross halted flights on June 5.

Deaths from famine and associated causes already total between one and two million.

Countless more within the Biafran enclave would have died without the airlifts.

If the mercy airlifts were interrupted for even one week, the entire Biafran population would face the threat of imminent starvation.

Even with the flow of supplies reaching the landlocked enclave, the general weakened condition of the population has created widespread anemia and the possibility of a tuberculosis epidemic.

The next few weeks are crucial because the rainy season will not only cause greater hardship for the already burdened people, but will present difficulties for the airlift and the transportation of supplies as well.

The up to 200 tons airlifted nightly by the churches is crucial because local crops have been depleted for about 6 months and the next harvest is not due until mid-July.

Even this 200 tons falls far short of the minimum 500–1,000 tons needed to supply *all* the starving inside Biafra.

Over one-half the original population (10–14 million) of the Biafran area is landlocked in an area about one-quarter the original area (29,000 square miles).

"Unless something dramatic is changed almost immediately, a minimum of 1 million and probably 2–2.5 million Biafrans will die in the next 12 months."—Report by Senator Charles E. Goodell's Fact-Finding Team, February 19, 1969.

WHAT THE MONEY PROVIDES

$1 provides 10 pounds of foodstuffs and medicines or 1 meal for 80 children at daily minimal rations of ⅛ lb.

$5 provides 50 pounds of foodstuffs and medicines or 1 meal for 400 children at daily minimal rations of ⅛ lb.

$10 provides 100 pounds of foodstuffs and medicines or 1 meal for 800 children at daily minimal rations of ⅛ lb.

1 ton costs $270 to fly in.

1 C–97 flight costs $4,000 and averages 15 tons.

15 flights, or a day's minimum supply, costs about $60,000.

STATEMENT ON JOINT CHURCH AID RELIEF FLIGHTS

NEW YORK, July 18.—Joint Church Aid—U.S.A. last night completed its 500th relief flight into Biafra, Edward M. Kinney, secretary-treasurer of the group, announced here today, and he also stated that the four C-97G Stratofreighter cargo planes operated by the American consortium had now flown in over 7,775 tons of food and medicines since January, this year, for the women and children in the blockaded eastern region of Nigeria.

Mr. Kinney pointed out that the American C–97G planes had flown over 175,000 miles, in total, to complete their 500 mercy missions during the six months and that each flight carried an average of 15 tons of food and medicines for the war victims.

Joint Church Aid-U.S.A. is composed of Catholic Relief Services, Church World Service and the American Jewish Committee and was formed in January to operate four cargo planes obtained from the U.S. Government to increase the amount of food and medicines going into Biafra for the war victims there. JCA–U.S.A. is the American segment of Joint Church Aid International, which also includes church relief agencies from Europe and Canada.

Since June 5, when a relief plane operated by the International Committee of the Red Cross was shot down in flight, the only source of protein food and medicines from the outside world for women and children in Biafra is the church relief flights operating from the island of Sao Tome.

NATIONWIDE CAMPAIGN OF AMERICANS FOR BIAFRAN RELIEF

All across the country Americans from all walks of life are pitching in to help Americans for Biafran Relief get food and medicine to the starving population in blockaded Biafra. Americans for Biafran Relief, a nationwide coalition set up in April, has attracted to its ranks hundreds of individuals and organizations, ranging from the Associated Operating Room Nurses of Seattle and Loveland High School in Ohio to Congressmen from all corners of the country and Academy Award winner Cliff Robertson.

The Young Democrats and Young Republicans of America are running a Spring Airlift Campaign right now for ABR at the local level, and the Junior Chambers of Commerce is planning a similar drive in August across the nation. Five Governors have issued proclamations declaring a Month of Hope for the Biafran People: Pennsylvania, Delaware, and Indiana in June, and Connecticut and Minnesota, in connections with the Jaycee campaign, in August. Requests for material for the YR–YD campaign are pouring in; and the two groups have arranged a Biafra telethon for ABR on a Seattle television station in July.

ABR was launched at a press conference at the Capitol on April 24 with the personal endorsement of Senators Edward M. Kennedy (D.-Mass) and James B. Pearson (R.-Kans). ABR's Congressional sponsors stand behind the organization, and are working within their districts to help the drive; they are: Cong. John Brademas, Cong. John E. Buchanan, Sen. Thomas Dodd, Cong. Donald Fraser, Sen. Charles E. Goodell, Cong. Seymour Halpern, Sen. Fred R. Harris, Sen. Edward M. Kennedy, Cong. Edward I. Koch, Cong. Allard Lowenstein, Cong. Donald Lukens, Cong. R. B. Mathias, Sen. George McGovern, Cong. Abner Mikva, Cong. F. Bradford Morse, Sen. Edmund Muskie, Sen. James B. Pearson, Sen Abraham Ribicoff, Cong. William F. Ryan, Cong. Guy Vander Jagt, Cong. Lowell Weicker, Jr.

Board member and news commentator Fulton Lewis III has made a concerted effort to aid Biafra ever since his visit last December, and is reporting regularly on ABR activities through his daily nationwide broadcasts.

In addition, ABR is extremely fortunate in having professional aid from Doyle, Dane, Bernbach, one of the country's largest and most creative advertising agencies. The firm has taken ABR on as a public service client in order to help it capitalize on one of its major assets—the many, many people who who wish to give. They are preparing a television campaign for immediate release, appealing for funds to support the Joint Church Aid airlift that flies nightly from the island of Sao Tome to Uli airstrip inside Biafra.

Academy Award winner Cliff Robertson, who also visited Biafra in December and who is on ABR's Board of Directors, has filmed a public appeal for the television campaign, as have actors Michael Caine, Donald Sutherland and Elliott Gould, Comedian Rip Taylor, and professional football star and actor Fred Williamson. Several others are on tap to do additional appeals, including Board members Roosevelt Grier and Eli Wallach and sponsors Lauren Bacall, Dave Brubeck and Gerry Mulligan.

Through the good offices of Ingo Preminger and Robert Altman, producer and director of "M.A.S.H.," a new comedy to be released in the fall, the appeals were filmed on the 20th Century Fox lot in Los Angeles on June 2.

Serving as consultants to ABR's programs are Rev. John Abbott, Director of Promotion, Church World Service; Rocco Sacci, Public

Information Officer, Catholic Relief Services; Simon Obi Anekwe, Amsterdam News; Fergus Pope, M.D.; Rev. Fintan Kilbride, Rev. Patrick J. Smyth, Rev. Sean Byron, and Rev. Dermot Doran, all missionaries in Baifra.

Church World Service and Catholic Relief Services, the two major American relief agencies supplying food and medicine, have endorsed ABR's effort to alleviate starvation and disease among the Biafran people. They and the missionaries keep ABR headquarters up to the minute on developments inside Biafra.

Dr. Fergus Pope, one of ABR's medical advisors, was in Biafra all through the winter and has developed a thorough-going anemia and tuberculosis program which C. Clyde Ferguson, the special advisor to the White House on Nigerian/Biafra, is expediting through the international relief organizations. Board Member Dr. Roy E. Brown, a pediatrics and community medicine expert of the Mount Sinai School of Medicine, is developing ways for ABR to work effectively with this and other special medical programs; Dr. Brown accompanied Senator Charles E. Goodell (R.-N.Y.) and his team of experts on a fact-finding tour of Biafra in January.

The organization benefits from a host of other concerned individuals who have endorsed its efforts as public sponsors and stand ready to help in the ways they are best equipped to do so: Robert Altman, Lauren Bacall, Tim Brown, Dave Brubeck, Mr. and Mrs. Carter Burden, Gary Burghoff, Michael Caine, John Chamberlain, Graham Clifford, Robert Dornan, Hon. John Fitzgerald, Albert Gordon Sr., Elliott Gould, Michael Harrington, Mr. and Mrs. Alan Jay Lerner, Father Daniel Lyons, Don Marshall, Rod McKuen, Sal Mineo, Gerry Mulligan, Bob Newhart, Leonard Nimoy, Sono Osato, Rev. Robert Earl Pipes, Ingo Preminger, Donald Sutherland, Rip Taylor, Dick Tiger, and Fred Williamson.

Americans for Biafran Relief has built an ecumenical coalition through its Board of Directors in order to assure that its main task—rendering humanitarian relief—is carried out to the fullest and receives the wholehearted support of the American population. The Board of Directors are: Brian Avnet, Bruno Bettelheim, Ph.D., Roy E. Brown, M.D., Hon. Wiley T. Buchanan Jr., Maxwell T. Cohen, Esq., the Very Rev. Monsignor Lawrence T. Corcoran, Arthur T. Denues, Ph.D., Frederick Fox, Harry Golden, Roosevelt Grier, Candice Jordan, Robin J. F. Jordan, Jacob Lawrence, Fulton Lewis III, Mrs. John Davis Lodge, Andrew P. Maloney, Edward J. McCabe, Floyd McKissick, Cliff Robertson, Haven Roosevelt, Esq., Rabbi Jacob Rudin, the Very Rev. Francis B. Sayre Jr., Hon. Mark T. Southall, Nicholas Thiemann, Esq., William vanden Heuvel, Esq., and Eli Wallach.

It is of extreme urgency that relief supplies keep moving to the Biafran population at this moment. Three million Biafran women, children and elderly people are totally dependent for their existence upon the mercy airlifts run by the churches and the International Committee of the Red Cross. Deaths from famine and associated causes already number between one and two million. Countless more within the Biafran enclave would have died without the airlifts, and if supplies were halted for even one week, the entire Biafran population would face the threat of imminent starvation.

Moreover, even with relief reaching the landlocked enclave, the weakened condition of the women and children in particular has created widespread anemia and the possibility of a tuberculosis epidemic. There is still severe kwashiorkor, a disease caused by protein deficiency, in several regions close to the front lines of the fighting. In some areas which have just fallen back into Biafran hands, the starvation and disease among the civilian population presents a picture as dire as any seen before relief efforts were stepped up last summer.

A Month of Hope for Biafra, August 1969

The Food For Biafra Committee, whose headquarters are in Westport, Connecticut, points out that three million Biafran women, children and elderly people are totally dependent for their existence upon the mercy airlifts run by churches and the International Red Cross. Deaths from famine and associated causes already total more than one million.

The critical need for food and medical supplies in this African nation has aroused compassion and humanitarian concern throughout the United States. There has been generous response to the request for relief funds.

However, the Committee, in emphasizing the continuing need for Biafran Aid, states that if the mercy airlifts were interrupted for even one week, the entire Biafran population would face the threat of imminent starvation.

It is vital, therefore, that relief efforts for the victims of the war in Nigeria and Biafra be continued. To encourage renewed participation in this life-saving project, the U.S. Junior Chamber of Commerce, in association with the Americans for Biafran Relief, conducts a special relief drive during August, 1969.

To call the attention of the people of Connecticut to the urgency of the situation and to aid in enlisting public support of this appeal, I designate August, 1969, as A Month of Hope for Biafra. I urge wholehearted cooperation in this worthy and essential work.

John Dempsey,
Governor.

Petition by Parishioners and Friends of St. Mark Church, Stratford, Conn.

We, the parishioners and friends of St. Mark Church, Stratford, Connecticut urge our elected officials to help establish an American policy on the Nigerian-Biafran conflict.

The termination of the International Red Cross food flights into Biafra has again raised the specter of an entire nation starving to death. We, therefore, believe it is time to abandon the passive role of the United States. We subscribe to the following:

1. We must use every tool of diplomatic leadership at our command to help bring peace to Nigeria and Biafra. Let us take immediate steps toward achieving a truce on the battlefield.
2. Let us make every effort to stop the flow of arms to both sides.
3. Let us continue our escalation of support for the relief effort in all areas of need. Nothing should be lacking in the commitment of the United States to help meet the demands of humanity in Nigeria-Biafra.
4. Take immediate steps to re-establish the International Red Cross food flights into Biafra.

THE PRESIDENT'S WELFARE PROGRAM

Mr. COOK. Mr. President, last Friday President Nixon unveiled two very important parts of his domestic program. Among them was the long awaited reform of the present welfare system and a new policy for Federal and State governmental cooperation.

The importance of the President's message lies not only in the change of the welfare system, but the manner in which an important segment of that change is to be administered. For well over 30 years this Nation has voiced concern over its disadvantaged citizens. And yet during this period of technological and scientific advances, these same citizens have received only two items in any great abundance—well meaning, yet empty promises and dehumanizing doles.

Instead of stimulating any work effort, the present system provides a positive disincentive to work by effectively confiscating all or a large part of anything a recipient may earn.

Instead of attempting to form a cohesive family unit, the present system has encouraged ill-trained and jobless fathers to leave their families in order that they may receive the necessary assistance.

Instead of rewarding the industrious poor, the present system has discriminated against those who are working at jobs which are insufficient to maintain their families.

The traditional basis for public assistance in the United States has always been the belief that everyone should, within his own limits, look to his own productivity as the primary source of income necessary for family maintenance. After decades of the dole, the President's new family assistance program appears to be a positive step toward bringing the poor within this traditional framework by both providing the opportunity and requiring the able bodied to take advantage of the work and job-training programs.

Equally significant, I think, is the President's announced intention to allow the States and local governments to administer these required Federal manpower training programs. Federal funds and local know-how would be the partners in this new federalism.

Also of importance is the proposed revenue-sharing program. As a former local government official, I commend this proposal in which a portion of the Federal income tax revenues would be returned to the State and local governments. I have long advocated such legislation.

THE PESTICIDE PERIL—XLIII

Mr. NELSON. Mr. President, one of the many species of wildlife which is rapidly becoming extinct apparently due to pesticide poisoning is the osprey, a majestic bird resembling the eagle.

The reproduction rate of the osprey has declined in some areas of the Nation at a rate as high as 12 percent a year. This decline is attributed to pesticides which are passed on through insects eaten by fish that make up the osprey's diet. The pesticides then sterilize the bird's eggs, and result in overly thin shells which collapse before the young are ready to be hatched.

A recent article appearing in the Janesville, Wis., Gazette describes the grand beauty of the osprey and reports on the disappearance of the bird from not just the United States, but the entire world scene. I ask unanimous consent that this article be placed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Colonies of Fish Hawks Victims of Insecticides

Washington.—One of the world's most majestic birds, the osprey, is becoming an innocent victim of man's war against insects.

Sometimes called the fish hawk, the osprey is a tireless hunter, dramatically divebombing the water for its dinner. But insecticides in the fish are sterilizing the bird's eggs and causing overly thin shells.

The osprey, Pandion haliaetus, is a world citizen. Its great nests of sticks perch atop trees on Japanese islands, on sea cliffs near Gibraltar, on Sweden's spruce-covered Baltic shores, on pinnacles in Yellowstone National Park, and on the headlands of Mexico's west coast.

Sadly, persistent insecticides already have wiped out whole colonies; writes ornithologist Roger Troy Peterson in the National Geographic. Near the author's home at Old Lyme, the number of nests decreased from 150 in 1954 to 10 in 1968.

ONCE LARGEST COLONY

Across Long Island Sound, a great colony of ospreys on Gardiners Island—once perhaps the world's largest—dropped from 300 pairs in 1945 to 35 in 1968.

The heavily polluted Great Lakes area also has taken its toll. Michigan's fish hawks are producing young at less than a third the rate and are declining about 12 per cent a year. A onetime osprey stronghold, Cape May, N.J., now counts few birds.

In the 19th century, nest robbers collecting the bird's richly colored eggs, exterminated the bird in Britain. Recently a pair of migrating ospreys started nesting again in the Scottish highlands.

With a hooked beak and a wingspread of up to five feet, the osprey is frequently mistaken for an eagle. Its breast, neck, and head are white; wings and back are glossy brown.

DIVE BOMBER

A mature three-pound osprey is a sky-raiding fisherman without peer. Cruising 50 feet above its fishing grounds, the bird suddenly checks its flight and hovers on laboring wings to take a bead on a fish swimming near the surface.

Snapping shut its wings, the bird drops into a steep dive—head projecting like a spear point, needle-sharp tallons forward.

The fish hawk crashes straight into the water, but reappears within second flapping off with a fish inevitably held head-first like a silver torpedo.

A reversible outer toe and tiny spikes on the pads of its feet—which help the osprey to grip the fish this way, one foot before the other—are among the characteristics that put the bird in a group by itself. Unlike other birds, the osprey has only one genus and one species.

Sometimes an osprey may grab too big a fish, be pulled under, and drown. Eagles may hijack an osprey's catch in midair.

The biggest threat to ospreys, however, remains pesticides. The poisons are passed on through insects eaten by fish that make up the osprey's diet.

"If the osprey passes from the American scene," Peterson warns, "we will lose a majestic and unique bird."

CIVIL RIGHTS COMMISSION REPORT

Mr. SCOTT. Mr. President, the U.S. Commission on Civil Rights today released a study of employment by State and local government, which concludes that these governments have failed to assure equal job opportunities to members of minority groups.

The study, conducted in seven major metropolitan areas, including Philadelphia, found that State and local government employment opportunities were restricted by discrimination in hiring and promotion decisions, by discriminatory treatment on the job, and by governments' lack of action in redressing the consequences of past discrimination.

The Federal Government itself, according to the study, has failed to establish any effective requirements for equal opportunity in State and local government employment or to establish effective standards and guidelines to assist in overcoming this problem.

Sections of the report, which is entitled "For All the People . . . By All the People," were discussed by Richard K. Bennett, acting chairman of the Pennsylvania State Advisory Committee to the U.S. Commission on Civil Rights, at a press conference today in Philadelphia.

The report states that while Negroes are employed by State and local governments in the Philadelphia area in proportion to their representation in the population, they tend to hold more of the lower level jobs.

While there may be many factors contributing to this situation, discrimination does play its part. Often the discrimination may be unintentional and unconscious, but it is none the less objectionable.

Everyone may not agree with all parts of the report, but I believe that few will quarrel with the need to deal effectively with the problems it outlines. I hope this report will be the basis for a determined effort to put a final end to the age-old patterns of discrimination.

I have joined in sponsoring the Omnibus Civil Rights Act of 1969 which will help get at some of the problems cited by this report. This bill, among other things, would extend the jurisdiction of the Equal Employment Opportunities Commission to include employees of State and local governments, and would give the Commission the power to issue cease-and-desist orders to enforce its findings.

Government at all levels should be leading the way in the effort to eliminate discrimination, whether it be on the basis of color, sex, national origin, or religion. We have made great strides in recent years in healing the crippling impact which discrimination makes in our society. I hope this report will spur government, where necessary, to make more positive efforts to step up the battle against discrimination in America.

LET MY PEOPLE GO

Mr. DODD. Mr. President, the plight of the Jews in the Soviet Union and Communist Poland calls to mind the suffering of the children of Israel in the land of Pharaoh.

As in ancient Egypt, the Jews of Communist Europe today are persecuted and unwanted. But still the tyrants who oppress them refuse to let them go.

On July 20, the Israeli parliament unanimously adopted a resolution calling upon the Soviet Union to free the Russian Jews so that they could choose between remaining in the Soviet Union or migrating to Israel or other countries.

In the course of the discussion, the Israeli Minister of Information, Israel Galili, said that he had reliable information that "many Jews who had applied for permits to leave the Soviet Union were arrested and either sentenced to imprisonment or lost their jobs."

Mr. President, I ask unanimous consent to have printed in the Record at the conclusion of my remarks the text of an article published in the Christian Science Monitor of July 21, 1969, reporting on the resolution adopted by the Israeli Parliament.

I also ask unanimous consent to have printed in the Record at the conclusion of my remarks an article entitled "Trapped Polish Jews Face an Uncertain Fate" which appeared in the Washington Post for July 22.

According to this article, there is reason for grave concern over the fate of some 15,000 to 20,000 Polish Jews who were told over a year ago that they must get out of the country, but have now been told that the time to leave has passed for most of them.

After the Arab-Israeli war of 1967, the Polish Communist Party boss, Wladyslaw Gomulka, made it clear that "Zionists" were no longer wanted in Poland. He said that they could leave Poland, provided they went to Israel.

From the manner in which he used the term and from the violent anti-Semitic campaign which followed his speech, it was clear that Gomulka and the other Communist Party bosses, when they spoke of "Zionists," really meant all Jews.

To get out of Poland, the Jews were compelled to renounce their Polish citizenship, to pay a heavy price for an exit permit, and to accept the virtual confiscation of all their goods and property.

But now Poland threatens to cut off the exodus of its Jews on September 1. No one knows what will happen to the many thousands of Jews who have already renounced their citizenship and paid for their exit permits, but who, for one reason or another, have not yet received these permits.

When Congress reconvenes, I intend to submit a resolution calling upon the Soviet and Polish Governments to permit the free emigration of their persecuted Jewish minorities, without restrictions of any kind.

There is no Moses today who can call upon the Pharaohs of modern times to let the children of Israel go. But perhaps the Pharaohs will listen if the parliaments of civilized mankind add their voices in unison to the call already addressed to the Soviet Government by the Parliament of Israel.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Post, July 22, 1969]

Trapped Polish Jews Face an Uncertain Fate: Unwanted in Homeland, Thousands Are Unable To Get Out Before New Order Takes Effect

(By Alfred Friendly)

Geneva.—The many refugee agencies that make this city their headquarters are deeply concerned over the fate of some 15,000 to 25,000 Jews in Poland who were told over a year ago that they must get out of the country but have now been told that the time to leave has passed for most of them.

The fear is that many of them will be stateless in Poland, their citizenship having been stripped from them, and that while the presence of all Jews is declared objectionable, they are again forbidden to leave.

The remnant of Poland's several million Jews left after the Nazi holocaust coped as best they could with the Communist regime that followed. Some managed to get out in time and a few of the rest became ardent Communists, rising to high positions in the government. In all, it is estimated that 20,000 to 30,000 Jews remained in Poland. Until 1968, only a handful were allowed to emigrate.

GOMULKA'S DECREE

But after the Arab-Israel war, in the spring of 1967, Communist Party boss Wladyslaw Gomulka made a speech declaring that "Zionists"—a euphemism for Jews who had not disguised or abdandoned their religion and racial connection—were no longer wanted in Poland. He said they could leave Poland, provided they went to Israel.

It was a curious injunction, inasmuch as the Arab states, by now closely linked in political goals with the Communist bloc, have been profoundly opposed to any further migration to Israel. This is thought to be the principal reason, for example, why all but a trickle of Russia's 3 million Jews are refused permission to leave.

Gomulka's statement was welcome to Israel, anxious for more immigration, particularly of European Jews, and was doubtless also welcome to those Jews in Poland who had never come to terms with the regime.

LOST HIGH OFFICES

But it was a shock to hundreds of Jews who had risen high in the Communist hierarchy to find themselves immediately stripped of office following the Gomulka speech. Among the victims were some of the most important figures in the Foreign Office and diplomatic service, as well as economists, university professors and other professionals.

The first step for those Jews who were leaving was to "see the Dutch." The Netherlands diplomatic mission, acting as caretaker for Israeli interests following the rupture of Israeli-Polish relations at the time of the six-day war, was empowered to grant visas to Israel.

With such a document in hand, a Jew would thereupon enter into a lengthy bureaucratic finagling. Among other steps, he was obliged to pay 5000 zlotys (about $250 at the official rate), "voluntarily" renounce Polish citizenship and subject such possessions that he proposed to take out with him to government inspection—or confiscation.

COMPLICATED PROCESS

The process took from three to four months. At its completion, the Jew was given a travel document rather than a passport, valid for voyage to Israel, and was obliged to leave within one month. The fugitive boarded what has come to be known as the "Chopin Express," a train leaving Warsaw in the afternoon and arriving at Vienna the next morning.

There he was met by representatives of Jewish relief agencies, and helped on his way to Israel or elsewhere. Between 30 and 60 per cent—estimates vary widely—of the Polish Jews continued to Israel, and the rest joined relatives in Western Europe or the New World.

Several weeks ago, however, Gomulka announced that the whole process would come to an end on Sept. 1. Since then there has been no clarification from Warsaw and no word as to how the Jews are faring.

FATE A MYSTERY

No one in Geneva knows why the cutoff was ordered or even what it portends—whether no more travel permits will be issued after that date, or whether all exits will end, even for those Jews who have already "seen the Dutch," paid their 5000 zlotys and renounced their citizenship.

If it is the latter, the situation for those Jews in the middle of the exit process—jobless as well as stateless—may be extremely precarious.

The Dutch are known to have issued about 10,000 visas for Israel, but so far only 5000 Jews have made their way out of Poland. The question is what will happen to the remaining 5000, most of whom cannot possibly complete the bureaucratic exit process by Sept. 1, and what will happen to the remaining 10,000 to 20,000 not yet on the exodus treadmill but who are clearly unwelcome in Poland.

Refugee organization officials here think the Polish Jews' conditions of life must be as dangerous as they are cruel.

[From the Christian Science Monitor, July 21, 1969]

ISRAEL CALLS ON SOVIETS TO "FREE RUSSIAN JEWRY"

(By Francis Ofner)

JERUSALEM.—Israel's Parliament has made a unanimous call to the Soviet Union to free Russian Jewry.

The call came on the last day of the Knesset's session as members were turning their thoughts to the coming election battle in the fall.

The Knesset adopted a resolution declaring that "Soviet Jews have the unalienable right to settle in Israel, as have Jews from any other part of the world."

It expressed its "appreciation of international awakening now gathering momentum among young Russian Jews.

There are estimated to be three and a half million Jews in the Soviet Union.

Knesset members said that the young Jews of Russia had expressed a "devoted tie with the Jewish people and yearned to come to Israel."

MOSCOW ARRESTS REPORTED

Minister of Information, Israel Galili, said that he had reliable information that "many Jews who had applied for premits to leave the Soviet Union were arrested and either sentenced to imprisonment or lost their jobs."

According to reports reaching here from Moscow a young Jewish radio engineer was sentenced last May 16 to three years imprisonment after making a request for an emigration visa to Israel. He was sentenced for "libeling and inciting against social order in the U.S.S.R."

Over the past two years several Israeli families have said they had written to the Human Rights Commission of the United Nations asking for help in enabling their relatives to emigrate from the Soviet Union to Israel. So far there had been no response from the United Nations the Israel petitioners stated.

Mr. Galili recalled in the Knesset in December 1966, Soviet Premier Alexis Kosygin, while on a visit to Paris, promised that Jews wishing to leave the Soviet Union to reunite with their families would be allowed to do so. "These prove to be empty words," said Mr. Galili.

It was recently reported from the Soviet Union that the Jewish population, there was being "subjected to a subtle combination of economic, cultural, and social pressures."

ACADEMY REPRESENTATION DOWN

According to Kremlinologists here, the membership of the Soviet Academy of Sciences has trebled over the past 15 years. But the number of its Jewish members was halved during the same period of time.

In Odessa, a city with a Jewish population of a quarter million the problem of anti-semitism has become particularly bad according to reports reaching here.

The numbers of doctorates awarded to Russian Jews at the University of Odessa last year was less than one percent of the total conferred.

Israeli say that the recent publication of a book "Beware Zionism" by Yuri Ivanor—put out by the political literature publishing house in Moscow—has "moved anti-Semitism into the center of Soviet life."

The book itself was printed in 75,000 copies and has been praised in newspapers throughout the Soviet Union. Excerpts from it reached a much wider audience when they were printed last February in the Soviet weekly Oganek.

The magazine, which has a circulation of over 2 million, praised what it termed "scientific essays." Passages from the the book were also broadcast from Radio Moscow.

"Israel has been late in dong its duty to its oppressed Soviet Jewish brethren," said Israeli Knesset member Hahn Landau, who asked for the debate on Soviet Jewry. "Israel cannot remain silent any longer," he declared.

PASSAGE OF PUBLIC TRANSPORTATION ASSISTANCE ACT ESSENTIAL

Mr. PEARSON. Mr. President, many thoughtful Americans are becoming increasingly concerned over the economic, social, and environmental effects of transportation on our increasingly urban society.

Too often congestion impairs the usefulness of our streets and highways and frustrates those who travel them. Parking facilities, an essential part of any transportation system, are inadequate. Airports are noisy and hard to reach. The mounting toll of traffic accidents is both tragic and costly. And despite our best efforts, transportation services in our cities are inadequate and inconvenient.

It is tragic that we have let these negative factors reach such proportions. Transportation is a very important part of our lives and the benefits of mobility are numerous. The phenomenal growth and expansion of America during the last century resulted in part from the benefits of transportation.

Transportation services have made a positive contribution to the economic well-being of the citizens of towns all over the country. Every improvement in transportation has made life easier and better for hundreds of thousands of our citizens.

But unfortunately all transportation services have not kept pace. The public transportation systems in most of our cities are woefully inadequate. The equipment is old and unattractive and costly to operate. It is inefficient and unable to meet the demands placed upon it in an increasingly complex urban environment.

Public transportation must be revitalized and made into a viable community service. President Nixon has recognized this urgent need and found a practical means for beginning this renewal.

The Public Transportation Assistance Act of 1969 can help to eliminate the debilitating condition of our public transportation systems. Federal funds will not only help to update present systems, but can also be used to build entirely new modes of transport that may one day completely revolutionize our way of living.

This legislation is urgently needed if we are to keep our cities the vital centers of social and economic activity that they were meant to be. I ask Senators to give it their very careful consideration.

NOMINATION OF MRS. HELEN D. BENTLEY TO BE CHAIRMAN OF THE MARITIME COMMISSION

Mr. MAGNUSON. Mr. President, the nomination by President Nixon of Mrs. Helen Delich Bentley of Baltimore, to be Chairman of the Federal Maritime Commission, may well be taken as an indication that the administration is concerned about the role of merchant shipping in national and international affairs.

Mrs. Bentley is a well-educated and articulate maritime expert. If her nomination is in fact the result of a serious White House effort to upgrade the role of merchant shipping, then I am pleased. President Nixon has made several strong statements committing his administration to revitalizing merchant shipping and Mrs. Bentley's nomination seems consistent with those statements. The submission by the President to the Congress of a strong maritime revitalization program should be the next step.

THE PRESIDENT'S WELFARE MESSAGE

Mr. PERCY. Mr. President, President Nixon's welfare reform proposals constitute the most significant ideas to be advanced from the White House in this area for a third of a century.

If enacted by Congress, they would do away with a welfare system that is burdensome to the taxpayer, degrading to the recipient, and discredited in the eyes of our people.

The President's assertion that "the present welfare system has to be judged a colossal failure" was amply borne out last week in a poll of 12,000 of my Illinois constituents. Ninety-nine percent of those polled strongly disapproved of the welfare program.

The President's reforms, if enacted and properly funded by Congress, could, perhaps within a generation, break the terrible cycle of poverty and dependency on the dole that is the bitter heritage of so many broken welfare families.

The President's reforms look forward to the day when all able-bodied Americans may work in self-respect and lead useful and productive lives.

The President's reforms would permit the old, the blind, the infirm, and others among us whose harsh circumstances in life are beyond their power to control to live out their years in dignity under an equitable insurance-styled program.

The President's reforms tell the working poor that America will reward their efforts to produce and give them a hand up.

The best government should be that which is closest to the people. The revenue sharing program set forth in principle under the President's plan means that overburdened States and cities will at last have a chance to offer their people the highest quality services with local control.

Aspects of the President's program break new ground in complex areas and these pilot efforts should be observed, evaluated, and refined in the crucible of experience.

An early end to the Vietnam war and a careful reordering of our national priorities could permit the Congress to establish revenue sharing and other parts of the President's program at a level where they could soon make a measurable improvement in the quality of American life.

I support the President's bold initiative and I will work for its implementation by Congress.

PRESENT OIL IMPORT POLICY IS IMPORTANT TO NEBRASKA AND THE NATION

Mr. HRUSKA. Mr. President, perhaps not everyone thinks of Nebraska as a major oil-producing State. Yet the oil industry is very important to us. Last year, Nebraska produced 13,183,000 barrels of oil and ranked 17th in production among the States of the Union.

For that reason, it is particularly alarming to listen to the current campaign in favor of letting down the barriers against imported oil and increasing our dependence on foreign sources to meet our petroleum needs. Petroleum is the most vital of strategic materials, in war or peace. In its summary to the Cabinet task force now studying our petroleum policy, the Department of Defense says:

> The very chance of success or failure in any conflict hinges on oil.

In Southeast Asia today, about 50 percent of the military tonnage consists of petroleum products. About 90 percent of this need is supplied from foreign sources, but the Department points out that normal foreign sources may be denied for a variety of reasons, political as well as military. For example, our sources in the Arab countries were denied for a short time—7 to 10 days—during the 1967 Middle East crisis. In case of such an interruption, the Department says:

> We must maintain a capability in the U.S. to supply our war needs. . . .

The 1967 interruption for political reasons by the Arab countries did little damage precisely because we have maintained the potential within the United States to expand production, if necessary, to fill all our petroleum needs from domestic sources.

The Department of the Interior, in its submission of material to the Cabinet task force, points out that the interruptions of world flows of petroleum have in fact occurred no less than six times since World War II. This experience emphasizes the urgent need to be able to rely primarily on domestic sources. The Interior Department concludes:

> The United States must maintain the ability to meet a very high percentage (90 percent) of its petroleum requirements from secure sources.

Mr. President, the Nebraska Legislature has taken note of the study of our petroleum policies now being conducted by the Cabinet task force under the immediate direction of Mr. Phillip Areeda. I ask unanimous consent to have printed in the Record, Legislative Resolution 78, passed in the Legislature of Nebraska on August 5, urging that the present oil import policy of the United States be continued.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

LEGISLATURE OF NEBRASKA, 80TH SESSION

LEGISLATIVE RESOLUTION 78

(Introduced by Robert L. Clark, 47th District; Lester Harsh, 38th District; Leslie A. Stull, 49th District; Terry Carpenter, 48th District; Leslie Robinson, 36th District)

Whereas, petroleum production is an exceedingly important part of the economy of the State of Nebraska, and

Whereas, the oil industry spends nearly $22,000,000 annually on production supplies and equipment in Nebraska, or 75% of the total investment for this purpose by all mineral industries in the state, and

Whereas, there is an annual average capital expenditure for exploration and production in Nebraska of about $9 million, and

Whereas, the annual payrolls for exploration and production in Nebraska are about $4 million, and

Whereas, the oil severance tax in Nebraska amounts to about $750,000 per year, and

Whereas, there has been no recent large discoveries of oil in Nebraska although there has been considerable exploration, and

Whereas, it is necessary for Nebraska to have a continuous flow of capital for the purposes of exploration, and

Whereas, there is great need for building up oil reserves, and

Whereas, any increase in the present oil imports would certainly discourage continued drilling, exploration and leasing in Nebraska.

Now, therefore, be it resolved by the members of the Nebraska Legislature in eightieth session assembled:

1. That we as members of the Nebraska Legislature are highly concerned about the future of the oil production industry in Nebraska.

2. That we believe that the present oil import policy of the United States should be continued.

3. That copies of this resolution be sent by the Clerk of the Legislature to Mr. Philip Areeda, Executive Director, Cabinet Task Force on Oil Import Control, 726 Jackson Place, N.W. Washington, D.C. 20526 and to the members of the Nebraska Congressional Delegation.

JEROME WARNER,
Speaker and Acting President of the Legislature.

I, Hugo F. Srb, hereby certify that the foregoing is a true and correct copy of Legislative Resolution 78, which was passed by the Legislature of Nebraska in Eightieth regular session on the fifth day of August, 1969.

HUGO F. SRB,
Clerk of the Legislature.

VIETNAM WAR INJURIES

Mr. MONDALE. Mr. President, recently the Wall Street Journal carried an article on its front page noting the severity of the injuries suffered by American servicemen in Vietnam; a constituent called this article to my attention.

While the Paris peace talks slowly drag along, we must remember that thousands of young Americans continue to die or suffer injuries that will be with them for the rest of their lives. I ask unanimous consent that the article "Many of U.S. Wounded Have Worse Injuries Than in Earlier Wars" from the Wall Street

Journal for July 24, 1969, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Vietnam Toll: Many of U.S. Wounded Have Worse Injuries Than in Earlier Wars—New Rifles, Rockets Cause More Damage; Mutilation Often Cannot Be Repaired—"Oh, No, It Couldn't Be Us"

(By William M. Carley)

A dark speck appears in the Western sky, ablaze with the hot afternoon sun. Within a minute, the speck becomes a big Lockheed Starlifter jet gently landing on the airstrip, its wings drooping like a tired seagull.

The Starlifter has just completed a 7,000-mile flight from Japan to Kelly Air Force Base in Texas, bringing badly wounded servicemen back from the Vietnam war. The flight dramatizes one positive aspect of the war: Thanks to speedy evacuation and excellent medical care, many of the wounded who never would have made it back alive from earlier wars are returning alive from Vietnam.

But the plane's mercy flight also underscores a grim fact about the Vietnamese war: In many cases, the men are coming back with wounds far worse than those suffered by survivors of earlier wars.

On the Starlifter, for example, are young soldiers burned over as much as 70% of their bodies. With months of care and plastic surgery, some can return to a semblance of normal living. But for many the price of survival will be to go through the rest of their lives badly mutilated.

"We're saving them, but I don't know for what," says one Army medical officer.

MORE THAN 81 PERCENT SURVIVE WOUNDS

The increase in the percentage of soldiers who survive their wounds is impressive. The Army, which accounts for more casualties than any other service, reports that more than 81% of its wounded men are surviving in Vietnam compared with 74% in the Korean war and 71% in World War II.

Thus far, about 237,000 men in all the U.S. armed services in Vietnam have been wounded and have survived. As in any war, many of the wounds are slight. About half the 237,000 had injuries so minor they didn't even require hospitalization.

In the case of the more severe wounds, the Army Surgeon General's office says that it's too early to make a "definitive" assessment of the long-term effects. But interviews with doctors and patients at several military hospitals in the U.S., where some of the wounded are brought as early as three days after being hit in Vietnam, show there's no doubt about the severity of the patients' wounds. Besides the speedy medical attention in Vietnam that saves a lot of badly wounded men, many wounds are simply more severe to begin with.

High-powered rifles are one cause. Bullets fired from the "burp guns" commonly used against U.S. troops in the Korean war traveled at about 1,600 feet per second, but bullets fired from the AK–47 rifles being used against U.S. forces in Vietnam travel at about 2,400 feet per second. Because a bullet's speed is important in determining its wounding power, this increase often makes the difference between a minor wound and a devastating injury, experts say.

AK–47 DEADLY AT DISTANCE

"At 100 yards, you can almost catch the burp gun shell with a pitcher's mitt, but at the same range an AK–47 can kill a bull moose," says Dr. William Demuth, a University of Pennsylvania professor who has studied the wounding power of rifles.

"The rifles being used in Vietnam have impressively greater wounding power than those used in earlier wars," says Dr. Norman Rich, who treated scores of rifle wounds when he recently served in Vietnam and who now is a surgeon at Walter Reed Army Medical Center in Washington. The Vietnam rifles are causing "massive destruction" of flesh, bone and nerves when they hit, says Dr. Rich.

One soldier—call him Tommy—provides an example. A few months ago the 24-year-old soldier was in Vietnam. A North Vietnamese rifleman caught Tommy in his sights and fired one shot. In an instant the bullet went through Tommy's helmet, through his forehead and came to rest at the back of his skull.

"The bullet destroyed most of his brain," says Dr. Ludwig Kempe, a neurosurgeon who treated Tommy at Walter Reed. "He breathes, but he is and will remain totally unconscious—he will never even know he's here."

BIGGER THAN BAZOOKAS

Bigger rockets also cause worse wounds. In Korea, bazookas were used against U.S. troops, but in Vietnam much larger 122mm. and 240mm. rockets are being used.

Comparing the bazooka with the larger weapons "is like comparing a firecracker with a stick of dynamite," says an Army officer.

One soldier recently hit by a rocket blast had his lower right arm blown off, was hit by 33 fragments in his other arm, in his chest and abdomen and in both legs, and was burned over 60% of his body.

That men can survive such wounds, of course, is due to the high quality of medical care almost immediately available to them. Modern drugs also save many soldiers.

Men burned over large portions of their bodies, for example, usually didn't survive in previous wars. They would die not from the burn itself but because deadly pseudomonas bacteria would invade the burned tissue and then spread throughout the rest of the body.

In the past few years, however, new drugs such as Sulfamylon have been developed to fight the pseudomonas bacteria. Dr. Basil Pruitt, chief of the burn unit of the Army Institute for Surgical Research, says the new drugs have cut the fatality rate in half for burned men. For example, of patients with burns covering almost half of their bodies, nearly 60% died previously, but now fewer than 30% die.

But the drugs cannot reverse the mutilation of men who survive extensive burn wounds. After being flown to Kelly Air Force Base by Starlifter jets, burned men are taken to the Army's burn unit, which is at nearby Brooke Army Hospital in San Antonio. One patient now in the burn unit is Peter, a 20-year-old Army private. When he was injured in March, Peter was in a Sheridan tank, working as a loader for the main gun.

"We were moving through a rubber plantation one afternoon when we were attacked by mortars, rocked-propelled grenades and machine guns," he says. "Our tank began firing, and the main gun jammed. Then a rocket-propelled grenade hit us, and there was a big fire."

Peter tried to claw his way out of the intense heat of the tank fire, "but the hatch was so hard to open," he says By the time he got out, all of Peter's fingers had been burned off. He also suffered severe burns on his arms, face, chest and neck.

Helicopters get much of the credit for helping the wounded come back alive. Tried in a few cases in Korea, helicopters are used in almost every medical evacuation in Vietnam, and they cut the time between injury and medical treatment from hours or even days to minutes.

FASTER THAN AT HOME

Because of the helicopters, says one military medical officer, "an American wounded in the remote jungles or rice paddies of Vietnam has a better chance for quick, definitive surgical care by top specialists than were he hit on a highway near his hometown in the U.S."

In the case of a young soldier named Warren, as in many others, this reduction in time made the difference between life and death. A lanky 22-year-old Marine sergeant, Warren was a member of a platoon moving through a rice paddy near Hue when it ran into enemy fire. "Charlie (the Vietcong) was in a concrete bunker," he says. "I began shooting with my grenade launcher, and they opened fire with a .50-caliber machine gun. The first machine gun round grazed my face, but the second hit my right cheek."

Warren only remembers being helicoptered out of the rice paddy, and nothing after that until he woke up 24 days later in a U.S. military hospital. But his doctor, Dr. G. W. Anastasi, a plastic surgeon at the Chelsea Naval Hospital near Boston, says Warren would have died had it not been for the helicopter evacuation.

"He either would have bled to death or died of infection," Dr. Anastasi says.

But again, the survivor must live with a terrible wound. The bullet, as it emerged from the left side of Warren's head, blasted away most of the left side of his face. "He came here so mutilated you have no idea what he originally looked like," says Dr. Anastasi. Despite numerous operations, Warren will have practically no vision in his left eye and will be badly disfigured for life.

HELICOPTER CASUALTIES

Unfortunately, things that save lives sometimes also produce casualties themselves The vastly increased use of the helicopter in Vietnam is itself leading to severe wounds because of crashes.

On May 13, for example, a helicopter flew into a jungle valley to pick up wounded from the fight on Hamburger Hill. "We saw a smoke signal," says Jim, the 24-year-old lieutenant who commanded the craft. "We couldn't land—the jungle was too thick—so we hovered over the trees about 100 feet up, and dropped a litter basket on a line to load the patients."

Then, he relates, a rocket-propelled enemy grenade shot into the helicopter's open cargo door and exploded. "I felt, 'Oh, no, it couldn't be us,' but the helicopter began turning over and falling towards the ground."

The helicopter turned upside down and crashed. Jim escaped from the cockpit only seconds before the aircraft exploded and burst into flames. In the crash, however, Jim's left leg was sliced off.

The nature of the war being waged in Vietnam also contributes to some more serious wounds. In Korea and World War II, much of the fighting was done from the protection of trenches and bunkers. But in Vietnam soldiers are often fully exposed while on patrols or search and destroy missions. Thus, a mortar or rocket shell exploding near a soldier in Korea might have injured only one limb—but in Vietnam it may spray fragments into several areas of his body.

A SHARP INCREASE

The Army says the category of "many multiple wounds in which there was no single predominant location" includes 20% of patients in Vietnam compared with only 2% in Korea and 3% in World War II.

Dr. Peter Biron, a surgeon at the Chelsea Naval Hospital near Boston, says that when patients have multiple severe injuries, "treating them is very difficult." He adds that "there are no books that have been written on how to handle these complex cases. Doctors have to learn as they go along."

In some cases, medical advances have at least partially offset the effects of the more severe wounds. If a high-velocity rifle bullet hits a soldier in the arm, for example, damage to blood vessels and interruption of the blood flow could cause gangrene and necessitate amputation. But in recent years doctors have learned how to repair the blood vessels and thus save many limbs. The Army Surgeon General's office says that in World War II and Korea, 2% to 2.5% of those hospitalized were amputation cases. But in the Vietnam war the 659 Army men who have lost limbs thus far comprise only about 1% of the hospitalized casualties.

Even so, a soldier who keeps a wounded limb may face a difficult future. A high-powered rifle bullet may destroy nerves as well as blood vessels, and doctors say it's far more difficult and often impossible to restore full function of certain nerves. The result is that a soldier may retain his wounded arm, but it may dangle uselessly at his side for the rest of his life.

Advances have been made in plastic surgery. In the past when a patient was burned over large parts of his body, for example, doctors sometimes had trouble getting enough skin from the patient's unburned areas to cover the huge burns.

In recent years, however, surgeons have tripled the area a piece of skin can cover by cutting a series of incisions in the skin and then stretching it into a mesh-like web before applying it. After the skin is applied over the wound, it eventually grows together, filling in the mesh holes.

But in many cases such advances still don't restore a burn victim to anything like his original appearance. One 34-year-old Air Force pilot was burned when his plane crashed on takeoff from a Vietnamese airfield. He has since gone through 17 plastic surgery operations.

But the fire badly burned his face, burned off most of his hair and burned off most of his ears, and doctors say that even with the best medical techniques, he will never look the same.

"I have to tell them that I can't restore their original looks," says Dr. Anastasi, the plastic surgeon at Chelsea Naval Hospital. "I say, 'Son I'm only a surgeon, and when I do scar revisions, I only trade one scar for another.' "

UTAHAN DIRECTS APOLLO 11 SIMULATION

Mr. BENNETT. Mr. President, now that our three Apollo 11 astronauts are safely back on earth after their incredible voyage to the surface of the moon, it is time to begin giving high credit to the many individuals whose expertise prepared the men and their machine for the historic flight.

As a citizen of Utah, I cannot help but take pride in the role played by one of our native sons, John P. Mitchell, who is in overall charge at Cape Kennedy of the command module trainer, which simulates in remarkable detail the living in and handling of the Apollo spaceship.

The importance of this facet of the astronauts' training program is indicated in the fact that Michael Collins spent some 250 hours in the simulator, practicing his part of the mission.

An interesting account of John Mitchell's work and the role of the simulator in our Apollo program is given in the following article. It was written by Gordon Eliot White, Washington correspondent for the Deseret News, and appeared in the newspaper on July 30. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

UTAHAN PLAYED KEY ROLE IN MOON SHOT TRAINING

(By Gordon Eliot White)

Kennedy Space Center, Fla.—When America's three astronauts set off for the moon two weeks ago, a preparation had been carried out by a 39-year-old Utahan from Parowan who was responsible for the meticulous training received by Mike Collins in flying the Columbia command ship.

John P. Mitchell, who works here in the so-called "industrial area" of Cape Kennedy, is in overall charge of the operation of the command module trainer, which simulates in remarkable detail the look, feel, sounds, and handling qualities of the Apollo space ship.

"Collins spent more than 250 hours in the simulator, practicing his part of the mission," Mitchell said. "Aldrin and Armstrong worked in the command simulator much less since they concentrated on the lunar landing module."

The simulator building here at Kennedy Space Center is a fantastic structure, filled with oddly-shaped machinery, photo projectors, recorders, communications panels, and interior mock-ups of the two Apollo spacecraft. Flying the simulator, the pilot sees the same scenes, makes the same motions, that he will in space. On a practice mission, all of the world-wide tracking stations may be hooked to the simulator and the entire space trip flown with remarkable versimilitude. Since the practice module is designed to be a good test of astronaut training, its characteristics are programmed to be on the fringes of the acceptable point for an actual spacecraft. Usually the space men find that the real thing is easier to fly than the simulator.

Mitchell was graduated from Parowan High School in 1948, then attended the University of Utah before going into the Army for three years. After military service, he enrolled in New Mexico A and M, and was graduated in 1959. Hired by Pan American World Airways, he was sent to Florida to work at the Cape Canaveral Guided missile range. In 1962, he shifted to NASA and worked briefly at the Goddard Space Flight Center near Washington, D.C., returning to the cape in 1963 at the end of the Mercury flights.

While working his way up in NASA, Mitchell married an Indiana girl. They now have five children and live about 10 miles south of Cape Kennedy at Satellite beach, one of the heavily space-oriented new communities along the Florida shore. John is a member of the stake high council of the Orlando Stake.

Right now, with Apollo-11 such a great success, NASA experts are getting ready for the Apollo 12 flight, probably in November. Mitchell observed that "the Apollo 11 crew was pretty serious all through their training. They didn't talk a lot then, and certainly didn't joke much. I think you'll see a definite difference in the Apollo 12 crew. They are a lot more gabby—they talk it up, sing, and whistle in the training craft, and I suppose they'll do the same thing on their mission."

The Apollo 12 crew will be Dick Gordon, Pete Conrad, and Al Bean will fly the command module.

Mitchell is preparing his simulator crew to train the next Apollo astronauts, the No. 13 flight set for March, 1970, for which a crew has not yet been announced.

"We have to update our hardware with every shot," he said, "and we crank in things we learned on the last mission. A lot of changes are in the software (computer program) area—different trajectories and so on. Actually, the command module won't change much, though we will improve the visual fidelity based on the Apollo 11 trip and we will have some updates on the computers they used." The reconfiguration for Apollo 13 will start Aug. 18, to be ready to start the training that will lead to the expected launch date next March.

"Everything is simulated and everything is practiced," Mitchell said. "They even had practiced with the television camera before they left, and they usually come back saying they'd seen it all before they left."

Mitchell predicted that some of the moon crew would be back for later missions, though the honors they are getting will keep them out of training for many weeks.

"We have more than 50 men to choose from," Mitchell said. "The training is pretty tough, and it just isn't fair to keep one man in training constantly without a break, so we rotate the missions pretty well."

He noted that as flight becomes more routine the makeup of the crews may change. Later in the Apollo series, the crews will be made up of a command module pilot, a lunar module pilot, and a scientist such as a geologist, whose astronaut training will be secondary to his scientific background.

The simulators obviously save money and lives, since a mission like Apollo 11 cost $355 million just for the spacecraft alone. But the $30 million trainers built by Link, which made the famed World War II "Blue Bomber" ground trainers, are hardly cheap. Mitchell scratched his head a moment and estimated that "Link time" for the Apollo missions cost $375 a minute.

EVERGLADES

Mr. NELSON, Mr. President, it is encouraging to note the growing concern and attention being expressed throughout the Nation for the survival of Everglades National Park in Florida. A proposed super jetport, along with a superhighway, involving hundreds of millions of Federal dollars, is threatening to destroy the wilderness park with noise, pollution, and intensive urban development. The issue brings us face to face with a question we have been skirting for too long: Do we decide to protect our environment, or do we continue to use public money to destroy priceless resources.

An excellent article appearing in yesterday's New York Times puts the whole issue of the Everglades National Park and the proposed super jetport in perspective, and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Aug. 11, 1969]

NATURALISTS SHUDDER AS OFFICIALS HAIL EVERGLADES JETPORT

(By Homer Bigart)

Homestead, Fla.—At the bottom of Florida, beyond the burgeoning Miami suburbs, past the last television tower, the last alligatorium, the last serpentarium, the last used car lot, the last snakorama and pancake house, is a wonderfully quiet place where the only offending spoor of civilization is a rusty litter of beer cans along the infrequent trails.

The Everglades National Park is the last refuge of solitude along the Eastern Seaboard. And it is surely doomed, conservationists warn, by a jetport under construction just north of it.

An aquatic wilderness, the glades have faced many crises in this decade.

Consecutive seasons of subnormal rainfall, combined with the wasteful diversion of water by drainage canals, produced droughts that decimated the alligators and threatened several species of birds with extinction.

Oil exploration and urban and agricultural development intruding close to the boundaries of the park brought an increasing menace of pollution.

AT CENTER OF SWAMP

But these were lesser perils against the threat posed by the new jetport. That facility, covering 39 square miles, is right in the middle of the Great Cypress Swamp, which supplies 38 per cent of the water flowing into the park.

Water pollution, air pollution, a shattering of the stillness by overflights of jets will be inevitable when the project is fully developed, park officials warn. The impact on the glades, they contend, could be catastrophic.

This is sharply denied by the Dade County (Miami) Port Authority, sponsors of the project.

"No pollution is anticipated," Port Authority officials assert. "The operations are not expected to create excessive noise. Wildlife will be protected."

Alan C. Stewart, Port Authority director, dismisses conservationists as "butterfly chasers." To him the rare and endangered bird species in the park—the wood stork, the bald eagle, the roseate spoonbill, the great white heron, the pink and wood ibis, the noddy and sooty terns—are just a bunch of "yellow-bellied sapsuckers."

SEEN AS BAR TO DEVELOPERS

"If conservationists want to stop the development of south Florida," says Mr. Stewart, "it behooves them to save up their pennies and buy up the land."

In a more diplomatic vein his deputy, Richard H. Judy, assures visitors that work on the jetport would be halted immediately if it was proved that the project would spoil the Everglades. But he is currently convinced that the jetport will serve the park as a buffer, saving the environs from greedy developers.

"The preservationist wants everything to remain the way it was," Mr. Judy observes. "He's right in a sense. But it's not the way the great American system operates.

"We can't escape reality. People are coming here to live. This is going to be one of the great population centers of America in the next 20 years.

"Great Cypress Swamp is just typical south Florida real estate. It's private property; eventually it's going to be put to human use."

APPEALS TO VOLPE

A word from the Department of Transportation in Washington would halt the project. Conservationist leaders throughout the country have appealed to Secretary John A. Volpe, urging him to order relocation of the airport.

But the Department of Transportation has already provided $500,000 toward construction of the first runway, a pilot training facility scheduled to go into operation next month, and $200,000 more for a study of a high-speed transportation corridor slashing across the wilderness and linking the airport with the east and west coasts of Florida.

These grants were made without consultation with the Department of Interior, where sentiment against the jetport is hardening.

Meanwhile, an interdepartmental committee headed by Dr. Luna Leopold, of the United States Geological Survey, is preparing a report on the potential effects of the jetport on the park.

Conservationists are hoping that a strongly negative report by the Leopold group will persuade both Secretary Volpe and Interior Secretary Walter J. Hickel to condemn the airport.

Last week, the Dade County Commissioners hired Stewart L. Udall and his environmental planning consulting firm, Overview Group of Washington, to prepare a plan that would keep to a minimum any adverse effects of the jetport on the national park.

The Udall organization will first conduct a four-month feasibility study to determine whether the jetport can be built without destroying or severely damaging the Everglades. This "first-phase study" will also consider alternate sites.

To a nonconservationist, it is difficult at first to see why opposition to the jetport is so intense. The site is six miles from the nearest park boundary. And at the outset the jetport will be used merely as a training field. Only one runway will be used in the initial development.

However, a second training runway may become necessary in three to five years, the Port Authority says, and by 1980 the jetport would be transformed into a giant commercial operation, the nation's biggest air terminal, covering more land than the entire City of Miami, and able to accommodate jumbo jets and supersonic planes.

Conversationists warn that even before that materializes the delicately balanced ecology of the park could be upset by polluting and altering the flow of water in the park.

The park is absolutely dependent on a cycle of summer flooding and winter drought. Any change in the quantity, quality and rhythm of the flow threatens the incredible diversity of plants and wildlife established there.

The true Everglades are sawgrass prairies stretching to the horizon, a vast green blanket dotted with wooded hammocks, the grass hiding the shallow water of a strange river, 30 miles wide, that creeps imperceptibly southwestward toward the Gulf of Mexico.

CHANGES IN PLANT LIFE

A few years ago, when the water table in the park began falling, changes were noted in the plant life. Poisonwood, buttonwood, willow and other scrubby vegetation began shouldering into dried-up areas where formerly they had been drowned out. They threatened a drastic alteration in the appearance of the glades.

Today, after three years of abundant rainfall, the river of grass seems revived, and the invasion of brush has been slowed. The river, starting as seepage from Lake Okeechobee, 100 miles north, enters the park from the north and east.

The flow of the river has been impeded, before reaching the park, by a complex system of drainage and flood control canals and by two highways, the Tamiami Trail and the newer Alligator Alley.

A bill passed by Congress last year provides for the release to the park of 315,000 acre-feet of water annually from conservation districts north of the park. This would meet the park's minimal needs, but the plan will not be implemented before 1976, and the interim release schedule is tied to the water level in Lake Okeechobee.

Frank Nix, park hydrologist, said the jetport threatened the last unimpeded flow of water into the park. All the northwest corner of the park, he explained, is dependent on water from the Big Cypress Swamp.

Dr. William B. Robertson, Jr., the park's research biologist, noted that "substantial residues" of DDT were found recently in bald eagle eggs. The poison had apparently been ingested by fish, and the fish, in turn, eaten by the eagle.

Most birds may adjust to the noise of jet engines, Dr. Robertson suggested, but their is danger of collision with aircraft of some soaring species, especially the wood stork, which likes to ride the thermal updrafts. There is a major colony of wood storks in Big Cypress Swamp.

In a recent test, it was found that birds in the park flushed whenever a plane flew over at less than 5,000 feet. Consequently, park officials have asked for an air-space reservation of at least 5,000 feet. The Federal Aviation Administration contends that 3,000 feet is enough.

In their concern for plants and wildlife, conservationists tend to forget the 400 or more Miccosukee Indians living along the Tamiami Trail near the jetport. Initially the Indians went along with the project, hoping it would give them jobs. Now they oppose it.

USED TO HAVE GOOD LIFE

At the tribal office in Miami, Chief Buffalo Tiger told why:

"It happens to Indians year after year: progress wasting the hunting grounds.

"Indians used to have good life here; clean air, clean water, plenty of food.

"We used to see two or three raccoons on every hummock, a lot of otters, turtles, alligators in every pond.

"Now even the snakes are scarce. The fish and turtles are going. It's hard to make a living in the glades."

Buffalo Tiger, 49, said the Port Authority had usurped sacred Indian ground where the annual tribal festival, the Green Corn Dance, is traditionally held.

At this affair, which usually lasts five days, boys are given new names and inducted officially into manhood.

Eating the new corn crop at the close of the ritual marks the start of a new year for the tribe.

There is also a display by the medicine men of sacred tribal relics; dried seeds, little shards of glass, and what looks like the shriveled claws of animals. These are kept by medicine men in buckskin bags and revealed only at Green Corn dances, Buffalo Tiger said.

Turning back to the despoiling of the Everglades, Buffalo Tiger said:

"You can't make it. You can't buy it. And when it's gone, it's gone forever."

EXPLORATION OF SPACE

Mr. PERCY. Mr. President, recently Col. Frank Borman made a remarkable visit to the Soviet Union, where he was hailed for his achievement in outer space and where he was genuinely and warmly received because of the qualities and characteristics that became evident during his visit. He proved to be one of the most successful ambassadors of good will this country has ever sent abroad. Shortly following his return to this country—in fact, it was on the very night that the Apollo astronauts landed on the moon—I asked Col. Borman how much interest he had detected on the part of the Russians in possible joint ventures to explore outer space.

I told him that when I had served as a member of the Aeronautical and Space Sciences Committee, I had been advised by NASA officials, that the United States would be very much interested in continuing to expand the multilateral aspects of space exploration. Did he find the same attitude in the Soviet Union? Colonel Borman said that he had talked with high-ranking Soviet scientists about this, and that they had expressed considerable interest. They felt that it would be practical as well as wise for our countries to explore this possibility.

Mr. President, I trust that NASA officials will followup on this possibility and that they will be encouraged to do so by the State Department. I recognize that to do so presents some complications. But the goal; namely, to seek out as many objectives that we hold in common with other nations and to work on these objectives together is a sound one. I trust that by such activities, we can better understand one another. It would be worth the complexity. Also, it may well be that very major savings in cost could be made and at the same time accelerate the time schedule for one of the stated goals of our space program; namely, to expand the horizons of man's knowledge.

On July 26, 1969, Richard M. Gardner, professor of law at Columbia and former Deputy Assistant Secretary of State for International Organization Affairs, wrote an article on this subject for the New York Times. I ask unanimous consent that the article be printed in the Record. I feel that it expresses far better than I can some of the advantages of cooperation in space between the United States and the Soviet Union.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, July 26, 1969]

Topics: A Proposal for a U.N. Space Station

(By Richard N. Gardner)

For nearly a decade we have been engaged with the Russians in a race to the moon. This race has involved a massive duplication of effort and a substantial waste of expenditure on both sides. Moreover, important opportunities for the enhancement of international cooperation have been lost.

With the brilliantly successful landing of the American astronauts this week, the race to the moon is over. It is now too late to convert this race into a cooperative venture in space exploration on behalf of all mankind. But it is not too late to try a new approach in the next phase of space exploration.

COOPERATIVE PLANNING

A first step in this direction should be the creation of a United Nations Space Institute. The Institute, which might be located in Geneva or Vienna, would be a center for the cooperative planning of space exploration in which all U.N. members would be invited to take part.

Scientists from the United States and the Soviet Union and other countries could work together on such subjects as the medical problems of manned space flight. They could recommend a set of common priorities for mankind in space and a specific timetable of space missions.

Instead of both the United States and the Soviet Union undertaking landings on Mars and Venus, for example, each could divide responsibility for instrumented landings on different planets. Such activities would be considered part of a total U.N. program and every opportunity would be found to let other countries participate in their preparation and in the sharing of the information.

A JOINT VENTURE

We should also establish a United Nations Space Station, a true joint venture of mankind in what most authorities now agree is the most important space task of the next decade.

Joint ventures in space between ourselves and the Russians have hitherto been regarded as impractical. It has been said that the presence of Soviet astronauts and Soviet scientists at American launching sites would give them access to our rocket technology and thus prejudice our national security—and vice versa.

But technology now offers a way around this problem. Both we and the Soviets have developed the art of rendezvous and docking in space. We and they could launch elements of a space station that could be assembled in outer space. The equipment could be agreed on in advance to assure compatibility. The astronauts—drawn not only from the United States and the Soviet Union but from other U.N. members—could be trained together at the U.S. Space Institute.

When other U.N. members—for example, Japan and European countries—develop sufficient space capabilities, they could be invited to launch additional modules for the space station. In the meantime, their scientific abilities could be used to the full in designing and producing the equipment to be launched by the U.S. and the U.S.S.R.

MULTIPLE-USE FUNCTION

A U.N. Space Station would be an orbiting astronomical laboratory, gathering information about our solar system and the universe beyond. It could also be used for practical earth applications—for weather forecasting, observing ice and snow accumulations, mapping ocean currents monitoring crops, and locating mineral deposits. One day it might help patrol troubled borders and verify arms control agreements.

Such a cooperative space program could serve the enlightened self-interest of all. The sharing of the costs of space exploration and the adoption of a space timetable geared to scientific cooperation rather than political competition could save billions of dollars the U.S. and the Soviet Union could devote to pressing domestic needs.

The non-space powers, including the less developed countries, could participate more fully in space exploration. Every country would have access to information gained from space activities—for example, the discovery of mineral deposits made possible by observation from a space station. Finally—and by no means least important—significant political benefits could be realized in close U.S.-Soviet cooperation and a stronger United Nations.

DEATH OF PEDER N. WICK

Mr. **JACKSON**. Mr. President, recently a longtime friend of mine, Peder N. "Pete" Wick, passed away. He had served for 32 years as newsman for radio station KIT in Yakima, Wash., developing a reputation as an extremely fair and able reporter. He won the respect of all who knew him, most specifically those of his own community who knew him best—the people of Yakima.

Pete Wick is survived by his wife, Helen, and his daughter, Margaret Jane, who is presently studying orthoptics at the University of Iowa and will complete her training at the University of Oregon Medical School beginning this fall.

I recently obtained a copy of the eulogy of Pete Wick at his funeral by the Reverend Harry G. Brahams of Yakima's First Presbyterian Church. The Reverend Mr. Brahams caught the spirit and the truth of this fine man in his memorial remarks which I ask unanimous consent to have printed in the Record.

There being no objection, the eulogy was ordered to be printed in the Record, as follows:

Memorial Remarks for Peder N. "Pete" Wick

HE WANTED TO WRITE

His father thought it was silly and tried to sidetrack him by offering to send him through the University of Washington, if he would be an engineer. He would not be sidetracked, and in true Scandinavian spirit, he headed for Snoqualmie Pass and a summer job as a surveyor in order to subsidize his entrance to Central Washington College at summerend.

It was not easy in Ellensburg, and survival became just about as important as study. Along with his studies he did a little bit of everything to survive . . . collected cleaning for a Dry Cleaners; operated a player-organ in a theater; played his violin in an orchestra; swept the dormitory halls; and organized an employment service for students.

It almost cost him his life, but it paved the way for his livelihood.

He came to Yakima . . . caught the fancy of Col. Robertson, and became a cub reporter for the Herald Republic.

The hospital, the fire station, the police station, the courthouse became his precinct as he began to ponder and report the pathos, the problems, and the projects, that go to make up the general public. He soon proved that he *could* write, and that what he wrote was worthy of being read.

Having served his apprenticeship with the paper . . . he was retained by Radio Station KIT as a part of its newsstaff, and in the course of 32 years of faithful service became the Editor and Chief of the newsroom.

He brought to his leadership in the news media some marvelous natural equipment:

He had a nose for news . . . an instinct for the important incident.

He possessed a keen mind and a great memory.

He was master of the king's English, and of some that was not, yet he maintained constantly a great sense of which was right . . . and when.

Along with his natural instincts, he developed real insight. He learned to give credit where credit was due and constructive criticism where constructive criticism was due.

He held strictly to the truth and thereby earned the community's trust. His interviews of individuals (great and small) were always intelligent and interpretive.

He learned to review the circumstances and report the sense.

As a result, he became the friend of all . . . the prominent and the pedestrian; the politician and the public; the judge and the judged; the officer and the offender, the rich and the poor, the helper and the hurter.

During the course of his life, he received many commendations for his commitment, but the one he coveted the most was the one he earned the best . . . the confidence . . . of his company, his competition, his community, his country.

He wanted to write . . . he made it to the top . . . he became known as the "Dean of Northwest Newsmen."

HE WANTED TO BE WED

Walking down the streets of Yakima one day, he saw in a store window, a display of colored pictures of beautiful young ladies vying for the honor of Elks Beauty Queen. Examining the pictures carefully he chose as his candidate, Miss Helen Powell. Discovering shortly, they had a mutual friend in the community, he sought . . . and got . . . an introduction. He liked her . . . grew to love her . . . and ultimately led her . . . to the marriage altar.

The commoner married the queen!

Since . . . they have had 34 wonderful years together.

All that time he never forgot she was a queen . . . and what is far better . . . he never let her forget it.

The marriage of the commoner and the queen produced a prince and a princess . . . John and Margaret.

He was tremendously proud of his royalty. He loved each of them and through the years, their home has been characterized by a regal fellowship.

He wanted to be wed. . . . he married a queen . . . and became a wonderful husband and a great dad!

HE WANTED TO WORK FOR HIS COUNTRY

Not only in the cause of the Press, but in he cause of Peace. He got his opportunity in World War II. Though he was beyond the normal age . . . he insisted . . . and enlisted. He was extremely proud to be a Petty Officer in charge of publicity for the Navy. He started his service by making "first" in his enlistment class . . . and his service was like that all the way . . . First class!!

He wanted to work for his country . . . today in silent tribute, the colors of his country drape his casket!

HE WANTED TO WORSHIP HIS CREATOR

This came hard because of two major handicaps . . . the untimely passing of two of his favorite people . . . his mother, and his young son John. But God is good . . . and time has a way of tempering . . . and through the mastery of Masonry and some friends in the ministry, he finally found a meaningful faith.

He wanted to worship . . . he has set before us a fine example of faith . . . an example characterized by: Faith in God, Faith in the Government, and Faith in all that is good!

In his jests, we have found justice.

Under his crust, we have found kindness.

Behind his front, we have found faith.

Justice, Kindness, faith—that's what this thing called life is all about.

The Good Book summarizes it this way: "He has showed you O man what is good, what does the Lord require of you but to do justice, to love kindness, and to walk humbly with your God." (Micah 6:8)

According to these requirements of life.

Peder N. "Pete" Wick lived his life.

And because he lived his life this way—our lives will be better as we travel our way.

And do you know what that is?

Good news!

Respectfully, a friend,
Rev. Harry G. Brahams,
First Presbyterian Church, Yakima, Wash.

HELP DAN

Mr. STEVENS. Mr. President, Mrs. Edrel Coleman, a remarkable woman who has been chosen as Alaska State Mother of the Year 1969 and Military Wife of the Year, is a teacher who organized a club, HELP DAN—Help Educate Little People about the Abuse of Drugs, Alcohol, and Narcotics.

I invite the attention of Senators to the wonderful work of Mrs. Coleman, who has displayed a well-placed trust in the youth of our Nation. In Mrs. Coleman's words:

> If elementary pupils are educated about the harm that the abuse of drugs, alcohol, and narcotics does to a person . . . when they reach high school and college, and are faced with the decision to make—"Should I or Shouldn't I?"—their knowledge of the true facts will enable them, more than likely, to make the right decision.

NIXON MASS TRANSIT BILL—A FLAWED PROGRAM

Mr. WILLIAMS of New Jersey. Mr. President, the Nixon mass transit bill is an outstanding example of the age-old adage that "the road to hell is paved with good intentions."

Experts have argued clearly and concisely before the Senate Committee on Banking and Currency, that long-term capital programs cannot be funded without long-term assurance of Federal funding—funding which my mass transit trust fund bill will make available.

This is the approach taken by Dr. William J. Ronan, chairman of the Metropolitan Transportation Authority of New York and president, Institute for Rapid Transit; George L. De Ment, chairman of the board, Chicago Transit Authority; Kermit Bill, president, Southern California Rapid Transit District; Leo J. Cusick, general manager, Massachusetts Bay Transportation Authority; Roy Blount, acting chairman, Metropolitan Atlanta Rapid Transit Authority; and B. R. Stokes, general manager, San Franciso Bay Area Rapid Transit. These men who are in the forefront of the fight to make our cities' transit systems work are far better qualified to suggest solutions than President Nixon's self-styled experts.

President Nixon rejected this approach perhaps as the Trenton Times in its August 8 editiorial points out, because "of his Budget Bureau, which dislikes earmarked tax revenues."

The editorial continues:

> Perhaps he was also conscious of the opposition of the highway-user lobbies, which fight any attempt to divert user taxes into non-highway projects—even though improved mass transit would obviously help the motorist by reducing road congestion.

The Nixon alternative, however, is completely unworkable. As the Times editorial so aptly states:

> Mr. Nixon suggested that Congress could "declare its intent" to back the program over a long period of time. This is no substitute for the assurance of a trust fund; no Congress can bind its successors, no matter how many intentions it declares. The President's program—which shows at least some grasp of the nationwide crisis in mass transit—should be appropriately amended when it reaches Congress.

The administration can rest assured that I, for one, will not cease in my efforts to obtain trust fund financing. This is the most effective method of providing for adequate mass transportation for all of our Nation's citizens.

I ask unanimous consent that this excellent editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Trenton (N.J.) Times, Aug. 8, 1969]

Flawed Transit Program

President Nixon's proposed 12-year, $10 billion program of aid to urban mass transit systems has serious flaws. The President is absolutely right when he says public transportation must be made an attractive alternative to private car use in order to forestall "strangulation of our central cities."

But the sum proposed is inadequate. And the program would rely on annual appropriations by Congress rather than the trust-fund approach which has made the interstate highway program such a booming success. A trust fund for transit, paid for with revenue from the automobile excise tax, has been urged by many experts, including New Jersey's Senator Williams, sponsor of many of the federal mass-transit laws now on the books; the President's own Transportation Secretary, John Volpe, and New Jersey Transportation Commissioner Goldberg. They argue that states and localities cannot comfortably embark on long-range capital programs without the assurance the funds will be there each year to see them through.

President Nixon, however, yielded to the arguments of "his Budget Bureau, which dislikes earmarked tax revenues. Perhaps he was also conscious of the opposition of the highway-user lobbies, which fight any attempt to divert user taxes into non-highway projects—even though improved mass transit would obviously help the motorist by reducing road congestion."

Mr. Nixon suggested that Congress could "declare its intent" to back the program over a long period of time. This is no substitute for the assurance of a trust fund; no Congress can bind its successors, no matter how many intentions it declares. The President's program—which shows at least some grasp of the nationwide crisis in mass transit—should be appropriately amended when it reaches Congress.

AMERICAN PRISONERS OF NORTH VIETNAM

Mr. PELL. Mr. President, the recent release by the North Vietnamese Government of three American prisoners was a most welcome development. It was welcome first and foremost in basic human terms because of the joyous reunion it made possible for these three American men and their families.

But thankful as we are for the safe return of these men, their release served also as a reminder of those men still held captive by the North Vietnamese Government. Their release served also as a reminder of the hundreds of families in the United States who wait hopefully, prayerfully, and sometimes desperately for a similar reunion.

Mr. President, the release of the three prisoners by the North Vietnamese Government was perhaps intended as a gesture of good will, or as a humanitarian action, or it may have been a step taken solely for propaganda purposes.

Whatever the motivation, the return of three American prisoners inevitably raises questions about the fate and the condition of the American servicemen listed as prisoners or missing in action in Southeast Asia.

The North Vietnamese Government, in refusing to provide even a listing of the names of the men it holds prisoners, has added unnecessarily to the terrible burden borne by the families of these men. The wives, the children, the parents, and friends of those Americans listed as missing in action in Southeast Asia live in torment between hope and despair.

Mr. President, the Government of North Vietnam, if it truly seeks respect and understanding among people throughout the world, will, I think, be given a more sympathetic hearing if it first revises its policies toward its prisoners. Certainly North Vietnam has nothing to lose by at least making known the names of the men it holds prisoner, by permitting correspondence between prisoners and their families, and by permitting neutral inspection of its prison camps.

Mr. President, the Providence Journal recently published an excellent editorial on this subject. I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Providence (R.I.) Journal, Aug. 6, 1969]

BEHIND THE GOOD NEWS

The freeing of three American servicemen, held captive by North Vietnam, is good news, but it is difficult to swallow the nauseating hypocrisy with which Hanoi has surrounded the release. The release, said North Vietnamese spokesmen, was made as a "humanitarian" gesture and in recognition of American Independence Day.

Here is a nation which prates of humanitarianism but will not release even a list of prisoners held in its camps. Here is a nation which prates of "recognizing America's Independence Day" but will not make public any news of the sick and wounded Americans or even of those men who have died in captivity of wounds or natural causes.

Much has been made in recent years of the ignorance of the West about the workings of the minds and hearts of the East. Whatever ignorance exists in the West about the East, the prisoner-of-war situation suggests that ignorance of the West is absymal in the East, if Hanoi expects that its use of American pacifists for propaganda purposes will be read as "humanitarianism."

There may be Americans who will criticize the pacifists for allowing themselves to be used in a shabby operation. But the pacifists have arranged for the freeing of three men—and the relief expressed by the families of the men is a measure of the profound concern among all the families of all of the men held behind barbed wire in North Vietnam.

Hanoi's propaganda will deceive no one except the North Vietnamese leaders who must believe that their "generosity" will be taken at the value they place on it. Those leaders fail to understand that Americans, happy as they may be about the return of the three men, will interpret the move for what it is: stunting with human lives for propaganda.

If Hanoi really wants to gain stature among the nations of the world, let it abide by the spirit—if not the letter—of the Geneva convention on prisoners-of-war. Let Hanoi list all its prisoners, allow neutral inspection of its prison camps, permit the free flow of mail between captives and their families, and arrange for release of sick and wounded prisoners.

It is known that scores of Americans are held captive by North Vietnam; it is believed on good evidence that scores of others also are held, but of them, there is no clear news. If Hanoi wants to demonstrate a humanitarianism that will convince this country and the world, of its sincerity, let it reverse a prisoner policy that revolts civilized nations.

THE SMALLTOWN CRACKER-BARREL PHILOSOPHER

Mr. McGEE. Mr. President, in this day of advanced technology and worldwide preoccupation with nuclear and foreign policy crises, domestic upheavals, and other 20th century facts of life, one of the casualties has been the smalltown, crackerbarrel philosopher.

Fortunately, a few still exist and are still able to pass their wisdom and experience and sage observations along to us "young upstarts" who sometimes become so obsessed with the pace of daily survival that we often forget some of the tried and true values of the past. Such a man is A. J. "Gus" Morrow of Riverton, Wyo.

Mr. President, I am proud to say that Gus has long been one of my prime advisers in the State, as well as many of my predecessors, starting with the late Senator John Kendrick, our beloved former colleague, Senator Joe O'Mahoney, and many other of the State's political figures.

The Riverton Ranger on Tuesday, August 5, 1969, published a feature article which traces Gus's famous history and his many contributions to the State. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A. J. "GUS" MORROW HAS BECOME A RIVERTON INSTITUTION

James A. "Gus" Morrow has been in Riverton so long that he can practically be called an institution. In fact, Morrow was in Riverton before there really was a Riverton.

He is a familiar sight to many Rivertonites, and can be frequently seen walking the city streets or dozing quietly in the lobby of the Lapeyre Hotel.

Gus was on hand when the first town lots for the big sagebrush-covered area soon to be called Riverton were drawn. Gus drew "Number Eight," a homestead near the site of the present Safeway store.

J. A. Morrow was born in Canton, Missouri, on March 21, 1884 and in 1906 he heard of the new territory being opened up for a townsite in the newly-formed state called Wyoming—then about 16 years old. On the night of August 12, 1906, he arrived in Shoshoni, which at that time was a year old and was "the end of the line" for the Northwestern Railroad.

Because of the rush on lots in nearby Riverton, Shoshoni had grown up literally overnight. Gus remembers that there were at least 18 saloons and three or four "sporting houses." Most of the "new buildings" were tents.

"The town's big size didn't last long," he says. "It just grew up for the big rush and then was gone."

On that night, murderers, gamblers and cutthroats from all over the country had come to Shoshoni. Gus recalls that it was a "wicked town." An evangelist came into Shoshoni that night and vowed to make it "a church town." A gang of men killed him the first night he was there.

Since there were no roads or bridges between Shoshoni and the Riverton area, and a trip on horseback would take at least half a day, Gus waited a day in Shoshoni before starting out to see his new Indian land.

Gus did nothing but homestead for the first few years. Then, as the population of Riverton began to expand, Gus and another man brought in new horses from Basin. They broke the horses themselves and sold them to new Rivertonites, splitting the profits.

At about this time, dark and noisy machines called "automobiles," "horseless wagons," and undoubtedly scores of other less polite names were gaining a foothold in the new town. Gus made his move and went into the auto business with a place across the street from where Ace Hardware is now.

Gus still had his farm when World War I broke out, and the government needed wheat for the war effort. Gus provided the wheat for awhile, and then went to Denver to enlist in the army. He got there just as the armistice was signed.

It took two days to get to Denver by car—provided it didn't rain. The road followed a trail and it was easy to get stuck on the high centers in the road."

"If roads back then were like they are now, those cars would last forever," says Gus with a laugh. "The cars were good, but they just wouldn't make it half the time."

Gus recalled in 1910 he and four others had to push a Model T Ford from Badwater to Riverton. It was the first car ever in Wyoming, but that honor didn't stop it from getting bogged down in the sand. One man took turns driving while the other four pushed. They had to keep putting water in the radiator every few miles or so from the three water bags they had taken with them.

1910 was a time when people still looked up when they heard a car coming.

"People thought you'd never get anywhere," said Gus, "but I can remember plenty of times when your horse would get spooked and run away and leave you. Cars might break down on the road but they sure wouldn't run away from you."

When Riverton was a year old and was right in the middle of its first and perhaps wildest anniversary celebration, Gus remembers when a man came into town drunk and shot up just about every buliding in on Main Street.

"Everybody took to the buildings," he remembers. "Then some officers were called in and they finally got him without a shot."

Sometimes things would get so wild that soldiers from the army camp at Fort Washakie had to be called in to restore some semblance of order.

"In those days people didn't think hardly anything of killing," he said. He recalled that near Morton was a gang of horse thieves that was, as he put it, a "pretty bad bunch."

The first building put up in Riverton was a livery barn where Sunset Lumber is now. Next came the Wind River Hotel, located about where the Lapeyre Hotel is now. Two grocery stores, Hays' and E. T. Glenn's, and finally an official U.S. Post Office came next and from then on, things were hard to keep track of.

In 1915 Gus Morrow was chosen for deputy sheriff at Lander for two years. At this time, Pinedale and Thermopolis were included in Fremont County, and Gus had quite an area to cover. For eight years Gus was the deputy U.S. marshal in Riverton, and had charge of the whole west part of the state.

When Gus was working for the county in Lander, a man by the name of Bill Carlisle was robbing trains in Wyoming like it was going out of style—and in 1915 it almost was out of style. Gus helped hunt for him.

Carlisle had been in and out of jail constantly, but he couldn't be kept there for long. He was even held in Riverton's prison farm for a short time. While he was in the state pen at Rawlins, Carlisle had some fellow prisoners conceal him in a big box used to ship the prison-made shirts outside the walls. The box was taken from the prison, and so was Carlisle, who managed to rob a train that same night.

Thief though he was, Carlisle managed to win what might be called admiration for his famous discretion during his working hours: he would never rob ladies or military men. He would barge into a train yelling: "Women and soldiers keep your seats. The rest of you, throw up your hands and give me the money!"

Carlisle would often leave clues about which train he planned to rob. The train would be guarded carefully until railroad officials thought the danger was off. This was Carlisle's cue, and he'd suddenly appear out of nowhere and rob the train, catching everyone literally off guard.

He was finally captured by Sheriff Lon Roach of Wheatland, who was forced to shoot Carlisle in the hand to subdue him. As Carlisle was being treated for his wound at a hospital in Douglas, a nurse there, obviously remembering the robber's Robin Hood chivalry, said indignantly to Roach: "You should be suffering instead of him."

Morrow recalled once when he was taking a prisoner to the penitentiary in Rawlins. The warden told Morrow that a prisoner on death row wanted to talk to him.

Morrow was also involved in helping the local undertaker on occasion and the condemned man wanted Gus to "take good care" of his body after he was executed. Gus told him he would.

The man was finally hanged in 1928—the last man to swing in Wyoming.

The warden at Rawlins later told Gus that the prisoner was one of the coolest condemned men he had ever seen, and he'd seen quite a few.

The warden's wife would always cook a big chicken dinner as a last meal for each condemned man on death row. After his meal, the prisoner asked the guard when he would be hanged. The guard told him at midnight, so he saved a bit of his chicken dinner to eat before his last walk. When the hour finally came, the prisoner calmly asked them to wait for him to finish his chicken. He walked to the gallows "beyond all concern."

After Morrow stepped down as deputy sheriff he became quite actively involved in early Wyoming politics, and it almost became a hobby for him. Gus was on good terms with every well-known political figure in Wyoming—Senator Gale McGee still phones Gus whenever he has the chance. Above Gus's bed in the Lapeyre Hotel is a photograph of John F. Kennedy on which is written: "To Gus—Very Best Wishes—John Kennedy." On another wall hangs an official invitation to Kennedy's inauguration in 1960.

Gus worked for the Democrats, boosting the campaign and getting votes, but he was also good friends with Republican Francis E. Warren, who ran against Wyoming Democrat John B. Kendrick for the U.S. Senate. Gus said Warren and Kendrick were the "best of friends" and worked together whenever they could outside of party lines.

"They didn't split over politics like they do now," observes Gus.

Most Rivertonites today remember Gus best when he worked with Democratic Senator Joe O'Mahoney—"O-Manny," as Gus calls him. Although O'Mahoney resigned about 1945, he had a lot to do with several important projects in Riverton, among them the charter for Riverton's first bank—the First National—and the airport.

"We have a hard time convincing people that once we got an airport, people would really want to ride in the airplanes," said Gus. "O'Manny was able to have foresight and see into the future, though. He used to tell the people that we'd never know whether people wanted to ride in airplanes or not until an airport was actually built."

It seems right in keeping with Gus' character that he helped push the airplane on a growing Riverton. In Riverton's early days, he brought horses to the struggling new town to keep it going. When something else was needed, he helped set up an auto shop. It seems only natural that he also played a major role in introducing aviation to this town.

If Riverton ever has a need for a launching pad and a rocket, many people will expect Gus to be there.

HAWAII CELEBRATES ITS 10TH YEAR OF STATEHOOD

Mr. FONG. Hawaii celebrates its 10th anniversary of statehood this month with great rejoicing.

Festivities starting this week will be climaxed on August 21—the day in 1959 when President Dwight D. Eisenhower formally proclaimed Hawaii the 50th State.

Statehood for Hawaii was an arduous struggle for equal rights. Three years after the islands became an incorporated territory of the United States in 1900, the territorial legislature petitioned Congress to admit Hawaii into the Union on an equal footing with the mainland States. At least 16 times thereafter, Hawaii's people, through their elected legislature, made their plea to Congress. Thirty-four printed House and Senate hearings produced nearly 7,000 pages of testimony and exhibits—more than in the case of any other territory seeking statehood.

Over the years, the statehood movement for Hawaii gained nationwide momentum. The two national political parties and countless national oragnizations and friends in high places and low made possible the eventual victory.

In the climactic year of 1959, the Senate passed the Hawaii statehood bill by an overwhelming vote of 76 to 15. The House approved the bill by an impressive 323 to 89 vote.

The bipartisan victory sent the bill to the White House for President Eisenhower's signature. The President signed the statehood bill and, later, the official statehood proclamation, with keen satisfaction. For he had called for statehood for Hawaii in his state of the Union message on January 5, 1956:

> In the Hawaiian Islands, East meets West. To the Islands, Asia and Europe and the Western Hemisphere, all the continents, have contributed their peoples and their cultures to display a unique example of a community that is a successful laboratory in human brotherhood.
>
> Statehood, supported by the repeatedly expressed desire of the Islands' people and by our traditions, would be a shining example of the American way to the entire earth. Consequently, I urgently request this Congress to grant statehood for Hawaii.

It is noteworthy that in October 1966, in reviewing his Presidency, Eisenhower listed statehood for Hawaii and Alaska among 23 major achievements of his administration.

Statehood, when ultimately won, brought to Hawaii's people the equal rights they long sought. These rights included:

The right to full voting representation in both the U.S. Senate and House of Representatives; the right to vote for President and Vice President of the United States; the right to choose their own Governor and to carry on functions of government by their own elected officials instead of Federal administrators; the right to determine the extent of the powers to be exercised by their own legislature; the right to have justice administered by judges selected under local authority rather than by Federal appointees; the right to freedom from overlapping of Federal local authority; the right to an equal share on a per capita basis in Federal grants for education, health, highways, and other public improvements; the right to a voice in any proposed amendment of the Federal Constitution, as well as on the taxes which the people of the territory must pay.

As the newest State, Hawaii has a fresh and abiding appreciation of the equal rights accorded her people through statehood, both in the opportunity to participate fully and equally with other States in the National Government and in the chance for self-government of their own internal affairs.

I share the pride of Hawaii's people in the record the 50th State has made in advancing their political growth nationally and statewide. Statehood made it possible for Hawaii's people to grow politically as no other avenue could have. And we are most grateful for this opportunity.

In many other areas, statehood has been a boon to the islands.

As President Eisenhower noted:

> Hawaii is a successful laboratory in human brotherhood.

In a world struggling with racial, religious, and other deep schisms, the 50th State demonstrates a unique model of peace, harmony, and amity among her cosmopolitan population.

Located in the middle of the vast Pacific basin, closest to the Asian peoples who make up half the world's population, Hawaii serves as a most useful bridge of understanding between East and West.

The East-West Center at the University of Hawaii performs this vital role as a unique institution for cultural and technical interchange between the peoples of the Occident and the Orient. Hawaii provides excellent training for Peace Corps volunteers and AID personnel bound for Asian assignments.

The Fifth East-West Philosophers Conference held in Honolulu recently continues a forum for rich and enlightening dialog among scholars from around the world.

In the transportation field, Hawaii's strategic location has been underscored by the awarding of numerous air routes to the 50th State and beyond, opening up further trade, commerce, tourism, and business opportunities in this largest of all oceans.

International and regional meetings for the economic development of the Pacific Basin countries are being held with increasing frequency in Hawaii. And Hawaii continues to send skilled manpower to aid developing areas like the Trust Territory of the Pacific Islands.

The 50th State is forging ahead also as a Pacific science center. In the Apollo 11 moon-landing project, tracking stations in Hawaii contributed to the epic success. In the emerging field of marine science and technology, government, industry, and the academic community are joined in expanding the oceanographic front.

Hawaii has experienced an unparalleled boom in its economy during the past decade.

Samples of this growth are reflected in these statistics:

The visitor industry flourished at an average rate of 20 percent compounded annually; the influx reached 1.2 million visitors last year, with visitor spending estimated at approximately half a billion dollars.

Tourist-related employment rose by one-half since 1961, compared with a 14-percent expansion in the rest of the private economy.

In 1968, personal incomes in the State reached approximately $2.7 billion, or $3,470 per capita. Expressed in 1961 prices, this was a 21-percent increase in real per capita income over the 7-year period.

Since the last census, in 1960, the population has grown from 648,000 to 800,000.

Substantial investments have poured in from business firms in continental United States. Many have established branches in the islands.

Faster growing in employment than even the tourist industry has been employment in scientific research and technology organizations, including computer services. The latter's growth has been an amazing 75 percent from the end of 1964 until mid-1968.

Hawaii's changes have been so rapid and spectacular that almost every major magazine and other media have devoted extensive coverage to these changes. Millions of words have been used to tell the Hawaii story since statehood.

While the changes have been accompanied by some problems of adjustment, Hawaii today has reached higher peaks in political and economic growth than ever before. Few will question that the advancement has been made possible as a result of the attainment of statehood.

In celebrating the decade of statehood, Hawaii is mindful of her many friends who supported the territory in attaining this goal, and who still support us today. We are indeed grateful for their abiding confidence and cooperation. Our gratitude can best be voiced in that traditional Hawaiian expression, coming from the heart, "Mahalo and Aloha."

MEDICAL CARE IN GOVERNMENT HOSPITALS

Mr. STEVENS. Mr. President, medical care in the Government hospitals across our land is a critical part of our Nation's health care system. As such access to the care provided in these hospitals needs to be open to as many of our citizens as it is feasible to reach with their services.

An outstanding example of putting just such a concept into reality is a bill introduced by the Senator from Nevada (Mr. BIBLE), of which I am pleased to be a cosponsor.

It is predicated on an example set by my State of Alaska and concerns making Indian hospital facilities available to non-Indians at remote Indian hospital or health facilities of the Public Health Service across the country.

In Alaska we have seven such health facilities in Barrow, Bethel, Fort Yukon, Kanakanak, Kotzebue, Nome, and Tanana where we have instituted this policy and now reach over 2,500 non-Indians who otherwise would have had to travel hundreds of miles to a hospital or health center in the event of their illness.

It is currently estimated that this legislation would reach approximately 31,000 non-Indians who live within 30 miles of the 22 remote hospitals which fall within the preview of this legislation. Most importantly it means approximately 2,100 patients will now be served by hospital facilities which were previously unavailable to them.

I believe reaching these 2,100 patients so that our remote Indian hospital facilities are fully utilized is a good and necessary step. I take great pleasure in being a cosponsor of this important legislation and urge favorable action on it at this session of Congress.

TOWER ON THE PLAINS—THE NEBRASKA STATE CAPITOL

Mr. HRUSKA. Mr. President, the August issue of the American Bar Association Journal, which has just arrived on my desk, bears on its cover a beautiful picture of the Nebraska State Capitol in Lincoln,

This is a building of which Nebraskans are justly proud, proud for two reasons. First, the structure itself is an architectural marvel of beauty and innovation. Second, the structure houses a marvel of political ingenuity, the unicameral legislature. Nebraska is the only State which entrusts its legislative responsibilities to a one-house legislature.

The editors of the American Bar Association Journal have written an interesting and informative editorial about the the Capitol and the legislature it houses. I ask unanimous consent that the article entitled "Tower on the Plains," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TOWER ON THE PLAINS

The fourth finest building the world has seen stands not in Rome or Athens or New York, but in Lincoln, Nebraska. This was the conclusion of a 1948 poll of 500 of the nation's most eminent architects. That edifice, pictured on our cover this month, is Nebraska's capitol building, towering 400 feet above the prairie. The limestone for its exterior came from Indiana, marble for the interior from nearby Colorado and from France. Its architect was selected by competition, even its inscriptions and symbols were planned by a specialist, and most of the intricate mosaic work on the floors and ceilings was laid out on paper in New York by a designer who then numbered the tiles and sent them to Lincoln to be painstakingly pieced together. Construction of the capitol, dedicated in 1932, took ten years, and Nebraskans paid the costs—approximately $10 million, which would be multiplied many times over today—as the building was erected, without incurring a bonded indebtedness.

The eight-and-one-half-ton bronze statue of the "Sower" that caps the golden dome is "sowing the seeds of good will for a more noble living in the future", say Nebraskans. It manifests the symbolism that is the keynote of the interior, clear and direct in the lower levels and ascending into abstraction in the upper reaches. "Gifts of Nature" is the theme of the vestibule, and it is Nebraska nature that is represented in the rich reds, browns and yellows of the murals that portray the coming of the pioneers to the new land. Nebraska animal life adorns the arches. High in the dome is a radiant gold mosaic sun, surrounded by marble mosaics depicting the four seasons. These in turn are encircled by mosaics depicting the unity between man and nature, a unity that remains evident in agricultural Nebraska. Mosaics of plowing, sowing, cultivating and reaping complete the vestibule dome.

Color shifts to brighter hues in the long foyer, which presents a glowing vista of light patterns. The marble mosaics in the floor reflect the artificial light of numerous chandeliers, and the softened natural light that filters through the onyx windows enriches the huge, colorful medallions borne in the high, vaulted ceiling.

These glimpses suggest the creative energy that went into every part of the capitol, and it is creative energy that is the theme of the imposing rotunda, whose dome is higher than a ten-story building. Suspended eighty feet below the dome is a cast bronze chandelier which weighs more than 3,500 pounds and contains 136 light bulbs. Far beneath it, dominating the floor, gleams a giant mosaic of Ceres, goddess of agriculture.

The new capitol was completed at a time when Nebraskans were becoming increasingly dissatisfied with their government. The depression was upon them. Then in 1932 a Democratic landslide swept the normally Republican state on the coattails of Franklin D. Roosevelt, and because the Democratic Party generally had met with little success in Nebraska, its candidates were inexperienced and found it difficult to cope with the problems of the depression. Nebraskans were ready for a more open, direct and responsible legislature, and they wanted more economy in government. The time was ripe for the proponents of unicameralism, who had been waging a battle in Nebraska for over twenty years.

Most cities, they urged, had made a successful transition from bicameral to unicameral governing bodies by the turn of the century, and some of them had larger populations than the State of Nebraska. By reducing the 133-member, bicameral legislature to a small, unicameral body, they contended the state could increase the salaries and prestige of legislators, thereby attracting better qualified men and at the same time cutting costs. They pointed out that under the bicameral system it was common for members of one house to pass a popular bill and then urge members of the other house to kill it, making legislative responsibility difficult to pinpoint. The highly regarded United States Senator George W. Norris, who was instrumental in this effort to make the Nebraska legislature unicameral, was particularly vehement about the evils of the small, secretive and appointive joint committee, which had come to be known as the third house or the superlegislature, and which often had served as a graveyard for important legislation.

At the general election in November, 1934, three liberal measures appeared on the ballot. One was a constitutional amendment submitted by the initiative to provide for a nonpartisan, unicameral legislature. Perhaps fortunately for unicameralism, the other two measures—repeal of prohibition and legalization of pari-mutual betting at race tracks—had considerable popular support. Unicameralism carried by a vote of 286,086 to 193,152.

After two joint conferences, the 1935 session of the legislature, the last bicameral, set the number of seats for the unicameral body at forty-three. The first unicameral legislature convened in 1937 in the new capitol, which had provided for two legislative chambers. The legislature now meets in the more spacious chambers designed for the lower house.

"Nebraska's remarkable state capitol symbolizes the new civilization evolving in the prairied state and makes articulate the spirit of a people unfraid to try something new," wrote a University of Nebraska political scientist in 1935. Nebraska was the first state to try unicameralism since Vermont had discarded it a century before. Only two other states, Georgia and Pennsylvania, had ever tried it, and their attempts were brief. Today Nebraska remains the only state with a unicameral legislature.

Hailed at its inception as a major political innovation, the state's one-house legislative body is still considered an oddity by many Americans. Our government under the Articles of Confederation had a one-house legislature, but Britain, the Mother of Parliaments, which for all practical purposes now operates with one house, had exported the bicameral tradition to the Colonies, and tradition it remains. However, the *Baker* and *Reynolds* decisions have awakened renewed interest in unicameralism now that both houses of state legislatures must be apportioned according to population and both presumably will represent the same voters. But while unicameralism may seem more practical in the light of these decisions, Nebraska itself used an area-population formula when it reapportioned its unicameral legislature for the first time in 1963, increasing the seats to forty-nine. The formula failed to meet constitutional standards, but a second reapportionment in 1965 passed muster.

In recent years people in more than half the states have questioned Nebraska about its unicameral system. Nebraskans would like to see their innovation exported. After more than thirty years, the unicameral legislature has proved definitely to be far more economical than its bicameral predecessor. It has also proved its efficiency, perhaps partly because its small size has forced it continually to modernize for greater efficiency. And its direct and open legislative process has been a newspaperman's paradise.

Supporters of the bicameral system argue that a two-house structure naturally slows down the legislative process, giving the public time to react to potential legislation and preventing hasty legislation; and the two houses, they contend, provide for legislative checks and balances that prevent bad legislation. The following bill, passed by Nebraska's bicameral legislature, was the type of thing that made Nebraskans believe they had nothing to lose by doing away with the second house: "No firearms shall be discharged upon a public highway except at noxious animals or an officer in pursuit of his duty."

Still many fear the fact that elimination of the second house in states which do not have the referendum, as Nebraska has, would leave only the governor's veto and the judiciary as potential checks against bad legislation. The governor would probably be disinclined to veto the numerous bills which are his own, and it has been observed that the judiciary "vetoes" only unreasonable, not unwise, legislation. Perhaps the fact that the Nebraska legislature is nonpartisan has helped prevent bad legislation, for there is no opportunity for partisan politics to sway the judgment of the legislators. And the unicameral has procedural rules to prevent hasty legislation. In any case, Nebraskans maintain that no radical or patently bad legislation has come from their unicameral house.

Nebraska's experience alone has not been enough to convince other states that unicameralism represents a significant improvement over bicameralism. Whether the reapportionment decisions will lend impetus to the unicameral movement is open to question. Nebraskans have their own answer why unicameralism has not spread. It took twenty years of time and expense to educate Nebraska voters about unicameralism and the legislative process to the point that they were willing to initiate a constitutional amendment to provide for a unicameral system. In more than half the states the voters do not even have the initiative, in which case only the legislature could move to abolish one of its houses, a highly improbable eventuality.

COMMUNITY PARTICIPATION

Mr. PELL. Mr. President, in this day of restlessness among students, when we hear so much about a lack of communication between students and educational administrators, it is refreshing and encouraging to find an example of a constructive student suggestion being adopted by an alert school administrator.

This is, however, precisely what happened at Providence Country Day School in my own State of Rhode Island. There had long been dissatisfaction with the spring semester for seniors at the school, whose attention to classes lagged after they received college acceptances.

Last year, one senior, David Leeds, brought the matter to a head with an editorial, published in the school newspaper, suggesting that the final weeks of school for the seniors be devoted to a new program of community participation.

Evan R. West, headmaster of the school, and a faculty committee took the suggestion to heart, and the result this year was an imaginative and highly successful program of community involvement that has become known as Providence Country Day's "Spring Thing."

For 4 weeks, the senior students worked as apprentices, without pay, in fields ranging from hospital work to commercial art. The response of the students, the community organizations, and the school has been highly favorable.

I ask unanimous consent that an article written by G. Wightman Williams, describing the program and published in the Providence Evening Bulletin of June 14, 1969, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Country Day School's New "Spring Thing"

(By G. Wightman Williams)

What to do to hold the attention of seniors after they receive their college acceptances in mid-April?

That is the question Providence Country Day School tried to answer this year with a new senior independent apprenticeship program. Thirty boys participated during the spring term, working in the community, keeping daily logs of their experiences and writing papers to describe their reactions and evaluations.

They worked in industry, in business, at hospitals, the state house, at Brown University, and as tutors.

"Any time we depart from routine and engage in a different type of activity, we can't help but learn," wrote Joel Anderson in conclusion to his four weeks tutoring at Laurel Hill Avenue School. "We learn the satisfaction and disappointments of a new job. We learn the tastes, smells and noises of a different way of life. We meet a different kind of person and he shows us his different point of view."

For years—probably since formal teaching was first conceived—and well before college and secondary school administrations and trustees were faced with student confrontations, individual teachers and faculties have wrestled with how to fashion a positive and valid learning experience from situations or subject matter which at the moment seemed negative or barren.

So the question of significant year-end experience for seniors had been mooted about for some time officially and unofficially by various faculty and administration members and students at Country Day.

The seed for the program the school developed was planted by a student, David Leeds, class of 1968, and now a student at Harvard. He wrote in an editorial for the school newspaper that the spring term for seniors could be a rewarding, educational experience and a time of involvement rather than disassociation.

"Going outside the ivied walls in a plan of community involvement offers a feasible program—a broader form of education unattainable in books. Seniors, David wrote, "would offer their services to various community-oriented organizations such as Project Head Start, the Lippitt Hill and South Providence tutorial programs. . . . A paper would be expected from each participant at the end of the term relating to his work."

The young editorialist theorized that "isolation of the academic community from the real world is a major reason for the current student uprisings. Colleges are realizing that their responsibilities exceed just academics, and high schools too must assume an active role in communal affairs."

Headmaster Evan R. West took the editorial to heart and appointed a faculty committee to devise a specific project. Members were Walter F. Sharp, Richard C. Philbrick and William J. Rice. The trio proposed that senior courses be ended and final examinations given by the end of the winter term in March. The first week of the spring term was to be used for orientation of seniors, sponsors or "employers." Four weeks in the independent projects were to be followed by a week for final reports and evaluation.

Mr. West outlined the program to parents as one to encourage seniors "to find an opportunity in the community where they might through direct participation test their present interest in a particular vocation or community service project as a part of their total educational experience at the secondary school level. . . .

"It is not," he emphasized, "our intention that a senior go out into the community in the spring term and find the sort of paying job he might be able to acquire in the summer. Our plan is more of an apprenticeship under the direction of thoughtful and understanding 'sponsors' in various types of livelihoods and community activities in this area."

The program provided a three-track operation: purely academic enrichment for some, a variety of outside work experiences for others, and a continued classroom schedule for others.

Participants on their own or with the help of a faculty adviser, found sponsors in their chosen fields. Some observed politics at the state house. Others worked in marine architecture, science labs at Brown University, tutoring children at elementary and secondary levels, hospital work, commercial art, civil engineering.

There was no pay for the four weeks, but sponsors agreed to make it possible for the students to observe the operation from as many positions as possible.

"Few students," said Mr. Sharp, "have a good sense of timing. When they are first put in charge of producing the effects they want, they expect miracles right away. Of the many and varied lessons learned by the students, perhaps the most common was the realization of how much can be learned in an informal atmosphere."

Donald Jacobs, Peter Scotti and Richard Korb collaborated on a report of their work out of the governor's office. Most of the political battles, they observed, "were not between Republicans and Democrats; they were between old senators and young senators. The younger members were more articulate."

The three agreed that they learned a great deal about the political picture in the state and about how the two parties cooperate in pushing through popular bills. They also observed political manipulation "which was of questionable honesty."

The youths were in the state house during the hectic final days of the session, when "you could almost feel the tension in the air. . . . It is in the last week where you can see just who has the power and who doesn't. The final day . . . there were 105 bills passed. It all seemed strange that they did not start working this hard at the beginning of the session."

After tutoring at Laurel Hill School,

Thomas Chester wrote, "The satisfaction one feels when a child finally grasps a difficult concept is very gratifying. I can understand why people pass up high-paying jobs to go into teaching, the satisfaction is quite a reward."

John S. Palmer worked under the sponsorship of Mason Williams at Bowerman Brothers. The apprenticeship enabled him to elect his college major. "Both architecture and civil engineering had equal preference, and I wasn't quite sure which to choose. The program was the cornerstone of my decision. I found engineering too diverse and erratic, and did not present the opportunity to be creative. . . . The architects . . . were the creative people."

Kenneth S. Droitcour considered himself an avid sailor, quite knowledgeable about boat construction until he went to work at Blount Marine Corp. His first assignment to draw the floodable length curves on a cruise boat from computer data gave rise to one question, "What is floodable length?" He learned, and he also took a few minutes "to reassess my position. 'Man, am I ignorant!' "

Four weeks in Brown University science laboratories were a rewarding experience for Steven Coupe in physics and Stephen Goff in bio-medicine. Young Coupe found the persons there glad to explain things and answer questions. "My one bad feeling about the four weeks is that I did not have anything substantial to contribute to Brown. I got an immense amount out of it and had a good time, but I would like to have been able to do something constructive, even just repairing equipment."

Stephen wrote in his report that "the technicians and I became a team very quickly. This was the most enjoyable part of the work; it was marvelous to see men from dishwashers to doctors work together with little regard for rank. The atmosphere at Brown was very casual and informal; it made a newcomer feel 'one of the gang' in a matter of days. This spirit of cooperation was something I have never found outside of the lab."

Of his experience, William Kidd wrote, "I swung open the large glass doors at Butler Hospital. I was a little apprehensive at first of what the future days might bring. I had never been in a mental hospital before."

What William discovered was that "for the most part, the patients were easy to talk to. I found that most of them cared—genuinely cared—about other people. Most of them were intelligent. . . . They also were creative and unbelievably artistic."

Without exception the sponsors praised the boys and their work, attitudes and enthusiasm. The school will continue the program next year with modifications aimed to improve shortcomings recognized in this first effort.

"There is little doubt," said Mr. Sharp, "that even the best of schools are to some extent guilty of keeping students 'busy' in some form of mass goose-stepping."

The apprenticeship program is an attempt to let students break from conformity and not a few extolled the program in their enthusiasm as "the most important thing I've done at Country Day."

ORGANIZED CRIME ENTRANCE INTO LEGITIMATE BUSINESSES

Mr. HRUSKA. Mr. President, today's Wall Street Journal contains an excellent article, written by Stanley Penn, entitled, "How Organized Crime Muscles in on Firms in Legitimate Fields." I consider the subject of the article to be of the utmost importance. The article will prove very informative for all Senators.

The infiltration by hoodlums and racketeers into legitimate businesses presents a grave threat to the Nation's economy. Once the hoodlums have a foothold, they employ all the illegal tactics which come second nature to them. These enterprises also provide excellent tax havens and serve as a device to cleanse illegally obtained money.

As a result of this threat, I have introduced a bill S. 1623, "The Criminal Activities Profits Act," and the Senator from Arkansas (Mr. McClellan) has introduced S. 1861, "The Corrupt Organizations Act," which I have cosponsored. This proposed legislation is designed to employ antitrust sanctions against these racketeer infiltrators.

But the efforts of Congress and an enforcement-minded Attorney General are not enough. We need the support of the business community. The only way to acquire that support is to bring the problem to the attention of the business leaders.

The Wall Street Journal is performing this function admirably. With this article, and others like it, the Journal has reached, and alerted, the business community to this threat. With this type of cooperation, I think that we can make significant inroads into one of the most deadly aspects of organized criminal activity.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

How Organized Crime Muscles in on Firms in Legitimate Fields; Investment, Extortion Both Are Used To Gain Foothold; One Aim Is To Fool IRS—"We Will Kick Your Belly In"

(By Stanley Penn)

New York.—Murray Packing Co. became a dead duck the moment Joseph Pagano was named president in 1961.

The Weinberg and Newman families that controlled the Bronx meat processor seemed powerless to control their new president. Testimony in Federal District Court here reveals he bought large quantities of supplies on credit, then made quick sales to customers at cut-rate prices. He pocketed nearly $750,000 of Murray funds, the testimony indicates. The company, some $1.3 million in debt, went bankrupt a short time later.

The owners didn't know it, but they had turned over control to the Mafia.

A 1964 Senate subcommittee report on racketeering identified Pagano, who is in prison for his now-celebrated activity at Murray, as a member of the feared Mafia gang, or "family," of the late Vito Genovese. The family operates in the New York-New Jersey area and is one of the largest of the more than 20 similar Mafia groups around the country, law enforcement officials say.

THE SURPRISING MOVE

It was unusual that the Mafia could get control of a legitimate business like Murray, but it is becoming less unusual. By various methods, organized crime is infiltrating a growing number of legitimate businesses. According to the Justice Department, it now has links with tens of thousands of businesses and businessmen in such widely ranging field as electronics, trucking, banking, construction, real estate and food and health services.

One motive, surprisingly, is to establish a money-making front to justify the criminals' luxurious way of life. Without such a front, the Internal Revenue Service would be constantly investigating Mafia members to find out where they get the money for their high living. The front, the criminals hope, provides the answer.

The Mafia has plenty of cash to invest in these legitimate enterprises. Its yearly revenue from gambing, narcotics, usurious loans, prostitution and the numbers game has been estimated at as much as $50 billion.

How does the Mafia work its way in? There are several methods. Pagano had worked for a Murray affiliate and knew the parent firm was short of capital. According to court testimony, he told the owners that if made president he'd invest $35,000 in the firm for a one-third interest and would bring in new business through his connections in the wholesale meat field. The owners bought the deal.

Joseph Weinberg, one of the principals of Murry, found to his dismay that once gangsters get control it's difficult to force them out. Weinberg tried vainly to get Pagano to discontinue withdrawing Murray's funds for his own use, testimony indicates. "Look at the hole you are putting us into," Weinberg complained to Pagano, according to the court testimony. "Don't worry, I'll get the money back to you," Pagano lied.

MR. HOLZMAN'S ORDEAL

Weinberg was asked in court why he didn't remove Pagano. After all, he and David Newman, another principal in the company, controlled two-thirds of Murray's stock. Weinberg's reply: "I didn't know what steps to take."

For their role in violating the Federal bankruptcy laws by defrauding creditors, Weinberg and Newman in 1965 were given 12-month and 15-month jail sentences, respectively. Pagano got a five-year sentence.

Extortion is another favorite device for gaining control of a firm. Witness the ordeal of Irving Holzman, a New York juke box distributor.

According to documents on file with the New York Court of Appeals in Albany, Mr. Holzman was asked by Salvatore Granello, a Mafioso, to meet with him at a Manhattan restaurant. There, testimony indicates, Granello got right to the point: He said Mr. Holzman should surrender one-fourth of the profits of his firm and, in return, the Mafia would see that no physical harm came to Mr. Holzman. "If at the end of a week, you have $1 left, I'll take 25 cents and you keep 75 cents," Granello explained.

THREATS AND A BEATING

When Mr. Holzman resisted, the pressure intensified. Court documents described how several men entered his home in Roslyn, N.Y., and beat up his wife. He said their married daughter, who was expecting a child, got a phone call at her home in Oyster Bay, N.Y., warning: "If your father doesn't cooperate, we'll come and kick your pregnant belly in."

But Mr. Holzman didn't cave in. He went to Nassau County District Attorney William Cahn and allowed authorities to tap his phone conversations with Granello. The mobster, convicted of an extortion plot, was given an 18-month jail term in 1967.

(Granello served part of his sentence, then was released pending an appeal. He failed to surrender after his appeal was rejected, and is now a fugitive. Last month, in a separate action, Granello was one of 13 persons indicted by a Federal Grand jury in New York in an alleged kickback conspiracy concerning a loan by the Teamsters Union to a Detroit realty firm.)

Because the Mafia pays no taxes on its income from illegal rackets, its members must be circumspect when they buy into legitimate businesses. They can't appear to pay more than the amount of money they could have amassed through legitimate enterprises.

Otherwise, they would arouse the suspicions of the Internal Revenue Service, and that could lead to criminal charges of tax evasion.

A real estate operator who is in a position to know tells how the Mafia often dupes the IRS. "Suppose John Smith, a legitimate businessman, wants to sell a building for $1 million," he says. "The hoodlum has the money to pay for it, but he can't show he got it all legitimately. So he says to John Smith, 'We'll make the legal papers show it as a $500,000 deal, and I'll give you the other $500,000 in cash.'" The legitimate businessman agrees not to pay taxes on the cash, because if he did the IRS easily could trace the money back to the gangster.

"You take a Mafia man who owns 10 night clubs," says Ralph Salerno, a former investigator for the New York City police and now a consultant to the National Council on Crime and Delinquency. "He'll use front men as owners for nine of the clubs, and he'll show ownership for the 10th. Each club, supposedly a separate business, pays a smaller tax bill than if the Mafia man admitted ownership of all 10." He explains that under the arrangement, profits of the individual clubs are taxed at a lower rate than would prevail if the profits were pooled in one sum.

The mere charge of Mafia penetration can prove a headache to nationally known firms. In 1959, for example, Sen. John McClellan's committee on racketeering was told that Carlos Marcello, a Mafia chieftain in the New Orleans area, had a "substantial financial interest" in a motel franchised by Holiday Inns of America Inc., now one of the nation's largest motel chains.

A PROBLEM FOR HOLIDAY INNS

Aaron Kohn, director of the Metropolitan Crime Commission of New Orleans, told the Senate panel that the motel—in Jefferson parish in the New Orleans metropolitan area—had been purchased in November 1958 in the names of New Orleans businessmen Roy and Frank Occhipinti and others, but that Marcello had a concealed partial interest.

Mr. Kohn says he called the alleged Marcello part-ownership to the attention of Holiday Inns management. "They were deeply concerned, and they reacted immediately," Mr. Kohn says. A Holiday Inns executive went to New Orleans to investigate, but the company took no further action. Mr. Kohn says he was informed by Holiday Inns that the Occhipintis had committed no violations of the franchise charter to provide grounds for revoking the franchise.

In 1964, the Occhipintis sold the motel, together with another Holiday Inn they controlled in New Orleans, to a group headed by Leon Poirier, a former tax accountant for Marcello. Recently, a spokesman for Mr. Poirier, asked whether Marcello was a hidden owner in the two motels, said Marcello had no financial interest in them during the period the Poirier group operated them.

Later, Holiday Inns tried to revoke the licenses of the Poirier group on grounds that the operation of the two motels didn't meet company standards. The Poirier group protested that without licenses the motels couldn't be identified as part of the national chain, and that a mortgage loan on one of the motels would be jeopardized. In a suit filed in Federal District Court in New Orleans, Mr. Poirier charged harassment and sought to block Holiday Inns from carrying out its threat.

The suit dragged on. Then came a series of transactions that ended the controversy. Last March, the Poirier group sold the two motels to a Topeka, Kan., firm. The firm, which owns other Holiday Inn motels, was acting strictly on its own initiative, maintains a Holiday Inns spokesman. Recently, Holiday Inns announced plans to buy all the motels owned by the Topeka concern. Holiday Inns insists this move isn't connected with Mr. Kohn's charge of 1959 alleging a hidden ownership by Marcello.

A Mafia-controlled enterprise, though it may operate within the law, has definite advantages over the ordinary firm against which it competes. The Mafia firm is likely to be capitalized in part with untaxed funds. Often it has no union trouble while a competitor may find itself struck by a Mafia-dominated union. And the Mafia enterprise may get bargain rates by using a Mafia-controlled trucking firm.

A hearing in New York this year heard testimony suggesting that a Mafia-controlled concern can sometimes win customers away from reliable, independent firms.

A spokesman for some knife-sharpening companies told the State Commission of Investigation that steady customers switched in 1959 to a new company formed by Paul Gambino, a member of the Mafia gang headed by his brother Carlo Gambino.

BUYING BACK CUSTOMERS

To get back their customers, the independent knife sharpeners raised $175,000 and bought out the Mafia enterprise, the commission was informed. Commission members listened with skepticism as one of the customers said he didn't know that Paul Gambino was a Mafioso when he switched to the Gambino firm. He said he switched because he was offered two weeks of free service.

After listening to this and similar testimony, Commissioner Goodman A. Sarachan asked: "Does anyone really believe that an individual like Paul Gambino could persuade large chain supermarkets to switch to his company the services they were buying from well-known and reliable persons, simply by arranging to meet with executives of such chain supermarkets and offering two weeks' free service?"

The Mafia isn't averse to strong-arm tactics to promote sales. Thomas J. Mackell, district attorney in the New York borough of Queens, recently said he believed the murder of two A&P store managers and the fire bombings of 16 A&P stores and warehouses were attempts by a Mafia-controlled sales agency to force Great Atlantic & Pacific Tea Co. to buy a detergent that A&P had tested and rejected. The agency was run by the late Gene Catena, brother of Gerardo Catena, a 67-year-old Mafia chieftain in New Jersey.

How can the Mafia infiltration be stopped? Attorney General John Mitchell has suggested a novel solution: Application of the anti-trust laws to break up Mafia firms that stifle competition. He believes that fines and triple-damage actions would be more effective than convicting a Mafia lieutenant of criminal charges and watching another take his place.

PERCY POLL RESULTS

Mr. PERCY. Mr. President, along with the recent mailing of my newsletter, I conducted a poll of my constituents. About 12,000 persons responded to the IBM questionnaire and mailed them to my Washington office.

This is such a high rate of return for a poll that I will certainly plan to make these questionnaires a regular feature. I would also like to share the results with my colleagues in the Senate.

The poll results reveal widespread support in Illinois for a phased withdrawal of U.S. combat forces from Vietnam. They show about an even division on the question of deploying the ABM.

Replies to other questions show strong sentiment in favor of the election of Presidents by direct popular vote, revenue sharing with the States, an end to farm subsidies, and mandatory disclosures of income by all Federal officials.

Moreover, the poll results reveal virtually unanimous dissatisfaction with the present welfare system. Only 1 percent of those who answered the poll favored continuing the present welfare system without reforms.

It is also interesting to note that about 75 percent of those who answered the poll identified themselves as Republicans.

These are the complete poll results:

[In percent]

1. Vietnam: I favor

An increase in the U.S. military effort	21
A gradual withdrawal of U.S. troops	58
Unilateral withdrawal of all U.S. troops	21

2. ABM: I favor

Deployment now	45
Continued research and testing but no deployment pending the results of nuclear arms talks	45
No opinion	10

3. Military spending: In my view, we are putting

Too much of our resources into military spending	50
An adequate amount into military spending	45
Too little into military spending	5

4. The draft: I favor

Continuation of the present selective service system	32
A lottery system for inductions	34
An all-volunteer military	34

5. Presidential elections: I favor

Retaining the electoral college system as it is	15
Electing the President and Vice President by direct popular vote	51
Revising the electoral college voting to reflect proportional strength actually won by a candidate in each State	34

6. Education: To finance college education, I favor

Long-term loans repayable by the students themselves	45
More Federal scholarships	2
Tax credits for parents	53

7. Jobs: I would favor

Guaranteeing every person able and willing to work a job	56
Continue present welfare system	1
Concentrate on improving welfare system	43

8. Tax rebates: I favor returning a percentage of the tax money collected by the Federal government to state and local governments to use as they see fit.

Yes	71
No	17
Undecided	12

9. Ethics: Executive appointees, including Federal judges, Senators and Congressmen and candidates for these offices should be required by law to make public all sources of income.

Yes	77
No	16
Undecided	7

10. Drugs: The use of drugs by young people constitutes a serious problem in our community.

Yes	72
No	18
Undecided	10

11. **Students: Do you think reforms are needed to give students more of a say in** decisionmaking on campus?

Yes	24
No	70
Undecided	6

12. **Farm subsidies:** I approve of gradually eliminating the Federal subsidy and control programs for agricultural commodities.

Yes	85
No	7
Undecided	8

IMPROVEMENTS NEEDED IN COMMODITY FOOD PROGRAM

Mr. HARRIS. Mr. President, I have been very much concerned about what I believe is the right of every American to have enough to eat. I believe that this is not a matter of charity, but is a right in this, the richest and most agriculturally productive country in the world.

Yet, as we have all been so painfully reminded in recent months—particularly through the excellent work of the McGovern Committee—hunger and malnutrition still exist in this country to a shameful degree.

My wife is also very much interested in hunger and malnutrition, recently representing the Urban Coalition Action Council in testimony before the Committee on Agriculture and Forestry concerning improvements needed in the food stamp and commodity distribution programs.

My home State of Oklahoma is a State where the commodity food program is in effect; the food stamp program has not been implemented there.

Oklahoma is, in my opinion, one of the best States in the country insofar as the administration of the present commodity food program is concerned.

Last week my wife and I took some time out to learn more about this program and to see how it was working in Oklahoma.

We found that all of the 77 counties in the State, with the exception of Beaver, Harmon, Major, and Woods, are participating in the program.

Those eligible are public assistance recipients—on the basis of their being on the public assistance rolls in one or another category—and others who are not receiving public assistance but who meet certain requirements concerning income and assets, these being roughly a home not to exceed a maximum value of $8,000 and income for an adult living alone not to exceed $98 a month, or a family of four not to exceed $225 a month. There are numerous exceptions.

In Oklahoma the number of participants in the commodity food program is 227,161, of which 145,213 are also receiving public assistance, and 81,948 do not receive public assistance.

The program is administered by the State welfare department which is responsible, of course, to the U.S. Department of Agriculture. The State welfare department enters into contracts with the board of county commissioners in each county. The local welfare department in each county certifies as to eligibility. Each of the three county commissioners in a county orders, transports, stores, and distributes the commodities to those certified to be eligible in his district.

Nationally, the average county which takes advantage of the commodity program reaches only 18 percent of its poor people. Only 5 percent of the counties in the nation with commodity programs reach 50 percent of their poor people. The average national participation rate in this program is 22 percent of the poor.

In Oklahoma the average percentage of poor people eligible for this program who receive commodities is 28 percent. Of the counties in Oklahoma which distribute commodities, 22 reach from zero to 20 percent of their poor people, 46 reach from 21 to 50 percent of their poor people, and four reach over 50 percent of their poor people.

With the exception of Tulsa and Oklahoma City, which distribute the commodities continuously, the commodities are distributed on only 1 or 2 days a month in the rest of the counties.

My wife and I last weekend chose Hughes County to study in more detail because it is a typical or average county distributing commodities in our State.

We went to Holdenville in Hughes County last weekend. We visited with a number of commodity recipients in their homes. We talked to several other people who were knowledgeable about the program, among whom were County Commissioner W. J. Benham and Neal Clark, director of the local community action program.

We were impressed with the fair and conscientious job that County Commissioner Benham is doing. He, of course, has no control over certification, but he tries to personally intervene with the local welfare office in regard to eligible families which come to his personal attention. We had a very warm and useful conversation with Commissioner Benham, and he was very helpful. For several reasons, he felt that it would be better if the food stamp program were in effect in the county, rather than the commodity program.

Mr. Clark was also very helpful and exhibited much concern for the poor people in Hughes County. He felt very strongly about the inadequacies of the commodity program and made a number of very worthwhile and helpful suggestions.

Mr. President, as I have made clear on other occasions, I believe that the basic need of poor people, is for income and that we must help them get it. The best way to do that is to assure a job—and the training to do the job—for all those who are able to work. For those who cannot work, or who cannot find work, we must provide a humane level of income. Income, then, is the best answer to hunger or malnutrition.

But until we can be satisfied with what we are doing in the fields of increased private jobs available to the poor, job training, and income maintenance, the very least we can do is guarantee that everybody in America has enough to eat.

In speaking for the Urban Coalition Action Council in her recent appearance before the Senate Committee on Agriculture and Forestry, Mrs. Harris went into considerable detail on what must be done to accomplish this goal. I agree, and I ask unanimous consent that her testimony and related material may be printed in full in the Record at the conclusion of these remarks.

In addition to suggestions concerning the whole subject of hunger and malnutrition and how to improve existing programs, her testimony gives some detailed suggestions on how the commodity distribution program can be improved. I will reemphasize these suggestions and add some additional ones in regard to the commodity program.

Of major importance—and this cannot be overemphasized—is our conclusion from this recent study that without this program a great number of poor people simply would not be able to make it. But improvements are needed.

Something must be done about the inflexibility concerning the food items offered. There is no variation from month to month and no choice for the recipients. Some items, such as dried split peas and the chopped meat, most recipients have found unappetizing and not particularly desirable. Commissioner Benham pointed out that some older people who live alone do not use as much of some items, such as flour, as families do, since these older single persons do not do as much complicated cooking.

There just seemed to be too much of a feeling that the idea of this program was to get rid of surpluses—not to feed hungry people. There ought to be more choice of various kinds of food, more variety, and more appetizing selections.

The distribution of food should be made more convenient. Transportation is a great problem for a number of people and should be provided where necessary. Refrigeration is also a problem for some people and distribution should be on a weekly basis, rather than monthly.

There seems to be little if any outreach program. Several recipients seem to have stumbled on to the program almost accidentally through word of mouth from friends or relatives. At least one family we talked to was not receiving commodities, though almost certainly eligible, simply because they had no idea they might be entitled to take advantage of the program. More effort should be made to search out the families which are eligible for the program and acquaint them with its availability. Little children, particularly, are entitled to this kind of active concern from their government, it seems to me.

Most important, there is not enough food and it is not sufficiently nutritional. Several recipients indicated they ran out of most of the food before the end of the month, generally around the third week, though one family with seven children said they ran out on the average of 2 weeks following distribution. So, the basic concern is that we must do better, either through this program, or some other, in seeing that people have more food available to them, and more nutritional food available to them, than is presently so. This is our principal finding.

Further, we found no recipient had received any assistance on how best to use or cook the commodities. This seemed to us to be a particularly unjustifiable fact. Either the department of public welfare or the Department of Agriculture should set up a program to help commodity recipients learn to use the commodities in more nutritional and more appetizing ways. Just as an example of what could be done, one lady said there was no way she could get her children to eat the "chopped meat" given under the program, while another lady said that she had finally been successful in getting her children to eat it when it was mixed with pickles and other relishes and made into a kind of sandwich spread.

Mr. President, partly in addition to the suggestions which I have made and partly to carry out some of them, I would suggest that at the State level, the county level, and at the Commissioner District level there be set up citizen advisory groups, composed principally of commodity recipients, to give their advice and suggestions on how the program might be better structured and administered. These people are eloquent and articulate on a subject like this which they know well. They ought to be heard and listened to.

Moreover, I believe that it would be well to use the "community service aid" program and the "social service volunteer" program enacted into law in 1967 as a part of my amendments to the Social Security Act, to hire poor people themselves and to recruit the nonpoor to work in this commodity program to help more poor people learn of its existence and to assist them in better taking advantage of it and foods distributed under it.

Mr. President, I wanted to make this report to the Senate for the use of Senators who are also concerned about these matters. I am also sending a copy of these remarks and my suggestions to Secretary of Agriculture Clifford Hardin; Secretary of Health, Education, and Welfare Robert Finch; Oklahoma Director of Public Welfare Lloyd E. Rader; the chairman of the Committee on Agriculture and Forestry, Senator ALLEN ELLENDER; and the chairman of the Select Committee on Nutrition and Human Needs, Senator GEORGE MCGOVERN.

I ask unanimous consent that the remarks be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF MRS. FRED R. HARRIS AND LOWELL R. BECK, EXECUTIVE DIRECTOR, URBAN COALITION ACTION COUNCIL

Mr. BECK. Mr. Chairman, I will begin if it is all right with you, sir.

The CHAIRMAN. You may proceed.

Mr. BECK. Mr. Chairman and members of the committee, I am Lowell Beck, the Executive Director of the Urban Coalition Action Council.

The Urban Coalition Action Council brings together various leaders in American life who do not normally collaborate on national issues but who share an overriding concern about the problems of our country and particularly the cities. These leaders are from business, labor, city and State governments, religious and minority groups. Mr. John W. Gardner, the former Secretary of HEW, is the chairman of the Urban Coalition Action Council.

The Action Council supports improvements in the food stamp program and larger appropriations to combat malnutrition and hunger. Even though our title is "Urban coalition," Mr. Chairman, I just want to stress that we certainly do see this as a national problem affecting both our rural and our urban communities.

I have the pleasure this afternoon of presenting a most valued and charming member of the Action Council, Mrs. Fred R. Harris, the wife of your distinguished colleague, Senator Harris. She has had long experience in working to improve the living conditions of disadvantaged citizens in this country. She is the Chairman of the Women's Advisory Committee on Poverty to the Office of Economic Opportunity and heads the National Urban Coalition Task Force on Health.

She is a member of the National Council on Indian Opportunity and chairs the Council's Committee on Urban Indians. In this post, Mrs. Harris has held hearings throughout the country on problems of Indians who move from reservations to metropolitan areas. She truly has firsthand knowledge of the blighting effects of malnutrition and hunger.

She can speak from firsthand experience and I am very happy to present her to you this afternoon.

The CHAIRMAN. Will you first tell us how is your Council maintained?

Mr. BECK. Yes, sir. The Council has some 50 members from business, from labor, civil rights groups, businessmen such as Mr. David Rockefeller, Mr. Henry Ford and Mr. Fritz Close.

The CHAIRMAN. You must have a very big budget.

Mr. BECK. We do not have a very big budget. Other members are Mr. George Meany, Mr. Walter Reuther, Mr. Whitney Young, Mr. Roy Wilkins and Mr. George Philip Randolph. We have a wide variety of people on this Council. The purpose of this organization is to try to bring people together who normally do not agree on issues, to sit down around the table.

The CHAIRMAN. And try to make them think alike?

Mr. BECK. And talk together. We try to come to some agreement.

The CHAIRMAN. Mrs. Harris, we are glad to have you.

Mrs. HARRIS. Thank you, sir.

Mr. Chairman, I certainly appreciate this opportunity, and if I could I would like to submit a formal statement for the record. In order to take less time, I will just hit the highlights if I could.

The CHAIRMAN. Very well. Your statement will be printed in the record at this point.

(The prepared statement of Mrs. Harris is as follows:)

"Mr. Chairman and members of this Committee, my name is Mrs. Fred R. Harris, and I am appearing on behalf of the Urban Coalition Action Council. I appreciate the opportunity to appear before this Committee today on the vital issue of providing adequate food programs for the poor of America.

"That serious hunger, malnutrition and undernutrition exist in America is no longer arguable. That our current food programs are failing to meet these grave problems is clear. Malnutrition and hunger among the poor emerged as an issue more than two years ago in Mississippi hearings before the Senate Subcommittee on Employment, Manpower and Poverty in April of 1967. These hearings were followed by the publication of 'Hunger USA' and the CBS documentary on 'Hunger in America.' More Senate hearings followed during the summer of 1968 which resulted in the establishment of the Select Committee on Nutrition and Human Needs chaired by Senator George McGovern and on which you, Mr. Chairman and Senator Cook serve. This committee has heard extensive testimony on the existence of hunger and malnutrition including that of Dr. Arnold Shaefer, Director of the National Nutrition Survey of the Public Health Service of HEW who testified that preliminary data indicate 'an alarming prevalence of characteristics associated with undernourished groups.' Shockingly, Dr. Shaefer's survey also uncovered 7 cases of marasmus and kwashiakor which we did not believe existed in this rich country.

"The Subcommittee on Food and Nutrition of the President's Urban Affairs Council estimated that half of *all* infants from poor families in the United States are likely to suffer from undernutrition and that there is no significant proportion of the poor who do *not* suffer from under-nutrition. Moreover, it estimates that half of the poor in the Southern states and a fifth of the poor in non-Southern states suffer from malnutrition and that 'scattered evidence indicates five to ten million (persons) are suffering from severe hunger and malnutrition.'

"Despite the crying need, documented in all of the forums cited above and beginning over two years ago, our current food programs are still not reaching three fourths of the poor, many of whom suffer extreme poverty. At present, the direct distribution program is operating in 1400 counties and serving approximately 3.7 million individual recipients. Under this program, 22 commodities are made available to the states with a retail value of $13 per person per month. These commodities have less than adequate amounts for energy and Vitamin A according to the National Research Council's Recommended Dietary Allowances.

"Even so, only 380 of the 1400 participating counties accept 20 or more of the 22 foods which means that even those poor persons participating in this federal food program are being denied an adequate diet.

"The food stamp program provides a bonus for food purchases which varies with the income and family size of the recipient with an average bonus of $6.90 per person per month in food purchasing power. 2.8 million persons participate in this program. This program provides only 60% of the minimum needs of those in extreme poverty who participate. Both programs fall far below the Department of Agriculture's own economy food plan which calls for $25 per person per month or $1200 per year for a family of four—an amount USDA admits can be utilized by only the most ingenious of the poor to gain a balanced diet. Moreover, there remain approximately 480 counties and independent cities with no food programs at all and which include about 10% of the poor. In areas where food programs operate, only one third of the poor are being reached—around 6 million of 25 million persons living in families with less than $3000 annual income.

"OEO estimates that approximately 5.5 million persons live in families with an income of less than $1000 for a family of four, $200 less than the $1200 rock-bottom USDA requirement for food alone per year. OEO also estimates that 8 million persons live in families with incomes less than $1200 a year for a family of four, the amount USDA says they need for food alone. It is safe to assume that many of this group are going hungry. The Census Bureau estimates that more than 11 million persons live in families with incomes less than $2200 per year for a family of four. To meet USDA's economy plan standards, they would have to spend approximately 55% of their income. Clearly with the costs of clothing, shelter, medicine, utilities and other fixed necessary expenses, these people are not eating adequately. After all, the average American spends only 17.4% of his income for food.

"Nor are poor children being reached by the school lunch program. Of the 20 million beneficiaries, only 2.5 million are poor and less than one half of the children of families with poverty level income receive a free or reduced price lunch.

"In sum, current family food programs offer little assistance and fail to reach the great majority of the poor. 14 million of the poor consume food not meeting recommended dietary allowances and 8 million more are on diets with less than two-thirds of the recommended allowances for one or more essential nutrients. Nor are our welfare programs reaching them. Less than 9 million of the country's 25 million persons living in families with less than $3000 a year receive any form of welfare assistance. This situation compels the Committee's most immediate and thorough attention.

"What must be done? First, barriers to participation of the poor must be removed. Red tape, complicated certification procedure, inefficient administration, insufficient personnel, weak outreach efforts, inconvenient distribution points, all militate against those needing food getting food. I have brought for the Committee the long and cumbersome eligibility forms used in Los Angeles and the District of Columbia in order to show how difficult it is for the poor to take advantage of programs allegedly designed for them. It is not surprising that a Los Angeles witness before the McGovern Committee testified that only an average of 15 persons can be certified per day by a local food program employee with the cumbersome and detailed forms used. A District of Columbia witness stated that "only 33,000 out of 250,000 persons needing assistance are benefitting from food stamps in the District." Much blame must be placed on the bureaucratic and complicated procedures which should be immediately simplified by permitting recipients to fill out a simple declaration of eligibility. This would obviate much of the long wait, the cumbersome forms and the discouragement that must come from the slow grinding process which leaves the hungry in the lurch. People who need food should receive it without delay, not in a month or two months.

"2. More convenient distribution mechanism must be established to avoid the excessive time and expensive transportation burdens now imposed on the poor attempting to qualify for assistance. Stamps should be mailed, and in the direct distribution program, convenient distribution points established. Recipients should be able to obtain food on a weekly basis and not, as is now often the case, only once a month.

"3. Well trained and sufficient personnel should be provided to insure that the poor are aware of these programs and of how to take advantage of them.

"4. Sufficient bonuses should be given to permit every person to obtain a decent and fully nutritious diet. The economy plan of the USDA is inadequate and a more realistic goal would be to provide food for a family of four of $1,440 annually, the second lowest food plan recommended by USDA.

"5. Food stamp and commodity programs should be allowed to operate in the same county when the Secretary of Agriculture determines that this is necessary and federal funds should be available for administrative costs of dual program operation where local officials are unable or unwilling to bear the burden.

"6. Effective monitoring of local program operations is essential to insure that programs are operating as intended and reaching those most in need.

"7. Minimally free food stamps should be provided to families of four with incomes of $1200 a year or less.

"8. No food stamp recipient should be required to pay a larger percentage of his income to eat than the 17.4% paid by middle-class consumers. After all, his needs are greater in other essential areas as well.

"9. There should be inter-county and inter-state certification of food recipients in order to permit the migrant poor to participate.

"What will it cost to provide adequate food programs?

"To provide free food stamps to families of four earning less than $30 per month, $360 per year, as we understand the Administration proposes, would cost about $600 million annually (2 million people times $25 per person per month). Assuring that the other 14.5 million hard-core poor (families of four with less than $2200 per year income) will pay no more than 30% of their income for food stamps, will cost $2.58 billion per year. This would total $3.45 billion for these minimum reforms. If free food stamps were provided for those with incomes of $1000 annually for a family of four, the annual cost would be $1.65 billion (5.5 million people times $25 per person per month). The annual cost of assuring that the remainder of the hard-core poor in need pay no more than 30% of their income for food stamps would be $1.91 billion. Thus the total cost of this somewhat better program would be about $3.63 billion. However, if this Committee and the Congress decided realistically to attack hunger by providing free food stamps for families of four with incomes of less than $1200 a year and requiring that the purchase requirement for the remainder of the program recipients not exceed 17.7% (and assuring a total stamp allotment of $100 per month) the total program cost would be $4.439 billion. This would reach 22 million people. If we were to reach all families earning less than $4320 annually or 27 million people, this would cost $5.134 billion.

"While these figures may appear high, it is very cheap when compared to the cost of stunted human development and suffering resulting from denial of adequate food to all our citizens. We simply have to have as our first priority, the elimination of hunger and malnutrition in our children and in our men and women now. It is unthinkable to me and unconvincing to the poor that the richest nation in the world, with a highly developed food production and marketing system and with the capacity to provide more food than we can consume, cannot provide food for its neediest citizens. Hunger should never have existed in America and should not exist one minute more than is required for this Committee and this Congress to act."

(The attachments are as follows:)

FOOD STAMP PROGRAM—REFERRAL WORKSHEET

1.

2. Original ☐ Change ☐
3. Type of payment
BPR only ☐ Shelter and BPR ☐
4. Total number in household excluding roomers ....
Total number of roomers ....
5. Cooking facilities Yes ☐ No ☐
6. Type of household
PA ☐ Mixed ☐ NPA ☐

NOT ELIGIBLE FOR FOOD STAMP PROGRAM

7.* EO ☐ NC ☐ RB ☐ FHC ☐ Hospitalized—Partial requirements ☐

8. Income (gross)	Source	How verified
A. $	PA payment	PW-PA-4
B. $	WTOC training allowance	PW-WT-5
C. $		
D. $		
E. $		

9. Mandatory deductions
(A) Federal income tax withheld.................... $........
(B) State tax withheld.................... $........
(C) Union checkoff dues.................... $........
(D) Social security.................... $........
(E) Retirement.................... $........
(F) Insurance.................... $........
(G) Other—Explain.................... $........
Total mandatory deductions.................... $........

10. Shelter adjustments
Actual monthly rent charged $........
Utilities included:
Heat: Yes ☐ No ☐
Utilities: Yes ☐ No ☐
Refrigeration: Yes ☐ No ☐

11. Hardship adjustment:
Transportation $........ Medical $........
Housekeeping and homemaker service $........
Child care $........ Other $........

12. Explanation of hardship

Completed by .... Date ....

*EO (eating out), NC (nursing care), RB (room and board), FHC (foster home care).

FOOD STAMP PROGRAM ELIGIBILITY WORKSHEET

Case name	Case No.

Number in household	Type of household	Cooking facilities
	PA ☐ Mixed ☐ NPA ☐	Yes ☐ No ☐

ASSETS DECLARED

Line No.	Type	Amount	Date verified	How verified

INCOME

Line No.	Source	Amount	Date verified	Method of verification

MANDATORY DEDUCTIONS FROM EARNINGS

Federal income tax withheld	$
State tax withheld	
Union check-off dues	
Social Security	
Retirement	
Insurance	
Other—Explain	
Total mandatory deductions	$

RESIDENCE AND SHELTER COST

Monthly rent charged	$
Heat	
Utilities	
Refrigeration	
Other—Explain	
Total shelter cost	$

Verification

HARDSHIP FACTORS

Transportation	$
Medical	
Homemaker	
Child care	
PA contingent	
Other—Explain	
Total hardship	$

Verification

Remarks (any information affecting eligibility)

FOOD STAMP HOUSEHOLD COMPOSITION

Case name

Case No.

Line No.	*Enter date and check (X) opposite the name of person included in the household. Name	Date of birth	Rel	*	*	*	*	*	*	*
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										
14										
15										
16										
17										
18										
19										
20										
21										
22										

(Use additional sheet for continuation)

(Use additional sheet if necessary)

xPW-PA-37a
10-67
☐ OPEN
☐ CLOSE
☐ CHANGE

DEPARTMENT OF PUBLIC WELFARE FOOD STAMP PROGRAM

Certification—Record of Action

☐ MANUAL ISSUE
☐ REJECTION

Case Number	Program	Name of Recipient	Street Address	Section

Zone	Census Tract	Number in Household	Number of Children	Bank Number	Date of Approval	Closing Date	Reason for Closing	Race	Purchs Requre

Total Coupons	Recertification Due	Monthly or

I declare under penalty of FINE or PRISON TERM or BOTH that all information I have given is true and correct. I understand that any unauthorized use of Food Coupons may subject me to legal prosecution. I will notify you at once of any change in my household or financial condition. I hereby GIVE PERMISSION FOR YOU TO VERIFY ANY INFORMATION GIVEN.

SIGNATURE
Approving Official

Date

SIGNATURE
Head of Household or Authorized Agent

DATE

☐ ID Card ____ Date ____ Initial

Proxy Designated: ____

State of California
Department of Social Welfare

County of Los Angeles
Dept. of Public Social Services

FOOD STAMP PROGRAM—WORK SHEET AND CERTIFICATION

Case Name	Address	State Number	County Number

1. Is this a nonpublic assistance household? ☐ Yes ☐ No
2. Are any members of the household receiving AFDC? ☐ Yes ☐ No
3. Are there more than two members of the household receiving OAS, AB, ATD, or GR? ☐ Yes ☐ No

If the answer to each of the above questions is No, complete parts I and IV only. If any of the answers are Yes, complete parts I, II, III, IV, and V.

PART I	Number in household ☐	Type of assistance: 1. 2.	Current assistance eligibility and budget summary on: * * *

PART II—LIQUID ASSETS

1. Cash on hand $____
2. Cash in bank $____
3. Other (specify) $____
Total liquid assets $____

PART III—HARDSHIP ALLOWANCE
(NA Households and PA Households with outside income only)

A. Medical (Exempt vendor payment)
Average monthly medical payment for continuing medical care. $____
B. Attendant and/or housekeeping services actual expense. $____
C. Child care: Actual expense. $____
D. Transportation (for employment)
Actual mileage ____ miles at 8 cents per mile or actual cost of carfare. $____
Less standard mileage allowance $15.00
Net transportation cost $____
E. Hardship arising from catastrophe
Total catastrophe hardship (explain) $____
F. Court ordered payment for Alimony and Child Care. Actually paid $____
G. Payments for Health Insurance made by household members for benefit of household members. $____
H. Other allowable (PA member only)
Special Needs (identify)
____ $____
____ $____ $____

Hardship items. Grand total $____
(Enter on line P. Part V)

Note on verification and investigation

Members of household*	Date	Item**	Summary of verification

PART IV—CERTIFICATION OF ELIGIBILITY

This household is: ☐ Eligible ☐ Ineligible

Frequency of purchase: ☐ Monthly ☐ Semimonthly

If ineligible, reason:

Certification period	From	Through

Amount of purchase	$
Value free coupons	$
Total value	$

Authorized representative

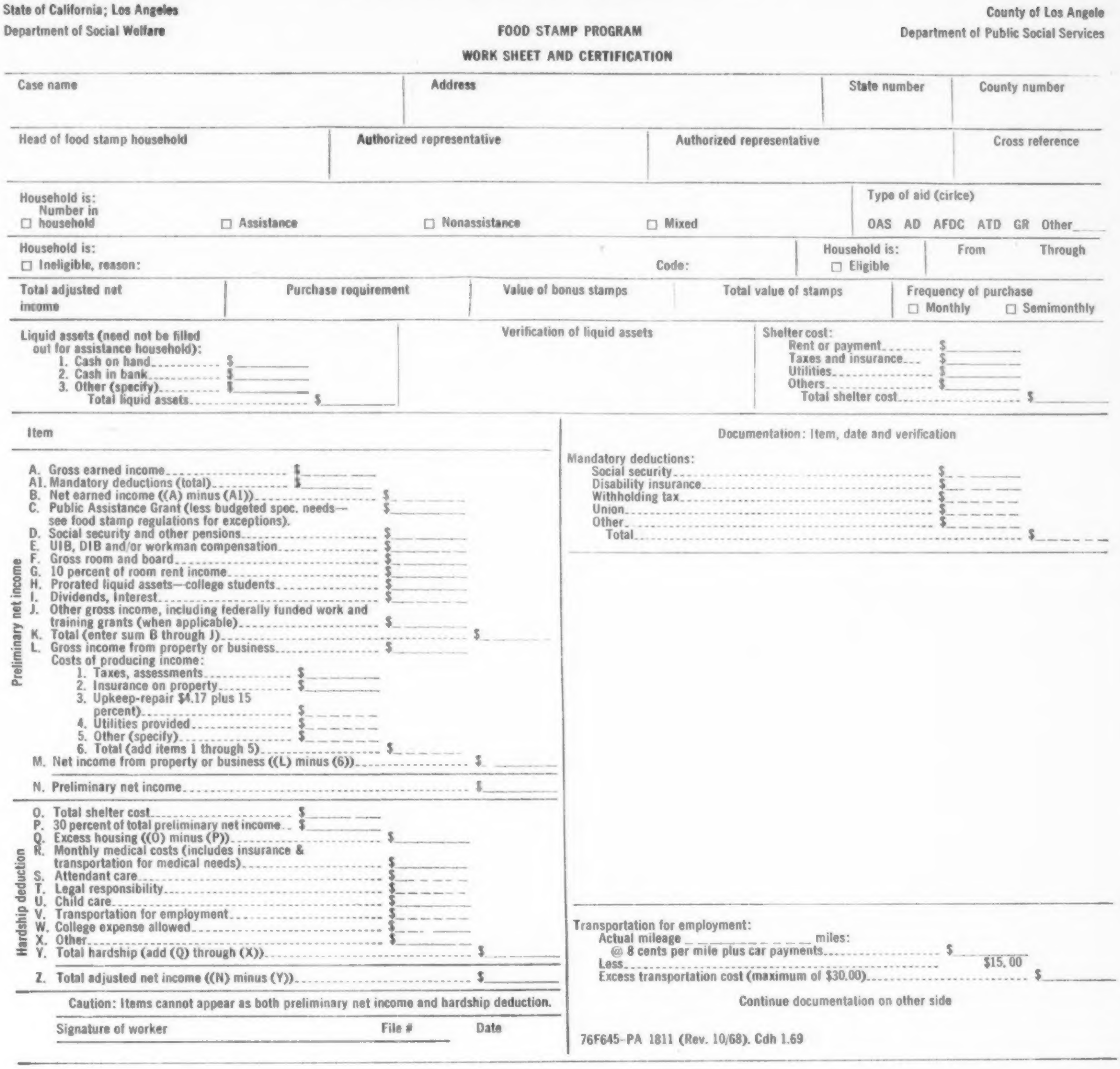
Proxy

Caseworker

Date

76F640 PA 1011 (CMS 285B) 11-65-Cdb-4-68

Enter number preceding name from PA 1810 (CMS 285A).



State of California; Los Angeles
Department of Social Welfare

County of Los Angele
Department of Public Social Services

FOOD STAMP PROGRAM
WORK SHEET AND CERTIFICATION

Case name	Address	State number	County number
Head of food stamp household	Authorized representative	Authorized representative	Cross reference

Household is:
☐ Number in household ☐ Assistance ☐ Nonassistance ☐ Mixed

Type of aid (cirlce)
OAS AD AFDC ATD GR Other____

Household is:
☐ Ineligible, reason: Code:

Household is:
☐ Eligible

From Through

Total adjusted net income	Purchase requirement	Value of bonus stamps	Total value of stamps	Frequency of purchase ☐ Monthly ☐ Semimonthly

Liquid assets (need not be filled out for assistance household):
1. Cash on hand $______
2. Cash in bank $______
3. Other (specify) $______

Total liquid assets $______

Verification of liquid assets

Shelter cost:
Rent or payment $______
Taxes and insurance $______
Utilities $______
Others $______
Total shelter cost $______

Item

Preliminary net income

A. Gross earned income $______
A1. Mandatory deductions (total) $______
B. Net earned income ((A) minus (A1)) $______
C. Public Assistance Grant (less budgeted spec. needs—see food stamp regulations for exceptions). $______
D. Social security and other pensions $______
E. UIB, DIB and/or workman compensation $______
F. Gross room and board $______
G. 10 percent of room rent income $______
H. Prorated liquid assets—college students $______
I. Dividends, Interest $______
J. Other gross income, including federally funded work and training grants (when applicable) $______
K. Total (enter sum B through J) $______
L. Gross income from property or business $______
Costs of producing income:
1. Taxes, assessments $______
2. Insurance on property $______
3. Upkeep-repair $4.17 plus 15 percent) $______
4. Utilities provided $______
5. Other (specify) $______
6. Total (add items 1 through 5) $______
M. Net income from property or business ((L) minus (6)) $______

N. Preliminary net income $______

Hardship deduction

O. Total shelter cost $______
P. 30 percent of total preliminary net income $______
Q. Excess housing ((O) minus (P)) $______
R. Monthly medical costs (includes insurance & transportation for medical needs) $______
S. Attendant care $______
T. Legal responsibility $______
U. Child care $______
V. Transportation for employment $______
W. College expense allowed $______
X. Other $______
Y. Total hardship (add (Q) through (X)) $______

Z. Total adjusted net income ((N) minus (Y)) $______

Caution: Items cannot appear as both preliminary net income and hardship deduction.

Signature of worker File # Date

Documentation: Item, date and verification

Mandatory deductions:
Social security $______
Disability insurance $______
Withholding tax $______
Union $______
Other $______
Total $______

Transportation for employment:
Actual mileage ______ miles:
@ 8 cents per mile plus car payments $______
Less $15.00
Excess transportation cost (maximum of $30.00) $______

Continue documentation on other side

76F645–PA 1811 (Rev. 10/68). Cdh 1.69

Part V

DETERMINATION OF NET INCOME

SEC. 1 HOUSING ALLOWANCE

A. Rent or (own home)
1. Total actual cost of housing. Are all utilities included?
☐ Yes ☐ No (If no) add
AFDC cost allowance for utilities $
Utilities paid separately, Utilities, average $
Total housing cost $

B. Are there cooking facilities in the home?
☐ Yes ☐ No

SEC. II INCOME

A. 1. Business enterprise $
2. Dividends, interest, investment $
3. Social security and pension $
4. DIB and UIB $
5. MDTA or EOA $
6. Other (specify) $
B. Subtotal income $
C. Room and/or board $
D. 90 percent of room rental $
E. Net room rental (C minus D) $
F. Rental income $
G. 1. 15 percent of gross plus $4.17 for upkeep, repair $
2. Taxes $
3. Insurance $
4. Interest on mortgage $
5. Any utilities provided $
H. Total rent deduction $
J. *Net rental income (F minus H) $
K. Wages *** $
L. 1. Social security $
2. Disability insurance $
3. Withholding tax $
4. Union dues $
5. Other (nonelective) $
M. Total mandatory deductions $
N. Total earning (K minus M) $
O. Subgross income (add B, E. J and N) $
P. Hardship allowance (from pt. III) $
Q. Income less hardship allowance (O minus P) $
R. Public assistance grant $
S. Total gross income (Q plus R) $
T. 1. MDTA grant deductible $
2. EOA income deductible $
3. Other $
U. Total additional deductions $
V. Sun net income (S minus U) $
W. Total actual cost of housing (from sec. 1) $
X. 30 percent of sub net income (line V) $
Y. Excess shelter cost (W minus X) $
Z. Grand net income (V minus Y) $

Note on verification and investigation

Members of household [1]	Date	Item [2]	Summary of verification

---

[1] Enter number preceding name from PA 1810 (CMS 285A).

[2] HD for hardship allowance, HS for housing allowance; I for income, C for cooking facilities.

Mrs. Harris. Mr. Chairman and members of the committee, I certainly appreciate this opportunity to speak to you today. As you know, I am appearing on behalf of the Urban Coalition Action Council.

I want to make this statement because I feel that this is a national issue, and not affecting just one segment of our country. As you know, like yourself, gentlemen, I come from a rural State with a rural background. I come from a farm in the State of Oklahoma.

For years I have been working in my own State, in many different ways on the poverty program, concentrating most of all on rural poverty. I have seen first-hand and heard first-hand the problems of hunger and the poor in my own State.

As chairman of the National Women's Advisory Group to the war on poverty, I have had an opportunity to see it on a national level. Last year I was appointed by the President to serve on the National Indian Opportunities Council, and I chaired a meeting on the problems of urban Indians.

As chairman of the task force on health of the Urban Coalition, I have had hearings over the country, and in these hearings I have had an opportunity to hear and see people who come from Indian reservations, who come from rural farm areas of our country. They are unprepared and sometimes, in fact, most of the time live in poor economic conditions; they find themselves in very difficult circumstances.

I have heard witnesses testify what it is like to be hungry, what it is like to go without food at the end of the month for their children, how difficult sometimes it is to get food stamps. And when they get them, how they must sometimes go without other necessities, such as shoes for their children.

Because of what I have seen and I have heard and because I am a mother, and for so many other reasons, I appreciate the opportunity to make this statement.

The highlight of my formal statement is to bring these facts to everyone's attention, although I know you know this quite well, Mr. Chairman, because of your own particular activities in the hot lunch program, and other such programs you are responsible for. The problems have been pointed up by the President's Urban Affairs Council. For instance, they estimate that roughly one-half of all the babies from poor families in the United States are now suffering from undernourishment, and that no significant proportion of the poor do not suffer from some sort of malnutrition or undernourishment.

With only 380 of the 1,400 participating counties accepting 20 or more of the 22 food commodities, many poor people participating in Federal programs are being denied an adequate diet. According to findings, these commodities do not even provide an adequate diet.

The Chairman. That is the bulk food program you are talking about?

Mrs. Harris. Yes, sir.

The Chairman. Insofar as the food stamps which they buy, and make their own balanced diets if they so desire?

Mrs. Harris. Yes, but as I understand it—yes, you are right.

The Chairman. On the food stamps?

Mrs. Harris. This is on the foods themselves. Both the commodities and the food stamps fall far below the Department of Agriculture's own minimum requirements which calls for $25 per month or $1,200 per person for a family of four for the year. There are approximately 480 counties and independent cities that have no food programs whatsoever; and where there are food programs operating, only one-third of the poor are being reached.

Of course, as we know, that most important thing that poor people need is income, income for food and other things. Less than 1 million of the country's 25 million people who live in families with less than $3,000 a year income receive any welfare at all.

These are some of the recommendations I would like to present indicating what must be done.

First of all, to break down the barriers, to remove the barriers from the poor so that they may more easily participate, barriers such as redtape, complicated forms, ineffective administration, insufficient personnel. We need better outreach programs to reach the kinds of people that are not being reached now.

I have with my statement, on the back of my statement for the committee, the eligibility forms from the Los Angeles and the District of Columbia certification programs. You can see how difficult it is for people to fill these out.

I question my own ability to do so, particularly as to the Los Angeles one. This is a deterrent to many people. It is embarrassing if they cannot fill them out. They should be simplified.

In the McGovern committee hearings, testimony was presented from one of the witnesses in Los Angeles that only an average of 15 persons per day can be certified for the program, because of this long procedure, and because of the cumbersome detail of these forms.

In the District of Columbia, one witness stated that only 33,000 out of 250,000 persons needing assistance were actually benefiting from the food program. Most of this was blamed on the difficult and cumbersome forms.

The Chairman. Have you a suggestion as to what the form ought to be?

Mrs. Harris. No specific suggestions. I think they would have to vary within communities, but to be specific, I think one thing that could be done is to allow applicants to say they are eligible.

The Chairman. I know, but you would have to conform to some rule or regulation.

Mrs. Harris. Yes, under the rules that they themselves—that their income fits. I mean, in signing it they are saying "I fit."

Senator Curtis. You mean a self-declaration?

Mrs. Harris. Self-declaration, yes, sir; thank you.

The second recommendation I would like to present is that there is a need for more convenient delivery of food stamps. Perhaps mailing the stamps to the recipients would be more convenient. This would eliminate the problem of transportation involved in rural areas. Costs of transportation to distribution centers in urban areas are almost prohibitive.

The Chairman. We have had a lot of testimony on that.

Mrs. Harris. Good.

The Chairman. I think you are on the right track as far as the delivery of stamps is concerned.

Mrs. Harris. Very good. Applicants should be able to obtain food on a weekly basis rather than on a monthly basis because poor refrigeration, for instance, makes it difficult to keep some foods for any length of time.

The Chairman. That is one problem the committee will have to look into. It is my belief that we will finally have to come to a food stamp program rather than the bulk food, because of the facts as you just stated, the people do not have facilities to refrigerate. I have seen some families get as many as four pounds of butter.

Mrs. Harris. I have seen it.

The Chairman. And unless it is refrigerated——

Mrs. Harris. Yes, it is wasted, not that they intend it to be wasted, but they have no way to preserve it.

Number three, well trained and sufficient numbers of personnel are needed. A better outreach program is needed so that these people can be found. I have found over and over again, particularly in Indian communities and in large cities, that many people did not even know these programs were available. And so we have to make some attempt to reach these people.

The Chairman. Have you any suggestions as to how that could be done?

Mrs. Harris. Yes, OEO has some good outreach programs, and I think you could use some of their guidelines. Some are better than others.

The Chairman. Could we get their services, the OEO people to spread it out, or the VISTA people to spread it out? In other words, I think we would favor getting existing agencies instead of creating a separate one. Would you agree to that?

Mrs. Harris. I would agree with that. I would think VISTA would know where the poor were, as would OEO, generally.

The Chairman. Then your welfare programs carried on in your State?

Mrs. Harris. Right.

The Chairman. They could help also.

Mrs. Harris. A sufficient food bonus should be permitted so that every person can obtain a decent, full and nutritious diet. It should be made possible for food stamps and commodity programs to operate in the same county when the Secretary of Agriculture determines that this is necessary. Federal fund should be made available for administration costs.

The Chairman. You mean for both, food stamps——

Mrs. Harris. For both, if it was necessary.

The Chairman. If it was necessary? Don't you think there should be by all means, local participation?

Mrs. Harris. Yes.

The Chairman. At the local level, either the county or the city?

Mrs. Harris. I would assume that the Secretary would have to get that information some place and this would be by some form of local participation.

Recommendation six: to insure in some form, I have not any specific suggestion, but to insure in some form that the programs that are operating as intended are reaching those who are in need. Sometimes we are not reaching these people.

Recommendation seven: minimum free food stamps should be provided for families of four with incomes of $1,200 a year or less.

Recommendation eight: no food stamps recipient should be required to pay a larger percentage of his income to eat than the 17.4 percent paid by the middle-class consumer. The middle-class consumer only pays 17.4 percent of his income for food, whereas the food stamp recipient has to pay much more.

Recommendation nine: there should be an inter-county, interstate certification of food recipients in order to permit the migrant worker to participate in this program.

I would like to conclude by saying that we know, and we are very proud of the fact, that we are the richest and the most productive country in the world, and we are getting richer. I think that we must invest our moneys and our products in our fellow-Americans, and I think that we have a moral obligation to eliminate hunger in our country.

I thank you gentlemen very much for allowing me to make this statement.

The Chairman. Any questions?

Senator Miller. Thank you, Mr. Chairman. Mrs. Harris and Mr. Beck, we appreciate your being here very much and I want to compliment both of you, and particularly you, Mrs. Harris, for the work you are doing.

Mrs. Harris. Thank you.

Senator Miller. In getting the food stamp program or food stamps distributed, we have had recommendations to have some of the local agencies, such as post offices, participate. Would it not be feasible to have the community action agencies bear a substantial portion of this task, certainly in the communities or community areas where you have the community agencies?

Mrs. Harris. Yes, as the community action now stands, as it now functions, that would be a possibility. It seems that receiving stamps through the mail would be the easiest and most systematic way that it could be done without requiring the recipient to go to a specific point. There is the transportation problem, and maybe even the humiliation of having to participate in such a program.

Senator Miller. One reason for suggesting the community action agencies is because certainly those that I am familiar with have people, volunteers——

Mrs. Harris. Yes.

Senator Miller (continuing). And some paid workers who are you might say from that poverty sector, and they have the rapport needed to get the program across to them.

Mrs. Harris. I agree. I am a little concerned now about the future of the community action program, sir.

Senator Miller. Well, assuming it goes on, would this not be a logical area to take on some of the work in getting the stamps distributed and familiarizing the people with the guidelines?

Mrs. Harris. Yes, I think they would be more familiar with the problem.

Mr. Beck. There are many of them, so many community action agencies throughout the country.

Senator Miller. That is right. You testified that you advocate both the food stamp program and the commodity distribution program to be put into a county, if the Secretary of Agriculture determines it is necessary. Necessary to do what? We are going to have to draft some guidelines in here, and I am wondering what determination would be made so that he could say it is necessary, and the people would say, well, he has made an intelligent and reasonable determination that it is necessary.

Mrs. Harris. Well, in some local communities we have to determine how the commodities are going to be distributed, and who is going to handle them. Some local communities cannot afford to do it properly. They do not have the know-how, do not know the circumstances and they cannot bear the burden. It is somebody's responsibility to see if this is happening. I am still not answering your point.

Senator Miller. You put your finger on a problem there but if that problem existed why not give the Secretary the discretion to put the food stamp program in rather than commodity distribution program, because one thing I have been hearing about is that the commodity distribution program while it is better than nothing is not going to achieve the job of nutrition, whereas the food stamp program properly implemented will.

I detect a feeling in the committee that they would like to kind of phase out this commodity program and phase in the food stamp program, because of the desirable objective of getting a proper nutritional diet, which they won't get from the commodity distribution program.

Mrs. Harris. If I could Senator, I would like to think that out and later submit something to you, maybe even at the end of the day, something more specific.

Senator Miller. If you care to furnish anything you would like for the record I am sure the chairman will be happy to have it.

The Chairman. You may do so and it will be put in the hearings at this point of your testimony, because we need a lot of guidance here, and with your experience I am sure that we ought to be able to get some valuable methods of distributing this food.

(The information is as follows:)

"SUPPLEMENT TO STATEMENT OF MRS. FRED R. HARRIS

"One of our recommendations in testimony before your committee on Thursday, May 22, 1969 was that 'food stamp and commodity programs should be allowed to operate in the same county when the Secretary of Agriculture determines that this is necessary and Federal funds should be available for administrative cost of dual program operation where local officials are unable or unwilling to bear the burden.'

"We favor this reform because (1) the current food stamp program fails to reach substantial numbers of the poor who suffer inadequate diets, hunger and malnutrition, because of the high cost scales for stamps, the lack of free food stamps and therefore the inability of many thousands of the poor to take advantage of food stamps; and (2) the large drop in participation that results when counties change from the commodity program to the food stamp program. A sample of such counties reflecting a severe drop in participation in food programs when food stamps replace commodities is listed below.

"For the many thousands who are unable to take advantage of the food stamp program where it is in operation, some supplementary food assistance should be provided. Thus, we have heard the demands for several years now for the Secretary of Agriculture to use his existing authorities to institute an emergency commodity program in food stamp counties in order to reach the thousands of people excluded because of inadequate income from participating in the food stamp program.

"Until adequate reforms in the food stamp program are enacted to provide assistance to the poorest without charge and to scale down the purchase price of food stamps generally in all categories, the need for supplementary commodities seems clear. Moreover, other reforms such as permitting people to buy a portion of their stamps rather than the whole amount at one time and the lowering of the percentage required of families out of their total income for food are essential if full participation is to occur in the food stamp program. It is very difficult for people with incomes below the poverty line to spend more than 30% of their income to eat and it is very difficult for them to get the total amount of money required to purchase food stamps on a monthly basis out of limited incomes with other fixed expenses. Therefore, complementary operation of both programs is going to be necessary until the food stamp program is brought to the level of all those in need of an adequate diet.

"Secretary Hardin in his testimony before the Committee on May 22, 1969 stated that the Nixon Administration proposals 'will provide that the commodity distribution programs may operate simultaneously with the food stamp program under certain circumstances.' We are sure that this rationale stems at least in part from the reasons outlined above.

"COUNTIES WITH SIGNIFICANT DECREASE IN PARTICIPATION AFTER CHANGING FROM DIRECT COMMODITY DISTRIBUTION TO FOOD STAMPS

"County	January 1968, number of participants in commodity distribution program	January 1968, number of participants in food stamp program	Difference [1]	Date of change	1967 percent of households with incomes under $3,000 [2]	Number of recipients of public assistance payments February 1968 [3]
Crisp, Ga	3,883	770	−3,113	Aug. 1, 1968	38.8	2,263
Pierce, Ga	1,182	467	−715	Apr. 1, 1968	43.1	700
Spalding, Ga	3,070	1,158	−1,921	Mar. 1, 1968	24.0	2,983
East Carroll, La	5,155	2,038	−3,117	July 15, 1968	53.9	2,569
Madison, La	5,207	2,077	−3,130	Aug. 8, 1968	52.3	2,144
Hinds, Miss	24,865	12,493	−12,372	Apr. 1, 1968	25.4	15,509
Humphreys, Miss	8,796	4,682	−4,114	Aug. 1, 1968	58.4	2,497
Jasper, Miss	5,021	3,024	−1,997	Aug. 5, 1968	46.4	1,994
Montgomery, Miss	4,944	2,304	−2,640	Aug. 1, 1968	51.2	1,974
Simpson, Miss	3,952	1,563	−2,389	do	42.9	1,846
Union, Miss	3,046	1,999	−1,047	do	42.3	1,874
Anson, N.C	2,805	1,286	−1,519	do	38.6	1,212
Warren, N.C	4,421	2,832	−1,589	July 10, 1968	46.1	1,207
Blount, Tenn.[4]	3,011	1,825	−1,186	Apr. 1, 1968	26.9	2,010
Roane, Tenn	2,807	1,921	−886	do	25.1	1,775"

[1] In these 15 counties there was a total decrease of 41,726 participants. In each case the new food stamp program had been in operation at least 5 months so there is no reason to think that all families eligible to participate were not certified.

[2] From survey done by Sales Management, the Marketing Magazine.

[3] HEW Social and Rehabilitation Service.

[4] Tennessee also has some counties that increased participation after the change.

Mr. Beck. I think a point, too, Senator, is that the Secretary would be given discretion to make the determination one way or the other.

Senator Miller. That is right. Well, the discretion as between the two?

Mr. Beck. Yes.

Senator Miller. I am wondering why he should have the discretion to make a program which we get the impression is not going to achieve the objective.

The Chairman. I think that the Presidential message envisions that if there is a bulk food program in a county now existing, that it will be gradually faded out, but at the same time you put in the food stamp program.

Senator Miller. That is right.

The Chairman. I do not think it is envisioned to have both.

Senator Miller. That is right.

The Chairman. In other words, the food stamp program is to take the place of the bulk food program that may be in existence in a county.

Senator Miller. I understand, Mr. Chairman. We have testimony from two or three witnesses now.

The Chairman. Yes.

Senator Miller. Advocating both.

The Chairman. When the cost of administration is figured out, it will be seen that it is a lot, and the higher the costs of administration, the less opportunity we will have to get local people involved in carrying the load with the Federal Government.

Mrs. Harris. If I do have that permission then I will look into it and make more specific recommendations.

Senator Miller. That would be fine. Thank you.

The Chairman. Any further questions?

Senator Curtis. Not at this hour, thank you. I have no questions. I would appreciate it if the staff would insert in the record at this point the dollar amount of the appropriations for the food stamp plan in this fiscal year and the previous fiscal years.

The Chairman. I put that in the record yesterday, the whole picture of it was put in yesterday, Senator.

Senator Curtis. All right.

Mrs. Harris. Thank you, gentleman.

The Chairman. I want to thank you very much. We enjoyed having you, and hope that you can furnish this information say within the next week or so.

Mrs. Harris. Yes, I think we can do that very easily.

Mr. Beck. Thank you very much.

The Chairman. The next and last witness is Mr. Charles Krause.

Will you step forward, Mr. Krause.

THE 99TH BIRTHDAY ANNIVERSARY OF GOVERNOR THATCHER

Mr. THURMOND. Mr. President, August 15 will be the birthday of a very distinguished former Member of Congress, who will be celebrating that anniversary with a special zest. I am referring to former Representative Maurice H. Thatcher.

Governor Thatcher's name is one that will be forever linked to the history of the Panama Canal. He is the sole surviving member of the Isthmian Canal Commission and functioned as Governor of the Canal Zone from 1910 to 1913. Later, he served with high distinction in the U.S. House of Representatives from the Louisville district of Kentucky from 1923 to 1933. I have already indicated that this will be a very special birthday for Governor Thatcher, because on August 15 he will be 99 years old.

At 99, Governor Thatcher is still actively engaged in his law practice and in many humanitarian and charitable causes. He is still seen on Capitol Hill working for legislation for the relief of pensioners who helped in the construction of the Canal, and actively promotes the affairs of the Gorgas Memorial Institute in Panama for research in tropical diseases. Within the past few weeks, he has secured land from the Panamanian Government for the purpose of erecting a library for the Institute there, and closely follows all developments pertaining to the Panama Canal.

I congratulate Governor Thatcher upon his 99th birthday anniversary and upon his remarkable career.

The career of Governor Thatcher is most interesting. Born on August 15, 1870, in Chicago, he grew up on a farm in Butler County, Ky. In 1901, young Thatcher was appointed as the assistant U.S. attorney for the western district of Kentucky, a position he held until 1906. From 1908 to 1910, he held the office of State inspector and examiner for Kentucky; and after establishing an outstanding record, he resigned that position to accept an appointment on April 10, 1910, by President Taft as a member of the Isthmian Canal Commission with assignment as head of the Department of Civil Administration. This was at the time when the construction of the Panama Canal was at its peak.

Civil administration in the Canal Zone, which included representation of the Commission in all its relations with Panama, was not spectacular like engineering or sanitation, but an indispensable prerequisite for all the other activities.

Governor Thatcher's service on the Isthmus was distinguished not only for achievements there, but also because it gave him invaluable experience that led to further and comparable accomplishments when a Member of the Congress and subsequently.

On retiring from his Canal post in the late summer of 1913, Governor Thatcher returned to his law practice in Louisville. Becoming a member of its board of public safety in 1918, he served until 1919, when he was appointed as department counsel for the city. He resigned this office in 1923 after being elected to the U.S. House of Representativse from the Louisville district.

Broadly experienced and having unusual capacity for work, Representative Thatcher was assigned as a member of the House Committee on Appropriations, on which he served throughout his congressional tenure. In addition to the regular work of this important committee in the processing of annual and supplemental appropriation bills, Representative Thatcher, in a statesmanlike manner, became a leader for much beneficial legislation, for his district, his State, the Canal Zone, the Isthmus of Panama, and the Nation. He was the author of legislation for the following:

First. A toll-free ferry across the Pacific Terminal of the Panama Canal and

a road on the west side of the Canal Zone connecting the ferry with the highway system of Panama, both officially named in his honor and forming links in the Pan American Highway.

Second. The establishment, maintenance and operation of the Gorgas Memorial Laboratory in Panama for research in tropical disases.

Third. The establishment of the Mammoth Cave National Park in Kentucky.

Fourth. The permanent improvement and maintenance of the Lincoln Birthplace Farm near Hodgenville, Ky.

Fifth. The construction of the George Rogers Clark Memorial Bridge across the Ohio River at Louisville under pioneer fiscal legislation, leading to a toll-free status ever since used as a model for financing and construction of other bridges under Federal law.

Sixth. Creation of the Zachary Taylor National Cemetery near Louisville for our military dead and the erection thereon of a handsome mausoleum for the remains of our 12th President and his wife.

He obtained appropriations for the following: Publication of braille books for the blind; conversion of Camp Knox into Fort Knox, a great permanent U.S. Army base which serves, in addition to other uses, for the storage and protection of the Nation's gold—a work accomplished in collaboration with General MacArthur, the Chief of Staff; much-needed Federal buildings and hospitals in Kentucky, a Coast Guard station at Louisville, and Ohio River improvements.

After retirement from the Congress in 1933, Governor Thatcher resumed the practice of law with offices in Washington, D.C.; performed effective services in behalf of our national parks and parkway systems; led the effort for the construction of a national parkway from the Great Smoky Mountains National Park via the Mammoth Cave National Park to the Natchez Trace Parkway near Nashville, Tenn., to which a survey has been made; and has long served as vice president and general counsel to the Gorgas Memorial Institute of Tropical and Preventive Medicine, which supervises the work of the Gorgas Memorial Laboratory in Panama. All of these services were rendered without compensation. For his many constructive contributions, he is recognized as an outstanding conservationist and humanitarian.

It was, therefore, historically fitting to a unique degree that the Congress in 1961, by unanimous action of both Houses, officially named the new $20 million toll-free bridge across the Pacific entrance of the Panama Canal in his honor as the Thatcher Ferry Bridge. This bridge was dedicated in October, 1962, with Governor Thatcher participating in the ceremonies.

Governor Thatcher has had a long career filled with many accomplishments. I am happy to take this occasion to wish him well on this notable anniversary.

THE LAS VEGAS AMBASSADORS

Mr. CANNON. Mr. President, I am proud to call to the attention of Senators the achievement of 18 outstanding young Nevadans, the Las Vegas Ambassadors, a singing group that recently traveled to Tokyo to represent Nevada at the 1969 Lions International Convention. These young singers, who range in age from 12 to 20, represent the best of our current generation of involved, committed, and responsible young adults.

As a tribute to the Las Vegas Ambassadors, I ask unanimous consent that two articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Las Vegas (Nev.) Review-Journal, July 11, 1969]

AMBASSADORS SCORE TOKYO SUCCESS

Success was the key word used by the Las Vegas Ambassadors who returned from Japan Thursday after performing at the Intertional Lion's Convention in Tokyo.

The singing 18 Las Vegas youths went to the convention to promote the 1971 Lions International Convention in Las Vegas.

Split into two groups at the convention, the youths gave an average of 15 ten-minute shows a day at the various hotels where the Lions were staying.

The Ambassadors said they were received very well by the delegates at the convention and by the Japanese people.

"We were liked so well that after singing, people would ask when and where we would be singing next so they could tell their friends," said Brenda Belmont of 1125 Campbell. "Many would call out requests and stop us between performances to ask us to sing," she said.

During each performance the group would introduce themselves and say they were from Las Vegas, there to promote the 1971 convention, according to Anne De Iorio of 812 Bonita. "After the performances, we would hand out the souvenirs given to us by the Las Vegas hotels and talk to the people about Las Vegas. Many said they are skipping Atlantic City so they can come to Las Vegas," she said.

Bill Clark of 833 De Met Drive said that many delegates who hadn't planned on attending the Las Vegas convention changed their minds after talking to the Ambassadors. "I think we did what we were supposed to and were a great success."

After the convention ended, the Ambassadors were free to see Tokyo. They took a bus trip to Mt. Fuji, saw a 40 foot Buddah, went shopping and visited a local discotheque.

On their way home they stopped in Honolulu where they were asked to sing at a luau they were attending. "They sang and promoted Las Vegas everywhere they went," said Mrs. R. D. Kohl of 6325 Hobart Ave., one of the chaperones.

The youths began planning and raising money for the trip three months in advance by giving concerts and selling bumper stickers. In addition to this, several of the local hotels donated money for the trip. Four days before the trip, they had raised enough money to send two of the group to Tokyo. A donation of $7,500 from the Convention Center at that time gave them enough for all to make the trip.

THE AMBASSADORS FROM NEVADA

At a time when the youths of today are targets of critics for their behavior and dress a group of youngsters—like a breath of fresh air—are representing Las Vegas on an intenational scale.

Tuesday the Las Vegas Ambassadors left for Tokyo, Japan to represent Nevada at the International Lion's Convention.

This is quite an honor for the singing group. The youths range in age from 12 to 20. The entertainers, under the direction of Nevada's Poet Laureate Norman Kaye, have already brought national publicity to Las Vegas, but representing the state in a foreign country is a dream come true for them.

The Ambassadors are so dedicated and happy over their chance to perform for the world that they have learned musical greetings in almost every language.

We should be proud of these youngsters. It is not only an honor for them, but one for our city and state. The Convention Authority donated some money to help the Ambassadors, and the rest of the money came from businessmen in the community.

It is all for a good cause. We wish the youngsters well, and we are sure they will be top "ambassadors" for Nevada.

WHOLESOME FISH AND FISHERY PRODUCTS

Mr. HART. Mr. President, earlier this year 21 Senators joined me in introducing the Wholesome Fish and Fishery Products Act of 1969—a bill which is designed to insure the wholesomeness and good quality of the fish and fishery products which are being sold to the American consumer. The bill would accomplish this objective by instituting a system of continuous inspection in the fish processing industry, which is comparable to the inspection programs which currently exist for our two other high protein foods, meat and poultry.

After our success in adopting strong legislation for the inspection of meat and poultry in the last Congress, I was disappointed when administration witnesses came before Senator Moss' Consumer Subcommittee last month to recommend the adoption of a much weaker inspection bill which would merely call for the spot checking of fish processing activities. They adopted this position in the face of statistics showing a significant increase over the past year in the number of adverse findings in fish plant inspections conducted by the Food and Drug Administration, and despite the known record of 16 deaths and 2,500 cases of serious illness which has resulted from the consumption of fishery products over the past 10 years. To obscure the weaknesses of their proposal, however, the administration labeled its program as "continuous surveillance inspection," and its spokesmen offered a series of contradictory comments and explanations to support it.

Last week Mr. Thomas J. Lloyd and Mr. Patrick E. Gorman, president and secretary-treasurer, respectively, of the Amalgamated Meat Cutters & Butcher Workmen of America, released a detailed criticism of the administration's testimony on the fish inspection legislation. These men have performed an extremely valuable public service in pointing out the statements upon which administration witnesses relied to justify their program. They apparently sought to obscure; the fact is they oppose continuous inspection. I commend the Amalgamated Meat Cutters & Butcher Workmen for taking the time to develop this detailed analysis, and since it may prove valuable to all of us in debating the need for a meaningful fish inspection program later this year, I ask unanimous consent that their statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Thomas J. Lloyd and Patrick E. Gorman, President and Secretary-Treasurer, Respectively, Concerning Fish Inspection Legislation

The Amalgamated Meat Cutters and Butcher Workmen (AFL-CIO) is shocked and dismayed by the Nixon Administration's position on fish inspection. In its testimony to the Subcommittee on July 14, 1969, the Administration opposed legislation to provide strong and effective consumer protection against the health hazards of eating adulterated and unwholesome fish. Instead, it proposed a weak and impotent inspection bill, whose main provision is the proposal previously made to the Subcommittee by the fish industry.

But the most shameful aspect is that the Administration used false labelling, misrepresentation and gimmickry in its effort to sell its weak brand of fish inspection. Tricky names, invalid cost figures, false charges about exemptions, false claims about imports and inaccurate statements about other inspection programs highlighted the Administration's presentation.

We fully realize the seriousness of our charges. We therefore present the following documented evidence:

THE TRICKY NAME

1. The Administration called its proposed inspection a "continuous surveillance system." Yet, it would not be continuous at all. On the contrary, the Administration clearly showed in its testimony that it contemplates periodic visits and other occasional checks by inspectors of most fish plants and their products.

Here is what the Administration's main witness, Mr. Charles C. Johnson, Administrator for Consumer Protection and Environmental Health Services in the Department of Health, Education, and Welfare, told the Subcommittee on this point:

". . . The Secretary would be authorized (in the Administration bill) to carry out continuous in-plant inspection where that is needed, once-a-day inspection where that is all that is required, and *less frequent inspections* for those plants whose equipment, personnel (including personnel specifically assigned to quality control), production practices and product performances would make the constant presence of a federal inspector unnecessary." (Emphasis Added.)

Why does the Administration call its proposal "continuous surveillance"—a government witness even named it "continuous effective surveillance"—when it would check most plants only periodically? One probable reason is to give its proposal the appearance of offering much greater consumer protection than it actually does. The other reason probably is that the Administration hopes Congress and consumers will confuse its weak plan with S. 1092's requirement for "continuous inspection."

S. 1092, a bill introduced by Sen. Philip A. Hart and 21 other Senators, provides a strong and effective system of consumer protection. Its most important feature—and its greatest difference with the Administration bill—is that it requires a government inspector to check a fish plant and its products at all times of processing (continuous or full-time inspection). The Administration—like the fish industry—opposes this degree of consumer protection, but it apparently hopes the trick name may prevent too many people from knowing about the difference.

THE COST JUGGLING

2. To make its weak inspection proposal look like a great money saver, the Administration has suddenly increased the projected cost of full-time or continuous fish inspection by 130 percent over previous estimates. When its witnesses were asked about the greatly expanded figure, they gave conflicting explanations.

At the Subcommittee's hearings last year, Dr. James L. Goddard, then Commissioner of Food and Drugs, provided specific and detailed plans to justify $30 million as "a cost estimate for fiscal year 1973" when a bill similar to S. 1092 providing full-time or continuous inspection would be completely implemented. His statement is too long to reproduce here, but it may be found on pages 30–31 of the printed record of the 1968 hearings on fish inspection by the Subcommittee.

This year, HEW's Mr. Johnson testified that the Nixon Administration's "continuous surveillance" proposal—which would provide only occasional inspection—would cost $26 million. Sen. Philip A. Hart then commented, "Last year, the Department indicated that a continuous inspection program would cost $30 million, a difference of $4 million." He declared that the saving was "rather small compared to the difference in the protection of the bill."

Mr. Johnson replied:

". . . The $30 million was based only on continuous inspection of 2000 interstate plants and not the 4200 total plants estimated to be in the system. As a matter of fact, I believe that if you were to compare this with total continuous inspection of all plants now considered to be in the system, it would be about $70 million."

Sen. Hart then asked whether "your assumption this year (to provide the estimate of $26 million) is identical to the assumptions of the Department last year." Mr. Johnson answered, "Right."

In other words, the Administration considered only the cost of dealing with the 2000 interstate plants to come up with its $26 million figure. It used the "identical assumptions of the Department last year" and did not include the cost of inspecting intrastate plants. But then it confused the issue by suddenly bringing up an irrelevant $70 million figure, which according to Mr. Johnson's statement, included the cost of full-time inspection of both interstate and intrastate plants.

(It is also significant that the Administration in its testimony this year did not provide any breakdown of the inspection needs to justify its $26 million figure, as the previous Administration did for its $30 million amount last year.)

CONFLICTS IN TESTIMONY

As if this hocus-pocus was not bad enough, the Administration witnesses from the Interior Department told a completely different and conflicting story to account for the new $70 million figure. Harold E. Crowther, Director of the Bureau of Commercial Fisheries in the Interior Department, explained:

"Last year's bill called for continuous inspection, but it was defined as meaning the application of inspection by a full-time inspector, except in cases where geographic distribution of establishments makes it reasonable from the standpoint of carrying out the purposes of this Act for one (inspector) to be expected to inspect more than one establishment on a substantially continuous basis.

"The present bill, S. 1092, would require absolute continuous inspection in every plant, regardless of its location. This accounts, from our calculations, for the difference in the cost of $30 million to $70 million."

There are very real problems with this explanation. The elimination of the geographic exemption in S. 1092 would require, as Mr. Crowther suggested, some increase in the size of the inspection force. But if those plants located near one another are inspected on a totally "continuous basis," instead of a "substantially continuous basis," as last year's measure provided, the increase would not be large. Moreover, this potential increase in the size of the inspection force is more than offset by the provision for the periodic inspection of fish houses which was incorporated in S. 1092 this year. In fact, this latter change would probably result in a net reduction in the cost of the inspection program from what was proposed last year.

But the really significant point is that the two Administration witnesses cannot agree on the explanation for the newly-sprung $70 million cost for full-time inspection. The figure, which presumably is being used to prejudice Congress against full-time or continuous inspection, is therefore very suspect.

THE FISH HOUSE STORY

3. In a gimmicked effort to show that the Administration bill is "stronger" than S. 1092, its witnesses claimed that the latter measure would exempt fish houses—establishments icing, boxing and shipping, but not processing fish—while their bill would inspect these oprations. In actual fact, S. 1092 would provide the same type of occasional inspection for the fish houses, as the Administration bill would apply to the entire fish processing industry.

Charles H. Meacham, Commissioner of Fish and Wildlife Services in the Interior Department, told the Subcommittee:

"My second comment is that the Administration's bill does not exempt facilities known in the trade as 'fish houses.' We do not believe it prudent from a public health standpoint to exempt such facilities . . ."

Yet, new Section 411(d)(3) of the Federal Food, Drug and Cosmetic Act, as proposed by S. 1092, would only exempt these plants from full-time inspection and not from total inspection. And, most importantly, this exemption would be granted only at the discretion of the Secretary of HEW.

"The Secretary may by regulation, under such conditions as to sanitary standards, practices, and procedures as he may prescribe, exempt from the requirement of continuous inspection imposed by the first sentence of section 410(d) any establishment, known in the trade as a 'fish house' in which no processing of fish or fishery products is performed except (A) the unloading of fresh whole fish from vessels into appropriate bulk containers, (B) icing or other refrigeration of such fish, and (C) prompt shipment thereof either (i) to an establishment subject to continuous inspection or (ii) to a retail dealer described in paragraph (2) of this subsection."

THE IMPORT TALE

4. In still another effort to undercut S. 1092, Administration witnesses implied and stated incorrectly that the bill would provide a less stringent inspection for imported foreign fish products than for domestic ones. HEW's Mr. Johnson listed as one of the "advantages" of the Administration's "approach:"

"It makes no distinction between foreign and domestic producers."

And Interior's Mr. Meacham testified:

"In the bills before the Committee, there are also differences in the treatment of imported fish and fishery products. In some cases, the level of inspection for such products may be considerably less than required for domestic products."

The actual facts are that S. 1092 provides that the inspection of imported fish must be "at least equal" to the inspection of domestic fish. Since the domestic program would require full-time inspection under S. 1092, this measure actually would demand a higher standard from foreign processors than would the Administration bill.

Here is what S. 1092 specifically states in part of Section 410(i) of the proposed language for the Federal Food, Drug and Cosmetic Act:

"(1) no fish or fishery products shall be imported into the United States if such articles are adulterated or misbranded or otherwise fail to comply with all the inspection, good manufacturing practice, and other provisions of this Act and regulations issued thereunder applicable to such articles in commerce within the United States: Provided, That whenever it shall be determined by the Secretary, in the case of any foreign country, that the system of plant and vessel inspection of fish and fishery products is at least equal to all the inspection, good manufacturing practice, and other provisions of this Act and regulations issued thereunder, and that reliance can be placed on certificates required by regulation of the Secretary as to compliance with the country's inspection, good manufacturing practice, and other requirements, the Secretary may accept such certificates as compliance with the comparable requirements of this subpart."

AN ADMISSION

When Mr. Meacham and the accompanying Interior Department officials were challenged on their charge by Sen. Frank E. Moss, the following exchange ensued:

Senator Moss. ". . . So I don't see where this (S. 1092's provision) would be weak in any sense on importation. Importation would be subject to the same standards and the same requirements as domestic fish products are."

Mr. Crowther. "Yes, I think that is right. The fact that the foreign products are treated exactly the same as domestic products, I think, is a very desirable feature of the bill . . ."

Senator Moss. "So, theirs (the import provision of the Administration bill) would not be stronger than this (S. 1092's), would it?"

Mr. Crowther. "I don't think you can get anything stronger than S. 1092."

The treatment of imported fish is a very important and also a very emotion-charged subject. It is up to the Administration to enforce the fish inspection law equally between imported and domestic products. If the Administration does not believe it is capable of achieving this goal, it should admit that to the Subcommittee instead of misrepresenting S. 1092 in its prepared statements.

The Administration should ban from the United States any foreign fish or fish products which have not undergone an inspection as rigorous as have domestic fish. This action would be much more desirable than to attempt to weaken consumer protection on both and then to obscure this weakning amendment by deceptively claiming credit for treating all products equally.

THE TRUTH ABOUT PROCESSED MEAT

5. In still another effort to justify its weak fish inspection proposals, Administration officials tried to give the incorrect impression that processed meats were currently under a similar system. Mrs. Virginia H. Knauer, Special Assistant to the President for Consumer Affairs, declared:

". . . If the American public thinks they are getting continual inspection of the processing of meat, they are not."

After making this all-inclusive statement, she did explain that the non-continuous patrol system is used in "small establishments with limited volume" and she read some of the types of activities of these plants.

The fact is that the non-continuous inspection—called a patrol system—is limited to less than one-tenth of U.S. meat processing production and is not used in slaughter at all. As our Union showed in its earlier testimony—including the presentation of an explanatory letter by the Deputy Administrator of the Department of Agriculture's Consumer and Marketing Service—the patrol system is limited to small plants which perform by-product operations on already inspected meat. These operations include popping pork skins, slicing bacon and ham, boning and cutting meat and poultry and preparing cuts for hotels. All of the major meat processing operations, such as making sausage-type products, hams, bacon, etc. are under continuous or full-time inspection.

But even the meat and poultry patrol system is a stronger inspection operation than the Administration would provide for most of fish processing and canning. Under the patrol system, an inspector visits each plant at a minimum of once a day while it is processing and normally several times a day. Under the Administration bill, the inspector might visit the plant several times a year.

Most importantly, however, all meat and poultry is inspected at least once—at the time of slaughtering—to determine whether it is diseased or otherwise unwholesome. Under the Administration bill, a great deal of fish would never be examined by any government inspector for wholesomeness. Yet in the fish industry, the time of processing is the most logical place to introduce this check. The fish is in fewer hands than at any other time in the production process. And inspection at this stage can reveal whether the fish has been held so long or handled so poorly after it was caught, that spoilage, and possibly dangerous bacterial infection, has taken place.

THE COVER-UP

The instances above demonstrate the mislabelling, misrepresentation and gimmickry in the Administration's presentation. For some reason—probably pressure from the fish industry—the Administration decided upon a severe retreat in consumer protection concerning fish. It decided against providing consumers of fish safeguards equal to those provided in the Wholesome Meat Act and the Wholesome Poultry Act. It opted for a weak and ineffective inspection system. And it attempted, in some way or other, to make its unsatisfactory proposal look decent.

UNWITTING ARGUMENTS

There are other aspects of the Administration's testimony and legislation which need discussion. We should now like to turn to the evidence which Administration witnesses, themselves, presented on the need for full-time inspection.

While there are many issues under debate concerning the fish inspection legislation, the most important and the most controversial question is: what sort of inspection should be required? Our Union has made clear in its oral testimony that it believes a full-time inspection system, as is now used in meat, poultry and even the voluntary fish inspection program, is absolutely essential. We consider the occasional inspection, as proposed by the fish industry and the Administration, to be a device which would lull the public into believing it is being protected when it really is not.

The following points, taken from the Administration's own testimony, demonstrates the necessity for a full-time fish inspection system and show the problems caused by a generally occasional inspection.

GREATER NEED FOR FULL-TIME INSPECTION

1. The Administration indicated that the health hazards and other consumer problems in the fish industry have sharply increased recently. The very limited checks of the Food and Drug Administration—using the inadequate authority of the Federal Food, Drug and Cosmetic Act—showed a large rise in violations in fiscal year 1968, as compared with the previous year.

HEW's Mr. Johnson told the Subcommittee:

"During fiscal year 1968, FDA conducted approximately 1,500 inspections of fish and fishery products establishments and examined 3,500 samples of fish products. FDA inspectors continue to observe many deficiencies in fish handling and sanitary practices in a number of plants and vessels inspected. The incidence of adverse findings during their inspections was 18.6 percent (of plants), and 24.5 percent of the samples examined showed a variety of adverse findings."

Compare this testimony with the statements during the 1968 hearings by Dr. Goddard, then Commissioner of Food and Drugs:

"On domestic fish and shellfish, for fiscal year 1967, we carried out 775 inspections, different units covered . . . The incidence of adverse findings in the project units inspection—these are the plants—10.7 per cent. Official sampling examinations, 18.8 percent."

In other words, plant violations increased from 10.7 percent to 18.6 percent; violations in samples rose from 18.6 percent to 24.5 percent between fys 1967 and 1968. Even though FDA used an inadequate inspection law, it found nearly one out of every five fish plants and one out of every four fish samples failed to comply with the Federal Food, Drug and Cosmetic Act and its regulations.

And yet the Administration retreated from the government endorsement of full-time inspection last year and argues that it is no longer necessary!

THE EXEMPLARY CASE OF SHELLFISH INSPECTION

2. The Administration argued that HEW's "surveillance program" of the shellfish industry is "a notable example" of "this philosophy of industry-government cooperation and exercise of responsibility" which motivated it to propose its legislation. (The quotes are from Mr. Johnson's testimony.) We certainly agree that the analogy between the weak—and often failing—shellfish program and the Administration's proposals is proper.

Mr. Johnson of HEW extolled the shellfish program. He declared:

". . . Over the past 44 years, the American public has enjoyed relative freedom from disease due to these products. This statement is largely possible because of the surveillance program entered into and cooperatively supported by the Department of Health, Education and Welfare, State health departments and the shellfish industry."

Yet a letter of May 14, 1968 to the Subcommittee by Dr. Philip R. Lee, then Assistant Secretary for Health and Scientific Affairs in HEW, told quite a different story. He listed six outbreaks of hepatitis, which had been definitely traced to eating shellfish since March, 1961. These incidents caused illness among at least 598 persons.

STATE FAILURES

The letter also detailed a sorry story of states failing to maintain all aspects of their voluntary shellfish programs above the minimum approved quality level. Even worse, the communication demonstrated that when a state fell below the permissible program quality level, its shellfish could still be marketed, for no action was normally taken by anyone to remove that state from the certification list. (Dr. Lee's letter is too long to quote here, but the communication may be found on pages 186–190 of the printed record of the Subcommittee's 1968 hearings on fish inspection.)

Mr. Johnson, himself, indicated problems with shellfish. As previously stated, he reported that 1500 FDA inspections had found nearly one out of every five fish plants and one out of every four fish samples failed to comply with the Federal Food, Drug and Cosmetic Act in fy 1968. Under questioning by Sen. Moss on these findings, he declared, "About half of these (inspections) are in the shellfish industry."

This industry with its "exemplary" program—upon which the Administration wants to pattern its "surveillance" plan—has had numerous enforcement problems and has provided half of the inspections which resulted in one out of every four samples being found in violation!

CONTINUATION OF THE MAD CHASE

3. The Administration's proposal for a generally occasional inspection, appears to be a somewhat improved and better financed version of the type of "surveillance" FDA now carriers on throughout the food and drug

industries. The inadequacy of this system has been shown in numerous Congressional hearings concerning serious enforcement problems in both foods and drugs. These hearings have shown that an inadequate inspection system, limited funds and legislative authority, and some other problems have too often prevented FDA from truly protecting the public.

Yet, the Administration would simply carry these problems over into the new fish inspection program. For example, because the Administration bill would saddle FDA with an occasional inspection system, the agency would continue to have to chase all over the nation after deleterious and possibly dangerous products.

HEW's Dr. Lee frankly described the problem to the Subcommittee last year:

"When violative conditions are found, the food in question has ordinarily been shipped to many distribution points, making it necessary to initiate a number of seizure actions to remove it from the market. Too often, some or all of the violative products have been consumed before effective action can be taken."

If an inspector were in the plant at all times of processing, this current problem of FDA and future problems of fish inspection could not occur. The inspector could stop the deleterious or even suspicious product in the plant.

THE FUND STARVATION

Another current FDA problem which would be continued in fish inspection is that industry—or those parts which opposed inspection—would be at liberty to try to starve the agency for inspection funds. With an occasional inspection, industry has no problems whatsoever to *lobby against* adequate funding. With full-time inspection, industry must *lobby for* adequate funding since no plant could operate without an inspector being present. The latter situation has been the experience in the meat and poultry industries, where full-time inspection is in force.

Yet the Administration believes the present FDA system is good and it opposes full-time inspection!

LACK OF LABEL INTEGRITY

4. The Administration would have the federal government specifically and visibly back a particular can or package of fish products with an "official mark"—even though inspectors may check that plant and its product only a few times a year. The mark, which essentially indicates government approval of the product, would be placed on each can or package even though the inspector did not check this batch of fish for wholesomeness.

The Administration bill states in its proposed Section 410(e) for the Federal Food, Drug and Cosmetic Act:

"Use of official mark—When fish or fishery products are processed for interstate commerce in an establishment or vessel holding an unsuspended certificate of registration and are placed or packed in any container or wrapper, the person processing such product shall, at the time they leave the establishment or vessel, cause the label thereof to bear or contain such identifying official mark as may be required by the Secretary by regulation."

This is a new departure in federal inspection. In the past, the integrity of the inspection mark—and the government's word that the product had been inspected and found clean and wholesome—was preserved by permitting its use only when there was full-time inspection. Now, the Administration will permit the company to put the federal mark on the package no matter whether the product was checked or not.

The result is not only that the government will be untruthful with the consumer, but also the federal inspection labels in all full-time programs will sooner or later come under question in the public's mind. Yet, despite this serious potential problem in consumer confidence, the Administration opposes full-time inspection for fish!

The fact is that full-time inspection is needed every bit as much in the fish industry as in meat and poultry. The Administration's own testimony—although arguing against full-time inspection—provides telling points for this great need.

NEED FOR S. 1092'S ENACTMENT

It is regrettable that the Administration in its first major decision on consumer protection has beaten a sharp retreat to satisfy those parts of the fish industry which oppose an effective inspection system. It is even more regrettable that the Administration undertook devious tactics in an effort to sell its weak approach to fish inspection.

The issue is hardly an academic one. Involved is:

An industry which produces 2.2 billion pounds of fish annually for human consumption in the U.S.—about 11 pounds per person.

Health hazards which caused at least 28 outbreaks with 16 deaths and 1500 cases of illness in the last 10 years, according to the U.S. Interior Department, and undoubtedly many more unreported cases of illness and even death.

Consumer problems which are so serious that FDA's limited inspections found one out of every five fish plants checked and one out of every four fish sampled failed to comply with the existing provisions and regulations of the Food, Drug and Cosmetic Act in Fy 1968, according to the Administration.

A strong, effective inspection system is obviously needed in the fish industry. That system must be more than a mere extension of the FDA's current periodic checks. It must provide a means for stopping deleterious and dangerous products at the source—in the plants or the vessel.

Full-time inspection is an absolute essential of strong and effective fish inspection. S. 1092 would provide it, as well as other important safeguards. We therefore again urge the enactment of S. 1092.

TAX-EXEMPT STATUS OF STATE AND LOCAL BONDS

Mr. BAKER. Mr. President, the House of Representatives has now passed and sent to the Senate the Tax Reform Act of 1969, a measure designed to insure greater tax justice. I shall support this wide-ranging tax reform to achieve the legitimate objective of providing a more equitable distribution of our tax burden.

Unfortunately, however, the House-passed bill contains three sections which, if enacted, will adversely affect the ability of State and local governments to meet their capital requirements. One would impose a minimum tax on individuals by a "limitation on tax preferences," including among such preferences interest on State and local securities. The second would require that individuals allocate their deductions between taxable and tax-exempt income, including interest on municipal bonds. The third would permit States or local governments to issue, at their option, taxable bonds, a portion of the interest on which would be paid by the Federal Government.

As I have stated previously, I believe that the immunity of State and local governments in the exercise of their legitimate functions from Federal taxation is necessary for the preservation of our constitutionally delineated dual sovereignty form of government. I also believe that the centralizing trends in this country have gone quite far enough. I prefer to be a "pragmatic decentralist" who believes that our Nation needs a new federalism that will encourage the placing of more power and responsibility with the people at the local levels rather than with administratively appointed officials in Washington.

In attempting to insure a more even-handed distribution of the cost of supporting our Government, we must, of course, consider not only the distribution of our Federal income tax burden but must also consider the fair distribution of the total tax burden—Federal, State, and local.

It is apparent that the limit on tax references and the allocation of deductions provision will, if adopted as passed by the House, raise interest rates to levels close to those of corporate bonds of comparable rates. Once the tax exemption is breached on outstanding securities, it is clear that investors would have little confidence that the advantages to them of holding tax-exempt securities would not be whittled away further. To compensate them for the higher risk in purchasing these securities, they would demand higher interest rates.

If this in fact occurs, then the cost of borrowing to State and local governments will increase. If the cost of borrowing increases, State and local taxes, primarily property and sales taxes, will inevitably rise. And, as we all know, the burden of these regressive taxes falls disproportionately on those in the low- and middle-income groups.

Therefore, Mr. President, if the objective is to provide for a more equitable distribution of the total tax burden, as I believe it is and should be, then this Congress should not revoke or alter this tax exemption in such a way as to increase the cost of borrowing to State and local governments.

I would like to make one additional point. A considerable amount of the sentiment for tax reform stems from the testimony given by former Secretary of the Treasury Joseph Barr concerning 154 individuals who in the year 1967 had adjusted gross incomes in excess of $200,000 yet paid no Federal income taxes. Unfortunately, the impression was allowed to form that this was accomplished to a large measure through municipal bond ownership. It should be pointed out that this data submitted by former Secretary Barr did not include interest on State and local securities among the tax reducing factors utilized by the 154 individuals. Interest on State and local securities is not included within gross income and consequently does not appear on the income tax return. By far the major tax reducing factors used by the oft-cited 154 individuals in the $200,000 and over bracket were charitable contributions and interest deductions.

For these reasons it is my intention to continue to oppose all encroachments upon this tax exemption that has been essential to local communities in the financing of their much-needed public facilities. Therefore, I shall at the appropriate time either introduce or enthusiastically support an amendment to the Tax Reform Act designed to delete those provisions adversely affecting the functioning of State and local governments.

APPOINTMENT OF J. FRED BUZHARDT, JR., McCORMICK, S.C.

Mr. THURMOND. Mr. President, a number of outstanding men and women have been appointed to high positions in the Nixon administration and the recent appointment of J. Fred Buzhardt, Jr., of McCormick, S.C., is another example in which this Nation can take pride.

Mr. Buzhardt has been named staff director of a special commission to study the organization and operations of the Department of Defense. In this capacity he will render an important service to Secretary of Defense Melvin Laird and the country as we have seen that past administrations have operated at less than full potential in the critical areas of national defense.

In the mid-1960's, Mr. Buzhardt served as my administrative assistant here in the Senate and rendered a distinct service in that capacity. He is one of the most brilliant young men it has ever been my pleasure to know, and yet he combines that brilliance and keen intellect with an ability to go straight to the heart of a problem or issue and solve it. A graduate of West Point and first honor graduate from the University of South Carolina Law School, he brings a great talent to this new position.

In addition to these qualities Mr. Buzhardt is a man of the highest character. He is a God-fearing man and from the same mold that produced the leaders which have made this country great. I am sure he came to Washington at a personal and financial sacrifice. He descended from a truly outstanding man and able lawyer, the late J. Fred Buzhardt, Sr. His father was my former law partner and had been appointed to the circuit court of South Carolina just prior to his death.

America came to what it means today not through the efforts of self-serving people but through the contributions of citizens like this young man now serving in the Department of Defense. More of his kind are needed if our country is to meet the challenges of the 1970's.

Mr. President, an editorial entitled "Buzhardt's Appointment" was written by Editor Sam Cothran and appeared in the July 8, 1969, issue of the Aiken Standard & Review newspaper in Aiken, S.C. I ask unanimous consent this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BUZHARDT'S APPOINTMENT

Fresh evidence of the important roles South Carolinians are playing in the Nixon administration came this week with the announcement that J. Fred Buzhardt Jr. of McCormick will be staff director of the special commission assigned to study the Defense Department.

Buzhardt's appointment came hard on the heels of the promotion of Harry S. Dent of Columbia and St. Matthews to be White House legal counsel and top political advisor to the President. Only last week, it should be noted, Dent was credited with a major role in the peaceful settlement of Charleston's prolonged Medical College Hospital strike.

By no coincidence whatsoever, both Dent and Buzhardt came to their new posts after service on the staff of Sen. Strom Thurmond. Dent early was named deputy legal counsel to the President. Buzhardt, after liberal objections blocked his appointment as Pentagon general counsel, wound up as special assistant to Defense Secretary Melvin R. Laird.

Political considerations aside, Buzhardt's selection to head the study commission staff was an excellent choice. A West Pointer, Buzhardt acquired the reputation of an expert on defense matters during his years on Thurmond's staff. That vast and detailed knowledge should now be put to good use in devising ways to correct whatever it is that ails the vast and unwieldy defense establishment.

That considerable room for improvement exists has been made manifest by recent revelations of huge waste, fraud and slipshod methods in the Pentagon's procurement practices.

The new commission will, however, go far beyond procurement in its year-long study. Recommendations are expected on organization and management, research and development, and the role of systems analysis that was the special forte and legacy of Robert McNamara.

Out of all this, we hope, will come reductions in the huge burden of defense spending and enhanced effectiveness. With Buzhardt calling the shots, we do not regard these expectations as incompatible.

ATTORNEY GENERAL MITCHELL'S SPLENDID PROGRESS

Mr. HRUSKA. Mr. President, the August 18, 1969, issue of the U.S. News & World Report contains an interview with Attorney Gen. John Mitchell, in which Mr. Mitchell discusses crime fighting in our Nation today. Coincidentally, another very informative article, written by Milton Viorst, appeared in the August 10, 1969, magazine section of the New York Times concerning Mr. Mitchell.

General Mitchell and his fine staff are the persons to whom credit can be given for the general improvement in morale among law-enforcement officers at all levels in the city, in the State, and in the Nation.

As the chief law-enforcement officer, he has initiated and supported programs designed to reverse the trend toward lawless behavior on the streets. He is attempting to restrict the distribution of drugs and prosecute those responsible for this distribution. He has undertaken to strike a meaningful blow at the crime czars who control the Mafia and all their illegal activities by establishing permanent field offices in major metropolitan areas.

While serving as a diligent and conscientious prosecutor, he has not neglected other areas essential to the fair and impartial administration of justice.

He has presented to the Congress a comprehensive court reorganization plan for the District of Columbia. He has suggested a revision of the customs court. He has taken steps to insure that our Federal judges are lawyers who possess a judicial temperament and legal insight.

I commend Mr. Mitchell for his efforts. I ask unanimous consent that these two very informative articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the U.S. News & World Report, Aug. 18, 1969]

FIGHTING CRIME IN AMERICA

(Exclusive interview with Attorney General John N. Mitchell)

Q. Mr. Attorney General, from a law-enforcement standpoint, what do you regard as the biggest problem in the country.

A. The biggest problem in the country is crime in the streets—and how to get at it.

Basically, as you know, street crime is outside the jurisdiction of the Federal Government. Yet this is the area of the greatest concern with the American public. And what we can do in the Federal Government we're going to try to do.

Q. What is the Federal Government doing?

A. We, of course, are using the Law Enforcement Assistance Administration that was provided in the Safe Streets Act of 1968, which provides for funding of local programs to upgrade law-enforcement activities—and judicial administration and prison reform.

It goes all the way through the whole spectrum of law enforcement, from the time of apprehension of the suspect to the time of his trial and incarceration in prison, and ultimate parole and probation.

The funds that are available to the Law Enforcement Assistance Administration are provided by way of capital grants, after the planning-draft stage for the upgrading of these various activities.

Within the Law Enforcement Assistance Administration, they also have funds to be used for studies of new programs, new methods, even new hardware.

Also, of course, the Federal Government, through its law-enforcement agencies—from the FBI through the Justice Department, the judicial center that deals with the courts, and the prison systems that we have—is trying to lead the way to better facilities and better programs.

Q. Is federal money being used for direct operations of police, or only to help police improve techniques?

A. In both areas.

Q. Will there be more policemen as a result of these funds?

A. I think there will probably be more policemen, but they almost certainly will be much better policemen. I think that is the basis of it.

Primarily, of course, the costs of local law-enforcement agencies—police on the beat, and so forth—are paid from funds that are raised through State and local taxation. But the educational process has been slow, and these funds of the Federal Government will provide for the educational process, the training and the equipment that are necessary to upgrade the local law-enforcement agencies.

Q. Do you think there should be federal legislation to give the Federal Government a more active role in the enforcement of local anticrime laws?

A. I don't believe that is proper or necessary. I don't believe the Federal Government, for instance, should have a national police force. We have federal investigating services, and I think that's where we should stop.

The local police forces should be capable of handling this. It's a matter of funding and it's a matter of training. And I believe that it properly should be left with the States and municipalities.

Q. When you say we have federal investigating services, do you mean the Federal Bureau of Investigation?

A. The FBI, plus the Secret Service and various agencies in the Treasury.

Q. Are their services available to local police?

A. They are, through co-operative efforts. But there's very little that the federal establishment can do or should do with respect to the type of crime in the streets we're talking about—that is, muggings and burglaries and things like that. That's a local-officer problem. When you get into the area of narcotics and gambling and some of the other areas, why, then the federal investigative forces do co-operate with the local people, as they should. And we are trying to formalize this to the extent that we can.

This is illustrated by the combined task force that we have in New York which involves not only our Department of Justice but other agencies. We've brought in the State of New York, the district attorneys of Manhattan and the Bronx, and also, of course, the police commissioner of New York City. So we are working there in a co-operative way, so that when we do have intelligence information—evidence—it will be available for a local prosecutor as well as federal prosecution where federal crimes are committed.

Q. What is this task force supposed to do, specifically?

A. There are two task forces, actually. The first one we created, that I just outlined, is one that is going to deal primarily with organized crime.

The second one is operating in the narcotics area. It is our hope that this trial format that we're using will work, and we can go on and use it in combination with State and local law-enforcement officers in other metropolitan areas of the country.

Q. Speaking of organized crime, do you feel that you have the federal tools you need to combat it?

A. There is legislation now in Congress which we're supporting, which will be very helpful in the organized-crime field. But basically, the attack on organized crime is undertaken with personnel and money. And we have applications in our appropriations bill for fiscal year 1970 [year ending June 30, 1970] that will allow us to tool up to a greater extent—put more strike forces into the field.

Q. Will more strike forces mean more manpower?

A. Yes—strike forces composed of manpower headed by an attorney designated by the Department of Justice, one of the lawyers in our organized-crime section of the Criminal Division. Working with him will be not only the FBI, but also Internal Revenue Service agents, alcoholic and tax investigators, the Secret Service, the Securities and Exchange Commission, people out of the Labor Department's enforcement area, Customs, and the Bureau of Narcotics—all down the line.

With this personnel we can go into a metropolitan area of operation—sometimes a federal judicial district, such as the southern district of New York, or the district of New Jersey, where we also have a task force—and make a total investigation of the activities of organized crime.

This can lead to prosecutions of any federal crimes we find, including, of course, income tax evasion. You can make much greater use of your manpower by conducting your investigations in this way.

Q. Are these New York and New Jersey task forces pilot projects, or do you have others around the country?

A. There are strike forces in a number of other districts around the country. Our plan is to build up the ones that we have and expand them to other metropolitan areas. It is necessary, of course, to get additional personnel to do so. So not only our Justice Department but other departments with investigative agencies, such as Treasury and Customs, have increased their requests for appropriation of money to provide the manpower and requisites to make these strike forces effective.

Q. Have these combined operations resulted in increased prosecutions or convictions?

A. Yes, there's no question about it.

And I would hasten to point out that the strike-force concept was not developed by this Administration. It existed prior to our coming into office and it has, in my opinion, proved effective in two ways, both by the number of convictions and prosecutions, but also in the deterrent effect that it has.

Some information that we have, primarily from informants, is that, as these strike forces are increased in manpower and numbers, and with the use of wiretapping, they have deterred organized crime from undertaking certain activities that it might otherwise be engaged in.

Q. It is often said that organized crime cannot operate without the co-operation of police and political officals. Is this true?

A. Well, there are many of their activities that could not be carried out without such co-operation or, at least, without somebody closing his eyes. This has been demonstrated in any number of areas, and we have legislation before the Congress which will direct itself to that—where the Federal Government will be able to get at, more directly, the public officials, State and local, who are dealing with or protecting organized crime.

Q. What do you mean by organized crime? Is that the same thing we used to call "syndicate crime"?

A. Basically, yes. It's just another term. It means a combination of people put together to carry out a common effort—a sort of joint venture where you have an organization or an organizational structure that carries out these activities.

Q. Is organized crime a more serious problem than unorganized crime?

A. It depends. I think the fellow who's mugged on the street feels that local crime is more important to him.

But I think it's pretty well recognized that organized crime takes out of our economy upward of 50 billion dollars a year, and that this money goes into loan-sharking activity, it goes into the financing of narcotic transactions—sometimes it goes into so-called legitimate businesses, which they use their criminal profits to obtain control over. And, of course, when they do get control, they resort to their old criminal activities by pushing prices up, or whatever may be the particular nature of the activity through which they can make more money.

So crime in the street may be a more personal problem, but the result of the organized crime that exists in this country is something that we should not and just cannot ignore.

Q. Does organized crime contribute to the increase of private crime that is concerning the American people?

A. Well, let's take a specific example which may illustrate that:

There's no question that organized crime deals in narcotics. People who get hooked with narcotics have to feed their habit. Those who have no other source of income turn to the commission of crimes in the street. And there has been a tendency in recent years, because of the large number of addicts, to get away from the burglaries and shoplifting and so forth that they used to do previously, because the fences are being overrun with merchandise to the point where the market for stolen goods is down. Now these people who are on the narcotics habit go directly to the crimes of violence, such as robbery, in order to obtain quick money to buy their narcotics to satisfy the habit.

Q. Do you think that recent Supreme Court decisions enlarging the rights of criminal suspects are a contributing factor to the rise in crime?

A. I believe that if they are—and I don't believe that anybody has made a direct study on the subject matter—it would be relatively a small effect.

There's no question that the Court has expanded the rights of the individual, and there's no question that, in the expansion of those rights, there has been an effect upon society.

One of the detrimental aspects of it, I think, has been the psychological effect on the police. They feel that they've been handcuffed by some of these Court decisions. But, here again, if a particular police department had adequate instruction and training, I believe that some of the results of these decisions could be reasonably overcome. So that, while Court decisions have hampered the police, perhaps they have not hampered them as much as we have been led to believe.

By this I don't condone the decisions, but I'm answering your question as to the possible effect of them.

Q. This great crime wave seems to be a phenomenon of the last several years—or decade, anyway. Has America, all of a sudden, turned into a lawless nation?

A. I don't believe that America is a lawless nation. That would be taking it too far.

I believe that there are numbers of reasons for the crime rise. As you know, the age of the criminal that's incarcerated in the State and federal penal institutions has been going down and down and down. I think that the greatest part of the rise comes from the fact that youth is in rebellion and disturbance for any number of reasons. Not being a sociologist, I can't tell you all of them. But I believe that it's just a part of the times.

Here you get back to the narcotics question. People start experimenting with one type of narcotic, and they go on to the harder narcotics. All of a sudden, they're involved in a process that they require funds to support.

Some of our social problems also are factors that have caused the crime rate to rise. This is equally true, I believe, with some of the minority groups who have turned to crime as an expression of contempt for our society—rightly or wrongly, depending upon what their individual situations might be, and what their standards of living or their local control might be, either parentally or otherwise.

Q. You mentioned youth in rebellion. What should be the role of the Federal Government in dealing with campus riots and demonstrations?

A. The role of the Federal Government, I think, should be that provided in the existing statutes. I believe the Federal Government should look to the hard-core nihilists who intend to destroy our educational institutions and who have so demonstrated by moving among the institutions across State lines to carry out these intended functions.

Q. Do you mean the same individuals show up in one campus rebellion after another?

A. This is correct.

As for the areas of reasonable dissent on the campus—of course, that's outside of what we are talking about. With respect to somebody who violates the law by creating a disturbance of trespass or destruction of property, this is an area where local prosecution should handle any criminal activities—and, of course, the primary responsibility rests with the administrators of the institutions.

Q. Have charges been brought against any of these people who cross State lines to foment trouble on the campuses?

A. There have not been any indictments as yet. There are a number of investigations under way.

Q. Are you investigating the activities of these itinerant troublemakers on the campuses?

A. Yes, sir, and we have been for some time.

Q. Do you expect indictments?

A. I would say, as of this moment, that there would be indictments.

Q. Have you been able to identify organizations that you regard as being lawless or subversive?

A. I think it's the acts of the individuals that you identify. The "organizations" that operate in this particular area are purposely—by design and with good legal advice—not very tightly structured. They operate in a loose, confederate sort of manner, so that they do not come within some of the statutes under which we might be able to get at them. But by their very habits and by their activities and by the results, you know that this is not an individual undertaking—that there is work in concert. The results have shown that.

Q. Is accumulating good, hard evidence on a thing like that very difficult?

A. It is quite difficult, because you have to show an intent on the part of the individual in moving across State lines to another State, as well as proving that he did participate in or cause a riot.

Q. Are you "bugging" any of these people—listening in on them by electronic devices?

A. No, we're not "bugging" any of them.

Q. Could you use information as evidence if you got it by "bugging" or wiretapping a group discussing a plot?

A. If the evidence was obtained from legal wiretapping, it could be used as evidence to show the intent of the parties involved.

WHEN TO USE WIRETAPPING

Q. What are the plans of the Justice Department on the use of wiretapping and "bugging" to obtain evidence?

A. Our plans, of course, are to use it wherever it is legally available. And, of course, in the area we're talking about now—away from national security—we use it in connection with organized crime and as the statute permits, but the occasions don't very often occur in connection with major crimes.

We have found it to be quite effective in the area of organized crime—in fact, probably one of the most effective tools that we have. I don't think there's any question but that wiretapping, particularly in the area of organized crime, is the most important factor that we have going for us.

Q. Will courts accept evidence obtained by wiretapping?

A. Yes, they will accept it if the surveillance was legal to begin with.

Q. How is that established? Do you have to get authority from a court to make the surveillance?

A. In this area, we do. The statute authorizing this, which was part of this Omnibus Crime bill last fall, provides a specific procedure as to how you obtain court orders under which wiretapping may be used. To obtain that court order, you have to show the judge that there is reasonable probability that a crime is being committed, and that the wiretapping is going to be used in connection with that.

Q. Does showing have to be made in open court?

A. No, it does not. It's made by affidavit of the knowledgeable parties, whether it be an FBI agent or Secret Service agent, or whoever it may be. These affidavits are filed in the court. And they are not disclosed until the statute requires it, which is sometime after the event takes place.

Q. So that a suspect can't go to a court clerk's office and look up the record to see whether you're "bugging" him—

A. No. But at a later date he is advised of the fact that he has been "bugged."

Q. Do the Supreme Court decisions up to this point give you assurance that this type of evidence will be accepted when appeals are made to the Supreme Court?

A. We have no absolute assurance. But we feel that on the basis of cases that have been decided, with the express authorization of Congress, and with the procedure provided for in the statute—where it is court-monitored—they should uphold it. We feel they will.

Q. How much of a problem in the total crime picture is the repeater—the criminal with a past record?

A. Roughly 40 per cent. In other words, about 40 per cent of the people who have been incarcerated in penal institutions for crimes land back in prison.

If we can get at this problem of recidivism through better training of prisoners under more modern conditions, we will be able to make a big hole in the total crime figures.

Q. What about preventive detention—jailing a suspect without bond while he awaits trial? Can you do this and protect society without jeopardizing the individual's rights?

A. We feel that the legislation we have proposed to Congress does just that. We believe that the bill does protect the individual by restricting its application to certain types of crime and by requiring hearings in court. At the same time, of course, it does what it's designed to—and that is to help protect society.

Q. What are the most important things that have to be done to make our system of criminal justice function better?

A. Starting at the bottom of the ladder, we must upgrade the police forces, both in their efficiency and also in their relationship to the community. One of the problems that have existed in the law-enforcement area is that police in many, many areas have not had a good relationship with the community. Some people—particularly in the minority groups—look upon the police as an invading army when a squad car comes through. So this is an area in which work can be done.

Secondly, we should provide speedier trials, so that we don't have to worry about preventive detention to keep a fellow from committing additional crimes while out on bail. This, of course, means an upgrading of our courts, both by their processes and by their numbers of judges and facilities. But, more importantly, it means making sure that we have enough prosecutors, so they can present their cases when the judges are able to hear them, and that they are competent to conduct the trial in an appropriate way.

Also, it means providing an adequate supply of defense counsel. In many areas of this country, we're grossly undermanned to take care of the rights of the defendants. Also, you often get private lawyers assigned to cases who are not qualified to try a criminal-law case. This is one of the reasons that I feel strongly that we need a good public-defender system: not only to protect the rights of the accused, but also to help us to expedite our trials.

Beyond that, we need to improve our penal institutions, which are way behind the times. If we have better penal institutions—with better training and better programs—that will permit earlier release of prisoners, and their release under conditions where there is less likelihood that they will go back to crime.

WHAT'S WRONG IN PRISONS

Q. What is basically wrong with our penal system?

A. Too many people have looked upon prisons as a place to put somebody and leave him for a period of time, and then dump him back out on the streets without proper programs for rehabilitation.

These programs should go all the way from vocational education and training through psychiatric treatment to many other things that can be helpful to the individual.

There is much too little concern about these penal institutions and what goes on in them. I think that this is quite natural, because those in the legislative bodies who have to appropriate money for public purposes find it less appetizing to appropriate monies for a prison than they do for a hospital or a school or a parkway. There are only so many tax dollars around. And, unfortunately, the penal institutions are very low on the list of priorities.

But if we're going to do this job properly, we have to upgrade the penal institutions—not only the federal ones, which are better than most States', but particularly the State institutions.

The basic aim should be to rehabilitate a prisoner. If his term in the institution is just a time to learn better his trade as a criminal, then when he gets out he's going to return to his criminal ways.

Q. Can a criminal actually be rehabilitated? Or is there such a thing as the "criminal mind," a warped personality that simply can't be rehabilitated?

A. Well, I would possibly subscribe to the fact that there are some habitual criminals that it's very, very difficult to get at. But I don't think anybody has proved that there is a "criminal mind." I think it's a situation that develops because of environment and circumstances.

I think that most penologists would subscribe to the thought that you can convert almost anybody if you have the means, the time and the other requirements to do it. And this is particularly true in this day and age, when so many of our criminals who are incarcerated are so young. The average age in the federal institutions is in the 20s. They are much more susceptible to change and correction than are the old-liners who have been through the mill.

Q. How long do you think it might take you and your program to turn the crime rise around and start bringing the nation's crime rate down?

A. I don't know whether I could even make a good guess on that. It's a monumental undertaking that needs complete co-operation of the State and local governments. And when I say "co-operation," I mean that they have to look at their own house, look at their own financial requirements, and provide what's necessary in these areas that we've been discussing. Unless this is done by the State and local governments, what we can do at the federal level is not going to make a very great dent in it.

Q. What about Washington, D.C., the nation's capital, which is under federal jurisdiction? Do you think you are going to be able to make a dent in the crime problem here?

A. This is the place where the Federal Government has, in co-operation with the city government, jurisdiction over crime in the streets. And we believe that the program that we have put together here can be a model for use throughout the country.

Bear in mind that most of our programs for Washington have not been authorized yet by Congress. But once we get our authorizations and our appropriations from the Congress, I think that we can turn this crime problem around quite directly in the District of Columbia. I think we will make quite a dent in crime here.

Q. Are you encountering acceptance or opposition in the program that you've proposed for the District of Columbia?

A. I think there's been basic acceptance of it. Parts of it, of course, have fallen into the controversial area. But I would believe that we will get our legislation through. And I believe we will get our appropriations through.

Q. Do you think the Federal Government should have task forces to deal with big-city riots?

A. I think the Federal Government's activities and powers in this area are appropriate as they now exist. Civil disturbances are primarily the responsibility of the State and, of course, the local police forces.

The Federal Government does have plans and programs for these areas. We have our community-relations service in the Department of Justice. When there are indications of trouble, we put their personnel into the field to work with the local group—whether they be minority groups or whatever—and the local law-enforcement agencies to try to cool the situation so that you do not have major riots or disturbances. We do this, of course, with the help of our U.S. attorneys and our Civil Rights Division, and all of the other facets that we can bring to bear on it.

Now, with respect to the suppression of civil disturbances and riots, here again I think that the Governor, with his local police forces and his National Guard, is the appropriate one to handle the situation. However, we do have plans that we can put into operation directly, where federal troops are required. But federal troops have to be requested by either the State legislature if it's in session, or the Governor if the legislature is not in session.

Q. Are federal troops better trained and equipped to cope with racial riots today than they were several years ago?

A. Yes, both by training and experience. They have, within the federal military establishment, programs directed toward this necessity if it arises.

Q. Many people have expressed wonder as to why previous Administrations have not attempted to prosecute some people on charges of inciting to riot. Do you expect to be any more active in this field than previous Administrations?

A. I think the indictments that we brought against the police and the rioters in Chicago would demonstrate that. Our position is that if there have been violations of the federal statutes, we have an obligation to prosecute them, and we'll do so as soon as we can produce the evidence that is necessary to obtain an indictment.

Q. Are you investigating actions of certain individuals to see if they are in fact inciting to riot?

A. Yes, we are. One of the problem areas that I found when I got to the Department of Justice was the lack of intelligence in this area. So we are putting together more of an intelligence apparatus than has existed.

Q. Isn't the FBI supposed to be your intelligence agency?

A. It's an investigating agency. It doesn't express opinions about the evaluation of the information it obtains.

PROTECTING CIVIL RIGHTS

Q. Is it the responsibility of the Justice Department to enforce all of the civil-rights laws relating to desegregation or the elimination of racial discrimination?

A. Some of the laws initially, or primarily, should be enforced by the departments that are carrying on the federal programs. But, with respect to the ones that are more commonly known, yes, the Department of Justice does have the leading role in the enforcement of civil rights.

Q. Do you enforce the school-desegregation guidelines, for example?

A. The Department of Health, Education and Welfare set up those guidelines and is obligated to monitor the guidelines. It is HEW that determines whether or not federal funds are to continue to be provided to a school district if the guidelines are not complied with.

We in the Justice Department, of course, have an obligation to provide for the enforcement of an individual's rights in the desegregation of the schools. Upon complaint of individuals, we may go into the federal courts to compel the desegregation of the schools.

As you may recall, on July 3 the Department of HEW and the Justice Department got together and announced a program whereby the educators of HEW and the lawyers of the Justice Department can work in concert to more properly administer the federal enforcement programs—both under the federal statutes and the Constitution.

Q. Does that new program put the total enforcement burden on the Justice Department?

A. No. We do not have the total compliance burden, because the Department of HEW still has its statutory powers and obligations with respect to the termination of federal aid if there is not compliance by the school district.

Q. Isn't it a part of that new policy to make greater use of court actions to compel school desegregation than has been done in the past?

A. That is correct.

Q. What is the purpose of this change?

A. There are a number of purposes. Primarily, the one that is most important, in our opinion, is that, by going into court against a school district that has had its federal aid terminated, we make it possible for federal aid to be restored so that the ones who need it are going to get the federal aid.

It's rather nonproductive to have a school district that is not in compliance and is not getting federal aid. The ones who are hurt by this are the pupils that the Act is supposed to help. They begin to lose their school-lunch money, their Negro teachers are not paid—and all of the penalties fall upon the ones who are supposed to be benefited.

But when we go into court, we can have the federal funds restored and, of course, the court will order the school district to integrate.

Q. When are funds restored to that school—the moment you file the suit?

A. Hopefully so, under an appropriate court order. HEW restores the funds when they feel that the court has properly acted in the particular circumstances.

Q. Does this system of court suits produce desegregation faster than relying on cutting off federal funds?

A. Well, when we came into office, we found that there were a great number of school districts where the funds were cut off and nothing ever happened. They were still running their segregated schools.

Q. Is a court suit one way to get at a district which has decided that it would rather do without federal funds than desegregate?

A. It's the only way we have to get at them.

Whether it's fast or slow, we feel that it's going to accomplish a great deal more than what had been happening before. We've found—and I'm sure you know from your readings—that there has been a tremendous amount of resistance in the South, where they litigate everything as far as they can take it.

Now, the new system that we have worked out would have a desegregation plan for a district designed by HEW educators and the local educators in concert. And then, of course, when the plan is confirmed by the order of the court, it becomes an obligation of the school district to carry it out.

We believe—and I think that our experiences to date have proven it—that by bringing in educators out of HEW to sit down with the school-district educators under a court order, they're going to agree on a desegregation plan in a substantial number of the cases.

We don't expect everybody to get into agreement. The courts are going to have to order some of them to do so, or order a desegregation plan. But we feel that there is going to be much more co-operation under an educationally designed plan than in the past, where there has been nothing but adversary court proceedings, where the court directed a desegregation plan.

Q. What do you use as standards to determine whether a school district is discriminating illegally on the basis of race?

A. It's a matter of degree, and each school district has to be considered separately. And, of course, it depends upon which area of the country you're dealing in.

As you know, in the South, when the *Brown* case was decided in 1954, there were dual school systems, a black school system and a white school system, set up by law. That is *de jure* discrimination—and, of course, unconstitutional segregation.

In the North, you have housing patterns which produce a *de facto* segregation.

Q. Is *de facto* segregation unconstitutional?

A. No. There has been no court decision, to my knowledge, that you have to break up a *de facto* school district. But if you have a clear black school system and a clear white school system, you know that there is discrimination, and that those have to be brought into a unitary school system.

Now, as to the number of people—blacks and whites—who have to be in a particular school, or the facilities that you provide for them, or the other facets involved in order to eliminate discrimination and segregation—that is a matter of fact to be considered with respect to each individual district.

Q. Suppose you have a huge city area, such as Harlem in New York, that is almost totally black, so that its neighborhood schools are totally black: Should anything be done about that, to get a racial mix in those schools?

A. You can't say that New York City is discriminating as you can in some Southern city that has—or had—a dual system.

What you have in Harlem is a *de facto* situation that results from housing patterns, and we do not believe that it is practical to upset such a picture at this time.

We do think—as we've expressed with respect to Chicago—that you can certainly change your faculty around so that you do get a racial mixture. And long-range plans in areas like this should be to locate your physical plants of the schools to, hopefully, break into this *de facto* segregation.

But the concept of busing children from Harlem to the Bronx or from Bedford-Stuyvesant to Queens has been tried and it hasn't been very successful—to the point where, I believe, they've totally abandoned it.

Q. Unsuccessful in what regard?

A. It was unsuccessful to the point that the educational process was hampered and the parents rebelled—parents of both races.

ONE APPROACH ON SCHOOLS

Q. If *de facto* segregation is not illegal what can the Government do about it?

A. As I say, there are degrees in each school district that you have to look at to see how desegregation should be brought about—*if* it should be brought about.

Q. In your joint statement with HEW on July 3, you said: "We will start a substantial program in those districts where school discrimination exists because of racial patterns in housing." What did you mean by that?

A. One thing you can do, of course, is to go after desegregation of the faculty. Faculty does not necessarily relate to housing patterns.

Q. In trying to integrate faculties, do you see a problem in the fact that, by virtue of seniority or union contracts, many teachers have been given the right to choose where they are going to teach?

A. This is a problem. But you may find, as this procedure develops, that contracts written by school boards will be different.

Q. Is there danger that many teachers may quit if ordered to teach in black slum schools?

A. This could possibly be an effect in some cases, but hopefully not. Hopefully, the teachers will recognize that this is the law of the land imposed on the school board, and that they will respect it and honor it.

Q. Aren't some Northern school districts being compelled to break up de facto segregation?

A. It is being done in some cases where the physical facilities permit it and other circumstances warrant it.

Q. Must local school authorities, in planning future schools and in hiring faculty, arrange their programs in such a way as to minimize de facto segregation? Or are they permitted to plan so as, in effect, to perpetuate it?

A. They are not permitted to perpetuate it where the circumstances are involved in a particular court proceeding. There have been court orders directing the closing of certain schools to bring about integration. Hopefully, that won't be necessary in the future. We hope to get the kind of co-operation that will not require such drastic measures as closing schools, and hence putting bigger burdens on some classrooms.

Q. These court orders you mentioned—are they orders of federal courts or State courts?

A. These are federal-court orders.

Q. Does that mean that federal courts are, in effect, requiring the breakup of de facto segregation?

A. Not necessarily. They could be breaking what is really a de jure situation. We have cases in some places where school districts have been drawn so as almost to create an all-black system and an all-white system. This is not necessarily limited to the South. It is taking place in the North, also.

Q. You recently proposed that, instead of extending the 1965 Voting Rights Act which suspends literacy tests in some Southern States, a new law should be passed suspending literacy tests in all the States. That proposal seems to have run into strong opposition. What is the argument against it?

A. The basic argument, as I understand it, against my voting-rights plan is that it may prevent the passage of any voting-rights legislation between now and Aug. 6, 1970, when the 1965 Act, or some of its provisions, expire. In my mind, that is not a valid objection until such time as they take the matter to the committees and the floor and get their reading on its chances for passage. They haven't convinced me that a new bill cannot be passed before the old law expires.

There is also objection—mistaken, in my opinion—to our proposed change in the method by which the Justice Department deals with new State or local voting regulations.

Section 5 of the 1965 Voting Rights Act has a provision that, if a State legislature or a local legislative body passes legislation that might impinge upon an individual's voting rights, this legislation or ordinance must be submitted to the Attorney General, and he makes a determination as to whether it does impinge upon these rights.

Our bill provides that the Attorney General, instead of reviewing this legislation, would have powers to go into the district where the act was passed with a three-judge court with powers to obtain restraining orders and injunctions to stop local officials from impinging upon the voting rights of the individual. This would apply everywhere in the country, not just in the South. We also, of course, would continue the Act's powers to use federal registrars and examiners, which have proved so successful.

Now, the controversy comes about as to whether or not our bill is stronger than the existing bill. We have found that when people, in the seven States that are now covered by the '65 Act, decided that they were going to try to impinge upon the voting rights of individuals, their legislation or their ordinances were not submitted to the Justice Department for a review. They just went ahead and impinged on the rights of the voters. Then the Justice Department had to go to a one-judge, local federal court without the powers that we seek in the new measure, and litigate that matter all the way through the Circuit Court of Appeals, on up to the Supreme Court.

Our measure provides a three-judge district court, from which we would have a direct appeal to the United States Supreme Court.

So it's a matter of opinion as to which is the most effective.

We not only think that our proposal is very effective, but we have also found that it is practically impossible for somebody to sit in the Justice Department and take a piece of cold legislation by a board of supervisors of some county down South, and make a judgment as to whether this was done with an intent to impinge upon the voting rights of some individual.

Q. Would this new proposed legislation on voting strengthen the Federal Government's hand in prosecuting election frauds?

A. Not this particular legislation. However, we do have in our proposed bill a recommendation that there be appointed a presidential advisory committee that would recommend legislation in that area, as well as a review of this total matter of voting, particularly with respect to minority groups.

Q. If a person's vote is invalidated, in effect, by a vote fraud, isn't that a denial of his voting rights?

A. There is no question about it, and this is exactly what we said in our testimony before a congressional committee.

We think that the results of the '68 election that are under intensive consideration will provide information that this advisory commission can use to recommend legislation.

Our bill contains another very important provision, and that is with respect to residency requirements. There were 5.5 million people denied the right to vote in the 1968 presidential election because they had moved within a particular period of time out of one election district into another. Our bill would get at that. In presidential elections, those individuals who move would either vote in their new area of residency or by absentee ballot in the place from which they had moved.

Q. Do you think you will succeed in getting your voting measure passed by Congress?

A. I don't know if I can count noses up there, but I would be surprised if we did not have a good opportunity to win.

GUIDELINES FOR MERGERS

Q. Turning to another subject: Is your Department out to break up these new "conglomerate" companies?

A. We do not file suits against conglomerates as such. We bring suits against mergers that, in our opinion, violate the antitrust laws, whether or not they involve the expansion of a conglomerate-type corporation.

Q. Are there any guidelines that a business executive can follow to know whether a merger he is contemplating will be attacked?

A. Some guidelines were issued during the Johnson Administration dealing, in part, with mergers, including conglomerate mergers. They have no legal effect, but do spell out the policies that are followed in general by the Department, subject to variations depending on the circumstances of any particular case. In a general way, these guidelines are still applicable.

In addition, we have adopted a more direct approach to the job of keeping the businessman informed. We have opened our doors to the point that we will sit down and talk with anyone about a prospective merger or acquisition. We do not require any formal submission of a plan or formal request for ruling.

Q. But is there some change in the Government's attitude toward the conglomerate mergers?

A. Yes. In the light of the legislative history of the Celler-Kefauver Amendment of the Clayton Antitrust Act in 1950, and the decisions that have been handed down by the courts, we feel that the law gives us some tools for dealing with the conglomerate mergers that the previous Administration apparently did not feel existed.

Q. Is that why you have filed suit against some mergers that took shape before you came into office, and that had not been attacked by the Democrats?

A. I think it would be correct to say that the Johnson Administration did not feel that the law provided the means of attacking some of these mergers. Now, we feel that these conglomerate mergers have to be considered on an individual basis. At the same time, Mr. McLaren [Richard W. McLaren, Assistant Attorney General in charge of the Antitrust Division] and I have made it clear that we believe that there is a great probability that very large corporations will be violating the antitrust laws when they engage in mergers or acquisitions. But these activities do have to be considered on a case-by-case basis.

We recently decided not to oppose the merger of Amerada Petroleum and Hess Oil Corporation, two very big companies, because it appeared that competition would be increased and not diminished by the merger. There are other mergers which we are considering right now which we will probably not oppose for the same reason.

Q. Is it fair to say that a very large company—whether it is a conglomerate or not—will probably draw fire from the Justice Department if it takes over a company that is one of the leaders in an industry?

A. Yes, because the facts are almost certain to indicate an actual or potential weakening of competition, in violation of the antitrust laws. That is the basis on which we have to decide whether to file suit.

Q. Suppose a company buys out a principal competitor in its own line of business—

A. If their combined share of the market after the acquisition is as little as 5 percent of total sales, there are Supreme Court decisions that hold the acquisition to be illegal.

Q. Are you planning to propose any new legislation to deal with mergers?

A. A number of committees of Congress are studying the current wave of mergers. We have no objection to new legislation. In the meantime, we will proceed to apply the laws we now have. I might point out that there is a task force, composed of officials from various Government departments and agencies, already studying mergers—their causes, impact on the economy, on business and on the national interest, balance-of-payments impact, and so on.

Q. Turning to racial discrimination in employment: Many civil-rights leaders now are complaining that the federal Equal Employment Opportunities Commission (EEOC) does not have enough power to act against employers who discriminate. Are you planning to seek new legislation to give EEOC the power to issue a direct order to an employer that they "cease and desist" discrimination?

A. This question is under intensive consideration by the whole Administration. There has been a series of meetings to find out what legislation would be best. The problem is to make sure that cease-and-desist orders are subject to appropriate review, so that the parties to the controversy have adequate redress above the branch of Government that has this power.

Q. What power does the Justice Department have to act against discriminating employers?

A. Under the present setup, we are limited to suits when there is a general pattern or practice of discrimination. Where an individual's job rights are involved, I think there ought to be some administrative procedure by which the issue can be resolved quickly.

AS NEW POLICIES TAKE HOLD

Q. You've been in office now for six months. What do you think are the significant changes, if any, in the policy and attitude of the Justice Department as compared with the previous Administration?

A. We have discussed the difference of concept in the Antitrust Division. I think this stands out quite markedly as a distinction.

I think the approach to our civil-rights problems is different in concept of execution, perhaps, as distinguished from the ultimate goals that we're looking for. I think the Civil Rights Division as it existed prior to the time we came in had the same goals, but I think that they went about it as more of an adversary-proceeding operation than we have. We've tried, particularly in school desegregation, to get compliance out of voluntary procedures.

In the law-enforcement area, I think there's a great deal of difference. And I get this reaction by talking to the police chiefs around the country, the Federal Bureau of Investigation, and people in the Criminal Division of the Justice Department. I think that we have restored a morale that was somewhat lacking because of the failure to prosecute in certain areas. I think that the law-enforcement agencies around the country have been rejuvenated so far as the Justice Department is concerned. That's what they tell me. I think that our use of wire-tapping in appropriate areas has been a shot in the arm to our Criminal Division, and also to the investigating agencies within the Government.

These basically are the three areas in which there are discernible differences in approach.

Q. Do you think people generally feel that the head of the Justice Department today is a little more "hard nosed" about enforcing the law?

A. I think that might be. It's probably more a concept than a reality but, nevertheless, I think it exists.

Q. Mr. Mitchell, your name is frequently mentioned in connection with vacancies on the Supreme Court. Have you ever discussed that with the President?

A. On numerous occasions.

Q. And what did you say?

A. I think what I said to the President shouldn't be repeated. But I would generally state my stance is that I have no interest or desire to go on to the Supreme Court.

Q. Didn't you express a similar attitude toward becoming Attorney General?

A. I did decline this post repeatedly—about 26 times, I think. I was finally persuaded to come down to the Justice Department and take the job that I am now carrying out at the request of the President—and, hopefully, in help of the President. I don't believe that any such circumstances exist with respect to a seat on the Supreme Court.

Attorney General Mitchell's Philosophy Is "The Justice Department Is an Institution for Law Enforcement, Not Social Improvement"

(By Milton Viorst, a Washington-based freelance, wrote "Fall From Grace: The Republican Party and the Puritan Ethic")

Washington.—An old professional at the Justice Department, a talented lawyer who has seen administrations come and go, remembers with a certain chagrin his first meeting with his latest chief, Attorney General John N. Mitchell.

"The receptionist met me at the door of the office and, as she always had in the past, offered me a cup of coffee," he said. "With Ramsey [Ramsey Clark, the Attorney General from 1967 to 1969], I'd sometimes finish the coffee just waiting for him. Or, after he called me in, we'd sit across a table sipping coffee together, discussing the case I came to see him about, reviewing its practical and philosophical implications.

"When Mitchell summoned me, my coffee still hadn't cooled. I walked in with my papers in one hand, the cup and saucer in the other. Mitchell lifted his head from the desk and asked me what I wanted. I told him and he answered promptly. Then, with a nod, he dismissed me and returned to the papers on his desk. I was left standing there, the steaming coffee still in my hand, and I wasn't even certain how to escape."

John Mitchell is like that, a man stingy with his time, guarded with his amenities, quick and firm with his decisions.

He's every bit the successful Wall Street lawyer, whose day—whose mind, whose life—is structured to bring the greatest possible yield. He's every bit the puritan, whose mission is his work, whose work is too serious for a frivolous chat or a cup of coffee.

Mitchell is not so much a political partisan as a professional advocate who, finding himself in combat for a client, focuses his skill rather than his passion on preparing the best brief he can.

Until a year or so ago, his advocacy brought him wealth, a plethora of clients and, in a small but select circle, a reputation for excellence. Today, his monetary reward is modest. His clients are reduced to one: the President of the United States. Meanwhile, his reputation has spread spectacularly and he has become increasingly controversial.

It's not surprising, of course, that Mitchell is controversial, given the central theme of Richard Nixon's election campaign. As far back as his acceptance speech in Miami, Nixon declared: "If we are to restore order and respect for law in this country, there's one place we're going to begin. We're going to have a new Attorney General of the United States." The President's decision to give Mitchell the job is a tribute to his confidence in the man, for Nixon obviously has a great deal invested in it.

With characteristic economy of words, Mitchell sums up his conception—and Richard Nixon's—of the Department of Justice. "There's a difference between my philosophy and Ramsey Clark's," he says. "I think this is an institution for law enforcement, not social improvement." It is in translating this conception to practice that Mitchell has been generating debate.

He has significantly loosened the restrictions under which the F.B.I. and other Federal law-enforcement agencies may tap wires. Although he denies being arbitrary and says he has authorized fewer taps than earlier Attorneys General, he has certainly broken new legal ground by bringing to court the argument that the Government can tap the wires of domestic political organizations if it deems their objectives to be subversive.

Under his direction, the Justice Department has recommended a court-reform statute for the District of Columbia which contains a provision for the pretrial detention of those considered likely to commit further crime if freed on bond. Though the proposal is more limited than originally anticipated, it has evoked the strenuous opposition of the District of Columbia government and of most civil-liberties organizations. If passed by Congress and held constitutional by the courts, the plan is regarded as certain to become a model for other jurisdictions.

Against the advice of most of the career lawyers in the department, Mitchell approved the prosecution of eight leaders of the antiwar demonstrations—as well as eight policemen—at the Democratic National Convention in Chicago last summer. In his public statements, he has taken a hard line against student demonstrators, saying in one interview, "When you get nihilists on campus, the thing to do is to get them into court."

Mitchell has directed the F.B.I. to keep certain militant black organizations, particularly the Panthers, "under surveillance." According to Will Wilson, his assistant for the criminal division, "We put the problem to the F.B.I., telling them to watch carefully for violations. The F.B.I. takes it from there." As the record has been compiled, the F.B.I.'s "surveillance," many say, looks more like a campaign of pure harassment.

It is Mitchell, furthermore, who is considered the architect of the Administration's voting-rights bill, which liberals have denounced for provisions that weaken the protection given black suffrage throughout the South.

But whatever apprehensions some Americans may feel about the trends the Justice Department seems to be setting, President Nixon is clearly impressed with John Mitchell's work. In the power struggle that invariably rages about a President, Mitchell has emerged as a strong man of the Cabinet.

Some interpret the struggle as pitting the liberals against the conservatives in the Nixon entourage—with the liberals steadily losing ground. Mitchell vigorously rejects such an analysis.

"It's tommyrot that we are moving to the right," he says, mentioning as an example the controversy over the decision not to name Dr. John Knowles Assistant Secretary of Health, Education and Welfare and the choice instead of Dr. Roger O. Egeberg. "The Knowles appointment was no move to the right. Look at the guy who was actually appointed. He's more liberal than Knowles, according to his track record. And take the school-desegregation guidelines. These are procedures only to accomplish what wasn't being accomplished. As for the voting-rights bill, I think it is more liberal than the one we are trying to replace, because we are trying to assure the vote for all minorities, North and South.

"And if these people just take the preventive-detention title and run with the A.C.L.U., they'll say it's to the right. But if they read the whole bill, they'll see it's for the community's good.

"Of course, if you think the ABM or the surtax is going to the right, okay. But I don't see it that way."

If Mitchell denies that he's at the right end of the Nixon Cabinet, he is nonetheless hard-pressed to conceal his disdain for Robert Finch, the Secretary of Health, Education and Welfare, who is generally thought to be at the left end. In private conversation, Mitchell's been known to refer to him as "Secretary Fink." He dismisses as pure fantasy the story, published by Theodore H. White in "The Making of the President 1968," that Nixon invited Finch to be his Vice Presidential candidate. He considers the Knowles episode a "political abomination," which Finch could have avoided by acting decisively in the early spring. Mitchell is among those in the Administration who speak of "Finch's crowd" at H.E.W. with a hint of a sneer in their voices.

It is John Mitchell's observation that he is the Cabinet member to whom President Nixon pays the most heed—a contention that the men closest to the President rather readily confirm. Over the entire spectrum of foreign and domestic policy, he reveals, the President consults with him often, and he adds, with a sense of self-assurance, that he dispenses his counsel freely.

"Of course, you don't talk about your confidences with the President," he remarks, "any more than you do about your confidences with your wife.

"But I do work closely with the National Security Council, which is not a normal assignment for the Attorney General. And I have been working with the national intelligence apparatus, which extends over the whole lot. And I'm a member of the Urban Affairs Council, which considers most matters of domestic policy. So I think you can come to your own conclusions about the range of advice I give the President.

"I guess I see him once a day or more, when I go over to the White House. And during the course of the day we usually talk on the phone several more times. In the evening, he frequently calls me at home; I have a direct line from the White House switchboard. I think he hears my views on most important questions, and I think he values my judgment."

On the face of it, there is something curious about the esteem in which Richard Nixon holds the word of John Mitchell. Nixon, after all, went through 20 years in politics—during which he came to know every major figure in American public life—before he even met Mitchell. As campaigner he had his pick of Republicans, and as President he can persuade virtually any American to come to his assistance. Yet he has chosen as his chief counselor Mitchell, who, until a year ago, had no experience in partisan politics, no recognized expertise in foreign affairs, a limited exposure to national economic problems and, what's more, not a shred of apparent interest in public questions. As a Wall Street lawyer, Mitchell was not even a member of the bar association in New York City. He belonged to none of the important clubs. He was not well enough known to be included in "Who's Who." From all appearances, John Newton Mitchell was an insignificant man.

But appearances, of course, can mislead. Mitchell, born in Detroit in 1913, was raised by moderately wealthy, middle-class parents in suburban Long Island. He attended public schools in Blue Point and Patchogue and was graduated from Jamaica High in 1931, when the Depression was at its worst. Harvard was a possibility, he says, but "I wanted to be a lawyer and I was persuaded by a friend of my father's that it was more practical to go to law school in New York—easier to get a clerkship and pass the bar, greater exposure to professors who practiced New York law, easier to establish associations that would be useful later." Though a Protestant, he enrolled in Catholic Fordham, largely because it had an accelerated law program. After two years as an undergraduate he went directly into the law school, choosing the night over the day sessions because, he says, "I could work during the day and use my time better that way." His classmates remember him as a serious young man—but all young men were serious in those difficult days. He was independent-minded, nonpolitical and very intelligent, but not the No. 1 man in the class. He liked to have an occasional beer with his classmates, though they recall no particularly close friendship he made. In 1938, Mitchell received his law degree and shortly afterward was admitted to the New York bar.

The pattern of Mitchell's career was set in his second year at law school, when he obtained a clerk's job at the firm of Caldwell & Raymond on Wall Street. Old "Judge" James H. Caldwell had established a specialty as a bonding attorney, dating back to the railroad issues of the last century. Shortly after Mitchell graduated and became a junior member of the firm, Caldwell asked him to look into Syracuse's proposal to issue bonds for a public housing project, which the Judge designated a "dam fool New Deal idea." Mitchell did his research so well that he was called upon for opinions on an increasing number of similar proposals made by other municipalities. "Soon I began getting a percentage of the fees on this specialty." Mitchell said, "and was making more money than the partners. So just before I went into the service, they made me a partner." Before he was 30, Mitchell's name was added to the title of Judge Caldwell's firm. After three years in the Navy—during which he was commander of the PT squadron in which Lieut. John F. Kennedy served—he returned to the firm and to municipal bonding. Since those days, the profession has grown twentyfold or more, and with it grew not only the demands on Mitchell's legal services but also his prosperity.

Technical though municipal-bond law may be, it is a far less narrow specialty than it may appear at first glance. It required Mitchell to travel widely to meet with politicians who needed his advance to borrow for public purposes. It exposed him to the constitutional peculiarities of almost all the states, as well as to the political problems of his clients. It gave him a familiarity with the ways of city councils and state assemblies, and he learned to find his way through the thickets of bureaucracy. He acquired a facility for sorting out the complexities in dealings between Federal, state and local governments. And he came to know the major figures in the bond market, in financial underwriting and in investment banking. In short, he was a catalyst between major political and financial forces and, if he had no statutory power of his own, his advice was so highly regarded that he became a man of considerable personal authority.

Jerris Leonard, who directed Wisconsin's borrowing agency before becoming Assistant Attorney General for civil rights, calls Mitchell the architect of his state's borrowing program. In the nineteen-fifties, he says, Mitchell drafted the legislation setting up a semiautonomous agency through which the state government could evade its constitutional debt limitation. Later, he said, Mitchell drew up a constitutional amendment which abolished that limitation entirely and put the state on a full-faith-and-credit basis. "Coming from the Midwest, we were awed by New York and Wall Street, where we had to go for our money," says Leonard, "but we had confidence in Mitchell. He analyzed the alternatives carefully and when he gave us his judgment, we accepted it. We borrowed $100-million a year under the program he set up for us—and, of course, he received a percentage of all of that as his fee."

Mitchell's former law partners credit him with devising the scheme called "lease-financing," under which a municipality whose borrowing powers are restricted sets up a quasi-public corporation to build facilities, then lease them back for public use. They also credit him with being the financial wizard behind such New York undertakings as Co-op City, the huge apartment complex in the northeast Bronx; the Transit Authority's purchase of new air-conditioned subway cars, and the establishment of the Educational Construction Fund to reduce the cost of new schools by making them part of apartment buildings.

Mitchell's old associates also maintain that they recall no instance in which he discussed his political convictions. "I could never discern any political leaning from a conversation I had with Mitchell, and I had a thousand of them," says a former partner. "In talking about various bond problems, he never showed a preference for a conservative or a liberal position, for left, right or center." Since Mitchell had to deal with politicians of every kind, it was surely good business for him to reveal no ideological preferences. But his neutrality seemed to go deeper than that. Even John Mitchell II, now 27 and a Wall Street lawyer himself, cannot remember his father's ever having expressed strong political beliefs at home. Says the ex-partner, "I think his bond with Nixon was personal, not political. He seemed to look at Nixon as a client for whom he was compelled to do his best professional work."

Richard Nixon first encountered Mitchell a year or two after migrating to New York from California, where he had been defeated for the governorship. Nixon became the senior partner in the hoary firm known "on the street" as Mudge, Stern (later Nixon, Mudge). Mitchell was the key man in the more specialized firm of Caldwell, Trimble & Mitchell. Their first meetings were as cooperating attorneys, Nixon normally representing the underwriters of bonds, Mitchell the issuers. The two found each other congenial and each respected the other's legal abilities. On a number of occasions, they journeyed to Washington for joint appearances before one Federal regulatory agency or another. Largely out of the relationship between Nixon and Mitchell grew the idea for a merger of the two firms.

In the merger, Nixon, Mudge obtained a group of highly specialized, well-regarded collaboraters who brought with them clients of great potential, while Mitchell got the good name of a rather respected general law firm with the multitude of services it could provide. The partnership took the title of Nixon, Mudge, Rose, Guthrie, Alexander & Mitchell, and on Jan. 1, 1967, John Mitchell moved over to his new office, adjacent to Richard Nixon's, at 20 Broad Street. For all practical purposes, the leadership of the firm had passed into the hands of Nixon and Mitchell.

After the merger, relations between the two men ripened. They met almost daily for business discussions, usually lunched together and frequently shared accommodations on their trips. They played golf together, though Mitchell is of tournament caliber and Nixon just a duffer; they were both avid readers of the sports pages. The Mitchells visited the Nixons at their Fifth Avenue apartment, and the Nixons drove out to see the Mitchells in their roomy frame house in Westchester County. When Nixon began thinking again of running for President, it was natural enough that he should turn for advice to his partner and friend, whatever Mitchell's inexperience in the Presidential stakes.

Mitchell undertook his first real assignment for Nixon by going out to Wisconsin to organize the state. Waiting for him out there was Jerris Leonard, who was planning to run for the Senate, as well as a host of other Republicans he knew. Mitchell was untroubled by the shift from detached professional to committed partisan. "I went out there as a friend, to put together a Nixon team for the national convention," he says. "I knew how to deal with politicians. I had a lot of personal relationships I could count on. I never had a client in my life I didn't call by his first name." Mitchell rounded up his contacts in Wisconsin, put together his organization and left. He repeated the process in about a dozen states, all of which were nailed down—and stayed nailed down—for Nixon by convention time in August.

Meanwhile, Nixon was having trouble with the over-all direction of his campaign for the nomination. For various reasons, three chairmen—Gaylord Parkinson of California, Henry Bellmon of Oklahoma and Robert Ellsworth of Kansas—withdrew in quick succession. All the time, Mitchell was there at Nixon's side in New York, clearly not jockeying for position but ready to take on whatever tasks had to be done. Without fanfare, Mitchell seemed to handle any assignment that came his way confidently and skillfully; almost by default, power seemed to flow to him. Gradually, Mitchell was conceded the actual supervision of the campaign, though he was not announced as manager until mid-May. After the smooth success of the Miami operation, Nixon simply kept Mitchell on as manager for the election campaign itself.

But, despite his authority, it is surely not true that Mitchell—as has often been alleged—devised the so-called "Southern strategy" of the Nixon campaign. The strategy was established more by consensus than by any one man's genius. Nixon and his advisers, from top to bottom, analyzed the elements in the race and agreed that victory would lie in a coalition of Southern and Western states. Mitchell's chief contribution, after the polls promised that the strategy would succeed, was to stand firm against any departure, however great the momentary temptation. As one top Nixon aide put it, "Our formula was to hug the ball, fall down and watch the clock." Mitchell was the flawless administrator, not the originator of ideas, in Nixon's victorious campaign.

If Mitchell contributed anything fresh at all, it was the professionalization of the campaign organization. In most campaigns, whether Democratic or Republican, it is considered essential that every major faction of the party have a hand in running the show. As a result, most campaigns wind up overstaffed, with the personnel often distracted by unproductive, sectarian debate. Mitchell, however, declined to pay tribute to factionalism and kept the staff lean and on its toes. Some of Nelson Rockefeller's supporters recall that Mitchell received them one day, listened to their complaints and summarily dismissed them, as if to say, one of them reported, "Boys, we're going to run this election without your help, thanks." Once converted to "the plan," Mitchell became its chief partisan, and what didn't contribute to advancing it didn't interest him at all.

Of course, some Republicans who had never heard of Mitchell did not share the Presidential candidate's confidence in his man. One day, a group of Republican Congressmen invited Mitchell to meet with them on Capitol Hill. As the story has passed into Washington lore, Congressman Clark MacGregor of Minnesota asked Mitchell what qualifications he had to run the campaign. "I'm the only man who can say 'no' to Richard Nixon," was the reply. Mitchell himself tells the story a bit more elaborately. He says he told MacGregor, "I've made more money in the practice of law than Nixon, brought more clients into the firm, can hold my own in argument with him and, as far as I'm concerned, I can deal with him as an equal." Whether or not the answer satisfied the Congressmen, the smooth operation of the Nixon campaign tended to still any criticism of Mitchell's appointment.

One of the insiders at the Nixon headquarters notes that Mitchell's lack of ideology had disadvantages, as well as advantages, in the course of the race. He said Mitchell seemed to think he could buy almost anything—including New York State—and relied too heavily on money. He hired a former network executive as a press aide on the ground that he would know how to intimidate the television correspondents. "I never heard Mitchell say, 'this is right' or 'this is wrong,'" said the former campaigner. "Expressions like that are not part of his vocabulary. What he says is 'it works' or 'it's feasible.'" Whatever guidance Mitchell offered on the issues of the campaign, said the ex-insider, depended on what the polls showed.

"Anyone who's honest," says Mitchell himself, "will admit you never know what you did right or wrong in a campaign. But this one was relatively easy. The factors were clear. We just set a course and stuck by it. And when you win, why then you look good."

Over and over again, during the course of the campaign, Mitchell was asked whether he would accept a high Federal appointment if Nixon were elected. He was invariably emphatic in his answer. The Daily Bond Buyer, the organ of his legal specialty, recorded the following interview shortly after the Miami convention:

Q. "When do you intend to return to your law practice?"

A. "Nov. 6, the day after the election."

Q. "Do you mean to say, sir, that you are totally invulnerable to a bit of Presidential arm-twisting, that you wouldn't be tempted by a strong request to become Attorney General or Secretary of the Navy?"

A. "Absolutely not. I am invulnerable. I will never accept a Cabinet post. You know all of our banker friends say I'll accept some plum, and I offer all of them 10 to 1 that I won't. You could do them all a favor by reporting that I mean what I say."

Mitchell is not embarrassed by such early disclaimers. He says he agreed to become Attorney General only because President Nixon insisted on it: "I'd like to return to a quieter life of practicing law and playing golf. I hope they're keeping my seat warm for me at the firm, but I'll stay as long as the President wants me." Meanwhile, he says, he's trying to get the Justice Department "to work."

For Mitchell, getting the department "to work" means arriving at the office at 8 A.M. in a chauffeured limousine, one of the perquisites of Cabinet rank, from his comfortable apartment at the stylish Watergate, where he lives with his wife and 8-year-old daughter, both of whom are named Martha. (Mitchell has a son—the Wall Street lawyer—and a grown daughter by an earlier marriage, which ended in divorce in the nineteen-fifties.)

His day is carefully divided into half-hour segments, of which his subordinates rarely get more than one at a time. Normally, he sees visitors—from both inside and outside the department—from 9 A.M. to 6 P.M. His lunches each week average three at his desk, one with the staff and one on Capitol Hill or at the White House. He usually leaves for home about 7, sometimes a little later.

Mitchell takes personal responsibility for all his speeches. Normally, he outlines them himself in longhand in considerable detail, then turns them over to various divisions of the department for elaboration and checking. Occasionally, he asks Jack Landau, his director of public information, to prepare a first draft. "Make it a big speech," he told Landau, a liberal former newspaperman, when preparations began for his castigation of student radicals last May. When a speech is finished, Mitchell goes over every word of it, "down to the last decimal," Landau says.

The Attorney General is obviously much more comfortable with his job now than he was at first, when word kept filtering out of the department that he was cold, distant and irascible. He is essentially a good-humored man who prefers easy relations to hard discipline, though one would never call him casual in his dealings with people. In company, he is never without his pipe, which he lights and relights. His long-time associates insist it is a device he uses to keep calm, but he maintains that he is not particularly nervous, and if his hands tend to tremble it is the result of a shrapnel wound suffered during the war. Even during the toughest moments of the campaign, Mitchell apparently never lost his self-possession or his temper. As Attorney General, he still does not trust himself to deliver impromptu speeches, but he has developed considerable skill at give-and-take with the press, and even some non-Mitchell men in the Justice Department confess to having acquired a certain fondness for him.

Mitchell himself displays a quiet, ironic humor about his role at Justice. "I get here in the morning," he says, "they wind me up, hand me a schedule and off I go." He obviously is not enthusiastic about the social side of his work, and only reluctantly attends even a minimum of parties at embassies, the White House and the homes of prominent figures in Government or journalism. "I've got long hours and almost no weekends," he says. "I generally get home in time to put on my black tie or an old shirt. Then I start with a Scotch on the rocks and, after dinner, move on to the paper work."

Dealing with the Fortas episode, Mitchell says, was his most painful assignment as Attorney General. As he saw it, the case involved a potential constitutional crisis as well as a confrontation between political parties and top personalities. Mitchell wanted to handle the matter as discreetly as possible, in a manner befitting colleagues in the legal profession. He chose to pay a quiet call on the Chief Justice to pass along all the information he had on the case. To this day, the Justice Department refuses to disclose what Mitchell told Chief Justice Earl Warren, but a few days after the meeting Justice Abe Fortas resigned from the Supreme Court. After news of his visit to Warren became public, Mitchell was shocked at the criticism leveled at him for somehow abusing the prerogatives of his office.

But the Attorney General's labor is only one ingredient in getting the Justice Department "to work," and there are some who argue that if John Mitchell were sincere he would not have picked a group of frustrated politicians as his principal assistants. Robert Kennedy, these critics say, established the precedent of hiring the best lawyers available to head the divisions of the department. Among Mitchell's appointments, Richard G. Kleindienst, the Deputy Attorney General, was defeated for Governor of Arizona in 1964. Jerris Leonard, head of the civil-rights division, was beaten for the Senate last year, as was William D. Ruckelshaus, head of the civil division. Will R. Wilson, head of the criminal division, ran for the Senate against John Tower in Texas in 1961, before changing over to the Republican party. The critics suggest that such appointees create the impression, justified or not, that the department functions with an eye on politics. Such an impression, they argue, drives away the best lawyers. They add that personnel is more important than policy in making sure that the department "works."

John Mitchell becomes impatient at the implication that his assistants are political appointees. "There were no political considerations in the choice of any of these people," he says. "Dick Kleindienst worked with me throughout the campaign, and he was made for the job. I've known Jerry Leonard for 10 years, and he's extremely capable. Ruckelshaus couldn't be more qualified. Wilson was the Attorney General and a Supreme Court judge in Texas. They are all my personal selections, and I had a specific reason for picking each one. They all had a certain expertise and I fitted them into the slots where I thought they would go best."

Mitchell has also been said to lack feeling for the current black revolution and to owe political obligations to the South, chiefly in the person of Senator Strom Thurmond of South Carolina, who delivered the bulk of the South's delegates to Richard Nixon at the Republican convention. Mitchell denies both allegations. He cites the reputation he acquired as a bond lawyer in the field of public housing as proof of his liberal credentials. As for a debt to the South, he says, "If the President has an obligation to Thurmond, I don't know of it and I never heard him talk of it. And I've got no political debt to anyone."

Jerris Leonard, who once told a visitor that he spends much of his time dodging arrows fired at him by Senator Thurmond, is a little more illuminating on the attitude the Justice Department brings to the problem of civil rights. "Both John Mitchell and I," he says, "are pragmatic, 1969 conservatives. We face up to the facts of life as they are. We know civil rights are something that the times require." If John Mitchell still uses the word "colored" in his conversation, he nonetheless recognizes the need to press desegregation suits in the courts. If he tried to render homage to the South—whatever the assertions about Senator Thurmond—by modifying one provision of the voting-rights act, he acknowledged that he would have to compensate for it by strengthening another.

"He knows the job has to be done," says Leonard. "He's interested in what works—and I agree that's different from a philosophical commitment to the civil-rights movement. We don't get involved in the emotion of it all, but we understand how important it is to get results."

Clearly, however, the results in which Mitchell is most interested lie not in the area of civil rights, but in the area of law and order, for it is here that President Nixon has made his greatest political investment. It is in this area that Mitchell must succeed if the President is to make good on his campaign promises. It is to strengthen the department here that Mitchell has become a partisan of wire taps, preventive detention, the prosecution of peace demonstrators and the "surveillance" of Black Panthers. It is in this area, more than any other, that Mitchell wants the department "to work," and it is law and order with which the department is largely preoccupied.

Even when one talks to Richard McLaren, the Assistant Attorney General for antitrust work, the discussion gradually shifts from the subject of conglomerate mergers, on which he's been rather aggressive, to the use of the antitrust laws for fighting organized crime to which he is giving increased attention. "The very basis of organized crime," he says, "is anticompetitive practices, the allocation of territories, unfair concentration. My predecessors began this work, but we're expanding it to see if we can't find criminal violations in these predatory practices."

"The former Attorney General, whom I like and admire," says Deputy Attorney General Kleindienst, once a strong Goldwater supporter, "was not willing to make use of adequate enforcement personnel from the beginning in the case of civil disturbances, for fear of appearing repressive. As a result the disorders escalated and got out of hand. This Administration is prepared and willing and ready to act immediately. As soon as we're notified of danger, we'll have the National Guard in the armory and the Army on two, four or six-hour alert. . . .

"Our interest is in better-trained, more sensitive police officers. We'd like to encourage the recruitment of more black policemen. But I don't conceive it to be a function of the Department of Justice to be a policeman of policemen. . . .

"We're going to enforce the law against draft-evaders, against radical students, against deserters, against civil disorders, against organized crime, and against street crime. We have several draft-evader cases in the process of being filed. If we find that any of these radical, revolutionary, anarchistic kids violate the law, we'll prosecute. In the last Administration, the Democrats' political debt to Negroes was so great that they were deprived of the capacity to act forcefully. We can't let any segment of society have the privilege of conducting itself lawlessly or the entire fabric of society breaks down."

"I obtained this job," says Will Wilson, Assistant Attorney General for the criminal division, "after I told Senator Tower that I was interested in rackets and organized crime. As a D.A., I was known as an aggressive prosecutor. I don't believe in permissive law enforcement. Tower suggested me to Nixon and Nixon to Mitchell."

Shortly after he was appointed, Wilson instructed Nathaniel E. Kossack, his first assistant, to rout out the "left-wingers" in the department. Kossack, a respected career official who first served under Attorney General William Rogers, promptly announced his resignation. Mitchell got him a post of equivalent rank in another Federal department.

Wilson also proposed reopening the department's case to ban the movie "I Am Curious (Yellow)," but Mitchell overruled him on the ground that the courts would never sustain the action.

"Nixon's interest in crime will make it a public issue," says Wilson. "It will make it an issue at the local level, through the police chiefs and the men on the beat. We're getting substantial increases next year for the F.B.I. and other anticrime personnel. We're getting improved civil-service ratings, which will improve hiring and morale.

"We're also mounting two new strike forces, one in Boston and one in New York. Ramsey Clark had the first conception of the strike force, to put prosecutorial and investigative people on a single team. It's a headhunting team, and it's worked well against organized crime. We're expanding the concept to include financial analysis of local police.

"Looking for statistics is premature, but there's surely been an upsurge in enthusiams for fighting crime. I'm sure we're getting results.

Clark's trouble was that he was philosophically concerned with the rights of the individual. Our concern is more an orderly society through law enforcement. Clark put too many restraints on the law-enforcement agencies. He was like a football coach warning his players not to violate the rules, when he should have been telling them to go in there and win. I'm not opposed to civil liberties, but I think they come from good law enforcement."

Some people, of course, think that good law enforcement comes from attention to civil liberties. One of them, Lawrence Speiser, the Washington representative of the American Civil Liberties Union, says it is customary for an A.C.L.U. delegation to pay a courtesy call on a new Attorney General. It took six months, through letters and phone calls, Speiser says, to arrange a meeting with Mitchell. But the Attorney General does not seem concerned about any charges the A.C.L.U. or his other critics may level at him. He says:

"I've got a tough enough hide. I love the fact that all the liberals are jumping over me now for wire-tapping, when it was all done by our liberal friends Kennedy, Katzenbach and Ramsey Clark. But I don't much care what the press or anyone else says about me. I didn't ask for this job. I've got no political ambitions, so it doesn't matter. I've never had time to sit around drinking whiskey and discussing philosophy. I just try to get things done."

THE CONVENTION ON POLITICAL RIGHTS OF WOMEN EXCLUDES COMPULSORY MILITARY SERVICE FOR WOMEN

Mr. PROXMIRE. Mr. President, for the last several weeks, the Senate has been considering a vitally important item—the military procurement authorization. For the last 9 months, I have been urging the Senate to consider what I believe to be another important issue—ratification of the Human Rights Conventions. I continue to call your attention to the Convention on the Political Rights of Women.

Article 3 of the Convention states:

> Women shall be entitled to hold public office and to exercise all public functions, established by national law, on equal terms with men, without any discrimination.

Questions have arisen over the meaning of the terms "public office" and "public functions" used in this article. Former Secretary of State Dean Rusk, in his letter submitting the Convention to President Kennedy, explained:

> The phrases "public office" and "public functions" in article 3 have been interpreted to include a wide variety of appointive as well as elective offices. However, during the discussions in the General Assembly and in the Third Committee there was general agreement that the provisions of article 3 do not apply to military service.

In voting approval of the Convention, Eleanor Roosevelt, who represented the United States on the Human Rights Committee, stipulated that the U.S. Government understood that the term "public office" did no include military service and that the terms "public office" and "public functions" were coterminous. This understanding has been generally accepted by the committee during the development of the Convention.

It is clear that we can ratify this Convention with the explicit understanding that women need not be compelled to serve in the Armed Forces. Without weakening the Convention, we can state our interpretation of the treaty before adding our name to the growing list of signatories. In any event, there is no reason why this should pose an obstacle to our ratification of the Convention on Political Rights of Women.

I urge the Senate to ratify this Convention without further delay.

THE ABM

Mr. HART. Mr. President, last Tuesday, the day before this body voted on several amendments concerning the anti-ballistic-missile system, the distinguished Senator from Alaska (Mr. GRAVEL) delivered his maiden speech. He chose as his topic an analysis of the ABM question. The following day, the New York Times published an editorial on the ABM and in so doing quoted Senator GRAVEL's address. I would like, at this time, to introduce that editorial into the RECORD as a tribute to the success and influence of my colleague's maiden speech. That his thoughtful, strong counsel will be in the service of the Senate in the years ahead is reason for all of us to thank the electorate of Alaska.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 6, 1969]

DELUSIVE SAFEGUARD

The central issue that confronts the Senate when it votes today on the Safeguard antiballistic missile system (ABM) is the necessity for halting an expensive and dangerous new round in the nuclear missile race with the Soviet Union.

Much more is at stake than the specific Administration measure on the floor, which involves ABM deployment initially at two sites to protect Minuteman silos. The possibility of stopping the twelve-site, second-phase city defense system will be much diminished if the first-phase system is approved now. A race with the Soviet Union to develop new offensive missiles and thus overwhelm the new defenses will be the almost inevitable consequence.

By contrast, a Senate vote to postpone Phase I Safeguard deployment would have enormous psychological impact. It would increase the chances of heading off any further American escalation of the offensive or defensive missile race until the strategic arms limitation talks (SALT) reveal whether Moscow is prepared to freeze the nuclear balance at the present level.

The chief argument of the pro-ABM forces in the Senate is that a vote for Safeguard deployment would strengthen the Administration's hand in the SALT talks. The White House has indicated that it might be willing to forego ABM protection of Minuteman sites if the Soviet Union halted further deployment of its offensive SS–9 intercontinental ballistic missiles, a possible threat to Minuteman.

But the White House fact sheet on Safeguard states that "those parts of the Safeguard program designed for defense against China (the twelve-site, city defense Phase II system) . . . would not be affected by arms control agreements with the Soviet Union, nor do we expect the Soviet Union to forego deployments designed for similar purposes." Phase II deployment of almost 1,000 antimissile missiles would give the United States a system more than ten times the size of the Moscow system which the Soviet Union until recently was deploying.

Senator Mike Gravel of Alaska posed the right question in this regard yesterday when he asked: "What will happen when the Soviet Union insists in the arms discussions on the right to build a missile defense equally large? His answer, which exposed the crucial issue at stake, was:

"Then we shall surely insist on maintaining our MIRV multiple warheads (for offensive missiles) to be able to penetrate that defense. Then they will insist on maintaining their MIRV warheads to match us. Then we shall fear that their MIRV warheads can destroy Minuteman. Then this debate will continue. And on and on and on. Each new weapons system triggers development and deployment of another . . . We don't want to be constantly responding to the responses we've ourselves induced."

There are other valid arguments against Safeguard deployment. The vast sums that would go into a futile new arms race are desperately needed to solve urgent domestic problems. There are serious doubts about the effectiveness of the system and a real possibility of catastrophic failure should it ever have to be used. All five of the Science Advisers to Presidents Eisenhower, Kennedy and Johnson have criticized the plan.

Moreover, the Administration has failed to make a case for the urgency of the Safeguard decision. If any of the other options for Minuteman defense were selected—superhardening of silos, more Minuteman, more Polaris submarines, more bombers—there would be no need for a decision for another year or two.

If the Senate votes "no" today, it will not be foreclosing the possibility of defending Minuteman by later action. But if it votes "yes," it may well doom the nation to another huge escalation of costs and forces in an extension of the suicidal arms race.

THE ST. LAWRENCE SEAWAY: MILITARY CARGO TEST PROGRAM IS JUST A FIRST STEP

Mr. PROXMIRE. Mr. President, several months ago, the Department of Defense instituted a test program for shipping military cargo. The program is designed to show—and is showing—that it is most favorable to ship military cargo which is manufactured in the Midwest via the Great Lakes and the St. Lawrence Seaway, rather than hauling the cargo overland by rail to the east coast before loading it aboard oceangoing vessels.

This program represents a very significant step in the right direction. But as Senators have pointed out, it is just a beginning. The Senator from Michigan (Mr. Griffin), has been in the forefront of the long struggle to see that the Great Lakes-Seaway waterway system gets the full share of cargo which it rightly deserves. Senator Griffin has recently written a letter to Defense Secretary Laird suggesting various ways of redressing this imbalance in cargo shipments—among them, possible modification of the Nation's cargo preference laws.

The Senator from Michigan deserves a world of credit for his vigorous and forthright efforts to further the economic growth of America's heartland. I ask unanimous consent that the July 30, 1969 letter from Senator Griffin to Secretary Laird be printed in the Record, so that Senators will have an opportunity to consider the worthwhile suggestions contained in the letter.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., July 30, 1969.

Hon. Melvin R. Laird,
Secretary of Defense,
Washington, D.C.

Dear Mr. Secretary: Recent press reports have come to my attention indicating that the Senior Senator from Maryland and several others from tidewater States on the Atlantic seaboard have written to you urging the discontinuance of the current American-flag shipping service provided some Great Lakes ports by the Military Sea Transportation Service. Such reports have disturbed me greatly and I wish to convey to you my personal and most vigorous opposition to any proposed discontinuance of such service at this time.

As you well know from personal experience, it is important to the economic development of the area that adequate Great Lakes-St. Lawrence Seaway transportation be available at reasonable cost. Yet this is being effectively thwarted by a host of discriminatory transportation rates and practices applicable to both inland and water carriage.

The Special Subcommittee on the Study of Transportation on the Great Lakes-St. Lawrence Seaway of our Senate Committee on Commerce, in a report dated September 13, 1965, reported:

"There should be a program to utilize American ships for seaway trade.

"A transportation axiom, 'Ships will go where the cargo is,' appears to be untrue on the seaway. After 6 years of operation and a history of increasing cargo each year, the seaway has proven itself as a rich and stable source of traffic and trade. However, there is an obvious scarcity of American ships at Great Lakes ports. It must be recognized that the development of inland cargo is not the only answer to the development of American shipping on the Great Lakes. Artificial barriers must be removed. Foremost among these are necessary changes in the administration of the cargo preference laws. The Great Lakes ports should not be combined with the North Atlantic coast ports to determine availability of American bottoms for Government and foreign aid shipments. This is not logical in terms of geography or economy. It has encouraged the shipowners to rely on the railroads to grant section 22 rates for transportation of cargo to North Atlantic ports, which in turn enables the shipowners to obtain their cargoes at the coastal ports rather than at the Great Lakes ports.

"When traffic has become sufficiently developed, a separate essential trade route should be established to provide direct service between Great Lakes ports and ports in specific overseas foreign areas."

Pursuant to Section 211 of the Merchant Marine Act of 1936, as amended, (46 U.S.C. 1121) the last paragraph of the above quoted recommendation has been implemented. The Maritime Administration has determined that direct service between Great Lakes ports and specific overseas foreign areas is essential for the promotion, development, expansion and maintenance of the foreign commerce of the United States and to the national defense.

As a matter of fact, in 1960 the former Federal Maritime Board observed that "Section 211 of the Act clearly indicates that the Act contemplates contracts covering American-flag service on routes and lines which may not be profitable." (Grace Line Inc.—Contract Modification Route 33, FMB Docket No. S-113; decided, July 14, 1960.) Subsequently, the successor organization, the Maritime Subsidy Board, noted the following:

"The past U.S.-flag service, which has carried only military cargoes, has not afforded the opportunity to develop commercial caryings that are potentially available. The establishment of a regular service should generate additional cargo, which will be enhanced by recently improving terminal and loading facilities of the Great Lakes ports." (American Export Lines, Inc.—U.S. Great Lakes/Mediterranean Freight Service, MSB Docket No. S–135; decided, October 16, 1963).

Unfortunately, notwithstanding these findings, what little subsidized American-flag shipping service which has been provided to the Great Lakes has been allowed to be withdrawn.

Under the present statutory scheme applicable to government-generated cargoes, the only effective relief presently available to Great Lakes ports is that now provided for by the Military Sea Transportation Service. This was pointed out quite succinctly by the Comptroller General of the United States in a letter to your office dated December 23, 1968 (Comp. Gen. B–165421) which noted in part the following:

"In view of the foregoing considerations, we are obliged to conclude that the present policy change proposal, which would result in the transfer of military shipments from American ships at tidewater ports to foreign ships at Great Lakes ports, would be illegal. There are some alternative changes, however, which might permit the use of Great Lakes ports and not result in violations of the 1904 act because foreign ships would not be used.

"If military supplies are being purchased in any great volume from plants located in the Great Lakes basin, *it might be advantageous, from a cost standpoint,* to arrange for the carrriage of such supplies from Great Lakes ports in vessels controlled by or owned by the Military Sea Transportation Service (MSTS). The use of such vessels would not seem to deprive privately owned American ships of cargo because, in effect, the MSTS vessels would be merely diverted from present cargo carrying operations to future operations, as needed, from Great Lakes ports." (emphasis added)

While it is a helpful step, needless to say, the limited relief now afforded falls far short. I would urge you to use your good offices to amend or repeal the present cargo preference laws so as to permit adequate shipping services to the Great Lakes region and facilitate its potential economic growth. Such laws have proven to be unduly burdensome upon the development of Great Lakes ports of the several States.

When speaking on the occasion of the 10th Anniversary of the St. Lawrence Seaway on June 27th, President Nixon observed:

This Seaway, *which opened the heartland of Canada and the heartland of America,* this Seaway which was conceived by men who dreamed of great things and was put into being by men who were able to produce them, the practical engineers, . . . is an indication of what can happen when nations can work together, when they can be at peace with each other."

It would be unfortunate indeed if that "opening" should, in effect, be closed and those "dreams" should be thwarted by discriminatory interests.

With best wishes and warm personal regards, I am

Sincerely,

Robert P. Griffin,
U.S. Senator.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS ENDORSES S. 15

Mr. PEARSON. Mr. President, the National Federation of Independent Business recently polled its 267,643 members to ask if they would favor or oppose the enactment of the Rural Job Development Act of 1969—S. 15—which the distinguished Senator from Oklahoma (Mr. HARRIS) and I introduced on January 15. The federation has just notified me that the poll showed 65 percent in favor of S. 15, 29 percent opposed, and 6 percent undecided.

These results are, of course, very gratifying to me personally and I was particularly pleased to see that 76 percent of the independent businessmen in Kansas are in favor of this bill. But beyond this, I think these results are of major significance for they show that a very substantial majority of our independent businessmen recognize the necessity of expanding economic opportunities in our smaller towns and cities and believe that tax incentives would be an effective means of attracting new job-creating industries into these smaller communities. Indeed, I would suggest that a majority of all Americans agree with this view.

The Rural Job Development Act has been endorsed by a large number of groups and individuals and I consider the endorsement by the National Federation of Independent Business to be one of the most important and valuable. I ask unanimous consent that the federation's press release announcing the result of their poll on S. 15 be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

THE BRIEF FACTS

Overcrowding of the nation's cities has compounded many serious problems, while the basic problem of rural small-town America—lack of economic growth and job opportunity—continues to drive more people into metropolitan areas. The proposed Rural Job Development Act, S. 15, by Senators James Pearson of Kansas and Fred Harris of Oklahoma, is designed to stimulate the rural economy. It would provide four tax incentives for businessmen to locate new enterprises in areas designated by the Secretary of Agriculture. The bill is favored by 65 percent of the independent businessmen and opposed by 29 percent, with 6 percent undecided, the National Federation of Independent Business finds.

"Promises, promises!" This refrain is not only being popularized on Broadway, but expresses the mood of many businessmen looking to Washington for the politicians to make good on last year's pledges.

While the Administration has been pushing for repeal of the 7-percent investment credit, the nation's independent business owners want to remind the Administration that the 1968 Republican Platform endorsed this same tax incentive principle as a means of spurring economic development of rural areas.

As an anti-inflation move, President Nixon has sought repeal of the existing investment tax credit, which has helped large and small businesses modernize. This permits businesses to subtract from their Federal income tax bill 7-percent of the cost of new machinery and equipment.

Not only is repeal unpopular in a tight-money period, but a majority of the independent businessmen want the tax credit principle enlarged to stimulate the economy of "small-town America", says the National Federation of Independent Business.

A Federation poll shows 65 percent of the business owners favor passage of the Rural Job Development Act, proposed by Senator James Pearson of Kansas and Senator Fred Harris of Oklahoma. When introduced, 35 Senators signed as cosponsors. It embodies the principle of legislation first proposed four years ago by Representative Joe L. Evins of Tennessee.

For new businesses established in designated rural areas providing at least 10 new jobs, the bill would give a 14-percent tax credit on machinery and equipment purchases, a 7-percent credit on land and building investment, accelerated depreciation of improvements and a tax incentive for on-the-job training of workers recruited from the immediate area.

The areas would be designated by the Secretary of Agriculture on the basis of employment decline, low incomes or the closing of Defense Department installations.

Senators Harris and Pearson, and almost two-thirds of the independents, believe this incentive package would solve several related problems, principally the economic stagnation of many rural communities, and the continuing migration of job-seekers from these areas into congested cities, where many find only further despair and unemployment doles. The legislation may also contribute to relief of welfare, slum and other city problems.

Senator Pearson says incentives of this type are needed "to overcome some of the factors which otherwise discourage expansion into these areas", chiefly higher transportation costs and shortages of trained labor. He contends that tax policy can influence business investment toward constructive social and economic ends.

In its poll, the Federation found only 29 percent of the businessmen opposed to the Pearson-Harris bill, and 6 percent undecided. The Federation points out that substantial support was registered even though few independents could undertake new enterprises large enough to qualify for the benefits. However, many would indirectly benefit from corporate expansions into their communities.

Businessmen in (name of state) ---- responded with ---- percent supporting the bill, ---- percent opposed and "no vote" by ---- percent.

The Rural Job Development Act is more liberal in benefits than the original Evins bill, which has gained bi-partisan support in the House Small Business Committee. The Evins bill requires 20 new jobs to qualify and provides one 7-percent credit and rapid amortization of costs.

The new Senate proposal is more restrictive, however, as to where the benefits will be allowed. The bill provides that the Secretary of Agriculture would designate "rural job development areas"—counties in which employment has decreased at least 5 percent in the past five years, or 15 percent of the residents have "poverty" incomes of $3,000 a year or less. No county with a city of 50,000 population could be designated, as the bill is now written.

One businessman in Montana expressed the problem well: "I live in a slightly declining or perhaps level area with very little new activity. Although I am able to show a business growth, it is at the expense of my competitors. New business is not here. Right now we are unable to attract young men and new money into our community. Our tax base is declining each year, but inflation is constantly raising costs. Without immediate help, this community and many similar communities are going to be in serious trouble . . ."

Two-thirds of the independent business owners believe this tax-incentive measure could end the gross economic imbalance between metropolitan and rural areas which has concentrated some 90 percent of U.S. population onto little more than one (1) percent of the land.

State tabulations attached.

STATE BREAKDWON FIGURES—PROVIDE 7-PERCENT TAX CREDIT TO BUSINESS TO ENCOURAGE DEVELOPMENT OF RURAL AREAS

State	Percent in favor	Percent against	Percent undecided
Alabama	69	26	5
Alaska	64	32	4
Arizona	66	28	6
Arkansas	62	31	7
California	61	32	7
Colorado	65	29	6
Connecticut	57	34	9
Delaware	64	31	5
Florida	56	37	7
Georgia	72	23	5
Hawaii	57	43	....
Idaho	66	29	5
Illinois	61	32	7
Indiana	63	31	6
Iowa	65	29	6
Kansas	76	20	4
Kentucky	57	41	6
Louisiana	66	28	9
Maine	63	32	5
Maryland	59	34	7
Massachusetts	65	29	6
Michigan	61	33	2
Minnesota	69	25	6
Mississippi	73	23	4
Missouri	68	26	6
Montana	64	27	9
Nebraska	72	24	4
Nevada	61	31	8
New Hampshire	57	35	8
New Jersey	60	33	7
New Mexico	67	27	6
New York	62	31	7
North Carolina	60	34	6
North Dakota	72	21	7
Ohio	58	36	6
Oklahoma	71	23	6
Oregon	59	31	10
Pennsylvania	65	30	5
Rhode Island	64	33	3
South Carolina	67	26	7
South Dakota	75	21	4
Tennessee	69	25	6
Texas	67	28	5
Utah	60	32	8
Vermont	70	26	4
Virginia	65	28	7
Washington	63	30	7
Washington, D.C	50	42	8
West Virginia	61	33	6
Wisconsin	64	31	5
Wyoming	65	28	7

CHAIRMAN MARTIN REPORTS ON MONETARY POLICY

Mr. PROXMIRE. Mr. President, last year, in the 90th Congress, while I was chairman of the Joint Economic Committee, we persuaded the Board of Governors of the Federal Reserve System to initiate the practice of reporting quarterly to the committee concerning the System's execution of monetary policy and developments in money and credit markets during the immediately preceding quarter. The Honorable William McChesney Martin, Jr., Chairman of the Board of Governors, has just transmitted the Board's report for the second quarter of 1969 containing a most useful review of recent developments which I think will be of great value to Members of the Congress.

This report reveals that the total reserves of the banking system rose only 1.2 percent per year during the second quarter as Federal Reserve open market operations remained restrictive. With pressure maintained on bank reserve positions, total member bank deposits subject to reserve requirements continued to fall, experiencing an annual rate of decline of almost 2 percent during the second quarter.

The money stock increased during the second quarter at an annual rate of 4.5 percent compared to 2.7 percent in the first quarter and more than 6 percent during the second half of last year. I am pleased that the Federal Reserve Board has taken action to bring the growth in the money supply within the 2- to 6-percent guidelines of the Joint Economic Committee. I am sure that the third and fourth quarter increase in 1968 of more than 6 percent contributed to the inflation which we are now experiencing. I would hope that the increase in the supply of money from the first to the second quarter does not represent a trend. The recent constraints on the banks due to a slow increase in the money supply this year has led them to stiffen lending terms during the quarter, evidenced by the rise in the prime rate to 8½ percent in early June.

Bank loans expanded at a little less than the first quarter pace, and this, in turn, was below the second half of last year—in fact, banks were compelled to sell some loans outright in order to accommodate new loan demands.

Throughout this report are evidences of the growing impact of a restrictive monetary policy beginning to produce a slowing in the growth in the use of credit but with its sharpest impacts still ahead, particularly in the residential mortgage field. This is a most important financial review, and to make it generally available, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
Washington, D.C., August 11, 1969.
Hon. WRIGHT PATMAN,
Chairman, Joint Economic Committee,
Washington, D.C.

DEAR MR. CHAIRMAN: In accordance with the arrangements previously made with your committee, I am transmitting herewith a staff report on financial developments in the second quarter of 1969.

Sincerely yours,
WM. MCC. MARTIN, Jr.

FINANCIAL DEVELOPMENTS IN THE SECOND QUARTER OF 1969

[Illustrations not printed in RECORD]

The reserves of the banking system rose only slightly during the second quarter as Federal Reserve open market operations remained restrictive. Additional pressure was exerted on bank reserve positions through increases in reserve requirements and in the Federal Reserve discount rate. Total member bank deposits contracted, while the money stock increased at an annual rate of 4.5 per cent between March and June.

Under the circumstances, banks turned increasingly to nondeposit sources of funds. In particular, borrowing in the Euro-dollar market rose sharply, but banks also increased their borrowing at Federal Reserve discount windows and demands for Federal funds became more intense. Moreover, a growing number of banks turned to other means of obtaining funds—such as selling loans subject to repurchase agreements to nonbank sources and issuing commercial paper through holding companies or subsidiaries.

With the supply of bank credit quite limited, banks liquidated holdings of securities and sold loans outright. Loan expansion was slightly below the sharply reduced rate of the first quarter, and loan terms and conditions were tightened further. Inflows of funds to nonbank savings institutions also were reduced during the second quarter, and new mortgage commitment activity was curtailed as mortgage interest rates rose further. Market interest rates in general increased considerably further during the quarter.

The Board of Governors of the Federal Reserve System also proposed several amendments to its regulations designed to correct situations that had arisen with respect to borrowing in the Euro-dollar and Federal funds markets. On May 29 it proposed an amendment to Regulation D (reserves of member banks) designed to ensure that checks resulting from transfers involving foreign branches are not used to effect a reduction in required reserves. And on June 26 it proposed a 10 per cent reserve requirement on borrowing of U.S. banks from their foreign branches—to the extent that these borrowings exceed the daily-average amounts outstanding in the 4 weeks ending May 28, 1969—in order to moderate the flow of Euro-dollars between U.S. banks and their foreign branches, as well as between U.S. and foreign banks. The next day, the Board proposed that liabilities of member banks on certain so-called "Federal funds" transactions with customers other than banks be brought within the coverage of Regulations D (reserves of member banks) and Q (payment of interest on deposits).

BANKS RESERVES

Total reserves of member banks rose slightly, on balance, during the second quarter—at an annual rate of about 1 per cent—following a smaller increase, in the first quarter. But nonborrowed reserves—those provided through Federal Reserve open market operations—showed a marked contraction, as had also been the case in the first quarter. Moreover, reserve requirements on demand deposits in excess of $5 million were increased by one-half of a percentage point in April.

NET CHANGE IN RESERVES

[Percentage annual rates of change, seasonally adjusted]

	1968			1969	
	II	III	IV	I	II
Total reserves	1.0	10.4	8.6	0.1	1.2
Nonborrowed reserves	1.7	13.9	4.3	−2.9	−4.7

As nonborrowed reserves declined, member banks relied increasingly on borrowings from Federal Reserve banks as a supplemental source of funds, even though the discount rate was raised from 5½ to 6 per cent in early April. In May and June member bank borrowings at the discount window reached an average level of more than $1.3 billion, up markedly from $850 million in March and from $600 million in December of 1968. Indicative of the pressure on bank reserve positions, the Federal funds rate—the interest rate banks charge for overnight lending of reserve funds to other banks, and consequently the rate most immediately affected by reserve pressures—rose to around 9.20 per cent by early June, as compared with a high of about 6.85 per cent in March.

FLOWS OF DEPOSITS AND MONEY

With pressure maintained on bank reserve positions, total member bank deposits subject to reserve requirements—the bank credit proxy—continued to decline, falling at an annual rate of more than 2 per cent in the second quarter. In view of these losses of deposits, banks increased their utilization of other sources of funds. For example, banks with foreign branches borrowed heavily in the Euro-dollar market. More banks also began to tap other nondeposit sources of funds by issuing commercial paper through holding companies or subsidiaries, by making repurchase agreements against securities and loans, and by borrowing Euro-dollars directly or through brokers.

SELECTED DEPOSIT FLOWS

[Percentage annual rates of change, seasonally adjusted]

	1968			1969	
	II	III	IV	I	II
Money stock	8.7	4.5	7.6	2.7	4.5
Time and savings deposits at all commercial banks	3.2	17.9	15.7	−6.5	−3.6
Total member bank deposits[1]	1.2	13.1	12.2	−4.8	−2.2
Memo: Total member bank deposits plus Eurodollar borrowings[2]	3.5	14.0	11.7	−1.8	1.8

[1] Bank credit proxy.

[2] Bank credit proxy adjusted to include domestic bank liabilities to foreign branches.

Note: Net demand deposit data for the first half of 1969—which are reflected in the money supply and in total member bank deposits—have been revised on the basis of newly obtained figures that help eliminate a downward bias stemming from an increasing volume of "cash items" that were not associated with deposit transfers.

The decline in bank deposits during the second quarter resulted mainly from a further reduction in time and savings deposits; a small decline in U.S. Government demand deposits was nearly offset by an increase in private demand deposits. The contraction in time and savings deposits reflected for the most part continued heavy attrition in large certificates of deposit (CD's) as further increases in money market rates induced additional shifts from CD's to higher-yielding short-term market instruments. Outstanding CD's at large banks fell by an additional $3.5 billion during the second quarter. This brought the total decline to nearly $9 billion since early December 1968, when the current run-off began.

As in the first quarter, the attrition in CD's for the second quarter as a whole was concentrated at major money market banks, where depositors are typically more interest sensitive. Large banks in New York and Chicago—which held about 30 per cent of outstanding CD's at the end of March—accounted for 55 per cent of the decline in CD's during the second quarter. Toward the end of the quarter, however, banks outside New York and Chicago began to account for an increasing share of the attrition.

In view of these large losses of deposits, banks with foreign branches increased their borrowings in the Euro-dollar market. By the end of June, bank liabilities to foreign branches had risen to a level of around $13 billion, an increase of $3.3 billion over the level at the end of March. With this heavy demand, rates on Euro-dollars rose sharply further. Yields on 3-month maturities, for example, reached 12.5 per cent in mid-June as compared with a high of 8.6 per cent in March.

Consumer-type time and savings deposits also were affected by the further increases in market rates of interest. At large banks these deposits declined somewhat, on balance, during the second quarter, following substantially reduced growth during the preceding quarter. This reduction represented in part outflows of regular savings deposits, most of which took place in early April following quarterly interest crediting. And even though large banks continued to experience inflows of consumer-type time deposits—time certificates and open accounts—these inflows were markedly less than those in the first quarter. Country banks also sustained sizable savings deposits outflows—again mostly in April—although expansion in time deposits more than offset these declines; as a result there was moderate growth in total time and deposits at these banks over the quarter.

The continued constraint on bank reserve positions and the further increase in interest rates appear to have held the rate of growth in the money stock during the second quarter below that in the latter half of 1968. The money stock—as currently measured—rose at an annual rate of 4.5 per cent, compared with about 2.7 per cent in the first quarter and more than 6 per cent during the second half of 1968. These money stock figures for the first half of 1969 have been revised on the basis of certain preliminary, newly collected data. These data have helped eliminate a downward bias that had stemmed from an increasing volume of "cash items"—a deduction item in measuring the money stock—that was generated in part by overnight Euro-dollar transactions and to a great extent were not associated with deposit transfers.

BANKS' USE OF FUNDS

With lendable funds under constraint, banks continued to make substantial adjustments in their portfolios. Acquisitions of longer-term securities were brought virtually to a standstill, loans were sold, and holdings of shorter-term liquid assets were drawn down further. Consequently, the liquidity positions of banks, particularly large banks, fell to extremely low levels by midyear.

Banks reduced their holdings of U.S. Government securities by an additional $1.5 billion in the second quarter of 1969—reflecting largely the run-off of Treasury bills and short-term notes and bonds. This reduction was only about one-third of that in the first quarter, which suggests that bank holdings of U.S. Government securities were approaching minimum working levels. Holdings of other securities were also reduced, following a sharp cutback in bank acquisitions of these securities during the first quarter. The reduction totaled about $500 million for the second quarter and represented mainly the liquidation of both short- and long-term municipal issues.

The constraints on banks led them to stiffen lending terms further during the quarter, featured by a full percentage point rise in the prime rate to 8½ per cent in early June. Bank loans expanded at a little less than the first-quarter pace, which was well below that in the second half of 1968. Banks were forced to sell some existing loans outright in order to accommodate new loan demands.

Business loans, after having risen rapidly since the fall of 1968, grew at a somewhat reduced rate during the second quarter. Growth in real estate loans slowed markedly as bank lending capacity was constrained and as housing starts declined. Consumer loans continued to expand at about the reduced pace of the first quarter—reflecting the moderate growth of consumer credit generally. Outstanding loans in all other major loan categories remained relatively unchanged or increased only slightly.

NONBANK INTERMEDIARIES AND MORTGAGE MARKETS

Inflows of funds to nonbank intermediaries were sharply reduced in the second quarter. During the April reinvestment period savings and loan associations and mutual savings banks experienced outflows of deposits in response to larger tax payments and the pull of yields on market instruments; later in the quarter savings inflows were below average. However, these institutions acquired an increased volume of mortgages even though growth in savings flows slowed. In order to do this, savings and loan associations increased their borrowing from the Federal home loan banks, and mutual savings banks reduced their acquisitions of securities. Moreover, such acquisitions as they did make represented mainly takedowns of mortgage commitments made earlier. New-commitment activity slowed during the quarter, and the backlog of outstanding mortgage commitments, while still relatively high, began to decline.

NET CHANGE IN MORTGAGE DEBT OUTSTANDING

[In billions of dollars, seasonally adjusted]

	1968			1969	
	II	III	IV	I	II[1]
Total	6.5	6.4	7.8	7.6	6.8
Residential	4.5	4.4	5.4	5.3	4.8
Other[2]	2.0	2.0	2.4	2.3	2.0

[1] Estimated.

[2] Includes farm properties.

At life insurance companies, substantial increases in policy loans restrained the volume of funds available for other investments, including mortgages. When combined with the constraint on commercial bank lending activity, and the consequent seasonally adjusted reduction in mortgage acquisitions by banks, total net mortgage debt formation declined from the exceptionally high rate in the first quarter. But the drop in residential mortgage lending was limited by the Federal National Mortgage Association's continued sizable support to the Federally insured sector of the market.

FUNDS RAISED IN SECURITIES MARKETS

Corporate borrowing in capital markets increased further in the second quarter, probably reflecting the higher cost and reduced availability of alternative sources of funds. Total offerings of corporate securities attained a new quarterly peak as bond issues rose significantly from the first-quarter pace. Common and preferred stock offerings were maintained at the relatively high level of the previous quarter and were more than double the total for the second quarter of last year. This volume of equity issues—as well as a considerable volume of equity-oriented convertible bond offerings—was floated without the inducement of an ebullient stock market; average stock prices leveled off and then declined steadily after mid-May.

OFFERINGS OF NEW SECURITY ISSUES

[Monthly averages in billions of dollars not seasonally adjusted]

	1968			1969	
	II	III	IV	I	II[1]
Corporate securities (total)	1.9	1.7	2.0	2.1	2.4
Bonds	1.6	1.3	1.5	1.4	1.7
Stocks	.3	.4	.5	.7	.7
State and local government bonds	1.3	1.5	1.5	.9	1.2

[1] Estimated.

New security offerings by State and local governmental units rose from the depressed pace in the first quarter, although they remained below the rate of a year earlier. This increased volume of offerings was accounted for largely by a surge in bond issues during April when interest rates were declining. While financing of many units continued to be restricted by below-market rate ceilings, the decline in market rates early in the quarter permitted some previously deferred issues to be sold, and other borrowers were induced to take advantage of the more favorable market. Demand for credit in the short-term note market was particularly strong by borrowers who had the authority to enter this market.

The Federal Government repaid debt in volume during the second quarter as the budgetary position swung to substantial surplus. This improved position stemmed principally from a year-over-year revenue gain of more than $10 billion, a gain that reflected both higher tax rates—resulting from the surcharge—and higher incomes. But in addition, outlays were below those a year earlier; in all other recent quarters expenditures had been above their counterparts of the previous year.

On the other hand, Federal agency financing was quite large in the second quarter. Offerings of such issues to raise new money aggregated $3 billion, more than double the volume of a year earlier. The Federal home loan banks accounted for more than one-third of this volume as they sought funds to maintain their liquidity positions at a time of increased borrowing demands by member savings and loan associations.

FEDERAL GOVERNMENT BORROWING AND CASH BALANCE

[Quarterly totals in billions of dollars not seasonally adjusted]

	1968			1969	
	II	III	IV	I	II[1]
Budget surplus or deficit	2.9	—3.2	—7.1	—2.0	15.3
Net cash borrowing (+) or repayment (—)	—2.6	[2] 7.7	[2] 3.4	.2	—12.5
Other means of financing[3]	—.4	—1.1	—.2	1.9	—1.7
Change in cash balance	—.1	3.3	—3.9	.1	1.1

[1] Excludes effect on agency debt outstanding of transfers of certain agencies to private ownership.

[2] Checks issued less checks paid, and other accrued items.

[3] Estimated.

INTEREST RATES

Continued heavy demands for funds from private sectors and Federal agencies during the second quarter, in conjunction with constraint on bank reserves, was reflected in further increases in virtually all market rates of interest. Banks, for example, bid up interest rates on Euro-dollars and Federal funds, as they sought additional funds in these markets. Moreover, sales of Treasury bills by banks contributed to the increase in yields on these instruments; during the second quarter, the yield on 3-month Treasury bills rose by about 65 basis points to a high of around 6.80 per cent in June. In addition, banks raised the interest rate on loans to prime customers to 8½ per cent in early June. And with the reduced availability of bank credit, corporate borrowers continued to rely heavily on the commercial paper market. As a result, rates on 4- to 6-month commercial paper rose to more than 8.50 per cent by the end of June, as compared with a high of around 6.90 per cent in March.

Upward pressures of interest rates also spilled over into capital markets, owing in part to the absence of purchases of long-term securities by banks. Most long-term rates rose further, on balance, during the second quarter, even though they had declined somewhat in April. By the end of June the yield on municipal bonds had risen 50 basis points above the March high to a level of 5.82 per cent. Rates on corporate Aaa new issues (with 5-year call protection), and on Federal Housing Administration mortgages in the secondary market rose by about 20 basis points to levels of 7.76 and 8.40 per cent, respectively. Yields on long-term Government bonds, however, remained relatively unchanged, on balance, at about 6.25 per cent.

ALDRIN RESIDUE ON TABLE GRAPES

Mr. MURPHY. Mr. President, I think it is important that the RECORD show, and the American people be aware of, what seems to be a shocking attempt to mislead the public by the presentation of false evidence to the Subcommittee on Migratory Labor.

On August 1, 1969, Jerry Cohen, general counsel for the United Farm Workers Organizing Committee—UFWOC—appeared before that subcommittee and testified that two bunches of Thompson seedless grapes contained quantities of the chemical Aldrin which were 180 times the established tolerance level for human beings. Mr. Cohen submitted a laboratory report from the C. W. England Laboratory, of Washington, D.C., showing an Aldrin content of 18 parts per million compared with the legal tolerance level of .01 parts per million.

The England Laboratory, in later comments to the news media, said that the grapes they tested had been presented to them by a representative of the UFWOC and were not purchased or obtained from any market directly by the laboratory.

After this testimony the Food and Drug Administration, at the request of subcommittee Chairman MONDALE, has conducted tests of table grapes in markets across the country. It obtained 60 samples, including 48 from retail outlets in New York, Chicago, Los Angeles, and the Washington-Baltimore area. It also sampled 12 carlots in the San Francisco market.

The Food and Drug Administration report shows there was no Aldrin residue on any grapes. It also shows there was no chemical residue of any nature on any grape sample that approached the human tolerance level. I ask unanimous consent that the report of the Food and Drug Administration be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, PUBLIC HEALTH SERVICE, CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE,
Washington, D.C., August 12, 1969.

Hon. GEORGE MURPHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MURPHY: As a result of material presented at the August 1, 1969, hearing before the Subcommittee on Migratory Labor of the Committee on Labor and Public Welfare, the Consumer Protection and Environmental Health Service through the Food and Drug Administration instituted a survey of pesticides on table grapes. The results of that survey and other relevant materials are attached.

Please be assured of our continuing concern in all aspects of this important public health problem.

Sincerely yours,
CHARLES C. JOHNSON, Jr.,
Assistant Surgeon General, Administrator.

[Memorandum from the Department of Health, Education, and Welfare, Public Health Service, Consumer Protection and Environmental Health Service, Food and Drug Administration, August 8, 1969]

To: Mr. C. C. Johnson, Jr., Administrator, CPE.

From: J. K. Kirk, Associate Commissioner for Compliance.

Subject: Results of Table Grape Survey—August 1969.

A total of 60 samples of various types of table grapes; i.e., Thompson Seedless, Ribier, Cardinal and Red Malaga, were collected and analyzed for pesticide residues. The analytical procedure used for obtaining these results was multi-residue methods for organic chloride compounds (aldrin, dieldrin, DDT, etc.) and organophosphate compounds (parathion, ethion, etc.), using gas liquid chromatography.

Forty-eight (48) of these samples were from retail stores (Washington-Baltimore; Los Angeles, California; New York, N.Y.; Chicago, Illinois), including the Safeway store, 1730 Hamlin Street, N.E., Washington, D.C., and Giant Food Store, 4900 Annapolis Road, Bladensburg, Maryland.

Summary of Results.—None of the samples contained pesticide residues above tolerance, and all residues were substantially below tolerance. No residues of aldrin were found. Pesticide residues found:

Pesticide	Range	Tolerance
Kelthane	0 to 1.4 p.m	5.0 p.p.m.
DDT	0 to 0.29 p.p.m	7.0 p.p.m.
DDE	0 to 0.01 p.p.m	None (metabolite of DDT).
Dieldrin	0 to trace [1]	0.1 p.p.m.
Diazinon	0 to trace [1]	0.75 p.p.m.
Ethion	0 to 0.29 p.p.m	2.0 p.p.m.

[1] Trace indicates less than 0.01 p.p.m.

Twelve (12) samples were obtained from packers located in the San Francisco, California, area.

Summary of Results.—None of these samples contained pesticide residues above tolerance, and all residues were substantially below tolerance. No residues of aldrin were found. Pesticide residues found:

Pesticide	Range	Tolerance
Kelthane	0 to 0.43 p.p.m	5.0 p.p.m
DDT	0 to 0.04 p.p.m	7.0 p.p.m.
DDE	0 to 0.02 p.p.m	None (metabolite oi DDT).
Diazinon	0 to 0.02 p.p.m	0.75 p.p.m.
Ethion	0 to 0.28 p.p.m	2.0 p.p.m.
Tedion	0 to 1.7 p.p.m	5.0 p.p.m.

Attached is a listing of samples, grower, and individual results of analysis. Also attached are the results of our pesticide analysis on grapes (total) and California grapes for FY 1967, FY 1968 and July 1, 1968 to March 30, 1969.

A survey of pesticide residues on table grapes grown in Southern California and Arizona was conducted during July 1969 and these results are also attached. None of the samples from this survey contained pesticides above tolerance level. Pesticide residues found:

Pesticide	Range	Tolerance
DDT	Trace [1] to 0.06 p.p.m.	7.0 p.p.m.
DDE	0 to 0.03 p.p.m	None (metabolite of DDT).
Carbaryl	0 to 0.4 p.p.m	10.0 p.p.m.

[1] Trace indicates less than 0.01 p.p.m.

TABLE GRAPE SURVEY

Retail level Sample No.	Grower or packer	Parts per million Kelthane	DDT	DDE	Dieldrin	Diazinon	Ethion	Tedion
	TOLERANCE, p.p.m	5.0	7.0	None	0.1	0.75	2.0	5.0
118-093C	El Rancho Farm, Arvin, Calif	0.86						
118-094C	do	0.17						
118-164C	Guimarra Vineyards Corp., Bakersfield, Calif	T						
118-165C	do	T						
118-095C	do		T	T				
118-096C	do	0.31						
116-470C	El Rancho Farms, Arvin, Calif	T						
117-216C	Unknown	0.11	T	T				
116-471C	El Rancho Farms, Arvin, Calif	T	T	T				
117-217C	Table of Grapes, Table of Grapes, Calif	T			T	T	0.08	
117-950C	El Rancho Farms, Arvin, Calif	0.66						
117-949C	do	0.17						
222-182C	John J. Kovacevich, Inc., Arvin, Calif	0.09						
196-570C	do	0.0						
222-183C	Guimarra Vineyards Corp., Bakersfield, Calif	0.08						
222-184C	do	0.05						
222-185C	do	0.19						
222-186C	do	0.07						
222-187C	Guimarra Vineyards Corp., Bakersfield, Calif.	0.03						
222-188C	do	0.17						
222-189C	do	0.04						
222-190C	do	0.12						
222-191C	do	0.04						
196-569C	The William Mosesian Corp., Lamont, Calif	0.15						
165-728C	Leo Gagosian, Bakersfield, Calif							
165-729C	Guedera Farms, Bakersfield, Calif		T					
165-730C	Guimarra Vineyards Corp., Bakersfield, Calif	0.52						
166-761C	The William Mosesian Corp., Lamont, Calif	0.78	0.02				0.13	
166-762C	Sabovich Bros., Bakersfield, Calif	0.89						
166-763C	I.T.D. Packing Co., Reedley Calif							
166-764C	Leo Gagosian, Bakersfield, Calif	0.74	T					
166-765C	Guimarra Vineyards Corp., Bakersfield, Calif	0.26						
166-766C	V. W. Heldcarn, Parlier, Calif	0.11	0.03					

Footnotes at end of table.

TABLE GRAPE SURVEY—Continued

Retail level Sample No.	Grower or packer	Parts per million: Kelthane	DDT	DDE	Dieldrin	Diazinon	Ethion	Tedion
16C-767C	Demesio C. Carranza, Thermal, Calif							
168-027C	Muzinch Farms, Wheeler Ridge, Calif	1.4	0.29					
168-028C	Elmo Vineyards, Inc., Visalia, Calif						0.23	
095-798C	Bianco Fruit Corp., Fresno, Calif	0.46	T	0.01				
095-796C	do	0.24		T				
095-797C	David Freedman & Co., Inc., Thermal, Calif.		T	T				
096-080C	Bianco Fruit Corp., Fresno, Calif	0.35	T	T				
095-992C	Heggblade, Margulers Co., San Francisco, Calif.	1.33					0.29	
095-990C	James Macchiaroli Fruit Co., Higley, Ariz.							
095-799C	David Freedman & Co., Inc., Thermal, Calif.		T	T				
095-991C	The William Mosesian Corp., Lamont, Calif.	0.20	T	T				
095-989C	James Macchiaroli Fruit Co., Higley, Ariz.		T	T				
095-122C	do		T	0.01				
095-123C	do		T	T				
095-121C	The William Mosesian Corp., Lamont, Calif	0.61					0.08	
	Packer level							
211-644C	Russo Brothers, Arvin, Calif	0.13						
211-645C	Logrecco & Sons, Bakersfield, Calif	0.40	0.03	0.01				0.18
211-646C	Marko Zaninovich, Earlimart, Calif.							
211-647C	do	0.17						
211-648C	Pagliarulo Fruit Co., Delano, Calif	0.02						
211-649C	do	0.01						0.01
211-650C	A. Caratan & Sons, Delano, Calif						0.08	0.44
211-651C	do						0.28	1.7
211-652C	Agri-Business Investment Co., Ducor, Calif							0.02
211-653C	do	0.15						
211-654C	United Packing Co., Parlier, Calif							
211-655C	L. R. Hamilton, Reedley, Calif	0.43	0.04	0.02		0.02		

[1] Safeway Store, 1730 Hamlin St. NE., Washington, D.C.
[2] Giant Food Store, 4900 Annapolis Rd., Bladensburg, Md.

Note: T—Trace, indicates less than 0.01 p.p.m.

PESTICIDE RESIDUES IN GRAPES

	Fiscal year 1967	Fiscal year 1968	July 1, 1968, to Mar. 30, 1969	Total
Number of samples	208	61	65	334
Number with residues	138	35	22	195
DDT—Tolerance 7 p.p.m.:[1]				
Percent incidence	31.3	31.1	12.3	27.5
Average p.p.m	0.05	0.08	0.01	0.05
Range p.p.m	T-3.18	T-3.19	T-0.21	
DDE—Tolerance (none);				
Percent incidence	37.0	32.8	15.4	32.0
Average p.p.m	T	T	T	T
Range p.p.m	T-0.37	T-0.05	T-0.08	
TDE—Tolerance 7 p.p.m.:				
Percent incidence	3.8	9.8	9.2	5.4
Average	T	T	T	T
Range p.p.m	T-0.05	T-0.07	T-0.01	
Dieldrin—Tolerance 0.1 p.p.m.:				
Percent incidence	2.4			1.5
Average p.p.m	T			T
Range p.p.m	T-0.48			
Carbaryl—Tolerance 10 p.p.m.:				
Percent incidence	2.4	1.6	2.1	2.4
Average p.p.m	T	0.01	T	T
Range p.p.m	0.01-0.05	0.80	T	
Kelthane—Tolerance 5 p.p.m.:				
Percent incidence	4.3	8.2	7.7	5.7
Average p.p.m	0.01	0.04	0.05	0.02
Range p.p.m	T-1.01	0.07-0.92	T-1.34	
Parathion—Tolerance 1 p.p.m.:				
Percent incidence	6.3	3.3	1.5	4.8
Average p.p.m	T	T	T	T
Range p.p.m	T-0.21	T-0.02	0.02	
Ethion—Tolerance 2 p.p.m.:				
Percent incidence	4.3	6.6	6.2	5.1
Average p.p.m	0.01	0.01	0.01	0.01
Range p.p.m	0.03-0.84	0.03-0.08	0.02-0.28	
Tedion—Tolerance 5 p.p.m.:				
Percent incidence	8.2	6.6	1.5	6.6
Average p.p.m	0.02	0.02	T	0.02
Range p.p.m	T-0.69	0.07-0.39	0.11	
Aldrin—Tolerance 0.1 p.p.m:				
Percent incidence	3.4	4.9		3.0
Average p.p.m	T	T		T
Range p.p.m	T-0.01	0.01-0.03		
Chlorbenside—Tolerance (none):				
Percent incidence		1.6		0.3
Average p.p.m		T		T
Range p.p.m		0.10		
Endosulfan—Tolerance 2 p.p.m.:				
Percent incidence	1.0			0.6
Average p.p.m	T			T
Range p.p.m	T-0.09			
Methoxychlor—Tolerance 14 p.p.m.:				
Percent incidence	1.0			0.6
Average p.p.m	0.01			T
Range p.p.m.	0.24-0.96			
Diazinon—Tolerance 0.75 p.p.m.:				
Percent incidence	0.5	1.6		0.6
Average p.p.m	T	T		T
Range, p.p.m	0.11	0.01		

[1] P.p.m.—parts per million

PESTICIDE RESIDUES IN CALIFORNIA GRAPES

	Fiscal year 1967	Fiscal year 1968	July 1, 1968, to Mar. 30, 1969	Total
Number of samples	94	50	58	202
Number with residues	49	27	18	94
DDT—Tolerance 7 p.p.m.:[1]				
Percent incidence	17.0	26.0	8.6	16.8
Average p.p.m	0.01	0.07	T	0.02
Range p.p.m	T-0.15	T-3.19	T-0.11	
DDE—Tolerance (none):				
Percent incidence	11.7	32.0	13.8	17.3
Average p.p.m	T	T	T	T
Range p.p.m	T-0.09	T-0.05	T-0.08	
TDE—Tolerance 7 p.p.m.:				
Percent incidence	3.2	10.0	6.9	5.9
Average p.p.m	T	T	T	T
Range p.p.m	T-0.05	T-0.07	T-0.01	
Dieldrin—Tolerance 0.1 p.p.m.:				
Percent incidence	1.0			0.5
Advance p.p.m	T			T
Range p.p.m	T			
Carbaryl—Tolerance 10 p.p.m.:				
Percent incidence		2.0	3.4	1.5
Average p.p.m		0.02	T	T
Range p.p.m		0.80	T	
Kelthane—Tolerance 5 p.p.m.:				
Percent incidence	8.5	10.0	8.6	8.9
Average p.p.m	0.03	0.05	0.05	0.04
Range p.p.m	T-1.01	0.07-0.92	T-1.34	
Parathion—Tolerance 1 p.p.m.:				
Percent incidence	1.0			0.5
Average p.p.m	T			T
Range p.p.m	T			
Ethion—Tolerance 2 p.p.m.:				
Percent incidence	9.6	8.0	6.9	8.4
Average p.p.m	0.02	0.01	0.01	0.01
Range p.p.m	0.03-0.48	0.03-0.18	0.02-0.28	

Footnotes at end of table.

PESTICIDE RESIDUES IN CALIFORNIA GRAPES—Continued

	Fiscal year 1967	Fiscal year 1968	July 1, 1968, to Mar. 30, 1969	Total
Tedion—Tolerance 5 p.p.m.:				
Percent incidence	17.0	8.0	1.7	10.4
Average p.p.m	0.04	0.02	T	0.02
Range p.p.m	T-0.69	0.07-0.39	0.11	
Aldrin—Tolerance 0.1 p.p.m.:				
Percent incidence	6.4	6.0		4.5
Average p.p.m	T	T		T
Range p.p.m	T-0.01	0.01-0.03		
Chlorbenside—Tolerance (none):				
Percent incidence		2.0		0.5
Average p.p.m		T		T
Range p.p.m		0.10		
Endosulfan—Tolerance 2 p.p.m.:				
Percent incidence	2.1			1.0
Average p.p.m	T			T
Range p.p.m	T-0.09			
Methoxychlor—Tolerance 14 p.p.m.:				
Percent incidence	2.1			1.0
Average p.p.m	0.01			0.01
Range p.p.m	0.24-0.96			
Diazinon—Tolerance 0.75 p.p.m.:				
Percent incidence	1.0			0.T
Average p.p.m	T			5
Range p.p.m	0.11			

[1] P.p.m.—parts per million.

SURVEY OF PESTICIDE RESIDUES ON TABLE GRAPES GROWN IN SOUTHERN CALIFORNIA AND ARIZONA

BACKGROUND

The FY 1970 FDA Pesticide Residue Surveillance Program calls for sampling and examination of raw agricultural products on an individual commodity basis. This involves a series of samples of a given food product representative of a geographic area, a growing area, or any other meaningful subdivision. Each District determines what foods shall be so covered based on their knowledge of the local situation.

Los Angeles District undertook a survey of table grapes grown in the District area. This survey was to serve as an information base concerning the local grape industry and to investigate recent highly publicized allegations regarding misuse of pesticides by grape growers.

The Los Angeles District area includes Southern California, the southern tip of Nevada, and the State of Arizona. We have three principal grape growing regions within our boundaries. Two are in Southern California and one in Arizona. These are:

1. *Coachella Valley* (Calif.) This includes the towns of Coachella, Macca, Thermal and Indio. The growing season runs from May through July and nearly all fields are in table grapes. USDA figures indicate an annual production of about 9,500 tons.

Investigation indicated growers generally use DDT and Carbaryl (Sevin) for insect control. Parathion was reported used by one grower to control a thrip (small sucking insect) problem. No Aldrin or Simazine have been used in the Coachella area.

We collected and examined a total of 15 samples of table grapes representing 14 principal growers in the Coachella Valley. (One grower produced two varieties—both were sampled.)

2. *San Bernardino Area* (Calif.) This includes San Bernardino, Mira Loma and Cucamonga. There is light production of grapes during June and August, but the main growing season is in September and October. The grapes grown are principally used in wine manufacture as opposed to table consumption.

No samples were taken at this time.

3. *Phoenix Area* (Ariz.). This generally encompasses the Phoenix, Higley and Litchfield regions. The growing season is mid-June through July with an annual production of table grapes only slightly less than the Coachella Valley area. The Phoenix area produces about 75 percent of the total grapes grown in Arizona.

The most common pesticide used is Carbaryl. There is presently a statewide moratorium on the use of DDT on any agricultural product. The largest firm commercially applying pesticides to grapes in this area stated than no Aldrin has been used in the past five years and that Simazine has not been used for the past year.

A total of 12 samples were collected and examined representing eight principal growers (as above, different samples from the same grower represented different grape varieties).

ANALYTICAL FINDINGS

Each sample consisted of 22 lbs. of grapes. The entire sample was composited and chopped, and a representative portion taken for analysis.

The analytical system used would detect chlorinated pesticides (i.e. DDT, Aldrin, etc.) at levels as low as 0.003 ppm. We only quantitate, however, those residues which equal or exceed 0.01 ppm. Any residue which is less than 0.01 ppm but is identifiable is reported as a "trace." Organophosphate pesticides (i.e., Parathion, etc.) are also detected and may be quantitated at the 0.01 ppm level. All samples were also examined for Carbaryl residues by a separate method sensitive to the 0.1 ppm level.

TABLE GRAPE SURVEY

Coachella Valley samples (collected July 7, 1969)

Sample number	Growing area	Grape variety	Findings		
			DDT (p.p.m.)	DDE (p.p.m.	Carbaryl (p.p.m.)
167-720C	Rancho Mirage	Thompson	Trace	0.03	0
167-721C	Mecca	do	do	0.02	0
167-722C	Thermal	do	do	Trace	0
167-723C	Indio	do	do	do	0
167-724C	Coachella	do	do	do	0
167-725C	do	do	do	do	0
167-726C	Thermal	do	0.06	do	0
167-727C	do	do	Trace	do	0.2
167-728C	do	do	do	do	0
167-729C	Coachella	do	do	do	0
167-730C	do	do	0.06	0.01	0
167-731C	Thermal	Black Beauty	0.03	0.03	0
167-732C	Mecca	Cardinal	0.02	0.02	0
167-733C	do	Thompson	0.02	0.01	0
167-734C	Thermal	do	Trace	Trace	0

Note: No organophosphate pesticides were detected. The DDE found is a degradation product of DDT. No other chlorinated pesticides were detected. DDT and analogs have a combined tolerance of 7 p.p.m. Carbaryl tolerance is 10 p.p.m.

TABLE GRAPE SURVEY

Phoenix area samples (collected July 7-8, 1969)

Sample number	Growing area	Grape variety	Findings	
			DDE (p.p.m.)	Carbaryl (p.p.m.)
166-373C	Higley	Exotic	0	0
166-374C	do	Cardinal	0	0
166-375C	do	Thompson	0	0
166-376C	do	do	0	0
166-377C	Eloy	Cardinal	0	0
166-378C	Queen Creek	do	0	0
166-379C	Higley	Thompson	0	0
166-380C	Litchfield	Cardinal	Trace	0
166-381C	do	Thompson	Trace	0
166-382C	do	do	0	0
166-383C	do	Exotic	Trace	0.4
166-384C	Phoenix	Thompson	Trace	0.1

Note: No organophosphate pesticides were detected. No other chlorinated pesticides were detected. The trace amounts of DDE found in the Litchfield and Phoenix samples are believed due to contamination by windblown dry earth. Arizona soil is heavily contaminated with DDT and its metabolites. (See Pesticide Monitoring Journal, vol. 2, No. 3, p. 129, Dec. 1968, "Pesticides in Soil—An Ecological Study of DDT Residues in Arizona Soil and Alfalfa.")

Mr. MURPHY. Mr. President, the grapes presented to the England Laboratory were taken there by Manuel Vasquez, the Washington district representative of the United Farm Workers Organizing Committee. They were purchased, Mr. Cohen said in his testimony, from Safeway Stores in Washington.

Mr. Cohen said the grapes were produced by "Bianco." That would be Anthony A. Bianco, Jr., and Bianco Fruit Corp. of Delano, Arvin, and Thermal.

Mr. Bianco has not used aldrin in any form on his properties in the past 6 years. He has filed statements to this effect from his professional pesticide applicator and supplier and from himself.

I ask unanimous consent that the statements of Mr. Bianco and of Mr. Sampson, his pest control applicator, be printed in the RECORD, together with a report of tests conducted on grapes from the Bianco Ranch by the BC Laboratories of Bakersfield, Calif.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF ANTHONY A. BIANCO, JR.

This will certify that I, Anthony A. Bianco, Jr., owner and operator of the Bianco Fruit Corporation, have not purchased, obtained or received the chlorinated hydrocarbide Aldrin and have not applied, administered or used Aldrin in any of my fields during the past six years. Aldrin has not been authorized for use on my property in any form or method during that period. The Griffin Spray Company has applied all pesticides for the Bianco Fruit Corporation during the past six years and has made no application or other use of the chemical Aldrin on my property in that period.

ANTHONY A. BIANCO, Jr.,
Bianco Fruit Corp., Delano-Arvin-Thermal.

STATE OF CALIFORNIA,
County of Kearn, ss:

On August 8, 1969, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Anthony A. Bianco Jr. known to me to be the President of the Corporation that executed the within instrument, known to me to be the person who executed the within instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the within instrument pursuant to its bylaws or a resolution of its Board of Directors.

Witness my hand and official seal.

JOYCE M. MCPHERSON.

My commission expires Mar. 10, 1970.

To whom it may concern:

This is to certify that Bianco Fruit Corporation has not purchased or applied, to our knowledge, any Aldrin during the past six years. Tom Griffin is an owner of Southern Valley Chemical and is the owner of Griffin Spray Company. Griffin Spray Company has handled the application of pesticides for Bianco Fruit Corporation for the past six years and has made no application of the chemical Aldrin.

(signed) ED SAMPSON,
Manager & Owner, Southern Valley Chemical Co.

Insecticide residue determination

[Concentration in parts per million as received basis]

Constituent:	
Aldrin	0.008
Lindane (less than)	0.001
Dieldrin (less than)	0.004
Endrin (less than)	0.001
Parathion (less than)	0.01
Sulfur (less than)	0.017
Kelthane (less than)	0.01
Toxaphene (less than)	0.1
DDE	0.004
DDD	0.003
DDT	0.008

Residue determination by Gas Chromatography with electron capture detection.

B. C. LABORATORIES.
J. J. EGLIN.

Mr. MURPHY. Mr. President, Seldon Morley, the Agricultural Commissioner of Kern County, Calif., in which Mr. Bianco does the bulk of his grape production has submitted a statement that there has been no commercial application of Aldrin in any grapes in Kern County. I ask unanimous consent that Mr. Morley's statement be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SELDON MORLEY, AGRICULTURAL COMMISSIONER, COUNTY OF KERN, CALIF., AUGUST 7, 1969

Through May 30, 1969, there has been no commercial application of the pesticide aldrin on any table grape vineyards in the County of Kern this year.

The only commercial application of aldrin in the County of Kern in 1969 has been as follows:

January 1969, 104 acres of lettuce.
February 1969, 81 acres of sugar beets.
March 1969, 127 acres of tomatoes.
April 1969, 46 acres of tomatoes.

There have been no further commercial applications of aldrin in the County of Kern this year.

Aldrin must be registered with the State Department of Agriculture and all commercial applications of aldrin and other pesticides to agricultural crops are required by law to be reported to the Agricultural Commissioner in the county where applied.

Mr. MURPHY, Mr. President, the last grapes shipped by Mr. Bianco from the Coachella Valley were cleared by the Federal FDA Inspector C. R. Lewis—No. 319—and went to Texas on July 13. No Coachella Valley grapes could have retained salable quality until late July when the grapes in question had to be purchased.

Pesticide chemists have found that aldrin converts very rapidly to the chemical dieldrin, with an appreciable amount of dieldrin appearing within 6 or 7 hours after aldrin application in the fields. Dr. Paul E. Porter, the assistant to the director of physical sciences for the Shell Development Co., biological research center in Modesto, Calif.—a division of the only firm manufacturing aldrin—reports it would take an application of 10 to 15 pounds of aldrin per acre to achieve a level of 18 parts per million immediately after spraying. The normal application, as approved by the California Department of Agriculture, is one-fourth pound per acre.

But this is moot. Aldrin is not used on grapes in Kern County—as Mr. Morley specifies—and normal application of the pesticide in California is confined to soil as a grasshopper combatant. Although no aldrin was used, grapes showed up 3,000 miles away in Washington containing a massive dose of aldrin.

Dr. Porter reports aldrin converts rapidly to dieldrin while exposed to sunlight—with only negligible amounts of aldrin remaining after 6 days. To achieve 18 parts per million, aldrin would have to be sprayed directly on the grapes just before shipment. And as the agricultural commissioner of Kern County has stated, aldrin is not used on grapes in that county.

The conclusion is clear: The grapes presented to the England Laboratory had somehow achieved strange qualities which I find very difficult to explain. And it seems possible that a subcommittee of the U.S. Senate has been the victim of duplicity.

If this be the case—this tactic on the part of the United Farm Workers Organizing Committee is a vicious type of deceit and makes clear the witness has raised the pesticide question as part of UFWOC's "rule or ruin" methods.

"Rule or ruin" is not my phrase. It is the statement of a dozen table grape growers who tried to negotiate a contract with UFWOC. The negotiations failed because the United Farm Workers Organizing Committee refused—in the statement's words—to bargain in good faith.

These growers exposed "the pesticide issue" in its true light by citing a statement written last July 3 by the United Farm Workers Organizing Committee and addressed to the Federal Mediation and Conciliation Service. Here is the pertinent part of that statement:

> That we are prepared to give a moratorium to the whole industry on the pesticide campaign for a limited time in exchange for an acceptable contract covering all workers, all crops.

This might be considered a new type of biological blackmail.

Mr. President, I believe the true purpose of UFWOC in raising the pesticide issue was well set forth in a conversation which Jerome Cohen had with Mrs. Eleanor Schulte, office manager for the South Central Farmers Committee in Delano, Calif., on June 10, 1969. I ask unanimous consent that a memorandum from Mrs. Schulte concerning this conversation be printed at this point in the RECORD:

There being no objective, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM RE CONVERSATION WITH JEROME COHEN

To whom it may concern:

On Tuesday, June 10, 1969 at approximately 3:30 p.m., Mr. Cohen came to the South Central Farmers Committee office, asked for me by name, and said he would like to talk to me. He said the purpose of his visit was to have me pass along to our growers the substance of our conversation. I will attempt to enumerate below, to the best of my recollection, the points he made in our conversation. In most cases I cannot quote him verbatim, but will list the point of his remarks.

He introduced himself as Jerry Cohen, Attorney for UFWOC.

The Board of UFWOC (he mentioned the names Larry, Dolores and Phil, whom I assume to be Larry Itliong, Dolores Huerta and Phil Veracruz) had met the previous night and voted to mount an all-out campaign this year on the boycott, including the pesticide issue.

He spoke of the "cranberry scare," and said that every time the Department of Agriculture issued a bulletin denying pesticide poisoning in cranberries, it only made the situation worse. He said we couldn't fight the pesticide issue, and even "Baxter and Whitaker" would not be able to wage an effective campaign against it.

He claims that traces of DDT have been found in grapes, and that DDT has been found to cause cancer in mammals. He mentioned that the "American eagle, the symbol of America" is being killed off by DDT. He said suits have been filed on DDT, and more will be filed. I asked him if negotiating with the union would render pesticides harmless, and he said that the health and welfare clauses in the contracts could provide safety controls that will protect both the worker and the consumer.

He hinted that UFWOC could scare the wits out of the American public with the threat of pesticide poisoning, and we couldn't do anything about it.

The boycott did not hurt the growers much last year because it did not get organized until November, but this year it is all set to go in 275 cities. He corrected himself to say 277 cities "as of today."

For those growers who would negotiate with the union, the boycott machinery will be used to promote the sale of their grapes. I said that I could not recall that the union had promoted the sale of DiGiorgio grapes after signing with the union. He said that was because DiGiorgio, on the contrary, after signing with the union had "switched labels with Bruno, Kenny Kovacevich" and one other name I cannot recall. He said that when the growers came to realize it was in their own best interest not to switch labels, the boycott machinery could be used very well to promote the sale of union picked grapes.

When the pesticide issue came up with Seldon Morley, the Kern County Agricultural Commissioner, UFWOC tried for nine months to settle things quiety, but Mr. Morley and his people would not cooperate and thereby forced the union against its wishes, to bring the case into court and into the public eye.

He said the union had had conversations in the past with John Giumarra, Jr., and that "we told him we would make the boycott a national issue, and he laughed, when we told him we would bring up the pesticide issue, and he laughed, but we did all these things." He said he hoped I would be more effective in passing along to the growers his message. He said something about establishing a line of communications, and that I could turn my office into a negotiating center. I got the feeling here that he was trying to see if he could detect whether or not he could give me delusions of grandeur about being the key figure in ending the whole mess. He said the growers do not need to be so fearful of negotiating. His exact words were "the growers seem to feel that if they sit down to a negotiating table with the union they will lose their virginity."

I asked him again his purpose in visting me and he said it was to have me pass along to the growers the message that if we do not negotiate, the union will press the boycott and the pesticide campaign, which will be needlessly destructive for both sides.

ELEANOR SCHULTE,
Office Manager, South Central Farmers Committee.

Mr. MURPHY. Mr. President, obviously the union has raised the pesticide issue in an effort to further harass the grape industry and in furtherance of their design to force the grape growers to force their workers to join a union which they do not wish to join. I believe they have gone too far in this case and that this deplorable story will show the UFWOC effort up for what it really is.

One of the contributing factors in this entire unfortunate affair has been the contrived confusion, built on propaganda, half truths, and, in some cases, outright falsehood. I intend from now on to check all witnesses for creditibility, character, and purpose, so that the subcommittee may make proper and productive pronouncements as a result of these hearings.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 18 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, August 13, 1969, at 10 o'clock a.m.

NOMINATIONS

Executive nomination received by the Senate August 12, 1969:

JUDGE OF THE TAX COURT

William H. Quealy, of Virginia, to be a Judge of the Tax Court of the United States for the unexpired term of 12 years from June 2, 1960, vice Allin H. Pierce, retired.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 12, 1969:

DEPARTMENT OF JUSTICE

Robert G. Renner, of Minnesota, to be U.S. attorney for the district of Minnesota for the term of 4 years.

Frederick B. Lacey, of New Jersey, to be U.S. attorney for the district of New Jersey for the term of 4 years.

DEPARTMENT OF THE INTERIOR

Louis R. Bruce, of New York, to be Commissioner of Indian Affairs.

U.S. TARIFF COMMISSION

George M. Moore, of Maryland, to be a member of the U.S. Tariff Commission for the remainder of the term expiring June 16, 1973.

EXTENSIONS OF REMARKS

WEST VIRGINIA ARTISANS DISPLAY SKILLS AND PRODUCTS IN WASHINGTON EXHIBITION

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, August 12, 1969

Mr. RANDOLPH. Mr. President, the increase in our population and its demand for goods and services has fostered the development of an economy geared to mass production and standardization. Such an economy has benefited millions of people by allowing them to enjoy a higher standard of living at a reasonable cost.

At the same time, though, there has been a corresponding decline in the production of handcrafted, individually made products. In many instances the number of persons who possess the skills on which we were once dependent has dwindled.

Fortunately, there are still practitioners of the older skills to provide us with products that reflect their individual talents and imaginations. In recent years many of them have chosen to live in West Virginia and other Appalachian States, where they have joined with the native-born artisans of these States to work amid the inspiration of our mountains.

In 1963, these creative people in my State formed the West Virginia Artists and Craftsman Guild to promote and upgrade their skills and market their products. The guild, which has the official sponsorship of the State department of commerce, provides a traveling display, technical information and publishes a regular newsletter. Works made by members of the guild have been placed on sale through many retail outlets, helping to provide the economic stimulus for continuation of their crafts.

This month several members of the guild are presenting a series of three weekend demonstrations and displays in Washington. Each Friday, Saturday, and Sunday they exhibit their products and the work that goes into them at the Appalachian Spring Shop, 1655 Wisconsin Avenue, in the city's Georgetown section.

On the first weekend the artisans were Ken Snyder, a woodcarver from Bluefield, W. Va., Connard Wolf, a weaver from Gallagher, W. Va., and Beatrice Bannerman, a weaver from Culloden, W. Va. On the following weekend Ronald Thomas, a pewter spinner from Charleston, W. Va., and French Collison, a woodworker also from Charleston, were here. This weekend the craftsmen will be Sterling Spencer, a wood sculpturer from Richwood, W. Va., and Pearl Williams, a quilter from Lost River, W. Va.

Mr. President, these West Virginians are doing much not only to keep old skills alive but to provide a supply of artistically admirable and very usable items. I encourage as many people as possible to visit the exhibit in Washington where they will meet the craftsmen and see the products of their skill and imagination.

THE WAY TO PEACE

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. SCHEUER. Mr. Speaker, last week marked the 24th anniversary of the atomic destruction of the city of Hiroshima. Twenty-four years later that city still has living reminders of that dread day. Each year more than 100 citizens of Hiroshima die from causes that can be traced to the bombing. In all, 190,000 people have died as a result of that disaster.

I find it ironic that last week, the U.S. Senate, albeit by the narrowest of margins, rejected attempts to block the deployment of the Safeguard system, a

futile step in the arms race. The "system," of course, will not be deployed for several years, and probably the close vote indicates that it may well never be deployed. Also, the ABM is a defensive device; thus, the Senate's decision to deploy is not as critical a decision as the deployment of MIRV would be in the world's race to self-destruction.

The irony is that, 24 years after the devastation of Hiroshima, we are still convinced that we can proceed to develop more sophisticated weaponry capable of progressively larger amounts of destruction as a means of defending ourselves. Too many of us are still satisfied that the way to peace is through the development of overkill strength which would make Hiroshima look like the 4th of July in Atlantic City.

Mr. Speaker, there is a lesson to be learned from the tragedy of Hiroshima and the history of the last 24 years. It is that man cannot save himself from the havoc of war through the development of defensive devices capable only of preserving our ability to strike back. In whose name would we strike back, once subjected to nuclear destruction that would involve the deaths of millions of Americans. If Armageddon comes, I am not certain that it will be terribly important that mankind's two survivors be American, as one congressional colleague has suggested.

We must transfer the dedication we have shown in developing the ultimate in death-dealing weaponry to our search for peace. Talks must begin now with those whom we regard as our adversaries aimed at ending the race to destroy one another. The way to peace is through the provision of food, health, education, jobs, living space, a healthy environment, and a commitment among men to understand one another in peace. Let us use our awesome technological skills and resources to fulfill these needs. Then perhaps we can look back upon Hiroshima, not as the symbol of a life of terror for people all over the world, but as a nightmare from which mankind has thankfully awakened.

THE TEXTILE IMPORT PROBLEM

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. SIKES. Mr. Speaker, as one who has been active in the work of the informal committee of Members of this body vitally concerned with the textile import problem, I welcomed the interest which the distinguished chairman of the Ways and Means Committee displayed in introducing his bill, H.R. 11578, in the 90th Congress. I was again pleased with his leadership in sponsoring a new bill on the subject in this Congress, H.R. 11037. As the chairman knows, I joined with him in his efforts to secure legislative attention to the textile import problem by introducing somewhat similar bills, H.R. 11723 in the 90th Congress and H.R. 2719 in this Congress.

Mr. Speaker, my interest in this subject arises from the fact that one out of every three manufacturing jobs in my district are in the manmade fiber producing industry, the largest industry by a wide margin in the district. Manmade fibers are textile articles of basic importance to the domestic textile industry's operations. About 95 percent of domestic production of manmade fibers is used directly by U.S. textile mills. It is the domestic market, not the world market, upon which the industry, and the manmade fiber plants in my State depend. For the past few years, nearly 20 percent of the domestic manmade fiber producing capacity has been excess to the needs of the domestic market. Over one-third of this excess capacity has been idled by the rapidly rising imports of manmade staple fiber, filaments, filament yarn, spun yarn, fabric, apparel, and other made-up articles.

In 1968, imports supplied about 10 percent of the domestic consumption of manmade fibers, about double the average of 1961–62. These latter years are important as a benchmark because they are the years when the short-term and long-term cotton textile arrangements went into effect. These arrangements have a provision which was intended to prevent foreign suppliers from shifting the textile import problem from cotton textiles, regulated under the arrangements, to manmade fiber textile articles. Unfortunately, this antifrustration provision of the arrangements has never been invoked by the United States. As a result, the market penetration of manmade fiber textile articles of foreign origin on the domestic market has doubled.

Mr. Speaker, it is vital to the economic health of the domestic textile industry, including the manmade fiber producing sector, that there be promptly established a reasonable system of control over future increases in textile imports. It is good that President Nixon is committed to this goal, and that he has delegated the negotiating task to his Secretary of Commerce. But it takes two to negotiate. Thus far, the other nations which supply the excessive amounts and increases in textile imports year after year are unwilling to negotiate.

I share the hope of the distinguished gentleman from Arkansas that the U.S. Cabinet delegation visiting Japan will be successful in persuading that Government to come to the bargaining table for talks aimed at a peaceful solution among friends of this most difficult problem. If the Japanese fail to see the light, I propose to support the distinguished Chairman of the Ways and Means Committee and the 200 or more Members of this body who have a constituent interest in a favorable solution to the textile import problem, to secure the enactment this year of remedial legislation.

In such legislation, Mr. Speaker, as in the administration's efforts to solve this problem through negotiation, it is essential that all textile articles, whether manmade fiber, cotton, wool, silk, or blends of fibers, be included. We must not repeat the mistake of the Cotton Textile Arrangements of damming only part of the stream. Control of the flow of imports cannot be achieved if textile articles of all fibers are not included.

Specifically, manmade staple fiber and tow, monofilaments, grouped filaments, and filament yarn whether with or without twist, or textured or nontextured, must be included. These products are defined as textile articles in the bills which have been offered by every one of the 200 or more Members of this body who have sponsored legislation on the subject in this and the prior Congress.

So I commend the gentleman from Arkansas for his renewed leadership in this matter. I urge him to use his good offices to insure that all manmade fiber textile articles are thoroughly and completely covered in the program which he is striving to implement. Let us get this job done. We have temporized with the problem long enough. Forceful action is required. If the gentleman from Arkansas will lead, he will find that he has my support all of the way to a successful solution of this problem.

RESULTS OF QUESTIONNAIRE

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. McDADE. Mr. Speaker, each year I have sent the constituents of the 10th Congressional District a questionnaire to solicit their thinking on some of the significant issues of the day. It has been my privilege also to note the answers in the CONGRESSIONAL RECORD when the final tally has been completed. I am delighted, therefore, to present once again for my colleagues' study the questions and answers I have received from my very thoughtful constituents in the 10th Congressional District of Pennsylvania.

DOMESTIC ECONOMY

[Answers in percent]

1. Do you favor the Administration's decision to curtail Federal spending by an additional $4 billion?

Yes	81.7
No	8.6
Undecided	9.7

2. Do you favor my bill to increase the $600 Federal income tax exemption to $1,000?

Yes	95.0
No	3.5
Undecided	1.5

3. Do you favor my bill to extend income tax credits for parents with children in college?

Yes	70.2
No	22.8
Undecided	7.0

4. Do you favor my bill to return a portion of Federal tax money to states and local municipalities with no strings attached?

Yes	73.9
No	17.6
Undecided	8.5

5. Would you vote for the continuation of the 10 percent surtax?

Yes	20.2
No	70.6
Undecided	9.2

6. Do you favor cutting back the number of people working for the Federal Government as an economy measure?

Yes	79.4
No	13.3
Undecided	7.3

7. Do you believe the Defense Department gets too large a share of the Federal budget?

Yes	54.8
No	31.3
Undecided	13.9

8. Given the present state of the nation, would you favor:

a. Increase in domestic programs with their attendant costs	14.9
b. Holding the line on programs already passed and their costs	40.4
c. Rolling back some of the recently passed programs and their costs	44.7

DOMESTIC PROBLEMS

1. Do you favor expanding the present Food Stamp program to permit free distribution of food stamps to the needy?

Yes	66.3
No	24.2
Undecided	9.5

2. Do you favor automatic cancellation of taxpayers' assistance to students who violently disrupt campus activities?

Yes	93.7
No	5.0
Undecided	1.3

3. Should the Federal Government be permitted to use wire tapping and electronic surveillance methods to fight organized crime?

Yes	87.7
No	7.9
Undecided	4.4

4. Do you favor the Administration's decision on deployment of the ABM system?

Yes	44.7
No	23.2
Undecided	32.1

5. Should the United States continue to maintain its present lead over the Russians in space?

Yes	65.5
No	14.7
Undecided	32.1

6. Should there be federalized standards in welfare payments?

Yes	70.2
No	17.9
Undecided	11.9

7. Would you favor federal action to ban the advertising of cigarettes from television?

Yes	57.0
No	33.5
Undecided	9.5

8. What do you believe to be the most serious problem facing America today:

a. Vietnam	27.4
b. Inflation	24.7
c. Crime	25.9
d. Communism	22.0

FARM

1. Do you believe that import quotas on dairy products should be fixed by law?

Yes	56.3
No	21.8
Undecided	21.9

2. Do you favor setting a $15,000 maximum on government farm support programs?

Yes	64.1
No	10.5
Undecided	25.4

FOREIGN RELATIONS

1. Do you favor the establishment of a coalition government in South Vietnam which would include members of the National Liberation Front?

Yes	36.9
No	33.7
Undecided	29.4

2. Do you favor Soviet-American discussions aimed at reducing the number of nuclear weapons?

Yes	82.9
No	11.8
Undecided	5.3

3. If the Paris Peace Talks fail to produce an agreement within a reasonable amount of time, should the United States:

a. Increase military pressure, including bombing North Vietnam	68.9
b. Hold enclaves around our main military areas	3.8
c. Unilaterally withdraw from South Vietnam	23.2
d. Continue our present program, without bombing North Vietnam	4.1

NATIONAL ELECTIONS

1. The President has proposed a Constitutional Amendment to lower the voting age from 21 to 18. Do you favor this proposal?

Yes	46.7
No	48.8
Undecided	4.5

2. Should presidential candidates be selected by national primaries, instead of party conventions?

Yes	79.2
No	12.8
Undecided	8.0

3. What method of electing the President would you like to see?

a. No change. Keep the present system	7.7
b. Direct popular vote	76.3
c. Allocate the electoral votes within each state in proportion to the popular votes cast	11.2
d. Count one electoral vote for the winner in each Congressional District, with two additional votes for whoever carries the state	4.5

AIR WELCOME STATION AT ST. AUGUSTINE, FLA., MUNICIPAL AIRPORT

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. CHAPPELL. Mr. Speaker, I am honored that my district of Florida has again taken the lead in a most vital area, that of aviation.

There has been established what is known as an air welcome station at the St. Augustine Municipal Airport. This facility is designed to accommodate the thousands who annually travel by private aircraft to my State but who, until this time, were deprived of a place where tourists, accommodation, and recreational information was readily available.

Automobile travelers flock to the 10 welcome stations conveniently located on major highways leading into the State, and the St. Augustine Air Welcome Station now provides air travelers with similar information at the airport. Tailored to the private aircraft user, the air welcome station also provides needed information on airport conditions and private landing strips easily accessible to the private plane.

It is especially significant that this facility, the first of its kind in the Nation, is situated at the Nation's oldest city. It also is significant that this imaginative step is being taken without appropriated State funds through the cooperation of the field management and respective chambers of commerce.

It is my honor to bring to the attention of the Congress and the Nation the opening of this facility and to commend those who showed the enterprise to work for its success.

NEWSLETTER

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. THOMPSON of Georgia. Mr. Speaker, I insert the attached copy of my newsletter in the RECORD in order that it may be made available to all the Members and those who receive the CONGRESSIONAL RECORD and are not on my mailing list:

FROM U.S. CONGRESS—FLETCHER THOMPSON REPORTS TO YOU

DEAR FRIEND: *No problem:* Until March Dr. Paul West and the Fulton County Board of Education were *unaware they still had serious school desegregation problems with HEW*. Fulton County voluntarily desegregated schools years ago and only minor problems existed. But HEW said Fulton's non-discriminatory desegregation was not acceptable because it did not produce racial balance. *HEW told the school board they considered the existence of all-black schools unconstitutional even though the neighborhood was black*. The $850,000.00 Eva Thomas High School in College Park was the first target. Its students were all black and *without exception they all lived closer to the six-year-old Thomas school than any other. HEW said no all-black schools would be tolerated*. There are *ten* more in the Fulton County system and more than 58 all black schools in the Atlanta system.

A plea for help: When confronted by Secretary Robert Finch's HEW *demand that Fulton County achieve racial balance by either abandoning* a six-year-old all-black school or pairing this school with a white school, *Dr. West asked for my help* as the U.S. Representative of the people of the Fifth District.

A Congressman's advice: Because I am elected to represent all the people in the Fifth District, *I did not hesitate to intercede* and specifically I advised Dr. West and the school board by letter dated April 25, 1969: *"It is my recommendation to you that you abide by the neighborhood school concept wherein all children living closest to a school taking into consideration transportation patterns will be assigned to that school."* Basically, this was already being done. My further advice was to resist all efforts by HEW to force the closing and abandonment of schools or the pairing of schools in order to bring about forced racial balance, and not to include such in any plans submitted to HEW as it was *not required by law.*

Advice to Secretary Finch: Following Fulton County's plea for help, I wrote Secretary Finch and told him that I would "raise all manner of hell" if HEW tried to force Fulton County to abandon the neighborhood school concept and cause the bussing, closing or pairing of schools in order to bring about racial balance.

What is the law: Section 409 of Public Law 90–557, which funds HEW, states, "*No part of the funds contained in this Act may be used to force the bussing of students, abolishment of any school* or to force any student attending any elementary or secondary school *to attend a particular school against the choice of his or her parent* or parents in order to overcome racial imbalance." The House of Representatives affirmed this requirement in the new funding act on July 31, 1969, adding emphasis to the fact that the *Congress is opposed to closing schools and bussing students* which destroys the neighborhood school concept.

Evading the law: After three letters demanding that Secretary Finch bring his office into compliance with the above law, he *finally answered that because of past discrimination he is entitled to require bussing of students, closing of schools,* and in effect destroying the neighborhood school concept as a means of what he calls "disestablishing the dual school system." *This, he claims, is not in violation of Public Law 90–557. I maintain that it is and may well have to bring impeachment proceedings if he persists in ignoring the law.*

The Court's view: Federal courts have interpreted the phrase, "equal protection of the laws" contained in the Constitution to mean that a *black child is denied equal protection when he attends an all-black school due to the social and psychological impact on him.* The courts further have stated that *"total integration regardless of the consequences to the educational system"* must be achieved. With this in mind, the NAACP brought suit in federal court against Fulton County which had refused to abandon the neighborhood school concept. Based on prior judicial decisions, the outcome was predictable, however, *Judge Albert Henderson Jr. in his ruling showed considerably more understanding of the Fulton County situation than have some other judges throughout the South.* It is my personal opinion that the courts are still laboring under a misinterpretation of the Constitution by prior decisions. Fulton County, however, will be much better off under court order than under the abusive, tyrannical and indeed unethical tactics used by Secretary Finch's HEW.

A positive solution: Our forefathers came to America to escape tyranny and seek freedom. *Forced social action such as closing schools* and bussing students and requiring students to attend schools distant from their homes against the choice of their parents, *is not in keeping with the American concept of the right of free choice.* If we allow the social planners to destroy our neighborhood school concept and require attendance of students in schools beyond their neighborhoods, we may well someday find them advocating the denial of the right of an individual to choose his own occupation or even requiring him, as some are advocating now, to live in a particular area in order to achieve a racial balance. To prevent this, there must be an outcry of public opinion for we can bring about change when the President, the courts and HEW know that *the people will not tolerate any more abuse and tyrannical tactics by government.* Though in the past, revolution has been used to effect change, with our system of government, *the pressure of public opinion will effect change.* If you agree with the statement on the attached petition to the President, please sign it and mail to me at the U.S. Congress, Washington, D.C. 20515. I will personally hand-carry these petitions to the White House.

Backing your views: Your answers on a recent questionnaire indicate I am following your views while serving you in Congress. Results show that 92% of you want to keep the neighborhood school concept. 70% want nation-wide enforcement of the guidelines rather than just in the South, 79% favored protecting America with the Safeguard missile system. 83% supported phasing out the surtax by reducing it to 5% on January 1 and eliminating it completely next June 30. 73% want popular vote election of the President and 95% want a nation-wide emergency telephone number "911." Your replies have been a great help in my representing your opinions on these matters before Congress.

It is a high honor for me to serve you in Congress.

Yours very truly,

Fletcher Thompson,
Member of Congress.

Note.—Printing and paper paid for by your donations sent in and by myself.

A Plea to the President for Help

Dear Mr. President: I am a loyal American dedicated to equal rights, opportunities for all. I believe in the American system whereby our leaders listen to public opinion and reject abusive tactics which take away individual rights.

The rights of our children to attend neighborhood schools is being taken away by arbitrary demands of HEW and the courts.

I believe I know what is best for me and my children and do not accept the ideas of government planners to the contrary.

I request your help and ask that you tell your officials and court appointees that the constitutional phrase "equal protection of the law" does not mean forced bussing, closing of schools and requiring children to attend schools outside their neighborhood to achieve racial balance, but only that there be no discrimination against anyone.

All-white neighborhood schools and all-black neighborhood schools violate no one's rights. However, under free choice a student should be able to transfer to any other school where there is room.

Please consider my plea!

RICKOVER DOES IT AGAIN

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. HOSMER. Mr. Speaker, Adm. H. G. Rickover has fired yet another devasting salvo in his war against bureaucracy. No one in his right mind thinks Rickover is going to win this war, but almost everyone admires his true grit in the face of almost immeasurable odds. It appears that the plucky admiral himself, however, may actually believe in ultimate victory. His guerrilla tactics remind one of General Giap's hit, run, and stall strategy for what are known in some circles as wars of liberation. Rickover used the following ammunition to heat up the fighting in his latest maneuver:

August 6, 1969.

From: Director, Division of Naval Reactors.
To: All office personnel.
Subject: Walnuts; cracking of during working hours.

"Fort Madison, Iowa.—The family of Glen Schlagenbusch, who owns the largest black walnut orchard in the state, cracked 180,000 walnuts—one at a time."—New York Times, August 5, 1969.

It has occurred to me that the above contains a possible means for increasing government receipts. I am having several sacks of unshelled walnuts delivered here on a trial basis. Please use your hands and feet when they are not otherwise occupied to crack the walnuts. This is, of course, in no way to interfere with coffee breaks, gossip breaks, going to the post office, bank, hairdresser, sick leave, etc.; it is also permissible to crack the walnuts outside working hours.

If this experiment proves successful it can be extended throughout the Federal Service. From what I have seen in more than 30 years, it should in no way reduce the amount of useful work presently being done; further, it could help reduce the National Debt.

The Civil Service, Atomic Energy Commission, and Navy Regulations do not cover this situation or require payment to you. However, I do plan to give each of you a small remuneration based on your productivity. (It is not permissible to eat the walnuts.)

For those not familiar with using all your limbs productively, I refer you to Dorothy Shay, the Park Avenue Hillbilly, who has demonstrated the gainful and simultaneous use of all hands and feet.

Please advise me by 1500 today of your thoughts on this matter.

H. G. Rickover.

THE FOREIGN GIVEAWAY PROGRAM

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. SNYDER. Mr. Speaker, I recently received a letter sent to all Members from Congressman Otto E. Passman. This letter dealt with the dissipation of America's resources via the foreign giveaway program.

The net cost of the foreign assistance program since its inception (1946–1969), including interest on what we have borrowed to give away, amounts to $182,853,000,000—that's billions, Mr. Speaker, billions.

During our worldwide spending orgy we have indulged ourselves to the point that well over half our gold holdings have fled and we might as well sell Fort Knox and keep the remainder of our bullion in my tool shed out back. In addition, short-term dollar claims against Uncle Sam have more than quadrupled so that if all the creditors come knocking right now we would all have to mortgage our britches to pay it. We are in arrears, Mr. Speaker, way in arrears.

Our cover-the-earth good guy program has helped push the U.S. public debt to a figure of $57,081,000,000 above the combined public debt of all the nations in the world.

We have given so much money away that we are now borrowing from 30 foreign nations. We are giving money to foreign countries so that they can turn around and loan it to us at high interest rates. If any financial adviser of mine advocated something like that to me I would take him out and have him horsewhipped.

But wait, Mr. Speaker, there is more. Allow me the pleasure of your company as we trip down the flowery road to fantasyland. Thailand is the recipient of over $1 billion of our aid. The United States went in hock to provide the Thais with this largess. Now—the clincher. After long diplomatic cajoling and arm-twisting, we recently wrangled out of the reluctant Thais a loan—a loan, Mr. Speaker, for $100 million. Terms? Four and one-half years at 6 percent interest. Oh, how grateful we should be that the Thais condescended to give us a loan. I do not know how we could keep paying all of our bureaucrats out of our own money—it is all going overseas.

We are funding 4,408 projects and subprojects all over the world—in 97 nations and five territories during fiscal year 1970—with 51,000 people on the payroll.

The thing that is hard for me to take, though, Mr. Speaker, is the fact that, while many similar projects in America were closed down and boarded up for lack of funds during fiscal year 1969, not a single foreign aid project lost as much as $1 as a result of the limitation imposed by the Revenue and Expenditure Control Act of last year. So while a lot of the people in northern Kentucky languish in the backwaters of bureaucratic ineptitude, we are sending money abroad. While my constituents suffer floods, lack of water, and untold inconveniences we pack billions off to east who-knows-where. And while the people of northern Kentucky cannot even obtain a measly $50,000 to start planning for the Falmouth Dam, we are asked to funnel over $20.5 million to the Ryukyu Islands this next year. Do you suppose, Mr. Speaker, that we could make it $20 million even, to the Ryukyus, and build a dam in Kentucky so half the State does not float off down the Ohio River? I do not think that that is so unreasonable.

And while the dollar sinks slowly in the West—and the East, North, and South, for that matter—I bid you, my colleagues, a fond farewell as my constituents and I sink slowly into the marshes and bogs of the upper bluegrass, lamenting the absence of the Falmouth Dam and singing the praises of the Agency for International Development.

REMARKS OF RETIRED SENATOR FRANK CARLSON

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. UDALL. Mr. Speaker, the House Post Office and Civil Service Committee has been hearing witnesses on the very important subject of postal reform. One of the recent witnesses was Senator Frank Carlson of Kansas, who has many good friends in this body, and whose experience and wisdom on postal matters are of the highest kind. Senator Carlson's testimony gives a number of keen insights into this current debate and is a significant contribution. I am, therefore, inserting it in this RECORD so that all Members may have the opportunity of reading it:

STATEMENT BY RETIRED SENATOR FRANK CARLSON OF KANSAS

It is a distinct pleasure to be back again on Capitol Hill where I spent so much of my life. My appearance here brings back memories of many years of pleasant associations with the Chairman and other members of this Committee. It is an equal pleasure discussing a subject I feel so strongly about, and that is that the Post Office Department is a public service.

The Post Office is, in a free society, the one basic and indispensable system of communications—the medium through which citizens exchange their news and thoughts and opinions, as well as being the medium through which they conduct their business.

This free and uncensored exchange of information through the mails is essential to the health of a democracy, just as such freedom would be an impossible privilege in any dictatorship. For this reason the postal service, through history, has always been freedom's first creation . . . and tyranny's first target.

I don't believe the American public should ever lose sight of one important fact—and because it's so often been reaffirmed by Congress, I don't believe this Committee will—and that is that the Post Office is not a business.

It is not now, nor should it ever be, a business for profit. It should be efficiently operated and managed in a business-like way . . . but it is not a business.

It is a public service for many reasons, but, to cite one, no business could afford to give every postal patron the identical service or product at one national price, regardless of distance. By tradition, the postal service has done so. The Postal Policy Act of 1958 recognized the public service aspects of the Post Office and provided for certain costs to be paid for out of public funds.

While Congress has repeatedly emphasized the public service characteristics of many of the functions of the Postal Service, the language of the proposed Postal Service Act seems to completely reject this philosophy. I believe that the Post Office Department—or the U.S. Postal Service, as it may be called—should continue to receive directly from the U.S. Treasury a sizable sum of money each year, as an investment in, by, and for America. My colleagues at DMAA share this view.

LET'S CONSIDER THE MAIN ARGUMENTS ADVANCED AGAINST THE PUBLIC SERVICE CONCEPT

In its 1969 Survey of Postal Rates, the Post Office Department warned Congress of "rapidly rising" public service costs and attempted to report on the contributing causes. The Post Office talks about 1960 public service costs of $37 million, which they point out are currently approaching $750 million.

Let's examine Appendix A of the Post Office's Rates Survey (see next page [blue]).

First, notice that from the years 1960 through 1962 there were low estimates of public service costs. These represented subjective interpretation of the 1958 Postal Policy Act by the Department. In 1962 Congress rightly insisted that the Department should include in the public service cost some part of the cost of 3rd- and 4th-class offices (which was in the 1958 law); also part of the costs of rural routes. Congress also revised the bookkeeping to a "total loss" concept rather than "revenue foregone" concept, and extended public service to include the loss on all in-county second-class mail.

I invite your attention to two points:

(1) Only since 1963 have public service costs been calculated the way Congress persistently and strongly declared they should be.

(2) Since 1963 public service costs have been close to 10% of the total costs. They aren't "rising" any more rapidly than total postal costs.

We conclude then that the Post Office Department and the Kappel Commission are saying that we, in the Congress, were wrong when we insisted on those changes in 1962 which were so clearly spelled out in specific amendments to the Postal Policy Act. I don't think we were wrong.

Before leaving Appendix A, I'd like you to observe the right-hand column we have added which shows that the total operating deficit (including public service) has ranged from 9.5% of postal costs in 1946 to 26.9% in 1952. It averages 17.7% through all 25 of the fiscal years between 1946 and 1970 shown in this Appendix.

In an advertisement which the Citizens Committee for Postal Reform inserted in The New York Times a few weeks ago, the first sentence said, "Every year the U.S. Post Office runs a deficit of $1 billion." That sentence is misleading, and I urge the Committee to contrast that with the statements Larry O'Brien kept making when he was Postmaster General.

To the National Association of Postmasters in September 1966:

(Quote.) "We are and should be a public service. We cannot operate under the iron law of the balance sheet. What we are doing is too important. Our profits, and I firmly believe there has never been a year when the Post Office Department did not produce a real social profit, are often unseen. They are in terms, not of dollars, but in the enormous national benefit that comes from good mail communication." (Unquote.)

To the National Rural Letter Carriers Association in August 1967:

(Quote.) "I am fully convinced that the postal service is already returning an enormous profit to the people of the United States."

"It is almost impossible to put a dollar figure on the benefit derived from the operation of a fast, efficient nation-wide postal service. There is no dollar amount that can be placed on a mail system that guards the privacy of communication, and this ranks high on our list of American free institutions." (Unquote.)

Because it can and does provide such inestimable public services, I believe the U.S. Post Office should continue to receive directly from the U.S. Treasury a sizable sum of money every year . . . or else many of the vital services it provides to America will deteriorate and perhaps even disappear. If that should happen, America would suffer, and the responsibility for this loss would be obvious.

It is also well to remember that the operating deficit and the public service costs would have been less in many years if Congress had deemed it advisable to raise the price on reduced rate mail. The Post Office Department points out in the April 15, 1969 Survey that "in absolute terms, costs increased much more than postage for reduced rate mail." Congress could have raised these rates had it thought it was in the national interest to do so. But Congress did not raise these rates enough to cover the increases in cost!

APPENDIX A

POSTAL FINANCES, 1946-70

[Dollars in millions]

Fiscal year	Postal revenues and reimbursements	Costs	Operating deficit			Total operating deficiency (equals percent) costs
			Total	Public services	Revenue deficiency[1]	
1946	$1,224.6	$1,353.7	$129.1			9.5
1947	1,299.1	1,504.8	205.7			13.6
1948	1,411.0	1,687.8	276.8			16.4
1949	1,571.9	2,149.3	577.5			26.8
1950	1,677.5	2,222.9	545.5			24.5
1951	1,776.8	2,341.4	564.6			24.1
1952	1,947.3	2,666.9	719.5			26.9
1953	2,091.7	2,742.1	650.4			23.7
1954	2,268.5	2,667.7	399.1			14.9
1955	2,349.5	2,712.2	362.7			13.3
1956	2,419.4	2,883.3	463.9			16.0
1957	2,496.6	3,044.4	547.8			17.9
1958	2,550.2	3,440.8	890.6			25.8
1959	3,035.3	3,640.4	605.1			16.6
1960	3,239.4	3,874.0	634.5	$37.4	$597.1	16.3
1961	3,374.0	4,249.4	875.4	49.0	826.4	20.6
1962	3,494.3	4,331.6	837.3	62.7	774.6	19.3
1963	3,879.1	4,698.5	819.4	412.9	406.5	17.4
1964	4,276.1	4,927.8	651.7	447.5	204.2	13.2
1965	4,483.4	5,275.8	792.5	514.1	278.4	15.0
1966	4,784.2	5,726.5	942.3	542.8	399.5	16.4
1967	5,102.0	6,249.0	1,147.0	561.6	585.4	18.3
1968	5,660.1	6,681.0	1,020.9	640.5	380.4	15.2
1969 (estimated)	6,430.0	7,334.8	904.8	695.6	209.2	12.3
1970 (estimated)	6,656.6	7,843.2	[2] 1,186.6	747.2	439.4	15.1
Average						17.7

[1] Revenue deficiency (accrual basis) beginning in 1963.

[2] Includes $272,000,000 for additional pay increases, effective July 12, 1969.

Note.—During fiscal year 1954, the Department began receiving reimbursement for penalty and franked mail and discontinued payment of subsidies to airlines. These and other changes affect the comparability of the figures from year to year.

Source: Official "Survey of Postal Rates," U.S. Post Office Department, Apr. 15, 1969.

This reminds me also of something I noted in Appendix B-1 (see next page [yellow]) of that same Survey of Postal Rates. The Congress in 1962 wisely insisted that the loss on special services be included in public service costs. I have noticed that the costs of special services have more than doubled since 1964. [No other category of public service costs has doubled since 1964.] Yet those are the very rates which are set by the Post Office Department! One-third of that loss is the loss on special delivery mail and another one-third is the loss on registry and collect-on-delivery services. These are the very services that involve identifiable incremental costs. Surely there is reason to believe that these services should make a major contribution toward institutional costs. But the Department did not raise these rates enough to cover the increases in cost!

Another argument used by opponents of public service is that the volume of reduced rate mail is growing rapidly. What, please, is wrong with that? If low rates were established as a catalyst to nurture and propagate these services in a growing country, isn't that healthy growth exactly what was intended by Congress?

The Federal Government has supported, still does support, and should in the future suppport the U.S. Post Office with sizable appropriations. Those who now say that all such support should be discontinued, perhaps five years from now, haven't proven their case at all. The American people, acting through their Congress, have consistently disagreed with this notion. The essence of the 1958 Postal Policy Act, confirmed in 1962, is simply this—

Some part of postal costs, or "deficits," is the obligation of the whole population, not just those who use the mail.

We agree that the identification and calculation of public service costs is a difficult one. Perhaps the correct figure should be more, or less than the present estimate. Perhaps we could argue about the specific amounts, but we nevertheless insist that there is *considerable* public service and *considerable* public responsibility in the nation's postal system. This should be recognized by whoever runs it, and by whatever name it is called.

THE TWO COMPONENTS OF PUBLIC SERVICE

Specifically, there are two major areas of Public Service costs, and both urgently need to be continued. These are:

1. *Institutional Costs.*—Government must guarantee a service which enables every citizen of this country to have the privilege of sending mail to, or receiving it from, on a daily basis, any other citizen, regardless of his location,—for the same price. It is in the national interest for part of the cost of this monopoly to be borne by all citizens as taxpayers.

2. *Free or Reduced Rates.*—Congress has steadfastly and consistently set certain rates well below cost. In the Postal Policy Act Congress declared that it would be unfair for other users of the mail to make up the difference. This policy has borne fruit. Public contributions to these benevolent and eleemosynary works have enabled our country to stand taller in our eyes and in the eyes of the world.

INSTITUTIONAL PUBLIC SERVICE COSTS

Institutional Public Service costs exist in the Post Office because the mode of its operations, the speed and the frequency of service, the locations of its facilities and its pricing policies have all been based on the fact that the Post Office was an integral part of the U.S. Government and a significant part of its operations should be paid for by general funds from the U.S. Treasury.

[From the official "Survey of Postal Rates," U.S. Post Office Department, Apr. 15, 1969]

APPENDIX B-1

PUBLIC SERVICE COST ESTIMATES, 1960-68

[In millions]

	1960	1962	1964	1966	1968	[1] 1968
1. Free and reduced-rate mail:						
2d-class mail:						
Nonprofit publications	$4.6	$7.3	$89.6	$105.9	$112.6	$102.6
In county	.8	.9	61.9	64.3	67.3	85.2
Classroom publications	.3	.6	5.1	6.3	6.6	6.1
Total	5.7	8.8	156.6	176.5	186.5	193.9
3d-class nonprofit	13.3	26.4	62.6	94.1	113.8	118.9
4th-class:						
Special 4th-class rate	13.8	21.2	47.1	63.6	89.0	91.8
Library material	2.3	3.7	6.3	7.7	10.9	11.4
Total	16.1	24.9	53.4	71.3	99.9	103.2
Government mail	.1	.1	.3	.4	.4	.4
Matter for the blind:						
1 cent a pound	.1	.1	.2	.1		
Free	1.1	1.5	2.9	2.8	4.8	5.1
Total	1.2	1.6	3.1	2.9	4.8	5.1
Total	36.4	61.8	276.0	345.2	405.3	421.5
2. Rural operations			93.5	102.5	113.8	120.5
3. Nonpostal services (Government)			22.4	23.5	28.5	30.8
4. Special services			54.8	71.4	92.6	119.5
5. Added cost of transporting mail on foreign air carriers	1.0	.9	.8	.3	.3	.3
All public services	37.4	62.7	447.5	542.9	[2] 640.5	[2] 692.6

[1] Adjusted.

[2] As reported in "Advance Summary, Cost Ascertainment Report, 1968."

When Mr. Kappel appeared before this Committee, you pointed out Mr. Chairman, that the telephone company, unlike the Post Office, does not serve everyone. Chairman Dulski said that when the phone company put a phone in a home it charged a service charge regardless whether the user made one call or fifty. Interestingly, Mr. Kappel responded that the phone company had money invested in something that was for their service—that is to say, the telephone equipment and lines leading back to the telephone office. In our opinion the cost of that investment is very similar to having a postman go from the post office past a patron's door every day, whether or not he delivers or collects any mail.

The mails—like agriculture, airwaves, electric utilities, telephones, ocean shipping, education and many other necessities—have traditionally received direct infusions of Federal funding in one form or another. They get it because the encouragement of these activities is in the national interest. The

Rural Electrification Administration (REA), for one example, receives Federal money at 2 percent interest to finance electric power and telephone service to parts of the nation which otherwise couldn't have these services as soon or as economically.

Unlike the one-time investment needed to bring power and phone lines to a farm, the need for mail service to that same farm is continuing. The cost for this mail service goes on year after year after year, and comprises an important part of the institutional costs of the Post Office.

Surely some reasonable percentage of overall postal costs must be borne by the Treasury on a continuing basis. I don't know what that figure should be, but I do know that Public Service costs have been about 10 percent of total postal costs ever since 1962 when the Congress identified Public Service costs. I think that if we have erred in the past, we have erred on the low side.

THE INTERRELATIONSHIP OF THE POSTAL MONOPOLY WITH INSTITUTIONAL PUBLIC SERVICE COSTS

The Post Office has no real competition because it has a monopoly on the delivery of its prime product—First Class mail. This is as it should be, but we must recognize the general law of economics that absence of competition usually results in higher prices. The best and simplest guarantee that the Post Office will be efficiently run at the lowest cost might be to let it compete for postal services.

Some have suggested that if the monopoly were dropped and if free enterprise was allowed to compete for the delivery of mail, the result of this competition would provide a beneficial solution to many problems, such as the comparability of pay and equitable rates. I believe the Congress has felt the monopoly should be continued because the private services would probably undercut the U.S. Postal Service. The Kappel Report itself states that:

"The Postal Service is particularly vulnerable to 'cream-skimming' in the high-volume, high-value segments of its market. . . . Under such competition the Post Office would lose lucrative portions of its business, increasing its average unit cost and requiring higher prices to all users."

Congress has felt that eliminating the postal monopoly would not be in the national interest. It demonstrates that there is a public responsibility in the continuation of the monopoly. The extra cost which the monopoly generates is the price which the nation must pay for total availability, uniform rates, and guaranteed daily "free" delivery everywhere.

"Free" delivery is of course a misnomer, whether it be rural delivery or city delivery. Delivery costs actually represent about 42% of total postal costs. Delivery costs could be greatly reduced if the American people were willing to pay some token amount for the privilege of delivery, as they might have to pay a private mail delivery service, and as they now do pay for milk, telephone service, or other commodities. No one has yet seriously suggested this. We submit that this cost is a residual, built-in cost of the national mail service and that some portion of it should be borne by the general taxpayers.

So far I have been talking about the Institutional Public Service costs of the Postal Service. Under the present law, the only provision for institutional Public Service costs is in the "rural operations" area. Appendix B–1 of the August 15, 1969 Post Office Survey lists these rural Public Service costs as $120 million. I am convinced that institutional Public Service costs are far, far greater than this token $120 million.

The present law includes no provision whatever for the other institutional Public Service costs I have been mentioning—the cost of the guaranteed privilege of daily door-to-door delivery, or the cost of the monopolistic uniform-price network. The present law includes an absurdly low provision for the cost of thousands of post offices whose salaries exceed their receipts, but which exist as local branches of government.

Speaking of government, the present law includes no recognition of such obvious government functions as the protection and guaranteed secrecy of first class mail, of the need to combat pornography, of public protection through the mail fraud statutes, of the countless public securities and crime prevention activities povided by the Postal Inspection Service. The roots of govenment lie deep in the postal service. The employees of the proposed Postal Corporation will be subject to the Health Act and will continue to receive deserved recognition in the Veterans' Preference procedures. The postal system will continue to be a major source of employment for minority groups and for unskilled and handicapped persons. All of these functions are required by society in general.

So I come to a recommendation for you, one which I hope this Committee will give careful consideration:

H.R. 11750 embodies a break-even concept. It assumes that the rates and fees charged by the Postal Corporation should, in five years, substantially cover its costs. It includes no appropriation for institutional public services after that period, and I cannot emphasize too strongly how wrong I believe this to be.

I believe that Congress should draft its postal reorganization bill in such a way as to permanently recognize the institutional public service costs inherent in running any postal service, as the present law does. I hope you will go farther than the present law does. I believe some percentage—perhaps it should be 10%, but that is for you to decide—of overall postal operating costs should be underwritten and guaranteed by the American people as an appropriation towards, and as an investment in, themselves and their future.

FREE OR REDUCED RATES

The Postal Service Act provides that if Congress by legislation shall grant free or reduced rates in some areas, the President may annually request Congress to appropriate to the Postal Service Fund an amount necessary to recover the foregone revenue. [Section 1202(b)]

The bill fails to provide any means for Congress to determine whether these rates will continue to be for the public good. Under the present system, this Committee spends many hours determining whether there should be changes in the preferential rates for the nonprofit mail sent out by schools, colleges, churches, unions, fraternal orders, veterans associations, etc. You also hear testimony from others who benefit from reduced rates such as libraries, book publishers, the blind, in-county newspapers, etc.

We believe these hearings should be continued. Congress could then give the public reasonable and necessary protection for the many worthwhile activities involved. We further believe that it should be national policy to fund whatever difference may exist between reduced rates legislated by Congress and normal rates established by the rate-making machinery proposed in H.R. 11750.

Mr. Chairman, surely those groups who benefit from preferred rates can state their case better than I can, or better than DMAA, as a broad-based national association, can. We believe the major portion of public service responsibility is clearly in the area of institutional costs, which in my opinon have been grossly underestimated in the past.

Again let me stress our conviction that the total Treasury responsibility for postal public service coverage should be at least in the magnitude of 10% of total postal operating costs. We are only concerned that 10% may not be enough to fully recognize the vital power of mail to our economy and culture.

PUBLIC SERVICE IS PUBLIC RESPONSIBILITY

Someone must pay to provide these necessary services. Since the proposed postal corporation would be a government-owned corporation, it should be supported at least in part by the taxpayers, who—through you, their elected representatives in Congress—have in the past declared certain postal functions to be worthwhile and in the national interest.

When culture, benevolence and commerce prosper, the whole nation benefits. Therefore the whole nation should bear the responsibility for its investments.

SHOULD WE HARM OUR MUSEUMS?

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. FRELINGHUYSEN. Mr. Speaker, during the debate last week on the tax reform bill, I expressed the feeling that the new regulations concerning donations of works of art to museums could do grave damage to the ability of museums to continue to bring the best in the world of art to the American public.

The Washington Star this past Sunday carried an excellent article quoting Kyran McGrath, executive director of the American Association of Museums, as fearing the new regulations will penalize private museums. Mr. McGrath points out that the effect of the new tax regulations will be to penalize collectors who give works of art to museums, thus reducing the number of valuable art works donated.

The points raised by Mr. McGrath are precisely the points I raised on the floor during the debate. I should like to insert this timely article in the RECORD, and commend it to the attention of my colleagues.

The article follows:

DRIVE FOR TAX REFORM MAY HURT MANY MUSEUMS

(By Benjamin Forgey)

Many museums—especially small and medium-sized museums—may be hurt in the drive for tax reform.

Certain provisions in the tax reform package adopted by the House last week will penalize private museums, which will be treated for tax purposes exactly as private foundations.

Another provision of the House bill will affect the operation of all museums, those considered publicly supported as well as the private ones.

That is why Kyran McGrath, executive director of the American Association of Museums, was wearing a sad face last week. McGrath takes a look at the giant interests dealing in the tax fight on Capitol Hill and figures that the museums will get lost in the shuffle.

BILL NOT LAW

The House bill, of course, still is not law. It must now go through the Senate mixmaster, and probably will not emerge from there until late fall. But McGrath doesn't like the odds against getting the legislation changed to favor the museums' interests. "As of now," he says, "I'd have to say the chances are very, very slim."

Up until now, museums have been treated

okay by the tax laws and some of them will be treated even better if the House bill becomes law. Most American museums began as private institutions, founded and funded by one or two or three local millionaires. Many have since picked up support from state and local or federal governments. But, McGrath says, at least half of the 1,065 institutions which belong to the AAM still are private museums.

This is noteworthy because the House bill makes it even more important for a museum to be "publicly supported" in the eyes of the law, and because most museums still get a large portion of their collections from private donors.

Under current law, contributors to private museums may deduct such contributions up to 20 percent of their adjusted gross income. Contributors to publicly supported museums may deduct such contributions up to 30 percent of their income. In the bill adopted by the House, the percentage for the former remains the same, while for the latter it is raised to 50 percent.

The value of such contributions, however—even to the larger, publicly supported museums—will be sharply reduced unless the contributions are in the form of stocks and bonds. A contributor giving paintings or other objects of art will have to give a lot more paintings and objects than at present in order to deduct the same amount from his income tax.

This is because under present law a contributor of a painting can deduct the fair market value of this painting from his tax bill. Under the bill adopted by the House, he may deduct only the original cost of the art work. In the new bill, as under present law, contributors who give stocks and bonds, will be allowed to deduct the current market value of their gifts from their taxable income.

There has been a running debate over whether this tax incentive has been the primary reason collectors have donated paintings or even whole collections to museums, but there never has been a question that they were rewarded for doing so. The question of whether they ought to be so rewarded is problematic; the practice has, as McGrath maintains, "encouraged the transition of art from the private to the public domain."

ABUSES RARE

There is of course the question as to whether this system has been abused for private gain. The general feeling among those who ought to know is that cases of abuse have been rare; most persons queried by a reporter felt that the system of appraisal set up by the Internal Revenue Service has worked well in prohibiting exaggerated evaluations of a painting's worth.

In the art community here opinion is somewhat divided over the effect of the new tax amendments. One singular view—that of Daniel Millsaps, editor of the Washington International News Letter—is that the new law would encourage the donation of stocks and bonds to museums as opposed to paintings, thereby ultimately increasing the amount of money museums would have to purchase works by contemporary artists.

Another view is that it will "raise the ante somewhat in terms of giving a painting to a museum as opposed to selling the painting." That is, it will cost the owner more to give the painting to a museum instead of selling it on the open market—but donors of really important paintings are too rich to pay much attention to the difference.

McGrath, however, insists that the net effect of the House amendments will be "to penalize collectors who insist on giving works of art to museums" and to reduce the number of art works thus given.

Another provision of the House bill, aimed at private foundations but applicable as well to those many museums that do not qualify as "publicly supported," will apply a tax on the investment income of those institutions. For many smaller museums, which use all the income from their endowment to cover (at least partially) rapidly increasing operating costs, this will hurt.

What has happened, apparently, is that in the general praiseworthy rush to close tax loopholes for the very rich, and to clamp down on the operation of the foundations, the fact that museums, even privately financed museums, do serve a genuine public interest, has been lost sight of.

CONGRESSIONAL QUESTIONNAIRE

HON. WILLIAM V. ROTH, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. ROTH. Mr. Speaker, this spring I sent out my third annual congressional questionnaire to the people of Delaware. Delaware has been a true bellwether State for the past two decades by accurately reflecting the national presidential vote totals, in some cases within fractions of a percentage point.

Almost 170,000 copies of the questionnaire were mailed, with one going to every mailbox in the State. The response was excellent, with more than 32,000 Delawareans sending back their completed questionnaires. With such a widespread sample of public opinion, I think my colleagues will be particularly interested in the results, and I would like to insert in the RECORD at the conclusion of my remarks a copy of the questions and percentage totals of the votes.

I would like to call particular attention to question No. 4, which asks for a choice of national priorities: more Delawareans chose inflation than any other problem.

Question No. 2 also merits close examination, coupled with these figures from past questionnaires: in 1967, 54 percent favored "all-out military effort," 14 percent favored "immediate withdrawal," and 12 percent favored "deescalation," that is, "end bombing." In 1968, 52 percent favored "all-out military effort," 13 percent wanted "further deescalation," and "withdrawal" had risen to 23 percent. By the same token, it is interesting to note that 56 percent of those responding in 1968 felt that "American military presence in Asia is in our national interest," and that figure dropped only slightly, to 54 percent on this year's questionnaire.

The questionnaire follows:

SPRING, 1969, CONGRESSIONAL QUESTIONNAIRE

[Answers in percent]

1. For electing the President, which one would you favor?

Retaining the present system	11.6
Direct popular election	72.7
A proportional system, where the presidential candidate winning in each congressional district would receive one electoral vote and the candidate winning in the state would receive two electoral votes	13.7

2. If the Paris peace talks fail, which one of the following would you favor in Vietnam?

All-out military effort to end the war	33.7
Immediate withdrawal of troops	13.7
Gradual deescalation and withdrawal, shifting burden to South Vietnam	44.2
Continue limited fighting, while seeking a negotiated settlement	5.8

3. In terms of selective service (draft) reform, which one would you favor?

Keeping the present system	17.7
A random lottery to choose servicemen	19.6
National service (Peace Corps, military, medical corps, etc.) for all able-bodied men	33.3

4. Which three of the following problems do you feel should be the most important priorities of our Government?

Air and water pollution	31.1
Civil unrest	40.1
Crime	45.4
Defense	21.1
Education	20.3
Inflation	45.8
Population explosion	8.4
Poverty	15.7
Racial inequality	7.2
Urban crisis	11.2

5. Do you favor automatic cancellation of Federal aid to college students who physically disrupt campus activities?

Yes	87.9
No	10.1

6. Would you favor a constitutional amendment to permit voluntary nondenominational prayer in public schools?

Yes	83.8
No	13.4

7. Do you believe American military presence in Asia is in our national interest?

Yes	54.1
No	39.2

8. Do you favor the President's proposal for deployment of a limited ABM system?

Yes	54.7
No	35.3

9. Do you favor reorganizing the Post Office Department into a Government-owned corporation to operate on a nonprofit basis?

Yes	78.2
No	15.6

10. Do you favor replacing the system of special categorical Federal grants to States with a "block grant" system which would permit State and local governments to determine how the funds should be spent?

Yes	55.2
No	34.6

11. Do you favor a federally guaranteed annual wage which would assure every American a fixed minimum income?

Yes	21.8
No	73.9

12. Do you approve of the way President Nixon handled the shooting down of the EC–121 reconnaissance plane by North Korea?

Yes	57.8
No	31.1

13. Would you vote to continue the surtax—

If the money is used to aid the cities and the poor:

Yes	21.0
No	35.7

If the money is used to help end the war in Vietnam:

Yes	25.7
No	30.2

If the surtax is coupled with substantial budget cuts to stop inflation:

Yes	61.5
No	19.5

14. Do you think President Nixon's proposal to increase the Federal food outlay to the poor from $1.5 billion a year to $2.5 billion a year is—

Enough	46.0
Not enough	14.9
Too much	28.4

"SQUARES" INHERIT THE MOON

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. WYLIE. Mr. Speaker, on July 27 an article appeared in the Columbus Evening Dispatch newspaper entitled "'Squares' Inherit the Moon." This article concerns three great Americans who had just successfully completed their Apollo 11 mission and our Nation's greatest space feat.

This article is doubly significant at a time when we read almost daily about hippies, yippies, and beatniks who make no contribution to our way of life.

Mr. Roulhac Hamilton, chief of the Dispatch Washington bureau, wrote a newsstory which, I believe, is indicative of how most Americans feel.

An editorial appeared in the Dispatch concerning Mr. Hamilton's newsstory. I think the newsstory of July 27, and editorial of August 3, are worthy of the attention of all Members of this body.

The articles follow:

[From the Columbus Dispatch, July 27, 1969]

"SQUARES" INHERIT THE MOON

(By Roulhac Hamilton)

WASHINGTON.—It might be of more than passing interest to those of us over 30, and perhaps even to the militant young dissidents so busily engaged in sneering at us as bumbleheads incapable of accomplishment, to examine man's latest achievement.

Who were the principal performers in perhaps the most spectacular drama ever staged by man—the dispatch to the moon and the safe return to earth of mere man?

As everyone knows, they were Neil Armstrong, Buzz Aldrin, Mike Collins and Chris Kraft.

But what were they? What they were, in the terms of the young, were "squares"—men over 30 and thus supposedly incapable of accomplishment. Look at them:

Neil Armstrong, of Wapakoneta, Ohio, a small farm community on the Auglaize River; a graduate of Purdue and an ex-fighter pilot, son of parents who prayed for his safety and unabashedly asked others to pray; a man who regarded his dangerous mission into the unknown as "an honor and a privilege"—the first man on the moon.

Buzz Aldrin, of Montclair, N.J., a larger industrial city, an Army brat graduated from West Point, wearer of a Masonic ring and close crewcut father of three and a corn-on-the-cob addict—the second man on the moon.

Mike Collins, another Army brat, born in Rome, son of a one-time commander of Fort Hayes; a non-smoker who willingly performed the critical job of circling the moon for hours to bring the moon-walkers back to earth, a man not ashamed to say "It's fun to be at home."

Chris Kraft, of Phoebus, Va., a tiny fishing village near the experimental air base, Langley Field; a Virginia Polytech graduate, baseball player, cigar-smoker, the calm and cool boss of the whole project.

These four—the principals in the drama—are all men on the edge of middle age, men from the middle class. Nowhere among them, nor for that matter among the lesser figures in the huge cast that made the drama possible, was there a whiff of pot, a mop of unkempt hair, a shouting doubter or a self-pitying whine.

Squares is what they were—and if they were unrecognizable to the pace-setters of the new culture, they were so recognizable to the rest of the world that they pushed, at least for a while, the scholars for destruction of society, the LSD eaters and the marijuana puffers, the wreckers of schools and colleges, right out of the news picture.

They are men and the sons of men and women who still believe that Boy Scouts are good, that divorce is bad, who teach Bible classes on Sunday, enjoy church suppers and Parent-Teacher meetings, who wash their kids' mouth with soap, who regard sexual license as wicked, who respect the American flag and observe the Fourth of July.

So they are indeed squares. But, more important, they are the sons of the kind of people—the men and women—who had the pioneer spirit, the vigor and the simple virtues which made the United States great.

They are, in short, the antithesis of the hippies with the dirty hands and feet who would revise the nation by destroying what it has been and put in its place only the Good Lord knows what.

There is significance in this dramatic triumph of the squares—significance beyond its scientific values, beyond its proof that the elderly (that's us people over 30) are not the bumbleheaded incompetents the militant dissidents think, even beyond its victory of man over imponderable nature.

The success, in so short a period, of the man-on-the-moon program is a burning sign that the spirit and the faith or the people who made the United States of America the world's great nation, the world's great society, is still alive and strong, still looking for new frontiers to conquer, and still proving that the simple virtues of cleanliness and decency and courage can, when supported by education and determination, meet and overcome any challenge that arises.

The revolutionaries of the new culture are not, by their own demonstration, much given to learning—but there is a lesson in the moon-landing which, if learned, might help with their own futures.

[From the Dispatch, Aug. 3, 1969]

"SQUARES" ON THE MOON

It must have been a bitter experience for the militant young dissents—seeing those over-30 "squares" conquer the moon. You recall what the hippie-types have been saying: the over-30 set is made up of bumbleheads incapabale of accomplishment.

But who were the principal performers in that historic moon venture? They were Neil Armstrong, a small town Ohio boy who graduated from Purdue and was the son of parents who unabashedly prayed; Buzz Aldrin, an Army brat who wears a crewcut and likes corn on the cob; Mike Collins, another Army brat who doesn't smoke and was not too proud to circle the moon while the other two astronauts trod the lunar surface; and Chris Craft, a native of a Virginia fishing village, a baseball fan and boss of the whole show.

There they are—squares all—and among them not a whiff of pot, nor a mop of unkempt hair, nor a shouting doubter, nor a self-pitying whiner.

The chief of The Dispatch Washington Bureau, Roulhac Hamilton, mused about those "squares" in a recent commentary and drew several letters of favorable comment.

We believe Mr. Hamilton summed up the "squares" aptly when he wrote:

"They are men and the sons of men and women who still believe that Boy Scouts are good, that divorce is bad, who teach Bible classes on Sunday, enjoy church suppers and Parent-Teacher meetings, who wash their kids' mouths with soap, who regard sexual license as wicked, who respect the American flag and observe the Fourth of July.

"The revolutionaries of the new culture are not much given to learning, but there is a lesson in the moon landing which might help with their own futures."

IDAHO PARTNERS OF THE ALLIANCE

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. HANSEN of Idaho. Mr. Speaker, some of the most effective work in building international understanding and promoting the economic development of our Latin America neighbors is being accomplished by private citizens in cooperation with the Alliance for Progress program. For the past several years it has been my privilege to work with the Idaho Partners of the Alliance. A group of private citizens in Idaho is making a significant contribution to the people of Ecuador. Similar partnerships exist between other States and other Latin American countries. This effort offers one of the most promising means of building the friendship and good will and promoting the economic development of other countries that is the basis of achieving international stability and enduring peace.

Recently an enterprising reporter, Oren Campbell, wrote a series of articles in the Nampa, Idaho, Free Press and Caldwell News Tribune describing the Partners' program. Mr. Campbell is planning a trip to Ecuador to determine how the Partners' program can be further improved. I include as part of my remarks the series of the three articles written by Mr. Campbell:

PRIVATE CITIZENS WORK TO COUNTERACT LATIN RIOTS

(By Oren Campbell)

Gov. Nelson Rockefeller found the climate a little too hot this past week in Latin America.

Before he reached Peru on his fact-finding tour for President Nixon, Rockefeller was told by that nation he wasn't welcome.

Not only that—Peru said the U.S. military mission no longer was welcome in that country and that arms will be purchased from other nations in the future.

Rocky reached Bolivia, but he didn't see much of it. Riots were so widespread in La Paz that he was forced to limit his visit with government officials to the airport.

He didn't get to Venezuela. Reason: too many riots going on there.

In Ecuador and Colombia, there was more of the same. Deaths and destruction resulted.

The New York governor appealed to reason, asking the young rioters to appoint a delegation for a peaceful meeting with him. They weren't interested.

It certainly must have seemed to many Americans who read the news reports of Rocky's trip that South America is indeed very unfriendly toward the United States.

The events of the past week cannot stand alone as a true picture of Latin American sentiment.

Consider a recent meeting in Salt Lake City, at which several hundred delegates from the United States and Latin America came together as friends to discuss how people throughout the western hemisphere can work together for the benefit of all.

This people-to-people approach is generated through Partners of the Alliance, an organization of private individuals in 37 states and 15 Latin American nations.

Involved in this non-government approach to a "Good Neighbor Policy" are businessmen, professional men, educators, farmers, newsmen. Their goal is to promote self-help programs that can enable Americans to have a hand in Latin development while allowing the Latins to retain control.

The Partners are active in industrial, educational, agricultural and cultural programs in Central and South America.

This program is no one-way street, either. Teachers and students are exchanged between nations; cultural exhibits are sent to the U.S. Americans gain an opportunity to become better informed about their neighbors to the South.

Idaho was one of the first states to become interested in the Partners program and one of the first to get active.

Idaho's partnership with Ecuador, scene of some of the bloody rioting in recent days, has been extremely fruitful.

Since the partnership began less than five years ago, interested Idaho citizens have helped collect medical supplies and equipment (one of the first projects was a donation of 2,000 hypodermic syringes by Dr. Hal Reynolds of Caldwell), sewing machines and a typewriter for a home and school for orphan Indians, carpentry tools for a vocational school, and equipment for a crop and fruit harvest improvement project.

A year ago one student from Ecuador was enrolled for one year of study at the University of Idaho. This past year the U of I has played host to three Ecuadorians who came to this country under the auspices of the Partners program.

Self-help projects such as these are being conducted throughout the nation.

The Partners of the Alliance approach has been praised by both liberals and conservatives.

Former Rep. George Hansen, Idaho conservative who gave up his House seat last year for an unsuccessful try for the Senate, predicted the Partners program would be "impactive and far-reaching in Inter-American affairs" in the Feb. 16, 1967, Congressional Record.

LATIN AMERICA: ECONOMIC GROWTH JUST STOPPED

Fifteen years ago Latin America was prospering.

Between 1950 and 1955 the economy of Latin nations was growing at an annual average rate of 4.8 per cent to rank them behind only free Europe and Japan among the world's fastest growing economies.

Then a number of things happened to change this situation.

Alacid da Silva Nunes, governor of Brazil's state of Para, recently explained the change this way:

"It was in the middle of the 1950s that Latin American economic expansion stopped," he said.

"Exportation prices dropped and were consumed in the interchanging relations—and the index of economies and investments became lower . . .

"On the other hand this erosion in the development economy base revealed the existence of obsolete social structures which did not permit progress and prejudiced justice and, consequently, social stability."

And added to those was inflation, the Para governor said.

President John F. Kennedy, in 1961, expressed awareness of the Latin problems when he said:

"In all Latin America . . . millions of men and women are suffering the daily degradation of hunger and poverty.

"They need decent homes as protection against diseases. Their children do not have education or jobs which constitutes the support for a better life. And the problem every day becomes more urgent."

In August, 1961, the Charter of Punta del Este linked 20 nations together in the Alliance for Progress. Under the charter, these nations pledged themselves to attain a better economic and social life for all the peoples of Latin America.

These benefits were to be within the framework of personal dignity and political liberty. The United States had learned its lesson about personal dignity through the disappointments of its foreign aid program after World War II.

At the time of the formation of the Alliance, it was estimated that 10 years and $100 billion—80 per cent of which would be provided Latin America—would be needed to make significant progress toward the goal.

A growing realization that government-to-government relations were not enough resulted in the formation of Partners of the Alliance, a grassroots approach involving concerned private citizens in all the Alliance nations.

The Partners program is described as a channel through which community organizations of all kinds, state or city institutions, or even private individuals can work directly with the people of another nation.

They might be helping the people of an Andean village, a jungle colony, a slum improvement cooperative or any of the numerous efforts by Latin Americans to improve their way of life.

The Partners program also provided an awakening for many Americans to whom a Latin American was a stereotyped, slow-moving fellow with a sombrero who never missed a siesta.

Gayle Allen of Boise was typical of many who was awakened to international problems by involvement in Partners of the Alliance.

Allen was among the first Idahoans to become involved in a partnership with Ecuador.

"I used to think all that mattered was right here inside our state. I didn't care about the problems of other countries. It didn't take me long to come out of my shell," Allen said.

He soon became so involved that he was chosen to head the Idaho Partners program.

The U.S. Government is involved in Partners in the Agency for International Development. All decisions and initiatives are taken at the state level. When advice or help is needed, state Partners groups may turn to the Partners advisers in the Agency for International Development at the State Department in Washington, D.C., or from the national Partners office in Washington.

The government makes available limited amounts of financial help to allow state Partners officials to familiarize themselves with conditions in their partner nation.

Wade Fleetwood, former Boise teacher now serving as associate director in the A.I.D. Partners office in Washington, said the federal government regards such travel as one of the most effective investments it can make in Latin American relations.

Fleetwood recently told the Idaho Jaycees convention in Twin Falls that the cost-benefit ratio is 18 to 1—$18 raised through the private sector for every $1 the federal government invests in the program.

"There aren't many areas of government interest that can match this kind of a cost-benefit ratio," Fleetwood pointed out.

PROGRAM PROMOTES MILLIONS IN AID, PLUS FRIENDSHIPS

It's impossible to place a dollar tag on friendship.

Likewise, the full value of an organization such as Partners of the Alliance can't be stated by an accountant. The Partners—a person-to-person approach to solving international problems—succeed through friendships where governments fail through diplomacy.

The total dollar value place on projects completed by United States and Latin American partner groups has reached more than $13 million after just five years of existence.

Last year alone, the 37 U.S. state partnerships and their Latin counterparts were responsible for carrying out $3,147,783 worth of activities. Many of these projects directly benefitted Americans.

The 1968 figure does not include almost $2 million in foundation contributions inspired by the Partners program.

Neither does it include $15 million in loans—arranged but not yet functioning, involving the partnerships of Alabama and Guatemala ($1.5 million for housing); Georgia and Pernambuco, Brazil ($10 million for road construction); and Texas and Peru ($3.5 million for housing).

Yes, Peru is an active participant in the Partners program despite the recent severe outburst by the Peruvian government against the U.S.

As Miguel (Mike) Balbuena explains it: "We don't go through government channels. The government's problems with the United States are not involved in our partnership with Texas. It's people dealing with people—not government with government."

Mike is executive director of the Peruvian Partners program. He is a retired telephone company employe.

Mike admits that the Texas-Peruvian Partners program has been snagged recently, but the reason, he says, has been a shipping strike that has prevented goods being sent to Peru.

A Texas spokesman commented that it was difficult for a time to promote the Lone Star State's partnership with Peru when the government of that country was confiscating U.S. fishing boats.

But Peruvian and Texas Partners met as friends when Partners of the Alliance held its international conference last month in Salt Lake City.

Whether a project involves thousands of dollars or less than $50, all are important in promoting international friendship—if not in helping to stimulate economy.

Michigan's Partners recently sent a convoy of six semitrailer trucks loaded with goods and equipment to British Honduras. The cargo included tractors, paint, clothing and other supplies.

The Utah Partners set up a barbering school in the Bolivian town of Achicha Abajo. The school was provided with scissors, clippers and other equipment; a professional barber was hired to train students. Proceeds from barbering done there go into a revolving fund for other projects.

The Connecticut Partners raised funds for materials to construct a commercial high school in Taperoa, Paraiba, Brazil.

Two Wisconsin cities donated used fire trucks to Nicaraguan towns.

A major project recently was completed by the Maine Partners. They sent more than $100,000 in medical, educational and agricultural supplies—plus materials for an entire pre-fabricated house, to the Brazilian state of Rio Grande do Norte, Brazil.

This cargo, transported by the Maine Maritime Academy's training ship, was made up of donations from more than 500 organizations and individuals throughout Maine.

Ronald Hees, general coordinator of the Partners for the Brazilian state of Rio de

Janeiro, believes the people-to-people aid concept is working in his state.

"As the standard of living goes up," Hees said, "the influence of Communism decreases."

Hees said Brazilians are quite friendly with the U.S. He attributes this to the fact that his country probably is the most similar to the U.S. of all Latin American nations.

"It has the same kind of melting pot; the same kind of aspirations," he pointed out.

Mariano Sanchez is a writer and radio announcer for the Voice of America. His program, "Revolution of Hope," is heard throughout Latin America. A native of Spain, he has lived in Mexico for 12 years and in Honduras for four years.

Sanchez believes the Partners program is working effectively to correct what he calls the greatest problem in U.S.-Latin relations—"the lack of communications."

"The Partners program is a beautiful idea," Sanchez said. "It brings people together with one thought in mind—progress."

The Partners of the Alliance program is endorsed by many Latin government officials, although it is conducted outside of government channels.

Alacid da Silva Nunes, governor of Brazil's state of Para, recently told the international Partners conference that his state's partnership with Missouri has been very successful.

"We received the warm friendship visit of many Missouri citizens and many of Para's citizens have been well received in Missouri," Nunez stated.

"During the last year we received the first donations—hospital furniture, teaching aids, garden equipment—even now we are awaiting an agricultural technician who will be our guest during the course he will be taking at the Agronomic Research Institute where he is being prepared to assist public and private sector organizations on a few basic problems of the Amazonic nature.

"These are modest examples, but concrete and good for the future of the Partnership to which is devoted our organization. I hope that this special aspect has the incentives of understanding and collaboration between peoples of the Americas, side by side, without any interference from the government organizations."

The Partners approach has been applauded by many of our nation's leaders. President Nixon, in a recent statement directed to the Partners of the Alliance, said:

"Productive international cooperation must be between partners—partners who listen to each other, who share a cause, and pursue it with equal vigor. Your continuing success in furthering such cooperation is rewarding for all of us.

"The creative potential of our societies can be fully realized only if individual citizens exercise initiative and are willing to reinforce the work of their governments. It is imperative that we realize this full potential if we are to deal effectively with our immense problems and achieve the kind of progress we seek."

STAND UP FOR AMERICA

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. MONTGOMERY. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following story about one small boy and how he stands up for America in the face of adversity. The young man, Alex Curtis, is the 9-year-old son of Major Curtis, who is a doctor teaching at the University of Munich in Germany. Major Curtis has been assigned to Germany for some 10 years and all his children have been born there and are somewhat German oriented although they are very much American and very proud of it. The following story concerning one episode in young Alex's life was related to me by Lt. Col. Billie B. Curtis in the Mississippi Army National Guard.

When Major Curtis travels between Germany and the States he always buys his children some sort of toy. On one trip he let it slip his mind and at the last minute in the airport he bought a small American flag so he would not have to go home emptyhanded. He said that previously Alex would welcome the toys, but that when he got the flag, he was so proud he cried and now keeps it as a treasured possession. Later on there seems to have been a Communist rally in Munich with anti-American slogans and banners. Alex became highly irritated, slipped out of the house with his flag, and got into the middle of the demonstration, waved his flag and shouted "Up with America." Major Curtis said that when he got to his son, the boy was chewing the Communists out and telling them that if they did not behave themselves, he would get the U.S. Army and whip them again.

AIR AND RAIL CARRIERS MOVE TO OVERCOME LOSS OF INCOME

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. POLLOCK. Mr. Speaker, recently our distinguished colleague, the gentleman from Maryland (Mr. Friedel), speaking in his capacity as chairman of the House Subcommittee on Transportation and Aeronautics brought to the attention of this body some of the problems this country's airlines are facing, and their bleak prospects for the future.

There is little question in my mind, judging by the economic straits the industry currently finds itself in, that many serious mistakes have been made by the Civil Aeronautics Board and on occasion by the Congress. The granting of unlimited privileges to supplemental air carriers has undermined not only the scheduled air carriers, but the supplementals as well, those very carriers these privileges were supposed to help. While in the enviable position of being allowed to skim the cream off the air traffic market, the supplementals have, nevertheless, through a combination of mismanagement and overestimation of capability, managed to place themselves in jeopardy. As a matter of fact, one of the larger supplementals ceased operation a little over a week ago.

The CAB, if one is to judge from recent decisions, would appear to believe that the cure for this ailing industry is the awarding of routes already surfeited by fierce competition to yet additional carriers. In the Miami-London case the Board disregarded its own examiner's recommendation and placed in competition with BOAC, a globe-girdling airline, a carrier which, because it lacks beyond rights, is forced to turn around at London. Nearly every carrier, that applied for additional authority received it. On three new routes, the international and the mainland-Hawaii phases of the transpacific case and the southern tier route.

The board justified these awards on the grounds that competition in markets that can sustain it is one of the best guarantees of good service. It went on to point out, however, that to have competition there must be strong, healthy carriers. Judging by economic indicators within the aviation industry—plunging stocks, an almost nonexistent rate of return on investment and an ever tightening money market—it would appear that the only way the carriers can maintain even a semblance of health is to merge. Therefore, if the clandestine intent of the board is to force airline mergers, as the recent awards would indicate, then it will be interesting to see how it justifies this in the light of its statement that competition guarantees the best service, not to mention its underlying responsibility for protecting the public interest.

As if to highlight these difficulties, a well-known air carrier, recent recipient of a new route system between Alaska, the Midwest, the west coast and Hawaii was forced just last week, because of an inability to arrange financing, to cancel its order for seven new Boeing jet aircraft.

Mr. Speaker, it is no consolation to the air carriers to know that they share their unenviable position with their railroad counterparts, but they do. Mr. Stephen M. Aug in his well-documented article, which appeared in a recent issue of the Washington Evening Star, aptly describes the economic plight of the transportation industry in general and the airlines and railroads in particular. Because I feel my colleagues will find this article both illuminating and alarming, I include it in the Record.

Air and Rail Carriers Move To Overcome Loss of Income—CAB Asked To Vote Fare Increase; Diversification Is Alternative

(By Stephen M. Aug)

Airlines and railroads—major carriers of people and things—are going ahead with plans for general increases in fares and freight rates to combat an array of economic problems, many of which can be summed up in a single word: inflation.

Earnings reports from the transportation industry have, with few exceptions—more of them among railroads than airlines—shown lower profits and, in some cases, deep losses.

The results of these lower earnings have been that some airlines are talking about mergers—and at least one has formed a holding company to diversify into nontransportation businesses.

United Airlines already has asked the Civil Aeronautics Board for a 6.6 percent increase in fares. Trans World Airlines says it will apply within a few days, and others are expected to follow. Several rail industry sources say the railroads are getting ready to apply for what would be their third general freight rate increase in as many years.

Share prices for the stocks of both segments have dropped along with the general market—but airline stocks are at their lowest prices in years, leading some industry sources to begin worrying that aggressive conglomerate corporations may begin buying at bargain prices.

RAILS DIVERSIFY

Most major railroads already have taken steps to diversify, and in several cases it has been only their nonrailroad properties that have shown earnings.

Penn Central is the best example. The largest railroad, it reported over-all earnings of $21.85 million for the second quarter of 1969, down 7.5 percent from the same period last year. Virtually all the earnings came from nonrail enterprises. Penn Central's railroad lost $8.22 million in the same 1969 quarter, compared with $2 million in earnings in the 1968 quarter.

Northwest Industries, another railroad-based conglomerate, showed a $5.4 million profit for the second quarter, but its railroad, the Chicago & North Western, lost more than $2.5 million.

Penn Central predictably blames much of its losses on continuing deficits from operating passenger trains. It says it also continues to absorb heavy expenses of its 1968 merger.

C&NW blames much of its second quarter loss on springtime flooding—the aftermath of heavy winter snows. It also contends it is a weak railroad that has a lot of track and few freight trains—with resulting high maintenance costs, and relatively little income.

But rail industry sources generally blame the fact that industry stocked up on steel in the second half of 1968 in expectation of a steel strike that never materialized—and during the first half of this year, with steel stocks high, less was shipped. Further, efforts to cool off the economy generally have shown in a one percent dip in freight car loadings, and only a small rise in piggyback traffic, usually the fastest-growing segment of the rail freight business. There are also continuing wage increases.

Not all railroads lost money on rail operations. The Union Pacific, Norfolk & Western, Great Northern, Sante Fe, Seaboard Coast Line, Chesapeake & Ohio and Southern all showed gains.

Among the airlines, however, the mood was overwhelming gloom. For the industry, second quarter earnings of eight of the 12 major trunk carriers totaled $54.5 million, down 34.1 percent from the 1968 quarter. For the half, earnings were $95.9 million, a 78.4 percent nosedive from last year.

RESULTS OF SLIDE

Some of the results of the earnings dive:

Pan American World Airways, for the first time since 1941, failed to pay a quarterly dividend. It had been paying 10 cents a common share. Harold E. Gray, Pan Am spokesman, followed with a statement that "we are prepared to investigate opportunities that may arise for either acquisition or merger."

United Air Lines shareholders voted to set up a holding company. The firm, known now as UAL, Inc., owns the airline and is looking for other nonairline activities to acquire as a stabilizing effect of what may become continual cyclical earnings problems.

During the quarter ended June 30, Pan Am reported a loss of $1.8 million compared with a profit during the same 1968 period of $17.6 million. For the first six months, it had a loss of $12.7 million, compared with 1968 earnings of $14.3 million.

Trans World Airlines—which started round the-world flights Friday—wasn't far behind. Including its Hilton International operations, TW had second quarter earnings of $6.2 million—about half of the 1968 period—and six-month losses of $8.7 million. For the airline alone, it showed a second quarter profit of $4.2 million, but six-month losses of nearly $13 million. The 1968 six-month loss was $4.7 million.

REASONS VARY

The reasons for the airline losses vary. Generally, best estimates are that airline revenue productivity, which had been gaining at the rate of about 10–12 percent a year, has slowed down at the same time that inflationary losses, which had been averaging 1 to 2 percent a year have gone up to as much as 6 percent.

In the past, productivity was increased by substituting bigger more efficient jets for slower smaller piston planes. But now, any new jets simply replace older ones. And even with the new jumbo jets coming onto the line soon, economists foresee a productivity gain from them of only 2 to 3 percent a year.

And as the effects of inflation have begun to erode other gains, earning have slumped—and badly. The Civil Aeronautics Board has set at 10.5 percent the rate of return—what the airline may earn as a percentage of its total investment. This rate of return currently averages 4.7 percent.

Some economists figure the airlines industry needs an average of nearly $2 billion a year in additional revenue during the next five years. Some of this obviously will have to come from increased fares and freight rates, but there will also be more passengers. There are some who say the money need will balloon from about $887 million in additional revenues this year to about $3 billion by 1973.

PARTICULAR PROBLEMS

Some airline, however, have their own particular problems. One beset by big problems is Pan Am. It has contended that a major factor in its perilous situation has been supplemental airlines which offer cut-rate charter flights in its worldwide territory.

Pan Am also has problems with a variety of foreign nations. In some instances it has had routes authorized by the CAB for as long as a dozen years—but because agreements haven't been made with foreign nations, it has been unable to fly them.

Pan Am stock earlier this year was the subject of major buying by Resorts International, a Nassau hotel and gambling operation, and by Gulf & Western Industries, a major domestic conglomerate. Resorts later said it had no intention of trying to take over Pan Am. But G&W has since said nothing.

Passengers may notice at least one of the results of slimmer airline profits. Some lines have begun to cutback on the number of choices for in-flight meals—and others are substituting expensive meals with cheaper ones.

PROTECTING THE BAY AND DELTA

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. WALDIE. Mr. Speaker, one of the Nation's most wonderful natural assets, the San Francisco Bay and delta estuary, faces a threat to its very existence from the ravages of fill, pollution, and reduction by the increased diversion of upstream fresh water inflows in the estuary's ability to flush itself clean of harmful wastes.

Mr. Speaker, these threats to the bay and delta have galvanized the public in the bay area and sparked a great outpouring of sentiment in favor of increased protection of the bay. This public reaction greatly assisted the efforts of the spokesmen for conservation to have the State legislature pass a strong and effective bill guarding the bay against filling. The threats of pollution and diminished fresh water outflow, however, still are present and it is now apparent that the forces that brought about the conditions that aided passage of the strong fill control measure must rally to fight the two remaining threats.

Mr. Speaker, the newspapers of the bay area have played a most important part in the conservation fight to save the bay and the Sacramento-San Joaquin Delta. A leader in this continuing effort has been the Contra Costa Times, published in my own district. I would like to insert a recent Times editorial, "County's Delta Future Should Be Protected," which is an excellent example of the editorial support for conservation issues:

COUNTRY'S DELTA FUTURE SHOULD BE PROTECTED

During the next several weeks, extending perhaps into September, the California Water Resources Control Board meeting in Sacramento quite possibly will be deciding the future of Contra Costa's Delta area and San Francisco Bay itself.

Hearings are being conducted to decide on just how much water Contra Costa County and the Bay will receive from Northern California flows, and how much will be exported to Southern California through the California Water Project.

State engineers declare the future of the California Water Project itself is at stake since project commitments cannot be fulfilled if the Bay-Delta system gets all the water Contra Costa County says it needs.

All this points up a most serious problem.

There is the real danger that if the State water project takes a quantity of water out of the Delta; salt water intrusion through the Bay will extend far into the Delta and destroy its farming, recreation and general ecology.

State of California officials are insisting that State standards are high enough to prevent this, and that Southern California's needs override those of the Delta.

This, of course, is open to serious question.

Former Secretary of the Interior Udall said before he left office that the State's standards are too low. He expressed the hope that State standards would be upgraded as a result of these Hearings.

There has been no assurance from the present Administration in Washington that new demands will be made to raise State standards. There should be.

One of the major issues in these Hearings is where this historical boundary exists between fresh and salt water. State engineers are of the opinion that the salt water line extends through San Francisco Bay and into most of the Delta, nearly to Sacramento, Stockton and Tracy.

The County has taken the stand that the "historical boundary" is somewhere near Port Chicago or the Antioch Bridge. The County wants enough fresh water from the north to halt intrusion at that point.

Even though the earliest date that mass exportations can begin in the Delta is said to be 1972, this is not too early for Contra Costans, along with those down the line in San Joaquin and Sacramento Counties, to become a bit exercised about the problem.

Some of the finest recreation areas and fisheries in the Nation are in Contra Costa County, not to mention a good deal of agriculture. All of these factors are the primary ones for insisting on observance of the historical boundary.

Contra Costa County, within the next several years, is destined to become the second most populous County in California, second only to Los Angeles. This should be of paramount importance to those testifying and taking testimony at these Hearings.

Contra Costa County's present and future water needs, together with the salt-water intrusion factor, make it imperative that it receive at least a fair and equitable Hearing, and that the State take a long, hard look at its present standards.

ADDRESS BY HAROLD GRAY, CHAIRMAN, PAN AMERICAN AIRWAYS

HON. NORRIS COTTON

OF NEW HAMPSHIRE

IN THE SENATE OF THE UNITED STATES

Tuesday, August 12, 1969

Mr. COTTON. Mr. President, Harold Gray, chairman of the board of Pan American Airways, an aviation pioneer, recently delivered a most stimulating speech at the Aviation/Space Writers luncheon here in Washington. His presentation, "Pan American and the 747 Revolution," contains some interesting observations about the development of international air travel and its future.

I ask unanimous consent that Mr. Gray's speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY HAROLD GRAY, CHAIRMAN, PAN AMERICAN AIRWAYS

To tell the story behind the 747 properly one must go behind the event to set the stage or lay the background for the kind of decisions necessary in the aviation business. I would like to talk a little about the present status, and then speculate about where do we go after the 747.

So if you will be patient with me I'll go way back to the late twenties and talk about Pan Am's attitude and philosophy with respect to the acquisition of flight equipment. At that time Juan Trippe and his associates set out to make air transport available where it could best compete with other forms of transportation and where it would best serve the public. The obvious areas for implementing such a philosophy were those which separated centers of population by bodies of water or jungles or, in some cases, frozen tundra. Operations started between Key West and Havana. That's the last time I'll mention Havana today. The significance of this little 90-mile hop over water was not just the transportation provided over that sector, but the fact it was a stepping stone to expanding over-water services, long over-water routes throughout the Caribbean and subsequently across the ocean. In the "over-jungle" area, services were started a year later by Pam Am out of Texas down to Mexico and very shortly thereafter down through Central America through all of the capitals in that area.

To effectively pursue the extension of service into these areas obviously required a more complete utilization of the technology available to the manufacturing industry.

Fortunately, under the U.S. system of free enterprise, there was substantial competition available in the aircraft manufacturing business. These fellows developed a formula, still pretty good today, for drawing maximum results from the competitive manufacturing industry. It consisted of:

1. Developing, through a competent technical staff, realistic concepts of what is really possible with respect to design and manufacture.

2. Issuing a real challenge to the competitors in the business.

3. Expressing willingness to share the risk of the project with the manufacturer in terms of a very substantial order to begin with and, second, in terms of making necessary advance payments.

This philosophy resulted in almost unbelievable progress in Pan Am's ability to do the job it had set out to do.

Even more fantastic was the development of completely new aircraft designs taking advantage of the latest technology in the industry. For example, the first airplane so developed was the four-engined Sikorsky 40-passenger flying boat—and remember this is back in the days of the old tri-motor Ford—a 40-passenger flying boat capable of flying with reasonable loads anywhere in the Caribbean on down the coast of South America. This was followed by a number of other designs, each a very substantial breakthrough in economy—range—speed or comfort. By 1936 we were able to fly the Pacific and the Atlantic.

The U.S. policy which permitted Pan American—I use the word "permitted" intentionally—to become a strong and important carrier in world aviation, this in combination with the great U.S. free enterprise competitive system for manufacturing airplanes, has indeed been a fortunate one. If this combination had not existed, and if BOAC, for example, had been the dominant carrier in international air transportation, it is quite possible that the world's airways would today be served primarily by Comet 10s or 11s or 12s or some number, instead of 707s and DC–8s.

I have said all this but very little so far about the 747. Now I would like to talk about how Pan Am's philosophy still works today and how it worked with the 747.

We rejected at that time the acquisition of stretched DC8s, stretched 707s, but we did strongly express our conviction that what the industry needed was a real breakthrough, something that would obsolete all equipment completely. One of the benefits was that it left the balance of the industry which did not get the contract with a great urge to move forward and do things. Boeing was most eager to proceed through the preliminary design stages of a commercial transport in the area of the 747.

By January of 1966 the feasibility of the project was confirmed. There remained two major problems. One was the tremendous financial burden of this program and the risk associated with it. It was beyond the comprehension of even the Boeing people to begin with. The other was the immensity of the pure production problem itself. As far as the risk was concerned, Boeing eventually agreed to go ahead, providing they had 50 firm orders for the aircraft.

It was further provided that progress payments would be made on a new basis deviating from the established practice of 30 per cent down prior to delivery. Now it became more than 50 per cent prior to delivery. Pan American agreed to purchase 25 of the 747 aircraft representing about a half a billion dollars in commitments. We agreed to go along with the progress payments Boeing required. Within three months, by July of 1966, Boeing had received enough orders to insure that the project would go ahead. To date Boeing has announced sales of 169 of these aircraft, including eight more for Pan Am ordered last January bringing our total to 33.

The second problem of production Boeing solved by sub-contracting on a new and very large scale. 75 per cent of the airplane is being built by other companies. Those of you who have been out to the factory know that just the assembly alone is a stunning effort for any one company.

Another common question asked these days about the 747 is what will it do to fares? The 747 will make it possible for the airline industry to operate at fares lower than they would be if the 747 hadn't come along. The direct operating cost of this airplane is about 20 to 30 per cent lower than our current aircraft.

This airplane has a fantastic capacity for carrying cargo in addition to passengers and mail. With a full load of passengers and their baggage the airplane will still carry 20 tons of cargo in addition. That is as much as most all-cargo airplanes carry today.

There is another question I am often asked. That is, "Will the airports be ready for this beast?"

Well, the real question is not whether they'll be ready for the 747; the real question with respect to our airports today is whether they will be in fact, or are, ready for the normal growth of traffic—probably 12 to 15 per cent a year—a growth that would double traffic in five years. Are they ready for that traffic growth irrespective of the 747? The answer is no. Many of our airports are not ready for the normal growth of traffic which will definitely occur if not inhibited by lack of airport facilities.

The 747 itself does not impose quite the burden on an airport that many people think. For example, it doesn't require any different runways or any longer runways or any stronger runways. It can operate with the same degree of safety as our current airplanes and, in fact, the 747 will use less runway.

In the final analysis, the real problem is the number of people who want to travel. If we can carry those people in a 747, it will result in less congestion in the airways and around airports and it will improve the situation rather than worsen it.

Well, this is a short story. The facts again tell us that historically the bigger airplanes get, the safer they get. This is not only because the bigger airplanes are associated with advance technology but big airplanes just have more room for more things that make it possible to fly safer, and we are very, very confident that the 747 is going to represent another step forward in the area of safety.

With respect to the speculation about the future, I know many people have questions about supersonic. I'm not sure I can answer them. I know what you know. The Concorde has flown, low and slow; we will know more about it as the tests continue. I had rather speculate instead about a little more distant future. Say 15 years in advance, because if I'm wrong nobody in this room is going to tell me about it and if I am right I'll be able to look you up and say "I told you so."

I think the 747 and the other wide-bodied jets 12 years from now will still be the work-horses of the industry as far as air transportation is concerned. I think the travel market will still be growing, and growing at a rate in excess of the gross national product. I think fares will be lower in terms of loaves of bread—what they will be in terms of today's dollars, I don't know. I think that airlines will be jointly using rights-of-way through the skies, such as the railroads do on the ground today. The character of short-range air transportation will be changed completely. No longer will anyone go to a major airport to fly from New York to Washington, or probably any flight less than 500 miles. They will be using Vertols or STOLS or perhaps vastly improved ground transportation.

I would like to make one more, not quite so serious, suggestion and that is, people at that time will probably be in this room listening to somebody from Pan American tell about their initial order for hypersonic, nuclear powered, Mach-9 airplanes which only have to refuel themselves perhaps once a month or so. Airplanes that will fly between any two cities in the world without refueling and without any worry about their reserve. Imagine the effect of nuclear power! To put it in perspective, I should tell you that the 747 with full tanks has fuel on board weighing as much as 1,500 passengers and their baggage. Isn't that a fantastic figure?

Finally, with respect to the future, I would think this list of a little more than 4,000 people we have now who requested reservations for Pan Am's first flight to the moon will experience some turnover.

We also expect that by 12 years from now the list will be so long we will employ a special disc in our computer to store the information. And I suppose I would treat that lightly had I not been in this business for so long. Fantastic things will happen in the future. I've had a lot of fun in 40 years in this airline business.

GENERAL ACCOUNTING OFFICE LOOKS AT POSTAL REFORM

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. DULSKI. Mr. Speaker, our hearings on postal reform which began last April 22 are due to come to a close Tuesday with the return appearance of the Postmaster General. It is traditional to allow the General to return at the close of major hearings if he wishes.

We originally intended to complete the hearings on July 31, but at the request of several members of the committee we extended them several days in order to permit testimony from representatives of several agencies and departments of the executive branch.

A most enlightening and worthwhile presentation was made the other day by Robert F. Keller, General Counsel of the General Accounting Office. He discussed some of the basic features of postal reform and his presentation deserves wide attention.

As part of my remarks, Mr. Speaker, I am including the text of Mr. Keller's prepared statement before the House Committee on Post Office and Civil Service on August 8.

STATEMENT OF ROBERT F. KELLER, GENERAL COUNSEL, GENERAL ACCOUNTING OFFICE, ON POSTAL REFORM

Mr. Chairman and members of the committee: We appreciate your invitation to appear here today to comment upon legislative proposals relating to the reorganization or modernization of the postal establishment.

In your letter inviting us to appear, you identified five bills which exemplify the chief legislative proposals which are before the Committee for consideration.

These include H.R. 11750, H.R. 4 and H.R. 13124 each of which would provide for rather comprehensive reforms of the postal establishment and each of which would create a corporate body to carry out all or a portion of the present functions of the Post Office Department.

The other two bills, H.R. 1133 and H.R. 1134, relate primarily to appointments of personnel in the postal establishment.

For the most part, the changes involved in the proposals being considered by this Committee are matters for determination for the Congress which do not directly involve the functions or responsibilities of the Comptroller General or the General Accounting Office.

CONFINING ATTENTION

Accordingly, we would like to confine our testimony today to our general thoughts on providing for a Government corporation to carry out all or part of the responsibilities of the postal establishment and to our thoughts on certain specific revisions of H.R. 4 and H.R. 11750 which we believe will be helpful to this Committee in its consideration of these bills and of other bills which include similar provisions.

H.R. 4 proposes to establish a new Government corporation, known as the Postal Modernization Authority (the Authority).

The Authority would be responsible for, among other things, financing, acquiring, improving, replacing, modernizing, and holding title to property, facilities, systems, and equipment necessary for the administration and operation of the postal service, together with planning related thereto. Under this bill, the Post Office Department would be retained also and would be responsible for conducting postal operations not assigned to the Corporation.

In contrast, H.R. 11750 proposes to abolish the Post Office Department and to create a wholly owned Government corporation which would be responsible for all postal service activities.

SOME FORM CAN BE JUSTIFIED

In our letters of August 1 on H.R. 4 and H.R. 11750, we informed your Committee that we believed that some form of corporate structure can be justified for the Postal Service to provide management with a greater degree of flexibility to better enable it to manage its commercial operations on a business type self sustaining basis.

However, the extent to which the Congress wishes to relinquish its control over the postal operations is of course a matter of policy for its determination.

Over the years the General Accounting Office has expressed concern that the establishment of Government-owned corporations tends to diminish congressional control over public expenditures.

It is our view that the public interest is generally best served when congressional control of Federal activities is exercised through annual reviews and affirmative action on planned programs and financing requirements.

This review is normally accomplished through appropriation hearings, which culminate in affirmative action on an appropriation request.

DEPARTURE ONLY WHEN JUSTIFIED

We believe that a departure from this standard should be made only where it is clearly demonstrated that the activity to be authorized can be more efficiently and economically operated through the corporate structure, and a net advantage to the Government will result.

Because the postal service is a highly business-type operation and, as indicated in H.R. 4 and H.R. 11750, it is generally recognized that serious handicaps are imposed on management by certain existing legislative, budgetary, and financial policies that are inconsistent with modern business practices, we believe that a departure from this standard is warranted in this case and that a corporate structure of some nature can be justified for the postal establishment.

The organizational structure proposed by H.R. 11750 is quite like that recommended by the President's Commission on Postal Organization and would grant much broader authority and greater flexibility for carrying out postal operations with correspondingly less congressional control over such operations than is proposed by H.R. 4.

LESS CONGRESSIONAL CONTROL

The Corporation which would be established under H.R. 11750 would be subject to less congressional control than most other wholly owned Government corporations subject to the Government Corporation Control Act.

While the Corporation would be generally subject to the Government Corporation Control Act, section 1003(e) of the bill provides that the Corporation's funds shall be available for expenditure without regard to that section of the Government Corporation Control Act which provides that the Congress shall make necessary appropriations making available for expenditure for operating and administrative expenses such corporate funds or other financial resources or limiting the use thereof as the Congress may determine (31 U.S.C. 849).

The effect of this exception would be that if, for example, the House Committee on Appropriations included a provision in an appropriation bill which would provide a limitation on the Corporation's expenditures, such action under the Rules of the House of Representatives apparently would be subject to a point of order.

The proposal to exempt the Corporation from the requirements of 31 U.S.C. 849 would provide Postal Service management with greater freedom and flexibility in operating the Postal Service than is provided for generally by the Government Corporation Control Act.

HOW MUCH CONTROL DESIRED?

While such freedom and flexibility could be conducive to achieving efficient, economical and effective postal service it would be a lessening of congressional control and as previously indicated, the extent to which the Congress desires to relinquish its control is a matter for its determination.

Regardless of which type of corporate structure the Congress might finally approve we offer the following comments for your consideration.

We are concerned that the sale of bonds to the public by the corporation would result in higher financing costs than would be incurred if the corporation used the financing facilities of the Treasury Department.

Studies made by our Office have disclosed that interest costs are generally higher when agencies obtain financing directly from the public rather than through the facilities of the Treasury Department.

We have no way of knowing precisely the amount of bonding authority which the corporation might use in future years nor can we predict what interest rates it might have to pay.

COST OF BONDING

If it is assumed, however, that the average bond indebtedness of the corporation were to be $2 billion, and the interest rate paid by the corporation on its bonds was, on the average, one-half of one percent higher than the interest rate at which the corporation could have borrowed from the Treasury, the added cost to the corporation would be $10 million annually.

If borrowing authority is to be granted, we recommend that the corporation borrow all of its funds from the Treasury rather than borrow directly from the public.

If this recommendation is accepted and in order to retain the flexibility that borrowing from the public would provide, provision could be made whereby any borrowings necessary by the Treasury to purchase the corporation's bonds need not be taken into consideration with respect to the limitation on the amount of the public debt prescribed in the first sentence of section 21 of the Second Liberty Bond Act, as amended, 31 U.S.C. 757b.

In recent years many new postal facilities have been constructed for lease to the Post Office Department rather than for Government ownership.

LEASING COSTS MORE

We have pointed out in a number of reports made to the Congress that the total costs to the Government over the useful life of a facility are often much greater when the facility is leased than when it is Government-owned, because of the higher interest rates that the lessors must pay compared to rates on Treasury borrowings; because of the profits which the lessors expect to realize; and because of other expenses paid by lessors which either would not have to be paid or would be paid in lesser amounts in connection with a Government-owned facility.

Under H.R. 4 and H.R. 11750 the Corporations would have the option of acquiring the use of postal facilities through leasing or Government ownership.

It appears that the provisions of these bills authorizing the Corporations to purchase facilities and to borrow funds for its purposes would better enable the Corporation to purchase postal facilities when it is in the Corporation's interest to do so, thereby reducing the total cost to the Corporation for those facilities.

Subsections (a) and (b) of section 1008 of H.R. 11750 contain various detailed requirements concerning our audits of the proposed corporation to be made not less frequently than once each fiscal year.

Since our audit of the corporation would be made under the provisions of the Government Corporation Control Act we see no need for those requirements.

AUDIT ALREADY REQUIRED

Under the provisions of the Government Corporation Control Act we would be required to make an annual audit of the corporations proposed in both H.R. 4 and H.R. 11750 and furnish reports thereon to the Congress by January 15 of the following year.

In order to provide the General Accounting Office with flexibility in dealing with problems relating to priorities, manpower limitations, workload scheduling, and relative importance of assignments, we believe that the Comptroller General should be free to determine the scope and timing of audits of the corporation.

This could be accomplished by adding the following provision to each of the bills.

"Notwithstanding the provisions of the Government Corporation Control Act, the accounts of the corporation shall be audited by the Comptroller General and reports thereon made to the Congress to the extent and at such times as he may determine."

We have not mentioned a number of suggestions which are somewhat of a technical nature that are included in our reports on H.R. 4 and H.R. 11750. We will be glad to cooperate with members of your staff with respect to those suggestions if you wish.

CONFLICT OF INTEREST ON U.S. WATER PROJECTS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. OBEY. Mr. Speaker, during the past few months millions of Americans have made their annual reacquaintance with the lakes and rivers, trees, and forests, fish and animal life of America's outdoors.

For 2 weeks or just a weekend they have escaped the smog of the cities, the traffic on the highways, the noise of nearby airports, and the air pollution spewing from ever-present smokestacks and exhaust pipes.

Increasingly, however, many vacationers are dismayed when they find nondegradable detergents piled high at their favorite fishing hole or flip-top cans littered around parks and recreation areas.

Scenes like these have made the protection of our environment uppermost in the minds of many Americans. Luckily this concern is increasing not only on the part of our citizens but also on the part of many Government agencies which make decisions affecting the quality of our environment.

Almost every congressional committee and Government agency must deal with the problems of environmental management at one time or another. Air and water pollution, mine reclamation, housing and urban renewal, soil and water conservation, highway construction, outdoor recreation, and oceonography and space science are all areas in which the quality of our environment is at stake.

Unfortunately, many times that environment is adversely affected when agencies make conflicting decisions based on incomplete, and perhaps even biased information.

It is because the Federal Government lacks a coordinated plan for the protection of our environment that many of us in Congress have called for one Government agency, a Council on Environmental Quality, which would have as its only goal the protection of a quality environment.

The importance and need for such an agency was well documented by two articles which appeared in this morning's New York Times. One article concerned the Everglades jetport and the other the continual infighting by various Government agencies over federally financed water projects.

Those who are familiar with the Everglades project know the battle that has been going on between conservationists who insist that the jetport will have very adverse effects on the plants and wildlife in the Great Cypress Swamp, and those who feel the development of the area is an inevitable part of a rapidly changing society. The Department of Transportation has already invested $500,000 in this project and thereby involved the Federal Government in the controversy.

Federal agency conflicts regarding water projects are well known and an obvious loophole in the Government's supposedly unified efforts to fight water pollution. The Corps of Engineers, the Bureau of Reclamation, and the Soil Conservation Service, among others, are frequently at odds, always being careful to protect their own fiefdoms as much as our total environment.

Mr. Speaker, we can no longer afford such warfare within our Government. Our citizens are demanding that our environment be protected, but this is a job which can be completed only if all Government agencies work together in a coordinated attack on environmental pollution of all kinds. That is why we need a Council on Environmental Quality; we need it badly, and we need it now.

The articles follow:

CONSERVATIONISTS SEE CONFLICT OF INTEREST ON U.S. WATER PROJECTS

(By Gladwin Hill)

LOS ANGELES, Aug. 10.—Conservationists are challenging the system under which the Federal Government has built many billions of dollars' worth of dams and irrigation and navigation projects over the last two generations.

Their central complaint is that the Federal agencies that construct such huge projects are also the ones that originally judge their feasibility—and that this involves a built-in "conflict of interest."

Intense competition for projects between agencies such as the Army Corps of Engineers and the Bureau of Reclamation has long been an in joke in government and water circles. So has been the bookkeeping by which many projects were rationalized.

If a project could not be economically justified by its basic benefits—such as its yield in power or irrigation water—there was always a possibility of bringing in side effects, such as recreational uses or wildlife preservation, to produce a favorable "cost-benefit ratio."

TENNESSEE EXAMPLE

A recent instance that attracted attention was the Tellico Dam project in Tennessee, in which the Tennessee Valley Authority put one-third of the projected benefits under the indefinite heading of "industrial development."

This bookkeeping system, a perennial subject of argument, is undergoing its most intensive scrutiny yet in a cross-country series of hearings being conducted by the Federal Water Resources Council.

The council, the agency charged with coordinating Federal water projects, consists of the Secretaries of the Interior; Agriculture; Health, Education and Welfare; Transportation, and the Army, and the chairman of the Federal Power Commission.

Hearings have been held in Atlanta, New Orleans and San Francisco. This week, council aides will hold sessions in Portland Ore., and Omaha. There will be subsequent hearings in Detroit, Boston and Washington.

The hearings are focused on a 122-page report by a council study group published in mid-June recommending changes in "evaluation procedures" on water projects.

The report urges that greater weight be given to "secondary" benefits of projects, which could make the projects more easily justifiable.

Some observers see this proposed revision as a response to a recent increase in the federally prescribed interest rate used in calculating project costs. An unrealistically low rate of 3¼ per cent was raised this year to 4⅞ per cent—making it harder to justify projects economically.

Giving more financial weight to side benefits such as recreation facilities and wildlife care might be expected to appeal to conservationists. But the reaction in some quarters has been just the opposite; they do not want to see their interests used to produce a favorable "cost-benefit ratio" for projects that otherwise might not qualify.

Thus, the National Wildlife Federation recently went on record in criticism of the theoretical price tag placed by the Corps of Engineers on fish resources.

A group of George Washington University economists in a recent report suggested that even more basic bookkeeping practices were fallacious. Western cotton development, for instance, could not properly be listed as a reclamation benefit, they said, without an accompanying measurement of diminished cotton-growing in the South.

THE PRIME OBJECTION

But overshadowing these objections is the view being advanced by both conservationists and economists that for project construction agencies to have a major role in assessing projects' economic feasibility is fundamentally wrong.

The Sierra Club, a leading conservation group, has been sending spokesmen to the council hearings to urge that such assessment be placed entirely in the hands of "an independent agency with no vested interest in the outcomes of the evaluations."

This would come as a profound change in the customary operating patterns of the Engineers, the Bureau of Reclamation and the Department of Agriculture's Soil Conservation Service, which is also in the water-projects building business.

Up to now, while nominally "coordinated," these agencies in reality have held sway over separate, gentlemen's agreement empires. This has tended to thwart the long-time dream of many engineers and administrators, a truly unified system of national water resources management. An independent economic-evaluation agency would be a step in this direction.

Naturalists Shudder as Officials Hail Everglades Jetport

(By Homer Bigart)

HOMESTEAD, FLA.—At the bottom of Florida, beyond the burgeoning Miami suburbs, past the last television tower, the last alligatorium, the last serpentarium, the last used car lot, the last snakorama and pancake house, is a wonderfully quiet place where the only offending spoor of civilization is a rusty litter of beer cans along the infrequent trails.

The Everglades National Park is the last refuge of solitude along the Eastern Seaboard. And it is surely doomed, conservationists warn, by a jetport under construction just north of it.

An aquadic wilderness, the glades have faced many crises in this decade.

Consecutive seasons of subnormal rainfall, combined with the wasteful diversion of water by drainage canals, produced droughts that decimated the alligators and threatened several species of birds with extinction.

Oil exploration and urban and agricultural development intruding close to the boundaries of the park brought an increasing menace of pollution.

AT CENTER OF SWAMP

But these were lesser perils against the threat posed by the new jetport. The facility, covering 39 square miles, is right in the middle of the Great Cypress Swamp, which supplies 38 per cent of the water flowing into the park.

Water pollution, air pollution, a shattering of the stillness by overflights of jets will be inevitable when the project is fully developed, park officials warn. The impact on the glades, they contend, could be catastrophic.

This is sharply denied by the Dade County (Miami) Port Authority, sponsors of the project.

"No pollution is anticipated," Port Authority officials assert. "The operations are not expected to create excessive noise. Wildlife will be protected."

Alan C. Stewart, Port Authority director, dismisses conservationists as "butterfly chasers." To him the rare and endangered bird species in the park—the wood stork, the bald eagle, the roseate spoonbill, the great white heron, the pink and wood ibis, the noddy and sooty terns—are just a bunch of "yellow-bellied sapsuckers."

SEEN AS BAR TO DEVELOPERS

If conservationists want to stop the development of south Florida, says Mr. Stewart, it behooves them to "save up their pennies and buy up the land."

In a more diplomatic vein his deputy, Richard H. Judy, assures visitors that work on the jetport would be halted immediately if it was proved that the project would spoil the Everglades. But he is currently convinced that the jetport will serve the park as a buffer, saving the environs from greedy developers.

"The preservationist wants everything to remain the way it was," Mr. Judy observes. "He's right in a sense. But it's not the way the great American system operates.

"We can't escape reality. People are coming here to live. This is going to be one of the great population centers of America in the next 20 years.

"Great Cypress Swamp is just typical south Florida real estate. It's private property; eventually it's going to be put to human use."

APPEALS TO VOLPE

A word from the Department of Transportation in Washington would halt the project. Conservationist leaders throughout the country have appealed to Secretary John A. Volpe, urging him to order relocation of the airport.

But the Department of Transportation has already provided $500,000 toward construction of the first runway, a pilot training facility scheduled to go into operation next month, and $200,000 more for a study of a high-speed transportation corridor slashing across the wilderness and linking the airport with the east and west coasts of Florida.

These grants were made without consultation with the Department of Interior, where sentiment against the jetport is hardening.

Meanwhile, an interdepartmental committee headed by Dr. Luna Leopold, of the United States Geological Survey, is preparing a report on the potential effects of the jetport on the park.

Conservationists are hoping that a strongly negative report by the Leopold group will persuade both Secretary Volpe and Interior Secretary Walter J. Hickel to condemn the airport.

Last week, the Dade County Commissioners hired Stewart L. Udall and his environmental planning consulting firm, Overview Group of Washington, to prepare a plan that would keep to a minimum any adverse effects of the jetport on the national park.

The Udall organization will first conduct a four-month feasibility study to determine whether the jetport can be built without destroying or severely damaging the Everglades. This "first-phase study" will also consider alternate sites.

To a nonconservationist, it is difficult at first to see why opposition to the jetport is so intense. The site is six miles from the nearest park boundary. And at the outset the jetport will be used merely as a training field. Only one runway will be used in the initial development.

However, a second training runway may become necessary in three to five years, the Port Authority says, and by 1980 the jetport would be transformed into a giant commercial operation, the nation's biggest air terminal, covering more land than the entire City of Miami, and able to accommodate jumbo jets and supersonic planes.

Conservationists warn that even before that materializes the delicately balanced ecology of the park could be upset by polluting and altering the flow of water in the park.

The park is absolutely dependent on a cycle of summer flooding and winter drought. Any change in the quantity, quality and rhythm of the flow theatens the incredible diversity of plants and wildlife established there.

The true Everglades are sawgrass prairies stretching to the horizon, a vast green blanket dotted with wooded hammocks, the grass hiding the shallow water of a strange river, 30 miles wide, that creeps imperceptibly southwestward toward the Gulf of Mexico.

CHANGES IN PLANT LIFE

A few years ago, when the water table in the park began falling, changes were noted in the plant life. Poisonwood, buttonwood, willow and other scrubby vegetation began shouldering into dried-up areas where formerly they had been drowned out. They threatened a drastic alteration in the appearance of the glades.

Today, after three years of abundant rainfall, the river of grass seems revived, and the invasion of brush has been slowed. The river, starting as seepage from Lake Okeechobee, 100 miles north, enters the park from the north and east.

The flow of the river has been impeded, before reaching the park, by a complex system of drainage and floodcontrol canals and by two highways, the Tamiami Trail and the newer Alligator Alley.

A bill passed by Congress last year provides for the release to the park of 315,000 acre-feet of water annually from conservation districts north of the park. This would meet the park's minimal needs, but the plan will not be implemented before 1976, and the interim release schedule is tied to the water level in Lake Okeechobee.

Frank Nix, park hydrologist, said the jetport threatened the last unimpeded flow of water into the park. All the northwest corner of the park, he explained, is dependent on water from the Big Cypress Swamp.

Dr. William B. Robertson Jr., the park's research biologist, noted that "substantial residues" of DDT were found recently in bald eagle eggs. The poison had apparently been ingested by fish, and the fish, in turn, eaten by the eagle.

Most birds may adjust to the noise of jet engines, Dr. Robertson suggested, but there is danger of collision with aircraft for some soaring species, especially the wood stork, which likes to ride the thermal updrafts. There is a major colony of wood storks in Big Cypress Swamp.

In a recent test, it was found that birds in the park flushed whenever a plane flew over at less than 5,000 feet. Consequently, park officials have asked for an airspace reservation of at least 5,000 feet. The Federal Aviation Administration contends that 3,000 feet is enough.

In their concern for plants and wildlife, conservationists tend to forget the 400 or more Miccosukee Indians living along the Tamiami Trail near the jetport. Initially the Indians went along with the project, hoping it would give them jobs. Now they oppose it.

"USED TO HAVE GOOD LIFE"

At the tribal office in Miami, Chief Buffalo Tiger told why:

"It happens to Indians year after year: progress wasting the hunting grounds.

"Indians used to have good life here; clean air, clean water, plenty of food.

"We used to see two or three raccoons on every hummock, a lot of otters, turtles, alligators in every pond.

"Now even the snakes are scarce. The fish and turtles are going. It's hard to make a living in the Glades."

Buffalo Tiger, 49, said the Port Authority had usurped sacred Indian ground where the annual tribal festival, the Green Corn Dance, is traditionally held.

At this affair, which usually lasts five days, boys are given new names and inducted officially into manhood.

Eating the new corn crop at the close of the ritual marks the start of a new year for the tribe.

There is also a display by the medicine men of sacred tribal relics; dried seeds, little shards of glass, and what looks like the shriveled claws of animals. These are kept by medicine men in buckskin bags and revealed only at Green Corn dances, Buffalo Tiger said.

Turning back to the despoiling of the Everglades, Buffalo Tiger said:

"You can't make it. You can't buy it. And when it's gone, it's gone forever."

EQUITABLE TREATMENT FOR EMPLOYEES OF THE ALASKA RAILROAD

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. POLLOCK. Mr. Speaker, today I am introducing a bill to correct an inequity in the payment of retirement annuities to certain employees of the Alaska Railroad.

At present, some 200 train and engine men are paid under a system based on a mileage scale, with a 12½-mile run equal to 1 hour. Other employees are paid according to a regular hourly wage. There is no serious discrepancy between the two groups in their day-to-day take-home pay, but an inequity does exist in the computation of their retirement benefits.

Civil Service retirement annuities are calculated on the basis of a 40-hour workweek. In many cases, train and engine men work in excess of 40 hours, yet because they are paid on a mileage scale they receive no credit toward retirement benefits for that extra work.

The bill will permit all compensation paid at regular rates to employees of the Alaska Railroad to be included in the computation of their retirement annuities. I urge the House to take this opportunity to provide equitable treatment to all employees of the Alaska Railroad.

REEVALUATION OF OUR NATIONAL SHORELINES

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. SCHADEBERG. Mr. Speaker, since the beginning of this session of the 91st Congress, I have been pursuing congressional reevaluation of our national shoreline protection legislation. In furtherance of this goal, I place in the Record two newspaper articles, the first from the July 31 edition of the Milwaukee Journal, the second from the August 8 edition of the Washington Post, showing the extent of damage being caused in the Great Lakes area by shoreline erosion:

Lake Wreaks Havoc as Shoreline Erodes

Chicago, Ill.—Lake Michigan, a friendly giant which moderates climate and provides four states with fresh water, recreation, commerce and industry, is on a beach erosion rampage which may cost shore communities and property owners $20 million.

Trees, utility lines, buildings and highways are being washed away. A college campus and a city expressway are in jeopardy.

Near record water levels in four of the five great Lakes—depositories of a fifth of the earth's fresh water supply—have sent Lake Michigan, one of the shallowest, on a shoreline swallowing spree. Each new squall of an abnormally stormy summer brings new ravages.

The winds across Lake Michigan are prevailing westerlies—as in most of the nation—so the damage has been greatest along the Michigan shore. But there has been severe damage in Wisconsin, Illinois and Indiana, too, according to a survey.

DROUGHT CITED

Five years ago, after a four year drought, the lake level was the lowest on record.

It is 4½ feet higher now. A cyclical rise in water level coupled with an unusually wet summer brought it within a foot of the record mark of 581.9 feet set in 1886.

And for each foot of increase, 25 feet of shoreline is swallowed.

At St. Joseph, Mich., a homeowner is dumping junked cars into the water in an effort to halt erosion of a bluff on which his home sits.

At Kenosha, Wis., Carthage college has hauled in boulders to prevent the home of its president, perched on an eroding cliff, from being washed away.

On Michigan's Mackinac island, the water has undermined sections of the shoreline highway circling the island.

FREEWAY IN DANGER

The Michigan highway department budgeted $1 million for a seawall to prevent 3,900 feet of expressway from being washed out along a clay bluff south of Benton Harbor.

In Indiana, beaches along the famed sand dunes are disappearing.

Rep. Henry Schadeberg (R-Wis.) said some property owners in his district had spent as much as $25,000 to fight the rising water.

The erosion is playing havoc with shoreline property values. A million dollars worth of choice lots in Illinois' Lake county has disappeared.

In Wisconsin's Kenosha county, a homeowner watched his 140 foot backyard disappear. Then waves during a storm swept away his garage.

In Michigan, a $50,000 lakeside home at Shoreham sold for $6,000 because the lake was eroding the bluff on which it sat.

The Michigan water resources commission has estimated that damage will exceed the $20 million cost of the last high water level in 1951, and some experts are predicting that next year will be even worse.

Lake Michigan Shoreline Recedes

Chicago.—Like an angry monster, Lake Michigan has turned on the people living along its shores and begun gobbling up their property.

From Michigan to Wisconsin, violent waves and high water levels have ruined beaches, knocked out roads and eroded land. The lake level is only two feet below the record level of 1886.

"Nothing can hold this lake," said Mrs. Minnie Bendicente, who lives across the road from the lake in north suburban Zion. "Sometimes that lake scares me to death."

A week ago the lake washed away a large pier near her home, which had extended 50 feet into the lake and was used as a parking area for the public beach.

A little farther north, in Winthrop Harbor, the lake wiped out part of a stone retaining wall and continued on to destroy a 40-foot stretch of Oak Shore Drive.

Irene Sexton, who lives on the west side of Oak Shore Drive, has anxiously watched the lake move closer and closer to her home year after year.

"When we moved here in 1961 there was 20 feet of lawn and 20 feet of beach on the lake side of the road," she said. "Now that's gone, along with part of the road."

All along the lake shore, owners of high-priced lakefront property were working feverishly to rebuild walls and install boulders, concrete objects and even old car bodies to break the waves.

Helen Bart, of Winthrop Harbor, has had two-ton boulders trucked in to reinforce a retaining wall against the lake. She also has circulated petitions among lakefront residents asking for state and federal aid to fight the lake.

The story is the same—and worse—in Michigan, where shoreline damage is estimated at $20 million, and in Wisconsin, where the waves swept away a whole backyard and garage in Kenosha County and threatened to wash away the home of the president of Kenosha's Carthage College.

The lake's present water level of 579.9 feet above sea level is about 45 feet higher than the 1964 low.

This was caused by heavy spring and summer rains, which followed the melting of a record deep snowpack in the northwestern Great Lakes region.

A one-inch rise in the lake water level will flood about two feet of beach. Thus, some beaches are about 30 feet narrower this year than last.

The last major attack from the lake was in 1951 and 1952 when the water level reached nearly 581 feet, causing millions of dollars worth of damage in Chicago. Parts of some streets caved in and Lake Shore Drive was flooded.

James Moore, head of the U.S. Army Corps of Engineers' lake survey office in Detroit, held out a ray of hope.

"I think the water level is close to the peak and should be starting downward soon," he said.

However, he said, the lake could get just as high—or higher—next year.

To meet this serious problem and similar situations which exist on the coastlines of the Pacific and Atlantic Oceans, and on the shorelines of the Gulf of Mexico, my bills H.R. 12712 and H.R. 13230 have been introduced. This legislation would allow Federal participation in the protection of private as well as public lands from shoreline erosion.

In support of my bill, I would like to place in the Record excerpts from minutes of the meeting of the Shoreline Use and Recreation Committee of the Great Lakes Commission, held in Cleveland, Ohio, June 3–4, 1969:

Minutes of the Meeting of the Shoreline Use and Recreation Committee, GLC, Cleveland, Ohio, June 3–4, 1969

The meeting of the Shoreline Use and Recreation Committee, Great Lakes Commission, was held June 3–4, 1969, at the Holiday Inn (East), Cleveland, Ohio.

An orientation meeting on the Lake Erie erosion and flooding problems in the Euclid, Willowick and Eastlake areas was held at 1:30 p.m., June 3, 1969; followed by an on-site inspection of areas being damaged by high water, wind, wave erosion and flooding caused by high Lake Erie levels, off-shore winds and lack of adequate flood protection—this latter primarily in the Chagrin River area. The Committee reconvened at 9:00 a.m., June 4, 1969, to work on the items shown on the attached agenda.

Committee members present were: Gordon Harvey, New York, Acting Chairman; proxy for R. S. Kilborne, George Taack, Michigan; proxy for F. J. Kelley, Robert E. Stockdale, Member, GLC, Ohio, Clarence J. Renard, Wisconsin.

Advisors present were: Melvin Rebholz, Dept. of Natural Resources, Ohio, Ralph Hovind, Dept. of Local Affairs & Development, Wisconsin.

Others present were: R. H. Anderson, Stanley Consultants, Cleveland, Ohio, Nancy Benco, News Herald, Willoughby, Ohio, Robert Hess, Telegraph, Painesville, Ohio, Marshall Goulding, Stanley Consultants, Cleveland, Ohio, J. H. Laeyendecker, Stanley Consultants, Cleveland, Ohio, Mrs. Carl Lasky, Chagrin Beach Harbor Assn. Erosion Committee, Paul V. Leyda, Great Lakes Erosion Assn., Inc., Gerald A. Lynde, Buffalo District, U.S. Corps of Engineers, Wade Malm, Chairman, Great Lakes Erosion Assn., Inc., Mayor of Willowick, Ohio.

G. A. Pacholke, Chagrin Beach Harbor Area Erosion Committee, James Pappas, Fed. Water Pollution Control Adm., Chicago, Illinois, James A. Swartzmiller, Dept. of Natural Resources, Ohio, Lowell D. Titus, Stanley Consultants, Cleveland, Ohio, George V. Voinovich, Representative, Ohio House of Representatives.

Staff members present were: Leonard J. Goodsell, Albert G. Ballert.

Harvey opened the meeting; expressing the desire of the Shoreline Use and Recreation Committee and the Great Lakes Commission to become informed on the erosion and flooding problems along the Ohio shores of Lake Erie; and noting that these problems are not confined only to Ohio and Lake Erie but exist in many areas throughout the Great Lakes. Harvey stressed the idea that the meeting was for the free exchange of information and ideas; and should serve as a basis for further activities of the Great Lakes Commission, local governments, state and federal governments in moving to meet the very substantial damages being sustained by the general public, not just the public and private property owners along the shoreline. Harvey noted that eroding materials pollute the waters; real property is lost; tax rolls become depleted; recreational areas and benefits are forever lost; and general area values decline in the face of such an apparent major problem.

Lynde outlined federal activities and assistance: there is little federal help available to the private property owner; in 1951-52 a federal-state study was made of the area and entire Lake Erie shoreline of Ohio, and recommendations and cost estimates were developed for necessary protection; federal government is not now authorized to assist private owners; federal protection projects must show favorable benefit to cost ratio; formerly cooperative erosion studies were funded 50% federal—50% local, now federal government can pay 100% costs of studies; for public property erosion protection federal share can go to 70% with recreational benefits, 50% without recreational benefits.

Question was raised as to federal assistance available if several private property owners dedicated shore frontages to municipality for public use. It was stated that it is not clear what rights might have to be given up, and the extent of areas dedicated to public use.

Malm informed the attendees that present insurance coverages do not provide for reimbursement of damages due to erosion losses; because the insurance companies do not regard this as an accidental, sudden happening but as a slowly developing (fair wear and tear?) situation—a movement of earth.

Renard added that in the stricken area financial institutions were in many instances limiting terms of mortgages to a year to year basis, and then renewing only as conditions warranted; that IRS would not allow income tax deductions, because the effect was not the result of sudden storm effects; that it was practically impossible to dispose of real estate in the area except at a tremendous loss, even though, in instances it was located at a considerable distance from the top of the bluff area.

As a result of the meetings, Renard presented a draft resolution to the Committee for federal legislation which would ease present federal restrictions, or non-provision for assistance, to private property owners who are damaged by erosion and flooding. Taack moved. Renard seconded, that the resolution be furnished to each member of the Committee and the Great Lakes Commission so that the resolution may be considered and acted on at the Semi-Annual meeting of the GLC, July 23, 1969. (Copy attached.)

SHORELINE USE AND RECREATION COMMITTEE,
GREAT LAKES ASSOCIATION

RESOLUTION

Whereas, a critical situation exists with respect to shore erosion along extended reaches of the shores of the Great Lakes.

Now, therefore, be it resolved that, for the purpose of preventing damage to the United States shores of the Great Lakes, it is hereby declared to be the consensus of the Great Lakes Commission that it should be the policy of the United States to expand the provision of PL 826, 84th Congress, as amended by Section 103 of the River and Harbor Act of 1962 (PL 87–874), to assist in the construction, but not the maintenance, of works for the restoration and protection against erosion by waves and currents of the shores of the Great Lakes in the United States, for private as well as public property.

Be it further resolved that the federal contribution in the case of any project developed under the policy recommended by this resolution shall not exceed one half of the cost of the project; and the remainder shall be paid by state, county, municipality, political subdivision or private interests in the area where the project is located.

Be it still further resolved that the costs allocated to the restoration and protection of federal property shall be borne fully by Federal Government. Federal participation in the cost of a project for the restoration and protection of state, county and other publicly owned property shall continue in accordance with the provisions of PL 87–874.

GREAT LAKES EROSION
ASSOCIATION, INC.,
Willowick, Ohio, June 4, 1969.

GREAT LAKES COMMISSION: I would at this time like to present to this Commission the following points that I feel should be considered for possible recommendation to all public officials concerned in the regard to the extreme erosion condition on the Great Lakes and the impossible situation faced by the private property owners.

Study the removal of sand from the lakes and beaches to determine the effects such removal has on erosion with special interest on beach sand removed from built up areas at man made structures and how this can be used to alleviate erosion on the down drift side of such structures.

Recommend to state governments the urgent need for immediate interest and assistance to the private property owner.

Recommendation for Federal legislation to involve the Federal Government in the definite need for assistance on private property.

Study and recommend changes in the IRS rules that would at least allow the minimum recovery of a property owners investment through the loss of his lands and home to erosion.

I feel that a combination of property owner, local government, State and Federal Government is necessary to fairly attack the erosion problem. However, the need is now. May I again thank you for your time and sincere efforts to solve the problem not only in Willowick but on Lake Erie and all the Great Lakes.

Respectfully,

WADE E. MALM.
Chairman, Great Lakes Erosion Association, Inc.

TOO GOOD TO KEEP

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1969

Mr. SIKES. Mr. Speaker, the editorial contributions of America's weekly press have been legendary. Folklore and folk stories have, in particular, stemmed from this source. Some of the Nation's best literature got its start there. I am happy to note that the tradition is not dead, and that the weekly press can still make contributions which are outstanding in their content. One of these, from the Port St. Joe, Fla. Star, whose editor and publisher is Wesley R. Ramsey, is just too good to keep. Even though it concerns me, I want to pass it on through the CONGRESSIONAL RECORD for the benefit of my colleagues.

[From the Star, (Port St. Joe, Fla.) July 17, 1969]

BIG JOHN TREES "HE COON"

Lots of foxes, foxhounds, pickup truck kennels, excitement, thrills, trophies, fried fish and hush puppies, soda pop, public speaking by Congressmen, members of the Florida Legislature and county officials. That was the scene on Big Sandy Creek on July 5 as the Northwest Florida Foxhunters' Association gathered for a full day of activities.

Of the hundreds of foxhunters and spectators that thrilled to the excitement of the day's activities, all returned home happy and satisfied, that is, with the exception of a county commissioner from Port St. Joe by the name of Walter Graham, even though he did win the special trophy of the day.

Walt is an ardent sportsman of long standing, having the reputation of being the best deer hunter on the Apalachicola River Valley and having more and smarter deer and fox hounds than any ten sportsmen. Walt's dogs have been known to run a fox for three days without quitting, but always catching the fox and then after holding him for a few minutes just to assure the varmint who's the smartest and fastest, turns him loose for next week's run. Walt brags to his mill buddies that when a deer hasn't crossed the road in a week, his dog, Big John will make a track, run it and jump the deer only to have some member of his hunting party walk off the stand just one minute before a 12 point buck passed within ten steps.

BRAGS A LITTLE

Graham assured his mill buddies and fellow county commissioners that he would win at least half the trophies at the fox hunt. He admitted that he was worried about one bad habit his dog Big John had of trying to catch every coon in the woods before selecting a big, fat, juicy track to run. He said he had worried himself half sick in trying to come up with a solution to assure him of the first trophy of the day and had decided to instruct Big John to clean the area of coons before taking to a fox which would assure Walt of not losing points from the Judges if his dog did quit a fox to kill a coon or two. Graham said he sat up all night instructing Big John to catch the first coon that could be found and then go on and take the first prize in the fox hunt.

All was going well, hundreds of foxhounds just raring to go but their owners holding them back with all the strength they possessed, just waiting for the dignitaries to be introduced. No one particularly likes these long winded introductions; however, it was a part of the day's activities and it seemed to be going quite well until the master of ceremonies came to the guest of honor, our friend and congressman Bob Sikes. Thirty minutes passed and Joe Chapman was only half through the list of things that Sikes had done for his district. After an hour and a half of telling of the Congressman's accomplishments, he had to cut the introduction short because the foxhounds were raising all manner of canine in trying to get the hunt started.

Graham was so eager to have his dog start first, he had removed the old rusty chain from Big John's collar and was now holding him with only one hand, anticipating the end of the introduction of the Congressman which was the signal for the dogs to start.

EMBARRASSING

What happened in the next few minutes shouldn't happen to a dog, it was down right disgusting and embarrassing to Walt and an outrage to a true fox hound lover.

At the end of the introduction, Joe Chapman said, "It is my pleasure to present to you, Mr. He Coon himself and pointed to Sikes.

That did it. Big John heard those words "He Coon", remembering his master's instructions, took to the Congressman with the most vicious yelping one has ever heard. It might have been disastrous for the Congressman had Big John not lost all of his teeth several years ago in a fight with a gopher he had trailed for a day and a night.

Imagine the feelings of Graham at this moment and for the remaining part of the day as fox hounds from Alabama, Georgia and Florida took to the tall timber eager to earn their master a trophy. At the end of the hunt, trophies were handed out right and left while Graham and Big John stood far in the rear of the crowd that was gathered around the speaker's platform.

The judge announced that all trophies have been handed out except the last one, which was not originally planned for this hunt, but has been added by special Congressional request and this trophy is for the dog that recognizes the most cunning and potent varmint in the Panhandle woods—one that is always welcome to our hunt but one that we take pleasure in running back to the Hill. The winner . . . Walter Graham and his dog, Big John.

ARKANSAS—CATFISH AS A NEW MONEY CROP

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1969

Mr. PRYOR of Arkansas. Mr. Speaker, the Arkansas Gazette, which began publication on November 20, 1819, is observing its 150th anniversary year in part by the publication of a series of reflective articles reviewing the progress of the State of Arkansas during this period. The Gazette is performing an outstanding service to our State in this series.

Leland DuVall, who has been honored on many occasions for his excellence in the field of journalism, wrote in the July 20 editorial section of the Gazette the story of a new money crop for our State, which is drawing widespread attention. Mr. DuVall's subject is "Catfish Farming," which is an industry in its infancy now but is predicted to become a huge cash crop for our State in the future.

Mr. Speaker, I thought it would be worthwhile for our colleagues to have the opportunity to read Mr. DuVall's excellent article.

The article follows:

ARKANSAS—CATFISH AS A NEW MONEY CROP

(By Leland DuVall)

The fish is a fascinating creature. Each day, in fair weather and foul, it lures millions of people out of their beds at outlandish hours and draws them to lakes and rivers where they are subjected to hazards of nature—cuts by sharp stones, snake and insect bites, blisters on tender hands that are not accustomed to heavy work and sunburn on skin softened by air conditioned atmosphere—with which they have lost their familiarity in their urban surroundings.

Preparation for the excursions is a continuing (and expensive) ritual involving visits to the sporting goods departments of stores, purchases of a wide variety of equipment and gadgets and many hours spent in cleaning boats and fine-tuning motors.

Between trips, fishermen engage each other in animated and exaggerated conversations about the pleasures of reverting, for a few hours, to the primitive living patterns of their ancestors. The more dedicated angler is able to weigh the sharp pain of a popping bug hook that may have embedded itself in his neck as a result of an awkward or careless cast, and the disappointment of a line that suddenly went slack when a snared bass threw the plug, against the remembered thrill of exhibiting a prize string to admiring neighbors.

By the year 2000, according to the lead article in the anniversary issue of Fishermen's Digest, America will have 63 million anglers who will fish 1.3 billion days. If current averages do not change dramatically, most of them will end up with empty stringers and quite a few will buy fish—both as a protection for their pride and to satisfy a genuine hunger for the food. The demand for fishing space will continue to rise, and the Digest article predicted that 34 per cent of the expansion would be in the form of "a vast increase in the number of farm ponds" and other artificial impoundments.

"By far the greatest improvement in recreational fishing will come from more efficient management of existing warm-water fisheries," the Digest said.

Unfortunately, the article did not explore the management angle beyond a recommendation for a reduction in the level of water pollution with particular emphasis on curtailment of the use of insecticides. Obviously, this will not be enough to satisfy the expanding demand of sport fishermen and the mere control of pollution—the essential first step in any program to increase fish production in the United States—will do little to supply the growing commercial market for fish.

Even though this country has many millions of acre-feet of fresh water in natural and artificial impoundments, long rivers and streams and thousands of miles of shore line, and its fishing fleets rake the oceans on both sides of the continents with sophisticated nets and even though millions of fishermen prowl the waterways each day, this country still imports about three-fourths of the fish consumed each year. Our reputation as a "producer of surpluses" falls overboard when we mention fish. The country is faced with a chronic shortage of food fish and, so far, there is little indication that market needs can be supplied from domestic sources in the near future.

The strong demand for food fish, coupled with the short supply, may have opened the way for the rapid expansion of a farm-related business in Arkansas that could generate an impressive flow of income. "Fish farming" is an old enterprise in many parts of the world but it is relatively new in the Western Hemisphere. In Arkansas, the idea is so new that as recently as a decade ago its very legality was being seriously challenged.

In 1955, a Lonoke County farmer drained his private-constructed reservoir and found that he had several thousand pounds of fish. When he began to sell his "crop," the Game and Fish Commission—with backing from fishermen—contended he was violating the law. Opponents of the sale claimed the farmer could sell the rough fish—those that normally moved in commercial markets —but should not be permitted to sell the "game" fish under any condition. Public opinion simply had not accepted the idea that fish could be domesticated and handled as a farm crop.

Early ventures into fish farming in Arkansas have not been completely documented but indications are that the business was initiated in the 1920 decade. In 1927, Roy Prewitt, a partner in the Prewitt-King Fish Farm at Lonoke, built a five-acre lake near Evening Shade and experimented with the domestic production of bait minnows and channel catfish. In 1943, Prewitt built two ponds near the Pulaski County Hospital and used the impoundments to grow bait minnows. In 1946, he moved his business to its present location. C. C. Culp operated a minnow and goldfish hatchery near Morrilton for several years beginning in the 1940 decade. Steele Dortch generally is credited with having initiated minnow farming in Lonoke County when he constructed ponds near Bear Skin Lake in 1944.

Minnow farming still is "big business" in selected areas but its major contribution to the economy of Arkansas may turn out to be its role as the foundation on which commercial fish production is being built.

Despite the fact that commercial catfish farming still is a fingerling in Arkansas, it has grown to the point that there is little question about its survival and rapid expansion. Publicly-sponsored research is at an "irreducible minimum" and persons in the business have been operating on a trial-and-error basis but they have accumulated enough information to convince themselves that the industry has an excellent potential for profit. After all, profit is the only significant motivation in business.

The most compelling driving force behind the catfish business at this time is the strong market demand. Companies and individuals in the field know they can supply only a fractional part of the existing demand and they do not even wonder how many pond-raised, protein-fed catfish could be sold at a profitable price if they were in position to offer their product to all their potential customers.

Even in Arkansas, only a relatively few people are familiar with good-quality catfish. A wide variety of fish have been marketed as catfish and some of them were inferior so that many people who believe they know the taste of catfish would be pleasantly surprised if they were offered the genuine product. The pond-raised fish unquestionably are far superior to the "wild" catfish that are available irregularly at restaurants and fish markets but even the wild catfish are in strong demand.

Gary Loff, manager of Southern Catfish Producers at Dumas, said his plant had a capacity of almost 10,000 pounds a day but most of the fish grown by the 23 members of the co-operative are sold to a select group of restaurants. He said franchise operators, attempting to expand the chains of quick-service food outlets, were practically "standing in line" waiting to buy a steady supply of fish. They will have to wait until production can be expanded.

"Two years ago," he said, "we believed we faced a five-year period of shortages. Now we think the market expansion will be ahead of our maximum potential growth for at least 10 years."

L. D. Owen, who heads Inland Fish Farms, said his firm experienced the same frustrating problem of trying to supply an existing demand.

Expanded production in the next few years may go primarily to the restaurants. Both the formal food service firms and the quick-service drive-ins (many of which operate under franchises) are limited only by the short supplies of good quality catfish.

When volume through these outlets reaches a plateau, the retail stores will begin to receive significant shipments of the fish. Pond-raised catfish have been test marketed in a few stores and the customers responded by snapping up supplies quickly. One processor said his company conducted a test in Kansas City by offering fish at a selected store one a week. The retail price was about $1.50 a pound but he said the "repeat customers" learned the delivery time and waited in line for the fish to be offered.

Some producers do not even offer their fish to the processing plants. Instead of selling dressed fish, they dispose of their production through "fee" lakes where fishermen pay for the right to catch the fish. Some lakes are owned by the farmer who grows the fish; others are owned by individuals or companies that buy fish from the commercial producers. No one is prepared to say how far this market system can be expanded.

One processor said he had to turn down a food retailer who was "begging" for 3,000 pounds a week with the promise that the volume would be expanded as fast as supplies became available. He said a franchise operator wanted to contract for 200,000 pounds a year but the limited supply prevented him from signing either contract.

At the moment, no one seems disturbed about the demand side of the market equation; all the people in the business want is an increased supply. This is a rare condition in American agriculture where the problem usually is related in some way to surpluses. At the present stage of development, even the more advanced producers are unwilling to predict the course the business will follow.

Quite naturally, fish farming has been concentrated primarily in the delta and Grand Prairie and the changes in the business so far have been designed to make more efficient use of manpower.

Ernest Bradshaw of Dumas said he saw catfish farming as a "sound" business with some of the hazards that commonly were associated with other agricultural ventures. Some pitfalls that are encountered in cotton and soybean production do not interfere with fish farming, since the business is not vulnerable to the extremes of the weather.

Many of the farmers who have experimented with fish production are familiar with rice and are accustomed to moving large quantities of water. Bradshaw, who is a banker and farmer, said the fish-rice rotation offered the best opportunity for profit in his operation. A field that has been flooded and stocked to fish for two or three years is extremely fertile and rice yields rise sharply when the rotation calls for cereal cropping. Bradshaw also believes that many of the hazards of disease and parasites can be avoided by using "new" ponds.

This arrangement rules out the use of "small" ponds for fish production and the growers in Southeast Arkansas expect that ponds of 100 acres or larger will dominate the pattern in the future. Certainly this is true where a fish-rice rotation is followed and the system may account for most of the commercial expansion in the delta and Grand Prairie areas.

The fact remains that domestic catfish production is a new business and the limited amount of research and experimental work on which current management practices are based may not have provided a clear indication of the direction the industry will move. Rice farmers can be expected to continue the present path toward larger ponds, crop rotation and a supplemental feeding program but there may be other ways to produce catfish in commercial (and profitable) quantities.

The intriguing characteristic of the catfish business can be found in the possibilities for expansion, improvement and innovations. At this point in the development of the business, no one can say how fish will be produced five or 10 years from now. Farmers in the areas where water is plentiful and the opportunities for rotation exist may continue to "pasture" their fish, making the most of the natural food supplies and providing supplemental nutrition in order to assure adequate growth. This does not rule out the possibility that farm ponds with only a few acre-feet of water many become an important source of fish.

In the area where poultry provides the major source of agricultural income, farmers are accustomed to a "confined feeding" production system. Broilers are packed in houses, turkeys are fed at a density of 1,000 birds to the acre and many laying hens are confined in wire cages. Men who are familiar with this kind of management would not hesitate to grow catfish in cages in their farm ponds if it could be demonstrated that confined feeding offered an opportunity for supplemental income.

Preliminary research has indicated that the catfish can be grown successfully in close confinement. Wire cages have been used in some of the experiments but Prewitt may have overcome some of the problems related to the business with a cage design that uses a synthetic fiber net instead of metal. (Fish grown in wire cages injure themselves by bumping against the mesh.)

Prewitt's cage consists of a frame of light aluminum tubing from which the treated nylon net is suspended. The rectangular frame is "floated" on four blocks of styrofoam—one under each corner—so that the sides of the cage are a few inches above the water.

The best stocking rate, according to information now available, is 350 to 400 catfish per cubic yard of water. One university scientist reported that a lower density resulted in fighting among the fish.

In most of the tests so far, floating feed has been used and the fish were stocked as "yearlings" in the spring. Catfish consume very little feed when the water temperature is below 60 degrees but they eat eagerly when the temperature is around 70 degrees. This means that the "feed-out operation" would extend from the spring until the fall and during that period catfish grow from fingerlings to the ideal market size of a little more than a pound.

Preliminary information indicates that one major advantage of confined feeding is that it improves efficiency. In a feed-out operation, fish return a pound of gain to 1.25 to 1.5 pounds of feed, which is somewhat better than the most advanced feed ratios for other farm animals. (Cattle produce a pound of gain for about eight pounds of feed and, under near-ideal conditions, broilers will return a pound of gain for two pounds of feed.)

The other major advantage of cage feeding is that it eliminates the problem of harvesting the fish. A cage containing 500 catfish can be towed to the bank or into the shallow water and the "crop" can be dipped up with a hand net.

The limiting factor in the number of fish that can be produced in a farm pond apparently is the availabilty of oxygen. People who are familiar with the business claim that the information now available indicates that production of a ton of catfish for each surface acre of the farm pond is within the range of possibility and some experiments have produced more than 3,000 pounds to the acre.

(For free-ranging fish, as the business is practiced in the eastern part of the state, current production apparently runs around 1,000 pounds to the acre. Given the strong demand that now exists in the market, this production rate apparently is profitable.)

People who have examined the possibilities of what might happen as a result of research contend that the present production levels can be raised sharply. They see no reason why oxygen cannot be restored to the water through a recirculating system so that the production rate of a pond can be increased. This possibility will be explored with further research. The more daring investigators believe that the recirculating systems now on the market, coupled with relatively inexpensive purification equipment, can give the grower a "controlled environment" for his fish and still enable him to make a profit.

A summary compiled by the Arkansas Soil and Water Conservation Commission estimates that Arkansas has more than 90,000 lakes and reservoirs with 243,000 surface acres and a storage capacity of 1.8 million acre-feet of water. (These figures are for the "small" impoundments and do not include the major lakes created by the Corps of Engineers dams.)

The development of a management system that will enable the owners of water impoundments to use their facilities for commercial fish production will require considerable effort and a series of trial-and-error experiments on the part of producers. Perhaps the major opportunity lies in another direction: That of genetics.

So far, very little has been done in this area. A few producers of fingerlings have practiced selection and culling in an effort to pick the best breeding stock but, so far as can be learned, very little thought has been given to developing strains that would make more efficient use of feed, resist disease and thrive under the specific conditions that might exist in a farm pond. The high rate of reproduction in fish creates an extremely favorable condition for breed improvement. A glance at the achievements of broiler breeders will give some idea of the potential.

At the moment, catfish have a corner on the market, so far as commercial fish production as a farm crop is concerned, but this does not rule out the possibility that other kinds of fish may grab off an important part of the market. Now that fish are gaining recognition as a farm crop, the potential for improvement is almost limitless.

It should be understood that all this activity in the domestication and exploitation of fish will not interfere with the sportsman and his activities. He still will crawl out of bed at outlandish hours, troll the lakes and streams and risk the hazards associated with the sport. He will spend increasing amounts of money for equipment and for lures designed more with the objective of attracting the fisherman than with hooking the fish.

If the new farming venture is successful, as it apparently will be, the sport fisherman will gain in at least one area. When his expedition turns into a waterhaul, he will be able to buy fish at the boat dock or at his supermarket and thus satisfy his hunger for the delicious food.

THE FOUR U.N. HUMAN RIGHTS CONVENTIONS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. ROSENTHAL. Mr. Speaker, with the return of President Nixon from his round-the-world trip and with the appearance of hints from the Executive at a revision of American foreign policy, I think the time is appropriate to reconsider the ratification of four United Nations conventions which I feel must accompany any such revision.

By ratifying these conventions—on genocide, the abolition of forced labor, political rights for women, and freedom of association—the United States would stand to lose nothing and to gain a great deal. None of these conventions grant anything for which our Government does not already provide. They merely affirm the basic human rights and freedoms embodied for all our citizens, in theory, in the Declaration of Independence and in the Constitution.

On the other hand, while the conventions would add little to our domestic liberties, their ratification would considerably benefit the United States in its world affairs. For many years, the world looked to our country for moral leadership. The United States stood as the major champion of individual freedom and human rights; indeed, at least two of these conventions owe their passage to American initiative.

In the 20 years which have passed since the first of these conventions was adopted, our prestige may have suffered. The presence of strongly competing ideologies and our embroilment in the Vietnam war acted to diminish somewhat our esteem in the eyes of people in parts of the globe.

Now is the time to reestablish this prior position. We have come to learn that military right does not bring this respect. Perhaps, through a moral reawakening we can regain the confidence and leadership of mankind. Toward this end, the ratification of the four U.N. human rights conventions is a necessary first step.

Other reasons compel our favorable treatment of these conventions. Ever since the inception of the United Nations, the strengthening of that body has been a primary goal of American foreign policy. President Nixon himself reaffirmed shortly before taking office "our continuing support of the United Nations and our intention in the years ahead to do everything that we can to strengthen this organization as it works in the cause of peace throughout the world." Yet, the failure of the most powerful country on the globe to ratify conventions nearly unanimously adopted by the General Assembly belies this goal. We cannot, on the one hand, encourage world cooperation through the organs of the United Nations while, on the other, continue to deny effect in our domestic affairs to the resolutions of those organs.

We are also pressed to activity on these conventions by the force of public opinion. All past human rights conventions to reach the Senate floor have received unanimous consent. Moreover, both Presidents Kennedy and Johnson added the strongest endorsement to these conventions. There can be hardly a doubt that if polled on this issue, the American people would give their rapid and enthusiastic agreement.

In light of these facts, and in the face of two decades of congressional lethargy, I should like to reintroduce this resolution. If this country is ever to assume a new humane and enlightened foreign policy, it must minimally move to affirm these most basic U.N. statements of human rights.

HEREDITARY ASPECTS OF OUR NATIONAL HUMAN QUALITY PROBLEMS

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. GUBSER. Mr. Speaker, on July 15 of this year I inserted an item in the RECORD which told how the National Academy of Sciences had refused to encourage a purely scientific study of "hereditary aspects of our national human quality problems." This study was urged by Dr. William Shockley, Nobel laureate in physics from Stanford University and one who was largely responsible for inventing the transistor. At that time I expressed no personal view regarding the validity of Dr. Shockley's proposal, but did say that I was shocked that men who call themselves scientists are afraid to seek the truth. I asked the question: Is not the logical first step in solving any problem that of learning the truth about that problem?

Dr. Shockley's theory that we should objectively study man's behavioral traits and consider hereditary genetic factors instead of completely emphasizing the environmental aspects of human quality is certainly worthy of our thoughtful consideration.

For those who are interested in further exploration of Dr. Shockley's views, I submit herewith a letter which he wrote to former Secretary of Health, Education, and Welfare, the Honorable John W. Gardner, under date of October 13, 1967:

OCTOBER 13, 1967.

Hon. JOHN W. GARDNER,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR MR. GARDNER: This letter represents an endeavor of my intellectual conscience to address that of my nation through you personally as the organizational head of the most appropriate government department. It pursues the questions I directed to you in my letter of September 21, 1966 and concludes with a specific recommendation for action that you could initiate.

The concerns expressed in this letter are based on my evaluation that in your department and in the intellectual community of the nation as a whole the emphasis on environmental aspects of human quality is so great that it excludes proper consideration of hereditary genetic factors. I appraise this unbalance as deplorable and dangerous. During the last two years my studies have increased my conviction that concentration upon the environmental factors cannot solve the important problems of man's future and that adequate solutions to poverty, crime, illiteracy and national security problems demand facing hereditary problems. I believe that to avoid very real dangers to world wide human welfare, civilization including particularly the United States must face in a broader sense than it does now the problems raised by James Shannon (Director of the National Institutes of Health) in congressional testimony: "The effect—if I may put it bluntly, Mr. Chairman—is that we are weakening our genetic inheritance." Dr. Shannon emphasized biochemical physiological traits. What my intellectual conscience impels me to demand is that we look objectively also on man's behavioral traits. This my investigations lead me to conclude is not being done adequately. I conjecture that this lack of needed effort is caused less by the great difficulties involved than by the form of entrenched dogmatism that I call inverted liberalism.

With the advent of nuclear weapons, man has in effect reached the point of no return in the necessity to continue his intellectual evolution. Unless his collective mental ability can enable him reliably to predict consequences of his actions, it is possible that he may provoke his own extinction or at least enormously drastic modification of humanity.

Let me illustrate by a specific speculation upon the evolutionary aspects of this drastic modification: Sweden and Switzerland both have extensive shelter facilities that would save substantial fractions of their populations from death from world-wide fallout in the event of an unlimited nuclear war involving "dirty weapons" that might destroy the preponderance of the human life on earth. A much less substantial fraction of our population would survive. This preferential survival of the most foresighted components of the human race is a form of "self renewal" for human evolution that my intellectual conscience does not allow me to face complacently. I feel an obligation to try to increase the probability that man's destiny will be shaped by the application of intelligence to determine realistic goals for human progress rather than by forces man has let get out of control. These speculations about man's future evolution accent my fears that contemporary United States population trends are such that we are disproportionately multiplying the least foresighted elements of our population. I quote a paragraph from a published paper that I read at the last meeting of the National Academy of Sciences:

"If study shows that ghetto birthrates are actually lowering average Negro intelligence, objectively facing this fact might prevent a form of genetic enslavement that could provoke extremes of racism. I feel no one should be more concerned with this possibility than Negro intellectuals." (Such developments could negate the great progress of our Negro middle class that I estimate is growing less than one third as fast as the ghetto component.)

The inverted liberalism that now blocks attempts to reduce the environment-heredity uncertainty is caused, I conjecture, in large measure by emotional reactions to Nazi history. Our founding fathers knew the lesson to be learned from Nazi history and put it in the First Amendment. It is the value of free speech, not that eugenics is intolerable. Although a form of eugenics has been in effect in Demark for 30 years, no attempt to gain enlightenment from this experience has apparently been carried out by federal agencies, according to the answer to my letter to you of September 21, 1966 prepared by Dr. R. L. Masland.

I evaluate Dr. Masland's answer to be particularly significant since it was he who emphasized to me in a letter on January 28, 1965 that much might be learned by studying the current effects of eugenics experiments including those of Sweden and Denmark. In his 1966 letter Dr. Masland suggested that genetic aspects might be under study in a program directed by Dr. Otis Dudley Duncan at the Population Study Center of the University of Michigan; a telephone call to Dr. Duncan indicated that genetic factors were not being studied. What other than entrenched dogmatism can have kept government agencies from undertaking or promoting research so clearly seen by Dr. Masland to be relevant to gaining significant insight on important population quality problems?

Two programs bearing on genetic qualities have come to my attention. Both are now in the status of having been disapproved after evaluation by the Department of Health, Education and Welfare. Both appear to me to be worthwhile and relevant programs. One is by Professor W. A. Kennedy, president elect, I understand, of the Southeastern Psychological Association. Kennedy's credentials are vouched for by Professor Harry Harlow of the University of Wisconsin whose competence I believe to be unquestionable. Harlow introduced Kennedy's paper at the last spring meeting of the National Academy of Sciences. In this paper Kennedy said:

"A second limitation is fear on the part of the scientist of the consequence of working in the area unless he clearly announces beforehand in the prospectus that he is an environmentalist and is consistent with the current national climate, which is that in a country where all men are created equal, it is a blasphemy to investigate differences. And although no one in the 20th century is struck dumb for blaspheme, his research funds can be struck, and the effect is the same."

Kennedy informs me that the studies he was undertaking in keeping with the title of his paper "Racial Difference in Intelligence: Still an Open Question?" no longer can obtain support. Poor research quality or entrenched dogmatism?

The second study that has been brought to my attention was proposed by Dr. Helen B. Pryor, research associate in pediatrics, Stanford University and Dr. Hulda E. Thelander, director, Child Development Center, Children's Hospital of San Francisco. (Dr. Thelander last year received an L.L.D. from the University of California at Berkeley.) Their proposed study on genetically induced physical and mental handicaps among children did not find support at H.E.W. in spite of several submissions, they inform me.

The study appears to be an exploratory step along unmapped research paths directly relevant to reducing the environment-heredity uncertainty in causing mental handicaps. The disapproval of the proposal, Dr. Thelander also informs me, is in keeping with a further antiresearch influence upon those studies for which she has succeeded in obtaining non-government support: Records of afflicted children used in her research specifically exclude racial information that Dr. Thelander is sure would contribute to reducing the environment-heredity uncertainty.

I would appreciate comments from your department or other government agencies relevant to our understanding of and research on current behavioral genetic trends in our population. In public lectures, at Michigan State University, George Washington University, and several others this fall and winter, I plan to refer to the concerns of this present letter and to my previous correspondence with your department and other government agencies during the last three years. I intend to repeat a recommendation I have made several times before, most recently in a letter to the editor sent to Time Magazine in regard to its recent Essay "Race and Ability". (Sept. 29):

"Does Time really believe that the 'No one knows' sentence of its concluding paragraph justifies complacency about ignorance that may lead to unwise and conceivably harmful expenditures of tens or hundreds of billions? With recial strife currently increasing at probably more than 50% per year, we need to reaffirm one of the best American traditions—search for truth must be based on scientific probity. The public should insist that our government request the National Academies of Science and of Engineering, the nation's scientific intellectual conscience, to carry out interdisciplinary research on already existing research and to invent and to initiate programs to reduce the environment-heredity uncertainty so that our social problems will be attacked on the basis of objectively established facts and sound methodology."

It is my understanding that the Department of Health, Education and Welfare can appropriately ask the National Academy of Sciences to undertake such a program. I request an opportunity to discuss with you personally my reasons for making this recommendation including the reason for emphasizing interdisciplinary aspects.

Sincerely yours,

W. SHOCKLEY.

THE LAW MAY ASSIST IN THE FIGHT TO STOP POLLUTION

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. ESCH. Mr. Speaker, one of the major areas of national concern over the past few years has been the question of pollution of our air and water resources. The cleaning up of our lakes and streams and the purification of the foul air over our cities will take billions of dollars and the cooperation and assistance of all levels of government, of corporations, and of private individuals.

It is heartening when individuals take an interest in society's problems and set out to take some action to correct them. It is for this reason that I call your attention to the efforts of a small group of George Washington University law students to help clean up the air here in our Nation's Capitol. I do not prejudge either the specific legal action which they expect to undertake or the results of that action. But I do applaud their concern. The cause of society is advanced by the efforts of such individuals to correct its wrongs.

Under unanimous consent I include their release, as covered in Washington area papers, at this point in the RECORD:

THE LAW MAY ASSIST IN THE FIGHT TO STOP POLLUTION

The Washington, D.C. area bus companies are about to be confronted by a group of George Washington University law students who are testing the practical application of the law, in an attempt to help solve the growing problem of air pollution.

G.A.S.P., INC. (The Greater-Washington Alliance to Stop Pollution) is a non-profit corporation, currently being formed by these eight students of the Law, as a vehicle to assist in the intensifying struggle to abate air pollution. The first target of this group is the D.C. area transit companies, whose buses, it is common knowledge, continuously spew out great quantities of offensive smoke and gases throughout the Washington area streets.

This fledgling corporation received its impetus from a seemingly innocuous, but evidently successful, law school assignment. A common criticism of the present legal curriculum is the excessive emphasis on ancient and often archaic court decisions. Recognizing this defect, Professor Arthur S. Miller, of the George Washington University Law School faculty, made a radical change in the presentation of his Spring, 1969 semester Administrative Law course, in an effort to make this study more "relevant."

All 61 students in this administrative law class were assigned the following: "Assume you are counsel for a local citizen's organization, and write a legal memorandum identifying and analyzing the alternative legal actions which may be brought by the citizen's group in order to force the D.C. area transit companies to abate the air pollution caused by their buses."

Having completed a thoroughly researched analysis, eight of these students—Elaine Bloomfield, Paul Breitstein, S. David Fineman, Paul J. Gossens, John H. Johnston, Joel B. Miller, Ron Plesser, and John S. Winder, Jr.—readily concluded that their efforts could serve as far more than a mere academic exercise. The students are now coordinating their individual efforts, as well as adding some scientific data essential to the complex field of air pollution, and will soon commence legal proceedings.

The initial efforts, like the major portion of the primary research, will be directed to the administrative remedies available from one or more agencies in the D.C. metropolitan area, such as the Washington Metropolitan Area Transit Commission, having jurisdiction over D.C. buses and air pollution. Failing administrative relief, however, G.A.S.P., INC. has indicated a clear desire to pursue the elimination of this visible source of air pollution through the D.C. courts, which these students realize will require financial assistance as well as help from attorneys admitted to the D.C. bar.

THE OBJECTIVES OF THE NATIONAL SOJOURNERS, INC.

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. SIKES. Mr. Speaker, I would like to bring to the attention of this body the admirable objectives of the National Sojourners, Inc., and to quote their national president's message and resolutions adopted by this organization at their golden anniversary convention in July of this year. I am sure my distinguished colleagues will find much inspiration and food for thought in the reading of these documents:

PRESIDENT'S MESSAGE, JUNE 28, 1969

1. *General:* As your newly installed President, I would like to, first, express my deep appreciation to all those who have made this possible. It is with a deep sense of humility that I am accepting the grave responsibility for guiding the destinies of National Sojourners, Inc. for the ensuing year. I trust, with God's help and guidance, I will be able to perform the many duties and responsibilities involved in this most important position. Due to human frailty, mistakes are apt to occur and I shall appreciate your viewing in fraternal spirit any act of mine concerning which you may hold a different opinion. It is my sincere desire to work harmoniously with everyone and I wish to thank all of the Brothers for giving me this opportunity. As I indicated in my Report as President Elect, I have concluded, as a result of my travels during the past year, that there exists a great need for National Sojourners provided we use our military leadership training and background to further the Purposes of the Order. In the furtherance of these Purposes we must continue to emphasize the Bridge of Light Program, our Americanism Programs, and last but not least, we must strengthen our organization at the local level. Included in the latter area we must emphasize membership, local programs, local projects, and our position in the local community and environment. In view of these points of emphasis, we must strive to make National Sojourners the militant arm of Masonry. In connection with this effort, there are a few specific matters that I want to present to you in more detail this morning.

2. *Area and Regional Representatives:* On examining the existing Area and Regional Representative situation, I concluded that certain adjustments should be made to provide more effective coverage. Under my plan there will be 15 Areas and 55 Regions in the United States, including Puerto Rico and Canal Zone which are now part of the Southeastern Area. In addition, there are 11 Overseas Regions. A breakdown of the organizational structure has been posted on the Bulletin Board and will be published in the July–August issue of The Sojourner. A copy of Procedural Directive No. 1, dated 1 July 1969, was sent to each Representative at the time of his appointment. Representatives have been asked to use this as a guide for the coming year. I want to thank Brother Koeckert for the preparation of this Directive. I am sure it will provide great assistance to the Representatives. Representatives have been appointed for most of the Areas and Regions. The few remaining vacancies will be filled within the next few weeks. I will expect everyone accepting appointment to give their time and

efforts to the advancement of the Purposes and assisting the local Chapters in developing worthy projects and programs. I have not appointed them to the Membership and Expansion Committee, but as my Representatives, I will expect them to provide the necessary leadership in the membership activities of the local Chapters. They must not be considered as I.G.'s, but as available for assistance to the Chapters and the Chapter Officers. When one accepts an appointment as a Regional Representative one must realize that there is a responsibility which accompanies that appointment. Of the current 65 Regional Representatives, only 25 have submitted their Regional Report. I certainly hope my appointees have a better record this time next year.

3. *The Committee of 33:* As I interpret the Constitution and By-Laws, the Committee of 33 is the advisory body to the National President, and in addition has certain prescribed duties. The performance of the latter, I will leave to the Chairman to see that they are carried out. As far as the advisory function is concerned, I will give to the Chairman within the next few weeks several vital problems which I will expect to have critically examined by the Committee and their recommended solutions presented to the National Officers at the Mid-Winter Meeting. This function of the Committee is of utmost importance to me as the National President, and I hope to take advantage of the knowledge and talents of this august body of dedicated Sojourners. I had hoped to have had these problems ready to give to the Committee today, but I hesitated to do so until after certain decisions had been made by this Convention.

4. *The Mid-Winter Meeting of the Committee of 33:* I hope that I will be able to work out with the Chairman of the Committee of 33 a change in the agenda so that the Committee of 33 will hold its working session without the National Officers being present in order that I may have a meeting of the National Officers in attendance in a concurrent session. The two separate sessions then would be followed by a joint session at which time the Committee would present to the National Officers the results of their deliberations. This would in my opinion result in developing a meaningful mid-year evaluation. Members who are not members of the Committee of 33 nor National Officers would be welcomed at either or all sessions.

5. *Membership:* I am sure that after the discussions which we have heard at this Convention, I need not emphasize the criticality of our membership situation. During the past year as President Elect and as Chairman of the Membership and Expansion Committee, I found that it was impossible to properly perform both duties as they should have been performed. I found that the Area and Regional Representatives who constituted the membership on this vital Committee were too involved in other matters. As a result of this experience, I am appointing a Membership and Expansion Committee consisting of those members of Chapters which have been particularly successful during the past year in increasing their own membership. I have asked Brother Stewart Pollard to serve as Chairman. Brother Pollard is stationed in Washington and will be able to monitor our membership problems, and I hope assemble successful membership ideas from the other members of his Committee.

6. *Membership in Perpetuity:* In order to provide a stable financial base for National Sojourners, an increase in the number of Members in Perpetuity is considered essential. During the coming year I want the Area and Regional Representatives to emphasize at Chapter level, the advantages to the individual member and to the local Chapter of an increase in the members who hold this type of membership. In addition, I am asking the Chairman of the Membership and Expansion Committee to develop a memorandum to be published in The Sojourner setting forth the many advantages of Membership in Perpetuity.

7. *Americanism:* This is an area of activity which I feel should continue to receive our greatest efforts. It is in the development of true patriotism and Americanism throughout the Nation that Sojourners must become the militant arm of Masonry if we are to make our required impact on the Nation. The Grand Master of Masons for the Commonwealth of Virginia told me that he was counting on the Sojourners in the Commonwealth to carry the Americanism Program for the Grand Lodge. I have succeeded in getting Brother Bacharach to accept appointment as Chairman of this important National Committee for the ensuing year. I know that under his leadership and with the Vice Chairmen continuing to serve in the four major areas, our program in Americanism will be strengthened. During the year I hope that we can develop programs which will "Prepare for '76" and aid in putting God back into the school system. As I mentioned last night, I think one of the basic reasons for the present youth situation is the absence of the Christian guidelines provided by the Ten Commandments. After the removal of prayer from the schools, the young people suffered the loss of proper sense of values of these guidelines in shaping their character.

8. *The Sojourner:* I have prepared a Memo for Contributing Editors setting up Themes and Deadlines for The Sojourner 1969–70. In addition to the Messages from the National President and the National Commander of the Heroes, space has been allotted in each issue to the Secretary-Treasurer, National Chaplain and Chairman, Americanism Committee. In addition, special space allocation has been made for the President Elect and each of the Vice-Presidents in the July-August issue. In order to encourage more meaningful articles from these officers, space has been allocated in only one other issue to each of them. Articles concerning our Purposes are appropriate at any time and may be contributed by any member. Writings by the membership is particularly encouraged. I hope all members will feel free to submit articles for publication. I wish we had sufficient articles submitted that we would have to establish an editorial board to screen them. This would greatly improve our publication as a media of communication.

9. *Communications:* One of my greatest disappointments as President Elect has been the lack of communication, not only among the National Officers but among all elements of our organization. Everywhere I hear the same complaint: I wrote him but I have not received a reply. While the workload is fairly heavy on a few individuals, most of those in the organization do not have too many pieces of correspondence to take care of. Why then is it so difficult to get a reply? One of the easiest ways to reply to a letter that requires a quick answer is to scribble a reply on the original letter and return it by the next mail. If all will think of the inconvenience caused by non-receipt of a reply when they are the ones looking for it, then let's do unto others as we want them to do unto us. I want to go on record right now; if I fail to get a reply from one of the appointed officers within a reasonable time and in the absence of a logical reason, I will let him know about it.

10. *Bridge of Light Program:* I trust that every Chapter and every individual Sojourner will actively participate in this most worthwhile program. This program will not only improve our image in the local Masonic environment, but will advance our own Purposes and can be a source of new members. Now that we have available the Sojourner Roll of Honor, at a small cost of $1 per copy. We should make sure that a copy of this Roll honoring outstanding Masons is placed in every Masonic Temple in the Country. On two occasions where I have presented copies to Blue Lodges, the reception of them has been most appreciative. In connection with the Bridge of Light Program, care must be taken to ensure that when an invitation to visit a Blue Lodge is accepted a *respectable representation* is present. Nothing is more discouraging than having a special night set up for a visit and then only two or three Sojourners show.

11. *Conclusion:* In conclusion I want to again thank all Sojourners for the opportunity afforded me to serve you as your National President during the ensuing year. I hope that I will be able to justify the confidence which you have placed in me. I feel that my chief responsibility during the coming year is to assist you in the furtherance of our Purposes and to be your representative with other organizations who have similar purposes. We must ever strive to strengthen the ties of affection, promote the prosperity of our Order, and protect its unity, integrity, and strength by maintaining the truest fraternal spirit. I shall need your sympathetic and understanding interest and friendship. I am counting on the same helpful support and cooperation which you have given so graciously and devotedly to my predecessors.

My life shall touch a dozen lives
Before this year is done;
Leave countless marks for good or ill
Ere sets the evening sun.

So this the thought I always wish,
The prayer I always pray:
Lord, let my life bless other lives
It touches by the way.

JOHN D. BILLINGSLEY,
Brigadier General, U.S. Army, Retired.
National President.

RESOLUTIONS

NOTE.—The following Resolutions presented at the 49th Annual Convention (Golden Anniversary) of National Sojourners, Inc., held at Cocoa Beach, Florida 26–28 June 1969 are furnished for your information and whatever action you deem appropriate:

APPROPRIATE RESPECT TO DEITY

Whereas our great nation was founded on a belief in God, to wit:

The Mayflower Compact, dated November 21, 1620, written by one, William Bradford, second governor of the Colony of Plymouth, with 31 signatures appended thereto, this document being one of the earliest produced during the American quest for freedom which culminated in the United States of America 150 years later, and which states:

"In the name of God, amen. We whose names are underwritten, having undertaken, for the glory of God, and advancement of the Christian faith, a voyage to plant the first colony in the northern parts of Virginia, do by these presents solemnly and mutually in the presence of God, and of one another, . . ."

and

The Declaration of Independence, dated July 4, 1776. This most eloquent statement of the American creed, drafted by Thomas Jefferson and signed by 56 signatories, states:

"When, in the Course of human events, it becomes necessary for one People . . . to assume among the Powers of the earth, the separate and equal Station to which the Laws of Nature and of Nature's God entitle them . . ."

and

Whereas it is meet and right that this legacy should pass in perpetuity from generation to generation, in keeping with the Preamble to the Constitution of the United States, which admonished us to secure—for

the general welfare—the blessings of such beliefs to ourselves and our posterity,
and

Whereas Article I of the Amendments to the Constitution of the United States of America states specifically that, "Congress shall make no law respecting an establishment of religion, *or prohibiting the free exercise thereof. . . .*"
and

Whereas the great majority of American people who recognize and believe in the existence of a Supreme Being have been caused to lose a right and a liberty by a majority of one (1) via the Supreme Court of the United States, said majority of one being a person by the name of Mrs. Madelyn Murray O'Hair who is opposed both to a belief in God and to religion and who is, at this very time, establishing a center for the study of atheism in Austin, Texas, and

Whereas we, as Masons and National Sojourners, maintain and uphold a steadfast belief in God . . . that God must motivate man if present day problems are to be solved . . . and that God is the Supreme Architect of the Universe,

Let it therefore be resolved that National Sojourners, Inc., at its 49th Convention adopt as one of its programs for the ensuing year, the petitioning of the Congress of the United States of America to:

(1) Put God back into our schools, and

(2) Continue appropriate glorification of the wondrous works of the Supreme Architect from the far reaches of outer space by our astronauts, and

(3) Asking the blessing of deity in all such public and private facilities where deemed appropriate to the accomplishment of all reasonable and worthy undertakings

So that we shall henceforth recognize that God is part of our daily lives and activities and not merely the object of Sunday worship alone.

Be it further resolved that as this project has been duly adopted by Cape Canaveral Chapter No. 366 as part of its Americanism program for 1969, the same having the cognizance and wholehearted support of our National President Elect, Brother John D. Billingsley (BG, USA Ret.).

TO ESTABLISH THE POSITION OF THE NATIONAL SOJOURNERS IN RELATION TO THE REPEATED VIOLATIONS BY SOME PERSONS AND GROUPS OF PERSONS OF THE SACREDNESS OF THE ANTHEM AND COLORS OF OUR NATION

Whereas the Purpose of National Sojourners, among other fundamental items, includes the following:

"For supporting all patriotic aims and activities in Masonry, for developing true patriotism and Americanism throughout the Nation . . . to further the military needs of national defense and for opposing any influence whatsoever calculated to weaken the national security."; and

Whereas our National Anthem, "The Star Spangled Banner," and our National Colors, "The Stars and Stripes," are emblematic of the history, traditions and personality of our great Nation, the United States of America; and

Whereas organized minorities within our country, inspired and guided by enemies from other nations, have concocted groups which, under the protection of our democratic ways of life, have united subversively for the sole purpose of undermining our democratic system of government, and of insulting and desecrating, in the most disrespectful manner, those glorious emblems of our great nation, namely, our National Anthem and our National Flag; and

Whereas the members of Puerto Rico Chapter No. 146, National Sojourners, as a group of true, loyal American citizens of both Spanish and American ancestry, are greatly concerned about the anti-American activities of these enemies of our country, both at home and abroad; and

Whereas under our present tax laws and law enforcement there is continued disrespect and desecration of our National Emblems, without any real and effective punitive action being taken;

Therefore be it resolved: that Puerto Rico Chapter No. 146, National Sojourners, recommends:

1. The revision of present laws, both State and Federal, and their stricter enforcement, and the enactment of new laws where advisable, for the protection of our National Emblems, under all circumstances against any person or group of persons, single or collectively, who in any manner insults, desecrates or uses disrespectful action against these emblems of our Nation.

2. The inclusion, in such laws, of punitive action sufficiently severe to serve as a warning to those who might be planning to engage in any of these desecrating acts.

Be it further resolved: That a copy of this Resolution be sent to the National Headquarters of National Sojourners, Inc. to be submitted for consideration at our National Convention in Cocoa Beach, Florida, in June 1969, with the recommendation that same be adopted as a statement of the sentiment of all National Sojourners throughout the world, and that upon final adoption by the convention, a committee shall be appointed to convey the purposes of this Resolution to the appropriate authorities in our State and Federal Governments.

AGAINST THE ENACTMENT OF LAWS WHICH INFRINGE UPON THE CONSTITUTIONAL RIGHTS OF CITIZENS TO OWN ARMS

Whereas the Constitution guarantees to law-abiding citizens the right to own and enjoy property; and

Whereas thousands of such citizens derive pleasure from collecting weapons as a hobby or using them for target practice, and some choose to possess them merely for protection against housebreakers; and

Whereas the publicity following certain assassinations and other violent crimes has dramatically brought to the forefront the lesson that weapons, like personal valuables and money generally, are not immune from being illegally obtained through robbery; and

Whereas progress reports indicate that neither the crime rate nor unlawful use of firearms has decreased in those jurisdictions which have adopted so-called gun registration laws; and

Whereas current proposals for national, state, and local laws that would further require the ownership of weapons to be officially recorded, and to compel payment of license-fees in connection therewith, would impose additional, discriminatory taxation upon the persons affected; therefore be it

Resolved that National Sojourners proclaim that laws should be repealed that infringe upon the right of any responsible citizen to own firearms.

SUPPORT OF ROTC

Whereas great and injurious harm is being done to our beloved United States of America by the forces of evil, the instruments of which are undermining the minds, morals and personal integrity and patriotism of the nation's youth; and

Whereas the said forces of evil are being abetted in their evil plans by the red, pink and socialistic leaders in the colleges in which are included many, many members of the faculties and the establishment, and

Whereas the attempts by the taxpayers of the nation to teach, train, and inculcate the traits of loyalty, integrity, and honesty in the colleges and universities as well as the secondary schools through the medium of the Reserve Officers Training Corps, as required by law, are constantly being denigrated by unpatriotic faculty members and administrators;

Now therefore be it resolved by the National Sojourners in annual convention,

1. A four-year ROTC program be a required item of the curriculum of each and every State and Federal supported university, with credit given for the courses. Failure to meet this requirement resulting in the withdrawal of all Federal aid to that institution.

2. The present Junior ROTC program in the high schools be continued and failure to do so by any school would require that all Federal funds be withdrawn from that institution.

3. That the National Sojourners, Inc. actively and vigorously insist that all Federal aid, including land grant privileges, where applicable, be withdrawn from those institutions where ROTC and/or NROTC or AFROTC units are deleted by the above mentioned forces of evil.

Resolution No. 31 as listed here was sent in the form of a telegram to The American Legion; a similar telegram was sent to DeMolay on their Golden Anniversary.

Greetings to the *American Legion* on the occasion of its 50th Anniversary, from National Sojourners, Inc., which is also observing its 50th Anniversary, and whose purposes are similar in numerous respects, with many of its members also Legionnaires.

NATIONAL HOLIDAYS

Whereas, proposals for National Holidays are from time to time made in the name of distinguished American citizens, and

Whereas, apparently no specific statutory regulation now controls the designation of such Holidays, and

Whereas, it appears proper to allow the test of time to evaluate and prove the lives of distinguished Americans worthy of such recognition.

Now therefore be it resolved: That National Sojourners, Inc. in Convention assembled on this 28th day of June 1969 do hereby urge the Congress of the United States to consider the enactment of legislation requiring the passage of a period of at least 25 years after the death of a distinguished American before the declaration of a National Holiday in his name and honor.

ASTRONAUTS PRAYER ESSENTIAL TO AMERICA

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. COLLINS. Mr. Speaker, again America faces the basic concept of prayer for our country. Felix R. McKnight, the editor of the Dallas Times Herald, has summed the issue up very clearly. Madalyn O'Hair has again gone to be heard by the Court. This time she is asking for prayer to be eliminated on the space program.

Many great laws have been passed during the leadership period of Speaker McCormack, but the most important resolution of all was when our House inscribed "In God We Trust" above the Speaker's head. This is the belief, the conviction, and the spirit of our House. We believe in prayer and the fundamental right of every American citizen to pray.

You will be interested in reading this excellent analysis by Editor Felix R. McKnight in the August 10, 1969, issue of the Dallas Times Herald:

> It has come, in recent days, to the same, appropriate question: Will the courts again tolerate Madalyn Murray O'Hair, who seeks the peculiar satisfaction of fighting God?
>
> Is it conceivable that she can again tight-

rope thin legal sidelines of the United States federal courts and achieve success in a channel that also belongs to a few million other citizens?

Three days ago the woman atheist who blew into Texas on ill winds a few years ago, filed another suit in Austin; a federal suit.

She seeks the same instant success she enjoyed in 1963 when the U.S. Supreme Court outlawed compulsory prayer in public schools—at her insistent request.

Now she would demand of the same tribunal that they silence the lips of American astronauts.

Mrs. O'Hair rent the reverent air of last Christmas Day with incensed cries that Frank Borman, leader of the Apollo 8 flight, had dared to read from the Book of Genesis as he drifted 230,000 miles away in the heavens.

On last Wednesday she continued her blasphemous binge in an Austin federal court. In her project against "religious exploitation of outer space," she would tear religion from the skies as she tore it away from students—who just might pick up a message or two from The Ten Commandments or other words from the indestructible Book.

In her suit against the National Aeronautics and Space Administration and its administrators, she seeks to prohibit them from "further directing or permitting religious activities or ceremonies and especially reading of the sectarian Christian religion's Bible, and from prayer recitation in space and in relation to all future space-flight activity . . ."

Unadulterated hogwash—but she promises to pursue all the way to the Supreme Court, if necessary. It is highly unlikely that she can match her 1963 success with the court. The American people wouldn't swallow it.

On sheer logic she wouldn't have a chance.

One of journalism's true titans, David Lawrence, this week made the case that also has been presented in these columns. Non-sectarian and non-denominational prayers are built into various activities of federal, state and local governments.

It is the peak of inconsistency to say that unfettered, voluntary prayer should not be permitted in public schools—and then quickly recall that the President of the United States stood on the deck of the USS Hornet with astronauts Armstrong, Collins and Aldrin and said to the world:

"And now I think that all of us—the millions that are seeing us on television now and seeing you—would feel as I do that, in a sense, our prayers have been answered. I think it would be very appropriate if Chaplain Piirto, the chaplain of this ship, were to offer a prayer of thanksgiving . . ."

To which Chaplain Piirto responded:

". . . May our country, afire with inventive leadership and backed by a committed fellowship, blaze new trails into all areas of human cares. See our enthusiasm and bless our joy with dedicated purpose for the many needs at hand. Link us in friendship with peoples throughout the world as we strive together to better the human condition.

"Grant us peace, beginning in our own hearts, and a mind attuned with good will towards our neighbor . . . All this we pray as our thanksgiving rings out to Thee in the name of our Lord . . ."

We join with Editor Lawrence, as we have before, in asking how can such manifestations of belief in God be uttered at certain governmental functions and be denied at others?

The issue reaches other ultimates of inconsistency when the President of the United States places his hand upon the Bible and takes the oath of office from the chief justice of a Supreme Court that takes another path to rule with Mrs. O'Hair.

Or, when Congress specifies the oath of office to be taken by federal judges which ends with "So help me God." Chief Justice Warren E. Burger repeated the prescribed oath in the recent ceremony.

Or, when the two houses of the Congress open each session with prayer from their chaplains. Or, when governmental institutions such as military installations provide—with protection of the law—religious facilities for voluntary worship.

The American astronauts have their rights to worship, whether in the living room or on the moon. And the American people expect those rights to be preserved—come hell or Madalyn Murray O'Hair.

LOS ANGELES GROUP ORGANIZES VETERANS FOR PEACE IN VIETNAM

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. BROWN of California. Mr. Speaker, I have been asked to bring to the attention of my colleagues the work now being undertaken by a Los Angeles group calling itself Veterans for Peace in Vietnam. While I am not familiar with this particular organization, I hope that my colleagues will give consideration to their statement of principles and purpose.

Slowly still the American public is becoming aware of the harsh realities of our situation in Vietnam. This veterans' group statement—by men and women who can hardly be accused of "anti-American" feelings—comes as another indication of the ever-growing discontent with American activities in Southeast Asia.

I believe that if more of our citizens are made aware of the situation, more of them will object to the discrepancies between historic American ideals and the policies we are now perpetrating abroad.

I insert the principles and policies of the Veterans for Peace in Vietnam in the RECORD at this point:

A STATEMENT OF PRINCIPLE AND A DECLARATION OF PURPOSE, VETERANS FOR PEACE IN VIETNAM AND AGAINST THE WAR

We are men and women who have served honorably in the armed forces of the United States of America. We believe that this "conflict" in which our country is now engaged in Vietnam is wrong, unjustifiable and contrary to the principle of self-determination on which this nation was founded. We believe that the activities of our forces in Vietnam are directly contrary to the best interests of the people of the United States. We believe that our policy in Vietnam supports tyranny and denies democracy. We believe this because as very concerned citizens we have investigated and researched the subject. We know, especially those of us who have been there, that the American public has not been told the truth about the war or about Vietnam.

We know—

That Vietnam is one country—historically, culturally and as specified in the Geneva Accords of 1954.

That this conflict is basically a civil war.

That the government in Saigon, despite the recent "election", is a military dictatorship—supported by a small feudal aristocracy, the ARVN officer corps and half a million American troops.

That the majority of the people we are fighting in South Vietnam are South Vietnamese, and that the only people we are fighting are Vietnamese.

That the primary reason for our military involvement in Vietnam is the wish of our economic royalists to continue to exploit the human and natural resources of Southeast Asia.

That those people in America and Vietnam who are harvesting billions of dollars in personal profits from the "defense" business do not want an end to this war.

That the basic problem in Vietnam is not military—but social, economic and political; not American—but Vietnamese. There is no military "solution." There is no "American" solution.

We believe that if the American people realized this they would join the dissent of the millions of Americans already against this war.

We believe that true support for our buddies still in Vietnam is to demand that they be brought home immediately before anyone else dies in a war the people of the United States of America did not vote for and do not want.

We, therefore and hereby, join together as Veterans for Peace in Vietnam and Vietnam Veterans Against the War, Los Angeles Area, for the specific and sole purpose of ending our imperialist and un-American war on the people of Vietnam. We believe this to be the highest patriotism.

SOCIAL SECURITY INCREASE OR CHARITY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. FRASER. Mr. Speaker, the march of inflation continues to take its toll of those on fixed incomes, such as our senior citizens who are receiving social security benefits.

Many of these older people are in dire straits. They have been writing to me in increasing numbers, not merely to complain about higher prices, but to point out that they now do not have sufficient money to pay for taxes or rent, food, and clothing. All of these people worked hard to earn their social security benefits and, until recently, were able to make their meager funds take care of their minimal needs.

Now, many of our social security recipients are faced with the necessity of asking for charity in order to have sufficient food and clothing. It is for this reason that I consider the current proposal for a 7½-percent increase in social security benefits to be completely inadequate. I recommend an increase of 50 percent over a 3-year period to prevent our older people from having to seek charity.

A letter appearing in Bernard C. Meltzer's column in the Washington Post on August 2, 1969, and Mr. Meltzer's reply succinctly state the problems of many of our senior citizens.

The article follows:

[From the Washington Post, Aug. 2, 1969]

HIGH TAXES HARD ON OLD

(By Bernard C. Meltzer)

Often the last vestiges of independence and pride disappear when old folks must turn to charity to keep going. Many of them now are being turned into paupers by constantly increasing real estate taxes. The letter below is a "tear-jerker," but it typifies the thousands received and I feel the story must be spread on the record.

Q. I'm 71, my wife is 68, I've raised three children who have presented me with ten fine grandchildren. I came to this country as a boy of sixteen and am proud to say I've never asked for a penny of charity.

Our only income is from Social Security. After we pay our taxes and other expenses, we have $2 a day left for food and clothing. I've just been notified that the real estate taxes are going up. Next year, after paying the increased taxes, we'll have $1.62 a day.

My wife and I literally keep track of every penny now. I've just told her that next year we won't be able to make it. We'll be forced to ask for charity. My 68-year-old bride is sitting opposite me with tears rolling down her cheeks. She keeps repeating, "We've worked hard all our lives, and now we've come to this."

The newspaper said that increased taxes were necessary for schools and higher wages for teachers. I raised my three children and paid my share of taxes when they were going to school. I'm not causing the problems they have now-a-days. Don't I have the right to live just the same as school teachers?

SICK OF IT ALL

A. Every month I receive dozens of letters like this. They are postmarked from all over the nation. They come from small towns and big cities alike.

I've published this heartrending letter to show that the most helpless poverty group is not those on "welfare," but the old folks past their working days who—in the sunset of their lives—are being turned into paupers.

With over $30 billion of federal money being spent on a program to help the so-called "poor," it would appear that a fraction of this money could be set aside to help old folks in situations like this who want to maintain their independence and dignity and need just a little help.

Cases like this move me. Often I'll write a personal letter to the taxing authority, asking for consideration. I'm glad to report that they usually will find a regulation or reason (if they possibly can) to make an exception for the old folks.

(*A realtor, appraiser and engineer, Bernard Meltzer answers questions only in this column. His address: 933 Crosswick rd., Jenkintown, Pa.*)

THE HUMAN RESOURCES CLEARINGHOUSE STORY

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. PEPPER. Mr. Speaker, the benevolent actions of the Human Resources Clearinghouse of Tallahassee, Fla., have been brought to my attention. It is a project worthy of note.

The Human Resources Clearinghouse is developing a program that will bring many a new and better way of life. I would now like to share with you some information on what they are doing:

THE HUMAN RESOURCES CLEARINGHOUSE STORY

Human Resources Clearinghouse, Inc. has enjoyed tremendous community acceptance from the point of governmental cooperation at every level and individual and organizational support.

From two hundred and sixteen manhours on a *Sunday morning* breakfast period with neighborhood children, by six volunteers to the loan and donation of tools and equipment by the City Manager's Office, we have individual volunteers who have amassed two hundred clock hours of service at the Center.

Ten pre-school children have enjoyed twenty-six days of association and instruction by two university-faculty wives.

A faculty member has offered in-depth counseling with a twelve member family of the Frenchtown community.

The Florida State University chapters of several fraternities, sororities and other campus organizations have put in thousands of hours on work projects, camping trips, sightseeing tours and organized recreational activities.

Within the neighborhood three hundred children and youth have participated in our "Curbstone Operation," Boys' Club, Cub Scout Pack, Boy Scout Troop and Girls' Club programs. The parents of these children and members of several civic organizations have met jointly in sponsorship of a Women's Club. Elderly residents of the area are being assisted by the "Good turn daily" projects of the scouts and scout leaders.

The Center supplements the fine recreation program afforded by the City of Tallahassee and complements the study and tutorial opportunities of the County School System.

Neighborhood adults are developing a new sense of pride in themselves, their children and their surroundings.

Many donors of essential equipment are unknown by name, many others contribute small amounts on a sustained basic and large chunks for projects like uniforms for the scout troop and cub pack.

An essential service need is met when interested persons learn of city, state and county facilities which are better qualified to meet their needs.

The agency affords a training place for interns in Education, Social Welfare, Community Organization, Planning and Recreation. Further, it affords hope and help for city youth that Self-Help is an avenue open to them!

The Human Resources Clearinghouse, Inc. was chartered at Tallahassee, Florida, July 12, 1966. It has been in continuous operation since May 1966, in its present quarters since September 1966.

RECENT SOVIET ACTIONS DIRECTED AT LIBERAL SOVIET WRITERS

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. ADAIR. Mr. Speaker, events of the past few weeks indicate that we are once again witnessing the use of Stalinistic tactics by the leaders of the Soviet Union to repress the voices of opposition and open discussion of views. The latest in a series of attacks against Soviet intellectuals occurred last week when several well-known liberal Soviet writers, including poet Yevgeny Yevtushenko, novelist Vasily Aksenov, and playwright Viktor Rozov, were dropped from the editorial board of "Yunost," the most popular Soviet literary journal for young people. A fourth member of the "Yunost" board, E. B. Vishnyakov, was reported to have "retired." These writers were dropped because of their outspoken views on the Soviet invasion of Czechoslovakia. Yevtushenko, the most popular of the writers, was removed also because of a series of poems he printed recently in the liberal magazine, "Novy Mir," about a trip to Spain in which he criticized his attackers "from left and right."

Another prominent Soviet writer, Anatoly Kuznetsov under pressure from the Soviet Government recently defected in London. Kuznetsov created a Soviet sensation with his 1967 novel, "Babi Yar," about the Nazi massacre with Russian collaboration of thousands of Jews in a Ukranian ravine. Soviet critics accused him of concentrating too little on the "historical facts," and pointed out that Russians and Ukrainians also were killed. He was also attacked early this month by a Soviet paper for his new novel "Fire" in which the paper said he portrayed Soviet workers as "cynics, scoundrels, self-seekers, and alcoholics." On defecting, Kuznetsov said that not one of the books he published in the Soviet Union appeared as he wrote it. He said he defected from the Soviet Union, leaving behind his wife and son, because the censors there permitted nothing except praise for the Communist system.

These recent actions are illustrative of the Soviet return to past ways after a period of cautious relaxation. The anti-intellectual fervor of the Stalinist era returned with the decision 5 years ago to arrest the writers Andrei Sinyvsky and Yuli Daniel who were tried and condemned to years at forced labor in February 1966. Anatole Shub remarked recently:

> The Kremlin bosses have turned increasingly to repression and reaction, xenophobia, and mystification. They appear to be counting on the fear and prejudice of the traditional mob of Russia's tragic history, and they are plunging the country's finest spirits into despair.

According to recent reports, the Soviets are alarmed over the way in which the United States outdistanced them in the space race. The United States made such quick progress because our space program is completely open and, as a result, the participation of scientists and intellectuals was encouraged and received. The Soviets continue to shun open discussion for the cloak of secrecy even when it prevents or inhibits economic and material progress.

The most distressing aspect of this situation, however, is the continued denial of the most basic of individual freedoms—the right of free speech. By stifling such dissent or expression of views, the Soviet leadership is rapidly alienating the younger generation. The "generation gap" grows daily in the Soviet Union and its satellites, as Soviet youth had looked forward to more and not less liberalization of Soviet restrictions on public expression. Pavel Litvinov, the grandson of former Foreign Minister Litvinov, said recently:

> It is up to my generation to bring about change. I recommend to those of my generation to say frankly what they think. If mass protests could be organized, if they became known in the West and gained the support of foreign Communists, our government would have to take account of it, and this would produce an effect.

I am fearful that if the Soviet leadership continues to "closet" the intellectuals and youth and prohibit the public expression of their views, even more repressive measures may be resorted to. This spiraling effect is reminiscent of the purges of the Stalinist period.

RESULTS OF DISTRICT PUBLIC OPINION POLL

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, more than 25,000 sixth district citizens responded to the public opinion poll I mailed to every household in the district at the end of June. This is far and away the best participation rate of any poll I have conducted. Because of the higher rate of response, the results are much more significant than if only a few thousand citizens participated.

Vietnam. The overwhelming fact revealed by the survey is that in every county and by considerable margins the war in Vietnam is rated the most important issue facing America.

Federal tax reform. Only about half as many citizens rated tax reform as the most important issue.

Campus unrest was a distant third in the ranking of important issues.

Missile defense—ABM—just barely nosed out farm prices for fourth place in the order of importance.

Farm prices was a close fifth in the list of priority issues, districtwide.

Breakdowns of the returns revealed surprisingly small variations in the rankings from county to county within the seven counties of the sixth district. In only two counties, Fond du Lac and Calumet, did the results show a difference in the ordering of priorities. In these two counties, farm prices were rated ahead of missile defense as the fourth most important problem.

President Nixon's conduct of the presidency was rated from fair to excellent by 90 percent of the district citizens, the poll indicated. Only 10 percent said Mr. Nixon is doing a poor job. Although many respondents noted as an Oshkosh woman did, that it was "sort of early in the game." Mr. Nixon had a clear majority of 56 percent approving his actions as good or excellent. Strongest support came from Green Lake County with 69 percent good and excellent ratings. Washington and Winnebago followed with strong 58 percent readings, though both these counties, gave Mr. Nixon a higher than district average of poor ratings, indicating strong difference of opinion in these counties.

Ninety-seven out of every 100 respondents in the districtwide poll favor an increase in the personal tax exemption from $600 to $1,000.

The question of revenue sharing, as proposed by President Nixon in his August 8th television speech, induced a wide spread of opinion and revealed uncertainty as to the fiscal impact and local effect of such a new departure in Federal fiscal policy. Counties with the larger cities, Winnebago—Oshkosh, Neenah-Menasha and Sheboygan—Sheboygan as well as Washington County, approved revenue sharing by wide margins. Fond du Lac and Ozaukee Counties also approved it. Counties with least concentration of population, Calumet and Green Lake, oppose revenue sharing by 56–44 and 65–35 respectively.

The district gave strong backing to the proposal to make the Post Office into a Government-owned, self-supporting corporation. Support ranged upward from Calumet County's 74 percent to Ozaukee's 86 percent.

Additional random comments that respondents were encouraged to write on the survey ran heavily to "control inflation" and "law and order."

The complete tabulation of the results follows:

[In percent]

	Calumet	Fond du Lac	Green Lake	Ozaukee	Sheboygan	Washington	Winnebago	District average
1. How would you rate the job President Nixon is doing?								
Excellent	20.0	18.0	13.0	10.0	12.0	10.0	13.0	14.0
Good	37.0	38.0	55.0	45.0	40.0	48.0	45.0	42.0
Fair	41.0	32.0	21.0	36.0	37.0	27.0	28.0	34.0
Poor	2.0	12.0	11.0	9.0	11.0	15.0	14.0	10.0
2. What in your opinion are the most important issues facing this country?								
Federal tax reform	2.5	2.1	2.6	2.4	2.8	2.3	2.5	2d
War in Vietnam	1.9	1.6	1.5	1.3	1.7	1.5	1.4	1st
Farm prices	4.0	4.1	4.0	4.2	4.2	4.8	4.6	5th
Missile defense	4.8	4.2	4.1	3.8	4.1	4.0	4.1	4th
Campus unrest	3.9	3.5	3.2	3.7	4.0	3.5	4.0	3d
3. Do you favor an increase in the personal tax exemption from $600 to $1,000?								
Yes	99.0	97.0	89.0	97.0	99.0	95.0	99.0	97.0
No	1.0	3.0	11.0	3.0	1.0	5.0	1.0	3.0
4. Do you favor revenue sharing by the Federal Government with State and local governments with no strings attached?								
Yes	44.0	51.0	35.0	55.0	59.0	61.0	65.0	54.0
No	56.0	49.0	65.0	45.0	41.0	39.0	35.0	46.0
5. Do you support the proposal to make the U.S. Post Office a Government owned, self-supporting corporation?								
Yes	74.0	75.0	83.0	86.0	78.0	75.0	76.0	78.0
No	26.0	25.0	17.0	14.0	22.0	25.0	24.0	22.0

SIGNIFICANT VICTORY

HON. ROBERT V. DENNEY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. DENNEY. Mr. Speaker on August 6, 1969, the President, with the help of Members of both parties, won a significant victory in the cause of peace. The victory, of course, was the vote that insured the development and deployment of the Safeguard anti-ballistic-missile system.

Mr. Speaker, there are those who are saying that the vote yesterday was a defeat because of the closeness. But they are wrong. There can be no defeat when an action by the Congress gives the President something he thinks is necessary for the security of the Nation.

There can be no defeat when an action by the Congress strengthens the President's hand in the negotiations for peace.

No, Mr. Speaker, the vote was a victory. Many football and baseball games are won by just one point.

A victory that could be one of the most significant of our times. This vote is additional proof that in this country we operate under the rule of the majority.

Those who say it is otherwise only damage the image of our Nation's leaders in the eyes of the world and only hurt the chances for eventual disarmament.

WASHINGTON WORKSHOPS SEMINARS IS VALUABLE PROGRAM FOR HIGH SCHOOL STUDENTS

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. REUSS. Mr. Speaker, on July 15, I had the opportunity to meet here on Capitol Hill with a large group of high school students who had come to Washington from every part of the country to participate in the Washington Workshops Seminar on the Congress of the United States.

The Washington Workshops Foundation, a private nonprofit educational organization, has been conducting these seminars for 2 years now. Five 2-week seminars are being offered this summer. The program is open to every high school student of every background. A number of this year's students participated in the congressional seminars with scholarship assistance from the Washington Workshops Foundation and local businesses and community organizations. Throughout this summer nearly 1,000 young Americans will have come to Washington to study their Government firsthand.

I enjoyed my meeting with students participating in the July 11–July 22 seminar. I was impressed by their awareness of national issues and their commitment to building a better America.

The Washington Workshops Foundation is performing a valuable service by giving young people a chance to learn firsthand about their Government, and to have a dialog with Members of Congress and Senators. I commend a series of questions and answers on the Washington Workshops program to my colleagues.

TREATMENT CENTERS NEEDED FOR TEENAGE DRUG ABUSERS

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. TUNNEY. Mr. Speaker, all of us are aware that a drug abuse problem exists within the ranks of the youth of our Nation.

To some, this alleged "problem" has been blown all out of proportion, and is confined primarily to the so-called dregs of society. They would solve the problem swiftly and severely, by "tossing the bums in jail and throwing away the key."

Those among us who have studied the problem in depth, however, know that it is far more serious and not confined to a few—nor is it dealt with in such a simplistic and punitive manner.

Getting valid statistics on this teenage drug "cult" is extremely difficult. Yet, some facts do stand out clearly. The number of teenage drug users is rising at an alarming rate; the age level is getting lower; amphetamines and barbiturates—in additional to marihuana—are being experimented with on a wide scale; and, the abusers increasingly are the product of middle- and upper-class families. In fact, educators and public health officials report that students today are getting their first exposure to drugs as early as the sixth grade.

One southern California high school district last year expelled 211 of its 17,000 students for using drugs, while an extensive survey at a northern California high school revealed that three-fourths of the seniors said they had friends who smoked pot.

The spread of this cancerous habit is reflected even more dramatically by figures compiled by California's Bureau of Criminal Statistics. In 1966, the bureau reports, 5,355 youths under 18 were arrested for drug offenses, but the arrests jumped nearly three times in 1967 to 14,760. Of the latter, 18.7 percent were 18 years old: 36.6 percent were aged 17; 24.6 percent were 16; 12.9 percent were 15, and 7.2 percent were only 14 years old or younger. One shudders to guess at the number of teenage users who are not arrested.

While these figures do reflect only the situation in California, it is safe to say that they are indicative of what is happening in many parts of the Nation—and not merely in metropolitan centers.

The point is, we have a problem of growing proportions. This cannot be denied nor ignored.

If we were a barbaric, or even a medieval society, it would be relatively easy to succumb to "jailing the bums and throwing the keys away." We are not—and we cannot.

We are dealing with the lives of young Americans who have the potential for many years of productive lives ahead of them. It is our responsibility as mature adults and legislators to find the means by which these lives can be salvaged and their potential attained.

First, we must cut off the supply of illicit drugs, and thereby dry up the source of the problem. I have introduced three bills aimed specifically at strengthening the weakest links of our protective chain.

Second, we must educate our young people about the real and serious dangers of drug abuse. The Drug Abuse Education Act of 1969, which I and many of my colleagues strongly endorse, will provide the type of educational programs that are so vitally needed.

And third, we must establish medical facilities to which young people can turn with confidence for professional guidance and rehabilitation.

Today, I am introducing a bill to provide just that kind of treatment centers. This latest measure would amend the Community Mental Health Centers Act to authorize project grants to help finance the establishment of drug abuse treatment centers in junior and senior high schools, as well as other public or nonprofit private agencies and organizations. These grants would help offset the costs of construction, as well as provide funds for operation, staffing, and maintenance.

Establishing these outpatient-type centers in the public schools would make them readily accessible to teenagers in an environment in which they can have confidence. This is of crucial importance, for early treatment of drug abuse problems greatly enhances the prospects for quick and complete rehabilitation.

Mr. Speaker, drug abuse among teenagers is a special problem that requires a different approach from that followed for adults. This bill is tailored to meet the unique needs of these teenagers. These young people must be helped professionally before they are beyond help. We can do no less for the future of America.

CORNELL INTERNS IN WASHINGTON, D.C.

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. ROBISON. Mr. Speaker, I would like to report some good news from Cornell University of Ithaca, N.Y.—in the form of 42 Cornell students serving as interns this summer in a wide range of congressional offices, executive departments and agencies, and news media. It is not without pride that I cite these conscientious, curious, and bright Cornell students as well as their counterparts participating in and observing governmental operations all over the country—in local, county, State, and Federal levels.

Their presence in the Nation's Capital, while presenting a challenge to each one of them, also presents a challenge to each one of us, full-time participants, in the operation and guidance of American Government. These students have decided to take a keen "inside" look into their Government this summer with the hope that increased knowledge of the practical will augment their academic perspective from the campus. They have chosen to learn and participate rather than blindly confront. They are capable young men and women who wish to serve and contribute in a significant way. I call on all of us to listen to them, use their talents, and welcome their participation. Here are their names, and where they are working:

Joan Alano, Department of Interior, Public Information.

Maddie Bluefield, Office of Education.

William Broydrick, HUD, International Training.

Eliot Burg, Executive Intern—HUD.

Stanley Chess, The Washington Post.

Robert Ellison, Equal Employment Commission.

Allison Ferris, AID.

Eric Freedman, Dept. of Transportation.

Louise Fortmann, National Capital Housing Authority.

Jonathan Gellman, Executive Intern—Civil Service Comm.

Abigail Ginzberg, Institute for Creative Studies.

Steven Goldstein, Advisory Comm. on Intergovernmental Rel.

Jay Goodwin, Congressman William Fitts Ryan.

Wendy Gordon, Office of Education.

Joan Handler, HEW, Social Rehabilitation Services.

Deborah Huffman, The Washington Post.

Dale Kesten, House Republican Conference.

Bernard Leikind, NASA.

Stuart Lemle, Senator Jacob Javits.

Kenneth Levine, Executive Intern—HEW.

Steven Levy, Democratic National Committee.

Jeffrey Liddle, Congressman Philip Burton.

Kenneth Lowenstein, Senator Charles E. Goodell.

Thea Kerman, Congressman Marvin Esch.

Lorraine Mandel, Senator Jacob Javits.

Allen Miller, Congresswoman Martha Griffiths.

Christine Mumma, AID, Brazilian Affairs.

Susan Nelson, Appalachian Regional Commission.

Paula Noonan, Congressman Charles H. Wilson.

Carol Peacock, Institute for Creative Studies.

Marion Penn, Nader's Raiders.

Ronald Ravikoff, Advisory Comm. on Intergovernmental Rel.

Allen Riley, Office of Education.

Cynthia Rusick, Institute for Creative Studies.

Murem Sakas, Democratic Study Group.

Marilyn Tabor, Senator Edward Kennedy.

Amy Veranth, House Republican Conference.

Nancy Wallack, Office of Education.

Eric Weiss, Senate Banking and Currency Committee.

Anthony White, Teacher Corps.

Michael Wolf, Dept. of Justice, Civil Rights Division.

Howard Zalkin, Dept. of Agriculture.

I might add that I have had two interns of my own again this summer. It occurs to me that the most significant exchanges between us have involved a discussion of the assumptions upon which we base our actions.

I must admit, for example, that the shadow of the great depression of the 1930's, evoked most recently by the recession of the late 1950's, does not leave me with the same unconditional confidence in our economy that many college students of today profess. I realize that this difference in premises leads us to different conclusions.

At the same time, an awareness of the difference permits a dialog that can create something positive. Too often we have seen attempts to bridge the alleged generation gap that are merely voices speaking past one another, each thinking that it has responded satisfactorily to the inquiries of the other when it has only satisfied itself. This causes both parties to feel that they have encountered irreconcilable differences.

It is well known that the response to impossible situations in this day and age is radicalism. Indeed, Hannah Arendt, in "The Origins of Totalitarianism," has pointed out that such a sense of irreconcilability is a prerequisite for the foundation of mass movements. I do not mean to say that there may be a Hitler in our future, but I do think it possible to exacerbate the present ills of our society by being so preoccupied with symptoms that we do not take the time to probe for an understanding between ourselves, and perhaps one day a cure in the process.

What the intern program tries to do, I think, is to show the college student that his impatience need not be equated with impotence. I am still not ready to let my hair interfere with my vision—indeed, I have not enough hair left to try—but I have seen changes in 5 years that I would not have predicted at the time. With enough positive enthusiasm, the cure of "one day" need not entail a millennium.

PENNSYLVANIA GOVERNOR SHAFER CALLS IMPORTANT CONFERENCE ON WATER POLLUTION CONTROL

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, plans for a 3-day Governor's conference on water pollution control to be held at the Penn-Harris Motor Inn, Camp Hill, October 1, 2, and 3, were announced today by Gov. Raymond P. Shafer.

More than 500 conservationists, industrial representatives, technical experts, legislators, and government officials at all levels are expected to attend.

Dr. Thomas G. Fox, Pittsburgh, chairman of the Governor's Science Advisory Committee, will serve as chairman of an 18-man steering committee.

The conference, the third in a series of annual meetings announced by the Governor to cover the entire field of environment, will have as its theme "Exploring the Gap—Regulation or Management?"

Governor Shafer will deliver the keynote address, U.S. Secretary of the Interior Walter J. Hickel will speak at a banquet Thursday evening. The Governor said:

> This is a conference designed to focus attention on critical water pollution problems in the Commonwealth and to obtain new ideas from many points of view to produce urgently needed solutions. In addition, we hope to stimulate better cooperation in water quality management.
>
> Through various work groups and a final session devoted to summarizing important ideas, we will be better able to move forward with the task of protecting the quality of the Commonwealth's more than 50,000 miles of rivers, streams and lakes.
>
> Pennsylvania's increasing population, expanding industry and our rapidly developing tourist trade make it imperative that we step up our efforts of preventing further pollution and reclaiming and restoring to a clean unpolluted condition every stream and lake in our Commonwealth.

Conference sessions will involve the legal aspects of water pollution control, adequate regulatory personnel, regionalization and comprehensive planning, the impact of citizens' groups and the proper utilization of water as a natural resource, according to the Governor.

Named to serve with Dr. Fox on the steering committee are:

Robert J. Bielo, executive director, State fish commission;

Henry Brown, president, Keystone Bituminous Coal Association, Harrisburg;

John T. Carson, director of the Division of Natural Resources for the Bucks County Planning Commission;

Dr. H. Beecher Charmbury, State secretary of mines and mineral industries;

Charles Lee Decker, secretary, Pennsylvania State Association of Boroughs, Camp Hill;

H. Bruce Gerber, chief sanitary engineer, Gannett, Fleming, Corddry, & Carpenter, Inc., Mechanicsburg;

Dr. Maurice K. Goddard, State secretary of forests and waters;

Carmen Guarino, president, Water Pollution Control Association of Pennsylvania, Philadelphia;

Arthur Harris, executive director, Three Rivers Improvement & Development Corp., Pittsburgh;

Mrs. Edna Isenberg, League of Women Voters of Pennsylvania, State College;

Eugene T. Jensen, regional program director, Federal Water Pollution Control Administration, Charlottesville, Va.;

John F. Laudadio, Pennsylvania Federation of Sportsmen's Clubs, Jeannette;

Franklin H. Mohney, executive vice president, Pennsylvania Coal Mining Association, Harrisburg;

Jack Sheffler, member, State sanitary water board, DuBois;

J. Edwin Slupecke, executive director, Pennsylvania Municipal Authorities Association, Harrisburg;

Fred Speaker, attorney-at-law, Harrisburg;

William Tipton, secretary, Pollution Abatement Committee, Pennsylvania State Chamber of Commerce, and,

William Wilt, chairman, Joint Legislative Air and Water Pollution Control and Conservation Commission, Hollidaysburg.

FOREIGN AFFAIRS: WHAT IS THE QUESTION?

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. TEAGUE of Texas. Mr. Speaker, the July 25 New York Times carried an article by C. L. Sulzberger under a Paris dateline. Assessing the effects of the Apollo 11 lunar landing from a European point of view Mr. Sulzberger's article is one more indication that the importance of the manned space flight program transcends the many scientific and technological gains that are being achieved and goes directly to the daily lives of people throughout the world. I commend this thoughtful article to the reading of my colleagues and the general public:

FOREIGN AFFAIRS: WHAT IS THE QUESTION?

(By C. L. Sulzberger)

PARIS.—Apollo's most immediate terrestrial spin-off was the renewal of faith in the United States by Europeans and the renewal of self-confidence by the Americans themselves. The long, bedraggled drift into aimlessness would seem dramatically to have been reversed.

There is no way of measuring such a sudden switch nor even of defining the reasons for it, and yet one does not need to be a psychologist to recognize its reality. Europeans had become bewildered by America's evident bewilderment and increasingly masochistic insistence on self-denigration. Now this has been swept away in one enormous rocket blast.

Less overwhelming events have in the past served to purify humanity. Admiral Morison wrote of the moment when Columbus embarked on his aimless but crucial voyage: "Most men in Western Europe felt exceedingly gloomy about the future." An astonishingly similar mood gripped the Occident ten days ago.

PUZZLEMENTS PAST

Code words were used to confuse profound issues and among these "Vietnam" was paramount. It expressed not only grim bewilderment with a new kind of war but puzzlements over U.S. urban development, the distress of overheated students with no place to go, the perplexity of atavistic race relationships and the fear above all of fear itself.

The fact that two men stepped out on the moon's pristine surface in full view of a fifth of humanity had poetic and philosophical significance which cannot be measured by computers. Suddenly men were flushed by a common feeling of pride, sensing that a limitless era of accomplishment had been opened to the lunar threshold.

SMALLER YET BIGGER

All of a sudden mankind feels both smaller and bigger and it is a giddy experience. He is smaller when he regards vast galactic distances which, huge as they are, can no longer be dismissed as infinite. But he is also patently bigger in recognition that, as in the first great human age of discovery, magnificent new frontiers loom as invitations to his ingenuity and courage. Precisely this phenomenon accompanied the Renaissance era.

Americans had been subsidizing into a quagmire of doubts symbolized by Vietnam. A vast guilt complex gradually choked the world's most powerful and weathly nation: guilt because it was big and rich, guilt because it was at war, guilt because it could not win that war, guilt because, with all its fat-dripping prosperity and legacy of dreams, it was unable to create utopia on earth.

Psychological tremors originating inside America—which traditionally represents a European dream—spread to this continent, stirring uncertainty and gloom. These old lands are wise enough to know their own strength has ebbed and that their future free existence largely depends upon the friendship and resolution of their trans-Atlantic offspring. When both of these were obscured by self-doubts, democracy itself began to waver.

Part of this phenomenon could be seen

expressed in the anger of students inadequately prepared for prospects that did not please them by people whose deeds they didn't respect. Part of it could be seen in discontent with prevailing ideological systems, a discontent whose bitterness was enhanced by lack of ideas for any substitute systems. And part of it could be seen in what is called the generation gap, a huge mistrust of youth for age, of inexperience for experience, of what is hip for what is square.

Strangely enough the door to hope has been opened by the very acme of squaredom, three middle-aged American technicians of magnificent courage and very little color, whose curt, pragmatic language under stress was the very antithesis of the flamboyance youth fancied that it craved.

NEW AGE, NEW POETRY

Apollo's adventures have demonstrated that discipline intellectual precision and a willingness to work together within existing social frameworks produce the forward leaps man can now anticipate. Anarchy, luxuriating in self-indulged isolationism and lost in romantic reverie cannot produce the diamond-hard poetry this age demands.

It is already apparent that America's faith has been renewed and refreshed and that this exhilarating phenomenon has been greeted with a surge of admiring relief by America's friends abroad.

Why, we know not. As Gertrude Stein lay dying she turned to those around her and asked: "What is the answer?" Hearing no reply, she then asked: "If so, what is the question?"

WIDOW OF REISTERSTOWN LIEUTENANT ACCEPTS DISTINGUISHED SERVICE CROSS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. LONG of Maryland. Mr. Speaker, Lt. James R. Hammersla, a fine young man from Maryland, was recently awarded posthumously the Distinguished Service Cross for heroism. I wish to commend the courage of this young man and to honor his memory by including the following article in the RECORD:

WIDOW OF REISTERSTOWN LIEUTENANT ACCEPTS DISTINGUISHED SERVICE CROSS

An Army lieutenant from Reisterstown who was killed in action in Vietnam last December has received posthumously the nation's second highest award for heroism.

Mrs. Carol A. Hammersla of Reisterstown, the widow of First Lieutenant James R. Hammersla, accepted the Distinguished Service Cross during ceremonies at First Army headquarters at Fort Meade, July 11. Lieutenant General Jonathan O. Seaman, First Army commander, made the presentation.

Lieutenant Hammersla was serving as commander of a convoy carrying supplies from Long Binh to Dau Tieng last December 17 when the convoy was ambushed by an estimated North Vietnamese Army battalion.

The lead vehicles began receiving fire and Lieutenant Hammersla's jeep was hit by an enemy rocket. He jumped out of the vehicle and rapidly organized his men into defensive positions.

Realizing that other sections of the convoy would soon drive into the ambush, he returned through intense enemy fire to his jeep and radioed a warning. Although wounded while transmitting the warning, he managed to return to his position where he continued to encourage his men and direct their fire until he was killed.

The citation accompanying the medal noted that "his radio message prevented other convoy vehicles from being ambushed and caused reinforcements to be immediately dispatched to the battle site.

"His extraordinary heroism and devotion to duty, at the cost of his life, were in keeping with the highest tradition of the military service."

ANATOLY V. KUZNETSOV

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. SPRINGER. Mr. Speaker, there has been a recent furor over the defection of Anatoly V. Kuznetsov, a Soviet writer, to Britain some days ago. The world has naturally awaited with some interest the reasons for Mr. Kuznetsov's defection to the West. In a New York Times article of August 7, 1969, titled "Kuznetsov Gives Account of Furor Over His Book," Kuznetsov gives his version of the situation on writers in the Soviet Union. It is an interesting article and quite revealing. I am sure my colleagues will be interested in reading it.

The article follows:

KUZNETSOV GIVES ACCOUNT OF FUROR OVER HIS BOOK

(NOTE.—The following article is by Anatoly V. Kuznetsov, the 39-year-old Soviet author who asked for asylum in Britain last week, saying that he could no longer work under Soviet repression and censorship. Mr. Kuznetsov describes his participation, under Communist party orders, in a legal action against an uncensored French translation of his work. He is acting in the French courts on behalf of the Paris publisher.)

Just over 10 years ago I was an utterly unknown student at the literary institute in Moscow. I wrote and offered to the magazine Yunost a novel about a young man who went to work in Siberia. I described the life there as it really was (I had myself worked on construction sites in Siberia), with its hardships and its poverty, but also with a young person's obstinate faith that things would improve and that some good would come ultimately of it all.

The editors of Yunost liked the novel very much. But there could be no question, they said, of publishing it. It would not get through the censorship, the authorities would ban the magazine if it printed the novel and I would be arrested or, at the very least, my prospects of a career as a writer would be gone forever. Life in Siberia had to be shown in the brightest colors so that young people would go there to work.

But the most important objection was that if my novel were published Western propagandists would seize on it and shout: "Look: Here is an honest piece of reporting from the Soviet Union itself—see how frightful it is to live there."

True, there was still a possibility of rescuing the novel, they said. The rules of "Socialist realism" permitted an author to reveal a little of the blemishes in Soviet life, but only if it was clear that they were minor defects soon to be removed, while the work as a whole must be infused with optimism and Communist ideology.

It would be possible, they said, to remove the more gloomy passages from my novel, "The Continuation of a Legend," to add some more cheerful passages and, by means of a few slogans, to give it the necessary spirit of Communist optimism. Then, maybe, they would print it.

More experienced writers advised me that this was the way to do it: That I must try to get at least something across to the reader and that readers in Russia knew perfectly well how to distinguish between what an author has written out of sincere conviction and what he has written simply to satisfy the authorities. Everybody does it, they said.

But I couldn't bring myself to do it. For a long, long time the novel lay there without the slightest hope of being published. But then I forced myself to write some additional passages, which were so out of keeping with the style of the rest of the book and so ridiculously optimistic that no reader was likely to take them seriously. But I was young and inexperienced, and such work did not satisfy the editors. They turned the novel down altogether.

I suffered a great deal, quarreled with everybody, became almost hysterical, and finally moved out of Moscow. Then one day, quite by chance, I bought a copy of Yunost, opened it and couldn't believe my eyes: My novel had been published. I read it through on the spot and what I read made my hair stand on end.

Quite without my knowledge or agreement, someone had done the crudest hatchet job on my novel, cutting, rewriting and adding. The novel had now been given as ideologically optimistic a tone as anyone could wish. I remember bursting into bitter tears of pain and frustration.

And so my "Continuation of a Legend" was sent off around the world. It was translated into more than 30 languages. It was praised in the Soviet press. It was included in reading lists for Soviet schoolchildren. Imitations of my work started to appear. Later still the critics began to describe me as the originator of a new way of depicting young people in Soviet literature.

Apparently there must have been something human left in the novel, because even in its new form people liked it. It was especially popular in Czechoslovakia, where it went through five or six editions, if I am not mistaken.

But that was later. Before that came the great scandal. Louis Aragon sent us from France a copy of an anti-Soviet book, "L'Etoile dans le Brouillard," which turned out to be a translation of my novel.

SUMMONED BY COMMISSION

I was summoned to appear before the foreign commission of the Union of Writers. In icy but highly meaningful silence they handed me the book along with a translation of the preface to it. The translator, Mr. Chaleil, had written that, of all the Soviet books he had read, my novel had moved him most because of its truthfulness and sincerity and he recommended people to read this account by a young, honest, author from the Soviet Union itself, revealing how frightful life was there.

I was then put into an office, where I sat under lock and key, turning over the pages of "L'Etoile dans le Broulliard" and thinking. I had a fairly clear idea of what had happened. Mr. Chaleil had simply not bothered to translate those optimistic chapters which had been forced out of me, and had merely summarized them with the comment that they were poorer in quality than the other chapters.

He had understood me precisely (it was only later that I learned that he had once been a missionary in China and, through no fault of his own, had fetched up in a concentration camp in Siberia in the very same parts as I described in my novel. He was rescued by the International Red Cross. That was why he understood so well what I was saying).

The French edition was the best of all of them. And I sat there wondering what would happen now: Would they close down Yunost, would they arrest me or would they simply bring my career as a writer to an end once and for all?

WRITE A COMPLAINT

At last the door opened. I was led into another office.

"Well?" they asked. "So you've written an anti-Soviet book?"

"Chapters have been cut in the course of translation," I muttered.

"Then you can just sit down and write a complaint. Aragon will print it in his Lettres Francaises, and he wants you to make a statement to the French courts. Maybe it will be possible to sue the publisher."

I was handed a pen and a blank piece of paper and they dictated to me the text of my complaint. I was utterly overcome, my hands were shaking, and, no matter how I tried, I can still not recall a single sentence of that letter. They took it straight off me and the foreign commission sealed it and sent it off.

Meanwhile I was allowed to go away with orders to turn up the next day with a reasoned, indignant protest for publication in the lettres Francaises.

I have lived all my life in Russia and know no other way of life. And life there is such that only he survives who is constantly looking out for himself.

"The Continuation of a Legend" was my first novel, my first book. It was only because of it that I was accepted into the Union of Writers. I was living in a student hostel where I was not allowed to have my wife with me, so that for years we moved from place to place with no possessions and because we had no home for eight years we could not allow ourselves to have a child. But now, as a member of the union, I had some hope of getting a flat. Moreover, I was due to present my final thesis at the institute and the novel was to be part of it.

MATTERS IN PEOPLE'S MINDS

In those day the fuss about Dudintsev's "Not By Bread Alone" and Pasternak's "Dr. Zhivago" was fresh in people's minds. Pasternak's tragic fate is well known. The affair of Sinyavsky and Daniel still lay ahead.

I did not produce my complaint the next day—I couldn't get myself into the right frame of mind. I wonder if you have ever had to cut a calf's throat? You are sorry for the animal but you stimulate in yourself the necessary cruelty. It is only the first time that it's really horrible to stick the knife in. Later the convulsions of the calf and the blood excite in you the spirit of the slaughterman and you stab fiercely until the animal dies.

In much the same way I spurred myself to write the standard Soviet phrases of hatred and I managed to produce my protest, entitled "Literary Robbery." Actually it was I who had suffered robbery at the hands of Yumost, yet I was accusing the French publishers of doing it to me. The distortion of my work had been committed in Russia, yet I was declaring the Abbe Chaleill's translation to be a distortion.

RUSHED TO A RESTAURANT

My protest appeared in the Literary Gazette in Russia and in the Lettres Françaises in France, and many other papers wrote about it.

One day I was suddenly called to the foreign commission, rushed out to a restaurant and seated at a well laid table at which about a dozen gentlemen were drinking, eating and talking French. I was terribly badly dressed, ashamed of my ignorance of the language, and couldn't understand why I was sitting there, when my neighbor leaned across and said in Russian: "Why do you sit there so rudely without opening your mouth? You are meeting your lawyer from Paris. Say something."

In the end the lawyer, M. Ambre, talked to me for about 10 minutes, informed me that my case was to be heard in France, and appeared to promise that I might be required to appear in person. With that he departed to inspect the sights of Moscow, to buy classical music on records, and that was the last I saw of him. Presumably he didn't take to me, because about six months later a friend rang me up and shouted: "Read the papers, your case is on in France!" I realized that it was being heard without me.

I rushed off to buy the papers and bought them every day to follow with curiosity my case in the French courts. I was especially pleased with the frequency with which M. Ambre said: "When I was in Moscow and had my meetings with M. Kuznetsov . . ."

COURT AWARDED 1,000 FRANCS

I was equally surprised to learn that Mr. Maurice Garcon, a member of Academie Française, was appearing on my behalf. And it was also from the newspapers that I learned of the court's verdict and the damages of 1,000 francs awarded to me.

I never received a copy of the verdict nor did I receive the 1,000 francs. I still don't know to this day what happened to them. But my friends poked a lot of fun at me because of them and asked to see the money.

I still do not know who organized that court case so skillfully. Louis Aragon? But his name did not figure in the newspapers. At all events, once it was over I was included in a delegation of writers going to Paris in connection with the Soviet exhibition.

In Paris I was taken immediately to see Aragon. But he seemed not to take to me and avoided talking about the case.

As I left him I asked some passers-by where the Ministry of Justice was. I went up to it, stood there for several minutes and, with numbness in my heart, asked myself: "Shall I go in? Shall I tell them?" Then I recalled Russia, my mother, my wife and son, whom I loved so much and I turned and walked away.

I came to the conclusion then that it was my great misfortune to have been "born in Russia with brains and talent," but that my fate had been decided the moment I wrote that complaint under dictation. If you say "A" you have to say "B," and I was caught and condemned to live as all Soviet writers live—that is, keeping silent, looking out for themselves and still trying to get something across to the reader. This was only fair, but I did not imagine that conscience can cause such terrible pain. I did not think that one's conscience could be so frightful a burden.

"BABI YAR" BROUGHT KUZNETSOV FAME IN THE WEST

Anatoly V. Kuznetsov, the Soviet author who defected to Britain on July 30 and who now is seeking through the French courts to clear the record of the French publishing house that published one of his novels, is best known in the West for his book "Babi Yar."

"Babi Yar" is a documentary novel that deals with the massacres by the Nazis in Babi Yar, a ravine on the outskirts of Kiev, during World War II, in which most of that city's large Jewish population perished. Mr. Kusnetsov was born near that area on Aug. 18, 1929.

Although the Soviet Government regularly memorializes the victims of the Nazis, it has said little about Babi Yar and the place itself has been left unmarked. Mr. Kuznetsov, along with the Soviet poet, Yevgeny Yevtushenko, both non-Jews, have assumed the literary burden of mourning for Babi Yar's Jews. This has not set well with some Russians in literary and Governmental circles.

Before his defection to Britain, the 39-year-old author's latest controversial novel, "The Fire," had been sharply criticized in the Soviet Union for presenting a negative view of Russian life. The novel dealt with a demoralized people in a metal works town.

Several publications, reflecting the views of Soviet conservatives, attacked the novel for portraying workers as "cynics, scoundrels, self-seekers and alcoholics" and for failing to discuss the social causes of the deficiencies and the positive aspects of Soviet life.

GREENE URGES BOYCOTT OF SOVIET

LONDON, August 6.—Graham Greene appealed to fellow novelists today to refuse permission for their books to be published in the Soviet Union as a gesture of solidarity with Soviet writers.

Mr. Greene wrote in a letter to The Times of London.

"We have been unduly favored (bribed, our enemies might say) because, unlike the Russian novelists, our books have been published with alteration."

The Soviet Union does not adhere to western copyright conventions. It frequently pirates material, printing what it likes without payment. In the case of some writers, such as Mr. Greene, it has made a practice of paying royalties.

STOP MONSTER TRUCK BILL

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. CLAY. Mr. Speaker, now pending before the House Public Works Committee is a bill concerning trucks on our Nation's highways. If passed, it would allow even larger gargantuan trucks on our already crowded Interstate Highway System. I commend to the attention of my colleagues this editorial excerpted from the July 28 edition of the St. Louis Globe-Democrat and a statement on the bill, H.R. 11870, which I submitted to hearings before the Public Works Committee:

STOP MONSTER TRUCK BILL

The big trucks are threatening to roar through Congress again.

The same bill which sped through the Senate last summer, only to run out of gas in the House, is back again for another try at increasing the size of the highway giants.

This monster truck bill must be stopped again.

If it should get through Congress, private car owners face the unhappy prospect of competing for space on the nation's highways with behemoths which could weigh as much as 108,500 pounds and be up to 105 feet long. Automobiles would be grossly overmatched.

The measure is described as a permissive bill, since it would merely permit the states to authorize larger trucks than allowed under present law, dating from 1956, on interstate highways within their borders.

But states traditionally have gone along with trucking interests and congressional approval of the legislation would pave the way for "highway freight trains."

The metamorphosis in driving conditions would be grotesque. Longer, wider and heavier—as much as 50 percent more in weight—elephantine trucks would be allowed to lumber over the nation's highways, further congesting already hopelessly clogged traffic in urban areas from coast to coast. It would be chaotic.

The end result would be a shorter life for many roadways and bridges, older ones in particular, and considerably higher maintenance and replacement costs for taxpayers to pay.

The price is too high to pay for the convenience of any one industry.

In testimony on the bill last year, it was estimated that proposed increases in truck sizes might add up to $3 billion in federal highway costs for strengthening roads and bridges.

Furthermore, it was revealed that even on the interstate system there are bridges unable to take heavier loads than the standards which existed during the years they were designed.

Making matters worse is the fact it would be impossible to restrict the big trucks to interstate highways. The monsters would have to get off the interstate routes for pickups and deliveries, rumbling over city streets and roadways totally incapable of withstanding the pounding of the rubber-tired juggernauts.

The nation's highways are in bad enough shape already without subjecting them to the additional stress of heavier loads.

Also would be the threat to motorists posed by giant trucks weighing more than 50 tons and many times the length of the average private passenger car.

It's shuddering to think of trying to pass one of these mammoths, or of meeting one on a narrow road.

There are approximately 80 million passenger cars in the United States, as opposed to about 17 million trucks of all sizes and descriptions. Of this number of trucks only a small percentage would classify as huge highway freighters.

In a nation dedicated to the greatest good for the greatest number the monster truck bill stands out as a shameful piece of special interest legislation.

Statement of Congressman William L. Clay: Consideration of H.R. 11870, House Public Works Committee, July 16, 1969

H.R. 11870 is a perfect example of crass special-interest legislation. It caters to a tiny 2% elite within the trucking industry. The great majority of truckers and the nation's 80 million automobile owners receive nothing from this bill, but they are the ones who will pay for it. Not even the giant trucking firms dare to dispute that bigger trucks will greatly increase the cost of regular highway maintenance. The Treasury Department last year also advised that the price of necessary road improvements under this bill would be $2.8 billion. This money comes out of the pocket of the small trucker and the ordinary car owner. In addition the independent trucker will be paying for increased competition from the giants of the industry. The bill makes absolutely no attempt to right these flagrant inequities. Any fair legislation would include an increase in the taxes of those who operate the larger vehicles. Until such a provision is added, this bill stands as a blatant attempt to award special benefits to a small fraction of the trucking industry at the expense of the rest.

The costs do not stop at the interstate highway exit. Other roads will suffer increased use and damage. Our highways, which have cost the taxpayers $232 billion, will be forced to carry loads far beyond their capacities. The Director of the Bureau of Public Roads asserted last year that even the new interstate highway bridges will be overstressed by the greater weights. Rapid deterioration of our nation's roadways is the real price of this bill.

Large truckers arrogantly brush off as "sensational journalism" the repeated warnings about the safety hazards created by the bigger trucks. Facts, however, cannot be ignored. The absolute maximum width of a truck is now 8 feet. The legislation expands this to 8½ feet plus space for safety devices, which pushes the total to 9 feet. On a standard 12 foot lane this leaves only 18 inches of clearance. Every driver knows the danger and difficulty of maneuvering past a truck today. At 60 miles per hour, the new limits leave no room for the slightest misjudgment. Already, large trucks, which number less than 2% of our total vehicles, are involved in 11.6% of the fatal accidents. This percentage is sure to worsen if even bigger trucks appear on our highways.

Present weight restrictions limit the practical length of a truck to 65 feet. The legislation tacks on five feet more. With the grandfather clause, however, there is serious doubt whether the bill will even be effective in limiting truck lengths to 70 feet. In many states special permits will allow lengths ranging up to 108 feet.

As a candidate, the President promised a thorough government study of the effects of this bill. No such report has been made. We cannot allow the nation's motorists to become guinea pigs in order to test the dangers of this legislation. Comprehensive research on all the potential problems involved is an essential prerequisite to serious consideration of this bill.

The small man is being asked to suffer to aid the rich. It is the giant companies that are pushing for this legislation with lobbies and full page advertisements, not the small firms. The small trucker lacks the capital and the business to utilize the giant trucks. He knows that this bill hurts him twice: once when his taxes go up and again when the large firms that can use the big carriers increase their competition against his company. Increased efficiency is the avowed goal of the bill but an industrial oligarchy is the result.

I urge the committee to respect the public interest and veto this unnecessary legislation.

RUSSIAN AUTHOR TELLS TERROR OF SOVIET LIFE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. ASHBROOK. Mr. Speaker, in June of this year the Washington Post published a 10-part series of articles by Anatole Shub, the Moscow correspondent for the Post who was expelled from the Soviet Union. As I pointed out in the introduction to the articles which were inserted in the Record on July 1, Mr. Shub was particularly close to many of the Russian intellectuals, artists, poets, and writers, and his articles give a telling description of their difficulties in achieving any freedom of expression in a controlled Communist state. Correspondent Shub reminded us of the major role played by the KGB, the Soviet secret police, in everyday life, creating an atmosphere of distrust and apprehension which is not limited to Soviet citizens alone:

> The foreigner in Moscow—diplomat, correspondent, exchange scholar or businessman—lives in a state of permanent disability, inflicted by the KGB.

Almost unbelievable in a society such as ours are the police-state measures experienced by Shub in his 2-year stint in the vast, depressing Soviet prison. Except for highest diplomats of major countries and a few privileged permanent residents, for instance, all foreigners live in a few large segregated compounds. These ghettos are surrounded by high wire fences and patrolled 24 hours a day by KGB men in blue police uniforms. Travel is greatly restricted, with permission to travel required 48 hours in advance. In all tourist hotels and in apartments and offices occupied by foreigners, where the big eye of the KGB is more limited, the ever-present ear of KGB microphones is straining. Phones are continuously tapped, and the indispensable servants and service people—secretaries, translators, photographers, drivers, housemaids, repairmen, movers, and so forth—are subject to periodic interrogation for any information they may be able to provide.

Now comes a similar account of Soviet suffocation of man's inherently free nature, this by a citizen of the Soviet Union and a member of its Communist Party. This indictment, by Anatoly Kuznetsov, a 39-year-old Soviet author who recently asked for asylum in Britain confirms, if confirmation be needed, the degradation and oppression of the Soviet system. For those in the literary field in the United States, the Soviet author's experiences should be particularly pertinent, although judging from Soviet past history, not surprising:

> Everybody knows that the number of people murdered by the secret police runs into many millions, but when we come to reckon the number of people who are terrorized and deformed by them, then we have to include the whole population of the Soviet Union. The K.G.B.'s tentacles reach like cancerous growths into every branch of life in Russia. *And in particular into the world of soviet literature.* (Emphasis added.)

Those literary apologists for the Soviet Union here in this country who still retain some degree of honest objectivity might do well to put themselves in Kuznetsov's place and ponder his words:

> When I quote what I wrote in "Babi Yar," I feel like an ant, cemented up in the foundation of a house. All around there is nothing but stones, walls and darkness. To live to the end of my life with this feeling of being stifled, in this state of being buried alive. . . .

Like new actors in a vast human tragedy of 50 years' running, the Shub and Kuznetsov roles repeat their themes of man's historic inhumanity to man. Some listen and learn, others agree but forget, others rationalize and ignore.

The loss of freedom in any country or countries provides of necessity a warning to those still free. Experiences such as that of Anatoly Kuznetsov must be repeated over and over if, by contrast, freedom is to be appreciated by the free. For this reason I insert the Kuznetsov story, which appeared in the Chicago Tribune of August 10, in the Record at this point:

Russ Author Tells Terror of Soviet Life

(By Anatoly Kuznetsov)

It is a frightful story that I have to tell. Sometimes it seems to me as tho it never happened, that it was just a nightmare. If only that were true . . .

The soviet system remains firmly in power in Russia only thanks to an exceptionally powerful apparatus of oppression and primarily thanks to what has been called at various times the Cheka, the G.P.U., the N.K.V.D., the M.G.B. and K.G.B.—in other words, the secret police or the soviet gestapo.

Everybody knows that the number of people murdered by the secret police runs into many millions, but when we come to reckon the number of people who are terrorized and deformed by them, then we have to include the whole population of the Soviet Union. The K.G.B.'s tentacles reach like cancerous growths into every branch of life in Russia. And in particular into the world of soviet literature.

TELLS WRITERS' PLIGHT

I do not know a single writer in Russia who has not had some connection with the K.G.B. This connection can be one of three different kinds:

The first kind. You collaborate enthusiastically with the K.G.B. In that case you have every chance of prospering.

The second kind. You acknowledge your duty toward the K.G.B., but you refuse to collaborate directly. In that case you are deprived of a great deal, in particular of the prospect of traveling abroad.

The third kind. You brush aside all advances made by the K.G.B., and enter into conflict with them. In that case your works are not published and you may even find yourself in a concentration camp.

TELLS OWN EXPERIENCE

How all this works out in practice I shall explain by reference to my own experience. As a matter of fact a similar story could be told by any Russian writer who is even slightly known. But they are there, and they want to live, so they keep quiet.

In August, 1961, I was preparing for the first time in my life to travel abroad, to France. I had been included in a delegation of writers. It was a most impressive experience because in the Soviet Union the only people who are allowed to travel abroad are those with "clean" records, who have been thoroly "veted," who have not been in any trouble at their work or in their political activities, who have never in their lives consulted a psychiatrist, who have never been before the courts, and so on and so forth.

What is more, the whole process of getting one's papers in order lasts many months and requires a mass of references, questionnaires, secret signatures, and confidential advice on how to behave, by the time a person has gone thru this procedure he is so intimidated and tensed up that the trip begins to seem like some religious ritual.

VISIT BY SECRET POLICE

I had already gone thru this intimidating procedure and was packing my case when someone telephoned to say that people from the secret police were going to visit me. A couple of men appeared and showed me their identity cards. They made a few jokes, chatted about literature, and then got down to business:

"You realize, of course, why we've come. One of our comrades will be traveling, as usual, with your delegation. But it will be difficult for him to cope on his own. So you will help him. You just keep an eye out to see that nobody slips away and stays abroad, to see who talks to whom, and to see how people behave."

"No, I don't want to," I said.

"You must."

"Let somebody else do it."

"Others will be doing it."

"I don't want to."

"Well, then we shall have to reconsider . . . in that case what's the point of your going?"

I remained silent, quite overcome. And the two men started to explain to me that this was the most usual and most natural thing: No group of tourists and no delegation could do without its comrade and the voluntary assistants attached to him.

VIGILANCE IS STRESSED

The western world was devilishly cunning, and we had to be incredibly vigilant, they said. Either I would undertake to maintain contact with the comrade or my trip would be canceled and I would never be allowed to travel anywhere abroad. The comrade would be a very pleasant person, and he would approach me himself, saying, "Greetings from Mikhail Mikhailovich."

Our delegation consisted of some 15 writers and editors of Moscow magazines, and we all gathered at the harbor in Leningrad to embark on the liner Latvia. I looked at each of the delegates and wondered: Which one of them is it? The person in-charge of the delegation was a woman from Intourist [the government tourist organization] who kept counting everybody as if we were chickens. Maybe she was the comrade?

APPROACHED BY EDITOR

But when we were aboard the ship it was one of the editors who came up to me and, with crooked grin, said "Greetings from Mikhail Mikhailovich."

He was a boorish fool, who spied openly and cynically on everybody, who kept counting up the delegation, and who listened greedily to every conversation. But I noticed that some of the writers also were keeping their eyes about them, especially a certain Sytin, who now holds one of the key jobs in the Soviet film world.

Of the 15 members of the delegation, one was from Intourist, one was the comrade and at least five were voluntary assistants. Later I came to understand that this was the usual arrangement.

TWO OF FIVE ARE INFORMERS

If five people are traveling abroad, at least two of them are informers. If two are traveling, at least one must be an informer. And if there's only one person, then he is an informer on himself.

Perhaps some other Russian writer will also, like me, be reduced to blind horror and will wrench himself out of the control of the K.G.B., and reveal what they did to him.

Perhaps Yevtushenko will one day tell of the conditions on which he was allowed to travel round the world and the reports he had to write.

We are all obliged to write reports after a trip abroad.

WONDERS WHAT TO WRITE

I was ordered to write such a report after my trip to Paris. I went through agonies trying to guess what our comrade would write, so that I would agree with him. On one occasion someone had turned up late for the bus, and the comrade had been green from fright. I described that incident in detail and others like it. I devoted about half the report to reporting on myself, because that is essential—where I had gone, whom I had met and what had been said.

But my report wasn't to the liking of someone high up. Eight years passed before I was again allowed to travel abroad, this time to Britain. You will now learn the price I had to pay for that.

COMRADES KEPT VISITING

I lived the whole of those eight years in Tula, and thruout that time the comrades kept coming to see me. When I inquired of other writers it appeared that this was the most ordinary occurrence—they went to see everybody. And it depended on the extent of the writer's decency which of the three categories of collaboration he would choose.

They would ask me gently and politely about my life, about what I was working on, what my friends, Yevtushenko, Aksyonov, Gladilin and others were doing, what they were saying, and what sort of people they were. At first I said only favorable things and spoke highly of them. But they objected.

Yevtushenko was committing mistakes, I was not watching carefully enough, I must provoke him to argument and report what was really going on inside him. They started to talk to me more sharply and to use threats.

At this I could take no more. I shouted at them that it was not proper behavior and I asked them to keep away from me. I said I didn't see anything bad around me, no conspiracies, and nothing anti-Soviet. If I did see anything, then I would ring them up. And with that they vanished.

PLEASED WITH RESULT

I couldn't believe my luck. So that, it seemed, was the way to talk to them. After all, what could they do to me?

I was already a well known writer, my books were being published in 40 different countries, and I could permit myself the luxury of having nothing to do with such characters.

How very wrong I was. I was simply transferred to the second category.

My home in Tula was open to everybody. One day there appeared a very pleasant young man, Yuri Ganin, a student at the Polytechnic institute, who unburdened himself to me at great length. He told me that he and his fellow students were being taught how to make missiles and were made to sign terrifying documents about the preservation of state secrets.

WORKS "KILL" FORMULAS

He said he had dreamt of being an inventor, but instead of that he was obliged to work out special "man-kill" formulas, and how many missiles were needed per thousand human lives.

The Soviet Union was, in his opinion, a fascist country. The students, he said, were publishing a hand-written magazine and were being arrested. Finally he burst into tears. I tried to calm him. Thru his tears he screamed that he would produce the magazine himself. I said that was stupid and that he would prove nothing by that.

Not long afterward somebody phoned me and asked me to meet him on the square outside. It was one of the comrades I knew, who invited me to sit on the bench and said: "Why didn't you ring us up? Somebody reveals state secrets to you and tells you various formulas, gives you information about underground papers, and you simply object that that is not the right way. What is the right way, then, in your opinion?"

LIKE A FRYING PAN

I tremble when I write now about that conversation. For me it was like a red hot frying pan. I was forgiven and allowed to go, but I was warned.

From that time in 1963 I was regularly followed. Not, of course, that I was an anti-Soviet element or that I was intending to organize some plot. On the contrary, I was a member of the Communist party, a recognized Soviet writer, and I wanted only one thing: To go on writing. But I had automatically to be followed, because I was in the second category.

Then I took a room in Yasnaya Polyana square [the Tolstoy estate square] where I wrote a novel. I became friendly with the scholars working in the Tolstoy museum, and they were very kind to me, especially the intelligent and attractive Luiza Senina.

REVEALS SPY DUTY

One day she came to my room and told me she had been appointed to follow every step I made and report every word I said. But, she said, I was good and trusting and she couldn't do it any more; she was having nightmares.

One of the "scholars" at Yasnaya Polyana was an officer of the K.G.B. and everybody, from the director down to the guides, had to report to him. Every foreigner who visited Yasnaya Polyana was kept under specially strict surveillance. The fact that I had taken a room there was especially suspicious, and they were trying to get something out of her about me. What was she to do? She would be sacked!

I was particularly shaken by the fact that this was taking place on the revered territory of Tolstoy's estate. "Well," I said, "Let's try and save you; let's make something up together."

DID NOT SUCCEED

I did not succeed in saving her. On the contrary, out of inexperience I wrecked her life. One day in the cafe a K.G.B. officer in civilian clothes sat down opposite me and started joking and asking odd questions. I looked him straight in the face and said: "Listen, by dint of pure logic, I have realized that you are from the security and that you're interested in me. So let's talk like man to man. What do you want to know? You ask the questions and I'll give you straight answers. It'll be easier for you and for me."

He was terribly embarrassed and started muttering that he was not interested in me personally, that I was above any suspicion, that I had well-known friends in Moscow, and that they sometimes behaved rather strangely.

LEADS TO DISMISSAL

Later, in his own time, he reached his own conclusions. Luiza Senina was dismissed after a frightful row, was given a hopeless reference, and was a long time without work until she was given a job as a librarian in some trade school, where she still is today.

I hurried away from Yasnaya Polyana as if a curse had been laid on it.

But wherever you live you still have contact with people. Young writers kept coming to see me, bringing their works with them.

ANOTHER FEMALE SPY

There was one very sweet girl, a student at the Teachers' institute, Tanya Subbotina, who came along in this way and then one day asked me to go outside on the street with her. Once she was sure we were alone she said she had been forced to come to me and told to try and become my mistress and report on everything I did. Otherwise they threatened she would be turned out of the institute. She was not doing very well there, and they could well have done it.

Heavens above! I have recounted only two incidents, because they are no longer secret and everything is already very well known to the K.G.B. in Tula. Poor Tana got completely confused and told everything to her comrades.

But I was struck with the way people would immediately tell me everything, warn me, and give me advice. I cannot say any more, so as not to harm them. After all, they are there, they are not to blame, they are the victims.

NOTHING PRIVATE LEFT

There are others whom even I do not know. A stranger phoned me from a call box at a tram shop and told me what was in my letters to my mother and which foreign magazine I had at home:

"What on earth are you doing? Don't you realize that all your post is opened? That your neighbors on both sides and above you are watching you? That your phone conversations are recorded?"

He gave no name and hung up. Thanks. But I just couldn't understand: What was the point of this horror? I was writing literary works and had no intention of engaging in political activity. I was a writer. What do you want from me? That I should stop to think before every word I said on the telephone?

TELEPHONE IS TAPPED

In fact, on one occasion the telephone at home started tinkling in an odd way. I took off the receiver but heard no ringing tone, so I started banging on the rest. Suddenly a tired voice at the other end of the line said: "Please, don't keep banging, have patience. We're switching you over to another recording machine. It's a complicated system you understand. . . ."

Later, an electrician appeared and changed the electricity meter, fitting a new one, freshly sealed, with a microphone, no doubt.

In 1967 I locked up my flat and went off on a long trip. Two days after I left, in the middle of the night there was a fire in my study and everything in it was destroyed.

PAPERS ARE SAVED

The firemen who came to the scene prevented the whole flat from being destroyed but never discovered what caused the fire. But my papers and manuscripts escaped by a real miracle. Literally on the day of my departure, I had moved the cupboard with the manuscripts into another room, intending to move my study there on my return.

After that I kept my manuscripts buried in the ground. Another reason was that, whenever I left my flat for any length of time afterwards, I recognized by various signs that someone had been in the flat in my absence.

I frequently asked various top people about my having a trip abroad but without much hope. I wanted to see the world. They were always ready to promise me, but that was the end of it. Others went travelling, but not me.

INVITED TO PARIS

Then, unexpectedly, the Paris publishers, les Editeurs Francais Reunis, invited me to spend a month in Paris as part of the payment for my "Babi Yar."

I thought that the authorities must understand at last that I was no enemy so I made my application and started to go thru the procedural marathon. I got right on to the end of it only to be told that the union of writers had no money for my trip.

Then they told me in a whisper that it was simply that the authorities in Pula had formally sanctioned my departure, but that Safronov, the propaganda secretary, had said by telephone that I should not be allowed to go.

PONDERS SENSE OF IT

I explained in my "explanation" how my writings were maltreated. But they also deformed my whole life. I couldn't speak on the telephone, I practically stopped writing letters, and I saw an informer in every one of my acquaintances. I began to ponder: What sense is there in such a life at all?

Here is an extract from my diary in October, 1967:

"I have not been able to sleep for several days now. I am just a great lump of nostalgia. I turn over in my mind what I have written and compare it with what I would like to write and what I could write. I see before me years and years of life in which I could have known and studied, and understood, and created so much, which have been wasted. When I quote what I wrote in "Babi Yar," I feel like an ant, cemented up in the foundations of a house. All around there is nothing but stones, walls and darkness. To live to the end of my life with this feeling of being stifled, in this state of being buried alive. . . ."

STALIN PROCESS BEGUN

That was just after the trial of Sinyavsky and Daniel. Solzhenitsyn's writings were no longer being published. The process of rehabilitating Stalin had begun.

I had my own troubles. There was an unpublicized row over "Babi Yar." They suddenly decided that it ought not to have been published. At Yunost they told me that it was practically an accident that it had ever appeared at all and that a month later its publication would have been out of the question. In any case they forbade the reprinting of it.

RECEIVES FAMOUS LETTER

Before the writers' congress to which I was a delegate from Pula, Solzhenitsyn sent me a copy of his famous letter. [In which he denounced the censorship]. I spent several nights thinking it over. At home they wondered what was the matter with me. I said, "Solzhenitsyn is inviting me to commit suicide with him."

Yes, I could not find in myself the courage, and I probably fully deserved Solzhenitsyn's contempt. I simply did not attend the congress. I signed no protests, either then or later.

I saved my own skin and kept out of things. Others were expelled from the party and from the union and were no longer published. But they continued to publish me, and the comrades resumed their kindly and friendly attention.

URGED TO COOPERATE

How movingly they explained to me that the situation among the intelligentsia was very complicated. That people as tense as the writers, however, clever they were, were in revolt and they did not want to resort to tough measures. I had done very well, they said, not to sign any protests; that was not the business of an artist. But I ought to try and influence my misguided friends and make them understand that if they did not stop causing trouble, then . . . well, you understand.

I went from town to town trying to keep out of the way of these comrades, from Moscow to Leningrad, to Kiev. Many people there probably remember me asking: What are you going to do; what is the way out; what is there to hope for? Nobody knew anything. Intelligent people in Russia feel only horror. There is nothing but darkness ahead.

On the night of Aug. 20, 1968, Russian tanks entered Czechoslovakia. I spent several days listening to the radio. Many people in Russia wept during those days. It marked, they said, the turn to fascism

REALIZES MUST LEAVE

It came over me somehow of itself. I realized that I could not remain there any longer, that every day, every month and every year would see only a piling up of horror and cowardice inside me.

But Russia is as well defended as a prison. Just read Anatoli Marchenko's remarkable "evidence." He wanted only one thing: to get out. They caught him 40 yards from the frontier and threw him into the same camp as Daniel. Marchenko's description of that present day concentration camp is enough to make your hair stand on end.

Then I received another invitation, this time from America, from the Dial Press, which had allotted $5,000 for my trip. I began to attend all meetings in Pula, I presented Safranov with signed copies of my books, and I always turned up on time for talks with the comrades and spent six months fixing my papers for America.

TURNED DOWN AGAIN

Then I was turned down again, with the explanation that Dial Press had published Solzhenitsyn as well as me and they were therefore enemies. It was clear from certain details that once again it was the K. G. B. which would not let me out. This coincided with some fierce criticism of my latest writing in the press.

Now I began to feel myself run-down and hemmed in like a wolf. I went down to Batumi square [in the Caucasus] to study the lay of the land. The whole of the holiday coast of the Black sea is under the strongest guard. When darkness falls patrols drive everybody away from the water. Searchlights play over the beach and the sea. Radar installations detect even a child's ball floating on the surface of the sea.

But I had made up my mind to swim under water to Turkey with the help of an aqualung, entering the water before the patrols appeared and pushing in front of myself an underwater raft with spare oxygen containers. I would swim by compass just one night, otherwise I would be detected in the morning by the helicopters that were about like flies. I had trained myself to swim without stopping for 15 hours. I started on the building of my raft.

OVERCOME BY FEAR

It was frightening all the same. I imagined myself being cut in two in the darkness by a submarine at full speed—they are about the place like sharks. Or I would drown.

So I decided to make one last desperate effort to obtain permission for a trip abroad. I no longer thought of anything but getting out, at any price.

Night and day I had going round in my mind only to get away, away, away from that monstrous country, from those scoundrels, from that K. G. B. Let me get out, even to the Antarctic, even to the Sahara, so long as they are not there.

I just could not go on.

It was stronger than me; it was the animal instinct for self-preservation. I was at least a living being.

I wrote in "Babi Yar" that by the time I was 14 I should have been shot 20 times. That I was still alive is practically a miracle, a sort of misunderstanding. So there we are: According to the rules of the K. G. B. I should now be shot for the 21st time. If only because I went straight at them and got out. If only because I am writing this. And I shall go on writing, as long as there's life in me.

PROPOSED AMENDMENTS TO SECTION 592, TARIFF ACT OF 1930, 19 U.S.C.A. SECTION 1592

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1969

Mr. ROYBAL. Mr. Speaker, I have introduced a bill, H.R. 13502, to amend section 592 of the Tariff Act of 1930, 19 U.S.C.A. section 1592, to update and modernize, and to provide guidelines in, an anticipated portion of the special and administrative provisions of that act. H.R. 13502 is a revised version of the bills, H.R. 19114 and H.R. 20502 introduced by me in the 90th Congress, and of H.R. 7347 which I introduced on February 20, 1969, earlier in this first session of the 91st Congress.

Because of the importance to the international trade community throughout the United States of these proposed amendments, manifested by the numerous inquiries which I have received regarding this matter, I would like to include in the RECORD at this point, the following items: First, a short statement of the purpose of H.R. 13502; second, the provisions of section 592 of the Tariff Act of 1930, 19 U.S.C.A. section 1952, as it now appears on the statute books, together with the provisions of section 621 of the Tariff Act of 1930, 19 U.S.C.A. section 1621, under which penalties assessed under section 592 can be asserted within 5 years after the date of discovery of an alleged violation—an almost unlimited period of limitation; third, a general background statement regarding the need for this legislation; fourth, the text of the bill itself; and fifth, a section-by-section analysis of its provisions.

I. PURPOSE OF H.R. 13502

The purpose of H.R. 13502 is to modernize and up-date the special and administrative provisions of the Tariff Act of 1930 relating to penalties now imposed under section 592 of the Tariff Act of 1930 (19 USCA § 1592); to provide for a more realistic statement of the penalty in terms of the claimed loss of revenue; to provide guide lines, totally lacking in the present law, for administering this section; and thereby to bring the provisions for penalties for underpayment of customs duties into conformity with the provisions of the Internal Revenue Code for underpayment of taxes.

II. SECTIONS 592 AND 621 OF THE TARIFF ACT OF 1930

SEC. 592. SAME—PENALTY AGAINST GOODS. (19 USCA § 1592) (49 Stat. 527) If any consignor, seller, owner, importer, consignee, agent, or other person or persons enters or introduces, or attempts to enter or introduce, into the commerce of the United States any imported merchandise by means of any fraudulent or false invoice, declaration, affidavit, letter, paper, or by means of any false statement, written or verbal, or by means of any false or fraudulent practice or appliance whatsoever, or makes any false statement in any declaration under the provisions of section 485 of this Act (relating to declaration on entry) without reasonable cause to believe the truth of such statement, or aids or procures the making of any such false statement as to any matter material thereto without reasonable cause to believe the truth of such statement, whether or not the United States shall or may be deprived of the lawful duties, or any portion thereof, accruing upon the merchandise, or any portion thereof, embraced or referred to in such invoice, declaration, affidavit, letter, paper, or statement; or is guilty of any willful act or omission by means whereof the United States is or may be deprived of the lawful duties or any portion thereof accruing upon the merchandise or any portion thereof, embraced or referred to in such invoice, declaration, affidavit, letter, paper, or statement, or affected by such act or omission, such merchandise, or the value thereof, to be recovered from such person or persons, shall be subject to forfeiture, which forfeiture shall only apply to the whole of the merchandise or the value thereof in the case or package containing the particular article or articles of merchandise to which such fraud or false paper or statement relates. The arrival within the territorial limits of the United States of any merchandise consigned for sale and remaining the property of the shipper or consignor, and the acceptance of a false or fraudulent invoice thereof by the consignee or the agent of the consignor, or the existence of any other facts constituting an attempted fraud, shall be deemed, for the purposes of this section, to be an attempt to enter such merchandise notwithstanding no actual entry has been made or offered.

SEC. 621. LIMITATION OF ACTIONS. (19 USCA § 1621) (49 Stat. 527). No suit or action to recover any pecuniary penalty or forfeiture of property accruing under the customs laws shall be instituted unless such suit or action is commenced within five years after the time when the alleged offense was discovered: *Provided*, That the time of the absence from the United States of the person subject to such penalty or forfeiture, or of any concealment or absence of the property, shall not be reckoned within this period of limitation.

III. GENERAL BACKGROUND STATEMENT

Section 592 of the Tariff Act of 1930 provides that imported merchandise is subject to forfeiture, or, if it has gone into consumption, to a penalty equal to its forfeiture value, whenever any false statement is contained in any document submitted in connection with the customs clearance of the merchandise, or whenever any false statement, written or verbal, is made in connection with the entry or attempt to enter the goods, or whenever any false or fraudulent practice is followed in entering or attempting to enter the goods, without reasonable cause to believe the truth of such statement, and whether or not the United States is or may be deprived of any lawful revenue.

This result follows whether such false statement is made or false practice followed by the importer, or by the shipper, seller, consignee, agent, or some other person, and often occurs without the importer having had any knowledge that any statement made or practice followed was incorrect, and without any intention on the part of the importer to violate or fail to comply with the customs laws and regulations.

When any person having anything to do with the importation is guilty of any willful act or omission by means of which there is or may be any loss of revenue, forfeiture, or a penalty equal to forfeiture value, follows.

This is indeed a strange statute, which imposes forfeiture value penalties for *negligence* (false statements made without reasonable cause for believing they are true) *whether or not there is an actual or potential loss of revenue*, while imposing such penalties for *willful acts or omissions* only where they result in an actual or potential loss of revenue!

Cases involving commercial transactions usually arise long after the goods have gone into consumption, resulting in monetary penalties equal to the forfeiture value of the goods, which is the U.S. duty-paid landed value including the importer's profit.

When applied to a line of goods imported over a period of years, under the provisions of section 621, quoted above, many penalty notices in recent years have been in terms of a forfeiture value of over a million dollars.

The forfeiture value is also usually completely disproportionate to the claimed underpayment of customs duties. Since importers are required to deposit customs duties reviewed by customs officials at the time of entry, the claimed underpayments are supplemental assessments, which importers frequently dispute. In fact, many penalties have been imposed while the importer is engaged in litigation in another forum, contesting the very basis of the penalty assessment.

Forfeiture value is in any event a very severe penalty for most of the violations charged, which are often very technical, or result from changes in circumstances in the country of exportation not known to the importer, or to changes in interpretation of the laws for determining dutiable value of imported goods.

Relief from penalties imposed under Sec. 592 may be sought administratively, by petition for remission or mitigation under Sec. 618 of the Tariff Act of 1930 (19 USC 1618). Local Customs officials at ports of entry have no jurisdiction to determine such matters when the penalty stated exceeds $2,000. The disposition of such penalties is determined by the Commissioner of Customs, Bureau of Customs, Washington, D.C., with the approval of the Secretary of the Treasury when the penalty stated (forfeiture value) exceeds $20,000.

Section 592 contains no provisions for administrative guidance with respect to the disposition of penalties imposed in terms of forfeiture value.

Disposition of such matters accordingly is subject to variance from one administration to another, with settlements bearing some relation to the loss of revenue alleged, depending upon the nature of the violation of the law or regulations and the mitigating circumstances which may be present.

In addition to payment of the loss of revenue, penalties equal to six and eight times the loss of revenue (600% to 800%) have been imposed.

This is disproportionate to penalties imposed in internal revenue tax situations, which provide for payment of 5% of the underpayment in case of negligence and 50% of the underpayment in case of fraud (26 USC § 6653).

Issuance of penalty notices in the terms required by Sec. 592 of forfeiture value of imported merchandise involving millions of dollars when the actual claim for loss of revenue may be only a few hundred dollars or a few thousand dollars is not only unrealistic, but damaging to business and creates a false impression as to a company's solvency.

The present law thus imposes serious problems on those engaged in international trade, carrying implications which may affect the reputation and financial stability of the business to an extent unrelated to and disproportionate with the nature of the violations alleged, without any provision in present law for judicial review.

In addition, the present provisions of Sec. 592 requiring the statement of penalties allegedly incurred in terms of forfeiture value of important merchandise imposes an administrative burden on Customs officials, who frequently find it necessary to cushion the shock of impending penalty notices in sums in excess of the gross worth of an importer (which would put a business into bankruptcy), with the explanation that remission or mitigation based on the loss of revenue or a multiple thereof, may be sought by administrative application under Sec. 618 of the Tariff Act.

The amendments proposed in H.R. 13502 are accordingly intended to alleviate the problems encountered by the trade and by the Government, by modernizing a provision which has been on the statute books in substantially the same form since 1875 (see reviser's notes to 19 USCA 1592).

During the intervening years, particularly the last two decades, many other provisions of the Customs laws have been up-dated, by the Customs Simplification Acts of 1951, 1953, 1954, and 1956, and by the Tariff Classification Act of 1962, which modernized the classification schedules.

The proposed amendments are not intended to and would not permit avoidance or evasion of the payment of lawful duties nor would it relieve importers of any duties or responsibilities now imposed by law.

The same provisions and prohibitions now contained in the law have been retained, for the most part, with the amendments providing only for a more realistic statement of the actual claim of the Government in terms of the loss of revenue instead of in terms of forfeiture value, which seems more severe than is warranted in most instances.

Cognizance should be taken of the fact that, in addition to the provisions of Sec. 692, proposed to be amended, there remains on the statute books as part of the criminal code, a substantially similar provision (18 USC 542) under which flagrant violations of the customs laws may be dealt with.

The proposed amendments are also intended to provide administrative guidelines not now contained in Sec. 592 for the disposition of assessment incurred thereunder.

The provisions of the Internal Revenue Code, also administrated by the Treasury Department, have been examined and the proposed amendments are patterned after the IRC provisions dealing with underpayment of taxes.

IV. TEXT OF H.R. 13502

A bill to amend section 592 of the Tariff Act of 1930 (19 U.S.C.A. 1592), and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 592 of the Tariff Act of 1930 (19 U.S.C.A. 1592) is amended to read as follows:

"SEC. 592. PENALTY AGAINST GOODS.

"(a) If any consignor, seller, owner, importer, consignee, agent, or other person enters or introduces, or attempts to enter or introduce, into the commerce of the United States any imported merchandise by means of any fraudulent or false invoice, declaration, affidavit, letter, paper, or by means of any false statement, written or verbal, or by means of any false or fraudulent practice or appliance whatsoever, or makes any false statement in any declaration under the provisions of section 485 of this Act (relating to declaration on entry) without reasonable cause to believe the truth of such statement, or aids or procures the making of any such false statement as to any matter material thereto without reasonable cause to believe the truth of such statement, or is guilty of any willful act or omission, by any of which means the United States is or may be deprived of the lawful duties or any portion thereof accruing upon the merchandise or any portion thereof, embraced or referred to in such invoice, declaration, affidavit, letter, paper, or statement, or affected by such act or omission, such merchandise shall be assessed with additional duties and penalties as hereinafter provided in subsections (b) or (c) and (d) of this section.

"(b) If the United States is or may be deprived of the lawful duties or any portion thereof accruing upon such merchandise or any portion thereof due to negligence or unintentional disregard of the customs laws or regulations, but without intent to defraud, there shall be assessed on such merchandise a penalty equal to five per centum of the underpayment of the lawful duties due and payable on said merchandise."

"(c) If the United States is or may be deprived of the lawful duties or any portion thereof accruing upon such merchandise or any portion thereof due to fraud, there shall be assessed on such merchandise a penalty equal to fifty per centum of the underpayment of the lawful duties due on such merchandise."

"(d) If the determination of the lawful duties payable on such merchandise has become final, by reason of liquidation of the entry or entries of such merchandise, without assessment of the full amount of the lawful duties payable thereon, there shall be assessed on such merchandise additional duties equal to the amount of the underpayment of the lawful duties due thereon and not theretofore assessed and paid, in addition to the penalty hereinabove provided in subsection (b) or (c) of this section."

"(e) Such penalties and additional duties as may be assessed under subsections (b) or (c) and (d) of this section may be remitted or mitigated in whole or in part by the Secretary of the Treasury pursuant to a petition for remission or mitigation filed under the provisions of section 618 of the Tariff Act of 1930 (19 U.S.C.A. § 1618)."

"(f) If any consignor, seller, owner, importer, consignee, agent, or other person, as the case may be, shall, within sixty days after receipt of notice of the final determination of the Secretary of the Treasury upon his petition for remission or mitigation filed under subsection (e) of this section file with the principal customs officer at the port of entry, a petition requesting judicial review thereof by the United States Customs Court, the said United States Customs Court shall have jurisdiction to review said determination as to the amount of the underpayment of lawful duties, if any, including all findings and determinations entering into the same, and as to the applicability of subsections (b), (c), and (d) of this section, none of which determinations and findings shall be presumed to be correct. Every such petition shall, within ninety days after the filing thereof, be transmitted to the United States Customs Court, together with the pertinent entry or entries and accompanying papers. The proceedings in the United States Customs Court shall be a trial *de novo*, pursuant to such rules as the Customs Court may prescribe. *Provided*, that payment of the penalties and additional duties assessed under subsections (b) or (c) and (d) of this section shall not be required during the pendency of the proceedings initiated by the filing of said petition for review by the United States Customs Court but shall be deferred until after the final judicial determination thereof. *And Provided Further*, that the filing hereunder of a petition for review by the United States Customs Court shall, until after the final judicial determination thereof, act as a stay of any proceedings theretofore or thereafter instituted by the United States in a federal district court to collect the amount of said penalties and additional duties. *And Providing Further*, that nothing in this section shall be deemed to deprive any person of any and all rights and remedies (including trial by jury) of a party in a suit brought by the United States in any federal district court to collect any penalties and additional duties assessed under section 592 of the Tariff Act of 1930 (19 USCA § 1592) prior to or after the effective date of this Act, except that if such person elects to file a petition as provided herein to invoke the jurisdiction of the United States Customs Court for a review of the final determination of the Secretary of the Treasury, a final judicial determination of said petition shall be conclusive of all matters litigated therein."

SEC. 2. Except as hereinafter provided, the amendments made by the first section of this Act shall become effective on the day following the date of enactment of this Act and shall apply to all penalties and additional duties assessed thereafter, under section 592, or section 592 as amended by this Act. *Provided*, that in the case of any and all penalties assessed prior to the effective date of this Act, in which a final determination or final reconsideratiton has not been made prior to the effective date of this Act, whether pending before any agency of the United States government, or the subject of proceedings in a court of competent jurisdiction, or otherwise pending and not finalized, the provisions of subsections (b), (c), and (d) of section 592 as amended by the first section of this Act shall be applicable and controlling for all purposes. *And Provided Further*, that the provisions of subsection (f) of section 592 as amended by the first section of this Act, for judicial review by the United States Customs Court of administrative decisions made hereunder, shall apply to and be effective with respect to all administrative decisions in which notification to the consignor, seller, owner, importer, consignee, agent, or other person, as the case may be, of the final determination of the Secretary of the Treasury, is issued on or after the date of enactment of this Act.

V. SECTION-BY-SECTION ANALYSIS OF H.R. 13502

The bill would divide section 592 of the Tariff Act of 1930 (19 USCA § 1592) into six sub-sections numbered (a) to (f), setting out in subparagraph (a) the conduct which subjects the merchandise to imposition of penalties and additional assessments. Subparagraphs (b) and (c) set out the penalties which may be imposed. Subparagraph (d) provides for collection of the revenue due. Subparagraph (e) provides for administrative review. Subparagraph (f) provides for judicial review by the Customs Court, if desired by the importer.

Section 592(a). The language providing for forfeiture of the goods, or for imposition of penalties equal to the forfeiture value, has been eliminated, with language substituted to provide for assessment of penalties and additional duties based on the loss of revenue, as further described in subsections (b), (c) and (d).

Since the entire section 592 is being handled on the basis of loss of revenue, the language "whether or not the United States shall or may be deprived of the lawful duties, or any portion thereof" heretofore provided as a penalty for negligent duties but not willful acts or omissions, has been deleted.

The description of the conduct and documents, acts and omissions, as now contained in section 592, has otherwise been retained without change.

Section 592(b) provides for assessment of a penalty equal to five per centum of the underpayment of lawful duties, where such underpayment is due to negligence or unintentional disregard of the Customs laws and regulations without intent to defraud. This provision is not intended to permit or provide for the assessment of any penalties where increased duties become due on liquidation of entries due to clerical errors, mathematical errors, changes in rate or value, or any other usual differences in duty which normally occur in the ordinary course of business, including differences in currency conversion, shortage, overage, or otherwise. It is intended that no penalties provided in section 592 as amended shall be assessed or deemed incurred, except where there has been gross negligence or an unintentional disregard of the laws and regulations without a willful intent to defraud, but without reasonable cause to believe the truth of statements contained in documents submitted in connection with the importation of merchandise.

Section 592(c) provides for an additional assessment of fifty percent of the underpayment of lawful duties where such underpayment is due to any willful act or omission or conduct amounting to fraud.

Section 592(d) provides, in addition to the penalties provided for under subsections (b) or (c), for the collection of the underpayment of the lawful customs duties payable, where the customs transactions have been finalized without such assessment having been made; but this provision would not be invoked or applied, where the customs transactions have not been finalized, and where full collection of the lawful duties payable will be made in the normal processing of the customs entries, as they are liquidated.

Section 592(e) provides for remission or mitigation of any assessment or penalty imposed, upon review of the matter by the Secretary of the Treasury pursuant to a petition filed under Sec. 618 of the Tariff Act (19 U.S.C. 1618). This provision spells out in Sec. 592 as amended the procedure now followed administratively in the processing of penalties under Sec. 592, without procedural change.

Section 592(f) provides for judicial review of administrative determinations in penalty matters by a trial *de novo* in the United States Customs Court upon the filing of a petition within the time prescribed, with the principal customs officer at the port of entry, leaving the implementation of the Court procedures before the United States Customs Court to be fixed by Court rules.

Similar jurisdiction was formerly lodged in the United States Customs Court to hear and determine petitions for remission of additional duties imposed under section 489 of the Tariff Act of 1930 (19 USCA 1489), which was repealed by the Customs Simplification Act of 1953, Public Law 243–83rd Congress, Sec. 18(b), when the provision for assessment of additional duties thereunder was also repealed.

While petitions for remission under former Sec. 489 involved only a determination of intent in entering merchandise at a value lower than the appraised value, the proposed amendment to Sec. 592 necessarily involves a broader question; i.e., judicial review of the correctness of the determination of the amount of the underpayment.

This question never arose under Sec. 489, which related solely to the importer's good faith in his declaration of entered value, because judicial review of the determination by the Customs officials of the dutiable value of the merchandise under Sec. 402 of the Tariff Act of 1930 was separately provided by Sec. 501 of the Tariff Act of 1930 through reappraisement proceedings.

Section 592(f) affords an importer the option of (1) bringing an action in the United States Customs Court to seek a review by that tribunal, *de novo*, of the final determination of the Secretary of the Treasury as to the amount of the underpayment of lawful duties, if any, and as to the applicability of subsections (b), (c) and (d) of Section 592 as amended; or (2) of defending an action brought by the government in the federal district court for collection of the penalty imposed. Thus, litigants in Customs penalty matters would have a choice of forums similar to the election of forums afforded in tax litigation, where taxpayers have the choice of challenging an assessment in the Tax Court of the United States, the Court of Claims, or the federal district courts.

Section 2 of the bill establishes the effective date of the proposed amendments, making the revised law applicable prospectively to all notices of penalty or additional assessment issued on and after the day following the date of enactment. Section 2 also provides for retroactive application of the statute in those cases in which a notice of penalty was issued prior to the date of enactment of the Act. This would include penalties pending before any agency of the United States Government and/or cases pending within the jurisdiction of a judicial body empowered to act in these cases, and which are not finally adjudicated.

In addition, section 2 of the bill provides for application thereafter of the guidelines for administering the statute set out in subsections (b), (c), and (d), since no administrative guide lines are contained in the present statute.

This provision would avoid the administrative burden of carrying out two sets of procedures in dealing with matters theretofore initiated and not determined administratively, as of the date of passage of this Act.

Section 2 of the bill also makes available the procedures for judicial review with respect to all administrative decisions in which notification to the party charged of the final determination of the Secretary of the Treasury is issued on or after the date of enactment of this Act.

WHY POLICEMEN CANNOT BE RECRUITED

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, as many of our colleagues know, it becomes increasingly difficult for the Metropolitan Police Department to recruit and retain able and qualified members of that force. In spite of our determined efforts to improve pay and benefits for members of the force, the turnover remains high.

Many of our colleagues may not be aware of the frustration faced by the members of the Metropolitan Police Force which has, at least in part, led to this rapid turnover. In this connection I should like to include at this point in the RECORD, exchanges of correspondence between Sgt. Carl W. Beatty, in behalf of police officers involved in two recent incidents, and Commissioner Walter E. Washington, responding with a presentation of the position of the District government with regard to the incidents.

Mr. Speaker, I commend these exchanges of correspondence to all our colleagues for careful attention. We cannot long expect our men in blue to give their utmost to uphold the law when they, in turn, cannot even be sure that their own municipal government will back them in doing their duty. Perhaps the time is here, Mr. Speaker, when Congress itself must back up our policemen with the muscle they are being denied in the District building.

The letters read as follows:

POLICEMEN'S ASSOCIATION,
OF THE DISTRICT OF COLUMBIA,
Washington, D.C., June 10, 1969.

Hon. WALTER E. WASHINGTON,
District Building,
Washington, D.C.

DEAR MAYOR WASHINGTON: At an Executive Committee meeting of the Policemen's Association of the District of Columbia, it was unanimously voted that I bring to your attention a number of matters concerning the good will and effective operation of the policemen of the Metropolitan Police Department.

Firstly, I have received no reply to my letter of May 15, 1969, in which I wrote you about the Marion Barry incident and the investigation of that incident by the Public Safety Director and attorneys for Mr. Barry. What we requested in this letter was a statement of policy concerning citizens' allegations against the police as well as a statement of position by you supporting the Policemen's War on Crime and Lawlessness. Since May 15, other incidents have occurred, notably, the one on Friday, June 6, during which a policeman was prevented from ticketing a motor vehicle which was being operated in violation of the law. In the melee which ensued, a citizen student was injured. The usual cry of brutality went up and a citizens' group converged on the District Building. To the credit of the officials of the Police Department, the policemen involved were neither suspended nor placed on administrative leave. While at the District Building, the students from Federal City College beat a policeman who was ticketing an automobile and robbed him of his service revolver, which to a policeman is the most serious thing that can happen to him. We feel that on each of these occasions policemen were entitled to a strong public statement issued by you and by the Public Safety Director condemning citizens who take the law into their own hands, who foster mob rule and lawlessness, who attack policemen while performing their duties, and at the same time giving strong support and encouraging policemen. The members of the Policemen's Association feel that it is about time that the Mayor and the Public Safety Director once and for all give public support to every policeman in enforcing the laws and statutes of the District of Columbia. You should discourage by refusing to hold audiences with so-called citizens' committees whose hatred for authority is exemplified in their complete disrespect for policemen. Their actions, for example, in beating up a policeman in broad daylight at the District Building, is nothing short of anarchy and warrants the public condemnation of the head of our City Government. The men on the force expect this of you if we are to have meaningful law enforcement.

Secondly, the members of the Police Association feel that it is discriminatory for the Public Safety Director or his representative to order white policemen away from certain problem areas. A white policeman should not be singled out any more than a Negro policeman should be eliminated from working in a complete white area. To preclude the white officer from performing police duties in any so-called trouble area is to play into the hands of those who seek to split the community. The Negro officer stands a chance of being intimidated which is grossly unfair to him and the white officer is made to feel as though he is a second-rate policeman. After all, all men who wear the uniform are sworn to uphold the same laws with the same impartiality regardless of race.

Thirdly, I was surprised to learn at a recent meeting that Melvin Washington had been appointed as an assistant to the Public Safety Director whose job was to supervise police and fire operations. We received no order announcing this through the Department or otherwise and we wish at this time to raise certain objections to Mr. Washington's qualifications to this important position. It has come to our attention that Mr. Washington is an ex-Metropolitan Police Officer who resigned a number of years ago following certain actions which received widespread newspaper publicity. In view of the circumstances of this case, which I shall be pleased to call to your attention, it is the

Executive Committee's unanimous opinion that Mr. Washington may be less than qualified to work with the Department from which he resigned.

Fourthly, the Association also raises certain questions concerning the fitness for work in the area of police relations of Emmett Sullivan. It has been brought to our attention that Mr. Sullivan has been on the scene of certain disturbances from time to time and has been acting in a supervisory capacity issuing orders to various police officers and officials. We believe that the nature of his job function should be more thoroughly investigated.

And lastly, the members of the Policemen's Association deserves to know the chain of command of authority from the District Building right down to the last man on the street. As the situation now exists, the rank and file of the Department feel as though there are so many bosses and supervisors outside of the Department that they do not know to whom to turn or from whom to accept orders. We feel that an explicit and clear understanding of the functions of numerous persons (who have received widespread newspaper publicity) should be properly outlined to the Department.

Respectively yours,

Carl W. Beatty,
President.

Four Policemen Face Charges After Fracas

Disciplinary charges are being prepared against four Metropolitan policemen who took part in an off-duty drinking and gambling session, climaxed by the shooting of one officer by a second yesterday.

The injured man Pvt. Raymond J. Miller, 33, of 3521 Stanton road S.E., is in Washington Hospital Center with a bullet wound in the groin. His condition is reported to be satisfactory.

Charged with assault with intent to kill is Pvt. Joseph P. Ellis, 36, of 1610 Savannah street S.E., according to Inspector Howard F. Mowry.

SECOND PRECINCT MEN

The four policemen, all detailed to the second precinct, were in the apartment of Pvt. Melvin J. Washington, 30, at 315 W street N.E., when the shooting occurred. Also present were Pvt. James B. Wilson, 35, and two women guests: Nannie P. Fields, 28, of 4411 Third street N.W., and Sharon W. Gerran, 29, of 729 Decatur place N.E.

High-ranking police officials converged on the Northeast apartment yesterday afternoon as soon as it was learned a police officer had been shot.

Deputy Chief Howard V. Covell, who said all four have been suspended, told reporters the men had worked the midnight-to-8 a.m. shift in their precinct and then adjourned to Pvt. Washington's apartment. Inspector Mowry said he was told the quartet drank one fifth of whisky and part of another during the morning and early afternoon.

SHOOTING DICE

At about 1 p.m. Inspector Mowry said, Pvts. Miller and Ellis started a dice game with Pvt. Washington looking on. Investigators said Pvt. Wilson told them he had gone to lie down in another room to sleep and did not witness the gunplay.

Just before the shooting occurred, police said, the two women arrived. Both denied seeing what happened between Pvts. Miller and Ellis.

Inspector Mowry said Pvt. Washington told him Pvt. Ellis shot Pvt. Miller when the latter declared he wanted to stop shooting dice and go home. Pvt. Miller said Pvt. Ellis drew his service revolver and fired one shot, according to Capt. Lawrence Hartnett of the homicide squad.

ARRAIGNMENT SET

Pvt. Ellis will be arraigned today in Municipal Court on the assault charge. He joined the police force in 1949.

Pvt. Miller, who is single, became a policeman in 1962. Pvt. Washington is a former plainclothesman who was recently transferred to the second precinct. He became a policeman in 1952. Pvt. Wilson has been in the second precinct for 11 years and was commended in 1951 for rescuing two children in a fire.

Government of the District
of Columbia,
Washington, D.C., June 16, 1969.

Sgt. Carl W. Beatty,
President, Policemen's Association of the District of Columbia, Washington, D.C.

Dear Sergeant Beatty: I refer to your letter dated June 10, 1969, in which you bring to my attention certain matters concerning the operation of the Metropolitan Police Department.

Pending further discussions with you I will withhold comment on the matters raised in the first substantive paragraph of your letter and reply briefly to the others.

I do not know the incident to which you refer concerning the removal of white police officers from certain problem areas. As I recall our discussion, the specifics of this item were still somewhat vague. However, the use of particular officers for operational purposes is a matter that should appropriately be determined by the Chief of Police, his subordinates and field commanders.

Mr. Duncan advises me that he has investigated the incident in 1960 to which you allude concerning Mr. Melvin Washington. As I understand it, Trial Board charges were brought, Mr. Washington was found guilty and fined $100.00, and that the finding of guilt was reversed by the Board of Commissioners. After 15 months additional service, Mr. Washington resigned from the force in order to attend college. He put himself through four years of college, three years of law school, became a member of the District of Columbia Bar, and served successfully for a year and a half as Assistant Corporation Counsel, during which time he earned the respect and high esteem of the judges before whom he appeared. Mr. Duncan states that he has complete confidence in Mr. Washington's integrity and ability and qualifications. He serves as one of three Special Assistants and is not a policeman nor a Deputy Director of Public Safety with line authority over the Police Department as your inquiry infers.

It is not Mr. Emmett Sullivan's role to act in a supervisory capacity or to issue orders to police officers or officials, and he has been so instructed since the date of his assignment. Mr. Sullivan's job calls for him to meet personally with many citizens who complain to my office and to try to assist in a solution of their problems. In this connection, he is required to make inquiries for information from the various District departments and agencies. He also performs such special assignments as I or Mr. Duncan may assign him from time to time. As you will remember, Mr. Lorraine Johnson served in a similar capacity to Commissioner Tobriner during his administration.

The chain of authority from the District Building to the policeman on the street is as follows: The police function is vested in the Commissioner of the District of Columbia; he has delegated this function to the Director of Public Safety. Under this delegation the Chief of Police is responsible for the operation of the Department.

Sincerely yours,

Walter E. Washington,
Mayor.

Policeman's Association
of the District of Columbia,
Washington, D.C., May 15, 1969.

Mayor Walter E. Washington,
District Building,
Washington, D.C.

Dear Mayor Washington: I am writing as president of the Policemen's Association of the District of Columbia, whose membership is comprised of over 4,700 active and retired policemen. On behalf of the men on the force, and to express their strong feelings, I write to protest the manner in which the investigation of the arrest of Marion Barry is being handled.

If a policeman on the Metropolitan Police force has allegedly engaged in misconduct, there is a procedure established by which a citizen can file a formal complaint, which will be processed in an orderly, established manner, which will result in an investigation and a report. We on the force do not understand why a complaint by Mr. Barry is handled any differently or why you, as the Mayor, must order a top priority investigation by the Public Safety Director, assisted by the District of Columbia Human Relations Commission and Mr. Barry's lawyers, as was reported in the daily papers. It has been publicly announced by one of Mr. Barry's lawyers that he intends to file a civil action for damages. I suppose this will involve the individual policeman and the District of Columbia government. To the men on the force who are on the streets day in and day out, trying to maintain law and order, it is difficult to understand why the Public Safety Director, who is their boss, is working with the attorneys for a person who intends to sue the policeman and the District.

In this day and age, and in the atmosphere in the District created by people like Mr. Barry, who makes public pronouncements that police are like mad dogs, a policeman tried before a jury in this jurisdiction is at a complete disadvantage. When this is compounded by the Public Safety Director and the Human Relations Commission being directed to work with attorneys representing Mr. Barry, then the police officer is indeed in a sad way.

We do not understand how Mr. Duncan, as Safety Director, can personally conduct an investigation of a police officer, since ultimately, he must be the judge of the police officer's conduct following investigation. Since a police officer has neither the means nor the opportunity to conduct his own investigation, it seems that the only proper procedure is to have such investigation conducted by a totally and completely impartial, disinterested Board. Upon complaint, properly filed, Mr. Barry would have the right to present his case to the Citizen Complaint Review Board, who would determine if there is sufficient evidence upon which to bring charges before a Trial Board. This is the only function of an investigation by officials of the District of Columbia. It is not, and cannot be, to assist a complainant's attorneys in gathering evidence for a civil suit.

We members of the force would also like to know, once and for all, whether we are supposed to enforce the law as it is written. The law includes within it traffic regulations and other provisions which to many people seem to be inconsequential. We would like to know, Mr. Mayor, what we are supposed to do if every person we gave a ticket to tore it up and threw it in our faces. If Mr. Barry can do it, why can't every citizen do it? And if every citizen can do it, what is our function? We feel that we should have the right to enforce the law with the full and complete support of you and the Public Safety Director, as well as the Chief of Police. If improper action by a police officer has been taken in enforcing the law, the courts are there to protect the citizen. We on the force do not feel that we must justify our decisions and our judgment on the public streets, for to be required to do so would, in fact, create innumerable disturbances and ill will. It seems to us, therefore, that the District government should strongly support us in doing a job which we are paid to do, and to which we are dedicated. To be confronted with a "top priority investigation" every time we enforce the law against someone like Mr. Barry is to destroy the morale of the men who can very properly say: "Why make an arrest? Why enforce the law? Let's put in our eight hours and pick up our check." If this is what you want, and I am sure it is not, just tell us.

We sincerely trust that the men on the force, in enforcing the law, will have your full and complete support. We also hope that procedures established by law will be followed in judging the complaint of Mr. Barry, as it would be in any other case.

Respectfully,

CARL W. BEATTY,
President.

GOVERNMENT OF THE
DISTRICT OF COLUMBIA,
Washington, D.C., June 16, 1969.

Sergeant CARL W. BEATTY,
President, Policemen's Association of the District of Columbia, Washington, D.C.

DEAR SERGEANT BEATTY: This in reply to your letter of May 15, 1969, in which you protest the manner in which the arrest of Marion Barry, on May 13, 1969, is being handled and also ask whether or not I and the Public Safety Director want Metropolitan Police Officers to enforce the law.

As you may recall, the parking ticket which gave rise to the incident was written by Officer R. L. Lehmann of the Special Operations Division, who had been assigned duties on Fourteenth Street in connection with prostitution in that area. As the ticket was being written, there was a confrontation between Officer Lehmann and Mr. Barry. Additional policemen were called to the scene as supporters of Mr. Barry appeared on the street from the Pride, Inc., building. Mr. Barry and three others were arrested and transported to the Thirteenth Precinct. A further confrontation occurred there, during the course of which it is alleged that Mr. Barry sustained physical injuries. He was then transported to D.C. General Hospital and Mr. Duncan, the Public Safety Director, at my request, was dispatched there to observe his condition. Subsequently, Mr. Barry was transported to the central cell block where he and the three other prisoners were processed during a three-hour period.

The following day, more than 100 of Mr. Barry's supporters and other citizens occupied the Council Chamber at the District building. Their mood was extremely angry and hostile at what they regarded as police brutality directed at Mr. Barry. Serious disorder could have resulted. Moreover, when you refer to as a ticketing incident actually had at least four other aspects to it involving citizens and policemen. It seems to me that under such conditions I have the right and indeed the obligation to inform myself of all the facts and circumstances surrounding the incident in the public interest. Accordingly, I directed Mr. Duncan personally to conduct the investigation. It is my intention, and his, to receive statements and reports from the Police Department in the usual fashion and such additional statements from citizens and other evidence as Mr. Barry's attorney chooses to make available. Having received that information, it is my intention to ask the Human Relations Council to secure whatever additional information might be needed, if any. Mr. Duncan's role is simply to gather facts from whatever sources are available, evaluate them, and report to me.

Viewed in this light, your statements that Mr. Duncan "is working with the attorneys for a person who intends to sue the policemen and the District" and that the investigation is "to assist a complainant's attorney in gathering evidence for a civil suit" are misleading and literally inaccurate. I decided to conduct the investigation in this manner to assure that it would have maximum credibility from the standpoints of both the Department and the community. It also may have had the effect of averting, at least, temporarily, an ugly incident.

You say you would like to know "once and for all" whether police officers are supposed to enforce the law as it is written. I trust you will accept, once and for all, my reaffirmation of commitment to strict enforcement of the law as it is written. I would add that strict enforcement assumes professional enforcement and the use of judgment and common sense. It is a violation to emerge from an automobile on the traffic side of the vehicle. This occurs thousands of times each day and yet few arrests are made because of it. This is not to suggest that illegally parked automobiles should not be ticketed. It underscores, however, that judgment is a necessary ingredient in all police work.

I think my actions to date, and those of Mr. Duncan, indicate that we strongly support the Police Department. We want it to be, and to be recognized as, the finest police force in the United States. We want every citizen to respect every police officer and we want every police officer to respect our citizens and be proud of his uniform and his profession. In order to bring this about, your Association and I must continue to work together, as we have done in the past when misunderstandings arise. I appreciate your bringing to my attention the concerns expressed in your letter of May 15. I hope that this answer helps clarify the questions you raise.

As you know, I will be pleased to meet with you at any time, as I am with the representatives of all responsible organizations, to consider these and any other matters in further detail. It appears to me that this is a desirable way to resolve matters of mutual concern.

Sincerely yours,

WALTER E. WASHINGTON,
Mayor.

PRESS HAS FIELD DAY OVER FAILURE TO PASS TAX LAW

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. HANNA. Mr. Speaker, apparently the press is having a field day over the administration's inability to effectively negotiate its tax program through the Senate. Interestingly enough all the discussion about the President's difficulty is being laid at the door of the Senate.

I would like to remind both the press and some of my colleagues who may have forgotten that a substantial number in the House stood firm on the tax question before it reached the Senate. It was in the House that the President learned how difficult the extension of the surcharge would be without meaningful tax reform.

The answer to the question of why the administration was unable to grasp this point I will leave to the pundits. It is enough to say that the handwriting was clearly printed on the wall when the surcharge extension barely passed the House.

I insert the following article by Alan Otten of the Wall Street Journal as part of my remarks:

A TIME FOR EPTNESS

(By Alan L. Otten)

WASHINGTON.—"The thing that's most surprised me about the Administration thus far has been its incredible ineptness."

That evaluation, by one of the Capitol's senior Republican hands, overstates only slightly a verdict voiced by many politicians and political analysts here these days; the word "inept" recurs with monotonous regularity. It's a verdict that could foreshadow deepening difficulty for President Nixon unless soon reversed.

Long-time Nixon students are flabbergasted by the persistent snarls and snafus. "Based on the campaign, which looked pretty efficient, I expected a far sharper, smoother operation," says a veteran labor lobbyist. Declares a Democratic Senator: "These men are acting as though none of them had ever been around Government before."

On matters big and little, the President and his key lieutenants have stirred controversy and confusion unnecessarily. They are promising programs they knew they couldn't possibly produce, and ignoring or offending powerful members of Congress and outside interest groups. While the indictment is often a broader one, a good part of the dissatisfaction arises from Mr. Nixon's dealings with Congress.

The recent brouhaha over extending the income tax surcharge is a sterling example of conflict and chaos that easily could have been avoided. To practically everyone here but Treasury officials, it was clear that the Senate Democratic leadership wasn't refusing outright to extend the surcharge but was merely trying to insure that broad tax overhaul would also be considered this year—a goal to which the Administration professes deep attachment. The matter could have been compromised early and effortlessly; Sen. Mansfield isn't known as an unreasonable or uncooperative man.

The Administration, though, climbed on its high fiscal horse. It stubbornly demanded the full year's extension, and began to wail about the horrible consequences of anything less—stirring new uncertainty and nervousness in financial circles. Mr. Mansfield's compromise offers were haughtily turned down, with Treasury officials insisting he'd be forced to yield all the way in the end. At the last minute, sanity asserted itself, and the final compromise isn't very different from what the Administration, with a little more sense and sensitivity, could have had from the start.

The mistakes have been widely distributed, from the White House down through all the departments. Mr. Nixon's day-to-day gyrations on future U.S. policy in Asia, voiced during his just-concluded world tour, surely created widespread doubt and uneasiness among Asian leaders and American public alike; after years of public life and campaigning, the President must be aware that what he says in one place will be reported in another place, and that contradictions, real or apparent, avoidable or unavoidable, will make him appear unsure and floundering.

Repeatedly, Nixonites have neglected to sound out key Congressmen before sending bills to the Hill. Advance consultation might at least have muted the hostile reaction of Rep. McCulloch and other GOP civil rights advocates to the Administration's proposal for revamping the voting rights law. The White House has yet to sound out either Ways and Means Committee chairman Mills or ranking Republican Byrnes about the Nixon welfare-reform and revenue-sharing plans to be divulged on Friday. Both liberal and conservative Republicans complain of difficulties with patronage, public works projects, correspondence, and other political life's blood.

Many top-priority Administration projects aren't off the ground yet. Pre-inaugural talk promised that one of the early jewels in the Nixon crown would be a glorious program to stimulate private voluntary social-uplift endeavors. New men are being constantly imported to get this program started, but it remains completely bogged down. Meanwhile, the U.S. Chamber of Commerce and other private groups stand waiting expectantly for a signal that never comes.

Treasury officials act startled when anyone even asks the whereabouts of the plan to give fat tax credits to industries putting plants in slum areas—even though campaigner Nixon billed this as a keystone of his urban program. Transportation Secretary Volpe has again and again declared that a new program to finance mass transit facilities is on the point of transmission to Congress—yet it remains mired in despute with the Budget Bureau.

The explanation most widely offered for all the snarls and snafus is that Mr. Nixon and his top braintrusters are perpetually preoccupied with getting out of Vietnam and fighting inflation. Unquestionably, these should be their chief preoccupations, yet men running the Government of the United States should manage to budget their time so that a little is left for second- and third-level problems; many top officials aren't involved in the two big nightmares anyhow.

Other explanations seem more relevant. Most top men are woefully inexperienced in Government; that's true of most new teams, but this one seems to be learning extra-slowly. The performance of a few high-ranking officials has been at best mediocre; others are too cocksure, which can be equally disastrous. Distrust of the career bureaucracy leads Nixon men to ignore advice and warnings. "I've never seen guys so intent on making their own mistakes," a top career official asserts. "You try to help them, but they really don't want to listen." In the White House and many agencies, overstaffing has blurred lines of command.

Some of the new boys either don't understand or don't accept the importance of Congress and of outside groups. It's as if they're hoping to run the Government much like a corporation or a law firm, making the decisions themselves and reporting back only occasionally to the stockholders or clients. Those who scorn the Democrats as impractical and far-out are ignoring the fact that, like it or not, these dreamers control both Houses of Congress.

There's no sign yet that the nation as a whole is upset about the way the Nixon men are running things. But if on-the-job experience doesn't soon produce a more efficient operation, the result will be not only damage for the President on a wide range of specific issues, but also the creation of a public image that may later be difficult to alter or eradicate.

SOVEREIGNTY OVER SINAI WAS NEVER EGYPTIAN

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. FARBSTEIN. Mr. Speaker, one of the Middle Eastern areas most hotly in dispute today is the Sinai Peninsula and Suez. It was through this region that Egypt has on two occasions advanced her armies virtually to the border of Israel, and sporadic Egyptian attacks along the Suez Canal have kept the area in continual turmoil, in defiance of the United Nations cease-fire resolution.

It is important, if we are to understand the situation in that part of the world, for us to know the history in terms of international law. If we look into the matter in careful detail, the amazing conclusion emerges that the Sinai area is really, historically and legally, "no-man's land."

Therefore Israel is, in hard fact, not invading the sovereign territory of Egypt or of anyone else, in establishing defense posts in the Sinai.

The complicated background is set forth, with quotations from a number of distinguished authorities, in an article appearing in the current issue of Prevent World War III—a publication which has been issued for more than 25 years by the Society for the Prevention of World War III, Inc., of 50 West 57th Street, New York, N.Y. 10019. The article itself is a translation from a study that originally appeared in the internationally known French publication, La Revue Encyclopedique Juive, Paris, 1969.

The article follows:

TO WHOM DOES THE SINAI BELONG? A NO-MAN'S LAND

In view of the problems raised by the current political situation in the Near East, it is important to note that *by occupying the Gaza Strip and the Sinai Peninsula, Israel has not violated any internationally valid Egyptian rights of sovereignty*. It is a fact that Egypt has not accorded Egyptian citizenship to the Bedouins living in the Sinai, but has merely issued to them an identification card stating that they have the status of inhabitants of the Sinai. Thus even Egyptian administrative practice in the Sinai proves that Egypt has not considered the Sinai Peninsula as being an integral part of the country. Nor has the population of the Gaza Strip ever been considered as belonging to the Egyptian people, but it was under the control of a military governor.

The League of Nations never confirmed any boundary lines between Egypt and Palestine. On May 22, 1935, the League of Nations accepted the Franco-British agreement of March 7, 1923 regarding the boundary lines between Syria, Lebanon and Western Palestine. On September 16, 1922, the League of Nations also confirmed the western boundary of Transjordania, which had been cut off from Western Palestine, and to which the stipulations contained in the mandate for setting up a National Jewish Home in Palestine were no longer to apply.

Regarding the boundaries between Transjordania, Iraq and Arabia, their gradual demarcation was on several occasions brought to the attention of the Mandate Commission of the League of Nations. The only border of Palestine which was never determined by the Allies is therefor the southwest border; there has been no agreement or exchange of views with the neighboring countries on this score; never has a body of the League of Nations discussed this matter.

WHAT IS THE LEGAL STATUS?

In 1956 and 1957, after Egypt had nationalized the Suez Canal, as well as after the first occupation of the Sinai by the Israelis and the Anglo-French intervention, the legal status of the Sinai began to arouse public interest in England. There were proposals that the U.N. take this area under its administration. In a letter to the *Times*, Lord Soulbury, a formre diplomat and British Governor-General of Ceylon, expressed the opinion that this measure would not constitute a violation of Egypt's sovereignty, since this country had never had any rights to the Sinai. This letter, published on February 6, 1957 in the *Times*, contains among other things, the following observations:

"Since Great Britain and France played a part in the military action at the Suez Canal three months ago, many people in the legal field have declared themselves either in favor or against the legality of this action, but there has never been any analysis of the legal grounds of Egypt's claim that Israel invaded any Egyptian territory and that Egypt demands Israeli evacuation of this territory belonging to it. This problem was brought up in the British Parliament several times by Dr. Dalton, Captain Waterhouse and others. . . . On December 5, 1956, Dr. Dalton declared that Egypt had no rights to the Gaza Strip because this territory had never belonged to it, but is a part of Palestine. . . . Before being a part of Palestine, this territory had naturally belonged to Turkey. During the same debate, Captain Waterhouse declared that the Sinai Peninsula had never been a territory normally belonging to Egypt."

"The Egyptian boundaries are based on a Turkish decree of 1841, in which the Sultan confirmed Mehemet Ali as the hereditary ruler of Egypt "within its former boundaries." This decree included a map on which the eastern boundary of Egypt extends from Suez to Rafah, which is between El Arich and Gaza. This map was reproduced as an official Egyptian document at the time of an agreement signed with Italy on December 6, 1925 to determine the boundary between Egypt and Tripolitania. Another map was attached to this document indicating the new western boundary of Egypt as being farther to the west than on the 1841 map. The eastern boundary on this map extends from Tabah, in the Gulf of Aqaba, to Rafah. However, this boundary has never been claimed to have been officially determined. This was never a boundary, but rather a demarcation line indicating the limits of the territory where the Egyptians administered this part of the desert in order to protect the pilgrims traveling from Egypt to Mecca."

"In 1892, when the new Viceroy Abbas Hilmi was named by the Sultan, the Turks agreed that he continue to administer the Sinai Peninsula as his predecessor had done. This arrangement was confirmed by the Turks in 1906, but all of these agreements, formally set down in Decree No. 3006 of 1906, *make a clear-cut distinction between administration and sovereignty, the latter being reserved for Turkey alone.*"

"It is important to note that the Egyptian border has not been mentioned either in the proclamation of the British protectorate regarding this country in 1914, or in the mandate for Palestine after the war."

"It follows that while Egypt has, for a long time had the customary right to administer the Sinai Peninsula, it is not in possession of the right of sovereignty over the Sinai. As long as the Egyptian administration in this area protected the Canal and helped maintain peace in the Near East, it naturally had the support of Great Britain. But now this territory has become a dangerous base for aggression against Israel and for stockpiling of communist arms."

"The U.N. would certainly be doing a great service to the world by assuming administrative control of this explosive territory. In so doing, it would in no way violate a sovereignty which Egypt has never had."

COLONEL MAINERTZHAGEN'S PERTINENT FINDINGS

Colonel Richard Mainertzhagen also wrote in the *Times* on this matter. He had served from 1914 to 1918 on the staff of the British Army in East Africa, in Palestine and in France; after the war he was a member of the British delegation to the Paris peace talks; then he was a political officer in Palestine and in Syria until 1920, and from 1921 to 1924 he was the military advisor to the Near East Department of the Colonial Ministry. During the Second World War, he served on the staff of the Ministry of War. Considered to be one of the foremost specialists on Near East Affairs, the *Times* asked him for a statement of his views. His letter was published on February 8, 1957. In it he confirmed Lord Soulbury's opinion regarding the status of the Sinai and went on to say: "In 1926, Lord Lloyd asked the Foreign Office if the 1906 agreement was still valid; he rereceived an affirmative reply. This was confirmed to me in 1928 by Lord Lloyd in person."

"In 1922 Turkey had to give up all its colonies. When Israel invaded the Sinai in November 1956, it was a No-Man's Land. The question may be raised, whether we or the U.N. have any right at all to force Israel to evacuate a country which belongs to no one, particularly after Egypt had misused its right of administration by blocking the Gulf of Aqaba in violation of U.N. resolutions and by making the Sinai the base of attacks against Israel."

"The map included in the above mentioned Turkish decree of 1841, was not made public in 1892 nor in 1906, even though the British Ministry of Foreign Affairs had never questioned its existence of the exclusion of the Sinai from Egypt by the Turkish decrees of 1841 and 1892. A copy of the map showing the Suez-El Arich border was shown to the British Consul in Egypt by the Turkish Commissioner in that country in 1892. The Consul noted that this map indirectly confirmed the London Convention of 1840, in which the Sinai Peninsula is included in the territory belonging to the Pacha of Acco. This territory was not ceded to Mehement Ali of Egypt."

"On May 1, 1906, Lord Fitz Maurice stated before the House of Lords, in the name of the Ministry of Foreign Affairs, that Rafah and El Arich were part of Egypt, whereas the Sinai Peninsula was only under Egyptian administration."

"The question can therefore be asked, whether Turkey implicitly settled for an Egyptian border extending from Suez to Rafah when a demarcation line was determined between the Sinai and the territories administered by the Turks in the State of Rafah in 1906. It is likely that Turkey only permitted the Sinai to remain under Egyptian administration, thus maintaining the status quo in the territory extending to the west of Rafah."

"As for determining where the true boundary of the Turkish decree lies, I cannot give any definitive reply. Practically speaking, it would seem that it is in El Arich, but an official Egyptian publication of 1926 or 1927 reproduced the 1841 map with the line extending from Suez to Rafah. The caption of this map shows that it is in all probability the interpretation given by the British in 1906 to the boundary determined in 1841."

SOVEREIGNTY NOT ESTABLISHED

All of these statements show that Mainertzhagen, Soulbury, Lord Lloyd and others arrived at the following conclusion (the documents available to them not allowing for any other interpretation): the 1906 agreement as to the administration of the Sinai has not changed the status of the Sinai as a territory under direct Turkish sovereignty, and Egypt had no right of sovereignty over the Sinai Peninsula.

A passage from a book, *Middle East Diary 1917–1956*, published in London in 1954 by Colonel Mainertzhagen, supports this assertion:

"Before 1906, the boundary between Turkey and Egypt extended from Rafah in the north to the vicinity of Suez. All of the eastern and southern part of the Sinai belonged to the province of Hedjaz, of the Ottoman Empire. In October 1906, Egypt obtained administrative rights in the Sinai up to a line extending from Rafah to Aqaba, while *Turkey expressly reserved for itself the right of sovereignty*. General Allenby and the British army, without the assistance of the Egyptian army, occupied Turkish Sinai, which consequently came under the control of Great Britain by right of conquest. This simple explanation can be confirmed by the Foreign Office."

With the proposal that England keep the Sinai in order to make it a buffer zone between Egypt and Palestine and a base with harbors on the Mediterranean as well as on the Red Sea, Colonel Mainertzhagen stresses that "No national problem can arise in the Sinai Peninsula, since this territory includes only a nomad population of a few thousand people who know nothing of matters of sovereignty, and whose only desire is to live in peace."

TECHNIQUE OF PUBLIC PROTEST

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. DERWINSKI. Mr. Speaker, one of the most objective editorial commentaries on the technique of public protest appeared in the Thursday, July 24, editorial columns of the Harvey, Ill., Tribune.

It is a welcome although rare occurrence to have a communications media properly describe the manner in which news media is used by the public protestors and radical groups of today.

The editorial follows:

PROTESTORS PLAN THEIR PUBLICITY CAREFULLY

For the last several years, picketers, protestors and demonstrators have had the news media over the proverbial barrel and the leaders of these ad hoc events now can easily qualify as top level promoters, press agents and public relations specialists.

The first role of a newspaper is to cover news events and pass on the information they obtain to the public. Realizing that this credo makes the news media gullible because reporters are instructed to cover anything that draws a great deal of attention, protestors often plan their press strategy better than the actual demonstration.

The plan for press coverage is too simple: paint-up a handful of signs, call all of the news media representatives in the area and anonymously tell them that a march is planned at a certain location at a certain time to protest a certain injustice. Once the reporter arrives, put on a big show for this photographer, recruit nearby residents to make it look bigger than it actually is and then wait for the press clippings to pressure the individual or organization you are protesting against.

Members of the press are then caught in the spider's well-planned web. If the newspaper or radio-TV station declines to publish or air the march or demonstration, the protest leaders use the lack of press coverage to gain additional support by claiming that someone is trying to suppress the event. And, residents of the immediate area who witnessed the event will spread the word to their friends and neighbors—often completely out of proportion with the event.

Recently, the Chicago Tribune tried unsuccessfully, to demonstrate the futility of covering such situations adequately and with balance by refusing to print any stories about college demonstrations for one day. The newspaper was highly criticized by its readers and other news media for "censoring the news."

There is no adequate solution to the situation and newspapers and other communications media are faced with a real problem in attempting to comment on the merit of each protest. For that reason, we would urge our readers to continue to the editorial below for an opinion of a so-called "rent strike" Friday afternoon in Harvey.

The preliminary press coverage mentioned earlier had been arranged. We were called twice in a matter of minutes to make sure that we would have a reporter on the scene. When he arrived without a photographer, there were only three pickets on the scene. When the photographer arrived, that number was immediately doubled by passing out signs to sympathetic observers—people who do not even live in the apartments in question.

That is typical of most of the protests and demonstrations we have covered during the era of the publicity seekers and we believe that our readers should know the background on how some of these events get in the newspaper. It might also help eliminate a few hundred illegitimate demonstrations.

TAX-EXEMPT BONDS SERVE PUBLIC WELL

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. CHAMBERLAIN. Mr. Speaker, in supplementary views to the committee report accompanying H.R. 13270, the Tax Reform Act of 1969, and during the debate on this bill last week, I endeavored to make it very clear that while I supported the general purpose of the bill I thought that the committee went much too far in its treatment of tax-exempt interest on State and municipal bonds. Because of the closed rule there was no opportunity to vote on this particular issue. However, I am satisfied that many Members were deeply concerned about this part of the legislation, especially under section 601 and 602. I was encouraged to note that this concern is matched by a recent editorial appearing in the State Journal of Lansing, Mich., on Saturday, August 9, 1969, and I commend it to the attention of the Members of the other body and to my colleagues here in the House for consideration should a conference report consider this aspect of the legislation:

TAX-EXEMPT BONDS SERVE PUBLIC WELL

The tax reform bill passed in the U.S. House of Representatives Thursday may be the most far-reaching tax bill since the enactment of the income tax constitutional amendment, as suggested by Chairman Wilbur Mills of the House Ways and Means Committee, but it apparently also has raised many questions about its potential effect upon our complex economy.

Take the subject of tax-exempt bonds. The legislation proposes some drastic revisions concerning the tax-exempt status of bonds issued by states, municipalities, school boards and similar local governments. It proposes that local authorities will be eligible for a federal subsidy to offset the effects of higher interest rates on such bonds.

Inevitably the effect of such action on local governments must be adverse. In fact, in some instances, it may even be catastrophic. School boards, for instance, are having great difficulties these days getting voters to approve bond issues for essential construction needs. If interest rates on school bonds are raised, as inevitably they would be, the problems would multiply for school districts already harassed by financial problems that seem almost insurmountable even now.

More bond issue proposals would go down the drain by means of voter rejection. Those that were approved by voters would contain other hidden perils, including the difficulties involved in going hat in hand to the federal government. The City of Lansing has a good case of this federal bureaucratitis on its hands right now in its urban renewal projects crisis with Uncle Sam.

Further complicating the problem for local units of government would be the increased difficulties that would arise in the sale of municipal bonds, or bonds of other local units of government. These bonds, now tax exempt, generally are quite popular in the securities market but even so, some units of government are encountering difficulties in selling bonds for essential public projects.

Many very important public improvements would be adversely affected by the new tax proposal. Cities that need sewage treatment plants, for instance, may find it impossible to sell bonds to finance them.

The tax reform bill still must be voted by the Senate and it appears now that the Senate will not tackle this legislation before fall. Perhaps by then the experts will have made a much better study of the potential effects of this bill and will recommend changes in the public interest.

Tax reform is desirable but tax changes just for the sake of changes can be very harmful. It appears that the proposal to remove tax exemption for local and state bonds is one such change that helps no one—but perhaps injures all of us.

JOIN HANDS PLEDGE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. BROWN of California. Mr. Speaker, we all know that our Nation is troubled by infinite problems, most of which each of us individually feels incapable of solving. We here in Congress, each in our own way, are trying to do what we can to ease the tensions and inequities which we see around us. Laws, however, can only go so far. Individuals must take the responsibilities that are facing them. I would like to take this opportunity to acquaint my colleagues with another group which has a similar aim. The Join Hands movement is a program for action to bring about equality and justice for all Americans now. The Join Hands pledge is one I wholeheartedly support. Therefore I insert it into the Record at this point, so that all my colleagues may read it and begin to think what it can mean in their lives:

Martin Luther King's cause was and is America's cause. I recognize and affirm that cause as my own. I therefore make the following moral commitment:

1. I pledge to confront my own fear and prejudice and strive to eradicate them.
2. I recognize the special rights and privileges that I enjoy, and I pledge to demand the same rights and privileges for each and every man.
3. I pledge to actively support both legislation and taxes to provide more and better jobs, housing, health, recreation, and education for all in our country who are poor, under-employed and ill-housed.
4. I pledge to trade with those business concerns which practice fair employment and provide upgraded job opportunities.
5. I will demand that every effort be made to achieve and maintain quality education in all schools and, in particular, to develop integrated schools of the highest quality. I pledge not to remove my children from such schools.
6. I pledge to welcome neighbors of all races and creeds; to support open housing and to rent or sell my home without restrictions.
7. I pledge not to try to escape the problems of my city, but to work to rebuild it as a place where human dignity flourishes.
8. I pledge to support those political candidates, regardless of party, who demonstrate the clearest understanding that the brotherhood and equality of all Americans is the major issue of our times—the one which must receive first priority both morally and economically.
9. I pledge violence will not cause me to react violently, nor will it cause me to abandon my commitment to this pledge.
10. I pledge this is a commitment to action, not just words.

In signing this pledge I commit myself to involve my friends, neighbors and my coworkers in active support of the aims of this resolution.

I hope that each Member of Congress will reflect upon the importance of active efforts toward realizing the Join Hands goals. As the Join Hands newsletter says:

> One nation, indivisible, with liberty and justice for all is not merely an ideal goal, it is a format for the preservation of our free society.

And, each of us must have the courage now "to stand up for freedom together."

Additionally, I would like to commend Mrs. Janice Bernstein, chairman of the Join Hands executive committee, for her tireless and most competent efforts in putting the pledge before the Nation.

VOTING RIGHTS

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. PEPPER. Mr. Speaker, I am sure our colleagues will be pleased to know that the distinguished former Member of this body from Atlanta, the Honorable Charles L. Weltner is now writing a regular column for the Atlanta Journal and is thereby continuing his distinguished public service to his area. I recently saw a copy of his column of July 30 and I insert it in the Congressional Record. I believe it will be of great interest to all who remember Congressman Weltner's service with high regard and affection. The article follows:

[From the Atlanta Journal, July 30, 1969]

VOTING RIGHTS ACT A SUCCESS

(By Charles Longstreet Weltner)

Sometimes it's hard to understand what they mean in Washington—for instance, Sen. Sam Ervin of North Carolina on proposals to extend the Voting Rights Act of 1965.

Opening hearings of the Senate Judiciary Committee on July 9th, Ervin said: "The law has served its stated purposes and served them well. The proposal to extend the act five years more is a cynical effort to keep these states under federal supervision despite the fact that they have fully conformed to the terms and goals of the law."

A Washington daily reports: "Ervin said the 'repressive' law has already done its work, turning parts of his State and the six others into 'conquered provinces' by enrolling 800,000 new Negro voters."

Now, that's a bit confusing. If the law has "served its stated purposes and served them well," as the senator says, it is not only a very unusual law, but about the only civil rights law that has produced any civil rights. And if the states involved have complied with it and are still standing—contrary to dire prediction—how is anyone hurt by its extension?

That is not answered. We do learn, however, that Georgia, South Carolina, Alabama, Mississippi, Louisiana, Virginia and 39 counties in North Carolina are "conquered provinces" because they have, between them, 800,000 more Negro voters than in 1965.

It's hard to see just who has done the conquering here, with Lester Maddox, John Bell Williams, Strom Thurmond, and all the others still doing pretty well in the provinces, and George Wallace carrying five of them last fall.

Charles Evers did win the mayor's office in Fayette, Miss. (Pop. 1,626), but that hardly makes him King on the Hill.

The Nixon administration is having its own difficulties with the Voting Rights Act. Atty. Gen. Mitchell five times postponed scheduled appearances before the Congress to testify. Finally, he came up with a recommendation to ban literacy tests nationwide, and to create a National Voting Advisory Commission to examine vote frauds, whether racial or just crooked.

At first glance, it sounds like the Nixon team finally figured out something fairly reasonable to say, notwithstanding its delay and its heavy debt to Strom.

They made no recommendations, however, for additional staffing, notwithstanding the present number of examiners would be responsible for 43 additional states, as well as continuing in the Deep South.

But mainly, the whole package doesn't make any sense, because there is no sense of having examiners except where they are. Hence, the Mitchell plan could take them away from where they are needed and send them to where they are plainly useless.

And the Voting Advisory Commission? Odds are very heavy that the first stop would be Cook County, Ill. (Republicans have never understood that a massive Democratic majority is not necessarily equivalent to massive Democratic corruption).

In the meantime, a few facts might serve:

Last summer Negro registration, "provinces"-wide was 1,617,000, or 57 per cent of those eligible by age to vote—up from 877,000 or 30.9 per cent, before passage of the act.

Mississippi in 1965 had 8.3 per cent of age-eligible blacks on voting rolls; now it has 59.4 per cent.

Georgia, by contrast, had 41.4 per cent in 1965, and is now up to 56.1 per cent. Three counties only in Georgia have had federal examiners—Terrell, Lee, and Screven—contrary to popular idea that every milita district is overrun with federal agents.

The 1965 act is the only real success in a hundred years of civil rights legislation, including specific voting rights legislation in 1957 and 1960. That's because it does what needs to be done where it needs to be done.

Anyway, whats wrong with letting people vote?

DEMOCRACY IN ACTION

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. SCHWENGEL. Mr. Speaker, I recently received a copy of a letter written by a high school student in my district, Mr. David Sallen, to President Nixon. It seems to me that one of the most effective methods of developing the interest of our young people in government is to encourage them to communicate their views to our elected officials. Thus it is with a view to encouraging young people such as Mr. Sallen that I insert his letter in the Record:

FORT MADISON, IOWA.

DEAR PRESIDENT NIXON: I am a great admirer of the Presidency. When you became President, a great honor was bestowed upon you and just as equally you received a great responsibility. A year ago I prayed for a good and honorable successor to President Johnson. Up to now you have fulfilled our country's hopes. You have added respect to our nation. You have traveled far and wide for the sake of peace between men as illustrated in your journeys to Europe and the Pacific. You have done many needs for peace, but I ask that you do one more: Please, President

Nixon, end the war in Viet-Nam very, very soon. Today is Sunday, July 20, 1969, and three brave men are landing on the moon. Also in far off Southeast Asia, today is another dark Sunday, the beginning of another dark week in which over two hundred brave young men—Americans who have almost their whole life ahead of them—will die and be sent home to be buried by their parents and friends. *Why? Why*, Mr. President, must this happen? It isn't fair to let these boys die!

Many young men such as myself who are in their middle teens must risk their future. We can not decide when we want to go to college for we have no choice—it's either to college or to the armed forces immediately after high school graduation.

I trust, Mr. President, that you will end the war quickly, for it is causing many tragedies and much anguish.

May God bless you.

Sincerely yours,

DAVID URBAN SALLEN.

PRESERVING OUR NATION'S WILDERNESS AREAS

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. SAYLOR. Mr. Speaker, this Nation has a duty and responsibility to the unborn generations of Americans to preserve and protect the wilderness areas which, unless protected, will disappear in exact proportion to the demand for land or the services that can be gleaned from such areas.

To protect America's wilderness areas, we need a new kind of commitment to conquest. We need to conquer our insatiable American appetite to bend, fold, and mutilate every conceivable natural resource for the transitory satiation of a physical or material desire. Who would put a price tag on the stillness of a forest? What is the economic demand for the feel of a forest breeze? Who will give us a cost analysis of the sun streaming through the trees at dawn? Who dares to quantify the sights, smells, and sounds of the wilderness? Poets and artists have perhaps captured the essence of this natural American heritage but it is up to the Congress to make sure that that which has been glorified in art and literature is not physically lost or destroyed.

One may say that the person who challenges nature on its own terms is merely acting but one more characteristic chapter in the American psychological and physical struggle to best the elements, but my own view is that he is seeking something more profound, and that is, an appreciation of the wonders of the land beheld without benefit of contrivance or convenience. Perhaps it is a seeking for a spiritual renewal; certainly, there is a need for such renewal. Consider for yourself the difference between seeing a doe dart away from a busy highway in our national parks and walking upon a doe drinking from a stream in the depths of a forest where the only sound is that made by the rustle of underbrush against your legs. There is no comparison. One estimate shows that over a million people a year seek the comfort of roughing it in the Nation's wilderness areas—only in our wilderness areas can they hope to find that physical and mental change of pace which produces spiritual renewal.

According to the Forest Service, the number of people using our wilderness areas each year is increasing faster than those persons who use our national park and recreation areas. We must provide for that increasing number and that means a commitment to purchase and otherwise protect the areas. In a tight budget year, there is always a necessity to search extra hard for Federal programs to cut back; there are obvious areas ripe for such pruning, but it is my hope that the Congress will consider the future of our wilderness areas as a "top priority" item in any budget considerations.

One of the best explanations of one of the reasons why we need to increase and protect the Nation's wilderness areas was recently published in the Wall Street Journal. The article "The Call of the Wild," is convincing on our duty toward wilderness areas; it may even suggest to our colleagues a type of vacation which I have found to be the most restful and fulfilling possible. The article follows:

THE CALL OF THE WILD: MANY AMERICANS, TIRED OF CROWDS AND CITIES, VACATION IN WILDERNESS—PERILS, INCLUDING MOSQUITOES, DON'T DISCOURAGE CAMPERS; U.S. MAY ADD MORE SITES—A GUIDE CATCHES THE MEASLES

(By Richard D. James)

ELY, MINN.—When the Ken Ropers of Springfield, Va., said they wanted to get away from it all, they really meant it. A few weeks ago, they gathered their two daughters, loaded tents, sleeping bags, air mattresses and other camping gear into their station wagon and drove 1,200 miles to this north woods town of 5,000. Then they transferred everything to a 17-foot canoe and paddled off to spend five days in a roadless wilderness known as the Boundary Waters Canoe Area. It comprises 1,100 square miles on the Canadian border.

"We've camped for 16 years and in nearly all the national parks," says Mr. Roper, a lieutenant colonel in the Army Corps of Engineers. "But lately they're getting so crowded it's like being in downtown Washington, D.C. So we decided to head for the back country." He swings an arm out to indicate the uninhabited miles of spruce, jack pine, lakes and rivers about him. "This really gives me a sense of freedom."

The Ropers aren't the only ones responding to the call of the wild these days. Increasing urbanization is prompting more and more people to get away from it all during vacations, and with national parks and other popular areas filled to overflowing they're increasingly turning to the country's last remaining wildernesses—15,000 square miles of land in 14 states that have been set aside and preserved in their primeval state by the Federal Government. The 58 areas, mainly in the West, are accessible only on foot or horseback or by canoe.

COMPETING WITH MOTHER NATURE

"There's been a dramatic increase in the use of these areas, especially in the past four or five years, and we don't see any leveling off," says Ray Karr, head of the U.S. Forest Service branch that administers the land. The Forest Service is considering adding 30 other sites, totaling 7,000 square miles, to the system.

The Forest Service says an estimated 1.2 million people will visit U.S. wildernesses this year, about double the number of five years ago. The total is still far below the 45 million people expected to trek to the nation's 35 national parks, but the number of wilderness users is rising twice as fast as the number of park visitors.

The areas attract people for many reasons, besides the urge to get away from noisy neighbors and crowded cities. "There's something very satisfying about competing with Mother Nature," says Mrs. Marjorie Steurt, an 81-year-old retired school teacher from Hemet, Calif., who has taken three wilderness trips. Rosalind Cartwright, a University of Illinois psychologist, says, "In the wilderness, people have to do everything for themselves, and they get great satisfaction from doing very simple things, like cooking a meal."

She adds: "There's no place in the wilderness for a computer."

RAVES AND BITES

Whatever the reasons—Nebraska meat wholesaler Stanley Sands says wilderness vacations strengthen family ties with "a camaraderie you can't get anywhere else"—most of the people who journey to the wildernesses come back with nothing but raves (and mosquito bites). But, they warn, the wilderness is no place for people who don't like roughing it.

Not only are there no roads, but no stores to supply food or other necessities, no bathrooms—not even outhouses—no tables, no cooking grates and no wells. Campers must build their own fireplaces from whatever rocks are handy. Streams and lakes supply the drinking, cooking and bathing water.

Like the Ropers of Virginia, most wilderness visitors travel in small family parties, but growing interest has led conservation groups to organize larger wilderness trips. This year, for instance, more than 800 persons will take trips in groups of about 30 sponsored by the American Forestry Association, a private group. For a close look at what it's like in the wilderness, join the group for part of its 10-day trip into the Boundary Waters area here, the most heavily used of all U.S. wilderness areas.

IN HISTORY'S STEPS

The 29-member party, including four guides and six women (the 81-year-old Mrs. Steurt among them), leaves from Fall Lake, 10 miles northeast of Ely, early on a Tuesday morning. Three motor launches hired from outfitter Jon Waters quickly carry the group, its packs and canoes 2 miles into the interior to a jumping-off spot just above Upper Basswood Falls on the Basswood River. The river marks the Canadian boundary at this point, and in the 17th, 18th and early 19th centuries it was a major highway for French voyageurs, who paddled birchbark canoes laden with beaver, mink, and ermine pelts.

Besides the launches and the guides, the outfitter has supplied sleeping bags, packs for personal belongings and all the equipment and food for the 10 days. (The guides do all the cooking.) The cost to each person: $280. (For a smaller group, the charge for complete outfitting is $9 per person per day, plus $25 a day if they want a guide. Most small groups don't take a guide.)

At times, wilderness travel is grueling work, and visitors on this trip get their first taste of it at Upper Basswood. This is the first of the day's six portages, and more than 3,500 pounds of gear and food must be shouldered for about 300 yards. Each of the 12 canoes is carried by one man, and for a novice to swing this awkward 80-pound load over his head takes considerable grunting and staggering about. The yokes of the canoes, even though padded, chafe the shoulders. Besides the canoes, 65 packs, averaging 40 pounds each, wait to be portaged. The women carry their own; most men lug two at a time, and some have to make more than one trip.

Leather shoulder straps on the packs bite into tender muscles. Adding to the adventure is the fact that recent rains have made the portage slippery with mud.

At such points, wilderness campers quickly learn to appreciate little things taken for granted in more everyday settings—for instance, the delicious taste of a bologna and cheese sandwich washed down with grape Kool-Aid that is served for lunch following the first portage.

Dr. Earl B. Thompson, a physician from Silver Spring, Md., who has visited four wilderness areas, recalls that for him a highlight of a horseback trip into a Montana wilderness last year occurred after four hot, dusty days on the trail when "the trip director dug down to the bottom of his pack and handed me a can of beer. It was the most beautiful sight in the world."

SQUISH, SQUISH, SQUISH

After lunch, the party pushes on. At one point, because the river is low, it's necessary to get out of the canoes and pull them over barely submerged rocks. Boots fill with icy water, and on the next portage the canoeists plod along the trail to a rhythmic squish, squish, squish.

"If you're worried about getting your feet wet, you won't have any fun on this trip," advises Erik Evenson, an 18-year-old guide from Northfield, Minn., (which despite its name is in southern Minnesota).

Further downstream comes a warning that the wilderness is no place for carelessness. Three men in one canoe have failed to paddle far enough upstream above a rapids, and the current sweeps them sideways to the lip of the rapids and onto a rock, where the canoe sticks. None is wearing a life jacket, contrary to instructions. Guides shout at them to put on the jackets, which they do. Finally, after what seems like a long time, they break free and paddle furiously to reach the river bank.

Later, chief guide Bob Hayes, a former Canadian forest ranger, tells of the danger the men were in. "If the canoe had capsized, the rapids are so deep and fast at that point that the men would have stood little chance of getting out alive." He mentions that earlier this year a Nebraska physician drowned in the same area when his aluminum canoe was torn in two by the rolling water and rocks.

There are no statistics on the number of people killed or injured on wilderness trips in the U.S. but danger is never far away. On this trip, for instance, one camper slashed his thumb badly with an ax on his first day out.

A BAD PLACE FOR THE MEASLES

This group is accompanied by a San Francisco heart surgeon, Dr. Howard Denbo Jr., who received a free trip in return for being on hand to treat any medical emergencies. If someone needs to be evacuated, he has been instructed to build a smudge fire that, it is hoped, would be seen by a ranger in a watch tower. Even so, it would still take a day to get a pontoon airplane into the area.

Erik Evenson, the young guide, says that last year he caught the measles on one excursion. No plane came, so he had to be taken out by canoe, a 40-mile trip that required 17 hours of nonstop paddling.

Wild game of all types abounds in wilderness areas, and visitors frequently encounter it. Gathering fire wood one evening, one woman on this trip stumbled onto a doe feeding in a clearing. "We looked at each other for a minute, both very wide-eyed," she says. "Then her snow-white tail fanned out and she bounded off. She was beautiful."

Not all encounters are so pleasant. Robert Duboc, a Kansas City, Mo., lawyer, recalls that several years ago he and his family were camped on an island when a man paddled by and warned them that a bear was working its way down the shore toward them. "We figured he smelled the food, so we rigged the food pack on a rope 50 feet up in a tree where he couldn't get it and kept it there for the three days we stayed," Mr. Duboc recalls. "We never did see the bear, but getting something to eat was sure a nuisance."

BEARS AND MOSQUITOES

To insure against bears raiding the food on this trip, two or three canoes were lashed down on the top of the food packs each evening. "That wouldn't keep a 500-pound black bear out," says Mr. Hayes, the chief guide, "but he'd make enough noise to wake us so we could scare him off."

But the only wildlife that anybody has to battle on this trip is mosquitoes, which in upper Minnesota seem to approach the size of eagles. On this trip, canoeists quickly learn to swat the pests without even breaking the rhythm of their paddling. A supply of repellent is as essential as a compass, and one family of three consumed a $6 supply in four days.

The compass is necessary, too. In areas as trackless as the Boundary Waters wilderness, getting lost is always a threat, and even the guides carry maps and compasses. Sometimes, even the guides get lost. Mr. Sands, the Nebraska meat wholesaler, says that he and 20 other people, including a guide, were lost overnight last year in a wilderness in northern Colorado.

"We were in an area of downed timber, and every direction we went looked the same," he says. The men with the pack horses had taken a different route, and so the group had no tents or food except bullion cubes. "We rationed those out every four hours and spent the night around a big fire. It got pretty cold."

Finally, the next morning the group was found by a search party organized by wranglers accompanying the horses. "There was no panic. Everybody was very philosophical about the experience," says Mr. Sands. "My boys thought it was great. They'd like to get lost on every trip."

U.S. EDUCATION COMMISSIONER JAMES E. ALLEN URGES INCREASED ATTENTION TO APPLICATION OF EDUCATIONAL RESEARCH

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. BRADEMAS. Mr. Speaker, on July 17, 1969, the distinguished Assistant Secretary of Health, Education, and Welfare for Education and Commissioner of Education, the Honorable James E. Allen, Jr., delivered a significant address at the Conference on American Education sponsored by the National Network of Regional Educational Laboratories here in Washington, D.C. Of particular interest in the Commissioner's remarks were his discussions of the need for practical application of the results of educational research.

Mr. Speaker, at this point I insert the text of Mr. Allen's address in the RECORD:

STRENGTHENING EDUCATIONAL RESEARCH AND DEVELOPMENT

(Remarks by James E. Allen, Jr.)

It is a privilege to be with you today to share in your conference. This gathering has tremendous potential for the future development of American education, for as key figures in Government, industry and the academic community and as leaders in educational research and development, you can provide powerful leverage for raising the quality of our instructional system.

There is no need for me to give a sales talk to this group on the importance of research and development in the field of education. Although traditional ways and methods still persist, and although there is still resistance to change, the winds of change in education have never blown so strongly as they now do. It is obvious that if all this movement is not to result in a shaking up that settles back into a mere rearrangement of the old, or in a "change for change's sake" approach that may or may not produce constructive results, the research and development activities throughout the Nation are going to have to be strengthened.

The approach that may be most helpful in securing the degree and quality of research we know to be necessary is to consider the question of why, in a situation, every aspect of which emphasizes the importance of a vigorous, widespread program of research and development, do we not yet have it.

This is not to disparage the progress attained in educational research and development. Measured against the past, the progress has been tremendous, but placed in the perspective of the future, it is too little and too slow.

LACK OF SUPPORT FOR RESEARCH

The basic reason is lack of support—the support of sufficient money and the support of philosophical commitment. This answer, of course, only produces the further question of why have we not been able to secure the necessary support?—and this brings us, as the young people say, down to the "nitty-gritty".

In all frankness, we must acknowledge that a major cause for the difficulty in securing support for research and development is that our efforts thus far have not produced convincing results. Whether the judgment be fair or not, too many of those who play a part in determining the support for research and development in the field of education are not sufficiently sold on its value to give it full and enthusiastic backing.

There is, of course, something of the vicious circle here—more support would produce better results which would bring more support—and around we go. But a waiting game of this sort cannot answer the urgencies of our educational needs. We must in some manner produce the convincing results that will build an active constituency for a much larger program of research and development.

NEED FOR APPLIED RESEARCH

Since Sputnik and the National Defense Education Act, legislation at both the State and Federal levels has, in varying degrees, emphasized research. This emphasis has produced some exciting programs but despite vigorous efforts of such groups as the National Network of Regional Educational Laboratories, the Research and Development Centers and other formal efforts, their application has been severely limited and their effect almost obscured in the "business-as-usual" atmosphere that exists in too many of our schools.

A recent national survey of school practices and attitudes, asking school administrators and their staffs to identify recent educational research and development results or products that have had or will have widespread influence on school practices throughout the Nation, found two-thirds of the respondents unable to identify even one such advance. The vast majority of school systems surveyed had had no experience with nongraded sequences, programmed instruction, modular scheduling, instructional television, or team teaching—all of which are now familiar, well-tried parts of instructional practice.

It would seem that much of what we have so laboriously learned about educational theory and practice has been—to say the least—underadvertised, poorly packaged, and thinly distributed.

Thus, our first goal must be to get the good, new ideas and practices into use—and get them there quickly.

A TARGETED APPROACH

Equally important in producing convincing results is to bring research and development from the periphery of educational endeavor into the heart of it, where it belongs. In both the facilities and personnel of research and development programs there has been a tendency to make do or adapt rather than to seek the specialized and targeted approach that will know how to ask those questions about our schools that will reveal the basically important needs and then proceed to find the answers. This kind of approach, as it produces research that can stand clearly and convincingly as a foundation for educational change, will help to dispel the criticism of those who see research as too much involved with the latest technological fad or whim of the moment.

SHARPENING EVALUATION TECHNIQUES

Of great importance also to building a constituency for research is the sharpening of our evaluation techniques. Here education suffers, for so much of its good is immeasurable. But though difficult, evaluation is certainly not impossible and the educational community must be willing to cooperate in both creating and using procedures that will demonstrate the usefulness of new methods and programs.

Concentrating our efforts on dissemination, improvement of research techniques and practices, and evaluation, we can build a constituency for research that will give us the increased support so desperately needed.

I know that the adjective "desperate" has been so over-used as to somewhat diminish its effect, but in speaking of the need for educational research its full meaning is certainly justified. The broader concepts of education's purpose that are shaping our efforts today are creating problems so new and different that past experience alone can no longer be a reliable guide.

NEW STEPS AT THE OFFICE OF EDUCATION

In saying these things to you, I am also saying them to myself, for in assuming the Office of Commissioner of Education and Assistant Secretary, I do not envision my task as merely administering a collection of programs in a status quo fashion. Rather, I see the future of the Office of Education and the whole scope of Federal educational involvement as being dedicated to a strong advocacy for relevance and change, and to the development of a nationwide strategy for the improvement of every level of our educational enterprise.

Since I believe that such advocacy and such a strategy are dependent in the most fundamental way on research and development, I have been considering how this program of the Office of Education could be more effective both in its specialized function and as an agent for gathering increased support for the whole effort of educational research and development throughout the Nation.

A study has been made of the organizational structure of the Office of Education and the Office of the Assistant Secretary for Education to determine how we might synthesize our efforts to achieve greater impact on current instructional practice and assure improvements in the future.

Out of this study has come a decision to make certain organizational changes designed to enhance our internal operations and to broaden the Office of Education's capacity for stimulating constructive innovations and the application of those innovations in our schools and colleges.

The planning, research, and evaluation units within the Office of Education will be consolidated into a single unit under the newly established position of Deputy Assistant Secretary for Educational Planning, Research, and Evaluation. This new enterprise will bring together the Bureau of Research, the Office of Program Planning and Evaluation, and the National Center for Educational Statistics. To these activities will be added—sometime in the near future—a special dissemination unit that will focus on transmitting information about new educational materials and practices.

The new Deputy Assistant Secretary will report directly to me and will have the basic responsibility of making the Office of Education a strong advocate of change and relevance in education. Pending announcement of the appointment to this newly instituted position, I have asked Dr. James J. Gallagher, Associate Commissioner in charge of our Bureau of Education for the Handicapped, to take on the responsibility of organizing the new Planning, Research, and Evaluation activity.

Thus organized, the research and development program of the Office of Education will be, I hope, the source and inspiration of Federal action that will encourage research and development by supporting projects that are focused on immediate, urgent educational needs, by participating in efforts to increase consumer confidence in the value of and need for strengthening research and development, and by seeking greater financial support.

THE FUTURE

Despite the discouragement of the stubborn persistence of the statistic which shows less than one percent of the educational dollar being spent on research and research-related activities, I believe that optimism is justified. Strong, almost irresistible forces for change are at work and if we can combine the strength of these forces with the strength of a revitalized and broadly applied program of research and development, we will see that percentage figure rise to a more appropriate and realistic level.

In conclusion, let me assure you that the Office of Education will be concentrating on the strengthening of not only its own program of research and development but also on the cooperative nationwide effort that will remove those restrictions and conditions in research and development which are now forcing us to face the question I earlier posed: Why, in a situation, every aspect of which emphasizes the importance of a vigorous, widespread research and development program, we do not yet have it?

MILITARY TECHNOLOGY AND NATIONAL SECURITY

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. RYAN. Mr. Speaker, during the current session of Congress, both the House and the other body have begun to take a hard look at many aspects of the military complex. The administration's proposed Safeguard anti-ballistic-missile system was subjected to considerable debate and scrutiny in the other body, as were other Pentagon programs.

In the House many Members, including myself, have raised serious questions about the nature of and need for chemical and biological warfare research. As a result of these questions, and the growing public concern about the continuation of chemical biological warfare research, the Senate Armed Services Committee deleted the Pentagon's request for research and development funds for fiscal year 1970 for chemical and biological warfare.

While Congress has not yet succeeded in reducing the military budget and bringing the military under strict control, the new attitude of critical evaluation of Pentagon programs evident in Congress is an encouraging sign. For I believe that, when Congress takes a thorough and hard look at the military budget, it will discover numerous areas in which large reductions can be made.

Beyond the examination of individual military programs which must go on, however, Congress must also examine the foundations upon which our present national security system is built. In the last decade we have spent billions on new weapons systems. And yet today, we are seemingly no more secure than we were in 1960. Will we spend billions more in the next decade on still more weapons systems and hardware in the notion that more arms will lead to more security? Or will we instead concentrate our energies on seeking out ways of deescalating the arms race and diminishing the international tensions and conflicts that might lead one country to make use of its nuclear arsenal?

As has been pointed out forcefully by several observers, national security involves more than the assurance that our weapons and arms technology are constantly proliferating. It involves also the strength of our society here at home, the ability of government at the local, State and Federal level to cope with pressing social and economic problems, and the morale of our people. In short, all the weapons systems in the world will not increase our security if the state of our society here at home is not secure.

The dilemma of growing military power and steadily decreasing national security has been discussed with especial perception in a recent article by Herbert F. York, the former director of defense research and engineering in the office of the Secretary of Defense, which appeared in the August 1969, issue of Scientific American. The perspective Dr. York's article treats such proposals as the Safeguard anti-ballistic-missile system, including his analysis of the efforts of the Pentagon to impose technical solutions on political problems, should be given careful attention by those concerned with evaluating our present national security system.

The article follows:

MILITARY TECHNOLOGY AND NATIONAL SECURITY

(By Herbert F. York)

The recent public hearings in the Senate and the House of Representatives on anti-ballistic-missile (ABM) systems have provided an unprecedented opportunity to expose to the people of this country and the world the inner workings of one of the dominant features of our time: the strategic arms race. Testimony has been given by a wide range of witnesses concerning the development and deployment of all kinds of offensive and defensive nuclear weapons; particular attention has been paid to the interaction between decisions in these matters and the dynamics of the arms race as a whole.

In my view the ABM issue is only a detail in a much larger problem: the feasibility of a purely technological approach to national security. What makes the ABM debate so important is that for the first time it has been possible to discuss a major aspect of this larger problem entirely in public. The reason for this is that nearly all the relevant facts about the proposed ABM systems either are already declassified or can easily be deduced from logical concepts that have never been classified. Thus it has been possible to consider in a particular case such questions as the following:

1. To what extent is the increasing complexity of modern weapons systems and the need for instant response causing strategic decision-making authority to pass from high political levels to low military-command levels, and from human beings to machines?

2. To what extent is the factor of secrecy combined with complexity leading to a steadily increasing dominance of military-oriented technicians in some vital areas of decision-making?

3. To what extent do increasing numbers of weapons and increasing complexity—in and of themselves—complicate and accelerate the arms race?

My own conclusion is that the ABM issue constitutes a particularly clear example of the futility of searching for technical solutions to what is essentially a political problem, namely the problem of national security. In support of this conclusion I propose in this article to review the recent history of the strategic arms race, to evaluate what the recent hearings and other public discussions have revealed about its present status and future prospects, and then to suggest what might be done now to deal with the problem of national security in a more rational manner.

The strategic arms race in its present form is a comparatively recent phenomenon. It began in the early 1950's, when it became evident that the state of the art in nuclear weaponry, rocket propulsion and missile guidance and control had reached the point in the U.S. where a strategically useful intercontinental ballistic missile (ICBM) could be built. At about the same time the fact that a major long-range-missile development program was in progress in the U.S.S.R. was confirmed. As a result of the confluence of these two events the tremendous U.S. long-range-missile program, which dominated the technological scene for more than a decade, was undertaken. The Air Force's Thor, Atlas and Titan programs and the Army's Jupiter program were started almost simultaneously; the Navy's Polaris program and the Air Force's Minuteman program were phased in just a few years later.

More or less at the same time the Army, which had had the responsibility for ground-based air defense (including the Nike Ajax and Nike Hercules surface-to-air missiles, or SAM's), began to study the problem of how to intercept ICBM's, and soon afterward initiated the Nike Zeus program. This program was a straightforward attempt to use existing technology in the design of a nuclear-armed rocket for the purpose of intercepting an uncomplicated incoming warhead. The Air Force proposed more exotic solutions to the missile-defense problem, but these were subsequently absorbed into the Defender Program of the Department of Defense's Advanced Research Projects Agency (ARPA). The Defender Program included the study of designs more advanced than Nike Zeus, and it also incorporated a program of down-range measurements designed to find out what did in fact go on during the terminal phases of missile flight.

By 1960 indications that the Russians were taking the ABM prospect seriously, in addition to progress in our own Nike Zeus program, stimulated our offensive-missile designers into seriously studying the problem of how to penetrate missile defenses. Very quickly a host of "penetration aid" concepts came to light: light and heavy decoys, including balloons, tank fragments and objects resembling children's jacks; electronic countermeasures, including radar-reflecting clouds of the small wires called chaff; radar blackout by means of high-altitude nuclear explosions; tactics such as barrage, local exhaustion and "rollback" of the defense, and, most important insofar as the then unforeseen consequences were concerned, the notion of putting more than one warhead on one launch vehicle. At first this notion simply involved a "shotgun" technique, good only against large-area targets (cities), but it soon developed into what we now call MIRV's (multiple independently targeted reentry vehicles), which can in principle (and soon in practice) be used against smaller, harder targets such as missile silos, radars and command centers.

This avalanche of concepts forced the ABM designers to go back to the drawing board, and as a result the Nike-X concept was born in 1962. The Nike-X designers attempted to make use of more sophisticated and up-to-date technology in the design of a system that they hoped might be able to cope with a large, sophisticated attack. All through the mid-1960's a vigorous battle of defensive concepts and designs versus offensive concepts and designs took place. This battle was waged partly on the Pacific Missile Range but mostly on paper and in committee meetings. It took place generally in secret, although parts of it have been discussed in earlier articles in this magazine [see "National Security and the Nuclear-Test Ban," by Jerome B. Wiesner and Herbert F. York, October, 1964; "Anti-Ballistic-Missile Systems," by Richard L. Garwin and Hans A. Bethe, March, 1968; "The Dynamics of the Arms Race," by George W. Rathjens, April, 1969].

This intellectual battle culminated in a meeting that took place in the White House in January, 1967. In addition to President Johnson, Secretary of Defense Robert S. McNamara and the Joint Chiefs of Staff there were present all past and current Special Assistants to the President for Science and Technology (James R. Killian, Jr., George B. Kistakowsky, Jerome B. Wiesner and Donald F. Hornig) and all past and current Directors of Defense Research and Engineering (Harold Brown, John S. Foster, Jr., and myself). We were asked that simple kind of question which must be answered after all the complicated ifs, ands and buts have been discussed: "Will it work?" The answer was no, and there was no dissent from that answer. The context, of course, was the Russian threat as it was then interpreted and forecast, and the current and projected state of our own ABM technology.

Later that year Secretary McNamara gave his famous San Francisco speech in which he reiterated his belief that we could not build an ABM system capable of protecting us from destruction in the event of a Russian attack. For the first time, however, he stated that he did believe we could build an ABM system able to cope with a hypothetical Chinese missile attack, which by definition would be "light" and uncomplicated. In recommending that we go ahead with a program to build what came to be known as the Sentinel system, he said that "there are *marginal* grounds for concluding that a light deployment of U.S. ABM's against this possibility is prudent." A few sentences later, however, he warned: "The danger in deploying this relatively light and reliable Chinese-oriented ABM system is going to be that pressures will develop to expand it into a heavy Soviet-oriented ABM system." The record makes it clear that he was quite right in this prediction.

Meanwhile the U.S.S.R. was going ahead with its own ABM program. The Russian program proceeded by fits and starts, and our understanding of it was, as might be supposed in such a situation, even more erratic. It is now generally agreed that the only ABM system the Russians have deployed is an area defense around Moscow much like our old Nike Zeus system. It appears to have virtually no capability against our offense, and it has been, as we shall see below, extremely counter-productive insofar as its goal of defending Moscow is concerned.

Development and deployment of offensive-weapons systems on both sides progressed rapidly during the 1960's, but rather than discuss these historically I shall go directly to the picture that the Administration has given of the present status and future projection of such forces.

Data recently presented by the Department of Defense show that the U.S. and the U.S.S.R. are about even in numbers of intercontinental missiles, and that the U.S. is ahead in both long-range aircraft and submarines of the Polaris type [*see illustration on this page*]. The small Russian missiles are mostly what we call SS–11's, which were described in the hearings as being roughly the equivalent of our Minutemen. The large Russian missile is what we call the SS–9. Deputy Secretary of Defense David Packard characterized its capability as one 20-megaton warhead or three five-megaton warheads. Our own missiles are almost entirely the smaller Minutemen. There currently remain only 54 of the larger Titans in our strategic forces. Not covered in the table are "extras" such as the U.S.S.R.'s FOBS (fractional orbital bombardment system) and IRBM's (intermediate-range ballistic missiles), nor the U.S.'s bombardment aircraft deployed on carriers and overseas bases in Europe and elsewhere. There are of course, many important details that do not come out clearly in such a simple tabular presentation; these include payload capacity, warhead yield, number of warheads per missile and, often the most important, warhead accuracy.

In the area of defensive systems designed to cope with the offensive systems outlined above, both the U.S. and the U.S.S.R. have defenses against bombers that would probably be adequate against a prolonged attack using chemical explosives (where 10 percent attrition is enough) and almost certainly inadequate against a nuclear attack (where 10 percent penetration is enough). In addition the U.S.S.R. has its ineffective ABM deployment around Moscow, usually estimated as consisting of fewer than 100 antimissile missiles.

What all these complicated details add up to can be expressed in a single word: parity. This is clearly not numerical equality in the number of warheads or in the number of megatons or in the total "throw weight"; in fact, given different design approaches on the two sides, simultaneous equality in these three figures is entirely impossible. It is, rather, parity with respect to strategic objectives; that is, in each case these forces are easily sufficient for deterrence and entirely insufficient for a successful preemptive strike. In the jargon of strategic studies either side would retain, after a massive "first strike" by the other, a sufficiently large "assured destruction capability" against the other in order to deter such a first strike being made.

There is much argument about exactly what it takes in the way of "assured destruction capability" in order to deter, but even the most conservative strategic planners conclude that the threat of only a few hundred warheads exploding over population and industrial centers would be sufficient for the purpose. The large growing disparity between the number of warheads needed for the purpose and the number actually possessed by each side is what leads to the concept of "overkill." If present trends continue, in the future all or most missiles will be MIRVed, and so this overkill will be increased by perhaps another order of magnitude.

Here let me note that it is sometimes argued that there is a disparity in the present situation because Russian missile warheads are said to be bigger than U.S. warheads, both in weight and megatonnage; similarly, it is argued that MIRVing does not increase overkill because total yield is reduced in going from single to multiple warheads. This argument is based on the false notion that the individual MIRV warheads of the future will be "small" when measured against the purpose assigned to them. Against large, "soft" targets such as cities bombs *very much* smaller than those that could be used as components of MIRV's are (and in the case of Hiroshima were proved to be) entirely adequate for destroying the heart of a city and killing hundreds of thousands of people. Furthermore, in the case of small, "hard" targets such as missile silos, command posts and other military installations, having explosions bigger than those for which the "kill," or crater, radius slightly exceeds "circular error probable" (CEP) adds little to the probability of destroying such targets. Crater radius depends roughly on the cube root of the explosive power; consequently, if during the period when technology allows us to go from one to 10 warheads per missile it also allows us to improve accuracy by a little more than twofold, the "kill" per warhead will remain nearly the same in most cases, whereas the number of warheads increases tenfold.

In any case, it is fair to say that in spite of a number of such arguments about details, nearly everyone who testified at the ABM hearings agreed that the present situation is one in which each side possesses forces adequate to deter the other. In short, we now have parity in the only sense that ultimately counts.

Several forecasts have been made of what the strategic-weapons situation will be in the mid-1970's. In most respects here again there is quite general agreement. Part of the presentation by Deputy Secretary Packard to the Senate Foreign Relations Committee on March 26 were two graphs showing the trends in numbers of deployed offensive missiles beginning in 1965 and extending to 1975 [*see illustrations on page 19*]. There is no serious debate about the basic features of these graphs. It is agreed by all that in the recent past the U.S. has been far ahead of the U.S.S.R. in all areas, and that the Russians began a rapid deployment program a few years ago that will bring them even with us in ICBM's quite soon and that, if extended ahead without any slowdown, would bring them even in submarine-launched ballistic missiles (SLBM's) sometime between 1971 and 1977.

One important factor that the Department omitted from its graphs is MIRV. Deployment plans for MIRV's have not been released by either the U.S. or the U.S.S.R., although various rough projections were made at the hearings about numbers of warheads per vehicle (three to 10), about accuracies (figures around half a mile were often mentioned, and it was implied that U.S. accuracies were better than Russian ones) and about development status (the U.S. was said to be ahead in developments in this field). A pair of charts emphasizing the impact of MIRV was prepared by the staff of the Senate Foreign Relations Committee.

One could argue with both of these sets of charts. For example, one might wonder why the Senate charts show so few warheads on the Russian Polaris-type submarine and why they show only three MIRV's on U.S. Minutemen; on the other hand, one might wonder whether the Department of Defense's projected buildup of the Russian Polaris fleet could be that fast, or whether one should count the older Russian missile submarines. Nonetheless, the general picture presented cannot be far wrong. Moreover, the central arguments pursued throughout the ABM hearings (in both the Senate Foreign Relations Committee hearings in March and the Senate Armed Services Committee hearings in April) were not primarily concerned with these numerical matters. Rather, they were concerned with (1) Secretary of Defense Melvin R. Laird's interpretation of these numbers insofar as Russian *initiatives* were concerned, (2) the validity of the Safeguard ABM system as a response to the purported strategic problems of the 1970's and (3) the arms-race implications of Safeguard.

As for the matter of intentions, those favoring the ABM concept generally held that the only "rational" explanation of the Russians' recent SS-9 buildup, coupled with their multiple-warhead development program and the Moscow ABM system, was that they were aiming for a first-strike capability. One must admit that almost anything is conceivable as far as intentions are concerned, but there certainly are simpler, and it seems to me much more likely, explanations. The simplest of all is contained in Deputy Secretary Packard's chart. The most surprising feature of this chart is the fact that the Russians were evidently satisfied with being such a poor second for such a long time. This is made more puzzling by the fact that all during this period U.S. defense officials found it necessary to boast about how far ahead we were in order to be able to resist internal pressures for still greater expansion of our offensive forces.

Another possible reason, and one that I believe added to the other in the minds of the Russian planners, was that their strategists concluded in the mid-1960's that, whatever the top officials here might say, certain elements would eventually succeed in getting a large-scale ABM system built, and that penetration-aid devices, including multiple warheads, would be needed to meet the challenge. Whether or not they were correct in this latter hypothetical analysis is still uncertain at this writing. Let us, however, pass on from this question of someone else's intentions and consider whether or not the proposed Safeguard ABM system is a valid, rational and necessary response to the Russian deployments and developments outlined above.

To many of those who have recently written favorably about ABM defenses or who have testified in their favor before the Congressional committees, Safeguard is supported mainly as a prototype of something else: a "thick" defense of the U.S. against a massive Russian missile attack. This is clearly not at all the rationale for the Safeguard decision as presented by President Nixon in his press conference of March 14, nor is it implied as more than a dividend in the defense secretaries' testimony. The President said that he wanted a system that would protect a *part* of our Minuteman force in order to increase the credibility of our deterrent, and that he had overruled moving in the direction of a massive city defense because "even starting with a thin system and then going to a heavy system tends to be more provocative in terms of making credible a first-strike capability against the Soviet Union. I want no provocation which might deter arms talks." The top civilian defense officials give this same rationale, although they put a little more emphasis on the "prototype" and "growth potential" aspects of the system. For simplicity and clarity I shall focus on the Administration's proposal, as stated in open session by responsible officials.

From a technical point of view and as far as components are concerned, President Nixon's Safeguard system of today is very little different from President Johnson's Sentinel system. There are only minor changes in the location of certain components (away from cities), and elements have been added to some of the radars so that they can now observe submarine-launched missiles coming from directions other than directly from the U.S.S.R. and China. As before, the system consists of a long-range interceptor carrying a large nuclear weapon (Spartan), a fast short-range interceptor carrying a small nuclear weapon (Sprint), two types of radar (perimeter acquisition radar, or PAR, and missile-site radar, or MSR), a computer for directing the battle, and a command and control system for integrating Safeguard with the national command. I shall not describe the equipment in detail at this point but pass on directly to what I believe can be concluded from the hearings and other public sources about each of the following four major questions: (1) Assuming that Safeguard could protect Minuteman, is it needed to protect our deterrent? (2) Assuming that Safeguard "works," can it in fact safeguard Minuteman? (3) Will it work? (4) Anyway, what harm can it do?

First: Assuming that Safeguard could protect Minuteman, is it needed to protect our deterrent?

Perhaps the clearest explanation of why the answer to this first question is "no" was given by Wolfgang K. H. Panofsky before the Senate Armed Services Committee on April 22. He described how the deterrent consists of three main components: Polaris submarines, bombers and land-based ICBM's. Each of these components alone is capable of delivering far more warheads than is actually needed for deterrence, and each is currently defended against surprise destruction in a quite different way. ICBM's are in hard silos and are numerous. Polarises are hidden in the seas. Bombers can be placed on various levels of alert and can be dispersed.

Since the warning time in the case of an ICBM attack is generally taken as being about 30 minutes, the people who believe the deterrent may be in serious danger usually imagine that the bombers are attacked by missile submarines, and therefore have only a 15-minute warning. This is important because a 30-minute warning gives the bombers ample time to get off the ground. In that case, however, an attack on all three components cannot be made simultaneously; that is, if the attacking weapons are launched simultaneously, they cannot arrive simultaneously, and vice versa.

Thus it is incredible that all three of our deterrent systems could become vulnerable in the same time period, and it is doubly incredible that we could not know this would happen without sufficient notice so that we could do something about it. There is, therefore, no basis for a frantic reaction to the hypothetical Russian threat to Minuteman. Still, it is sensible and prudent to begin thinking about the problem, and so we turn to the other questions. We must consider these questions in the technological framework of the mid-1970's, and we shall do this now in the way of defense officials currently seem to favor: by assuming that this is the best of all possible technological worlds, that everything works as intended and that direct extrapolations of current capabilities are valid.

Second: Assuming that Safeguard "works," can it in fact safeguard Minuteman?

One good approach to this problem is the one used by George W. Rathjens in his testimony before the Senate Armed Services Committee on April 23. His analysis took as a basis of calculation the implication in Secretary Laird's testimony that the Minuteman force may become seriously imperiled in the mid-1970's. Rathjens then estimated how many SS-9's would have to be deployed at that time in order to achieve this result. From this number, and the estimate of the current number of SS-9's deployed, he got a rate of deployment. He also had to make an assumption about how many Sprints and Spartans would be deployed at that time, and his estimates were based on the first phase of Safeguard deployment. These last numbers have not been released, but a range of reasonable values can be guessed from the cost estimates given. Assuming that the SS-9's would have four or five MIRV warheads each by that time, Rathjens found that by prolonging the SS-9 production program by a few months the Russians would be able to cope with Safeguard by simply exhausting it and would still have enough warheads left to imperil Minuteman, if that is indeed her intention.

The length of this short safe period does depend on the numbers used in the calculations, and they of course can be disputed to a degree. Thus if one assumes that it takes fewer Russian warheads to imperil Minuteman (it can't be less than one for one!), then the assumed deployment rate is lower and the safe period is lengthened; on the other hand, if one notes that the missile-site radars in our system are much softer than even today's silos, then the first attacking warheads, fired directly at the radars, can be smaller and less accurate, so that a higher degree of MIRVing can be used for attacking these radars and a shorter safe period results. To go further, it was suggested that the accuracy/yield combination of the more numerous SS–11's might be sufficient for attacking the missile-site radars, and therefore, if the Russians were to elect such an option, there would be no safe period at all. In short, the most that Safeguard can do is either delay somewhat the date when Minuteman would be imperiled or cause the attacker to build up his forces at a somewhat higher rate if indeed imperiling Minuteman by a fixed date is his purpose.

In the more general case this problem is often discussed in budgetary terms, and the "cost-exchange ratio" between offense and defense is computed for a wide variety of specific types of weapon. Such calculations give a wide variety of results, and there is much argument about them. However, even using current offense designs (that is, without MIRV), such calculations usually strongly favor the offense. This exchange ratio varies almost linearly with the degree of MIRVing of the offensive missiles, and therefore it seems to me that in the ideal technological future we have taken as our context this exchange ratio will still more strongly favor the offense.

Third: Will it work? By this question I mean: Will operational units be able to intercept enemy warheads accompanied by enemy penetration aids in an atmosphere of total astonishment and uncertainty? I do not mean: Will test equipment and test crews intercept U.S. warheads accompanied by U.S. penetration aids in a contrived atmosphere? A positive answer to the latter question is a necessary condition for obtaining a positive answer to the former, but it is by no stretch of the imagination a sufficient condition.

This basic question has been attacked from two quite different angles: by examining historical analogies and by examining the technical elements of the problem in detail. I shall touch on both here. Design-oriented people who consider this a purely technical question emphasize the second approach. I believe the question is by no means a purely technical question, and I suggest that the historical-analogy approach is more promising, albeit much more difficult to use correctly.

False analogies are common in this argument. We find that some say: "You can't tell me that if we can put a man on the moon we can't build an ABM." Others say: "That's what Oppenheimer told us about the hydrogen bomb." These two statements contain the same basic error. They are examples of successes in a contest between technology and nature, whereas the ABM issue involves a contest between two technologies: offensive weapons and penetration aids versus defensive weapons and discrimination techniques. These analogies would be more pertinent if, in the first case, someone were to jerk the moon away just before the astronauts landed, or if, in the second case, nature were to keep changing the nuclear-reaction probabilities all during the development of the hydrogen bomb and once again after it was deployed.

Proper historical analogies should involve modern high-technology defense systems that have actually been installed and used in combat. If one examines the record of such systems, one finds that they do often produce some attrition of the offense, but not nearly enough to be of use against a nuclear attack. The most up-to-date example is provided by the Russian SAM's and other air-defense equipment deployed in North Vietnam. This system "works" after a fashion because both the equipment designers and the operating crews have had plenty of opportunities to practice against real U.S. targets equipped with real U.S. countermeasures and employing real U.S. tactics.

The best example of a U.S. system is somewhat older, but I believe it is still relevant. It is the SAGE system, a complex air-defense system designed in the early 1950's. All the components worked on the test range, but by 1960 we came to realize, even without combat testing, that SAGE could not really cope with the offense that was then coming into being. We thereupon greatly curtailed and modified our plans, although we did continue with some parts of the system. To quote from the recent report on the ABM decision prepared by Wiesner, Abram Chayes and others: "Still, after fifteen years, and the expenditure of more than $20 billion, it is generally conceded that we do not have a significant capability to defend ourselves against a well-planned air attack. The Soviet Union, after even greater effort, has probably not done much better."

So much for analogies; let us turn to the Safeguard system itself. Doubts about its being able to work were raised during the public hearings on a variety of grounds, some of which are as follows:

First, and perhaps foremost, there is the remarkable fact that the new Safeguard system and the old Sentinel system use virtually the same hardware deployed in a very similar manner, and yet them have entirely different primary purposes. Sentinel had as its purpose defending large soft targets against the so-called Chinese threat. The Chinese threat by definition involved virtually no sophisticated penetration aids and no possibilities of exhausting the defense; thus were "solved" two of the most difficult problems that had eliminated Nike Zeus and Nike-X.

Safeguard has as its primary purpose defending a part of the Minuteman force against a Russian attack. It is not credible that a Russian attack against the part of the Minuteman force so defended would be other than massive and sophisticated, so that we are virtually right back to trying to do what in 1967 we said we could not do, and we are trying to do it with no real change in the missiles or the radars. It is true that defending hard points is to a degree easier than defending cities because interception can be accomplished later and at lower altitudes, thus giving discrimination techniques more time to work. Moreover, only those objects headed for specific small areas must be intercepted. These factors do make the problem somewhat easier, but they do not ensure its solution, and plenty of room for doubt remains.

Second, there is the contest between penetration aids and discrimination techniques. This was discussed at length by Garwin and Bethe in their March 1968 article in *Scientific American* and mentioned also in varying degrees of detail by many of those who testified recently concerning the ABM issue. The Russian physicist Andrei D. Sakharov, in his essay "Thoughts on Progress, Coexistence and Intellectual Freedom," put the issue this way: "Improvements in the resistance of warheads to shock waves and the radiation effects of neutron and X-ray exposure, the possibility of mass use of relatively light and inexpensive decoys that are virtually indistinguishable from warheads and exhaust the capabilities of an antimissile defense system, a perfection of tactics of massed and concentrated attacks, in time and space, that overstrain the defense detection centers, the use of orbital and fractional-orbital attacks, the use of active and passive jamming and other methods not disclosed in the press—all of this has created technical and economic obstacles to an effective missile defense that, at the present time, are virtually insurmountable."

I would add only MIRV to Sakharov's list. Pitted against this plethora of penetration aids are various observational methods designed to discriminate the real warheads. Some of the penetration devices obviously work only at high altitudes, but even these make it necessary for the final "sorting" to be delayed, and thus they still contribute to making the defense problem harder. Other devices can continue to confuse the defense even down to low altitudes. Some of the problems the offense presents to the defense can no doubt be solved (and have been solved) when considered separately and in isolation. That is, they can be solved for a time, until the offense designers react. One must have serious reservations, however, whether these problems can ever be solved for any long period in the complex combinations that even a modestly sophisticated attacker can present. Further, such a contest *could* result in a catastrophic failure of the system in which all or nearly all interceptions fail.

Third, there is the unquantifiable difference between the test range and the real world. The extraordinary efforts of the Air Force to test operationally deployed Minutemen show that it too regards this as an important problem. Moreover, the tests to date do seem to have revealed important weaknesses in the deployed forces. The problem has many aspects: the possible differences between test equipment and deployed equipment; the certain differences between the offensive warheads and penetration aids supplied by us as test targets and the corresponding equipment and tactics the defense must ultimately be prepared to face; the differences between the installation crews at a test site and at a deployment site; the differences in attitudes and motivation between a test crew and an operational crew (even if it is composed of the same men); the differences between men and equipment that have recently been made ready and whom everyone is watching and men and equipment that have been standing ready for years during which nothing happened; the differences between the emotional atmosphere where everyone knows it is not "for real" and the emotional atmosphere where no one can believe what he has just been told. It may be that all that enormously complex equipment will be ready to work the very first time it must "for real," and it may be that all those thousands of human beings have performed all their interlocking assignments correctly, but I have very substantial doubts about it.

Fourth, there is the closely related "hair-trigger/stiff-trigger" contradiction. Any active defense system such as Safeguard must sit in readiness for two or four or eight years and then fire at precisely the correct second following a warning time of only minutes. Furthermore, the precision needed for the firing time is so fine that machines must be used to choose the exact instant of firing no matter how the decision to fire is made. In the case of offensive missiles the situation is different in an essential way: Although maintaining readiness throughout a long, indefinite period is necessary, the moment of firing is not so precisely controlled in general and hence human decision-makers, including even those at high levels, may readily be permitted to play a part in the decision-making process. Thus if we wish to be certain that the defense will respond under conditions of surprise, the trigger of the ABM system, unlike the triggers of the ICBM's and Polarises, must be continuously sensitive and ready—in short, a hair trigger—for indefinitely long periods of time.

On the other hand, it is obvious that we cannot afford to have an ABM missile fire by mistake or in response to a false alarm. Indeed, the Army went to some pains to assure residents of areas near proposed Sentinel sites that it was imposing requirements to ensure against the accidental launching of the missile and the subsequent detonation of the nuclear warhead it carries. Moreover, Army officials have assured the public that no ABM missiles would ever be launched without the specific approval of "very high authorities."

These two requirements—a hair trigger so that the system can cope with a surprise attack and a stiff trigger so that it will never go off accidentally or without proper authorization—are, I believe, contradictory requirements. In saying this I am not expressing doubt about the stated intentions of the present Army leaders, and I strongly endorse the restrictions implied in their statements. I am saying, however, that if the system cannot be fired without approval of "the highest authorities," then the probability of its being fired under conditions of surprise is less than it would be otherwise. This probability depends to a degree on the highly classified technical details of the Command and Control System, but in the last analysis it depends more on the fact that "the highest authority" is a human being and therefore subject to all the failures and foibles pertaining thereto.

This brings us to our fourth principal question: Anyway, what harm can it do?

We have just found that the total deterrent is very probably not in peril, that the Safeguard system probably cannot safeguard Minuteman even if it "works," that there is, to say the least, considerable uncertainty whether or not it will "work." Nonetheless, if there were no harm in it, we might be prudent and follow the basic motto of the arms race: "Let us err on the side of military safety." There seem to be many answers to the question of what harm building an ABM system would do. First of all, such a system would cost large sums of money needed for nondefense purposes. Second, it would divert money and attention from what may be better military solutions to the straegic problems posed by the Administration. Third, it would intensify the arms race. All these considerations were discussed at the hearings; I shall comment here only on the third, the arms-race implications of the ABM decision.

It is often said that an ABM system is not an accelerating element in the arms race because it is intrinsically defensive. For example, during the hearings Senator Henry M. Jackson of Washington, surely one of the best-informed senators in this field, said essentially that, and he quoted Premier Kosygin as having said the same thing. I believe such a notion is in error and is based on what we may call "the fallacy of the last move." I believe that in the real world of constant change in both the technology and the deployed numbers of all kinds of strategic-weapons systems, ABM systems are accelerating elements in the arms race. In support of this view let us recall one of the features of the history recited at the start of this article.

At the beginning of this decade we began to hear about a possible Russian ABM system, and we became concerned about its potential effects on our ICBM and Polaris systems. In response the MIRV concept was invented. Today there are additional justifications for MIRV besides penetration, but that is how it started. Now, the possibility of a Russian MIRV is used as one of the main arguments in support of the Safeguard system. Thus we have come one full turn around the arms-race spiral. No one in 1960 and 1961 thought through the potential destabilizing effects of multiple warheads, and certainly no one predicted, or even could have predicted, that the inexorable logic of the arms race would carry us directly from Russian talk in 1960 about defending Moscow against missiles to a requirement for hard-point defense of offensive-missile sites in the U.S. in 1969.

By the same token I am sure the Russians did not foresee the large increase in deployed U.S. warheads that will ultimately result from their ABM deployment and that made it so counterproductive. Similarly, no one today can describe in detail the chain reaction the Safeguard deployment would lead to, but it is easy to see the seeds of a future acceleration of the arms race in the Nixon Administration's Safeguard proposal. Soon after Safeguard is started (let us assume for now that it will be) Russian offense planners are going to look at it and say something such as: "It may not work, but we must be prudent and assume it will." They may then plan further deployments, or more complex penetration systems, or maybe they will go to more dangerous systems such as bombs in orbit. A little later, when some of our optimistic statements about how "it will do the job it is supposed to do" have become part of history, our strategic planners are going to look at Safeguard and say something such as: "Maybe it will work as they said, but we must be prudent and assume it will not and besides, *now* look at what the Russians are doing."

This approach to strategic thinking, known in the trade as "worst-case analysis," leads to a completely hopeless situation in which there is no possibility of achieving a state of affairs that both sides would consider as constituting parity. Unless the arms race is stopped by political action outside the two defense establishments. I feel reasonably sure there will be another "crash program" response analogous to what we had in the days of the "missile gap"—a situation some would like to see repeated.

I also mentioned in my own testimony at the ABM hearings that "we may further expect deployment of these ABM systems to lead to the persistent query 'But how do you know it *really* works?' and thus to increase the pressures against the current limited nuclear-test ban as well as to work against amplifying it." I mentioned this then, and I mention it again now, in the hope that it will become a self-defeating prediction. It is also important to note that the response of our own defense establishment to the Russian ABM deployment, which I have outlined above, was not the result of our being "provoked," and I emphasize this because we hear so much discussion about what is a "provocative" move and what is not. Rather, our response was motivated by a deep-seated belief that the only appropriate response to any new technical development on the other side is further technical complexity of our own. The arms race is not so much a series of political provocations followed by not emotional reactions as it is a series of technical challenges followed by cool, calculated responses in the form of ever more costly, more complex and more fully automatic devices. I believe this endless, seemingly uncontrollable process was one of the principal factors President Eisenhower had in mind when he made his other (usually forgotten) warning: "We must be alert to the . . . danger that public policy could itself become the captive of a scientific-technological elite." He placed this other warning, also from his farewell address, on the same level as the much more familiar comment about the military-industrial complex.

Several alternative approaches to Safeguard for protecting Minuteman have been discussed recently. These include superhardening, proliferation, a "shell game" in which there are more silos than missiles, and land-mobile missiles. Although I was personally hopeful before the hearings that at least one of these approaches would maintain its invulnerability, a review of the recent debates leaves me now with the pessimistic view that none of them holds much promise beyond the next 10 years.

Silo-hardening most probably does work now, in the sense that the combination of SS–11 accuracy and yield and Minuteman silo-hardening works out in such a way that one incoming warhead (and hence one SS–11 missile) has less than a 50–50 chance of destroying a Minuteman. If one considers the technological trends in hardening, yield per unit weight, MIRVing and accuracy, however, it does seem convincing that this is a game in which the offense eventually will win. Albert Wohlstetter, testifying in favor of the Safeguard system before the Senate Armed Services Committee, quoted a paper he wrote with Fred Hoffman in 1954 (long before any ICBM's were actually in place anywhere) predicting that the ability of silo-hardening to protect offensive missiles would run out by the end of the 1960's. That was a remarkably prescient study and is wrong only in numerical detail.

If we take the same rosy view of technology that was taken in almost all the pro-ABM arguments, then hardening will not work for more than another five years. My own view of the technological future is clearly much less rosy, but I do believe that the situation in which hardening is no longer the answer could come by, say, 1980 or, more appropriately, 1984.

Proliferation of Minuteman would have worked in the absence of MIRV. Now, however, it would seem that the ability to MIRV, which no doubt can eventually be carried much further than the fewfold MIRV we see for the immediate future, clearly makes proliferation a losing game as well as the dangerous one it always was.

The "shell game" has not in my view been analyzed in satisfactory detail, but it would appear to have a serious destabilizing effect on the arms race. Schemes have been suggested for verifying that a certain fraction of the missile holes are in fact empty, but one can foresee a growing and persistent belief on each side that the "other missiles" must be hidden somewhere.

Road-mobile and rail-mobile versions of Minuteman have been seriously studied for well over a decade. These ideas have always foundered on two basic difficulties: (1) Such systems are inherently soft and hence can be attacked by large warheads without precise knowledge of where they are, and (2) population centers, and large political and social problems seem unavoidable.

Where does all this leave us insofar as finding a technical solution for protecting Minuteman is concerned? One and only one technically viable solution seems to have emerged for the long run: Launch on warning. Such an idea has been considered seriously by some politicians, some technical men and some military officers. Launch on warning could either be managed entirely by automatic devices, or the command and control system could be such as to require authorization to launch by some very high human authority.

In the case of the first alternative, people who think about such things envision a system consisting of probably two types of detection device that could, in principle, determine that a massive launch and been made and then somewhat later determine that such a launch consisted of multiple warheads aimed at our missile-silo fields. This information would be processed by a computer, which would then launch the Minutemen so that the incoming missiles would find only empty holes; consequently the Minutemen would be able to carry out their mission of revenge. Thus the steady advance of arms technology may not be leading us to the ultimate weapon but rather to the ultimate absurdity; a completely automatics system for deciding whether or not doomsday has arrived.

To me such an approach to the problem is politically and morally unacceptable, and if it really is the only approach, then clearly we have been considering the wrong problem. Instead of asking how Minuteman can be protected, we should be asking what the alternatives to Minuteman are. Evidently most other people also find such an idea unacceptable. As I mentioned above, the Army has found it necessary to reassure people repeatedly that ABM missiles would not be launched without approval by "the highest authorities," even though this is clearly a far less serious matter in the case of the ABM missiles than in the case of Minuteman.

The alternative is to require that a human decision-maker, at the level of "the highest authorities," be introduced into the decision-making loop. But is this really satisfactory? We would be asking that a human being make, in just a few minutes, a decision to utterly destroy another country. (After all, there would be no point in firing at *their* empty silos.) If, for any reason whatever, he was responding to a false alarm, or to some kind of smaller, perhaps "accidental," attacks, he would be ensuring that a massive deliberate attack on us would take place moments later. Considering the shortness of the time, the complexity of the information and the awesomeness of the moment, the President would himself have to be properly preprogrammed in order to make such a decision.

Those who argue that the Command and Control System is perfect or perfectable forget that human beings are not. If forced to choose, I would prefer a preprogrammed President to a computer when it came to deciding whether or not doomsday had arrived, but again I feel that this solution too is really unacceptable, and that once again in attempting to defend Minuteman, we are simply dealing with the wrong problem. For the present it would seem the Polarises and the bombers are not, as systems, subject to the same objections, since there are now enough other approaches to the problem of ensuring their invulnerability to sudden massive destruction.

In my view, all the above once again confirms the utter futility of attempting to achieve national security through military technology alone. We must look elsewhere. Fortunately an opportunity does seem to be in the offing. There appears to be real promise that serious strategic-arms-limitation talks will begin soon. The time is propitious. There is in the land a fairly widespread doubt about the strictly military approach to security problems, and even military-minded politicians are genuinely interested in exploring other possibilities. The essay by Academician Sakharov, as well as the statements of Russian officials, indicate genuine interest on the other side. The time is propitious in another sense: both sides will be discussing the matter from a postion of parity. Moreover, this parity seems reasonably stable and likely to endure for several years.

Later, however, major deployments of sophisticated ABM systems and, even more important, widespread conversion of present single-warhead systems to MIRV will be be strongly destabilizing and will at least give the impression that parity is about to be upset. If so, the motto of the arms race, "Let us err on the side of military safety," will come to dominate the scene on both sides and the present opportunity will be lost. Therefore in the short run we must do everything possible to ensure that the talks not only start but also succeed. Although the ABM decision may not forestall the talks, it would seem that success will be more likely if we avoid starting things that history has shown are difficult to stop once they are started.

Such things surely include deployment of ABM missiles and MIRV's. There have been successes in stopping programs while they were in the development phase, but seldom has anything been stopped after deployment had started. The idea of a freeze on deployment of new weapons systems at this time and for these reasons is fairly widespread already, but achieving it will require concerted action by those believing strongly in the validity and necessity of arms limitations as a means of increasing national security. Thus the principal result of the recent national debate over the ABM issue has been to make it clear that Safeguard will safeguard nothing, and that the right step for the immediate future is doing whatever is necessary (such as freezing present deployments and developments) to ensure the success of the coming strategic-arms-limitation talks.

In addition, the ABM debate has served to highlight more serious issues (for example the implications of MIRV for the arms race) and to raise serious questions about other weapons systems. For instance, I suggest that we have also found that silo-based missiles will become obsolete. The only sure method for defense of Minuteman beyond, say, the mid-1970's seems to be the unacceptable launch on warning. As long as we must have a strategic deterrent, we must find one that does not force us to turn the final decision over to either a computer or a preprogrammed President. Minuteman was conceived in the 1950's and served its purpose as a deterrent through the 1960's, but it appears that in the 1970's its threat to us will exceed its value, and that it and other silo-based missiles will have to go. The deterrent must have alternatives other than "go/no-go," and for the 1970's at least it would now appear that other strategic weapons (Polaris/Poseidon and bombers) could provide them. I expect, however, that as the continuing national debate subjects the whole matter of strategic arms to further public scrutiny we shall learn that these other alternatives also have dangerous flaws, and we shall see confirmed the idea that there is no technical solution to the dilemma of the steady decrease in our national security that has for more than 20 years accompanied the steady increase in our military power.

REVIVAL OF SPAIN'S TERRORISM DECREE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. BINGHAM. Mr. Speaker, the inappropriate character of our continuing military relationship with the Government of Spain is underlined by the following article from the June 1969 issue of the distinguished International Commission of Jurists' periodical known as "The Review":

REVIVAL OF SPAIN'S TERRORISM DECREE

The state of emergency ended in Spain on 25th March of this year. It had originally been declared for three months but was lifted after two. This is certainly encouraging[1] but any more favourable comment would unfortunately be premature. First, the state of emergency still remains in the Basque provinces. And second, the decision to end the general emergency could be made at no great cost. The Spanish authorities still have an arsenal of laws which deprive the individual of fundamental rights and elementary safeguards against arbitrary treatment. One of these laws—the "Decree on Banditry and Terrorism"—is the main subject of this article.

The Decree on Banditry and Terrorism of 21st September 1960[2] had to a large extent been repealed by a Law of December 1963. It was brought fully into force again by a Legislative Decree of August 1968.[3]

Apart from its Sections 2 and 8 (to be dealt with later), the Decree of 1960 is a fairly acceptable and, one will assume, necessary piece of legislation. Section 2 however extends the crime of "military rebellion" to cover a series of acts which have little to do with either military rebellion, banditry or terrorism.

Section 2, which is an almost word-for-word revival of a law of 1943 (passed in the wake of the Civil War), reads:

"The following shall be considered guilty of military rebellion within the meaning of Section 286 (5) of the Military Code of Justice, and liable to the sentences provided for in that Code:[4]

"1. Anyone who spreads false or tendentious news for the purpose of disturbing internal law and order, causing international conflicts or bringing into disrepute the State, its institutions, Government, army or authorities.

"2. Anyone who in any way meets, conspires, or takes part in meetings, conferences or demonstrations having as their object those cited in the preceding paragraph. The following may also be considered acts of military rebellion: Walk-outs, strikes, sabotage and other similar acts, when they are carried out for political purposes or seriously disturb law and order."

Persons accused of the offences under the Decree are, by Section 8, liable to summary trial by court-martial:

"The Military Court shall be competent to try the crimes mentioned in this Decree, which shall be judged by summary procedure.

"If the particular circumstances are such that the acts committed lack the gravity or nature to make them subject to this Decree but subject only to ordinary law, the military courts may waive their jurisdiction in favour of the ordinary courts."[5]

The accused is not represented by a lawyer in the summary proceedings provided for, and at no time has he access to one. He is defended by an army officer (who probably will have had no legal training). The officer is allowed *'four hours,*[6] after a compulsory interview with the accused' to draw up his written defence (s. 927 of the Military Code of Justice). Whether the military courts will waive their jurisdiction under section 8 depends upon their *subjective* appreciation of the case; and the exercise of their absolute discretion in this respect cannot be challenged in the ordinary courts. Moreover there is no appeal against an erroneous decision.[7]

On account of the two provisions set out above, the Decree is objectionable from a procedural point of view, objectionable in its substance, and as a whole objectionable in principle.

PROCEDURAL OBJECTION TO THE DECREE

The objection here is that the Decree causes a confusion of laws and jurisdictions. The same political and social offences are defined and punished differently under (1) the Criminal Code, (2) the Military Code of Justice and (3) the Act on Law and Order, 1959. One of the reasons for the Decree's amendment in December 1963 was that a person accused, for instance, of distributing a pamphlet criticising the Spanish regime or labour conditions would be subject to trial in three different courts applying three different laws. The courts were (1) the ordinary criminal courts, (2) the court for the suppression of freemasonry and communism and (3) a court-martial on the basis of the 1960 Decree. The Law of 1963 created a 'Court of Law and Order', which took over the jurisdictions of the three courts. With the reentry into force of the 1960 Decree, this confusion is creeping back. The position could be made much worse if a state of emergency of war were declared, in which case a host of special courts could be set up under Chapter V of the Act on Law and Order, 1959.

---

[1] See the ICJ's criticism of the Declaration of Emergency contained in its Press Release of 19th February 1969.

[2] No. 1794/1960. See also *Spain and the Rule of Law*, published by the International Commission of Jurists in 1962.

[3] Decreto-Ley No. 9/68 (Official Gazette No. 17).

[4] Which can in certain circumstances entail the death penalty.

[5] The 'Ordinary Courts' are in fact the Courts of Law and Order applying the Criminal Code and the 'Act on Law and Order' of 1959.

[6] The preparation of the prosecution's case is also limited to four hours.

[7] The Military Code provides however (S. 954) for the revision of a decision if, for instance, fresh facts come to light or if the prosecution evidence is held in a later case to have been perjured or a confession obtained under duress.

THE SUBSTANCE OF THE DECREE

The Decree is objectionable in substance in that it violates the elementary principle of law recognised in Article 11 (2) of the Universal Declaration of Human Rights, which is expressed by the maxim, *nullum crimen sine lege;* for Section 2 classifies as acts of military rebellion "walk-outs, strikes, sabotage and, *other similar acts,* when they are carried out for political purposes . . ."

Such an application of the criminal law by analogy is also incompatible with Spanish law. The Supreme Court has ruled that "in criminal matters, the scope of criminal provisions may be extended to cases not provided for in the legislation itself" (Decisions of 3rd May 1922 and 14th December 1960) and that "the criminal law does not permit interpretation by analogy" (Decision of 22nd June 1934).

Article 2(1) of the Criminal Code moreover provides:

"When a court has cognisance of an act that it considers ought to be made criminal but is not punishable by law, it shall not take any action in the matter but shall inform the Government of the reasons why it believes that such an act should be sanctioned"

Incidentally, the 1960 Decree is not the first example of the creation of an offence by analogy, Section 2 of the Act of Law and Order 1959 extends the acts it proscribes to "those that in any other way not provide for in the Act on Law and Order infringe its provisions".

Not only are offences determined by analogy but also offenders. A Legisltive Decree of 22nd March 1957, adding section 268 *bis* to the criminal code, provides:

"When in the commission of collective offences . . . no persons responsible for instigating, organizing or directing them are identifiable and there is no special rule for establishing responsibility, the most representatve among the accused shall in each case be regarded as responsible and, other conditions being equal, the oldest. The most representative shall be those who act as leaders or representatives or, in the absence thereof, *those whose conduct and records, in the opinion of the court, bear the closest relation to the nature and circumstances of the act committed.*"

THE DECREE AS A WHOLE

The Decree as a whole is offensive. It treats political offenders as ordinary bandits and makes them guilty of the irrelevant crime of military rebellion. Its drafting is so loose as to demand the narrowest construction. This cannot be expected from a military court, where persons accused of political offences are—necessarily—summarily defended in summary proceedings in which only army officers take part.

If the court-martial chooses to waive its jurisdiction, the accused will at least benefit from a trial in the Court of Law and Order before civilian judges, where he will have legal representation. But even here there are disturbing aspects. Section 9 of the 1963 Act setting up the Court of Law and Order provides that in certain circumstances the accused may, before trial, be held on remand for the entire duration of the sentence applicable to the crime of which he is accused, (and of which he may later be acquitted). The least that can be said is that the presumption of innocence recognised in Article 11(1) of the Universal Declaration seems to have gone astray.

A dangerous toy in any hands, the Decree on Banditry and Terrorism, can be effectively used by the military courts to ensure that any who exercise their fundamental right of freedom of opinion and expression are treated like common criminals.

AMERICA'S MOON TRIUMPH

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. RANDALL. Mr. Speaker, the U.S. Moon triumph came at the moment Neil A. Armstrong became the first man to set foot on the lunar surface. It has quite rightly been heralded as one of the world's biggest stories. It has been called the spectacular opening of a new day. Others have described it as a feat for the ages.

Who among us now living will ever forget the words we heard on Sunday night, July 20, when Neil Armstrong said:

> One small step for man; one giant leap for mankind.

That we won the race to the Moon and an American became the first man to set foot on the lunar surface is important. Equally important is the way we won that victory. Our country has always announced in advance the time of our space probes and, most significantly, in each instance has made it possible for all the world to see. Think of the contrast between our manned lunar module carrying our courageous astronauts, and the unmanned Luna 15, the fate of which even now has not been announced to the world.

In 1957, sputnik made us realize we must commence in earnest our space research and make an intensive effort to catch up with the Soviets. That we have equaled and surpassed their efforts and are now poised as the space leaders of the world, there is no doubt.

Throughout the length and breadth of an exalted nation, prayers and plaudits expressed the pride and joy of all America. One of the greatest odysseys of the ages came to a successful conclusion on Thursday, July 24, when our heroes returned to Earth.

Mr. Speaker, it was my great privilege to serve as a member of the House Space Committee during the 87th and 88th Congresses. During those 4 years, America experienced its first manned space triumphs. I shall always recall with pleasant memories how our committee accepted the challenge announced by the late John F. Kennedy, that America should put a man on the Moon during the decade of the sixties.

It is a heartwarming experience that we have lived to see the day that all the space efforts of America have been culminated with such complete success.

The extra edition of the Kansas City Times on July 21, 1969, and the commemorative edition of the Kansas City Star of July 26, 1969, contain several striking and most impressive feature stories. These papers circulate widely in the congressional district I am privileged to represent in Congress. I am proud of these journalistic efforts and I congratulate the Star and the Times for their extra edition and the commemorative edition.

Among the best feature stories is that written by James J. Fisher, the Star's aviation editor, who wrote under the headline of "Biggest Show Ever on Earth," and another member of the Star staff, Michael J. Satchell, who wrote under the heading of "Walk Marks an Era."

I have asked unanimous consent that these two feature stories be preserved in the permanent edition of the Record. These feature stories follow:

[From the Kansas City (Mo.) Times, July 21, 1969]

Biggest Show Ever on Earth

(By James J. Fisher)

America and the world got a television spectacular from the moon last night.

The 2¼ hour show—if you count the time Neil A. Armstrong needed to get down the ladder and activate the small television camera on one of the lunar module's legs—cost 24 billion dollars.

That was the cost of the Apollo program to get Armstrong and Edwin E. Aldrin, Jr., on the surface of the Sea of Tranquility. Not many Americans, when the first pictures flashed across the screen, would have said the show wasn't worth every single penny.

Shortly before 10 o'clock (Kansas City time) Armstrong opened the modular equipment stowage assembly (MESA) dropping the camera into position. Aldrin activated the camera from inside the lunar module.

"That's one small step for man; one giant leap for mankind," Armstrong said as he stepped on the surface of the moon.

Aldrin came down about 20 minute later.

"It's beautiful," he said.

After that there was the movement of the television camera to a site so it could view the lunar module, code named Eagle; a telephone call from President Nixon; erection of the American flag, and just plain hard work as the astronauts set up scientific experiments.

The quality of the pictures beamed from the moon to Australia, then to satellite over the Pacific for transmission to Houston, was almost unbelievable. The pictures were sharp, clearly defining the lunar landscape.

During the first part of the activity outside the Eagle, Aldrin and Armstrong, like any good pilots, went around and checked the landing gear.

From then until the show ended the pictures from the moon were of a bleak, airless planet and two men from earth working on it.

One person who didn't see the show was Michael Collins, the third member of the Apollo 11 crew. He had no television set aboard the Columbia as he orbited the moon at an altitude of 69 miles. Armstrong and Aldrin will blast off from the moon this afternoon to join him and return home to earth.

Collins said:

"I couldn't be happier for them."

He doesn't have to worry about missing the show. There will be plenty of reruns.

[From the Kansas City (Mo.) Times, July 21, 1969]

Crew's Walk Marks an Era

(By Michael Satchell)

Houston.—Two footprints were firmly planted in the powder-fine surface of Tranquillity base on the moon last night. They marked man's most significant steps since the ape heaved himself erect.

It was hard to assess the event's true impact, watching Neil Armstrong and Edwin Aldrin frolicking on the gray pitted surface that Aldrin noted was speckled with purple rocks.

They were expensive footprints—that much was certain. For at the moment Armstrong's heavily booted feet touched the lunar surface, the price tag putting them there stood at 24 billion dollars.

With them, man took his first halting steps onto the threshold of a universe of which he is an infinitesimally small and insignificant part.

But, they were not actually steps. They were more like kangaroo jumps, and people at the Manned Spacecraft center, and probably around the world, laughed at the sight of the astronauts' Chaplinesque antics.

It was a laugh of elation, coming from the throats of the 3,000 newsmen and hundreds of NASA officials here. This had been a day as momentous as it was long, and the sight of the moonmen cavorting, and their humorous quips as they revelled in their incredible environment, were easy to share.

From the early, anxious moments when Eagle was preparing to land, to the time when the moon walk was over and the astronauts prepared to bed down, this United Nations of the world's press had shared the experience and passed every facet on to countless millions of persons world-wide.

For the first four days of the mission, the crew of Apollo 11 had been quiet, businesslike, speaking when spoken to and, frankly and frustratingly, rather colorless.

Are these men automatons, the correspondents wondered? Are there no smuggled corned beef sandwiches, rollicking television shows, wisecracking spaceship commentators such as have characterized previous missions?

The men were not colorless and it became quickly obvious as the day progressed. Probably stifled by the self-imposed, but necessary restraint of the journey there, the crew of Columbia and Eagle cut loose yesterday and, at times, became positively eloquent.

There were numerous highlights.

There was the bowstring taut tension as Eagle left the comforting security of its mother ship Columbia and started the long arc down to the lunar surface.

As Eagle settled gently and safely onto the suprisingly rough surface, a sigh of relief rolled across the Manned Spacecraft center like a soothing and audible breeze.

Excitement built early as the time approached for the lunar walk that would be televised. And by the time the two spacemen were walking around in Buzz Aldrin's "magnificent desolation," the Manned Spacecraft center auditorium was the scene of joyful near-hysteria. Persons laughed, cheered and applauded the spectacular taking place before their eyes from a quarter million miles away.

And so it went, everything seemingly perfect on a textbook mission. History unfolding in orderly, programmed fashion as the astronauts settled down for a peaceful night's rest at Tranquillity base.

COURAGEOUS SOLDIERS KILLED

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. LONG of Maryland. Mr. Speaker, Sfc. Ronnie E. Hogbin and Pfc. Stephen E. Sroka, two fine young men from Maryland, were recently killed in action in Vietnam. I wish to commend the courage of these young men and to honor their memory by including the following article in the Record:

Green Beret, Army Private Are Killed in Vietnam War

A Hyattsville (Md.) Green Beret, missing in action since May 25, and a 24-year-old Frederick man have died in Vietnam, Pentagon officials announced yesterday.

SFC Ronnie E. Hogbin, 29, a Green Beret in Vietnam for more than three years, was killed near Ben Het, South Vietnam, while serving as radio operator with a combat patrol that encountered a large enemy ground force.

WEST VIRGINIA NATIVE

PFC Stephen E. Sroka, of the Army, son of Mrs. Ellen L. Stotlemyer, of 103 South Market street, Frederick, died of wounds received July 25 while traveling as a passenger in a military vehicle in Vietnam.

Sergeant Hogbin, whose body was not recovered and identified until last week, was a native of Martinsburg, W. Va., and attended schools there until he enlisted in the Army as a paratrooper at the age of 17. He served in that capacity for two years in Germany.

Upon his discharge, Sergeant Hogbin returned to the Washington area, where he worked as a transmitter for the Western Union Telegraph Company, and as a serviceman for the Potomac Edison Power Company.

APPLIED FOR VIET DUTY

Five years ago, he went to Miami to look for work and enlisted in the Army there. He served for one year as a Special Forces trooper in Panama.

Because "all his friends were there," Sergeant Hogbin applied for Vietnam duty, according to his mother, Mrs. John M. Moore, of 7000 High View terrace in Hyattsville.

Survivors include his wife, the former Georgia Kirby, of Martinsburg; his mother; his father, Brooke W. Hogbin, of New York city; a sister, Mrs. Sandra Greco, of Hartford, Conn.; and a brother, James D. Hogbin, of Los Angeles.

Services are pending.

Private Sroka was assigned to Company B, 2d Battalion, 8th Infantry Regiment, 4th Infantry Division, on June 11. He had joined the service this January 17.

ONLY CHILD

Private Sroka was an only child. A graduate of Glenelg High School, he was a member of the Frederick Democratic Club.

Before entering the Army, he was employed at the Corning Glass Works, and the Edward Winpigler Construction Company.

Services will be conducted at a date to be announced at the H. R. Etchison funeral establishment in Frederick.

THE FULL OPPORTUNITY ACT

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. PEPPER. Mr. Speaker, I had the opportunity on July 18 to testify before Senator Mondale's Special Subcommittee on the Evaluation and Planning of Social Programs on behalf of S. 5, the Full Opportunity Act, which I have introduced into this House as H.R. 9483.

This bill calls for the establishment in the Executive Office of the President of a Council of Social Advisers to develop meaningful indices of our social progress, to analyze long-range social programs and to publish an annual social report. There would also be established a joint committee of the Congress to review the Council's work and to initiate legislative proposals to solve our social problems.

Mr. Speaker, just as the Council of Economic Advisers has contributed to our economic prosperity, a Council of Social Advisers can advance our progress in the field of social affairs.

I commend this legislative proposal to my colleagues and submit for their consideration my statement to Senator Mondale's committee, a copy of the bill, H.R. 9483, and the transcript of my testimony before the Senator's committee:

Statement of the Honorable Claude Pepper of Florida Before the Special Subcommittee on Evaluation and Planning of Social Programs of the Senate Committee on Labor and Public Welfare

Mr. Chairman, I want to thank you for affording me the opportunity of appearing this morning to urge favorable action by your Committee on S. 5, the Full Opportunity Act, which I have introduced in the House of Representatives as H.R. 9483.

We meet today in the face of one of the greatest challenges to our national goals in this century; in the light of man's greatest achievement and in the shadow of our greatest failing. At this moment, three of the best trained, best educated humans travel through space in some of the most technically sophisticated equipment man has yet devised. And at this moment 7 to 10 million Americans continue to subsist, ill-clad, ill-housed, and ill-fed.

The impending landing of two men on the surface of the moon demonstrates that this nation has the power, the resources, and the skill to make safe man's stay in the moon's hostile environment. Can there be any doubt that this nation also has the power, the resources, and the skills to make safe and fruitful the lives of our citizens in this country?

And so, at the time of mankind's greatest technical achievement, this Committee meets to consider a significant step forward in the social progress of our Nation.

Twenty three years ago, we emerged from the dislocation of a wartime economy and the Great Depression. At that time, as Senator from Florida, I advocated passage of the Full Employment Act of 1946. That Act called for the creation of a Council of Economic Advisors charged with the centralized compilation of statistics and the development of economic indicators so that the President, the Congress and the public would have the information necessary to understand economic fluctuations, and anticipate and counter adverse changes in the business cycle.

During debate on that bill some disputed whether the indices could be designed, whether more knowledge might cause recessions rather than help to alleviate them. We know now that these fears were unfounded. The Council of Economic Advisors has accomplished its objectives well. The Annual Economic Report is respected and relied on by the Executive, by the Congress and by the public. Establishment of the Council not only centralized compilation of economic statistics, but stimulated the development and refinement of several new measures of economic performance. The work of the Council is in part responsible for our prosperity of the last eight years—the longest sustained period of business expansion in this nation's history.

The bill which we discuss today, and which was introduced into the Senate by the distinguished Chairman of this Committee, established a Council of Social Advisors charged with the responsibility to do for our social programs what the Council of Economic Advisors has done in the field of economics.

This bill, the Full Opportunity Act, S. 5, which I have introduced in the House of Representatives as H.R. 9483, gives the Council of Social Advisors responsibility for collection of statistics and development of indicators of our social progress. It further directs the Council to prepare such studies as the President may request on specific aspects of social programs, the impact of legislative programs, and on long range policies designed to achieve the goal of full opportunity for all Americans.

There is pressing need for such a report. Currently, data gathering facilities are scattered throughout the Federal Government. We should establish a single body to compile and rationalize the inputs from the thousands of sources.

At present we consider only the raw data of dollars spent on programs such as health care, slum clearance, and job training. While these figures indicate the amount of goods and services at our disposal, what we need are indicators of the effects of our spending on the learning of our children, on the pollution of our environment, and on the health of our citizens.

And this Congress should create a joint Committee to analyze and make recommendations on the Annual Social Report as the Joint Economic Committee now does for the President's Economic report.

The establishment of the Council for Urban Affairs by President Nixon is a step toward the coordination of our efforts at a high level of government. But it is limited to the Executive Branch and is focused on urban affairs. It will not be enough. We must create a body to consider urban and rural problems as inter-related and interdependent; a body whose responsibility is to report to the Congress, as well as to the President on the ways in which we can implement the goal of full opportunity.

Mr. Chairman, just as uncertainty surrounded the creation of the Council of Economic Advisors, it surrounds the establishment of a Council of Social Advisors. But just as the Council of Economic Advisors has successfully aided the achievement of economic growth, the Council of Social Advisors can advance our progress in the field of Social Affairs.

H.R. 9483

A bill to promote the public welfare

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Full Opportunity Act."

DECLARATION OF POLICY

SEC. 2. In order to promote the general welfare, the Congress declares that it is the continuing policy and responsibility of the Federal Government, consistent with the primary responsibilities of State and local governments and the private sector, to promote and encourage such conditions as will give every American the opportunity to live in decency and dignity, and to provide a clear and precise picture of whether such conditions are promoted and encouraged in such areas as health, education, and training, rehabilitation, housing, vocational opportunities, the arts and humanities, and special assistance for the mentally ill and retarded, the deprived, the abandoned, and the criminal, and by measuring progress in meeting such needs.

SOCIAL REPORT OF THE PRESIDENT

SEC. 3. (a) The President shall transmit to the Congress not later than March 20 of each year a report to be known as the social report, setting forth (1) the overall progress and effectiveness of Federal efforts designed to carry out the policy declared in section 2 with particular emphasis upon the manner in which such efforts serve to meet national social needs in such areas as health, education and training, rehabilitation, housing, vocational opportunities, the arts and humanities, and special assistance for the mentally ill and retarded, the deprived, the abandoned, and the criminal; (2) a review of State, local, and private efforts designed to create the conditions specified in section 2; (3) current and foreseeable needs in the areas served by such efforts and the progress of development of plans to meet such needs; and (4) programs and policies for carrying out the policy declared in section 2, together with such recommendations for legislation as he may deem necessary or desirable.

(b) The President may transmit from time to time to the Congress reports and supplementary to the social report, each of which shall include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the policy declared in section 2.

(c) The social report, and all supplementary reports transmitted under subsection (b) of this section, shall, when transmitted to Congress, be referred to the joint committee created by section 5.

COUNCIL OF SOCIAL ADVISERS TO THE PRESIDENT

SEC. 4. (a) There is created in the Executive Office of the President a Council of Social Advisers (hereinafter called the Council). The Council shall be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate, and each of whom shall be a person who, as a result of his training, experience, and attainments, is exceptionally qualified to appraise programs and activities of the Government in the light of the policy declared in section 2, and to formulate and recommend programs to carry out such policy. Each member of the Council, other than the Chairman, shall receive compensation at the rate prescribed for level IV of the Executive Schedule by section 5315 of title 5 of the United States Code. The President shall designate one of the members of the Council as Chairman who shall receive compensation at the rate prescribed for level II of such Schedule.

(b) The Chairman of the Council is authorized to employ, and fix the compensation of, such specialists and other experts as may be necessary for the carrying out of its functions under this Act, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, and is authorized, subject to such provisions, to employ such other officers and employees as may be necessary for carrying out its functions under this Act, and fix their compensation in accordance with the provisions of such chapter 51 and subchapter III of chapter 53.

(c) It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the social report;

(2) to gather timely and authoritative information and statisical data concerning developments and programs designed to carry out the policy declared in section 2, both current and prospective, and to develop a series of social indicators to analyze and interpret such information and data in the light of the policy declared in section 2 and to compile and submit to the President studies relating to such developments and programs;

(3) to appraise the various programs and activities of the Federal Government in the light of the policy declared in section 2 of this Act for the purpose of determining the extent to which such programs and activities contribute to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop priorities for programs designed to carry out the policy declared in section 2 and recommend to the President the most efficient way to allocate Federal resources and the level of government—Federal, State, or local—best suited to carry out such programs;

(5) to make and furnish such studies, reports thereon, and recommendations with respect to programs, activities, and legislation to carry out the policy declared in section 2 as the President may request.

(6) to make and furnish such studies, reports thereon, and recommendations with respect to programs, activities and legislation as the President may request in appraising long-range aspects of social policy and programing consistent with the policy declared in section 2.

(d) Recognizing the predominance of State and local governments in the social area, the President shall, when appropriate, provide for the dissemination to such States and localities information or data developed by the Council pursuant to subsection (c) of this section.

(e) The Council shall make an annual report to the President in February of each year.

(f) In exercising its powers, functions, and duties under this Act—

(1) the Council may constitute such advisory committees and may consult with such representatives of industry, agriculture, labor, consumers, State and local governments, and other groups, organizations, and individuals as it deems advisable to insure the direct participation in the Council's planning of such interested parties;

(2) the Council shall, to the fullest extent possible, use the services, facilities, and information (including statistical information) of other Government agencies as well as of private research agencies, in order that duplication of effort and expense may be avoided;

(3) the Council shall, to the fullest extent possible, insure that the individual's right to privacy is not infringed by its activities; and

(4) the Council may enter into essential contractual relationships with educational institutions, private research organizations and others as needed to fulfill its duties and functions enumerated in section 4(c).

(g) To enable the Council to exercise its powers, functions, and duties under this Act, there are authorized to be appropriated (except for the salaries of the members and officers and employees of the Council) such sums as may be necessary. For the salaries of the members and salaries of officers and employees of the Council, there is authorized to be appropriated not exceeding $900,000 in the aggregate for each fiscal year.

JOINT COMMITTEE ON THE SOCIAL REPORT

SEC. 5. (a) There is established a Joint Committee on the Social Report, to be composed of eight Members of the Senate, to be appointed by the President of the Senate, and eight Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. In each case, the majority party shall be represented by five members and the minority party shall be represented by three members.

(b) It shall be the function of the joint committee—

(1) to make a continuing study of all matters relating to the social report; and

(2) as a guide to the several committees of the Congress dealing with legislation relating to the social report, not later than June 1 of each year to file a report with the Senate and the House of Representatives containing its findings and recommendations with respect to each of the main recommendations made by the President in the social report, and from time to time make such other reports and recommendations to the Senate and House of Representatives as it deems advisable.

(c) Vacancies in the membership of the joint committee shall not affect the power of remaining members to execute the functions of the joint committee, and shall be filled in the same manner as in the case of the original selection. The joint committee shall select a chairman and vice chairman from among its members.

(d) The joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings as it deems advisable, and, within the limitations of its appropriations, the joint committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistants, to procure such printing and binding, and to make such expenditures, as it deems necessary and advisable. The cost of stenographic services to report hearings of the joint committee, or any subcommittee thereof, shall not exceed 25 cents per hundred words. The joint committee is authorized to utilize the services, information, and facilities of the departments and agencies of the Government and private research agencies.

(e) There is hereby authorized to be appropriated for each fiscal year the sum of $425,000, or so much thereof as may be necessary, to carry out the provisions of this section to be disbursed by the Secretary of the Senate on vouchers signed by the chairman or vice chairman.

Statement of Hon. Claude Pepper, a Representative in Congress From the State of Florida

Mr. Pepper. I thank you very much for the privilege of appearing here this morning and also for the privilege of joining with you in the introduction of a companion to your bill and in the great effort that you are making to put emphasis in this country upon one of the things mentioned in the Constitution—the welfare of the people.

After all, what really matters in this country are the people who make it up, and this legislation is designed to promote the well-being of the people of the country. In order to do that, we have to be informed as to how they are getting along, what the state of their condition is.

So, I particularly, therefore, Mr. Chairman, want to thank you for affording me the opportunity of appearing this morning to urge favorable action by your Committee on S. 5, the Full Opportunity Act, which I have introduced in the House of Representatives as H.R. 9483.

We meet today in the face of one of the greatest challenges to our national goals in this century; in the light of man's greatest achievement and in the shadow of our greatest failing. At this moment, three of the best-trained, best educated humans travel through space in some of the most technically sophisticated equipment man has yet devised. And, at this moment, 7 to 10 million Americans continue to subsist, ill-clad, ill-housed, and ill-fed.

Senator Mondale. They tell me that just two-and-a-half miles from the site of the Apollo launching you will find as poor migrant workers as you will find anywhere in the country.

Mr. Pepper. I am well aware of the conditions in that area. I have a brother who is a banker who resides in that area.

Perhaps like the chairman, I was thrilled to be privileged to witness the Apollo launching. I think we also felt we had the privilege perhaps to go back in time and space to the time when Columbus set upon his voyage to a new world. But the main experience I had was one of infinite pride in a country that could do a thing like that—putting the money and the personnel and the techniques and the knowledge and dedication into that launch on the morning when we saw it. I imagine that many of us, at least those of us in the Congress who have the responsibility for our people either articulated or sensed a feeling if we could do that, we could do immeasurably more things that need to be done in this country for the welfare and betterment of our people.

The impending landing of two men on the surface of the moon demonstrates that this Nation has the power, the resources, and the skill to make safe man's stay in the moon's hostile environment. Can there be any doubt that this Nation also has the power, the resources, and the skills to make safe and fruitful the lives of our citizens in this country?

And, so, at the time of mankind's greatest technical achievement, this Committee meets to consider a significant step forward in the social progress of our Nation.

Twenty-three years ago, we emerged from the dislocation of a wartime economy and the Great Depression. At that time, as Senaor from Florida, I advocated and strongly supported the passage of the Full Employment Act of 1946. That Act called for the creation of a Council of Economic Advisors charged with the centralized compilation of statistics and the development of economic indicators so that the President, the Congress and the Public would have the information necessary to understand economic fluctuations, and anticipate and counter adverse changes in the business cycle.

By the way, Mr. Chairman, may I say we of the legislative branch of the Government can take particular pride that the inspiration for that Full Employment Act of 1946 and the design of it came from the Congress of the United States, in this case the Senate, and I am very proud that the same is true in this case that you have initiated this great experiment in trying to set up new standards and new goals for the benefit of the people of the country.

Senator Mondale. I am glad the Congressman emphasized that point because of the issues that we will face again, that we ought to recommend to the executive an administrative proposal with which they may not fully agree. I suppose the first answer in part is that this is a proposal that is directed not alone at the executive but legislative reorganization as well because it calls for a joint social committee. It calls for, in effect, a legislative commission of a new level of national objectives including full employment, not just full employment; but the Congressman, I think, is very correct when he points out and he himself is involved in this struggle for full employment which was something that was conceived and proposed by the Executive Branch, not by the Legislative Branch, even though it had provisions which dealt with the structure at the White House and created the Council of Economic Advisors.

Mr. Pepper. Mr. Chairman, the way it seems to me we can clearly evaluate what would have been gained if what has now been known and so long been considered and appreciated as the Full Employment Act had been simply an executive agency in the Office of the President as compared to what it has accomplished in the form in which it was enacted by the Congress and has operated since that time.

For example, the present Administration has proposed, as I am advised, that there be a Presidential Assistant who shall have a staff and it shall be the duty of this Special Assistant and his staff to view the progress we have made toward reaching certain prescribed national goals.

Now, just suppose that back in 1946 the President of the United States had proposed the setting up of a similar institution to deal with the economic factors of our country. Now, let's just evaluate what that would have accomplished in the progress of our country—perhaps in preventing a very serious depression in our country compared to an institution which came out of the Congress where there are Presidential advisors as there would be under our bill, but where the Congress is really the major participant.

You have the Joint Committee on the President's Economic Report consisting of members of the House and Senate, and they are the ones who possess the legislative authority. This committee has had an enormous impact upon the welfare of our country because it has performed both an executive and a legislative function.

What you have so ably led is to do the same thing in the field of social welfare: To set up the mechanism and give the President three social advisors. Let them be advised and consented to by the Senate, but set up eight senators and eight representatives as the Joint Committee on the President's Social Report, analagous to the Joint Committee on the President's Economic Report.

So, the experience we have had in the accomplishment of the institution set up under the 1946 Act, it seems to me, dictates that we should follow an analogy in setting up this institution.

Senator Mondale. Building on that supposition, suppose they simply established in-house staff to deal with the economic problem. Several things are obvious. They would not have been able to attract the Nation's top economists from top academic institutions as has the Council of Economic Advisors. It would not have the prestige and the viability that I think would encourage that participation.

Secondly, It would not issue the economic report which I think has been the key engine for a systematic ongoing mechanism for an ongoing analysis, and it would not have created the Joint Economic Committee which has been a most prestigious group although it has no legislative function, but it has been conceded to have economic impact, with interaction between the two agencies.

They tell me that many of the indicators that are now accepted in economics were developed as a result of the interplay between the Council of Economic Advisors and the Joint Economic Committee.

At the time of the formation of the Joint Economic Committee, the layman on the street was asking, "Does it have to be that technical and difficult?" They were required to come up with statistics and data that could be understood by an intelligent layman, and really the result has been the monthly report on the Joint Economic Committee indicators. That report is now clutched by every economist in the country. You cannot find one who is hardly more than two minutes away from that report because it is the best current document that there is.

This was imposed upon the academic economists as a result of this great pressure by learning institutions, and none of this would have been earned by an in-house group or staff of people.

Of course, the very visibility of the Economic Report and the hearings of the Joint Economic Committee makes the deliberations of the Council of Economic Advisors available to the academic institutions, the business institutions, foundations and trusts and others. There is what you might call the multiplier effect by which the whole Nation becomes involved in discussing economic policy. You would not have that feature in just an in-house committee of the Congress.

Finally, and I place great store on this, the prestige and influence of the Council of Economic Advisors is directly proportional to the prestige and respect of members of the Council. If a President appoints three economists whom everyone knows are second-rate who are going to provide the advice that the President asked him to advise or push-button economists, then no one is going to respect the institution.

So, to the extent that the President picks responsible and highly respected men, those are the men who are going to be concerned about their prestige with their peers, with their fellow economists.

The result has been, to the extent that the President has picked prestigious economists like Walter Heller, there is a built-in incentive for the Council to tell the truth and to establish high-quality work which you never have or rarely have in an in-house operation of the kind that you mentioned in your supposition.

So, there are many, many factors that are argued for the creation of a Council of Economic Advisors' type institution to deal in the social field which is not remotely met by the kind of institution that has been suggested by the White House.

Mr. PEPPER. Mr. Chairman, you might add to that excellent group of compelling reasons for the enactment of this legislation the fact that the spokesmen for the Administration, in urging upon the Congress the passage of the surtax bill, very proudly quoted the Joint Committee on the Economic Report as recommending it, showing the prestige that they attributed to it.

During debate on that bill some disputed whether the indices could be designed, whether more knowledge might cause recessions rather than help to alleviate them. We know now that the fears were unfounded. The Council of Economic Advisors has accomplished its objectives well. The Annual Economic Report is respected and relied on by the Executive, by the Congress and by the public. Establishment of the Council not only centralized compilation of economic statistics, but stimulated the development and refinement of several new measures of economic performance. The work of the Council is in part responsible for our prosperity of the last eight years—the longest sustained period of business expansion in this Nation's history.

The bill which we discuss today, and which was introduced into the Senate by the distinguished Chairman of this Committee, establishes a Council of Social Advisors charged with the responsibility to do for our social programs what the Council of Economic Advisors has done in the field of economics.

This bill, the Full Opportunity Act, S. 5, which I have introduced in the House of Representatives as H.R. 9483, gives the Council of Social Advisors responsibility for collection of statistics and development of indicators of our social progress. It further directs the Council to prepare such studies as the President may request on specific aspects of social programs, the impact of legislative programs, and on long-range policies designed to achieve the goal of full opportunity for all Americans.

There is pressing need for such a report. Currently, data-gathering facilities are scattered throughout the Federal Government. We should establish a single body to compile and rationalize the inputs from the thousands of sources.

At present we consider only the raw data of dollars spent on programs such as health care, slum clearance, and job training. While these figures indicate the amount of goods and services at our disposal, what we need are indicators of the effects of our spending on the learning of our children, on the pollution of our environment, and on the health of our citizens.

Senator MONDALE. You have been in the Congress a good part of your adult life. Could you help underscore a point that I try to make. The point you just made seems like such a simple point and we should not only know how many schools we have but how well are the children educated? It is a difference between cold facts and hot facts, as one doctor testified. Can you testify how difficult it is in the Congress to get meaningful figures of that kind? People don't realize.

I had a top person in the White House, not the current staff, tell me one day he was talking with the Secretary of HEW and he said, "Mr. Secretary, tell me how many are on welfare and the make-up of the group? How many mothers? How many families? How many old people? How many children? How many could be said to be reasonably available for work or training?"

He said, "I can't tell you that right now but I will call you tomorrow. I am sure those figures are available."

A year-and-a-half later they finally obtained that data.

The Secretary of HEW wanted the data. He was helpful but it took them a year-and-a-half to get that data. That was something he would have thought and I have heard people in the White House express this incredible frustration in trying to find out the data that would be helpful.

Could you comment on that in terms of your experience.

Mr. PEPPER. I could give you another illustration.

In the Rules Committee, we have chairmen come up from time to time to ask for rules to present their bills to the Floor of the House. I recall just recently the Chairman of the House Education and Labor Committee, Mr. Perkins, was up there. One of the members of the committee said, "Mr. Chairman, why is it you have $2.5 billion in here for an authorization for this bill but the Appropriations Committee never allows more than about $1.3 billion or something like that? Why put all of that authorization in there?"

He said, "Simply because that is a minimum of what we need and we are telling the House we ought to do what needs to be done."

The truth of the business is: If you and I tried to get the material up to make a speech about the condition of the people of this country, it would be a very difficult task for the Library of Congress or any source or authority of data to compile for us a really knowledgeable and reliable body of data.

Senator MONDALE. I do not think they could. We had a debate right in this room with the General Accounting Office. The Congress directed them to make a study of the Job Corps. They came back and recommended a little bit of everything.

But the thrust of their recommendations was taken to mean that they supported the Administration in cutting $100 million out of the Job Corps program, roughly cutting it in half. So, we asked them to submit figures on the percentage of success in the other programs—manpower training, the other programs that relate to finding employment, keeping employment, giving them skills so they go up the economic ladder. They said those figures are available and we will give you the figures for the record.

We did not check again until we were on the Floor with the Cranston resolution and we saw their submission. In the eight programs we asked them to supply this information for, on five of them they had no information at all; i.e., what percentage had been received into the program had graduated? They did not know. What percentage graduated and found jobs? They did not know. How much the income of the person had changed by virtue of the training? They did not know. The truth of the matter is five of the eight manpower programs in this country they have no information about that is helpful at all. I find that fantastic but it is true because there is no one in this Government and never has been who is both interested and powerful enough to insist that the Government concentrate on the issues and facts that count most.

We had a remarkably gifted witness here the other day who drew the difference between tactical and strategic issues in American life. He said there is a principle that we concentrate on the little fellow and hardly at all on the big fellows, and the strategic questions of human strategy are the problems apparently of nobody, and that is why we ask real questions around this place and nobody knows the answers. If you want to know how many tsetse flies bothered some sociologist 45 years ago somewhere, you could probably get four or five papers on it. If you want to know the condition of American health, you can't find out.

Mr. PEPPER. We can imagine the difficulty of Congress trying to legislate today in respect to our own economy without the knowledge that comes from the President's Council of Economic Advisors and from the hearings and the recommendations of the Joint Committee on the President's Economic Report. We would be moving in an area where there was no light. We would not know the criteria upon which to legislate.

It is a rather shocking thing that only so lately has come such a suggestion as this. I didn't know of any responsible suggestion comparable to your bill when you proposed it. I first saw it in the Congressional Record when you made your statement about it on the Floor.

As I say, it is rather shocking that we have apparently so little concerned about the welfare of millions and millions of our fellow citizens, not just a handful, and we never set up the machinery to find out about their condition, and that is basically what this is designed to do and find out what their problems are.

We all know that our economy and free society—as proud of it as we are—just does not operate in such a way that everybody gets enough to live according to what we call a decent American standard of living. We know that happened in 1930 and 1932 and gave the country the Greatest Depression that it had ever had because the then Government of the United States did not believe that it was the proper function of the Federal Government to concern itself with whether the family of John Smith down in some part of Alabama or Florida had a job, whether they were living in destitution or their farms were being foreclosed or they couldn't get a decent price for their cotton or hogs. It was just a feeling that that was beyond the concern of the Federal Government.

Now, that shocks us because we do recognize in a general way that we are somewhat our brother's keeper in a great democracy whether we literally apply that principle or not.

Senator MONDALE. You can recall when the Council of Economic Advisors persuaded President Kennedy to undertake a conscious policy of a deliberate deficit in the budget. I think that was 1962—a deficit of $12 billion. That would have been total heresy just a few years before but now in retrospect nobody would argue against that policy. It just took about 50 years or 30 years to get what was accepted economic policy on the American college campus to be accepted by politicians. Now even The American Bankers Association has abandoned their worship of the annually balanced budget and routinely support some of the Keynesian economics which was finally introduced in the economic policy in this Government by the influence of the Council of Economic Advisors.

Now, I see some of the old characters are back again. They are against tax reform and for high interest rates. They don't want to do anything about the oil depletion allowance. They don't want to do anything about capital gains. They want to keep this structure and handle it separately from the surtax. So, they are still around and we need a responsible body of economists but we also need a responsible body of social scientists for the same reason.

Mr. PEPPER. I am chairman of a Select Committee on Crime recently set up by the House. One of my staff gave me a statement taken from one of the President's Commissions on Crime saying in substance that the composite criminal in America today was a white man about 24 years of age from a broken home, a school dropout, unemployed and previously arrested.

We are all very much concerned about crime, and yet you see how the economic background of that composite criminal enters into the picture.

We have figures that there are 3.5 million or 3.5 percent of our people who are unemployed but we don't really have any data, as the able Chairman knows, about really how many unemployed people there are in the country and really how effective the Federal efforts and all other efforts made for providing opportunities for work.

As you will recall, in the statement of the goals of the Full Employment Act, it stated that it was the duty of the United States to provide an economic climate in which all persons in this country ready, willing and able to work should be able to find a decent job. We did not guarantee everybody a job, but we committed ourselves in that bill as a national objective to provide an economic climate where there would be an opportunity for a decent job for everybody ready, willing and able to work.

Now, we really do not know how well we are keeping that commitment that we made to our people back at that time.

As I said, at present we consider only the raw data of dollars spent on programs such as health care, slum clearance, and job training. While these figures indicate the amount of goods and services at our disposal, what we need are indicators of the effects of our spending on the learning of our children, on the pollution of our environment, and on the health of our citizens.

And this Congress should create a Joint Committee to analyze and make recommendations on the Annual Social Report as the Joint Economic Committee now does for the President's Economic Report.

The establishment of the Council for Urban Affairs by President Nixon is a step toward the coordination of our efforts at a high level of government. But it is limited to the Executive Branch and is focused on urban affairs. It will not be enough. We must create a body to consider urban and rural problems as interrelated and interdependent; a body whose responsibility is to report to the Congress as well as to the President on the ways in which we can implement the goal of full opportunity.

Mr. Chairman, just as uncertainty surrounded the creation of the Council of Economic Advisors, it surrounds the establishment of a Council of Social Advisors. But just as the Council of Economic Advisors has successfully aided the achievement of economic growth, the Council of Social Advisors can advance our progress in the field of Social Affairs.

I will conclude only by saying it is interesting to read that we have a gross national product, let us say, of $900 billion, but what does that mean in terms of adequacy? How is that gross national product distributed? What are the consequences to people of an economy that has that gross national product? Do we need $15 billion or $5 billion? What you are talking about is the material of human life which, after all, if we the people of the United States formed this country, not we the economic factors, not the mountains, not the fields or the streams or the forest, not the minerals and the metals but the people of this country, and I think this bill more addresses itself to the welfare of the people than any legislation I have seen in this country, so I am proud to be associated with the able chairman in the sponsorship of it.

Senator MONDALE. We are delighted to have you here this morning, Congressman Pepper. We are disappointed that you would leave this fine house. We are most grateful to you for this testimony this morning which strengthens our case. Thank you so very much.

CAN NIXON EASE RUMANIA'S PAIN?

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. DERWINSKI. Mr. Speaker, the immediate excitement and intensive coverage of President Nixon's visit to Rumania has now died down and should properly be replaced by an objective view of the situation in Rumania.

In an article written prior to the President's arrival in Bucharest, Mr. Dumitru Danielopol, the distinguished international correspondent of the Copley News Service, who was a banker-diplomat in prewar Rumania, produced an article inspired by his depth of knowledge of the country. The article contained a clear analysis of the possible effects of the visit and in view of the reception accorded the President, the final paragraph of Danielopol's article is prophetic. The article follows:

[From the San Diego (Calif.) Union, July 27, 1969]

CAN NIXON EASE RUMANIA'S PAIN?

(NOTE.—The writer was a banker and diplomat in prewar Rumania)

(By Dumitru Danielopol)

WASHINGTON.—The people of Romania always loved America. Even today, after 25 years of relentless Communist propaganda and hate campaigns, America remains their goal and their hope.

Romanians still remember that it was President Wilson's 14 points that helped forge "greater Romania" after World War I and it was the American Red Cross and Herbert Hoover's relief program that healed the ravaged country in 1919 with doctors, food, medicines and clothes.

As a young man, I recall the letters from emigrants to America that arrived in our villages. They were full of praise of their new country where people lived in freedom and where everyone had the opportunity to make good. The money and packages they sent home proved their point.

Though I did not come to America until 1946, I learned to love this country early in life. My father was the first Romanian minister to Washington, a representative of King Ferdinand. He stayed in Washington for a year in the World War I era, and was so impressed with the American way of life, the freedoms and liberties that he went home to return to politics in the hope that he could help Romania achieve the same type of democracy.

He died soon after his return, during the election campaign that was going to give him back his seat in Parliament.

I reminisce about all this as President Nixon prepares to visit Romania.

I believe Mr. Nixon is right to go to Bucharest, but I cannot help feeling a little sad and bitter about this visit.

He is, after all, the first President of the United States ever to visit my homeland.

It hurts that he will be welcomed not by a freely elected government but by a Communist boss like Nicolae Ceausescu, a man who has denounced the United States for its position in Vietnam, who has called us "imperialists" and "aggressors," who is the heir of some of the most reprehensible tyrants Romania has ever known in more than a thousand years of history.

It hurts that the President will be negotiating with Communists who have violated every accord, agreement and treaty they have entered into with free nations—including several in which the United States was a co-signatory.

They have sent many of my friends and relatives to jail, to work under beastly conditions in the Danube delta or at the Danube-Black Sea canal, where they died like flies.

"But what has been has been," as the Romanians used to say.

What is to come is now important.

I welcome President Nixon's visit because it shows a change of attitude, and a new initiative in American foreign affairs. Call it "power politics" if you will, but it shows that America does not consider Eastern Europe as a Russian fief. Mr. Nixon is willing to challenge the Brezhnev doctrine.

I also welcome this visit because it will bring some satisfaction to the Romanian people who still suffer one of the most totalitarian regimes in Europe. At least they know they have not been forgotten.

They've waited a long time.

After World War II the promises of freedom and self-determination made by Britain, the United States and the Soviet Union in return for Romania quitting the Axis never materialized.

The Romanians knew at the time that they could not trust the Russians, that Britain was exhausted. Their trust was placed in the mighty United States. It crumbled in 1946 when the Communists—an infinitesimal minority, but backed by occupying Russian bayonets—stole the elections and America did not intervene.

A land of small land-owners, Romania suffered the worst of Communist expropriations, coupled with savage war reparations.

Christians since the 1st Century and deeply religious, the Romanians also suffered the indignity of Communist atheism.

There were other disappointments, too. The failure of the Hungarian freedom fighters in 1956; the ugly implications of Russia's invasion of Czechoslovakia in 1968.

Somehow, some way, Mr. Nixon may be able to wipe away some of Romania's pain.

To Comrade Ceausecu, the presidential visit is undoubtedly a personal, political and diplomatic success.

But I'm interested in what the Romanian people get out of it. They don't deserve to be disappointed again.

After all the President is the leader of the free world, he favors "self-determination" for all peoples including the people of South Vietnam. That is why so many Americans have died in that far corner of the world.

This is a great opportunity for the United States. Mr. Nixon will certainly receive a tumultuous welcome in Bucharest. We can't afford to let those cheers turn to tears.

GUN CONFISCATION—THREE OPINIONS

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. SAYLOR. Mr. Speaker, the report of the National Commission on the Causes and Prevention of Violence recently recommended that all handguns be confiscated by the U.S. Government. The recommendations are patently silly and would be as impossible to carry out as the 1968 Gun Control Act is impossible to enforce. With the report of the Commission, gun control advocates have finally shown that their intent throughout all the years of highly emotional debate has been the confiscation of all guns in America. I have spoken and voted in opposition to gun control and gun confiscation on numerous occasions so my position is well known. Today, I would like to present what I feel is the majority opinion of the citizens in my congressional district by placing in the RECORD three excellent letters to the editors of the Johnstown Tribune-Democrat and the Oil City Derrick. The letters follow:

[From the Johnstown (Pa.) Tribune-Democrat, Aug. 7, 1969]

FIREARMS

NEW FLORENCE, July 31.—On page one of the Tribune-Democrat July 29, there was an article titled "Domestic Arms Race" that brings out the truth on the antifirearms faction's goals. The hunter and other sportsmen have been told time and again that antigun legislation would not be against them. This item spells out the whole truth just as the public has been warned many times. This truth is the total abolishment of handguns, except for a very few cases such as police, some guards and some small businesses. The American public has been told that this has been the aim ever since this thing started.

This committee is trying to tell you that firearms in the home is something new. This is not the case in many homes, in fact the majority of them, have had guns of many types in them for many years. The committee cites the increase in sales and calls this a dangerous situation and says that we are turning our homes into arsenals. This is not so. The increase is due to the new hunters, sportsmen and target shooters.

The committee says that the government would earmark dollars to pay for confiscated handguns. They mention $20 each. I think they had better check some prices on these guns. Many thousands of handguns are worth between $100 and $200, and some are worth much more.

This committee states that "gunfire accounted for 63 per cent of 12,100 homicides in 1968." I assume they are talking about handguns, as this seems to be the topic of the item. They state there are 24 million handguns in private hands in the U.S. This shows that there were 7,623 homicides with handguns. What about the other 23,992,377 handguns that were not used in homicides?

The American public has shown it does not favor further firearms laws. Past experience has shown these laws do not work out. Of the 7,623 guns used in the said crimes, how many were registered, how many were obtained against the law, how many were owned by criminals, who are not allowed to own any weapon? According to the figures the committee gave us, just a little over one-fourth of one per cent of the estimated handguns were used in these homicides. Why penalize the total amount? If the thousands of gun laws on the books now cannot be enforced, how are they going to enforce new ones? Restrictive gun laws have been enacted in the city of Philadelphia and the crime rate has gone up, just as it has everywhere that has made similar laws.

I see in the July 30 paper, an item about changes in "the gun control act of 1968." These changes will have to do with sporting ammunition. It was not the intent of the lawmakers to regulate this item, but the Internal Revenue Service enforces the act and interpreted it differently. A great many senators and congressmen have changed their minds about this act, and if it was put to a vote today, it would not pass.

ROBERT M. HALL.

[From the Oil City (Pa.) Derrick, Aug. 7, 1969]

HANDGUNS

CLARION, PA.

EDITOR DERRICK: In reply to your editorial "Our Opinions" in The Derrick Monday, August 4. How can you, the free press, endorse something that will take away one more of our freedoms?

You state this recommendation does not include shotguns and rifles. But after all hand guns are confiscated, don't you think they will try to pick up rifles and shotguns too? I do.

I don't believe that the pickup of hand guns as recommended would achieve what the commission thinks it will. The criminal or person on the wrong side of the law will not turn his hand gun in anyway.

Why doesn't the free press come out for endorsement of existing laws on punishment for those who use guns illegally. We have the laws but courts are too lenient when enforcing them.

We need no new regulations, just stricter enforcement of the existing ones.

J. T. RANKIN.

[From the Johnstown (Pa.) Tribune-Democrat, Aug. 7, 1969]

SAYS GUN LAWS WON'T WORK

JOHNSTOWN R.D. 1, July 26.—What is America coming to? Our right to bear arms, guaranteed by the Constitution, is being jeopardized. Congress says that we need stronger gun control laws. We might ask ourselves, will gun control laws work? The answer is no.

On April 16, 1965, Philadelphia passed the Model Gun Control Law. From that date to the present, 760 homicides have been committed in Philadelphia. On the other hand, only 134 homicides have been committed in Pittsburgh, which has no gun control law.

New York has a gun control law (Sullivan Law). Statistics prove that on a percentage basis the number of serious crimes involving firearms is minimal. The crimes which are committed with the aid of a firearm involve unlicensed firearms, which is a violation of the Sullivan Law. (Many of us no doubt have seen the bumper sticker appearing on vehicles recently. When Guns Are Outlawed, Only Outlaws Will Have Guns.)

In 1966, 3,243,370 serious crimes were committed in the United States. According to the FBI, in only 3.4 per cent of the above crimes were firearms involved. (Rifles and shotguns were used in less than one-half of one per cent of these crimes.)

Before we can purchase ammunition, shotguns, rifles etc. today, we have to properly identify ourselves with operator's license or some other form of identification.

This gun control matter has gone too far. Let's stop it before it is too late. Let us write our representative and senator today protesting any more form of gun control.

If anything should be registered or controlled, it should be the Communists. The Supreme Court, in a decision last summer, said that it is unconstitutional to register Communists. They say this is discriminating against one group. (Register the Communists, not our guns.)

Before I close, I will bring up one more point. Remember Dr. Spock, the child specialist. Last fall he was convicted for advocating the burning of draft cards by students protesting the Vietnam War. Even though he was violating the law, he was released by an appeals court which noted freedom of speech. Give us back our freedom too—the right to bear and purchase firearms without being harassed.

RAYMOND GORMAN,
Secretary, Benshoff Hill Rod-Gun Club.

COST OF LIVING IS AN INCREASING BURDEN

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1969

Mr. WALDIE. Mr. Speaker, the cost of living for those of our citizens on a fixed income is becoming increasingly burdensome, especially to those whose pride drives them to seek extra income rather than seek additional benefits from Government sources. These retired citizens, however, are feeling the squeeze imposed by stringent and outmoded income ceilings which dig into their wages or their pension benefits.

Mr. Speaker, a resident of my district, Mr. Dante E. Wiskerson of Richmond, Calif., recently wrote to me on this matter. I think his letter is important and compelling and would like to include it in the CONGRESSIONAL RECORD for the benefit of all the Members:

RICHMOND, CALIF., *August 3, 1969.*

Hon. JEROME R. WALDIE,
Washington, D.C.

DEAR CONGRESSMAN: I am retired on a small income and feel compelled to work as a guard to supplement my income. Now I have never been on relief and do not want help of any kind, but I do think that all people over 65 should be allowed to make over $1,680 annually without being penalized. My social security check in $76.20 monthly, or a grand (?) total of $914.40 annually. The first of Oct. this year I shall have earned $1,680. If I continue to work the next $1,000 the social security people take half or $500. Then the next $414.40 they take all until the entire $914.40 is recovered. This forces me to work for next to nothing for the next $1,500. I only get $1.70 per hour to start with. The only reason I can see for this is to discourage old retirees from working and to save jobs for younger people. However, I wish to point out that younger people refuse to work for this small wage and I consider this reason entirely without foundation.

For heavens sake let we old people work so that we have a livable wage. I'm 66 years old and I'll die before I take relief. After all what I'm asking is an opportunity to supplement a very small income and not charity.

Very truly yours,

DANTE E. WISKERSON.